UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 90th CONGRESS
FIRST SESSION

VOLUME 113—PART 7

APRIL 5, 1967, TO APRIL 14, 1967
(PAGES 8333 TO 9702)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1967

J
11
.R
v.113
pt7

Congressional Record

United States of America

PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, FIRST SESSION

SENATE

WEDNESDAY, APRIL 5, 1967

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

Rev. Donald O. Wilson, rector, St. James Episcopal Church, Baltimore, Md., offered the following prayer:

God of our life and author of our salvation, we, Thy servants, bring to Thee our helpless and unworthy selves, beseeching Thy favor and asking Thee to make of us what You would have us to be.

We know that the world is loved by Thee, but since its affairs are entrusted into the hands of men, we seek Thy guidance and direction. Where we are unwise, give us wisdom; where ignorant, knowledge; where timid, courage, and where slothful, industry.

Keep our wills attuned to Thine that when we differ, as we must, we will hear Thee speaking above the bitter tones of selfish, willful men, that Thy way be served among us.

Bless the President of these United States, and all in authority, that they, knowing whose ministers they are, may serve Thee wholly. Amen.

The JOURNAL

On request of Mr. LONG of Louisiana, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 4, 1967, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1528. An act conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight;

H.R. 1536. An act for the relief of Mr. and Mrs. Howard H. Adelberger;

H.R. 1646. An act for the relief of Mrs. A. E. Housley;

H.R. 1880. An act for the relief of Gerald Levine;

H.R. 3403. An act for the relief of Harry LeRoy Jones;

H.R. 3887. An act conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Solomon S. Levadi;

H.R. 4809. An act for the relief of Mrs. Willifred S. Shirley; and

H.R. 5677. An act for the relief of Robert L. Miller and Mildred M. Miller.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 1528. An act conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of John T. Knight;

H.R. 1536. An act for the relief of Mr. and Mrs. Howard H. Adelberger;

H.R. 1646. An act for the relief of Mrs. A. E. Housley;

H.R. 1880. An act for the relief of Gerald Levine;

H.R. 3403. An act for the relief of Harry LeRoy Jones;

H.R. 3887. An act conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Solomon S. Levadi;

H.R. 4809. An act for the relief of Mrs. Willifred S. Shirley; and

H.R. 5677. An act for the relief of Robert L. Miller and Mildred M. Miller.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that statements during the transaction of routine morning business be limited to 3 minutes. I also ask unanimous consent that the Senator from Massachusetts [Mr. BROOKE] be permitted to speak for 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

On request of Mr. LONG of Louisiana, and by unanimous consent, the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDENT pro tempore. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

DEPARTMENT OF JUSTICE

The assistant legislative clerk read the following nominations in the Department of Justice:

Bert T. Combs, of Kentucky, to be U.S. circuit judge, sixth district.

Frank J. Murray, of Massachusetts, to be U.S. district judge for the district of Massachusetts.

Walter N. Lawson, of South Carolina, to be U.S. marshal for the district of South Carolina.

Jack T. Stuart, of Mississippi, to be U.S. marshal for the southern district of Mississippi.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. HOLLINGS. Mr. President, I should like to take this opportunity, the occasion of the confirmation of Mr. Walter N. Lawson, of Florence, S.C., as a U.S. marshal, to say that I am proud to have recommended a man of Mr. Lawson's character and ability for this high office. He will make an outstanding law enforcement official and will be a credit to the Department of Justice and to South Carolina. I would also like to point out that as the youngest U.S. marshal in the Nation, Mr. Lawson is emblematic of the youth, vigor, and young ideas this Congress is attempting to inject into our entire law enforcement system.

DEPARTMENT OF STATE

The assistant legislative clerk read the following nominations in the Department of State:

Lucius D. Battle, of Florida, to be an Assistant Secretary of State.

Henry Cabot Lodge, of Massachusetts, to be Ambassador at Large.

Ellsworth Bunker, of Vermont, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Vietnam.

William W. Heath, of Texas, to be Ambassador Extraordinary and Plenipotentiary to Sweden.

John M. McSweeney, of Nebraska, to be Ambassador Extraordinary and Plenipotentiary to Bulgaria.

Douglas MacArthur II, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary to Austria.

Richard H. Nolte, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary to the United Arab Republic.

Karl F. Rolvaag, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary to Iceland.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

AGENCY FOR INTERNATIONAL DEVELOPMENT

The assistant legislative clerk read the nomination of Maurice J. Williams, of Maryland, to be Assistant Administrator for the Near East and South Asia, Agency for International Development.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ADVISORY COMMISSION ON INFORMATION

The assistant legislative clerk read the following nominations in the U.S. Advisory Commission on Information:

Sigurd S. Larmon, of New York, to be a member.

Frank Stanton, of New York, to be a member.

Thomas Van Husen Vail, of Ohio, to be a member.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. LONG of Louisiana, and by unanimous consent, the Senate resumed the consideration of legislative business.

COMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary be authorized to meet during the sessions of the Senate today and tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Reapportionment of an Appropriation

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Justice for "Support of U.S. prisoners," for the fiscal year 1967, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

Report on Overobligations of Appropriations

A letter from the Acting Administrator, Federal Aviation Agency, Washington, D.C., reporting, pursuant to law, on the overobligations of appropriations in that Agency (with accompanying papers); to the Committee on Appropriations.

Report on Export-Import Bank Insurance and Guarantees Issued in Connection With U.S. Exports to Yugoslavia

A letter from the Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, that the amount of Export-Import Bank insurance and guarantees issued in connection with U.S. exports to Yugoslavia, for the month of February 1967, not previously reported, totaled $1,423,807; to the Committee on Appropriations.

Report on Air Force Military Construction Contracts Awarded Without Competition

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on Air Force military construction contracts awarded without competition, for the 6-month period ended December 31, 1966 (with an accompanying report); to the Committee on Armed Services.

Amendment of Title 37, United States Code

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 37, United States Code, to authorize a dislocation allowance under certain circumstances, certain reimbursements, transportation for dependents, and travel and transportation allowances under certain circumstances, and for other purposes (with accompanying papers); to the Committee on Armed Services.

Scholarships to Selected Persons

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide scholarships to selected persons for education in medicine, dentistry, and other health professions (with an accompanying paper); to the Committee on Armed Services.

Report on Proposed Training Facilities for the Army National Guard

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting, pursuant to law, on certain proposed training facilities for the Army National Guard, at Fort Stewart, Ga.; Camp Grayling, Mich.; Camp Ripley, Minn.; and Camp Shelby, Miss.; to the Committee on Armed Services.

Report on National Industrial Reserve

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on the National Industrial Reserve, dated April 1, 1967 (with an accompanying report); to the Committee on Armed Services.

Survivorship Annuity for Certain Widows Under the Panama Canal Cash Relief Act

A letter from the Governor of the Canal Zone, President, Panama Canal Company, transmitting a draft of proposed legislation to provide a survivorship annuity for widows of recipients under the Panama Canal Cash Relief Act of July 5, 1937 (with accompanying papers); to the Committee on Armed Services.

Rat Extermination Act of 1967

A letter from the Secretary of Housing and Urban Development, Washington, D.C., transmitting a draft of proposed legislation to amend and extend laws relating to housing and urban development, and for other purposes (with accompanying papers); to the Committee on Banking and Currency.

Report of Secretary of Commerce

A letter from the Acting Secretary of Commerce, transmitting, pursuant to law, a report of that Department, for the fiscal year 1966 (with an accompanying report); to the Committee on Commerce.

Report of Maritime Administration

A letter from the Acting Secretary of Commerce, transmitting, pursuant to law, a report of the Maritime Administration, for the fiscal year 1966 (with an accompanying report); to the Committee on Commerce.

Proposed Legislation Relating to the District of Columbia

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to provide for the settlement of claims against the District of Columbia by officers and employees of the District of Columbia for damage to, or loss of, personal property incident to their service, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

Acceptance by the United States of Two Instruments for the Amendment of the Constitution of the International Labor Organization

A letter from the Secretary of State, transmitting a draft of proposed legislation providing for acceptance by the United States of America of two instruments for the amendment of the constitution of the International Labor Organization (with accompanying papers); to the Committee on Foreign Relations.

Report of National Advisory Council on International Monetary and Financial Policies

A letter from the Chairman and members of the National Advisory Council on International Monetary and Financial Policies, Washington, D.C., transmitting, pursuant to law, a report of that Council, for the fiscal year 1966 (with an accompanying report); to the Committee on Foreign Relations.

Report of Department of State

A letter from the Secretary of State, transmitting, pursuant to law, a report of that Department, for the calendar year 1966 (with an accompanying report); to the Committee on Government Operations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law a report on audit of the Export-Import Bank of Washington, fiscal year 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on management of Hi-Valu aeronautical parts by Pacific Air Forces bases, Department of the Air Force, dated March 1967 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on potential savings on volume movements of household goods from overseas points to the continental United States, Department of Defense, dated March 1967 (with an accompanying report); to the Committee on Government Operations.

Report on Desalting of Sea and Brackish Waters

A letter from the Secretary of the Interior, reporting, pursuant to law, on operations regarding the desalting of sea and brackish waters, for the year 1966; to the Committee on Interior and Insular Affairs.

Report on Activities of, Expenditures by, and Donations to Charles R. Robertson Lignite Research Laboratory at Grand Forks, N. Dak.

A letter from the Secretary of the Interior, reporting pursuant to law, on activities of, expenditures by, and donations to Charles R. Robertson Lignite Research Laboratory at Grand Forks, N. Dak., for the calendar year 1966; to the Committee on Interior and Insular Affairs.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The **PRESIDENT** pro tempore appointed Mr. MONRONEY and Mr. CARLSON members of the committee on the part of the Senate.

A CONCURRENT RESOLUTION OF SOUTH CAROLINA LEGISLATURE

The **PRESIDENT** pro tempore laid before the Senate a concurrent resolution of the Legislature of the State of South Carolina, which was referred to the Committee on Labor and Public Welfare:

A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO AMEND THE LAW SO AS TO PERMIT HIGH SCHOOL STUDENTS UNDER THE AGE OF 18 TO DRIVE SCHOOL BUSES

Whereas, the United States Secretary of Labor, Willard Wirtz, has defined the driving of school buses as a hazardous occupation, thereby establishing as an unlawful act the driving of school buses by high school students under the age of eighteen; and

Whereas, the State of South Carolina is presently using high school students, some of whom are under the age of eighteen, as drivers of school buses and they have proved to be safe and responsible drivers who have effected savings for the State of South Carolina while at the same time receiving needed compensation for their services; and

Whereas, it is believed that the Congress of the United States should amend the definition of the words "hazardous occupation" or otherwise amend the law of the land so as to permit high school students under the age of eighteen who are capable of safe and responsible driving to be occupied as drivers of school buses: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: That the Congress of the United States is hereby memorialized to amend the law by defining "hazardous occupation" so as to exclude school bus driving or otherwise amend the law so as to permit high school students under the age of eighteen who are capable of safe and responsible driving to be occupied as school bus drivers; be it further

Resolved, That a copy of this resolution be sent to the two United States Senators from South Carolina, to each member of the United States House of Representatives from this State, to the Clerk of the United States Senate and the Clerk of the United States House of Representatives.

State of South Carolina, in the House of Representatives, Columbia, South Carolina, March 31, 1967.

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the South Carolina House of Representatives and concurred in by the Senate.

[SEAL] INEZ WATSON,
Clerk of the House.

FEDERAL CIVILIAN AND MILITARY PAY AND POSTAL RATE INCREASES—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 95)

The **PRESIDING OFFICER** (Mr. HOLLINGS in the chair). The Chair lays before the Senate a message from the President of the United States on Federal employee and military personnel salary increases and postal rate increases. Without objection, the message will be printed in the RECORD without being read and appropriately referred.

The message was referred to the Committee on Post Office and Civil Service, as follows:

To the Congress of the United States:

Two weeks ago in my message to the Congress on the quality of American Government, I stated:

> The machinery of our Government has served us well. It has been the vehicle of the greatest progress and prosperity any nation has ever achieved.
>
> But this record should give us no cause for complacency. For any realistic review today reveals that there are substantial improvements to be made.

Today I ask the Congress to take two vital steps to help bring about those improvements:

Increase the salaries of Government employees.

Increase postal rates and improve postal services.

In America we demand the highest level of excellence in the public service. If we expect high quality—

We must be able to attract and keep highly competent career employees.

We must be willing to give them the machinery they need to do an effective job.

SALARY INCREASES

Through the years, this Nation has built a corps of public servants whose quality is unmatched by any other country in the world.

Our career employees are well trained and experienced. In ever-increasing numbers, they are skilled professionals. They include not only administrators and managers, but doctors, lawyers, diplomats, economists, scientists, engineers, actuaries, systems analysts, law enforcement officers, nurses—and many others critically needed to provide public services in a complex world.

These men and women come to the public service not by chance, but by choice. They come because they are challenged by problems that are far reaching—and fateful. They come because Government offers unique opportunities for unselfish service.

From them, we expect unusual dedication. In turn, they have a right to expect from their Government rewards that match their contributions.

We have made great progress recently toward a pay scale which approaches that of private industry. Since 1962, civilian employees have received pay increases amounting to more than 23 percent. We have improved retirement and other fringe benefits so that they now compare favorably with benefits in private industry. There have been corresponding increases in military pay, and fringe benefits have been improved substantially.

Yet we still fall short of comparability with private industry. The annual report of the Chairman of the Civil Service Commission and the Director of the Bureau of the Budget describes the gap which remains between Government and industry pay scales. I am transmitting that report to the Congress today with the renewed conviction that this gap must be closed.

To close this gap in 1 year would require an average pay increase of 7.2 percent. With a similar increase for the Armed Forces, the cost would be more than $2.5 billion per year.

In view of today's fiscal and economic conditions, my advisers inform me that a pay raise of this magnitude would not be prudent. While inflationary pressures in the economy have lessened in recent months, they have not disappeared. They could easily recur. We must therefore continue to seek restraint in private wage settlements and to exercise restraint in the operations of government.

But a pay raise for the Government's employees clearly is needed. We must avoid placing the Government at a serious disadvantage in recruiting and retaining competent workers—and we must keep faith with our employees.

To do so requires that we achieve comparability with private pay levels—and that we do it in a way which does not endanger our unparalleled economic prosperity.

As President Kennedy said 5 years ago:

> To pay more than this is to be unfair to American taxpayers—to pay less is to degrade the public service and endanger our national security.

I recommend a 4.5-percent pay increase for civilian employees effective October 1, 1967.

I recommend that the Congress take the final step this year to achieve full comparability with private industry. I propose a two-stage plan to remove the remaining comparability lag in all grades by October 1, 1969. The first step would take effect in October 1968 and the second a year later.

For our military personnel, pay alone can never reflect the full measure of our debt. On the battlefields, in outposts where there is tension but no battle, in the vast defense installations of our country, these men and women protect our national security. We must assure them and their families that they will be compensated for their service on a scale which is comparable to that of their 2.5 million civilian coworkers. As civilian pay goes up, so should the pay of the armed services.

I recommend an increase in regular military pay similar to the raise for civilians—an average 4.5 percent effective October 1, 1967.

This year the Secretary of Defense has been conducting a searching review of the principles underlying the military compensation system. When these studies have been completed, I will recommend further changes in the Armed Forces pay system.

We must also take steps to insure the adequacy of salaries for top officials in the legislative, judicial, and executive branches of the Government. To this end, I have established a special commission headed by Frederick R. Kappel to study executive pay in the three branches of the Federal Government. When I have reviewed its report, I will make recommendations for appropriate adjustments in these areas.

Salary reform for the government of an increasingly complex and ever-changing society is never complete. The entire structure and interrelationships of all Federal pay systems, civilian and military, should be continually reviewed and improved. The adequacy of the basic pay system itself must be periodically reexamined.

I recommend that a special Joint Salary Commission, representing the executive, legislative, and judicial branches, be established to examine all Federal pay systems and report to the President and Congress within 2 years.

POSTAL RATES AND SERVICES

The postal service is the key link of the Nation's commerce. It is also the personal communications network of some 200 million private citizens. It must be responsive to the needs of the public and the needs of the business community.

That system now bears a tremendous burden. Each year the Post Office Department processes as much mail as the rest of the world combined. To cope with the great outpouring of mail created by our country's increasing social and economic activity, we must have a modern, highly mechanized postal service.

We do not have such a postal service today.

The post offices in many of our major cities were built during the 1930's—built to handle between 25 and 30 billion pieces of mail a year. This year, nearly 80 billion items will move through the postal system. Next year still another 3 billion pieces of mail will be processed. If this growth rate continues, mail volume will exceed 100 billion pieces a year by 1976.

These figures make it dramatically clear that we must remodel old post offices and build new facilities. We must equip them with modern, high-speed mail processing machines—the most efficient our Nation's technology can produce.

We have made a good start in the past few years on modernizing and mechanizing the postal service. That pace must now be quickened. We must place even greater emphasis on research, engineering, and new technology. We must intensify our efforts to enlist the support of all Americans to increase their use of the ZIP code.

In the 1968 budget I have recommended more than $300 million for postal modernization. This represents a 40-percent increase in expenditures for research and engineering and a 46-percent increase in funds for plant and equipment.

These are substantial increases. But they are fully justified by the planning that has preceded them and the size of the task that lies ahead.

To keep pace with the demands of a growing nation, we must also modernize the postal rate structure. We must bring postal revenues into line with operating costs.

Present rates do not provide sufficient funds for necessary improvements in postal facilities and equipment. Indeed, present revenues do not even cover normal operating costs.

For fiscal 1968, the Post Office Department deficit will be about $1.2 billion—and this does not include the pay increase I am recommending today. Less than half of this deficit is attributable to the public service functions of the Department.

Yet the Postal Policy Act of 1958 calls for postal revenues "approximately equal" to operating costs after public service expenses have been deducted.

I recommend that the Congress increase postal rates for all classes of mail:

First class and airmail: a 1-cent increase in postage for cards and letters sent first class or airmail, effective July 1, 1967.

Second class: an average increase of 22 percent for all categories of second class mail, phased over a 3-year period beginning January 1, 1968.

Third class: an average increase of 28 percent for all categories of third class mail. The rate increase for single pieces of mail will go into effect July 1, 1967, and the bulk rate increase on January 1, 1968.

Fourth class: an average increase of 21 percent for special rate fourth class mail—mainly books and records—effective July 1, 1967.

A special surcharge on odd-sized envelopes which cannot be processed by postal machinery. This surcharge, which will go into effect in 2 years, is designed to discourage the use of envelopes which cannot be rapidly processed through postal machinery.

The rate increases for second and third class bulk mail would have been substantially higher and would have been needed sooner if the ZIP code presorting regulations had not become effective on January 1 of this year. In recognition of the cost to mailers of ZIP coding and the savings anticipated from this program, I am recommending that the effective date for second class and bulk rate third class increases be delayed until January 1, 1968.

These postal rate increases will produce $700 million in postal revenues in fiscal 1968. When fully effective, they will add more than $800 million annually to postal revenues.

This legislation will provide the necessary funds for postal modernization and the proposed pay increase for postal employees. It will enable the Post Office Department to begin immediately to provide better services for all Americans.

Faster and more efficient delivery of the mails;

Restoration of 6-day parcel post service;

Door delivery in some residential areas now served by roadside boxes.

A BETTER GOVERNMENT

The pay and postal rate increases I recommend in this message are essential if we are to have a government of responsive and talented people and an efficient postal system.

Delay in attaining comparability beyond the effective dates I have suggested is inexcusable. To neglect, and thus impair, the public service would be far more expensive for the American people in the long run.

Delay in enacting the postal rate increases I request will hamper significantly our efforts to build a modern and efficient postal system.

The Government of this Nation can never be any better than the people who work for it, the tools they have, and the people whom they serve.

I urge the Congress to act promptly on these proposals to insure those who work in our Government just pay for the dedication they bring to the task of serving every one of us.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 5, 1967*.

Mr. LONG of Louisiana subsequently said: Mr. President, I ask unanimous consent that the action of the Senate by which the President's message was ordered to be printed in the RECORD without reading be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LONG of Louisiana. I ask that the President's message be read.

The PRESIDING OFFICER. Without objection, the message will be read.

The assistant legislative clerk read the message.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. 371. A bill for the relief of Mrs. Mary T. Brooks (Rept. No. 147);

S. 853. A bill to extend the life of the Commission on Political Activity of Government Personnel (Rept. No. 146);

S.J. Res. 27. Joint resolution establishing the Commission on Art and Antiquities of the Capitol, and for other purposes (Rept. No. 145);

S. Con. Res. 17. Concurrent resolution providing for the printing of 1,500 additional copies of the Joint Economic Committee print entitled "Federal Programs for the Development of Human Resources" (Rept. No. 148);

S. Con. Res. 18. Concurrent resolution providing for the printing of 1,500 additional copies of the Joint Economic Committee print entitled "An Economic Profile of Mainland China" (Rept. No. 149);

S. Res. 92. Resolution authorizing the printing as a Senate document of a compilation of materials relating to the 100th anniversary of the Committee on Appropriations (Rept. No. 150);

S. Res. 93. Resolution authorizing the printing of a report entitled "Policy Planning for Technology Transfer" as a Senate document (Rept. No. 151);

S. Res. 96. Resolution authorizing the printing as a Senate document of a report on the Disposal of U.S. Military Installations and Supplies in France (Rept. No. 152);

S. Res. 99. Resolution to authorize the printing of a Senate document entitled "Study Mission to Central and Southeast Asia" (Rept. No. 153);

S. Res. 100. Resolution to print as a Senate document a report by Senator ELLENDER entitled "A Review of U.S. Government Operations in Latin America" (Rept. No. 154);

S. Res. 101. Resolution authorizing the printing of the appendix to the report of the President's Cabinet Committee on Federal Staff Retirement Systems as a Senate document (Rept. No. 155); and

S. Res. 102. Resolution authorizing the printing for the Special Committee on Aging 5,500 copies of its report to the Senate, of the present Congress, entitled "Developments in Aging—1966" (Rept. No. 156).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 95. Resolution to print as a Senate document, with additional copies, a report entitled "Mineral and Water Resources of Missouri" (Rept. No. 157).

NELLIE BRANNON—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 104); which was placed on the calendar:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Nellie Brannon, mother of Harold L. Brannon, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

DOROTHY ANN BAXTER—REPORT OF A COMMITTEE

Mr. JORDAN *of North Carolina, from* the Committee on Rules and Administration, reported the following original resolution (S. Res. 105); which was placed on the calendar:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Dorothy Ann Baxter, widow of William R. Baxter, Senior, an employee of the Senate at the time of his death, a sum equal to nine months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. MONRONEY, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated March 28, 1967, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PEARSON:

S. 1427. A bill to increase certain amounts *authorized under the Federal Airport Act; to* the Committee on Commerce.

(See the remarks of Mr. Pearson when he introduced the above bill, which appear under a separate heading.)

By Mr. METCALF (for himself and Mr. Mansfield):

S. 1428. A bill to transfer title to tribal land on the Fort Peck Indian Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MOSS (for himself, Mr. Bennett, Mr. Bible, Mr. Burdick, Mr. Cannon, Mr. Fong, Mr. Inouye, Mr. McGee, Mr. Metcalf, Mr. Mundt and Mr. Tower):

S. 1429. A bill to provide for an investigation and study to recommend a general plan to meet the future water needs of the Western United States; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Moss when he introduced the above bill, which appear under a separate heading.)

By Mr. BROOKE:

S. 1430. *A bill for the relief of Mr. Joaquim* Garcia Martinez; to the Committee on the Judiciary.

By Mr. GRUENING:

S. 1431. A bill to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemption for old age or blindness); to the Committee on Finance.

(See the remarks of Mr. Gruening when he introduced the above bill, which appear under a separate heading.)

By Mr. RUSSELL (for himself and Mrs. Smith):

S. 1432. A bill to amend the Universal Military Training and Service Act, and for other purposes; to the Committee on Armed Services.

(See the remarks of Mr. Russell when he introduced the above bill, which appear under a separate heading.)

By Mr. RIBICOFF:

S. 1433. *A bill to encourage and assist* in the formulation of local organizations by residents of urban neighborhoods for the purpose of improving the physical, economic, and social conditions prevailing in such neighborhoods;

S. 1434. A bill to amend section 203 of the National Housing Act to assist low- and moderate-income persons to realize the goal of home ownership; and

S. 1435. A bill to amend the Department of Housing and Urban Development Act to provide for the establishment of a Business Advisory Committee; to the Committee on Banking and Currency.

(See the remarks of Mr. Ribicoff when he introduced the above bills, which appear under a separate heading.)

By Mr. KUCHEL (for himself and Mr. Murphy):

S. 1436. A bill to provide that insect infestation may be treated as a natural disaster for producers of cotton, wheat, and feed grains; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. Kuchel when he introduced the above bill, which appear under a separate heading.)

By Mr. BOGGS:

S. 1437. A bill for the relief of certain persons having claims against the assets of Joseph A. L. Errigo; to the Committee on the Judiciary.

By Mr. PEARSON:

S. 1438. A bill for the relief of Ralph F. Germann; to the Committee on the Judiciary.

(See the remarks of Mr. Pearson when he introduced the above bill, which appear under a separate heading.)

By Mr. TOWER:

S. 1439. A bill to amend the Civil Service Retirement Act to increase from 2 to 2½ percent the retirement multiplication factor used in computing annuities of certain employees engaged in hazardous duties; to the Committee on Post Office and Civil Service.

S. 1440. A bill to include in the prohibitions contained in section 2314 of title 18, United States Code, the transportation with unlawful intent in interstate or foreign commerce of traveler's checks bearing forged countersignatures;

S. 1441. A bill for the relief of Edwin A. and Mattie Lee Barnes; and

S. 1442. A bill for the relief of Mario Bozicevich; to the Committee on the Judiciary.

(See the remarks of Mr. Tower when he introduced the first two above-mentioned bills, which appear under separate headings.)

By Mr. BREWSTER:

S. 1443. A bill to authorize the Commissioners of the District of Columbia to provide certain parking privileges for physically handicapped persons; to the Committee on the District of Columbia.

S. 1444. A bill to encourage exportation of agricultural commodities; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. Brewster when he introduced the first above-mentioned bill, which appear under a separate heading.)

By Mr. SPARKMAN:

S. 1445. A bill to amend and extend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. Sparkman when he introduced the above bill, which appear under a separate heading.)

By Mr. MUSKIE (for himself, Mr. Bartlett, Mr. Bayh, Mr. Cotton, Mr. Eastland, Mr. Ervin, Mr. Dodd, Mr. Gruening, Mr. Inouye, Mr. Long of Missouri, Mr. McGee, Mr. McIntyre, Mr. Morse, Mr. Moss, Mr. Nelson, Mr. Pell, Mr. Scott, Mr. Talmadge, Mr. Thurmond, Mr. Tower, and Mr. Kennedy of Massachusetts):

S. 1446. A bill to provide for the orderly marketing of articles imported into the United States, to establish a flexible basis for the adjustment by the U.S. economy to expanded trade, and to afford foreign supplying nations a fair share of the growth or change in the United States market; to the Committee on Finance.

(See the remarks of Mr. Muskie when he introduced the above bill, which appear under a separate heading.)

By Mr. WILLIAMS of New Jersey:

S. 1447. A bill to amend section 213 of the National Housing Act; to the Committee on Banking and Currency.

S. 1448. A bill for the relief of Roy A. Parker;

S. 1449. A bill for the relief of Silvestro D'Urso; and

S. 1450. A bill for the relief of Dr. Stelio Mangiola; to the Committee on the Judiciary.

By Mr. McCARTHY (for himself and Mr. Mondale):

S. 1451. A bill to provide a program for dairy farmers under which production adjustment payment shall be made to such farmers who voluntarily adjust their marketings of milk and butterfat; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. McCarthy when he introduced the above bill, which appear *under a separate heading.)*

By Mr. MORSE:

S. 1452. A bill to amend the District of Columbia minimum-wage law; to the Committee on the District of Columbia.

(See the remarks of Mr. Morse when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE (for himself and Mr. Bayh):

S. 1453. A bill to protect consumers and others against misbranding, false invoicing, and false advertising of decorative wood and simulated wood products; to the Committee on Commerce.

(See the remarks of Mr. Hartke when he *introduced the above bill, which appear under a separate heading.)*

By Mr. TOWER:

S.J. Res. 62. Joint resolution authorizing the issuance of a gold medal to Martha Raye; to the Committee on Banking and Currency.

(See the remarks of Mr. Tower when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. WILLIAMS of New Jersey:

S.J. Res. 63. Joint resolution to provide that it be the sense of Congress that the Surgeon General prescribe a program for the care and transportation of wounded Vietnamese children on bringing these children to this country for treatment; to the Committee on the Judiciary.

(See the remarks of Mr. Williams of New Jersey when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTIONS

COMMENDATION OF AMBASSADOR HENRY CABOT LODGE FOR HIS VIETNAM SERVICE

Mr. BROOKE (for himself and Mr. Kennedy of Massachusetts) submitted a resolution (S. Res. 103) commending Ambassador Henry Cabot Lodge for his Vietnam service, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. Brooke, which appears under a separate heading.)

NELLIE BRANNON

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 104) to pay a gratuity to Nellie Brannon, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. Jordan of North Carolina, which appears under the heading "Reports of Committees.")

DOROTHY ANN BAXTER

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 105) to pay a gratuity to Dorothy Ann Baxter, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. Jordan of North Carolina, which appears under the heading "Reports of Committees.")

TO INCREASE FEDERAL FUNDS FOR AIRPORT DEVELOPMENT

Mr. PEARSON. Mr. President, on March 14, I introduced a bill, S. 1271, which would establish a continuing advisory commission for air transportation and airport planning and development. Such a commission would provide for one of the great needs of the aviation industry—that of overall coordination and planning for air transportation and airport development.

But while this Nation desperately needs to develop a program to plan and coordinate for future needs, we must remember that many of our airports are already outmoded or overcongested. There are current needs which must be met immediately.

Mr. President, there is no question that our airport facilities have failed to keep pace with the tremendous growth in the air transportation industry in most instances. I have spoken previously about the needs of our Nation's airports, but perhaps a reiteration of some pertinent statistics would be worthwhile. Aircraft operations at airports with FAA control towers have increased 70 percent in the last decade. Yet these operations will increase another 60 percent by 1971 and will double by 1975.

More than 160 million people used air transportation last year. But our airports will be required to handle 70 percent more passengers in the next 5 years and double that amount by 1975.

The number of general aviation aircraft will grow from the present 89,000 to as many as 140,000, an increase of 61 percent, by 1970. An 85 percent increase in annual flying hours to 30 million is expected by 1975.

Mr. President, just these few statistics dramatize how our airport needs will grow in the next 2 to 4 years. Yet important airport facilities like Stapleton International in Denver, which has only recently completed a $12 million improvement project, are finding their present facilities to be completely inadequate to meet current needs. We all know of the highly publicized congestion problems at Chicago's O'Hare, Los Angeles' International and New York's Kennedy Airports. The fact is clear that our airports not only need coordinated planning for the future, they also need better facilities just to serve current traffic. Not only do large metropolitan airports need to be upgraded; we also need to build new airports to serve the air taxi, business and private segments of the general aviation industry.

Mr. President, the money for these projects must come from several sources —airlines, local governments, and the Federal Government. There is no total obligation on the Federal Government to provide everything. But we must provide more than at the present. Federal assistance under the Federal Airport Act of 1946 has generally been too little and too late. Only in the last 6 years have authorizations been as high as $75 million annually, and appropriations have seldom reached this amount. A 1965 survey conducted by the Airport Operators council in conjunction with the other groups, estimated that approximately $2 billion would be needed to upgrade airport facilities by 1970. Local, State and county government units can finance about $1.3 billion of this, leaving almost $700 million which must come from the Federal Government. This amounts to approximately $157 million annually—far more than the current $75 million annual authorization. Figures from FAA estimates are very similar to those just stated.

It should also be noted that this survey was concluded before the Boeing Co. announced its current 747 program and before local service carriers announced they were expanding jet service to many smaller airports. Both of these programs have caused large increases to be made in the previous estimates. A $200 million annual authorization now appears realistic; indeed, urgently needed.

Mr. President, to meet this need, I am today introducing a bill which would increase the amounts authorized under the Federal Airport Act from $75 million to $200 million annually. This bill would amend the act as extended during the least session of Congress to be effective through June 30, 1970.

I realize that there are many projects which today call upon the Federal Government for monetary support. We have tremendous expenses for the war in Vietnam, for education, for the war on poverty and for other important projects. But the fact is that the jet age is upon us, and it is only beginning. We must face this fact, and provide for the needs. We spend at least $2 billion a month in Vietnam. Surely we can provide $200 million a year in an effort to insure a safe and adequate air transportation system in our country now and in the years to come.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the Record at this point.

The PRESIDING OFFICER (Mr. Hollings in the chair). The bill will be received and appropriately referred, and, without objection, the bill will be printed in the Record.

The bill (S. 1427) to increase certain amounts authorized under the Federal Airport Act, introduced by Mr. Pearson, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 1427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraphs (7), (8), and (9) of subsection (d) of section 5 of the Federal Airport Act are amended to read as follows:

"(7) For the purpose of carrying out this Act in the several States, in addition to other amounts authorized by this Act, appropriations amounting in the aggregate to $525,000,000 are hereby authorized to be made to the Secretary of Transportation over a period of three fiscal years, beginning with the fiscal year ending June 30, 1968. Of amounts appropriated under this paragraph, $175,000,000 shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each fiscal years ending June 30, 1968, June 30, 1969, and June 30, 1970, and shall continue to be so available until expended.

"(8) For the purpose of carrying out this Act in Hawaii, Puerto Rico, and the Virgin Islands, in addition to other amounts authorized by this Act, appropriations amounting in the aggregate to $15,000,000 are hereby authorized to be made to the Secretary of Transportation over a period of three fiscal years, beginning with the fiscal year ending June 30, 1968. Of amounts appropriated under this paragraph, $5,000,000 shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each of the fiscal years ending June 30, 1968, June 30, 1969, and June 30, 1970, and shall continue to be so available until expended. Of each such amount, 40 per centum shall be available for Hawaii, 40 per centum shall be available for Puerto Rico, and 20 per centum shall be available for the Virgin Islands.

"(9) For the purpose of developing, in the several States, airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having high density of traffic serving other segments of aviation, in addition to other amounts authorized by this Act for such purpose, appropriations amounting in the aggregate to $6,000,000 are hereby authorized to be made to the Secretary of Transportation over a period of three fiscal years, beginning with the fiscal year ending June 30, 1968. Of amounts appropriated under this paragraph, $20,000,000 shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each of the fiscal years ending June 30, 1968, June 30, 1969, and June 30, 1970, and shall continue to be so available until expended."

WESTERN UNITED STATES WATER INVESTIGATION ACT OF 1967

Mr. MOSS. Mr. President, I introduce, for myself and Senators BENNETT, BIBLE, BURDICK, CANNON, FONG, INOUYE, MCGEE, METCALF, MUNDT, and TOWER, a bill to authorize an examination of the water supply in the western reclamation States.

In my opinion, this bill would not duplicate, but would supplement the water studies proposed in other pending legislation and the work now underway in established agencies.

The water problems in reclamation States are peculiar to those States, and a survey directed specifically to them is long past due. Because many of these problems are common to all, and because these States are likewise bound together by numerous social and economic similarities, it is both practical and feasible to examine the reclamation States as a single region.

There are many advantages to an examination of an entity of this type. We would not be dealing with a river basin set off by natural boundaries. Neither would we be studying a vast and varied national area delineated by political boundaries. Instead we would be concentrating on a piece of real estate of intermediate size which includes a number of river basins, and in which man made boundaries are less formidable because of the affinity of interest. This would permit Federal and State planners to integrate concepts and effects of local water management, and to conceive and examine—in coordinated efforts—the broader alternatives for water supply.

COMMON PROBLEMS

Sections of almost all of the reclamation States—often a major part of them—face serious problems because of erratic precipitation. The pattern is much the same—scanty rainfall during the warmest season, and heavy rainfall in the mountainous areas least adapted to settlement. Moreover, much of the runoff from these high mountain areas is depleted by bright sunshine and a dry atmosphere. These factors make it difficult to use western water resources for our national welfare.

But a great deal has been done to unlock their wealth for the West, and to employ it as a sound base for wider settlement and expanding populations. In 1902 the Congress enacted the reclamation law, and the people of the West responded magnificently to it. To date they have pledged to repay directly 90 percent of the Federal capital costs of important water resource development which has taken place. In addition, the people themselves have risked billions of dollars in collateral facilities to employ the water on site.

The most likely sources of western water have now been developed, or are scheduled for development. Yet both the uses of water and the number of people dependent upon it continue to multiply. Migrations from the East have sent more than 3½ million people into the reclamation States during the fifties alone. The migrations are continuing in the sixties. It is expected to increase by two-thirds before the century turns. In spite of the galloping demand for more water, the West faces proscription both of sources of water and sites for power projects which could make more water projects feasible. There is a growing feeling that the Nation can "afford" to lock up in perpetual preservation—in wilderness areas and national parks and other preserves—more and more of our western lands. Maybe we can afford to lock some of them up, but the very fact that such thinking continues to crop up nationally indicates that we need to move ahead quickly with a full survey of western water uses, needs, and potentials.

CAREFUL PLANNING

Some of our western water problems are aggravated by our water practices. For example, when we increase withdrawals of water for consumption, we decrease the flows available to dilute the pollutants carried by the stream. The Assistant Secretary of the Interior for Water Pollution Control says frankly:

> Westerners must strive harder and plan even more carefully than elsewhere in the United States to achieve an adequacy of water supply.

We are striving harder, and in evidence I could cite you costs of planning and development by the Western States and their lesser agencies. But, as the Secretary states, we must not only try harder, we must also "plan more carefully." And to plan more carefully we must relate concepts for the respective western river basins to each other and to the reclamation States as a whole. We must avoid making mistakes, and we must plan on a broad scale which will be in the best interests of all of the people in the region. Such planning would in turn facilitate a national evaluation of our resources as envisioned by the Senate in its Document No. 97.

ON A BROADER BASE

In making this examination we should, of course, make full use of the careful planning now underway within each river basin of the West. The States and Federal agencies are collaborating in projections of basin needs, and in basinwide concepts of the potentials of storage, watershed management, river regulation, and the transportation of water. To enlarge that collaboration into regional guides—guides to be examined by the Congress before detailed planning for construction moves too far ahead—would be beneficial to all. It would integrate the results of basin work, as it becomes available, and help us to develop regional concepts. It would permit broader alternatives, and do so at the formative stage of the planning.

The question naturally arises: Is it really necessary that we enlarge from a basin to a regional concept? I think it is. "Alternatives of Water Management," published by the National Research Council of the National Academy of Sciences in 1966, contains this statement:

> Although the drainage basin provides a coherent hydrologic unit for water control, it is not necessarily or even usually coincident with the appropriate social, political, or economic region within which society functions.

Other professional planners also advocate examining water and land resources in bites larger than river basins, but smaller than the entire Nation. In his book "Natural Resources for U.S. Growth," published by Johns Hopkins Press in 1964, Hans H. Lansberg says:

> For many purposes the river basin is the best unit of area to use in considering water situations. In this study, however, much larger units are used. This is because demand must be projected as well as the more easily calculated prospects of supply. The uncertainties of projecting population, patterns of industrial growth, and other elements of demand for particular areas are enormous; and the smaller the area, the greater the hazards. On the other hand . . . the use of such very large areas inevitably blurs the analysis . . . National projections would conceal nearly all of the troublesome problems. But nation-wide estimates are of interest in making certain comparisons of trends in different kinds of water use . . .

REGIONAL ANALYSIS—BUT BY WHOM?

Let us agree then, that concepts being developed within the basins of the West should be examined also in the larger environment of the reclamation States. This leads to the question: "Should such regional concepts be developed by the Water Resources Council, or perhaps by the National Water Commission, rather than by a working-level body?"

The first session of the 89th Congress passed, and the President approved, the Northeastern United States Water Supply Act, and did so after the Water Resources Planning Act became law. This action, strengthened by more substantial funding of the Northeastern Act by the second session of the 89th Congress, justifies two conclusions:

First. When groups of rivers rise from opposite sides of watersheds, planning on a broader base than is authorized to river basin commissions is desirable.

Second. Authorizing such planning by a Federal agency, outside of the direct jurisdiction of the Water Resources Council, but tied to its principles and criteria, has the sanction of both the legislative and the executive branches of our Government.

However, this principle of Federal-State regional planning was initiated when the establishment of a National Planning Commission seemed far less likely than it does now. Would the duties of the Commission include the integration of basin work into concepts for groups of basins?

Only when the National Water Commission—expiring after a life of but 5 years—has submitted its concluding report will this country really know how the Commissioners interpreted their missions. My careful reading of the bill, and my reexamination of the discussion when S. 20 was passed by the Senate, leads me to believe that the Commission has a higher mission than the nuts-and-bolts work of western water planning. Rather than integrating regional plans, the Commissioners—appointed by the President, and reporting to him, and through him to the Congress—must: first, come to grips with fundamental questions; second, study programs conceived by others; third, review anticipated problems and make such projection of water requirements as may be necessary. They must do all this at the highest level. They will be a new body, beginning behind the starting line, with only a 5-year tenure. If they are required to direct the integration of planning guides and concepts at regional levels it will detract from their national mission and defeat their objectivity in reviewing programs.

THE "WESTERN" BILL

And so I turn to details of the Western United States water supply bill. It is patterned after the Northeastern Water Supply Act. The major differences in the pattern are:

First. The Western States share a history of central administration through reclamation laws; the Northeastern States do not.

Second. The western bill specifically limits the scope of work to the outline of broad alternatives. Studies in detail required to authorize construction would be prohibited. The Northeastern Act grants very much more authority.

Third. The Department of the Interior—comprised of many offices and bureaus administering natural resources—would be responsible for the western study. This not only would centralize control over the greater number of participating Federal agencies, but also place responsibility for the work on the Cabinet officer who heads the Water Resources Council. The Northeastern Act merely authorizes planning in accordance with the Water Resources Planning Act.

Fourth. The western proposal authorizes contracts for private investigations as well as Federal-State studies. This would provide an amalgam of both private and public thinking at the working level.

Both the western proposal and the Northeastern Act retain considerable control by the Congress, promote tight coordination in the field, and safeguard doubly the consideration of the views of each State. They do all of these to a greater extent than the Water Resources Council does, or the National Water Commission would do, when established. And both will provide a regional analysis which will facilitate national assessments to both the Council and the Commission.

A final point about the regard for the States in the western proposal: Repeated attention is given to participation by the States. There are specific safeguards in title II A requiring that the report must discuss values to the respective States, as well as systems for the basin and region wherever the difference is significant.

In concluding, I quote again from "Alternatives for Water Management":

> We need to know more about the regional effects of water development. Regional water resource development may promote relative economic growth or decline as well as population re-distribution.

Certainly we agree on the need to know more about regional effects. The issues are whether it is practicable to find out more, and whether this bill offers the best available means to do so. I urge that the test be given through your enactment of the Western United States Water Supply Act of 1967.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1429) to provide for an investigation and study to recommend a general plan to meet the future water needs of the Western United States, introduced by Mr. Moss (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. CANNON. Mr. President, I am pleased to join with the distinguished Senator from Utah in sponsoring the Western United States Water Investigation Act of 1967.

A comprehensive survey of water uses, needs, and potentials in the reclamation States is long overdue and will pay great dividends in the future.

Examination of the reclamation States as a single entity will allow consideration of social and economic factors, population projections and industrial development forecasts, all of which can be difficult on a smaller level.

The bill is visionary in all respects. As the Senator stated, migration to the western States will only increase in the future, making a study of the reclamation States as a single entity even more justified. It calls for cooperation with the States, river basin commissions, and other planning organizations.

I hope the measure will receive prompt consideration by the Senate.

A BILL TO INCREASE THE PERSONAL INCOME TAX DEDUCTION FROM $600 TO $1,000

Mr. GRUENING. Mr. President, I introduce a bill to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer, including the exemption for a spouse, the exemption for a dependent and the additional exemption now allowed under the Internal Revenue Code for old age or blindness.

The $600 exemption was fixed in the distant past at a time when that amount of money might have provided sustenance for a resident of the United States and each member of his family. As we all know, that time has long since passed. Yet the $600 exemption has never been increased to a realistic level.

We are all aware, I think, that the sum of $50 a month is woefully inadequate to cover the many expenses involved in rearing a child or feeding, clothing, and otherwise supporting a wife. In fact, agencies of our Government have found officially that expenditure of $600 a year per capita for a family would place it far below the poverty level.

It is time, Mr. President, that our Government recognized the reality of the situation and give taxpayers, a group which includes every American, a break in trying to make ends meet on the family budget.

Taxpayers in my State of Alaska, more than most, suffer a disadvantage from the $600 personal income tax exemption provision. The cost of living in Alaska is nowhere less than 20 percent higher than the highest in any other State in the Union. Accordingly, the $600 exemption, which is inadequate in the other 49 States, is intolerable in Alaska.

While I recognize that legislation dealing with revenues must under the Constitution be acted upon first in the House of Representatives, I want to introduce a bill here as an example and symbol of a tax reform which I feel is long overdue. I hope such legislation will be the subject of early hearings and early favorable action in both Houses of the Congress, and I request that my bill be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1431) to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemption for old age or blindness) introduced by Mr. GRUENING, was received, read twice by its title, and referred to the Committee on Finance.

AMENDMENT OF UNIVERSAL MILITARY TRAINING AND SERVICE ACT

Mr. RUSSELL. Mr. President, for myself and the senior Senator from Maine [Mrs. SMITH], I introduce, by request, a bill to amend the Universal Military Training and Service Act, and for other purposes.

I ask unanimous consent that the letter of transmittal requesting introduction of this bill and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter of transmittal will be printed in the RECORD.

The bill (S. 1432) to amend the Universal Military Training and Service Act, and for other purposes, introduced by Mr. RUSSELL (for himself and Mrs. SMITH), was received, read twice by its title, and referred to the Committee on Armed Services.

The letter of transmittal presented by Mr. RUSSELL is as follows:

GENERAL COUNSEL OF
THE DEPARTMENT OF DEFENSE,
Washington, D.C.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To amend the Universal Military Training and Service Act, and for other purposes."

This proposal is part of the Department of Defense legislative program for the 90th Congress. The Bureau of the Budget has advised that the enactment of the proposal would be in accord with the program of the President. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

The principal purpose of the proposed legislation is to extend the induction authority of the Universal Military Training and Service Act, as amended (50 App. U.S.C. 451 et seq.), and the authority to make special calls for the induction of persons in the medical, dental, and allied specialist categories, until July 1, 1971. Other amendments to the UMT&S Act would: provide standby authority for direct induction into Reserve and National Guard units whenever authorized strengths cannot otherwise be maintained; and assure more uniform application of deferment policies and procedures throughout the country.

The legislation also provides for continued suspension for the same period of various statutory limitations on active military strengths, continued authority to pay allowances for quarters under the Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2201 et seq.) for the same period, and to authorize special pay for physicians, dentists, and veterinarians, who are called to active duty or appointed after July 1, 1967, and before July 1, 1971. Under present law, all of these authorities would expire on July 1, 1967.

Finally, the legislation would make permanent the authority presently provided in the Department of Defense Appropriation Act, 1967 (P.L. 89–687) to call to active duty those reservists who are not fulfilling their obligations satisfactorily.

AMENDMENTS TO THE UMT&S ACT

Extension of induction authority

Section 1(4) of the legislation would further extend the induction authority for four years in accordance with the procedure followed by the Congress in the previous four extensions (in 1951, 1955, 1959 and 1963). In his Selective Service Message to the Congress (House Document No. 75), the President pointed out that without the draft we cannot realistically expect to meet our present commitments or the requirements we can now foresee, and that volunteers alone could be expected to man a force of little more than 2.0 million. The present number of personnel on active duty is about 3.3 million and it is scheduled to reach almost 3.5 million by June 1968 if the present conflict is not concluded by then.

Numerous measures have been initiated by the Executive Branch and approved by the Congress, designed to encourage volunteering and to reduce reliance upon inductions. Additional proposed legislation will be separately submitted to further these objectives as indicated in the President's Message. Nevertheless, no practicable combination of measures can assure a flexible capability of meeting our total foreseeable national defense commitments in the absence of an induction authority.

Standby authority to induct into reserves

Section 1(2) would provide standby authority for direct induction into Reserve and National Guard units whenever the President finds that the necessary strengths of these units cannot be maintained by voluntary enlistments. During periods following emergencies when reserve units which were mobilized are released from active duty, they typically undergo a sharp reduction in personnel strengths. This occurred in Fiscal Years 1963–65, the years following the Berlin emergency. The sharp reduction in strength is due to attrition during "call-up," cessation of normal recruiting for replacements during the emergency, and separation after the emergency of personnel who have completed their obligated service. Use of the induction authority in such special circumstances may be necessary to effect a rapid buildup to necessary strengths. There is no present need to use this authority, but its availability on a standby basis would assure the capability of meeting necessary strengths under all circumstances.

Uniform application of deferment policies

Section 1(3) would delete the present proviso that local and appeal boards do not have to follow certain kinds of guidance from the federal government with respect to student deferment—notably, as to test scores, class standing, or "any other means'" sponsored or prepared by the federal government. In his Message, the President highlighted the need for firm federal policies applied uniformly throughout the country. While specific policies and criteria with respect to future student deferments have not yet been formulated, it is believed that deletion of the proviso would help clarify the law and facilitate attainment of the desired uniformity.

EXTENSION OF LAWS ASSOCIATED WITH THE NEED FOR INDUCTIONS

Sections 2–5 of the proposal would extend the various laws that are associated with the need for induction and, hence, are proposed to be extended concurrent with the extension of that authority.

Specifically, the Act of August 3, 1950, as amended (77 Stat. 4), suspends until July 1, 1967, various provisions of law which impose ceilings on active duty military strengths or strength of the regular component of the Service concerned. These personnel ceilings if not suspended, would provide in part for a maximum of 837,000 in the Army (10 U.S.C. 3201); 502,000 in the Air Force (10 U.S.C. 8201); 500,000 Regular Navy enlisted members (10 U.S.C. 5401); and 400,000 in the Regular Marine Corps (10 U.S.C. 5402). Except in the Marine Corps, these limitations are much lower than the currently required and authorized strengths. Section 2 of the proposed legislation would continue the current suspension to July 1, 1971.

The payment of allowances for quarters to enlisted members in pay grades E–1, E–2, E–3, and E–4 (members with 4 years or less of service), with dependents, is authorized by the Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2201 et seq.), which would terminate on July 1, 1967. Termination of this legislation would impose severe hardships on members in these pay grades who have dependents, including many who are inducted into the armed forces. It would be an effective reduction in income in amounts ranging from $55.20 per month to $105 per month. Section 3 of the proposal would extend this entitlement to July 1, 1971.

Section 4 would extend the so-called doctors draft law (P.L. 85–62) from its present expiration date of July 1, 1967, to July 1, 1971.

Sections 302 and 303 of title 37, United States Code, provide for the payment of special pay to physicians, dentists, and veterinarians. These entitlements are permanent for those officers who enter on active duty prior to July 1, 1967, but would not accrue to those who enter thereafter. It is considered that the discontinuance of these entitlements not only would cancel an important incentive to voluntary recruitment of officers in these critical fields but also would discourage any officer who entered service on or after July 1, 1967 for duty in those fields from continuing this active duty beyond the minimum required period. Section 5 of the proposal would extend the accrual of this entitlement to officers entering prior to July 1, 1971.

AUTHORITY TO ORDER NONPARTICIPATING RESERVISTS TO ACTIVE DUTY

Section 6 of the proposed legislation would make permanent part of the authority currently contained in the Department of Defense Appropriation Act, 1967 (P.L. 89–687), which authority expires on 30 June 1968. The authority desired provides for the involuntary order to active duty of those persons in the Ready Reserve who fail or are unable to participate satisfactorily in their units. It is designed to assure greater equity in the fulfilling of military service obligations on the part of individuals who enlist directly into the Reserves.

COST AND BUDGET DATA

This proposal would cause no increase in budgetary requirements within the Department of Defense.

Sincerely yours,

PAUL C. WARNKE.

Mr. RUSSELL. Mr. President, it is my hope that the Committee on Armed Services, which, of course, has complete and sole jurisdiction in the legislative field dealing with the revision of the Selective Service Act, or the draft law, as it is commonly known, can begin hearings at a very early date on this measure. We realize its importance to the Nation as a whole, and to thousands of young men who are undertaking to plan their careers. We will probably have rather exhaustive hearings on this subject, in an effort to work out the most equitable bill it is possible for Congress to write. As has been the case in many areas, such as the area of tax legislation, it is impossible to draft a completely fair bill dealing with all individuals, due to the vast variety of facts and circumstances that are involved in individual cases. But we hope to achieve a bill that will appeal to the sense of fairness and proportion of the American people.

A COMPETENT CITIES PROGRAM

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, three bills which I discussed in my floor statement last January 23. The first is a bill to assist the establishment of neighborhood development corporations. This is one of the key items in my program to improve life in the cities. It has a direct impact on the individual in the place where he spends most of his life—his neighborhood. It is not enough to have new national programs and new major endeavors by private industry if they simply rebuild the slums from the top down. To succeed, such programs must involve the people in their neighborhoods. The need is for Federal programs flexible enough to allow for local decisions and local control by the citizens who participate in them.

Ours is an age symbolized by the computer and megalopolis. Inherent in our times is the threat that all of us will be reduced to meaningless ciphers in a mass society. Accordingly, our policies must reflect the conviction that the larger our society becomes, the greater our duty to focus attention on the smaller units—the individual and the neighborhood.

The voice of the individual must always be heard. To accomplish this I propose that we corporately strengthen the neighborhood so that it can cooperate with the public and private sectors in community development efforts.

Mr. President, this bill presents a practical, realistic way to involve people in their neighborhoods in the selection, planning, and operation of the programs that vitally affect their lives. Achieving this will be a long step toward assuring the success of these programs, for when the people participate in them, they will support them.

My bill would provide Federal support for organizational and operating expenses of public or private nonprofit corporations established under State or local law in urban neighborhoods of not less than 1,500 nor more than 50,000. This support could be continued for 2 years at which time the corporation would be expected to be self-sustaining through grants and loans from Federal, State, and local agencies to carry out projects needed by the residents of the neighborhood.

At present neighborhood development corporations cannot qualify for direct grants under certain Federal programs. The bill directs the Director of the Office of Economic Opportunity to ascertain which programs the neighborhood development corporations could usefully engage in and recommend appropriate changes in Federal laws within 6 months after the enactment of the bill. To assure coordination with other Federal programs the Secretary of Housing and Urban Development, in cooperation with other Cabinet Secretaries, is directed to study and investigate ways in which the activities of the neighborhood corporations can be harmonized with and tied to programs being conducted in the area. The Secretary will make his report 2 months after that of the Director of the Office of Economic Opportunity.

The second bill would assist those in the $5,000 to $8,000 income bracket to own their homes.

The wage earner in this category is truly the forgotten individual in the housing market. He is priced out of most decent housing and is ineligible for direct help of subsidy from the Government. We facilitate homeownership for people at other income levels, so it is entirely just and appropriate that we meet the needs of these people and assist them toward homeownership.

The principal feature of the bill I have introduced provides that the owner-occupant of a single family dwelling unit may purchase a home up to $13,500, or $15,000 in high cost areas, with $200 downpayment and a 35-year mortgage at 3 percent interest. It also authorizes the Federal National Mortgage Association to purchase up to $270 million of these mortgages each year. This will enable us to supply about 20,000 new homes a year at a cost of about $90 a month, including principal, interest, taxes, insurance, and utilities. This equals the rent people in this income bracket pay for comparable housing. We already grant similar terms to the builder who constructs rental units for families of this salary level. This bill would allow these people the option of owning their homes instead of renting by making available to the purchaser the same assistance terms already available to the builder.

The homeownership program would operate through the private lending institutions as regular mortgage guarantee programs do not. No new bureaucracy—either governmental or private—would be necessary to administer this program.

Mr. President, it is part of our American credo that every citizen should have the opportunity to own his own home. President Johnson himself has just recommended a pilot program in homeownership for low-income families. The legislation I introduce today will complement the President's proposal by offering an important choice to an often overlooked middle group of our society—the choice to either rent or own in decency and dignity.

The third bill would establish a Business Advisory Committee for the Department of Housing and Urban Development. This was suggested by Mr. David Rockefeller, president of the Chase Manhattan Bank. He pointed out that a high-level panel could provide practical expertise in many fields of importance to the Department and bring another viewpoint to its deliberations. Further, it will foster better communications and cooperation between business leaders and Government.

My bill authorizes the Secretary to establish a business advisory committee composed of members of the business and financial community. The committee would provide the Department with advice and recommendations concerning the programs it is charged with designing and implementing. As a result, the actions of the Department will be more responsive to business and financial conditions in the Nation. In the end, the programs of the Department should be more efficient and effective.

Mr. President, I ask unanimous consent that the text of these three bills be printed at this point in the Record.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the Record.

The bills, introduced by Mr. Ribicoff, were received, read twice by their titles, and referred to the Committee on Banking and Currency, as follows:

S. 1433

A bill to encourage and assist in the formulation of local organizations by residents of urban neighborhoods for the purpose of improving the physical, economic, and social conditions prevailing in such neighborhoods

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Neighborhood Development Corporation Assistance Act".

POLICY AND PURPOSE

Sec. 2. The Congress finds that citizen-based neighborhood organizations must play a vital role in assisting elected and appointed officials to effectively deal with community development needs. Citizen involvement at the neighborhood level must develop to determine community needs, mobilize the human resources of the neighborhood and coordinate them with public and private resources for effective and acceptable community development efforts. The Congress finds that such acceptability on the neighborhood level is essential for successful development programs.

Congress therefore declares that the Neighborhood Development Corporation, as described herein, provides the framework for neighborhood involvement to achieve the above-stated purposes. Citizenship participation within such legally constituted neighborhood corporations will create for the individual a new self-image as a responsible decision-making citizen and member of the community, it will enable the inhabitants of the neighborhood to determine their needs and come to a corporate decision to take initiatives in obtaining desired projects and carrying out responsibilities assumed under them, and it will foster coordination of all development projects into a variable system for efficient community development.

DEFINITIONS

Sec. 3. As used in this Act—

(1) The term "neighborhood development corporation" means a public or private nonprofit corporation (A) organized under State or local law by the residents of an urban neighborhood for the purpose of developing and carrying out programs for improving the physical, economic, and social conditions prevailing in such neighborhood, and (B) under the charter and bylaws of which each resident of such neighborhood is assured of an equal opportunity to participate (i) in the election of officers of, and a governing board for, such corporation, and (ii) in the programs and activities of such corporation.

(2) The term "urban neighborhood" means a part or section of a built-up urban area which is characterized by a similarity in the social and cultural patterns, or economic interests, of the persons residing in such part or section, and the boundaries of which are so defined as to include not less than 1,500 or more than 50,000 residents.

(3) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any of the possessions of the United States.

(4) The term "Director" means the Director of the Office of Economic Opportunity.

FINANCIAL ASSISTANCE

Sec. 4. (a) The Director is authorized—

(1) to undertake such activities as he determines to be desirable to assist the residents of urban neighborhoods in organizing neighborhood development corporations; and

(2) to make grants to, or to contract with, any such corporation to pay for a period not exceeding two years the operating expenses (including salaries and other administrative costs) reasonably required by such corporation in developing and carrying out its programs.

(b) Assistance under this section shall be granted under such rules and regulations as the Director shall prescribe to insure that such assistance is utilized in furtherance of the purposes of this Act.

(c) To provide assistance under this section, there is authorized to be appropriated not to exceed $30,000,000 for any fiscal year commencing after June 30, 1967. Any sums so appropriated shall remain available until expended.

REPORTS AND INVESTIGATIONS

Sec. 5. (a) Within six months after the date of enactment of this Act, the Director shall report to the President and to the Congress his recommendations with respect to any legislation which should be enacted in order to enable neighborhood development corporations to qualify for Federal assistance in carrying out their programs in urban neighborhoods for improving housing conditions, increasing employment and business opportunities, expanding worker productivity through job training and education, and otherwise bettering the working and living conditions of residents of such neighborhoods in furtherance of the purposes of this Act.

(b) The Secretary of Housing and Urban Development, in cooperation with the Secretaries of Commerce, Labor, and Health, Education, and Welfare and the Director shall conduct a study and investigation of the most practicable ways to coordinate the activities of neighborhood development corporations with Federally assisted programs and activities for improving housing conditions, increasing employment and business opportunities, expanding worker productivity through job training and education. Within eight months after the enactment of this Act, the Secretary of Housing and Urban Development shall report to the President and to the Congress the results of such study and investigation together with such recommendations as he determines will contribute to carrying out the purposes of this Act.

(c) The Director shall transmit to the President and to the Congress annually a comprehensive and detailed report concerning his activities and functions under this Act.

S. 1434

A bill to amend section 203 of the National Housing Act to assist low- and moderate-income persons to realize the goal of homeownership

Be it enacted by the Senate and House of Representatives of the United States of Amercia in Congress assembled, That section 203 of the National Housing Act is amended by adding at the end thereof a new subsection as follows:

"(m) In order to assist low- and moderate-income persons to realize the goal of homeownership, the Secretary is authorized to insure under this section any mortgage meeting the requirements of subsection (b), as modified by this subsection, which—

"(1) involves a principal obligation (A) not in excess of $13,500 (or $15,000 in any geographical area where the Secretary finds that costs levels so require), and (B) not in excess of the appraised value of the property as of the date the mortgage is accepted for insurance; except that (i) if the mortgagor is the owner and an occupant of the property at the time of insurance, he shall have paid on account of the property at least $200 (which amount may include amounts to cover settlement costs and initial payment for taxes, hazard insurance, mortgage insurance premium, and other prepaid expenses), and (ii) in the case of repair and rehabilitation, the amount of the mortgage shall not exceed the sum of the estimated cost of repair and rehabilitation and the Secretary's estimate of the value of the property before repair and rehabilitation, but in no case involving refinancing shall such mortgage exceed such estimated cost of repair and rehabilitation and the amount (as determined by the Secretary) required to refinance existing indebtedness secured by the property;

"(2) bears interest (exclusive of premium charges for insurance and service charges) at not to exceed 3 per centum per annum; and

"(3) provides for complete amortization by periodic payments within such terms as the Secretary may prescribe, but not to exceed from the date of the beginning of amortization of the mortgage (A) 35 years in the case of a mortgage approved for insurance prior to construction, or (B) 30 years in the case of a mortgage not approved for insurance prior to construction.

"Nothing contained herein shall preclude the Secretary from issuing a commitment to insure, and insuring a mortgage pursuant thereto, where the mortgagor is not the owner and an occupant of the property, if the property is to be built or acquired and repaired or rehabilitated for sale, and the insured mortgage financing is required to facilitate the construction, or the repair or rehabilitation, of the dwelling and to provide financing pending the subsequent sale thereof to a low- or moderate-income family or person (according to criteria and standards prescribed by the Secretary) who is the occupant thereof, but in such instances the mortgage shall not exceed 85 per centum of the appraised value of the property as of the date the mortgage is accepted for insurance. Any mortgage insured under this subsection shall contain a provision that if such low- or moderate-income family or person does not continue to occupy the property the interest rate shall increase to the highest rate permissible under section 221 of the National Housing Act and the regulations of the Secretary effective at the time of commitment for insurance, except that the increase in interest rate shall not be applicable if the property is sold and the purchaser is a public housing agency having jurisdiction under the United States Housing Act of 1937 over the area where the dwelling is located, or is a low- or moderate-income family or person."

SEC. 2. Section 305 of the National Housing Act is amended by adding at the end thereof a new subsection as follows:

"(i) Notwithstanding any other provision of this Act, the Association is authorized to make commitments to purchase and to purchase, service, or sell any mortgage which is insured under section 203(m) of this Act; except that the total amount of purchases and commitments to be made in any one year under this subsection shall not exceed $270,000,000."

S. 1435

A bill to amend the Department of Housing and Urban Development Act to provide for the establishment of a Business Advisory Committee

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Department of Housing and Urban Development Act is amended by adding at the end thereof a new subsection as follows:

"(d) In carrying out his authority under section 601 of the Housing Act of 1949, the Secretary shall establish a Business Advisory Committee to consist of persons selected by the Secretary from the business and financial community. It shall be the function of the Committee to provide the Department with advice and recommendations with respect to the formulation and implementation of programs administered by the Department so as to achieve the greatest practicable cooperation between the business and financial sectors of the economy and the Department in providing assistance under such programs for the solution of urban and community problems."

GREATER PROTECTION FOR THE AMERICAN COTTON FARMER

Mr. KUCHEL. Mr. President, the strength and vitality of America's cotton industry is of continuing importance to the stability of this Nation's agricultural economy. Cotton, as the most important cash crop in this country, affects the lives of more Americans than any other crop. It has been estimated that from 12 to 14 million persons in the United States depend directly on this crop for at least a part of their livelihood.

Nowhere is the tremendous growth and influence of cotton more obvious than in my own State of California. Since the Second World War, there has been an increasing area dedicated to cotton production, principally in the valleys of central and southern California, as well as in many of the desert areas of my State. In the decade 1940–50, the value of cotton produced in California increased 1,048.3 percent. By the end of the succeeding decade, cotton became and is today, with an annual crop valued at more than $300 million, the most valuable cash crop in California.

The importance of maintaining American cotton production therefore cannot be ignored by Federal, State, or local government. When a cotton crop is threatened with destruction, it must be defended. When a cotton farmer is faced with disaster, he must be given adequate protection.

In recent months, many of the rich cotton-producing lands of California and the other States of the Pacific Southwest have been threatened by a severe insect infestation. During 1966, the pink bollworm spread its destruction from the cotton lands of neighboring Mexico into Texas, New Mexico, and Arizona. In midsummer, the insect crossed the Colorado River in tremendous numbers, invading the rich cottonfields of the Palo Verde Valley of Riverside County, Calif.

Science was unable to check the invasion. No insecticides or chemical repellents were developed or available to meet the spreading infestation. The insect was relatively free to continue its destruction of valuable cottonfields.

By the end of September of 1966, an estimate was made of the damage caused to the Palo Verde crop by this insect in only 7 weeks' time. The estimate concluded that there was an outright loss to the pink bollworm of one bale of cotton per acre, or an approximate 33⅓ percent of the cotton crop in the Palo Verde Valley in 1966.

Mr. MURPHY. Mr. President, will the Senator from California yield for a question?

Mr. KUCHEL. I am very happy to yield to my distinguished colleague.

Mr. MURPHY. I am very much pleased that my distinguished colleague is bringing this matter to the attention of the Senate.

Is it not true that warnings of the invasion of the pink boll weevil had been registered with the Department of Agriculture and had been neglected for 6 months?

Mr. KUCHEL. I believe the Senator is correct. My able colleague points to the fact that time and again this problem was raised with the Department and no adequate relief was given to any of our people in the State we represent.

Mr. MURPHY. It is my understanding that at one point while the objection was being raised, a member of the Department said:

> They have a surplus of cotton and it might not be too bad an idea to let a little of it get chewed up.

This is unbelievable. I hope that it is not true, but it was reported to me.

I am pleased that my distinguished colleague is bringing this matter to the attention of the Senate.

Mr. KUCHEL. I thank my friend.

In dollars and cents, the cotton farmers in this California valley suffered a loss well over $1,420,000. It is anticipated that if the insect continues unchecked, the 1967 losses caused by the pink bollworm will exceed substantially those of the past year.

In effect, the cotton industry of Riverside County has suffered a most serious natural disaster as a result of this insect infestation. The farmer, as in a sudden flood or storm, has been unable to combat the sudden spread of the pink bollworm. And greater damage can be expected not only in the Palo Verde Valley, but in the rich cotton lands that lie to the north.

The only effective answer to the spread of the pink bollworm has been determined to be empty cotton fields in 1967. Eradication of the pest can result only if the acreage of host plants is reduced. Every acre of cotton removed from production will permit the proper utilization of governmental resources on the remaining acres and increase the chances of effectively controlling the insect.

A number of growers in the Palo Verde Valley have asked the Riverside County Agricultural and Stabilization Committee for permission not to plant cotton in 1967 and yet receive disaster diversion and support payments under the various provisions of appropriate Federal agricultural laws. The Department of Agriculture, however, determined that "insect infestation" was not intended to be considered as a natural disaster under the terms of these laws. I regret this decision.

I find it extremely difficult to understand the logic of a position which provides relief to a farmer whose crop has been destroyed by a sudden flood but no relief to another whose loss is the result of an uncontrollable insect infestation.

In order to correct this inequity and provide needed relief, I am glad to offer, on behalf of my colleague from California [Mr. Murphy] and myself, a bill to allow insect infestation to be treated as a natural disaster for producers of cotton, wheat, and feed grains. A similar proposal has been introduced in the House by Congressman John V. Tunney, of California. This would allow the cotton farmer to receive the normal subsidy based on his cotton production history and not require him to plant or grow his allotted acreage of cotton.

Mr. President, I believe the adoption of this proposal would provide needed relief to the cotton farmer seeking to recover from the serious effects of insect infestation. Inequities in the law must not be allowed to hinder these efforts of the farmer: efforts that mean so much to the continued strength and vitality of the cotton industry of California and the Nation.

I therefore send my bill to the desk and ask that it be appropriately referred. I also ask unanimous consent that the text of the bill be printed in full at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, will be printed in the Record.

The bill (S. 1436) to provide that insect infestation may be treated as a natural disaster for producers of cotton, wheat and feed grains, introduced by Mr. Kuchel (for himself and Mr. Murphy), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 1436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. The seventh sentence of section 379c(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379c(a)) is amended by inserting "insect infestation," immediately before "or other natural disaster".

Sec. 2. The last sentence of section 103(d) (3) of the Agricultural Act of 1949 (7 U.S.C. 1444(d)(3)) is amended by inserting "insect infestation," immediately before "or other natural disaster".

Sec. 3. The sentence in section 105(e) of the Agricultural Act of 1949 (7 U.S.C. 1441 note) which begins "An acreage on the farm which the Secretary finds was not planted to feed grains because of drought, flood," is amended by inserting "insect infestation," immediately after the portion quoted.

RALPH F. GERMANN

Mr. PEARSON. Mr. President, I introduce for reference to the appropriate committee, a private bill for the relief of Ralph Germann of Hiawatha, Kans.

Mr. Germann has completed many years of faithful service in the Federal Government, and is presently completing an overseas assignment for the Agency for International Development.

There are two periods in Mr. Germann's service which were not covered by civil service credit, and it is the sole intention of this bill to make those specific periods acceptable as civil service retirement credits.

One period, December 26, 1935, through September 30, 1936, is covered in this bill. At that time Mr. Germann was a county agent but was being paid by Federal funds from the Bankhead-Jones Act. A bill was passed in 1954 which would have given him credit for this time had it not been vetoed after passage.

The second period covered by this bill is for service Mr. Germann had with the United Nations Relief and Rehabilitation Administration and the United Nations Food and Agricultural Organization from February 18, 1946, through December 31, 1948. Although a bill has been passed which would make this service creditable toward civil service retirement following 1958 with certain stipulations, Mr. Germann's situation is not altered by the legislation.

Mr. President, I ask that the bill be printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1438) for the relief of Ralph F. Germann, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in the administration of subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code, Ralph F. Germann of Hiawatha, Kansas, shall be deemed, subject to sections 834(c) and 839(h) of title 5, United States Code, to have rendered creditable service while employed as an assistant county agent of the Kansas Extension Service from December 26, 1935 through September 30, 1936, and while serving with the United Nations Relief and Rehabilitation Administration and the United Nations Food and Agricultural Organization from February 18, 1946 through December 31, 1948.

(a) Notwithstanding the provisions of section 8348(g) of title 5, United States Code, the increase in annuity benefits payable by reason of the enactment of this Act shall be payable from the Civil Service Retirement and Disability Fund.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

Mr. TOWER. Mr. President, I introduce, for appropriate reference, a bill designed to reverse an inequity which presently exists in our Federal civil service retirement laws.

My bill would increase from 2 percent to 2½ percent the retirement multiplication factor used in computing annuities of certain employees engaged in hazardous duty. This definition largely covers border patrolmen, FBI agents, and secret servicemen.

I consider this legislation simply as one additional small effort we can make in our efforts against crime. We have initiated other more major reforms, but this legislation is deserving of favorable consideration so that we can reward and attract additional employees who are willing to court hazards and dangers in order to safeguard the law and order which we enjoy. At the present time Federal civil service employees all receive retirement annuities computed at a flat 2 percent.

An extra half percent does not seem unwarranted as reward and incentive for those whose lives are continually on the line in the cause of crime prevention and national protection.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1439) to amend the Civil Service Retirement Act to increase from 2 to 2½ percent the retirement multiplication factor used in computing annuities of certain employees engaged in hazardous duties, introduced by Mr. Tower, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

AMENDMENT OF SECTION 2314 OF TITLE 18, UNITED STATES CODE

Mr. TOWER. Mr. President, the popular acceptance and growth of commercial traveler check facilities, and the growth of the industry have uncovered a loophole in our statutes governing interstate tansportation of fraudulent negotiable instruments.

I introduce, today, a bill which is intended to close this gap in our Federal laws. My bill would amend section 2314 of title 18, United States Code, to make unlawful the interstate and foreign commerce of travelers' checks bearing forged countersignatures.

Because of particular nature of travelers' checks, in that they are for the use of travelers, there is nearly always the element of interstate commerce involved, and local and State laws often are inadequate to deal with the problem of criminal misuse of these instruments. Congress must be responsible for tightening laws surrounding interstate misuse of travelers' checks.

The legislation I introduce is, I believe, an improved version of similar legislation I introduced last session.

Mr. President, it is my understanding that some of those adversely affected by the theft of such securities are desirous of seeking a broader approach than that encompassed in my proposal. Some such broadening may of course be meritorious, and I welcome suggestions, as I know the committee will, on ways to improve the measure.

I ask consent that the brief text of my bill be printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1440) to include in the prohibitions contained in section 2314 of title 18, United States Code, the transportation with unlawful intent in interstate or foreign commerce of travelers' checks bearing forged countersignatures, introduced by Mr. Tower, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 1440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2314 of title 18, United States Code, is amended by inserting after the third paragraph thereof a new paragraph as follows:

"Whoever, with unlawful or fraudulent intent, transports in interstate or foreign commerce any traveler's check bearing a forged countersignature; or".

PROVISION OF CERTAIN PARKING PRIVILEGES FOR PHYSICALLY HANDICAPPED PERSONS

Mr. BREWSTER. Mr. President, the life of a person who is physically handicapped is generally a very difficult one. To the credit of these individuals, most of them work hard to overcome their handicap—be it blindness or the loss of a limb or some other misfortune—and make a significant contribtuion to society. The "Hire the Handicapped" campaigns with which we are all familiar has helped them to achieve this goal.

But we owe them more. We must try to make their participation in everyday life as easy as possible, to encourage them to get back into the mainstream.

A number of bills have been introduced in recent years to foster this participation. The distinguished Senator from Alaska [Mr. Bartlett] has made a proposal designed to make federally constructed buildings as accessible as possible to handicapped persons, and of course I support this legislation.

I feel that more should be done here in the District of Columbia, however. One of the major problems for a crippled or blind citizen in this city is parking. Finding a spot near a store or a doctor's office is frequently very difficult—and if it is inconvenient for those of us who have the good fortune to be healthy, we can imagine the problems it poses for our handicapped friends.

Moreover, even if a parking place is found, and the long distance to the store or office is somehow negotiated, there remains the problem of returning to feed the meter or find another spot.

I have been informed by a group of disabled District citizens that these problems have become critical. I am sympathetic to their problem, and I think it deserves legislative action.

I am therefore introducing legislation which would provide special parking privileges for the automobiles of such handicapped persons. These automobiles would be allowed to park in otherwise prohibited zones, except for zones banned during rush hours. Spaces alongside fire hydrants or prohibited for other reasons of public safety would also be excluded.

This legislation would apply to a relatively small number of persons, under regulations to be prescribed by the commissioners. It would allow them to park in any available spaces which would not impede rush hour traffic or pose safety problems. This bill would give these persons considerably more maneuverability, at a minimal cost to the city of a few parking revenues.

Society owes the handicapped every opportunity to live as normal a life as possible. My proposal would make a small but important contribution to that goal. I urge prompt and favorable action on this bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1443) to authorize the Commissioners of the District of Columbia to provide certain parking privileges for physically handicapped persons, introduced by Mr. Brewster, was received, read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO THE HOUSING AND URBAN DEVELOPMENT PROGRAM

Mr. SPARKMAN. Mr. President, I send to the desk a bill pertaining to certain amendments to the housing and urban development program. I ask that the bill and a section-by-section analysis of it be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred, and, without objection, the bill and section-by-section analysis will be printed in the Record.

The bill (S. 1445) to amend and extend laws relating to housing and urban development, and for other purposes, introduced by Mr. Sparkman, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 1445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FEDERAL ASSISTANCE FOR RAT CONTROL AND EXTERMINATION

SHORT TITLE

Sec. 101. This title may be cited as the "Rat Extermination Act of 1967".

PURPOSE

Sec. 102. The purpose of this title is to provide Federal financial assistance to help cities and communities of the Nation develop and carry out intensive local programs of rat control and extermination.

GRANTS FOR LOCAL RAT CONTROL AND EXTERMINATION PROGRAMS

Sec. 103. (a) The Secretary of Housing and Urban Development is authorized to make grants to units of general local government in any State for the purpose of assisting such units in developing and carrying out local rat control and extermination programs.

(b) The amount of any such grant shall not exceed 66⅔ percent of the cost of developing and carrying out a local program, as approved by the Secretary, during each of the first three years of the program, and shall not exceed 33⅓ percent of such cost during each of the fourth and fifth years of the program.

(c) Such programs may include—

(1) rat control and systematic extermination measures;

(2) the elimination or modification of physical surroundings and conditions (including rat harborages and food supplies) which encourage or tend to encourage persistent rat habitation and increases in their numbers; and

(3) any other actions which will reduce or eliminate, on more than a temporary basis, disease, injury, and property damage caused by rats.

(d) Each such program shall—

(1) be consistent with the locality's workable program for community improvement referred to in section 104, and

(2) afford, to the maximum extent feasible, opportunities for employing the residents of rat infested areas, and for providing appropriate training, education, and any information which may be necessary for such residents.

WORKABLE PROGRAM FOR COMMUNITY IMPROVEMENTS

Sec. 104. No grant for a local rat control and extermination program may be made hereunder unless—

(1) a workable program for community improvement for the locality in which the program will be carried out has been presented to the Secretary in accordance with the provisions of section 101(c) of the Housing Act of 1949, and the Secretary has determined that such workable program meets the applicable requirements set forth in such section, and

(2) such workable program includes appropriate provisions for maintaining in the locality, for a period of at least five years following the termination of the local program activities receiving Federal financial assistance hereunder, at least the same level of effectiveness in rat control as that attained at the time of such termination.

CONSULTATION WITH OTHER DEPARTMENTS AND AGENCIES

Sec. 105. In carrying out the authority under this title, the Secretary shall cooperate with and seek the advice of the heads of any other departments or agencies regarding any programs under their respective responsibilities which are related to, or would be affected by, such authority.

DEFINITIONS

Sec. 106. As used in this title—

(1) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States; and

(2) the term "units of general local government" means (a) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, (b) any combination of units of general local government in one or more States, (c) an Indian tribe, or (d) with respect to rat control activities in their

urban areas, the territories and possessions of the United States.

APPROPRIATIONS

Sec. 107. (a) There are hereby authorized to be appropriated to carry out this title such sums as may be necessary: *Provided,* That not more than $20,000,000 shall be appropriated for such use prior to July 1, 1968.

(b) Any amounts appropriated under this section shall remain available until expended *when so provided in appropriation Acts.*

TITLE II—HOUSING AND URBAN DEVELOPMENT AMENDMENTS

SHORT TITLE

Sec. 201. This title may be cited as the "Housing and Urban Development Amendments of 1967."

UNIFORM MAXIMUM INTEREST RATE FOR MORTGAGE INSURANCE PROGRAMS

Sec. 202. (a) Section 207(c)(3) of the National Housing Act is amended by inserting before the period at the end of the first sentence of the second paragraph the following: "; or not to exceed such per centum per annum not in excess of 6 per centum as the Secretary finds necessary to meet the mortgage market".

(b) Section 213(d) of such Act is amended by striking ", except that" and all that follows preceding the period at the end of the first sentence and inserting in lieu thereof "on the amount of the principal obligation outstanding at any time, or not to exceed such per centum per annum not in excess of 6 per centum as the Secretary finds necessary to meet the mortgage market".

(c) Section 231(c)(6) of such Act is amended by striking "or not to exceed" and all that follows preceding the semicolon and inserting in lieu thereof "or not to exceed such per centum per annum not in excess of 6 per centum as the Secretary finds necessary to meet the mortgage market".

(d) Section 234(f) of such Act is amended by inserting before the period at the end of the first sentence the following: ", or not to exceed such per centum per annum not in excess of 6 per centum as the Secretary finds necessary to meet the mortgage market".

SUPPLEMENTARY FINANCING FOR NURSING HOMES

Sec. 203. Section 232 of the National Housing Act is amended by—

(1) redesignating the subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) inserting, immediately following subsection (d), a new subsection (e) to read as follows:

"(e)(1) With respect to any nursing home covered by a mortgage insured under this section, the Secretary is authorized, upon such terms and conditions as he may prescribe, to make commitments to insure and to insure supplementary loans (including advances during construction or improvement) made by financial institutions approved by the Secretary. As used in this subsection, 'supplementary loan' means a loan, advance of credit, or purchase of an obligation representing a loan or advance of credit made for the purpose of financing improvements, additions, or combined improvements and additions for the nursing home.

"(2) To be eligible for insurance under this subsection, a supplementary loan shall—

"(A) be limited to 90 per centum of the amount which the Secretary estimates will be the value of such improvements, additions, or combined improvements and additions, except that such amount when added to the outstanding balance of the mortgage covering the nursing home may not exceed the limitations imposed by subsection (d).

"(B) have a maturity satisfactory to the Secretary but not to exceed the remaining term of the mortgage;

"(C) be secured in such manner as the Secretary *may require; and*

"(D) contain such other terms, conditions, and restrictions as the Secretary may prescribe.".

INCREASED MORTGAGE LIMITS FOR CONDOMINIUMS

Sec. 104. Section 234(c) of the National *Housing Act is amended by striking out* "(iii) 75 per centum" in the third sentence, and inserting in lieu thereof "(iii) 80 per centum".

LOW-RENT PUBLIC HOUSING—CORPORATE STATUS

Sec. 205. (a) The first sentence of section *3 of the United States Housing Act of 1937* is amended by striking "a body corporate of perpetual duration to be known as".

(b) Section 17 of said Act is repealed; the capital stock therein referred to shall be retired; and the sum of $1,000,000 represented by the stock shall be returned to the Treasury of the United States.

(c) Said Act is amended by adding a new section 17 as follows:

"Sec. 17. In the performance of, and with respect to, functions, powers, and duties under this Act, the Secretary shall have (in addition to any authority otherwise vested in him) the functions, powers, and duties set *forth in subsections (a), (b), and (e) of section 402 of the Housing Act of 1950.*"

(d) Section 101 of the Government Corporation Control Act is amended by striking out "Federal Public Housing Authority (or United States Housing Authority) and including public housing projects financed through appropriated funds and operations thereof;".

PURCHASE OF UNITS BY TENANTS

Sec. 206. Section 15(9) of the United States Housing Act of 1937 is amended by striking out "which is suitable by reason of its detached or semi-detached construction" and inserting in lieu thereof ", if the property to be acquired is sufficiently separable from other property retained by the public housing agency to make it suitable".

INTEREST RATE ON COLLEGE HOUSING LOANS

Sec. 207. (a) Effective with respect to loans for which funds are reserved after June 30, 1967, section 401(c) of the Housing Act of 1950 is amended by striking out all that follows the phrase "which shall be not more than the" and inserting in lieu thereof "rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, less not to exceed a rate of 1 per centum per annum as determined by the Secretary of Housing and Urban Development.".

(b) Effective with respect to notes or other obligations financing loan contracts for which funds are reserved after June 30, 1967, the second sentence of section 401(e) of such Act is amended by striking out all that follows the phrase "which shall be not more than the" and inserting in lieu thereof "rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum.".

ADDITIONAL ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Sec. 208. The first sentence of section 4(a) of the Department of Housing and Urban Development Act (79 Stat. 668) is amended by striking out "four" and inserting in lieu thereof "five".

COMPREHENSIVE PLANNING

Sec. 209. (a) The heading to section 701 of the Housing Act of 1954 is amended to read "COMPREHENSIVE PLANNING".

(b) Subsection (a) of such section is amended by—

(1) striking all in the first sentence which precedes "including coordinated transporta*tion systems" and inserting in lieu thereof* "In order to assist State and local governments in solving planning problems, including those resulting from the increasing concentration of population in metropolitan and other urban areas and the out-migration from and lack of coordinated development *of resources and services in rural areas; to facilitate comprehensive planning for urban* and rural development,";

(2) striking ", or (in States where no such planning agency exists) to agencies or instrumentalities of State government designated by the Governor of the State and acceptable to the Administrator as capable of carrying out the planning functions contemplated by this section," in paragraph (1);

(3) striking clause (A) in paragraph (3) and inserting in lieu thereof "(A) are situated in redevelopment areas or economic development districts designated by the Secretary of Commerce under title IV of the Public Works and Economic Development *Act of 1965* or";

(4) striking "(as defined in subsection (d))" in paragraph (5);

(5) inserting the following before the semicolon at the end of paragraph (5): ", including technical and other assistance for the establishment and operation of intrastate and interstate planning agencies";

(6) redesignating paragraphs (6), (7), (8), and (9) as paragraphs (7), (8), (9), and (10) respectively;

(7) inserting the following new paragraph after paragraph (5):

"(6) State planning agencies for assistance to district planning, or planning for areas within districts, carried on by or for district planning agencies;";

(8) striking "to which no State planning agency or other agency or instrumentality is empowered to provide planning assistance under clause (D) of paragraph (1) above" in redesignated paragraph (9);

(9) inserting "(or State agencies or instrumentalities participating in such planning)" after "such Act" in redesignated paragraph (10);

(10) striking "urban" each time it appears in the first and fourth sentences following the numbered paragraphs; and

(11) striking "Commerce" in the last sentence and inserting in lieu thereof "Transportation".

(c) Subsection (b) of such section is amended by—

(1) striking the first sentence and inserting in lieu thereof "A planning grant made under subsection (a) shall not exceed two-thirds of the estimated cost of the work for which the grant is made: *Provided,* That such a grant may be made for up to 75 per centum of such estimated cost when made for planning primarily for (i) redevelopment areas or economic development districts, or portions thereof, described in subsection (a)(3)(A), (ii) areas described in subsection (a)(8), and (iii) the Appalachian region, as described in subsection (a)(10).";

(2) striking all preceding the proviso in the fifth sentence and inserting in lieu thereof "There is hereby authorized to be appropriated to the Secretary not exceeding $250,000,000 to carry out his duties under this section. Not less than $20,000,000 of this amount may be used only for district planning grants under subsection (a)(6). Any amounts appropriated under this section shall remain available until expanded:"; and

(3) striking all preceding "may be used by the Administrator" in the proviso in the fifth sentence and inserting in lieu thereof "*Provided*, That of any funds appropriated under this section, not to exceed an aggregate of $10,000,000 plus 5 per centum of any funds so appropriated".

(d) Subsection (c) of such section is amended by inserting "regional, district, or" after "unified".

(e) Subsection (d) of such section is amended by—

(1) striking "urban" in the first sentence and inserting in lieu thereof "districts,"; and

(2) striking the fourth sentence.

(f) Subsection (e) of such section is amended to read as follows:

"(e) In the exercise of his responsibilities under this section, the Secretary shall consult with those officials of the Federal Government responsible for the administration of programs of Federal assistance to the States and municipalities for various categories of public facilities and other comprehensively planned activities. He shall, particularly, consult with the Secretary of Agriculture prior to his approval of any district planning grants under subsection (a)(6). The Secretary of Agriculture may provide technical assistance, with or without reimbursement in connection with the establishment of such districts and the carrying out of such planning.".

(g) Subsection (f) of such section is amended by striking "physical".

(h) Subsection (h) of such section is amended by striking "(9)" in the last sentence and inserting "(10)" in lieu thereof.

(i) The following new subsection (i) is added after subsection (h):

"(i) As used in this section—

"(1) a 'metropolitan area' is a standard metropolitan statistical area, as established by the Bureau of the Budget, subject however to such modifications or extensions as the Secretary deems to be appropriate for the purposes of this section;

"(2) a 'region' includes (A) all or part of the area of jurisdiction of one or more units of general local government and (B) one or more metropolitan areas;

"(3) a 'district' includes all or part of the area of jurisdiction of (A) one or more counties and (B) one or more other units of general local government, but does not include any portion of a metropolitan area;

"(4) 'comprehensive planning' includes the following:

"(A) preparation, as a guide for governmental policies and action, of general plans with respect to (i) the pattern and intensity of land use, (ii) the provision of public facilities (including transportation facilities) and other governmental services, and (iii) the effective development and utilization of human and natural resources;

"(B) long-range physical and fiscal plans for such action;

"(C) programing of capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financing plans for such expenditures in the earlier years of the program;

"(D) coordination of all related plans and activities of the State and local governments and agencies concerned; and

"(E) preparation of regulatory and administrative measures in support of the foregoing; and

"(5) 'State planning agencies' including official State planning agencies and (in States where no such planning agency exists) agencies or instrumentalities of State government designated by the Governors of the States and acceptable to the Secretary."

INTERNATIONAL HOUSING

SEC. 210. Section 604 of the Housing Act of 1957 is amended to read as follows:

"SEC. 604. (a) The Secretary of Housing and Urban Development may exchange data relating to housing and urban planning and development with other nations and assemble such data from other nations, through participation in international conferences and other means, where such exchange or assembly is deemed by him to be beneficial in carrying out his responsibilities under the Department of Housing and Urban Development Act or other legislation. In carrying out his responsibilities under this subsection the Secretary may—

"(1) pay the expenses of participation in activities conducted under authority of this section including, but not limited to, the compensation, travel expenses, and per diem in lieu of subsistence, of persons serving in an advisory capacity while away from their homes or regular places of business in connection with attendance at international meetings and conferences, or other travel for the purpose of exchange or assembly of data relating to housing and urban planning and development. Such travel expenses shall not exceed those authorized for regular officers and employees traveling in connection with said activities; and

"(2) accept from international organizations, foreign countries, and private nonprofit foundations, funds, services, facilities, materials, and other donations to be utilized jointly in carrying out activities under this section.

"(b) International programs and activities carried out by the Secretary under the authorities provided in subsection (a) shall be subject to the approval of the Secretary of State for the purpose of assuring that such authorities shall be exercised in a manner consistent with the foreign policy of the United States."

EXTENSION OF URBAN FELLOWSHIP PROGRAM

SEC. 211. Section 810(a) of the Housing Act of 1964 is amended by striking "July 1, 1964" and inserting in lieu thereof "July 1, 1967".

EXTENSION OF EMERGENCY PROVISIONS OF URBAN MASS TRANSPORTATION PROGRAM

SEC. 212. Section 5 of the Urban Mass Transportation Act of 1964 is amended by striking "July 1, 1967" and inserting in lieu thereof "July 1, 1969".

EXTENSION OF TIME FOR FILING REPORT

SEC. 213. Section 301(b) of the Housing Act of 1965 is amended by striking "within 18 months" and all that follows and inserting in lieu thereof "not later than December 31, 1968.".

TECHNICAL AMENDMENTS

SEC. 214. (a) Section 304(a) of the National Housing Act is amended by striking "and the association shall not purchase any mortgage insured or guaranteed prior to the effective date of the Housing Act of 1954".

(b) Section 110(c) of the Housing Act of 1949 is amended by striking "paragraphs (7), (8), and (9)" in the second unnumbered paragraph following the numbered paragraphs and inserting in lieu thereof "paragraphs (7), (8), (9), and (10)".

(c) The fifth sentence of section 301(a) of the Housing Act of 1948 is amended by inserting "to the greatest extent feasible" after "public".

(d) Section 1101(c)(3) of the National Housing Act is amended by inserting "from the beginning of amortization of the mortgage" immediately after "twenty-five years".

(e) Section 213(o) of the National Housing Act is amended by adding at the end thereof four new sentences as follows: "Moneys in the Cooperative Management Housing Insurance Fund not needed for current operations of the Fund shall be deposited with the Treasurer of the United States to the credit of the Cooperative Management Housing Insurance Fund or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued under the provisions of this section. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this subsection. Debentures so purchased shall be cancelled and not reissued."

(f) Section 810(e) of the National Housing Act is amended by—

(1) striking "private corporation, association, cooperative society, or trust" in the first sentence, and inserting in lieu thereof "mortgagor approved by the Secretary", and

(2) striking "corporation, association, cooperative society, or trust" in the third and fourth sentences, and inserting in lieu thereof "mortgagor".

The section-by-section summary presented by Mr. SPARKMAN is as follows:

SECTION-BY-SECTION SUMMARY OF HOUSING AND URBAN DEVELOPMENT ACT OF 1967

TITLE I—FEDERAL ASSISTANCE FOR RAT CONTROL AND EXTERMINATION

Sec. 101. Short title

This section provides for title I to be cited as the "Rat Extermination Act of 1967."

Sec. 102. Purpose

This section states that the purpose of title I is to authorize a program of Federal assistance under which communities could develop and carry out local rat control and extermination programs.

Sec. 103. Grants for local rat control and extermination programs

This section would authorize the Secretary of Housing and Urban Development to make grants to units of general local government to assist them to develop and carry out rat control and extermination programs. This authority would permit local programs to be undertaken on a city- or community-wide basis, or staged to cover selected areas within such cities or communities.

The grants may not exceed two-thirds of the cost of developing and carrying out a local program for each of the first three years the local program is in operation, and may not exceed one-third of the cost for the fourth and fifth years of the program.

The Secretary could approve local programs involving a variety of rat control and extermination methods suited to specific needs and circumstances. These could include extermination on an area-by-area or block-by-block basis, eliminating rat harborages and food supplies (for example, through improved refuse and waste collection methods), and other actions designed to reduce or eliminate the disease, injury, and property damage which is caused by rats.

The local rat control program must (1) be consistent with the locality's workable program for overall community improvement, and (2) afford, to the maximum extent feasible, opportunities for employing the residents of rat-infested areas, and for providing appropriate training and any information which may be necessary for such residents.

Sec. 104. Workable program for community improvement

This section provides that grants for local programs could not be made unless at least two specific conditions were met. First, a workable program for community improvement for the locality in which the program is to be carried out (under applicable requirements set forth in section 101(c) of the Housing Act of 1949) has been presented to and approved by the Secretary. Second, the workable program would be required to contain provisions for maintaining in the locality, for a period of at least five years following the termination of the local program activities receiving Federal financial assistance, at least the same level of effectiveness in rat control as that attained at the time of termination.

Sec. 105. Consultation with other departments and agencies

This section provides that in carrying out the grant program, the Secretary would cooperate with and seek the advice of other interested departments and agencies. For example, the Department of Health, Education, and Welfare would be consulted with respect to the health aspects of rat control; the Department of the Interior and Agriculture with respect to their continuing basic research and other programs regarding rat control; and the Department of Labor and the Office of Economic Opportunity with respect to their training and other community aid responsibilities, which could be of assistance in carrying out this program.

Sec. 106. Definitions

This section defines the terms "State" and "units of general local government". Included in the latter definition are municipalities, counties, townships, towns, boroughs, villages, or other general purpose political subdivisions of a State, or any combination of units of general local government in one or more States, Indian tribes, and, for their urban areas, the territories and possessions of the United States.

Sec. 107. Appropriations

This section authorizes appropriations for the rat control and extermination grant program. No more than $20 million could be appropriated for the program before July 1, 1968. All amounts appropriated could remain available until expended when so provided in appropriation acts.

TITLE II—HOUSING AND URBAN DEVELOPMENT AMENDMENTS

Sec. 201. Short title

This section provides for title II to be cited as the "Housing and Urban Development Amendments of 1967".

Sec. 202. Uniform maximum interest rate for mortgage insurance programs

This section would amend the National Housing Act to establish a uniform maximum interest rate (6 percent) that can be charged in the FHA multifamily mortgage insurance programs.

At present, the Secretary is authorized to prescribe a maximum interest rate of 6 percent under certain FHA multifamily programs (the section 220 urban renewal program, the section 221 low- and moderate-income program, and the section 232 nursing home program); but may prescribe a maximum interest rate of only 5¼ percent in others; (the rental housing program under section 207, the program for condominiums under section 234, and cooperative housing program under section 213); and a maximum interest rate of 5½ percent in the elderly housing program under section 231.

A statutory limitation restricting the maximum interest rate which may be prescribed in certain multifamily programs to less than 6 percent, simply results, in tight money periods, in the use of exorbitant discounts in connection with mortgages insured under these programs. The amendments made by this section would provide uniformity among FHA multifamily mortgage insurance programs, reduce the practice of charging exorbitant discounts in those FHA multifamily mortgage programs which have a statutory maximum interest rate of less than 6 percent and make these programs more readily available to finance needed housing.

Sec. 203. Supplementary financing for nursing homes

This section would permit insurance of supplementary loans financing improvements and additions provided in connection with existing FHA-insured nursing homes. The amount of the supplementary loan which could be insured would be limited to 90 percent of the value of the improvements and additions to the nursing home. In addition, the amount of the mortgage on the improvements and additions when added to the outstanding balance of the existing mortgage could not exceed the basic mortgage limitations under the nursing home program.

The proposed supplementary financing provisions would be similar to those enacted by the Congress in 1966 in connection with the cooperative housing program.

FHA insurance for these supplementary loans would help meet a need for more nursing home facilities. Many nursing homes financed with FHA insured mortgages are initially restricted in size and facilities by limitations imposed in the Certificate of Need issued by State authorities at the time the project is built or by limitations imposed by the FHA. These limitations are generally made on the basis of the estimate of the need in the community for nursing home facilities. Frequently, after operating for a period of time, a nursing home fills all of its beds and develops a long waiting list of patients desiring space when it becomes available. The present FHA nursing home program affords no way for financing an addition or expansion of the facilities unless this can be done as a part of a rehabilitation of the project and a refinancing of the existing mortgage. In many instances, under today's money market conditions, the existing mortgage on a project bears interest at a rate lower than the current rate that would apply to a new refinancing mortgage. In addition, in most cases, it is not rehabilitation that is needed but more facilities.

Sec. 204. Increased mortgage limits for condominiums

This section would provide the same downpayment requirements and maximum mortgage limitations for the FHA condominium program as are currently in effect under the regular section 203 home mortgage insurance program. This would be done by increasing the maximum mortgage limits from 75 percent to 80 percent of the appraised value of property in excess of $20,000.

Sec. 205. Low-rent public housing—Corporate status

This section would repeal obsolete provisions of law. When the United States Housing Act of 1937 was first enacted there was established a special corporation known as the United States Housing Authority to perform the Federal low-rent housing functions. The Authority was capitalized with $1 million of capital stock provided by the United States Treasury.

Under the Department of Housing and Urban Development Act, all the functions of the corporation were vested in the Secretary of the Department. The corporate status, capital stock and the $1 million provided by the Treasury now serve no purpose.

This section would accordingly repeal the obsolete provisions of law, retire the capital stock, and return the $1 million to the United States Treasury. However, savings provisions in this technical amendment provide for continued auditing by the General Accounting Office of separate accounts maintained with respect to the functions under the 1937 Act.

Sec. 206. Purchase of units by tenants

This section would broaden the existing statutory provisions authorizing sale of public housing units to tenants. At present, only public housing units which are of detached or semi-detached construction may be sold to tenants. This section would permit the sale to a public housing tenant of any property owned by a local housing authority so long as the property sold has sufficient individual identity (including cooperative or condominium units) to make it suitable for sale to, and occupancy by, the public housing tenant.

Sec. 207. Interest rate on college housing loans

This section would establish a new program lending rate for college housing loans. The new lending rate would be based on the current average market yield for obligations of the United States with remaining maturities comparable to the average maturities of college housing loans—less such a rate, not to exceed 1 percent per annum, as the Secretary of Housing and Urban Development may determine. The current average market yield for obligations of the United States with maturities comparable to the average maturities of college housing loans is presently 4⅝ percent.

This section would also establish a new rate of interest on the funds the Secretary of Housing and Urban Development borrows from the Treasury to finance loans made under the college housing program. The new rate would be determined by the Secretary of the Treasury by taking into consideration the current average market yield for obligations of the United States with maturities comparable to the average maturities of college housing loans.

Sec. 208. Additional Assistant Secretary

This section would authorize the appointment of an additional Assistant Secretary in the Department of Housing and Urban Development. Although the Secretary could utilize this position in carrying out any of the statutory responsibilities of the Department, this Assistant Secretary would serve as the Secretary's principal assistant in providing leadership in organizing an effective, government-wide, urban-oriented research and development program to foster innovation in the field of housing and urban affairs. He would also provide engineering and technical advice to the Office of the Secretary and to other Assistant Secretaries, as appropriate, and he would plan, organize, and administer the Departmental research and development program.

Sec. 209. Comprehensive planning

This section would amend section 701 of the Housing Act of 1954, which authorizes assistance to States, localities, and other areas for comprehensive development planning. In addition to various technical and perfecting amendments, the changes include:

Special Planning Assistance for District Planning Outside Metropolitan Areas

Additional assistance would be authorized for assisting comprehensive planning for the coordinated development of resources and services in rural and other non-metropolitan areas. For this purpose, the section 701 statement of purpose would be broadened to include reference to the planning problems resulting from out-migration from, and lack of coordinated development of resources and services in, rural areas. In addition, the present regional planning authority in section 701 would be revised to authorize separate planning programs for "regions," defined as including at least one metropolitan area, plus all or part of at least one other general-purpose unit of government; and for "districts," defined as including all or part of at least one county and of at least one other general-purpose unit of government, but not including any part of a metropolitan area.

Except for establishment of this specific statutory definition, there would be no change in the regional planning provisions of section 701. Up to ⅔ grants (or ¾ grants in specified areas having special economic handicaps) would continue to be authorized both directly to regional planning bodies and to State planning bodies for assistance to regional planning.

With respect to planning for the newly-defined districts, up to ⅔ (or ¾) grants would be authorized to be made, through State planning agencies, for assistance to district planning agencies. The district agency would have to be authorized, by or under State or local statutes or by an authorized State or local official, to carry on comprehensive planning for the district. Such agencies could, for example, include community action agencies, district economic development and planning groups, or local development districts, carrying out activities under the Economic Opportunity Act of 1964, the Public Works and Economic Development Act of 1965, or the Appalachian Regional Development Act of 1967, where these agencies are authorized to carry out district comprehensive planning.

The assisted planning could be for the entire district or for towns or other appropriate areas within the district. Such planning could be carried out by the district planning agency itself or by the State planning agency acting for the district agency. State planning agencies would be specifically authorized to provide technical and other assistance for both interstate and intrastate planning agencies (including district and regional agencies).

The Secretary of Agriculture would have special statutory responsibilities with reference to the new district planning program. He would be authorized to provide technical assistance, with or without reimbursement, in connection with the establishment of the districts and the carrying out of such planning. The Secretary of Housing and Urban Development would, in turn, be required to consult with the Secretary of Agriculture before approval of any district planning grants.

The grant authorization for section 701 would be increased by $20 million, which would be available only for district planning grants.

Conforming amendments would remove references to comprehensive planning as being for "urban" areas and needs.

Demonstration Projects for Planning Metropolitan or Regional Systems of Public Facilities and Services

Section 701(b) would be amended to make available, from section 701 appropriations, an additional $10 million for studies, research, and demonstration projects. This subsection now authorizes the Secretary to expend up to 5 percent of the section 701 appropriations for projects for the development and improvement of comprehensive planning techniques and methods and the advancement of the purposes of the section.

It is intended that this $10 million be used only for demonstration projects in planning entire systems of public facilities and services. While the portion of the metropolitan or regional area which must be served by the entire system planned may vary with the type of public facility or service involved (i.e. water, sewer, solid waste disposal, library, etc.), the particular system being planned should serve all or so substantial a portion of the metropolitan or regional area as is necessary to obtain the intended cost and quality benefits of broad systematic planning.

The use of such large-scale facilities and services (and the resulting increased availability of special equipment and techniques) makes possible very important savings both in their installation and operation. It has, therefore, been one of the objectives of comprehensive planning, as assisted under section 701, to encourage metropolitan and other areas to provide needed facilities and services in this fashion, either through an agency having areawide responsibilities or through effective areawide cooperative arrangements. Generally, however, the 701 program has not assisted in the detailed studies and investigations (including, for example, systems analysis, cost-benefit evaluations, and other preliminary planning and engineering studies) needed fully to define the feasibility, scope, character, cost and advantages of such systems. The proposed demonstration projects would provide valuable experience and further development in these new planning techniques and methods.

The assistance would be provided to agencies now eligible to receive planning grants under section 701 and would be limited to the same ⅔ (or ¾) grant ratio usually available under the section 701 program.

Comprehensive Planning Definition

The definition of comprehensive planning would be revised to make specific reference to planning for the provision of governmental services (as well as for public facilities) and for the development and utilization of human and natural resources.

Economic Development District Planning

The present authority for ¾ grants for planning in redevelopment areas would be brought up-to-date by providing such ¾ grants also for planning for, or within, economic development districts designated under the Public Works and Economic Development Act of 1965.

Indian Reservation Planning

The present authority for Indian reservation planning would be revised to permit such grants to be made directly to tribal planning councils or other tribal bodies in all cases. Such grants may now be made directly to a tribal body only where no State agency is "empowered" to provide such planning.

Sec. 210. International housing

This section would rewrite section 604 of the Housing Act of 1957 to clarify the authority of the Secretary to exchange data relating to housing and urban development with other countries, or assemble such data where such data would be beneficial in carrying out his responsibilities. This authority does not exclude or limit in any way the authority of other departments and agencies of the United States Government to exchange and assemble data and carry out all other activities of the same type and in the same manner as authorized by this section.

The section would also clarify the Department's authority to employ private persons to participate in the various intergovernmental or international meetings that the Department attends or sponsors. In addition, the section would provide express authority for the Department to accept funds or other donations from international organizations, foreign countries and private foundations in connection with activities carried on by the Department under Section 604 of the Housing Act of 1957, and which benefit such organizations. For example, a conference sponsored by the Department may involve administrative expenses which should properly be shared by those private foundations which participate in such activities. The intent of the amendment is not to provide for subsidizing of the Departmental activities, but to facilitate proper cost sharing.

Sec. 211. Extension of urban fellowships program

This section would extend for three years the authority of Congress to make an annual appropriation up to $500,000 for urban studies fellowships. Existing law authorizes an annual appropriation during a 3-year period which expires June 30, 1967.

The continuation of the urban studies fellowships program will help alleviate a national shortage of professional personnel trained in city planning, urban renewal, housing, transportation and related fields. The demand for such skills will continue to become more acute during the next decade. An increase in fellowships for urban studies will remove the financial obstacle which has prevented a substantial number of qualified persons from securing training relevant to the problems of urban development.

Sec. 212. Extension of emergency provisions of urban mass transportation programs

This section would extend the expiration data of the emergency program of assistance to urban mass transportation from July 1, 1967, to July 1, 1969.

Under the emergency program, grants can be made to States and local public bodies and agencies for the acquisition, construction, and improvement of mass transportation facilities and equipment even though the planning requirements of the long range program have not been fully met, if there is an urgent need for the facilities and equipment. The program for the development of a coordinated mass transportation system must be under active preparation. The Federal grant under the emergency program is for one-half rather than two-thirds of net project cost. If a project meets the full planning requirements within three years from the time of an emergency grant, the project qualifies for a additional grant equal to the difference between a two-thirds grant and a one-half grant—i.e., an additional grant of one-sixth of net project cost.

Only a few of the major metropolitan areas now meet, or can be expected to meet by June 30, 1967, the full planning requirements of the law. Unless the emergency program is continued most major metropolitan areas would be excluded from receiving mass transit assistance for an indefinite period. The work involved in meeting the planning requirements is complex and time-consuming. It is further complicated by the national shortage of experienced and trained planning personnel.

Sec. 213. Extension of time for filing report

This section would extend until December 31, 1968, the time for filing the report required by section 301(b) of the Housing and Urban Development Act of 1965.

Section 301(a) of the Housing and Urban Development Act of 1965 authorizes a study by the Housing and Home Finance Administrator (now the Secretary of Housing and Urban Development) of housing and building codes, zoning, tax policies, and development standards. Section 301(b) provides for a report based on this study to be submitted to the President and the Congress within 18 months after the date of appropriations of funds for the study. The work which the Department has conducted since September 1966 (when funds were first appropriated for the study) indicates the need for additional time if the report on the complex problems being studied is to have the depth which these important matters merit.

Sec. 214. Technical amendments

This section contains 6 technical amendments.

Subsection (a) of this section would repeal the existing prohibition on FNMA purchase of mortgages executed before 1954.

Subsection (b) of this section would make clear that urban renewal project funds can be used for "the restoration of acquired properties of historic or architectural value." Section 601(c) of the Demonstration Cities and Metropolitan Development Act of 1966 authorized such activities. However, through inadvertence, it failed clearly to exempt these activities from the general instruction against the use of urban renewal project funds for "the construction or improvement of any building." This subsection would correct the oversight.

Subsection (c) of this section would amend language in the Housing Act of 1948 (12 U.S.C. 1701(e)) which provides that the Secretary of Housing and Urban Development must require, in all contracts for technical research and studies, that any patents, copyrights, or other "results" of the research or studies assisted shall be made available to the public without charge or restriction.

The proposed new language would give the

Secretary flexibility in such situations by authorizing him to impose this requirement only to the extent feasible. Where the contractual requirement is not feasible, the Secretary would be controlled by the Presidential memorandum on Government Patent Policy which establishes flexible guidelines for such matters where there is no controlling statutory requirement.

Subsection (d) of this section would permit amortization of the mortgage term under the Medical Group Practice Facilities Program to commence after completion of construction of the facility, rather than at the time the mortgage is executed. This change will make the amortization procedures in the group practice facility program consistent with those of the FHA multifamily housing programs. Under present requirements, the mortgage term begins on the date the mortgage is executed which usually has the result of reducing the scheduled period of amortization authorized by the statute by the length of time required to construct the facility.

Subsection (e) of this section would clarify the authority of the Secretary to invest all moneys, not currently needed for the operation of the Cooperative Management Housing Insurance Fund, in government bonds or obligations, or in the purchase on the open market of debentures which are the obligation of the Fund. The amendment will confirm the fact that this investment policy, which is explicitly included in the provisions governing all of the other FHA insurance funds, was intended to be applicable to the Cooperative Management Housing Insurance Fund.

Subsection (f) of this section would permit an individual, who is approved by the Secretary, to be a mortgagor under the FHA section 810 housing program for military personnel or employees or personnel of NASA or AEC research or development installations. Under present law, a mortgagor under the FHA section 810 program must be a private corporation, association, cooperative society or trust. There is no purpose served by precluding qualified individuals from becoming mortgagors under the 810 program. At present there are sole owners of corporate entities which are mortgagors under the 810 program who are denied the opportunity of carrying on their activities in their individual capacity.

ORDERLY MARKETING ACT OF 1967

Mr. MUSKIE. Mr. President, on behalf of myself and Senators BARTLETT, BAYH, COTTON, EASTLAND, ERVIN, DODD, GRUENING, INOUYE, KENNEDY of Massachusetts, LONG of Missouri, MCGEE, MCINTYRE, MORSE, MOSS, NELSON, PELL, SCOTT, TALMADGE, THURMOND, and TOWER, I introduce, for appropriate reference, a bill to provide for the orderly marketing of articles imported into the United States, to establish a flexible basis for the adjustment by the U.S. economy to expanded trade, and to afford foreign supplying nations a fair share in the growth and change in the U.S. market.

Mr. President, the proposed Orderly Marketing Act of 1967 is identical to S. 2022 of the 89th Congress. It is not a rigid protectionist measure, nor would it impose an inflexible quota system. Instead, it is designed to give those American industries which have been hard hit by a massive flood of low-cost foreign imports time to readjust to changing conditions of world trade.

In a number of industries, notably the textile, shoe, and wood products industries, the complex problems of high labor input, narrow profit margins, and limited capital resources have helped low-wage foreign competition to gain major inroads on the domestic market.

This situation has threatened the existence of these domestic manufacturers, particularly the smaller ones, and their workers. High tariffs do not offer meaningful or desirable relief for them. Rigid quota systems would undermine our efforts to increase the general level of international trade.

We recognize the need for expanded world trade. But we do not think it makes sense for our workers or industrialists or, in the long run, for industrialists and workers in other countries to depend on erratic, unstable trade developments as a vehicle for economic growth. In our domestic markets we use a number of devices, including minimum wage-and-hour laws, for example, to insure fair competition. We cannot apply similar requirements on foreign countries.

The orderly market concept allows us to bring balance to our trade policy. Very simply, this bill would require, under certain specific conditions, the Secretary of Commerce to determine whether increased quantities of imports are a factor contributing to a condition of economic impairment of a domestic industry. If the Secretary finds that such impairment does exist, then the President would be able to impose import limitations geared to total sales in the domestic market, subject to review after 3 years. This concept would allow us to overcome unfair competition, through international agreements or through unilateral—but flexible—quotas. And it would allow foreign competitors to share in the growth of our economy. It is, in my opinion, a reasonable approach to a difficult and thorny problem.

Mr. President, I ask unanimous consent that the text of the bill, and a section-by-section analysis of it be reprinted in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 1446) to provide for the orderly marketing of articles imported into the United States, to establish a flexible basis for the adjustment by the U.S. economy to expanded trade, and to afford foreign supplying nations a fair share of the growth or change in the U.S. market, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and orderd to be printed in the RECORD, as follows:

S. 1446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Orderly Marketing Act of 1967".

SEC. 2. PURPOSES.—The purposes of this Act are to provide for the orderly marketing of articles imported into the United States, to establish a flexible basis for the adjustment by the United States economy to expanded trade, and to afford foreign supplying nations a fair share of the growth or change in the United States market.

SEC. 3. DEFINITIONS.—As used in this Act—

(a) "Domestic Industry" shall include all establishments located in the United States in which any article or articles like or directly competitive with the imported article or articles specified in a petition or request under subsection (a) or subsection (b) of section 4 are produced. If an enterprise has several establishments in some of which such articles are not produced, the industry would include only establishments in which the article is produced for purposes of analyzing impairment for purposes of subsection (c) of section 4;

(b) "Like or Directly Competitive Articles" shall mean those articles or closely related groups of articles on which the article or articles specified in a petition or request under subsection (a) or subsection (b) of section 4 have a combined competitive impact;

(c) An imported article is "directly competitive with" a domestic article at an earlier or later stage of processing, and a domestic article is "directly competitive with" an imported article at an earlier or later stage of processing, if the importation of the imported article has an economic effect on producers of the domestic article comparable to the effect of importation of articles in the same stage of processing as the domestic article. For purposes of this paragraph the unprocessed article is at an earlier stage of processing;

(d) "Secretary" refers to the Secretary of Commerce.

SEC. 4. (a) A petition for orderly marketing may be filed with the Secretary by a trade association, firm, certified or recognized union, or other representative of an industry.

(b) Upon the request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, or upon the filing of a petition under subsection (a), the Secretary shall promptly make an investigation to determine whether articles or groups of articles specified in the petition or request are being imported into the United States in such increased quantities as to be a factor contributing to a condition of economic impairment of the domestic industry producing such article and like or directly competitive articles.

(c) In making a determination whether there is a condition of economic impairment in the industry, the Secretary shall take into account all economic factors which he considers relevant, including idling of productive facilities, inability to operate at a reasonable profit or declining profit-ability, and unemployment, underemployment, or a decline in employment relative to production.

(d) In any event, the Secretary shall make an affirmative determination under subsection (c) and shall find that the articles or groups of articles are being imported in such increased quantities as to be a factor contributing to a condition of economic impairment to the industry, if during the five calendar years immediately preceding the year in which the petition or request is filed the ratio of imports of the article or group of articles to the domestic production of such articles or like or directly competitive articles has increased by 50 per centum or more in the aggregate and during the calendar year immediately preceding the year in which the petition or request is filed the ratio of such imports to such domestic production was at least 15 per centum.

(e) If the Secretary finds that such articles or groups of articles are being imported into the United States in such increased quantities as to be a factor contributing to economic impairment of a domestic industry he shall forthwith inform the President of his finding and his determination under subsection (c).

(f) If the Secretary would have made the finding specified in subsection (e) but for the fact that the ratio of such imports to such domestic production was more than 10 per centum but less than 15 per centum in the year in which the petition or request is filed he shall also forthwith inform the President of his finding.

Sec. 5. Upon being informed by the Secretary of a finding pursuant to section 4(e), the President shall by proclamation limit the importation of such articles or groups of articles to which such finding applies for each calendar year succeeding such proclamation to the larger of—

(i) That quantity which equals 15 per centum of domestic production of such articles and like or directly competitive articles for each preceding calendar year, or

(ii) That quantity which equals average annual imports of such articles or groups of articles for the five calendar years immediately preceding the calendar year in which such proclamation is made: *Provided, however,* That, with respect to a limitation imposed under paragraph (ii), such quantity shall be increased or decreased for each succeeding calendar year by the same percentage that such domestic production in the preceding calendar year increased or decreased in comparison with such average annual domestic production in the second and third immediately preceding calendar years: *And provided further,* That, with respect to a limitation imposed under either paragraph (i) or (ii), in the event of such an increase in domestic production there shall be permitted to enter an increase in quantity equal to 1 per centum of such domestic production for such immediately preceding calendar year.

Sec. 6. (a) After being informed by the Secretary of his findings under section 4(e), the President may, in lieu of exercising the authority contained in section 5, negotiate international agreements with foreign countries limiting the export from such countries and the import into the United States of the articles or groups of articles involved whenever he determines that such action would be more appropriate to prevent or remedy economic impairment than action under section 5.

(b) In order to carry out an agreement concluded under subsection (a), the President is authorized to issue regulations governing the entry or withdrawal from warehouse of the articles or groups of articles covered by such agreement. In addition, in order to carry out a multilateral agreement concluded under subsection (a) among countries accounting for a significant part of world trade in the article covered by such agreement, the President is also authorized to issue regulations governing the entry or withdrawal from warehouse of the like article which is the product of countries not parties to such agreement.

Sec. 7. The Secretary shall allocate the total quantity proclaimed under section 5, and any increase in such quantity pursuant thereto, among supplying countries on the basis of the shares such countries supplied to the United States market during a representative period of the articles or groups of articles to which such proclamation applies, except that due account may be given to special factors which have affected or may affect the trade in such articles. The Secretary shall certify such allocations to the Secretary of the Treasury.

Sec. 8. In addition to proclaiming import limitations as to the articles or group of articles like or directly competitive with those of domestic industry under this Act, the President may provide with respect to the firms of such industry that they may request the Secretary for certifications of eligibility to apply for adjustment assistance and may provide with respect to the workers of such industry that they may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under title III of the Trade Expansion Act of 1962, Public Law Numbered 794, Eighty-seventh Congress. Further proceedings and relief and the criteria pertaining thereto shall be the same as under title III of the Trade Expansion Act.

Sec. 9. If the Secretary informs the President of findings under section 4(f) the President may, in his discretion, take any action or any combination of actions specified in section 5, section 6 and section 8 with respect to the articles or groups of articles to which such findings apply.

Sec. 10. (a) Any proclamation made and any adjustment assistance granted pursuant to this Act shall be reviewable by the President after the third calendar year of their effect and prior to the commencement of each calendar year thereafter during which such proclamation or adjustment assistance remains in effect. In his discretion the President may upon such review terminate such proclamation or adjustment assistance if he finds it no longer necessary, appropriate or effective to accomplish the purposes of this Act. No proclamation or adjustment assistance shall remain in effect for a period longer than ten calendar years.

Sec. 11. Nothing contained in this Act shall affect in any way any quantitative import limitation heretofore or hereafter proclaimed or imposed pursuant to any Act of Congress authorizing such proclamation or imposition including but not limited to—

(a) section 22 of the Agricultural Adjustment Act,

(b) section 204 of the Agricultural Act of 1956,

(c) section 232, 351, or 352 of the Trade Expansion Act of 1962,

(d) section 2(b) of the Act entitled "An Act to extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended", approved July 1, 1954 (19 U.S.C., sec. 1352a),

(e) section 7 of the Trade Agreements Extension Act of 1951,

(f) Public Law Numbered 481 of the Eighty-eighth Congress (78 Stat. 593).

(g) The Sugar Act of 1948, as amended.

The section-by-section analysis presented by Mr. Muskie is as follows:

Analysis of Orderly Marketing Act

Section 1: Entitles the bill the "Orderly Marketing Act of 1967."

Section 2: States that the purpose of the bill is to provide for an orderly, but flexible, procedure for the marketing of imported articles. Due concern is expressed for foreign interests.

Section 3: Defines phrases used elsewhere in the bill. "Domestic Industry" includes all establishments located in the United States which produce articles which are "like or directly competitive with" imported articles specified in petitions for relief. Where only a portion of an enterprise's establishments produce the article(s) in question, only the establishments which compromise that portion will be termed "industry" for impairment analysis. Whether articles are "like or directly competitive" will presumably be determined by analysis of such general economic concepts as interchangeability and cross-elasticity of demand.

Section 4: Outlines the procedure for filing petitions for relief under the Orderly Marketing Act. It provides the President, Congress and private parties with the authority to initiate investigations by the Secretary of Commerce. The investigation is to determine whether the imports are a factor contributing to a condition of "economic impairment" in the relevant domestic industry. Among the standards examined to determine the existence of a condition of economic impairment would be idleness of productive facilities, profit trends, and levels of employment. The imported articles will be conclusively deemed to be a factor contributing to a condition of economic impairment whenever:

(1) The ratio of imports to domestic production has increased by 50 per cent or more in the aggregate during the five calendar years immediately preceding the filing of the petition; *and*

(2) Imports for the immediately preceding calendar year equaled or exceeded 15 per cent of domestic production for that year.

The Secretary of Commerce must inform the President of his findings if he makes either an affirmative finding of economic impairment or if he would have done so but for the fact that the ratio if imports to domestic production was more than 10 per cent but less than 15 per cent in the year before the petition was filed.

Section 5: Provides for the mandatory imposition of orderly marketing limitations in the event of an affirmative finding by the Secretary. It authorizes a Presidential proclamation which would establish annual quotas based upon the larger of either (1) 15 per cent of domestic production for each preceding calendar year, or (2) the average of the annual imports for each of the five immediately preceding calendar years. A quota level adopted under the second alternative would be annually adjusted to reflect changes in the level of domestic production in the preceding year as compared with the average of the second and third preceding years. Also, where domestic production in the preceding calendar year has increased, a quota level adopted under either of the alternatives would be adjusted upward to the extent of 1 per cent of such domestic production.

Section 6: Authorizes the President to negotiate international import agreements as an alternative to imposing quotas.

Section 7: Creates a mechanism for allocation of U.S. import quotas among the supplying countries. The allocation would be based upon historic practice, subject to consideration of pertinent special factors which have affected or many affect the trade in such articles.

Section 8: Authorizes the President to provide additional relief to injured firms and workers through adjustment assistance under the Trade Expansion Act of 1962.

Section 9: Authorizes the President in his discretion to take any of the substantive actions specified in the bill upon notification by the Secretary that an industry is otherwise qualified for relief but for the fact that imports are more than 10 per cent but less than 15 per cent of the domestic production.

Section 10: Provides for a re-evaluation by the President three years after relief had first been granted. The President has discretionary authority to terminate relief at this time; in no case may a proclamation or adjustment assistance remain in effect for a period of longer than ten years.

Section 11: Insures that the bill will not disturb quotas established pursuant to other federal laws.

PROGRAM FOR DAIRY FARMERS

Mr. McCARTHY. Mr. President, in behalf of Senator Mondale and myself, I introduce, for appropriate reference, a bill to provide a program for dairy farmers under which production payments shall be made to such farmers who voluntarily adjust their marketings of milk and butterfat.

For many years several of us have warned in the Senate, that the dairy industry was heading for disaster unless the dairy program was improved. Since 1959 I have introduced a number of bills designed to bring stability to the dairy industry and to raise the income of dairy farmers. I have proposed that direct production payments be made to dairy farmers, a program which would give the Secretary of Agriculture greater flexibility in meeting the unique problems of the dairy industry.

The bill I am introducing today is similar to S. 3427, which I introduced in the 89th Congress. It would authorize a permanent program under which the Secretary of Agriculture could make direct production payments of up to $1 per hundred pounds for milk used for manufacturing purposes. Dairy farmers would be eligible for payments if they they cooperate in this voluntary program and agreed to increase, maintain, or reduce their marketings according to the supply situation and the long term needs of the dairy industry, as determined by the Secretary.

Under the bill the marketing base for each dairy farmer entering the program would be his sales for the 1965–66 marketing year. Payments would be made to dairy farmers where production is used principally for manufactured dairy products. Payments could also be made to producers selling in Federal market orders for adjustments they make on that quantity of their marketings used to produce manufactured dairy products.

The action in recent days of dairy farmers dumping milk on the ground dramatizes two conditions which have existed for many years: the inadequate price which dairy farmers receive for milk and the deficiencies of supply control in the dairy program.

If we had provided an adequate adjustment to the dairy program in 1962 or 1963 or even later, we would not have the present crisis. We have had votes in the Senate on the direct production payment proposals I have made, and I regret that in the past we have been unable to get sufficient support for the program in Congress I regret also that we did not have sufficient support from the executive branch.

There is now greater awareness of the seriousness of the condition of dairy farmers both in government and by the people of the Nation. I believe we should act as soon as possible to give dairy farmers the assurance that they need and deserve that they will receive a better return for their work and investment.

We cannot any longer expect dairy farmers to provide milk and dairy products under the same discouraging prospects of low returns. If we do not make a substantial improvement in conditions, the traditional dairy enterprise of the Nation will disappear. Such a development would be disastrous. The dairy industry would become highly unstable. The consumers, for whom milk and dairy products are a basic food, would be subject to periodic inadequate supplies and to much higher prices.

Mr. President, we are faced with a problem which affects the basic farm structure of the Nation. Dairying is one of the most important farm activities. It involves the principal source of income, or at least an important source, for several hundred thousand farmers For the years 1960 through 1966 the cash receipts from dairying represented between 13 and 14 percent of all farm cash receipts. The value of milk and cream marketed in 1960 was $4.7 billion and it was $5.6 in 1966.

Dairying is important across the Nation. In 1964 dairying was the leading single source of farm income in 14 States. It was second as a source in seven States and ranked third in seven more States.

The volume of milk produced has averaged over 120 billion pounds annually since 1960, reaching a high of nearly 127 billion pounds in 1964.

Dairying is important not only to the farm structure of the Nation but milk and dairy products represent a basic food in the diet of the American people. It is estimated that in 1964 about 16 percent of the total consumers' expenditures for food was spent on milk and dairy products. Of course, dairy farmers received much less than half of the consumers' expenditures. For example, the farm value of dairy products in 1963 was $5.1 billion. After processing, the value of dairy products shipped was $11.2 billion, while consumers spent $13.5 billion for dairy products.

The causes of unrest among dairy farmers are deep rooted and of long standing, and it will require a significant adjustment and new procedures to solve them.

The most serious problems are in the dairy regions where production is used largely for manufacturing purposes, but all dairymen have suffered from inadequate returns. Many thousands of dairy farmers have been forced out of dairying in the past few years. Others have given up in discouragement and turned to other activities where they can earn more. The number of farms reporting sales of milk and cream was slightly over 1 million in 1959. The number had dropped by more than 300,000 at the end of 1964. The March issue of the Department of Agriculture's publication, Dairy Situation, contains an estimate that the number is now closer to a half million farms. Milk production dropped from 124 billion pounds in 1965 to 120.2 billion pounds in 1966. The number of cows and heifers 2 years old and over kept for milking declined from 16,981,000 in 1965 to 15,987,000 in 1966. In the past year shortages have been in prospect. Dairying has become highly unstable and the future remains very uncertain.

Since 1961 the Congress has enacted legislation to provide major adjustments and improvements in the wheat, cotton, feed grains and other commodity programs. There has been no significant adjustment or updating of the dairy program despite the need and the clear signs of distress. I believe that we should take action in this session of Congress and improve the dairy program.

There are a number of reasons why dairy problems differ from those of other commodities and why a somewhat different program is required.

Any program of supply adjustment in dairying must be on a long-range basis. Increases of supplies of wheat, cotton, tobacco, feed grains, and similar crops can be secured in a single crop year. Adjustments for hogs, broilers, turkeys, eggs, and several other commodities can be made in less than a year. The dairyman begins his investment nearly 3 years before a cow comes into production and there are additional years before the cow reaches full production. The seasonal variations in milk production are significant. The index of monthly variation in milk production for the years 1961–65 ranged in the Nation from an average annual high of 12.3 billion pounds in May to a low of 9.2 billion pounds in November. In Minnesota the average range of annual production for 1961–65 was from a May high of 1.1 billion pounds to an August low of 670 million pounds. The need to maintain adequate supplies in months of low production tends to produce surpluses in months of high production. Since milk for fluid use cannot be preserved except by processing it in the form of dairy products, the surpluses resulting have an effect on the market for milk produced principally for manufacturing use.

Another problem related to dairy income is the complex system of marketing and pricing milk. I will not attempt at this time to review the intricate system of marketing except to note the dairy farmers receive widely varying returns under it.

Milk produced for fluid use makes up about one-half of the annual production. Most of this is marketed through one of the 73 separate milk marketing areas. In 1966 about 146,000 dairy farmers delivered over 53 billion pounds of milk to one of the approximately 1,700 regulated milk handlers in these market order areas. That portion of the milk used for fluid purposes has a minimum price, set by the Secretary of Agriculture after public hearings and taking into account a number of factors. The prices dairy farmers received in 1966 ranged from $4.26 per hundred under the Madison, Wis., marketing order to $6.93 per hundred in southeastern Florida. About one-third of the milk produced for fluid use was "surplus" and was utilized for manufacturing purposes, but this milk has a different pricing system, ranging in 1966 from $3.40 to $3.95 per hundred pounds.

Milk produced for manufacturing purposes and not marketed under a market order has no minimum price level, except the general provision of the law which permits price supports at 75 to 90 percent of parity. From 1962 until last year the supply situation was such that the support price for manufacturing milk remained at the legal minimum of 75 percent of parity.

The dairy program needs revision to take account of the special conditions under which milk is produced and marketed. A program permitting direct production payments would give the Secretary of Agriculture the flexibility that is required to maintain dairy income and to provide adequate supplies, based on the long range needs and trends.

If it is possible for dairy farmers to secure a fair return without new legislation, everyone would be satisfied. But the situation is too serious to wait 6 months or another year to see how things are going. We know how things are going. Dairy farmers have waited too many years already. They cannot afford another round of waiting.

I believe it is in the national interest to enact new legislation as soon as possible to increase the income of dairy farmers substantially. I urge the Commitee on Agriculture to hold hearings on the bill we are introducing today and I have urged Secretary Freeman to give the bill his strong support.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1451) to provide a program for dairy farmers under which production adjustment payment shall be made to such farmers who voluntarily adjust their marketings of milk and butterfat, introduced by Mr. McCarthy, for himself and Mr. Mondale, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

AMENDMENT OF DISTRICT OF COLUMBIA MINIMUM-WAGE LAW

Mr. MORSE. Mr. President, I introduce, for appropriate reference, a bill to amend the District of Columbia Minimum Wage Act to allow hospitals and their employees in the District of Columbia the same option in computing overtime as provided for under the Fair Labor Standards Act.

While a minimum wage law has been operative in the District of Columbia since 1918, hospitals and their employees did not become covered under the minimum wage provision until February 1, 1967. They will become covered on April 15, 1967, under the overtime provision, which provides that an employee be paid one and one-half his regular rate for employment in excess of 42 hours—to be reduced to 40 hours—in a workweek. I am advised that this overtime requirement creates a considerable problem for District of Columbia hospitals. Because of scheduling problems and the requirement of hospitals to be open 24 hours a day every day in the year, most hospitals in the District of Columbia are operated on the basis of a 14-day work period. Congress recognized this problem and the peculiar nature of hospital operations when it enacted the 1966 amendments to the Fair Labor Standards Act, and provided that hospitals and their employees have the option of electing either a 7-day or a 14-day work period for computing overtime.

The provisions of the District of Columbia Minimum Wage Act does not allow, however, the use of a 14-day work period. The proposed legislation would harmonize the coverage of the District of Columbia Act with the Fair Labor Standards Act. The bill which I have just introduced would provide the availability of the same two options for District of Columbia hospitals and their employees which they presently enjoy and would make the operations of these hospitals compatible with those elsewhere in the country.

The employees that would be directly helped by this amendment are those in nonexecutive, nonadministrative, and nonprofessional positions who are essential in providing 24-hour a day patient care and service. They are the admitting clerks, medical record clerks, dietary aids, housekeeping aids, laundry workers, nursing aids and orderlies, X-ray technicians, laboratory technicians, operating room technicians, and others who work evenings, nights, and weekends to provide the needed assistance in caring for the sicknesses and illnesses of patients who do not follow a 9-to-5, Monday-through-Friday schedule.

This legislation would provide these workers and the hospitals with an 80-hour, 14-day work period option which would allow scheduling flexibility advantages to them. The option would allow the coupling of a long work week of up to 7 days with a short workweek of as few as 3 days. The flexibility of scheduling would allow periods of rest of 2, 3, or 4 days between workweeks. The use of the option would also permit scheduling more frequent time off on weekends.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1452) to amend the District of Columbia minimum-wage law, introduced by Mr. Morse, was received, read twice by its title, and referred to the Committee on the District of Columbia.

WOOD PRODUCTS LABELING

Mr. HARTKE. Mr. President, I offer today a bill to protect consumers and others against misbranding, false invoicing, and false advertising of decorative wood and simulated wood products.

This is substantially the same as the bill which I first introduced on this question in the 88th Congress as S. 1249. The need for such a measure arises from the development in recent years of means to produce products which to many untrained eyes cannot be distinguished readily from genuine natural wood. The bill does not condemn the practice itself, and I think we can all agree that many products which appear to be wood but are not enhance the range of materials which are useful for various purposes.

But there is deception and false practice involved whenever simulated wood, of whatever it is constructed, not only gives the appearance of the genuine article but is misrepresented to be wood. We now have in the Commerce Committee a most useful Consumer Subcommittee. If this bill should come before us there, I believe it would be an appropriate addition to the consumer safeguards which are properly its concern.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1453) to protect consumers and others against misbranding, false invoicing, and false advertising of decorative wood and simulated wood products, introduced by Mr. Hartke (for himself and Mr. Bayh), was received, read twice by its title, and referred to the Committee on Commerce.

ISSUANCE OF A GOLD MEDAL TO MARTHA RAYE

Mr. TOWER. Mr. President, a most courageous and dedicated American lady has just returned to this country after many months of discomfiture and personal inconvenience in this Nation's service.

I refer to Miss Martha Raye.

Her recently completed tour in Vietnam, entertaining American troops there at risk to her own life at times, has been of inestimable value to our war effort, to the morale of our troops. During my visits to Vietnam, I learned first hand of her performnace for our troops, and their apprecitaion of her.

She has traveled throughout the country. Many entertainers go over there, but not as many are willing to go into the "frontier areas" beyond the main cities, where living is more primitive. Miss Raye does not hesitate to go wherever our boys are risking their lives—and they all love her.

The Marine Corps, the Green Berets, and many of the other units over there have made her an honorary officer or member of their organizations to show their appreciation.

She is an entertainment veteran of World War II and Korea, and she expects to return to Vietnam in October.

Her service to her country is worthy of national recognition. She refuses to publicize this service here in the United States.

In recognition of that service, I urge the Senate to take action to authorize the issuance of a gold medal to Martha Raye.

To this end, I introduce a joint resolution for the striking of an appropriate medal and for a presentation thereof by the President of the United States.

I ask that the joint resolution be printed at this point in the Record, immediately following the text of an article from the Evening Star about Martha Raye's service abroad.

The PRESIDING OFFICER. The joint resolution will be received and appropriate referred; and, without objection, the joint resolution and article will be printed in the Record.

The joint resolution (S.J. Res. 62) authorizing the issuance of a gold medal to Martha Raye introduced by Mr. Tower, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S.J. Res. 62

Whereas Martha Raye is internationally famous as an entertainer, who has given unstintingly of her time, talent, and energy to humanitarian causes; and

Whereas Martha Raye has recently completed fourteen months of tours in Vietnam performing for United States servicemen, as she did during World War II and the Korean conflict; and

Whereas Martha Raye has announced her plans to return to Vietnam in October of this year, when she will once again face discomfort and personal danger in order to bring some moments of joy and humor to members of our Armed Forces: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to present in the name of the people of the United States a gold medal of appropriate design to Martha Raye in recognition of her aforesaid services to her country. For such purpose, the Secretary of the Treasury is authorized and directed to cause such a medal to be struck and furnished to the President. There is hereby authorized to be appropriated the sum of $2,500 to carry out the purposes of this section.

SEC. 2. The Secretary of the Treasury shall cause duplicates in bronze of such medal to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor) and the appropriations used for carrying out the provisions of this section shall be reimbursed out of the proceeds of such sale.

The article presented by Mr. TOWER is as follows:

[From the Washington Evening Star, Mar. 15, 1967]

SHE'S VETERAN OF VIETNAM

(By Gay Pauley)

NEW YORK.—To those who question why the United States is in Vietnam, Martha Raye says, "Just send them over there for 24 hours. Then they'll know."

Miss Raye has completed 14 months there entertaining U.S. military forces and knows the sounds of sniper's bullets, the sudden attack of Viet Cong forces, the quick dives into bunkers.

LIKE CANCER

"What's going on there is like cancer," she said of the Communist drive to take over all of that small southeast Asian country. "If we don't stop the spread there, it will be right in our homes here."

"Our men know what they're fighting for," she said. "Their morale is high. They don't want to come home until it's finished. Their families back here know why they're there."

Miss Raye, who returned to Broadway for the first time since the start of World War II, speaks only with disgust of the draft card burners and the demonstrators against U.S. participation in the Vietnam war.

BUNCH OF KOOKS

"The demonstrations used to bother the men," she said, "but not anymore. The soldiers realize these (demonstrators) are a bunch of illiterate kooks, scared to go over."

"But everyone's scared," she added. "Nobody wants a war. There are no boys over there . . . only men. Young maybe, but it's like instant maturity."

It is a grim observation on our generation's failure to win peace when you consider that this is Miss Raye's third war . . . nearly a quarter of a century in which performing for the military has become a second career.

Now, she has changed roles, to become the newest Dolly in David Merrick's Broadway musical hit, "Hello, Dolly." It is Miss Raye's first time back on the Big Stem since 1942 when she was in "Hold On to Your Hats" with Al Jolson and Ruby Keeler.

Only a few evenings after she'd opened in Dolly, we sat in her dressing room talking about her unpublicized tours in Vietnam. As we walked out, a well-dressed man standing at the stage door walked up and with some hesitation said, "Miss Raye, do you remember me? I was with your show in North Africa."

HER FAMILY

She recognized him immediately. "Why you're ——— ———, the ventriloquist in the show."

Now, he was an advertising executive. Miss Raye since then had been in Europe, *then Korea, now Vietnam to which she will* return in October.

"They're my family," she said of the forces in Southeast Asia.

Miss Raye and her guitar-accompanist, Mike Bryan, have traversed the whole of South Vietnam, even performed aboard ships *of the Seventh Fleet.*

She's played for as few as two U.S. soldiers, for as many as 9,000. "There's plenty of entertainment going over," she said, "but a lot of it never gets out into the boondocks."

She told of putting on shows during the monsoon "when mud is knee deep. But the boys will sit there. I tell them, 'I'll wait until the rain lets up.' They'll say, "No, go ahead, Maggie.'" Maggie O'Reed is Miss Raye's real name.

WOMAN OF RANK

Martha Raye was the first enterainer to go on patrol with the famed Green Berets, the special forces unit of the Army, and is the only person outside this elite corps permitted to wear its symbol. She hold the rank of a lieutenant colonel with them.

She is an honorary full colonel in the Marines. She's also been made honorary member of several fighting units, and the Veterans of Foreign Wars (VFW) named her its "woman of the year."

Miss Raye's dressing room after the Dolly opening was filled with flowers and messages from her "family," including Gen. William C. Westmoreland.

Why, when she does not have to, does she forsake the luxury of her entertainment rank stateside to face discomfort and danger with the men in Vietnam?

"I am an American," she answers. "I do like my country. There are others over there who feel the same way. I could not possibly give, in turn, all that those boys have given me."

PROGRAM FOR THE CARE AND TRANSPORTATION OF WOUNDED VIETNAMESE CHILDREN

Mr. WILLIAMS of New Jersey. Mr. President—

> In the children's ward of the Qui Nhon provincial hospital I saw for the first time what napalm does. A child of 7, the size of our 4-year olds, lay in the cot by the door. Napalm had burned his face and back and one hand. The burned skin looked like swollen, raw meat; the fingers of his hand were stretched out, burned rigid. A scrap of cheesecloth covered him, for weight is intolerable, but so is air. His grandfather, an emaciated old man half blind with cataract, was tending the child. A week ago napalm bombs were dropped on their hamlet. The old man carried his grandson to the nearest town. Destitute, homeless, sick with weariness and despair, he watched every move of the small racked body of his grandson.—Ladies' Home Journal, January 1967.

> I have been an orthopedic surgeon for a good number of years. . . . But nothing could have prepared me for my encounters with Vietnamese women and children burned by napalm. It was sickening, even for a physician, to see and smell the blackened flesh. One continues for days afterward getting sick when he looks at a piece of meat on his plate because the odor of burned flesh lingers so long in memory. And one never forgets the bewildered eyes of the silent, suffering napalm-burned child.—Richard E. Perry, M.D., in Redbook, Jan. 1967.

These two quotes did not appear in some far-out magazine. Rather, they appeared, as indicated, in two highly respected women's publications: the Ladies' Home Journal and Redbook. *Any time there is a war, Mr. President,* one expects a certain number of participants to be wounded or killed. Unfortunately, this is the inevitable consequence of such concentrated violence.

However, it rarely occurs to most people *that another inevitable consequence* is the wounding, maiming, and killing of innocent victims, such as the children mentioned in the above quotations. These children did not choose to be participants in this conflict; they are, for the most part, too young even to understand what it is all about. And yet, most of them have never known a world without such destruction.

I believe that we have a responsibility to these children—a responsibility to see that they get adequate medical treatment and attention, and to show them, insofar as possible, that there is a world in which people are engaged in doing things other than destroying each other. As it is written in the eighth chapter of Psalms, verse 2:

> Out of the mouths of babes and sucklings hast thou ordained strength because of thine enemies, that thou mightest still the enemy and the avenger.

Fortunately, Mr. President, an organization has been formed known as the "Committee of Responsibility to Save War-Burned and War-Injured Vietnamese Children." This committee, composed of some 100 leading physicians, clergymen, scientists, and others, has as its purpose the treatment and rehabilitation of these children who cannot be adequately cared for in Vietnam through the use of available facilities and services in the United States. The honorary chairmen are: Rev. John C. Bennett, of Union Theological Seminary; Prof. Bentley Glass; Methodist Bishop John Wesley Lord; Episcopalian Suffragan Bishop of Washington, Right Rev. Paul Moore, Jr.; Dr. Albert Sabin, Dr. Benjamin Spock, Mrs. Philip Stern, and Dr. Helen Brooke Taussig. It is a voluntary, nonprofit organization which has enlisted the aid of physicians, particularly plastic and general surgeons, and other medical personnel, secured hospital beds and obtained community and family support for temporary home care. It has enlisted the aid of voluntary agencies in this country, obtained consent for the entry and exit of Vietnamese children and appealed directly to the American people for funds and support.

One is reluctant to take a child from familiar surroundings, his family and friends, for medical treatment. If facilities and medical personnel were adequate in Vietnam, these children could best be treated on their own soil. However, such facilities and medical personnel are very, very inadequate in Vietnam. In South Vietnam approximately 100 hospitals provide approximately 25,000 beds to serve the ever-growing needs of the civilian population. Bed occupancy by two or three patients is not uncommon. It is reported that there are only about 250 Vietnamese doctors to treat all the civilians in South Vietnam. Supplies and equipment are usually absent; sanitation and ventilation are primitive and frequently nonexistent. There are approximately one doctor and nine nurses *to care for every 100,000 people.*

The Swiss humanitarian organization, "Terre Des Hommes," reported in the spring of 1966 that:

> Hospitals . . . show the frightening spectacle of an immense distress: To the extent that *one finds children burned from head to foot who are treated only with vaseline,* because of lack of ointment for burns, cotton, gauze and personnel. In places with the atmosphere of slaughter houses for people where flies circulate freely on children who have been skinned alive, there are no fa-

cilities for hygiene, no fans, and no air conditioning.

My able colleague, Senator George McGovern stated on January 20, 1966:

> I had visited a hopelessly overcrowded, hospital in Da Nang with all its torn victims of the war . . . old men, mothers and infants blasted and burned by napalm jelly, some mutilated almost beyond recognition . . . I wondered then . . . have I done my part as a Senator to prevent this from happening?

Mr. President, I say it is time that we heed the teachings of that great Master when He said: "Suffer little children to come unto me, and forbid them not."

I am introducing for appropriate reference a joint resolution which would express the sense of Congress that these children should be brought to this country through a program established by the Surgeon General and developed under his supervision in cooperation with the Secretary of Defense, who is to provide transportation on empty military aircraft which are returning from Vietnam.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 63) to provide that it be the sense of Congress that the Surgeon General prescribe a program for the care and transportation of wounded Vietnamese children on bringing these children to this country for treatment, introduced by Mr. Williams of New Jersey, was received, read twice by its title, and referred to the Committee on the Judiciary.

WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE—CHANGE OF REFERENCE

Mr. LAUSCHE. Mr. President, on February 28, I introduced S. 1095, a bill to provide for the establishment of the William Howard Taft National Historic Site. I am informed that inadvertently the bill was referred to the Committee on Rules and Administration, when it should have been referred to the Committee on Interior and Insular Affairs. There is some dispute as to which committee should have jurisdiction, but I yield to the suggestion of the staff officers of the Committee on Interior and Insular Affairs in asking unanimous consent that the Committee on Rules and Administration be discharged from further consideration of the bill, and that it be referred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

JERRY LESTER WHEELER—CHANGE OF REFERENCE

Mr. RUSSELL. Mr. President, on March 14, 1967, S. 1272, for the relief of Jerry Lester Wheeler, was referred to the Committee on Armed Services. This bill should have been referred to the Committee on the Judiciary. I, therefore, ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the measure, and that it be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTMENT TAX CREDIT—AMENDMENTS

AMENDMENT NO. 150

Mr. PEARSON submitted amendments, intended to be proposed by him, to the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 152

Mr. WILLIAMS of Delaware proposed an amendment, to House bill 6950, supra, which was ordered to be printed.

AMENDMENT NO. 153

Mr. RIBICOFF proposed an amendment, intended to be proposed by him, to the amendment proposed by Mr. Williams of Delaware to House bill 6950, supra, which was ordered to lie on the table and to be printed.

WELCOME TO LATIN AMERICAN SUMMIT CONFERENCE—AMENDMENT

AMENDMENT NO. 151

Mr. JAVITS (for himself and Mr. Cooper) submitted an amendment, intended to be proposed by them, jointly, to the joint resolution (S.J. Res. 60) to welcome the Latin American summit conference, and for other purposes, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS AND RESOLUTIONS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that at its next printing the name of the Senator from Indiana [Mr. Bayh] be added as a cosponsor of S. 612, the Dairy Import Act of 1967.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Missouri [Mr. Long] be added as a cosponsor of the bill (S. 1370) to authorize the establishment of the Redwood National Park in the State of California, to provide economic assistance to local governmental bodies affected thereby, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at its next printing the name of the junior Senator from Idaho [Mr. Jordan] be added as a cosponsor to S.J. Res. 8, a measure designed to provide for a constitutional amendment to permit 18-year-olds to vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I ask unanimous consent that at the next printing of Senate Joint Resolution 50, a joint resolution to authorize the President to proclaim April 9, 1967, as Bataan-Corregidor Day, the names of the junior Senator from Alaska [Mr. Gruening] and the junior Senator from Wyoming [Mr. Hansen] be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, on behalf of the Senator from Maine [Mr. Muskie], I ask unanimous consent that the name of the junior Senator from Tennesse [Mr. Baker] be added as a cosponsor of the resolution Senate Resolution 68, to establish a Select Committee on Technology and the Human Environment, at the next printing of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEARING ON REORGANIZATION PLAN NO. 2

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization will hold a hearing on Reorganization Plan No. 2 on May 3, 1967, in room 3302 of the New Senate Office Building at 10 a.m. Any person desiring to present his views on this matter should contact the subcommittee in room 162.

A HEARING ON DISTRICT OF COLUMBIA JAIL—HABEAS CORPUS—S. 388

Mr. SMATHERS. Mr. President, on behalf of the Senator from Maryland [Mr. Tydings], who is chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce a hearing for the consideration of S. 388. This bill would authorize the Attorney General to transfer an inmate of the District of Columbia jail to any other institution under the control and supervision of the Director of the District of Columbia Department of Corrections notwithstanding the pendency of a petition for a writ of habeas corpus with respect to such inmate, and for other purposes.

The hearing will be held at 11 a.m., on Thursday, April 13, 1967, in the District of Columbia Committee hearing room, room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

NOTICE OF HEARING ON NOMINATION OF JACK B. WEINSTEIN, OF NEW YORK, TO BE U.S. DISTRICT JUDGE, EASTERN DISTRICT OF NEW YORK

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, April 12, 1967, at 10:30 a.m., in room 2300, New Senate Office Building, on the nomination of Jack B. Weinstein, of New York, to be U.S. district judge, eastern district of New York, vice Leo F. Rayfiel, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas [Mr. McCLELLAN], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 286) to permit duty-free treatment of dicyandiamide pursuant to the Trade Expansion Act of 1962; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. KING of California, Mr. BOGGS, Mr. BYRNES of Wisconsin, and Mr. CURTIS were appointed managers on the part of the House at the conference.

RESOLUTION HONORING HENRY CABOT LODGE

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Senate advert to the nomination of Henry Cabot Lodge as Ambassador at Large, so that the distinguished Senator from Massachusetts [Mr. BROOKE] may speak on this subject.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection? The chair hears none, and it is so ordered.

Mr. BROOKE. Mr. President, on behalf of myself and my colleague from Massachusetts, [Mr. KENNEDY], I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The assistant legislative clerk read the resolution (S. Res. 103), as follows:

> Whereas the President of the United States has announced that Henry Cabot Lodge of Beverly, Massachusetts will shortly relinquish the post of United States Ambassador to South Vietnam; and
>
> Whereas the said Ambassador Lodge has served for a total of thirty months in a post of extreme sensitivity and crucial importance; and
>
> Whereas the said Ambassador Lodge has discharged the taxing responsibilities of his office with personal courage, with utmost distinction, and with patriotic devotion; and
>
> Whereas his outstanding service as legislator, soldier and diplomat have earned for him the respect and admiration of his fellow Americans; and
>
> Whereas Ambassador Lodge has likewise earned for himself the affection and respect of the people of South Vietnam through his selfless dedication to their best interests: Therefore, be it
>
> *Resolved by the Senate,* That in recognition of Ambassador Henry Cabot Lodge's exceptional service in South Vietnam the Senate extends its greeting to a distinguished former colleague, together with its wishes on behalf of the people of the United States for many more years of good health, happiness and public service; and be it further
>
> *Resolved by the Senate,* That the said Henry Cabot Lodge be commended and thanked for his brilliant and productive tenure of office in the service of his country as United States Ambassador to the Republic of South Vietnam.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

Mr. DIRKSEN. Mr. President, this resolution is an expression of appreciation for the services rendered by a distinguished former Member of this body who has served us so well for a long time in Vietnam. Knowing the content of the resolution, I certainly associate myself with the sentiments that have been expressed, and I warmly concur.

I am delighted that our distinguished colleague, the Senator from Massachusetts, has made it timely and submitted the resolution while the name of Henry Cabot Lodge was on the Executive Calendar today.

Mr. COOPER. Mr. President, it is an honor to support the resolution of the distinguished Senator from Massachusetts [Mr. BROOKE], which pays a deserved tribute to a distinguished American and an unselfish servant of this country.

As we know, Henry Cabot Lodge has served this country in many capacities—in the Senate, as Ambassador to the United Nations, lately as Ambassador to Vietnam—and always his service has been marked with honor, dedication, achievement, and with the purpose of advancing the security and well-being of our country.

His recent service in South Vietnam has been one of his most difficult undertakings. But he has worked there with courage, and I am certain that history will record that his service there has been one of great achievement and has increased and enlarged the security of that region and of our country.

It was my honor to serve with Henry Cabot Lodge in the Senate. Before I became a Member of the Senate, I recall reading a story about him which attested to his patriotism, his courage, and his love for this country.

He was a Member of the Senate. One day he was missing from the Senate, and no one knew where he had gone. He had slipped away without any fanfare, without any publicity, resigned from the Senate and had entered the service of his country in the U.S. Army.

Today, as we honor him again, we honor him not only confirming this nomination, but we also honor him as a courageous, selfless, dedicated servant of this country.

Mr. BROOKE. Mr. President, I thank the distinguished minority leader and the distinguished junior Senator from Kentucky for their generous complimentary remarks with respect to Ambassador Henry Cabot Lodge.

I had the opportunity to see first hand recently on my trip to Far East Asia the high esteem in which Ambassador Henry Cabot Lodge is held by the people of South Vietnam, by our military forces in South Vietnam, and by the members of the South Vietnamese Government.

Ambassador Henry Cabot Lodge has rendered a service for which the country is truly grateful. I have seen the seeds of a democracy in that wartorn country, and much of it can be attributed to the skill and the diplomacy of Henry Cabot Lodge, who at one time served as a distinguished Member of this great deliberative body from the great Commonwealth of Massachusetts.

I am grateful that Senators have shown their appreciation for the services of Henry Cabot Lodge. He has given not only to South Vietnam and to this Nation, but also truly to the world, for he is a most distinguished statesman of the world. In his service as a soldier, diplomat, Senator, and statesman he has no peer.

I am pleased that the senior Senator from Massachusetts [Mr. KENNEDY] has joined with me and other Senators in offering this resolution, and that my colleagues in the Senate have seen fit to show their appreciation of it.

Mr. SCOTT. Mr. President, I wish to join in the remarks made by the distinguished junior Senator from Massachusetts [Mr. BROOKE] with respect to Ambassador Lodge, with whom I have not only served in Congress, but also with whom I have been personally associated on a number of other occasions in various activities which both he and I believed were for the advancement and betterment of the state of the Union.

I have found not only that he is thoughtful and considerate, but also that his great intellectual capacity and his tremendous persuasive powers have been placed at the service of his Government; and his Government has benefited immensely therefrom.

I am pleased that he will continue as our Ambassador at Large.

Mr. LONG of Louisiana. Mr. President, it was with considerable pride that I voted for the proposal offered by the distinguished Senator from Massachusetts [Mr. BROOKE]. The Senator is entirely correct in saying that Henry Cabot Lodge has served his country faithfully and far above and beyond the call of duty.

I well recall that when I first came to the Senate, Henry Cabot Lodge was just returning to the Senate, having been elected a Senator from Massachusetts after some absence. Senator Lodge had volunteered to serve in the war against Nazi tyranny prior to the time the United States entered that war. He resigned from the Senate in order to wear the uniform of his country on the field of battle.

After retiring from the Senate, Senator Lodge again made himself available to serve his country in one of the most hazardous, dangerous assignments that could be asked of any American—as Ambassador to South Vietnam. It was an assignment that no one really wanted, a position that required great courage and a high sense of duty to one's country.

I share the great admiration of the junior Senator from Massachusetts for Henry Cabot Lodge. I regard him as a fine man in a great number of respects above and beyond his patrotic service to his country.

I recall that when I first came to the Senate, I had been anxious to acquire the desk once occupied by John C. Calhoun, not so much because it had been the desk of John C. Calhoun, but because my father, the late Huey Long, had once had the same desk. As a matter of fact, he was speaking at that desk the last time I saw him on the Senate floor.

The desk had been captured by the Republican Party during the successes of that party down through the years, including its capture in the 80th Congress, but Senator Lodge made the desk available to me at that time. His generosity was much appreciated, because the desk properly belonged on the Democratic side, and I was anxious to have it back. Through the years it has sometimes been the subject of considerable debate between the Senator from South Carolina and myself as to precisely who should have the desk.

But Senator Lodge, coming from New England, thought it would mean more to us than it would to him, and he therefore left it to us to decide who should have possession of that famous and historic desk.

In discussing this matter, let me say that no more appropriate author of a resolution could have been found than the junior Senator from Massachusetts [Mr. BROOKE] because he recently visited Vietnam, at considerable risk to himself, visiting the troops in the frontlines and exposing himself to danger, in order to view at first hand what the problems were in that tortured country.

When he returned, he demonstrated even more political courage than physical courage because he went on the program "Meet the Press," and had the courage to admit that his prior views on Vietnam had been somewhat in error, and that he was convinced that this Nation had no other choice but to bring the brutal conflict there to an honorable conclusion.

I was in my home State at that time, and I had occasion to hear a great many persons mention the "Meet the Press" program on which the Senator from Massachusetts appeared and, without exception, every person that mentioned the matter to me—and they were in the hundreds—spoke with great admiration for the Senator from Massachusetts for going to Vietnam and undertaking to find out first hand what the problem was.

I would assume that Henry Cabot Lodge, as our Ambassador to Vietnam, probably helped to make available to the Senator from Massachusetts the entire problem as well as all the aspects of it in depth, which perhaps explains in some degree why the Senator from Massachusetts felt that his views on Vietnam prior to going there were somewhat in error and that he should, as a man, state what he thought, after he had been better informed on the subject.

Accordingly, I salute the Senator from Massachusetts [Mr. BROOKE] for introducing the resolution. As a Senator on this side of the aisle, I am proud to have supported and voted for it.

Mr. KENNEDY of Massachusetts. Mr. President, I consider it a privilege to join with my distinguished colleague, Senator EDWARD BROOKE, in the resolution placed before the Senate today to recognize the achievements of our Ambassador to South Vietnam, Henry Cabot Lodge. Ambassador Lodge will shortly return to the United States after having once again met the call of his Nation—and met it well.

This distinguished citizen of Massachusetts has long been a symbol of the best in public service. He served the people of my State here in the U.S. Senate. He served the people of his country as our representative to the United Nations. He sought the office of Vice President in the first part of this decade and, failing that, he accepted the challenge given him by President John Kennedy to go to Saigon at the difficult time of our initial involvement in that tragic conflict in southeast Asia. After returning home for a well-deserved respite in private life he again agreed to return to Vietnam at the request of President Johnson. He now comes home and, and I am delighted to note, will continue working for our national good as Ambassador at Large in the Department of State.

Mr. President, this record of service to State and Nation would be considered truly unusual were it not performed by a member of the Lodge family of Massachusetts. To this family, however, it is but a continuation of a long-held tradition of giving the best in talent, political skills, and devotion to the national interest. My admiration and respect for Ambassador Lodge comes not only from viewing his career. It is also deeply rooted in the political history of our State. His father and my grandfather, he and President Kennedy, his son and I have competed for public office; yet on every occasion campaigns were forgotten when finished, and cooperation and friendship in the public good substituted.

This is the tradition of Henry Cabot Lodge. He will continue to serve his Government, now joining with a man of similar devotion in our part, Ambassador Averill Harriman. I am proud to know Ambassador Lodge, I am pleased to have this opportunity to honor him, and I look forward to his presence in Washington and in Massachusetts.

We are all the better because of his past achievements; his future work will be no less.

Mr. CASE. Mr. President, it is a privilege to associate myself with the remarks of my able colleagues, the Senators from Massachusetts, on the return of Ambassador Henry Cabot Lodge from his second tour in Saigon.

Ambassador Lodge has completed this delicate and difficult mission in a manner that is fully consonant with his distinguished career of public service. I am delighted, as a friend and as a fellow Republican, that the President has persuaded him to remain in service as Ambassador at Large.

Mr. CARLSON. Mr. President, I want to associate myself with my colleagues from the State of Massachusetts and others who have spoken in behalf of the outstanding service of a former colleague, Henry Cabot Lodge, Jr.

Cabot has served with great distinction and in many positions of honor and trust in behalf of the people of Massachusetts and the Nation. He has also ably represented our Nation in many international positions.

His military experience, his experience as a Member of the U.S. Senate—as a member of our State Department, and as U.S. representative to the United Nations gave him a background that has been invaluable in his last assignment as the President's representative in Vietnam.

He has now been appointed by the President as Ambassador at Large, and this will give him an opportunity to further continue his service in the international field.

I have had many years of pleasant associations with him and have always appreciated his ability and enjoyed his friendship.

We were closely associated in the Eisenhower campaign, and his advice and counsel were most valuable.

He is truly a great public servant, and I wish him well in his new assignment.

Mr. YOUNG of North Dakota. Mr. President, I wish to join with my colleagues in the Senate in paying a richly deserved tribute to one of our former colleagues in the U.S. Senate, Henry Cabot Lodge, who will soon be retiring as Ambassador to South Vietnam.

It was my pleasure and privilege to serve in this body with Henry Cabot Lodge during his service here following World War II. You will recall that he was a Member of the Senate at the outbreak of World War II when he resigned to enter the armed services.

Henry Cabot Lodge has had a long, distinguished, and most commendable record of public service extending over a lifetime. Millions of Americans perhaps remember him best for the tremendous job he did as our Ambassador to the United Nations. People everywhere followed his courageous and tremendously effective debates in the United Nations, particularly with the Soviet Union and other Communist nations. Even though he was a rough and rugged protagonist of the American position in all international disputes, he still retained the respect and admiration of friend and foe alike.

No one could have done a better job than he as Ambassador to the Republic of South Vietnam. He was peculiarly qualified in many ways to handle this most difficult assignment. He has a great admiration and affection for the people of South Vietnam. He believes deeply in the cause for which they are fighting. He has always been honest and direct in his dealings with them and, because of this, these Asiatic people have come to have great admiration and respect for him.

I consider Ambassador Lodge to be one of my closest and best friends. It is always an inspiration to visit with him on any subject and especially on questions pertaining to southeast Asia.

Ambassador Lodge will go down in history as one of our greatest statesmen. I will always have the fondest memories of the hours I was privileged to spend with Cabot Lodge and his gracious and charming wife, Emily.

ADDRESS BY SENATOR HATFIELD TO THE FARM MARKET SEMINAR

Mr. DIRKSEN. Mr. President, on March 29, 1967, my esteemed colleague from Oregon [Mr. HATFIELD] spoke to the farm marketing seminar at Chicago, Ill. The impact of his remarks served to awaken the American public to the dimensions of the growing food crisis on a worldwide basis; to make the public aware that a major key to this crisis is production and that the key to production is price; to correct the public's distorted image of agriculture; to interpret to the producer the changing nature of his profession and the demands that will be made on him; and to call upon the producer to take advantage of the challenges and opportunities in the marketing and promoting of new products.

Mr. President, I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Senator Mark O. Hatfield, Chicago, Ill., March 29, 1967

On my air flight to this conference, I was served a very fine meal, and as I was enjoying it I recalled the airline advertising I had seen lately. This advertising often focuses on the gourmet dishes—such as steaks cooked inflight—that a passenger can expect to enjoy. Meals are not advertised on the basis that during your trip you will become hungry and want to be fed and that such-and-such airline will feed you. Instead, the advertising themes and slogans compete on the basis of exotic menus and gourmet dishes. This, I believe, typifies our outlook as a nation toward food. Our progress in agriculture has made the majority of us oblivious to food as a basic necessity and we no longer evaluate its significance in our lives as a matter of survival but as a matter of status and convenience.

Our progress in agriculture has blinded us to the realities of life in the rest of the world; it has allowed us to forget that up until 100 years or so ago we were, by necessity, just as bound to the land, almost as totally preoccupied with merely feeding ourselves, as are the underdeveloped countries today.

Our agricultural progress has been one of America's greatest achievements and it now stands as one of her gravest and unrecognized dangers. As this progress has freed more and more of our population from the land, we have grown proportionately oblivious to the importance of food—as a basic necessity of life and as a basic determinant of the future course of the world.

We in the well-fed part of the world take for granted the many steps from farm to table; we take for granted our well-stocked cupboards and assume that they will always be full. Eating is a three-times-a-day ritual that rarely concerns us and occasionally annoys us when its necessity interferes with things we would rather be doing. In the hungry part of the world, however, eating is often the primary goal of each day and attaining this goal is the day's sole preoccupation. Because food is so plentiful to us, we find it difficult to comprehend what it means to people in the underdeveloped nations, how completely their entire life is focused on and controlled by their ability to produce food.

We in the well-fed part of the world don't worry about where the next meal is coming from but, standing on the scales, worry about where the last meal has gone. We don't fight for scraps of food to feed our children but—hating leftovers—feed our scraps to the stainless-steel disposal. We don't stand at a dry well and pray for rain, knowing that drought and death walk hand-in-hand, but pray for clear skies so we can get in that golf game. We don't riot to get a precious sack of fertilizer to grow our year's food supply with, but casually spread an extra bag or two on our lawns hoping to grow the greenest crop of grass in the neighborhood. We don't suffer the agony of being unable to prevent our children from dying of malnutrition, but fuss over being unable to prevent junior from eating so many candy bars. We don't spend four-fifths of a total yearly income of $100 for just enough food to stay alive, but may spend more than this $100 for food to keep our pets alive. And, we don't live and die knowing no greater success in life than obtaining just enough food to keep going from one day to the next.

I am not here today to reprimand America for her progress but to call attention to how this progress has made us oblivious to the role food plays in the lives of others and to the role of food in the future course of the world.

We are engaged in a conflict in Vietnam that is justified by the President on a commitment to preserve the independence of this country and all of Asia. The bulk of our foreign aid expenditures are directed to Asia and the less-developed countries where we recognize the Communist threat to liberty. But we have been shortsighted in the past, I believe, in narrowly defining the nature of the threat to liberty in terms of so-called Communist aggression. We have failed to recognize that need and hunger can enslave a man as completely as the tyranny of communism. As Professor Ritchie Calder has observed, "Liberty is a word that rumbles meaninglessly in empty bellies."

Psychologists tell us that the prime motivating force in animals, including man, is the instinct for survival. In about half of the world today, and perhaps three-fourths of the world during the next decade, survival is directly equated with food.

These figures have an ominous and unmistakable meaning to the well-nourished nations. What are our prospects for survival in a world situation where reason and fellowship among men has been supplanted by the basic struggle for life and where all human relations are reduced to a desperate duel for a limited amount of food. Revolutions, history counsels us, do not erupt out of a passion for blood-letting, but out of impatience with suffering.

The extent of this suffering is almost incomprehensible. It is estimated that 10,000 people—mostly children—die each day from starvation or the diseases born of malnutrition. Experts predict that if current trends persist, hundreds of millions will die in the 1980's because the combined resources of the world could not feed them.

The horror of starvation; the horror of fleshless bodies; of open, running sores; of completely conquered spirits that only plead for mercy, this horror must be seen to be comprehended.

It will be food—not guns or dollars—that will determine the future course of hungry nations. To borrow a slogan from World War II, "Food will win the war and write the peace." The future course of the world may well depend on how effective the United States is in solving the problems of feeding hungry people.

There are numerous fronts from which this problem must be attacked: One is population control. The tragic possibility of mass starvation cannot be ascribed as much to man's inefficiency in food production as to his greater efficiency in reproduction. Between 1961 and 1965 the production of food in the less-developed countries rose about two percent yearly. At the same time, however, their population grew at three percent per year with the net result that every person had one percent less each year to eat. To the Asian or African who was barely able to subsist on last year's ration of food, a one percent reduction of his food supply may spell disaster. When you have a scale delicately balanced, it only takes the removal of an ounce to distort this balance.

It took from the beginning of man's existence until about 1600 for the world's population to grow to one-half billion people. It only took 200 years for this figure to double to one billion. Now we have 3.5 billion people on earth and it is predicted that under current birth rates the population will double every 35 years. We will reach close to seven billion people in the year 2000 and 14 billion by 2040. At the same time, only the most optimistic will predict that the food production growth rate will be able to keep up. A large part of the answer to feeding a hungry world then lies in limiting the number of mouths to feed through methods of population control. It is for this purpose that I am co-sponsoring a bill in the Senate to make funds available to foreign countries seeking assistance in establishing voluntary birth control programs.

A second front from which the world food crisis must be attacked is the development of unconventional sources of food. Despite the fact that 71 percent of the world's surface is covered by the oceans, only about one to two percent of the world's total food supply is now obtained from the sea. Various estimates predict that the world's fish catch could be increased four to ten times without depleting this protein-rich resource. The increased interest in the food potential of the sea has been a partial outgrowth of the new awareness of the importance of animal protein to human development. It is estimated that 70 percent of the children in developing areas suffer from malnutrition. Their protein-deficient diets cause permanent retardation in physical growth and in brain development and mental capacity. Consequently, the malnourished children of today grow up to become the underdeveloped adults of tomorrow who will be ill-equipped to increase their food production and a disastrous cycle is established. The International Conference on Protein Malnutrition held in 1964 concluded that "the most prominent deterrent to progress in developing countries is the failure of healthful development to preschool children resulting from malnutrition."

I have mentioned population control and marine resource development as two methods of meeting the needs of a hungry world. I want now to discuss a basic program that must be undertaken and that directly affects you in the agriculture community. If the world is to avoid mass starvation in the coming decades, food production must be greatly increased, not only in the United States but in the less-developed countries as well. Even a dramatic increase in U.S. production will be ineffective in meeting the world's future food needs. By the end of the century, the number of people living in the already hungry regions of the world is expected to more than double. To feed this increase of nearly three billion people—the less-developed countries will need as much additional food as is now produced by all the farmers in the world. To meet this necessary increase in production will require the concentrated efforts of both developed and less-developed countries. The question then becomes, "How do we increase production?"

In the past, the increasing food needs of expanding populations were met by bringing new land under the plow. But today there remains very little farmable land left in the world that can be economically put to agricultural use. In fact, the needs of expanding populations are rapidly consuming much of the world's most productive farm land. In the U.S. alone, each year, it is estimated that two million acres of farm land are diverted to non-agricultural uses. In California, one of our richest farm states, agriculture land is being subdivided at the rate of 375 acres a day to house the thousands of people moving to that state.

More hopeful than increasing the amount of farm land in meeting the food needs of a hungry world, is the possibility of increasing the agricultural yield of the land already used for farming. In the less developed countries, this means the evolution of modern agriculture through such programs as the increased use of fertilizer, the development of hybrid grains, the development of irrigation systems, the education and technical training of farmers. In the developed countries, increased production means progressive government farm programs, and the development and adoption of new farming techniques and of high-yield crops. There have been recent break-throughs in the development of new wheat varieties that could have substantial impact in increasing grain yield. I understand that the new Gaines variety is expected to raise the crop yield from 140 to 200 bushels per acre and the Witchita variety increased the yield in sandy soil from 10 to 35 bushels per acre. NATIONAL GEOGRAPHIC Magazine reports that a new high altitude variety called Sonora is expected to double wheat production in Pakistan.

But even more important than new hybrid seed and other technical advances, increased agricultural production in both the developed and less-developed countries is dependent on the price the increased amount of food produced will bring. As Mr. Harry Graham of the National Grange has so succinctly put it, "the key to world food crisis is production, and the key to production is price."

The price a farmer receives for food not only serves as an incentive to produce more, it also determines the amount of capital he will have to invest in agricultural inputs such as fertilizer, insecticides, and machinery so that he can increase production. This is sure in both the United States and in the underdeveloped countries. It is also sure, however, in both the developed and underdeveloped countries, that the politicians and policy makers are largely sensitive to the consumer base of politically powerful urban populations. This political sensitivity works to supposedly keep food prices down which in turn reduces the farmers' ability to invest in methods to increase production and which reduces the incentive to maintain—let alone—increase production. Lowered production brings into play the supply-demand formula and food prices inevitably rise. Government, and the general population, must realize the relationship between price and production and must recognize that so-called "cheap food" policies, in the long run, will cost the consumer more.

The connection between price and production is not a relationship confined by national borders. The price a farmer receives for his produce in one country is intricately interwoven in the production level and price received in another country. For instance, the world wheat price is largely determined by what American farmers receive for this product. If our wheat prices were to collapse, there would follow a sharp decline in the world price as other producers struggled to remain competitive. It would be folly for us to expect a farmer in India to increase his production in the face of falling prices. The cause-effect relationship between price and production would then operate to reduce the amount of wheat produced and thereby increase the amount of hunger in the world.

You in the food marketing and advertising professions have a definite and positive challenge in helping to meet the growing food crises by helping the American farmer receive an adequate return on his investment and labor.

I would like to cite to you the results of an extensive survey made in another state several years ago, and the only one of its kind which has come to my attention. This was a cross-section survey to determine what the general public thought about agriculture.

Here are four significant public attitudes that were documented by that survey: First, agriculture does not play a major role in the lives of the individual, the state, or the nation. Second, most agriculture is subsidized by the federal government. Third, agriculture is backward and has shown little or no scientific progress. Fourth, agriculture is responsible for what townspeople consider to be the high cost of food.

We here today all know how untrue, how fallacious, these opinions are. But that is beside the point. The important point is that this distorted image of agriculture may be held by much of our population. This widely-held, distorted image, I believe, is the crux of many of agriculture's problems today. The vast majority of our population which has grown up in the cities and suburbs often do not recognize agriculture as one of the most efficient and economically significant of our national industries. They take food and the farmer for granted.

This distorted image of agriculture is a challenge and threat too long neglected. I can think of no better group to hand this challenge to than the marketers and advertisers gathered at this conference. You are among the most creative thinkers and leaders in your industry. You understand the techniques of persuading and informing people. You are familiar with, and have access to, the outlets most effective in reaching large numbers of people. It is my sincere hope that you will accept this challenge and lend your considerable talents to re-shaping the public's image of agriculture as a fundamental and significant aspect of the nation's past and future.

I believe that Americans have a strong sense of fair-play. If they realized the desperate economic plight of many of the nation's farmers, I am convinced that they would want our producers to get a fair return on their investment and labor—even if it meant higher retail food prices. We must remember two things. First, the farm population has diminished to a point where it has little national significance as a political block. Second, the prosperity of the agriculture industry is greatly dependent on government farm policy. The farmers, then, must compensate for his small numbers by seeking the sympathy and support of other political groups.

There would be other tangible and intangible benefits arising out of a public enlightened to the problems of agriculture. There would likely be closer coordination and cooperation between agriculture and business. This prediction grows out of my own personal experience. Several years ago in Oregon we created an Agri-Business Council. Two of the primary purposes of this Council were to awaken the general public and the business community to the problems and prospects of agriculture, and to unite the resources of agriculture and business in solving these problems. The creation of the Council is a modest but promising step and is but one of innumerable methods of correcting the distorted image of agriculture.

Many of you attending this conference are daily involved in the art and science of communication and you are well aware that communication is a two-way street. Just as the true nature of the agriculture community must be interpreted to the "outside world" so must the emerging realities of the world be related back to this community. I believe that too often we have accepted the fact that the base of the population primarily engaged in agriculture has narrowed and have assumed that this narrowed the definition and boundaries of agriculture. But in fact, the agriculture industry is becoming more complex, more diversified yearly. We must overcome the unconscious isolationist attitude that interprets agriculture as a clearly defined industry with fixed frontiers. Today's food producer must recognize that the future will weave agriculture even more intricately into the total pattern of the national economy and international relationships. This will demand a broadened perspective and a willingness to make concessions to other interests.

You have very appropriately titled your conference "The New Age of Agriculture." A glance at your program indicates that you have been privileged to hear some very authoritative spokesmen define specific aspects of this topic. I will address myself to the new age and future of agriculture in terms of several problems I see emerging that demand realistic and thoughtful consideration by the agriculture community. I have discussed at length the unfolding world food crisis and in my view this problem will shape the new age of agriculture. The flesh-less hands of millions of starving people will be the primary sculptors of the problems and opportunities of the future. Food will be the determinant of international relations. Our foreign policy and aid will increasingly center around Food for Freedom programs and agricultural assistance programs in the less-developed countries. The increased world-market for food will bring both problems and opportunities for American agriculture. For the farmer, I believe it will mean a gradual disappearance of price supports. As markets open to accommodate increased production, production should become the goal of our farm programs and, hopefully, will lead to a gradual termination of acreage controls. I have stressed the word "gradual" because I feel that abrupt elimination of price support and acreage control programs at this point, a return to a laissez faire agricultural economy, might have a traumatic effect on the delicate price-production relationship both domestically and internationally.

As a greater portion of the food market becomes internationally based, it will mean constant adjustments by producers to problems arising from foreign competition. I believe it is in our national interest and in the interest of international progress to extend as far as possible a free-trade policy. But the American farmer must not be sacrificed in the process. I would reject any proposal which had as its principal purpose the cementing of diplomatic relationships with foreign nations at the expense of the farmer. If, in a trade agreement, diplomatic considerations were allowed to override equitable consideration to the farmer, then I feel that costs should not be borne by our affected producing industries alone.

It will not be easy to establish a balance between encouraging free trade and protecting the interests of the farmer.

The problem of feeding the hungry will also demand other adjustments by the farmers. Not only must we seek to produce enough grain to prevent mass starvation, we must also shake off the shackles of traditions and produce new, more nourishing food such as soybeans to reduce malnutrition.

Food producers will also be forced to accept and accommodate into the agriculture community the inevitable farming of the sea. The impact of marine resource development on agriculture will be tremendous. The recent development of a high-protein extract from fish has already met with resistance in various farm groups. This extract, called Fish Protein Concentrate, is virtually colorless and odorless and is used as an additive to flour. It can provide all the animal protein necessary to human diet conveniently and at minimal cost. The Bureau of Commercial Fisheries has estimated that FPC can be produced domestically, and at a profit, to meet minimum protein requirements at an annual cost of $2 per person. As new industries are created to harvest the resources of the sea, food producers will be faced with many hard questions. What will be the political effect of this new arm of agriculture? How successfully will this industry integrate with the larger food-producing community. How will such products as FPC affect the future of traditional foods?

Just as the producer will be forced to face complex challenges in the new age of agriculture, so will you who are involved in marketing and advertising. There will be many unconventional products that, despite their merit, will meet the resistance of tradition. It will take great skill and great patience to earn the acceptance of these products. This will be particularly true, unfortunately, among those people who are the hungriest. But the patterns and mores of centuries can be overcome. An outstanding example of this is a synthetic food called "Incaparina." It is made of maize, sorghum and cottonseed and has been skillfully promoted and marketed in Central America by the Quaker Oats Company.

The addition of FPC to flour will likely meet with considerable initial resistance. Even in a country as liberal and openminded as the United States, this product has not been wholly accepted. The Agency for International Development and other organizations who recognized the tremendous potential of this product in meeting the needs of protein-hungry nations nevertheless had a great deal of trouble getting Food and Drug Administration approval of this additive. Although FPC met all health and sanitary standards, FDA objected to it on the philosophical grounds that it was made from whole fish—scales, entrails and all. A member of the House of Representatives recently commented: "They say fish byproduct meal is high in protein, but so is cow manure, so are chicken feathers and rats. They say it will be less offensive in odor than dead fish . . . that means the odor will be somewhere between the odor of a skunk and a sewage disposal plant." I quote this description to give you a taste of the kinds of attitudes you will face when it comes to marketing this product.

But if the challenges are great, so can be the rewards. Can there be any greater satisfaction than knowing you had played a role in preventing the starvation of millions of people? This is the challenge of the new age of agriculture. You can answer it in many ways: by helping to awaken the American public to the dimensions of the growing food crisis; by making the public aware that a major key to this crisis is production and that the key to production is price; by correcting the public's distorted image of agriculture; by interpreting to the producer the changing nature of his profession and the demands that will be made on him; and by taking advantage of the challenges and opportunities in the marketing and promoting of new products.

LINCOLN NATIONAL RECREATION AREA

Mr. DIRKSEN. Mr. President, in January of this year the junior Senator from Illinois [Mr. PERCY] and I introduced S. 215, for the creation of the Lincoln National Recreation Area.

Recently I received a letter from the Secretary of State of the State of Illinois enclosing a copy of Senate Joint Resolution No. 19 adopted in the 75th General Assembly urging the enactment of S. 215 by the 90th Congress.

I ask unanimous consent that a copy of the joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

HOUSE JOINT RESOLUTION No. 30

Whereas, It is unfortunate indeed, that the State of Illinois is one of only six states in the entire United States having no National Park Service facility, and yet there are areas in our State that in every respect comply with the criteria for such a facility; and

Whereas, There is now pending before the United States Congress legislation which would authorize the Secretary of the Interior of the United States to establish and administer as a National Park Service facility the Lincoln Homestead National Recreation Area, in Coles County, Illinois; and

Whereas, This site has great historical interest to the whole nation because the proposed Lincoln Homestead National Recreation Area by its location connects points of historical interest associated with the life of Abraham Lincoln on the Lincoln Heritage Trail; by including within its boundaries the place where Lincoln, as a young man, helped his father build a home where his father and stepmother lived until their deaths; and by its proximity to the famous Lincoln-Douglas Debate Site in Charleston, the Moore House where Lincoln as President-elect last visited his stepmother, and Shiloh Cemetery, the burial place of the father and stepmother of the martyred president; and

Whereas, A study of the proposed Lincoln Homestead National Recreation Area has been conducted by Victor Gruen Associates, Inc., land planning consultants of Los Angeles, California, and has shown that the proposed Lincoln Homestead National Recreation Area not only has great historical significance but brings together in a unique combination, resources of scenic and geologic interest: therefore, be it

Resolved by the House of Representatives of the Seventy-fifth General Assembly of the State of Illinois (the Senate concurring herein), That the General Assembly respectfully urges the United States Congress to adopt the pending legislation authorizing the Secretary of the Interior of the United States to establish the Lincoln Homestead National Recreation Area; and be it further

Resolved, That a copy of this Resolution be transmitted by the Office of the Secretary of State to each of the following persons, to wit: the President of the United States; the Secretary of the Interior of the United States; each member of Congress from this State; the President of the Senate of the United States; the Speaker of the House of Representatives of the United States; the Chairman of the Committee on Interior and Insular Affairs of the Senate of the United States; and the Chairman of the Committee on Interior and Insular Affairs of the House of Representatives of the United States.

Adopted by the House, March 1, 1967.

——— ———

Speaker of the House.

FREDERIC B. SELCKE,

Clerk of the House.

Concurred in by the senate, March 2, 1967.

SAMUEL H. SHAPIRO,

President of the Senate.

EDWARD E. FERNANDES,

Secretary of the Senate.

OMBUDSMAN

Mr. DIRKSEN. Mr. President, the March 1967 American Bar Association Journal carries an interesting article by Benny L. Kass, associate counsel to the Senate Subcommittee on Administrative Practice and Procedure. This article is entitled "We Can, Indeed, Fight City Hall: The Office and Concept of Ombudsman," and I believe it should receive much attention. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WE CAN, INDEED, FIGHT CITY HALL: THE OFFICE AND CONCEPT OF OMBUDSMAN

EDITOR'S NOTE.—The views expressed in this article are those of the author, and they do not necessarily represent the views of the Senate Subcommittee on Administrative Practice and Procedure.

(The institution and office of ombudsman—the guardian of the citizens' rights against abuses and malfunctions in government—has been receiving increasing attention as a possible addition to the American political and governmental system. Mr. Kass, who serves on the staff of the Senate committee that last year held hearings on the office of ombudsman, outlines what this official does and considers his use in the United States. The author concludes that the organized Bar should lead in a thorough and comprehensive consideration of the ombudsman's value here.)

(By Benny L. Kass of the District of Columbia Bar)

Many of us remember the "kigmy", the little round creature created by cartoonist Al Capp. When frustrated, you kicked the kigmy; that was his sole function in life. Another kigmy is starting to make itself known on the American scene—the ombudsman, which has the attraction and the fascination of the unknown.

The ombudsman is a somewhat romantic concept. In Sweden and other nations the ombudsman is the man to help you when you are having problems with your government. He is the guardian of the people's rights against abuses and malfunctions by government, its programs and its officials—a sort of watchman over the law's watchmen. Literally translated from the Swedish, the word means "representative". However, I favor the definition that "the ombudsman is a cross between Batman and a public ear into which the aggrieved citizen can cry his legitimate beef against the law".[1] Perhaps Batman and the ombudsman will diminish in popularity as rapidly as they began. But my purpose is to suggest that the ombudsman, at least, be given a chance.

There has been increased concern recently for ensuring adequate protection to the rights of the individual. This concern has been spontaneous across our nation and, indeed, throughout the world. It has been voiced at all levels of society and government. One hundred and sixty legal service programs have already been established in urban and rural areas of the United States by the Federal Government; citizen's information service bureaus are being considered; and in some localities, credit cards are issued to the poor entitling them to legal services from lawyers participating in experimental "judicare" programs.

These programs generally affect the individual in his relationships with other individuals or with the courts. There are very few, if any, such programs to help the individual in his dealing with administrative agencies, which comprise the greater percentage of our problem areas. Whether it is a local garbage collector, a state licensing authority or an agency of the Federal Government, all represent a bureaucratic obstacle that often cannot be hurdled by the average citizen.

Mr. Justice Jackson wrote that the "multiplication of federal administrative agencies and expansion of their functions to include adjudications which have serious impact on private rights has been one of the dramatic legal developments of the past half century".[2] One of the most dramatic legal developments of the next half century will be the creation of offices—at all levels of local, state and national government—whose primary function will be to help the ordinary citizen ventilate his complaints against maladministration or improper administrative procedure.

---

[1] Inez Robb, United Feature Syndicate, in a column circulated June 8, 1966.

[2] *Wong Yang Sung* v. *McGrath*, 339 U.S. 33, 37 (1950).

Let us start with the premise that a citizen need not merely accept an agency decision or action he feels to be unfair.[3] But what alternatives are there?

First, under certain circumstances, the individual can appeal to the courts for judicial review of the agency decision. This remedy is not always desirable, for it can be expensive and time-consuming. And there is no review against arrogance, secrecy or delay.[4] Even when legal aid systems are helping to defray court costs, the habits and fears of the average citizen are often so deeply rooted that he does not want to avail himself of the court review. Thus, as a practical matter—if not a legal matter—when an agency decides a case, it becomes final and binding on the individual.

Next, the individual can always write his Congressman. Often, this is a very effective means of obtaining relief from—or at least review of—the administrative action. But Congressional offices are heavily loaded down with this "case work".[5] Too often, when an agency submits its comments on a case to a Congressman's office, the member (or his staff) must take as factual the information submitted. Time and staff limitations preclude the member of Congress from going back to the agency for additional or clarifying information.

The Swedish Ombudsman, Alfred Bexelius, when he recently appeared before the first Congressional hearing on the subject of the ombudsman, added yet another dimension: "If the Congressman should find that the agency concerned has not acted in a wrong way, can you be sure that the complainant will believe the Congressman? Can he not say that the Congressman tries to defend the agency owing to political reasons?"[6]

What other remedies are available to the individual dissatisfied with an agency action? How else can he assert what he believes to be his rights? He could call a press conference, but would the press attend? He could picket in front of the agency. He could persuade some organization to assert its influence on his behalf.

On the whole, however, the average individual has very little recourse against actions taken by his government. There is today a great cleavage between the Common Man and his Government. Frustration builds up, and the citizen seeks a pigmy to kick. This may not always solve the problem, but at least the citizen feels better.

If, as we have suggested, few avenues are open to the average citizen when he feels injustice has been done as a result of faulty governmental administration, what can be done? Let us first look at some existing proposals:

1. Activities of the American Bar Association. The American Bar Association has been in the forefront in efforts to provide efficient, adequate and effective mechanisms to enable the individual to enforce his rights. As early as 1956, the Association proposed and endorsed a resolution before the Congress to create a new Standing Committee of the House of Representatives: the Committee on Administrative Procedure and Practice.[7] This committee, had it been created, would have served as a Congressional watchdog over administrative procedure. Included in the resolution was a provision to afford an aggrieved citizen a continuing opportunity, in an orderly way, to bring complaints concerning abuse of administrative authority to the attention of Congress. As far as this author can determine, this is the very first proposal specifically authorizing a unit outside the Executive Branch to receive such complaints from the public.

The resolution died in committee. It is interesting to note that when the Senate Subcommittee on Administrative Practice and Procedure subsequently was created, one of its first reports vindicated the Association's proposal by stating: "The Congress in its working is too compartmentalized, too busy, and too ponderous to act as nursemaid and helpmate to the agencies."[8]

Who, then will be the agencies' keeper?

2. Administrative Conference. Space limitations do not permit a full explanation and legislative history of the recently enacted Administrative Conference. Suffice it to say that on August 30, 1964, President Johnson signed Public Law 88-499 creating the Administrative Conference of the United States. For present purposes, Section 6(c)(1) is of vital importance, for it authorizes the chairman of the conference to make inquiries into matters he deems important for conference consideration, *including matters proposed by persons inside or outside the Federal Government*. Here, then, is what we have been looking for: an independent body, created by the Congress, which has authority to investigate complaints from the public at large. Of importance also is the fact that agency representatives participate directly in conference deliberations, but do not dominate the conference in terms of numbers.

Well, one might ask, why continue the search? Here's our perfect combination of ombudsman and kigmy, with the full weight of the Congress behind it; what's more, up to $250,000 has already been authorized to start the conference on its way. But more than two years have gone by and the President has not yet named a chairman for the conference. It is this author's understanding that there has been some difficulty in finding a suitable chairman. Nevertheless, the Administrative Conference is a permanent piece of legislation. It is hoped that the search will continue until a chairman is found.

3. Office of Administrative Procedure and Organization. Kenneth Culp Davis has suggested that a permanent Office of Administrative Procedure and Organization be created, in the Executive Office of the President.[9] This office would be charged with the responsibility of making continuing studies of ways to strengthen the administrative process. It would also have responsibility for receiving and investigating complaints about administrative action, not necessarily limited to the regulatory agencies. According to Professor Davis, parties affected by administrative action would always have at least one of three kinds of protection: (1) procedural safeguards of the kind required by the Administrative Procedure Act; (2) opportunity for judicial review and (3) opportunity for an individual check by the Office of Administrative Procedure and Organization.

The only difference between Professor Davis's suggested office and the Administrative Conference is the independence of the latter from the Executive. The inactivity of a similar Executive Branch complaint review office, namely that under Section 16 of Executive Order 10501, leads this author to believe that such a system cannot work.[10] It must be completely independent from the agencies to function effectively.

4. Two Congressmen. When Congress was considering reorganization back in 1946, a suggestion was made that each district select two Congressmen; one would be a form of ombudsman for the district and the other would be the legislative Congressman. Senator Mike Monroney, Cochairman of the Joint Committee on the Organization of the Congress, recently commented that the idea did not get very far. "The members figured the fellow who was servicing the constituents' complaints would probably be the one elected all the time and the others would be defeated."[11]

OMBUDSMAN: FACT OR FICTION

This brings us to one of the most serious obstacles to the creation of an American ombudsman. There is concern, and rightfully so, that an ombudsman would usurp some of the historic and legitimate functions of a Congressman—the handling of constituents' grievances and complaints. Great Britain, faced with a similar problem when considering the creation of a Parliamentary Commissioner (Ombudsman), provided that a written complaint to a member of the House of Commons from one claiming that he has suffered injustice would provide the basis for an investigation when, with the consent of the aggrieved person, the member decided to ask the commissioner to make the investigation.[12] It is contemplated, however, that as soon as enough experience has been gained, the commissioner will be empowered to receive complaints directly from the public.[13]

Once a complaint gets to the ombudsman's desk (whether through an elected representative or directly from the citizen), what is so special about the ombudsman that he can easily and effectively come to the aid of the citizen and build up the image that he now enjoys?

The ombudsman is an arm of the legislative branch. He has been given specific statutory authority to investigate citizens' complaints. This is true in each country that has created the office,[14] although the degree of authority varies. For example, the

---

[3] Although this can have obvious reference to current foreign policy issues, I restrict the premise to domestic matters directly involving and affecting the individual.

[4] The new Freedom of Information Law (Pub. L. No. 89-487), effective July 4, 1967, will authorize court review in the area of secrecy.

[5] It has been estimated that "case work" consumes as much as 75 per cent of a member's office and personal time.

[6] *Hearings Before the Senate Subcommittee on Administrative Practice and Procedure*, 89th Cong. 2d Sess., 26, hereafter cited as *Hearings*.

[7] H. Res. 462, 84th Cong., 2d Sess. (1956).

[8] S. Rep. No. 168, 87th Cong., 1st Sess. (1961).

[9] Davis, *Ombudsman in America: Officers To Criticize Administrative Actions*, 109 U. PA. L. REV. 1057 (1961).

[10] Executive Order 10501 is entitled "Safeguarding Official Information in the Interest of the Defense of the United States". Issued on November 5, 1953, this is the basic document which authorizes agencies and departments of the Federal Government to classify information as either top secret, secret or confidential in the interest of the defense of the United States. Section 16 of the order provides:

"*Review to Insure that Information Is Not Improperly Withheld Hereunder:* The President shall designate a member of his staff who shall receive, consider, and take action upon, suggestions or complaints from non-Governmental sources relating to the operation of this order."

According to this author's information, this section has been completely ineffective since its inception. Not only are private citizens generally unaware of this important section, but all administrations since President Eisenhower's have not diligently concerned themselves with its implementation.

[11] *Hearings Before the Joint Committee on the Organization of Congress*, 89th Cong., 1st Sess., Part I, 90 (1965).

[12] Parliamentary Commissioner Bill for Great Britain, Bill No. 86, July 20, 1966, British Parliament.

[13] Whyatt Report, *The Citizen and the Administration: the Redress of Grievances* XV, 104 (London, 1961).

[14] Sweden (1809); Finland (1919); Denmark (1952); New Zealand (1962); Norway (1963); military ombudsman in West Germany (1956).

Swedish Ombudsman has authority to institute proceedings against civil servants if they fail to carry out their administrative duties according to law. In fact, Ombudsman Bexelius informed Senator Edward V. Long, Chairman of the Senate Subcommittee on Administrative Practice and Procedure, that he once prosecuted a judge for being discourteous to a lawyer. In other countries, the ombudsman does not have prosecutive authority; he can only investigate complaints and make recommendations to the agency and to the parliament.

When an ombudsman receives a complaint, he first determines whether it appears to have validity. Sir Guy Powles, the first (and present) ombudsman of New Zealand, reports that he is guided by the philosophy that the complainant is deemed to be right until he is proved wrong.[15] If there appears to be merit in the complaint, the ombudsman will request all the documents in the case from the authority concerned. According to Mr. Bexelius, "It is usually possible to judge from these documents alone if there is sufficient cause for the complaint. If the contents of the documents do not show that the complaint is unwarranted, the ombudsman usually finds it necessary to demand an explanation in writing from the particular authority or official." [16] And if the written material does not indicate sufficient foundation for a judgment on the official's ruling, the Ombudsman may ask the official concerned for a "closer investigation and questioning of the persons involved". The ombudsman, himself, may hold a hearing on the matter and call before him all the parties.

In Sweden if the Ombudsman finds a fault he may institute proceedings in the courts against the erring official; the Danish Ombudsman may only request a government prosecutor to institute similar proceedings. In other nations, the ombudsman can only write the agency concerned, inform them of their faults and hope they will take steps necessary to correct the error and assist the citizen.

Coupled with the above, however, is perhaps the ombudsman's greatest weapon: the power of the press. It can safely be said that no public official enjoys public chastisement. When the ombudsman uncovers error or maladministration, the press is informed. The ombudsman also submits a yearly report to the parliament. This report—often 400 to 500 pages long—contains an account of the work accomplished, including a summary of all important cases upon which he has made a ruling during the past year. Mr. Bexelius informed Senator Long's subcommittee that the report "is distributed to all authorities and is probably the Ombudsman's most important means of influencing the application of laws in Sweden. The purpose of the distribution of the report is that all officials shall learn from faults committed." [17]

Mr. Bexelius is too modest. It is this author's understanding that the yearly report is awaited anxiously by press and public, fearfully anticipated by officialdom. In Sweden the report takes on the flavor of a reverse who's who; no one wants to be listed as having committed any faults. Quite often the mere publication of this report is instrumental in effecting change.

There is one other feature that must not be overlooked. It is the conclusion of all the ombudsmen that a very great percentage of complaints received are unfounded. In Sweden, according to Mr. Bexelius, at least nine tenths of the complaints prove to be unfounded or at least without evidence. *The New Zealand Ombudsman reports similar statistics.*

But the ombudsman, unlike many other officials, does not merely toss these meritless letter in the agency round-file. Each correspondent receives an answer. When a complaint is well founded, the complainant will receive a copy of the ombudsman's letter to the agency, plus advice on how to have the fault corrected. And the unfounded complaint will also be answered, with an explanation of the propriety of the agency's action. In many cases this is all that the complainant wants—an official explanation, in language that does not smack of governmentese. Mr. Bexelius explained this:

". . . very often the administrative agencies do not give reasons for their decisions, and therefore it very often happens that the citizens do not understand a decision by an agency, and then it falls on the Ombudsman's office to explain for the complainant why the agency has acted as it has.

"SENATOR LONG. That is one of the great problems we have here. A lot of the agencies do not explain their decisions or the general public does not understand." [18]

This leads to a most important side effect. When people can "kick" the ombudsman instead of some government official, when they can send in totally unfounded complaints (although usually sent in good faith) and receive a full and readable explanation from the ombudsman as to why the government had to act as it did, and when they see that 90 per cent of all complaints received by the ombudsman are without merit, the net result is to create in the citizenry an atmosphere of increased confidence and respect for their government. The citizen begins to feel that maybe, after all, government is operating for his benefit. Mr. Bexelius is of the opinion that "the existence of an unpolitical agency, independent of the administration, which is duty bound to investigate and examine charges of wrongs and negligence by the authorities, and whose investigations can be verified and critized by anybody, must necessarily help to maintain the confidence of the general public in the civil administration".[19]

THE BRITISH PROPOSAL

An organization known as JUSTICE—the British Section of the International Commission on Jurists—announced in June of 1959 that it was starting an inquiry into the "adequacy of the existing means of investigating complaints against administrative acts or decisions of government departments . . . and to consider possible improvements to such means, with particular reference to the Scandinavian institution known as the ombudsman". Sir John Whyatt, former Chief Justice of Singapore, was appointed director of research.

The so-called Whyatt Report was completed in 1961. In its conclusions it pointed out the necessity for dividing citizen's complaints into two distinct categories: complaints against discretionary decisions and complaints of maladministration. For purposes of this paper, we are concerned only with the latter group. The ombudsman cannot—and should not—be concerned with investigating agencies for matters of discretion in their decisions; he should be concerned only with agency wrongdoings.

In the area of complaints of maladministration the Whyatt Report reached the following conclusions: (1) Parliament is and must remain the most important channel for making representations to the Executive about grievances; (2) machinery should be created within Parliament to enable complaints to be investigated by an impartial authority *if the member requested it;* and (3) some form of Parliamentary commissioner should be appointed with authority to investigate the complaints of maladministration against government departments received from members of Parliament.

The Whyatt Report was widely debated. It ultimately became the basis for the Government's White Paper issued in October, 1965, urging the creation of a Parliamentary Commissioner for Administration. A bill was introduced in Parliament on July 20, 1966, and the second reading was held on October 18, 1966. There is good likelihood of passage in the near future.

OMBUDSMAN PROPOSALS IN THE UNITED STATES

American response to this strange-sounding name has been most interesting. Senator Long in his opening statement at the subcommittee's hearing on the ombudsman said that this subject "has unlimited possibilities here in the United States". But the Senator highlighted one of the biggest problems when he remarked: "Our Swedish vocabulary now generally consists of two word: 'skoal' and 'smorgasbord'. When we learn the meaning of the word 'ombudsman' today, this will be a clear 50 per cent increase in our vocabulary."

While there have been many books and articles written on the ombudsman, we still do not really know enough about the concept as it might be applied here in the United States. Not enough thought has been given to the various ways in which the ombudsman principle can be adopted—and at what level. There have, however, been several recent actions and proposals:

1. On the National Level. Senator Long has been a dominant voice in urging that the ombudsman concept be carefully studied to determine if and where it can fit in our administrative system. The subcommittee held the first public Congressional hearing on the subject on March 7, 1966, and heard Swedish Ombudsman Bexelius explain the nature and function of his office.

2. Tax Ombudsman. Senator Long and Senator Warren Magnuson of Washington introduced a bill on May 12, 1966, to establish a Small Tax Divison within the Tax Court of the United States (S. 3344). According to Senator Long, this bill would "create an ombudsman, in the form of regional small tax commissioners. Taxpayers who have been assessed a deficiency less than $2,500, or who claim a refund from the Government of less than $2,500, may go to the Small Tax Commissioner for relief" [20] Fifty-three senators cosponsored the bill, and it was referred to the Senate Committee on Finance for consideration.

3. District of Columbia Ombudsman. On August 30, 1966, Senator Long introduced a bill to create an ombudsman for the District of Columbia.[21] This proposal would help only the residents of the District, but it could serve as a workable model for the states to copy.

4. Nassau County, New York. On June 1, 1966, the County Executive of Nassau County, New York, established the Office of Public Protector and gave him authority to "protect the public and individual citizens against inefficiency, maladministration, arrogance, abuse and other failures of government and to encourage sound and fair administration in the public interest." Thus was created the first ombudsman in the United States.[22] In addition to the Public Protector, there was also created a Public Protector's Advisory Council, an advisory body able when authorized by the ombudsman to participate in and undertake investigations and studies. The advisory council is a most novel idea and

---

[15] Powles, *The Citizens' Rights Against the Modern State*, 23 PUB. ADMIN. REV. 42 (1964).

[16] *Hearings* 7.

[17] *Hearings* 6.

[18] *Hearings* 19.

[19] *Hearings* 11.

[20] Statement on floor of Senate, June 15, 1966.

[21] S. 3783, 89th Cong., 2d Sess., cosponsored by Senators Kennedy of New York and Hart of Michigan.

[22] As reported in the *New York Times*, June 1, 1966, page 1.

it should be explored for possible adaptation to other communities.

5. Bills To Create State Ombudsmen. At present count, eleven ombudsman bills have been introduced in state legislatures [23] and in two other states legislators have announced their intention to do so in 1967.[24] An ombudsman can be most effective at the state level. While judicial appeal and other forms of citizen relief are only inadequate at the federal level, the citizen is generally at the mercy of his state and local officials—at least until the next election. A recent tabulation of the fifty state legislatures indicated there are a total of 7,854 elected senators and representatives; too little or too much representation cannot be effective representation. Citizens cannot possibly get adequate relief by writing their state legislators. Not only are they generally underpaid and understaffed, but they usually meet in legislative session briefly once every two years.

Full and comprehensive hearings should be held on Senator Long's bill to create a District of Columbia ombudsman so the states will be able to use the printed record to their advantage.

OMBUDSMAN CONCEPT SHOULD RECEIVE STUDY

Creation of an American ombudsman, whether nationally or at the state and city levels, is not a simple matter. Senator Long correctly stated at his hearing that "any new idea usually meets with immediate opposition. It is too early to say whether the institution of ombudsman can work here in the United States." But we must begin the study.

And there is plenty of opposition. Elected officials feel that an ombudsman may take over some of their constituent responsibilities. Judges have pointed to the adequacy of judicial review. Civil servants have objected on grounds than an ombudsman would be a constant interference with the smooth operations of government.

It can also be argued that the necessity for creation of an ombudsman implies that we have failed in shaping an effective government, responsive to and responsible for the needs of all our citizens.

All these arguments must be fully explored. We must ask ourselves what our needs are and how they may best be satisfied. It is necessary that a study group be formed similar to the one created by Justice. As in the case of our British brethren, the impetus must come from the legal profession.

The Section of Administrative Law of the American Bar Association has just taken the initiative by creating a special committee to study the concept and office of ombudsman and to make recommendations as to its applicability—at all levels of government—to the American way of life.[25] This committee must analyze a number of issues critical to the creation of an ombudsman. It must determine the real inadequacies of judicial and administrative review; it must find the incidences of maladministration. It must resolve the problem of the ombudsman's independence from the Executive, and from the Congress for that matter. It must determine the limits, if any, to the ombudsman's access to government files and documents. And, in the final analysis, it must determine whether we really need an ombudsman.

Now that a committee is established, this author urges its members to keep foremost in their consideration the concluding remarks of Ombudsman Bexelius:

"Even if the Ombudsman's office hasn't done and cannot do anything remarkable, it is, however, an expression for real democracy that the society keeps an institution with the task to protect the citizens against the society's own organs and that everybody in the society—even if he is poor and without social position in the society—has the right to have his complaints against an authority investigated and tried by an impartial agency." [26]

This is the least we can do for our citizens.

MUNICIPAL INDUSTRIAL FINANCING

Mr. SCOTT. Mr. President, during the Senate's consideration of the investment tax credit suspension bill last October, I expressed concern about the growing tendency among the States to adopt legislation permitting the use of tax-free industrial financing. The subsidizing of private corporations—including some very large corporations in recent years—through tax-exempt municipal bond sales is incompatible with the principles underlying our free-enterprise system and represents an abuse of the tax-exempt privilege.

Recently, Gov. Raymond P. Shafer, of Pennsylvania, asked President Johnson to press for the elimination of the tax-free status of State and local government revenue bonds for industrial purposes, warning that unless this were done, competitive circumstances would require Pennsylvania to join the parade of States already permitting the use of tax-free industrial financing. To date, although the Treasury Department has talked grandly about taking some action against this type of tax loophole, nothing has been done. And this in the face of Treasury demands for increased taxes. Governor Shafer has, therefore, reluctantly recommended legislation to permit my Commonwealth to have the same privilege now enjoyed by over 30 other States.

High ranking officials of the AFL–CIO, including Mr. I. W. Abel, as well as members of the Investment Bankers Association and the Municipal Finance Officers Association, to name a few, have consistently attacked the concept of municipal industrial revenue bonds as being morally wrong and a threat to the tax-exempt status of all municipal bonds.

Joseph R. Slevin, financial analyst for Newsday, Inc., has written an excellent article on the subject of municipal industrial financing which appeared in the March 30 edition of the Washington Post. I ask unanimous consent that the article, entitled "Industrial Tax Gimmick Under Scrutiny," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDUSTRIAL TAX GIMMICK UNDER SCRUTINY

(By Joseph R. Slevin)

The administration is getting ready to *crack down on a tax gimmick that industrial* companies use to get new plants at a bargain price.

It's called municipal industrial financing and the practice costs the Federal Government—which means the American taxpayer—tens of millions of dollars a year.

Many of the best known corporations use municipal industrial financing. They include American Can, Armco Steel, International Telephone and Telegraph, Minnesota Mining and Manufacturing, Revere Copper and Brass, Skelly Oil, United Fruit and U.S. Rubber.

The companies achieve their savings by renting plants that local communities build for them. Some firms used to be loath to make the rental deals. They considered it socialistic for a local government to own a factory. But they have been changing their minds for the reason that they have to save every penny that they can for their stockholders.

A local community can build a plant more cheaply than a private company because it pays less to borrow money. The interest payments on local bonds are exempt from Federal income tax. Since investors do not have to pay any tax to Uncle Sam, they are willing to accept a lower interest rate from a town or a county than they would demand from a corporation.

The industrial financing dodge stretches the tax exemption privilege far beyond its original bounds. Communities supposedly enjoy tax exemption to help them build schools, hospitals, sewers, and other public facilities.

Secretary of the Treasury Henry H. Fowler says bluntly that the local governments are abusing their tax exemption privilege. Assistant Secretary Stanley S. Surrey, the Treasury's top tax expert, charges that the participating corporations are "accomplices" of the local communities in schemes that improperly force the Federal Government to support their borrowing operations.

Municipal industrial financing initially was designed to help small, poor communities attract plants that would bring them needed jobs and payrolls. Mississippi started it all back in 1936 when Durant sold an $85,000 bond issue to build a factory for Realsilk Hosiery Mills.

But bigger towns and richer states are getting into the act now. Middletown, Ohio, floated the largest industrial financing issue on record just last month. It totaled a strapping $82.5 million and will be used to build new facilities for Armco.

Worried officials point out that the volume of tax exempt offerings jumped to over $500 million in 1966 from only $212 million in 1965. A new peak of close to $700 million appears in the making for 1967.

While the red seals of the local governments are stamped on the tax exempt bonds, the transparent fact is that the communities could not find buyers if investors did not know that there was a profitable business corporation behind each big issue. The corporate rental payments customarily are set at a sum that will cover both the community's interest payments to investors and the redemption of the bonds when they come due.

A number of ways to halt the industrial financing spree have been suggested in recent years. Treasury experts currently are taking a close look at a new plan that they have received from Rep. John W. Byrnes of Wisconsin, the ranking Republican member of the tax-writing House Ways and Means Committee.

The Byrnes plan would wipe out industrial financing by granting tax exemption only to bonds that are backed by the full credit of the issuing community. It would exempt public revenue-producing activities such as airports, toll roads, and recreational facilities.

Some of the strongest support for ending the industrial financing practice comes from the Investment Bankers Association of America. The conservative investment bankers are not fretting about the Treasury's lost tax revenue. But they sell more than $11 billion of tax-exempt securities a year and fear that the entire tax-exemption privilege may be jeopardized if the industrial financing abuse is not brought under control.

---

[23] Alaska, California, Connecticut, Illinois, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and Utah. New York City is also considering proposals to create a local ombudsman; interest in this city has increased as a result of the defeat of the referendum on the civilian review board.

[24] Missouri and Nebraska.

[25] The chairman of the newly-appointed committee is Professor Kenneth Culp Davis.

[26] *Hearings* 12.

UNITED STATES HAS LONGSTANDING PRECEDENT FOR RATIFICATION OF HUMAN RIGHTS CONVENTIONS—XLVII

Mr. PROXMIRE. Mr. President, the human rights conventions on forced labor, genocide, political rights of women, and slavery are still languishing in the Committee on Foreign Relations.

The Convention on Genocide submitted to the Senate—18 years and four Presidents ago—has not seen the light of day for 17 years. No real explanation has been offered for the committee's protracted slighting of this first great United Nations Convention.

At the recently completed hearings on the conventions on forced labor, political rights of women, and slavery, three members of the five-member subcommittee—the chairman, the Senator from Connecticut [Mr. Dodd]; the Senator from Pennsylvania [Mr. Clark]; and the Senator from Rhode Island [Mr. Pell], each reaffirmed his strong support for Senate ratification of the Genocide Convention. I congratulate them for their support and urge them to persevere in their efforts to persuade their colleagues on the committee of the wisdom of ratification.

Mr. President, time and again one argument is trotted out against Senate ratification of the Human Rights Conventions. The argument goes along these lines: "Human rights are historically a matter of domestic and national law. Human rights are outside the traditional treatymaking power of the Constitution."

These critics, who frequently refer to themselves as "hardheaded" and "practical" see treaties on shrimp, halibut, and drivers' licenses as a proper exercise of the treatymaking power. In short, for them, the scope of the treatymaking power is limited to matters of profit and practicality.

Well, I feel obliged to point out to these same critics that treaties with humanitarian subject matter have a long and established tradition in U.S. diplomatic history.

This tradition goes back further than the original International Convention on Slavery signed by the United States during the administration of Calvin Coolidge and ratified during the administration of Herbert Hoover.

The United States entered an unmistakably humanitarian convention with Great Britain with the objective of suppressing the slave trade.

This treaty was signed long before the administrations of either Coolidge or Hoover—even before the Taft, McKinley, or Garfield administrations.

This humanitarian treaty on the slave trade was signed and ratified by the United States 105 years ago, during the administration of our great humanitarian President Abraham Lincoln.

We have irrefutable precedents for the ratification of Human Rights Conventions.

Let the Senate, aware of both those precedents and of the great American leadership in the universal struggles for human rights ratify the conventions of forced labor, genocide, political rights of women, and slavery.

THE LATIN AMERICAN SUMMIT CONFERENCE

Mr. COOPER. Mr. President, on yesterday, I introduced amendment No. 149, an amendment in the nature of a substitute to Senate Joint Resolution 60, reported by the Senate Committee on Foreign Relations, and which expresses the sense of a majority of that committee toward the conference which will be convened at Punta del Este on April 12 to 14, 1967.

I spoke briefly yesterday. As I said on the floor of the Senate, I did not vote for the resolution which has been reported from the Senate Committee on Foreign Relations, I considered it an inadequate and incorrect statement of the policy of the United States toward Latin America and the Alliance for Progress which has been developed under three administrations and over a period of almost a decade.

It is an ineffective statement so far as providing any substantial support is concerned to the work of the conference to be held. Certainly, it is ineffective in assuring the President of the United States of any support.

The resolution which I submitted yesterday, and which is substantially the same as the one I had offered in committee, and which was not accepted, does give support to the attainment of the very objectives for which the conference is being convened. It is essential to commence the agreements and arrangements which would ultimately result—it is hoped—in the establishment of a common market in Latin America. Also, it is to give specific support to the multinational projects which have been urged so many times on the floor of the Senate—multinational projects financed in great part by the Inter-American Development Bank—projects which would look to the establishment of common sources of electrical energy, the development of river basins, and transport and communications, which are and would be necessary for the successful operation of a common market in Latin America.

The resolution which I have offered does, I believe, meet the objection which was voiced to the administration's resolution—that it was a blank check for the commitment of unnamed and unspecified future appropriations by Congress. The resolution which I have offered does not make it clear that such appropriations and authorizations in the future must be attained through constitutional processes—which would have to be, anyway—and taking into consideration similar and adequate efforts of self-help on the part of the countries of Latin America.

I have read in the news that the administration may not want any resolution, and that the resolution which is now before Congress may therefore not be considered.

I have no knowledge as to the course the administration may take. My action in offering the resolution in the committee, submitting it yesterday, and speaking briefly on it, is to voice my own view that the resolution which has been reported by the Senate Committee on Foreign Relations is wholly inadequate and incorrect as a statement of United States policy and that it would give little support to the President of the United States at the conference. I hope the Senate will approve an effective resolution, whether my resolution or another.

THE PRESIDENT'S MESSAGE ON POSTAL RATES AND PAY INCREASES

Mr. LAUSCHE. Mr. President, I am delighted to learn of the message the President has sent to the Senate urging an increase in the postal charges made to the senders of mail through the Post Office Department of the United States. I am especially impressed by his recommendation that the senders of junk mail be obliged to pay a rate that will have some semblance of relationship to the cost of handling the junk which they ask the postmen to deposit in the mail boxes of our citizens throughout the country. Personally, I believe the third-class rates should be even higher.

I wish to utter a word, Mr. President, in support of Representative Ken Hechler, of Huntington, W. Va., who recently advocated that there be a steep increase in the charge for the use of our mail services by the senders of junk mail. He, after he made his argument, was threatened with the deposit of a million letters to Members of Congress sent by the propagandists of low postal rates for those who flood our mailboxes with advertisements and other types of mail that we do not want.

Representative Hechler of West Virginia had the courage to speak up. The users of our mail service for the delivery of junk then issued a statement that they would flood Congress with a million pieces of mail condemning him for the position which he took. I commend Representative Hechler of West Virginia, and I hope they threaten me with a million pieces of mail. If they do, it will only strengthen my conviction that they have been abusing the mail service of the United States by having a rate for handling such mail far below what it ought to be.

My recollection is that it costs the senders a bit less than 3 cents for each piece of junk mail. It costs the ordinary citizen 5 cents to send a letter regular mail and 8 cents to send a letter airmail. The average person cannot charge this off his income tax, whereas a third-class mailer not only gets a subsidy, in lower rates but can charge the advertising expense off his income tax too.

Mr. President, when the ordinary citizen uses the mail service he does so with the specific purpose of communicating with his correspondent.

The users of our mail service who send junk mail are flooding the postal boxes of our citizens with mail that the citizens do not want.

I am not familiar with the details of the President's recommendation, but there is no justification for subsidizing at the expense of the taxpayer those users of our mail that are using the mail predominantly for selfish and commercial purposes.

I commend the President for his message. Basically, it will have my support. But it ought to go further in providing a steeper increase for third-class rates.

If there are to be any changes in my views from those recommended by the President, they will be in the direction of making certain that there is adequate contribution by the users of second-, third-, and fourth-class mail service by way of the rates which they pay for that service.

Mr. GRUENING. Mr. President, I associate myself with the remarks of my distinguished colleague, the Senator from Ohio.

We receive junk mail in great quantities in our mail boxes. I have seen as many as six identical pieces of junk mail addressed with misspelled names so that each piece of mail seems to be addressed to a different addressee.

This is a terrible burden on the Post Office and the recipient of the mail. Every once in a while the recipient thinks that he might miss something important if he does not open the mail. Most of my mail of this sort goes into the wastebasket.

I commend the Senator from Ohio for his comments on this matter.

I hope that this great burden on our Post Office and the obvious great burden on the recipients will be eliminated.

USE OF DULLES AIRPORT ACCESS ROAD FOR GENERAL TRAFFIC

Mr. BYRD of Virginia. Mr. President, the Dulles Airport access road was built in 1962 at a cost of $17 million to the American taxpayer. This four-lane, divided highway was designed for the exclusive use of traffic going into and from Dulles.

Unfortunately, Dulles Airport has not yet become the major jet air facility for Washington that it was intended to be. As a result, only 7,600 cars per day are now using the highway which could easily handle three or four times that number without seriously affecting the travel-time into Dulles. Opening the access highway to general traffic would help relieve the congestion on nearby Route 7.

I believe it would be tremendously useful to the people of Fairfax and Loudoun Counties and the surrounding area to be permitted to use this highway—at least until such time as Dulles traffic requires the full use of the airport road.

Opening the access road to general traffic would cost nothing and would be one step toward getting something for the tremendous investment we have made in that area.

I ask unanimous consent to have an editorial on this subject from the March issue of American Motorist printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Open the Dulles Road

Every time someone suggests that the Dulles Airport access road be opened to commuter traffic the Federal Aviation Administration, operator of the highway, loudly protests on grounds that commuter traffic would clog the road and defeat the purpose for which it was built.

The FAA has been spouting this propaganda for years, ever since the $17 million highway, built with public funds, was opened to traffic. While always promising increased airport use at Dulles and a higher traffic volume on the access road, the FAA has been busy allowing National Airport to continue its jammed-up, frantic, noisy and sometimes unsafe pace.

Meanwhile, some 7,600 cars per day use the four-lane divided Dulles access highway, a facility that can easily handle five times that amount of traffic. And just a stone's throw away on Route 7, nearly 14,000 cars per day are using an outdated two-lane facility.

Your AAA Club has written to Secretary of Transportation Alan S. Boyd requesting that by adminstrative order, he open the access road to commuter traffic and allow construction of interchanges at Virginia Routes 657 and 674 serving that area and points west, taking some of the heavy traffic off Route 7.

The FAA has violated the spirit of the agreement under which the access road was built by refusing to force the airlines to make greater use of the $120 million Dulles facility. Part of this is due to the fact that even with the access road, it takes 45 minutes to one hour to drive to the airport from downtown Washington. Most experts now agree that a rapid-rail system should be built to provide the kind of transportation needed to encourage passenger use of Dulles.

The access road was built with sufficient right-of-way to allow Virginia to construct an additional parallel four-lane highway for use by commuter traffic. The state does not have the funds nor the will to build another four-lane highway parallel to one which already is lying dormant.

The FAA has flouted the public interest in regard to the Dulles access road and it is time that the highway be opened to commuter traffic.

THE 25TH ANNIVERSARY OF BATAAN

Mr. BYRD of West Virginia. Mr. President, the memory of all the sorrow that the word "Bataan" has meant in thousands of American lives will be reawakened as Americans pause to honor those who served there in the Philippines 25 years ago.

Newspapers in West Virginia have noted the coming of the anniversary of the fall of Bataan and the brutal death march that followed for American military personnel and Filipinos alike. It is fitting that our Nation should recall with respect and gratitude the sacrifices which those serving on Bataan made for our Nation in a time of great threat to our security.

In the March 26 issue of the Sunday Gazette-Mail, Charleston, W. Va., the events surrounding the fall of Bataan are graphically recounted in the article, "Death March: Victory in Defeat." The report which was published in the March 27 Sunset News-Observer, Princeton-Bluefield, W. Va., entitled "Families of Corregidor Defenders to Make Visit," States plans for Bataan survivors to revisit the scene of their ordeal and provides a happier sequel to the saga of early World War II misery and humiliation in the Pacific.

I ask unanimous consent that these articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Charleston (W. Va.) Sunday Gazette-Mail Mar. 26, 1967]

Death March: Victory in Defeat

"We're the battling bastards of Bataan
No mama, no papa, no Uncle Sam!
No aunts, no uncles, no cousins, no nieces,
No pills, no planes, no artillery pieces,
And nobody gives a damn!"

(By Richard F. Newcomb)

The general asked his staff officers to come to his tent at midnight, and by 2 a.m. his decision had been taken: He would surrender all forces under his command on Bataan.

Thus began, quite unexpectedly for both sides, the infamous march of death. For the United States it was a national humiliation, and yet a victory within defeat. For Japan, a badge of shame before the civilized world.

Maj. Gen. Edward P. King Jr., a 57-year old Atlantan with 37 years in the United States Army, had looked upon the night of April 8, 1942, as an end, not a beginning. That very night his quartermaster had told him there was one more half-ration of food and it would be distributed the next morning, if possible. With Lt. Gen. Masaharu Homma's final offensive in full drive there was no assurance that tomorrow would come.

"We have no further means of organized resistance," Gen. King told his officers. Crammed together in the Bataan Peninsula were more than 100,000 people, nearly 30,000 of them Filipino civilians. This was the last stand; only Bataan and Corregidor were left.

Allied fortunes in the Pacific had reached their nadir. The American fleet had been crippled at Pearl Harbor, the garrison at Wake Island had capitulated. Hong Kong had surrendered on Christmas Day, Singapore had fallen and the Japanese hordes were sweeping across the Netherlands East Indies toward Australia. Japanese bombers already had heavily bombed Darwin.

On Bataan and Corregidor, the lonely men and women, Filipino and American alike, watched the sea with falling hopes. Where were the ships, the ships with arms and food from mighty America? They did not come, and in time the defenders came to know that they would not come. They felt alone, bitter, deserted. The battling bastards of Bataan.

President Manuel Quezon and other Philippine officials had left Corregidor by submarine, and Gen. Douglas MacArthur departed on March 11. "I shall return," he had said, but the prospects looked dim. And now Gen. Homma's 14th Imperial Army held Manila and the entire rim of Manila Bay, one of the finest harbors in the Orient. This had been MacArthur's strategy, to hold Bataan and Corregidor until the last. "He might have the bottle, but I had the cork."

True, but Gen. Homma was under orders to pull the cork, and quickly. His final drive began on Good Friday, April 3 that year, with 80,000 soldiers. By the night of the 8th he had reached a line below Bagac on the west coast and Orion on the east. Only 10 miles left to Mariveles, and then his artillery could blast Corregidor, two miles across the water.

In the 10-mile triangle left to Gen. King were 12,000 American officers and enlisted men, mostly Army; some 66,000 Philippine army men, 6,000 Filipino civilians, employes of the Army, and about 20,000 refugees, many of them women and children who had slipped behind the lines, seeking protection from the invaders.

The flies and mosquitoes were terrible.

From early February, food rations had dropped steadily, from half rations, to one third, then to whatever the country provided. The carabao (water buffalo) were eaten first, more than a thousand of them, then all 250 horses and finally even the 48 mules of the 26th Cavalry Regiment. After that came dog and monkey meat, even python and iguana. "Iguana is fair, monkey I do not recommend," wrote Col. Richard C. Mallonee.

Quinine for prevention of malaria was stopped at the end of February; by April 1 the hospitals had a week's supply, only for those near death. And the hospitals and aid stations had 24,000 patients. Diarrhea and dysentery were common, beriberi and malaria were spreading. Bad diet and bad water had caused swelling and night blindness in thousands of people.

This is what Gen. King faced on the night of April 8. His orders were not to surrender, but he refused to accept the alternative—slaughter. With full knowledge of his orders, and with full responsibility for his action, he sent two of his men forward before dawn on April 9, looking for Gen. Homma. They never found him, and the "surrender" went wrong from the start.

Col. Everett C. Williams and Maj. Marshall Hurt Jr. fought their way north by Jeep, over roads jammed with Japanese and Filipino soldiers and vehicles. Finally they abandoned the Jeep and walked forward, waving a sheet, until they were in the presence of Maj. Gen. Kameichiro Nagano. He agreed to meet Gen. King near Lamao, and sent Maj. Hurt to get him.

Gen. King, wearing his last clean uniform, left his headquarters at 9 a.m., but it was nearly noon before he could reach Lamao. He and three of his staff officers were ordered to sit at a table in front of a farm house. A black Cadillac drove up and out stepped Col. Motoo Nakayama, Gen. Homma's operations officer.

"You are Gen. Wainwright?" he demanded, through his interpreter.

When King said he was not, Nakayama shouted, "Go and get Wainwright." Homma had sent Nakayama to take the surrender of Bataan, Corregidor and Wainwright. Nakayama was sure his general would not take kindly to anything less, and he became furious. He refused to accept King's surrender, demanded his sword, settled for a pistol, and left. No paper was signed, in fact, no surrender was accomplished. Col. Nakayama's last word was that every person on Bataan would have to surrender as an individual, and that's the way it was. Now began the march to prison.

All Bataan was chaos. The 14th Army was driving hard for the heights of Mariveles, anxious to site its artillery. The mass of Americans and Filipinos, no longer an organized force, were trying to get out of the peninsula. Nearly 200,000 people were now in the tiny triangle of lower Bataan—an advancing army, a defeated army, and thousands of civilians.

Gen. Homma had one objective, to get close to Corregidor and smash it as soon as possible. To be sure, he had a plan for his captives, but it quickly went awry. In the first place, he had not expected Bataan to fall until the end of April. In the second place, his bag of prisoners was twice the size he estimated.

He had barely enough food, medicine and transport for his own army; for the prisoners he had virtually none. It can be said, too, that he had no idea his enemy was so nearly played out. He was not prepared for the thousands of sick in the hospitals, for the other thousands hardly able to walk, and for the thousands who had no food and expected him to feed them. As a general at war, Homma wanted the peninsula cleared of the enemy. It was, and Homma took care not to inquire how it was done.

It was done, for the most part, with great disorganization cruelty, and wanton killing. For most of the Americans and Filipinos, it was done by foot, with great suffering.

The first survivors began to walk out of Bataan on the morning of April 9. These were the men on the east coast, nearest Lamao, who got the word first. For those on the west coast and around Mariveles, it was as much as four days before the fighting stopped and they could start down the road. None knew where they were going, but it was to Camp O'Donnell, 65 miles to the north.

Sixty-five miles is not a long march for a soldier in good condition. These men were not.

The killing began immediately, but without pattern. Around Mariveles, a Japanese officer raised his heavy sword and brought it crashing down on the shoulder of an American captain, splitting his trunk to the navel. Anyone caught with Japanese money was assumed to have taken it from a Japanese he had killed. More than one coin collector paid with his life, by bayonet, club, sword or pistol. Up near Bagac, on a trail over the mountains to the east coast, nearly 400 men of the 19th Philippine Army Division were marched into the woods, tied together and beheaded with sabers. "We are doing this because many of our soldiers died fighting against you," said the Japanese interpreter.

But this was only the beginning. Most of the killing and dying was done on the road out. The Japanese plan had been to force the enemy out of Bataan to the town of Balanga. There they were to be organized into groups for the march to prison. The first leg was to be eight miles to Orani, then 15 miles to Lubao, and finally eight more miles to San Fernando, a town on the main rail line north from Manila. From San Fernando, capital of Pampanga Province, they would go by rail to Capas, a 25-mile trip, and then walk the final nine miles to Camp O'Donnell.

Gen. Homma's order said the prisoners should be treated in "a friendly spirit." A few were, but for the great majority it was nothing less than hell.

The Japanese plan had called for food at every way stop; there was none. The sun shone mercilessly every day, and there was no water. Men drank from the carabao wallows and were shot down or bayoneted for breaking ranks. They were forced to run, when they could hardly walk. Japanese soldiers in passing trucks beat them with bamboo wands. The prisoners were stripped of all personal belongings, even canteens. If a man fell by the wayside, he was left in the road, to be squashed by trucks rushing to the front. In some cases the defeated were forced to bury their dead by the roadside. More than one man was buried alive, moaning through the dirt.

The way stops were sheer horror. You could tell the approach by the smell of rotting corpses and human excrement. Thousands of men dying of dysentery and diarrhea could no longer control themselves. And always the sun, and the men without hats, lost or stolen.

In the towns, the men were held overnight in sheds, pens, corrals or in the open, crowded together in styes left by the preceding groups of prisoners. And always the revolting stench.

Nor was there any surcease, even at San Fernando or Camp O'Donnell. At the rail town, the men were jammed into closed cattle cars, some wood, some metal. The doors were closed and the sun beat down. For a minimum of four hours they rode north to Capas. Many died on the way and were too crowded to fall down until the doors were opened. The last nine miles, from Capas to O'Donnel, were slightly easier only because the men were out of the battle zone, and the weakest among them had already expired.

Not all men walked. Most officers and some fortunate enlisted men were taken by car or truck, directly from Balanga to O'Donnell. Thousands of others never made it for another reason—they escaped. The Filipinos had the best chance, melting into the crowds in the towns and striking out for the hills. But many Americans made it, too, joining the growing guerrilla forces that harried the Japanese until the end of the war.

Nobody knows how many died on the death march. Gen. King estimated later that 9,300 Americans had reached O'Donnell by the end of May, and that between 600 and 650 Americans died on the march. For the Filipinos, probably 10,000 died on the march, and another 6,000 escaped.

But even O'Donnell was not the end. In the first seven weeks there, another 1,600 Americans died, and 10 times that many Filipinos. Those who lived faced another 3½ years in prison camps, from the southern Philippines all the way to Manchuria. And for thousands of them, death was only delayed. Many perished in agony in the holds of unmarked prison ships, sent to the bottom by American bombers.

The chronology of all this was not quick and clear to Americans at home. While Corregidor still held, the loss of Bataan was announced. The New York Times said Bataan would "take its place forever in the great traditions of the American people." Time magazine saw Bataan as the "death of an American illusion"—its invincibility.

But it was nearly two years before the public in the United States learned of "the march of death." With stunning suddenness, the Army and Navy made a joint announcement on the night of Jan. 27, 1944. It was that 5,200 Americans from Bataan and Corregidor had died after the death march. The announcement said 2,200 Americans had died at Camp O'Donnell in April and May, 1942, and 3,000 more at the camp at Cabanatuan through October, 1942.

The nation was not totally unprepared. Stories of Japanese brutality had been seeping back from the war fronts for months. But this sworn statement, based on the testimony of three American officers who had escaped from Philippine prison camps, was the first official American confirmation of horrors only feared. The nation was aroused as at few times in its history.

Sen. Bennett Champ Clark of Missouri: "Bomb Japan out of existence." Sen. Richard B. Russell of Georgia: "They are brutish beings in human form." Sen. Carl A. Hatch of New Mexico: "A throwback to barbarianism; isolate Japan on its island forever."

In England, at almost the same time, Foreign Secretary Anthony Eden told a shocked Parliament tales of "unspeakable savagery" to British prisoners in Japanese hands. On the West Coast, extra guards were rushed to the internment camps where thousands of Japanese-Americans were being held. Only the coolest of heads realized that thousands of these same Japanese-Americans were fighting and dying on the Allied side in many theaters of war.

But why announce the atrocities now, nearly two years later? Gen. MacArthur later blamed it on a cabal of his enemies at home, for dark purposes he only hinted at. The callous said it was to spur the sale of war bonds, and the sales did bound, by double and triple. The government said, and in the long view of history it must be accepted, that the delay was to protect those still in captivity. Nearly 30,000 Americans were in Japanese prisons at this time. The United States had been trying desperately, by political pressure, by threat, and by capolery, to get food and medicine to them, and to force the Japanese to improve their treatment. When all efforts failed, the story was told.

Two sidelights remain. Gen. MacArthur returned to Corregidor in February, 1945.

Turning to Col. George Jones, whose forces had recaptured the island, MacArthur said: "Have your troops hoist the colors to its peak, and let no enemy ever haul them down."

Then came his tribute: "Bataan, with Corregidor the citadel of its integral defense, made possible all that has happened since. History, I am sure, will record it as one of the decisive battles of the world . . . . Let no man henceforth speak of it other than as a magnificent victory."

Gen. Homma went on trial in January 1946 in a bombed-out dance hall in Manila. Six feet tall, every inch a soldier, he sat straight in his chair. He understood English perfectly. He had been a military student in England in 1918, served as a British observer in France. In the 1930s he had been military attache in London, and decorated with the Military Cross of the British Empire. Now he sat, cool and suave, while his wife testified that he was always "kind and considerate" to her, the children and the servants. She said he loved Galsworthy and Shaw, and even on Bataan had never gone to bed without reading a chapter of "Gone With the Wind." He had hoped to see the movie as soon as the Japanese "land in California."

But there was also M. Sgt. James Baldasarre, 28 years in the Army, captured at Bataan, survivor of the death march, a prison ship and a Manchurian POW camp. He looked straight at Gen. Homma and testified: "I saw Japanese officers riding along the route. There is one in the place right now that I recognize who was riding in an official car—Lt. Gen. Homma.

Outside of court Baldasarre, now bald and toothless, said: "They should hang the man. He is a no-good son of a bitch. I should pull the rope. They killed people like flies. Send him to me. I'll fix him up."

But the military tribunal sent Gen. Homma to a firing squad instead. He was executed at Los Banos on April 3, 1946, four years to the day that he had opened his Good Friday offensive.

Twenty-five years is a long time. Most of the rancor is gone, the memories softened by time. Now the survivors set out by chartered plane to see the mountains and jungles of Bataan where they suffered—the little bands of National Guardsmen from places like Maywood, Ill.; Albuquerque, N.M.; Janesville, Wis.; Salinas, Calif.; and Brainerd, Minn. They remember, but their wives and children now grown hardly believe. Could it really have happened that way? It did.

[From the Princeton-Bluefield (W. Va.-Va.) Sunset News-Observer, Mar. 27, 1967]

Families of Corregidor Defenders To Make Visit

(By Steven B. Marcus)

Harrisburg, Pa.—One man is going to try and find the doctor who nursed him to health when he was a prisoner of war. A mother is going with us to try to find the grave of her son.

Those and 298 other very personal reasons are why 300 members of the American Defenders of Bataan and Corregidor and their families are going back to the Philippines on the 25th anniversary of the fall of fortresses in the early days of World War II, says Arthur A. Bressi, national commander of the group.

Early next month, he and 299 members of his organization, and their families, will visit the islands for 12 days.

Members of the organization were part of the American garrison that was stationed in the Philippines just before the war broke out, and who valiantly attempted to stop the Japanese from overrunning the islands.

Most of the group, like Bressi, were captured by the Japanese and interned in prison camps.

Bressi said the trip would be made in three chartered airplanes. One of the planes leaves from New York on April 5, the second from Chicago on April 3, and the third from San Francisco on April 1.

The veterans will lay wreaths at the U.S. military cemetery, visit the sites of the prison camps, and Bataan and Corregidor, and help dedicate a 150-foot cross on Mt. Sumat that honors the soldiers who died at Bataan.

"This is our first trip back as a group, and I guess each of us has a different reason for going," said Bressi during an interview at his home in nearby Mechanicsburg.

Bressi, who retired from the Army as a captain after 21 years of service and now works at the New Cumberland Army Depot, said none of the men will forget their prison camp experience.

"It created a real bond of friendship that has remained through the years," he said.

"When a man got sick in the camp, you cared for him and helped him do his work. We depended on each other."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LATE SENATOR VANDENBERG

Mr. HART. Mr. President, as has perhaps already been noted in this Chamber, the late Senator Vandenberg, of Michigan, will be honored in this building today when a bronze plaque will be unveiled in a chamber that has already long been known as the Vandenberg Room.

The plaque is succinct. It notes merely that Arthur H. Vandenberg was a U.S. Senator from 1928 to 1951 and that he served as President pro tempore of the Senate for 2 of those years.

One way, I suppose, to describe Senator Vandenberg's contributions to the Nation would be to list the bills he sponsored and saw passed, to cite his tremendous influence on the success of the Marshall plan, or to quote from his famous speech in which he rejected a life-long philosophy of isolationism in favor of internationalism.

But I do not believe we should limit a discussion of his contributions merely to the issues of his time.

Actually, he proved something far more lasting and perhaps far more valuable. He delivered a lesson written in bold and lasting letters.

He showed us that anyone—even a politician—can admit he was wrong about something without having his world collapse about him.

And I think it would please Senator Vandenberg if that were the contribution for which he is remembered.

In American politics today, we often find conventional strategy demanding that we find some inconsistency in an opponent's record—some proof that he said something 2 or 5 years ago that was inconsistent with the vote he cast today.

Too often, we do not realize that the American public puts no high premium on stubbornness—on a dogged determination to defend some ground that is no longer defendable.

The public does realize that a change in viewpoint can be motivated by thoughtfulness rather than fickleness.

This is not an unchanging world and it does not demand unchanging men. It does demand that new decisions be explained clearly and forthrightly, without fudging and doubletalk.

All this Senator Vandenberg did. And approval for his action was demonstrated, not only by tremendous subsequently popularity in Michigan, but also by applause from around the world.

Arthur Vandenberg did not "adjust his position" or "clarify his stand"—phrases that more fearful men might use to disguise a shift.

He just changed his mind. He simply said, in effect, "My old position is no longer valid so I'm adopting one that is."

And he was right. Let us not forget that. When you change your position, it is always useful to shift to one that is right.

So I am very happy that the plaque is being put up. And if there were room for additional words, I would suggest these:

"Arthur Vandenberg—a man who proved that honesty is not disastrous."

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEST VIRGINIA UNIVERSITY HAS OWN DEMONSTRATORS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an editorial which was published in the News-Register of Wheeling, W. Va., on March 30, 1967.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

West Virginia University Now Has Own Demonstrators

Last November 15 we stated here that unfortunately the seeds of unrest had been planted on the campus at West Virginia University by a clergyman's ill-advised remarks and sure enough they have sprouted now and were in full bloom over last weekend.

The Rev. Michael Paine, Episcopal chaplain at the University, preached a sermon in November complaining that the students there were too docile. He urged more dissent from the students and told them to get angry for their beliefs.

Well as a result a group of WVU students banded together and formed a chapter of the Students for a Democratic Society (SDS) on the Morgantown campus. Now WVU is ready to stir up a demonstration complete with beatnik characters and sign carriers on a moment's notice or at a signal from the Rev. Paine.

Last Saturday, Morgantown's business and civic leaders welcomed U.S. Senator Robert C. Byrd to their community for a testimonial dinner honoring the Senator for his help on various local projects. Senator Byrd was greeted by a band of University students, members of SDS, some wearing beards and carrying placards reading, "Byrd Persecutes the Poor in Washington," "Happy Easter Kleagle," "Byrd Opposes Democracy in D.C.," and "Unfair." They followed the Senator during his tour of Morgantown and were at the door of the Hotel Morgan where the testimonial dinner was held. In all it was a disgusting display and prompted Morgantown's civic leaders to apologize to Senator Byrd for the pickets.

Accompanying the demonstrators was the Rev. Paine, who explained that the picketing was prompted by a Saturday morning Charleston Gazette article quoting Sen. Byrd as saying he wouldn't vote for home rule in Washington, D.C. One of the guests at the testimonial dinner, Mr. Ezra Hamistead, former national Republican committeeman from Morgantown, glared at Rev. Paine as he entered the Hotel Morgan and said, "I'm ashamed of you."

The "chickens have come home to roost" at West Virginia University. There is ample cause for concern for all responsible citizens of the state when it is realized that this discord on the campus at WVU did not spring from the students themselves, but was motivated by a mature adult, a member of the clergy.

THE CENTRAL INTELLIGENCE AGENCY

Mr. YOUNG of North Dakota. Mr. President, it is unfortunate that a rather sizable percentage of our people do not understand or appreciate the most important role the Central Intelligence Agency plays in maintaining our national security. This is the most maligned and misunderstood agency of our Federal Government.

This is understandable as most of the articles the average person reads with reference to the CIA are based almost entirely on misinformation and misrepresentation. It is refreshing to read editorials such as the one entitled "'Reforming' the CIA," which appeared in the Washington Evening Star on March 31.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REFORMING THE CIA

There is one hopeful note in the report of a high-level study committee which the President appointed in February after the uproar over the disclosure that CIA money had been covertly used to finance some activities of the National Student Association and other groups. This note is that the committee members do not believe the policies which they recommend will "unduly handicap" the CIA "in the exercise of its national security responsibilities."

The implication is, of course, that there will be some handicap. And the observation would be thoroughly suspect if it were not for the fact that Richard Helms, CIA Director, was one of the committee members. (The others were Nicholas Katzenbach, Under Secretary of State, and John W. Gardner, HEW Secretary.) If Helms subscribes to the assertion that his own agency will not be unduly handicapped, that is an assurance which will have to be taken at face value.

We have never thought there was anything inherently wrong with what the CIA was doing. No innocents were corrupted, no unworthy purpose was promoted. On the contrary, especially at the time the subsidy program was started, it served a national interest of large importance. The committee report concedes that this is so.

Still, when the shrill cries of protest began to be heard across the land, it doubtless became necessary, politically and otherwise, for the President to do something. Four administrations had been fully aware of and had approved what the CIA was doing. But that counted for nothing when the covert activity was exposed. So the President, falling back on an ancient recourse, appointed a study committee.

There will be no more covert financing, direct or indirect, of any "educational or private voluntary organizations." The committee recommends, and the President will "seriously consider," a proposal to establish "a public-private mechanism to provide public funds openly" for such activities as heretofore were being financed covertly.

At best, it is going to be extremely difficult to carry on, under such a setup, the overseas cultural activities that the CIA has been subsidizing. The young student or labor leader who effectively opposed the Communists at international meetings was often a sort whose politics would not appeal, let us say, to a conservative member of the House Appropriations Committee. Inevitably, now that public funds are to be provided openly, the stand of our unofficial delegates at such meetings will become a public issue—and their effectiveness as representatives of the free world will be hard to maintain.

But the President's committeemen have done the best they could. The end result of their work probably will be prejudicial in some degree to the national interest. But that, we suppose, is a price that must be paid if the "democratic process," like Caesar's wife, is to be above suspicion—and never mind how the other side chooses to play the game.

RIGHT OF PRIVACY ACT OF 1967

Mr. LONG of Missouri. Mr. President, on Monday, March 20, 1967, the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary began hearings on the administration-proposed Right of Privacy Act of 1967—S. 928. Attorney General Ramsey Clark was our leadoff witness, and simply and ably explained the need for the enactment of the bill by this Congress.

The Washington Post of March 21, 1967, published an editorial entitled "Between Ourselves," a discussion of privacy of communication. The Post's editorial points out that "this privacy of communication is an indispensable attribute of freedom. Free citizens want it, and need it."

Mr. President, I ask unanimous consent, that both the Washington Post editorial and Attorney General Ramsey Clark's excellent statement before the Senate subcommittee be printed in the RECORD.

There being no objection, the editorial and statement were ordered to be printed in the RECORD, as follows:

[From the Washington Post, March 21, 1967]

BETWEEN OURSELVES

Undoubtedly it is a convenience for criminals to be able to discuss their crimes by telephone and to be able to hatch their conspiracies in confidence when they think they are alone. And, admittedly, it would be a corresponding inconvenience to them if the police were free to monitor all their telephone conversations or put bugs in their bedrooms and living rooms. It would be necessary, then, for criminals to exercise great circumspection in communicating with each other; they might have to resort, say, to first-class mail instead of the telephone, until the police got permission to steam open everybody's letters. Quite possibly some crimes would be solved by this sort of surveillance—although one could hardly expect it to do much to curb rape, pursesnatching, mugging or other street crimes which are usually not plotted in advance.

The trouble with subjecting criminals to such surveillance is that it subjects every law-abiding citizen to something worse than inconvenience—or at least to the fear of it. How many times, in ordinary conversation with a friend or a member of your family, have you prefaced a remark with the cautionary phrase, "between ourselves"? You were contemplating no crime when you said it and what you went on to say was not treasonable. But you simply, for your own good reasons, wanted to say it in confidence—and not for recording by a police microphone.

Privacy of communication is an indispensable attribute of freedom. Free citizens want it, and need it, whether talking on the telephone or in the sanctuary of their homes and offices, to discuss business problems, marital confidences, lovers' trysts, politics, the boss, the neighbors or the events reported in the morning newspaper. You have only to imagine a policeman hidden in the closet to understand how inhibiting it would be if the police were allowed to bug your home.

RIGHT OF PRIVACY ACT OF 1967—S. 928

(Statement by Attorney General Ramsey Clark, before the Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee, Mar. 20, 1967)

We cared enough for our privacy to prohibit unreasonable searches and seizures and unrestricted warrants in the Bill of Rights. For privacy is after all the foundation of freedom and the source of individualism and personality. But as Justice Brandeis observed nearly four decades ago ". . . general warrants are but puny instruments of tyranny and oppression when compared to wiretapping." Still we permit the most insidious invasion of privacy—the electronic surveillance.

Privacy has always been a rare commodity, but never so rare as in our times. Never, therefore, has it been more important that we cherish privacy. The sheer numbers in our lives, our urban living, and our immense and growing technological capacities burden and further threaten privacy. They compel us to seek ways to being alone and being let alone—of solitude—and the chance to be ourselves.

John Stuart Mill said "the worth of a state, in the long run, is the worth of the individuals composing it." When the state demeans its citizens, or permits them to demean each other however beneficent the particular purpose, it will only find that it has limited opportunities for individual fulfillment and for national accomplishment.

Public safety will not be found in wiretapping. Security is to be found in excellence in law enforcement, in courts and in corrections. That excellence has not been demonstrated to include wiretapping.

Nothing so mocks privacy as the wiretap and electronic surveillance. They are incompatible with a free society and justified only when that society must protect itself from those who seek to destroy it.

Recent proposals have been advanced to authorize limited wiretapping and eavesdropping under judicial supervision. Constitutional challenges to such state legislation are now presented to the Supreme Court in the case of *Berger v. New York*. Before this session of the Congress expires, the Supreme Court may well decide some of the constitutional issues. But even if the practice withstands this constitutional test, it should be stopped by statute.

Only the most urgent need can justify wiretapping and other electronic surveillance. Proponents of authorization have failed to make a case—much less meet the heavy burden of proof our values require. Where is the evidence that this is an efficient police technique? Might not more crime be prevented and detected by other uses of the same manpower without the large scale, unfocussed intrusions on personal privacy that electronic surveillance involves?

The proposed Right of Privacy Act would establish a blanket prohibition against the interception of wire communications. Wire communications involve the interstate communications network, and it has long been clear that Congress has plenary power in this area. The statutory ban would close a major gap in existing law, by making clear that interception alone or divulgence alone would be a crime. Section 605 of the Communications Act of 1934 (47 U.S.C. 605) prohibits "interception and divulgence" and has long been subject to the interpretation that interception alone is not an offense.

The bill also deals with eavesdropping. Like wiretapping, eavesdropping involves a pervasive invasion of the privacy of conversations. Its incidents, as this subcommittee has dramatically demonstrated in previous hearings, range far beyond the overhearing of telephone conversations. The sophisticated electronic devices presently available and aggressively promoted on the market are capable of intruding into almost any conversation anywhere. Such devices, highly portable and easily concealed, can be secreted in the innermost reaches of a person's home. They indiscriminately record his most private conversations. They can be used to overhear conversations even where there has been no physical trespass on private premises.

It is therefore essential that any enactment contain, as does the bill before the subcommittee, a comprehensive ban on the use of electronic, mechanical, or other devices for the purpose of eavesdropping. The disclosure or use of information obtained by eavesdropping is and must also be proscribed.

The prohibitions against wiretapping and eavesdropping apply only when none of the parties to the conversation has consented to the activity. Quite different practical and legal considerations come into play when one of the parties to the conversation has authorized the surveillance. The use of electronic devices in such circumstances has consistently been upheld by the Supreme Court against constitutional attack.

In addition to the broad prohibitions against the use of wiretapping and eavesdropping devices, the statute will reach the sources of supply of these devices. It contains specific prohibitions against the manufacture, shipment, or advertisement of devices whose design renders them primarily useful for the purpose of wire interception or eavesdropping. This section will eliminate many objectionable devices now readily obtained on the market, such as the spike microphone, the cuff link microphone, the martini olive transmitter, and other devices whose design indicates that their primary purpose is to facilitate the surreptitious overhearing of private conversations. The section will not affect the manufacture or shipment of simple induction coils, tape recorders, or other innocent electronic equipment even though they may be adaptable to wiretapping or bugging uses. It should be noted, however, that the bill prohibits the advertisement even of legitimate devices, whenever the advertisement promotes the use of the devices for wipetapping or eavesdropping.

Only wiretapping and eavesdropping directly related to and necessary for the protection of the security of the Nation is excepted from the prohibitions contained in the bill. Even in this narrow area, however, no information obtained as a result of such measures will be admissible in evidence in judicial or administrative proceedings. Other use or disclosure of such information is prohibited except as essential to national security. The national security exception is a necessary provision in the statute; the evidentiary restrictions, however, will serve an important function in confining such activity to the extremely narrow bounds that are appropriate.

This bill is far-reaching and comprehensive. When enacted, it will afford major protection to a fundamental right of all Americans. Legislation to safeguard the right of privacy is long overdue.

CONTRIBUTION OF AEROSPACE INDUSTRY

Mr. FANNIN. Mr. President, many Americans, myself included, are not familiar enough with the areospace industry to appreciate its great contribution to our economy, our country, and to the world. Fortunately, however, I have had an opportunity to read a recent speech on the subject by Karl G. Harr, Jr., and I am much more familiar with the subject—how the areospace industry serves the public interest—than I was.

Actually, with leaders like Mr. Harr, it is no wonder that this contribution continues to grow in size and importance with each passing day.

Mr. Harr, who is president of the Aerospace Industries Association, delivered his speech March 10, 1967, at an Air Force Appreciation Day luncheon in Tucson, Ariz.

Mr. President, I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Aerospace and the Public Interest: The Hard Questions

(Remarks by Karl G. Harr, Jr., president, Aerospace Industries Association)

I have chosen this subject both because of what I deem to be its importance, and because I can think of no audience more appropriate for its introduction. In the simplest, clearest and most direct terms, the Air Force symbolizes service in the public interest. Its members, as do those of the other armed services, literally lay their lives on the line in the public interest.

But in these increasingly complex and fast moving times, determining what is in the public interest in other areas is seldom capable of such simple and clear resolution.

Perhaps a story is apt. Following a recent international beauty contest, a reporter asked the contestants what each of them would do if marooned alone on an island with 12 men. The American girl said that she would divert the men, using American organizational know-how, by dividing them into four groups of three each, giving each group a constructive and busy assignment. The British girl said she would study the men carefully for a time, ascertain which was the dominant one, and then curry his protection. The French girl said, "I understand the question but I don't see the problem."

This story applies to today's aerospace world because "seeing the problem" is increasingly becoming the name of the game.

And the scope and complexity of our world is advancing so fast that not only is it becoming increasingly difficult to understand our problems, but it is becoming increasingly serious if we fail to do so.

Those of us in our middle years, for example, were born to one world, raised in another, now live in a third and are rapidly moving into a totally different one.

I was five when the Spirit of St. Louis flew to Paris and today we are well on the way to a supersonic transport. This comes to mind because our Association, in trying to illustrate graphically the changes in the 40 years since Lindbergh's flight, found that it had to falsify the scale between the SST and the Spirit of St. Louis in order to be able even to see the Spirit of St. Louis.

And here we are today on the way to the moon, flying billions of passenger miles by jet aircraft, and living amid all the other technological miracles that have become accepted as part of our daily life.

But just as the scope and complexities of our times increase so do the pressures on us. If we accept, for example, that technological advance is essential to the continued security and well-being of the American people, then we must recognize the need for ever increasing creative genius as we push deeper and deeper into the unknown. If we accept that the nation must exploit its most advanced industrial and technological capabilities for social and environmental improvement, then we must accept the need for greater imagination in devising ways and means of bringing this about. If we accept the proposition that keeping our particular free and open political and economic system working as best it can in the national interest, provides the best hope available for the attainment of our objectives in the tumultuous and dynamic years ahead, then we must accept the need for a degree of soundness of judgment, depth of thought and clarity of perception, such as has never been called for before.

We have an incredible system, really, as has been proven over and over again and is now perhaps reaffirming itself in a way as dramatic as it has ever done in the past. When you consider that our federal budget alone, while representing but a small fraction of our own GNP, is nevertheless greater than the total GNPs of all but two nations in the world; when you consider that though engaged in a major conflict in Vietnam involving huge human and material resources, one still can't get a resort hotel room, good kids can't find a place in college, real estate prices in almost every area are rising all the time, you get a feel for how well our system works even under today's cruel stresses.

But let us not kid ourselves on one point. Each year as the pace of our total life increases it takes more and more of the best of our talents to keep the system operating.

And this is where "seeing the problem" comes in. It is ever more difficult. It is ever more important.

I don't wish to be misunderstood. I wouldn't trade the demands and opportunities of these times for those of any other. No engineer or scientist has ever been faced with such exhilarating challenges to his creative ability as are those who are facing them today. No architects, city planners, businessmen, sociologists, scholars or politicians have been faced with such exhilarating challenges to their constructive imaginations as those of today. And no statesmen, either in government or out, have been faced with such exhilarating demands on their capacity to analyze and reason clearly as those faced with the task of keeping our system operating in today's and tomorrow's world.

The only ones we can truly envy, are those younger than we who will face the even greater challenges and opportunities of tomorrow.

And of course nobody today has all the answers as to how the system may best be kept operating on into the future. Yet we can certainly all agree that such is the objective and that its attainment is vital, and perhaps we can agree on some of the key questions we should be asking.

Perhaps we can also accept the responsibility for the manner in which we approach the subject. If ever steady, sober dialogue was called for it is in regard to this increasingly difficult problem. Emotionalism and slogans just won't do. The stakes are too high and the problems too hard. Also there are really no white hats and black hats involved. We're all in the same ball game and we're all trying to make the system work as well as possible because it is our system and we depend on it. So we cannot afford to let pollution of the intellectual air be added to our other pollution problems.

The aerospace industry provides a useful case study of the problem of keeping our system in balance. It itself is constantly changing at least as rapidly as any other major element of our system. It has an interface with the governmental part of the system that is unique both as to size, intimacy and duration. Nevertheless it also has moved deeply into the mainstream of the rest of the system not only because of its traditional involvement in such rapidly expanding fields as commercial transportation and general aviation, but also because of its substantial beginnings of involvement in a wide new spectrum of varied commercial and socioeconomic activities. It is uniquely in the forefront of technological advance, and yet it is also identical with any other private industry in that it is directly and completely subject to the disciplines of corporate existence in the private economy. It must compete in the commercial marketplace for capital, resources and talent.

In short, almost no element of our total national system fails to interface, and interface importantly, with the aerospace industry.

For that reason, I submit, it is clearly in the public interest that the aerospace part of the system continue to function as well as possible in the years ahead. Many key elements of our system in fact literally depend upon the aerospace industry's continued successful fulfillment of its promise.

Well why shouldn't it fulfill its promise? What stands in its way? I suggest really only one thing. A small black cloud on the horizon, no bigger than a man's hand, stems from the fact that as the business of "seeing the problem" gets more difficult, the easier it becomes to make a fatal mistake. It is getting easier and easier to stumble into error.

Lengthening lead-times between cause and effect place an ever greater premium on early recognition of emerging problems, and failure to recognize them early can put you quickly beyond the point of no return. This can be true of a company, of the industry, or of a relationship between the industry and another element of the system with which it significantly interfaces.

I might cite as an example of the latter danger a change in the nature of the aerospace industry which must be understood by the government if the considerable relationship that exists between the two is to be soundly viewed. I refer to the degree to which the aerospace industry, really quite recently, has emerged into the total marketplace, the total world. This is a sign of the expanding role of technologically advanced equipment in the mainstream of life in the modern world. It is a very happy and positive development from the point of view of the industry and of the total system to which it contributes. It is also extremely beneficial to that portion of government which relies upon the industry for its defense and space equipment. Finally, it offers perhaps our society's best chances of finding adequate solutions to the principal environmental problems that beset our cities. But it must also be said that it changes the nature and scope of the contribution of the aerospace industry to the public interest. No longer confined to serving merely the narrower public interest of defense and space programs, the industry is rapidly becoming a major contributor to a much broader public interest, with even greater potentials clearly lying ahead.

If it ever was a captive industry, such is no longer the case, and all concerned are better off for that fact.

However, this is where the problem comes in, or might come in. For in the course of this considerable and rapid broadening of its base the industry is undergoing a very severe test. Failure to recognize the nature and degree of this strain could lead to the one kind of mistake that is most serious in today's context. Namely, the mistake of having one element of the system in pursuit of its objectives trespass so substantially on the vital interests of another element as to seriously or even fatally injure that other element and thus significantly damage the whole system.

This can happen if for instance the Air Force or NASA or the Department of Defense were to so tie the hands of industry as to cripple its ability to make its full contribution. It can happen specifically if, in order to carry their own interests to the absolute, they fail to allow for the needs of the industry to develop and sustain its broader capability for growth.

We know that they wouldn't want this to happen any more than we in the industry desire to fall, for lack of judgment, vision or perspective on our own part, into a rigid or dependent pattern which means we ourselves will have failed of our promise. However it wouldn't take much of a miscalculation in "seeing the problem" or seeing it in time to effect such a result.

I cite this example merely as a suggestion of what could happen and as a prelude to the real job at hand, which is to start posing the hard questions.

These are not questions to which I have answers nor are they rhetorical. I select them only as some of the real questions which we must try to answer as we go along if we are to keep the system operating in optimum or even adequate fashion:

1. What are we really trying to do with our industrial capabilities in the public interest?

2. How can we best make sure that 10 years from now or 20 years from now we will have so enhanced our industrial capabilities that they can make their optimum contribution to our enhanced national needs?

3. How do we best get at the most advanced capabilities of industry, wherever found, for broadest application in the public interest?

4. How do we make sure that the inevitable lengthening of lead-times does not destroy innovation or block advance by locking us in one place too long?

5. Finally, what steps can we take to best insure that our continuing public dialogue and discussion will remain focused on those things most productive in terms of public interest?

Less directly involved but perhaps equally important in the long run are questions addressed to the future in terms of the people who will make that future. For instance:

1. How do we make sure that we will continue to have an industry and an industry/government relationship of optimum attraction to young people?

2. How do we best keep up individual motivation not only at the top but from top to bottom?

3. How do we avoid crippling rigidities by any element of the system, whether imposed upon itself or by another element of the system?

These I suggest, somewhat at random perhaps, are the kind of questions that all of us should be asking and seeking the answers to. Sometimes we are so bound up in the vitally important technological problems that we forget the non-technical side. We forget that perhaps the political science of the government/industry relationship is becoming as important as the technical and business know-how.

We are most acutely aware of these dangers in the aerospace industry, poised as we are, in most respects, in the vanguard of pioneering these questions; but we also feel they are pertinent to the whole of American industry, to the major problems that will face government, and in fact to the fundamental question as to whether our total system will continue to best serve the public interest.

As the twig is bent the tree will grow, and to some extent at least, we feel that the bending of the aerospace twig will presage the shape of the total industrial tree of the future. All of which points up the importance in our eyes of initiating a continuing dialogue involving all elements of the system to ensure the best chances of accomplishing what we all desire—to make the system work best for us all in the public interest. It's our country, it's our system and it's our future. In the nature of things the job's going to be tougher and tougher as we move along. The answers will constantly change with the rapidly changing times, but the questions, if we pose the right ones, will endure.

Posing the right questions, therefore, is the problem we must "see" now. That is where the true national interest lies.

THE LATIN AMERICAN SUMMIT CONFERENCE

Mr. KENNEDY of New York. Mr. President, next week President Johnson will go to Punta del Este, in Uruguay, to meet with the Presidents of the nations joined with us in the Alliance for Progress. The discussions to take place there will be as important as any steps yet taken in the first 5 years of the Alliance, and could result in agreements greatly accelerating the development of the nations in the Western Hemisphere, in keeping with the policies steadily pursued by Presidents Kennedy and Johnson.

Regardless of the dollar amounts which may emerge from the debates and legislation of foreign aid later this year, and regardless of the parliamentary situation with respect to particular resolutions and their form, it should be clear that the Senate wholeheartedly supports the President as he prepares for this important meeting, and that we are firm in our resolve to continue our commitment to the nations of Latin America in their joint effort to achieve economic development and social justice for their people.

OMBUDSMAN FOR MISSOURI

Mr. LONG of Missouri. Mr. President, the interest in ombudsman is growing at all levels of government. In my own State of Missouri, a recent editorial broadcast from station KCMO, Kansas City, discussed a proposal for an ombudsman for Kansas City.

I ask unanimous consent to have printed in the Record the editorial broadcast from KCMO on February 19, 1967.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

OMBUDSMAN

The Scandinavians have their ombudsmen . . . how about Kansas City and Missouri? It took us some time to learn that an ombudsman is not the keeper of the greenhouse. He is more like the protector of the public interest, the fearless foe of bad government . . . indeed, he is an ombudsman.

Anyway, considerable interest has developed in these parts in the possibility of establishing such an office in Jackson County and Kansas City. After all, residents of the city make something like 30,000 inquiries a year into problems of city services and treatment of the good taxpayers. Proposals to establish the office of ombudsman would make him a defender of John Doe and a prosecutor of the government. This is the general idea of the Scandinavian setup. He would be charged with helping citizens in their problems with government, to make certain citizens are being treated fairly.

It is obvious someone must handle complaints, and an office not associated with the government itself might be the best way to assure a fair break for John Doe. Most important of all will be the machinery by which an ombudsman is selected to guarantee he is not a hireling of the administration. If and when Kansas City might try the plan, we want to meet the ombudsman who can handle 30,000 contracts a year!

This has been a KCMO editorial. Copies are available on written request. If you have a different opinion, we invite your comments. Send them to Speak Up, KCMO Broadcasting, Kansas City, Missouri.

DEATH OF A PRESIDENT—BOOK REVIEWS

Mr. TOWER. Mr. President, I ask that there be printed in the RECORD three reviews of the book "Death of a President," by William Manchester. These reviews are by the Associated Press, Newsweek magazine, and Time magazine.

I have previously placed in the RECORD, in the interest of historical accuracy, reports of numerous factual errors in this book and of misrepresentations concerning a number of Texans and the city of Dallas.

I note that Associated Press in its review states:

> Manchester also has thousands of harsh words about Texas, and more especially Dallas . . . Lee Harvey Oswald, however, could scarcely be considered a product of Dallas. In his 23 years of life he lived in New Orleans, New York, Japan and the Soviet Union.

Newsweek says:

> The trouble is that all Manchester's demons are right-wingers and he never persuasively explains how their Kennedyphobia unhinged a self-styled Marxist to the point of murder . . . the enduring chronicle of those days . . . remains to be written.

Time says:

> It is a flawed book . . . it is not truly history . . . a guide . . . who would rather weep than write . . . the dry-eyed historian will come later.

I hope, Mr. President, that the presence of this material in the RECORD will help remind future writers of the need for historical objectivity.

There being no objection, the book reviews were ordered to be printed in the RECORD, as follows:

[From the Dallas (Tex.) News, Mar. 29, 1967]

MANCHESTER BOOK: DISCREPANCIES NOTED IN ACCOUNTS, FACTS

(By Relman Morin)

NEW YORK.—Mrs. John F. Kennedy sought solace in the hope that her husband had been the victim of a conspiracy when he was assassinated in Dallas, William Manchester says in his book, "The Death of a President."

"She considered (Lee Harvey) Oswald and hoped he had been part of a conspiracy," the book says, "for then there would be an air of inevitability about the tragedy; then she could persuade herself that if the plotters had missed on Elm Street they would have eventually succeeded elsewhere."

This is Manchester's statement. The passage does not quote Mrs. Kennedy in support of it.

Manchester's book, priced at $10, goes on sale April 7. The publishers, Harper & Row, said the first printing ran to 600,000 copies. They declined to specify the advance sale. The 350,000-word text fills 647 pages, plus charts, diagrams, and a list of sources.

Literary agents estimate the book may earn close to $3 million. An undisclosed portion of both the author's and publishers' earnings have been earmarked for the Kennedy library.

A gigantic publicity buildup, probably the biggest in literary history, preceded publication of the book. It stemmed largely from the long-drawn dispute between the Kennedys and Manchester after he finished his manuscript and the contents became known.

Mrs. Kennedy called the book "tasteless and distorted." She demanded—and obtained—revisions and deletions of certain passages. Manchester reported that her motivations were "political" and an "attempt to suppress vital facts."

As a result of the row, the Kennedys have disavowed the book, although they had selected Manchester to write a "definitive" history of the assassination.

In a foreword, Manchester says he does not "offer this study as a definitive work."

He agrees with the findings of the Warren Commission. "The commission had met its mandate," he writes. "Oswald was correctly identified as the assassin; the absence of a cabal was established."

He is deeply critical of the operations of the Secret Service. He summarizes numerous derogatory statements about the agency by saying, "The central fact was that the Secret Service had failed . . ."

Manchester also has thousands of harsh words about Texas, and more especially, Dallas. He writes at length about the political, social and psychological climate of the city at the time of the assassination. He describes it as "a stridency, a disease of the spirit, a shrill hysterical note suggestive of a deeply troubled society."

Lee Harvey Oswald, however, could scarcely be considered a product of Dallas. In his 23 years of life, he lived in New Orleans and New York, in Japan and the Soviet Union. The Warren report says that boys in New Orleans teased him about his "northern accent."

With respect to Dallas, the commission said it was impossible "to judge what the effect of the general political ferment present in that city might have been, even though Oswald was aware of it."

Moreover, Manchester states flatly that on Nov. 21, the night before the assassination, "in fact he (Oswald) was going mad."

This is in total contrast to the impression Oswald made on U.S. Postal Inspector H. D. Homes, who interviewed him two days after Kennedy was killed. Holmes' memorandum to the Warren Commission says:

"Oswald at no time appeared confused or in doubt as to whether or not he should answer a question. On the contrary, he was quite alert and showed no hesitancy in answering those questions which he wanted to answer and was quite skillful in parrying those questions which he did not want to answer."

Manchester offers no factual evidence to support his assertion that Oswald "was going mad."

In his foreword, Manchester says he felt entitled to "record my opinions." However, passages reflecting his opinion—and not hard facts—are not always clearly identified as opinion.

"This deeply disturbed" one of the editors who worked on the manuscript. In a letter to two representatives of Robert Kennedy, who were reading it, he wrote, "It is almost as though Manchester had become so deeply involved in this tragic narrative that he could not resist turning it into a magic fairy tale."

Manchester's story contains a multiplicity of details and many episodes. He writes:

Mrs. Kennedy's determination to mark her husband's grave in Arlington with an eternal flame aroused misgivings among those close to her but she brushed them aside. Sargent Shriver, her brother-in-law, is quoted as saying, "Some people might think it's a little ostentatious." Mrs. Kennedy snapped, "Let them." William Walton, an artist, called her plan for the flame "aesthetically unfortunate."

Army engineers told Richard Goodwin, a State Department officer, that they did not know how to arrange for the graveside flame. They said they would have to go to Paris and study blueprints for the eternal flame that burns in the Arc de Triomphe. Goodwin snapped, "OK . . . It's six hours to Europe. Go get it." In the end, the engineers found this unnecessary.

Threats were reported against President Johnson, Robert Kennedy, Chief Justice Earl Warren, French President Charles De Gaulle and Anastas Mikoyan, deputy premier of the Soviet Union. Johnson said to his military aide, who wanted to set up special precautions during the funeral, "You damn bastards are trying to take over . . . I'm going to walk."

The apostolic delegate to the United States, the Most Rev. Egidio Vagnozzi, said a Catholic head of state was entitled to five absolutions in the funeral mass. This brought on a "hassle" with Richard Cardinal Cushing. The cardinal is quoted as saying, "If there are going to be five absolutions, you'll have to say them yourself. I won't do it because they'll last as long as the mass itself. In the popular parlance, this family has had it."

Secretary of Defense Robert S. McNamara flashed an alert to every American military base in the world minutes after the shooting in Dallas. The possibility of an international conspiracy was uppermost in the minds of numerous federal officials.

The CIA activated what Manchester calls the "watch committee." Its members were "expert in the ways of Sino-Soviet agents . . . They remained on duty for days after the assassination, tapping foreign sources to determine whether or not the crime could have been the work of an outside ring."

Johnson was convinced that Robert Kennedy's late arrival at the first cabinet meeting was intentional. He insisted that Kennedy, bent on humiliating him, had told "an aide" that "we won't go in until he has already sat down." Manchester writes, "Kennedy denies this. When the interpretation was described to him, he expressed first amazement, then amusement."

Secretary of State Dean Rusk and five other cabinet members were over the Pacific, flying to Japan, when the news from Dallas reached them. Another member of the party described the reactions on the plane:

"Pierre Salinger, in the aisle, grabs his wife, they cling in a terribly tragic embrace—(Luther) Hodges, now seated across from us, buries his head in his hands and sobs, tears come down his cheeks—others crying—(Stewart) Udall sits next to Lee (Udall), stares tough-jawed past her, out the cabin window as he takes her hand—(Robert) Manning sits opposite us—tears start in his eyes—Myer Feldman crying—(Willard) Wirtz mad—not a sound or movement in the cabin for five minutes."

Salinger, the White House press secretary, organized a poker game aboard the plane to relieve the grief and shock everyone felt. "At the end of the journey, he was to survey a crumpled mass of bills and silver. In a semicoma he counted it out. He had won over $800, and he was appalled."

After the serialized parts of the book appeared, several of those mentioned accused Manchester of inaccuracies or exaggeration.

One was Maj. Gen. C. V. Clifton, the President's military aide.

Manchester wrote that Clifton telephoned from Dallas and asked the White House to notify his wife that he was uninjured. Next he asked to speak to the executive secretary of the National Security Council. Manchester wrote, "The general's order of priorities was staggering. Only after wives had been reassured could he deal with the possibility of a plot against the United States."

The publishers said Clifton complained. In the hard cover, this has been corrected to have Clifton asking that his wife be notified in "a later, second call."

Yet Manchester lists Clifton as one of his sources.

The newspaper trade publication, Editor & Publisher, reported last Feb. 4:

"Three reporters mentioned in the second installment of 'The Death of a President' . . . are in agreement that if the accuracy of the other events described in William Manchester's book is measured by what he wrote about them, the book is a faulty story of a historic event."

The magazine said the reporters used such terms as "Fantastic," "made out of whole cloth," and "overdrawn."

One was Robert Baskin, Washington Bureau chief of The Dallas Morning News. Manchester wrote that "reporter Bob Baskin simply left. He rode downtown to the city room at The Dallas News to talk to friends and to find out what, if anything, was happening elsewhere in the world."

On the contrary, Baskin told Editor & Publisher, he stayed at Parkland Hospital, covered a press conference and covered the departure of Johnson for Love Field. He said his office instructed him to "come in and start writing." Baskin had two signed stories in the next edition of his newspaper.

Editor & Publisher reported that Baskin gave this information to Manchester. Baskin, like Clifton, is listed among Manchester's sources.

In the hard cover, Manchester's assertion that Baskin deserted the overwhelming news story at Parkland Hospital "to talk to friends" remains as it appeared in Look.

A 1-word change has been made in the author's assertion, as it appeared in Look, that the photograph taken of Johnson being sworn in as President "did not record the presence of a single male Kennedy aide."

The Boston Globe recently published a photograph of Kenneth O'Donnell standing close to Mrs. Kennedy during the ceremony. Further, O'Donnell answered "I was" when he testified before the Warren Commission and was asked whether he was present at the ceremony.

This reporter called Manchester's attention to the testimony on this point given by O'Donnell. The author replied, "Yes, Kenny told me that, too. But I have to believe the people who saw him in the corridor outside."

A quotation attributed to Mrs. Kennedy also has been changed from what appeared in Look. When several persons tried to persuade her to change out of her blood-drenched clothing, she refused, and the magazine has her saying, "Let them see the horror." In the book, this has become, "Let them see what they have done."

A representative of the publishers said of this, "Well, she may have said both and we liked the second one better."

There appears also to be a discrepancy between Manchester and O'Donnell with respect to how much whisky, if any, Mrs. Kennedy drank on the flight from Dallas to Washington. Manchester writes that she drained two glasses. But when O'Donnell appeared before the Warren Commission, there was this exchange:

Q. "Did she have anything to eat on the trip back?"

A. "No, I think we both had a drink. I tried to get her to take a good strong drink. I had not much luck."

Q. "She drank part but not all?"

A. "As I recollect, she just wanted to talk."

[From Newsweek, Apr. 10, 1967]

THE ASSASSINATION: THE BOOK

After the most elaborate ruffles and flourishes in modern bookmanship, William Manchester's "The Death of a President" * is finally being published this week—and it turns out to be the ultimate hail to the chief, the apotheosis of John F. Kennedy from senseless murder to epic myth.

Manchester's technique is familiar enough. He calls it "contemporary history," but it is actually high-intensity journalism: an often moving, sometimes infuriating blend of meticulously fact-ridden reportage, portentous philosophizing and unabashed emotionalism. His intent is to recreate the texture of JFK's death and transfiguration; his achievement is something else. Like New Frontiersmen Theodore Sorensen ("Kennedy") and Arthur Schlesinger Jr. ("A Thousand Days") before him, Manchester has enlisted his artistry in the service of a very personal conviction: that the fleeting Age of Kennedy was a magical moment in the life of America and the world—Camelot incarnate, and You Were There (whether you appreciated it at the time or not).

Whatever their feelings about John Kennedy, a good many sophisticated readers are likely to be put off by author Manchester's highly emotional approach to his material. ("At times you may find my presence exasperating," he candidly admits in the foreword.) His intense involvement is what makes long passages of "The Death of a President" heart-rendingly memorable. But it is also responsible for the book's excesses, notably an almost morbid preoccupation with every last poignant detail of the tragedy. Some of the detail, indeed, was so offensive to Jacqueline Kennedy that she haled Manchester into court to censor it—turning the battle of the book into the literary spectacle of the decade.

Tapestry: Manchester's prodigious research is already part of the legend of the book. The pre-publication publicity and the serialization in Look skimmed off the newsiest nuggets—especially the tension between the Johnson and Kennedy cadres—but exhausted only a fraction of the full lode. The complete text (710 pages, including maps, diagrams, appendices and index) is a dazzlingly intricate reconstruction of five days that were to shake the world, beginning with JFK's flight to Texas on November 21, 1963, and ending with his funeral. The whole panorama is woven with the fanatical attention to detail the medieval artisans lavished on their tapestries.

The reader learns not only what Jacqueline Kennedy was thinking as she waited outside Parkland's Trauma Room One but also what passed through the mind of the bull-necked Dallas cop guarding the door (a Kennedy Democrat, he feared that the widow would see him only as a racist brute). The reader learns that Kennedy kept rubber ducks and boats in his White House suite for baths shared with John Jr.; that all the men went hatless in the funeral procession because Teddy Kennedy's rental tails came sans topper; that Jack Ruby kibitzed a press conference as an Israeli press translator after Lee Harvey Oswald's capture; that the CIA received an A-1-A alert from agents in Geneva warning de Gaulle would be assassinated at the funeral; that Mrs. Marguerite Oswald never forgave a newspaper photographer for shooting her with her stocklings rolled down.

Drawbacks: Yet Manchester's impressive marshaling of detail has its drawbacks. So concerned is he about telling it precisely the way it was that Manchester pedantically devotes half a paragraph to whether Kennedy's Air Force aide or the undertaker opened his coffin on one occasion. And his treatment of some facets of the story—particularly how Kennedy kin and comrades spread the news—is numbingly repetitious.

There are more serious flaws, too. For all the depth of Manchester's research in some areas, it is surprisingly, spotty in others. Time and again, he takes the reader backstage—even into the Presidential bedroom aboard Air Force One—but his treatment of Kennedy's Bethesda autopsy, one of the most tantalizing pieces in the assassination jigsaw, is skimpy. So is his report on Oswald's long interrogation at Dallas police headquarters. In fact, so is Manchester's entire handling of the assassin (he has no doubt that Oswald killed President Kennedy). Instead of reportage, he occasionally verges into almost hysterical rhetoric. "He shot the President of the United States in the back to attract attention," writes Manchester. "Noticing him, and even printing his name in history books, therefore seems obscene. It is an outrage. He is an outrage. We want him Out."

Outrageous as the idea may be, Lee Harvey Oswald is in the history books for good. Coming to terms with him is the central problem in dealing with the death of John F. Kennedy. This Manchester ultimately fails to do. The essence of Oswald's act was not so much obscenity as absurdity—a random shot in the dark with meaning only in the assassin's damaged mind and life. "It was expedient," Manchester writes, "to dismiss the killer as a freak who had existed *in vacuo*." So he fills the vacuum by tirelessly documenting Dallas's record as a city of violence and hate. The trouble is that all Manchester's demons are right-wingers, and he never persuasively explains how their Kennedyphobia unhinged a self-styled Marxist to the point of murder.

Bent: But Manchester's most serious weakness as an historian (or indeed, a journalist) is his lack of detachment—a bent toward the Kennedys that throws him off balance in portraying Lyndon Johnson and his Texas coterie. Manchester refracts the story of the transition of power through the prism of his own sensibility; beneath his lens, Lyndon Johnson emerges as a not very likeable political chameleon, distinctly inferior to the wondrous JFK.

It is mostly a question of nuance and shading. Manchester's Johnson on the telephone is very nearly a sinister figure: "With the two White House switchboards at his disposal he found fulfillment; one hand was wraped around the receiver in a stranglehold—no one has succeeded in covering so many inches of plastic—while the other played deftly over the colorless buttons of the Signals console." After Jackie Kennedy's exquisite post-funeral audience with Charles de Gaulle, Manchester pans his camera to Mr. Johnson's diplomatic reception at the State Department, where "The President . . . was enjoying himself hugely." When LBJ decides to risk walking in the funeral procession, he writes, "One of Johnson's Texans quoted him as saying: 'I'd rather give my life than be afraid to give it.' This wasn't quite accurate. What the President really said—to [a military aide]—was: 'You damned bastards are trying to take over. If I listen to you, I'll be led to stupid, indecent decisions. I'm going to walk'."

---

* Harper & Row. $10.

Cavils: Manchester sometimes questions Mr. Johnson's substance as well as his style. He cavils at two of the new President's proudest post-assassination achievements: passage of major legislation—notably the civil-rights and tax-cut bills—and the paring of the budget below $100 billion in early 1964. On the first, Manchester observes that, a month before his death, Kennedy accurately predicted when each bill would be passed—clearly implying that President Johnson did nothing more than JFK would have done had he lived. On the second, Manchester accuses LBJ of sowing the false impression that Kennedy had left him a $103 billion budget; actually, says Manchester, Kennedy had cut the budget to $101 billion and, like his successor, would have cut more. And the aggressive liberalism of the new President's domestic program, he suggests, was more expedient than authentic.

The result of all this is to disfigure "The Death of a President." It was to have been the definitive story of the Kennedy assassination and its aftermath; it is far less than that. Its reportage of the anguish of the New Frontier, of the pageantry and pathos of the funeral, of a world in mourning may never be surpassed. But the enduring chronicle of those days—the distillation of events and emotions into the cadence and perspective of history—remains to be written.—EDWARD KOSNER.

[From Time, Apr. 7, 1967]

THE MANCHESTER BOOK: DESPITE FLAWS AND ERRORS, A STORY THAT IS LARGER THAN LIFE OR DEATH

After the Kennedys invited William Manchester in February 1964 to write an account of the assassination, Bobby Kennedy thought that the author might whip through his work before the 1964 election campaign; after all, the tragic ground had already been covered by others. Jacqueline Kennedy thought the book would wind up "bound in black and put away in dark library shelves." The publisher, Harper & Row, did not dream of a first printing of 600,000, or of "the best-seller of the century," as it is now freely described. *Few foresaw that The Death of a President* would become not only a publishing phenomenon but also an emotional battleground—a book about which other books will be written.

When it finally reached the public last week—some stores put it on sale ten days before the release date—it seemed the work had been prepublicized, predigested, precriticized and prejudged beyond the point that the book itself could make much difference.

Yet, astonishingly enough, nothing so far written about the book has stolen its sense of immediacy or muffled its sound of authenticity. Not even the remembered massive coverage—from the first unblinking TV hours to the 888-page Warren Commission report—can diminish the power of Manchester's all-encompassing narrative.

It is, nevertheless, a flawed book. Although Manchester considers himself a historian, it is not truly history, for the events of Nov. 22, 1963, are still too recent and Manchester's emotional trauma much too evident. Although he rather pretentiously alludes to his own gargantuan labors with Samuel Butler's classic line, "Poets by their sufferings grow," Manchester's writing falls far short not only of poetry but often of good prose. But all this is rendered comparatively irrelevant by his basic achievement, which was to assemble an overwhelming mass of detail—so much detail that the story becomes larger than life or death. For no one normally ever has that much information about any event, not even an event in one's own life.

Manchester seems to relish the lonely martyr's role and talks of himself as having been "in the arena" with his enemies. He insisted on making *The Death of a President* a one-man creation. From the workaday mechanics of transcribing his own tapes and shorthand notes to the responsibility of passing judgments on his own facts, he worked alone. He insists that he did not hire professional researchers because he wanted the force and conviction of a single viewpoint and, besides, that he was not sure whether the book would make enough money to justify the expense.[*] He held 267 interviews, and the Kennedy's early stamp of approval gave him easy access to virtually all sources. Indeed, of all the major Government figures involved, only Lyndon Johnson refused to give Manchester an interview, instead wrote out answers to 18 questions.

Manchester interviewed such historic walk-ons as the presidential baggage-master, J.F.K.'s White House French teacher and a soldier who carried a wreath in the funeral procession. He examined the coffin in which Kennedy's body was brought to Washington, studied Jackie's bloodied pink dress in the Georgetown attic where it has been stored since she took it off, walked the entire five-mile motorcade route in Dallas. In the end, he molded his mountain of minutiae into a highly dramatized reconstruction of the tragedy.

The time covered in the book's 710 pages stretches from 8:45 a.m. Nov. 20, when a vibrant, if slightly testy, John Kennedy presided over a White House breakfast for congressional leaders, to midnight Nov. 25, when Jackie prayed and placed a bouquet of lilies of the valley beside the eternal flame at the dead President's grave.

The story begins slowly. The author tries too hard to achieve a sense of ominous anticipation from various people's warnings and premonitions. Manchester approaches Dallas and the underpass near the Texas Schoolbook Depository Building at an excruciatingly slow pace and with innumerable side trips. But then the horrendous drama takes hold of the reader all over again. It is not so much that Manchester's details bring new significance to the event; it is rather that the event itself seems to infuse even the most unimportant detail with meaning.

"I COULDN'T HELP IT"

Manchester focuses microscopically on the thoughts and actions of the occupants of the presidential limousine. A fragment of Kennedy's shattered skull "rises over the President's falling shoulders and seems to hang there and then drift toward the rear, and Jackie springs upon her stained knees . . . and sprawls on the sloping back of the car, defeated." John Connally, suddenly covered with blood, thought instantly of riding as a boy in the family Model T after helping butcher cattle, then realizing that he himself was hit, "fills his lungs and screams and screams and screams."

At Parkland Hospital, the President lay in Trauma Room 1—an area "as impersonal as IBM, which had actually manufactured the wall clock." Dr. Malcolm Perry entered the room and looked at Kennedy, who was undressed except for a back brace and shorts; the surgeon's first reaction was, "The President's bigger than I thought."

While the doctors worked, Jackie stood in a corner with Presidential Physician George Burkley and "rested her spattered cheek" on Burkley's shoulder, then "knelt in the President's blood and closed her eyes in prayer." Later, in the corridor, Secret Service Chauffeur Bill Greer came up to her and sobbed, "Oh, Mrs. Kennedy, oh my God, oh my God, I didn't mean to do it, I didn't hear, I should have swerved the car, I couldn't help it." Then he embraced her and wept on her shoulder.

BUGLER'S HAIRCUT

Manchester sets up an intricate counterpoint between his story of the stricken individuals in Dallas and what he calls "the Greek chorus" of fear and mourning that quickly gripped the world in general. A stunned Associated Press operator, attempting to transmit the bulletin that Kennedy was shot, clattered the keys with a "tragic stutter" that resulted in O'DONNELL becoming "O"; 9,,3))." and BLOOD-STAINED became "BLOOD STAAINEZAAC RBMTHING," and HE LAY became a wailing "HA LAAAAAAAAAA."

In Washington, so many people picked up telephones when they heard the first bulletins that—one by one—nearly every major exchange in the city went dead. Ted Kennedy raced desperately from house to house in Georgetown, trying to find a phone and to learn whether his brother was dead. Sergeant Keith Clark, who regularly played the bugle at major Arlington Cemetery funerals, rushed out to get a haircut. Six members of Kennedy's Cabinet and White House Press Secretary Pierre Salinger, in a jet over the Pacific heading for a meeting in Japan, got the words of the shooting via an AP ticker. Some immediately began jotting down notes of their personal impressions—which triggered bitter anger in others. Salinger, stricken to "a semi-coma," quickly organized a poker game, played blindly and madly during the entire nine-hour flight back to Washington, wound up winning $800 and "was appalled."

The next night, during a dinner at the White House, including the Robert Kennedys, Treasury Secretary Douglas Dillon and Defense Secretary Robert McNamara, there was "puckish horseplay" as the mourners recoiled from shock. Everyone knew that Ethel Kennedy often wore a wig; during the meal, it was "snatched off and passed from head to head, winding up . . . on the slick pate of the Secretary of Defense."

ORPHAN ANNIE'S EYES

Peripheral actors, too, play poignant roles in Manchester's panoply. The eight-man military casket team that carried Kennedy's coffin up the 36 steps into the Capitol routunda on Nov. 24 was astonished at its weight and nearly dropped it. That night they were terrified at the thought of the next day's funeral procession, when they would have to carry it down again. The officer in charge ordered a coffin from Fort Myer, had it filled with sandbags, and at midnight took his team to the Tomb of the Unknown Soldier. There, he marched them up and down the darkened steps. Later, the officer and a sentry sat on the lid to increase the weight, while the team made the trip again and again. Next day they had no trouble during the ceremonies.

Robert Oswald, brother of the assassin, recalled how, during his last visit with Lee Oswald in the Dallas police station, he suddenly realized that Lee "was really unconcerned. I was looking into his eyes, but they were blank, like Orphan Annie's . . . He knew what was happening, because as I searched his eyes he said to me, 'Brother, you won't find anything there.' "

Manchester has no doubts that the Warren Commission's single-assassin finding is correct. He reports, however, that Jackie Kennedy's first reaction to her husband's death was to wish that it was caused by a widespread plot, for then "there would be an air of inevitability about the tragedy; then she could persuade herself that if the plotters had missed on Elm Street they would have eventually succeeded elsewhere."

---

[*] Manchester stands to make at least $1,250,000 before taxes, but the great bulk of the book's profits—which may be as much as $10 million more—will go to the Kennedy Library at Harvard.

NO SNOPESIAN BOOK

During the height of his battle with the Kennedys, it was said that Manchester had depicted Lyndon Johnson as a kind of Snopesian boor in the hours immediately after the assassination. L.B.J.'s portrait as it now appears in the book is not all that uncomplimentary. Fewer than 4,000 words were deleted from the book's 360,000 as a result of the Kennedy intervention—but some could have made quite a difference. Besides, it is impossible to say just how much Manchester's first-draft characterization may have been softened by Harper's editors even before the Kennedys entered the dispute. At one point, Manchester had intended to start the book with an episode in which he contrasts L.B.J.'s love of hunting to J.F.K.'s "haunting" recollection of shooting a deer on L.B.J.'s ranch in 1960. The incident, which makes Johnson seem a heartless killer while Kennedy gets "an inner scar" from shooting a deer, is still in the book, but has considerably less anti-Lyndon impact than if it had launched the entire epic. It tends to cast Johnson as a man accustomed to brutality—a gruesome and singularly unjust characterization that makes L.B.J.'s love of hunting appear to be a crude symbol of acquiescence to murder.

Manchester still details some brusque actions by Johnson or his aides that could have been handled with more polish. Yet he also reports that when one L.B.J. aide pressured him to move immediately into Kennedy's oval office from his vice-presidential suite in the Old Executive Office Building because it would "give the people confidence," Johnson barked back: "People will get confidence if we do our job properly. Stop this. Our first concern is Mrs. Kennedy and the family." When an anxious assistant tried to talk Johnson into riding in a car instead of endangering himself by walking in the funeral procession, he snapped: "You damned bastards are trying to take over. If I listen to you, I'll be led to stupid, indecent decisions. I'm going to walk."

Because of his unlimited admiration for the widowed First Lady, Manchester was also supposed to have created a mawkish, Camille-like Jackie Kennedy. Yet, she is presented fairly objectively in this version of the book—overcome by her loss, but not immersed in pathos. From the coffin she took a lock of Kennedy's hair, writes Manchester, and as she left the East Room she was "swaying visibly." She righted herself and, "beyond consolation, wrenched by a torsion of pain," she managed to retain "the sense of purpose which had kept her going for two days."

The Black Hats. Manchester does have an unfortunate tendency to create white-hat heroes and black-hat villains. The Kennedys and their friends are generally courageous, strong and tasteful. The Secret Service, Marguerite and Marina Oswald, the undertaking profession and nearly all Texans are cast in black (or at least dark grey) hats. Manchester paints a miasmic portrait of Dallas, writing that the city suffered from a "disease of the spirit." He even describes the city's skyline as "phallic." Texans, he writes, disliked Kennedy because he "refused to give the world a kick in the old kazzazza," and because his *"Weltansicht* was entirely lacking in yippee." This typifies not only the summary judgments but the book's stylistic atrocities.

The book's major flaw may well turn out to be its very essence: Manchester's swift-moving dramatization of his own research. Throughout the book, he has used the "omniscient author" technique of the novelist, confidently relating the inner thoughts of nearly everyone in his immense cast of characters. Manchester says he "quotes" thoughts only when people later told him what in fact went through their minds, but this is still a risky technique in a book that deals with an enormously complex historical event and with historical figures who are still alive and extremely sensitive.

His insistence on working without a researcher even to double-check name spellings was also perilous. Already, Manchester is being accused of errors. No sooner had the first reviews appeared last week than the Pentagon retorted that Manchester was wrong in saying Defense Secretary McNamara had declared a "red alert" for all U.S. military commands when he learned Kennedy was dead. Manchester claims he has a copy of McNamara's order. The Defense Department also charged he erred in saying that, as Vice President, Lyndon Johnson had never been briefed about the "football"—the 30-lb., black metal suitcase containing codes to launch a nuclear attack. Manchester says his information came from five different sources, including then J.C.S. Chairman Maxwell Taylor.

HONEST AND HERCULEAN

Despite Manchester's painstaking description of the Bible on which L.B.J. took the presidential oath aboard Air Force One ("tooled leather" cover and inside "the tiny sewn-on black initials 'JFK' "), some of those who were there claim it was a Catholic missal still wrapped in cellophane. At one point in his reporting, Manchester phoned a White House correspondent, who had been a member of the press pool aboard the flight from Dallas to Washington, and asked him about some small point not related to the flight. The correspondent reminded Manchester that he had been on the plane, but the author cooly replied that the manifest did not list the newsman as having been aboard and hung up the phone.

These and other errors known so far are minor, even trivial, considering the thousands of facts that Manchester had to deal with. It is far too soon to tell whether the cumulative effect of even small mistakes will undermine the overall credibility of the book—or whether major ones will yet appear. There is no question that Manchester did an honest and herculean job, handicapped by his self-imposed lack of assistance, the fact that he was not in Dallas on the fatal day, and perhaps his inevitable emotional involvement. In the tendency he has sometimes shown in relating himself to the late President, Manchester evokes a line from a famous Kennedy speech: *"Lass' sie nach Berlin kommen* [Let them come to Berlin]!" Addressing potential critics of his book, Manchester paraphrases the line in bastardized German: *"Lass' sie nach das Buch kommen."* Without question, readers will come to the book, and keep coming. They will relive the horror, the sadness and the waste of the occasion, with the aid of a guide who at times obviously would rather weep than write. The dry-eyed historian and tragic poet will come later.

GOOD RETURNS FROM HEALTH SCREENING

Mr. WILLIAMS of New Jersey. Mr. President, many Senate staff members became aware last September of the health screening service offered by a mobile unit of the District of Columbia Health Department. The long trailer, capable of giving more than 20 individual tests within a very short time, was parked outside the New Senate Office Building while the Subcommittee on Health of the Elderly, Senate Special Committee on Aging, conducted hearings inside the building on health screening programs.

The demonstration of the mobile unit was certainly well received; the appointment schedule was full. Not only was the screening dramatic; it was also useful. Many incipient ailments were detected, some to the surprise of the individuals thus alerted.

Mr. President, a recent article by Mr. William Raspberry in the Washington Post discusses the District Health Department program. He reveals that half of the Senate employees turned up with one or more abnormalities, and he describes the computerized heart testing system now linked to the screening facility. His article is of great interest, and it adds new evidence to the need for health screening programs of the kind I proposed once again this year when I reintroduced the Adult Health Protection Act of 1967. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

FREE HEALTH TESTS TAKE 1 HOUR, SAVE LIVES

(By William Raspberry)

If the lung cancer had been discovered just three weeks later, it would have been too late to operate, the doctor said.

As it was, the cancer was arrested (although an entire lung had to be removed) and the patient, while not exactly in the pink, is at least alive, with every prospect of living quite a few years more.

Howard P. Zeitlen, information officer for the D.C. Health Department, admits the doctor's "three weeks" might have been a bit dramatic: The man might have lasted another several months without fatal consequences.

But the story, a true one, does indicate the value of the Health Department's screening tests, a free service the agency instituted nearly four years ago for residents over 40.

Not all, or even most, of the cases are very dramatic. But many persons have had unsuspected ailments diagnosed early enough to prevent major illness. In a spate of instances, glaucoma has been detected and arrested in time to save the patient's sight.

Since the screening program began in 1963, some 45,000 persons have been tested for a variety of possible abnormalities. The examination—by appointment only—checks height, weight, vision and hearing; there is a brief physical inspection, blood-pressure and blood tests for diabetes and anemia; chest x-rays, tests for glaucoma and an electrocardiogram (EKG).

It all happens in less than an hour, and costs nothing.

Officials stress that the screening test is no substitute for a complete physical examination, but is meant primarily to discover abnormalities while they are still minor. Results are forwarded to the patient's own physician or to the Health Department clinic.

The tests are given at the Southwest Health Center, Delaware Avenue and I Street sw., and from a mobile unit that will be in operation at 8th and H Streets ne. beginning Wednesday.

When the mobile unit visited Capitol Hill during last September's hearing on a national screening program, half the Senate's employes turned up with one or more abnormalities—and this among generally middle-class, well-educated people who could be expected to keep a close watch on their health.

Among other employes at other Government agencies, and among the poor and unemployed, three of every four had at least one abnormality.

A particular problem, Zeitlen said, has been the Department's inability to spread word of the program to the middle-aged and elderly poor—precisely the part of the population least likely to have regular medical attention and, therefore, most in need of the screening tests.

Officials are looking constantly for new ways of encouraging participation of the poor—from locating the mobile unit in poor neighborhoods and advertising at the U.S. Employment Service office to providing free buses to bring in residents of Garfield Terrace and other public housing projects for the aged.

The showpiece of the screening center is its computerized heart-testing system, said to be the only one of its kind in the Nation.

After study by a heart specialist, the tracings of the heart's movements are converted to computer tapes and transmitted to a storage center, where they are available to the patient's own physician.

One problem specialists frequently encounter is that they have no norm against which to measure a patient's heart functioning, since most people have their first EKG only after they've already had a heart attack. The computer helps to overcome that problem.

One of the most enthusiastic advocates of the screening program, according to Zeitlen, is a very busy civic leader whose tests disclosed severe hypertension. He ignored the warning to see his doctor, however, and wound up spending a needless eight months in the hospital.

Upon his recovery, he asked Zeitlen to address his civic group. He had become a believer.

Zeitlen emphasizes that no tests are given without appointments, which can be made by calling 347-1834, ext. 27.

COMPUTERS, IDAHOANS, AND IBM

Mr. CHURCH. Mr. President, most of us remember the old story about the impossible flight of the bumblebee. According to the laws of aerodynamics, we are told, the bumblebee cannot fly. But the bumblebee does not know this, and flies anyway.

This state of affairs is not dissimilar to one recently involving two young men from my home town of Boise, Idaho. These two, Ronnie Tim Hoppins and Noah W. Tadlock, Jr., employees of Boise-Cascade Corp., have developed a system for converting existing computer programs to fit some new, faster computers. They accomplished this despite the considered opinion of International Business Machines Corp., a world authority on the care and feeding of computers, that the task was impossible.

The Wall Street Journal gleefully featured this incident and these two mavericks on page 1 of the March 28 issue. The article described how the pair, in spurts of round-the-clock work over Cokes and candy bars, simultaneously solved the problem, gave IBM a red face, and put Boise-Cascade in the computer business.

With wry humor, the Journal commented:

> Why didn't IBM develop the system itself? "We don't have unlimited resources," says a spokesman for the company, which has assets of more than $4.6 billion.

Yesterday, the Washington Star published an editorial on the accomplishments of these two Idahoans, saying:

> It seems to us the world still has some hope, despite daytime TV and Fort Lauderdale riots, if young men like Tadlock and Hoppins can manage to educate IBM on the subject of computers.

This thought being so completely mine, I ask unanimous consent that the two items be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 28, 1967]

TWO LADS FROM BOISE SHOW IBM SOMETHING ABOUT IBM COMPUTERS—RONNIE TIM AND NOAH DO JOB THAT "COULDN'T BE DONE"; A HONDA AND A CLOTHES DRIER

(By Glenn Mapes)

BOISE, IDAHO.—Here are the facts:

International Business Machines Corp. is a 56-year-old computer maker from Armonk, N.Y. It is known as IBM. It is well-known in its field. In 1966, it earned more than $526 million. It is considered an expert in computer doings. It recently said no system could be developed to convert existing computer programs to fit some new, faster computers.

Ronnie Tim Hoppins is a 26-year-old worker at Boise Cascade Corp., a maker of wood products. He is from Nampa, Idaho, and is known as Ron or Ronnie Tim. He is not well-known in the computer field. In 1966 he earned $11,100. He once flunked the Civil Service exam to be a mailman.

Noah Wilbert Tadlock Jr. is 23 years old. He works with Ron. He is a gangling lad with a reputation for absent-mindedness. In 1966 he earned $8,400. He is not at all sure he passed his recent test for promotion to airman second class in the Idaho Air National Guard.

Ron and Noah said IBM was wrong, that a conversion system could be developed. IBM gave a corporate scoff. Ron and Noah set to work. In two months of sometimes round-the-clock work, the pair, sustained by Cokes and candy bars, solved the problem: IBM concedes the system works. Its lone comment: "We can't knock success."

"THE PROMISED LAND"

As a result, Boise Cascade is suddenly in the computer business. The conversion system has been named Exodus ("Because it delivers the goods in the promised land," blandly explains a marketing executive who helped name it) and is selling for $9,000. Marketing men see a market for 500 Exodus systems—which consist of a 100-page manual and 8,000 punched cards—and expect to have several sales completed by the end of this month.

"It may look like just a pile of punched cards to you, but to us it's pure gravy," a Boise Cascade official happily tells a visitor.

Boise Cascade figures it alone saved $150,000 by using Exodus to recode the company's 428 computer programs. More important, it says, it saved 13,000 hours of programer time, which now can be devoted to other corporate projects.

The few customers so far also swear by the system. "It's worth $20,000 easily," says Edward Hunter, a systems planning official of Security First National Bank in Los Angeles. He adds, "These two guys took a hard-headed approach and did the job. It's about time somebody did."

Why didn't IBM develop the system itself? "We don't have unlimited resources," says a spokesman for the company, which has assets of more than $4.6 billion. "And other things that we felt were more important took precedence." Besides, IBM experts repeatedly told Boise Cascade that such a system couldn't be designed.

Boise Cascade offered to sell the Exodus rights to IBM for $100,000 a few months ago, but IBM rejected the offer. "It's a good thing IBM turned us down. We didn't know what we had at the time," says Ralph E. Hull, Boise Cascade's director of data processing. The wood products company now has Computer Sciences Corp., a Los Angeles computer services concern, handle the marketing in return for 33% of the sale price. Computer Sciences has refined the system a bit.

HAIRCUTS AND SHOE SHINES

The system has made Ron and Noah heroes of sorts in this state capital of 50,000 population. Early this year, a few weeks after their success, Ron recalls, "Noah and I were told to get haircuts and shoe shines. We figured something was up." It was. They were ushered into the office of Boise Cascade President Robert V. Hansberger, who presented them each with 100 shares of Boise Cascade stock, worth about $2,800. (The company also gave them a check to pay the taxes on the stock. The two young men had little to say to Mr. Hansberger. "What do you say to a corporate president?" Noah asked his boss later.

They both got promotions and raises, too. Ron, who has been with Boise Cascade four years, got a $125 a month raise, to $12,600 a year. Noah, who has been here three years, got a $150 a month increase, to $10,200 a year.

Noah celebrated his windfall by buying a new clothes drier to make life easier for his wife, who is expecting their first child. He also is considering investing in stocks, "but right now the market sort of scares me."

Ron, who is married and has three children, is considering using some of his new affluence to trade in his Honda motorcycle for a bigger model.

The young men say they have rejected a dozen job offers—some at nearly twice their present salaries—since they developed Exodus. Ron turned that offer down for both of them, saying they wanted to remain in Boise. Computer Sciences then offered to create a special branch office in Boise for the pair, but they still said no.

The two were determined from the start to develop the program, which they figured all along could be solved. "IBM's attitude really egged us on," says Ron. "They looked at us like we were hicks and asked that if Boeing and General Motors didn't try it, what made us think we could do it?" On the other hand, an IBM systems engineer in Boise, ranking low on the corporate ladder, offered the two encouragement and even assistance in writing the conversion program.

Sequestered in windowless offices at Boise Cascade's data processing center, Ron and Noah worked separately, sometimes meeting in stormy bull sessions lasting well into the nights and weekends. Here, the two lost their characteristic reserve. "We always work best while arguing," says Noah. Fellow programers, hearing the squabbles, soon learned to leave the two alone.

Felled by the flu for two weeks, Noah continued to write the program from his bed, debating with Ron over the phone. Later on, he worked nights while serving a stint in the National Guard. Ron spent several days of his vacation testing the system on a big IBM computer in Seattle.

"The worst thing about working with these guys was getting them to go home," says Mr. Hull, their boss.

The system Ron and Noah developed converts existing Model 1410 computer programs, which were developed at great expense, to fit the staggering potentials of the so-called third generation of computers, such as the IBM Model 360.

Now, Ron and Noah are working on another system to convert programs from the Model 1401, which is smaller than the 1410, to the 360. Computer Sciences already has reserved the right of first refusal on this latest system, for which it sees a big potential. There are at least seven times as many 1401 computers installed as there are 1410s, a Computer Sciences spokesman says.

Nonetheless, there is at least one problem facing the new system. "We've run clean out of Biblical names," says a Computer Sciences executive. Exodus, predictably, followed a Computer Sciences program called Genesis. "But Leviticus might be a bit hard to take," he says.

IBM won't say whether it is working on any conversion systems itself. IBM does offer an electronic device called an emulator, which imitates the logic of an older computer on a new one. Thus, users can run existing programs on an advanced machine until the programs grow outdated and have to be rewritten anyway, IBM says.

This system, though, is considerably less useful than Exodus, which is essentially a master program for programing. With Exodus, the computer itself in a few minutes can rewrite programs that would take highly paid technicians hours or days to do by hand.

What's more, the emulators can turn out to be more expensive than the Exodus system. For some customers, the equipment for emulators would cost $6,000 a month—with one month's cost equaling two-thirds of the entire cost of the Exodus. Emulators also limit the capabilities of the lightning-fast 360s. Says a Midwestern computer user: "Running one of these hot 360s with an emulator is like forcing Wordsworth to write nursery rhymes."

[From the Evening Star, Apr. 4, 1967]

GOLIATH MEETS TWO DAVIDS

IBM is the one to beat in the computer industry. It accounts for some two-thirds of the business around the world. The company had profits exceding half a billion dollars last year. And when it said you couldn't adapt a computer program to a newer "generation" of computers, most people agreed.

But a couple of mavericks out in Idaho, Ronnie Hoppins and Noah Tadlock, thought otherwise. The young men, who use computers in their jobs with a lumber firm in Boise, started experimenting in their spare time. They came up with a conversion system called "Exodus" that not only works but is leading them and their firm into green pastures. According to a report in the Wall Street Journal, other companies are lining up to buy the system at $9,000 apiece and consider it a bargain.

One of the inventors previously had flunked a Civil Service exam to be a mailman. The other isn't certain he passed a recent second class airman test in the National Guard. IBM scoffed when they first proposed their scheme. All that is rather irrelevant now as the pay raises, stock bonuses and promotions have been arriving for the pair.

Well, as Mark Twain once said, the man with a new idea is a crank until the idea succeeds. It seems to us the world still has some hope, despite daytime TV and Fort Lauderdale riots, if young men like Hoppins and Tadlock can manage to educate IBM on the subject of computers.

APPOINTMENT OF VINCENT XIMENES TO EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. TOWER. Mr. President, I am certainly pleased to bring to the attention of the Senate today the fact that President Johnson has appointed to the Equal Employment Opportunity Commission Mr. Vincent Ximenes of Texas and New Mexico.

I have sought for several years now to insure an appointment I felt could bring to the Commission a special understanding of the unique employment talents and needs of those of Latin heritage.

Legislation I introduced in both this and the previous session of Congress expressed the belief of many Texans, and of course many in other States, the great need for such an appointment. I am of course most pleased as I know others are, that this goal has been accomplished. I commend the President for his action in this regard.

NEWSPAPER EDITORIALS SUPPORT UNITED STATES-SOVIET CONSULAR TREATY—PACT PRAISED BY SENATOR RANDOLPH

Mr. RANDOLPH. Mr. President, there has been much controversy over the United States-Soviet Consular Treaty and I have read many editorial comments on the passage of this measure. I voted for the pact.

We need to protect the freedom of our citizens—their freedom to work, live, and travel. Basically, the treaty insures this vital protection. It secures for U.S. citizens in the Soviet Union and for Soviet citizens in the United States the right to have their Government notified of an arrest within 3 days. It provides that the arrested may see a representative of his Government, with reasonable regularity, commencing 2 to 4 days after arrest.

Also important is the fact that the Consular Convention does not create Soviet opportunities for espionage which are not available today, by use of diplomatic personnel and covert agents.

The President has signed the treaty and it awaits signature in the Soviet Union.

Gerard E. Shery, editor of the Morgantown, W. Va., Dominion-News, in an editorial March 17, wrote:

> The same old negative propaganda was being bandied about. If the Russians were allowed to establish consulates in various U.S. cities, they would present a security danger because the Reds would spy.

Editor Sherry pointed out—

> This is an asinine argument for the Russians would have been spying all the time, consulates or no consulates. It should be remembered that we do the same thing on Soviet territory and the consular treaty will give us the same opportunities as are given the Reds.
>
> President Johnson, and the responsible leaders of both the Republican and Democratic Parties, have shown great wisdom in defending and approving the consular treaty with Russia. It is a step towards peace and a repudiation of the outmoded theory that the only good communists are dead ones. It is the live ones we have to live with and work with on an international level. It is with these that we must work out a peaceful future.

Mr. President, I also cite an editorial in the March 13 Miami, Fla., Herald, and I request unanimous consent to have it inserted in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record as follows:

THERE IS NO BOGEYMAN IN CONSULAR AGREEMENT

The Senate, which must approve all such treaties, has moved a step closer to approval of a consular agreement with the Soviet Union. But the major action last week, in which an amendment weakening the diplomatic immunity provisions of the pact was defeated, does not mean clear sailing. Vigorous infighting will be the rule until a final vote is taken this week.

The amendment beaten by a 53–26 vote Wednesday would have reduced the blanket immunity from prosecution of all consular officials and employees. Opponents of the treaty argued this offers carte blanche to Soviet spies. Sen. Talmadge of Georgia protested that the immunity was so broad that "a janitor in a Soviet consulate could assassinate the President of the United States and all we could do is bid him farewell."

Of course, the same provisions regarding immunity would apply to U.S. consular personnel in Russia, and Sen. Mansfield of Montana candidly admitted the United States has an interest in concealing American intelligence agents in consular roles. In a word, he means the wear and tear on our spies in Russia would be lessened if they were only expellable rather than imprisonable.

Thus any risks the U.S. runs are matched by risks Russia must run as well. Leaders of both nations seem willing to do this, the whole issue being part of the positive aspects of an East-West bridge-building contact which can lead to lessened tension.

The practical politics governing elected U.S. senators may well have an effect on the eventual vote. While they might agree in principle on the need for closer ties, their constituents can be expected to want more take and less put in any foreign treaty.

But the Senate must face up to such issues, Sen. Mansfield says, and we agree with him. The need for a cold war thaw, for better understanding, for contacts, which will lessen the bogeyman images of East and West, override the opportunity for obstructionism. Our State Department and President Johnson's administration support the consular treaty as a step toward world peace. They are on our side. Their efforts and leadership deserve respect and support.

A treaty is an agreement to try. If a treaty is broken by either side, as many have been, the treaty is ended. But it is in the trying that all peaceful hopes must rest.

PRESIDENT'S MESSAGE ON FEDERAL PAY AND POSTAL RATES

Mr. SMATHERS. Mr. President, I have just read the President's message to Congress on Federal pay and postal rates which recommends a 4½-percent pay increase for civilian employees effective October 1, 1967, and a regular military pay raise for members of our Armed Forces at an average of 4½ percent effective the same date.

Our Federal employees have been feeling the effect of the high cost of living while rendering great service to their Government.

In addition, our military personnel, many of whom are fighting and dying for the cause of freedom, are more than worthy of such a modest increase. Our Armed Forces personnel make many sacrifices which we are too often inclined to take for granted.

I take this opportunity to congratulate the President on recommending an adequate pay scale for members of our Armed Forces and our Federal employees.

COMMENDATION OF SENATOR BROOKE

Mr. TOWER. Mr. President, one of the most courageous acts that I have witnessed, on the part of a Senator since coming to this body occurred just a few days ago.

The distinguished Senator from Massachusetts [Mr. BROOKE], after witnessing at first hand the southeast Asia situation now confronting us, returned convinced that our present course of action, while perhaps not perfect, is in the best interests of the Vietnamese people and in the best interests of world peace and our national security.

I ask unanimous consent that several Texas newspaper editorials commending Senator BROOKE upon his trip and his subsequent observations be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the El Paso Herald Post, Mar. 20, 1967]

CHANGED MIND

It's rare that a U.S. senator changes his mind on a major issue—and admits it in public. But that is what Sen. Edward M. Brooke, the freshman Republican from Massachusetts (and the first Negro elected to the Senate in a century) has done. The issue was nothing less than Vietnam.

In his election campaign last fall the senator was critical of President Johnson's conduct of the war. He was on the dovish side, arguing the U.S. as a great power ought to take the first step toward improving the climate for peace talks. But just lately he flew out to have a look firsthand.

The results uphold the old adage: Seeing is believing.

Senator Brooke said his talks with leaders in South Vietnam and neighboring Asian countries—plus Hanoi's actions and words—"convinced me that the enemy is not disposed to participate in meaningful negotiations at this time."

He thought a halt in the bombing raids on North Vietnam would not by itself bring successful negotiations. And he concluded our general military strategy is necessary. The speech contained some other wise observations and advice about Vietnam, Red China and other Asian affairs.

It was in fact a mature, constructive speech by an obviously intelligent, sensitive and open-minded senator.

[From the Dallas Morning News, Mar. 25, 1967]

CHANGE OF HEART

Sen. Edward W. Brooke, despite the fact that he is new to national politics, has built a national reputation for integrity and independent judgment. In his latest statement on Vietnam, the senator adds to that reputation.

The nation would be interested in Sen. Brooke, if only for the fact that he is the first Negro ever elected to the Senate by popular vote. But he deserves attention, not as a Negro senator, but as a senator, period.

Now the senator has achieved another first. He is the first critic of the nation's Vietnam policies who has gathered firsthand evidence, weighed that evidence and acted upon it to change his preconceived opinion.

Sen. Brooke traveled to South Vietnam, Japan, Thailand, Hong Kong, Cambodia and Taiwan. He discovered for himself in Cambodia that the North Vietnamese are unwilling even to talk about possible peace negotiations. He talked to South Vietnamese citizens and found out what they think about the war and the American help they are getting. He saw what American soldiers are doing to defend the new nation, what American aid is doing to repair the ravages of Viet Cong destruction.

Thursday in his first major Senate speech, the freshman senator declared:

"Since I believe that North Vietnam is not prepared to negotiate in a meaningful way at this time, I reluctantly conclude that the general direction of our present military efforts in Vietnam is necessary. This is far from an easy position for me to take."

Said the senator: "Those most familiar with the East Asian mentality are convinced that the enemy still waits, still aspires to victory through the collapse of the American will to persist."

The issue in Vietnam is freedom. The question to be decided there is whether one group of mankind will be allowed to enslave others through armed force. And, until that question is resolved, the American will must remain firm.

Sen. Brooke has seen for himself. He indicated publicly that his criticisms were mistaken.

To use the old Southern term, it takes a considerable man to do that.

[From the Abilene, Reporter-News, Mar. 29, 1967]

BROOKE DOES INTERESTING TURNABOUT ON VIETNAM WAR

Edward Brooke, the new Massachusetts Republican senator and first Negro elected to the Senate by popular vote, had been a mild dove on the Vietnam war during his campaign and the first months in office.

He had advocated a reduction in American military activity and a cessation of bombing in the hope of gaining peace negotiations.

Then he went to Vietnam where he obtained first hand insight into the war and its ramifications.

He returned last week and startled more than a few with a speech in the Senate supporting President Johnson's conduct of the war. He now thinks we should keep bombing.

He said in his Senate speech:

"Everything I learned . . . has now convinced me that the enemy is not disposed to participate in meaningful negotiations at this time." He says the enemy doubts the U.S. will have patience to see the war through.

"Those most familiar with the East Asian mentality are convinced that the enemy still waits, still aspires to victory through collapse of the American will to persist," he said. Making clear that he supports further prosecution of the war, he declared: "Let there be no doubt in the mind of Ho Chi Minh or anyone else that the American people will persevere in their fundamental support of the South Vietnamese." He said that "continued military pressure may end the war sooner than we dare to hope."

He repeated his stand Sunday on the CBS television program, "Face the Nation." He said he thinks withdrawal from Vietnam "would be a tragic mistake."

This change of stance brought what he described as "virulent telegrams from Massachusetts doves," but also President Johnson personally telephoned him to thank him and to tell him he had performed a "great service to the country and to the American people."

Senator Brooke's experience is interesting and also should be illuminating.

It is not often that we see a public official do an about-face on a critical issue in a short time. The war is the most important and controversial issue before the country, and certainly in Brooke's home state.

He changed his mind, and propaganda, nor presidential persuasion did not do it. Brooke went to the scene, saw, heard and concluded he was wrong. The impression was so great that he took the initiative to speak out and get himself in hot water on the subject.

Brooke can be admired for his courage. Moreover, his action should give other critics pause to wonder about their own position.

[From the San Angelo Standard-Times Mar. 28, 1967]

BROOKE SHOWS COURAGE IN VIETNAM REPORT

It takes courage to admit you have been wrong. This is something every schoolboy learns. It takes a rare form of courage indeed to admit before the American people, as has Sen. Edward Brooke of Massachusetts, that you were wrong in a basic point of your successful campaign for election.

Just returned from South Vietnam, Sen. Brooke took the Senate floor to tell his fellow citizens that his previous opinions on the war and the way it is waged were in error. Later he repeated this on national television. No longer, says Brooke, does he believe the United States should halt the bombing of North Vietnam. He has been brought to this conviction, he said, by conversations with Asian experts and by his own on-the-scene observations.

"Those most familiar with the East Asian mentality," Brooke said, "are convinced that the enemy still waits, still aspires to victory through collapse of the American will to persist."

It is just such a conviction, of course, that critics of the war here at home help to establish in the minds of our enemies.

Brooke has acted in accordance with the highest meaning of public service. He has delivered an honest report on his trip to South Vietnam, one which should go far toward stilling the shrill debate in this country. Those who sincerely hope for peace would do well to unite behind the President's proven actions to achieve that goal, rather than indulge in rhetoric which evidence indicates only prolongs the war and makes negotiations more difficult to obtain.

ILLEGITIMACY AND POVERTY

Mr. WILLIAMS of New Jersey. Mr. President, the dual problem of the unwed mother and the illegitimate child has been an increasingly vexing one, both for welfare workers and for the average citizen.

For the welfare worker, the cycle of illegitimacy and poverty, perpetuating itself from generation to generation, has been a frustrating and often defeating behavior pattern.

For the average citizen, this nonconformance to the economic and social mores of our society, which he is paying to support, gives rise to a deep-seated anger.

Unfortunately, this frustration and anger have given rise to a number of proposals which, while they might relieve the frustration and anger, would do little to break the cycle of illegitimacy and poverty.

Moreover, these proposals, born of indignation and impatience, many times would be extremely cruel and punitive.

One public officeholder in New Jersey, for instance, would wrench the baby from its mother's arms and send the misguided woman to jail.

Mr. President, a highly respected, but by no means ultraliberal, newspaper in New Jersey has published an editorial on this subject which brings this problem into proper perspective. It proposes a solution which is humane and which makes overwhelming sense. I ask unanimous consent that the editorial published in the Asbury Park Press be printed in the RECORD.

There being no objection, the editorial

was ordered to be printed in the Record, as follows:

[From the Asbury Park Sunday Press, Feb. 26, 1967]

History Records That Family Planning, Not Prison, Is Answer to Illegitimacy

Illegitimate children on the welfare rolls of Atlantic County have nearly doubled in the past six years resulting in tripling the cost of supporting this category of welfare recipient. The news from Atlantic County is discouraging but it is only slightly different from that of the state's other 20 counties.

Admittedly, the problem of caring for the indigent child always creates a difficult problem. Since he represents the citizen of the future it is not simply a matter of supplying him with minimal food, clothing, and shelter. These items must be supplied of necessity, but in addition his environment must be upgraded as far as posible in order that the child may grow up to be a self-sustaining, substantial citizen instead of a delinquent destined to spend the rest of his life as a burden upon society.

The problem of the indigent child who is also illegitimate is even more difficult and presents society with an even greater problem. Unfortunately, and unfairly, society downgrades the illegitimate child from birth. He is stigmatized with the indiscretion of his parents. He grows up in an unbalanced family where the influence of a father is missing. He comes to accept as a way of life the experience of having the man-of-the-house change from time to time. Because of these conditions he labors under greater handicap than the legitimate child who may also be public supported. The latter is accepted by the taxpayer as an inescapable burden that he must bear; the former is regarded as an intruder who shouldn't be in the picture in the first place.

What to do with these children and their delinquent mothers and their equally delinquent but unidentifiable fathers? A simplistic and unrealistic scheme puts the mother in jail after a predetermined number of *mesalliances*. This is scarcely a satisfactory solution to the problem. Assuming some of these errant mothers can be convicted and thereby taken out of circulation for a time, they will leave behind them the problem of the indigent illegitimate child even though, hopefully, his numbers may be slightly reduced. Incarceration also confronts society with the necessity of providing a substitute for the jailed mother and provisions for her support in a penal institution. The penal approach does not remove the problem; it merely assesses blame for the problem's creation and punishes one member of the pair that produced it.

What, then, is to be the final disposition of this vital problem that is increasing to startling proportions? Must society forever stand helpless while illegitimate children enter the world only to be rejected by the same society that did nothing to prevent their birth? Our answer is an emphatically negative one. The Press does not believe that society is under any compulsion to encourage illegitimate births as its present procedures do. Incarceration of the repeated offender is no answer to the problem. Sterilization of the unwed mother is the only logical answer to the problem if we delay remedial action until after the unfortunate, unwanted child is born. This, at least, will prevent further illegitimacy. But our solution is more humane. We would meet the problem before it is upon us with all its accompanying heartbreak for the unwed mother. Our solution would attempt to meet the problem before it develops. We recommend a stepped-up campaign of family planning whereby indigent persons or those lacking the marital status required for the production of legitimate children would be given the means of postponing their offspring until their marital and financial status warranted having a family.

The punitive approach to illegitimacy will never succeed and there is a long historical record to prove it. Putting an illegitimate mother in the stocks or making her wear an embroidered "A" on her breast, or torturing her in other ways will not reduce the welfare rolls of any county. The powerful instinct that produces illegitimate children resists every punitive approach save capital punishment. It must be guided; it cannot be obliterated by police action even though this approach may find favor with cruel and unthinking persons.

THE PRESIDENT'S MESSAGE ON PAY INCREASES

Mr. HOLLINGS. Mr. President, the President's message today deals with both civilian and military pay increases.

In the many-faceted conflicts confronting our troubled globe, the line between the kinds of service we expect from our military and the civilian employees becomes at times blurred and indistinct.

We are proud of our military men and women who are serving in the defense of freedom. We are proud, as well, of our civilian employees who serve the welfare of our Nation. Indeed, as the President has noted, those civilians in the villages of South Vietnam are literally "exposed to the hazards and dangers of a war which has no frontline."

The President recommends a 4.5-percent pay increase for civilian employees. This is just and proper, and I urge its enactment.

And with equal forcefulness, I urge the enactment of the similar increase recommended for military personnel. The principle has been simply stated: as civilian pay goes up, so must the pay of the armed services.

Let us, therefore, enact both these pay increases, as recommended by the President. In doing so, we shall pay tribute to, and deal fairly with, our Nation's Federal employees, military and civilian alike, who strive to meet our just demands for the highest level of excellence in the public service.

DEVELOPMENT OF A HYBRID ELECTRIC CAR

Mr. CASE. Mr. President, on Monday, joint hearings resume before the Committee on Commerce and the Subcommittee on Air and Water Pollution on bills to provide Federal assistance in the development of electric cars.

I have joined in sponsoring these measures because of my distress at the vast amount of air pollution caused by the internal combustion engine. If an effective attack is to be mounted against air pollution, it will be necessary to curb, and eventually to eliminate, the pollutants that spew from cars, trucks, and buses.

Although Congress has approved a program to control motor vehicle exhaust beginning with 1968 models, Federal officials already fear that the anticipated surge in the automobile population in the next 15 years could wipe out any gains that might be made through this program.

It seems clear that it will be necessary to develop alternative, nonpolluting sources of automotive power. The necessary research ought to be pressed, for every day of delay means greater danger to the health of our people.

The electric car, which is nonpolluting, could be the alternative we need. However, the electric car cannot at present compete with the internal combustion machine because of its limited speed and driving range and the high cost of building electrically propelled vehicles.

These shortcomings indicate a limited market for the pure electric, and therefore a limited immediate impact on air pollution. Other alternatives to the pure electric should be explored.

A recent issue of Time magazine contained a letter to the editor from Mr. Morton L. Kaganowich, an engineer of Binghamton, N.Y., who suggested developing a hybrid electric car. Under Mr. Kaganowich's idea, such a hybrid might be driven by a conventional internal combustion engine in the country, then switched over to electrical power in metropolitan areas where the air pollution problem is the greatest.

While we cannot and must not be willing to tolerate air pollution even in the countryside, such a hybrid might serve as a useful interim answer until more powerful pure electrics can be developed.

This approach seems to be gaining some support in automobile manufacturing circles. Columnist John Chamberlain recently reported that Arjay Miller, president of the Ford Motor Co., seemed inclined toward a hybrid "able to run on a long-lived electric battery in the city but with a switchover to internal combustion for the country."

Mr. President, I ask unanimous consent that Mr. Chamberlain's interesting column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 18, 1967]

Hybrid Electric Auto Can Cut Smog

(By John Chamberlain)

Detroit, Mich.—The scare stories about smog grow scarier. First it was the Los Angeles area of California, where local air current conditions make a special hazard of the combustion by-products of automobile gasoline.

More recently the atmosphere of the long "linear" metropolitan area that reaches from Boston, Mass., to Washington, D.C., has become a worry.

At the Detroit Press Club annual shindig known as the "steak-out," held in lively imitation of the Washington Gridiron Club, they figured one way of getting rid of the lethal fumes caused by car exhausts. They had Sen. Muskie of Maine as national custodian of pure air, piping the fumes back into the car itself. The car drivers didn't complain, unless it was to Saint Peter.

Since Detroit is held responsible for a good part of the $11-billion-a-year costs in wasted fuel and smog-induced property damage, members of the California Legislature, among other people, expect Detroit to do something about the problem. Laws are passed to compel the elimination of noxious fumes in tailpipes by magic filters or catalysts.

A well-known professor of biostatics, Dr. Theodor D. Sterling, says the laws won't work; the processes are inconvenient, expensive, and can't be adequately policed.

But if the law fails to solve the problems caused by automobile exhaust, maybe the workings of good old free enterprise can.

For a short time at the beginning of the Century it looked as if the automobile would be a clean and pure little electric runabout, putting those dirty horses off the metropolitan streets and making our cities a dream to live in.

The great Thomas Edison was on the track of an effective long-life electric battery.

Meanwhile the internal combustion engine, which burned gasoline, was having a tremendous problem with the phenomenon known as "knock." The crude oil in the gasoline fraction made a most unpleasant metallic noise and kept miles-per-gallon low.

The knock got worse as the compression in the engine was boosted, until it became positively destructive in its violence. As Detroit automotive historians know, the problem of knock was solved by the great Charles Kettering and his Man Friday, Thomas Midgley Jr. They tried putting everything in the gasoline from iodine to tellurium, which smelled like garlic.

Finally, they hit upon tetraethyl lead. This happened to work, and thereafter the internal combustion engine left Edison's electric storage battery at the post.

But now a strange reversal of history may be in the offing. The anti-knock in gasoline is one cause of the deleterious contents of the automobile tailpipe. Because of what the internal combustion engine is doing to the American air, Edison's idea of an electric automobile is having a revival.

Among the partisans is President Arjay Miller of the Ford Motor Company. Miller says he confidently expects to see a good electric car on the market in a few years.

A lead acid battery capable of running a car at 40 miles an hour for 35 miles is a practicality. Within 10 or 15 years we shall probably have a battery good for 150 miles without recharging.

This would be good only for city driving. But it is in the cities that smog is the problem. People might balk at having to maintain an electric car for city use and a second gasoline-driven car for ski weekends to Vermont or the Sierras. But Arjay Miller foresees a good hybrid automobile, able to run on a long-lived electric battery in the city but with a switchover to internal combustion for the country, where high speeds cut down on the smog-causing fumes.

Moreover, as Miller looks ahead, he sees the gasoline companies responding to electric battery competition by evolving methods of producing a smogless fuel. Los Angeles and the Boston-Washington "linear" city will once again be able to breath without choking to death.

SENATOR NEUBERGER—STILL WORKING FOR THE CONSUMER

Mr. WILLIAMS of New Jersey. Mr. President, the Food and Drug Administration has been fortunate enough to enlist former Senator Maurine B. Neuberger as its consultant on consumer relations. I think that we who served with the Senator can take special satisfaction from a very appropriate appointment. I also believe that the consumer can feel that he has an effective, understanding, and articulate representative within the FDA.

There is no doubt that Senator Neuberger's interest in consumer matters is longstanding. I have a vivid memory of her addressing the Oregon State legislature with supermarket packages on top of her desk in the chamber. Her work in the U.S. Senate was far reaching and hard hitting. I was pleased indeed, for example, at the close attention she gave, as a member of the Senate Committee on Aging, to matters brought before its Subcommittee on Frauds and Misrepresentations Affecting the Elderly—now the Subcommittee on Consumer Interests of the Elderly.

An article in the March 1967 FDA Papers includes an interview with Mrs. Neuberger. I believe it is of interest to all who are concerned about consumer matters, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN INTERVIEW WITH MAURINE NEUBERGER

Former Senator Maurine B. Neuberger became Consultant on Consumer Relations to the Commissioner of Food and Drugs on January 6, 1967. Mrs. Neuberger will advise the Commissioner on broadscale programs and policies in various areas of consumer needs.

The widow of Senator Richard L. Neuberger, she was elected in 1960 to fill out his unexpired term and to serve a full 6-year term, which ended January 3, 1967.

During her years in the Senate, Mrs. Neuberger took an active interest in the protection of the American consumer and in the activities of the Food and Drug Administration.

Senator Neuberger served on the Senate's Special Committee on Aging, including its Subcommittees on Fraud and Health and Joint Subcommittee on Long-Term Care, and the Committee on Commerce.

The former Senator has published numerous articles in national magazines on consumer affairs and on national health care and welfare. She is the author of the book, *Smoke Screen; Tobacco and the Public Welfare,* published in 1964.

Mrs. Neuberger's first action as consultant was a program-planning session in San Francisco with eight FDA consumer specialists.

She made her first public appearance in her new FDA role as the keynote speaker at the Annual Convention of the Association of California Consumers in San Francisco on February 11.

Question. *Mrs. Neuberger, after serving 6 years in Washington, how do you feel about being just a consumer again?*

Answer. It has been a tremendously rewarding experience to have served in the U.S. Senate, and I must say it was with some regret that I bade my colleagues goodby. However, I would like to emphasize that there is no such thing as being "just a consumer." I always felt that I was a consumer at the same time I was a Senator, and I am a consumer now in my new home in Massachusetts. We must remember that the consumer is the fundamental agent in our expanding economy. The purchase of goods and services and the rate at which those purchases are made determines the kind of economy we are going to have and the kind of standard of living we are going to have, so the question of being "just a consumer" is really not the proper way of looking at it.

Question. *President Johnson in his state of the Union message said, "The 88th and 89th Congresses enacted more social and economic legislation than any two Congresses in our history. But all of this legislation will come to nothing unless it reaches the people." I wonder how you react to that statement and what comments you might want to make.*

Answer. The President is quite right. As a participant in those two Congresses, I still recall with a thrill the work of our committees and the tremendous effort put forth by the Administrative Branch. I must say that the problem of making this legislation effective rests not solely with the Federal or State or local governments. It does rest with all elements of our society concerned with the health and well-being of all Americans. I'm thinking, for example, of our physicians and of our pharmacists, our dentists, our nurses, and other professional personnel. I'm thinking of our great industries, such as pharmaceuticals, foods, cosmetics and those other non-governmental groups who work cooperatively with governmental agencies. These groups share the task of implementing the legislation passed by the 88th and 89th Congresses.

Question. *How would you describe your job as Consultant on Consumer Relations?*

Answer. It was made clear in conversations between Dr. Goddard and me that I would not speak for the FDA. I would speak for the consumer to the FDA. The establishment of this precedent is a very good one for the Food and Drug Administration and I'm very proud to have the privilege of exploring this new kind of activity. I will advise the Commissioner on matters of consumer needs as I see them; I'll bring them to his attention. They may or may not always be relevant to the kinds of responsibilities the FDA has to carry out, but I see myself as the voice of the consumer at the highest administrative level of the FDA. It is with this understanding that I took the position and it's with this understanding that I'm looking forward to carrying it out.

Question. *In that sense would you say that the consumer has an obligation to himself to be informed in order to be protected in the marketplace?*

Answer. The consumer does have that obligation but I don't believe that he is always aware of it. He has to be reminded of it continually. As you know, I've been associated with many issues in the area of health that really demanded of the consumer that he keep himself informed, such as the relationship between cigarette smoking and lung cancer, the effects of fluorides in preventing caries, and the place of supplements in diet.

Question. *Senator, you have served on the Senate Subcommittee on Frauds and Deceptions affecting the Elderly. What are your views on FDA relations with the aging?*

Answer. In the FDA you will find a number of responsibilities which I think are directly related to the elderly. For example, I think the FDA program on insuring the quality and integrity of drugs in the marketplace is of prime interest to our elderly citizens. They now have vastly improved medical programs at their service and are encouraged to use many of the newer therapeutic agents, as well as the old standbys. The second thing is a wholesome food supply. In addition, there must be assurance that commodities are marketed, packaged, and labeled so that the buyer can determine what is the best value. Within a limited income there is a tremendous variety of food stuffs available. Third, it is the FDA which protects the elderly from frauds and deceptions. For instance—FDA's campaign in combating device and nutritional quackery. Dr. Goddard has said that this campaign will be maintained and strengthened.

Question. *Mrs. Neuberger, during hearings by your Senate committee, representatives of the food, drug, and cosmetic industries testified that there was a direct relationship between the success of products in the marketplace and the satisfaction of the consumer. Would you comment on this in light of the Fair Packaging and Labeling Act?*

Answer. There is some merit to the argument that every time a consumer buys a product he is casting a vote for that product. However, the Fair Packaging and Labeling legislation was enacted to make sure that the consumer was able to cast an informed vote.

Question. *Mrs. Neuberger, your assignment to the FDA is part-time, what other public activities will you carry on?*

Answer. I am National Chairman of the Advisory Council on the Status of Women and will continue to serve in that capacity at the same time as I work for the FDA.

JOB VACANCIES

Mr. CURTIS. Mr. President, I invite the attention of the Senate to a serious administrative shortcoming in the efforts of the Federal Government to come to grips with the unemployment problem through job training programs or by any other means now utilized.

I refer to revelations made by the Secretary of Labor, Mr. W. Willard Wirtz, in a letter to the distinguished Senator from Illinois [Mr. PERCY], in response to questions which Senator PERCY directed to the Secretary of Labor at a hearing held by the Joint Economic Committee on February 7.

In response to the question "How many job vacancies now exist in our economy?" the Secretary of Labor has just advised Senator PERCY in writing:

> We do not at present have any figures on total job vacancies in the United States. Such information is now available only for about 15 metropolitan areas, as part of a Department of Labor experimental program initiated several years ago. This pilot program, operated by the United States Employment Service and the affiliated State Employment Services in cooperation with the Bureau of Labor Statistics, provided one-time job vacancy estimates for each of these areas for the fall of 1964, for April 1965 and for April 1966. Another such survey will be conducted in these areas later this spring.
>
> The best available indication of vacancies now at hand is the monthly lists of unfilled job openings held by public employment offices throughout the country. These total about 322,500 at the end of February (but slightly less than the year-ago level of 344,400). Unfilled job openings generally range between a quarter and a third of the total vacancies in the areas included in our pilot program.

Mr. President, it seems preposterous to me for the Department of Labor or any other Federal agency seeking to match unemployed persons with available jobs to keep extensive records on the number and types of unemployed without having any system for accurately measuring the jobs available in our economy. It is incredible, Mr. President, that any agency could operate effectively in the field of finding jobs for people or of training people for those jobs when it has no system for seeking out and finding the jobs that are available.

In the midwestern and western parlance to which I am accustomed, Mr. President, I can only picture the Secretary of Labor trying to make a horse go forward by pulling the animal's tail.

All of us are familiar with the statistical reports that are published regularly by the Labor Department showing the number of unemployed persons. I am shocked to find that the Department of Labor, which keeps such close tabs on the number of unemployed, has no idea really of the number of jobs available and the skills that are needed to fill these jobs. I do not see how the Department can run sensible job training programs without knowing the number and types of jobs available.

I became interested in this aspect of the job training problem when businessmen in Nebraska told me, during my travels in the State over the past 2 years, that they have many jobs available but no one to fill them. The managers of several plants told me they would expand their operations if they could get qualified employees to fill the additional jobs. The head of a trucking company told me that his firm cannot hire as many drivers as it needs, and that the shortage of drivers had become a critical problem.

This whole subject is of special interest to me now, because I am having a bill drafted to try to make Federal job training programs do a better job of meeting the Nation's manpower needs. My bill would give State and local governments, particularly schools, greater responsibilities in utilizing these funds.

I am pleased to report that the city government, the school system, and private organizations in Nebraska's largest city, Omaha, have launched a cooperative local effort to find jobs on a continuing basis for persons who find themselves on the unemployment rolls for one reason or another. This type of local initiative to solve problems is highly commendable. However, I regret to report that coincident with Senator PERCY's receipt of Secretary Wirtz' letter a delegation from Omaha, accompanied by a member of my staff, conferred with officials of the Labor Department and found them reluctant to participate in such a practical approach to the unemployment problem.

It is my sincere hope that the Secretary of Labor and his Department will take another look at their untenuous position. Certainly they cannot do a very good job of administering funds to train people for jobs when they do not know what jobs exist. Commonsense dictates that they do as complete a job of keeping track of the available jobs as they do of computing and publicizing the number of jobless. I expect to have more to say in the future about this and related matters.

EXTENSION OF NATIONAL LABOR RELATIONS ACT TO FARMWORKERS

Mr. WILLIAMS of New Jersey. Mr. President, over the past year and a half, the efforts of farmworkers to organize and negotiate with their employers for better working conditions has resulted in community unrest, loss of employment, and worker productivity. When Congress enacted the National Labor Relations Act three decades ago, agriculture was exempted because at that time farming was viewed as a small family-type operation. Today, due to its rapid growth and mechanization, agriculture is similar to our Nation's other manufacturing industries.

But neither Federal nor State laws provide meaningful collective-bargaining rights for farmworkers. And the National Labor Relations Act specifically exempts farmworkers from its provisions.

Hence, a farm labor dispute can currently be settled only by raw economic might—by either the worker or the employer being subject to intolerable dollar losses.

On January 11 of this year, I introduced a bill, S. 8, to amend the National Labor Relations Act to make collective bargaining rights available to farmworkers. The bill adapts some of the National Labor Relations Act's provisions to take into account the seasonal nature of much agricultural work.

Mr. William L. Kircher, director of the AFL–CIO's department of organization, is one of the Nation's most trenchant spokesmen on the need to establish and maintain equitable and stable employer-employee relations in agriculture.

In a March 21, 1967, panel discussion of "New Safeguards for Farmworkers," on the Mutual Broadcasting System's "Labor Conference," Mr. Kircher stated that the most important piece of legislation in advancing the drive for organizing the farmworker is an extension of the National Labor Relations Act to farmworkers. He charged that failure to give farmworkers an orderly procedure for choosing a collective-bargaining agent, has thrust them into "general warfare." Mr. Kircher pointed out that farmworkers have to "picket and strike and do all of the things that the policy of this Nation is dedicated to eliminating" to achieve what other workers obtain through normal peaceful procedures.

Commenting on the overall farmworker problem, Mr. Kircher stated the AFL–CIO is pressing for other legal safeguards, including adequate coverage under the Fair Labor Standards Act, unemployment compensation, workmen's compensation, health and safety laws, child labor laws, and some of the other Federal legislation from which the rest of the workers in the Nation have benefited for many years.

Mr. President, I commend to the Senate this informative commentary by Mr. William Kircher and ask unanimous consent that the full panel discussion be printed in the RECORD.

There being no objection, the panel discussion was ordered to be printed in the RECORD, as follows:

NEW SAFEGUARDS FOR FARMWORKERS

Guest: William L. Kircher, director of the AFL–CIO's Department of Organization.

Panel: Neil Gilbride, labor correspondent for the Associated Press; William Eaton, Washington correspondent for the Chicago Daily News.

Moderator: Harry W. Flannery.

FLANNERY. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is William L. Kircher, director of the AFL–CIO's Department of Organization.

Although Congress last year made a modest first step to ease the social and economic plight of American farm workers, they are still denied most of the rights and benefits other workers enjoy under federal and state laws. Calling for further legal safeguards for farm workers, the AFL–CIO Executive Council said: "In the most affluent nation of the world, and supposedly the most humane, the substandard status suffered by the three million Americans who work for wages in agriculture can no longer be tolerated." Here to question Mr. Kircher about the AFL–CIO's aims in behalf of farm workers, and how he assesses the chances for success in this effort, are William Eaton, Washington correspondent for the Chicago Daily News, and Neil Gilbride, labor correspondent for the Associated Press. Your moderator, Harry W. Flannery.

And now, Mr. Eaton, I believe you have the first question?

Eaton. Mr. Kircher, what kind of federal legislation does the AFL–CIO want to advance its drive for organizing farm workers?

Kircher. Actually, in terms of advancing the drive for organizing farm workers, the most important piece of legislation is an extension of what we refer to as the National Labor Relations Act—the Labor-Management Relations Act—to farm workers, so there will be an orderly procedure for them to determine a collective bargaining agent.

The AFL–CIO is also interested, of course—and this has very little to do with organizing—but the AFL–CIO is very interested in extending to farm workers, adequate coverage under the Fair Labor Standards Act, Unemployment Compensation, industrial compensation, health and safety laws, child labor laws, and some of the other federal legislation from which the rest of the workers in the nation have benefitted for many years.

Eaton. Why have farm workers been excluded from the protection of these laws?

Kircher. Being as charitable as I can be in answering that, I would say that there might have been a question—a quarter of a century or more ago—with respect to whether or not farm work and agriculture was an industry that was within the framework of interstate commerce, where Congress can legislate. Many years ago, the Agricultural industry was more of a family farm structure than it is today. So, I am being charitable when I say that it has been considered by many to be outside interstate commerce.

I think, as a matter of fact, the powerful political pressures of the farm bloc and other portions of the power structure have never looked too kindly upon the extension of first class citizenship to farm labor.

Gilbride. Mr. Kircher, if these farm workers get virtually no protection under the federal labor laws, what about state law? Do they get any better break there?

Kircher. Mr. Gilbride, it is about the same story in state legislation.

To begin with, a great deal of the state legislation doesn't exist in the same areas as some of the federal legislation. And, where it does, there are the same kind of exclusions.

For example, New York state has its own labor relations law and an agency that can go in and hold elections and determine whether a group of workers wants a union for themselves for collective bargaining purposes in the areas of employment that are not covered by the federal law. But, farm workers are excluded from that state law the same way they are excluded from the federal law.

Gilbride. There have been some attempts to organize farm workers, I believe, primarily in California, recently. How do you go about negotiating a contract with a farm owner if he does not have to bargain under the law?

Kircher. Well, you just have to resort to strike, boycott, harassment and every kind of economic sanction that you can possibly get by with.

What it does, and what people should recognize, is that the void actually thrusts the farm worker back into the jungle warfare days that preceeded the kind of national labor relations policy about which this nation has bragged for so many decades.

Here is a substantial part of our national work community which is told, if you want the things other workers get through normal peaceful procedure, then you are going to have to raise all kinds of cain—you are going to have to picket and strike and do all of the things that the policy of this nation is dedicated to eliminating.

Flannery. What is your situation in California, Mr. Kircher, now that you have a new governor and he has appointed an Agricultural Secretary—or officer, whatever it is out there—who is a member of the National Right-to-Work Committee. What is the situation in California now, as far as you are concerned, in organizing the farmers?

Kircher. Well, we know there are very, very few friends at the executive level of the state administration in California. The governor, in one of his first acts, appointed a man by the name of Alan Grant as the head of the Agricultural Department of the state. Mr. Grant, as you say, has been very close to the National Right-to-Work Committee, which indicates pretty much his attitude about organized labor generally. He is also the head of the California Farm Bureau.

I read, right after his appointment, where he said that "there are only two things we have to do out here in California as far as agriculture is concerned: One is to get the Bracero program back and the other is to knock off this business of collective bargaining for farm workers."

Gilbride. Mr. Kircher, where does the Bracero situation stand now? I believe in the past year the Labor Department has rather severely limited the importation of Mexicans and British West Indians and others. Are many of them coming in nevertheless?

Kircher. No, not compared with what it used to be. Public Law 78 made it very easy for growers and employers to bring alien labor into the country. The expiration of that law a couple of years ago changed this considerably.

Now, there are emergency provisions that the Labor Department establishes through hearings on what it calls an "adverse effect wage rate." This simply means that a grower can seek alien labor, but before he can even qualify to ask for alien labor, he must offer that "adverse effect wage" to domestic labor. Then, if he cannot get domestic labor at that wage level, he is qualified to seek alien labor.

You know it would be pretty easy for an employer to offer domestic workers 95 cents an hour and then complain that he couldn't get anyone to work at that rate.

Gilbride. There have been a lot of complaints that Americans simply won't do this kind of work. Has this program to limit Braceros increased the number of Americans doing farm labor?

Kircher. Yes—as long as we understand that we are talking about Filipinoes and we are talking about Mexicans, and we are talking about Japanese and we are talking bout Negroes when we talk about Americans. Let's understand what we mean in the terms. We have domestic labor, American labor—that is, Filipino-American, Negro-American, Mexican-American. And, there have been adequate supplies, even since the expiration of Public Law 78.

As a matter of fact, on the big Schenley ranch, out in the San Joaquin Valley where we wrote the first AFL–CIO labor contract, we have a long, long waiting list of workers who would like to get jobs at Schenley. The reason is that we wrote a minimum wage of $1.75 an hour into that contract.

Flannery. These are domestic workers? In other words, there aren't too many cases, I suppose, where there are these shortages and they are able to bring in Braceros?

Kircher. Very few.

Eaton. Mr. Kircher, what are the conditions and rates for non-organized farm workers in California and in other states?

Kircher. Well, the levels of agricultural wages in Hawaii are the highest of any of the 50 states.

Eaton. Is that a result of union effort?

Kircher. It is a combination of two things: the result of union effort on the islands, and, the second thing, of course, is that the relative position of the agricultural workforce in that state's economy has a sharper impact than it does in most of our other states. It is a sort of separated, segregated state.

Outside of Hawaii, California ranks first. The wage levels in California—I would hesitate right now to say what the averages are, but my guess is that they are probably between $1.25 and $1.30 an hour in farm labor in the state of California. This is the highest.

Eaton. Without much other additional protection—health plans or pension or vacations?

Kircher. No, virtually no other benefits—just the wages. Sometimes they will have housing, though it is often very inadequate and they have to pay for it one way or another, anyhow. There are just no fringes to speak of.

Then these wages go down considerably in other states.

For example, in Texas, which I find to be one of the very worst states. Down in the Rio Grande Valley, we have a strike of our United Farm Worker Organizing Committee now about a year old there. We find wage levels there as low as 65 and 70 and 75 cents an hour. These will vary from state to state.

You find non-agricultural states that do have crops that get picked in season, like Michigan and Wisconsin, which you really don't think of as agricultural states, that have wage levels that look a little better, simply because the only time there is a substantial workforce—an agricultural workforce in the state—is under the pressure of harvest.

Frequently, the employers are competing with one another to get whatever labor is available to pick their crops when they are ready to be picked. This can make as much as 5 to 15 cents an hour difference in the wage levels, because of the manner in which the scarcity of employees has a tendency to build up the wage level.

Flannery. Mr. Kircher, there was a recent breakthrough in regard to minimum wages. What effect has this had on farm wages?

Kircher. Mr. Flannery, we have not really had time to assess it, and I am not real certain what it is going to be. You understand, there is certain criteria with respect to that law. An employer, to be placed in the position of having to pay that minimum wage in farm labor has to hire workers a certain number of man-days per quarter, so the real small operators will not be covered by that law.

And the bigger operator, particularly in states like California, will tend to be paying close to, or, in many cases, above that.

So, we don't know, really, how many people are going to be affected or what effect it is going to have on wage levels, generally. I think it will take a year to find out.

Gilbride. I believe the AFL–CIO has said that the national average wage for these farm workers is about $1.18 an hour. What do you think it should be? What would be a fair wage for these people?

Kircher. Well certainly, it should be above the poverty level.

We have already demonstrated, through free collective bargaining, that we can establish a minimum wage of $1.75 an hour. I don't think anything below $1.75 is reasonable.

We have argued before the Labor Department all over the country in the hearings with respect to the "adverse effect rate," that the wage levels should not be below what workers demonstrate they can negotiate and bargain for in the free collective bargaining atmosphere.

GILBRIDE. Well, if these 3 million-odd people suddenly went up to $1.75, what effect would this have on the food prices? Wouldn't it tend to increase them rather sharply?

KIRCHER. It might increase some. I think there are two ways to answer the question. First, I don't think any American wants underpaid, deprived workers subsidizing the foodstuffs that go on his table. Number two, the impact of wage improvement on the cost of foodstuffs, I am told by people who are research and economic experts, would not be nearly what folks anticipate.

For example, I have been told that the wage level of field workers in lettuce could be brought up above the poverty level—in other words, we could pay lettuce field workers above $1.70 and $1.75 per hour—and not raise the cost of the head of lettuce more than one cent.

Now, I submit, one cent per head of lettuce is a pretty inexpensive contribution for those of us who buy lettuce to make to a little higher level of citizenship for these many hundreds of thousands of workers who have been forgotten for so long.

EATON. Mr. Kircher, if economics is not the main reason for keeping wages low, why do growers resist unionization and/or higher wage rates?

KIRCHER. Well, Mr. Eaton, I don't want to say that economics is not important. Certainly it is important, and there is no question but what organization and collective bargaining are going to raise wages. That is what has happened every time there has been a successful unionizing effort and a collective bargaining experience.

But, I would say that there is a great deal beyond the economics.

My experience, as limited as it has been with the employers in this industry, is that there is sort of a psychological factor here. This is a way of life for them. They just don't like the idea that they may have to sit down and really talk seriously with and listen to, representatives of their workers. They consider themselves to be kind and they are nice to their workers, but they just don't want them talking back. They just don't want them having a voice in what their conditions will be.

I think this is one of the big reasons. It is sort of the end of an era for the growers in agriculture.

EATON. Mr. Kircher, can you tell us how long the AFL–CIO has been active at the national level in organizing farm workers? Where it is operating now, and is this a permanent program?

KIRCHER. Oh, yes. The effort of the AFL–CIO—and there have been efforts by the former AF of L and efforts by the former CIO prior to these—but the actual efforts started shortly after the merger. The plans went into effect in 1958. The AFL–CIO Agricultural Workers Organizing Committee was formed early in 1959. It has been very active and very aggressive, particularly in the West.

And then last year, with the strike in the grape industry in the San Joaquin Valley, in which both the AFL–CIO's Agricultural Workers Organizing Committee and the Independent National Farm Workers Associates, headed by Cesar Chavez were involved. These two groups merged into what is now the National United Farm Workers Organizing Committee, which is an AFL–CIO operation.

FLANNERY. Mr. Kircher, what you are saying is that although there was a step-up in the operations with the formation of the Agricultural Workers Organizing Committee, there were agricultural workers unions long before that?

KIRCHER. Yes, Mr. Flannery. There is an even more important point.

The organizing effort on the part of the AFL–CIO prior to last year was an effort directed not at the actual structuring or signing up of dues-paying members—the traditional type of thing—the effort of the Agricultural Workers Organizing Committee operation was more to put the kind of pressure on the industry that would cause them to make some improvements.

And since 1959, there has been a constant improvement in wage levels.

Nothing dramatic, but a regular, constant improvement—where the AWOC was operating.

Now, what happened was that with the elimination of Public Law 78—the wiping-out of the Bracero program—and with the kind of base we had built since 1959 with the AWOC program—we were then able to move into the kind of organizing program that not only continued to put that kind of pressure on the industry generally, but through strikes and boycotts, we started to build memberships and write union contracts in the more traditional form.

EATON. Mr. Kircher, what about activities in the South and in the East, where there is some agricultural activity?

KIRCHER. We, at the present time, have about 12 additional places around the country where we have the preliminary work pretty well underway, and one of these days, we will be doing the same things that we are doing in California. We are not announcing them in advance, because as long as we have to resort to jungle warfare—one of the great tactics of the guerrilla is surprise—we don't want the employer community to know ahead of time, where or when we are going to be.

GILBRIDE. Do you hope to make any progress at all in this current Congress toward helping these farm workers?

KIRCHER. Well, hope springs eternal. We are going to be working very hard at the job, Mr. Gilbride.

We are very encouraged today to note that there is substantial interest in the extension of federal legislation—particularly in the field of the National Labor Relations policy—to farm workers—interest among groups other than the organized labor movement.

EATON. Mr. Kircher, wouldn't it be difficult to hold elections among farm workers who often are temporarily employed, and change and move around?

KIRCHER. Not at all. As a matter of fact, one of the most beautiful things to realize about this is that we have an agency in this government—the National Labor Relations Board—that now has 32 years experience and is expert in doing just exactly that. They celebrated the casting of the 25 millionth vote in NLRB elections just the other day.

There is no more capable agency in the history of man in meeting the kind of unusual circumstances that might present themselves in a secret ballot election process, than the National Labor Relations Board. It is there—tailormade.

EATON. If you got this kind of law, what would happen in farm organizing?

KIRCHER. Well, there would be the greatest growth in union membership, in a period of about 2 years, that we have seen in any section of the work force for the last 20 years.

FLANNERY. Thank you, gentlemen. Today's guest on Labor News Conference was William L. Kircher, director of the AFL–CIO's Department of Organization. Representing the press were Neil Gilbridge, labor correspondent for the Associated Press, and William Eaton, Washington correspondent for the Chicago Daily News. This is your moderator, Harry W. Flannery, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Radio Network.

EXEMPTION OF CERTAIN SCHOOL BUS DRIVERS FROM FAIR LABOR STANDARDS ACT

Mr. HANSEN. Mr. President, today I have written the distinguished Senator from South Carolina [Mr. HOLLINGS] asking for the privilege to cosponsor S. 1209, a bill to exempt certain school bus drivers from the application of the Fair Labor Standards Act of 1938.

In Wyoming, we do not have the vehicle traffic problem or hazards that confront many areas of the United States. Therefore, a general order or decision should not be all inclusive, but should permit States to make their own decisions in the light of their individual conditions.

A considerable amount of correspondence has been received relative to this matter. I ask unanimous consent to have printed in the RECORD a letter from Mr. John H. Sefang, superintendent of schools in Worland, Wyo., to Secretary of Labor Willard Wirtz.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 3, 1967.

DIRECTOR,
Bureau of Labor Standards,
U.S. Department of Labor,
Washington, D.C.

DEAR SIR: In reading current information relative to the Fair Labor Standards Act as amended and approved on September 23, 1966, there seems to be some question as to the use of student bus drivers for the purpose of driving buses on the routes. I would like to point out the following facts and figures in relation to our program here in Worland, Wyoming.

We are probably the only school in Wyoming presently using these drivers. Our program has been in operation for 47 years. During that 47-year period, we have yet to have a pupil injury as a result of an accident in which a student bus driver was involved. We feel that this is certainly a record that few schools can claim.

All of our drivers on established routes are student bus drivers who are enrolled in either their junior or senior year in our High School. Their employment automatically terminates when they graduate from High School. We have found these people especially conscientious not only in terms of driving, but also in bus maintenance as well as pride in the job which they do. In fact, it has been my experience that these young drivers maintain more control, are better drivers, and take more pride in their job than any adult drivers with which it has been my pleasure to work. It is not just a job to these boys; it is an organization.

The boys are selected in the following manner. First, they make application through their high school principal. He checks them out in relation to their grades as well as citizenship and indicates approval or disapproval. Then each applicant is interviewed by the superintendent of schools and our bus supervisor at which time some may be eliminated. If their applications are approved at that time, then they go through a training program in the spring of the year which involves them in driving empty buses, observing other drivers, learning routes, and checking out with our bus supervisor. One or two boys each year are eliminated in this process. Then, in the latter part of August, a two-day workshop is set up in which the boys have a written examination relative to driving laws and school regulations. Also, this usually involves a safety film and a lecture on school philosophy as well as, if it can be arranged, a talk from a member of the

Wyoming Highway Patrol. These boys, also during this two-day period, drive with a patrolman in a bus and are approved by him. Some, invariably, are eliminated during this period. Each boy, prior to operation of a bus, is required to have a physical as well as an eye examination.

Throughout the year, weekly and monthly safety meetings are conducted and each boy is responsible for the policing of every other boy.

I, personally, am absolutely sold on this program, not only because of the economy involved but because of the caliber of boys and the job that they do. When I refer to economy, I am speaking of the fact that these boys work on short routes for $70.00 per month and on the two especially long routes which we have, one receives $87.50 and one receives $90.00 per month.

They get along very well with the parents and a lot of these boys are sons of former bus drivers.

Also, before they are approved as a bus driver, they must have an approval form signed by every parent on their route as well as have the back of their license stamped by the State Motor Vehicle Division allowing them to drive buses on established routes.

I wish to point out that they do not drive on activity trips. This is the responsibility of approved teacher-drivers which go through a short workshop each year prior to their being qualified to drive on activity trips.

In relation to our liability insurance policy and whether or not the expense is greater because of student drivers than it would be with adult drivers, in checking with our insurance company, they unqualificationally stated that there is no increased cost in premium to the school district because of our program and said that this is not because of rating but because of acceptance and because of our good record. So, as far as cost of liability insurance is concerned, we would pay the same rate whether we had adult drivers or the student drivers.

Last year, these boys drove 125,679 miles on established routes.

We have 25 drivers that are between the ages of 16 and 19 and all of them are enrolled in school. Some, of course, are regular drivers while others are substitutes. Attached to this letter is a complete list of our driving staff.

I think you should be aware of what would constitute the release of any one of these drivers other than insubordination and the usual type of items that would eliminate any employee. These boys have an additional obligation. If at any time, whether they are in their own private vehicle or a school vehicle, they receive a citation into court because of a traffic violation, they may be removed as a driver, depending on the seriousness of the violation. They are always suspended for a brief period of time for any violation. If it is a moving traffic violation, they are usually permanently removed from service. They understand this before ever accepting the job. I would like to reemphasize that this ruling applies not only while in a school owned vehicle, but, also, to their driving in their private automobiles.

According to our records, we have sustained the following accidents since 1960:

September 18, 1962—a bus was forced off the road by a truck causing the lower glass in the front door to be broken and slight damage to the right front fender. No injuries. Damage less than $50.00.

November 26, 1962—driver of a pick-up truck ran into the side of a bus. The driver of the truck was unable to see because his windshield was frosted over. No injuries received. Damage to bus—approximately $100.00; to the pick-up truck—$250.00.

February 27, 1963—bus backed into a sports car illegally parked in a bus parking area. Damage to the bus negligible; damage to the other vehicle—$250.00. No injuries.

January 19, 1967—bus stopped coming out of an alley and a car on the street hit brakes and slid into front of the bus. Damage to bus negligible; damage to car—$150.00. No injuries.

I am personally sold on the program and highly recommend it. I don't believe that I could say enough good about these boys.

Respectfully yours,

JOHN H. SEYFANG,
Superintendent.

Worland School District, Worland, Wyo.

Name	Position	Age	Birth date
1. Lane, Alan	Substitute bus-driver.	17	Sept. 9, 1949
2. Jensen, Chris	Regular bus-driver.	17	May 1, 1949
3. Bower, Tom	Substitute bus-driver.	17	Aug. 22, 1949
4. Varney, Earl	do	17	Oct. 11, 1949
5. Montoya, Danny	do	17	Sept. 29, 1949
6. Monniere, Kenneth.	do	17	Dec. 7, 1949
7. Nielsen, John	do	17	Apr. 22, 1949
8. Numoto, Ken	do	18	Feb. 21, 1949
9. Stidolph, Roger	do	16	June 17, 1950
10. Nielsen, Larry	do	18	Sept. 25, 1948
11. Gilbert, Daniel	do	17	May 16, 1949
12. Alexander, Jerry	do	17	Feb. 11, 1950
13. Brown, Robert	Regular bus-driver.	18	June 21, 1948
14. Haines, Douglas	do	18	Mar. 2, 1949
15. Bower, Roger	do	18	July 12, 1948
16. Ramirez, Jose, Jr	do	18	Nov. 2, 1948
17. Hart, William	do	18	Nov. 15, 1948
18. Roberts, Reese	do	18	Aug. 5, 1948
19. Willard, Alvin	do	17	May 2, 1949
20. Wagner, Ken	do	17	Sept. 1, 1949
21. French, Andy	do	19	Feb. 15, 1948
22. Scheuerman, Michael,	do	18	Oct. 25, 1948
23. McClure, Kenneth.	do	17	June 11, 1940
24. Paxton, Frank	do	18	Dec. 3, 1948
25. Smith, Jerry Bob	do	18	Oct. 30, 1948

NOTE.—Drivers between 16 and 17, 13; drivers 18 years of age, 11; drivers 19 or older, 1.

POSTMASTER GENERAL O'BRIEN'S RECOMMENDATIONS FOR A RESTRUCTURED POSTAL SYSTEM COMMENDED BY SENATOR RANDOLPH

Mr. RANDOLPH. Mr. President, yesterday the distinguished Postmaster General of the United States, the Honorable Lawrence F. O'Brien, forthrightly recommended that the Post Office Department should be changed from an executive department under Cabinet level direction to a nonprofit Government corporation managed by a Board and an executive of the Board's choosing.

I feel that certainly the capable Postmaster General made a thorough study as a precondition to announcing his proposal. Asked to comment on this recommendation, I have said that if it comes to Congress as an administration recommendation, or if it becomes a measure offered within the Congress, it will have my careful attention during deliberations of our Committee on Post Office and Civil Service.

It is my judgment that in the 17 months since he assumed the office of Postmaster General at Cabinet rank, Lawrence F. O'Brien has spearheaded improved postal services of significance notwithstanding periodic deficiencies at critical times. But he has frankly admitted that more improvements are required, and I am sure he had this in mind when he recommended the change in structure and management of the Post Office Department.

I commend the Postmaster General for his cogent comment on the needs of a postal service to match the times in which we live. The Senate Post Office and Civil Service Committee surely should give, and I feel sure it would give, objective study to the recommendations he has made.

RECESS UNTIL 1:45 O'CLOCK P.M.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate recess until 1:45 o'clock p.m. today.

The motion was agreed to; and (at 1 o'clock and 17 minutes p.m.) the Senate took a recess until 1:45 o'clock p.m., the same day.

At 1 o'clock and 45 minutes p.m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. BYRD of West Virginia in the chair).

U THANT'S PLANS

Mr. LAUSCHE. Mr. President, I have two editorials dealing with U Thant's plans for a truce in Vietnam. One deals with U Thant's plan for a truce in the firing in South Vietnam. The other deals with the same subject and gives praise to U Thant for his recommendations that a truce be declared, preliminary discussions be held, and resort be had to the Geneva accords in an attempt to settle the dispute in that southeast Asian area. Both editorials commend U Thant for his objective and impartial approach to the problem.

U Thant, in his recommendation for a truce, placed equal responsibility upon both North Vietnam and the United States. The United States immediately accepted his proposal. Ho Chi Minh rejected it.

After the rejection of the proposal by Ho Chi Minh, the senior Senator from Pennsylvania [Mr. CLARK], at a meeting held by the Americans For Democratic Action, again urged a unilateral cessation of the bombing of North Vietnam by the United States. It is my recollection that the Senator from Pennsylvania went one step further and recommended complete unilateral discontinuance of our efforts to protect our interests in South Vietnam.

Mr. President, the senior Senator from Pennsylvania suggested a unilateral approach and did not call upon North Vietnam to take any action whatsoever. To the great amazement of the world, and especially of myself, U Thant, who had previously recommended bilateral discontinuance, joined in the declarations made to the Americans for Democratic Action and declared that the United States should one-sidedly discontinue its efforts while the North Vietnamese continue to move troops and equipment into South Vietnam, to be used in the taking of the lives of the American boys who are there.

I do not want to be harsh, but I cannot understand how there could be such a change in opinion by U Thant with respect to this important problem confronting the United States. How could he reasonably advocate bilateral cessation of the firing on one day and one week later advocate unilateral cessation by the United States?

My conclusion is that he did not think the matter out. When I say that he did not think the matter out, I am being most charitable in the expression of my opinion. Some might say that he is lacking in consistency and that, therefore, because of an inability to be consistent, he declared one policy on one day and another policy a few days later.

The people of the United States have the right to expect from U Thant, in his office as the Chief Executive and head of the United Nations, an objective and impartial approach to the problem of a negation of any effort on his part to deal with the United States less charitably and honestly than he deals with the North Vietnamese.

Mr. President, I ask unanimous consent that an editorial entitled "U Thant's Plan," published in the Cleveland Press of March 29, 1967, and an editorial entitled "Thant's Big Risk in Truce Plan," also published in a Cleveland, Ohio, newspaper, be printed at this point in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Cleveland Press, Mar. 29, 1967]

U Thant's Plan

Where he used to demand the United States halt the bombings of North Vietnam and "maybe" there'd be negotiations, United Nations Secretary General U Thant now has revised his plan, for the better.

Fairly, he now asks both sides to halt all military activity simultaneously, then talk about next steps and a final settlement of the Vietnam problem. That's an improvement.

What's more, the U.S. has declared its acceptance. We did so out of a desire to end that bloody war by negotiations, a desire so deep among Americans that we feel it in our hearts.

Yet that desire is tempered by a determination to see the war—and any negotiations—through to an honorable conclusion, meaning the South Vietnamese would be able to run their own affairs, free from outside force.

So our willingness to negotiate means we have confidence in our arms, and also in the growing promise that South Vietnam can put its political house in order and make the progress that is the only durable answer to the Viet Cong.

Unfortunately, the Communists have made plain they have no interest in accepting U Thant's plan, or any other plan that asks them to put up their arms, too.

Why do they persist in their intransigence? Is it, as Secretary of State Rusk says, they are underestimating our strength? Or is it that they are patiently, and correctly, waiting for political turmoil to erupt again in Saigon, or for "doves" to win out in Washington, or the American people to get fed up with the casualties and cost of the war?

We should not become discouraged by this this latest failure to make peace. There will doubtless be more. The answer is to go on trying to make peace, but not wearily settle for peace at any price—and, simultaneously, to go on fighting the war—without becoming so angry that we go on a military rampage.

Thant's Big Risk in Truce Plan

Secretary General U Thant laid a large measure of his personal prestige on the line in proposing the standstill truce in Vietnam in order to get peace talks started.

He is an Asian and in his United Nations pronouncements he reflects the thinking of an international peace body which has suffered considerable embarrassment from its incapacity to cope with the Vietnam conflict.

The standstill truce would halt the bombings of the North and prevent Hanoi from using the pause to increase its troop and supply movements, thus removing the major barriers in the path of the peace table.

The United States promptly accepted the proposal.

In his optimism, Thant chooses to believe that indications of a Hanoi rejection do not add up to a categorical turndown.

President Johnson and Secretary of State Rusk do not share his optimism.

The North's rejection, as broadcast by the Vietnam News Agency, said approval of the truce proposal would mean that the Vietnamese people were accepting the "conditions of the aggressors." Last February Hanoi rejected the President's direct offer to halt the bombing and freeze U.S. troop levels as preliminaries to peace talks.

If the Hanoi rejection of the standstill truce becomes categorical, Thant, who has been highly critical of the U.S. involvement in the struggle, will have to revise his thinking.

With American acceptance in his pocket within minutes after he revealed his proposal, he knows which side wants to prolong the war.

PRINTING AS SENATE DOCUMENT OF REPORT ENTITLED "A REVIEW OF U.S. GOVERNMENT OPERATIONS IN LATIN AMERICA"

Mr. ELLENDER. Mr. President, this morning the Committee on Rules and Administration submitted a report on a resolution that I submitted last Monday for printing as a Senate document of the report entitled, "A Review of U.S. Government Operations in Latin America."

I have consulted with the majority and minority leaders and there is no objection to the present consideration of this resolution.

I therefore ask unanimous consent that the resolution may be considered at this time.

The PRESIDING OFFICER. The resolution will be stated by title.

The Assistant Legislative Clerk. A resolution (S. Res. 100) to print as a Senate document a report by Senator Ellender entitled "A Review of U.S. Government Operations in Latin America."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 100).

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 100) was agreed to as follows:

S. Res. 100

Resolved, That there be printed with illustrations, as a Senate document, a report entitled "A Review of the United States Government Operations in Latin America," submitted by Senator Allen J. Ellender to the Senate Committee on Appropriations on March 22, 1967; and that nineteen hundred additional copies of such document be printed for the use of that committee.

PERSONAL STATEMENT

Mr. MORSE. Mr. President, I rise to a point of personal privilege.

The Washington Post of this morning, under the byline of Mr. John Maffre, in connection with a story headed "Senate Committee Approves Bunker," attributes to me the following quotation:

> "If the President does not soon get us out of this war", Morse said, in a reference to the final days of France in Indochina, "he will get the same warning as Mendes France, when they told him either to win this war or to get out."

Mr. President, I submit that the implication is that the Senator from Oregon is taking the position that the President of the United States should follow the course of action of winning this war or getting out.

What I actually said in the public hearing of the Foreign Relations Committee yesterday appears on page 110 of the transcript of record and reads as follows:

> If anybody thinks that the American public opinion today is what it was a year ago, he is not getting out to the crossroads and the grassroots of America. The American people are growing in their resentment to this war. Their disquietude is increasing and I think it is not going to be very long if this Johnson Administration does not get us out of this war that this Administration is going to get the same warning that the French people gave Mendes France when they told Mendes France, "Either get us out or we will change the government."

That has been the position that I have taken for some 3½ years.

I supplement that by saying, as I have said over and over again, that I do not accept the notion that by winning the war we are going to be able to get out because the general conception of winning the war is that we win a military engagement that will force the enemy into a surrender.

Mr. President, forcing the enemy into a surrender is not going to enable us to get out. Forcing the enemy into a military surrender is going to make it necessary for us, in my judgment, to stay in South Vietnam with a large number of troops for a long time.

That is why I have been pleading—and I raise my voice and plead again this afternoon—for an attempt to get a multilateral settlement of this war rather than to take the position that we ought to continue on pretty much a unilateral basis until we force a surrender.

Mr. Walter Lippmann recently set forth the position I take in regard to our course of action over there.

INVESTMENT TAX CREDIT

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which the clerk will state by title.

The Legislative Clerk. A bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

The Senate proceeded to consider the bill.

PERSONAL STATEMENT CONTINUED

Mr. MORSE. Columnist Walter Lippmann, in an article entitled "Vietnam Peace Unlikely as Long As Ky In Power," points out what some of us in the Senate have also been pointing out and arguing for the last 2 or 3 years—that there will be no hope for a successful pacification of Vietnam so long as we give support to Ky, a Vietnamese French officer who, together with every other member of his junta, who were French officers, is known by millions of Vietnamese to have killed thousands of fellow Vietnamese. That is the kind of tyranny and military junta that American boys are dying to support in South Vietnam today.

I repeat what I have said many times: It is shocking, it is immoral, it is completely unjustifiable. As Walter Lippmann says:

> The reason why pacification of the peasants will not work under Ky is that Ky and his generals are in cahoots with the landlords and will resist that land reform, to which President Johnson pledged himself at Honolulu. Without land reform, the rebellious peasants cannot be won over. There is nothing else to do with them except to crush them by force.
>
> That is why all the diplomatic skill of Mr. Ellsworth Bunker and all the enthusiasm of Mr. Komer will not pacify South Vietnam. Moreover, by embracing Gen. Ky the President has shut the door to the possibility that a moderate government in Saigon might negotiate a peace with the Viet Cong. For we may take it as most probable that unless the President is willing and able to get rid of Ky or bend him to his will, there is no visible chance of a political settlement of the war.
>
> What chance, then, is there that the war can be concluded by military means? The most optimistic of the hawks hope and believe that persistent and continually increasing bombing, bombardment, and attack will hurt the enemy so badly that he will withdraw from the battle. This is certainly a plausible theory. For it really would be amazing if the United States, which is incomparably the strongest military power in history, were not able to break the will of a small backward country.
>
> Yet it is far from certain that our Vietnamese opponents will be crushed by our immense firepower or that they will be so broken in spirit that they will fold their tents and steal away. The trouble with our adversaries is that these peasant warriors believe they are fighting for their lives against their native landlords backed by foreign intruders. When men believe that to be defeated is to die anyway they will fight on without being afraid to die.
>
> It seems to me that this is what we are up against, and there is little reason to believe that the President has left the door open to an honorable and graceful way out of an endless struggle.

This is the view that many of us have shared, and this is the view of many authorities and experts who have appeared before us.

We are supporting in South Vietnam a military dictatorship composed of tyrannical mandarins who have exploited the Vietnamese for decades, tyrants who joined with the French in killing their fellow men by the thousands. That is the gang we are supporting in South Vietnam.

We are not going to end the war by forcing a surrender. We will have to keep tens upon tens upon tens of thousands of American troops in Vietnam for decades, so long as that is our objective. That is why some of us have been pleading for the administration to change its course of action from all this talk about a bilateral negotiation—which is an impossibility.

If you want peace, you can force it, if you force a surrender. It will end only in a truce, and it will be necessary to continue to keep men over there who will be killed in a guerrilla war on a smaller scale, a war that will continue until Asia organizes against the United States and drives us out. With 6 percent of the population of the world, we do not have the slightest chance of maintaining a military foothold on the mainland of Asia within 25 to 35 years.

Mr. President, I wished to make this statement because I have already received several calls which I believe constitute a very broad interpretation of what Mr. Maffre wrote in his article.

It is not I who think we ought to win or get out, but the French people who took the position, so far as Mendes France was concerned, that they ought to win or get out. They made it perfectly clear to Mendes France to win or get out because France was bleeding in southeast Asia, in Indochina, without any sign of winning and Mendes France changed his course of action by a multilateral approach under the Geneva Treaty.

It is too bad that our country made a series of historic mistakes with regard to getting us into South Vietnam on a unilateral basis. It is too bad that Secretary Dulles walked out of the Geneva Conference. It is too bad that he did not stay there, do what he could to improve the treaty as much as possible, sign the treaty, and then proceed to work through the International Control Commission that was set up under the treaty, to try to avert the unfortunate developments that have occurred. Instead, under his early leadership, the United States violated that treaty time and time again. That has been so found by the authorities who have been working on this subject and also by the International Control Commission which was set up under the treaty itself.

That is why so many of us in this country—our number is growing—believe that we must change our policy so that we can have multilateral negotiations with noncombatant nations, either under the direction of a reconvened and expanded Geneva conference, or under an agency of the United Nations, or under the direction of U Thant and the Pope and other great pleaders for peace in our time, to try to have the negotiations conducted not by the United States but by third-party representatives.

I repeat, Mr. President, we have lost our right to bilateral negotiations because of our record of shocking outlawry from the beginning, in violating one principle of international law after another. I do not advocate what is meant by many when they say, "Win or get out." I am not advocating that we follow a military course of action that will force a surrender, because that will not give us peace. It will give us only a truce, and we cannot get out after we get the surrender; because if we get out, we will leave behind, to take over, a shocking group of little tyrants who have committed one wrong after another against the Vietnamese for years and years, and we will have to stay to protect the Vietnamese people and to keep our puppets in power. That will spread more ill will against the United States throughout Asia, until finally we will be driven out.

So we have a great opportunity. I highly commend the President, and I highly commend the Secretary of State—words that I have not uttered on this floor very often in the last 2 or 3 years—for the position they are taking with regard to the proposals of U Thant. I believe that those proposals, in turn, should be expanded. The consultation that U Thant calls for should bring in noncombatant powers, to the end that, at long last, the rule of reason and the principles of international law will be provided at this settlement, rather than the firepower of America's jungle law of military might. We should honor, too, Thant's recommendation that we stop bombing North Vietnam, because until we do, it does not appear that much will come of his other proposals.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTMENT TAX CREDIT

The Senate resumed the consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

Mr. LAUSCHE. Mr. President, I request that the committee in charge of the bill now pending before the Senate have its chief of staff make an examination of what the cost would be in the loss of revenues to the Government in the event the several amendments that have been proposed are adopted.

I understand that the cost would come close to $5 billion. Therefore, in order to get specific information I ask that a study be made and reported to the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. LAUSCHE. Mr. President, I ask that the study be made and reported to me.

If that is not in order I shall make the request directly to the staff and the committee that they give it to me.

The PRESIDING OFFICER. The Chair would so suggest.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LATIN AMERICAN SUMMIT CONFERENCE

Mr. JAVITS. Mr. President, we hear many rumors to the effect that the administration is about to drop the whole idea of getting a resolution of support from the Congress which will enable the President of the United States to act effectively when he goes to the conference at Punta del Este. I spoke to this matter yesterday and made it clear that if the matter came to the floor of the Senate I would feel it my duty to give the Senate an opportunity to vote upon a stronger resolution than that which was reported by the Senate Foreign Relations Committee and vote for, at the very least, a resolution of the character which was passed by the House of Representatives.

Mr. President, in my judgment, the President of the United States is the man who is to make the decision as to whether or not he should or should not take an effective resolution with him to Latin America. I will not—because I do not think it would be proper or ethical—force his hand on it by proposing as an amendment to this bill or some other bill, which I would have the absolute right to do, to try to bring about a vote in the Senate on this matter; but this fact does not prevent me from expressing my view that I think it is unwise to reject the matter at this stage. I think it involves a matter of enormous national responsibility.

The Senate Foreign Relations Committee has reported a resolution which I consider to be clearly inadequate to the occasion. I believe an enormous opportunity is presented to the Nation to accelerate our policy in order to bring about a breakthrough on the part of the Latin American countries to a stage of development which they could not do except through economic integration.

I believe the majority of the Congress believes that to be the case. I think we take great pride in the fact that we have helped to build a substructure, through the Alliance for Progress so far, which will be nothing but a foundation and which will be undone by the jungle of time and difficulties in Latin America unless we initiate the structure which economic integration makes possible.

Therefore, I urge the President to promote the initiative which he originally espoused, and which was reported by the other body. There is some kind of resolution which has been reported by the Senate Foreign Relations Committee, and it is an appropriate vehicle to be brought to the floor of the Senate. I think the President would find that his hand was strengthened, rather than weakened. The fact that nothing is done will not obscure the knowledge that the Senate Foreign Relations Committee did what it did. The heads of the Latin American nations will accept that and assume it represents the policy of the Senate of the United States, unlike the policy voted by the House of Representatives, if the matter is not brought to the floor.

At the very worst, the President will get the Foreign Relations Committee resolution. At the very best, and in my judgment, this will happen, he will do much better on the floor than the resolution reported by the Foreign Relations Committee, and he will get a stronger resolution, in which he will find he has backing and support of the Congress when he goes to Punta del Este.

The Presidents of the Latin-American nations are very sophisticated. They understand and know a thing or two about the constitutional processes of this country. They know that any measure they adopt there will have to be referred back here either for money or for ratification of a treaty, and that it will be done right here in this Chamber. So I am convinced that if the President presses it, he will do better on the Senate floor than he did through what the Foreign Relations Committee of the Senate reported.

Although I will not force the President's hand, because I do not think it would be fair, I urge the President of the United States to think very seriously about pressing for his original proposal and facing the issue here in this Chamber, and request the resolution which he originally wanted and which was represented by his original suggestion.

I hope the President will come to that conclusion. I am deeply confident that he will not do any worse. I am deeply convinced that he will do a great deal better.

The important thing to remember is that this is not a "run of the mine" meeting. It is a summit meeting of all the Presidents of the Latin American Republics, a once-in-a-lifetime conference, a frame of reference in which there could be the beginning of the establishment of a common market for Latin America. This is a great opportunity, in which the full backing of the United States is essential, and which the Latin American nations could not undertake without, because they would not attempt to do it without such help.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CHURCH. I wanted to ask the Senator whether any of the Presidents of the Latin American nations who are planning to attend that conference have found it necessary to ask for resolutions in advance from their Congresses?

Mr. JAVITS. My answer to that——

Mr. CHURCH. Does the Senator know of any? That is the question.

Mr. JAVITS. My answer to that is that I do not know of any that has done so, but I do not think that answers the question, for two reasons. First, the resolution passed by the other body does not represent a commitment on the part of Congress to back up the President with any certain amount of money or any particular authority. It is nothing but a commitment to back the general principle, which I think is essential. The idea that Congress is saying that there is a holding off by an independent branch of Government in order to look over what the President may do in Punta del Este is great, but it is not great if it defeats the essential policy. I think the President needs some commitment in order to subserve this policy. The commitment is nothing but an agreement in principle, that a Latin American common market is a desirable thing and that we ought to do what is necessary to make it successful. That is all the House of Representatives resolution says. It does not say under what conditions or how much.

The Senator from Idaho knows my regard for his conscientious sincerity on foreign policy issues. I do not challenge the sincerity of any member of the Committee on Foreign Relations. They are just as sincere as I am. I affirm that immediately, and that certainly goes for the Senator from Idaho.

What I say is that we make this mistake, and this is what troubles me: I think Senators were disturbed by the Tonkin Gulf Resolution. I think Senators are disturbed by the fact that the President has carried that faded and worn document in his pocket, and flashes it as complete license to do anything in respect to Vietnam.

But I think we have some responsibility there, too, in the sense that we did not read the fine print, as the Senator knows. I did, and the matter was raised on the floor by the Senator from Kentucky [Mr. COOPER]. But many of us did not.

The other thing is that we could undo that resolution, although I realize it is not easy, and would be an even worse affront than not giving the President one in the first place.

But I favor agreeing to the House resolution. I think that is an adequate commitment in principle; though, knowing what I do about the situation down there, I am deeply concerned that the Latin American Presidents will read between the lines that "we do not have to do this now." The situation is difficult, as I have said, in many of their countries, and hence they will not be inclined to go along with this policy.

I turn now to the second part of the Senator's question, and that is why our President thought it necessary, and they did not.

I think it is fair to say that in the constitutional systems of the American states, I know of none—there may be one or more; there are a lot of states involved; but I know of none—where the situation is the same as it is here; that is, that the legislature, or the Senate, has as great power over any treaty or commitment the President undertakes as we have in this country.

The tradition of the "strong President"—in some cases it is even a dictatorship, as in Argentina—who commits the country, is pretty much the rule in Latin America, the legislative bodies there not having nearly the authority we have. Therefore, I think it is fairly easy to understand the President's logic.

We are not kidding each other. The fact is that this Congress is not wildly enthusiastic about foreign aid. Thus, if the President is going down there to do something which may need implementing as a principle commitment and a money commitment, I think he is right to feel that it would be a much more secure thing, in terms of a negotiator who wants to say, "My back is as strong as my front," to have this kind of resolution with him.

I yield.

Mr. CHURCH. I thank the Senator very much. I wish, however, to explain my disagreement with the argument he has made, and what I think was the motivating reason for the action of the Committee on Foreign Relations.

First of all, it seems to me that the President has something close to plenary power in directing our foreign relations. It never has been thought necessary in the past—at least it has seldom been thought necessary—for the President to forearm himself with a resolution of Congress prior to attending an international conference. I think it is a very bad precedent, because it necessarily precludes the deliberate consideration that Congress ought to give—and certainly the Senate, with its special prerogative in foreign relations, ought to give—to policies of great and lasting importance.

I think the Senator from New York will agree that the very brief time the Committee on Foreign Relations was given to consider this resolution hardly provided us any real opportunity to reflect upon its possible ramifications.

A Latin American common market, for example, could have a most profound effect upon the economy of the United States. No one on this floor can honestly say that he knows today what the extent of the effect of such a common market might be upon the future economy of this country. For a number of years, we have lived with the Common Market established in Western Europe, and we do not yet know what its full effect will eventually be on the economy of the United States. We are still negotiating the Kennedy round in Geneva with the European Common Market, and our agricultural exports appear to be in very deep trouble; it is an open question whether the objectives we sought to accomplish in those negotiations will be fulfilled.

So when the Senator says that all we are doing is committing ourselves to the concept of a common market in Latin America, he is saying a very great deal; and we in the Committee on Foreign Relations were asked to undertake that commitment without having the testimony of a single expert witness to tell us what, in his opinion, the future effects of such a commitment might be on the economy of the United States. It well may turn out that Congress should endorse a common market for Latin America; but I think we should do so only after we have been fully apprised by highly qualified witnesses as to what the ramifications are likely to entail. Only after we have ascertained from all of the evidence, only after careful, full, and deliberate study, that such a course would best serve the interests of the United States, should we then proceed to endorse it.

I submit to the Senator from New York that no such deliberations were possible on the resolution that was sent up to us, given the time limits imposed.

And I respectfully disagree with the Senator when he says that the House-passed resolution involves no commitment, because it does. First of all, it commits Congress to support a common market in Latin America; and secondly, it commits us to support it by underwriting its implementation with American dollars. I think before Congress decides to pledge American dollars to the support and implementation of a Latin American common market, or, indeed, to an expanded aid program for Latin America of some $1,500,000,000, extending over a 5-year period, in addition to the help we are now giving, we should, at least, have the benefit of proper hearings in the committee.

That is why I supported the resolution adopted by the Committee on Foreign Relations which contained no such commitments, and it is the basis for my disagreement with the distinguished Senator from New York.

Mr. JAVITS. I think I have understood everything the Senator said. When I spoke as I did, I think I spoke in the light of those considerations; for if I were to say that I expected the U.S. Senate to underwrite a Latin American common market, that would be a blank check, because we may very well turn down a common market treaty, if we are going to be a party to it or in any way support it, that we consider to be inimical to the interests of the United States.

But what the resolution of the House of Representatives calls for is not that. What it calls for is this:

> That the Congress supports the concept of a Latin American Common Market and, after appropriate steps have been taken toward progressive establishment of such a market, will give full consideration to providing through the Inter-American Development Bank standby resources to be matched by Latin American countries to facilitate the transition to a fully functioning Latin American Common Market.

In short, we say, "Mr. President, you can go down there, with our backing, and negotiate with respect to a common market. We retain the absolute right to turn down what you negotiate. We have done it before. All we say is that when it comes to putting up the dough, we will give it full consideration."

The next thing we do, in this resolution of the House of Representatives, is to say:

> The Congress further supports United States participation with the other members of the Inter-American Development Bank, in the provision of resources to that institution to be used for financing multinational projects.

Again, that is something we have been seeking in Latin America for years. That would fit into the concept of a comman market we want, anyhow, whether it is a common market negotiation or not.

Then we say we will support "individual and joint efforts of the member states of the Organization of American States to expand trade within the region."

Certainly we all want that, and want it very anxiously. The very low level of regional trade is one of the things that has held Latin America back.

Then we say:

> Congress supports an increase in assistance under the Alliance for Progress for programs of educational and agricultural modernization and improvement of health.

That is the first time we really commit ourselves to support something that has a dollar price tag; but again I respectfully submit that I think the majority of Congress and of the Senate wish to support that type of assistance under the Alliance, which deals with educational and agricultural modernization and the improvement of health.

The final payoff section of the House resolution states:

> Thus, if progress is made by the Latin American countries toward the goals of economic integration and in the mobilization of domestic efforts and resources to advance the purposes of the Alliance for Progress, the Congress is prepared to support the allocation of significant additional resources over a period of five years for these objectives.

Mr. President, I respectfully submit that Congress should—and I believe that a majority of us are for this—support this program with significant additional resources, if Latin America can really make progress along the very lines that we ourselves have laid out in the Alliance for Progress program.

The purpose of my argument is not to disagree with the Senator from Idaho on his statement that we should not give the President a blank check to negotiate as he wishes. I thoroughly agree with the Senator, but I am reading the fine print and I point out that this is unlike the Tonkin Bay joint resolution.

We would not be acting here as we did in the case of the Tonkin Bay joint resolution. We are saying to the President: "Mr. President, with our backing you can now negotiate for a common market."

I think that is desirable, especially with these few carrots of additional resources for educational and agricultural purposes. They are things that we want. I believe that the Senator from Idaho wants that also. We want a successful negotiation, and that is the only thing that I have in mind.

Mr. CHURCH. Mr. President, the language that the Senator from New York reads confirms my original argument that the House-passed resolution does contain definite commitments. Even in the executive hearing of the Committee on Foreign Relations, those arguing for the House resolution, or something close to it, were forced to admit that the House resolution did contain a definite commitment to support a common market, and an expanded aid program for Latin America.

The only thing that the House language does not embrace is the amount of the commitment in actual dollars.

And the President made that missing figure clear in public statements, given wide circulation throughout the hemisphere prior to any congressional consideration, that what he intends is $1.5 billion of extra money, that is, an additional $300 million a year over the next 5 years.

Is there doubt in anyone's mind that the adoption of the House resolution would be generally taken to mean that Congress had given, in advance, its endorsement to an enlarged aid program of $1.5 billion for Latin America, or that it had given, in advance, its endorsement to establishing a common market in Latin America, toward which we would contribute American dollars? I hardly think so.

I simply believe that so solemn a congressional action should only be taken in strict accordance with our constitutional procedures; it should come after the Punta del Este Conference, and after opportunity for mature, deliberate, and informed consideration.

Mr. JAVITS. Mr. President, I cannot accept the construction that is sought to be placed on those words. I believe those words are defined in the House resolution.

I believe that we want the negotiations to succeed. The majority of us want them to succeed. By acting as we are at this stage of the game, in my judgment, we impede the President's mission to the extent that it will not succeed in implementing the issues.

AMENDMENT NO. 151

Mr. President, I send to the desk an amendment in the nature of a substitute for Senate Joint Resolution 60 and ask that it be printed under the rules.

My amendment in the way of a substitute represents in essence the resolution of the House of Representatives.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment ordered to be printed in the Record is as follows:

Amendment 151

(Amendment in the nature of a substitute for S.J. Res. 60)

Whereas it has been an historic policy of the United States to work in close harmony with our sister American Republics to promote the well-being and enhance the security of the hemisphere; and

Whereas the United States has pledged to work with the nations and over two hundred million fellow citizens of Latin America in a partnership of good will and vision, dedicated to the common cause of economic progress, justice, freedom, and opportunity; and

Whereas in this spirit of deep understanding and firm friendship we are helping our neighbors in their humanitarian and progressive programs to cure the sick, feed the hungry, shelter the homeless, banish ignorance, and fulfill the hopes and expectations of free men in this hemisphere; and

Whereas the United States joined with the other American Republics in 1959 in establishing the Inter-American Development Bank and in 1960 approving the Act of Bogotá which called for the launching of a "program for social development," and "prompt action of exceptional breadth in the field of international cooperation and domestic effort" to promote economic development; and

Whereas the Congress has strongly supported the Alliance for Progress, enabling the United States to play its full part in the fulfillment of the mutual undertaking as set forth in the declaration to the peoples of America and the Charter of Punta del Este, signed on August 17, 1961; and

Whereas during the first half decade the Alliance for Progress, the cooperative efforts of the American governments and peoples have stimulated economic growth, encouraged institutional development, amplified the role of private enterprise, encouraged the exercise of representative democracy, and strengthened the internal security of the Latin American Republics against Communist subversion; and

Whereas experience has now made clear that in order to achieve self-sustaining growth under conditions of freedom, social justice, and broadened opportunity for all and to provide adequate food supplies and productive employment opportunities for growing populations, there must be a significant increase in the rate of economic growth thus far achieved under the Alliance for Progress; and

Whereas the achievement of this goal is in great part dependent upon an accelerated movement to integrate the economies of the Latin American countries and a major effort to modernize the educational and agricultural sectors, with special emphasis on science and technology and involving substantial increases in the commitment of resources to these purposes and commensurate changes in national policies and practices; and

Whereas the Governments of Latin America at the recent eleventh meeting of foreign ministers clearly recognized the need for their countries to take the actions contemplated in the preceding paragraph; and

Whereas it is also imperative to mobilize the will and energy of the Latin American peoples for community action, participation and cooperation to accelerate the process of development so that all become contributors to and beneficiaries to this progress; and

Whereas the meeting of Presidents of the American Republics provides an historic opportunity to set in motion policies and actions that will make the decade of the 1970's a decade of singular Latin American achievement in unity, prosperity, stability and contribution to world affairs; and

Whereas if the leaders of the other American Republics are prepared to assume the commitments to launch this critically important new phase of the Alliance for Progress, the United States should stand ready to support them: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress supports the concept of a Latin American Common Market and, after appropriate steps have been taken toward progressive establishment of such a market, will give full consideration to providing through the Inter-American Development Bank standby resources to be matched by Latin American countries to facilitate the transition to a fully functioning Latin American Common Market.

The Congress further supports United States participation with the other members of the Inter-American Development Bank, in the provision of resources to that institution to be used for financing multinational projects which promote Latin American economic integration.

That the Congress supports individual and joint efforts of the member states of the Organization of American States to expand trade within the region and with other areas of the world and to mobilize public and private resources inside and outside the hemisphere to further the economic development of Latin America.

Further, the Congress supports an increase in assistance under the Alliance for Progress for programs of educational and agricultural modernization and improvement of health. The nature and amount of such assistance is to be dependent on demonstrated need and adequate self-help within the recipient countries. Such assistance shall encourage maximum participation in the task of development on the part of the people through the encouragement of democratic private and local governmental institutions.

Thus, if progress is made by the Latin American countries toward the goals of economic integration and in the mobilization of domestic efforts and resources to advance the purposes of the Alliance for Progress, the Congress is prepared to support the allocation of significant additional resources over a period of five years for these objectives.

Mr. COOPER. Mr. President, I support the statement made by the distinguished senior Senator from New York.

Earlier today and on yesterday I made statements on the subject of the conference. During the early consideration in committee of the resolution proposed by the administration, I was impressed by the argument that the resolution would commit Congress to the appropriation of a fixed sum of money such as suggested by the President in his message—$1.5 billion or some vast sum.

After studying the joint resolution passed by the House and the joint resolution offered by the Senator from Oregon [Mr. Morse] and the Senator from Iowa [Mr. Hickenlooper], I could not see that this was true. The argument is blown up out of all proportion to the facts.

The Senator, reading to the Senate the actual language of the House joint resolution, has refuted each argument.

I offered in committee a substitute resolution to the one later approved by the committee. It was rejected. Yesterday I offered my resolution in the Senate.

There are significant differences between the resolution that I have offered and the resolution that the Senator from New York has offered, but if it comes to a vote rather than mine, I would be happy to support the resolution and, in fact, join as a cosponsor.

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the Senator from Kentucky [Mr. Cooper] may be added as a cosponsor to my amendment in the nature of a substitute for Senate Joint Resolution 60.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, my objection to the resolution of the Foreign Relations Committee is that I do not think it gives full support to the conference. I do not think we are arming the President with strength. I do not think the resolution which the committee reported gives any specific support at all to the common market and to multilateral projects.

I think it is a retreat from the policy which Congress has supported for at least 7 or 8 years, since it began to formulate and support the Alliance for Progress.

I view the committee report as a rebuff to the conference. I again express my support for a stronger resolution. It may not be the resolution proposed by me or by the Senator from New York, but the Senate should approve a clear, effective, and adequate, statement of our policy in support of the conference and of the President.

Mr. JAVITS. Mr. President, I am extremely grateful to the Senator from Kentucky for his support and for his confirmation, because I consider him one of the really luminous minds in the Senate on the proposition that I have laid before the Senate.

I think we can sum it up by saying that the President is going to Punta del Este and we want him to succeed. I believe that he would be more likely to succeed if he were to have a statement of what the majority of Congress wants.

I say, therefore, let us give him that statement or, at least, let us have the chance to find out what the majority wants.

The President would be far better off with a statement of what the majority wants than he would be if he were to go there emptyhanded as far as the Senate is concerned, and try to fly to Punta del Este on one wing—the resolution passed by the House of Representatives.

I hope the President stands up to the issue now.

I say to the President: "Mr. President, this is the time to have it out, not when you come back with a deal that can blow up in your face. You might as well know where you are now, and this is the way in which to find out."

This is the path that the President originally took. He is too experienced a man in parliamentary affairs to assume that his resolution was going to ride through without challenge. The President was right in the first place. I do not think that he would be right if he were to drop his suggestion. I do not think that it would be ethical or proper to force his hand.

JOINT ECONOMIC COMMITTEE HEARINGS ON THE ECONOMY OF COMMUNIST CHINA

Mr. JAVITS. Mr. President, I call the attention of the Senate to the fact that a series of hearings opened this morning before the Joint Economic Committee. These hearings are of the most portentous character. They deal with the economy of Communist China. This is the basis on which such strength as Communist China has must rest.

Mr. President, I am of the opinion—and my opinion was borne out this morning by a very distinguished authority, our former Ambassador to Japan, Edwin O. Reischauer, now Professor Reischauer—that a totally new direction in American foreign policy is required with respect to Communist China; that those responsible for making the U.S. policy are a long way from the conclusion which the studies which we have so far made indicate, and which Ambassador Reischauer's testimony indicates—that is, that we must find a way to bring Communist China into the community of nations before some atomic holocaust; that our time is much shorter than we think; that our time is much shorter than it will take Communist China to become a first-class economic power; that her nuclear capability, her population, the land mass she occupies, and the sheer weight of the Communist Chinese as a nation and as a people are such that the timetable is very materially accelerated, though her becoming a first-class industrial or economic power may be considerably deferred.

Mr. President, I had the honor to suggest that this matter be inquired into, and the then chairman of the Joint Economic Committee, Representative PATMAN, very graciously took up that suggestion, as did the committee. The suggestion has now been followed through with a two-volume report prepared for the Joint Economic Committee—a splendid report before us, before the Senate, and before the Nation.

The hearings opened this morning, and this could represent a portentous beginning for a revision in the U.S. policy with respect to Communist China. Our policy has been static; it has been frozen; and it is urgently necessary that we anticipate the new relationship which is possible between Communist China and the world, rather than continue just to assume that the old will remain as it is, because it is a festering sore and will not remain that way, as we understand in Vietnam and as we have understood before in other parts of the world.

I urge Senators to take an interest in these hearings, to acquaint themselves with the volumes which have been produced by the staff.

I ask unanimous consent that the statement of Edwin O. Reischauer, made before the Joint Economic Committee this morning, together with a brief statement made by me in connection with the hearings, be printed in the RECORD as part of my remarks.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY EDWIN O. REISCHAUER BEFORE THE JOINT ECONOMIC COMMITTEE OF THE CONGRESS OF THE UNITED STATES, APRIL 5, 1967

It is a privilege to appear before this distinguished committee, though I first must disclaim being either a China watcher or an economist. I shall attempt, however, from my background as a student of Chinese history and an observer of the East Asian scene from Japan, as well as from the United States, to respond to the specific tasks your chairman has set me. These are to try to judge how China, as an economic unit, fits into the economic world, and to evaluate some of the premises upon which United States-China trade policy is based and what some of the collateral effects of this policy may be upon our allies in other parts of the world.

First let me say that I was very much impressed with the "Economic Profile of Mainland China," which was published a few weeks ago under the auspices of this committee, and I see no reason to differ with its major conclusions. At best, it presents a picture of relatively slow economic growth in Mainland China since 1958 and holds out prospects for only modest progress in the next several years.

All that I could add to this picture is the additional somber comment that the political gyrations of the past year have probably further darkened Mainland China's economic prospects. Direct economic consequences are not as yet very apparent, except in the loss of a huge number of man days from work and in some disruption of transportation, but there may be more serious long-range repercussions. The whole system of government and party administration has obviously been disrupted and weakened; middle-level leadership in factories and communes, as elsewhere in society, must have been seriously shaken and possibly frightened in cautious inaction; the better part of a year of schooling has been lost, which is a tragic matter in a country already low in technical skills; and disillusionment, which might follow the youthful euphoria of the Red Guard antics, could have a debilitating effect on millions of young Chinese.

It should always be remembered that the great capacity for hard work on the part of the Chinese people, their eagerness for learning, and their tremendous organizational abilities make Mainland China a land with a great economic potential. Its economic situation today, however, and its immediate prospects are considerably less favorable than was expected by Americans a decade ago. The Sino-Soviet split is one major reason for this, and China's mediocre economic record of the past nine years another.

While Mainland China has been making little progress, many of the countries around her have surged ahead rapidly. Japan has more than doubled its productivity during the past decade, and its 100 million people now produce considerably more wealth than the 700 million Mainland Chinese. As a result, China has become a relatively smaller economic factor in the world than it was nine years ago, and it is not likely to grow more rapidly than the world average in the near future. At the same time, its prestige has dropped greatly and with it Peking's political influence.

In 1959 Mainland China's foreign trade was estimated at $4.3 billion, but today it is still below that level. Japanese newspaper sources put it at $4.16 billion in 1966. Thus it is not more than a quarter of the foreign trade of Japan alone. This gives Mainland China little economic leverage on countries it might wish to influence. The relatively expensive foodstuffs China exports in exchange for cheaper food imports from the West have no great appeal to other less-developed lands. The textiles and other light consumer goods Peking can also export in quantity are running into increasingly stiffer competition, because these are exactly the manufactured goods other less-developed areas can best produce, and some of them, such as Taiwan, Korea and Hong Kong, can do so much better than Mainland China.

Some people have expressed fear that the rapid upsurge of trade between Mainland China and Japan could have an adverse political effect on the latter. This seems highly improbable. While Japan is China's largest trading partner, absorbing 15 percent of its total trade, China accounts for only about 3½ percent of Japan's foreign trade, contending with a number of other countries for a very poor second place after the 29 percent of Japan's trade that it does with us. In the 1950's, when the economic balance between Mainland China and Japan was less unfavorable to the latter, there may have been some reason for fears that a large trade with China might have an adverse political effect on Japan. Even then, however, when Peking tried in 1958 to use the sudden stoppage of trade with Japan as political weapon, the strategy backfired. Today with Japan far more affluent, more stable and stronger than it was a decade ago, and Mainland China if anything weaker, the political influence of trade between the two could only flow one way, and that is toward China.

A natural question is whether American trade policy toward Mainland China has had much to do with the latter's poor economic showing. It is very hard to believe that it has. Whereas Communist countries accounted for two-thirds of China's trade in the 1950's, today 70 percent of it is with the non-Communist world, and most of this is with our chief allies. Except for the Soviet Union, which ranks third, Mainland China's chief trading partners in descending order are Japan, the United Kingdom through its Hong Kong colony, West Germany, France, Canada, Australia, and Italy. Under these circumstances, our refusal to trade with China has meant little if anything economically. The situation is well illustrated by the export of wheat by the United States and Canada to Japan and Mainland China. When more Canadian wheat began to go to China, this helped open a corresponding part of the Japanese market to our wheat.

One can safely conclude that the size and nature of China's external trade has not been influenced by our trade policy. They have been determined primarily by internal developments within China and by Peking's changing relations with Moscow. These have evolved the way they have more despite American trade policies than because of them. The limitations on long-range credit to Mainland China which our allies maintain, though with a certain degree of flexibility, may have some slight marginal effect on Mainland China's economic prospects. The denial to Peking of certain industrial plants and techniques developed under American patents conceivably has a tiny influence. But our total embargo on trade, I feel, has had no effect at all.

Of course, if all of our allies were to join us in an embargo on trade with Mainland China, this would have a decided effect on the situation. The obvious question then is whether we could influence our allies to forego this trade, if we were convinced it was in our interests to do so. The answer, I believe, is a resounding "no." None of our major allies thinks our policy is wise for us, much less for them, and the best we could hope for from a demand that they join us in our embargo would be that they would laugh it off. In the case of Japan, where such a demand might be taken more seriously than in Europe, Canada or Australia, it could go a long way toward wrecking our mutually very satisfactory relationship.

A more basic question is whether it really would be in our interests to discourage trade between Mainland China and the non-Communist countries, particularly the advanced ones with which the bulk of Peking's trade is now conducted. I think the answer is clearly in the negative. The best we can realistically hope for from the Mainland Chinese is that they will in time come to realize the actualities of the world around them and accept the inevitability of peaceful coexistence with the rest of us on a live and let live basis. Trade with the outside world is probably the most certain way by which the Chinese will come to these realizations. Mainland China's trade with the great industrialized democracies and particularly with Japan is probably its most important window on the world. It is in our long-range interests, I feel, that this window should be as wide as possible.

Last July 12, President Johnson, in a speech in which he advocated a long-term policy of "reconciliation" with Mainland China, specifically stated, "The greatest force for opening closed minds and closed societies is the free flow of ideas and people and goods." It seems to me that the logic of these words applies as much to Asian Communist lands as to those in Europe. There is no real alternative to the policy of bridge-building to closed societies.

If Chinese trade with the non-Communist world is actually in our interests, and our embargo on trade with China, in any case, has had no economic effect, one naturally wonders if it is a wise policy today. My personal feeling is that the effects of the embargo are purely political and are on the whole adverse to American interests.

As I have stated elsewhere, I believe that our whole policy of seeking to isolate Mainland China from contact with the outside world and from participation in international bodies is not in our own best interests now, even if it may have been so in the past. Except for keeping Peking out of the United Nations and other international bodies, it has certainly not isolated it, as the economic record shows only too clearly. Our policy has put a decided strain on our relations with our allies, few of whom agree with it. In Japan, where China policy looms large and our efforts to isolate China seem to the general public to be unwise, it has, in my judgment, been a major factor of strain in our relations.

The chief argument against the isolation policy, however, is that it stands as a massive barrier we ourselves have created in the way of what must be our long-range goal. What hope can we have that the Chinese will some day accept peaceful coexistence with us on a live and let live basis, if we do not seem ready for this ourselves? This step will at best be a difficult one for them, because they are burdened with an intense sense of humiliation and outraged national pride at the hands of Western nations over the past century. We should not increase their difficulties by trying to isolate them from normal international contracts and blackballing them in the society of nations.

A redefinition of our stand toward Mainland China, including an indication that we would be ready to trade with it, would probably have no immediate effect on Peking except to increase the blood pressure of its aged leaders. There are, however, ample signs that Mainland China is in a period of instability, and there may well be changes in direction in the next few years. The sooner we remove the obstructions we ourselves have set up to China moving in a desirable direction, the more chance that it may take such a course.

I should like to conclude with one final, but very basic, question. Are we sure that it is in the long-range interests of the United States that Mainland China's economic development should be held back as much as possible? One can see why this may have seemed to be the case in the 1950's, when its economic growth was more rapid than that of many other Asian nations, its prestige was very high, and its menace to the peace and stability of its neighbors seemed grave. But the situation has changed greatly since then. It could be that the real danger to us in the long run is not that China will be so rich and strong, as well as hostile, that it menaces world peace, but rather that it will fall so far short of meeting the minimum economic needs and aspirations of its people that it remains an unstable and sick member of world society. I do not set forth this point of view as an assertion, but rather as something that needs deep study, since it concerns the underlying assumptions for any American trade policy toward Mainland China.

DRAFT STATEMENT OF SENATOR JACOB K. JAVITS AT THE JOINT ECONOMIC COMMITTEE HEARINGS ON THE ECONOMY OF COMMUNIST CHINA, APRIL 5, 1967

The China debate in the U.S. to date has been unrealistic. It has been basically a "them and us" approach. It makes little sense to argue whether we should extend diplomatic recognition to Communist China or whether we should encourage Peking membership in the U.N., or whether we should begin to trade with Mainland China in non-strategic goods. We are not ready to make these moves, and even if we were, Peking would reject them outright. It is my hope that the studies and hearings sponsored by the Joint Economic Committee can set the public debate on a more profitable course, give us some hard facts, and allow us to search out new areas for initiative.

My reading of the JEC studies has led me to an overriding conclusion and to a new policy proposal. My conclusion, I thought went beyond what Ambassador Reischauer said in his prepared statement but which as I heard him seems fully in accord with it—it is that while China may be at present a third-rate industrial power, it is a first-rate world influence—or power. Ambassador Reischauer is correct in saying "Mainland China (has) little economic leverage on countries it might wish to influence," but China's vast economic potential, uncompromising and exfavorable ideology and its developing nuclear capability mean that Communist China already occupies a major role. We cannot delude ourselves into thinking that Communist China will have to wait ten or twenty years to become a major world power—in short, we have precious little time to bring China to terms.

My proposal is that the U.S. should revise its present policy regarding the contacts and trade other nations may have with China. We now tend as a matter of policy to discourage these contacts—only to have such other nations to go around us and to pursue them. As a way of working around the current impasse between ourselves and the Communist Chinese, we should not discourage these other nations which already have extensive contacts with Peking—principally Japan, India, Pakistan, Canada, Australia, the German Federal Republic and other West Europe countries—to broaden these contacts, commercial and diplomatic, and act as intermediaries for the world community.

The theory behind this proposal is that the more ties Communist China has with the outside world, the more likely it will be to act as a responsible member of the community of nations. When the economic data of the JEC studies is translated into political currency, Communist China emerges as a world power. The paradox is that because China has already reached this rank without many of the economic requirements that nations must have today to qualify, Peking will have to turn increasingly to others in order to develop its economic base. Great power rank inevitably breeds interdependence—whether the leaders in Peking want it or not.

The point that fascinates and disturbs me is that most of us who have taken the time to study the JEC data and analysis do come to the same conclusion. There are, of course, shadings of difference, but the goal is the same, namely, the need to find a way of bringing Communist China into the community of nations before the holocaust. Yet, those responsible for making U.S. policy seem a long way from acting on the basis of this conclusion. If these hearings accomplish nothing else, I hope they do succeed in putting some life in to phrases like "containment without isolation." Phrases like this often become an excuse for nothing save their own repetition—and remain dangerously static in a time of history when even survival demands progress.

INVESTMENT TAX CREDIT

The Senate resumed the consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

PRESIDENTIAL CAMPAIGN FUND ACT SHOULD BE REPEALED

Mr. CHURCH. Mr. President, the question before us since last October has been whether we can amend the Presidential Election Campaign Fund Act enough to make it workable, or whether the act should be repealed in its entirety, as urged by the distinguished senior Senator from Tennessee.

Several amendments have been suggested. Private contributions to presidential campaigns, it has been said, could be prohibited. Restrictions could be placed on spending for radio and television time. Discrimination against third-party candidates could somehow be lessened. Other revisions could modify this or that portion of the law, to make it more acceptable.

Reform is necessary in our campaign finance laws; this cannot be doubted. It is true that public financing of political candidates has a long history of advocacy and deserves serious consideration. But, in my judgment, the present law, passed in haste and virtually without study, contains faults that cannot be amended out.

Mr. President, when parties solicit for campaign funds, two primary purposes are served. First, of course, is the immediate objectives: money to cover the costs of the campaign. But in addition to this aim, the fund-raising effort also serves to arouse the interest of the people, to acquaint them with the candidates, and to encourage them to take an active part in the political process. In short, the collection of campaign funds often acts as a spur to apathy. If this feature of our political life is removed, the people could well adopt the attitude: The campaign has been bought and paid for by the Government; why should we do anything about it?

Mr. President, I cannot see how any amendment could eliminate the impetus toward party centralization that is now imbedded in the law. Our parties contain wide varieties of opinion, and rightly so, wide divergences of interest. The solicitation of funds at the local level is one reason our parties have retained independence and vitality at the grassroots. Once relieved of that necessity, the national committees of the two parties will soon come to dominate State and local party organizations. I greatly fear that centralized control of such vast sums of money will soon make State and local parties totally subservient to Washington.

Yesterday, the junior Senator from New York, who is one of the most knowledgeable persons in this body on the subject of presidential campaigns, argued persuasively against the present law. He lucidly explained how vast amounts of money would be injected from the top down, thus standing our politics on its head. He showed how this huge fund could be manipulated to force compliance from above. He forecasts that under such a system our present freedom of action could be imperiled, and he is right.

All Senators agree that the problem of campaign financing deserves immediate scrutiny and reform. Ways must be sought to reduce the cost of political campaigns. The idea of offering tax incentives to small contributors holds great possibilities.

Over the years, I have introduced in the Senate bills to permit the deduction of up to $100 from taxable income in order to encourage a greater number of small contributions. I am sorry that the House of Representatives has not yet seen fit to adopt this sort of tax inducement, which would permit more reliance upon small contributors than is now possible.

Better Federal regulation to allow more public service time on television for campaign purposes is also worthy of consideration, for it is in television that the highest costs are now occurring.

But any reform must aim toward preserving vitality at the grassroots. Our Federal system rests on this foundation. Because the present law works against that end, and because of the dangerous ramifications it poses, it is my belief that the Presidential Election Campaign Fund Act of 1966 should be repealed. The slate should be wiped clean, so that we can then proceed to a reconsideration of the kind of reforms that would be consistent with preserving a full measure of local vitality in the political processes of this country.

For these reasons, Mr. President, I shall vote to repeal the act by supporting the amendment offered by the distinguished senior Senator from Tennessee.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. GORE. I am very encouraged by the eloquent statement of the able senior Senator from Idaho. It illustrates that the more this question is considered, the stronger the movement for repeal has grown.

I know that a delaying tactic is under way now. A large attendance of the Senate is in Washington today, ready to vote. I see no other Senator rising to speak upon the subject. There is but one purpose of delay—to permit the pressure of politics and projects and planes to euchre and wheel-deal votes in the Senate.

I am confident that if we could have a vote this afternoon, the motion to repeal would carry by a substantial majority. What will happen if the matter is carried over the weekend, I cannot predict. I hope that we can bring this matter to a vote this afternoon. We are ready to vote now.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. LONG of Louisiana. Mr. President, I wish to say to the Senator that I heard the statement just made, and a statement of a similar nature made yesterday, to the effect that the administration made calls over the weekend to Senators asking them to come in and vote on this matter in a manner parallel with the views of the administration on the subject.

I would challenge the Senator to produce his evidence that a single Senator was called by the White House over this weekend, and if he is unable to do so, to apologize.

Mr. CHURCH and Mr. WILLIAMS of Delaware addressed the Chair.

Mr. CHURCH. Mr. President, I have the floor, and I wish to respond to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. CHURCH. Mr. President, I intend to yield the floor but I would like to ask the Senator from Louisiana if he was addressing his demand to me or to the Senator from Tennessee.

Mr. LONG of Louisiana. I was suggesting that the Senator from Tennessee produce evidence. The Senator from Idaho did not make that statement and I did not challenge him.

Mr. GORE. Mr. President, will the Senator from Delaware, contrary to the rules, permit me to ask him a question? Did not the senior Senator from Tennessee call the senior Senator from Delaware last week from Tennessee and inform him that colleagues had called me that they were receiving calls from the White House with respect to this issue; and the Senator from Delaware and the Senator from Tennessee then agreed on the parliamentary moves taken with respect to the introduction of his amendment and my substitute therefor? Was that not agreed to between him and me last Friday?

Mr. WILLIAMS of Delaware. The Senator is correct and it is reported that the calls came from the White House. In addition, I was walking down the corridor today and observed the Secretary of the Treasury. I understand Mr. Katzenbach and Mr. O'Brien and other administration talent were here today lobbying for this bill laying the background as to how to proceed. I saw some of them.

Mr. CHURCH. Mr. President, I yield the floor.

Mr. GORE. Mr. President, I had not heretofore thought there was any doubt that President Johnson, and the White House staff and the Cabinet, other administration officials, and whatever forces could be brought to bear by the administration were seeking to preserve the presidential campaign fund.

The junior Senator from Louisiana read into the Record yesterday a letter from the Secretary of the Treasury. I cannot imagine him writing such a letter except with approval of the White House.

I do not criticize the President or his Cabinet for undertaking to engage in the legislative process. I said so yesterday. This is the right of the President and the right of his staff in our political system. However, I do not see what is to be gained by trying to hide it. It is very public. I see nothing to be gained by trying to deny it. It is known by too many. Let us vote. Unless the delay is for some purpose why are we not voting?

When I complete my remarks, which will be within a minute, who is going to speak on the issue? It has been debated. We are ready to vote except that the leadership wishes to delay in order by pressure, to seek to alter what I believe is now the will of the Senate in this matter.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. DIRKSEN. When the Senator from Tennessee uses the generic word "leadership" I am sure he does not include the minority leader. I am ready to vote now.

Mr. GORE. I did not intend to include the distinguished Senator from Illinois.

Mr. LONG of Louisiana. Mr. President, what I said, and I believe the Record will indicate, was that the Senator from Tennessee was quoted, and I believe the Record will indicate he did say that the White House placed a number of calls over the Easter recess to Senators urging them either to return to Washington or to vote one way or another on this amendment.

The Senator just made a statement,

which I hope the RECORD will report accurately without any editing whatever, about the White House flying people around the countryside to be here for the vote.

When the Senator talks about delaying tactics he is speaking as one filibusterer to another filibusterer. I have joined the Senator from Tennessee on occasions when I thought he was right in connection with matters, and the Senator from Tennessee has joined me on occasions when he thought I was right in connection with matters.

I do not believe the Senator is correct in what he said. My impression was quite to the contrary. If we had a vote today the Senator would probably lose. I admit it would be a close vote. As a Senator interested in the bill which the Senator seeks to repeal, I would just as soon take more time and make sure that the charges which the Senator made last year, that the Senate did not know what it was voting on, are not in order.

Mr. WILLIAMS of Delaware. I gather there will be no vote today.

Mr. LONG of Louisiana. There will be no vote while I am talking. I told one of my colleagues a short time ago he was safe for about an hour, so there will be no vote for an hour.

Mr. WILLIAMS of Delaware. Would the Senator enter into a unanimous-consent agreement for a vote at 4:30 or 4:15?

Mr. LONG of Louisiana. I would not give that unanimous consent.

Mr. WILLIAMS of Delaware. Can we get a unanimous-consent agreement to vote some time tomorrow?

Mr. LONG of Louisiana. I am not going to ask for it. If the Senator wishes to, he can ascertain the will of the Senate.

Mr. WILLIAMS of Delaware. If the Senator will yield, I shall ask unanimous consent.

Mr. LONG of Louisiana. I do not yield for that purpose.

I never ever get angry at someone for exercising his rights under the rules of the Senate. I may get frustrated but I have learned not to get angry because I realize, generally speaking, there is not a thing that they are doing that I have not done on one occasion or another. Therefore, the best way is to adjust oneself to the situation and listen to the debate.

I would say to the distinguished Senator from Delaware that there have been many times when he was holding the floor of the Senate and I would pray that he would sit down because I had the votes. If the Senator from Delaware thinks he has the votes at this time, I believe he has an unjustified sense of confidence. I do not want to act from an unjustified sense of confidence.

The Senator from Tennessee finished the previous Congress by making speeches against my bill and I did not even respond to them. I did not get the chance. The Senator from Tennessee had a full Senate Chamber to hear him. I do not have a single Senator in the Chamber to hear me. I will probably have to take the floor and speak again when more Senators are here. The Senate has heard the argument of the Senator.

I wanted to make a statement on the other occasion but the majority leader rushed to me and said, "Do not make a speech. If you make a speech, we will not have a quorum, and if we lose the quorum we will lose." If I had done so, there might not have been a quorum to speak on the foreign investment tax bill.

The Senator had an opportunity to make one speech yesterday. The Senator from Tennessee announced in January—on New Year's Day—that he was going to seek to repeal my bill. I am sure that he has been discussing it from time to time. He made a speech on the Senate floor about it. He has been advertising his views. A number of Senators know what his views are. He made a speech previously on it stating that he would introduce his proposed repealer. He made his speech yesterday, and now I am getting ready to make a speech on this second day of debate. So far as I am concerned, this is a very important matter. To me it seems more important than the investment credit bill itself. I suppose this is because everyone has pride of authorship in his bill.

Mr. DIRKSEN. Mr. President, will the Senator from Louisiana yield at that point?

Mr. LONG of Louisiana. I yield.

Mr. DIRKSEN. I find no quarrel with the acting majority leader when he operates like a military commander who wants to be sure that each one of his troop complements is in order, and that his lines of communication are in good order, so that when the issue is finally joined he will know he has done his very best and has overlooked no detail in etching out a victory. I think that is justifiable prudence on his part.

The only quarrel I have is this: Not much has been accomplished by way of constructive discussion this afternoon. I have no interest in going to a steam bath, but I have got a mountain of correspondence lying on my desk in my office. I should like to take a look at it because some of it is weeks old.

May I therefore respectfully suggest to the acting majority leader that he adjourn the Senate so that with a free conscience we can go back to our offices and resume "combat" tomorrow.

Mr. LONG of Louisiana. Mr. President, I assure the Senator from Illinois that there will be no votes today without notice to the Senator, so that he may be on the floor and can address himself to the subject if he wishes to do so before any vote occurs.

However, I have heard some of my opponents speak on the matter, and I should like to speak on it, too. Therefore, after we have had an opportunity to see if we can attract further Senators into the Chamber—I am not going to compel anyone's attendance—if they want to come in and walk right out, that will be all right with me, and I shall not be angry about it—after having suggested the absence of a quorum, in the hope of attracting a few minds which are still not closed on this issue—and there are some—then I should like to address myself to this subject.

Again, I assure the Senator from Illinois that there will be no vote unless he has been amply notified, adequate time has been arranged for him to sign his mail, return to the Chamber, apprise himself of what the vote will be, if there is one, and then have adequate time in which to respond to any arguments which may have been made.

Mr. DIRKSEN. May I further inform the Senator that I fought, bled, and died in the Finance Committee on this matter. In the 89th Congress, it was my tragic duty to vote against it. It probably will be my sad duty to concur in that vote when the time comes; but I would feel more comfortable if there were no illuminating star on that panel above my door so that I will know nothing will happen, and with a free and easy conscience I can dictate and do a reasonably classic job of answering my correspondence.

Mr. LONG of Louisiana. I cannot give that assurance, but I can assure the Senator that he will not see that single star, the one white star, with the amber one on the other end. That will not happen, the Senator can be assured of that.

Mr. DIRKSEN. The red one does not give me any comfort.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MUNDT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OUR DEPRESSED FARM PRICES

Mr. MUNDT. Mr. President, once again I take occasion to urge that Secretary of Agriculture Freeman and the administration take immediate and effective action to assist the farmers of this great Nation in reversing the downward trend of their prices received for their products and the downward trend in their income and standard of living.

When I returned from the Easter recess, I was shocked and disturbed to learn from the report of the Department of Agriculture, entitled "Agricultural Prices," and released March 30, 1967, that parity was still at 74 percent, but, worse, that during the month ended March 15, the index of prices received by farmers declined by 2 points. The report stated:

> Lower prices for hogs and wholesale milk contributed most to the decline.

Mr. President, in just 1 year, from March 15, 1966, to March 15, 1967, prices received by farmers have declined from the index of prices received figure of 269 to 250—a drop of 19 points. When will this economic war against our farmers' prices be reversed?

All of us are aware of the efforts being made by the National Farmers Organization through their withholding action to bring about conditions which would increase the return to the dairy producer. I have been pleased to note that in South Dakota and most other States, this action has been taken without any violence, but is done through the membership in a farmers' strike, so to speak, much the same as labor union members do when they strike for higher wages, better working conditions, and more fringe benefits.

Furthermore, since the administration has seen fit to obtain a temporary injunction designed to hinder this activity by the dairy farmers and National Farm Organization members in their effort to negotiate a higher price for their milk through the withholding process, I am watching with interest and curiosity to learn the answer to the question of whether the administration will seek to obtain the same type of injunction against the striking members of the union who are tying up our national broadcasting networks, or the Teamsters, or the many other labor unions which are threatening to disrupt other segments of our national economy. Or is this just another battle in the overall war of the Johnson administration being waged exclusively against the economy of agriculture and the income of the farmers of South Dakota and the Nation?

Mr. President, in the last year farm prices have dropped at a disastrously rapid rate. A check of current market prices based on the Government's most recent agricultural price listing shows that the prices of hogs are down 25 percent; beef cattle down 10.4 percent; sheep down 16.1 percent; lambs down 19.8 percent; eggs down 16.9 percent; chickens down 17.9 percent; potatoes down 11.7 percent—and so it continues.

The prices of all the items which I have listed are down; yet the producers of those farm products must continue to operate in the face of ever-rising imports of the same products, which are displacing their market. Beef imports, for example, have increased about 40 percent. Sheep and lamb imports have increased 69.2 percent in 1965. In fact, we now know that our own Department of Defense procured 10 million pounds of lamb from Australia and New Zealand for use in southeast Asia—Vietnam—and thus denied our producers a market for 10 million pounds of their own lambs.

We know that the value of egg and egg products imports increased by 219 percent in fiscal 1966 over fiscal 1965.

We know that we are being flooded with dairy imports. Dairy imports have increased 300 percent in 1 year. It has been estimated that the 2.7 billion pounds of foreign dairy products imported last year amount to the milk from more than 300,000 U.S. cows, or the production of more than 6,000 U.S. dairy farms having 50 cows each. It is predicted that these dairy imports will reach the 4-billion-pound figure.

Mr. President, if farm conditions were not so serious, I would be amused by recent announcements from Secretary Freeman and the White House that they have finally decided that these dairy imports are detrimental to farm income and to their political future, so they have at long last asked the Tariff Commission, under the provisions of section 22, of the Agricultural Adjustment Act of 1933, "to study the effect of these imports on dairy prices."

This is just another stall by the administration and another attempt to fool the dairy producers of the country. If the administration is serious—if they feel that imports of dairy products are helping to cause our depressed dairy product prices—why do they not read further in the language of section 22 and act immediately?

Let me read that language. I read from "Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture Compilation of Statutes Relating to Soil Conservation, Marketing Quotas and Allotments, Soil Bank, Commodity Credit Corporation, Price Support, Export and Surplus Removal, Crop Insurance, Sugar Payments and Quotas, Marketing Agreements and Orders, School Lunch, Food Stamp, and Related States," page 285, which states:

> In any case where the Secretary of Agriculture determines and reports to the President with regard to any article or articles that a condition exists requiring emergency treatment—

This is what Secretary Freeman gravely announced in the press this week that he was doing. Let me read that again:

> In any case where the Secretary of Agriculture—

That is Mr. Freeman—

> determines and reports to the President—

As he did this week—

> with regard to any article or articles that a condition exists requiring emergency treatment, the President may take immediate action under this section without awaiting the recommendations of the Tariff Commission, such action to continue in effect pending the report and recommendations of the Tariff Commission and action thereon by the President.

Mr. President, as Harry Truman used to say concerning his desk in the oval office of the White House, "The buck stops here." Mr. President, the buck still stops there; and President Johnson this week, if he would, has the authority to save the dairy industry and the beef industry of this country, and farming generally, by imposing the necessary importation restrictions, which he has the authority, given by Congress, to do of his own volition.

If the President and his administration are serious in their desire to assist our dairy farmers why do they not take action under this language now, without going through time-consuming hearings by the Tariff Commission, which will take from 2 to 6 months to hold, and involve even a longer delay for the Commission to make its report? Why must our dairy farmers continue to compete daily with these foreign imports which are destroying their markets, when the administration has the authority to act today to stop these imports and return our American markets to the American farmer so his prices can increase?

Mr. President, it is time that American farmers know that these administration tactics are stalling tactics and are designed to flimflam the farmers of South Dakota and of America into believing that something is being done for them, when in reality not one single concrete action has been taken to date to increase prices to the dairy producer and the farmer generally.

Mr. President, I call on President Johnson and Secretary Freeman to act today—or at least before the week is over—under the provisions of law already in our statute books, enacted by Congress to meet precisely the kind of condition we confront today, in order to stop these dairy imports and give our producers a fair chance at the market. If the President is serious in his desire to help the farmer, he has the tools. Let them be applied, and stop all the maneuvering of holding hearings, of stalling tactics, of press releases indicating that "aid for the farmer is on the way."

The farmer needs that aid now, Mr. President. Let the administration act affirmatively now, or else stand condemned by the farmers of America for failing to act while American agriculture is facing bankruptcy. We are far past the time for hearings. Our farmers are going broke, and every Senator who represents an agricultural area is hearing from his farm communities now about the desperate plight of our system. Their parity is down to 74 percent, and is going lower. I add, Mr. President, this is the lowest wartime farm parity in American history. Never before, in time of war, have farmers been singled out as they have been by this administration and compelled to sell their products at 74 percent of justice, when many segments of the industrial economy are booming and are becoming prosperous because of wartime trade and because of the shipments they are permitted, under the Executive order of October 12, to make to Russia, at the high prices the Communists are willing to pay for our industrial products, because they, in turn, tranship them or their counterparts to Vietnam, in order to prolong the war and kill American boys.

We have the provisions on the statute books to reverse this trend. I urge the administration to utilize those authorities, for once, to help the farmer increase his net income instead of further depressing it.

Mr. President, I yield the floor.

FORMER GOV. VAL PETERSON TOASTS NEBRASKA

Mr. CURTIS. Mr. President, this year's Nebraska Centennial Year has focused the attention of many groups on Nebraska. When the Republican Founders Day observance was held at Hastings, Nebr., on March 18, 1967, Hon. Val Peterson gave a toast to Nebraska. Mr. Peterson is a former Governor of Nebraska. He served with distinction as Director of Civilian Defense and as Ambassador to Denmark during the Eisenhower administration.

I ask unanimous consent that Mr. Peterson's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TOAST TO NEBRASKA

(By Val Peterson)

In these days, Nebraskans pause to reflect upon the attainment of a century of statehood. This we do with justifiable pride and with determination to build a much better and greater Nebraska in the next 100 years.

We have come far since 1867. Life in the Nebraska of that day was crude and rude. It was difficult to make a living and doubly so for those who settled on dryland and sandhill farms. It was the day of the soddy and flimsy houses. Outside of a few population centers, the turn of this century and some years thereafter saw a state filled with outdoor toilets, homes lighted by kerosene lamps and heated by wood and coal burning stoves. Many homes brought water in from a backyard pump and the Saturday night baths were taken in wash tubs placed close to the kitchen range upon which pails of water were heated.

Food was plain. Preachers were long on fire and brimstone. The eighth grade was the end of schooling for a large percentage of the youth. Newspapers were bitterly partisan. Entertainment was self contrived. Books were a luxury. The saloons and barber shops were masculine havens, and women swept the floors and streets as they dragged their long dresses and multiple petticoats. Men had a monopoly on smoking and the other vice. Culture was suspect. Work was necessary to survive and recreation approached synonymy with sin. The people were hardy, frugal in personal and public affairs, courageous, individualistic, God-fearing and possessed with a sense of humor which made life bearable.

Climatically, Nebraska is a most stimulating place. Temperatures range from 45° below to 118° above zero which is a yearly spread of 163°, nearly half of which we sometimes get in one day. Wind is nearly a constant companion and it accentuates our temperature extremes. Rainfall is frequently deficient in large areas of the state. Nonetheless, our climate is one of the best in the world 300 days out of 365. But God pity you a certain thirty days in the winter and another thirty days in the summer! A fertile soil, the nation's largest underground water supply and irrigation add to a prosperous agriculture.

Today, Nebraska is filled with fine homes, churches, schools, colleges and universities. Museums, art, music, drama, and entertainment flourish. The state has contributed to the world's literature, sent its sons and daughters about the world where they have made marks for themselves in a variety of fields and brought credit to our state.

Niceties of life are widely respected and practiced. Nebraskans know the world and its problems which they recognize are also theirs. Cultural activities abound and are being extended. There is much to be accomplished, but we are definitely on the march.

Our state is free from the smog which blights some areas of America and pollution of our streams is being eradicated albeit too slowly. Best of all, our citizenry, women and children included, can walk the streets day and night in safety. Too, we are making progress in the elimination of discrimination based on the color of people's skin. This progress we should expedite.

We must view our state and its accomplishments in a proper perspective. "Rome was not built in a day." What it has taken the Romans over two thousand five hundred years to do, and the Parisians nearly two thousands, we have not done in one hundred. We will need more time. I would like to see Nebraska in 2067. Barring nuclear war, our progress will be simply unbelievable.

We are aware of our problems. We must have improved educational facilities at all levels, and a better balance between industry and agriculture resting upon an increased emphasis upon research. Conservation of our natural resources must be our daily concern. Spiritual, cultural, and recreational advance must be constant.

We can shape the future to our will provided we face it with the same courage and resolve of our hardy forebears whose indomitable spirit, intelligence and hard work converted a wilderness into a productive and prosperous state. The challenge is ours. We must not fail.

Ladies and Gentlemen, To Nebraska!

Mr. MUNDT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTMENT TAX CREDIT

The Senate resumed the consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

AMENDMENT NO. 153

Mr. RIBICOFF. Mr. President, I submit an amendment to perfect the amendment of the Senator from Delaware [Mr. Williams]. It is in two parts. The first part is a clerical change; the second part is substantive. I ask unanimous consent that the two parts be considered together.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

After "Sec. 5" insert "(a)" and at the end of the amendment insert the following:

"(b) Section 303(c) of the Presidential Election Campaign Fund Act of 1966 is amended by inserting at the end thereof the following new paragraph:

" "(6) Restrictions on Use of Payments.—Not less than 75 percent of the payments made under paragraph (1) into the treasury of a political party with respect to a presidential campaign shall be used only to defray the following expenses incurred in carrying on such campaign:

" "(A) Traveling and related expenses of the Presidential and Vice Presidential candidates and their campaign personnel;

" "(B) Radio and television production and time expenses;

" "(C) Newspaper and periodical advertising expenses;

" "(D) Expenses for the preparation, printing, and distribution of campaign literature, including posters and billboards;

" "(E) Expenses for postage, telegraph, telephone, and expressage;

" "(F) Expenses for research and analysis, including contracts for polls, surveys, and data processing; and

" "(G) Reasonable salaries for campaign personnel and reasonable overhead expenses for maintaining campaign headquarters, including headquarters in State and local areas."

"No payment made under paragraph (1) into the treasury of a political party with respect to a presidential campaign may be used to defray any expense incurred for services or products on the day of the presidential election other than services or products falling within one of the categories described in the preceding sentence."

Mr. RIBICOFF. Mr. President, my amendment would incorporate in the pending amendment an important improvement. It would establish a rule that at least 75 percent of the funds available to a political party under the bill must be used for the following kinds of expenses:

Reasonable allowances for salaries of presidential campaign personnel and rent; television and radio production and time; newspapers and periodical advertising; printing, postage, and distribution of campaign literature; telephone, telegraph, and data processing; travel and transportation.

The remaining 25 percent would be discretionary funds, available for any purpose—including those listed above—determined to be proper by the Comptroller General and his Advisory Board, to be composed of equal numbers of Republicans and Democrats. No part of the 25 percent could be used for election day expenses.

Mr. President, I have given the matter of campaign financing serious consideration. The financing plan adopted by the Senate last year needs improvement. That much is clear. The majority whip has announced his intention to propose several amendments which would greatly strengthen his plan.

My plea, Mr. President, is that we take the time and improve what we have. The problems of campaign financing will not go away. To repeal the financing plan adopted last year would not be a solution and could easily cause us to lose sight of our goal: to solve the perplexing and growing problem of financing election campaigns in a growing, complex, and expensive society.

I have followed the debate with much interest. Some of the objections that have been made to the present proposal are justified. It is my feeling that my amendment would provide a way to overcome many of the objections and enable us really to start on the way to solving the problem of how to finance expensive presidential campaigns in the United States.

Mr. METCALF. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I am pleased to yield to the Senator from Montana.

Mr. METCALF. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. METCALF. Mr. President, is the perfecting amendment of the Senator from Connecticut the pending business?

The PRESIDING OFFICER. It is the pending question.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am delighted to yield.

Mr. METCALF. Mr. President, I listened with a great deal of interest to the proposal made by the Senator from Connecticut.

It seems to me that it has a good deal of merit. However, it seems to me that all of the debate points up the fact that we need to have additional hearings on this matter. We should not abandon this first step that we have taken. We should reject the amendment that would repeal the part of the law that has already been enacted. We should then have prompt hearings on amendments such as those submitted by the Senator from Connecticut [Mr. RIBICOFF], the Senator from Louisiana [Mr. LONG], my amendment, and amendments submitted by other Senators.

As the debate goes on, it seems to me more and more certain that two things are evident.

First, we should accept the progress that we have made so far. Second, the chairman of the committee, who is handling the bill on the floor now, should call early and prompt hearings for the consideration of these varied amendments so that we can have expert testimony and come to the floor with more information and better background than we have at the present time.

Mr. RIBICOFF. Mr. President, it is my understanding that the distinguished chairman of the Finance Committee has agreed, once action on the pending business is completed, to have such hearings.

I agree with the distinguished Senator from Montana that the amendment of the Senator from Tennessee should be rejected.

However, I will be very candid. As I have followed the discussion, not only on the floor of the Senate, but also in the country as a whole, there is a feeling that there are enough uncertainties involved that we should delay action on this matter.

I hope that my perfecting amendment will clear away many of the doubts and uncertainties. However, there is still room for further progress which would develop as a result of the testimony to be given before the Committee on Finance.

This is a proposal that is necessary.

I understand that, of some $14 million that was spent nationally by the Republican Party in 1964, the spending of approximately $12 million fell within the categories I have listed as covering 75 percent of the expenditures.

I am trying by the perfecting amendment to make it possible to move along rather than to wipe the slate clean. We should find a solution for the high cost of financing national campaigns.

It is my thought that my proposal will help toward that end.

Mr. METCALF. I agree that the very able Senator from Connecticut has made a contribution to this debate.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. LONG of Louisiana. Mr. President, I believe the Senator has made a very constructive suggestion.

The Senator from Louisiana, in initially drafting the so-called Long Act to finance the presidential campaigns, thought—at very considerable length—of trying to spell out in great detail how the money made available under the act should be spent.

What kept me from doing that, at that time, was the realization that in solving this problem a number of other problems could very logically crop up—problems in the so-called safeguard area. These problems might lead us into such detail that we might never emerge, with the result that someone might very well say, "Well, it is late in the session. Let us remove this from the bill and pass the bill without this financing plan and come back and look at it some other time."

That is how a lot of good legislation dies when Congress in one House or the other gets bogged down in detail and someone says, "Let us forget about it and talk about it next year."

I seriously considered offering a suggestion along the line suggested by the Senator as part of my bill last year. However, I concluded that it might not be wise to get involved in that at that time.

I would be happy to support the amendment at the present time and even to make some suggestions to improve upon the measure.

I think that this should be a part of the campaign financing plan, that we not only have a board to say what kind of expenditures will be permitted, but that we also have it spelled out in the law that 75 percent of the expenditures must be for certain categories of expenditures.

I believe the Senator suggested that there be certain flexibility for the other 25 percent of the money, but that under no circumstances could any of this money be spent for such things as hauling voters to the polls, buying refreshments on election day, or in any way for services rendered on election day.

These are the kind of things that are oftentimes done with campaign money. However, it can be said that these things are done with the thought that a person is influenced when an automobile is hired to take him to the polls or when a meal is purchased for him.

The idea of spending money in that way would be obviated, but there would be some flexibility as to how 25 percent of the money could be spent to take care of various and sundry items that are legitimate political expenditures, expenditures which cannot be foreseen with certainty.

Mr. RIBICOFF. The Senator is correct. I was impressed in the Finance Committee with the constructive proposal of the Senator from Louisiana.

The Senator was sincere in wanting to work out a plan that had some meaning, a plan that would eliminate many of the abuses and problems involved in financing political campaigns.

I recall the discussion in the Committee on Finance, and around the committee table. There were many doubts. I do not believe it was ever in the mind of the Senator from Louisiana, or in the mind of the other members of the Committee on Finance who supported his position, that the proposal in H.R. 13103 was going to be a cureall, that it was going to be the end. I believe the distinguished Senator from Louisiana always had in mind that there would be perfecting proposals, and that it was his intention to have hearings and to give everyone a chance to be heard.

It would be most unfortunate if we eliminated his proposal completely, because in doing so we would be taking a step backward.

However, following the debate and the newspaper accounts and general public comment, I became concerned with what I believed was considerable misunderstanding. It was my belief that an amendment such as this would clear the atmosphere and would give us all a little better understanding of what the realities are and how the money is really spent in political campaigns. The items that we list are the basic large-cost items in any national campaign, and those of us who have had considerable experience so recognize.

I hope the Senate will adopt the amendment. It is my intention, of course, to ask for the yeas and nays on the amendment.

Mr. LONG of Louisiana. In my opinion, an amendment of this type should be part of any campaign financing bill—that is, the final product. It was not a part of the measure I offered originally because I believed we might become involved in unnecessary detail.

I believe that the Senator from Connecticut has made a fine proposal, and his proposal would be an improvement in the law. It is one of the steps that I believe we will have to take if we are to provide a method by which presidential elections can be conducted honestly, beyond any hint or suspicion of improper influence.

The Senator from Connecticut has made a fine suggestion. I would not ask that we vote on it tonight, because Senators are planning to attend various functions later in the afternoon, and the matter would probably require several hours of debate for those who might wish to debate it and for Senators who might wish to study it before they vote. I expect to support the Senator's suggestion.

Mr. GORE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am pleased to yield to the distinguished Senator from Tennessee.

Mr. GORE. I commend the Senator for his effort to improve the provisions of the law which we unfortunately have.

I call attention to the fact that the amendment which the distinguished senior Senator from Connecticut has offered is verbatim with the provision of a bill which the junior Senator from Louisiana introduced the day before yesterday. That does not detract from its merit at all. I simply wish to call attention to the fact.

I rise to ask the Senator a question, because the amendment raises an interesting question. His amendment would stipulate the purposes for which at least 75 percent of the estimated $30 million for each party must be expended. This would leave 25 percent—$7,500,000.

As I recall, the junior Senator from New York estimated yesterday that the entire amount spent on the presidential campaign in 1960 for the Democratic nominee was about $7,500,000. Not only would the Senator's amendment leave the stupendous sum of $7.5 million without regulation, without control as to purpose for which spent, but also, by omitting it specifically from the restrictions provided in the amendment, leeway would seem to be given for the expenditure, by the two parties together, of the vast sum of $15 million for almost any purpose.

I believe that the present law, if it should be retained, surely needs revision, surely needs widespread amendment. But there is considerable doubt that the amendment which the Senator has offered would be very helpful.

If we are going to safeguard 75 percent of the public money, by what logic do we say that 25 percent, or $7.5 million, for each party shall be free of safeguards? Would the Senator have some comments on that?

Mr. RIBICOFF. I do. I say to the distinguished Senator from Tennessee that if there is one thing that is not static, it is the way political campaigns are run. The changes that take place year by year have great variety.

I am sure that the Senator from Tennessee, who started in politics many years ago—as did the junior Senator from Connecticut—would not say that the campaign he would run today would be like the campaign he ran when he first ran for the legislature.

Campaign techniques and programs change. Basically, we cannot anticipate many legitimate expenditures. That is why we have allowed some discretion to the extent of 25 percent. But this is not an unbridled and complete discretion. This will be for purposes, as the amendment points out, that would have to be determined to be proper by the Comptroller General and his advisory board, composed of equal numbers of Republicans and Democrats. It is my belief that the board, composed of Republicans and Democrats, would be men and women of such caliber, such national standing, that no one would question their judgment; and that their collective judgment, with the Comptroller General, would be proper.

It would be my belief that much of this 25 percent would most likely be used for the same purposes listed in the 75 percent. But I desired to make certain that I was not foreclosing some future need or some legitimate use of funds in an election campaign. The amendment would require, however, that the expense would be approved by the Comptroller General and his advisory board.

Mr. GORE. Would the Senator accept an amendment to make it 100 percent?

Mr. RIBICOFF. I would be reluctant to do so, for the reason that I would not like to be closing out some unanticipated uses of election campaign funds.

Mr. GORE. Would the Senator be kind enough to indicate some of the items, some of the purposes for which this $7½ million might be legally spent?

Mr. RIBICOFF. I would say that, to me, if I were running my own personal campaign—which I intend to do in 1968—almost everything that I would spend would come within the categories covered by the 75 percent.

Mr. GORE. That was not my question.

Mr. RIBICOFF. But I would anticipate this: One of the most important functions in any election campaign, be one a Democrat or a Republican, is to register as many voters as possible. This would require considerable effort. I would say that in the 1960 and 1964 campaigns, with which I am familiar, much work was done in registering voters.

This can be expensive. This is not listed in the 75 percent, and I do not know how much the Republican Party or the Democratic Party might want to spend for registration purposes. This is one purpose for which I could see funds expended where I would like to have leeway. The Democratic Party might not want to spend that money, or the Republican Party might want to spend more on television or newspaper advertising. They should have that leeway and that discretion.

Mr. GORE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I shall yield in a moment.

Another category not covered in the 75 percent is motion pictures—like, I suppose, the Goldwater film in 1964. I do not know what other media might be available. I have noticed that there is a lot of talk about being able in the future to talk on the telephone and see a picture of the caller at the same time. In 1968 or 1972 we might have other technical devices or communication marvels that I cannot imagine.

Mr. GORE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. GORE. I am not so much concerned about technical devices as I am about political devices. A reference to the Senator's amendment would indicate that each of the purposes which he has just identified would come clearly within the purposes listed in the amendment.

The Senator referred to the so-called Goldwater film, but I ask the Senator to identify any program, any political gambit which this $7.5 million could properly be used for which would not be included in the list specifically approved in his amendment.

I am trying to find out why this vast sum of money is left free of the safeguards, which the Senator's amendment is designed to incorporate into the law.

Mr. RIBICOFF. We have a pledge from the distinguished chairman of the Finance Committee that hearings will be held to go into various details.

This proposal could be perfected. I want to leave some leeway for what I may not be able to anticipate a national party may like to do.

I am not totally untrustworthy of the good intentions and good faith of both parties, both Republican and Democratic, because I think the leadership in both parties does the best that it can to get its message across to the voters of the country. I would like them to be able to do the best job that they can in order to get their message across; and do everything they can to help their presidential candidate.

I cannot anticipate at this time each and every thing that the political leadership might come forward with in a presidential election because from experience I know with each election new ideas come forth. I see this every day and it could happen in 1968 and 1972.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RIBICOFF. I believe the colloquy I have now is with the distinguished Senator from Tennessee, and I think the Senator from Delaware had asked me to yield to him.

Mr. GORE. I wish to concur in the statement just made about the need for hearings. There must be careful review before we enact a law. The difficulty is we have enacted one measure without such review. It was a mistake. The first step is to correct that mistake and then have the committee study the matter and do justice to the issue. It deserves and requires careful study.

I asked the Senator for what purpose this $7.5 million could be used. In all kindness and deference to the able Senator, who has great and fertile ideas and ability, he has not suggested one yet. Seven and a half million dollars is enough money to run a campaign for President, as we have heard.

Mr. LONG of Louisiana. Mr. President, I understand that the Republican presidential campaign costs incurred for 1964 were, from the point of view of most of us Democrats, quite substantial. My guess is that they spent about $40 million. At least that is what the Senator from Tennessee estimated they spent in the previous campaign.

As a practical matter, neither the Democrats nor the Republicans report all the money spent in elections. There is much money that is not reported. The law permits that, because it permits committees to be established that do not have to report.

I would like to list the types of items for which money might be spent in the 25-percent category; at least, they could be called by the advisory board as items that did not come under the 75-percent categories.

Taxes, such as withholding taxes for employees, I would assume that it would be fair and appropriate that such taxes that a candidate incurs campaigning for office could be paid.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I shall yield after I go through the categories I have in mind. Then I will be glad to let the Senator take the floor.

Insurance and bonds, outdoor productions, contribution to committees, employees' retirement, executive expense, purchase of furniture, rental and maintenance of furniture, expenses of meetings and conferences, miscellaneous expenses, motion pictures, news services—which I assume includes political clippings as to what is being said by the opponents all over the country. I am sure that both parties were doing that. Typographic services, promotional and campaign supplies, clerical services, subscriptions and publications, supplies, maintenance, and security expenses.

It is my understanding that the types of items I have mentioned come to about 20 percent of the listed expenditures by the Republican Party in 1964, that is, of the total expenditures the Republican Party reported.

This is not necessarily all of the expenditures. The Senator is familiar with the fact that committees can be established, which do not have to report. Individuals who organize committees do not have to report, although they do sometimes raise money to help with the campaign.

The items which are in the 25 percent category are items which the advisory board composed of outstanding Democrats and Republicans would have to pass upon.

The men named to that board are: James A. Farley, of New York, former Postmaster General of the United States, and former chairman of the Democratic National Committee, and Arthur B. Krim, chairman of the Finance Committee of the National Democratic Party, and president of the United Artists Corp. They would be the Democratic members. The Republican appointees would be Fred C. Scribner, Jr., of Portland, Maine, former Under Secretary of the Treasury from 1957 to 1961, and now General Counsel of the Republican National Committee; and Donald R. Ross, of Omaha, Nebr., former district attorney, and vice chairman of the Republican National Committee. It is the duty of those four to select three men to break the tie between the two who would be named by the Republicans and the two who would be named by the Democratic Party.

I have the following letter from the Comptroller General, Elmer B. Staats, in connection with this subject:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., April 5, 1967.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate.

DEAR MR. CHAIRMAN: You have asked for my comments concerning the Presidential Election Campaign Fund Act of 1966 and the steps we have taken to implement the Act.

Shortly after the approval of the Act on November 13, 1966, we commenced a study concerning how we would carry out our responsibilities under the Act with a view to having regulations for administration of the Act approved and issued well in advance of the 1968 Presidential elections. This study has been continuing up to the present time.

In addition, on the basis of nominations submitted by the Chairman, Republican National Committee, and the Chairman, Democratic National Committee, we have appointed four members of the Presidential Election Campaign Fund Advisory Board established by section 304 of the Act. We have had one meeting with the members that have been appointed and we are now awaiting the selection of three additional members which is the responsibility of the four members that have been appointed. We expect to work closely with the Board in the development of the regulations to be issued.

You have asked specifically about the feasibility of administration of the Act in its present form. While there is no question that the Act presents difficult problems of administration, our studies thus far do not lead us to conclude that it is infeasible of administration. Moreover, we believe that certain of the amendments which we have already discussed with you and the staff of the Senate Finance Committee would simplify the administrative problems of the General Accounting Office, and we would hope very much that these matters will receive further consideration by the Congress before the effective date of the Act.

We would like to testify at hearings on proposed amendments.

Sincerely yours,
ELMER B. STAATS,
Comptroller General of the United States.

Mr. RIBICOFF. Let me say to the Senator the expenditures he mentioned are expenditures I had not thought of, but, in answer to the question propounded by the Senator from Tennessee, they are legitimate expenses. The Senator has named several substantial expense items in the Republican campaign, and I am sure that the Democratic campaign also had similar expense items. Take, for example, "surveys and polls." All of us know that as a campaign progresses, the use of pollsters has become commonplace. It is very expensive. The use of pollsters runs within the 75 percent, but there are other expenses listed which would not.

Take "security." I do not know what that is, but I would imagine there must be some periods in the campaign that the candidate must be guarded, when the safety of some of the candidates must be protected from the press of crowds, and so forth. Thus, there are many other items that develop during a campaign that do not get named that do not come within the 75 percent.

Mr. LONG of Louisiana. If a campaign of this kind is successful, of course, the man we are trying to protect will be President of the United States. It would therefore be a frustrating thing to have a candidate in a position that he is about to be elected and then gets killed the night before election. Therefore, that is an important item. We must protect his body.

Mr. GORE. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I yield.

Mr. GORE. I am surprised that the Senator from Connecticut has discovered a new item of expense in Republican expenditures which his amendment does not specifically authorize.

As I read his amendment, it does specifically provide, "expenses for research and analysis, including the cost of polls, surveys, and data processing."

The fact is, every item—as I have followed it closely—which the Senator from Louisiana read from the Republican campaign list of expenditures, would be covered within the terms of the 75 percent provision of the Senator's amendment. The items read by the Senator amount to only $2 million. Yet the Senator would leave completely free of safeguards $7.5 million. No one as yet has identified any purpose for which it would be spent, unless it be some new technological development—perhaps the satellite communication in a campaign, or something on that order.

Mr. RIBICOFF. We could discuss this at length. But in my own mind, there is no question that the Republican campaign in 1964 cost a great deal more than $14 million, just as the Democratic campaign must have cost more than has been stated.

My feeling is that the original objective of the Senator from Louisiana was to eliminate the proliferation of so many committees piling up upon committees, so that no one actually knew how much had been spent in an election campaign. The Senator from Louisiana was trying to put it into focus so that everyone would know, so that there would not be large contributions made across the board to committee after committee. I think this is a good safeguard.

If the hearings that would be called by the Senator from Louisiana disclosed that all conceivable expenditures we could imagine during the forthcoming next two campaigns would be covered by the categories mentioned, I would be more than pleased to have the categories cover the entire 100 percent.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I yield.

Mr. WILLIAMS of Delaware. The Senator from Connecticut is making some constructive suggestions. He has raised many questions which are in the minds of the Senator from Tennessee, myself, and others, that could be resolved in the course of hearings. I agree with that. That is what we have been trying to accomplish; namely, to set aside existing law, and open hearings, and enact a new bill.

However, let me point out to the Senator from Connecticut that what he is proposing is not hearings. This is an amendment to the law which will not be subject to hearings, if we vote on it and accept it, because we are passing on it now. I am concerned about this 25 percent of so-called floating money which is supposedly left. On item A the Senator's amendment calls for traveling and related expenses of a presidential and vice-presidential candidate and campaign personnel; certainly that would take care of the safeguarding of candidates as they travel around. Then, on the other page, it mentions the expenses of headquarters—item D of the Senator's amendment—expenses for the preparation, printing, distribution of campaign literature, including posters and billboards. Are these not the extra expenses to which the Senator refers—where the 25 percent will be spent?

I notice that the Senator, in listing a few suggestions, mentioned miscellaneous expenses and miscellaneous contributions to other committees.

What type of other committees are there, and what control would we have over this other committee if they pay half a million or $1 million over into, say, committee *X*, in the State of Connecticut, the State of Delaware, or any other State?

Mr. RIBICOFF. I am assuming that the Comptroller General, who heads a nonpartisan office and has been conducting it as such, and the type of men who are on the advisory board there, would be the individuals who would pass upon the legitimacy of expenditures. If this were to be a floating 25 percent, completely free of any controls or supervision, I believe that the point made by the distinguished Senator from Tennessee would be well taken. But these funds will not be floating funds—that is, money to do with as the party itself, or its leadership may decide—but will be subject to control and approval by the Comptroller General and his advisory board.

Let me say to the distinguished Senator from Delaware that while it is true I am offering an amendment, I think it is also true that my amendment is to an amendment proposed by the Senator from Delaware who, himself, seeks to amend the proposal originally adopted by cutting down the amount that a minor party may have.

Mr. WILLIAMS of Delaware. If the Senator from Connecticut will yield at that point—

Mr. RIBICOFF. I yield.

Mr. WILLIAMS of Delaware. And in order to clear the record, because this is an amendment pending to one which deals with amending the existing law. The first amendment was offered from a parliamentary standpoint in order to get the amendment of the Senator from Tennessee, of which I am a cosponsor, before the Senate in a parliamentary situation where we could get a direct vote, not with the thought that we should proceed to consider amending or rewriting the bill on the floor of the Senate and try to correct the inequities in the law. That was clear at the time the amendment was introduced; I think we should have hearings on the subject before a committee of Congress, or a joint committee, and come up with a workable solution to the present method of financing campaigns.

I have long been a supporter of that objective. I supported the original proposal that was made by President Kennedy. It was a step in the right direction. Then later President Johnson had a modified version of President Kennedy's objective, and I said I would support that. That was the $100 extra deduction. I think President Kennedy's first objective was a partial deduction and a partial tax credit.

Somewhere down the line lies the answer. I think both Presidents, in their original suggestions, were trying to provide the means whereby a man or woman could make a contribution to the party of his choice and provide some encouragement in the tax structure for him to take part in his Government.

It is a worthy objective, and one that we should try to achieve. I think we should provide the mechanics whereby a person may make a contribution to the party of his choice, but when that is done, let us see that there are proper safeguards and procedures.

I notice the Senator proposes a five-man committee to administer this $30 million. Who selects the five men that will administer this matter?

Mr. RIBICOFF. They are a bipartisan group of seven.

Mr. LONG of Louisiana. Mr. President, if the Senator will yield, the Republican Party names two and the Democratic Party names, two, and they agree on three more.

Mr. WILLIAMS of Delaware. Let me ask this question. Let us assume that the Democratic Party agrees on two and the Republican Party agrees on two. We are dealing now with a political situation. We recognize it is difficult to get any man responsible enough to take the position, who does not have some kind of political partisanship in his nature. So there could be trouble agreeing. What happens? Does a deadlock develop? What is the situation if they cannot agree on the seventh man or the fifth man?

Mr. RIBICOFF. My feeling is that it would not be difficult to get a political scientist, an editor, an individual who stands above the battle. It would not be difficult to get public-spirited men and women who believe it is important that elections be conducted honestly and fairly and impartially. Of course, above all, what I think is most important is public opinion. None of this is going to be done in secret. Everyone is going to know what was spent, who has spent it, and what it was for. I think public opinion would be the greatest sanction for making sure that it was being done correctly. As long as there was public disclosure, I would not fear that there would be any "hanky-panky" and that the procedure was not fair.

What bothers me is the idea of eliminating this law. When we lay down the basic law, then we can go forward. We will have something on the statute books. The chairman of the committee has agreed to hold hearings. Those of us taking part in this colloquy are members of the Finance Committee. There is no question in my mind, and I am sure there is none in theirs, that the Senator from Louisiana will hold those hearings soon. I believe his proposal, once it is perfected, and it should be perfected, will be one of the landmark achievements that will go down as a part of the career and reputation of the distinguished Senator from Louisiana. There is no doubt that he will be most zealous in trying to get the best possible law on the statute books.

I would not like to see us eliminate this provision. I would like to see us go on from a law that is already on the books. That is why I am backing the position of the Senator from Louisiana, not because I think this is the best way to assure final and fast and complete action in this field.

The Senator from Louisiana can best express his intentions as to what he expects to do if the Senate sustains his position.

Mr. WILLIAMS of Delaware. Since we are going to vote on this question, I think we should clarify the intentions. While I do not doubt that the Senator from Connecticut could find 7,000 public-spirited men, or that any of us could find men in whom we have every confidence in the world as to his fairness, but just suppose they cannot find such a man and they deadlock. What would happen? That is this possibility. Let us get the answer as to what would happen then. Does the whole act collapse or does someone else cast the deciding vote and put the plan into operation? I am seeking information.

Mr. RIBICOFF. It cannot be deadlocked, because the commission is composed of seven members, so there would have to be a 4-to-3 vote, in any event.

Mr. WILLIAMS of Delaware. Who appoints the seven members?

Mr. RIBICOFF. I read from section 304 of the amendment:

> (a) There is hereby established an advisory board to be known as the Presidential Election Campaign Fund Advisory Board (hereafter in this section referred to as the "Board"). It shall be the duty and function of the Board to counsel and assist the Comptroller General in the performance of the duties imposed on him under section 303 of this Act.
>
> (b) The Board shall be composed of two members representing each political party whose candidate for President at the last presidential election received 15 million or more popular votes as the candidate of such political party, which members shall be appointed by the Comptroller General from recommendations submitted by each such political party, and of three additional members selected by the members so appointed by the Comptroller General.

In other words, basically, it is done upon the recommendation of the national chairmen. There is no question that the party is in control. The President of the United States will undoubtedly designate the two men representing his party. There is no question in my mind that the national committee chairman of the minority party, the party not in the White House, with the advice of the national committee, will choose the other two. There is no question in my mind that those four will do everything they can to get three men or women of such national standing that there would be no question concerning the decisions they make.

I have faith in the top leadership of both political parties. As was demonstrated by the choices of the two parties already made, these men representing the parties and the men and women they would choose would be of such character and reputation as to have the confidence of the American people as a whole.

Mr. WILLIAMS of Delaware. I am trying to establish who names the board. The Comptroller General is the appointee of the President. I have great confidence in the present Comptroller General and great respect for the Comptrollers General who have served prior thereto, but the question gets back to the point that the expenditure of the $30 million under this proposal will be made by a board which is selected by the appointee of the President of the United States.

Mr. RIBICOFF. There comes a point where someone has to appoint. So far as I am concerned, if it would improve the situation to have the appointment made with the advice and consent of the Senate of the United States, I would have no objection. Perhaps that would be a good solution. In view of the question raised by the distinguished Senator from Delaware, perhaps that would be preferable, and when we proceed with the hearing, I would be pleased to submit such an amendment, that the 7-member board could be nominated, subject to the advice and consent of the Senate of the United States.

Mr. WILLIAMS of Delaware. I should like to emphasize that my trying to get this matter clear is in no way an indication of my lack of respect for the Comptroller General. Quite the contrary. I have made the suggestion that the Comptroller General be used as the clearinghouse for the reports that Senators should be required to file. That is an indication of my confidence in that office. But since we are debating this question, it should be made clear just how the seven members will be appointed and how the final decision will be made. We must likewise keep in mind the possibility that some day there may be in this position a person who is more politically motivated.

Mr. RIBICOFF. There is no question

in my mind—and I do not think I am giving away any secrets—that in the Finance Committee there is no more influential member than the distinguished Senator from Delaware. There are few Senators on the committee whose suggestions and ideas meet with general approval more than do those of the Senator from Delaware. We respect him. We listen to his suggestions with the most careful attention, because of his experience and character.

As we sit down in the Finance Committee to try to perfect the best possible measure, there is no question that many of the points being raised by the distinguished Senator from Delaware will find practically unanimous approval on the part of the members of the Finance Committee.

As I have listened to the questions raised by the distinguished Senator from Tennessee and the distinguished Senator from Delaware, the thought comes to me, I say quite frankly, that many of the suggestions raised here would no doubt find their way into the final measure that would come out after hearings before the Committee on Finance.

There is a question about whether the $7 million is too much; this is something that could be hammered out. What I am trying to do is clarify the situation to the fullest extent, because I candidly state I do not wish to see the proposal of the distinguished Senator from Louisiana defeated. I should like to see a solid version of his proposal on the statute books of our Nation.

I accept in good faith the statement of the distinguished chairman that he intends to have hearings. I believe that my amendment would improve the law. And I think with that as a starting point and with the benefit of the suggestions being made by the distinguished Senator from Delaware and the distinguished Senator from Tennessee, we would be able to perfect a proposal in a relatively short time. But candidly, I am reluctant for us to eliminate completely the one step forward that has already been made by the adoption of the proposal of the distinguished Senator from Louisiana.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. WILLIAMS of Delaware. We are not debating the objectives of what we are trying to achieve; it is just a question of method, whether we should try to correct the inequities of this law here on the floor of the Senate, or try to do it in committee.

In my opinion, the best way to do this is in committee. Let us repeal this law and start with a clean slate, because within the next few months the Treasury Department will be printing next year's tax returns, and unless the committee has acted prior to that time, people will not know how to mark their tax returns, or whether the funds are to be provided by direct appropriations, in accordance with the later suggestion of the Senator from Louisiana.

I am trying to avoid the possibility of a confused picture on the part of the Treasury Department as to how to print the tax returns, not knowing what Congress will do. But assuming for the moment that we are to proceed here in the Senate, acting as a committee of the whole, and try to perfect this law along the lines that the Senator from Connecticut and others may suggest, if we were to do that, would we not also wish to amend the Corrupt Practices Act to require that any committee that accepts contributions, or that seeks contributions for political campaigns at the State or local level, should likewise be forced to file public disclosures of its expenditures and receipts, in the same manner as is now required relative to a certain part of the activities of both national parties? If we are going to proceed, should we not close the admitted loopholes in the existing law.

There is nothing in the pending proposal to correct any of the past practices which have been condemned.

Mr. RIBICOFF. As far as I am concerned, the objective stated by the senior Senator from Delaware would have my support. I think that every committee should be required to disclose its receipts and expenditures. I have no quarrel with that basic thesis. But I do think the distinguished Senator from Louisiana has started something very worthwhile, and I do not like to see it come to naught.

I believe we can go on from where the distinguished chairman started, and complete it. As I have been following the statements of the distinguished Senator from Louisiana, it is my feeling that there is no man in this body who is more anxious to perfect the Long proposal than Senator LONG himself.

Mr. WILLIAMS of Delaware. The Senator from Louisiana has been very frank in admitting that perfecting is needed, and I compliment him for that frank admission. This law does need correction; but I am just wondering, if we should attempt to do this on the floor here, or whether we should not take the time and really try to write a clean election law. We should also consider the question of what we are going to do about the primaries. Both the Senator from Connecticut and I know that there is often just as much money spent by a presidential candidate in obtaining the nomination, as in seeking election. What are we going to do about that situation? That proposal is not dealt with in this proposal.

What are we going to do to prevent either political party from using a large part of this money in X State, where a certainly friendly Senator or Representative is running, and give him additional television exposure? How are we going to deal with those questions, unless we write the answer into the law?

Does not the Senator think we should take the time to cover all of these questions, which are on the minds of many Senators, and attempt to clear them up properly? And I raise the question: Do we have the time while considering the pending bill?

Mr. RIBICOFF. May I state pragmatically, it seems to me that had it not been for the original proposal of the Senator from Louisiana, it would probably have been years before we could get down to cases and pass a practical campaign practices act. This is something that I know has always been close to the heart of the Senator from Delaware. And it seems to me that now, with an act on the books, imperfect as it is, we are assured that we will have a much better and clearer law than we have ever had heretofore. We had never gotten around to it, but now we are on it. We are committed to the course.

Incidentally, a distinguished staff member whom all of us respect has just informed me that next year's tax returns will not be printed until next fall; so that gives us ample time to consider the question as to whether or not there will be a checkoff by taxpayers.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. LONG of Louisiana. Mr. President, the Senator asked about the Comptroller General. I think it well to point out that under this act, the Comptroller General would make the decisions as to whether bills were to be paid. He would have the assistance of this advisory board, which would share responsibility with him. If the advisory board advised against paying one of the bills, it might be unanimous or it might be by a divided vote, but certainly that would be a warning to the Comptroller General, even if only a minority of the board should say that a certain bill should not be paid, that it might be an improper use of the presidential campaign fund money.

Under those circumstances, the Comptroller General would exercise his own responsibility as to whether to pay or not pay a bill, even though a majority of the board might have urged that the bill be paid.

It was mentioned that the man is appointed by the President. That is true. But his whole position and function is that of an employee of Congress. He serves a 16-year term. The whole purpose and organization of his Office is to put him above and beyond partisan politics; and I may say that our experience with that Office has been extremely favorable, as was attested by the Senator from Delaware.

The manner of appointment of this advisory board, may I say, is very difficult to improve upon. What happened was that the Comptroller General inquired of the Democratic Party, "Who do you think would be two of the finest, most respected Democrats in America, who understand something about the practical aspects of politics, who might be available to serve?"

The Democrats submitted the names of James A. Farley and Arthur D. Krim.

The same question was asked of the Republican Party, and the Republican leadership submitted the names of Fred C. Scribner, Jr., and Donald R. Ross. I have no doubt that those men are as equally outstanding as the two Democrats, although I do not know Mr. Scribner and Mr. Ross intimately.

So both sides have named two of their best men. May I say that some of us on the Democratic side were hopeful that the name of General Clay would come down from the Republican side, because he is one of the Republicans whom we most respect. Perhaps General Clay was not available to serve; but we felt that he was one of the truly great Republicans of this country, who might be available to serve on such an advisory board, and I regret that, for some reason or another, his name was not included among these fine gentlemen whose names are here.

The board, however, is so composed that the men who are on the board are not the kind of men who would cover up any kind of corrupt or improper activity. They are the kind of men who would recommend on behalf of their own party, as fair-minded men, that an improper expenditure should not be approved. However, just to assure a balance and assure that there will be a majority one way or the other, these gentlemen will agree on three additional people to serve with them. Of course, the caliber of the three additional people to be added to the group would be such as the Senator has in mind. They would be individuals who are more or less out of politics. They would be beyond politics. They would be men who would try to take a position more or less in an ivory tower, above politics, and try to have some knowledge of the matter without being wedded to one side or the other.

I do think that provision is in reasonably good shape.

I am disappointed to find that the Senator from Delaware did not explain for the RECORD when he offered his amendment that he had no real intention of asking that the amendment be agreed to.

I thought the Senator was seeking to clarify the third party problem and to come more nearly to the judgment of the Senate when we voted on this matter.

The Senate voted, as I recall it, that there would have to be 1,500,000 votes for a minority party in order for it to qualify for some assistance.

I thought the Senator was seeking in equity and good faith to support our action here.

It never occurred to this Senator that the procedure being followed was an effort to arrange a parliamentary situation in which other Senators could not amend the bill. It never occurred to this Senator, for example, having been more or less the author of the Long act, that the whole purpose was to keep Senator LONG from amending his own bill.

The rules of the Senate require that if I were to offer an amendment here, I could speak and vote in support of it. I can amend my own amendment without even the consent of the Senate. I can do it of my own volition as long as the yeas and nays have not been ordered. I can modify it to suit the purpose I want to accomplish.

The Senate rules require that when a committee presents a bill to the Senate, the committee amendments will be voted on first and that the committee has an opportunity to offer its amendments to the bill before the bill is open to amendments generally.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I point out that no effort was made on the part of either the Senator from Tennessee or myself to preclude the Senator from Louisiana from having ample opportunity under the rules of the Senate to amend his own act if he so desired.

We did feel that the floor of the Senate was not the place to take such action.

The amendment, in which we joined, called for the repeal of that law. It is offered in a manner whereby it is not subject to an amendment. That was intended. However, the Senator can offer an amendment to the existing law, as the Senator from Connecticut is now proposing to do. The Senator from Louisiana can offer amendments from now until Judgment Day—amendments to his own measure, under the rules of the Senate, and under the parliamentary situation which has developed.

As the Senator from Louisiana well knows, I think it was admitted in the committee that the votes were there for the adoption of the Gore-Williams amendment, which amendment would have called for the repeal of this law.

We did not press for a vote because the Senator from Louisiana was out of town. We did not vote on Monday because the Senator was out of town.

The Senator from Louisiana has been given ample opportunity.

Mr. LONG of Louisiana. The Senator is saying that he had the votes to outvote me in the Committee on Finance. I assume that he is relying upon the fact that I was not present to vote.

Mr. WILLIAMS of Delaware. I am relying on the general consensus of the committee. We did not push for a vote. But that is beside the point.

Mr. LONG of Louisiana. Mr. President, if I had been trying to repeal the Williams act, I would have notified the Senator what I had in mind. I would have offered the Senator the opportunity to be present when the matter was reported. I would not have arranged a parliamentary situation which would place the Senator at a disadvantage when he arrived.

If the Senator were chairman of the committee and wanted to conduct hearings on his proposal or his suggestions to repeal or to amend his proposal, I would personally accord him that consideration before I would try to repeal his measure without offering him the opportunity to be heard, to present witnesses, and to discuss the matter.

The Senator came here, I thought in good faith, and suggested that we amend the bill with regard to one of the real problems in the bill, the third party problem. I thought the Senator was acting in good faith. The record does not show that this is merely a parliamentary device. For all I knew, the Senator was sincere in offering that amendment.

If the Senator can show in the record that that was not his purpose, I would like to know it, because I have been in the dark up to now as to what the record shows on that.

Mr. WILLIAMS of Delaware. Mr. President, I am surprised that the Senator from Louisiana has been in the dark for 3 days as to what is going on. Nobody is trying to confuse the Senator.

We have been listening to him for 3 days now.

Mr. LONG of Louisiana. I am surprised that the Senator does not know I have only been here for 2 days.

Mr. WILLIAMS of Delaware. The Senator from Louisiana has the privilege, if he wishes, to offer amendments after the amendment of the Senator from Connecticut has been disposed of. There can be 50 or 100 amendments offered under this parliamentary situation, and I will defend the right of the Senator to offer them.

I may have some suggestions myself if the Senate decides to amend this law on the floor. It is a question of whether we should do this in the committee or on the floor.

I agree with the Senator from Connecticut that there is no difference in the objective we are trying to achieve. We are both trying to achieve a better method of financing political campaigns.

I have always taken the position that in order to reach a solution to the present loose method of financing political campaigns, we must have some method of Federal financing, whether direct appropriations or tax credits or tax deduction. I have long advocated some legislative action.

I do not quarrel for one moment with what the Senator from Connecticut or the Senator from Louisiana are trying to achieve.

I do raise the question of whether we should attempt to do it here on the Senate floor. I question whether this is the place in which to solve this problem.

With respect to the amendment I offered, I am for that amendment. I supported it in the committee at the time, even though I voted against the bill of the Senator from Louisiana.

Certainly the third party problem should be taken care of. That was the original position of the Senate, as well as I recall it.

I do raise a question of whether all of us working together with the best of intentions should use the floor of the Senate as the place in which to write a bill that is of such importance to every taxpayer and to every man who is running for public office.

It is my opinion that we can better do the job in committee after hearings and study. But if this is the way the Senate decides to legislate then let us do the job right while we are at it and try to clear up some of these many problems which have been raised by the Senator from Tennessee in the extensive study he made many years ago along with the problems that we all know arise with relation to financing campaigns.

I strongly question whether the floor of the Senate is the place to do it.

Mr. GORE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. GORE. Mr. President, a great deal of time has been consumed in discussing this advisory committee and what would happen in the case of a deadlock.

I suggest to the Senator that this board is purely advisory in nature. There is no requirement that the Comptroller General accept its advice. Each member of the board could have separate advice to offer.

The board has no power whatsoever except to advise. So, we are talking about a peripheral matter, something that is really without substance.

Insofar as the authority is concerned, it is vested in the Secretary of the Treasury and in the Comptroller General. The disbursement of the fund, however, may well be beyond the control of either of them.

One other matter I wish to point out to the Senator from Connecticut is that the law provides for reimbursement of expenses either made or incurred. If $7.5 million is left, which can be reimbursed for expenses other than those listed in the Senator's amendment, such expenditures are, by implication not restricted in any way as to purpose. How many ad hoc campaign committees could be organized? Could one be organized in the State of Delaware to run the campaign for an independent for the office of Senator? Could one be organized, completely apart from the Republican Committee in the State of Delaware, to support the campaign for President, but incidentally undermine or support the candidacy of the Senator from Delaware? Would they not be reimbursed if that committee incurred expenses of $1 million or a half million dollars? Could that be reimbursed from the $7.5 million which would be unregulated as to purpose.

Mr. WILLIAMS of Delaware. Unquestionably, it could be reimbursed.

In addition, I do not see anything that would prevent them from picking a half dozen key States and spending the bulk of the $7.5 million in those key States, where they had friends running for congressional office.

Those are the elements which must be considered, if we are to put taxpayers' money into political campaigns.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. LONG of Louisiana. Under the present law, the Comptroller General does not have to pay any of these expenses, not even those that would be listed in the Senator's amendment, unless the Comptroller General believed that they were legitimate campaign expenses, the predominant purpose of which was legitimately to advance the campaign of a candidate for President of the United States. The Comptroller General must certify that to the Secretary of the Treasury. The advisory board is privileged to know all the facts, all the details. If a Republican is misusing his funds, the advisory board advises the Secretary of the Treasury, advises the Comptroller General, and advises the people of the United States that this is a misuse of campaign funds and that it should not be paid.

So that these types of expenditures are carefully checked on that basis.

The Senator from Tennessee [Mr. GORE] and the Senator from New York [Mr. KENNEDY] have raised the prospect of some mischief that could conceivably be done despite the advice of the advisory board and despite the good conscience of the Comptroller General and the Secretary of the Treasury. They have suggested it so much, that I would suppose by now an amendment to prevent that type of mischief might well have occurred to them. And if someone wishes to suggest an amendment of that type, it would be fine, so far as I am concerned.

However, the Senator from Delaware offered an amendment seeking to meet the third party problem, and I believe it is a good amendment. I will probably vote for it, although I must admit that I was somewhat surprised to find that in offering the amendment, he was only trying to foreclose the right of other Senators to improve the law.

Mr. WILLIAMS of Delaware. Quite the contrary, I gave the Senator from Louisiana the opportunity. The Senator would not have had the opportunity to offer his amendment today if I had not done so.

Mr. LONG of Louisiana. I thought the Senator explained previously that he did this so that the Gore amendment could not be subject to an amendment.

Mr. WILLIAMS of Delaware. What I said was that I did not believe the floor of the Senate was the place to try to correct this law. I still take that position. However, if the law is to be corrected on the floor, I believe the amendment I offered is one of the many changes in the law that should be made. I do not believe the floor of the Senate is the place to write the entire law.

Mr. LONG of Louisiana. Of course, this is not the place to attempt to write something as complicated and as important as this legislation. It should be studied in committee and worked on. The Senator offered an amendment which moves in that direction.

When we have a good law on the statute books, which is a good law so far as it goes—and all that can be said of any good law is that it is a good law so far as it goes—we should seek to improve it and not to repeal the progress that has been made. We should go ahead with the improvements we have in mind.

The Senator from Delaware has made a good suggestion. As chairman of the Committee on Finance, I would be happy to hold hearings on the suggestion and give it my best judgment and urge all members of the committee to do the same. Similarly, I believe that the Senator from Connecticut [Mr. RIBICOFF] has made a fine suggestion.

I note that the Senator from Tennessee inquired whether the Senator from Connecticut would be willing to modify his amendment to include 100 percent instead of 75 percent; and I wonder whether the Senator from Tennessee would vote for the amendment if the Senator from Connecticut agreed. It might be of interest to know that.

In any event, it would be well for us to study that kind of matter and to work on it in committee.

If the Senate sees fit to show the Committee on Finance the respect to permit the committee to study this matter, to conduct hearings on it, so that everyone who has a constructive suggestion can bring it before the committee, I promise to perform my duty as chairman of the committee and to conduct the best hearings of which I am capable, so that everyone can present his information.

Some Senators in the Chamber, who have been most critical, as the Senator from New York [Mr. KENNEDY], could be helpful if, instead of throwing sand in our eyes, they showed us how they believe we could prevent the mischief they fear. The suggestion was made as to how some of these imagined evils might be prevented. The Senator from Connecticut told me that, having heard the Senator from New York speak on the subject, he was rather concerned about this matter. The Senator from Connecticut offered an amendment which in his judgment would prevent any loose spending and which would restrict the amount that could be spent.

If Senators believe that every mother's son should have a chance to be President of the United States, if his talents justify it—if a person really believed that—and that he should have a chance to be President of the United States without making any commitment to any vested interest in America, the way to do so would be to improve on this legislation, not to take it off the statute books.

It has been almost 30 years since the last major law was passed which attempted to eliminate corruption in government, and that did very little good, because people immediately found ways to get around it.

Now we are attempting to eliminate the necessity for people to accept large campaign contributions, a practice which can very easily lead to corruption in government. This legislation deserves our best efforts, not by repealing what we have accomplished, but by improving on it.

I thank the Senator for offering his amendment.

Mr. RIBICOFF. I have great regard for the Senator from Tennessee, the Senator from Delaware, and the Senator from New York. I followed their arguments—as I always do, on any proposal—with much interest. However, I fear that if the Long proposal is eliminated from the law, we will never—I do not say never, but not in the foreseeable future—find on the statute books a method to take care of campaign expenses in a presidential election. But if we retain the Long proposal, with the commitment and the debate that have taken place, I am confident that we will be able to move forward and perfect the entire practice of campaign expenditures.

This is such a complex matter, that I fear we will not perfect it and we will not get started once we repeal the law we have. With a commitment from the Senator from Louisiana, with an awareness on the part of the Senator from Delaware, the Senator from Tennessee, and the Senator from New York, and with the admission of the Senator from Louisiana and myself that much must be perfected if we keep the law on the books, I would hope that my amendment would be adopted.

I believe it strengthens the situation, and that before this session is over we can really do a constructive job on campaign expenditures in the hearings. I shall be very candid. I think that the Neustadt group that made the study of this proposal should come before our committee. I am disappointed that their findings were not made public. Democratic leaders, Republican leaders, and members of the public should appear and testify before the committee. My prediction is that when we are finished in the Committee on Finance it will be found that the Senator from Delaware [Mr. WILLIAMS], the Senator from Tennessee [Mr. GORE], the Senator from Louisiana [Mr. LONG], and I would be voting "Aye" on the same measure. Knowing how we work in the Committee on Finance and our relative committees, we will end up that way.

Mr. GORE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

(At this point, Mr. SPONG assumed the chair.)

Mr. GORE. I accept without reservation whatever the good will, friendship, and mutual confidence expressed by the able junior Senator from Connecticut.

As far as amendments are offered which I think will materially improve the law that we unfortunately have—I shall support them. The argument which the able Senator has made proceeds on the thesis that the law enacted last year is good. But the law we have is bad.

Mr. RIBICOFF. May I say to the Senator from Tennessee that what we have is imperfect.

Mr. GORE. It is worse than that. It is a danger to our democratic process. It proposes to vest and vests in two political bosses in Washington campaign funds in unprecedented amounts. The amendment which the able Senator offered does not alter this in any respect. He specifies certain things for which 75 percent of the estimated $30 million could be used. There is no requirement whatever in his amendment that funds be used in all of the States. Indeed, the entire 75 percent could be used in one or two States, according to the amendment, and then, it leaves 25 percent completely untouched.

All of this illustrates that we acted hastily in the wee hours of adjournment on a "Christmas tree" bill in which so many people had so many goodies I found it impossible to defeat it. We acted unwisely. We acted hastily. We made a mistake. The best way to start is to have hearings and careful consideration which this issue deserves and requires. Let us erase our mistake. Then, we will go to the committee and in good will and fellowship, and with serious consideration, try to report a bill worthy to this threat to our democracy. But to leave this monster in the law would be a great mistake. That is why I entered into the parliamentary arrangements to have a vote up or down on repeal.

We did not foreclose the opportunity and we did not seek to foreclose the opportunity of offering amendments to perfect the bill. The Senator has just done so without hindrance, but what is assured, and what we will have, is a vote up or down on repeal.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. LONG of Louisiana. Mr. President, this bill, the bill on the books, does not vest $30 million in either party. It does say that taxpayers may make available as much as $30 million with an appropriation by the Congress for that purpose. They may indicate they would like $30 million to be made available to both parties, if everyone desired that $1 of his tax money should be made available.

Then, it provides that the party treasurer may take bills incurred in a presidential campaign to the Comptroller General, and he may ask that these bills be paid or that payment be reimbursed. The Comptroller General would consult with the Advisory Board and decide if the bill is an appropriate one to pay.

If the Comptroller General then recommends to the Secretary of the Treasury that the bill be paid, the Secretary of the Treasury shall pay it. There are the safeguards that guard all expenditures.

But the amendment of the Senator goes a step beyond that. To make sure that this board does not recommend payments that the Senator thinks should not be paid, such items as the expense of hauling voters to the polls on election day, election-day refreshments, hiring of automobiles, and matters of that sort, which sometimes have been regarded as an effort to influence the voter, will not be paid.

The Senator also pins down the kind of expenditures that could be paid out of 75 percent of that money, such as newspaper and television advertising, travel and related expenses, postage, television, newspaper, and periodical, advertising. The Senator says that 75 percent of the money must be spent for purposes which are regularly regarded as necessary political expenditures. He leaves to discretion where the other 25 percent can be spent. That money can be spent for the same categories as the 75 percent.

Mr. RIBICOFF. My feeling is that most of it would be spent in those categories, because I believe we named the categories that are most important in any national election. I could not anticipate where expenditures would be made in the future, but I emphasize that each dollar of the 25 percent would have the approval of the Comptroller General and the advisory board.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I shall yield after I have finished my thought.

I know enough about politics to know that any time a campaign committee has money it is reporting and has money it is not reporting, the campaign expenditures it would rather not admit having made, or that it might find embarrassing, or find inappropriate to talk about, will be paid with money not reportable; and if the expenses are as clean as a hound's tooth, they will be paid with money that is reported. It is good politics. Look at what the Republican National Committee proudly reported to its members and made available to the general public—approximately 20 percent of the campaign expenditures in 1964 for the type of items to which the Senator has referred.

Proceeding on the hope that the parties would not have to ask for any private money, that they would not have to ask corporation executives or individuals to contribute more than $1 apiece, the Senator's amendment provides that the candidates would have flexibility with regard to 25 percent of the money; but even that flexibility would not extend to certain types of expenditures which the Senator thinks should not be paid for and might even be prohibited eventually.

Mr. RIBICOFF. That is correct. It might well be that when the hearings were held, I would join the distinguished Senator from Tennessee in listing the categories to cover 100 percent of the expenditures. Or it might well be that after the hearings, I would go along with the Senator from Tennessee and add a few more categories and make certain the amount of money which would go into those categories. There would be no question, then, of what would be specified in the law.

But I am not willing at this time to foreclose legitimate expenditures which should be paid.

Mr. LONG of Louisiana. I would hope there would always be some flexibility, even though it be small, because I harbor the hope that eventually we may be successful in persuading the Senate and House of Representatives to go along with a proposal to make it optional with a candidate whether he wants to abide by the provisions of present law or revert to the system that has existed prior to this time, under which a candidate solicits private contributions.

It is my hope that we could arrive at a solution in which both parties would be pleased to use the provision of existing law, which we are now seeking to amend, rather than to use the old system of going out, hat in hand, and seeking contributions from executives of insurance companies, banks, defense contractors, and others, all of which seems to me to confuse the public and in some cases to lead to bad government.

So I hope that it would be the judgment of the Senate, in the long run, that the entire campaign of the two major parties would be financed in a way which would be, like Caesar's wife, above reproach and above any suspicion of mischief.

Mr. KENNEDY of New York. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I yield.

Mr. KENNEDY of New York. The Senator has had much experience in campaigning from a national standpoint, as well as campaigning in Connecticut. Does he believe it would be wise to place all the money or financial power in the hands of the national committee? Would he not think it would be wiser for the individual himself to decide to which candidate or political party he wishes to donate?

Mr. RIBICOFF. I was not in the Chamber when the Senator from New York made his speech yesterday, but I read it carefully this morning. It caused me considerable concern, because the Senator made some good points.

From my own experience, I should say that what is sought to be accomplished would be one of the greatest boons to candidates on the State level that could ever take place.

Let us be candid with one another. We have been in the national picture as well as in the statewide picture—and, as the distinguished Senator knows, I have been in the national picture intimately with the distinguished Senator from New York.

The way the situation works at the present time, the national parties and their treasurers skim the cream from the financial contributions in America for the presidential candidate, leaving only the dregs for members on the State level. In the States where people have means, the national committees and the national presidential candidates descend and get contributions. Then, when it comes time for the gentlemen running for Governor, Senator, or Representative to try to get their campaign funds together, they have great difficulty doing so because of the prior commitments on the large sums of money which have already been made to the national ticket.

I find, with great irony, that I am requested, time and time again, to appear in my own State, or my neighboring State, in behalf of fundraising functions for the national ticket—functions where money is being collected from people who would normally make contributions to the State ticket. Then, when the State ticket comes to the same contributors, the amount of money which they can give has been exhausted.

Now, rather than a fear of this method, this would free up many sources of revenue for candidates on the State level, whether running for United States Senator, Governor, or Representative, or any other office.

I believe that the suggestion made by the Senator from Louisiana has merit. It could lead to a new day in politics when we can finance a campaign on the basis that has probity, has honesty, and has a formula which depends upon how many voters there were as to certain amounts made available from public sources for the candidates running for major political office.

This, indeed, would be a new day. No one would be embarrassed to go out into a community and spend all his time and energy seeking campaign funds to run his campaign. No commitments would have to be made, express or implied, because everyone would be an independent agent. Once he got the nomination, and once he began campaigning always to be, like Caesar's wife, above suspicion.

Mr. KENNEDY of New York. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I yield.

Mr. KENNEDY of New York. That is exactly my point. That is exactly what the bill does not do. I could not agree more with the Senator from Connecticut. Would it not, therefore, be wise for an individual, instead of having it this way, the way it is now, where $60 million goes to two individuals in the major parties, two individuals who get $30 million apiece to do with as they see fit—the head of the Democratic Party and the head of the Republican Party—each getting $30 million, and they in turn, in their wisdom, make the decision where the money will be spent.

Would it not be wiser, if we are going to finance campaigns through some kind of Federal subsidy or some kind of Federal help, to do it by means of a tax deduction or a tax credit which an individual could give to the campaign of the Senator from Connecticut, say, or to the Democratic Party in the State of Connecticut, or to the Republican Party in the State of Connecticut, or to the national party, but put it up to the individual to make the decision and not up to the national committees whether it be Ray Bliss or John Bailey here in Washington who would make that decision.

Mr. RIBICOFF. My reply to that would be this: I do not believe, on a purely tax deduction basis, that we would ever be able to raise a sufficient amount of money to run the basic campaign on a presidential level, or even on a State level.

Mr. KENNEDY of New York. Could I answer that point? The presidential commission appointed by President Kennedy in 1961, as well as, I believe, the Neustadt committee and all the other committees established to operate and study the problem, have all come to exactly the opposite conclusion; namely, that we would be able to raise funds, that we would also be able to raise funds in a presidential election year so that people could donate money in 1969, or 1970, years in which there is no presidential campaign.

Mr. RIBICOFF. Let me say, with all due respect to the theorists and the political scientists, that this is an illusion.

Those of us who have been active in the field of politics know that the ideal way to run a campaign is to get single, $1 contributions. What a glorious situation that would be if it could be achieved, if we could run a political campaign with money received from people who would not give more than $1 each. But we all know how difficult it is to get that dollar. Time and time again, I have seen advertisements placed in newspapers by candidates of parties seeking $1 or $5 contributions. How hard they are to come by, getting people to give $1 or $5 would be ideal—but it is not feasible.

I believe that we will have to come up with a national method. As I said before, the method proposed by the Senator from Louisiana, is imperfect; but I also said, before the Senator from New York came into the Chamber, that if we were able to start with this base, at least we know that with hearings being held, we would be able to perfect it.

I also feel that the Senator from New York, the Senator from Louisiana, the Senator from Tennessee, the Senator from Delaware, and the Senator from Connecticut would most likely come up with a proposal that we could all agree upon. What I would dislike to see happen would be the repeal of the proposal of the Senator from Louisiana. That would leave us no base to perfect and operate upon.

My feeling is that we are now on the threshold of coming up with a proposal which can succeed. We have, what is true, an imperfect base, but we do have that base. Without the Long proposal, it will be years before we come up with a method of financing a political campaign.

Mr. DIRKSEN. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I yield.

Mr. DIRKSEN. I should like to say to the Senator from New York, and to the Senator from Connecticut, that earlier today I talked to the acting majority leader about the reception at the White House, not for us, but for the staff, and it is to begin at 6 o'clock.

I thought, in all fairness, that we should have adjourned by now in order to give our staffs the opportunity to get to the White House, as they are the guests of the President.

Why do we not now adjourn and continue debate tomorrow?

Mr. KENNEDY of New York. I just got into this colloquy. I shall be glad to get back to my office.

Mr. RIBICOFF. Let me say to the Senator from Illinois that I was through at 4 o'clock. Naturally, I would be happy to have the Senate adjourn.

Mr. LONG of Louisiana. Mr. President, if the Senator would yield a moment, I must say to the Senator from Illinois that he is entirely correct. Our staffs have been invited to be the guests of the President at the White House. Many of them are in the Chamber at the present moment.

Mr. DIRKSEN. That is right.

Mr. LONG of Louisiana. They are in the Chamber performing their duty. I believe that I have been somewhat derelict in not informing all Senators that a commitment was made by me. I hope we could adjourn today and take up debate tomorrow where we leave it now. The Senator from Connecticut has done a magnificent job here. I believe that we should permit our staffs to accept the President's invitation.

Mr. RIBICOFF. It is perfectly all right with me, but it depends on the Senator from Delaware and the Senator from New York.

ADJOURNMENT

Mr. LONG of Louisiana. Mr. President, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 31 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 6, 1967, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 5, 1967:

EQUAL OPPORTUNITY COMMISSION

Vicente T. Ximenes, of New Mexico, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1971, vice Richard Graham, term expired.

NATIONAL TRANSPORTATION SAFETY BOARD

Francis H. McAdams, of the District of Columbia, to be a member of the National Transportation Safety Board for the term expiring December 31, 1967 (new position).

Louis M. Thayer, of Florida, to be a member of the National Transportation Safety Board for the term expiring December 31, 1968 (new position).

Joseph J. O'Connell, Jr., of Maryland, to be a member of the National Transportation Safety Board for the term expiring December 31, 1969 (new position).

John H. Reed, of Maine, to be a member of the National Transportation Safety Board for the term expiring December 31, 1970 (new position).

Oscar M. Laurel, of Texas, to be a member of the National Transportation Safety Board for the term expiring December 31, 1971 (new position).

CONFIRMATIONS

Executive nominations confirmed by the Senate April 5, 1967:

DEPARTMENT OF JUSTICE

Bert T. Combs, of Kentucky, to be U.S. circuit judge, 6th circuit.

Frank J. Murray, of Massachusetts, to be U.S. district judge for the district of Massachusetts.

Walter N. Lawson, of South Carolina, to be U.S. marshal for the district of South Carolina for the term of 4 years to fill a new position created by Public Law 89-242.

Jack T. Stuart, of Mississippi, to be U.S. marshal for the southern district of Mississippi for the term of 4 years.

DEPARTMENT OF STATE

Lucius D. Battle, of Florida, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State.

Henry Cabot Lodge, of Massachusetts, to be Ambassador at Large.

Ellsworth Bunker, of Vermont, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vietnam.

William W. Heath, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

John M. McSweeney, of Nebraska, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bulgaria.

Douglas MacArthur II, of the District of Columbia, a Foreign Service officer of the class of career ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

Richard H. Nolte, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Republic.

Karl F. Rolvaag, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iceland.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Maurice J. Williams, of Maryland, to be Assistant Administrator for the Near East and South Asia, Agency for International Development.

U.S. ADVISORY COMMISSION ON INFORMATION

The following-named persons to be members of the U.S. Advisory Commission on Information for the terms indicated, and until their successors have been appointed and qualified:

Sigurd S. Larmon, of New York, for the term of 3 years expiring January 27, 1969.

Frank Stanton, of New York, for the term of 3 years expiring January 27, 1970.

Thomas Van Husen Vail, of Ohio, for the term of 3 years expiring January 27, 1970.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 5, 1967

The House met at 12 o'clock noon.

Rabbi Jacob Rudin, of Temple Beth El, Great Neck, N.Y., offered the following prayer:

Our God and Father, our land is broad and fertile, her mountains robed with majesty, her heavens traced with the proud beat of eagles' wings. Everywhere in the outer world, distance; the far horizon, the long reaches to the stars, the deep-sounding seas.

Only in our hearts, so often, too small the space, to narrow the view, too near the selfishness, too weak the dream's pull.

Help us, O Lord, to find the inner spaciousness to match the outer. Let us be lifted on the quiet wings of faith so that from the high places of the spirit, we can see anew the oneness of our land, the oneness of our people, the oneness of our world. May each of us add his own oneness to the larger, so that no one will be lost or robbed of his meaning.

Make our hearts big, bigger than the need, and stronger than the burden's weight. May the voices of these, our leaders, ring with their courage and Thy truth, so that the sound of it may be heard everywhere in the land and in the world. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed a bill and joint resolution of the House of the following titles:

On April 1, 1967:

H.J. Res. 267. Joint resolution to support emergency food assistance to India.

On April 4, 1967:

H.R. 7123. An act making supplemental appropriations for the fiscal year ending June 30, 1967, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 343. An act to provide that the Federal office building to be constructed in Detroit, Mich., shall be named the "Patrick V. McNamara Federal Office Building" in memory of the late Patrick V. McNamara, a U.S. Senator from the State of Michigan from 1955 to 1966.

SUBCOMMITTEE ON ROADS OF THE HOUSE PUBLIC WORKS COMMITTEE—PERMISSION TO SIT

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Roads of the House Public Works Committee may sit this afternoon and on Thursday during general debate in the House.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SUBCOMMITTEE NO. 5 OF THE COMMITTEE ON THE JUDICIARY—PERMISSION TO SIT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

TRAGIC MISTAKE OF DR. MARTIN LUTHER KING

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BINGHAM. Mr. Speaker, I believe that Dr. Martin Luther King has made a tragic mistake in his speech yesterday on the Vietnam war. In my judgment, his statement will actually do harm to the causes that he wants to serve—civil rights in America and a peaceful settlement in Vietnam.

Mr. Speaker, I say this with a heavy heart, as a longtime admirer of Dr. King, and as one who has consistently urged the administration to take more vigorous and more courageous steps to achieve an honorable negotiated settlement in Vietnam, including a cessation of bombing in the north.

If all American Negroes were to refuse to serve in Vietnam, as Dr. King urges them to do, they would be stepping out of the mainstream of American life and would be giving aid and comfort to the bigots who want to keep them segregated and in ghettos.

The tragedy is that a statement like Dr. King's represents a setback for the possibility of meaningful negotiations. Coming as it did on the heels of Hanoi's rejection of U Thant's cease-fire proposals, Dr. King's speech can only be interpreted by Hanoi as approval of its intransigent stand.

Under leave to revise and extend my remarks, I will include in today's RECORD an expanded version of this statement.

POLL ON ISSUES

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HUNGATE. Mr. Speaker, on February 13, 1967, I mailed out 160,000 questionnaires to my constituents in the Ninth District of Missouri. By March 17, 1967, over 25,000 replies had been received and over 24,000 of these have been tabulated. The questions and responses are as follows:

1. Do you believe the rising costs of the Viet Nam conflict should be met by an in-

come tax increase on individuals and corporations?

Yes, 6,462 (26%); no, 16,997 (69%); no opinion, 1,176 (5%).

2. Would you favor tighter controls on the sale of mail-order guns?

Yes, 16,120 (65%); no, 8,157 (33%); no opinion, 358 (2%).

3. Would you favor direct election of the President in place of the Electoral College System now used?

Yes, 19,550 (79%); no, 4,357 (18%); no opinion, 728 (3%).

4. Do you favor continuation of the present foreign aid program?

Yes, 4,844 (20%); no, 18,302 (74%); no opinion, 1,489 (6%).

5. Would you favor a 20-percent increase in social security benefits as proposed in the State of the Union Message?

Yes, 10,446 (42%); no, 13,316 (54%); no opinion, 873 (4%).

6. Do you think the poverty program is worthy of being continued?

Yes, 4,973 (20%); No, 18,471 (75%); no opinion, 1,191 (5%).

7. Do you believe wiretapping and bugging should be outlawed, except in cases where the national security demands it?

Yes, 15,953 (65%); no, 7,950 (32%); no opinion, 732 (3%).

8. Do you think the lottery system as proposed by Senator Ted Kennedy is fairer than the present draft system?

Yes, 8,344 (34%); no 12,985 (53%); no opinion, 3,306 (13%).

I am greatly pleased at the concern for public issues shown by the good responses we have received on this poll, and offer its results to my colleagues in the hope they may find it useful.

NEW YORK LOTTERY

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, this past weekend, the State of New York became the second of our United States to establish a State lottery.

For those of my colleagues who want to buy lottery tickets, there will be 12 drawings a year, and the tickets will cost as little as $1 each.

As you know, I go to New York every weekend and I will be happy to buy New York lottery tickets for Members of this House who have the human urge to gamble.

However, I will have to bring back any tickets I might buy, because I will not be able to mail them to you, or to any of your constituents—thanks to our wonderful Post Office, which prohibits the mailing of lottery tickets. Perhaps you will also have to pay a wagering tax, because we are not yet certain whether the New Hampshire amendment to the Federal wagering tax also exempts New York's lottery.

Because I know how anxious the Members of this House are to buy New York lottery tickets instead of wasting time at the Maryland races, I hope that I can count on a certain amount of support for legislation I have introduced, along with our colleagues from New York, Representatives GROVER and BUTTON, first, to exempt the purchase of New York lottery tickets from the Federal wagering tax; and second, to allow lottery tickets to be mailed in States where they can be legally sold. Who knows, maybe a Member of the House will be among the first New York lottery prize-winners.

WHY WE SHOULD NOW WIN THE WAR IN SOUTH VIETNAM

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, under the special order just granted, I will on tomorrow, April 6, address the House on some of the rationalization and try to provide some nonnational security classified information, or at least information which has been qualified by other than the "puzzle palace" Pentagon, on why we should win the war in South Vietnam, and now.

I invite all my colleagues to be present to participate in this special order. It is time the people of America were given information other than the rationalization of the Secretary of Defense and the half information of that Secretary as to what goes on in this theater of operations.

THE NAIVE CIA

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, the oratory stemming from disclosure of CIA's involvement with private organizations has been interesting to follow. Impassioned partisans of the Central Intelligence Agency have rushed indignantly to its defense, and those who question CIA policy are accused of naiveté and a lack of concern for this country's security.

But, as Norman Cousins points out in the following article, the great danger to this Nation's security occurs when a group of men, even if of avowedly "good" intensions, are able to function outside the constitutional limits of law. This, the CIA apparently does.

A New York Times editorial expressed the matter thusly:

> Faith in American institutions has been besmirched in a way that would have eluded the reach of any foreign enemy.

Faith, like charity, begins at home. This involvement has shaken the faith of the public in the integrity and independence of private groups working for assumedly private goals.

But the harm that has been done to public trust in private institutions is overshadowed by the harm done to public trust in Government.

Perhaps the CIA did not think that their infiltration would, if revealed, have a devastating effect on the widening confidence gap between the public and Government. In this case, the CIA must be rather naive itself.

Apparently the CIA judged the consequences of such a disclosure to be only bothersome side effects.

I recommend Norman Cousins' clear and convincing article for not only adult reading, but for high school and college textbooks on American government:

SUBVERSION BY GOVERNMENT

The CIA was conceived twenty years ago as a specific response to the global subversive activities of communism. It was decided, on the highest levels of government, that what the U.S. needed was a super-secret agency with worldwide capabilities—an agency far more secret than even the FBI.

The CIA was specifically exempted at the start from most of the checks and balances that are indigenous to American Constitutional government. The funds at its disposal might run into billions of dollars, but there was no requirement for open public or legislative debate or review. The agency would be responsible to the President and would operate through a watchdog committee in Congress but even this procedure was at variance with the Constitutional requirements.

The work of the CIA was divided into two broad areas. One area involved the operation of a top-level information-gathering service that would make its reports available to the security centers of government, such as the White House, Department of Defense, Department of State. The second area was an operational branch that would carry out top-secret activities designed to advance the national interests of the United States.

It is now essential, on the basis of available but limited information, to attempt an assessment.

The analyses and reports compiled by the information or intelligence arm of the CIA, according to many competent observers inside and outside government, have been of the highest order.

It is over the action area, however, that the difficulties and the debates have arisen. The most recent disclosures about the CIA concern secret government funds being channeled into universites, labor unions, and organizations of students, newsmen, and businessmen. CIA officials privately would probably point to such activities as being among their finest achievements. For these were no cloak-and-dagger operations involving thefts of secret documents or underground acts of daring and violence. These activities have been part of an effort to mount an intellectual and cultural counter-offensive against the threat of communist ideology. The CIA was shrewd enough to know that the most effective forces it could recruit and send into the field would come not from the far right but from the center and the non-communist left. In the case of the international meetings of students, newsmen, and labor leaders, the main purpose of the CIA was not to use Americans as agents but to give the United States top-level representation at world intellectual or economic meetings involving opportunities for leadership.

Defenders of these CIA activities say that the nation has been well served by what they describe as a highly sophisticated and knowledgeable counter-offensive against the enemies of cultural and political freedom It also said that the CIA, both in Washington and in the field, has maintained the highest standards in the recruiting of its personnel.

But all this is beside the main point. For what is intended as a defense of the CIA actually constitutes its severest indictment. It has now been demonstrated that even the most well-intentioned purposes and projects, when conceived and carried out within the context of undercover operations, carry penalties that far outweigh any good that might be achieved. The abuses of the CIA are not chargeable to poor judgment of its officials. The abuses are inherent in the terrible misconception behind the existence of the CIA.

The secret underwriting by the CIA of activities by the National Student Association is a case in point. Some student leaders who cooperated with the CIA were exempted from the draft. All were required to lie and to sign oaths saying they would not reveal the true state of affairs.

Half the nation's population is under the age of twenty-five. It is always risky to characterize the dominant mood of any generation, but there are many indications that many of the young people of this country today are losing confidence in the ability of their elders to operate a civilization responsibly or to demonstrate the kind of integrity that can provide a moral tone for the society. The discovery that the government itself has played a corrupting role is not likely to have a cleansing effect on the attitudes of the young people toward adult-approved institutions.

The misconception behind the existence of the CIA is a simple one. That misconception is that it is possible and proper to turn over to a group of men the kind of authority and power that the U.S. Constitution was specifically designed to prevent. In fact, the very existence of the CIA is a monument to the failure of the recent and present generation of policymakers in government to take the basic philosophy of this nation seriously. The main point or principle that emerged from the work of the Philadelphia Constitutional Convention was that the biggest danger to human freedom was represented not just by bad men at the heads of bad governments but by good men who were put in positions where they were able to operate outside the law. The Founding Fathers didn't have to be told that extraordinary situations would arise in which extraordinary authority might be required. What concerned them, however, was that the existence of such situations might stampede and mislead men into creating a mechanism that in itself would be subversive of Constitutional government.

While the full story of the CIA in practice, as apart from theory, is known only to a few, enough is now known to underscore the foresight of the American Founders. Consider Cuba. When President John F. Kennedy came to office, he was confronted by a fully developed plan to equip and finance an emigré invasion of Cuba. The effort failed, despite extravagant advance assurances to the contrary. The President was urged to bail out the enterprise by authorizing the use of American troops for invasion purposes. This the President refused to do—not because the might of the United States was inadequate for such an objective, but because the President had a sense of history, respect for the moral position of the United States in the world, and was opposed to the killing of thousands of Cubans.

The Cuban episode revealed one aspect of the grave danger represented by the CIA. This was that it could set forces in motion which could impel an American President, governed by considerations of national pride, to depart from his own basic policies. President Kennedy had the wisdom and the courage to avoid compounding a national error. It would be a serious mistake, however, to suppose that such qualities are automatically built into the Presidency.

President Dwight D. Eisenhower sought to ease world tensions by exploring with the Soviet Union the possibility of bringing the spiraling world arms race under control. He wanted to take full advantage of any genuine change in Soviet leadership following the death of Josef Stalin. The President's moves in this direction were blocked by the action of the CIA in penetrating the airspace of the Soviet Union with a spying plane at precisely the time a Paris summit meeting was about to begin. The President was persuaded by the head of the CIA to identify himself with the incident, lest it appear before the world that the President had been cut off from the nation's own security policies.

General Eisenhower ordered the discontinuation of the spying planes over Russian territory, but the episode undermined his long-held hope that he could make a fundamental contribution to the enlargement of world peace. No one knows whether the summit meeting, if it had been held, would have altered history, but it is not inconceivable that a dent might have been made in the arms race, possibly including the signing of a nuclear test ban and a nonproliferation treaty. In any event, it was demonstrated once again that the CIA had veto power over U.S. policy.

The role of the CIA in Vietnam is a matter of speculation. One of the sticking points in the Geneva negotiations of 1954 that ended the French occupation of Indo-China had to do with the provision in the Geneva Treaty calling for all outside forces to leave the area. Premier Mendès-France of France has said he was pressed at the negotiations to provide assurance that the departure of the French would not be the signal for the arrival of the Americans. Mendès-France replied he had no reason to believe that the United States would not respect the terms of the Geneva Treaty. Shortly after the French left, the United States moved into Laos and Vietnam. The Bao Dai government in South Vietnam was replaced by that of U.S.-backed Ngo Dinh Diem. The countrywide free elections specified in the Geneva agreement were called off by South Vietnam. Shortly thereafter, the Vietcong started its campaign of assassination, terror, and subversion against the South. The Vietcong was backed by North Vietnam but a large part of its total military supplies—at one point it reached an estimated 80 per cent—came from the United States, having been captured or turned over by Vietcong sympathizers.

Eventually, the Diem government was violently overthrown from within and its President killed in a coup in which the United States was a tacit partner, according to former U.S. Ambassador to Vietnam Frederick G. Nolting, Jr. The Ambassador said he believed it was not the CIA but the State Department that gave its approval to the enterprise. Be that as it may, the critical point here is that the government of the United States was involved in the subversion of another government. The overthrow and murder of Diem made a shambles of America's declaration that it came into South Vietnam at the express invitation of that government in order to keep it from being subverted.

As for Laos, this observer has no information about the role of the CIA in the ghastly mistake that led the United States in 1960 to help Phoumi Nosavan stage his military coup against the elected government of Souvanna Phouma. What is known, however, is that the coup touched off a civil war, with the United States in the incredible position of supplying arms to both sides and paying the salaries of both armies.

Eventually, the United States helped to restore the government of Souvanna Phouma, but the incredible misadventure had meanwhile taken the lives of thousands of civilians and soldiers.

While in Vientiane, Laos, in 1960, I met a pilot from the Tom Dooley Hospital who told me he had just turned down an offer of $3,000 a month from the CIA to fly arms secretly to a corner of Burma where remnants of the Chinese Nationalist Army had settled after the revolution. Several weeks after my encounter with the pilot, I read newspaper reports about demonstrations outside the U.S. Embassy in Rangoon when it became known that the United States had violated Burmese sovereignty and had jeopardized Burma's security vis-à-vis its powerful neighbor to the north. If one aspect of the work of the CIA is to make friends for the United States, this particular aim was not furthered in Burma.

The Secretary of State has justified these activities by describing them as an inevitable concomitant of international life in the world today. The United States, he has said, should not be the only country to stand aloof from such undertakings.

This remarkable statement misses the main points at issue. One point is that one of the characteristics that distinguishes the United States from totalitarian countries is the trust that it can inspire both in its own people and in other peoples throughout the world. How do we weaken the communist conspiracy or any other conspiracy when we make other nations uncertain and suspicious about the depth and range of our secret activities inside their countries? Is it established that the only effective way of dealing with totalitarians is to imitate them?

A second point has to do with the concept of a free society held by those who are now acting in its name. When did the American people give their representatives in government the right to engage in the subversion of other governments or to decide arbitrarily and outside Constitutional processes how their money is to be spent, or to involve its own citizens in secret oaths, or to give some citizens special privileges for playing the game?

The third point is that there is no more pathetic fallacy than the notion that such enterprises can be carried out without corrupting those who are part of them. Those who believe that it is possible to mount a CIA in a free society and keep its operations sanitary are poor students of history. Moreover, the notion that it is possible to keep these operations totally secret is a species of naivete.

Nothing would be easier than to attempt to pin the blame on a few government officials. The blame must reach into the society as a whole. Nothing as large as this could have come this far without the involvement of large elements of the American community.

A government now exists within a government. The interior government has not been elected. It cannot easily be replaced or recalled. But neither is it beyond the reach of the American people. It will be said that the nation's security requires that further debate over the CIA be closed. But it is precisely in the name of national security that the debate must be pursued—that is, if the national security bears any relationship to what the nation is all about. —N.C.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I made the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 51]

Andrews, Ala.
Betts
Bolling
Broomfield
Brown, Calif.
Buchanan

Byrne, Pa.
Carey
Celler
Clancy
Conte
Cramer
Dawson
Dickinson
Diggs
Evans, Colo.
Flynt
Fraser
Friedel
Hagan
Halleck
Johnson, Pa.
Kee
Kleppe
Long, Md.
McClure
McDonald, Mich.
Macdonald, Mass.
Mathias, Md.
Michel
Miller, Calif.
Murphy, N.Y.
Nichols
O'Hara, Mich.
Pollock
Pool
Pucinski
Reid, N.Y.
Reifel
Reinecke
Resnick
Rhodes, Ariz.
Rostenkowski
Selden
Taft
Utt
Whalley
Whitener
Williams, Miss.
Wilson, Charles H.

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 378 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DUTY-FREE TREATMENT OF DICYANDIAMIDE PURSUANT TO THE TRADE EXPANSION ACT OF 1962

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 286) to permit duty-free treatment of dicyandiamide pursuant to the Trade Expansion Act of 1962, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate on the disagreeing votes of the two Houses.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

The Chair hears none, and appoints the following conferees: Messrs. MILLS, KING of California, BOGGS, BYRNES of Wisconsin, and CURTIS.

COMMITTEE ON RULES—PERMISSION TO FILE REPORT

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—PERMISSION TO SIT

Mr. JARMAN. Mr. Speaker, I ask unanimous consent that the Committee on Public Health and Safety of the Committee on Interstate and Foreign Commerce may be permitted to sit during the session of the House today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

INCREASE IN GOVERNMENT SALARIES, POSTAL RATES AND SERVICES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, together with the accompanying papers, referred to the Committee on Post Office and Civil Service, and ordered to be printed with illustrations:

To the Congress of the United States:

Two weeks ago in my message to the Congress on the quality of American Government, I stated:

> The machinery of our Government has served us well. It has been the vehicle of the greatest progress and prosperity any nation has ever achieved.
>
> But this record should give us no cause for complacency. For any realistic review today reveals that there are substantial improvements to be made.

Today I ask the Congress to take two vital steps to help bring about those improvements:

Increase the salaries of Government employees.

Increase postal rates and improve postal services.

In America we demand the highest level of excellence in the public service. If we expect high quality,

We must be able to attract and keep highly competent career employees.

We must be willing to give them the machinery they need to do an effective job.

SALARY INCREASES

Through the years, this Nation has built a corps of public servants whose quality is unmatched by any other country in the world.

Our career employees are well-trained and experienced. In ever-increasing numbers, they are skilled professionals. They include not only administrators and managers, but doctors, lawyers, diplomats, economists, scientists, engineers, actuaries, systems analysts, law enforcement officers, nurses—and many others critically needed to provide public services in a complex world.

These men and women come to the public service not by chance, but by choice. They come because they are challenged by problems that are far-reaching—and fateful. They come because Government offers unique opportunities for unselfish service.

From them, we expect unusual dedication. In turn, they have a right to expect from their Government rewards that match their contributions.

We have made great progress recently toward a pay scale which approaches that of private industry. Since 1962, civilian employees have received pay increases amounting to more than 23 percent. We have improved retirement and other fringe benefits so that they now compare favorably with benefits in private industry. There have been corresponding increases in military pay, and fringe benefits have been improved substantially.

Yet we still fall short of comparability with private industry. The annual report of the chairman of the Civil Service Commission and the Director of the Bureau of the Budget describes the gap which remains between Government and industry pay scales. I am transmitting that report to the Congress today with the renewed conviction that this gap must be closed.

To close this gap in 1 year would require an average pay increase of 7.2 percent. With a similar increase for the Armed Forces, the cost would be more than $2.5 billion per year.

In view of today's fiscal and economic conditions, my advisers inform me that a pay raise of this magnitude would not be prudent. While inflationary pressures in the economy have lessened in recent months, they have not disappeared. They could easily recur. We must, therefore, continue to seek restraint in private wage settlements and to exercise restraint in the operations of Government.

But a pay raise for the Government's employees clearly is needed. We must avoid placing the Government at a serious disadvantage in recruiting and retaining competent workers—and we must keep faith with our employees.

To do so requires that we achieve comparability with private pay levels—and that we do it in a way which does not endanger our unparalleled economic prosperity.

As President Kennedy said 5 years ago, "to pay more than this is to be unfair to American taxpayers—to pay less is to degrade the public service and endanger our national security."

I recommend a 4.5-percent pay increase for civilian employees effective October 1, 1967.

I recommend that the Congress take the final step this year to achieve full comparability with private industry. I propose a two-stage plan to remove the remaining comparability lag in all grades by October 1, 1969. The first step would take effect in October 1968 and the second a year later.

For our military personnel, pay alone can never reflect the full measure of our debt. On the battlefields, in outposts where there is tension but no battle, in the vast defense installations of our country, these men and women protect our national security. We must assure them and their families that they will be compensated for their service on a scale which is comparable to that of their 2.5 million civilian coworkers. As civilian pay goes up, so should the pay of the armed services.

I recommend an increase in regular military pay similar to the raise for civilians—an average 4.5 percent effective October 1, 1967.

This year the Secretary of Defense has been conducting a searching review of the principles underlying the military compensation system. When these studies have been completed, I will recommend further changes in the Armed Forces pay system.

We must also take steps to insure the adequacy of salaries for top officials in the legislative, judicial, and executive branches of the Government. To this end, I have established a special Commission headed by Frederick R. Kappel to study executive pay in the three branches of the Federal Government. When I have reviewed its report, I will make recommendations for appropriate adjustments in these areas.

Salary reform for the Government of an increasingly complex and ever-changing society is never complete. The entire structure and interrelationships of all Federal pay systems, civilian and military, should be continually reviewed and improved. The adequacy of the basic pay system itself must be periodically reexamined.

I recommend that a special Joint Salary Commission, representing the executive, legislative, and judicial branches, be established to examine all Federal pay systems and report to the President and Congress within 2 years.

POSTAL RATES AND SERVICES

The Postal Service is the key link of the Nation's commerce. It is also the personal communications network of some 200 million private citizens. It must be responsive to the needs of the public and the needs of the business community.

That system now bears a tremendous burden. Each year the Post Office Department processes as much mail as the rest of the world combined. To cope with the great outpouring of mail created by our country's increasing social and economic activity, we must have a modern, highly mechanized postal service.

We do not have such a postal service today.

The post offices in many of our major cities were built during the 1930's—built to handle between 25 and 30 billion pieces of mail a year. This year, nearly 80 billion items will move through the postal system. Next year still another 3 billion pieces of mail will be processed. If this growth rate continues, mail volume will exceed 100 billion pieces a year by 1976.

These figures make it dramatically clear that we must remodel old post offices and build new facilities. We must equip them with modern, high-speed mail processing machines—the most efficient our Nation's technology can produce.

We have made a good start in the past few years on modernizing and mechanizing the Postal Service. That pace must now be quickened. We must place even greater emphasis on research, engineering, and new technology. We must intensify our efforts to enlist the support of all Americans to increase their use of the ZIP code.

In the 1968 budget I have recommended more than $300 million for postal modernization. This represents a 40-percent increase in expenditures for research and engineering and a 46-percent increase in funds for plant and equipment.

These are substantial increases. But they are fully justified by the planning that has preceded them and the size of the task that lies ahead.

To keep pace with the demands of a growing nation, we must also modernize the postal rate structure. We must bring postal revenues into line with operating costs.

Present rates do not provide sufficient funds for necessary improvements in postal facilities and equipment. Indeed, present revenues do not even cover normal operating costs.

For fiscal 1968, the Post Office Department deficit will be about $1.2 billion—and this does not include the pay increase I am recommending today. Less than half of this deficit is attributable to the "public service" functions of the Department.

Yet the Postal Policy Act of 1958 calls for postal revenues "approximately equal" to operating costs after public service expenses have been deducted.

I recommend that the Congress increase postal rates for all classes of mail:

First class and airmail: A 1-cent increase in postage for cards and letters sent first class or airmail, effective July 1, 1967.

Second class: An average increase of 22 percent for all categories of second-class mail, phased over a 3-year period beginning January 1, 1968.

Third class: An average increase of 28 percent for all categories of third-class mail. The rate increase for single pieces of mail will go into effect July 1, 1967, and the bulk rate increase on January 1, 1968.

Fourth class: An average increase of 21 percent for special rate fourth-class mail—mainly books and records—effective July 1, 1967.

A special surcharge on odd-sized envelopes which cannot be processed by postal machinery. This surcharge, which will go into effect in 2 years, is designed to discourage the use of envelopes which cannot be rapidly processed through postal machinery.

The rate increases for second- and third-class bulk mail would have been substantially higher and would have been needed sooner if the ZIP code presorting regulations had not become effective on January 1 of this year. In recognition of the cost to mailers of ZIP coding and the savings anticipated from this program, I am recommending that the effective date for second-class and bulk rate third-class increases be delayed until January 1, 1968.

These postal rate increases will produce $700 million in postal revenues in fiscal 1968. When fully effective, they will add more than $800 million annually to postal revenues.

This legislation will provide the necessary funds for postal modernization and the proposed pay increase for postal employees. It will enable the Post Office Department to begin immediately to provide better services for all Americans: Faster and more efficient delivery of the mails, restoration of 6-day parcel post service, and door delivery in some residential areas now served by roadside boxes.

A BETTER GOVERNMENT

The pay and postal rate increases I recommend in this message are essential if we are to have a Government of responsive and talented people and an efficient postal system.

Delay in attaining comparability beyond the effective dates I have suggested is inexcusable. To neglect—and thus impair—the public service would be far more expensive for the American people in the long run.

Delay in enacting the postal rate increases I request will hamper significantly our efforts to build a modern and efficient postal system.

The Government of this Nation can never be any better than the people who work for it, the tools they have, and the people whom they serve.

I urge the Congress to act promptly on these proposals to insure those who work in our Government just pay for the dedication they bring to the task of serving everyone of us.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 5, 1967*.

CONGRESS SHOULD ENACT PRESIDENT'S PROPOSAL ON FEDERAL PAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, in his message on Federal employee pay, the President has resolved one of the longstanding problems of public personnel administration. His proposal would place no sudden strain on the Federal budget but would nevertheless guarantee to the Federal employee the gradual achievement of full comparability with private enterprise salary rates. The proposal, which deserves general support, calls for following up a 4½-percent increase this year with increases bringing Federal pay rates halfway to comparability in 1968 and all the way in 1969.

The President has asked Congress for a quick response to this message.

I believe we shall act both quickly and positively on this needed legislation.

Mr. BRASCO. Mr. Speaker, I have today introduced legislation which proposes a 15-percent increase in the basic compensation of postal employees in levels 1 through 6 of the postal field service schedule and rural carriers schedule. In addition, such employees will be placed in the step of their level in the postal field service schedule and rural carriers schedule warranted by actual years of postal service.

I believe this action is timely, it is essential, and it is overdue.

We face the continued denial of proper comparability to postal employees for more than 4 years, despite the pledge embodied in section 502(b) of Public Law 87-793, the Postal Service and Federal Employees Salary Act of 1962, enacted October 11, 1962. There has been a failure to eliminate the ever-widening comparability gap, and postal employees are shouldered with the added burden of an 18- to 24-month timelag because of Bureau of Labor Statistics procedures.

The work demanded of our postal employees has greatly increased since 1962, and will continue to increase. Constantly mounting criticisms of the postal service reflect unfairly to the employees' detriment. Until such time as our loyal and dedicated postal employees are permitted to attain and maintain standards of living equal to their counterparts in private industry, we shall be unable to induce qualified people to accept postal jobs.

I am convinced that enactment of this legislation would constitute a much-needed and timely step forward.

Mr. UDALL. Mr. Speaker, President Johnson has today submitted to Congress his recommendations to increase the salaries of Government employees and to raise postal rates and improve postal service.

The President's message is both realistic and progressive. It will help to insure the continued vitality and efficiency of our Federal Government's service to the American people.

President Johnson rightly seeks to equate Government pay rates with those of private industry—recommending a two-stage plan to remove the remaining comparability lag in all grades by October 1, 1969. As a first step, he recommends a 4.5-percent pay raise for both civilian and military personnel effective October 1, 1967.

This is a fair and necessary increase that accurately reflects current fiscal and economic conditions, yet deals fairly with the needs of our Government employees.

The American people have the right to expect that our Government will perform efficiently and effectively in performing vital public services.

No Government worker expects to get rich. But they do have the right to expect wages that realistically reflect the cost of living in a nation that boasts the highest standard of living in the world.

The President has noted that Americans expect unusual dedication from their public servants.

In turn—

The President said—

> they have a right to expect from their Government rewards that match their contributions.

I am particularly heartened that the President has recommended the establishment of a special commission—representing all branches of the Government—that will study all Federal pay systems and report to the President and Congress within 2 years.

This study has been long needed. For if we expect modern and up-to-date Government performance, we must also take steps to keep our pay system modern and up to date.

Nowhere is the need for modernization more apparent than in our postal service. Our postal system must keep pace with a growing nation. And we must bring our postal revenues into line with operating costs.

Present postal rates are simply insufficient to cover normal operating costs. Our Post Office Department consistently operates at a deficit—for fiscal 1968 it will be about $1.2 billion.

The President is absolutely justified in asking the Congress to increase postal rates for all classes of mail. These increases will produce $700 million in postal revenues in fiscal 1968, and when fully effective, they will add $800 million annually to postal revenues.

These increases will also provide necessary funds for postal modernization and the proposed pay increase for postal employees. And it will help our Post Office Department meet the needs of the American people and the Nation's commerce.

I think it is obvious that there are no shortcuts to the creation of a modern, efficient Government. Nor is there any reason for the richest and most productive Nation in the world to have anything less than high quality, effective Government service.

The President has provided a thoughtful blueprint for such progress. While I intend to review the details of these proposals and listen to the testimony presented to our Committee on Post Office and Civil Service, he has urged the Congress to act promptly on these vital proposals. And I feel certain that Congress will cooperate fully with this reasonable—and urgently needed—request, and while I reserve the right to suggest changes or amendments, I can say that in general I support the requests.

Mr. PRYOR. Mr. Speaker, I am gravely concerned over the administration proposal to seek an increase in first-class postal rates. Why are first-class mail users being asked to again bear the burden of paying what apears to me to be more than its share of the huge deficit incurred each year by the Post Office Department? At this time I would like to declare my opposition to this unjustified request. Moreover, I would like to affirm that should any increase in postal rates be necessary it should not be borne by the American family and small businessman, the prime first-class users.

Those who purchase first-class stamps presently pay more than the cost of handling—104 percent. The third-class mail industry turns out over 22 billion pieces annually which constitutes 26 percent of the volume of mail. I do not understand why users of first-class mail should be asked in effect to subsidize the third-class mail industry. According to figures at my disposal the deficit resulting from sending third-class mail comes to over $345 million annually. Such mail pays only 60 percent of its handling cost.

Having spent several days in my district during the Easter recess, I talked with numerous people who expressed serious and justified concern over the fact that first-class mail users are paying far more than their share. They justifiably expressed their opinion that should any increase in postal rates be effected, third-class users, and not first-class users, should bear their part of the burden.

We are all fully aware of the great problems and tremendous costs of our postal system. We are all fully aware that increasing costs and responsibilities have caused the postal deficit to constantly rise, but we cannot penalize the first-class mail user as he is already paying more than his proportionate share.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks in the RECORD on the subject of the President's message today on Federal pay and postal rates.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TO PROVIDE FUNDS FOR EXPENSES OF STUDIES, INVESTIGATIONS, AND INQUIRIES AUTHORIZED BY HOUSE RESOLUTION 203

Mr. BURLESON. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 171) on the resolution (H. Res. 248) to provide funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 203 and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 248

Resolved, That, effective January 3, 1967, the expenses of the studies and investigations to be conducted pursuant to H. Res. 203 by the Committee on Public Works, acting as a whole or by subcommittee, not to exceed $960,000, including expenditures for the employment of investigators, attorneys, and experts, and clerical, stenographic, and other assistants and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, as the chairman deems necessary, shall be paid out of the contingent fund of the House on vouchers authorized and signed by the chairman of such committee and approved by the Committee on House Administration.

SEC. 2. The chairman, with the consent of the head of the department or agency concerned, is authorized and empowered to utilize the reimbursable services, information, facilities, and personnel of any other departments or agencies of the Government.

SEC. 3. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Public Works shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

With the following committee amendments:

On page 1, line 4, strike out "$960,000" and insert in lieu thereof "460,000".

On page 2, after line 15, add the following: "SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law."

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BURLESON. I will be glad to yield.

Mr. GROSS. How does this compare with last year's appropriation for this committee? This seems to me to be a considerable amount of money. How does it compare with previous years?

Mr. BURLESON. First let me say that the $960,000 request is for 2 years, that is, for the entire Congress. The committee has followed the practice in allocations for all committees of reducing it to cover 1 year. In this instance it was reduced in half for the calendar year 1967 plus a further reduction of $20,000.

Mr. GROSS. Then, this is for 1 year?

Mr. BURLESON. That is correct.

Mr. GROSS. $960,000 for 1 year?

Mr BURLESON. What was the figure the gentleman quoted?

Mr. GROSS. It is given in the resolution as $960,000.

Mr. BURLESON. That was the request for 2 years. This is reduced to $460,000 for 1 year, which, as I said, is one-half of the request plus $20,000 less than they requested.

Mr. GROSS. How does that compare with last year, for instance?

Mr. BURLESON. In 1965 the committee received for that session $580,000 of which $412,144 was expanded. In 1966 the committee received $342,000 and had about $60,000 left over.

Mr. GROSS. I assume that this provides for foreign travel as well as domestic travel.

Mr. BURLESON. No, it is not for foreign travel.

Mr. GROSS. I thank the gentleman.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. BURLESON. I will be glad to yield to the gentleman.

Mr. DEVINE. In order to set the record straight, I think the chairman misread the figures. In 1966 the Public Works Committee received $342,000, the entire amount of which was spent, in addition to the $60,897 left over from the previous authorization.

Mr. BURLESON. I stand corrected on that.

Mr. DEVINE. I merely wanted to correct the record.

The committee amendments were agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PROVIDE FUNDS AUTHORIZED BY HOUSE RESOLUTION 312—COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. BURLESON. Mr. Speaker, by direction of the Committee on House Administration I call up House Resolution 364 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 364

Resolved, That, effective January 3, 1967, the expenses of the studies, investigations, and inquiries authorized by H. Res. 312, incurred by the Committee on Science and Astronautics, acting as a whole or as a duly authorized subcommittee, not to exceed $250,000, including expenditures for employment, travel, and subsistence of attorneys, experts, and consultants (including personnel of the Library of Congress performing services on reimbursable detail) and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

With the following committee amendment:

On page 2, after line 2, add the following: "Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Science and Astronautics shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

"Sec. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law."

The SPEAKER. The gentleman from Texas [Mr. Burleson] is recognized for 1 hour.

Mr. CLEVELAND. Mr. Speaker, will the distinguished gentleman from Texas yield to me at this point?

Mr. BURLESON. Mr. Speaker, I am happy to yield to the distinguished gentleman from New Hampshire [Mr. Cleveland] 5 minutes.

Mr. CLEVELAND. Mr. Speaker, the purpose of my requesting time on this particular resolution is in an effort to call to the attention of the Members of the House my separate views which I have filed with the report accompanying this resolution. Because I feel these views are important I will place them in the Record today.

Mr. Speaker, at the proper time I shall offer a motion to recommit, with instructions, to add the sum of $30,000 to the sum proposed to be authorized in this resolution.

Mr. Speaker, although this amount of money is relatively small, the principle that I hope to call to the attention of the Members of the House here and in my separate views, is deeply important.

Mr. Speaker, the issue now pending before the House of Representatives—the issue now pending before the House for those at least who are listening is this—the issue is the proper staffing of committees and, more specifically, adequate minority staffing.

Mr. Speaker, I shall not belabor the attention of my colleagues on this issue of the staffing of committees, because all of us know how important it is.

Mr. Speaker, the Arthur D. Little Co., in its important study of last year, called to the attention of this House, the importance of staffing, and in that report pointed out the fact that we were grossly understaffed in Congress in relation to the various Federal agencies of the executive branch.

Mr. Speaker, I am pleased to see on the floor of the House at this time the distinguished gentleman from Texas [Mr. Teague] who, as I remember, played an important role in the television program which publicized that report and the shortage of staffing.

Therefore, Mr. Speaker, I welcome the gentleman from Texas [Mr. Teague] to participate in this debate.

Mr. TEAGUE of Texas. Mr. Speaker, will the distinguished gentleman yield?

Mr. CLEVELAND. I am delighted to yield to the distinguished gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Speaker, in order to pinpoint what the gentleman has in mind, the gentleman's total issue seems to involve two staff members to be designated as minority staff members and does not involve, apparently, the question of whether or not we need this additional staff personnel on the Committee on Science and Astronautics?

Mr. CLEVELAND. Mr. Speaker, I did not understand the question as propounded to me by the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield further?

Mr. CLEVELAND. I am delighted to yield further to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Speaker, has the gentleman made the determination that the Committee on Science and Astronautics needs two additional members for the purpose of properly and adequately carrying out the staff functions of that committee, or is the sole issue which the gentleman poses, whether or not there are two such staff members designated as minority staff members?

Mr. CLEVELAND. Mr. Speaker, I shall answer the gentleman's question as follows:

In my separate views—and I know that the gentleman from Texas has read them and that the gentleman has them before him—the gentleman will note that in the year 1963 at the time this committee authorized more than $5 billion, a request at that time was made for the provision of additional staff members to the minority staff.

Mr. Speaker, this request was denied. During the next 3 years, 1964, 1965, and 1966 the same request was made and the same request was denied. Also, there have been numerous other requests made by other members of the committee for additional minority staffing which have repeatedly been denied.

I can only assume on the basis of their clearly and articulately expressed opinion in their minority and supplemental views they do feel a real need for staff assistance directly responsible to them to assist them in their deliberations on this very important committee.

Mr. TEAGUE of Texas. Then the issue here is as to whether or not we have two staff members who are officially designated as minority staff members. It is not an issue of whether we need those staff members.

Mr. CLEVELAND. I will answer the question further by pointing out that in some of the minority views they have also pointed out they do not feel the entire amount of the staff is adequate. But I am not addressing myself to that question at this particular time. My motion to recommit with instructions to add $30,000 to this resolution is addressed more particularly to the fact that this committee is the only standing committee of the House, where there has been a reasonable request made repeatedly by responsible members of the minority for staff assistance, that has been turned down flatly, and repeatedly.

Mr. TEAGUE of Texas. This committee is not the only committee on which there are no designated minority staff members.

Mr. CLEVELAND. You are quite correct on that, but some of those other committees to which you refer—and you may be referring to the Committee on Armed Services or the Committee on Veterans' Affairs—have not had requests by responsible members of the minority for additional staff assistants responsible to them.

Mr. TEAGUE of Texas. And when the minority members have complained to them they have been asked whether they have not had adequate staff work within the Space Committee. I would say to the gentleman that he is plugging for two extra staff members.

The SPEAKER. The time of the gentleman has expired.

Mr. BURLESON. Mr. Speaker, I yield 5 additional minutes to the gentleman.

Mr. TEAGUE of Texas. In a full committee hearing I asked whether anybody on the committee had a complaint against the staff work, and as to whether they had ever asked for something that should be done that had not been done, and the answer was "No." That is in the transcript.

The one answer that came from the gentleman from New York, who can speak for himself, said that his only complaint was that there was not somebody who was designated as a minority staff member.

But our chairman, who is opposed to this request, has said that the Space Committee is not a political committee in the sense of the word; that every member of the committee has the same opportunity that any other member has, be he Republican or Democrat. The files are open, the information is open, so that they can go there and get any kind of information they may need.

Mr. CLEVELAND. I believe the gentleman has several questions lumped together. But let me point out to the gentleman this: the issue here is not whether the staff that you do have has been cooperative with the minority, because we have no direct evidence that they have not been. The issue goes far deeper. The minority feel that on some committees of this House—and the Committee on Public Works is an example, and there are others—the principle of the adversary system where you have a lawyer on one side, and a lawyer on the other side, and as they proceed along then you get the facts; we feel that on some committees of this House, particularly those where there are very important policy questions to be faced, and vast amounts of money being expended, that the public interest would be better served if we used the principle of the two-party system. I do not mean this in the narrow political sense, it has nothing to do with the political affiliation of these people we feel should be appointed—but we feel it is very important that we have two sides of the story, and to do that properly we must have a staff directly responsible to the minority.

The gentleman from Texas knows full well that the staff that are primarily responsible to the majority, and to the party of the majority, will be a little bit less likely to bring to public exposure and public view things that might cause embarrassment to the party that also controls the executive agencies.

This is a principle which is firmly established. If you will read in the minority and supplemental views you will see that by a unanimous vote of the Joint Committee on the Organization of the Congress we have adopted this principle.

You will see that over on the floor of the Senate, the great Senator MONRONEY, a Democrat from Oklahoma, took the floor on this issue.

It is regrettable that it is necessary to take the time of the House. But the reason is that Science and Astronautics is the only committee where the chairman has been absolutely adamant. On all other committees where there has been a request for minority staffing, the chairman in his wisdom and in his sound judgment has given the minority what they have asked for, or they have settled their differences.

Mr. BURLESON. Mr. Speaker, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman.

Mr. BURLESON. Mr. Speaker, the real issue here is not the internal makeup of the Committee on Science and Astronautics, and the division of the staff. The Committee on House Administration has never assumed, and the committee is not going to assume, the responsibility of trying to divide the staffs of these various committees. If the Committee on House Administration were to do that in this instance, then we would have to go into all the other committees and tell the chairmen and the ranking minority members what staff they must have and how many they must have and to whom they should be assigned. But we are not taking on that responsibility. If we were to do that here, we would run into a buzz saw all over the place. I know what would happen. So we certainly do not intend to do that and I expressed this to the gentleman in the committee that we do not have the jurisdiction or the responsibility of telling the chairman to whom they should assign personnel and, therefore, that is the real issue here, regardless of the merits of the question within a particular committee.

Mr. CLEVELAND. I thank the gentleman for raising this point.

Personally, I think the Committee on House Administration has this responsibility, and also has this duty and I so stated that in my supplemental views. These people who came before us did not have a vote in their full committee on this budget, as I understand the situation. The only place they can turn, if the Committee on House Administration rejects them, is to come to the floor of the House. That is why I have felt compelled to bring this issue up on the floor of the House. This resolution, House Resolution 364, makes it clear that the House Committee on Administration does have jurisdiction to set salaries and to see that the money is properly spent. We control the money and we have the jurisdiction to see whether it is being spent for foreign travel for example.

The SPEAKER. The time of the gentleman from New Hampshire has again expired.

Mr. CLEVELAND. Mr. Speaker, will the gentleman yield me 1 more minute?

Mr. BURLESON. I am sorry but we have six Members on your side who want to speak.

Mr. CLEVELAND. If that is the case, I will not ask for the extra minute and I thank the chairman for recognizing the six speakers on our side of the aisle who want to speak.

Mr. BURLESON. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WYDLER. Mr. Speaker, if the gentleman will yield, I think my name was mentioned, I am not sure, by the gentleman from Texas in his questioning of the gentleman from New Hampshire, and I would like an opportunity to respond to the mention of my name or to the reference to what I said or did not say in the committee.

Mr. WAGGONNER. The gentleman from Texas, the chairman, did not use the gentleman's name.

Mr. WYDLER. No, he did not use my name but I think he referred to me and I would just like to answer the question that he more or less posed to the House.

Mr. WAGGONNER. If I have the time later, I will yield to the gentleman. I would like the opportunity to express my views on this particular subject and if there is time remaining, I will yield to the gentleman to enter into a colloquy with the gentleman from Texas [Mr. TEAGUE] and I would prefer to wait until that time.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I yield to the distinguished gentleman.

Mr. TEAGUE of Texas. The gentleman from Louisiana is a very valuable member of our House Administration Committee. Our chairman, Mr. MILLER, the gentleman from California, planned months ago to attend the Space Congress and I do not want the impression to be left here that he is a dictatorial chairman or something of that nature. There is no fairer chairman of any committee of the Congress than the gentleman from California [Mr. MILLER]. I am sure that Members on the minority side will verify that statement.

I doubt that the previous speaker intended to leave that impression but I think he did leave that impression. But certainly just because the gentleman from California [Mr. MILLER] does not necessarily agree on this issue, it does not mean in any way, shape, or form that he is not as fair a chairman of his committee as any Member who ever served as chairman in this legislative body.

Mr. WAGGONNER. Mr. Speaker, I have the unique privilege of serving on both of these committees involved here. I serve on both the House Committees on Administration and Science and Astronautics. Therefore I believe I have as much personal insight as to the issues involved in this particular question as any Member of this House.

I would like to say that this issue is not one for the House Committee on Administration to decide because it involves the internal workings of the House Committee on Science and Astronautics.

On the 21st day of February the House Committee on Science and Astronautics held an organizational meeting, at which time the full committee considered the matter of hiring a staff. The committee voted to hire the present staff.

The organizational structure of this Congress places the responsibility upon the full committee chairman to establish salaries for the staff, and the committee itself has no responsibility there.

After the staff had been hired on this occasion, the committee chairman, the gentleman from California [Mr. MILLER], who is not able to be in Washington today, allowed every member of the committee who chose to discuss anything with regard to the organization of this committee and its staff to express himself.

We entered into a discussion regarding the question of minority staff, and during the course of the discussion the gentleman from Texas [Mr. TEAGUE] was recognized by Chairman MILLER. Mr. TEAGUE posed this question:

> Mr. Chairman, I would like to ask whether anyone on the committee, on either side, has asked the staff for something they did not get and get it in the form they wanted it.

Mr. WYDLER, minority member, replied—and I think this is the point he wanted to clarify in asking me to yield earlier—in this manner:

> Mr. WYDLER. I would answer by saying they get it. That is not the purpose of a minority staff. The purpose of a minority staff is really that they are present, operating within the confines of the committee on a daily basis, to keep the minority membership informed what is coming up, what is happening, and what is going to happen in the future, to do advanced thinking on some of these problems, and give us on the minority some idea of those things the minority should be rightfully looking into.

Mr. WYDLER. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WYDLER. Mr. Speaker, is it proper to read from the minutes of an executive committee meeting of a committee of the House of Representatives on the floor of the House?

The SPEAKER. The Chair would like to inquire of either the gentleman from Louisiana or the gentleman from Texas whether the gentleman from Louisiana is reading from the executive session record?

Mr. WAGGONNER. Mr. Speaker, are you addressing the inquiry to me or to the gentleman from Texas?

The SPEAKER. Either one may answer.

Mr. WAGGONNER. May I answer the question, Mr. Speaker?

The SPEAKER. The Chair has made the inquiry.

Mr. WAGGONNER. I think that an accurate reading of the executive session organizational meeting, which is before me, and lies on my lectern, will reflect that I have not read. I have reflected a point of view that has been reflected in this organizational meeting and this executive session. It has been alluded to on two or three occasions here today, and I have done the same thing.

Mr. TEAGUE of Texas. Mr. Speaker, it is my remembrance that what he is quoting was what took place at an executive session.

The SPEAKER. The Chair would like to make the further inquiry as to whether or not the members in the executive session voted to make public what took place in the executive session?

Mr. TEAGUE of Texas. It is my memory that we did not vote on that and it was not discussed.

The SPEAKER. The Chair would suggest to the gentleman from Louisiana that he refrain from referring to what took place in the executive session.

The gentleman from Louisiana is recognized.

Mr. WAGGONNER. Mr. Speaker, I concur in the decision of the Chair. I would simply say that there has been admission on the part of the members of the minority that they had not been denied the services of the staff of the House Committee on Science and Astronautics. They know full well that the services of every member of that staff are available to every member of the committee, regardless of whether the services are for the minority or for the majority. The minority has as much access to the staff as does the majority.

The SPEAKER. Does the gentleman from Texas yield further?

Mr. BURLESON. Mr. Speaker, I will yield the gentleman an additional minute.

The SPEAKER. The gentleman from Louisiana is recognized for an additional minute.

Mr. WAGGONNER. Mr. Speaker, my contention today is simply this: It is not the responsibility of the House Committee on Administration to dictate to any committee how that committee staff should be organized and set out how it should function. Whether there is agreement or disagreement, it is an internal matter, and this committee does not have the authority, and this Congress will be stepping outside the intentions of the Reorganization Act if we do so here today. I do not question the principle of minority staffing. I only question the method of proceeding.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman from Texas [Mr. BURLESON], yield 5 minutes, not for amendment?

Mr. BURLESON. I yield 5 minutes to the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FULTON of Pennsylvania. Mr. Speaker, the question here is clearly and simply whether there shall be minority staffing on the Science and Astronautics Committee of the House. I favor the proposal of Representative CLEVELAND of the House Administration Committee to increase the funds for the Science and Astronautics Committee from $250,000 to $280,000 for the current year. Over the years, from the minority side, there have been requests for minority staff personnel to our committee chairman, the gentleman from California [Mr. MILLER], who unfortunately cannot be present today. These requests have always met with denial by the gentleman from California [Mr. MILLER], on the basis that he felt, in his view of the management of the committee staff, that there should be no minority staff.

For example, in the additional views I filed to Report No. 591 of the 88th Congress, first session, 1963, I said:

> I strongly believe that three staff members should be employed to take care of the needs of the minority. There is no question in my mind that the requirements of the committee minority demand the special attention of staff members who can devote all their time to such purposes.
>
> Under the present arrangement, and because of the burden of work that is being carried by the present staff, the minority feels that its needs could be more adequately met. It is my view that a minority staff could fill out the inadequacies presently being experienced by the minority and therefore provide to the Congress, in conjunction with the present staff, a well integrated team of competence and ability.
>
> It will be thus that the House can be benefited by well balanced views, conclusions and recommendations.

With former Speaker, Representative Joseph Martin of Massachusetts, I have appeared previously before the House Administration Committee requesting funds be provided for adequate staff of the House Science and Astronautics Committee, and minority staff.

This year, I appeared as the ranking minority Member of the House Science and Astronautics Committee emphasizing two points—the need for more adequate staff, and minority staffing.

Today I urge these same two serious points for consideration.

The House Science and Astronautics Committee received last year the same amount of money as the committee is requesting this year. From the last report I received the committee returned some $25,000 of this staffing money which had been requested. My position has been that the present committee staff is doing well, and in every instance the minority have requested they have met our needs, any time we have asked on a particular instance.

As a representative is permitted to speak for his actions in an executive committee session, and it was my motion that was the resolution to hire for the current year the present staff members of the Science and Astronautics Committee. The committee staff is performing well, but we certainly do need more adequate staffing, to handle budgets that are at a rate of $5 billion annually.

On the Science Committee, we do not all agree on the same things. Space is a very large place, it is the universe. But so far, it has not been large enough for political or partisan fighting. There has not been that kind of politics on either side of the Science Committee. So this question of minority staffing is not a question of partisan approach or politics.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Texas [Mr. TEAGUE].

Mr. TEAGUE of Texas. Mr. Speaker, not that it is really important, but the money which was finally turned back was in the amount of $8,000. After the report the gentleman from Pennsylvania saw, that said $25,000, there was further expense by our panel that brought the amount down to approximately $8,000, which was actually turned back Of course, we cannot budget up to the final moment.

Mr. FULTON of Pennsylvania. That is correct. But the fact is the committee had $25,000 left over, that was not spent for staff purposes, but was spent to bring together outstanding scientists and research engineers for several days of panel discussions in Washington, D.C., before our committee.

On the particular point to which I referred, I do not believe the House Science and Astronautics Committee have an adequate staff to cover $5 billion authorization for expenditures annually. On the Science and Astronautics Committee professional level staff, there are five people acting as counsel, who are attorneys. There are five more personnel with engineering and science degrees who act as technical consultants. Actually, one is both an attorney and a technical consultant. Also there is a woman on the staff as scientific research assistant servicing staff.

So we have, for a $5 billion annual budget on the Science and Astronautics Committee of the House, approximately one person per billion dollars as technical people who are able to monitor and evaluate the programs from scientific, research, development, engineering, construction, operation, maintenance and repair, plus thousands of contracts, contractors, and subcontractors, all over the whole United States.

Certainly we have had technical troubles in the U.S. space program. These troubles are not political by any means. For example, my judgment is that we have had very good performance by NASA from the beginning of its operation. I certainly have been here every year explaining the NASA programs, and upholding the programs without partisanship. I will appear this year as the ranking minority Member sponsoring the NASA budget, on the report our Science and Astronautics Committee will prepare for the House, after the current hearings are completed.

At the present time, no person can give the NASA requirements for budget for fiscal 1968. There are troubles of a technical nature, and reprogramming, that must yet be worked out in time and money adjustments.

For example, we have had the Douglas accident, which has cost approximately $14 million of budget funds.

We have had the loss of the Saturn II standup stage. We are going to need a new structural stage on that. The estimate of the impact of this testing accident or failure on the budget is $33 million.

Two years ago we lost the S-2 structural test stage, which has been another unexpected addition to be absorbed in budget figures.

In addition NASA, unfortunately, had the Apollo IV accident at Cape Kennedy, where we lost three of the finest people I ever knew, as astronauts on the test stand. There will not be even a preliminary estimate on that accident, as to cost, before the middle of this month, and probably not until the end of the month.

So there are these large items of the budget which are unforeseen at the time of putting together the programs and prospective costs. Someone is going to have to make the determination whether those costs can be paid within the current proposed NASA budget or whether NASA will need extra money, and how much, when and where.

To show the tremendous workload, and complexity, for example, in this current budget there is approximately $100 million on manned space flight proposals that will be spent with small business, which means thousands on thousands of contractors who must be checked and monitored. I do not see how our Science and Astronautics Committee can do that job with any degree of adequacy with only five technical people and five lawyers on the science committee staff. Previously, the answer has been that the science committee had no room for staff—now there is adequate room available. This year I have recommended again four or five additional professional staff personnel with scientific, research, and engineering competence. Having served originally in the U.S. Navy, Bureau of Aeronautics, then at the Aircraft Scheduling unit at Wright Field as one of the Navy representatives prior to my sea duty in World War II, I believe I am not without some little practical experience in the requirements and programming for aeronautics.

Very frankly, I have raised the question for some time, why is the Department of Defense, under Secretary McNamara, starting work on the manned orbiting laboratory. There is the manned orbiting workshop program in the National Aeronautics and Space Administration. Why are there two such programs? Do they compete, overlap? Will it cost hundreds of millions of dollars and several years' delay to combine these programs?

Only a major review and investigation by our science committee, and other committees having jurisdiction can determine the correctness of this vast decision involving billions. We do need staff personnel.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield me another 3 minutes?

Mr. BURLESON. There are other requests for time. I yield the gentleman an additional minute.

Mr. FULTON of Pennsylvania. Mr. Speaker, as an example, there is $34 million in the present NASA manned space flight budget which is to be for the purpose: experimental definition. That will be funded primarily through universities, who obtain contractors. That program certainly should be monitored carefully.

My position is this: I believe there should be minority staffing in order to keep the minority Members advised of current developments as they go along. Such professional personnel are given the primary responsibility for the minority. They can advise on new matters that they learn about and foresee. This is a lot different than the present staff simply carrying out individual committee member's particular and individual requests from time to time. We need to be closer to the know-how, the planning, and the events as they occur.

It is true that the minority Members are given every opportunity by the majority to look into the questions they ask for, but that really does not provide the minority with the overall supervision that is needed, which the majority now has.

I have questioned the NASA decision to use expensive Saturn boosters of the present generation type—big, massive, and expensive—for post-Apollo planetary and space exploration, as well as for suburban Moon service. I firmly believe we need cheaper, less complicated boosters, with a new generation of higher energy fuels, advanced components, guidance, and control. I strongly recommend continuation of the 260-inch solid fuel booster programs, that are performing so well, and at much less cost. I strongly recommend continuation of boron, fluorine, liquid hydrogen and oxygen high-energy fuel experiments for this purpose, to reduce size of booster stages, lower costs, increase payload, and provide space-storable fuels. We must continue research in atomic and nuclear space power, as well as electric, solar, and ion, and electric space. Post-Apollo operations are a wide open field to me—but I have already made my objections known to NASA; rigid plans without keeping options open, and developing new options.

Who is to help evaluate these tremendous decisions involving astronauts' lives, the work of millions of people, the industrial future of our country, billions of dollars, and even the security of the United States and the American people?

It is part of my responsibility, and I need adequate and dedicated help, as does every member on our Science Committee, including the minority.

I cannot say in any respect—and I do not want to imply it—that the minority has not received everything from the staff, and good, competent handling on individual requests to the best of their time and ability, because we have.

Over the years with other Members on the minority, I have regularly asked for minority staffing, and adequate staffing. I repeat, it would be very helpful to our House Committee on Science and Astronautics and to this House as well as the U.S. taxpayers and the NASA programs operating on a $5 billion budget each year, to have minority staff on the Science and Astronautics Committee.

Mr. BURLESON. Mr. Speaker, I am glad to yield 3 minutes to the gentleman from Indiana [Mr. Roudebush].

Mr. ROUDEBUSH. Mr. Speaker, I thank the gentleman for yielding to me.

I want to inform my colleagues of the House, Mr. Speaker, that I understand there will be a motion to recommit made, which is at the Clerk's desk. I want to make it perfectly clear that I will join my colleagues in supporting the gentleman from New Hampshire in his motion to recommit, to provide $30,000 additional for staffing of the House Committee on Science and Astronautics.

I am serving in my seventh year on this very fine committee—and it is a fine committee. During that period of service on our committee there have been two chairmen; the late Overton Brooks, and the present chairman, the gentleman from California [Mr. Miller]. Both have been excellent chairmen. Both have been dedicated men.

I have high respect and praise for our chairman. I am sure this respect is shared by all the members of the committee, both the majority and the minority.

In the second session of the 88th Congress I signed minority views asking for minority staffing. Five of my colleagues on the minority side joined in that viewpoint.

In the 89th Congress I likewise joined my colleagues in similar views.

During the past 4 fiscal years our committee has authorized in excess of $20 billion of our taxpayers' money, and in each instance, and on repeated instances, the authorization has been accompanied with a plea for minority staffing.

I am told that our committee is the only committee in the Congress where such repeated requests from responsible Members have not borne fruit.

Our committee has prided itself on a nonpartisan attitude regarding our Nation's space effort. I do not join in this effort in any sense of partisanship, but I join in it from a sense of responsibility. A well-informed and responsible minority is not a divisive factor on the committee but is, rather, a factor which leads to better planning in a very complex program.

I believe the request for additional funds here is certainly modest, Mr. Speaker, and that such a request is a just one. I believe such an effort would repay its cost many, many times over to the taxpayers of this country. I hope when the time comes that the House will support the motion to recommit.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. The impression is left by statements made that the minority has no staff. The gentleman is on my subcommittee. Does he know of any information that has ever been furnished to me by the staff that was not furnished to him, and is not the staff everybody's staff? I think it is very wrong to leave the impression that there is no minority staff, which means that the minority does not have any staff to work with.

Mr. ROUDEBUSH. I think, if I may respond to the gentleman's question: Is information available to the minority and is assistance available from the staff? I think the answer to that would be redundant. It is yes, of course. If I implied that it was not available, that was not my intent. When I mentioned minority staffing I meant those dedicated to the service of the minority members of the committee.

Mr. TEAGUE of Texas. Would the gentleman suggest that we set a little part of the staff off for the minority and a little part off for the majority and a little in the middle for both to use?

Mr. ROUDEBUSH. I think that would not be a bad idea. We should set a little part of the staff aside for the minority and a little part aside for the majority and a great number that we can all use.

Mr. TEAGUE of Texas. The gentleman is the ranking minority member on every subcommittee I chair. I wonder if he can tell me if I have ever been given one piece of information that he was not furnished. If there is such a case, I do not know what it is. He has the staff fully available to him, just as I have. I do not like the impression to be left that the minority does not have any staff.

Mr. ROUDEBUSH. I have previously stated to the gentleman from Texas that it was not my intent so to imply.

Mr. BURLESON. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. RUMSFELD].

Mr. RUMSFELD. Mr. Speaker, I want to praise the gentleman from New Hampshire [Mr. CLEVELAND] for pursuing this matter in the Committee on House Administration and again here on the floor. I also wish to express my support for the motion to recommit with instructions to provide funds for minority staff for the House Committee on Science and Astronautics, which he will offer at the conclusion of this debate.

I think it has been clearly pointed out that this is not a debate as to whether or not we should have Democrats or Republicans as staff members. That is not the point. Also, there is no debate here about the competence of the individual staff members of the House Committee on Science and Astronautics. They are able and dedicated and are doing a good job. However, for 4 years the minority side has included separate views discussing what we feel to be a serious problem relating to committee staffing generally and the need, in our view at least, for minority staffing. The point made by Mr. ROUDEBUSH bears repeating. Minority staffing is not divisive, but it can have a constructive impact on the quality of the legislation being produced by a legislative committee. The Joint Economic Committee is an example where minority staff does serve a useful, constructive, and thoughtful function. So, too, with the House Committee on Government Operations, on which I serve. The minority staff there has been available to both Republicans and Democrats, and they have been particularly helpful in improving the quality of legislation and in assisting minority Members in preparing for committee meetings.

This is an important and tested principle. It works, and the fact that it does work is proved by the unanimous support of both Republicans and Democrats in the House and Senate when they reported out the proposed Legislative Reorganization Act for 1967 which has passed the Senate and which hopefully will be before this body later this spring. They specifically provide for minority staffing in the Legislative Reorganization Act of 1967 which we are going to be considering.

It seems to me that the point made by the gentleman from Louisiana [Mr. WAGGONNER] that the Committee on House Administration should not dictate to any committee what they should do is not pertinent. We are not asking the Committee on House Administration to dictate to anybody. This resolution is before us, the Members of the House of Representatives, to make a determination, just as we will have to make a determination when the Legislative Reorganization Act comes up. It is our decision.

Now, Mr. Speaker, there is work, of course, for this committee to do and to continue performing important work.

For the past 4 years we have authorized in this House—in the Congress of the United States—over $20 billion—and this year the request is to be in the neighborhood of $5 billion which will, of course, be considered by both Houses of the Congress.

It seems to me that between the action which is proposed to be taken today, and the time when the Legislative Reorganization Act is pending before this body, the House Committee on Science and Astronautics could make good use of additional staffing—capable staffing and particularly capable minority staffing.

Mr. Speaker, I hope that the Members of this body will support the motion to recommit which the gentleman from New Hampshire [Mr. CLEVELAND] will offer.

Mr. Speaker, I thank the gentleman for yielding.

Mr. WYDLER. Mr. Speaker, will the gentleman yield to me?

Mr. BURLESON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. WYDLER].

Mr. WYDLER. Mr. Speaker and my colleagues, it seems to me that this is a disgraceful situation with which the Congress of the United States is confronted here on the floor of the House today.

Mr. Speaker, we have a request, modest indeed—a modest request—for the sum of $30,000 with which to provide staff assistance for the 13 minority members of the House Committee on Science and Astronautics, a committee which is expected and which deals with a budget now estimated to be in excess of $5 billion a year.

Mr. Speaker, we are told that we are not entitled to these additional staff members—and that the people of our country continue to be adequately represented in the space race if these minority staff members are not granted to us.

Mr. Speaker, I just do not follow the logic of this argument.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield for just one comment upon the question of additional staff members?

Mr. WYDLER. Yes, I shall be happy to yield to the distinguished gentleman from Texas in just a moment.

Mr. TEAGUE of Texas. Mr. Speaker, it is my understanding that the motion to recommit which will be offered by the gentleman from New Hampshire [Mr. CLEVELAND] will propose an increase of $30,000 over and above the amount provided for in this resolution?

Mr. WYDLER. Mr. Speaker, I did not specifically yield to the gentleman for that statement but I shall yield to the gentleman in just a moment.

Mr. Speaker, the gentleman from Texas asked a question and I think it is a fine question, which is: whether our committee needs additional staff members?

Mr. Speaker, my answer to the gentleman from Texas is to this effect: In my opinion, yes, we do; I do not feel that we do have a sufficient staff assigned to the House Committee on Science and Astronautics with which to deal with the budget. I so stated in my minority views, and joined the minority members of this committee who have so stated year after year. But, today we are dealing with the very specific question as to whether we of the minority should have any staff representation at all.

Mr. Speaker, I believe that a clear answer to that question is, "Yes, we need them."

Mr. Speaker, we need people who are responsible to the minority, who will work in our best interests, and who are answerable only to us.

Mr. Speaker, it is not a question of going to a staff member and saying, "Will you help me write these particular views?" He will do it, but just the day before he may have written the majority views in a completely different vein. However, upon the next day we have to go to him and say, "Will you write our views in opposition to the position which has been taken by the majority just the day before."

Mr. Speaker, that places him, that particular staff member in the position of a conflict of interest and in my opinion it is not the fair thing nor the proper thing to do.

Mr. Speaker, I say that there is good reason for this request and it is based upon the same reasoning which has been articulated by the great body of committee chairmen of this House who have agreed to allow the minority to have staff.

Mr. Speaker, it is the same reasoning that we urge on the House of Representatives to give to the minority of the Committee on Science and Astronautics an adequate staff as has been adopted by other committees of the Congress.

Mr. Speaker, I say we need these people, we need people who are thinking of our interest first and who are working upon a continuing basis in an effort to do everything to assist the minority in presenting its views from the minority side.

Mr. Speaker, I have no more respect or esteem for any man in the world than the distinguished Speaker of the House of Representatives. It is my opinion that it would represent a terrible mistake for him to be empowered with the authority to hire and fire staff members both for the majority and minority sides of this House of Representatives.

Mr. Speaker, no one doubts the honesty and fairness of the great gentleman from Massachusetts [Mr. McCORMACK], but while I do not believe that anyone doubts him it would be a mistake to grant to this great gentleman such authority. In my opinion it would be a mistake to do it, and in the same manner to give to the chairman of the House Committee on Science and Astronautics. The minority in both cases should be able to hire, control, and fire their own staff.

Mr. Speaker, this request as will be embodied in the motion to recommit is modest and in our opinion it is most important to the minority in order to make it fully effective. Also, Mr. Speaker, it is important that we receive these additional funds with which to employ additional minority staffing, because the American people have a stake in this question. It should be remembered that 40 percent of the people of this great country voted to be represented by the minority and are interested in seeing that the Committee on Science and Astronautics does the job assigned to it and that it serves the country in the manner in which it is supposed to perform.

Mr. MOSHER. Mr. Speaker, will the gentleman yield?

Mr. BURLESON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio.

Mr. MOSHER. Mr. Speaker, I salute the gentleman from New Hampshire [Mr. CLEVELAND], for the motion he intends to make, and in support of the unanimous feeling I believe we have within the minority in the House Committee on Science and Astronautics that we could use to advantage a minority staff. I believe it would be a healthy and creative move that would be for the benefit of the entire committee. I therefore wish to associate myself with the remarks that the other members of the minority have just made.

Mr. Speaker, I salute the gentleman from New Hampshire [Mr. CLEVELAND] for his effort to increase the budget for the House Committee on Science and Astronautics, in the hope that such additional funds will be used to finance at least one additional staff person and a secretary, both of whom would be primarily responsible to the minority member of the committee.

The motion Mr. CLEVELAND intends to make has my very strong support.

I want to associate myself with the remarks that my fellow minority members of the committee have already made here today.

I think it is important to reemphasize that the strong feeling on the part of minority members of the committee that we need staff support primarily responsible to us, is not a new feeling.

As expressed in minority views in the committee's reports, many members of the Science Committee have been urging the need for minority staffing for at least the last 4 to 6 years.

Very early in this session, the ranking minority member of our committee, Mr. FULTON, appointed Congressmen PELLY, WYDLER, and myself to urgently request of the distinguished committee chairman, the gentleman from California [Mr. MILLER], that he assign one or two staff members to have primary responsibility for assisting the minority members of the committee. We discussed that matter very thoroughly with Chairman MILLER.

Also, at the committee's organization meeting this year, this entire matter was thoroughly discussed.

We greatly respect Chairman MILLER, but at the same time we disagree with his negative response to our urgent request.

Mr. Speaker, I want to make it very clear that we do not contemplate injecting partisan politics into national science policy decisions. We do not want to establish any political alinements within the committee. Neither are we interested in political patronage in the assignment of staff people.

However, our observation of the situation in other House committees leads us to believe that it is crystal clear that the employment of one or two very competent staff people whose primary assignment is to serve the minority members, can make a very healthy, positive contribution and improve the work of the entire committee.

I personally want to attest to the high caliber and the fairness of the present staff of the Science Committee. But I believe it needs enlarging, and I believe in the principle of a minority staff.

Therefore, I urge support for the Cleveland amendment.

Mr. BURLESON. Mr. Speaker, I yield myself 3 additional minutes, out of which I yield 1 minute to the gentleman from Florida [Mr. GURNEY].

Mr. GURNEY. Mr. Speaker, I thank the gentleman for yielding to me.

I would simply take this time in order to associate myself also with the members of the minority of the House Committee on Science and Astronautics. I know how they feel, having signed these reports requesting separate staff assistants for the minority in the past. Without belaboring the arguments which have already been well expressed by various minority members I second wholeheartedly the request for a separate staff for the minority.

Mr. BURLESON. Mr. Speaker, I want to reiterate that I agree with something that was expressed a short time ago. I believe it was the gentleman from New York who said it was unfortunate this discussion had arisen here. I agree with that statement. This matter has no place here. If the House Administration Committee is to attempt to distribute staff and identify staff as majority and minority throughout the House of Representatives, I do not believe the Members of the House are going to like it, and I do not believe that this House of Representatives wants it. This would set an undesirable precedent. Therefore I hope the motion to recommit will be defeated.

Besides that, Mr. Speaker, we receive continuous criticism all the time about the cost of the operations of the House of Representatives; that they are being increased all the time. I might have some less objection to this motion to recommit if the gentleman said in the motion to recommit to assign a staff to the minority side of the committee, and without including the $30,000 increase.

We are trying to hold this thing down, and here is a $30,000 expenditure that is really unnecessary.

Mr. CLEVELAND. Mr. Speaker, will the gentleman accept such an amendment?

Mr. BURLESON. No; I would not accept such an amendment. I said that I would just have $30,000 less objection, that is all, but I have an objection anyway, because this should not be here. This discussion should not take place here. This linen should be washed in its own committee, just as it has been in every other committee. So I see no reason for such a decision being made here by this motion to recommit, and I hope it will be defeated.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. TEAGUE].

Mr. TEAGUE of Texas. Mr. Speaker, I will not take the entire time.

There is one reason why I would be for this thing today, and that, Mr. Speaker, is because of my respect and personal liking and enjoyment of those Members on the minority who have spoken here today. It almost makes me want to change my position if I could be convinced it would give them the pleasure they have indicated it would give to them to have staff members designated as minority staff members.

Mr. Speaker, it really does amaze me that Members whom I respect so much, and whom I think are so intelligent, would produce so much evidence that they expect to stay in the minority of the House of Representatives, but from what they have said today it would indicate beyond a doubt that they do expect to stay in the minority.

Mr. Speaker, surely a man like Mr. FULTON, of Pennsylvania, and a man like our chairman can work out something in this situation.

Certainly it should be done either in that way or it should be done by the reorganization bill which is pending in the Committee on Rules.

I would suggest that we not do this today. I hope that we would not vote for this amendment today. This can be resolved either between the chairman and the ranking Member or by what comes out of the Committee on Rules.

Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. ALBERT). The gentleman from Texas yields back 3 minutes.

Mr. BURLESON. Mr. Speaker, I yield myself 3 minutes in order to yield to the gentleman from New Hampshire [Mr. CLEVELAND].

Mr. CLEVELAND. Mr. Speaker, for the benefit of those Members who have come into the Chamber since this debate started, I will at the proper time move to recommit this resolution with instructions that it be reported back forthwith with a provision for an additional $30,000.

The purpose of the motion is to put squarely on the floor of the House the issue as to whether or not the minority party can have staff representation, responsible to them, on a major committee of this House. A committee which deals with authorizations of $5 billion a year. The facts show that for the past 4 years the ranking Republican Members have constantly asked the chairman of that committee for staff assistance, but have been steadfastly refused.

The principle of minority staffing is embodied in the reorganization act of 1967 which has passed the Senate. One of the ablest speeches given in either body of this Congress on behalf of minority staffing was given by Senator MONRONEY whom I quote in detail in my supplemental views which I will include hereafter.

The issue, Mr. Speaker, goes even deeper than whether you are going to give the minority party fair play. In essence the issue is whether we are going to give the American public fair play. If the American public is entitled to the orderly and deliberative processes of a truly representative body such as this, then the minority party must be given adequate staff assistance to develop constructive alternatives and to seek out the facts and figures to give the public and the people of this country the benefit of truly deliberative and constructive debate.

Mr. Speaker, this is the matter which will be at issue in my motion to recommit with instructions which I will offer at the appropriate time. For the RECORD I now submit by supplemental views:

SEPARATE VIEWS OF HON. JAMES C. CLEVELAND RE MINORITY STAFFING

The undersigned proposes that an additional amount of $30,000 be authorized from the contingent fund of the House for use of the Committee on Science and Astronautics of the House in hiring additional staff for the committee. It is the intent of this proposal that such staff would be appointed by the chairman pursuant to a request by a majority of the minority members of the committee and assigned such duties as those minority members shall deem advisable.

The rapid increase in responsibility and workload of the House Science and Astronautics Committee has run parallel to the phenomenal growth of the Nation's space program. Unfortunately, there has not been a proportionate increase in the staff to deal with the complex and detailed work of this committee, imposing upon members of the committee much of the burden of doing this work themselves. Minority members of the committee feel the brunt of this staff deprivation particularly since there has never been any staff responsible to the minority on the Science and Astronautics Committee.

THE NEED FOR STAFFING

Last year, the Committee on Science and Astronautics authorized appropriations to the National Aeronautics and Space Administration for fiscal year 1967 in the amount of $5,000,419,000. The budget request submitted to the House Administration Committee this year by the Science and Astronautics Committee for investigative staff salaries, travel, and miscellaneous items, calls for an authorization of $250,000. In summary, the Science and Astronautics Committee oversees one of the largest budgets of any Government agency but has one of the smallest committee staffs in the House to assist members in carrying out this important responsibility. It is the only House committee without any staff assigned to and responsible to the minority where there has been a reasonable request for such assistance.

In support of my recommendation to increase the committee's budget by $30,000, I quote in part from the separate views contained in the report of the Committee on Science and Astronautics, 89th Congress, second session, accompanying H.R. 14324 authorizing appropriations to the National Aeronautics and Space Administration for fiscal year 1967:

"The minority members of this committee have repeatedly expressed concern over the total number of staff personnel available to the Committee on Science and Astronautics to carry out its important functions * * *

"In addition, * * * there is an urgent need for staff members responsible to the minority members of the committee. If the House is to be benefited by well balanced views, conclusions and recommendations, it is imperative that staff members responsible to the minority be available to investigate and to recommend actions consistent with the desired action of that minority. Otherwise, no reasonable check and balance is possible and the influence of the minority is not adequately felt. The Congress, the committees of Congress and the minority members, as well as the majority, have an obligation to the people of this country to provide the benefits that would accrue from a minority staff for this committee."

Similar views are contained in each of the committee's NASA authorization reports for the preceding 3 years. In point of fact, the staffing dispute on this committee extends back beyond the 88th Congress. The minority members of the House Science and Astronautics Committee have repeatedly and insistently, setting forth their reasons in clear and persuasive language, requested an increase in the size of the committee's staff both as to professional assistance of a nonpartisan character and professional assistance particularly for the minority. I believe it is the responsibility and duty of the House Administration Committee to heed the chronic complaint of the committee's minority members for more staff, and I urgently recommend that the House amend House Resolution 364 by adding thereto the authorization of $30,000 to be paid from the contingent fund of the House with the intent that these funds would make possible the employment of a small minority staff for this committee.

WHY ADEQUATE STAFFING IS IMPORTANT

In a Management Study of the U.S. Congress for the National Broadcasting Co.'s special report, "Congress Needs Help," telecast on November 24, 1965, the Arthur D. Little Co. noted that—

"Congress lacks the organization, staff support, and analytical procedures to carry out its fiscal and program review function effectively * * *. By comparison with agencies of the executive branch, congressional committees are understaffed * * *. Congress often does not get the kind of information needed for sound evaluation of proposed legislation or adequate examination of alternatives. Modern technology and management methods along with more and better staff resources provide opportunities to correct this deficiency."

In a chapter devoted to the subject of minority staffing in "We Propose: A Modern Congress," written by the members of the House Republican Task Force on Congressional Reform and Minority Staffing and published by the McGraw-Hill Book Co. last fall, I noted that—

"Above all * * * a Congressman is a legislator. This most important function begins with his committee work. Although Congressmen are responsible for final judgments in the legislative product of their committee work, their acts are influenced in many ways by the work of the committee staffs. No significant legislation is produced without the aid of experts. The staff supplies the expertise necessary to reduce the extensive time which few Members of Congress can afford to devote to legislative duties. Under the direction and supervision of committee members, the staff suggests investigations, prepares their preliminary groundwork, and often influences their scope and direction. The staff selects witnesses and prepares lines of questioning. The staff collects mountains of data, checks facts, organizes and digests them into manageable proportions. The staff may generate or prepare special studies. Staff people often draft reports upon which the most pivotal committee decisions are based. In short, the staff does that essential spade and leg work few Congressmen have the time to perform (p. 16)."

MINORITY STAFFING—BROAD BIPARTISAN SUPPORT

The issue of minority staffing has been under thoughtful and intense study for a long time. In the 88th Congress, Congressman Schwengel (Republican, Iowa) chaired a committee of the Republican conference which did extensive research on the subject. It marshaled widespread support for the concept by leading political scientists and many thoughtful commentators.

The issue of minority staffing has also engaged the earnest attention of members of the majority, as well as of the minority, party. Representative John S. Monagan (Democrat, Connecticut), in his testimony before the

Joint Committee on the Organization of the Congress in 1965, noted:

"The capacity of the minority to examine and criticize should not be abridged, but should be preserved as a basic strength of our system."

Former Representative David S. King (Democrat, Utah) expressed his feelings on the matter in a similar manner:

"* * * a formula must be found for balancing the personnel of the committee staffs more equitably between the majority and minority parties * * *. In my opinion, the balance of personnel between the two parties on the committee staffs should more nearly approximate the division of party strength in the House itself."

TWO-PARTY SYSTEM

In making my point for minority staffing, it is not my intention to marshal all of the arguments in the chapter which I wrote for the book referred to above, "We Propose: A Modern Congress." The case rests squarely on the importance to our form of government of the two-party system which, when all is said and done, has made our form of government work.

The two-party system is deeply rooted in our Anglo-Saxon tradition of jurisprudence which is the adversary system—the right to counsel and the right to be judged on the facts pertaining to the issues. Through the adversary system we get more information on which to pass judgments. It gives to each side complete freedom to develop relevant information and present its side of the case. It is similar in many respects to the importance of fair business competition to our economy.

AND THE PUBLIC INTEREST

It should be stressed that the minority is asking for staff assistance *responsible* to the minority. This has nothing to do with politics or the political affiliation of such staff members. Is it asking too much that, in this representative body, the minority party have at least a minimal guarantee of an unobstructed and wholly responsible conduit to information to insure constructive and informed decisionmaking in the public interest?

UNANIMOUS AGREEMENT

The Legislative Reorganization Act of 1967, which passed the Senate on March 7 and is currently pending in the Rules Committee of the House, provides for a small increase in the number of professional staff assigned to each committee (other than Appropriations) and the express right of the minority, if it so desires, to appoint two of those professional staff members. These provisions of the bill and others contained in section 301, carry out the recommendations made by the Joint Committee on the Organization of the Congress in its final report, which was filed with the Congress July 28, 1966. I here include the relevant pages from the committee's final report:

"COMMITTEE STAFFING

"1. Section 202 of the Legislative Reorganization Act of 1946 shall be amended to increase professional staff positions from four to six so that each standing committee will be entitled to at least six professional and six clerical positions.

"One of the major accomplishments of the 1946 act was the authorization of permanent professional staff for the standing committees. Each committee was authorized four professional staff positions and six clerical positions.

"Some committees in both Houses now have permanent authority to employ a larger number of staff. Most committees obtain additional staff by the use of annual resolutions requesting funds for inquiries and investigations. These funds permit the employment of staff in excess of the permanent positions for the work of the subcommittees or the full committee. A flexible system has thus evolved that insures a permanent staff and permits such additional staff as may be justified for *ad hoc* purposes.

"As the congressional workload has increased, it is natural that the need for committee staff has grown. The Joint Committee's survey disclosed a wide range in the number of staff employed by various committees. (See table 1, app. B.) It is apparent that most committees need more than the 10 positions provided by the 1946 act. Twenty-seven of the 36 standing committees at present exceed the statutory provision, and all of them have more than 12 staff positions.

"Section 202 of the 1946 act should therefore be amended to increase professional staff positions from four to six.

"As discussed under committee procedures, the annual resolution mechanism is a desirable means of providing additional staff. It requires the full committee to make an annual determination that staff resources have been productively utilized. The limitation of one resolution for each committee would also provide better supervision over subcommittee activities by the full committee.

"2. The language of section 202 with respect to appointment of professional staff without regard to political affiliations shall be retained and emphasized. However, at least two of the authorized professional staff positions and one clerical position shall be appointed by and assigned to the minority upon request. The minority positions shall be filled by persons with professional qualifications.

"3. The minority shall have fair consideration in staff selections for the subcommittees. All minority staff personnel shall be entitled to equitable treatment, including comparable staff salary, facilities, and access to committee records.

"It was the intent of the 1946 act that committee staff should be professional and nonpartisan. Section 202 provides that professional staff is to be appointed by majority vote of the committee 'on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office.'

"Most standing committees of both Houses have observed this requirement. Staff vacancies on these committees have been filled on a nonpartisan basis and the staff has served the needs of both majority and minority members. Many committees have staff members who have served through several changes of party control.

"Unfortunately, on other committees the minority has been denied access to adequate staff. It is fundamental to our legislative system that the opposition have adequate resources to prepare informed dissent or alternative courses of action. All sides of an issue need to be forcefully presented.

"The majority has responsibility for the administration of the committee's business and for providing staff that will assist in the presentation of party or individual political viewpoint. In seeking to provide protection for the minority, it would be an error to divide the entire staff of each committee along partisan lines—or to require a staff allocation for the minority proportionate to its representation on the committee. Instead, each committee is urged to maintain the spirit of the 1946 act. It is desirable that staff should be recruited and permitted to serve without regard to political affiliation.

"However, the minority should be entitled to appoint two professional staff positions and one clerical position as a safeguard for their rights. On many committees, it will not be necessary for this safeguard to be exercised. The minority should also be entitled to fair representation in the funding of subcommittees by annual resolution where that activity will involve partisan considerations. When minority staff have been appointed, they must have fair treatment in salaries, facilities, and access to committee records."

The joint committee heard a great deal of testimony on the subject of minority staffing during the course of its extensive hearings on the organization and operation of the Congress.

OVERWHELMING VOTE IN THE SENATE

I quote below a portion of the Senate debate on March 6 of this year on an amendment by Senator Ellender, Democrat, of Louisiana, to strike the minority staffing provisions from the bill. The amendment was strongly opposed by Senator Monroney, Democrat, of Oklahoma, floor manager of the bill and the joint committee's distinguished cochairman, and the amendment was defeated by an overwhelming vote.

"Senator MONRONEY. The testimony (before the joint committee) was irrefutable that there was an imbalance in many committees. Many other committees scrupulously observed the nonpartisanship of the career staff, but there are cases that need adjustment. In order to provide this, we did authorize, when requested by the minority because there was not adequate staffing—and I am sure they will not abuse that provision—the employment of two professional staff members * * *. Complaints in the House have been much more numerous than they have been in the Senate * * *. We received not too many complaints in the Senate, but we had many in the House. For that reason, we provided for the two extra staff members, if requested by the minority leadership (of the committee), and they would be requested on the basis that adequate staffing cannot otherwise be achieved."

Unfortunately for those committees which have current minority staffing needs of a pressing nature, section 301 of the reorganization bill is not designed to go into effect until January 1, 1968.

In order to insure that the Committee on Science and Astronautics of the House of Representatives shall be provided with the minimum necessary funds toward the alleviation of its pressing minority staffing problems, I urge the House to amend the authorization resolution to include an additional $30,000.

NO—NO—NO—NO

In order that Members may be fully aware of the recent history to this case, I include as a part of these views the following extracts from the various additional views filed by minority members of the Science and Astronautics Committee to the committee's reports accompanying NASA authorization resolutions in the 88th and 89th Congresses, as follows:

"For fiscal year 1964: $5,238,119,400, request of the minority members for more staff denied;

"For fiscal year 1965: $5,193,810,500, request of the minority members for more staff denied;

"For fiscal year 1966: $5,183,844,850, request of the minority members for more staff denied;

"For the current fiscal year: $5,000,419,000, request of the minority members for more staff denied."

[Rept. No. 591, 88th Cong., first sess.]

ADDITIONAL VIEWS OF JAMES G. FULTON

COMMITTEE MINORITY STAFFING

I strongly believe that three staff members should be employed to take care of the needs of the minority. There is no question in my mind that the requirements of the Committee minority demand the special attention of staff members who can devote all their time to such purposes.

Under the present arrangement, and because of the burden of work that is being carried by the present staff, the minority feels that its needs could be more adequately met. It is my view that a minority staff could fill out the inadequacies presently being experienced by the minority and therefore provide to the Congress, in conjunction with the present staff, a well integrated team of competence and ability. It will be thus that the House can be benefited by well-balanced views, conclusions, and recommendations.

James G. Fulton.

[Rept. No. 1240, 88th Cong., second sess. (1964)]

ADDITIONAL VIEWS

2. Committee staffing

Despite the concern expressed last year, the problem of committee staffing remains serious. The National Aeronautics and Space Administration authorization for fiscal year 1965, as recommended by the committee, is in excess of $5 billion, *one of the largest budgets of any Government agency.* Yet the House Science and Astronautics Committee with the task of overseeing the operations of NASA, has but 11 professional staff members, one of the smallest committee staffs in the Congress. This is a deplorable situation. The House Education and Labor Committee, for example, has over 45 professionals on its staff as compared with these 11 on the Space Committee, and the House Un-American Activities Committee utilizes over 50 staff personnel.

It is the responsibility of this committee to study thoroughly the many space projects and programs. The committee staff must be composed of individuals trained in engineering, electronics, and other space-related disciplines to assist in this important work. With the present staff, despite their individual competence, we believe the committee does not and cannot adequately perform its prime functions—to review the National Aeronautics and Space Administration's budget and to assist in evaluating, on a continuing basis, these programs.

This lack of staff assistance constitutes a weakness in the system of checks and balances. Here is an instance where the legislative branch because of inadequate staff, is unable to fulfill its legislative oversight responsibilities. The Congress should not continue to endanger its constitutional prerogatives and risk the waste of taxpayers' dollars by failing to insist that the necessary funds be provided, and competent staff assigned to assure reasonable supervision of this budget of over $5 billion and the various other responsibilities of the committee.

3. Minority staffing

We continue to believe that there is an urgent need for staff members responsible to the minority members of the committee, including both professional and clerical help. It is absolutely vital that staff members be available to all the minority members of the committee if the House is to be benefited by well-balanced views, conclusions, and recommendations. The present staff is overburdened with the result that it is difficult for them to be of assistance to minority members. It is our recommendation that one minority staff member be assigned full time for each subcommittee.

The Congress, the committees of Congress, and the majority and minority members have an obligation to the people of this country, and they fail in that obligation when, because of inadequate committee staff, they are unable to properly discharge their duties.

Richard L. Roudebush.
Thomas M. Pelly.
Donald Rumsfeld.
James D. Weaver.
Edward J. Gurney.
John W. Wydler.

ADDITIONAL VIEWS ON H.R. 7717

COMMITTEE STAFFING

Minority members of this committee have repeatedly expressed concern over the total number of staff personnel available to the Committee on Science and Astronautics. In our opinion it is impossible for the 12 professional and technical staff members to adequately handle the workload associated with the committee's broad responsibilities in the field of science. This committee has one of the largest budgets in government to authorize and to oversee and one of the smallest committee staffs in Congress to assist in this process.

It is the responsibility of this committee *to study thoroughly the many space projects* and programs. The committee staff must be composed of individuals trained in engineering, electronics, and other space-related disciplines to assist in this important work. With the present staff, despite their individual competence, we believe the committee *cannot fully perform its prime functions*—to review the National Aeronautics and Space Administration's budget and to assist in evaluating, on a continuing basis, these programs. This situation constitutes a weakness in the system of checks and balances. Here is an instance where the legislative branch of Government, because of inadequate staff, is unable to keep watch on a huge executive agency. This is being "penny wise and pound foolish" and can certainly cause considerable waste and make inefficient our system of government.

In addition to the responsibility for the conduct of scientific research in the Government, the committee has authorization and oversight responsibility over one of the largest Government agencies—the National Aeronautics and Space Administration, with an annual budget totaling over $5 billion. Without additional staffing the committee cannot carry out these oversight responsibilities throughout the year and in addition involve itself in the many other responsibilities in the fields of science.

The Congress should not continue to fail to exercise its constitutional prerogatives and responsibilities, and run the risk of wasting taxpayers' dollars by failing to insist that a competent staff be selected to assure reasonable supervision of this budget and efficient handling of the many other responsibilities of the committee.

James G. Fulton.
Charles A. Mosher.
Richard L. Roudebush.
Donald Rumsfeld.
Edward J. Gurney.
John W. Wydler.
Barber B. Conable, Jr.

ADDITIONAL VIEWS TO REPORT NO. 273, 89TH CONGRESS, FIRST SESSION (1965)

MINORITY STAFFING

We continue to believe that there is an urgent need for staff members responsible to the minority members of the committee, including both professional and clerical help. It is absolutely vital that staff members be available to all the minority members of the committee if the House is to be benefited by well-balanced views, conclusions, and recommendations. It is obvious that the most efficient way to provide a minority staff is to do so on a full-time basis so the staff members will not be overburdened by responding to both majority and minority efforts in carrying out the committee's work. Currently, the present staff is overburdened to the extent that it is difficult for them to be of assistance to minority members. It is our recommendation that at least one minority staff member be assigned full time for each subcommittee.

The Congress, the committees of Congress, and the majority and minority members have an obligation to the people of this country, and they fail in that obligation when, because of inadequate committee staff, they are unable to properly discharge their duties.

James G. Fulton.
Richard L. Roudebush.
Thomas M. Pelly.
Donald Rumsfeld.
Edward J. Gurney.
John W. Wydler.

[Rept. No. 1441, 89th Cong., second sess. *(1966)*]

SEPARATE VIEWS OF HON. JOHN W. WYDLER

COMMITTEE STAFFING

The minority members of this committee have repeatedly expressed concern over the total number of staff personnel available to the Committee on Science and Astronautics *to carry out its important functions. In the* past, we have had the excuse of the newness of the space program, the inadequacy of personnel trained in space sciences, inadequate facilities and many others that may have been valid earlier in the national space effort. However, it is obvious at this time that these *excuses cannot be true. This committee has* one of the largest budgets in Government to authorize and to oversee and one of the smallest committee staffs in Congress to assist in this process. The Congress should not fail to exercise its prerogatives and responsibilities and run the risk of wasting the taxpayers' dollars by not having a sufficient number of trained personnel on the staff to assure reasonable supervision of this budget. I recommend, as I have since my tenure on this committee, that an additional number of trained personnel be added to the staff so that the responsibilities of the committee can be handled adequately.

MINORITY STAFFING

In addition, I believe there is an urgent need for staff members responsible to the minority members of the committee. If the House is to be benefited by well-balanced views, conclusions and recommendations it is imperative that staff members responsible to the minority be available to investigate and to recommend actions consistent with the desired action of that minority. Otherwise, no reasonable check and balance is possible and the influence of the minority is not adequately felt. The Congress, the committees of Congress and the minority members, as well as the majority, have an obligation to the people of this country to provide the benefits that would accrue from a minority staff for this committee.

Mr. BURLESON. Mr. Speaker, I yield myself 1 minute in order to yield to the gentleman from New York [Mr. Wydler].

Mr. WYDLER. Mr. Speaker, I just wanted to state for the benefit of the gentleman from Texas [Mr. Teague], that I am sorry I did not have the time to yield to him when he asked me to yield. I intended to yield at the conclusion of my remarks. But his remark, which was directed just a moment ago to this side of the aisle was an important one and it is one that puts the Members on this side of the aisle on the spot, and rightfully so. The remark was to the effect that we are the minority today. But someday we will be in the majority—and will we be in the same position and feel the same way on this issue then as we do now?

As for myself, I can only assure the gentleman from Texas that I will.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BURLESON. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. Waggonner].

Mr. WAGGONNER. Mr. Speaker, I thank the gentleman from Texas for yielding.

I would like to ask the gentleman from New Hampshire [Mr. Cleveland] if, when he makes the plea that the majority of Americans be represented here today in this discussion, he would be willing to conclude, after the vote on his motion to recommit and when the majority votes not to recommit, that the democratic process will have been served?

Mr. CLEVELAND. I would, because, as I point out in my book, if the gentleman from Louisiana will read the book—and, in fact, I will send him a copy tonight—of course, the majority must rule. But in the process of majority rule, if it is not abused, it has been important to the history of our country that the minority party be given its day in court and that the minority party be given an opportunity to marshal arguments and constructive proposals against those of the majority. This is what has made our country great Of course, we must abide by majority decision—and we will, but minorities have rights, too. In this process, it is important that the minority be properly staffed so as to be able to perform its role as the loyal opposition, and to fulfill its obligations under a true democratic process.

Mr. WAGGONNER. If the gentleman is the author of a book, I would be glad to have an autographed free copy of his book.

The **SPEAKER** pro tempore. The time of the gentleman has expired.

Mr. BURLESON. Mr. Speaker, I move the previous question on the resolution and on the amendments thereto.

The **SPEAKER** pro tempore. The question is on ordering the previous question on the resolution and on the amendments thereto.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on the committee amendments.

The committee amendments were agreed to.

MOTION TO RECOMMIT

Mr. CLEVELAND. Mr. Speaker, I offer a motion to recommit,

The **SPEAKER** pro tempore. Is the gentleman opposed to the resolution?

Mr. CLEVELAND. I am, Mr. Speaker.

The **SPEAKER** pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. CLEVELAND moves to recommit the resolution to the Committee on House Administration with instructions to that committee to report the resolution back to the House forthwith with the following amendment: On the first page, line 5, strike out "$250,000" and insert in lieu thereof "$280,000".

The **SPEAKER** pro tempore. Without objection, the previous question on the motion to recommit is ordered.

There was no objection.

The **SPEAKER** pro tempore. The question is on agreeing to the motion to recommit.

Mr. CLEVELAND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 176, nays 216, not voting 40, as follows:

[Roll No. 52]

YEAS—176

Adair
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Bates
Battin
Belcher
Bell
Berry
Biester
Blackburn
Bolton
Bow
Bray
Brock
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burton, Calif.
Burton, Utah
Bush
Button
Byrnes, Wis.
Cahill
Carter
Cederberg
Chamberlain
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Conable
Conte
Corbett
Cowger
Cunningham
Curtis
Davis, Wis.
Dellenback
Denney
Derwinski
Devine
Dole
Duncan
Dwyer
Edwards, Ala.
Erlenborn
Esch
Eshleman
Findley
Fino
Ford, Gerald R.
Frelinghuysen
Fulton, Pa.
Gardner
Gibbons
Goodell
Goodling
Gross
Grover
Gubser
Gude
Gurney
Hall
Halpern
Hammerschmidt
Hansen, Idaho
Harrison
Harsha
Harvey
Heckler, Mass.
Horton
Hosmer
Hungate
Hunt
Hutchinson
Keith
King, N.Y.
Kleppe
Kupferman
Kuykendall
Kyl
Laird
Langen
Latta
Lipscomb
Lloyd
Lukens
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
MacGregor
Mailliard
Martin
Mathias, Calif.
May
Mayne
Meskill
Michel
Miller, Ohio
Minshall
Mize
Moore
Morse, Mass.
Morton
Mosher
Myers
Nelsen
O'Konski
Ottinger
Pelly
Pettis
Pirnie
Poff
Price, Tex.
Quie
Quillen
Railsback
Reid, Ill.
Reifel
Rhodes, Ariz.
Riegle
Robison
Roth
Roudebush
Rumsfeld
Sandman
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Stanton
Steiger, Ariz.
Steiger, Wis.
Stratton
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tunney
Vander Jagt
Wampler
Watkins
Watson
Whalen
Whalley
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Zion
Zwach

NAYS—216

Abbitt
Abernethy
Addabbo
Albert
Anderson, Tenn.
Annunzio
Ashley
Ashmore
Aspinall
Baring
Barrett
Bennett
Bevill
Bingham
Blanton
Blatnik
Boggs
Boland
Brademas
Brasco
Brinkley
Brooks
Brown, Calif.
Burke, Mass.
Burleson
Cabell
Casey
Clark
Cohelan
Conyers
Corman
Culver
Daddario
Daniels
Davis, Ga.
de la Garza
Delaney
Dent
Dingell
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Fisher
Flood
Foley
Ford, William D.
Fountain
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Haley
Hamilton
Hanley
Hanna
Hansen, Wash.
Hardy
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Holland
Howard
Hull
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kazen
Kee
Kelly
King, Calif.
Kirwan
Kluczynski
Kornegay
Kyros
Landrum
Leggett
Lennon
Long, La.
McCarthy
McFall
McMillan
Machen
Madden
Mahon
Marsh
Matsunaga
Meeds
Mills
Minish
Mink
Monagan
Montgomery
Moorhead
Morgan
Morris, N. Mex.
Moss
Multer
Murphy, Ill.
Natcher
Nedzi
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Price, Ill.
Pryor
Purcell
Randall
Rarick
Rees
Reuss
Rhodes, Pa.
Rivers
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ryan
St Germain
St. Onge
Satterfield
Scheuer
Selden
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Steed
Stephens
Stubblefield
Stuckey
Sullivan
Taylor
Teague, Tex.
Tenzer
Thompson, N.J.
Tuck
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Walker
Watts
White
Whitten
Willis
Wolff
Wright
Yates
Young
Younger
Zablocki

NOT VOTING—40

Adams
Andrews, Ala.
Betts
Bolling
Broomfield
Buchanan
Byrne, Pa.
Carey
Celler
Clancy
Colmer
Cramer
Dawson
Dickinson
Diggs
Flynt
Fraser
Friedel
Hagan
Halleck
Herlong
Johnson, Pa.
Long, Md.
Macdonald, Mass.
Mathias, Md.
Miller, Calif.
Murphy, N.Y.
Pollock
Pool
Pucinski
Reid, N.Y.
Reinecke
Resnick
Rostenkowski
Ruppe
Taft
Utt
Whitener
Williams, Miss.
Wilson, Charles H.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Williams of Mississippi with Mr. Dickinson.

Mr. Celler with Mr. Reid of New York.

Mr. Charles H. Wilson with Mr. Broomfield.

Mr. Andrews of Alabama with Mr. Buchanan.

Mr. Rostenkowski with Mr. Taft.

Mr. Whitener with Mr. Utt.

Mr. Macdonald with Mr. Mathias of Maryland.

Mr. Miller of California with Mr. Reinecke.

Mr. Murphy of New York with Mr. Clancy.

Mr. Friedel with Mr. Johnson of Pennsylvania.

Mr. Flynt with Mr. Cramer.

Mr. Carey with Mr. Pollock.

Mr. Byrne of Pennsylvania with Mr. Betts.

Mr. Colmer with Mr. Halleck.

Mr. Pool with Mr. Ruppe.

Mr. Resnick with Mr. Diggs.

Mr. Pucinski with Mr. Hagan.

Mr. Long of Maryland with Mr. Dawson.

Mr. Fraser with Mr. Herlong.

Mrs. **GREEN** of Oregon changed her vote from "yea" to "nay."

Mr. **ANNUNZIO** changed his vote from "yea" to "nay."

Mr. **HALPERN** changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The **SPEAKER.** The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING EXPENDITURE OF FUNDS FOR EXPENSES OF COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. BURLESON. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report

(Rept. No. 173) on the resolution (H. Res. 221) authorizing the expenditure of certain funds for the expenses of the Committee on Un-American Activities, and ask for the immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. Res. 221

Resolved, That effective January 3, 1967, expenses of conducting the investigations authorized by section 18 of rule XI of the Rules of the House of Representatives, incurred by the Committee on Un-American Activities, acting as a whole or by subcommittee, not to exceed $400,000, including expenditures for employment of experts, special counsel, investigators, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by said committee and signed by the chairman of the committee, and approved by the Committee on House Administration.

Sec. 2. That the official stenographers to committees may be used at all hearings, if not otherwise officially engaged.

Sec. 3. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Un-America Activities shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

With the following committee amendments:

On page 1, line 5, strike out "$400,000" and insert in lieu thereof "$350,000".

On page 2, after line 11, add the following:

"Sec. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law."

The **SPEAKER**. The gentleman from Texas is recognized for 1 hour.

Mr. **BURLESON**. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the House Un-American Activities Committee requested the sum of $400,000 for the calendar year 1967. The House Administration Committee's subcommittee on accounts reduced the request to $350,000, and that amount was approved by the full committee.

In 1965 the committee was authorized the sum of $370,000. In addition, by reason of some special investigation, they requested another $50,000, of which $49,724 was expended.

In 1966 the committee was given an authorization of $425,000, of which $415,000 was expended.

As I have said, the request for $400,000 was reduced $50,000 for the general reason that the plan of activity of the Un-American Activities Committee appears to be a little more reduced than heretofore.

Mr. Speaker, it is my understanding there will be opposition to this authorization of funds for the House Un-American Activities Committee. We have been through this exercise for a number of years in the past in the same manner. At some point in almost every debate on this issue I have reminded my colleagues who oppose funds for the Un-American Activities Committee that the proper approach should be a direct one. By a direct approach I mean that a bill should be introduced to abolish the Committee on Un-American Activities and not starve a duly constituted committee of the House by withholding funds. Of course, I would oppose the abolishment of the House Un-American Activities Committee. I make this statement merely to indicate the proper method for opponents of the House Un-American Activities Committee to present their views.

Mr. **YATES**. Mr. Speaker, will the gentleman yield so that I may propound a parliamentary inquiry?

Mr. **BURLESON**. I am glad to yield to the gentleman from Illinois.

The **SPEAKER**. The gentleman will state his parliamentary inquiry.

Mr. **YATES**. Mr. Speaker, in 1965 the hearings of the committee in Chicago were televised. As I remember a ruling of our beloved former great Speaker of the House, Speaker Rayburn, he had established a ruling to the effect that the hearings of committees of the House were not to be televised. Does the present distinguished Speaker of the House still observe that same ruling of Speaker Rayburn, namely, that no hearings of committees of the House are to be televised?

The **SPEAKER**. The Chair has no knowledge of what transpired at a hearing in Chicago to which the gentleman in his parliamentary inquiry has alluded and whether or not televising did take place.

In response to the parliamentary inquiry, committees of the House have no authority to televise hearings under the present rules of the House. They could do so only if the House on some future occasion should amend the rule authorizing the same. The answer is that under the present rules of the House televising of committees while hearings are being conducted is not consistent with the rules of the House.

Mr. **YATES**. Does the Speaker say they violated the rules of the House?

The **SPEAKER**. The Chair has said that it is not consistent. If the gentleman wants to use the word "violate," the Chair has no objection.

Mr. **YATES**. Mr. Speaker, a further parliamentary inquiry.

The **SPEAKER**. The gentleman will state it.

Mr. **YATES**. Mr. Speaker, rule XI, 26(m) of the Rules of the House of Representatives states as follows:

> If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall—
>
> (1) receive such evidence or testimony in executive session;

Mr. Speaker, my question is this: If the committee determines that the evidence it is about to receive may tend to defame, degrade or incriminate a witness, is it not compulsory under the Rules of the House for the committee to hold such hearings in executive session?

The **SPEAKER**. The Chair will state that that is a matter which would be in the control of the committee for committee action.

Mr. **YATES**. Mr. Speaker, a further parliamentary inquiry.

The **SPEAKER**. The gentleman will state it.

Mr. **YATES**. I must say that I do not understand the ruling. Is the Chair ruling that a committee can waive this rule? That it can refuse to recognize this rule?

The **SPEAKER**. The Chair would not want to pass upon a general parliamentary inquiry, as distinguished from a particular one with facts, but the Chair is of the opinion that if the committee voted to make public the testimony taken in executive session, it is not in violation of the rule, and certainly that would be a committee matter.

Mr. **YATES**. A further parliamentary inquiry, Mr. Speaker. What the Chair is now stating is that if the committee votes at a subsequent time to make public such a hearing, under the rules it may do so. But that does not bear upon the question I addressed to the Speaker, which was this: in the first instance, when testimony is to be taken by the committee, and such testimony tends to defame, degrade, or incriminate any person, must it be taken in executive session?

The **SPEAKER**. The Chair will state—and try to be as frank with the gentleman from Illinois as the present circumstances will permit—that the Chair has, I believe, answered the inquiry in a manner that constitutes the reasonable extent to which the Chair should go on this occasion.

Mr. **YATES**. Mr. Speaker, with due respect to the Chair, a further inquiry.

The **SPEAKER**. The Chair will be very frank. The Chair recognizes the power of the committee. If the committee goes into executive session, the Chair is not going to make a ruling under those circumstances as to whether a committee could make public testimony taken in executive session.

Mr. **YATES**. May I pursue one further parliamentary inquiry, Mr. Speaker. The rule states:

> If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall——
>
> (1) receive such evidence or testimony in executive session.

The question I addressed to the Chair was whether the committee could waive that rule.

The **SPEAKER**. The rule says:

> If the committee determines

And there has to be a determination by the committee—

> that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall—

First it has to make a determination. Without passing on this, the Chair can look into the future and see where the committee might make a determination, and then when it goes into executive session and receives the evidence, it may find there the evidence did not justify the original determination, or the evidence is of such a nature that it justifies being made public.

Mr. **YATES**. I thank the Chair. Then I take it from the Chair's response to my inquiry that so long as the committee has made such a finding and has not vacated it, the rule is applicable.

The **SPEAKER**. The Chair is not even going to go that far—not on this occasion. The Chair has been perfectly frank. Of course, sometimes the word "shall" I know has been construed by the courts sometimes as "may". The gentleman is familiar with that, I am sure. The Chair is not doing that on this occasion. The Chair would have to ascertain the facts in a particular case.

Mr. **YATES**. I thank the Chair for his ruling.

Mr. **BURLESON**. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. **WILLIS**. Mr. Speaker, with reference to the parliamentary inquiry made by my friend the gentleman from Illinois, I say this. The Chair will recall that last year this committee asked the House to pass on three contempt citations. At that time our good friend, the gentleman from Illinois, made the very points he made today, except he stood in the well of the House and argued for perhaps an hour in favor of his version.

The Chair ruled that this committee had fully complied with the rules of the House.

We do comply with the rule just read in full, distinctly, and very carefully, on all occasions.

Mr. **BURLESON**. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. EDWARDS].

Mr. **EDWARDS** of California. Mr. Speaker, I rise in opposition to House Resolution 221 which would provide $350,000 in additional funds, over and above those which the House Committee on Un-American Activities gets under the Reorganization Act of 1946.

I should like to make three important points and I will amplify my reasons for each of these three points, if there is time.

First. The resolution we are voting on today is to provide additional funds to the House Committee on Un-American Activities of $350,000 for 1967. These are funds over and above the $162,549.36 which the committee will get this year under the Reorganization Act of 1946. So we are not voting today on a measure that would deprive a committee of funds with which to operate.

Second. Since the debate a year ago on this issue, the relationship between the committee and the House of Representatives has become much more critical, posing constitutional questions of the most serious nature. If we do not put our own House in order, it is very possible that we are going to witness another confrontation with the courts which will put additional strain on the balance implicit in our tripartite system of government.

Third. The House Committee on Un-American Activities maintains a reference library on individuals, apparently both in and out of Government, and gives out such information, without any authorization from this House.

These three matters are, of course, additional reasons to my often stated objections to the mandate of the committee on first amendment grounds, the intrinsically unfair procedures of the committee insofar as due process is concerned, the unconstitutional purposes of the committee which has an embarrassing legislative record and which continues to expose for the sake of exposure.

Let me return to my first point.

First. Under the terms of the Legislative Reorganization Act of 1946, the House Committee on Un-American Activities is entitled to employ six clerks and four professional staff members. In 1966, for example, it received without a specific House resolution, an estimated $158,304 for those 10 employees. The year before, in 1965, it received $152,523 without any vote of the House of Representatives specifically authorizing those amounts. Therefore, it is simply not true that the refusal to report and pass Resolution 221 would be undercutting the Legislative Reorganization Act of 1946 by failing to provide funds for a standing committee.

Let us look at exactly how much this committee has cost the House of Representatives during the previous Congress—the 89th. It received funds pursuant to three House resolutions:

House Resolution 188, $370,000, for the 1st Session, 89th Congress;

House Resolution 310, $50,000, to investigate the Ku Klux Klan;

House Resolution 665, $425,000, for the 2d Session 89th Congress.

These total $845,000.

Nowhere is it indicated in the public expenditures printed in the CONGRESSIONAL RECORD the amounts authorized and appropriated in 1965 for the regular standing Committee on Un-American Activities of $152,523, and the 1966 estimate, $158,304. To this must be added other automatic emoluments and allowances, as follows:

First, 1,000 copies of various committee documents, such as hearings, committee prints. These printing items are paid from the general printing and binding appropriation, which is a standard item in the legislative branch appropriation for each fiscal year. The House Committee on Un-American Activities also has additional printing bills for all of its hearings and reports. I have not checked into this, but my impression is that for almost every document printed by the committee there is a supplemental request to have it printed in a far greater number than the allocated 1,000 copies.

Second, each standing committee of the House is entitled to necessary stationery items upon requisition.

Third, each standing committee is authorized an annual stamp allowance of $300.

Fourth, each standing committee of the House is authorized to send Western Union messages on official committee business.

Fifth, a committee is furnished without charge against its investigative funds all standard office equipment necessary to enable the committee to function properly. The same is true for office furniture.

It is, therefore, clear that if a thorough accounting job was done on the expenses of both the regular standing committee and the special committee, that the cost of the House Committee on Un-American Activities for the 89th Congress would not be the roughly $800,000 that committee indicates but, at least, 50 percent more—approximately $1,250,000.

That is not an insignificant amount.

Additional expenses to the American people which have been caused by the committee throughout its long years of existence have been the tremendous court costs in prosecuting the contempt citations for which the committee has been responsible. Prior to 1966 the House had in 17 years voted some 136 times to cite an individual for contempt—129 of these came from the House Committee on Un-American Activities and 98 were acquitted by the courts. During 1966, 10 more contempt citations came before the House—all from the House Committee on Un-American Activities. The U.S. Government has been ultimately successful in only a mere handful of cases. Since many of these cases went up to the Supreme Court and down again for retrial, it would not be unrealistic to estimate that the U.S. Government must have spent many millions of dollars just on those cases alone.

For what purpose? To uphold the dignity and power of the House of Representatives? That hardly seems likely, considering the manner in which many of these hearings have been held and how they have ended. They have been noteworthy for the confusion, the lack of decorum, the lack of respect for the House of Representatives. They have often ended in disorders and riots. The hearings held by the committee last August are a typical example, showing that there has been little change in the committee, or what can be expected from it. Even Senator DIRKSEN was forced to state about the August hearings, "This spectacle can do the Congress no good."

What have we got from the House Committee on Un-American Activities since it was created? As far as legislation is concerned, its total record of legislative accomplishments is the following:

Public Law 81-831: Internal Security Act of 1950.

Public Law 83-557: Amending section 7(d) of the Internal Security Act of 1950.

Public Law 83-637: Communist Control Act of 1954.

Public Law 87-474: Amending section 3, paragraph 7 (and section 5, subsection B of the Internal Security Act, 1950).

Public Law 88-290: Amending the Internal Security Act of 1950, by adding thereto a new Title III relating to personnel security procedures in National Security Agency.

That is all that the committee can point to as far as legislative accomplishments. That is not my compilation. It is the listing by a member of the committee itself, Congressman JOHN M. ASHBROOK, of Ohio. It is not only a minuscule record, but it is also noteworthy because of the incredible caliber of laws that the committee has produced. For example, the Internal Security Act of 1950 finally received its death blow recently, when the Court of Appeals for the District of Columbia determined that the Communist Party could not be made to register because to do so would violate the privilege against self-incrimination of the individuals who would register for the party. This is some 17 years after the act was passed, with the major purpose of getting the Communist Party to register as a Communist action group. As yet, no organization has registered under the provisions of that act.

The Communist Control Act of 1954 has never been implemented because no one knows what it means and the executive branch of the Government has been unwilling to try to enforce it in any way.

The other changes in the Internal Security Act have been to clear up obvious defects in the law itself. For example, Public Law 87-474 eliminates the requirement that defense facilities be listed in the Federal Register. Prior to the amendment this provision provided a neat bit of intelligence for any foreign government that wanted a list of U.S. defense facilities.

The last law reported by the House Committee on Un-American Activities and passed by Congress covering the personnel security procedures of the National Security Agency has not yet been tested in the courts. When it is, it is my prediction that it, too, will be declared unconstitutional for permitting the denial of even the most basic fundamentals of due process to employees of the National Security Agency at the discretion of the Secretary of Defense.

Not a single bill reported by the committee in 1966 passed both Houses, and only one passed the House of Representatives. This bill, H.R. 12047, by the gentleman from Texas [Mr. POOL], was opposed by every administration witness in public hearings. This bill was the subject of the well-publicized hearings in August, which were marked by the arrest of an attorney, and brought the House such widespread critical notoriety. This bill sought to proscribe assistance to hostile foreign powers and to prohibit obstructions to the movements of military personnel or supplies. Nevertheless, Ramsey Clark, the present Attorney General, along with other administration witnesses, pointed out that it was unwise, unnecessary, and unconstitutional. I think we all knew it would not survive the Senate, even if there had been time for the other body to consider it.

Other bills which the committee considered, such as H.R. 16606 and several others relating to Ku Klux Klan activity, were properly a part of the Committee on the Judiciary, which reported civil rights legislation that dealt with intimidation and terroristic activities of the Klan and other organizations and individuals. Unlike the Committee on Un-American Activities bill, the Judiciary's bill received the backing of the administration. The Klan hearings were also unnecessary and unproductive, as well as continuing the unconstitutional procedures of the committee in exposing for the sake of exposure, followed by contempt citations.

The bill to establish a Freedom Commission and Freedom Academy, H.R. 13177, was opposed in hearings previously by the Honorable Averell Harriman, of the Department of State. Since it dealt primarily with matters affecting the Department of State, it should not have been dealt with by the House Committee on Un-American Activities. H.R. 12302, to protect the United States against certain criminal conspiracies, should have been handled by the Judiciary Committee. H.R. 15040, which would have outlawed the Communist Party, by the gentleman from Mississippi [Mr. WALKER], probably was not seriously proposed, but in any case it should have been in the Judiciary Committee. The only other bills were bills by Chairman EDWIN WILLIS and Congressman ASHBROOK to revise the Internal Security Act of 1950, which has been under staff study.

Therefore it is apparent that the legislative record for 1966 is zero. The one bill passed by the House died in the Senate. In the waning days of the 89th Congress, floor debate revealed that members of the committee itself were shown not to have known that some of the expert witnesses who appeared before the committee were paid with committee funds as "consultants." This disclosure by Congressman WAYNE HAYS indicated that the staff of the committee is making policy, is carrying on activities that the committee members do not know about.

Second. Let me refer, under my second point, to events of the past year.

The House of Representatives has recently gone through a distressing experience which has raised the most serious questions regarding the degree of control the House as a body has on the activities of a Member. The ramifications of that problem have forced us to consider such problems in terms of general and uniformly applicable standards. We are trying to resolve this problem and we all hope we can avoid a confrontation with the courts which could weaken the separation of powers concept so basic to our form of government.

I refer to this dilemma because I think the House has a closely related, and potentially as dangerous a problem, with the House Committee on Un-American Activities. I believe that if the House itself does not face up to its responsibilities, the Supreme Court, albeit reluctantly, will be forced to take action. Indeed right now two cases are pending in the Federal courts, one arising out of the Dr. Stamler hearings in Chicago, and the other arising out of the hearings in Washington last summer conducted by the gentleman from Texas [Mr. POOL]. In both cases, fundamental issues have been raised regarding the constitutionality of the committee itself. These are not simply questions of whether a contempt citation was valid. Indeed, in the latter case, a three-judge Federal court held on February 10 that the failure to cite the witnesses for contempt did not render moot the suit against the committee.

I respectfully suggest, Mr. Speaker, that the House has a clear responsibility to examine with the utmost care, the uses to which the funds here involved are put. The resolution before us is for special investigating funds, which are in addition to the regular funds which the committee receives. It seems to me that an approval of such extra funds, is a clear endorsement by the House of the purposes for which the extra funds are requested. At a time when racial tensions are exacerbated, it seems to me most unwise, for example, to give our imprimatur to an investigation of alleged Communist infiltration of civil rights organizations and demonstrations. It is instructive to remember that the House Committee on Un-American Activities files were the source of 30 pages of material put in the RECORD on July 29, 1963, which purported to prove that the NAACP was subversive and infiltrated with Communists. Among the NAACP leaders whose reputations for loyalty were questioned was A. Philip Randolph, Secretary Robert C. Weaver, Ambassador Ralph Bunche, Solicitor General Thurgood Marshall, and Clarence M. Mitchell.

Third. Now let me turn to point No. 3 regarding what I consider the unauthorized reference service of the House Committee on Un-American Activities.

Extensive raw files have been made available to investigative agencies, Members of Congress, and their staffs. The committee in its report to the Administration Committee, February 13, 1967, is proud of this activity, for it states as follows:

> In 1966, the Reference Section answered 1,565 requests for information from Members of Congress and 2,806 from the Committee Staff. Information checks were made on 4,775 individuals and 3,149 organizations named in those requests. Written reports were compiled on 3,173 subject items. In addition material was loaned to Committee staff members at a rate of about 300 per month. The section also prepared almost 16,000 exhibits for use in investigations, hearings and other phases of Committee activity. Representatives from 25 investigative agencies of the Executive Branch made 2,400 visits during the year to check the Committee's records.

Is this a proper function of the committee and, if so, where does it get the authority? There is nothing in the authorizing resolution for the committee granting it the authority to create and maintain a library containing rumor and gossip regarding American citizens—and to widely distribute this information under the name of the U.S. House of Representatives. Are committee files kept on Congressmen and their employees? We do not know but maybe it is about time we found out. Under whose control are the files kept? How much of the committee's budget is spent in compiling such information? Should not this be a function of the FBI and investigative agencies of the executive branch of the Government?

Recently we have become disturbed about the activities of the CIA, since we have not been informed how they have spent their money—and they have spent it in a wide range of ways over which Congress had no control nor knowledge. Have we not the same problem here in our own backyard?

The first thing we should do is to refuse to authorize House Resolution 221 until we get a clear understanding of how the committee spends its money and what it intends to do. There should be a justification not only for it as a standing committee, but certainly for any funds which are appropriated for the select and special committee staff and expenses which would be paid for by the $350,000 requested under House Resolution 221.

I respectfully urge that a full and public hearing be held on the legitimacy of the expenditure of funds requested in House Resolution 221.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. Yes. I yield to the gentleman.

The SPEAKER. The time of the gentleman has expired.

Mr. BURLESON. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield.

Mr. WILLIS. I think the gentleman will acknowledge that the person who put this in the CONGRESSIONAL RECORD is not a member of this committee. Will the gentleman admit that to the Speaker?

Mr. EDWARDS of California. The distinguished committee chairman points out that the Member of Congress who inserted this derogatory information from the committee files in the RECORD was not a member of the House Committee on Un-American Activities. That is correct.

Mr. WILLIS. But that was not inserted by any member of the committee.

Mr. BURLESON. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, I rise again in opposition to the appropriation for the House Committee on Un-American Activities. This year, if the committee amendment is agreed to, it calls for $350,000 in addition to the funds which will regularly be available to it, as the distinguished gentleman from California [Mr. EDWARDS] pointed out, under the Legislative Reorganization Act of 1946. That regular staff allowance will be about $160,000.

As I have stated before on the floor of this House, this committee serves no useful legislative purpose. It flaunts our constitutional principles, and its conduct has brought discredit upon the House.

The legislative record—and that is the test of a committee, or I submit it should be—the legislative record of this committee is practically barren. In more than two decades of its existence five laws, only five laws, have been enacted. During the last Congress, the 89th Congress, not one single bill reported out by this committee was enacted into law. As usual, only a very small number of bills was referred to the committee.

Of the 21,999 measures which were introduced during the 89th Congress, 38 were referred to this committee, and of those 38 there were only eight which were of a different substance. In other words, 30 bills were similar or identical to these eight. Of the eight substantively different bills, five out of the eight died in committee when the Congress adjourned last October. Only one of the three reported out reached the floor. That was H.R. 12047, known as the Pool bill, which passed the House in the last two weeks of the 89th Congress. As predicted, it died in the Senate Judiciary Committee at adjournment time.

That is the legislative record of this committee which during the 89th Congress had the fourth largest appropriation of the 20 standing committees of the House, some $845,000 over a period of 2 years. Moreover, the committee spent $152,523 in 1965 and $158,304 in 1966 which was allotted under the Legislative Reorganization Act of 1946.

The committee also had the fourth largest staff in the House. During the 6-month period from July 1, 1966, to January 2, 1967, it employed 55 people. The only committees with larger payrolls were the Committees on Education and Labor, Appropriations, and Government Operations.

This unproductive committee received a higher appropriation than the Committees on Banking and Currency, Judiciary, Interstate and Foreign Commerce, Armed Services, Foreign Affairs, and the Ways and Means Committee.

The committee constantly invades the jurisdiction of other standing committees.

In every session, even those few bills that are referred to the committee properly belong in other committees. A brief look at the eight substantively different bills referred to the Un-American Activities Committee in the 89th Congress proves the point.

H.R. 4293 authorizes the Federal Government to guard strategic defense facilities against individuals believed to be disposed to commit acts of sabotage, espionage or other subversion. This bill clearly belongs in the Judiciary Committee. In fact, H.R. 5162, a similar bill involving defense facilities and internal security, was referred to the House Judiciary Committee.

H.R. 6005 is an effort to get around the court decision rendering inoperative the Internal Security Act. It provides for injunctions against the activities of Communist organizations and their members which would have been unlawful if the organizations had registered under the Internal Security Act. It also provides for the death penalty for staff employees of the White House, Congress, and the Supreme Court if they violate the act. The bill also provides for the denial of bail and for supervision while in prison of those who are convicted under the measure. Certainly the proper committee for this proposal is the Judiciary Committee.

H.R. 9713, which was reported out of the committee without any further action being taken, is the familiar Freedom Academy proposal. This bill, which has been introduced in every Congress since the 86th, has been opposed by every administration. It clearly belongs in the Foreign Affairs Committee. In the Senate, Freedom Academy bills are returned to the Foreign Relations Committee.

The Pool bill, H.R. 12047, which passed the House and expired in the Senate, fell within the jurisdiction of the Judiciary Committee or the Interstate and Foreign Commerce Committee. Two similar bills introduced in the last Congress—H.R. 11864 and H.R. 12775—were referred to the Judiciary Committee.

H.R. 12302 and H.R. 15040 also belong in the Judiciary Committee. The first would make organizations such as the Ku Klux Klan and the Cosa Nostra unlawful. H.R. 15040, introduced in the last two Congresses but never reported out of committee, would make membership in the Communist Party or any Communist-front organization unlawful.

H.R. 17484 would impose travel restrictions. The Immigration and Naturalization Subcommittee of the Judiciary Committee is responsible for passport legislation, not the Un-American Activities Committee.

The only other bill referred to the Un-American Activities Committee during the last Congress, H.R. 16606, also belonged in the Judiciary Committee. The purpose of the bill is to provide criminal penalties against activities of certain clandestine organizations, and to provide injunctive relief against certain criminal conspiracies. It is interesting to review the history of that bill, the so-called Klan bill.

Two years ago this month, Mrs. Viola Liuzzo was brutally murdered in Alabama at the time of the Selma to Montgomery march. The President called for immediate legislation to protect civil rights workers from violence; and in April the House approved a supplemental appropriation of $50,000 for the Un-American Activities Committee to investigate the Ku Klux Klan. Six months later, in October, the committee began hearing 187 witnesses. The hearings continued for 4 months, until February 1966. Five months later the committee held legislative hearings on the so-called Klan bill.

During the legislative hearings, most of the witnesses, including the Attorney General of the United States, expressed apprehensions about the vagueness of the bill and about its unconstitutionality. The language of the bill was such that civil rights leaders justifiably feared that, rather than protect civil rights workers, the bill might be turned against them.

On October 21, 1966, hours before adjournment of the 89th Congress, H.R. 10006 was reported out of the committee.

Perhaps it was fortunate that the bill was approved too late for action. Three members of the nine-member committee refused to support it.

One of the members, Congressman ICHORD, in dissenting views published in the committee's report had this to say about the bill which was the product of 40 days of public hearings and thousands of taxpayers' dollars:

> In sum, I believe the provisions of the bill are not only unenforceable and unconstitutional, they are also so broad and so general that they might very well cover activities and organizations which do not pose a significant threat to the security of the Nation and the peace and tranquility of its citizens.

Mr. Speaker, the abysmal legislative record of the Un-American Activities Committee is enough reason to deny them their appropriation. But in addition to that record, the committee, by its conduct during its hearings, has discredited the House. The hearings held last August during which a member of the bar was at the committee's insistence forcibly ejected from the hearing room stands as an example of the reprehensible conduct of this committee. As Senator DIRKSEN observed in commenting upon the August hearings, "This spectacle can do the Congress no good."

The hearings held in Chicago in May 1965, also did the Congress no good. Those hearings were conducted in the usual circus manner of the committee. True to tradition the names of the witnesses to be called were leaked to the press in advance of the hearings. At the hearings lawyers were treated with callous disrespect. The Chicago Daily News protested the hearings in an editorial entitled "Fair Play Went Out the Window." The editorial published May 29, 1965, had this to say about the hearings:

> The three-day visit to Chicago of the House Un-American Activities Committee was a disgrace from start to finish and from hearing room to picket line. Nothing positive was accomplished and a great deal of harm was done.

"Nothing positive was accomplished and a great deal of harm was done"—this just about sums up the committee's sordid history.

Mr. Speaker, this then is the record of the House Committee on Un-American Activities.

But, Mr. Speaker, there are other matters which should be of concern to all the Members of the House.

For instance, there was the revelation by our colleague, the gentleman from Ohio [Mr. HAYS], last October that the House Committee on Un-American Activities had carried on a practice of paying friendly witnesses through the use of contracts. This was at first denied on the floor of the House but then was later admitted, as a result of the facts which were brought out by the gentleman from Ohio [Mr. HAYS]. Payments to witnesses were made from funds appropriated by or under the authority of past resolutions, which were similar in nature to the resolution now pending before us.

Mr. Speaker, the question is this: If we vote these funds today, how much of them will actually or eventually be used to pay for witnesses who will testify in support of and in keeping with the attitudes of the House Committee on Un-American Activities.

Although the committee's hearings are supposed to serve a legislative purpose, they are used for the purpose of exposure and too often resemble criminal proceedings without due process.

Mr. Speaker, the entire process and manner in which this committee conducts legislative trails should be questioned. Is that process in keeping with the separation of powers of the various branches of the Government?

Mr. Speaker, many facts have been brought to light since the last appropriation which cast further doubt upon the operations of this committee. I hope Members will not feel that they should vote in support of this resolution simply because of the fact that they have previously voted for appropriations.

By its high-handed tactics, use of paid witnesses, and disregard for individual rights, the House Committee on Un-American Activities has not earned the support of this great House of Representatives in the forthcoming year.

Mr. Speaker, reputations have been tarnished and many lives have been lastingly and adversely affected through the actions of this committee.

In the last 19 years the committee has recommended that 139 people be cited for contempt. The reputations of these people have been ruined as have the reputations of others called before the committee but not used. Only nine convictions have been upheld as the courts are reluctant to approve of the committee's tactics. Six contempt cases are now pending, and the constitutionality of the committee's jurisdiction is again challenged.

However, we must not rely on the courts to clear our conscience. We should uphold the Bill of Rights and the Constitution—and finally refuse to fund their subversion.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from New York has expired.

Mr. RYAN. Mr. Speaker, will the distinguished gentleman from Texas yield to me 1 additional minute?

Mr. BURLESON. I yield 1 additional minute to the gentleman from New York.

Mr. RYAN. Mr. Speaker, I was going to quote the words of the distinguished dean of the House of Representatives and the chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], words which I deem appropriate to recite to the Members of the House at this time.

Mr. Speaker, the words of the gentleman from New York [Mr. CELLER] in 1946 are as follows:

> This committee has resulted in dangerously splitting and splintering our people into hostile groups. In addition to the fact that no one bill has been passed, the activities of this committee have created festering sores or prejudice and intolerance in many parts of this country, and for that reason I hope the resolution will be voted down. (CONGRESSIONAL RECORD, 79th Cong., 2d sess., vol. 92, p. 5213.)

Mr. Speaker, those are the words of Chairman CELLER in 1946. Twenty-one years later they are still pertinent. Let us apply his counsel today.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield for a question?

Mr. RYAN. Yes; if I have any time left during which to yield to the gentleman.

Mr. WAGGONNER. Mr. Speaker, the gentleman stated that the House Committee on Un-American Activities has utilized paid witnesses.

Mr. Speaker, I ask the gentleman if the gentleman can support that accusation with factual evidence?

Mr. RYAN. I refer the gentleman from Louisiana to the CONGRESSIONAL RECORD, volume 112, part 20, pages 27448, 27717; and part 21, page 28381.

Mr. WAGGONNER. Just what were those facts?

Mr. RYAN. Those facts were made public here on the floor of the House when contempt citations were under debate. It was disclosed that witnesses were paid through contracts. The gentleman from Ohio [Mr. HAYS] brought these facts to the attention of the House, and it is a matter of record. He said:

> In times past the House Committee on Un-American Activities has paid witnesses and has used the device of putting them under contract to keep their names from the public records to pay them. (CONGRESSIONAL RECORD, vol. 112, pt. 20, p. 27448.)

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield further?

Mr. RYAN. I yield further to the gentleman from Louisiana.

Mr. WAGGONNER. But, the RECORD shows that these people were employed by the House Committee on Un-American Activities at a point in time which was considerably later than the testimony which they gave before the committee itself.

Mr. RYAN. Mr. Speaker, I shall leave the record on that subject to speak for itself.

Mr. BURLESON. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. WILLIS], chairman of the House Committee on Un-American Activities.

Mr. WILLIS. Mr. Speaker, the statements made by the previous speakers are typical of the criticisms and unjustified accusations made against the House Committee on Un-American Activities from time to time.

Mr. Speaker, shortly after the gentleman from California [Mr. EDWARDS] took the microphone in the well of the House he referred to the Committee on Un-American Activities of the House as utilizing an unauthorized reference service.

May I say this in that connection: just this morning I wrote a letter to certain Members—and the gentleman would know who I am talking about—explaining the authority of that service. Again the gentleman said, as he took the microphone, that for 20 years this committee has been violating the constitutional rights of people, yet he did not cite a single case because there is no case holding thusly anywhere in the United States.

On the other hand, in the Barenblatt case, with which I know the gentleman is familiar, the Supreme Court said that the Committee on Un-American Activities has "pervasive" authority to investigate Communist activities, "generally."

May I say that in an earlier case, that of Douds versus C.I.O., Justice Jackson said in his concurring opinion:

> The Constitution does not make conspiracy a civil right.

And when we investigate Communist activities, that is exactly what we are doing, investigating conspiracies.

Now, Mr. Speaker, the gentleman went out of his way to say something to bring into this debate the civil rights movement, which is the farthest thing from our minds, and the farthest, as I have said, from the minds of any member of this committee. My colleague from Missouri [Mr. ICHORD], will have something to say on that matter a little later.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman for a question.

Mr. BURTON of California. Has the

Committee on Un-American Activities ever paid by contract or otherwise employed any person who had, prior to their time of employment, been a witness of the committee?

Mr. WILLIS. We do that by contract, and were it otherwise we could not have such a fine gentleman as the director of this committee on our payroll. Sometimes an individual who has testified in hearings will later be placed on the regular payroll or hired temporarily under contract for a special project.

But for anyone to take this well and say that this committee hired people to testify—and I ask the Speaker's pardon, and I apologize for what I am about to say—but I say that is an outright lie.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield further?

Mr. WILLIS. I yield to the gentleman for a question.

Mr. BURTON of California. Mr. Speaker, could the gentleman give the House some approximation as to the number of persons hired by the committee apart from those who served as director of the committee's staff, or as general counsel or chief minority counsel for the committee, who were put under employment or hired under contract subsequent to their testifying before the committee?

Mr. WILLIS. I personally know of none except the director, Mr. Francis McNamara.

Mr. BURTON of California. In other words, if I understand the gentleman's statement——

Mr. WILLIS. Watch my words. I say personally I know of none, and I mean exactly that.

Mr. BURTON of California. Mr. Speaker, would the gentleman then join with the gentleman from California in requesting the Committee on House Administration to give a response to this question, which would be placed in the RECORD of the House, what, if any such persons have ever been employed, or placed under contract by the House Committee on Un-American Activities prior to, or subsequent to their testifying?

Mr. WILLIS. I will be delighted to sign such a letter myself, as chairman. And may I say that the committee just a few weeks ago in this session unanimously voted that if ever a situation like this should come up that the full committee would have to agree to it.

Mr. BURTON of California. Just one final question.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman has expired.

Mr. BURLESON. Mr. Speaker, I will be glad to yield an additional minute.

The SPEAKER pro tempore. The gentleman is recognized for 1 additional minute.

Mr BURTON of California. Mr. Speaker, is it or is it not a fact that members of the committee have made an effort to have the committee stop this practice, and that on a divided opinion the committee decided they would not limit this unique practice of making contracts of employment available for those who have testified before the committee?

Mr. WILLIS. No; that is not accurate. May I say with reference to the employment of people under contract, this committee has done no more and no less than what other committees of the House have done.

The Committee on the Judiciary, and I am a member of that committee, has some people under special contract. I am sure the Committee on Armed Services has also had such people because my friend, the gentleman from Louisiana, [Mr. HÉBERT], is the senior member of that committee and I know that is the practice.

So, Mr. Speaker, this committee has done exactly nothing worse and nothing more nor less than all the other committees of the House.

In conclusion, may I say this, Mr. Speaker, the last Congress was the first full Congress of my regime as chairman of this committee. I think that last year, in 1966, we did a good job. I am proud of the job we did. For instance, after receiving the funds which was testified to here, we came out of the year and we returned some $16,000 of unused funds. This year which, as I say, is the beginning of the second Congress of my incumbency, we have asked for $25,000 less than last year. I think that is a good performance.

Mr. WATSON. Mr. Speaker, will the gentleman yield?

Mr. WILLIS. I am delighted to yield to my good friend, the gentleman from South Carolina, a member of the committee.

Mr. WATSON. Mr. Speaker, I cannot pass up this opportunity without reminding the House that just a little while ago the gentleman now in the well, the distinguished chairman of the House Committee on Un-American Activities was physically stricken with an ailment which would have probably completely immobilized most of us.

I have only been privileged to serve on this committee since the beginning of the 90th Congress. But I am happy to say and I am sure that I am expressing the sentiments of everyone on this floor that we are happy that the gentleman from Louisiana [Mr. WILLIS] has come back so strongly physically and mentally, so that he is able to resume his able leadership of this committee.

I can say without fear of contradiction that no one, in my judgment, could have served with more dedication and could have been fairer with all of the witnesses and could have been more restrained and helpful so far as conducting the investigations than the chairman of this committee has been.

Mr. Speaker, we all must realize the responsibilities of this committee—it is one of the most difficult responsibilities we have. Our responsibility is to ferret out un-American, subversive activities. When you step on people's toes in this area, you naturally are going to be maligned and criticized. But I commend the gentleman from Louisiana for his able leadership.

Mr. WILLIS. I thank the gentleman.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIS. Mr. Speaker, I include the following letter which I referred to earlier in my remarks:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C., April 4, 1967.

Hon. DONALD FRASER,
Cannon Building,
Washington, D.C.

DEAR MR. FRASER: This is in reply to the letter of March 23 addressed to me by yourself, Mr. Rosenthal and Mr. Ryan.

In that letter you quoted from the letter I wrote on February 13 to the Committee on House Administration, giving information on the operations and expenditures of the Committee on Un-American Activities last year and outlining the Committee's contemplated activities for this year in support of its appropriation request. It has been my understanding that all such letters from committee chairmen have been considered confidential and for the use of the Administration Committee only.

The excerpt you quoted contained information on the number of checks made and reports compiled for Members of Congress by this Committee's Reference Section, and also on the number of investigative agencies of the Executive Branch which had made use of the Committee's reference records during the year 1966.

You requested that I reveal to you the names of all Members of Congress who received information from the Committee's files last year and the precise number of times they were given information. You asked for the same information about agencies of the Executive Branch.

As you are undoubtedly aware, this Committee furnishes information to members of Congress in compliance with House Rule XI, 26(c) which states that:

> "All Committee hearings, records, data, charts, and files . . . shall be the property of the House and all Members of the House shall have access to such records."

Each year this Committee makes an annual report to the House in which it includes statistics on the information service its Reference Section provides for Members. The House, with this information, has endorsed this Committee service to its Members year after year by approving appropriations to finance it by overwhelming votes.

As you are probably aware, too, the courts also approve of this Committee practice and have cited it as proof of the Committee's legislative purpose and intent.

A number of years ago, the U.S. Court of Appeals for the District of Columbia found evidence in the Committee's operations which "amply supported" its having a distinct legislative purpose. In citing the evidence which demonstrated the Committee's concern with its constitutional duty of assisting in enactment of legislation, the court wrote in part as follows:

> "A large collection of material and exhibits is maintained by the Committee in connection with its constituted duties in order to furnish reference service not only to the Committee's own members and staff in its investigations and hearings, but also to every member of Congress who submits a written request for information in that field."

The Committee has never before received a request that it reveal the names of all Members who have requested information from it and the precise number of times the Committee has provided them with information in the course of a given year or during any other period. In addition to the fact that it would require an excessive number of man hours of work at a time when the staff is finding it difficult to keep up with information requests from other Members of the House as well as its work in connection with Committee hearings and investigations, I do not feel that it would be appropriate for me to divulge the kind of information you have requested concerning Members of the House.

Perhaps you would want to address a letter to each one of them requesting that they furnish you with the information you desire.

In his Executive Order No. 9835 instituting the Federal Loyalty Program in 1947, former President Truman specifically listed the Committee's files as one of the sources of information where "an investigation shall be made of all applicants" for Federal employment. The practice instituted by President Truman was continued by Presidents Eisenhower and Kennedy, and is followed by the present administration of President Johnson.

Our files are searched four days a week, on a full-time basis, by 8 to 15 representatives of certain Federal departments and agencies. Representatives of other agencies do the same type work at the Committee offices on an irregular basis. During 1966, the following departments and agencies sent personnel to search our files, regularly or occasionally:

Central Intelligence Agency.
Civil Service Commission.
Coast Guard Intelligence.
Defense Communications Agency.
Defense Intelligence Agency.
Department of Agriculture.
Department of Defense.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of State.
Department of the Treasury.
Federal Aviation Agency.
Federal Bureau of Investigation.
Immigration and Naturalization Service.
Internal Revenue Service.
National Aeronautics and Space Administration.
National Agency Checks Center, Department of Defense.
National Security Agency.
Naval Investigative Service.
Office of the Assistant Chief of Staff for Intelligence, Department of the Army.
Office of the Inspector General, Department of Agriculture.
Office of Naval Intelligence.
Office of the Secretary of Defense.
Office of Special Investigations, Department of the Air Force.
United States Air Force.
United States Information Agency.
United States Secret Service.

In addition to the above-listed agencies which have their own representatives visit the Committee, the following departments and agencies (as well as various congressional committees) called on our Committee personnel for information:

Department of Justice.
Library of Congress.
National Bureau of Standards.
Department of the Army.
Post Office Department.
Veterans' Administration.
Walter Reed Hospital.
National Armed Forces Museum Advisory Board.
Fort McNair Industrial College.
U. S. Commission on Civil Rights.
Agency for International Development.
Smithsonian Institution.
General Services Administration.
Joint Chiefs of Staff.

You will note that in our annual reports to the House we state the number of Executive Agencies which have representatives visit our offices and the total number of visits they make in the course of each year. It would be a burdensome task for the staff to go back over the Committee's records now and attempt to check the exact number of occasions on which representatives of each agency visited our offices.

I trust it will be sufficient for you to know that some do so daily and others only occasionally, and that all told these agencies made approximately 2400 visits to the Committee during the year 1966 to check its files for information that would assist them in protecting the integrity of our Federal service and the national security of the country.

Needless to say, I and all other members of the Committee are tremendously pleased that we are able to render this valuable service to the Government and people of the United States.

With best wishes,

Sincerely yours,

Edwin E. Willis,
Chairman.

Mr. BURLESON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. O'Hara].

Mr. O'HARA of Illinois. Mr. Speaker, I have grown old in this fight against the Committee on Un-American Activities. I am one of the six or seven Members of the House of Representatives who voted against it when many of our colleagues thought it was not politically wise to vote against this committee. But six or seven of us did vote against it. I was of that number. I received two letters criticizing me. One letter was pretty bitter—it wanted to quarter me—it wanted to gouge my eyes out. The other letter was almost as bad.

On the other hand, I received 12,000 letters commending me. They came from every State of the Union. Of the six or seven of us who voted that year against the Committee on Un-American Activities, all were returned to this legislative body by increasing majorities.

It may not be this year, but one can feel in the air that this House of Representatives is getting ready to abolish this committee. If not this year, then very soon, possibly next year, the work will be turned over to the Committee on the Judiciary and there will be an end to the committee named the Un-American Activities Committee.

I do not know what that means. Un-American. I have never looked at a fellow American and thought that he was not every bit as loyal and as fine and as fully an American as I am, and I think it is a crime when any American turns to another American and questions his loyalty to his country, his patriotism, and calls him "un-American."

Now I want to say something else. This committee has a pretty bad history. I can remember some things that some of you younger Members perhaps have never heard. I know this fine gentleman from Alabama who just came on the committee recently and who, during a recent debate, got permission to put a lot of pages in the Congressional Record about me, that someone had written for him and he had no way of checking between fact and fiction. I know he is a fine gentleman, but he was not around when a chairman of that committee went to the penitentiary. He never knew they had a prostitute who was put on the stand and who testified as she was told. He knows nothing of that. He just was not around. All that he knows is that in these later days this committee has had some fine members.

I do not know of a finer American than Governor Tuck of Virginia. In my book Governor Tuck represents all the chivalry, all the greatness, all the nobility of the State of Virginia.

I came to this Congress with the present chairman of the Un-American Activities Committee, and I have always regarded him as a close personal friend. If I were passing judgment today solely upon this issue on the basis of the personality of Chairman Willis, I would vote for the committee.

But, my goodness, even such a great chairman as Chairman Willis, even such a great American as Governor Tuck, could not prevent what happened in the city of Chicago where three of our great Chicagoans were pilloried—and this is in America—and it is being done by a committee of this House

I do not know how many Members are going to vote against this resolution today. The vote will be very much larger than that cast by six or seven of us some years ago. It will be larger than the number in opposition last year. But every addition to the number that we had previously will be a victory—a victory for decency, a victory for that feeling of respect of ourselves, our country, and our countrymen that I regard as the spirit of America.

So, Mr. Speaker, I hope that in the vote of this House today in this historic Chamber will be reflected the rebirth of an old and noble America.

I am extending my remarks to include two recent editorials, one from the Gary, Ind., Post Tribune of April 1, 1967, and the other from the Chicago Sun-Times of April 4, 1967:

[From the Gary (Ind.) Post Tribune, Apr. 1, 1967]

Is HUAC Necessary?

The House Un-American Activities Committee, in recent years at least, has made its best contributions during its periods of inactivity.

If the HUAC investigates unrest in the country's troubled cities, as it proposes to do, it almost certainly will do more harm than good. Its conduct of hearings in the past has been characterized by boisterousness, accusations, questionable procedures and activity that leads nowhere.

It is a superfluous creature of the U.S. House of Representatives. That is what the evidence in its record shows. The House should whittle the proposed $350,000 budget down to a pittance, or decide to disband it.

The question is not whether there should be investigations and hearings. The question is who should conduct them. Other committees are available to handle the work—committees with the power and authority to do it right. For example, the House Judiciary Committee says it can check into unrest in the cities. Its chairman says the HUAC would "only muddy the waters." We agree.

The committee's record of legislative futility is enough to raise doubts about its usefulness, and the circus-like atmosphere of its hearings has caused critics to charge that it is harmful to the prestige of the U.S. House.

In addition, there remains the controversy over the committee's intrusion into areas protected by the Constitution. A committee whose authority is challenged and whose work is unproductive is of questionable value.

A resolution introduced in the House early this year asking that the HUAC's name be changed to the Committee on Internal Security would solve nothing. The committee would still be able to do the same things, even with a new name.

The Judiciary Committee has the authority to probe into any alleged threats to our internal security. Why keep a committee that is non-essential? The House ought to give it a straight answer to that question as it ponders the future of the HUAC.

[From the Chicago Sun-Times]

THE UN-AMERICAN COMMITTEE

The House of Representatives is again being asked to feed the albatross that it carries about its neck. It is scheduled to vote Wednesday on a $350,000 appropriation for the House Committee on Un-American Activities—an amazing congressional creature that has an unbroken record for doing the wrong thing at the wrong time in the wrong way. That's not an easy record to establish but the committee has labored away at it successfully through 30 years of diligent, tireless arrogance and inepitude. Some day, perhaps, a majority of the nation's congressmen will weary of this little game, and end it once and for all.

Though the new appropriation is expected to pass, there is evident in Congress an increasingly stiff resistance to the perpetuation of the committee. Five Congressmen—Edwards of California, and Yates, Annunzio, O'Hara, and Ronan, all of Illinois—appeared before a sub-committee of the House Administration Committee when it was considering the Un-American committee's request for $400,000. They succeeded in getting the sum cut by $50,000.

Furthermore, the Un-American committee's opponents are getting more and more support from the home folks. Prior to the vote on the appropriation, 298 prominent citizens in the Chicago area—professors, physicians, clergymen, leaders in professional and labor organizations, private citizens—asked for the abolition of the committee. Earlier, 120 priests and nuns in the Boston area asked the Congress to debate the continuation of the committee, and warned of its encroachment upon the freedoms of speech, politics and religion. And even earlier, 3,000 persons—500 clergymen and 2,500 professors of law, history, medicine and political science—petitioned the Congress on behalf of three Chicagoans victimized by the committee during its notorious hearings in Chicago.

If the case against the committee requires another statement, then we can do no better than quote the petition of the Chicago people: "Chicagoans remember all too well the performance put on by that House committee here. Our mayor called it a 'star-chamber proceeding.' They did here what they have done everywhere—deny elementary constitutional rights to their victims, damage reputations and continue harassment even after the fruitless 'hearings.'"

The case has also been well stated by Msgr. George G. Higgins, director of the Social Action Department of the U.S. Catholic Conference, in the New World, the Chicago archdiocesan newspaper. He aptly calls the committee useless—its functions duplicate those of other committees, and it has sponsored little or no significant legislation—and it has blindly and despotically denied the rights of American citizens. Its procedure, he wrote, is one "by which friendly witnesses are allowed to defame others without being subjected to cross-examination and by which those defamed are then subpenaed and required to answer committee questions but are not allowed to testify in their own behalf or to have others testify for them."

The Un-American committee and its supporters routinely call their opponents Communists or dupes of the Communists. The monsignor and the other citizens and the Illinois congressmen opposing the Un-American committee require no defense aginst such a slur and insult. They speak in the American spirit. May their voices be heard, some day, in the halls of Congress.

Mr. BURLESON. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker and Members of the House, as ranking minority member of the House Committee on Un-American Activities I certainly rise in support of the committee. I sometimes think the committee does not need to reply to the many statements that are made against it. Its own actions stand out. The support it has received, the overwhelming support of this House throughout the years, indicates that the great majority of the Members of this body agree with the need for such a committee and with its actions. I certainly join in the statement of my colleague from South Carolina in the praise that was lavished on the chairman of our committee, the gentleman from Louisiana [Mr. Willis].

I would point out that the sum of $400,000 asked for might seem a large sum, but when one has served on this committee and understands its workings you soon recognize that we need a far greater amount than other committees. In the first place, almost every hearing we have represents a situation where there are strong adversaries. The Committee on Education and Labor, for example, on which I am privileged also to sit, will hold hearings, and whether it be on situs picketing or whether it be on higher education or whether it be on labor bills—which stir some degree of heat—we nevertheless find witnesses will come before our committee and cooperate and give the points for or against the bill which is before the committee. We can then act.

In the case of the Un-American Activities Committee, we rarely are met with a situation other than hostility. Because of the areas into which we delve, because of the areas which we are mandated by this House to investigate, we quite naturally evoke a response which is not cooperative. This means we must go out in advance to do a great amount of what we might call spadework.

In the case of the Ku Klux Klan hearings, for example, we could guess Mr. Sheldon and others might not be as helpful possibly as they should be in giving us information, so thousands of hours of staff work were necessary to find whether or not there was an area for investigation. So we do a great amount of advance work. This has all been outlined before.

I would like to add one thing since the matter of Mr. Stamler, Yolanda Hall, and Mr. Cohen has been brought up. I hope the Members of this body will not rush to make any judgment on the Un-American Activities Committee because of any unsubstantiated claims that may have been made by the three persons whom this committee of the House found deserved to be tried in court for contempt and whom the Congress itself has voted in contempt. These matters are still before the courts. There were a lot of contentions made about Jeremiah Stamler, Yolanda Hall, and Milton Mitchell Cohen, so I thought it might be well to put in the Record what the facts in this case are, so the vote on this bill will not in any way be deflected off of its proper course.

In October 1966 Jeremiah Stamler, Yolanda Hall, and Milton Mitchell Cohen were cited by the House for their refusal to testify before the subcommittee at hearings in Chicago and the facts have been certified by the Speaker of the House to the U.S. attorney for the northern district of Illinois. The U.S. attorney has not brought these citations before the grand jury. The Department of Justice has asked the U.S. attorney to withhold presentation of these citations pending further consideration of the action of the Court of Appeals for the Seventh Circuit in remanding the civil actions instituted by Stamler, Hall, and Cohen in the U.S. District Court for the Northern District of Illinois. Because of the close relationship between the contempt citations and the action of the U.S. court of appeals in the civil actions, the Department of Justice is undecided as to when the contempt citations should be presented to the grand jury. The two civil actions which were instituted in the district court are as follows:

On May 24, 1965, the day before the commencement of public hearings in Chicago, the plaintiffs Jeremiah Stamler and Yolanda Hall and intervening plaintiff Milton Mitchell Cohen, who were subpenaed witnesses for the Chicago hearings, brought an action in equity against the members of the committee by which they sought a judgment declaring their subpenas and the proposed hearings invalid, declaring rule XI unconstitutional, and to enjoin the defendants from instituting any contempt proceedings against them. The plaintiffs also moved for the convening of a three-judge court. On the same day the district court dismissed this action.

A second action, with substantially the same averments—but alleging matters occurring at the public session—was filed by the plaintiffs on December 6, 1965, by which they sought a judgment declaring rule XI unconstitutional, declaring the hearings and subpenas invalid, and to enjoin the defendants from proceeding against the plaintiffs for contempt. They also moved for the convening of a three-judge court. The court dismissed this action likewise.

The plaintiffs appealed both civil actions and the cases were consolidated on appeal. In November 1966, the court of appeals reversed the district court in both actions, vacated the judgment, and granted the plaintiffs' request for the convening of a three-judge court.

The court of appeals held that the complaints filed by the plaintiffs presented a substantial constitutional question which deprived the district court of jurisdiction to dismiss the complaints. The court of appeals said that the allegations contained in the plaintiffs' complaint were not foreclosed by *Barenblatt* v. *United States*, 360 U.S. 109 (1959), in which the Supreme Court passed only upon the contention of whether rule XI was unconstitutionally vague, and as to first amendment rights had said that there was no indication in the record of that case that the subcommittee was attempting to pillory witnesses.

On the other hand, the court of appeals said, the plaintiffs Stamler, Hall, and Cohen had alleged generally that the interpretation of rule XI, as expressed by the conduct of the subcommittee, attributed a meaning to the rule which rendered it unconstitutional and that this conduct consisted of the exposure of witnesses, including the plaintiffs, to the public scorn, obloquy, harassment, and intimidation without any legislative purpose but rather to chill and deter them and others in the exercise of first amendment rights. These allegations, the court of appeals said, were not disposed of by Barenblatt.

It should be observed that the court of appeals by no means purported to pass upon the truth of the allegations of the complaints of the plaintiffs, Stamler, Hall, and Cohen. The matter has not reached the hearing stage. The Department of Justice is preparing further pleadings and the committee staff is now assisting the Department of Justice in preparing a response to the complaints. There will be, no doubt, a considerable length of time elapsing before this case is disposed of or before it might be tried.

Until such time as this case is finally decided, it is premature, to say the least, for any person to make allegations against the Committee on Un-American Activities based on the unsubstantiated claims of three persons who, the House has found, deserve to be tried in court for contempt of the Congress of the United States.

Mr. BURLESON. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I want to join in the remarks spoken earlier by my colleagues regarding the distinguished chairman of this committee. ED WILLIS has been a long-time friend of mine, and there is not a finer person in the House than he is.

But, without reflecting in any way on any individual member of the committee, those of us who oppose the committee will propose later today that the House ought to take a look at the operations of this committee. It is time that we do so.

In view of the fact that this is the most controversial committee of the House and in view of the fact that there are so many questions which are always raised whenever a resolution affecting this committee comes to the floor, we believe the House should take a look at the operation of the committee and decide whether it wants to continue it, to change its jurisdiction, or limit its activities.

As an example, how many Members have taken the time to read the jurisdiction of the committee as it appears in the rules? Let me read the rule establishing the committee:

> The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

Would you say that the activities of this committee have been limited within the confines of the jurisdiction stated in that rule? Of course it has.

As a matter of fact, I am told that one of the members of the committee has filed a bill to change the name of the committee to make its name conform more closely with its activities.

My good friend ED WILLIS said that the committee follows the rules of the House of Representatives. In the parliamentary inquiry which I propounded before, I asked whether televised hearings were proper under the rules of the House. The Speaker said "No." Well, I know as a matter of fact, that the hearings in Chicago were televised. And there are pending in the court now, with respect to three citations alluded to by my friend from Ohio, the question as to whether or not the committee did follow the rules of the House in the hearings that took place in Chicago. In such cases as is contended the committee did not.

I do know that the respected newspaper, the Chicago Daily News, commented on the actions of the committee after it concluded the hearings in Chicago in an editorial which bore the title, "Fairplay Went Out the Window." That was quite descriptive of the impression of the committee's hearings.

What does the committee do? Periodically it will issue a report or hold its widely publicized hearings or ask the House to issue a citation at some time to hold one or more witnesses in contempt for having failed to comply with some request of the committee.

Do Members know what the record of these citations is? There have been 129 contempt citations which have been voted by the House at the request of this committee. Do Members know how many have been sustained in the courts? Nine. Nine out of 129 contempt citations have been sustained in the courts. This is the record of the committee over the past 17 years.

The committee has 50 employees, more or less, and it spends a half-million dollars a year on salaries and on consultants' fees. The committee is authorized to employ consultants. There were two consultants employed last year; $340,000 went for salaries for the committee.

What does the committee do? Is it not about time that this House took a look at what this committee does? That is what we are going to ask at the present time, in the motion to recommit which will follow.

Based upon the activities of the committee, based upon the fact that periodically the House ought to look at some of its most controversial activities, I believe the motion to recommit which will be filed later in the proceedings should be sustained.

Mr. JOELSON. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New Jersey.

Mr. JOELSON. In the last session we appropriated extra money for the committee to investigate the Ku Klux Klan. Has the Committee on Un-American Activities come up with any legislation as a result of that?

Mr. YATES. Not to my knowledge. I believe perhaps it has not completed its report or its investigation of the Ku Klux Klan yet; but I will say to the gentleman that the one principal piece of legislation which the committee sponsored some time ago has had its most important sections ruled unconstitutional by the courts.

Mr. BURLESON. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. WATSON].

Mr. WATSON. Mr. Speaker, I thank the gentleman very much for yielding to me. I appreciate this time given me by the distinguished chairman of the Committee on House Administration at this point, because in view of the comments made just a moment ago by the gentleman in the well with regard to the activities of this Committee on Un-American Activities, it would be wise at this point to insert in the RECORD the statistics based upon a summary and analysis prepared by the Library of Congress Legislative Reference Service dated November 18, 1966, and updated to March 22, 1967. The period of this statistical report covers the year 1945, at which time the committee was constituted as a standing committee, up until the present date.

While it is not my purpose to engage in any numerical argument with the gentleman who just spoke in the well, I believe this is a totally reliable authority and contradicts the figures given by him. This record will show that there have been some 173 citations of which 161 have been indicted. As of the present date there have been 45 final convictions so far as citations emanating from this committee are concerned.

So, Mr. Speaker, I should like to ask unanimous consent at this time to insert this table as compiled by the Library of Congress Legislative Reference Service in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The table is as follows:

STATUS OF CONTEMPT CITATIONS RESULTING FROM HEARINGS BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES

The following statistics are based upon a summary and analysis prepared by the Library of Congress Legislative Reference Service, dated November 18, 1966, and updated to March 22, 1967. The period covered is from the year 1945, at which time the Committee was created as a Standing Committee, to date.

To date there have been 76 convictions in the trial courts, according to the Library of Congress study (this figure includes 3 pleas of nolo contendere, which is equivalent in law to a plea of guilty). Of these 76 convictions, 18 were not appealed and 27 were sustained on review, for a total of 45 final convictions to date. There are, in addition, 4 convictions currently on appeal.

Number of citations	175
Indicted	161
Reindictments	4
Died before trial	1
Awaiting trial	3
Awaiting grand jury action	3
Convicted	73
Convicted on reindictment	1

Convictions not appealed	15
Convictions sustained on final review	[1]27
Convictions pending appeal	4
Pleaded nolo contendere	2
Pleading nolo contendere; to reappear	1
Purged contempt—Promised to appear	2
Acquitted or dismissed	[2]89
Acquitted or dismissed on reindictment	4
Convictions reversed	27
Convictions on reindictment reversed	1
Citations ignored by grand jury	9
Further prosecution dropped	4

[1] This figure includes only those convictions which were reviewed, and does not include convictions which became final in the absence of review.

[2] Includes appellate instructions to dismiss or to acquit.

Comparative Study of Contempt Citations of the House Committee on Un-American Activities and All Other Committees of the House and Senate for the Period 1944–1957

A study of the history of contempt citations for the period 1944–1957 prepared by Carl Beck of the University of Pittsburgh in his book titled, "Contempt of Congress," reveals that during that period the House Committee on Un-American Activities cited a total of 135 witnesses, 43 of whom were finally convicted, whereas all other committees of the House and Senate for the same period had cited 91 witnesses, of whom only 11 were finally convicted. (7 citations of the HCUA and 8 of the other committees then remained pending.)

Carl Beck's recapitulation is as follows:

Court history of contempt citations, 1944–57 [1]

	Committee on Un-American Activities	All other committees	Total
Total	135	91	226
Witness purged himself	3	0	3
Ignored by grand jury	7	9	16
Not brought to trial (excluding those who purged themselves and those ignored by grand jury)	2	14	16
Acquitted by district court	59	35	94
Convicted by district court (no further action)	15	4	19
Convicted by district court (appealing)	6	4	10
Acquitted by court of appeals	7	12	19
Conviction upheld by court of appeals	21	3	24
Acquitted by Supreme Court	7	2	9
Conviction upheld by Supreme Court	1	0	1
Decision by grand jury, district court, court of appeals or Supreme Court pending	7	8	15

[1] The figures in this chart only refer to final action by the courts. Thus, a person convicted by the district court whose conviction was sustained by the court of appeals, but reversed by the Supreme Court, is only recorded under "Acquitted by Supreme Court."

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. WATSON. Yes. I yield to the chairman of the committee.

Mr. WILLIS. Following the remarks I made a moment ago on the floor, Mr. Speaker, I ask unanimous consent to insert in the RECORD the letter to which I referred in those remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. JOELSON. Mr. Speaker, will the gentleman yield?

Mr. WATSON. I will be happy to yield if I have any more time left.

Mr. JOELSON. I hope the gentleman does not think it is the function of the committee to obtain citations. The function of the committee is to recommend legislation—constitutional legislation.

Mr. WATSON. Perhaps I misunderstood the argument of the gentleman. I thought he or his colleague was trying to show that the committee had not been successful in obtaining contempt citations with the recitation of figures which were incorrect. You decide which way you want it.

Mr. BURLESON. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. TUCK].

Mr. TUCK. Mr. Speaker, I rise in support of the committee resolution. I deprecate the fact that certain Members of the House of Representatives would undertake to deny the Committee on Un-American Activities an appropriation to carry on its work this year.

Their persistence, however, their firm commitment to their cause, the effort they exert, their refusal to surrender, their dogged devotion to a task and a cause which I trust is hopeless may be commended. After 29 years of utter failure, these opponents are still contending and endeavoring to cut off the funds for the Committee on Un-American Activities.

I believe these colleagues will lose their battle again today, just as they have lost all the battles of the same type which they have fought over the years. They will lose it basically because their views represent only a small minority of the American people. They will lose it because the vast majority of the American people oppose their position. They will lose it because the House of Representatives, moved by the highest sentiment of responsibility on every significant issue concerning our national welfare, shares the view of the overwhelming majority of the public and not the view of the minority, the tiny minority, that desires the abolition of the committee.

The Committee on Un-American Activities deserves its continued existence because it is supported by all patriotic organizations, such as the American Legion, Veterans of Foreign Wars, and many others too numerous to mention. Many men who threw themselves in the very jaws of death for God and for country approve the record and the accomplishments of the Committee on Un-American Activities.

Many years ago a gentleman continued to repeat his love and admiration for Grover Cleveland. A bystander inquired, "Why do you love Grover Cleveland?" And the answer promptly came: "I love him for the enemies he has made." And so it is with the Committee on Un-American Activities. It deserves to exist because of the enemies it has made.

Every Communist front organization in the country, such as the DuBois Clubs of America and others, opposes the continuation of this committee, as does the Communist Party itself. If this committee is so needless and worthless and accomplishes so little, as some contend, these nefarious organizations dedicated to our enslavement and the overthrow of our American Government would not be so violent in their opposition.

These dexterous opponents of our committee have adopted an approach and a strategy that are indeed alluring. They heap lavish praise upon the members of the committee, extolling their virtues and minimizing their faults. Their over-generous compliments and kind words are noted and appreciated, but serve to remind me of the lady in the play who protested too much. Their skillful tactics are as old as the hills and have been employed in all forms of contests since time immemorial. They bring to mind a vision of the memorable episode on the field of Gideon in the time of David, the King, when Joab, referred to in the Bible as the flint-headed nephew of King David, met Amasa, whose face he caressed, but whose body he despoiled. You no doubt remember the story.

With the customary salutation of affection and friendship, Joab approached with his right hand stroking the beard of Amasa and inquired with great solicitude: "Is it well with thee, my brother?" And Amasa noted not the sword that was in Joab's other hand, and Joab smote Amasa under the fifth rib and laid his bowels on the ground to mingle with the dust of that ancient and faraway battlefield.

The length of our beard may not be such as that of Amasa, but we have eyes keen enough to perceive the situation and to understand the destructive effect of the operation.

Our opposing colleagues deserve commendation for their diligence. They exhibit great elation, believing they have discovered a new and a powerful weapon, but they fail to realize how ineffectual it is.

I can recall lists of names being placed in the RECORD, names of people who want to abolish the committee—in some cases, lists of several thousands of them. The joy and elation which our diligent colleagues derive from these lists soon dissipate because they find that the new and powerful weapon was only a dud.

A few years ago, a gentleman from California, an ordinary, typical American, decided, when the Committee on Un-American Activities was under attack, that he would do something to help. So he drafted a statement supporting the committee and mailed it to contacts he had in various parts of the country, asking them to get people to sign it—just as our opponents are always circulating petitions in the hope that they will get a significant number of signatures for them.

The result of the effort of this American who had no funds behind him, no formally organized group with full-time paid agents to spend their days doing nothing except trying to obtain signatures on a petition, was to get 30,000 signatures on this petition supporting the committee, which he brought to Washington to present to our chairman.

This is a significant accomplishment in the light of the effort to enervate the Committee on Un-American Activities and to render it powerless.

The Honorable EDWIN E. WILLIS, of the State of Louisiana, is the distinguished chairman of our committee. He is a lawyer of national standing. His fairness, his impartiality, his ability have been impressed upon us all, and he enjoys to an unusually high degree the confidence and the esteem of the House of Representatives.

Here is a letter Chairman WILLIS recently received from the American Legion, an organization which courts as members some two and a half million Americans who are veterans of our armed services. The director of the American Legion's Washington office was forwarding to the chairman of the committee a resolution adopted at the 1966 National Convention of the American Legion. That resolution reads as follows:

> Whereas the maintenance of the freedom and integrity of the United States of America and all of its citizens necessitates the continuing vigilance of groups seeking to subvert and overthrow the Government of the United States of America. Now, therefore, be it
>
> *Resolved by the American Legion in National Convention assembled in Washington, D.C., August 30, 31–September 1, 1966,* That it commend the House Committtee on Un-American Activities and the Senate Internal Security Subcommittee for their consistent efforts in the fight for the preservation of freedom against totalitarian Communism and subversive elements and urge the continuation of the House Committee on Un-American Activities and the Senate Internal Security Subcommittee without any curtailment of their jurisdiction or appropriations.

I have in mind also another recent letter to Chairman WILLIS, this one from the Washington office of the Veterans of Foreign Wars of the United States, an organization whose membership is limited to men who have served on foreign soil in a time of war and of insurrection in which the forces of the United States have been committed. It has approximately one and a half million members. The director of the VFW National Legislative Service, Mr. Francis W. Stover, enclosing a VFW resolution in his covering letter, made the following statement:

> Rest assured should efforts be revived to eliminate your committee or subsequently, thereto, emasculate the work of your committee by cutting necessary funds, the VFW will be doing everything possible to oppose and defeat any such movement.

The VFW resolution reaffirming that organization's support of the committee's great service to our country, adopted at the 67th national convention, August 21–26, 1966, follows:

> Whereas the House Committee on Un-American Activities has long been a stalwart factor in the preservation of our government against those who would subvert it; and
>
> Whereas the committee has been subjected to ridicule and criticism by those who fear to be exposed by the committee's investigation; and
>
> Whereas the House Committee on Un-American Activities has proceeded with dignity and determination in the discharge of its duties; and
>
> Whereas the Committee continues to perform a vital and necessary function in our government, by reason of the continuing efforts of forces who are at work to undermine the security of the United States: Now, therefore, be it
>
> *Resolved by the 67th National Convention of the Veterans of Foreign Wars of the United States,* That we commend the House Committee on Un-American Actvities and express the appreciation of the Veterans of Foreign Wars to the committee for the service it is performing on behalf of our country, and reaffirm our continued support.

Over the years, numerous other mass-membership organizations representing the very bone and sinew of Americanism have passed similar resolutions.

The committee does not have to solicit such support. It does not have to go out drumming endorsements. It can constantly depend upon the unqualified support of that segment of our society constituting the warp and the woof of American citizenship who approve of the accomplishments of this committee and who favor its continuation. All the propaganda and agitation which may be assembled can never change them.

All of us should and do have great admiration for intellectual achievement. One of the first marks of the genuine intellectual is that he has studied and knows his subject and therefore commands and deserves the attention of the public when he speaks on that subject. Many so-called intellectuals have dubious claim to that name when they speak or write about the Committee on Un-American Activities.

On the other hand, there are many who undoubtedly deserve that appellation and who, I am pleased to add, speak well of the Committee on Un-American Activities.

I would like to make brief reference to one such man now—Professor Benjamin E. Lippincott, formerly of the University of London, now professor of political science at the University of Minnesota. He is past vice president of the American Society for Political and Legal Philosophy. One of Professor Lippincott's books, "Democracy's Dilemma, the Totalitarian Party in a Free Society," was published in 1965. It is a thoughtful book which deals with the problem of how a government, such as ours and those in Western Europe, has sought to deal, and ought to deal, with totalitarian political movements and, specifically, with Communist Parties. It deals with the internal threat to the security and well-being of a nation posed by communism.

The point I would like to emphasize is that, in writing this book and in the years of background study that preceded the actual writing of it, Professor Lippincott, an intellectual and a liberal, made use of the hearings and reports of the Committee on Un-American Activities.

One of the appendixes to his book is "A Note on Source Materials." In this note, he referred to the hearings and reports of this committee as "richly rewarding." I will not take the time to read his note in full, but do request, Mr. Speaker, permission to insert the text of it in the RECORD at this point.

The text follows:

> A comment may be of interest on source materials provided by Congressional committees, which was useful for Chapter 2. The author approached, at the outset of this study, the hearings and the reports of the Congressional investigating committees with considerable misgivings, but was surprised to find a wealth of data that was most useful in understanding Communist activity, personnel, and organization in the United States. These sources, obviously, must be used with discrimination, but anyone who is knowledgeable with respect to the Communist movement, especially if he has had direct experience with it, will find the reports and hearings richly rewarding.
>
> It is the author's experience that until late years liberals have made little use of the hearings and reports of the House Committee on Un-American Activities and the Subcommittee on Internal Security of the Senate. The author found, for example, that hearing after hearing and report after report in the libraries of two great universities, Harvard and Minnesota, had never been opened.
>
> The materials turned up through investigation were apparently avoided because of the excesses of Martin Dies and Parnell Thomas, the early chairmen of the House Un-American Activities Committee.[1] Part of this reputation springs from the fact that on occasion witnesses were abused, but as a rule this did not happen unless the witness was arrogant and insulting to the Committee. Part of this reputation also springs from the liberal press emphasizing the violations of fair play by the Committee, minimizing the provocative behavior of witnesses, and giving little attention to the data that were developed. The Committee's reputation doubtless suffered, too, from the concerted attacks made upon it by Communists and fellow travelers.[2]
>
> It may be remarked, in passing, that liberals who were quick to raise their voices in protests against the excesses of investigating committees dealing with Communists were on the whole notably silent with respect to the excesses of such committees dealing with the misdoings of bankers and capitalists in

---

[1] For a criticism of the House Committee, see Robert H. Carr, *The House Un-American Activities Committee: 1945–1950* (Reinhart, New York, 1951). For a defense see, William F. Buckley, Jr., *The Committee and its Critics* (Putnam, New York, 1962). The last chapter, "A Record of the Committee's Work," lists the various hearings, reports, and consultations undertaken by the Committee. See pp. 276–335. Anyone who would attempt to understand the character and the extent of the Communists' activities in the United States cannot afford to neglect these materials.

[2] The ability of a pro-Communist minority to discredit the House Un-American Activities Committee was strikingly illustrated, during the latter part of 1939 and early 1940, at the Board of Directors level of the American Civil Liberties Union. The Board had appointed the Wise Committee to investigate the HUAC under the chairmanship of Martin Dies. The Wise Committee's conclusions were mixed; although they were very critical of HUAC's methods, they said that much in the Dies' findings was of value as an aid in legislating and in preparing a more adequate national defense. After the pro-Communist went to work on the conclusions, the value was insignificant. See Joseph Tanenhaus, "American Civil Liberties Union," to be published in *Studies in Infiltration: The Strategy and Tactics of Communist Maneuver* (Cornell University, Ithaca, 1965), edited by John P. Roche, a volume in the Fund for the Republic series.

the twenties and early thirties. The studies made in recent years on communism in the United States under the auspices of The Fund for the Republic are correcting this lapse with respect to the use of materials in the reports and hearings of Congressional investigating committees.

Mr. Speaker, one could talk for hours on the subject of why the committee enjoys the support of the American organizations to which I have adverted. These organizations and individuals have always supported, and today support, the committee for the simple basic reason that they know it has a very important task to perform and, while we members of the committee are not perfect and sometimes make mistakes—as all Members of this House and others do—the committee, over the years, has done an extremely creditable and highly valuable job.

The committee's record is public. It is there for all to see in the hundreds of volumes of hearings and reports, in the scores of thousands of pages of testimony it has released over the years. The committee's record of accomplishments can also be found in the scores of books that have been written by authorities and scholars who have studied, quoted from and referred to its hearings and reports. It is found in the 40-odd laws on the books of our Nation in the field of security which follow the legislative recommendations of the committee.

In conclusion, let me say that the Committee on Un-American Activities of the House of Representatives is the only committee in the House of Representatives dealing with the subject of internal security. The purposes for which it was established and accomplishments which it has achieved commend it to the favorable consideration, not only of this body, but of the American people as well. It stands today as one of the most effective instrumentalities now organized and working in opposition to world communism.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a statement of what I believe to be the policy of one committee in regard to contract hiring, which is as follows:

COMMITTEE POLICY ON CONTRACTS

All Committees of the Congress find it necessary, and/or advisable, from time to time and under certain circumstances, to have work done for them by qualified persons under contract. The type of service contracted by a Congressional Committee may vary considerably. Sometimes it is investigative in nature; sometimes, clerical; sometimes, scholarly.

This is a completely proper and legitimate method of accomplishing the work of the Congress and its Committees. It has been done for many years. It is provided for in the Rules of the House and the Committee on House Administration is charged with the oversight of such arrangements. As we all know, the Executive Branch spends huge sums of money each year on contracted studies of one kind or another.

Over the years, the Committee on Un-American Activities, like other Committees of the Congress, has had work done in all of the above-mentioned categories by contract with certain persons. During its recent investigation of the Ku Klux Klan, as one example, a former agent of the FBI was employed by the Committee, under contract, to assist in the huge investigative task involved in preparing for the Committee's hearings.

Two scholarly documents published by the Committee in recent years in its "Facts on Communism" series were written under contract. The first volume, "The Communist Ideology," was prepared by Dr. Gerhart Niemeyer, Professor of Political Science at the University of Notre Dame, and a well known authority on the subject. The second volume, "The Soviet Union, from Lenin to Khrushchev," was prepared by the late Dr. David J. Dallin, the author of many books on the subject of Communism and the Soviet Union and an internationally recognized scholar.

At the time it was decided to undertake these studies, no one on the Committee staff could be spared to carry out the extensive research involved in their preparation. The Committee also believed that they could best be prepared by persons in the academic field with outstanding reputations in the area the studies concerned.

This is why the work was contracted. The project was outlined by the Committee Chairman in letters to the Chairman of the Committee on House Administration and that Committee, after due consideration, approved these contracts.

This, of course, has been done in the case of every person whose services have been contracted for by the Committee on Un-American Activities.

Because of the nature of the work of the Committee—the duties imposed upon it by the House—it has sometimes developed that the persons best qualified to make certain studies, or perform other work desired by the Committee, have been persons who have been witnesses before the Committee. In such cases, they have been employed under contract.

This is a completely proper procedure. There is no reason why it should not be done. The important thing for every Committee to do is the work assigned to it by the House and to have it done by competent and qualified people. The mere fact that a person has testified before a Committee should not disqualify him from later performing services for the Committee under contract. Generally speaking, the fact that a person has so testified indicates competence in the area.

Material placed in the Record in the recent past has led some to believe that the Committee on Un-American Activities not only spends large sums of money for contract services, but that all, or most, of the money it has spent in this manner has been paid to persons who have been witnesses before the Committee.

This is not so. I have heard and read the claim that, in the last five or six years, the Committee has paid over $35,000 to 18 witnesses for favorable testimony. Such statements are completely without foundation. The fact of the matter is that from 1961 to date, the Committee—for services rendered, but not for testimony—has paid a total of $5,675 to 7 persons who have been witnesses before the Committee in the past—one of them, I might point out, as long ago as 1939.

There is no doubt in my mind but that, from time to time in the future, there will be occasions when persons who have been witnesses before the Committee on Un-American Activities will be the ones best qualified to perform certain services which will be of benefit to the Committee, to the Congress and to the country as a whole. When this develops and certain factors prevent the Committee from placing these people on the regular payroll, the Committee will submit requests for their employment under contract. I feel certain that, when these contracts are justified—as they have been in the past—they will be approved—again, as they have been in the past—by the Committee on House Administration.

Propaganda recently distributed by a Communist front organization has referred to "secret" contracts of the Committee on Un-American Activities.

For the benefit of the public at large, I would like to state for the record what all Members of this House know—that there is no such thing as secret Committee contracts. Every six months the Committee on House Administration publishes a document, "Detailed Statement of Disbursements," which lists every single payment made from the contingent funds of the House, including all payments under contract with Committees. There is nothing secret about the contracts of the Committee on Un-American Activities, or of any other Committee. They are all matters of public record.

Mr. BURLESON. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, I support the motion to recommit. We need a great deal more information about how this money is going to be spent. I am concerned by the announcement last October, that the committee staff is undertaking "a preliminary inquiry into organized rioting" to determine what role "subversive" elements may have played in such alleged organized rioting. The staff of the Committee on Un-American Activities has shown a disturbing propensity for characterizing as "subversive" a wide variety of dissent and nonconformity. If there is to be an inquiry of this nature, it would more properly be conducted by the Judiciary Committee.

I am also concerned, Mr. Speaker, with the propriety of expending House funds for the purpose of maintaining files containing "raw" unsubstantiated allegations about many U.S. citizens and making such unsubstantiated material available to almost anybody who requests it. I think that such activity does substantial damage to our ideals of fair play, justice, and individual rights.

The recommital of this resolution will not leave the Committee on Un-American Activities without funds. Under the Legislative Reorganization Act of 1946, the committee is entitled to hire 10 professional and clerical employees at aggregate annual salaries of almost $160,000. In addition, the committee is entitled to allowances for printing, stationery, office equipment, et cetera, which total up to over $50,000.

In almost 30 years, the committee has produced only five pieces of legislation, and those five are basically valueless. In the 17 years since the passage of the Internal Security Act of 1950, not a single organization has registered as "subversive." Recent court decisions on the subject of self-incrimination have made it virtually a dead letter. The Communist Control Act of 1954 is so patently unconstitutional that it has never been enforced. The other three laws from the committee are merely minor amendments to the Internal Security Act.

Mr. Speaker, the activities of the Committee on Un-American Activities have frequently reflected discredit upon this House. I think it is time we had a thorough study to determine why this committee which handles virtually no legislation spends over $1,200,000—more than all but two or three other standing committees—during a 2-year Congress.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. SCHEUER. Yes; I yield to the gentleman from Ohio.

Mr. HAYS. I do not know if the gentleman from New York is aware of it or not, but I understand the minority side plans to offer a motion to recommit in an effort to increase the amount to be authorized and appropriated to the House Committee on Un-American Activities.

Mr. SCHEUER. That is not the motion to recommit that I have in mind. However, I thank my colleague, the gentleman from Ohio, for clarifying that situation.

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, the gentleman would agree, I believe, in accordance with what the gentleman from Ohio said, that in the event the minority does offer a motion to recommit——

Mr. SCHEUER. To increase——

Mr. EDWARDS of California. To cancel the action of the House Administration Committee—to declare the action of the House Administration Committee null and void, and to raise the appropriation back to $400,000, the proper vote would be what? Would be "No"?

Mr. SCHEUER. The vote would be to oppose that motion to recommit, of course.

Mr. BURLESON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BURTON].

Mr. BURTON of California. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain records prepared by the Library of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BURTON of California. Mr. Speaker, I rise to oppose the appropriation recommended by the Committee on House Administration. I should like to restate that which has been said before; that even if this House were to deny the additional amount requested by the House Committee on Un-American Activities, that under previously passed statutes this committee would still have some $160,000 or more upon which they could draw to conduct their affairs.

Mr. Speaker, I am opposed to the basic existence of any committee of the Congress that would arrogate unto itself a function that I believe, in light of their past practices, is essentially judicial and not legislative in form and content.

We have found, based on our own personal observation of the committee and its activities, that witnesses subpenaed by the House Committee on Un-American Activities are denied virtually all of various elements of due process which are accorded any defendants, in a court of law. The committee's witnesses are not provided in a timely manner, with any specific allegations. They are denied the right to confront and cross-examine their accusers and to subpena witnesses on their own behalf.

So, I find that in the first instance, the committee has no right to invade the protections guaranteed by the first amendment of the Constitution and therefore, if they have any authority at all, it is limited to those acts—as distinguished from the speech—of the subpenaed witness. This determination is, and should be, essentially a judicial and not a legislative responsibility. However, the House Committee on Un-American Activities usurps the judicial function and in effect, passes judgment on the "Americanism" of witnesses called before it without any of the due-process safeguards which I have detailed earlier and which are required in any judicial proceeding.

It is in the courts of our land where there is procedural and substantive due process that the guilt or innocence of American citizens is determined. It is beyond the province of any legislative committee, including HUAC, to determine the guilt or innocence of any American citizen.

Further, it is antagonistic to the basic notion of our democratic processes that the representatives of the people are empowered to sit in judgment on the political opinions of the sovereign people. For, in our free society, it is the province of the people in determining whom shall be elected, to sit in judgment on the political opinions of their representatives. The consistent record of the House Committee on Un-American Activities reflects a complete reversal of the basic relationships of the Members of Congress to the sovereign people of the United States.

If it be the assertion of any that a given person has violated the law of this land, let that person be tried in the only suitable forum for that decision, to wit, the courts of our land. But I submit, it is beyond the authority of any committee of the Congress to make such a determination. The legislative authority to investigate has long since been recognized as being limited in the sense that it must be relevant to the development of legislation. And I submit, that any proper legislative function which Congress may have in this area already reposes in the House Judiciary Committee.

Mr. Speaker, I have noted with interest the relative calm, if not disinterest, reflected by the Members on the floor with reference to this debate. I suspect that this is—in itself—a healthy sign. It evidences a growing understanding and confidence in the good sense of, and the concern for constitutional liberties among the American people.

The following information, compiled at my request by the Legislative Reference Service, may be of interest to my colleagues:

Committees ranked in descending order of staff cost per committee member, 89th Cong.

Rank	Committee	Average staff	Salaries	Number of members	Amount per member of Committee
1	Un-American Activities	61	$987,368.84	9	$109,707.65
2	Government Operations	65	1,598,657.61	33	48,444.17
3	Education and Labor	99	1,359,519.58	31	43,855.47
4	Select Committee on Small Business	24	546,427.91	15	36,428.27
5	Public Works	41	1,056,893.70	34	31,085.11
6	Banking and Currency	44	996,722.80	33	30,203.72
7	Appropriations	62	1,451,285.67	50	29,025.71
8	Post Office and Civil Service	38	701,159.79	25	28,046.39
9	Judiciary	39	907,700.97	34	26,697.09
10	Interstate and Foreign Commerce	37	867,523.07	33	26,288.58
11	Science and Astronautics	22	644,809.37	31	20,800.30
12	Ways and Means	22	516,914.19	25	20,676.57
13	Armed Services	26	713,761.92	38	18,783.21
14	Veterans' Affairs	20	419,207.71	24	17,466.99
15	Foreign Affairs	17	625,455.84	36	17,373.77
16	Agriculture	20	414,632.18	36	11,517.59
17	Interior and Insular Affairs	14	382,117.07	34	11,238.74
18	Merchant Marine and Fisheries	11	335,612.74	30	11,187.09
19	District of Columbia	11	262,363.13	25	10,494.53
20	House Administration	7	174,445.55	25	6,977.82
21	Rules	4	102,961.49	15	6,864.10

Committees ranked in descending order of total salaries, 89th Cong.

Rank	Committee	Average staff	Salaries	Number of members	Amount per member of committee
1	Government Operations	65	$1,598,657.61	33	$48,444.17
2	Appropriations	62	1,451,285.67	50	29,025.71
3	Education and Labor	99	1,359,519.58	31	43,855.47
4	Public Works	41	1,056,893.70	34	31,085.11
5	Banking and Currency	44	996,722.80	33	30,203.72
6	Un-American Activities	61	987,368.84	9	109,707.65
7	Judiciary	39	907,700.97	34	26,697.09
8	Interstate and Foreign Commerce	37	867,523.07	33	26,288.58
9	Armed Services	26	713,761.92	38	18,783.21
10	Post Office and Civil Service	38	701,159.79	25	28,046.39
11	Science and Astronautics	22	644,809.37	31	20,800.30
12	Foreign Affairs	17	625,455.84	36	17,373.77
13	Select Committee on Small Business	24	546,427.91	15	36,428.27
14	Ways and Means	22	516,914.19	25	20,676.57
15	Veterans' Affairs	20	419,207.71	24	17,466.99
16	Agriculture	20	414,632.18	36	11,517.59
17	Interior and Insular Affairs	14	382,117.07	34	11,238.74
18	Merchant Marine and Fisheries	11	335,612.74	30	11,187.09
19	District of Columbia	11	262,363.13	25	10,494.53
20	House Administration	7	174,445.55	25	6,977.82
21	Rules	4	102,961.49	15	6,864.10

The authorities used in completing the assignment were as follows:

1. Number of Members on each Committee—Congressional Directory, 89th Congress, pp. 255–265.

2. Number of staff members and their salaries; Jan.–June 1965, Congressional Record, volume 111, part 15, pages 19996–20004. July–Dec. 1965, Congressional Record, volume 112, part 1, pages 878–886. Jan.–June 1966, Congressional Record, volume 112, part 12, pages 17160–17169. July–Dec. 1966, Congressional Record, February 16, 1967, pages 3315–3324.

Comparison of workload of the two committees on which I served (89th Congress)—Interior and Insular Affairs and Education and Labor—with workload of the House Un-American Activities Committee:

House Education and Labor Committee:	
Public laws passed	28
Private laws passed	0
House Interior and Insular Affairs Committee:	
Public laws passed	102
Private laws passed	10
House Un-American Activities Committee:	
Public laws passed	0
Private laws passed	0

Mr. Speaker, prominent daily newspapers including the New York Times, March 25, 1967, the Washington Post, March 23, 1967, and the San Francisco Chronicle, March 31, 1967, have editorially opposed this committee.

[From the New York Times, Mar. 25, 1967]

Un-American Committee

The self-appointed next assignment of the tenacious House Un-American Activities Committee is an investigation of unrest in the nation's cities, a project remarkably ill suited to bringing tranquillity to those cities.

Before the hearings of the committee begin anew, this seems an appropriate time to question once again whether it should exist at all. Its budget request comes to the House floor next week, already cut $50,000 by the Administration Committee from the $400,000 asked. Why waste the remaining $350,000?

Ever since the committee was started under Representative Martin Dies in 1938—the budget then was $25,000—its record has been a blend of the oratorical and inquisitorial, full of sound and fury and usually signifying nothing.

Its legislative futility and its frequent unseemly conduct have even brought condemnation in recent years from Senator Everett Dirksen. Ninety distinguished law professors, the latest of its critics, suggest that the committee "is jeopardizing the prestige and public respect for the House of Representatives."

There are plenty of serious and dedicated committees to uphold the important investigative function of the House. The Judiciary Committee has already suggested it could undertake the contemplated look at urban unrest. The Un-American Activities Committee would "only muddy the waters," said the Judiciary chairman in a gracious understatement.

In the spirit of real respect for law, for the legislative process, and above all for traditional freedoms, let the nation rid itself of this un-American committee.

[From the Washington Post, Mar. 23, 1967]

Down the Drain

It is heartening that the House Administration Committee has recommended a $50,000 cut in the $400,000 appropriation sought by the House Committee on Un-American Activities. This is, of course, a mere knick where outright decapitation would have been preferable. In all probability, the remaining $350,000 will be approved by the House perfunctorily. Like the sacred cows which roam about India at will, wreaking incalculable havoc, HUAC has come to be regarded in Congress as somehow sacrosanct. But the House would do well to head the plea submitted by a long list of distinguished law school professors to consider "the extent to which the House Committee on Un-American Activities is jeopardizing the prestige of and public respect for the House of Representatives."

The truth is that HUAC has become a bad joke. Its public hearings are a periodic embarrassment to the House of Representatives, provoking contumely and disorder and ending almost invariably in judicial repudiation of the Committee. It does nothing but provide headlines for buffoonery. It is employed today, as it has been employed throughout the 29 years of its existence, to suppress dissent, impede the struggle for civil rights and punish by publicity what the Constitution forbids Congress to make punishable by law.

If Congressmen are indifferent to the injury which HUAC does to the good name of the House of Representatives, they might at least look at the Committee pragmatically in terms of its monetary cost. In a period when the avoidance of needless expenditures is urged as a patriotic duty, it is absurd to give HUAC an appropriation of $350,000 to lavish on a staff of 55 employees which has little to do and does even less. This is pouring money down the drain. Economy, as well as morality, suggests a change.

[From the San Francisco Chronicle, Mar. 31, 1967]

Congress Should End HUAC's Independence

Appeals for the abolition of the House un-American Activities Committee are once again being heard as the time approaches when the House of Representatives is to vote on the committee's 1967 appropriation. This is set for April 5.

We were interested to note that recently another committee of the House, the Committee on Administration, chopped back the budget of the un-American Activities committee from $400,000 to $350,000. That seems to express some reservations about the worth of its work. Such doubts are indeed widely entertained. The National Committee to Abolish HUAC has focused its efforts in the hope of persuading Congress to wipe out all the appropriation and with it the committee.

While we hardly expect that result, it has long been our belief that Congress should put the work of HUAC into more competent hands. The House Judiciary Committee, for example, could do more effectively and discriminatingly what the un-American Activities committee has frequently done with abusive tactics.

One justification for the tremendous uproar and expense which HUAC occasions might be that it results in laws protecting the republic. Yet the historic record of this committee shows that it has produced next to no legislation. Its purpose presumably is to discover objectively the facts about attitudes and activities which hamper or threaten the general welfare of the country. That is a proper area for Congress to concern itself with. But HUAC has long since removed itself from the role of objective fact-gathering on American attitudes and has become instead an instrument of policy, usually of the chairman, who seems usually—and one wonders why—to be a Texan.

Congressmen should be raising questions about the organization and scope of the House un-American Activities Committee and pressing the House leadership to put its work under the jurisdiction of some long-established and legislatively competent standing committee of the House.

This past month, Steel Labor, the publication of the United Steel Workers, has printed its views in an editorial entitled "Whack HUAC":

Whack HUAC

The biennial effort to gain the floor on the opening of Congress to propose abolition of the House Un-American Activities Committee failed again this year, but abolitionists took heart in significant and increased opposition to the committee among members of the House.

The blow was softened at the Democratic Caucus when almost one-third of the Democrats in the House voted to go on record as favoring a change in rules that would allow for the permanent dispatch of this ancient remnant of mccarthyism. And during the first week of the 90th Congress, more than two dozen abolition resolutions, several of them introduced by Republicans, were referred to the Rules Committee.

Pragmatists on "The Hill" scoff at the repeated efforts of aroused citizens to get HUAC junked, declaring that it is now an institution and is a vehicle for political careers (its most "famous" graduate being Richard Nixon). But it is precisely because of this, and that last-ditch segregationists now plan on using the committee to smear the civil rights movement and rehabilitation of the ghettos—that HUAC must be constantly opposed and discredited.

The arguments are as old as the committee: that it is unconstitutional, that it denies due process to witnesses; that it has served virtually no legislative purpose; that its appropriation could be used for much more worthwhile causes (its annual budget is the fourth largest among standing House committees).

Labor well knows that those who abuse the First Amendment in their alleged hunt for "subversives" eventually find their target in all organized social and economic movements seeking a change for the better. That is why the USWA, at its last Constitutional Convention called for abolition of HUAC, which it said "is not dedicated to gathering information, but to conducting inquisitions without any legitimate legislative purpose.

The committee, with few exceptions in its long history, has been a panel of white supremists and ultra-rightists who have been cloaked in the respectability and the immunity of Congress in carrying out their witch hunts. House members should join in the protest by voting against its appropriation this month as a means of seeking open debate on its very existence.

The Western Association of Reform Rabbis in January of this year adopted the following resolution:

Western Association of Reform Rabbis Resolution on National Committee To Abolish the House Un-American Activities Committee—Approved January 11, 1967

Whereas we are committee to the preservation and guarantee of the rights of the First Amendment; and

Whereas the House Un-American Activities Committee's mandate empowers it to investigate solely into the First Amendment-protected areas of speech, press, religion, assembly and petition; and

Whereas the House Un-American Activities Committee, year after year, in producing nothing of value toward the security of the United States, has trod heavily upon the rights and dignity of our citizens;

Therefore Be It Resolved that the Western Association of Reform Rabbis calls again for the abolition of the House Un-American Activities Committee, and

Be It Further Resolved that the Western Association of Reform Rabbis endorses the work of the National Committee for the Abolition of the House Un-American Activities Committee and urges its members to join this increasingly effective and highly prestigious organization, and to urge their members and congregations to join and support it.

That same month, January 1967, the New World—official newspaper of the Roman Catholic Archdiocese of Chicago—printed the most thoughtful article reprinted below:

THE YARDSTICK: IS HUAC NECESSARY?—MANY SAY "NO"

(By George G. Higgins)

A group of 120 Roman Catholic priests and nuns in the greater Boston area has endorsed a "Statement of Concern" on the right of dissent, with particular reference to the House Un-American Activities committee (HUAC).

The priests and nuns noted that both the Rev. Robert F. Drinan, S.J., dean of the Boston college law school, and the Rev. Joseph H. Fichter, S.J., professor of Roman Catholic Studies at the Harvard Divinity school, earlier had raised "serious charges against HUAC" and had called for "a full and open debate in the Congress about the continued existence of HUAC."

The statement called attention to an editorial by the Rev. John B. Sheerin, C.S.P., in the Catholic World which compared HUAC's hearings in Washington, D.C., this past August to " 'the Star Chamber proceedings in Old England' " where the " 'rights of free speech and fair trial' " of Catholics " 'as well as their religious liberty' " were jeopardized.

"We, as Catholic priests and nuns, are aware of the dangers of restricting freedom of speech and the political and religious liberties guaranteed in the First Amendment of the United States Constitution," the statement said.

The signers of the statement endorsed the calls for a debate on HUAC and urged Speaker of the House McCormack "to provide for the discussion in the House of Representatives this issue merits."

The Boston committee could have cited a number of other Catholics who have called for the abolition of HUAC including Msgr. Charles Owen Rice, a pioneer in the field of Catholic social action in the Pittsburgh area, and the Rev. Edward Flannery, former editor of the Providence Visitor and an acknowledged expert in the field of Christian Jewish relations. Monsignor Rice has publicly stated that HUAC itself is "an ignoble experiment in un-Americanism."

Father Flannery, in an editorial entitled "HUAC Is Not Necessary," agrees with Father Fichter that no group of legislators should have the power to decide what is or is not an "un-American activity" and adds, in his own name, that "it may be the judgment of history that HUAC itself most perfectly exemplifies what is meant by this ill-defined term."

Why all this criticism of HUAC? Basically there are three principal objections to the committee:

1) The existence of a congressional committee whose jurisdiction is limited to inquiring into ideas, opinions, speech, and other forms of expression is irreconcilable with a system of free expression in this country.

2) The committee's methods of operation have tended to curtail discussion of controversial issues and to hinder the development of new ideas and new approaches to the complex issues which face our country in a rapidly changing world.

3) The committee serves no useful purpose. It considers only a few bills each year, and all of these fall within the jurisdiction of some other congressional committee. Moreover we already have adequate laws, regulations, specialized personnel and procedures for safeguarding internal security.

HUAC's decision of last October to investigate Negro rioting in the major U.S. cities is an added cause of alarm and an added reason for hoping that the Congress will abolish the committee. When HUAC's chairman announced a staff inquiry into Negro rioting, preliminary to a full-scale committee investigation, there were 60 anti-rioting bills pending before the House Judiciary committee, the appropriate body to consider such legislation.

Moreover a special Judiciary subcommittee had been authorized to make a comprehensive review of the civil rights problem. As the Washington Post pointed out, this subcommittee "needs the interference of HUAC about as urgently as a brain surgeon in the midst of a delicate operation needs the intrusion of a circus clown."

This is admittedly very strong language but no stronger than the situation calls for. The editors of the Post and many other thoughtful and well informed observers—including the majority of civil rights leaders in the United States—fear that HUAC, under the guise of determining whether or not the Negro rioting of last summer was, in part, planned and instigated by subversive elements, will engage in a witch hunt against the civil rights movement as such. Given the committee's past record, I should say that this fear is well founded.

It should be noted, in passing, the HUAC's critics readily admit that the Congress needs some sort of machinery to investigate those matters pertaining to internal security or to the administration of existing laws.

They are convinced, however, that adequate authority for these purposes is already vested in other House committees, particularly in the Committee on the Judiciary, which has traditionally dealt with the problem of internal security. If the authority of the latter committee needs to be classified, its rules can easily be amended by the Congress to this end.

But no congressional committee should ever be authorized—under the guise of ferreting out subversive elements in our society—to investigate "propaganda" or other forms of free expression guaranteed by the Bill of Rights. To permit any agency of government to censor controversial ideas or to determine what is or is not an "un-American" activity would clearly violate the true meaning of patriotism.

Patriotism is a virtue, yes; but as Cardinal Cushing of Boston pointed out in his recent pastoral letter, "The Servant Church," there is "a distressing and too prevalent notion that patriotism must be a cloak for the blanket and blind acceptance of all decisions made by the United States. This is not patriotism—it can be instead the road to national disintegration.

"All of us must admit, and true patriots will agree, that critical thinkers and thinking critics constitute the life-blood of any society. True love of country demands that we commit ourselves unequivocally to the ideals on the basis of which America was founded—that we pursue these ideals with integrity, honesty, and fidelity, not merely in pursuit of domestic tranquillity, but in our relations with other peoples in the family of nations.

"Patriotism, true and proper, demands much more than the choral chanting of 'God Bless America.' It demands a responsible, persistent, honest endeavor by citizens to insure, at home and abroad, the extension of freedom, the establishment of responsible governments and the preservation of human dignity.

"Such a commitment makes our love of country a more vital and dynamic force than any instinctive pieties of blood and soil."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROUDEBUSH. Mr. Speaker, some rather unflattering remarks have been made about the work product of the Committee on Un-American Activities. For that reason, I would like to bring to the attention of the Members of this House the following facts which I believe effectively rebut the allegations I have referred to.

Last year the committee received a request from a Thai general for committee materials that would assist him in his work. This general is director of countersubversion for the Secretariat General of SEATO, the Southeast Asia Treaty Organization.

I would now like to read for the RECORD the copy of the letter he wrote to the chairman of the Committee on Un-American Activities thanking him for the material sent and commenting on its quality:

SOUTHEAST ASIA TREATY ORGANIZATION,
Bangkok, Thailand, April 25, 1966.

DEAR HON. E. E. WILLIS: I deeply appreciate your thoughtfulness in furnishing me a package of reports on hearings before the Committee on Un-American Activities. Indeed, the materials have great relevance to my job and I find these reports interesting myself and very perceptive.

For me, as the Director of the Office of Special Assistant (Counter-subversion) in the SEATO Secretariat-General, it is of great assistance in coping with Communism.

Under your Chairmanship, I find your views on Communism particularly enlightening, and your treatment of subject allied to South-East Asia security truly objective and incisive, and therefore very useful to our cause in the Free World. I shall keep the materials for ready reference, and I shall appreciate it very much if you could include my name in your mailing list for such materials.

I wish you and the United States House of Representatives complete and success.

Again, thank you very much, and please accept my warmest regards.

Yours sincerely,
Maj. Gen. THAMRONG PARNSINGHA.

Mr. ASHBROOK. Mr. Speaker, Msgr. George C. Higgins, of the U.S. Catholic Council has written a column attacking the House Committee on Un-American Activities.

Mr. Speaker, this RECORD should reflect that the chairman wrote a reply to this column answering, point by point, the allegations contained in it. I place in the RECORD a copy of the chairman's reply to Monsignor Higgins' column:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C., February 10, 1967.

MSGR. GEORGE C. HIGGINS,
U.S. Catholic Council,
Washington, D.C.

DEAR MONSIGNOR HIGGINS: Your column "HUAC: A Menace" has been brought to my attention.

In this column you enumerated three "principal objections" to the Committee on Un-American Activities. The first one you cited, which stated two alleged facts, was 100 percent in error as to those facts. The other two, which might be considered matters of opinion (though you stated them as facts), are overwhelmingly refuted by the evidence.

I would like to discuss each one of the

three briefly. The first objection was stated as follows:

"The existence of a congressional committee whose jurisdiction is limited to inquiring into ideas, opinions, speech, and other forms of expresson is irreconcilable with a system of free expression in this country."

The fact of the matter, however, is that the Committee's jurisdiction is not limited to inquiry into ideas, opinions, speech and other forms of expression.

The Committee's jurisdiction was debated on the Floor of the House for two hours on May 26, 1938, before the resolution spelling out its authority was approved. During that debate, in statement after statement interpreting the meaning of the resolution, many Members of the House, without being contradicted by others, stated that the jurisdiction and duty of the Committee would be to investigate all kinds of activities of Nazi, Fascist, Communist and other organizations and movements in the United States which were subversive and un-American.

They did not exclude propaganda activities. A few Members mentioned them specifically but, at the same time, it was clearly agreed that the Committee's mandate was to investigate other kinds of activity as well.

Under the Constitution, the House has the authority to define and interpret the duties and jurisdiction of its committees. Not only on May 26, 1938, but on various occasions since that time over a period of almost 29 years it has contradicted your statement concerning the jurisdiction of the Committee on Un-American Activities.

Moreover, court decisions, agreeing with the House interpretation, contradict your statement of the Committee's jurisdiction. The Supreme Court, for example, in its 1959 Barenblatt decision, said that this Committee's jurisdiction was not limited to propaganda activities. It held that the Committee had "pervasive authority" to investigate "Communist activities generally."

In several decisions handed down since that time, the Supreme Court has reiterated its holding in the Barenblatt case.

The House-debated and approved resolution spelling out the Committee's jurisdiction, in addition to mentioning "propaganda," explicitly authorizes the Committee to investigate "all other questions in relation thereto . . ." These words obviously empower the Committee to investigate many other activities in addition to propaganda.

Subversive and un-American propaganda is not self-generating. It must be planned, composed, printed and disseminated. This necessitates concerted activity by individuals and groups.

"All other questions in relation thereto" would include the ultimate purpose of the propaganda and propaganda activities being investigated; the power, agency, or organization—foreign or domestic—in whose interest the propaganda is being disseminated; the organization of groups to disseminate the propaganda in behalf of that power or agency; the financing of these groups; the recruiting techniques used by them; their organizational structure, membership, strength, and tactics; their use of fronts or other groups to raise funds for, and to disseminate, their propaganda; and all other activities in any way associated with the power, agency, or organization in question and its propaganda operations.

Finally, on this point, I ask this question:

Why, if the House intended to restrict this Committee's investigations to propaganda, did it name it the "Committee on Un-American *Activities*," instead of the "Committee on Un-American Propaganda"?

The second point made in your first objection:

Is investigation of speech and other forms of expression, as you claim, irreconcilable with a system of free expression; that is, does it violate the First Amendment?

It is well settled in law that all forms of speech are not protected by the First Amendment and that certain forms can not only be investigated, but prosecuted. In the Floor debate on the Committee's jurisdiction which took place almost thirty years ago, the present distinguished Speaker of the House, the Honorable John McCormack, stated at one point:

"There should be included the activities of foreign agencies in the United States seeking *to mold public opinion* or to form group action, not for the purpose of the overthrow of the Government, but for the purpose of influencing the domestic or the external policies of our Government. Such activities are equally subversive of our institutions."

The Speaker was here clearly referring to activities having to do with speech and writing—propaganda. Yet, not a single Member of the House objected to Mr. McCormack's statement. In addition, not a single court of this nation has since contradicted it.

The reason for this is obvious. The very essence of our form of government is that the domestic and foreign policies of this country will be determined by the American people. When agents of foreign powers (whether friendly or unfriendly) covertly distribute propaganda in this country designed to influence either its domestic or foreign policy so as to promote the interest of a foreign government rather than that of the United States, they are engaging in a form of conspiracy against this country. The late liberal Supreme Court Justice, Robert Jackson, pointed out in his concurring opinion in a decision involving communist activities that—

"The Constitution does not make conspiracy a civil right."

This is true whether the conspiracy involves propaganda and other forms of expression or an attempt to fix prices.

Your second stated objection to the Committee is as follows:

"The committee's methods of operation have tended to curtail discussion of controversial issues and to hinder the development of new ideas and new approaches to the complex issues which face our country in a rapidly changing world."

What evidence is there to support this statement? What "methods of operation" and what "complex issues" do you have in mind?

A special committee of the American Bar Association, after reviewing the Committee's hearings and procedures, has reported:

"The Congressional committees investigating communism, and in particular the House Un-American Activities Committee, have been attacked on the ground that they have engaged in smear campaigns and have invaded the Constitutional rights of persons investigated. Your committee is impressed with the fairness with which hearings before that Committee have been conducted . . . We are satisfied that the witnesses called to testify before the Committee are being treated fairly and properly in all respects and we also feel satisfied that each witness is accorded full protection so far as his Constitutional or other legal rights are involved . . ."

The Committee's methods of operation follow the Rules of the House of Representatives and the holding of the courts. Like those of other Congressional Committees, they are designed to promote, rather than hinder, free discussion of, and enlightenment on, complex national issues. We hold hearings in which testimony is taken under oath. They are published for the enlightenment of the Congress and the American people. We prepare studies for the same purpose.

During the almost 29 years of the Committee's existence, it has heard clost to 5,000 witnesses and has published almost 600 volumes of hearings and reports. The witnesses who have testified before this Committee, in addition to subpoenaed Communists, Nazis, Fascists and KKK'ers, have included high-ranking officials representing the Executive branch and many nationally known authorities on the subject of Communism from all walks of life—labor, the clergy, press, the academic world, and so on.

There are many complex and controversial issues facing this country today. As concerns most of them, this Committee has never done anything, or uttered a word—because they are not within its jurisdiction. But what is its record on the one issue that is within its jurisdiction and, without question, is also an overriding problem of this country—the problem of Communism?

There is no other single agency of Government that has given the Congress and the American people as much factual information on this subject as has this Committee. Its publications have been praised by scholars and are used as texts and supplemental reading in high schools and colleges. They have also been used for the instruction of security and diplomatic personnel by the U.S. and foreign governments. Scores of books on the subject of Communism and security written by recognized authorities refer to and quote from the hearings and reports of this Committee. Over eight million copies of our hearings and reports have been disseminated to the public. In recent years we have been unable to keep up with the demand for our documents.

It would appear that such wide-scale dissemination of factual information on Communism can have had only one effect—the promotion of informed and intelligent discussion about one of the most controversial and vital issues of our time.

Would you not agree that today, after 29 years of the Committee's existence, there is more discussion of controversial issues than ever before and also more uninhibited expression of the most far-out opinions imaginable? Is this not true no matter where you look—to the press, radio, TV, campus, pulpit, or political life?

Is it really conceivable that a Committee of nine men, operating under the Rules of the House of Representatives and the eyes of the courts, could browbeat a nation of 195 million people, filling them with fear of freely expressing their opinions on the issues of the day?

Your third "principal objection" to the Committee was as follows:

"The committee serves no useful purpose. It considers only a few bills each year, and all of these fall within the jurisdiction of some other congressional committee. Moreover we already have adequate laws, regulations, specialized personnel and procedures for safeguarding internal security."

Space will not permit me to even attempt to spell out the Committee's accomplishments—the spies uncovered, the Communist (and Nazi and Fascist) operations revealed, the 45 security laws now on the books of this country which follow recommendations made by the Committee as a result of its investigations. The American public, I am sure, is well aware of these things. There is no need to repeat them.

Your statement that the Committee considers only a few bills each year misses the mark. Unlike most other Committees of the House, this is an investigative Committee. Investigation, not the consideration of legislation, is its main function—by order of the House of Representatives.

The allegation that the bills which this Committee considers fall within the jurisdiction of other Congressional committees can be accepted only if it is also accepted that every Speaker of the House who has presided during the 29 years of this Committee's existence has violated the Rules of the House by referring legislation to this

Committee which should have been referred to others. Surely, you do not really believe this.

You wrote that this country now has all the laws, regulations, specialized personnel and procedures required to safeguard its internal security. Generally speaking, no country ever reaches the stage where it has all the laws and regulations needed in any area. New developments create new needs and render old laws inadequate. In each Congress new legislation is considered on matters affecting national defense, agriculture, labor, banking and currency, foreign affairs, and numerous other subjects.

There is certainly no reason to believe that the area of subversion and security is somehow different from all these others, that the United States has reached a stage of legislative perfection in this field that it has never been able to attain in others, and that there is not, and never will be, need for new legislation on the problem.

Changes in Communist tactics and methods of operation, new standards established by the courts in current decisions, and numerous other factors require continuing appraisal of the need for enacting new legislation and amending existing statutes in the area of security.

As a matter of fact, the need for new security legislation is greater today than it has been at any time during the last decade or more. The Committee is now devoting more time to this—and facing knottier problems in connection with it—than it has in many years. I can assure you, too, that the same is true not only of security officials in the executive branch on the Federal level but also on the State level.

Other points in your column:

It is most difficult for me to understand how you could write about this Committee's "decision of last October to investigate Negro rioting in the major U.S. cities."

The Committee made no such decision. As Chairman of the Committee, I did direct the staff to undertake a *preliminary inquiry* to determine whether "acts of mass violence have been planned and instigated by *subversive elements*, or to what extent, if any, *such elements* have succeeded in broadening and prolonging them after they have broken out." When it is completed, information developed in this preliminary inquiry will be reported to the full Committee which will then determine whether or not an investigation in this area is warranted.

If this preliminary inquiry should reveal significant subversive influence in the rioting, looting and burning, and the Committee should therefore determine to make a thorough investigation, why do you imply this would be "an added cause of alarm and an added reason for hoping that the Congress will abolish the Committee"?

Is it your position that the truth about such subversive activities, if they exist, should be suppressed; that the American people should not be informed about them, and that the Congress should be denied information that would assist it in reaching legislative and/or other solutions to the problem?

Arguing against this preliminary inquiry, you wrote that 60 anti-rioting bills were pending before the Judiciary Committee, "the appropriate body to consider such legislation" and that a special Judiciary Subcommittee had been authorized to make a comprehensive review of the civil rights problem.

But what relevance does the latter fact have to our preliminary inquiry? The two matters are completely unrelated. In announcing the preliminary inquiry, I stated:

"We have no intention of investigating the civil rights movement or the opinions or positions of any individual or organization on the civil rights issue. Those things are none of our business. I have my own view on certain civil rights issues. Other Committee members have varying views and, among the 435 Members of the House, there are a great variety of views on various aspects of that issue. The Committee on Un-American Activities, however, has no jurisdiction in such matters, and it has no intention of trying to inject itself into them."

As regards the anti-rioting bills, I can say only this. If there has been subversive influence in the rioting, looting and burning, and the Committee brings out the facts about it in hearings, this will assist the Congress in judging the practical value of the various bills introduced and thus in enacting the most effective legislation.

You began your column by noting that a group of 120 Roman Catholic priests and nuns had indorsed a statement expressing concern about the Committee on Un-American Activities.

Is this a compelling argument against the Committee? Who are these priests and nuns? With what authority do they speak? Over the years, how many of them have consistently studied the hearings and reports of this Committee? How many of them have studied the numerous decisions which have been handed down by the courts of this country on all levels upholding the constitutionality of the Committee and the correctness of its procedures? How many are authorities on Communism, security problems, legislation, and the legislative process?

I studied law at a Catholic law school. I have taught law. I have been a Member of Congress for nineteen years. In addition to being Chairman of the Committee on Un-American Activities, I am Chairman of four Subcommittees of the House Judiciary Committee which handles more legislation than any other Committee of the Congress.

During the twelve years I have served as a member of the Committee on Un-American Activities and the four years I have been its Chairman, I have given serious consideration to the constitutional, legal, and practical issues involved in the operations of the Committee and to the arguments raised against it—and have been led to the conclusion that the Committee merits support and should be continued.

If I stood alone in my support of the Committee I would frankly be somewhat concerned. Fortunately, I do not stand alone. The House of Representatives, by an overwhelming majority, supports the Committee. The courts of this land support it. And every poll taken among the American people has indicated overwhelming support of the Committee.

You noted in your column that five other Catholic priests—Fathers Drinan, Fichter, Sheerin and Flannery and Monsignor Rice—have also written critically of the Committee. I have not seen their writings as originally published. I have, however, read Father Drinan's article and Father Fichter's letter as they were reproduced in full in the literature of a Communist front.

I do not like to say this, but the truth is that both of these priests made false statements about the Committee. In addition, Father Drinan promoted an organization cited as a Communist front in his article and Father Fichter, in his letter, referred to self-proclaimed and identified Communist Party members as "solid citizens."

This being so, how much weight should be given to their writings?

On the other side of the fence is the fact that such prominent clergymen as Bishop Fulton J. Sheen and Father John F. Cronin of the National Catholic Welfare Conference, have indicated their support of the Committee by testifying before it and Cardinal Spellman has commended the Committee for its "outstanding service."

I would expect my objectivity to be challenged—and justifiably—if I attacked the Catholic Church on a certain matter, making false statements about it because I had failed to fully inform myself on the issue. It is obvious that neither you nor Fathers Drinan and Fichter have fully informed yourselves on the issues raised in your writings about the Committee. At the same time, it is clear from the mis-statements in your writings that they are based on "information" disseminated by professional anti-Committee agitators.

I certainly cannot question your freedom to write as you please. The same applies to the other priests I have mentioned. As a Catholic, however, I believe that you and they, when writing on national issues for the alleged enlightenment of American Catholics—and when using Catholic newspapers as a forum—have a duty to see that your writings reflect the truth, rather than tired, unsubstantiated propaganda allegations against a duly constituted agency of the U.S. Government.

Sincerely yours,

EDWIN E. WILLIS,
Chairman.

Mr. ANNUNZIO. Mr. Speaker, on the first day of this session of Congress I introduced a proposal, House Resolution 33, calling for the abolition of the House Un-American Activities Committee and the transfer of its duties and responsibilities to the House Judiciary Committee.

Today the question of appropriations for the House Un-American Activities Committee for this session is before us, and today I take the floor again to urge that we put an end to the activities of this committee—to its unfair procedures and practices—to its harassment and intimidation of persons whose views conflict with those of the committee members.

House Resolution 221, which we have before us today, would appropriate $350,000 this session for the House Un-American Activities Committee. In the 87th Congress this committee received $681,000; in the 88th, $660,000; and in the 89th, $845,000. These amounts are in addition to the funds it receives automatically and without special resolution under provisions of the Legislative Reorganization Act of 1946, which permits the committee to employ six clerks and four professional staff members. Under this authority, the committee received approximately $158,000 in 1966 and $152,000 in 1965. House Resolution 221, therefore, would provide $350,000 for the House Un-American Activities Committee in addition to the funds already appropriated for the committee under the Legislative Reorganization Act of 1946.

What legislative record has the House Un-American Activities Committee compiled to justify the expenditure of these additional funds? In the almost 30 years of its existence, it has been directly responsible for the passage of only two laws, and three amendments to these laws. In the 89th Congress, nearly 22,000 bills and resolutions were introduced in the House; 12 were referred to the House Un-American Activities Committee, and several of these were identical. Three bills were reported by the committee during the 89th Congress. One was passed by the House with full expectation that it would die in the Senate, which it did. In fact, all three bills died with the expiration of the 89th Congress.

Members of the committee have maintained over the years that its main purpose is not legislative but investigative and that it was set up to look into un-American propaganda activities in the United States. But what does "un-American" mean, and what does "propaganda activities" include? It appears that the mandate given the House Un-American Activities Committee comes dangerously close to limiting our first amendment freedoms of speech and press.

The hearings held by the House Un-American Activities Committee to investigate individuals or organizations too often seem to have publicity and exposure as their main purposes. The Supreme Court stated in the case of Watkins against the United States that:

> There is no general authority (in the Congress) to expose the private affairs of individuals without justification in terms of the functions of the Congress . . . Nor is the Congress a law enforcement or trial agency.

It is hard to reconcile these words with some of the freewheeling investigations conducted by this committee in recent years. I want to remind my colleagues that the committee's hearings have been conducted on such an unruly level that they have brought the House into disrepute. Newspapers described its investigation of antiwar groups last summer as uproarious and tumultous. Hearings held on this level can only bring the House of Representatives into disgrace in the eyes of the Nation.

In addition, certain funds appropriated to the House Un-American Activities Committee in the past have been misused through the practice of paying witnesses, and using the device of putting them under contract to keep their names from the public record. Last year, the distinguished chairman of the Special Subcommittee on Contracts of the House Administration Committee, Hon. Wayne Hays, listed in the Congressional Record 14 different persons who had been under contract to the committee and who had been paid by public funds.

Some of the most influential newspapers in the country have editorialized against such practices and procedures of the committee, and respected Members of the House have spoken out on the floor in opposition to its tactics, which appear to do more to weaken our constitutional guarantees of individual rights than strengthen the internal security of our Nation.

Whatever purpose the committee might have served when it was created during a time of international tension has long since been outlived; its activities have brought the House of Representatives and the Congress into disrepute; it has accomplished little; its legislative mandate could properly be assumed by another committee; and its objectives could be better pursued by private citizens and Government agencies which are equipped to deal with overt threats to our national security. In short, there exists little justification for the expenditure of additional funds for this committee.

I, therefore, urge my colleagues to withhold their support for the requested appropriation of $350,000 and to vote against House Resolution 221.

Mr. Speaker, at this point in the Record I want to include an editorial which appeared in the April 4 issue of the Chicago Sun-Times, one of the outstanding and leading newspapers in our country. The article, which follows, is in opposition to the appropriation:

THE UN-AMERICAN COMMITTEE

The House of Representatives is again being asked to feed the albatross that it carries about its neck. It is scheduled to vote Wednesday on a $350,000 appropriation for the House Committee on Un-American Activities—an amazing congressional creature that has an unbroken record for doing the wrong thing at the wrong time in the wrong way. That's not an easy record to establish, but the committee has labored away at it successfully through 30 years of diligent, tireless arrogance and ineptitude. Some day, perhaps, a majority of the nation's congressmen will weary of this little game, and end it once and for all.

Though the new appropriation is expected to pass, there is evident in Congress an increasingly stiff resistance to the perpetuation of the committee. Five congressmen—Edwards of California, and Yates, Annunzio, O'Hara, and Ronan, all of Illinois—appeared before a sub-committee of the House Administration Committee when it was considering the Un-American committee's request for $400,000. They succeeded in getting the sum cut by $50,000.

Furthermore, the Un-American committee's opponents are getting more and more support from the home folks. Prior to the vote on the appropriation, 298 prominent citizens in the Chicago area—professors, physicians, clergymen, leaders in professional and labor organizations, private citizens—asked for the abolition of the committee. Earlier, 120 priests and nuns in the Boston area asked the Congress to debate the continuation of the committee, and warned of its encroachment upon the freedoms of speech, politics and religion. And even earlier, 3,000 persons—500 clergymen and 2,500 professors of law, history, medicine and political science—petitioned the Congress on behalf of three Chicagoans victimized by the committee during its notorious hearings in Chicago.

If the case against the committee requires another statement, then we can do no better than quote the petition of the Chicago people: "Chicagoans remember all too well the performance put on by that House committee here. Our mayor called it a 'star-chamber proceeding.' They did here what they have done everywhere—deny elementary constitutional rights to their victims, damage reputations and continue harassment even after the fruitless 'hearings.'"

The case has also been well stated by Msgr. George G. Higgins, director of the Social Action Department of the U.S. Catholic Conference, in the New World, the Chicago archdiocesan newspaper. He aptly calls the committee useless—its functions duplicate those of other committees, and it has sponsored little or no significant legislation—and it has blindly and despotically denied the rights of American citizens. Its procedure, he wrote, is one "by which friendly witnesses are allowed to defame others without being subjected to cross-examination and by which those defamed are then subpenaed and required to answer committee questions but are not allowed to testify in their own behalf or to have others testify for them."

The Un-American committee and its supporters routinely call their opponents Communists or dupes of the Communists. The monsignor and the other citizens and the Illinois congressmen opposing the Un-American committee require no defense against such a slur and insult. They speak in the American spirit. May their voices be heard, some day, in the halls of Congress.

Mr. FINO. Mr. Speaker, I rise in support of the proposed funds for the House Un-American Activities Committee.

I do not intend to utter the usual patriotic syllables hailing the relentless dedication of the committee to the American way of life, although I do agree that the thoughts and actions of the committee invariably reflect the highest patriotism.

What pleases me about the House Un-American Activities Committee is the social function it performs. Through its critics, the House Un-American Activities Committee shows the American people the sort of characters who stand for social radicalism, semitreason, narcotics addiction, and rioting, and it is surprising how many of the committee's most vehement critics combine all these obnoxious traits into one revolting personality.

Somehow, I am always a little surer of our Amerian political system when I see a congressional committee picketed by bearded lunatics, long-haired male ballerinas, sky-high junkies and fellow-traveling folksingers. I suppose we can take pride in the fact that these people object to our system, and to investigations into un-American activities. I am glad that these people feel that they are not in the national mainstream, although many of them will mature and find themselves back in the mainstream. I am also glad to know that the prevailing concept of "Americanism" is quite distinct from the self-image of the Vietnik-beatnik flotsam. It is reassuring.

There are many people in my district who have their doubts about our policy in Vietnam, and I have some doubts myself, but the last thing in the world 90 percent of my constituents want to do is identify themselves with the Vietnik-beatnik element.

We in the United States take our strong, sober, and serious society for granted. We mock the idea that we could ever turn into a nation of degenerate beatniks, but I suggest that we have to keep our guard up. Great Britain is a case in point. There was a time when Britain ruled the waves, and the tough people of a small island carved a great place in history. But now Great Britain has turned into a mini-England. Skirts are high and morality is low. The young manhood of England, if you can call them that, prance around in flowered shirts and drainpipe pants.

Needless to say, there is no Un-English Activities Committee in the British Parliament. The youth of England would laugh it out of London. London has turned into an altar to short skirts and long hair. The England that fought off Napoleon and Hitler is dead. The new England is the England of the Beatles.

I suggest that our Vietniks and beatniks have nothing more to offer the United States than these same flowered shirts and long hair which have turned Great Britain into mini-England. Quite apart from the function the committee may serve, when the day comes that these people can convince Congress to abolish the House Un-American Activities Committee and take up long-haired folksinging, then we will have joined

England on the long downhill road to nowhere.

I am going to vote to fund the House Un-American Activities Committee with pride in America, and pride that Americanism is something that the Vietniks and beatniks cannot identify with.

Mr. COHELAN. Mr. Speaker, I strongly support the right of Congress and the House of Representatives to investigate matters pertaining to the internal security of the United States. I see this not only as a matter of right but of obligation.

I am equally concerned and convinced that the constitutional rights of all witnesses appearing before committees of the Congress must be scrupulously protected. It is clear to me that they have not always been so protected in the past.

In my judgment both obligations could be better met if the Committee on Un-American Activities were to be dissolved and the function of investigating in the area of internal security be assumed by the Committee on the Judiciary, as is the case in the other body. I have proposed legislation to this effect for the last several years and I continue to hope that it will be considered at an early date.

Unfortunately, this is not the issue before us today. We are concerned here only with the question of whether the Committee on Un-American Activities should receive an additional $350,000 to pursue investigations which are not even very clearly spelled out.

I say the question is one of additional funds for under the terms of the Legislative Reorganization Act of 1946 the committee is entitled to employ six clerks and four professional staff members. Last year the committee received approximately $158,000 for this purpose, without specific authorization by the House. In addition, the committee, as all others receives other automatic emoluments and allowances for such things as reports and office operations. So let us be very clear that if we refuse to vote these additional funds today we are not voting to put this committee out of business.

Mr. Speaker, I will vote to recommit this resolution because I feel it is important for the House Committee on Administration to make a very careful determination, under the open light of public hearings, of how and for what purposes this money is to be spent. Certainly, $350,000 is a sufficient sum to warrant the test of public scrutiny.

If the motion to recommit is defeated, I will vote against this resolution on final passage. Again I want to say that I unreservedly support the right and responsibility of Congress to investigate and to legislate in the field of internal security. Again I want to point out that the defeat of this resolution would not put the committee out of business.

But on the basis of the committee's record I no longer feel that the House should grant the committee a blank check. While I have regularly voted for the committee's special appropriations in the past, its activities in all too many instances demand a full accounting before we go any further.

Mr. KASTENMEIER. Mr. Speaker, in every session of Congress in which I have served, I have opposed the appropriations for the House Committee on Un-American Activities.

Once again we are requested, through appropriations, to sanction activities of this House standing committee, for which we are responsible. In the stormy 22-year history that HCUA has been a permanent committee, the committee's treatment of its witnesses has come under the greatest amount of criticism. Unverified charges and hearsay statements against individuals are allowed to be made in public. Witnesses are denied the right to cross-examine other witnesses who make accusations about them. Then, last October, the House was informed that a certain type of contract had been used to pay certain witnesses after they had appeared and testified before the committee.

This year I must once again oppose appropriations for the House Committee on Un-American Activities. The fact that the history of its proceedings throughout the years has been so controversial lends itself to frequent tumultuous committee sessions, such as the ones held here in Washington last August.

My opposition to this committee stems from institutional grounds. I wish to make it clear that I do not question the existence of a congressional committee to conduct investigations of internal security matters. Nor, is there any criticism intended toward the distinguished chairman of the committee, my friend, the gentleman from Louisiana [Mr. WILLIS], for whom I have only the highest regard.

It is my sincere belief, however, that the legislative responsibilities of this committee can best be handled by the Committee on the Judiciary, which now has jurisdiction over matters of espionage and sabotage. I have introduced such a bill, designed to transfer the jurisdiction of the House Committee on Un-American Activities to the Committee on the Judiciary, where logically and reasonably, such responsibilities properly belong.

Mr. CONYERS. Mr. Speaker, from January 1965 when I first became a Member of the House of Representatives, I have opposed the continued existence of the Committee on Un-American Activities. On each occasion that arose during the 89th Congress, I voted my strong conviction that the committee is unconstitutional in the authority it claims under the rules of the House and also that the committee's conduct over the years has many times violated the Constitution. I sponsored a resolution which would have abolished the committee and restated the fact that overt acts of subversion are in the jurisdiction of the Committee on Judiciary.

Since today is the first time during the 90th Congress that the subject of the Committee on Un-American Activities is before the House, I feel I should restate my reasons for opposing the committee. In addition, I want to make some comments on the particular situation facing the House in regard to the pending court cases challenging the committee's constitutionality.

HUAC'S CLAIMED JURISDICTION IS UNCONSTITUTIONAL

The authority given by the House rules for the committee to investigate un-American propaganda is itself unconstitutional, because that would empower them to investigate ideas and their propagation which is something completely outside Congress prerogatives under the first amendment guarantee that "Congress shall make no law abridging the freedom of speech."

HUAC'S CONDUCT OVER THE YEARS HAS OFTEN BEEN UNCONSTITUTIONAL

My second concern is that during its more than 20 years of existence, the committee has often violated the rights of individual American citizens, both witnesses summoned before it and those referred to in testimony. I would remind my colleagues of the revelations made on the House floor last summer regarding the committee's paying of a witness. I would also cite the hearings in Chicago during the spring of 1966 as an example of the committee's consistent violations of the Constitution and its own rules. However, since I feel sure that the committee's past history will be amply discussed during today's debate, I would prefer to use the time allocated to me to point out to my colleagues a different aspect of this matter.

RESPONSIBILITY OF HOUSE OF REPRESENTATIVES TO ITSELF DETERMINE CONSTITUTIONALITY OF HUAC

What I would like to emphasize today is that we may soon face a situation where the question of the constitutionality of the Un-American Activities Committee may result in a grave constitutional conflict with the judicial branch of the U.S. Government. At the present time two separate cases are pending in the Federal courts which challenge the basic constitutionality of the committee's jurisdiction. Though the committee has often been the subject of litigation in the courts, these two cases are the first ones which focus on the basic question of whether the committee's mandate is constitutional.

The Supreme Court has never before been faced with the direct question and indications are that it may well consider the question and decide that the committee itself is unconstitutional.

I would urge all of my colleagues, particularly those who do not agree with me about the unconstitutionality of the committee's mandate, that the House should not allow one of its committees to be declared unconstitutional without at least first considering the matter itself. The House of Representatives has its own responsibility to uphold the Constitution of the United States, a responsibility certainly as great as that of the judiciary, which is a coequal branch of the Government. To leave this matter to the Supreme Court would be to default on our constitutional responsibilities and to also invite a grave constitutional conflict between the Congress and the Judiciary.

I would emphasize that the House of Representatives has never pursued its normal procedures of careful deliberation regarding the constitutionality of this committee. No hearings have ever been held on either the constitutionality or even the practical need for the Committee on Un-American Activities. No hearings were held when the committee was first made a standing committee of the House of Representatives back in 1945. Over the opposition of such men as our distinguished Speaker, the Honorable John W. McCormack, then majority leader, the Committee on Un-American Activities was made a standing committee of the House by a surprise motion made on the floor on the opening day of the session.

Certainly the House of Representatives has too long defaulted on its responsibility to consider the constitutionality of the Un-American Activities Committee. Let us vote for the recommittal motion and use the occasion of the committee's request for additional funds as an opportunity to hold careful hearings on both the constitutional questions involved and on the need and wisdom of having such a separate standing committee.

My colleagues, the House of Representatives has long and properly cherished its independent authority to weigh and decide constitutional questions. Certainly when some of our Members have even been severe critics of what they considered to be a too zealous exercise of the Supreme Court's responsibility to interpret the Constitution, we should not default on our own responsibilities to preserve, protect, and defend the Constitution of the United States.

The House of Representatives owes it to itself and the entire country to determine whether the mandate given to the Committee on Un-American Activities is constitutional. Certainly we should not just default on this responsibility and await the Supreme Court's decision. We have constitutional responsibilities that are equal to those given to our sister branch of Government. We should meet those responsibilities with dispatch.

GENERAL LEAVE TO EXTEND

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and include extraneous matter at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURLESON. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. Ichord].

Mr. ICHORD. Mr. Speaker, I thank the distinguished chairman for yielding.

Mr. Speaker, it is my understanding, although I was out of the Chamber at the time the gentleman from New York [Mr. Scheuer] spoke, that he made reference to the preliminary inquiry the committee is now conducting to determine whether subversive influences have been at work in connection with instances of rioting, looting, and burning which have taken place in this country in the past few years.

So that the announced purpose and nature of this inquiry will be clearly understood by all, I ask consent to place in the Record the text of the committee chairman's press release of October 3, 1966, concerning this inquiry.

Some time ago, our colleague from Illinois [Mr. Rumsfeld] wrote to the staff director of the committee saying that he had received letters from constituents expressing concern about the committee's possible investigation of this matter. He quoted the fears expressed by one constituent and asked for comments on them.

The reply to this letter, I believe, places the committee's preliminary inquiry into proper perspective and also answers some of the charges that have been leveled against the committee based on the fact that the inquiry has been undertaken. For this reason, I request unanimous consent that the text of this letter, too, which is dated February 17, 1967, be made a part of the Record.

To further show how the facts surrounding the preliminary investigation are distorted, I ask unanimous consent to place in the Record the text of a Radio Moscow broadcast of January 2, 1967.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

Committee on Un-American Activities, U.S. House of Representatives

Representative Edwin E. Willis (D–La.), Chairman of the House Committee on Un-American Activities, announced today that he had directed the Committee staff to undertake a preliminary inquiry into organized rioting, burning, looting and other tragic acts of violence. The purpose of the inquiry, Mr. Willis said, is to determine whether these acts of mass violence have been planned and instigated by subversive elements, or to what extent, if any, such elements have succeeded in broadening and prolonging them after they have broken out.

Mr. Willis estimated that several months would pass before the preliminary study could be completed and the results reported to the Committee. He also announced that he had appointed Representative William M. Tuck (D–Va.) to oversee the general conduct of the preliminary inquiry.

Mr. Willis stressed that the Committee was studying only acts of organized violence and it was not undertaking a broad-scale or free-wheeling investigation into disturbances or riots, no matter what their origin or cause.

"The House has given this Committee specific jurisdiction," the Chairman said. "It is broad in some respects, limited in others. We are not going to go beyond our authority but, at the same time, we expect to fully exercise the jurisdiction given us by the House and upheld by the courts on numerous occasions.

"Our appropriate interest is organized subversion. no matter what form it may take or in whose interest it is carried out. Our records are packed with examples of varied forms of subversive operations which threaten our national security, but I can conceive of few which pose a greater threat than organized, mass violence which is deliberately designed to destroy our national unity and set citizen against citizen, and groups and classes of citizens against their government on all levels—local, state and national.

"There is already public evidence that subversive elements are at work in this area. What we want to find out—in the national interest—is the extent, the significance, and the effectiveness of their operations. The Congress and the American people have a right—and a need—to know these things.

"Does this mean that the Committee is investigating the civil rights movement?

"Not at all. My announcement makes it very clear that we are investigating only one thing—planned and organized violence by subversive elements.

"We have no intention of investigating the civil rights movement or the opinions or positions of any individual or organization on the civil rights issue. Those things are none of our business. I have my own view on certain civil rights issues. Other Committee members have varying views and, among the 435 Members of the House, there are a great variety of views on various aspects of that issue. The Committee on Un-American Activities, however, has no jurisdiction in such matters, and it has no intention of trying to inject itself into them.

"If we should learn in the course of our investigation that a certain organization which claims to be a civil rights group is actually controlled and dominated by Communists carrying out the work of the Communist Party, we would not hesitate to investigate their operations. If that should develop, however, we will be investigating not a civil rights group, but the activities of a group of Communists doing the work of Moscow or Peking, as the case may be, and attempting to mask their subversion under the guise of civil rights.

"There is a tremendous difference between investigating such a group of individuals or their organized operations and the civil rights movement."

Congress of the United States,
House of Representatives,
Committee on Un-American Activities,
Washington, February 17, 1967.

Hon. Donald Rumsfeld,
Suite 241, Cannon Building,
Washington, D.C.

Dear Congressman Rumsfeld: This is in reply to your letter requesting comment that would assist you in responding to letters from constituents expressing concern over this Committee's possible investigation into the area of violence in the civil rights movement.

The first point I would like to make is that the present preliminary inquiry, which may or may not lead to a full-scale investigation with attendant hearings, is limited to the question of whether "subversive elements" have planned and instigated these acts of mass violence or whether they have succeeded in broadening or prolonging them after they have broken out.

This subject is within the jurisdiction of the Committee. Other factors influencing the rioting, burning and looting which have taken place in this country during the past few years are not within our jurisdiction or competence. For this reason, the Committee would not go into them. Should it decide to make a full-scale investigation, that investigation will be limited to those aspects of the outbreaks which are properly within its jurisdiction.

One of your constituents, as quoted in your letter, wrote: "I fear that the power of investigation by the Committee in this area will be used by southern Congressmen to harass and injure many responsible civil rights leaders and cause even more discord in this sensitive area of human relations."

I cannot help feeling that this statement indicates a certain amount of prejudice on the part of the writer. I will grant that, generally speaking, there is more opposition to civil rights legislation among southern Congressmen than among those from the North, East or West, and more support for the "separate but equal" concept which the Supreme Court itself upheld until a few years ago. At the same time, my own experience in working for the Congress (though my contacts with Members have been limited), has convinced me that southern Congressmen, as a group, are as responsible and fair as Members from any other part of the country.

The truth, of course, can always be twisted, and it is possible that facts developed in the Committee's investigation, if it is held, may be unjustly used by some persons for the purpose your constituent fears. I have no reason to believe, however—and your constituent produces no evidence—that "southern Congressmen" are going to do this.

Beyond this question, however, the mere fact that certain persons may twist or distort facts developed in a Congressional investigation to suit their own purposes does not mean that the investigation should not be made. I think you would agree that persons with special interests have been doing this for many years on all kinds of matters investigated by the Congress. This distortion and/or abuse of the truth and facts sometimes practiced by certain people does not invalidate the general good accomplished by appropriate Congressional investigations and the value which the facts revealed by them has for the Nation as a whole.

Your constituent went on: ". . . the issue must not be clouded but faced realistically and answers must be sought through education, slum clearance, job training, etc."

I completely agree with the first part of this statement. I believe—and I feel that the members of this Committee believe—that if the facts warrant an investigation in this area, such an investigation will aid the Congress and the Nation in facing the problem realistically. Rather than clouding the issue, it will clarify it. There are some people, I am sure you are aware, who are convinced that every riot and act of mass violence has been caused by Communists and that, if there were no Communists in this country, we would not have had a single incident of racial disorder during recent years. On the opposite side of the fence, there are some who take the equally far-out view that Communists have had nothing whatsoever to do with these disorders and that each and every one of them would have occurred in exactly the same way and on the same scale if there were not a single Communist in the country.

Which view is correct? Or is the truth somewhere in between these two extremes? A Committee investigation, if held, can do much to clarify the issue and place the problem in proper prespective by substituting facts, insofar as they are ascertainable, for speculation and theorizing.

The latter part of your constituent's last-quoted statement—that the answers "*must* be sought" through education, slum clearance, job training, etc.—indicates, I believe, that this person has already made up his or her mind regarding the solution to the problem—and perhaps without having all the facts on which to base a solid conclusion.

I do not say or imply that your constituent is necessarily wrong or that education, slum clearance and job training will not help. My personal belief is that they will help to some extent, but that they alone are not enough. This, however, is beside the point because I can speak only for myself and these matters are not within the province of the Committee.

The main point, however, is that the more facts that can be developed about all aspects of the problem, the faster and easier it will be to find the solution. Facts about subversive influence, if they exist,will not alone provide the answers to the problem, but they will be part of the overall picture which, together with other facts, will help in arriving at a solution. To ignore part of the cause would be to lose part of the solution.

Another thought is this: This Committee and other responsible persons realized many years ago that Communists were making intensive efforts to infiltrate the trade union movement, not only to gain control of individual unions, but also to utilize this control for the purpose of calling strikes which, whether in times of peace, war or national emergency, could do great damage to this country. For this reason, the Committee undertook investigations of Communist operations in the area.

It was attacked at the time and falsely accused of trying to discredit the trade union movement as a whole by painting it "Red." Despite this, the Committee in its investigations had the complete cooperation of dedicated trade unionists—including many of liberal orientation.

The Committee's investigations actually helped and strengthened the trade union movement. Some of the labor leaders who denounced the Committee in the early 40's, when it stated that certain unions were under Communist control, themselves played leading roles in 1949 and 1950 in expelling these very same unions from the CIO. I can assure you that even today the investigations into Communist activities in the trade union movement which this Committee has held over the years are still being used by honest and liberal trade union officials to see that their unions operate in the interests of their members and this country, rather than the interests of a totalitarian foreign power.

There is no doubt in my mind—and I believe I can speak for the full Committee on this point—that the Committee's investigations in this area have been of great value to both the country and the trade union movement. Both are stronger today because of them.

The Committee, of course, has taken a lot of abuse from certain quarters while it has been making these investigations. No matter what we do, however, we expect this. It is "par for the course."

The same, I feel, applies to our possible investigation into the extent of subversive influence in rioting, looting and burning. The individuals and groups which we expected to attack us on this issue have already done so, even though a determination has not yet been made that a full-scale investigation and hearings will develop. Undoubtedly, the attacks will continue and grow stronger.

If the facts are such, however, as to warrant investigation, I believe I can say that the Committee will take the abuse and do what it believes it should do in line with its mandate from the House. In the long run, even the Committee's critics on this issue will be served—or at least all its honest critics.

Enclosed, in the event you might want to send it to your constituent, is a copy of the Committee press release of October 3, 1966, announcing the fact that the preliminary inquiry had been directed.

Trusting that the above thoughts may be helpful to you, I am

Sincerely yours,

FRANCIS J. MCNAMARA,
Director.

MOSCOW DOMESTIC RADIO BROADCAST (RUSSIAN) JANUARY 2, 1967

The progressive American paper "Worker" reports that the House of Representatives Un-American Activities Committee has commenced so-called preliminary studies of the movement for civil rights of the Negro population. Here for your attention is a commentary by Yuriy Babich entitled: "The Witch-Hunters' New Year Gift."

The Christmas and New Year festivities in America are being marred by unpleasant political surprises. This was stated the other day by an American newspaper. And in actual fact, the peals of Christmas bells have been drowned by the explosions of bombs dropped by the American Air Force on the residential areas of the DRV capital, and the new year tree lights are dimmed by the sinister torches of the American witch-hunters, the notorious Committee for Investigating Un-American Activities.

At first glance these two events are not, repeat, not related, but in actual fact there is a quite definite and logical connection between them. Climbing ever higher up the ladder of escalating the Vietnam war, Washington at the same time is attempting to stifle any opposition at home to its adventurist course, and the civil rights movement has become one of the main forces of this opposition. The American Negroes are recognizing more and more that their struggle for equality, for the elimination of poverty and illiteracy, and for a better life is inseparably connected with the struggle of the Vietnamese people against American imperialism. It is not, repeat, not for nothing that the numerous manifestations against racial discrimination in Chicago, New York, San Francisco, Birmingham, and other American cities are more and more often voicing the same slogan: "There can be no liberty in Alabama while the United States by force of arms is putting down freedom in Vietnam."

The movement against the aggression in the Indochinese peninsula is now merging with the movement for civil rights of the Negro population to form a single stream. For this reason the blow being directed at the present time by the Un-American Activities Committee against the civil rights movement is being aimed against all progressive forces urging a revision of Washington's current political course.

The witch hunters have been preparing this blow for a long time. Even last year, when the White House was forced to take account of the indignation of broad sections of the American public at the bloody orgies of the Ku-Klux-Klan and instructed the Un-American Activities Committee to study the activities of this band of murderers and program-makers, Edwin Willis, Chairman of the Committee, said that he considered it a more important task to study the activities of the civil rights movement, which, he said, is inspired by Communists. Willis was backed up by his fellow-thinkers in Congress.

It was in vain that Negro leaders and certain Congressmen resolutely objected against the investigation of the Ku Klux Klan being conducted by the Willis Committee. They considered that the Committee would not—repeat—not do the Klan any serious damage but would inevitably come out against participants in the civil rights movement. This fear is now proving right. At any rate, Francis McNamara, one of the Committee staff, has confirmed the report in the Worker that Willis has indeed given instructions for the commencement of preliminary investigations into the civil rights movement. The result of this investigation may be the hounding of all people whom the authorities refer to as Communist agents, and the adoption of laws for the disbanding of this Negro organization.

The fact that the witch hunters are inflicting their blow on the civil rights movement at this precise moment is not, repeat, not accidental. It is to a great extent determined by the fact that on January 10, 1967, the session of the new Congress opens and the Un-American Activities Committee will again have to defend its right to existence. It is well known that there is a powerful movement in the United States to do away with this hotbed of reaction, and its demands will produce a big reaction in Congress.

By starting an investigation into the activities of one of the strongest sections of opposition to Washington's present course, the Willis commission is counting on the support of the White House in the coming January struggle. As the Washington Post hints, such calculations are not, repeat, not baseless.

The progressive forces of America demand that the witch hunters cease the shameful investigation of the Negro organization's activities. Reflecting the attitude of this section of the American public. The paper "Christian Century" wrote that if the Un-American Activities Committee meddles in such a delicate and complex problem as the struggle for civil rights, it is thereby only playing into the hands of the forces of racism. However, the Willis commission ignores this warning. It is precisely the racists of America who have settled on the commencement of investigations into the civil rights movement as a new year gift.

Mr. GONZALEZ. Mr. Speaker, will the gentleman from Texas [Mr. Burleson] yield to me?

Mr. BURLESON. I yield 2 minutes to the gentleman or such time as he may need.

Mr. GONZALEZ. Mr. Speaker, I have what I believe to be a very pertinent question which I would like to address to any knowledgeable member of the committee. It has to do with something that came up in the course of discussion last year here in the House.

The question is this: Is it true that this committee has a dossier or a file on Members of the Congress?

Mr. WILLIS. Mr. Speaker, will the gentleman yield for an answer?

Mr. GONZALEZ. I yield to the gentleman.

Mr. WILLIS. The answer is "No"—"NO"—in capital letters—period.

Mr. GONZALEZ. Thank you very much.

Mr. BURLESON. Mr. Speaker, I move the previous question on the resolution and on the amendments thereto.

The SPEAKER pro tempore (Mr. Albert). The question is on ordering the previous question on the resolution and on the amendments thereto.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EDWARDS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 305, nays 92, not voting 35, as follows:

[Roll No. 53]

YEAS—305

Abbitt
Abernethy
Adair
Albert
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Aspinall
Ayres
Baring
Barrett
Bates
Battin
Belcher
Bell
Bennett
Berry
Bevill
Biester
Blackburn
Blanton
Boggs
Bolton
Bow
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Cahill
Carter
Casey
Cederberg
Chamberlain
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Corbett
Cowger
Culver
Cunningham
Curtis
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dingell
Dole
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Everett
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fino
Fisher
Flood
Ford, Gerald R.
Fountain
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gardner
Garmatz
Gathings
Gettys
Gibbons
Goodell
Goodling
Gray
Griffiths
Gross
Grover
Gubser
Gurney
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hardy
Harrison
Harsha
Harvey
Hays
Hébert
Henderson
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Kazen
Kee
Keith
Kelly
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kuykendall
Kyl
Kyros
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lukens
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
MacGregor
Machen
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
May
Mayne
Meskill
Michel
Miller, Ohio
Mills
Minish
Minshall
Mize
Montgomery
Moore
Morgan
Morris, N. Mex.
Morton
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Poff
Price, Ill.
Price, Tex.
Pryor
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roth
Roudebush
Roush
Rumsfeld
Ruppe
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tuck
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitten
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young
Younger
Zablocki
Zion
Zwach

NAYS—92

Adams
Addabbo
Anderson, Tenn.
Annunzio
Ashley
Bingham
Blatnik
Boland
Bolling
Brademas
Brasco
Brown, Calif.
Burke, Mass.
Burton, Calif.
Button
Cohelan
Conte
Conyers
Corman
Daddario
Donohue
Dow
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Farbstein
Foley
Ford, William D.
Gallagher
Giaimo
Gilbert
Gonzalez
Green, Oreg.
Green, Pa.
Gude
Halpern
Hanna
Hansen, Wash.
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hollifield
Holland
Hungate
Jacobs
Joelson
Karth
Kastenmeier
King, Calif.
Kupferman
Leggett
McCarthy
Madden
Matsunaga
Meeds
Mink
Monagan
Moorhead
Morse, Mass.
Mosher
Moss
Multer
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
Olsen
Ottinger
Patten
Philbin
Rees
Reid, N.Y.
Reuss
Ronan
Rosenthal
Roybal
Ryan
St Germain
St. Onge
Scheuer
Tenzer
Thompson, N.J.
Tunney
Udall
Van Deerlin
Waldie
Wolff
Yates

NOT VOTING—35

Andrews, Ala.
Betts
Broomfield
Buchanan
Byrne, Pa.
Carey
Celler
Clancy
Cramer
Dawson
Dickinson
Diggs
Flynt
Fraser
Friedel
Hagan
Halleck
Herlong
Irwin
Johnson, Pa.
Macdonald, Mass.
Mathias, Md.
Miller, Calif.
Murphy, N.Y.
Pollock
Pool
Pucinski
Reinecke
Resnick
Rostenkowski
Taft
Utt
Whitener
Williams, Miss.
Wilson, Charles H.

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Pool for, with Mr. Diggs against.

Mr. Andrews of Alabama for, with Mr. Resnick against.

Mr. Hagan for, with Mr. Fraser against.

Until further notice:

Mr. Celler with Mr. Halleck,

Mr. Byrne of Pennsylvania with Mr. Johnson of Pennsylvania.

Mr. Miller of California with Mr. Reinecke.

Mr. Charles H. Wilson with Mr. Taft.

Mr. Friedel with Mr. Utt.

Mr. Rostenkowski with Mr. Clancy.

Mr. Whitener with Mr. Buchanan.

Mr. Carey with Mr. Broomfield.

Mr. Macdonald of Massachusetts with Mr. Mathias of Maryland.

Mr. Flynt with Mr. Cramer.

Mr. Pucinski with Mr. Betts.

Mr. Murphy of New York with Mr. Pollock.

Mr. Williams of Mississippi with Mr. Dickinson.

Mr. Irwin with Mr. Dawson.

Mr. KASTENMEIER changed his vote from "yea" to "nay."

Mr. RUMSFELD changed his vote from "nay" to "yea."

Mr. HANLEY changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

MOTION TO RECOMMIT

Mr. ASHBROOK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. ASHBROOK. I am, Mr. Speaker, in its present form.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Ashbrook moves to recommit the resolution (H. Res. 221) to the Committee on House Administration with instructions to report the resolution forthwith with the following amendment: On page 1, line 5, strike out "$350,000" and insert in lieu thereof "$400,000."

Mr. HAYS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HAYS. Mr. Speaker, I make a point of order against the motion to recommit on the grounds that the House has just adopted the committee amendment to cut the amount from $400,000 to $350,000. The gentleman now offers a motion to recommit to restore it from the $350,000 to $400,000 and it is clearly out of order.

The SPEAKER. Does the gentleman from Ohio [Mr. ASHBROOK] desire to be heard?

Mr. ASHBROOK. Yes, Mr. Speaker.

Mr. Speaker, it appears to me that we voted to order the previous question on the amendments and the motion to recommit, in my opinion, would be a proper motion to recommit. I hope that the Chair will so hold.

The SPEAKER. The Chair will call attention to that fact that the previous question was ordered and the amendments were adopted by the House.

It is not in order to do indirectly by a motion to recommit with instructions that which may not be done directly by way of amendment.

An amendment to strike out an amendment already adopted is not in order. The subject matter of the motion to recommit has already been passed upon by the House.

The Chair sustains the point of order.

Mr. ASHBROOK. Mr. Speaker, I desire to offer another motion to recommit to increase the amount to $375,000.

Mr. HAYS. Mr. Speaker, I would make a point of order on such a motion.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] has not yet made a motion. He has indicated that he desires to offer a motion. The Chair cannot recognize a Member on a point of order against the motion until the matter is officially before the House in the form of a motion.

Does the gentleman from Ohio desire to make the motion that he has just indicated he wants to make?

The Chair might state that the same point of order probably would lie against such a motion.

Mr. HAYS. The gentleman can make a straight motion to recommit if he wants to.

Mr. ASHBROOK. I have no motion to offer, Mr. Speaker.

The SPEAKER. The question is on the resolution, as amended

Mr. EDWARDS of California. Mr. Speaker——

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YATES. Mr. Speaker, in view of the fact that the Chair ruled out the motion to recommit made by a member of the minority, is it in order for the gentleman from California [Mr. EDWARDS], who is on his feet seeking recognition to offer a motion to recommit?

The SPEAKER. If no Member on the minority side seeks recognition to offer a motion to recommit, then a Member on the majority side may be recognized to offer a motion to recommit.

Mr. EDWARDS of California. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. EDWARDS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. EDWARDS of California. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. EDWARDS of California moves to recommit the resolution (H. Res. 221) to the Committee on House Administration with instructions that open hearings be held on justification for such additional funds of the House Committee on Un-American Activities as provided in House Resolution 221.

The SPEAKER. The question is on the motion to recommit.

Mr. EDWARDS of California. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 92, nays 304, not voting 36, as follows:

[Roll No. 54]

YEAS—92

Adams
Addabbo
Annunzio
Ashley
Barrett
Bingham
Blatnik
Boland
Bolling
Brademas
Brasco
Brown, Calif.
Burke, Mass.
Burton, Calif.
Button
Cohelan
Conte
Conyers
Corman
Daddario
Dow
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Farbstein
Foley
Ford, William D.
Gallagher
Giaimo
Gilbert
Gonzalez
Green, Oreg.
Green, Pa.
Gude
Halpern
Hanna
Hansen, Wash.
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Holland
Horton
Howard
Hungate
Joelson
Karth
Kastenmeier
King, Calif.
Kupferman
Leggett
Long, Md.
McCarthy
Madden
Matsunaga
Meeds
Mink
Monagan
Moorhead
Morse, Mass.
Mosher
Moss
Multer
Nedzi
Nix
O'Hara, Ill.
O'Hara, Mich.
Ottinger
Rees
Reid, N.Y.
Reuss
Rhodes, Pa.
Rodino
Ronan
Rosenthal
Roybal
Ryan
St Germain
St. Onge
Scheuer
Tenzer
Thompson, N.J.
Tunney
Udall
Van Deerlin
Waldie
Wolff
Yates

NAYS—304

Abbitt
Abernethy
Adair
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Aspinall
Ayres
Baring
Bates
Battin
Belcher
Bell
Bennett
Berry
Bevill
Biester
Blackburn
Blanton
Boggs
Bolton
Bow
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Cahill
Carter
Casey
Cederberg
Chamberlain
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Corbett
Cowger
Culver
Cunningham
Curtis
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dingell
Dole
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Everett
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fino
Fisher
Flood
Ford, Gerald R.
Fountain
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gardner
Garmatz
Gathings
Gettys
Gibbons
Goodell
Goodling
Gray
Griffiths
Gross
Grover
Gubser
Gurney
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hardy
Harrison
Harsha
Harvey
Hays
Hébert
Henderson
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Kazen
Kee
Keith
Kelly
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kuykendall
Kyl
Kyros
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Lloyd
Long, La.
Lukens
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
MacGregor
Machen
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
May
Mayne
Meskill
Michel
Miller, Ohio
Mills
Minish
Minshall
Mize
Montgomery
Moore
Morgan
Morris, N. Mex.
Morton
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Price, Ill.
Price, Tex.
Pryor
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rhodes, Ariz.
Riegle
Rivers
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roth
Roudebush
Roush
Rumsfeld
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tuck
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitten
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young
Younger
Zablocki
Zion
Zwach

NOT VOTING—36

Andrews, Ala.
Betts
Broomfield
Buchanan
Byrne, Pa.
Carey
Celler
Clancy
Cramer
Dawson
Dickinson
Diggs
Flynt
Fraser
Friedel
Hagan
Halleck
Herlong
Irwin
Johnson, Pa.
Macdonald, Mass.
Mathias, Md.
Miller, Calif.
Murphy, N.Y.
Pollock
Pool
Pucinski
Reinecke
Resnick
Rostenkowski
Ruppe
Taft
Utt
Whitener
Williams, Miss.
Wilson, Charles H.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Diggs for, with Mr. Pool against.

Mr. Resnick for, with Mr. Andrews of Alabama against.

Mr. Fraser for, with Mr. Williams of Mississippi against.

Until further notice:

Mr. Celler with Mr. Halleck.
Mr. Flynt with Mr. Cramer.
Mr. Rostenkowski with Mr. Broomfield.

Mr. Charles H. Wilson with Mr. Mathias of Maryland.

Mr. Miller of California with Mr. Utt.

Mr. Byrne of Pennsylvania with Mr. Pollock.

Mr. Carey with Mr. Reinecke.

Mr. Friedel with Mr. Johnson of Pennsylvania.

Mr. Herlong with Mr. Betts.

Mr. Whitener with Mr. Dickinson.

Mr. Macdonald with Mr. Clancy.

Mr. Murphy of New York with Mr. Ruppe.

Mr. Hagan with Mr. Taft.

Mr. Pucinski with Mr. Buchanan.

Mr. Dawson with Mr. Irwin.

Mr. STRATTON changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the adoption of the resolution.

Mr. DEVINE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 349, nays 43, not voting 40, as follows:

[Roll No. 55]

YEAS—349

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashmore
Aspinall
Ayres
Baring
Bates
Battin
Belcher
Bell
Bennett
Berry
Bevill
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Cahill
Carter
Casey
Cederberg
Chamberlain
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conte
Corbett
Corman
Cowger
Culver
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dole
Donohue
Dorn
Dowdy
Downing
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fino
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gardner
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gonzalez
Goodell
Goodling
Gray
Griffiths
Gross
Grover
Gubser
Gude
Gurney
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Harvey
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kazen
Kee
Keith
Kelly
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kuykendall
Kyl
Kyros
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
MacGregor
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Monagan
Montgomery
Moore
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
O'Hara, Mich.
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Price, Ill.
Price, Tex.
Pryor
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roth
Roudebush
Roush
Rumsfeld
Ruppe
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tuck
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young
Younger
Zablocki
Zion
Zwach

NAYS—43

Annunzio
Ashley
Barrett
Bingham
Bolling
Brasco
Brown, Calif.
Burton, Calif.
Button
Cohelan
Conyers
Dingell
Dow
Eckhardt
Edwards, Calif.
Eilberg
Farbstein
Gallagher
Gilbert
Green, Oreg.
Green, Pa.
Hawkins
Helstoski
Holifield
Holland
Kastenmeier
Kupferman
Leggett
Nedzi
Nix
O'Hara, Ill.
Ottinger
Rees
Reuss
Ronan
Rosenthal
Roybal
Ryan
Scheuer
Tenzer
Thompson, N.J.
Wolff
Yates

NOT VOTING—40

Andrews, Ala.
Ashbrook
Betts
Broomfield
Buchanan
Byrne, Pa.
Carey
Celler
Clancy
Cramer
Dawson
Dickinson
Diggs
Dulski
Erlenborn
Flynt
Fraser
Friedel
Hagan
Halleck
Herlong
Johnson, Pa.
Lukens
Macdonald, Mass.
Mathias, Md.
Miller, Calif.
Multer
Murphy, N.Y.
Pollock
Pool
Pucinski
Reid, N.Y.
Reinecke
Resnick
Rostenkowski
Taft
Utt
Williams, Miss.
Wilson, Charles H.

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Pool for, with Mr. Diggs against.

Mr. Andrews of Alabama for, with Mr. Resnick against.

Mr. Dulski for, with Mr. Fraser against.

Until further notice:

Mr. Byrne of Pennsylvania with Mr. Mathias of Maryland.

Mr. Miller of California with Mr. Utt.

Mr. Multer with Mr. Pollock.

Mr. Celler with Mr. Halleck.

Mr. Williams of Mississippi with Mr. Taft.

Mr. Murphy of New York with Mr. Buchanan.

Mr. Charles H. Wilson with Mr. Johnson of Pennsylvania.

Mr. Carey with Mr. Reinecke.

Mr. Rostenkowski with Mr. Cramer.

Mr. Hagan with Mr. Betts.

Mr. Herlong with Mr. Dickinson.

Mr. Flynt with Mr. Clancy.

Mr. Macdonald with Mr. Broomfield.

Mr. Pucinski with Mr. Ashbrook.

Mr. Dawson with Mr. Reid of New York.

Mr. Friedel with Mr. Lukens.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUR OF MEETING APRIL 6

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. SISK. Mr. Speaker, reserving the right to object, I had understood that the request was going to be for 11 o'clock tomorrow. Did I correctly understand the majority leader to say 10 o'clock?

Mr. ALBERT. I did that to accommodate Members. I have learned that the copyright bill programed for tomorrow will take quite a while to consider. It seems it would be the part of wisdom to try to finish it up at a reasonable hour.

Mr. SISK. Mr. Speaker, further reserving the right to object, this again is an indication of what I believe to be undue haste with reference to this bill.

Certain facts were brought out in the Rules Committee yesterday in the testimony. I now find that the television industry and certain interested parties—particularly in educational TV and community television—had absolutely no information as to the effect of this bill upon them.

I have been in contact with a number of these people by telephone in the past 24 hours. I think it is a bit of a travesty on justice to attempt to rush this bill to this extent. I agree that it is going to take a long time to take care of this particular piece of legislation, because the one thing that I mentioned here is only one of many very controversial issues in this bill. As I say, I shall not object, but I certainly do want to register a protest to this kind and type of procedure.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, and I will not make a commitment as to whether I will or will not, I would like to ask the majority leader why we come in at an extra early time when people have come all the way from across the country to attend various committee and subcommittee hearings and when we adjourned before 12:30 p.m. yesterday and when we adjourned before 2:30 p.m. on Monday of this week. Suddenly it seems we have to come in early in order to complete our business.

Second, I would like to ask the distinguished majority leader why we changed the hour of meeting of the House by unanimous consent after many other arrangements have been made instead of working on Friday. Have we come to the point where because of the rush of the Members of the Tuesday-to-Thursday club or some other reason, perhaps those who practice their professions in addition to practicing taking care of the public trust of the United States, we just work 3 days a week? Why not work on Friday?

Mr. ALBERT. The gentleman has made several observations, of course, that are worthy of consideration. The gentleman knows that this bill was not programed earlier in the week because we had no possible chance of getting a rule earlier in the week. The bill did not go before the Rules Committee until Tuesday. We would have started consideration of the bill yesterday had the rule been ready. However, a rule was not reported until yesterday afternoon.

Now, on the question of meeting——

Mr. HALL. I am constrained not to let the distinguished majority leader continue, because the time is mine. I want to say that this has been programed all week, if I can make that observation.

Mr. ALBERT. It has been programed for Thursday because we knew in advance that was the earliest possible date we could have it ready. We programed it for the earliest possible date under the legislative circumstances which were within our knowledge at the time the program was announced. Those estimations have turned out to be correct; namely, that the Rules Committee would hold hearings on the bill Tuesday and a rule would be granted on it but would not be ready for floor action before tomorrow. That is the only reason the bill was programed for Thursday. We would have liked to have had it earlier in the week.

Now may I say this to the gentleman, also: As far as committee meetings tomorrow are concerned, I would be very happy, speaking for myself as an individual Member, to ask unanimous consent if committee chairmen or others requested me to do so, or to join them in requesting that the committees might sit while we are in general debate.

Mr. HALL. Mr. Speaker, I will say to the gentleman under my reservation of objection that this will not happen. I can guarantee that if we are going to meet early tomorrow. We took great abuse because we objected because of the right of individual elected legislators to come in and to serve the public trust about a week ago on this same type of request after we had fiddled and fiddled and whiddled and diddled and done nothing all week to the place where suddenly on Thursday we have to come in early. I objected to that procedure at that time and took great abuse on my head and shoulders because of it. I do not object to that.

Mr. ALBERT. Will the gentleman yield?

Mr. HALL. Mr. Speaker, regular order. I have not yielded to the gentleman. I am making a statement here that I think is worthwhile. I will yield to the gentleman in a minute in order to let him answer the second part of my question about why do we not work on Friday. If the bill cannot be handled tomorrow afternoon in the regular time allotted, why can we not take it up on Friday?

Mr. ALBERT. As far as I am concerned, of course, personally I can stay here 6 days a week. It makes no difference to me. I do not see, however, why many Members who otherwise would be discommoded should not be accommodated if it is possible to do so.

Mr. HALL. Well, Mr. Speaker, I happen to be one of those who think that is what we came here for, that is, to go to work early and get the legislation over with according to the Constitution by the end of July and go home so that we can be among our constituents and feel the pulse of the situation and more properly represent them. We are not going to get that done. We have not done it for the last several years, due to the lack of the programing of our calendar, due to the lack of the work of our committees acting upon these various important matters adequately and on time and in reporting the bills out and getting them scheduled.

Mr. Speaker, I am reluctant to take these emergency measures. However, Mr. Speaker, we are now at the point in time when April is here and we have done nothing. We have passed only one appropriation bill thus far.

Therefore, Mr. Speaker, why all of a sudden should we get in a hurry on Thursday of this week to undertake this programing?

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman from Missouri yield to me further?

Mr. HALL. I shall be glad to yield further to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, insofar as the program in the House of Representatives is concerned, it is my opinion that the gentleman from Missouri knows that the House keeps up with the committees—the Committee on Rules and the legislative committees.

Seldom, Mr. Speaker, do we have any lag in legislation insofar as the programing of bills is concerned.

Mr. Speaker, as the gentleman must know, the committees must have time during which to conduct full and thorough hearings on the various pending measures. The gentleman of course further knows, that these committees must consider the important legislation which is pending before them. I trust that the gentleman from Missouri will realize that the committees—the gentleman serves on important committees—are working hard and that the leadership does everything possible to program legislation just as fast as the committees have legislation ready and reported for action on the floor of the House.

Mr. HALL. Mr. Speaker, I shall be glad to document for the gentleman the various periods during which we have had bills—not only out of the Committee on Rules, but the legislative or parent committees—when we have had rules out of the Committee on Rules with reference to such legislation when such legislation has not been programed.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield further?

Mr. HALL. I yield further to the distinguished majority leader.

Mr. ALBERT. There have been times when that has occurred, and the gentleman is correct in that statement. This is not the general rule; the House usually keeps pace with the output of its committees.

Mr. HALL. Mr. Speaker, in obedience to those Members of the House who have prior commitments, I shall withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

BRIEF IN OPPOSITION TO H.R. 2512

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, the Committee on Rules is considering the bill, H.R. 2512, the so-called revised copyright bill.

Mr. Speaker, I am unalterably opposed to this legislation because it creates more monopoly and more problems than it serves.

Yesterday I stated before the committee that there was no protection given to anybody under this bill save and except to the collecting organizations.

Mr. Speaker, I hope this bill if reported, it will be defeated on the floor of the House, if it is taken up tomorrow.

The bill is objectionable, and should be defeated because section 116 is totally impractical, unworkable, and contrary to the public interest.

First. It would impose an oppressive and unjust burden upon jukebox operators. It would provide a windfall for ASCAP—American Society of Composers, Authors, and Publishers—and other special interest groups, without being beneficial to songwriters whose music is played on jukeboxes.

Second. Jukebox operators now purchase over 50 million phonorecords each year, so that they already contribute over $2 million per year in statutory copyright royalties—the statutory "mechanical" royalty is 2 cents per song or at least 4 cents per record—to songwriters and music publishers.

Third. "Mechanical" royalties of over $2 million per year from jukebox operators exceed copyright royalties from all other segments of musical entertainment, except radio and TV broadcasting.

Fourth. Proponents of this new section have not shown, or attempted to show, that a new jukebox royalty is needed to provide fair compensation to music copyright owners.

Fifth. Congress enacted the existing exemption of jukebox operations from "performance" royalties—but not from "mechanical" royalties—in 1909 as a deliberately designed compromise to avoid dual royalties from coin-operated music machines. It is not true, therefore, as the proponents have alleged, that this exemption was an "accident," or a "historical anomaly." The exemption is as reasonable, as valid, and as necessary in the public interest today, as in 1909 when it was enacted.

Sixth. Despite attempts which have been made in every Congress for the past 40 years to secure repeal or replacement of this exemption, no Congress has seen fit to do so. Certainly compelling evidence is called for if the proponents of this section hope to convince this Congress that all previous Congresses have been wrong. No such evidence has been presented.

Seventh. The jukebox industry is comprised of 7,000 to 9,000 operators and their employees, a large number of phonograph distributors and their employees and four major manufacturers of phonographs and their employees—an industry upon whom thousands of workers and their families are dependent for their livelihood and well-being. The industry is founded upon the performance royalty exemption in the present law. Repeal of this exemption, without replacement by a reasonably workable provision, would be disruptive of this industry, and would jeopardize the welfare of all of its many thousands of employees. As the chairman of the House Judiciary Subcommittee on Patents, Trademarks, and Copyrights once said:

> Any time you try to disturb something that has taken place for 43 years, you are going to have some explaining to do unless the equities are so strong and the burden is so light that you are not going to cause an abrupt revolutionary change in the method of doing things in an industry. That is what worries me. (House Judiciary Subcommittee hearings on H.R. 5473 February 1952, p. 379.)

Since he made that statement the industry has continued its reliance upon this provision—for a total of 58 years.

Eighth. So-called international considerations do not support the advocates of repeal, or replacement of the present exemption. There is no inequity in treatment of foreign composers under American law. They are entitled to the same royalties under our law as are our own composers. International comity does not require that American laws be changed to conform to the laws of other countries.

Ninth. Repeal or replacement of the exemption would not be in the public interest. It would benefit primarily the so-called performing rights societies, ASCAP, BMI, and SESAC, rather than the writers of music which is played on jukeboxes. Those societies divert substantial portions of the royalties they collect to their own "overhead" uses, and fail to fully compensate their songwriters for current performances of their music. ASCAP, in particular, is vulnerable to this criticism because, after deducting a generous 18 to 20 percent for its own overhead uses, it distributes 50 percent of the remaining royalties to music publishers and only 50 percent to songwriters.

Tenth. All of the performing rights organizations follow the practice of licensing performances of music through the issuance of blanket licenses covering their entire inventories. Such blanket licensing would be unrelated to, and would not accurately reflect, the actual play of individual records on automatic phonographs. It would be inherent, therefore, in any such system for blanket licensing of jukebox operations, that royalties would be paid to composers whose songs are included in licensed repertories, whether or not their particular songs are played on jukeboxes. Necessarily, therefore, some of the performance royalties paid by the operators would go to composers other than those whose records are played on these machines.

Eleventh. ASCAP and BMI, the two largest "societies," are huge, monopolistic enterprises with multimillions of assets and annual revenue. Jukebox operators, on the other hand, are small businessmen who could not possibly bargain with them on equal terms. ASCAP and BMI are both subject to antitrust injunctions obtained at the instance of the U.S. Department of Justice. A grant to them of broad economic powers over the jukebox industry, as would be done by section 116, would compound the antitrust objections to these societies and their monopolistic operations.

Twelfth. Under section 116 of this bill the operators would be forced to bargain with the performing rights societies because this section provides no workable alternative statutory procedure. In recent committee hearings, this section has been characterized by presiding officials as an "administrative monstrosity," with the operators' expenses for bookkeeping, accounting, and reporting of royalties exceeding by several times the royalties which are also, exorbitantly high. Requirements for central registration of operators and their phonographs at the Copyright Office in Washington also would impose insuperable burdens on the operators. The royalty rate of 3 cents per recorded song per quarter would amount to an industry total, estimated by the committee, at $9,216,000 per year. This would be additional to the mechanical royalties under section 115, which would be derived from this industry, and which would be increased by this section to $2.5 million per year. Thus, this small industry would be subjected to copyright royalties totaling more than $11.7 million per year if this bill is passed.

Thirteenth. The civil and criminal penalties which may be imposed upon the operators in this industry can amount to as much as $20,000 or 3 years' imprisonment for a single infringement. Unlike some other users of copyrighted materials, no relief is provided for innocent infringement by a music operator.

Fourteenth. No greater protection to any property right is afforded at any other place in the law as proposed in this bill. This bill has a statutory penalty of $250, plus attorney fees, for each violation, and places the jukebox operator entirely at the mercy of all copyright owners of songs.

Fifteenth. The owner of a copyright can dispose of the same as he sees fit at whatever price he may ask. However, to permit him to collect royalties after he has once sold the same creates a new legal right. It is like the inventor of a spark plug who sells it to a manufacturing company, and thereafter the manufacturing company installs it in the engine of a bus. The bus is then used to transport people for profit, and under the theory of this bill, the patent owner would be entitled to collect certain sums for the use of the patent that had already been sold.

Sixteenth. All of section 116 should be deleted from the bill, and when the matter is presented to the House, I anticipate offering the following amendment:

> SEC. 116. Exemption of public performance by means of coin-operated phonorecord players.
>
> The reproduction or rendition of a musical composition by or upon a coin-operated machine shall not be deemed a public performance unless a fee is charged for admission to the place where such reproduction or rendition occurs.

Seventeenth. H.R. 2512 has many objectionable features. The principal purpose of this legislation is to extend to the copyright owner an absolute right to have the U.S. Government act for him in collecting royalties. Not only does it apply to jukeboxes, but to educational TV, CATV, county fairs, charitable benefits, and all other performances unless specifically exempted, which means that licenses must be obtained from ASCAP and BMI. This will lead to the greatest monopoly ever established in the history of the country.

ASCAP and BMI are both under injunctions for violating the antitrust laws and any disputes which may arise concerning franchise rights must be referred to a Federal court in New York City. This remedy is unworkable.

ESTABLISHING FAIR POSTAL RATES

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, as chairman of the House Committee on Post Office and Civil Service, and in accordance with tradition and custom of the committee, this afternoon I introduced the bill which the President submitted to the Congress today, with a special message, to increase postal revenues.

This measure, in my judgment, represents the most comprehensive approach to adjustment in our complex postal rate structure that has been presented in many years. The President's recommendations certainly warrant—and I am sure will receive—the most careful consideration by the Congress. The question with respect to financing the postal service, in the final analysis, is not whether added revenue is necessary but, instead, "how" such revenue will be gained and "by whom" it should be paid. The American people must have the postal service, and the costs of operating it must be paid. It is up to the Congress to determine how the costs of this vast and essential communication system should be paid. More specifically, we must decide what part of the cost shall be paid by the Treasury financing and what part shall be paid by user charges levied in the form of postage.

Mr. Speaker, the membership may be assured that the President's recommendations will be the subject of very thorough and extensive hearings, at which those most vitally concerned will be heard. It will be our purpose to bring to the floor of the House a bill that is responsive to the fiscal requirements of the Government and the postal establishment and, at the same time, is fair to all users of the mails. A great deal of study and careful deliberation must be devoted to the development of legislation that will provide equitable distribution of the burden of postal revenues among users of all of the classes and categories of postal service.

It is appropriate, at this point, to call attention to one particular sector of mail users which for years has been the subject of unconscionable harassment—that has reached a crescendo during recent months. These are the much-maligned mailers of advertising matter under the third-class mail rights provided by law. A malicious four-letter descriptive term, coined by rivals and opponents of these users years ago, has come into wide usage; I will not dignify the term by repeating it here.

Those who are so critical of third-class mail should take the trouble to find out the tremendous contribution it makes to the national economy, the hundreds of thousands of jobs it creates, the deferred treatment it receives, and the vast amount of preparatory work the industry does to save costs for the postal establishment. They should recognize, too, that the jobs created by this industry are largely filled by unskilled labor—with an extraordinarily high proportion of handicapped persons employed. Were it not for this large reservoir of employment opportunity in the industry, we could not now take such pride in the lowest unemployment rate in history.

And so, in working out a sound and fair postal rate bill, we must compare the postal services given those who will pay the various rates and fees, and judge the relative values of these services in arriving at rates that are fair and compensatory in the light of all factors. Postal service is the only Government service specified in the Constitution. It was established in the first place, and its reason for being, is for first-class letter mail. First-class mail receives preference and priority, and this is a key factor in determining the rate of letter postage. The 6-cent letter rate and the 9-cent airmail letter rate proposed by the President will still be the best bargain that an American can buy in today's economy.

At the same time, other classes of mail which do not receive top priority and preference—classes that not only are denied any preference or priority but, instead, by law receive deferred service and themselves must do much of the work performed by postal employees for first-class mail—should bear lesser charges in the light of these conditions.

In the near future I plan to address the House, under "special order" and explain my views on these matters in more detail.

TUNE US IN, MR. PRESIDENT

Mr. **HALEY**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. **HALEY**. Mr. Speaker, it is not always the newspapers with the large circulations and the high-priced columnists that present the true thinking of the American people. More often the real voice of the people is expressed by the newspapers with small circulations—the newspapers at the grassroots level.

Here is an editorial which appeared in the Gondolier, one of our fine weekly newspapers published at Venice, Fla. The editorial, entitled "Tune Us in, Mr. President," is worthy of thoughtful consideration not only by our President, but also by the Members of the Congress. Editor Sam Dillon expresses well the temper of the American people, the people who are continually questioning the fact that our Government is spending more than we have to spend and is leaving a huge debt that some generation other than our own will have to pay, if ever it is paid.

I think this editorial reflects a clear call from the grassroots level for the Congress to reduce expenditures. The editorial follows:

[From the Gondolier, Venice (Fla.), Mar. 16, 1967]

TUNE US IN, MR. PRESIDENT

Evidently President Johnson either didn't tune in on the November election returns, or he thinks he knows better than we do what we want and need.

His messages pour into Congress asking for continuation and extension of liberal legislation. This in spite of a clear indication by the voters that they favor relaxation of the pressure for spending and increase in federal intervention.

Many of his proposals have much merit, such as the 20 per cent increase in social security, the quarter-billion-dollar program for veterans of Vietnam and previous conflicts, and the 12-point pilot program for children and youths including a program for free meals for preschool children.

But interspersed are many possibly dangerout or at least controversial measures.

It is hoped, therefore, that Rep. James A. Haley and the other Florida congressmen and senators will remember that more and more of this state's citizenry are echoing Thomas Jefferson's warning to the founding fathers of this nation, "Do not bite at the bait of pleasure 'till you know there is no hook beneath it."

And more and more thinking men and women are remembering the old story of the monkey trap, and asking these same men in Congress to "beware of the trap of federal pap."

To make a monkey trap you simply cut off the end of a coconut, put some rice inside and hang it on a tree. Along comes Mr. Monkey, looks inside at the tempting bait and grabs the rice in his doubled up fist.

But then he can't get his fist out of the hole. He will jump up and down and scream but he won't let go of the rice, so he has effectively trapped himself.

In much the same way Americans during the last few years have thoughtlessly accepted the bait of more and more federal aid, oblivious of the fact the federal government has quietly usurped many of the rightful functions of state and local governments.

No one disputes the fact that we need help, and lots of it, in fighting for the betterment of the individual critizen, but let us not be victimized by the wrong type of federal aid and like the monkey, be caught in a trap.

As citizens, let us keep abreast of the legislation in Congress, and if we feel the proposed laws or implementations are wrong or dangerous, courageously stand up and say so.

Make your voice heard in Washington, and let your elected representatives know exactly how you feel. They'll appreciate it.

THE ADAM CLAYTON POWELL CASE

Mr. **BOGGS**. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCORMACK] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. **McCORMACK**. Mr. Speaker, under permission to extend my remarks, I include two profound articles, in fact, "legal briefs," on the Adam Clayton Powell case, written and prepared by Isidor Blum, and appearing in the New York Law Journal of March 23, 1967, and March 24, 1967, entitled "Mr. Powell, Congress, Constitution, the Courts."

[From the New York Law Journal, Mar. 23, 1967]

MR. POWELL, CONGRESS, CONSTITUTION, THE COURTS

(By Isidor Blum)

It has been but seldom, except in the Civil War period, that one who has been certified as elected to the House of Representatives or the Senate has been excluded for reasons unrelated to questions of election or to the qualifications prescribed in the Constitution.

In 1870 the House refused to seat one who while previously a Representative had taken money for making appointments to the Military Academy at West Point.

A Delegate-elect from the Territory of Utah was excluded by the House in 1882 because he was a polygamist. A Representative-elect from the State of Utah was excluded in 1900 for a like reason.

The Senate in 1927 excluded one who had been chairman of a public utilities commission and had received large campaign contributions from officers of public utility companies.

The case of Adam Clayton Powell, which has been added to this category, is unusual in other ways as well. One is the celerity with which the resolution to exclude was adopted. Proceedings to exclude or to expel have often been drawn out for months or even years, with protracted hearings, lengthy committee reports and extensive debate. It is unusual, too, in the repercussions that have ensued.

Moreover, although many actions have been brought in state courts to reverse determinations made by state legislative bodies concerning elections and qualifications, this appears to be the first time that a court has been asked to overturn a determination of this kind made by one of the two Houses of Congress.

Resort to the courts is unlikely to be of any avail. The courts have no general mandate to redress violations of the Constitution. They exercise that power only in the course of adjudging the rights of litigants in controversies of which they have jurisdiction and which are justiciable. The recent case of Julian Bond and the Georgia House of Representatives (Bond v. Floyd, 385 U.S. 116) is at most only superficially similar to that of Mr. Powell.

The Constitution, in Article I, section 2, provides that "No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of the State in which he shall be chosen." Section 3 requires that a Senator shall be thirty years of age and shall have been a citizen for nine years.

"Each House," it is provided in Section 5, "shall be the judge of the elections, returns, and qualifications of its members."

Expulsion is provided for in another clause of Section 5: "Each House may determine the rules of its procedure, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member."

In 1789, at the first session of the First Congress, the right of a Representative-elect from South Carolina was challenged, but unsuccessfully, on the ground that he had not been a citizen for seven years. Citizenship was less precisely defined then than it is now, as we may learn from a speech made by James Madison in the House on this occasion.

Five years later the Senate upheld a similar objection to the eligibility of Albert Gallatin, who had been elected a Senator by the Legislature of Pennsylvania. He was sworn and seated and the objection was thereafter considered. This procedure has often been followed. See Barry v. United States ex rel. Cunningham, 279 U. S. 597, 614.

Gallatin, a native of Geneva, came to America in 1780. He conducted his own defense in the Senate, ably and valiantly. The want of clarity concerning acquisition of citizenship can be seen in the debate. Henry Adams gave a detailed account of the whole matter in his biography of Gallatin.

Soon after the Senate by a vote of 14 to 11 declared his election "void," Gallatin was elected a Representative. He served in Congress until 1801, when he began his long and notable career as Secretary of the Treasury.

Rush D. Holt, of West Virginia, lacked seven months of being thirty years of age when he was elected a Senator in 1934. On the recommendation of a committee which examined the question, he was sworn and seated on attaining the required age.

The word "inhabitant" was deliberately used by the framers of the Constitution; it was substituted, as "less likely to misconstruction," for "resident," which was used on a prior draft. The discussion of this topic in the Federal Convention was quoted in both the majority and the minority reports of a committee of the House in 1928 on the question of the right of James M. Beck, a former Solicitor General of the United States, to be a Representative from Pennsylvania.

Whether requirements may be imposed in addition to those specified in the Constitution—age, length of citizenship, inhabitancy—appears to have been first debated in the House in 1807 when the election of William McCreery as a Representative from Maryland was contested on the ground that he did not meet the requirements of Maryland statutes relating to residence in the district. A number of the states had statutes of this kind.

In opposition to the recommendation of a committee which regarded the Maryland statutes as unconstitutional, a member of the House emphasized the negative form of the clauses in the Constitution and argued that the Constitution merely imposed several disqualifications and left the states free to impose others.

On the other hand it was argued that if this had been intended by the framers of the Constitution they would have said so. Other clauses were alluded to, as was also the nature of the office. A part of the Union, it was said, could not have power to fix the qualifications of members of the assembly of the Union.

Josiah Quincy, of Massachusetts, declared that the right to be elected was a right of the people, which they had reserved to themselves, except as limited by the Constitution, and that they had not given to Congress the power to increase the number of qualifications.

Apparently disinclined to come to a decision on the constitutional question, the House refused to adopt either a resolution intimating that the Maryland statutes were unconstitutional or one indicating that McCreery met the requirements they imposed. It resolved simply that he was "entitled to his seat in the House."

Since the publication in 1840 of James Madison's "Notes on the Debates in the Federal Convention of 1787," these Notes have been the primary resource for the "legislative history" of the Constitution. The qualifications for Representatives and Senators were discussed on June 22 and on August 8, 9, 10 and 13.

On August 10 a proposal was submitted that Congress be empowered to fix property qualifications for members of the two Houses. This was objected to, though not by all who spoke, on the ground that there should be no property qualifications and also on the ground, as Madison put it, that it would be vesting an improper and dangerous power in Congress.

The qualifications of electors and elected, he asserted, were fundamental articles in a Republican Government and ought to be fixed by the Constitution. If the Legislature could regulate those of either, it could by degrees subvert the Constitution.

The House and the Senate have repeatedly refused to give effect to state-imposed restrictions on eligibility for the office of Representative or Senator. What is remarkable is the persistence with which the question has been raised both in Congress and in state courts. There are, for example, numerous cases in which the courts have held that candidacy for election to Congress is not affected by a provision in the constitution or statutes of a state forbidding the election of a judge or former judge to any office, other than a judicial office, during the term for which he was elected or appointed a judge.

In Helman v. Collier (217 Md. 93, 141 A. 2d 908) the Maryland Court of Appeals in a reasoned and documented opinion held invalid a residence requirement for Representatives similar to the one that was the subject of debate 150 years earlier in the case of William McCreery.

A New York court held that Earl Browder could not be barred from being a candidate for Representative (O'Connor v. Cohen 173 Misc. 419, 17 N. Y. Supp. 758). The Supreme Court of Minnesota made a similar holding with respect to a woman who had been convicted of conspiracy to advocate overthrow of the Government by violence (Danielson v. Fitzsimmons, 232 Minn. 149, 44 N.W. 2d 484). A provision in a state subversive activities act, requiring that any candidate for public office file an affidavit that he is not subversive, as defined in the statute, was held inoperative as to a candidate for Representative (Shub v. Simpson, 196 Md. 177, 76 A. 2d 908).

As judge of the elections of its members, the Senate has not only decided election contests but has declared elections void on the ground of fraud and corruption.

Senator William Lorimer of Illinois, who took his oath of office in 1909, asked the Senate a year later to investigate charges in the *Chicago Tribune* that he had secured his seat by bribery. A majority of a committee reported that the evidence showed that members of the Illinois Legislature had been bribed, but not that a sufficient number had been bribed to affect the result. It reported also that it was not shown that Lorimer knew of the bribery. The Senate voted to confirm Lorimer's right to his seat.

But an Illinois grand jury dug deeper and evidence was disclosed which made the Senate take a second look. A majority of a committee concluded that by reason of the earlier resolution Lorimer's right to his seat was res judicata. The Senate rejected that view and, more than three years after Lorimer was seated, it declared his election invalid.

In 1927 Governor Clifford Pinchot of Pennsylvania sent to the Senate a certificate that William S. Vare "appears to have been chosen by the majority of the electors of Pennsylvania as Senator." In an accompanying letter he explained that he could not truthfully state that Vare was "duly chosen," as was customary, because he was convinced that Vare had won his election by bribery, fraud and corruption. A committee of the Senate, after investigation, came to the same conclusion. Its report was adopted by the Senate and Vare was excluded.

B. F. Whittemore, who in 1870 was refused a seat in the House, appears to have been the first person, other than those in the Civil War period, who was excluded from Congress for a reason not specified in the Constitution.

He had previously been a Representative and had been charged with making appointments to the Military Academy for a pecuniary consideration. Three days after a resolution to expel him was introduced he resigned. Promptly elected to fill the unexpired term, he returned to the House to be sworn.

When a resolution that he be not allowed to take the oath was offered, with a preamble reciting the prior proceeding and his resignation to avoid expulsion, it was urged that grave constitutional questions were involved and the matter should be referred to a committee. But the resolution was adopted 130 to 76.

The seating of George Q. Cannon in 1873 as a Delegate from the Territory of Utah was preceded by objection and followed by debate, it being charged that he had taken oaths inconsistent with citizenship of the United States and that he practiced polygamy in violation of the laws of the United States. A resolution that he was entitled to be seated, which was recommended by a committee, was adopted by a vote of 109 to 76.

Cannon served successive terms as a Delegate until 1882, when the objections were renewed. Long committee reports and lengthy debate ensued. Involved in the argument about going beyond the constitutional requirements was the question whether the status of a Delegate was for this purpose the same as that as a Representative. A resolution excluding Cannon was adopted.

On grounds similar to those urged against Cannon, objection was made in 1899 to the seating of Brigham H. Roberts as a Representative from the State of Utah. Again there came long reports and lengthy debate. A majority of a committee said that Roberts should be excluded, others said he should be admitted to the House and then expelled. The House adopted a resolution that he "ought not to have or hold a seat in the House" and that "the seat to which he was elected is hereby declared invalid."

Objection was made also to the seating of Reed Smoot, who was elected a Senator from Utah in 1902. He was a high officer of the Mormon Church and it was charged that he sanctioned polygamy. Senator Boies Penrose, of Pennsylvania, is said to have been consulted by some of his colleagues and to have told them that he "would rather have a polygamist who doesn't polyg than a monogamist who doesn't monog." This observation may have carried as much weight as the reasoned arguments of Philander C. Knox and others. A resolution declaring that Smoot was not entitled to be seated was defeated, the vote being 25 to 49.

Victor L. Berger, of Milwaukee, who had served in Congress from 1911 to 1913, was elected again in 1918, less than a month before he and others went on trial on charges of publishing articles designed to hamper the Government's prosecution of the war. A committee of the House recommended that he be excluded, not because he was convicted, but because from a reading of the minutes of the trial it was clear that the articles were written in a spirit of hostility to our Government and to hinder it in the prosecution of the war.

But the committee gave an additional ground, which it said afforded a constitutional basis for excluding him and thus distinguished the case from those of Cannon and Roberts. It said that Berger was ineligible by reason of section 3 of the Fourteenth Amendment. This provides that no person shall become a Senator or Representative who, having previously taken an oath as a member of Congress to support the Constitution of the United States, has engaged in insurrection against the same or given aid or comfort to the enemies thereof.

After exhaustive debate the House resolved that Berger was not entitled to take the oath of office and to be seated. He was the successful candidate in the election for his unexpired term. When he presented his credentials he was declared "ineligible." Berger's conviction was later reversed. He was again elected to Congress in 1922 and served until 1929.

The first expulsion of a member of Congress and the first impeachment in our history occurred in 1797.

On July 3 in that year the Senate and the House each received a message from the President with which he transmitted a copy of a letter of Senator William Blount to a Government employee whose help he solicited to have Indians of the Creek and Choctaw Nations join British agents in a project inimical to the interests of the United States.

Five days later, after hearing Blount, by his counsel, and considering the report of a committee, the Senate by a vote of 25 to 1 adopted a resolution that Blount, "having been guilty of a high misdemeanor, entirely inconsistent with his public trust and duty as a Senator, be, and he hereby is, expelled from the Senate of the United States."

Meanwhile the House had impeached Blount, that is to say, it had presented charges to the Senate, which is vested by the Constitution with "the sole power to try all impeachments." This was not affected by Blount's expulsion. Articles of impeachment were later prepared by the House and sent to the Senate.

In January, 1799, the Vice-President announced the judgment at which the Senate had arrived after extended debate and by a vote of 14 to 11. It was "that this court ought not to hold jurisdiction of the said impeachment, and the said impeachment is dismissed."

This has been interpreted as meaning that a Representative or Senator may not be impeached, and that has ever since been held to be the law. The reasoning is that Representatives and Senators are not "civil officers of the United States" within the meaning of the provision in Article II, section 4, of the Constitution" that "The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors." See Story, Commentaries on the Constitution, sec. 783; Opinion on "Members of Congress," 17 Ops. Atty. Gen. 419; Burton v. United States, 202 U.S. 334.

[From the New York Law Journal, Mar. 24, 1967]

MR. POWELL, CONGRESS, CONSTITUTION, THE COURTS

(By Isidor Blum)

(*Part Two*)

Whereas the grounds on which the House or the Senate may refuse to seat one who has been duly elected are clearly stated in the Constitution, no grounds are specified for which a member may be expelled. It has often been remarked in committee reports and in the course of debate that the power to expel is unqualified except for the important requirement of a two-thirds vote.

The Supreme Court spoke of this power in a case in which a writ of habeas corpus was sued out by a stockbroker who had been adjudged in contempt for refusing to testify concerning purchases and sales of American Sugar Refining Company stock by Senators while a tariff bill was pending in the Senate. The Court said in In re Chapman, 166 U.S. 661, 669–670:

"The right to expel extends to all cases where the offense is such as in the judgment of the Senate is inconsistent with the trust and duty of a member." The last phrase in this sentence is similar to the phrase used in the resolution of the Senate in 1797 expelling Blount.

A House committee in 1914 drew a distinction between matters of power and of policy. After stating that "the power of the House to expel or otherwise punish is full and plenary," it added: "As a matter of sound policy, this extraordinary prerogative of the House, in our judgment, should be exercised only in extreme cases and always with great caution and after due circumspection, and should be invoked with greater caution where the acts of misconduct complained of had become public previous to and were generally known at the time of the member's election."

There is one limitation that the two Houses may be said by long established practice to have placed on their exercise of the power to expel. Speaker John G. Carlisle, of Kentucky, said in 1884: "The Chair has indicated heretofore that this House has no right to punish a member for any offense alleged to have been committed previous to the time when he was elected a member of the House. This has been so frequently decided in the House that it is no longer a matter of dispute."

The words, "when he was elected," refer, not to the time when he was first elected, but when he was elected for the current term.

Senator Philander C. Knox once remarked, however, in the course of debate, that a member may be expelled "when an offense or an offensive status extends over into a later term." How this may occur was illustrated earlier in the report of a House committee in 1873.

This committee found that two members of the House, with intent to influence the votes of other members, had enabled them to buy shares of stock of the Credit Mobilier at prices far below their real value. This had occurred five years before. But the two members and most of those they had thus sought to influence were still members of the House, having been twice re-elected.

The influences brought to bear, said the committee, were as likely to be operative in the future as in the present, and were so intended, and the committee was therefore of the opinion "that the acts of these men may properly be treated as offenses against the present House, and as within its jurisdiction upon the most limited rule."

As it turned out, the two men were not expelled but were censured.

Conviction of a crime does not bar a Representative or a Senator from continuing in office, nor has it been regarded as requiring expulsion. On at least two occasions when the expulsion of a member who had been convicted of a crime was under consideration and action was deferred pending his appeal, affirmance of the conviction was shortly followed by a resignation.

When the seating of William McCreery was debated in 1807, Philip Barton Key, of Maryland, said that the members of the House were acting in a judicial capacity and did not have the discretion that belongs to a legislative body. Similar statements have since been made from time to time in both Houses.

This was stated also by the Supreme Court in a case in which a witness, called before the committee investigating the election of William S. Vare as Senator from Pennsylvania, challenged the power of the Senate to adjudge him in contempt for refusing to disclose what he did with a large sum of money he received (Barry v. United States ex rel. Cunningham, 279 U.S. 597, 613, 616).

"Generally," said the Court, "the Senate is a legislative body, exercising in connection with the House only the power to make laws. But it has had conferred upon it by the Constitution certain powers, which are not legislative, but judicial, in character. Among these is the power to judge of the elections, returns, and qualifications of its own members."

"In exercising this power," the Court further said, "the Senate acts as a judicial tribunal, and the authority to require the attendance of witnesses is an incident of the power to adjudge, in nowise inferior under like circumstances to that exercised by a court of justice."

There are, of course, some differences between the House or Senate acting in a judicial capacity and a court. For one thing, a decision by a court may be accompanied by an opinion that discloses why the court decided as it did. The adoption or rejection of a resolution by the House or Senate is not accompanied by a similar exposition. Committee reports and debate by which the voting is preceded may not answer the question why the majority voted as it did.

And it may not be the easiest thing in the world to make the transmutation that should accompany the exchange of a toga for the robe of a judge.

George F. Hoar related in his autobiography that during his second term in Congress, in 1871–1873, there were a good many election contests and that the Committee on Elections, under the chairmanship of George W. McCrary, determined to serve all the questions before it as though they were judges in a court of justice. He believed that the committee during that Congress reported on every case with absolute impartiality and that the House followed their lead.

This has not always been the case. Speaker Thomas B. Reed is reported to have said: "The House never divides on strictly partisan lines except when it is acting judicially."

There appears to be no reported case in which an action has been brought to overturn a decision made by the House or the Senate as "judge of the elections, returns, and qualifications of its members." There appear indeed to be but two cases in which a federal court has been asked to have anything to do concerning an election of a Representative or a Senator. These are Keogh v. Horner, 8 F. Supp. 933, and Peterson v. Sears, 238 F. Supp. 12.

In the Keogh case the court dismissed a petition for a writ of prohibition forbidding the Governor of Illinois to issue certificates of election to persons who were ostensibly elected to the House of Representatives.

Stating that the Governor had no discretion but to issue the certificates and that "the power of the respective Houses of Congress with reference to the qualifications and legality of the election of its members is supreme," the court added:

"The many volumes of election contest cases in which every conceivable question has been raised with reference to the right of persons to sit as members of Congress, together with the fact that there are no court decisions to be found, controlling such matters, bear mute but forcible evidence that this court has no authority to be the judge of the manner in which such members were elected, or to interfere with the Governor in furnishing them a certificate or commission as to what the canvass shows with reference to their election."

There are, however, a number of cases in which an action has been brought in a state court to set aside a decision that a house of the state legislature has made concerning eligibility or the result of an election.

In some twenty states the courts have held that under a provision in the state constitution that each house of the Legislature shall be the judge of the elections, returns, and qualifications of its members, the decision made by a legislative body is conclusive and cannot be reviewed by any court. There appear to be no decisions to the contrary.

As though to accentuate the judicial disclaimer, there are cases in which it has been held that a court may be empowered by statute to deal with questions arising from a primary as distinguished from a general election. And there are cases in which a court, pointing out that it is not infringing on the prerogative of the Legislature, has dealt with the performance by election officials of their statutory duties.

Excerpts from several of the cases will illustrate the emphasis with which the courts have spoken:

"It cannot be doubted that either branch of the Legislature is thus the final and conclusive judge of all questions, whether of law or of fact, respecting such elections, returns or qualifications, so far as they are involved in the determination of the right of any person to be a member thereof; and * * * the decision of either house * * * cannot be disputed or reversed by any court or authority whatever" (Peabody v. Boston, 115 Mass. 383, 384).

"For this court to interfere would be a usurpation of the authority of the Senate granted to it by the Constitution" (Brown v. Lamprey, 106 N.H. 121, 206 A. 2d 493).

"Even if the house acts arbitrarily and in violation of the fundamental rights of one of its members whose qualifications are challenged, the final decision of the house upon that subject is forever conclusive" (Reiff v. Barrett, 355 Ill. 104, 188 N. E. 889).

"It may oust a member whose election is beyond controversy, and seat as a member a person who is disqualified for the office, but if it should do so there is still no recourse" (People ex rel. Boulware v. Porter, 55 Mont. 471, 178 P. 832).

Chief Justice Cooley, of the Supreme Court of Michigan, gave in 1865 the reasoning which may be regarded as underlying these decisions:

" * * * while the constitution has conferred the general judicial power upon the courts and officers specified, there are certain powers of a judicial nature which, by the same instrument, are expressly conferred upon other bodies or officers; and among them is the power to judge of the qualifications, elections and returns of members of the Legislature. The terms clearly show that each house, in deciding, acts in a judicial capacity, and there is no clause in the constitution which empowers this, or any other court, to review their actions (People ex rel. Drake v. Mahaney, 13 Mich. 481, 493).

Judge Folger, in a statement of similar purport, said:

"The express vesting of the judicial power, in a particular case so closely and vitally affecting the body to whom that power is given, takes it out of the general judicial power, which is at the same time, in pursuance of a general plan that has regard in each part to every other part, bestowed upon another body; both bodies being contemporaneous in origin, and equal in dignity, degree and proposed duration" (People ex rel. Hatzel v. Hall, 80 N.Y. 117, 123).

Judge Cullen, in People ex rel, Krulish v. Fornes, 175 N.Y. 114, 117, observed that "it has been generally assumed by publicists and writers on consitutional law that the absolute right of determining the election of its members is a power necessary to the independence of the legislative branch."

As was pointed out by Judge Cullen in this case and by Judge Folger in the Hatzel case, the power of municipal assemblies in this regard is not similarly supreme.

This power of legislative bodies is rooted in English history. See the comments of Judge Folger in the Hatzel case and of Justice Shake in Lucas v. McAfee, 217 Ind. 534, 29 N.E. 2d 403. Its development, like that of some other constitutional doctrines, was the product of conflict. The House of Commons resisted what it regarded as encroachments by Queen Elizabeth I and her Lord Chancellor and by James I. Lord Chief Justice Holt, and others, and it gradually secured recognition of its "ancient and natural undoubted power" to judge the eligibility and elections of its members. That power was exercised also by some of the colonial assemblies in America. See Luce, Legislative Assemblies, Chapter XI.

The courts will not need to go back to the origins of the power of the House of Commons over this subject in order to determine whether the House's exclusion of Mr. Powell is subject to judicial review. They will not need to go back beyond an opinion of the Supreme Court which was delivered in 1803.

It has been asserted that the power to judge the elections and qualifications of its members is so essential to the free election and independent existence of a legislative assembly that it may be regarded as a necessary incident to every body of that description which emanates directly from the people and that the constitutional provisions are out of abundant caution (Cushing, Law and Practice of Legislative Assemblies).

To determine whether the House's exclusion of Mr. Powell is subject to review, the courts will not need to examine the origins and nature of the power that the House exercised nor will they need to depend on construction of Article I, section 5, of the Constitution. It may suffice to invoke a rule that was enounced in 1803 in Marbury v. Madison, the historic case in which the power of the courts to hold invalid an act of Congress that conflicts with the Constitution was established.

What the courts may hold is that the question presented in Mr. Powell's case is a "political question" and therefore is not justiciable, that is to say, is not in their province.

"Of course the fact that the suit seeks protection of a political right does not mean it presents a political question. * * * The nonjusticiability of a political question is primarily a function of the separation of powers" (Baker v. Carr, 369 U.S. 186, 195, 202). The doctrine and the phrase had their inception in a passage in Chief Justice Marshall's opinion in Marbury v. Madison (1 Cr. 137, 170):

"The province of the court is, solely, to decide on the rights of individuals, not to inquire how the executive, or executive officers, perform duties in which they have a discretion. Questions in their nature political, or which are, by the constitution and laws, submitted to the executive, can never be aired in this court."

Chief Justice Taney later made a statement to the same effect concerning a decision-making power resting in the judgment of the Congress. The case was an action of trespass which arose from conflicting claims of two groups to recognition as the lawful government of Rhode Island. The Supreme Court could find no basis for federal adjudication except in the provision in Article 4, section 4, of the Constitution that the United States "shall guarantee to every State in this Union a republican form of government."

"Under this article of the Constitution," said Chief Justice Taney, "it rests with Congress to decide what government is the established one of a State. * * * And its decision is binding on every other department of the government and could not be questioned in a judicial tribunal" (Luther v. Borden, 7 How. 1, 42).

In 1950 the Supreme Court, in affirming the dismissal of a petition in a case relating to legislative appointment, said; "Federal courts consistently refuse to exercise their equity powers in cases posing political issues arising from a state's geographical distribution of electoral strength among its political subdivisions" (South v. Peters, 339 U.S. 276).

The Court did not speak of "political questions." It spoke of "political issues." It did not say that federal courts could not act in such cases, but said only that they had not been doing so.

Twelve years later in Baker v. Carr, 369 U.S. 186, where it acted in a case involving just such "political issues," and dealt with the subject on a large scale, the Court made it clear that cases of this kind, arising from state action, did not present a "political question," but were, on the contrary, justiciable. In the course of an extended discussion of political questions and justiciability the Court said:

"* * * it is the relationship between the judiciary and the co-ordinate branches of the Federal Government, and not the federal judiciary's relationship to the States, which gives rise to the political question. * * * The question here is the consistency of state action with the Constitution. We have no question decided, or to be decided by a political branch coequal with this Court" (pp. 210, 226).

Last December, in Bond v. Floyd (385 U. S. 116), the Supreme Court held that the Georgia House of Representatives, when it excluded Julian Bond from membership because of statements that he made, violated his constitutional right of free expression.

Perhaps because it had discussed political rights and justiciability so fully in the Reapportionment Case, the Court did not deem it necessary to hold explicitly that Bond's case did not present a political question and was justiciable. The Court said only that it had jurisdiction to review the question, which is another matter.

The question in Bond's case, in the phrase used in Baker v. Carr, was a "question of the consistency of state action with the Constitution." The question in Mr. Powell's case is a question which has been decided "by a political branch co-equal with this Court."

Gerald R. Ford, of Michigan, the Republican leader in the House, is reported as having said, when a motion was made to engage counsel for the defendants in the Powell action, that "there has to be someone to go down there and tell them it's none of their business."

There is judicial authority for this statement. In State ex rel. Elfers v. Olson (26 Wis. 2d 422, 132 N. W. 2d 526) the court, dismissing a quo warranto proceeding, said: "We conclude that, under the circumstances, the courts do not have jurisdiction to review the assembly's action in resolving the Elfers-Olson contest. Under our system of government this is one decision which the constitution leaves to the legislature alone to make. * * * Under the circumstances this decision, simply, is none of our business."

Which simply was another way of saying it was not justiciable.

"TIME FOR SHOWDOWN"

Mr. WATSON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. WATSON. Mr. Speaker, recent battle successes in the Vietnam war certainly come as heartening news. American fighting men are writing a new chapter in the saga of American courage and perseverance during times of war. But, like most Americans, I am concerned over the apparent lack of the will to win this war by high-ranking administration officials. It is past time for rhetoric. It is time for us to roll up our sleeves and get on with the businses of pushing the Communist invader back into North Vietnam.

My colleague and friend, the gentleman from Illinois [Mr. FINDLEY], has proposed a solution that, in my opinion, deserves serious consideration. That solution is spelled out in a very forthright editorial which appeared on March 14 in South Carolina's largest newspaper, the State, which happens to be located in my congressional district. I commend this editorial to my colleagues and the entire Nation:

TIME FOR SHOWDOWN

Secretary of State Dean Rusk has revealed that the political-military mastermind behind Communist forces in South Vietnam is a four-star North Vietnamese general named Nguyen Chi Thanh. This is additional evidence (if any were really needed) that Hanoi controls and directs Viet Cong terrorists in South Vietnam.

By the end of this week, U.S. combat losses in Vietnam will total more than 8,000. At the moment, we have more than 417,000 servicemen fighting there.

Chesly Manly of the *Chicago Tribune* reports that because of military reverses and a rising rate of desertions, the Viet Cong have recklessly stepped up their campaign of terror.

Village officials, doctors, priests, monks, welfare workers, nurses, and school teachers are being slaughtered in cold blood. Bus loads of children going to school are being blown up by mines. Churches, pagodas, temples, schools, hospitals, and village meeting places are being set to the torch. Last month, the Communists tried at least three times to blow up General William C. Westmoreland's Saigon headquarters.

Mrs. Claire Chennault, a native of China who has traveled extensively in the Far East, has testified before the House Foreign Affairs Committee, urging that military targets and supply facilities in Hanoi and Haiphong be bombed.

"America will either win this war quickly or lose it slowly," she said. "The time has come to make up our minds whether we are really going to bring this war to a close. We must show strength and determination and not show any weakness or indecision . . . We must take practical advice and end this war shortly."

Congressman Cornelius E. Gallagher (D.-N.J.) asked Mrs. Chennault if she didn't believe that North Vietnamese leaders realized by now that America is determined to win the war.

"I don't think so," answered Mrs. Chennault, "since I'm not even sure myself." (What an embarrassing thing to say!)

We tend to agree with Mrs. Chennault: Hanoi is not yet, apparently, convinced of America's determination to win the war and put an end to Viet Cong terrorism.

We think that if, during World War II, the U.S. Secretary of War had told us selected German targets (*e.g.*, Berlin) were off limits there would have been a fearsome howl of indignation heard throughout the Free World.

Congressman Paul Findley (R.-Ill.) has proposed that the President set a specified date and hour for a peace conference at Rangoon, Burma. If the Communists fail to cooperate or to take advantage of this last offer, Congressman Findley believes the U.S. should immediately "review critically all of its policies of military restraint and adopt new policies employing measures of sufficient magnitude to end the war at an early date."

The suggestion seems eminently sound. We hope President Johnson will soon give it serious consideration.

AIRLINE TRAGEDY IN NEW ORLEANS

Mr. THOMPSON of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. THOMPSON of Georgia. Mr. Speaker, on Thursday, March 30, at approximately 1 a.m. near the New Orleans International Airport a jet airliner crashed with the loss of life of all on board plus a number of uninvolved persons on the ground, among whom numbered nine girls who were students of the Juda, Wisconsin, High School. Certain rumors and information have reached me which indicate that unduly hazardous FAA requirements pertaining to pilot training may have been the proximate cause of this accident. Over the weekend I called for an investigation into the FAA flight training procedures, particularly as related to simulation of emergency conditions.

A number of airline pilots have conveyed the thought to me that the FAA requirements for simulating emergency conditions while in actual operation placed the crew and innocent persons on the ground in undue jeopardy. The statement has been made that one emergency immediately followed by another emergency and sometimes by a third emergency is simulated and that the mathematical probability of the series of emergencies occurring in actual operation is very remote.

In checking with the CAB, I find that the airline involved in the New Orleans crash has one of the outstanding safety records in the entire airline industry and that the only fatal accidents involving jet aircraft for this airline have been during training and while simulating emergency conditions.

Further, approximately one-third of all the fatal jet crashes that have occurred since 1959 have been during training which obviously occupies a very small percent of the total flight hours. Another interesting fact is that not a single jet accident during passenger operations has been caused by or contributed to by engine failure.

I would like to commend both the airline industry and the FAA for the high degree of training given the airline crews and feel that this is certainly reflected in an overall lower accident rate. However, I question—I seriously and intently question—whether the interest of the public is being served when simulated emergency conditions are conducted over populated areas when the same conditions may be simulated on the sophisticated ground simulators.

Mr. Speaker, I bring to the attention of the Congress the fact that this is a proper subject for a congressional inquiry. We should determine after having expert testimony from the various pilot groups and airline companies as well as FAA personnel whether the current practices of the FAA in requiring the inflight simulation of these emergency conditions is in the interest of the public.

BIRTHDAY GREETINGS TO SENEGAL

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, the April 4 celebration of the seventh anniversary of the independence of Senegal was an auspicious occasion albeit tinged this year with both sadness and joy. Just a little more than 2 years ago, on March 19, our distinguished Ambassador to Senegal, the Honorable William R. Rivkin, died suddenly in Dakar, stricken by a heart attack. He was an American gentleman of the finest quality and a Chicagoan who did towering honor to his city. Bill Rivkin had been looking forward with great anticipation to participating in the first national day ceremonies following his arrival in Senegal last December.

At the same time, our President, Members of Congress, and the American people shared the joyous relief of the people of Senegal at the happy news that Leopold Sedar Senghor, Senegal's distinguished President and statesman, has escaped unharmed from an attempt on his life on March 22.

This was the seventh time in 7 years of independence that President Senghor presided over the ceremonies commemorating a great day. It is my profound wish that the many years of outstanding service he has already given his country in so many fields of activity be distinguished even more in future years. During an all-too-brief visit to Washington last year in late September, President Senghor left a vivid impression of his vitality and many talents as statesman, poet, scholar, and friend.

It is gratifying to know that the United States and its people have been able to assist in some way in working in cooperation with the proud, dedicated people of Senegal in the building of a nation in accordance with their own hopes and aspirations; a nation that is taking an increasingly important role in African affairs. For example, through our AID program we have assisted in building secondary and technical schools, and some of our Peace Corps volunteers teach in the schools of Senegal. A delegation of American artists participated in the highly successful World Festival of Negro Arts held a year ago in Dakar, the first of its kind, and another cultural bridge between our two countries.

Once more, on behalf of the Congress of the United States and the American people represented here, I extend friendly and sincere Independence Day greetings, with every good wish for the well-being and prosperity of the people of Senegal and President Senghor.

FEDERAL-STATE REVENUE SHARING

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the remarks of the gentleman from Missouri?

There was no objection.

Mr. HUNGATE. Mr. Speaker, with permission granted, I insert in the CONGRESSIONAL RECORD Senate Memorial No. 1 and House Resolution No. 74 of the Missouri State Legislature memorializing Congress to enact the Heller plan or any other appropriate plan of Federal-State revenue sharing:

HOUSE RESOLUTION NO. 74

House memorial memorializing Congress to enact the Heller plan or any other appropriate plan of Federal-State revenue-sharing

Whereas, it has become increasingly apparent to the Missouri House of Representatives that additional sources of tax revenues will ultimately have to be made available to the several states; and

Whereas, the most significant source of public taxation, the income tax, has to a major degree been controlled and preempted by the Federal government; and

Whereas, the noted economist, Walter W. Heller, has formulated a revenue-sharing plan which "would distribute a specified portion of the Federal individual income tax to the states each year on a per capita basis, with next to no strings attached"; and

Whereas, under the Heller Plan "States whose tax efforts are below par or who cut their taxes in response to the Federal subsidy would be penalized by reduction in their allotments. States making a high fiscal effort or intensifying that effort would be rewarded with larger allotments"; now, therefore

Be it resolved by the House of Representatives of the State of Missouri that the Congress of the United States be memorialized to enact the Heller revenue-sharing plan, or any other appropriate plan, in order to give fiscal help to the states; and

Be it further resolved that a duly attested copy of this memorial be immediately transmitted by the Chief Clerk of the House to the Secretary of the Senate of the United States, to the Clerk of the House of Representatives of the United States, to each member of the Congress from the State of Missouri, and to the chairman of the Ways and Means Committee of the House of Representatives of the United States and to the chairman of the Finance Committee of the Senate of the United States.

Attest:

JAMES E. GODFREY,
Speaker of the House of Representatives.
PATRICK J. HICKEY,
Speaker pro tempore, House of Representatives.
RICHARD J. RABBITT,
Majority Floor Leader, House of Representatives.
AGNES MOORE,
Chief Clerk, House of Representatives.

SENATE MEMORIAL NO. 1

Memorializing Congress to enact the Heller Plan, or any other appropriate plan, of federal-state revenue-sharing

Whereas, it has become increasingly apparent to the Missouri Senate that additional sources of tax revenue will ultimately have to be made available to the several states; and

Whereas, the most significant source of public taxation, the income tax, has to a major degree been controlled and preempted by the Federal government; and

Whereas, the noted economist, Walter W. Heller, has formulated a revenue-sharing plan which "would distribute a specified portion of the Federal individual income tax to the states each year on a per capita basis, with next to no strings attached"; and

Whereas, under the Heller Plan "States whose tax efforts are below par or who cut their taxes in response to the Federal subsidy would be penalized by reduction in their allotments. States making a high fiscal effort or intensifying that effort would be rewarded with larger allotments"; now, therefore,

Be it resolved by the Senate of the State of Missouri that the Congress of the United States be memorialized to enact the Heller revenue-sharing plan, or any other appropriate plan, in order to give fiscal help to the states; and

Be it further resolved that a duly attested copy of this memorial be immediately transmitted by the Secretary of the Senate to the Secretary of the Senate of the United States, to the Clerk of the House of Representatives of the United States, to each member of the Congress from the State of Missouri, and to the chairman of the Ways and Means Committee of the House of Representatives of the United States and the chairman of the Finance Committee of the Senate of the United States.

Attest:

JOSEPH A. BAUER,
Secretary of the Senate.
——— ———,
President pro tempore of the Senate.
THOMAS F. BEEFEHON,
President of the Senate.
——— ———,
Majority Floor Leader.

THE SOCIAL SECURITY AMENDMENTS OF 1967

Mr. BARRETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BARRETT. Mr. Speaker, the House of Representatives will soon consider the Social Security Amendments of 1967. The bill containing these amendments, H.R. 5710, offers a wide range of badly needed improvements in social security benefits; and it offers a sound and equitable program for financing them.

The historic Social Security Act of 1935, sponsored by that great President, Franklin D. Roosevelt, gave the Government the responsibility of creating a life of dignity for the older Americans by providing for a Federal system of old-age retirement for American wage earners. The original program has been greatly expanded over the years until now it covers nine out of every 10 workers.

Social security is no longer just for the retirement of our elder citizens. It protects the widows and children of breadwinners who die. It protects the younger worker who is disabled and those who depend upon his wages. These are vitally important safeguards that are too often overlooked, especially by the younger generation of workers, who need them most. In addition, after many years of effort, the Congress last year expanded the program to provide health insurance for those 65 or over.

The legislative proposal now being considered in committee follows the recommendations of President Johnson, as first outlined in his message to Congress of January 23, 1967, entitled "Aid for the Aged." These proposed amendments would result in an average 20-percent increase in benefit payments and will broaden coverage under the program. They will offer those receiving social security benefits work incentives so as to increase their income and raise their standard of living. And they will expand health and welfare services for children.

The major problem with our social security program is that the benefit payments are too low.

Today 23 million Americans rely on the social security program for their major source of support. Yet under the present benefits level, more than 5 million beneficiaries still live in poverty—and most of these are the elderly. This is a most deplorable condition and we can no longer allow it to continue.

Though the purpose of a social security system is broader than the elimination of poverty, it can be used for this purpose to a much greater extent than in the past. Because of the central role of social security in the economic life of our aged population, it can be crucial in lifting the burden of poverty from them. Increasing the minimum benefits as provided in H.R. 5710 would be a major blow against poverty among the aged.

To me, a few of the more important features of the bill are:

A benefit increase of at least 15 percent for all persons, with an increase in the minimum benefits from $44 to $70 per month.

In addition to the regular minimum benefit of $70, a special minimum benefit of $100 for persons who have worked at least 25 years in jobs covered by social security.

To encourage employment for those who are under 72 and receiving social security benefits it is proposed to raise from $1,500 to $1,680 the amount they can earn during the year without losing any benefits. Monthly income allowed would be raised from $125 to $140.

Under present law a widow is eligible

for benefits when she has children in her care or reaches age 62. But many widows are disabled and cannot work. H.R. 5710 proposes that a disabled widow under age 62, under certain conditions, would be eligible for benefits.

Extending the health insurance protection—both hospital insurance and medical insurance—for disabled beneficiaries under 65 years of age.

Another important proposal contained in the President's program is to increase the maximum amount of earnings which are taxable and creditable toward social security benefits.

Mr. Speaker, in view of the great benefits to be derived from the passage of this much-needed legislation, I will not only vote for its passage but will devote time and effort to gain the support of my colleagues.

It is my fervent hope and prayer that this is but the first step in increasing the benefits under the social security program so that all those who depend upon it can live a life of dignity free of poverty.

ESTABLISHMENT OF A MID-DECADE CENSUS

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I have introduced a bill which calls for the establishment of a mid-decade census of population, unemployment, and housing in the year 1975 and every 10 years thereafter. Due largely to the forces of rapid economic and social change which our Nation has experienced since the end of World War II and especially over the past decade, we have now reached a point where a national census conducted every 10 years is grossly inadequate to meet the present and future needs of business, labor, research and planning organizations, and government at all levels. More up-to-date census data are essential to public and private interests alike in their efforts to keep pace with the many challenges of a rapidly changing society.

Since 1962, for example, we have witnessed a sharp rise in the number of Federal programs designed to aid States and localities and various segments of the Nation's population in such areas as education, health, regional development, urban renewal, housing, transportation, and resource development. In all of these far-ranging programs, the allocation of Federal funds and the eligibility of States and localities to a large extent are based on the findings of the 1960 census. To most close students of the population question, the 1960 census, due to marked changes in the characteristics of population, employment, and housing in subsequent years, no longer serves as a good benchmark upon which to base current policy decisions. According to latest estimates, one person in five changes his address at least once during the year, representing the equivalent of a 100-percent turnover in the Nation's population in 5 years. Thus, until Congress approves legislation authorizing the taking of a complete national census every five years, Federal administrators will continue to make many costly errors in their conduct of programs now considered so vital to the Nation's welfare. In addition to bringing the Nation up to date more frequently, we must not forget that a 5-year census would obviously enable the Federal Government—and State and local government as well—to make a more realistic appraisal of its future needs, thereby greatly reducing the margin of error and inefficiency in the administration of various Federal assistance programs.

The needs of State and local government have also changed dramatically over the past decade. Primarily as a result of sharp rises in spending for programs in such areas as education, health, welfare, manpower development, accident prevention, civil rights, civil defense, highways, mass transit, urban renewal, water and natural resources conservation, public works, and housing, State and local spending over the period 1956–65 more than doubled, reaching a level of $87 billion in 1967. State and local debt also exhibited a similar trend, more than doubling during the period in question—reaching a level of $99.5 billion in 1965.

Based on these developments and the observations made by all of the State and local officials appearing before the House Post Office and Civil Service Committee, which held hearings on the mid-decade census in the spring of 1965, there appears to be universal agreement that State and local governments can no longer rely upon census data compiled every 10 years. Sample surveys of various characteristics of population, unemployment and housing, which are presently made by the Bureau of the Census simply do not provide in most cases the amount of detail and coverage needed by State and local authorities in their administration of various economic and social programs.

Finally, Mr. Speaker, we must not overlook the changing needs of our free enterprise system. Due to the rapid growth and diversification of the business sectors of the economy over the past several years, more and more business firms are finding it increasingly important to have more up-to-date information on the characteristics of our population. The successful businessman today can no longer base his decisions primarily upon shortrun trends in the marketplace; he must prepare for the long run. Increasingly, investment and marketing decisions in the business community are being based on long-range planning. Planning of this sort has already greatly benefited from the increased utilization of the computer and the historic revolution in management science which has occurred over the past decade. Yet, despite these developments, the success of long-range planning, whether it be in business or in Government, will always be largely dependent upon the quality of the data utilized. Thus, a properly constructed mid-decade census would be of immense value to policymakers in business and Government today.

Mr. Speaker, although we are now in the process of preparing for the 1970 census, it is not too early for Congress to approve legislation giving the Bureau of the Census the authority to begin preliminary planning for the establishment of a census to be conducted in 1975. I am particularly happy that the administration now supports the adoption of such a census. This is indeed a significant development, since the administration in past years had been reluctant to support such a proposal.

Mr. Speaker, the facts are now in. The Congress and the administration have given ample study and thought to this matter. Quick and affirmative action on the part of Congress is now in order. I think that there is universal agreement that such a step would indeed be extremely beneficial to the national welfare.

PRESIDENT JOHNSON'S POSTAL REVENUE RECOMMENDATIONS

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, as chairman of the Subcommittee on Postal Rates it is a privilege to join the distinguished chairman of the Committee on Post Office and Civil Service in the introduction of legislation to carry out the recommendations for postal rate adjustments which the President today submitted in a special message to the Congress.

While I am not necessarily committed to each and every new postal rate and fee contained in this measure, and realize it will require very thorough study and analysis, there is certainly no question but that major adjustments in our complex postal rate structure must be made and made promptly.

The President's recommendation complies with the Postal Policy Act of 1958 by recommending increases in rates and fees to bring postal revenues to the approximate level of operating costs after deducting the costs of "public services." This legislation will be studied carefully by my subcommittee in extensive hearings at which everyone with a legitimate concern will be given the opportunity to present views.

It will be our objective to develop a bill which our full committee can bring to the House floor as a measure in the best interests of the postal service, of the Government—and, especially, of the American people.

In this connection, it must be kept in mind that the postal establishment exists for one purpose only—to serve the American public. It is no reflection on our postal administration to say that the chief obstacle to providing the kind of service the public should have is the antiquated condition of our post offices and postal facilities.

Modernization of the postal establishment cannot possibly be accomplished without substantial new financing. As long as we continue to have mountainous postal deficits, we cannot hope to modernize our postal plant. Without modern plant and equipment we cannot give the service to which the public is entitled.

On the basis of past experience and the economic problems involved for users of the various classes of mail, I think it is self-evident that the 1-cent increase in letter mail recommended by the President will be necessary. Certainly, however—and I cannot too strongly stress this point—no such increase in the letter-mail rate can be justified without accompanying and properly related increases in the rates and fees for all other classes of mail and special services. I will devote every personal effort to assuring that all users of the mails, in whatever class, will be called on in this bill to pay their fair share of postal costs through postage rates and fees.

I recognize that my subcommittee will be embarking on a course of action never popular and often frustrating and discouraging. But with the cooperation and support of our colleagues on the committee and in the House, and the good will of the people back home, we will fully discharge our responsibility on this critically needed legislation.

NEW YORK'S POVERTY PROGRAM

Mr. FINO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, I would like to bring to the attenion of the Members of this House the excellent report of the New York City comptroller, Mario Procaccino, on the Haryou-ACT program, which is perhaps the most unseemly component of New York City's wasteful and inefficient poverty program.

As Comptroller Procaccino points out, Haryou-ACT took in some $14.3 million worth of receipts between July 1, 1964, and June 30, 1966. What did Haryou-ACT do with this money? The answer is simply that it hired people, droves of people, as part of the biggest payroll-padding joyride Harlem has ever seen. Of the $14.3 million Haryou-ACT took in, $7.3 million went for salaries, $1.5 million for subcontractors fees—studies and the like—$426,000 for guard service, $1.1 million for "miscellaneous" and other nonprogram expenses, $281,000 for consultants fees, and so forth. But what, you may ask, about programs to help the poor? Project Uplift got $177,000, and Headstart got $70,000. In addition, the Neighborhood Youth Corps got $25,000. More than one-half of Haryou-ACT's receipts went for payroll padding, and Harlem is still laughing. A more poignant indictment of the mechanics and philosophy of the administration's war on poverty cannot be found.

I invite the Members of this House to read Mr. Procaccino's report:

REPORT OF HARYOU ACT, INC., FOR PERIOD JULY 1, 1964–JUNE 30, 1966

THE CITY OF NEW YORK,
OFFICE OF THE COMPTROLLER,
New York, N.Y., March 28, 1967.
Investigation External Audits.
Hon. MARIO A. PROCACCINO,
Comptroller, The City of New York.

DEAR SIR: The Division of External Audits of this Bureau has made an examination of the accounting and operating records and practices of Haryou Act, Inc., for the period July 1, 1964 to June 30, 1966.

Our examination was made in accordance with generally accepted auditing standards and accordingly included such tests of the accounting and operating records and such other auditing procedures as we considered necessary in the circumstances.

ORGANIZATION DATA

Haryou Act, Inc., a non-profit Corporation organized under the laws of the State of New York, began operations on July 1, 1964 which was prior to the signing of an agreement with the City of New York and the Federal Government. These agreements were signed on September 10, 1964.

This organization was formed to improve the social and economic conditions in the Central Harlem area by expanding opportunities and services for youths. The City contract was to cover the period July 1, 1964 to June 30, 1965 and was thereafter extended to June 30, 1966.

Haryou Act, Inc., was also empowered to make contracts with other organizations and agencies serving the Central Harlem Area to provide remedial education and other specialized services to individuals, families and groups.

In addition to administering the Juvenile Delinquency Grant in the amount of $4,400,000 of which the City of New York's share was $3,400,000 and the U.S. Department of Health, Education and Welfare $1,000,000, Haryou Act, Inc. also administered the following Grants for the Federal Government:

Project Uplift Grant (PUL).
Occupational Job Training Grant (OJT).
Neighborhood Youth Corps Grant (NYC).
Operation Headstart.
Community Action Program (CAP).

The terms of the agreement with the City of New York provided for an initial advance of $550,000 to be used as a revolving fund.

Haryou Act, Inc. was to make the necessary and proper payments in accordance with the Budget approved by the City of New York and the Federal Government.

Haryou Act, Inc. was to submit vouchers accompanied by evidence of payments to the Office of Economic Council of the City of New York semi-monthly for reimbursement. The Office of Economic Council was to review the propriety of all payments and after their approval the data was to be forwarded to the Office of the Comptroller, City of New York, for reimbursement. All expenditures were subject to the approval of the Comptroller of the City of New York and any budget modifications in excess of $2,500 must be submitted to the City of New York for approval prior to the effective date of such modifications.

Haryou Act. Inc. was to obtain a blanket position bond with a limit of liability in the sum of $550,000 to indemnify Haryou Act, Inc. for any loss sustained through any fraudulent or dishonest acts of its employees.

It is also to be noted that Haryou Act, Inc. is a new corporate entity emanating from Harlem Youth Opportunities Unlimited, Inc., which ceased operations as of June 30, 1964. Haryou Act, Inc. did not assume all liabilities of the predecessor. However they were to assume the responsibility of all the furniture and equipment purchased by the predecessor corporation. The title to all the furniture and equipment is vested in the City of New York. No asset value for the furniture and equipment that was assumed was reflected on the books and records of Haryou Act, Inc.

The books and records under the jurisdiction of the Corporate Comptroller and his staff were incomplete and it was necessary to engage the firm of Palmer, Walsh and Company, Public Accountants, to construct the records of Haryou Act, Inc. for the period July 1, 1964 to October 31, 1965. The payment of the accounting fee was shared by the Federal Government (90%) and the City of New York (10%).

The Comptroller of Haryou Act, Inc. appointed effective November 1, 1965, refused to assume the responsibilities for any transactions prior to that date and he instructed that a new set of books be kept from November 1, 1965 with no regard to the prior activities.

He was requested by your auditors to complete the records for the period July 1, 1964 to October 31, 1965. This was not done and it was necessary to reconstruct these records.

RECORDKEEPING

The books and records of this organization were not kept in accordance with good accounting principles. The books did not reflect all the assets, liabilities and expenses. As an example, as of June 30, 1966, the revolving fund of $550,000 was not shown. Furthermore, one bank account in the Chase Manhattan Bank (078–1–0–016431) was not reflected on the books of Haryou Act, Inc. This account is being used to liquidate payables incurred prior to November 1, 1965. As of June 30, 1966, there was a balance of $12,000 in this account. The method of maintaining the records was changed from a cash basis to an accrual basis and then back again to a cash basis which is the current method. The general ledger entries were primarily prepared on work sheets and then posted to the general ledger. There was no cash receipts book.

The Palmer Walsh report stated that for the period July 1, 1964 to October 31, 1965, $569,066 was paid for various activities within the programs. They found it impossible to clearly identify these expenditures with any program. Therefore, it was necessary for them to allocate the unidentified expenses on a formula rather than an exact basis.

Recommendations

1. In view of the magnitude and complexity of this operation, it is recommended that the books be maintained on an accrual basis, so that it can reflect all Accounts Payable and Receivable.
2. The cash receipts journal should be established and maintained.
3. The developing of general ledger entries on work sheets is not in accordance with generally accepted accounting methods and procedures and should be discontinued.

PETTY CASH

Haryou Act, Inc. did not maintain an "Imprest Petty Cash Fund." Checks were drawn, labeled petty cash and charged directly to expenses. There was a lack of control in this area as no accountability for petty cash advances had been established.

Your auditors counted the petty cash funds at various locations but could not reconcile the accounting with the books of account. In addition, the number of petty cash accounts at some locations was excessive and lacked control.

A test-check of cancelled checks indicated that in two (2) instances checks for $500 each dated September 11, 1965 were charged to petty cash and then distributed to operating expenses. They were separately endorsed by the then Executive Director and Comptroller of the program to third parties for the repayments of personal loans.

Recommendations

4. An "Imprest Petty Cash Fund" should be established by Haryou Act, Inc., for better fiscal control.

5. The number of petty cash accounts at the various locations should be reduced.

6. The Executive Director and Comptroller concerned with the $500 check transactions should be requested to give complete explanations in connection with these expenditures.

FURNITURE AND EQUIPMENT

In accordance with Paragraph 9C of the contract between Haryou Act, Inc., and the City of New York, title to all Furniture and Equipment is vested in the City of New York.

Records were not available to indicate what furniture and equipment was taken over from Haryou Unlimited, the predecessor Corporation.

A furniture and equipment ledger had not been established to show the items purchased and locations. Each Program Director was requested to send a list of furniture and equipment on hand as of December 31, 1965. The agencies forwarded lists which were not confirmed or set up in a permanent ledger. Your auditors were informed that an attempt was being made to establish an equipment ledger and to tag each item of permanent furniture and equipment.

For the period July 1, 1964 to October 31, 1965 furniture and equipment in the amount of $352,146.75 was purchased by this corporation. This was exclusive of the items taken over from the predecessor corporation. A physical inventory as of October 31, 1965 showed that the shortage of furniture and equipment amounted to $19,612.47.

Your auditors were able to ascertain that only two (2) claims were made upon the insurance company for the disappearance of items and they were not honored. In one instance, one of the missing items was recovered from a pawnbroker after repaying the loan. The bulk of the items lost were not reported to insurance companies and the police.

The Black Arts Theatre which was subsidized by Haryou Act, Inc. and which was not approved by the Federal Government received funds for the purchase of furniture and equipment. This expenditure was charged to the Black Arts program and was not capitalized. The items purchased under the program (camera, sound equipment, projectors, costumes, musical instruments, furniture, etc.) were not recovered although the program has terminated. Your auditors discussed this matter with the Assistant Purchasing Agent who said he could not be of assistance in this matter, hence we could not determine the dollar value of the missing items of this program. It should be noted that this is the individual who purchased the items under discussion for the Black Arts Program.

Recommendations

7. Haryou Act, Inc. should inventory and tag all furniture and equipment taken over from Haryou Unlimited the predecessor corporation.

8. The Comptroller of Haryou Act, Inc. should notify the Office of the Comptroller, City of New York, upon completion of the inventory covering furniture and equipment.

9. The shortage of furniture and equipment should be scheduled and the Police Department should be notified. Claims should be made upon the insurance companies promptly.

10. The items purchased and delivered to the Black Arts Program should be recovered.

PAYROLL TAXES

Haryou Act, Inc. in their capacity as trustees withheld payroll taxes from their employees' salaries and did not remit to the taxing agencies (Federal Government and N.Y. State). The funds withheld were used to continue the programs.

As of June 30, 1966, there was still due and owing $199,732. plus interest.

Recommendations

11. Payroll taxes should be transmitted to the taxing authorities promptly in accordance with the rules and regulations of the taxing agencies. The prompt remittance of taxes would avoid the imposition of interest and penalties.

VOUCHERS PAYABLE

The report rendered by Palmer, Walsh & Co. indicated that as of October 31, 1965 the amount of $922,176. was due to commercial creditors of which $413,856. was paid, leaving a balance as of June 30, 1966 of $508,320. and that $199,732. plus the interest thereon was due to governmental agencies for taxes, the bulk of which was withheld from employees' salaries.

In addition thereto, the sum of $92,444. was incurred subsequent to October 31, 1965, which leaves $600,764. due to commercial creditors. This information was obtained from the available records.

Accounts payable or vouchers payable records were not maintained. Unpaid bills were not centrally filed. Your auditors found them in files that were *labeled, "paid bills,"* in the Purchasing Division and in various areas of the Accounting Division.

Recommendations

12. The installation of an accrual system of accounting would clearly reflect the Accounts Payable.

13. All unpaid vouchers should be maintained in a central file.

CONSULTANTS

It was ascertained that certain consultants fees were paid in excess of the amount allowed by the Office of Economic Opportunity.

Your auditors observed that a number of individuals were hired as consultants for long periods of time. In addition, the persons said to be consultants were not specialists but merely routine clerical employees.

Your auditors were informed that this method of employment was necessary in order that the new programs could proceed with the necessary personnel.

A test-check of the cash records indicated that certain consultant fees were charged to consumable expenses.

Recommendations

14. Consultant fees should not exceed the amount approved by the Office of Economic Opportunity.

PAYROLL

Examination of payroll records indicated numerous discrepancies:

A. Some hourly employees were paid for a full week even though the time records indicated that the individual did not work a full week.

B. Some time cards were not always punched and the written information concerning the hours worked was usually not authorized by a superior.

C. Some time cards were missing.

D. The time cards in the trainee programs were not always totaled.

E. Some employees were paid for absences even though the time cards clearly stated "Absent without pay" or the employee had been terminated in a prior payroll period.

F. The time clock and time cards were not under the visual control of anyone.

G. Some individuals worked overtime without apparent authorization.

H. Some annual employees were paid for overtime even though it would appear that they would normally be entitled to compensatory time, in accordance with Federal and New York City payroll policies.

I. Some employees were overpaid. However, no refunds were forthcoming.

J. Our test-check indicated that employees working in one program were charged to another program. The fact that the programs may not have been funded by the same governmental agency was not considered.

K. Two employees were charged to a program that was discontinued in August 1965 (Coffee Shop). The persons so employed worked on other programs.

L. Examination of personnel files indicated that some individuals were being paid a greater salary than stated in the individual's folder.

M. Individuals were given substantial salary increases in a relatively short period of time.

Recommendations

16. The payroll which represents approximately 75% of the programs must be supervised in accordance with good administration practices.

17. The proper programs should be charged *for the work performed.*

18. In those instances where programs have ceased, the employees should not be continued on the payroll of the discontinued program.

18A. An attempt should be made to recover overpayments.

GUARD SERVICE

For the period under audit, $426,532.01 was paid for Guard Service. The contract between Haryou Act, Inc. and the City did not specifically provide for this expenditure. The Federal Government disallowed all expenses for guard services. The guard services were provided by two firms, Deane Protective Agency and Mitchel Protective Service.

In spite of this large expenditure for protective services as of January 1, 1966, $19,612 of the permanent furniture and equipment purchased by Haryou Act, Inc. was missing.

Recommendations

19. The propriety of employing guard services not specifically provided for in the Budget, should be reviewed.

20. The invoices rendered for guard services should be closely scrutinized prior to payment to ascertain that the services were performed.

21. Consideration should be given to employing watchmen to protect the property being used in the program.

PERSONNEL

A test-check of personnel files indicated that certain persons were hired for positions for which they did not possess the required qualifications. In many instances, the personnel folders were incomplete in that the applications were not completed and there were no profiles on file.

There was a lack of verifications of prior employment and education. In one instance, an employee stated that she had a college degree, and was qualified as a school teacher. Your auditors were able to determine that this person had no college degree, and in fact had not attended the college in question.

Recommendations

22. A proper personnel procedure should be instituted and each individual hired should have a complete and verified personnel dossier.

23. Only those individuals possessing the required qualifications in accordance with the established job descriptions should be employed.

24. Files on persons earning $1.50 to $3.00 per hour should be maintained in detail.

PURCHASES

A review of the Purchasing Division indicated that the policies and practices of this division appeared to be inadequate. A meeting was held in November, 1965 between personnel of the Bureau of the Budget, City of New York, and the Office of the Comptroller, City of New York, with the Purchasing Director and Assistant Purchasing Director of Haryou Act, Inc. to discuss the implementation of good purchasing practices. A new purchasing manual has been prepared by Haryou Act, Inc.

The following discrepancies were noted:

A. Not all purchases were properly authorized.

B. Purchases in excess of the limitations set by the Department of Purchases, City of New York, were not adhered to as follows:

1. There were no quotes for purchases in excess of $25.00.

2. There were no bids for items over $2,500 in many cases.

C. Orders were split to avoid the stated limits required for purchases.

D. The purchasing facilities of the Federal and City agencies were not used. The costs of items purchased through these departments would have saved this program a great deal of money.

E. Numerous purchases were made without the preparation of the necessary purchase orders.

F. Purchase orders were issued without regard to budget limitations.

G. The mathematical accuracy of all vendors' invoices were not verified and in some instances vendors were overpaid.

H. Because of the inadequacy of the system in force, duplicate payments of invoices were made.

I. Invoices were paid in spite of the fact that no evidence of receipt of the merchandise or services was evident.

J. Sales taxes were unnecessarily paid.

K. The inventory records of the supply room were inadequate.

L. There was a lack of control of the purchase orders and in some cases the names of vendors were missing from the purchase order.

M. Purchase orders did not have sufficient information in many instances to indicate for whom the material was ordered.

N. In those instances where bids had been requested, it was not possible to determine if the lowest bid was taken or if not, why not.

O. Bid invitations were not controlled and it was possible to give the same order to more then one vendor.

Recomendations

25. The manual prepared for the Purchasing Division should be implemented and adhered to.

26. The purchasing facilities of the City of New York and State contracts should be used whenever possible to reduce the costs of this program.

27. All bills should be checked for mathematical accuracy.

28. Sales taxes should not be paid as this is a tax exempt organization.

29. The supply rooms should keep inventory records of all items received and issued.

30. The bidding procedure should be reviewed in order that it may follow the policy of the City of New York.

31. Bid invitations should be controlled to prevent the letting of more than one order for any one purchase.

REVIEW OF INVOICES

A test-check of invoices indicated that a round trip plane fare to the Virgin Islands was paid for by Haryou Act, Inc., for the educational program of the Narcotics Institute. One individual concerned was a $50. per week clerk employed in Central Administration. A similar expenditure was made for another individual not connected with the Narcotics Program.

Test-check of invoices disclosed that a payment in the amount of $30,781.63 was made to the National Opinion Research Center for work that had been done for the predecessor corporation. It should be noted that this payment was made in spite of the fact that a maximum of 70% of the original work under the contract for $25,000. had been performed.

In the early period of this program, a Coffee Shop program was instituted to train youth in the restaurant business. Food was purchased and sold to guests. The cash collected was turned over to the Purchasing Director, who claimed that he turned the money over to the Comptroller of Haryou Act, Inc.

The auditors who made the audit of the predecessor corporation determined that the monies transmitted to the Central Office could not be accounted for. A shortage of $82. was found for the period September 21, 1964–October 16, 1964.

A test-check indicated that food in the amount of $568. was purchased for resale. Based on the posted menu a minimum of $1,135. should have been collected. The records indicate that $440. had been collected and that there appears to be a shortage of $695. in this area.

An examination of the vacated premises at 133rd St. and 8th Ave., (The Coffee Shop) disclosed that some articles of permanent equipment are still in the store.

Telephone bills amounted to approximately $6,000. per month and there was no control over the personal telephone calls made to points within and without the City. A test-check of the toll charges indicated that many of the out-of-town calls were personal and without prior approval. The Chief Telephone Operator was interviewed and she stated that she could not control the calls.

Payments to restaurants in the amount of $15,617. for food and refreshments were charged to meetings and conferences.

One consultant, Bernard Dyer, received multi-payments in the amount of $180.00 for the same invoice; no refund was ever received.

Recommendations

32. An attempt should be made to recover the $82.00 cash shortage and the $695. shortage in receipts of the Coffee Shop.

33. The permanent equipment located in the Coffee Shop should be removed by Haryou Act, Inc.

34. A study should be made to overcome the problem of excessive personal abuse of the telephone service.

35. Haryou Act, Inc. should make a thorough study of the telephone bills and charge the individuals concerned.

36. Each invoice should be properly coded so that the proper program can be charged.

37. An attempt should be made to recover the overpayment of $180 to Bernard Dyer for consulting services.

LEGAL MATTERS

The records of Haryou Act, Inc. indicated that three firms of Attorneys were retained in connection with this program with retainers in excess of $30,000. per year.

Creditors were successful in obtaining judgments in the amount of $103,676 against Haryou Act, Inc. Upon inquiry the present Assistant Purchasing Director stated to two of our auditors that these judgments should not have been obtained because the goods and services were never received by Haryou Act, Inc. Subsequently, the Assistant Purchasing Director made a deposition in which he denied making any such statement.

Included in the aforementioned sum of $103,676. charged to New York City was a judgment for $19,689. attributable to "Project Uplift" a 100% Federal program.

Recommendations

38. A review of the attorneys' retainers should be made to determine if so many firms are necessary.

39. Because of the conflicting statements, an investigation should be conducted to ascertain whether the services and goods were actually performed or received for which judgments were obtained in the amount of $103,676.

40. The $19,689. paid for Project Uplift (PUL) should be charged to the proper Federal agency.

INSURANCE

The insurance coverage of this program was reviewed and found to be inadequate.

Recommendations

41. A survey of insurance coverage should be made to determine if sufficient coverage has been obtained.

42. A number of insurance firms should be requested to make this survey and they will make the survey without charge to the program.

BOARD OF DIRECTORS

The minutes of the Board of Directors and the Executive Board were examined and it is your auditors opinion that although the Boards were interested in the objectives of the Corporation, they gave little or no recognition to the Administrative aspect of the program.

A review of the minutes of the Executive Board indicated that fiscal matters were not referred to during their meetings. This in spite of the fact that the Board of Directors referred financial matters to the Executive Board.

This weakness cannot be attributed to a lack of knowledge or interest but that the Executive Director was not aware of what his subordinates' duties were.

This lack of understanding made it impossible to institute and maintain good management procedure.

Recommendations

43. The Board of Directors should have one or more members that is well-schooled in Business Administration. He should be well-schooled and experienced in fiscal matters with a background in law and accounting.

44. The Executive Board should take cognizance of all fiscal matters referred to them by the Board of Directors. The results of their decisions should be published in the minutes of the Executive Board and sent to the Board of Directors.

GENERAL OBSERVATIONS

After the completion of this audit, our office discussed its findings and recommendations with the representatives of Haryou Act, Inc. and the Office of Human Resources Administration of the Mayor as it customarily does with any City agency prior to the finalization of a report.

The representatives of the latter two agencies requested that a review be made of improvements that have been developed in Haryou Act, Inc. since the last date of the audit period, June 30, 1966.

This office has made a general survey of these changes and on the basis of a preliminary investigation reports the following:

Recordkeeping: There has been improvement. While there is a bound cash disbursement journal, the cash receipts records are maintained on work sheets and the totals are posted to the general ledger. This is still not acceptable accounting practice. We recommended that the records of cash receipts be kept in a bound book similar to the cash disbursement journal. There is no Accounts Payable Ledger. We recommended that an Accounts Payable Ledger be maintained. The agency agreed to do so.

Petty Cash: Advances have been made in the installation of our Recommendations 4 and 5. However, we are still awaiting explanation as outlined in our Recommendation 6.

Furniture and Equipment: There has been improvement in this area. Furniture and equipment are tagged and an inventory is maintained.

Payroll Taxes: They are now deducted by the Comptroller of the City of New York and forwarded to the appropriate tax jurisdiction. Haryou receives payroll less these deductions.

Vouchers Payable and the Filing of Unpaid Vouchers: Adoption of an Accounts Payable Ledger and the filing of all unpaid vouchers in a central location was agreed to.

Consultant Fees: Greater care is now exercised in the employment of consultants.

Payroll Procedure: There has been considerable improvement in this area.

Guard Service: We question the propriety of these expenses. The invoices are now being scrutinized carefully prior to payment.

Personnel: There has been considerable improvement. Guide lines for hiring are now being implemented.

Purchases: There has been decided improvement. Bids are solicited. Purchases are being made from and through governmental agencies where prices are advantageous.

Review of Invoices: All invoices are now being coded.

Insurance: No action taken by Haryou.

Board of Directors: We are informed that our recommendations are being considered. We wish to acknowledge the courtesy of the Haryou Act, Inc. staff.

Attached: Summary of Cash Receipts and Disbursement from All Sources.

Respectfully submitted.

MAX M. SCHWARTZ,
Assistant Chief, Bureau of Municipal Investigation and Statistics.

Haryou-ACT, Inc.—Statement of cash receipts and disbursements New York City and Federal and other funds July 1, 1964, to June 30, 1966

RECEIPTS	
City of New York	$8,490,241.72
Federal funds	3,157,307.46
U.S. Department of Labor	446,205.58
New York City welfare	199,421.68
Medicare	19,422.92
For payment of liability prior to Nov. 1, 1965	429,558.85
Loan from Freedom Bank	117,871.29
Federal and State tax funds used for operation	445,388.31
Hospitalization funds and garnishees payable used for operations	2,612.93
Other sources (bazaars, donations, etc.)	86,309.90
Total receipts	13,394,340.64
EXPENDITURES	
Salaries	7,327,442.95
Fringe benefits and social security	180,255.74
Consultant fees	281,206.38
Office services and postage	19,715.46
Consumable supplies	306,294.70
Reproduction material	19,338.16
Equipment, rental, lease, and purchase	245,335.54
Insurance	18,248.01
Interest and penalties	6,666.36
Bank charges	978.14
Computer services	18,781.51
Rent, lease, and renovation	545,782.29
Telephone	101,530.83
Utilities	6,565.13
Repairs	2,528.62
Legal and accounting	26,667.15
Travel	52,131.47
Guard service	426,532.01
Band festival	800.00
Miscellaneous and unclassified	704,186.13
Meetings and conferences	15,617.24
Film development	5,912.61
Subcontractors	1,544,662.86
Bus and field trips	26,107.23
Camp facilities	504.00
Students tuition	17,013.00
Uniforms and accessories	41,186.47
Behavior studies	80,781.63
Rehabilitation	4,000.00

Haryou-ACT, Inc.—Statement of cash receipts and disbursements New York City and Federal and other funds July 1, 1964, to June 30, 1966—Continued

EXPENDITURES—continued	
Expenses for period prior to Nov. 1, 1965	$413,856.18
Extermination	1,842.50
Trucking	2,988.66
Department of Health, Education, and Welfare	1,500.00
Strip and training	200.00
Subscriptions	50.00
Rubbish removal	610.00
Exchanges	520,049.04
Advances for subcontractors:	
Neighborhood boards	84,697.83
Neighborhood Youth Corps	25,745.39
Project Uplift	177,585.44
Associated community teams	858.48
Medicare	2,518.24
Community action institute	3,039.38
Headstart	70,907.69
Summer program	3,482.56
Employee loans	180.36
Disallowed expenditures, comptroller, city of New York	68,511.53
Total disbursements	13,355,396.90
Unexpended balance	38,943.74

NOTE.—The Accounts Payable for the period prior to Oct. 31, 1965, are $508,319.62. The Accounts Payable for the period Nov. 1, 1965, to June 30, 1966, could not be definitely ascertained, however, we were able to determine that at least $92,444 was due for that period.

TAX CREDITS FOR AIR AND WATER POLLUTION CONTROL FACILITIES

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, I am today again introducing a bill which would authorize an incentive tax credit to industries and businesses constructing facilities to alleviate water and air pollution.

This legislation provides an incentive tax credit for the taxpayer who undertakes a construction program for air and water pollution treatment facilities in cooperating with the Federal and State governments on pollution programs.

The 20-percent incentive tax credit is applied to all costs of the facility: buildings, improvements, machinery, equipment, and includes total costs of land. Under this legislation the present investment tax credit would not be allowed in respect of these facilities.

In addition, the taxpayer is permitted at his election, to amortize these expenditures during the tax year or over the next 4 years after the year in which the expenditures were made.

For the taxpayer to qualify for the benefits of the incentive tax credit and the rapid tax amortization provisions of this proposal, he must obtain approval from the appropriate State agency that the facility is to be constructed in accordance with the State's program for abatement of air or water pollution.

The provisions of the legislation are relatively simple, but they are essential to accelerate construction on the part of business and industry and to achieve the tremendous task involved. American business and industry must have these incentives to undertake programs of the scope necessary to solve the Nation's pollution problems promptly.

The money expended for these projects would be put into nonproductive facilities, primarily in the interest of the public in health, welfare, recreation, and esthetics. These are costly facilities to construct and will require high nonproductive operating costs, which will be continuing charges against future earnings. An incentive tax credit and rapid tax amortization of the tremendous costs involved in the construction of pollution abatement facilities will enable the Nation's leaders of business and industry to take prompt action to cooperate with State and Federal Governments in helping to solve the pollution facing our Nation.

TOO LITTLE, TOO LATE

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LANGEN. Mr. Speaker, "Too little, too late," is the expression I use to describe the Secretary of Agriculture's recommendation to the President last Thursday that action be taken to reduce the volume of dairy products being imported into the United States.

The Secretary has, after months and months of delay, finally joined in the effort to assist our struggling dairy farmers—but not before the milk flowed in the streets.

How strange it is that the Attorney General secured a court hearing and a Federal restraining order against aspects of the milk holding action only 1 day after filing suit, while the Secretary of Agriculture waited months and months before urging the President to take initial action to curtail dairy imports.

The major damage has already been done. With 2.7 billion pounds of dairy imports—whole milk equivalent—entering our country in 1966, no wonder markets for domestic producers are being usurped and prices they receive held down. In fact, last year's dairy imports represented the milk which could have been produced by over 300,000 American cows, or the milk produced by more than 6,000 dairy farms with 50 cows each.

What an unseemly paradox for the Secretary of Agriculture to have gone on record last spring in favor of raising the Cheddar cheese quota from 2.8 million pounds to 3.7 million pounds. Unfortunately, the President followed the Secretary's advice when he raised Cheddar cheese import quotas for fiscal year 1966.

I only hope that the President will see fit not to boost the Cheddar import quota even further to 9.6 million pounds, a

possibility he asked the Tariff Commission to investigate last spring.

Actually, the Secretary and the President jointly have enough emergency authority under section 22 of the Agricultural Adjustment Act of 1933, as amended, to curtail price-depressing dairy imports without waiting for long, drawn-out Tariff Commission hearings. And since the Secretary has finally got around to recommending President action, why should the President wait a minute longer before closing the floodgates to the rising tide of dairy imports?

Congress should take immediate action to restrict dairy imports which usurp needed markets and depress prices for domestic producers. Having drafted and introduced several bills in the current Congress and previous Congresses to limit agricultural imports, I reiterate my pleasure that so many colleagues in the Congress are joining with me in vigorously pushing legislation to permanently curtail unwarranted dairy imports.

MULTIPLE USE OF RESOURCES

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Idaho [Mr. McClure] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. McCLURE. Mr. Speaker, the problem of multiple use of our natural resources is one that has plagued the Federal Government, the States and private enterprise. Too often it is assumed that we must devote great portions of our resources to some single use. We need to explore all possibilities of compatible uses for different purposes, recognizing that each may have to compromise some.

Proof that equitable compromises are possible was contained in an important speech by R. J. Bruning, publisher of the North Idaho Press in Wallace, Idaho. Speaking before the Natural Resources Committee of Kootenai, Shoshone, and Latah Counties on March 7, 1967, Mr. Bruning spoke of the hazards involved and gave eloquent testimony to the fact that the multiple use concept need not be one of endless controversy.

I include the text of Mr. Bruning's address at this point:

MULTIPLE USE OF RESOURCES

(Address by R. J. Bruning, publisher, North Idaho Press, Wallace, Idaho)

In Idaho we are still able to boast that a man has a chance to stretch without hitting his neighbor.

In 1960, there were only 8.1 people per square mile in Idaho; but that was a full person more than there were in 1950, almost two people per square mile more than there were in 1940, and more than twice as many as in 1910, when Idaho had 3.9 people per square mile.

Rhode Island is 100 times more densely populated than Idaho, with 812.4 people per square mile. New Jersey has 806.7, Massachusetts 654.5, Connecticut 517.5 and California 100.4.

In 1790, there were only 4.5 people per square mile in what was then the United States. Today the figure is 60.1.

There are 37 metropolitan areas in the United States that have a larger population than all of Idaho.

But if these figures have a tendency to make you people here tonight, people who are interested in outdoor recreation, feel self satisfied and a little bit smug, forget it.

The fact that we can still whoop and holler and throw our hat in the air doesn't mean we can neglect the problem of preserving outdoor recreation opportunities; that we can be wasteful of the resources we boast of; or most important of all, that we need not make full use of our natural resources.

The mere fact that we do have such resources in abundance, far beyond the ability of native Idahoans to make use of them in our lifetime or the lifetime of our children—that very fact makes us the target of every conservation minded group in the United States.

We have something these people do not have—land that is not despoiled—and they mean to preserve it. And keep in mind that I said preserve, not use.

Look, for instance, at the huge amount of Idaho already set aside in wilderness areas, and the effort now being made to preserve as wild rivers the Salmon and the Clearwater.

If we are not aware of these assets, other people are.

In large parts of Idaho, they mean to keep our population at no people per square mile.

Can we afford to be so wasteful of our natural resources?

I say not.

I say it is wasteful when our resources are set aside for one single use, whatever that use may be.

It is especially wasteful if large areas are locked up in the name of conservation.

There is only so much land area in the United States, and our population is growing rapidly. By the year 2000, which some of us in this room tonight will live to see, there will be another 100 million people living in the United States.

That means that our constant land area will have to support more people—which means providing them with homesites, highways, business and shopping areas, factory and industrial sites, and watersheds, but also lumber and minerals, farm produce and livestock, and, of course, outdoor recreation.

The answer to this is not single use of land, but multiple use of land to an extent yet undreamed of.

This is the problem that we in natural resource states such as Idaho must devote full time and attention to, mindful that people with single purpose programs in mind look enviously upon what we have and hope to exploit it in a wasteful manner—wasteful meaning failure to make full use of a resource.

Secretary of Agriculture Orville L. Freeman the other day made a talk concerning conservation that unfortunately attracted little attention.

I would like to summarize it for you tonight, and then present as a sort of counter point comments made by Dr. William Pecora, Director of the U.S. Geological Survey. I feel both expressions are of utmost importance to everyone in this room tonight, to every Idahoan, and to every resident of the mountain states—that area with much land, fortunes in natural resources and few people.

Freeman emphasized the need for the United States to practice a "sound land policy, one which sorts out the lands best suited for recreational needs, agriculture, commerce, housing and highways; a policy which establishes priorities and makes the best use of a fixed limited natural resource."

He makes the point that with a fixed supply of land, man will be forced to utilize this resource for more than one purpose—the "multiple use" concept of land.

Then he outlined a program of "preventative conservation", which means "stopping the problems that afflict the environment before they start, assessing each new technological development for its ultimate impact on man."

In this connection, he had great praise for the National Wilderness system as a concept of preservation.

Now let's turn to what Dr. Pecora had to say:

He pointed out that in the past three decades this country has used up more minerals and fuels than did the *entire world in all previous history*, and that we will be doubling this consumption rate in the decades ahead.

"If we had to depend on known supplies, we could predict collapse of our industrial civilization," he declared.

But we need not depend on known supplies. New deposits of minerals are being found all the time, and new technology is providing the means of adding to these reserves through discoveries.

This is the 83rd year that mines in the Coeur d'Alene Mining District have been producing lead and zinc and silver.

Yet it is only within the past few months that a real effort has been undertaken to determine if ore lies in the belt north of Osburn, or south of what is now defined as the Silver Belt.

The point is this—we cannot afford to lock up vast areas of ground that may hide mineral storehouses we will need in coming decades.

The answer lies in real multiple use of our natural resources.

Many of you people here tonight live around or near Lake Coeur d'Alene. It is a perfect example of multiple use of a resource. Lumber plants use it for transportation of logs or for storage of logs; you swim in it, fish in it, boat and water ski on it, picnic around it, take pictures of it and some of you people in Coeur d'Alene drink it.

Would it not be wasteful to say that only the lumber plants could use it, or the fisherman, or the swimmers, or the boaters, or the water skiers; or that no one should use it and that it should be preserved as a reservoir or scenic area.

But let me cite you an even more perfect example of multiple use of natural resources—The Coeur d'Alene Mining District.

This will surprise you—it came as a surprise to me, I must admit—but the mining companies in this mining district own a total of 645 square miles of property, through patented or unpatented claims. That is a little more than half the size of Rhode Island.

Yet these mining companies use less than one per cent of this ground for surface installations.

On the other 99 percent of this land people hunt, fish, pick huckleberries, ski, hike, cut firewood, and use it in all the other ways that the outdoors are used.

The mining that is going on thousands of feet below them, in some instances, I am sure, people are walking above orebodies not yet discovered.

My point is simply this—that here is real multiple use of natural resources to the fullest profit of everyone concerned.

And yet, despite this fact, we in this mining district have a peculiar and a pressing problem when it comes to multiple use.

When it comes to developing recreation sites in this mining area the Forest Service seeks to withdraw such grounds to be developed from mineral location. This means that exploration of the area beneath the surface of such areas must be halted.

As I mentioned previously, in 83 years of continuous mining and exploration, we still have not delineated this mining district. Much ground, much geologically promising ground, remains to be explored.

But if such areas are withdrawn from mineral location, they will never be explored, and if this nation is to keep abreast of the growing need for minerals and metals, we cannot afford to overlook exploration and development of any potential mineral land.

Let me make it clear to you that the mining industry does not discourage the development of outdoor recreation areas. Far from it. We realize the potential of such areas, and the need for such outdoor recreation developments.

Yet some way must be found to separate the surface and subsurface rights on such ground, so that the surface can be developed for its best use, in most cases, recreation, and so that the subsurface can be developed for its best use, which in this district is mining.

The mining industry does not suggest it wishes to sink a shaft, or erect a mill in the middle of a Forest Service campground. But it does feel that the ore that might underlie such a campground should not be forever locked up because the ground, from the surface to a depth ad infinitum, has been withdrawn from location.

Ore bodies beneath campgrounds could be developed and explored through openings removed from the campground so that there would be no interference. But it cannot be done so long as the ownership of the ore bodies is kept from mining companies.

Owners of unpatented mining claims are required under present law to perform a minimum of $100 worth of work on each claim each year. Obviously the Forest Service cannot have a bulldozer ripping through a developed campsite which is one reason for the withdrawal of the land.

Let me make it clear that the Forest Service men in this area are cognizant of this problem, but they do not write the laws. As the law stands now, there is no separation of surface and subsurface rights, and so long as that law persists, there will be contests between the Forest Service and the mining industry. This is unfortunate.

The Forest Service is planning now the development of a campsite in St. Regis basin, east of Lookout Pass in Montana.

This is a beautiful campsite, one of the finest in the Pacific Northwest. It needs to be developed as a campsite.

But this area also lies in a potential mineral belt on the periphery of this mining district. It needs some day to be explored.

The Forest Service must of necessity seek withdrawals of this land from mineral entry as a prelude to development of the campsite. The mining industry, cognizant of its responsibility to the economy of this nation, must fight such a withdrawal.

This is unfortunate. The campsite should be developed, the ground beneath the campsite should be kept open for exploration and development.

Under present law, this cannot be. And so in this case, and in other cases, multiple use threatens to become a single use. And this nation, and the west in particular, as rich as it is in natural resources, cannot afford any longer the luxury of single use of its resources.

The pressure of population is too great.

We who are gathered here tonight have a great responsibility to the generations who come after us. It is the responsibility of preserving in some instances, what we have and what can never be replaced if it is lost. It is the responsibility of developing, to the fullest extent, other resources that we have and which cannot realize their greatest value unless they are developed.

And it is the responsibility of being ever mindful of the growing demands being made on our resources, which require that we use each of them to extract the full measure of value.

This is multiple use.

The tri-county group represented here tonight in a way pioneered the development of outdoor resources on a local level. I am happy to have played a small role in this work. I am gratified to see how this work has progressed. And I am awed when I think of the work that still lies ahead.

Here in this county we have been fortunate in having officials who realize their responsibility along this line. Shoshone Park is a unique example of federal-county cooperation in development of outdoor recreation. The county is in the process now of developing a new park west of Osburn. And a triparty program is being worked out for development of a park at Glidden Lake.

This is the kind of responsible action outdoor recreation development must have. This group here tonight deserves the highest commendation for the work it has been doing, and I know will receive the thanks of generations to come.

THE POST OFFICE AND PRIVATE ENTERPRISE

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GURNEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GURNEY. Mr. Speaker, the recommendation of the Postmaster General Lawrence O'Brien yesterday to improve the efficiency of the Post Office Department by turning it over to a nonprofit corporation was a step in the right direction. But Mr. O'Brien did not take a long enough step.

The same reasons the Postmaster General gave in support of his Government corporation plan would point to letting private enterprise handle the Post Office.

Today the Government is entering more and more into areas primarily local in nature—areas such as education, transportation and housing, to mention a few, are quickly being absorbed by Federal bureaus. It is questionable in my mind and the minds of many others whether or not this is the most effective means of solving our Nation's problems. We have a growing tendency to face each problem as it arises with an appropriately named public bureau—a practice which is not only costly to the taxpayer, but often not even effective.

In view of this trend, the Postmaster's words are especially encouraging. I am heartened to think that somewhere in the great and self-perpetuating bureaucracy we have even a spark to light our way in reversing the trend.

But while we are considering this we should go even further and turn the Post Office over to the really efficient operators—the businessmen who have built the economy of this Nation to its high pinnacle.

Impossible to have such a huge communication media not run by the Government? Not at all. The other giant of the communications field, telephone and telegraph service, is run by private enterprise, and its major operator—American Telephone & Telegraph—is frequently touted as one of the most efficiently run companies in the Nation. The Post Office Department is not.

A comparison of the two speaks eloquently. From 1932 to 1963 the cost of mailing a single letter has risen from 2 cents to 5 cents and mailing it airmail from 5 cents to 8 cents.

But under the privately owned telephone system, a station-to-station call from Boston to San Francisco, which cost $9.50 in 1932 now costs $2, and only $1 after 8 p.m. The consumer has obviously fared better under the privately owned organization than with the publicly run one.

Because private management has brought about a higher level of efficiency and productivity, the consumer benefits not only from lower prices, but also better quality of service. While the amount of mail handled per Post Office employee increased from 100 to 140 between 1930 and 1963—an increase of 40 percent—the increase in the number of calls handled by Bell employees in that same period has risen from 100 to 218—an increase of 118 percent.

Results of better management are also apparent in other aspects of service quality. Thirty years ago we had two mail deliveries per day at home and four at the office. Today we get one at home and three at the office. Telephone service takes only seconds today—a fraction of the time it took 30 years ago.

Finally, we must look at the results of these two organizations on the taxpayer and the Nation's economy. As taxpayers, we poured out $888 million in fiscal year 1966 to make up the deficit between postal receipts and expenses. Next year it is estimated at $1.2 billion. The Bell companies, on the other hand, contributed over $2.5 billion last year in taxes to the public cause, and $1.5 billion of this was to the Federal Government.

In addition to the $2.5 billion in direct taxes, A.T. & T. pays over $1 billion in dividends each year to its 3 million shareholders. In turn, they must pay taxes on this income and capital gains taxes on the profits from trading. The direct share in the company's taxes amounts to $4.90 per share. The after-taxes earning per share is only $3.70, so the 3 million people who own A.T. & T. are paying more to Uncle Sam than they get for themselves. On top of all this, $753 million is paid by telephone customers each year in excise taxes. This alone almost pays for the deficit in the Post Office each year.

Mr. Speaker, all this points directly to a fact which should be growing clearer to everyone—that the Government can do almost anything less efficiently and for a higher price.

Turning the Post Office over to the business community to let it operate efficiently in a free market would benefit the consumer, the taxpayer, and even the postal employees whose consistent and well-founded claim is that their salaries are not comparable to private enterprise.

There is nothing like the profit incentive to promote efficient management, and efficiency at the top is what our postal system needs most.

WASHINGTON STATE SALUTES U.S. NAVY SEABEES

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. PELLY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PELLY. Mr. Speaker, this year of 1967 marks the 25th anniversary of the U.S. Navy Seabees, the great Navy construction battalions formed in World War II.

This marks the 100th anniversary of the Navy Civil Engineer Corps, whose officers lead the Seabees in action.

Mr. Speaker, today, in Vietnam, the Seabees are again at work, helping a friendly people to defend their freedom and to build toward a future of peace and progress. These builder-fighters have built a splendid reputation during this past quarter century.

Whether the job to be done is on deck or on land; in Europe, or a Pacific island, or on the mainland of Asia—in peace or in war—the Seabees and their Navy Civil Engineer Corps officers are ready to do it in the spirit of the famous Seabee slogan, "Can do."

Symbolic of this splendid spirit is the fact that the first Congressional Medal of Honor awarded to a U.S. Navy serviceman in the current Vietnamese conflict was posthumously granted to a Seabee, Marvin G. Shields, construction mechanic third class, U.S. Navy, a resident of Port Townsend, State of Washington.

Therefore, Mr. Speaker, in recognition of the 1967 Seabee Silver Anniversary, Gov. Daniel J. Evans, of the State of Washington, recently proclaimed Seabee Year in the State of Washington.

Under unanimous consent I place the text of this proclamation in the RECORD at this point:

A STATEMENT BY THE GOVERNOR OF WASHINGTON

With the beginning of WW II, our military support operations demanded the creation of a force of highly skilled men to perform construction in combat areas. Our Navy met this Challenge by organizing the United States Naval Construction Battalions, which soon became known as the "Seabees." The Seabees established a proud heritage during WW II, as nearly a quarter of a million of these "can do" men labored day and night to construct airfields, roadways and vital facilities in the face of enemy fire.

Today in Southeast Asia the Seabees are expanding their heritage in defense of freedom. In addition to numerous large construction jobs supporting military operations, small teams of Seabees are bringing technical skills to the village level in order that these people "can do" for themselves. This aid and spirit of cooperation is a vital factor in building a desire for freedom in Southeast Asia. Backing up these overseas operations is a strong, experienced Seabee Naval Reserve of civilian engineers and construction workers who stand ready whenever the need arises.

The year 1967 marks the Silver Anniversary of the Seabees and the 100th Anniversary of the United States Navy Civil Engineer Corps, and has been commemorated as Seabee Year. In honor of the gallant Seabees of the past and of the present, it is most fitting that the people of the State of Washington join in the recognition and observance of this year.

Now, therefore, I, Daniel J. Evans, Governor of the State of Washington, do hereby ask the people of this state to participate in the observance of Seabee Year in the State of Washington, and further call upon the citizens to commemorate the Seabees of the past, honor the Seabees of the present, and extend our wishes for continued success to the Seabees of the future.

DANIEL J. EVANS,
Governor.

TARIFF ACTION NEEDED ON PAPER INDUSTRIES MACHINERY

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BUTTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BUTTON. Mr. Speaker, I am today introducing a bill to correct an inequity in our tariff schedules by placing the rate of duty applicable to paper industries machinery at 20 percent. Originally this duty on U.S. imports was set at 35 percent, but it has been reduced five times in trade agreement negotiations so that today it stands at 7 percent for most papermaking machinery, and 10 and 13½ percent for related machinery and parts used by the paper industries.

My district has two plants for the manufacture of paper industries machinery. We are the headquarters for the Albany Felt Co. which produces the felts used on papermaking machines in the manufacture of paper.

New York State has the largest number of manufacturing plants for paper industries machinery of the 29 States in which such plants are located. This industry is therefore of particular importance to both my State and district. The position of domestic manufacturers of paper industries machinery in competing with foreign-produced articles can best be seen from a consideration of recent import and export trends.

Between 1962 and 1966, U.S. imports of paper industries machinery increased very strongly, from $7.2 million to $28.6 million. During the same period, our exports of this class of machinery declined from $83.3 million to $62.2 million. Altogether, our favorable balance of trade in paper industries machinery dropped from $76.1 million in 1962 to $33.6 million in 1966. Just this shift in our balance of trade represents the loss of a year's output of nearly 2,000 workers.

Mr. Speaker, it is no mystery why our exports are declining at this rate. The largest markets for paper industries machinery are, of course, the developed countries of the world. These countries, whose industries are enjoying a rapid growth in their exports to the United States, limit U.S. exports to their domestic markets by a combination of tariffs and frontier taxes which range from a low of 20 percent in West Germany to 48 percent in France.

There are three factors which account for these high rates: one is the numerical rate of the duty itself; the second is the practice of European countries of basing their ad valorem duties on the so-called cost, insurance, and freight value—namely, the landed cost of the goods delivered in the country of destination; and the third factor is the use by these countries of so-called equalization taxes, piled on top of the customs duties previously described.

Mr. Speaker, in the Kennedy round of trade negotiations, there is no way for the United States to effect any change in the second and third of these factors. Regardless of the tariff reductions which the United States may be able to secure on paper industries machinery in the Kennedy round, therefore, there is not likely to be any help for increasing U.S. exports because of the other two factors.

Under these circumstances, the 7-percent duty rate imposed by the United States on imports from these countries who limit our exports with these excessively high duties and taxes is ridiculous. The bill which I am introducing today would partially restore the U.S. tariff by placing it at the lowest level of the rates of monetary charges imposed by other nations; namely, the 20-percent level applicable in West Germany.

Mr. Speaker, the U.S. tariff on this class of machinery originally was 35 percent. When it is restored to 20 percent by my bill and that of other Members interested in the problem, the U.S. duty will still be less by nearly one-half of the statutory rate.

The domestic industry made a vigorous effort last year to persuade the administration to correct this inequitable situation on papermaking machinery tariffs at a time when our Government clearly had the right to do so under the open season procedures spelled out in article XXVIII of the General Agreement on Tariffs and Trade. In common with the refusal of this and other administrations to consider favorably any measure of help for any domestic industry, this administration refused to honor the industry's request.

It is common knowledge that the so-called tariff adjustment provisions of the Trade Expansion Act of 1962 are totally unworkable. Not one of the 19 applicants for relief under that statutory provision has been granted a favorable finding by the Tariff Commission, because of the extreme stringency of the tests which the statute requires.

It is also well known that it was not the intention of the Committee on Ways and Means of the House or the Committee on Finance of the Senate, nor of the Members of either body, that domestic industries be shorn so completely of all avenues of relief from inequitable trade situations. Nevertheless, that is where we are today. Therefore, positive legislation by the Congress on a case-by-case basis is the only remedy until such time as a more comprehensive solution for all industries can be taken up in connection with any renewal or extension of the Trade Expansion Act.

Accordingly, I ask the members of the Committee on Ways and Means to grant priority of consideration to the bill which I have introduced today and which many other Members of this body have introduced to correct the unfair tariff on papermaking machinery.

GOVERNMENT IN BUSINESS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Kuykendall] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. KUYKENDALL. Mr. Speaker, just as food for thought I would like to call attention to a quotation by one of America's greatest geniuses, Thomas A. Edison.

Making Ends Meet

"There is far more danger in public than in private monopoly, for when government goes into business it can always shift its losses to the taxpayers. Government never makes ends meet—and that is the first requisite of business."

—Thomas A. Edison.

PHOTOGRAPHS PROVE CONCLUSIVELY NORTH VIETNAM HAS USED CEASE-FIRE AGREEMENTS TO BUILD UP THEIR WAR MACHINE IN THE SOUTH

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky [Mr. Snyder] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SNYDER. Mr. Speaker, in these days when a minor but vociferous part of our country is calling for such things as cease-fires in South Vietnam, it is well to heed the experiences of those who have a firsthand knowledge of the situation through their day-to-day encounter with the enemy in combat. Recent photographs released by the administration have shown conclusively that North Vietnam has used cease-fire agreements to build up their war machine in the south. That this build-up is detrimental to American boys serving in Vietnam and to the South Vietnamese forces is poignantly illustrated in a letter received by the parents of a marine combat soldier in Vietnam.

This young marine from Jefferson County, Ky., says something which I believe needs to be said. I therefore ask unanimous consent to include the letter from his parents which includes an excerpt from their son:

Dear Representative Snyder: We are the parents of four sons, two in high school and two in the service of our country—one in the Coast Guard and the other in the Marines. We, of course, feel very close to the matters pertaining to the Armed Services, and would like to express our disapproval of the anti-Viet Nam sentiment and demonstrations.

Our Marine has been in Viet Nam since last September as a member of a Reconnaissance and Intelligence patrol and we thought you might be interested in some of the comments from his last letter. (Since receiving his letter we received word from the Marine Corps that Carl was wounded on patrol, but is already back on duty, thank the Lord.) His remarks seem to carry the feelings of all the boys over there.

18 March 67.

". . . We've had kind of a hard time up here at Khe Sanh. During the day you're either cleaning gear, packing for the next patrol, trying to catch up on some sleep, on a working party or out 'in the field'."

(He wrote, previously, that the Recons are in the field up to 75% of the time.)

"And nights we have been having blackouts, and incoming mortar fire. Not only here, but all the Marine bases in Viet Nam have had a bad time with 'Charlie' lately. Da Nang, Chu Lai, Phu Bai, Dong Ha. All of them have had incoming fire and 'Charlie' probing their lines. He seems to be stepping up the war this year. Wish the States would do the same, instead of dragging it on. We'd save a lot more lives in the long run. Damn politicians don't have to fight here, we do. The longer they 'negotiate' the less of us there will be coming home to our families. Their 'peace talks' haven't done one thing to help us, not one. All they do is give 'Charlie' a chance to move during truces and resupply his forces. They didn't keep me out of the field at Christmas or New Year's or the Viet Nam New Year's either. And 'Charlie' just stepped up his blasted infiltration and if he didn't shoot, we weren't supposed to, either. Lot of good that did for us."

Carl will be 20 years old in May. Since he is not a complainer, and this is the first time he has written so, we felt it meant more than from someone who is always griping, and that we should pass it on to you.

We are extremely proud of our sons.

——— ———.

THE STRANGE SILENCE

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, this Nation is at the top when it comes to comparing personal security. We are the standard throughout the world. Consequently I believe that many Americans find it hard to believe that threats against us—our homes, our lives, our Government, our jobs— can have enough validity to merit consideration on the personal level. This, I think, is part of the reason why few are concerned with the increased crime rate and the trumped up charges of police brutality. And why we fail to see that the handout system undermines the hard work system which insures job success. And why we can let the other guy do it when it comes to solving problems in the community and the State and Nation.

I think it is this same syndrome which causes the strange silence following issuance of the House Committee on Un-American Activities reports which document and explain the threat of communism in America.

"There can't possibly be this many Communists, or this many persons who are duped by the Communist programs, or this much power directed at the United States stemming from anything but 'sincere dissent.' We are too great, we are too secure, we are too powerful, and we are too correct, and we have laws which are too strong and just, for this to be possible." These are the phrases we hear. But our greatness is waning in direct proportion to our complacency.

Ignorance and complacency are the ingredients of the proverbial bliss, but they are also the solvents of freedom, a freedom which wants for responsibility.

The strange silence is now evident following the release of the committee's report, titled "Communist Origin and Manipulation of Vietnam Week." For the benefit of those who have not read the report, or did not know it existed, I wish to include an excellent summary of major points from it by Mr. David Lawrence, published in the Washington Evening Star of April 4, 1967.

Red Link to Viet Protests Seen

(By David Lawrence)

A big furor was stirred up by the "liberals" recently when it was discovered that the Central Intelligence Agency was paying some of the expenses of student groups which, while abroad, obtained information concerning Communist operations in various countries. But there is a strange silence when the House Committee on Un-American Activities reports to the public that "every major, large-scale demonstration against the war in Vietnam which has taken place in this country has had all-out Communist support."

Rep. Edwin E. Willis, D-La., who is chairman of the committee goes even further as he describes the link between the Vietnam demonstrations in this country and the Soviet government. He declares:

"We must face the fact that certain activities are being carried out in this country by persons who are not dedicated to the principles of our form of government and who use the claim and mask of dissent for no other reason than to try to conceal the fact that their allegiance is to a power other than that of the United States government."

In the foreword to the report, Chairman Willis does not mince words. He says that deliberate deception "is not dissent, but conspiracy" and that the "underhanded attempt to manipulate public opinion" in the United States and stifle full and open debate by pressure tactics is the true objective of Communist-inspired movements in this country.

The report gives the names of individuals connected with Communist-front organizations in the United States who have been the principal force behind the project known as "Vietnam Week," which is to begin on next Saturday, April 8. The committee says flatly that the conference at which the "Vietnam Week" was planned "was instigated and dominated by the Communist party USA and the W. E. DuBois Clubs of America." It adds:

"Communists are playing dominant roles in both the student mobilization committee and the spring mobilization committee. Further, these two organizations have unified their efforts and are co-operating completely in their purpose of staging on April 15 the largest demonstrations against the war in Vietnam ever to take place in this country."

The House committee, moreover, doesn't hesitate to criticize Dr. Martin Luther King for his decision to assist the movement. The committee says:

"Dr. Martin Luther King's agreement to play a leading role in the April 15 demonstrations in New York City, and his freeing Rev. James Bevel from his key position in the Southern Christian Leadership Conference to head up the spring mobilization committee, are evidence that the Communists have succeeded, at least partially, in implementing their strategy of fusing the Vietnam and civil rights issues in order to strengthen their chances of bringing about a reversal of U.S. policy in Vietnam."

Congressional committees are criticized from time to time for delving into controversial questions. But there never has been such a persistent effort to abolish a committee as has been witnessed in the last 10 years in connection with the efforts of many Communist-inspired groups to bring about the abolition of the House Committee on Un-American Activities.

Chairman Willis points out that there are many persons who are participating in the anti-Vietnam war demonstrations who do not really know that they are aiding the purposes of the world Communist movement. He says:

"As Justice Frankfurter indicated (in a 1961 decision of the Supreme Court), the Communists make it a practice to try to enlist, and seem to have great ability in enlisting, in support of their projects persons who would not give their support if they knew the full truth about them."

The committee report concludes that, if the instigators and organizers of "Vietnam Week" are successful in turning out large numbers of people for the demonstrations in New York and San Francisco, this can be attributed primarily to the Communists and will be an indication of their strength and the extent to which they are able "to influence and manipulate non-Communist Americans."

CORRECTIVE ACTION NEEDED

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, there has been much discussion in the press lately about the possibility of a national constitutional convention to rectify the Supreme Court's one-man, one-vote decision concerning the reapportionment of the States. To date, 32 States have called for such a convention and the number of States required before Congress shall call such a convention is 34. Some sources have been highly critical of employing this vehicle for amending the Constitution, and although the Constitution provides for this method, it has been described as an irresponsible approach. Such a convention would present questions heretofore unexplored, one of them being whether other constitutional amendments could be considered at such a convention in addition to the reapportionment amendment.

This issue of a convention is especially interesting in light of some U.S. Supreme Court decisions which have caused popular disapproval. One such decision, handed down in January of this year, is the Keyishian against the Board of Regents of the University of the State of New York case. This involved the New York Feinberg law in which teachers who were members of the Communist Party could be removed from their positions because of such membership. Also involved was section 3021 of the education law which authorizes the removal of superintendents, teachers, or employees in the public school in any city or school district of New York for the utterance of any treasonable or seditious word or words. This section was also struck down by the January decision. In addition, subsections of the Civil Service Act dealing with the overthrow of our form of government have been declared unconstitutional.

It is understandable that this decision has been viewed with alarm by those familiar with the Communist Party and its history of deceit and violence. For instance, J. Edgar Hoover, Director of the FBI, and the man most knowledgeable concerning the Communist threat, stated before a House Appropriations Subcommittee in February 1966:

> The Communist Party, U.S.A. constitutes a grave security threat to our Nation, not only because of its subversive historical background, its antidemocratic philosophy and its insidious tactics, but also because of the particular nature of the party itself—an organization controlled and directed by Moscow whose ultimate goal is to overthrow our form of government.

It is not hard to explain, then, why responsible citizens are seeking means of corrective action. The national commander of the American Legion, John E. Davis, in the American Legion magazine of March 1967, for example, calls for a "bipartisan effort of the best legal and constitutional minds" to devise a new law to counter this latest Supreme Court decision. He reiterates the dismay and concern of Supreme Court Justices Clark, Harlan, Stewart, and White, expressed in their dissenting opinion in the case. Commander Davis does not rule out the possibility of a constitutional amendment if necessary.

The convening of a national constitutional convention is a new and unexplored issue, and perhaps one may never be called in our time. But it might well be that the mere possibility of such an action on the part of U.S. citizens, as expressed through their State legislatures, will cause Congress to act on various issues requiring constitutional amendments. For my part, I am considering various approaches with a view to correcting this dangerous threat to our educational system.

I request that the article entitled, "The Supreme Court and the Feinberg Law," by Commander Davis be inserted in the Record, along with the dissenting opinion of the four above-mentioned Supreme Court justices.

The material follows:

The Supreme Court and the Feinberg Law

(By National Commander John E. Davis)

The Supreme Court has struck down New York's Feinberg law, which permitted firing a teacher for being a member of the Communist Party.

This decision means that our schools are places where children may be compelled by law to absorb the ideology of an antagonistic foreign state—and that no American state or community shall say otherwise.

The new decision subordinates concern for the minds of our children to the imagined right of a Communist to teach in our school systems. It deals expressly with (but hardly discusses) the membership of public school teachers (and other public servants) in the Communist Party. It doesn't deal with belief. Party membership is an overt act. The Party screens its own, and its members must debase their intellects by following every twist and turn of the Party line—loyally and blindly.

States should be permitted to fire teachers who are Party members on no more exciting grounds than that their intellectual debasement is out of line with the most fundamental qualifications of an educator.

No Communist is capable of that freedom of inquiry that is so essential to good teaching. He has committed his mind and soul to a frozen ideology, and in joining the Party he has volunteered to reshape truth to the directives of the Kremlin or Mao. Such people are fit to teach only in states where minds and bodies are enslaved.

The Court has thus intruded beyond its own competence into the field of educational competence.

It *does* allow that a state may fire a teacher when it can prove in court that he carries out unlawful Communist intent in the classroom—thus forcing on the state the Court's quaint, legalistic notion that the only bad teaching is unlawful teaching. The decision exempts teachers from disclosing Communist Party membership as a condition of employment. That ties the hands of a state at the very outset in seeking the proofs which the Court requires.

Communists' indoctrination of students deals in camouflage and in the subtle cultivation of attitudes, prejudices and pat phrases. Each bit of its teaching may be airily innocent, while the whole is to one alien purpose. The Court decision reeks with the assumption that nothing could be that subtle. The problem of a state in trying to prove "illegal intent" in the classroom is akin to proving slow arsenic poisoning in a court that will only hear evidence of snakebite.

The Feinberg law recognized the special nature of Communism when it addressed itself to the overt act of Party membership. The Supreme Court had its own precedents for following suit. Earlier it based school segregation rulings on the Court's understanding of the special and subtle effects of segregation. But it ignored the special and subtle nature of Communism.

Its decision time and again repeats an assumption that the Communist Party issues full membership to people who are innocent of its aims. The Court tore up the whole cloth of New York's defenses of its schoolchildren to protect such imaginary non-Communist Communists. Should any exist, they could protect themselves under the New York law by resigning the Party and showing good faith—as the Court admitted. That leaves none but hard line Communists to gain from the ruling, which now stands as a license for the Communists to step up their 50-year efforts to infiltrate American public education.

The majority Court opinion dwelt chiefly on aspects of the New York law that weren't before the Court. The question of Party membership was specifically at issue, but barely discussed in the opinion. In the 5-4 decision, Justices Clark, Harlan, Stewart and White called the ruling a "blunderbuss" approach with an "artillery of words" having a "nonexistent" bearing on either the case at hand or on the ruling against firing Communist teachers that ended the wandering and labored decision. Said Clark's dissent: "No court has ever reached so far to destroy so much with so little."

He is so correct that Congress must do something about this or surrender to the Court its powers and duties to protect the country. A bipartisan effort of the best legal and constitutional minds should devise new law without delay—a Constitutional amendment if need be. That might not be easy, but it is unthinkable that an alien organization should continue to have immunity under our highest law to invade our public school systems while our own authorities may not even make effective inquiry, let alone act to stop it.

[From the Supreme Court of the United States, No. 105.—October Term, 1966]

Harry Keyishian et al., Appellants, *v.* The Board of Regents of the University of the State of New York et al.

(On appeal from the U.S. District Court for the Western District of New York, January 23, 1967.)

Mr. Justice Clark, with whom Mr. Justice Harlan, Mr. Justice Stewart and Mr. Justice White join, dissenting.

The blunderbuss fashion in which the majority couches "its artillery of words" together with the morass of cases it cites as authority and the obscurity of their application to the question at hand makes it difficult to grasp the true thrust of its decision. At the outset, it is therefore necessary to focus on its basis.

This is a declaratory judgment action testing the *application* of the Feinberg Law to appellants. The certificate and statement once required by the Board and upon which appellants base their attack were, before the case was tried, abandoned by the Board and are no longer required to be made. Despite this fact the majority proceeds to its decision striking down New York's Feinberg Law and other of its statutes as applied to appellants on the basis of the old certificate and statement. It does not explain how the statute can be applied to appellants under procedures which have been for over two years a dead letter. The issues posed are, therefore, purely abstract and entirely speculative in character. The Court under such circumstances has in the past refused to pass upon constitutional questions. In addition, the appellants have neither exhausted their administrative remedies, nor pursued the remedy of judicial review of agency action as provided earlier by subdivision (d) of § 12–a of the Civil Service Law. Finally, one of the sections stricken, § 105(3), has been amended and under its terms will not become effective until September 1, 1967. (L. 1965, Ch. 1030.)

I

The old certificate upon which the majority operates required all of the appellants, save Starbuck, to answer the query whether they were Communists, and if they were, whether they had communicated that fact to the President of the University. Starbuck was required to answer whether he had ever advised, taught, or been a member of a group which taught or advocated the doctrine that the Government of the United States, or any of its political subdivisions, should be overthrown by force, violence, or any unlawful means. All refused to comply. It is in this nonexistent frame of reference that the majority proceeds to act.

It is clear that the Feinberg Law, in which this Court found "no constitutional infirmity" in 1952, has been given its death blow today. Just as the majority here finds that there "can be no doubt of the legitimacy of New York's interest in protecting its education system from subversion" there can also be no doubt that "the be-all and end-all" of New York's effort is here. And regardless of its correctness neither New York nor the several States that have followed the teaching of *Adler* for some 15 years, can ever put the pieces together again. No court has ever reached out so far to destroy so much with so little.

The section (§ 3021 of the Education Law) which authorizes the removal of superintendents, teachers, or employees in the public school in any city or school district of New York for the utterance of any treasonable or seditious word or words is also struck down, even though it does not apply to appellants, as we shall discuss below.

Also declared unconstitutional are the subsections ((1)(a), (1)(b) and (1)(c) of § 105 of the Civil Service Act) which prevent the appointment and authorize the discharge of superintendents, principals or teachers in any part of New York's public education establishment who wilfully advocate, advise, or teach the doctrine that the Government of the United States, or of any State or any political subdivision thereof should be overthrown by force, violence, or any other unlawful means ((1)(a)); or who prints, publishes, edits, issues, or sells any book, paper, document, or written or printed matter, in any form, containing such doctrine and "who advocates, advises, teaches, or embraces the duty, necessity or propriety of adopting the doctrine contained therein" ((1)(b)); or who organizes or helps to organize or becomes a member of any society or group which teaches or advocates such doctrine ((1)(c)). This latter provision was amended in 1958, while still part of § 12(a) of the Civil Service Law, to make membership in the Communist Party prima facie proof of disqualification. The language "advocate, advise, teach," etc., *obviously springs from federal statutes,* particularly the Smith Act, § 2(A) (1), (2) and (3), which was approved by this Court in *Dennis* v. *United States,* 341 U.S. 494 (1951). State statutes of similar character and language have been approved by this Court. See *Garner* v. *Board of Public Works of Los Angeles,* 341 U.S. 716 (1951); *Bielan* v. *Board of Education, School District of Philadelphia,* 357 U.S. 399 (1958).

Lastly stricken is the subsection ((3) of § 105) which authorizes the discharge of any person in the civil service of the State or any civil division thereof who utters any treasonable or seditious word or does any treasonable or seditious act, although this subsection is not and never has been a part of the Feinberg Law and New York specifically disclaims its applicability to the appellants. In addition, how can the Court pass upon this law *as applied* when the State has never attempted to and now renounces its application to appellants?

II

This Court has again and again, since at least 1951, approved procedures either identical or at the least similar to the ones the Court condemns today. In *Garner* v. *Board of Works of Los Angeles, supra,* we held that *a public employer was not precluded, simply* because it was an agency of the State, "from inquiring of its employees as to matters that may prove relevant to their fitness and suitability for the public service." 341 U.S., at p. 720. The oath there used practically the same language as the Starbuck statement here and the affidavit reflects the same type of inquiry as was made in the old certificate condemned here. Then in 1952, in *Adler* v. *Board of Education, supra,* this Court passed upon the identical statute condemned here. It, too, was a declaratory judgment action—as in this case. However, there the issues were not so abstractly framed. Our late Brother Minton wrote for the Court:

> "A teacher works in a sensitive area in a schoolroom. There he shapes the attitude of young minds toward the society in which they live. In this, the state has a vital concern. It must preserve the integrity of the schools. That the school authorities have the right and the duty to screen the officials, teachers, and employees as to their fitness to maintain the integrity of the schools as a part of ordered society, cannot be doubted." At 496.

And again in 1958 the problem was before us in *Bielan* v. *Board of Education, School District of Philadelphia, supra.* There our late Brother Burton wrote for the Court:

> "By engaging in teaching in the public schools petitioner did not give up his right to freedom of belief, speech or association. He did, however, undertake obligations of frankness, candor and cooperation in answering inquiries made of him by his employing Board examining into his fitness to serve it as a public school teacher." 357 U.S., at 405.

And on the same day in *Lerner* v. *Casey,* 357 U.S. 468, our Brother Harlan again upheld the severance of a public employee for his refusal to answer questions concerning his loyalty. And in the same Term my Brother Brennan himself cited *Garner* with approval in *Speiser* v. *Randall,* 357 U.S. 513 (1958).

Since that time the *Adler* line of cases have been cited again and again with approval: *Shelton* v. *Tucker,* 364 U.S. 479 (1960), in which both *Adler* and *Bielan* were quoted with approval and *Garner* and *Lerner* were cited in a like manner; likewise in *Cramp* v. *Board of Public Instruction,* 368 U.S. 278 (1961), *Adler* was quoted twice with approval; and, in a related field where the employee was discharged for refusal to answer questions as to his loyalty after being ordered to do so, the Court cited with approval all of the cases which today it says have been rejected, *i.e., Garner, Adler, Bielan* and *Lerner. Nelson* v. *Los Angeles County, 362 U.S. 1 (1960). Later Konigsberg* v. *State Bar,* 366 U.S. 36 (1961), likewise cited with approval both *Bielan* and *Garner.* And in our decision in *In re Anastaplo* (1961), 366 U.S. 82, *Garner, Bielan* and *Lerner* were all referred to. Finally, only two Terms ago my Brother White relied upon *Cramp* which in turn quoted *Adler* with approval twice. See *Baggett* v. *Bullitt,* 377 U.S. 360 (1964).

In view of this long list of decisions covering over 15 years of this Court's history, in which no opinion of this Court even questioned the validity of the *Adler* line of cases, it is strange to me that the Court now finds that the "constitutional doctrine which has emerged since . . . has rejected [*Adler's*] major premise." With due respect, as I read them, our cases have done no such thing.

III

The majority also finds that *Adler* did not pass upon § 3021 of the Education Law, nor subsection (1)(3) of § 105 of the Civil Service Law, nor upon the vagueness questions of subsections (1)(a), (1)(b), and (1)(c) of § 105. We will now discuss them.

1. Section 3021 is not applicable to these appellants. As Attorney General Lefkowitz of New York says on behalf of the State, the Board of Regents and the Civil Service Commission, this section by its own terms only applies to superintendents, teachers, and employees in the "public schools, in any city or school district of the state . . . ." It does not apply to teachers in the State University at all.*

2. Likewise subsection (1)(3) of § 105 is also inapplicable. It was derived from §23–a of the Civil Service Law. The latter provision was on the books at the time of the Feinberg Law as well as when *Adler* was decided. The Feinberg Law referred only to § 12–a of the Civil Service Law, not § 23–a. Subsection 12–a was later recodified as subsections (1)(a) and (b) of § 105 of the Civil Service Law. Section 23–a (now § 105(3)) deals only with the civil divisions of the Civil Service of the State. As the Attorney General tells us, the law before us has to do with the qualifications of college level personnel not covered by Civil Service. The Attorney General also advises that no superintendent, teacher, or employee of the educational system has ever been charged with violating § 105(3). The Court seems to me to be building straw men.

3. The majority also says that no challenge

---

*The Court points to a stipulation of counsel that § 3022 incorporates § 3021 into the Feinberg Law. However, Attorney General Lefkowitz did not sign the stipulation itself, but in an addendum thereto, agreed only that it constituted the *record of fact*—not of law. His brief contends that § 3021 is not incorporated into the law. The legislature, of course, is the only body that could incorporate § 3021 into the Feinberg law. It has not done so.

or vagueness points were passed upon in *Adler*. A careful examination of the briefs in that case casts considerable doubt on this conclusion. In the appellant's brief, point 3, in *Adler*, the question is stated in this language: "The statutes and the regulations issued thereunder violate the due process clause of the Fourteenth Amendment because of their vagueness." Certainly the word "subversive" is attacked as vague and the Court finds that it "has a very definite meaning, namely, an organization that teaches and advocates the overthrow of government by force or violence." Significantly this is the language of subsections (1)(a) and (b) which the majority now finds vague, as covering one "who merely advocates such doctrine in the abstract . . ." citing such criminal cases as *Herndon* v. *Lavery*, 301 U.S. 242 (1937), which was on our books long before the *Adler* line of cases. Also significant is the fact that the *Adler* opinion's last sentence is "We find no constitutional infirmity in § 12–a [now (1)(a), (1)(b) and (1)(c) of § 105] of the Civil Service Law of New York or in the Feinberg Law which implemented it . . . ." At p. 496.

IV

But even if *Adler* did not decide these questions I would be obliged to answer them in the same way. The only portion of the Feinberg Law which the majority says was not covered there and is applicable to appellants is §§ 105(1)(a), (1)(b) and (1)(c). These have to do with teachers who advocate, advise, or teach the doctrine of overthrow of our Government by force and violence, either orally or in writing. This was the identical conduct that was condemned in *Dennis* v. *United States, supra*. There the Court found the exact verbiage not to be unconstitutionally vague, and that finding was of course not affected by the decision of this Court in *Yates* v. *United States*, 354 U.S. 298. The majority makes much over the horribles that might arise from subsection (1)(b) of § 105 which condemns the printing, publishing, selling, etc., of matter containing such doctrine. But the majority fails to state that this action is condemned only *when and if* the teacher *also personally* advocates, advises, teaches, etc., the necessity of propriety of adopting such doctrine. This places this subsection on the same footing as (1)(a). And the same is true of subsection (1)(c) where a teacher organizes, helps to organize or becomes a member of an organization which teaches or advocates such doctrine, for scienter would also be a necessary ingredient under our opinion in *Garner, supra*. Moreover, membership is only prima facie evidence of disqualification and could be rebutted, leaving the burden of proof on the State. Furthermore, all of these procedures are protected by an adversary hearing with full judicial review.

In the light of these considerations the strained and unbelievable suppositions that the majority poses could hardly occur. As was said in *Dennis, supra*, "we are not convinced that because there may be borderline cases" the State should be prohibited the protection it seeks. At p. 516. Where there is doubt as to one's intent or the nature of his activities we cannot assume that the administrative boards will not give those offended full protection. Furthermore, the courts always sit to make certain that this is done.

The majority says that the Feinberg Law is bad because it has an "overbroad sweep." I regret to say—and I do so with deference—that the majority has by its broadside swept away one of our most precious rights, namely, the right of self-preservation. Our public educational system is the genius of our democracy. The minds of our youth are developed there and the character of that development will determine the future of our land. Indeed, our very existence depends upon it. The issue here is a very narrow one. It is not freedom of speech, freedom of thought, freedom of press, freedom of assembly, or of association, even in the Communist Party. It is simply this: May the State provide that one who, after a hearing with full judicial review, is found to wilfully and deliberately advocate, advise, or teach that our Government should be overthrown by force or violence or other unlawful means; or who wilfully and deliberately prints, publishes, etc., any book or paper that so advocates *and who personally* advocates such doctrine himself; or who wilfully and deliberately becomes a member of an organization that advocates such doctrine, is prima facie disqualified from teaching in its university? My answer, in keeping with all of our cases up until today, is "Yes"!

I dissent.

MORE ECONOMIC TAMPERING COMES TO LIGHT—LATEST VICTIM, THE FARM CREDIT SYSTEM

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Nelsen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. NELSEN. Mr. Speaker, another victim of economic tampering has now been exposed with published reports that the farm credit system is operating under White House orders controlling its credit supply.

I refer to an article appearing in the April 1967 issue of Farm Journal, entitled "Who's in Charge Here?" and to an editorial appearing in today's Wall Street Journal, entitled "A Fragile Farm Freedom." At the conclusion of my remarks, I shall put these items in the Record for the benefit of my colleagues.

Mr. Speaker, the farm credit system, a giant-size farmer cooperative that includes Federal land banks, production credit associations, and intermediate credit banks, was set up to make adequate credit available to farmers.

It has now been revealed that the administration has interfered with the normal operation of this independent farmer-owned system in order to check runaway inflation that has been politically fed by excessive Federal spending.

The administration's continued effort to make the farmer an economic punching bag is a matter of grave concern.

Relative to the farm credit system, farmers built, own, and operate these banks providing a key source of credit to many thousands of farmers. About a fifth of all money U.S. farmers borrowed last year, some $8 billion dollars, came from the system owned by nearly a million farmer stockholders.

But now the administration is using the FCS as another instrument to regulate the economy. Ever since last fall, farm managers of the FCS have been ordered by the White House to sell only enough securities to replace those coming due. They have been told if this does not raise enough lending money, they must go ask the U.S. Treasury for more, and the Treasury will decide.

Mr. Speaker, this is an intolerable situation. I wish to point out that increased farm production this year requires extra credit without which farmers cannot operate.

The administration has no business jeopardizing the independence and sound operation of the farm credit system. Credit is far too important to the farmer in these hardpressed rural times to use his credit supply as a weapon to enforce the questionable economic theories of the White House.

As the items I am putting in the Record today indicate, while the FCS was established with Federal funds, much of the Federal money has been repaid and it has long obtained its money on the open market. Since 1953, when Congress passed a new Farm Credit Act removing the FCS from Department of Agriculture *control, it has been an independent* agency.

I include the items from the Farm Journal and the Wall Street Journal at this point in my remarks:

[From Farm Journal, April 1967]

Who's in Charge Here?

Would you believe that "a bunch of farmers" could build, own and operate a bank that lent more than $8 billion last year—about a fifth of all the money U.S. farmers borrowed? And that its loans increased 17% in 1966, the tightest-money year since the early 30s?

Well that's the case, and the "bank" is the Farm Credit System, a farmer cooperative of giant size. Its fiftieth anniversary will be celebrated in Larned, Kans. March 27, and in Washington April 3.

That "bunch of farmers" numbers nearly a million stockholders by now, and roughly three-fourths of them have loans outstanding at their "bank" at any given time.

Moreover these farmers go down to Wall Street to raise the money they're going to lend themselves. There they sell to the public, securities which are considered Triple A.

This all started with 12 Federal Land Banks back in 1917. In 1923 the 12 Federal Intermediate Credit Banks were added (the banks that now supply the money for the Production Credit Associations that dot the country), and in 1933 the PCA's themselves and the 13 Banks for Cooperatives came along. All of these banks were set up with government money, but today most of it has been paid back. The Land Banks got out of hock to the government back in 1947. Today four of the Co-op banks have repaid all their government money, and the other nine will be in the clear within the next two or three years. The Intermediate Credit banks owe $126 million. All but two of the 463 PCA's have repaid the government capital.

In 1953, Congress passed a new Farm Credit Act which took the System out from under the wing of the Department of Agriculture and declared it to be an "independent agency," owned and run by farmers.

And there seemed no doubt of it until last September. Since then there's been some question as to how independent it is.

Until then the farmers' banks and the Federal Farm Credit Administration had used their own judgment as to when to go to the market for more money. They had done what farmers' needs seemed to require. And last fall this was requiring a lot. Some other lending agencies, feeling the pinch of tighter money, had cut back on their farm loans. At the same time farmers, who were about to farm 30 million more acres in 1966–67, were needing more credit.

Just as the Farm Credit banks were getting ready to go to the market for this extra money, they were confronted by an order from the White House, not a suggestion, telling them to desist. They could sell only enough securities to replace those coming due. If they needed additional money they would have to go to the U.S. Treasury for it, and the Treasury would do as it deemed best.

This was to be temporary, and only for the duration of the "emergency," it was explained. And certainly an emergency existed. The country was threatened with a near-panic on money.

The Farm Credit banks cooperated, partly because they knew the situation required it and partly because they were no more able to stand up to White House pressure than U.S. Steel once had been.

Actually they never ran out of money due to the fact that they sent out directives to the local credit associations and co-ops to hold back on loans except for necessary operating expenditures. The shock was eased some by the knowledge that *all* banks are under some kind of regulation; farm credit co-ops could scarcely expect to be an exception, despite the high priority agriculture warrants.

The concern now is not over what happened last fall. That's over. It is whether the "temporary' controls clapped on them will become permanent. The order has not yet been rescinded, in spite of the considerable easing in the money market since the first of the year. *The Federal Farm Credit System still must go hat in hand to the U.S. Treasury for approval before it can obtain additional money.* Farmers will watch to see how long the "emergency" is to be.

Once it seizes control, government is never in a hurry to give it up. Whether the Farm Credit System can run its own show, or whether the government is going to call the shots from here on, is the big question as this most successful co-op heads into its second half century. Farmers own it, all right, but will they be able to run it?

[From the Wall Street Journal, Apr. 5, 1967]

A Fragile Farm Freedom

If the Farm Credit System were facing some sort of crisis there might be an excuse for the Administration to meddle in its affairs. Since in fact the system is hale and hearty it is hard to find any sound reason for interference.

An independent agency since 1953, when Congress passed the Farm Credit Act separating it from Agriculture Department control, the Farm Credit System is farmer-owned and, until last fall, farmer-operated. It includes Federal land banks and local land bank associations, Federal intermediate credit banks, production credit associations and banks for cooperatives. Last year—which was a "tight money" year—the FCS lent more than $8 billion to farmers.

Although set up with Federal funds, the land banks long since have repaid loans received from the Government. Four of the 13 banks for cooperatives have repaid their Federal money and the rest expect to be paid up soon. Only two of 463 production credit associations still hold any Government capital.

Now when the farmer-bankers need to raise money for loans they go to the public. The land banks, for instance, sell Federal farm loan bonds. These are not, be it noted, guaranteed by the Government either as to principal or interest. And until last fall the farmers' banks used their own judgment about the timing of their trips to the market.

Last September, with farmers planning to sow about 30 million more acres in 1966–67 than in the previous season, plainly was a time to seek extra lending money. However, as the farmers' banks prepared to sell their securities an order came from the White House to sell only enough to replace those falling due. If more funds were needed, the banks were to go to the U.S. Treasury.

The order, it was explained, was temporary to meet the then-existing credit "emergency." Yet, even though the money market has eased, the order still stands and the farm banks still have to get Treasury approval before they can obtain new funds.

In making the Farm Credit System independent, Congress surely did not intend it to be one of the Executive branch's economic tools. Unless the White House order is rescinded the organization stands to lose not only its independence but a lot more as well, which those concerned might call a crisis sure enough.

PHYSICIST WILL BATTLE SUPERPLANE IN ATTEMPT TO END "SONIC POLLUTION"

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Kupferman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, my colleagues who are concerned with the problem of noise pollution—and more specifically now with the question of sonic boom—will be interested in the fact that there has been organized a "Citizens League Against the Sonic Boom," with William A. Shurcliff as director and John T. Edsall as deputy director, with an office in Cambridge, Mass.

In my statement to the House on the introduction of my bill, H.R. 2820, at page 799 of the January 18, 1967, Congressional Record, I make reference to the problem of sonic boom as a new aspect of the problem of noise pollution.

I am pleased to see that this new organization has been created and look forward to working with them on this specific problem to which they address themselves.

An article in the Harvard Crimson of Friday, March 24, which discusses this new citizens league, follows:

Physicist Will Battle Superplane in Attempt To End "Sonic Pollution"

(By Linda J. Greenhouse)

A Harvard physicist is leading a national campaign against the proposed supersonic transport, on the grounds that the plane's sonic boom will be "the ultimate pollution."

William A. Shurcliff, senior research associate on the Cambridge Electron Accelerator, organized about two dozen scientists and other friends earlier this month into the Citizens League Against the Sonic Boom.

From their headquarters in Shurcliff's house on Appleton Street, the League's members—Shurcliff and deputy director John T. Edsall, professor of Biological Chemistry, are the only ones from Harvard—are mapping letter-writing and advertising campaigns to convince people that the benefits from the multi-billion dollar project will be far outweighed by the "horrible harassment" of its noise.

SHOCKWAVE

A sonic boom is the shockwave that a plane flying faster than sound pushes along in front of it. At 1800 miles per hour, about two and a half times the speed of sound, the supersonic transport (SST) will create a "boom carpet" about 50 miles wide (commercial jets fly below the speed of sound).

One SST on a transcontinental flight, Shurcliff explained this week, could thus give a sonic boom to five million people. When an entire SST fleet is developed and flying, Shurcliff predicted, the average American will hear 20 sonic booms a day.

A boom makes every house along the carpet seem "next door to an airport," he explained. In addition, while a subsonic plane gives a distant warning of its arrival, the sonic shockwave hits with a warning time of less than one-thirtieth of a second. It is the suddenness of the sound, even more than its intensity, which is disturbing, especially at night.

The Citizens League has a three-part grievance against the SST. First, they claim that the plane simply is not worth the costs—in both money and noise—of its development.

An SST flight to Paris, for example, will save about three hours air time—"hardly worth mentioning to your friends, let alone paying fare for," Shurcliff commented. He and Edsall feel that improving transportation to and from airports would accomplish the same saving at much less cost. "Why should a few vacationers be allowed to disturb the sleep of millions of people?" Shurcliff asked.

He stressed that he and his League are "not against progress." "We all believe in development," Shurcliff noted, pointing out that he holds a dozen patents, "but some things just aren't progress. Sonic pollution is not progress."

The League's second grievance is against the Federal Aviation Agency and NASA which, they claim, have not told the public what the effect of that sonic pollution will be.

The government's conclusion that people will have little trouble adapting to a sonic boom environment was based on laboratory tests using series of artificial booms. The tests showed that after the first boom the subjects were no longer startled.

But Shurcliff pointed out that "adaptation" occurred only because all the succeeding booms took place within a few seconds, or were set off by the subjects themselves pushing a button. He calls the whole report "gobbledygook."

PRESTIGE

Finally, the League claims that the government decided to develop the SST for national prestige, rather than for scientific or economic reasons. The American SST, which is being developed by Boeing and General Electric, is designed to compete with the lighter—and less noisy—joint British-French Concorde. The Concorde, however, will be flying by 1971, four years before the SST, and Shurcliff thinks this headstart will cut into the international market in which the SST developers expect to make their project pay.

Projections for the SST's success have also ignored the probable effects of a rival, the "jumbo jet." Shurcliff notes that this subsonic 500- or 1000-passenger jet, which will also be in the air by 1971, will have the advantages of larger passenger capacity, proven design, larger range, and low fares (perhaps as low as half those of the SST) to further cut into the SST's market.

Beyond writing to Congressmen and FAA officials and placing advertisements in national magazines (the first will appear next week), the Citizens League Against the Sonic Boom is not quite sure how to make its campaign effective. "We know that we are only a few people against a billion dollar industry," Shurcliff said. "People will hate to admit that one little fatal defect like the sonic boom can spoil their good thing."

So the Citizens League will keep mailing out its fact sheets: It is now working on fact sheet number 10. A cry in the wilderness? Probably—but what more appropriate defense than that against a transcontinental 50-mile wide carpet of noise.

THE 125TH ANNIVERSARY OF JOHN W. ESHELMAN & SONS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. ESHLEMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ESHLEMAN. Mr. Speaker, this month marks the 125th anniversary of John W. Eshelman & Sons—no relationship. This company, manufacturers of Red Rose animal feeds, was established in Lancaster County, Pa., in 1842. Today, the business serves 22 States and some 30 foreign countries from its headquarters in Lancaster. The growth of the family company over the past century and a quarter is a noteworthy study in the development of industrial service to the Nation.

John Eshelman, founder of the business, began his operation when farms were self-sufficient units. American farming in the 1840's was centered around family needs and depended on grain mills strictly for the grinding of crops. The milling operations, such as the young Eshelman company, did business by the tolling system. The miller took a "toll" of one measure of flour from each bag of grain that he ground and this measure represented his payment. This system led to charges by weight and gradually became the system of weights in use today.

When the founder died, his 18-year-old son, John W. Eshelman, took over the business and directed it into a growing and prosperous enterprise. A feedstore was established in Lancaster which became the center in the area for discussion of feeding programs. By 1907, expansion of the company required the building of a new warehouse and grain elevator where the manufacturing of mixed feeds, as we know them today, began. Later, the business was incorporated and new plants were built in York, Pa.; Circleville, Ohio; Tampa, Fla.; Sanford, N.C.; and Chamblee, Ga. The company's trademark became the red rose, symbolic of Lancaster—the Red Rose City—heritage.

During a century and a quarter of existence, John W. Eshelman & Sons has passed through every phase of the feed industry. Today, the fourth generation of the family supplies over 100 different kinds of feeds to some 1,200 independent dealers. The company has been honored by the President of the United States with the "E"—for export—flag and citation, the first feed manufacturing concern in the United States to be the recipient of this award. The Eshelman company was also the first American feed concern to receive an official citation from the Secretary of Commerce.

Mr. Speaker, I would like to add my congratulations to those of the many friends of John W. Eshelman & Sons on the occasion of their 125th anniversary.

THE COUNCIL FOR A VOLUNTEER MILITARY

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, the Council for a Volunteer Military is now being formed with headquarters in Chicago. Sponsors of the council, a nonpartisan organization aiming to elevate public debate on the merits of voluntarism, include a diverse group of interested citizens: Yale Brozen, professor of economics, University of Chicago; Bruce K. Chapman, author, "The Wrong Man in Uniform"; James Farmer, former director, Congress of Racial Equality; Milton Friedman, professor of economics, University of Chicago; Norman Thomas, founder, American Civil Liberties Union, thrice presidential candidate of the United States.

I include for the RECORD general information and background of the council and the case it presents for a volunteer military. In a belief that conscription could and should be ended, this group has presented a three-step proposal which is worthy of the consideration of the Congress:

First. Announce as its goal the transition to an all-volunteer military, and set a target year by which time the goal is to be achieved;

Second. Establish a joint congressional committee to study ways to facilitate the transition; and

Third. Raise wages and other incentives to enlarge the number of volunteers; study new methods to attract volunteers.

The Council for a Volunteer Military will have performed a valuable public service if it succeeds in promoting public discussion and debate on this vital issue.

The above-mentioned follows:

COUNCIL FOR A VOLUNTEER MILITARY

GENERAL INFORMATION

The Council for a Volunteer Military originated at the University of Chicago in 1966 as a response to the growing controversy surrounding the draft law. The concern of those who launched the Council was that the arguments for an all-volunteer military are many and compelling, but that there had been negligible public debate on the merits of voluntarism, and that probably few people were aware of the range of evidence supporting the arguments for voluntarism.

Until March 1967 the endeavors of the Council were limited to Chicago. Since the release of the Clark Committee Report, the Marshall Commission Report, and the President's message on draft reform, it has become clear that official consideration of wholly voluntary recruitment probably will not occur. Therefore, the Council decided to organize on a national basis and to publicize as widely as possible the reasons why we believe that an all-volunteer military would provide a more effective national defense, would be far less costly to the nation generally and to draftees personally, would not foster military elitism—indeed would provide new safeguards against such elitism, and, finally, would extend civil rights equally to all people. We believe that an all-volunteer force would both satisfy all practical requirements, and mark a new advance in the battle for civil rights.

The approach of the Council is educational and will adhere to the following policies, as in the past:

1. Publicize wherever possible the ideas and arguments for an all-volunteer military. Other organizations are equipped to sponsor demonstrations, rallies, and other sorts of political action, but virtually no organization has circulated the arguments for voluntarism.

2. Argue only the merits of alternative methods of military recruitment, particularly, of course, voluntary recruitment. Other problems such as communism, the Vietnam war, and poverty, are relevant to the draft, but for too long people have been distracted from considering voluntarism on its own merits; our belief is that however important other problems might be, they have largely obscured the fundamental arguments on which voluntarism, and the draft, must stand. Therefore, the Council will continue to refrain from commenting on any issue other than an all-volunteer military, and will devote its limited energies to that goal alone.

In addition to inducing people to deal with voluntarism on its own terms, our policy should assure those people who sign our statements, or sponsor the organization, against misrepresentation by statements on other issues: We shall issue no such statements.

We are convinced that unless people of diverse points of view who favor voluntarism at least combine on this one issue, the Defense Department will continue to be the largest and most influential lobby on—and in favor of—military compulsion. America has only within the past few decades succumbed to conscription; and debate on conscription opens an opportunity for America to regain its lost leadership as guardian of civil liberties, by abolishing this barbarous institution.

In urging that Congress abolish the draft and implement the transition to an all-volunteer defense force, we offer the following reasons:

1. Compulsory, forced labor is the most blatant assault upon personal rights and, except in grave national emergency, is altogether inconsistent with the values of an open society.

2. The draft, by calling people whose occupation is not the military, is wasteful. The turnover of conscripts well exceeds 90 per cent, whereas the turnover of volunteers is only 15 per cent. Few conscripts re-enlist to obtain the technical skills required to deal with the complexities of modern warfare. Voluntary recruitment would produce a more effective defense force.

3. Mishandling economic incentives, as the Defense Department has done, insures that compulsion is the only alternative method of recruitment. To say that better incentives would attract enough volunteers is not to say that economic factors alone affect a person's decision to pursue a military career. Other factors, such as the love of adventure, the prospect of travel, or of patriotic service, are certainly important. But to bungle economic factors, by offering the astonishingly low pay which the military now offers, prevents many people who would volunteer from doing so.

4. An all-volunteer military would be less costly than a conscript force. While the financial incentives required to attract enough volunteers would increase the *budgetary* costs of a voluntary force, not all costs appear in the federal budget; some do, but some are borne by the entire nation, and some by the individual draftees; hence, Defense Department calculations of *budgetary* costs do not include all costs and are not the *real, total* costs of the draft. Including all costs, voluntarism would produce three sorts of substantial saving over the draft.

First, there would be some budgetary savings. A volunteer force would have a sharply lower turnover than a conscript one, and there would be fewer people to train.

Second, the draft imposes costs on the entire nation. Forcing people with civilian skills to serve in the military denies the nation the benefits of their skills. The cost is the difference between the value of the potential civilian productivity by those now in the conscript-army, and the value of the civilian productivity by those who would be in an all-volunteer force. By leaving people free to follow the careers in which they are most productive, the whole nation is the gainer.

Third, much of the cost of a conscript army is borne by the draftees in the form of an implicit labor tax in kind—as forced labor. This hidden tax is the difference between their military pay and their earning power as civilians. The implicit tax which Cassius Clay would pay for instance, would be prodigious; in addition, if he paid his income tax in cash, it would be enough to train and equip an entire company, but by levying this tax in kind, the army will gain only one untrained, unequipped infantryman! Studies by Prof. Walter Oi and others have indicated that by lowering the personnel turnover, by lowering the number of training staff, and by abolishing the implicit tax in kind, the *real, total* costs of voluntary recruitment would be substantially less than the draft. All the *real* costs would be open and paid by the general population, which after all benefits from national defense, through money taxes, whereas conscription imposes a disproportionate burden of defense costs on a select minority in the form of forced labor. Defraying the *real* costs of defense openly by dispersed, general taxes would both reduce those costs and produce an equitable result.

5. A volunteer army would in no way jeopardize civilian control of the armed forces; there is no clear-cut historical evidence to show either that voluntary recruitment fosters uncontrolled, military elitism, or that conscription avoids such elitism. Military elitism has invariably influenced only senior officers—and these have been professionals everywhere. Nor have conscript armies limited the tendency to elitism: Napoleon, Franco, and Trujillo are dictators who rose to power with conscript armies; others, such as Stalin, Mussolini, and Hitler installed conscription as an instrument both to fuel an aggressive foreign policy and to support their authoritarian regimes. Any large army involves the possibility of military elitism, but factors not pertaining to the voluntary-compulsory aspect of recruitment are probably far more relevant to the problem, for instance, the established constitutional traditions in England and in the United States have undoubtedly been major factors working against arbitrary elitism. Without clear-cut evidence to link voluntary recruitment with arbitrary elitism, the fear of elitism alone does not justify providing the military with a guaranteed supply of forced labor.

6. By requiring that the government deal on equal terms with all potential recruits, voluntary recruitment would in fact minimize the possibility that the military would behave as an uncontrolled elite. Voluntarism would minimize this possibility by rendering a military career attractive to a much more diversified part of the population than the current draft does. Presently, conscript incentive levels—beginning at an insulting $45 per week—are attractive to no one except that small fraction of the population which is only capable of earning *that much or less*. By raising incentives to higher, competitive levels, a large portion of the people would find the prospect of a military career appealing. By diversifying the constituent elements of the military, voluntary recruitment would add a safeguard against military elitism which the present system does not possess.

7. While producing a more effective defense force, voluntary recruitment would provide a democratic check on foreign policy. The federal government, between elections, would not be able to implement policy without the active support of the governed.

8. The transition to an all-voluntary military does not entail any risk to national defense. Congress could raise wages and other incentives until enough people volunteer; at such time the draft could be abolished without incident, without risk, but with the enormous gains that would flow from voluntary recruitment.

9. Nor would a volunteer military lack "flexibility." Without the guiding hand of selective service, some say, a volunteer military could not respond to unpredictable international crises with a quickly enlarged and trained force. This objection survives with the myth that a mass army comprised of millions of minutemen could be summoned and trained on short notice; in fact, in any given crisis, the country is always defended by an already-trained and operative military. "Flexibility" is not a function of voluntary or compulsory recruitment, but of the magnitude and quality of the defense force which people have decided to maintain. Particularly since the next major war in all probability would be swift and would involve highly complex weaponry, the power to summon millions of young men to boot camp is a virtually useless feature of selective service. Competence, not compulsion, is the key to an effective national defense.

Indeed, there is some reason to believe that a volunteer military would afford more flexibility than the draft does. Recent experience has shown that the Ready Reserves are draft-coerced "volunteers" whose motivational level is low and who not only resent military interruption of their civilian routine, but are politically adept at expressing their views. By contrast, voluntarism could preserve the superior attributes of volunteers *and* provide flexibility, as Milton Friedman has suggested: "The way to do so would be to make pay and conditions of service more attractive than is required to recruit the number of men that is anticipated will be needed. There would then be an excess of volunteers—queues. If the number of men required increased, the queues could be shortened and conversely."

10. Alternative methods for military recruitment have of course been proposed, but none of the alternatives have the advantages of voluntarism. A lottery, for instance, would merely render the chance element more overt by substituting the judgment of an enormous hat for the judgment of 4000-odd draft boards; the impact upon individual conscripts, and upon the nation, is identical under present and lottery systems. Universal military training would be far worse: UMT would impose on all the injustices now visited upon some. Compulsory national social service would merely discard the military rationale for involuntary servitude and replace it with a moral one—thereby indicating that forced labor, not civil rights, is to be a permanent feature of our society.

In judging conscription, the presumption must be that voluntary recruitment is preferable, that the case for compulsion is inherently defensive. The burden of proof should be upon those who continue, in the name of national defense, to deny civil rights, to preserve inequity, and to generate the waste inherent in military compulsion.

Particularly at a time when national defense requires only a minority of young men for military service, there is no reason to rubber-stamp each proposed extension of the draft law. We believe that by dealing with individual citizens on free and open terms, the government provides the most effective defense force, and the people preserve their civil rights and guaranties. It is time that the antiquated apparatus of military compulsion be abolished and replaced by a system which respects the ideals and traditions of a free and democratic country.

(The Council for a Volunteer Military is a non-profit, non-partisan organization aiming to elevate public debate on the merits of voluntarism. National Office: 1212 E. 59th St., University of Chicago, Chicago.)

POSTMASTER GENERAL'S SPEECH

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, on several occasions since being elected to the Congress in 1963, I have discussed the deteriorating postal service in general and the poor postal service in the 13th Congressional District of Illinois in particular. On October 20, 1965, I closed my remarks with the statement:

> The recently appointed Postmaster General, Mr. O'Brien, is a skilled politician and able public servant—which I admire. Let us hope that he will be an equally skilled Postmaster General and be successful in putting the Department back on the track of efficiency and reliability.

It follows, then, that I was delighted to read the reports of the Postmaster General's speech earlier this week in which he proposed that the Post Office Department be replaced by a nonprofit Government corporation. This is an unusal proposal, it is true, but it is one, certainly, that is worthy of full study and consideration. It is apparent that, despite the dedication of the often underpaid career postal employees, service is deteriorating. I agree with Mr. O'Brien—who should know—that the Post Office Department "is in a race with catastrophe," and, I would add, seems to be losing in the rapidly growing suburban areas such as metropolitan Chicago area.

There have been a number of legislative proposals made with respect to the Post Office Department—that postmasters be removed from the area of political appointments; that salaries be more closely tied in with cost-of-living figures; that career incentives be offered; and that the Postmaster General be made a 12-year professional appointee, to mention only a few.

The Postmaster General's proposal deserves study and consideration. My guess is that it would be a substantial improvement. Even if the plan does not work as outlined, the very fact that it approaches the problem as a whole gives it a special merit. It may well be that much of the tribulation of the postal service has resulted from the piecemeal approach, which has been the lot of the Post Office.

The best solution must be found. One solution has been offered. I hope and trust that Postmaster General O'Brien's proposal receives full study and prompt consideration.

TO CURB AN ABUSE OF TAX EXEMPT INDUSTRIAL BOND FINANCING

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentlewoman from New Jersey [Mrs. DWYER] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mrs. DWYER. Mr. Speaker, I am introducing a bill today to stop an abuse of the tax exemption privilege accorded municipal bonds and to correct an injustice in Federal tax law.

I refer to the arrangements between a corporation and a municipality under which the corporation which leases the facility from the municipality itself buys the tax-exempt bonds issued in the name of the municipality to finance the acquisition of the industrial plant. Such a corporation is obviously able to do its own financing without governmental aid. It uses the municipality as a go-between to gain access to tax-exempt financing. This devious route enables it to enjoy both a rental reduction reflecting the interest savings derived from the tax exemption of the bonds and tax-exempt interest income, despite the fact that its investment in the bonds is subject only to the risk inherent in its own business. It is rank injustice to allow a Federal taxpayer to deduct costs incurred in earning tax-exempt income.

About 4 years ago, the Advisory Commission on Intergovernmental Relations issued a report entitled "Industrial Development Bond Financing," in which it pointed out some of the abuses and pitfalls that stem from this practice. Yet, we continue to read of large, financially strong national companies turning the tax-exempt status of municipal bonds to their private advantage. More and more municipalities in all parts of the country are using their credit to finance the construction of giant industrial and commercial plants for lease to such companies. Individual bond flotations of $20 million and more for this purpose are now commonplace even in small communities.

Although only about a half-billion dollars worth of local industrial development bonds had been issued up to the time the Advisory Commission issued its report, the Commission recognized that the practice was growing and that safeguards were needed "to minimize intergovernmental friction, to insure that governmental resources deployed for this purpose bear a reasonable relationship to the public purpose served and that the governmental powers employed are not diverted for private advantage." Indeed, the practice has been growing apace. Billions of dollars worth of bonds have been issued since 1962 to finance plants for large, well-heeled firms. Communities in about three-fifths of the States now engage in the practice.

The Advisory Commission recommended that if the States insist on allowing their localities to engage in industrial development bond financing, they should control these activities by providing the following safeguards:

First. Subject all industrial development bond issues to approval by a State supervising agency;

Second. Restrict authority to issue such bonds to local units of general government—counties, municipalities, and organized townships;

Third. Limit the total amount of such bonds that may be outstanding at any one time in the State;

Fourth. Prohibit such financing for pirating of industrial plants by one community from another; and

Fifth. Provide machinery for informing the public as to proposed industrial development bond projects, and to enable citizens to initiate referendum on such projects.

Hawaii enacted the Commission's suggested legislation implementing those recommendations in 1964, and Maine enacted parts of it in 1965. And I understand that Arkansas very recently adopted legislation establishing an industrial revenue bond guarantee program under the jurisdiction of the Arkansas Industrial Development Commission, but prohibiting the lessee of an industrial project involved from purchasing or owning at any time any of such bonds. Hopefully, other States will follow suit in the interest of preserving the financial integrity of their local governments and tax exemption privilege.

In the meantime, Congress, too, can act to put the tax exemption privilege on a basis more in keeping with its original intent. My bill would do this by denying the deduction for income tax purposes of rentals paid on facilities financed with industrial development bonds in those cases where the leasing corporation itself purchased some of the tax-exempt securities.

Mr. Speaker, those of us in Congress applaud and assist, where we can, local efforts to attract business and industry so as to provide employment and to help support local government. I suggest, however, that our assistance stop short of perpetuating income tax provisions which permit firms with access to adequate financing to use the public treasury for their private gain, encourage communities to overextend their credit to provide facilities beyond their employment needs—and in the process overstrain their revenue resources to meet unanticipated demands for public services—and contribute to rampant pirating of industry by one community from another. I am hopeful, therefore, that my bill will receive early attention fom our colleagues.

TO THEM MIRACLES ARE OLD HAT

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. MORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MORTON. Mr. Speaker, the 50th anniversary of the Federal land bank system is being commemorated in the United States this month. For one-half century the land banks have been proving themselves a valuable aid to the American farmer, and providing real service to these hearty men of soil.

I call the attention of my colleagues to a speech given by television star Lorne Greene this past Monday here in Washington, and by unanimous consent insert it in the RECORD.

Too often we tend to overlook our farmers and their achievements. Perhaps at no time in the history of man has there ever been a harder working and more productive group of people. Truly, miracles every day are old hat to the American farmer.

The speech follows:

SALUTE TO AMERICAN FARMERS

(By Lorne Greene, FLB golden anniversary dinner, April 3, 1967, Washington, D.C.)

The land . . . the greatest gift and the greatest promise that one man leaves to another . . . that one generation passes to the next.

Man came from the land, and it has fed him, sheltered him, and clothed him . . . from the misty beginnings of time.

It has been his slave and his master, his comforter and his oppressor, his source of inspiration and his despair.

It has controlled his destiny, dictating where, and how, and if he shall live.

It has been molded, in the progress of man's understanding, into a responsive provider whose bounty seems to know no end.

The land is our legacy, held in trust.

Its stewards are few, and growing fewer.

They are the men and women we honor here tonight.

The American Farmer . . .

Provider for the first settlers on the new continent . . .

Master planner, whose cleared lands became the sites of our first great cities . . .

Frontiersman, who pushed back the forests and opened America to the road builders, merchants, and industrialists . . .

And this is just the beginning of his story.

The greatest drama of American agriculture has unfolded in our own century, long after the last geographic frontier was crossed.

But today there are new definitions for pioneers and a new breed of national heroes, and the farmer is rarely named among them.

Should he be?

Let the record speak for him . . .

As this century began, a farm worker produced enough food only for himself and six others. Today he produces enough for 37.

The food produced by the less efficient methods of 50 years ago cost more, in terms of consumer buying power. A factory worker then could buy only about three loaves of bread with an hour's wages. Today he can buy more than 12 loaves for the same hour's work.

Fifty years ago an hour's labor in the factory would buy only about 2½ quarts of milk. Today it buys 10 quarts—and the milk is better, too.

You can draw the same parallels with almost any other food from the farm. Eggs, for example, and you don't have to go back 50 years. A dozen eggs, produced by the less efficient methods of only 25 years ago, would cost about $2 today. Ranches now produce as many as half-million eggs every day.

The prices of farm products have been going down in real terms. Even though almost everything that goes into the production of a bushel of wheat—or a quart of milk, or a pound of beef—has been rising.

The things a farmer buys—labor, materials, machinery—cost more than three times as much today as they did 50 years ago.

And rising costs are only one problem farmers must contend with:

Every year there is less good land available for farming. Wherever the farmer has gone, the city man has followed. The clearings have become cities and the prime lands covered with homes and highways. The farmer has moved on . . . to land that is a little less good.

Every year, millions of acres are taken out of farming, most of it for all time.

Every year, there are fewer farms . . . and fewer who want to work on them. In this century, the total number of farms in the United States has declined 40 percent. The number of people working and living on farms has decreased by more than 60 percent.

So, on the one hand, we have:

Fewer farms . . .

Fewer farmers . . .

Poorer land

Higher costs . . .

On the other hand: The highest rate of agricultural productivity in the world's history

Lower *real* food prices . . . Better food quality . . . so much better, in fact, that American housewives today wouldn't buy the kind of produce sold in stores 50—even 25—years ago. It wouldn't look or taste good enough.

It appears that something spectacular has happened . . . and it has.

A profound and incredibly swift revolution has taken place on these farms and ranches of America—perhaps the greatest development in our entire history—and almost everyone has taken it for granted.

Cows are producing 70 percent more milk than they did 25 years ago. Hens are laying 60 percent more eggs. The yield of meat from livestock is up 50 percent. The list goes on.

Who brought this revolution about?

Was it the scientist, with new knowledge developed in schools and proved and improved in laboratories?

Was it the manufacturer, with new tools to sell? Or the consumer, continually demanding more or less?

Each had a part. But above all, it was the farmer himself. Make no mistake: he's not the same man he was 50 years ago.

And despite anything else you may hear about him, he's one of the most adaptable individuals in society . . . and he always has been. He has rarely been the same man from one generation to the next.

When the times called for him to be a frontiersman, ax in hand and rifle close by, he filled that role completely.

When the gasoline engine was ready for agriculture, the farmer put it on wheels and revolutionized his production . . . while the city man still thought of it as a toy.

Even before that, he used steam engine power . . . when few others, except railroads, would have anything to do with such fearsome machines.

He emerged from the depression of the 1930's . . . leaner, more thoughtful, more worldly. Almost destroyed by bewildering business depression that did not spare the traditional security of the small farm, he saw that survival now meant becoming a businessman too. Learning the rules of business, buying and using the technology that came from the colleges and the big companies. Reading government bulletins. Sending the boys off to college. Buying up more acres, so the farm would be big enough to be worked profitably.

From his old traditional role as a barterer, he became a large-scale buyer and seller. A worker. A manufacturer. A processor.

In the 1890's, John Smith, farmer, had to know how to manage his team and a few simple implements.

In the 1960's, John Smith 3rd, farmer, has to know how to manage men and machines, money and marketing techniques. You can say that John Smith 3rd is no hick. He has to know when to borrow $50,000 . . . or $500,000 . . . and he has to be able to pay it back. He has to be able to plan his production, so he doesn't have a couple of hundred thousand pounds of lettuce—or potatoes or tomatoes—left over, to drop on a glutted market. Very often, he has to know how to program a computer, run a calculator, shingle a roof, drill a well, replace a clutch, help deliver a calf, and negotiate labor contracts . . . and, like the head of any other family these days, he has to maintain his sanity in a household dominated by the din of rock-and-roll records.

He has to know when to drop an old idea and when to take on a new one.

He is a man who is "with it," in other words.

Surrounded by freeways, highrise, drive-in theaters, and a decibel-level of civilization that well might unnerve his forefathers . . . is John Smith 3rd still a pioneer, a frontiersman, in the great tradition of America?

You can bet your boots he is. His world is a thousand times more complex than his great-grandfather's.

He rarely has a simple decision to make; his day isn't filled with simple choices between "good injuns and bad injuns." Every answer he comes up with has to be sorted out from among a thousand that look "Almost as good."

If he makes an error of a quarter of a cent a unit in figuring the cost of a million broilers, for instance, it can put him out of business. His granddaddy never had to have that kind of savvy—and rarely that much gambler's courage.

We owe this man quite a debt. He has provided us with far and away the highest standard of living in the world.

When most of the rest of the world is tightening its belt and hoping that the next meal will somehow come along, we have become a nation of dieters . . . worrying about how we can learn to eat less.

When other peoples of the world need help, we send them food—willingly and abundantly. In this way the farmers of America have made far more friends for us than our enemies will admit. We owe him for more than just a full dinner table, for ourselves and our neighbors.

We owe him for a sense of national security, even though we may only think about this occasionally. Because our food and fiber is always present in abundance, and we have confidence that our farmers will see that it always will be there, we pursue other technological and sociological frontiers, free from the constant worry of where the next meal will come from. Very few nations can do that.

To the American farmer . . .

Steward of the land . . . our land . . .

Custodian of our legacy . . . who will leave things better than he found them . . .

Our deepest gratitude.

Our salute to the providers of plenty.

ADAM CLAYTON POWELL

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. GOODLING] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GOODLING. Mr. Speaker, it distresses me to observe that, as represented in the April 1967 issue of the United Church Herald, Dr. Ben Herbster and 16 other leaders of the United Church of Christ have condemned the House of Representatives for refusing to seat Adam Clayton Powell. I insert the pertinent article at this point into the RECORD:

To Ministers and Members of the United Church of Christ:

We, the undersigned, are writing to you in our personal capacities and at our own expense to call your attention to an issue of morality in government that greatly troubles us. We refer to the refusal of the House of Representatives to seat a duly elected and qualified representative of the Congressional district, Adam Clayton Powell.

We believe that the people in every Congressional district are entitled to be represented by the man or woman of their choice. For either House of Congress to refuse to seat such a person, whether they approve of him or disapprove of him, is a denial of the constitutional rights of voters.

We note that in each of only three other cases in which immediate seating has been refused, the duly elected and qualified candidates have been members of unpopular minorities (Confederates in the 40th Congress, 1867; a Mormon in the 56th Congress, 1899; a Socialist in the 66th Congress, 1919). Others charged with misconduct have been seated in accordance with the Constitution, pending investigation of the charges against them.

We believe that Congress should immediately establish and then vigorously enforce a code of ethics for its members covering the raising and disposition of campaign funds, conflicts of interest, public accounting for committee expenditures and travel at public expense, and personnel hiring policies.

Nothing in this letter is intended to pass upon questions of alleged acts of improper conduct by members of Congress. Such conduct is to be condemned and appropriate punishment assessed, if proven in a hearing where the person accused has an opportunity to defend himself with representation by counsel and the right of cross-examination. Pending such trial and disposition of charges against a member of either House of Congress, he should occupy his seat.

We call upon our fellow members of the United Church of Christ to join us in insisting that our Representatives in Congress abide by the provisions of the Constitution, in seating members of the House and judging their conduct, and that standards of conduct and judgment be made public and applied impartially to all members of the House.

One further concern: We are convinced that the action against Adam Clayton Powell was motivated in part by racism and has exacerbated the racial difficulties this nation is now experiencing. We invite all members of the United Church of Christ to join us and other Americans in exposing this issue.

Sincerely yours,

Ben M. Herbster, Hollis F. Price, J. Martin Bailey, Ashby E. Bladen, Alford Carleton, Charles E. Cobb, Truman B. Douglass, Ray Gibbons, Sheldon E. Mackey, Wm. Kincaid Newman, Everett C. Parker, Helen H. Smith, Harold Wilke, J. E. Yates, Donald V. Klohr, Hal C. Miller Jr., and Jacob B. Wagner.

My concern is directed to the following comment by these leaders:

> We are convinced that the action against Adam Clayton Powell was motivated in part by racism and has exacerbated the racial difficulties this nation is now experiencing.

To me this is a very serious charge. What essence of truth is there in it?

I feel certain these UCC leaders would agree that while the color of a man's skin should not invite persecution, neither should it prove a license for irresponsible, if not illegal, conduct in the U.S. House of Representatives.

I am convinced that race was not a motivating factor in the disposition of the Members of the House of Representatives in excluding Adam Clayton Powell from a congressional seat. I strongly feel that if there were any influence by this factor of race, it was of a mitigating and not a castigating nature.

I feel eminently qualified to make this appraisal of the temper of the Members of the House of Representatives on this issue, if for no reason other than that, as a Member of Congress, I am close enough to make a firsthand judgment on the subject. It is only logical that one close to a situation can make a more accurate appraisal of it than can those watching from the sidelines.

Furthermore, I feel justified in making these observations because I have joined with a host of other Congressmen of both parties in introducing legislation that would set up a Select Committee on Standards and Conduct for the U.S. House of Representatives.

And so, as per reports, the United Church of Christ representatives go on to say this is "an issue in morality that greatly troubles us."

But this is not a moral issue, Mr. Speaker—it is a legal issue, testing whether or not the House of Representatives has the authority to exclude one of its membership. And by accusing the Members of the House of Representatives of deliberately engaging in racism, the UCC is, in effect, proving guilty of the very charge it levels at the House of Representatives—a resort to emotionalism.

Mr. Bruce Bromley—an attorney selected by the House of Representatives to represent its interests in the courts—made this observation, along with other contentions contained in a legal brief:

> The Constitution, after prescribing certain minimum qualifications for membership, empowers each house to determine, under standards and rules within its discretion, whether any particular person shall be allowed to enter or remain as a member of that House . . . thus, it was exclusively a matter for the House to investigate and find that Mr. Powell had committed improper and unlawful acts inconsistent with his obligations as a member and to decide whether he should be excluded from taking his seat . . . if there is any judicial power to review such decisions, it extends only to determining that the House properly interpreted its constitutional power so as to exclude Powell for the offense he was found to have committed.

Mr. Speaker, I could forgive this impulsiveness on the part of the leaders of the United Church of Christ were it not for the fact that many people across the land listen to this voice of leadership as the gospel truth in all things. This unfair charge hurled at the Members of the House of Representatives casts a blemish on the elected Representatives of the people, shaking the people's confidence in those whom they have selected to represent them in Government. This is, to me, a disservice to America.

In addition to this, these UCC leaders again, by making these unsupported charges, commit the fault of which it accuses the House of Representatives—inciting racism and feeding the fires of hate in the land.

I find it difficult, Mr. Speaker, to understand upon what source this leadership group relies for its vast wisdom and how these leaders can sit in the judgment seat and fling unsubstantiated charges at Members of the U.S. House of Representatives. They should be reminded that under our system of law a party is presumed to be innocent until proved guilty, and that the burden of proving guilt falls upon the accuser. Anything short of proof of guilt is mere speculation and conjecture, never accepted as evidence in a court of law.

Mr. Speaker, I would charge these leaders of the United Church of Christ to remember that "separation of church and state" is a constitutional theme implicit to our American form of government, manifested in the first amendment to the U.S. Constitution. In simple terms, this doctrine indicates that church and state each shall have order in its own house because it is separate and beyond the influence of the other.

To the leaders of the United Church of Christ, then, I offer this counsel: "To thine own house be true—it little availeth one house to try to keep the house of another."

OUR YOUNG MEN SPEAK

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. SCHADEBERG] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SCHADEBERG. Mr. Speaker, before leaving Washington for the Easter recess, I was informed by the distinguished chairman of the Armed Services Committee, the gentleman from South Carolina, the Honorable MENDEL RIVERS, that hearings would be conducted sometime in April on possible changes in the present draft law. I am aware that the Universal Military Training Act which requires registration and classification of all males does not expire but that the subjecting of young men to a draft does expire on June 30 of this year. With this in mind I set up a series of meetings with young men of draft age up to 26 throughout my district with the sole purpose of asking them to share their thinking about the present draft procedures and to make recommendations for changes based on their own experience of how the draft affects them personally. The series of meetings was successful from many points of view:

First. The response was gratifying. In all but one of the communities in which I held these more or less formal meetings to discuss the present draft procedures, school was not in session and these young men broke into their vacations to offer their thoughts on the subject.

Second. While the final results do not reflect a unanimity of thought on all matters relating to the draft, they do reflect a general opinion that some procedures in the present law are acceptable by those whose lives are intimately affected by the draft and that some changes appear to be desirable. I will discuss these changes later.

Third. The young men of our Nation have a sense of responsibility and opportunity that, while not particularly surprising to me, is nonetheless humbling to me and gratifying. I met several hundred of America's fine young citizens who displayed a respect and love for this country that is genuine and deep rooted. They talked about their obligations as citizens; their privilege of being numbered among those of their generation; their concern about and hope for peace and freedom and the preservation of individual liberties and human dignity, not only for themselves but for all of their fellow men. They did not always express their concern and hope in the language you and I might use but they were sincere and frank and honest in what they offered.

The young men with whom I visited this past week are members of a generation on fire with dreams which they mean to have fulfilled and for which they are ready and willing to make personal sacrifices and, yes, to die for if need be, even as they intend to live for, if permitted. It is a rather disturbing habit of the present day for us to emphasize the negative in life, to concentrate all of our attention on a small minority of so-called revolutionaries who talk peace but wage war on orderly society by setting up demonstrations at the drop of the hat for any cause, just or unjust, noble or ignoble, from the right to exercise license in what is falsely labeled "free" speech to the more serious exercise of hindering our Government from pursuing policies aimed to protect their right of dissent and their open expression of it. We seem to delight in concentrating on the relatively few who demand rights but are determined not to accept responsibilities commensurate with those rights. We delight in publicizing the irregularities and conflicts of the juvenile delinquent but choose to ignore the overwhelming majority who are accepting the demands law and order make of them and we ignore completely those who are accepting the call to duty this age demands of them.

Mr. Speaker, I want to report to my colleagues in this House my great appreciation for America's youth, my respect for their judgment, their serious approach to important matters, their great hopes and dreams and convictions. Had the people been able to share with me the precious hours I spent in the presence of this Nation's truly great—our young men in our high schools and colleges and those of draft age out of college in various pursuits seeking to make their own peculiar contribution to our age—they would have no fear for the future of freedom other than that of the time that will pass before these young men take over positions of leadership in the different segments of our society. I salute the present young generation. It asks not for handouts but for opportunity; not for special privilege but for rights guaranteed on an equal basis to all; it seeks not to be served but for the privilege to serve. It is not a "lost" generation; it is merely losing itself in the cause of making our civilization meaningful and purposeful and vital and just. Thank God that we who have contributed to the present chaos and disorder, either by default or design, can look to those who follow on our heels to heal our divisions and cure our ills and discover solutions to problems that multiply because of our intense confusion that concentrates on easing results of failures rather than curing the causes of conflicts; that administers drugs to kill the pain when bold action and surgery are needed to eradicate the cause of our pains.

Fourth. The meetings and conferences were successful because specific conclusions were presented after careful discussion of the issues.

What are some of the conclusions drawn by these young men who were expressing themselves out of the tortured experiences they were facing in their immediate future? While, as I have said, none of the conclusions were unanimous, they are representative of the general thinking of those who expressed themselves:

First. It is imperative for the future of this Nation that a fair program of deferments for study at the college level and for vocational and job training for those in occupations critical to our Nation's welfare be adopted. It was generally agreed that the benefits of deferment for study and/or job training would ultimately contribute more to our Nation's effort than a conscription of all for a predetermined period of national service. The young men felt that in modern times the military effort needed well-trained minds as well as physically fit bodies and thus, unless an all-out war became a reality, deferments for study and special vocational and job training were justified.

Second. There should be no draft of young women, the present opportunity for the young women to enlist as volunteers in nursing corps and in certain clerical positions being sufficient to assure the right of equal opportunity for women.

Third. The men were somewhat divided over the age at which the call-up should begin. Except in cases of deferment, it was generally suggested that draft age should begin at voting age, many believing that the voting age should be lowered. However, whether the voting age be 18, 19, 21, or what have you, no one should be drafted who does not enjoy the most precious privilege and right of citizenship—that of voting.

Fourth. It was generally agreed that younger men should be called first.

Fifth. The present law of calling single men before married men was considered reasonable and desirable.

Sixth. In case of deferment it was suggested that once deferred the individual should have reasonable assurances that he could finish his schooling or training before being called up. There was little objection to being called into service once the period of deferment for study or training was fulfilled. The young men objected to being held in doubt as to whether or not they could finish their schooling or training. It was felt that this doubt caused added concerns which were not conducive to doing the best of which they were capable. Those who were not planning on going on to college, who wanted to be trained for some occupation, expressed their belief that they should be allowed to finish their training and then be obligated for service or to be called into the service to fulfill their military obligation and then be released so they could concentrate on job training. They did not wish to volunteer simply because they felt they did not wish to be obligated for a period longer than that of being drafted. Upon looking for a job opportunity, the employer's first question is, "What is your draft status?" Since their status was fluid, they were in a sense unemployable until their obligation was fulfilled. The question was asked, "What are we to do until we are called up for service?" This is a legitimate question and I believe the Armed Services Committee should address itself to the question of making it mandatory for local draft boards to immediately call up for service those men who request that they be called immediately.

Seventh. The young men made it clear that some thought should be given to placing all young men physically and mentally fit for military duty in the Reserve to be called for active duty if no deferment was granted and to be required to train and drill while in college or receiving job training until the completion of their training at which time they would be called into active service for the required period of time.

Eighth. The young men were equally divided over the question of whether there shall be universal military training. It was agreed that during a national emergency or a war this was acceptable but there was significant opposition to the concept of universal government service in or out of the military and there was a decided feeling that individual circumstances dictated a more personal approach to the subject of whether specific individuals could contribute more to the Nation's welfare in or out of service.

PERSONAL EXPLANATION

Mr. DULSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DULSKI. Mr. Speaker, I was unavoidably detained from the Chamber due to the fact that I was with the Postmaster General on official business. Had I been present in the Chamber I would have voted "yea."

PRIVILEGE OF THE HOUSE

Mr. CURTIS. Mr. Speaker, I rise to a question of privilege of the House.

The SPEAKER. The gentleman will state the question of privilege of the House.

Mr. CURTIS. On March 17, 1967, I was served with summons issued by the U.S. District Court for the District of Columbia in connection with the action—civil action No. 559-67—brought by Adam Clayton Powell, Jr., and other parties plaintiff in that court.

Under the precedents of the House, I am unable to comply with this summons without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

The SPEAKER. The Clerk will read the summons.

The Clerk read as follows:

[In the U.S. District Court for the District of Columbia, civil action file No. 559-67]

ADAM CLAYTON POWELL, JR., ET AL, PLAINTIFF V. JOHN W. MCCORMACK, ET AL, DEFENDANT—SUMMONS

To the above named defendant, Thomas B. Curtis:

You are hereby summoned and required to serve upon Frank D. Reeves & Herbert O. Reid, Sr., plaintiff's attorney whose address is Post Office Box 1121, Howard University, Washington, D.C., an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint.

ROBERT M. STEARNS,
Clerk of Court.
IRENE P. M. FEELY,
Deputy Clerk.

Date: March 10, 1967.

NOTE.—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

TO WAIVE THE 2-YEAR FOREIGN RESIDENCE REQUIREMENT FOR MEDICAL DOCTORS AND NURSES WHO ARE PRESENTLY SERVING MEDICAL INSTITUTIONS IN THE UNITED STATES, AND WHOSE SERVICES ARE URGENTLY REQUIRED

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. KUPFERMAN], is recognized for 30 minutes.

Mr. KUPFERMAN. Mr. Speaker, the Mutual Educational and Cultural Exchange Act of 1961—Public Law 87-256—provides, among other things, for visits to the United States by students, trainees, teachers, professors, research workers, and leaders in fields of specified knowledge or skill.

The purpose of this act is to increase mutual understanding through educational and cultural exchange between the people of the United States and the people of other countries, while at the same time promoting international cooperation for educational and cultural advancement. A considerable number of aliens have entered this country pursuant to the foreign exchange visitors program to receive sophisticated training as medical doctors, nurses, and aids. Many of these aliens would not be able to receive comparable training in the hospitals and medical institutions of their homeland.

To avoid the foreign exchange program being used as a back door for immigration, the Cultural Exchange Act provides that no person admitted under this program shall be eligible to apply for an immigrant visa or for permanent residence, or for a nonimmigrant visa until such person has resided—physically present—in the country of his nationality or his last residence, or in another foreign country, for an aggregate of at least 2 years following his departure from the United States after his training—Public Law 87-256, section 101(A) 15(J); 101(A) 15(H).

A waiver of this 2-year foreign residence requirement may be obtained in certain circumstances. Under the law, upon favorable recommendation of the Secretary of State, and pursuant to the request of an interested U.S. agency, such as HEW, the 2-year foreign residence requirement may be waived by the Attorney General in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest.

The Department of Health, Education, and Welfare, which receives a large number of applications for waiver of the 2-year foreign residence requirement, in conjunction with the Department of State, which has general responsibility for administration of the exchange program, has promulgated stringent guidelines and a restrictive policy with respect to waiver requests.

Under present policy there are only two cases in which waivers would appear to be permitted. The first category consists of cases in which waivers are sought because the exchange visitors have training or skills which are in short supply in the United States and are deemed to be of benefit to the entire country. The second category includes cases in which private institutions maintain that their programs of teaching, research, and medical treatment would be greatly jeopardized if they could not retain certain exchange visitors indefinitely.

As evidence of the stringent requirements presently exercised by the Exchange Visitor Waiver Review Board under the Department of Health, Education, and Welfare, the following criteria are applied:

First. The services of the individual must be needed in a highly important program or activity of national or international significance. Waivers will not be favorably considered where the problem is primarily one of recruitment in order to overcome a local community or institutional manpower shortage, however serious.

Second. A direct relationship must exist between the individual and the program or activity involved so that the loss of his services would necessitate discontinuance of the program, or a major phase of it. Waivers will not be granted when the principal problem appears to be one of administrative or program inconvenience to the institution or other employers.

Third. The individual must possess unusual and outstanding qualifications, training, and experience; waivers will not be favorably considered simply because an individual has specialized training or experience or is occupying a senior staff position.

On November 3, 1966, I wrote to Mr. John W. Gardner, Secretary, Department of Health, Education, and Welfare, to explore the feasibility of relaxing the present stringent requirements with respect to waivers, in view of the critical shortage of medical manpower with which our hospitals and medical institutions are faced today.

On November 21, 1966, I received a reply to my letter to Secretary Gardner from HEW Under Secretary Wilbur J. Cohen, a copy of which follows:

> DEAR MR. KUPFERMAN: This is in reference to your recent communications relating to relaxing the criteria for waivers of the two-year foreign residence requirement of the Exchange Visitor Program for qualified doctors and nurses.
>
> You may be certain that the critical shortages of medical manpower is of great concern to the Department of Health, Education, and Welfare. However, these waiver requirements were established by consultation with the Department of State and, unless the Department is provided with different guidelines, it is the responsibility of the Exchange Visitor Waiver Review Board to carry out these original mandates accordingly.
>
> This Department's Waiver Review Board is chaired by Mr. Shelton B. Granger, Deputy Assistant Secretary for International Affairs, and memberships of the Board include representatives from the Public Health Service, the Office of Education, and the Office of the Secretary. This Committee advises regularly with the officials of the Department of State about problems such as the ones you have indicated which are taken into consideration in the establishment of the criteria under which the Department functions.
>
> Your interest is appreciated and I hope you will understand the many problems with which the Board is faced in this complex and difficult matter.

I again brought this matter to the attention of the Department of State in a letter to Dr. Charles Frankel, Assistant Secretary for Educational and Cultural Affairs.

The reply from the Deputy Assistant for Educational and Cultural Affairs, Katie Louchheim, points up the dilemma in an intelligent way:

> MARCH 17, 1967.
>
> DEAR CONGRESSMAN KUPFERMAN: I am most appreciative of your letter of March 8th. It impresses me as a frank and stark statement of a current situation that is of concern to us all.
>
> Regretfully, I cannot now agree with you that self-interest would dictate that the waiver standards you concisely state and so obviously understand should be relaxed. I feel that we must take several factors into consideration in relation to the waiver problems stemming from the conditions of issuance of exchange visitor personnel (and those of other professional disciplines) abroad after a limited educational enrichment in the United States than to provide through AID and other assistance programs health and public welfare services to the underdeveloped countries from which waiver petitioners more often than not come.
>
> Secondly, because the exchange programs are based on bilateral agreements, the United States does have an obligation to the sending countries. In connection with the second factor, our noncompliance could and sometimes has provided a cooperating nation with a weapon in negotiations on perhaps nonrelated but important matters. Specifically, our noncompliance with our obligation in exchange programs could provide other nations with a basis for saying in effect: "you aid us in one way but extract payment in another by keeping badly needed professional talent in the United States after having provided such talent with training and experience we so badly need." While we might not submit to such an argument the Department feels it best that we not provide grounds for its use.
>
> The Department is well aware of the demand in some areas for medical and other professional personnel. The Congress is presently considering the problems involved and the Department anticipates that further guidance will be provided it in due course. At this time, however, we have no alternative but to apply the criteria under which we now operate.
>
> Once again, let me express my admiration for your frank and unequivocal presentation of one aspect of an involved problem. It is refreshing to receive such a letter as yours. Please be assured that the Bureau of Educational and Cultural Affairs is not insensitive to the very legitimate concern of you and your constituents in the current domestic shortage of medical and other professional personnel. However, the Department of State must weigh the problems involved in the light of our international commitments and in maintaining the noble intent of our Exchange Program.

On balance, I have concluded that domestic medical needs are such that this legislation should be introduced. This is a problem which requires immediate attention.

In my district, and in many other urban areas, the problem grows daily more acute in the need of hospitals to retain the services of qualified medical doctors and nurses.

In June of 1963, the New York State Committee on Medical Education, chaired by Malcolm Muir, submitted a report to Governor Rockefeller entitled "Education for the Health Professions," which stated that:

> Between 1940 and 1960, while the State's population increased slightly over 25 percent, the proportion of active physicians per 100,000 population *decreased* from 191 to 183.
>
> State Health Department projections, which are minimal estimates, indicate a population increase of an additional 29 percent by 1980. If the present trend of falling physicians-population ratio were allowed to continue, the resultant shortage could prove critical. The danger is even more apparent when two other facts are considered: (1) Since 1956, New York has drawn approximately 23 percent of its new practicing physicians from the medical schools of foreign lands, and (2) In 1961, its own medical schools accepted fewer non-resident first-year students (299) than the number of New Yorkers enrolled as medical school freshmen outside the State (406).

The committee's report, often referred to as the "Muir report," states that, in addition to a shortage of medical doctors, there is now an acute shortage of nurses in New York State. The report cites surveys by the State education department which indicate that:

> In hospitals, about 33 percent of positions for general duty professional nurses are unfilled. In a few of these hospitals, as much as 80 percent of the direct nursing care of the patients is given by practical nurses and nurses aides rather than by registered nurses. In the municipal hospitals of New York City, 60 percent of the budgeted positions for registered nurses are vacant.

The urgent need for more medical manpower is illustrated further by the Office of Nurses Education, New York State Education Department, in a report entitled "Facts About Nurses and Nursing—New York State," September 1966. The report's fact sheet No. 22 states:

> In 1963 there were 7,665 vacancies reported in registered professional nurse positions in 300 hospitals in New York State. The largest number and percent of vacancies were at the staff nurse level. Vacancies in other position levels, though smaller, represent a serious shortage because of the leadership responsibilities of the positions.

The New York State Legislature has not been unaware of the acute medical doctor and nursing shortage in New York State. The New York State Joint Legislative Committee on the Problems of Public Health and Medicare recently submitted a report to the New York State Legislature on the problems of public health with respect to the shortage of registered professional nurses in New York State. The report stated among other things that:

> Vacancies range from 20 percent of the vital nursing positions in our best-run hospitals to an incredible 75 percent of the vital nursing positions in some proprietary and in most municipal hospitals.

The committee concluded that:

> A clear and present danger exists for many who enter our hospitals as patients because of the critical and crucial shortage of Registered Professional Nurses in these institutions.
>
> New York State needs 25,000 additional active registered nurses to achieve a recommended average of 500 nurses per 100,000 population. Ten thousand of these nurses are needed now to meet our critical needs.

I emphasize, however, that my concern is directed toward qualified medical nurses and doctors who are presently in this country from abroad and already serving hospitals or medical institutions.

At the request of a number of such hospitals and medical institutions, I have recently introduced a number of private bills in order to keep people in this category in the country. For example, a February 21 communication to me from Mother Irene, administrator of the Columbus Hospital, 227 East 19th Street, New York, N.Y., asked that I help the Columbus Hospital retain a number of nurses who entered the United States on student exchange visas from the Philippines, who had been, or soon would be asked by the Immigration Service to depart from this country. Because of the 2-year foreign residence requirement the Columbus Hospital staff stands to suffer a loss of over 23 nurses. This would be 33 percent of the registered nursing staff. As Mother Irene states:

> It should be difficult for you to imagine the crises caused by this mass exodus of our nurses. If you will take immediate action in our behalf you will be doing the members of our Community a great service. We must do everything possible to insure our patients the necessary care that can be provided by the retention of these fine young women on our staff.

The services of each of these licensed nurses, specialists in their fields, are urgently needed by the institution in question.

Other hospitals and medical institutions which have requested my help in similar situations include: Bethel-Israel Medical Center, 307 Second Avenue, New York, N.Y.; Montefiore Hospital and Medical Center, 111 East 210th Street, Bronx; the New York Hospital, 525 East 68th Street, New York, N.Y.; the Memorial Hospital for Cancer and Allied Disease at 444 East 68th Street, New York, N.Y.; New York University Medical Center, 550 Fifth Avenue, New York, N.Y.; and Lenox Hill Hospital, 76th to 77th Streets, New York, N.Y.

I believe there is a better way to handle this problem than the introduction of a private bill in each instance. The medical doctors and nurses who are presently practicing their profession at a hospital or medical institution should receive uniform treatment with respect to their 2-year foreign residence requirement. Leaving the situation to individual Congressmen to remedy, if they so choose, by the introduction of a private bill, is not a proper solution.

Unfortunately, the Department of Health, Education, and Welfare, in conjunction with the Department of State, has not fully accepted its responsibility in this field in relaxing the presently stringent guidelines for granting waivers of the 2-year foreign residence requirement.

Therefore, I have introduced today a bill which would provide that in the administration of the Immigration and Nationality Act certain immigration restrictions shall be inapplicable in the case of any alien doctor of medicine or qualified nurse who is presently in this country and working on the staff of a hospital or medical institution, and whose services are needed by such institution. This legislation would allow medical doctors and nurses who are presently in this country and qualify to adjust their status to that of permanent residents, and thus continue their work for the medical institution.

I want to make it perfectly clear that the bill I have introduced today would not contribute to the present dilemma of the "brain drain" from developing countries by allowing the foreign exchange program to be used as an "avenue of immigration."

The fact is that there is a severe shortage of qualified medical doctors and nurses in this country, particularly in the cities. Because of this shortage, if doctors and nurses who are presently administering medical attention to the thousands of patients in hospitals and medical institutions in this country are suddenly required to leave, a medical manpower crisis is likely to result. One way to ameliorate such a crisis would be to adopt the legislation I have introduced today.

COMMONSENSE, VIETNAM, AND PRESIDENT JOHNSON'S LEADERSHIP

The SPEAKER. Under previous order of the House, the gentleman from Montana [Mr. OLSEN] is recognized for 60 minutes.

Mr. OLSEN. Mr. Speaker, nearly 100 years ago, the English author, Charles Dickens, journeyed to our shores to investigate this newfangled American democracy. He later reported:

> I fear for the Americans. They are absolutely free to say and do anything. Think of what they must put up with.

Dickens' fears seem prophetic these days. For we have been listening to a great deal of free—but often irresponsible—speech.

I am referring, of course, to Vietnam, and the conduct of the war now raging in that small, troubled country.

It is time to talk commonsense about Vietnam and to place in proper perspective the nature of our involvement in what has been rightly called a dirty little war.

President Johnson has made clear both the nature of our commitment and our goals in this struggle.

Three American Presidents have upheld our commitment to help the people of South Vietnam to defend their freedom against internal subversion and external aggression.

We did not seek this responsibility—it sought us as the strong and faithful servant of democracy.

It sought us as a nation that knows well that aggression unleashed anywhere in the world threatens the peace and security of all nations.

It sought us as a people who have learned the lessons of history; namely, that free men cannot pick and choose the battleground upon which the freedom of others is being decided.

Some of our most respected leaders—General MacArthur among them—warned against any involvement in a land war in Asia. But events in Vietnam were unrelenting. And the choice confronting President Johnson was either to step up American assistance or watch South Vietnam disappear into the Communist orbit.

The result of the President's decision to commit a sizable American force in Vietnam has been to insure against a Communist takeover. No longer is a military victory possible to the Communist aggressors.

In fact, we have now turned an important corner in the conflict: The Communists are receiving a fearful pounding and the tide of battle is now in our favor.

But such is the nature of this war that a military victory—in the classic sense—is relatively meaningless. We seek to win no new territory. Instead, we aim to maintain the security of the Republic of South Vietnam.

This means securing territory long held by Vietcong rebels, guarding borders against infiltration of men and supplies from the north, and initiating programs to improve South Vietnam's social and political and economic stability.

This is a limited war fought for limited objectives. And the overriding objective is to find ways to bring about a quick and honorable peace.

Our objective in Vietnam is peace. But to achieve this goal, ways must be found to move the Government of North

Vietnam from the battlefield to the conference table.

No world leader has worked more tirelessly in pursuit of this objective than President Johnson.

To date, there have been 12 separate peace initiatives from the United States to Hanoi.

All have been curtly rejected.

In addition, there have been 11 separate proposals addressed to Hanoi by other nations; three by the United Nations; as well as proposals by Pope Paul, U Thant, and the President of India.

All of these proposals have also been rejected.

What has been contained in the U.S. proposals?

On April 7, 1965, President Johnson declared, in his address at Johns Hopkins University, that the United States was ready to begin "unconditional negotiations" with the Hanoi regime.

The meaning of this statement was clear: There would be no preconditions to bar any sort of accommodation leading to a full-fledged conference of peace seekers.

Hanoi's response was a charge that the President's talk of peace only concealed America's hostile acts.

But to show his good faith, the President halted the bombing of North Vietnam for a 7-day period—from May 12 through the 17th.

Hanoi's response was that the halt in bombing was a trick.

In July of 1965 Ambassador Goldberg outlined a new peace proposal to the Security Council. This followed a letter from the President to U Thant which asked the Secretary General to continue his efforts to promote peace.

Ambassador Goldberg pledged our country's efforts to explore all avenues to peace.

Hanoi's response was that the United Nations has no legitimate role in helping to bring peace in Vietnam.

In December 1965 the United States initiated a 37-day pause in the bombing of North Vietnam.

Again, there was no change in Hanoi's belligerent attitude.

In January 1966 the United States proposed, through a resolution in the Security Council, a multination conference to help insure application of the 1954 and 1962 Geneva agreements.

Unfortunately, no action was taken on this proposal because of Hanoi's opposition to it.

In September 1966 Ambassador Goldberg declared America's willingness to end the bombing if Hanoi would respond with a corresponding deescalation of its war efforts.

Hanoi's response was to deny any involvement in the conflict in South Vietnam.

In December 1966 Ambassador Goldberg asked U Thant to do all that he could to help bring about discussions leading to a cease-fire.

And from February 7 through February 13 the United States again halted the bombing in the North.

This 6-day pause was greeted by Hanoi as just another American trick.

On the day the pause began President Johnson wrote to Ho Chi Minh and offered a series of reasonable proposals to lead to peace talks. The President proposed:

An end to both the bombing of North Vietnam and the augmentation of American forces in the South if infiltration from North Vietnam ended.

An extension of the truce period to continue through a period of negotiations between the Governments of North and South Vietnam.

A new initiative to begin secret diplomatic talks between the governments concerned that would lead to a cease-fire and negotiations.

A request for any suggestions from Hanoi.

Ho Chi Minh's reply—indeed, the confidential correspondence itself—was made public recently by Hanoi. Ho answered the President with a series of stiff rebuffs.

He demanded a halt to the bombing.

He demanded a complete withdrawal of all American forces in South Vietnam.

He demanded American recognition of the Communist Liberation Front.

If these harsh and unreasonable demands were met—and if bombing against the North were completely halted—talks could begin. In other words, if the United States completely withdrew from Vietnam and initiated a total cease-fire on land and in the air, then the possibility of talks could be said to exist.

One does not have to be a seasoned diplomat to see in Hanoi's response a cynical attempt to cloak unwillingness to negotiate behind a series of unreasonable demands.

I might add that these same unreasonable demands were repeated to His Holiness, the Pope, in response to President Johnson's letter, which declared our willingness to talk unconditionally and to mutually deescalate military actions.

I think we would all agree that this has been a melancholy recitation. For the record shows not one single positive response from Hanoi to any peace proposal made since 1961.

The meaning is unmistakable: The United States has led the way in proposing peace in Vietnam. But it takes two sides to negotiate, and Hanoi has not yet demonstrated the slightest interest in getting to the peace table.

There can no longer be the slightest doubt about who wants peace and who wants the war to continue.

For his part, President Johnson has emphasized our Nation's determination to continue to press for negotiations.

We will not be discouraged. Nor will we be deterred from this quest to find a formula that will bring Hanoi to its senses and to negotiations.

No stone is being left unturned; no rumor ignored; no advice unheeded; no plan left unheard. And yet, the obvious fact is that our willingness to negotiate must be matched by the other side if such talks are to begin.

The onus for peace rests squarely with Hanoi. The world is watching and waiting for a reasonable response.

I think the record will also show that bombing pauses have not worked. We stopped bombing in North Vietnam on five separate occasions.

The result—as we have seen in a series of air photos—was a stepped up effort by Hanoi to resupply beleaguered Communist forces in the South.

And while President Johnson sincerely wants peace, he must continue the war and the bombing until Hanoi proves its sincerity. For our Commander in Chief cannot be expected to endanger the security of our fighting forces in the field or to renege on our commitment to the people of South Vietnam.

What is the next step?

Let me first voice my conviction about what will not happen.

President Johnson will not dangerously expand or enlarge this war.

He will not be influenced by extreme views—by those who call for U.S. withdrawal or by those who urge invasion of the north.

He will not allow indiscriminate bombing in the north or cause widespread civilian casualties.

Our President will continue to press the cause for peace through an honorable settlement of differences.

He will continue to insure a strong but measured U.S. military response to meet aggression.

He will continue to try to convince Hanoi that Communist military victory is no longer possible, and that a continuation of the war will only result in greater Communist losses in military manpower and to vital industries.

He will continue the work of helping South Vietnam achieve unprecedented social and economic gains. And he will continue the work of pacification of rural areas to bring security and progress to a people who have known neither for most of their troubled lives.

And most important, he will continue to count upon the support and understanding of the American people during the difficult weeks and months ahead.

It is difficult to speak about Vietnam without sounding like either a hawk or a dove. Yet, the truth is that neither hawks nor doves truly reflect the nation's mood and purpose about Vietnam.

We want peace—not victory. And our Government is led by men who have only one objective for Vietnam—a peaceful and honorable settlement.

Those Americans who actively protest against American involvement in this conflict accurately convey our Nation's distaste for the necessity of war. But they ignore one essential fact: We did not start this war. Nor, may I add, do we relish the fact that we are involved in it.

I can tell you that not one of these peacemarchers or draft card burners detests this war as much as President Johnson does.

Our Nation prides itself on upholding a bipartisan foreign policy. The agreements entered into by previous administrations—whether Republican or Democratic—are upheld by subsequent administrations, regardless of party.

President Johnson has honored an agreement that he himself did not make. This is as it should be. For the word of our great Nation must never be doubted by friend or foe.

We shall meet our commitments in the world—because we must. To do anything less would be to invite the violence and chaos that will fan the flames of war, not contain them.

I think we can be hopeful about the future of mankind. The crises in Vietnam will be resolved. But there will be other crises—other tests of America's determination and courage. Such is the nature of our adversaries and of the world in which we live.

President Johnson has made clear America's determination to meet its responsibilities in this complex, dangerous world. I think the American people join him in meeting these commitments. For we have learned that we cannot live as an island of tranquillity in the midst of an angry sea.

This is a time of testing our greatness as a people. Let us be worthy of this test and lead mankind one step closer to realizing his oldest dream: A world free of war and violence.

MARTIN LUTHER KING'S AID AND COMFORT TO THE VIETCONG

The **SPEAKER**. Under previous order of the House, the gentleman from Louisiana [Mr. WAGGONNER] is recognized for 15 minutes.

Mr. **WAGGONNER**. Mr. Speaker, I want to be absolutely sure that every Member of the Congress and the administration has an opportunity to read the story carried in this morning's Washington Post in which Martin Luther King called the United States the "greatest purveyor of violence in the world today," accused the Government of "poisoning" water in Vietnam, killing almost a million children—a fantastic lie—and denounced our policy of defending the South Vietnamese as "dishonorable" and "arrogant."

This so-called man of God is a disgrace to the cloth; that has been well known for a long time. He is also unworthy of being a citizen of this Nation. It is one thing to disagree with the policies of our Government; it is quite another to hurl vicious accusations of this type at the President and the Congress. It is more than dishonorable; it is treasonous. By virtue of this rabid speech, more precious American lives will be lost in Vietnam. This aid, comfort, and encouragement to the Communists will be headlined in Hanoi, I am sure. I can only wish that there were some way to carry also the feelings of revulsion most Americans must feel for the man who made this speech.

The administration has hailed this man as one of the great benefactors of the human race, it has catered to his every wish and whim, it has wined and dined him, bowed and scraped at his every word. I hope this morning they are filled with the same disgust I am.

The Post story follows:

KING URGES CEASE-FIRE AND END OF BOMBING, DENOUNCES U.S. ROLE

(By Leroy F. Aarons)

NEW YORK, April 4.—Dr. Martin Luther King Jr. bitterly denounced United States involvement in Vietnam tonight. He called for an immediate unilateral cease-fire and an end to the bombing of the North.

The Nobel Peace Prize winner laid the onus for the Vietnam conflict entirely on the United States and all but exonerated the Hanoi government and the Vietcong for their roles in the war.

"I could never again raise my voice against the violence of the oppressed in the ghettos," Dr. King said, "without having first spoken clearly to the greatest purveyor of violence in the world today—my own Government."

It was Dr. King's most dramatic and explicit statement of disaffiliation from Administration policy in Vietnam—one which is likely to have substantial impact in the ranks of the civil rights movement.

He attributed America's participation to "Western arrogance" and charged that the United States, influenced by capitalist investment interests, is helping suppress indigenous revolutions in other countries throughout the world.

He departed from his prepared text to say that his speech was not an "attempt to make North Vietnam or the National Liberation Front paragons of virtue." And he added that while both may have reason to be suspicious of the United States, "conflicts are never solved without trustful give and take."

In delivery, King also dropped several paragraphs from the prepared text, one of which charged that U.S. policy would lead to an American colony in Vietnam and could goad China into a war which would permit the U.S. to bomb Peking's nuclear installations.

Both the addition and the deletion were seen as last-minute attempts by Dr. King to tone down his sharp criticism of U.S. actions in Vietnam.

AT RIVERSIDE CHURCH

He gave his speech at Riverside Church before the Clergy and Laymen Concerned About Vietnam, an interdenominational committee formed a year ago to mobilize religious opinion against the war.

King spoke before an overflow and enthusiastic crowd of 2800. Three groups of pickets, about 50 in all, marched outside. On the picket line were two Black Nationalist organizations and a third group protesting what they considered the intrusion of a political issue into civil rights matters.

About two dozen police officers patroled the area, but there were no disturbances.

In recent weeks, Dr. King has become increasingly vocal about the Vietnam issue, reflecting the growing alliance between the Nation's civil rights and anti-war movements.

Dr. King himself (along with Stokely Carmichael) will participate in a massive, Nationwide Vietnam protest April 15. The protest—culmination of a week of anti-war activities in at least 30 cities—is being organized by the Spring Mobilization Committee to End the War in Vietnam.

Dr. King devoted half his speech tonight to a detailed justification of his entry into the antiwar movement. In the other half, he lashed out at the United States "betrayal" of the Vietnamese people, both north and south.

SAW FUNDS DIVERTED

King said he was moved to speak out when he saw antipoverty funds being diverted to war use, and observed a disproportionate number of Negroes being sent to "guarantee liberties in Southeast Asia which they had not found in southwest Georgia and East Harlem."

He was further influenced, he said, by contradictions between his nonviolence philosophy and the practices of his Government.

The Vietnamese, he said, "languish under our bombs and consider us—not their fellow Vietnamese—the real enemy."

"They watch as we poison their water, as we kill a million acres of their crops," he added. "They wander into the hospitals, with at least 20 casualties from American firepower for one Vietcong—inflicted injury. So far we may have killed a million of them—mostly children . . . We have corrupted their women and children and killed their men."

Tracing the history of American "betrayal" back to the end of World War II, Dr. King accused the United States of "Western arrogance" in opposing the Ho Chi Minh government in 1945, supporting French efforts at "recolonization" and imposing "one of the most vicious modern dictators," Premier Ngo Dinh Diem, on the South Vietnamese.

Stressing the need to protest against unjust actions, Dr. King urged young men who find U.S. policy in Vietnam "dishonorable" to become conscientious objectors. He also urged members of the clergy to give up their ministerial exemptions and declare themselves conscientious objectors.

EXTRICATION PROPOSAL

He proposed a five-step process to extricate the United States from the conflict:

End all bombing in North and South Vietnam.

Declare a unilateral ceasefire.

Take immediate steps to prevent other battlegrounds in Southeast Asia by curtailing our military buildup in Thailand and our "interference" in Laos.

Accept the National Liberation Front as part of negotiations and in any future Vietnam government.

Set a date for Allied withdrawal of all troops from Vietnam.

The involvement in Vietnam, Dr. King said, is part of a pattern of suppression that manifests itself in other parts of the world. He cited as examples the use of American helicopters against guerrillas in Colombia, and "American napalm and Green Beret forces" against rebels in Peru.

Our intervention in these and other countries, he charged, is in the interests of "individual capitalists of the West investing huge sums of money in Asia, Africa and South America, only to take the profits out with no concern for the social betterment of the countries."

THE PRESIDENT'S UNWAVERING STAND ON CIVIL RIGHTS

Mr. **DOW**. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **RODINO**. Mr. Speaker—

> He has done more to break the pattern of racial segregation in this country than any other President.

This sentence, from an editorial in the Courier-Journal of Louisville, Ky., refers, of course, to President Johnson.

The editorial points out that more far-reaching civil rights legislation has been enacted during the Johnson administration than at any time since Reconstruction. That the President is not retreating on this vital issue is also pointed out by the Courier-Journal.

The President's actions demonstrate not only his firm commitment to equal rights for all Americans but also his political courage.

I include the entire Courier-Journal editorial, from the issue of March 14, 1967, in the Record as part of my remarks:

On Civil Rights Mr. Johnson Never Wavers

At a time when few kind words are being said for President Johnson and the polls show his popularity declining, praise must come as music to the ears at the White House. In Louisville over the weekend, Roy Wilkins of the NAACP had nothing but praise for President Johnson's record on civil rights. "No President," said Mr. Wilkins, "has done more, or said more, more plainly on civil rights than Johnson, and this includes Lincoln."

This is an accolade that a civil rights leader of Mr. Wilkins' stature would not bestow lightly. The record bears him out. More far-reaching civil rights legislation has been enacted under the Johnson Administration than at any time since Reconstruction. Although he was rebuffed by Congress last on his open-housing proposal, instead of retreating on the issue, the President came back this year with another message calling upon Congress to outlaw discrimination in housing. Despite the pressures, Mr. Johnson, since taking office, has never wavered on the issue of Negro rights in this country.

Earlier this month, in a speech at Howard University, the President reaffirmed the pledge he made at the same place nearly two years ago, a pledge to give Negroes "the same chance as every other American to learn and grow, to work and share in society, and develop their abilities." In his latest appearance at Howard, he said: "I have come back to Howard today to renew my commitment to that task, and to tell you that so long as I live, in public or private life, I shall never retract or amend that commitment."

Although Mr. Johnson speaks in the accents of the South, there is not a trace of the old regional prejudice in what he says. He has done more to break the pattern of racial segregation in this country than any other President, and that, after all, is what counts.

NEED TO REVISE SELECTIVE SERVICE LAW—XLI

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Kastenmeier] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, the low reenlistment rate, particularly in the critical skills area, has alarmed our military leaders. Adm. David L. McDonald, Chief of Naval Operations, stated in 1965:

> Our re-enlistment rates and officer retention rates have not been adequate to permit us to attain the desired percentages of career personnel. The fact that our authorized strength has also increased has further aggravated this condition. Of the 70,000 eligible for re-enlistment who were separated from the Navy in 1964, 22,000 were men whom we would like to have re-enlisted, but who did not re-enlist. Of these, 7,000 to 8,000 were in the critical electronics skills. We anticipate losing just as many this year.

Former Secretary of the Air Force Zuckert had complained about the inability to retain personnel in the science and engineering occupations.

Gen. Harold K. Johnson, U.S. Army Chief of Staff, remarked that—

> In fiscal year 1965 it is projected that only 2,523 officers will elect to stay on active duty compared to our minimum requirement of 3,616. Failure to retain an adequate number of trained, experienced personnel is a serious handicap to the maintenance of operational readiness in our tactical units.

Gen. Wallace Greene, Jr., Commandant of the U.S. Marine Corps, has cited—

> Continuing difficulty in retaining personnel for career service, especially those men with marketable skills in whom we have made a large training investment.

These statements definitely show that there is something seriously wrong with our treatment of military personnel. Although the draft provides the quantity of men needed for the armed services, it does not provide the quality.

Should we not attempt to provide incentives for our young men to enlist and remain in the services, rather than rely upon a rapid turnover of personnel which is not only costly but totally inefficient.

I include a table at this point:

Department of Defense—"Unadjusted" reenlistment rates for 1st-term Regulars by major occupational group and service, fiscal year 1965 to date

Fiscal year	Total, all groups		Infantry, gun crews, and allied specialists		Electronics equipment repairmen		Communications and intelligence specialists		Medical and dental specialists		Other technical and allied specialists		Administrative specialists and clerks		Electrical and mechanical equipment repairmen		Craftsmen		Service and supply handlers		Miscellaneous	
	Eligibles	Reenlistment rate	Eligibles	Reenlistment rate	Eligibles	Reenlistment rate	Eligibles	Reenlistment rate	Eligibles	Reenlistment rate	Eligibles	Reenlistment rate	Eligibles	Reenlistment rate	Eligibles	Reenlistment rate	Eligibles	Reenlistment rate	Eligibles	Reenlistment rate	Eligibles	Reenlistment rate
Total, Department of Defense:																						
1965	270,396	23.9	30,167	30.7	30,434	25.2	24,352	18.7	11,050	25.2	5,505	19.6	45,380	26.1	59,913	23.3	14,836	22.0	25,787	31.1	22,972	10.1
1966	236,226	23.2	23,454	30.0	28,274	22.5	21,577	19.3	9,033	24.8	4,601	19.0	39,118	23.6	55,792	22.1	13,455	19.3	24,078	26.0	16,844	22.4
Army:																						
1965	98,146	25.6	20,434	37.4	9,215	20.3	10,794	16.4	5,060	27.1	2,169	14.8	21,732	20.0	16,436	24.1	3,130	21.8	8,984	32.8	192	85.9
1966	82,163	28.0	16,514	35.1	8,087	21.7	8,350	18.9	3,725	31.1	1,464	17.0	16,118	23.7	14,088	25.8	2,541	17.2	7,491	34.4	3,785	53.3
Navy:																						
1965	75,576	22.8	1,261	21.2	8,809	26.2	8,071	19.6	4,053	23.3	1,391	23.3	6,206	29.0	21,283	23.0	5,731	21.3	4,111	46.6	14,660	13.4
1966	65,159	23.7	1,325	26.0	8,270	28.1	7,241	22.7	3,412	19.8	1,221	23.4	5,354	29.2	19,884	23.2	4,883	23.2	3,195	40.4	10,374	15.3
Marine Corps:																						
1965	23,792	16.3	8,420	15.7	1,367	18.6	2,000	13.1	------	------	453	21.4	3,601	19.9	4,458	13.8	848	15.2	2,641	17.5	4	100.0
1966	17,216	16.3	5,572	15.6	1,121	18.5	1,456	14.6	------	------	338	18.6	2,647	19.6	3,019	15.2	707	13.3	2,351	15.6	5	100.0
Air Force:																						
1965	72,882	25.5	52	59.6	11,043	29.4	3,487	27.2	1,937	24.0	1,492	22.5	13,841	36.1	17,736	25.2	5,127	24.0	10,051	26.6	8,116	2.0
1966	71,688	18.9	43	72.1	10,796	19.2	4,530	16.2	1,896	21.3	1,578	17.6	14,999	22.1	18,801	19.1	5,324	17.6	11,041	18.3	2,680	5.9

SPEECH OF CONGRESSMAN J. EDWARD ROUSH, OF INDIANA, AT THE ANNUAL MEETING OF THE NATIONAL RESEARCH COUNCIL OF THE NATIONAL ACADEMY OF SCIENCE

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. Brademas] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, at the invitation of the president of the National Academy of Sciences, our distinguished colleague, Congressman J. Edward Roush, of Indiana, participated in a panel discussion at the annual meeting of the National Research Council of the National Academy of Sciences, March 14, 1967, in Washington, D.C.

The other panelists were distinguished scientists and public servants, including: Donald F. Hornig, Special Assistant to the President for Science and Technology; Harvey Brooks, dean of engineering and applied physics, Harvard; L. H. Farinholt, vice president, the Alfred P. Sloan Foundation; Philip Handler, professor, biochemistry, at Duke and Chairman of the Board of the National Science Foundation; and, Georde Pake, provost, Washington University.

The theme of the meeting was the role of science and government in the mutual pursuit of long- and short-term research. Congressman Roush, a member of the House Committee on Science and Astronautics, addressed himself to the topic, "Science and Democracy."

The addresses by each panelist were followed by questions from the floor and commentaries from the participants. Many of the problems of research, basic and applied, in and out of universities, Government and privately sponsored, were considered. The cross-fertilization of ideas from representatives of Government and science appeared most fruitful.

I am pleased to call to my colleagues attention the text of Congressman Roush's thoughtful address:

Science and Democracy

John Adams once commented about the American Congress that: "every man in it is a great man, an orator, a critic, a statesman;

and therefore every man, upon every question, must show his oratory, his criticism and his political abilities."

Let me hasten to assure you that without a specific invitation to speak this morning, I would not have appeared before this distinguished group. It is, however, indeed an honor to participate in these discussions. As a politician, rather than a scientist, a representative of the Fifth Congressional District of Indiana and the American people as a whole, I should like to address myself primarily to the question of the status of science in this democracy at present.

Plutarch tells us that the great Archimedes "was of so lofty a spirit" that he would not condescend to "arts generally speaking which tended to any useful end in practice" since he considered these "vile, low, and mercenary'" and was only interested in "those things whose beauty and subtlety had in them no admixture of necessity."

Almost two millenia later—a short span of time to scientists—an astute Frenchman visited the then new American Republic and made some observations on this experiment in democracy, in government by the people. Alexis de Tocqueville concluded in his writings that an aristocratic and a democratic temper were two different things indeed, particularly regarding science. For, he said: "In aristocratic ages science is more particularly called upon to furnish gratification to the mind; in democracies, to the body."

Generally I think the Frenchman's observations accurate and cogent. I hope, however, that he was wrong on this matter, for our society must seek *both*: gratification of the mind and the body if we would equal and even surpass the Greeks from whom we have learned so much about democracy and science.

KNOWLEDGE IS POWER

Those of us who are Members of the American Congress today are well aware that indeed "knowledge . . . is itself a power" in the Baconian sense, particularly for our automated, technological society. Our attitude is reflected in the plethora of legislation aimed at assisting, encouraging all kinds of education, from pre-school through post-doctoral; including medical, professional education, library assistance, supplementary educational research and experimentation.

Recognizing this power of knowledge, the questions that arise for us are: how to use it, to add to it, what ends it should subserve—if any—in a democratic society?

The answers to these questions would be, and have been, different in monolithic societies—as de Tocqueville indicates. For example, in such a society decisions can be made, support granted to projects which enhance national prestige at the expense of creature comforts in the form of housing, transportation, and recreation.

Ours is a pluralistic society, which insures the spirit of free inquiry so necessary to scientific endeavor, but also complicates the picture, making choices, priorities, decisions difficult and subject to the approval of an often critical electorate.

In light of these thoughts, let us look at the short term and long term support of basic research with the budget as our chief guide.

INCREASED RESEARCH EXPENDITURES

Expenditures for research and development have increased from a little over 3 billion in 1954 to slightly over 17 billion for 1968. In fiscal '68, 13% of the administrative budget expenditures will be for R and D. About ⅔ of the nation's R and D efforts is financed from the federal pocketbook, and about 75% of the research conducted in universities comes from federal funds—which have helped create the problems and potentialities of what former Chancellor Kerr so aptly called the "multiversity".

Although actual expenditures are estimated to increase from $16.5 billion in 1967 to $17.1 billion in 1968 (due to prior obligations), the new monetary estimates or obligations for fiscal '68 will be slightly lower, indicating changes in space and defense spending from development toward operational status.

Vietnam war costs are affecting funds for R and D, positively and negatively: *positively*, by the increasing demand for improved weaponry for jungle warfare; *negatively*, by diverting funds from other research for commitment to this conflict. Few realize that the sophisticated aircraft used in Southeast Asia have cost us as much as all of those purchased for World War II.

The budget projects a decline in new investment in development in 1968, while funds for basic and applied research will increase, particularly for marine sciences and technology, medical research, urban development, atmospheric sciences and meteorology, and the improvement of systems for providing scientific and technical information, as well as funds to initiate design of a 200 billion electron volt accelerator.

Budget plans for fiscal 1968 indicate that research and development are supported by the federal government chiefly to advance major government functions which require a high level of technical support, such as national defense, space exploration, the utilization of atomic energy and the improvement of public health. To a growing extent, as it must be, research is being pursued in social problems, education, population, transportation, urban life in general.

RECORD OF SUPPORT

Our national record in the recent past has been, then, one of enthusiastic support of R and D efforts. The National Academy of Sciences' recommended 15% increase yearly was roughly achieved from 1960–65. I think you can assume that, if the conflict in Vietnam were to cease, this level of increase, which has been temporarily reduced, would resume. That is, of course, unless some national catastrophe or national need of gigantic proportions assumed ranking priority—but this, in turn, might and very likely would, necessitate R and D—as most national problems seem to do nowadays.

As specialists you might reflect upon the fact that it is the obligation of those who sit in Congress to divest themselves of special interests, intellectual as well as financial. We must be prepared to consider the total general welfare of *all* the American people in the present and for the future.

We must also consider the national interest and our international image; we must reflect upon the quality of our culture and the American contribution to the progress of mankind, as well as our own citizens' well-being. Let me tell you, with such priorities to consider, choices are hard to make.

Moreover, we find various kinds of dissent. There are some scientists who prefer "pure science"; just as there are some laymen who object to federal support for any project not clearly "mission-oriented." We must somehow hew a path between.

Pure science, that "search for the unknown" as Lord Snow has described it, is certainly one of the most distinguishing features and privileges of mankind. It does not, however, imply separation from human need and interest—necessarily—as the discoveries regarding atomic energy and X-rays, conducted in the line of pure research but resulting in human use—clearly indicate.

SOCIAL NEEDS

There are, on the other hand, those who contend that not enough is being spent for social needs. The question of getting to the moon is more important than life on this planet in our polluted, congested and crime-infested cities. And they have a point. But can we really judge how much theories concerning matter or relativity have been and will be worth in social and humanistic terms? Where would our innovations in technology have been without pure speculation?

Lastly, I should like to comment on an aspect of our national support of scientific endeavors that seems important to me. The ¾ of all research funds in institutions of higher education which comes from the federal government constitute an important influence. In 1968 the government will obligate a total of about $1.7 billion for R and D conducted in academic institutions proper, with more than ½ for basic research.

It seems to me that it should be one of the objectives of a democratic society to consciously encourage and increase geographical distribution. The President has directed that the agencies administering research funds work to strengthen academic institutions and increase the number capable of performing research of high quality. I strongly concur with this effort.

In conclusion, might I comment that the eighteenth century, which saw some notable achievements in science, was also an age that believed enthusiastically in progress, in a golden age, not in the past, but for the future, an age when knowledge would vastly improve the extent and character of man's life.

Many tragic events have dampened this enthusiasm and ardour. But, gentlemen, with your aid and those like you, I believe we have entered intellectually something comparable to the Golden Age of the Greeks, yet distinctively American and democratic.

SUPPORT FOR THE NATIONAL HUMANITIES ENDOWMENT

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, the National Endowment for the Humanities has added a significant dimension to the resources available for study of the humanities and is helping to redress the imbalance between support for the natural sciences and support for other valuable fields of research.

The announcement of the first list of grants by the Humanities Endowment has been the occasion for some criticism of its activities. But the hubbub over a grant or two in a long list should not obscure the contribution being made by the endowment. And let me emphasize that I find the criticisms which have been levied so far to be totally unjustified.

Both the Washington Post and the Evening Star have recently expressed firm support for the National Endowment for the Humanities and the able, intelligent leadership of Dr. Barnaby Keeney, former president of Brown University. I include these two editorials in the RECORD at this point and call them to the attention of my colleagues:

[From the Washington (D.C.) Evening Star, Apr. 3, 1967]

HAVING FUN WITH THE FOUNDATION

Following the announcement of its first batch of grants to American scholars, the Foundation for the Humanities has been getting a certain amount of critical static. This is all good fun, and as inevitable as the tide. Lists of such awards will always provide ideal grist to the satiric mills of congressmen and columnists. Most of the criticism is, at root, the fundamental, Yahoo, antilearning bias that has been with us ever since some men learned to write and others did not.

The critics have focused mostly on one announced project to study the history and significance of the comic strip. As an American newspaper, we are, of course, prepared to defend this study. Of all the departments of a newspaper, the comics are the most exquisitely sensitive to changing popular taste. Hence, they can be invaluable as a key to the evolution of popular thought, to the relations between popular thought and political attitudes, and to the modulation of original thinking that occurs when it reaches the man in the street.

The mission of the Foundation for the Humanities is an important one. Massive government funds invested in science have completely upset the earlier balance between that discipline and the other main branch of higher learning in America, the literary and liberal arts culture. Our accelerated science is almost able to put a man on the moon, harvest the sea and replace man's infirm vital organs. But to choose wisely among the riches of science requires a discipline different from science.

In strengthening America's resources in a most important field, the Foundation for the Humanities, under Dr. Barnaby Keeney, has made an impressive and a hopeful beginning. It should not be discouraged that the voice of the semi-professional Know-Nothing is in opposition. Where else would it be?

[From the Washington (D.C.) Post, Apr. 3, 1967]

SCHOLAR POWER

Congressman Frank Thompson Jr. let go with a haymaker of a speech on Thursday—in as good and decent and humane a cause as any Congressman could choose. He aimed his blow at a 1967 revival of know-nothingism by Congressman Durward Hall, who seems bent upon making an ugly name for himself by attacking the National Foundation on the Arts and Humanities.

Congressman Hall appears to feel that scholarship in the Arts and Humanities should have governmental encouragement and support only if the project falls squarely within the boundaries of orthodoxy and only if the researcher holds political opinions approved by Congress or at least in full conformity with some national norm. Accordingly, he has taken out against the Foundation because it gave a grant to an assistant professor of art at the Santa Barbara campus of the University of California to undertake a study of the influence of cartoons and comic strips on political thought.

Anyone who thinks that cartoons are not a political force need do no more to change his mind than look at the upper right-hand portion of this page. But Congressman Hall's true objections run, apparently, not so much to the research as to the researcher. He denounced the California art teacher before the House Appropriations Committee by asserting—as though this were, somehow, conclusive—that he "is not an American citizen. He has been among those in the forefront of opposing our presence in Vietnam."

Congress ought to nip this kind of thinking in the bud—before it can bloom again. The country had more than enough of it during the hysteria of the 1950s. Study grants, whether in the humanities or in science, should not be contingent in any way on the political opinions of the grantee. Neither should they be contingent on the inexpert and often uninformed judgment of Congressmen as to the desirability of a project. The danger in this kind of interference was pointed out very plainly by Congressman Thompson who observed that "I am afraid the Foundation has not yet felt politically able to tackle anything too controversial for fear of bringing congressional wrath down upon its head when it asks for its annual appropriation."

This is a danger that could be ruinous to the Foundation's potentialities. For the key to the Foundation's effectiveness, as it has been the key to all American progress, is freedom. Congressman Thompson put it very well in his remarks on Friday to the Modern Language Association: "Eventually you must have the courage to ask fundamental questions which may shake the foundations of our society. And eventually you must dirty your hands. You must make Scholar Power felt in Washington." It will be felt only in the degree to which the American public recalls its value—and recognizes the importance of keeping its intellectual resources unshackled.

PRESIDENT'S VIETNAM ACTIONS

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BINGHAM. Mr. Speaker, as one who has on occasion urged the administration to take more vigorous and imaginative steps to get peace talks started in Vietnam, I want on this occasion to express admiration for certain actions the President has recently taken.

First, I regard his appointment of Ambassador Ellsworth Bunker as an excellent one. Ambassador Bunker has earned a worldwide reputation as a skilled and patient mediator and conciliator. These qualities may well be needed in the coming months in Vietnam. We fervently hope they will be. In addition, the very fact that the President has appointed such a man is a signal of his desire to end the struggle in the only way it can be ended quickly, through negotiation.

Second, I was greatly encouraged by the reports that one of the President's principal aims at the recent Guam conference was to stress to all concerned his conviction that "effective political and economic measures" are absolutely essential to the achievement of success in South Vietnam, a basic fact which military men, by their training, are all too likely to forget

In the New York Times for Sunday, March 26, 1967, Mr. Max Frankel had this to say on the subject:

> President Johnson plans to hold another big conference on Vietnam strategy within six months to keep pressing his view that the war can be ended only if military action is supported by effective political and economic measures.
>
> To those who ask what the President accomplished at Guam early this week, he points out that he went to emphasize this policy, and to hold his principal aides accountable to it.
>
> Disturbed but plainly not deterred by the criticism of his whirlwind journey across the Pacific, Mr. Johnson has let it be known that he will preside over similar meetings at least twice a year so long as he is running the war. He has described the meetings as essential to his efforts to promote cooperation between the civilian and military commands in Saigon—both American and South Vietnamese.
>
> Even more important, he has said, is the chance the meetings give him to convey his own sense of tactical priorities in the war.
>
> Mr. Johnson maintains that only by making his military commanders aware of the civilians' programs and problems—and vice versa—can he keep the total Vietnam effort in balance.
>
> Only by making both groups aware of his strong personal desire to have military manpower and resources used for nonmilitary programs, he adds, can he check the tendency of the men in the field to overemphasize combat requirements.
>
> Mr. Johnson has indicated that he was particularly eager to stress these points at Guam to reinforce the stature of his newly appointed civilian chief in Saigon, Ambassador Ellsworth Bunker.

Third, the President deserves applause for his positive response to Secretary General U Thant's latest peace proposals. While the U.S. reply to the Secretary General may have been somewhat more cautious than was necessary, it represented a substantial acceptance, especially when compared with Hanoi's apparent rejection.

While I regret that the President deems it necessary not only to continue but to intensify the bombing of North Vietnam, I am aware of the pressures he is under from military advisers who are not attuned to the political and psychological factors involved. Unfortunately, the President is also under pressure from many Members of the Congress who do not seem to understand, as the President does, that the situation in Vietnam is far too complicated to be solved by purely military measures.

One of the tragedies of this conflict is that too many Americans underrate the courage and determination of the Vietcong and the North Vietnamese, while at the same time too many of the leaders in Hanoi apparently underrate the courage and the determination of the Americans. Each side is confident that justice is on its side and each side thinks the other will be the first to get tired of it all and quit.

American overoptimism about what bombing the north can accomplish is not nearly so prevalent in Saigon as it is in Washington. From my conversations there in December, I would say that most Americans in South Vietnam think it will take many years to achieve success, and that to reach that goal the main effort will have to be made in South Vietnam.

That is why it is so essential, if the conflict is to be ended soon, that every effort be made to reach a solution through negotiations. The President understands this, and those who charge that he does not and who attack his sincerity do not, in my opinion, know what they are talking about.

The President, properly exercising civilian supremacy, has been willing often to reject the advice of the "hawks," both inside and outside the Pentagon, or at least to go slow in following their advice. But the intransigence of Hanoi, in the face both of appeals such as U Thant's and in the face of stepped-up attacks, makes it difficult for him to go on rejecting the hawks' advice for even more stringent measures. The conclusion I hope the President will come to—and that I believe he will come to—is that he must start being even more resistant to the hawks and pay more attention to those longtime students of Asia who might be able to tell him how to make it psychologically impossible for Hanoi and the NLF not to stop fighting and start talking.

STATEMENT OF LOUIS STULBERG, PRESIDENT, I.L.G.W.U., BEFORE THE WAYS AND MEANS COMMITTEE ON SOCIAL SECURITY

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, one of this nation's great labor unions is the International Ladies Garment Workers Union. The labor movement has always been in the forefront for the fight for social progress in this country and the International Ladies Garment Workers Union has always been one of the leaders of labor's efforts in this fight.

On March 13, 1967 Louis Stulberg, the able and distinguished president of the I.L.G.W.U., testified before the Ways and Means Committee in favor of needed changes in the social security law, including a necessary substantial increase in monthly benefit payments.

I commend President Stulberg's testimony to the attention of our colleagues:

Statement of Louis Stulberg, President, International Ladies' Garment Workers' Union, to the House Ways and Means Committee on Social Security Improvements, March 13, 1967

On behalf of the International Ladies' Garment Workers' Union, may we extend our thanks to your committee for the opportunity to submit this testimony in connection with pending changes in the Social Security Law.

Our interest in this matter is based on many years of direct experience with tens of thousands of people who are immediately and personally affected by the policies you are considering.

Although we appear before you today to urge governmental action, we wish to state, at the outset, that I speak on behalf of a union that has, for many decades, initiated and developed programs through which we have attempted to use our own resources to meet some of the pressing problems of workers in our industry in the areas of medical care, retirement, survivor benefits. Three years ago, the Congress took official notice of the establishment of the first union health center in America, set up by the International Ladies' Garment Workers' Union, when both houses authorized the mint to issue a commemorative medal. This Health Center was a pioneer move to provide medical care for the indigent. At present, there are more than 40,000 retirees of our union who are the beneficiaries of a union-industry retirement plan. Families of deceased members are the beneficiaries of a death benefit plan. I record this briefly to stress the fact that we are not a people unwilling to do things for ourselves. Through our experience with self-help we know that much can be accomplished; we also know the necessary limitations and, therefore, appear before you today on behalf of our 450,000 members to urge further necessary action.

May I, at the outset, identify ourselves with the testimony submitted to you on March 7 by President George Meany on behalf of the American Federation of Labor and the Congress of Industrial Organizations. In doing so, we are simultaneously expressing our general support for the number of necessary and far-sighted proposals of President Johnson that are contained in H.R. 5710.

We prefer to look upon social security as a program that goes far beyond providing a bare pittance for those who have reached retirement age. We conceive social security as an evolving program that gives to the retiree the necessary cash income to live in dignity and security and that will provide a full range of medical services to abate for our senior citizens the ever haunting fear of illness and its mounting costs.

The social security system should also provide needed protection for the families of the younger worker: to provide adequate income and services to the dependents of workers who are disabled or who die.

Finally, there is pressing need for a system that will provide medical and hospital services for the medically indigent—no matter at what age.

In considering changes in benefits to retirees, we believe that there ought to be three guidelines:

First, to raise benefits in keeping with the rise in the cost of living;

Second, to raise benefits in line with our improved economy—both our increasing productivity and our greater gross national wealth;

Third, to extend benefits beyond that, if necessary, to provide a state of true security and dignity for that older generation that has served as the parents of our civilization.

In line with these thoughts, we wish to record our support for the proposed increases in benefits. The increase in the lowest minimum from $44 to $70 a month is long, long overdue catching up with a sadly neglected sector of America's aged. Up to now, some two and a half million recipients, trying to eke out an existence on these $10 a week, have been among our forgotten people. We are likewise pleased to support raising the maximum from the present $168 to $288 a month, to make it possible for this category of retirees to maintain some of its traditional living standards atfer retirement.

The application of these raised standards to the disabled, as well as to the retired, represents a step forward in lessening the fear of sickness or accident for the young as well as retirement for the old.

In noting this "step forward" we recognize that this is, by no means, the end of the journey. In the last dozen years, the standard of living in the United States has risen by 50%.

We owe this great progress in no small measure to the investment made by our senior citizens—the men and women who invested their talents, their time, their muscles and minds to making our nation what it is today. These builders of our present deserve a proper return on their investment of themselves in our civilization. They should share in our plenty by a parallel 50% increase in their social security payments. This is the goal toward which we should move with all speed as we take our first giant step in H.R. 5710.

Because we are realistic and know that an enlarged program will mean enlarged costs, we support the proposal to extend the tax base beyond the present level. We urge this action before Congress. We will also urge maximum support from working people, especially the younger worker who does not face immediate retirement, for this higher tax base.

We believe it is a sound investment for the individual worker and for the nation. To the young worker who will someday retire, the raised base makes possible the continuance of a life in an established and habitual way. At the same time, the same payment provides like protection for the disabled worker and his family. Of equal, if not greater importance, are the survivor benefits for the widow and children of a deceased worker no matter the age. The minimum payment of $105 a month for a widow and child, and of $109 a month for the widow and child of a worker whose average earnings were only $100 a month and of $432 a month for the widow and child of a worker whose average earnings are $900 a month, all of which are contained in the proposed new schedule, can represent the foundation stones of a securer life for the family that has lost its breadwinner.

While we support the extension of the tax base, as proposed, we do urge upon Congress a reexamination of the equities of our present system of taxation under social security. At present, the low earner pays a tax on total income; the heavy earner pays a tax on only a portion of his income. Thus if the cut-off line is set at $6,000, the worker who earns that sum or less would pay the full rate, let us say 5%, while the worker making $12,000 would pay only half the rate, namely 2.5%, of his total income and the worker making $24,000 would pay only 1.25%. In short, the more you make, the less you pay percentagewise of total income.

A measure of equity is established by raising the tax base. But even then, the higher earners still continue to pay on only part of their earnings. In the long run, a more equitable form of financing must consider funding from the general treasury. This matter has already been suggested in the testimony of President Meany and we wish to stress the importance of an early move in this direction.

In regard to Medicare there is a central question to which we should like to direct the committee's attention: that is, the matter of deductibles and co-insurance.

For millions of working people, Medicare has served to remove much of the fright from retirement. For working people without savings, retirement has always been surrounded by anxiety. The ever present threat of sickness haunted those who did retire and millions more who would have liked to retire. The coming of Medicare stirred the fresh air of hope.

We have now had a bit of experience with Medicare. Some of the hopes have been realized. But equally revealing is the fact that some of the greatest fears of those who *opposed* Medicare have not materialized.

There were visions of millions on retirement mobbing our hospitals and our doctors' offices.

Apparently, nothing of the kind has happened or is likely to happen. The doctor's office or the hospital is no picnic. Men and women who have lived an active and useful life do not relish a retirement spent in medical environment. They have better ways to keep themselves busy. They are attending concerts that the union sponsors; they are active in their communities; they make trips to museums and to Washington. There are several hundred here today, coming on their own time and at their own expense. They are active citizens as well as senior citizens, attending political meetings, canvassing, getting out the vote. The last place they want to be is in a hospital or a doctor's waiting room.

Yet it was this fear of over use—this fear that a privilege would be abused—that caused some to favor a deterrent in the law. This deterrent appears in the form of the "deductibles" and the "co-insurance" clauses

In our experience, we find that this deterrent works—but not in the way it was expected to work. It deters many from getting medical care *when they need it.*

The deductibles may appear to be a paltry sum to a man or woman on regular employment. But to millions of workers, who are not and were not top earners, these sums loom large against the background of their fixed and limited incomes. For about 2½ million on retirement, this sum equals a full month's income. These sums are not come by easily; they do not constitute a tax exemption; they cannot be recouped by working overtime in some busy season. They represent a large hole that cannot be filled.

In practice, the "deductibles" actually serve to multiply illness, generating greater costs for both the patient and the social security system. A retiree with a minor ailment will hesitate to spend the deductible sum; he will weigh his physical pain against his financial hardship. He will hesitate to seek medical care.

This can be, and undoubtedly is a costly hesitation. While the retiree hesitates, the illness does not. It aggravates. What began as a minor disturbance that could have been handled easily, quickly and inexpensively in its initial stages becomes a major crisis that demands longer and far more expensive treatment.

What the deductible does is to deter preventive medicine. It removes the incentive to treat the little illness before it becomes a big sickness.

What is true of the deductibles is also true of the co-insurance features of the present system. For a retiree to pay 20% of the medical costs is a deterrent not against unnecessary medical indulgence but against necessary medical care. It keeps the older patient from taking the stitch in time that will save nine.

Although we do not pose as experts on the administrative aspects of Medicare, we know of cases where the "deductible" items have posed such complicated administrative problems that patients have foregone their benefits, or have lost them, in the strangulation of red tape. Here doctors as well as patients have found the complications to be a disease with which neither has been able to grapple.

The proof that the "deductibles" and "co-insurance" are no *minor* matter lies in the fact that this "gap" in the Medicare system has now become the basis for a flourishing business in America. Insurance companies write policies to cover this gap. Retirees are ready to pay to buy such policies at a substantial cost.

Now if the deductibles were intended to serve as a deterrent then the insurance plans to cover this gap remove the deterrent. The great number who are purchasing these "deductible" and "co-insurance" policies are not doing so to malinger in hospitals or doctor's offices but to buy protection against the heavy cost of sickness.

The only real beneficiaries of the "deductible" and insurance items, so far, appear to be the insurance companies, whose customers are driven to them by fear of the vacuum in the present law. But surely it was not the original intent of the clauses on deductibility and co-insurance to turn retirees away from protection by the Medicare system in order to force them to seek protection from private sources.

The growth of private insurance to cover the present gaps in Medicare represents an undue and costly burden to both the retiree and to the entire nation. When a retiree buys private insurance, he is paying for more than service: he is also paying for commissions and profits. In addition, the administrative machinery for collections, billings, and payment is duplicated.

One system, run through Medicare, would represent a vast administrative saving to the nation and a lower cost service to the retiree.

For all of these reasons, we urge the elimination of the deductibility and co-insurance features.

We should also urge that Congress give consideration to providing drug coverage for the recipients of Medicare. The cost of medicine is a steady and heavy drain on the income of the Medicare patient. Drug coverage ought to be considered on a par with medical and hospital coverage.

Finally, we should like to say a few words about Medicaid. A large percentage of the members of our union live in New York State where a Medicaid program of major proportions has been enacted. Even before this program had a chance to become a reality, it was assailed from precisely those persons and quarters that have traditionally opposed Medicare and even the original social security.

In our experience, there is nothing to justify the exaggerated fears that Medicaid will either bankrupt the state or depress the level of medical care. For the first time, families that could not afford medical services feel that they are within reach of proper care.

We are pleased to note that the suggested amendments to the social security act do not intend to halt such services. We are, however, disturbed by the proposal that medical indigency be defined as an income set at 50% above the standards set for welfare cases in the various states. Although this will make little difference in New York, since the welfare standards are such that the 50% formula will not result in an amount radically different from that set in the state at present in the definition of medical indigency, we are disturbed by the restrictions imposed by the proposal on states with lower standards. Some states have such low welfare eligibility standards that the 50% limit would impose an unbearable limitation on an already intolerable low level for welfare.

We would, indeed, suggest that it would be more reasonable—in the light of our national needs—to set minimum rather than maximum standards.

Although this testimony does not make specific reference to all the ground covered by the AFL–CIO testimony, we do not wish it to be interpreted that any omission is due to a lack of concern about the proposals submitted to you by President Meany.

We wish to give our full support to those suggestions, while directing the committee's attention to still other areas that merit consideration.

A MORE CONSERVATIVE CAPITALIZATION OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. WILLIAM D. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WILLIAM D. FORD. Mr. Speaker, I am happy to join my fellow Congressmen from the Great Lakes area in introducing today a bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation. I was privileged to cosponsor a similar bill in the 89th Congress.

Although the recently announced American-Canadian agreement insures no increase in St. Lawrence Seaway tolls for the next 4 years, the decision to turn over to Canada annually, an additional 2 percent of seaway tolls will cost the Seaway Development Corporation half a million dollars a year in revenue. The enactment of this legislation is therefore even more imperative this year.

Basically, this bill will reorganize the finanical structure of the Seaway Corporation by converting its revenue bonds, held by the U.S. Treasury, into capital stock. The corporation would thus pay dividends for the indefinite future rather than interest for a fixed period of amortization. Such dividends would be allowed to accumulate and be paid when earnings permit. No interest would be charged on deferred dividends.

This conversion of the form of the Federal Government's investment will not only solve the corporation's financial crisis, but will also permit the Government to retain ownership of the U.S. share of the seaway in perpetuity and will eventually repay the Government's investment many times over. I urge early enactment of this legislation.

THE 1967 ADULT BASIC EDUCATION GRANT PROGRAMS

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. WILLIAM D. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WILLIAM D. FORD. Mr. Speaker, I am today introducing a bill to provide $10 million in supplemental appropriations for fiscal year 1967 adult basic education grant programs.

Initiated under the Economic Opportunity Act of 1964, and now operating under the Adult Education Act of 1966, the adult basic education program is helping thousands of illiterate and undereducated adults to break the vicious cycle of poverty. By June 30, 1967, it is anticipated that some 642,000 individuals will have participated in the program. Yet this is but a small beginning when contrasted with the magnitude of the problem. In 1960, it was estimated that nearly 24 million Americans over 18 years of age lacked an eighth grade education or its equivalent.

The 1967 appropriation of $30 million for adult basic education represents an actual reduction over the program level supported last year. Although only $21 million was appropriated in 1966, over $14 million in unobligated funds was carried over from 1965. Thus, over $35 million was available in 1966 for grants to the 50 States.

When funds for administrative expenses, special projects and teacher training are deducted from the 1967 appropriation, only $26,280,000 is actually available this year for State grants. The $10 million supplemental appropriation provided in this bill, thus does little more than permit the States to maintain last year's program level.

Without this supplemental appropriation, the States are now being forced to drastically reduce their program operations. In my own State of Michigan, the educational authorities have had to shorten the hours per week and reduce the weeks per year of adult education available to the 13,000 people enrolled in these programs.

Mr. Speaker, we cannot let these people down. We owe them the opportunity for a full and productive working life. I urge the speedy passage of this legislation.

BILL TO ALLOW FAA TO SET AIRCRAFT NOISE STANDARDS

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ROSENTHAL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, I am today introducing a bill to give the Federal Aviation Agency authority to set aircraft noise standards and to certificate aircraft on the basis of such standards.

I need hardly point out that public dissatisfaction with aircraft noise has been increasing in recent years as the problem has become more serious. I am, of course, acutely aware of this situation, as La Guardia Airport is located in my congressional district. Given the expected growth in jet traffic and the future introduction of heavier aircraft with larger and noisier engines, the problem is going to become even more acute.

Fortunately, we are still in a position to do something about it. Such aircraft as the DC–10, the Boeing 747, the SST, and commercial versions of the Lockheed C–5A, being designed to carry several hundred passengers and enormous cargoes, are not yet off the drawing boards. When ready for service, they will be certificated by the Federal Aviation Agency. But under existing statutes, the Federal Aviation Agency is empowered to certificate such aircraft only on the basis of safety standards. It is now time that we extend its authority to include noise standards.

Neither the airline operators nor the aircraft industry can be expected to set noise standards themselves. It goes without saying that they are disinclined to initiate costly engine modifications or to fly with less than their maximum payloads, even though such measures could substantially reduce noise levels. Only the Federal Government, which is not compromised by economic interests, can effectively take the lead.

I am fully aware of the technical limitations on the extent to which jet engine noises can be reduced, and recognize, therefore, that granting the Federal Aviation Agency this new certification authority still promises to bring only a partial solution. But it should be obvious that enactment of this bill is an essential first step to any long-term solutions of the problem.

The Federal Aviation Agency's parallel programs to deal with aircraft noise—namely, the development of new operational procedures in landings and takeoffs and the adoption of more compatible land usage in communities near airports—will be afloat in a sea of uncertainty without firmly established standards for the maximum noise allowable. The Agency cannot be expected to define the parameters of its task without specific powers to limit aircraft noise at its source.

Secretary Alan S. Boyd of the Department of Transportation announced yesterday that he will launch a concerted attack on the problem of aircraft noise. He has charged the Assistant Secretary of Transportation for Research and Technology with responsibility for directing the Department's efforts to alleviate aircraft noise, and, is establishing under him an Office of Noise Abatement, a proposal which I originated last session and am delighted to see implemented. The Secretary also described other steps his Department is undertaking, in cooperation with other agencies such as NASA and HUD, to do everything possible as soon as possible to reduce aircraft noise.

It is now imperative that we give the new Office of Noise Abatement the necessary authority to carry out its task.

Thus, I hope that the Congress will give favorable consideration to my bill. I fear that if such a bill is not passed, we will be faced with the continued prospect of partial, fragmented, and unsatisfactory solutions to this growing problem.

VISTA'S GIVE UP EVERYTHING TO GIVE OTHERS SOMETHING

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ROSENTHAL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD at this point an article which appeared in the Wichita Sunday Eagle, of March 12, 1967, about 20-year-old Eileen Sullivan, from Flushing, N.Y., who is currently working at Osawatomie State Mental Hospital in Kansas as a VISTA volunteer.

This is a dramatic and heartwarming story of what our young people are doing today, and I am proud of the fact that I represent Eileen and others of her generation who have been doing something worth while for their fellow men.

I take great pleasure in setting forth the article:

VISTA'S GIVE UP EVERYTHING TO GIVE OTHERS SOMETHING

(By Forrest Hintz)

OSAWATOMIE, KANS.—Eileen Sullivan had everything going for her. Then she joined "VISTA"—the Volunteers In Service To America program.

At 20, the tall, willowy blonde had a comfortable home in Flushing, N.Y. She had completed two years of junior college. She had an "absolutely marvelous" job with a prestigious Madison Avenue public relations firm and her future was bright.

But Eileen gave it up for an unheated room in an unused ward in the oldest section of the Osawatomie State Hospital. Her pay, at best, is $75 per month, of which $50 is withheld. Her work day begins at 8 a.m. and ends "some time before midnight." Yet, she is a completely happy young woman because she is helping people.

PART OF POVERTY WAR

VISTA was authorized by the Economic Opportunity Act of 1964 as a major element in the War on Poverty. It provides that any person over 18 may volunteer for a year of service. After six weeks of training, volunteers are assigned wherever they are needed, to live and work with the people they are to help. At the end of their year of service they receive the $600 withheld from their pay.

Osawatomie State Hospital was selected as the first VISTA training site in the field of mental health because of the outstanding work being done there. Capt. William R. Anderson, former skipper of the Nautilus, who headed the selection committee, declared "I have visited other hospitals and their program, compared to yours, is like comparing a 707 jet to a pushcart."

But the 31 volunteers training in the hospital are not interested in superlatives. They want to learn and to help.

EILEEN TYPICAL OF GROUP

Eileen Sullivan is typical of the group. Although she is one of the youngest—one is 74—she is deeply dedicated to the program.

"This is a way I can contribute something," she said. "I can help people, yet I think I'm being helped more than they are.

"When you work with people who can't help themselves you learn to be more appreciative of the freedoms you have. You begin to understand yourself, and the experience is better than anything in books.

"It isn't money—you have no chance to spend that. The greatest thrill I've ever had came from a woman patient who wouldn't talk. I walked with her several times, and finally she put her arms around me and kissed me and said 'I like you.' That's worth far more than money."

Eileen came to the hospital Feb. 20. She admits her decision to accept the appointment wasn't particularly easy.

"My parents had some—well, let's say 'reservations' about it," she said. "Frankly, I was a little leery about walking among the patients, but I made up my mind I was going to love it or hate it. There's been no time to be homesick and I love it. I wrote home and said I'd like to stay here forever.

"I hope to work with retarded children because there is such a need in this field and I've seen what can be done with them. I'll probably feel a little shaky if I'm assigned to something else, but the important thing is to be able to help someone."

WORK COVERS ALL PHASES

During her six weeks stay at Osawatomie, Eileen will observe all phases of mental health care. She will work with the very young, the very old and surgical patients. There will be work in the wards, from feeding patients to just talking with them, listening to them and trying to reach them. Field trips and innumerable staff conferences will occupy the rest of her time.

Eileen has a personality Kansans can appreciate. She never met a stranger. Walking into a pleasant sun room, she began helping a patient with a jigsaw puzzle. Another patient walked over to watch.

"Hi," she said, smiling. "I'm Eileen. What's your name?"

"Charley."

"How are you, Charley?"

"Fine." He walked back and sat down and said no more. But when she left, he called " 'Bye, Eileen."

" 'Bye, Charley. See you again." He seemed happy about that.

In another ward, she helped an infirm patient feed himself. In a basement workshop she helped a woman working on a mosaic painting. Always, there was the warm smile and friendly greeting. But she did not patronize or talk down to them. "They're people with problems," she said. "You've got to try to get them to talk about it and you have to listen."

BEST WITH CHILDREN

Eileen was at her best in the retarded children's school. The youngsters responded to her in that sure instinct only they have. They sat on her lap and talked, held her hand or asked for help in arranging numbered blocks in sequence.

Dr. George Zubowicz, hospital superintendent, is enthusiastic about the VISTA group.

"It doesn't matter where they go or what they do when they leave here," he said. "Training in a mental hospital cultivates real empathy. They learn to think like the other person; to see his viewpoint and to understand his problems.

"They may not work with the mentally ill when they leave, but they will have learned to accept differing behavior patterns and to understand other people. This is tremendously important."

NO SIGN-CARRIERS THESE

"These are not the sign-carriers, protesting everything," declared Chaplain Paul Kapp, coordinator of the program. "They aren't searching for a vocational identity. Most of them are altruistic. They're imaginative and creative and have time. They're highly motivated and sensitive to the needs of others, and they're testing their beliefs in practice. They've formed pure relationships with other people on a personal level because they sincerely want to help."

"I wouldn't try to assess their motives," said nurse Helen Willhoit. "Whatever they are, these people are doing a wonderful job. I only wish there were more of them."

Apparently, Eileen Sullivan still has everything going for her.

THE GOLCONDA JOB CORPS CENTER

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Gray] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GRAY. Mr. Speaker, on March 27, I had the privilege of dedicating a new gymnasium and vocational building at the Golconda Job Corps Center in Golconda, Ill. More than 500 people were present, including approximately 200 Job Corps trainees. The camp is located high on a hill overlooking the beautiful Ohio River in the Shawnee National Forest. The Jobs Corps Center is under the supervision of Mr. Owen Jamieson, Shawnee National Forest Supervisor; and Wayne Bell, Job Corps center director. They and their staff are doing a magnificent job in salvaging the lives of misguided youth. More than 900 young boys, throughout the country, have been processed through the Golconda Job Corps Center since the camp opened in June of 1965. Similar success has been experienced at the Crab Orchard Job Corps Center in Williamson County, Ill., headed by Woodrow Austin, camp director; and Arch Mehrhoff, project manager, U.S. Fish and Wildlife Service, Marion, Ill.

Mr. Speaker, these camps are doing much to give hope to these young men who had no hope, to give work experience to these young men who had never held a job before, to give them a skill for the first time, to teach them citizenship instead of mischief. They now will have an opportunity to take their rightful place in life.

Under previous order granted me, I am including an article which appeared in the Chicago Daily News on February 8, which gives an appraisal of the Job Corps in operation, and concludes with this observation:

> The alternative to giving these youths some job skills, experience, self-confidence and a hospitable attitude toward work is to promote relief cases, delinquency and law enforcement problems.
>
> . . . Industry should consider the Job Corps a bargain.

THE JOB CORPS: EXPENSIVE, BUT A REAL BARGAIN

(By John M. Johnston)

When the Job Corps was proposed in 1964 as part of the "war on poverty," Rep. M. G. Snyder (R-Ky.), a freshman congressman, was alerted by the price tag into some sharp figuring. He emerged to announce indignantly that the 200,000 prospective trainees could be sent to Harvard for $500 a year less than the estimated cost of $4,700 each per year.

He was right as far as he went—which was not far enough. In point of fact, at the Golconda Conservation Center in Shawnee National Forest in southern Illinois, the cost per trainee over its 1½ years has been $5,800 a year. Snyder might say the difference was enough to pave the Harvard Yard with admiring biographies of John F. Kennedy.

However—and a big however—the Golconda cost also represents some $500,000 invested in camp and equipment, and you don't charge the entire cost of a school to the first class it graduates. Furthermore, some of the Golconda trainees get through in six months.

Golconda has turned out 171 graduates, to the gratification of industries such as U.S. Rubber Co., which recently hired 14 at wages ranging up to $2.56 an hour.

In his report for 1966, Owen T. Jamieson, Shawnee forest supervisor, estimated that investment in the Job Corps camp had been fully recovered in the works and services of the corpsmen. These include construction of roads, trails, and campgrounds; tree planting, roadside beautification, improvement in fish and wildlife habitat, etc.

The Job Corps admits some mistakes and revised policies. Notably, recruiting is now conducted within a 300-mile radius of each camp. There was criticism of long journeys home at government expense—although trainees are still entitled to one free trip home every six months.

The Golconda trainees, from 16 to 21 years old, are about 65 per cent Negro. Half come from rural areas, half from metropolitan centers. The $5,800-a-year cost includes clothing and medical care—80 per cent had never seen a dentist.

Educational efforts are intensive, for 30 per cent of the Job Corps enrollees are illiterate. They spend alternate weeks in education and in conservation work. They are taught skills such as carpentry, masonry, automotive maintenance, welding, heavy equipment operation. Graduates of a 16-week course in food handling work a year as apprentices under a program sponsored by the Chicago Restaurant Assn., to prepare for a career in the restaurant business.

Some social workers questioned whether the Job Corps approach was sound. They doubted that the effort to turn laggard, emotionally immature and sometimes disturbed youths into responsible workmen could succeed in the comparative isolation of a forest camp.

The argument was that "citizenship and social responsibility must be taught in the society in which one is to be responsible." This now seems to assay as academic tosh.

There have been dropouts too hostile to handle, some of whom are doubtless headed for reformatories and prisons. But, as a sample, the Golconda group appears to have found adjustment, as measured by participation in various community projects, such as local boys clubs.

The record is of current interest because of the attempts that will and should be made to trim wasteful welfare projects from President Johnson's budget. The alternative to giving these youths some job skills, experience self-confidence and a hospitable attitude toward work is to promote relief cases, delinquency and law enforcement problems.

Humane considerations aside, industry should consider the Job Corps a bargain.

MEEDS BILL WOULD CURB DAIRY IMPORTS

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. Meeds] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEEDS. Mr. Speaker, I am, today, introducing legislation which will arrest and reduce the alarming influx of foreign dairy products into the United States. Passage of this bill will make the price support program more effective and less costly, give our dairymen an opportunity to compete with foreign producers, and help dairy farmers to achieve a level of income more nearly equal to that of other segments of our economy.

Importation of foreign dairy products increased by 300 percent during 1966 and amounted to 2.7 billion pounds. To the already hard-pressed dairy farmer, this total represents a whole milk equivalent which could have been produced by 300,000 cows. About 1.8 billion pounds is represented by Junex, a butterfat and sugar mixture, and by "Colby" cheese, a form of cheddar. The U.S. Department of Agriculture estimates that dairy imports could increase to perhaps 4 billion pounds milk equivalent in 1967.

The surge of foreign dairy products and the current milk strike in the Midwest are not unrelated. Whenever additional products are added to the market, the dairyman becomes agonizingly familiar with the law of supply and demand. To prevent milk prices from collapsing even further, the Agriculture Department since last November has had to buy over 2 billion pounds of milk. Dairy imports are making the price support program costly and ineffective.

While I appreciate Secretary Freeman's announcement of March 30 that he is asking the U.S. Tariff Commission to investigate foreign dairy goods, I know that this is no guarantee of remedial action. Rather, Congress should act now to put "teeth" into section 22 of the *Agricultural Adjustment Act of 1935*.

Section 22 authorizes the Secretary of Agriculture to request import quotas from the Tariff Commission of commodities which affect Government price support programs. This feature of the 1935 act was not employed until 1953. The quotas set by President Eisenhower on July 1, 1953 have been systematically evaded. Today, these quotas are virtually meaningless.

The bill I am sponsoring would limit dairy imports to the average of all dairy products imported during the 5 calendar years 1962–66. This limit would be flexible, however, in that it would take into account fluctuations in the annual domestic consumption of dairy products. The President could authorize additional imports, but if prices are below parity, then a corresponding quantity of dairy products would be removed from the domestic market.

While most of us firmly believe in the principle of free trading among nations, we must admit that there are certain situations where free trade is compromised by the actions of our neighbors. European countries not only subsidize their own dairy farmers so that their goods can be exported at very low prices, but they also maintain high tariffs against U.S. dairy products.

The problem of dairy imports is but one of the dangers with which the family dairy farmer must grapple. Dairy prices today are also being affected by blend pricing, a system that has led to a surplus of class II or "manufacturing" milk. To overcome this latter problem, the dairy farmers in the Puget Sound milk marketing area have developed the Nation's first "class I base plan," as authorized by the Food and Agriculture Act of 1965. Approval of the class I plan and the dairy import legislation will help our farmers to enjoy their rightful share of our growing prosperity.

STATEMENT OF MR. JOHN W. SIMPSON, VICE PRESIDENT OF WESTINGHOUSE ELECTRIC

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GIBBONS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GIBBONS. Mr. Speaker, as the professional political prophets of doom go about the country pointing with horror toward imagined budgetary deficits, recessions, and other economic hobgoblins too hideous to identify, I think it is time to pause and reflect upon what businessmen, responsible for spending their own capital in old established companies, think about the future. It seems to me that their predictions as to what the future holds for us should be much more believable than those who obviously have a political ax to grind. For instance, contrast the statement made yesterday:

> High Federal spending and deterioration in the economy . . . all indicators are for a further decline in the economy.

With the statement of Mr. John W. Simpson, vice president of Westinghouse Electric. Mr. Simpson recently held a press conference at which he said:

> We foresee a continued strong growth of the United States economy.

Mr. Simpson went on to say:

> We don't mean to dazzle you with figures, but we do want you to realize that this $370 million is a massive investment, and the largest in the history of Westinghouse.

Mr. Simpson was talking about an investment in the company's future and in America's future.

So that the Members of Congress can gain a better idea as to what one of the industrial giants of this country feels about the future of America, I include in the RECORD at this point the remarks of Mr. Simpson concerning some expansion plans of Westinghouse. Immediately following the remarks of Mr. Simpson, I would like to include remarks concerning a $25 million investment that Westinghouse is making in my own congressional district.

The remarks follow:

REMARKS BY JOHN W. SIMPSON, GROUP VICE PRESIDENT, ELECTRIC UTILITY GROUP, WESTINGHOUSE ELECTRIC CORP. TO MEMBERS OF THE PRESS, RADIO AND TELEVISION, AND OTHER NEWS MEDIA ON MARCH 14, 1967

Gentlemen, thank you for coming this morning. We make it a point at Westinghouse not to have press conferences unless we have something significant to say—and we feel our news this morning will be considered significant.

You probably know that 1966 was the busiest year the electrical equipment manufacturing industry ever had in terms of the amount of new generating capacity ordered by electric utility customers. As you see by this chart, the total steam generating equipment ordered by the year end reached 44,500,000 kilowatts according to E.E.I. tabulation. This was 50 per cent more than was ordered in 1965 and more than double the amount ordered in 1964. The new generating capacity ordered in the past five years totaled 117,500,000 kilowatts for an average of some 23,000,000 kilowatts per year. Thus 1966 purchases almost doubled the five-year average.

There were several reasons for this tremendous increase in plant buying. For example, the growth of utility systems is being accentuated by an increased demand for electric power caused by the population growth, rapid growth of the gross national product, and successful marketing of electric power by many forward looking electric utilities. In addition, many utilities are increasing their reserve capacity.

As a result of this situation, there has been some speculation recently as to whether the equipment suppliers are facing capacity problems—that is, are customers going to order more generating equipment than we have the capacity to supply in a reasonable time period. I think that what Westinghouse has to say this morning will provide an effective answer to such speculation. It is this:

Westinghouse is going to spend approximately $285 million to expand our manufacturing capacity for electric power generating equipment.

We will build a new plant in Charlotte, North Carolina where we will manufacture steam turbines for use in nuclear generating stations. This plant will cost approximately $65 million to build and equip and will employ more than 1,000 persons.

We will build a second new plant—a turbine components plant—at a site we are not yet prepared to announce. This plant will manufacture blades, steam controls and other small components for turbines. It will cost nearly $45 million and will employ about 800 persons.

We will start construction immediately on a third new plant, in Tampa, Florida to manufacture steam generators and related equipment for nuclear generating stations. This plant will employ some 500 and will cost approximately $25 million.

Our present turbine manufacturing takes place at Lestern, Pennsylvania, near Philadelphia. We are considering expenditures of approximately $40 million in the facilities there, which will increase employment from 7,500 to 8,000 in 1967. A large part of this investment will be used to provide a substantial increase in gas turbine production capacity.

I would like to make it clear that the two new turbine and steam generator plants in Charlotte and Tampa will supplement our present manufacturing activities at the Lester steam divisions. Incidentally, we have three divisions at Lester—the Large Turbine Division, Heat Transfer Division and the Small Steam and Gas Turbine Division.

In addition to the three new manufacturing plants, and the expansion at Lester, we plan to spend $50 million for new and expanded facilities for our three atomic power divisions. These are the Pressurized Water Reactor Plant Division, the Nuclear Fuel Division and the Advanced Reactors Division headquartered at Pittsburgh. These three divisions are virtually bursting at the seams handling our large number of nuclear plant orders. This expansion program is not far enough along to discuss in any more detail at this time, but it will begin this year.

And finally we anticipate another $60 million expenditure for still further expansion of our steam divisions capacity in the next few years. Planning on this phase of the program is not complete.

The $285 million expansion program I just outlined deals solely with generating equipment, and most of it is required because of the rapid growth of orders for nuclear power plants.

In addition to the investment we have announced today, we are, of course, spending substantial amounts of money for related electrical equipment required to generate, transmit and distribute electricity. Part of these plans have been previously announced, but, in total, our Electric Utility Group is investing more than $370 million to expand and modernize our manufacturing facilities to meet the needs of the electric utility industry in the United States.

We don't mean to dazzle you with figures, but we do want you to realize that this $370 million is a massive investment, and the largest in the history of Westinghouse.

I need hardly add that we made a very thorough study of the growth patterns of the electric utility industry before committing ourselves to such a heavy investment of corporate funds. What we found confirmed our belief in the need for this additional capacity.

We foresee a continued strong growth of the United States economy. We are impressed with the success the nation's utilities are achieving with their load-building programs across the country, and we are carrying out extensive projects of our own to assist in the load-building effort.

And I think everyone here will agree that the recent rate of demand for nuclear power plants will continue to grow at a rapid pace.

The program we are announcing this morning will very substantially increase our manufacturing capacity for the steam divisions' products. This will enable us to meet the demands of our utility customers in the years ahead, and as additional demand develops, as we expect it will, we will continue to provide the capacity to meet it.

Low-pressure 1,800 rpm turbines used in nuclear plants are larger in size than 3,600 rpm machines used in fossil plants. You see here several photographs of these machines in production. They take longer to manufacture and require the handling and machining of larger components. Our new turbine plant in Charlotte, with higher crane-lifting capacities and the most up-to-date manufacturing tools and techniques, will provide us with the most efficient turbine facility in the world. Once this plant is in operation, and coupled with the improvements planned at Lester, we expect a gradual reduction of the lead time between ordering and delivery for both nuclear and conventional units.

Gentlemen, that sums up the story we wanted to tell you today. What we are doing is investing in the future—heavily, and confidently.

Westinghouse To Build $25 Million Nuclear Steam Generator Manufacturing Plant in Tampa, Fla.

Tampa, March 14.—Westinghouse Electric Corporation today announced it will build a new $25 million facility here to manufacture steam generators and other heat transfer equipment for use in nuclear power plants.

John T. Stiefel, general manager of the Westinghouse heat transfer division, said the company has purchased a large tract of land on the shore of Old Tampa Bay, just south of Gandy bridge along West Short Drive.

"Preparation of the site and preliminary construction plans will move forward immediately," Mr. Stiefel said. "We expect to begin manufacturing in 1968."

He noted that the plant will have about 200,000 square feet of manufacturing and office space. The Kuljian Corporation has been selected as the architect-engineer.

"When the new plant is in full-scale production, it will have a payroll of approximately 500 employees. This work force will be skilled in the machining, fabrication, welding, assembly, and the inspection of large components. Practically all of these employees will be hired and trained locally, beginning in late 1967. Only a key management force to start up the operation will be drawn from our division's headquarters in Philadelphia," said Mr. Stiefel.

Mr. Stiefel said the present and projected market for steam generators has increased the need for expanded manufacturing capacity. The sharp rise in demand for nuclear power stations over the past 12 months has resulted in a surge of orders for steam generators, he said.

"Additional facilities are necessary to handle the current orders, the forecasted load, and the increased size of the product," he explained. "This new plant is further assurance to our customers that we can continue to serve their needs and meet their requirements on schedule."

Westinghouse is building steam generators now with a capacity of over 200,000 kilowatts each and has sold some exceeding 250,000 kilowatts. The unit is about 67 feet long, 14 feet wide in diameter, and weighs about 330 tons. The next generation of this product could be even larger, Mr. Stiefel said.

Steam generators for a Westinghouse pressurized water reactor plant transfer the heat from the reactor coolant system to the steam system of the plant which drives the main turbine-generator which produces electricity. The manufacture of these steam generators is a machining, welding and fabricating type business.

"Nuclear fuel or radioactive material is not a part of the activities of this facility," Mr. Stiefel said. "There's nothing radioactive about the product we will build here, until, that is, it is installed as part of a nuclear generating station at the electric utility site."

Mr. Stiefel said that Tampa was chosen for the new manufacturing plant site because of its "forward look," its labor supply, its educational facilities, its water and land transportation and its climate. He added that in his research in the City of Tampa he was impressed with the civic pride, the helpful attitude and friendliness of the local citizens.

The Westinghouse heat transfer division has been a pioneer in the design and manufacture of equipment for nuclear and conventional power plants, Mr. Stiefel said. It has participated in the nuclear program since 1954, he added.

Mr. Stiefel said the experience gained in programs for the electric utility industry with its strict design requirements and high quality standards, has placed Westinghouse in a leadership position in the production of large heat transfer equipment.

The heat transfer division is part of the Westinghouse steam divisions which has its headquarters at Lester, Pa., near Philadelphia.

SUPREME COURT CARRIES OUT WILL OF CONGRESS IN RECENT BANK MERGER DECISION

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Annunzio] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, on Monday, March 27, 1967, the Supreme Court ruled that in enacting the Bank Merger Act of 1966 the Congress did not intend that bank mergers be immune from attack under the antitrust laws. This is not at all surprising because the language of the 1966 Act specifically refers to actions brought against bank mergers under the "antitrust laws". If Congress had intended that such mergers be exempt, we would have used direct language to accomplish that result in a clear and unambiguous manner.

On the other hand, very important changes in the handling of bank mergers were legislated, but they are procedural in nature. First of all was the requirement that the Federal agencies which must initially approve bank mergers beef up their standards regarding the effect on competition. Also important is the 30-day statute of limitations the law provides. If the Justice Department fails to file an antitrust action in the courts within 30 days of agency approval, that particular merger transaction would thereafter be immune to a subsequent antitrust challenge, except under section 2 of the Sherman Act. However, consummation of any merger challenged within the 30-day period is automatically postponed until termination of the antitrust suit. The act also forgave several prior bank mergers held in violation of the antitrust laws in order that the banks and their customers might be spared the unsettling effect of divestiture. The pervading philosophy of the 1966 act was to set up standards and procedures so that for the future the problem of divestiture of banks which have already merged would never arise. In fact the title of Chairman Patman's bill H.R. 12173, which became law, was "to establish a procedure for the review of proposed bank mergers so as to eliminate the necessity for the dissolution of merged banks and for other purposes."

It is quite interesting to note that the district court judges in dismissing the antitrust actions quoted liberally from the remarks of former Senator Robertson during the course of Senate action on the merger amendment. Of course, the bill that was actually enacted was the Patman bill, not the Robertson bill. The Supreme Court set the record quite straight by quoting the remarks on the House floor of our distinguished chairman, Mr. Patman, while reversing the completely erroneous lower court dismissals.

The single substantive change in the application of the antitrust laws to bank mergers accomplished in 1966 is the provision that a substantially anticompetitive merger may nevertheless pass legal muster where the merging banks are successful in proving that the anticompetitive effects of the merger are clearly outweighed by other substantial benefits to the public. In other words, we relaxed the strict antitrust standards of the Clayton and Sherman Acts by permitting the raising of this affirmative defense, but strictly within the confines of a regular antitrust proceeding.

Mr. Speaker, these remarks are merely a further elucidation on this complex problem in light of the High Court's recent decision. They compliment my comments which appear in the Congressional Record, volume 112, part 18, page 24069.

It is high time, Mr. Speaker, that those who are gnashing their teeth and tearing their hair over last week's decision instead act with some maturity and recognize the wisdom of preserving free enterprise and free competition in banking from a dangerous trend toward superconcentration and monopoly. If the Congress ever does see fit to exempt banks from the antitrust laws, it will be a sad day for America indeed.

ANNIVERSARY OF HUNGARIAN INDEPEDENCE

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. Kelly] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, on Sunday, March 12, 1967, I was most happy to have addressed the American Hungarian Federation of the State of New York, Inc., in the assembly hall at Hunter College, on the anniversary of Hungarian independence. I was most pleased and grateful to my friend and colleague on the House Foreign Affairs Committee, Mr. Edward J. Derwinski, of Illinois, that he saw fit to place my address in the Congressional Record, of March 21, 1967. The gentleman from Illinois [Mr. Derwinski] is a distinguished member of the Subcommittee on Europe, which I have the honor of chairing, and he too shares my lasting interest in the tragic enslavement which communism has maintained over the peoples of Eastern Europe.

At the anniversary celebration which I addressed on March 12, a resolution was passed by the more than 1,200 people who were present entitled "American Hungarian Federation Demands Self-Determination for Hungarian People," Mr. Speaker, I would like to place a copy of that resolution in the RECORD at this point:

AMERICAN HUNGARIAN FEDERATION DEMANDS SELF-DETERMINATION FOR HUNGARIAN PEOPLE

The main political principle of our age is the demand for self-determination which has helped more than fifty nations to become independent since 1945.

This principle is one of the basic tenets of the United Nations and particularly of its *Committee of 24 Ending Colonialism* which is being implemented at the present time.

The principle is, however, not applied to the nations of Eastern Europe. Here despite sham sovereignty, more than 100 million people are still living under Soviet Russian colonial domination. While traditional colonialism is disappearing and only forty-five million people are living under such rule, the Soviet colonial empire remains unchanged and the right of self-determination of the peoples of Hungary and East Central Europe is ignored and denied by the U.S.S.R.

The courageous Hungarian nation already dramatically exercised its right of self-determination during its history-making Revolution of 1956. Lack of effective sanctions by the United Nations and the Western nations, the Soviet Union was allowed to crush the independence and freedom of Hungary, and the spark of freedom and national independence was temporarily extinguished.

The Soviet-Chinese split, the passive resistance of the Hungarian people, and the rise of a new Communist-educated generation all contribute to some superficial easing of the totalitarian rule of the Communist regime in Hungary. However, despite limited concessions, the one-Party dictatorship remains, and we must emphasize that the Hungarian people in all of its 1000 years history, just as in 1956, has always fought against foreign oppression, for political freedom and national independence. In this spirit we renew their demands:

The American Hungarian Federation of the State of New York, Inc. and the American Hungarians in New York and vicinity attending the March 12 Memorial Program at the Hunter College Assembly Hall solemnly resolve that

1. The United States Government should make use of every and all peaceful means to initiate negotiations and action in order to terminate Soviet military occupation of Hungary which has lasted now for twenty-three years.

2. The United States Government should exercise its right and duty deriving from the 1947 Hungarian Peace Treaty to undertake diplomatic action aiming at inducing present Hungarian authorities to grant the Hungarian people their human and political rights, including that of multi-party based free elections.

3. The Secretary General of the United Nations should exercise its right bestowed upon him by the decision of the General Assembly on December 20, 1962 and demand that the authorities in Hungary respect the basic Human Rights of the Hungarian people and release without further delay the political prisoners still detained by them.

The American Hungarian Federation of the State of New York, Inc. also pays homage on this day to the valiant Hungarian Cardinal Joseph Mindszenty who is now living at the American Embassy at Budapest and demands his rehabilitation and restoration to his proper ecclesiastical functions. In paying homage to Cardinal Mindszenty, the Federation also wants to commend the clear stand of our Cardinal Francis Spellman of New York toward atheistic communism and American national interests in Viet Nam.

The Federation also pledges to continue its efforts to mobilize world opinion in order to promote the independence and freedom of the entire Hungarian nation.

As evidenced in this resolution we all must continue to work for the national determination, rights, and political freedom of the peoples of Hungary and other Eastern European nations.

I wish to thank my friend Dr. Z Michael Szaz, who is general secretary of the American Hungarian Federation of the State of New York, Inc., for forwarding this resolution to me, which I had requested, in order that I might place it in the RECORD for the benefit of all Members of Congress.

AMENDING THE INTERNAL REVENUE CODE TO PERMIT TEACHERS TO DEDUCT LEGITIMATE EDUCATIONAL EXPENSES

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. CULVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CULVER. Mr. Speaker, today, I am reintroducing legislation which I originally proposed in the 89th Congress, to amend the Internal Revenue Code to permit a teacher to deduct from gross income any legitimate educational expenses, provided they are not for the purpose of qualifying him for employment other than as a teacher.

Present tax law permits deductions for ordinary and necessary business expenses, and these have been variously interpreted by the IRS to include some educational expenses for teachers, while others have been excluded. Last July, the IRS issued proposed regulations which would deny any such tax incentives.

This action was of particular concern to me because, in my opinion, we should be doing everything possible to encourage teachers to remain in the field and to attract additional college graduates to the profession, rather than removing incentives which already do exist.

Mr. Speaker, every Member of this body is well aware of the critical teacher shortage in this Nation today. Last fall, a shocking proportion of schools in the Second District of Iowa, faced with record enrollments, started the academic year with at least one unfilled position. This situation is not improving in our area, and I know that the problem is at least this acute in the rest of the country.

The challenges before us today—in science and technology, industry and business, government affairs and foreign policy—require the best educated citizenry in our history. And at a time when we require this educational superiority of our young people, it is essential that we have not only enough teachers, but the best qualified ones possible.

For this reason, I introduced legislation to preserve and clarify these tax incentives for teachers who are willing to continue their education and better equip themselves for the critical task before them.

Because of the opposition raised to the July recommendations, the IRS withdrew them and proposed new ones last October which would allow deductions for certain educational expenses. However, a final ruling on those later proposals has not yet been made, and the application of the code to teachers remains as confused as it has always been.

The IRS is to be commended for its response to the protests it received and for its effort to establish regulations as fair as possible within the meaning of the law.

I think that it is obvious, however, that the problem can best be resolved by actually writing into the code a specific subsection dealing with educational expenses of teachers and spelling out where deductions will be allowed, so that the necessity for administrative construction of the law can be minimized.

Congress can be justifiably proud of the sound legislative programs which have been established in the 1960's to improve the quality of our schools and to expand the educational opportunities for young people at every level—through bold far-reaching measures like the Elementary and Secondary Education Act, the Higher Education Act, the Library Services and Construction Act, and the cold war GI bill.

By enacting this legislation I am introducing today, to encourage teachers to seek additional knowledge of their subject matter and teaching techniques, while they are teaching, we can take another important step toward our national goal of educational excellence.

Mr. Speaker, I urge the prompt consideration of this measure by the House of Representatives, and include the text of my bill at this point in the RECORD:

H.R. 7972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 162 of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by redesignating subsection (f) as (g), and by inserting after subsection (e) the following new subsection:

"(f) CERTAIN EDUCATIONAL EXPENSES OF TEACHERS.—

"(1) IN GENERAL.—In the case of a taxpayer who is a teacher during the taxable year or who was a teacher during any of the four preceding taxable years, and who attended an institution of higher education during the taxable year, the deduction allowed by subsection (a) shall include the ordinary and necessary expenses paid or incurred by him during the taxable year for—

"(A) tuition and fees required for his attendance at such institution, for courses for academic credit pursued by him at such institution, or for an academic degree;

"(B) books, supplies, and materials required for courses for academic credit pursued by him at such an institution or for an academic degree; and

"(C) traveling expenses (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances) while away from home attending such institution.

"(2) EDUCATIONAL TRAVEL.—In the case of a taxpayer who is a teacher during the taxable year or who was a teacher during any of the 4 preceding taxable years, the deduction allowed by subsection (a) shall include the ordinary and necessary expenses paid or incurred by him during the taxable year for travel while away from home (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances), if—

"(A) academic credit is given for such travel by an institution of higher education, or

"(B) such travel is accepted by the taxpayer's employer in satisfaction of educational requirements set by such employer or by the State in which the taxpayer is employed as a teacher.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'teacher' means an individual who is employed as a classroom teacher at an educational institution, or as a supervisor, administrator, adviser, or consultant in any capacity related to the instructional program of such an institution (including but not limited to guidance counselors and librarians).

"(B) The term 'educational institution' means an educational institution as defined in section 151(e)(4).

"(C) The term 'institution of higher education' means an educational institution which is authorized to confer baccalaureate or higher academic degrees.

"(4) EXCEPTIONS.—

"(A) Paragraphs (1) and (2) shall not apply to any expense paid or incurred by the taxpayer prior to the time he first performs services as a teacher.

"(B) Paragraphs (1) and (2) shall not apply to any expense paid or incurred by the taxpayer for the purpose of obtaining, or qualifying for, employment other than as a teacher."

SEC. 2. DEDUCTION FROM GROSS INCOME.—Section 62(2) (relating to definition of adjusted gross income) is amended by adding at the end thereof the following new subparagraph:

"(E) EDUCATIONAL EXPENSES OF TEACHERS.—The deduction allowed by section 162(f) for the educational expenses of teachers."

SEC. 3. EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

DAIRY IMPORTS AND THE KENNEDY ROUND

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. TUNNEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TUNNEY. Mr. Speaker, on Thursday, March 30, 1967, the Secretary of Agriculture announced that the Tariff Commission would be requested to take action against the heavy flow of dairy imports. There is no question in my mind that dairy farmers, and for that matter, all farmers deserve a better income. It is well known that low-priced cheese and butterfat-sugar mixtures are being imported by U.S. companies from Australia, New Zealand, and Western Europe through evasion of existing quotas.

Total dairy imports last year were 2.7 billion pounds, three times that of the previous year. I certainly agree with the Secretary that something must be done to provide some relief for the dairy industry.

The Secretary's action was necessary and reasonable in view of the serious threat to our dairy industry.

It reflected the proper exercise of judgment that will lead to fair treatment for our farmers without jeopardizing the Kennedy round tariff negotiations presently underway in Geneva. These negotiations are of major importance to the country and particularly to my district and my State of California. It should be pointed out that California's export share of agricultural commodities during fiscal year 1965–66 was $485.2 million and that of my district, which includes Riverside and Imperial Counties, is $44.1 million.

I believe that it would be appropriate at this time to list the amount of and types of commodities exported by first, my district; second, California, and lastly for the United States as a whole.

Value of estimated export shares of agricultural commodities attributed to Congressional District 38 of California, the State of California, and the actual U.S. exports of agricultural .commodities, fiscal year 1965–66

[In millions of dollars]

Commodity	Congressional District 38 (California)	California	United States
Wheat and flour	0.7	11.6	1,403.1
Rice, excluding paddy		44.9	220.1
Total feed grains	1.4	17.3	1,351.2
Cotton, excluding linters	11.2	84.4	385.8
Soybeans			734.4
Flaxseed	.1	.1	15.5
Soybean oil			140.0
Cottonseed oil	.7	5.3	49.1
Protein meal	.6	4.2	215.7
Tobacco, unmanufactured			394.7
Fruits and preparations	6.0	156.6	326.6
Vegetables and preparations	9.6	64.5	160.7
Dairy products	.5	9.4	174.1
Meats and products, excluding poultry	2.0	7.8	115.2
Hides and skins	3.0	11.9	130.3
Poultry products	.4	4.0	72.4
Lard and tallow (edible and inedible)	3.2	12.8	182.2
Other	4.7	50.4	591.8
Total	44.1	485.2	6,680.9

These figures are certainly proof of the need for a successful conclusion of the Kennedy round negotiations. An improvement in our agricultural export market will, of course, help to increase farm income.

Therefore, I hope that the United States proceeds to gain a more favorable balance of trade by increasing its exports. I believe that this would represent the best long-range method of ensuring a dynamic economy, an expanding consumer market, and raising incomes in agriculture and industry.

INSECT INFESTATION AS A NATURAL DISASTER

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. TUNNEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TUNNEY. Mr. Speaker, I am introducing a bill today to amend the Agricultural Adjustment Act so that insect infestation may be treated as a natural disaster for producers of cotton, wheat, and feed grains. Senator THOMAS KUCHEL of California is introducing identical legislation today on the Senate side.

The passage of this legislation is of the utmost importance to cotton, wheat, and feed-grains producers. The cotton producers in my district, for example, expect to face severe losses this year due to pink bollworm infestation.

In 1966, the cotton-producing lands in my district of southern California were invaded by the pink bollworm. The Palo Verde Valley which is located in the eastern end of Riverside County, Calif., along the Colorado River, suffered particularly severe crop losses and control measures were not applied by any agency of the State or Federal Government. A number of growers asked the Riverside County Agricultural Conservation and Stabilization Committee to be permitted not to plant cotton in 1967 and still receive their diversion and support payments by authority of Public Law 89–451. The county committee approved this request. However, the State committee later denied the application based on information received from Washington that the language of Public Law 89–451 would not permit such payments because insect infestation could not be considered a natural disaster.

I feel that the law should be amended to include insect infestation as a natural disaster along with floods and droughts, for the purposes of Public Law 89–451.

I am sure that my colleagues in the House can see the equity and the need to expand the existing legislation for wheat, cotton, and feed-grains producers and I hope that this amendment is enacted at an early date by the Congress.

WE CHOSE TO HELP

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. ROYBAL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROYBAL. Mr. Speaker, during the past decade, the United States faced a choice: to help Latin America help itself in overcoming economic and social evils, or to continue our neglect of the area while Europe and the United States marched even faster ahead in the technological era.

The latter course would undoubtedly have resulted in more political unrest and more overthrows of governments by force; in appalling health conditions and further deterioration of economic conditions.

Perhaps in part because of our religious background, in part because we are our brothers' keepers, and partly in our own enlightened self-interest, we chose to help rather than ignore.

We already shared mutual defense commitments. We were fellow members of the world's oldest regional organization. Our political and social dreams of justice were akin.

We made the wise choice and recognized that there is no other part of the world with which we are so vitally and lastingly linked as we are with Latin America.

And we signed the Charter of Punta del Este, which created the Alliance for Progress in August 1961. The Latin American nations agreed to make economic and social reforms and we agreed to furnish economic assistance to serve as a catalyst.

Since that time, the United States has kept its part of the bargain; the Latin American nations have moved toward completion of the Alliance. The success is far from total—but it can be seen and felt.

I submit that our foreign policy toward Latin America, with the Alliance as its cornerstone, is an enlightened one. It is the only one we could intelligently follow.

From an economic viewpoint, it is more profitable to trade with a prosperous area than an underdeveloped one.

From a political viewpoint, it is safer to have democratic and strong nations as neighbors.

From a moral viewpoint, we could not face history if we did not offer a helping hand to a neighbor struggling to help himself.

We made our choice, and a wise one, when we signed the Charter of Punta del Este. Now the moment has come to take up new challenges and make new decisions. The meeting of American chief executives at Punta del Este, I am sure, will result in acceptance of the challenges and in bold initiatives to carry America forward.

PRESIDENTIAL COMMISSION'S REPORT ON CIA SUBSTITUTE PROGRAM IN ACCORD WITH BILL PROPOSED BY REPRESENTATIVE MONAGAN

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. Monagan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MONAGAN. Mr. Speaker, on March 9, 1967, I introduced H.R. 6990, a bill to provide open private financing for U.S. participation in cultural, educational, labor, and student activities abroad. The idea of a private, independent corporation directing the disbursement of private funds for such activities, as I have so proposed in my bill, has attracted widespread support throughout the United States.

Mr. Speaker, in my estimation the American public is in favor of continuing a program of assistance to American labor, educational and cultural groups for participation in international projects abroad. We now recognize that such participation by Americans is an important adjunct to our foreign policy. Whereas the necessity for the CIA to provide such support was unfortunate, and its disclosure embarrassing, the fact remains nonetheless, that participation by Americans in international programs and projects is essential if U.S. citizens and their ideas and goals, are to become familiar to people throughout the world.

The reaction of editorial writers, newspaper columnists, television commentators, and the public to my proposal for private sponsorship of such activities has been most gratifying.

My bill, H.R. 6990, calls for the establishment of a nonprofit, federally chartered corporation which would be administered by a board of directors drawn from the executive and legislative branches of the U.S. Government and from the private sector of the U.S. populace. The corporation would be responsible for disbursing funds to American groups interested in participating in international programs. The sources of such funds, and their distribution would be open to public scrutiny. The corporation would be independent of governmental control, and would provide this worthwhile assistance in an open, objective manner.

Since the introduction of my bill, a Presidential Commission including Under Secretary of State Nicholas deB. Katzenbach, CIA Director Richard Helms, and Secretary of Health, Education, and Welfare John W. Gardner has filed a report and conclusions substantially in accord with my bill. The Commission's report was endorsed by President Johnson on March 29.

A recent editorial in the Ansonia, Conn., Evening Sentinel attests to the fact that support for my bill is growing. I would like to call this editorial to the attention of my colleagues:

MAKING IT OPEN

Congressman John S. Monagan of Connecticut's Fifth District has introduced a bill which would make it possible to do openly, and above board, what the CIA undertook covertly, but with an unpleasant reaction when the cat was out of the bag.

Monagan's bill would charter an independent corporation which could advise student, labor, journalistic, scientific, and educational organizations in support of U.S. foreign policy.

It could accept funds from foundations or private individuals, and if such financing were insufficient, Congress would be authorized to make appropriations.

The advantage here would be that while there could be government support, it would be open and its extent unknown.

It may be said that groups thus subsidized would not be as free in their behavior as those who represented their country at international gatherings without knowing the government was behind the foundation facade.

But on the other hand, the Communist delegates to such gatherings, many of which had been organized by the Reds to influence world opinion, had all knowingly been carefully screened, selected and financed for the particular purpose by the Soviet government.

NEW SAFEGUARDS FOR FARMWORKERS

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Burton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BURTON of California. Mr. Speaker, the farmworkers of this country have been thrust into jungle warfare days, because they do not have an orderly procedure for collective bargaining.

William L. Kircher, director of the AFL–CIO Department of Organization, made that statement in "Labor News Conference" heard on the Mutual Radio Network. He called for extension of the National Labor Relations Act to farmworkers and for protection of farmworkers under unemployment compensation, health and safety laws, child labor laws, and other Federal legislation that covers most workers.

Since minimum wage legislation was recently extended to farmworkers, there has been consideration of further protection for those who make their living by working on our farms. In view of this fact, Mr. President, I know that others would like to have Mr. Kircher's views. I therefore include the broadcast in the Record at this point:

NEW SAFEGUARDS FOR FARMWORKERS

Flannery. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is William L. Kircher, director of the AFL–CIO's Department of Organization.

Although Congress last year made a modest first step to ease the social and economic plight of American farm workers, they are still denied most of the rights and benefits other workers enjoy under federal and state laws. Calling for further legal safeguards for farm workers, the AFL–CIO Executive Council said: "In the most affluent nation of the world, and supposedly the most humane, the substandard status suffered by the three million Americans who work for wages in agriculture can no longer be tolerated." Here to question Mr. Kircher about the AFL–CIO's aims in behalf of farm workers, and how he assesses the chances for success in this effort, are William Eaton, Washington correspondent for the Chicago Daily News, and Neil Gilbride, labor correspondent for the Associated Press. Your moderator, Harry W. Flannery.

And now, Mr. Eaton, I believe you have the first question?

Eaton. Mr. Kircher, what kind of federal legislation does the AFL–CIO want to advance its drive for organizing farm workers?

Kircher. Actually, in terms of advancing the drive for organizing farm workers, the most important piece of legislation is an extension of what we refer to as the National Labor Relations Act—the Labor-Management Relations Act—to farm workers, so there will be an orderly procedure for them to determine a collective bargaining agent.

The AFL–CIO is also interested, of course—and this has very little to do with organizing—but the AFL–CIO is very interested in extending to farm workers, adequate coverage under the Fair Labor Standards Act, Unemployment Compensation, industrial compensation, health and safety laws, child labor laws, and some of the other federal legislation from which the rest of the workers in the nation have benefitted for many years.

Eaton. Why have farm workers been excluded from the protection of these laws?

Kircher. Being as charitable as I can be in answering that, I would say that there might have been a question—a quarter of a century or more ago—with respect to whether or not farm work and agriculture was an industry that was within the framework of interstate commerce, where Congress can legislate. Many years ago, the Agricultural industry was more of a family farm structure than it is today. So, I am being charitable when I say that it has been considered by many to be outside interstate commerce.

I think, as a matter of fact, the powerful political pressures of the farm bloc and other portions of the power structure have never looked too kindly upon the extension of first class citizenship to farm labor.

Gilbride. Mr. Kircher, if these farm workers get virtually no protection under the federal labor laws, what about state law? Do they get any better break there?

Kircher. Mr. Gilbride, it is about the same story in state legislation.

To begin with, a great deal of the state legislation doesn't exist in the same areas as some of the federal legislation. And, where it does, there are the same kind of exclusions.

For example, New York state has its own labor relations law and an agency that can go in and hold elections and determine whether a group of workers wants a union for themselves for collective bargaining purposes in the areas of employment that are not covered by the federal law. But, farm workers are excluded from that state law the same way they are excluded from the federal law.

Gilbride. There have been some attempts to organize farm workers, I believe, primarily in California, recently. How do you go about negotiating a contract with a farm owner if he does not have to bargain under the law?

Kircher. Well, you just have to resort to strike, boycott, harassment and every kind of economic sanction that you can possibly get by with.

What it does, and what people should recognize, is that the void actually thrusts the farm worker back into the jungle warfare days that preceded the kind of national labor relations policy about which this nation has bragged for so many decades.

Here is a substantial part of our national work community which is told, if you want the things other workers get through normal peaceful procedure, then you are going to have to raise all kind of cain, you are going to have to picket and strike and do all of the things that the policy of this nation is dedicated to eliminating.

Flannery. What is your situation in California, Mr. Kircher, now that you have a new governor and he has appointed an Agricultural Secretary—or officer, whatever it is out there—who is a member of the National Right-to-Work Committee. What is the situation in California now, as far as you are concerned, in organizing the farmers?

Kircher. Well, we know there are very, very few friends at the executive level of the state administration in California. The governor, in one of his first acts, appointed a man by the name of Alan Grant as the head of the Agricultural Department of the state. Mr. Grant, as you say, has been very close to the National Right-to-Work Committee, which indicates pretty much his attitude about organized labor generally. He is also the head of the California Farm Bureau.

I read, right after his appointment, where he said that "there are only two things we have to do out here in California as far as agriculture is concerned: One is to get the Bracero program back and the other is to knock off this business of collective bargaining for farm workers."

Gilbride. Mr. Kircher, where does the Bracero situation stand now? I believe in the past year the Labor Department has rather severely limited the importation of Mexicans and British West Indians and others. Are many of them coming in nevertheless?

Kircher. No, not compared with what it used to be. Public Law 78 made it very easy for growers and employers to bring alien labor into the country. The expiration of that law a couple of years ago changed this considerably.

Now, there are emergency provisions that the Labor Department establishes through hearings on what it calls an "adverse effect wage rate." This simply means that a grower can seek alien labor, but before he can even qualify to ask for alien labor, he must offer that "adverse effect wage" to domestic labor. Then, if he cannot get domestic labor at that wage level, he is qualified to seek alien labor.

You know it would be pretty easy for an employer to offer domestic workers 95 cents an hour and then complain that he couldn't get anyone to work at that rate.

Gilbride. There have been a lot of complaints that Americans simply won't do this kind of work. Has this program to limit Braceros increased the number of Americans doing farm labor?

Kircher. Yes—as long as we understand that we are talking about Filipinos and we are talking about Mexicans, and we are talking about Japanese and we are talking about Negroes when we talk about Americans. Let's understand what we mean in the terms. We have domestic labor, American labor—that is, Filipino-American, Negro-American, Mexican-American. And, there have been adequate supplies, even since the expiration of Public Law 78.

As a matter of fact, on the big Schenely ranch, out in the San Joaquin Valley where we wrote the first AFL–CIO labor contract, we have a long, long waiting list of workers who would like to get jobs at Schenley. The reason is that we wrote a minimum wage of $1.75 an hour into that contract.

Flannery. These are domestic workers? In other words, there aren't too many cases, I suppose, where there are these shortages and they are able to bring in Braceros?

Kircher. Very few.

Eaton. Mr. Kircher, what are the conditions and rates for non-organized farm workers in California and in other states?

Kircher. Well, the levels of agricultural wages in Hawaii are the highest of any of the 50 states.

Eaton. Is that a result of union effort?

Kircher. It is a combination of two things: the result of union effort on the islands, and, the second thing, of course, is that the relative position of the agricultural workforce in that state's economy has a sharper impact than it does in most of our other states. It is a sort of separated, segregated state.

Outside of Hawaii, California ranks first. The wage levels in California—I would hesitate right now to say what the averages are, but my guess is that they are probably between $1.25 and $1.30 an hour in farm labor in the state of California. This is the highest.

Eaton. Without much other additional protection—health plans or pension or vacations?

Kircher. No, virtually no other benefits—just the wages. Sometimes they will have housing, though it is often very inadequate and they have to pay for it one way or another, anyhow. There are just no fringes to speak of.

Then these wages go down considerably in other states.

For example, in Texas, which I find to be one of the very worst states. Down in the Rio Grande Valley, we have a strike of our United Farm Worker Organizing Committee now about a year old there. We find wage levels there as low as 65 and 70 and 75 cents an hour. These will vary from state to state.

You find non-agricultural states that do have crops that get picked in season, like Michigan and Wisconsin, which you really don't think of as agricultural states, that have wage levels that look a little better, simply because the only time there is a substantial workforce—an agricultural workforce in that state—is under the pressure of harvest.

Frequently, the employers are competing with one another to get whatever labor is available to pick their crops when they are ready to be picked. This can make as much as 5 to 15 cents an hour difference in the wage levels, because of the manner in which the scarcity of employees has a tendency to build up the wage level.

Flannery. Mr. Kircher, there was a recent breakthrough in regard to minimum wages. What effect has this had on farm wages?

Kircher. Mr. Flannery we have not really had time to assess it, and I am not real certain what it is going to be. You understand, there is certain criteria with respect to that law. An employer, to be placed in the position of having to pay that minimum wage in farm labor has to hire workers a certain number of man-days per quarter, so the real small operators will not be covered by that law.

And the bigger operator, particularly in states like California, will tend to be paying close to, or, in many cases, above that.

So, we don't know, really, how many people are going to be affected or what effect it is going to have on wage levels, generally. I think it will take a year to find out.

Gilbride. I believe the AFL–CIO has said that the national average wage for these farm workers is about $1.18 an hour. What do you think it should be? What would be a fair wage for these people?

Kircher. Well certainly, it should be above the poverty level.

We have already demonstrated, through free collective bargaining, that we can establish a minimum wage of $1.75 an hour. I don't think anything below $1.75 is reasonable.

We have argued before the Labor Department all over the country in the hearings with respect to the "adverse effect rate," that the wage levels should not be below what workers demonstrate they can negotiate and bargain for in the free collective bargaining atmosphere.

Gilbride. Well, if these 3 million-odd people suddenly went up to $1.75, what effect would this have on the food prices? Wouldn't it tend to increase them rather sharply?

Kircher. It might increase some. I think there are two ways to answer the question.

First, I don't think any American wants underpaid, deprived workers subsidizing the foodstuffs that go on his table. Number two, the impact of wage improvement on the cost of foodstuffs, I am told by people who are research and economic experts, would not be nearly what folks anticipate.

For example, I have been told that the wage level of field workers in lettuce could be brought up above the poverty level—in other words, we could pay lettuce field workers above $1.70 and $1.75 per hour—and not raise the cost of the head of lettuce more than one cent.

Now, I submit, one cent per head of lettuce is a pretty inexpensive contribution for those of us who buy lettuce to make to a little higher level of citizenship for these many hundreds of thousands of workers who have been forgotten for so long.

Eaton. Mr. Kircher, if economics is not the main reason for keeping wages low, why do growers resist unionization and/or higher wage rates?

Kircher. Well, Mr. Eaton, I don't want to say that economics is not important. Certainly it is important, and there is no question but what organization and collective bargaining are going to raise wages. That is what has happened every time there has been a successful unionizing effort and a collective bargaining experience.

But, I would say that there is a great deal beyond the economics.

My experience, as limited as it has been with the employers in this industry, is that there is sort of a psychological factor here. This is a way of life for them. They just don't like the idea that they may have to sit down and really talk seriously with and listen to, representatives of their workers. They consider themselves to be kind and they are nice to their workers, but they just don't want them talking back. They just don't want them having a voice in what their conditions will be.

I think this is one of the big reasons. It is sort of the end of an era for the growers in agriculture.

Eaton. Mr. Kircher, can you tell us how long the AFL–CIO has been active at the national level in organizing farm workers? Where it is operating now, and is this a permanent program?

Kircher. Oh, yes. The effort of the AFL–CIO—and there have been efforts by the former AF of L and efforts by the former CIO prior to these—but the actual efforts started shortly after the merger. The plans went into effect in 1958. The AFL–CIO Agricultural Workers Organizing Committee was formed early in 1959. It has been very active and very aggressive, particularly in the West.

And then last year, with the strike in the grape industry in the San Joaquin Valley, in which both the AFL–CIO's Agricultural Workers Organizing Committee and the Independent National Farm Workers Associates, headed by Cesar Chavez were involved. These two groups merged into what is now the National United Farm Workers Organizing Committee, which is an AFL–CIO operation.

Flannery. Mr. Kircher, what you are saying is that although there was a step-up in the operations with the formation of the Agricultural Workers Organizing Committee, there were agricultural workers unions long before that?

Kircher. Yes, Mr. Flannery. There is an even more important point.

The organizing effort on the part of the AFL–CIO prior to last year was an effort directed not at the actual structuring or signing up of dues-paying members—the *traditional type of thing—the effort of the* Agricultural Worker Organizing Committee operation was more to put the kind of pressure on the industry that would cause them to make some improvements.

And since 1959, there has been a constant improvement in wage levels.

Nothing dramatic, but a regular, constant improvement—where the AWOC was operating.

Now, what happened was that with the elimination of Public Law 78—the wiping-out of the Bracero program—and with the kind of base we had built since 1959 with the AWOC program—we were then able to move into the kind of organizing program that not only continued to put that kind of pressure on the industry generally, but through strikes and boycotts, we started to build memberships and write union contracts in the more traditional form.

Eaton. Mr. Kircher, what about activities in the South and in the East, where there is some agricultural activity?

Kircher. We, at the present time, have about 12 additional places around the country where we have the preliminary work pretty well underway, and one of these days, we will be doing the same things that we are doing in California. We are not announcing them in advance, because as long as we have to resort to jungle warfare—one of the great tactics of the guerrilla is surprise—we don't want the employer community to know ahead of time, where or when we are going to be.

Gilbride. Do you hope to make any progress at all in this current Congress toward helping these farm workers?

Kircher. Well, hope springs eternal. We are going to be working very hard at the job, Mr. Gilbride.

We are very encouraged today to note that there is substantial interest in the extension of federal legislation—particularly in the field of the National Labor Relations policy—to farm workers—interest among groups other than the organized labor movement.

Eaton. Mr. Kircher, wouldn't it be difficult to hold elections among farm workers who often are temporarily employed, and change and move around?

Kircher. Not at all. As a matter of fact, one of the most beautiful things to realize about this is that we have an agency in this government—the National Labor Relations Board—that now has 32 years' experience and is expert in doing just exactly that. They celebrated the casting of the 25 millionth vote in NLRB elections just the other day.

There is no more capable agency in the history of man in meeting the kind of unusual circumstances that might present themselves in a secret ballot election process, than the Nation Labor Relations Board. It is there—tailormade.

Eaton. If you got this kind of law, what would happen in farm organizing?

Kircher. Well, there would be the greatest growth in union membership, in a period of about 2 years, that we have seen in any section of the work force for the last 20 years.

Flannery. Thank you, gentlemen. Today's guest on Labor News Conference was William L. Kircher, director of the AFL–CIO's Department of Organization. Representing the press were Neil Gilbride, labor correspondent for the Associated Press, and William Eaton, Washington correspondent for the Chicago Daily News. This is your moderator, Harry W. Flannery, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Radio Network.

HEARINGS ON HOUSING AND URBAN DEVELOPMENT LEGISLATION

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Barrett] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BARRETT. I would like to announce for the Record that the Subcommittee on Housing will begin hearings on housing and urban development legislation beginning April 18 and continuing if necessary through Thursday, April 27.

Groups interested in testifying should call or write Jim McEwan or Ken Burrows of the subcommittee staff, 2129 Rayburn Building, Washington, D.C., telephone 225–7054.

HOUSING AND URBAN DEVELOPMENT ACT OF 1967

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Patman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PATMAN. Mr. Speaker, I have today introduced a housing bill embracing the administration's proposals for housing legislation this year. I have been joined in introducing this legislation by the gentleman from Pennsylvania [Mr. Barrett] the honorable chairman of the Subcommittee on Housing of the House Committee on Banking and Currency.

A section by section analysis of the bill follows:

Section-by-Section Summary of Housing and Urban Development Act of 1967

TITLE I—FEDERAL ASSISTANCE FOR RAT CONTROL AND EXTERMINATION

Section 101: Short title

This section provides for title I to be cited as the "Rat Extermination Act of 1967".

Section 102: Purpose

This section states that the purpose of title I is to authorize a program of Federal assistance under which communities could develop and carry out local rat control and extermination programs.

Section 103: Grants for local rat control and extermination programs

This section would authorize the Secretary of Housing and Urban Development to make grants to units of general local government to assist them to develop and carry out rat control and extermination programs. This authority would permit local programs to be undertaken on a city- or community-wide basis, or staged to cover selected areas within such cities or communities.

The grants may not exceed two-thirds of the cost of developing and carrying out a local program for each of the first three years the local program is in operation, and may not exceed one-third of the cost for the fourth and fifth years of the program.

The Secretary could approve local programs involving a variety of rat control and extermination methods suited to specific needs and circumstances. These could include extermination on an area-by-area or block-by-block basis, eliminating rat harborages and food supplies (for example, through improved refuse and waste collection methods), and *other actions designed to reduce or eliminate* the disease, injury, and property damage which is caused by rats.

The local rat control program must (1) be consistent with the locality's workable program for overall community improvement, and (2) afford, to the maximum extent feasible, opportunities for employing the residents of rat-infested areas, and for providing appropriate training and any information which may be necessary for such residents.

Section 104: Workable program for community improvement

This section provides that grants for local programs could not be made unless at least two specific conditions were met. First, a workable program for community improvement for the locality in which the program is to be carried out (under applicable requirements set forth in section 101(c) of the Housing Act of 1949) has been presented to and approved by the Secretary. Second, the workable program would be required to contain provisions for maintaining in the locality, for a period of at least five years following the termination of the local program activities receiving Federal financial assistance, at least the same level of effectiveness in rat control as that attained at the time of termination.

Section 105: Consultation with other departments and agencies

This section provides that in carrying out the grant program, the Secretary would cooperate with and seek the advice of other interested departments and agencies. For example, the Department of Health, Education, and Welfare would be consulted with respect to the health aspects of rat control; the Departments of the Interior and Agriculture with respect to their continuing basic research and other programs regarding rat control; and the Department of Labor and the Office of Economic Opportunity with respect to their training and other community aid responsibilities, which could be of assistance in carrying out this program.

Section 106: Definitions

This section defines the terms "State" and "units of general local government". Included in the latter definition are municipalities, counties, townships, towns, boroughs, villages, or other general purpose political subdivisions of a State, or any combination of units of general local government in one or more States, Indian tribes, and, for their urban areas, the territories and possessions of the United States.

Section 107: Appropriations

This section authorizes appropriations for the rat control and extermination grant program. No more than $20 million could be appropriated for the program before July 1, 1968. All amounts appropriated could remain available until expended when so provided in appropriation acts.

TITLE II—HOUSING AND URBAN DEVELOPMENT AMENDMENTS

Section 201: Short title

This section provides for title II to be cited as the "Housing and Urban Development Amendments of 1967".

Section 202: Uniform maximum interest rate for mortgage insurance programs

This section would amend the National Housing Act to establish a uniform maximum interest rate (6 percent) that can be charged in the FHA multifamily mortgage insurance programs.

At present, the Secretary is authorized to prescribe a maximum interest rate of 6 percent under certain FHA multifamily programs (the section 220 urban renewal program, the section 221 low- and moderate-income program, and the section 232 nursing home program); but may prescribe a maximum *interest rate of only 5-¼ percent in* others; (the rental housing program under section 207, the program for condominiums under section 234, and cooperative housing program under section 213); and a maximum interest rate of 5-½ percent in the elderly housing program under section 231.

A statutory limitation restricting the maximum interest rate which may be prescribed in certain multifamily programs to less than 6 percent, simply results, in tight money periods, in the use of exorbitant discounts in connection with mortgages insured under these programs. The amendments made by this section would provide uniformity among FHA multifamily mortgage insurance programs, reduce the practice of charging exorbitant discounts in those FHA multifamily mortgage programs which have a statutory maximum interest rate of less than 6 percent and make these programs more readily available to finance needed housing.

Section 203: Supplementary financing for nursing homes

This section would permit insurance of supplementary loans financing improvements and additions provided in connection with existing FHA-insured nursing homes. The amount of the supplementary loan which could be insured would be limited to 90 percent of the value of the improvements and additions to the nursing home. In addition, the amount of the mortgage on the improvements and additions when added to the outstanding balance of the existing mortgage could not exceed the basic mortgage limitations under the nursing home program.

The proposed supplementary financing provisions would be similar to those enacted by the Congress in 1966 in connection with the cooperative housing program.

FHA insurance for these supplementary loans would help meet a need for more nursing home facilities. Many nursing homes financed with FHA insured mortgages are initially restricted in size and facilities by limitations imposed in the Certificate of Need issued by State authorities at the time the project is built or by limitations imposed by the FHA. These limitations are generally made on the basis of the estimate of the need in the community for nursing home facilities. Frequently, after operating for a period of time, a nursing home fills all of its beds and develops a long waiting list of patients desiring space when it becomes available. The present FHA nursing home program affords no way for financing an addition or expansion of the facilities unless this can be done as a part of a rehabilitation of the project and a refinancing of the existing mortgage. In many instances, under today's money market conditions, the existing mortgage on a project bears interest at a rate lower than the current rate that would apply to a new refinancing mortgage. In addition, in most cases, it is not rehabilitation that is needed but more facilities.

Section 204: Increased mortgage limits for condominiums

This section would provide the same downpayment requirements and maximum mortgage limitations for the FHA condominium program as are currently in effect under the regular section 203 home mortgage insurance program. This would be done by increasing the maximum mortgage limits from 75 percent to 80 percent of the appraised value of property in excess of $20,000.

Section 205: Low-rent public housing—Corporate status

This section would repeal obsolete provisions of law. When the United States Housing Act of 1937 was first enacted there was established a special corporation known as the United States Housing Authority to perform the Federal low-rent housing functions. The Authority was capitalized with $1 million *of capital stock provided by the United* States Treasury.

Under the Department of Housing and Urban Development Act, all the functions of the corporation were vested in the Secretary of the Department. The corporate status, capital stock and the $1 million provided by the Treasury now serve no purpose.

This section would accordingly repeal the obsolete provisions of law, retire the capital stock, and return the $1 million to the United States Treasury. However, savings provisions in this technical amendment provide for continued auditing by the General Accounting Office of separate accounts maintained with respect to the functions under the 1937 Act.

Section 206: Purchase of units by tenants

This section would broaden the existing statutory provisions authorizing sale of public housing units to tenants. At present, only public housing units which are of detached or semi-detached construction may be sold to tenants. This section would permit the sale to a public housing tenant of any property owned by a local housing authority so long as the property sold has sufficient individual identity (including cooperative or condominium units) to make it suitable for sale to, and occupancy by, the public housing tenant.

Section 207: Additional assistant secretary

This section would authorize the appointment of an additional Assistant Secretary in the Department of Housing and Urban Development. Although the Secretary could utilize this position in carrying out any of the statutory responsibilities of the Department, this Assistant Secretary would serve as the Secretary's principal assistant in providing leadership in organizing an effective, government-wide, urban-oriented research and development program to foster innovation in the field of housing and urban affairs. He would also provide engineering and technical advice to the Office of the Secretary and to other Assistant Secretaries, as appropriate, and he would plan, organize, and administer the Departmental research and development program.

Section 208: Comprehensive planning

This section would amend section 701 of the Housing Act of 1954, which authorizes assistance to States, localities, and other areas for comprehensive development planning. In addition to various technical and perfecting amendments, the changes include:

Special Planning Assistance for District Planning Outside Metropolitan Areas

Additional assistance would be authorized for assisting comprehensive planning for the coordinated development of resources and services in rural and other non-metropolitan areas. For this purpose, the section 701 statement of purpose would be broadened to include reference to the planning problems resulting from out-migration from, and lack of coordinated development of resources and services in, rural areas. In addition, the present regional planning authority in section 701 would be revised to authorize separate planning programs for "regions," defined as including at least one metropolitan area, plus all or part of at least one other general-purpose unit of government; and for "districts," defined as including all or part of at least one county and of at least one other general-purpose unit of government, but not including any part of a metropolitan area.

Except for establishment of this specific statutory definition, there would be no change in the regional planning provisions of section 701. Up to ⅔ grants (or ¾ grants in specified areas having special economic handicaps) would continue to be authorized both directly to regional planning bodies and to State planning bodies for assistance to regional planning.

With respect to planning for the newly-defined districts, up to ⅔ (or ¾) grants would be authorized to be made, through State planning agencies, for assistance to district planning agencies. The district agency would have to be authorized, by or under State or local statutes or by an authorized State or local official, to carry on comprehensive planning for the district. Such agencies could, for example, include community action agencies, district economic development and planning groups, or local development districts, carrying out activities under the Economic Opportunity Act of 1964, the Public Works and Economic Development Act of 1965, or the Appalachian Regional Development Act of 1967, where these agencies are authorized to carry out district comprehensive planning.

The assisted planning could be for the entire district or for towns or other appropriate areas within the district. Such planning could be carried out by the district planning agency itself or by the State planning agency acting for the district agency. Planning agencies would be specifically authorized to provide technical and other assistance for both interstate and intrastate planning agencies (including district and regional agencies).

The Secretary of Agriculture would have special statutory responsibilities with reference to the new district planning program. He would be authorized to provide technical assistance, with or without reimbursement, in connection with the establishment of the districts and the carrying out of such planning. The Secretary of Housing and Urban Development would, in turn, be required to consult with the Secretary of Agriculture before approval of any district planning grants.

The grant authorization for section 701 would be increased by $20 million, which would be available only for district planning grants.

Conforming amendments would remove references to comprehensive planning as being for "urban" areas and needs.

Demonstration Projects for Planning Metropolitan or Regional Systems of Public Facilities and Services

Section 701(b) would be amended to make available, from section 701 appropriations, an additional $10 million for studies, research, and demonstration projects. This subsection now authorizes the Secretary to expend up to 5 percent of the section 701 appropriations for projects for the development and improvement of comprehensive planning techniques and methods and the advancement of the purposes of the section.

It is intended that this $10 million be used only for demonstration projects in planning entire systems of public facilities and services. While the portion of the metropolitan or regional area which must be served by the entire system planned may vary with the type of public facility or service involved (i.e. water, sewer, solid waste disposal, library, etc.), the particular system being planned should serve all or so substantial a portion of the metropolitan or regional area as is necessary to obtain the intended cost and quality benefits of broad systematic planning.

The use of such large-scale facilities and services (and the resulting increased availability of special equipment and techniques) makes possible very important savings both in their installation and operation. It has, therefore, been one of the objectives of comprehensive planning, as assisted under section 701, to encourage metropolitan and other areas to provide needed facilities and services in this fashion, either through an agency having areawide responsibilities or through effective areawide cooperative arrangements. Generally, however, the 701 program has not assisted in the detailed studies and investigations (including, for example, systems analysis, cost-benefit evaluations, and other preliminary planning and engineering studies) needed fully to define the feasibility, scope, character, cost and advantages of such systems. The proposed demonstration projects would provide valuable experience and further development in these new planning techniques and methods.

The assistance would be provided to agencies now eligible to receive planning grants *under section 701 and would be limited to* the same ⅔ (or ¾) grant ratio usually available under the section 701 program.

Comprehensive Planning Definition

The definition of comprehensive planning would be revised to make specific reference to planning for the provision of governmental services (as well as for public facilities) and for the development and utilization of human and natural resources.

Economic Development District Planning

The present authority for ¾ grants for planning in redevelopment areas would be brought up-to-date by providing such ¾ grants also for planning for, or within, economic development districts designated under the Public Works and Economic Development Act of 1965.

Indian Reservation Planning

The present authority for Indian reservation planning would be revised to permit such grants to be made directly to tribal planning councils or other tribal bodies in all cases. Such grants may now be made directly to a tribal body only where no State agency is "empowered" to provide such planning.

Section 209: International housing

This section would rewrite section 604 of the Housing Act of 1957 to clarify the authority of the Secretary to exchange data relating to housing and urban development with other countries, or assemble such data where such data would be beneficial in carrying out his responsibilities. This authority does not exclude or limit in any way the authority of other departments and agencies of the United States Government to exchange and assemble data and carry out all other activities of the same type and in the same manner as authorized by this section.

The section would also clarify the Department's authority to employ private persons to participate in the various intergovernmental or international meetings that that Department attends or sponsors. In addition, the section would provide express authority for the Department to accept funds or other donations from international organizations, foreign countries and private foundations in connection with activities carried on by the Department under Section 604 of the Housing Act of 1957, and which benefit such organizations. For example, a conference sponsored by the Department may involve administrative expenses which should properly be shared by those private foundations which participate in such activities. The intent of the amendment is not to provide for subsidizing of the Departmental activities, but to facilitate proper cost sharing.

Section 210: Extension of urban fellowships program

This section would extend for three years the authority of Congress to make an annual appropriation up to $500,000 for urban studies fellowships. Existing law authorizes an annual appropriation during a 3-year period which expires June 30, 1967.

The continuation of the urban studies fellowships program will help alleviate a national shortage of professional personnel trained in city planning, urban renewal, housing, transportation and related fields. The demand for such skills will continue to become more acute during the next decade. An increase in fellowships for urban studies will remove the financial obstacle which has prevented a substantial number of qualified persons from securing training relevant to the problems of urban development.

Section 211: Extension of emergency provisions of urban mass transportation programs

This section would extend the expiration date of the emergency program of assistance to urban mass transportation from July 1, *1967, to July 1, 1969.*

Under the emergency program, grants can be made to States and local public bodies and agencies for the acquisition, construction, and improvement of mass transportation facilities and equipment even though the planning requirements of the long range program have not been fully met, if there is an urgent need for the facilities and equipment. The program for the development of a coordinated mass transportation system must be under active preparation. The Federal grant under the emergency program is for one-half rather than two-thirds of net project cost. If a project meets the full planning requirements within three years from the time of an emergency grant, the project qualifies for an additional grant equal to the difference between a two-thirds grant and a one-half grant—i.e., an additional grant of one-sixth of net project cost.

Only a few of the major metropolitan areas now meet, or can be expected to meet by June 30, 1967, the full planning requirements of the law. Unless the emergency program is continued most major metropolitan areas would be excluded from receiving mass transit assistance for an indefinite period. The work involved in meeting the planning requirements is complex and time-consuming. It is further complicated by the national shortage of experienced and trained planning personnel.

Section 212: Extension of time for filing report

This section would extend until December 31, 1968, the time for filing the report required by section 301(b) of the Housing and Urban Development Act of 1965.

Section 301(a) of the Housing and Urban Development Act of 1965 authorizes a study by the Housing and Home Finance Administrator (now the Secretary of Housing and Urban Development) of housing and building codes, zoning, tax policies; and development standards. Section 301(b) provides for a report based on this study to be submitted to the President and the Congress within 18 months after the date of appropriations of funds for the study. The work which the Department has conducted since September 1966 (when funds were first appropriated for the study) indicates the need for additional time if the report on the complex problems being studied is to have the depth which these important matters merit.

Section 213: Technical amendments

This section contains 6 technical amendments.

Subsection (a) of this section would repeal the existing prohibition on FNMA purchase of mortgages executed before 1954.

Subsection (b) of this section would make clear that urban renewal project funds can be used for "the restoration of acquired properties of historic or architectural value." Section 601(c) of the Demonstration Cities and Metropolitan Development Act of 1966 authorized such activities. However, through inadvertence, it failed clearly to exempt these activities from the general instruction against the use of urban renewal project funds for "the construction or improvement of any building." This subsection would correct the oversight.

Subsection (c) of this section would amend language in the Housing Act of 1948 (12 U.S.C. 1701(e)) which provides that the Secretary of Housing and Urban Development must require, in all contracts for technical research and studies, that any patents, copyrights, or other "results" of the research or studies assisted shall be made available to the public without charge or restriction.

The proposed new language would give the Secretary flexibility in such situations by authorizing him to impose this requirement only to the extent feasible. Where the contractual requirement is not feasible, the Secretary would be controlled by the Presidential memorandum on Government Patent Policy which establishes flexible guidelines for such matters where there is no controlling statutory requirement.

Subsection (d) of this section would permit amortization of the mortgage term under the Medical Group Practice Facilities Program to commence after completion of construction of the facility, rather than at the time the mortgage is executed. This change will make the amortization procedures in the group practice facility program consistent with those of the FHA multifamily housing programs. Under present requirements, the mortgage term begins on the date the mortgage is executed which usually has the result of reducing the scheduled period of amortization authorized by the statute by the length of time required to construct the facility.

Subsection (e) of this section would clarify the authority of the Secretary to invest all moneys, not currently needed for the operation of the Cooperative Management Housing Insurance Fund, in government bonds or obligations, or in the purchase on the open market of debentures which are the obligation of the Fund. The amendment will confirm the fact that this investment policy, which is explicitly included in the provision governing all of the other FHA insurance funds, was intended to be applicable to the Cooperative Management Housing Insurance Fund.

Subsection (f) of this section would permit an individual, who is approved by the Secretary, to be a mortgagor under the FHA section 810 housing program for military personnel or employees or personnel of NASA or AEC research or development installations. Under present law, a mortgagor under the FHA section 810 program must be a private corporation, association, cooperative society or trust. There is no purpose served by precluding qualified individuals from becoming mortgagors under the 810 program. At present there are sole owners of corporate entities which are mortgagors under the 810 program who are denied the opportunity of carrying on their activities in their individual capacity.

SUMMIT MEETING AT PUNTA DEL ESTE

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. Irwin] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. IRWIN. Mr. Speaker, we have heard a great deal said in recent weeks regarding the summit meeting of American chief executives at Punta del Este, Uruguay, April 12–14, and we have carefully studied the agenda to be considered there.

I suggest that we consider the opportunities presented by the summit.

To do so, we should consider the agenda against the background of existing circumstances in the Latin America of today.

Formidable and continued long-range problems still exist in Latin America despite the fact that noteworthy progress, based on Latin American self-help supported by U.S. financial and technical assistance and by international financing agencies, has been made within the Alliance.

Among the problems challenging us are the highest population growth rates in the world, a massive migration from country to city that exacerbates urban slum conditions and unemployment; generally backward agriculture; illiteracy and ill health; overdependence on single export commodities subject to wide price swings; national markets which for the most part are too small for satisfactory economic development; and a widening gap in living standards between the area and the industrialized countries.

But, there is reason to believe that conditions now are ready for a significant step-up of economic and social development if the United States can enlarge its efforts in support of more effective action and self-help by the Latin American governments. There are vigorous new leaders who want to help their countries help themselves.

More advances can be achieved in the coming years toward self-sustaining Latin American development and toward political stability under democratic institutions. That is the major goal of the Charter of Punta del Este, and I believe that the return to Punta del Este for this summit meeting will carry this hemisphere significantly closer to that goal.

SITUS PICKETING BILL

Mr. DOW. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Gilbert] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILBERT. Mr. Speaker, I would like to insert in the Record for the attention of my colleagues in the House, my testimony before the Special Labor Subcommittee of the House Labor Committee on my bill, H.R. 621, and similar proposals, to amend the National Labor Relations Act with respect to strikes at the site of construction projects.

Testimony of the Honorable Jacob H. Gilbert, Representative in Congress From the State of New York, Before Special Subcommittee on Labor, House of Representatives, April 4, 1967

Mr. Gilbert. Thank you, Mr. Chairman, and members of the Subcommittee for the honor and privilege of appearing here this afternoon.

I am pleased to again testify in behalf of H.R. 100 and my own identical bill, H.R. 621, to amend section 8(b)(4) of the National Labor Relations Act, with respect to strikes at the site of construction projects. Referred to as the "Situs Picketing Bill," I have long been in support of this proposal to restore the economic rights of the building and construction trade unions.

I was disappointed when it did not reach the House Floor in the 89th Congress, after being favorably reported and placed on the Calendar. It was not the first time the bill had been favorably reported and then failed final Congressional action. It has been before the Congress for many years and it has had bi-partisan support in both the Congress and the Executive Branch. Presidents Eisenhower, and Kennedy supported it, as does President Johnson.

The bill is designed to correct an inequity *in existing law whereby peaceful picketing* by Building trades at construction sites is prohibited while similar picketing at plants or factories is and always has been protected. It would simply give the building trades unions the picketing rights all other unions enjoy.

The main argument against the proposal is that a general contractor has no control over a subcontractor who may become involved in a labor dispute. I believe he does have control; he has control over the quality of work, the time schedule, the quality of material. Buildings or construction projects are usually the products of the combined efforts of many firms working side by side at the site of construction. While they may not have a technical contractual-relationship with each other, all these contractors do work together as a team and coordinate operations. Whatever label might be used to describe the relationship, there is still a direct connection between the various contractors. Because of this close relationship on the construction job, it cannot be said the contractors are "neutral" or "innocent" third parties as far as labor and industrial relations are concerned.

The report of the Committee for Economic Development in 1961 stated:

"It is difficult, if not impossible to picket one sub-contractor with whom a legitimate dispute exists without affecting the work of the primary or other subcontractors. Insofar as these effects are limited to a prime contractor and the sub-contractors responsible to him, they should not lead to a classification of the primary dispute as a secondary boycott. The law should be changed to correct this inequity."

The employees of a factory can engage in peaceful picketing in a labor dispute, but construction workers are denied this freedom because of a technicality in the law which failed to take into account the nature of the building and construction industry where, instead of one employer with different departments for different kinds of work, there are numerous contractors on the job site doing different kinds of jobs—electrical contractors, bricklayers, carpenters, etc. If, for instance, the electricians union pickets a job site because of a dispute with the electrical contractor, and the carpenters, bricklayers and other trades do not cross the picket line, it is held that the electrical union is causing a secondary boycott in violation of Section 8(b)(4) of the Taft-Hartley Act. Yet, it is legal for industrial unions representing employees of a factory to picket the factory site, even though employees represented by other unions in the factory refuse to cross the picket line. Since a union representing employees in a plant may, in a labor dispute with the plant management, picket the entire plant and all its departments, the building trades union, when engaged in a lawful labor dispute at a construction site, should enjoy the equal right to picket the entire site. This is prevented, however, by the Denver Building Trades case, which treats all contractors as strangers to each other.

My bill and H.R. 100, would reverse the Denver Building Trades ruling; it would restore to the building trades the right of peaceful picketing on the site of jobs. Going back briefly to the Denver case, I recall that Judge Fahy, former NLRB general counsel, who wrote the unanimous opinion of the U.S. Court of Appeals for the District of Columbia, concluded that the picketing at the site of construction was not a true secondary boycott. I quote Judge Fahy as follows:

". . . the usual secondary boycott or strike is against one who is not a party to the original dispute. It is designed to cause a neutral to cease doing business with, or to bring pressure upon the one with whom labor has the dispute. It seeks to enlist this outside influence to force an employer to make peace with the employees or labor organizations contesting them . . ."

Judge Fahy said the situation in the Denver case was not of this character and pointed out why it was not. In 1961 the Supreme Court reversed the decision of the Court of Appeals and applied the secondary boycott clause to the labor dispute in the Denver case. I believe this decision constituted an unfair restriction of the economic activities of the building and construction unions. The strong dissenting opinions said the ruling virtually eliminated a trade union's right to strike on a construction job, a right guaranteed to all labor by Section 13 of the Taft-Hartley Act.

President Eisenhower, in his 1954 Message of Congress, said:

"The true secondary boycott is indefensible and must not be permitted. The Act must not, however, prohibit legitimate concerted activities against other than innocent parties. I recommend that the Act be clarified by making it explicit that concerted action against . an employer on a construction project, who, together with other employers, is engaged in work on the site of the project, *will not be treated as a secondary boycott.*"

Mr. Chairman and Members of the Subcommittee, I ask approval of H.R. 100, which I have sponsored. I feel the passage of this proposal is necessary to preserve wage standards in the building and construction industry, for the protection of fair employers from the unfair competitive disadvantages of substandard employers, and in the interest of justice.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POLLOCK (at the request of Mr. GERALD R. FORD), for balance of this week, and Monday, April 10, on account of official business.

Mr. FLYNT (at the request of Mr. WOLFF), for Wednesday, April 5, and Thursday, April 6, on account of official business.

Mr. BYRNE of Pennsylvania (at the request of Mr. BOGGS), for the balance of the week, on account of official business.

Mr. CHARLES H. WILSON (at the request of Mr. BOGGS), for today, on account of illness.

Mr. WHITENER (at the request of Mr. EDMONDSON), for today, Wednesday, April 5, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. OLSEN, for 1 hour, today; to revise and extend his remarks and include extraneous matter.

Mr. HALL, for 30 minutes, on April 6; to revise and extend his remarks and include extraneous matter.

Mr. MARTIN, for 30 minutes, on April 11; to revise and extend his remarks and to include extraneous material.

Mr. HALPERN (at the request of Mr. HUNT), on April 6, for 20 minutes; to revise and extend his remarks and include extraneous matter.

Mr. KUPFERMAN (at the request of Mr. HUNT), for 30 minutes, April 18; to revise and extend his remarks and include extraneous matter.

Mr. CURTIS (at the request of Mr. HUNT), for 30 minutes, April 18; to revise and extend his remarks and include extraneous matter.

Mr. CURTIS (at the request of Mr. HUNT), for 30 minutes, April 10; and to revise and extend his remarks and include extraneous matter.

Mr. WAGGONNER (at the request of Mr. Dow), for 15 minutes, today; to revise and extend his remarks and include extraneous material.

Mr. FISHER (at the request of Mr. Dow), for 30 minutes, April 6; to revise and extend his remarks and include extraneous material.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. DORN.

Mr. PHILBIN in three instances and to include extraneous material.

(The following Members (at the request of Mr. HUNT) and to include extraneous matter:)

Mr. REINECKE.

Mr. WYMAN.

Mr. HOSMER.

(The following Members (at the request of Mr. Dow) and to include extraneous matter:)

Mr. BINGHAM in two instances.

Mr. TENZER.

Mr. ROYBAL.

Mr. WATTS.

Mr. MINISH.

Mr. TUNNEY in two instances.

Mr. EVINS of Tennessee.

Mr. CULVER.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 343. An act to provide that the Federal office building to be constructed in Detroit, Mich., shall be named the "Patrick V. McNamara Federal Office Building" in memory of the late Patrick V. McNamara, a U.S. Senator from the State of Michigan from 1955 to 1966; to the Committee on Public Works.

ADJOURNMENT

Mr. DOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p.m.) under its previous order, the House adjourned until Thursday, April 6, 1967, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

599. A letter from the Comptroller General of the United States, transmitting a report of audit of Export-Import Bank of Washington, fiscal year 1966 (H. Doc. No. 96); to the Committee on Government Operations and ordered to be printed.

600. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 4, 1966, submitting a report, together with accompanying papers and an illustration, on an interim report on coast of Lake Erie-Cattaraugus Creek Harbor, N.Y., in responce to an item in the River and Harbor Act approved July 24, 1946; it is also in partial response to a resolution of the Committee on Public Works, U.S. Senate, adopted January 6, 1950, and to two items in the River and Harbor Act approved March 2, 1945 (H. Doc. No. 97); to the Committee on Public Works and ordered to be printed with an illustration.

601. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 12, 1966, submitting a report, together with accompanying papers and illustrations, on an interim report on the South Branch, Wild Rice River-Felton Ditch, Minnesota, in partial response to a resolution of the Committee on Public Works, U.S. Senate, adopted June 15, 1950, and to two resolutions of the Committee on Public Works, House of Representatives, adopted June 27, 1950, and July 19, 1950 (H. Doc. No. 98); to the Committee on Public Works and ordered to be printed with illustrations.

602. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated January 21, 1966, submitting a report, together with accompanying papers and illustrations, on an interim hurricane survey of the Mississippi coast, authorized by Public Law 71, 84th Congress, approved June 15, 1955 (H. Doc. No. 99); to the Committee on Public Works and ordered to be printed with illustrations.

603. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated January 26, 1966, submitting a report, together with accompanying papers and illustrations, on an interim hurricane survey of Edisto and Hunting Island Beaches, S.C., authorized by Public Law 71, 84th Congress, approved June 15, 1955 (H. Doc. No. 100); to the Committee on Public Works and ordered to be printed with illustrations.

604. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated December 30, 1966, submitting a report, together with accompanying papers and an illustration, on a review of reports on Hempstead Harbor, N.Y., requested by a resolution of the Committee on Public Works, House of Representatives, adopted August 15, 1961 (H. Doc. No. 101); to the Committee on Public Works and ordered to be printed with an illustration.

605. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Justice for "Support of U.S. prisoners," for the fiscal year 1967, has been apportioned on a basis which indicates the necessity for a supplementary estimate of appropriation, pursuant to the provisions of 31 U.S.C. 665; to the Committee on Appropriations.

606. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 37, United States Code, to authorize a dislocation allowance under certain circumstances, certain reimbursements, transportation for dependents, and travel and transportation allowances under certain circumstances, and for other purposes; to the Committee on Armed Services.

607. A letter from the Secretary of Hous-

ing and Urban Development, transmitting a draft of proposed legislation to amend and extend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

608. A letter from the assistant to the president, the American Academy of Arts and Letters, transmitting the report of the academy for the year 1966, pursuant to the provisions of section 4 of its charter; to the Committee on House Administration.

609. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of list and orders entered in cases in which authority was exercised in behalf of certain aliens, pursuant to the provisions of section 212(d)(6) of the Immigration and Nationality Act; to the Committee on the Judiciary.

610. A letter from the Postmaster General, transmitting a draft of proposed legislation to adjust certain postage rates and for other purposes; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 170. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. BURLESON: Committee on House Administration. House Resolution 248. Resolution to provide funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 203; with amendment (Rept. No. 171). Ordered to be printed.

Mr. ROYBAL: Committee on Foreign Affairs. Report of Special Study Mission to the Near East, 1966 (Rept. No. 172). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURLESON: Committee on House Administration. House Resolution 221. Resolution authorizing the expenditure of certain funds for the expenses of the Committee on Un-American Activities; with amendment (Rept. No. 173). Ordered to be printed.

Mr. PEPPER: Committee on Rules. House Resolution 411. Resolution providing for the consideration of H.R. 5404, a bill to amend the National Science Foundation Act of 1950 to make changes and improvements in the organization and operation of the Foundation, and for other purposes (Rept. No. 174). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 412. Resolution providing for the consideration of H.R. 5424, a bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard (Rept. No. 175). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 413. Resolution providing for the consideration of H.R. 2512, a bill for the general revision of the copyright law, title 17 of the United States Code, and for other purposes (Rept. No. 176). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 7962. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

H.R. 7963. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois:

H.R. 7964. A bill to amend title II of the Social Security Act to permit States, under Federal-State agreements, to provide for coverage for hospital insurance benefits for the aged for certain State and local employees whose services are not otherwise covered by the insurance system established by such title; to the Committee on Ways and Means.

By Mr. BATTIN:

H.R. 7965. A bill to transfer title to tribal land on the Fort Peck Indian Reservation and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BELL:

H.R. 7966. A bill concerning Federal tax fairness; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 7967. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. BUTTON:

H.R. 7968. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7969. A bill to amend the tariff schedules of the United States with respect to the rate of duty on paper industries machinery; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 7970. A bill to regulate imports on milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. CORBETT:

H.R. 7971. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount individuals are permitted to earn without suffering deduction from the monthly insurance benefits payable to them under such title; to the Committee and Ways and Means.

By Mr. CULVER:

H.R. 7972. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

By Mr. DORN:

H.R. 7973. A bill to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities, and to permit the amortization of the cost of constructing such facilities within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mr. DOW:

H.R. 7974. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 7975. A bill to amend section 1871 of title 28 of the United States Code to permit jurors to be reimbursed for certain toll charges; to the Committee on the Judiciary.

H.R. 7976. A bill to provide that certain overtime, night, holiday, and similar duty performed by civil service employees of the United States shall constitute covered employment for old-age, survivors, and disability insurance purposes; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 7977. A bill to adjust certain postage rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OLSEN:

H.R. 7978. A bill to adjust certain postage rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. DWYER:

H.R. 7979. A bill to amend the Internal Revenue Code of 1954 to deny deductions for rent, taxes, or interest incurred for the use or occupancy of an industrial plant financed by tax-exempt obligations; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 7980. A bill to amend the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. EILBERG:

H.R. 7981. A bill to amend the act of June 28, 1948, as amended, relating the acquisition of property for the Independence National Historical Park; to the Committee on Interior and Insular Affairs.

By Mr. ESHLEMAN:

H.R. 7982. A bill to amend the Tariff Schedules of the United States to increase the duty on certain types of filler tobacco and on scrap tobacco; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD:

H.R. 7983. A bill making a supplemental appropriation to carry out the Adult Education Act of 1966 for the fiscal year 1967; to the Committee on Appropriations.

By Mr. FOUNTAIN:

H.R. 7984. A bill to amend the Internal Revenue Code of 1954 to deny deductions for rent, taxes, or interest incurred for the use or occupancy of an industrial plant financed by tax-exempt obligations; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 7985. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GARMATZ:

H.R. 7986. A bill to encourage exportation of agricultural commodities; to the Committee on Agriculture.

By Mr. GONZALEZ:

H.R. 7987. A bill to amend the servicemen's group life insurance program under title 38 of the United States Code in order to extend the provisions of that program to individuals of the uniformed services performing active duty for periods of 30 days or less; to the Committee on Veterans' Affairs.

H.R. 7988. A bill to amend the act entitled "An act to assist States in collecting sales and use taxes on cigarettes" so as to make such act apply to cigars; to the Committee on Ways and Means.

By Mr. HANNA:

H.R. 7989. A bill to establish a Small Tax Division within the Tax Court of the United States; to the Committee on Ways and Means.

By Mr. HARRISON:

H.R. 7990. A bill to amend the Service Contract Act of 1965 to exclude from such act contracts with the Post Office Department, the principal purpose of which is the transportation, handling, or delivery of the mails; to the Committee on Education and Labor.

By Mr. HAWKINS:

H.R. 7991. A bill making a supplemental appropriation to carry out the Adult Education Act of 1966 for the fiscal year 1967; to the Committee on Appropriations.

H.R. 7992. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. HAYS:

H.R. 7993. A bill to make several changes in the passport laws presently in force; to the Committee on Foreign Affairs.

By Mr. HELSTOSKI:

H.R. 7994. A bill to amend the Universal

Military Training and Service Act to provide for the exemption of teachers from induction into the Armed Forces; to the Committee on Armed Services.

H.R. 7995. A bill to facilitate the entry of alien sons and daughters of World War I veterans of the U.S. Armed Forces; to the Committee on the Judiciary.

H.R. 7996. A bill to amend the Federal Health Benefits Act of 1959 to provide that the entire cost of health benefits under such act shall be paid by the Government; to the Committee on Post Office and Civil Service.

H.R. 7997. A bill to amend title 38 of the United States Code so as to provide for increases in maximum coverage under, and otherwise liberalize the provisions of, the servicemen's group life insurance program; to the Committee on Veterans' Affairs.

H.R. 7998. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

H.R. 7999. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 8000. A bill to amend the Elementary and Secondary Education Act of 1965 in order to provide assistance to local educational agencies in establishing bilingual educational opportunity programs, and to provide certain other assistance to promote such programs; to the Committee on Education and Labor.

By Mr. FINDLEY:

H.R. 8001. A bill to repeal the authority for the current wheat and feed grain programs and to authorize programs that will permit the market system to work more effectively for wheat and feed grains, and for other purposes; to the Committee on Agriculture.

By Mr. HERLONG:

H.R. 8002. A bill to amend section 2108 of title 5, United States Code, to define mothers in regard to preference eligibility and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8003. A bill to amend section 7701 of the Internal Revenue Code of 1954 to clarify the tax status of certain professional associations and corporations formed under State law; to the Committee on Ways and Means.

H.R. 8004. A bill to amend the Internal Revenue Code of 1954 to provide the same benefits for employees of public hospitals with respect to certain pensions and profit-sharing plans as those presently provided for employees of private nonprofit hospitals, other charitable organizations, and public and private schools; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 8005. A bill to amend title 13, United States Code, to provide for a mid-decade census of population, unemployment, and housing in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

By Mr. KEITH:

H.R. 8006. A bill to give the President authority to alleviate or to remove the threat to navigation, safety, marine resources, or the coastal economy posed by certain releases of fluids or other substances carried in oceangoing vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. KING of California:

H.R. 8007. A bill to amend the Federal Trade Commission Act to require that motion pictures photographed within the United States, and any advertisements thereof, shall set forth the State and city of origin; to the Committee on Interstate and Foreign Commerce.

By Mr. KLUCZYNSKI:

H.R. 8008. A bill to amend title II of the Social Security Act to permit States, under Federal-State agreements, to provide for coverage for hospital insurance benefits for the aged for certain State and local employees whose services are not otherwise covered by the insurance system established by such title; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 8009. A bill to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents medical care program; to the Committee on Armed Services.

H.R. 8010. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. McCARTHY:

H.R. 8011. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. McDADE:

H.R. 8012. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. McEWEN:

H.R. 8013. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MACHEN:

H.R. 8014. A bill to amend section 5109 of title 5, United States Code, to provide salary increases for the police of the National Zoological Park; to the Committee on House Administration.

By Mr. MARSH:

H.R. 8015. A bill to restrict imports of dairy products; to the Committee on Ways and Means.

By Mr. MEEDS:

H.R. 8016. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. MESKILL:

H.R. 8017. A bill concerning Federal tax fairness; to the Committee on Ways and Means.

By Mr. MONTGOMERY:

H.R. 8018. A bill to amend title VI of the Civil Rights Act of 1964 to terminate the authority of Federal agencies to prescribe by regulation the manner in which such title must be complied with; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 8019. A bill to provide that disabled individuals entitled to monthly cash benefits under section 223 of the Social Security Act (and individuals retired for disability under the Railroad Retirement Act of 1937) shall be eligible for health insurance benefits under title XVIII of the Social Security Act without regard to their age; to the Committee on Ways and Means.

By Mr. MORSE:

H.R. 8020. A bill to incorporate the Army and Navy Union of the United States of America; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 8021. A bill to prohibit Federally insured banks from voting their own stock; to the Committee on Banking and Currency.

H.R. 8022. A bill to reduce crime and improve criminal procedures in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MURPHY of Illinois:

H.R. 8023. A bill to provide compensation to survivors of local law enforcement officers killed while apprehending persons for committing Federal crimes; to the Committee on the Judiciary.

H.R. 8024. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. NEDZI:

H.R. 8025. A bill to amend the Older Americans Act of 1965 to provide for a National Community Senior Service Corps; to the Committee on Education and Labor.

By Mr. O'HARA of Illinois:

H.R. 8026. A bill to provide for the issuance of a special postage stamp in commemoration of the Illinois Sesquicentennial; to the Committee on Post Office and Civil Service.

H.R. 8027. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Corporation, and for other purposes; to the Committee on Public Works.

By Mr. OTTINGER:

H.R. 8028. A bill to amend the Older Americans Act of 1965 so as to extend its provisions; to the Committee on Education and Labor.

By Mr. PATTEN:

H.R. 8029. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RARICK:

H.R. 8030. A bill to amend the Internal Revenue Code of 1954 to provide for deduction of certain education expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H.R. 8031. A bill to amend the Federal Aviation Act of 1958 to authorize aircraft noise abatement regulation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUDEBUSH:

H.R. 8032. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions of $125 per month to World War I veterans, subject to a $2,400 and $3,600 annual income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pension shall be increased by 10 percent where the veteran served overseas during World War I; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RUPPE:

H.R. 8033. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Corporation, and for other purposes; to the Committee on Public Works.

By Mr. SHIPLEY:

H.R. 8034. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. SPRINGER:

H.R. 8035. A bill to amend title II of the Social Security Act to permit States, under Federal-State agreements, to provide for coverage for hospital insurance benefits for the aged for certain State and local employees whose services are not otherwise covered by the insurance system established by such title; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 8036. A bill to amend title 39, United States Code, to improve the contracting authority of the Postmaster General to contract for the transportation of mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TUNNEY:

H.R. 8037. A bill to provide that insect infestation may be treated as a natural disaster for producers of cotton, wheat, and feed grains; to the Committee on Agriculture.

H.R. 8038. A bill to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; to the Committee on Interior and Insular Affairs.

H.R. 8039. A bill to provide compensation to survivors of local law enforcement officers killed while apprehending persons for committing Federal crimes; to the Committee on the Judiciary.

H.R. 8040. A bill to amend title 13, United States Code, to provide for a mid-decade census of population, unemployment, and housing in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

By Mr. WAMPLER:

H.R. 8041. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strikes at the sites of construction projects; to the Committee on Education and Labor.

By Mr. WALKER:

H.R. 8042. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WATSON:

H.R. 8043. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of business development corporations; to the Committee on Ways and Means.

By Mr. YOUNGER:

H.R. 8044. A bill authorizing the Secretary of the Army to establish a national cemetery at Camp Parks, Calif., for northern California; to the Committee on Interior and Insular Affairs.

By Mr. ZWACH:

H.R. 8045. A bill to amend the Packers and Stockyards Act of 1921, as amended, to prohibit slaughter of livestock under certain conditions which reduce the bargaining power of livestock producers generally and interfere with a free market, and for other purposes; to the Committee on Agriculture.

H.R. 8046. A bill to increase the efficiency of, and eliminate political activity in, the Post Office Department by revising the terms of office of the Postmaster General and other top officers thereof, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8047. A bill to amend the Internal Revenue Code of 1954 so as to allow an additional income tax exemption for a dependent who is mentally retarded; to the Committee on Ways and Means.

By Mr. BATES:

H.R. 8048. A bill to amend the tariff schedules of the United States with respect to the rate of duty on irradiated fresh, chilled, or frozen fish; to the Committee on Ways and Means.

By Mr. BRASCO:

H.R. 8049. A bill to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health; to the Committee on Interstate and Foreign Commerce.

H.R. 8050. A bill to adjust the rates of basic compensation of postal field service employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8051. A bill to amend the Federal Employees Health Benefits Act of 1959 to provide that the entire cost of health benefits under such act shall be paid by the Government; to the Committee on Post Office and Civil Service.

By Mr. BROWN of California:

H.R. 8052. A bill to establish a Joint Committee on Ethics in the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules.

By Mr. CUNNINGHAM:

H.R. 8053. A bill to amend the Uniform Time Act of 1966 so as to reduce from 6 months to 4 months the period for which daylight saving time shall be in effect; to the Committee on Interstate and Foreign Commerce.

By Mr. DERWINSKI:

H.R. 8054. A bill to amend title II of the Social Security Act to increase to $3,600 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. EVANS of Colorado:

H.R. 8055. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EVERETT:

H.R. 8056. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 8057. A bill to require the Federal Crop Insurance Corporation to assume the operating and administrative costs of the Federal crop insurance program; to the Committee on Agriculture.

By Mr. HELSTOSKI (by request):

H.R. 8058. A bill to amend title 38 of the United States Code to provide that veterans with disability rated less than 50 percent shall receive additional compensation for dependents; to the Committee on Veterans' Affairs.

By Mr. HENDERSON:

H.R. 8059. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of business development corporations; to the Committee on Ways and Means.

By Mr. HOSMER:

H.R. 8060. A bill to repeal the authority for the current wheat and feed grain programs and to authorize programs that will permit the market system to work more effectively for wheat and feed grains, and for other purposes; to the Committee on Agriculture.

By Mr. HOWARD:

H.R. 8061. A bill to give the President authority to alleviate or to remove the threat to navigation, safety, marine resources, or the coastal economy posed by certain releases of fluids or other substances carried in oceangoing vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. KUPFERMAN:

H.R. 8062. A bill to provide that in the administration of the Immigration and Nationality Act certain immigration restrictions shall not apply to certain alien doctors and nurses participating in exchange programs; to the Committee on the Judiciary.

By Mr. LUKENS:

H.R. 8063. A bill to amend title 38 of the United States Code to increase to $30,000 the maximum servicemen's group life insurance which may be provided members of the uniformed services on active duty, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. McEWEN:

H.R. 8064. A bill authorizing the Great Lakes Commission to appoint a member of a river basin commission for the Great Lakes-St. Lawrence River Basin, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 8065. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 8066. A bill to authorize the disposal of nickel from the national stockpile; to the Committee on Armed Services.

By Mr. O'HARA of Michigan:

H.R. 8067. A bill to reduce crime and improve criminal procedures in the District of Columbia; to the Committee on the District of the Columbia.

By Mr. PATMAN:

H.R. 8068. A bill to amend and extend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

By Mr. BARRETT:

H.R. 8069. A bill to amend and extend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROONEY of Pennsylvania:

H.R. 8070. A bill to strengthen intergovernmental cooperation and the administration of grant-in-aid programs, to extend State and local merit systems to additional programs financed by Federal funds, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the interchange of Federal, State, and local personnel, and for other purposes; to the Committee on Education and Labor.

H.R. 8071. A bill to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our Federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for periodic congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of grants and loans for urban development, to authorize the consolidation of certain grant-in-aid programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to establish a uniform relocation assistance policy, to establish a uniform land acquisition policy for Federal and federally aided programs, and for other purposes; to the Committee on Government Operations.

By Mr. SCHADEBERG:

H.R. 8072. A bill to amend the Internal Revenue Code of 1954 to remove all limitations upon the amount of the deduction allowed a taxpayer for medical, dental, and related expenses; to the Committee on Ways and Means.

H.R. 8073. A bill to amend the Internal Revenue Code of 1954 to increase, for 1967, 1968, and 1969, the personal income tax exemptions of a taxpayer from $600 to $800, and to provide that for taxable years beginning after 1969 such exemptions shall be $1,000; to the Committee on Ways and Means.

By Mr. SCHNEEBELI:

H.R. 8074. A bill to restrict imports of dairy products; to the Committee on Ways and Means.

By Mr. SELDEN:

H.R. 8075. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least 6 quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. SKUBITZ:

H.R. 8076. A bill to amend the Service Contract Act of 1965 to exclude from such act contracts with the Post Office Department the principal purpose of which is the transportation, handling, or delivery of the mails; to the Committee on Education and Labor.

By Mr. STEIGER of Arizona:

H.R. 8077. A bill to authorize the Secretary of Agriculture to convey certain lands to the city of Glendale, Ariz.; to the Committee on Agriculture.

By Mr. UDALL:

H.R. 8078. A bill to adjust certain postage rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. VIGORITO:

H.R. 8079. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 8080. A bill to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the

National Institutes of Health; to the Committee on Interstate and Foreign Commerce.

By Mr. WYATT:

H.R. 8081. A bill making an annual continuing appropriation for each fiscal year to continue projects and activities under title I of the Elementary and Secondary Education Act of 1965 pending action on the annual appropriation act.

By Mr. HARVEY:

H.J. Res. 490. Joint resolution proposing an amendment to the Constitution to provide for the direct election of the President and the Vice President; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.J. Res. 491. Joint resolution to require Members of Congress to file by April 15 of each year a financial statement and a statement of business dealings with the Federal Government; to the Committee on Rules.

By Mr. DUNCAN:

H. Con. Res. 302. Concurrent resolution expressing the sense of the Congress that the Government of the United States should only consider further expansion of trade, educational and cultural exchange, and other related agreements with the Soviet Union and its East European satellites, when there is demonstrable evidence that their actions and policies with regard to Vietnam have been redirected toward peace and an honorable settlement and when there is demonstrable evidence that they have abandoned their policy of support for so-called wars of national liberation; to the Committee on Foreign Affairs.

By Mr. KUYKENDALL:

H. Con. Res. 303. Concurrent resolution to base expansion of trade, educational and cultural exchange, and other related agreements with the Soviet Union and its East European satellites on demonstration they will support an honorable peace; to the Committee on Foreign Affairs.

By Mr. SCHADEBERG:

H. Res. 414. Resolution to establish a Select Advisory Committee on Standards and Conduct; to the Committee on Rules.

By Mr. HORTON:

H. Res. 415. Resolution to amend rules X, XI, and XIII of the Rules of the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

122. By Mr. MOORE: Memorial of the West Virginia House of Delegates requesting the U.S. Congress to appropriate money for the construction of the Burnsville Dam; to the Committee on Appropriations.

123. By Mr. RYAN: Memorial of the Legislature of the State of New York memorializing the Congress of the United States to make Columbus Day, the 12th day of October, a Federal public holiday; to the Committee on the Judiciary.

124. By the SPEAKER: Memorial of the Legislature of the State of Illinois, relative to a constitutional amendment to secure to the people the right of some choice in the method of apportionment of one house of a State legislature on a basis other than population alone; to the Committee on the Judiciary.

125. Also, memorial of the Legislature of the State of Nevada, relative to the prosecution of the Vietnam conflict; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 8082. A bill for the relief of Jacqueline Arhan; to the Committee on the Judiciary.

H.R. 8083. A bill for the relief of Anna Maria Chilelli; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 8084. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment on the claims of the L. R. Daniel Co., Inc.; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 8085. A bill for the relief of Vincenzo Maenza; to the Committee on the Judiciary.

H.R. 8086. A bill for the relief of Antonio Milazzo: to the Committee on the Judiciary.

By Mr. DOWNING:

H.R. 8087. A bill for the relief of Henry Gibson; to the Committee on the Judiciary.

H.R. 8088. A bill for the relief of Willard Herndon Rusk; to the Committee on the Judiciary.

H.R. 8089. A bill for the relief of Chun Yin So; to the Committee on the Judiciary.

H.R. 8090. A bill for the relief of Peter Vamvouklis; to the Committee on the Judiciary

H.R. 8091. A bill for the relief of Charles Waverly Watson, Jr.; to the Committee on the Judiciary.

By Mrs. DWYER:

H.R. 8092. A bill for the relief of Nunzio Viggiano; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 8093. A bill for the relief of Umberto Ettore Minore; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 8094. A bill for the relief of Cleveland L. Short; to the Committee on the Judiciary.

By Mr. GIBBONS:

HR. 8095. A bill for the relief of Dr. Fernando Perez; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 8096. A bill for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 8097. A bill for the relief of Cesare Vitale and his wife, Rosaria Vitale; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 8098. A bill for the relief of Hessamedin Karami; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 8099. A bill for the relief of Ebrahim Tayefi; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 8100. A bill for the relief of Panagiotis Athanasopoulos; to the Committee on the Judiciary.

H.R. 8101. A bill for the relief of William A. Hedberg; to the Committee on the Judiciary.

By Mr. ROBISON:

H.R. 8102. A bill for the relief of Carlos Alberto Worman; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 8103. A bill for the relief of Youssef Faraj Mann; to the Committee on the Judiciary.

H.R. 8104. A bill for the relief of Manuel Silvestre Lara Ortiz; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 8105. A bill for the relief of Charles Richard Scott; to the Committee on the Judiciary.

H.R. 8106. A bill for the relief of Dionissia Efstanthios Kefalinou Tzinieri; to the Committee on the Judiciary.

H.R. 8107. A bill for the relief of the estates of certain former members of the U.S. Naval Reserve who were killed on January 8, 1967, while their airplane was taking off from Andrews Air Force Base, Md.; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 8108. A bill for the relief of Parachuting Associates, Inc.; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.R. 8109. A bill for the relief of Gloria V. Del Carmen; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 8110, A bill for the relief of Wang Shao-Hwa; to the Committee on the Judiciary.

H.R. 8111. A bill for the relief of Tsai Yung-Ting; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

57. By the SPEAKER: Petition of James K. Kelly, Lansing, Kans., relative to investigation of Hon. Wesley E. Brown of the U.S. District Court for the District of Kansas; to the Committee on the Judiciary.

58. Also, petition of Frederico O. Flores, Odiongan, Romblon, Philippine Islands, relative to the provisions of Public Law 89-613; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

The City of Tomorrow

EXTENSION OF REMARKS

OF

HON. ED REINECKE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 1967

Mr. REINECKE. Mr Speaker, we are constantly reminded that most of the new, fresh, and creative ideas for building a better America come, not from the overpaid social planners in Government, but from the open investigation and research of private educational institutions and private enterprises.

My alma mater, the California Institute of Technology is leading the way in tackling the problems of urban development. Last month the institute sponsored a symposium entitled, "The Next 90 Years." One of the most stimulating presentations was given by Dr. Athelstan Spilhaus, the distinguished scientist from the University of Minnesota.

Dr. Spilhaus discussed the experimental city which is to be built by the University of Minnesota. The new city will use new types of building materials; a constant source of moving transportation at the doorstep of every dwelling; "finished" food supply, especially prepared and nutritious. All wastes from the city will be recycled for use as sources of energy. There will be instant communication systems, using the available television-telephone

Dr. Spilhaus maintains that is is better to build new cities, than to try to rehabilitate the old ones by piecemeal programs.

Mr. Speaker, certainly a great deal will be learned from these experimental cities of tomorrow. Design techniques, materials development, and advanced ideas will come from these experiments that will help to build the new urban America of the next 90 years.

Compensation for Survivors of Local Law Enforcement Officers Killed While Apprehending Persons Committing Federal Crime

EXTENSION OF REMARKS

OF

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 1967

Mr. TUNNEY. Mr. Speaker, law enforcement and the challenge of crime in our society have been major issues of late. The attention of the Nation has been focused on crime and law enforcement and the role of the Federal Government in dealing with crime.

In our focus on the problem of crime we should not forget those who are in constant daily contact with this problem—our law enforcement officers. I believe that on the whole, our law enforcement officers have done an admirable job under difficult and trying circumstances. The President's Commission of Law Enforcement and the Administration of Justice recently said:

> Since this is a time of increasing crime, increasing social unrest and increasing public sensitivity to both, it is a time when police work is peculiarly important, complicated, conspicuous and delicate.

They went on to say:

> In society's day to day efforts to protect its citizens from the suffering, fear and property loss produced by crime and the threat of crime, the policeman occupies the front line. It is he who directly confronts criminal situations, and it is to him that the public looks for personal safety. The freedom of America to walk their streets and be secure in their homes—in fact to do what they want when they want—depends to a great extent on their policemen.

The increased crime rate is of growing concern to all law-abiding citizens. However, it is increasingly difficult to convince qualified men that they should seek a career as a local law enforcement officer.

I am proposing legislation today which would elevate the status of local law enforcement officers by providing compensation to survivors of local law enforcement officers killed while apprehending persons committing Federal crimes.

The enactment of this legislation is long overdue. Between 1960 and 1965, about 300 policemen were killed in the line of duty.

The primary purpose of this legislation is to provide an income for destitute families of deceased officers for 8 years and to help educate their children.

The enactment of this bill should merely be a first step. I also feel that the Federal, State, and local governments must work together to insure that qualified men will seek careers in the law enforcement field.

Dr. Martin Luther King

EXTENSION OF REMARKS

OF

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 1967

Mr. BINGHAM. Mr. Speaker, I believe Dr. Martin Luther King has made a tragic mistake in his speech yesterday on the Vietnam war. In my judgment, his statement will actually do harm to the two causes he wants to serve: civil rights in America and a peaceful settlement in Vietnam. I say this with a heavy heart as one who has been a longtime admirer of Dr. King and has contributed to his civil rights work, and as one who has consistently urged the administration to take more vigorous and more courageous steps to achieve an honorable negotiated settlement in Vietnam, including suspension of bombing in the north.

If all American Negroes were to refuse to serve in Vietnam, as Dr. King urges, they would be stepping out of the mainstream of American life. They would be giving aid and comfort to the bigots who want to keep them segregated and in ghettoes.

I deeply share Dr. King's unhappiness that vital domestic programs aimed at wiping out poverty and assuring equal rights for all are suffering because of the fiscal demands of the Vietnam conflict. That is one of many reasons why I desperately want to see a speedy end to the conflict. But such a speedy end cannot be achieved by military action, and it cannot be achieved by a U.S. withdrawal because such an abandonment of U.S. commitments is as a practical matter out of the question. It can only come, therefore, through negotiation.

The tragedy is that a statement like Dr. King's represents a setback for the possibility of meaningful negotiations. Coming as it did on the heels of Hanoi's rejection of U Thant's cease-fire proposals, which had been substantially accepted by the United States and South Vietnam, Dr. King's speech can only be interpreted by Hanoi as approval of its intransigent stand. Accordingly, Hanoi will be encouraged to continue to believe that if it goes on refusing either a mutual cease-fire or negotiations, eventually the United States will get tired of it all and quit.

This is a mistaken conclusion, I am sure, but apparently Hanoi believes it.

Dr. King's five-point program, while containing some sound proposals, is in other respects wholly unrealistic. He urges, for example:

> The declaration of a unilateral cease-fire in the hope that such action would create an atmosphere for negotiation.

He does not say what course he would favor if his "hope" were not realized and a bilateral cease-fire and negotiations did not follow, and if a firm date for U.S. withdrawal had also been set, as he further proposes, Hanoi would have no incentive whatever to cease firing and negotiate.

As reported in the New York Times, Dr. King's description of what is happening in Vietnam is fearfully one sided and distorted. There was apparently no mention of the important steps recently taken in South Vietnam in the direction of constitutional and representative government; no mention of the constructive civil programs being carried on in South Vietnam by dedicated and courageous Americans of all races; no mention of Hanoi's consistent rejection of peace overtures made by U Thant, the Pope, and President Johnson. His description, which is not based on firsthand observation but on secondhand reports, appears to proceed on the theory that the information presented by the other side's propagandists is accurate. He virtually ignores not only all information furnished by the American Government, but also what has been reported by most American and foreign correspondents in South Vietnam.

Finally, I believe that Dr. King is cruel in telling American Negro fighting men in Vietnam that they are the victims of discrimination. I am reliably informed that Negroes are being drafted into our Armed Forces today in almost exactly the same ratio to whites as obtains in the U.S. population, about 11 percent. The reason the proportion of Negroes in the fighting forces in Vietnam is higher than that is because of a very high reenlistment rate among Negroes.

One last point needs to be made: While it is true that the slowdown in antipoverty and other urban programs caused by the Vietnam conflict is hurting disadvantaged Negroes, it is also hurting, without discrimination, other disadvantaged groups in the population, including the hard-pressed aged, the handicapped, the undereducated children, the unskilled poor, the slum dwellers. Many of these are Negro, but more are not.

Respect for the Flag

EXTENSION OF REMARKS

OF

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 1967

Mr. WYMAN. Mr. Speaker, page 87 in the April issue of the American Home magazine contains a full page presentation of a so-called model boy's room with materials recommended for use in the room. The center of the picture shows the boy's bed with a cluster of several pillows covered with the American flag. At least one of the pillows is face down.

Such a use of the American flag is, in my opinion, highly inappropriate for reasons obvious. Not only is it in poor taste but it is contrary to the provision of the United States Code, title 36, section 176 which specifically directs:

> It shall not be used for drapery of any sort whatsoever, . . . (or) embroidered on such articles as cushions . . .

The printing of this picture as a good example of a boy's room tends to bring about and encourage further disrespect for our flag and all that it stands for.

It is to be hoped that with men dying to preserve and protect this flag in Vietnam at this hour, all citizens and all commercial interests across this land will work together to encourage respect and dignity for the flag of the United States of America.

Undeniably commercial motivations can readily be found in the attraction of the flag, which when affixed to almost any subject renders that subject more valuable, but commercial enterprise in the United States depends for its survival on the survival of the United States itself in a hostile world in which communism is openly committed to its destruction.

In the struggle for self-preservation, loyal Americans risk their lives for this same flag every day and the commercial community owes to them and to its own selfish interests, the self-restraint to deny commercialization of the flag of our country.

Recognition of the Contributions of Leslie Combs II to the Thoroughbred Industry

EXTENSION OF REMARKS

OF

HON. JOHN C. WATTS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 1967

Mr. WATTS. Mr. Speaker, presently, horse racing—the sport of kings—is a $4 billion industry and the number one spectator sport in the United States. Of the thoroughbreds which race in a majority of our States, I am proud to say about one-third are bred in Kentucky. But the thoroughbred industry has importance beyond racing. Crossbreeding with thoroughbred has given the country its best stock horses, polo mounts, hunters, and, at one time, cavalry mounts. New breeds such as the American saddle horse, the Tennessee walking horse, and the standardbred come from thoroughbred foundations.

The breeding of champions is far more than blind luck. Great skill in matching bloodlines is necessary for success in this highly competitive business, and intense interest in breeding has existed for a long time in Kentucky. Henry Clay, his son, John, and many other famous persons have been a part of it. Today, the most successful commercial breeder in the United States is a very close friend of mine, of whom all Kentuckians are proud, Mr. Leslie Combs II. Surely everyone associated with racing today knows how firmly he has placed his mark on the sport.

With a love of horses, an ever-increasing knowledge of breeding principles, and an outstanding business acumen, Mr. Combs has built his Spendthrift Farm from a holding of 127 acres into the largest breeding farm in Kentucky. Now covering 5,600 acres, Spendthrift Farm has a staff of 150 and quarters for more than 300 horses. In addition to his own breeding operations, Mr. Combs has served as adviser and stud manager to some of the most successful people in racing, such as George D. Widener, John S. Knight, and Mrs. Elizabeth N. Graham.

With several stallions syndicated at over $1 million, it is hard to imagine anyone challenging his position as the leading syndicator of our time. As head of a group back in 1955, Mr. Combs astounded the racing world by purchasing Nashua at the unheard of price of $1,251,200. Since then, many others have followed his lead in going over the million dollar mark. Only recently, however, Mr. Combs topped the field again by syndicating Raise a Native, at $2,625,000, the highest price ever paid for a stud. Those who have joined him in these ventures have had reason to trust his judgment. His Keeneland summer sales yearlings brought the highest average price for 16 consecutive years, and his sales yearlings have earned more at the track than those of any other breeder in the country for 3 of the last 6 years.

His love of the sport has carried Mr. Combs into nearly every facet of racing and breeding. He has served as president of the National Association of State Racing Commissioners and chairman of the Kentucky State Racing Commission. He is a member of the Jockey Club and is vice president of the Keeneland Association.

I can think of no one more deserving of tribute for his contributions to the racing world and to his home State of Kentucky, and it is my intention to pay tribute to him by calling attention to these more prominent of his many achievements.

Mid-Decade Census

EXTENSION OF REMARKS

OF

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 1967

Mr. TUNNEY. Mr. Speaker, I am today introducing legislation calling for a mid-decade census starting in 1975. I think all of us realize how rapidly the population of the United States is growing—an estimated 15 million since 1960—and, therefore, how urgently we need up-to-date statistics on the many effects of this growth on Federal, State, and local facilities and services. My own district in California, for example, has increased from 378,000 in 1960 to over a half million now. This is a population gain of 30 percent in five years. Certainly, growth at this rapid rate calls for better information than data that are five years old.

I hope that the Congress will act on this legislation at an early date.

New Comptroller of the Currency, William B. Camp, Appears Before Banking and Currency Committee—A Steady Hand at the Helm of the Nation's National Bank System

EXTENSION OF REMARKS

OF

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 1967

Mr. MINISH. Mr. Speaker, a few days before the Easter recess, President Johnson's new choice to head the Nation's 4,800 national banks, the Honorable William B. Camp, appeared before your Committee on Banking and Currency to meet its members.

Mr. Camp is a veteran of some 30 years in the Bureau of the Comptroller of the Currency, that office in the Treasury Department which has chartered and supervised national banks since President Lincoln's day. Mr. Camp is a worthy incumbent, and his convincing responses to difficult questions inspires confidence that he will do a first-rate job. Our national banks hold approximately one-half of the banking system's total deposits, so Mr. Camp's new post is a responsible one, indeed.

Under the Comptroller's steady hand, the Congress can expect a sound and profitable national banking system operating in the public interest. Since assuming office in November, Mr. Camp has moved swiftly to put his own stamp on the comptrollership. On December 16, the new Comptroller advised national banks to tone down overly aggressive advertising for consumer time deposits. This action complemented recently enacted legislation introduced by the distinguished chairman of the Banking and Currency Committee to reduce excessive competition among financial institutions. And just recently, the Comptroller has proposed a new stockholder disclosure rule which will provide independent stockholders of national banks more adequate financial and general information on the management of the institution in which they have invested their savings. This action complements the 1964 amendments to the Federal securities laws which brought the larger national banks under stockholder disclosure rules. This will render national bank stocks more attractive as investments, improve national bank management performance, and, of course, protect the interests of minority stockholders and the public at large.

The new Comptroller has thus proved himself a firm administrator, willing to take action on his own for the benefit of the average person who deals with or invests in national banks. He also has voiced support for a meaningful truth-in-lending law. Such concern merits the applause of the Congress, for all too frequently Federal administrators tend to reflect the interests of the larger, dominant members of private industry. I am happy to report, Mr. Speaker, that Mr. Camp brings a balanced approach to the Comptroller's office.

How Not To Buy Soviet Generators for Grand Coulee

EXTENSION OF REMARKS

OF

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 1967

Mr. HOSMER. Mr. Speaker, under date of April 3, I wrote the Secretary of the Interior the following advice:

DEAR MR. SECRETARY: It has come to my attention that the Soviet Union is seeking to bid on the six 600,000-kilowatt turbine generators slated for installation at Grand Coulee Dam on the Columbia River in the State of Washington.

Frankly, it will be interesting to see how you get off the hook on this one. I presume you already have Dean Rusk working frantically to get the Russians to do the Johnson Administration a favor by dropping the whole idea. I only hope your fellow Secretary does not offer too high a price for it. All this sweetness and light talk of "detente" and "togetherness" is surely leading us up strange pathways.

My best advice to you is to drop the thing like a hot potato. Look the Soviet Ambassador squarely in the eyes and tell him you would not take the generators as a gift. There are many million Soviet homes that do not have any electricity at all. Tell him that he needs the generators worse than we do. Assure him the American people would not think of depriving the Soviet workers of any electricity at all, even if we have to give up our individual electric home popcorn cookers and run our air conditioners a little less or give up 15-minutes a day TV viewing. Tell the Ambassador to use these generators to help light bulbs in his workers' homes. Ask him to return the favor by refraining from giving the workers anti-American propaganda to read under them.

If you take this advice, I am sure it will coincide with the feeling not only of myself, but also about 99.9-percent of my fellow Americans.

If you do not take this advice, I will be neither surprised nor daunted. Contrarily, I anticipate rejection and am sufficiently undaunted to offer in advance an alternative suggestion as to some specifications and conditions on bids, binding on any seller, foreign or domestic, that makes the low bid and nails down the contract for these six generators. These specs and conditions would include:

A. As to "seller's" labor practices, a U.S. right of in-plant, "on the spot" inspection of books, records, premises and equipment of all factories fabricating the generators, subassemblies and components, and of mines and mills producing copper, steel and other materials to be used in performing the contract, and all transportation facilities used to haul same, to assure that:

(1) U.S. minimum wage and maximum hour standards are being met;

(2) There is absence of use of child or slave labor;

(3) Employees have the right to organize freely, bargain collectively and strike for legitimate objectives;

(4) Reasonable sanitary conditions obtain; and

(5) No discrimination exists.

B. Continuous U.S. in-plant, "on the spot" inspection of all "seller's" facilities used in any way to perform the contract during the full period of manufacturing, to assure continued maintenance of proper working conditions. Also, for the purpose of inspecting all aspects of the job including the design, manufacture, construction and testing of the generators to assure satisfactory performance of the contract. For this purpose, U.S. resident inspectors shall be allowed and provided:

(1) Full and free access throughout the nation performing the contract to all plans and reports and to all factories, mines, etc., involved;

(2) Prompt and free transportation to same;

(3) Reasonable living accommodations, working space, etc.; and

(4) Freedom of speech, thought and religion.

I am sure, Mr. Secretary, that by this point you have a feel for what I have in mind regarding contract "specs and conditions" and therefore can add appropriately to the outline I have provided.

Sure hope buying these generators doesn't give you any headaches.

Best personal regards,

CRAIG HOSMER,
Member of Congress.

Nickel Urgently Needed by American Business

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 1967

Mr. PHILBIN. Mr. Speaker, over a period of time now I have been receiving many strong appeals from users of nickel throughout the country indicating their urgent need for a much larger quantity of that metal and urging the immediate passage of a pending proposal to dispose of substantial quantities of nickel from the strategic stockpile.

I am satisfied from my own studies of the waning supplies of nickel that there are critical shortages of that metal in the market today, and also wish to state that the House Armed Services Committee, its distinguished chairman, and my own Subcommittee No. 1 of which I am chairman, are greatly concerned and doing everything we can to insure favorable action on this much-needed legislation.

The evidence shows clearly that if we do not take action in the near future there are many business establishments that will have to curtail their activities, or close their doors, and I certainly hope that any quantity of nickel made available from the national stockpile by the Congress may be effectively disposed of to help industry get necessary supplies of nickel, which are so urgently needed at present.

It would appear that most of the extreme demands for nickel emanate from small industries, and this is very unfortunate, because these industries claim that in effect they cannot get nickel at all to speak of, and they feel that the Government distribution of silver has not been very effective, and there is some considerable criticism of it from the small, industrial users, who have complained of short supplies, and the need of seeking out gray market suppliers.

There is a feeling expressed by one Rhode Island nickel user that there is no shortage of nickel if one is willing to pay the price, and that implies a gray market, and I think that our committee would like to get more information about these allegations.

Naturally, we want to do everything we can to try to help industry by making available increments of nickel that will be helpful in solving current problems.

We would also be very much interested in stopping and preventing any and all gray market or black market operations.

Tennesseans To Pay Tribute to Evans Family on 30th Anniversary as Publishers of the Nashville Tennessean—A Great, Progressive Newspaper

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 1967

Mr. EVINS of Tennessee. Mr. Speaker, in Nashville, Tenn., tomorrow—Thursday, April 6—a great and richly deserved honor and tribute will be paid Mr. Amon Carter Evans, the able publisher of the Nashville Tennessean—one of the Nation's great newspapers—Mr. Silliman Evans, Sr., the late illustrious publisher of the Tennessean, and Mr. Silliman Evans, Jr., who succeeded his late father as publisher.

On tomorrow this distinguished publishing family will be honored by leaders and friends from throughout Tennessee and the Nation for their contributions to the State of Tennessee, to the middle Tennessee area, and the Nation.

These friends will attend a dinner to be held in the municipal auditorium at Nashville in observance of the 30th anniversary of the Evans family's brilliant career as publishers of the Tennessean—and honoring the present publisher, Amon Carter Evans, upon completion of his fifth year as head of the Nashville Tennessean.

Silliman Evans, Sr., was Assistant Postmaster General of the United States, vice president of three airlines, president of a Fort Worth radio station, president and chairman of the board of an insurance company and a leading newspaperman in

Texas and Washington, before coming to Tennessee.

Silliman Evans, Sr., often said:

> A newspaper worth its salt is more than a mirror of its times—it is a factor of the times.

Certainly the courage and dedication which Silliman Evans instilled in the Nashville Tennessean set the mold for its continued devotion to the public interest and its continued reputation as a fighter for liberal, democratic principles.

Silliman Evans, Sr., was a crusader—an idealist—but a practical man who blended his idealism with action—dedicated to his community and his country.

Silliman Evans, Jr., who succeeded his father, had a brief but brilliant career as publisher.

The present publisher, Amon Carter Evans, has continued to direct the Tennessean in the progressive, liberal pattern set by the late Silliman Evans, senior and junior.

It is often said that Amon Carter Evans is cast in the image of his father—that their characteristics are the same—their principles are the same—and that their response to the trumpet sound of battle are the same.

Amon Carter Evans doesn't defend a position—he leads the charge. He is young and colorful—a versatile publisher.

The Tennessean under his leadership and the able direction of editor-activist, John Seigenthaler, has a wide and dramatic influence.

Amon Carter Evans has worked as copy boy, sports reporter and staff correspondent for the Tennessean while in high school and college. He knows newspapering and he is following the path blazed by his illustrious brother and father.

As dean of the Tennessee congressional House delegation, I extend my congratulations to Amon Carter Evans, to his wonderful mother, and to the staff of the Nashville Tennessean, on this memorable occasion and extend them my very best wishes for another 30 years—and many more—of continued success and progress.

Clinton Job Corps Center Provides Opportunity for Enrollees and for Community

EXTENSION OF REMARKS

OF

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 1967

Mr. CULVER. Mr. Speaker, the Clinton Job Corps Center is approaching the end of its first year of operation. Thirty-five young women have already received their vocational degrees, and another 22 have completed high school equivalency requirements, one of them an Indian girl with only four grades of formal education previously.

A look at the Clinton Center and the community in which it is situated reveals that this is only a small part of the success of the center to date, and that the impact of each upon the other has been mutually rewarding.

There is life in what could have been a dormant facility—the old veterans domiciliary. And in turn, the center is now putting new life into families and communities elsewhere around the country in the young women who are leaving the center to carry new hope, adjustments, and life skills to new-found occupations.

Moreover, the citizenship they are displaying in new jobs has been influenced to a great degree by the citizenship demonstrated by the center and the Clinton community, management, and staff, citizens, and neighbors.

COMMUNITY INVOLVEMENT IN THE CENTER

Community involvement of Clinton Job Corps personnel began even before the formal awarding of the contract in March 1966. From early December 1965, the center director and many of his staff became known throughout the Clinton area, through countless speaking engagements and meetings with individuals and groups.

Initial staffing of the facility was a joint effort of the Clinton office of the Iowa State Employment Service and the center staff. About 60 percent of the employees at the center are Clinton area residents; the rest have come from 25 States.

Shortly after the first group of students was enrolled at the center in June, the first open house was held for over 200 neighbors, who came to meet the enrollees and to see the new facilities.

Thereafter, a regular program of Saturday morning tours for the general public, hosted by corpswomen, was inaugurated. Hundreds of visitors have had the opportunity to meet the girls and become acquainted with the center's program and facilities on these occasions.

In September, the center was host to over 400 paid guests for breakfast and a program for Clinton's Business, Industry, and Education Day. Another 2,000 visitors came to the Open House Dedication Day on October 20.

In addition, I am told that about 100 persons visit the center each week as members of civic, fraternal, service, or other organizations, so that in total nearly 10,000 people have visited the center since July of last year.

Several hundred speaking engagements have been filled by center personnel before community and area groups during the same period, and it is estimated that another 3,000 to 4,000 persons have heard about the center and its program in this way.

Almost every religious denomination in Clinton counts Job Corps girls in its membership. With the assistance of the various church groups, 250 corpswomen enjoyed Thanksgiving dinners in Clinton homes. Corpswomen, in turn, hosted, over 1,400 teenagers at the center as part of the city's Halloween Mardi Gras celebration.

Boy Scout district committee meetings are regularly held at the center, and the center will host the Scouts at their annual exposition this month. School, youth, church, and recreation groups are using the center's pool and gymnasium for activities on Tuesdays and Thursdays, which are regularly set aside for use of such groups at nominal costs to cover operation only.

The Clinton Community Theater group is calling the Job Corps Center home and has presented their first production in the center's auditorium.

JOB CORPS GIRLS CONTRIBUTE TO COMMUNITY

The commitment and the responsibilities which the Job Corps girls hold toward the community in which they live has been overwhelmingly demonstrated during the past week in their response to the emergency which confronts the city as the Mississippi River threatens one of the worst floods in history.

All of Clinton has joined forces in the battle against the floodwaters, and the Job Corps girls are an integral part of that fight.

More than 450 corpswomen have been working at least 4 hours a day to fill sandbags and build dikes to protect the city. Two dozen girls are working at the Red Cross canteen making sandwiches for the flood workers, and another 50 are helping with the Red Cross in setting up emergency facilities at the center for 200 families who might be forced out of their own homes by the floodwaters. At least 100 members of the Job Corps staff have added their assistance to the community effort.

The ready response of the Job Corps girls to the threat on their city is only one of many examples of their identification with and contribution to Clinton.

One of the most exciting and dramatic operations at the Job Corps center is the Skyline Center for Handicapped Persons, which has been established on the Job Corps campus. For the first time, the city of Clinton has the facilities to provide the type of long-term care and rehabilitation which mentally and physically handicapped children need.

The Job Corps girls enrolled in child care training are actively involved in the work at the handicapped center, and it is an inspiration to see these girls, who are receiving the opportunity to develop their own potential, in turn helping to provide opportunity to these young children.

Currently, about 50 corpswomen are receiving on-the-job training in Clinton hospitals, nursing homes, dentist offices, schools, retail establishments and businesses. This number is due to rise to several hundred a week as more and more girls successfully complete their classroom and on-center job training.

No report would be complete without mention of the impact of the center in the area of law enforcement. Less than 3 percent of the total number of girls processed into the center have been involved in legal difficulties. One girl has been indicted on felony charges but present indications are that these charges will be dropped. All other offenses have been misdemeanors and fully half of these have been technical violations of the State liquor laws. Only three corpswomen have been discharged from the center for disciplinary reasons as a direct result of legal involvements since operations began in June 1966.

Clinton corpswomen have proven themselves to be both law-abiding and good citizens of the Clinton community. In the words of Municipal Court Judge David Halbach:

> The relationships of the Job Corps Center girls is uncomplicated. They are simply good kids with a much better record of conduct than Clinton's own kids. I would say that their legal involvements have been at a minimum.

THE FUTURE OF THE CENTER AND ITS GRADUATES

Mr. Speaker, from now on nearly 1,000 girls a year will complete their programs in vocational and subprofessional training at the Clinton Center. Placement of center graduates in lasting jobs is expected to be in the neighborhood of 95 percent, through contacts by the placement office, State employment offices, and regional OEO offices.

Further, it is expected that at least 80 percent of the girls who stay 3 months or more at the center, without completing a program, will be successfully placed.

The Job Corps experience has not been without its problems and its critics, but the past year in Clinton has demonstrated its value and its positive impact, for enrollees and the community alike.

As the Clinton Center Director, W. A. Lewis, has declared:

> There should be no mystery about the Center. It is public property, facilities, staff and students which should serve the community and the country in every possible way.

Revision of Our Copyright Laws

EXTENSION OF REMARKS

OF

HON. HERBERT TENZER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 1967

Mr. TENZER. Mr. Speaker, tomorrow the House will consider H.R. 2512—the first major revision of the copyright laws since 1909.

During the first session of the 89th Congress the House Judiciary Subcommittee No. 3, of which I was privileged to serve as a member, held 22 days of public hearings and heard testimony from over 150 witnesses on this legislation. During the second session of the 89th Congress the subcommittee held 51 executive sessions and on October 12, 1966, reported favorably on the bill as amended.

On March 8, 1967, the House Judiciary Committee again favorably reported this legislation. Because of the importance of this major revision of the copyright laws, I ask permission to insert in the RECORD at this point an excellent analysis of H.R. 2512 which has come to my attention.

MAJOR PROVISIONS OF H.R. 2512, COPYRIGHT LAW REVISION, AS REPORTED (H. REPT. 83)

H.R. 2512:

1. Establishes *two fundamental criteria* of copyright protection:

A. *Originality:* Phrase "original works of authorship" has been *substituted* for "all the writings of an author" which is present wording in copyright law. Present wording was considered too narrow in scope.

B. *Fixation in tangible form:* Continues existing requirement that a work be *fixed* in a tangible medium of expression, i.e., in words, numbers, notes, sounds, pictures, etc.

Adds that this medium may be one either now known or later developed; and that fixation is sufficient if work can be perceived, reproduced, or otherwise communicated, either directly or with aid of machine or device.

2. Lists *seven* broad categories which copyrightable works ("works of authorship") *include:*

A. Literary works. Included in this category are catalogs, directories, etc.

B. Musical works, including any accompanying words.

C. Dramatic works, including any accompanying music.

D. Pantomimes and choreographic works.

E. Pictorial, graphic and sculptural works. Includes not only "works of art" but works of graphic art and illustration, art reproductions, plans and drawings, photographs and reproductions of them, maps, charts, globes, etc.

F. Motion pictures and other audio-visual works.

G. Sound recordings. *Does not include* sound tracks of motion pictures which fall into category "F."

NOTE.—Owner of copyright in this category *is not given* exclusive right of public performance or rights against mere imitation of his recording.

Above list—A through G—covers all categories of works *now* copyrightable under title 17 of U.S. Code. *Additionally,* it specifically enumerates "pantomimes and choreographic works," and creates *new category* of "sound recordings."

3. Specifies that *compilations and derivative works* which use *pre-existing* material or data are fully subject to basic standards of copyrightability. In the case of a *new* version, the copyright covers only material *added* by the *later* author, and has *no effect* on copyright or public domain status of preexisting material.

4. Protects works of *foreign origin* in following ways:

A. *Unpublished works:* grants copyright protection for these without regard to author's domicile or nationality.

B. *Published works:* provides protection under following 4 conditions:

1) author is national or domiciliary of U.S. or of country with which U.S. has copyright relations under a treaty.

2) work is *first* published in U.S. or in country that is party to Universal Copyright Convention.

3) work is first published by U.N., by any of its specialized agencies, or by OAS.

4) work is covered by Presidential proclamation extending protection to works originating in specified country.

5. *Forbids* copyright *without exception* in any published or unpublished work of U.S. Government, i.e., any work prepared by officer or employee of U.S. Government as part of his *official* duties. This *excludes* works prepared *independently* under a Government contract or grant.

6. Confers on copyright owner *five exclusive rights:*

A. Right to reproduce work in copies or phonorecords.

B. Right to prepare derivative works based on copyrighted work.

C. Right to distribute copies or phonorecords of work to public.

D. Right to perform work publicly.

E. Right to display work publicly.

NOTE.—Under the bill, a performance or display is *"public"* if it occurs "at a place open to the public or at a place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered." The term, "family," as used here would *include* an individual living alone.

7. Recognizes judicial doctrine of *"fair use,"* i.e., fair use of copyrighted materials as distinguished from infringement of copyright.

Establishes *four standards* for determining whether person's use of copyrighted material constitutes a fair use:

A. Purpose and character use.

B. Nature of copyrighted work.

C. Amount of substantiality of portion used in relation to copyrighted work as whole.

D. Effect of use upon potential market for or value of copyrighted work.

In general, a "fair use" of copyrighted material is characterized as being that used for purposes of criticism, comment, news reporting, teaching, scholarship, or research.

8. Contains *new* provision giving *nonprofit* institutions having *archival* custody over manuscripts or similar collections of *unpublished* works of scholarly value privilege of making facsimile reproductions of works in their collections. Reproduction *cannot be done for profit* and must be for purposes of preservation and security, or for deposit for research use in another institution of same type. Example: *No* facsimile copies or phonorecords made under this provision can be distributed to scholars or the public.

9. Restates and confirms principle that, where copyright owner has *transferred* ownership of particular copy or phonorecord of his work, *person who becomes owner* is entitled to dispose of copy or phonorecord by sale, rental or any other means.

Only applies when person has obtained *ownership* of object, *not in case* where person has acquired possession under rental or loan arrangement.

10. *Exempts* from copyright control following performances and displays:

A. *Face-to-face teaching activities:* Extends to all types of work provided they are performed or displayed under following 3 conditions:

1) by instructors or enrolled members in a class.

2) in *nonprofit* educational institutions.

3) in classrooms or similar places devoted to instruction.

B. *Instructional broadcasting:* Exempts *certain* instructional transmissions from copyright liability provided:

1) transmission was made by a governmental body or other *nonprofit* organization.

2) performance or display was regular part of systematic instructional activities of governmental body or other *nonprofit educational* institution.

3) transmission *does not cover a radius of more than 100 miles.*

4) time and content of transmission are controlled by transmitting organization.

5) transmission is intended *primarily* for reception in classrooms or similar places, by handicapped persons unable to attend classes in classrooms, or by government employees in connection with their training.

C. *Religion services:* Exempts certain performances of sacred music that might be regarded as dramatic in nature (such as oratorios, cantatas, musical settings of the mass, choral services, etc.) provided performance or display:

1) is in the course of the services.

2) occurs at place of worship or other religious assembly.

Exemption *does not extend* to:

1) performances of secular operas, musical plays, motion pictures.

2) religious broadcasts or other transmissions to public at large, even where transmissions are sent from place of worship.

11. *Restricts exclusive rights of copyright owner* with respect to community antenna systems (CATV) and *other secondary* transmissions of his works to public by *exempting* from copyright liability:

A. Relays to private rooms of hotels and like, unless there is direct charge for retransmission.

B. Secondary transmissions of instructional broadcasts exempted in #10, "B" above.

C. Secondary transmissions by common carriers *who have no control* over program content or selection of recipients and who merely provide communications channels for use of others.

D. *Wholly noncommercial* secondary transmissions by governmental bodies or other nonprofit organizations.

E. Secondary transmissions *solely* within *primary* transmitter's normal area.

12. Makes CATV operations *fully* liable *if* CATV:

A. Alters program content.

B. Originates programs.

C. Charges for particular transmissions.

D. Picks up primary transmissions not intended for reception by public at large.

E. Operates outside primary transmitter's normal area and has not recorded his identity in Copyright Office.

F. Operates outside primary transmitter's normal area and within area adequately served by other primary transmitters.

G. Operates in any area normally encompassed by one or more transmitting facilities other than primary transmitter, *if he has been notified* that one of them has already acquired *exclusive right* to transmit copyrighted work in that area.

13. Subjects CATV systems to *limited* liability in operations that indirectly damage copyright owner by using his work without compensation and by discouraging establishment of local broadcasters who would be potential copyright licensees. Liability would be limited to recovery of *reasonable* license fee.

14. Establishes following regulations regarding *ephemeral recordings:*

A. Allows broadcasting network, local broadcaster or individual transmitter that has *acquired* license to transmit a work to make a *single* ephemeral copy or phonorecord of that work for purposes of later transmission provided:

1) copy or phonorecord is used *solely* for organization's own transmissions within its own area.

2) copy or phonorecord, *after 6 months,* is either destroyed or preserved *solely* for archival purposes.

NOTE.—Above *does not include* motion pictures and other audiovisual works.

B. Permits *nonprofit* organizations free to transmit a work under instructional broadcasting exemption (see pg. 4, #10, "B," of this Fact Sheet) to:

1) make *two* copies or phonorecords.

2) exchange *only one*—if two copies were made—with other instructional transmitters and use other one for archival purposes or security.

3) transmit ephemeral recording for *one* year after initial transmission.

15. *Raises statutory royalty* for each composition recorded under *compulsory* license from rate of 2 cents to *2½ cents* per phonorecord, or one-half cent per minute of playing time on each phonorecord, *whichever is larger.*

If user fails to obtain either a compulsory or a negotiated license or if a default in payment under a compulsory license occurs, user would be *fully* liable as infringer.

16. Requires *compulsive* licensing for public performances by means of coin-operated phonorecord players (juke boxes). If a jukebox operator has *not* negotiated licenses with owners of copyrights in compositions publicly performed on his machines he must obtain a *compulsory* license by:

A. Recording jukebox in Copyright Office at specified intervals.

B. Posting certificate of recordation on box.

C. Filing statement in Copyright Office listing songs performed during preceding year that were not covered by negotiated license.

D. Making quarterly statements of account and royalty payments to copyright owners who are identified on phonorecords performed without negotiated license.

Royalty rate is either 3 cents or a prorated amount of less than 3 cents, which is based on jukebox capacity and total number of songs available for performance during each quarter.

17. Stipulates following regarding *ownership and transfer of copyright:*

A. Copyright ownership *originates* in author. Authors of joint work are co-owners of copyright.

B. An employer or other person, who *hires* someone to prepare a certain work, is considered the author of the work and hence the owner of the copyright.

C. An individual, who contributes to a collective work such as an encyclopedia article or story first published in a magazine, is considered the author and owner of the copyright *unless he transfers that right to the publisher.*

D. A person may transfer a material object for which he holds the copyright to another person *without* transferring the copyright itself.

E. An author (or two or more authors of a joint work) may terminate a transfer of license of his copyright *after 35 years* (40 years in some cases). Termination may also be affected by action of:

1) majority of authors who signed it or of their interests.

2) specified majority of widow and children or grandchildren if author is dead.

18. Provides as soon as fixation (creation) of a work takes place, work is subject to *exclusive* federal protection *even though work is never published or registered.*

19. Changes present term of copyright:

A. Provides basic term of *life of author plus 50 years.*

B. Protects "joint works" for 50 years *from death of last surviving author.*

C. Provides term of 75 years from publication, with maximum limit of 100 years from creation, for anonymous works, pseudonymous works, and works made for hire.

D. Brings under statutory protection those *unpublished* works presently under common law protection. Provides that in no case will their term expire before 1993, and that, if published before then, term of these works will extend at least to 2018.

E. Increases present 56-year term to *75 years* for those copyrights *already existing*—either in their first term or their renewal term—before Jan. 1, 1969, the *effective date* for this bill.

F. Allows extension of period of up to 1 year (between Jan. 1 and Dec. 31, 1969) *for renewal of copyright* whose first 28-year term expires during the first year (1969) this bill is effective.

20. Requires *prescribed notice of copyright* to appear on all visually perceptible copies of copyrighted works and on all phonorecords of sound recordings, whether published in U.S. or elsewhere, if they are publicly displayed.

Stipulates in general that rights in an individual contribution to a *collective work* would not be affected by lack of separate copyright notice, as long as collective work as a whole bears a notice.

States that publication of work *without* copyright notice *does not automatically invalidate* copyright, provided:

A. Omission was from relatively small number of publicly distributed copies or phonorecords.

B. Copyright registration for work is made *before or within 5 years* after notice was omitted.

21. *Preserves* right of *Library of Congress* to obtain copies and phonorecords for its collections but notes that "this deposit is *not* a condition of copyright protection" and does not need to be coupled with copyright registration.

Makes liable for fine of up to $250 for each work (plus its total retail value) person who fails to comply with *formal demand* of Register of Copyrights for work of copyright owner for deposit in Library of Congress. Compliance must be made within 3 months of request.

22. Permits legal or beneficial owner of copyright *to bring suit* against person *infringing* on his exclusive rights.

Provides for payment of damages up to $20,000, with minimum damages at $100, for copyright infringement.

23. Requires that a *nondramatic literary work in English language* be manufactured in U.S. in order to obtain full copyright protection, provided author is American domiciled in U.S.

Limits importation of foreign copies to 2000.

Exempts works imported for government use or intended for nonprofit scholarly, educational or religious use or written in Braille.

Redmond on Thought, Faith, and Freedom

EXTENSION OF REMARKS
OF
HON. PHILIP J. PHILBIN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 1967

Mr. PHILBIN. Mr. Speaker, Mr. John Redmond, famous composer and writer of many outstanding hit songs, and many inspirational songs of faith, has in his frequent public appearances often recited a poem he wrote, entitled "Did You Ever Stop To Think."

I heard him offer this beautiful poem in closing a fine talk he gave not long ago. It impressed his audience and me so deeply that I thought Members of Congress and those who read the RECORD might find it interesting and meaningful, as I did.

Actually, the poem has no name so far as I know, and I thought it should have a name, even though the one I selected does not do justice to this fine, moving composition that touches upon the most profound aspects of existence and creation.

I suppose a beautiful lyrical theme like this one, touching so pointedly on faith, the world and the cosmos, is deserving of some far better name, but after all it is the contents rather than the label that counts.

The thing that strikes me quite forcibly about the poem is that it makes one think. Since that process is usually a lesson and a reward, reading this poem is no exception.

Throughout the history of man, philosophers have pondered every phase of creation, existence, mortality and destiny, yet these questions are imponderable and cannot be definitely answered.

They are not susceptible to human definition. They cannot be assumed, nor can they be proved. They must be felt in the heart. Essentially, they rest on faith and belief, and what human beings—man, woman, or child—but has felt the thoughts that Mr. Redmond so feelingly expresses.

Poet or peasant, savant, solon, scientist, artist—the humblest, as well as the richest and most exalted—have experienced the thoughts in Mr. Redmond's couplets.

They may present different concepts as to cause and effect. They may interpret the web of life and the wonders of the earth, the seas, the stars, the cosmos, and the universe in different ways.

But every being has confronted them. Some have been awed by them. All have realized that rational man does not have all the answers, as Mr. Redmond in his gifted way has suggested.

In these days, above all, I think it is time for all of us to stop and think about the deep, sobering problems of the human race—the prospects of survival, the future hopes and aims of man, our liberties, the salvation of the free way of life, and our long-time total ability, let alone our will, to preserve them.

In these questions there are surely things to think about profoundly because once we lose our liberties and our way of life, it may well be thousands of years, or never, that they can be recaptured and restored to the human race and mankind.

Yet, in our faith, in our Creator, and in our country, we may have all the answers if we are but willing to strive for them and be worthy of them.

Mr. Speaker, under unanimous consent to revise and extend my remarks in the RECORD, I include therein Mr. John Redmond's beautiful poem:

DID YOU EVER STOP TO THINK

(Poem of John Redmond)

Did you ever stop to think
When you look up at the sky
The wonder of the moon's stars
And things with wings to fly

Did you ever stop to think
How they ever came about
The things you live with every day
You couldn't live without

Sun and showers, helping flowers
Work their way up thru the ground
Or a falling star on a rolling hill
When winter rolls around

Look around you here and there
There are blessings everywhere
And did you ever stop to think
Not far away—There is someone
You can thank every day?

A Program of Bilingual Educational Opportunities for America's 2 Million Non-English-Speaking Schoolchildren

EXTENSION OF REMARKS

OF

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 1967

Mr. ROYBAL. Mr. Speaker, I have introduced in the House today a bill, H.R. 8000, to offer the Nation's 2 million non-English-speaking elementary and secondary schoolchildren a better chance to realize their full educational aspirations.

This legislation, titled "The Bilingual Educational Opportunity Act," is specifically designed to assist local school districts in setting up new and imaginative systems of bilingual education, individually tailored to meet the specialized needs of Spanish-speaking grade and high school students living in the Southwestern States, New York, and Florida, French-speaking youngsters in certain areas along the United States-Canadian border, as well as other non-English-speaking children residing in widely scattered sections of the country.

There is an urgent need, Mr. Speaker, to find constructive solutions to the unique bilingual-bicultural education problems faced by the hundreds of thousands of American schoolchildren who are members of our non-English-speaking ethnic and nationality groups.

The situation is just beginning to receive national recognition as one of the most critical education problems in the United States, calling for immediate, aggressive remedial action to help overcome the serious learning difficulties experienced by this important segment of the Nation's school-age population.

So far, little or no progress has been made toward finding adequate answers to the highly complex problems involved.

And today, job opportunities, income levels, economic advancement, in fact, all the aspects of personal and family well-being, are closely linked to educational achievement and the ability to communicate effectively with one another.

Those who are severely handicapped because of language barriers in our modern, predominantly English-speaking society suffer a continuing denial of the opportunity to participate and share fully in the rich abundance of 20th-century America.

My bill, therefore, is an effort to develop the kind of local-State-Federal cooperative approach I believe is necessary to meet the special educational needs of the large number of students in the United States to whom English is a second language.

The measure would provide $7 million the first year to enable local school districts to initiate comprehensive bilingual systems of teaching non-English-speaking students.

The Bilingual Educational Opportunity Act authorizes Federal financial assistance to local education agencies to conduct a variety of programs such as: original research and demonstration pilot projects in the field of bilingual education; intensive preschool Headstart-type programs specifically designed to orient and prepare non-English-speaking children for smoother transition to and more rapid advancement in the elementary school environment; activities to emphasize the use of the ability to speak a language other than English as a bridge to the learning of English; regular, ongoing school-systemwide bilingual education programs; the teaching of English as the first or primary language; the teaching of the language spoken in the home as a second language; programs designed to impart to non-English-speaking students a knowledge of and pride in their ancestral language and cultural heritage; programs to attract and retain as teachers promising individuals of non-English-speaking ethnic or nationality background; and community efforts to establish closer cooperation between the school and the home.

Mr. Speaker, I would like to cite in support of H.R. 8000 a recent survey on the teaching of Spanish to Spanish-speaking young Americans, in which the National Education Association found that this group of bilingual and bicultural children represented what it called, "the most acute educational problem in the Southwest."

The NEA study continued:

> Many of these young people experience academic failure in school. At best, they have limited success. A large percentage become school drop-outs. . . . And little headway is being made against the problem. . . .
>
> Spanish-speaking children start school with a decided handicap (the almost exclusive use of Spanish), fall behind their classmates in the first grade, and each passing year finds them farther behind.
>
> They are conditioned to failure in the early years of their schooling, and each additional year only serves to reinforce their feelings of failure and frustration.
>
> The Spanish-speaking student knows some English but has used it infrequently. The language of his home, his childhood, his first years, is Spanish. His environment, his experiences, his very personality have been shaped by it.
>
> But he soon discovers that English is the only language acceptable in school.

In addition to the language barrier, children of Spanish-speaking background "encounter a strange and different set of cultural patterns, an accelerated tempo of living, and, more often than not, teachers who, though sympathetic and sincere, have little understanding of the Spanish-speaking people, their customs, beliefs, and sensitivities."

The National Education Association report concluded:

> The need is for action—now!
>
> To meet the problem fully, however, further legislation and substantially increased appropriations are needed. A more intensive effort to recruit additional teachers from among the Spanish-speaking is another imperative. Additional research, especially of a demonstration nature, is yet another. An extended series of needs could be listed. But the urgent need is for action and innovation in local school districts almost everywhere.

Mr. Speaker, it is my sincere belief that H.R. 8000 represents the kind of immediate legislative action recommended by the NEA to help overcome the serious linguistic handicaps suffered by America's 2 million non-English-speaking elementary and secondary school children.

I urge the House Education and Labor Committee, to which this measure has been referred, to schedule early public hearings on the bill. With favorable committee consideration, I am hopeful it would be possible to obtain affirmative action by the full House, perhaps even during the present session of Congress.

In order to provide a somewhat more specific and detailed explanation of my bill, H.R. 8000, the Bilingual Educational Opportunity Act, I would like to insert in the CONGRESSIONAL RECORD the following narrative summary of the bill's major provisions:

> H.R. 8000, the Bilingual Educational Opportunity Act, would amend the Elementary and Secondary Education Act of 1965, as

amended, by adding a new Title VII. Present Title VII would be redesignated as Title VIII.

DECLARATION OF POLICY

Under new Title VII, Section 702, of the Elementary and Secondary Education Act, as amended, it would become the official policy of the United States to provide bilingual educational opportunity programs for large numbers of elementary and secondary students to whom English is a second language.

AUTHORIZATION AND ALLOTMENTS

Section 703 of the proposed Title VII would authorize appropriations for bilingual education programs for fiscal years 1968 through 1971. The authorization would call for $5,000,000 for the fiscal 1968; $10,000,000 for fiscal 1969, and $15,000,000 for each of the two following fiscal years (1970 and 1971).

The U.S. Commissioner of Education would allot from those funds appropriated, a share to a particular State by means of a formula based on the number of non-English speaking elementary and secondary school students in that State and on the per capita income in that particular State. Further details of the formula would be determined by the Commissioner in such fashion as to best carry out the purposes of Title VII.

For purposes of definition relating to proposed Title VII non-English-speaking elementary and secondary students would refer to those who were born in, or one or both of whose parents were born in, a non-English-speaking area, such as Mexico, Puerto Rico, Cuba, or French Canada. In States where such information is available, students with Spanish surnames would qualify. In the cases of students who do not qualify under any of the above criteria and to whom the Commissioner feels the purposes of Title VII should rightfully apply, he may establish additional objective criteria to provide for their inclusion.

A State's allotment under proposed Title VII for a given fiscal year would be made available for claim by that State prior to a specified date set by the Commissioner. Allotments not claimed by States prior to that date would be reallotted to other States for additional grants under Title VII during that fiscal year. The manner of distributing these extra allotments would be determined by the Commissioners.

USES OF FEDERAL FUNDS

According to Section 704 of Proposed Title VII, grants could be used for the planning and development of programs designed to meet the special needs of children who speak English as a second language. Such programs might include special bilingual and bicultural research and demonstration projects. Funds could also be used to support pilot projects for the purpose of testing and demonstrating the effectiveness of theories and techniques evolved through research having to do with the training of bilingual children.

In addition to research and demonstration projects, grants could also go toward the establishment, maintenance and operation of programs in bilingual education. Such support might include the cost of minor remodeling of classroom space, and the acquisition of equipment necessary for the implementation of bilingual education programs.

A number of types of bilingual education programs might qualify for funding under proposed Title VII. A standard item for many areas would probably be a regular, ongoing comprehensive bilingual educational program. Such a program might include a concomitant cultural program dedicated to teaching bilingual children pride in and knowledge of their ancestral heritage and language.

For younger bilingual children, H.R. 8000 suggests programs that teach English as the first and primary language, but reinforce the home language by teaching its systematic and correct use as a second language. Another possible program aimed at younger non-English-speaking children might be an intensive preschool program patterned along the lines of "Headstart."

The purpose of such an early program would be to smooth the transition of the child into elementary school, and to insure as much as possible that he does not begin his educational career with a linguistic handicap to impede his progress. Another possibly useful program could be one in which the ability of the non-English speaking child to speak his native language, might be used as a bridge to help him transfer those skills to the learning of English.

To help insure the success of bilingual programs, Title VII would provide funds for programs aimed at attracting and retaining as teachers in such programs, qualified persons of non-English-speaking ethnic or nationality backgrounds. It is also suggested in H.R. 8000 that special community projects be considered under the terms of Title VII to establish closer relations between school and the homes of bilingual children.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

Section 705 of proposed Title VII specifies that grants would be made to local educational agencies only after a proper application accompanied by necessary details of the intended program had been supplied to and approved by the Commissioner. Applications should set forth plans for a program of sufficient size, scope, and design as would be necessary to help promote the broad purposes of the Bilingual Educational Opportunity Act, and at the same time that would fulfill one of the more specific objectives listed in the preceding Section 704. This general plan should include an explanation of the proposed methods of efficient administration of the projected bilingual education program. It should be made clear that projected programs, if funded, would be under the supervision or administration of the applicant.

Applications should also make clear policies and procedures that would assure that Federal funds for bilingual programs would not supplant State and local efforts in that area. In addition, the application should provide for fiscal control and fund-accounting procedures that assure proper disbursement of and accounting for Federal funds paid to the applicant. Provision should also be made for the submission of an annual report, and such other reports as may be necessary for the Commissioner to carry out his functions under the law and to determine the effectiveness of the program.

Another requirement for application approval would be that the program proposed therein be consistent with the criteria established by the Commissioner regarding equitable distribution of funds under this Title within each State. Under proposed Title VII he would base his criteria on (A) the geographic distribution of non-English-speaking students within the State, (B) the relative need of persons in different geographic areas within the State for the kinds of services this Title would supply, and the financial ability of those persons to supply such services for themselves, and finally (C) the relative ability of local educational agencies within the State to provide bilingual educational programs of the type that Title VII would sponsor.

For approval of applications for Title VII funds to implement actual teaching programs (as opposed to research projects), the Commissioner would have to determine that the program would employ the best available talent and resources and would appreciably increase educational opportunity in the area served by the applicant. He would also have to determine that provision had also been made to serve non-profit, private school children in the area who might be in need of bilingual educational services.

Finally in considering applications, amendments to applications would be subject to the same type of scrutiny as the original proposal. Also the Commissioner would encourage local agencies undertaking Title VII programs to make use of the persons with expertise in the problems of working with non-English-speaking students. He would also encourage the use of community resources such as educational institutions, libraries, museums, and radio and television facilities in bilingual and bi-cultural programs under Title VII.

PAYMENTS

Section 706 specifies that from the allotment to a particular State under proposed Title VII, the Commissioner would pay to the applicant with an approved application the amount for bilingual programs approved in that application. Payments could be made in advance, in installments, or by way of reimbursements.

ADVISORY COMMITTEE

Section 707 provides for the establishment in the U.S. Office of Education of an Advisory Committee on Increasing Educational Opportunity for Bilingual Children. The Committee would consist of the Commissioner, who would serve as chairman, and eight additional members. Four of these should be educators with experience in dealing with the educational problems of children who speak English as a second language. In addition, at least four of the Committee would be of non-English-speaking ethnic or nationality background.

The Advisory Committee would advise the Commissioner on the action to be taken with regard to applications for grants under Title VII and would assist in the development of criteria for approval of applications. They would also assist in preparation of general regulations, and advise with respect to policy matters arising in the administration of this title.

The Commissioner would have authority to appoint such special advisory and technical experts and consultants as might be necessary to help the Advisory Committee carry out its functions. Committee Members would be compensated at a rate fixed by the Secretary not to exceed $100 per day, including travel time. While serving away from home they would be compensated according to section 5703 of title 5 of the U.S. Code for persons in the government service employed intermittently.

LABOR STANDARDS

Section 708 of proposed Title VII would require that all laborers and mechanics employed by contractors or subcontractors on all minor remodeling projects assisted under this title should be paid wages consistent with those being paid for similar projects in the locality. The Secretary of Labor would have authority with respect to labor standards specified in this section.

BILINGUAL TEACHER TRAINING CENTERS

Section 3(a) of H.R. 8000 would amend Title VI, Section 601(a), of the National Defense Education Act of 1958. The Present Title VI provides basically for the establishment of centers for teaching any modern foreign language deemed important by the Secretary to the industry, business, or education interests of the United States. The legislation authorized instruction in related areas, such as geography, anthropology, economics that might be necessary for full understanding of the language and country under consideration.

Section 3(a) would add a grant and contract authorization under Title VI for "A curriculum designed for the special training of teachers of bilingual children." Section 3(b) would authorize $1,000,000 for such training for fiscal 1968 by increasing the present Title VI, Section 603, National Defense Education Act authorization of $18,000,000 for fiscal 1968 to $19,000,000.

SPECIAL BILINGUAL TEACHER INSTITUTES

Section 4 of H.R. 8000 would amend Title XI, Section 1101 of the National Defense Education Act of 1958. This Title provides support of institutions of higher learning for summer and regular session institutes for teachers in various areas such as history, economics, English, modern foreign languages, or science. Institutes are also available for teachers of the disadvantaged, school librarians, teachers of the handicapped, and educational media specialists.

Section 4(b) would add to those eligible for institutes under Title XI teachers in special educational programs for bilingual students. Section 4(a) would authorize $1,000,000 for such institutes by increasing the $50,000,000 authorization for fiscal 1968 specified in present law to $51,000,000.

RESEARCH

Section 5 of H.R. 8000 would amend Section 2 (a) and (b) of the Cooperative Research Act. Section 2(a) of that act presently provides Federal grants to agencies, institutions and organizations for research, surveys, and demonstrations in the area of education. Section 2(b) provides Federal support to institutions, agencies, and organizations for training of personnel in educational research.

Section 5 of H.R. 8000 would make research, surveys, demonstrations, and training of personnel in research, in problems of bilingual education, also eligible for these Cooperative Research Act funds.

The Eternal Light Vigil Torch on Behalf of Soviet Jewry

EXTENSION OF REMARKS
OF
HON. JONATHAN B. BINGHAM
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 5, 1967

Mr. BINGHAM. Mr. Speaker, on February 22 the distinguished and able gentleman from the Third District of New York [Mr. WOLFF], speaking in Roslyn, Long Island, made a scholarly and comprehensive speech on the plight of Jews in the Soviet Union. This significant statement will be of interest to all those who are concerned about this most grievous situation. I commend it to my colleagues and all readers of the CONGRESSIONAL RECORD.

The text of Representative WOLFF's speech follows:

THE ETERNAL LIGHT VIGIL TORCH ON BEHALF OF SOVIET JEWRY

On September 19, 1965, a rally in Washington, D.C., organized by the American Jewish Conference on Soviet Jewry, witnessed the lighting of an Eternal Light Vigil Torch symbolizing the plight of the Soviet Jew and serving to remind the American people of the ruthless and coldblooded policy of spiritual extermination which the Soviet government has launched against its three million Jewish citizens. Since that time, a replica of the torch has been circulated throughout the United States, and it is the purpose of my talk to you today at Temple Beth Sholom, upon the arrival of the Eternal Light Vigil Torch in Roslyn, to state firmly and unequivocally the commitment of the American people, to the cause of a beleaguered Soviet Jewish population. To this end the *New York Times* recently carried a statement signed by ninety members of the United States Senate, testifying to the concern of that body for Soviet Jewry, demanding that the Soviet government allow its Jewish citizens "to live out their lives freely as Jews," and protesting "the obliteration of the Jewish community and Jewish culture." I say at this time that I wholeheartedly support this statement, and I call to your attention tonight some of the particulars of the brutal campaign to assimilate Soviet Jews into the mainstream of Soviet atheism—a process which, writes New York Rabbi Arthur Schneir, will in another fifteen years result in the total annihilation of Russian Judaism as a culture, as a religion, as a literary heritage. It is appropriate that I speak to you on the occasion of the birthday of George Washington, who so highly valued the principle of religious freedom and who maintained that "every man, conducting himself as a good citizen, and being accountable to God alone for his religious opinions, ought to be protected, in worshipping God according to the dictates of his own conscience." In his famous letter to the Hebrew congregation in Newport, Rhode Island, the first president of this country avowed that "all possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the government of the United States . . . gives to bigotry no sanction, to persecution no assistance. . . ." Let us pray that the government of the Soviet Union, in response to the pressure of an outraged world opinion, will alter its course of spiritual genocide; that, although we may not expect in that land the total abatement of bigotry and persecution, Russia's three million Jews will nevertheless be allowed to come out from the shadow of fear and despair under which they are now forced to live.

Antisemitism is not new to Russia. The first Russian *pogrom*, itself a Russian word meaning "devastation," and hence, an organized massacre of Jews, took place in the year 1113 in the City of Kiev, still a center of anti-Semitism and the scene of the infamous Babi Yar massacre perpetrated by the Nazis in 1941. In 1526 the Muscovite ambassador to Rome declared that "the Muscovite people dread no one more than the Jews, and do not admit them into their borders." Twice in the eighteenth century the Jews were expelled from Russian territory only to be brought again within Russian borders by Czarist policies of expansion. In 1791 the Jews were relegated to an area of the country known as the "Jewish Pale of Settlement," there to be intermittently persecuted until the Bolshevik Revolution in 1917. The official Leninist position concerning the Jews was one of equality before the law: religious equality has, in theory, been a principle of Soviet law since the Revolution. Jews were, like all Soviet citizens, to be assimilated into the socialist culture which replaced Czarist Orthodoxy. And yet this very freedom proved to be a double-edged sword upon which the very identity of Jewishness, forced formally to survive in the hardship of ghetto existence, is being impaled by forced absorption into the Russian masses. For "assimilation," though bearing the trappings of toleration and "equality before the law," means in reality an equality of oneness, from which no deviation is permitted and to which a colorless and materialistic conformity is unfalteringly demanded toward the fulfillment of Marxist determinism. Whereas the Russian Jew existed formerly in persecuted isolation, he exists today in a kind of persecuted togetherness which does not allow him the choice of remaining a practicing Jew. Periodic anti-Semitic attacks by the government ironically prevent the desired total absorption, however, and the tragic result is that the Jew in Russia is today caught between the Scylla of assimilation—which bereaves him of his heritage—and the Charybdis of Jew-baiting—which isolates him in a vacuum apart from the whole, deprived of his own cultural and religious identity.

The Jews of Russia are, in the words of the noted novelist Elie Wiesel, "the Jews of Silence. Alienated in their own homeland and haunted by fear," Mr. Wiesel wrote recently for the *Saturday Evening Post*, "three million Russians live in quiet desperation." It is a desperation which is curiously elusive, subject to the subleties of Soviet oppressions and often visible only through innuendo. "What are they afraid of?" asks Mr. Wiesel, following a recent trip to Russia. "I don't know. Perhaps, afraid to ask, neither do they. I wasn't afraid to ask, but I never got an answer. Official government guides abruptly denied the existence of any such phenomenon [i.e., anti-Semitism], and the western diplomatic observers whom I consulted simply said that the whole matter was an enigma to them. As for the Jews that I talked to, they smiled at me sadly. 'You're an outsider. You wouldn't understand.'"

If the blatant and direct persecution by Stalin, during which many Jews were executed, has given way to a more subtle and indirect attack, the danger to the survival of Jewishness remains as great as ever. The record of facts compiled during the past year indicates a government policy which exceeds, both in degree and scope, the official attitude of hostility toward the Christian churches in Russia. Whereas the Soviet regime considers *religion* to be an outmoded and false superstition, it nevertheless tolerates the existence, most notably, of both the Orthodox and Baptist Churches and the training of clerical leaders in both institutions. Soviet Jewry, on the other hand, is considered by the government to be an alien culture, an ethnic nationality inimical to Russian nationalism through its common heritage with world Jewry. Whereas the Soviet government can circumscribe the Christian churches within the circumference of Soviet national goals, and whereas the adherents to the Christian churches are descendents of indigenous cultures, Russia's Jews are, by their very practice of apartness, heirs to a culture and a tradition—literary, ethnic, religious—which is alien to the land in which they live. The Soviet leadership has apparently decided that the most opportune policy is one of extermination—no extermination so hideous and murderous as that of Hitler—though executions have taken place, to be sure—but rather, an extermination by strangulation and attrition, an extermination which would destroy the spirit but conveniently leave behind the manpower, the economic strength and viability embodied in Russia's three million Jews.

What, specifically, does this hidden and seditious persecution consist in? Russian leaders consistently deny the charges of anti-Semitism leveled against them by the world, and point out that the moribund condition of Russian Judaism is owing to the disinterest of Jewish youth, to Judaism's failure to attract its young people to outmoded and superstitious practices incompatible with a modern, industrial communist state. I say to you that the evidence contradicts this cynical assertion; if youth is disinterested, that disinterest is motivated, coerced by pressure; and the Soviet government is engaged in a death struggle with a culture which has survived, in implacable defiance, the harassments of a thousand years, but which cannot possibly endure much longer against asphyxiation, enforced atrophy, and the weight of sheer numbers. First of all, the Soviet government is making impossible the practice by Jews of religious customs and traditions essential to the perpetuation of the faith. The observation of dietary laws is thwarted. From 1957 until 1965 there was in effect in the Soviet Union a ban on the public baking and sale of matzoh, necessary to the observance of Passover; in 1965 clearly in response to foreign protests, the authorities allowed the limited baking of matzoh in certain key cities such as Moscow and Leningrad: its availability in rural areas and small Jewish communities remains virtually nonexistent. the *shotehim,* or ritual butchers, are rare. Three cows are slaughtered each week in Leningrad to accommodate 330,000 Jews with kosher meat which is everywhere prohibitively expensive.

Traditional Jewish celebrations and rituals are discouraged; whether informers—paid Jewish agents of the secret police—are responsible, or whether the painful shortage of rabbis, prayer books and all the necessities of worship contributes to the decline in synagogue attendance cannot be ascertained; the fact remains that last year in Lenigrad there were fewer than ten Jewish weddings and five *bar mitzvahs* celebrated: there has been only one *bar mitzvah* celebrated in Moscow in the last fifteen years. A further explanation is offered by David W. Weiss, a professor at the University of California at Berkeley, who testified in 1966 to a widespread "fear of the loss of job, position, or residence permits in certain cities" militating against a show of Jewishness in any public place.

The Soviet government continues to refuse to print Jewish Bibles and prayer books. No Jewish Bibles have been printed in the Soviet Union since the nineteen twenties, possibly not since 1917. Three thousand prayer books were reputedly printed in 1958, but a later promise to print 10,000 has been followed with silent inaction. What prayer books are in evidence are tattered almost beyond recognition and must be shared by groups. Prayer shawls are obsolescent and are not made in the U.S.S.R.

More serious to the future of Judaism is the refusal of the Soviet government to allow either religious education of Jewish children or the teaching of Hebrew and Yiddish. Yeshivas and seminaries have been shut down; since 1962 the rabbinical seminary in Moscow, the only one in Russia, has been rendered virtually inoperative, since student residence permits are not granted for seminary study. The chief rabbi in Moscow is 72; his sole associate is 93. Latest information indicates only 62 synagogues left in operation in the entire Soviet Union; in 1964 there were 97.

Perhaps the most direct and deleterious blow to Jewish consciousness in Russia was struck in 1948, when Stalin destroyed all Jewish cultural communications institutions, including publishing houses, printing presses, and the professional Jewish theater. The 1961 founding of a Yiddish literary bimonthly, *Sovietish Heimland,* saw the first Jewish periodical permitted in Russia since 1948. All that remains of the theatre is an amateur group in Vilna and a dozen single, isolated professional performers who travel about the country performing variety acts. A few Yiddish anthologies have been published since 1959, and in September 1965 a Yiddish novel by a living Soviet Jewish writer appeared. This sporadic and inadequate publication of Jewish works can scarcely be considered a publication program, as its government apologists would have us believe, and has doubtless come about in response to world criticism.

If the economic purges of 1962–64 have ceased—purges in which more than half of the 163 persons executed for "economic crimes" were Jews—if these grisly purges have been terminated, there remains the spectre of economic reprisal—of the failure of promotion and university admission. And if the present Soviet policy seems to have mitigated the unrelenting persecution by Khrushchev, it is well to remember the words of the 900-member Central Conference of American Rabbis, which returned last August from a tour of Eastern Europe with the following commentary: "The [Communist] government can now afford to be more generous to the remnant of old believers. They are at the end of the road. Jewish youth is not eager to accept the burdens of religious commitment and there was little in the synagogues we saw which could possibly attract."

There is some evidence of hope, however: I quote to you from a short atricle which appeared in the *Washington Post* on October 7, 1966:

Thousands of young Jews danced and sang in the street outside Moscow's Great Synagogue tonight in enthusiastic celebration of the Jewish Simhath Torah holiday. . . . More than 15,000 people, four out of five of them youngsters, few of whom normally attend synagogue, were estimated to be jammed into the street before and during the synagogue's evening service. . . . Boys and girls clasped hands and danced as the dense crowd made way for them, while others sang improvised Jewish songs . . . This celebration of Simhath Torah, the final day of the harvest festival of Succoth, is a phenomenon which occurs annually in Moscow and cannot be disclaimed. "It is the one risk our young people allow themselves," writes a newspaper columnist, quoting an older Russian Jew; and in evaluating the meaning of this joyous outburst, Elie Wiesel writes: "Anyone who was there that night can attest to the truth of this statement: Young Jews in Russia want to return to Judaism, but without knowing what it is. Without knowing why, they define themselves as Jews. And they believe in the eternity of the Jewish people, without the slightest notion of the meaning of its mission. That is their tragedy." That such spontaneous and gigantic displays of Jewish identity are tolerated at all would seem to augur well for Soviet Jewry. But the threat remains, the more subversive for its seemingly benign countenance. For "without knowing why, they define themselves as Jews. . . . That is their tragedy." If it is true that the younger Jews care no longer for the ritual of their religion, if economic and social advancement have in their system of values replaced the heritage of Moses, there still remains among them a constant yearning, a joyous pride in being Jewish, albeit a secular pride. The celebrations of Simhath Torah can mean nothing else. It may soon be too late; I can think only of Othello's noble words, uttered at the moment he murders Desdemona:

> Put out the light, and then put out the light.
> If I quelch thee, thou flaming minister,
> I can again thy former light restore,
> Should I repent me; but once put out thy
> light
> Thou cunning'st pattern of excelling nature,
> I know not where is that Promethean heat
> That can thy light relume.

Once extinguished, the culture of the Jews in Russia, a bulwark of piety and spiritual productivity for over a thousand years, will be gone forever. "May the same wonder-working Deity," prayed Washington, "who long since delivered the Hebrews from their Egyptian oppressors, and planted them in the Promised Land; whose providential agency has had lately been conspicuous, in establishing these United States as an independent nation, still continue to water them with the dews of heaven, and to make the inhabitants, of every denomination, participate in the temporal and spiritual blessings of that people whose God is Jehovah." This prayer has been answered. Let us pray for the Jews of Russia, and remember in hope the words of Zachariah: "I will strengthen the House of Judah and I will save the House of Joseph, and I will bring again to place them, for I have mercy upon them; and they shall be as though I had not cast them off, for I am the Lord their God, and will hear them."

Speed Fight on Pollution

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 1967

Mr. PHILBIN. Mr. Speaker, many people in my district are greatly concerned about the terrible conditions of pollution that exist in rivers and streams of the area.

I realize that the Congress has recognized that the evils and dangers of pollution are widespread throughout the country. In very practical terms, by appropriate legislation, we have demonstrated our strong determination that the Federal Government should do its full and most generous part in alleviating pollution conditions, restoring the waters to decent quality standards and cleaning up the obnoxious wastes and residues of the surroundings of many once beautiful streams.

Admittedly, the total elimination of pollution in the country is a gigantic task. It cannot be accomplished in any short period. It has long been neglected at every level. It is getting worse every day, and will require most vigorous, urgent, long-sustained work and cooperation by the affected communities, the States and the Federal Government before the total, remedial job can be done.

Fortunately, this Congress and the Federal Government has shown a very commendable awareness of the problem. We have already recommended huge Federal programs to combat pollution that I think will be very beneficial and effective in many ways and in many places.

Sad to relate, my district, like many other districts, is beset by some of the worst evils of pollution. Streams and bodies of water that for years were noted for their purity and wholesomeness have deteriorated to the point where many are now foul, odoriferous, pools of filth, refuse, and stench that not only grossly affront the aesthetic sense of the people, but constitute ideal media for the spread of disease and great danger to the public health.

In addition, these conditions have caused the abatement of scenic and recreational opportunities which, since the beginning of this country up to comparatively recent times, have always been available to the people for their enjoyment.

In my district, Mr. Speaker, there are onetime lovely, beautiful streams that really defy description. They have their sources in the hills and mountains of New England and once wound their picturesque course through green forests, rocks, and rills and the fragrant, rich meadows of a land that was about the first to be settled in this country, nourishing the fertility of the soil, dotted by swimming pools and rowboats and making their way through villages, towns, and cities on their way to the sea.

But this has all been changed. The streams are still there but they have been radically altered. They no longer afford the wholesome surroundings for swimming, boating, and recreation. Instead of the fragrant aroma of the trees and the flowers along banks overflowing with fresh water, there now is wafted across the landscape the steady flow of stench-laden breezes, sickening and revolting to the senses of the people.

At various points, loathsome industrial wastes and human wastes are unceremoniously dumped into these once beautiful, wholesome running streams.

I do not wish primarily to assess the blame for the development of these conditions, I am more concerned with attacking the causes and eliminating the conditions.

In local communities where these conditions spawned, I think that there is recognition now that a broadside attack must be made upon pollution, that it must start in the local communities and must involve the State government which is primarily responsible in many States, at least, for waterways and streams, and include the massive financial and technical participation of the Federal Government.

In any event, these evils, for the most part, stem from local sources, although not all local communities have been responsible for them but some are often the victims of conditions existing upstream.

The State of Massachusetts has tackled these problems with some vigor and effectiveness and our great general court and our officials, both local and State, are working hard to try to set up necessary programs to fight and eliminate pollution

The role of the Federal Government is already fixed by law. It is only a question of our adequate participation. It is obvious that the local communities and States cannot do this job alone, and Congress has recognized that fact.

But we must be prepared to make the necessary large appropriations, difficult as it may be at this time. The Congress is now considering the sum of $200 million requested in the President's budget for the antipollution war, but there are a great many people, including this speaker, who believe that that amount is insufficient to do the job that must be done in the interest of the public health, and for the benefit of wholesome community life in this country, and for the people, young and old, for whom our streams are a truly indispensable source of recreation, wholesome exercise and enjoyment.

Since the end of World War II, it is estimated that this Nation has spent something like $150 billion for the benefit of foreign nations and their peoples. While these figures come from an authoritative official source, I think perhaps they are somewhat downgraded, and it could well be that we have spent much more than that very huge sum for the benefit of other peoples in the world. I will not here elaborate on the reasons and motives that prompted these huge expenditures of American tax dollars.

I have deep misgivings about some of these programs, however, about the waste, the injudicious spending, the resulting scandals, the "Ugly American" features of some of these programs, yet I have never questioned in my own mind, or my own conscience, the value and the justification of American money that has been made available to promote human betterment, to relieve hunger, distress, and privation in so many places and ways and to strengthen the constructive and protective forces of the free world.

Now we are faced with a situation where the Federal Government is asked to make some large sums of money available for essential, indispensable emergency needs of large numbers of the American people, and within proper limits and within reason, I think we must resolve to do it and to act swiftly and adequately.

In fact, not to act adequately would be a great reflection on our judgment, our wisdom, our common sense, because the need of a national antipollution purge is obvious even to the casual observer, and we of the Congress who see it at our own level and have had the opportunity to evaluate the nature and extent of the evils, know as well as anyone, how important it is for us to launch a great, national campaign richly financed, well endowed, intelligently and efficiently and aggressively led to drive pollution from the streams and waters of the Nation. This is a vital, inescapable national mandate for today, not tomorrow.

When I make these references to possible appropriations, I am not thinking in picayune terms. Rather, I am thinking in very round, large figures, and I think this Government must make up its mind to be prepared to spend at least up to $4 billion a year for some time to come to fight pollution, if this job is going to be done as fast and completely as it must be and should be, in the interests of the American people and the decency and dignity of this Nation.

In fact, we must be prepared to spend what is required.

I have been working for antipollution measures over a long period of time now. While I appreciate the progress we have made to date, it is very obvious that the rate of progress must be stepped up, because, while money has been appropriated, in terms of accomplishment, the results are difficult to see anywhere at this time.

So that now, Mr. Speaker, it is a question of adding much more money to that which has been appropriated and translating these huge sums into concrete action at the earliest possible time through the States and local governments, so that we can clean up these terrible pollution conditions in our streams, rivers, lakes, and ponds in the foreseeable future. We cannot endure a long wait for action against pollution.

There has been a crippling lag in the implementation of the antipollution program with too much emphasis upon slow, deliberate, halting planning measures, and not enough upon getting necessary projects underway, notwithstanding regional planning and without regard to the obstruction of picayune economizers who put their shortsighted economy ideas ahead of the public interest.

It is my view and deep conviction that if we act now, Mr. Speaker, and see to it that the total antipollution program is adequately financed, skillfully directed, aggressively conducted, as fast as it practically can be, this Congress will be making an additional tremendous contribution to the health, betterment, and well-being of the American people.

SENATE

THURSDAY, APRIL 6, 1967

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father God, whose paths are mercy and truth, and who understandest the thoughts of our hearts; we pause in the busy rush of the day to ask that the deliberations of these hours may reflect the guidance of Thy spirit. So teach us to number our days that we may apply our hearts unto wisdom.

Let Thy work appear unto Thy servants and Thy glory unto Thy children.

And let the beauty of the Lord our God be upon us: and establish Thou the work of our hands upon us; yea, the work of our hands establish Thou it.

God be in our head and in our understanding;

God be in our eyes and in our looking;

God be in our mind and in our thinking.

Make us alive and alert, we pray Thee, to the spiritual values which underlie all the struggle of these epic days. Open our eyes to the futility of changing maps without changing men. To this end may selfishness and all uncleanness be purged from our own hearts and our will be lost in Thine.

Send us forth to our work today saying of Thee, as Thy servants have said across all the changing centuries, "He restoreth my soul."

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. LONG of Louisiana, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 5, 1967, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries.

REPORT OF NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 102)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the report of the National Science Foundation, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am pleased to submit to the Congress the 16th Annual Report of the National Science Foundation.

This fiscal 1966 report tells a proud story of continuing progress on many scientific frontiers—of bold and creative men and women pitting their skill and imagination against the challenges and opportunities posed by nature.

Scientific research is the key with which we can unlock the doors of the future. As a nation we have learned this only recently. Not long ago our scientists usually had to go abroad to learn of the newest discoveries, but now the world often comes here to learn. In our universities, our Government and our industrial laboratories, the quality of our scientific research is second to none.

We intend to maintain this high standard. The task we have set ourselves is to wrest from nature the intellectual treasures with which we will build the world of tomorrow.

Scientific research has given us new insights and provided tools for practical progress:

New metals which can stand up to the fierce heat of rocket engines make our space flights possible.

New ultraminiature electronic devices, born of basic discoveries made only two decades ago, guide our spacecraft in orbit and our aircraft in Vietnam.

The frontiers of the known universe have been pushed back in the last decade and shown to contain energy sources of unprecedented magnitude, thanks to developments in astronomy, and especially in the new use of radiotelescopes.

Experiments with the atomic nucleus have led us to power reactors which will make electricity more abundant and cheaper throughout the world.

The already visible horizons of the future are even more exciting.

Our scientists are increasingly confident that we will be able to modify the weather significantly and perhaps even to do away with drought and flood.

Computers are already revolutionizing our ways of thinking and our ways of doing things, and we have only just begun to sense the impact they will have on our industry, our education, and the abundance of our society.

Desalting the waters of the seas and the brackish ground waters which underlie great parts of our own and other countries will help meet the needs of parched and thirsty lands.

New fuels, new plastics, synthetic materials of a thousand kinds, will make life better for our citizens.

New technologies will give us better ways to eliminate the pollution of our air and water.

The work of our researchers who probe the chemistry of life itself, and unravel the marvelous molecular codes which hold the secrets of heredity, will also teach us to avert or to cure disease, and perhaps one day may delay the effects of inevitable aging which afflict us all.

We know that we can continue this flow of benefits to mankind only if we have a large and constantly replenished pool of basic knowledge and understanding to draw upon. For the path between basic discovery and its application can be both long and uncertain.

We intend to maintain such a pool with all our talents and resources, so that we can apply it to our needs. Perhaps most important, we intend to maintain this pool of basic knowledge and understanding because of the stimulus it provides to our young minds in the challenge of ideas. Knowledge, as we have learned from our rich experience, is not a laboratory curiosity. It is a critical tool for our national health, our national growth, and the sound education of all of us. The very process of generating knowledge produces the highly trained scientists and engineers that are needed to man our universities, industries, and government.

The National Science Foundation is entrusted, more than any other single national institution, with the responsibility to expand our reservoir of basic knowledge through research, and to promote excellence in our scientific education. It is doing this job admirably, as the attached report shows. It must, and will, do even better.

Under the programs proposed to you in the Congress for next year, the National Science Foundation would:

Sponsor the research of faculties and postgraduate students in more than 450 schools in all 50 States;

Develop new approaches in science education;

Provide laboratory facilities in at least 30 graduate schools;

Assist more than 35,000 secondary school and college teachers to improve their teaching capabilities;

Help to improve the quality of 25 or more institutions of higher education which have shown the capacity to develop outstanding capabilities in one or more scientific disciplines;

Provide funds to explore and test the effectiveness of computers in all stages of the educational process.

In these ways, the Foundation is substantially expanding its efforts to improve the quality of science education at all levels. It is helping to increase the number of colleges and universities which can provide truly excellent scientific training and research. In doing this, it is continuing to expand our capabilities for basic research in all fields of modern science.

To be fruitful, scientific and technical information must quickly reach those who can use it. As the volume of research results grows, this becomes harder to achieve. But the stakes are well worth the effort. Every increase of 1 percent in the efficiency of our $22 billion public and private research and development programs is worth $220 million per year. The Foundation will therefore institute new programs to devise improved systems for handling scientific information, and will work with other Government agencies to establish standards for Federal technical information programs.

Many of the most pressing problems of our times depend for their solution on a better understanding of man and his interaction with the highly technological society in which he lives. For this reason, the Foundation has more than doubled the funds for basic research in the social sciences over the past 5 years.

The story of scientific achievement and challenge told by this annual report is a story of a sound investment which will pay handsome dividends. I commend the report to the attention of the Congress and the American people.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 6, 1967.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary be permitted to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. LONG of Louisiana, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

ORDER OF BUSINESS

Mr. LONG of Louisiana. Mr. President, for the information of Senators, while I do not feel disposed to give any guarantee or firm assurance in the matter, it is my belief that there are not likely to be any important votes on today or tomorrow. I say that for the benefit of Senators who are making their plans.

The matter before the Senate is very important and can and should be debated. Perhaps, if we can gain unanimous consent to do so, we might temporarily lay aside the pending bill and handle some less controversial matters and then resume consideration of the pending bill.

Because a number of Senators are absent, for whom we do not have pairs, it is the judgment of the leadership that it would not be wise to come to a vote on a number of important amendments prior to the return of certain Senators. Because of this situation, I believe that we will not have any rollcall votes before Tuesday.

Mr. DIRKSEN. Mr. President, will the distinguished acting majority leader yield?

Mr. LONG of Louisiana. I yield.

Mr. DIRKSEN. Virtually all of the bills that are on the calendar are private bills, and it would not take very long to dispose of them. Two or three other items are on the calendar, all of which, except one, are under a hold order. That means that the calendar could be disposed of quickly.

I should like to know what the acting majority leader wishes to do with the remainder of the afternoon or, if we come in on Friday, how to dispose of the time on Friday, other than for speeches—unless he wishes to consider the other amendments that are pending presently, which have not yet been called up.

Mr. LONG of Louisiana. Mr. President, I have read in the RECORD every word of debate that has occurred during the last 3 days. In my judgment, the great debate that has been transpiring in the Senate is a credit to the Senate. I hope I will be pardoned for saying that, because I have been participating in the debate.

The speeches have been logical; they have been carefully considered. We have exchanged much information, and I believe that the discussion that has been taking place in the Senate will lead to substantive law and important reform of our election laws.

I do not believe that the time is being wasted. This ground must be covered somewhere, though I believe most of it could properly be hammered out in sessions of the committee. This is a very important matter that the Nation should understand, and it is also desirable that Senators understand it. I have been dismayed to learn that some Senators who seek to repeal the Long Act do not seem to understand it very well and need to be further informed on that subject. However, it seems to me that we are making progress along that line in clearing up a number of misunderstandings and setting the basis for some desirable amendments which I am sure will ultimately become law.

I would hope that any urgent matter that might be on the calendar could be disposed of. I do not care to displace the pending bill—except perhaps momentarily, to dispose of a few other matters that do not appear to be controversial.

EXECUTIVE COMMUNICATIONS, ETC.

The **PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

Authorization of User Charges for Certain Services Performed by the Department of Agriculture

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the act of February 2, 1903, as amended, to authorize user charges for certain services performed thereunder by the Department of Agriculture, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

Proposed Concession Contract in the Mall Area, Washington, D.C.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract in the Mall area, Washington, D.C. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Extension of Concession Contract in Olympia National Park, Wash.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed extension of a concession contract in Olympia National Park, Wash. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Repeal of Certain Provisions of Title 5 and Title 18, United States Code

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to repeal certain provisions of title 5 and title 18, United States Code (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Reports Relating to Third Preference and Sixth Preference Classification for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report of American Academy of Arts and Letters

A letter from the assistant to the president, the American Academy of Arts and Letters, New York, N.Y., transmitting, pursuant to law, a report of that academy, for the year 1966 (with an accompanying report); to the Committee on the Judiciary.

Report of National Institute of Arts and Letters

A letter from the assistant secretary, the National Institute of Arts and Letters, New York, N.Y., transmitting, pursuant to law, a report of that institute, for the year 1966 (with an accompanying report); to the Committee on the Judiciary.

Report on Special Study To Determine the Sufficiency of the Present Safety Requirements of the Federal Coal Mine Safety Act

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on a special study to determine the sufficiency of the present safety requirements of the Federal Coal Mine Safety Act, as amended, dated March 1967 (with an accompanying report); to the Committee on Labor and Public Welfare.

Reports of U.S. Atomic Energy Commission

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the year 1966, and its supplemental report entitled "Fundamental Nuclear Energy Research—1966" (with accompanying reports); to the Joint Committee on Atomic Energy.

RESOLUTION OF RHODE ISLAND GENERAL ASSEMBLY

Mr. PASTORE. Mr. President, I present, for appropriate reference, a resolution of the General Assembly of the State of Rhode Island, and ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

H. 1075

Resolution memorializing Congress to enact legislation providing for free postage during certain holidays to the immediate family of military personnel serving in war zones

Resolved, that the members of the Congress of the United States be and they are hereby respectfully requested to enact such legislation as may be necessary to provide for postage free service during the seasons of Thanksgiving, Easter, Christmas and Jewish holidays to the immediate family of military personnel serving in war zones; and be it further

Resolved, That the secretary of state be and he hereby is requested to transmit to the senators and representatives from Rhode Island in the congress of the United States duly certified copies of this resolution in the hope that each will use every endeavor to have favorable action taken by congress upon this special matter.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Armed Services, without amendment:

S. 1216. A bill to authorize appropriations during fiscal year 1967 for use by the Secretary of Defense for acquisition of properties pursuant to section 1013 of Public Law 89-754, and for other purposes (Rept. No. 158).

TO REVISE AND EXTEND THE APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (S. REPT. NO. 159)

Mr. RANDOLPH. Mr. President, from the Committee on Public Works, I report favorably, with amendments, the bill (S. 602) to revise and extend the Appalachian Regional Development Act of 1965, and I submit a report thereon. I ask that the report be printed, together with the supplemental views of Senators Cooper and Murphy.

The PRESIDING OFFICER (Mr. Kennedy of New York in the chair). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from West Virginia.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. McINTYRE, from the Committee on Armed Services:

Endicott Peabody, of Massachusetts, to be an Assistant Director of the Office of Emergency Planning.

Mr. DOMINICK. Mr. President, from the Committee on Armed Services I report favorably the nomination of two general officers in the Army. I ask that these nominations be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, placed on the Executive Calendar, are as follows:

Gen. Paul Lamar Freeman, Jr., Army of the United States (major general, U.S. Army), to be placed on the retired list, in the grade of general; and

Lt. Gen. James Karrick Woolnough, Army of the United States (major general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, for appointment to the grade of general while so serving.

Mr. DOMINICK. Mr. President, in addition, I report favorably the nominations of 141 officers for appointment in the Air Force in the grade of colonel and below and 1875 officers for appointment in the Army in the grade of colonel and below. Since these names have already appeared in the Congressional Record, in order to save the expense of printing on the Executive Calendar I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Daniel H. Daley, for appointment as permanent professor, U.S. Air Force Academy;

Sidney H. Curtis, and sundry other persons, for appointment in the Regular Air Force;

Raymond E. Abel, Jr., and sundry other distinguished graduates of the Air Force precommissioned schools, for appointment in the Regular Air Force;

George L. Darley, and Helen M. Heinrich, for reappointment to the active list of the Regular Army of the United States, from the temporary disability retired list;

James A. Hooper, and sundry other persons, for appointment in the Regular Army of the United States;

Peter B. Carter, for appointment as permanent professor, U.S. Air Force Academy;

Marshall S. Cook, and sundry other persons, for appointment in the Regular Air Force; and

Gerard F. Armendinger, and sundry other distinguished graduates of the U.S. Air Force Officer Training School, for appointment in the Regular Air Force.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MONDALE:

S. 1454. A bill for the relief of Elmer O. Erickson; to the Committee on the Judiciary.

By Mr. MONDALE (for himself, Mr. Bayh, Mr. Burdick, Mr. Dirksen, Mr. Griffin, Mr. Hart, Mr. Hartke, Mr. McCarthy, Mr. McGovern, Mr. Nelson, Mr. Proxmire, Mr. Young of North Dakota, Mr. Young of Ohio, and Mr. Percy):

S. 1455. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. Mondale when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself and Mr. Kuchel):

S. 1456. A bill to amend the Labor-Management Relations Act of 1947, and the Railway Labor Act with respect to emergency labor disputes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. DIRKSEN:

S. 1457. A bill to amend the Bank Holding Company Act of 1956; to the Committee on Banking and Currency.

By Mr. HRUSKA:

S. 1458. A bill for the relief of Lee Duk Hee; to the Committee on the Judiciary.

By Mr. JAVITS (for himself and Mr. Kennedy of New York):

S. 1459. A bill for the relief of certain nonprofit medical research institutions; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. McCARTHY (for himself, Mr. Morton, Mr. Mondale, Mr. Bayh, Mr. Hartke, Mr. Kuchel, Mr. McGovern, Mr. Nelson, Mr. Scott, Mr. Randolph, Mr. Proxmire, and Mr. Young of North Dakota):

S. 1460. A bill to amend the Federal Trade Commission Act, to promote quality and price stabilization, to define and restrain certain unfair methods of distribution and to confirm, define, and equalize the rights of producers and resellers in the distribution of goods identified by distinguishing brands, names, or trademarks, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. McCarthy when he introduced the above bill, which appear under a separate heading.)

By Mr. CARLSON:

S. 1461. A bill amending the Internal Revenue Code of 1954 by adding a new provision providing an additional deduction for mortgage guarantee insurance losses; to the Committee on Finance.

By Mr. EASTLAND:

S. 1462. A bill to amend section 602 of title VI of the Civil Rights Act of 1964 (78 Stat. 252) to provide that Federal financial assistance shall not be denied any hospital or patient therein on account of certain practices of said hospital; to the Committee on Labor and Public Welfare.

By Mr. PASTORE:

S. 1463. A bill for the relief of Emil William Aceto; and

S. 1464. A bill for the relief of the city of Pawtucket, R.I.; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 1465. A bill to provide for holding terms of the District Court of the United States for the Eastern Division of the Northern District of Mississippi in Ackerman, Miss.; to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself and Mr. Muskie):

S. 1466. A bill to amend the Internal Revenue Code of 1954 to provide an amortization deduction, based on a 36-month period, for air pollution control facilities; to the Committee on Finance.

By Mr. RANDOLPH (by request):

S. 1467. A bill to provide authorizations from the highway safety and beauty trust fund to carry out the purposes of the highway safety and beautification programs under title 23, United States Code; to the Committee on Public Works.

By Mr. MUNDT (for himself, Mr. Baker, Mr. Bennett, Mr. Burdick, Mr. Cooper, Mr. Curtis, Mr. Dominick, Mr. Fannin, Mr. Hansen, Mr. Hickenlooper, Mr. McGovern, Mr. Miller, Mr. Morton, Mr. Pearson, Mr. Percy, Mr. Prouty, Mr. Randolph, Mr. Tower, and Mr. Jordan of Idaho):

S.J. Res. 64. Joint resolution to establish a Commission on Balanced Economic Development; to the Committee on Government Operations.

(See the remarks of Mr. Mundt when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTION

EXTENSION OF SPECIAL COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

Mr. MONRONEY (for himself, Mr. Sparkman, Mr. Metcalf, Mr. Mundt, Mr. Case, and Mr. Boggs) submitted the following resolution (S. Res. 106); which was referred to the Committee on Rules and Administration:

S. Res. 106

Resolved, That the first sentence of S. Res. 293, Eighty-ninth Congress, second session, agreed to August 26, 1966 (relating to the establishment of the Special Committee on the Organization of the Congress), is amended by striking out "March 31, 1967," and inserting in lieu thereof "June 30, 1967."

ST. LAWRENCE SEAWAY

Mr. MONDALE. Mr. President, I introduce, for appropriate reference, for myself and Senators Bayh, Burdick, Dirksen, Griffin, Hart, Hartke, McCarthy, McGovern, Nelson, Proxmire, Young of North Dakota, Young of Ohio, and Percy a bill to recapitalize the St. Lawrence Seaway Development Corporation. The bill, with minor technical changes, is the same as S. 3698 in the 89th Congress.

Last year the bill was introduced in the hope of helping to ward off traffic-crippling toll increases. This year we face the problem of seeking to remedy the basic inequity of the 1954 act, authorizing U.S. participation in seaway development.

The St. Lawrence Seaway Act of 1954 requires that the Corporation pay—through toll revenues—its entire cost of construction by the year 2009, as well as the cost of operation and maintenance. This self-sustaining requirement is unique among all other waterways and ports which the United States has assisted as a matter of public transportation policy. It is an unfair burden and discriminates against the seaway.

Last year when we introduced the bill, the Corporation and its Canadian counterpart had decided to recommend—and in December 1966, did recommend—a toll increase of 10 percent in order to better make required repayments.

A package was recommended calling for a total increase of 10 percent and a decrease in the U.S. share of seaway toll revenues from 29 percent to 28 percent. Noting that the outstanding debt obligations of the Corporation—including deferred interest, capitalized interest, and revenue bonds at the end of 1965—totaled $141,719,000, a Corporation report in May of 1966 set up repayment goals for a 5-year period from 1967 to 1971. It stated:

> An approximate 10 percent increase in tolls would, if traffic expands as predicted, allow the Corporation to begin to repay its debts within the 5-year forecasted period (1967-1971).

This estimate was based on a showing that the lag in traffic and tonnage from 1959 to 1965 had resulted in an $8.2 million greater deficit than was anticipated when tolls were established in 1959.

Other Senators and I and a number of Representatives, under the able leadership of Representative HENRY S. REUSS, of Wisconsin, resisted the recommended increase for its harmful effect on seaway traffic.

We achieved a significant victory in this effort when the United States and Canada announced, on March 14, a 4-year moratorium on toll increases. That agreement will give us time to work out solutions to the long-range problems of the seaway.

Solutions are necessary, especially regarding financing. For if the predictions and estimates of the Corporation prove to be accurate, the seaway will be hopelessly "in the red" 4 years from now, and the pressure for toll increases will be much greater.

In those recent negotiations, the U.S. Seaway Corporation received no toll increase, even though it recommended an increase of 10 percent. The Corporation suffered a reduction in its share of total toll revenues from 29 percent to 27 percent, even though it had recommended a decrease of only 1 percent.

This means that over the 5-year study period—1967-71—the Corporation revenues estimates of approximately $40,800,000 will actually total only about $35 million, or about $1,076,000 less per year than anticipated.

The Corporation's deficit—in terms of their projected repayment schedule—will increase—under their projections—by roughly $5 million over the 1967-71 period.

This makes it very important that we make every effort now to work out a solution to the apparent financial dilemma. There is, of course, always the possibility that traffic increases alone will permit the seaway to meet its obligations.

But the projections on traffic growth in the past have always exceeded actual tonnage, with the exception of 1966, when the actual tonnage exceeded estimates by 1,249,000 tons.

This one successful year still leaves us 51.3 million tons short of estimates for the 8-year life of the seaway from 1959 through 1966.

Therefore, we believe the recapitalization bill we introduced last year, and have reintroduced again today, must soon be considered, and for two reasons. First, in the absence of some such legislative change or striking increases in traffic, we will again face the possibility of toll increases in 4 years. Second, the basic inequity of requiring the seaway to pay its own way—in comparison to other waterways—must be remedied.

What are these inequities?

The St. Lawrence Seaway Act of 1954, as amended in 1957, established the Seaway Corporation and authorized it to borrow up to $140,000,000 to finance construction of the seaway. The principal was required to be repaid, with interest at prevailing rates, within 50 years. This was the first time that any waterway of the United States had been financed with repayment requirements.

Under the provisions of the Seaway Act, the Corporation is also responsible for the expenses of the operation and maintenance of the seaway itself. Again, no other federally constructed waterway is required to bear these expenses. In every case except that of the St. Lawrence Seaway, the expenses of operation and maintenance are paid from Federal appropriations.

The act directed the Seaway Corporation to negotiate with its sister Canadian St. Lawrence Seaway Authority to establish agreed toll levels or, failing agreement, to set them unilaterally. The act directed that tolls be set at a level high enough to cover the costs of operation and maintenance, payments in lieu of taxes, interest, repayment of the capital debt within 50 years, and depreciation.

The very substantial allowance for depreciation—it was $1,686,000 in 1965—is impossible to justify as a required element of tolls. Even if it were true that the facilities of the seaway were slowly becoming worthless despite their maintenance, it makes no sense to require tolls to cover both capital repayment and depreciation. It means that users of the seaway have to pay for it twice—once in repayment of the capital to the Treasury, and once again in depreciation allowances.

Our bill would remove some of the inequities by lifting the capital repayment burdens from the seaway.

Section 1 of the bill would direct the conversion of the revenue bonds of the Corporation, along with all accrued interest, into capital stock paying a 3.61-percent cumulative dividend. This rate of return is approximately the combined average interest charge on outstanding bonds and deferred interest. Based on the state of the Corporation as of December 31, 1965, this would mean the issuance of capital stock to the Treasury in the amount of $124,276,050 and deferred interest in the amount of $17,443,244.

The proposed reorganization does not represent an abandonment of the concept that the seaway should pay its way to the Treasury. It is a modest proposal which does not run counter at all to any of the fundamental concepts of the founding of the seaway. Many of us would prefer a measure which wholly eliminated tolls, but this bill does not do that. The seaway is paying its own way. It has already returned more than $20 million in cash to the Treasury.

We are in effect extending the repayment period in perpetuity, but at a rate of payment which will permit maintenance of toll levels which will not depress traffic. It may even be possible to lower tolls under this proposal.

Under the provisions of this bill, seaway toll revenues would still return $5,116,000 per year to the Treasury. In the next 45 years at present traffic rates, it would pay the Treasury over $230 million dollars. Certainly no other transportation facility has ever been made to pay for itself to that high degree. Yet this arrangement would afford substantial relief to the Seaway Corporation by eliminating the huge burden of repayment of capital.

The second major change made by the proposed legislation is that it would relieve the Corporation of the burden of maintaining its facilities. This provision, too, is a compromise. In every other federally financed waterway, both maintenance and operation are paid from appropriations, not to mention original construction. Thus $100,000,000 of Federal funds have paid for the construction alone of the New Orleans seaway industrial canal, and will pay for the operation and maintenance. Through fiscal 1965, the Delaware River Channel to Philadelphia has cost over $54 million for construction and $113 million for operation and maintenance. And all of these waterways are free of tolls.

Certainly it is not unreasonable in the light of these other expenditures, which I believe to be in the national interest, to provide for the payment of maintenance costs of the St. Lawrence Seaway from Federal appropriations. The national economic benefit of the seaway cannot be questioned.

Finally, this proposal provides that tolls shall be calculated to cover, at capacity operations, the expenses of operation, payments in lieu of taxes, interest on any obligations of the Corporation, and payment of the 3.61 percent dividend on capital stock of the Corporation. This has the effect of eliminating, as a basis of calculation of tolls, the depreciation element which previously resulted in tolls paying double the cost of the seaway. The return to the Treasury of $5,116,000 per year from toll revenues is sufficient to protect the interests of the Government without additional depreciation reserves.

Mr. President, under the modifications which would be made by this bill, the Seaway Corporation would not have had a loss of $1,970,000 in 1965. It would, after paying for operation, administration, and a dividend of $5,116,000 to the Treasury, have had a surplus of $203,000. After the accumulation of operating reserves, such a financial basis would permit a reduction of tolls and would certainly end forever any need for an increase.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1455) to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes, introduced by Mr. MONDALE (for himself and other Senators), was received, read twice by its title and referred to the Committee on Public Works.

Mr. MONDALE. Mr. President, I observe in the Chamber the distinguished senior Senator from Wisconsin [Mr. PROXMIRE] who is the chairman of the Great Lakes Senators' Association, and who provided such inspired leadership to make this St. Lawrence Seaway more attractive for some in the economic development of the entire St. Lawrence Seaway area and the Great Lakes. I am sure he joins with me in warm and strong praise of the President for his careful review of our appeal and his extraordinary leadership which led to the 4-year moratorium.

I well recall the evening that the Great Lakes Senators met with the President. The Senator from Wisconsin argued brilliantly for the steps which the President later took, which has given new hope for the opportunity of development of the seaway.

The President is entitled to praise for his leadership. I hope that we will have his support, as well, in connection with this measure.

Mr. PROXMIRE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONDALE. Mr. President, I ask unanimous consent that I may proceed for such time as may be necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. I am delighted to yield to the senior Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, first, I warmly commend the Senator for introducing this bill which is absolutely essential. The President, as the Senator said, should be commended, and Alan Boyd should certainly be commended for the fine job they did in negotiating no increase in St. Lawrence Seaway tolls for the next 4 years. However, this legislation is absolutely essential if we are going to solve the problem on any kind of long-term basis. If we are going to keep tolls down to a reasonable level where we can increase traffic, we must have a refinancing approach to the situation. Without that, it means that the substantial investment this country has made in the St. Lawrence Seaway is likely to suffer, and suffer seriously. There is no question in my mind that the St. Lawrence Seaway deserves this kind of consideration. It is the only seaway, to the best of my knowledge, that requires a toll to be paid and the Federal Government to be repaid, although there are so many other seaways and waterways which have been constructed by the Federal Government.

Thus, I would hope that the bill introduced by the Senator from Minnesota [Mr. MONDALE] would receive prompt consideration and passage. As I have said, it is essential in the national interest as well as in the interest of the States who happen to be on the Great Lakes.

Mr. MONDALE. I thank the Senator from Wisconsin. I look forward to working with him, under his inspired leadership, as the head of our Great Lakes Senators' organization. I believe that the 4-year moratorium is important in itself, but its real significance is that it gives us time to make the basic adjustments necessary in order to place the St. Lawrence Seaway on a sound footing.

Mr. President, I yield the floor.

EMERGENCY STRIKE LEGISLATION

Mr. JAVITS. Mr. President, early in this session, together with a bipartisan group of 15 Senators, I introduced Senate Joint Resolution 9, the purpose of which was to direct the Secretary of Labor to submit to Congress his recommendations with regard to national emergency strike legislation. Although Senate Joint Resolution 9 has received widespread editorial support, no hearings have yet been scheduled. Nor has the administration in any way indicated any willingness to face up to the necessity of revising the wholly inadequate procedures provided under present law. Actually, hearings alone would have satisfied the purpose of Senate Joint Resolution 9 and would have enabled us better to draft and submit legislation. But as Senate Joint Resolution 9 has not been effective for this purpose I believe there is a better chance to raise the whole subject by hearings or substantive legislation. I am, therefore, introducing a bill which embodies what I believe to be the best approach to the problem. The senior Senator from California [Mr. KUCHEL] is a cosponsor of the bill.

The bill would:

First. Authorize the President to appoint a board of inquiry to make public recommendations for a settlement based on factfinding.

Second. Authorize the President to order a 30-day freeze, during which the parties would be under a duty to bargain upon the recommendations, although neither party would be required to accept the recommendations.

Third. Authorize the President to seek appointment by a Federal court of a special receiver to operate the struck facilities to the extent which, in the opinion of the court, is necessary to protect the public health and safety.

Fourth. Extend coverage of the emergency labor disputes provisions of the Taft-Hartley Act to controversies which, though they may not affect an entire industry nor imperil the health or safety of the Nation as a whole, do affect interstate commerce and do imperil the health and safety of a substantial part of the population or territory of the Nation, and cover employees of a State or political subdivision if they are engaged in transportation, transmission, or communication. Specifically, I have in mind last year's subway strike in New York, which we found ourselves powerless to deal with.

Fifth. The emergency labor disputes provisions of the Taft-Hartley Act are not otherwise affected.

This is a practical legislative proposal to deal with national emergency strikes. There may be others, but, at the very least, I would like the matter brought to study, hearing and consideration.

Mr. President, this year is perhaps the most important year, from a collective bargaining standpoint, since 1959. Numerous collective agreements, covering workers employed in large and important segments of the economy, are due to expire, and the outcome of the negotiations concerning those agreements will affect the Nation in many ways. To take just one important example, it is possible that strikes in a number of our basic industries would adversely affect our defense production and thus interfere with our efforts in Vietnam.

This is not merely speculation. The administration has recently moved for an 80-day Taft-Hartley injunction in the electricians strike in the major west coast shipyards on the ground that the disruption of work there was interfering with our ability to maintain our forces in Vietnam.

Another area of immediate concern is the railroads. For some time, six shopcraft unions have been bargaining with all the major railroads. An emergency board has been appointed and has made its report. The six shopcraft unions involved will be free to strike on April 12. If they do, the railroads will come to virtually a complete standstill from coast to coast.

Still another potential troublespot in the near future is the trucking industry, where negotiations between most of the major carriers and the Teamsters, have now reached the crisis stage.

I have said it before and I will say it again: The time for Congress to act is before a crisis is upon us. We simply cannot expect to find an acceptable solution that is fair to all parties—labor and management and the public—if we are forced to work in an atmosphere similar to that which prevailed last summer during the airline strike.

I am aware that important segments of both the business community and the labor movement do not approve of the solutions—compulsory arbitration or seizure—which have so far been proposed. From a political standpoint, the whole issue is undoubtedly a "hot potato." From this standpoint, the reluctance of the administration and the Congress to act is understandable, but is nonetheless inexcusable in the light of the responsibility for protecting the public interest which both the administration and the Congress bear.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Moreover, even from a political standpoint the course we have so far chosen to pursue is shortsighted. The fact is, simply, that we are going to have to make a decision sooner or later. We may avoid having to make it this year, or even next; but eventually we will have to face reality. If we wait until the public's security can no longer be ignored, or our national defense is imperiled, there is far less chance that the legislation which emerges will be acceptable to all sides as a fair and workable solution than would be the case if it could be considered in the calm, deliberate manner which its importance fully warrants. This in turn means that legislation passed under the pressure of crisis will be far more likely to arouse bitter political antagonism toward those responsible for its passage than legislation enacted under calmer circumstances.

There is still a further reason why we cannot afford to delay acting until an emergency is upon us. The mere threat of a strike in a basic industry may result in disrupting the orderly progress of the economy. Threatened with a shortage of raw materials, those manufacturers who are able to do so will build up their inventories, thus creating an artificially high demand prior to the date of the threatened strike. Then, if there is no strike, demand will plummet until excess inventory is used up. These inflationary and then deflationary movements could be significantly leveled out if effective emergency strike legislation, assuring uninterrupted production, were on the books.

In short, the public interest demands that we delay no longer in giving national emergency strike legislation our full attention. The administration, I might add, is not unaware of the need for prompt action. The President, in his 1966 state of the Union message, recognized it and promised to recommend appropriate legislation. Senate Joint Resolution 9 was nothing more than an attempt to make him keep that unfulfilled promise. There is no excuse for the administration's failure to act—its failure is simply a blatant example of subordination of the public interest to purely partisan political interests.

We understand that work on the subject is in progress in the Department of Labor, but so far nothing whatever has been advanced to deal with this emergency matter.

The administration's abdication of its responsibility to protect the public interest does not justify Congress in likewise abdicating its responsibility to the public.

The bill which I introduce today is a revision of S. 2797, which I introduced in the last Congress. It is premised on the belief that whatever solution is adopted must serve to encourage the parties to find their own solution through free collective bargaining rather than discourage the collective bargaining process. This is why I believe limited seizure, rather than compulsory arbitration, is the best answer. Seizure leaves the parties free to settle the dispute on their own terms and encourages them to do so, since seizure itself is distasteful to both sides. Compulsory arbitration, on the other hand, encourages the parties not to compromise, in the hope that an award will be somewhere between the last offers by the parties.

I do not, however, wish to be understood as suggesting that seizure is the only possible solution in all cases. Many different ideas have been expressed on this subject, most of which merit study. What I believe it is necessary for us to do, and do now, is to sit down and take a really critical look at all the possible solutions and come up with some legislation that will preserve the health and safety of the Nation or a substantial part thereof when it is threatened by industrial strife.

I close as I began: We should not delay until a national emergency overtakes us. An emergency faces us with respect to railroads, trucking, and west coast shipyards. We may face an emergency in the rubber industry. As I have said before, this is the most important year since 1959 in this field, and we should act now.

I have suggested a solution. Undoubtedly there are other solutions. The point is that we should crystallize the demand for action now.

Mr. President, I ask unanimous consent that my bill be printed in the Record.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred, and, without objection, the bill will be printed in the Record.

The bill (S. 1456) to amend the Labor-Management Relations Act, 1947, and the Railway Labor Act with respect to emergency labor disputes, introduced by Mr. Javits (for himself and Senator Kuchel), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 1456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Emergency Labor Disputes Act of 1967".

Sec. 2. Section 206 of the Labor-Management Relations Act, 1947, is amended to read as follows:

"Sec. 206. (a) Whenever in the opinion of the President of the United States, after consultation with the Director, a threatened or actual strike or lockout or other labor dispute in an industry affecting commerce may, if permitted to occur or to continue, imperil the health or safety of the Nation or a substantial part of the population or territory thereof, he may appoint a board of inquiry to inquire into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its own position, and shall, if the President so directs at any time, make recommendations in such report or in a supplemental report for the settlement of some or all of the issues in dispute. The President shall file a copy of such report with the Service and shall make its contents available to the public.

"(b) Upon receiving a report or a supplemental report from a board of inquiry which contains recommendations for the settlement of some or all of the issues in dispute, the President may direct that for a specified period not to exceed thirty days no change in the conditions out of which the dispute arose shall be made by the parties to the dispute, except by agreement. During such period the parties to the dispute shall be under a duty to bargain collectively with respect to the recommendations for settlement of the board of inquiry, but neither party shall be under a duty to accept in whole or in part any such recommendations."

Sec. 3. (a) Section 208(a)(i) of such Act is amended to read as follows:

"(i) is in an industry affecting commerce; and".

(b) Section 208(a)(ii) of such Act is amended by striking out the words "national health or safety" and inserting in lieu thereof the words "health or safety of the Nation or a substantial part of the population or territory thereof".

(c) Section 209(a) of such Act is amended by striking out the words "national health or safety" and inserting in lieu thereof the words "health or safety of the Nation or a substantial part of the population or territory thereof".

Sec. 4. Such Act is further amended by inserting after section 210 thereof the following new sections:

"Sec. 210A. At any time after receiving a report with respect to a labor dispute from a board of inquiry under section 206(a), the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the employer, for the appointment of a special receiver to take immediate possession in the name of the United States of any plant, mine, or other facility which is the subject of such labor dispute and to use and operate such plant, mine, or other facility in the interests of the United States, and if the court finds that the exercise of the power of authority provided by this section is necessary to protect the health or safety of the Nation or any substantial part of the population or territory thereof, it shall have jurisdiction to appoint such a special receiver and to make such other orders as may be appropriate: *Provided, however,* That (1) no such petition shall be granted while any injunction issued under section 208 is in effect; (2) at any time before directing the special receiver to take possession of such plant, mine, or other facility the court may direct the parties to the dispute to make every effort to agree to continue or resume such part of the operations of such plant, mine, or other facility as in the opinion of the court is necessary to protect the health or safety of the Nation or any substantial part of the population or territory thereof, and upon such continuance or resumption of operations may postpone the taking of possession by the special receiver so long as such operations continue; (3) such plant, mine, or other facility shall be operated by the special receiver only to the extent which in the opinion of the court is necessary to protect the health or safety of the Nation or of any substantial part of the population or territory thereof; (4) the possession and operation of such plant, mine, or other facility shall not render inapplicable any State or Federal law concerning health, safety, security, or employment standards, and the special receiver while operating such facility shall comply with such laws as if it were privately operated; (5) the wages, hours, conditions and other terms of employment effective at the time of taking possession by the special receiver shall be maintained without change, except that the court may, if a board of inquiry appointed under section 206(a) shall have recommended changes in rates of pay, wages, hours, or other conditions of employment, direct the special receiver to make such recommendations effective in whole or in part in any plant, mine, or other facility which is being operated by the special receiver during such period of operation; (6) during the period of such possession by the special receiver and thereafter, the parties shall be encouraged to continue efforts to settle the dispute and the special receiver shall have no authority to negotiate a collective bargaining agreement with respect to rates of pay, wages, hours, or other conditions of employment; (7) such plant, mine, or other facility shall be returned to the employer as soon as practicable, but in no event later than thirty days, after the restoration of such labor relations in such plant, mine, or other facility that the possession or operation thereof by the special receiver is no longer necessary to insure the operation thereof required for the protection of the health and safety of the Nation or any substantial part of the population or territory thereof; (8) such plant, mine, or other facility shall be operated by the special receiver for the account of the employer: *Provided further,* That the employer shall have the right to elect, by written notice filed with the court within ten days of such taking of possession, to waive all claims to the proceeds of such operation and to receive in lieu thereof just, fair, and reasonable compensation for the period of such possession and operation by the special receiver, to be paid by the United States as follows: (A) The President shall ascertain the amount of just, fair, and reasonable compensation to be paid as rental for the appropriation and temporary use of such plant, mine, or other facility while in the possession of or operated by the special receiver in the interest of the United States, such determination to be made as of the time of the taking hereunder, and taking into account the existence of the labor dispute which interrupted or threatened to interrupt the operation of such plant, mine, or other facility and the effect of such interruption or threatened interruption upon the value to the employer of the use of such plant, mine, or other facility; (B) if the amount so ascertained is not acceptable to the employer as just, fair, and reasonable compensation for the appropriation and temporary use of the property taken hereunder and as full and complete compensation therefor, the employer shall be paid 75 per centum of such amount and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided for by sections 1357 and 1491 of title 28 of the United States Code to recover such further sums as when added to the amount so paid shall constitute just, fair, and reasonable compensation for the appropriation and temporary use of the property so taken. In the event such notice of election is filed with the court, the special receiver shall pay over to the United States the proceeds of the operations of such plant, mine, or other facility while in his possession.

"Sec. 210B. The provisions of sections 206 to 210A, inclusive, shall not be inapplicable to any threatened or actual strike or lockout or other labor dispute in an industry engaged in transportation, transmission, or communication, because the employer involved in such strike, lockout, or dispute is a State or political subdivision thereof, if such industry is an industry affecting commerce."

Sec. 5. The Railway Labor Act, as amended, is amended by adding after section 10 a new section as follows:

"Sec. 10A. At any time after receiving a report with respect to a labor dispute from a board appointed under section 10, the President is authorized to direct the Attorney General to petition any district court of the United States having jurisdiction of the carrier for the appointment of a special receiver to take immediate possession in the name of the United States of the equipment and facilities of any carrier which is the subject of such dispute and to use and operate such equipment and facilities in the interest of the United States, and if the court finds that the exercise of the power and authority provided by this section is necessary to protect the health or safety of the Nation or of any substantial part of the population or territory thereof it shall have jurisdiction to appoint such a special receiver and to make such other orders as may be appropriate: *Provided, however,* That (1) at any time before directing the special receiver to take possession of such equipment and facilities, the court may direct the parties to the dispute to make every effort to agree to resume such part of the operations of such equipment and facilities as in the opinion of the court is necessary to protect the health and safety of the Nation or of any substantial part of the population or territory thereof, and upon such resumption of operations may postpone the taking of possession by the special receiver so long as such operations continue; (2) such equipment and facilities shall be operated by the special receiver only to the extent which in the opinion of the court is necessary to protect the health and safety of the Nation or of any substantial part of the population or territory thereof; (3) the possession and operation of such equipment and facilities shall not render inapplicable any State or Federal law concerning health, safety, security, or employment standards, and the special receiver while operating such equipment and facilities shall comply with such laws as if they were privately operated; (4) the wages, hours, conditions, and other terms of employment effective at the time of taking possession by the special receiver shall be maintained without change, provided that the court may, if a board appointed under section 10 shall have recommended changes in rates of pay, wages, hours, or other conditions of employment, direct the special receiver to make such recommendations effective in whole or in part with respect to the operation of equipment and facilities which are being operated by the special receiver during such period of operation; (5) during the period of such possession by the special receiver and thereafter, the parties shall be encouraged to continue efforts to settle the dispute, and the special receiver shall have no authority to negotiate a collective bargaining agreement with respect to rates of pay, rules, or working conditions; (6) such equipment and facilities shall be returned to the carrier as soon as practicable, but in no event later than thirty days after the possession or operation thereof by the special receiver is no longer necessary to insure the operation thereof required for the protection and preservation of the health and safety of the Nation or of any substantial part of the population or territory thereof; (7) such equipment and facilities shall be operated by the special receiver for the account of the carrier: *Provided further,* That the carrier shall have the right to elect, by written notice filed with the court within ten days of such taking of posession, to waive all claims to the proceeds of such operation and to receive in lieu thereof just, fair, and reasonable compensation for the period of such possession and operation by the special receiver, to be paid by the United States as follows: (A) The President shall ascertain the amount of just, fair, and reasonable compensation to be paid as rental for the appropriation and temporary use of such equipment and facilities while in the possession of or operated by the special receiver in the interest of the United States, such determination to be made as of the time of the taking hereunder, and taking into account the existence of the labor dispute which interrupted or threatened to interrupt the operation of such equipment and facilities and the effect of such interruption or threatened interruption upon the value to the carrier of the use of such facilities; (B) if the amount so ascertained is not acceptable to the carrier as just, fair, and reasonable compensation for the appropriation and temporary use of the property taken hereunder and as full and complete compensation therefor, the carrier shall be paid 75 per centum of such amount and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided for by sections 1357 and 1491 of title 28 of the United States Code to recover such further sums as when added to the amount so paid shall constitute just, fair, and reasonable compensation for the appropriation and temporary use of the property so taken. In the event such notice of election is filed with the court, the special receiver shall pay over to the United States the proceeds of the operations of such equipment and facilities while in his possession."

HEALTH RESEARCH BILL

Mr. JAVITS. Mr. President, on behalf of myself and my colleague, Senator Robert F. Kennedy, I send to to the desk a bill to amend the Public Health Service Act.

The bill will specifically aid the New York State Department of Health in remedying a situation which I believe was unintended by Congress.

I ask unanimous consent that a letter from Dr. Hollis Ingraham, New York Commissioner of Health, to Congressman Emanuel Celler, chairman of the New York State congressional steering committee, which details the purpose and necessity for this bill, be printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 1459) for the relief of certain nonprofit medical research institutions, introduced by Mr. Javits (for himself and Mr. Kennedy of New York), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The letter presented by Mr. Javits is as follows:

State of New York,
Department of Health,
Albany, N.Y., March 11, 1966.

Congressman Emanuel Celler,
House of Representatives,
U.S. Congress, Washington, D.C.

Dear Congressman Celler: Thank you for your letter of January 26, 1966. I would like to tell you of one matter having great importance to us as it is involved with the prosecution of our research throughout the Department. Since 1953, a non-profit membership corporation intimately associated with the Department of Health has been the agency which has administered the majority of Federal research grants for us. Along with almost every research organization in the country that received funds from the National Institutes of Health, Health Research, Inc., the research arm of the State Health Department, accepted an overhead reimbursement from 1958 to January 1, 1963 of 15% of applicable direct costs. As you know, the purpose of this indirect cost reimbursement was to recognize that there were many costs which could not be allocated specifically to an individual research project but were important in the execution of the investigation. It was recognized by almost everyone that this amount was significantly insufficient to defray such indirect expenses. You will recall, I am sure, the appearance of many persons before committees of the Congress to appeal for relief from this burden, which because of rising expenses became more imposing each year. The Congress recognized this problem and in 1963 passed legislation which raised the reimbursable ceiling to 20%. Again, a year later it considered further appropriate changes and has since removed the ceiling, substituting a method of support for indirect costs about which no comment can be made as it has yet to be promulgated and implemented by the National Institutes of Health.

In the period from 1958 to 1963 the Department of Health, through Health Research, Inc,. undertook investigative efforts with the support of research contracts (as distinguished from grants). For these studies, the funding was on a cost reimbursement basis with an overhead determination made under audit rules designed for the purpose. These rules failed to recognize large segments of expenditures which were being made constantly in behalf of the direct research effort. As a result the indirect cost rate was less than 15% in the five year period.

A subcommittee of the Intergovernmental Relations Committee of the House of Representatives under the chairmanship of Mr. L. H. Fountain investigated these matters. Subsequently, members of the National Institutes of Health staff have studied the problem. Essentially, the difficulty centers about the fact that Health Research, Inc., as an independent entity, could not demonstrate that there were large cash expenditures made from its own funds for the support of the total research effort. Such costs have been borne by New York State as it has provided personnel, facilities, supplies, utilities, and a number of other absolutely essential components for the proper prosecution of individual projects. Legal counsel for the National Institutes of Health consistently has ignored and refused to recognize the intimate relationship which has existed between the State of New York Department of Health and Health Research, Inc. from the inception of the latter, in spite of the fact that the purpose of incorporation is defined quite clearly to further any appropriate interest of the State of New York and the Department of Health. We have made many submissions to show the magnitude of the contribution, all of which have been recognized as valid and factual by National Institutes of Health authorities. However, they negate the entire concept of state expenditure and the proper recovery of funds by an agency of the Department of Health in demanding that an actual cash expenditure must have taken place from the corporation rather than from the parent group which it serves.

The burden of prosecuting a large research effort is sufficient unto itself, but it has been magnified considerably for members of my staff by the arbitrary imposition of a retention by the National Institutes of Health of an exceedingly large amount of money until this issue is settled, apparently to their satisfaction. We feel quite strongly about this matter and hope that you will consider it a problem worthy of your attention. I believe you will find that there are other agencies in the state similarly involved. It would seem, however, that the National Institutes of Health has chosen to make Health Research, Inc. one of its "test cases."

We shall be happy to supply any additional information you may require. My staff stands ready to provide data in support of the above material. Your assistance will be appreciated greatly.

Sincerely yours,

Hollis S. Ingraham, M.D.,
Commissioner of Health.

THE QUALITY STABILIZATION ACT

Mr. McCARTHY. Mr. President, in behalf of Senator Morton and myself, I introduce, for appropriate reference, a bill entitled "The Quality Stabilization Act." Joining us as sponsors of the bill are Senator Bayh, Senator Hartke, Senator Kuchel, Senator McGovern, Senator Mondale, Senator Nelson, Senator Scott, Senator Randolph, Senator Proxmire, and Senator Young of North Dakota.

This bill is designed to promote quality and price stabilization, to define and restrain certain unfair methods of distribution, and to confirm, define, and equalize the rights of producers and resellers in the distribution of goods identified by distinguishing brands, names, or trademarks.

Several of us sponsored a similar bill in the 89th Congress, and other measures along the same general lines have been introduced in previous Congresses. The problems which originally prompted the proposed legislation continue and the need for legislative action remains.

One of the principal reasons for enacting this measure is to halt certain unjust selling practices that deprive the small independent retailer of the protection that he should enjoy in competition. The independent retailers are one of the largest groups of individual owner-operators in the economy, and their continued existence as a part of the retailing system is important to the economy and to the social structure of the United States.

In recent years there has been a sharp decline in the number of retail business establishments despite the fact that gross sales have increased substantially. One of the difficulties of the independent retailer is the loss of sales or of a fair return on quality merchandise as a result of unfair practices by certain retail outlets. Existing antitrust laws are inadequate to solve the problem. This bill provides a fair and reasonable procedure.

The procedure is based on the property rights which adhere in the brand or name or trademark of a firm, a principle which has been upheld by the Supreme Court. The bill would give the manufacturer the right, subject to strict qualifications, to deny the use of such brand, name, or trademark to any reseller who uses the merchandise bearing the manufacturer's brand in "bait" merchandising practices, in published misrepresentations, or who sells the merchandise at prices other than the established price or price range.

If the reseller engages in one or more of these practices specifically forbidden in the act, he may be notified by the manufacturer of the revocation of his right to use the trademarked merchandise. The provisions of the bill also protect the reseller against discriminatory conduct by the brand-name manufacturer.

The Quality Stabilization Act has been criticized by some in the past as being another form of compulsory price fixing. This is not true. The act would in no way authorize the Government to fix prices or to require a certain percentage of markup beyond cost. It does not involve the Government in policing prices. The act is permissive and it will be optional for each manufacturer to determine whether or not he will use the procedures. The act provides that the rights under the bill would not be available to a manufacturer for marketing a monopoly product, and thus the provisions have application only where consumers have the choice to buy similar products of other manufacturers.

The Quality Stabilization Act would provide protection for consumers by reducing the opportunity for them to be misled by "bait" pricing practices and by published misrepresentations involving brand merchandise. Merchandisers who erratically cut the price of a brand name in order to get customers must overprice other items. It is not possible to remain in business by selling below cost and the consumer is not well served by such practices being used on a few quality items.

The principal way the American consumer has been able to get an abundance of products at fair prices has been through the system of mass production and mass distribution. The efficiency of mass production and the development of quality products has been stimulated, in turn, by competition between manufacturers of products of the same type. The Quality Stabilization Act will encourage rather than restrict this kind of competition.

Under provisions of the Quality Stabilization Act, the consumer will still be free to buy the type of product he chooses. He will make his choice as before between one brand-name product and another, and also between trademarked quality products and products of the same type where the manufacturer does not choose to so identify the product.

Insofar as the Quality Stabilization Act will be helpful to enable independent retailers to stay in business and to provide a broader base of honest competition, it is in the consumers' interest. It is to the advantage of the consumer to have a system of convenient retail outlets and to have in the retailing business those independent owners and operators who have a special sense of obligation to the customers and provide a special service. The Quality Stabilization Act will help preserve and strengthen this system.

I ask unanimous consent that there be printed in the Record at this point a paragraph-by-paragraph analysis of the bill, along with the list of the 78 national associations which have endorsed the principles of the proposed legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and without objection, the paragraph-by-paragraph explanation and list of associations will be printed in the Record.

The bill (S. 1460) to amend the Federal Trade Commission Act, to promote quality and price stabilization, to define and restrain certain unfair methods of distribution, and to confirm, define, and equalize the rights of producers and resellers in the distribution of goods identified by distinguishing brands, names, or trademarks, and for other purposes, introduced by Mr. McCarthy (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Commerce.

The paragraph-by-paragraph explanation, and list of associations, presented by Mr. McCarthy, are as follows:

Paragraph-by-Paragraph Explanation of the Quality Stabilization Bill

The provisions of the Quality Stabilization Bill that follow the enacting clause consist of a single section divided into two subsections (a) and (b).

Subsection (a): This subsection provides that this legislation may be cited as the "Quality Stabilization Act."

Subsection (b): This subsection proposes to add at the end of section 5(a) of the Federal Trade Commission Act new paragraphs which are designated as (7) through (17). These paragraphs contain the operative provisions of this proposed legislation.

PARAGRAPH 7

This paragraph gives recognition to the legitimate interest of the owner of a brand name or trademark, in stimulating public demand for his identified goods through effective distribution. It recognizes and confirms the continuing property rights in any brand name or trademark, and in the trade and public good will symbolized thereby. These property rights in the brand name or trademark are not diminished or extinguished by any sale or transfer of the goods to which the brand name or trademark relates.

This paragraph relies for its legal validity on numerous U.S. Supreme Court decisions, particularly the unanimous decision in the *Old Dearborn* case (299 U.S. 183, 194) which specifically states that:

"* * * We are here dealing not with a commodity alone, but with a commodity plus the brand or trademark which it bears as evidence of its origin and of the quality of the commodity for which the brand or trademark stands. Appellants own the commodity; they do not own the (trade) mark or the good will that the (trade) mark symbolizes. And good will is property in a very real sense, injury to which, like injury to any other species of property, is a proper subject for legislation. Good will is a valuable contributing aid to business—sometimes the most valuable contributing asset of the producer or distributor of commodities. And distinctive trademarks, labels, and brands are legitimate aids to the creation or enlargement of such good will. It is well settled that the proprietor of the good will 'is entitled to protection as against one who attempts to deprive him of the benefits resulting from the same, by using his labels and trademark without his consent and authority.' *McLean* v. *Fleming*, 96 U.S. 245, 252.

PARAGRAPH 8

This paragraph grants the owner of a brand name or trademark the right to revoke for a period of not more than one year the use of such brand name or trademark in effecting the resale of goods identified by that brand name or trademark (A) if the person reselling such goods has employed them in furtherance of bait merchandising practices, (B) if the person reselling such goods after written notice of the brand name owner's currently established resale price or price range, has advertised, offered for sale, or sold any such goods at a price other than such resale price or at a price not within such price range, or (C) if such person with intent to deceive purchasers has published a misrepresentation concerning such goods. The practices must have been committed by the reseller within 90 days prior to the date of the written notice of revocation. For the revocation to be effective, the reseller must have received written notice of the trademark owner's currently established resale prices, and acquired the trademarked goods after being given such notice.

Free and open competition

Before a trademark owner may utilize the provisions of the proposed Act, his goods must be in free and open competition with goods usable for the same general purpose that are available to the public from sources other than such brand name owner.

The phrase "in free and open competition" has been construed in a number of court decisions, involving a variety of commodities, such as color film (*Eastman Kodak Co.* v. *F.T.C.*, 158 F. 2d 592); copyrighted literature (*Hutzler Bros.* v. *Remington-Putnam Book Co.*, 186 Md. 210, 46 Atl. 2d 101); patented drugs (*Eli Lilly & Co.* v *Saunders*, 216 N.C. 163, 4 S.E. 2d 578; *Hoffman-La Roche, Inc.* v. *Weissbard*, 11 N.J. 541, 95 Atl. 2d 398); dietary products (*Mead, Johnson & Co.* v. *R. H. Macy & Co.*, 208 N.Y.S. 2d 574); long-playing records (*Columbia Records* v. *Goody*, 105 N.Y.S. 2d 659); electric household appliances (*Sunbeam Corp.* v. *Payless Drug Stores*, 113 F. Supp. 31); copper-bottomed ware (*Revere Copper & Brass* v. *Economy Sales Co.*, 127 F. Supp. 39); silk hosiery (*Glen Raven Knitting Mills* v. *Janson Hosiery Mills*, 189 F. 2d 845); butane lighters (*Ronson Patents Corp.* v. *Sparklets Devices*, 112 F. Supp. 676, affd. 202 F. 2d 87); and others.

In general, if a commodity is unique and vended by a single producer, the article is not "in free and open competition" with other commodities. As was pointed out by the court in the *Eastman Kodak Co.* case cited above, involving color film which, at the time of the case, was available only from one supplier, a consumer wanting color film would not have his wants satisfied by a purchase of conventional film. When subsequently Ansco color film came on the market, the FTC suspended its cease-and-desist order originally issued in 1944 directed against Eastman Kodak Co.

Similarly, if a producer enters into horizontal agreements designed to establish uniform prices or to effect a division of the markets, goods of that producer which are affected by those agreements are not considered to be in "free and open competition" with other goods. (See, e.g., *Rayess* v. *Lane Drug Co.*, 138 Ohio St. 401; 35 N.E. 2d 447.)

On the other hand, however, where goods are not affected by violations of the antitrust laws, and where consumers have available to them from other manufacturers or distributors other goods which can be used for the same general purpose, then the goods will be considered to be in "free and open competition."

Provisions of Act do not apply if reseller removes trademark

It should be noted that the provisions of the proposed Act would not be applicable to the conduct of any reseller that removes the trademark from the commodity and does not employ in any way the good will of the brand name or trademark in effecting the sale of the commodity. In interpreting an analogous statute the U.S. Supreme Court, in its unanimous *Old Dearborn* decision (299 U.S. 183), said there is nothing "to prevent the purchaser (the reseller) from removing the mark or brand from the commodity—thus separating the physical property, which he owns, from the good will, which is the property of another—and then selling the commodity at his own price, provided he can do so without utilizing the good will of the latter as an aid to that end."

Trademark owner subjects himself to suit

This paragraph (8) also provides that if the owner of a brand name or trademark avails himself of the provisions of this act for the purpose of establishing a resale price or price range, he thereby subjects himself to the jurisdiction of the U.S. district court for any district in which goods identified by such brand name or trademark are offered for sale, if the owner is not otherwise subject to process in the courts of the State involved. The jurisdiction of the U.S. court shall apply under this provision, without regard to the amount in controversy, to suits involving all goods brought under the bill.

PARAGRAPH 9

This paragraph protects, in a due process sense, the rights of the reseller in the merchandise on hand after his right to employ the brand name has been revoked. The reseller is given the option of two courses of action to liquidate his inventory.

One option is that he may sell the goods in the regular course of business using the brand name of trademark, so long as he does not commit any of the practices—bait merchandising, price deviation, misrepresentation—prohibited by paragraph 8. The brand name may thus be used in the selling out of the inventory that the reseller had on the date of revocation, but it cannot be used in respect to addtional inventory acquired after the notice of revocation has been received.

As an alternative, the reseller, promptly after receiving written notice of the revocation, may submit to the brand name owner a correct itemized listing of the reseller's inventory of such goods with the price paid per item and the total price the reseller paid for the goods—which total price shall also include the total transportation costs paid by the reseller. He must at that time make a firm offer to sell and deliver these goods to the trademark owner at such total price, plus the cost of transporting the goods to the trademark owner. If the trademark owner does not accept this offer within ten days, then the reseller may sell the goods which he had on hand at the time of revocation in the regular course of his business and within a reasonable time, using the trademark and without restriction as to price. In such an event, the reseller must give plain notice that his right to employ the trademark has been revoked as to goods acquired after receipt of the notice of revocation.

By providing these alternate routes to take care of the problem of current inventory when revocation notice is received, the investment of the reseller in his inventory for such brand name goods is protected. There is no deprivation of property. The proposed legislation is most evenhanded in conserving and protecting a reseller's investment in the trademarked merchandise, even though he has violated the law in respect thereto.

PARAGRAPH 10

This paragraph is the remedy provision of the brand name owner under the proposed Act. In the event a reseller continues to use the brand name after his right to do so has been revoked under paragraph 8 and his inventory problem has been resolved under paragraph 9, then paragraph 10 provides the brand name owner a legal remedy. The legal remedy takes the form of a civil action for damages, plus injunctive relief, and gives the Federal district courts jurisdiction, without reference to any minimum jurisdictional amount. This remedy paragraph also provides that the brand name owner, whose right of revocation has been flouted, may recover the cost of suit. The suit may be brought in the U.S. district court in the district in which the defendant-reseller resides, or does business, or in which the violation occurred.

While the proposed Act specifically states in the interest of fair play that the first judgment against a particular reseller shall be effective for not more than one year, it does provide that a second or a subsequent injunction against the same reseller, in favor of the same trademark owner, for a violation of the Act, may, in the discretion of the court, be permanently effective. A brand name owner may petition the court to vacate such second or later judgment unconditionally.

PARAGRAPH 11

This paragraph protects the reseller against discriminatory conduct by the brand name owner. The paragraph specifies two defenses that may be asserted by the reseller.

Reseller's defense against discriminatory enforcement

Paragraph 11 gives the reseller a defense to any civil action brought by the trademark owner when the reseller can establish that the trademark owner failed to act diligently against other violators who are in substantial competition with the reseller, and who are known to the trademark owner to be violating the same subparagraph of paragraph 8 on which revocation of the defendant's right to employ the trademark was based.

The House Interstate and Foreign Commerce Committee, in its favorable Report in 1963 on this proposed legislation, viewed the following conduct by the manufacturer as reasonable criteria in evaluating "due diligence" by the trademark owner in his enforcement program:

(1) Keep itself informed as to price-cutting activities and other trends generally known in the industry or trade.

(2) Keep close scrutiny over prior violators and take appropriate action where indicated.

(3) Investigate and follow up complaints vigorously.

(4) Enforce price schedule by repeated legal action if necessary.

(5) The enforcement program must be a continuing and sustained one.

Reseller's defense against discrimination in price he pays for product

The reseller is also given a defense against the brand name owner's suit if the reseller can establish that the brand name owner has sold the same kind of goods of like grade and quality as the goods involved in such proceeding to other persons similarly situated *under terms more favorable or at lower* prices than those under which the plaintiff-brand name owner offered such goods for sale to the reseller-defendant.

PARAGRAPH 12

This paragraph preserves the rights of the owner of a brand name or trademark to bring actions otherwise available for wrongful use thereof. It is an acknowledgment that the remedy provided by the proposed Quality Stabilization Act is not exclusive when the question might otherwise involve trademark infringement or other aspects of unfair competition. Congress is not repealing any of the *present* laws *relating* to the protection of trademarks when it enacts the Quality Stabilization Act.

PARAGRAPH 13

This paragraph provides that this proposed Act shall apply to all acts and transactions of the character referred to in this Act, in or affecting commerce, which Congress may lawfully regulate. It expresses the intent of Congress to use the full sweep of its power over commercial transactions. The jurisdictional scope of this Act will be identical to that of the Lanham Trademark Act. That is, the interstate commerce in the brand itself is sufficient to establish Federal jurisdiction over the local use of the brand for the reason that such local misuse inevitably affects interstate traffic in that brand.

Paragraph 13 also provides that where the owner of a brand name or trademark avails himself of any right under this proposed Act, such action shall not cause any act or transaction not otherwise in, affecting, or related to, interstate commerce to be an activity or transaction in, affecting, or related to, interstate commerce. The use of the rights and remedies provided by this Bill may not serve as a basis for placing persons or transactions under the reach of the interstate commerce power of the Congress unless they are within that power for reasons not related to the Bill.

Paragraph 13 further includes a "States' Rights" clause. In order to protect the rights of the people of any State who do not choose to have this Act operative in their State, paragraph 13 provides that if any State hereafter enacts a law, or adopts a constitutional amendment, prohibiting resale price maintenance in such State, the provisions of this Act authorizing the establishment of resale prices or price ranges shall not apply in that State to any sales to ultimate consumers in that State. Where any State enacts such a law, or adopts such an amendment, the provisions of the Act with respect to resale prices would still apply to sales made in that State for delivery to a purchaser outside the State. This provision is necessary in order to prevent the establishment of mail order businesses in such a State which would thwart the purposes of the Act in the rest of the United States. (See *General Electric Co.* v. *Masters Mail Order Co. of Washington, D.C., Inc.* (244 F. 2d 681). It should be noted that the provisions of the Bill permitting revocation of the right to use a brand name or trademark for use of that brand name or trademark in "bait merchandising," or for publication of misrepresentations, will remain applicable in such State.

PARAGRAPH 14

This paragraph contains definitions of the terms "person," "goods," "currently established resale price," and "currently established resale price range."

This paragraph 14 also contains the requirement that each currently established resale price and resale price range shall be uniform at each level of distribution except for reasonable marketing costs. This requires that prices be uniform throughout the United States, except for variations resulting from transportation costs and other costs attributable to the marketing of a product in different sections of the United States.

In keeping with promotional flexibility *required in modern marketing, paragraph 14* also provides that the trademark owner may establish a different price or price range for his goods when sold in combination than the total of the prices established for the goods sold individually. The owner may also engage in other lawful promotional activities.

PARAGRAPH 15

This paragraph provides that all rights and remedies provided by this proposed Act shall also be available to any owner of a brand name or trademark who in the sale of such goods competes at any level of distribution with another reseller of such goods if the *owner sells such goods only at the price or* within the price range currently established by him for that level of distribution.

A manufacturer, with a complex distribution system, has the same economic and proprietary interest in his brand name as does a manufacturer with a simpler distribution structure, and should have the same rights to protect *himself from* abuses to *his* trademark.

Paragraph 15 contains a proviso, however, that the brand name owner who engages in multiple distribution and sells in competition with his resellers, must himself sell at the same price that he sets for such resellers *to follow at their respective level of distribution.* Obviously, it would be unfair to allow a brand name owner to put himself in a position whereby he could offer price advantages to certain customers, as compared to his resellers.

PARAGRAPH 16

This paragraph provides for certain exemptions from the applicability of the proposed Act.

The exemptions are:

(a) Sales of bulk commodities when sold without wrappers or containers.

(b) Sales by any officer acting under orders or authority of a duly constituted court, or sales by any person in mitigation of damages or enforcement of a lien or other secured interest in said goods.

(c) Sales of damaged, deteriorated, defaced, or secondhand goods when plain notice of the condition of the goods is given to the public.

(d) Sales of drugs, medicines, and devices for which either State or Federal law or regulations requires a prescription from a physician, dentist, or such other persons as the various States may authorize to prescribe such items.

(e) Sales to or by the Federal, State, or municipal governments or their political subdivisions or agencies.

(f) Sales to charitable, educational, medical, and religious organizations for their own use and not for resale.

PARAGRAPH 17

Paragraph 17 contains the usual severability clause. If one provision of the proposed Act shall be held invalid, the remaining provisions will remain in force.

The associations that have taken positive action in favor of the Quality Stabilization Bill are as follows:

National Retail Hardware Association.

National Office Machine Dealers Association.

Independent Garage Owners of America.

National Sporting Goods Association.

National Assn. of Retail Clothiers and Furnishers.

National Retail Furniture Association.

Retail Jewelers of America.

Master Photo Dealers and Finishers Association.

National Appliance and Radio-TV Dealers Association.

National Wholesale Jewelers Association.

National Stationery and Office Equipment Association.

Wholesale Stationers' Association.

Toy Wholesalers' Association of America.

Billiard and Bowling Institute of America.

Gift and Decorative Accessories Association of America.

Marine Manufacturers Safety Equipment Association.

National Association of Sporting Goods Wholesalers.

American Fishing Tackle Manufacturers Association.

Archery Manufacturers and Dealers Association.

National Wholesale Hardware Association.

Writing Instrument Manufacturers Association, Inc.

American Watch Association, Inc.

Watch Material Distributors of America.

Automotive Service Industry Association.

National Association of Bedding Manufacturers.

National Industrial Distributors Association.

Christian Booksellers Association.

National Shoe Manufacturers Association.

Wallcovering Wholesalers Association.

National Small Business Association.

American Research Merchandising Institute.

American Retailers Association.

National Art Materials Trade Association.

National Shoe Retailers Association.

Motor and Equipment Manufacturers Association.

Northamerican Heating & Airconditioning Wholesalers, Inc.

National Association of Women's & Children's Apparel Salesmen, Inc.

American Watch Manufacturers Association.

National Bicycle Dealers Association, Inc.

National Audio-Visual Association, Inc.

National Office Furniture Association, Inc.

National Outerwear and Sportswear Association.

National Frozen Food Association, Inc.

The Automotive Warehouse Distributors Association, Inc.

National Association of Glove Manufacturers.

National Marine Products Association.

National Association of Retail Druggists.

Paint and Wallpaper Association of America, Inc.

Retail Tobacco Dealers of America.

National Association of Tobacco Distributors.

National Retail Farm Equipment Association.

American Pharmaceutical Association.

National Conference of State Pharmaceutical Association Secretaries.
Metropolitan Cities Drug Association Secretaries.
National Association of Chain Drug Stores.
Toilet Goods Association.
American Booksellers Association.
National Wholesale Druggists Association.
Automotive Electric Association.
Corset & Brassiere Association of America.
Proprietary Association.
The Independent Shoemen.
National Candy Wholesalers Association.
Manufacturing Jewelers and Silversmiths of America.
Laundry and Cleaners Allied Trades Association.
Luggage and Leather Goods Manufacturers of America, Inc.
National Association of Furniture Manufacturers.
National Reloading Manufacturers, Inc.
National Distributors Council.
Scientific Apparatus Makers Association.
National Association of Music Merchants, Inc.
National Association of Retail Record Dealers.
The Rubber Manufacturers Assn., Inc.—Oil Seal Division.
National Locksmith Suppliers Association.
National Association of Independent Food Retailers, Inc.
American Apparel Manufacturers Association, Inc.
Truck Safety Equipment Institute.
The Rubber Manufacturers Assn., Inc.—O-Ring Division.

COMMISSION ON BALANCED ECONOMIC DEVELOPMENT

Mr. MUNDT. Mr. President, I send to the desk for appropriate reference a joint resolution to create a commission to be known as the Commission on Balanced Economic Development. I submit this joint resolution on behalf of myself and the following Senators: Mr. BAKER, Mr. BENNETT, Mr. BURDICK, Mr. COOPER, Mr. CURTIS, Mr. DOMINICK, Mr. FANNIN, Mr. HANSEN, Mr. HICKENLOOPER, Mr. JORDAN of Idaho, Mr. MCGOVERN, Mr. MILLER, Mr. MORTON, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, and Mr. TOWER.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 64) to establish a commission on balanced economic development, introduced by Mr. MUNDT (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Government Operations.

Mr. MUNDT. Mr. President, in a statement to the Senate on February 6, I expressed the judgment that the Federal Government has a clear interest in understanding what factors make for rapid economic development in certain areas of the country and slow economic development or even stagnation in others. The Government should ascertain, after measuring both the costs and the advantages, what degree and procedures of economic and population development would be the optimum for various areas of the country—what would be the most efficient use of our resources.

I cited several apparent disadvantages resulting from the intense concentration of population in a relatively few restricted areas: transportation snarls, water and air pollution, crime, water shortages, housing and recreational problems, and possible diseconomies of size incurred in the huge metropolitan centers.

My citing such diseconomies is necessarily largely speculative. But any observer can clearly witness in this country that on one hand we have progressively been worsening the difficulties in governing and serving the large metropolitan centers—which continue to attract outsiders because of their apparent economic advantages for the individual worker—and on the other hand we have seen the relative depopulation of broad stretches of this continent—which are deserted by the indigenous population who seek economic advantages elsewhere.

Last summer, Prof. Joseph P. Lyford, University of California, at Berkeley, a consultant to the Center for the Study of Democratic Institutions, told the Government Operations Subcommittee exploring the Federal role in urban affairs that the Government should consider an approach we have not yet tried. He said:

> But even with an adequate public housing program, we cannot avoid the necessity of breaking out of the circle of the city proper. . . . I would like to see us recolonize the United States. . . .
>
> There are many ways of reconstituting some of our rural areas, of attracting all sorts of job-giving enterprises which would underwrite these new communities. The dispersion of industry because of technological advantages makes it possible to disperse and rearrange population.
>
> Our Federal agencies have a great responsibility to take action to influence the character of population movements in this country, not by arbitrary methods or legislation which require the involuntary submission of our people, but by policies which will encourage this dispersion of population.
>
> . . . one of the weaknesses in current discussions of the problems of the city is the assumption that the crisis of the city is somehow unrelated to the crisis of our rural areas. It should be obvious that we cannot begin to deal effectively with the problems of the inter-city in education, housing, employment, health, and welfare, unless we also deal with the rotting and dying areas which are the sources of the apparently inevitable migration to the city. I do not see why this massive, unbalancing migration should be inevitable. I do not see why it is not possible for Federal and State governments, and the private sector, to do things which will encourage a change in the trend of our population movements.

President Johnson expressed the same conviction in a speech delivered in Pennsylvania last summer. He said:

> Modern industry and modern technology and modern transportation can bring jobs to the countryside rather than people to the cities. And modern government could also help.

Secretary of Agriculture Orville Freeman agrees. In a speech of January 30, 1967, he said:

> An unplanned policy of exporting rural problems to the city has thrown urban America into the rural crisis. For the affluent of the city, the unchecked migration means more crowding, higher taxes, more hours consumed in commuting, as urban sprawl continues unabated. For migrants already in the teeming ghettos, further immigration means less opportunity and rising despair.

Secretary Freeman notes that we still have not considered what measures of population balance is desirable:

> We lack any accepted national goal in rural/urban balance.

We have no policy. We have hardly begun even to inquire about desirable balance in economic and population distribution.

Having faced this trend for some years—the relative depopulation on the one hand and the intense but geographically restricted step-up in population on the other—it is alarming that we have not attempted a systematic appraisal. Still the trend continues.

The Census Bureau reports a population increase in metropolitan areas between 1960 and 1965 at a rate twice that outside metropolitan areas. About 63 percent of our people already reside in metropolitan areas. More telling, however, is the fact that over 40 percent of our population reside in the 38 largest metropolitan areas of our country. The smallest of these 38, ranked in 1964, was the Providence-Pawtucket-Warwick area of Rhode Island.

The average rate of population increase in these 38 areas is about 2.06 percent per year—more than 20 percent in 10 years. Their median rate of increase is about 1.6 percent a year. This compares with the 0.7-percent average rate of increase outside metropolitan areas and the 1.9-percent average rate of increase for all the 224 metropolitan areas identified by the Census Bureau in 1965.

Thus the trend continues. The already heavily populated areas continue to grow much more rapidly even in percentage terms than the more sparsely populated areas of the United States.

The farm population taken alone, incidentally, continues to decrease precipitously. From 1960 to 1964, nonfarm population increased about 10 percent. During the same period the farm population decreased by 21 percent, falling to about 6 percent of the total. This is a function both of the changing technology of agriculture and of the better income alternatives outside agriculture. But one can speculate that the consequent social upheaval would be lessened if farm families who are forced from the land could move to a regional urban center rather than to a distant huge metropolitan complex in order to participate more fully in our national abundance. And it would be even further lessened if farm families could remain in their original home areas through development activities of an even more dispersed nature than a regional urban center would provide.

No expression of concern at what is taking place here should be characterized as antiurban. We have experienced greater and greater demand—in large part a justified demand—for more Federal financing participation in urban affairs. The problems of the cities are accepted as having Federal significance. And in establishing the Department of Housing and Urban Development Congress elevated the problems to the highest level of the Federal Government.

But we have yet to approach the problem of the cities in its totality. We do not know what constitutes an efficient city. We know little about optimum city size. We allow our economy to develop without analyzing alternative patterns of development. We stimulate people to migrate to cities without thought about their assimilation there or the burdens they place on the public institutions or the citizens already there.

All sectors of this society have a real mutuality of interest in understanding the interrelationships between economic development and demographic change. Is the flood of migrants any better for the city than for the areas depopulated? Are there alternative patterns of population change? Would the cities benefit were the input of poor immigrants reduced? Would the extraordinary change of problems they now confront become more amenable to alleviation?

I am introducing a joint resolution today which is well adapted toward attaining such an understanding. The technique I recommend is tried and familiar. The commission form of inquiry, which has at times, when well directed and admirably manned, as in the instances under President Herbert Hoover, achieved an extraordinarily effective correlation of knowledge focused on a particular set of problems.

What is new in my joint resolution is the range of inquiry and analysis it proposes: the need for more information and understanding concerning the means for achieving a better geographic balance in the economic development of the United States. The bipartisan Commission on Balanced Economic Development established by the resolution would undertake a thorough analysis of geographic trends in American economic development, the causative factors influencing trends, the implications in terms of distribution of population, the effect of governmental action in shaping such trends, and the factors, both public and private, which influence the geographic location of industry and commerce. This kind of information would be helpful in policy formulation at all levels of government. It would also be mighty helpful in the private sector.

The Commission on Balanced Economic Development would perform such duties as:

First. An analysis and evaluation of the economic, social, and political factors which affect the geographic location of industry;

Second. An analysis and evaluation of the economic, social, and political factors which are necessary in order for industries to operate efficiently outside the large urban centers or to operate and expand within large urban centers without the creation of new economic and social problems.

Third. A consideration of ways and means whereby the Federal Government might effectively encourage a more balanced industrial and economic growth throughout the Nation;

Fourth. An analysis and evaluation of the limits imposed upon population density in order for municipalities, or other political subdivisions, to provide necessary public services in the most efficient and effective manner;

Fifth. An analysis and evaluation of the effect on governmental efficiency generally of differing patterns and intensities of population concentrations;

Sixth. An analysis and evaluation of the extent to which a better geographic balance in the economic development of the Nation serves the public interest;

Seventh. An analysis and evaluation of the role which State and local governments can and should play in promoting geographic balance in the economic development of a State or region; and

Eighth. An analysis and evaluation of practicable ways in which Federal expenditures can and should be managed so as to encourage a greater geographic balance in the economic development of the Nation.

The Commission would report not later than 2 years after the effective date of the joint resolution and would expire 90 days after making its report.

Every sector of society has a direct interest in understanding the relationships which I propose that the Commission analyze—relationships, Mr. President, which after almost 200 years of nationhood have never been analyzed or evaluated in this way in the United States. This study is needed. I hope we will take the first step in securing such a study by approving the joint resolution.

Mr. President, I ask unanimous consent that the text of the joint resolution appear in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

S.J. Res. 64

Joint resolution to establish a Commission on Balanced Economic Development

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF PURPOSE

Section 1. The Congress finds and declares that there is a need for more information and understanding concerning the means for achieving a better geographic balance in the economic development of the Nation. With a view to providing such information and understanding, it is the purpose of this joint resolution to establish a bipartisan commission to undertake a thorough study and analysis of current geographic trends in the economic development of the Nation, the causative factors influencing the same, the implications thereof in terms of the distribution of population, the effect of governmental actions in shaping such trends, and the factors (private and public) influencing the geographic location of industry and commerce as an aid in the formulation of policy at all levels of government.

ESTABLISHMENT OF COMMISSION

Sec. 2. (a) There is hereby established a commission to be known as the Commission on Balanced Economic Development (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of twenty members to be appointed by the President as follows:

(1) Four members to be appointed from among residents of cities in the United States with a population of at least 1,000,000 persons.

(2) Four members to be appointed from among residents of cities in the United States with a population of less than 1,000,000 persons, but not less than 100,000 persons.

(3) Four members to be appointed from among residents of cities in the United States with a population of less than 100,000 persons, but not less than 10,000 persons.

(4) Four members to be appointed from among residents of towns, villages, and communities in the United States with a population of less than 10,000 persons.

(5) Four members to be appointed without regard to residence or political affiliation from among citizens of the United States who are specially qualified by training, experience, or knowledge in any field pertinent to the subject matter to be studied by the Commission.

(c) In the case of each class of four members described in clauses (1), (2), (3), and (4) of subsection (b), not more than half shall be members of the same political party.

(d) For the purposes of clauses (1), (2), (3), and (4) of subsection (b), the population of any city, town, village, or community in the United States shall be determined upon the basis of data contained in the current decennial census of population taken in the United States.

(e) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(f) Eleven members of the Commission shall constitute a quorum.

(g) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

DUTIES OF THE COMMISSION

Sec. 3. The Commission shall undertake a thorough and objective study and investigation in furtherance of the purposes set forth in section 1. Such study and investigation shall include, without being limited to—

(1) an analysis and evaluation of the economic, social, and political factors which affect the geographic location of industry;

(2) an analysis and evaluation of the economic, social, and political factors which are necessary in order for industries to operate efficiently outside the large urban centers or to operate and expand within the large urban centers without the creation of new economic and social problems;

(3) a consideration of the ways and means whereby the Federal Government might effectively encourage a more balanced industrial and economic growth throughout the Nation;

(4) an analysis and evaluation of the limits imposed upon population density in order for municipalities, or other political subdivisions, to provide necessary public services in the most efficient and effective manner;

(5) an analysis and evaluation of the effect on governmental efficiency generally of differing patterns and intensities of population concentration;

(6) an analysis and evaluation of the extent to which a better geographic balance in the economic development of the Nation serves the public interest;

(7) an analysis and evaluation of the role which State and local governments can and should play in promoting geographic balance in the economic development of a State or region; and

(8) an analysis and evaluation of practicable ways in which Federal expenditures can and should be managed so as to encourage a greater geographic balance in the economic development of the Nation.

(b) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations not later than two years after the effective date of this joint resolution.

POWERS AND ADMINISTRATIVE PROVISIONS

Sec. 4. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this joint resolution.

(c) The Commission may appoint such staff personnel as it deems necessary in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and shall fix the compensation of such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) The Commission may procure such temporary and intermittent services as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

COMPENSATION OF MEMBERS

SEC. 5. (a) Any member of the Commission who is appointed from the executive or legislative branch of the Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

(b) Members of the Commission, other than those referred to in subsection (a), shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

EXPENSES OF THE COMMISSION

SEC. 6. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this joint resolution.

EXPIRATION OF THE COMMISSION

SEC. 7. The Commission shall cease to exist ninety days after the submission of its report.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. PROXMIRE. Mr. President, I commend the distinguished Senator from South Dakota for proposing this kind of thorough and comprehensive investigation. The Joint Economic Committee has been concerned about this problem for a long time.

Mr. MUNDT. I know that it has been.

Mr. PROXMIRE. Mr. President, I have talked with a number of eminent economists who suggest that this would be a very fruitful and appropriate line of inquiry for our committee.

Our committee is a balanced, bipartisan committee. We have Members from the House of Representatives and from the Senate who are extremely able and who have developed expertise over the years. We have several professional economists on the committee.

We have a subcommittee which concentrates on statistics and develops statistical information which would be helpful in many of these areas.

We have worked on population problems before. I wonder how the Senator from South Dakota would feel about an inquiry of this kind in depth and with comprehensive staffing over a period of many months—perhaps the 2 years that the Senator suggests—by the Joint Economic Committee, inasmuch as the committee does have a broad authorization from Congress to inquire into all the problems of our economy.

Mr. MUNDT. Mr. President, I have given considerable thought to that and, in fact, have in mind the possibility and would be happy to join the distinguished Senator from Wisconsin in offering a collateral or an associated resolution which would specifically request the Joint Economic Committee to direct its attention to this problem.

The Joint Economic Committee is not a legislative committee. However, it could bring forth some recommendations. It seems to me that this problem is serious enough so that we should focus all the talent we can concentrate on the job from the standpoint of the committee approach and from the standpoint of the folks who will be selected by the President in accordance with the proposal set forth in the joint resolution, so that all segments of the country—metropolitan areas, small cities, and small towns—will be included.

It seems to me that when we anticipate spending billions of dollars to meet the very serious problems existing in the big cities, we need to find some means which will prevent those problems from getting worse. Otherwise, we walk on a very frosty treadmill when we try to solve problems while new problems pour into the urban areas and make the existing problems much worse.

I welcome the opportunity to discuss with the Senator from Wisconsin the possibility of his joint committee collaborating in a study of this matter so that at the end of 2 years we would have before us a lot of grist from which I hope some legislative measures might come.

Mr. PROXMIRE. I appreciate the comments of the Senator from South Dakota.

The Joint Economic Committee is undertaking what I think will be a very deep and comprehensive study of the problem of the cities. The matter has been studied by several committees, but not in the depth attempted by the subcommittee composed of Representative BOLLING, the Senator from Connecticut [Mr. RIBICOFF], and other Senators who will continue the study over the next few years.

Mr. MUNDT. The Senator from Connecticut [Mr. RIBICOFF] is the chairman of a subcommittee on which I serve as the ranking minority member. That subcommittee is studying specifically the problems of the city.

The purpose of this kind of national study is to try to link together the great communities of the United States, which have many problems.

Mr. PROXMIRE. That is exactly the point I was making. The city study is helpful, but it is not enough.

We need a study of the overall geographic distribution of the population from the standpoint of distribution in rural areas, large cities, and small cities. Such an investigation made by the Joint Economic Committee could be extremely helpful.

I commend the Senator from South Dakota for bringing this matter up. This has never been done before. It should have been done. I think such a study would enormously improve our economic prospects and knowledge on this subject.

Mr. MUNDT. I thank the Senator. I point out that although the Senator's State of Wisconsin does not have any large areas in terms of the great metropolitan areas, it contains a very sizable community engaged in milk production, some very fine moderate-sized cities, and many wonderful small towns which have contributed greatly to the United States. The Senator is a representative of a great farm State as well. Wisconsin is a dairy State, and produces other farm products, also.

The Senator knows, as I know—because I live in another rural State—that big cities in themselves do not contribute new wealth to the Nation. They take the dairy products of Wisconsin, they take the beef and corn and wheat from South Dakota, they take the hides from the cattle area, they take the raw materials and fabricate them, process them, advertise them, and sell them. Without a strong, volatile economy throughout this country, the big cities themselves tend to atrophy and die economically. So I believe there is a logical economic reason for linking these cities together.

Mr. PROXMIRE. The Senator is correct.

AMENDMENT OF CLEAN AIR ACT—AMENDMENT

AMENDMENT NO. 154

Mr. RANDOLPH submitted an amendment, intended to be proposed by him, to the bill (S. 780) to amend the Clean Air Act to improve and expand the authority to conduct or assist research relating to air pollutants, to assist in the establishment of regional air quality commissions, to authorize establishment of standards applicable to emissions from establishments engaged in certain types of industry, to assist in establishment and maintenance of State programs for annual inspections of automobile emission control devices, and for other purposes, which was referred to the Committee on Public Works and ordered to be printed.

ADDITIONAL COSPONSORS OF BILLS

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from California [Mr. MURPHY] be added as a cosponsor of the bill (S. 9) to authorize on-the-job training programs, on-the-farm training programs, and certain flight training under chapter 34 of title 38, United States Code, to increase the educational assistance allowances paid under such chapter, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President, I ask unanimous consent that the name of Senator WILLIAMS of New Jersey be added to the list of sponsors of S. 1012, the bill relating to the tax treatment of certain moving expenses reimbursed to employees by employers, and that his name be added to the list of sponsors at the next printing of the bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

NOMINATION OF HON. MANUEL F. L. GUERRERO TO BE GOVERNOR OF GUAM—NOTICE OF HEARING

Mr. JACKSON. Mr. President, I wish to announce that the Committee on Interior and Insular Affairs will hold a hearing on Wednesday, April 26, on the nomination of Hon. Manuel F. L. Guerrero for another 4-year term as Governor of Guam.

The hearing is scheduled to begin at 10 a.m. in room 3110, New Senate Office Building.

CONFLICT OF INTEREST—LAWYER-LOBBYISTS

Mr. WILLIAMS of Delaware. Mr. President, the board of governors of the Florida Bar Association recently adopted canon 6 entitled "Conflict of Interest—Lawyer-Lobbyists."

I quote one paragraph of this canon:

> In summary, we conclude that it is violative of Canon 6 for a partner or associate of a member of the legislature to engage in lobbying activities before the legislature, its members or its committees. In our judgment this rule would apply even though the lawyer-legislator did not participate in a fee for such service, and even though he disqualified himself in voting on proposals of interest to the client for whom the lobbying services was rendered. In a few instances acceptance of our view may impose a hardship upon some members of the Bar who offer themselves for public service in the legislature. We trust our opinion will not operate to reduce the interest of lawyers in such service, for we are immodest enough to believe that participation of lawyers is an indispensable element in legislative activity, and that our brethren who have so participated have in overwhelming measure brought honor to our profession. Nevertheless, we do not believe that the Canons can be relaxed for the sole purpose of accommodating hardship, particularly when the conflict of interest is so clear. Acceptance of such burden, if it be such, is presumably a necessary corollary of the acceptance of the other satisfactions emanating from public service in the legislature.

This canon, which was adopted by the Florida Bar Association, should be considered by the Ethics Committee in both the House and the Senate as they prepare their recommended code of ethics for Members of Congress. With this thought, I ask unanimous consent that the entire text of "Canon 6: Conflict of Interest—Lawyer-Lobbyists," be printed in the RECORD at this point.

There being no objection, the canon was ordered to be printed in the RECORD, as follows:

[Advisory opinion No. 67-5]

CANON 6: CONFLICT OF INTEREST—LAWYER-LOBBYISTS

The Board of Governors of The Florida Bar has inquired whether a member of The Florida Bar who is a partner or associate of a member of the legislature may accept a retainer to perform lobbying services before the legislature. We are further requested to advise whether a fee sharing arrangement between the legislator and his partner whereby the legislator would not participate in fees received for lobbying services or an arrangement whereby the legislator would refrain from voting on matters of interest to the client paying such fees, would affect our answer to the basic inquiry.

We conceive lobbying generally to be the making or representations to the members of a legislative body for the purpose of influencing consideration by such legislators of pending or proposed legislation, compare *United States* v. *Rumely*, 345 U.S. 41, 97 L.Ed., 770, 73 S.Ct. 543 (1953). We treat lobbying as an entirely legitimate activity in the democratic process, and do not intend by this opinion to lend weight to any of the unfavorable connotations sometimes sought to be engrafted upon this phrase. Indeed, lobbying, so long as in compliance with applicable law, seems to be sanctioned by the law of Florida, see Section 11.05, Florida Statutes 1965. We also emphasize that we deal with the precise question presented and do not deal with other questions sometimes allied to it, including appearances of legislators or their partners as counsel before public agencies.

The question presented is not new. It has been considered by this and other committees rendering advisory opinions in the ethical field on previous occasions. Two present members of this committee, however, question whether the inquiry is within our jurisdiction, inasmuch as in their view lobbying is not the practice of law. The majority disagrees, believing that although lobbying like many other activities may be legally performed by non-lawyers, a lawyer performing such activities may not evade the ethical requirements imposed upon him as a member of the Bar. Indeed Canon 26 expressly provides that professional advocacy before legislative bodies shall be "upon the same principles of ethics which justify . . . appearance before the Courts."

In Opinion 296 (August 1, 1959) the Committee on Professional Ethics of The American Bar Association held that a law firm may not accept employment to appear before legislative committees while a member of the firm was serving in the legislature, even upon full disclosure of such representation, and even though the lawyer-legislator did not share in any fee received by the firm. This committee in its Opinion 59–31 (April 11, 1960) adhered completely to Opinion 296. The reasoning of these opinions was obviously grounded in the inherent conflict of interest in one member of a law partnership serving in the legislature, and the other arguing before the legislature with reference to the contents of proposed legislation, and further in the inability of the public to furnish any meaningful consent to such conflicting representation (see Canon 6). These opinions find support in the earlier Opinion 83 of the Michigan Committee (July, 1944).

Subsequent to our Opinion 59–31, the American Bar Association Committee gave further consideration to the same problem in Opinion 306 (May 26, 1962). It there concluded that, if there were constitutional or statutory provisions or legislative rules which expressly, or by necessary implication, recognized the propriety of a lawyer appearing as a lobbyist before the legislature when a member of his firm was a member of the legislature, or where provision had been made permitting a member of the legislature to disqualify himself from voting on or participating in the discussion of the matter involved, consent in effect had been given to such representation, thereby presumably meeting the consent requirements of Canon 6. The committee then proceeded to construe a provision of the Constitution of the State of Texas, reaching the conclusion that such provision permitted a member of the legislature to disqualify himself, thus constituting the requisite public consent. However, paradoxically, the committee also concluded that "such provisions were probably never intended to apply to the situation we now have under discussion."

We find no reason to recede from our former Opinion 59–31 on the basic question. There is an inescapable conflict of interest involved which clearly would be violative of Canon 6. Although the distinctions sought to be drawn in Opinion 306 of the American Bar Association Committee are apparently only of academic interest in Florida because no "consent" provision of the type there considered has been brought to our attention as being in force in our state, we have no hesitancy in suggesting that in logic only a constitutional provision clearly dealing with the precise question should fairly be construed as public consent. Moreover, it seems that intentional disqualification of a legislator under most circumstances is a positive disservice to his constituents. We also again conclude, one member dissenting, that no sanctity is given to the arrangement if the legislator does not participate in the fees received for the lobbying services. Such arrangements are simply too subject to abuse by virtue of the flexibility inherent in the other financial dealings between partners.

In summary, we conclude that it is violative of Canon 6 for a partner or associate of a member of the legislature to engage in lobbying activities before the legislature, its members or its committees. In our judgment this rule would apply even though the lawyer-legislator did not participate in a fee for such service, and even though he disqualified himself in voting on proposals of interest to the client for whom the lobbying services was rendered. In a few instances acceptance of our view may impose a hardship upon some members of the Bar who offer themselves for public service in the legislature. We trust our opinion will not operate to reduce the interest of lawyers in such service, for we are immodest enough to believe that participation of lawyers is an indispensable element in legislative activity, and that our brethren who have so participated have in overwhelming measure brought honor to our profession. Nevertheless, we do not believe that the Canons can be relaxed for the sole purpose of accommodating hardship, particularly when the conflict of interest is so clear. Acceptance of such burden, if it be such, is presumably a necessary corollary of the acceptance of the other satisfactions emanating from public service in the legislature.

The Florida Bar Committee on Professional Ethics; Thomas C. MacDonald, Jr., Chairman; Julian D. Clarkson; Donn Gregory; Henry M. Kittleson; Maurice M. Paul; William Reece Smith, Jr.; Judge Hugh M. Taylor; Raymond L. Wise; John R. Wood, Members.

"MILLION DOLLAR" LAWYERS FIND MATCH

Mr. WILLIAMS of Delaware. Mr. President, in the April 2, 1967, issue of the Minneapolis Tribune appeared an article by Mr. Clark Mollenhoff, in which he pays a well-deserved tribute to a dedicated public servant.

In these days when we read so much about public officials forgetting that their office is a public trust, we are inclined to become cynical. No doubt this cynicism results from the fact that crime and corruption make the headlines while honesty and devotion to duty remain unpublicized. It is therefore most refreshing to read this article by Mr. Mollenhoff wherein he pays a well-deserved tribute to Mr. William O. Bittman, an employee of the Department of Justice.

This is an article which should be read by every young American, and with that thought I ask unanimous consent that the entire article, entitled " 'Million Dollar' Lawyers Find $17,500 Match," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. Prosecutor: "Million Dollar" Lawyers Find $17,500 Match

(By Clark Mollenhoff)

Washington, D.C.—As a trial lawyer, the dark-haired, broad-shouldered young attorney has been the equivalent of football's Johnny Unitas or baseball's Mickey Mantle.

At the age of 32, William O. Bittman prosecuted Teamsters President James R. Hoffa, faced daily harassment and intimidation, and won a conviction against the defense team Hoffa called "a million dollars worth of legal talent."

At the age of 35, Bittman prosecuted and convicted the politically powerful Robert G. (Bobby) Baker, former secretary to the Senate Democratic majority and former "best friend" of President Johnson.

The performance of the young lawyer from Milwaukee, Wis., could hardly have been more spectacular.

But, in the world of Washington politics, Bittman's rewards for consistent excellence as a trial lawyer have been modest.

When the drama-packed Baker trial was concluded, Bittman and Austin Mittler, his brilliant 27-year-old assistant, and Don Hanson, a veteran career tax lawyer, returned to the routine of drab offices in the Justice Department.

Bittman, the star of two of the major prosecutions of the decade, was assigned a barren and worn office on the second floor of the Justice Department, far away from the luxurious suites of Atty. Gen. Ramsey Clark and the various assistant attorneys general. Mittler was given a desk in an adjoining room.

Bittman's salary is $17,500 a year, and it is not regarded as likely that the Johnson administration will be eager to give him the $1,000 "superior service" award for convicting Baker of fraud, conspiracy, larceny and federal tax evasion. Until a few weeks ago Mittler's salary was $10,500.

His duties consist of the tedious routine of meeting the appeals filed by the lawyers in the expensive law firm headed by Edward Bennett Williams, fighting the legal efforts to free Hoffa from the federal penitentiary at Lewisburg, Pa., and prepare for a perjury trial of one of Baker's friends, former Nevada Lt. Gov. Clifford Jones.

Bittman had the opportunity to move out of government, at much higher pay, even before May 1964, when he was called into the Hoffa trial in Chicago, Ill., to replace an older lawyer who had suffered a heart attack in the tension-filled opening days.

Abe Poretz, a 54-year-old veteran trial lawyer, was initially assigned the Chicago trial of Hoffa and six associates on charges of mail and wire fraud and conspiracy.

It took three weeks to select a jury, and Poretz and his assistant, Charles Smith, were subjected to a constant barrage of obscenities, harassment and intimidation from Hoffa and some of his roughneck associates.

Poretz became ill, and was confined to bed by his doctor. Smith, a mild-mannered but bright young lawyer, lacked trial experience and a replacement of Poretz was needed immediately.

On May 15, 1964, the then assistant attorney general, Herbert J. Miller called Edward Hanrahan and asked his advice on a capable trial lawyer. Hanrahan and Arthur Connelly, the head of the Organized Crime Section in Chicago, suggested Bittman.

It would have been hard to overlook the record compiled by Bittman as the $10,000-a-year assistant head of the Criminal Division. In a period of four years, he had taken on the toughest and most complicated cases in the division and established an incredible record of more than 70 straight convictions in jury trials.

Bittman, son of a middle-grade Labor Department employe, was tough enough and bright enough to grasp the complicated multimillion-dollar pension fraud case, articulate enough to handle the arguments to the jury with the best defense lawyers in Chicago, and skilled in the rough and tumble of criminal court.

The then-attorney general, Robert F. Kennedy, would be angry at any misjudgments in the Hoffa case, and Miller told Hanrahan he wanted to talk with Bittman and size up the situation himself.

Hanrahan gave no explanation, but simply said he wanted him at the office at 8:30 p.m. for a conference. Aware of the prosecution problem in the Hoffa case, Bittman called his wife and told her he thought he might be asked to take the case.

"What do you think I should do," he asked her. A large Chicago law firm had made him an interesting offer only a few days earlier, and he was planning to think it over while on vacation.

"Take it on if you want to do it," was Carol Bittman's reply.

Miller was impressed with Bittman in their first meeting, and he was assigned to the case that Friday night. Don Moore was left in Chicago to assist him with organization, for Bittman was totally unfamiliar with the case.

For 12 to 18 hours a day, Bittman studied the case and was ready to take charge when Judge Richard B. Austin convened court the following Monday.

After Bittman's first objections, Hoffa whispered: "Boy Bittman—you are really a tiger—or are you just a pussycat?"

They were the first words, but only the start of a consistent pattern. Hoffa's chair was only a few feet from where Bittman was seated, and he used the position to throw a constant stream of obscenities, veiled threats and abuse.

"We've had you investigated," Hoffa said. Then, with a derogatory sneer, he snapped: "We hire guys for nine times what you are making."

The comments by Hoffa were usually whispered, coupled with obscenities, and out of the hearing of others. The same pattern of abuse came from several of Hoffa's associates who filled the courtroom seats, and crowded around Bittman and Smith to growl threats as they made their way out of the courtroom at recess time.

U.S. marshals and FBI agents overheard some of the comments during the second week and the Justice Department ordered a guard to remain with Bittman for the remainder of the trial. The harassment extended to insulting and obscene telephone calls to Bittman's wife, and finally after two weeks Bittman sent his wife and children out of the city.

Despite warnings from the judge, Hoffa continued his threats through May, June, and until the last week of July, when the jury brought in the verdict of guilty.

The conviction of Hoffa won Bittman immediate commendation from Miller, the Justice Department's "superior performance" award with a cash gift of $1,000.

The touchy Baker case was then under investigation by the Senate Rules Committee, and Miller decided that Bittman should be promoted, boosted to $17,500 a year, and moved to Washington to run the Baker investigation.

The victory in the Hoffa case had stimulated even more offers from Chicago law firms, but Bittman was intrigued by the challenge of the Baker investigation. Friends, familiar with the political intrigue involved in the Baker case, advised Bittman that if he moved to Washington, "Rent, don't buy."

In late fall of 1964 Bittman moved to Washington and began the investigation of Baker.

Most of the public reports spoke of a "whitewash" of the Baker case by the Johnson administration, and there was uneasiness among high officials in the Justice Department and in other agencies of government. President Johnson expressed no public view on the Baker case, but there was the persistent report that Baker was going to write a book that would embarrass key administration figures up to and including the President if he were indicted or convicted.

Although some people said there would be no serious investigation and no indictment, there was a broad nine-count indictment for conspiracy, fraud, larceny and tax evasion.

Although some people said that Baker, defended by one of the most expensive and most publicized lawyers in America, could never be convicted, he was convicted and is due to be sentenced Friday.

VIETNAMESE CHILDREN, NAPALM, AND DR. RUSK

Mr. SYMINGTON. Mr. President, there are many who think Ho Chi Minh only continues this war because of his belief the United States will tire of resisting him and quit, as did France.

One of the reports which is shocking and discouraging to the American people is that thousands of little children have been burned—"napalmed"—by air attacks.

Recently, however, Dr. Howard Rusk, medical editor of the New York Times, one of the Nation's most respected physicians, after visiting 20 hospitals in Vietnam, in the Times of March 12, paid his respects to this type of story as follows:

> To many Americans, Vietnam is a distant and devastated country filled with children who have been burned by American napalm bombs.
>
> This picture simply is not true . . .
>
> This writer personally saw every burn case in the 20 hospitals he visited. Among them was not a single case of burns due to napalm and but two from phosphorus shells.

Later in this same article Dr. Rusk stated as one of his five major conclusions:

> Fourth, the picture that has been painted by some in the United States of large numbers of children burned by napalm in Vietnam is grossly exaggerated. The major problems are severe orthopedic injuries, compound fractures and the complications of infections.

In the same article he observed:

> Last weekend the town of Baclieu in the delta was hit by 30 rounds of mortar shells one night and 40 the following night.
>
> The first night the Vietcong fire was directed toward the dependents' quarters of Vietnamese troops. The second night the firing was indiscriminate. That night there were two direct hits on the pediatric ward of the hospital.
>
> One child was killed and several others critically wounded.
>
> In another ward at Cantho there was a

beautiful 5-year-old girl who had lost both legs at the knees. When the Vietcong raided her village the men fled and the women and children hid in their homes. As the Vietcong left the village they threw grenades into the homes.

These are stories that can be repeated over and over and over. They happen every day.

Dr. Rusk should be commended for bringing the truth of this matter to the American people. Ultimately the people will decide what should be done in and about Vietnam; and they have the right to make their decision on the basis of informed opinion as to the facts.

I ask unanimous consent that this article by Dr. Rusk be printed at this point in the RECORD; and in addition that his second article assaying the effects of American medical effort in Vietnam, also be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 12, 1967]

VIETNAM TOUR, I—REPORTS OF MANY CHILDREN BURNED BY AMERICAN NAPALM ARE CHALLENGED

(By Howard A. Rusk, M.D.)

SAIGON, SOUTH VIETNAM, March 9.—For the last week this writer has been on an intensive tour of 20 Vietnamese civilian hospitals from the 17th Parallel in the North to the Gulf of Siam in the South.

The facilities, visited ranged from an isolated dispensary serving the Montagnards in the highlands to large provincial civilian hospitals in the hottest combat areas.

To many Americans, Vietnam is a distant and devastated country filled with children who have been burned by American napalm bombs.

This picture simply is not true.

The very nature of the fighting in Vietnam has made civilian casualties inevitable.

From the beginning of the struggle, the Vietcong have continuously used terror tactics against civilians.

As the military activities have become intensified the Vietcong have deliberately wiped out villages and mined busy roads.

CAUGHT IN CROSSFIRE

More and more civilians have been inadvertently caught in the crossfire despite the very stringent precautions taken by the United States and Allied forces.

Not even partial statistics on the number of civilian casualties were available until last November when the first nationwide hospital survey was held.

Monthly surveys since indicate that, nationwide, approximately 15 per cent of all hospital admissions are war casualties. The remaining 85 per cent are for disease and accidents.

Certainly there are burned children and adults in Vietnam.

This writer personally saw every burn case in the 20 hospitals he visited. Among them was not a single case of burns due to napalm and but two from phosphorus shells.

There have been cases of severe burns from napalm but the numbers are not large in comparison to burns due to accidents.

Of the scores of American physicians queried many had not seen a single case of burns due to napalm and others had seen but a single case. For every case of burns resulting from war there are scores of cases of burns resulting from gasoline.

Because of inflation the cost of fuel for cooking is very high. As a result, many Vietnamese farmers and villagers pilfer or buy stolen gasoline. They are inexperienced in its use and try to use it like kerosene. The results are tragic.

A TYPICAL EXAMPLE

The percentage of war casualties in the population of a given hospital depends upon the intensity of military action in that area.

The provincial hospital at Danang is a typical example. This is a 300-bed surgical hospital that had 700 patients at the time of the visit.

The bulk of the surgical care is given by a 26-member team of American physicians, nurses and technicians.

The hospital was particularly busy that morning as the prior weekend the Vietcong had used for the first time their largest mortars of the war, a Russian-made 140-mm. rocket, in an attack on the Danang air base. They missed the base but hit the nearby village of Apdo.

Thirty-two civilians were killed and 60 patients from this one attack had been admitted to the hospital. Most had multiple compound fractures.

The same weekend, a Vietnamese bus hit a Vietcong land mine, causing 50 additional hospital admissions.

The latter is an almost daily occurrence in this war-torn country.

For the month of February the medical and surgical hospitals in Danang had 1,661 admissions of whom 468 were war casualties.

Of these, 248 were presumed to have been caused by the Vietcong since they resulted from grenades, mortars, mines and booby traps, which are used by the Vietcong.

Seventy-four of the casualties were presumed to have been caused by United States, Vietnamese and allied action since they resulted from bombings, air strikes and artillery.

Small arms fire, which could have originated from either side, caused the remaining 146 casualties.

At a visit farther south the next day the picture was somewhat different as United States, Vietnamese and allied troops were on the offensive.

The city was Quinohn, where the 400-bed hospital was being aided by a medical team from New Zealand. The hospital had 600 patients for its 400 beds.

One-third, or 200, were casualties. Here the figures were reversed.

For the month of February, the Vietcong were presumed to have caused 59 casualties and the allies 102 with the remainder of undetermined origin. Significantly, however, of the 200 casualties only 20 were children.

The next day among the stops was the resort city of Dalat, the former summer capital, in a mountain setting reminiscent of North Carolina.

Since there has been no fighting in Dalat, traditionally, there was not a single casualty in the hospital. But at Tayninh in the III Corps area just farther south the following day the situation was again different. The provincial hospital has 300 beds but 600 patients.

At the time of the visit 17 fresh casualties arrived as a result of a bus hitting a Vietcong land mine.

Nine Vietnamese civilians were killed, and a 6-year-old child, one of the 17 casualties taken to the hospital, died as we entered the emergency room.

Despite this tragic incident casualties constituted only 10 per cent of the patient load.

With the present level of United States and allied medical assistance, Vietnam is barely able to cope with its noncasualty medical problems.

It cannot give prompt, modern, lifesaving services to all of its casualties. Within its resources and with the aid of the United States and allied teams it does remarkably well.

Vietnam needs and welcomes all of the medical assistance it can get from any source.

The increased tempo of the allied military action has caused increased casualties. It has resulted in increased terroristic attacks by the Vietcong.

Last weekend the town of Baclieu in the delta was hit by 30 rounds of mortar shells one night and 40 the following night.

The first night the Vietcong fire was directed toward the dependents' quarters of Vietnamese troops. The second night the firing was indiscriminate. That night there were two direct hits on the pediatric ward of the hospital.

One child was killed and seven others critically wounded.

In another ward at Cantho there was a beautiful 5-year-old girl who had lost both legs at the knees. When the Vietcong raided her village the men fled and the women and children hid in their homes. As the Vietcong left the village they threw grenades into the homes.

These are stories that can be repeated over and over and over. They happen every day.

CARE FOR CASUALTIES

Care for the overwhelming majority of these casualties should be and must be given with our help in Vietnam.

As the Committee of Responsibility has proposed, some of the extremely difficult long-term cases requiring extensive plastic reconstructive surgery can be brought to the United States. From observations on this mission their numbers fortunately are not large.

Of the burns cases this writer saw no more than 5 per cent require plastic surgery. The aid of nearby non-Communist countries can be sought in meeting some of the problems.

After seeing for himself and talking with innumerable Vietnamese, American and allied medical specialists this writer has come to five major conclusions.

First, the load of casualties superimposed on the already overburdened Vietnamese hospitals is unbelievable. The entire system would have collapsed had it not been for the assistance of the United States and other non-Communist nations. Under the present system the Vietnamese cannot meet the additional load of increased casualties.

Second, this growing burden can be met only by increased United States and allied assistance, most of which should be given on the spot in Vietnam.

Third, Vietnam should and does welcome assistance in meeting its casualty problems from any source.

Fourth, the picture that has been painted by some in the United States of large numbers of children burned by napalm in Vietnam is grossly exaggerated. The major problems are severe orthopedic injuries, compound fractures and the complications of infections.

Fifth, the American and Allied forces are causing civilian casualties but these are unpreventable in this type of conflict and are not nearly so great as the killing and wounding of civilians by the Vietcong.

CIVILIAN CASUALTIES

All wars are cruel, but this war is especially so. Unfortunately, in spite of all that we do to avoid civilian casualties, they do occur.

Also unfortunately the Vietcong use the tactics of terror on the civilian population.

There is one thing, however, that we in the United States can do. We can supply whatever it takes to provide the services necessary to heal the wounds, however inflicted.

VIETNAM TOUR, II—EFFECTS OF AMERICAN MEDICAL EFFORT ON HEALTH SERVICE AND DISEASE ASSAYED

SAIGON, SOUTH VIETNAM.—Last Sunday this column was devoted to a report of personal observations of civilian war casualties in South Vietnam.

War casualties present a tremendous medical problem but as was pointed out last Sunday such casualties constitute less than 15 per cent of the patient load in Vietnam's hospitals.

The remaining 85 per cent are general medical and surgical problems. The case loads, however, has been swelled by the war-related problems of refugees and a greatly increased accident rate.

In the 20 hospitals visited from just south of the demilitarized zone in the north to the Gulf of Siam in the south, the medical wards were always visited last as surgical patients receive first preference both in facilities and care.

In these medical wards were patients in the terminal stages of tuberculosis who were sent home to die when the diagnosis was made. There were patients with perforated intestines from typhoid fever with a mortality of 50 per cent. There were numerous cases of tetanus primarily due to the application of animal dung to superficial wounds.

ENORMITY OF PROBLEM

Only by actually seeing these patients can one realize the enormity of problems of disease, problems that had been accepted for centuries. Now with a taste of modern medicine and public health, the patients are no longer resigned to dying and they do not need to die.

Responsibility for the medical care and health services to Vietnamese civilians lies with the Government of Vietnam. When the decision was made that the United States would substantially expand its military assistance in Vietnam, our Government recognized that it must also step up its material, logistical and technological support of medical and health assistance for the civilian population.

This assistance is provided by the Public Health Division of the Agency for International Development headed by Maj. Gen. James W. Humphreys, who is on loan to the A.I.D. from the Air Force. This year our Government is investing about $50-million in health activities for the Vietnamese civilians. Never has such an investment paid such fantastically high dividends.

Even before the increased fighting in Vietnam, the Vietnamese Government was poorly to meet its health problems. Most health facilities had been built by the French more than 75 years ago, were in a deplorable state of repair, and many lacked power, water and waste disposal systems.

Eighteen months ago, when this writer first visited Vietnam, the country had but a thousand physicians for its population of more than 15 million and more than 700 of them were in uniform.

At that time there were about 50 physicians from the United States and other non-Communist countries under governmental or voluntary agency sponsorship. Today, the number of such physicians has increased to about 200 and the number of nurses to 140.

These physicians, nurses and other technical personnel work as teams in 41 of the nation's 44 provinces. Of the 41 teams, 25 are United States Government teams consisting of military, Public Health Service and civilian personnel.

The remaining 16 teams are sponsored by Allied countries or United States voluntary agencies. The participating allied countries are Korea, Republic of China, Philippines, Britain, Spain, Iran, New Zealand, Australia and Switzerland.

TEAM OF JAPANESE

In addition the Japanese have a team in Saigon and the French a team in Dalat under bilateral arrangements with the Vietnamese Government.

Supplementing the work of these teams are the efforts of both United States and Vietnamese military units in the field to aid nearby civilian populations in remote areas.

Also helping are 29 United States voluntary agencies with more than 400 American staff workers. These range from the Mennonite Central Committee, which operates three hospitals, to smaller agencies that primarily distribute drugs.

Also aiding immeasurably are volunteer American physicians who come to Vietnam for 60-day tours of duty under the auspices of the American Medical Association. Under the current program there are 32 such physicians in Vietnam at one time.

Vietnam is divided into four zones. For example, the IV Corps area, which consists of the Mekong Delta, has 17 provinces with a population of 6 million. Its provincial hospitals have a total of 4,000 beds. These 4,000 beds, however, frequently have far more than 4,000 patients.

This is not at all unusual in Southeast Asia as traditionally the family comes to the hospital to help nurse and care for the sick one.

Of the three small children in a bed, one may be sick and the two others the siblings.

Having more than one person in a bed is usually the rule rather than the exception. This, of course, does not apply to contagious, acutely ill or postoperative patients.

The United States and allied medical teams are hospital-based but go regularly to the clinics in the villages and hamlets.

The teams in the IV Corps, for example, have given more than 1,142,000 inoculations since the beginning of the year.

To date American and allied personnel have given more than 10 million immunizations throughout Vietnam.

In the IV Corps tuberculosis is the No. 1 medical problem and typhoid the No. 2. In some parts of the country the major medical problem is malaria.

Substantial progress was made in reducing malaria rates from 7.2 per cent in 1958 to 1.5 per cent in 1961. Because of the mass movements of population as a result of the war, malaria rates have increased.

The present objective is to keep the malaria control program at its pre-war level but to establish the goal of total eradication as soon as security conditions permit restoration of a nationwide campaign.

Security conditions also make the eradication of epidemic diseases such as plague and cholera impossible. The policy, therefore, is to contain such diseases. Most hospitals in some sections of the country usually have a number of cases, but there have been no major epidemics.

In the last 18 months there has been a marked improvement in hospital and health facilities as a result of United States assistance. Ten key hospitals have been renovated and reconstructed, 28 surgical suites have been built and scores of local dispensaries have been constructed or renovated.

Among the hospitals this writer visited was one at Vinhlong in the Delta. There was great excitement and an extremely proud group of Americans, both military and civilian. They were preparing the formal dedication ceremonies the following day for a completely modern five-unit surgical suite.

One banner was already up and in large bold letters amidst the Vietnamese words was "Seabees." A Seabee unit was largely responsible for the construction of this magnificent new unit.

When this writer asked a young Seabee officer when he was going home, the proud young man said:

"Our outfit's leaving Saturday. Our replacements come in tomorrow. I'm sure glad to be going back, but I'm sure glad our last job in Vietnam was this hospital."

This remark by a nonhealth worker reflects the dual objectives of our American civilian health efforts in Vietnam. We are concerned with the saving of lives and the curing of the sick and the wounded, but we are also concerned with building a base for the postwar development of improved medical and health services for the Vietnamese.

Every American and allied health worker in Vietnam recognizes that his responsibility is not only to serve but also to teach and train the Vietnamese.

On the more formal side, the A. I. D. has a contract with the American Medical Association to provide United States medical educators to the Faculty of Medicine at the University of Saigon.

We are also helping the Dental Faculty and Vietnam's six schools of nursing and health technology and have aided in the construction and equipping of new facilities at all of these schools. By 1970 these schools should be graduating more than 1,450 health workers each year.

During and after the Korean conflict the slogan of our governmental and voluntary agencies in Korea was to "Help the Koreans to help themselves."

The success of this effort, which is still continuing, is dramatically demonstrated by the remarkable economic, health, social and educational achievements of Korea during the last decade. It is also demonstrated by the effectiveness of the Korean military effort in Vietnam and how rapidly it came to the assistance of the Vietnamese.

The civilian health effort in Vietnam follows the same philosophy—". . . Help the Vietnamese to help themselves." The job is far from done and will require even more United States and allied assistance in the case of casualties.

The results of the last 18 months, however, have clearly demonstrated that just as with determination we will win the war, we can with the same determination win the peace.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. LAUSCHE. Mr. President, I commend the Senator from Missouri for discussing the statement by Dr. Rusk in connection with what is really happening in Vietnam. He points out that the atrocities are being committed by the Vietcong, not by the United States; and that the deliberate shelling of peaceful civilians is practiced by the Vietcong, not by the United States.

The people of all nations will learn one of these days that we have been restraining ourselves to a maximum degree to guard against the very things which Dr. Rusk has discussed.

I commend the Senator from Missouri for bringing so pointedly this situation to the attention of the Senate.

Mr. SYMINGTON. I thank the able Senator from Ohio.

VIETNAM—THE STRUGGLE TO RESCUE THE PEOPLE

Mr. SYMINGTON. Mr. President, in Fortune magazine for April, there are three articles on Vietnam.

Based on my three visits to that theater in the past 16 months, although I do not agree with everything, these are the clearest and most accurate articles I have read on the subject.

I ask unanimous consent that a portion of the first article, "The Struggle To Rescue the People," by Mr. John Mecklin, be printed at this point in the RECORD, and I respectfully urge that my colleagues read it.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

"The Struggle To Rescue the People"

(By John Mecklin)

"For years the U.S. position in Vietnam," says a seasoned American official on the scene, "has looked like a man climbing the side of a sinking ship. He thinks he is making progress but the damn ship still seems to be sinking." An element of this illusion is quite valid, even though American power has dramatically saved the country from military disaster. Ho Chi Minh's divisions have been driven deep into jungle hideouts. Their lines and sources of supply in the North have been shattered by air attack. But in Vietnam military gains alone can never be decisive. Their long-range value lies in providing time and opportunity to wage an equally bitter and costly struggle in another arena. And in this other arena, the outcome remains in considerable doubt.

This second conflict—known inadequately as "pacification" or "the other war"—is the long slow struggle to destroy Hanoi's main asset in its aggression against the South: the control the Communists exercise over nearly two-thirds of South Vietnam's 12 million peasants. Seldom more firmly entrenched than it is today, this control by force, terror, and persuasion is nothing new. Parts of the country have been under total Communist domination for nearly a quarter century, and repeated French, Vietnamese, and American campaigns to rescue the people have always ended in dismal failure. Yet if South Vietnam is to be denied permanently to the Communists, that control must be broken. The U.S. and the government of Nguyen Cao Ky are now frenetically gearing up for another try. By far the biggest effort yet, it is undoubtedly the most crucial. For if it should fail, in view of growing pressures to end the war at any price, it could be the last.

Characteristically, the U.S. is rising to the challenge with enthusiasm. Saigon is alive with elaborate new plans and programs to persuade the peasants to turn against the Vietcong. Mao Tse-tung's books about guerrilla warfare are among the most dog-eared volumes in town. Already a city of massive congestion, Saigon—"the only place in the world," goes a local joke, "where you have to make an appointment to get a dial tone on the telephone"—is being invaded by hundreds of new American civilian pacification workers. As a spectacle, it all looks uncomfortably like a similar effort in support of the ill-fated Ngo Dinh Diem regime in 1962–63, when pacification went by the name of "counter-insurgency." This time, however, there are significant new elements in the exercise.

The most important of these is a major improvement in the U.S. method for dealing with the chronic problem of persuading the Saigon government to heed American advice. American deference to Vietnamese sovereignty remains unchanged, but the advisory relationship has been strengthened considerably. Where the various U.S. civilian agencies in Saigon once dealt with the Vietnamese independently—and often contradictorily—the U.S. now speaks with a single voice on pacification matters through a newly created Office of Civil Operations, set up by Deputy Ambassador William Porter, who is now due to retire. All U.S. civilian agencies concerned with pacification have pooled personnel and resources under common direction. By coordinating the program with other U.S. civilian assistance efforts, American officials have acquired appreciably increased powers of persuasion with which to influence the Vietnamese Government. "The Vietnamese can still take our advice or leave it," says one top official in the U.S. Mission, "but we think that $700 million will get us a somewhat better hearing."

THE GROWING UNREST ON FARMS

Mr. CARLSON. Mr. President, there is a growing unrest on the farms these days. Milk dumpings and plow-ups are gaining their share and more of publicity the last few weeks.

The entire farm complaint centers around prices. Prices paid are too high and those received are too low. Secretary Freeman has said many times that he will not be satisfied until per capita farm income, now at $1,731, has climbed to nonfarm levels, presently at $2,618 per capita.

One of the serious problems confronting the farmer today is the fact that farm parity is down to 74. This means that the American farmer must buy his machinery, pay his taxes, hire his labor, and purchase other commodities in a market of 100.

The farmer is not asking for special favors, but he is, and should be, entitled to his fair share of the national income, which he is not now receiving.

In last week's issue of the Advance Register of Wichita, Kans., the official newspaper of the Diocese of Wichita, there appeared a very excellent article, written by Mr. Aloys Betzen of St. Mark's Parish. Mr. Betzen has farmed in western Sedgwick County for 29 years. He is active in the Farmers Union, the Farm Bureau, and the Andale Cooperative. His article discusses the farm income situation in a very practical way and from a farmer's standpoint.

I ask unanimous consent that Mr. Betzen's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Time for Fair Share for Nation's Farmers

(By Aloys Betzen)

Only if U.S. farm returns are increased to fair share can producers continue using modern technology and keep some of our young and educated people on the farm to apply it. Otherwise, we shall be forced to wonder whether the day is coming when there won't be enough food even in America.

In 1965, farm people received a per capita income of $1,610, of which $1,061 came from farm sources and $549 from non-farm sources. According to Department of Agriculture figures, the estimated 1966 per capita income was $1,700.

The "after-tax" income of farm people was $1,510. For non-farm people the income was $2,405.

The income per hour of farmwork—in contrast with an average of $2.61 per hour in a factory and an average $2.30 in food marketing—was $1.25 (these figures are from leaflet No. 491 prepared by the Office of Information, Washington D.C.).

Estimates by the U.S.D.A. indicate that total farmers' debt in 1950 was $10 billion; at year end 1966 it totaled about $44.9 billion. These are farm real estate mortgages and chattel mortages on livestock and machinery that are recorded. The figures do not include private loans and common bank loans.

You know a young farmer doesn't have much of a chance unless he has someone to back him and a strong will to farm. One thing is sure, the family farm can't survive if the best of its offspring leave the field and those with lesser qualifications are left at home to run the show.

The new Bureau of Census Publication reported that U.S.D.A. expected 3.4 million farms to be in operation on Jan. 1, 1967. The number has already dwindled to under 3 million. That makes about 2.5 million farmers since 1949, large and small alike, who have to look elsewhere for a livelihood. The average age of our farmers is now 51.3 years compared with 50.5 years in 1959. More than 18 percent of our farmers are over 65.

Thirteen million acres were taken out of farm use for highways, cities and lakes during the past five years.

Wheat prices averaged $2.29 in 1947, $1.98 in 1948, $1.88 in 1949, and about $1.34 in 1965 and $1.37 in 1964. The 1964 and 1965 figures include allowance for any unredeemed loans and purchases by government at loan rate. The 1966 figures are not completed due to government loans.

Sure, wheat went to $1.74 average for the month of July, 1966, but this is not a true average for the year. The price of bread almost doubled since 1947–1949 when a one-pound loaf of bread cost 12.7 cents; in 1966 it cost 20.9 cents average.

The farmer receives about 39 cents of $1 spent for food, about 57 cents of each $1 spent for choice beef, 2.6 cents for the corn in a 29-cent box of corn flakes, 2.7 cents for the wheat in a 21-cent loaf of white bread, about 22 cents from a 47-cents ½ gallon of milk. Slightly less than 19 per cent of our U.S. disposable income went for food in 1966. We spent 24 per cent in 1950 and 22 per cent in 1940. In 1957, food took 26 per cent of our take-home pay.

What is the farmer doing to help himself?

By joining and supporting R.E.A., Co-op, marketing associations, farm organizations, etc.;

Borrowing from a Federal Land Bank and similar co-op and mutual insurance co,;

Trying to get better publication from the American press, radio and television media, where the processor and big chain stores are both trying to keep him from publishing the facts and are giving misleading information;

(After all, the farmer's price that he receives for his products is determined largely by the processors and retailers who gamble on the Board of Trade.)

Using modern technology when he gets money or credit.

One hour of farm labor produces more than five times as much food and other crops as it did in 1919–21. Crop production is at least 82 percent higher per acre. Output per breeding animal has almost doubled. Every hen lays twice as many eggs and every cow gives twice as much milk. Production per man-hour of American farm labor since the late 1950s increased by 6.6 per cent a year. Output per man hour in non-agricultural industry increased by 2.6 percent a year.

Yes, we need Government (not politics) in our farm business just as well as we need it in big business, labor, civil rights, poverty, etc.,—not to suppress one to the advantage of the other.

I'm still glad to be a part of a country where we have free speech and opportunity, freedom of religion, good housing and plenty to eat if distributed properly.

VICE PRESIDENT HUMPHREY—A GREAT AMERICAN RESOURCE

Mr. PROXMIRE. Mr. President, those of us who served with Vice President Hubert Humphrey when he was a Senator know what a remarkable human being he is.

In the last few days millions of Europeans are discovering this unusual man as he carries the American viewpoint to Europe as enthusiastically and as refreshingly as only he can.

The HUMPHREY intellectual resilience, humor, eloquence, and above all the massive HUMPHREY grasp of foreign policy issues, problems of taxation, agriculture, welfare, commerce, labor, and education greatly impressed this body for many years and now is serving this country brilliantly in Europe.

Vice President HUMPHREY has been repeatedly called on in Europe to meet the toughest current challenge of all: to defend America's Vietnam policy against the challenge of intelligent and vigorous skeptics, and I doubt that there could be found in this country a comparable challenge to our Vietnam policy outside of Madison, Wis., and Berkeley, Calif.

Mr. President, in this connection, last night on CBS television, Charles Collingwood paid an impressive tribute to the job that Vice President HUMPHREY is doing in Europe. Mr. Collingwood said as follows:

CHARLES COLLINGWOOD, CBS NEWS, APRIL 5, 1967

Vice President Hubert Humphrey, who is over here in Europe to reassure the Europeans that we do, too, care about them in spite of our preoccupation with Viet Nam, finds himself spending most of his time talking about Viet Nam anyway. He does it very well, too.

For, although there may be no new answers to Viet Nam, there aren't any new questions either. And Hubert Humphrey handling an old question is like Mickey Mantle handling a routine flyball.

He took on a bunch of bright English kids here in London the other day—the precocious, articulate kind who terrorize most American politicians. He fielded everything they sent him without even breathing hard—negotiations, bombing pause, U Thant and all the rest.

The English kids discovered that Mr. Humphrey, like the old pro he is, knows all the moves. He can smother you with rhetoric, numb you with statistics, surprise you with humor and disarm you with candor.

The Vice President has just been as successful with the elder statesmen of Europe as he has with the kids. When they confide to him that while, of course, they understand about Viet Nam, it is pretty unpopular with their constituents, he snaps back that maybe if they would talk about it in public the way they talk to him in private, it might not be so unpopular. But when they talk to Humphrey about their problems instead of his, they find that he is not only well informed but ready to do something about them.

The toughest spots on the Humphrey itinerary are Bonn and Paris which never like to deal with a Vice President when a President will do. They may give him a little bit of a hard time—in the nicest possible way, of course—but anyone who can handle English kids the way Humphrey did isn't likely to fumble anything that either the new government in Bonn or the old one in Paris sends his way.

Mr. President, as one who served with the Vice President in the Senate for years I am most proud and pleased with the superb job he is doing for this Nation in Europe.

ORDER OF BUSINESS

Mr. LONG of Louisiana. Mr. President, I would hope that the minority leader, the Senator from Illinois [Mr. DIRKSEN] would be alerted to the fact that I am planning to make a unanimous-consent request that the Senate proceed to a call of the calendar on bills to which there is no objection.

Mr. President, I have just been informed that he has cleared the bills, but perhaps I should say that we are preparing for a call of the calendar. If there is any misunderstanding about it, I should like to be alerted by the minority leader.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Lousiana yield?

Mr. LONG of Louisiana. I yield.

Mr. WILLIAMS of Delaware. Let me inform the Senator from Louisiana that the minority leader has cleared certain bills and has no objection to their being called. However, he did ask that we wait for a few moments until he can come into the Chamber. He expects to be here in 10 minutes.

Mr. LONG of Louisiana. Mr. President, with that understanding, I will not proceed with a call of the calendar.

Mr. THURMOND. If the Senator from Louisiana will yield, I have some remarks for morning business.

Mr. LONG of Louisiana. Let the Senator from South Carolina proceed. I will desist temporarily and ask that the staff of the minority leader notify the Senator from Illinois of my intentions that we would like to bring up the unobjected to bills.

RECENT REMARKS BY MARTIN LUTHER KING, JR., CONDEMNING AMERICAN POLICIES IN VIETNAM

Mr. THURMOND. Mr. President, I was shocked to read in yesterday's newspapers, accounts of recent remarks by Martin Luther King, Jr., condemning American policies in Vietnam. I was shocked by the extremist tone and irresponsible character of his remarks. But I was also disturbed by this attempt to introduce racism into the discussions about the conduct of the war. In attempting to link the war in Vietnam with the civil rights movement, King demeans his race and retards the advancement of his people.

His attitude stands in direct contrast to the clear and forceful position of my capable Republican colleague, Senator BROOKE of Massachusetts. Even though Senator BROOKE is a Negro, he has spurned all inducements to make race an issue in his policies. In regard to the Vietnam war, he has had a special temptation to succumb to the pressure of those who would link the defense of this Nation with the so-called civil rights movement. Only a few months ago, he leaned toward the opinions of those opposing this Nation's presence in Vietnam.

But Senator BROOKE had the courage to change his mind when the reality of the war was forcefully presented to him on his recent trip to Vietnam. It would have been an easy matter to succumb to expediency and stoop to demagogic attacks founded in emotional issues such as race or pacifism. But when ED BROOKE went to Vietnam and saw the suffering forced upon that country by the international Communist conspiracy—a conspiracy which still threatens us on every side—he was so moved by compassion and reason that he could no longer hold his former views.

In my opinion, Senator BROOKE grew in statesmanlike stature by his decision to take the hard way. I believe that I reflect the general views of my colleagues in saying so. At times I may differ with Senator BROOKE in other policies. But, every part of the country—south, east, north, and west—can unite behind Senator BROOKE in his support for the defense of freedom. Even though Senator BROOKE is only a freshman Senator, few men have matured so rapidly after assuming the burdens of national political office.

All of this is in direct contrast, as I have said, to the attitude of Martin Luther King. His attitude is divisive. He would split Americans into white and black, and urge Negroes to feel put upon because so many of them have volunteered to fight with zeal and bravery for their country. In so doing he creates resentment and counterresentment. In so doing, he assists Communist purposes.

I am amazed at the policies which King urges. He calls for the end of bombing in North and South Vietnam. He calls for a unilateral cease-fire on our part. He urges curtailment of support operations in Thailand. He demands the recognition of the Communist terrorist organization, the so-called National Liberation Front, which holds so much of South Vietnam in captivity. He wants a date set for the pull-out of all U.S. and free world troops.

Mr. President, these five points are almost identical in concept to the conditions imposed by the Communist government in Hanoi as a prerequisite to negotiations.

Is King an American citizen, or not? How can he claim to be devoted to the best interests of the United States when he assumes the stance and outlook of America's declared enemies? King says that we are on the wrong side of a world revolution. The world revolution is communism. Is King unable to distinguish between the socialist pretensions of some reformers and the more sophisticated subversive activities of the international Communist conspiracy? If the United States is on the wrong side, whose side is King on?

The remarks quoted in the newpaper accounts are filled with Communist rhetoric. He compares American policies to the sadistic tortures of the Nazis. He charges that this country is filled with "Western arrogance." He says we are motivated by capitalist investment interests. More significantly, he says that we were wrong to oppose Ho Chi Minh in 1945. Even in 1945 Ho Chi Minh was a known Communist agent, trained in Moscow more than a decade previously to direct the world Communist revolution. If we had opposed Ho Chi Minh more vigorously in 1945, he would not be the head of a Communist dictatorship controlling half of Vietnam today. Yet King says that we should not have opposed this brutal Communist leader at all.

Mr. President, King is openly espousing Communist aims and goals for the world revolution. He has dropped the pretense that he is fighting for human rights. He himself has linked the so-called civil rights drive to the Communist revolution by the position he has taken in these press accounts. He says, I repeat, that the United States is on the wrong side. The facts are clear, I think, that King has placed himself on the wrong side. If he is going to continue to live in America I hope he will come over to America's side.

HUMAN RIGHTS CONVENTION ON FORCED LABOR—TRIBUTE TO BOTH CONCERN AND RESOURCEFULNESS OF AMERICAN LABOR MOVEMENT—XLVIII

Mr. PROXMIRE. Mr. President, as I rise once again to urge the Senate to ratify the human rights conventions on forced labor, genocide, political rights of women, and slavery, I believe it would be quite useful to recall the individual history of the only one of these conventions which was not adopted by the United Nations—the convention on forced labor.

In 1947 the American Federation of Labor first requested the United Nations to conduct an investigation of forced labor wherever it existed in the world.

For 2 years the Soviet Union and its satellites strongly opposed the request for an investigation. But in 1949 the United Nations Economic and Social Council voted to request the International Labor Organization to investigate the practice of forced labor.

The ILO responded to the request with real vigor. In two reports subsequently issued by the ILO, the investigating committee found forced labor being practiced extensively in the Soviet Union, Bulgaria, Czechoslovakia, Hungary, Rumania, and Communist China.

These findings and the accompanying report led to the adoption in Geneva on June 25, 1957, of the convention on the abolition of forced labor.

Ten years after the American Federation of Labor began its crusade against the practice of forced labor, the convention was adopted. Twenty years after the AFL started the fight, 75 nations have ratified this convention. But the United States will not be found on any list of ratifying nations.

The Eisenhower administration opposed U.S. ratification of any convention on forced labor. Assistant Secretary of State Robert Hill wrote at that time:

> It is interesting to note . . . that the U.S.S.R. has embraced the idea of a convention and has called upon the ILO to "adopt as broad and radical instrument as possible." Endorsement of the convention form by the U.S.S.R. is indicative of what might be expected from the adoption of this (convention) form of action.

Subsequent events have hardly established Mr. Hill as a certified prophet. The Soviet Union has never ratified the Convention on Forced Labor.

While the Soviets have ratified the conventions on political rights of women, slavery, and genocide, they have carefully ignored consideration of the convention on forced labor. The reasons for the Soviet Union's failure to ratify this convention are obvious.

But the United States has nothing to fear from ratification. Forced labor is totally alien to our entire tradition.

The American labor movement has carried the fight for abolition of forced labor long and valiantly. Now the Senate can finish the job the labor movement has done so well by ratifying the convention on forced labor along with the conventions on genocide, political rights of women, and slavery.

STATE OF WASHINGTON APPROVES TRUTH IN LENDING

Mr. PROXMIRE. Mr. President, the State of Washington has become the second State to enact an effective truth-in-lending bill requiring the full disclosure of the cost of credit both in dollars and cents and as an annual percentage rate. On February 17, 1967, by a vote of 48 to 0, the Washington State Senate passed a truth-in-lending bill. The bill was approved by the house on March 8, 1967, by a vote of 84 to 4. The senate concurred in the house amendments by a vote of 41 to 2, and the bill was signed into law by Governor Evans on March 21, 1967.

The bill applies only to retail credit and requires merchants to disclose the annual percentage rate both on installment contracts and revolving charge accounts. Thus, the myth that merchants cannot disclose the true rate of interest on their credit sales has once again been challenged. Massachusetts and Washington now require this important information to be disclosed to the consumer. The argument that this cannot be done in the other 48 States is utterly without foundation.

Mr. President, the Committee on Banking and Currency will hold hearings on S. 5, the truth-in-lending bill, beginning on April 13. That is next Thursday. I am hopeful that this session of Congress will approve the truth-in-lending bill and extend its protection to every citizen in America.

Mr. President, I ask unanimous consent that several newspaper articles and selected portions of the Washington statute be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Mount Vernon (Wash.) Argus Feb. 16, 1967]

Concealed Buying Costs

The Washington State Labor Council is complaining this week that a "consumer protection" bill has been watered down in the state senate in favor of the merchant who does not want to reveal how much charge account buying is costing the customer. If the Council's facts, as given in its latest legislative bulletin, are correct, its point is well-taken.

The Council complains that a substitute bill, Sub. Senate 63, reported out of the judiciary committee, "will legalize a true annual interest rate of 18 per cent per year on all retail credit purchases. . . ." (Labor had proposed amendments which it said would have set the ceiling at 12 per cent per year "true annual simple interest.")

The Argus would agree in particular with the Council's objection to eliminating the "disclosure" section of the original bill. The Council contends:

". . . if Sub. SB 63 should be passed, department stores and other retail outlets will be allowed to continue to deceive their customers about the actual rate of interest they are now paying. A so-called 'revolving credit' account, as offered by virtually all major stores, carries a true annual interest rate of 18 per cent per year. But the buyer is led to believe it is only 1½ per cent. What the buyer doesn't realize, and what the stores don't want him to know is that he is paying 1½ per cent interest per month, which equals 18 per cent per year. . . . It is a disgusting and shameless practice. . . ."

The only area which this newspaper sees for argument on this question is as to whether or not protection of the public in its business dealings is properly a matter for legislative action. When merchants call on the legislature to protect them against unwanted promotions, such as trading stamps, and all sorts of real or assumed professions seek to avoid the costs of advertising their services under the guise of declaring advertising "unethical," this newspaper would suggest that equally as proper, or more so, is legislation requiring the seller to disclose fully just what a time purchase is going to cost the buyer.

[From the Seattle Times, Jan. 27, 1967]

Senators Consider Interest-Rate Limit

(By Lyle Burt)

Olympia, Jan. 27.—A major step in consumer-protection legislation is due for a second appearance before the Senate in about a week.

The measure, S. B. 63, is designed to protect consumers against exorbitant interest rates and fees on credit and installment purchases.

At the moment, the bill rests in the Senate Judiciary Committee, where amendments are being drafted as the result of a two-hour public hearing yesterday.

The proposal contains a number of protective features, but the most important, as well as most controversial, would limit annual interest to 18 per cent and require that figure to be printed in reasonably prominent type on each installment-contract and retail-charge agreement.

It was this feature which touched off most of the debate at the crowded hearing.

Representatives of some firms said 18 per cent was not enough interest. Some conceded their businesses were based on interest and carrying charges, rather than on a profit margin on the items sold.

A number of others felt that 18 per cent was sufficient, but objected to having it printed on contracts and agreements. They preferred that such documents state "1½ per cent a month."

This adds up to 18 per cent a year, but proponents contended it would not be so apt to scare off prospective buyers as the larger figure.

The bill was developed by a subcommittee of the Legislative Council after numerous hearings and meetings in the interim since the last Legislature.

Basically, the council took the attitude that the buyer should know that he was about to commit himself to 18 per cent interest. If that was too much for him he would have a chance to negotiate with a bank or other institution for obtaining the money he needed at a lower interest rate.

The banking industry has raised little objection to this bill and, in fact, has indicated it could live with it with little difficulty.

Comment: An exhibit before the Judiciary Committee was a prime example of what is behind the bill. The exhibit is a sales contract executed by a Seattle used-car dealer with an interest amount which equaled 144 per cent.

The bill will come out of the Judiciary Committee in a few days with a "do pass" recommendation. Bolstered by the used-car contract and evidence of similar abuses, its chances should be good.

[From the Olympia, Wash., Daily Olympian, Jan. 26, 1967]

HOW MUCH INTEREST DO YOU PAY ON CONTRACT? THAT'S WHAT A SENATE BILL HOPES TO TELL YOU

Consumer protection clashed head-on with the flow of credit Thursday in a Senate committee hearing on a bill to require disclosure of interest rates in installment sales contracts.

Spelling out the annual interest on a purchase would "perhaps be a public relations problem," said one lobbyist in answer to a senator's query if he was afraid it would "scare away buyers."

At one point committee members expressed surprise when told by one spokesman, "Our research shows that retail merchants don't make any money off service and installment charges."

"Pardon me?" blinked Senator Wes Uhlman, chairman of the Senate Judiciary Committee, which was hearing the matter.

Both bankers and representatives of loan and financial firms protested against a provision of the bill to require them to state in a contract that, "The service charge does not exceed—— (blank) per cent per annum, computed monthly, and may not lawfully exceed eighteen per cent per annum, computed monthly."

The statement would be "deceptive and misleading", several of the lobbyists said. Some of the committee members who are lawyers tended to agree.

The retail firms objected also to similar language in revolving accounts—where purchases are added from time to time to a running charge account.

They insisted that the costs of carrying charge accounts eat up all the interest rates, or service charges, added to bills.

Labor interests, however, asked that the maximum limits on service charges be reduced from 18 per cent in the bill as now written, to 12 per cent. Joe Davis, president of the Washington State Labor Council, offered proposed amendments to that effect. The objections of the loan and retail firms were also presented to the committee as amendments to the bill.

Although most of the bill's opponents seem to be merely against the requirement of interest statements in contracts, one, Simon Wompold, a representative of sales finance companies, would go even farther to boost the 18 per cent limit to, in effect, 22 per cent.

"It's time to draw the line between protection of the consumer and the preservation of legitimate business," Wampold said. He maintains the bill would tend to "dry up the credit flow" of business.

Wompold also objected to another provision in the bill that would prevent sale or consignment of contract notes. This, he said, would be unconstitutional.

Another provision, to prohibit "balloon ending" accounts where the final payment is much larger than the other payments, was attacked also.

Senator Perry Woodall termed the balloon contracts "one of the most vicious practices" in the sales field. But the opponents of the provision said balloon accounts are a necessity in sales to persons whose income fluctuates.

Also drawing objections was a requirement for large size type on contracts to spell out the protective clauses for the consumer. They would require much longer forms, the objectors said.

The suggested amendments were accepted for futher study by the committee.

[From the Seattle Post-Intelligencer, Mar. 23, 1967]

BILL SETS INTEREST CEILING

One of the bills signed into law Wednesday by Gov. Dan Evans sets a maximum installment credit interest rate of 18 per cent, the first regulation of installment interest ever set in Washington.

The bill originally was proposed by the Washington State Labor Council but its initial backers wished a maximum rate lower than the 18 per cent.

Other states have maximums on installment credit ranging from 9 to 22 per cent.

The bill also will force lenders to disclose annual interest rates to borrowers.

The state has had a law setting the maximum rate on straight money loans at 12 per cent annual interest.

The bill will go into effect at midnight, June 7.

[Selected portions of the Washington State statute]

(2) *Every retail installment contract shall contain the following notice in ten point bold face type or larger directly above the space reserved in the contract for the signature of the buyer: "Notice to buyer:*

"(*a*) *Do not sign this contract before you read it or if any spaces intended for the agreed terms, except as to unavailable information, are blank.*

"(*b*) *You are entitled to a copy of this contract at the time you sign it.*

"(*c*) *You may at any time pay off the full unpaid balance due under this contract, and in so doing you may receive a partial rebate of the service charge.*

"(*d*) *The service charge does not exceed . . . % (must be filled in) per annum computed monthly and may not lawfully exceed 18% per annum computed monthly.*

"(*e*) *You may cancel this contract and return any goods received, if it is solicited in person, and you sign it, at a place other than the seller's business address shown on the contract, by sending notice of such cancellation by certified mail return receipt requested to the seller at his address shown on the contract, which notice shall be posted not later than the next business day following your signing this contract: Provided, That at the time of sending notice of cancellation you have not received and accepted a substantial part of the goods or services which the seller is required to furnish under this contract."*

(3) *Every retail charge agreement shall contain the following notice in ten point bold face type or larger directly above the space reserved in the charge agreement for the signature of the buyer: "Notice to buyer:*

"(*a*) *Do not sign this retail charge agreement before you read it or if any spaces intended for the agreed terms are left blank.*

"(*b*) *You are entitled to a copy of this charge agreement at the time you sign it.*

"(*c*) *You may at any time pay off the full unpaid balance under this charge agreement.*

"(*d*) *The monthly service charge may not lawfully exceed the greater of 1½% of the outstanding balance (18% per year computed monthly) or one dollar.*

"(*e*) *You may cancel any purchases made under this charge agreement."*

Mr. MUNDT. Mr. President, is morning business concluded?

The PRESIDING OFFICER (Mr. KENNEDY of Massachusetts in the chair). Is there further morning business?

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MUNDT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). Without objection, it is so ordered.

THE NEED FOR A MID-DECADE CENSUS

Mr. BYRD of West Virginia. Mr. President, the other day I had need to know the population of my State, West Virginia; so I called the Census Bureau. They told me West Virginia's population in 1960 was 1,860,421. But 1960 was 7 years ago, and I was interested in the population today, or as close to today as possible. The Census Bureau people told me they estimate the population as of last July at 1,794,000.

The best they could offer was an educated guess. It may be close to the actual population, but it is still an estimate. For Raleigh County or the town of Sophia, they do not even have any guesses. Nothing more recent than the figures from the 1960 census.

As a matter of curiosity, I inquired how many pigs there are in the State—and how often they are counted. I learned that the pigs were counted at the end of 1964 and at the end of 1959, just five years apart. The pig population in 1959 had been 148,238, and 5 years later it had dropped to 77,791.

The Census Bureau counts pigs every 5 years—but counts people only once in 10 years. This is the timetable established—not by the Bureau of the Census, but by Congress. If it seems to represent a distorted sense of values—that pigs should be counted twice as often as people—let us not look elsewhere to point the finger of blame. The timetable is established here, in Congress.

The Constitution of the United States, in article I, provides for an enumeration of the population of the Nation at intervals of 10 years, as the basis for determining representation of States in the House of Representatives. That decision was made nearly 180 years ago: there should be an enumeration of the population at 10-year intervals. For its time, that provision was forward-looking. It was progressive. But things have changed in 180 years. In fact the need for more facts about the Nation became apparent to the early leaders of our Government within a few years after the Constitution was adopted. Congress ordered that the decennial census of 1810 be broadened to include manufacturing—and in 1840, a Census of Agriculture was added to the decennial census.

Several decades ago, it became apparent that information concerning farms and factories gathered at intervals of 10 years was not adequate, things were changing too rapidly, so this body determined that these censuses should be taken at intervals of 5 years. The Bureau of the Census now conducts censuses of several broad subjects every 5 years—censuses of agriculture, manufactures, retail, wholesale and service trade, transportation, and a census of State and local governments. But the law still requires that the Census Bureau wait 10 years between censuses of population.

Bills have been introduced in each of the recent Congresses to amend the Census Act, title 13 of the United States Code, to provide for a census of population at the mid-decade. In the last Congress, no less than six bills were introduced providing for a mid-decade census of population, unemployment, and housing. These bills, like those introduced in earlier Congresses, failed to reach a vote.

The House Subcommittee on Census and Statistics of the Committee on Post Office and Civil Service conducted hearings during May of 1965 on the bill H.R. 6183 of the 89th Congress which would have provided for a mid-decade census of population, unemployment, and housing. The chairman of the subcommittee was the Honorable HARLEY O. STAGGERS, of West Virginia. The report on the hearings provides a fairly comprehensive survey of the viewpoints as they existed at that time, with statements from nine principal witnesses who appeared before the committee, plus 58 written statements.

In summary, everyone was in favor of a mid-decade census except the spokesmen for the administration. The position of the administration at that time was that a mid-decade census of population, unemployment, and housing was not required, and that adequate information could be provided at considerably lower cost by means of sample surveys.

That was the administration's stand in May of 1965—almost 2 years ago.

But today, 1967, the administration has changed its position and joined the majority. It has sent a proposed measure to this body which would provide for a census of population, unemployment, and housing to be taken every 10 years, beginning in 1975. Thus, this bill comes to the Senate from the administration itself. It is presently pending in the Post Office and Civil Service Committee, awaiting review.

If the dialog of 2 years ago were to be reenacted today, it seems the testimony would be preponderantly in favor of a mid-decade census. I commend the leaders of the administration for their wisdom, their courage, and their integrity in reversing their position, and, becoming supporters rather than opponents of a mid-decade census.

If the provisions of the administration-proposed bill become law, censuses of population, unemployment, and housing would be taken in 1970, in 1975, in 1980, 1985, and every 5 years thereafter, instead of the present 10-year intervals—1960, 1970, 1980, and so on. Reapportionment of seats in the House of Representatives and redistricting, however, would continue to be based on the decennial censuses, taken in years ending in zero.

It is pertinent to ask: How much would a mid-decade census cost?

In 1965, the Director of the Census estimated the cost at $60 to $100 million, for a census containing fewer questions than are included in a decennial census. The 1960 census cost about $102 million, and if the mid-decade census were to include as many questions and as many tabulations, the cost would be over $100 million, because wages are higher and there are more people to be enumerated.

In the 1960 census, about half the cost was for gathering the data and the other half represented the cost of recording the data, tabulating it and publishing the results, in about 140,000 pages of printed statistics—statistics for the Nation, for each State, each county, city, town, metropolitan area, for each census tract, and in the larger cities, for each city block.

We know from the 1960 census a great deal about the Nation's people, their jobs, and their housing—as things were 7 years ago. But the situation today is changed from 7 years ago.

Sample surveys indicate that about one-fifth of the people move every year. About one-half of the people move in the course of 5 years. Most of them merely move to a different house or apartment in the same area, but some move to a different county, some move to a different State, or, a different part of the country.

During the 10 years between the censuses of 1950 and 1960, half of the counties of the United States lost population. The metropolitan areas in general increased in population, but most of this growth took place in the suburbs; most of the larger central cities lost population. The number of farms decreased and so did the number of people living on farms.

We know most of these changes have continued in the 1960's, for trends can be measured fairly accurately for the Nation as a whole, but the amount of information decreases as we look at States, and it decreases still further as we consider counties, cities, and towns.

And even if we might have confidence in estimates of the numbers of people within a State or metropolitan area we know almost nothing about the changes in the characteristics of the people since 1960.

What was the median income of the people of Charleston, W. Va., last year? Did it increase over 1960? Nobody knows. What proportion of West Virginia's young people are attending college? Is the proportion increasing at the same rate as in other States? Nobody knows. What share of the families in Charleston or in the State of West Virginia now have incomes below $3,000? Nobody knows. We know these things as they were in 1960. But not for any more recent year.

The Senate will be asked during the next few months to appropriate money which will be distributed to States and local governments to help meet local needs: more jobs, more training in occupation skills, better schools, better care for the elderly or for the sick. These Federal appropriations will amount to $11 billion or more. About $14 billion will be allocated from Federal and State funds to local governments—most of it based on the number of people in an area and the needs of those people—the people and their needs as they existed 7 years ago when the last census was taken. Each year, the information which guides us grows more and more out of date. The fog of uncertainty becomes ever more dense with the passing of time.

If at any time during the early 1960's, the 87th, the 88th, or the 89th Congresses had seen fit to enact legislation calling for a mid-decade census to be initiated in 1965 or even 1966, our appropriations this year would be made with much greater understanding as to location and nature of the needs.

An investment of $100 million in a mid-decade census in the 1960's would have been useful in guiding Federal appropriations of perhaps $60 billion over a 5-year period. It would seem reasonable to spend $1 to learn where and how to spend $600 more wisely.

The cost of a mid-decade census would be justified for the benefit of the Congress alone, but the benefits would be proliferated and multiplied as the results were used by State governments—and to an even greater extent by agencies of local governments.

The need for current information at the local level is indicated by the fact that since the 1960 census, the Census Bureau has conducted for cities, towns, counties, and other local jurisdictions more than 1,200 special censuses at the expense of the local governments. Several hundred more will be conducted during calendar year 1967.

These special censuses are little more than head counts, providing information as to the number of people by age, race, and sex, but providing no information concerning employment, housing, occupation, or education.

The published hearings of the House Subcommittee on Census and Statistics of 2 years ago provide an abundance of evidence that local government officials feel strongly the need for population data more often than once in 10 years.

The mayor of New York City wrote on April 8, 1965:

> Data from the 1960 Census are now too old to have substantial value. When we need data on the age and ethnic composition of the population for small areas within the city—we may be misled rather than guided in our planning.

The managing director of the State of Connecticut Development Commission wrote:

> We are deeply engaged in promoting and assisting municipal and regional planning. In a rapidly growing State such as Connecticut we believe it is dangerous to base research and planning on census data which can be as much as 10 years old.

The mayor of Chicago wrote:

> We are currently engaged in programs of housing and urban renewal, mass transportation, air and water pollution, urban opportunity, education, health and welfare, all essential for the development of a better city and for the creation of a better life for all our citizens, and all dependent on current facts. We cannot afford costly errors which may be made because we are not willing to spend the money for a program which will help to avoid them.

The director of planning for Los Angeles County wrote this opinion in 1965:

> The 1960 Census, now 5 years old is of little use in many areas such as southern California where there is so much employment and housing mobility.

The executive director of the American Public Health Association wrote in a statement:

> It is bordering upon the irresponsible to finance and to conduct programs whether in public health or any of the other extremely important and essential programs throughout these United States without the very

> latest in information as to how many persons are where.

From the private sector of the economy there also were many similar expressions of opinion. The vice president of the Real Estate Research Corp. wrote:

> The speed, size and characteristics of changes which have occurred since the last census are monumental. No one can possibly grasp their significance or deal effectively with our present and future development without the overview and perspective provided through a census.

A spokesman for the Nation's largest telephone company reported how his organization and its local subsidiary companies made use of data from the 1960 census in planning their new construction and installation of equipment—which involves something like 800,000 separate projects and an investment of more than $3.5 billion a year. With an investment so large, he wished information could be available more often than once in 10 years, and he was an emphatic supporter of a mid-decade census.

One of the most enlightening portions of testimony came from Dr. Philip Hauser, of the University of Chicago. Dr. Hauser was Acting Director of the Bureau of the Census at the time of the 1950 census, and now is director of the Population Research and Training Center of the University of Chicago. I commend his entire testimony to anyone who wishes to obtain a concise summary of the needs for information about people and housing, and how to obtain it. I should like to quote only a brief portion:

> The need for a mid-decade census is represented by the following considerations:
>
> One, there never was a time in the history of this Nation when we experienced such rapid, complex and significant population changes.
>
> Two, there never was a time when we had as many demands for the kind of information that could be collected in the mid-decade census on the part of Federal, State and local government, and the private sector of the economy and society including business, industry, religion, education, recreation, welfare.
>
> Three, there never was a time when there were as many specific programs affecting the economy and welfare of the people of the United States on a Federal, State and local level—requiring this kind of information as a sound basis for policy formation and action.

Those words from one of the Nation's leading authorities on population statistics and their uses.

Certainly no Member of this body needs to be reminded of the multiplicity of Federal programs aimed at improving the economy and quality of life for the American people, and of the need for accurate up-to-date information to guide those programs, and to guide our consideration of them.

A major fact to be kept in mind is that most of these programs, while they are nationwide in scope, actually are implemented at the local level. So information about national trends is not enough. There is need for information about what is happening in a city, in a county, a metropolitan area—what is happening in a neighborhood.

If only national or regional, or large area statistics were needed then sample surveys would be enough. The Census Bureau gathers statistics and issues reports on the Nation's income, educational level, school attendance and many other aspects of population at frequent intervals, based on information gathered from about one household in a thousand. This type of sample produces figures that are accurate for the Nation.

But if local governments and local businesses are to have information about each neighborhood in a city or a metropolitan area then the most practical thing to do is to take a complete census gathering information about all the members of every household—their age, race, sex, family relationship, and marital status. Data gathered from one household in four provide accurate statistics for the areas called "Census tracts," which are roughly equivalent to neighborhoods.

This is the pattern of census taking and reporting that was followed in the 1960 census and will be repeated in the 1970 census. It is the pattern that is implicit in the bill proposing a mid-decade census in 1975, 1985, and every 10 years thereafter.

The bill provides only for the three broad subjects, population, unemployment, and housing. Each of these can be divided into many parts.

The Census Bureau has reported to the Congress that it plans to conduct the 1970 Decennial Census principally by mail, but that upwards of 100,000 temporary census workers will be needed for several weeks. Some of these will be office workers, some will visit households which fail to return their questionnaires, and in some areas, especially rural areas, census takers will be needed for the entire enumeration.

It seems likely that a similar number of workers would be needed 5 years later for a mid-decade census, more than 100,000 short-term workers. Whatever the total cost of the census, there would be many millions of dollars of additional income for thousands of families distributed throughout the United States more or less in proportion to the population.

TERMINATION OF INDIAN CLAIMS COMMISSION—CONFERENCE REPORT

Mr. McGOVERN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2536) to terminate the Indian Claims Commission, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. McGOVERN. Mr. President, the House and Senate passed slightly different versions of a bill to extend the life of the Indian Claims Commission. Both bills provided for a 5-year extension of the life of the Commission to April 10, 1972, and both provided for an expansion of the number of Commissioners from three to five in order to expedite the Commission's work.

One of the principal differences in the bills was that the Senate language would provide that the Commission prepare a trial calendar within 1 year and set a date for the trial of each pending claim before January 1, 1970. There was no similar provision in H.R. 2536.

The second major difference related to the tenure of the three Commissioners presently on the Commission. The House bill would have continued them in office indefinitely while the Senate bill provided that their terms would expire on April 9, 1967, unless they were subsequently reappointed by the President and confirmed by the Senate.

The last major difference in the two bills involved a sense of Congress statement adopted by the Senate providing that no further extensions of the life of the Commission would be considered by the Congress in the future. The House bill did not have any provision of this nature.

After full and free conference with Members of the House, the conferees recommended language that would:

First. Amend section 23 of the 1946 Indian Claims Commission Act to provide that the Commission shall terminate at the end of 10 years from and after April 10, 1962. In other words, the Commission's life would be extended for an additional 5 years in order to complete its assigned task.

Second. Amend section 3 of the 1946 statute to provide that the Commission shall be expanded from three to five members, and the President shall designate one of these members as the Chairman. The three Commissioners who are presently holding office will continue to serve as Commissioners on the Commission until June 30, 1968, unless prior to that date the President reappoints them.

Third. Add a new section 27 to the 1946 act which directs the Commission to prepare a trial calendar which will set a date, not later than December 31, 1970, for the trial of each claim pending before the Commission. If a claimant fails to proceed to trial, the Commission is directed to dismiss the claim unless, for good cause, the Commission grants a continuance which would be for a period of not more than 6 months. The only exception to the 6-month continuance would be under circumstances or events beyond control of the party and in this situation further continuances could be given that could not exceed an aggregate of 6 months.

Senate conferees agreed to delete language contained in the bill as passed by the Senate which provided a sense of Congress statement to the effect that no further extensions of the life of the Commission would be given. However, I wish to make very clear that the provisions of this bill are intended to expedite the adjudication of the remaining claims filed by the Indians more than 15 years ago. The purpose of this legislation is to get the Indian tribes before the court as promptly as possible in order that they may benefit from awards that may be made to them. If all parties in interest work diligently over the next 5 years to get these cases moved along, I believe all of the remaining 347 claims can be concluded.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

The report was agreed to.

SBA DOES OUTSTANDING WORK IN EMPLOYING HANDICAPPED

Mr. SMATHERS. Mr. President, the Federal Government has long been concerned because of the huge waste to our economy that results from our failure to utilize the services of the physically handicapped and the mentally retarded.

This has been a concern of Congress. It is no less a concern of President Johnson, who is carrying on the tradition of his predecessors in trying to fill positions with handicapped persons where their talents can be utilized to the maximum.

Many private employers have learned that it is good business to hire the handicapped in occupations they have the capacity to fill.

Under President Johnson's leadership the Civil Service Commission, chaired by John W. Macy, Jr., has been playing an active role in hiring the handicapped for suitable jobs in the Federal Establishment.

One Federal agency, the Small Business Administration, has been most active in this important program. Bernard L. Boutin, the SBA Administrator, has informed me that 185 handicapped persons are now employed by this agency.

When one considers that the SBA is small by bureaucratic standards, with some 4,000 employees, I think this is a commendable record. I am confident, also, that SBA will continue to improve these figures. For the handicapped personnel employed by SBA prove their worth each working day of every week.

It took the courage and brilliance of President Franklin D. Roosevelt to demonstrate to the world that although a person may suffer from a serious physical handicap, his brainpower may be unexcelled.

The most valuable commodity any nation may have is that of its human resources. To waste these resources is utmost folly.

Let me emphasize this point by recounting the story of one handicapped person, a man who has been sightless since early childhood, who is now doing a brilliant job for the Small Business Administration.

This gentleman is an attorney. He obtained his undergraduate and law degree by sheer brain power and determination. He became an expert in reading braille. As a student, he hired fellow students to read to him, and he developed his powers of mental concentration to such an extent that he retains much of what is read to him for a long period of time.

This remarkable man was hired by SBA in September 1960. He has since won two promotions solely on merit.

When this attorney is given an assignment, his secretary puts the dictaphone on for him. He plays it back, making notes to himself in braille. In a similar manner, he keeps up to date on all matters of concern to his office.

If he needs to check a specific legal citation, his secretary will obtain the books from the library—he usually knows just what books he will need—and reads appropriate passages to him while he takes notes in braille. He utilizes notebooks filled with braille papers and braille notes, which he uses in dictating.

This gentleman has developed such a keen sense of hearing that he can distinguish persons by their voices.

He utilizes the services of the Lighthouse for the Blind. This organization has put into braille for his use all SBA regulations, the SBA Act, and a number of SBA manuals. It regularly furnishes him with other material that he needs.

This remarkable employee is now responsible for providing legal review and analysis of investigative reports on applicants for SBA assistance, and preparing legal opinions for Administrator Boutin, and other Agency officials.

Here, Mr. President, is an example of putting brain power to work and utilizing a talent that could all too easily be overlooked and wasted.

The Small Business Administration is also extending its efforts on behalf of the handicapped to the mentally retarded.

In recent years, much medical advance has been made in this field. We know that many mentally handicapped can be trained today to lead useful and rewarding lives.

In February of this year, the Small Business Administration hired as a file clerk a mentally retarded woman who had completed some schooling successfully and appeared to have the capacity to develop certain skills.

This employee's supervisor reports that she is learning the work very nicely, that she takes instruction well, and is a faithful and diligent employee.

From all appearances, this woman is likely to be promoted to a full-fledged filing clerk, capable of doing her job as well as anyone else.

Not only does the Small Business Administration give encouragement to the handicapped by offering them employment, it also encourages and assists small businesses that hire handicapped persons.

One such firm is Anodyne, Inc., of North Miami Beach, Fla. Eugene T. Turney, Jr., is president of this very successful small business that employs about 140 persons, about 70 percent of whom are handicapped. The firm manufactures anodized aluminum plates for many national manufacturers.

The Small Business Administration and a local bank joined in making this enterprising small firm a loan of $350,000 in November 1963. The loan enabled this firm to expand its production and sales and it is making good progress.

In 1964, this company was honored by the State of Florida by being named "Employer of the Year" in recognition of its record of employing physically handicapped persons.

I know that Thomas A. Butler, regional director of the Small Business Administration's office in Miami is actively concerned with efforts to help handicapped persons. I am pleased that this concern is not limited to one SBA office, but to all of SBA's regional offices.

The cases I have cited show what can be done and what is being done by one Agency of the Federal Government in utilizing the capabilities of handicapped persons.

Administrator Boutin is to be congratulated for his efforts on behalf of the handicapped, and I know that his Agency will continue to be one of the leaders in this important program.

NIIHAU MOURNS AYLMER FRANCIS ROBINSON

Mr. FONG. Mr. President, it is with a deep sense of sorrow that I report the passing of Aylmer Francis Robinson, the venerable coowner of the island of Niihau, in the State of Hawaii, and manager of the Niihau Ranch.

Death came last Sunday, April 3, to the 78-year-old patriarch of the fabled, isolated, westernmost island of the Hawaiian archipelago.

There is a personally felt grief and mourning among the 285 residents of the tiny island for their "Ka Haku Makua"—the old boss. The benign paternalism of Aylmer Robinson and his ancestors developed a close attachment with the native population during the more than a century that the island has been owned by the Robinson family. Niihau was purchased by his forbears for $10,000 in 1864, during the reign of King Kamehameha IV.

The old Polynesian way of life has been preserved uniquely during the Robinson era, and Niihau remains today largely unchanged in a fast-changing world.

Mr. Robinson, who never married, had lived all his life on Niihau and on the nearby island of Kauai, where he passed away after undergoing surgery for cancer. He dedicated his life to maintaining the old Hawaiian way of life for the people of Niihau, almost all of whom are of Polynesian stock, preserving the inhabitants' language and culture. For this reason, he restricted travel to Niihau by outsiders.

Aylmer Robinson himself spoke fluent Hawaiian. Even the records he kept were in the Hawaiian language.

Mr. Robinson was born at Makaweli, Kauai, on May 6, 1888, the second son of Aubrey and Alice Gay Robinson. He attended St. Matthews Military Academy, in Burlingame, Calif. He was graduated from Harvard University with a bachelor of arts degree in 1910.

He worked for the Oahu Sugar Co. about a year. In 1912 he joined the family company, Gay & Robinson, as manager of its Makaweli Ranch, on Kauai, a position he held until 1922.

He was made a partner in Gay & Robinson in 1916, and became its business manager in 1920. In 1922, he was appointed manager of Niihau Island and Ranch, a position he held till his death.

He became a part owner of Niihau when his father died in 1936.

Aylmer Robinson is survived by two brothers, Selwyn A. and Lester B., and a sister, Eleanor, all of Makaweli, island of Kauai. He was the eldest of the family.

The death of Aylmer Robinson marks the passing not only of an individual beloved by his people but also the end of a unique chapter in Hawaiian history, for he personified a way of life on Niihau which disappeared long ago elsewhere in that history.

As one observer noted:

> He treated the people of his Island as family, ever careful to encourage the retention of their native tongue and the mores and folkways of their ancestors. They, in turn, absorbed the deeply religious, courteous and reserved demeanor of the man they always addressed as "Aylmer." The sorrow on Niihau is painful today. There has been a death in the family.

To his family, Mrs. Fong and I extend our heartfelt sympathy and condolence during their period of bereavement. We join the people of Niihau in saying "goodby" in the language he loved so dearly—"Aloha, Aylmer."

THE STUCKEY SUCCESS STORY

Mr. TALMADGE. Mr. President, one of Georgia's leading citizens and most outstanding businessmen is Williamson Sylvester Stuckey, Sr., whose name has become very familiar to the millions of motorists who travel the highways of America today.

Sylvester Stuckey is founder of the Stuckey chain of more than 250 candy and pecan stores which are found up and down our highways. His business success exemplifies the opportunities afforded by the American system of free enterprise and the rewards of hard work.

A very interesting profile of Mr. Stuckey was published in the University of Georgia's Alumni Record. I commend it to the attention of the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"STUCKEY": SIGNS OF SUCCESS

(By Lynda Stewart)

Back in 1930, a depression-plagued year, a young man down in Eastman, Georgia borrowed all the money his grandmother had—$35—and started buying and selling pecans.

He's still in Eastman, but today Williamson Sylvester Stuckey, Sr., sits in a plush, mahoganied executive's office as he talks of more than 250 stores across the country and a multi-million dollar annual revenue that are part of his candy business.

Pecans paved the way.

"Stuckey," as he's most commonly known, had no thought of going into the pecan business when he left the University of Georgia in 1928. With a year of business administration and a year of law to his credit, he got a job as an inspector of grapes in New York State. He soon returned to Georgia, where as in most places, jobs were scarce so soon after the "crash."

"When I tried to get a job uptown in Eastman with one of the warehouseman," he recalls, "he said he could put me to work—but couldn't pay me. He suggested I buy pecans and sell them to him."

So that Stuckey, who didn't know one pecan from another, would know what he was buying, the warehouseman gave him a little bag of pecans with the varieties marked on the outside. Then he marked the price one cent under what he could afford to pay the youthful businessman for them.

With a Model-A Ford coupe in which to haul the pecans and the money his grandmother had lent him, Stuckey was on his way.

Each year was a year of progress, and within six years he got a $20,000 bank loan and was handling $150,000 worth of pecans a year. But the selling season was so short he set up a roadside stand to keep busy during the winter months when tourists would be traveling to Florida.

The winter business was so encouraging that he sold the stand to a farmer for use as a henhouse and built his first retail store, near Eastman.

"To supplement our limited line of shelled and unshelled pecans, my wife, Ethel, turned out batches of candy," Stuckey reminisces. "Many a Sunday afternoon I'd have to go break up her bridge game so she could make more candy, I was selling it so fast."

"She'd also help me buy pecans and manage the warehouse. Now, she knows the hundreds of varieties of pecans almost as well as I do," he says proudly.

Even today, with approximately 300 full-time employees working for him in Eastman, Stuckey insists on buying the pecans himself. "It's his pet project," explains his secretary of nearly 20 years, Mrs. Elva Lee Connell. "He can get anybody else to handle anything in the business, but when it comes to buying pecans, he's going to do that himself."

Stuckey started early turning parts of the business over to someone else to operate. In 1939 when he started branching out, first to Unadilla and then to Folkston, Georgia, he hired a man and his wife for each store to make the candy as well as run the store. At that time, candy meant fudge, divinity, and pralines, sold in bags in small quantities for 55¢ a pound or two pounds for $1.

Then the nation declared war. The rationing of tires and gasoline resulted in little traffic on the highways. Each Stuckey store had been stocking up to 1000 to 1500 pounds of sugar for candy—and sugar was scarce. And two months after the U.S. entered the war, the store in Folkston burned down.

"We figured bootleggers along St. Mary's River stole the sugar and burned the store," Stuckey remembers. "We didn't have insurance, so that put us out of business there. At Unadilla, business was so bad we had to close the store, but we kept the Eastman one opened during the war. For a couple of years, though, we were almost dormant. No business. No money."

Bad luck doesn't seem to have a way of holding onto Stuckey, and he and a friend soon found a candy-selling solution for wartime. They'd sell it to servicemen, allowing them to get "replacement sugar" for all used in candy for the armed forces.

Partitioning off a room in the pecan warehouse for a kitchen and using a two-eyed portable kerosene stove, Stuckey got his wartime production underway. On the first trip to Camp Stewart, 1000 boxes were sold. He and his friend had "hit the jackpot." Their success with servicemen made it possible for them to sell candy to various department stores from Miami to Washington, D.C., to Detroit.

"You could sell anything sweet," Stuckey recalls, "and just before the war was over we bought a little candy plant in Jacksonville just to get the additional sugar. We were making money."

Stuckey's ability to make money is one of his most consistent assets. And his Midas touch extends beyond the candy business.

During the war he got into the used car business by buying up Army surplus vehicles, having his own mechanics put them into shape, and hiring two salesmen to sell them. Next came a Chrysler-Plymouth agency; two other used car lots; Ford tractor agency; Dodge and Dodge trucks; furniture stores. Then land and cattle and hogs; restaurants and motels.

On his farmland, his main interest besides the candy business, Stuckey has planted several million pine trees over the years on more than 20,000 acres. He undertook that venture in 1952 for future income for capital gain. A thousand acres are cultivated for cotton, corn, peanuts, tobacco, oats, and pastureland. He has the largest pecan tree grove in the section, over 1000 acres, and is planting more each year. In farm animals, he has 700 to 800 head of cattle and sells 1500 hogs a year.

In 1964, Stuckey made another critical decision. He merged with the Pet Milk Co., of which he is now a vice president and director. It's another move he has never regretted.

His philosophy toward his various businesses is simple: "If they don't make money, I drop them. That's why we have only three motels. They cost so much to build and finance, we thought it was best to stick with something we know more about."

And Stuckey doesn't leave much to chance in his business enterprises. He has learned over the years, for example, that stores along the Atlantic coast should be located on the eastern side of the road because tourists buy more going home than driving down the southern route; stores on the outside of long, slow curves can be seen a long way off; stores on hills or between hills should be avoided; and myna birds now roost in several Stuckey stores after the one in the Eastman store attracted some tourists on an annual basis. His "location men," whose jobs are to buy land for the stores, found out that as many as 30,000 cars travel over a particular interstate highway daily—a healthy prospective group of customers for a Stuckey store.

Just as when he started with $35, Stuckey has to spend money to make money—and a lot more of it.

"Ten years ago," explains Stuckey, "we could buy land for $1,500 to $2,000 and build a store on it for $25,000. Today we have to pay $10,000 to $80,000 just for the land; $70,000 or so for the building; and about $50,000 just to open the business."

The business also has to buy the more than two million pecans now in "Mr. Stuckey's vault" (the storage room); the carloads of liquid sugar and corn syrup needed to make 200,000 pounds of candy a week, and other such necessary items. It also has to be able to absorb the loss of the eight to 10 stores on "old roads" which close each year where interstate highways by-pass them; however, new ones open at a rate of one per week.

Stuckey laughs that people used to let him put up his billboards on their land at no charge. "Then they wanted a box of candy—then two boxes—then $5—then $10. Now it costs us $25 to $100 a year just to rent space to put up signs."

In 5,000 places across the country, Stuckey's famous red and yellow billboards hammer into tourists' memories the message that they aren't far from a Stuckey's with its 20 different types of candy, plus tropical jellies, gasoline, novelties, and other enticements. Most of them will buy pecan rolls, followed by chocolate covered pecans, divinity, and pralines in popularity.

Stuckey says he use to help the boys put up the signs and even painted them when they still used block lettering. He admits he just can't do the script lettering, which is similar to his own signature.

Not only do Stuckey employees maintain all the highway signs, they also make the ones for the store sites. "We were forced into the plastic sign business because we were having to pay such enormous prices to other people making them," Stuckey relates. "Now, we not only make our signs but also ones of Coca-Cola, Texaco, Pet Milk, and custom-jobs for hotels, motels, and individuals."

In a cabinet shop adjacent to the Eastman candy plant, employees make all the counter tops, check-out counters, and other such furniture for all the Stuckey stores. Stuckey-owned bulldozers plow up ground for construction in the Eastman area. Planes belonging to the company fly around the country taking employees to business appointments of one kind or another. Nine trailer trucks go all the way to the west coast to make all the candy deliveries. And the little town of Eastman, with its 5000 or so citizens, greets newcomers with a sign that says, "Welcome to Eastman, Home of Stuckey's."

Many of the people in Eastman have a close association with the Stuckey business, and its most famous citizen is proud of the contribution his candy business makes to the area.

"Since we got into the franchise business a few years ago, nearly half the people around here have gotten an interest in one of our stores, especially most of the business and professional men and a lot of widows," reports Stuckey. "A lot of people didn't have confidence in the business till about 1952. My banker brother-in-law use to tell me, 'I know you're going broke; I just don't know which day.' Even he was converted and bought into a store."

People who buy into the business can own part of a store they never see and never have to worry about; Stuckey's supervises it; keeps the books, and sends the owners a statement.

Stuckey points out that right after World War II he didn't pay his employees much—but compensated by letting them have an interest in a store. Today many employees get several times more from their interests than from their salaries.

Some male employees now own their own store and never had to buy it with their money. "They're male employees who came back to work for me after they had to stop to serve in the armed forces," explains Stuckey. "I paid them a regular salary but let them buy a store from the store's profits; that way, they didn't have to use their own money."

Stuckey gives a lot of credit to his employees for the success of the business. "I have some of the finest people in the world working for me. Too, their ownerships in the business encourage incentive and loyalty. One of our families has seven members working for us, and some of the ladies in the candy plant are ones who helped me make candy when we did it over the two-burner stove."

Stuckey has very little confectionery competition today, and is well past the one business he felt would be his biggest competitor after the war. "But the owner of that company, so they tell me, is the type who wouldn't designate authority," he says. "You've got to put confidence in people—have faith in them—give them a chance to do the job. Then if they can't do it, you have to get someone else."

His confidence in his people and friendly relations with them manifest themselves in ways other than a low rate of personnel turnover. Several pieces of equipment in the candy-making plant were redone by employees who felt they could make them more efficient—and did.

The Stuckey business is a family business, which puts it in the hands of Georgia alumni, such as Bill Stuckey, Jr., who recently moved to Washington, D.C., to take his place in the U.S. House of Representatives; daughter Lynda Stuckey Franklin of Eastman; and half-brother Frank Stuckey.

Besides his employees, another factor in the Stuckey success story is his attitude toward his product. He's often asked if he knows how to make candy. "I don't know anymore about how to make it than you do" he usually answers. "But I know when it's right and when it tastes right. You have to have certain types of pecan meats for certain types of candy; the wrong type of pecan, for example, can ruin a pecan roll. And we never substitute anything for the best our products require."

One reason the candy is sold only in Stuckey stores is so they can control the freshness and shelf-life of it, which was a problem before air-conditioning and other such modern techniques could be applied. That's not much of a problem now, but supervisors check the code-dated candy on all shelves regularly to make sure it's fresh; if it's not, it's thrown out. A brochure-printed guarantee, signed by W. S. Stuckey, assures customers that if they're not satisfied with the product or service, "replacement or refund will be made without quibble."

Stuckey's concern for people goes beyond his business, as shown by various activities and awards. Among these are the Lambda Chi Alpha Order of Achievement for leadership in business management, promotion and civic affairs; the Minister-by-Proxy Award from Emory University for donation of at least one full-tuition scholarship to a ministerial student; the Stuckey Foundation through which 25 students are now going to college; Lambda Chi Alpha Alumni Hall of Fame; and U.S. Jaycees appreciation award.

In addition, he has served as a member of the Georgia House of Representatives; is a director of a bank and a cotton mill and an active member of the Methodist Church.

It's no wonder that Mrs. Connell says, "To relax, he works!"

"All my life I've gotten up early in the morning—5 or 5:30—and worked late," reflects Stuckey. "I often go to my farm before and after work; it's really just about my only relaxation now. But my wife and I hope to spend a little more time at our home on St. Simons, and I do like to shoot doves."

There's a handsome deer head in Stuckey's office which he killed, but he encourages hunting enthusiasts to read the inscription on it before offering any congratulations. It reveals he accidentally ran into it with his Cadillac.

"One of my reasons for merging with Pet," he recalls, "was because I thought I wanted to retire—to have more time to travel with my wife. I've never worked as hard in my life or traveled as little as I do today."

With all his achievements, Williamson Sylvester Stuckey Sr. takes a special pride in remembering the early years when success was a dream. Often when he personally shows someone around the Eastman plant, he'll stroll up to a small wooden stand, surrounded by the core of the multi-million dollar candy business. Leaning against the stand, which has been spruced up since he bought it back from the chicken farmer, the millionaire candy-maker drawls, "Back in the '30s I once sold pecans from this stand, on the side of the road. . . ."

ST. LOUIS POLICE DEPARTMENT

Mr. LONG of Missouri. Mr. President, in our efforts to enact legislation to help solve our Nation's crime problem, several approaches have been suggested. One approach calls for legislation to reverse certain Supreme Court decisions. The Miranda decision and the Mallory decision have been described as particularly offensive to the police. Both of these decisions provide protection for the rights of the innocent and the guilty in the earliest hours after arrest. One requires that the arrested person be taken before a committing magistrate without undue delay. The other requires that the arrested person be informed of his right to counsel and right to remain silent before he is interrogated.

Undoubtedly, these decisions have caused problems for the police, but apparently some police forces have found it possible to continue their effectiveness while preserving the rights of the arrested person. The president of the Bar Association of St. Louis has brought to my attention an arrangement between the bar association and the St. Louis Police Department, which has been established to meet the requirements of the Miranda case. Members of the association are available 24 hours a day, 7 days a week. The police department has given the necessary notices to arrested persons, yet between December and February the association was called upon only once to provide a lawyer. At the end of this trial period, the police department requested that the arrangement be extended. Thus, there appears to be substantial doubt as to the substance of early claims that the Miranda decision has wreaked havoc with law enforcement.

The St. Louis Post-Dispatch recently commended the St. Louis Police Department for its responsible attitude toward individual rights. The commendation is most justified, and I wish to join the Post-Dispatch in commending the St. Louis Police Department for the excellent manner in which they are carrying out the most difficult task of law enforcement. Mr. President, I ask unanimous consent that the Post-Dispatch editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EMOTIONAL NONSENSE

Under Secretary of State Nicholas Katzenbach offered police forces sound advice as he opened the National Conference on Crime Control. The former Attorney General and head of the National Crime Commission suggested, in effect, that the police stop complaining about Supreme Court decisions and concentrate on improving law enforcement.

Actually, some of the strongest complaints have come not from police but from prosecutors. Two of them recently told Senator McClellan's subcommittee that the Miranda decision had discouraged talking to authorities by criminal suspects. Senator McClellan even proposes legislation to revoke the Miranda decision, which requires police to inform suspects of their right to silence and to counsel.

Mr. Katzenbach said, as he had said before, that it is "emotional nonsense" to argue that court decisions cause crime. "The major problems of crime control," he added, "are still with us."

The St. Louis Police Department, to its credit, does not take so benighted a view of the effect of court decisions. Last January, high-ranking officers of St. Louis expressed doubt that the Miranda decision had significantly affected law enforcement. Advising suspects of their rights added to the policeman's workload, they agreed, but changes in the "clean-up" rate as to crimes had dipped only slightly since the decision six months earlier. The clean-up rate was still higher than in most other large cities.

St. Louis's experience shows that police can live with the court decision, respect the rights of citizens and still do effective work. The moral should not be lost on the crime control conference or, indeed, on Senator McClellan's committee.

PRIVATE RESPONSIBILITY FOR PUBLIC MANAGEMENT

Mr. SCOTT. Mr. President, the able Representative from Massachusetts, Hon. F. Bradford Morse, is a leader in efforts to improve the ability of Government at all levels of our Federal system to help solve pressing problems associated with the rapid growth and urbanization of our population.

He is the author of H.R. 20, a bill to create a National Commission on Public Management to study the applicability of modern systems management techniques to the solution of these problems. As the sponsor of S. 467, the Senate companion to H.R. 20, I am proud to be associated with Representative Morse in this worthy enterprise.

Representative Morse has written an excellent article entitled "Private Responsibility for Public Management," relating to the potentialities of the systems approach in the solution of public problems. I ask unanimous consent that the article, which appeared in the March–April 1967 issue of Harvard Business Review, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Private Responsibility for Public Management

(By F. Bradford Morse)

(Author's Note.—I wish to thank Linda K. Lee, my administrative assistant, and Robert L. Chartrand, of the Science Policy Division, Legislative Reference Service, Library of Congress, for their invaluable help in preparing this article.)

(Of Interest in Connection With This Article—

("The accelerating rate of scientific and technological advance has permitted the levying of national requirements of fantastic complexity. Lunar exploration, though perhaps the most dramatic of these, is but one such complex system. What has all of this to do with the future of our great cities? What has it to do with the role a civic-minded man who is a lawyer, a banker, a teacher, or a businessman can play in his community's future? Simply this. Much of what lies ahead is no mystery. We know much of what the future will bring in terms of problems. We know they will be big, complex and serious. And we know what many of them are. These problems represent the givens. We know they will be there—and we know they will overwhelm us if we do not find the means of coping with them. What we lack, thus far, is conviction that there is a means of getting hold of them. They seem so staggering in their size and complexity—so far beyond the capability of any single institutional segment of the community, public or private.

("And they are so interrelated that to proceed to try to solve any one of them in isolation from the others is often to create more problems than are solved by the effort. The dilemma thus presented has so far frustrated most efforts to come to grips with these problems. This condition of paralysis need not obtain. None of the . . . challenges lies beyond our already existing capacity for coping with them. The tools are already at hand; and included in those tools are not only the technological capabilities but experience in systems management and systems analysis as well as proven patterns of joint public and private effort." Karl G. Harr, Jr., President of Aerospace Industries Association, in a speech before the Rotary Club of Philadelphia, September 15, 1965.)

There is widespread agreement that despite the expenditure of billions of dollars and the proliferation of public programs and services, we are still a very long way from solving our nation's social and economic problems. It is increasingly evident that the fault lies not in congressional niggardliness or administrative inefficiency, but in the traditional approach to public problem solving.

In our federal programs for urban renewal, transportation improvement, and pollution control, to name just a few, we are still operating on the old project-by-project basis. Problems are subdivided into manageable units, but rarely are those units coordinated into a comprehensive pattern. It is rarer still for one program to be related to another, particularly in a case where agency jurisdictional lines do not overlap. To cite just three instances:

One agency may be building roads to bring more cars into the city, while another agency is developing mass transit systems to keep them out.

Recently the Federal Aviation Agency awarded money for modernization of an airport in Massachusetts, while the Civil Aeronautics Board was denying certification of the only commercial flights into the city served by the airport.

When the bill to create the Department of Housing and Urban Development was before Congress in 1965, it was being touted as the coordinating unit for all urban programs. In reality it was to have jurisdiction over only a handful of the more than scores of federal programs then in existence.

There is no lack of criticism of this haphazard approach to major national problems. Nevertheless, when the gains made in coping with our environmental problems are stacked up against the exciting breakthroughs that have been made in our aerospace efforts, it is clear that we are improving the quality of human existence here on earth at too slow a rate.

The incapacity of government, as presently structured, to make notable progress in achieving national goals of clean air and water, livable cities, and educational excellence weakens the confidence of the business community that the taxes it pays are producing proportionate results; and—more important—it disappoints the expectations of those who have been promised a better life.

A NEW APPROACH

In my judgment, we are on the threshold of an entirely new approach to the solution of these public problems. It will involve an altered relationship between business and government. It will mean changes in the governmental structure at all levels to accommodate multidisciplinary programs. To accomplish this revolution, there is increasing interest in turning to the companies that have developed effective management tools for the space and defense fields and using these techniques for the solution of nondefense problems.

What I am talking about, of course, is systems management. There are about as many definitions of systems management as there are systems managers. Former Department of Defense Comptroller Charles J. Hitch used this characterization in referring to U.S. military objectives:

"Systems analysis at the national level . . . involves a continuous cycle of defining military objectives, designing alternative systems to achieve these objectives, evaluating these alternatives in terms of their effectiveness and cost, questioning the objectives and the other assumptions underlying the analysis, opening new alternatives, and establishing new military objectives."[1]

This definition is a good one for broad application when the word "military" is deleted.

Systems management is sometimes regarded by the uninitiated as nothing more than the application of automatic data processing. Computers, like cost effectiveness analysis and specialized accounting techniques, are merely tools of the systems manager; they increase his capacity to make good decisions by improving the quality and the quantity of his information.

The amount and quality of available information are critical to the success of public programs. Far too often, however, decisions are made with inadequate data, usually because not all of the necessary factors were taken into consideration. As one local government official described the public management process, "We manage by reaction rather than design." Use of the array of tools available to the systems manager can immeasurably improve the quality of public decision making, and hence the quality of public programs.

Faced with the problems of a society characterized by a rapid growth rate, increasing complexity, and high mobility, the nondefense public agencies in many ways stand today in a position comparable to that of the military establishment in the early 1940's. At that point, technology had outstripped management. For instance, the military discovered painfully that airplanes could not be designed and built in pieces. The sophisticated aircraft required had to be the product of a variety of disciplines, ordered into a comprehensive design and plan of production.

The tremendous gains in management science that were triggered by the war and the postwar period were a tribute to the inventiveness and skill of U.S. industry. Now we must bring that skill to bear on the nonmilitary aspects of our national life. Although the United States is a wealthy nation, its resources are not unlimited, and our decision makers must assess carefully where to expend them in the face of a rising population and its complex problems. The systems approach, combining logic and the techniques of acquiring, organizing, and analyzing key information, is critically needed.

Of the millions the federal government is spending on research, only about 10% is going into the nondefense sector. We still know very little about the control of pollution, the possibility of eliminating urban blight through the use of new building materials and designs, or the relationship between transportation patterns and economic growth. And, to be sure, we know relatively little about how to apply the management skills we have to these "soft" problems.

Necessary start

It was for this reason that, in the current session of Congress, I again introduced legislation to create a National Commission on Public Management. The proposed commission would be a working one and would include representatives of government, industry, labor, and the academic community. Its mandate would be twofold: (1) to collect and analyze information about the application of systems techniques to nondefense, nonspace, public problems and (2) to develop programs which would use these techniques to solve specific problems. One of its principal responsibilities would be to consider appropriate financial arrangements for the use of private management flexibility. At this point, it is a question whether contracts, loans, tax incentives, matching grants, or some combination of these would be the most effective approach.

---

[1] "Plans, Programs and Budgets in the Department of Defense," *Operations Research*, January–February 1963, p. 8.

There is already considerable interest and some experience in this approach at all levels of government. The introduction of the Planning-Programming-Budgeting System (PPBS) in the Executive Branch is a step toward more comprehensive governmental planning. Use of PPBS in each agency is intended to produce "a comprehensive multiyear program and financial plan, systematically updated; analyses, including program memoranda, prepared annually and used in the budget preview; special studies in depth from time to time, and other information which will contribute to the annual budget process."[2]

And Vice President Humphrey has commented on the ability of systems techniques to help achieve the goals of the Great Society:

"I have been convinced for many years that such urgent public problems as environmental pollution, inadequate education, economic underdevelopment, congested transportation, and inferior medical care can be resolved more effectively by systematically bringing our best scientific and engineering resources to bear on them. The defense and space programs have taught us how to mobilize these talents to achieve gigantic goals, and we can now use what we have learned to help realize the Great Society."[3]

Public efforts in this direction are not limited to domestic problem solving; the Agency for International Development is moving in this direction as well. An interagency task force recommended in November 1966 that U.S. industry be given management responsibility to carry out development programs in the less developed countries. In particular, it recommended starting a pilot program to test the systems approach in planning and operating development programs, with emphasis on the war on hunger. Heading the project would be consortia of U.S. companies which, when working together, would have the capability to use the systems approach. One of the key problems here would be convincing the governments of the less developed countries to use such management contracts for development with AID financing.

Some firms have already ventured into the economic development sphere. Among them are Litton Industries, Inc. and Lockheed Aircraft Corporation.

Litton prepared a program for the Greek government to develop Crete and the western Peloponnesus using the systems approach. The plan was for Litton to provide the management capability for a 10-year project with twin goals—transforming both regions into tourist attractions and stimulating industrialization.

Lockheed has looked into education planning in the Dominican Republic. Starting from the inarguable premise that education, manpower, and capital investment are key elements of economic development, Lockheed prepared an economic model for the Dominican Republic, emphasizing the changes in gross national product that could result from various approaches to a national education system. Using systems analysis, the aerospace firm tested various combinations of educational, motivational, and health factors, technological requirements, and labor requirements. The result will be an educational and vocational training package designed ultimately to stimulate additional capital investment in a country with an improved labor force.

CALIFORNIA MOVES AHEAD

As exciting as these possibilities are, however, the difficulties for systems managers of making the transition from precise requirements to essentially less quantifiable social needs should not be minimized. This is one of the lessons to be learned from the widely reported California contract. In 1965, the state took a bold step forward in hiring four aerospace firms to undertake "systems engineering" studies in four areas: transportation, crime prevention, data handling, and waste management.

With California's rapidly growing population and heavy dependence on government contracts in space and defense applications, officials there felt that the expertise on hand could be used to good purpose. The aerospace firms, long interested in diversifying, were willing to invest substantial sums to identify areas for future work. Each firm was awarded a $100,000 contract, but much more was invested as the state and the companies looked hopefully at the lessons to be learned and the applications to be developed for the future. Here are summaries of the studies.

Transportation

Guided by criteria prepared by the State Division of Highway, North American Aviation, Inc. drew up seven tasks which could utilize systems processes:

1. Definition of the state's transportation system and identification of interrelationships affecting it.

2. Appraisal of the state of the art in transportation and areas impinging on it; projection of their development 30 to 50 years ahead.

3. Identification of existing key data; delineation of acquisition procedures; and determination of data selection procedures.

4. Investigation as to whether current methodologies will apply to analysis of the newly formed data base.

5. Creation of a "blueprint" for use in the analytical phase, featuring progressive flow, interelement relationships, and developmental tradeoffs.

6. Development of a straightforward model to test the blueprint.

7. Determination of the management, performance, cost, and phasing aspects of the analytical stage.

Crime prevention

Space-General Corporation and its subcontractor, Serendipity Associates, successfully proposed to state officials that California concentrate its efforts on the prevention of crime and delinquency, with emphasis on their social and economic causes. Space-General proposed five tasks, including establishment of new statistical descriptions of crime and criminals and new concepts of crime cost, and the use of computer models and analyses to reflect behavior patterns and projected system costs.

Data handling

Lockheed Missiles and Space Company devoted itself to a review of the objectives and requirements for information. The three tasks that it established were:

1. Analysis of the current and projected requirements and objectives of 18 functional areas, including all state agencies, some local governments, and private groups.

2. Design of an information handling system for the state, including cost-performance considerations and alternative configurations.

3. Preparation of a time-phased implementation plan.

Waste management

This study, awarded to the Aerojet-General Corporation, was visualized by the state in terms of 8 tasks, but the contractor divided them into a 12-task set. The spectrum of studies included establishment of selection criteria for a projected coordinating agency, a data handling system, and recommendations for future research, development, and construction.

The monitoring of these four studies was assigned to Systems Development Corporation, since the state did not have resident capability to evaluate them. The significance of this action must not be overlooked, for here is a good example of necessary government-business cooperation.

The California studies demonstrated that the systems approach is potentially feasible for attacking public problems. An evaluation by the State Department of Finance, however, suggested that the techniques were not automatically transferable without modifications and a learning process by both sides of the government-industry partnership. One of the difficulties encountered, and one I hope that the National Commission which I have proposed would consider very seriously, is that of communication between systems engineers with a military hardware orientation and the social scientists and politicians with responsibilities and experience in the nondefense sector.

PROGRESS ELSEWHERE

While the California experiment is the boldest yet undertaken, a number of other governmental units are also turning to private management. The State of New York is working with Systems Development Corporation on the design and development of a computer-based criminal identification and intelligence system for the state. The information file is expected to approach several billion characters and will be available to state and local police, courts, and correctional institutions.

At the same time, the New York City Police Department is working on a systems design to speed communciation and improve its day-to-day operation, and Mayor Lindsay's administration is actively seeking opportunities for systems techniques in city government.

One of the most exciting efforts to substitute planning for reaction in public decision making was the systems analysis applied to San Francisco's urban renewal program. This was described at length in HBR last fall,[4] and I mention it here only because it is a splendid example of the use of systems analysis to increase the information and alternatives available to the policy maker so that the resulting programs will be more appropriate to the needs of the area and more relevant to its entire environment.

State and local governments have clearly led the way in forging government-industry partnerships, but there are signs of awakening interest in Congress, apart from the wide sponsorship of the Public Management bill. The Demonstration Cities and the Clean Rivers Restoration Acts of 1966 both provided incentives for comprehensive programs encompassing all affected communities and problems areas.

As a result of the passage of the Clean Rivers bill, interstate action has been launched to develop the cleanup of the Merrimack River in New England, one of the most polluted streams in the Nation, through the use of systems analysis. Businesses in the area have come forward with new techniques of pollution control, and there is widespread interest in attacking the river pollution problem as a total "system," not merely in terms of its impact on each community. Approaches of this kind suggest new dimensions of regionalism, since the majority of our public problems are of an interstate character.

---

[2] "Planning-Programming-Budgeting," Bulletin No. 66-3 of the Bureau of the Budget, Executive Office of the President, October 12, 1965.

[3] Letter to Carl F. Stover, President, National Institute of Public Affairs, included in an address by Stover, "The California Experiment—An Appraisal," delivered before a meeting of the Electronic Industries Association, San Francisco, October 19, 1966.

[4] Cyril C. Herrmann, "Systems Approach to City Planning," HBR September–October 1966, p. 71.

CASE OF TRANSPORTATION

Certainly this is true of transportation, which has already been the subject of systems analysis at both the research and the operational level. Actually, the use of modern management practices is not new to transportation. As long ago as 1925, the State of Michigan instituted a 45-column punch card system for the constant inventory and rapid maintenance of roads and bridges and the evaluation of contract performance. Highway benefit-cost analysis has been going on about 15 years. Nonetheless, transportation still remains a good example of a public problem which is basically being attacked with "micro" approaches, rather than a "macro" approach that takes into account the inter-relationships of all the factors involved.

A May 1965 report to the Secretary of Commerce said that more than 30 federal agencies, including no fewer than 8 under the Secretary's jurisdiction, were conducting, or had contracted for, research in transportation. "So far as we have been able to determine," the report said, "these programs are largely uncoordinated and carried on independently of each other."[5]

Although the new Department of Transportation presumably will try to end most of this fragmentation of effort, I am convinced that the bureaucratic solution of a new federal cordinating agency is not enough.

For example, planners know that the location of highways influences the growth of adjacent land, and that land use generates traffic, but how often do they consider the total environment of a metropolitan area, present and future, before attempting to determine what network of ground, air, and even underground and water transportation would best suit that area?

More experts in and out of government are inclining toward a view expressed a few years ago concerning highway plans for the District of Columbia. Two observers insisted that a transport network must be evaluated in terms other than merely meeting existing or future demand, since the system itself will contribute to shaping future demands. The most important thing to consider, they maintained, is the long-run developmental goals for the area which the system will serve. Then and only then can the contribution of a transport system to the area be evaluated.[6]

Robert A. Nelson, manager of the Northeast Corridor transportation project of the new department, not long ago stressed the idea of first determining what we want our cities to be:

"Up to now the public has expressed a desire to live in the suburbs and work in the downtown areas. But it may be that the best approach to the reduction of urban congestion is to encourage a proximity of work and residence. This has occurred already in some metropolitan areas as industry has followed population to the suburbs. On the other hand, social considerations, rather than economic, may dictate the result to be influenced by transportation.

"In any case, we need to ask how we intend to use the centers of metropolitan areas in the years to come. Will they be places of work only or will they be residential? What kind of work will be carried on in the centers of major metropolitan areas? Will it be institutional, government, finance, insurance, the front offices of large corporations, as seems to be increasingly the case? Or will educational and other institutions tend to locate in the central city, making it a cultural and entertainment center with museums, exhibits, hotels, convention halls, and theatres?

"These are all questions fundamental to the planning of transportation facilities for the future."[7]

Despite Nelson's vision, it is unlikely that the new department can be expected to take all these factors into account.

Both the federal government and private corporations have been devoting increased effort during the past few years to the transportation problems of the Northeast Corridor, the megalopolis extending from north of Boston to south of Washington, D.C. Some 37 million people, nearly 20% of the nation's total population, inhabit this area, which comprises scarcely 2% of the nation's total land area. This 400-mile stretch of land is expected to be home for some 64 million urban and suburban dwellers by the year 2000.

Some studies have stressed the need to take into account the relationship between transportation networks and other economic and social needs. A report on building a high-speed transit system, prepared at M.I.T. for the Commerce Department, pointed out how the very location of passenger stations can affect economic and social disparities in the community. At minimum, transportation changes should not aggravate social tensions. At best, transportation planning can be a creative aspect of overall environmental improvement. It is obvious that a sensitive multidisciplinary approach is necessary.

No time to lose

It is not too late to decide what should be the environment of the Northeast Corridor, of which its urban and interurban transit network will be just one facet. It is not enough to wait until 2000 to see where the extra 27 million people have gone so that the most efficient system to carry them to and from work, school, shopping centers, and recreation areas, to near and distant points, not to mention supplying them with goods, can be devised. And clearly it is not too early to begin thinking about the future environment of such budding megalopolises as the West Coast, the Gulf Coast, and the growing urban centers of the Midwest.

The federal government already has launched projects that give promise of coming up with answers to some of the important questions. One of the most ambitious is a three-year, $90-million, high-speed ground transportation research and development program authorized by Congress in 1965.

The Department of Transportation is working on three separate projects. The first, under contract with the Pennsylvania Railroad, is designed to improve passenger service between New York and Washington. Extensive sample surveys of passengers and nontravelers as well have been undertaken with the use of automatic data processing equipment. Among other things, the data are being used to project the economic impact of improved rail service in the area.

Among the new services proposed is a suburban station with extensive parking facilities at the junction of the Pennsylvania roadbed and the Beltway that circles the nation's capital. It is expected that by late 1967 the new service will be fully operable, using the best of existing self-driven electrical equipment to reduce the travel time to two hours and 50 minutes.

For the Boston-New York run, however, the department is leasing two new gas turbine engines specially designed by the United Aircraft Corporation to take curves more quickly on the existing roadbed. If the experiment, which is expected to begin after July 1, 1967, proves successful, the department hopes to end its lease and have the equipment purchased by the New Haven Railroad.

The third, and probably most ambitious, project is still in the design stage. This is the proposed auto-train service between Washington, D.C., and Jacksonville, Florida. The project is designed to accommodate those who want their car at both ends of the trip but would prefer not to make the long, boring drive. Marketing studies have revealed sufficient interest to make the project economically feasible, and work is going forward on the production of a prototype vehicle. Present plans call for ten double-decked railroad cars, each of which would hold eight automobiles. Also, two service cars would provide food and lounge service and play areas for children. This totally new type of transportation has obvious implications for future highway safety and construction needs.

But even when the technical questions involved in these and other projects are answered, the projects must be evaluated not only against the social and economic considerations to which Nelson referred, but also against other possible forms of interurban transport, such as vertical takeoff and landing aircraft (VTOL's).

The number of factors to be considered in devising a transportation scheme is bewildering. It is questionable whether current efforts are coming to grips with all of the following considerations (and these are just a sample of the many issues, major and minor):

With urban land values skyrocketing and the possibility of developing cheaper methods of tunneling, it may be economically feasible to build high-speed underground highways controlled by closed-circuit television and connected to multilevel, below-surface garages at certain points.

Since the time spent going to and from airports often exceeds the time spent in the air, faster transport to air terminals is a necessity. Should it be over, under, or on the ground?

It is a fact that in large metropolitan areas like New York and Chicago, motor vehicle ownership is much lower than the national average. What consideration should the planners give to this situation?

How would changes in fares affect riding habits in an urban rapid transit system?

What would be the best method to connect passengers with supersonic aircraft destined for distant points? For instance, an SST flight originating in Los Angeles might be serviced by rapid transit from Pasadena, and by short-haul aircraft from Las Vegas.

Automatic operation of automobiles on the highway (with operation by their drivers in the city) may be a feasible method of controlling high-speed traffic.

How can smaller commercial and private airplanes be separated at the airport from the large, high-performance aircraft, while maintaining accessibility for all types of aircraft?

California's contract with North American Aviation is one instance of the use of systems analysis in transportation. Here are some other investigations that are under way.

Stanford University's Institute in Engineering-Economic Systems has developed a mathematical model to aid northeast Brazil in making intelligent decisions about its transportation priorities. The model includes a regional analysis of the key factors involved in the investment decision—food demands; current and projected consumption and production statistics; nutrition and diet; relative costs of transport by truck, rail, and water; and alternate routes and interchanges for various commodities.

More important in some respects than the Institute's conclusion that the region's top priority should be the construction of new farm-to-market roads is the information acquired from the model for use in related projects of agricultural planning, foreign exchange needs, and nutritional supplements. In addition, the model has wider applicability, as a report of the Institute states:

---

[5] Report of the Panel on Transportation Research and Development of the Commerce Technical Advisory Board to the Secretary of Commerce, p. 78.

[6] Lowdon Wingo, Jr. and Harvey S. Perloff, *The Washington Transportation Plan: Technics or Politics* (Washington, Resources for the Future, Inc., 1962), p. 5.

[7] Remarks delivered at Case Institute of Technology, Cleveland, Ohio, October 1965.

"The more fundamental benefit of systems analysis is the development of techniques of wide applicability, in addition to that of answering questions in specific countries. Therefore, the present model is defined at a level of abstraction which allows application to transportation in other geographic regions. Whether these applications can be made easily depends on the state of data collection in the region of application, although the data required are not extensive, compared with planning models in general." [8]

The Tri-State Transportation Committee, composed of representatives of New York, New Jersey, Connecticut, New York City, and three federal agencies, has assembled over the years a vast data bank. Using the data, the group sets up models simulating future land development, travel patterns, and loads on highway and mass transit facilities. The models help in evaluating alternative transportation networks for the area.

Under contract with the federal government, the Texas Transportation Institute and the Raytheon Company are evaluating the traffic control system on the John C. Lodge Freeway in Detroit, and recommending ways to improve it. This is a good example of pooling of resources which often permits more effective work than is possible in a government or single-enterprise operation. TTI, an arm of the Texas A&M University, is skilled in traffic theory and analysis and traffic control and operation; Raytheon is experienced in systems engineering and evaluation, providing ground instrumentation, and electronic surveillance, command, and control systems. This use of consortia for public problem solving, also advocated by the AID task force mentioned earlier, is a technique that should be more fully explored.

The Skylounge project in Los Angeles is an interesting illustration of an effort to interrelate various modes of transportation. No fewer than six companies are taking part in the experiment sponsored by the City of Los Angeles Airports, with financial assistance from two federal agencies. The project is working with "pods" having a capacity of 40 or more passengers, that are picked up at collection points by helicopter and flown to the airport. Under their own power the pods collect and distribute passengers at each end of the flight.

These and other projects, such as the Bay Area Transportation Study in San Francisco, indicate the extent to which new management tools can increase our capacity for analysis and planning despite limitations of time, manpower, and money. They also suggest something of the variety of tools and types of management organization that can be brought to bear on our public problems.

CALL TO ACTION

This ferment of activity can be found in other areas, such as pollution control, waste management, education, and health services. But we should not make the mistake of assuming that all of the studies and experiments will be productive or that they will receive the kind of attention they deserve. There is still a considerable gap between the concern and enthusiasm of those actively pursuing systems analysis solutions to public problems and that of the highest national policy makers. This makes it imperative, in my judgment, to push the Public Management bill and related legislation.

It would be a mistake for us to put more and more public funds into programs that are inherently incapable of achieving their stated goals. Whatever the present limitations of our knowledge and experience in systems analysis for the nondefense sector, I think we must make a major national commitment to explore fully the exciting possibilities that this approach presents for an effective attack on major social and economic problems.

As we have done so often in our history, we must turn to the personnel and tools of the private sector to bring our public goals within reach. I hope that the business community will make the same kind of commitment to progress.

It is clear that business need not wait—and in many cases is not waiting—for Congress or the Executive Branch to take the initiative in bringing systems techniques to bear on public problems. A number of unsolicited proposals have been made, and if recent indications are any guide, there is much more going on in private industry than we know.

I have recently seen a proposal of the Sperry Gyroscope Company, a division of Sperry Rand Corporation, for a demonstration project to develop, program, and operate a Nassau County, New York, computerized welfare information center which uses systems analysis techniques. Sperry has declared its willingness to pay a portion of the cost of the proposed center and is currently seeking government support for it.

The attractions for business in this field are several. First, there is the profit motive, and the federal government of course should make certain that its private partners are sufficiently compensated. Then there is the chance for large firms to diversify, and possibly find and open up new "civilian" markets. Finally, there is the opportunity to take maximum advantage of the heavy investment already made in manpower and equipment necessary for systems techniques. This is particularly important for companies holding substantial defense contracts; the war in Vietnam has only temporarily postponed problems of conversion from defense to civilian production.

Companies need not themselves acquire systems capability. By using team techniques, such as the one involving the Texas Transportation Institute and Raytheon, or through acquisition, the substantive and systems capability can be linked effectively.

It is conceivable that the potentially enlarging "public market" will mean more than government contracts and loans to American industry. Many commentators have speculated that private firms in the future might operate even such traditionally public services as refuse collection and educational institutions on a for-profit basis. We have recently heard support for Comsat-type organizations to tackle the problem of urban slums and to coordinate the increasingly complex set of business-government relationships.

Some of these developments are far in the future. They all involve an element of risk and a great deal of intellectual and physical reorganization. This is more true of government than of business because of the glaring deficiencies in the federal government's current capacity to deal with complex modern problems.

This brings us back to the problem of communication. If the new partnership is to be effective, social scientists must disabuse themselves of the notion that the business community lacks compassion; and business must demonstrate that it is as willing to work with social scientists as with generals.

As is clear by now, I do not see these new trends as a threat to traditional values. We will not be dominated by computers if we have sensitive men and women under wise supervision programming them. Nor will the new government-industry partnership lead to greater centralization. On the contrary, greater decentralization would be the product of putting more responsibility for decision making in private and local hands. Indeed, it is not even unrealistic to foresee big government getting smaller!

What is needed most of all is a willingness on the part of all sectors of our society to keep an open mind about the shape of the future. We have within our grasp the means to shape an American society with a quality to match its prosperity. Let us have the wit to use them.

(EDITOR'S NOTE.—How can the many public benefit programs—involving 10 federal agencies in urban renewal alone—be organized to realize their goals most effectively? Isn't there a better way to harness our energies and our technical knowledge, both in and out of government, than in the proliferation of overlapping federal efforts? In this article Congressman F. Bradford Morse offers some sensible answers. Before he was first elected to represent Massachusetts' Fifth District, in 1960, the author was successively a law school faculty member, counsel to a Senate committee, executive assistant to a Senator, and Deputy Administrator of Veterans' Affairs.)

RIGHT OF PRIVACY ACT OF 1967

Mr. LONG of Missouri. Mr. President, Attorney General Ramsey Clark was the leadoff witness in the hearings on S. 928, the Right of Privacy Act of 1967. The Subcommittee on Administrative Practice and Procedure, of which I am chairman, intends to hold full, fair, and complete hearings on this highly controversial subject of wiretapping and eavesdropping.

We welcome the support and comments from all American citizens. Recently, Edward P. Morgan, the distinguished radio commentator for the AFL–CIO, informed his radio audience of the AFL–CIO's strong endorsement of the administration's Right of Privacy Act.

Mr. President, I ask unanimous consent that the statement of Edward P. Morgan, made on Friday, March 17, 1967, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> Americans are friendly, outgoing people. But they also want protection against prying eyes and prying ears in their homes, in their personal lives and in their business transactions. We in the AFL–CIO believe that every American should be able to expect privacy. Too often, today, they can't. Bugging and electronic eavesdropping are highly-developed skills—and widely used for some law enforcement officials and private persons. The AFL–CIO has strongly endorsed President Johnson's call for tighter federal laws on this subject. Congress should act quickly to assure every American's right to privacy.

THE RAPE OF TIBET

Mr. DODD. Mr. President, it has been 18 years since the Communist Chinese invaded Tibet, and the story of their brutal efforts to destroy the culture and religion of the Tibetan people has made clear to the world the true nature of the government which now is in upheaval on the mainland of China.

Far from leading to the conclusion that somehow communism has changed and is not so brutal as it once was, the story of Tibet confirms the fact that, despite wishful thinking in the West, Communist governments move eagerly forward with their plans of domination.

---

[8] Roy E. Lave, Jr. and Donald W. Kyle, "A Systems Study of Transportation in Northeast Brazil" (Stanford, California, Institute in Engineering-Economic Systems, Stanford University, Report DPS–1, March 1966, p. 29.

Lowell Thomas, perhaps the last American to have seen Tibet before the Communist takeover, has prepared a report about Tibet based upon his extensive interviews and conversations with men and women who have managed to escape from that country.

Typical of these stories is the first-hand account of Ngawang Thubtob, for 43 years a monk at Tashi Lhunpo monastery in Shigatse before he was forced to flee in September 1964. Mr. Thomas writes:

> He tells me that "hundreds of Buddhist monasteries and temples have been destroyed by the Chinese Communists." Describing one of these, he tells how, prior to 1959, there were approximately 4,000 lamas and monks in the monastery. Only about 200 aged monks were allowed to remain to try to make it appear that the Chinese were being tolerant. The rest were driven out and sent to forced labor camps, where many died.

One of the most brutal of the measures imposed upon the people of Tibet by the Chinese Communists has been the forced intermarriage of Tibetans and Chinese. Mr. Thomas describes this policy.

> For several years, the Communists tried to achieve such intermarriages by persuasion, rewards, pressure and persistence. But when these proved ineffective, they handed down edicts that now require all Tibetans to marry only Chinese. Anyone who violates this is summarily tried, sent to a concentration camp to be "reformed," and then forced to remarry before he or she is allowed any further "freedom."

The Communists, ever since 1949, have separated children from their parents and have indoctrinated them from infancy with Communist ideology. The goal is to destroy the national character, culture, and religion of Tibet and to make it simply an integral part of an ever-expanding China.

As Mr. Thomas points out:

> The Communists have repeatedly boasted that their occupation of Tibet is only one step on their road to world-wide domination.

Those who would understand the nature of our adversary in Asia should read Mr. Thomas' article with interest and concern. It was published in the March 12, 1967, issue of This Week magazine. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RAPE OF TIBET

(One of our most famous glode-trotters and commentators tells of the slow murder of an entire culture by the Red Chinese.)

(By Lowell Thomas [1])

I have noticed, lately, in certain influential circles, a tendency to pooh-pooh anti-Communist stories as "mere propaganda." I am not in a position to speak of what is truth in some areas of the world, but there is one country I know well, and what is going on there gives the lie to anyone who would dismiss the Red Menace as propaganda.

The country is Tibet.

It has been 18 years since Communist China invaded Tibet—18 years of diabolical, deliberate murder of a country, its culture and its people, unparalleled in this, our time. It is a story that—no matter how many times it has been told—must be told anew, every time fresh details trickle across the border, until a shocked outside world opens up its ears and listens.

I know, for I am one of the last—if not *the* last—American to have seen Tibet before the Communist takeover, and I have kept my fingers on the pulse of the plot ever since.

I am one of the very few who has had this sort of contact with the situation. When our caravan finally reached Lhasa in 1949, only five other Americans were known to have visited that almost inaccessible land known as Inner Tibet. We found it to be a vast region of more than 400,000 square miles and 2,000,000 to 6,000,000 people (a census had never been taken), ruled by a boyish but most unusual God-King, the Dalai Lama.

For centuries the Tibetans had lived simply and peacefully on their vast plateau and in their high Himalayan valleys, as if James Hilton's fictional Shangri-la had been turned into reality. Tibet, with its unworldliness, was truly a museum piece to be cherished and nurtured by a world from which far too much unspoiled innocence had fled.

Instead, only a few months after our visit, Tibet was invaded by the Chinese.

In 1960 I wrote an article (in "The Reader's Digest" for December, 1960) describing how the Chinese Communists were using torture and mass murder to destroy Tibet's religion and culture, and to decimate its population.

I recounted the fate of a number of my own Tibetan friends—such as the elder statesman Tsarong Shapé who was put in chains and dragged through the streets of Lhasa until he was dead.

I quoted some of the carefully documented findings of the legal inquiry commission set up by the International Commission of Jurists—innumerable cases of indignities, brutality, torture and murder almost too horrible to relate, or to believe.

In 1956, Lowell, Jr., wrote his second book on Tibet, telling this story in detail ("The Silent War"—Doubleday).

Yet no one went to the aid of Tibet. During the years since then, the same brutal campaign has been continued, and even intensified.

MY CONFERENCE WITH TIBET'S GOD-KING

Late in 1962, I conferred at length with the young Dalai Lama at his mountain-top retreat at Upper Dharmsala on the Indian side of the Himalayas where he now resides—in exile. He told me tragic stories of the sufferings of his people. I visited several of the Tibetan refugee centers elsewhere in India, where other Tibetans added their accounts.

Since then we have continued to receive frequent reports, both directly and through carefully verified information conveyed to us through The Honorable Thupten Tharpa Liushar, who was Tibet's Foreign Minister until 1959 and, until February of this year, the Dalai Lama's personal representative in America.

Typical of these stories is the first-hand account of Ngawang Thubtob, for 43 years a monk at Tashi Lhunpo monastery in Shigatse before he was forced to flee in September, 1964. He tells me that "hundreds of Buddhist monasteries and temples have been destroyed by the Chinese Communists." Describing one of these, he tells how, prior to 1959, there were approximately 4,000 lamas and monks in the monastery. Only about 200 aged monks were allowed to remain to try and make it appear that the Chinese were being tolerant. The rest were driven out and sent to forced-labor camps, where many died.

"On March 21, 1961," Thubtob goes on, "the Chinese summoned all the people of Shigatse, second largest city in Tibet. As soon as they assembled, they were surrounded by Chinese soldiers. Before them were brought ten Tibetan prisoners, at rifle point, from the common granary at Shigatse, which had been turned into a prison by the Chinese. Of the ten, one monk was shot on the spot, and the assembled people were warned they would share the same fate if they tried to oppose the Chinese."

THEY EMPTIED MONASTERIES AND STARVED THE PEOPLE

This created panic among the monks of Tashi Lhunpo. Many including high lamas and abbots—committed suicide. In several hundred other monasteries, the lamas, monks and nuns were given the same brutal treatment. Thousands vanished after being taken to unknown destinations. Others were forced to build a railway between China and Lhasa and to work on mountain roads.

Ngawang Thubtob tells what the Tibetan life is like: "The Tibet Working Committee of the Chinese Communist Party supervises the farmers, and makes certain that they work unceasingly throughout the year. Then at harvest time, the Chinese appropriate all of the crops, and allot each farmer a monthly quota of 22 pounds of wheat or barley, barely enough for a single person to live on for a fortnight. So each person is limited to one meal per day.

"In the past, meat, butter, cheese and milk were generally consumed by the Tibetans. Now they have been deprived of these, and all such products have been commandeered by the Chinese army. All wheat, barley, mustard seeds, oil, peas, tea, etc., are seized, and stored and controlled by the Chinese."

The barley flour sold in the cities by the Chinese is mixed with sand. Butter and oil are rancid and stale. Shops are open only two weeks each month. First, the people must secure a permit from the Chinese in order to buy anything; with a prolonged, detailed inquiry made into the background of the applicant before a permit is issued.

One of the most cruel decrees of all has been the forced intermarriage of Tibetans and Chinese. For several years, the Communists tried to achieve such intermarriages by persuasion, rewards, pressure and persistence. But when these proved ineffective, they handed down edicts that now require all Tibetans to marry only Chinese. Anyone who violates this is summarily tried, sent to a concentration camp to be "reformed," and then forced to remarry before he or she is allowed any further "freedom."

The children are cared for entirely by the state. The Chinese Communists have set up special nurseries and schools in Ihasa and elsewhere to bring up these children, who are given Chinese names and raised as "members of the great Han race."

Ever since the 1949 invasion of Tibet, the Chinese Communists have separated children from their parents, indoctrinated them from infancy with Communist ideology. Many have been shipped to China for long, intensive training, so they will return home to help convert their people.

The tenacity with which the Tibetans have continued to resist these oppressive measures is revealed by the growing number of new stories of torture by the Chinese Communists. These accounts, investigated and recorded by the International Commission of Jurists in 1959–60, are, according to first-hand reports, being repeated in 1966–67.

WHO CAN STAND UP TO TORTURES LIKE THESE?

Says one Tibetan refugee: "During a public meeting, a woman named Pema Lhamo was brought before the meeting and accused thus: 'Your husband has joined the Tibetan Voluntary Army and you, a wealthy woman, have been fleecing the people.' So saying, they bound her hands behind her back and tied her hair up to the beams. Then, under the orders of the Chinese, the people were forced to beat her, until she passed out."

---

[1] Lowell Thomas is the Chairman of the American Emergency Committee for Tibetan Refugees, Inc. Since 1959 this Committee has sent to India more than $2,000,000 in funds and medicines to assist the Tibetan refugees in India, Nepal, Sikkim and Bhutan to survive and to regain their ability to care for themselves in their new environment. Tax-deductible contributions to assist with this work may be sent to the Committee at 1790 Broadway, New York, N.Y. 10019.

A refugee named Tashi, who finally escaped from Tibet, relates that he was once tied to a horse like a load of goods, taken to Netong Dzong prison, left without food or water for 48 hours, then subjected to public humiliation and torture. When his wife saw him being tortured, she died from shock.

Without cause or reason, the Tibetans are arrested and accused of crimes never committed. They are brought before public meetings for so-called trials where charges against them are read. Then everyone at the meeting is forced to beat the prisoners and to humiliate them. If anyone fails to do this, he is accused of having connections with the accused and "other reactionaries" and is himself given the same treatment.

Within recent months the plight of the Tibetans has been made worse by the coming of "the Red Guards," who have raised to even greater frenzy and vulgarity the destruction and desecration of Tibet's shrines, religious objects and sacred literature—spreading more widely the torture and slaughter.

From a high-ranking lama we hear: "The hardship and suffering the Tibetans undergo beggars description. The little hope we have of preserving our race, religion and culture in Tibet is vanishing. Whatever the extent of our frustration, and our desire to safeguard our spiritual and cultural heritage, we cannot match the might of China."

THE RED PLAN—FIRST TIBET, THEN INDIA

The Communists have repeatedly boasted that their occupation of Tibet is only one step on their road to world-wide domination. I quote this recent proclamation when they cited next goal:

"India is nothing but a 'paper tiger.' Our plan is, first of all, to conquer India . . . We have conquered Tibet, but Tibet does not have sufficient supplies for our army. Tibet, however, has become very useful to us as a spring-board for our attack on India. Because Tibet is a strategic country, we are going to guard the Indo-Tibetan border securely. Thereafter, the conquest of India is an easy affair."

Can the Communists make good their boast? Much of this answer can be given only by wise and positive actions of the free nations of the world, both individually and in concert. Yet, an immediate answer can and should be given by individual men and women motivated both by humanitarian compassion and by a recognition of kinship with the Tibetan people in their struggle to survive.

Help and encouragement can be and is being given to the more than 80,000 Tibetan refugees in India and the border states who are courageously striving both to build new lives for themselves and at the same time to preserve their religion, their culture, and their national entity.

The Tibetans, with their deep faith, still believe the struggle is not hopeless, that eventually the tragic events in their homeland will come to an end. Our faith may not equal theirs. But at least we can extend our friendship, our assistance, and our encouragement—so they may persevere.

THE PRESIDENT'S MESSAGE ON FEDERAL PAY

Mr. BAYH. Mr. President, the recommendations made by the President in his message on Federal employee pay are fair both to military and civilian personnel of the Government. The proposal to increase salaries this year is an equitable adjustment which should receive universal support. At the same time, the President has wisely suggested that Federal employees be guaranteed future increases which would bring their pay up to a level of full comparability with that of employees in private enterprise. If the Nation is to attract and retain able public servants, it is essential that compensation be provided which is competitive with the earnings which can be obtained elsewhere. It seems to me that this proposal is sound and should be approved by Congress.

FULL FUNDING OF DEMONSTRATION CITIES PROGRAM

Mr. LONG of Missouri. Mr. President, on March 12, 1967, the News and Leader of Springfield, Mo., published an editorial entitled "Waiting," which advocated full funding of the demonstration cities program.

The editorial was particularly heartening because it illustrated the high degree of local interest in congressional funding of this program. According to the editorial, a city needs and wants the assurance not only that planning money will be available, but also that Federal funds will be available to finance actual projects. I suggest that this is an example of the growing concern on the part of our local communities in this vital program.

So that all Senators may have an opportunity to read the editorial, I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

WAITING

In principle, we're for the demonstration cities program of the federal government, pleased with the enthusiasm shown by community agencies for it, and hopeful that Springfield will become a part of it.

Our support will be strengthened when we're assured that federal funds are available to finance actual projects—and not just the planning which of course must precede them.

We think it's regrettable—though probably nobody's fault—that the residents of the South Central A urban renewal project have been left so long in a state of uncertainty as to what's going to happen to their area and the individual properties within it.

And we know that it's been a great disappointment to Commercial Street business men that their enthusiastic support for urban renewal has encountered so long a delay in project approval and funding at the federal level. The SMS project area is in the same predicament—but college expansion progresses nevertheless, and stalemate is unlikely.

We consider renewal Director Floyd Mattlage both efficient and knowledgeable, and we accept his assurance that everything which can be done locally has been done, that South Central A will be in execution shortly, and that the Center City project can be expected to proceed more rapidly.

A great deal of federal money has been spent in Springfield in recent years, to good use, and since it's our money we're entitled to its benefits.

"Demonstration cities" would outdo all the earlier programs in the extent of federal aid available in the area involved, if Springfield should qualify for participation. And if the program is fully funded, beyond its planning stage.

DEAN WILFRED C. BAIN'S 20-YEAR ACHIEVEMENT AT INDIANA UNIVERSITY

Mr. BAYH. Mr. President, Wilfred C. Bain, dean of the Indiana University School of Music, has raised significantly the quality of preparation for musical careers during his 20-year tenure at the Bloomington campus. Under his guidance, a broad curriculum has been offered which has contributed to the training of Metropolitan Opera stars, concert artists, instrumentalists and conductors of symphonies and orchestras, and great numbers of school and college teachers throughout the United States and foreign countries.

Students leave Indiana University imbued with the highest standards of musicianship fostered by the faculty, who frequently are themselves performers and established artists. Equally important, they genuinely acquire from Dean Bain and his colleagues the commitment that all Americans should have an opportunity to enjoy our rich culture and the determination to find imaginative ways of attracting and retaining wide, diverse audiences.

An article published in the Indiana Alumni magazine of March 1967 described the 20-year career of Dean Bain and reports his answers to important questions about the future of music in America. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

WHAT ABOUT THE FUTURE OF MUSIC IN AMERICA? THE MANY AMERICAN SINGERS IN EUROPE? THE POOR PAY OF MUSICIANS? THE HIGH PAY OF A FEW SINGERS? THE ROLE OF THE MUSICIAN IN TODAY'S SOCIETY?

It is indeed a rare event one individual, in the brief time span of 20 years, can exert an influence so overwhelmingly positive that he sets a standard in his field for all to follow.

This is exactly what Wilfred C. Bain, dean of The School of Music for the past 20 years, has accomplished.

For all of his productive, post-college years, Dean Bain has devoted his efforts to making the United States the most active producer and consumer of great music the world has ever known.

Dr. Bain's ability was recognized before he came to Indiana University in 1947 to head the School of Music. In the summer of 1938, he was appointed chairman of the department of music at North Texas State College. When the young music educator arrived at North Texas State College, there was a faculty of five, and a student enrollment of under 100. When he left to come to Indiana, the faculty had increased to 27 with 400 majors; and the grauate division could boast of the completion in 1946–47, of 19 masters' theses of considerable merit.

Under his guidance as head of the School of Music, the school is now the largest collegiate music school in the world, and this year has more than 1500 full-time music majors working toward various degrees. The faculty now numbers more than 130, many of whom are among the most renowned performers and scholars in the musical world. Last year, the faculty and students of the School of Music presented 501 different concert events on the Bloomington campus alone.

However, Dean Bain's contribution is more than the growth of the School of Music.

His principal contribution is that long ago he saw the role of state universities in America as one of becoming the great leaders in the advancement of music in the United States. Years before the widespread fad of "performing arts centers", decades before the perceptive Rockfeller Panel Report on "The Performing Arts: Problems and Prospects," Dean Bain was furnishing the nourishing evidence that the American university is the new purveyor of culture—the new master and champion of the performing arts.

Dean Bain has his own ideas about the value of music. "Man does not live by bread alone, as this in itself is not what makes life meaningful. People yearn for something beyond this," he said, "and the yearning for self expression is the greatest value in music." In playing a Beethoven sonata, he noted, you "feel what someone else has written and it's like releasing your soul. Music is re-created through a performer or by a listener. It gives us an opportunity to express ourselves through something someone else has done."

In the following pages, Dean Bain discusses music in the United States. It is hoped through this interview, readers will learn more about the feelings of this world leader toward music in the United States and its future.

Q. Dean Bain, we do not have to spend your time asking about the School of Music, its growth, and its position as the leading School of Music in the world today. However, what about music in the United States? Are we as illiterate to good music as some critics feel we are?

A. There has been a lot of talk about the enormous expansion in the arts. One writer said the expansion was more of a fizzle than an explosion. I don't share this viewpoint. I would say that we are in an unprecedented explosion at the educational level. The study of music at the college as one of the academic disciplines has now reached an unheard of level. There are now 273 institutions of higher learning offering degrees in music. These schools graduate some 5,000 students each year with degrees in music.

Let me illustrate the growth in another way. During the past 22 years, the gross national product has increased 505 per cent while there has been an 840 per cent increase in dollar sales of recordings, musical instruments, performance, and other aspects of the music industry. In other words, music has grown some 50 per cent faster than the gross national product.

There are also 2000 symphony orchestras in the world and 1300 of these are in the United States. In addition, there are 962 community orchestras, 295 college and university orchestras and 15,000 training orchestras in our public and private schools.

Q. If what you say is true, why do I read about so many of our Indiana University School of Music graduates going to Europe?

A. They go there because they cannot make a living wage in this country as a performing artist. You see the American dream of opportunity for every citizen to make a living in any field has not materialized in the field of musical performance. I might say there are over 300 American singers in Germany. Certainly not because they want to be, but because this is one place they can earn a living wage. The average public school teacher in this country earns $5,732 a year, but the average artist in a symphony orchestra in a nearby city earned only $2500 last year. In fact, in all of the country's professional orchestras, only about half earn a salary comparable to a public school teacher.

Q. Now, wait a minute, I heard one of the performers in the I. U. Auditorium recently received $2500 for one performance. This, doesn't add up to what you are saying.

A. Yes, it does. In the United States, we have a "star" system. It is a matter of feast and starvation. There are a few singers who earn a quarter of a million dollars a year, but there are literally hundreds who can't even make a living without moonlighting. To be honest, these artists are subsidizing music by accepting starvation wages.

Q. What is the matter with us?

A. The American singers I know in Europe would much rather perform in the United States. This is the country which they love, the same as you and I. What we have done is to try to make the performing arts a commercial enterprise, and historically, this has never developed. The United States has followed the educational slogan, "Every child for music and music for every child." The student today enjoys an elaborate system of music instruction from the elementary school through the university, and then it is dropped.

We don't expect our elementary and secondary schools to support themselves. We don't expect our armies to make their own way, but this is what we are trying to do with our cultural music such as opera, symphony orchestras, and the like. The cornucopia of good things has some sour fruit in it. Opera and fine music do not exist in America as they do in Europe. It has yet to be a national trust or concern. And, again we attempt to sell culture as a commodity for profit.

Q. I read where more people attended opera last year than Big League baseball games.

A. This is true, but this was still just a little over three per cent of our population. Culture is still limited very much to the white collar worker in this country, and it shouldn't be. It belongs to all the people.

Q. Let's get back to Indiana, Dean. Through your excellent leadership, Bloomington now has more opera than any city in the country, other than New York. On the other hand, some of our friends think that every Hoosier has a harmonica in his pocket. But, what amazes me is that last summer, I couldn't buy a ticket to one of the operas on Saturday night. It was a sell-out.

A. I don't want to limit my answer to just Hoosiers. Americans are as music sensitive as anyone in the world. Germans are no more musical minded than we are. Our immense development of radio, movies and television has done an enormous lot to educate the ears of Americans. Americans would not stand for some of the shoddy performances which I recently heard in Europe.

On the other hand, Americans do not know the various musical styles of the composers as well as those in other countries. Americans often lack the ability to carry on conversation about composers. We seem to go to hear personalities rather than to hear what they perform.

Q. The physician's mission is to save lives, the military man defends our country, but just what is the mission of the musician in today's society?

A. The musician is an unusual person. He likes to be recognized by the public, and he likes to make people happy, and when he does this, it helps his own ego. He's the type of person who will spend $25,000 for an education which includes practicing six to seven hours each day in addition to taking the regular courses in a university, and then works for $2500 a year. I always tell the music majors not to choose music as a career if they can choose anything else and still be happy. This is not to say that professional musicians could not develop abilities in other fields because they can. Likewise, the musician in the night club playing "Tea for Two" every night is usually bored. He may do it to make a living, but many will refuse such work because they don't like it.

Q. What could correct this situation?

A. I partly answered this before. Again, we feel that culture can be sold as a commodity for profit. Businessmen will cite the fact that "Hello Dolly" made $150,000 in three weeks, but this is not possible if we bring music to the people throughout the country. Right now, we have not decided who should accept the responsibility for the leadership. Is it the private universities, the state universities, the business corporations, the foundations, the federal government, the state government, or the local government? Right now, the universities and colleges, where possible, are taking the leadership. Financial support, though often limited, is providing financial support for the arts, and also providing an atmosphere in which the arts can flourish both from an instrumental and performance standpoint.

In Europe, of course, and especially Germany, the state and federal government has subsidized the performing arts. The Hamburg Opera House has 850 on its staff, and it is considered a cultural expense.

I don't want to continually talk about Indiana University, which, however, is closest to my heart, but we have been able to attract outstanding faculty members. One outstanding member will attract another, and these faculty members, who also are renowned performers, attract students, even though we have fewer scholarships than schools with one-tenth of our enrollment.

Q. Will music become more important as we have more leisure time?

A. Yes, it has to. In music there is therapy for the soul. It is a mystery what it does for people. Music brings fascination to the listener. It also will become more of an avocation to people. As someone said, "I would much rather have my son blowing a horn than a safe."

Q. Some people have been surprised to see the musicians at the School of Music playing jazz. In fact, I.U. is a leader in pioneering the study of jazz in the Big Ten. How did this come about?

A. Jazz music has an important place in contemporary music and we can't ignore it. Our musicians, however, do not limit themselves to just playing jazz. They are also members of the symphonic orchestras, they perform as soloists, and in the opera. The School's interest in jazz includes the theory, the analytical history of jazz, the musical history, the composition and arrangement.

Q. Does a musician ever tire of a composition? I see you at operas, recitals, and you always have a smile of satisfaction. Why?

A. One never tires of a hearing a noble piece of music well done. Likewise, one never tires of reading the Gettysburg address, or hearing certain prayers over and over, and hearing Hamlet's soliloquys. The same is true with music.

Q. Why have you encouraged the development of opera at I.U.?

A. I believe that opera belongs to all the people. Opera to a nation is the same as its libraries, roads, and schools. Likewise, opera is the crossroads for all the fine arts. Opera involves drama, dance, sculpture, painting, architecture. The music requires orchestra, choral singing, solos, and ensembles. There is state scenery and the gamut of music requires orchestra, choral theatrical devices. Opera involves so many people that again it is impossible for it to support itself. It involves so many people that it must become part of the community. On the other hand, at the best, the box office can only support about 50 per cent of the cost.

Q. Someone said when a person becomes satisfied, he is no longer of value to society. I know this is not true with you. What's next for the School of Music?

A. Naturally, we hope that a new Opera House will become a reality on the campus in a few short years. As far as our enrollment in the School is concerned, it is already nearly double of any school of music in the world. I am looking forward to the development of opera on our regional campuses. When the new Indiana University complex is finished at Indianapolis, I see a great awakening in music in that city. There are at least 100 performing arts centers now under construction in this country, and very few organized opera companies to occupy them. Therefore, I see that soon there will be opportunities for our graduates to earn a living in the performing arts. In other words, I'm most optimistic for music in this country.

Q. Any last coment?

A. Our people must be educated to a knowledge of the contribution that music can make to our society and to the vital fact that the arts are an integral part of the life of all the citizens of our country.

Since we are all economy minded, and this is budget-time, I'd like to recommend a book written by two economists on the performing arts. The book was written and published under the Twentieth Century Fund. It is, *Performing Arts—The Economic Dilemma*, by William J. Bammol and William G. Bowen.

BRIDGES-TO-THE-EAST POLICY

Mr. DODD. Mr. President, the proposed "building of bridges" to Eastern Europe is based upon the assumption that somehow communism has changed, that it is no longer as tyrannical as it once was, and that it no longer has designs upon the countries of Western Europe.

The evidence upon which such assumptions rest is fragmentary, based primarily upon the condemnation of the Stalin period, and the subsequent reductions in physical terror and brutality. But communism's advance from naked terror does not mark its decline but, on the contrary, points to its increasing strength and, accordingly, its increasing danger.

The real nature of Communist government has not changed, although the surface manifestations may, in fact, have been altered. A recent memorandum issued by the American Friends of the Captive Nations makes this clear. It states:

> All governments in East Europe have preserved the character of totalitarian dictatorships. All are still committed to the goal of a Communist world system in which they are to find ultimate safety. The people of the whole area remain deprived of human rights. They have no effective voice in the conduct of public affairs. Terror, violence and constraint have abated not because the regimes have undergone a change of heart but only because they feel more self-assured, and because they were forced to offer some concession to overcome the passive resistance of the people and increase production.

The memorandum continues to point out that far from altering its goal of world domination, the Communists have simply moved on to an approach which they believe will be more successful. This approach is not one which involves the more traditional "sabre rattling" to which we had become accustomed. It is, in a sense, a kind of soft sell, and one which many in the West, because of their innate good will, are willing to accept as a genuine product.

The new approach, the captive nations memorandum notes, is this:

> Since the Cuban confrontation Moscow has replaced the policy of intimidation with a policy of fragmentation. The long-standing aim of bringing about the withdrawal of American power from Europe and the disruption of NATO were to be achieved by political maneuvers, diplomacy, and propaganda rather than by threats. To this end, the sense of common danger on which NATO and the presence of American forces are grounded had to be dispelled. What better means to achieve this than fostering an image of a Soviet Union involved in serious domestic troubles and paralyzed by its difficulties with China and its East European allies?

The extension of credits to Communist states and the export of U.S. strategic goods, technological know-how and precision instruments will not assist the Eastern European governments to improve the lives of the people and extend democracy. While increased trade in nonstrategic goods might serve the purpose of limiting the dependence of Eastern Europe upon the Soviet Union, these other proposals would serve an opposite purpose:

> The point is that the party and planning bureaucrats will do their utmost to avoid reforms that would result in dispersal or decision making. Therefore, the foremost hope of the Communist rulers is that large-scale Western credits and Western technology will enable them to postpone or even forego such reforms. It follows that loans going beyond the normal short term credits are likely to hinder rather than stimulate decentralization and diffusion of power, the essential prerequisite of any evolution toward more open societies.

Lest we find ourselves in the unenviable position of assisting totalitarian regimes in keeping once free peoples in subjugation, and lest we discover that we have assisted an enemy to make further inroads in his conquest of nations now free, we should carefully consider the bases upon which we formulate our policy.

The memorandum to which I have referred is an important contribution to such a careful consideration, and I request unanimous consent that it be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

AMERICAN FRIENDS OF THE CAPITVE NATIONS MEMORANDUM ON THE PREMISES AND METHODS OF THE BRIDGES-TO-THE-EAST POLICY

The Congress will consider in this session several legislative proposals aimed at easing or removing altogether existing legal restriction on trading between the United States and the Communist-ruled states of Central and Eastern Europe. The enactment of the proposed legislation, claim its advocates, would foster the evolution of these countries toward more open societies and more independent behavior on the international stage.

While recognizing that in the present circumstances there is no realistic alternative to a policy designed to further evolutionary change, the American Friends of the Captive Nations has very serious reservations (I) with regard to some of the basic premises which have been advanced by government officials and (II) with regard to methods proposed to achieve the stated objective.

We believe that the prevailing appraisal of conditions and trends within the Communist-ruled countries and with regard to relations among the Communist states, is marred by overoptimism and wishful thinking. Many changes have occurred, indeed, in Eastern Europe since the death of Stalin. Terror has subsided; the number of people imprisoned for their political beliefs, has diminished; the more extreme forms of thought control were dispensed with; the Soviet model of government has been adjusted to local conditions; and corrective measures have been taken or are in the process of enactment, to improve the performance of the planned economies.

But the fundamental features of the Communist system of government have remained unchanged. All governments in East Europe have preserved the character of totalitarian dictatorships. All are still committed to the goal of a Communist world system in which they are to find ultimate safety. The people of the whole area remain deprived of human rights. They have no effective voice in the conduct of public affairs. Terror, violence and constraint have abated not because the regimes have undergone a change of heart but only because they feel more self-assured, and because they were forced to offer some concession to overcome the passive resistance of the people and increase production. Under the shield of an all-pervasive and professionally more skilled police apparatus they can now afford to be more lenient and thus extract more work from their subjects.

Today, ten years after the repudiation of Stalin at the 20th Congress of the Soviet Communist Party and ten years atfer the Polish and Hungarian Rebellions, it can be said that a new level of basic similarity, if not uniformity, has been reached in the Communist zone of Europe. This reflects, by and large, the low plateau at which the so-called liberalization came to rest in the Soviet Union. Poland, way ahead in the late fifties, has gone through a process of retrogression. The laggards, more particularly Czechoslovakia and Bulgaria, have moved up. Leaving aside the differences in national character and in socio-economic structure, there is more similarity today than at any time during the past ten years.

The relations between the Soviet Union and the satellite regimes have also undergone some change. Moscow has drawn its lessons from the 1956 events. It has come to realize that the satellite regimes have grown up and acquired enough experience to take care of their day-to-day affairs. It has moreover come to see that, far from being harmful, a new projection of the satellites as truly independent nations could help in consolidating the regimes domestically, in weakening the cohesion and alertness of the Western nations and, in the process, bring much needed economic benefits to the Eastern bloc, in the form of Western credits.

Unlike the Western system of alliances, the Soviet bloc rests, above all, on the awareness of each Communist regime that the certainty of Soviet backing, as clearly demonstrated in the case of Hungary, is the best assurance against its internal enemies. This provides the bloc with a source of cohesiveness which is absent in the Western alliances. It is no accident that Gomulka's Poland, which despite retrogressive policies has maintained the largest measure of internal autonomy and essential areas of permissiveness, has also become the most dependable supporter of Soviet foreign policy moves. And there is nothing paradoxical in the fact that Romania, the country at once the least liberalized and geographically the most vulnerable to Soviet pressures, has taken liberties in the field of foreign affairs.

Having maintained a tolerable level of internal liberalization, Gomulka can invoke the Polish national interest as a seemingly valid justification for a close cooperation with a more considerate Soviet Union. Reluctant to loosen up the regime domestically, the Bucharest Communists had to look for other means to gain internal acceptance. Nationalistic postures and gestures of independence appeared to them as the least risky substitutes, the more so as they could credibly represent them in Moscow both as the surest way to popular support and as a useful contribution to the success of the Soviet grand strategy in Europe.

R

Obsessed with the delusion of a disintegrating Soviet bloc, Western governments and public opinion no longer believe in a Soviet design in Europe. They dismiss as utterly obsolete the view that the Soviet Union might still think in terms of further expansion on the old continent. The Sino-Soviet rift, "the nuclear stalemate", the "withering away" of the ideological commitments, the pragmatism born of the need to cope with stubborn economic problems, the "increasing independence" of the satellites, and of the Western Communist parties—these and many other reasons are offered in support of the view that the peril for Western Europe has greatly diminished and may have disappeared altogether. These are, of course, judgments rather than facts. Events may prove them right or wrong, but in the meantime elementary prudence should command attention for a very different judgment about recent developments in Europe.

It is a demonstrable fact that since the Cuban confrontation Moscow has replaced the policy of *intimidation* with a policy of *fragmentation*. The long-standing aim of bringing about the withdrawal of American power from Europe and the disruption of NATO were to be achieved by political maneuvers, diplomacy and propaganda rather than by threats. To this end, the sense of common danger on which NATO and the presence of American forces are grounded had to be dispelled. What better means to achieve this than fostering an image of a Soviet Union involved in serious domestic troubles and paralyzed by its difficulties with China and its East European allies? The fact is that the sense of danger has been seriously undermined in Western Europe. Soviet Communist Party head L. Brezhnev gloatingly spoke at the 22nd Party Congress, in March 1966, of the accelerating disintegration of the "imperialist bloc". "The U.S. is no longer able"—he claimed—to direct "the policy of its allies as sweepingly as before. It is a long time now since any serious politician, let alone the people, has given credence to the myth of a threat of Soviet aggression which once helped forge these blocs." And did not Secretary Rusk acknowledge the upsurge of complacency when he recently warned his NATO allies that the Soviet Union ought to be judged not only in terms of its present presumed intentions but also in terms of its capability?

The important discovery made by the Soviet leadership in the last two years has been that discretion, abstention from threatening postures and projection of a benign image are the most effective contribution they can make to the dissolution of NATO. The actual wrecking task could be accomplished most effectively by General de Gaulle to the extent that he is strengthened in his belief that he can attract the satellites and build a continental Europe sufficiently strong to form a counterweight to the Soviet Union, without the American presence in Europe. The eagerness with which the satellites cooperated in the essential work of confirming President de Gaulle's preconceptions and expectations; their effective collaboration in the development and formulation of the proposals for the suppression of both NATO and the Warsaw Pact by the conclusion of a European Security Pact (in the framework of a Conference from which the U.S. would be excluded) are so many indications of the essential unity of the supposedly disintegrating Soviet bloc.

That such efforts are not entirely without effect is shown by the interest expressed recently in the idea of a European security conference and pact by such staunch NATO allies as Belgium and Italy. Isn't it legitimate to wonder, in such conditions, whether it would not be more appropriate to be concerned with the danger of the disintegration of NATO than to console oneself with the idea that, as Ambassador George Kennan put it recently, "the unity of the Communist bloc is a matter of the past."

Whether the quiet, complacency-generating strategy the Soviet leaders are conducting stems from necessity or deliberate choice is not the real question. The real question is whether or not this policy works. And careful examination shows that it is much more accurate to speak of the disintegration of Western cohesion than of the break-up of the Soviet bloc.

Complacency in the West, it is true, is not a new phenomenon. We have witnessed it before. But every time it was assuming dangerous dimensions some brutal Soviet action came to reawaken the West. In 1948 it was the rape of Czechoslovakia; in 1949 the Berlin blockade; from 1950 to 1953 the Korean aggression; in 1956 Hungary; in 1958 the Berlin ultimatum; in 1961 the Berlin Wall; in 1962 the Cuban missile adventure. All these aggressive moves acted as catalysts to Western unity. Today the peril is all the greater because Soviet mistakes are less likely to help the West recover unity and awareness. This is true in the first place because the recent Soviet strategy has been validated by its success. In the second place because the collective-type leadership the Soviets have today is by its very nature inclined to act cautiously and has a built-in reluctance to undertake actions that would once again alarm and unify the West.

With respect to the specific question of the means proposed to foster evolutionary change in Eastern Europe, the American Friends of the Captive Nations submits:

The professed objective of the United States in the Communist-ruled countries of East Europe is to foster evolution-gradual change towards open societies. As President Johnson remarked in outlining a policy of "peaceful engagement", the U.S. is not out to drive wedges between the Soviet Union and the satellites by encouraging the latter to assert their independence. It rather seeks to put an end to the partition of Europe by the combined effect of a detente and area-wide changes in East Europe.

If this is the official policy, whether one agrees or not with its premises and expectations, the next logical question is: which among the actions the Administration plans to undertake are likely to help and which are likely to hinder the desired erosion of the totalitarian system.

In the context of the present foreign policy, only two broad categories of action may be described as practical: actions designed to broaden, deepen and improve political, cultural and human relations, on the one hand, and economic cooperation, on the other.

Regarding the first category, the danger is that improving relations with the unpopular Communist regimes might become an end, instead of a means to reach the people they rule. Silence on the ultimate objective of U.S. policy, to promote both peace and freedom, failure to make clear the distinction between the unchosen rulers and the people who must put up with them, or excessively friendly gestures by U.S. officials or important private visitors, which give the rulers increased respectability—all these are apt to demoralize the antiregime majorities. This would have the effect of weakening the unspectacular but steady pressures from the people, mostly in the form of foot-dragging in the fields and at the work benches. *To discourage these pressures by the people,* would defeat our purpose, because most of the beneficial changes which have occurred in Eastern Europe in recent years are directly traceable to the need of the regimes to secure more cooperation from the working population.

Concerning economic cooperation with the East European Communist-ruled countries, with which we are primarily concerned here, a fundamental distinction must be made between normal trade exchanges of non-strategic goods, on the one hand, and trade based on medium or long-term American credits or exports of strategic goods, on the other.

Normal trade relations in non-strategic goods between the technologically more advanced West and the politically-motivated economies of the East European countries is apt to benefit more to the latter. There is, nevertheless, a redeeming feature in the case of the captive countries: increased trade reduces somewhat their economic dependence on the Soviet Union. For this reason a policy of promoting normal exchanges of goods is not incompatible with the proclaimed objective of the U.S. in East Europe.

But credits and exports of U.S. strategic goods, technological "know-how" and precision instruments are another matter. For several years now the centrally planned and operated economies of Eastern Europe have been beset with increasingly difficult problems. To overcome them Soviet and other East European economists have worked out quite bold plans of reform. These plans provided for the dispersal of decision making, and for a more or less developed market mechanism—to replace arbitrary decisions of the central planners. Both in the Soviet Union and in the satellite countries, which have enacted or are in the process of enacting such reforms, the proposals of the economists were strongly opposed by the planning and party bureaucracy. As a result of this obstruction, the reforms were whittled down to the point where very little is left of the market mechanism, or of the increased decision-making authority of the manager of enterprises. The half-measures provided by the final reform plans will not work and sooner or later necessity will compel the regimes to take another hard look at their crisis-ridden economies.

The point is that the party and planning bureaucrats will do their utmost to avoid reforms that would result in dispersal or decision-making. Therefore, the foremost hope of the Communist rulers is that large-scale Western credits and Western technology will enable them to postpone or even forgo such reforms. It follows that loans going beyond the normal short-term credits (three to twelve months) are likely to hinder rather than stimulate decentralization and diffusion of power, the essential prerequisite of any evolution toward more open societies.

Permitting the East European regimes to acquire from the U.S. second or even third generation computers and other products of advanced technology will have the same effect. Communist leadership, both in the Soviet Union and the Captive Nations has indeed become "computer-minded" during the last two years. They regard cybernetics as the new science and computers as the miraculous tool that will enable them to avert a radical departure from central planning. Whether right or wrong, the important thing is that they expect salvation from these gadgets and would, in the meanwhile, procrastinate on measures of reform involving political risks.

A careful analysis of a report presented to the Central Committee of the Romanian Communist Party, on December 23, 1966, by Nicolae Ceausescu, the Secretary General of the party, fully confirms our views. In this report Ceausescu gave a long list of the serious shortcomings of Romanian agriculture, industry and economic organization. But when it came to prescribing remedial measures he once again refrained from proposing economic reforms on the pattern put forward in other East European countries. There was no suggestion for diminishing the power of the central planners and administrators; there was not even lip service to a market mechanism. The Romanian Party head merely called for improved organization and more zeal. But he discreetly tucked away in his lengthy report the two sources from which he expected decisive help: arrangements of cooperation with foreign countries (a euphemism for Western credits), Western "management science" and Western computers. These are supposed to make work the over-centralized planning and operation of the economy which is essential to the Communist party's total political power. These are to permit the regime to keep the reins of the economy tightly in the hands of the party leadership.

In opposing medium and long-term credits and in stressing the negative impact of the sale of such products of advanced technology as are the American computers on evolutionary changes in Eastern Europe, the American Friends of the Captive Nations would like to conclude by quoting, in support of its position on East-West economic relations two passages from the report presented to the President on May 7, 1965, by the Special Committee on U.S. Trade Relations with East European countries and the Soviet Union (J. Irving Miller was its Chairman, and Eugene R. Black and Crawford Greenwalt were among its members):

"Apart from commercial risks, it is important to recognize that long-term credits could run counter to the central purpose of this trade and reduce its potential political benefits. If Communist countries are on a scale substantially beyond their near-term capacity to finance, they should be obliged to face up to the implications of that position. The appropriate course for them to follow up would be to divert resources to their export industries and to devote greater effort to design and marketing activities for sales in the West. Long-term credits enable these countries to postpone such decisions and transfer the burden of adjustment to Western capital markets, rather than to accept the responsibilities of growing interdependence with the Free World."

". . . long term growth in the trade of the European Communist countries with the United States is more up to them than up to us. They would have to be prepared to invest in new export industries to learn new marketing methods, to build dealer and service organizations abroad, and to develop relations of confidence with the United States business firms. Such positive actions move a country to participate in the world economy and abide by generally accepted international practices. They are intimately related to a nation's world outlook and are evolutionary in nature. If made, they would move these countries in directions favorable to our national security and welfare."

MULTISTATE TAX COMPACTS

Mr. HANSEN. Mr. President, each of the 50 States has its own body of tax law. This is as it should be. But in many instances these varied laws have caused undue and unnecessary burdens upon industries and businesses operating on an interstate basis. The need for a reasonable solution has long been noted.

House bill 11798, the former Willis bill, has been advanced as a possible solution. This bill calls for the resting in the Treasury Department of a power of unification of multistate industrial and business taxation.

However, such a bill is not the answer because of numerous considerations, among which is the basic realization of the American approach to government. To give to the Secretary of the Treasury the power to establish the rules and regulations of all multistate taxation is to reduce the political viability of the units of government which hold the most direct interest in such taxing—the States. A further point of contention surrounds the very elementary constitutional requirement that laws be applied uniformly, for such a fact would eventually extend the Treasury's power to control of taxation within a State as well as taxation between the States.

In my judgment, such a step as is here envisioned would be just another in the long walk toward an all-powerful Federal Government. To remove the power of the State to deal with this particular problem is only to further reduce its ability to deal with the other situations necessitating a solution. And when we injure the political viability and administrative authority of the States, we act only to destroy the federal system. The power of the State—its ability to act—must be preserved. But the bill contains more than philosophical hazards. Economically, it is unwise. Especially when considering a State such as my own—Wyoming.

Wyoming, though geographically vast, is sparsely settled. Approximately 350,000 fine citizens populate my State. We are a ranching people—a smalltown State. Our capital—Cheyenne—is a city of 52,000. Our industry is small and limited. We are serviced mostly from outside our State—from Denver and Omaha, from Salt Lake City and Billings. Because of our size and because of the very nature of our location and situation, we are a consumer State. We depend very heavily upon our sales and use taxes. Seventy percent of the total revenue which goes to our general fund comes from the sales and use taxes.

Yet the proposed legislation would almost completely eliminate such taxation; and businesses which benefit from our State's growth would be immune to their taxpaying responsibilities. Certainly we must admit the necessity of allocating taxable income to the State in which it was generated. But neither the jurisdictional nor the apportionment features of the bill are geared to correspond with actual doing of business and the generation of income. These jurisdictional and apportionment features sacrifice tax policy and, consequently, economic development together with taxation revenues for the sake of uniformity. But such nationwise uniformity is impossible, unless we do that which, in the end, would seriously damage a number of our consumer States.

Legislation toward a solution has been proposed by the Senators from Colorado [Mr. Allott and Mr. Dominick], Wyoming's neighbor to the south. S. 883, the bill which I have cosponsored, would allow States to enter into multistate taxation compacts. I have also joined the Senator from Washington [Mr. Magnuson] in introducing another bill which also seeks to permit such highly desirable compacts.

This process would give power to the States and would certainly reinforce our stairstep system of federalism—that process by which power flows from below and is not dispersed, possibly according to whim, from above.

The inequities which exist — the wrongs of the present taxing system—can and should be corected by the States, working closely together. In this way we can not only protect our federal system, but also be insured that our consumer States will not be injured by decisions which have no direct connection with, or knowledge of, the situation "back home."

The National Association of Attorneys General held its midwinter meeting in Washington last month. One of the major topics discussed in committee meetings and in general session was interstate taxation of multistate business.

The association reaffirmed it opposition to Federal legislation in this field and urged the States to adopt the multistate tax compact as a means of eliminating inequities that presently may exist, according to Elton K. McQuery, secretary of the National Association of Attorneys General.

Mr. President, I ask unanimous consent that the motion adopted by that association be printed in the Record.

There being no objection, the motion was ordered to be printed in the Record, as follows:

Taxation of Multistate Business

The National Association of Attorneys General at the closing general session of its mid-winter meeting in Washington, D.C., March 1–3, 1967, adopted the following motion:

The National Association of Attorneys General opposes any efforts to secure federal legislation on the subject of jurisdictional limits on state and local taxing power, formulae for computing and reporting state and local tax liability of the administration of state and local tax laws; The Association supports the adoption of the Multistate Tax Compact developed under the auspices of the Council of State Governments.

Mr. HANSEN. I sincerely hope, Mr. President, that the Senate will give its unstinting support to the Allott-Dominick and Magnuson bills, as a means of allowing the States to seek solutions to their own multistate taxation problems.

PRESERVING THE CAPITOL

Mr. BAYH. Mr. President, the U.S. Capitol is one of our Nation's most cherished historical monuments. As a symbol of our heritage, it enshrines the memories of countless men who have made our Nation great. It is likewise still the place of assemblage for today's legislators who carry on the torch of freedom to future generations. The Capitol is, at once, a citadel for the future, a workshop for the present, and a monument to the past.

Only one exterior wall of the original Capitol remains visible, the west front. Admittedly, it is badly in need of structural repair. However, there are some, Mr. President, who wish to conceal this last remaining vestige and expand the building to provide new offices, restaurants and other facilities. Not only would this cost $34 million; it would also, in the opinion of many, destroy the harmony and the beauty of the Capitol and would cover the last original exterior wall of this historic shrine, as well.

In response to an item in one of my recent newsletters, more than 5,000 of my constituents have written to me indicating they wish to join the fight to save the Capitol. Letters are still pouring in from all over Indiana and from persons in all walks of life. They are written by mayors of both political parties, businessmen, factory workers, doctors, lawyers, schoolchildren, and many others. The Capitol belongs to all the people, Mr. President, to past, present, and future generations of Americans. The response of the people to the movement to preserve this, one of our Nation's most cherished landmarks, has been magnificent and overwhelming.

One of the arguments which has been made in favor of the expansion and reconstruction of the west front is that the old walls are in danger of collapsing and that restoration is not practicable. However, according to the findings of a special committee of the American Institute of Architects, described in an article published in the Washington Post on April 4, careful investigation discloses that the west front can be restored. In the opinion of the experts who made this study, the structural weaknesses of the Capitol do not indicate any danger of collapse and can be corrected. An editorial published in the Washington Post on the same day commented:

> To conceal the last remaining visible wall of the old structure would be a sheer act of vandalism in the light of the AIA findings.

The original planner of Washington, D.C., Pierre L'Enfant, once described Capitol Hill as a pedestal waiting for a monument. The Capitol is certainly that magnificent monument he envisioned. This historic shrine must be preserved. The distinguished committee of the American Institute of Architects should be commended on its work.

I ask unanimous consent that both the article and the editorial reporting and commenting upon the AIA findings be printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 5, 1967]

STUDY DENIES DANGER OF COLLAPSE—CAPITOL'S DETERIORATED WEST FRONT CAN BE RESTORED, ARCHITECTS ASSERT

(By Elsie Carper)

A special committee of the American Institute of Architects has found the West Front of the Capitol badly deteriorated but in such a condition that it can be restored.

The committee's report sent to congressional leaders yesterday, challenges the contention of Capitol Architect J. George Stewart that the old sandstone walls are in danger of collapsing. Stewart has proposed a $34-million marble extension that would buttress the west walls and add 4.5 acres of floor space.

The report, the result of five months of study, gave no estimate of the cost of restoration but said it is unlikely that it would approach the cost of the extension.

In a preface to the report, AIA President Charles M. Nes Jr. calls on Congress to restore the building as it now stands and to establish a permanent policy prohibiting any further major alteration "other than that absolutely necessary for structural and safety reasons."

"The AIA believes that it would be a mistake to cover up the last remaining exterior portion of the original Capitol," the Nes statement says.

Nes said the extension was proposed without consideration of the over-all space needs of Congress. No adequate survey was made to see if functions now carried on in the building could be moved elsewhere, he said.

"Certainly, if one is to provide the most up-to-date and advanced, flexible, functional and handsome space, one would not normally start with the restricting envelope of a building conceived a century-and-a-half ago."

Nes said that Congress has an obligation to the people of the United States to develop a master plan for future construction on Capitol Hill and to establish a commission of "highly experienced professionals" to implement the plan and pass on the design of new buildings.

The report recommends removing all exterior paint and replacing stones that are structurally unsound with the same sandstone material as that of the original wall.

While the Capitol is "experiencing some vertical settlement," the report says, "it is not slipping down hill."

Members of the committee were architects Samuel E. Homsey of Wilmington, Del.; Francis D. Lethbridge and John W. Stenhouse of Washington; Louis Rossetti of Detroit, and Norman C. Fletcher of Lexington, Mass. They were assisted by Carl Hansen, a structural engineer.

As for the restoration project, Nes noted that "admittedly, it will be a job requiring skill and patience. But if the decision to restore the Capitol is made, our building technology is certainly adequate to meet the challenge."

[From the Washington Post, Apr. 5, 1967]

SAVING THE CAPITOL

Unless Congress is indifferent to the waste of public funds, blind to the dictates of reason, immune to the petitions of historians and deaf to the advice of the Nation's best architectural opinion, there will be no extension of the West Front of the United States Capitol.

The American Institute of Architects, on the advice of a task force which has made a painstaking study of the condition of the West Front, recommends "that the West Front of the Capitol be restored and that Congress establish a permanent policy prohibiting any further major alteration to the Capitol other than that absolutely necessary for structural and safety reasons."

The report finds that none of the defects in the old structure indicates danger of collapse or suggests that correction is not practicable. It is the finding of the architects that "the West Front of the Capitol can be restored and its structural weaknesses corrected."

That is what should be done. Congress ought to direct its servants to act upon this recommendation and to procure appropriate professional advice to plan the restoration of the ancient wall. The shocking proposal to build an addition to the Capitol at an estimated cost of more than $34 million (which no doubt would exceed $50 million in the end) should be formally rejected. To conceal the last remaining visible wall of the old structure would be a sheer act of vandalism, in the light of the AIA findings.

There was a nation-wide protest at the very thought of this desecration of a building that is at once a seat of the national government and an historic shrine. That protest, now supported by the most competent architectural opinion in the country, must be heard by Congress.

VIETNAMESE YOUTH AND SOCIAL REVOLUTION

Mr. DODD. Mr. President, the impression is often given in this country that the young people of South Vietnam are unconcerned about the conflict which presently engulfs their country. The few students who have participated in demonstrations against the government have received the same exaggerated publicity that similar demonstrations are given in our own country. In both cases the demonstrators represent a small but vocal minority. In neither case do they represent the feelings of that much larger number which understands very well the real stakes in the conflict.

The story of the willingness of young South Vietnamese men and women to sacrifice on behalf of freedom in their country has thus far been left unreported. Fortunately, this situation has been rectified with the publication of an important article by Prof. Edward C. Britton, a member of the faculty of Sacramento State College, and currently on leave serving as a full-time consultant with the Rand Corp.

Professor Britton, a long time student of Vietnamese affairs and a man who has worked closely with Vietnamese young people, presents a detailed report of the summer youth program of 1965, and the subsequent pilot project conducted in Vietnam's District Eight.

An attempt to define and justify the social revolution for which the young Vietnamese are striving was made by Doan Thanh Liem, who is perhaps their most articulate spokesman. He said:

> A whole social revolution cannot forget any aspect of human life, economic, political, cultural, or spiritual.
>
> An absolute social revolution is impossible with patches and half measures carried out by crooked men, demagogues, temporarily satisfying the apparent demands of a group of people to stabilize their position or maintain their individual power.
>
> A human social revolution must consider man as the end, not the means, must not use terrorism or get the truth distorted as under dictatorships.

During the summer of 1965, 8,000 students throughout South Vietnam participated in the program and built many schools, infirmaries, refugee homes, bridges, and orphanages, including three large dormitories for orphans at the Hoa Dao Buddhist headquarters in Saigon. Music and dramatic teams toured the country. Medical students and other specialists have professional assistance.

Another aspect of the youth program was District Eight, on the outskirts of Saigon, which was chosen to be the proving ground for the revolutionary approach by which these young people people sought to help their country. The area is an especially difficult one, with a high crime and illiteracy rate, where most of the inhabitants are unskilled laborers who live in squalor.

One of the first projects was to build an elementary school and, adjacent to it, a child care center. Other projects included the launching of two agricultural cooperatives to permit families to supplement their incomes by raising pigs, chickens, and ducks. Hamlet and village officials were invited to a center where they received training in the ways and techniques of government.

Professor Britton concludes that:

> . . . a significant segment of Vietnamese youth has demonstrated a strong commitment to the country's social and economic reconstruction. They understand the key

ideological elements in the struggle, and they see ultimate victory in the "commitment ratio," not the kill ratio.

I wish to share Professor Britton's article with other Senators, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article *was ordered to be printed in the* RECORD, as follows:

VIETNAMESE YOUTH AND SOCIAL REVOLUTION

(By Edward C. Britton)

(Dr. Edward C. Britton is Professor of Education at Sacramento State College, currently on leave serving as full-time consultant with the Rand Corporation.)

One of the most significant stories to come out of South Vietnam, and one of the least known, concerns the county's youth. There have been headlines about the thousands of "irresponsible" students who have engaged in street demonstrations and caused wanton destruction of property. But little attention has gone to the eight thousand young volunteers who went out into the often dangerous countryside of South Vietnam during the summer of 1965 on Peace Corps-like projects, and who returned in still greater numbers this past summer. In the face of great odds, they and other youth groups have had impressive success, and their work could prove a major factor in the outcome of the present struggle. It is well, therefore, to try to understand their aspirations, and to examine their achievements thus far.

WHO THEY ARE

Many youth leaders who today are deeply involved in social service did indeed take to the streets against President Ngo Dinh Diem, and then against General Nguyen Khanh, because they were convinced that the continued leadership of either man would be disastrous for the country. Yet these same students later called off demonstrations against Prime Minister Huong, despite what they considered his ineffective leadership, because they felt that stability at that particular time would best serve the national interest. On the whole, South Vietnamese youth has shown insight and restraint, and only the uninformed observer is apt to regard the handful of extremists and paid demonstrators as representing the majority of young people.

In our discussion, we shall include among "youth" those whom the young South Vietnamese themselves think of when they use the word: older secondary school students (grades ten to twelve in the American system), university students (some of whom are in their early thirties), and those young professional people, civil servants, and army officers who have participated in youth programs in the past and continue to maintain close communication with such groups and take an active interest in their work. In most demonstrations as well as in social service activities, it is usually the secondary school students who provide the large numbers, while the smaller contingent of older ones—who often refer to themselves as the "young intellectuals"—tend to provide the leadership. Most young men who are not in school have been drafted into either the Viet Cong or the armed forces of the Republic of Vietnam. Although they are certainly part of South Vietnam's youth and much needs to be known about them, they will not be discussed here. Girls not only enter into youth activities but often rise to leadership positions. They are most likely to be involved in social service, but some of them are also officers in their student unions.

In a country such as South Vietnam, youth naturally assumes a much greater importance and bears a greater responsibility than in more settled countries. Vietnamese peasants are generally out of touch with the center of government. Uninformed and provincial in their outlook, they are hardly able to give direction to the course of national events. The older urbanites, though literate, are often discredited because of past loyalties to the French or to Diem. This leaves urban youth with a large part of the task of showing the way. Though lacking political and technical experience, these young people must share responsibilities that elsewhere might be preempted by their elders.

A growing number of them are choosing to exert their experience through social service. Seeing the hopelessness of the peasantry and city poor as one of the country's basic problems, they believe that helping these disillusioned people to deal with their local problems is to build a base for Vietnam's economic and political future. In addition, they regard effective work on such programs as a way of preparing young men and women for broader responsibilities later on. Their social commitment grows out of a profound pessimism about the present situation, which seems to them to call for sweeping changes of behavior. And they are willing to begin with themselves. The country's needs, as they see them, are reflected in their frequent use of the term "revolutionary." As the leader of one social service group explained to the author, "Revolution is a complete transformation of society, because in our country everything is corruption." Vietnam's youth sees no hope in "business as usual."

Another attempt to define and justify the social revolution for which the young Vietnamese are striving was made by Doan Thanh Liem, who is perhaps the most articulate spokesman for the students today. About thirty years old, he was one of the founders of the highly successful community development project in the Eighth District of Saigon, which will be discussed in some detail below. Liem wrote recently:

"A whole social revolution cannot forget any aspect of human life, economic, political, cultural, or spiritual.

"An absolute social revolution is impossible with patches and half-measures carried out by crooked men, demagogues, temporarily satisfying the apparent demands of a group of people to stabilize their position or maintain their individual power.

"A human social revolution must consider man as the end, not the means, must not use terrorism or get the truth distorted as under dictatorships."

The "revolutionary" needed to carry out this task is, by implication, a dedicated and disciplined humanitarian. Unlike his Communist counterpart, he understands the value of freedom, democracy, and the dignity of the individual. Many of the students have this understanding, having experienced the brutal totalitarianism of the Viet Cong. As of now, only a small number of them may be living as "revolutionaries." But their number is growing, and many more are susceptible to the appeal of the movement and would be caught up in it if gained momentum.

AN OPPORTUNITY

The first opportunity for South Vietnamese youth to join together in a nationwide attack on pressing social problems came in January 1965. The Boy and Girl Scouts, the National Voluntary Service, the High School Movement for Social Action, and several religious groups had worked with the rural and urban poor for many years. But these fragmentary programs had suffered from lack of funds and the absence of governmental approval and support. Their leadership, although determined and able, was divided, and the difficulties they faced were often overwhelming. After the downfall of Diem, student groups approached each new government with comprehensive proposals for social service projects, and quite consistently were refused government support and even denied permission to organize. From their friends in the civil service, they would learn that the responsible officials did not trust the students, regarding them as dangerously irresponsible and incompetent, and suspecting them of being motivated more strongly by political than by social considerations.

A partial breakthrough came in the fall of 1964, when several youth groups, with government support, jointly collected and distributed aid to flood victims in the central provinces. It was the largest cooperative venture of its kind up to that date. The International Voluntary Service (IVS)[1] gave effective assistance to the youth groups, facilitating the logistics and providing liaison with both the Vietnamese government and American authorities.

Earlier, in the late summer of 1964, after a series of street demonstrations, AID's Director of Field Operations in South Vietnam, Dr. George K. Tanham, and his deputy, Colonel Samuel V. Wilson, requested the Rand Corporation to sponsor a study of Vietnamese youth. The author[2] was engaged by Rand as the principal member of the research team. With invaluable support from the IVS, he talked with many youth group members and their leaders throughout the country about their hopes as well as their problems. He found them to be far more positive in their approach than the image that many Americans and older Vietnamese have of them. The AID Mission Director in South Vietnam, James S. Killen, upon receiving the recommendations of the Rand study, offered to support any promising service project proposed by the students. The author, together with IVS Youth Advisor Charles Sweet, presented the offer to student spokesmen, who instantly recognized it as an opportunity to realize long-held aspirations. These student leaders therefore invited some thirty well-regarded associates to form a Founders Committee and, in January 1965, launched preparations for a nationwide "Summer Youth Program."

THE SUMMER YOUTH PROGRAM, 1965

The Founders Committee spent the spring months setting up a national headquarters, securing the Vietnamese government's recognition and approval, recruiting and training leaders, spreading publicity through posters, press, and radio, setting up organizing committees in most provinces, and doing all the other things prerequisite to sending a hoped-for 5,000 volunteers into the field.

The Summer Youth Program, 1965 (SYP '65), was under the direction of Vietnamese youth, and was supported by an American team consisting of four IVS'ers and representatives from the United States Operations Mission (USOM) and RAND. The Vietnamese made up the budgets for the proposed projects and submitted them to the IVS, which in turn presented them to USOM. If USOM found the proposals reasonable, the necessary funds would be assigned to IVS and from there to the students. In practice, it soon developed that the USOM representative, Paul Hare, who was a key member of the American Support Committee, would discuss the budget directly with the students and thereby speed up the process. Despite this obvious advantage, the practice had the drawback of making the American government's role appear prominent, and this in turn exposed the students to unfriendly criticism. Some of the criticism originated with the Viet Cong. But any program of this kind is bound to be looked upon with great suspicion until everyone is convinced of its independence of foreign management.

---

[1] This private "Peace Corps," with headquarters in Washington, D.C., recruits young American college graduates for two-year assignments to some of the developing nations, most of them in Southeast Asia. The Vietnam teams work in agriculture, education, and, to an increasing extent, in youth projects.

[2] From 1959 to 1961, the author served in Vietnam as teacher-training advisor for AID. He subsequently spent two summers in Vietnam and Southeast Asia making documentaries for his company, Sierra World Films.

The Support Committee coordinated the supply of much of the material for the various projects and generally ensured communication with United States representatives about the program. Most of the Committee's administrative work was handled with skill and dedication by IVS'er Sweet.

The spring months saw many crises. Most of these the students were able to resolve. They held press conferences to counter their critics; they reduced the volunteers' already frugal allowance to an even more austere minimum when the Buddhist participants threatened to withdraw because they thought it too high; and they constantly tightened auditing procedures. A major problem was the disruption of travel by the Viet Cong, which made it difficult to keep a national program coordinated. Also, some leaders of the University of Saigon's Student Union were critical of the program because the Union was not directing it. The students at Hue threatened to boycott it, but reconsidered when a team of students from Saigon appealed to their compassion for the poor and when, at the same time, the respected and popular corps commander in the area, General Nguyen Chanh Thi, publicly declared his support of the project. Thereafter, the nine leading youth groups at Hue, including both Catholic and Buddhist organizations, began to plan together and continued a coordinated effort throughout the summer.

In the end, some 8,000 students throughout South Vietnam participated in the program, thus exceeding the most optimistic estimates. They built many schools, infirmaries, refugee homes, bridges, and orphanages, including three large dormitories for orphans at the Vien Hoa Dao Buddhist headquarters in Saigon. Music and dramatic teams toured the country. Medical students and other specialists gave professional assistance. In most projects, the urban volunteers enlisted the help of the villagers and worked closely with them.

The Vietnamese government had only reluctantly endorsed the project. As the summer wore on, however, more and more government leaders came to recognize its possibilities. The Minister of Youth and Sport, who initially had been cool to it, changed his attitude from one of formal endorsement to active and useful support. The students, in turn, who had started out suspicious of all government officials, now worked with them with growing confidence. AID provincial representatives and IVS members in the field encouraged and supported the program. Their participation ranged from close involvement to occasional help in securing building materials from the stores of provincial governments. A notable supporter was IVS'er John Sommer in Hue, who did much to maintain unity in that divided area.

A great tribute to the honesty and the idealism of the students was the fact that in this complex project, which engaged thousands of young people and involved the distribution of some 19 million piastres over much of the country, strict auditing uncovered only one theft of money (60,000 piastres were missing), a record that is the more remarkable when considered against the daily reports of large scale corruption elsewhere in Vietnam.

The concluding and most ambitious official project of SYP '65 was the 'Liberty Work Camp." In it, youth representatives from most of the provinces came together at the refugee center at Thanh Loc, several miles north of Saigon, and built homes for 120 refugee families. The work called for strong organizing ability and was a test of how much the students had learned through the summer. The work was carried out with enthusiasm and success despite such difficulties as monsoon storms and material shortages.

A poll of participants at the Liberty Work Camp to discover their feelings about the Summer Program, along with some informal efforts to obtain a broader sample of opinions, yielded nothing but favorable responses. Without exception, the respondents urged that the program be repeated in 1966, even though they suggested modifications in details. Some American officials, particularly around Hue, who earlier had expressed strong reservations, now supported the program wholeheartedly. AID province representatives for the most part reported favorably, and often with great enthusiasm. Several young American graduate students who were assisting USOM provincial representatives through a summer internship program described SYP '65 as the most productive community service effort in their respective areas. They also recognized the impact on the students themselves. In the words of one of them, Rensselaer Lee, ". . . the main value of the Summer Program lay not in the content of its projects but in the effect on its participants, namely the development of a concern among essentially urban-centered youth for conditions in the countryside."

A way had been opened for youth to make a major contribution to national unity, and the young people—Catholic, Buddhist, Cao Dai, and Hoa Hao—had demonstrated that they could work together in a common program which they themselves directed. All geographic regions participated and all benefited. Rural people saw young intellectuals come into their hamlets and do hard manual work with and for them. "The Summer Program spirit" and "the Summer Program way of working" became stock phrases that were used in planning future activities. And the competence and new confidence of Vietnamese youth showed itself in several highly important programs that grew out of the SYP '65.

AFTER SYP 1965

The Eighth District. As the Summer Youth Program, 1965, took shape, some of the participants formulated the idea of having a team of youth leaders take on full-time responsibility for an entire district or province. Working closely with the local officials, they would begin with a careful survey of needs, and would have authority to initiate reforms and new programs. Such a project would be the proving ground for the revolutionary approach by which these young people sought to help their country. Through the Summer Program they had not only gained valuable operational and organizational knowledge but had given the government evidence of their dedication and sincerity.

The area they chose for their demonstration was District Eight, on the outskirts of Saigon, one of the city's most depressed areas. Most of the roughly 150,000 residents of this district are unskilled laborers who live in squalid quarters and suffer from an inadequate diet. They have few opportunities for even an elementary education, and are beset with overwhelming health and sanitation problems. For years, the district's local government had been demoralized and ineffectual. Its problems were compounded by an influx of refugees, who moved into broken-down, abandoned buildings or lived in the open. The crime level was high, hope was low, and the Viet Cong had a good field in which to work.

In July 1965, twelve young leaders, including four army officers who had been stationed in Saigon and had worked with the Summer Program, requested Prime Minister Ky's permission to take charge of this difficult district. Ky agreed, assigned the officers to the project full-time, and promised financial support.

The team began by establishing headquarters for what they called the "Youth for New Life Movement," and went on to recruit young people for either full- or part-time participation. Discipline in the group was severe. The cadres were expected to live exemplary lives, and those who failed to measure up were dismissed. Even though members received only enough money to meet their most pressing needs, they were expected to work long hours. Yet the absolute commitment, the "revolutionary" appeal, attracted many recruits.

One of the first projects of the New Life Movement was to build an elementary school and, adjacent to it, a child care center. Other projects included the launching of two agricultural cooperatives to permit families to supplement their incomes by raising pigs, chickens, and ducks. Hamlet and village officials were invited to a center where they received training in the ways and techniques of government. A successful part of the effort, which attracted large numbers of participants, was a series of community recreation programs, where evening song sessions would be interspersed with brief lectures on health, community organization, and rudimentary economics. Miscarriages of justice and abuses of power were righted wherever possible. Thus, when several local officials were found to have been profiteering, they were removed from office on the recommendation of the youth group, and their replacements were chosen by popular election.

Once the young cadres had been trained, they moved into individual hamlets in teams of four or five. There they would live with local families for several days, getting to know them, winning their confidence, and identifying those with leadership qualities. In individual conversations, small group discussions, and finally the all-hamlet meeting, they would find out what project the residents felt was most urgently needed. The inhabitants would elect their own "hamlet development council," and work would begin. In a recent optimistic letter to the author, the spokesman referred to earlier in this report, Doan Thanh Liem, wrote: "We celebrated our first anniversary last month. In one four-day period there were 46 hamlet development councils meeting and discussing popular needs and aspirations."

Many hamlets decided that their overwhelming need was housing. One resolved the problem by taking over an ancient cemetery and then persuading a company that was dredging a nearby river to pipe the residue into an adjoining low area, thereby making space available for hundreds of new homes. The cadres then instructed the villagers in the making of bricks, secured large amounts of cement and roofing from USOM, and helped organize the volunteers—several hundred, including many women—into work teams. After fifty houses had been built, the villagers drew lots to see who would have them, and Prime Minister Ky, who was much impressed with the project, presided over the dedication ceremony. Another block of houses is now being constructed in the same manner.

As a result of the program, morale in the Eighth District has soared, and the intensified efforts of the Viet Cong to subvert the population have failed. Typical of their tactics was a leaflet to villagers against the American plan to steal their land and urging them to "be ready to kill the spies in the Youth for New Life Movement and to unmask the destructive groups in the occupation conspiracy." It is indicative of the villagers' mood and feeling that they bring such leaflets to the youth leaders and laugh about them. Viet Cong attempts to terrorize the residents and sabotage their work have also miscarried. Grenades that have been planted to trap young workers fortunately have been discovered in time. And a team of Viet Cong who penetrated the area a few months after the youth group took over were immediately spotted and reported to the authorities, who arrested them. Given this kind of cooperation from the villagers, military needs can be drastically reduced.

In the opinion of Vice President Hubert H. Humphrey, who visited District Eight early in 1966, the experiment there offered one of the most encouraging examples of progress to be found in South Vietnam. The mayor of Saigon, Van Van Cua, agreed with this evaluation. Plans are now under way for the young leaders to assume similar responsibility for nearby Saigon Districts Six and Seven. Liem, accompanied by a team of ten "intellectuals," will be in charge of District Six, with a population of 250,000.

The American involvement in District Eight has been very limited. The author and others on the Support Committee took part in some early and quite informal discussions of plans; members of the team visited the project as it developed; and IVS members Charles Sweet and, later, David DePuy helped obtain building materials from USOM. But all of them recognized that the young Vietnamese leaders knew far better than the Americans how to institute effective reforms in Vietnam. District Eight has shown the way to the "social revolution" that both Americans and Vietnamese have often talked about. The formula: a group of dedicated and able young Vietnamese, who are temporarily freed from other responsibilities and so can devote themselves wholly to the task at hand, and who are supported by their own government, with American material aid available to them when necessary in the early stages. Apart from such pump-priming assistance, the role of Americans is above all to help create the environment in which young Vietnamese leaders of the kind represented in the New Life Movement can rise to the surface and be allowed to do the job.

The New School Movement. Many leaders in the Summer Youth Program, 1965, were secondary school teachers. As they watched the program gain momentum, they began to wonder how they might introduce its spirit and approach into their schools in a year-round program. Some of them broached this idea to the Minister of Education, Tran Ngoc Ninh, who agreed to set up a special department in the ministry for such an experiment. The young men who had initiated the plan were put in charge of it, and they decided to begin in four of Saigon's secondary schools. A dozen teachers, men and women with experience in the Summer Youth Program, were relieved of part of their duties to enable them to work on the project.

The New School Movement had several objectives: to devise ways and means of improving morale and discipline within the school, including the institution of self-government; to develop a strong program of athletic and extracurricular activities; and to enlist the students in a variety of social service projects, beginning with improvements in their own school and moving out from there into the community.

At first, the young teachers found themselves opposed by some of their older colleagues, whose confidence and respect they had to win through trial and error. The students, on the other hand, responded with enthusiasm from the start, and soon a large number of school and community programs were underway. After the successful start in the first semester, some forty additional secondary schools came into the program in the spring of 1966. Given continuing support and encouragement, this program could make a major contribution to a changing Vietnamese society. Its participants are getting impressive lessons in democracy, social service, and teamwork. They are learning to think of themselves as part of the whole society rather than of their own isolated social stratum.

The New School Movement furnished the leadership for the Summer Youth Program of 1966. Some of the critics of SYP '65 had objected to the fact that it was not sponsored by the Vietnamese government; yet to wait for that sponsorship in 1965 might well have meant doing without a program altogether, given the lack of mutual confidence between youth and government. By 1966, the situation had changed greatly, and youth leaders were themselves now members of two ministries, of Education and of Youth and Sport. The Ministry of Education, as the more appropriate of the two, agreed to serve as sponsor for the next summer program, with leadership in the hands of the New School Movement. The greatly expanded 1966 program reported half again as many participants as the earlier one.

The Thanh Loc Community Development Group. The concluding project of SYP '65, in which 120 homes for refugees were built in Thanh Loc village, had appeared very successful. It enabled a great many people to move from disease- and vermin-ridden huts to tidy, metal-roofed buildings nearby. Some days after the project's closing ceremony, several youth leaders, returning to see how these people were doing, not too surprisingly found that they had brought their most serious problems with them to their new quarters.

One of the female students, Do Thi Tuong Nga, looked into the reasons for their continuing plight and discovered that most of them were without work, largely because they lived too far from Saigon and were without adequate means of transportation. Their only drinking water came from a heavily polluted stream, and everyone suffered excessively from parasites. There was no land available for farming, and no other means of earning a livelihood. Since these people had been in the area for some time, the six-month rice allowance given to all refugees had run out, and what savings they had brought with them were gone. Thoroughly demoralized, many of them were thinking about returning to their original homes in Binh Dinh Province despite the Communist threat that had driven them away.

Nga gathered a group of her friends, and they went to work. At their invitation, representatives from the Chinese Agricultural Mission, the Vietnamese Industrial Development Center, and CARE came to help them find an answer to the villagers' problems. Together they met with the residents to consider various suggestions, which led to the decision to set up a chicken-raising cooperative. CARE representative Rudolph Ramp, deeply impressed by the youth leaders and the villagers' warm response to them, managed to arrange for rice issues to tide over the needy until they became self-supporting. CARE underwrote the poultry project, which is proving highly successful. Water pollution and other community problems are also being solved as morale climbs.

This and other youth programs owe much of their success to the fact that they are essentially Vietnamese. It is the Vietnamese students and other young people who, together with the villagers, discover the problems, conduct the necessary surveys, decide on the most promising solutions, and carry them out. Trusted American friends may raise questions during the planning, and may also make available some of the information that the youth leaders lack. American agencies may respond to the request for outside help when the need develops. But the program is Vietnamese, not American, from beginning to end.

The Movement for War-Stricken High School Students. When several young teachers traveled through refugee centers in the course of their SYP '65 activities, they were shocked by the plight of large numbers of former secondary school students. Many of these had lost one or both parents. Even those with parents often had been forced to leave school when their families were driven from home villages and all income stopped. Other casualties were the students who lived in refugee centers near American installations, and who dropped out of school because they could make good money doing odd jobs for the foreigners. These young people would line up outside the bases with their bicycles and offer to pedal American soldiers into town. Two such trips per day would give them an income larger than that of their teachers, and they lacked any incentive for giving up this lucrative occupation and returning to school life. Out of the young teachers' deep concern for these young victims of the war grew the Association for War-Stricken High School Students.

At first, the youth leaders used their personal resources to provide the nucleus of a welfare fund. They then requested additional aid from businessmen around Saigon and devised a variety of other money-raising schemes. Some of them had friends in the United States and were able to enlist their assistance. (For example, a fraternity at the University of California at Davis sends a regular monthly check to help with the program.) Although the amounts disbursed are never large, even five dollars a month can make a crucial difference to a needy student. And equally important are the counseling and demonstrations of friendship that go with the money.

The young people who launched and are carrying out this particular assistance project are typical of a growing number who are fiercely determined to help alleviate their nation's needs. Those who are teachers in the public schools could double their income if they taught additional hours in the many private institutions of learning. Yet they choose to live frugally and to devote their spare time to welfare programs of the kind just described.

The Ministry of Youth and Sport. In the past, young Vietnamese looked down on members of the Ministry of Youth and Sport as cynical, lazy, and ineffective. During 1965, under a new minister, there were some beginnings in the development of a new rapport. But the great change came toward the end of that year, with the appointment of still another minister, a youth leader from the Eighth District project. The advent of Vo Long Trieu, who brought into the ministry several SYP '65 associates including former Secretary-General Do Ngoc Yen, marked a tremendous advance. In addition to introducing a new spirit into the ministry, these men have already launched a variety of useful specific activities, including youth training centers in Saigon and the provinces, new sports programs, the coordination of volunteer groups under a representative council, and attempts at a systematic study of needs and possible programs. Youth leaders today are enjoying opportunities far beyond their most daring dreams a year ago.

Other Youth Groups in Social Service. Most of the Vietnamese youth groups involved in social service projects have also worked with the Summer Program. One noteworthy group, with several years' experience, is the Voluntary Youth Association, which concentrates on short-term work camps and whose pioneering work produced some of the leaders for later groups. The more recent National Voluntary Service (NVS) is modeled on the International Voluntary Service.

The NVS has an elected staff of about thirty, and may have up to 100 volunteers in the field at any given time. Both staff and volunteers are paid barely enough to meet their minimum needs. The volunteers are carefully screened for both ability and sincerity of purpose, and are then put through an intensive four-week training program to prepare them for their one-year assignments. Those who survive the screening and training are graduated in an impressive ceremony, in which they commit their talents and energies to the service of the NVS and for the nation. Unfortunately, by accepting these assignments they also forfeit their draft deferments as students, and most are quickly recruited into the army. Few groups in Vietnam are more effective in rural reconstruction. The government's failure to grant deferment is discouraging to them as well as to those who place heavy emphasis on the sociopolitical aspects of the war.

Both Catholic and Buddhist youth groups have long traditions of social service, and for many years have sent small teams into villages and the needy areas of Saigon to give medical and other assistance. Groups such as the Boy Scouts, the Girl Scouts, and the High (Secondary) School Movement for Social Action have had social service projects. It needed the Summer Program to give them the encouragement and the means for moving into large scale operations. First, the organization concerned would present a proposed program to the Summer Program executive. If approved, plans and budget would be passed along to IVS and the money secured from USOM. The SYP would then supervise the execution of the project and call for a careful accounting of all funds expended. Given this impetus, such groups have accomplished a great deal.

CONCLUSIONS

As the foregoing account tries to show, a significant segment of Vietnamese youth has demonstrated a strong commitment to the country's social and economic reconstruction. They understand the key ideological elements of the present struggle, and they see ultimate victory in the "commitment ratio," not the kill ratio. They have demonstrated the potential for a massive attack on the needs of the urban and rural poor. Given the necessary moral and material support, the movement could well catch the imagination of a growing number of youth. The secondary schools alone have as many students as there are soldiers in the regular Vietnamese army.

Many of these youth groups have proved themselves able to work across religious and regional barriers. Expanded programs could contribute further to national unity. Another feature of the youth programs has been the integrity of the participants. They have found strength in traditional Vietnamese values despite the corruption that surrounds them.

Not surprisingly, the young Vietnamese, like youth everywhere, tend to make the greatest progress when given a comparatively free hand. They resist undue control either by their own government or by Americans. Much of this resistance goes back to their memory of the tight control that the Diem regime maintained over them, and to discouraging experiences with subsequent government leaders. Americans, in turn, have learned and demonstrated that they can on occasion give support to Vietnamese youth without requiring rigid controls. This does not mean giving them carte blanche. But it does mean that, once the students have demonstrated their seriousness and competence, aid for a proposed project may be forthcoming with a minimum of red tape.

There is a very important place in this picture for the help and encouragement of American voluntary associations. Vietnamese youth is best able to initiate new programs if these are supported by nongovernmental agencies such as IVS, CARE, the Red Cross, and foreign student organizations. Governmental aid, whether Vietnamese or American, is likely to be far more welcome *after* such programs are already well launched and ready to expand into massive efforts, since such aid will not then appear as a threat to the group's autonomy. Hence the importance of a well balanced, mutually supportive team relationship among governments, voluntary organizations, foundations, and academic institutions.

A system of military deferment would free many potential volunteers for social projects and would render present programs much more effective. The criterion for, say, a two-year deferment might be a candidate's proven performance in social service as evaluated by a representative youth committee. Such a provision would not only make able workers available, but would also demonstrate the government's commitment to the sociopolitical front in the war.

The valuable potential of youth activities has been clearly demonstrated. But their future is uncertain. Governmental suspicion or internal power struggles could lead to disbandment of the youth groups, or to a fatal demoralization within them. Participants may lose out to their own jealousies and selfishness. On the other hand, the drive and sense of commitment among Vietnamese young people may grow steadily and be wisely supported on the government side. In such circumstances, Vietnamese youth could make a crucial contribution to the "revolutionary" spirit and behavior essential for building a strong, durable, and free nation.

DISPROPORTIONATE RISE IN LAND COSTS IN AUTHORIZED RECREATION AREAS

Mr. ANDERSON. Mr. President, many of us have become increasingly alarmed and dismayed at the disproportionate rise in land costs within authorized recreation areas. To combat the problem, the distinguished Senator from Washington, chairman of the Committee on Interior and Insular Affairs [Mr. JACKSON], introduced S. 1401. I was pleased to cosponsor the measure.

This morning's issue of the Washington Post contains an editorial entitled "How To Reduce Park Costs." The editorial not only endorses the proposal but suggests that Congress put the bill on its emergency list because of its enormous potential for saving taxpayers' dollars. For the benefit of Senators who may have missed the editorial, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOW TO REDUCE PARK COSTS

Senator Henry M. Jackson has offered an appealing and apparently workable solution to the problem of escalating land values in the areas sought for new national parks. Recent experience has shown that the cost of land is likely to double or advance even more sharply between the introduction of legislation to authorize a park and the actual appropriation of funds to buy the necessary land. Last year Congress authorized 23 new parks and recreation areas for which 250,000 acres of land must be purchased. So the chances for savings are enormous.

There are two main thrusts to Senator Jackson's proposal. In line with the recent recommendations of the Bureau of Outdoor Recreation, he would greatly augment the resources of the Land and Water Conservation Fund for a period of five years so that the money necessary for the purchase of park lands will be at hand when most needed. And he would permit advance purchase contracts for a period of two years up to $30 million a year.

Such advance purchase authority would enable the National Park Service to move in as soon as a project is authorized. Even with this system, the Government could not hope to escape all inflation of land values, but it could at least minimize the premium the Government has to pay by reason of its own action in creating the park. If the method should prove successful, its use could be extended and liberalized.

The bill would also authorize the Secretary of the Interior to lease back or sell back land acquired in a national park area but not essential to the park itself. This would permit continued private use of such acreage under controls compatible with its relation to the park. Special scrutiny of this provision will be in order, but some flexibility in handling areas that are protective to the parks is desirable.

In our view, Congress ought to put this bill on its emergency list because of its enormous potential in savings in addition to the protection it would afford to the new parks.

SCHOLARSHIPS TO INSTITUTIONS OF HIGHER LEARNING

Mr. McGEE. Mr. President, the distinguished Senator from Rhode Island [Mr. PELL], in an article published in the Washington Star last Sunday, April 2, has given us a solid explanation of the reasoning behind his bill (S. 36) to establish scholarships for all students admitted to an institution of higher learning. In short, he wants the public school system of the United States to move in the direction of a 14-year program. His purpose is commendable and his reasons, as I have said, are solid. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO FREE COLLEGE YEARS ASKED BY SENATOR PELL

(By CLAIBORNE PELL, U.S. Senator, Rhode Island)

All young people in the United States should have access to a junior college education as a matter of right. A somewhat visionary statement, you would say. A necessary goal, I would reply, and one that eventually will come to fruition.

Now let us take a look at that same idea, but phrased another way: the public school system should be extended from the present 12 years to 14 years. That statement is not so visionary; it seems logical, conceivable and capable of early popular approval. This concept of a 14-year public school system is in essence what I have proposed with the introduction of the higher education scholarship act of 1967 (S. 366).

The proposed legislation I am speaking of is now pending before the Committee of Labor and Public Welfare of the United States Senate. It would establish a scholarship of up to $1,000 a year for the first 2 years of college as a matter of right to all students who have been admitted to an institution of higher learning—that is, students who desire this education and are capable of absorbing it.

"LATE BLOOMERS"

I first proposed this bill in 1965. In committee we had been discussing many measures, all which would aid higher education. However, there was one underlying theme which nagged my subconscious. All the talk and discussion about the programs indicated that one had to have either considerably above-average intelligence or a supply of cash before he could participate. In general, these programs were no help to the hardworking "C" student or the "late bloomer." And it appeared to me that education and all that grows out of it should not be available only to those who can afford it or only to the "A" student.

Upon first hearing about the $1,000 scholarship, many asked, "how about the various scholarships which are presently available under private auspices and the various state and federal loan programs?" I would not detract nor do away with these, but one must remember that they are available only to the student who has the highest intelligence and attainment level and generally meets a needs test.

FAULTY SYSTEM

I find this system faulty on two counts: First, and perhaps most important, the majority of us are not brilliant. The brilliant student needs no special scholarship fund. He will make out all right; but the average student, the C or low B student, finds that the presently available funds, whether they be outright grants or loans, are not available to him. Secondly, I find it undignified and unwarranted to ask someone to explain how poor he is in order to get aid for education.

Let me cite some statistics to demonstrate what I am getting at. Out of every 1,000 students who entered the fifth grade in 1957, 710 graduated from high school in 1965. That's a drop-out rate of 30 percent, or conversely, a graduation rate of 70 percent. However, in the same year (1965), of those 710 students who graduated from high school, only 378, or 37.8 percent of the original 1,000, went on to higher education. It is my belief that many of those 622 who did not go to college would have done so had the assurance of some financial aid been available. Unfortunately, the only way to prove this point is to have interviewed every graduating high school student.

GETTING WORSE

When one considers the cost of higher education, the only statement which can be made is that the situation is getting worse. It seems that with every passing year, universities all over the country raise their tuition and room-and-board rates.

The state-supported schools also point out that while costs are rising, there is no comparable increase in state assistance. Recently, Pennsylvania State University became one of very few institutions which lowered tuition rates. This reduction was accomplished because the state legislature specifically earmarked $1.4 million of the university's $30.1 million education appropriation for a mandatory reduction in in-state tuition and fees. Unfortunately, this is the exception rather than the rule.

Students in American colleges pay greater tuition for higher education than students in most other countries.

Denmark, Norway and Sweden have no tuition at all. In France, Switzerland and Austria, charges are very low. When one goes to eastern Europe and the Soviet Union, it is again found that there is no tuition. On the other hand, in the 1964–65 academic year, the average per-student charge for tuition and fees in the United States was $1,088 at private institutions, while those at state colleges and universities averaged $243 for in-state students and $639 for out-of-state students.

And when one takes into consideration the cost of room and board, the average cost of education for the same academic year was $1,907 for students in private institutions and $950 for those in public institutions. We must also remember that these are merely averages—some private universities in this country now have tuition costs alone of over $2,000 per year.

We must recognize the fact that higher education in our country has undergone and is continuing to experience a profound change. There has been a great upsurge in the number of junior colleges and the students enrolled therein. In 1955 there were 469 junior colleges with an enrollment of 308,400 students in the nation's junior colleges. This growing trend is of utmost importance to our nation, for the products of our junior colleges will become an ever-increasing factor in the makeup of our adult work force in the years to come.

While many of those attending junior colleges will continue for two more years at another institution and receive a baccalaureate degree, for others, the junior college or technical institute is the place where he will receive training for his life's work.

PRACTICAL CURRICULUM

Generally speaking, the junior college has a specialized, practical curriculum which provides industry and ultimately our nation's economy with skilled technicians and sub-professionals. For example, it takes four or five years for an individual to become a graduate theoretical engineer; however, a good mechanical draftsman—that is, an individual who takes the theoretical ideas and turns them into the plans from which bridges and buildings are built—comes out of a junior college after two years of study.

There is a third factor to consider when we speak of higher education and a scholarship bill that would provide for up to $1,000 per year for the first two years of college. We would be begging the question if we did not face it. This is the matter of cost. The department of Health, Education and Welfare has informed me that an extrapolation of present enrollment figures indicates that the higher education scholarship act of 1967 would cost somewhere in the neighborhood of $3.3 billion.

This is a large sum; true, we could indulge in that statistical game of relating this cost to present military expenditures, research and development contracts with industry, or the cost of sending a few men to the moon. However, these comparisons always pick and choose and do not really prove anything. Suffice it to say, and I defy anyone to contradict this statement, such a cost is well within the capability range of the American economic structure.

DISPERSE KNOWLEDGE

This, then, is what all the preceding discussion of statistics, junior colleges and cost is about—the need, feasibility and humanitarian correctness of a measure such as S. 366, the higher education scholarship act of 1967.

There is a basic need to disperse knowledge to all people in the country. There is a need to insure that no matter whether he has an IQ of 114 or 141, an individual will be able to receive the benefits of the higher education he is capable of assimilating.

Failure to take action—action which through a scholarship bill would raise the intelligence, attainments and earning levels of our nation—would, in my opinion, be a grave mistake. Now is the time to enact the measure which will provide for a viable and strong citizenry in the future. The beneficiary of the higher education scholarship act of 1967 would be our nation as a political entity, our growing and more sophisticated economy, and our people.

FIRE RESEARCH AND SAFETY

Mr. SCOTT. Mr. President, I was grieved to read of the dormitory fire which occurred yesterday at Cornell University, in Ithaca, N.Y., in which two Pennsylvania girls were killed—Jennie Zu-Wei Sun, of Upper Darby, and Anne C. McCormic, of Philadelphia. I wish to express my sincerest sympathy to their families and to the families of the other seven persons who perished in this tragic fire.

The Consumer Subcommittee of the Committee on Commerce, of which I am a member, has just completed hearings on the proposed Fire Research and Safety Act of 1967—S. 1124. Yesterday, at my invitation, Dr. Edward A. Campbell, of Penn State University, one of the Nation's most knowledgeable experts on school fires, testified before the subcommittee, urging that the scope of this bill specifically include research on the problem of school fires.

It is sadly ironic that Dr. Campbell's testimony should be given on the same day as this most recent school fire tragedy. Hopefully, the proposed Fire Research and Safety Act will lead to effective answers.

A EUROPEAN VIEW OF VIETNAM

Mr. DODD. Mr. President, the fact that many leading European observers and critics support the American commitment in Vietnam is often overlooked, since those who criticize our efforts are usually more vocal and demonstrative.

One reason for the unclear picture of the war which emerges in Europe, writes Nieuwe Rotterdamse Courant correspondent J. H. Huizinga in the current issue of the Reporter, is that:

> Only the United States side of the war is public—what impartial Western corresondent has been allowed to accompany the Viet Cong on their operations and witness their cruelties?—a distorted picture results. A series of articles by one of Europe's most eminent correspondents, Robert Guillain of *Le Monde*, is a good example. Guillain devoted six times more space to the sufferings resulting from U.S. bombings than to the misdeeds of the Viet Cong.

Mr. Huizinga also noted:

> If statesmen have little choice but to oversimplify in one direction, painting the enemy too black and their own side too White, intellectuals are inclined to oversimplify in the other direction, reversing the colors.

This, it seems, is a universal phenomenon.

In this article, the idea that American servicemen and diplomats in Vietnam conducted themselves with any degree of arrogance is dispelled. Mr. Huizinga writes:

> Few things struck me more in my contacts with U.S. military as well as civilian representatives in Vietnam than the absence of presumption and arrogance. They were quiet Americans indeed, remarkably good humored and long suffering, even under strong provocation.

The voices in Europe supporting our fight against aggression in Southeast Asia are many. All too often, however, Americans are unaware of their existence, or of the great force and eloquence of their arguments. For this reason I wish to share this important article with other Senators.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A European's View of the Vietnam War

(By J. H. Huizinga)

The debate on Vietnam, as Harold Wilson has said, is characterized by "great passion, great feeling, and great emotion." The British Prime Minister referred to the worldwide indignation aroused by United States actions in that unhappy country. Believing as I do that the purely emotional protests against the war in Vietnam do not deserve the respect they often receive, I shall no doubt be accused of having a heart of stone. And it is true that when I went to Vietnam last year and took part in an air strike against the Vietcong guerrillas, I felt not a twinge of guilt.

There was a moment, however, when even my cold heart was moved to protest. "You gotta work over the area good and proper," the briefing officer instructed my pilot and his three colleagues. I was shocked; the man talked as if were a question of plowing a field rather than of dropping napalm. Yet I remained silent, for on reflection I recognized my indignation for what it was: self-indulgent sentimentalism. The target was a Vietcong concentration in a stretch of uninhabited jungle: war is war, and fire is one of its oldest instruments. These men had a job to do; one might indeed call it a chore, for they went out on these missions five days a week. They were bound to talk about their work in this businesslike way.

This is not to exculpate myself from the charge of insufficient compassion; on another occasion, I felt that it was justified. This was soon after my arrival in Vietnam when I spent several hours on one of its huge air bases, taking shelter from the blinding sun under the wing of the military transport that was to take us from Saigon to Hué. With clockwork precision, an endless stream of fighting machines, miraculously avoiding collision with the incoming traffic, roared into the shimmering air on missions of death and destruction. Still new to the war, I should have felt a sense of horror at the thought of what they would let loose on paddies and villages in the green land beyond. But no such pictures came to mind; I saw only a superbly organized death factory at work. Just forty-eight hours after my arrival, the identification with "one's own side" had become so complete that everyone on the receiving end of the factory had become fair game.

It was here that my failure of feeling showed most clearly, for the tragedy of the Vietnam war is, of course, that so many people on the receiving end are *not* fair game. The average South Vietnamese peasant is in no way responsible for the miseries visited upon him. He is not to be compared to the German civilians who could be held largely responsible for the fate that befell them during the Second World War, but rather with the civilians in German-occupied territory. Indeed, he has even more claim to compassion than the occupied populations of wartime Europe. Like them, he is bombed "for his own good" because there is no other way of liberating him from his "liberators." But unlike the German captives, he has some reason to doubt whether the kind of liberation he can look forward to is worth the price.

This being said, questions about the emotional opposition to U.S. actions in Vietnam remain: How legitimate is its indignation? How pure is its inspiration? First, it should be a chastening thought that one hears very little of this humanitarian protest among Vietnam's neighbors, such as the Thais. They know that if the United States were to settle for disguised or phased surrender, Thailand would be next in line for a "war of national liberation." It is a little too easy for people in the West to demand that the sufferings inflicted on the Vietnamese be brought to an end, whatever the cost to the Thais or Laotians. These critics should ask themselves whether they would be equally ready to advocate withdrawal if the United States were bombing Germany to stop Ulbricht's guerillas from advancing to the Rhine.

Secondly, those who take the line that anything is better than a continuation of the war are guilty themselves of a lack of compassion and imagination. Before denouncing President Johnson for inhumanity, they would do well to reflect on the inhumanities that would result from the policies they advocate. They might give some thought to the President's statement that "A just nation cannot leave to the cruelties of its enemies a people who have staked their lives and independence on America's solemn pledge."

A third point frequently overlooked is that the feelings of horror and indignation aroused by the Vietnam war are so intense, at least in part, because the war is so wide open to journalistic investigation. How much a reporter sees of the war depends entirely on how brave he is. And because some of the U.S. reporters are brave indeed, the public has had a much closer look at war than ever before. Certainly it is much closer than the reporting of the Algerian war, when the authorities were much less co-operative. Add the tremendous impact made by television, and one begins to understand why the Vietnam war has impressed the public so strongly. Because only the U.S. side of the war is public—what impartial western correspondent has been allowed to accompany the Vietcong on their operations and witness their cruelties?—a distorted picture results. A series of articles by one of Europe's most eminent correspondents, Robert Guillain of Le Monde, is a good example. Guillain devoted six times more space to the sufferings resulting from U.S. bombings than to the misdeeds of the Vietcong.

INTELLECTUAL FOG

It is no accident that the tendency to give the other side the benefit of the doubt, manifest in the acceptance of the Vietcong claim to be spearheading a popular revolt, is particularly noticeable among intellectuals. The intellectual prides himself on his objectivity and independence of thought and is ever tempted to give "the other side," by whose recognition he demonstrates his independence, more weight than it merits. If statesmen have little choice but to oversimplify in one direction, painting the enemy too black and their own side too white, intellectuals are inclined to oversimplify in the other direction, reversing the colors. A striking example of this was Senator J. William Fulbright's warning that his country "is succumbing to that arrogance of power" which has "afflicted, weakened, and in some cases destroyed great nations in the past."

There is an element of intellectual showing off in such statements. Few things struck me more in my contacts with U.S. military as well as civilian representatives in Vietnam than the absence of presumption and arrogance. They were quiet Americans indeed, remarkably good-humored and long-suffering, even under strong provocation. I saw one U.S. official in Hué standing in front of the consulate patiently listening to a long diatribe delivered by the leader of an anti-American demonstration. "Thank you," he said with a smile as the young man at last handed him the text for transmittal to President Johnson. And I marveled at the modest, unassuming tones in which these representatives of a superpower spoke of and to their Vietnamese protégés. Judging by what I saw of them, they rarely throw their weight around and do not adopt the supercilious airs we Europeans often assumed in colonial days.

That so many people in the non-Communist world have become alienated from the United States because of Vietnam can partly be explained by a widespread historical misconception. As these people see it, the Geneva Agreements were a great feat of statesmanship, the first flowering of peaceful coexistence that subsequently was blighted by Saigon's and Washington's violation of a crucial provision. The facts are rather different. The Geneva accords were imposed on the anti-Communist Vietnamese (who had died to prevent a Communist take-over in greater number than the French forces in Indochina) somewhat as the Munich pact was imposed on the Czechs. The sorry episode was well described in Donald Lancaster's "The Emancipation of Indochina": "The Vietnamese foreign minister declared that his government would refuse to subscribe to any cease-fire agreement partitioning the country. . . . But on July 20, he informed the French Prime Minister with sorrowful dignity that his government would not oppose the impending armistice in spite of the fact that it considered such an armistice to be both catastrophic and immoral. . . . He proposed that the Vietnamese government's objections and reservations should be incorporated in the Final Declaration. His protest was brusquely dismissed" (by the French and the British).

As for the agreement to hold elections, which Diem and Dulles are supposed to have violated, it exists only in the realm of popular mythology. It is true that Molotov, Chou En-lai, and Ho Chi Minh, not content with the partitioning that gave the Communists more than half of the Vietnamese population, extracted a promissory note for the rest from Anthony Eden and Pierre Mendès-France. These two ministers reluctantly agreed to a plebiscite within two years that would almost certainly have placed the whole country under Ho's rule. No wonder that those on whose account the check had been drawn—the non-Communist Vietnamese in the South—refused to honor it. Thanks to them and their American backers, the installment plan on which all of Vietnam was to be delivered to Ho by 1956 was foreclosed.

The South Vietnamese were perfectly entitled, both in international law and in equity, to disregard the declaration calling for elections—in law because they had remained mute when Eden asked for oral approval of this document that bears no signatures of any kind, and in equity because the conditions for a truly "free expression of the national will" were notoriously lacking. A free choice presupposes freedom from fear on the part of both the candidates and the voters. And no one has yet been able to explain how such a climate can be made to prevail in a country where the contenders for power have spent years trying to vanquish one another by force of arms with all the bitterness and vengefulness resulting therefrom.

As for the obligations undertaken at Geneva by the United States, it may perhaps be argued that the American delegate's statement that "In the case of nations now divided against their will we shall continue to seek to achieve unity through free elections supervised by the United Nations to ensure that they are conducted fairly" was a very general endorsement of the *principle* of the Final Declaration. But it is nonsense to conclude from this, as Philip Noel-Baker has done, that the United States had a legal obligation to compel Diem to hold elections and that the failure to do so has "done more than any other event in the last decade to undermine the binding force of international law."

There is another reason, however, why those who hold Diem and Dulles responsible for frustrating Geneva's promise of a "democratic" solution of the unresolved conflict between Vietnam's Communists and nationalists are guilty of political naïveté bordering on willful selfdeception. It is totally unrealistic to suggest that the antagonists in a long and bloody civil war should allow the issue to be decided by elections. Yet once again this idea is very much in fashion. Since neither can win a military contest, so the theory runs, the two sides must be brought to the conference table to work out a "political solution" that would allow the people of Vietnam to determine their own fate. As if there had ever been a civil war of comparable intensity and duration that was brought to a close by a popular vote in favor of one party or another or by the formation of a coalition government. And as if the experience of Laos had not given conclusive proof that peaceful coexistence between Communists and anti-Communists is quite impracticable within one state once they have been at war with one another for any length of time.

EUROPE'S SHORT MEMORY

Something further must be said about the specifically European attitude that finds expression in the patronizing formula: "Of course, I am a hundred per cent with the Americans, *but* . . .," followed by a discourse on U.S. political naïveté and ending with: "You see, old boy, they simply don't *understand.*" To my mind nothing has been more striking than the rapidity with which the Americans have adapted themselves to the stern exigencies of world power and responsibility. Yet today the attitude of patronizing disparagement remains particularly prevalent in Britain and France, where it can be traced to post-imperial spite.

I heard European diplomats in Saigon argue with great earnestness that the Americans simply have not yet grasped the fact that they have a revolutionary war on their hands and that such a war cannot be won with conventional tactics—as if the U.S. press had not expatiated on this theme for years. And as if the U.S. and South Vietnamese military commanders had not taken a leaf out of the enemy's book, fighting him with his own tactics. At the Revolutionary Cadre Center in Vung Tau, selected villagers grouped in Revolutionary Development Teams are being taught to reconquer the countryside with the same techniques used by the Vietcong and, in fact, deliberately copied from them by the U.S. instructors.

This may be an undertaking of doubtful merit. For if the South Vietnamese are to be won for Saigon by armed agitprop teams—which is what the Revolutionary Development Teams are—the end product of this operation, a regimented populace, is likely to differ but little from that aimed at by the Vietcong. But it certainly does dispose of the charge that the Americans have not discovered what kind of war they have on their hands.

The view that Washington's international priorities are all wrong, that the attempt to hold the 17th parallel and maintain the status quo in South Vietnam is an unnecessary and indeed dangerous waste of blood and treasure, is expressed as often in the United States as in Europe. One knows the argument: The dangers of allowing South Vietnam to fall to Ho Chi Minh are less than those of stepping up the war, getting bogged down on the mainland of Asia, and forfeiting the fruits of a progressive détente with the Soviet Union; the West has little to fear from a reunited and Communist Vietnam since, far from allowing itself to be used by China, it would adopt a Titoist position. Thus the U.S. is fighting the wrong war in the wrong place at the wrong time, and in so doing fails as the guardian of the balance of power on whose maintenance the peace of the world depends.

Whatever the merits of this argument—which ignores the chain reaction that might be set off by a spectacular American retreat—it does not sound good coming from Europeans. Their record as keepers of the peace hardly entitles them to speak in patronizing tones of their "inexperienced" successor's handling of his world responsibility, for when the Anglo-French entente still led the West it allowed the balance of power to be tilted against it in Ethiopia, the Rhineland, Austria, and Czechoslovakia, until the landslide all but overwhelmed us.

Students of foreign affairs should be able to recognize that the justification of U.S. policy in Vietnam depends on one thing only: whether this action is indispensable for the maintenance of the balance of power and the timely prevention of a slide toward ultimate disaster. Whether Hanoi is the aggressor, whether the Saigon regime is reactionary, or whether the Vietcong represent a spontaneous popular rising all are irrelevant to the justifiability of the U.S. intervention. Once you accept that this attempt to maintain the status quo represents the lesser risk for the maintenance of peace, there should be no difficulty in supporting the President's policy.

To illustrate this point, suppose that a defeatist government seemed on the point of emerging in Saigon and that Washington, convinced of the importance of holding the 17th parallel, were to forestall the new government's assumption of power. One can imagine the howls of indignation of all those in the non-Communist countries who, blind to the bitter realities of our international jungle, refuse to recognize the jungle law by which one must live if one wants to live at all; the law which, in the interest of peace, obliges all parties in the cold war to forestall or undo assaults on the status quo that threaten to tilt the balance of power against them. President Eisenhower recognized this in 1956 when he permitted Moscow to suppress a popular revolution in Hungary that might well have set off an anti-Soviet rebellion throughout Eastern Europe. Premier Khrushchev recognized it when President Kennedy compelled him to renounce his attempt to upset the balance of power by placing missiles in Cuba. If, therefore, President Johnson were no longer able at some future moment to maintain that the United States is in Vietnam at the invitation of its people, he could still invoke the bitter law of life recognized as valid by Washington in 1956 and Moscow in 1962.

These stern facts are what we must respect, not "the great passion, great feeling, and great emotion" aroused by the U.S. policy in Vietnam. This policy is based on a calculation of how withdrawal or continued defense in South Vietnam will affect the peace of the world. Those who denounce the policy would do well to make the calculation themselves and consider whether they would be equally ready with their answer if they had to bear the responsibility borne by the man who will be called to account by history.

THE QUALITIES AND ACHIEVEMENTS OF THE PRESENT MIDDLE-AGED GENERATION

Mr. McGEE. Mr. President, on Sunday, April 2, Mr. Howard K. Smith, writing in the Washington Star, left a challenge, as it were, for today's generation of students. He wrote:

> If they come close to equalling the qualities and the achievements of the generation now middle-aged, they shall be doing breathtakingly well.

Perhaps today's students do not agree with that assessment. But Mr. Smith has given them reasons to think it over—reasons which range from the solution of a mad depression to the strengthening of Europe. With him, I hope that the rising generation can, indeed, do as well—even better. I ask unanimous consent that Mr. Smith's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BEST GENERATION SINCE THE FOUNDING FATHERS

(By Howard K. Smith)

I talked with my friend and former colleague, Fred Friendly, late of CBS, the other night. He is ecstatic over the newly-discovered delights of teaching the young. His 95 students at the Columbia School of Journalism, all rapturously eager to enter the field of broadcasting he has just abandoned, are sharp, bright and will, he is sure, hit the world like a cleansing wave when they get out of school.

"You can't put anything over on those kids. They are terrific. They ask you, 'What can we believe in? you have left us nothing to believe in.' They want answers and they don't hear any from us, so they will make their own answers. For them, things are going to have to change," he said.

Well, there are answers aplenty to their loaded qeustions. It is time we moderated both our ecstasies and our doomsayings about the coming generation for both are wrong. Its members are going to have virtues and they are going to have vices. They are not going to hell in a handbasket full of LSD. But neither are they going to lead us the straight way to Heaven.

I speak and mix on about 20 campuses a year. I am impressed but not ecstatic. Today's students are on the average a little brighter than past generations and certainly are better educated and better fed and better provided for. But there is no evidence that they are morally stronger, or that they are any less susceptible to the corruptions life will inevitably throw in their way, or that they have some special gift of higher values than their parents had.

As with all young people since the beginning of time, there is a streak of instinctive resentment of parents. In the mass it expresses itself in self-righteously blaming the world's imperfections on the flaws of the past generation. They imply that the answers to problems are really easy if you are moral and have courage, and that they have it where their forbears did not.

Well, if they come close to equalling the qualities and the achievements of the generation now middle-aged they shall be doing breathtakingly well.

This generation found the world in a mad depression in which poverty flourished amid incredible abundance. It not only cured the depression but found a way to make such depressions impossible.

It found America blindly isolationist. It converted America, by one of the great revolutions of the age, into the most internationalist of all nations, far the main sustenance of the United Nations, and the one power which has demonstrably prevented aggressions that could have ignited a new world war on several critical occasions.

The generation before this one was wholly confounded by the problem of what to do about aggressively nationalist Germany. It mishandled Germany so badly after World War I that Germany became more madly nationalist and was able to sweep the world into a still worse war. However, the present generation took over that Germany—and Japan and Italy—and converted it and its fellows into self-ruling prosperous working democracies which are a threat to no one.

This generation found the cradle of our civilization, Western Europe, in decay and collapse. It created NATO and the Marshall Plan; and it insisted that the inadequate nations of Europe begin uniting. The result is a higher standard of life and a freedom from danger of war such as Europe has not known before.

It found the Negro released from formal bondage but shackled in a new informal bondage of prejudice. It launched a Rights Revolution which has made astonishing progress and cannot now be halted.

Alas, everything has not been solved at once. Our dizzying technological progress and our explosion of population have created sudden new problems we are just beginning to understand. But what has been solved constitutes a record that may be superior to that of any generation since the classic one that founded the nation.

It is in no way automatic that a new rising generation will do better, or as well.

What may they believe in? Well, one thing is the power of conscientious, hard-working, courageous citizens to shave a millimeter off the imperfectibility of man. We did not invent the idea. But we provided some uncommonly good illustrations of it.

THE POST OFFICE PROPOSAL

Mr. HANSEN. Mr. President, since coming to the U.S. Senate I have received a great deal of mail from all segments of our society concerning our post office system.

The letters have come from people within the postal service and also from people being served by that service. These letters raise such difficult questions as the need for increased wages and pensions for postal employees or, alternatively, the need for more efficient postal service in the face of increasing postal rates.

Recently the Postmaster General of the United States, Lawrence F. O'Brien, has pleaded for a fundamental change in his Department's relationship to the Federal Government. Mr. O'Brien has asked that his Department be remodeled on the pattern of the Tennessee Valley Authority. To free the Post Office Department from the many strangling influences now imposed upon it would, I believe, be the first step in returning its operations to a healthful state. I intend to give Mr. O'Brien's suggestions my careful attention when they come before Congress, and I hope that other Members of Congress will do likewise.

I ask unanimous consent that an editorial published in this morning's New York Times be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AVOIDING POSTAL CATASTROPHE

President Johnson's proposals yesterday for raising postal rates will, if adopted, temporarily ease the Post Office deficit. But the longer-range problems of that essential agency were what Postmaster General Lawrence F. O'Brien was talking about earlier this week when he pleaded for a fundamental change in his department's relationship to the Federal Government. Whatever Congress's decision on the rate increases, it is the issue Mr. O'Brien raised that must be faced if the postal system is to be saved, as he said, from "catastrophe."

His reference to "catastrophe" was not mere hyperbole. A preview of what may lie ahead was provided in the Chicago post office last October. There 10,000,000 pieces of mail backed up for several weeks and virtually paralyzed the nation's most important intercity postal processing point. Less dramatic, but also very important, are the innumerable instances of letters being delivered days and sometimes even weeks after they should have been, a phenomenon with which thousands of Americans are familiar from their own sad experience.

Part of the problem arises simply from the rate at which mail is multiplying. Between 1960 and 1966, Post Office volume increased almost 20 per cent, or even more rapidly than population. The huge capital plant of the postal service—much of it old, obsolete and located poorly in relation to modern transportation patterns—is geared, as President Johnson said yesterday, to handle only about half its present volume. Moreover, the current mail explosion has taken place in a period of high employment, making it difficult to recruit and retain a permanent, high-quality work force.

Politics further complicates these difficult questions. Congress makes the key budgetary, wage and rate decisions, and the result has been that the Post Office has been starved of needed capital, doomed to recurrent large deficits and forced to accept key managerial personnel appointed on the basis of political connections rather than merit.

Another major contributory cause to the present plight of the postal service is that powerful vested interests, notably the postal unions and associations of specialized mail users, have successfully and repeatedly imposed their will upon the system.

The postal situation would be even worse than it is if important positive steps had not been taken in recent years. The introduction of the zip code is a constructive innovation, opening the way to automated mail handling based on optical scanners such as the one installed in Detroit a year and a half ago. Computers and systems analysis are being brought in to meet postal problems, and there is opportunity for further progress along the lines of the President's suggestion for surcharges on odd-sized envelopes that cannot be handled by postal machinery.

But the most basic reforms now required go far beyond mere machinery. The capital needs of the postal system have to be met adequately so that many new physical facilities and much more modern mail handling equipment can be provided. Postal management must be chosen for competence and made a career service immune to political changes. The Post Office's finances need to be handled on a business basis, except as modified by explicitly stated public service criteria (which will involve some continued subsidy); and postal rates and wages must be insulated from the political forces that dominate them, so long as Congress makes the basic decisions.

It is these ends Mr. O'Brien hopes to attain by his proposal that the postal system be remodeled on the pattern of the Tennessee Valley Authority, and given quasiautonomy, access to the private capital market and other advantages that T.V.A. enjoys. It is an intriguing suggestion that deserves to be taken seriously by Congress, as it faces up to the vital necessity of reconstructing the Post Office Department so that it will be able to meet the nation's requirements, which it certainly does not do today.

RICHMOND, VA.—ALL AMERICA CITY

Mr. SPONG. Mr. President, for the second time in the history of the All America City Award, Richmond, Va., has been selected as one of 11 winners throughout the country. It has been chosen ths year from more than 130 competing communities. This award is a significant tribute to the people of the capital city of my State.

The award is sponsored by the National Municipal League and Look magazine. Each year since 1949, 11 communities across the Nation have been selected for this honor on the basis of "outstanding civic achievements brought about by the concerted efforts of the citizens of the winning communities." Selection as an All American City does not mean that a particular community is perfect, or even close to perfection. It means something far more important—that the citizens of the community recognize their civic problems and are working toward solutions.

Richmond was first selected for this award in 1950. The people of Richmond can take further pride in the fact that, in addition to its two winning awards, their city has been cited for honorable mention in past competition.

I should add that Richmond is one of a number of Virginia communities which have been selected as All America Cities. In the western part of the State, Roanoke and Radford have received the award; in central Virginia, Petersburg; in the Hampton Roads area, Norfolk; and in northern Virginia, both Alexandria and Falls Church. And I am confident that there will be many others in the future.

The particular honor this year is Richmond's, and I wish to congratulate its citizens for their work, which has been so suitably honored once again by the directors of the National Municipal League and the editors of Look magazine.

PRESENTATION OF THE MEDAL OF HONOR BY THE PRESIDENT OF THE UNITED STATES TO THE FAMILY OF Sp4c. DANIEL FERNANDEZ, U.S. ARMY, OF LOS LUNAS, N. MEX.

Mr. MONTOYA. Mr. President, today the President of the United States has awarded the Nation's highest award for valor to the family of Danny Fernandez, of Los Lunas, N. Mex. I had the honor to attend this ceremony. It moved me and all present almost beyond words. His parents, brothers and sister understood, I felt, the full significance of this ceremony as well as those reasons behind Danny's actions.

Danny Fernandez threw himself upon a Vietcong grenade in order to save the lives of four comrades. This occurred near Cu Chi, South Vietnam, February 18, 1966.

Mr. and Mrs. Jose I. Fernandez, their two other sons, Peter and James, and their daughter Rita attended the ceremony today.

Mr. President, as I stand and speak here today after witnessing this ceremony, I must confess that my emotions almost overwhelm me, for this boy was like so many of the people of my State who I know so well.

Warm hearts, love of country, devotion to family, and a desire to live decently characterized these citizens. They are eager to learn, willing to work, and patient in adversity. Danny Fernandez shared all these qualities and more.

Thousands of boys like Danny Fernandez are serving today, and I know so many of them. These young men are not on the picket lines. They are not advocating peace at any price. They do not use LSD. They are not interested in destroying property, defying constituted authority, or mocking their elders.

Rather, they have a deep devotion to country, democracy, and loved ones. It is because they believe with their hearts and minds that they go forth in answer to the call of their Nation. They go to serve, to fight, to be wounded, and some to die, far away from home and hearth. Far away from the sound of a mother's voice and a sweetheart's hand. Far away from the familiar and the comfortable. Far away from the blessings of our own land.

Boys like Danny Fernandez love our land, our traditions, our dreams. They want a better life and a fuller realization of what they fervently believe they are fighting for. It is because their belief is translated into action that our Nation survives. We can suffer their loss and mourn them, but we cannot betray them.

I put forth these comments for I know the Danny Fernandezes so well. Their thoughts are mine and I had more than just an inkling of what was passing through the minds and hearts of his family today at the White House.

Danny Fernandez was worthy of his country. There can be no doubt of that. I feel certain that if he were faced with the same choice again, knowing what the consequences were, he would act in the same manner.

From adversity can come strength. From sorrow there emerges a deeper realization and understanding of the true meaning of human sacrifice. For I know that the family of Danny Fernandez wants to believe ever more fervently that his sacrifice was worthwhile. Danny died for his share of the American dream, a dream that has been denied to many for too long, but in which he had an enduring faith.

Now it remains for us to insure that for all the other Danny Fernandezes that dream becomes a reality. If we are to ask the young men of this land to retain faith in the principles we fight for, it becomes incumbent upon us to learn from their acts of devotion and sacrifice. I do not think any Member of this body will take it amiss when I say this. For when we here in this Chamber cease to retain a capacity for learning and understanding, then such sacrifices are truly in vain.

Let each of us resolve that we will seek to look for the deeper meaning of his act. Let each of us not only take pride in the fact that American youth has not let us down, but that it looks to us for an understanding of its motivation, actions, and desires.

I believe Danny Fernandez gave his life for what our land has always stood for. His act of supreme heroism is a reminder that this Nation still stands for the noblest principle of all. Danny died so that principle might thrive. He died and we fight, not to enslave other men, but to free them.

I ask unanimous consent that the President's remarks and the text of the citation be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Remarks of the President at the Medal of Honor Presentation for Sp4c. Daniel Fernandez

We are here today to speak of a brave young American, who gave his life in Vietnam.

Specialist Four Daniel Fernandez earned his country's highest military honor by a classic act of courage and self-sacrifice. He threw himself across a live grenade that had been fired among his comrades. By that act, he saved the lives of four other Americans. Two of them are with us today.

Daniel Fernandez died before he was twenty-two years old. He was not yet born when other Americans crossed the Pacific in World War II. He was not yet in school when others went again to fight for freedom in Korea. Yet today, and forever, he is joined to a legion of American heroes.

The land in Asia where he gave his young life is half a world away from his home in Los Lunas, New Mexico. Yet he did not see much of the world. He went to school in Albuquerque and Los Lunas. He enlisted in the Army after high school, took basic training in Louisiana, served in Hawaii for a time. Then he went to Vietnam, to a deserted hamlet northwest of Saigon, and finally to his fatal encounter with the Viet Cong grenade.

Daniel Fernandez died on February 18, 1966. He died less than three weeks after we, in our ceaseless search for peace, had made our longest pause in the bombing of the North.

The question that haunts me today should concern every American. It is this: Was that grenade on one of the trucks, or on one of the trains, or on one of the sampans that we let pass unmolested during those 37 days?

If it was, then Daniel Fernandez died as more than a hero of battle. He died a martyr in the search for peace.

And those who are urging an unconditional cessation of bombing should ask themselves: "What are the consequences?" It is one thing to talk abstractly of peace and war. It is something quite different to think of a young man named Daniel Fernandez who will dream no more.

Mr. and Mrs. Fernandez, in the name of the Congress, I pass to you the Medal of Honor of the United States, won so deservedly by the hero who was your son.

I give you this, our country's greatest honor.

It is poor compensation for your loss. But be assured that the death of your son will have meaning. For I give you also my solemn pledge that our country will persist—and will prevail—in the cause for which he died.

Mr. Stanley R. Resor, Secretary of the Army, will now read the citation.

Medal of Honor Presentation by Lyndon Baines Johnson, President of the United States of America, to Specialist Four Daniel Fernandez (Posthumously), U.S. Army, at the White House, Washington, D.C., on Thursday, 6 April 1967, at 1300 Hours

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor, posthumously, to Specialist Four Daniel Fernandez, United States Army for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

Specialist Four Daniel Fernandez distinguished himself by gallantry and intrepidity at the risk of his life above and beyond the call of duty on February 18, 1966 while serving as a member of an eighteen-man patrol engaged in a vicious battle with the Viet Cong in the vicinity of CuChi, Hau Nghia Province, Republic of Vietnam. Specialist Fernandez demonstrated indomitable courage when the small patrol was ambushed by a Viet Cong rifle company and driven back by the intense enemy automatic weapons fire before it could evacuate an American soldier who was struck down in the initial attack. Specialist Fernandez and three comrades immediately fought their way through devastating gun fire and exploding grenades to reach the fallen soldier. After the volunteers reached their fallen comrade and attempted to return to their defensive positions, a United States Army sergeant was struck in the knee by .50 caliber machine gun fire. Specialist Fernandez rallied the left flank of his patrol, went to assist in the recovery of the wounded sergeant and, while first aid was being administered to the wounded man, an enemy rifle grenade landed in the midst of their group. Realizing there was no time for the wounded sergeant or the other men to gain protection from the grenade blast, Specialist Fernandez threw himself on the grenade as it exploded, saving the lives of the four men at the sacrifice of his own. Specialist Fernandez' profound concern for his fellow soldiers, his conspicuous gallantry, and his intrepidity at the risk of his life above and beyond the call of duty are in the highest traditions of the United States Army and reflect great credit upon himself and the armed forces of his country.

PRESIDENT JOHNSON APPOINTS VICENTE T. XIMENES TO EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. YARBOROUGH. Mr. President, it is with a great deal of happiness that I hail the appointment of Vicente T. Ximenes to the Equal Employment Opportunity Commission. Although Mr. Ximenes has been a New Mexico resident since the 1950's, we in Texas are proud of the fact that he was born in our State and attended and taught school there.

Mr. Ximenes has had a great deal of experience in economics, as an instructor in economics, research economist, and Deputy Director of the U.S. AID Mission in Panama. Mr. Ximenes was the founder of the American GI Forum in New Mexico and served as national chairman from 1956 to 1958.

Some of our most serious employment discrimination problems involve discrimination against Americans of Mexican descent. The appointment of Vicente Ximenes gives important added expertise to the EEOC in this vital area which it badly needs.

I ask unanimous consent that biographical sketch of Mr. Ximenes be printed at this point in the RECORD.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

Biographical Sketch

President Johnson today announced his intention to nominate Vicente T. Ximenes of New Mexico for appointment to the Equal Employment Opportunity Commission. He will succeed Richard A. Graham, whose term expired July 1, 1966.

Mr. Ximenes currently is Deputy Director of the United States Agency or International Development Mission in Panama.

Born in Floresville, Texas, in 1919, Mr. Ximenes attended the University of Texas and graduate in 1950 from the University of New Mexico with the B.A. degree. He also received the M.A. degree from the University of New Mexico in 1951.

In 1939–1940, Mr. Ximenes was a company clerk with the Civilian Conservation Corps in Floresville, Texas, and in 1941–1942, he was both a teacher and principle in a Floresville elementary school. He then served for five years in the Army Air Forces and was released in 1947 as a Major. During his service, he won the Distinguished Flying Cross.

From 1951–1961, Mr. Ximenes was a research economist and instructor at the University of New Mexico. Then he served from 1961–1964 as a program economist with the U.S. AID Mission in Ecuador. He then joined the staff of the Democratic National Committee and remained there until early 1965, when he accepted a position as Assistant to the

Inspector General of the Office of Economic Opportunity in Washington, D.C.

Next Mr. Ximenes joined the U.S. AID Mission in Panama as Assistant Director for Development Planning. In 1966, he was promoted to his present post of Deputy Director.

Mr. Ximenes founded the American G.I. Forum of New Mexico, and served as National Chairman of the Forum, a community service organization, from 1956–1958.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the acting majority leader, the Senator from West Virginia [Mr. BYRD], whether there has been a further conference on the Senate schedule for today and tomorrow and also with reference to the calendar.

I think we had a tentative agreement that an order would be entered to recess after the end of business today until Monday next at 12 noon; is that not correct?

Mr. BYRD of West Virginia. That is correct.

Mr. DIRKSEN. And then we would proceed with a call of the calendar.

Mr. BYRD of West Virginia. That is correct. I have discussed this matter with the majority whip and it is his desire, if agreeable with the leadership on the minority side, to proceed with the bills on the calendar this afternoon and then recess until Monday at noon and make the Appalachian bill the pending bill at the close of business today, before we recess until Monday, and that bill would temporarily set aside the unfinished business which has been under discussion for the past 2 or 3 days.

Mr. DIRKSEN. Mr. President, I have no objection to that arrangement.

THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 88, and that the remaining measures be considered in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. OTON SOCARRAZ

The bill (S. 60) for the relief of Dr. Oton Socarraz was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Oton Socarraz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 13, 1961.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 87), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Oton Socarraz as of April 13, 1961, the date on which he entered the United States as a refugee. The bill does not provide for the payment of a visa fee, inasmuch as the beneficiary was lawfully admitted on February 22, 1963, as a nonquota immigrant.

DR. MIGUEL ALBERTO ROJAS-MACHADO

The bill (S. 65) for the relief of Dr. Miguel Alberto Rojas-Machado was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Miguel Alberto Rojas-Machado shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 29, 1960.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. ALFREDO REBOREDO-NEWHALL

The bill (S. 66) for the relief of Dr. Alfredo Reboredo-Newhall was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Alfredo Reboredo-Newhall shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 1, 1962.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 89), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

ARMANDO JOSE ALONSO-GARCIA

The bill (S. 73) for the relief of Armando Jose Alonso-Garcia, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Armando Jose Alonso-Garcia shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 26, 1960.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

RITA MARIA GARMENDIA DE ALSINA

The bill (S. 75) for the relief of Rita Maria Garmendia de Alsina was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Rita Maria Garmendia de Alsina shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 27, 1961.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DANIEL PERNAS-BECEIRO

The bill (S. 91) for the relief of Daniel Pernas-Beceiro was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Daniel Pernas-Beceiro shall be held and considered to be lawfully admitted to the United States for permanent residence as of August 20, 1960.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Daniel Pernas-Beceiro as of August 20, 1960, the date on which he entered the United States as a visitor, in order that he may file a petition for naturalization.

CARLOS J. ABROLEYA

The bill (S. 129) for the relief of Carlos J. Abroleya was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Carlos J. Arboleya shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 31, 1960.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 93), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Carlos J. Arboleya as of October 31, 1960, the date on which he entered as a nonimmigrant, to enable him to file a petition for naturalization.

DR. MARIA YOLANDA RAFAELA MIRANDA Y MONTEAGUDO

The bill (S. 130) for the relief of Dr. Maria Yolanda Rafaela Miranda y Monteagudo, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Maria Yolanda Rafaela Miranda y Monteagudo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 30, 1960.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 94), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Maria Yolanda Rafaela Miranda y Monteagudo as of September 30, 1960. The beneficiary was lawfully admitted for permanent residence on March 3, 1963, and the bill will credit her prior residence in a nonimmigrant status toward the naturalization requirements of the Immigration and Nationality Act.

DR. JULIO VALDES-RODRIGUEZ

The bill (S. 131) for the relief of Dr. Julio Valdes-Rodriguez, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Julio Valdez-Rodriguez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 9, 1962.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 95), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Julio Valdes-Rodriguez as of April 9, 1962. The beneficiary was lawfully admitted for permanent residence on August 17, 1965, and the bill will credit his prior residence in a non-immigrant status toward the naturalization requirements of the Immigration and Nationality Act.

DR. ALBERTO FERNANDEZ-BRAVO Y AMAT

The bill (S. 132) for the relief of Dr. Alberto Fernandez-Bravo y Amat was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Alberto Fernandez-Bravo y Amat shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 3, 1961.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. HECTOR JESUS SANCHEZ-HERNANDEZ

The bill (S. 133) for the relief of Dr. Hector Jesus Sanchez-Hernandez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Hector Jesus Sanchez-Hernandez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 25, 1960.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 97), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. RAFAEL A. PENALVER

The bill (S. 134) for the relief of Dr. Rafael A. Penalver was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Rafael A. Penalver shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 9, 1961.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 98), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Rafael A. Penalver as of August 9, 1961. The beneficiary was lawfully admitted for permanent residence on September 24, 1963, and the bill will credit his prior residence in a nonimmigration status toward the naturalization requirements of the Immigration and Nationality Act.

MRS. MARGARITA L. AGULLANA

The bill (S. 137) for the relief of Mrs. Margarita L. Agullana was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Margarita L. Agullana shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Margarita L. Agullana. The bill provides for the payment of the required visa fee. No provision is made for a quota deduction, inasmuch as the beneficiary is the widow of a U.S. citizen.

DR. CESAR A. MENA

The bill (S. 164) for the relief of Dr. Cesar A. Mena, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Cesar A. Mena shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 11, 1960.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 100), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. RAMON BAEZ HERNANDEZ

The bill (S. 165) for the relief of Dr. Ramon Baez Hernandez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Ramon Baez Hernandez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 30, 1961.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Ramon Baez Hernandez as of April 30, 1961, thus enabling him to file a petition for naturalization.

DR. ANSELMO S. ALVAREZ-GOMEZ

The bill (S. 167) for the relief of Dr. Anselmo S. Alvarez-Gomez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Anselmo S. Alvarez-Gomez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 16, 1961.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

MARIA JORDAN FERRANDO

The bill (S. 168) for the relief of Maria Jordan Ferrando was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, as amended, Maria Jordan Ferrando shall be held and considered to be the parent of Mrs. Victoria Trabue, a citizen of the United States, within the meaning of section 201(b) of the said Act.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 103), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for immediate relative status as the mother of a citizen of the United States.

DR. ROBERTO E. PARAJON AND MARIA C. FLORIN PARAJON

The bill (S. 169) for the relief of Dr. Roberto E. Parajon and Maria C. Florin Parajon, his wife, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Roberto E. Parajon and Maria C. Florin Parajon, his wife, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 4, 1961, and July 22, 1961, respectively.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 104), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiaries to file petitions for naturalization.

DR. PABLO A. SUAREZ

The bill (S. 170) for the relief of Dr. Pablo A. Suarez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Pablo A. Suarez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 19, 1962.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. LUIS G. DEDIOT

The bill (S. 173) for the relief of Dr. Luis G. Dediot was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Luis G. Dediot shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 24, 1961.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. SHERIF SHAFEY

The bill (S. 175) for the relief of Dr. Sherif Shafey was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Sherif Shafey shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 30, 1959.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

ROSA ANNA GENOVESE

The bill (S. 256) for the relief of Rosa Anna Genovese, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, as amended, Rosa Anna Genovese may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, and a petition may be filed in her behalf by Mr. and Mrs. Seb Sbona, citizens of the United States, pursuant to section 204 of the Act.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of a child who is to be adopted by citizens of the United States.

WEN SHI YU

The bill (S. 287) for the relief of Wen Shi Yu was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the Immigration and Nationality Act, Wen Shi Yu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 5, 1957.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. RAFAEL JACINTO NOBO Y PIVIDAL

The bill (S. 439) for the relief of Dr. Rafael Jacinto Nobo y Pividal (Rafael Nobo) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Rafael Jacinto Nobo y Pividal (Rafael Nobo) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 28, 1961.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 110), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

GUSTAVO EUGENIO GOMEZ

The bill (S. 461) for the relief of Gustavo Eugenio Gomez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Gustavo Eugenio Gomez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 22, 1961.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. GUILLERMO N. HERNANDEZ, JR.

The bill (S. 464) for the relief of Dr. Guillermo N. Hernandez, Jr., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Guillermo N. Hernandez, Junior, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 31, 1961.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 112), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. MARIO GUILLERMO MARTINEZ

The bill (S. 465) for the relief of Dr. Mario Guillermo Martinez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Mario Guillermo Martinez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 17, 1961.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 113), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

VICTOR ABADI

The bill (S. 466) for the relief of Victor Abadi was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Victor Abadi may be naturalized upon compliance with all the requirements of title III of the Immigration and Nationality Act, except that no period of residence or physical presence within the United States or any State shall be required, in addition to his residence and physical presence within the United States since October 1, 1960.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. FERNANDO O. GARCIA-HERNANDEZ

The bill (S. 501) for the relief of Dr. Fernando O. Garcia-Hernandez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Dr. Fernando O. Garcia-Hernandez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 24, 1961.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report, explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

KIMIKO BETHARD

The bill (S. 533) for the relief of Kimiko Bethard was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a) (2) and (3) of the Immigration and Nationality Act, Kimiko Bethard may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General be deposited as prescribed by section 213 of the said Act: *And provided further,* That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who suffers from mental illness in behalf of the wife of a U.S. citizen veteran.

HENRI P. BOUTIN

The bill (S. 543) for the relief of Henri P. Boutin was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Henri P. Boutin shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 4, 1959.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

PUGET SOUND NAVAL SHIPYARD EMPLOYEES

The bill (S. 652) for the relief of certain employees of the Puget Sound Naval Shipyard was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the following named persons is relieved of liability to the United States in the amount which appears beside his name:

Rita L. Burdick, $604.00; Frederick R. Bixler, $910.07; Rolland A. Bastrom, $105.60; R. C. Boyce, $593.71.

Each such amount is the amount of overpayments, arising out of an administrative error, of his salary as a civilian employee of the Puget Sound Naval Shipyard during the years 1962, 1963, 1964, and 1965. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each person named in the first section of this Act an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to his indebtedness to the United States specified in such section.

(b) No part of the amount appropriated in subsection (a) of this section for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report, explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to relieve four civilian employees of the Puget Sound Naval Shipyard from liability for reimbursement of overpayment to them as a result of an administrative misinterpretation of the Salary Reform Act of 1962.

STATEMENT

A similar bill, S. 3257 of the 89th Congress, was reported favorably by this committee and was passed by the Senate but no action was taken in the House of Representatives.

The Department of the Navy has reported to the Congress that it has no objection to the enactment of the bill.

The circumstances in this case are set forth in a report from the Department of the Navy, dated June 9, 1966, as follows:

"The records of this Department show that these four employees were overpaid as a result of an incorrect pay determination upon their temporary promotions having been made permanent. Mrs. Burdick was given a temporary promotion to accounts maintenance clerk, GS-5, third step, $4,675 per annum, effective September 30, 1962. Mr. Bastrom was given a temporary promotion to supervisory administrative service assistant, GS-8, fifth step, $6,545 per annum, effective August 5, 1962. Mr. Bixler was given a temporary promotion to supervisory guard, GS-5, fourth step, $4,840 per annum, effective April 29, 1962. Mr. Boyce was given a temporary promotion to electrical engineer technician, GS-11, step 1, effective June 24, 1962.

"These employees received a one-step increase in accordance with the regulations in effect at the time of their temporary promotions. On March 17, 1963, in the case of Mrs. Burdick, on February 2, 1964, in the case of Mr. Bastrom, on October 28, 1962, in the case of Mr. Bixler and on May 12, 1963, in the case of Mr. Boyce, action was taken to make their promotions permanent. At that time Mrs. Burdick was given a two-step increase, Mr. Bastrom was given a one-step increase, Mr. Bixler was given a two-step increase and Mr. Boyce was given a one-step increase. The regulations did not and do not now provide for the granting of further step increases when a temporary promotion is made permanent.

"The Department of the Navy favors more general private relief legislation in order that overpayments due to administrative error may be relieved on a more equitable basis. However, since it is evident that the erroneous payments were made as a result of administrative errors and involved no fault on the part of the employees, the Department of the Navy has no objection to the enactment of S. 3257."

The committee has in the past granted relief in similar cases where an error was made on the part of the Government, where the overpayments were received in good faith by the employees, and where repayment would impose a burdensome hardship.

The committee believes that this is such a case which deserves legislative relief.

The committee believes that the bill is meritorious and recommends it favorably.

DR. ALBERT VICTOR MICHAEL FERRIS-PRABHU

The bill (S. 661) for the relief of Dr. Albert Victor Michael Ferris-Prabhu was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Albert Victor Michael Ferris-Prabhu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 2, 1954.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report, explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

HYE SUK PAENG AND MI KUNG PAENG

The bill (S. 822) for the relief of Hye Suk Paeng and Mi Kung Paeng (Patricia Ann) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Hye Suk Paeng and Mi Kung Paeng (Patricia Ann), the widow and daughter of the late Charlie E. Tripp, a citizen of the United States, shall be held and considered to be aliens eligible for immediate relative status under the provisions of section 201(b), and the provision of section 204 of the said Act shall not be applicable in these cases.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report, explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to preserve immediate relative status in behalf of the widow and child of a U.S. citizen.

PUGET SOUND PLYWOOD, INC.

The bill (S. 857) for the relief of Puget Sound Plywood, Inc., of Tacoma, Wash., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Puget Sound Plywood, Incorporated, of Tacoma, Washington, the sum of $44,016.62, in full satisfaction of all claims of the said Puget Sound Plywood, Incorporated, against the United States for compensation for losses incurred in connection with the performance of a timber sale contract (dated January 27, 1959, No. 12-11-036; 37850) between the said Puget Sound Plywood, Incorporated, and the Forest Service, Department of Agriculture, the said Puget Sound Plywood, Incorporated, having failed, under the road cost amortization rates provided in the contract, to recover a substantial portion of the estimated road construction costs specified: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid, or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to pay to Puget Sound Plywood, Inc., of Tacoma, Wash., the sum of $44,016.62, in full satisfaction of all its claims against the United States for compensation for losses in connection with the performance of a contract with the Forest Service, Department of Agriculture, the claimant having failed, under the road cost amortization rates provided in the contract, to recover a substantial portion of the estimated road construction costs specified.

STATEMENT

A similar bill, S. 1347 of the 89th Congress, was recommended by this committee, was passed by the Senate, and was reported by the Committee on the Judiciary of the House of Representatives but was not considered by the House before adjournment.

The claim was the subject of a hearing before a subcommittee of this committee in the 89th Congress at which representatives of the claimant and of the Department of Agriculture were heard.

In its favorable report on the bill in the 89th Congress this committee said:

The bill was introduced to pay the claimant the sum of $75,330.25.

In its original report to the committee the Department of Agriculture said that it would have no objection to the payment of $9,593.72.

At the hearing on the bill the subcommittee requested the Department of Agriculture to determine the amount which would be equitably due to the claimant on the basis of two proposals suggested as possible alternatives to the claim in its original amount.

The amount of the amended bill is the amount determined by the Department of Agriculture under the suggested alternative computation which the subcommittee has found to be equitable.

The facts in the case were summarized by the Department of Agriculture in its original report, of September 25, 1964, to the committee as follows:

"The essential contractual relationship was that the Puget Sound Plywood Co., as the high bidder at an advertised auction, was awarded a timber sale on January 27, 1959. The sale was estimated to contain 19 million board feet consisting of two species groups herein termed Douglas-fir of 13 million board feet estimated volume and hemlock of 6 million board feet estimated volume. Contract rates for these two species groups were respectively $23.75 per thousand board feet and $7.30 per thousand board feet. These bid rates were payable until at least 7.6 million board feet of Douglas-fir and 4 million board feet of hemlock had been cut. On June 1, 1961, the payment rates were subject to redetermination but to not less than $9.90 per thousand board feet for Douglas-fir and $2 per thousand board feet for hemlock. Redetermined rates less than rates bid could not be effective until the specified volumes to be paid for at bid rates had been cut.

"The contract provided that payment rates would be increased when the estimated costs of roads the purchaser would have to build to remove the subject timber would be amortized. The estimated road construction costs and the amortization rate were stated. Construction cost estimates and amortization rates were also subject to revision in connection with the rate redetermination of June 1, 1961. There was no contractual obligation or other commitment that the estimated road costs would be amortized. The purpose of the amortization calculation called for by the contract was to establish the point where an increase in payment rates would apply in event the actual cut overran the volume estimate.

"The actual volumes cut and paid for in this sale were 6,806,090 board feet of Douglas-fir and 7,994,020 board feet of hemlock. The Douglas-fir cut was only 52 percent of the estimated volume and the hemlock cut was 33 percent more than the estimated volume. Because of the underrun in Douglas-fir, total road amortization was $75,330.25 less than the estimated cost of road construction. This is the amount and the basis for the claim of losses asserted by the Puget Sound Plywood Co. in connection with this sale.

"The shortage of amortization in this sale is due to the undercut below estimated timber volume for Douglas-fir. These timber estimates are not guaranteed. This is established in the language of the timber sale contract. It was stated explicitly in the prospectus for this timber sale. The timber to be cut was designated on the ground in advance of advertisement and bidders were encouraged to make their own estimates of volume. This is a well-established procedure for sales in the Douglas-fir region. The Pudget Sound Plywood Co. was knowledgeable and experienced in purchasing and operating national forest timber sales. The Comptroller General, in his decision of B–145647, July 13, 1961, and B–141780, February 1, 1961, concluded that estimated volume sold on a "more-or-less" basis are not guaranteed and that the parties should be aware that the estimated amounts might prove to be erroneous. The Comptroller's views along this line were also discussed in some detail in a letter dated July 2, 1959, to Senator Wayne Morse, which the Senator inserted in the Congressional Record, pages 13869 through 13871 for July 21, 1959.

"Payment to the purchaser of the difference between the estimated road costs and earned amortization would be in direct conflict with the contract and would make it as though such amount had been guaranteed. This would tend to establish an undesirable precedent. This Department therefore recommends that S. 2855 not be enacted.

"Our study of this claim has developed certain information in connection with the rate redetermination of June 1, 1961, that is appropriate for consideration. At the time stumpage rates and road amortization rates were redetermined, the resulting rates were based on the assumption that although there has been an underrun in the volume of Douglas-fir, there would be no volume shortage in any of the species when the sale was completely cut over. The purchaser expressed dissatisfaction that certain representations made by him in connection with the rate redetermination were disregarded. His expression of dissatisfaction was not in the form that constituted an appeal under the Secretary's regulation A–10 (36 CFR 211.2). The exact details of available appeal procedure were not explained to the purchaser. This, of course, was not necessary, since the appeal procedures were published as required by law. In any event, no appeal was taken at that time.

"The purchaser did attempt to appeal from the denial of his request to make an adjustment after the sale was completed. This request was denied by the Department's decision of December 18, 1963, based, in large measure, upon an opinion of November 18, 1963, by the General Counsel.

"The question of what might have been done if an appeal had been made when the rate redetermination was made in 1961 is moot, since no appeal was taken. However, on the basis of the facts and circumstances as they existed at that time, it would have been normal and prudent for the road amortization rate to have been increased due to the underrun in volume being experienced in Douglas-fir. This could have been done with a provision that after amortization of estimated road cost was completed the rate of payment would be increased for stumpage thereafter cut.

"The application of this procedure could not have resulted in reduced rates for Douglas-fir stumpage since the total actual volume cut was 6,806,090 board feet. This was less than the 7,600,000 board feet for which payment at bid rates was required by the contract.

"The volume on hemlock actually cut was 7,994,020 board feet. This was 3,994,020 board feet in excess of the 4,000,000 board feet to be cut at bid rates. Because of the minimum of $2 per thousand board feet below which the stumpage rate for hemlock could not have been reduced under the terms of the contract, the purchaser had an absolute obligation to pay $7,988.04 for this 3,994,020 board feet. He actually paid $17,581.76. The difference between the amount actually paid and the lowest rate authorized by the contract, if the road amortization rate had been adjusted as it could have been, is $9,593.72.

"This Department, therefore, would have no objection if the amount which would be directed to be paid by S. 2855 to Puget Sound Plywood Co. were changed to $9,593.72. This would be justifiable and equitable on account of the failure to apply the normal and prudent procedures in the rate redetermination of June 1, 1961."

In response to the subcommitte request to the Department of Agriculture to develop the amount which would be equitably due under possible alternatives to the amount of the original claim, the Department of Agriculture advised the committee as follows:

"At the hearing on August 19 on S. 1347, Senator Hart requested that the Forest Service advise his subcommittee on the amount of monetary adjustment which might result from certain proposals made at the hearing by the counsel for the Puget Sound Plywood, Inc.

"The two proposals suggested as possible alternatives to the claim of $75,330.25 stated in S. 1347 were:

"1. Revise the volumes required to be cut at bid rates to amounts which will have the same proportionate relationship to the volumes actually cut as the volumes specified to be cut at bid rates have to estimate of volumes to be cut as stated in the contract.

"2. Revise the road amortization procedure to provide for accelerated amortization based on 80 percent of estimated timber volume.

"Enclosed are statements which develop the difference between the amount actually paid for stumpage and the amounts which would be payable for stumpage under the two alternatives.

"Under alternative No. 1 the difference is $30,172.86 and under alternative No. 2 the difference is $44,016.62.

"These calculations have been performed as a legislative service. In submitting them we wish to point out that neither premise can be supported on the basis of the actual contractual relationship in the timber sale contract referred to in S. 1347.

"As pointed out in our letter of September 25, 1964, which reported on the S. 2855 of the 88th Congress, a bill identical to S. 1347, the Department would not object to the payment of $9,593.72 to Puget Sound Plywood, Inc. This amount represents adjustments in price which could have been made by Forest officers in accordance with contract terms had the volume shortage which actually developed been recognized at the time of rate redetermination. For the reasons stated in our letter of September 25, 1964, we must recommend adversely on a payment to Puget Sound Plywood, Inc., of the amounts developed by the enclosed calculations."

The committee believes that the claimant is equitably due the amount of $44,016.62 and recommends that the bill be approved.

KIL JA CHUNG

The Senate proceeded to consider the bill (S. 642) for the relief of Kil Ja Chung which had been reported from the Committee on the Judiciary, with an amendment, in line 7, after the word "fee.", to strike out "Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Kil Ja Chung shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Kil Ja Chung. The bill provides for the payment of the required visa fee. The purpose of the amendment is to remove the quota charge, since the beneficiary was adopted while under the age of 21.

HILDA E. M. HOFSTRA

The bill (S. 897) for the relief of Hilda E. M. Hofstra was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods of time Hilda E. M. Hofstra has resided in the United States since her lawful admission for permanent residence on April 25, 1949, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 123), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

JULIO JUAN CASTELLANOS LOPEZ

The Senate proceeded to consider the bill (S. 899) for the relief of Julio Juan Castellanos Lopez which had been reported from the Committee on the Judiciary, with an amendment, in line 3, after the word "That", to insert a comma and "for the purposes of the Immigration and Nationality Act,"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Julio Juan Castellanos Lopez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 16, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The amendment is technical in nature.

DOREEN DELMEGE WILLIS

The bill (S. 904) for the relief of Doreen Delmege Willis, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of the Immigration and Nationality Act, the periods of time Doreen Delmege Willis has resided and was physically present in the United States or any State since August 2, 1952, shall be held and considered as compliance with the residence and physical presence requirement of section 316 of said Act.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

JOHN THEODORE NELSON

The bill (S. 905) for the relief of John Theodore Nelson, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, John Theodore Nelson may be classified as a child within the meaning of section 101(b)(1)(F) of that Act, and a petition may be filed in behalf of John Theodore Nelson by Maude V. Nelson, a citizen of the United States, pursuant to section 204 of that Act.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the adopted son of a U.S. citizen.

DR. ESTHER YOLANDA LAUZARDO

The bill (S. 996) for the relief of Dr. Esther Yolanda Lauzardo, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the Immigration and Nationality Act, Dr. Esther Yolanda Lauzardo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 21, 1960.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report, explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

NACHMAN BENCH

The Senate proceeded to consider the bill (S. 956) for the relief of Nachman Bench which had been reported from the Committee on the Judiciary, with an amendment, in line 3, after the word "That", to insert a comma and "for the purposes of the Immigration and Nationality Act,"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Nachman Bench shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 21, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 128), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The amendment is technical in nature.

ATHANASIA ARGERE

The Senate proceeded to consider the bill (S. 39) for the relief of Athanasia Argere which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, as amended, Athanasia Argere may be classifid as a child within the meaning of section 101(b)(1)(F) of that Act, and a petition may be filed in her behalf by Mr. and Mrs. Nicholas Grapsas, citizens of the United States, pursuant to section 204 of the Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr.

President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States in an immediate-relative status of the adopted daughter of citizens of the United States. The bill has been amended in accordance with established precedents.

DR. JUAN RAMON DIAZ ZAYAS BAZAN

The Senate proceeded to consider the bill (S. 67) for the relief of Dr. Juan Ramon Diaz Zayas Bazan, which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "of", to strike out "August 18, 1961" and insert "August 16, 1961"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Dr. Juan Ramon Diaz Zayas Bazan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 16, 1961.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with the suggestion of the Commissioner of Immigration and Naturalization to reflect the proper date on which the beneficiary was paroled into the United States.

CARLOS MIGUEL CALONGE-DIAZ

The Senate proceeded to consider the bill (S. 72) for the relief of Carlos Miguel Calonge-Diaz, which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "of", to strike out "August 21, 1961" and insert "October 29, 1960"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Carlos Miguel Calonge-Diaz shall be considered to have been lawfully admitted to the United States for permanent residence as of October 29, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with the suggestion of the Commissioner of Immigration and Naturalization to reflect the proper date on which he was admitted to the United States.

ENA HERMINIA MOURINO DE MOYA

The Senate proceeded to consider the bill (S. 74) for the relief of Ena Herminia Mourino de Moya, which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after "1961", to strike out the comma and "upon payment of the required visa fee"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ena Herminia Mourino de Moya shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 29, 1961.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to delete reference to the payment of the required visa fee, inasmuch as it was paid at the time the beneficiary was admitted for permanent residence.

PEDRO ANTONIO JULIO SANCHEZ

The Senate proceeded to consider the bill (S. 126) for the relief of Pedro Antonio Julio Sanchez which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Pedro Antonio Julio Sanchez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 6, 1960, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Pedro Antonio Julio Sanchez as of September 6, 1960, and enable him to file a petition for naturalization based on his residence and physical presence since that date. The bill has been amended in accordance with established precedents.

ANDREW LORIZ

The Senate proceeded to consider the bill (S. 128) for the relief of Andrew Loriz which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Andrew Loriz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 16, 1961.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with established precedents.

EFFECTING ENTRY OF A MINOR CHILD ADOPTED BY U.S. CITIZEN

The bill (S. 280) to effect entry of a minor child adopted by a U.S. citizen was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Nationality Act, as amended, Rosa Agostino may be classified as a child within the meaning of section 101(b)(1)(F) of the Act upon approval of a petition filed in her behalf by Katherine Ferrier, a citizen of the United States pursuant to section 204 of the Immigration and Nationality Act.

Amend the title so as to read: "A bill for the relief of Rosa Agostino".

The title was amended, so as to read: "A bill for the relief of Rosa Agostino".

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 135), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States in an immediate relative status of a child who is to be adopted by a U.S. citizen and her lawfully resident alien spouse. The bill has been amended to reflect the beneficiary's name in the title of the bill.

SIXTO M. PAGARAN

The Senate proceeded to consider the bill (S. 298) for the relief of Sixto M. Pagaran, which had been reported from the Committee on the Judiciary, with an amendment, at the top of page 2, to insert a new section, as follows:

Sec. 2. The period of honorable service in the United States Army by the said Sixto M. Pagaran from May 22, 1946, to April 30, 1949, shall be held and considered to meet the requirements of section 328 of the Immigration and Nationality Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Sixto M. Pagaran shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Sec. 2. The period of honorable service in the United States Army by the said Sixto M. Pagaran from May 22, 1946, to April 30, 1949, shall be held and considered to meet the requirements of section 328 of the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Sixto M. Pagaran. The bill provides for an appropriate quota deduction and for the payment of the required visa fee. A similar bill, S. 2063, passed the Senate during the 89th Congress, and provided that the beneficiary could file a petition for naturalization based upon his honorable service in the U.S. Army from May 22, 1946, to April 30, 1949. The instant bill has been amended at the request of the author of the bill to include this provision.

DR. OSCAR LOPEZ

The Senate proceeded to consider the bill (S. 328) for the relief of Dr. Oscar Lopez which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "of", to strike out "December 16, 1961" and insert "December 15, 1961"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Oscar Lopez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 15, 1961.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Dr. Oscar Lopez as of December 15, 1961. The beneficiary was lawfully admitted on September 30, 1964, and the bill will credit his prior residence in a nonimmigrant status toward the naturalization requirements of the Immigration and Nationality Act. The purpose of the amendment is to reflect the proper date on which the beneficiary was granted parole.

ERNESTO SANCHEZ JEREZ

The Senate proceeded to consider the bill (S. 900) for the relief of Ernesto Sanchez Jerez which had been reported from the Committee on the Judiciary, with an amendment, in line 3, after the word "That", to insert a comma and "for the purposes of the Immigration and Nationality Act,"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Ernesto Sanchez Jerez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 19, 1961.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Ernesto Sanchez Jerez as of July 19, 1961, the date on which he was admitted to the United States in a nonimmigrant status. The amendment is technical in nature.

GERHARD HOFACKER

The Senate proceeded to consider the bill (S. 1054) for the relief of Gerhard Hofacker which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 11, after section 213 to insert "of the Immigration and Nationality Act: *And provided further,* That the exemption granted herein shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a)(4) of the Immigration and Nationality Act, Gerhard Hofacker may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That if the said Gerhard Hofacker is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General be deposited as prescribed by section 213 of the Immigration and Nationality Act: *And provided further,* That the exemption granted herein shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 139), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to one who has a mental defect in behalf of the stepson of a U.S. citizen member of the U.S. Army. The bill provides for the posting of a bond as a guaranty that the beneficiary will not become a public charge if he is not eligible for medical care under the Dependent's Medical Care Act. The bill has been amended in accordance with established precedents to limit the ground for exclusion.

JULIO DUMAS AND HIS WIFE, JOSEPHINE DUMAS

The Senate proceeded to consider the bill (S. 127) for the relief of Julio Dumas and his wife, Josephine Dumas, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 4, after the word "Act", to strike out "Julio Dumas and Josephine Dumas" and insert "Julio Francisco Dumas y Alcocer and Maria Josefa Dumas", and, in line 9, after the word "said", to strike out "Julio Dumas and Josephine Dumas" and insert "Julio Francisco Dumas y Alcocer"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) for the purposes of the Immigration and Nationality Act, Julio Francisco Dumas y Alcocer and Maria Josefa Dumas shall be held and considered to have been lawfully admitted to the United States for permanent residence on June 12, 1961, upon payment of the required visa fees.

(b) The said Julio Francisco Dumas y Alcocer may be naturalized upon compliance with all of the requirements of title III of the Immigration and Nationality Act, except that no period of residence or physical presence within the United States or any State shall be required, in addition to his residence and physical presence within the United States since June 12, 1961.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Julio Francisco Dumas y Alcocer and Maria Josefa Dumas."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 140), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Julio Francisco Dumas y Alcocer and Maria Josefa Dumas of June 12, 1961, the date on which they were lawfully admitted as nonimmigrants. The bill also provides that the residence and physical presence in the United States of Julio Francisco Dumas y Alcocer since that date *shall be compliance with section 316 of the Immigration and Nationality Act. The bill* has been amended to delete the name of Maria Josefa Dumas from section (b) of the bill, as it relates to naturalization. The bill has also been amended to correct the spelling of the beneficiaries' names.

DR. HILARIO ANIDO

The Senate proceeded to consider the bill (S. 135) for the relief of Dr. Hilario Anido which had been reported from the Committee on the Judiciary, with amendments, in line 4, after the name "Hilario", to strike out "Anido" and insert "Anido-Fraguio", and, in line 6, after the word "of", to strike out "July 13, 1961" and insert "June 13, 1961"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Hilario Anido-Fraguio shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 13, 1961.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Dr. Hilario Anido-Fraguio."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 141), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Dr. Hilario Anido-Fraguio as of June 13, 1961. The beneficiary was lawfully admitted for permanent residence on January 4, 1963, and the bill will credit his prior residence in a nonimmigrant status toward the naturalization requirements of the Immigration and Nationality Act. The bill has been amended to correct the beneficiary's name, and to correct the date of entry.

NARIKO SUSAN DUKE (NAKANO)

The Senate proceeded to consider the bill (S. 332) for the relief of Nariko Susan Duke (Nakano), which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 6, after the word "Act," to strike out "subject to the proviso to such section,"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, as amended, Noriko Susan Duke (Nakano) may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, and a petition may be filed in behalf of the said Noriko Susan Duke (Nakano) by Mr. and Mrs. Benjamin C. Duke, citizens of the United States, pursuant to section 204 of such Act.

SEC. 2. In the administration of the Immigration and Nationality Act, as amended, Noriko Susan Duke (Nakano) shall be held and considered to be within the purview of *section 323(c) of such Act.*

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Noriko Susan Duke (Nakano)".

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD and excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the alien-adopted daughter of U.S. citizens to qualify for immediate relative status upon approval of a petition filed in her behalf. The bill will also enable the adoptive parents to file a petition for naturalization in behalf of the beneficiary. The bill has been amended to correct a technical error in the language of the bill and to correct the spelling of the beneficiary's name as it appears in the title of the bill.

DR. JESUS L. LASTRA

The Senate proceeded to consider the bill (S. 462) for the relief of Dr. Jesus L. Lastra which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "of", to strike out "July 8, 1961" and insert "July 6, 1961"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jesus L. Lastra shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 6, 1961.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Dr. Jesus L. Lastra."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to reflect the appropriate date when the beneficiary last entered the United States as a visitor, and to correct the title of the bill.

WONG OCK WAH (SHECK SEE HOM) AND HIS WIFE, MON HING MONG

The Senate proceeded to consider the bill (S. 24) for the relief of Wong Ock Wah (Sheck See Hom) and his wife, Mon Hing Mong, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 4, after the word "Act", to strike out "Wong Ock Wah (Sheck See Hom) and his wife, Mon Hing Wong" and insert "Hom Sheck See and his wife, Hom Mon Hing"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Hom Sheck See and his wife, Hom Mon Hing, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Hom Sheck See and his wife, Hom Mon Hing."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 144), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Hom Sheck See and his wife, Hom Mon Hing. The bill provides for appropriate quota deductions and for the payment of the required visa fees. The bill has been amended in accordance with the suggestion of the Commissioner of Immigration and Naturalization to reflect the proper names of the beneficiaries.

COMMISSION ON ART AND ANTIQUITIES OF THE CAPITOL

The joint resolution (S.J. Res. 27) establishing the Commission on Art and Antiquities of the Capitol, and for other

purposes was considered, and agreed to, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a Commission on Art and Antiquities of the Capitol (hereinafter referred to as "the Commission") consisting of the President of the Senate, the Speaker of the House of Representatives, the chairman and ranking minority member of the Committee on Rules and Administration of the Senate, the chairman and ranking minority member of the Committee on House Administration of the House of Representatives, and the Architect of the Capitol.

(b) The Commission shall elect a Chairman and a Vice Chairman at the beginning of each Congress. Four members of the Commission shall constitute a quorum for the transaction of business, except that the Commission may fix a lesser number which shall constitute a quorum for the taking of testimony.

(c) The Commission shall select a Curator of Art and Antiquities of the Capitol who shall be an employee of the Office of the Architect of the Capitol. The Curator shall serve at the pleasure of the Commission, shall perform such duties as it may prescribe, and shall receive compensation at a gross rate, not to exceed $22,000 per annum to be fixed by the Commission. At the request of the Commission the Architect of the Capitol shall detail to the Commission such additional professional, clerical, and other assistants as, from time to time, it deems necessary.

(d) The Commission shall be empowered to hold hearings, summon witnesses, administer oaths, employ reporters, request the production of papers and records, take such testimony, and adopt such rules for the conduct of its hearings and meetings, as it deems necessary.

Sec. 2. (a) The Commission is hereby authorized and directed to supervise, hold, place, and protect all works of art, historical objects, and exhibits within the Capitol, and in all rooms, spaces, and corridors thereof, which are the property of the United States, and in its judgment to accept any works of art , historical objects, or exhibits which may hereafter be offered, given, or devised to the Congress, its committees, and its officers for placement and exhibition in the Capitol, or in rooms, spaces, or corridors thereof.

(b) The Commission shall prescribe such regulations as it deems necessary for the care, protection, and placement of such works of art, exhibits, and historical objects in the Capitol and the Senate and House Office Buildings, and for their acceptance on behalf of the Congress, its committees, and officers. Such regulation shall be published in the Congressional Record at such time or times as the Commission may deem necessary for the information of the Members of Congress and the public.

(c) Regulations authorized by the provisions of section 1820 of the Revised Statutes (40 U.S.C. 193) to be issued by the Sergeants at Arms of the Senate and the House of Representatives for the protection of the Capitol, and any regulations issued, or activities undertaken, by the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, or the Architect of the Capitol, in carrying out duties relating to the care, preservation, and protection of the Capitol and the Senate and House Office Buildings, shall be consistent with such rules and regulations as the Commission may issue pursuant to subsection (b).

(d) The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, with the advice of the Architect of the Capitol and consistent with regulations prescribed by the Commission under subsection (b), shall have responsibility for the supervision, protection, and placement of all works of art, historical objects, and exhibits which shall have been accepted on behalf of the Congress by the Capitol Commission or acknowledged as United States property by inventory of the Commission, and which may be lodged in the Senate and House Office Buildings, respectively, by the Commission.

Sec. 3. (a) The Commission shall have responsibility for the supervision and maintenance of the National Statuary Hall and the old Senate Chamber on the principal floor of the Senate wing of the Capitol insofar as they are to be preserved as patriotic shrines in the Capitol for the benefit of the Congress and the people of the United States.

(b) The Commission, with the advice of the Commission of Fine Arts, is authorized and directed to relocate within the Capitol any of the statues already received and placed in the National Statuary Hall, and to provide for the reception and location of statues which hereafter may be received from the States pursuant to section 1814 of the Revised Statutes, as amended (40 U.S.C. 187).

Sec. 4. Whoever willfully defaces, injures, or damages any work of art, historical object, exhibit, or architectural feature in the Capitol or in the Senate and House Office Buildings, which is the property of the United States, or violates any of the provisions of the regulations adopted by the Commission for their care and protection, shall be fined not more than $100 or imprisoned not more than sixty days, or both, and prosecution for such offense shall be had in the municipal court of the District of Columbia, upon information by the United States attorney, or any of his assistants: *Provided,* That in any case where, in the commission of an offense under this section, any such work of art, historical object, exhibit, or architectural feature is damaged in an amount exceeding $100, the amount of the fine for the offense may be not more than $5,000, the period of imprisonment for the offense may be not more than five years, and prosecution therefor shall be had in the United States District Court for the District of Columbia by indictment except that, if the defendant after he has been advised of the nature of the charge and his rights waives in open court prosecution by indictment, such prosecution may be upon information by the United States attorney or any of his assistants.

Sec. 5. The Commission shall, from time to time, but at least once every ten years, publish as a Senate or House document a list of all works of art, historical objects, and exhibits currently within the Capitol and the Senate and House Office Buildings, together with their description, location, and with such notes as may be pertinent to their history.

Sec. 6. There is hereby authorized to be appropriated for the expenses of the Commission the sum of $15,000 each fiscal year, to be disbursed by the Secretary of the Senate on vouchers signed by the Chairman or Vice Chairman of the Commission. Payment on such vouchers shall be deemed and are hereby declared to be conclusive upon all departments and officers of the Government, and these vouchers shall be reported in the annual report of the Secretary of the Senate: *Provided,* That no payment shall be made from such appropriation as salary.

Sec. 7. (a) The first sentence of section 1814 of the Revised Statutes (40 U.S.C. 187) is amended to read as follows: "Suitable structures and railings shall be erected in the old hall of Representatives for the reception and protection of statuary, and the same shall be under the supervision and direction of the Commission on Art and Antiquities of the Capitol."

(b) Section 1831 of the Revised Statutes (40 U.S.C. 188) is repealed.

(c) Section 1815 of the Revised Statutes, as amended (40 U.S.C. 189), is amended to read as follows:

"Sec. 1815. No work of art or manufacture other than the property of the United States shall be exhibited in the National Statuary Hall, the rotunda, or the corridors of the Capitol, and no work of art or exhibit shall be offered for sale or displayed for gain in any of the rooms, spaces, or corridors of the Capitol or of the Senate or House Office Buildings."

(d) The paragraph under the heading "Miscellaneous", relating to the use of rooms in the Capitol for private studios or works of art, in the Act of March 3, 1875 (18 Stat. 376; 40 U.S.C. 190) is amended to read as follows:

"No room in the Capitol shall be used for private studios or works of art, without permission from the Commission on Art and Antiquities of the Capitol, giving in writing."

(e) The second paragraph under the heading "Public Buildings" in the appropriations for the Department of the Interior in the Act of March 3, 1879 (20 Stat. 391), is repealed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 145), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

BACKGROUND

The establishment of a Commission on Art and Antiquities of the Capitol was first proposed during the 87th Congress, by Senator Mike Mansfield and others, in the form of Senate Joint Resolution 195. That joint resolution was passed by the Senate on July 18, 1962, but was not acted upon by the House of Representatives. A similar proposal, Senate Joint Resolution 65, was introduced by Senator Mansfield during the 89th Congress. It was passed by the Senate on May 24, 1965, but was not reached for consideration in the House.

PURPOSE

The primary objective of Senate Joint Resolution 27 is to centralize responsibility for the preservation and enhancement of the Capitol's works of art and historical objects in a bipartisan Commission on Art and Antiquities of the Capitol. The Commission would be empowered to select a Curator of Art and Antiquities of the Capitol to safeguard, maintain, and bring to greater public awareness the treasures of art, culture, antiquity, and architecture contained in the Capitol. In addition, the measure contains ancillary provisions to carry out its general purposes, as indicated in the summary-analysis below.

Further explanation of the background and objectives of Senate Joint Resolution 27 is contained in a statement made by Senator Mike Mansfield, its principal author, on February 3, 1967, when he introduced the measure in the Senate. His statement is as follows:

"PRESERVATION OF CAPITOL WORKS OF ART

"Mr. Mansfield. Mr. President, in the last Congress, the distinguished minority leader [Mr. Dirksen] and several other Senators joined with me in sponsoring a joint resolution which was designed to provide adequate supervision of the works of art and the antiquities of the Capitol. This resolution passed the Senate by unanimous vote, as had a similar measure in a preceding Congress. In neither case, however, was the proposal acted upon in the House of Representatives.

"There has been a gratifying upsurge of interest in recent years in the preservation of the memorabilia of America's history as a source of continuing national inspiration. There comes to mind, of course, the work of Mrs. Kennedy and Mrs. Johnson in the home of the Presidents, the White House, which has provided considerable impetus for this growing interest.

"There has not been, I regret to say, a similar solicitude for the historic contents of the home of the Congress, the Capitol. Yet this edifice is a great storehouse of furniture, paintings, statues, and other objects of art and antiquity. The Capitol's collection dates back to the earliest days of the Republic, much of it is irreplaceable, and the whole is of incalculable value.

"As has happened in State capitols, it is probable that there has already been, over the decades, considerable loss in this great collection. That is to be expected when it is realized how loose and scattered are the arrangements for its supervision. Various officers and committees of the Congress share these responsibilities under practices which have grown up over the decades and without any particular rhyme or reason. At this point, Mr. President, we do not even know what there is, where it is, or what it is worth because there is no central source of supervision.

"I sometimes wonder when we will make the discovery of the need for more satisfactory arrangements for the preservation of this collection. Will it take a catastrophic event to act as a catalyst? I do not suppose that the Potomac is about to overflow its banks and flood the Halls of Congress but there does come to mind the devastating floods in Italy last year which resulted in irreparable damage, particularly in Florence, to priceless objects of art and antiquity. We ought not to require some such calamity in order to bring ourselves to take adequate steps to conserve the treasures of the Capitol. I hope that we will not wait until we find ourselves in a position of being able to do too little because it is already too late.

"I believe that there is a clear and compelling need for legislation now which would provide for the integrated safeguarding and display of the Capitol's art and antiquities. Therefore, I am reintroducing at this time a joint resolution to create a Commission on the Capitol's Arts and Antiquities. It would be comprised of the Speaker of the House, the President of the Senate, the chairman and ranking minority member of the Senate Rules Committee and the House Administration Committee, and the Architect of the Capitol. It would, in addition, provide for the engagement of an outstanding professional curator to exercise responsibility, under the direction of the Commission, for the preservation and display of the works of art and antiquity in the Capitol.

"I hope my colleagues in the Senate will see fit to renew the fine bipartisan support they have given to this proposal in the past. I am hopeful, too, that the House, on this occasion, will have the time to give the matter the careful consideration which it deserves and that the pressing desirability of taking this action will be interpreted into effective legislation during the current session.

"On behalf of the distinguished minority leader [Mr. Dirksen], and myself, I send to the desk a joint resolution and ask that it be appropriately referred.

"The Presiding Officer. The joint resolution will be received and appropriately referred.

"The joint resolution (S.J. Res. 27) establishing the Commission on Art and Antiquities of the Capitol, and for other purposes, introduced by Mr. Mansfield (for himself and Mr. Dirksen) was received, read twice by its title, and referred to the Committee on Rules and Administration."

POLITICAL ACTIVITY OF GOVERNMENT PERSONNEL

The bill (S. 853) to extend the life of the Commission on Political Activity of Government Personnel, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 7(b) of the Act entitled "An Act to create a bipartisan commission to study Federal laws limiting political activity by officers and employees of Government", approved October 3, 1966 (80 Stat. 868), is amended to read as follows: "The Commission shall submit a comprehensive report of its activities and the results of its studies to the President and to the Congress on or before December 31, 1967, and upon the filing of the report, the Commission shall cease to exist."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 146), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

S. 853 would extend the life of the Commission on Political Activity of Government Personnel from October 3, 1967, to December 31, 1967. The Commission was established by Public Law 89–617 (80 Stat. 868), approved October 3, 1966, for the purpose of making "a full and complete investigation and study of the Federal laws which limit or discourage the participation of Federal and State officers and employees in political activity with a view to determining the effect of such laws, the need for their revision or elimination, and an appraisal of the extent to which undesirable results might accrue from their repeal."

The basic legislation in the area of the Commission's inquiry is the Hatch Political Activities Act, approved August 2, 1939, which act has existed for more than a quarter century without major amendment. It is the Commission's purpose to determine if, in the light of changing governmental programs and relationships, the stringent limitations imposed by that act upon partisan political activity by Government employees continue to be valid and realistic. The congressional mandate to the Commission, however, advocated extreme caution with and careful consideration of any proposal which might reactivate the grave abuses—coerced political donations, salary kickbacks, forced political work, etc.—which caused Congress to adopt the act originally.

MRS. MARY T. BROOKS

The bill (S. 371) for the relief of Mrs. Mary T. Brooks was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Public Printer is authorized and directed to pay out of the revolving fund of the Government Printing Office the sum of $742.40, representing salary due Mrs. Mary T. Brooks, an employee of the Government Printing Office, for the period January 13, 1966, through February 26, 1966, when she was separated from her employment due to the erroneous notification by the Civil Service Commission of approval of her application for disability retirement. After tax withholding, payment of group life and health insurance premiums, and deductions of amounts due the Civil Service Retirement and Disability Fund, the balance of the amount hereby appropriated shall be paid to Mrs. Brooks in full settlement of any and all claims against the United States arising out of her erroneous separation, and the period January 13, 1966, through February 26, 1966, shall be deemed a period of creditable Federal service by Mrs. Brooks for retirement and related purposes. The Public Printer is further authorized and directed to pay out of the cited revolving fund the agency contributions for retirement, life insurance, and health benefits purposes which would have been required by law had Mrs. Brooks been in paid employment during the period of her erroneous separation.

(b) No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 147), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

S. 371 would authorize and direct the Public Printer to pay out of the revolving fund of the Government Printing Office the sum of $742.40, representing salary due Mrs. Mary T. Brooks, an employee of the Government Printing Office, for the period January 13 through February 26, 1966, when she was separated from her employment due to the erroneous notification by the Civil Service Commission of approval of her application for disability retirement. After tax withholding, payment of group life and health insurance premiums, and deductions of amounts due the civil service retirement and disability fund, the balance of the amount appropriated would be paid to Mrs. Brooks in full settlement of any and all claims against the United States arising out of her erroneous separation.

BACKGROUND

This proposal was first introduced by Senator Carl Hayden, chairman of the Joint Committee on Printing, at the request of James L. Harrison, Public Printer, as S. 3553 of the 89th Congress. That bill with minor perfecting amendments, was passed by the Senate on September 19, 1966, but presumably due to the proximity of adjournment failed to receive House consideration and approval. The current proposal, introduced by Senator Hayden as S. 371 of the 90th Congress, is identical with S. 3553 as passed by the Senate in the last Congress.

FEDERAL PROGRAMS FOR THE DEVELOPMENT OF HUMAN RESOURCES

The concurrent resolution (S. Con. Res. 17) providing for the printing of 1,500 additional copies of the Joint Economic Committee print entitled "Federal Programs for the Development of Human Resources," was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee one thousand five hundred additional copies of volumes 1, 2, and 3 of its joint committee print of the Eighty-ninth Congress, second session, entitled "Federal Programs for the Development of Human Resources".

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 148), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Concurrent Resolution 17 would authorize the printing for the use of the Joint Economic Committee of 1,500 additional copies each of volumes 1, 2, and 3 of its joint committee print of the 89th Congress, second session, entitled "Federal Programs for the Development of Human Resources."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

VOL. 1	
Back to press, 1st 1,000 copies	$2,085.00
500 additional copies, at $617.81 per thousand	308.91
Estimated cost, vol. 1	2,393.91
VOL. 2	
Back to press, 1st 1,000 copies	2,185.00
500 additional copies, at $642.87 per thousand	321.44
Estimated cost, vol. 2	2,506.44
VOL. 3	
Back to press, 1st 1,000 copies	1,657.00
500 additional copies, at $484.42 per thousand	242.41
Estimated cost, vol. 3	1,899.41
Total, estimated cost, S. Con. Res. 17	6,799.76

AN ECONOMIC PROFILE OF MAINLAND CHINA

The concurrent resolution (S. Con. Res. 18) providing for the printing of 1,500 additional copies of the Joint Economic Committee print entitled "An Economic Profile of Mainland China," was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee one thousand five hundred additional copies of volumes 1 and 2 of its joint committee print of the Ninetieth Congress, first session, entitled "An Economic Profile of Mainland China."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 149), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Concurrent Resolution 18 would authorize the printing for the use of the Joint Economic Committee of 1,500 additional copies each of volumes 1 and 2 of its joint committee print of the 90th Congress, first session, entitled "An Economic Profile of Mainland China."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

VOL. 1	
Back to press, 1st 1,000 copies	$1,590.00
500 additional copies, at $454.67 per thousand	227.34
Estimated cost, vol. 1	1,817.34
VOL. 2	
Back to press, 1st 1,000 copies	1,652.00
500 additional copies, at $507.72 per thousand	253.86
Estimated cost, vol. 2	1,095.86
Total, estimated cost, S. Con. Res. 18	3,723.20

ANNIVERSARY OF COMMITTEE ON APPROPRIATIONS

The resolution (S. Res. 92) authorizing the printing as a Senate document of a compilation of materials relating to the 100th anniversary of the Committee on Appropriations was considered and agreed to, as follows:

Resolved, That there be printed with illustrations as a Senate document a compilation of materials entitled "Committee on Appropriations, United States Senate, One Hundredth Anniversary, 1867–1967", and that there be printed five thousand additional copies of such document for the use of the Committee on Appropriations.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 150), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 92 would authorize the printing with illustrations as a Senate document of a compilation of materials entitled "Committee on Appropriations, U.S. Senate, 100th Anniversary, 1867–1967," and further would authorize the printing of 5,000 additional copies of such document for the use of the Committee on Appropriations.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$4,134
5,000 additional copies, at $218 per thousand	1,090
Total, estimated cost, S. Res. 92	5,224

POLICY PLANNING FOR TECHNOLOGY TRANSFER

The resolution (S. Res. 93) authorizing ing the printing of a report entitled "Policy Planning for Technology Transfer" as a Senate document was considered and agreed to, as follows:

Resolved, That there be printed, with illustrations, as a Senate document, a report of the Subcommittee on Science and Technology of the Select Committee on Small Business, entitled "Policy Planning for Technology Transfer", prepared by the Science Policy Research Division, Legislative Reference Service, Library of Congress.

SEC. 2. There shall be printed four thousand additional copies of such document for the use of the Select Committee on Small Business.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 151), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 93 would authorize the printing, with illustrations, as a Senate document, of a report of the Subcommittee on Science and Technology of the Select Committee on Small Business, entitled "Policy Planning for Technology Transfer," prepared by the Science Policy Research Division, Legislative Reference Service, Library of Congress. There would be printed 4,000 additional copies of such document for the use of the select committee.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$3,714.00
4,000 additional copies, at $273.93 per thousand	1,095.72
Total, estimated cost, S. Res. 93	4,809.72

DISPOSAL OF U.S. MILITARY INSTALLATIONS AND SUPPLIES IN FRANCE

The resolution (S. Res. 96) authorizing the printing as a Senate document of a report on the "Disposal of U.S. Military Installations and Supplies in France" was considered and agreed to, as follows:

Resolved, That there be printed with an illustration as a Senate document a report entitled "Disposal of United States Military Installations and Supplies in France," submitted by Senator Ernest Gruening to the Senate Committee on Government Operations; and that two thousand additional copies of such document be printed for the use of that committee.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 152), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 96 would provide that there be printed with an illustration as a Senate document a report entitled "Disposal of U.S. Military Installations and Supplies in France," submitted by Senator Ernest Gruening to the Committee on Government Operations; and that 2,000 additional copies of such document be printed for the use of that committee.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$343.62
2,000 additional copies, at $89.12 per thousand	178.24
Total, estimated cost, S. Res. 96	521.86

STUDY MISSION TO CENTRAL AND SOUTHEAST ASIA

The resolution (S. Res. 99) to authorize the printing of a Senate document entitled "Study Mission to Central and Southeast Asia" was considered and agreed to, as follows:

Resolved, That there be printed as a Senate document a report entitled "Study Mission to Central and Southeast Asia", submitted by Senator Gale W. McGee to the Committee on Appropriations and that five thousand additional copies be printed for the use of that committee.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 153), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 99 would authorize the printing as a Senate document of a report entitled "Study Mission to Central and Southeast Asia," submitted by Senator Gale W. McGee to the Committee on Appropriations, and further would authorize the printing of 5,000 additional copies of such document for the use of that committee.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$655.44
5,000 additional copies, at $78.57 per thousand	392.85
Total, estimated cost, S. Res. 99	1,048.29

REPORT OF PRESIDENT'S CABINET COMMITTEE ON FEDERAL STAFF RETIREMENT SYSTEMS

The resolution (S. Res. 101) authorizing the printing of the appendix to the report of the President's Cabinet Committee on Federal Staff Retirement as a Senate document was considered and agreed to, as follows:

Resolved, That the appendix to the report to the President by the Cabinet Committee on Federal Staff Retirement Systems entitled "Federal Staff Retirement Systems," be printed with illustrations as a Senate document, and that there be printed one thousand four hundred additional copies of such document for the use of the Committee on Post Office and Civil Service.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 155), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 101 would provide that the appendix to the report to the President by the Cabinet Committee on Federal Staff Retirement Systems be printed with illustrations as a Senate document, and that 1,400 additional copies of such document be printed for the use of the Committee on Post Office and Civil Service.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$11,147.75
1,400 additional copies, at $854.09 per thousand	1,195.73
Total, estimated cost, S. Res. 101	12,343.48

DEVELOPMENTS IN AGING—1966

The resolution (S. Res. 102) authorizing the printing for the Special Committee on Aging, 5,500 copies of its report to the Senate, of the present Congress, entitled "Developments in Aging—1966" was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Special Committee on Aging five thousand five hundred additional copies of its report to the Senate, of the present Congress, entitled "Developments in Aging—1966".

NELLIE BRANNON

The resolution (S. Res. 104) to pay a gratuity to Nellie Brannon was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Nellie Brannon, mother of Harold L. Brannon, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

DOROTHY ANN BAXTER

The resolution (S. Res. 105) to pay a gratuity to Dorothy Ann Baxter, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Dorothy Ann Baxter, widow of William R. Baxter, Senior, an employee of the Senate at the time of his death, a sum equal to nine months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MINERAL AND WATER RESOURCES OF MISSOURI

The Senate proceeded to consider the resolution (S. Res. 95) to print as a Senate document, with additional copies, a report entitled "Mineral and Water Resources of Missouri" which had been reported from the Committee on Rules and Administration, with an amendment, on page 1, after line 8, to strike out:

"SEC. 2. There shall be printed four thousand additional copies for the use of the Members of the Senate from the State of Missouri and for the use of the Committee on Interior and Insular Affairs of the Senate for its use in the study and development of mineral and water resources."

And, in lieu thereof, to insert:

"SEC. 2. There shall be printed one thousand three hundred additional copies of such document, of which one thousand two hundred shall be for the use of the Members of the Senate from the State of Missouri and one hundred shall be for the use of the Committee on Interior and Insular Affairs."

So as to make the resolution read:

Resolved, That the report entitled "Mineral and Water Resources of Missouri", prepared by the United States Geological Survey and the Missouri Division of Geological Survey and Water Resources, in collaboration with other Federal and State agencies, and a supplement on "Water Resources Development Projects in Missouri", prepared by the Department of the Army, Corps of Engineers, shall be printed with illustrations as a Senate document.

SEC. 2. There shall be printed one thousand three hundred additional copies of such document, of which one thousand two hundred shall be for the use of the Members of the Senate from the State of Missouri and one hundred shall be for the use of the Committee on Interior and Insular Affairs.

The amendment was agreed to.

The resolution, as amended, was agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 157), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 95 would provide that the report entitled "Mineral and Water Resources of Missouri," prepared by the U.S. Geological Survey and the Missouri Division of Geological Survey and Water Resources, in collaboration with other Federal and State agencies, and a supplement on "Water Resources Development Projects in Missouri," prepared by the Department of the Army, Corps of Engineers, be printed with illustrations as a Senate document.

As introduced, Senate Resolution 95 would have authorized the printing of 4,000 additional copies of such document for the use of the Members of the Senate from the State of Missouri and for the use of the Committee on Interior and Insular Affairs. The Committee on Rules and Administration has amended Senate Resolution 95 by reducing the number of additional copies from 4,000 to 1,300, the maximum obtainable under the statutory $1,200 limitation applicable to simple resolutions.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$12,669.00
1,300 additional copies, at $909.97 per thousand	1,182.96
Total, estimated cost, S. Res. 95, as amended	13,851.96

REQUEST THAT APPALACHIAN REGIONAL DEVELOPMENT ACT BE MADE PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that S. 602, the Appalachian Regional Development Act, be made the pending business when it is reported.

Mr. WILLIAMS of Delaware. Mr. President, I did not hear the request.

Mr. BYRD of West Virginia. I made the request that S. 602, the Appalachian Regional Development Act, be made the pending business when it is reported.

Mr. WILLIAMS of Delaware. Does that mean that the pending bill would be displaced?

Mr. BYRD of West Virginia. Temporarily; yes.

Mr. WILLIAMS of Delaware. I would object. This bill is entirely too important to American business and the administration to lay it aside. However, if the leadership wished to make a motion I could not stop it, but I am not going to agree to a unanimous-consent request that we lay the pending bill aside to take up another bill, which could delay us for days. I think the time is long past due when we should vote on the pending business. In fact, we should have completed action on this bill this week. There is no reason for these delaying tactics.

Mr. BYRD of West Virginia. Mr. President, I temporarily withdraw my request.

ORDER FOR RECESS TO MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock meridian Monday next.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAMS of Delaware. Mr. President, that was a request to recess; was it?

Mr. BYRD of West Virginia. Yes.

Mr. WILLIAMS of Delaware. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTMENT TAX CREDIT

Mr. WILLIAMS of Delaware. Mr. President, in the past 24 hours various representatives of American industry have been approaching their Senators and urging them to vote against the Gore-Williams proposal to repeal the Presidential Campaign Act of 1966.

The argument is being used that while they personally may not like that act itself, they were being warned that unless they help in getting this amendment defeated it could jeopardize the enactment of H.R. 6950, the bill reinstating the 7-percent investment tax credit.

I have traced these reports and find that the administration has, perhaps by indirection, been making the threat that either American business help the administration win this vote or it could result in the bill's delay. The implication is being given to American industry that the adoption of the Gore-Williams amendment to repeal the Presidential Campaign Act of 1966 might influence the administration to withdraw its support of the bill itself.

If such threats are being made by the administration it constitutes political blackmail, and I am confident that American industry and the Congress will not knuckle down to any such threats.

I strongly suggest that American industry not get involved in the middle of this Senate fight. If they will stay neutral as one member of the Finance Committee I can assure them that I will resist any effort to change the retroactive effective date of the act, regardless of how long the administration's filibuster may proceed on the floor of the Senate.

Mr. President, I think this is an unusual lobbying tactic. It is indefensible. It points out how low the administration will stoop in order to get its hands on this $60 million election slush fund, $30 million for each party. This desperate attempt is in itself the best argument that could be made as to why this act should be repealed.

It is the administration which is blocking any votes on the bill this week.

FOOD AND FEED GRAINS

Mr. DIRKSEN. Mr. President, on March 30, the very distinguished Senator from Iowa [Mr. MILLER] addressed the 71st Annual Convention of the Grain and Feed Dealers National Association in New York City. He made a very impressive address under the caption "The Food and Feed Grains Situation and Outlook."

I ask unanimous consent that his address be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE FOOD AND FEED GRAINS SITUATION AND OUTLOOK

(By U.S. Senator JACK MILLER, of Iowa)

(Address, 71st Annual Convention, Grain & Feed Dealers National Association, New York Hilton Hotel, New York City, Thursday, March 30, 1967.)

It is a privilege to have this opportunity to participate in your program today at this 71st annual convention of the Grain and Feed Dealers National Association.

I receive renewed confidence in our *system of American free enterprise* when I see people with common problems and interests getting together to seek *sound* solutions to these problems. As you solve the problems confronting the members of this Association, you not only promote the interests of the membership, but substantially improve the services that are made available to millions of farmers, grain dealers and grain processors throughout the nation. The record you have made in the *continued improvement of our grain marketing system* merits the highest of praise.

The importance of this system is pointed up by the value of the products it moves. Farm cash receipts from farm marketings of food and feed grains in 1966 totaled $6 billion. Farm purchases of feed and seeds totaled $7 billion. It takes a great amount of foresight, experience, ingenuity, and risk capital to make this system work efficiently.

In line with the theme of this convention, I have chosen for my subject "The Food and Feed Grains Situation and Outlook," and this will bring us into a number of areas which have been making the news columns recently.

FARM PROGRAM NEEDS, 1968–70

The Secretary of Agriculture has recently said that, because of the elimination of our grain surpluses, "we are in a new ball game," and by this he has indicated that a free market rather than government stocks will call the price tune. This has led to a demand in some quarters for elimination of the wheat and feed grains programs. I would suggest that these demands, when analyzed, do not quite mean eliminating every kind of federal wheat and feed grain program. They really amount to a reaction against the powers given the Secretary of Agriculture under present programs—powers which everyone knows have been used to depress the market or to cause uncertainty in the market. For example, a bill recently introduced in the House of Representatives, based on policies adopted by the official voting delegates of the American Farm Bureau, does indeed call for repeal of the present federal wheat and feed grains programs. But it doesn't stop there. It also would prohibit the Commodity Credit Corporation from disposing of stocks in a manner which disrupts market prices. It would prevent stockpiling by CCC, although it would permit CCC to acquire stocks needed to meet our commitments under the Food for Peace Act and to meet limited domestic requirements, such as disaster livestock feed. And it would provide a program of insured recourse loans to grain producers.

Under the recourse loan program, loans would be made by commercial lending agencies and would be insured by CCC; but the borrower would be personally liable and have to make repayment in cash—not by turning his grain collateral over to the government. This is designed to avoid rebuilding CCC stocks. To the extent that farmers in financing their operations would be subjected to prevailing high interest rates rather than provided advance payments under the present acreage diversion program, this would probably be considered a disadvantage. But one big advantage would be prohibition against CCC stocks being disposed of for less than 125 per cent of the 1967 loan rate, 85 per cent of parity, or the current market price, whichever is the highest. (Using the parity price for February of this year, for example, this would mean $2.19 per bushel for wheat and $1.36 per bushel for corn.) I would guess that the opportunity for better market prices, with CCC price depressing powers removed, would more than offset the high interest disadvantage. Obviously the efficiency of grain marketing would be increased by eliminating a great amount of handling, transportation, and storage involved in moving grain in and out of government inventory.

Such a dramatic shift under the Farm Bureau proposal from the present wheat and feed grains program is not without its uncertainty. Agricultural economists from several land grant colleges have recently drawn some conclusions which add to the uncertainty. They found, for example, that if the annual acreage diversion programs were discontinued, the utilization of the excess productive capacity would drop the price level by 20 per cent; and this, along with a loss in government payments, would reduce net farm income by one-third from the 1966 level. Of course, the $64 question is whether the excess productive capacity would, in fact, be used or how much of it. The economists also considered what would happen if the acreage diversion programs were discontinued, but commodity loans were retained—although at lower levels than recent market prices. They concluded that there would be a farm income decline, but the decline would be tempered; that at any moderate level of price support there would be a heavy movement of commodities into government stocks entailing more government costs and probable losses on disposal. To be sure, the recourse loan proposal would not result in CCC acquisition of stocks; and the fact that the borrower would be personally liable might have a salutary influence against utilizing all or even very much excess productive capacity. This is a point which should be analyzed by our land grant college economists.

The study concluded that if exports of feed grains could be increased some 75 per cent over those currently estimated for the 1968–70 period and soybean exports could be increased by a little over 10 per cent, no acreage diversion programs would be needed to maintain farm income near present levels. Apparently this presupposes that most of the excess productive capacity would, in fact, be used. And it would have to assume that savings to the taxpayers, by eliminating the acreage diversion programs, would be offset, in part at least, by the cost of export subsidies.

There are some who will strongly disagree with these conclusions. And it is quite true that the analysis has not covered several other alternatives, including the Farm Bureau proposal. The point to be made, however, is that while there is a great amount of government cost and farmer dissatisfaction under present programs as presently administered, there is some uncertainty and concern over any abrupt departure from acreage diversion programs. The lead editorial in this week's Life Magazine echoes this feeling by advocating a "tapering off" of these programs. It is the responsibility of the Congress to make these and many other difficult decisions. This association and its members, with the wealth of knowledge and experience you possess, can be helpful in enabling us to make the right decisions.

EXPORT OUTLOOK

If the land grant college study is to be used as a guide, it is clear that exports hold the key to the future of the agricultural economy and to the need for federal farm programs. What, then, is the outlook? Sharp reductions in the levels of world grain stocks have aroused widespread attention, if not alarm. Concern over surpluses has given way to the question of whether or not there will be sufficient grains, especially wheat, to meet the demands of the future.

A recent analysis of the world grain situation by the Foreign Agricultural Service of USDA indicates that by 1970 the world supply of wheat will be more than enough to meet demand at prices not much different from those of today—although this conclusion rests on the assumption that the Soviet Union will succeed in increasing production and that there will be no major droughts in the principal exporting and importing countries.

The major area for expansion of commercial wheat exports appears to be Japan, where domestic production is expected to decline while per capita consumption is expected to increase. During the last 8 years, Japan's wheat imports rose from 2.3 million to 3.5 million tons, and they are projected to rise to 4.7 million tons by 1970.

On the other hand, the total of Western Europe's imports of United States wheat has declined from 3.2 million tons—the average for 1959–1961—to around 1.7 million tons where, barring a setback in the Kennedy Round of negotiations, it is expected to remain by 1970. Further projections point to a total of 1.8 million tons of wheat exports from the United States to Eastern Europe by 1970—although these are subject to being reduced if the Soviet Union is able to increase its exports to this area beyond present expectations.

Exports to developing countries under long-term dollar credit or "soft" currency sales promise to be substantial, but there are many unknown factors to take into account. How quickly these countries will respond to self-help requirements of our food aid program, to population control programs, and efforts of other countries in their behalf cannot be accurately forseen. Two years ago we supplied about two-thirds of the 24 million tons of food grains imported by these countries.

The conclusion has been drawn by USDA forecasters that our wheat exports will be on the order of 24 million tons by 1970; and these requirements, coupled with expected domestic consumption, would necessitate production of 44 million tons. Assuming normal weather and allowing for a continued increase in yields as well as the recent increase of 30% in wheat acreage allotments, it is estimated that domestic production could reach a level of 48 million tons—an amount considered sufficient to meet domestic and export requirements plus an adequate carryover.

The export market demand for feed grains is expected to remain strong. Projections for Western Europe indicate an increase in imports to 28 million tons in 1970, and for Japan an increase to 10 million tons. We will continue to supply a good portion of this and, in addition, some of these grains may move into food aid programs. The current estimate for 1970 is a total export of 30 million tons of these grains, slightly above the 29 million tons last year and well above the previous year's total of 22 million tons.

INFLATION AND EXPORTS

Any consideration of the agricultural export picture would be inadequate without recognizing the impact of inflation. It is an old axiom that inflation tends to make imports more attractive to our own people and exports less attractive in foreign markets. Our agricultural attachés overseas constantly repeat that it is vital for us to be price competitive. Last year our agricultural exports rose $300 million—from $6.6 billion in 1965 to $6.9 billion. At the same time, agricultural imports went up $500 million—from $4 billion to $4.5 billion. The $2.5 billion favorable balance was the only bright spot in our total favorable balance of trade, which fell to $3.7 billion.

The agricultural sector of our economy has been in a worsening cost-price squeeze. On the price side, the parity ratio has been abnormally low and has fallen to 74 today. (It should be emphasized that prices can go up relative to world markets while the parity ratio can fall due to inflation in prices for goods the farmer purchases at a faster rate than the increase in farm prices.) On the cost side, farm production expenses increased $2.5 billion last year, and a good portion was due to inflation. Last year, net income per farm increased only $323 (measured in real dollars), while net farm debt increased $1,220. It seems obvious that unless the inflationary trend is stopped, the only thing that can preserve much less improve our agricultural exports will be export subsidies. I deeply regret that there is nothing I can see in the Administration's budget or in the attitude of those in control of the Congress which indicates an end to the multi-billion deficits and the inflation and high interest rates which inevitably accompany them. One is, therefore, forced to support export subsidies or face disaster in the agricultural economy.

GENEVA NEGOTIATIONS

Like everyone else having a stake in foreign trade, your Association is concerned over the outcome of the Kennedy Round of negotiations at Geneva under the General Agreement on Tariffs and Trade. There are fifty-three nations involved, but the Common Market bloc of six nations, and particularly France, has been serving as the principal obstacle to the success of these negotiations. Most of the fifty-three nations have been negotiating on a product-by-product basis. But sixteen nations, including the United States, Japan, Finland, the Common Market six, and the European Free Trade Association—the "outer seven"—have been negotiating on an across-the-board basis. Authority for the United States to enter into these negotiations was provided by the Trade Expansion Act of 1962, and the Act will expire next June 30. For nearly three years now, the negotiations have been going on, and there is considerable pessimism that they will be successful—at least within the time limitations established by the 1962 Act. The enormously complex nature of the negotiations requires at least 2 months after a general agreement to reduce to specifics the precise rates and schedules, so that a general agreement must be reached by April 30 at the latest.

The official position of the President's representative for these negotiations has consistently been that any trade agreement would have to include "meaningful concessions by the European Community with respect to their agricultural trade barriers." This policy has been aimed directly at the trade barriers erected by the E.E.C. against imports of grains, poultry, meat and other food products. Our broiler market there has been practically eliminated, and unless these restrictive trade barriers are modified, their long-term effects on all of our exports could be serious. One should realize that 30 percent of our total agricultural exports have been going to the Common Market countries. Our position is that the United States should continue to have its percentage share of the market—a percentage which would increase in tonnage as the market itself grows larger with the increased consumption of an increasing population. But concern is being expressed in agricultural circles that the President may back down on our demand for "meaningful concessions" in order to reach a general agreement by April 15. Those of us who are especially interested in agriculture believe that we must stand fast, and that the Trade Expansion Act should be renewed—possibly with some changes—so that the negotiations can go on, if our agricultural objectives are not achieved by April 30. This morning's edition of the Wall Street Journal indicates pessimism over the prospects of an extension.

But I believe one could be passed by Congress—granted that changes might be made. Our experience over the past four years has brought to light certain defects in the present law.

Meanwhile a separate set of negotiations has also been taking place in Geneva in an effort to arrive at a world grains agreement. Our position here has been that such an agreement should establish a fixed proportion of the market in importing countries for the major grain exporting countries—the United States, Canada, Australia, and New Zealand. However, such an agreement would appear to have no necessary relationship to a reciprocal lowering of trade barriers with respect to industrial products. Accordingly, I don't believe a world grains agreement is going to serve as a satisfactory substitute for "meaningful concessions by the European Economic Community with respect to their agricultural trade barriers," under the Kennedy round.

How these agreements are finalized, if they are ever finalized, could have a major influence on our own domestic prices of grains. If we are permitted to use export subsidies in furnishing our percentage share of the market, then domestic prices received by farmers could move towards parity without any adverse effect on our exports. This would, in turn, enable farmers to look more to good market prices and less to federal government program payments as a source of improving their net income.

FOOD FOR PEACE ACT OF 1966

Approved last November and effective on January 1 of this year, the new Food For Peace Act makes some important changes in our programs of food aid to developing nations. No longer is our assistance limited to "surplus" commodities, but rather will include those that are "available." Instead of having surpluses as we once had, we now have reserve acreage which can be brought into production to meet our domestic, commercial export, and food aid requirements.

There are important new guidelines to be followed under food aid contracts. The efforts of the receiving country to help itself are to be taken into account—including its efforts to meet its problems of food production and population growth. There is to be a transition of sales for soft currencies to sales for dollars by 1971. Private trade channels are to be used to the maximum extent practicable, both with respect to sales from privately owned stocks and with respect to sales from CCC stocks—A provision this association can claim much credit for having included.

Section 401 of the Act provides that in determining the commodities and quantities "available" for disposition, the Secretary of Agriculture shall take into account our productive capacity, domestic and commercial export requirements, farm and consumer price levels, and an adequate carryover. It further provides that no commodity shall be made available if its export would reduce the domestic supply below that needed for domestic and dollar export requirements plus adequate carryover, as determined by the Secretary.

This, of course, gives the Secretary considerable discretion. One may well ask how large a carryover will be deemed by him to be "adequate". Personally, I believe it is most unfortunate that this was not spelled out in the law itself. Several of us have been trying for years to have a national level of reserve stocks set by law, but the Administration has thus far been unwilling to give this the green light; and its majorities in the Congress have prevented action contrary to the Administration's wishes. Nevertheless, the policy of an adequate carryover is clear; and Congress is so firm in this policy that it was repeated in the India Food Aid Resolution, which was reecntly passed.

FOOD AID TO INDIA

There have been statements made recently that our stocks of grain will not support as much food aid to India as was furnished last year. Last year the United States furnished over 8 million of the 10 million tons of outside food aid to India. This year we propose to furnish 6.6 million tons—probably 20–25% sorghums—and commencing about next June, the President's policy, endorsed by the recent resolution passed by the Congress, is to furnish one-half India's food aid requirements, with India having to look to the other nations of the world for the other half.

It may happen that our anticipated 1967 wheat crop will be substantially below expectations because of adverse weather conditions with which you are familiar. However, it does not appear that we will be so low on all grain stocks as to be unable to meet our overseas commitments for calendar year 1967. The problem, if it arises, will likely come in 1968.

On January 1 of this year, our stocks of wheat (at all locations) amounted to 1,460,000,000 bushels—an eight-months supply for our present domestic and export requirements. It is estimated this will drop to 390,000,000 bushels by July 1—a two-months supply—just before the new crop comes in.

On January 1, feed grains stocks amounted to 143 million tons—an estimated one-year supply. By next October 30, it is estimated this will drop to 25 million tons—under three months supply—just before the new crop comes in.

The real reason for reducing our food aid to India from over 80% in 1966 to 66% this year and to 50% from that point on is one of the budget. At a time when we are involved in the tragedy of a war costing at least $25 billion a year, this country simply cannot do for other nations as much as it has been doing. Other nations of the world, most of whom are not sharing in the burden of the war, simply must shoulder a greater share of the burden of helping India meet her problems. Moreover, if India does not suffer further abnormal droughts, her outside food aid requirements are expected to decline steadily to the point where in five years she will, hopefully, be self-sufficient in basic food grain production. With greatly increased uses of hybrid seeds, increased expenditures by the Central Government of India on agricultural development, a break in the fertilizer bottleneck, and expanded irrigation and water well systems—this is entirely possible. And I should add, India's program of family planning clinics and assistance is moving ahead rapidly too.

AMENDMENT TO INDIA FOOD AID RESOLUTION

Representative Paul Findley of Illinois offered an amendment to the India Food Aid Resolution which was adopted by the House and concurred in by the Senate. It provides that in carrying out the aid to India program, "the Administration should . . . make announcements of intention, purchases and shipments of commodities on schedules and under circumstances which will protect and strengthen farm market prices to the maximum extent possible." This is not mandatory and merely represents the "sense of Congress" that such a procedure be followed. However, it does show that Congress is in sympathy with your Association's views that the federal government conduct its activities in a way which will cause less uncertainty in the market.

ROLE OF THE ADMINISTRATION

It is true that surplus stocks are, for the moment, at least, out of the picture. To this extent, "we are in a new ball game," to use the Secretary's words. But I believe we would do well to pay heed to these words of the Under Secretary of Agriculture last March 7 in Minneapolis. He said: "The domestic marketplace is undeniably freer of constraints than at any time in several decades. Still, there is a role for government—several roles, actually—as a referee in the marketplace."

Any student of the "referee's" actions in recent years will understand that the "referee" has had a proclivity for taking price-depressing actions. These have been in accord with what might be termed an "apparent cheap food" policy. Farm parity prices have been held below 80 per cent during all but a few months in the last six years, and the portion of the consumer dollar going for food has dropped from 21 cents to 18 cents. In turn, the consumer has been taxed to enable the government to make payments to farmers which have partially offset the drop in the prices he has received for his products.

One of the biggest weapons of the federal government "referee" has been the CCC stocks, which have been consistently placed on the market at times and in quantities which have depressed the market and caused widespread uncertainty in the grain trade. This weapon is not entirely eliminated, as the early calling in of 1962 and 1963 corn has recently demonstrated. The justification for this action was stated in a USDA release of last December 9, namely: "to meet needs of the Commodity Credit Corporation, *especially for disaster livestock feed.*" When I asked the Department for its estimated needs for disaster livestock feed for this year, I was advised, in writing, that the estimate was 12 to 14 million bushels. If this was the principal need of CCC, then one naturally wonders why 83 million bushels of 1962 corn would not have been far more than adequate. Why, more than a year ahead of time, call in 90 million bushels of 1963 corn? Powers of the Secretary of Agriculture to take market depressing action are the bitter that comes with the sweet some farmers find in the present programs.

THE PROBLEM OF INCREASED IMPORTS

Another "weapon" for the "referee" is agricultural imports—and more particularly meat and dairy imports. The milk dumping actions of some of our dairy farmers are misdirected, but they are understandable. Dairy imports in 1960 amounted to 600 million pounds (milk equivalent); by 1965 they had increased to 900 million pounds; and in 1966 they went up to 2.7 billion pounds. This has had a very damaging impact on the market, although it fits with a cheap food policy. Legislation has been proposed to close the loopholes in the present dairy import law, but the "referee" has not seen fit to give the go-ahead signal. Meat imports have also been going up—from 735 million pounds in 1960 to nearly 1.3 billion pounds last year. There is every indication of a further increase this year. One should not be misled by the present meat import quota law, which was passed in 1964 after being watered down because of Administration pressure. It does contain a formula for arriving at a so-called "trigger point" at which imports might stop. But the "trigger point" is much higher than one which would assure other countries the same percentage share of our market as they had in 1960. And, not to be overlooked, the law does not cover canned, cured, and cooked items, which amounted to 160 million pounds last year and are continuing to rise. These excessive meat imports have had a depressing effect on both the grain and livestock markets. And when I say "excessive," I mean that these imports were 400–500 million pounds greater in 1966 than they should have been, if imports were to hold the same share of our domestic consumption as they had in 1960. The feed equivalents of this excessive poundage are meaningful to many members of this Association as well as to our livestock farmers.

CONCLUSION

In conclusion, I appreciate that some of my comments on the food and feed grains situation and outlook may not strike a harmonious response in all of my listeners—anymore than they will over in the office of the Secretary of Agriculture and, indeed, the White House. However, I have endeavored to give you an accurate and up-to-date picture and to make it meaningful and alive by these comments. I well know that this Association harbors a strong tradition of independence and dedication to the capitalistic economic system, which has brought our citizens the finest food and the highest standard of living anywhere in the world. For this I salute you as I take my leave with the plea that you continue to make yourselves heard loud and clear in the offices of our government.

The PRESIDING OFFICER. Is there further morning business?

THE IMPENDING RAILROAD MACHINISTS' STRIKE

Mr. DOMINICK. Mr. President, last September, as the present occupant of the chair will remember, we were engrossed in an emergency situation involving a strike on the airlines. We had extremely heated discussions, hearings, and debates before our Committee on Labor and Public Welfare. We finally produced a bill, reported it to the Senate, passed it and sent it to the House of Representatives.

Eventually the particular dispute was settled prior to the passage of the bill in the House; but the strike created an enormous degree of inconvenience and hardship in many cases throughout the country. It created emergency situations in some areas. As a result, the Senate Committee on Labor and Public Welfare and the House Labor Committee were faced with the probability that strikes of a similar type and nature would be launched in the future, and that some legislative action should be taken.

Consequently, the Senator from New York [Mr. Javits], on behalf of himself, Mr. Morse, Mr. Bennett, Mr. Brewster, Mr. Burdick, myself, Mr. Douglas, Mr. Fannin, Mr. Fong, Mr. Kuchel, Mr. Miller, Mr. Monroney, Mr. Moss, Mr. Murphy, Mr. Prouty, Mr. Saltonstall, Mr. Scott, and Mr. Thurmond, introduced a joint resolution on September 22, 1966, designated as Senate Joint Resolution 195. In that resolution—which was referred to the Committee on Labor and Public Welfare—we asked the administration, in effect—by directing the Secretary of Labor to do so—to have a study made of the operations and adequacy of the emergency labor disputes provisions of the Labor-Management Relations Act and the Railway Labor Act, and to report the findings of such study to Congress by January 15, 1967, together with appropriate recommendations for amendments to the Railway Labor Act and the Labor-Management Relations Act which would provide improved permanent procedures for the settlement of emergency labor disputes.

Senator JAVITS issued a release under date of September 22, 1966, pointing out the problems that the country as a whole faces whenever we get into emergency labor disputes.

At this point, I think it is worthwhile to note that the Committee on Labor and Public Welfare held no hearings on his bill, that the administration was in opposition to it and that the Labor Department flatly refused to send any recommendations to Congress of any nature in this connection.

Once again, in January of this year, Senator JAVITS on behalf of himself, Mr. ALLOTT, Mr. BENNETT, Mr. BREWSTER, myself, Mr. FANNIN, Mr. FONG, Mr. HATFIELD, Mr. KUCHEL, Mr. MILLER, Mr. MONRONEY, Mr. MORSE, Mr. MUNDT, Mr. MURPHY, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SCOTT, and Mr. THURMOND, introduced Senate Joint Resolution 9, which was also referred to the Committee on Labor and Public Welfare, in which we once again asked that the Secretary of Labor be directed to commence immediately a complete study of the operations and adequacy of the emergency labor dispute provisions of the Railway Labor Act and the Labor Management Relations Act, and to report to Congress, no more than 120 days after the enactment of the joint resolution, the findings of such study, together with appropriate recommendations for amendments to provide improved permanent procedures for the settlement of emergency labor disputes.

The administration has killed or refused to propose legislation which would come to grips with this problem. Senate Joint Resolution 9 was introduced on January 12. Simple computation would indicate that if immedate action had been taken by the committee on the joint resolution, we might have had some recommendations for permanent improvements in methods for dealing with labor disputes by April 12 of this year.

The result of the administration inaction—in fact, its opposition to any action by the committee—now presents Congress with an almost impossible situation, in view of the impending nationwide railroad strike now scheduled for April 12, which is just next week.

Mr. President, I can say, I think, without any argument, that we have an emergency situation facing us in the railway dispute that is presently going on. The Machinists Union, along with five other off-train unions, has refused to accept the offer of the railroads which was approved by the Presidential Emergency Board appointed by President Johnson. These unions have unequivocally declared that they will call a strike on all the railroads in this country commencing at 12:01 a.m. on April 12 of this year.

We have no administration position, we have no action by Congress, we have nothing by which the country itself can be assisted, at a most crucial time in our history to solve this dispute rapidly in order that we may maintain the very essential means of transportation which the railroads supply.

It is an interesting fact that apparently the operating unions involved in the railroad situation already had reached an agreement with the railroads. However, 6 of the shop unions refused the same agreement and also refused to follow the recommendations of the Presidential Emergency Board; furthermore, they have said publicly that they will strike on April 12. The question will arise almost immediately, What is Congress going to do about it?

Mr. President, I cannot conceive of a President of the United States leaving the country, at a time of such emergency to the Nation, and going to South America. It is my understanding that his visit to South America coincides with the date scheduled for the strike. Important as the visit may be, it would seem to me that when we are engaged in a war in southeast Asia in which our fundamental supply lines are about to be threatened by a strike, we find ourselves in a position where we should have maximum effort by the President and by Congress to take action, in order to solve the problem as rapidly as we can.

Mr. President, I do not have, at the moment, a bill to introduce, but I have been in consultation with Senators who are desperately concerned about the problem. I suspect that we will soon have legislation proposed. I have learned that a bill has been introduced by the distinguished senior Senator from New York [Mr. JAVITS] which calls for a limited seizure of the railroad. I have heard rumors that compulsory bargaining legislation will also be proposed. I have heard rumors that still further efforts for settlement will be made, but that the machinists of the other shop union have flatly turned down all offers to date, and there seems to be little or no chance of getting together on any kind of a collective bargaining agreement by April 12.

Mr. President, all I wish to do is to point out, for the benefit of the Senate as a whole, that it seems to me the Labor Department has been derelict in its duty insofar as it has an obligation to try to settle disputes of this kind by giving to Congress recommendations for improved procedures. It is extremely unfortunate that we continue to have a series of strikes which vitally affect the operation of the country, and have no procedures which will settle such disputes without having a national emergency declared.

Mr. President, I urge that between now and April 12 every effort be made by the Labor and Public Welfare Committee and any other appropriate committee, by the President, by the Labor Department and by the parties to reach some kind of agreed procedure to handle the national emergency now facing our country.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its morning business on Tuesday next, the distinguished and able senior Senator from Virginia [Mr. BYRD] be recognized for 40 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MISCHA ELMAN

Mr. JAVITS. Mr. President, I call the attention of the Senate to the passing in New York on yesterday of one of the most distinguished artists of our Nation—Mischa Elman, the great violinist.

Mischa Elman has been a great violinist for more of a lifetime than most men have the opportunity to give to any chosen calling. He was a child prodigy, the product of a tremendous tradition of great instrumentalists from what was then Russia and is now the Soviet Union.

Mischa Elman was most distinguished by the fact that he was giving concerts literally up to the moment of his death. I saw Mischa Elman in New York not over 10 days ago, and he was full of plans for the future instead of, at the age of 76, resting upon an enormous world reputation.

He was thinking only of the new things he was going to play. He was always a great patron of new music and of the great achievements which lay ahead.

At the age of 9 Mischa Elman was accepted in the very famous Conservatory of Leopold Auer's at St. Petersburg. This conservatory has given the world many great artists.

Mischa Elman in his lifetime was an example of the very finest of concert music and was one of the greatest instrumentalists. His death is a great loss to our Nation. As a great artist he brought honor to our country throughout the world. He appeared throughout the world for many years as a citizen of the United States and as a great artist identified with this country.

I felt that all Senators would wish to join in some recognition of his outstanding merit and achievement.

I extend my condolences and those of my family to Mrs. Elman and to the family he leaves which he has ennobled so much by his great artistry.

Mr. President, I ask unanimous consent that the article relating to the passing of Mischa Elman be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MISCHA ELMAN DIES AT 76

Mischa Elman, the violinist, died last evening of a heart attack in his duplex apartment at 101 Central Park West. He was 76 years old.

Mr. Elman had rehearsed during the morning with his accompanist, Joseph Seiger.

They were preparing for concerts scheduled for the fall and for next year. They worked from 10 A.M. to 1 P.M., according to their usual practice, and then Mr. Elman went out to lunch.

He returned at 4 P.M. His wife, Mrs. Helen Katten Elman, was upstairs in the bedroom, where she has been recovering from a fracture of a foot. There was no one else in the apartment but a maid.

Mr. Elman suddenly complained that he was unable to breathe and called to his wife to summon help. Dr. Jack Abry was called from 230 Central Park West and attempted to revive Mr. Elman with oxygen.

The violinist had been active lately. Last month he spent three days at the State University of North Carolina. He gave a concert the first day, lectured on the next, and conducted a master class for selected students on the third.

In January, having recently returned from an extended tour of Europe, he toured the West Coast.

Besides his wife, Mr. Elman leaves a son, Joseph, and a daughter, Mrs. Nadia Mack, both residents of the San Francisco area.

Mr. Elman also leaves two sisters, the Misses Liza and Esther Elman, who are music teachers in Philadelphia, and three grandchildren.

The funeral service has been scheduled for 1 P.M. tomorrow at the Riverside Memorial Chapel, Amsterdam Avenue and 76th Street.

DEBUT AT 12 AN INSTANT SUCCESS

Mischa Elman's debut as a violinist, at the age of 12 in Berlin, very nearly turned out to be also his farewell concert.

At the age of four, he had begun to study the violin with his father, a teacher of religion who played the violin for diversion. Mischa's grandfather was a concert violinist.

When he was 9, the boy was accepted in Leopold Auer's famous violin class at the St. Peterburg Conservatory, and on Oct. 4, 1904, made his instantly successful professional debut in Berlin.

But that evening, the child prodigy was so excited that he, like his father, who had accompanied him to Berlin, paid scant attention to the intricacies of turning off the gas lights when they took a nap before the recital. Mischa was nearly asphyxiated, but played his concert anyway. He collapsed immediately afterward.

Mr. Elman was born in Talnoye, in the Ukraine, on Jan. 20, 1891. Since his grandfather was a violinist of some repute, music was a part of his life almost from infancy. At about the time most children learn to read, he had already become a favorite pupil of Fidelmann, a renowned violin teacher in Odessa.

Shortly before his sensational German tour, Mr. Elman gave a concert at the Conservatory in St. Petersburg, and his doting teachers and patrons predicted the success that followed. After his introduction to the London public in Queen's Hall, in 1905, he was ranked, despite his youth, among the foremost violinists of his day.

NEW YORK RECITAL IN 1908

Mr. Elman appeared in Queen's Hall with the London Symphony Orchestra under Charles Williams. He made his first appearance in New York on Dec. 10, 1908, with the Russian Symphony Orchestra, playing the Tchaikovsky concerto.

In the years that followed, Mr. Elman, who had an unusually extensive repertory, made annual tours of the United States and Europe. Everywhere, he was acclaimed for what many critics called the "Elman tone," a quality of sound that was often imitated but never quite matched by other violinists. The Elman tone was described as "warm, sensuous, opulent—as vibrant as a living thing."

While a bachelor in his twenties and thirties, Mr. Elman was earning about $100,000 a year. He was considered, then, an eligible catch, but he resisted the entreaties of matchmaking friends, insisting that he was searching for the ideal woman.

His ideal, he said, would be "an English girl who looked like the paintings of Jean Baptiste Greuze." However, his ideal turned out to be Helen Frances Katten, a San Franciscan he met aboard ship on a crossing to Europe.

For five years Mr. Elman courted the woman he wanted to marry, often working San Francisco into a tour itinerary just to see her. Finally, when he did propose, he did so by cablegram. The mother of the intended bride opened the cable and telephoned her daughter at a bridge party. "Come home, Helen," Mrs. Katten told her. "You're engaged."

Considering the text of the cablegram, Mrs. Katten may have taken a few liberties of interpretation. The cable to Helen Katten said: "If marriage is a mistake, then I prefer to commit this error with you."

In later years, Mr. Elman referred to his wife in more romantic terms, once describing her as "poetry itself."

Mr. Elman became a United States citizen in 1923.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTMENT TAX CREDIT

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which the clerk will state by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

The Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, overnight my staff and I have had an opportunity to study the amendment offered yesterday by the Senator from Connecticut [Mr. RIBICOFF]. We have concluded that the amendment is virtually meaningless. It would provide that 75 percent of the estimated $30 million to be available to the treasurer of each national political party shall be expended for given purposes, as set out in the amendment.

As I study these purposes, functions, and activities, I find it almost impossible to think of any political activity which is not included in those purposes. It includes organizations, headquarters, employees, travel, radio, television and newspaper advertising, polls publications—I do not have the full list before me, but it is almost all—inclusive, insofar as I can determine.

Indeed, I inquired of the advocate of the amendment, the distinguished Senator from Connecticut [Mr. RIBICOFF], whether he could indicate any kind of activity for which an expenditure of the remaining 25 percent could be made which was not included in the allowables for the 75 percent.

During an afternoon of debate, no suggestion was made as to a type of campaign expenditure that could not be reimbursed under one of the items specifically listed in the amendment, except possibly a motion picture film. But 25 percent of the estimated $30 million would be available under the amendment for expenditures for any purpose, just in case no one had been able to think of it before. This 25 percent could also be expended, in whole or in part, for the activities listed in the amendment.

Accordingly, we have concluded that the amendment provides no safeguards whatsoever. Nevertheless, if any Senator wishes to vote for the amendment, I shall not seek to persuade him not to do so. I see no good to be accomplished by its adoption. It is barely possible that, by implication, the amendment would confer further leeway for expenditure of the $7,500,000, but I would not wish to be contentious about that. So if the advocates of the present unsound and unwise law wish to vote for the amendment, I shall be pleased to have them do so.

However, I would advise the Senate that the amendment provides no safeguards whatsoever. It makes no substantial change in the law. It is a virtually meaningless amendment.

I think it is clear now that at least one of the purposes for its advancement was to delay and procrastinate. I do not say that that was the sole purpose. In any event, we have now heard an announcement that there will be no votes on this issue before next Tuesday, if then.

Meanwhile, it is being suggested to business and industry that in some way this delay is endangering the passage of the investment credit bill. This is one more instance of the use of tax policy to accomplish a political purpose. I regret this. I would regret to see businessmen used as pawns to retain this campaign slush fund.

The investment credit bill will, I am sure, be passed. It is, moreover, retroactive. Thus, I doubt whether this ploy will mislead very many persons. I doubt whether it will mislead any Member of the Senate.

I suggest that my amendment to repeal the Presidential Election Campaign Fund Act was offered last Monday. We have been ready to vote on each day of this week. A large percentage of Senators are in Washington today—larger than usual, I am advised. A large attendance of Senators was in Washington yesterday, anticipating a vote on this issue, because a vote had been indicated. However, we are now advised that there will be no vote before next Tuesday, if then.

Well, Mr. President, we shall eventually vote up or down upon the question of repeal. I trust that the forces in the Senate who are advocating and supporting repeal—and I am confident that they are now in a substantial majority—will hold, and that the will of the Senate, instead of being thwarted, will eventually prevail.

Mr. SCOTT. Mr. President, I rise in opposition to the pending amendment and urge the Senate to adopt the Gore amendment to repeal the Presidential Election Campaign Fund Act of 1966.

As Senators recall—ruefully, I suspect—the 1966 act was attached in the closing days of the 89th Congress last October as a rider to an unrelated tax measure that bears the nickname, the "Christmas tree bill." It received only superficial consideration by the Senate Committee on Finance last summer and autumn after a brief set of hearings on a variety of measures designed to provide tax incentives to encourage campaign contributions.

It was, in short, an abortion of the legislative process.

Nevertheless, and to the surprise of many, the President signed the "Christmas tree bill" with its presidential election campaign fund title into law, and he is now lobbying vigorously to keep the act on the statute books in the face of the determined and meritorious effort of my distinguished colleagues from Tennessee and Delaware, Messrs. Gore and Williams, to repeal it.

Mr. President, I support repeal of the Presidential Election Campaign Fund Act of 1966 for two reasons.

First, it approaches the problem of political finance from the wrong direction and, in so doing, only postpones consideration of overall election reform legislation which is vitally needed.

It has been my impression that neither major candidate for President in recent presidential elections, especially 1964's, has been starved for funds. The President's Club has not struck me as being a poverty-stricken organization, for instance. I do not believe that presidential candidates have found themselves in the position of being especially beholden to wealthy political benefactors.

This is not to say that there are no problems in the area of political finance. Political candidates for many offices at all levels of government depend on lucrative sources because of the increasingly high cost of political campaigning and the unwillingness or inability of the average man in the street to contribute to their campaigns.

I have tried to meet this problem with a bill, S. 786, which would provide tax credits for contributions to national and State committees of our major political parties.

I am open to suggestions for any better way to accomplish this proper objective. I believe that tax incentives combined with redoubled efforts by political organizations employing modern professional techniques of solicitation can broaden the base of financial support of political parties and candidates among the electorate.

But this is not enough.

We must overhaul our corrupt practices statutes to take into account the higher costs of campaigning in this era of high-speed electronic communications and to provide for full disclosure of the sources and uses of campaign funds. These are the twin objectives of S. 596, the Election Reform Act of 1967, which I introduced on January 23. That measure is identical to a bipartisan bill approved last October by the Subcommittee on Elections of the House Committee on Administration after careful deliberations.

The Presidential Election Campaign Fund Act of 1966 diverts Congress from the urgent task of considering and enacting comprehensive election reform legislation and legislation to encourage more citizens to participate in the political process by contributing to election campaigns.

My second reason for supporting the repeal of the 1966 act derives from my conviction that it could subvert our federal form of government. On February 1, when I introduced S. 786, I warned that—

> The 1966 act has potentially far-reaching implications for the American system of political parties.

I went on to say this:

> The 1966 act could transform our political system into one of centralized and disciplined parties that are alien to our political traditions. It opens the way to centralizing campaign fund-raising by the national committees which would give them strong controls over State and local party organizations. I do not believe this is a desirable development.

I opposed the 1966 act last autumn and support its repeal now with this fundamental consideration uppermost in my mind.

One of the major undertakings of the 90th Congress should be the strengthening of our federal system of government, especially the role of the States therein. I have introduced three bills to that end—S. 694, the Federal-State Tax Sharing Act of 1967, S. 735, the Federal Grant-in-Aid Review Act of 1967, and S. 799, the Comprehensive Planning and Coordination Act of 1967.

Mr. President, the late Morton Grodzins, a distinguished professor of political science at the University of Chicago and a keen student of American federalism, declared, in a paper accompanying "Goals for Americans," the 1960 report of the President's Commission on National Goals, that—

> A society that produced centralized national parties would, by that very fact, be a society prepared to accept centralized government.

We can never accept that. I trust that Congress will not either.

Let us repeal the 1966 act.

Let us wipe the slate clean so that we can start anew.

Let us get on with the job of enacting election reform and sensible political financing legislation.

THE AIR QUALITY ACT OF 1967

AMENDMENT NO. 154

Mr. RANDOLPH. Mr. President, I introduce, for appropriate reference, several proposed amendments to S. 780, the Air Quality Act of 1967. These amendments are designed to expand the scope and purpose, and to increase the effectiveness of the measure which has been proposed by the administration.

It seems important to me to underscore the fact that the citizenry of the State from which I come, and the Nation of which all of us are a part, have spoken clearly and emphatically for the purposes of air pollution control.

It is also true, that that voice which we have already heard is much stronger than even the call of a few years ago for effective legislation to control water pollution in our waters throughout the United States.

Mr. President, in 1965 and 1966, the Congress responded to the challenge of water pollution by requiring the establishment of State water quality standards on interstate waters. This came about in the act of 1965. Our several States are to comply with this requirement by June 30, 1967.

Failure to comply by the States would mean that the standards of the Federal Government would be accepted as of that date.

To implement this national commitment, for effective implementation of water quality standards, the Congress in 1966 authorized—without a dissenting vote—a $3.4 billion municipal waste treatment construction program. I emphasize that this was a grant program, and we increased, to a very considerable degree, the Federal funds to be used for research into new and improved methods of treating all types of fluid waste.

It is important also to indicate that the initiative in these programs and in the effort to abate other forms of environmental pollution has stemmed from the leadership of my colleague from Maine, who is on the floor at the present time [Mr. Muskie].

Senator Muskie became the chairman of the Subcommittee on Air and Water Pollution in 1963.

Since that time Senator Muskie has earned national recognition as the foremost spokesman in this body, and perhaps in the Nation, for carrying forward an aggressive but realistic pollution abatement program.

I know of the constructive contribution which he has made. I want my colleagues in the Senate to understand from my words as chairman of the Public Works Committee, and as a member of this particular subcommittee within that committee, that I have the utmost confidence in—and I applaud the work of—the Senator from Maine.

I must speak also of the able and cooperative ranking minority member of that subcommittee, the distinguished junior Senator from Delaware [Mr. Boggs]. He also has the same characteristics that I have attributed to the Senator from Maine.

I add that both of these Members of

this body and of the Public Works Committee and of the Subcommittee on Air and Water Pollution have served with distinction as Governors of their respective States. So they have seen the situation from that level of executive responsibility and they have an awareness of the responsibilities of the States in this field.

We have had differences within the committee, of course, I am never worried by differences which occur between Members of the Senate or members of a committee or of a subcommittee in regard to legislation. I am concerned when people are indifferent. Certainly, if the American people and the American Congress are indifferent to this urgent task, of abating and controlling pollution in our water and air, we are going to suffer because of the attitude of apathy.

However, such an attitude of apathy is not evident in this body. The Congress is responsive to the requests of the people of our country that the Federal Government, in concert with the States and other political subdivisions, and industry as well, move affirmatively with an all-out, frontal attack on the basic causes of pollution which affect our country.

This issue can be summed up in the expression that we are the greatest industrialized Nation in the world, and yet we pour into the atmosphere and into our waters pollution which has a devastating effect.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to the Senator from Maine.

Mr. MUSKIE. Mr. President, first of all, I should like to express my appreciation to the distinguished Senator from West Virginia, and chairman of the Senate Committee on Public Works, for the kind references he has made to me——

Mr. RANDOLPH. And I say they are not mere pleasantries; they are deserved.

Mr. MUSKIE. I appreciate it. I would like to add to that my appreciation for the unqualified support which he has given in the work of the subcommittee before he became chairman of the full committee and since that time. We have never felt inhibited. Indeed, we have felt stimulated by the kind of support and understanding which he has given to our efforts in the air pollution problems as they have developed over the past 3 or 4 years.

I appreciate his attendance during the recent field hearings which we held through the country, particularly in Los Angeles and St. Louis. The chairman of the committee contributed to those hearings constructively, and affirmatively expressed the same philosophy which he has been expressing on the Senate floor, about the need to eliminate indifference in all segments of our society toward this pressing and most urgent problem.

The amendments which he is offering today—and I think they typify the problems—are addressed to difficult and controversial points in the legislative program which we are considering. They are constructive suggestions for dealing with those problems. I am sure the subcommittee will give them thoughtful consideration.

As the Senator knows, it has been the practice of the Subcommittee on Air and Water Pollution and of the Public Works Committee as a whole to consider legislative bills not in terms of the finality of the original form which they took, but as departures for discussion and legislative draftsmanship, and the final product that has been produced by the subcommittee and the committee in the past has often been a version that little resembled the original legislation introduced.

The reason for that is that we have tried to be responsive to the discussions had before the committee, and we have tried to be responsive to the enlightenment which we have received from those persons who understand the problem in all its ramifications, and we undertook to reflect a realistic attitude in the final legislation toward what is and what can be done.

It is in that spirit that I welcome the amendments being introduced by the distinguished Senator from West Virginia this afternoon and express my appreciation for his continuing interest and contribution.

Mr. RANDOLPH. I thank the Senator from Maine. I know he has another commitment that is very pressing at this time. If it were not for that fact, I am sure he would find it convenient to remain on the floor. I appreciate his remarks, and I understand his need to meet other commitments. We discussed the matter of these amendments in considerable detail before I came to the floor this afternoon.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. MUSKIE. I understand that among the amendments the Senator is introducing this afternoon the Senator will also offer a bill that will provide for certain tax relief relating to private industry as a stimulant to the development of air pollution control equipment. I am delighted to join in cosponsoring that legislation, which I think will probably get the unanimous support of the Senate Public Works Committee as the bill goes to the Senate Committee on Finance.

I may say that my other commitment is not more important than this one, but that it is an unavoidable one.

Mr. RANDOLPH. I understand.

Reference has been made by the Senator from Maine to the introduction of the bill which I shall present to the Senate this afternoon as I make these remarks. This will not be referred to the Public Works Committee, but to the Finance Committee, because it will deal with amendments to the Internal Revenue Code.

We think—and I have discussed this proposal with the Senator from Maine [Mr. MUSKIE] and other Senators—that it is necessary to provide for amortization of air pollution control facilities over a period of 36 months.

I think it is very important to realize that industry must be a full partner in moving forward in this program; and that an industry that has made expenditures of huge sums of money—I know of many instances where industries have spent tens of millions of dollars to abate pollution either of the waters or of the air—be given installation incentives such as is indicated in the legislation I shall introduce this afternoon—legislation in the general area of permitting more rapid writeoff than ordinarily is allowed.

I had discussed this proposed legislation earlier this week with Senator MUSKIE. I had not known until now that he felt he could sponsor it with me. I asked him to review it very carefully. I am hopeful that we may have the sponsorship of the Senator from Kentucky [Mr. COOPER], the ranking minority member of the Committee on Public Works, and of the Senator from Delaware [Mr. BOGGS], the ranking minority member of the Subcommittee on Air and Water Pollution. I am sure they are as intensely interested in this subject, and the approach which is offered in this tax legislative proposal, as am I.

Mr. President, we have heard the call from the President of the United States on this matter of the control of pollutants in the air. I shall not take the time to read those parts of the President's message—except to say that the President indicated that—

> Ten years from now, when industrial production and waste disposal have increased, and the number of automobiles on our streets and highways exceeds 110 million, we shall have lost the battle for clean air, unless we strengthen our regulatory and research efforts now.

I especially note the emphasis of the President particularly on the matter of research, because I deem this to be an area in which additional funds must be expended, and expended wisely, but as quickly as possible.

The President went farther, and said that "Federal action alone cannot master pollution. The States, the cities, and private industry must commit themselves more fully, more effectively, and with a new sense of urgency, to America's struggle against polluted air."

This calls for a partnership, Mr. President—not a junior or senior partnership, but a partnership of all these component parts, these elements of government, industry, and in the final analysis, the individual citizen. Each must except his own responsibility in this urgent area. It is imperative that we act. This is the reason, Mr. President, that I offer these amendments this afternoon—because I, in my way, hope to speed the accomplishment of the objectives of President Johnson and the administration. We can do that, I think, in an orderly fashion, without a hit and miss approach, which to a degree we have been guilty of in the past.

There is a gap between what we desire and what we must achieve in the immediate or near future. That gap must be closed with this program of research. It has to be greatly expanded, and of course pilot projects and demonstrations must be expanded. I shall speak of that in more detail in connection with further amendments to be submitted.

To summarize, Mr. President, the amendments to S. 780 which I send to the desk at this time will accomplish, if enacted into law, the following results:

First, the time-consuming conference stage of abatement and enforcement procedure would be eliminated by the conferees going directly to a hearing. This, I remind the Senators present and those who will read these remarks, was our objective in the Clean Air Act of 1963.

I think we must accelerate our pollution abatement efforts. At present there is undue delay between the time the need for abatement action is first acknowledged and the ultimate response to that need. So we would eliminate, by this proposal, the conference stage. The Secretary, on finding that interstate pollution affecting the public health exists, can go directly to a hearing rather than wait the 6 months which is required under existing law. Industries and other polluters—and industry certainly is not blameless—will be authorized to participate in such a hearing as would be encompassed by my amendment, and will therefore have an opportunity, I think, to fully present evidence in accordance with the prescribed rules of procedure and of evidence.

Amendment No. 2 would provide for the establishment of air quality standards by the States. In different parts of the country, in the various regions of our Nation, we know, after having studied this problem, that there are different air pollution problems, and different standards and solutions are necessary if we are to realistically and reasonably and yet effectively solve these problems.

An obvious example, I think, is shown by comparing New York and Los Angeles. Those cities differ, Mr. President, very much in meteorological and topographical conditions, as well as in the comparative pollution loads of moving and stationary sources of pollution. Our hearings have underscored that difference.

I would not suggest that the people of the varying regions do not have equal rights to breathe air of an equally pure quality. It is evident, however, because of these varying conditions—that different standards will be required in different areas, if we are to achieve the same level of ambient air quality.

Amendment No. 3 would increase the amount of fines to be levied on polluters who refuse to comply with the reporting requirements of this Act.

Amendment No. 4 would create a Federal Air Quality Administration within the Department of Health, Education, and Welfare, to be headed by a new Assistant Secretary of that Department and to have control of the Federal aspects of air quality improvement and solid waste disposal.

Mr. President, implicit in all that I have said today is the urgent need for the Secretary of Health, Education, and Welfare to promulgate the ambient air quality criteria authorized by the mandate of Congress in the Clean Air Act of 1963.

Mr. President, I shall submit additional amendments to the Senate next week. I, of course, am thinking in terms of the one subject that I believe is perhaps paramount at this moment as we study air pollution. That subject concerns the need for accelerated research and development programs and provisions for an interdepartmental advisory committee on air pollution, and a technical advisory committee to assist the States in the establishment of air quality standards.

I think especially of the need for the establishment of air commissions in different regions of the United States. It is apart from what I am now saying, but I allude to the Appalachian Regional Development Commission. This was a new concept in congressional lawmaking. It has been effective.

We do experience a need for certain of our regions to come to grips with some of the problems indigenous to those regions. This is especially true in the field of economic growth. We must study the problems presented in air pollution abatement programs.

This can be better done in many areas—rather than following the Federal approach or the State approach—by the regional approach. A regional approach has been proposed in S. 780, and I shall submit an amendment to that provision at a later date.

The amendment (No. 154), submitted by Mr. RANDOLPH, intended to be proposed by him, to the bill (S. 780) to amend the Clean Air Act to improve and expand the authority to conduct or assist research relating to air pollutants, to assist in the establishment of regional air quality commissions, to authorize establishment of standards applicable to emissions from establishments engaged in certain types of industry, to assist in establishment and maintenance of State programs for annual inspections of automobile emission control devices, and for other purposes, was received, ordered to be printed, and referred to the Committee on Public Works.

I ask unanimous consent that the amendments which I have sent to the desk be printed at this point in the RECORD.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AMENDMENT NO. 154

At the end of the bill insert the following new sections:

"REVISION OF ABATEMENT PROCEEDINGS

"SEC. 8. Section 105 of the Clean Air Act is amended to read as follows:

" 'ABATEMENT OF AIR POLLUTION

" 'SEC. 105. (a) The pollution of the air in any State or States which endangers the health or welfare of any persons, shall be subject to abatement as provided in this section.

" '(b) Consistent with the policy declaration of this title, municipal, State, and interstate action to abate air pollution shall be encouraged and shall not be displaced by Federal enforcement action except as otherwise provided by or pursuant to a court order under this section.

" '(c) (1) Whenever requested by the Governor of any State, a State air pollution control agency, or (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to air pollution which is alleged to endanger the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, promptly call a hearing with respect to such air pollution and give formal notification thereof to the alleged polluter or polluters, and effective notice as provided under the terms of the Administrative Procedures Act to the air pollution control agency of the municipality where such discharge or discharges originate, to the air pollution control agency of the State in which such municipality is located, and to the interstate air pollution control agency, if any, in whose jurisdictional area such municipality is located.

" '(2) Whenever requested by the Governor of any State, a State air pollution control agency, or (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to alleged air pollution which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate and if a municipality affected by such air pollution, or the municipality in which such pollution originates, has either made or concurred in such request, promptly call a hearing with respect to such air pollution and give formal notification thereof to the alleged polluter or polluters, and effective notice as provided under the terms of the Administrative Procedures Act to the State air pollution control agency, to the air pollution control agencies of the municipality where such discharge or discharges originate and of the municipality or municipalities alleged to be adversely affected thereby, and to any interstate air pollution control agency, whose jurisdictional area includes any such municipality, unless, in the judgment of the Secretary, the effect of such pollution is not of such significance as to warrant exercise of Federal jurisdiction under this section.

" '(3) The Secretary may, after consultation with State officials of all affected States, also call such a hearing whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) is occurring and is endangering the health and welfare of persons in a State other than that in which the discharge or discharges originate. The Secretary shall give formal notification of such hearing to the originators of such pollution and to any municipal, State, or interstate air pollution control agencies having jurisdiction in the affected area, and effective notice as provided under the terms of the Administrative Procedures Act.

" '(4) whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) which endangers the health or welfare of persons in a foreign country is occurring, or whenever the Secretary of State requests him to do so with respect to such pollution which the Secretary of State alleges is of such a nature, the Secretary shall promptly call a hearing with respect to such air pollution and give formal notification thereof to the alleged polluter or polluters, and effective notice as provided under the terms of the Administrative Procedures Act to the air pollution control agency of the municipality where such discharge or discharges originate, to the air pollution control agency of the State in which such manicipality is located, and to the interstate air pollution control agency, if any, in the jurisdictional area of which such municipality is located. The Secretary shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the hearing, and the representative of such country shall, for the purpose of the hearing and any further proceeding resulting from such hearing, have all the rights of a State air pollution control agency. This subparagraph shall apply only to a foreign country which the Secretary determines has given the United States essentially the same rights with respect to the prevention or control of air pollution occurring in that country as is given that country by this subparagraph.

"'(5) Not less than thirty days' prior notice of the hearing date shall be given to such parties and agencies, and effective notice as provided under the terms of the Administrative Procedure Act.

"'(d) (1) Any such hearing shall be public and shall be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a hearing board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of such hearing board and each Federal department, agency, or instrumentality having a substantial interest in the subject matter as determined by the Secretary shall be given an opportunity to select one member of such hearing board, and one member shall be a representative of the appropriate interstate air pollution agency if one exists, and not less than a majority of such hearing board shall be persons other than officers or employees of the Department of Health, Education, and Welfare.

"'(2) On the basis of evidence presented at such hearing, the hearing board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the hearing board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and suitable to secure abatement of such pollution, giving consideration to the technological and economic feasibility and time scheduling of pollution abatement measures.

"'(3) The Secretary shall send notice of such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution; to air pollution control agencies of the State or States and of the municipality or municipalities where such discharge or discharges originate; to any interstate air pollution control agency whose jurisdictional area includes any such municipality, and to all other persons who participated in the hearing, together with a notice specifying a reasonable time (not more than ninety days) to secure abatement or effective progress toward abatement of such pollution.

"'(e) If action in accordance with said recommendations calculated to secure abatement or effective progress toward abatement of the pollution within ninety days after such notice is not taken, the Secretary—

"'(1) in the case of pollution of air which is endangering the health or welfare of persons (A) in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, or (B) in a foreign country which has participated in a hearing called under this section, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution, and

"'(2) in the case of pollution of air which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, at the request of the Governor of such State, shall provide such technical and other assistance as in his judgment is necessary to assist the State in judicial proceedings to secure abatement of the pollution under State or local law or, at the request of the Governor of such State, shall request the Attorney General to bring suit on behalf of the United States to secure abatement of the pollution.

"'(f) The court shall receive in evidence in any suit brought in a United States court under subsection (e) of this section a transcript of the proceedings before the board and a copy of the board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability of complying with such standards as may be applicable and to the technological and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

"'(g) Members of any hearing board appointed pursuant to subsection (d) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such board or otherwise engaged on the work of such board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.'

"AIR QUALITY STANDARDS, REGIONAL AIR QUALITY COMMISSIONS, AND RECORDS AND REPORTING COMPLIANCE

"SEC. 9. Title I of the Clean Air Act is amended by redesignating section 107 as section 110 and by inserting after section 106 the following new sections:

"'AIR QUALITY STANDARDS

"'SEC. 107. (a) If the Governor of a State or a State air pollution control agency files, within one year after the date of enactment of this section, a letter of intent that such State, after public hearings, will within two years of such date of enactment, adopt (1) air quality standards applicable to interstate air emission sources within such State, and (2) a plan for the implementation and enforcement of the air quality standards adopted, and if such standards and plans are established in accordance with the letter of intent, and if the Secretary determines that such State standards and plan are consistent with subsection (c) of this section, such State standards and plan shall thereafter be the air quality standards applicable to such interstate air emission sources within that State.

"'(b) If a State does not (1) file such a letter of intent or (2) establish air quality standards in accordance with this section, or if the Secretary or the Governor of any State affected by air quality standards established pursuant to this subsection desires a revision in such standards, the Secretary may, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, prepare regulations setting forth standards of air quality to be applicable to interstate air emission sources within such State. If, within six months from the date the Secretary publishes such regulations, the State has not adopted air quality standards found by the Secretary to be consistent with subsection (c) of this section, or a petition for public hearing has not been filed under subsection (d) of this section, the Secretary shall promulgate such standards.

"'(c) Standards established pursuant to this section shall be such as to enhance the quality of the air in the area affected, to protect the public health and welfare, and otherwise serve the purposes of this Act. In establishing such standards, the Secretary, the hearing board, or the appropriate State authority shall take into consideration their use and value for encouraging and accelerating a national program for enhancing the quality of this Nation's air by controlling, abating, preventing or reducing hazardous air emissions from any private, public, or industrial device or installation, and shall also take into consideration existing air quality in the area affected and the technological and economic feasibility of achieving the prescribed air quality.

"'(d) If at any time prior to 30 days after standards have been promulgated under subsection (b) of this section, the Governor of any State affected by such standards, petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held at an appropriate location determined by the Secretary, before a hearing board appointed by the Secretary. The Secretary shall appoint two members from each State affected by such standards who shall be recommended by the Governor of such State, one at large and one from the scientific community within the State. The Secretary shall appoint the other members of such hearing board as follows: one from the National Academy of Science, one from the National Academy of Engineering, with the other members to be appointed one each from the Department of Health, Education, and Welfare and from any other affected Federal departments or independent agencies. The hearing board chairman shall be the member appointed from the Department of Health, Education, and Welfare. Notice of such hearing shall be published in the Federal Register and given to the State air pollution control agencies, interstate agencies, and municipalities involved and all participants in the hearing under subsection (b) of this section, at least 30 days prior to the date of such hearing. On the basis of the evidence presented at such hearing, such hearing board shall make findings as to whether the standards published or promulgated by the Secretary are reasonable and whether they carry out the purposes of this Act. The standards shall be approved or modified by the Secretary in accordance with such findings. If such hearing board approves the standards as published or promulgated by the Secretary, the standards shall take effect on receipt by the Secretary of such hearing board's recommendations. If such hearing board recommends modifications in the standards as published or promulgated by the Secretary, the Secretary shall promulgate revised regulations setting forth standards of air quality in accordance with the hearing board's recommendations which will become effective immediately upon promulgation.

"'(e) Any action which reduces the quality of air below the standards established under this section is subject to abatement in the manner provided in section 105(e) of this Act, except that at least one hundred eighty days before any abatement action is initiated as authorized by this subsection, the Secretary shall notify the violators and other interested parties of the violation of such standards. In any suit brought under the provisions of this subsection the court shall receive in evidence a transcript of the proceedings of any hearing held pursuant to this section with respect to the standards involved provided for in this subsection, together with such standards as promulgated by the Secretary, and such additional evidence, including that relating to the alleged violation of the standards, as it deems necessary to a complete review of the standards and to a determination of all other issues relating to the alleged violation. The court, giving due consideration to the practicability and to the technological and economic feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.

"'(f) Nothing in this section shall prevent the application of this section to any case to which section 105 of this Act would otherwise be applicable.

"'RECORDS AND REPORTING COMPLIANCE

"'SEC. 109. (a) For carrying out the purposes of sections 105 and 107 of this Act, the Secretary is authorized to require any person whose activities result in the emission of air pollutants causing or contributing to air pollution to file in such form as he may prescribe, a report, furnishing to the Secretary such information as may reasonably be required as to the character, kind, and quantity of pollutants discharged and the use of devices or other means to prevent or reduce the emission of pollutants by the person filing such reports. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. All information in such report shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

"'(b) If any person required to file any report under this section shall fail to do so within the time fixed by the Secretary for filing the same without reasonable cause, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $1,000 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business: *Provided*, That the Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications. It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

"'(c) Any person who willfully fails to furnish the information required in this Act shall be subject to a fine of $10,000 and one year imprisonment.'

"FEDERAL AIR QUALITY ADMINISTRATION

"SEC. 10. The Clean Air Act is amended by redesignating sections 302 through 307 as sections 303 through 308, respectively, and by inserting after section 301 a new section as follows:

"'FEDERAL AIR QUALITY ADMINISTRATION

"'SEC. 302. (a) The Secretary shall administer the provisions of this Act and the provisions of the Solid Waste Disposal Act through the administration created by this section and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him pursuant to this section, shall supervise and direct (1) the head of such administration in administering this Act and the solid Waste Disposal Act, and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to air pollution control and solid waste disposal. Such Assistant Secretary shall also perform such additional functions as the Secretary may prescribe.

"'(b) There shall be in the Department of Health, Education, and Welfare, in addition to the assistant secretaries now provided for by law, one additional Assistant Secretary of Health, Education, and Welfare who shall be appointed by the President by and with the advice and consent of the Senate. The provisions of section 2 of Reorganization Plan Numbered 1 of 1953 (67 Stat. 631) shall be applicable to such additional Assistant Secretary to the same extent as they are applicable to the other Assistant Secretaries in such department.

"'(c) Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a Federal Air Quality Administration (hereinafter in this Act referred to as the "Administration"). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to the regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his functions to, or otherwise authorize their performance by, any officer or employee of, or assigned or detailed to, the Administration.

"'(d) Subject to such requirements as the Civil Service Commission may prescribe, any commissioned officer of the Public Health Service who, on the day before the effective date of the establishment of the Federal Air Quality Administration, was, as such officer, performing functions relating to the Clean Air Act or the Solid Waste Disposal Act may acquire competitive civil service status and be transferred to a classified position in the Administration if he so transfers within six months (or such further period as the Secretary may find necessary in individual cases) after such effective date. No commissioned officer of the Public Health Service may be transferred to the Administration under this section if he does not consent to such transfer. As used in this section, the term "transferring officer" means an officer transferred in accordance with this subsection.

"'(e) (1) The Secretary shall deposit in the Treasury of the United States to the credit of the civil service retirement and disability fund, on behalf of and to the credit of each transferring officer, an amount equal to that which such individual would be required to deposit in such fund to cover the years of service credited to him for purposes of his retirement as a commissioned officer of the Public Health Service to the date of his transfer as provided in subsection (d), but only to the extent that such service is otherwise creditable under the civil service retirement laws. The amount so required to be deposited with respect to any transferring officer shall be computed on the basis of the sum of his basic pay, allowance for quarters, and allowance for subsistence and in the case of a medical officer, his special pay, during the years of service so creditable, including all such years after June 30, 1960.

"'(2) The deposits which the Secretary is required to make under this subsection with respect to any transferring officer shall be made within two years after the date of his transfer as provided in subsection (d), and the amounts due under this subsection shall include interest computed from the period of service credited to the date of payment in accordance with section 8334(e) of title 5 of the United States Code.

"'(f) All past service of a transferring officer as a commissioned officer of the Public Health Service shall be considered as civilian service for all purposes under the civil service retirement laws, effective as of the date any such transferring officer acquires civil service status as an employee of the Federal Air Quality Administration, but no transferring officer may become entitled to benefits under both the civil service retirement laws and title II of the Social Security Act based on service as such a commissioned officer performed after 1956, and the individual (or his survivors) may irrevocably elect to waive benefit credit for the service under one Act to secure credit under the other.

"'(g) A transferring officer on whose behalf a deposit is required to be made by subsection (e) and who, after transfer to a classified position in the Federal Air Quality Administration under subsection (d), is separated from Federal service or transfers to a position not covered by the civil service retirement laws, shall not be entitled, nor shall his survivors be entitled, to a refund of any amount deposited on his behalf in accordance with this section. In the event he transfers, after transfer under subsection (d), to a position covered by another Government staff retirement system under which credit is allowable for service with respect to which a deposit is required under subsection (e), no credit shall be allowed under the civil service retirement laws with respect to such service.

"'(h) Each transferring officer who prior to January 1, 1957, was insured pursuant to the Federal Employees' Group Life Insurance Act of 1954, and who subsequently waived such insurance shall be entitled to become insured under such Act upon his transfer to the Federal Air Quality Administration regardless of age and insurability.

"'(i) Any commissioned officer of the Public Health Service who, pursuant to subsection (d) of this section, is transferred to a position in the Federal Air Quality Administration which is subject to the provisions of chapter 51 of title 5 of the United States Code, relating to classification of Federal employees, shall receive a salary rate of the general schedule grade of such position which is nearest to but not less than the sum of (1) basic pay, quarters and subsistence allowances, and, in the case of a medical officer, special pay, to which he was entitled as a commissioned officer of the Public Health Service on the day immediately preceding his transfer, and (2) an amount equal to the equalization factor (as defined in this subsection); but in no event shall the rate so established exceed the maximum rate of such grade. As used in this section, the term "equalization factor" means (A) 6½ per centum of such basic pay and (B) the amount of Federal income tax which the transferring officer, had he remained a commissioned officer, would have been required to pay on such allowances for quarters and subsistence for the taxable year then current if they had not been tax free.

"'(j) A transferring officer who has had one or more years of commissioned service in the Public Health Service immediately prior to his transfer under subsection (d) shall, on the date of such transfer, be credited with thirteen days of sick leave.

"'(k) Nothing contained in this section shall be construed to restrict or in any way limit the head of the Federal Air Quality Administration in matters of organization or in otherwise carrying out his duties under this Act or the Solid Waste Disposal Act as he deems appropriate to the discharge of the functions of such Administration.

"'(l) The Surgeon General shall be consulted by the head of the Administration on the public health aspects relating to air quality control and the disposal of solid wastes over which the head of such Administration has administrative responsibility.

"'(m) The Civil Service Commission shall make an investigation and study for the purpose of determining means by which commissioned officers of the Public Health Service may transfer to the employ of any State or local government or other public agency whose functions are in the fields of air or water quality or solid waste disposal control without losing retirement, insurance and other benefits acquired as such an officer. The Commission shall report the results of such investigation and study, together with its recommendations, as soon as practicable to the President and the Congress.' "

Mr. RANDOLPH. Mr. President, this measure, as I have indicated, goes to the matter of the amortization of air pollution control facilities.

It is my belief that, although this will not be referred to the Committee on Public Works, it is an area in which those of us who work almost daily in the Committee on Public Works on this problem of air pollution would want to have a certain amount of responsibility and, we hope, responsible leadership in proposing possible solutions to help industry move forward with tax incentives.

I ask unanimous consent that the tax proposal measure I have just sent to the desk be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1466

A bill to amend the Internal Revenue Code of 1954 to provide an amortization deduction, based on a 36-month period, for air pollution control facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

"Sec. 183. Amortization of Air Pollution Control Facilities.

"(a) General Rule.—Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any air pollution control facility (as defined in subsection (d)(1)) based on a period of 36 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction with respect to any month shall, except to the extent provided in subsection (f), be in lieu of the depreciation deduction with respect to the facility for such month provided by section 167. The 36-month period shall begin as to any facility, at the election of the taxpayer, with the month following the month in which the facility was completed or acquired, or with the succeeding taxable year.

"(b) Election of Amortization.—The election of the taxpayer to take the amortization deduction and to begin the 36-month period with the month following the month in which the air pollution control facility was completed or acquired, or with the taxable year succeeding the taxable year in which the facility was completed or acquired, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time as the Secretary or his delegate may by regulations prescribe, a statement of such election.

"(c) Termination of Amortization Deduction.—A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin at the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed with respect to the air pollution control facility beginning with the first month to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such facility.

"(d) Air Pollution Control Facility.—

"(1) Definition.—For purposes of this section, the term 'air pollution control facility' means any property subject to the allowance of depreciation under section 167—

"(A) the construction or acquisition of which is completed after December 31, 1966;

"(B) which is used primarily to control atmospheric pollution or contamination by removing, altering, or disposing of atmospheric pollutants or contaminants; and

"(C) which is certified by the Secretary of Health, Education, and Welfare under paragraph (2)(A).

"(2) Certification.—

"(A) In general.—If, on application of the taxpayer in such form as the Secretary of Health, Education, and Welfare shall prescribe, the Secretary of Health, Education, and Welfare determines—

"(i) that property (of the taxpayer) described in paragraph (1)(B) is in compliance with the applicable regulations of Federal agencies and the general policies of the United States for cooperation with the States in the prevention and abatement of air pollution under the Clean Air Act, or

"(ii) that property (of the taxpayer) described in paragraph (1)(B) has been certified by an air pollution control agency (as defined in section 302(b) of the Clean Air Act) as property which is in conformity with such agency's program or requirements for control of air pollution,

the Secretary of Health, Education, and Welfare shall certify such property for purposes of paragraph (1)(C). Such certificate shall contain description of the property sufficient to permit the application of subsection (e)(2).

"(B) Interim certification.—At any time before the acquisition or completion of construction of property described in paragraph (1)(B) a taxpayer may apply for an interim certificate of compliance under this subparagraph. The Secretary of Health, Education, and Welfare shall issue such a certificate if he determines that the property described in the application will, upon acquisition or completion of construction, be property for which a certificate may be issued under subparagraph (A). If he issues an interim certificate under this subparagraph with respect to property described in an application under this subparagraph and if such property is acquired or construction thereof is completed, he shall issue a certificate with respect to such property under subparagraph (A) unless he determines that the property is completed as acquired does not conform to the description of it in such application.

"(3) Construction.—For purposes of this subsection the term 'construction' includes preconstruction, erection, and installation.

"(e) Determination of Adjusted Basis of Air Pollution Control Facility.—In determining, for purposes of subsection (a), the adjusted basis of any air pollution control facility—

"(1) Limitation on profitable facilities.—If the Secretary of Health, Education, and Welfare shall find that there is a reasonable possibility of the taxpayer deriving a net profit from the operation of any air pollution control facility, through the recovery and profitable utilization of wastes, or otherwise, only the portion, if any, of the amount of adjusted basis of such facility (computed without regard to this section) as shall be found to be in excess of a reasonable maximum capital investment for the production of such profit shall be treated as part of the adjusted basis for purposes of this section. The finding required by the preceding sentence, shall be made pursuant to such regulations as may be prescribed from time to time by the Secretary of Health, Education, and Welfare.

"(2) Special rule for separate facilities.—After completion or acquisition of any air pollution control facility, any expenditure (attributable to such facility and to the period after such completion or acquisition) which does not represent construction, reconstruction, erection, installation, or acquisition covered by a prior certification under subsection (d)(2)(A), but with respect to which separate certification is made, shall not be applied in adjustment of the basis of such facility, but a separate basis shall be computed therefor pursuant to paragraph (1) as if such expenditure constituted a new and separate air emission pollution facility.

"(f) Depreciation Deduction.—If the adjusted basis of the air pollution control facility computed without regard to this section is in excess of the adjusted basis computed under subsection (e), the depreciation deduction provided by section 167 shall, despite the provisions of subsection (a) of this section, be allowed with respect to such facility as if its adjusted basis for the purpose of such deduction were an amount equal to the amount of such excess.

"(g) Cross Reference.—For rules with respect to gain derived from the sale or exchange of property the adjusted basis of which is determined under this section, see section 1238."

(b) The table of sections for part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"Sec. 183. Amortization of Air Pollution Control Facilities."

(c) Section 642(f) of the Internal Revenue Code of 1954 (relating to special rules for credits and deductions of estates and trusts) is amended by striking out "Amortization of Emergency or Grain Storage Facilities" in the heading of such section and inserting in lieu thereof "Amortization Deduction", and by inserting after "169" in the first sentence of such section "and for amortization of air pollution control facilities provided by section 183".

(d) Section 1238 of the Internal Revenue Code of 1954 (relating to amortization in excess of depreciation) is amended by inserting after "emergency facilities" the following: "and section 183 (relating to amortization deduction for air pollution control facilities)".

(a) Section 48(a) is amended by adding at the end thereof the following new paragraph:

"(7) Useful life of certain amortizable property.—For purposes of this subpart, the useful life of an air pollution control facility (as defined in section 183(d)(1)) shall be determined without regard to any election under section 183 (relating to amortization deduction for air pollution control facilities)."

Sec. 2. The amendments made by this Act shall apply only with respect to taxable years ending after December 31, 1966.

Mr. RANDOLPH. Mr. President, in conclusion I quote the language of a great President of the United States more than 100 years ago, Abraham Lincoln, when he said:

> The dogmas of the quiet past are inadequate for the stormy present. We must think anew. We must act anew. We must disenthrall ourselves.

I do not look upon this as an idle reference to an oratorically structured expression by Abraham Lincoln. I think that in every period of this country's history there must be men who propose programs to solve the problems of our time. And in this period of American history we must move realistically, reasonably, and effectively to clear the air and cleanse the water so that the increasing population of the United States can live on the good earth.

RECESS UNTIL MONDAY

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 12 o'clock meridian, Monday next.

The motion was agreed to; and (at 2 o'clock and 55 minutes p.m.) the Senate recessed until Monday, April 10, 1967, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 6, 1967:

IN THE ARMY

The following-named officers to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant generals

Lt. Gen. James Lowell Richardson, Jr., O18232, Army of the United States (major general, U.S. Army).

Lt. Gen. Thomas Weldon Dunn, O18157, Army of the United States (major general, U.S. Army).

Lt. Gen. Louis Watson Truman, O18755, Army of the United States (major general, U.S. Army).

Lt. Gen. August Schomburg, O18422, Army of the United States (major general, U.S. Army).

Lt. Gen. Harvey Herman Fischer, O18832, Army of the United States (major general, U.S. Army).

Lt. Gen. William Frew Train, O18415, Army of the United States (major general, U.S. Army).

Lt. Gen. Richard Davis Meyer, O18963, Army of the United States (major general, U.S. Army).

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 6, 1967

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

"Fear not," saith the Lord, "for I am with you."—Isaiah 43: 5.

Our Father, we give Thee thanks for the rest of the night and for the gift of a new day with its opportunities of serving Thee and our fellow man, and leading our Nation into right and good paths.

By the might of Thy presence in our hearts help us to master the spirit of pride and prejudice which separates men and causes them to strive against each other. Lead us and our people into the paths of mutual helpfulness and mutual concern, that in all good will and as freemen we may live together in peace.

Guide the nations of the world into the ways of justice and truth and establish among them that peace which is the fruit of righteousness, through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

REQUEST FOR SPECIAL SUBCOMMITTEE ON LABOR OF THE COMMITTEE ON EDUCATION AND LABOR TO SIT DURING GENERAL DEBATE TODAY

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Labor of the Committee on Education and Labor be allowed to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to ask my colleague if this has been cleared with other members of the committee, particularly the minority members.

Mr. THOMPSON of New Jersey. Yes, it has and, as a matter of fact, we are hearing the opposition witnesses. We are hearing their witnesses.

We are considering the so-called common situs picketing bill and the opposition witnesses who have stayed over because of the delays of yesterday are to be heard this morning.

Mr. GROSS. Mr. Speaker, I object.

Mr HALL. Mr. Speaker, in continuing my reservation of objection, on the basis of notice having been served yesterday afternoon, and when we brought the House in at this early hour today I also object.

The SPEAKER. Objection is heard.

REQUEST FOR SUBCOMMITTEE ON RESEARCH AND TECHNOLOGY OF THE COMMITTEE ON SCIENCE AND ASTRONAUTICS TO SIT DURING GENERAL DEBATE TODAY

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Subcommittee on Research and Technology of the Committee on Science and Astronautics may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. GROSS. Mr. Speaker, I object.

Mr. HALL. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

REQUEST FOR SUBCOMMITTEE ON COMMERCE AND FINANCE OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT DURING GENERAL DEBATE ON TUESDAY NEXT, APRIL 11

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate on Tuesday next, April 11.

In explanation, I would like to say that the reason they make this request is that they are going to be dealing with the matter of flammable products and safety, and this request is being made so that witnesses may be scheduled with some assurance that they would be heard.

I am also informed, Mr. Speaker, that this has been cleared with the ranking Republican member, the gentleman from Massachusetts [Mr. KEITH].

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. GROSS. Mr. Speaker, reserving the right to object, can anyone give us any indication of what legislation will be on for Tuesday next?

Mr. BOLLING. The leadership would have to reply to that question. I am not aware of the schedule.

Mr. GROSS. Mr. Speaker, I would suggest that the gentleman withhold his request until the legislative schedule for next week is announced. Otherwise I would be constrained to object.

Mr. BOLLING. I would be delighted to follow the gentleman's suggestion. Mr. Speaker, I withhold my request.

The SPEAKER. The gentleman from Missouri withdraws his request.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOLLING. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 56]

Andrews, Ala.
Ashley
Betts
Brinkley
Broomfield
Buchanan
Byrne, Pa.
Clancy
Davis, Ga.
Diggs
Dorn
Flynt
Fraser
Friedel
Griffiths
Halleck
Herlong
Johnson, Pa.
Landrum
Latta
Long, Md.
McFall
Macdonald, Mass.
May
Mize
Murphy, N.Y.
Nedzi
O'Hara, Mich.
Pollock
Pool
Pucinski
Quie
Reinecke
Resnick
Ronan
Rostenkowski
St. Onge
Schadeberg
Steed
Waggonner
Williams, Miss.
Willis

The SPEAKER. On this rollcall, 388 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE PUNTA DEL ESTE RESOLUTION

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, I think it is very regrettable that the President of the United States will not be able to carry with him to Punta del Este next week an assurance from the Congress of the United States, in sentiments comparable to those expressed by this House, that the Congress is supporting the President, as are the people of our country, in assuring the nations of South America that if they will form a common market to help themselves, we shall assist them in their great program of self-development.

I spent last week in Buenos Aires and had an opportunity to see the high expectations there for the coming Punta del Este Conference. In spite of the fact that the President does not carry with him a resolution of the Congress, I am sure that whatever commitments he makes will be in the interest of our country and in the interest of prosperity and peace for our hemisphere and in the interest of all our people in this part of the world and the President will have the strong support of the Congress and our people.

Mr. Speaker, there has been given currency in late months to the expression "arrogance of power." It will be interesting to see, when the historians of this era write in future years, whether they shall find that those who have exercised power with arrogance have been in the executive or in certain areas of the legislative branch of the Government.

CONSIDERATION OF H.R. 2512

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 413 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 413

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2512) for the general revision of the copyright law, title 17 of the United States Code, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule by chapters instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ANDERSON], and myself such time as I may consume.

Mr. Speaker, those who listened to the reading of the resolution will recognize that this is an open rule providing for 3 hours of debate on a bill which, I must say, is very controversial. I also understand that there is some opposition to the rule. I propose to make no attempt to discuss the bill in detail. It is infinitely complicated, and the Rules Committee provided adequate time in general debate. Therefore, Mr. Speaker, I reserve the balance of my time.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I think the fact that, as the gentleman from Missouri has just said, we are dealing with a bill that is complex, technical, and somewhat abstruse, we might well make at least a few brief, preliminary remarks about the nature of the matter we will be considering for some 3 hours this morning under the general debate provided for under this rule.

I should say that the rule departs in one respect from the normal rule which is granted in that it provides for a reading of the bill under the 5-minute rule by chapter rather than by section.

Again, I believe the wisdom of this lies in the fact that it is a very complicated piece of legislation, highly technical in nature. I believe the time of the House will be best served by reading it in this particular manner.

It is interesting to note in passing that there have been only three revisions of copyright law since the first law was enacted by the very first Congress of this Nation in 1790. We are operating today substantially under the same copyright law that was amended or revised in 1909. Perhaps it is because of the fact, that more than a half century has elapsed since the most recent revision of this legislation, and because of the extensive technological and scientific changes that have occurred, that there are, as the gentleman from Missouri has just said, some very controversial sections of this bill.

I shall not attempt to detail all of the various provisions of this bill, of some 55 pages, accompanied by a report, as I recall it, of more than 250 pages. I believe the members of the Judiciary Committee will do a good job of explaining that.

It should be said—and this is fundamentally the responsibility of the Rules Committee to determine whether or not a bill has had adequate hearing—that this bill has had the kind of considered treatment within the Judiciary Committee, and particularly within the subcommittee, that it deserved. Both the chairman of the subcommittee and the ranking minority member of the subcommittee testified before the Rules Committee that more than 150 witnesses had been heard on more than 22 days of public hearings, and I believe something like 54 executive sessions were involved in the drafting of this bill. So they have not entered lightly upon the treatment of this very important and complex subject.

The bill adds some new fields and artistic work to those which are currently protected. "Pantomimes and choreographic works" is an new classification as is "motion pictures and other audiovisual works." All existing categories are retained. To qualify for protection a work must be an "original work of authorship" and must have become "fixed," as that term is defined, in a "tangible medium of expression." The form of fixation is immaterial as long as the work is capable of being perceived directly or made perceptible through any existing or future machine or device. Foreign works will also be protected if the country of origin protects American authors on substantially the same basis.

Section 106 of the bill spells out generally the five exclusive rights granted an author: First, to reproduce the work in copies or phonorecords; second, to prepare derivative works; third, to distribute copies to the public; fourth, to perform the work in public; and fifth, to display the work publicly.

Instructional and educational transmission of copyrighted works are exempted generally when used primarily in the classroom or by those whose disabilities prevent their being in a classroom. Religious services using copyrighted works are also exempted, as are nonprofit performances, where there is no fee paid to the performers or promoters and any admission charged is solely for educational or charitable purposes.

Section 302 extends the duration of a copyright from the current 28 years with a renewal right of 28 years to the period of the author's life, plus 50 years. Existing copyrights in their first 28-year period may be renewed for 47 years.

Very briefly and very quickly, there are two controversial areas that will be aired today. One will be that involving the community antenna television systems under section 111. Of course, that did not even exist in 1909, when the last revision was made. The other section that has attracted a great deal of attention and controversy is section 116, that will for the first time provide for a compulsory licensing and for payment of royalty fees or royalties by the operators of coin-operated machines, jukeboxes, to the composers of the music that is distributed and played on the jukeboxes.

I believe the testimony we heard in the Rules Committee was that this might increase their present financial liability from about $2 million to something like $11.7 million. Along with many other Members of this House, I am sure, I have received letters and communications of various kinds from people in this industry, which is, as was explained to me, essentially composed of small businessmen. They say that this is an amount they cannot pay, that there is not an economic justification for this approximately five or sixfold increase in the amount of royalties that they will be called upon to pay to composers.

On the other hand, the committee indicated in their appearances before us and in their report, that they did give consideration to the economic implications that were offered.

It would be wise, I believe, for every Member of this House today to listen very carefully to the arguments that I am sure will be advanced on both sides of this question by members of the Judiciary Committee.

The other section I mentioned, to which amendments will be offered is section 111. I have just today received wires, as I am sure all of the Members have, from the National Association of Broadcasters. They urge that we give consideration to certain amendments to section 111 that have been proposed by the Federal Communications Commission.

I would like again in closing these remarks, Mr. Speaker, to say that despite the controversy which attends it, despite the very legitimate and reasonable disagreement that can arise and does arise in the minds of various Members of the House as they consider this legislation, the committee has done yeomanlike service in hearing the witnesses and considering the various points of view and reporting out for our consideration this bill today.

Mr. JONES of Missouri. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. During the presentation before the Rules Committee, was the Rules Committee able to determine from what quarter or from what particular group the demand for this has come? Who will be the greatest beneficiaries of this bill if it is enacted?

Mr. ANDERSON of Illinois. Yes. That question was raised. I believe the distinguished chairman of the House Committee on the Judiciary responded by reading a very extensive list of the individuals and organizations who either have testified or have written in support of this bill. It is a very wide range, a very wide spectrum ranging from the American Bar Association to, of course, the Performing Arts Societies.

I do not believe there is any question about the fact that this bill is going to benefit the composers, the people who originate and create and publish dramatic works of art. They have formed a very strong nucleus of support behind this legislation. That is unquestionably true.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield to me at this point?

Mr. ANDERSON of Illinois. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Did I, in the Rules Committee, point out that this piece of legislation was chiefly for the benefit of ASCAP and BMI, and did I not direct the attention of the Rules Committee to the fact that if we look at page 75 of this report we find that for 40 years they have been attempting to repeal this law as it relates to the exemptions?

Mr. ANDERSON of Illinois. Mr. Speaker, we appear to be getting into areas which I believe perhaps would be better reserved for the 3 hours of general debate which the Rules Committee has made available for this bill.

I will say that the gentleman did, in his usual forceful manner, make those points before the Rules Committee.

Mr. JONES of Missouri. Mr. Speaker, will the gentleman yield further?

Mr. ANDERSON of Illinois. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. The reason I ask this question is because the gentleman from Colorado brought out some of the reservations I have had about this matter.

I want to state that personally I am prejudiced in this, having been a victim for many years of the law which is already on the books, which makes it possible for other people to be victimized to an even greater degree.

My recommendation would be that until the House understands this, the best thing to do is not to pass the bill. The way the bill is now written, we could save an awful lot of time if we would just go ahead and kill the rule today, getting a rollcall on that, because the bill is so full of things that people do not understand about it, that cannot be understood, it should not be passed. There are a lot of people who have instigated and brought about this bill which is being presented to us. I have talked to members of the Committee on the Judiciary who admit they do not know what is in it.

There are so many bugs under the chips on this bill that we are never going to be able to write it here on the floor.

I predict that if this bill is passed we are going to rue the day that we took such action, because it is not a good bill. It is not necessary.

They have gotten along, as the gentleman said, since 1909, and they have had plenty of opportunity to victimize the public.

If the gentleman will yield just a moment longer, I should like to make one other statement.

I do not know whether the other Members know it or not, but under the present rules and regulations, ASCAP, BMI and others have an opportunity to collect a percentage of the gross revenue of radio stations and television stations although the music is not involved at all. If they would agree to eliminate from the gross revenues the revenue from, let us say, sports broadcasts, news broadcasts, political advertising and things like that, that would be one thing, but it is said that ASCAP has to be paid and subsidized for programs which radio stations have which are not connected with music, or the authors, composers, publishers or any other people connected with that particular industry.

Until last October I was interested in a radio station, and for 18 years was the general manager. I sold my interest and have no interest of any kind. In other words, when we first started trying to operate a station and sent in an application, a year before that went through, the ASCAP people came around every month or so wanting to know when we were going to get on the air. They wanted to get their hands in the bag.

I think it is a bad bill and rather than waste an entire day on a bad bill, that the rule ought to be defeated and give the committee an opportunity to clear up the bill by adopting amendments which they now say are needed, and will be offered from the floor.

Thank you very much for yielding.

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman for his contribution.

I would say in closing that I think it is obvious he understands this bill and is capable of explaining it for the benefit of the other Members of the House. I cannot concur in the decision that merely because we may disagree with particular sections of this long and comprehensive revision of title 17 of the United States Code that we should deny a rule to a bill that has been carefully considered in the committee and that has had the benefit, certainly, of many, many days of public hearings and executive sessions. It is for that reason I would dissent from the conclusion that the gentleman reaches that we ought to deny the committee a rule on this bill even though I certainly respect the point of view that he makes here. I am sure it is one that will be amply aired here under the provisions we have provided for general debate on this bill.

Mr. BOLLING. Mr. Speaker, I yield 10 minutes to my colleague on the Committee on Rules, the gentleman from California [Mr. SISK].

Mr. SISK. Mr. Speaker, I would like to commend the gentleman from Wisconsin [Mr. KASTENMEIER] and the gentleman from Virginia [Mr. POFF] on what I am sure were many long days and weeks of work on this package that we have before us here today. So the things that I propose to say are in no wise personal criticisms of them or other members of the committee. Certainly there is no Member of this House for whom I have higher regard than the very distinguished and able chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER]. No one has more love and admiration for him and what he has done for America than I do. However, in this case I simply find myself in vigorous disagreement with what they are attempting to do today.

I am not going into any technical discussion of this bill myself. In line with my good friend from Missouri [Mr. JONES], I frankly admit that in spite of some considerable efforts I do not understand enough about it to discuss many aspects of it from a technical standpoint, but I have come to this conclusion after a good deal of study and after listening all day to discussions in the Committee on Rules, that this is strictly special interest legislation; there is one great group of people totally and completely ignored in this bill, and that is the nearly 200 million Americans. I have never seen a bill in which you could not find a single place, a single paragraph, a single section or phrase having to do with the protection of the public interest or any concern for the general public and any attempt to guard against the possibility of gouging and overcharging. Therefore, as I say, this is the most specific special-interest legislation it has been my experience to see in almost 13 years in this House.

Mr. JONES of Missouri. Mr. Speaker, will the gentleman yield for a question?

Mr. SISK. I will be glad to yield briefly, although I probably cannot answer the gentleman's question.

Mr. JONES of Missouri. I think you can. Have you ever seen any bill that has come up on the floor of the House which offered such a bonanza to the lawyers of this country? I say that because there is going to be so much litigation that there will probably be plenty to go around. If I were a lawyer, I might even be tempted to vote for it myself.

Mr SISK. I thank the gentleman from Missouri for his comments. I am inclined to think that probably the legal profession will get a pretty nice windfall out of it. However, I have a feeling that the special interests I am referring to are not necessarily the legal profession, but there are a few—one, two, or three—groups in this country that are going to reap millions of dollars from it, because, believe you me, gentlemen, there is a lot of money involved in this bill.

Mr. Speaker, there are, of course, certain, specific vested interests. They are very few in number insofar as organizations are concerned, but I have a hunch that they are going to reap as I stated earlier, tens of millions of dollars, because this is not just a little piddling bill.

Mr. Speaker, the facts are that for the last 12 years I know, and it is my opinion that other Members of this body know, we have had an old bill which has been kicking around here which has been commonly referred to as the "jukebox" bill. It is my opinion that all of us have heard of it from time to time.

Today, Mr. Speaker, we have pending before us a so-called copyright bill.

Mr Speaker, since most copyright law has been of long standing—and lord knows, as has been expressed heretofore, there is a need for amending the copyright law, permit me to tell the Members of this body that we have pending here today what is nothing more than the old "jukebox" bill, wrapped up in bright yellow, pink, and red ribbons, and its sponsors are attempting to slide it through this House today.

Mr. Speaker, it is my opinion that the skids have been rather thoroughly greased.

Mr. Speaker, I hesitate to oppose this bill. However, some of us sought additional time during which to mount an attempt to work out some amendments thereto. This was done because I, for one, am primarily concerned about its effect upon community television, educational television stations, and other worthwhile community endeavors.

Mr. Speaker, I find that during the last 48 hours these people have come to find out that they are being affected—affected, if this bill is adopted—in ways by which they have not heretofore known.

Well, Mr. Speaker, one can say, "Well, they should have known."

Mr. Speaker, as I understand it, there was not one day of open hearings on this bill during this present session of the 90th Congress. It is my understanding however, that there were a great many hearings held on the subject matter during the years 1965 and 1966.

Mr. Speaker, the distinguished chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], read a long list of people who are interested in copyright amendments. The gentleman included among the list which he read the American Bar Association, and others.

But, Mr. Speaker, I fail to find where this long list, in any sense, puts its stamp of approval upon this package which we have pending here before us today.

Now, Mr. Speaker, it is my understanding under questioning of the representatives who appeared in support of the provisions of this bill before the Committee on Rules, they expressed the feeling that the bill itself, if it became law, would tend to cause the varied interests to get together and negotiate and settle various disagreements.

Mr. Speaker, if anyone believes that there is going to be any equal bargaining at a bargaining table, once this bill becomes law, bargaining by and between, let us say, the operators of cable TV operators or educational TV stations or, yes, let us say, the small operators of jukeboxes—if there is going to be any equal bargaining then, believe you me, you are more naive than I think you are. I say this, Mr. Speaker, because of the fact that if we adopt the provisions of these bills we, in effect, tie both hands and arms behind their back at such a bargaining venture. They will have nothing left but the use of the tongue in such an undertaking. They will be very much out of that picture. They will be under the gun, and I make this reference to ASCAP and BMI, to either pay the price or else begin this voluminous reporting as called for herein and the provisions therefor which are contained in this bill.

Mr. Speaker, there will be no equal bargaining and there will be no possible chance to negotiate upon an equal footing or upon equal ground.

Mr. ROGERS of Colorado. Mr. Speaker, will the distinguished gentleman yield?

Mr. SISK. Yes, I am delighted to yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Speaker, may I point out that if section 116 is adopted, no one will have an opportunity to deal fairly, because if there is a violation thereof, then one is subjected immediately to a $250 damage assessment, plus a reasonable attorney fee.

Mr. SISK. Mr. Speaker, I might say to my good friend, the gentleman from Colorado [Mr. ROGERS], that I thank the gentleman for his contribution.

Mr. Speaker, if section 116 were knocked out of this bill, this bill would die a natural death, and it is my opinion all of us would see an amazing loss of interest in this Congress and throughout the country if section 116 were dropped and particularly, if this section, combined with section 111, were dropped.

Mr. Speaker, it is my opinion that if we knocked out those two sections we would not hear, I am sure, any more about this particular bill.

This does not mean that there are not needs to amend our copyright law. As I have indicated at the start, I recognize the job my friend from Virginia and the gentleman from Wisconsin have done on the present copyright law. But, gentlemen, the pressure from a very small group of vested interests is trying to force this bill through, not because of any feelings about amending the present copyright laws, but because of the millions of dollars that are going to fall in their pockets. And the Federal Government—and do not kid yourselves—is going to become more deeply involved in regulation and in the collection agencies, or instruments of collection, than they have ever been in the past.

We are going to become a partner with ASCAP and BMI in cleaning the pockets of a lot of little people, and small operators of educational TV stations, et cetera, over this country. So do not kid yourselves that this is a simple little matter.

Mr. Speaker, I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I yield 10 minutes to the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Speaker, it may be unfortunate, but 17 years ago I was assigned to the Copyright-Patent Subcommittee of the House Committee on the Judiciary. Before that time I had engaged in the practice of law, and had some meager understanding of what copyright laws were. But do the Members of the House know that under the present law the highest copyright recognition is given to a copyright? Do the Members know that you have the arm of the Federal Government to assist and collect for copyright owners? That if you violate or take away a copyright that you immediately can go into Federal court? Mind you, this is the Federal court, and not a State court. The Federal court must take jurisdiction, and if there is a violation then you must pay at least $250 plus reasonable attorney's fees. That has been the law for a long time. This proposal is to upgrade that law to further deny the people their right to go ahead and deal with their own property and put the Federal Government into the collecting business for three organizations.

Mr. Speaker, I direct attention to the fact that yesterday I placed in the RECORD—and I am sure the Members will want to take a look at this—it is on page 8444—my objections and an amendment that I propose to offer for the simple reason that we are trying to put the Federal Government into the position of a collecting agency. I direct the Members' attention first to the fact that heretofore if you infringed a copyright before you would be liable for damages you had to do it for a profit. Now, mind you, of all the things, they are repealing that section of the law. You do not have to use it for a profit, you just have to use it. And I direct the Members to this comparative print as put forth in the report on page 168, which reads:

> [Under subsection (c) and (e) of section 1, *supra*, the exclusive right of the copyright owner to perform a nondramatic literary or musical work is limited to a public performance *for profit*]

Now they eliminate that. When they eliminate it, that means just one thing—that if you, regardless of what you may use it for, unless you have certain exemptions as specified in this law—you are then liable to the copyright owner.

Here is where the Federal Government gets into this.

In the first place, if you look at page 14 of this bill, I direct your attention to line 29 thereof, you will find wording to the effect that if an individual has a copyright and someone uses it or he offers to sell a right to an individual to use it and puts it in writing and that individual refuses to accept it, then he can go into the Federal court. If a Federal court determines that this is reasonable, often they then immediately assess you three times the amount that was offered plus reasonable attorney fees.

Now there is nothing complicated in this section of the law and there is nothing intricate that is hard to understand—if you know and if you understand that if you pass this piece of legislation and you are unable to agree with the copyright owner, he can immediately take you into Federal court under this section and require of you to pay three times the amount that was offered.

That is just the beginning.

Now let us go to another highly important piece of legislation, to show you where the Federal Government becomes a collecting agency for three organizations; namely, ASCAP, BMI, and SESAC.

I think the record will show that they have most of the right to collect royalties from the copyright owners throughout the United States.

First of all, in the legislation, and you can begin reading on page 20 and 21, you come up with this kind of requirement—that every jukebox owner must file with the copyright department here in Washington the exact location of that jukebox. After that filing, if you should move that jukebox, you must, within 30 days, notify the Copyright Office here in Washington.

They talk about—oh, these people should get together. But let us examine page 21 of this bill. There is nothing intricate about that. All it says is that if you do not want to pay and get a license from ASCAP, BMI, and SESAC, or anybody else, then you do this—every 3 months you take the record—and not the records that you use—but the capacity for your machine—which is 3 cents a record—or the capacity, according to—and I do not know who under this law is going to determine what the capacity of that machine may be—Register of Copyright—to make that determination. But if you do not want to pay tribute—which is unlimited in nature to these three organizations—then you must, every 3 months, send 3 cents to the copyright owner for their use in that box for that 3 months.

Then you must also send to every other owner of a copyright in that box a list of those that are in the box. Then in addition to that, not being content with burdening them every 3 months, you have to file at the end of the year with the Copyright Office a complete list of every record in that machine throughout the year before. In addition, if you make any mistakes along the line and you do not pay on time, you are an infringer.

In addition, turning to page 22 of the bill, what did the authors of the bill do? They would make it a criminal penalty if you make a mistake, and you could be fined, mind you, not more than $2,500 for any of these violations.

Is there or has there been any time in the history of this country that this Congress or the people of America would ever approve a piece of legislation which would put the Copyright Office in the position of acting for and on behalf of a group of people who desire to control and collect from $12 to $30 million if we enact this legislation?

The **SPEAKER**. The time of the gentleman from Colorado has expired.

Mr. **BOLLING**. I regret that I am unable to give the gentleman additional time. Opponents of the measure have had 20 minutes from this side. I must yield 5 minutes now to the distinguished chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER].

The **SPEAKER**. The gentleman from New York is recognized for 5 minutes.

Mr. **CELLER**. Mr. Speaker, I have listened with rapt attention to the remarks of my distinguished colleague and friend, the gentleman from Colorado. Faulty information indeed sort of wraps him around and covers him like a blanket, and there is not even a hole in it.

There is an enthusiastic but unfortunate attempt on the part of organized jukebox owners to deprive composers, lyricists, and poets of their just due.

I am interested in music, and I am sure you are interested in music. Music washes away the dust of life. I am interested in songs. You are interested in songs. You remember the man who said, "Let me make the songs of the Nation and I care not who makes its laws." Songs are a part of our very existence. Music is a universal language. It needs no translation. This bill protects creative music and song. And yet these jukebox people want to publicly perform the creative work of authors, songwriters, composers, and poets and pay nothing for it, whereas if those works are produced or performed in movies or cabarets or over television or radio—in fact performed anywhere publically for profit—payment is accorded the creator. But these jukebox people, because of the exemption in the law that goes back to 1909, have not been paying a red cent. And they still do not wish to pay.

You remember the history of Stephen Foster, the author of "My Old Kentucky Home," "Jeannie With the Light Brown Hair," and "Swanee River"?

He lies in a nameless grave because he could not get royalties. He could not get his due. That is what may happen to many of these songwriters if they cannot get their due. I want songs to be produced. I want authors and writers encouraged. But the gentleman from Colorado wants to abet the efforts of the jukebox people who have, I notice, established a great lobby in the last few days in and around these Chambers to prevent the passage of this bill—prevent royalties going to creative artists.

The jukebox provision is only one of many provisions of this bill. This is a complete revision of the copyright code. The Judiciary Committee has jurisdiction to revise the laws and we are revising the copyright code here. It would be a pity if we would not grant a rule because the gentleman from Colorado and those who think like him feel we should not have a copyright revision—long overdue—we have not revised the code since 1909—because they find a detail that they do not like, the jukebox provision.

Let me call attention to the fact that the songwriters in Europe have been all through this experience. Read the record in Europe, and we find the same kinds of debates in the various assemblies in Europe. They came to the conclusion that the jukebox people must pay their dues. What are they paying? In Brazil, for example, they pay per jukebox $24 to $30; in Denmark, they pay $60; in France, they pay $65 to $70 for each jukebox; in Holland, they pay from $9 to $135, depending upon the location; in Spain, $30 to $90; in Sweden, $20 to $198; in England, $30. Yet these people want to go scot free and pay nothing to the men who give their lives, their blood, their sweat, and their tears to making these songs.

The gentleman from Missouri asks who is behind this bill? I will read the imposing array—I cannot read them all because there are too many. They are: the American Bar Association, the American Patent Law Association, the Registrar of Copyrights, the Archivists of the General Services Administration, the Librarian of Congress, the American Textbook Publishers Association, the Authors' League of America, the American Book Publishers' Council, the Guild of Composers and Authors, the General Federation of Women's Clubs, and the Publishers' Protective Association. I could go on and give many more, but the ones I have given should suffice to indicate that the gentleman from Colorado is woefully in error and that we should adopt this bill.

Mr. **BOLLING**. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. KASTENMEIER], briefly.

Mr. **KASTENMEIER**. Mr. Speaker, I just want to commend my chairman for the remarks he made. The subcommittee will have more to say about the jukeboxes, as the chairman suggested, which is but one small part of this bill.

I did want to announce briefly at this time that the subcommittee will submit several amendments dealing with the county fair, with instructional television broadcasts, with section 111 dealing with CATV. The amendments to section 111, it will be explained, are not highly significant amendments in terms of substance. They are principally for the purpose of clarification. I do believe the Members should be aware of this.

Mr. **BOLLING**. Mr. Speaker, the Committee on the Judiciary, after lengthy consideration—and these are the hearings—reported out this bill by a vote of 23 to 3. The Committee on Rules heard all those who desired to be heard and reported out the rule 11 to 4. It seems to be obvious that this rule should be adopted, the bill debated, and we should let the House decide what it wants to do with the bill.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The **SPEAKER**. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. ROGERS of Colorado) there were—ayes 66, noes 12.

Mr. **ROGERS** of Colorado. Mr. Speaker, I object to the vote on the ground that a quorum is not present and

make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 347, nays 42, not voting 43, as follows:

[Roll No. 57]

YEAS—347

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashmore
Aspinall
Ayres
Bates
Battin
Belcher
Bell
Bennett
Berry
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bolton
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burton, Calif.
Burton, Utah
Bush
Button
Byrnes, Wis.
Cahill
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conte
Conyers
Corbett
Corman
Cowger
Cramer
Culver
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denney
Dent
Devine
Dickinson
Dole
Donohue
Dow
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Gathings
Gettys
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Green, Oreg.
Green, Pa.
Grover
Gubser
Gude
Gurney
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Harvey
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jarman
Joelson
Jonas
Jones, Ala.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyl
Kyros
Laird
Landrum
Langen
Leggett
Lipscomb
Lloyd
Long, Md.
Lukens
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Machen
Madden
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Ohio
Mills
Minish
Mink
Minshall
Montgomery
Moorhead
Morgan
Morse, Mass.
Morton
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Price, Ill.
Price, Tex.
Pryor
Quie
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Robison
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Rosenthal
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Satterfield
Scherle
Scheuer
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tuck
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitten
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Younger
Zablocki
Zion
Zwach

NAYS—42

Baring
Broyhill, N.C.
Burleson
Cabell
Cohelan
de la Garza
Dingell
Dowdy
Edwards, La.
Fino
Fisher
Gross
Hagan
Hall
Henderson
Holland
Hull
Johnson, Calif.
Jones, Mo.
Kazen
Latta
Lennon
Long, La.
McClure
McMillan
Mahon
Miller, Calif.
Moore
Morris, N. Mex.
O'Neal, Ga.
Passman
Quillen
Rarick
Roberts
Rogers, Colo.
Saylor
Schneebeli
Stratton
Waggonner
Walker
Whitener
Young

NOT VOTING—43

Andrews, Ala.
Ashley
Barrett
Betts
Broomfield
Buchanan
Byrne, Pa.
Clancy
Dawson
Derwinski
Diggs
Dorn
Downing
Flynt
Fraser
Friedel
Garmatz
Giaimo
Gray
Griffiths
Halleck
Hawkins
Herlong
Jacobs
Johnson, Pa.
Mize
Monagan
Multer
Murphy, N.Y.
Nedzi
Pollock
Pool
Pucinski
Purcell
Reinecke
Resnick
Rooney, Pa.
Rostenkowski
St. Onge
Schadeberg
Steed
Widnall
Williams, Miss.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Williams of Mississippi with Mr. Friedel.

Mr. Murphy of New York with Mr. Broomfield.

Mr. Rostenkowski with Mr. Derwinski.

Mr. Giaimo with Mr. Reinecke.

Mr. St. Onge with Mr. Halleck.

Mr. Multer with Mr. Widnall.

Mr. Andrews of Alabama with Mr. Buchanan.

Mr. Byrne of Pennsylvania with Mr. Betts.

Mr. Flynt with Mr. Pollock.

Mr. Garmatz with Mr. Johnson of Pennsylvania.

Mr. Pucinski with Mr. Mize.

Mr. Steed with Mr. Clancy.

Mr. Monagan with Mr. Schadeberg.

Mr. Barrett with Mr. Diggs.

Mr. Ashley with Mr. Hawkins.

Mr. Dorn with Mr. Pool.

Mr. Downing with Mr. Gray.

Mr. Purcell with Mr. Rooney of Pennsylvania.

Mr. Resnick with Mr. Nedzi.

Mr. Fraser with Mrs. Griffiths.

Mr. Herlong with Mr. Jacobs.

Mr. GROSS and Mr. HALL changed their votes from "yea" to "nay."

Mr. MOORHEAD changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

VISIT BY THE HONORABLE SEIHO MATSUOKA, CHIEF EXECUTIVE OF THE GOVERNMENT OF THE RYUKYU ISLANDS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, I rise to invite the attention of my colleagues, especially those who had occasion to be away from the city during the Easter recess, to the current informal visit to the United States by a distinguished statesman from one of the most respected island communities in the western Pacific. He is the Honorable Seiho Matsuoka, Chief Executive of the Government of the Ryukyu Islands.

Mr. Matsuoka arrived in Washington in the late afternoon of March 28, and conferred with President Johnson the very next day. Along with the Honorable DANIEL K. INOUYE, the distinguished Senator from Hawaii, I had the great privilege of accompanying Mr. Matsuoka to the White House. Many of us have also had the privilege of meeting this distinguished gentleman, who, as a professional engineer, trained in the United States, and as a statesman, has contributed greatly to the welfare of his people. He has done this while maintain an unwavering friendship for the United States.

I am sure I speak not only my own sentiments, but those of the entire House, when I say, "Welcome, Mr. Matsuoka, may the friendship between your people and the American people continue in mutual trust and confidence, as we work shoulder to shoulder for a better world of peace and brotherhood."

COPYRIGHT LAW REVISION

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2512) for the general revision of the copyright law, title 17 of the United States Code, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2512, with Mr. DENT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. CELLER], will be recognized for 1½ hours, and the

gentleman from Ohio [Mr. McCulloch], will be recognized for 1½ hours.

The Chair recognizes the gentleman from New York [Mr. Celler].

Mr. CELLER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, today marks an epoch as the House considers and, I am confident, enacts the first general revision of the Nation's copyright laws in nearly 60 years.

Originally enacted in 1790, by the First Congress, those laws have been completely revised only three times since. The last revision occurred in 1909. This was in the horse and buggy era, long before our technological development of radio, television, CATV, Telstar, tape recorders, long-playing high-fidelity records, video tape recordings, electronic computers, Xerox copying machines, and many other modern wonders. These technological advances have brought into being whole new industries and new methods for the reproduction and dissemination of copyrighted works.

Copyright legislation is premised on the constitutional presumption that the public will benefit through promotion of science and useful arts if authors are given exclusive rights to their writings for limited periods. The test of copyright legislation is first, how much will it stimulate authorship and so benefit the public, and second, how much will the monopoly granted be detrimental to the public? The granting of exclusive rights under the proper terms and conditions, confers a public benefit that outweighs the evils of the temporary monopoly.

The present copyright law, enacted in 1909, is no longer adequate to its function. Revision is long overdue. The bill before the House reflects more than 12 years of concerted effort on the part of the Copyright Office of the Library of Congress and representatives of the many groups and interests directly concerned with copyright, to reconcile differences and find solutions to the multitude of problems in this field.

During the 89th Congress the Copyright Subcommittee devoted 22 days of public hearings to the measure. It heard more than 150 witnesses from every segment of the copyright community. To make itself expert in this complex area, it held more than 50 2-hour executive sessions evaluating the conflicting views of the parties.

More than this, to its great credit the subcommittee has sanctioned and encouraged continuing negotiations between interest groups. Some of these negotiations have produced agreements which are embodied in the bill. Others are scheduled to continue beyond enactment of the revision and will facilitate prompt further legislative action, should it become necessary. With the tremendous acceleration of modern technological change, constant congressional oversight, assisted by the parties affected, has become an essential element of effective legislation in this field.

A civilization lives on in future generations through the works of its creation. An effective copyright law that takes into account the continuing technological revolution and recognizes individual authorship as an indispensable national resource is essential to the promotion of creative activity. Although no measure as complex and far reaching as a copyright law revision can hope to meet all objections of all interested parties, the bill before the House reflects the intricate network of relationships among the many groups and industries dependent upon works created by authors, and represents an effort to reconcile conflicting interests as fairly as possible. I invoke its favorable consideration by the House.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I will yield to the gentleman, but if it is a technical question, I am going to ask that it be addressed either to the gentleman from Virginia [Mr. Poff], or the gentleman from Wisconsin [Mr. Kastenmeier], who have been thoroughly steeped in all of the technicalities of this matter.

Mr. GROSS. I do not know whether it is a technical question or not, but I would like to ask one question if the gentleman will yield himself some time.

Mr. CELLER. Mr. Chairman, I yield myself time to answer the gentleman's question.

Mr. GROSS. The question I want to ask concerns a provision on page 7 of the bill dealing with the United Nations. This is a new provision, as I understand it. I do not find it in the comparison of the new and old provisions of this bill. On what basis is the United Nations brought into this bill?

Mr. CELLER. I reserve the right to have the gentlemen I mentioned answer that question, because they were most assiduous in their attendance at meetings and heard representatives of the State Department and undoubtedly that question was propounded and answered. I think you will get a satisfactory answer from them.

The CHAIRMAN. The Committee will rise informally to receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER assumed the chair.

The SPEAKER. The Chair will receive a message.

A message in writing from the President of the United States was communicated to the House by Mr. Jones, one of his secretaries.

The SPEAKER. The Committee will resume its sitting.

COPYRIGHT LAW REVISION

Mr. McCULLOCH. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, St. Francis deSales once said: "Be brief when you cannot be good." I doubt if anyone can be as informative in discussing this legislation as the members of the subcommittee who have worked so long, so hard, and so ably to produce it. The product of their work is monumental. Therefore, I shall be brief.

I might serve a most useful purpose by succinctly setting forth the general historical context in which this legislation might properly be considered. Copyright is a constitutional right, even though the word is found nowhere in the Constitution. Article I, clause 8 of the Constitution states:

> The Congress shall have the power . . . to promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

When the framers of our Constitution met in Philadelphia to consider which powers might best be entrusted to the National Government, there appears to have been virtual unanimity in determining that copyright should be included within the Federal sphere. Although the constitutional committee proceedings, which considered the copyright clause, were conducted in secret, it is known that the final form of the clause was adopted without debate. Moreover, Federalist Paper No. 43 devoted but a single paragraph to the efficacy of both the copyright and patent power.

Copyright has to do with the craft of the author, the composer, and the artist. Copyright law can be traced back to an English statute of 1710 which secured to authors of books the sole right of publishing them for designated periods. Our whole law relative to literature and artistic property is essentially an inheritance from England. It seems that from the time "whereof the memory of man runneth not to the contrary," the author's right to his manuscript has been recognized on principles of natural justice, being the product of his intellectual labor and as much his own property as the substance on which he wrote it.

In Blackstone's "Commentaries," I found that he associates this right with the law of occupancy, which involves personal labor and results in property becoming one's own. But long before Blackstone, an Irish King enunciated the same principle in settling a question of property rights in a manuscript in declaring: "To every cow her calf."

If one examines the history of our Nation he will discover that at the close of the Revolution, several States passed laws to afford protection to authors. These laws were of course limited in operation to the boundaries of each State. Hence, if the author of one State wished to secure protection for his work throughout other States he was compelled to comply with a multitude of laws. By and large, a parallel situation existed in Europe in this period of our historical development. Yet in our land, where everyone spoke the same language and read the same books, it became imperative that we have a uniform national law. This need was the predicate for article I, clause 8 of the Constitution.

Mr. Chairman, today we are following the first Congress of 1790 and the subsequent Congresses of 1831, 1870, and 1909 in exercising our constitutional powers to promote the progress of science and the useful arts, by enacting copyright law.

I believe that every Member of this body should be aware that this legislative proposal is truly the product of legislative initiative. H.R. 2512 is not a proposal of the White House. It is not the work of an executive agency. It is the work, and the exclusive work, of the Congress and its committees. Work which has involved some 12 years of study, debate, discussion, drafting, and redrafting.

In closing, I wish to pay high tribute to the able members of the subcommittee which has worked so long and diligently in bringing this legislation to the House. On balance I believe it to be fair and just in its treatment of the respective interests which are affected by the copyright law. I believe that the committee has accomplished a remarkable task in reconciling many conflicting interests as fairly, as justly, and as constructively as possible.

Mr. Chairman, I am of the opinion that after the Congress works its will on this legislation that it will be in the best interest of our country that H.R. 2512 become law.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I have been a member of the Committee on Patents, Trademarks, and Copyrights for some 18 years. Since the time of Joe Bryson, our late-lamented deceased colleague, than whom there was no finer humorist or better story-teller. Joe Bryson and I in our older years became friends somehow of the jukebox operators as against ASCAP and BMI. I believe this is fair to say. I must add, however, that we have never been, as far as I recall, as zealous as the gentleman from Colorado [Mr. ROGERS].

Then an incident happened which caused my enthusiasm to be blunted vis-a-vis the jukebox of America.

The chairman of the full committee [Mr. CELLER] some years ago asked ASCAP and the jukebox operators to try to meet and to reach an accommodation of views, and to tell the Committee on the Judiciary what programs and what form of bill would be satisfactory to them both. They agreed. They did meet in Chicago. The gentleman from New York [Mr. CELLER] sent Cy Brickfield, then an attorney for my subcommittee, and now Deputy Administrator of the Veterans' Administration.

While in Chicago, unfortunately, the jukebox operators slammed—literally slammed—the door in the face of Mr. Brickfield.

I think it is so unfortunate that the jukebox operators permitted themselves to be so autocratic—yes, I will almost say highhanded—vis-a-vis the chairman of my committee.

Mr. Chairman, I would like to add my words of commendation to the gentleman from Wisconsin, BOB KASTENMEIER; and the gentleman from Virginia, DICK POFF, who headed these lengthy hearings which resulted in the bill before you.

They held 22 days of hearings. They examined over 150 witnesses. After the hearings they had over 50 executive sessions and asked penetrating questions of the lawyers for the committee and of the downtown copyright people, and now the final product of their labors is before you in the form of a bill. It shows what men can do when they have dedication to duty, scholarship, industry, practicality, and commonsense.

I felt that I should bestow this accolade of praise on my good friends on both sides of the aisle, BOB KASTENMEIER, the gentleman from Wisconsin, and DICK POFF, the gentleman from Virginia.

Mr. POFF. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I think it would be appropriate first to pay tribute to those who deserve credit for the legislative package which is on the Speaker's desk.

I have first reference to the distinguished Register of Copyrights, Hon. Abraham L. Kaminstein; to his deputy, Mr. George D. Cary; to the general counsel of the office, Mr. Abe A. Goldman, and to the Assistant Register, Barbara A. Ringer.

I hope it will not sound extravagant when I say that in all of the rolls of the civil service, I believe you will not find servants of the public who surpass in knowledge, in talent, in brilliance and in objectivity the individuals I have just named.

Theirs has been an intellectual labor, but more than that a labor of love, extending now for a 12-year period since Congress first, in 1955, decided that the copyright law last revised in major form in 1909 should be modernized to be adaptable to the revolutionary changes in technology which have transpired in the interim.

This body and the other body in every legislative appropriation bill since 1955 have funded the study guided by the Copyright Office.

The Copyright Office made its report in 1961. Since that time patiently, methodically, carefully, productively, they have met with all whose interests might be affected by the legislation under draftsmanship.

Over the years since that report was issued, remarkable accord has been achieved. Many controversies have been put at rest because reasonable minds have come together. There remain controversies to be sure—and it is appropriate that those controversies be ventilated in debate on the floor of this House.

I would not for a moment challenge the motivation of any person who offers any amendment during the course of this debate, and I would hope that none who finds himself in that posture would question the motivations of those of us who so vigorously support this bill as a package.

I do not contend, Mr. Chairman, that the bill in all of its many parts is perfect. It is not the bill which I would have written had the pen been mine alone. Of course, that is true of every other member of the subcommittee. Yet I submit that a careful perusal of the report will reflect to the objective mind that what the subcommittee has agreed upon is the middle course that does the most equity to the most diverse interests.

So, Mr. Chairman, it would be my purpose to support this measure in full and to resist those amendments which I feel in a substantive way would alter the purpose and intent of the legislation.

As the distinguished gentleman from Wisconsin has already indicated, a number of amendments of a clarifying and technical nature, those which give voice to the true intent of the Committee, will be offered as subcommittee amendments at the appropriate time. Those amendments will at least in part meet some of the objections which have been the subject matter of correspondence and telephone calls you have received in the last several hours. I do not want to be understood to say, however, that they will meet them entirely. There remain substantial areas of controversy.

Mr. Chairman, I shall not undertake, except in response to specific and definitive questions, to deal at any great length with the technical parts of the bill during this discourse. Rather, I think it is fundamental to a proper understanding of what we are about to understand the concept of copyright.

What is copyright? Literally, it is the right to copy. But it is more than that. It is a right of property. As a property right, copyright is personalty as distinguished from realty and intangible as distinguished from tangible or physical.

The copyright property right is nonetheless a product, a commodity, a creation of the labors of the mind. As such, it is uniquely an asset which belongs to its creator. Such an asset deserves the protection of the law just as much as the physical creation of the labors of the body.

The authors of the Constitution thought so. In the eighth section of the first article they wrote:

> The Congress shall have power . . . to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

The constitutional mandate had two essential purposes. The first was to protect the property of the individual for his own sake. The second was "to promote the progress of science and useful arts" for the Nation's sake. The two purposes were interrelated. Protection and reward of the individual author was the incentive necessary to stimulate the intellectual labor and the literary creativity the new Nation needed for growth.

The constitutional copyright clause strikes a proper balance between the rights of the individual and the rights of society. The author's exclusive right is secured to him only "for limited times." Thereafter, his creation falls into the public domain; his property becomes society's property.

The Constitution says that the author's right in his intellectual property shall be exclusive. However, under its power to "secure" the right, Congress has some discretion in defining the dimensions of the right that is to be exclusive. Accordingly, Congress historically has circumscribed the right with qualifications, limitations, and exceptions. These limitations upon the individual's rights, like the limitations upon the term of his rights, have been made out of deference to society's broader rights.

There is yet a third kind of limitation upon the author's copyright. Copyright is not a monopoly in the sense that a patent is a monopoly. Copyright secures only the property right in the manner and content of the expression. Facts and ideas recited or systems and processes described by the author are freely available to the public at large and the author has no power under copyright to prescribe their use. A photographer's copyright empowers him to prohibit the copying and use of his original photograph. However, it gives him no power to prevent another photographer from standing in the same spot and taking a picture of the same object with the same lighting, focus, and shutter speed, even if the second picture is identical to the first.

Thus, it will be seen that while copyright is a property right, it is a unique right because it is qualified and abbreviated. Conventional property laws on realty and personalty are inappropriate to copyright property.

Congress adopted the first Federal copyright law in 1790. Since then, three revisions have been enacted at intervals of four decades. The last revision in 1909 is essentially still the law today. The law which helped to promote the country's technological growth has not kept pace with the Nation's progress in science and the useful arts. That very technological progress, wholesome as it is, now begins to threaten the value of copyright. And the threat is not only to the value of the copyright to the copyright owner but to the value of the copyright to the further technological progress of the Nation. In the half century since the 1909 revision, users of copyright material such as radio, television, motion pictures, and sound recordings have grown from infancy to maturity. The capacity for copying and communicating copyright material by mechanical and electronic devices has mushroomed. The communications satellite is a reality. Now we are in the age of computers with their infinite ability to store, manipulate, and retrieve data subject to copyright. On the horizon is the laser beam which has a versatility for the use of literary property which might make all present techniques obsolete.

The Congress has a clear and present duty. We must move to close the copyright gap which has already opened and, as best we can, adapt the law to accommodate future changes in the technology which progress is bound to bring. That is the purpose of H.R. 2512. I earnestly believe it achieves that purpose as effectively and fairly as the multitude of conflicting rights and equities permit.

The bill contains seven chapters. All are important. Three, chapters 1, 3, and 5, represent what I regard as the functional organs. Of these three, chapter 1 is the heart.

Chapter 1 is divided broadly into two parts. The first six sections tell us what can be copyrighted and what rights are reserved exclusively to the copyright owner. The remaining 10 sections define the limitations, qualifications, and exceptions to those rights.

What can be copyrighted? Any original work of authorship can be copyrighted when it becomes fixed in any tangible medium of expression which can be seen, copied, or communicated. A work of authorship includes, but is not limited to, literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; motion pictures, and other audiovisual works and sound recordings.

What rights with respect to these works are reserved exclusively to the copyright owner? They are five in number—reproduction, adaptation, publication, public performance, and public display.

In what way are these exclusive rights limited? Sections 107 through 116, 10 in all, state a score of more limitations, qualifications, and exceptions. All have the effect of reducing the property of the copyright owner and enlarging the rights of the public to use the property. Five of these 10 sections are the most consequential.

Section 107 gives statutory recognition to the doctrine of "fair use" as now defined in case law. Notwithstanding the copyright owner's exclusive rights, the courts have held that others may make a "fair use" of portions of literary property for purposes considered to be in the national interest. Section 107 identifies these uses to include criticism, comment, news reporting, teaching, scholarship, and research. It also defines the tests to be applied in determining whether the use is fair. These are: First, the purpose and character of the use; second, the nature of the copyrighted work; third, the amount and substantiality of the portion used in relation to the whole; and fourth, the effect of the use upon the potential market for the work.

Educators were concerned that case law had not yet pronounced definitely on the new techniques of photocopying and other modern methods of reproduction. The subcommittee supplied that omission by providing that fair use can include "use by reproduction in copies or phonorecords or by any other means" specified by the statute.

Educators also felt that the minimum statutory damages clause might unduly deter teachers from utilizing the fair use privilege and discourage them from experimenting with diversified teaching techniques. The subcommittee, recognizing that even judges disagree as to what in a particular situation is and is not fair use, provides in section 504 that statutory damages can be remitted entirely if the court finds that the teacher had reasonable grounds for believing that the copies he made constituted fair use.

Section 110 states certain exemptions from the copyright owner's exclusive rights of performance and display of his property. The first applies to face-to-face teaching activities in nonprofit schools. Performances and displays by instructors and pupils of copyrighted works are exempt from infringement liability when held in a classroom in the course of such activities.

The second exemption applies to instructional broadcasting. The exemption applies to the display of any copyrighted work and to the performance of any nondramatic literary or musical work. The exemption does not extend to educational broadcasts to the public at large. With the advent of communication satellites, educational broadcasts can ultimately reach every consumer in the Nation, and this could completely destroy the copyright owner's market for his work. Accordingly, the exemption is confined to instructional broadcasting that is an adjunct to the actual classwork of nonprofit schools or is primarily for people who cannot be brought together in classrooms such as preschool children, displaced workers, illiterates, and shut-ins.

There has been some question as to whether or not the committee intended in this section of the bill to include instructional television college credit courses. These telecourses are aimed at undergraduate and graduate students in earnest pursuit of higher educational degrees who are unable to attend daytime classes due to daytime employment, distance from campus, or for some other intervening reason. So long as these broadcasts are aimed at regularly enrolled students and conducted by recognized higher educational institutions, the committee believes that they are clearly within the language of section 110(2)(C)(ii). Like night school and correspondence courses before them, these telecourses are fast becoming a valuable adjunct of the normal college curriculum.

The third exemption extends to performances and displays of certain copyrighted works in the course of religious services at a place of worship.

The fourth exemption permits certain nonprofit organizations to perform nondramatic literary or musical works without copyright liability. To be eligible, the organization must pursue no commercial purpose, must not pay compensation to performers, promoters or organizers for the performance and must make no admission charge unless the net receipts thereof are used for educational, religious, or charitable purposes. If an admission fee is charged, the copyright owner is entitled to prohibit the performance by serving 7 days' notice on the organization. This is to spare him from being compelled to make an involuntary donation of the use of his property to the fundraising activities of causes to which he objects.

It has been brought to my attention that certain provisions of H.R. 2512 pertaining to audiovisual materials may be subject to some misinterpretation. I therefore offer the following explanation of those provisions so that the legislative history will be clear.

The term "audiovisual works" are used in H.R. 2512 includes all motion picture films, videotapes, filmstrips, sets of slides, and sets of overhead transparencies. In broad terms, it is intended to cover all works consisting of a series of related images fixed in some tangible form, where communication of the fixed images to the viewer inherently requires some type of machine or device. A series of related images includes any group of two or more images having some type of relationship in their subject matter which gives unity to the group as a whole. However, the fact that some or all of the individual images in the group would also constitute separate works does not prevent the group of images from being an audiovisual work.

The term "nondramatic literary or musical work," which defines the scope of the exemptions in sections 110 (2), (3), and (4), was not intended to include audiovisual works of any type, though an audiovisual work may include some nondramatic literary material. The exemption in these subsections do not apply to audiovisual works. Similarly the provision of section 112(b) which incorporates by reference the conditions of section 110(2) was not intended to allow the making of an ephemeral copy of an audiovisual work.

The performance of an audiovisual work includes a fairly broad range of activities. It includes the showing, in the course of a presentation, of two or more related images from an audiovisual work, in their original order or in any other order. It includes the showing of some of the frames from a work with other frames being omitted. However, the showing of a single image from an audiovisual work would be a display rather than a performance of the work.

Section 111 grants community antenna television systems the right to retransmit some television broadcasts without copyright liability and others with limited liability only. A Federal district court has ruled that under the present law all CATV systems are fully liable for all royalties retransmissions of primary television broadcasts using copyrighted works. The subcommittee feels that the present law should be changed.

There is some confusion about the definition of a community antenna television system. For purposes of the copyright law, it is a commercial subscription service which picks up broadcasts originated by others and retransmits them to paying subscribers. The definition does not include hotel relays to private rooms, instructional television, or nonprofit boosters and translators operated by a governmental body or other nonprofit organization.

By, in effect, repealing the court decision which would impose full copyright liability on all CATV's in all situations, the committee recommends H.R. 2512, which would exempt them in some situations, make them fully liable in some, and provide limited liability in others.

What systems would be exempt? If the CATV provides merely a "fill-in" by retransmitting the broadcasts of a local station into areas which would normally be reached by the primary broadcast but for the interference of terrain, buildings, or other obstructions, it is required to pay the copyright owner nothing. This is because the copyright owner has not been damaged by the retransmission. The primary broadcaster, the local television station, has already paid him royalties based upon the audience within his A and B broadcast contours, including the areas blocked by topographical obstructions. However, in those special cases where the CATV is retransmitting in an area where the A and B contours of two local stations overlap, the exemption would not apply.

What CATV systems would be fully liable to copyright owners for retransmission of their works? There are two: First, if the CATV brings programs from an outside station into an area that is already adequately served by local stations carrying a preponderance of the programs of each of the national networks, then it is required to pay the copyright owner for the use of his property. This is because such importation impairs the copyright owner's market for his property. Even if he could sell his work to one of the networks or one of the local stations, the amount of his royalties would be reduced by the same ratio the number of CATV subscribers bears to the total audience of the local broadcaster.

Second, if the CATV brings in from an outside station a program for which the local station has an exclusive license to transmit the same program in that area and the local station has given the CATV proper notice of this exclusive license, then the CATV must pay royalties to the copyright owner. This is because the exclusivity which the copyright owner sold to the local broadcaster has been destroyed and the value of the copyrighted property has been impaired.

What CATV systems would be granted a limitation on copyright liability? If the CATV brings into an area not adequately served by all major networks a program from an outside station and no local station has an exclusive license for that program, the only liability on the CATV is payment of a reasonable license fee. The copyright owner cannot collect special or statutory damages but only a reasonable fee for the use of his property. This is because in this situation, the CATV is preempting only a part of the copyright owner's potential market for his property. If the parties cannot agree upon what fee is reasonable, the court will determine it and in the process is authorized by the bill to penalize either party if he has refused a reasonable offer made by the other.

It should be noted that the exemptions and limitations on liability which section 111 grants are not absolute. They can be lost if the CATV engages in certain activities other than simple retransmission. Thus, if the exempt CATV alters the primary broadcasts, originates its own programs like a primary broadcaster makes a specific charge for a particular program—which constitutes pay TV—or retransmits a closed-circuit telecast, it loses its exemption and becomes fully liable for all retransmissions.

CATV performs a useful public function. The exemptions and limitations on copyright liability which this legislation grants CATV in certain situations promote the national interest by expanding the dissemination of information and entertainment. In other situations, however, CATV must be willing to pay for the use of other people's property, just as they are obliged to pay their utility bills and the other expenses which are necessary to stay in business.

Section 116 is a limitation upon the copyright owner's exclusive right to perform his work by coin-operated phonorecord players. Stated differently, section 116 gives jukebox operators a compulsory license to perform the copyright owner's creation. Without section 116 and but for a specific exemption written into the 1909 statute, jukebox operators would be fully liable for every record played on their machines in the same way and to the same extent that other such users of copyright property are liable.

The distinction between a jukebox operator and the operator or owner of the establishment in which the jukebox is located must be clearly understood if section 116 is to be clearly understood. The jukebox operator is the man who owns or controls a number of record machines which he places under lease or commission in business establishments. Section 116 specifically exempts the proprietor as long as he discloses the identity of the jukebox operator who supplies the machines, when requested.

In order to obtain a compulsory license to use the copyright owner's property, the jukebox operator is required to record in the Copyright Office his name and address, the identification number of the phono-record player, the capacity of the player, and the name and address of the establishment in which it is located. This must be done for each player either before or within 1 month after it is placed in the business establishment. A statement containing similar information must be filed in January, and that statement must include a list identifying all musical works used in the machine during each of the calendar quarters of the preceding year.

Also as a condition to receipt of a compulsory license, the operator must affix to the record player a certificate, issued by the Copyright Office, attesting to the latest filing in the Copyright Office made by the operator. Failure to acquire a compulsory license would render each performance of a copyrighted work fully actionable.

In order to collect royalties authorized by the legislation, the copyright owner is required either to have a label identifying himself placed on each record and register his name and address in the Copyright Office or he must serve a written claim upon the operator within a specified time.

The statutory royalty fixed for the compulsory license is 3 cents for each composition for each calendar quarter or a smaller unit cost calculated by dividing the total number of compositions actually used into the capacity of the jukebox multiplied by 3 cents. The alternative is designed not to discourage frequent record changes.

The jukebox operator is required to file a statement of account showing each work used and make royalty payments every 3 months. Failure to do so will render each performance fully actionable.

The procedure erected by section 116 is awkward and it is regrettable that it is necessary. However, the committee after patient and exhaustive consideration of several alternative proposals, finally concluded that the nature of the industry is such and the problems of inspection and policing are such as to permit no simple solution.

The simplest solution, of course, would be a negotiated contract outside the structure of the statute. If the parties can agree, then the elaborate procedures which section 116 employs become inapplicable. In fact, the statute encourages such negotiations. Other users of copyright property have been able to negotiate agreements with copyright owners, even without the benefit of a statutory ceiling on royalties, inherent in these provisions.

It may be true, at least in part, that jukebox operators are not completely organized and therefore do not have equivalent bargaining powers in negotiations with the well organized performing rights societies. However, this statutory ceiling would hover over the negotiating table. Moreover, jukeboxes are not simply users of copyright property; they are also promoters. They often help to produce a hit record simply by making it available to a larger segment of the public. The copyright owners know this and it is in their own best interest to be reasonable in negotiations with jukebox operators.

The first proposal considered by the committee on this subject would have completely repealed the exemption jukebox operators have under the present statute. If that legislation, instead of section 166, should have become the law, it is entirely possible that the royalties payable would amount to $50 per box per year. In some foreign countries, the figure is $90. So far as the committee was advised, in no foreign country was the figure less than $18.

For jukeboxes containing 160 plays, the 3-cents fee fixed by section 116 would cost the operator approximately $19.20 per box per year. The National Licensed Beverage Association proposed an annual per box agreement with a sliding scale from $20 for a jukebox with 100 plays to $25 for a jukebox with 160 plays to $30 with a jukebox of 200 plays and over.

Just before the committee hearing began, a large manufacturer of jukeboxes made a public announcement that it intended to act as a jukebox operator in its own right, and place its own machines in jukebox establishments. It proposed to charge a fee of $60 a box.

The five sections of chapter 3 deal with the duration of copyright. How long should the exclusive rights granted the copyright owner in chapter 1 continue to exist? The Constitution says only "for limited times." The present law fixes a first term of 28 years beginning with the time of first publication, and one renewal term of 28 years. The total is 56 years. If publication is delayed, the total term from the time of creation may be considerably longer.

Chapter 3 abolishes the renewal system, and fixes the total term of life of the author plus 50 years. The term will begin from time of creation. This will establish a time certain at which the work falls into the public domain. Moreover, that time certain will apply to each and all of the works copyrighted by the author, thereby simplifying the process of clearance for users.

Based upon an average life expectancy of 25 years after creation of the work, the new term will have a total life of approximately 75 years. The increase in the length of the term, following the pattern of each of the three major revisions since the act of 1790, is based on a number of considerations. If the incentive features of copyright are to function effectively, the fruits of his mental labors must be secured to him and to his dependents and survivors for a reasonable length of time. The increase proposed by H.R. 2512 is a logical adjustment to the increase in the life expectancy which has occurred since the present law was written.

The commercially valuable life of a copyright is infinitely longer today. Until the advent of modern transmissions and mass communications media, the public often did not recognize the merit of a particular work until the passage of many years after its first publication. This was a particular handicap to serious works of music, literature, and art.

Because of ignorance or negligence, the renewal system has worked to the disadvantage of copyright owners. The new term protects them against copyright speculators who buy licenses and fail to exploit them, waiting for the 28-year term to expire.

Authors will be paying a price for the longer term. Under the present dual system of common law and statutory copyright, authors are guaranteed a term without limit in all of their unpublished works. With the passage of H.R. 2512, the term will be limited to life plus 50 years.

The longer term granted by this legislation brings the United States into line with most of the other nations of the world. This not only facilitates international commerce; it protects American authors marketing their works abroad. America is a member of the Universal Copyright Convention. Under article IV, section 4 of that convention, another member nation has the right to limit an American work used there to the term fixed in our statute. This gives an unfair advantage to a competing foreign work of the same age if the foreign statute provides a longer term.

The final consideration justifying a longer term is the effect it has upon the utilization of the work for the benefit of the public. Publishers and other users of copyrighted material make a substantial investment in the costs of publication and other use processes. They are often unwilling to risk that investment unless they can be guaranteed exclusivity. Copyright guarantees that exclusivity. Thus, a shorter term of copyright can actually restrain public access to the author's work.

Chapter 3 makes provision for transition of works created but not published on the effective date of the new law, works which are in their first term at that time and works which are in their second term at that time. In general, these provisions have the effect of granting a total term of 75 years for each.

Chapter 5 deals with the remedies a copyright owner or the legal or beneficial owner of one of the bundle of exclusive rights granted in chapter 1 has against one who infringes or violates any of those rights.

The civil remedies are three in number, viz, injunction, impounding and destruction, and damages. In addition, the court can award the prevailing party costs, including a reasonable attorney's fee.

In pursuing damages, the copyright owner has an option. He can collect actual damages for the wrongful use of his property plus any additional profits the infringer wrongfully earned. In the alternative, he can collect statutory damages within a minimum and maximum range fixed by the statute. With respect to the latter, a comparison with the present law will illustrate the changes.

The present law provides a minimum of $250. The bill has the same minimum but unlike the present statute, permits the court to reduce the minimum to $100 when the infringer had no reasonable cause to believe that he was infringing. As indicated earlier, the court also has the discretion to remit damages altogether when it finds that a school teacher made an honest and reasonable mistake in judging what was fair use.

The maximum under the present statute is $5,000. However, the court now has the power to increase the maximum without limit for infringements which occurred after actual notice. The bill puts the maximum at $10,000 with an increase to $20,000 when the infringement was committed willfully.

The present law is unclear as to the application of statutory damages in cases of multiple infringements. The courts are uncertain whether the penalty attaches to each separate infringement or to all infringements as a package. The bill resolves the uncertainty by applying the penalty only to the whole.

In this discourse, I have not addressed myself to chapters 2, 4, 6, or 7. These chapters deal with copyright transfer, registration, the manufacturing clause, and certain housekeeping duties of the Copyright Office. They will be explained in careful detail by other members of the subcommittee.

Mr. Chairman, I hope the debate on this bill will be full and free. This body this year will not consider any subject in the domain of domestic issues more important or more consequential. The present statute, antiquated and inadequate as it is, furnishes the incentive for creation and utilization which, according to an expert witness before our subcommittee, contributes more than $7 billion annually to our Nation's gross national product. What this bill proposes to do is expand the incentive and promote the further progress of science and useful arts. If past history is any guide, what we do here today may stand for two generations of Americans. We must use care. We must be fair. But we must act.

Mr. KARTH. Mr. Chairman, would the gentleman from Virginia yield me a minute or two so I could ask him a question?

Mr. POFF. Mr. Chairman, if I am going to wear out my patience with my colleagues on this side of the aisle I had better not, otherwise I would be glad to, but I do have a master higher than myself.

The CHAIRMAN. The gentleman refuses to yield.

Mr. GROSS. Why confine it to this side?

Mr. POFF. Mr. Chairman, I believe I will have to conclude at the moment, and hopefully continue later.

Mr. KASTENMEIER. Mr. Chairman, I yield myself 10 minutes.

Mr. KARTH. Mr. Chairman, will the gentleman yield to me for the purpose of asking a question?

Mr. KASTENMEIER. Yes, I yield to the gentleman.

Mr. KARTH. Mr. Chairman, I have listened with great interest to the previous speaker, and during the course of his presentation was of the mind that as far as the jukebox operators are concerned, why, there are some exclusions in the bill and there are some provisions for fees, and so forth and so on.

My concern is about the background music manufacturers, where there are no exclusions, there is no setting up of fees, and frankly these parties in my candid opinion may very well operate in the dark insofar as future law is concerned if this bill does in fact become law.

I would like to ask the gentleman from Wisconsin what protection is there in this bill for the background music manufacturers? What will their recourse be in the event they feel they are getting unfair treatment or being neglected completely by the copyright people?

Mr. KASTENMEIER. I will say to the gentleman that the background music people—the people the gentleman has in mind, because the background music location owners are already paying performance royalties—will have to, under the bill, as they do now, negotiate for license.

The committee examined the question under section 115 of what to extend compulsory licenses do, what types of record manufacturers, and limited it to those who do not sell essentially for commercial use. That is to say, those record manufacturers who sell primarily for jukeboxes or primarily for broadcasting—or in this case, primarily for background music would not have a compulsory license. They would, I regret, so far as the gentleman is concerned, still have to negotiate contracts with the performance rights societies.

This issue so far as the background music manufacturers are concerned was not raised by witnesses, however. The great enterprise in the gentleman's own district, Minnesota Mining & Manufacturing Co., was interested in another section of the bill. But in 1965 they did not testify on this question.

The question the gentleman raises, while I sympathize with him, poses some technical problems as well, because we are dealing here with tapes and would have to worry about and concern ourselves with the measurement of royalties on the tapes.

Primarily, as I say, the committee did conclude that manufacturers of records primarily for commercial use would have to continue to negotiate contracts.

Mr. KARTH. If the gentleman will yield further, my concern is this—what if the copyright people, for example, should refuse to negotiate, or during the course of negotiations set fees at such an exorbitant rate for all practical purposes, the manufacturer of background music equipment would be noncompetitive with those who manufacture other equipment?

Mr. KASTENMEIER. The gentleman raises a good question. But I would like to allay his fears on this on two counts. First of all, there is not just one performance rights society—there are several—ASCAP, BMI, and SESAC and also there is the possibility of using other music in which these societies do not act as agents. Furthermore, ASCAP for example, is under an antitrust consent decree, and in my opinion could not arbitrarily deny music to organizations such as the gentleman has in mind in cases of this sort.

Mr. KARTH. I am very happy to have the gentleman's assurance that the Department of Justice would probably not tolerate that kind of indiscriminate action on the part of copyright people. I do feel, however, there are certain fears inherent in legislation where any one of the three copyrighters or all three of them could hesitate or refuse to enter into reasonable negotiations and over the long course of time it may well be that the manufacturer would be forced out of that kind of business before the Department of Justice would get around to taking into consideration the problem that is presented to them.

I do hope that during the course of this discussion and debate, however, that further assurance can be given, that people in the copyright business would be more receptive and strongly encouraged to enter into reasonable negotiations with an industry or industry components whose full obligation is not spelled out by this legislation.

Mr. KASTENMEIER. I appreciate the gentleman's contribution. I would personally think, and I would hope, when the bill is adopted that once this bill is in effect if unforeseen inequities do develop by virtue of the operation of this law of the sort that the gentleman fears that the committee will certainly be mindful of it and will consider appropriate changes.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I will yield briefly to the gentleman for a question, but I did want to make a statement of my own.

Mr. ROGERS of Colorado. I thank the gentleman.

With reference to the consent decree that has been entered here, it says in effect that if individuals are unable to agree with ASCAP for a reasonable fee, and 60 days thereafter, and this is set forth in paragraph 9 of the decrees, then the parties may go into court and the court will then determine the reasonable fee.

The gentleman agrees that those are the terms and conditions. If I am in Timbuktu, Colo., and I am unable to agree with ASCAP, must I then go to New York, hire a lawyer, go into court, and wait 60 days for a decision as to whether or not this is a reasonable fee? Is not that what this amounts to?

Mr. KASTENMEIER. If that is the gentleman's question, I assure him he would have that right of action and that would be his recourse. I think what the gentleman has just read would be very reassuring to the gentleman from Minnesota; namely, that the manufacturing company he has in mind would have this right.

Mr. ROGERS of Colorado. What I have reference to is a situation of this sort: Suppose I am a jukebox operator way out in Colorado and I make an application for a reasonable fee. To whom would I make it? ASCAP? Where? New York, where he is under a consent decree for violating the antitrust law already?

In order for me to get a reasonable fee, I must then go to New York, hire a lawyer, and move into court?

Mr. KASTENMEIER. The gentleman does not understand jukebox provisions of the bill as presented by this committee. It has nothing to do with a reasonable fee. We set a statutory amount.

I decline to yield to the gentleman further.

Mr. NELSEN. Mr. Chairman, will the gentleman yield briefly to me?

Mr. KASTENMEIER. I yield to the gentleman from Minnesota.

Mr. NELSEN. I have in my hand a letter from Mr. George Rerat, president of the Minnesota Federation of County Fairs. The gentleman has already referred to how the county fairs would be treated. I wish for the record the gentleman would make it very clear what the status of county fairs would be. Most of them are educational, nonprofit enterprises. I am sure the committee has taken this into account. I thank the gentleman for yielding, and I hope the record may be made very clear relative to the problem.

Mr. KASTENMEIER. I thank the gentleman from Minnesota. I am happy to comment. On behalf of the committee I shall offer an amendment, the text of which I shall now read. I will, of course, offer the amendment in due course. The text of the amendment is as follows:

> Performance of a nondramatic musical work, without any purpose of direct or indirect commercial advantage, by a governmental body or a nonprofit agricultural or horticultural organization in the course of its conduct of an annual agricultural or horticultural fair or exhibition whose duration does not exceed 16 days.

That amendment is designed to cover county fairs, State fairs, and similar activities.

Mr. NELSEN. I thank the gentleman. Mr. Chairman, I include the letters previously referred to, as follows:

MINNESOTA FEDERATION OF COUNTY FAIRS,
January 25, 1967.

Re S.F. 1006—H.R. 4347
Hon. ANCHER NELSEN,
Congressman from Minnesota,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN NELSEN: During our convention in January of this year held in Minneapolis, the Minnesota Federation of County Fairs adopted a resolution asking the members of the Congressional delegation from Minnesota to secure an amendment to a bill now before the United States Senate and the House of Representatives—S.F. 1006 and H.R. 4347. This bill, which makes some changes, and if passed, would be very burdensome to the agricultural fairs of the nation. It is, therefore, extremely important if this bill passes, that non-profit agricultural fairs would be included with the other organizations listed in Section 109 of the bill.

On behalf of the Minnesota Federation of County Fairs, which includes 96 county fairs in the state, I am urging you to help us in this matter. It would certainly be appreciated no end.

With kindest personal regards, I am,

Very truly yours,
George J. Rerat,
President, Minnesota Federation of County Fairs.

Minnesota Federation of County Fairs,
January 25, 1967.
Congressman Ancher Nelsen,
Second Congressional District,
New House Office Building,
Washington, D.C.

Dear Congressman Nelsen: I am writing in regard to Senate Bill 1006 and H.R. Bill No. 4347. This is a bill which causes some changes which, if passed, will be burdensome, to say the least, on Agricultural Fairs of the nation.

It is therefore extremely important that if this bill passes, non-profit Fairs would be included along with other organizations listed in Section 109 of the bill.

I, as Secretary of the McLeod County Agricultural Association and Director of District 2 in the Minnesota Federation of County Fairs, urge you to do everything within your power to get the Fairs of this nation exempt from the operation of these severe penalties.

Very truly yours,
Frank Broderius,
Director, Second Congressional District, Minnesota Federation of County Fairs.

Carver County Agricultural Society,
Waconia, Minn., January 25, 1967.
Hon. Ancher Nelsen,
Minnesota Representative, Second District, House of Representatives Office, Washington, D.C.

Dear Mr. Nelsen: The Board of Directors of the Carver County Fair, Minnesota is asking you to amend Bill No. 4347. If this Bill were passed—all non-profit Agricultural Fairs would therefore be included along with other organizations listed in Section 109 of this bill. The passage of this bill would impose harsh penalties on Agricultural Fairs, even though the Fair unknowingly produces a copyrighted piece of music or other copyrighted work.

Therefore, it is very important that if this bill passes, the Fairs of the nation be exempt from the operation of these penalties.

Your immediate consideration in this matter is urgent and appreciated. Thank you.

Sincerely,
Mrs. R. J. Ertl,
Secretary-Treasury, Carver County Agricultural Society.

Rock County Agricultural Society,
Luverne, Minn., January 24, 1967.
Representative Ancher Nelsen,
House of Representatives,
Washington, D.C.

Dear Representative Nelsen: We are writing in reference to H.R. Bill No. 4347. This bill would work a hardship and could impose harsh penalties on a non-profit agricultural fair or exhibition even though a fair unknowingly produces a copyrighted piece of music or other copyrighted work. The performance of the exhibition of a non-dramatic literary work or musical work or the exhibition of a work at non-profit agricultural fair or exhibition should not be construed as an infringement of the copyright bill.

We would appreciate it if you could secure or assist your colleagues in securing an amendment to the bill which would exempt fairs from the operation of these penalties.

Thank you.

Respectfully,
Carl Husen, *Secretary.*

Brown County Fair,
New Ulm, Minn., March 2, 1967.
Representative Ancher Nelsen,
U.S. House of Representatives,
Washington, D.C.

Dear Representative Nelsen: In view of the fact that county fairs are suffering all types of hardships and are handicapped by many laws, we hereby respectfully request that you use your influence and vote to oppose Senate Bill #597 or at least to have fairs exempted from payment of any damages in the event that copyrighted music is played on the grounds.

Fairs cannot be classified as commercial enterprises as they are a nonprofit making organization and need special privileges or they will go out of existence. We feel that the county fairs are a heritage which need be preserved, and we will sincerely appreciate your interest in them by opposing detrimental legislation. Thank you.

Respectfully yours,
Brown County Agricultural Society,
E. J. Herriges, *Secretary.*

Blue Earth County
Agricultural Society,
February 5, 1967.
Hon. Ancher Nelsen,
Congressman, Minnesota Second District,
Washington, D.C.

Dear Sir: This organization would like to urge you to favor an amendment to H.R. 4347 as we feel this would affect county fairs too harshly.

Very sincerely,
W. A. Pape.

Nobles County Fair Association,
Worthington, Minn., January 28, 1967.
Congressman Ancher Nelsen,
Longfellow Office Building,
Washington, D.C.

Dear Sir: I am very concerned with the application of H.R. #4347. If I understand the implications of this bill correctly it is correct to assume that passage of this bill would impose a penalty on our County Fair if our program unknowingly used a piece of copyrighted music or other copyrighted work.

It is imperative that the performance of an exhibition of a non-dramatic literary or musical work or the exhibition of a work at a non-profit agricultural fair or exhibition shall not be construed as an infringement of the copyright bill.

May we please ask that you back whatever legislation is necessary to assure us that the Fairs of our Nation be exempt from the operation of the penalties involved in the above mentioned bill.

Very truly yours,
D. E. Christoffer,
Secretary.

Le Sueur County Fair Association,
Le Center, Minn., January 25, 1967.
Re bill No. 4347.
Representative Ancher Nelsen,
U.S. House of Representatives,
Washington, D.C.

Hon. Ancher Nelsen: It has been brought to our attention that the above mentioned bill is up for consideration. If passed, it will certainly impose a burden on the operations of our county fair. Unknowingly a copyrighted piece of music could be used and if we understand the bill, the non-profit agricultural fair would have to suffer the consequences.

Therefore, I would appreciate your consideration in voting against the proposed amendment to the above mentioned bill.

Yours very truly,
Le Sueur County Fair Association,
Miles Bowler, *Secretary.*

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I am happy to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I am also highly pleased that the gentleman from Wisconsin is going to offer the amendment which he has stated. The Muskogee State Fair in Oklahoma has been concerned about the language in the bill and the need for such an amendment. I am pleased to know that the language is being clarified.

Mr. KASTENMEIER. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Iowa.

Mr. GROSS. I wonder if someone would take the time—I did not seem to get far on this side of the aisle—to explain the United Nations provision in the bill.

Mr. KASTENMEIER. The United States is a member of the Universal Copyright Convention. It is the policy of, I think, the State Department as well as our committee, to try to make this particular bill as consonant as possible with the copyright laws of other nations and other conventions. In this respect we have even made some changes, because clearly the information explosion to which the gentleman from Virginia alluded is taking place throughout the world.

We want protection for our nationals, our authors, the people who create the material, protected by our Constitution in other lands as well as here. This provision in terms of the United Nations is consistent with that end.

Mr. GROSS. This is a new provision of the law, is it not?

Mr. KASTENMEIER. It is, because, of course, in 1909 the United Nations did not exist, and obviously there was no provision made for it.

Mr. GROSS. What would happen to a copyright holder if he felt himself damaged by the United Nations?

Could he bring an action against the United Nations?

Mr. KASTENMEIER. The gentleman could bring an action to protect his copyright, yes.

Mr. GROSS. He could bring an action against the United Nations?

Mr. KASTENMEIER. No, there is no question of bringing suit against the United Nations.

Mr. GROSS. How then would he get redress against some transgression on the part of the United Nations?

Mr. KASTENMEIER. There is none against the United Nations. The provision does not provide right of action against the United Nations. It is in the nature of a mutuality, as far as protection of the works of the United Nations works, and the specialized agencies.

Mr. GROSS. I will say to my friend from Wisconsin, the United Nations does not have a very good reputation for mutuality and reciprocity.

Mr. KASTENMEIER. Of course, the gentleman is on the Foreign Affairs Committee and may have his own opinion about that, but, as I say, the committee is of the view that this provision is consistent with the updating of the bill in terms of our international obligations.

Mr. GROSS. With respect to the Archivist of the United States, will this bill beef up the ability of the Archivist to withhold information? Are we in any way beefing up the ability of the General Services Administration and the Archivist to withhold information of any kind? I allude especially to the Government records that are now being held so secretly that not even a Congressman can get them—in connection with the assassination of the late President Kennedy. Are we in any way increasing this secrecy, especially with respect to Members of Congress and others who ought to be entitled to Government records which are impounded there?

Mr. KASTENMEIER. As I understand the law, it is to permit, I believe, a greater facility in the use of these materials by the Archivist.

Mr. GROSS. The gentleman is giving me assurance then—or is he giving me assurance—that this in no way increases their ability to hold records in secret, and particularly Government records?

Mr. KASTENMEIER. In my opinion, the answer is "No"; it does not give them any additional ability to do that.

I might also repeat that we are a member of the Universal Copyright Convention which we entered into in 1955, which requires us to recognize the copyrights of the United Nations, so this is not a new law, but merely codifies our obligations.

Mr. Chairman, I would like to continue, if I may, to make the comments which I had hoped to make perhaps some 15 minutes ago.

I wanted to pay my own respects to both the chairman of my full committee, Mr. Celler, and the chairman of my subcommittee, Mr. Willis, who entrusted me and others on the subcommittee with the task of working on this bill during the past 2 years. I would like to join my colleague, Mr. Poff, in underscoring the great contribution made by the Copyright Office and by the people there in producing this bill.

I think mention has already been made of the historic nature of the bill, the background out of which it comes. Again I would like to stress that this revision is not brought about for the purpose of achieving a given goal for certain interests.

This revision, coming as it does some 58 years after the last general revision, is long overdue. The Congress, long ago, in 1955, funded the Copyright Office in terms of its panel hearings to derive just such a bill.

The bill is not created for the purpose of dealing with the jukebox problem. This is an incidental. I believe it is unfortunate that this one remaining area of controversy is allowed to distort, for many at least, the comprehensive picture of the bill in terms of what it really seeks to do for this country and for society. I believe that even in this one area, so well gone into by the gentleman from Virginia [Mr. Poff], it should be understood what the bill is, as opposed to what it was.

It should be understood how far the parties have come. I refer to the so-called jukebox operators and ASCAP and the other performance rights societies.

While in the past the parties have been very hostile at times, nonetheless both these interests have come a long way from the early days. For example, Music Operators of America, representing jukebox owners, at one time would never agree, when we first considered the bill H.R. 4347, to a performance right. Subsequently they accepted this. I believe they have accepted the notion that the royalties to be derived from a jukebox should be in the area established by the bill; that is, from $12 to $24 a year.

On the other hand, the performance rights societies, who never in the beginning wanted a statutory ceiling on the royalties, have come to accept this in statutory language.

And in terms of their negotiations the two parties have come so close that many of us feel there is no particularly good reason why, even apart from the law, they cannot negotiate and reach agreement reasonably satisfactory to both.

The point I am making is that this represents a compromise. This does not represent the bill, for example, as it was proposed to us in May 1965. It does not represent the provisions of an earlier bill, H.R. 7194, reported by the Judiciary Committee in the 88th Congress, literally the sole effect of which would have been to repeal the exemption, and I suppose one might say to have left the operators at the mercy of others.

Mr. CELLER. Mr. Chairman, will the gentleman yield to me on that point?

Mr. KASTENMEIER. I yield to the gentleman from New York.

Mr. CELLER. With reference to the attempts at compromise, I have lived through a number of years in the hope that there could be a consensus between the various organizations representing the composers, authors, poets, song writers, and lyricists on the one side and the owners of the jukeboxes on the other.

At one time we thought we had an agreement. There was a consensus, I believe, that the jukebox owners were willing to pay something like $11 or $12 per jukebox. The other side wanted $19. It was hoped that there might be a compromise between the $11 and $19, but the hopes went aglimmering because of the intransigence of the jukebox owners.

On another occasion at the suggestion of the Register of Copyrights it was thought it might be well, by way of getting the groups together, to appoint a sort of commission with one commissioner to be appointed by the owners of the jukeboxes, another to be appointed by the performing rights societies, and a third to be appointed by the Attorney General.

The composers and the authors agreed to that. Then the jukebox owners threw that aside and would have nothing to do with it. Then it was agreed that the Committee on the Judiciary would send its counsel to one of its conventions in Chicago. We sent Mr. Brichfield, who is now second in command of the Veterans' Administration, a very brilliant young lawyer. He was selected to go out to Chicago and, if posible, to work out an arrangement there. To the amazement of Mr. Brichfield and ourselves, they slammed the door in his face and would not even let him speak or confer with him. Mr. Brichfield had to come back to Washington with his tail between his legs.

Now, every conceivable effort has been made to try to work out some arrangement, but there has always been failure. This proposal of the subcommittee, to my mind, is the only thing that can be developed. It involves considerable difficulty, but that is not the fault of the Committee on the Judiciary. It is not the fault of the Performing Rights Society. It is a result of the reluctance on the part of the jukebox people who felt they were in the ascendancy and that they were more or less lords unto themselves and could do anything and whatever they pleased. That is why it was essential for the subcommittee to bring forth this provision. The performing rights societies are willing to accept it, arduous as it may be even to them, but, as the gentleman from Wisconsin says, I am quite sure that sober judgment will dawn on all parties and they will negotiate an adjustment. Adjustments have been negotiated with the motion picture industry, with the television industry, with the radio industry, with the cabaret industry, with the concert industry. All those entities are subject to royalties when they perform for a profit the creative works of authors and composers and lyricists, and they work on an arrangement. There has been very little, if any, trouble between those entities. There is no reason why that cannot be developed in the same way with jukebox people, if they only realized that the best thing to do is to work out harmoniously some arrangement with these creative artists who are entitled to have some compensation and some royalty for the work of their minds and their hearts and the work of geniuses, as it were, which is so beneficial to the Nation.

I cannot express to you gentlemen the importance of songs. I want to protect those who write songs. We can only do it by this provision in this bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Iowa.

Mr. GROSS. Speaking of geniuses, would this bill cover "Keep the Faith, Baby" records and that sort of thing?

Mr. CELLER. The discotheque people must pay and they are paying.

Mr. GROSS. But is that the purpose of this bill?

Mr. CELLER. Oh. I thought you said discotheque. You said, "Keep the Faith, Baby." Is that what you said?

Mr. GROSS. Something like that. I do not know what the title of it is.

Mr. CELLER. I thought you meant dancehalls, but if you meant that——

Mr. GROSS. Such a record may be played in a dancehall. I do not know. I never heard it. All I know is the title and the publicity that has been given to it.

Mr. CELLER. If "Keep the Faith, Baby"—and I cannot conceive of that being in a jukebox—but if it was something different and something worthwhile and was played constantly over and over again, and the patrons pay certain fees for it, then it must pay a royalty.

Mr. POFF. Mr. Chairman, I yield 15 minutes to the distinguished gentleman from Michigan [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I would be very happy to relinquish whatever time has been assigned to me for the purpose of this debate, if we could prevail upon the distinguished gentleman from Virginia [Mr. POFF] to continue his very excellent discourse in which he was engaged during the earlier part of the debate today.

However, Mr. Chairman, I have been requested to speak with reference to a specific part of this bill, a portion of the bill which in my opinion is noncontroversial.

This portion of the bill is chapter 3.

Mr. Chairman, the first chapter of the bill defines the bundle of intangible property rights about which the gentleman from Virginia [Mr. POFF] spoke so eloquently—those intangible property rights which inure in an original work of authorship which make up this statutory scope of copyright. That first chapter then proceeds to impose limitations upon those rights.

The second chapter of this bill deals with the ownership of those rights and how they may be transferred.

Now, Mr. Chairman, I propose to take up the consideration of chapter 3, concerned with the duration of those rights. Therefore, I shall be talking about sections 301 through 305 of the bill, sections to be found on pages 28 through 34 thereof.

Mr. Chairman, the constitutional grant of authority under which Congress considers this bill, is to be found in section 8 of article I of the original Constitution, wherein we are charged with the duty "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

Mr. Chairman, for the purposes of chapter 3, the essential phrase in the constitutional grant contains three words—"for limited times."

Mr. Chairman, whatever copyright law the Congress enacts must limit the duration of the exclusive rights it secures. All works of authorship must eventually fall into the public domain. We are without power to vest those rights in an author in perpetuity.

Still, Mr. Chairman, notwithstanding our inability to create any perpetual exclusive rights in an author, there is another law of copyright—in the common law—and under that law an author's rights in the nature of copyright may be perpetual. These common law rights are unlimited as to time. But the common law must yield to statutory law, wherever statutory law is applicable. So, wherever our statute law reaches, whatever it covers, the common law of rights of unlimited duration in an author is displaced by the congressional law of termination.

Mr. Chairman, our statutory law of copyright draws the line where the common law of unlimited duration ceases, and the present and all prior statutes have drawn that line at the point of publication.

Mr. Chairman, if a work is published, it then loses its common law protections and becomes a subject for copyright. Upon publication, if requisite statutory procedures are followed, the exclusive rights of the author are secured for the statutory time; otherwise they fall immediately into the public domain.

Mr. Chairman, under our present statute, the author of a copyrighted work enjoys his exclusive right for a term of 28 years, and he is permitted to renew his copyright for one additional term of 28 years. So, if a valid copyright exists, it is valuable to the author for at least 28 years but never more than 56 years.

At the end of that time the work falls into the public domain. In all cases this time is measured from the date of publication under the present law. If the author of a work or his heirs choose not to publish it, they retain it as their exclusive right indefinitely under the common law.

The bill we are now considering will change that law. It will change it by measuring the time of copyright from the time of creation of a work rather than from the time of its publication. The time of creation is determined by the act of fixation of the work in a tangible form. Thus when an author completes his manuscript the work is fixed in a tangible form, and the copyright term begins.

The effect of this rather far-reaching change in the law is to bring under statutory copyright unpublished as well as published works.

The next important change in the law on the duration of copyright is a longer term. After January 1, 1969, when this bill will go into effect, a work within the copyright statute would be copyrightable for the lifetime of the author plus 50 years. There would be no renewable term available. Thus all the works of an author will fall into the public domain and become public property at the same time.

The present complexity where the earlier works of an author become freely available before his later works—that present complexity will be done away with. Present-day records of vital statistics including records of death are now so complete and so available that it will be easy to determine when an author dies, and 50 years after that date all of his works will fall at the same time into the free use of the public. Thus the last works of an author will probably enjoy no longer term of protection that they would under the present law of 56 years. His earlier works may be protected for a longer period of time under the bill than under the present law, but if a man creates something of value, it is his property, and he ought to have the right to enjoy it for his lifetime. In no case would the heirs of an author have any rights beyond 50 years after his death.

The committee was persuaded to make this change in duration from the present maximum of 56 years after publication to the lifetime of the author plus 50 years, measuring the copyright from the creation of the work for the following reasons:

First, life expectancy has increased considerably since the present 56-year maximums were written into law in 1909.

Second, the tremendous growth in communication media has substantially lengthened the commercial life of a great many works. A short term is particularly discriminatory against serious works in music, literature, and art, whose value might not be recognized until after many years.

Next, although limitations on the term of copyright are publicly and constitutionally necessary, too short a term harms the author without giving any special benefit to the public. The public frequently pays the same for works in the public domain as it does for copyrighted works, and the only result is a commercial windfall to certain users at the author's expense.

In some cases the lack of copyright protection actually restricts the dissemination of the work since publishers and other users do not want to risk investing in the work unless they can be assured of some exclusive rights for a limited time.

The present system of measuring copyright from the date of publication is confused by the vagueness of the term "publication." The death of an author is a definite determinable event, and it would be the only date that a potential user would have to be concerned with under this new law.

All of an author's works, including those successively revised by him, would fall into the public domain at the same time, thus avoiding the present problems of determining a multitude of publication dates, and of distinguishing old and new matter in later editions.

The problem of determining when a relatively obscure author died is resolved by establishing a registry of the dates of death of authors in the copyright office. A presumption is written into the law that after 75 years following the first publication of the work or 100 years after its creation, whichever expires first, any person who obtains a certificate from the copyright office that the register has no evidence that the author is living or that he died less than 50 years before, may presume that the author has been dead for at least 50 years so his work has fallen into the public domain.

The committee was also persuaded that the present system requiring renewal of copyright in order to extend its protection beyond the original term of 28 years is a substantial burden and expense. It is highly technical and in a number of cases the renewal requirement has been the cause for the loss of copyright. The life-plus-50-year term provided in the bill provides no renewal term.

The longer term is also justified, we believe, because we subject unpublished works to the copyright law, thus denying them the unlimited exclusive common law rights the author and his heirs have enjoyed in them, including works that have been widely disseminated by means other than publication.

It is possible to make a wide dissemination of some kind of works without them ever having been technically or legally published.

The life-plus-50-year term rule in the present bill is fair recompense to authors for the loss of perpetual rights which they have heretofore had in unpublished works.

Lastly, the life-plus-50-year term which authors would have in works created after the effective date of this bill, would conform our law to the copyright law of many foreign countries. In these times of instant communication throughout the world, there is increasing need for some uniformity in the field of copyright. A very large number of countries have already adopted a copyright term of the life of the author and 50 years after his death.

American authors are today frequently protected longer in some foreign countries than in the United States, and some resentment has occasionally been provoked because of this disparity in the duration of the term. Copyrighted materials move across national borders faster than virtually any other economic commodity, and with the techniques now in common use this movement has become instantaneous and effortless in many cases. The need to conform the duration of U.S. copyright to that prevalent throughout the rest of the world is increasingly pressing in order to provide certainty and simplicity in international business dealing.

To this increased term of life plus 50 years, with no renewal term provided, the committee has devised a method by which an author or his heirs may enjoy a right of reverter after 35 years in any copyright sold. This would permit an author to renegotiate with publishers after 35 years in order to protect him against sales which he may have made or some arrangement he could have made with a publisher long before the value of the work was known.

This right of reverter will also afford an author an opportunity to find some other method to exploit his work if during the original 35 years his original publisher has not vigorously promoted the work.

A joint work under the law would enjoy copyright measured by the life plus 50 years of the last survivor of the authors.

If you have more than a single author, several authors joining together in a work, the duration of the copyright would be measured by the death of the last of the surviving authors.

An anonymous or pseudonymous work would enjoy copyright for only 75 years from publication or 100 years from creation. A work for hire where you employ someone to write a literary work for you would be copyrightable for 75 years from publication or 100 years from creation, whichever is earlier.

The bill extends existing copyrights so that they may benefit from the longer term. Those in the original 28-year term may at the end of that time be extended for another 47 years, making a total of 75 years. Those in their renewal term will be extended an additional 19 years, to provide the same 75-year coverage.

There is another major provision in chapter 3 which I want to briefly touch upon and that is the doctrine of Federal preemption in the field of copyright. The bill proposes to take under jurisdiction of the Federal law the whole law of copyright. Since the bill would bring within its ken unpublished as well as published works of authorship which have been fixed in tangible form, the area for State regulation in this field will be greatly reduced anyway, and the bill proposes to supersede State law on the subject.

One of the purposes behind the copyright clause in the Constitution was to achieve a uniformity of the copyright law throughout the country and to avoid the difficulty of enforcing an author's rights under the differing laws of the several States.

The intention of section 301, which is the Federal preemption section, is to preempt and abolish any rights under the common law or the statutes of a State that are equivalent to copyright and that extend to works coming within the scope of the Federal copyright law.

On the other hand, this bill does not reach works that have not been fixed in any tangible means of expression. Such works would include such things as extemporaneous speeches or original works of authorship communicated solely through conversations or live broadcasts, or a dramatic sketch or a musical composition which has been improvised or developed from memory and without having been recorded or written down. Since these are not subject to copyright they would continue to be subject to State law and common law until fixed in some tangible form. So, there will remain a role for the States and, of course, the preemption in this bill does not reach to override State laws on fraud, misrepresentation, defamation, privacy, trade secrets, deceptive trade practice, unfair competition and the like.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Ohio such time as he wishes.

Mr. FEIGHAN. Mr. Chairman, the bill before us today, although it is lengthy and complex, does not, however, reflect or reveal the herculean labors which have gone into its drafting. For 10 years before the bill was introduced in its initial draft early in 1965, the Registrar of Copyrights and his most able staff labored mightily to reconcile the various interests involved—the creative artist, the users of his works, and the public. I am sure that you are all aware of the dedication with which Subcommittee No. 3 of the House Judiciary Committee addressed itself to this bill. In the hearings and in executive session, the patience and concern and perception of this committee must have the commendation of us all.

It is, therefore, not a lack of admiration for the work which has gone into the bill which we have before us which leads me to comment on one provision in the bill which some interested parties consider inequitable. I refer to section 115 which deals with the compulsory licensing of recordings and the statutory royalty rate which is established. Their objection is to a law, which requires a proprietor to make his property available to all unless it is demonstrably essential to the public interest. This section requires that once a phonograph record has been made, anyone else has a right to use this same copyrighted property upon payment of a statutory royalty of 2½ cents a selection or one-half cent a minute, whichever is higher. This particular section, they feel, is restrictive and unnecessary from the point of view of the creator; is not essential to the user—that is, the recording companies—and serves no useful public purpose. I feel there is merit to their contention and for this reason I bring it to the attention of the House.

Mr. KASTENMEIER. Mr. Chairman, will the Chairman tell me how much time is remaining on this side?

The CHAIRMAN. Fifty-two minutes.

Mr. KASTENMEIER. Mr. Chairman, I yield 10 minutes to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, it is to be regretted that the time is so limited, but I am hopeful that when we proceed under the 5-minute rule, amply opportunity will be given to us to discuss the various provisions of this bill.

The gentleman from Michigan just pointed out something rather unusual and novel that this bill does. It extends copyrights, according to his statement, that are now in existence from 56 years—which is now the law—and if the copyright is now in existence, it would be extended to 75 years. That is No. 1.

Then, No. 2, not being satisfied with that provision, they say if a man has a copyright, he may keep it as long as he lives, and after his death the copyright would be in existence for 50 years more—I assume to educate his grandchildren.

This is just a minor point of this legislation, but it is a fundamental indication that every piece of this legislation goes against the interests of the people of the United States and is for the effective purpose of putting the Copyright Office in Washington in control of the situation, so that they can direct the proper fees to be paid to certain controlled groups.

There is no question that after the 1909 law was adopted, ASCAP got into fast operation and they soon covered the field throughout the United States. May I say that in 1909, when it was adopted and they had the exemption as it relates to jukeboxes, they did it on a sound and firm base. This sound and firm base is that we should not, once we get a copyright, control it beyond unreasonable limits of commerce connected with it.

With respect to the sale made by the copyright owner, may I point out that the copyright owner is under no obligation to sell to anybody. He can do whatever he wants to with it. But there was provision in the 1909 law that if he did sell, in order to keep him from having a monopoly the copyright could be used by other record manufacturers and they would pay a royalty of 2 cents to the copyright owner.

In this bill, that is increased to 2½ cents. Every jukebox owner pays that 2 percent, and he will pay 2½ percent. When they talk about a free right, they are trying to say that the property right of this copyright owner should be extended forever and ever, as long as he can follow and put his hands on somebody to beat him over the head and collect another fee. That is exactly what this bill does.

I reiterate, and I challenge those on both sides of the House who are in favor of this to show me one place where any legislation here is beneficial to the public. On the contrary, it promotes the greatest monopoly we have ever seen.

Let us examine this a little further. As I pointed out a moment ago, after 1909 ASCAP got in action very fast. They organized what I say is a collecting agency. They collect the fees from the people. They were so bad in carrying out their objectives that the U.S. Government had to go into Federal court and get an injunction against them for their actions.

What is done here? We say if I own a jukebox, and I buy a record, on which I will then pay 2½ cents at the time it is made, and then I put it in a coin machine, a person who may put a nickle or a dime in to pay for that record must then get a license—negotiate a license, as it is called here. From whom? They talk about, oh, these jukebox people and the performance society people can all get together, and all this, that, and the other. Why could they not get together? Who is going to take the money for all the copyrights throughout the United States? And who is going to distribute it? That is just simple.

What do we do here? We require any jukebox operator in order to avoid prosecution—up to 2 years in a penitentiary and a $25,000 fine, plus statutory damages—to file with the Copyright Office here in Washington the exact location of that jukebox.

Of course, there are only 500,000 of them in the United States.

The great Judiciary Committee, which has been handling this matter, should consider the cost. Did they ever stop to think of what the cost would be? Did they go to the Bureau of the Budget to ascertain what it will cost the U.S. Government merely to maintain the records of the locations of the jukeboxes? In addition, the bill provides that if I have a jukebox in a saloon and I move it over to a corner grocery store and if I do not notify the Copyright Office within 30 days I am an infringer. And subject to what? To statutory damages.

That is just part of it.

I speak of "special interests." They go ahead and say, "Well, why can they not negotiate?"

How is someone going to negotiate when he is required to do all of these things? Either he is going to give up and fall to the mercy of the Performance Rights Society, or, if he does not do that, he has to go up to New York, under this consent decree which has already been entered against ASCAP, and make application to the court as to what is a reasonable fee. Then, if it is found what is a reasonable fee under this bill, and it is paid, then, lo and behold, the person does not have to account to the Copyright Office any longer.

When we talk about a negotiated fee, the present law is that they can hit a person over the head to the tune of $250, and they will be increasing it here.

This goes not only to the jukeboxes. These people, when they studied this, forgot about the county fairs, the benefit programs, and things of that nature. Now they are willing to agree to some amendments.

Under the old law, as I indicated before, if a performance were used not for profit it was exempt, and a person could not be required to get a license, but now that part is being removed, with the result that every educational TV, every CATV, and every other performance charitable in its nature that may exist throughout the United States hazards itself to the—should we say?—control of the Performance Society, so that they will set a fee for it.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. HAYS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 58]

Andrews, Ala.
Betts
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Byrne, Pa.
Clancy
Dawson
Derwinski
Diggs
Flynt
Ford,
William D.
Fraser
Friedel
Garmatz
Halleck
Hansen, Wash.
Herlong
Holifield
Holland
Johnson, Pa.
Jones, Mo.
Kluczynski
McEwen
Mize
Pollock
Pool
Pucinski
Reinecke
Resnick
Rostenkowski
Ruppe
Williams, Miss.
Willis
Wright

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Dent, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 2512, and finding itself without a quorum, he had directed the roll to be called, when 393 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. KASTENMEIER. Mr. Chairman, I yield to the gentleman from New York [Mr. Tenzer], 8 minutes.

Mr. Chairman, will the gentleman yield?

Mr. TENZER. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, I take this opportunity to commend the gentleman for his service, to the 89th Congress and the subcommittee which produced this particular bill, H.R. 2512. His work and diligence for those 2 years of exhaustive hearings and executive sessions were exemplary. I take this opportunity to commend him.

Mr. TENZER. Mr. Chairman, I thank the gentleman from Wisconsin, the chairman of my subcommittee.

At the outset, I should like to take this opportunity to pay tribute to him and to the distinguished ranking Minority Member of the subcommittee, the gentleman from Virginia [Mr. Poff], for the outstanding job they did in fashioning this important legislation and preparing it to be brought to the floor of the House.

During the 89th Congress I was privileged to be a member of the Subcommittee No. 3 and to actively participate in its consideration of this legislation during 22 days of public hearings on H.R. 4347 in the 89th Congress, during which the committee heard 150 witnesses give testimony in support of and in opposition to the specific provisions of the bill as it affects the particular branch of the industry or profession in which they were engaged.

Amendments and suggestions for revision were generously offered for committee consideration. After the public hearings were concluded in the fall of 1965, the subcommittee held more than 50 2-hour executive sessions in 1966, during which the testimony of witnesses was reviewed, amendments considered, decisions on conflicting views debated, and the bill was marked up and redrafted.

The subcommittee unanimously reported the bill to the full Committee on the Judiciary, which approved it and sent it on to the House for consideration.

I also want to say a word of commendation to my other colleagues on the subcommittee: the gentleman from Connecticut [Mr. St. Onge], the gentleman from California [Mr. Edwards], the gentleman from Michigan [Mr. Hutchinson], the gentleman from New York [Mr. Smith], and lastly the gentleman from Delaware [Mr. Roth], who joined the subcommittee in 1967. They have, all of them, and each of them, made significant contribution to the fashioning of this legislation.

I would be remiss if I did not pay my respect to the Register of Copyrights, Mr. Kaminstein, and his Deputy, Mr. Cary, and his principal staff members, Mr. Goldman and Mrs. Ringer, for their herculean efforts during the past 12 years and for their dedication and devotion to their duties and for their services above and beyond the call of duty.

H.R. 4347 in the 89th Congress is now H.R. 2512 of the 90th Congress.

Chairman Celler and the ranking minority member, Mr. McCulloch, of the Judiciary Committee, are to be congratulated for their continued interest during these past 12 years in guiding the study of the proposed revision of the copyright laws which has resulted in the bill before us today.

We are dealing with an intricate piece of legislation, one that affects the future of many persons in our society, from the struggling young writer to the mighty and wealthy television networks. It affects the age-old art of writing songs and the new skills of building computers and communication satellites.

Mr. Chairman, all will concede that few bills which reach the floor of the House have received more thorough examination or more scholarly preparation. Report No. 83, which accompanies H.R. 2512, is one of the most complete and incisive ever presented to this House. Every provision of the bill has been analyzed thoroughly, and the reasons for the committee position in each instance are explained with admirable clarity.

I had the privilege of causing to be printed in the CONGRESSIONAL RECORD an analysis of the sections of the bill. This analysis appears on page 8501 of the RECORD published today. In three or four lines, each section of this complicated bill has been analyzed for the convenience of the Members of the House. I commend it to those Members who want to know what the bill is all about. Members should read the analysis of the bill.

Members of the House will be impressed with the thoroughness and fairness with which all issues were decided by the committee, as will be seen from a study and a review of the report.

Every interest has been heard from and every issue has been thoroughly considered. The bill and the report demonstrate the workings of our committee system at its very best. Everyone who is interested in a revision of the copyright law has been given the opportunity to express his views before the proper forum.

At this time I would like to address myself to sections 401 to 411, chapter 4 of the bill.

Chapter 4, comprising sections 401 to 411, deals with the question of copyright notice, deposit of copies, and registration. In large part these sections restate the present law with respect to these subjects, but there are significant variations.

Section 401 continues the requirement that a notice of copyright appear on all visually perceptible published copies of copyrighted works. One of the strongest arguments for revision of the present law has been the need to avoid arbitrary and unjust forfeitures resulting from unintentional or relatively unimportant errors in the copyright notice. This has been done by preserving the fundamental principle and inducing the use of the notice without causing outright forfeiture for errors and omissions.

Since the bill extends protection to sound recordings, section 402 applies the requirement of notice whenever formal records of sound recordings are published. In the case of both sections 401 and 402, the notice is required whether copies are published in the United States or abroad. The form of notice retains the basic elements of the notice under the present law. The word "copyright" or the abbreviation "Copr." or the symbol "c" in a circle; the year of the first publication, and the name of the copyright owner. The notice is to be placed on the copies "in such manner and location as to give reasonable notice of the claim of copyright" and gives the Register of Copyrights the power to issue regulations citing examples to satisfy this requirement. Such examples would clearly meet the requirements but other positions could meet the statutory test if found to give reasonable notice of the copyright claim.

In the case of phonorecords, the notice requires the use of the symbol "P"—the letter P in a circle—and varies the position to fit the nature of the phonorecord.

Section 403 clarifies the situation with respect to contributions published without a copyright notice in collective works. Except for independent advertisements, individual contributions may but need not bear a separate copyright notice as long as the collective work as a whole carries a notice.

Section 404 deals with the question of omission of the notice and provides that such omission would not invalidate the copyright if the omission occurs on a "relatively small number" of copies which have been publicly distributed or where registration for the work is made within 5 years after omission and a reasonable effort has been made to correct the omission. An innocent infringer who has been misled by the omission is protected from liability.

There are many cases under the present law where notices are found to be totally defective because the name or date has been omitted or wrongly stated. Section 405 prevents technical forfeitures in such cases while at the same time inducing use of the correct name and date and protecting users who rely on the incorrect information.

Section 406 distinguishes between the deposit of copies and registration. It makes deposit of copies for the Library of Congress mandatory, except where the Library neither needs nor wants the copies, but this is not a condition of copyright protection and need not be tied to registration. Failure to comply with the deposit requirement results in a fine rather than loss of copyright.

Registration would not be required as a basic condition of copyright protection unless the notice had been omitted. It is probable that, in most cases, deposit will be combined with registration.

Further provisions with respect to registration are set out in sections 407, 408, and 409. The bill achieves a much needed reform by making it possible to file claims for any work, whether published or unpublished. Under the present law, only certain categories of unpublished works are eligible for registration, and many authors are frustrated at the present time in efforts to register claims before sending their manuscripts to publishers.

Sections 406 and 407 provide for much greater flexibility in the deposit requirements. Section 408 covers the application for registration and section 409 provides that the certificate would be prima facie evidence of the validity of the copyright and of the facts stated in the certificate, if the registration is made before or within 5 years after first publication. Where it is made later, the court may give it the evidentiary weight it believes appropriate.

Section 410 retains the present requirements that copyright registration precede the filing of a suit for infringement. The copyright owner may have a valid cause of action against the infringer but he must register the claim before he can enforce his rights in court. The bill changes the present situation in cases where the Register of Copyrights refuses to make registration. In such cases, the claimant must now sue the Register to compel the issuance of a certificate before he can sue the infringer. Under section 410, a claimant who has properly applied for registration but whose application has been rejected may maintain a suit for infringement if he serves notice of it on the Register.

Section 411 requires a court to withhold awards of statutory damages or attorney's fees for infringements occurring before registration. A grace period of 3 months after publication is provided for, however, in the case of certain works which may be infringed almost as soon as they are published, to give the copyright owner a reasonable opportunity after publication to register his claim.

SECTIONS 701–708: COPYRIGHT OFFICE, COPYRIGHT OFFICE FEES

Chapter 7 deals with the administrative responsibilities of the Copyright Office, and generally follows the provisions of the present law. It provides for the issuance of regulations, the retention and disposition of articles deposited in the Office, the maintenance and inspection of records, and the publication of informational material.

Section 704 provides for retention of unpublished deposits for the term of copyright and published copies as long as possible. Publication of the catalogs of copyright registrations is required under section 707, but the Register of Copyrights is given more discretion to determine their form and frequency.

Section 708 contains a schedule of fees which is consistent with those provided by Public Law 89–297, enacted by the previous Congress and effective November 26, 1965. The bill would enlarge the present administrative duties of the Copyright Office, but just how much so is uncertain since in some cases the new filing provisions will be avoided by voluntary agreements between the affected parties.

The Copyright Office has been and will continue to be largely self-supporting. At the present time its income, when combined with the value of deposits turned over to the Library of Congress, is 138 percent of its cost. Its cash fees alone amount to 75 percent of this cost. The ratio of receipts to costs can be expected to remain about the same with respect to both any added workload and any new services.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KASTENMEIER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. TENZER. The Committee's work is finished. The debate is almost over.

The time for action has arrived. I urge that the House adopt H.R. 2512.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. TENZER. I yield to the gentleman from Virginia.

Mr. POFF. I thank the gentleman. I want to say in public at this time that I have appreciated and I know all members of the subcommittee have appreciated the expertise that this gentleman brought to our deliberations on this subject. He has had wide experience and is most knowledgeable in respect to the bill and the industry we are discussing. He was kind enough, at the request of the subcommittee, to serve this year as ex officio member of the subcommittee and as such made an important contribution.

Mr. TENZER. I thank the gentleman from Virginia for his generous remarks.

Mr. POFF. Mr. Chairman, I yield 4 minutes to the gentleman from Delaware [Mr. ROTH].

Mr. ROTH. Mr. Chairman, we have heard considerable debate today about many of the controversial provisions in H.R. 2512. We have also heard how the committee has been able to reach a compromise between many of the conflicting interests of the parties. One such compromise that the committee has successfully struck is certainly imbodied in chapter 6 of this bill. I believe it would serve a very useful purpose for me to briefly highlight that section and thereby fully develop its legislative history.

The present copyright law contains provisions that are intended to protect American book manufacturers and printers from foreign competition by requiring American authors and publishers to have their English-language books and periodicals printed and bound in the United States. In substance, under the present law, copyright protection of such works is limited to a temporary period of 5 years unless copies are manufactured in the United States.

Author and publisher groups have opposed a manufacturing requirement in the present law. The printing industry, however, including book manufacturers and printing trades unions, urge that a manufacturing requirement is still needed to protect them against competition from low-wage printing in other countries.

Section 601 of the bill represents a compromise on this issue. In general, it retains the requirement of domestic printing and binding for English-language works of American authors, but narrows the scope of the requirement and ameliorates the effect of noncompliance upon the copyright.

A central issue in connection with the manufacturing requirement has been the practice under the present law of having reproduction proofs made from type set abroad, and using the imported proofs for the performance in the United States of the processes of making offset plates and printing copies from those plates. The bill would allow this practice as long as the platemaking, printing, and binding are done in the United States.

Under the present law, if the copies of a work subject to the manufacturing requirement are manufactured abroad, copyright may be reserved by a special registration for an ad interim period of 5 years, and up to 1,500 copies of the foreign edition may be imported during that period. The copyright is completely lost at the end of the 5 years unless another edition of the work has been manufactured in the United States in the meantime. The bill eliminates the ad interim time limits and raises the import maximum to 2,000 copies. Noncompliance with the requirement of domestic manufacture would no longer result in complete loss of the copyright. Instead the bill would deny the copyright owner any remedies against a person who brought out an edition manufactured in the United States that would otherwise be an infringing edition.

Aside from the limit of 2,000 copies on the importation of a foreign edition of a work subject to the manufacturing requirement, the importation of piratical copies is prohibited under section 602. It is also provided that the importation of copies for distribution without the authority of the copyright owner is an infringement of the copyright; but this provision does not apply to the importation of copies, within specified limits, under the authority or for the use of a governmental body, or for personal use, or for nonprofit libraries.

Mr. POFF. Mr. Chairman, will the distinguished gentleman yield?

Mr. ROTH. I am delighted to yield to the distinguished gentleman from Virginia.

Mr. POFF. Mr. Chairman, may I compliment the distinguished gentleman upon his scholarly and well-prepared statement on this vitally important legislation and also compliment the gentleman upon his preparing the appropriate legislative history in connection therewith.

Mr. Chairman, it is most important that it be thoroughly understood what the subcommittee intended during its deliberations upon this point.

It is my belief that the subcommittee achieved its purpose, intending that a compromise be effected which would do fair and equal justice to all parties concerned.

Mr. Chairman, I have gathered from what the gentleman just said that the gentleman feels this purpose has been achieved.

Am I correct in that observation?

Mr. ROTH. The gentleman from Virginia is correct in that observation.

Mr. KASTENMEIER. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Chairman and Members of the Committee of the Whole House on the State of the Union, the amount of work which has been put forth by the subcommittee upon this legislation is commendable.

Mr. Chairman, I say to my distinguished friend, the gentleman from Wisconsin [Mr. KASTENMEIER], and to my distinguished friend, the gentleman from Virginia [Mr. POFF], and others who have worked so hard upon this subject, that while I do not agree with them that they came out with a good product, it would not be fair if I did not say that they have striven very hard to accomplish a worthwhile purpose. The stated purpose—the overall purpose—is one which is commendable. That purpose was to bring up to date the copyright laws of our country.

However, Mr. Chairman, unfortunately, hungry hands and grasping organizations have taken advantage of a bona fide effort to rewrite basic copyright law and have sought in their seeking to use the Congress to further enrich themselves.

Now, this statement, I think, is best proven when you consider the individual who writes a piece of music, either the music or the words, but who has no connection whatever with one of these principal performing art organizations. It just would not be feasible for him to expect to get any sort of revenue from the work of art of his unless he first submitted himself to the custody, as far as property rights are concerned, of these third parties. These organizations, according to the testimony as I read it, first siphon off—at least, one of the principal ones does—18 percent of the revenue to pay so-called administrative expenses.

Our distinguished Chairman, who has fought hard for legislation to impose additional burdens upon the coin-operated music machine people and others for a purpose which he deems to be worthy, has said here today that it is not so nearly important who writes the law, as it is who writes the music.

Well, I am afraid that my good friend, the Chairman, is thinking about Stephen Foster, who apparently did not have a very good agent. He is not thinking about some of these folks who are writing music today.

In 1966 one of the best sellers, or one of the most often played records on the coin-operated phonographs was a song entitled "Hanky-Panky." This is the brilliant contribution of the writer of the lyrics of that song—and I am sure we would not substitute his words for that of Stephen Foster. Here are the lyrics of that particular piece of music, or alleged piece of music:

> My baby does the hanky-panky,
> My baby does the hanky-panky,
> My baby does the hanky-panky,
> My baby does the hanky-panky,
> My baby does the hanky-panky.

Mr. Chairman, that little bit of hanky-panky sold over 1 million records in 1966.

Mr. ROGERS of Colorado. Mr Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. I would say to the gentleman if this hanky-panky bill——

Mr. WHITENER. We are talking about the music now.

Mr. ROGERS of Colorado. Yes.

But if this bill is adopted, then "Hanky-Panky's" author is entitled to several cents out of every piece of money that is put in the jukebox. Is that correct?

Mr. WHITENER. Of course, I understand that at the present time the operators of these coin-operated phonographs pay about 5 percent of the net income before taxes to support records like "My Baby Does the Hanky-Panky."

Now, this is a great contribution to the cultural life of our country.

Mr. Chairman, I have a list of the most often played recordings, and in 1963 I note that the most often played record was one called "Limbo Rock." I am not familiar with "Limbo Rock," but it was recorded by someone by the name of Chubby Checker. No. 2 was "Go Away, Little Girl." Well, that is a great contribution to the cultural life of our country—"Go Away, Little Girl." And, the next one was "End of the World." It seems to me that there is a famous bar by the name of that one.

So I am sure that the chairman was talking of Stephen Foster when he was talking of the great contributions to art that were being made.

There is another aspect of this matter that has apparently been overlooked by some who support the legislation and that is these little people who operate the coin phonographs are not big business people. That is why the National Small Business Association has come out in oppostion to this legislation.

Proponents talk about who has come out for it. But these small businessmen who would be completely inundated with technicalities and with pocketbook grabbing just cannot survive.

Not a single phonograph-operating man or woman in my congressional district has even talked to me about it. One gentleman from Raleigh, N.C., who is a member of the board of directors of the national association did come by. So I am not carrying the ball for any individual or any organization.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman.

Mr. HAYS. I have been listening to the debate here this afternoon. Does the gentleman think it would be a fair statement to say that if this bill passes, it will be the greatest steal since Teapot Dome?

Mr. WHITENER. I suppose instead of answering that in my own words, I could use the lyric from this song, "My Baby Does the Hanky Panky." That may be the best answer since that is more popular. But this is a serious matter.

Now as to what it would do, and I intended to discuss that. On page 12 of the bill there is language which is as unconstitutional as it could be in that it is a direct violation of the first amendment of the Constitution.

When the language in this legislation would proscribe the right of a citizen who owns and operates a private unregulated system of communications to express editorial opinion over that unregulated system, I do not think anyone who would think seriously about this legislation would feel that that language should be in the bill.

This is an important matter. There are many people who will feel the sting of this sort of legislation who are not being heard from by you today but who will be heard from in the future. I say to you, my colleagues, I have no water to carry for anyone in this legislation.

It would be simple just to go along with the tide because, as you heard, there were only three members of our committee who spoke out against the legislation. But I believe we have a responsibility here to see that the small-business people and the average citizen is protected. We must not create here by legislation a monopoly of the type that the witness for ASCAP apprehended would not be tolerated under existing law.

This ASCAP witness was asked by one of the members of the subcommittee whether or not certain agreements could not be made between ASCAP, BMI, or SESAC and he said, "Well, you will have to talk to the Department of Justice about that."

If you pass this legislation, they will not have to talk to anyone. They will take the money from the people without concern about restraint of trade or other antitrust problems.

Mr. TENZER. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman.

Mr. TENZER. Would the gentleman from North Carolina consider a school teacher who spends 10 years in research and writing a textbook to be an industrial giant or a small businessman? Does the gentleman consider the writer of a single song an industrial giant, or the author of a single book; are these small-business people or are they entitled to protection?

Mr. WHITENER. My answer to that is the people who manufacture records are industrial giants. As one who has bought a good many records for my children, I find that we seldom get more than one decent side on a record. Under this bill you will have coin operators paying a royalty for something like "My Baby ——", well, no that is a popular song, but they would be paying a royalty for some other record that you would not have for 15 cents.

Mr. TENZER. I understood the gentleman to say that this was anti-small-business legislation.

Mr. POFF. Mr. Chairman, I yield 10 minutes to the gentleman from West Virginia [Mr. MOORE].

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I am happy to yield to the gentleman from Ohio.

Mr. HAYS. The gentleman from New York [Mr. TENZER] talked about industrial giants. I would like to say that the so-called composers of that type of song would not be called by me industrial giants. I would call them mental midgets.

Mr. MOORE. Mr. Chairman, one is always hesitant to undertake debate of a bill which is as highly technical as copyright legislation. Following the practice and procedure perhaps over a long number of years, we rely and place great faith and trust in those who are living with legislation on a day-to-day basis. With that point in mind, I would want certainly to echo, as has been said a number of times in this debate, the tremendous devotion of the subcommittee in the exhaustive hearings and in the manner in which they have attemped to put together the copyright law revision of 1967.

Mr. MATHIAS of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I am happy to yield to the gentleman from Maryland.

Mr. MATHIAS of Maryland. I thank the gentleman. I just want to join with my colleague in the sentiments he is expressing with regard to the members of the subcommittee in particular who did the hard and great work of putting this bill together. At one time I was a member of the subcommittee when the need for this legislation was first being felt. Although I had no part to play in drafting the bill, I was familiar enough with the complexities of it that I can have a very high degree of admiration for the work of the subcommittee as it is now before us. I wish to join with the gentleman from Virginia in expressing my thanks to the members of the subcommittee, Mr. KASTENMEIER, Mr. POFF, and the other members, and express the feeling that although, as in any complex piece of legislation, there are some areas of abrasion to some parts of our society or economy, this is the finest possible solution we can achieve to a broad, general problem. I thank the gentleman for yielding.

Mr. MOORE. Mr. Chairman, having made observations concerning the work of the subcommittee, it is perhaps ill advised or not proper to take exception to some of the work that has been done. Nevertheless, I feel strongly concerning several of the matters in H.R. 2512, and I would like very much to bring them to the attention of the Committee, and at the appropriate time I shall tender an amendment that will seek to implement the suggestions that I make.

I dare say that if we were to take this legislation which is presently being debated and remove from it two particular areas that have been the subject matter of this debate, this legislation would go through this House without a dissenting vote. So often what has happened in the past and is happening in this copyright legislation is simply this. There has been incorporated in two specific areas legislative language which, if they were to come to the floor of the House standing alone, the House would reject each of them, and its committees have rejected in several instances in the past that which is incorporated in section 111 and that which is incorporated in section 116. So in this particular legislation before us are two legislative enactments that have been added to and made a part of the general copyright legislation which, if this House had been called upon to debate them individually, would turn them down as they have in the past. That in section 116, sponsors have tried and the House has refused for over a period of about 35 years, to implement any legislative change.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Did I understand the gentleman to say, Mr. Chairman, that the House had rejected sections 111 and 116 at some point?

Mr. MOORE. If I said "the House," that might very well have been an oversight. I am referring to committees of the House.

That which has been the subject of section 111 has been before the Interstate and Foreign Commerce Committee, covering basically the field of community antenna systems, and it has not made its way to the floor in the past several years. That which is the subject matter of section 116 has been in bills to change this section of the copyright law and which have been before the committees for years, and never has the committees to which they have been referred acted upon the same.

Mr. KASTENMEIER. The form of either of these two sections has never been rejected by any committee of the House.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Chairman, I know the gentleman always is careful to be precise. I am glad the colloquy which has just taken place did take place. I believe it might also be useful to say that the CATV legislation before the Interstate and Foreign Commerce Committee dealt with the physical functions of the industry and not with the intangible concept of copyright.

Mr. MOORE. That may very well be the case, but what we seek to do in this legislation is control CATV by copyright. I say that is wrong. I feel if there is to be supervision of this fast-growing area of news media and communications media, it should legitimately come to this body from the legislative committee that has direct jurisdiction over the same. Therefore, I do have great concern over three subsections of H.R. 2512, particularly those sections which relate to CATV: 111(b)(2), (b)(3), and (b)(4), which are found on pages 12 and 13 of the bill. It is my intention to offer an amendment to remove or to strike these three subsections for the following reasons.

Subsection (b)(2) would effectively restrict if not economically prohibit CATV from originating programs. I will get back to this point later.

Sections (b)(3) and (b)(4) would protect pay TV on television stations. This would effectively preclude pay TV by television CATV. I will make appropriate reference, if time will permit, to that which is already being considered by the FCC in this particular area, if the Members think my words are not adequately effective notice for them. This bill gives quiet support to pay television for television stations only.

I believe the ramifications of controlling CATV through the copyright mechanism is highly technical, is in error, and is a grievous mistake. Should not the recommendations in this matter, I say to this Committee, come from the legislative committee that has the direct responsibility and that which has the primary jurisdiction in this matter?

Subsections (b)(2), (3), and (4) of section 111 of H.R. 2512 have for their purpose the regulation of CATV, a communication service and a part of our television system, through the vehicle of copyright. This bill and the devices used to effect communications policy are not proper functions of copyright and are an invasion of the jurisdiction, I believe, of the Committee on Interstate and Foreign Commerce.

May I say in making this observation concerning CATV, I do it with a real concern. All of the law that has presently been made in this new field has been generated in my congressional district. The copyright infringement cases now pending in the Federal district courts are direct results of cases that have arisen as a result of the cable television in Clarksburg and in Fairmont, W. Va., so I have lived with the problem of cable television and I have lived with the consequences one can expect in the event Congress, by this mechanism, would make television screens black or blank in a number of areas of the country. You can expect to hear a loud outcry from the public. Do not tamper with their television sets, gentlemen.

The effect of this bill is to prohibit some people in this country of ours, especially those in small communities, from having a local community television service. If this section is not amended, this Congress will be telling the public, with some minor exceptions, that their sets are owned by and controlled by the some 500 television stations of the country, and they may not be used for the reception of programs unless they are broadcast by one of these stations.

Even if the public in any one of our communities wants to see or to watch a local high school athletic contest on the television set—and this could be proper today——

The CHAIRMAN pro tempore (Mr. UDALL). The time of the gentleman from West Virginia has expired.

Mr. POFF. Mr. Chairman, I yield the gentleman an additional 5 minutes.

Mr. MOORE. I thank the gentleman from Virginia very much.

Mr. Chairman, I was indicating that even if the public wants to watch a local high school basketball game on the television set, and the school and the CATV operator want to show it to the public, that set cannot be used for that purpose unless this section in the bill is stricken.

We would be telling the CATV operator that he can originate a religious service but not a prayer. For some of the Members who take exception to that observation in the note I sent to Members today, it may come as a surprise that a prayer is different from a religious service. Under the sections of the bill, if Members will refer to page 12, the opportunity to broadcast by CATV religious services, there is, therefore, implied exception of the prayer.

The CATV operator could cablecast the actions of the city council but not the mayor alone, for the simple reason that the trigger in this bill the loss by CATV of its exemption is involved. If the mayor is on, or anything to do with political advertising, this automatically triggers the provisions of this bill, which removes the exemption which is provided in this legislation for the transmissions by CATV.

It seems to me that Members might be interested, if they have a cable TV outfit in their communities. If this legislation goes through and the operator sees fit to permit a Member to make a report as a Congressman over the outlet of his cable TV system, this legislation will prevent him from tendering to the Congressman that public service offer.

I believe the public has a right to choose to receive the locally originated program by a CATV operator or to choose a program originated by a television station or a network. I rise in this instance in behalf of the public's right to choose. I believe the public should have the right to make a choice, and I do not agree that the public should have to pay the copyright owner twice to watch the same program for this right of choice, if they happen to subscribe to a CATV system that originates a local show or permits me in any instance to report to my constituents.

The issue is very plain. Do we favor free speech for the CATV operator as well as for the broadcaster, or do we seek to close down the CATV operators in the country?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield, very briefly.

Mr. DINGELL. The legislation before us would permit the copyrighting of such widely diverse operations as professional football games and basketball games, college football and basketball games as well as high school games, tennis matches, political conventions, meetings of PTA's and, as the gentleman has pointed out, speeches by political figures.

Mr. MOORE. That is correct.

Mr. DINGELL. Certainly there is nothing as to literary creativity involved in any of those actions.

There is another provision in this bill which should come to the attention of Members. That is the question of whether or not we are dealing here with pay TV. There is a real question, because this bill does without question give to the television station the right to engage in pay TV, and does not make an equal right available to the CATV operator.

There has been a subcommittee of the FCC that has for a considerable period of time considered this and is about to make a recommendation concerning the field of pay TV. It is in this particular area, for those Members who feel this cannot come about in the country—and I will submit for later review the recommendations presently being considered by the Federal Communications Commission in this respect. I should like to set the record straight in another respect, for those who feel CATV as such is a robber, or one who robs the airways of the signal and takes the same and transmits it at a no-cost basis and benefits greatly from that transmission.

I am not one who wants CATV to have the right to destroy the local franchise of a local station.

Certainly I would say to you what I propose in this instance does not in any way, when I speak in terms of origination of programing, seek to destroy the right of the local television station in any sense of the word.

I think the local station and the local franchise should be protected, but it should be either by direct legislation coming from the committee that has jurisdiction or by rules and regulations promulgated by the FCC. Otherwise what you have is control of this meaningful medium by copyright legislation.

I ask for consideration of my amendments at the appropriate time.

Mr. KASTENMEIER. Mr. Chairman, I yield 3 minutes to the chairman of the committee, the gentleman from New York [Mr. Celler].

Mr. CELLER. We gain nothing from the cynical remarks made by the gentleman from Ohio [Mr. Hays]. As to hanky-panky, I do not like that kind of cacophony. I do not relish hanky-panky, but many do. I do not want hanky-panky or rock and roll, but the jukebox people, an industry, make fortunes out of hanky-panky and rock and roll and they pay nothing for it. Nor do they pay for songs which I prefer.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield at that point?

Mr. CELLER. I refuse to yield.

Songs like "White Christmas," "Easter Parade," "The Sound of Music," the songs from "My Fair Lady" and "South Pacific" and "Carousel"; "Tea for Two," "The Surry With the Fringe on Top," and the like.

Mr. HAYS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] A quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 59]

Anderson, Tenn.
Andrews, Ala.
Betts
Broomfield
Buchanan
Burton, Utah
Byrne, Pa.
Clancy
Conyers
Dawson
Derwinski
Diggs
Downing
Everett
Fino
Flynt
Foley
Ford, William D.
Fraser
Friedel
Fulton, Tenn.
Garmatz
Halleck
Hansen, Wash.
Hawkins
Herlong
Holifield
Holland
Johnson, Pa.
Jones, Mo.
Kirwan
Long, La.
Mize
Multer
Passman
Pollock
Pool
Pucinski
Purcell
Reid, N.Y.
Reinecke
Resnick
Rostenkowski
Ruppe
St. Onge
Selden
Teague, Tex.
Ullman
Whitten
Williams, Miss.
Willis

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Dent, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 2512, and finding itself without a quorum, he had directed the roll to be called, when 376 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE SENATE

The SPEAKER assumed the chair.

The SPEAKER. The Chair will receive a message.

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2536) entitled "An act to terminate the Indian Claims Commission, and for other purposes."

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. Monroney and Mr. Carlson members of the Joint Select Committee on the part of the Senate for the Disposition of Executive Papers referred to in the report of the Archivist of the United States numbered 67-7.

The SPEAKER. The Committee will resume its sitting.

COPYRIGHT LAW REVISION

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from New York [Mr. Celler] has 1½ minutes remaining.

Mr. CELLER. Mr. Chairman, the jukebox would not exist without songs, be they good or be they bad, be they hanky-panky or otherwise, yet the jukebox people refuse to pay for that which is the very life blood of the jukebox; namely, the song.

The jukebox would be a mere machine without the song. It would not be listened to.

The jukebox without a song would be like a rudderless ship.

The jukebox would be a junk box without the song. It would be a lot of useless metal, without the song. Yet the jukebox people do not wish to pay anything for the use of the song which is publicly performed in the places where the jukeboxes are located.

All that the writers ask is that they receive a reasonable fee for their creative work.

It has been said that this bill involves the greatest steal. I would say the greatest steal is the practice of the jukebox industry of playing songs with no payment of royalty whatsoever to the songwriters.

Mr. KASTENMEIER. Mr. Chairman, I yield 10 minutes to the gentleman from West Virginia [Mr. Staggers].

Mr. STAGGERS. Mr. Chairman and Members of the Committee, I shall not take the 10 minutes allotted to me so graciously by the gentleman from Wisconsin. Originally, when I requested time, I had anticipated taking the full 10 minutes, but my colleague from West Virginia, Arch Moore, has presented the case very well before the House concerning the question about which I intend to speak, and that is the jurisdictional infringement of one committee upon what another committee is doing.

For that reason, Mr. Moore made the statement that he intended to offer an amendment at the appropriate time to delete certain sections of this bill. Now I understand he intends to offer an amendment to delete all of section 11, which has to do with jurisdiction over CATV.

It has come to my attention that the members of the committee have said that they sent me a letter last year informing me of some of their intentions in this line. I hold in my hand this letter. At the top of the letter it says:

> The Copyright Subcommittee of the Committee on the Judiciary today made public the following letter sent by Acting Subcommittee Chairman Robert M. Kastenmeier to Chairman Harley O. Staggers, of the House Committee on Interstate and Foreign Commerce, dealing with the subcommittee's proposed version of the Community Antenna Television issue under the pending copyright law revision.

Also might I add not only was it made known to the public across the Nation, but it was inserted in the Congressional Record.

I understand what members of the committee are saying at the present time is that this ought not to be deleted because we were given full knowledge of what was going on. I wish I had the time to read all of this two-page epistle, but it does not tell anything about trying to take jurisdiction away from our committee. It talks about copyright as applied to CATV. This letter was written on May 5, 1966. At that time we had just voted out, or just previous to that had voted a bill out, from the Committee on Interstate and Foreign Commerce. Just previous to this the House Committee on Interstate and Foreign Commerce, sitting as a full committee and working for 6 days in public hearings and in many, many executive sessions, voted out a bill to regulate CATV. This bill and companion bills, H.R. 12914, H.R. 13286, and H.R. 14201, were pending in the Committee on Rules when the letter of May 5, 1966, was received. On May 23, 1966, 18 days after such letter, the Fortnightly case decision was handed down by the U.S. district court in New York, holding that every CATV in the country is subject to the provisions of the copyright law. This is in the report as written by the Judiciary Committee. It says:

> In a long, detailed, and thoroughly documented opinion Judge Herlands held that the operations of CATV constitute "public performance for profit" and are thus infringements under the present statute. This decision, the first to be handed down on the question in the United States, is presently under appeal.

Our committee, the Committee on Interstate and Foreign Commerce, has had jurisdiction over the regulation of interstate and foreign communications since television came into being or CATV came into being. Our committee is delegated by Congress with the power to deal with all matters connected with communication and interstate and foreign commerce. I believe that this committee has infringed on the jurisdiction of our committee. I might say to the Congress or to those here today that, unless those portions of the bill purporting to regulate CATV and nonprofit educational broadcasting are deleted, I will be forced to vote against the bill at the end of its consideration here. I will also be forced to ask every Member of the House to vote against the bill unless the regulatory provisions in sections 110 and 111 of the bill are deleted.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. I thank the chairman for yielding to me.

I rise to second what the chairman of the full committee has just said. I am the chairman of the Subcommittee on Communications and Power.

I will not take the time of the House to make extended remarks at this point because I know this matter will be gone into further. I would like, however, to add the words that were given in testimony before the recent Copyright Subcommittee of the Senate by the Department of Justice when it summarized its fundamental objections to copyright legislation which would restrict the power of the Federal Communications Commission to regulate CATV.

Mr. Chairman, at that time the spokesman for the Department stated the complexity of the problem would seem to call for discriminating rules, finely tailored to meet particular situations. And, that it would seem preferable to leave the FCC free to regulate CATV in terms of public interest, rather than to require it to regulate within the framework of a statute such as the Copyright Act, as the district court here has construed it.

Therefore, Mr. Chairman, I echo the words of my very distinguished chairman, the gentleman from West Virginia [Mr. STAGGERS], that section 111 of the bill should be deleted. Further, may I say that while there are many things in this very well prepared bill and the very full report thereon accompanying this bill, I know enough about the complexities of the CATV situation, to say that I too shall be constrained to vote against the entire bill unless section 111 is stricken.

May I point out that it is the function of the Federal Communications Commission and not the Register of Copyrights to make plans and to regulate the use of the airwaves so as to give people in all parts of the country the opportunity of listening to and viewing the best in programs. Protection of this opportunity is equally as vital in the public interest as is the protection of the financial interest of copyright owners.

This bill uses the threat of copyright liability to restrict and regulate the operations of community antenna television systems. Regulatory functions now vested in the Federal Communications Commission for the purpose of fostering the maximum dissemination of radio and television broadcast service to the greatest number of people consistent with an orderly use of the broadcast spectrum would be drastically reduced and in some instances transferred to the Register of Copyrights.

Apart from the question of program censorship—which is prohibited by the Constitution and section 326 of the Communications Act—these restrictive provisions are contrary to the regulatory scheme and public policy embodied in the Communications Act.

Without making a detailed analysis of the provisions of H.R. 2512, which impinge on the jurisdiction of the Committee on Interstate and Foreign Commerce, it is sufficient to point out that its thrust is to correct alleged hardships which CATV systems may inflict on some television stations by imposing copyright controls which regulate the programs of CATV's and the areas which they may serve.

For example, section 111 of H.R. 2512 limits the extent to which a CATV system may engage in program origination and controls the subject matter of locally originated programs as well. Under the bill a CATV operator could utilize only two channels for program origination at any one time and only if such programs are unaccompanied by any commercial or political advertising. He would be restricted by law to originate programs only as to: weather; time; news reports free from editorial comment; agricultural reports; religious services; and local services of governmental bodies.

We all recognize that there are conflicting rights and public interest involved here. We are searching for the broadest dissemination of information, education and entertainment to the general public, but we must also consider the traditional right of a copyright owner to compensation.

If a CATV operator violates a copyright he is liable in the courts. Let the revised copyright law be as stringent as it will in affording monetary redress for a violation. But protection of the copyright owners should not go so far as to disrupt the existing legislative scheme of communications regulation.

In recent testimony before the Senate Copyright Subcommittee, the Department of Justice, as I have already said, summarized its fundamental objection to copyright legislation which would restrict the power of the Federal Communications Commission to regulate CATV's. Spokesmen for the Department stated:

> The complexity of the problem would seem to call for discriminating rules finely tailored to meet particular situations. It would seem preferable to leave the FCC free to regulate CATV in terms of the public interest than to require it to regulate within the framework of a statute [such as the Copyright Act as the District Court here has construed it] that may allow the networks or other copyright holders to control CATV.*

Mr. Chairman, I thank the distinguished gentleman from West Virginia for yielding to me this time.

Mr. HAYS. Mr. Chairman, will the gentleman from West Virginia yield to me at this point?

Mr. STAGGERS. Yes, I am glad to yield to the distinguished gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I would like to say to the distinguished gentleman from West Virginia, the chairman of the House Interstate and Foreign Commerce Committee, that the House Administration Committee in voting funds for these various committees has put in the resolutions pertaining to those committees language to the effect that no committee shall move in upon the jurisdiction of another, or no committee shall undertake a study of anything being studied by another committee.

Now, Mr. Chairman, being aware of this, I propose next year when the Committee on the Judiciary comes before the Committee on House Administration with its request for funds, I propose to try to see that they get nothing, if they are going to try to go around and pirate the jurisdiction of every other committee of this House of Representatives.

Mr. KASTENMEIER. Mr. Chairman, will the distinguished gentleman from West Virginia yield further?

Mr. STAGGERS. Yes, I yield further to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, that letter that my good friend, and a man whom I respect, the chairman of the Committee on Interstate and Foreign Commerce, referred to my letter to him of May 5, 1966, was designed precisely to avoid this type of situation.

In it I referred—and in a letter from him to me, dated May 10, 1966—there is reference to the fact—and I quote from his letter quoting my letter, in which he states:

> I note particularly your statement that it has been the purpose of your Subcommittee "as far as possible, to resolve the copyright issues raised by CATV without trenching upon the area of communications problems."

Mr. Chairman, the chairman of the House Committee on Interstate and Foreign Commerce, the gentleman from West Virginia [Mr. STAGGERS], wrote me this letter. He did not indicate that he had any quarrel about the jurisdictional question.

Mr. Chairman, it is my opinion that it is a tragedy that this should be brought up today 1 year later, when we are considering this bill now pending on the floor of the House in the Committee of the Whole House on the State of the Union.

Mr. STAGGERS. Mr. Chairman, I would like to read the balance of this letter which was addressed to my good friend, the gentleman from Wisconsin [Mr. KASTENMEIER], which states in part, as follows:

> It is my hope that our Committee will be able to take up at an early date in executive session several bills on which it has held hearings dealing with the communication aspect of CATV activities.

And Mr. Chairman, in that paragraph I am talking of the Interstate and Foreign Commerce Committee.

Mr. Chairman, we did so take it up, and that was passed by the Committee on Interstate and Foreign Commerce, was reported out by the Committee. Subsequently a rule was requested but no action was taken by the Rules Committee.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield further?

Mr. STAGGERS. Yes; I yield further to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, the point is not that the Committee on Interstate and Foreign Commerce does not have jurisdiction over CATV. It does have such jurisdiction. However, as to how copyright affects CATV or how copyright affects any other matter, the

---

*Hearings on S. 1006 before the Subcommittee on Patents, Trademarks, and Copyrights, 89th Congress, 2d sess., p. 215.

Committee on the Judiciary of the House of Representatives has jurisdiction, and that fact is so stated in the rules of the House.

Mr. STAGGERS. Mr. Chairman, we have no quarrel with that statement. However, my objection is that the Committee on the Judiciary and particularly the subcommittee of which the gentleman from Wisconsin [Mr. KASTENMEIER], is chairman, went into the communications field and has undertaken to state what CATV could broadcast, how they could broadcast it, and at what times they could broadcast it. We say that those questions lie within the jurisdiction of the Committee on Interstate and Foreign Commerce, while the gentleman states that it comes under the copyright law.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. McCLORY].

Mr. McCLORY. Mr. Chairman, I do not know whether this is the most propitious moment to talk on the subject of this legislation. However, I do want to emphasize my support of the bill, and to compliment the committee upon its outstanding work.

I want to say furthermore, Mr. Chairman, that what I am going to talk about is the subject of copyright, and I do not want to get into the controversy about other subjects over which another committee may have jurisdiction. We have a copyright bill before us. It has been a long time getting here. We have had makeshift legislation covering copyrights for a long time, and I believe it is about time we have this subject of a new and comprehensive law before us.

Until the bill came before us today the subject of fair use seemed to have been of greatest concern. Most of the correspondence I had related to that subject in the educational field and in related fields.

The committee is to be complimented for the very astute and very careful way in which they handled the subject of fair use, and in which they resolved the differences between those in the educational field and the book publishers, and others.

We are concerned today with the subject of CATV, and I want to say a few words about that subject. But I only want to say a few words about CATV insofar as it is affected by the law of copyrights. I believe the committee has done a good job in trying to resolve this subject, and in trying to determine what the rights of the copyright owners are, including those who are creators of copyrighted material, as well as those who are licensed to employ this material.

Many of us have had communications from the National Association of Broadcasters, and as I understand it this organization represents large and small radio and television broadcasting stations, and a great many of the operators also have interests in CATV systems. It is with an effort to resolving this question that they are supporting this legislation. I understand that this legislation requires some clarification and I am happy to know that the committee is going to offer some clarifying amendments. I do not believe these amendments are going to satisfy the National Association of Broadcasters completely, or that anyone is going to be completely satisfied with this bill. But it is going to improve the legislation and make it more consistent with what we are trying to do here.

I want to say, Mr. Chairman, that I expect to support all of the committee's recommendations, and I am authorized to say that they will support them. I do not believe that the subject gets to the point of live broadcasting to the extent I believe it should. I do not believe it can be that adequate, but perhaps there is a philosophical problem which is involved here. I do not want to get into argument today with the subcommittee as to what their philosophy is with regard to copyrighted material, but perhaps at some later time the subject of live telecasting material will be covered by this legislation, and those who violate the use of that material which is duly licensed will be penalized, and there will be adequate provisions with regard to that subject.

Mr. Chairman, I believe we can recognize that here we have a substantial job being done, a conscientious and painstaking and hard job, which this committee has done in order to bring this legislation before us. I believe when we recognize that this has the wide support that it has, with the subject and with the various elements that are involved in this area of law, that we should feel very gratified and we should give this legislation our full support.

As I said before, it has been a long time getting here, and it has been a hard job to get it here. I believe the committee has done a wonderful job, and I believe they deserve our full and wholehearted support.

While I do not know precisely what these amendments are going to be, I am confident they are going to be constructive, and they are going to be in the area of clarification of this legislation for the benefit of all interests that are concerned.

Mr. KASTENMEIER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am very concerned about some of the questions raised about section 111 relating to CATV. It has been indicated that there will be a motion to strike the entire section. I do not know whether the author of the motion knows what will be accomplished by it.

But I can tell you that the committee did not ask for the job of legislating in the copyright field in CATV. It came to us. It would have been very much easier for us to have left things as they were; namely, that the CATV would have been under the 89th Congress bill, H.R. 4347, fully liable for copyright infringement to any holder of a copyright. Of course, the effect of that, especially under the decision in the Fortnightly case was alleged to have literally put CATV out of business.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman.

Mr. HAYS. I am interested in this phase of the matter. The gentleman said that his committee did not ask for this CATV business and that it came to them. How did it come to you? Would you explain that to the House?

Mr. KASTENMEIER. Yes. Among those who testified for or against the various proposals in the bill were many CATV interests as well as others such as the National Association of Broadcasters, the FCC, and so forth, who sent us a letter.

Mr. HAYS. Was this when section 111 was in the bill or did you put it in as a result of their testimony; or what is the situation?

Mr. KASTENMEIER. We put it in as a result of their testimony.

Mr. HAYS. Then it did not quite come to you, did it?

Mr. KASTENMEIER. It came to us from others who testified on the bill as a problem we had to deal with.

Mr. HAYS. If the gentleman will yield further, suppose these people came into the Committee on Foreign Affairs, of which committee I am a member and said, "Look, we do not seem to be getting anywhere in other places—can you put something in the foreign-aid bill which would protect us?" Would you say that came to us, or would you say that we reached out and grabbed it?

Mr. KASTENMEIER. I am not going to comment on what the gentleman might do in his committee. But I can say we cannot in this bill or in any other bill fail to affect CATV. We will affect it in one way or another. We could put them out of business, or we could try to compromise and allow them to live, and that is precisely what we have done, and it has been with very great difficulty, I might add. As I say, it would have been far easier for us to have just left section 111 out as to CATV, in which case it is questionable whether it could survive.

At any rate your subcommittee determined that under certain circumstances in connection with copyright liability, consistent with copyright principles, we could rewrite the section and, therefore, literally permit CATV to exist in certain circumstances with an exemption.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman.

Mr. ROGERS of Colorado. If you did not put it in and the court should reverse this ruling in New York then you have put somebody in the position so that they have to buy a license; have you not?

Mr. KASTENMEIER. No. Remember that the ruling of the court was under the present law.

Mr. ROGERS of Colorado Yes, but you are changing the law to make it dead certain that they have to get a license if you adopt this provision of section 111.

Mr. KASTENMEIER. That is under certain circumstances.

Mr. ROGERS of Colorado. Yes, under certain circumstances and that is the exemption that may be given. Now you would have to agree then that if you disregard the decision in New York and pass this legislation, then under certain circumstances they have to get a license; is that correct?

Mr. KASTENMEIER. The fact remains, of course, that under the New York case, while we cannot predict the outcome, I think it is fair to suggest that the parties do not anticipate that it would be overturned, and in that case CATV would be fully liable.

Under the bill, H.R. 4347, as originally presented to us, this was also the case. Your subcommittee acting before the court did in this matter decide to write section 111 in a different way for the reasons I have cited and for other reasons.

I think, Mr. Chairman, it would be a great tragedy for us on the floor today to strike section 111 and amend or substantially destroy what we have tried to do in all equity in this bill.

The **CHAIRMAN**. The time of the gentleman has expired.

Mr. **McCULLOCH**. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. KUPFERMAN].

Mr. **POFF**. Mr. Chairman, will the gentleman yield?

Mr. **KUPFERMAN**. I am happy to yield to the gentleman from Virginia, who has done such a magnificent job on behalf of needed copyright revision.

Mr. **POFF**. I hope the gentleman will also assure the Chairman that we had not planned this dialog in advance.

Mr. Chairman, I believe it needs to be said at this point that this legislation does not regulate CATV. It does not outlaw origination by CATV. What this legislation does is to say that if a retransmitter intends to act as a primary transmitter and collect profits for doing so, then it will pay its liability to copyright owners just as primary transmitters do.

In other words, if the origination provision is violated, then the only consequence is that the CATV will lose the exemption it otherwise would have enjoyed, or the limitation on liability it otherwise would enjoy. Neither is it accurate—indeed, it is misleading—to suggest that anything in this bill will require a television screen served by CATV to be blank or black.

Mr. **KASTENMEIER**. Mr. Chairman, will the gentleman from New York yield briefly?

Mr. **KUPFERMAN**. I am happy to yield to the gentleman from Wisconsin very briefly.

Mr. **KASTENMEIER**. I have asked the gentleman to yield for the purpose of telling the Committee of the Whole that the gentleman in the well is the one Member of the House who is professionally competent in the field of copyrights, and I welcome his appearance in the well to make his contribution. He is well known in copyright circles, where he has already made his name and professional contributions in years past.

Mr. **KUPFERMAN**. I thank the gentleman from Wisconsin. I presume that is why I am a member of the Subcommittee on Indian Affairs.

Mr. Chairman, H.R. 2512 represents a historic advance in the copyright law.

It will be the first thorough revision of this important area of our law of intellectual property since the adoption in 1909 of the present law.

Authors, originators, and creators deserve well of their country, and they deserve it on a current basis. An outmoded law, which applies in an area where technology has made so many changes, needs revision.

Since 1909, for example, we have gone from silent films in theaters to talking films in theaters to television of films and live images in the home.

Since 1909, life expectancy has increased, but the term of copyright of 28 years plus a possible renewal of 28 years is still in the law. H R. 2512 provides for a term of life plus 50 years. This will mean that an heir can inherit something.

Why should an author not have something in his estate in the same way that an owner of a piece of land or the owner of securities can have?

Starting in 1953, almost 15 years ago, for the Federal Bar Association of New York, New Jersey, and Connecticut, I ran a symposium on copyright problems with the leading experts as speakers detailing the complicated areas of law involved. I am happy to see in the gallery several of those experts.

It was obvious a change was needed. Thereafter the Register of Copyrights prepared studies in the various areas of the copyright law. The section of patent, trademark, and copyright of the American Bar Association took a leading role in the drafting of the proposed new law. Various and diverse industry groups joined in.

And so great thought and consideration has been given to the question of changes since 1953 and even before.

There have been drafts and redrafts and conferences and studies and various attempts at reconciling conflicting interests.

I, myself, have become even more convinced of the need for revision as I taught the course in copyright law at New York Law School.

As a lawyer, I have represented authors and I have represented publishers. They have a business conflict. I have represented artists and, on the other hand, producers. They have a business conflict, and they both have an economic conflict with a theater owner or a broadcaster, whom I have also represented. Yet it has been possible for all these different interests to be reconciled, because it was more important to have an understandable and modern law.

Now there may be some group like the jukebox people who are still not satisfied. They have their own economic interest involved. But what they want is a free ride. The present section is a compromise on that question.

We should as legislators interested in the future of our country as a whole support this legislation and also the committee, our committee, which has spent countless hours to resolve the problems involved.

Mr. **McCULLOCH**. Mr. Chairman, I yield 4 minutes to the gentleman from Montana [Mr. BATTIN].

Mr. **BATTIN**. Mr. Chairman, during my first term in the Congress I served on the Judiciary Committee and on the subcommittee that has brought this bill to the floor today. I can sympathize with them over the number of hours they have spent.

There is one area I questioned yesterday, and, as I understand it, something might be done about it by the committee. That pertains to an amendment that deals with governmental bodies, such as counties that run fairs on an annual basis. I am wondering if the gentleman from Virginia [Mr. POFF] might give me his attention for a minute. I have shown him some language of an amendment that I am interested in, that would exempt from the operation of the copyright law county governments or governmental authorities which would actually give them an exemption, so they would not be under the law. Is the gentleman familiar with that amendment?

Mr. **POFF**. Mr. Chairman, will the gentleman yield?

Mr. **BATTIN** I yield to the gentleman from Virginia [Mr. POFF].

Mr. **POFF**. Mr. Chairman, I am fully familiar with the amendment. May I say parenthetically that the subcommittee is indebted to the gentleman for the work he has done in bringing this issue into sharp focus. There has been some confusion about the breadth of a similar amendment which has had some currency.

In direct response to the question of the gentleman, I believe the subcommittee agrees that the amendment to which the gentleman refers is of merit and it will be offered by the gentleman from Wisconsin on behalf of the subcommittee.

Mr. **BATTIN**. Mr. Chairman, may I have the attention of the gentleman from Wisconsin.

Mr. **KASTENMEIER**. Mr. Chairman, will the gentleman yield?

Mr. **BATTIN**. I yield to the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. **KASTENMEIER**. Yes, I assure the gentleman I read the text of the amendment earlier, and I believe it conforms to what the gentleman has in mind.

Mr. **BATTIN**. This is just so we get the legislative history straight. For example, if a county government operates a fair on a yearly basis, and hires an artist to come in and perform, is it correct that the fair officials would be responsible for the copyright fees and the county government that owns the fairgrounds and actually is a contractor of the show would also be responsible for any fees under the copyright law. Is that the gentleman's understanding?

Mr. **POFF**. If it is, as the gentleman indicates, directed by the director of the county fair under a grant from or authority of the governmental body, then the exemption would obtain.

Mr. **BATTIN**. Mr. Chairman, does the gentleman from Wisconsin agree with the statement? I am trying to get the legislative history on this particular question.

Mr. **ROGERS** of Colorado. Mr. Chairman, if the gentleman will yield to me, I will help him to make legislative history.

Mr. **BATTIN**. Mr. Chairman, I want first to get the answer of the gentleman from Wisconsin, and then I will yield to the gentleman from Colorado.

Assuming an artist is hired to put on a county fair, and of course the artist is going to pay the copyright royalties or fees that might be involved, under the amendment which the gentleman has and which I understand he will offer on behalf of the committee, the county would not feel obligated or liable but would be given an exemption under this act?

Mr. KASTENMEIER. The gentleman is correct.

Mr. BATTIN. Mr. Chairman, I yield now to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, at the present time, unless we adopt this amendment plus the question dealing with charitable institutions which put on benefits, there will be a liability.

The CHAIRMAN. The time of the gentleman has expired.

All of the time of the gentleman from Ohio has expired.

Does the gentleman from Wisconsin wish to yield time?

Mr. KASTENMEIER. Mr. Chairman, I yield to the gentleman from California [Mr. Sisk] such time as remains on this side, for the purpose of propounding certain questions.

The CHAIRMAN. The gentleman from California is recognized for 4 minutes.

Mr. SISK. Mr. Chairman, I thank the gentleman very kindly for yielding. I wish to yield back to him or to the gentleman from Virginia [Mr. Poff], to discuss further the matter with reference to educational television and the effect of the language in sections 110 and 111, as to whether it would in any way basically change the rights heretofore available to purely educational TV stations.

I might say that here again we get into the area, to some extent, about which the gentleman from West Virginia [Mr. Staggers], is concerned, having to do with operational regulations.

I understand the committee will consider an amendment on page 10, at line 10 or 11, I believe, which will permit the radius of the area normally encompassed by the transmission to be made statewide, instead of the no more than 100 miles.

I should like to have some comment, as concisely as possible, indicating what change is in this bill insofar as educational TV stations will be concerned, having to do with copyrights and with the cost of operation. Primarily I am concerned about the cost of operation, in view of the fact that these stations are heavily subsidized, all of them. They are nonprofit, of course.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. SISK. I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Of course the bill does affect educational television as it is known. Presently educational television believes itself to be exempt from the payment of certain royalties, although, as perhaps the gentleman knows, the National Education Television as a network does make payments and get clearances. So the law today is somewhat confused as to whether, on purely a nonprofit organization exemption, they are wholly exempt.

In any event, in the bill we exempt the performance or display if it is a regular part of a systematic instructional—and I underline "instructional"—activity of a governmental body or nonprofit educational institution in this connection. The exemption does not extend to so-called cultural activities of educational television stations. The exemption does go to instructional activities.

If the gentleman or any other Member of this committee will read page 10 further, he will see that the exemption is also conditioned upon the area normally encompassed by the transmission being not more than 100 miles. The committee will offer an amendment to extend that for radio and television broadcasts to an area normally encompassed thereby which may comprise an entire State or an area whose radius does not exceed 250 miles. It was the intention when the original language in the bill was adopted that we not be exempting national networks, that we not get into the communications satellite activity of instructional television, or any form of television, so far as this type of exemption is concerned.

Mr. SISK. I am sure my friend realizes what I am concerned with is the cost factor as it deals with changes that will affect educational TV stations domestically in this country.

Mr. RHODES of Arizona. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RHODES of Arizona. Mr. Chairman, the first copyright law of the United States was enacted by the First Congress in 1790. It was enacted in exercise of article 1, section 8, of the Constitution, which authorizes legislation "to promote the progress of science and the useful arts, by securing for limited times to authors the exclusive right to their respective writings." Comprehensive revisions were enacted in 1831, 1870, and 1909. The present copyright law, title 17 of the United States Code, is basically the act of 1909.

There have been significant and dramatic technological developments since 1909 which have affected operation of the copyright law. For example, motion pictures and phonograph records had just made their appearance in 1909 while radio and television were unknown as a media of communication. Computer, satellite, and laser communications were, of course, still unheard of. These technical advances generated new industries and new methods for the reproduction and dissemination of copyrighted works. The business relations between authors and users of copyrighted material evolved new patterns. As a result, the existing law is inadequate and revision is essential and necessary.

H.R. 2512 represents almost 12 years of work. This work began in 1955 with a comprehensive program of research and study by the Copyright Office of the Library of Congress. It concluded with 22 days of public hearings before the House Judiciary Committee and some 54 executive sessions during which the hundreds of separate points raised during the hearings were given full and deliberative consideration. It is seldom that a committee of Congress achieves such legislative excellence. We believe these efforts are a commending factor in support of this legislation.

H.R. 2512 would update and revise the copyright laws in a number of important respects. The basic aim of H.R. 2512 is very simple. It is to insure that authors receive the encouragement they need to create and the remuneration they deserve for their creations. There is an urgent need for this legislation. It would encourage the development of creativity in communications. At the same time, it would recognize and protect the individual authorship which is an indispensable national resource.

The House Republican policy committee urges the enactment of this important legislation.

The CHAIRMAN. All time has expired. Pursuant to the rule, the Clerk will now read the bill by chapters instead of by sections.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 17 of the United States Code, entitled "Copyrights," is hereby amended in its entirety to read as follows:

"TITLE 17—COPYRIGHTS

"Chapter	Sec.
"1. Subject Matter and Scope of Copyright	101
"2. Copyright Ownership and Transfer	201
"3. Duration of Copyright	301
"4. Copyright Notice, Deposit, and Registration	401
"5. Copyright Infringement and Remedies	501
"6. Manufacturing Requirement and Importation	601
"7. Copyright Office	701

"CHAPTER 1—SUBJECT MATTER AND SCOPE OF COPYRIGHT

"Sec.
"101. Definitions.
"102. Subject matter of copyright: In general.
"103. Subject matter of copyright: Compilations and derivative works.
"104. Subject matter of copyright: National origin.
"105. Subject matter of copyright: United States Government works.
"106. Exclusive rights in copyrighted works.
"107. Limitations on exclusive rights: Fair use.
"108. Limitations on exclusive rights: Reproduction of works in archival collections.
"109. Limitations on exclusive rights: Effect of transfer of particular copy or phonorecord.
"110. Limitations on exclusive rights: Exemption of certain performances and displays.
"111. Limitations on exclusive rights: Secondary transmissions.
"112. Limitations on exclusive rights: Ephemeral recordings.
"113. Scope of exclusive rights in pictorial, graphic, and sculptural works.
"114. Scope of exclusive rights in sound recordings.
"115. Scope of exclusive rights in nondramatic musical works: Compulsory license for making and distributing phonorecords.

"116. Scope of exclusive rights in nondramatic musical works: Public performances by means of coin-operated phonorecord players.

"§ 101. Definitions

"As used in this title, the following terms and their variant forms mean the following:

"An 'anonymous work' is a work on the copies or phonorecords of which no natural person is identified as author.

"The 'area normally encompassed' by a transmission comprises the entire geographic area within the radius that the transmitter's signal is expected to reach effectively under normal conditions, including any parts of the area within that radius that its signal fails to reach effectively because of terrain, structures, or other physical or technical barriers. The Register of Copyrights may, by regulation, further particularize this definition, taking into account any pertinent definition in a Federal statute or regulation.

"'Audiovisual works' are works that consist of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the works are embodied.

"The 'best edition' of a work is the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes.

"A person's 'children' are his immediate offspring, whether legitimate or not, and any children legally adopted by him.

"A 'collective work' is a work, such as a periodical issue, anthology, or encyclopedia, in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole.

"A 'compilation' is a work formed by the collection and assembling of pre-existing materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship. The term 'compilation' includes collective works.

"'Copies' are material objects, other than phonorecords, in which a work is fixed by any method now known or later developed, and from which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term 'copies' includes the material object, other than a phonorecord, in which the work is first fixed.

"'Copyright owner,' with respect to any one of the exclusive rights comprised in a copyright, refers to the owner of that particular right.

"A work is 'created' when it is fixed in a copy or phonorecord for the first time; where a work is prepared over a period of time, the portion of it that has been fixed at any particular time constitutes the work as of that time, and where the work has been prepared in different versions, each version constitutes a separate work.

"A 'derivative work' is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgement, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications which, as a whole, represent an original work of authorship, is a 'derivative work.'

"A 'device,' 'machine,' or 'process' is one now known or later developed.

"To 'display' a work means to show a copy of it, either directly or by means of a film, slide, television image, or any other device or process or, in the case of a motion picture or other audiovisual work, to show individual images nonsequentially.

"A work is 'fixed' in a tangible medium of expression when its embodiment in a copy or phonorecord, by or under the authority of the author, is sufficiently permanent or stable to permit it to be perceived, reproduced or otherwise communicated for a period of more than transitory duration. A work consisting of sounds, images, or both, that are being transmitted, is 'fixed' for purposes of this title if a fixation of the work is being made simultaneously with its transmission.

"The terms 'including' and 'such as' are illustrative and not limitative.

"A 'joint work' is a work prepared by two or more authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole.

"'Literary works' are works expressed in words, numbers, or other verbal or numerical symbols or indicia, regardless of the nature of the material objects, such as books, periodicals, manuscripts, phonorecords, or film, in which they are embodied.

"'Motion pictures' are audiovisual works consisting of a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

"To 'perform' a work means to recite, render, play, dance, or act it, either directly or by means of any device or process or, in the case of a motion picture or other audiovisual work, to show its images in sequence or to make the sounds accompanying it audible.

"'Phonorecords' are material objects in which sounds other than those accompanying a motion picture or other audiovisual work, are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term 'phonorecords' includes the material object in which the sounds are first fixed.

"'Pictorial, graphic, and sculptural works' include two-dimensional and three-dimensional works of fine, graphic, and applied art, photographs, prints and art reproductions, maps, globes, charts, plans, diagrams, and models.

"A 'pseudonymous work' is a work on the copies or phonorecords of which the author is identified under a fictitious name.

"'Publication' is the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending.

"To perform or display a work 'publicly' means:

"(1) to perform or display it at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered;

"(2) to transmit or otherwise communicate a performance or display of the work to the public by means of any device or process, whether the members of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times.

"'Sound recordings' are works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture or other audiovisual work; regardless of the nature of the material objects, such as disks, tapes, or other phonorecords, in which they are embodied.

"'State' includes the District of Columbia and the Commonwealth of Puerto Rico, and any territories to which this title is made applicable by an Act of Congress.

"A 'transfer of copyright ownership' is an assignment, mortgage, exclusive license, or any other conveyance, alienation, or hypothecation of a copyright or of any of the exclusive rights comprised in a copyright, whether or not it is limited in time or place of effect, but not including a nonexclusive license.

"A 'transmission program' is a body of material that, as an aggregate, has been produced for the sole purpose of transmission to the public in sequence and as a unit.

"To 'transmit' a performance or display is to communicate it by any device or process whereby images or sounds are received beyond the place from which they are sent.

"The 'United States,' when used in a geographical sense, comprises the several States, the District of Columbia, and the Commonwealth of Puerto Rico, and the organized territories under the jurisdiction of the United States Government.

"The author's 'widow' or 'widower' is the author's surviving spouse under the law of his domicile at the time of his death, whether or not the spouse has later remarried.

"A 'work made for hire' is:

"(1) a work prepared by an employee within the scope of his employment; or

"(2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire. A 'supplementary work' is a work prepared for publication as a secondary adjunct to a work by another author for the purpose of introducing, concluding, illustrating, explaining, revising, commenting upon, or assisting in the use of the other work, such as forewords, afterwords, pictorial illustrations, maps, charts, tables, editorial notes, musical arrangements, answer material for tests, bibliographies, appendixes, and indexes. An 'instructional text' is a literary, pictorial, or graphic work prepared for publication with the purpose of use in systematic instructional activities.

"§ 102. Subject matter of copyright: In general

"Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories:

"(1) literary works;

"(2) musical works, including any accompanying words;

"(3) dramatic works, including any accompanying music;

"(4) pantomimes and choreographic works;

"(5) pictorial, graphic, and sculptural works;

"(6) motion pictures and other audiovisual works;

"(7) sound recordings.

"§ 103. Subject matter of copyright: Compilations and derivative works

"(a) The subject matter of copyright as specified by section 102 includes compilations and derivative works, but protection for a work employing pre-existing material in which copyright subsists does not extend to any part of the work in which such material has been used unlawfully.

"(b) The copyright in a compilation or derivative work extends only to the material contributed by the author of such work, as distinguished from the pre-existing material employed in the work, and does not imply any exclusive right in the pre-existing material. The copyright in such work is independent of, and does not affect or enlarge the scope, duration, ownership, or subsistence of, any copyright protection in the pre-existing material.

"§ 104. Subject matter of copyright: National origin

"(a) Unpublished Works.—The works specified by sections 102 and 103, while unpublished, are subject to protection under this title without regard to the nationality or domicile of the author.

"(b) Published Works.—The works specified by sections 102 and 103, when published, are subject to protection under this title if—

"(1) on the date of first publication, one or more of the authors is a national or domiciliary of the United States, or is a national domiciliary, or sovereign authority of a foreign nation that is a party to a copyright treaty to which the United States is also a party; or

"(2) the work is first published in the United States or in a foreign nation that, on the date of first publication, is a party to the Universal Copyright Convention of 1952; or

"(3) the work is first published by the United Nations or any of its specialized agencies, or by the Organization of American States; or

"(4) the work comes within the scope of a Presidential proclamation. Whenever the President finds that a particular foreign nation extends, to works by authors who are nationals or domiciliaries of the United States or to works that are first published in the United States, copyright protection on substantially the same basis as that on which the foreign nation extends protection to works of its own nationals and domiciliaries and works first published in that nation, he may by proclamation extend protection under this title to works of which one or more of the authors is, on the date of first publication, a national, domiciliary, or sovereign authority of that nation, or which was first published in that nation. The President may revise, suspend, or revoke any such proclamation or impose any conditions or limitations on protection under a proclamation.

"§ 105. Subject matter of copyright: United State Government works

"(a) Copyright protection under this title is not available for any work of the United States Government, but the United States Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise.

"(b) A 'work of the United States Government' is a work prepared by an officer or employee of the United States Government as part of his official duties.

"§ 106. Exclusive rights in copyrighted works

"Subject to sections 107 through 116, the owner of copyright under this title has the exclusive rights to do and to authorize any of the following:

"(1) to reproduce the copyrighted work in copies or phonorecords;

"(2) to prepare derivative works based upon the copyrighted work;

"(3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;

"(4) in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;

"(5) in the case of literary, musical, dramatic and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, to display the copyrighted work publicly.

"§ 107. Limitations on exclusive rights: Fair use

"Notwithstanding the provisions of section 106, the *fair use* of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching, scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use, the factors to be considered shall include:

"(1) the purpose and character of the use;

"(2) the nature of the copyrighted work;

"(3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

"(4) the effect of the use upon the potential market for or value of the copyrighted work.

"§ 108. Limitations on exclusive rights: Reproduction of works in archival collections

"Notwithstanding the provisions of section 106, it is not an infringement of copyright for a nonprofit institution, having archival custody over collections of manuscripts, documents, or other unpublished works of value to scholarly research, to reproduce, without any purpose of direct or indirect commercial advantage, any such work in its collections in facsimile copies or phonorecords for purposes of preservation and security, or for deposit for research use in any other such institution.

"§ 109. Limitations on exclusive rights: Effect of transfer of particular copy or phonorecord

"(a) Notwithstanding the provisions of section 106(3), the owner of a particular copy or phonorecord lawfully made under this title, or any person authorized by him, is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy or phonorecord.

"(b) Notwithstanding the provisions of section 106(5), the owner of a particular copy lawfully made under this title, or any person authorized by him, is entitled, without the authority of the copyright owner, to display that copy publicly, either directly or by the projection of no more than one image at a time, to viewers present at the place where the copy is located.

"(c) The privileges prescribed by subsections (a) and (b) do not, unless authorized by the copyright owner, extend to any person who has acquired possession of the copy or phonorecord from the copyright owner, by rental, lease, loan, or otherwise, without acquiring ownership of it.

"§ 110. Limitations on exclusive rights: Exemption of certain performances and displays

"Notwithstanding the provisions of section 106, the following are not infringements of copyright:

"(1) performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance is given by means of a copy that was not lawfully made under this title and that the person responsible for the performance knew or had reason to believe was not lawfully made;

"(2) performance of a nondramatic literary or musical work, or display of a work, by or in the course of a transmission by a governmental body or other nonprofit organization, if:

"(A) the performance or display is a regular part of the systematic instructional activities of a governmental body or a nonprofit educational institution; and

"(B) the radius of the area normally encompassed by the transmission is no more than one hundred miles; and

"(C) the transmission is made primarily for:

"(i) reception in classrooms or similar places normally devoted to instruction, or

"(ii) reception by persons to whom the transmission is directed because their disabilities or other special circumstances prevent their attendance in classrooms or similar places normally devoted to instruction, or

"(iii) reception by officers or employees of governmental bodies as a part of their official duties or employment; and

"(D) the time and content of the transmission are controlled by the transmitting organization and do not depend on a choice by individual recipients in activating transmission from an information storage and retrieval system or any similar device, machine, or process;

"(3) performance of a nondramatic literary or musical work or of a dramatico-musical work of a religious nature, or display of a work, in the course of services at a place of worship or other religious assembly;

"(4) performance of a nondramatic literary or musical work, otherwise than in a transmission to the public, without any purpose of direct or indirect commercial advantage and without payment of any fee or other compensation for the performance to any of its performers, promoters, or organizers, if:

"(A) there is no direct or indirect admission charge, or

"(B) the proceeds, after deducting the reasonable costs of producing the performance, are used exclusively for educational, religious, or charitable purposes and not for private financial gain, except where the copyright owner has served notice of his objections to the performance under the following conditions:

"(i) the notice shall be in writing and signed by the copyright owner or his duly authorized agent; and

"(ii) The notice shall be served on the person responsible for the performance at least seven days before the date of the performance, and shall state the reasons for his objections; and

"(iii) The notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation;

"(5) communication of a transmission embodying a *performance or display* of a work by the public reception of the transmission on a single receiving apparatus of a kind commonly used in private homes, unless:

"(A) a direct charge is made to see or hear the transmission; or

"(B) the transmission thus received is further transmitted to the public.

"§ 111. Limitations on exclusive rights: Secondary transmissions

"(a) Certain Secondary Transmissions Exempted.—

"(1) Notwithstanding the provisions of subsections (b) and (c), the secondary transmission to the public of a primary transmission embodying a performance or display of a work is not an infringement of copyright if:

"(A) the secondary transmission consists entirely of relaying the primary transmission to the private rooms of a hotel or other public establishment, and no direct charge is made to the occupants of the private rooms to see or hear the secondary transmission; or

"(B) the secondary transmission is made solely for the purpose and under the conditions specified by clause (2) of section 110; or

"(C) the secondary transmission is made by a common carrier who has no direct or indirect control over the content or selection of the primary transmission or over the particular recipients of the secondary transmission, and whose activities with respect to the secondary transmission consist solely of providing wires, cables, or other communications channels for the use of others.

"(2) Notwithstanding the provisions of subsection (c), but subject to the provisions of subsection (b), the secondary transmission to the public of a primary transmission embodying a performance or display of a work is not an infringement of copyright if the secondary transmission is made by a governmental body, or other nonprofit organization, without any purpose of direct or indirect commercial advantage, and without any charge to the recipients of the secondary transmission other than assessments necessary to defray the actual and reasonable costs of maintaining and operating the secondary transmission service.

"(3) Subject to the provisions of subsections (b) and (c), the secondary transmission to the public of a primary transmission embodying a performance or display of a work is not an infringement of copyright if the secondary transmission is made for reception solely within the limits of the area normally encompassed by the primary transmission.

"(b) Certain Secondary Transmissions Fully Actionable.—Notwithstanding the provisions of subsection (c) and of clauses (2) and (3) of subsection (a), the secondary transmission to the public of a primary transmission embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506, if:

"(1) the content of the particular transmission program in which the performance or display is embodied, together with any separate commercial advertising or station announcements transmitted by the primary transmitter immediately before or after the transmission program, is in any way altered by changes, deletions, or additions during its secondary transmission; or

"(2) the secondary transmitter, within one month before or after the particular secondary transmission, originate any transmissions to those members of the public to whom it also makes the secondary transmission, except for no more than two transmission programs at any one time unaccompanied by any commercial or political advertising and consisting solely of: weather, time, and news reports free from editorial comment; agricultural reports; religious services; and local proceedings of governmental bodies; or

"(3) the secondary transmitter, within one month before or after the particular secondary transmission, makes any separate, direct charge for any particular transmission it makes to those members of the public to whom it also makes the secondary transmission; or

"(4) the primary transmission is not made for reception by the public at large but is controlled and limited to reception by particular members of the public; or

"(5) the secondary transmission is made for reception wholly or partly outside the limits of the area normally encompassed by the primary transmission, and

"(A) the secondary transmitter, at least one month before the date of the secondary transmission, has not recorded in the Copyright Office, in accordance with requirements that the Register of Copyrights shall prescribe by regulation, the identity and address of the person who owns the secondary transmission service or has power to exercise primary control over it, together with the name and location of the primary transmitter; or

"(B) the secondary transmission is made for reception wholly or partly within the limits of an area that is adequately served by transmitting facilities other than the primary transmitter; or

"(6) the secondary transmission is made for reception wholly or partly within the limits of an area normally encompassed by one or more transmitting facilities, other than the primary transmitter, if—

"(A) a transmitting facility other than the primary transmitter has the exclusive right within that area, under an exclusive license or other transfer of copyright, to transmit the same performance or display of the work, and

"(B) the transmitter having the exclusive right or any other copyright owner has given written notice of such exclusive right to the secondary transmitter at least ten days before the primary transmission, in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

"(c) Limitations on Liability for Certain Secondary Transmissions.—

"(1) Subject to the provisions of subsection (b), in the following cases involving a secondary transmission to the public of a primary transmission embodying a performance or display of a work, liability of the secondary transmitter for infringement under section 501 does not include the remedies provided by sections 502, 503, and 506, and its liability for the remedies provided by sections 504 and 505 is limited as provided by clause (2) of this subsection:

"(A) where the secondary transmission is outside the scope of subclause (B) of subsection (b)(5), but comes within the scope of subclause (A) of subsection (b)(6) and the secondary transmitter has not been given notice as provided by subclause (B) of subsection (b)(6); or

"(B) where the secondary transmission is outside the scope of subclause (B) of subsection (b)(5) and of subsection (b)(6), but is made for reception wholly or partly outside the limits of the area normally encompassed by the primary transmission, and—

"(i) the secondary transmission is made for reception wholly or partly within the limits of an area normally encompassed by one or more transmitting facilities, other than the primary transmitter, if no such facility has the exclusive right within that area, under an exclusive license or other transfer of copyright, to transmit the same performance or display of the work; or

"(ii) the secondary transmission is made for reception wholly or partly within the limits of an area not normally encompassed by any transmitting facility.

"(2) In any case coming within the scope of subclauses (A) or (B) of clause (1) of this subsection, the infringer's liability under section 504 does not include any of the infringer's profits, and the copyright owner's right to recover damages is, except as provided in subclauses (A) and (B) of this clause, limited to recovery of a reasonable license fee, as found by the court under the circumstances of the case.

"(A) where the court finds that the infringer has refused or failed to accept an offer of a license for a reasonable fee, in writing and signed by the copyright owner, it shall award as statutory damages under section 504(c) a sum of $250, but if three times the amount of a reasonable license fee exceeds $250, then not less than $250 or more than three times the amount of a reasonable license fee, as the court considers just, to which may be added a discretionary award of costs and attorney's fees under section 505;

"(B) where the court finds that the copyright owner has refused or failed to accept the written offer, accompanied by a tender, of a reasonable license fee, it may in its descretion award costs and attorney's fees under section 505 to the infringer, and may reduce or withhold any award of damages under section 504.

"(d) Definitions.—As used in this section, the following terms and their variant forms mean the following:

"(1) A 'primary transmission' is one made to the public by the transmitting facility whose signals are being received and further transmitted by the secondary transmission service, regardless of where or when the performance or display was first transmitted.

"(2) A 'secondary transmission' is the further transmitting of a primary transmission simultaneously with the primary transmission.

"(3) An area is 'adequately served' when it is normally encompassed by transmitting facilities that regularly transmit to the public at large a preponderance of the transmission programs regularly transmitted by each of the major broadcasting networks (or similar organizations) to transmitting facilities throughout the continental United States. The Register of Copyrights may, by regulation, further particularize this definition, taking into account any pertinent definition in a Federal statute or regulation.

"§ 112. Limitations on exclusive rights: Ephemeral recordings

"(a) Notwithstanding the provisions of section 106, and except in the case of a motion picture or other audiovisual work, it is not an infringement of copyright for a transmitting organization entitled to transmit to the public a performance or display of a work, under a license or transfer of the copyright or under the limitations on exclusive rights in sound recordings specified by section 114(a), to make no more than one copy or phonorecord of a particular transmission program embodying the performance or display, if—

"(1) the copy or phonorecord is retained and used solely by the transmitting organization that made it, and no further copies or phonorecords are reproduced from it; and

"(2) the copy or phonorecord is used solely for the transmitting organization's own transmissions within the area normally encompassed by its transmissions, or for purposes of archival preservation or security; and

"(3) unless preserved exclusively for archival purposes, the copy or phonorecord is destroyed within six months from the date the transmission program was first transmitted to the public.

"(b) Notwithstanding the provisions of section 106, it is not an infringement of copyright for a governmental body or other nonprofit organization entitled to transmit a performance or display of a work, under section 110(2) or under the limitations on exclusive rights in sound recordings specified by section 114(a), to make no more than two copies or phonorecords of a particular transmission program embodying the performance or display, if—

"(1) no further copies or phonorecords are reproduced from the copies or phonorecords made under this clause; and

"(2) where only one copy or phonorecord is made, it is used solely for transmissions under section 110(2) or for purposes of archival preservation or security; and

"(3) where two copies or phonorecords are made, one is used solely for transmissions under section 110(2) and the other is used solely for purpoes of archival preservation or security; and,

"(4) except for one copy or phonorecord that may be preserved exclusively for archival purposes, the copies or phonorecords are destroyed within one year from the date the transmission program was first transmitted to the public.

"(c) The transmission program embodied in a copy or phonorecord made under this section is not subject to protection as a derivative work under this title except with the express consent of the owners of copyright in the pre-existing works employed in the program.

"§ 113. Scope of exclusive rights in pictorial, graphic, and sculptural works

"(a) Subject to the provisions of clauses (1) and (2) of this subsection, the exclusive right to reproduce a copyrighted pictorial, graphic, or sculptural work in copies under section 106 includes the right to reproduce the work in or on any kind of article, whether useful or otherwise.

"(1) This title does not afford, to the owner of copyright in a work that portrays a useful article as such, any greater rights with respect to the making, distribution, or display of the useful article so portrayed than those afforded to such copyrighted works under the law in effect on December 31, 1968.

"(2) In the case of a work lawfully reproduced in useful articles that have been offered for sale or other distribution to the public, copyright does not include any right to prevent the making, distribution, or display of pictures or photographs of such articles in connection with advertisements or commentaries relating to the distribution or display of such articles, or in connection with news reports.

"(b) A 'useful article' is an article having an intrinsic utilitarian function that is not merely to portray the appearance of the article or to convey information. An article that is normally a part of a useful article is considered a 'useful article.'

"§ 114. Scope of exclusive rights in sound recordings

"(a) The exclusive rights of the owner of copyright in a sound recording are limited to the rights specified by clauses (1) and (3) of section 106, and do not include any right of performance under section 106(4).

"(b) The exclusive right of the owner of copyright in a sound recording to reproduce it under section 106(1) is limited to the right to duplicate the sound recording in the form of phonorecords that directly or indirectly recapture the actual sounds fixed in the recording. This right does not extend to the making or duplication of another sound recording that is an independent fixation of other sounds, even though such sounds imitate or simulate those in the copyrighted sound recording.

"(c) This section does not limit or impair the exclusive right to perform publicly, by means of a phonorecord, any of the works specified by section 106(4).

"§ 115. Scope of exclusive rights in nondramatic musical works: Compulsory license for making and distributing phonorecords

"In the case of nondramatic musical works, the exclusive rights provided by clauses (1) and (3) of section 106, to make and to distribute phonorecords of such works, are subject to compulsory licensing under the conditions specified by this section.

"(a) Availability and Scope of Compulsory License.—

"(1) When phonorecords of a nondramatic musical work have been distributed to the public under the authority of the copyright owner, any other person may, by complying with the provisions of this section, obtain a compulsory license to make and distribute phonorecords of the work. A person may obtain a compulsory license only if his primary purpose in making phonorecords is to distribute them to the public for private use.

"(2) A compulsory license includes the privilege of making a musical arrangement of the work to the extent necessary to conform it to the style or manner of interpretation of the performance involved, but the arrangement shall not change the basic melody or fundamental character of the work, and shall not be subject to protection as a derivative work under this title, except with the express consent of the copyright owner.

"(b) Notice of Intention To Obtain Compulsory License; Designation of Owner of Performance Right.—

"(1) Any person who wishes to obtain a compulsory license under this section shall, before or within thirty days after making, and before distributing any phonorecords of the work, serve notice of his intention to do so on the copyright owner. If the registration or other public records of the Copyright Office do not identify the copyright owner and include an address at which notice can be served on him, it shall be sufficient to file the notice of intention in the Copyright Office. The notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation.

"(2) If the copyright owner so requests in writing not later than ten days after service or filing of the notice required by clause (1), the person exercising the compulsory license shall designate, on a label or container accompanying each phonorecord of the work distributed by him, and in the form and manner that the Register of Copyrights shall prescribe by regulation, the name of the copyright or his agent to whom royalties for public performance of the work are to be paid.

"(3) Failure to serve or file the notice required by clause (1), or to designate the name of the owner or agent as required by clause (2), forecloses the possibility of a compulsory license and, in the absence of a negotiated license, renders the making and distribution of phonorecords actionable as acts of infringement under section 501 and fully subject to the remedies provided by sections 502 through 506.

"(c) Royalty Payable Under Compulsory License.—

"(1) To be entitled to receive royalties under a compulsory license, the copyright owner must be identified in the registration or other public records of the Copyright Office. The owner is entitled to royalties for phonorecords made after he is so identified but he is not entitled to recover for any phonorecords previously made.

"(2) Except as provided by clause (1), the royalty under a compulsory license shall be payable for every phonorecord made in accordance with the license. With respect to each work embodied in the phonorecord, the royalty shall be either two and one-half cents, or one-half cent per minute of playing time or fraction thereof, whichever amount is larger.

"(3) Royalty payments shall be made quarterly, in January, April, July, and October, and shall include all royalties for the three months next preceding. Each quarterly payment shall be accompanied by a detailed statement of account, which shall include such pertinent information as the Register of Copyrights may prescribe by regulation, and which, upon written demand by the copyright owner, shall be certified as correct by a certified public accountant licensed to practice in the United States.

"(4) If the copyright owner does not receive the quarterly payment and statement of account when due, he may give written notice to the licensee that, unless the default is remedied within thirty days from the date of the notice, the compulsory license will be automatically terminated. Such termination renders the making and distribution of all phonorecords, for which the royalty had not been paid, actionable as acts of infringement under section 501 and fully subject to the remedies provided by sections 502 through 506.

"§ 116. Scope of exclusive rights in nondramatic musical works: Public performances by means of coin-operated phonorecord players

"(a) Limitations on Exclusive Right.— In the case of a nondramatic musical work embodied in a phonorecord, the exclusive right under clause (4) of section 106 to perform the work publicly by means of a coin-operated phonorecord player is limited as follows:

"(1) The proprietor of the establishment in which the public performance takes place is not liable for infringement with respect to such public performance unless:

"(A) he is the operator of the phonorecord player; or

"(B) he refuses or fails, within one month after receipt by registered or certified mail of a request by the copyright owner, to make full disclosure, by registered or certified mail, of the identity of the operator of the phonorecord player.

"(2) The operator of the coin-operated phonorecord player may obtain a compulsory license to perform the work publicly on that phonorecord player by recording the statements and affixing the certificate provided by subsection (b), and by paying the royalties provided by subsection (c).

"(b) Recordation of Coin-Operated Phonorecord Player and Affixation of Certificate.—

"(1) Any operator who wishes to obtain a compulsory license for the public performance of nondramatic musical works on a coin-operated phonorecord player shall fulfill the following requirements:

"(A) Before or within one month after such performances on a particular phonorecord player are made available in a particular establishment, and during the month of January in each succeeding year, he shall record in the Copyright Office, in accordance with requirements that the Register of Copyrights shall prescribe by regulation, a statement of the name and address of the operator of the phonorecord player, the manufacturer and serial number of other explicit identification of the phonorecord player, the capacity of the phonorecord player (i.e., the total number of musical works normally capable of being made available in it at any one time for performance), and the name and address of the establishment in which it is located. The statement recorded each January shall be accompanied by a complete list identifying, by their titles and any other indicia that the Register of Copyrights may prescribe by regulation, all the musical works made available in the phonorecord player for performance during each of the calendar quarters of the preceding year, other than any works whose public performance by means of that phonorecord player during the particular quarter was expressly licensed by an instrument in writing and signed by the copyright owner or his agent.

"(B) He shall keep affixed to the particular phonorecord player, in a position where it can be readily examined by the public, a certificate, issued by the Copyright Office, of the latest recordation made by him under subclause (A) of this clause with respect to that phonorecord player.

"(2) Failure to record the statements or to affix the certificate required by clause (1) of this subsection renders the public performance actionable as an act of infringement under section 501 and fully subject to the remedies provided by sections 502 through 506.

"(c) Royalty Payable Under Compulsory License.—

"(1) To be entitled to receive royalties under a compulsory license as provided by this section, the copyright owner or his agent to whom royalties for public performance of the work are to be paid:

"(A) must have required that phonorecords of the work distributed under his authority or under section 115 bear his name on a label or container accompanying the phonorecords, and must have recorded his address in the Copyright Office, in accordance with regulations that the Register of Copyrights shall prescribe with respect to such name and addresses; or

"(B) must serve upon the operator, not later than December 31 of the following year, a written claim specifying all of the works for which royalties are payable to him by the operator for any three-month period. The claim shall comply in form, content, and manner of service with requirements that the Register of Copyrights shall prescribe by regulation.

"(2) Unless the parties have agreed otherwise in a written instrument signed by them, the royalty under the compulsory license for any one work shall be either of the following amounts, whichever is less, for each three-month period or fraction thereof that the work has been available for performance on the particular phonorecord player:

"(A) 3 cents, or

"(B) a prorated amount calculated by first multiplying 3 cents by the capacity of the phonorecord player as shown in the statement required by clause (1)(A) of subsection (b), and then dividing the product of that multiplication by the total number of works actually made available in the phonorecord player for performance during any part of the three-month period.

"(3) Where the name and address of the copyright owner or his agent are made known as provided by subclause (A) of clause (1), royalty payments shall be made quarterly, in January, April, July, and October, and shall include all royalties for the three-month period next preceding. Each quarterly payment shall be accompanied by a detailed statement of account which shall include a complete list identifying, by their titles and any other indicia that the Register of Copyrights may prescribe by regulation, all the musical works made available in the phonorecord player for performance during any part of the three-month period, other than any works whose public performance by means of that phonorecord player during the particular quarter was expressly licensed by an instrument in writing and signed by the copyright owner or his agent.

"(4) Where a claim for royalties is served upon the operator as provided by subclause (B) of clause (1), payment of the royalties owing under the claim shall be made within four months after service of the claim.

"(5) Failure to make the royalty payment with the accompanying statement of account as required by clause (3), or failure to make the royalty payment as required by clause (4), renders all public performances of the work by that phonorecord player during the three-month period for which such payment is in default actionable as acts of infringement under section 501 and fully subject to the remedies provided by sections 502 through 506.

"(6) For the purpose of this section, every musical work whose title appears on the list referred to by subclause (D) of subsection (e)(1) during any part of a three-month period is conclusively presumed to have been publicly performed at least once during that period by means of the phonorecord player which the list accompanies.

"(d) Criminal Penalties.—Any person who knowingly makes a false representation of a material fact in a statement or accompanying list recorded under clause (1)(A) of subsection (b), or in a written claim served under clause (1)(B) of subsection (c), or in a statement of account required by clause (3) of subsection (c), or who knowingly alters a certificate issued under clause (1)(B) of subsection (b) or knowingly affixes such a certificate to a phonorecord player other than the one it covers, shall be fined not more than $2,500.

"(e) Definitions.—As used in this section, the following terms and their variant forms mean the following:

"(1) A 'coin-operated phonorecord player' is a machine or device that:

"(A) is employed solely for the performance of nondramatic musical works by means of phonorecords upon being activated by the insertion of a coin;

"(B) is located in an establishment making no direct or indirect charge for admission;

"(C) is incapable of transmitting the performance beyond the establishment in which it is located;

"(D) is accompanied by a list of the titles of all the musical works available for performance on it, which list is affixed to the phonorecord player or posted in the establishment in a prominent position where it can be readily examined by the public; and

"(E) affords a choice of works available for performance and permits the choice to be made by the patrons of the establishment in which it is located.

"(2) An 'operator' is any person who, alone or jointly with others:

"(A) owns a coin-operated phonorecord player; or

"(B) has the power to make a coin-operated phonorecord player available for placement in an establishment for purposes of public performance; or

"(C) has the power to exercise primary control over the selection of the musical works made available for public performance in a coin-operated phonorecord player."

Mr. ROGERS of Colorado (interrupting the reading of the bill). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS of Colorado. The Clerk is reading just the titles and nothing more. Is that pursuant to the rule?

The CHAIRMAN. The rule provides for the reading by chapter and, as the Chair understands it, the Clerk is reading "Copyright"—title 17 under that chapter. So far, under chapter 1, he is down to No. 6.

Mr. ROGERS of Colorado. But he is reading by chapter and not reading the text by sections.

The CHAIRMAN. He has not come to the text yet. He is just reading the heading and the preamble.

Mr. SISK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SISK. At what point is the Clerk now reading? What page?

The CHAIRMAN. He is reading page 1, No. 6, the heading of the chapters.

Mr. SISK. I thank the chairman.

Mr. ROGERS of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS of Colorado. When the Clerk has finished reading chapters 1 to 7, inclusive——

The CHAIRMAN. Then he will read on page 2, line 3, "Definitions."

Mr. ROGERS of Colorado. Thank you. That is what I wanted to ascertain.

Mr. KASTENMEIER. Mr. Chairman, I ask unanimous consent that further reading of the chapter be dispensed with and that it be considered as read and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. ROGERS of Colorado. I object.

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will will state it.

Mr. MOORE. Do I understand under the rule under which we are considering this legislation that amendments to any of the present sections being read would be in order after the reading of the chapter in its entirety or after the section?

The CHAIRMAN. That is the understanding of the Chair.

Mr. MOORE. The chapter in its entirety?

The CHAIRMAN. The chapter in its entirety.

Mr. MOORE. I thank the chairman.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The Chair rules that that motion is not in order until the complete reading of the chapter.

Mr. ROGERS of Colorado. Then, a further parliamentary inquiry. Can I be heard?

The CHAIRMAN. After the reading of the chapter, then the gentleman may be recognized.

Mr. ROGERS of Colorado. Thank you.

Mr. CELLER (during reading of chapter 1). Mr. Chairman, I ask unanimous consent that further reading of chapter 1 be dispensed with and that it be open for amendment and question at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I ask unanimous consent to proceed for 10 additional minutes.

The CHAIRMAN. Is there objection to the request from the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Chairman, I feel it is evident that the accusation I made to the effect that the chief objective of this legislation is to get at the boys who own the jukeboxes has been justified.

Mr. Chairman, the gentleman from Wisconsin [Mr. Kastenmeier], joined and supported by the distinguished gentleman from Virginia [Mr. Poff], has already agreed to amendments—or, at least, they said they were going to submit certain amendments to which there would be agreement.

Mr. Chairman, this was after these two gentlemen and other astute members of the Committee on the Judiciary had told this House that for 2 years—and even back for a period of 10 years—there had been a study made of this bill and that they had it letter perfect.

Mr. Chairman, it is disclosed that the first thing they did in this bill was to remove that section of the public law which says that a performance for profit does not constitute an infringement, but that any performance, unless exempt under these provisions, would require a license from the copyright owner.

Mr. Chairman, when they remove that section, as they propose to do in this bill, then we have to start looking at the exemptions. And, Mr. Chairman, immediately—only after debate beginning at 10 o'clock this morning and until now, we have come up with at least four separate amendments.

Mr. Chairman, the people realize how bad this bill is. I hope that the other members of the Committee of the Whole House on the State of the Union wake up to the knowledge about what they are about to do here—to take the umbrella and extend every copyright that they possibly can in every direction, to cover every phase of our Great Society so that certain people can get their right to extract from whom—the public.

And the public is whom? It is anything from a church, a social gathering, a benefit society, it can be of any type so that if you do come within these exceptions then you must have a license.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Ohio.

Mr. HAYS. Is it not true that this CATV and this jukebox business had a minimum amount of study in the Committee on the Judiciary?

Mr. ROGERS of Colorado. Unfortunately, I was not on the subcommittee.

Mr. HAYS. I am telling you what it was; that they had a minimum amount of study.

Is it not true that there is $30 million a year involved in this?

Mr. ROGERS of Colorado. The conservative estimate is that from the jukebox operators alone they are going to pay not less than $12 million, and up to $30 million to $35 million—and who is going to get it? Oh, we are going to set up over here a directive to the copyrighter that he must require every jukebox operator in the United States to file with him the location where that jukebox is, and if he changes it within any 30-day period he must within the 30-day period report it to the copyright office.

Mr. HAYS. Mr. Chairman, will the gentleman yield another 15 seconds?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. HAYS. I have been accused of being cynical, and in view of the facts that have been brought out I most humbly ask the House to permit me to be cynical.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Michigan.

Mr. DINGELL. Is it not also a fact that the principal beneficiaries of this are not going to be the individual artists, copyrighters, poets, or authors who engage in the creativity, but rather the public, who are the body of the public who control these people through devices of having exclusive contracts with them, and who can literally force many of these people such as writers and composers to compose for far less than the prescribed royalty, or for nothing, so that they can just get a document out, or have a recording made so that it can be published and printed throughout the trade, and throughout the industry?

Mr. ROGERS of Colorado. May I say that the gentleman from Michigan is eminently correct.

Here is the situation: Because under the present setup you have at least two leading—I call them "collection agencies"—the ASCAP and BMI, whose duty it is to go around and collect from people a sum of money.

You have heard from the members of the committee here that this collection that is taken from them goes to the copyright owner.

Mr. DINGELL. It does not.

Mr. ROGERS of Colorado. Mr. Chairman, if I can follow through with this for just one moment further, they got so bad—ASCAP did—and now we are going back to 1939 and 1940, after ASCAP had gotten its hands in everybody's pocket in the country it then moved into the radio field, and they put a demand upon them. And the networks, in order to protect themselves, had to go out and organize BMI and have their own songwriters, so that they could have songs.

After they did that the U.S. Government then went into the Federal court in New York and enjoined them for this exploitation, with the result that they are now under a consent decree in the State of New York.

Then what happened? ASCAP—oh, boy, this BMI, they are a bad organization, because they are hooked up with the national networks. So they then prevailed upon the divorcement of the BMI from the networks, otherwise they would have had the complete field. With the result that all we are doing here is—that whenever you have a jukebox and you register in the copyright office and you do not want to pay tribute to these groups, then what do you have to do?

You have to list all of the records in your machine every 3 months. If on that record there is the name and the address of the copyright owner, you have to send him 3 cents—and you have to do it every 3 months. You must in addition to that send him a list of all the others in that particular machine. Then at the end of the year, lo and behold you have to make a list of everyone of them that was placed in the box and send it over here to the Copyright Office. And if you want to get away from the burdensome chore and to get away from hiring a CPA, then all you have to do is go down and make a deal. When you make a deal—and what they have been talking about around here when they say that, they mean to make a deal with ASCAP and BMI and SESAC—and if you get them to agree then because they agree, you do not have to report this to the copyright owner.

If I may follow this one step further. Then you do not have to report. But now the big problem is—who is going to tell a jukebox operator that after once making a deal with ASCAP and once making a deal with BMI and once making a deal with SESAC—and having a couple of other records—who then is going to tell the jukebox operator he no longer has to report? If he does not report, what is he subjected to? Take a look at this bill.

Mr. DINGELL. Criminal prosecution.

Mr. ROGERS of Colorado. Yes, he is subjected to criminal prosecution—3 years in jail and a $20,000 fine, and statutory damages.

If there has ever been a piece of legislation that smacks of trying to make the Federal Government become a collecting agency for a bunch of individuals, I never heard of it until this proposal came along.

Mr. DINGELL. That is for a whole bunch of antitrust law violators.

Mr. ROGERS of Colorado. Yes, certainly. Here is another thing. They are under an antitrust violation decree in the State of New York at the present time. If at the present time you want to get a license and you do not agree with them, then you have the great privilege of going to New York and filing a petition with the court up there and the court up there will set a reasonable fee.

However, in this particular bill and in certain sections of this one, if you do not agree with the fee that they want, then they can go to court and if the court thinks it is a reasonable fee, they can triple the fee against you.

Mr. KORNEGAY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. KORNEGAY. The gentleman from Colorado has very well explained the jukebox situation. But I have another situation. I would ask the learned gentleman about the individual performer who performs for a profit. Is he covered by this bill? Is it necessary for him to get a certificate from the copyright author or owner?

Mr. ROGERS of Colorado. It may not be necessary for him to get a certificate, but I will say this, if he performs under this proposal—with or without a profit—you see that is the thing they are slipping in on you here——

Mr. KORNEGAY. If I may, let me give you an example. Let us say you have a group of boys who have a little string band and on Saturday night they play at dances and get $5 or $10 apiece. They play music that is covered by the copyright law. What happens to them? Do they have to get a certificate? Do they have to pay tribute? What is the situation with reference to them?

Mr. ROGERS of Colorado. Under the present law, any person who uses a copyright for a profit has to get a license from the copyright owner.

Mr. KORNEGAY. There are a lot of folks who are violating the law then because all you have to do is to go down to the dance hall to see that.

Mr. ROGERS of Colorado. I would advise the gentleman not to talk too much because they will send somebody down there and under the present law they can take you into the Federal court and say, "This orchestra played and this poor boy got $5 for playing in the orchestra Saturday night, but he did not get a license from ASCAP or the copyright owner with the result that he can be brought into Federal court and the minimum damage is $250 plus attorney fees." That is the present law. They are not satisfied with that but they want to extend it further.

Mr. KORNEGAY. I want to ask you some more about the boys who play on Saturday night, but let me ask you about the blind man who plays a guitar and walks down the street with a little tin cup. People pay him for playing his music—and he plays copyrighted music. Would he be covered?

Mr. ROGERS of Colorado. He certainly would. That is why I have said they raised the umbrella. They have taken in everything. When I started in this debate on the floor of the House, I challenged the members of this Committee—and I challenge them now—to cite me one proposal in the bill which is for the benefit of the public in any manner. I still issue that challenge. If you want to stand up and debate any particular provision of the bill, I will be most happy to do so. Every step in this proposal is designed to reach out and grab something from someone else. There is no other conclusion that you can arrive at, because even the 1909 act provided that before you could be an infringer, you had to perform your act for profit. But they are taking that from the act.

Mr. Chairman, we start out with a great big bill. Everyone knows about it. Then we hear that they will agree to four or five amendments. The only thing I am squawking about is that they have not agreed to accept my amendment, which would amend the most important part of this bill.

I made the accusation before, and I will make it now, that for 40 years—and the report shows this—ASCAP has been trying to repeal the exemption given to the jukebox. Finally, when they failed in every other direction, they attempted to rewrite the whole copyright law. When you look at the law, what have they rewritten? They have expanded and fitted it in the direction which would take more money from honest people.

PREFERENTIAL MOTION BY MR. HAYS

Mr. HAYS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Hays moves that the Committee do now rise and report the bill back with the recommendation that the enacting clause be stricken out.

The **CHAIRMAN.** The gentleman from Ohio is recognized for 5 minutes.

Mr. HAYS. Mr. Chairman, the motion is not a pro forma motion. What it states is exactly what I would like to do. I understand that the jukebox section of the bill was a late addition and the CATV was the late, late show. Neither one of them has had very much consideration, and obviously the CATV has no business in this bill or this Committee.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. DINGELL. I point out to the gentleman that this legislation would also strike a body blow at education, the public schools, and also at educational radio and TV. That has not been pointed out fully today.

Mr. HAYS. I thank the gentleman. I have no objection to the Judiciary Committee rewriting the copyright law. That is within their province. Probably it needs to be rewritten. But if my preferential motion is adopted, they can go back and do the job and give back to the other committees what they have reached out and gotten, the jurisdiction that belongs to the Interstate and Foreign Commerce Committee. I am not here defending the CATV or condemning it. But the Interstate and Foreign Commerce Committee has jurisdiction over the subject. They have been working on it. They know something about it. It is not a late, late addition for them. I think they ought to have the right to work their will on it and bring it in here for us to work our will.

The gentleman from Wisconsin said that they did not want this. It came to them. If I understood his explanation, it came to them because some people came in and testified they would like to have the Judiciary Committee give them some relief.

Some of you were not here—and I will repeat—it would be just as logical, if they did not get relief from the Judiciary Committee, to come to the Foreign Affairs Committee and say, "Will you put it in a foreign aid bill." We would say, "We did not want it, but they came to us."

That CATV has just about as much relation to the foreign aid bill as it does this bill. I believe it is time that committees around here respected the jurisdiction of other committees. I had no intention, I did not know enough about this bill, to believe I was going to be opposed to it, until I heard the debate and then I heard how it reached out here and there and had gone completely beyond copyright law.

I am trying to help the leadership on both sides. They have been concerned about us coming in at 10 o'clock and getting out some time this evening. If we adopt my preferential motion, we can all get out within the next 15 minutes.

I hope we adopt it.

The **CHAIRMAN.** The question is on the motion of the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. Hays) there were—ayes 68, nays 36.

Mr. POFF. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Hays and Mr. Kastenmeier.

The Committee again divided, and the tellers reported that there were—ayes 74, nays 49.

So the motion was agreed to.

The **CHAIRMAN.** The Committee will rise.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Dent, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2512) for the general revision of the copyright law, title 17 of the United States Code, and for other purposes, had directed him to report the bill back to the House with the recommendation that the enacting clause be stricken out.

The **SPEAKER.** The question is on the recommendation of the Committee of the Whole.

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 252, answered "present" 2, not voting 52, as follows:

[Roll No. 60]

YEAS—126

Abernethy
Adams
Annunzio
Ashbrook
Ashmore
Berry
Blanton
Brinkley
Brooks
Broyhill, N.C.
Broyhill, Va.
Burleson
Burton, Utah
Cabell
Carter
Casey
Daddario
Davis, Ga.
de la Garza
Dent
Dickinson
Dingell
Dorn
Dowdy
Edwards, La.
Everett
Fallon
Fisher
Flood
Fountain
Friedel
Fuqua
Galifianakis
Gardner
Gettys
Gray
Gross
Hagan
Hall
Hardy
Harsha
Hathaway
Hays
Henderson
Holland
Hull
Ichord
Johnson, Calif.
Jonas
Jones, N.C.
Karth
Kazen
Kelly
Kirwan
Kluczynski
Kornegay
Kuykendall
Kyl
Landrum
Latta
Lennon
McClure
McEwen
McMillan
Macdonald, Mass.
Machen
Marsh
Miller, Calif.
Miller, Ohio
Mills
Moore
Morgan
Morris, N. Mex.
Moss
Myers
Nelsen
Nichols
Nix
O'Neal, Ga.
O'Neill, Mass.
Passman
Patten
Poage
Price, Tex.
Quillen
Randall
Rarick
Reifel
Rhodes, Pa.
Roberts
Rogers, Colo.
Rooney, Pa.
Roudebush
Sandman
Satterfield
Saylor
Schneebeli
Scott
Shipley
Sikes
Sisk
Slack
Staggers
Steed
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Tunney
Ullman
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Walker
Watts
White
Whitener
Young
Younger
Zion
Zwach

NAYS—252

Abbitt
Adair
Albert
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashley
Aspinall
Ayres
Baring
Bates
Battin
Belcher
Bell
Bennett
Bevill
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brock
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Burke, Fla.
Burke, Mass.
Burton, Calif.
Bush
Button
Byrnes, Wis.
Cahill
Carey
Cederberg
Celler
Chamberlain
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conte
Conyers
Corman
Cowger
Cramer
Culver
Cunningham
Daniels
Davis, Wis.
Delaney
Dellenback
Denney
Devine
Dole
Donohue
Dow
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Farbstein
Fascell
Feighan
Foley
Ford, Gerald R.
Fulton, Pa.
Gallagher
Gathings
Gonzalez
Goodell
Goodling
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gurney
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrison
Harvey
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Irwin
Jacobs
Jarman
Joelson
Jones, Ala.
Karsten
Kastenmeier
Keith
King, Calif.
King, N.Y.
Kleppe
Kupferman
Kyros
Laird
Langen
Leggett
Lipscomb
Lloyd
Long, Md.
Lukens
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McFall
MacGregor
Madden
Mahon
Mailliard
Martin
Mathias, Calif.
Mathias, Md.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Minish
Mink
Minshall
Montgomery
Morse, Mass.
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
Ottinger
Pelly
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Poff
Price, Ill.
Pryor
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes, Ariz.
Riegle
Robison
Rodino
Rogers, Fla.
Ronan
Rooney, N.Y.
Rosenthal
Roth
Roush
Roybal
Rumsfeld
Ryan

St Germain
Schadeberg
Scherle
Scheuer
Schweiker
Schwengel
Selden
Shriver
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Stanton
Steiger, Wis.
Teague, Calif.
Tenzer
Thompson, Ga
Thompson, N.J.
Thomson, Wis.
Tuck
Udall
Utt
Vanik
Waldie
Wampler
Watkins
Watson
Whalen
Whalley
Whitten
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Zablocki

ANSWERED "PRESENT"—2

Gibbons
Taft

NOT VOTING—52

Addabbo
Anderson, Tenn.
Andrews, Ala.
Barrett
Betts
Bolton
Broomfield
Buchanan
Byrne, Pa.
Clancy
Cohelan
Corbett
Curtis
Dawson
Derwinski
Diggs
Downing
Findley
Fino
Flynt
Ford, William D.
Fraser
Frelinghuysen
Fulton, Tenn.
Garmatz
Giaimo
Gilbert
Halleck
Herlong
Holifield
Johnson, Pa.
Jones, Mo.
Kee
Long, La.
Mize
Monagan
Moorhead
Multer
Patman
Pickle
Pollock
Pool
Pucinski
Purcell
Reinecke
Resnick
Rivers
Rostenkowski
Ruppe
St. Onge
Teague, Tex.
Williams, Miss.

So the recommendation was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Garmatz for, with Mr. Addabbo against.

Mr. Long of Louisiana for, with Mr. Gilbert against.

Mr. Pickle for, with Mr. Fulton of Tennessee against.

Mr. Rivers for, with Mr. Gibbons against.

Mr. Kee for, with Mr. Halleck against.

Mr. Buchanan for, with Mr. Multer against.

Mr. Fino for, with Mr. Corbett against.

Mr. Betts for, with Mr. Frelinghuysen against.

Until further notice:

Mr. Teague of Texas with Mr. Clancy.

Mr. Barrett with Mr. Broomfield.

Mr. Moorhead with Mr. Findley.

Mr. Resnick with Mr. Derwinski.

Mr. Patman with Mr. Reinecke.

Mr. Monagan with Mrs. Bolton.

Mr. Downing with Mr. Mize.

Mr. Andrews of Alabama with Mr. Ruppe.

Mr. Anderson of Tennessee with Mr. Pollock.

Mr. Williams of Mississippi with Mr. Curtis.

Mr. Byrne of Pennsylvania with Mr. Johnson of Pennsylvania.

Mr. Purcell with Mr. Holifield.

Mr. Fraser with Mr. St. Onge.

Mr. Pool with Mr. William D. Ford.

Mr. Cohelan with Mr. Dawson.

Mr. Pucinski with Mr. Diggs.

Mr. Flynt with Mr. Rostenkowski.

Mr. GIBBONS. Mr. Speaker, I have a live pair with the gentleman from South Carolina [Mr. RIVERS]. If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. JARMAN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KASTENMEIER: On page 10, line 11, immediately preceding the semicolon insert the following: ", except that in the case of transmissions constituting radio or television broadcasting the area normally encompassed thereby may comprise an entire state or an area whose radius does not exceed two hundred and fifty miles".

Mr. KASTENMEIER. Mr. Chairman, on behalf of the Committee, I present this amendment to subsection (B) of section 110, subsection (2). I discussed this before in debate. That section exempts certain instructional broadcasts of material by nonprofit educational organizations.

Subclause (B) now limits the exemption to transmissions covering an area of which the radius is no more than 100 miles.

This section was designed to exempt transmissions made by local noncommercial broadcasting organizations as part of the instructional activities of local school systems. It was intended, however, that this exemption should be limited so as not to extend to broadcasts made on a nationwide or broad regional basis, such as those made through a satellite or a national network. Broadcasts on such a wide scale would represent a major use of copyrighted material and would have a great impact on the potential market for which such material is produced.

The committee is now persuaded that a proper balance between granting an exemption for instructional broadcasts of a local character, and requiring compensation to copyright owners for the use of their works in large-scale instructional broadcasts, will permit a widening of the 100-mile radius in two respects. First, a number of States now have or plan to have an instructional broadcasting system organized to transmit school programs on a statewide basis. Second, there are a few systems in operation that transmit school programs in a local region comprising an area of more than 100 miles in two or more States. The committee believes that the exemption can be extended to cover these two situations without undue injury to the interests of the copyright owners. The proposal would, of course, be limited to instructional radio and television broadcasts.

Mr. Chairman, I urge the adoption of the amendment.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I commend the gentleman for offering this particular amendment. It meets a very serious objection to the bill which had been voiced by educational TV people in our area.

I certainly will support the amendment.

Mr. KASTENMEIER. I thank the gentleman.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike the last word.

This is the beginning of a series of mistakes which this committee has made which they want to clear up now.

To begin with, why did they put on any limitation, and particularly 100 miles? Now they are going to confine it within a State. The reason for the 100-mile limitation was so that they could control it better, and if the beam went beyond the 100 miles then up they would go to ASCAP and get a license.

And the great State of Hawaii is a little more than 100 miles from place to place, as is true of other States throughout the Nation, so when that happened they decided to expand it to include a State. Why have that in there at all? Why not move to strike that whole limitation? Why put in the limitation that was put in here in the first instance?

They made a mistake, they admit by offering their own amendment to it, so why not move to strike the entire section and not put in a limitation?

This is just one example of a failure to properly consider this problem. This is another instance where, if it had been limited to 100 miles, then somebody would have to get another license, for a licensing fee, compulsory in its nature.

Why should they in the first instance ever go in to try to regulate educational TV? It is just not understandable to me.

While I believe the amendment itself goes in the right direction, nevertheless I would much prefer to strike the whole thing.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield to me?

Mr. ROGERS of Colorado. I yield to the gentleman from West Virginia.

Mr. STAGGERS. There is a bill coming before our committee, sponsored by the administration, as recommended by the Carnegie Commission. In it they propose to put an excise tax on TV sets to finance the program.

There will be needed at least $160 million a year in order to get the program started. Then you propose to collect a fee from the Government for the copyright on these. Before we even get an educational TV measure out you are going to put on restrictions. I do not believe that this is right.

Mr. ROGERS of Colorado. May I say to the gentleman that this is just another step in this direction. Why should an educational TV station have to buy a license? It is predicated on trying to do something for the community, and they have to tax the taxpayers here in order to keep educational TV going. You have appropriated time and time again money in the Congress in order to keep educational TV going. Now we have this committee coming in here with this measure. I do not understand yet why they would even try to put a tax on it. Under the present law the broadcasting use must be one that is for profit. When they took out the words "for profit" then it made them eligible to be charged a fee for it. Hence I think the committee would do much better if the chairman or the man in charge of the bill would get up here and move to strike the whole section. Why do you not do that, BOB?

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. Yes. I yield.

Mr. KASTENMEIER. Now, actually I explained why we have this in here. When you have a TV network which reaches a nationwide audience or, via satellite, reaches millions of people, why should you be free to use the material of the authors or composers? Whether this man is someone who writes a book or a text or whatever it is, why should it be disseminated to millions of people and not have a dime of fee go to him?

Mr. ROGERS. The answer to it is very simple. I have an educational TV station in my town which never sells any advertising and under the setup they cannot sell any advertising. If they give a service to the people and are able to do it through a satellite or through any other medium, then why should they not be permitted to do so?

Mr. KASTENMEIER. If the gentleman will yield further, it is because they are using someone else's property.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MACDONALD. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Massachusetts.

Mr. MACDONALD. I would like to call the attention of the House and the gentleman from Wisconsin who has worked very hard on this subject to the fact that hearings are scheduled before the proper committee, which, in my judgment, is the Committee on Interstate and Foreign Commerce and perhaps the Subcommittee on Communications and Power of that committee. In the very near future hearings are to be held on this entire subject. I will admit perhaps the gentleman understands more about the bill than some of us who have not sat in on those hearings that were conducted by him, but I point out that you are obviously putting the cart before the horse for us to try to legislate in this manner before any hearings are held on this entire subject whatsoever. I would urge the gentleman from Wisconsin to accept the suggestion of the gentleman from Colorado concerning the withdrawal of this section until such time as testimony is had and witnesses have been heard on this subject.

Mr. ROGERS of Colorado. Mr. Chairman, therefore, I move as a substitute for the motion made by the gentleman from Wisconsin to strike on page 10, line 4, all of line 4 down to and including——

Mr. KASTENMEIER. Mr. Chairman, a point of order. Is there an amendment of this sort at the desk?

Mr. ROGERS of Colorado. There is an amendment that the gentleman from California [Mr. Sisk] has which I will be glad to offer as a substitute or, if he wants to offer it as a substitute, I will be glad to have him do so.

AMENDMENT OFFERED BY MR. SISK

Mr. SISK. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. Sisk as a substitute for the amendment offered by Mr. Kastenmeier: On page 9, line 31, strike out all of line 31 and the balance of page 9, all of page 10, and through line 19 on page 11.

Mr. SISK. Mr. Chairman, of course this proposal, if adopted, would simply strike out all of section 110 as it deals with educational TV. Unfortunately, I question that this is exactly what I would like to do and is exactly what a great many other people who are concerned about this problem present here in the Chamber today would like to do. However, in my opinion, and as an illustration of what I said last evening when this matter was forced down our throats here on the closing day of a week—to try to wrestle with a situation as complex as this, the facts are that section 106 undertakes to establish certain copyright requirements as to the exclusive rights involving copyrighted works.

Mr. Chairman, section 110 actually amounts to a limitation upon those exclusive rights, and proposes to set up a number of limitations and exemptions, thereby covering everything else that would be broadcast by a nonprofit TV station or by an educational broadcast of any kind.

Mr. Chairman, what I seek to do through the hopeful adoption of my amendment is simply to strike the so-called exemption section. I so move that it be adopted.

Mr. Chairman, in my opinion this is at least one step in the right direction.

Mr. Chairman, I would be inclined to think that there probably should be a further amendment designed to fully clarify what many Members of the House hope and seek to do, and this is to completely exempt educational broadcasts or broadcasts by public institutions on televisions stations for instructional purposes.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. SISK. Yes, I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, unfortunately, this, if adopted, would represent a terrible amendment. It would strike all of the exemptions which in their design are to have an impact upon teaching and which have nothing to do with television per se. If adopted it would strike the exemption for educational television. It would strike the exemption for those works that may be displayed or performed at a place of worship. It strikes out all of these exemptions, if adopted.

Mr. SISK. Mr. Chairman, I say to the distinguished gentleman from Wisconsin [Mr. Kastenmeier] that that is exactly what I just said to the gentleman. If that is the situation in which we find ourselves here today in attempting to operate under a rather forced draft situation, where we do not have the opportunity or the time during which to properly evaluate the language that is contained in the proposed legislation, there is, therefore, no question but what section 110 deals with regulatory operative procedures of television, and I believe the gentleman from Wisconsin will admit that fact.

Mr. Chairman, the very amendment which the gentleman himself offers places it in the category of a regulatory situation as involving the television broadcasting industry and, therefore, it falls under the jurisdiction of the Committee on Interstate and Foreign Commerce.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield further?

Mr. SISK. Yes, I yield further to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, I certainly admit no such thing. What it proposes is that under these circumstances certain exemptions are appropriate, purely and simply in a clear-cut case and that it does not enter into these other matters.

Mr. SISK. Mr. Chairman, I still maintain that the gentleman from Wisconsin [Mr. Kastenmeier] is attempting to go through the back door in an effort to regulate TV.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. SISK. Yes, I yield to the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Chairman, as a member of the Committee on Interstate and Foreign Commerce, I certainly agree with what the gentleman from California [Mr. Sisk] has said.

Mr. Chairman, I am amazed that this measure would be taken up at this time, with its many and varied jurisdictional questions involved.

Mr. Chairman, I am shocked to come onto the floor of the House and find this approach being undertaken.

Mr. Chairman, it is well known that the Committee on Interstate and Foreign Commerce is now ready to commence hearings on this matter. Also, there are many proposals, not just one, that have to be gone into.

The staff is already working on it. I certainly agree with the gentleman from California, that this provision should be stricken from the bill. I hope the House will do it. I support the gentleman's motion.

Mr. SISK. I would hope, Mr. Chairman, that this substitute amendment would be adopted, and then we can proceed to try to clean up some of the balance of the bill because it can certainly stand a lot of cleaning up.

Mr. POFF. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I know of the strong and abiding concern of the gentleman from California for this particular subject. I know that he is well informed on the premises of the subject, and yet I am sure the gentleman will want to rethink the reason which prompted him to offer the amendment.

Under the first chapter of the bill, the first seven sections therein grant exclusive rights to copyright owners. The next 10 sections of the chapter I grant limitations, qualifications, reservations, and exceptions upon these exclusive rights. Section 110, one of the latter, puts a limitation upon the exclusive right guaranteed to the copyright owner.

If the gentleman's amendment would prevail it would have the direct effect of depriving instructional television of any exemption whatsoever. Very definitely instructional television, should this amendment prevail, would then become fully liable. By removing section 110 you would also remove the exemption which section 110 grants to educators, public school teachers in face-to-face teaching situations, and the exemption which section 110 grants to religious services. It would also eliminate the exemption which section 110 grants to certain nonprofit organizations for the performance and display of nondramatic literary and musical works.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from California.

Mr. SISK. I find myself in complete agreement with what the gentleman is saying, but as I said a little bit earlier, this demonstrates to me the rather erroneous procedure, I believe, of attempting to get into what amounts to some extent a regulation of an area and a facet of communications that does not fall under the jurisdiction of the gentleman's committee.

Mr. POFF. Mr. Chairman, I respectfully but vigorously disagree with the gentleman's interpretation as to what the legislation does. This legislation does not regulate. This legislation does not regulate communications, it simply fixes the rights between the parties insofar as the property rights of the copyright is concerned. So far as physical functions of the communications media are concerned, this bill is not regulatory.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. POFF. I will be glad to yield to my learned friend from Colorado.

Mr. ROGERS of Colorado. Why not be fair about it, and write a little old exemption in here?

Mr. POFF. Is the gentleman saying I am unfair about it?

Mr. ROGERS of Colorado. I certainly do, because I believe you should not put educational television under the jurisdiction of having to get a license from a private group. Why not put a little old exemption in here, and say this shall not apply to educational television? Then you have the whole answer.

Mr. POFF. Mr. Chairman, the gentleman has inferred that I have been unfair. I have not attempted to be unfair. Never have I spoken a word on this floor purposely to mislead a colleague, and I have not done so now. I have tried to be strictly and intellectually honest.

Mr. ROGERS of Colorado. Will the gentleman yield further?

Mr. POFF. I yield.

Mr. ROGERS of Colorado. Do you not think that if you want to exempt educational television it would only be fair that we put a little old amendment in here to say it should not apply to this?

Mr. POFF. I just said that section 110 provides the exemption and the amendment that the gentleman from Wisconsin has offered has extended the reach of the amendment to a within-State radius or a radius of 250 miles.

I am sure the gentleman knows what prompted the language in the bill is the consideration that the use of copyright material, a property right of the owner of a copyright, in any manner or in any way which impairs the author's market for his profit must be protected.

So far as educational TV is concerned, if it does not reach beyond a reasonable limit and it does not reach beyond a particular point and is merely an adjunct to instruction, then the effect upon the property right is minimal. But we are living today in an age of communication satellites when it is possible that these transmissions might extend not for 100 miles and not for 200 miles and not for the length of a State but all around the world. Certainly no one can doubt that such a transmission as that would impair, if not destroy, the value of the copyrighted property.

Mr. ROGERS of Colorado. What the gentleman is telling the House is that in the first seven sections of this bill, sections one to seven, you have specifically made requirements that educational TV get a license. That is number one.

Then you try to set around in this section certain exemptions. My point is why did you not in the first seven sections write exemptions against educational TV and remove all doubts? Because otherwise we will get a lot of complicated formulas brought about as to whether or not there is adequate exemption.

Mr. POFF. If the gentleman heard my response a moment ago, I believe he will agree that it was responsive to the second question that he just asked.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from California.

Mr. YOUNGER. This shows very clearly a committee doing a job which is not a part of their work—and that is a matter of communications. It should have been assigned to another committee of the House and that is to the Committee on Interstate and Foreign Commerce. You are starting here to write a bill which will be amended in many ways and you will have a bill so that nobody will know what to do and the communications system will not have adequate guides. I do not think the FCC was considered at all in the preparation of this bill. They are the ones who are going to have the supervision of this. They are under the legislative jurisdiction of our committee. I voted to send this back to the committee. I hoped we would be able to divide the bill and send that portion of it so far as communications is concerned to the committee which really has the facilities and the expertise to do a job on it.

You cannot do that job on the floor and if you continue with this, you will have a bill that will be a terrible piece of legislation to come out of this House when you get through with it.

Mr. POFF. I respectfully disagree that the FCC has jurisdiction with respect to the subject matter of the copyright law.

Mr. DINGELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to commend the gentleman from California [Mr. YOUNGER] for pointing out some facts which I think should be borne in mind in the consideration of the legislation before us.

I would like to remind the gentlemen of the Committee on the Judiciary that they are acting with great diligence in the preservation of their committee jurisdiction. They are demonstrating themselves most diligent in the expansion of that jurisdiction at the expense of other committees.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I am happy to yield to the gentleman from West Virginia.

Mr. MOORE. If the gentleman will forgive me, I should like to ask whether the difficulty which the gentleman has had with the lectern and the microphone could be copyrighted under the bill or not.

Mr. DINGELL. If the gentleman will allow me to answer, if this legislation is passed and we were on television, I point out it could be copyrighted.

Mr. Chairman, we are now coming to the nub of the legislation before us. The Judiciary Committee has gone far beyond its jurisdiction and has gone into broad areas of the expertise of other committees.

To give you an idea of the anomalous situation in which we find ourselves as a result of this legislation, I would point out that very shortly the Commerce Committee of the House of Representatives will consider broad legislation to encourage nationwide satellite television. At the same time the great Committee on the Judiciary will bring before the House of Representatives legislation which would enact a tollgate at the doors of educational TV stations, not on behalf of the authors of literary works, but on behalf of publishing houses, on behalf of broadcasting companies, and on behalf of entrepreneurs in the area of big business.

Now, to look at the piffling difference that exists between 100 to 250 miles, and the difference which would be observed if we were to have this exemption go as broad as the country, from coast to coast, the gentleman from Wisconsin has said that millions of people would be involved if we covered an area larger than a 250-mile radius circle. I point out that a circle with a radius of 250 miles is a circle with a diameter of 500 miles. It would cover the east coast of the United States from Boston, or north of Boston, to Hampton Roads, Va. The population within that area is not 8 or 9 million, which would be the population of New York, which would be exempt, but a population of probably 20 or 30 million. Perhaps a third of the population of the country might live in a circle of that kind. We will exempt that. But the legislation will say "There will be no use of satellites for educational television that will cover the whole of the Nation," from coast to coast. This bill will deny us the right to have a truly efficient satellite system, one covering the whole Nation.

I believe that there is no legitimate justification to distinguish between the use of a satellite to cover a circle 250 miles in radius, or 500 miles in diameter, and the use of a satellite to cover the whole country. I would point out that there are great operating efficiencies in nationwide satellite TV. I would also point out that great foundations have made clear in the past few days that there are great advantages to education from satellites, for a nationwide educational TV system. Yet here we allow certain persons the freedom of making a copyright a taxing device to stand in the way of this kind of educational television system that is best and most efficient. I think it is indefensible to say that we will allow, let us say, a 100-mile radius circle or give an exemption to a 250-mile radius circle, from copyright, but that we will not do the same thing to cover more broad areas which might have greatly lesser financial means to provide viable satellite educational television system for the benefit of our young people we hope to educate.

I asked the gentleman from Wisconsin and I asked the committee staff, "Will you draft me an amendment which would cover the country as a whole, which would eliminate this stricture which exists on satellite television for educational purposes?"

They said, "It cannot be done. The bill is too complex."

I say if this bill is too complex to make a simple change to benefit generations of young Americans to come, if it is too complex to provide the basis whereby we can support, with the taxpayers' money, a viable educational system of satellite television, without subjecting it to copyright, then it is far too complex for us to consider briefly this afternoon. I say the time will shortly come before us when we can well refer this bill back to committee so that the necessary corrections can be made, or so that the Committee on Interstate and Foreign Commerce can handle the problem as it properly, wisely, and should be handled.

Mr. MOSS. Mr. Chairman, I rise to speak in support of the substitute amendment.

I do not believe that I will consume 5 minutes, but I would point out to the distinguished gentleman from Wisconsin that in amending, as he did, or proposing to amend from 100 miles to 250 miles compounds the inequities. He does not resolve them nor remove them. My State, stretching approximately 1,000 miles down the Pacific coast, if it desired to enter into a compact with the States of Nevada or Arizona or Washington or Oregon, covering far less people than would be encompassed in a similar circle on the Atlantic seaboard, would be prohibited under the gentleman's amendment from entering into any such arrangement.

I believe that without regard to satellite transmission, using the present microwave transmission, the inequities in this as it relates to broadcasting are clear and present and should not be tolerated. Certainly, some of the provisions which are contained in 110, I could in conscience support, but the alternatives facing us, because the committee has invaded the jurisdiction of the Commerce Committee, because the committee has made far more complex the problem facing this House, make it impossible for us to render a considered and an effective judgment. We are faced with two alternatives, neither of which in my opinion is the ideal or the appropriate answer.

Mr. TENZER. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from New York.

Mr. TENZER. Mr. Chairman, if the jurisdiction of the Committee on Interstate and Foreign Commerce relates to communication as such, how is there any conflict when this bill seeks to protect the creative artist in America and the writer of a textbook who wants to prevent his property from being used without compensating him for such use?

Mr. MOSS. Because this relates this section specifically to the use of a broadcast facility, and that broadcast facility is under the jurisdiction of the Federal Communications Commission, and from the beginning of the first Radio Act in the 1920's that has been the clear jurisdiction of the Committee on Interstate and Foreign Commerce and not the Committee on the Judiciary.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Michigan.

Mr. DINGELL. It is a subject about which the Judiciary Committee knows precisely nothing.

Mr. TENZER. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from New York.

Mr. TENZER. Mr. Chairman, we had appearing before us educators, schoolteachers, and professors of colleges, and they sought to preserve the right of every classroom teacher in America to permit use of copyrighted material in face-to-face instruction. Does the gentleman realize that in supporting this amendment he would strike out that situation?

Mr. MOSS. I just said that the House is faced with a very unhappy choice, neither of which in my judgment answers the problem created by the tampering with the jurisdiction of the Interstate and Foreign Commerce Committee.

Mr. TENZER. The copyright law is not within the jurisdiction of the Commerce Committee.

Mr. MOSS. The gentleman has claimed jurisdiction over the educational broadcasting in this bill, and it is that which I object to, and it is not corrected by the amendment proposed by his committee.

Mr. TENZER. If the gentleman will yield further.

Mr. MOSS. Let me finish my point. It is not cured by the amendment offered by Mr. KASTENMEIER. As far as my part of the country is concerned, it is compounded and not resolved.

Mr. TENZER. The amendment offered by Mr. KASTENMEIER just broadens the radius under section (B), but how about the other sections the elimination of which the gentleman is now supporting?

Mr. MOSS. What should be done, as far as I am concerned, is this should go back to be reworked from the very beginning and we should have something reported to this House which is less contentious and clearly within the jurisdiction of this committee.

But I might say that I will support the amendment to strike III when it is offered, without any regard to the substance, and do it strictly on the basis of jurisdiction.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. TENZER, and by unanimous consent, Mr. Moss was allowed to proceed for an additional minute.)

Mr. TENZER. Mr. Chairman, may I call to the gentleman's attention that the gentleman offered an amendment to change lines 10 and 11, subsection (B) on page 10.

Mr. MOSS. Certainly the gentleman does not believe I am so uninformed as to not know in the most finite detail the gentleman's amendment. I went over to him and asked him to show it to me. I read it. I know precisely what it says, and it does not in any way answer my objection.

Mr. TENZER. I know, but what the gentleman is doing now is supporting the substitute amendment, which would strike out the exemptions.

Mr. MOSS. That is right, and in so doing I offer no apology.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. Moss was allowed to proceed for 1 additional minute.)

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. If I correctly understand the substance of section 110, it is that the Judiciary Committee has tried to compose by the copyright law controls which would affect the communications media in this country, and the control of the media through the Federal Communications Commission, under the jurisdiction generally of the Committee on Interstate and Foreign Commerce, has generally been handled in another way by the Congress; is that correct?

Mr. MOSS. I concur completely in the gentleman's conclusion.

Mr. BROWN of Ohio. I should like to ask as a matter of information, how can we clear up this conflict between the copyright law on the one hand and the jurisdiction of the Committee on Interstate and Foreign Commerce in this field on the other?

Mr. MOSS. For the first time in more than 14 years I voted to strike an enacting clause, to permit this to go back to the committee, where it could be worked over properly.

Mr. BROWN of Ohio. And the area of concern be studied by the Interstate and Foreign Commerce Committee?

Mr. MOSS. That is correct. I believe that is the best answer.

Mr. TENZER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TENZER. Mr. Chairman, I participated in all of the sessions of this subcommittee. At no time did I ever hear any member of the subcommittee say a word—or read a communication from anyone—or did I hear a word spoken about interfering with the jurisdiction of the distinguished Committee on Interstate and Foreign Commerce. At no time did I hear any debate or any discussion or hear any testimony as to taking away the jurisdiction over communications from that distinguished committee.

What we are dealing with here is protection of copyrighted material, and what the members of the Interstate and Foreign Commerce Committee have sought to do is confound the House. There is a difference between regulation of communications media, which is within the jurisdiction of the Committee on Interstate and Foreign Commerce and the matter of protection of copyrighted material.

We have been charged by the Constitution with protecting the rights of creative artists in America—the man who creates a patent, the man who writes a book, the man who writes a play, the man who writes a song is entitled to our protection. So is the classroom teacher entitled to our protection. These are small people, and in order to protect their rights apparently they have entered into groups and organizations, just the same as all the other organizations, I have come to learn about in the past 2 years since I have been a Member here.

I am in the fortunate position of never having represented any group of songwriters, playwrights, authors, composers, or publishers of literary and musical works or group of broadcasters of radio or television.

The committee is seeking to protect the rights of creativity in America—of the schoolteacher or the professor who spends 10 years of research to write a book. Does not such work merit our *protection? Do we want a system under* which a man's property is permitted to be used without compensating him? Our answer should be "No."

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. TENZER. I yield to the distinguished gentleman.

Mr. MOSS. I want to make one thing very clear to the gentleman. I am not an attorney, and I represent no clients of any kind.

Mr. TENZER. Then the gentleman is in the same position as I am of being able to view the legislation objectively.

Mr. MOSS. And I have no interest, direct or indirect, in any enterprise related even remotely to broadcasting or to publishing. The only interest I represent here is the interest of the public.

On the Committee on Interstate and Foreign Commerce I have consistently fought to impose reasonable controls upon community antenna TV operators, and I would not oppose making them fully subject, as court decisions have held them to be——

Mr. TENZER. The gentleman will have to ask for his own time, because I have limited time left.

The point I want to make is this——

Mr. MOSS. The point I want to make is the gentleman's inferereence is an incorrect one.

Mr. TENZER. I am simply suggesting once again that I am seeking to protect and this committee has sought to protect the rights of creative people in America. If you want the writer of a textbook to permit his work broadcast all over the country free, where will the incentive be to create works of that type and cultural works of all kind?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. TENZER. I yield to the gentleman from Michigan.

Mr. DINGELL. First of all I would like to ask the gentleman what will the incentive be to produce works of this kind if you can broadcast in a circle of 500 miles?

Mr. TENZER. I think the circle is too wide. I think 500 miles is too much.

Mr. DINGELL. You can cover maybe 25 or 30 million people if you do that.

Mr. TENZER. I agree with that. Five hundred miles is too much.

Mr. DINGELL. I will go further and point out to the gentleman that the Judiciary Committee has transgressed on the jurisdiction of the Commerce Committee by going into legislation and reporting legislation to this body which effectively permits the copyrighting of programs broadcast on TV. Under this legislation you can copyright a football game, the presentation of a political convention, or a comedian falling down the stairs.

Mr. TENZER. Does the gentleman believe that the football players on a field, organized into a team who sell their own collective efforts, are any different than *the performers on a stage?*

Mr. DINGELL. I would point out to the gentleman that the political convention and a football game have never before been subject to the copyright laws of the United States.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield to me?

Mr. TENZER. Yes. I yield to the gentleman from New York.

Mr. FARBSTEIN. I would inquire of the gentleman if this section were revised and transferred to the Committee *on Interstate and Foreign Commerce,* would they have the power and authority to pass any laws affecting copyrights?

Mr. TENZER. No. As a matter of fact, the gentleman from New York is correct, because if this substitute amendment is passed by the House, we endanger the classroom teacher and classroom instruction throughout America.

Mr. FARBSTEIN. Is that not the answer to the entire question? This solely affects copyright and would turn over to the Interstate and Foreign Commerce Committee the right to amend the copyright law.

Mr. TENZER. The gentleman is correct.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. TENZER. I yield to the gentleman from New Jersey.

Mr. JOELSON. I am not at all impressed by the claim of this Committee on Interstate and Foreign Commerce that their jurisdiction is being transgressed upon, because as a matter of fact educational TV is not interstate commerce; it is education. If it should be in any committee, it should be in the House Committee on Education and Labor.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. TENZER. I yield to the gentleman from California.

Mr. MOSS. I would say to the gentleman from New Jersey if that is his conviction, he then should utilize the appropriate procedures provided by the rules of this House to change the jurisdiction, but the rules place the jurisdiction in the Committee on Interstate and Foreign Commerce. It is not up to the whim of any individual nor should it be by action of the Committee on the Judiciary.

Mr. TENZER. I agree with the gentleman from California, and perhaps we should review the jurisdiction of the committee to eliminate overlap.

The CHAIRMAN. The question is on the substitute offered by the gentleman from California [Mr. SISK].

The substitute amendment was rejected.

SUBSTITUTE AMENDMENT OFFERED BY MR. SISK

Mr. SISK. Mr. Chairman, I offer another substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. SISK as a substitute to the amendment offered by the gentleman from Wisconsin [Mr. KASTENMEIER]: On page 9, line 31, strike out all of section 110 and insert:

"SEC. 110. LIMITATIONS ON EXCLUSIVE RIGHTS.—Notwithstanding the provisions of section 106, public transmissions for purposes of educational instruction are exempt from all provisions of this Act."

Mr. SISK. Mr. Chairman, the result of this amendment, if adopted, would strike out all of section 110 and completely exempt from the copyright provisions of section 106 all educational television broadcasting. Now, that is *the sole purpose and intent of this* amendment.

Mr. Chairman, I discussed this matter earlier today. I also inquired of the committee day before yesterday, when members of the Committee on the Judiciary appeared before the Committee on Rules with reference to these attempts to bring educational television under the provisions of the copyright laws as they are being amended, indicating that not only were they getting into certain regulatory fields over which they had no jurisdiction but, second, they were increasing the cost substantially of educational TV in this country.

Mr. Chairman, as all the members of the Committee of the Whole House on the State of the Union know, these educational TV programs are heavily susidized.

Mr. Chairman, all of us recall that the House Committee on Interstate and Foreign Commerce several years ago brought to this floor a bill in which we authorized $40 million in the form of grants to cities, counties, school districts, colleges, and so forth, across this country, for the purpose of establishing educational TV in this country. And, because of our belief in its benefits in the field of education for the American people today, the Committee on the Judiciary is attempting to increase those costs by bringing them under certain copyright provisions under which they are going to have to either negotiate or spend money for licenses and spend a great deal of money I might say, the sum of which we were never able to get any answers to up in the Committee on Rules at the time we asked the question with reference thereto.

And, Mr. Chairman, I might say that the question was asked as to just how much this was going to increase the cost. No one seemed to have any idea, or apparently no studies have been made as to what the possible consequences would be upon educational television in this country.

So, Mr. Chairman, what I am attempting to do through offering this amendment, and I say this to my many friends here present on the floor, is to simply exempt from the provisions of this act broadcasts and transmissions, either radio or television as I would interpret them, for instructional purposes.

Mr. EDWARDS of California. Mr. Chairman, would the distinguished gentleman yield to me at this point?

Mr. SISK. Yes; I shall be happy to yield to my colleague from California.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman for yielding.

Would the gentleman from California [Mr. SISK] include in this exemption the professional football games?

Mr. SISK. I beg the gentleman's pardon?

Mr. EDWARDS of California. Would the gentleman include in his exemptions a professional football game—the telecasting of a pro game?

Mr. SISK. I would include, if my amendment is adopted, any games that would be broadcast or carried by a nonprofit or, what we term, an educational TV station today. It is, however, not my understanding——

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield further?

Mr. SISK. Yes; I yield further to the gentleman from California.

Mr. EDWARDS of California. And would it include a movie?

Mr. SISK. It is not my understanding that educational television today is carrying professional football games.

Mr. EDWARDS of California. But, you would allow them to do so under this exemption?

Mr. SISK. The intent and purpose of the amendment which I have offered, if adopted, would be to allow whatever educational TV would otherwise be allowed to carry under the regulations of the committee having proper regulatory authority of educational TV.

Mr. Chairman, my friend will concede to me, I am sure, that educational TV is under the jurisdiction of the FCC as well as the Committee on Interstate and Foreign Commerce, as to what it can involve itself in and as to the scope of its broadcasts, and so on.

I have a perfectly clear conscience about leaving it in that category. I think it would be properly regulated. So I believe the gentleman is getting into an area here, in which I think we are involved, of regulation over which his committee has no jurisdiction.

Mr. ROGERS of Colorado. Will the gentleman yield?

Mr. SISK. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, I believe what the gentleman intends is if in a classroom there should be a recitation or a song that has a copyright, and that is broadcast from the classroom, that that would not be subjected to an infringement. Is that what the gentleman intends by this amendment?

Mr. SISK. Mr. Chairman, I might say that is exactly right.

Mr. KASTENMEIER. Mr. Chairman, I ask unanimous consent that the amendment be reread.

The CHAIRMAN. Without objection, the Clerk will reread the amendment.

There was no objection.

The Clerk reread the amendment.

Mr. KASTENMEIER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we are right back where we started again. The entire section 110 is to be stricken, unfortunately, in this amendment, so this amendment suffers from the same defect as the preceding one, notwithstanding whatever intention the author may have had.

Apart from that I believe the committee has had enough debate on the role of the Committee on Interstate and Foreign Commerce in regulating television communications. We agree they have that right and that jurisdiction, and the ability of the Committee on the Judiciary to write a law affecting copyrights. In no respect do we regulate any enterprise. In other words, no enterprise is regulated. They are quite free to pay copyright royalties, and to escape from the other provisions of the bill. But I believe it comes a little late, Mr. Chairman, on this day, on the very day the copyright bill is taken up in this committee, to suggest now and only now after a year's notice, that the Committee on Interstate and Foreign Commerce has the jurisdiction for the copyright provisions in this bill affecting communication interests.

Mr. Chairman, I suggest that the amendment should be rejected, and the committee amendment adopted.

Mr. PRYOR. Mr. Chairman, I ask unanimous consent that the gentleman from New Mexico [Mr. MORRIS] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection, to the request of the gentleman from Arkansas?

There was no objection.

Mr. MORRIS of New Mexico. Mr. Chairman, one of the reasons it has become necessary to enact this general revision of the copyright law is that the lawmakers in 1909 did not anticipate the tremendous technological advances there would be in the reproduction and transmission of copyrighted works.

One of the virtues of this bill is that it leaves room for new changes which will inevitably develop. Section 110, which exempts certain performances and displays of copyrighted works from the penalties ordinarily consequent upon unauthorized use of a work is such a forward looking provision. It recognizes the increasing use that will be made by schools and school systems of classroom television. It encourages such development by permitting school systems or other nonprofit organizations to use without permission and without cost works for which they would otherwise have to pay. Yet there is one condition upon such use, the provision in section 110 (2) (B), which limits the radius of the area normally encompassed by such free transmission to 100 miles, which is far from forward looking. It fails to take into account the likelihood that in the very near future, State school TV networks will be transmitting instructional materials simultaneously to every school in the State.

The possibility that smaller States may cooperate in regional educational programs should not be overlooked. By defining the permissible transmission area in terms of a hundred mile radius, the law will require in some States a duplication of its transmission facilities and in others permit transmissions more powerful than the needs of the State or other nonprofit organization require. I therefore support an amendment to section 110(2) (B) which would define the permissible area of transmission as that intended for reception in a single State or region, with region including only areas subject to the same educational accreditation authority. If it be thought that regions so defined might permit the transmission radius to be unnecessarily broad, I would support an amendment which would permit transmissions intended to be received within any State, whatever the radius, or within a radius of 250 miles if the transmission is to be received beyond the boundaries of the transmitting State.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from California [Mr. SISK].

The question was taken; and on a division (demanded by Mr. SISK) there were—ayes 70, noes 53.

Mr. KASTENMEIER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. SISK and Mr. KASTENMEIER.

The Committee again divided, and the tellers reported that there were—ayes 81, noes 71.

So the amendment, as amended by the substitute, was agreed to.

AMENDMENT OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER. Mr. Chairman, I offer an amendment.

Mr. ROGERS of Colorado. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS of Colorado. The gentleman from Wisconsin just offered an amendment, and certainly I as a member of the committee ought to have the privilege of offering an amendment.

The CHAIRMAN. The gentleman from Wisconsin is manager of the bill. The Chair recognizes the gentleman from Wisconsin.

The Clerk read as follows:

Amendments offered by Mr. KASTENMEIER:

On page 12, line 28, after "transmitter" insert "during or"

On page 13, line 25, after "other than" insert "or in addition to"

On page 13, strike out lines 27 through 30 and insert in lieu thereof the following:

"(A) a transmitting facility other than the primary transmitter has the right, in connection with an exclusive license or other transfer of copyright, to exclude the secondary transmission, within the area of the secondary transmisison, of any performance or display of the same version of the work covered by the exclusive license or other transfer."

On page 14, strike out lines 16 through 22, and insert in lieu thereof the following:

"(i) the secondary transmission is made for reception wholly or partly within the limits of an area normally encompassed by one or more transmitting facilities, other than or in addition to the primary transmitter, if no such facility has the right, in connection with an exclusive license or other transfer of copyright, to exclude the secondary transmission, within the area of the secondary transmission, of any performance or display of the same version of the work covered by the exclusive license or other transfer; or"

On page 15, line 21, after "major" insert "national commercial"

On page 12, line 38, after "religious services;" insert "athletic events of local nonprofit elementary or secondary educational institutions,"

Mr. KASTENMEIER. Mr. Chairman, I have offered 6 amendments to section 111. I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. HARDY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARDY. Is it one amendment or a half dozen amendments? I tried to follow the reading, but I could not make much sense out of it.

The CHAIRMAN. It was offered and read as one amendment.

Mr. HARDY. It was just one amendment.

The CHAIRMAN. It relates to the same chapter of the bill.

Mr. KASTENMEIER. Mr. Chairman, if I may continue, there are six different ingredients in this one amendment. There are three amendments to section 111.

They all relate to the complex issue of CATV and its liability for transmission of copyright material. Within the last few days—I would say very belated, inasmuch as the language of section 111 in the report has been public since last October—the committee has received from the Association of Broadcasters a number of proposed amendments described as technical, with an urgent request for their adoption.

Despite the submission of these proposals at the 11th hour, the committee has given them consideration. Insofar as they simply propose clarifying improvements in the language, the committee without changing the intended substantive effect of section 111 is disposed to accept them. The committee is not prepared, however, to accept those proposals that appear to involve substantive changes that the national broadcasters offer.

The first five of the six amendments that I have submitted represent changes urged by the Association of Broadcasters, and the committee does regard them as technical clarifications, making no change in the intended effect of the section.

The sixth amendment represents the substantive change suggested by several Members to allow an additional category of programs to be originated by a CATV without affecting its copyright exemption.

I offer the following explanation of the six amendments:

First. Subsection (b)(1) requires the CATV, as a condition for copyright exemption, to carry the entire broadcast program without change, including the commercials and station announcements coming "immediately before or after" the program. The amendment on page 12, line 28, which inserts the words "during or," makes clear that the requirement also includes commercials and station announcements coming during the program.

Second. In subsection (b)(6), dealing with the situation in which a CATV brings a program from an outside station into an area for which a local station has an exclusive license, the local area is referred to as being encompassed by "one or more transmitting facilities, other than the primary transmitter." In some instances, however, where two cities are close together, such as Baltimore and Washington, the area of the primary transmitter will overlap that of the local station. To make clear that the exclusive right of the local station will be given effect in such instances, the phrase "other than the primary transmitter," on page 13, lines 25 and 26, is being amended to read "other than or in addition to the primary transmitter."

Third. In subclause (A) of subsection (b)(6), on page 13, lines 27 through 30, language changes, differing somewhat in form from those proposed by the broadcasters' association, are being made for two purposes: first, to clarify the meaning of a local station's exclusive right by relating it to the right to exclude the CATV importation of the program; and second, to avoid the possible ambiguity in the reference in line 30 to "the same performance or display of the work" by referring instead to "any performance or display of the same version of the work."

The CHAIRMAN. The time of the gentleman has expired.

Mr. KASTENMEIER. Mr. Chairman, I ask unanimous consent that I may proceed for an additional 2 minutes.

Mr. DINGELL. Mr. Chairman, reserving the right to object, if the gentleman will assure us that he will do a better job of explaining, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

The Chair hears none, and the gentleman will proceed.

Mr. KASTENMEIER. Mr. Chairman, continuing with the fourth point, the same amendments as those made in subsection (b)(6) and in subclause (A) of that subsection, which I just explained, are also made in the corresponding provisions in paragraph (B)(i) of subsection (c)(1), on page 14, lines 16 through 22.

The fifth change:

In subsection (d)(3), defining "adequately served" areas, reference is made, on page 15, line 21, to the "major broadcasting networks." To state more precisely what was intended, this phrase is being changed to read "major national commercial networks."

The sixth change:

Amendment number 6 does not come from the broadcasters' association but was suggested by several members. It amends subsection (b)(2) by adding a new category to the kinds of programs that a CATV may originate without affecting the exemptions allowed by section 111. The new category, as inserted on page 12, line 38, consists of "athletic events of local nonprofit elementary or secondary educational institutions."

This was because a number of Members insisted that local basketball games were being carried. They felt it was in the public interest to expand this power of origination. The committee agreed.

Mr. Chairman, I urge adoption of these amendments.

Mr. MOORE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, may I say to the committee, this is and should be obvious to the membership, that these amendments with respect to section 111 have as their express purpose to gather some support which otherwise is not present in this body today.

During the general debate I pointed out that the present section 111 which is before us would restrict the right of a CATV cable operator to originate local athletic contests and various other local community affairs, the exemption for which is not enumerated in the bill. It is perfectly obvious, with the amendment which has now been suggested by the gentleman from Wisconsin, that in order to get some support for this particular section of the bill they now have second thoughts as to whether or not they should not include or give to the CATV operator the right to originate local athletic contests.

It seems to me again that this particular section of the bill is the legitimate responsibility of the House Interstate and Foreign Commerce Committee. Even though we may very well feel kindly toward the amendment—and I feel kindly toward the amendment which now seeks to broaden in a very small way the right of a CATV operator to originate without losing his exemption under this section—how can we say that there are not other worthwhile areas which are local in nature to which the CATV operator should not likewise have the opportunity to originate a broadcast without fear of the loss of his exemption which is in section 111 of the bill?

It seems to me it is appropriate to call to the attention of the committee that this is a case of a committee presenting a bill for our consideration, which now feels that perhaps what they have given us in the first instance is too strict and that perhaps in order to gain some support for this particular section of the bill there should be some additional sweeteners.

It is interesting to note that we have been advised that these particular amendments come from the National Association of Broadcasters. It would seem to me, if we are going in this committee to give the forum to a particular group of individuals, in all fairness, we ought to delete this section 111, send it to the committee which has jurisdiction over this matter, so that other interested organizations very well may have the opportunity to present their thoughts and their feelings with respect to the control involved and the right of origination by cable television operators.

For that reason I am opposed to the amendment.

Mr. MOSS. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, I hope that every Member here has as complete an understanding of the precise effects of the Kastenmeier amendments as I have. With all due deference and in no way in denigration of the gentleman's ability, I listened with care here and attempted to follow his amendments through the language of the bill. I find that notwithstanding that effort—and I can assure you it was diligent—I am confused as to what he wants to do. I concur completely in the remarks of the gentleman from West Virginia. I think that we have here an illustration of the need to strike the entirety of the section and return it to the committee having the proper jurisdiction and the appropriate expertise. I think we are faced here with a most onerous undertaking, the attempt to perfect that which the authors now clearly admit is an imperfect piece of legislation. The imperfections are of such magnitude as to require, if we legislate responsibly, that the whole package go back to the committee.

SUBSTITUTE AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

> Amendment offered by Mr. WHITENER as a substitute for the amendment offered by Mr. KASTENMEIER: On pages 11, 12, 13, 14, and 15, after the word "copyright" on page 11, line 25, insert a period and strike out all the language through page 15, line 25.

Mr. SPRINGER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SPRINGER. I am trying to find out if the gentleman from North Carolina is offering a single amendment as a substitute for the total amendments that were offered by the gentleman from Wisconsin.

Mr. WHITENER. Yes, I am. If the gentleman will permit——

The CHAIRMAN. The Chair will state that is the way the amendment was offered. The first amendment was offered as a single amendment, and this is a single substitute.

Mr. SPRINGER. The gentleman from Wisconsin, as I understood it, offered a series of amendments en bloc. Am I right or wrong in that?

The CHAIRMAN. As a single amendment. That is correct.

Mr. SPRINGER. As a single amendment?

The CHAIRMAN. The gentleman has now offered a substitute, and the gentleman is recognized for 5 minutes on his substitute.

Mr. SPRINGER. A further parliamentary inquiry. I want to be sure this body understands what we are talking about. I understood the gentleman from Wisconsin really offered a series of five amendments. Am I correct on that?

Mr. KASTENMEIER. If the gentleman will yield, I offered six different items as a single amendment.

Mr. GROSS. Mr. Chairman, a point of order. Who controls the time here?

The CHAIRMAN. The gentleman from Illinois asked a parliamentary inquiry.

Mr. GROSS. I am making a point of order that the gentleman from North Carolina did not yield for a parliamentary inquiry.

Mr. WHITENER. May I make a parliamentary inquiry? Is this coming out of my time?

The CHAIRMAN. The Chair thought the gentleman from North Carolina yielded.

Mr. WHITENER. I did not.

The CHAIRMAN. The gentleman from North Carolina refuses to yield for a parliamentary inquiry. The gentleman is recognized for the balance of his 5 minutes.

Mr. WHITENER. I had not intended to take the full 5 minutes, and now I cannot, so I will state very briefly what my amendment would do. It would strike all of section 111 except the following language commencing at line 22, page 11:

> Notwithstanding the provisions of subsections (b) and (c), the secondary transmission to the public of a primary transmission embodying a performance or display of a work is not an infringement of copyright.

So this would really leave that language in the bill and would get us away from all this technical discussion we have about secondary transmissions and with conditions and terms such as the amendment which was offered by our friend, the gentleman from Wisconsin [Mr. KASTENMEIER], is involved with. And, I would merely say that a secondary transmission to the public of a primary transmission is not an infringement of copyright.

Mr. Chairman, we can talk all day and not make it any clearer. I can have questions asked of me which may be designed or which may have the effect of confusing the issue. However, it is very clear what my amendment proposes to do and that is, notwithstanding the provisions of subsections (b) and (c), the secondary transmission to the public of a primary transmission involving a performer or a display of a work is not an infringement of copyright.

Mr. POFF. Mr. Chairman, will the distinguished gentleman from North Carolina yield to me at that point?

Mr. WHITENER. Yes, I am delighted to yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, as I understand the gentleman's explanation, everything following the word "copyright" which appears on line 25, page 11, section 111, would be stricken?

Mr. WHITENER. That is exactly correct.

Mr. POFF. Mr. Chairman, will the gentleman yield further?

Mr. WHITENER. Yes, I yield further to the gentleman from Virginia.

Mr. POFF. Well, then, may I suggest to the gentleman from North Carolina that the references to subsections (b) and (c) would then no longer be pertinent.

Mr. WHITENER. Well, to be quite frank with the gentleman from Virginia, the manner in which the Judiciary Committee drew this bill, does not indicate or say just which subsections (b) and (c) were being referred to. I assumed that such reference was to a prior provision contained in the bill, because there are several subsections (b) and (c) in the bill, both prior to and after this particular section. However, I assumed that in keeping with appropriate statutory draftsmanship, the committee is referring to subsections which have already been included in the legislation and is not engaging in the often condemned practice of referring in advance to specific subsections when reference is made to the applicability of the language involved.

Mr. POFF. Mr. Chairman, will the gentleman yield further?

Mr. WHITENER. Yes, I yield further to the gentleman from Virginia.

Mr. POFF. I am sure, Mr. Chairman, the gentleman from North Carolina knows the rule of statutory interpretation is to the effect that if a subsection is not otherwise identified, then it has reference to the subsection within the section in which the language appears.

Mr. WHITENER. I do not know of any such rule of statutory construction.

Mr. Chairman, my amendment is very clear. I hope it will be adopted.

Mr. MOORE. Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from North Carolina [Mr. WHITENER].

Mr. Chairman, for those Members of the Committee of the Whole House on the State of the Union who have been asking me the question here most of the afternoon as to when we might have the opportunity to vote on the question of striking section 111 of the bill, the Members now have a present opportunity to do so.

It does not come before us in the form of my motion which has been laying at the Clerk's desk for about 3 hours now. However, by virtue of the substitute which has been offered by the gentleman from North Carolina [Mr. WHITENER], in the form of a substitute to the amendments tendered by the gentleman from Wisconsin [Mr. KASTENMEIER], it seems to me that this is the opportunity for which a number of us have been waiting for a considerable period of time during the course of this debate.

Mr. Chairman, the Whitener substitute in this particular instance seeks to take section 111 from the bill. That section is that portion of the proposed legislation following line 25, page 11, of the bill.

Mr. Chairman, for those members of the Committee who have been concerned and who are now concerned with the CATV situation throughout the country and, perhaps, their particular congressional district, the Whitener substitute would remove from the bill, this particular bill, copyright revision as a method toward controlling cable antenna TV throughout the country.

The Kastenmeier amendments that have been suggested were tendered out of an endeavor to, as I have indicated, sweeten this particular section in order to give a wider latitude to cable television operators to originate broadcasts. Substantially the Kastenmeier amendments, if they were to be adopted, would simply broaden in a very, very small way the right of cable television people to originate broadcasts. As I have indicated, there can perhaps be very important other exceptions that should be placed in the bill.

I believe you will recall that section 111 of this bill has exemptions in it for cable television operators, or CATV's, provided they live within the narrow confines of section b(2) on page 12 of the bill. Mr. KASTENMEIER'S amendments seek to broaden that just a little bit.

What Mr. WHITENER does here is substantially submit for your consideration at an earlier time the proposals which I circulated to you by letter and by written comment late last evening, and which were also the subject matter of my comments in the study of the bill during general debate on this bill.

It seems to me that for those of you who are concerned over the question of CATV that this is the substitute, the best opportunity for us to take this particular provision out of this copyright bill, so that it might see the light of day in the committee that has the original jurisdiction over this matter, the Committee on Interstate and Foreign Commerce, and so also that there might be proper and appropriate inquiry made to determine just what rights of origination CATV operators might need.

In addition to this, this will rid us of the problem which we may very well be confronted with, and that is putting the stamp of approval on pay TV inadvertently by securing that right to the television station owner, and making no mention of that right as a benefit for cable television operators.

I would like to solicit the Members' support for the Whitener substitute. I would reiterate this is what I have been talking about all day. This is what I have brought to your attention, and this is what I have been genuinely concerned about. And it would seem to me that we could move rapidly along toward final consideration of this bill if you would support the Whitener substitute.

Mr. POFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the gentleman from West Virginia has just said, if the amendment were in the proper parliamentary posture it would have the effect of striking all of the functional features of section 111. It is technically deficit in that it refers to two sections of that section which the amendment itself later strikes.

But to speak generally to the proposition, insofar as the effort is being made to strike section 111, I think it is important to remember what the present situation is with respect to liability on the part of CATV to copyright owners. Under the decision of the Federal Court of the Southern District of New York today all CATV's, however they may be situated, with respect to each other or with respect to the primary broadcasters, are fully liable for all copyrighted material that may be retransmitted from any primary broadcaster, whether local or remote.

Section 111 is a limitation upon the exclusive right that chapter 1 otherwise grants the copyright owner. Therefore, if section 111 is stricken CATV will be void of any protection and subject to the rule of the court for full liability. Now it is fair to say that that decision is now under appeal, but inasmuch as no one can predict what the future in that respect might be, we must judge of the effect of the amendment as of this moment—and the effect of the amendment as of this moment is to take from the bill any grant of exemption and limitation of liability which it might otherwise have.

Mr. Chairman, I urge the defeat of the substitute amendment.

Mr. HAYS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would remind the House that another motion to strike the enacting clause would be in order, but I do not propose to make one at the moment. I do propose, however, to call your attention to the fact that the authors of this bill are now trying and have been trying for at least a couple of hours, if not somewhat more than that, to rewrite the bill on the floor of the House.

The gentleman from Wisconsin offered a bloc of amendments. I am not an expert on this subject. I have listened carefully to his explanation of the amendments. I am not sure exactly what his amendments propose to do and I am not even quite sure what the amendment offered by the gentleman from North Carolina proposes to do. But I gather that it proposes to weaken this bill somewhat. So therefore I would assume it is a good amendment.

But I ask you to consider the situation in which the House finds itself. It is late in the evening and nobody apparently knows what this bill does including the people who have brought it here. If this is any way to legislate on a subject of this kind, then I have been wasting about 19 years down here because I never have thought that this is the way to legislate. I have noticed that more often than not the House of Representatives has felt the same way about that.

There is a lot of money involved in this bill. One of the authors admitted that it might go as high as $35 million a year, on one section of the bill alone. Here we are sitting here and it is nearly 7 o'clock in the evening after being here since 10 o'clock this morning and we have the authors of the bill now attempting to rewrite the bill section by section.

Somebody on the minority side said that if I offered my motion to strike out the enacting clause again that they thought it might pass. Probably what we ought to do is to get some kind of agreement to rise and let this committee take the bill back and take out the sections that do not belong in this bill and rewrite the sections that do belong to it so that we would at least know what is in it.

That is what the authors of this bill are trying to do here on the floor of the House. Why did the gentleman from Wisconsin [Mr. KASTENMEIER] say that he is offering these amendments? Because the Association of Broadcasters had come in and said that they had to have them. I have no objection to that procedure; that is, if they come in and hearings are held and people who are against it might have a chance to be heard also.

But this reminds me a little bit of a letter that I got from a constituent the other day. A lady wrote that her son was in Germany and he was getting ready to marry a German girl. She wanted me to have the Army stop it. She spent two pages of the letter telling me how no German was fit to marry her son. Then she took a couple of more pages to tell me what a great boy he was. But then she said, "I want to be fair about this. I realize there are two sides to this. I want you to know I realize this is 50 percent the Army's fault and 50 percent the girl's fault."

So I cabled the Army telling them I thought they should let him marry the girl and that might be an improvement.

That is about the situation that we are in. Nobody knows whose fault it is—50 percent or any other percent. I think we ought to just send this bill back. Let everybody be heard on it and let them come in with a bill that is within their jurisdiction and that people can agree on.

If this is going to go on for a couple of more hours, I am going to offer another motion to strike the enacting clause.

Mr. SPRINGER. Mr. Chairman, I ask unanimous consent that I may proceed for an additional 5 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SPRINGER. Mr. Chairman, I believe this is the first time in 17 years that I have asked for an additional 5 minutes. In my opinion, this is the most complicated bill that I have ever read during my time here, and I want to pay my respects to the committee for having done a pretty good job in trying to explain a most difficult piece of legislation. Unless you are a lawyer, I do not know how in the world you can understand what they are talking about.

I support four of the amendments which were offered by the gentleman from Wisconsin. There was another offered which I would call in the nature of sweetener to CATV. Reluctantly, I would take all of the Kastenmeier amendments as a compromise.

May I say with due respect, the gentleman from North Carolina has offered an amendment which could not be more mischievous than anything I could think of. In effect, the provisions of the Whitener amendment would completely overrule a decision of the Federal court in New York which holds that CATV in any broadcast it makes must bargain with the originating station.

This subject is complicated, may I say.

It has been up before our committee on several occasions. The bill now before the House attempts to modify that decision in order to give CATV some rights they do not already have, and it would partially overcome the decision of the New York court.

The Whitener amendment seeks to remove entirely any necessity of CATV to bargain with the originating station. The amendment would cut through everything there is in this and in effect would take away any rights which anyone who originates a program which CATV picks up has.

I take it that down in the gentleman's territory there is a lot of CATV. At least one other gentleman on my side who is in the same area has indicated the same thing.

Somewhere along the line we have to be fair. We have to balance off the originating station with the CATV. I believe that this bill does about as good a job in trying to balance those interests as we could find. I have both in my district. I would hope we would be fair with both.

Mr. Chairman, if the substitute is defeated, an amendment will be offered by the gentleman from New York [Mr. Ottinger], which would strike all of section 111 and put the subject matter back in our committee. Reluctantly, I personally did not want to see all of this happen, but in view of the contentions that have arisen on this floor, rather than accept the amendment now and go ahead and do what the gentleman from North Carolina has in mind at this point, it would be much better to accept the Ottinger amendment which he has agreed to offer, if the amendment now before the House is voted down, remove section 111 entirely, and it would come back to our committee.

At first I did not think this ought to be done. I had a feeling that we ought to go along with section 111. But the way this thing is developing, the worst type of legislation you could have at this point would be the substitute. It would ruin the whole purpose of the copyright law with reference to the division, in fairness, between the originating station and CATV itself.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from New York.

Mr. OTTINGER. I rise in support of the comments of the gentleman from Illinois [Mr. Springer], and indicate that I shall offer the amendment to which he has referred. The gentleman from North Carolina is attempting to legislate in the field of CATV fully as much as what the committee has done. This is a proper subject within the jurisdiction of the Interstate and Foreign Commerce Committee.

I support the gentleman. I believe we should on this motion oppose the amendment of the substitute of the gentleman from North Carolina, and I would ask the Members to support the amendment striking the entire section.

Mr. SPRINGER. I hope the substitute will be defeated.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from North Carolina.

Mr. WHITENER. Mr. Chairman, the gentleman has referred to the New York court decision. I will ask the gentleman if that is not a district court decision which is on appeal?

Mr. SPRINGER. It is, but it is the law as of this minute.

Mr. WHITENER. But it is under adjudication?

Mr. SPRINGER. It is. That is true. But it is the law as of this minute.

Mr. WHITENER. The gentleman takes the position as a member of the Interstate and Foreign Commerce Committee that the regulation of cable television as it is regulated will be a legislative matter solely within the purview of the Committee on Interstate and Foreign Commerce.

Mr. SPRINGER. I think we overcome a lot of the power of our committee by this substitute amendment.

Mr. WHITENER. I am just asking the gentleman if he does not feel this is a matter which will be properly considered by a committee of which he is a member?

Mr. SPRINGER. This substitute, which the gentleman has offered, will reduce a considerable part of the power of my committee to regulate this problem if the gentleman's substitute carries.

Mr. WHITENER. This purports to deal with copyrights and also with infringement upon that right by others. If the language of my substitute is adopted, it would be restricted to the question of whether there was an infringement upon a copyright. It would not in any way deal with the broad problems of regulation of cable television in its relationship to a primary television station or network. This substitute would leave unoffended the principle for which the gentleman and members of his committee have spoken out today when they said they feel that the Judiciary Committee is invading the province of the gentleman's committee.

Mr. SPRINGER. I believe it is invading, because the Commission itself last year determined what were the ranges of CATV and the relationship of CATV to the originating station. The gentleman can talk about whether that is copyrighted or not. That is exactly what the committee did. It was within their power. They did it upon recommendation, and I believe rightly. What the gentleman is proposing is to remove CATV entirely from a restriction which they would have to have, under a court decision, to get some agreement to broadcast primary signals.

Mr. WHITENER. The gentleman misapprehends, in my judgment, both the meaning, I am sure, and also, I am equally sure, the effect of my amendment.

Mr. SPRINGER. I do not believe I misapprehend the effect at all. I believe it is very clear to all members of our committee as to what the substitute will do.

That is the reason I am opposed to it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, in opening his remarks the gentleman said this is a bill only lawyers can understand. I believe that is the worst indictment of the bill I have heard all day.

Mr. SPRINGER. The gentleman is entitled to his opinion.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from North Carolina [Mr. Whitener], to the amendment offered by the gentleman from Wisconsin [Mr. Kastenmeier].

The question was taken; and on a division (demanded by Mr. Moore) there were—ayes 24, noes 80.

So the substitute amendment was rejected.

SUBSTITUTE AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment in the nature of a substitute for the Kastenmeier amendment.

The Clerk read as follows:

Amendment offered by Mr. Ottinger as a substitute for the amendment offered by Mr. Kastenmeier: On page 11, line 20, strike out all of section 111.

Mr. OTTINGER. Mr. Chairman, I shall not take long, but I believe the Kastenmeier committee treatment of the entire question of CATV is an intelligent and possibly a very good disposition of the problem. My real objection is that the various components of this very complicated industry have not had an adequate opportunity to be heard and the jurisdiction is properly within the Committee on Interstate and Foreign Commerce.

I urge support of the substitute amendment.

Mr. McCLORY. Mr. Chairman, I rise in opposition to the amendment of the gentleman from New York [Mr. Ottinger] and in favor of the amendments offered by the gentleman from Wisconsin [Mr. Kastenmeier].

I do not want to get into this controversy with respect to the jurisdiction of committees, but it does seem to me we are dealing fairly here this evening with a copyright bill and that we are charged with doing something about this subject of broadcasting of copyrighted material by some 1,500 to 2,000 CATV stations.

That is all this section undertakes to deal with.

When I spoke earlier I spoke in support of the amendments the gentleman from Wisconsin [Mr. Kastenmeier], is now offering as clarifying amendments. Indeed, in my opinion, they are for the purpose of clarifying what the committee intended to do. These are committee amendments. The committee members on both sides of the aisle have agreed to the amendments offered by the gentleman from Wisconsin [Mr. Kastenmeier].

It is true that the Committee on Interstate and Foreign Commerce and the Federal Communications Commission have authority with respect to interstate communications, but that is not the subject with which we are concerned now. We are dealing with the subject of royalties and benefits under license agreements in favor of artists, authors, and other copyright owners and licensees and the liabilities that will result from infringing those rights.

It seems to me we should pass this bill. At the same time, we will not in any way impinge upon the jurisdiction of any other committee.

The Federal Communications Commission has had this legislation before it, and has commented upon it. It has not commented upon it on the basis that it violated any of its jurisdictional authority, but solely on the basis of what it believed to be wise on the subject of the rights of copyright owners.

It is my opinion that this legislation, which has been worked on so long, should be passed. This amendment, offered by the gentleman from New York [Mr. OTTINGER] would completely destroy the bill insofar as this whole area is concerned. It should be rejected, and the committee amendment offered by the gentleman from Wisconsin [Mr. KASTENMEIER] should be approved.

Mr. CELLER. Mr. Chairman, it is quite evident that this amendment is going to take quite some time, and for that reason I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DENT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2512) for the general revision of the copyright law, title 17 of the United States Code, and for other purposes, had come to no resolution thereon.

SIXTEENTH ANNUAL REPORT OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics, and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to submit to the Congress the 16th annual report of the National Science Foundation.

This fiscal 1966 report tells a proud story of continuing progress on many scientific frontiers—of bold and creative men and women pitting their skill and imagination against the challenges and opportunities posed by nature.

Scientific research is the key with which we can unlock the doors of the future. As a nation we have learned this only recently. Not long ago our scientists usually had to go abroad to learn of the newest discoveries—but now the world often comes here to learn. In our universities, our Government, and our industrial laboratories, the quality of our scientific research is second to none.

We intend to maintain this high standard. The task we have set ourselves is to wrest from nature the intellectual treasures with which we will build the world of tomorrow.

Scientific research has given us new insights and provided tools for practical progress:

New metals which can stand up to the fierce heat of rocket engines make our space flights possible.

New ultraminiature electronic devices born of basic discoveries made only two decades ago, guide our spacecraft in orbit and our aircraft in Vietnam.

The frontiers of the known universe have been pushed back in the last decade and shown to contain energy sources of unprecedented magnitude, thanks to developments in astronomy, and especially in the new use of radiotelescopes.

Experiments with the atomic nucleus have led us to power reactors which will make electricity more abundant and cheaper throughout the world.

The already visible horizons of the future are even more exciting.

Our scientists are increasingly confident that we will be able to modify the weather significantly and perhaps even to do away with drought and flood.

Computers are already revolutionizing our ways of thinking and our ways of doing things, and we have only just begun to sense the impact they will have on our industry, our education, and the abundance of our society.

Desalting the waters of the seas and the brackish ground waters which underlie great parts of our own and other countries will help meet the needs of parched and thirsty lands.

New fuels, new plastics, synthetic materials of a thousand kinds, will make life better for our citizens.

New technologies will give us better ways to eliminate the pollution of our air and water.

The work of our researchers who probe the chemistry of life itself, and unravel the marvelous molecular codes which hold the secrets of heredity, will also teach us to avert or to cure disease, and perhaps one day may delay the effects of inevitable aging which afflict us all.

We know that we can continue this flow of benefits to mankind only if we have a large and constantly replenished pool of basic knowledge and understanding to draw upon. For the path between basic discovery and its application can be both long and uncertain.

We intend to maintain such a pool with all our talents and resources, so that we can apply it to our needs. Perhaps most important, we intend to maintain this pool of basic knowledge and understanding because of the stimulus it provides to our young minds in the challenge of ideas. Knowledge, as we have learned from our rich experience, is not a laboratory curiosity. It is a critical tool for our national health, our national growth, and the sound education of all of us. The very process of generating knowledge produces the highly trained scientists and engineers that are needed to man our universities, industries, and government.

The National Science Foundation is entrusted, more than any other single national institution, with the responsibility to expand our reservoir of basic knowledge through research, and to promote excellence in our scientific education. It is doing this job admirably, as the attached report shows. It must—and will—do even better.

Under the programs proposed to you in the Congress for next year, the National Science Foundation would—

Sponsor the research of faculties and postgraduate students in more than 450 schools in all 50 States;

Develop new approaches in science education;

Provide laboratory facilities in at least 30 graduate schools;

Assist more than 35,000 secondary school and college teachers to improve their teaching capabilities;

Help to improve the quality of 25 or more institutions of higher education which have shown the capacity to develop outstanding capabilities in one or more scientific disciplines;

Provide funds to explore and test the effectiveness of computers in all stages of the educational process.

In these ways, the Foundation is substantially expanding its efforts to improve the quality of science education at all levels. It is helping to increase the number of colleges and universities which can provide truly excellent scientific training and research. In doing this, it is continuing to expand our capabilities for basic research in all fields of modern science.

To be fruitful, scientific and technical information must quickly reach those who can use it. As the volume of research results grows, this becomes harder to achieve. But the stakes are well worth the effort. Every increase of 1 percent in the efficiency of our $22 billion public and private research and development programs is worth $220 million per year. The Foundation will therefore institute new programs to devise improved systems for handling scientific information, and will work with other Government agencies to establish standards for Federal technical information programs.

Many of the most pressing problems of our times depend for their solution on a better understanding of man and his interaction with the highly technological society in which he lives. For this reason, the Foundation has more than doubled the funds for basic research in the social sciences over the past 5 years.

The story of scientific achievement and challenge told by this annual report is a story of a sound investment which will pay handsome dividends. I commend the report to the attention of the Congress and the American people.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 6, 1967*.

TO ESTABLISH A STANDING COMMITTEE TO BE KNOWN AS THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, AND FOR OTHER PURPOSES

Mr. COLMER, from the Committee on Rules, filed a privileged report (H. Res. 418, Rept. No. 178) which was referred to the House Calendar and ordered to be printed.

PRIVILEGE OF THE HOUSE—THE STATE OF NORTH CAROLINA AGAINST RAY ALDRIDGE, PETITIONER

Mr. WHITENER. Mr. Speaker, I rise to a question of privilege of the House.

The SPEAKER. The gentleman will state the question of privilege of the House.

Mr. WHITENER. Mr. Speaker, I have been subpenaed to appear before the Superior Court of Gaston County, N.C., to testify in Gastonia, N.C., on the seventh day of April, 1967, at 9:30 a.m., in the case of the State of North Carolina against Ray Aldridge, petitioner.

Under the precedents of the House, I am unable to comply with this subpena without the consent of the House, the privileges of the House being involved, I therefore submit the matter for the consideration of this body.

I send to the desk the subpena.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

State of North Carolina—Gaston County—in the Superior Court.

To the Sheriff of Gaston County—Greeting:

You are hereby commanded to summon Basil L. Whitener, if to be found in your county, personally to be and appear before His Honor, Judge of our Superior Court for the County of Gaston at a court to be held at the Court House in Gastonia, N.C., on the 7th day of April, 1965, at 9:30 A.M., to give evidence in an action then and there to be tried wherein the State of North Carolina is plaintiff, and Ray Aldridge, Petitioner, Defendant on the part of the State.

Herein fail not at your peril.

Given under my hand this 31st day of March, 1967.

George C. Holland,
Clerk of the Superior Court, Gaston County.

Mr. ALBERT. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 419

Whereas Representative Basil L. Whitener, a Member of this House, has been served with a subpena to appear as a witness before the Superior Court of Gaston County, North Carolina, to testify at Gastonia, North Carolina, on the seventh day of April, 1967, in the case of the State of North Carolina against Ray Aldridge, Petitioner; and

Whereas by the privileges of this House no Member is authorized to appear and testify, but by order of the House: Therefore be it

Resolved, That Representative Basil L. Whitener is authorized to appear in response to the subpena of the Superior Court of Gaston County, North Carolina; and be it further

Resolved, That as a respectful answer to the subpena a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO TERMINATE THE INDIAN CLAIMS COMMISSION, AND FOR OTHER PURPOSES

Mr. ASPINALL submitted the following conference report and statement on the bill (H.R. 2536) to terminate the Indian Claims Commission, and for other purposes:

The conference report and statement follow:

Conference Report (H. Rept. No. 179)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2536) to terminate the Indian Claims Commission, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the language inserted by the Senate amendment insert the following:

That section 23 of the Act entitled "An Act to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes", approved August 13, 1946 (60 Stat. 1049, 1055), as amended (75 Stat. 92; 25 U.S.C. 70v), is hereby amended to read as follows:

"Sec. 23. The existence of the Commission shall terminate at the end of ten years from and after April 10, 1962, at or such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it. Upon its dissolution the records of the Commission shall be delivered to the Archivist of the United States."

Sec. 2. Subsection (a) of section 3 of said Act, as amended (25 U.S.C. 70b), is further amended to read as follows:

"Sec. 3. (a) The Commission shall consist of five Commissioners who shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one Commissioner as Chairman. At all times at least three Commissioners shall be members of the bar of the Supreme Court of the United States in good standing. No more than three Commissioners shall be of the same political party. Each Commissioner shall take an oath to support the Constitution of the United States and to discharge faithfully the duties of his office.

"The persons holding the offices of Chief Commissioner and Associate Commissioner of the Indian Claims Commission on April 9, 1967, shall continue in office serving as Commissioners of the Indian Claims Commission until June 30, 1968, unless prior to that date the President shall appoint them pursuant to this section."

Sec. 3. Subsection (d) of said section 3, as amended, is further amended by striking out "Two members" and inserting in lieu thereof "Three Commissioners" and by striking out "two members" and inserting in lieu thereof "three Commissioners."

Sec. 4. Sections 6 and 18 of said Act (25 U.S.C. 70e and 70q) are each amended by striking out "Chief Commissioner" and inserting in lieu thereof "Chairman".

Sec. 5. The Act of August 13, 1946, as amended (25 U.S.C. 70–70v.), is amended by adding at the end thereof a new section as follows:

"Trial Calendar

"Sec. 27. (a) The Commission shall, not later than one year after the effective date of this section, prepare a trial calendar which will set a date, not later than December 31, 1970, for the trial of each claim pending before the Commission.

"(b) If a claimant fails to proceed with the trial of its claim on the date set for that purpose, the Commission shall enter an order dismissing the claim with prejudice unless for good cause the Commission grants a continuance, which continuance shall be for a period of not more than six months. No further continuances shall be granted upon motion of the same party except upon a showing that unforeseeable events beyond the control of the party have occurred which make it imperative that such further continuances be granted, and in no event shall such further continuances exceed an aggregate of six months. If, upon the expiration of the final period of continuance granted, the claimant fails to proceed with the trial of its claim, the Commission shall enter an order dismissing the claim with prejudice. The Commission may, however, stay the entry of any such order if it finds that a final compromise of the claim is being negotiated in good faith by the parties."

Sec. 6. Section 5316 of title 5, United States Code, is amended by striking out paragraph (46) and by amending paragraph (47) to read as follows:

"(47) Commissioners, Indian Claims Commission (5).".

And the Senate agree to the same.

Wayne N. Aspinall,
James A. Haley,
Ed Edmondson,
John P. Saylor,
E. Y. Berry,
Managers on the Part of the House.

Henry M. Jackson,
George McGovern,
Paul J. Fannin,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2536) to terminate the Indian Claims Commission, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

While the House and Senate versions of H.R. 2536 agreed on its two major objectives—first, to extend the life of the Indian Claims Commission for 5 years; second, to enlarge the membership of the Commission from three to five—they differed in four other important respects as well as in a number of minor details. The four important differences and the manner in which the Conference Committee recommends they are resolved are as follows:

(1) Designation of Chairman of the Commission: In H.R. 2536, as it passed the House, it was provided that the President should designate one Commissioner as its chairman. The intent was that, without creating a rotating chairmanship, the President should be able from time to time to name as executive head of the Commission that member whom he thinks best fitted for the duties involved. The Senate version of the bill, on the other hand, provided that the chairman, as chairman, should be named by the President with the advice and consent of the Senate. The conference committee agreed to recommend the House language on this point.

(2) Carryover of present Commissioners: The House version of the bill provided that the present Chief Commissioner and Associate Commissioners should continue to serve as Commissioners of the Indian Claims Commission. The Senate version provided that they should not so serve beyond April 9, 1967, unless reappointed by the President with the advice and consent of the Senate. The Conference Committee recommends a text that will allow the present members of the Commission to continue serving no later than June 30, 1968 unless, prior to that date, they are reappointed by the President with the advice and consent of the Senate.

(3) Trial calendar; continuances: The Senate amendment to H.R. 2536 included a section directing the Commission to prepare a calendar assigning dates for the trial before January 1, 1970 of all pending cases, allowing continuances to be granted beyond the date shown on the trial calendar on motion of the claimant upon showing of good cause, limiting the total permissible time for continuances to 6 months, and providing for dismissal of a claim with prejudice if, at the time originally set for the trial or at the time to which it was continued, the claimant failed to proceed unless the Commission found that negotiations were then in progress looking towards a compromise settlement of the case. The House bill contained no such provisions.

The conferees were all agreed that it is urgent that a trial calendar be set up, that there be strict adherence on the part of the Commission and all attorneys concerned to that calendar, and that continuances be severely limited. The conference committee therefore recommends language which adopts the Senate provision with certain modifications. This language calls for the preparation of a trial calendar setting "a date, not later than December 31, 1970, for the trial of each claim pending before the Commission." It also provides that, for cause shown, a continuance of not more than 6 months may be granted and that, beyond this initial continuance, no further continuances may be granted on the motion of the same party except upon a showing of the occurrence of "unforeseeable events beyond the control of the party . . . which makes it imperative that such further continuances be granted" and then only for a total of 6 months. While these provisions are directed principally to claimants before the Commission and their attorneys, they are also applicable to the Government. The understanding of the members of the conference committee was that the words "unforeseeable events beyond the control of the party" are limited to such cases as the death or serious illness of a key witness or attorney, the destruction of a mass of documentary evidence by fire, and other similar tragedies.

(4) Further extensions of the Commission's life; reports to Congress: The Senate version of the bill contained a section stating it to be the sense of the Congress that there would be no further extension in the life of the Commission for the trial of claims and requiring the Commission to certify that the trial calendar prepared by it would, in its judgment, "result in the final disposition by the Commission of all pending claims prior to the expiration of the Commission's life." It would also have required a similar certification each year thereafter. The House version contained no similar provision.

The members of the conference committee agreed to recommend omission of this section. This omission does not mean that the Congress will consider favorably further requests for extensions in the Commission's life. It is, indeed, the belief of the conferees that the Commission should do everything possible to assure that the initial trial of all pending claims is speedily completed. Enlargement of the Commission from three to five members is intended to lighten the trial load on the individuals comprising the Commission. Accomplishment of this objective, however, will also require the cooperation of the Indian bar and the avoidance of dilatory tactics by everyone. While it is recognized that the schedule which will have to be pursued by the Commission is a rigorous one, the conferees do not believe that it is an impossible one. It would be unfortunate if failure to complete the work of the Commission within the next 5 years resulted in depriving some Indian tribes of their day in court. If it does, the Indian lawyers will have only themselves to blame. In the meantime, the House and Senate Committees on Interior and Insular Affairs will exert themselves to see that this does not happen by calling periodically for progress reports from the Commission. All conferees are agreed that the trial calendar must be set up with the likelihood of nonextension in mind and that the Commission should report to the two legislative committees concerned as soon as the calendar is prepared without being further called upon to do so.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
JOHN P. SAYLOR,
E. Y. BERRY,
Managers on the Part of the House.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 2536) to terminate the Indian Claims Commission, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, is it the intention of the gentleman, the chairman of the committee, to have the statement of the managers on the part of the House be read in lieu of the report?

Mr. ASPINALL. If the gentleman will yield, I will advise my friend that it is.

Mr. GERALD R. FORD. I withdraw my reservation of objection, Mr. Speaker.

Mr. ARENDS. Mr. Speaker, further reserving the right to object, do the members of the committee on our side of the aisle know that the gentleman has called this conference report up at this time of the night?

Mr. ASPINALL. If my distinguished colleague will yield, I will say to the gentleman that they do know about it. It has been cleared all the way through.

Mr. ARENDS. I am looking for them at the moment.

Mr. Speaker, I withdraw my reservation of objection.

Mr. EDMONDSON. Mr. Speaker, reserving the right to object, and I will not object, I would want to have the legislative record made at this point that in connection with the language of the managers in reporting this bill that the members who were named by the President to serve as Commissioners under the bill would be subject to confirmation even though the member named to serve as Chairman would not be subject to confirmation in his capacity as Chairman.

Mr. ASPINALL. The gentleman is correct. There is no question about this. It may be an ambiguity but this is understood by the conferees who are unanimous in their approval of the report.

Mr. EDMONDSON. Mr. Speaker, I withdraw my reservation of objection.

Mr. BERRY. Mr. Speaker, further reserving the right to object, I do want to say for myself and for the gentleman from Pennsylvania [Mr. SAYLOR] that this meets with our entire approval.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

Mr. GROSS (during the reading of the statement). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I am pleased to announce that House and Senate conferees met yesterday afternoon and came into agreement on the respective versions of the legislation to extend the Indian Claims Commission Act which is due to terminate on April 10, 1967.

Basically both bodies were seeking the same goals—to extend the life of the Commission for 5 years beyond April 10, 1967 and to enlarge the size of the Commission from three to five members. Not only have these goals been reached but we have written into law language which will expedite procedures that must be followed if the remaining dockets are to be completed within the next 5 years.

Briefly, Mr. Speaker, the four compromises may be summarized as follows:

First. The Senate agreed to the House version that the President should designate one of the five Commissioners to serve as Chairman;

Second. The conferees agreed that the present three Commissioners could continue to serve until June 30, 1968, unless prior to that date the President reappoints them;

Third. The compromise language provides that a trial calendar will be established on which all pending cases will be set for hearings before December 31, 1970. It further provides that, for cause shown, a continuance of not more than 6 months may be granted and that, beyond this initial continuance, no further continuances may be granted except in cases of unforeseeable events beyond the control of the parties—either the Indian attorneys or the Government, and, only then, for not longer than one additional period of 6 months; and,

Fourth. The conferees agreed that it is essential that the Indian Claims Commission report periodically on the progress or lack of progress it is making on the remaining dockets but that the Senate language to write the stipulations into the law would be deleted.

Mr. Speaker, I strongly urge the adoption of the conference report.

Mr. SAYLOR. Mr. Speaker, I rise in support of the conference report on H.R. 2536, a bill to terminate the Indian Claims Commission, and for other purposes.

Mr. Speaker, in 1946 Congress established the Indian Claims Commission for the purpose of adjudicating Indian claims against the United States existing before that date. At such time, it was anticipated that the work of the Commission would be completed in a deliberate and judicious manner within a time frame of 10 years. The processing of these Indian claims has required more than this original 10-year period and the life of the Indian Claims Commission has been extended on other occasions by the Congress.

The conference report on H.R. 2536, which passed the House on March 20, 1967, actually extends the life of the Indian Claims Commission from April 10, 1967, to April 10, 1972. So the bill actually does terminate the Commission on that date. The bill extends the date of termination.

This extension of the date of termination is necessary in light of the fact that the Indian Claims Commission had as of March 1, 1967, a total of 347 claims pending disposition.

Perhaps the single most important factor mandating this extension is the lack of understanding in knowing what is required in the processing of Indian claims. Most of these claims involve the question or issue of compensation for lands taken by the Federal Government.

Resolving that issue requires the determination of the value of such lands at the time of taking. I feel certain that my colleagues understand the difficulty in determining the value of land, say, within a 2-year period. Yet, these claims require the fixing of values on lands at the time of taking which in most cases is more than 100 years ago. The amount of research required to assemble the evidence to be presented in these Indian claims is a tremendous task.

While the Committee on Interior and Insular Affairs has not viewed these extensions favorably, the need for the extension of the termination date is necessary. This will enable the Indian Claims Commission to complete its work and accomplish the objectives and purposes for which the Commission was established.

The members of the conference committee on H.R. 2536 were in agreement in seeing that the work of the Indian Claims Commission be completed. In order to do so, the members of the conference committee have agreed that the language of H.R. 2536, amending the act creating the Indian Claims Commission should also contain some action forcing provisions.

In addition to extending the date of termination, the amending language of H.R. 2536, will add two new commissioners to assist the present three commissioners in handling the workload.

The commissioners are appointed by the President with the advice and consent of the Senate. The three present commissioners shall hold office until June 30, 1968, unless reappointed by the President prior to that date.

The amending language of H.R. 2536 also provides for the preparation of a trial calendar and restricts the period of time for the granting of continuances. It is anticipated that these provisions will accelerate and assist the processing of Indian claims by the Commission, the attorneys, and the Indian tribes.

Mr. Speaker, I recommend and support the adoption of the conference report on H.R. 2536.

Mr. BERRY. Mr. Speaker, I rise in support of the conference report on H.R. 2536, a bill to terminate the Indian Claims Commission, and for other purposes.

Mr. Speaker, H.R. 2536, passed the House on March 20, 1967, and the other body on March 21, 1967. Differences in the language of the two houses were resolved in conference.

H.R. 2536, as amended by the conference committee, extends the date of termination of the Indian Claims Commission from April 10, 1967 to April 10, 1972.

The bill further provides for the addition of two Commissioners to assist the present three Commissioners in adjudicating the Indian claims. The Commissioners are to be appointed by the President with the advice and consent of the Senate, except that the present Commissioners shall serve until June 30, 1968, unless sooner reappointed by the President and the Senate. One of the Commissioners shall also be designated as Chairman by the President.

The bill also provides for the preparation of a trial calendar and limits the time allowed for continuances, in order to expedite the work of the Commission.

Mr. Speaker, the adoption of the conference report will be a big step in the processing of these Indian claims. The work of the Indian Claims Commission performs a most vital function in our Government. This Commission was established by Congress in 1946 to adjudicate the claims of the first Americans against the United States.

It has been my purpose as the ranking minority member of the Subcommittee on Indian Affairs to see that the work of the Commission was done in a judicious and expeditious manner, but moreover, to insist and insure that both the Indians and the Government have "their day in court."

The Committee on Interior and Insular Affairs has indicated by the record on this legislation that the work of the Commission should and must be expedited. The provisions of H.R. 2536 as amended by the conference committee will accomplish that purpose.

Mr. Speaker, I support the adoption of the conference report on H.R. 2536.

Mr. ASPINALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members may have permission to insert their remarks immediately prior to the approval of the conference report.

The **SPEAKER.** Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERMISSION TO COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORT ON H.R. 207 PROVIDING FOR PARTICIPATION OF DEPARTMENT OF INTERIOR IN CONSTRUCTION AND OPERATION OF PROTOTYPE DESALTING PLANT

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight Friday to file a report on the bill H.R. 207, to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes.

The **SPEAKER.** Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. COHELAN. Mr. Speaker, on rollcall No. 60 I was absent on business downtown. Had I been present, I would have voted "No," and I make this statement so the RECORD will so show.

DAIRY IMPORT ACT OF 1967

Mr. PIRNIE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PIRNIE. Mr. Speaker, today I am joining in the sponsorship of the Dairy Import Act of 1967. For the past several months I have been viewing with great alarm the steadily deteriorating position of the American dairy farmer.

While this certainly is a very serious situation, demanding our prompt attention and immediate response, it reminds me of an oft-repeated witticism: we have all heard the story about the dejected and discouraged individual who followed the advice to "Cheer up, things could be worse"—and sure enough things did get worse. That is precisely what is happening to our dairy farmers.

There are several problems contributing to the depressed state of existence for the people who work so hard—and receive so little in return—to supply us with such nutritional essentials as milk and butter. Certainly the inflationary spiral, with the ever-increasing price tags on equipment and supplies, is a major factor. So is the significantly advanced cost for farm labor, where available.

Of these and the several other problem areas that combine to spell trouble for our dairy farmers, one stands out like a sore thumb because it has already been clearly identified and could so easily be solved. I am referring, of course, to the problem of dairy imports.

There is no disputing the facts, the accelerated rate of dairy imports has reached crisis proportions. Unless some positive action to assist our farmers is taken, and taken soon, the consequence will be grave.

I am not a hard-line protectionist advocating the establishment of insurmountable trade barriers to isolate domestic industry from any possible competition from abroad. Such a program would be unwise and the long-range penalty severe. The United States must be a partner to international trade. The import-export business must continue if we are to maintain any semblance of a healthy, balanced economy.

While I believe this to be true, I also recognize that out of necessity some limitations must be imposed; tariff walls and import quotas cannot be eliminated in one sweeping gesture without any regard to the effect at home or, as in the case of dairy imports, we cannot operate under a seemingly realistic plan when it is apparent that the plan has glaring loopholes. It is a futile effort to place a finger in the dike when a major opening is inviting the onrushing tide.

One basic and uncontested fact vividly illustrates the present-day reality of the problem. According to U.S. Department of Agriculture estimates for 1967, 12 times as much milk equivalent will come into the country under the loopholes in our quota system as that which can be imported under the quota itself. The imports, if permitted to continue, may place our entire agriculture economy in jeopardy.

The casual observer might be tempted to conclude that this is a one-time occurrence resulting from unusual conditions here at home. It is not.

In 1965 the United States imported 900 million pounds of milk equivalent in the form of dairy products. That figure tripled to 2.7 billion pounds last year and, I am sorry to report, it appears that dairy imports may reach 4 billion pounds this year.

There were sound reasons for President Eisenhower's imposition of limited import quotas on dairy products in 1953. Among other things, it was deemed necessary to give the American dairy farmer some measure of protection against low-cost, Government-subsidized products from abroad. The absence of such action undoubtedly would have resulted in many farmers going out of business because of an inability to successfully compete in a market flooded by imports. We simply could not afford to risk a further exodus from the farm. Where, if those imports should suddenly disappear for one reason or another, would we get the dairy products for domestic consumption?

The quotas established were realistic in 1953—and were doing the job for which they were intended until the inevitable loopholes were discovered and exploited in 1966. Then there was a drastic change in the picture as is evident by the substantial annual rate of increase in imports for the past two years.

As an example, it was soon discovered that by marginally reducing the butterfat content of dairy products from 45 to 44 percent quotas could be circumvented. Colby cheese—which is very similar to cheddar cheese—could be brought into the country in unlimited quantities because of a twist in semantics. In connection with this, it is especially illuminating when one observes that 1963 imports of Colby cheese were virtually nil, but in 1966, 45 million pounds of this type of cheese entered the country without restriction.

To continue with this recital of the present situation would be to repeat what those of us who are interested in the plight of the dairy farmer already know. The time for action is now.

There are two approaches to the solution of the problem. The President, under the authority given him by section 22 of the Agriculture Adjustment Act of 1933, as amended, could direct a decrease in import quotas. Just 12 months ago, the administration was not hesitant to increase the dairy import quota on cheddar-type cheeses in what was termed a response to an emergency situation. While I questioned that action, it will not do any good to once again review the factors involved. I bring it up only to point out that the President does have the authority to act promptly and expeditiously to solve a problem he has helped to create.

The Secretary of Agriculture is aware of the dimension and seriousness of the dairy import problem and just last week he recommended to the President that action be taken to reduce the volume of dairy products being imported into the United States. However, the Secretary has asked that the Tariff Commission undertake an investigation under section 22 with a view toward the establishment of import quotas on certain dairy products not now subject to quotas.

Last Monday the President simply referred the whole problem to the Tariff Commission and thereby passed up the opportunity to take immediate and effective emergency action while the Commission was studying the dairy import problem.

The course outlined by the Secretary and accepted by the President will be slow, tedious and of questionable value since the Tariff Commission, on May 16, 1966, and June 1, 1966, submitted reports on this very subject to the White House and to this day those reports have not been made public nor have they been accessible to the Congress. This unhappy fact exists despite our requests that the reports be released.

The Dairy Import Act of 1967 is designed to tackle the problem in a realistic and sensible manner. It would allow the continued import of dairy products based on the average annual rate of imports for the base years 1961–65. If domestic consumption increased or decreased, the import quotas would be increased or decreased by a corresponding percentage.

Additional quantities of imports would be permitted if the President "finds such action is required by overriding economic or national security interests of the United States." However, no additional imports would be permitted under this provision at a time when prices received by dairy farmers for milk on a national average are at a level less than parity unless the Secretary shall remove from the market a corresponding quantity of dairy products.

In short, the measure, if enacted, would lead to a return to normalcy. Loopholes would be closed. Our dairy farmers would be given a needed assist at a time when the "cheer up, things could get worse" advice appears to be a prediction rather than words of encouragement. The American dairy farmer is in trouble and it is in our best interests that we come to the rescue. I am hopeful that the Dairy Import Act of 1967 will receive prompt and favorable consideration.

REPUBLICANS ASSESS CONTROVERSY OVER LATIN AMERICAN RESOLUTION

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, the House Republican Task Force on Western Alliances, consisting of 14 Representatives, today issued the following unanimous statement:

> President Johnson will depart next week for Punta del Este, Uruguay, to participate in a meeting with the Chiefs of Latin American States, for the purpose of delineating a new stage of economic development for the countries of Latin America.
>
> The fact that the President to date has not received a resolution from the Congress as he requested should not be misread as a reversal of the nation's longstanding cooperation with our good neighbors in Latin America.
>
> The controversy over the Administration's Resolution has been caused by the undue haste with which Congress was requested to act, by over-emphasis upon money, and by the ambiguous character of the commitment.
>
> If Congress fails to pass a resolution, this may constitute an embarrassment to the President, but the debate is a timely warning which should be useful to him. The widespread apprehension represents, in part, a reluctance on the part of the Congress to be treated as a rubber-stamp. Properly handled, however, resolutions can be a valuable aid to the President in formulating foreign policy.
>
> We trust that the controversy over the Resolution will not deter the President from seeking to accomplish the commendable objectives of the Punta del Este Conference. In fact, the debate exhibits fully the democratic processes and governmental separation of powers in this country, and as such, should establish the basis for understanding and realism upon which a successful conference can proceed.
>
> The Republican Party has traditionally supported constructive efforts to strengthen hemispheric solidarity. All the peoples of the Americas have a common interest, and we desire to develop and encourage the natural feeling of affinity and respect we hold for each other, and to our mutual interests.
>
> We share the hope that this forthcoming Conference will accelerate the process of economic integration and social advancement, and that the agreements reached, foreshadowed in the agenda, will be faithfully implemented by the governments concerned.
>
> The Conference will focus primarily upon the problems of forming a Latin American common market. Considering the discouraging progress of LAFTA, and existing regional trade patterns, this represents a major undertaking by Latin American governments. The United States should be prepared to encourage and assist these countries toward the establishment of a common market.
>
> It is anticipated that the Conference will agree in principle to this objective. We envisage, thereafter, negotiations leading to a common market treaty, which will schedule tariff reductions (preferably across-the-board) among member states, determine the means of achieving a common external tariff, and set conditions for harmonizing national economic and tax policies.
>
> Although we are interested in the possibility of the United States joining or associating with the market when it comes into being, our enormous economic strength might cause Latin Americans to feel threatened, justifiably or not, by any expressed intent on our part to participate. We have traditionally, and wisely, supported the concept or freer and non-preferential trade, and the United States' interests in a regional or hemispheric market does not alter our hopes for a broadening, world trade community.
>
> In conclusion, we wish to stress two further points. It remains in the interests of the nations concerned that the governments, individually and perhaps jointly, act to create a healthy environment for private, foreign investment, which is crucial in supplementing government finance programs. Secondly, we urge the Administration to

strengthen the channels and institutions which provide various types of assistance on a multilateral basis.

This statement is issued by members of the House Republican task force on Western alliances comprised as follows: Representative Paul Findley, of Illinois, chairman; Representative E. Ross Adair, of Indiana; Representative William O. Cowger, of Kentucky; Representative William C. Cramer, of Florida; Representative Marvin L. Esch, of Michigan; Representative Seymour Halpern, of New York; Representative Sherman P. Lloyd, of Utah; Representative William S. Mailliard, of California; Representative Alexander Pirnie, of New York; Representative Albert H. Quie, of Minnesota; Representative William V. Roth, of Delaware; Representative Herman T. Schneebeli, of Pennsylvania; Representative Charles W. Whalen, of Ohio; Representative Larry Winn, Jr., of Kansas.

EXEMPTION OF AMBULANCE DRIVERS AND ATTENDANTS FROM FEDERAL MINIMUM WAGE AND OVERTIME COVERAGE

Mr. HALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, today I have introduced a bill whereby ambulance drivers and attendants would be exempt from Federal minimum wage and overtime coverage.

In the ill-advised attempt of the 89th Congress to provide higher minimum wages and to expand its coverage to more segments of the population by the enactment of the minimum-wage law, we have done nothing but eliminate the small individually owned ambulance services and the jobs it has provided and created. At this point, Mr. Speaker, I would like to place in the Record an article from the February 6, 1967, issue of the National Observer entitled "Rising Costs Cut Vital Ambulance Service", which outlines this national emergency.

Not only has emergency ambulance service been seriously curtailed throughout the country as outlined in the above article, but this same occurrence is developing in my own congressional district in Missouri. It must be nationwide and is a paradox.

Every community in America must have this vital service. The sick, the injured, and the aged citizens of this country are entitled to the fastest form of transportation to our hospitals. However, their pleas for medical assistance may go unaided since the new minimum wage coverage threatens to price small funeral home operators out of this service.

A secondary effect of the newly effected law is the elimination of employment of many college and medical students who staff many local ambulance services This loss of employment could well mean in many cases the difference between finishing their education or not.

So, Mr. Speaker, in conclusion, our new minimum wage law has accomplished the opposite of that which it was designed to do: It has eliminated jobs instead of providing good paying ones; it is destroying small business which in turn destroys employment opportunities. Finally, it is eliminating a lifesaving service. Without this exemption, the only alternative is public operation. It could then mean placing an additional burden on local taxpayers, or in many small communities, the elimination of ambulance service altogether.

Rising Costs Cut Vital Ambulance Service

Montgomery, Ala.—Montgomery is one of a growing number of cities trying to solve the problem of diminishing ambulance services. Here and elsewhere, private ambulance companies are refusing to answer distress calls because, they insist, emergency service is unprofitable: Too many false alarms and too many collection problems.

Last week, when new Federal minimum-wage regulations put ambulance personnel in a higher pay bracket, five ambulance companies in Montgomery gave notice they would make no more emergency runs after March 1. With even less warning, ambulance operators in a half-dozen other Alabama towns notified officials they were quitting.

In the nearby town of Prattville, White Funeral Home ceased answering emergency calls on the same day the new wage regulations went into effect. Owner Dale Gamberg told city officials manpower was not available to staff three shifts with three men each. If an ambulance attendant worked 16 hours a day for a week—as many have done, since they are allowed to sleep on the job—Mr. Gamberg said salary and overtime now would be $207.20 for each man. "It's just not feasible to operate under these conditions," he said.

The effect of the new Federal minimum-wage provisions on ambulance service, albeit a serious one, is a small part of the widespread concern the new law has caused—a traditional reaction to changes in that law. While the law raises the minimum wage for previously covered employees to $1.40 an hour from $1.25, it also adds coverage for 8,000,000 workers not previously covered and for the first time includes state and local government employees in hospitals, schools, and other institutions. Most state and local governments are unhappv about the added costs that the new provisions will bring.

Indeed the State of Maryland has filed suit charging that the new provisions of the law are unconstitutional on the ground that they violate the 10th Amendment, which reserves for the states powers not specifically granted to the Federal Government or withheld from the states. Federal District Judge Roszel C. Thomsen in Baltimore gave other states until Feb. 10 to intervene in the suit, which is expected to go ultimately to the U.S. Supreme Court. Arguments begin March 29.

The State of Texas, which has a suit of its own in the works, dropped that suit and intervened in Maryland's. Colorado, Oklahoma, and Ohio also plan intervention; Florida is considering it. A Federal judge in Iowa last week issued a temporary injunction barring the Department of Labor from enforcing the new provisions and ordered a hearing on the injunction on Feb. 11.

Though the new wage provisions hastened the decision for many ambulance operators, the problem has been developing for years. In the early 1950s, citizens of some Pennsylvania towns formed ambulance clubs, paying from $1 to $5 a year for ambulance protection for members. In 21 Texas towns replying to a recent survey, volunteer ambulance service is operated through the fire department. Sometimes ambulances are operated by civil defense and other volunteer organizations.

Both racial custom and law have complicated Montgomery's efforts to reach a solution. The only ambulance company serving white persons ceased emergency calls in rural areas last month when the county government refused to pay an $18,000 a year subsidy. Five Negro businessmen operating ambulance companies stepped into the breach, but it was these five who announced last week that they, too, are terminating emergency service, creating the prospect that many whites and most Negroes will be poorly served or not served at all in an emergency.

Under an 11-year-old ruling, Alabama cities are not allowed to operate public ambulance service, but many ignored the ruling last week. Said John Watkins, director of the state League of Municipalities, which has been urging a reversal of the ruling: "I don't think any jury would convict a city official for spending money to pick up sick and injured persons on the streets."

With time getting short, public officials were researching all the methods tried in other states—the purchase of ambulances by public subscription, police-operated ambulances, the formation of volunteer ambulance companies (like volunteer fire departments), and public subsidies to funeral homes. "People have got to have ambulance protection," said Mr. Watkins, "and right now things are desperate."

—Tom Johnson

A NEW PROPOSAL TO CLOSE THE "DEFENSE EDUCATION GAP"

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, 2 years ago I directed the attention of this body to the existence of a "defense education gap" in America's schools.

It is a situation in which Government policies have failed to recognize the contribution and needs of a segment of our school population, and have failed to provide adequate assistance.

Let me begin at the beginning.

In 1958, after the Russians had launched their sputnik into space, the Congress enacted the National Defense Education Act to meet the challenge of the space age in our national security and defense.

This program was intended to correct existing imbalances in American education which had led to insufficient numbers of American students in elementary and secondary schools being educated in science, math, modern foreign languages and other related subjects.

An important provision of this legislation, title III, provided for matching Federal grants for the purchase of laboratory and other special instructional equipment.

Although this program was aimed at increasing the scientific and other defense-related aptitudes of all our Nation's schoolchildren, discrimination was written into the bill.

A youngster who went to a public school could have full benefit of the program of matching Federal grants. One who went to a nonpublic, parochial, or private school could benefit only from loans, not grants.

Loans, of course, must be paid back. Because of their hard-pressed financial conditions, most nonpublic schools have found it almost impossible to participate in NDEA title III programs. They simply cannot take on the financial obligations which a loan entails.

In the 8 years of its existence, the NDEA program has provided $328 million in Federal funds for laboratory and other special equipment to public school children.

During the same period, only $4.5 million has gone to students in nonpublic schools—and that in loans only.

At this point I would like to include figures which have been provided to me by the Office of Education on the year-by-year appropriations and expenditures under title III of NDEA.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION

Appropriations, obligations, and expenditures under title III of the National Defense Education Act, fiscal years 1959–66

GRANTS TO STATES

	Appropriation	Obligations	Expenditures	Amount lapsing
1959	$49,280,000	$32,617,341	$32,617,341	$5,415,327
1960	52,800,000	46,335,475	46,331,593	5,000,825
1961	47,520,000	29,944,635	25,144,086	8,114,627
1962	47,520,000	44,120,210	36,328,062	4,763,608
1963	47,520,000	43,099,707	30,540,753	3,063,288
1964	[1] 43,634,430	77,548,752	52,691,937	1,003,410
1965	70,400,000	69,992,539	46,301,753	407,461
1966	79,200,000	79,086,908	58,039,903	113,092

LOANS TO NONPROFIT PRIVATE SCHOOLS

	Appropriation	Obligations	Expenditures	Amount lapsing
1959	$6,720,000	$1,104,920	$113,253	$5,717,101
1960	7,200,000	393,897	1,203,468	6,809,903
1961	6,480,000	651,485	518,914	5,828,515
1962	6,480,000	671,727	615,727	5,808,273
1963	6,480,000	615,977	535,881	5,480,000
1964	750,000	520,780	662,336	229,220
1965	1,000,000	400,331	429,566	599,669
1966	1,500,000	786,443	438,755	713,557

[1] Plus $36,326,299 carried over from 1963.

NOTE.—From 1959 through 1963 the funds appropriated to both grants and loans were available for 2 years. Beginning with the 1964 appropriations, funds appropriated have been available for only 1 year.

A study of these figures makes several things clear: The funds appropriated for grants to public schools usually have been fully used. Funds appropriated for loans to nonpublic schools generally have not been used—for reasons cited previously.

It takes no great amount of imagination to see what has happened over the 8 year period. Because of title III, the defense-related education of public school children has been tremendously benefited. At the same time, the defense-related education of non-public-school children has been assisted minimally.

The result of this provision of the National Defense Education Act, therefore, has been to widen the gap between the public and nonpublic schools in providing an education geared to national security needs. It is a classic example of the rich getting richer and the poor, poorer.

Today about 7 million American boys and girls attend nonpublic elementary and secondary schools. This is about 14 percent of the total national school population.

This 14 percent of American youngsters has received a little over 1 percent of the funds which the Government has expended under title III of NDEA. And even that small amount must be paid back, with interest.

There is only one inescapable conclusion: Those schoolchildren who attend nonpublic schools are being tragically shortchanged.

This situation cannot be allowed to continue. For that reason I have authored legislation which would amend the National Defense Education Act to give adequate, effective aid to those American children who do not attend public schools.

This can be done without major alteration of the existing law and without danger that the constitutional prohibitions on church-state relations will be violated.

In amending this act, we have as a guide and precedent the Elementary and Secondary Education Act, passed by the 89th Congress.

Title II of that act provides that grants of Federal funds can be made to purchase textbooks and library aids for nonpublic schools so long as the ownership of the materials lies with a public education agency. Only the use of these materials is given to the children in private and parochial schools.

This formula easily could be applied to the laboratory and other special equipment provided by title III of NDEA. Who owns the equipment is immaterial. It is the use of this equipment which is so important to the educational welfare of the 7 million students in nonpublic schools.

In the 89th Congress I first authored and introduced legislation amending the NDEA title III program to embody the principle contained in title II of the Elementary and Secondary Education Act. No action was taken.

In the months since the end of the 89th Congress I have been restudying the problem and possible solutions in an effort to strengthen and improve my proposed amendment. Today, therefore, I am introducing new legislation which incorporates the basic concept of the old bill, but incorporates perfecting changes.

Basically, the provisions of the bill are these:

Public authorities would be required to provide laboratory and other special equipment on an equitable basis for the use of children and teachers in private and parochial schools.

The nonpublic schools, or groups of such schools, would be required to prove that they had spent an equal amount themselves for laboratory equipment or remodeling. This provision is necessary to satisfy the matching provisions of the National Defense Education Act.

In any State in which no State agency is authorized by law to provide laboratory or other special equipment for use in nonpublic schools, the Commissioner of Education would be authorized to provide the equipment for use on an equitable and matching basis directly to nonpublic schools. This provision also follows the precedent of the Elementary and Secondary Education Act.

Mr. Speaker, I am convinced that only by amending the National Defense Education Act in this way can the purposes of that historic legislation be achieved.

The 7 million children who attend nonpublic schools are no less important to the future defense and security needs of our Nation than those who attend public schools. We must quickly indicate our recognition of that fact by amending title III of NDEA in order to provide them with fair and equitable benefits.

At this point I wish to include the text of the bill:

A bill to amend the National Defense Education Act of 1958 to make equipment purchased under title III thereof available to all children attending public and private nonprofit elementary and secondary schools

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That (a) section 303(a)(1) of the National Defense Education Act of 1958 is amended (1) by striking out "public" after "or reading in", (2) by inserting "public" after "of local", and (3) by inserting immediately before the semicolon at the end thereof the following: "in public schools".**

(b) Section 303(a) of such Act is amended by renumbering paragraph (5) thereof as paragraph (6), and by inserting immediately after paragraph (4) the following new paragraph:

"(5) provides assurance that such laboratory and other special equipment will be provided on an equitable basis for the use of children and teachers in private nonprofit elementary and secondary schools in the State which comply with the compulsory attendance laws of the State or are otherwise recognized by it through some procedure customarily used in the State, but such equipment shall be provided for use in such a school or group of schools only if such school or group of schools has expended an equal amount of its funds derived from private sources for equipment or remodeling described in paragraph (1);".

SEC. 2. (a) Section 304(a) of such Act is amended by inserting after "except that" the following: "(1) the payment on account of equipment provided for use in private nonprofit elementary and secondary schools shall be equal to the full amount expended for such equipment, and (2)".

(b) Section 304 of such Act is amended

by adding at the end thereof the following new subsection:

"(c) In any State which has a State plan approved under section 303(b) and in which no State agency is authorized by law to provide laboratory or other special equipment for the use of children and teachers in any one or more public or private nonprofit elementary or secondary schools in such State, the Commissioner shall arrange for the provision on an equitable basis of such laboratory and other special equipment for such use."

SEC. 3. Section 305 of such Act is amended to read as follows:

"PUBLIC CONTROL OF LABORATORY AND OTHER EQUIPMENT WHICH MAY BE MADE AVAILABLE

"SEC. 305. (a) Title to laboratory and other special equipment furnished pursuant to this title, and control and administration of their use, shall vest only in a public agency.

"(b) The laboratory and other special equipment made available pursuant to this title for the use of children and teachers in any school in any State shall be limited to those which have been approved by an appropriate State or local educational agency for use, or are used in, a public elementary or secondary school of that State."

FEDERAL PAY

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, I think all Americans will support the President's message to the Congress on Federal pay. It is prudent, it is wise, it is fair.

I am particularly gratified by the inclusion of an average pay increase of 4.5 percent for our military personnel. In this recommendation, the President has continued to show his bedrock concern for the welfare of our fighting men and women, who so valiantly serve the Nation both at home and around the globe.

There have been military pay increases in each of the last 4 years, averaging a total increase of 33 percent in basic pay. These have been fully deserved. So is the increase recommended for this year to assure servicemen of an increase in their regular compensation comparable to that recommended for Federal civilian workers.

I urge that we continue this record of fair and equitable treatment of our servicemen and enact the increase recommended by the President.

BONNEVILLE THIRD POWERPLANT

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, the new Consular Convention as it affects the national interest ceased being an issue when the Senate ratified the pact. What the Nation must now face up to is that the U.S.S.R. can be expected to follow up on this diplomatic achievement with an economic maneuver aimed at taking U.S. Government business from our own producers.

For the enlightenment of my colleagues, I shall include in the RECORD at the conclusion of these remarks a dispatch written for the North American Newspaper Alliance on March 14 by Edward J. Michelson. It describes Russia's interest in providing turbines and generators for the third powerplant at Grand Coulee, and incidentally recalls that job opportunities for American workers was one of the benefits cited by the Secretary of the Interior in his request for authorization of the generating facilities.

Obviously, the U.S.S.R. is in a position to offer bids that would decidedly decrease chances of American companies to win the business. Failure of Congress to enact effective buy American legislation has already resulted in irrecoverable losses to domestic industry and labor entirely capable of meeting all specifications for Federal projects but unable to compete with the low wage scales of such countries as Sweden, Switzerland, Great Britain, Italy, and Japan.

During the 89th Congress I produced a series of documents showing that U.S. manufacturers have been summarily excluded from competing for public works projects in all foreign industrial nations of the world. Yet the administration continues its purchasing habits without regard to repercussions here at home. If the free countries can undersell American producers, then Russia and her slave labor will be able to come in and take whatever business best serves her political purpose unless we adopt more realistic policies.

I urge my colleagues to watch closely all developments along Grand Coulee. If indeed Russia intends to move into the competition for the generator and turbine business, will the administration seriously consider doing business with the Communist conspiracy to the exclusion of our own needs? For that matter, would the administration dare buy from any foreign producer? To do so would be to violate an implied pledge made to American industry and labor at the time that the proposal for the new powerplant was brought before the Congress.

[A North American Newspaper Alliance news release]

HEADACHE FOR L.B.J.—SOVIETS INTERESTED IN SUPPLYING TURBINES FOR GRAND COULEE PLANT

(By Edward J. Michelson)

WASHINGTON, March 14 (NANA)—The Soviet Union is interested in entering the competition to supply six huge hydraulic turbines and generators for a new $400 million plant to be added to the huge Grand Coulee Dam installation in Washington State.

The Soviet Embassy has informally asked the Interior Department whether proposals from all countries capable of producing units that will add 3.6 million (m) kilowatts (kw) of installed capacity to Grand Coulee's present 2 million kw capability are invited.

NANA has learned of the Soviet inquiry, which raises uncomfortable political questions for the Johnson administration, from a highly qualified source.

There are three U.S. companies that could produce the turbines: Newport News Shipbuilding and Drydock, in Newport News, Va.; Allis-Chalmers, in Milwaukee; and Baldwin-Lima-Hamilton (a subsidiary of Armour Co.) in Eddystone, Pa. And three U.S. companies could make the generators: General Electric, Schenectady, N.Y.; Westinghouse in Pittsburgh or Philadelphia; and Allis-Chalmers.

Grand Coulee has two power plants which once rated as the world's largest hydroelectric facility. In the past decade, the Soviet Union has acquired what Interior Secretary Stewart L. Udall told Congress was the "world leadership" in this technology.

He urged the authorization of a $341,310,000 construction project for a third plant at Grand Coulee in the Columbia River Basin. The so-called Jackson-Magnuson bill was enacted into law last June.

It is named for Sen. Henry H. Jackson, D-Wash., chairman of the Interior and Insular Affairs Committee, which held hearings, and Sen. Warren G. Magnuson, D-Wash., now in his 30th year in Congress and chairman of the Commerce Committee.

Sen. Magnuson and Lyndon B. Johnson were fellow-freshmen in the House of Representatives in 1937. In addition to heading the Commerce unit, Magnuson is among the top-ranking Members of the upper House in seniority and a power on the Appropriations Committee. He is up for reelection next year.

Sen. Magnuson has been on a couple of missions to Moscow in recent years for the White House, to promote U.S.-Soviet trade relations. The Commerce Committee exercises legislative oversight over virtually all regulatory agencies having to do with interstate commerce and all Federal activities involving international commerce, including maritime, aviation, power and trade matters in general.

Secretary Udall, in general, has an ideal assignment in shopping for the third power plant at Grand Coulee. It would help supply additional energy to the southwest at peakload periods, and at very modest cost. It would further plans to meet anticipated needs of the Pacific Northwest through the turn of the next century. It would be the last of the huge hydroelectric units, as well as recapture from the Russians the rank of world's largest.

It was supported by fisheries, conservation, irrigation, reclamation, flood control, and other interests, including investor-owned utilities and electrical cooperatives and municipal power districts. It is to be built without having to raise the height or alter the basic shape of Grand Coulee Dam.

THANKS TO THE CANADIANS

A Canadian-U.S. treaty, ratified in 1964, provides for international development of the Columbia Basin, including three huge storage reservoirs in Canada. This would be effective in preventing flood control and in enabling Grand Coulee to regulate energy production at much lower cost than in thermal (plants using fossil or atomic fuel) at different times of the year.

On the other hand, Udall has a sticky political problem built into the administrative decision as to whether to open the bidding to all heavy electrical generating equipment producers world-wide. What will George Meany of the AFL-CIO say? What will happen in such production centers as Philadelphia, Pittsburgh, Chicago, Newport News, Milwaukee and other areas in which the small number of producers capable of turning out such enormous equipment have plants?

There are three U.S. firms that can build the six turbines, each of which would have a capacity of 600,000 kilowatts. Whether they can quote prices as favorable as their Swiss, Swedish, British, Italian, Japanese and, now, potential Soviet competitors is the big question. The Buy American Act (CAP B.A.A.) permits the head of a department of an independent Federal authority to buy abroad when, in his determination, the made-in-America product is unreasonably high or the U.S. industry cannot produce in commercial quantities and of satisfactory quality certain needs, at competitive prices. U.S. wages are substantially higher than those of other countries, which can underbid even when delivery, applicable import duties and post-delivery costs are included in the price.

Moreover, by coincidence, the Johnson administration is asking Congress to restore the 7 per cent tax credit to business firms purchasing new capital goods and modernizing plants. This is expected to give the steel, electrical equipment and suppliers of the transportation industries, especially the railroads, a boost in volume.

Last but not least are clues that Secretary Udall intended the six turbines and the generators to be made in the U.S.

In his request for authorization of the third power plant, he listed all the benefits, the financing arrangements (repaying in 50 years plus interest and taxes) and "job opportunities"—40,000 man years of work as an "immediate benefit."

Of the total, 21,000 man-years "would result from materials and equipment purchasers nation-wide . . . in the nation's factories producing materials and equipment," he testified.

He also said Grand Coulee would recapture from the Soviets the rank of world's largest and most advanced waterpower generating facility. He has visited the Bratsk plant on the Angara River in Siberia, which has an installed capacity of 3.6 million kilowatts.

Now D-Day is at hand with respect to foreign bids. Whatever the decision, all proposals will be opened and evaluated at the Bureau of Reclamation headquarters in Denver. Late this year, the results of such studies and recommendations will be transmitted to Washington.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I rise at this time for the purpose of asking the distinguished majority leader the program for the remainder of the week and for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we plan no further legislative action for this week.

The program for next week is as follows:

Monday is District day—Two bills:

H.R. 3370, to amend the act regulating the practices of podiatry in District of Columbia.

H.R. 6638, to provide sites for foreign embassies in the District of Columbia.

On Tuesday:

H.R. 2512, copyright law revision—continue consideration; and

H.R. 5404, the National Science Foundation Act amendments of 1967—open rule, 1 hour of debate, waiving points of order.

On Wednesday:

H.R. 5424, the Coast Guard Procurement and Authorization Act, fiscal year 1968—open rule, 2 hours of debate; and

The House resolution to establish a standing Committee on Standards of Official Conduct.

For Thursday and the balance of the week:

Pan American Day; and

H.R. 743, Sacramento Valley irrigation canals, Central Valley project, California.

I have also been requested by the gentleman from Arkansas [Mr. Mills], chairman of the Committee on Ways and Means, that they may seek to bring up sometime next week by unanimous consent three bills that have been unanimously reported by that committee which bills are as follows:

H.R. 3349, suspension of duty on nickel;

H.R. 3652, suspension of duty on manganese ore;

H.R. 5615, suspension of duty on metal scrap.

This announcement, of course, is made subject to the usual reservations that conference reports may be brought up at any time, and that any further program may be announced later.

ADJOURNMENT OVER TO MONDAY, APRIL 10, 1967

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MORE FEDERAL BOONDOGGLES

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Langen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LANGEN. Mr. Speaker, wasteful and unnecessary spending by the Federal Government is the enemy of all citizens who are concerned about their country's economic well-being. Not only do unwarranted Federal expenditures further unbalance the budget, but they serve as irrefutable evidence that the American taxpayer is not getting his money's worth from his tax dollar.

At a time when the fires of inflation are eating away the purchasing power of the American dollar, and when our commitment in the Vietnam war requires a fiscally sound and prudent administration of domestic programs, we can hardly afford to tolerate the extravagance of Federal research projects that are superfluous or downright foolhardy.

In the interest of enlightening my colleagues and the public as to a handful of examples where reductions in expenditures should be made, I hereby direct attention to the following memorandum prepared at my request by the Legislative Reference Service of the Library of Congress. While the amounts of money discussed below do not represent a substantial chunk of the President's multibillion-dollar budget, these examples are part of the top of an ever-enlarging iceberg of frivolous Federal expenditures—to be found in almost all Federal departments and agencies.

Accordingly, I reiterate the hope that Congress will see fit to trim appropriations for Federal agencies across the board, in a manner designed not to eliminate any necessary or constructive function of government, but to root out the trivia.

Special commendation is in order to Ann M. Marley, analyst in public finance, Economics Division, for her incisive analysis of selected Federal projects.

If there is no objection, the Library of Congress memorandum is inserted in the Record at this point:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., March 17, 1967.

To: The Honorable Odin Langen.
From: Economics Division.
Subject: Budget information concerning specified items in Reader's Digest article on Federal research in its March 1967 issue.

The following information is forwarded in response to your letter dated February 23, 1967:

1. *NASA spent $231,000 on crime study:* Mr. Mulcahy of NASA said that this item was in actuality a four year contract for the period May 1962 to December 1966 in the amount of $226,000 with the Academy of Arts and Sciences for a four volume work entitled *Technology, Space and Society.* One of the volumes is entitled *Social Indicators* in which various social indicators such as uniform crime reports, the cost of living index and traffic fatalities were studied to measure social progress in order to show where improvements are needed in the future. The National Aeronautics and Space Act of 1958, Sec. 102(c)(4) requires NASA to conduct long range studies of the potential benefits to be gained from aeronautical and space activities for peaceful and scientific purposes. Funds for this study were included in the fiscal year 1962 budget under Research Grants and Contracts for which $7,600,000 was appropriated.

2. *Department of Agriculture spent five years revising pickle standards*: Mr. Grange of the Consumer and Marketing Service stated that at the request of the National Pickle Packers Association the Department of Agriculture conducted a study from 1961 to 1966 of revised standards for fresh pack pickles. Standards studied were requirements for the fresh pack, which is fairly perishable, and defects allowed in the second grade, taking into consideration injury, stem and slicing factors. Shape was not involved since the curved shape for pickles as adopted May 22, 1957 has not been

changed. Fresh pack pickles presently constitute about one-third of the total retail value of pickles, or $100,000. He estimates that less than one man year was spent on this work. Funds for this item were included in the budget for the Consumer and Marketing Service under the program: Inspection, grading, classing and standardization.

3. *National Science Foundation doled out taxpayer dollars for computerized study of 1966 Maryland gubernatorial compaign*: Mr. Theodore Wirths of the National Science Foundation said that Goucher College was awarded an institutional grant in the amount of $23,525 in fiscal year 1967 funds.

Institutional grants may be used, at the discretion of the grantee institution, for scientific research, for education in the sciences or both. Institutions may use their own judgment as to the most effective employment of Institutional Grant funds, with the limitations that the funds must be used for science (including the social sciences, mathematics, and engineering) and may not be expended for indirect costs.

Dr. Robert Loevy, the recipient of the grant in question from Goucher College, is on the regular staff at Goucher and is the political analyst for WJZ-TV in Baltimore. Since 1962 with WJZ support he has been gathering election data on computer punch cards. In 1964 he was commissioned by WJZ-TV to gather election data on five Maryland counties. Following this, WJZ-TV gave the punch cards to Goucher College for student use.

Dr. Loevy applied for and was given $500 of the NSF grant to Goucher to add later data to these punch cards including the 1966 gubernatorial election. Dr. Loevy spent some $295 of the $500 for this work. Funds for the overall grant were included in the fiscal year 1967 budget under the program: Institutional science programs totalling $79,500,000.

4. *NIH support of marginal projects:*

a. A Social History of Medicine, 1789–1815 ($11,782): Mr. Kurtz of the National Library of Medicine (which is not under NIH but a separate bureau under the Public Health Service) said that the Library maintains a scholarly record of the past to show the history of medical progress as well as current medical holdings. This study is being conducted by a researcher in the graduate school of Columbia University. Funds for this item were included in the fiscal year 1966 budget under the program: Library operations and research (program costs, funded) totalling $4,900,000.

b. Emergence of Political Leadership: Indians in Fiji ($10,917): Dr. Jeanne Brand of the National Institute of Mental Health (which is not now under NIH but a separate bureau under the Public Health Service) said that this study is being conducted at the University of Pennsylvania as field work toward a doctorate by the researcher. Funds for this item were included in the fiscal year 1966 budget under the program: Research grants totalling $84,790,000.

c. Changing Patterns of (Moslem) Family Life ($28,755): Dr. Brand said that this study is a three year award to the American University of Beirut in Lebanon. Funds indicated above are fiscal year 1966 funds. In addition, fiscal year 1967 funds in the amount of $29,659 and fiscal year 1968 funds in the amount of $29,562 have been obligated. Funds for this item are also included in Research Grants.

5. *OEO shelled out $39,000 to determine why some underprivileged youths reacted favorably to "It's What's Happening, Baby!" while others did not:* Miss Sally Fitzpatrick of the Office of Economic Opportunity said that substantially the same information had been reported in the New Republic dated June 11, 1966 and probably was the source of the Reader's Digest statement. A research grant called "New Chance" was awarded to National Analysts Inc. in the amount of $39,152 in fiscal year 1966 funds. This amount was increased in April 1966 by supplemental funds to $42,923.

This research grew out of the letters from underprivileged youths received as a result of the CBS television program "It's What's Happening, Baby". The research consisted of interviewing in depth a sample of these youths, not for the purpose of determining their reaction to this specific television program, but to gain a better understanding of the poor, their problems, attitudes, and living conditions.

The Economic Opportunity Act of 1964, Title II, Sec. 207, authorizes the Director to make grants to institutions of higher education or other appropriate public agencies or private organizations for the conduct of research, training, and demonstrations. This grant was included in a list of projects forwarded to Senator Clark and Congressman Fogarty. Funds for this grant were included in the fiscal year 1966 budget under Community Action Program for which $620,000,000 was appropriated.

Ann M. Marley,
Analyst in Public Finance.

THE DAIRY IMPORT ACT OF 1967

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the Record and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, I have today joined my distinguished colleague from Kansas [Mr. Dole] in introducing the Dairy Import Act of 1967, which would regulate and limit imports of milk and dairy products.

My views on the necessity and desirability of this legislation are contained in a news release I issued and which I offer here for my colleagues' perusal:

> Washington, D.C.—Congressman James C. Cleveland today joined Congressman Robert Dole (R-Kansas) in introducing legislation to regulate and limit imports of milk and dairy products.
>
> Warning that heavily subsidized exports of surplus production in foreign nations, coupled with price increases in this country needed to stop a dangerous decline in domestic production has resulted in abnormally large volumes of imports of evasion-type products during 1966, Congressman Cleveland introduced the bill known as the "Dairy Import Act of 1967."
>
> "The United States restriction on dairy imports have proved nearly useless as interpreted and applied by the Department of Agriculture," said Congressman Cleveland. This continuous increase in imports of dairy products poses a serious threat to American dairy farmers in 1967, unless Congress acts to fix a limit," he continued.
>
> The bill would use as a base the average annual quantities of butterfat and nonfat milk solids imported during the five calendar years, 1961–65. The import control would be automatic and would not require Tarriff Commission proceedings as are required by present law.
>
> Other provisions of the bill include:
>
> Flexibility between products and countries to permit recognition of new dairy products developed while still preventing evasion.
>
> Provisions permitting the President to authorize additional imports in the national interest.
>
> Increasing of future import totals if the domestic market expands due to population or other factors, with the import total increasing in the same ratio.
>
> Congressman Cleveland concluded that his bill would not only put an end to the evasion practiced under present inadequate import controls, but would establish a definite and known import level to which our own farmers and foreign countries could adjust and on which they could base future plans.

ELIMINATION OF COSTLY SUBSIDY PROGRAMS FOR WHEAT AND GRAIN

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, I am today joining the gentleman from Missouri [Mr. Curtis] in introducing the Wheat and Feed Grains Act of 1967, which would eliminate the subsidy and control programs for grains, effective with the 1968 crops.

The current nearly balanced demand and supply for wheat and feed grains presents an ideal opportunity to eliminate these programs.

If we were to repeal present authorization for the Executive to deal directly in grain markets by buying and selling crops in order to control prices, by specifying acreage allotments, marketing quotas, and hiding a substantial part of the cost of wheat programs by taxing millers, the result would be greater prosperity, greater income and a generally more dynamic farm sector in our economy.

I might also point out that this bill, which has the support of the American Farm Bureau Federation, would eliminate Federal expenditures that cost the public about $2 billion in fiscal year 1966.

This bill would substitute for the present subsidies and controls, programs that would permit the market system to work more effectively. It would end the highly artificial conditions in domestic farming which were originally created as a result of World War II needs.

This artificial market and the large surpluses which have been created have resulted in waste and dislocation, which has long been deplored by economists.

I would also like at this time to dispel the fallacy that these subsidy programs are aiding the small farmer. This is just not so, as I have noted many times before. In fact, statisitcs have shown that most of this assistance has gone to the large farms, frequently corporations with substantial size.

Only 2 years ago, Mr. Kermit Gordon, then Director of the Bureau of the Budget, pointed out:

> About 80 percent of our assistance goes to the one million farmers whose average incomes exceed $9,500. Most are successful business firms.

Thus, the dropping of these support programs should not do any great harm to the many hard-pressed small farmers, the ones who need help but have not been getting it.

And now, taking this step to drop controls is necessary and advisable for still another reason.

International trade negotiations under the General Agreement on Tariffs and Trade are attempting to deal with the full scope of world agricultural trade problems. The difficulty of these negotiations can be attributed to the confused national economic policies which have created these artificial conditions in domestic farm sectors.

If we were to eliminate these controls, we would remove any possible criticism from our principal grains trading partner, the European Economic Community, that we subsidize production and exports.

This bill is not the complete or final answer to all our agricultural problems. But it is an important first step towards solution of a longstanding and controversial problem.

LEGISLATION CREATING AN AEROSPACE SAFETY ADVISORY PANEL

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, regardless of the outcome of the current investigation into the circumstances surrounding the tragic deaths of Astronauts Grissom, White, and Chaffee, I believe that the National Aeronautics and Space Administration's—NASA—safety practices require strengthening. Based on NASA statements submitted to the Science and Astronautics Committee and to me and on testimony presented during the fiscal year 1968 NASA authorization hearings, the area of greatest weakness appears to be in the lack of a truly independent review of NASA's facilities, operations, and procedures solely from the viewpoint of safety. For this reason, I have introduced legislation today for the creation of an Aerospace Safety Advisory Panel. This Panel, to consist of a maximum of 15 members appointed by the Administrator for 6-year terms, would be charged with conducting reviews of both existing and proposed facilities, procedures, and operations. The Panel would, therefore, provide the Administrator with independent advice and assistance in safety matters, regardless of operational "commitments" or budgetary considerations.

Mr. Speaker, the establishment of an independent safety review organization of this nature is not unique. The Atomic Energy Act of 1954 provides for an independent safety review committee to consider the potential hazards from nuclear reactors. This committee, the Advisory Committee on Reactor Safeguards, has, for example, reviewed the design, the operating procedures, and the training of personnel concerned with Admiral Rickover's Polaris nuclear submarine program, as well as other AEC-owned and privately owned reactor systems.

NASA has at present a number of review committees. My examination thus far shows, however, that each of these committees is defective in one or both of the following respects:

First. The members of the committees are operationally responsible for the design, development, and manufacture of the system under study; and,

Second. The committees are charged with recommending action based on operational, budgetary, and technical grounds in addition to considerations of safety.

Mr. Speaker, the establishment of a high-level independent safety review organization within an existing agency is never easily accomplished. It can be done, however, as evidenced by the success of the Atomic Energy Commission—AEC—in selecting technically qualified, independent members and in making most effective use of the expertise contained on the panel.

Mr. Speaker, an independent safety review panel could well serve to prevent future fatal accidents. I urge prompt passage of this legislation.

A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1954

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, I have today introduced a bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education.

The costs of providing higher educational opportunity, including technical, trade, and vocational training, have been spiraling for several years, and the end is not in sight. Millions of families have been caught in this cost squeeze and forced either deeply into debt or to the point of abandoning their dreams of bettering their children's futures. Clearly, lower- and middle-income families have been hit the hardest.

Higher education should not be available only to the few; it is becoming a necessity for individuals who hope to compete for many positions in the job market, which is increasingly requiring specialized skills and advanced training. For every individual forced to forego the higher education which he is qualified to undertake, the Nation is the loser. For every family forced to deplete its savings or go into debt to provide higher education for its children, the Nation is the beneficiary without sharing in the burden or, even easing that burden.

The Republican Task Force on Education, under the chairmanship of the Honorable ALBERT QUIE, in a report published during the 89th Congress, concluded:

> It is essential for the nation's present and future progress that we open college doors to all with the capacity and desire to acquire higher education. To do otherwise, to limit opportunity and restrict access to college education, would jeopardize our cultural and economic growth and deal a fatal blow to America's position in the free world.
>
> Higher education confers benefits not only on the individual but also upon society; it is certainly in the national interest, and there is good justification for granting recognition to those who carry the bulk of the load, students, and their parents.

Assistance in the form of a tax credit for partial costs of expenses for education is not Federal aid as we know it in so many areas. It is truely tax relief to encourage self-help. Certainly, it is a more simple, logical, direct, and less costly method of providing encouragement to education than the establishment of new Federal education programs or an expansion of old programs to aid schools, teachers, and/or students, and it is an approach which I have actively favored ever since first coming to the Congress.

The bill which I have introduced provides an income tax credit on the first $1,500 of tuition, fees, books, and supplies. The maximum credit allowable for any one student is $325 and may be taken by anyone who pays these expenses—the student himself, the family, relatives, or friends.

To give adequate benefits to low- and middle-income families, the bill provides for a graduated percentage scale of benefits. This is how the credit would apply:

Cost of tuition, fees, books and supplies	Tax credit		Remaining net cost to student
	Amount	Percent of cost	
$200	$150	75	$50
$500	225	45	275
$800	255	32	545
$1,200	295	25	905
$1,500	325	22	1,175

The amount of the credit is 75 percent of the first $200, 25 percent of the next $300, and 10 percent of the next $1,000.

The proposal gives relatively greater benefits to students attending public, low-tuition institutions—those very institutions chosen most frequently by students in the lower income groups, which belies the argument of some that such tax credits favor those who need them least.

Congressional and public support for tax credits for education is gaining wide acceptance. In the 90th Congress alone, 46 Senators to date have sponsored such a proposal and variations of the proposal have been offered by over 50 Representatives. A recent poll which I conducted in my 13th District in Illinois revealed that three of every four residents, 73 percent, favor income tax relief for education expenses

I have introduced similar legislation in two previous Congresses. I urge the Committee on Ways and Means to break its long silence on this subject and give these proposals, supported by so many, the active consideration they merit.

AN AMERICAN PRESIDENT'S APPRAISAL OF THE ROLE OF COMMUNITY ACTION IN ECONOMIC DEVELOPMENT

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from

New York [Mr. GOODELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GOODELL. Mr. Speaker, today, in hearings before the Foreign Affairs Committee, the Congress begins consideration of the revision of the Foreign Assistance Act as requested by the President. We are asked to establish more precise guidelines for economic assistance to emphasize self-help and participation by the people in the process of development.

Recognition of this indispensible contribution which the people themselves must make is long overdue The virtual absence of community action programs as underpinning for the total program effort has long been a glaring deficiency of the U.S. assistance programs.

At the same time, a number of countries have made indigenous community action programs integral instruments of economic development. In Venezuela, the national community development program, organized in 1960, has achieved state, national, and international recognition for its role in national development.

On March 11, in his report to the Venezuelan Congress, President Rual Leoni endorsed the community development approach in these words:

> Community development, the social technique for the improvement of man, has been defined as the conscious organized participation of the people to achieve their own development. The use of this technique through a program structured and organized at various governmental levels permits dissemination of the national development goals through concrete projects and involves the people in both the planning and implementation of the goals.
>
> In this way community development accelerates the process of social and economic development, provides an instrument for organization and orientation of the people, awakens hope for the future and an awareness of national identity both collectively and individually, and provides a vehicle for joining with the government to solve the causes of underdevelopment.
>
> Community action organizes and channels the popular participation necessary to the success of the national planning process. To accomplish this goal, a practical and democratic system of communication between the government and the community has been established. This promotes popular understanding of the goals at the local level and guarantees the help of the people in the general development plan.
>
> This approach has permitted the National Community Development Program to prepare the communities to participate in and benefit from the implementation of the National Plan, not only as contributors, but also as consumers and beneficiaries of social progress. In this way the program becomes another instrument of the Plan, by which its social and economic goals are achieved. These macroeconomic projects help achieve harmonious and balanced development.
>
> At the present time, Venezuelan society is evolving through regional development into homogenous operating units which make possible more efficient internal development through both large and small projects coordinated within the National Development Plan. This mobilizes idle economic and social resources of the region, through technical assistance. Thus, these resources are encouraged through direction or assistance from the central authorities. The public works projects are neither imposed from without or viewed as gifts from above. In this way the local contribution assumes the character of real community work. It has the additional value of educating the people in cooperative action which assumes the responsibility for solving community problems internally, and also contributes to the general task of national development.
>
> This approach produces a two way flow: the coordination of the National Plan provides direction at the local level, while the spirit and vigor of the people support the central government. The Community Development Program acts as a bridge, gradually and efficiently blending the collective strength of the communities into the regional and national plans. In this manner a spirit of unity and a sense of regional development is created in the people.
>
> Coordination has been a basic instrument of the National Program of Community Development. It blends the productive strength and resources of the community with the external resources which encourage "change" and sustains the process in its take off phase.
>
> The Venezuelan experience with coordination has permitted establishment of concerted and systematic action among the various agencies in programming, implementation and execution, while permitting them to retain their respective organization and administrative units. Thus, community action has synchronized the various programs and made better use of the available financial and technical resources. Using this technique concrete programs have been coordinated at the National level under the direction of Cordiplan, acting through the National Community Development Program. Participation of the people in local development is thus assured.
>
> Among the programs coordinated at the national level are:
>
> ### A. NATIONAL PROGRAM FOR CONSTRUCTION OF RURAL SCHOOLS
>
> This program is a joint effort of the Community Development Division of Cordiplan, the Ministry of Public Works, the Ministry of Education, the "Comun" Foundation, the Regional Agencies, the Municipal Councils and the communities.
>
> The experience obtained in eight years of operation of the National Community Development Program Division has been utilized in structuring this program. In 1965 pursuant to agreement adopted in the 7th Governor's Convention, the Ministry of Public Works made an evaluation of the program. The achievements of community action led to modification of the 1966 Rural School Construction Program. A national committee created for this purpose developed a new plan covering the fiscal aspect of construction, site selection in terms of regional development, better orientation of the school towards the community it serves and major identification of the teacher with the community in which she teaches.
>
> To implement the program, national and regional coordinating committees have been established composed of representatives of the organizations involved. These committees plan and coordinate at their respective levels the execution of the program establishing priorities in terms of the national and regional development plans.
>
> This coordinated program made possible the construction in 1966 of 341 schools with 540 rooms accommodating 27,000 students, thus reducing the national deficit by 8%. Sixty per cent are operating and the other 40% will be open in March of this year.
>
> The investment required for the 1966 program was 5.4 million Bolivares ($1.2 million). Forty per cent represents "pre-fab" buildings supplied by the Ministry of Public Works; 28% in materials and technical assistance from Regional Agencies; 8% by Comun; 2% by the Municipal Councils; 5% by other organizations and 15% by the communities in volunteer labor.
>
> The participation of the communities was less than in prior years because of greater utilization of prefabricated buildings which reduces man hours.
>
> This participation by the community in the local school construction projects enhances the identification of the population with the problems of the school and integrates the school into the fabric of the community.
>
> Institutionalization has permitted the creation of joint methods and coordinated plans for 1967. Thus 476 new schools have been planned representing 736 new rooms with capacity for 36,800 students. The estimated investment approximates 11 million Bolivares ($2,444,000), representing an increase of 102.7% above the previous year. Systematic coordination makes possible greater financial contribution by the regional governments this year.
>
> This new policy of locating rural schools encourages the people to settle in more desirable areas and supports the general plans of development. It is a well known fact that a service such as a school is an important nucleus for the integration of dispersed population.
>
> ### B. NATIONAL PROGRAM FOR SELF-HELP CONSTRUCTION OF HOMES AND INTERNAL DEVELOPMENT
>
> The renewal program for the slums is a joint effort of the National Community Development Program, the "Comun" Foundation, the Regional Agencies, the Municipal Councils, and the communities themselves. It has been directed principally to the urban slums where a large sector of the population lives at marginal levels. Transformation of these marginal areas can't be accomplished without changing the people who live there. Neither of these can be done without utilizing realistic techniques of integration, such as community development. This, by means of its basic instruments—active participation and coordination—can achieve a new sociological framework for the individual personality, the creation of basic social capital and the improvement of the level of life.
>
> The program has been operative in 13 States covering a total of 38 communities, thus benefitting 5,551 people. For these communities, 933 houses have been programmed of which 226 have been built by the beneficiaries themselves, and 244 are under construction. The average cost of these homes has been 3,972 Bolivares ($882). The community contribution to these projects has reached 24%. The contribution of Comun has been 38%; the Regional Agencies, 27%; the Andean Corporation, 4% in the States of Merida and Tachira; and Trujillo State 7% through the Municipal Councils in its jurisdiction.
>
> The results obtained in 1966 justify the scheduling of the construction of 956 new housing units which will benefit 5,330 people. This will represent an investment of 3.7 million Bolivares ($822,000). The estimated average cost per unit is 3,928 Bolivares ($872).
>
> Community development, by promoting self-help housing, is of direct benefit to the needy. In this program the best use is made of resources available. The labor investment by the community multiplies the available capital. It creates change of attitude, better use of human capital, increased productivity, improved professional skills, development of more responsible leaders and the creation of new institutions, all of which may make the community more productive, more aware of its responsibilities and more certain of its future.
>
> This experience supports the conclusion

that community development is an instrument for mobilizing the energies of the people who live in the slums. The application of this technique of social development induces a change of attitude, and frees the creative potential which has built existing structures. Although they are substandard, they nonetheless represent a substantial collective investment. Any program which has as its objective rehabilitation of the slums, must incorporate active participation and contribution by the community. External action, no matter how well motivated it may be, only accentuates paternalism which stifles local incentive and increases the burden of the State. The problem is of such magnitude that if a local self help solution is not found, the results will have little meaning.

C. COORDINATED PROGRAM OF VOCATIONAL TRAINING AND CREATION OF JOB OPPORTUNITY

Venezuela, as all developing countries, confronts a grave problem in that a large sector of the population has little or no job training. This sector enters the job market with few job skills, which is a bottleneck in the development process.

The possibility of training these individuals in a short time presupposes appropriate programs designed to train "parasistema", that is remedial training outside of the traditional educational process. The National Institute of Cooperative Education is an example of such a program in our country.

Without doubt, if these programs are planned without consideration of local job opportunities in the areas selected, they will do little to solve the employment problem. In the case of training the labor force in rural areas this can encourage migration to the cities, if job opportunities are not created as a part of the overall program.

The National Community Development Program has utilized community development to create jobs. Indirectly, it improves the inherent quality of human resources by developing trained manpower and directly, by creating new sources of employment in small community industries.

The program of vocational training and job development is a joint effort of the Division of Community Development, the Institute of Cooperative Education, the Commission for Juvenile Employment and the "Instituto de Productividad". Development and organization of community groups where the National Program is operative is the responsibility of the National Community Development Program; training of the selected marginal groups is the responsibility of the Institute of Cooperative Education; financially, the Commission for Juvenile Employment provides the teams necessary to establish small industries. The "Instituto de Productividad" is in charge of technical assistance related to increased productivity and the development of management.

The implementation of this program serves other purposes, such as: gradual reduction of the rate of unemployment, especially in those sectors most affected by the problem; coordination at regional and national levels of training and financial resources; better utilization of existing resources; training of the juvenile labor force; creation of jobs through development of small community industry; development of arts and crafts; formation of co-ops; increased productivity; better organization and use of the labor and capital and elevation of the income level in the community, thus incorporating the economically disadvantaged into the money economy.

Through this program 42 industries have been created providing direct jobs for 1,090 people. This has required an investment of 408,680 Bolivares ($90,820), or an average cost of 375 Bolivares ($83) per job.

The results of this pilot project confirm that the use of community development to create employment converts productive elements of the community into economically active resources. Moreover, the training and the immediate employment of trained labor through the program multiplies the investment which the National Institute of Cooperative Education employs in training. In other words, it has a real multiplier effect. At the same time, the Commission for Juvenile Employment accomplished its objective of training and finding employment for disadvantaged youth.

The principles of coordination established in these programs, and the new approach to community development in Venezuela in which "experienced need" is substituted for "induced need" as a criterion for planning of projects permits establishment of priorities in terms of regional and national development and the best use of available resources.

During 1966, the program grew considerably in investment, new communities incorporated into the program, the number of projects completed, the increasing scope of the new areas of action and direction of the program toward solution of problems of regional development. This has been a year of major gains and in many areas the goals of the National Plan have been exceeded. The investment for 1966 was at the level of 15 million Bolivares ($3.3 million) representing an increase of 96.1% over the previous years. This brought the total investment throughout eight years of the program to 46 million Bolivares ($10 million+).

The 1966 investment financed 1,877 projects of which 60% are completed and 40% are in the final stages.

The initial scale of priorities has been modified in recent years as a result of changing needs within the framework of the sectorial and regional development plans.

In training activities, the program has continued giving orientation and professional improvement courses to its own technicians and to those of the institutions whose programs are integrated with community development activity. In 1966 an additional 1,287 people were added for a total of 6,803 technicians trained under the program.

In the present year, the National Center of Training and Applied Research for Community Development will open. It was created by the government in financial and technical collaboration with the Special Fund of the UN at Jusepin as a part of the University of the West. The Center will train personnel connected with the National Community Development Program and other organizations both public and private in the field. Working closely with the Center, both the urban and rural development programs through research and evaluation will diagnose significant factors which contribute to community development as well as other areas of development. The first basic course at the Center will begin next April with fifty participants. The experience gained in the first year of work with national scholars will make possible expansion to include other Latin American countries through training of officials working in similar programs.

In conclusion, it can be said that community development has been a vehicle for more effective use of human potential. This development has been inhibited by numerous social, political and economic factors, by traditional attitudes and above all by the tradition of paternalism. Thus, the active participation of the community means not only an awakening of initiative and recovery of confidence in their own ability, but also the existence of social consensus, the creation of a sense of responsibility for the solution of local problems, growing participation in the decision making process and progressive incorporation of the local community into the main stream of national life.

COMMISSION ON BALANCED ECONOMIC DEVELOPMENT

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. RUPPE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RUPPE. Mr. Speaker, today I have introduced legislation to establish a Commission on Balanced Economic Development in the United States of America. In the other body this bill is being introduced by Senator KARL MUNDT. This bill recognizes a national problem we have ignored too long. This bill represents a bipartisan approach, and Mr. MUNDT's office tells me a number of cosponsors have been enlisted in the Senate including Senator JOHN TOWER, of Texas, and Senator GEORGE McGOVERN, of South Dakota.

First, as a freshman Congressman, I am honored to be the sponsor of this important legislation in the House of Representatives. I feel it is imperative that this country address itself to the economic imbalance that exists in the United States today. During the last 20 years America has undergone a staggering technological revolution, creating a population influx from rural to urban areas on a scale never experienced in the history of man. In the past 5 years alone urban areas have grown at twice the rate of other areas. Our cities are overcrowded and festering. At the same time, many nonurban areas in the United States are experiencing marginal economic conditions.

Another aspect of the technological revolution has been great advances in quick communication and rapid transportation. The great migration began partially because it was necessary for industries to locate in urban areas for technical reasons. Now, because of improved systems of communication and transportation, industries have a much wider range of site selection. Nevertheless, our population continues to shift in a dramatic and unorderly fashion.

The problems created by the population shift offer a great challenge to the wisdom and intelligence of man. Indeed, the problems of economic imbalance have been created by man, but we have made no effort to attack them in a coordinated and organized fashion. The result of economic imbalance in the cities is substandard housing, polluted air, uncontrolled crime in the streets, congested highways, rundown schools, and on and on the list runs. Economic imbalance in nonurban areas has resulted in declining economies, poverty-level incomes, limited job opportunities, and people forced out and into already congested cities.

Granted, the Federal Government, State and local governments, organizations, institutions and foundations in the private sector are attacking a variety of problems created by economic imbalance. However, this Nation lacks an overview. Economic balance will never be achieved by a thousand different units moving helter-skelter in a hundred different directions. Balanced economic development should be a major national goal.

The legislation I introduced today creates a 20-member bipartisan commission to undertake a thorough analysis of geographic trends in the United States relating to economic development, the causative factors influencing trends, the implications in terms of distribution of population, the effect of governmental actions in shaping such trends, and the factors, both public and private, which influence the geographic location of industry and commerce. In brief, all factors involved in population movements in the United States would be subject to commission exploration. The Commission would undertake responsibilities such as:

First. An analysis and evaluation of the economic, social, and political factors which effect the geographic location of industry;

Second. An analysis and evaluation of the economic, social, and political factors which are necessary in order for industries to operate efficiently outside the large urban centers or to operate and expand within large urban centers without the creation of new economic and social problems;

Third. A consideration of the ways and means whereby the Federal Government might effectively encourage a more balanced industrial and economic growth throughout the Nation;

Fourth. An analysis and evaluation of the limits imposed upon population density in order for municipalities, or other political subdivisions, to provide necessary public services in the most efficient and effective manner;

Fifth. An analysis and evaluation of the effect on governmental efficiency generally of differing patterns and intensities of population concentration;

Sixth. An analysis and evaluation of the extent to which a better geographic balance in the economic development of the Nation serves the public interest;

Seventh. An analysis and evaluation of the role which State and local governments can and should play in promoting geographic balance in the economic development of a State or region; and

Eighth. An analysis and evaluation of practicable ways in which Federal expenditures can and should be managed so as to encourage a greater geographic balance in the economic development of the Nation.

The Commission would make its report not later than 2 years after the effective date of the resolution and would expire 90 days after making its report. The Commission will be charged with making recommendations for achieving economic balance.

I would hope that the Commission would apply the most modern spaceage techniques of computer-based intelligence in creating recommendations for balanced economic development throughout the United States of America. The work of the Commission would certainly be enhanced by what the Washington Evening Star recently called "sophisticated tools of industry, such as computers and systems analysis" in public problem solving. The Star was making reference to legislation creating a National Commission on Public Management which was pioneered and drafted by our very able colleague, F. BRADFORD MORSE, of Massachusetts. The Morse approach makes a great deal of sense for a Commission with a mission as large and important as I am proposing today.

Mr. Speaker, with my introduction of the balanced economic development bill into the House of Representatives, I am not simply calling for a new presidential commission to study yet another national problem. I am calling for a commonsense approach to a problem we have ignored too long. I am calling for a new national goal.

THE UGLY AMERICAN IS UNCLE SAM

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, many persons, including myself, have on various occasions pointed out the glaring inconsistencies and double standards in our present policies, specifically foreign policies, which are making Uncle Sam an ugly American. One of the recent colossal blunders was the Capetown incident where the United States humiliated and disgraced the people of South Africa by a last-minute cancellation of shore leave by the men of the U.S. aircraft carrier *Franklin D. Roosevelt*.

An article of April 2, 1967, in "Our Sunday Visitor," a weekly newspaper of the Catholic Church, carries a column by Rev. Daniel Lyons, S.J., concerning both the Capetown incident and the double standard which administration policymakers foist on the American people. Father Lyons is now in Africa, wrote this article from Capetown and reports firsthand on the situation. I think it is well worth the time to read and digest it.

While Father Lyons concerns himself with southern Africa, his comments bring to mind other facts of life which fit in with this picture of Uncle Sam as the ugly American; namely, British shipments to both Cuba and North Vietnam and the use of British ships in the face of the missile crisis in the fall of 1962 and the subsequent U.S. request to Britain to halt trade and travel and also the war in Vietnam.

This situation would lead one to believe that being free world allies is a one-sided proposition. The facts certainly point in this direction.

I would submit that policies which now prevail, and are mentioned below, are not the way to build respect and further the interests of this Nation and the free world, unless we hope to gain by having people laugh at us.

The article by Father Lyons follows:

CAPE TOWN

(By Rev. Daniel Lyons, S.J.)

As I write this in Cape Town, the evening headlines read: "U.S. Navy Ship Slips into Port. Shore Leave in City for Crew." Our principles seem to depend on the size of the ship. It has been a long time since our government broke the heart of a friendly city like it did last month when it brought the aircraft carrier *Franklin D. Roosevelt* here.

Every group in Cape Town had spontaneously participated in the elaborate preparations. A full program was drafted by the American naval attaché here, in cooperation with local authorities. There were no restrictions of any kind by the local or national government. The program was printed with the official emblem of the United States and publicly distributed. At no time was there any suggestion from American authorities that any changes should be made.

After the ship had anchored, the morning newspaper suddenly reported that all shore leaves had been cancelled. The government here had to find out through the newspaper. The American Government had changed its plans because of a small pressure group in the United States. Commented one of the crew, Yeoman Ralph J. Cutting of New Hampshire: "The crew was stunned, completely stupified. . . . The people were hurt, disappointed, and humiliated. . . ." South Africa has always backed our defense of South Vietnam, and the people here of every race had wanted to show their appreciation.

The doctrinaire liberal always has to have an enemy on the right. At the moment it is Rhodesia and South Africa. As Cardinal McCann in Cape Town commented to me, such persons are blind to the denial of human rights in Communist countries. They have always liked Tito, but hated Franco. There was nothing democratic about letting a noisy little minority in the United States so influence public policy. This is not a colony of ours. Few individuals have ever shown such bad manners abroad as our government showed here. The Ugly American is Uncle Sam.

A young American senator visited South Africa for three and one-half days last fall, then returned to New York to condemn the whole country. This same senator visited Poland last year, but he had no complaints to make about the Communists on his return. This is that same double standard practiced by our government. When American firms want to do business in South Africa, our State Department discourages them by telling them about the racial policies here. Yet our State Department pleads with American businesses to trade with Communist countries.

FRIENDS OR ENEMIES

We do not know our friends from our enemies. We trade with Russia, but not with Rhodesia. We trade with South Africa, which has apartheid, but not with Rhodesia, which does not have apartheid. Britain insisted that we should not trade with Rhodesia so American businessmen had to give up doing business there. Many of their former customers now buy from British firms, through South Africa. Does Britain have any more suggestions?

The race problem in South Africa is nothing new. It has been the biggest problem since Europeans first settled here, more than 300 years ago. In addition to native tribes who do not get along with each other, there are Indians and Chinese. There are also descendants of slaves who were imported from Malaya. Soldiers and seamen have left their imprint on the Cape in the form of a whole new race of mulattos, similar to the "orphans" left in Japan, Korea, Taiwan, Hong Kong, and Vietnam by Americans there. For the first time, the native women in South Africa are protected by the government. Any white person caught treating them immorally is put in prison.

It is a fallacy of liberalism that every problem can be solved. Idealism can be cruel if it is not realistic. The Catholic Church is not in favor of apartheid, and we hope it can be replaced with something better. But it is much easier to condemn apartheid—which means separate development—than it is to understand the problem. Anyone who thinks that we have solved the problem in the U.S.A. has never toured Harlem, or Washington, D.C.

The Coloured, as opposed to the natives, are 90 percent urbanized, and are more like our Negroes in America. The natives are more like the American Indian in their background. They have strong tribal connections, although about ten percent of them have also become urbanized. Ninety thousand of the Coloured are Moslems.

SEEK BETTER SYSTEM

South Africa is accused of being "Fascist." Many of the non-white African states would answer to that description, but in South Africa there is complete freedom of expression and of dissent. The efforts of the government to help the non-whites must be described as sincere. The same cannot be said for the way Asians and other minorities are treated in many of the non-white African countries.

There is no doubt that apartheid should be modified. It should be dropped, provided a better system can be found. But anyone who is conscious of the deep-seated differences throughout the world between the Arab and the Jew, between the Greeks and the Turks, between the Koreans and the Japanese, should realize that differences do not easily disappear. They may never do so. There is no use talking about integration between the Hindus and the Moslems. That is what created Pakistan.

Cardinal McCann assured me he favors integration. But he also understands the complexity of the problem. He does not favor anything that will bring about a breakdown in law and order. Some in America may disagree with him. But it is not because they are more Christian than he, or because they know the answer better.

IS PEACE POSSIBLE IN THE MIDDLE EAST?

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CONTE. Mr. Speaker, our distinguished colleague and my fellow Representative from the great Commonwealth of Massachusetts [Mr. MORSE] has long been recognized as a dedicated student and reliable expert in the field of foreign affairs. His contributions to the work of the Foreign Affairs Committee are widely and well known and he has justly earned the respect of all of his colleagues in this Chamber, on both sides of the aisle, and throughout America.

Recently, Mr. MORSE made what I consider to be a major speech on one of the most critical and persistent trouble spots in the world today, the Middle East; and specifically, the Arab-Israeli dispute. The speech was given before the Immigrants Mutual Aid Society in Boston on that organization's 25th anniversary on March 12.

Mr. MORSE's remarks are penetrating and most comprehensive. He demonstrates a broad and well documented familiarity with the many subtle and frustrating aspects of the situation in the Middle East today. In most concise and understandable terms he outlines the history of the Arab-Israeli tension and the many complex crosscurrents and intrigues that make the problem seem virtually insoluble to many observers of less scholarly insights.

In characteristic fashion, however, our distinguished colleague has perceived some positive aspects and some avenues for hope and promise toward final peace in this troubled and historic corner of the globe.

Mr. MORSE's remarks were well received in Boston and, because I have no doubt they will be of broad interest and much value to all of us, under unanimous consent I place his address in full at this point in the RECORD.

The address follows:

IS PEACE POSSIBLE?

(By the Honorable F. BRADFORD MORSE)

On the eastern edge of the Mediterranean, where the three continents of the ancient world join together, lies a narrow strip of land no larger in total area than the state of Massachusetts. Its boundaries are marked out by reams of barbed wire and concrete bunkers; they encompass many of the most famous place-names in the religious heritage of the West—Nazareth, Galilee, Mount Zion. Here, pinned between the sea to the west and the deserts of Arabia to the east, live the nearly two and a half million people of modern Israel.

Of the 50-odd nations which have come into independent existence since the end of World War II, many have been larger and richer in resources, but few have shown the promise and progress of the young Israeli democracy. In a part of the world where poverty is great, illiteracy high and politics bloody, Israel stands out as a striking exception. Its people are fully employed and relatively prosperous; its economy has known one of the fastest rates of growth of any in the free world; and its political institutions have adhered closely to the democratic ideals upon which they were founded.

Yet for the almost 20 years of its existence, Israel has been a focal point of world tensions. For beyond its fortified frontiers in the Middle East live some 60 million Arab people, whose leaders have repeatedly pledged themselves to Israel's destruction. Like the Israelis, many of the Arab peoples have gained independence in the years since the Second World War, and are fiercely proud of their cultural heritage and their emerging sense of nationhood.

This Arab pledge to drive Israel into the sea, together with Israel's announced determination to meet force with force has plotted what seems to be a collision course. A "highly inflammable" label has been stamped on the strategic Middle East with its vast oil reserves and its crucial location at the crossroads of Asia, Africa and Europe. Should hostilities erupt, the flames of conflict could spread swiftly across the entire area and would surely involve the great powers.

This continuing dispute has posed difficult problems for the United States. On the one hand, the U.S. is united to Israel in an informal alliance based on a common spiritual and cultural heritage. We have a deep diplomatic and strategic interest because of Israel's commitment to democracy and freedom. Israel has demonstrated by its own growth that democratic institutions in a climate of freedom provide the best framework for development. Its own technical assistance programs—in Africa, Asia and Latin America—have stimulated development and have proved to new governments that democracy has more to offer than communism. Its ideological example is an effective rival to communism and a barrier to penetration by Communist propaganda.

At the same time, U.S. policy-makers, with an eye to cold war developments, have struggled to prevent a collapse of American influence and diplomatic leverage within the Arab world and particularly within Egypt, which may hold the key to that world's future. In view of bitter Arab hostility toward Israel and resentment of U.S. policy, this has been no easy task. Yet the industry, economy and defense of Europe depends on the availability of oil from the Middle East, at least for the present, and there is an unceasing struggle against communist penetration in the area—which makes this task a most necessary one.

Two of the major aims of U.S. policy in the Middle East have been 1. to preserve the present uneasy balance of forces between Israelis and Arabs until some future time when a more favorable atmosphere will hopefully permit the two sides to reach a peaceful settlement; and 2. to deny the area to Communist penetration.

With a continuing base in the 1951 Tripartite Agreement between the United States, Britain and France, guaranteeing the territorial integrity according to boundaries and the UN-set truce line, the implementation of U.S. policy in the sixties operated on two ideas: encouragement of peaceful internal developments, and disengagement from local quarrels.

But several factors have combined to cause a shift in this policy, and in the last few years Washington has been pressured into assuming a more direct role in the Middle East in defense supply and has put a different emphasis on its foreign aid programs:

1. The increasingly sophisticated character of modern arms has made it more advantageous to supply and train some of those who turn toward Washington for support rather than let them turn to the East for material.

2. Another factor is the political polarization of the Arab nations due to growing inter-Arab rivalry between two camps. One is headed by Egypt and supports the highly leftist and communist Syria, and the other is led by Saudi Arabia which seeks to head off Nasser's drive for power over the entire Arab world and which supports nations such as Jordan, endangered by this drive. This can also be broken down into a struggle between two types of government, socialists vs. royalists. Both camps are vying for power and using the Cold War rivalry between the Soviet Union and the United States as a lever to gain their ends. They are playing the game of "neutralism", and the U.S. is caught in the middle. Actually the U.S. is caught in a three-pronged and highly complex situation. While we must continue to support Israel, we must also respond to appeals from the more Western-oriented royalists in their struggle to maintain their national strength against Nasser's drive; yet at the same time we must work to avoid driving Egypt and Syria into increasing Soviet and communist control. The U.S. is in a complex and seemingly impossible bind.

In pursuit of our aims we have provided economic aid to each, and sought to limit and balance the arms race and warned against aggressive acts by either party. We have had to devise a case-by-case approach to appeals for defense.

Not surprisingly, our efforts to lessen tension have had, at best, limited success. In our search for accommodation, and with one eye on the Soviet Union, the U.S. has sought in vain for a peaceful solution. In few areas of the world has U.S. policy encountered a more difficult predicament or met with greater frustration.

I have touched on complex issues and pointed out what appears to be at times almost paradoxical efforts of U.S. policy. But at this point I should like to concentrate on one particular aspect which is major and complex enough by itself—Arab-Israeli tensions.

Seventeen years of truce have only added new tensions to an old conflict. When Arabs and Israelis laid down their arms under the UN supervised truce in 1949, there were two immediate issues that stood between them and a workable peace in the Middle East: the rectification of borders and the repatriation or compensation of Palestinian Arab refugees. Since then, the number of issues blocking a peaceful solution has gone up rather than down. Today, Arab-Israeli differences comprise a maze of issues so complex and tangled as to seem virtually insoluble. Briefly, the major points in the dispute are as follows:

1. Territory: At one extreme, Arab leaders have set as their goal the total elimination of Israel as a state. At the very least, they seek territorial adjustments based on the 1947 UN partition resolution which would reduce Israel to about two-thirds of its present area. Israelis have made it clear, however, that any peace settlement, in the recent words of Premier Eshkol, "will be established on the basis of Israel as it is."

Beyond these clear-cut and seemingly unbridgeable differences lies a web of related issues. Some Arabs suspect Israel of harboring expansionist aims. Israel, on the other hand, fears for the territorial integrity of Jordan which strategically flanks Israel's narrow waist. They have made it clear that should Jordan's monarch fall to Arab nationalists of either Egypt or Syria, Israel would immediately move to occupy the west bank of the river Jordan.

2. Refugees: During the 1948 war, over a half million to 700,000 (the actual figure is disputed) Palestinian Arabs fled or were expelled from Israel. The numbers of these uprooted people have since swelled by natural increase, and many of them live in miserable refugee camps scattered throughout Lebanon, Syria, Jordan and the Egyptian-administered Gaza Strip. They subsist on a UN dole of about $30 per person a year, living their lives as hostages to Arab-Israeli enmity.

The Arab states insist upon the right of these refugees to choose between return to their former homes or compensation from the Israeli government. This was the formula worked out and approved by the UN in December 1948. The Arab nations have also maintained it was impossible to absorb these multitudes into their own economies. This group also serves, clearly, as a lever of both political and military instigation and of political pressure. For these reasons, all Arab states except for Jordan have refused to give citizenship to the Palestinians—which leaves them stateless, and makes them a restless group, dangerously vulnerable to the propaganda and pressures which come out of Egypt and Syria.

Israel asserts that the return of Arab refugees to its own territory is out of the question, both for economic and security reasons. It points out that the Arabs have the land to resettle the refugees and could incorporate them as citizens if Arab leaders really wished to resolve the issue. They also point out that they have already permitted the return of some thousands and that in the context of a peace settlement they would consider taking back additional thousands. They have also affirmed their willingness to help finance an Arab resettlement and rehabilitation program, if peace were restored.

3. Border Raids: Incidents along Israel's frontiers have been a serious and persistent source of friction despite the presence of UN truce teams. Most of the incursions against Israel have been made by individuals or groups of Palestine refugees, some operating with, and some allegedly without, the support of Arab governments. Most of the attacks on Arab territory have been made by Israeli troops acting under official instructions, according to the policy of retaliation in dealing with border incidents which Israel has followed since 1953.

4. Arms Race: The Egyptian-Israeli scramble for weapons got under way over a decade ago. When Egypt turned to the Soviet Union for arms, Moscow obliged. Israel has turned toward the West. The U.S., and particularly France at first, afforded assistance carefully designed to counterbalance Egyptian gains. The U.S. "Hawk" anti-aircraft missiles now protect Tel Aviv while Soviet ground-to-air rockets ring Cairo and Suez, and French Mystere jet fighters are piloted by Israelis while Egyptians pilot Soviet MIG's.

These are some—though not all—of the major sources of tension and hostility. Negotiations about boundaries, about refugees, about the sharing of the Jordan's waters, have been tried but in every case have failed. One of the greatest, and the least tangible and least soluble obstacles is psychological. Professor Nadav Safran of Harvard has pointed out that "fundamentally both Arabs and Jews have an unassailable moral argument". Both sides consider themselves with a just cause. Also, this dispute has been carried on too long at a propaganda level to be suddenly transplanted to the muted air of a conference room. As Dr. Joseph Johnson, president of the Carnegie Endowment for International Peace and former special representative of the UN Conciliation Commission for Palestine stated, ". . . on both sides misunderstanding is compounded by suspicion, distrust, genuine fear—and by the . . . conviction of the leaders on each side that they do understand each other better than any outsider."

As a result there can be, in essence, only two answers to resolving the issue—by force or by negotiation. The Arabs propose to settle the matter by force; the Israelis seek to negotiate.

At first glance, time would seem to run in favor of the Arab "solution". Time has seen the Palestine issue slip further from negotiated settlement with each passing year. It has also seen the Arab states straining to the point of bankruptcy to build their military might for a final showdown, and time offers hope of eventual triumph to the side with the greater numbers and resources.

This is mitigated to a large extent, however, by the growing strength of Israel, especially its armed forces, and by the continuing and increasingly bitter disunity and bickering that rends the Arab ranks. Israel used to be the one issue on which all Arabs could unite. More recently they have experienced deep disagreement on even this score. Israel, on the other hand, has won new friends among the emerging nations in Africa, and in pleading for peace and a negotiated settlement in the international arena, such as the UN, Israel has undoubtedly gained considerable sympathy for its position.

However, time hardens the situation further. Unstable situations, such as the present regime in Jordan which faces the problem of refugees and vast political pressure from Egypt and Syria, only become more unstable, and we are brought closer and closer to the danger of providing the spark which will ignite the area. Continuing the arms race only puts the danger on an even higher level, not only in weaponry, but also by escalation into more than a regional conflict.

It is time, clearly, for a new look at United States policy and at the means for fulfilling our goals of maintaining peace and achieving a solution. I have noted that the prospects for a negotiated peace in the near future are not bright. The complexity of the issues involved, the opposition of the Arabs and the conditions set by Israel itself bar the way. Some observers believe that if peace is to come to the Middle East, it must be imposed from the outside. Perhaps this would be possible, were we not dealing with a situation of such a deep-rooted and long-established emotional character. A lasting solution must come from the inside. This is, admittedly, not the quick way. But it would not be realistic to think that the solution would be anything but gradual and slow.

Our task at this point is to ensure that things are at least headed in the right direction, and it is at this juncture that U.S. policy can be a critically important factor.

Our policy in the past has been simply to maintain a status quo which has been both unsatisfactory and increasingly unstable. While we cannot ignore the immediate problems, we need to focus our attention primarily upon the longer term. There are a number of steps the U.S. could take to improve the ultimate prospects for peace in the Middle East.

One measure would be a reconvening of the Tripartite Guarantee Powers to reassert the commitment to guarantee boundaries and armistice lines. This would ease some of the present anxiety not only in Israel, but also in the kingdom of Jordan whose territorial integrity is vital to Israel and which is now besieged by both political and military pressures.

Within this framework of maintaining the territorial status quo, the United States should take every effort not only to equalize the arms race, but to *reduce* it, with a view to achieving lasting stability. This can be accomplished at this point only by an agreement with the Soviet Union, through diplomatic channels or otherwise, for the limitation of arms shipments into the Middle East. The arms race is the greatest drain on the Middle East nations in time, energy and money. It holds an even greater danger—escalation. It cannot be continued for long without causing serious trouble. Furthermore, reaching an accord with the Soviet Union is particularly important at this time since Britain will soon be leaving its remaining base in Aden, and the position of the French in the Middle East is ambiguous at best.

In regard to the problem of border raids, the U.S. has recently set forth proposals for supplying electronic detection equipment to prevent infiltration across borders. This is a new approach which calls for closer study as to practicality and effectiveness.

Any efforts on our part, in fact, will be even more effective if they are supported by the UN. In many instances, and not only in dealing with the Middle East, multilateral action is likely to be better received and thus more effective, than unilateral action on our part. For example, extension of the UNEF forces in the demilitarized zones cut down on border incidents. The UN could also be used for policing atomic developments in the area.

A strong affirmation by the United Nations to the commitment of maintaining the territorial integrity of the area would be of great value. In addition, the UN is in a unique position not only to stress the necessity of compromise and negotiation, but also to provide the means to implement such proposals. Though the recent UN-sponsored talks between Israel and Syria on the problem of border raids yielded no answers, such conferences can be repeated and improved. At least it brought the parties together, which is in itself a major achievement. If such action occurs often enough and long enough, perhaps in time some communication may be achieved. At any rate, it can certainly make the present situation no worse than it is now.

The refugee problem has proven insoluble through negotiation. A new look at UNRWA, the UN Relief and Works Agency, may allow more positive action toward alleviating the tension-causing problems of poverty, unemployment, and segregation.

UNRWA was set up in 1950 to help solve the refugee problem not only by providing relief, but also by giving these homeless people the necessary skills for employment and self-sufficiency. However it has now de-volved to merely a relief agency. By keeping the refugees as a group apart, it strengthens the psychological obstacle to integration, and it reinforces the policies of governments and groups who want to use the refugees as an instrument of and for political propaganda and a source of guerrilla action.

Lack of current and correct statistics has resulted in the misuse of UNRWA funds, and in 1966 the Congress cut the U.S. allocation for UNRWA and forbade the use of the $22 million appropriation for rations for refugees who were also members of the Palestine Liberation Army. Although cutting funds may decrease abuses, it does not solve the problem. Various suggestions have come out in hearings before Congress, and they deserve careful consideration. These include the proposal that UNRWA's function should be changed back to one of technical assistance, with programs concentrated on works. It is particularly essential for the short-run that the U.S. take any steps necessary through the U.S. delegation to the UN to assure that UNRWA is directed to rectify Arab refugee rolls and cancel all refugee ration cards and issue new ones to bona fide refugees. For the long run, however, every effort should be made to transfer to the host countries responsibility for fiscal accountability and management, and for the progress of integration of the refugees into the nation's economic life.

I have asked if peace were possible. The problems I have listed are complex, and the suggestions put forward in solution are only partial and difficult at best. Perhaps they are impossible—at least for the present. But the U.S. has a commitment to this area, to the world, and to our own citizens which cannot be ignored. We must *make* peace possible.

THE NEED FOR A NATIONAL CEMETERY IN MASSACHUSETTS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CONTE. Mr. Speaker, ever since the Defense Department altered its policy with respect to burials at Arlington National Cemetery, many voices have been raised throughout the country in behalf of an expansion of our national cemetery program elsewhere. Various bills and resolutions have been introduced in this body either to expand certain existing cemeteries or to establish new ones in areas where there is no convenient facility at the present time.

My own record in this area is a long and perhaps familiar one, dating back well before the change in policy at Arlington last February.

I have had legislation in the hopper in previous sessions of the Congress calling for the establishment of a national cemetery at Westfield, Mass. I have reintroduced this same legislation in the present session, my bill being H.R. 403.

My position over the years has been based on the fact that no national cemetery existed within a reasonable or convenient distance of the many population centers of New England. Indeed, the closest for many years have been at Elmira and Farmingdale, N.Y. I have pointed out repeatedly that the travel distance and expense thus imposed on the veterans of New England is not only unreasonable in terms of funeral arrangements for the deceased and their dependents, but is a total and, in a sense, heartless inconvenience for surviving families who naturally wish to visit and honor the gravesites of their loved ones from time to time.

The situation has been a frustrating and needless one for many years, long before the virtual closing of Arlington. The situation has grown even more urgent since February.

By closing the hallowed gates of Arlington to all but a select few deceased veterans and active servicemen, the demands have naturally increased on other national cemeteries throughout the country. The effect is pervasive and ever-widening in the same way that waves spread out over the surface of a pond when a single pebble is dropped in the middle. Sooner or later, the entire country will feel the effects.

It is therefore more urgent than ever that serious attention be given to our national cemetery program and, speaking on behalf of the thousands of heroic war veterans throughout New England, that necessary legislation be approved to establish a national cemetery in Massachusetts.

I have recently received a memorializing resolution approved by the General Court of the Commonwealth of Massachusetts urging the Congress to accomplish this very thing—to establish a national cemetery in Massachusetts. I have placed that memorial resolution in the RECORD today.

I have also received notification from the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL], to whose committee my bill and others have been referred, concerning the latest reason for delay in considering these bills. The chairman very graciously explains that another resolution is presently pending before the House which would transfer jurisdiction over our military and national cemeteries from his committee to the Committee on Veterans' Affairs. This is the House Resolution 241 introduced on February 4, 1967, by the distinguished chairman of the Committee on Veterans' Affairs, the gentleman from Texas [Mr. TEAGUE]. The resolution, I am informed, is presently before the Rules Committee awaiting action.

Mr. Speaker, I have learned over the years that the establishment of a national cemetery anywhere in the country can be a complicated and time-consuming proposition. There are matters of land acquisition, financing of landscaping, maintenance and upkeep, and a host of other important considerations.

While I cannot deny a certain disappointment and frustration over the delays imposed by these and other considerations, I know that the distinguished chairman has done his very best to get my bill and similar others out for consideration by the House. The reasons for delay have clearly never been the fault of the chairman nor his very able and very busy committee.

I must challenge now, however, this most recent roadblock in the path of consideration. While I can certainly understand the reasoning behind a transfer of this jurisdiction to the Veterans' Affairs Committee, I fail to see why we cannot have this resolution, why we cannot act on it at once so that the jurisdiction can be confirmed.

Mr. Speaker, I respectfully urge that the Committee on Rules act on the resolution without delay so that we may at least initiate consideration of these national cemetery bills by some committee of the House. There should be no question of the urgency of the situation. My own mail has been heavy on this issue and I daresay a good many others in this body have had a similar expression from interested veterans and constituent groups.

It is frustrating, indeed, to have no appropriate jurisdiction to which we can refer this interest and support. The situation, it seems to me, is far too urgent to be ignored or to be shelved any longer.

I would hope that the Rules Committee can dispose of the jurisdiction resolution, one way or the other, so that we can resume consideration of these cemetery bills. Surely we owe nothing less to the veterans and taxpayers of this country who clearly expect the Congress to come to grips with this problem without further delay.

REPUBLICAN POLICY COMMITTEE STATEMENT ON CAPTIVE NATIONS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. RHODES] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RHODES of Arizona. Mr. Speaker, the Republican policy committee of the House of Representatives urges the creation of a bipartisan congressional Committee on Captive Nations.

First. We believe that the creation of a bipartisan Congressional Committee on the Captive Nations would provide a positive means for the advancement of world freedom in the present psycho-political struggle.

Second. The failure in our cold war strategy is nowhere better seen than in our failure to place Moscow under constant, tactful and skillful pressure in the area where they are most vulnerable—the captive nations.

Third. The Soviet Union has continued to broadcast that world communism seeks to liberate the peoples of developing nations from colonialism and imperialism. This false propaganda can best be combated by assembling and utilizing the true facts pertaining to the enslaved conditions of subjugated nations.

Fourth. The Soviet Union has displayed its profound fear of growing free world knowledge and interest in its brutal suppression of the people of these captive nations. The creation of this committee would underscore our continuing interest in these people and would help to convey this message to the captive world.

Fifth. We refuse to accept the oppressive and tyrannical regimes now in control of these people. We feel there is an obligation to promote the enjoyment of human rights and fundamental freedoms wherever they may be denied or threatened rather than merely in those areas where it seems expedient to do so. If we are to consider building bridges to the East, certainly such an effort should start with the people in the captive nations.

CONGRESSMAN J. HERBERT BURKE URGES REBIRTH OF PERSONAL INITIATIVE WITH BILL TO REPEAL "WORK CLAUSE"

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. BURKE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BURKE of Florida. Mr. Speaker, one of the major problems which faces the Congress in this session is what to do about the inadequacies of social security benefits in these days of high living costs. This problem is more than apparent in my congressional district in south Florida in which thousands of senior citizens make their homes. Too often have I seen their social security benefits eaten away just as rapidly as they are received, by the monster called inflation.

Today, I am introducing a bill designed to help our senior citizens through these days of inflation and high costs. My bill is to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits.

For too many years we have placed an earning limit and a discriminatory stranglehold on our elderly, in many instances stopping cold the healthy initiative of those still able to offer years of productivity. I realize that not all people want to continue working past the age of 65, and now in some instances past 62, but there is certainly a high percentage of those who still want to keep their minds alert and active and to be permitted to earn a decent living wage.

We are all aware of the increase in benefits which was provided by major legislation just last year and we fully expect approval of another substantial increase this year. But when we force ourselves to stop and figure out what this age of rapidly soaring living costs is doing to those increases, we see clearly that their advantage is quickly eliminated through inflation. We just cannot expect some of our elder citizens who are snared by medical expenses and dependent upon meager life savings to continue living on inadequate monthly allotments. We must remove this chain of despair called the earning limit, repeal the work clause as others describe it, and allow those among the elderly who want to live better to do so.

There are many senior citizens who could attain a higher standard of living by augmenting their social security incomes, but do not because of the penalty of reduced benefits. With the advent of modern medicine, more and more Americans can look forward to financially productive years beyond the age of 65. Yet, current limitations rob senior citizens of their initiative to better themselves. And this does more than affect his economic status—it hurts his state of mind. This was brought out in a significant and touching way in a letter which I recently received from one of my constituents. He wrote to ask for my support of the proposed increase in social security benefits, and made these comments:

> The people in my neighborhood feel that you will surely vote for this cause. It is not only the increase in amount of money, it is also the increase in the amount a man may earn. *When you set a limit on what a man may earn, you also kill his ambition and mental attitude.*

Putting a limit on our senior citizens' earning capacity is discriminatory, and is just not the American way. When this system was started we were in a depression, jobs were scarce, and the limitations could be explained. But today's high employment and active economy cuts out all need for such restrictive measures. The arguments that the jobs of our younger citizens will be threatened in any way is ridiculous.

In supporting legislation to improve the existing social security laws, I am primarily interested in the enactment of measures which will allow our elder citizens to help themselves. Social security was never meant to be the sole support of its recipients. It was meant to supplement individual retirement plans. I believe that social security benefits should be treated by the government as any other private annuity fund that an individual has paid into. There are no private annuity programs which limit the earnings of those who pay into it.

The bill which I am introducing today would insure access to the means needed to provide our senior citizens with the ordinary decent needs of living characterized by our American society, and permit them to regain their thoughtful pride and self-respect which we as a nation pursue.

I urge my colleagues in the House to give careful consideration to this proposal, and to take favorable action on it.

COPYRIGHT LAWS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BUTTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BUTTON. Mr. Speaker, I rise in support of H.R. 2512—the first major revision of the copyright laws since 1909. Since that time, major changes in technology have rendered an overhauling of the statute more than overdue.

I know the Copyright Subcommittee has spent long and arduous hours of deliberation in amending the copyright law to produce a bill that, in my view, will effectively and fairly accommodate conflicting interest, while encouraging authorship and still be fair to users of copyrighted works. I commend my colleagues, the gentleman from Wisconsin, Chairman KASTENMEIER, and the other members of Subcommittee No. 3, for the extremely competent work done on this legislation. The Register of Copyrights, Mr. Kaminstein, has said:

> No federal law that I know of will have been more thoroughly considered or more carefully developed, and none will have a better documented legislative history.

As a member of the Authors League of America, I have followed with much interest the various provisions of this proposed law. I insert in the RECORD at this point a list of provisions that particularly affect the league's membership:

(a) Establishes copyright on new works for the author's life and 50 years, and extends existing copyrights by 19 years.

(b) Recognizes the judicial doctrine of "fair use" as the solution to the "copying" problem; and preserves the author's right to prevent the copyright of his work beyond the limits of "fair use"—whether for educational or other purposes.

(c) Preserves the dramatist's right to public performance of his work, whether for profit or not.

(d) Allows authors to terminate long-term assignments 35 years after they are executed.

(e) Requires payment for use of music in juke boxes.

(f) Requires the author's permission for uses of musical and literary works in nonprofit televison, other than programs which are part of regular classroom teaching activities. Dramatic works cannot be used in any event without permission.

(g) Eliminates the more restrictive provisions of the "Manufacturing Clause."

(h) Increases the fee to composers for recordings of their music made under the compulsory license clause.

BEHIND CALIFORNIA'S SCIENTIFIC PREEMINENCE

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOSMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOSMER. Mr. Speaker, for many years California has occupied an enviable position in her ability to attract and hold the world's most eminent scientists and in the prosperity that accrues therefrom. Almost half of America's Nobel Prize winners are located here, along with 158 members of the prestigious National Academy of Sciences.

A year ago, in an effort to discover the secret of California's attractiveness to scientists, a survey was made of members of the National Academy. They were asked how California can continue to maintain her lead in the scientific and technological revolution. Their responses demonstrated that freedom and independence in the search for knowledge are key criteria; that the opportunity for intellectual exchange with talented colleagues is also a strong drawing card; and that scientists, as other citizens, place a heavy premium on good schools for their children, on clean air to breathe, and on the conservation of natural beauty.

These criteria are worthy of note by all citizens, for every scientist who leaves one State to live and work in another costs the State he leaves a minimum of $50,000 a year, according to one authority. And this modest appraisal is based on averages that take no account of the exceptional scientist—of which the University of California has many—whose individual reputation attracts millions of dollars in research funds to the university or corporation with which he is associated, or whose work may form the basis for creation of an entire new industry.

For example, the modern American canning industry, with its annual dollar volume of more than $5 billion, became possible through development of the heat sterilization technique at the University of California's Hooper Foundation in San Francisco 40 years ago—a development that eliminated the threat of botulism, the deadliest form of food poisoning. In more recent years, individual scientists have almost single-handledly made possible the evolution of the aerospace and electronics industries of California through university-related research. Economist E. F. Denison, of the Committee for Economic Development, attributes 18 percent of the growth of the gross national product between 1929 and 1957 to new knowledge developed through research.

With engineers as with scientists, each represents additional jobs—and taxpayers—for those he supervises or trains, and for those whose future employment is made possible by his present work. Prof. William Shockley, a Nobel Prize laureate at Stanford University, has illustrated this with his concept of the "engineer multiplier." Shockley estimates that each engineer graduated by our universities represents 40 jobs in the future.

Following are excerpts from some of the statements by members of the National Academy of Sciences, explaining why they have chosen to live and work in California:

W. K. H. Panofsky, director of the Stanford Linear Accelerator Center:

> There is little doubt in my mind that the primary reason for California's leadership in scientific and technical talent lies in its state university and state colleges. . . . This leadership is being recognized nationwide and is leading to similar improvements in the eastern states where the state university systems have had little significance relative to the private institutions.
>
> You realize, of course, that the eminence of the universities of the State of California will not continue automatically unless continuing attention is given to many of the problems inherent to the growth of the system. I hope it will be possible to continue in the future the high academic standards, the general independence of the universities from political influence, and the tolerance shown of independent student activities.
>
> It is quite easy for well-meaning critics to over-estimate the damage which can accrue on the University by ill-considered actions or expressions but to under-estimate the damage which would accrue to the University in the long run if the freedom for such expressions were restricted. In addition there are, of course, the more down-to-earth matters of financing of these public institutions. I am deeply convinced that California as a state has gained both material and intellectual values through its university system greatly in excess of the funds invested in it, and I hope very much that the state can continue and in fact increase its policy of generosity in this respect.
>
> A second factor I would like to mention is that in the Los Angeles area, but even more in the San Francisco Bay Region, there is excellent cross-fertilization between the academic and industrial communities. This has worked to mutual advantage to both parties: by introducing new basic ideas into the industrial community and by giving technical support to major scientific enterprises. . . . It is this cooperation between science and technology which the state should continue to encourage and which certainly constitutes a substantial part of the attractiveness of California to the scientific community.

Another Stanford scientist, Professor of Chemistry Carl Djerassi, wrote:

> In my opinion, the chief reason for California's pre-eminence in scientific personnel is not so much the climate or its geography but the quality of its institutions. As long as this is maintained, or better still, even improved, and if additional institutions, such as University of California at Berkeley, Stanford University, California Institute of Technology, etc., are created, it is very likely that this lead will not only be continued but increased. . . .
>
> To maintain California's lead in scientific manpower, I would say that principal emphasis should be placed on supporting the University of California system and to avoid any interference with the . . . concept of "academic freedom." Once momentum in a university is lost, or only a few key individuals are sufficiently dissatisfied to leave, then it frequently takes an enormous effort and a long period to rectify this state of affairs.

Prof. Walter H. Munk, associate director of the Institute of Geophysics and Planetary Physics, San Diego, wrote:

> When I was elected (to the National Academy of Sciences), it was almost impossible for a geophysicist to get into the Academy if he *was* a Californian. Subsequently it seemed almost impossible *unless* he was from California. But this favorable situation is deteriorating following the President's request for a more equitable distribution of Federal university research funds. The effect is now beginning to be felt, with California coming out on the losing end.
>
> During the last six months, I served on a panel of the President's Scientific Advisory Committee to examine the future of oceanography. We came away with the conclusion that Scripps Institution of Oceanography (San Diego) is the leading institution; yet its support by the State does not compare favorably with the relative support given by Hawaii and Florida to their oceanographic laboratories. At one time the State provided the principal research support at Scripps. At present, the overhead contribution from government contracts that Scripps returns to the State and statewide University just about balances what it receives from the State. We are reaping the rewards of past State support.
>
> I find it somewhat awkward to respond to the question of what can be done by saying: give us more money. But I think there is a compelling reason why the State should support academic studies of such California-oriented problems as oceanography and seismology. The industrial development in these fields can be substantial . . . The new government policy is increasingly unfavorable to California universities, and the most talented scientists will go where they can do their job most effectively. I am sure this means more than climate and scenery. We lost one member of the Academy to M.I.T. because he felt support in geophysics would be better there than here. I think others will leave unless there is some indication that the State of California takes an interest in the study of these problems commensurate to that taken in other states.

Prof. of Chemistry James R. Arnold, also of the San Diego campus, responded by describing an attractive job offer from a major university in Texas:

> In terms of salary, fringe benefits, and most important of all to me, guaranteed state funds for research, this position was better than that enjoyed by any Nobel laureate at the University of California, so far as I am aware. I did not accept—I would rather stay in California, even at a considerablee price. But clearly they are no longer following in our footsteps. This school has already attracted several top-flight people within the last six months, and will undoubtedly over the next five years build itself a national reputation. It will then have cancelled nearly all its disadvantages, except climate and scenery. Since the supply of first-rate people is not elastic, our recruiting will suffer, and indeed unless I am much mistaken we will begin to lose people.

Astronomer George H. Herbig, of the Lick Observatory staff, Santa Cruz, described job offers at salaries 30 to 50 percent above his present:

> If other states now seek the economic spin-off that comes from a bustling academic environment, they are likely to be able (at least in principle) to duplicate or exceed California of the 1960's in every respect except climate. And if other attractions are built to a sufficiently high level, they can compete effectively despite any climatic advantage that California has.

Professor of Physics Joseph Kaplan, of UCLA, wrote:

> The problem of California today is to maintain the past growth and to at least maintain the lead that it has acquired in a relatively short time. Other states are aware of California's lead and are trying to overcome it. Among these, Texas and New York are perhaps the most active. Possibly our greatest single need for maintaining this lead is to make certain that our planning is realistic and effective. Unlimited competition for funds, bad administration of such funds, will soon show their bad effects. The State must have the benefit of good, objective advice in the area of academic development, as in other areas. I am certain that the State of California has the people who can give such advice.

Nobel laureate and Professor of Physics Emilio G. Segre, of Berkeley, reported:

> I came to California because I was anxious to have access to the cyclotron of the University of California. In fact, I had indirectly used the machine already in my native Italy. This instrument has been one of my main research tools, and as long as Berkeley had the primacy in accelerators I would not consider leaving (except, of course, for war work at Los Alamos or other emergencies). . . . But California, as of now, has lost the primacy in the accelerators.
>
> The deterioration of our physical environment is appalling. Any lover of nature has reason to be deeply concerned. I would certainly put conservation and recreation as one of the most urgent and serious problems of the State.
>
> The University of California at Berkeley has been shaken by student unrest and connected events. I do not think the damage is very serious, but there are some alarming trends: for instance, as Chairman of the

> Physics Department, I have had opportunity to observe an increasing difficulty in recruiting the best, most desirable graduate students. The reason is mainly financial and the Teaching Assistant cut has had a deleterious effect. This is a trend dangerous for the State of California. The importation of the cream of students is a tremendous intangible asset for the State, worth much more than the money involved.

Dr. James Bonner, professor of biology at California Institute of Technology, Pasadena, reported:

> I myself came to California as a graduate student, that is, to earn my Ph.D. degree. I came to California because of its excellent universities. My only difficulty was in deciding between Caltech and Berkeley. I chose the former and I've been here ever since. The excellence of its academic institutions has been in my estimation the principal reason for the influx of scientists into California. . . .
>
> The best scientists of our country today can go to any institution in the U.S. which they wish. They choose to go to institutions which have strong research programs staffed by able people. Young scientists come to California from other institutions, attracted by our own strong university system. They put down roots; they work in the university for a few years and either stay in the university system or leave it to go into industry—naturally remaining in California where their roots are. We see the result of this university initiated migration in the great research and development areas in Southern California. The aircraft industry, for example, started practically single-handedly by Professor Theodore von Karman at Caltech in the 1920's; the great electronics industry developed by Dr. Beckman and Simon Ramo, both Caltech alumni in Southern California. We see it in the enormous electronic industry which has sprung up along the Stanford-Berkeley axis. We can see the same thing around the other centers . . . the MIT-Harvard axis in particular.
>
> Berkeley, Stanford and Caltech have been the magnets in California for scientists in the past. UCLA is becoming such a magnet today. . . . The Regents of the University of California have done a magnificent job of creating two new elite institutions from scratch in the University of California at La Jolla and the University of California at Irvine. So imaginatively and so well have these new institutions been founded, with such care as to the selection of the initial staff, that they are already truly elite on a nationwide basis. We can see already that the University of California at San Diego is a national center of distinguished work in biological sciences and is attracting many new scientists to its area.
>
> So, to keep ahead in California's scientific pre-eminence, what is required in my estimation is that we must keep our university system of highest caliber. Our universities must be staffed by great people, well financed and properly housed. We can help to keep our state attractive too by being sure that education at the lower levels is of highest caliber, which it certainly now is, so that scientists can feel that their children are better educated here than in other states.
>
> We can try to keep our state one in which gracious living can be practiced. We have already had some scientist defectors from Southern California who have blamed smog and gone north. Let us do what we can about smog and about traffic congestion. But above all we must remember that in the world of scientific institutions, them that have gets—the rich get richer, and the poor get poorer. This is an unfortunate but sad fact. It's fortunate for us that we're rich and we can capitalize on it. Let us do so.

Dr. Willard F. Libby, Nobel laureate in chemistry at UCLA, wrote:

> Education is almost the largest and certainly the most important business in the world today. In California it has come to occupy a position of leadership essentially unparalleled in all of history. It is very important that the massive, high-quality type of education to which we aspire become possible elsewhere in the country and in the world. We should make it clear to all who are interested what our methods are and how we do things. Although it is necessary to charge tuition for out-of-state students, perhaps some plan for more scholarships would be wise.

Dr. Karl Folkers, president of Stanford Research Institute, in his reply of May 2, 1966, described the factors which led to his decision to reside in California:

> First of all, the technological environment of the State has fostered the growth of many intellectually stimulating business organizations, among them Stanford Research Institute. . . .
>
> Secondly, and highly important from my point of view, is the existence of a highly regarded intellectual community in the Bay Area centered about the excellent educational institutions, notably the University of California, Berkeley, and Stanford University. Again, from my own professional point of view, the existence of a great medical facility at Stanford greatly increases the attractiveness of the area.
>
> From the environmental standpoint, I believe there are three areas which must receive continuing attention if the State of California is to continue in its leading role in attracting top scientific talent. These are:
>
> (a) Continued emphasis on maintenance of a high standard of excellence in the educational system.
>
> (b) Provision of an efficient transit system including all forms of transportation.
>
> (c) Control of air and water pollution.

Dr. Harold C. Urey, Nobel laureate in chemistry at the University of California, San Diego, wrote:

> As to the reasons for the concentration of eminent men of science in various regions, I would place first and foremost the quality of the universities in the area. In California the most important institution is the University of California, and of course its oldest branch at Berkeley is by all odds the most important. The other campuses are making distinct contributions and becoming more important relative to Berkeley as time goes on. The pre-eminence of the New York and Boston areas is due to the excellent universities there, and that is also true of the Chicago complex.
>
> I think there are other things and it is difficult to place them in order. An important point is living conditions: pleasantness of climate, cleanliness of surroundings, freedom from slum conditions, and—a key point—good schools for the children. . . . California has maintained an excellent school system throughout the years and this attracts people who have a concern for their children.
>
> I really believe that the Los Angeles area is going to have serious difficulty in attracting scientific people unless the smog problem is solved in some way. It has already become an important consideration in the minds of some at present, and I believe it will get worse unless the problem is solved. . . . However, the most important thing is to keep on doing what we are now doing: maintaining an excellent university and college system in our state institutions, hoping that the private institutions keep up their end also, and continuing to maintain excellent primary and secondary schools. These are more important than any other single thing.

Dr. G. Ledyard Stebbins, professor of genetics at the University of California, Davis, replied that he had chosen California for two basic reasons:

> One is the intellectual standing of the University of California and the unparalleled opportunities which it gives to its faculty to exercise their brain power and imagination in both research and teaching. . . . I quickly found the academic atmosphere of Berkeley very much to my liking and even turned down an offer to return to Harvard. . . .
>
> My interest in the University stimulated me to accept the challenge offered me in 1950 to build a Genetic Department on the Davis campus; a decision which I have never regretted. I have been pleased to see how the Master Plan has resulted in spreading the high intellectual standards of the University to all parts of the State, and am deeply interested in the continuation of this Plan. In short, the University of California system is, in my opinion, the finest in the world, and I would not under any circumstances exchange my position in it with one anywhere else. . . .
>
> My second reason for being an enthusiastic adopted Californian is the great diversity of natural resources which our state possesses.

ESTABLISHING A PERMANENT POLICY PROHIBITING FURTHER MAJOR ALTERATION OF THE CAPITOL EXCEPT FOR STRUCTURAL AND SAFETY REASONS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Reid] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. REID of New York. Mr. Speaker, the American Institute of Architects has recently submitted a report which presents further evidence that the Capitol should be restored in its present form, rather than be extended and substantially altered.

After 5 months of study, the architects' committee has concluded that all exterior paint be removed and that stones that are structurally unsound be replaced with the same sandstone material as the original wall. In my judgment, this proposal, based on the studies of experts, has historical, practical, and economic advantages over the plan to extend the west front of the Capitol and add 4.5 acres of floor space.

In addition, the AIA report calls for the establishment of a commission of "highly experienced professionals" to implement a master plan for future construction on Capitol Hill. I introduced legislation on the first day of this session to set up a Commission on Architecture and Planning for the Capitol in order that any further construction of this building will be consistent with its historical heritage and artistic tradition.

Mr. Speaker, I would urge that appropriate officers of the Congress give serious consideration to the AIA report and especially to the suggestion by AIA President Charles M. Nes, Jr., that we establish a permanent policy prohibiting any further major alteration of the Capitol "other than that absolutely necessary for structural and safety reasons."

TWO LADS FROM BOISE SHOW IBM SOMETHING ABOUT IBM COMPUTERS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Idaho [Mr. McClure] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. McCLURE. Mr. Speaker, a recent article in the Wall Street Journal entitled "Two Lads From Boise Show IBM Something About IMB Computers" illustrates again the Jack-the-giant-killer qualities of the citizens of my State. The people of Idaho do not brag a great deal about their accomplishments, but in their own quiet way, they are making an impact on today's world unmatched by the people in any other section of the country.

The Journal's article tells how two employees of Boise Cascade, Ronnie Tim Hoppins and Noah W. Tadlock, Jr., devised a computer system that had stymied IBM engineers. I salute these young men and herewith insert their story into the Record:

Two Lads From Boise Show IBM Something About JBM Computers—Ronnie Tim and Noah Do a Job That "Couldn't Be Done"—A Honda and a Clothes Drier

(By Glynn Mapes)

Boise, Idaho.—Here are the facts:

International Business Machines Corp. is a 56-year-old computer maker from Armonk, N.Y. It is known as IBM. It is well-known in its field. In 1966, it earned more than $526 million. It is considered an expert in computer doings. It recently said no system could be developed to convert existing computer programs to fit some new, faster computers.

Ronnie Tim Hoppins is a 26-year-old worker at Boise Cascade Corp., a maker of wood products. He is from Nampa, Idaho, and is known as Ron or Ronnie Tim. He is not well-known in the computer field. In 1966 he earned $11,100. He once flunked the Civil Service exam to be a mailman.

Noah Wilbert Tadlock Jr. is 23 years old. He works with Ron. He is a gangling lad with a reputation for absent-mindedness. In 1966 he earned $8,400. He is not at all sure he passed his recent test for promotion to airman second class in the Idaho Air National Guard.

Ron and Noah said IBM was wrong, that a conversion system could be developed. IBM gave a corporate scoff. Ron and Noah set to work. In two months of sometimes round-the-clock work, the pair, sustained by Cokes and candy bars, solved the problem. IBM concedes the system works. Its lame comment: "We can't knock success."

"THE PROMISED LAND"

As a result, Boise Cascade is suddenly in the computer business. The conversion system has been named Exodus ("Because it delivers the goods in the promised land," blandly explains a marketing executive who helped name it) and is selling for $9,000. Marketing men see a market for 500 Exodus systems—which consist of a 100-page manual and 8,000 punched cards—and expect to have several sales completed by the end of this month.

"It may look like just a pile of punched cards to you, but to us it's pure gravy," a Boise Cascade official happily tells a visitor.

Boise Cascade figures it alone saved $150,000 by using Exodus to recode the company's 428 computer programs. More important, it says, it saved 13,000 hours of programer time, which now can be devoted to other corporate projects.

The few customers so far also swear by the system. "It's worth $20,000 easily," says Edward Hunter, a systems planning official of Security First National Bank in Los Angeles. He adds, "These two guys took a hard-headed approach and did the job. It's about time somebody did."

Why didn't IBM develop the system itself? "We don't have unlimited resources," says a spokesman for the company, which has assets of more than $4.6 billion. "And other things that we felt were more important took precedence." Besides, IBM experts repeatedly told Boise Cascade that such a system couldn't be designed.

Boise Cascade offered to sell the Exodus rights to IBM for $100,000 a few months ago, but IBM rejected the offer. "It's a good thing IBM turned us down. We didn't know what we had at the time," says Ralph E. Hull, Boise Cascade's director of data processing. The wood products company now has Computer Sciences Corp., a Los Angeles computer services concern, handle the marketing in return for 33% of the sale price. Computer Sciences has refined the system a bit.

HAIRCUTS AND SHOE SHINES

The system has made Ron and Noah heroes of sorts in this state capital of 50,000 population. Early this year, a few weeks after their success, Ron recalls, "Noah and I were told to get haircuts and shoe shines. We figured something was up." It was. They were ushered into the office of Boise Cascade President Robert V. Hansberger, who presented them each with 100 shares of Boise Cascade stock, worth about $2,800. (The company also gave them a check to pay the taxes on the stock.) The two young men had little to say to Mr. Hansberger. "What do you say to a corporate president?" Noah asked his boss later.

They both got promotions and raises, too. Ron, who has been with Boise Cascade four years, got a $125 a month raise, to $12,600 a year. Noah, who has been here three years, got a $150 a month increase, to $10,200 a year.

Noah celebrated his windfall by buying a new clothes drier to make life easier for his wife, who is expecting their first child. He also is considering investing in stocks, "but right now the market sort of scares me." Ron, who is married and has three children, is considering using some of his new affluence to trade in his Honda motorcycle for a bigger model.

The young men say they have rejected a dozen job offers—some at nearly twice their present salaries—since they developed Exodus. Ron turned that offer down for both of them, saying they wanted to remain in Boise. Computer Sciences then offered to create a special branch office in Boise for the pair, but they still said no.

The two were determined from the start to develop the program, which they figured all along could be solved. "IBM's attitude really egged us on," says Ron. "They looked at us like we were hicks and asked that if Boeing and General Motors didn't try it, what made us think we could do it?" On the other hand, an IBM systems engineer in Boise, ranking low on the corporate ladder, offered the two encouragement and even assistance in writing the conversion program.

Sequestered in windowless offices at Boise Cascade's data processing center, Ron and Noah worked separately, sometimes meeting in stormy bull sessions lasting well into the nights and weekends. Here, the two lost their characteristic reserve. "We always work best while arguing," says Noah. Fellow programers, hearing the squabbles, soon learned to leave the two alone.

Felled by the flu for two weeks, Noah continued to write the program from his bed, debating with Ron over the phone. Later on, he worked nights while serving a stint in the National Guard. Ron spent several days of his vacation testing the system on a big IBM computer in Seattle.

"The worst thing about working with these guys was getting them to go home," says Mr. Hull, their boss.

The system Ron and Noah developed converts existing Model 1410 computer programs, which were developed at great expense, to fit the staggering potentials of the so-called third generation of computers, such as the IBM Model 360.

Now, Ron and Noah are working on another system to convert programs from the Model 1401, which is smaller than the 1410, to the 360. Computer Sciences already has reserved the right of first refusal on this latest system, for which it sees a big potential. There are at least seven times as many 1401 computers installed as there are 1410s, a Computer Sciences spokesman says.

Nonetheless, there is at least one problem facing the new system. "We've run clean out of Biblical names,' says a Computer Sciences executive. Exodus, predictably, followed a Computer Sciences program called Genesis. "But Leviticus might be a bit hard to take," he says.

IBM won't say whether it is working on any conversion system itself. IBM does offer an electronic device called an emulator, which imitates the logic of an older computer on a new one. Thus, users can run existing programs on an advanced machine until the programs grow outdated and have to be rewritten anyway, IBM says.

This system, though, is considerably less useful than Exodus, which is essentially a master program for programing. With Exodus, the computer itself in a few minutes can rewrite programs that would take highly paid technicians hours or days to do by hand.

What's more, the emulators can turn out to be more expensive than the Exodus system. For some customers, the equipment for emulators would cost $6,000 a month—with one month's cost equaling two-thirds of the entire cost of the Exodus. Emulators also limit the capabilities of the lightning-fast 360s. Says a Midwestern computer user: "Running one of these hot 360s with an emulator is like forcing Wordsworth to write nursery rhymes."

THE TANKER DISASTER BILL

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. Pelly] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PELLY. Mr. Speaker, today I am introducing legislation that would give the President authority to take any necessary steps to alleviate the danger created by the escape of oil or other substances from vessels incapacitated by grounding or other marine disaster. This bill is identical to one being introduced by our colleague [Mr. Keith] of Massachusetts.

This legislation is inspired by the recent tragic grounding of the tanker *Torrey Canyon* off the southern coast of England and is intended to alleviate the dangers of such an occurrence off our shores.

Mr. Speaker, under this bill the Commandant of the Coast Guard, who is responsible for maritime safety, and the Secretary of the Interior, who is responsible for the preservation of marine resources, would have the power to determine that a marine disaster was threatening maritime safety or marine life and inform the President of that fact. The President would then be authorized to alleviate the danger by measures such as removal of cargo, scavenging or entrapping escaping oil, or even by destroying the vessel and its cargo. This would correct the situation that occurred off England with the *Torrey Canyon* where no one knew who should act until time for effective and appropriate action had passed.

Finally, Mr. Speaker, a section of this bill would call on the President to join with other countries to alleviate the dangers of hazardous or obnoxious substances being released in a marine disaster. At present there is an international convention dealing with the intentional release of oil from vessels cleaning their tanks and bilges on the high seas. Unfortunately, however, there is no convention or agreement dealing with the accidental release of such substances.

I trust the House Merchant Marine and Fisheries Committee will give early consideration to this legislation.

STATE HIGHWAY DEPARTMENTS SUPPORT CHANGES IN HIGHWAY BEAUTIFICATION ACT

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. Pelly] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PELLY. Mr. Speaker, the Subcommittee on Roads of the Public Works Committee has begun hearings on amendments to the Highway Beautification Act of 1965.

In this connection, I have introduced legislation, H.R. 4137, which I have discussed before on the floor of the House, proposing changes in the existing law to overcome problems that have arisen in certain States such as my own State of Washington, of the high cost, administrative unworkability, and erosion of traditional State and local government powers.

Mr. Speaker, in an effort to secure a wide expression of views on this important subject I have asked the head of the State highway department in each State capital for his views on this matter and so that my colleagues and others interested in this matter might have as many viewpoints as possible I will have printed in the Record at this point, the text of the letters I have received to date. All letters do not specifically endorse my bill, but it is abundantly clear that each writer believes the Highway Beautification Act of 1965 is greatly in need of improvement to correct obvious flaws.

The text of these letters follows:

State of Alaska,
Department of Highways,
April 3, 1967.

Re 00–1041.
Hon. Thomas M. Pelly,
House of Representatives,
Washington, D.C.

Dear Mr. Pelly: Thank you very much for sending me a copy of your proposed amendment to the Highway Beautification Act of 1965. Examination of your bill indicates that it retains the basic intent of the original legislation and yet provides a much more workable system. Frankly, the original beautification act is an administrative nightmare.

I earnestly wish you success in steering your amendment through congress and you may be assured that you have the backing of the Alaska Department of Highways.

Sincerely yours,
Warren C. Gonnason,
Commissioner of Highways.

State of New Jersey,
Department of Transportation,
Trenton, March 30, 1967.

Hon. Thomas M. Pelly,
House of Representatives,
Washington, D.C.

Dear Mr. Pelly: We have reviewed H.R. 4137 and agree that this proposed amendment to the Highway Beautification Act of 1965 has much to commend it.

In the first place it seems to be much more workable in that both sides in this controversial subject are considered in what appears to us to be a very practical and just way.

Roads through scenic areas would remain scenic and at the same time, the remaining areas, not controlled by municipal ordinance, would continue to support a large established advertising industry. New freeways and at least 10% of other new roads could be designated as scenic.

I believe the proposed amendment would go far to eliminate most of the objections from both sides.

Sincerely,
David J. Goldberg,
Commissioner of Transportation.

State of Minnesota,
Department of Highways,
St. Paul, Minn., March 27, 1967.

Hon. Thomas M. Pelly,
House of Representatives,
Washington, D.C.

Dear Mr. Pelly: Thank you for your letter and attached copy of your proposed bill.

Minnesota has been concerned with the problem of billboard jungles and abandoned signs for quite a few years. For several sessions our legislature had proposed sign control bills introduced, and as a matter of fact did pass a state sign law before Congress passed the Highway Beautification Bill of 1965.

We began state control of signs on July 1, 1966, and in the short time our law has been in effect it is surprising to learn of the large number of signs abandoned by their owners. One of our District Highway Department Offices has sent out 5,970 notices to sign owners. 2,051 permits have been approved and issued to date. 1,602 signs were removed or notice received from the owner that the signs would be removed in warmer weather. 2,317 owners of signs have apparently abandoned their signs. A second District Office has issued 1,178 permits compared to 2,900 notices mailed. All districts have similar reports.

Minnesota is a beautiful state and most people are anxious to retain that beauty. With more and more signs being erected the results are becoming serious.

I found your bill interesting and can see where it would be more reasonable to administer than the proposed state bill we have presented to our legislature. However, complete coverage of control on all our primary trunk and interstate highways is long overdue as you can see by the experience of our District Offices. The proposed bill now before our legislature amends our present law so that it more nearly comes into compliance with the criteria offered in the January 10th, 1967, Report to Congress. If this amendment does not pass in the remaining days of this session, we feel at least a year and a half of the 10% penalty, amounting in our case to $15,000,000, will be in jeopardy. It is absolutely necessary for the State of Minnesota to take action soon to avoid the penalty.

Sincerely,
John R. Jamieson,
Commissioner.

Commonwealth of Pennsylvania,
Department of Highways,
Harrisburg, Pa., March 23, 1967.

Hon. Thomas M. Pelly,
House of Representatives,
Washington, D.C.

Dear Congressman Pelly: Thank you very much for your communication of March 13, 1967 to Mr. Henry D. Harral, Secretary of Highways, and a copy of H.R. 4137 which you have proposed to amend the Highway Beautification Act of 1965. Having replaced Mr. Harral as Secretary of Highways, I am taking the liberty of commenting on your proposal.

First of all, I wish to compliment you for working up a bill with which, in my opinion, we could live in the State of Pennsylvania. Moreover, we feel very strongly that the 1965 Highway Beautification Bill should be amended for the following reasons.

First, preliminary cost estimates providing for the elimination of billboards on the Interstate and Primary Systems amounted to $21,506,000. Of this amount, $14,609,000 represents the cost involved on the Primary Highway System. Although a great deal of effort was expended in developing these estimates, we believe the figure will go far beyond the anticipated amount. It should be noted the cost involved in implementing this particular provision in Title-I would be as much as, if not greater, to the Department than the 10% penalty which would be applied by the Bureau of Public Roads under the terms of the Act if it were not implemented.

The 1965 Act would require our state to control billboards along 1,585 miles of Interstate Highways and 7,545 miles of Federal Aid Primary Highways, and removal of approximately 40,000 signs. The proposed bill, H.R. 4137, would likewise provide for the removal of billboards on the 1,585 miles of Interstate Highways, and only about 1,000 and 2,000 miles of scenic highways, now a part of our Primary Highway System. This would be a much more practical and workable program to administer and carry out.

Secondly, we believe the present bill will create a financial hardship on local communities that now have zoning controls over billboards and junkyards. Many of these communities have police powers, which do not require just compensation to the billboard industry.

Your provision, Section 131(d) would permit the state to apply to the Secretary for exclusion from the application of this Act to segments of highways which traverse incorporated municipalities and, thus, this provision would not create a financial hardship on those communities affected.

Although we are extremely anxious to effectively control billboards on all of our highways, in order to alleviate visual slums, we are firmly convinced that a sensible beginning to achieve this end is a practical approach, and can be expanded to include additional highways later on as we learn more about the problem and its consequences.

Sincerely yours,
Robert G. Bartlett,
Secretary of Highways.

State of Ohio,
Department of Highways,
Columbus, Ohio, March 24, 1967.

Hon. Thomas M. Pelly,
House of Representatives,
Washington, D.C.

Dear Congressman Pelly: Thank you for your letter of March 13, 1967 relative to your H.R. 4137, which would modify the Highway Beautification Act of 1965. You are to be commended for submitting this bill.

If this legislation becomes law, it should make the 1965 Act much more workable, administratively feasible and economically practical. As you may know, we here in Ohio have "Home Rule". Permitting our incorporated municipalities to control advertising within their boundaries certainly meets with this concept of government. The Supreme Court of Ohio has declared that the State does have the necessary police power to control outdoor advertising without compensating property owners and advertising companies for the loss of revenue created by a highway constructed at public expense. This feature of H.R. 4137 allowing the State to determine just which method to use seems to us to be proper.

The above comments are also applicable to Section 136. (junkyards). The Ohio Junkyard Control Law is also based on the non-compensation police power theory.

There is one area in which we believe there was an oversight in the drafting of H.R. 4137 that should be clarified. The action for local control applies to both the Interstate and Scenic routes in Section 131(d), however, it only provides the option for Interstate routes in Section 136(g) for junkyards. In the Question and Answer analysis of H.R. 4137 in the next to last question (Page 6054 of the Congressional Record), you indicate that the control of both advertising and junkyards would be in effect on both Interstate and Scenic Routes.

We have indicated to Congressman Kluczynski that there are many sections of the proposed regulations last published by the Secretary of Transportation which appear to be unworkable. Your legislation together with revamped regulations should provide us with a tool that all could live with.

Very truly yours,

P. E. Masheter,
Director.

Florida State Road Department,
Tallahassee, March 23, 1967.

Hon. Thomas M. Pelly,
House of Representatives,
Washington, D.C.

Dear Congressman Pelly: Your letter regarding your bill, H.R. 4137, by which you propose to amend the Highway Beautification Act of 1965 and the accompanying materials were deeply appreciated.

In response to your request for comments we are enclosing herewith a copy of our letter commenting on the Highway Beautification Act and previously sent to Congressman John C. Kluczynski.

Sincerely,

A. J. Lewis,
Director, Right-of-Way Division.

Florida State Road Department,
Tallahassee, February 28, 1967.

Hon. John C. Kluczynski,
Chairman, House Roads Subcommittee,
House Public Works Committee, House Office Building, Washington, D.C.

Dear Congressman Kluczynski: We are grateful for your efforts to secure much needed revisions of the guidelines for billboard control as provided by the Highway Beautification Act of 1965. In addition to the guidelines it is our feeling that the Act itself needs important modifications.

We do not believe that the outdoor advertising section of the Act will accomplish the purposes for which it was intended. On the contrary, there is a very real possibility that it will create worse conditions than now exist.

A large portion of Florida's economy is based on businesses that cater to tourists. In the main tourists come to Florida via our highways; some seventeen million cars per year. Many, if not the majority, of our tourist oriented businesses are largely, if not entirely, dependent upon outdoor advertising. As a result billboards have become an increasingly essential and valuable advertising medium.

It is unthinkable that our many attractions and tourist facilities will discontinue the use of outdoor advertising. The 660-foot setback requirement will not prove a deterrent. The copy on most of the existing billboards is legible from a distance of 660 feet and there is every reason to believe that signs instead of being removed from the highways will be scattered out across the landscape in ever increasing numbers and sizes. We have already been made familiar with proposed signs measuring 75 feet by 150 feet, exclusive of guy wires.

Rents of land for billboard space have already in many instances far exceeded the amount of the income that can be derived from timber growing. There is every reason to believe that many stretches along our highways will be completely denuded of trees back a distance of 660 feet.

The proposed guidelines for spacing in zoned and unzoned commercial and industrial areas present another problem. We have not been able to conceive of any procedure by which the signs can be selected for removal in these areas that would be logical, equitable or noncontroversial. In addition to bickering and criticism it is reasonable to suppose that endless litigation will result.

Another glaring weakness of the Act and the guidelines, is the failure to face up to the problem presented by the excepted signs; those advertising property for sale or rent, those advertising activities or products of the farm and the on-premise signs at places of business. Sign jungles at places of business are among the worst eyesores along our highways both in and out of municipalities and they often create appearances that are worse than junkyards. Service signs were also left to the discretion of the state. We believe that such signs, no matter how general this copy, would be discriminatory and would tend toward a violation of the principle against the use of public property for private gain. It is also our thought that no signs should be erected within rights of way other than the minimum number for the safety and direction of the traveling public.

We recognize that by a full acceptance of responsibility within the state these excepted signs can be controlled, although very unpopular, under the permission given the state to enact stricter laws.

After studying the Act at great length and attempting to anticipate the consequences of its implementation, it is our considered judgment that it will make matters worse than they are; that it will prove costly, far in excess of any estimates that have been made; and will result in undue hardships not only on the outdoor advertising industry but on many, if not most, of our tourist catering businesses.

The only practical solution, in our opinion, would be to repeal the outdoor advertising section of the Act of 1965 and enact a law providing for reasonable controls coupled with the establishment of scenic areas and the complete elimination of billboards from such areas.

Sincerely,

Jay W. Brown,
Chairman.

State of Oklahoma,
Department of Highways,
Oklahoma City, Okla., March 20, 1967.

Congressman Thomas M. Pelly,
House Office Building,
Washington, D.C.

Dear Congressman Pelly: Thank you so much for sending me the copy of your bill amending the Highway Beautification Act, and also copies of the Congressional Record which explains the proposed changes. It sounds real good to me. I can appreciate that the Act was hurriedly gotten together, and according to the officials of our Highway Department, they are having a tremendous job finding out from the Washington level just what can be done and what cannot be done.

I am taking the liberty of sending this information on to others for comment, and if they, too, agree that the changes should be made, we will support it to the best of our ability.

Sincerely yours,

Martin Garber,
Chairman, State Highway Commission.

State of Colorado,
Department of Highways,
March 16, 1967.

Hon. Thomas M. Pelly,
House Office Building,
Washington, D.C.

Dear Congressman Pelly: Mr. Steve Christensen, to whom your letter of March 13 was addressed, is no longer Chairman of our State Highway Commission as he was forced to retire on account of health.

I am taking the liberty of expressing my comments on your proposed bill H.R. 4137.

I could not agree more with your statements before the House concerning the confusion of administrative problems that are apparent in the current legislation relating to billboard control.

A preliminary review of your legislation indicates that it would do much to simplify the problem, and in my opinion would also achieve what everyone is after, and that is a reasonable control of outdoor advertising to preserve the scenic values of our country.

Very truly yours,

Chas. E. Shumate,
Chief Engineer.

South Carolina,
State Highway Department,
Columbia, S.C., March 17, 1967.

Hon. Thomas M. Pelly,
House of Representatives,
Washington, D.C.

Dear Mr. Pelly: Mr. John T. Gentry, Chairman of the State Highway Commission, has asked me to reply to your letter to him of March 13 in which you enclosed a copy of your bill H.R. 4137 amending the Highway Beautification Act of 1965.

I feel that there is a great deal in the 1965 Highway Beautification Act which needs to be changed and the approach suggested by you in your amendments in interesting. I have read your bill but I would like to study it further before commenting more specifically. Certainly the states would welcome some relaxation in the harshness of the penalty provisions under the Baldwin amendment of the 1965 Act, but whether this would weaken the beautification program too much I would not be able to say.

Yours very truly,

S. N. Pearman,
Chief Highway Commissioner.

State of Connecticut,
State Highway Department,
Wethersfield, Conn., March 30, 1967.

In reply refer to unit 1013.

Hon. Thomas M. Pelly,
House of Representatives,
Washington, D.C.

Dear Mr. Pelly: This is in reply to your letter dated March 13, 1967 with which you enclosed a copy of your Bill H.R. 4137 by which you propose to amend the Highway Beautification Act of 1965.

It is my feeling, and that of those of my staff who are involved in these matters, that your proposed amendment would prove to be much more workable in this state than the existing legislation. Therefore, I am stating below some of the comments pertinent to this amendment.

(1) Your proposal, by which municipalities may be excluded, places the responsibility upon those municipalities that have the power to enforce regulations. At present, all permits for advertising signs in Connecticut must be signed and approved by the local Zoning Enforcement Officer in towns which

have zoning ordinances, or competent municipal official.

(2) Connecticut's present law provides this Department with control over all areas adjacent to limited access highways except those in Commercial or Industrial Areas zoned as such and found to be in actual use at the time of application.

(3) The proposal to designate portions of the primary and secondary road system as scenic highways where these regulations would apply would enable the State to exercise much more control as most mileage on these systems outside of municipalities could be designated scenic highways.

Thank you for sending me a copy of your proposed amendment.

Very truly yours,

HOWARD S. IVES,
State Highway Commissioner.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, DEPARTMENT OF PUBLIC WORKS,
Providence, R.I., April 4, 1967.

Hon. THOMAS M. PELLY,
House of Representatives,
Washington, D.C.

DEAR MR. PELLY: The following is in response to your letter dated March 13, 1967 in which you asked for comments concerning your bill H.R. 4137.

I certainly agree in principle with your amendment, and can readily foresee the need of arriving at a decision that is both reasonable and practical. The general format as expressed might possibly be submitted and adapted by Rhode Island as our present legislation could in effect be easily amended.

However I wish that the 10% figure could be enlarged to adequately cope with the many miles of our highway now located in urban areas. If this was accomplished I feel that the workability of such a bill would be strengthened and the feasibility increased.

I trust I have supplied you with the information you required, if not please feel free to contact me.

Sincerely,

ANGELO A. MARCELLO,
Director, Department of Public Works.

COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF HIGHWAYS,
Frankfort, Ky., April 3, 1967.

Hon. THOMAS M. PELLY,
U.S. Representative,
House of Representatives,
Washington, D.C.

DEAR MR. PELLY: The Department of Highways of the Commonwealth of Kentucky favors the provisions of HR 4137 that would make the Federal Outdoor Advertising Law apply to the Scenic Road System instead of the Federal-aid Primary System. Since in Kentucky there are 3,725 miles on the Federal-aid Primary System and 15,172 miles on the Federal-aid Secondary System, or a total of 18,897 miles approved or submitted to the Bureau of Public Roads for approval as of March 23, 1967, Kentucky would have to designate a minimum of 1,890 miles on the Scenic Road System. This, compared to the present 3,725 miles on the Federal-aid Primary System would mean a decrease of almost fifty per cent that Kentucky would have to control under HR 4137 as compared to the present Highway Beautification Act of 1965. Since Kentucky's Junkyard Law passed in 1962 applies to all state, federal and county roads, the change in HR 4137 from the Federal-aid Primary System to the Scenic Roads System would have no great bearing on junkyard control in Kentucky as opposed to the present Highway Beautification Act of 1965.

* * * * *

It is hoped that the above information may be of assistance in the consideration of this legislative proposal.

Yours truly,

MITCHELL W. TINDER, *Commissioner.*

COPYRIGHT BILL—PERSONAL EXPLANATION

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. TAFT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. TAFT. Mr. Speaker, I have voted present or abstained from voting on the copyright bill, H.R. 2512, because of a possible conflict of interest. Past connections with the broadcasting industry as a director, officer, and attorney, as well as personal and family holdings of interests in that industry, convince me that I should follow such a course on this and other legislation affecting broadcasting.

McNAMARA AND HIS COMPUTERS

The SPEAKER pro tempore (Mr. STRATTON). Under previous order of the House, the gentleman from Missouri [Mr. HALL] is recognized for 30 minutes.

Mr. HALL. Mr. Speaker, once again the Nation has been subjected to one of those weird rationalizations of the Secretary of Defense on the subject of our Vietnam strategy. Through the medium of nationwide radio and television and front page coverage of most of the press, Mr. McNamara has almost unlimited access to the American people. Like a leaky faucet, the constant drip drip drip on the surface of public opinion is creating in the minds of our citizens a completely false justification of the McNamara policy, and as a result the "credibility gap" continues to widen.

The Secretary continues to emphasize that our losses in fixed wing aircraft are less than estimated, and since these so-called "estimates" are never published in advance, the American people have no opportunity to make a valid comparison. He emphasizes that for every 100 surface-to-air missiles that are shot at our planes, only three find their target. He conveniently neglects to mention that the missile threat is the main reason why B-52's are not sent out on target missions in the north.

Since when are the three missiles that find their target equated as a justification for the 97 that do not, or for the lives that are thereby lost? What lesser percent of three would it have been if we had destroyed the missile sites as we photographed them in building?

Since when do we rationalize logistics against errors of judgment and publicize the fact that we are shooting down eight Migs for every one of our planes lost to them, and then fail to point out that we stood by and watched the Communists build airbases in the lower panhandle of North Vietnam and watched Migs being shipped to these bases in crates for assembly, while the Pentagon "Puzzle Palace" kept them "off limits"?

Since when do we rationalize an error of judgment that leads to the loss of any American lives, when an ounce of prevention would be worth many pounds of cure?

Since when do we rationalize the national scandal of allowing quality radar control for conventional antiaircraft to expand from 400 to 4,500 emplacements, thus forcing our aircraft up to higher altitudes where they become more inviting targets for SAM missiles? Why did we allow these SAM sites to increase from a few portable sites to well over 140 operational locations? Our returning pilots openly call this "slaughter alley."

Since when do we commit almost a half million servicemen in a nondeclared no-win war halfway around the world, while providing a sanctuary of any type to the enemy contrary to all American policies and military tactics of the past?

Since when do we retain in office a Secretary of Defense as an appointed aid to the Commander in Chief, who commits these and many other documented errors of judgment costing not only American lives, but also posing an increasing threat to national security?

Mr. Speaker, how long can the American people continue to condone these policies? How many American planes must be shot down, how many American pilots must be lost before we recognize that this dirty war in southeast Asia is not a game of statistics or juggling figures to justify a policy that is not working, cannot work, and has never worked in the past?

How long can the American people be expected to accept without question a strategy whose ultimate objective is to maintain the status quo, to engage an enemy on the terms which are best suited to his global strategy and least suited to our own? These are not statistics that are being shot down; these are the cream of our manhood, fine young men whose lives are being snuffed out, on a computer basis carefully calculated to see that some meaningless ratio is maintained.

We owe it to them—and to their families—to do whatever must be done to force the Communists to the negotiating table with honor to us, lest they risk having nothing left standing in their homeland to be worth negotiating for. Everything less has been tried and failed. Is history to record that America failed in this moment of crisis because we had Secretaries of Defense and State who were more interested in computer computations and image than in facing the stark reality and nature of Communist aggression? Is it not time that the American people had access to both sides of the issue, and not just the Secretary's chart table?

Some time ago we were told that the enemy must realize there is no sanctuary; but there is a sanctuary, for him, not for us. Pentagon officials were quoted yesterday as saying the problem of Vietcong sanctuary in neutral Cambodia is increasing. Since when do we commit almost half a million men in a nondeclared, no-win war; halfway around the world while providing not one but many sanctuaries of all types to the enemy?

We have a McNamara policy of interdiction, but interdiction in the eyes of the Secretary means striking most, those targets which are least important, and striking least or not at all those targets which are most important. Thus, while at great peril to our pilots we make airstrikes against dirt roads, log cabins, jungle foliage where there may or may not be anything worth striking, we neglect to mine the harbor at Haiphong, we fail to destroy the enemy's port facilities which serve as the funneling point for men and material, and we fail to strike vital targets in Hanoi. The Secretary refers to a large number of strikes and uses vague language such as "supply depots," "military installations," "transportation routes," and so forth, when in fact in many instances the targets have a low priority from a strictly military viewpoint in relation to other more vital targets which are "off limits." And for hitting the least essential targets most and the most essential targets least we have lost over 500 fixed-wing aircraft and the lives of many pilots.

It is time to erase the false image that time is on our side. It is not.

If we do not have the will to use our superior firepower to bring maximum pressure to bear on the aggressor, then I fear we have indeed made a horrible unpardonable error in judgment in ever committing American men to combat in Vietnam. Can the Secretary of Defense, or the Secretary of State, or the Commander in Chief cite a single instance in history where a nation that made half a commitment to winning a war won over an aggressor who had made a total commitment, to say nothing of having safe sanctuary?

As a member of the House Committee on Armed Services, I have listened to the Secretary's mumbo-jumbo, to all his charts and figures, to all his statistical computations, to all his kill-ratio figures, to all his rationalizations. It is all too clear that Ho Chi Minh is not tuned in on McNamara's computers.

I once heard the Secretary say our men would start coming home a few Christmases ago, but instead the sea and air lanes are heavy with traffic carrying an increasing flow of Americans to Vietnam, and an increasing flow of Americans killed in action back from Vietnam.

He has erred in judgment after judgment, in prediction after prediction, and yet he continues in office as the chief adviser to the President. Worse still he has muted the voices of the military who know better. They either toe the McNamara line on matters in which they have forgotten more than he ever knew, or they are relegated to professional limbo—and this whether it be on choosing a TFX, or building a nuclear carrier, or winning a war.

Over 8,000 American lives have been lost, but we are no closer to ending this war than when it began, because we have never had a policy designed to end the war, only to prolong it. There are those who admire the McNamara policy for its restraint, but against a determined enemy—and make no mistake about the fact we face a determined enemy—a continuation of such "restraint" may well lead to military and political disaster, and a setback of immense proportions to the free world.

Mr. Speaker, I have carefully weighted the consequences of my remarks. There is an element of opinion which says that Republicans should remain quiet and let the Democratic administration stew in a juice of its own making. I can no longer subscribe to that theory. I would much rather see this war won, done, and over with, and see my party lose the next election, than I would see this stalemate continue with the increasing loss of lives and political advantage that will accrue to the party out of power.

In that sense I do not regard my criticism of Secretary McNamara as a partisan attack.

Of course, there as risks to a "win" policy, but in the predicament in which our Nation finds itself today the intelligence community regards them as unlikely, and there are substantial risks no matter what we do—or do not do.

I suppose if I were so inclined I could engage in the numbers game with our Secretary. I might say that in the 6 years I have sat through x number of hearings, and listened to x number of briefings, and talked to x number of military men, and having put all these figures through the computer I find our policy to be failing. But one need not check with the computer to reach such a profound conclusion. I recall a great American general whose mind and judgment towers over the finest computer ever made. He warned that the risks of destroying an enemies' military capabilities are far less than the risk of fighting the kind of land war in Asia in which we are now engaged.

CREDIT CARDS ARE THE CREAM OF THE STOLEN CROP

The **SPEAKER** pro tempore (Mr. STRATTON). Under previous order of the House, the gentleman from New York [Mr. HALPERN], is recognized for 20 minutes.

Mr. HALPERN. Mr. Speaker, credit cards are a useful convenience in our highly mobile American economy. They make it safer and easier to use credit with little disagreeable delay all over the United States, and in other parts of the world.

But these same cards, in the wrong hands, can become part of the arsenal of the worst syndicates of organized crime in the Nation.

The credit card has become the wheels and wings of the gangland enforcer, the hired killer. It is the means by which underworld assassins can move swiftly and anonymously with free airline tickets, leaving scarcely any trail for the law to follow.

Not too many years ago, when a pursesnatcher or a pickpocket found credit cards in a stolen wallet or pocketbook, he promptly discarded them. Today, the credit cards are the cream of the stolen crop, because a black market and organized fencing operation have matched the growth of credit cards.

I am told by law enforcers today that numbers of parking lot attendants, hotel and motel maids, prostitutes and store clerks have been enlisted in the nationwide credit card racket. A lost or stolen credit card can mean hard cash in the organized black market.

Police and public prosecutors have told me of instances in which a single credit card has been used to rack up purchases totaling from $40,000 to $75,000 before the card was blacklisted or the thief was apprehended.

These amazing figures are understandable when you realize that the very nature of the credit card puts the thief far ahead in his race with the law. A card picked up in New York City can be used within a few hours in San Francisco, Paris, or Rome.

The retailer who honors the card may return his signed slips in a matter of weeks, or even a month or more later. By that time, the fast-moving crook can cover a large piece of the globe, using airline tickets purchased fraudulently with the same stolen card.

It is easy to see why the yearly loss through credit card theft and fraud has been estimated at amounts ranging from $20 million to $40 million. It is also reasonable to conjecture that the true total of credit card losses may be many times those figures.

The issuer must consider the possibility of irritating a legitimate customer by mistake, because of the awkward methods of apprehension available under present law. He must balance that possibility against the possible losses. Frequently, he decides that he can afford to write off the loss to avoid the possible bad public relations involved in trying to take action against a suspected thief.

It is unfortunate in this case, as in others, that the forces of law have many more roadblocks in their path than the law breakers. A credit card thief has virtually no geographic limitations to his operations, but law enforcement agencies—especially State and local law enforcers—have limitations of time, money, distance, and State lines.

Last year, the county of Queens, N.Y., in which my congressional district is located, put forth a mighty effort to help minimize these difficulties. The Queens district attorney enlisted representatives of Federal and State agencies, and established a working agreement with the district attorney of Los Angeles County in California.

I must point out that Queens, with two of the busiest airports in the east, and Los Angeles are two coastal ends of the cross-continent airlines, and much of the stolen credit card traffic moves between Los Angeles and New York.

The State, Federal, and local law enforcement agencies, working as a team, called upon oil companies, car rental companies, and credit card issuing organizations to join in a massive nationwide effort to fight back against the growing racket.

But, even while they were putting in day-and-night vigils at airports, spending many overtime hours poring over records and tracing tips and clues, the law enforcers admitted that the best they could do was only a substitute for the real need—new Federal law to help cut down the mobility of the credit card crooks.

I am proud to note that New York State has taken the first step toward establishing a model credit card law. A bill introduced by State Senator John R. Dunne and Assemblyman Thomas V. La Fauci, making it a felony to steal, receive, or unlawfully possess a credit card owned by another person, has been passed by the legislature. It also provides stiff penalties for forging, altering, or counterfeiting credit cards.

But even such State action cannot be enough. There is a vital need to establish distinct Federal jurisdiction to help counteract the credit card crook's ability to move speedily and in comparative safety, without regard to State lines or areas of jurisdiction. Unfortunately, the most applicable Federal law is still drowsing in the horse-and-buggy era, as far as credit cards are concerned.

The Stolen Property Act makes it a Federal crime to steal, receive, or transport in interstate commerce merchandise worth over $5,000. It fails to recognize that the intrinsic value of a credit card—perhaps a cent or two—is no gage of its actual value. It may represent a potential theft of $50,000, yet it does not come within the act's anachronistic yardstick.

Law enforcement officers tell me prosecutions under present Federal and local laws is difficult. The credit card thief's loot must be gathered, identified, and traced back to him beyond a reasonable doubt. Witnesses must be recruited and brought from great distances.

The cost of such extensive police and prosecution work is frequently beyond the means or manpower of a locality. As a result, it is frequently impossible to charge the credit card thief with more than a minor misdemeanor.

It is essential that we change the law to enable Federal law enforcement agencies to use their full powers most effectively in tracking and catching the credit card racketeers.

For this purpose, I have introduced today an amendment to section 2314 of title 18 of the United States Code to eliminate the $5,000 yardstick in connection with stolen or forged credit cards.

In the first place, the amendment declares that the transportation or use in interstate or foreign commerce of a counterfeit, altered, lost, stolen, wrongfully appropriated, unauthorized, revoked, or cancelled credit card, with unlawful or fraudulent intent, is a crime, under section 2314 of title 18 of the United States Code, without regard to the intrinsic value, or lack of value, of the card.

Furthermore, it provides that the mere transportation or use of such a card shall be prima facie evidence of such fraudulent intent.

Finally, the amendment is specifically aimed at the organized "fencing" operations which deal in buying and selling such stolen, forged, or wrongfully acquired credit cards.

I urged the Congress to take the fastest steps possible to write these needed changes into the law. Such action will encourage more States to follow New York's lead, and to provide useful cooperation in a stepped-up effort against this growing criminal operation.

A BILL TO RECAPITALIZE THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Reuss] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. REUSS. Mr. Speaker, 28 Lakes States Congressmen, including myself, have today introduced identical bills to assure the solvency of the St. Lawrence Seaway—a transportation facility of fundamental economic importance to this Nation, and especially to its industrial heartland in the Upper Midwest and Great Lakes region. Introducing the legislation today are: the gentleman from Illinois, Frank Annunzio; the gentleman from Minnesota, John A. Blatnik; the gentleman from Indiana, John Brademas; the gentleman from Michigan, William S. Broomfield; the gentleman from Michigan, John D. Dingell; the gentleman from New York, Thaddeus S. Dulski; the gentleman from Michigan, Marvin L. Esch; the gentleman from Michigan, William D. Ford; the gentleman from Minnesota, Donald M. Fraser; the gentleman from Illinois, Kenneth J. Gray; the gentleman from Michigan, James Harvey; the gentleman from Missouri, William L. Hungate; the gentleman from Minnesota, Joseph E. Karth; the gentleman from North Dakota, Thomas S. Kleppe; the gentleman from Illinois, John C. Kluczynski; the gentleman from New York, Richard D. McCarthy; the gentleman from Illinois, Robert McClory; the gentleman from Indiana, Ray J. Madden; the gentleman from Ohio, Charles A. Mosher; the gentleman from Illinois, William T. Murphy; the gentleman from Wisconsin, Alvin E. O'Konski; the gentleman from Illinois, Roman Pucinski; the gentleman from Michigan, Philip E. Ruppe; the gentleman from Ohio, J. William Stanton; the gentleman from Ohio, Charles A. Vanik; the gentleman from Illinois, Sidney R. Yates; and the gentleman from Wisconsin, Clement J. Zablocki. Many of these Members joined in introducing similar legislation last year.

The bill provides that the $142 million of outstanding St. Lawrence Seaway Development Corporation indebtedness to the U.S. Treasury shall be converted into permanent U.S. investment in the Seaway Corporation. This is very simply accomplished by exchanging preferred stock of the Seaway Corporation for its $125 million of outstanding 50-year bonds and $17 million of accrued interest debt.

In dollars and cents terms, the Seaway Corporation would no longer be obligated to repay its $142 million debt, which it must now pay by the year 2009. Instead, it would continue to pay, and would pay forever, to the U.S. Treasury a fair dividend return on the Government's equity investment. This dividend would be the same amount which the Seaway Corporation is now paying to the U.S. Treasury in interest payments.

The recent, and welcome, United States-Canadian agreement that St. Lawrence Seaway tolls will not be raised above the present toll level for the next four shipping seasons, 1967 through 1970, inclusive, makes early enactment of the bill which has been introduced today imperative.

As a result of the new toll agreement which gives Canada 2 percent more of the Seaway's toll revenues, the income of the Seaway Corporation will be $500,000 less for the 1967 shipping season, and for each of the three ensuing seasons. This represents nearly a 10-percent cut in Seaway Corporation revenue.

On the basis of the Seaway Corporation's own estimates of cargo to be shipped on the seaway over the next 4 years, the Corporation will fall hopelessly behind in meeting its present statutory financial obligations. The St. Lawrence Seaway Act of 1954, as amended in 1957, requires that the Seaway Corporation pay from toll revenues its operating expenses, maintenance expenses, interest on its indebtedness, and that it repay in 50 years' time the capital which it borrows from the U.S. Treasury.

In the next four shipping seasons under the new toll agreement, the Seaway Corporation, after paying operating and maintenance costs, is likely to fail to pay $2 million in interest on its outstanding indebtedness. It will, moreover, be unable to make any repayment of the $17 million of back interest which has accrued since the seaway's opening in 1959, nor will it not be able to repay a single dollar of its $125 million bond indebtedness, either in the next four years or in the foreseeable future.

It is therefore necessary now, once and for all, to come to grips with the gloomy reality which is the Seaway Corporation's financial statement. The largely bookkeeping difficulty of the Seaway Corporation will not fade away. It must be tackled.

In its first eight shipping seasons the seaway has been more responsible financially than any other waterway in the continental United States; it has paid the entire costs of its operation and maintenance, totaling nearly $11½ million. In addition, over this period, it has paid to the Treasury nearly $25 million of interest, approximately 60 percent of its total interest obligation.

If this bill were enacted, the seaway would continue to pay its own way. The only significant change which the bill would make is to make the Federal Government investment in the Seaway Corporation permanent, thus relieving the Seaway Corporation of its obligation to repay its $141 million indebtedness.

Toll revenues would continue to pay operating and maintenance expenses and to yield in dividends the same return on the Treasury's invested capital that the Seaway Corporation now is obligated to pay in interest. In the next 40 years the Seaway Corporation, in addition to paying for its operating and maintenance expenses, would return to the U.S. Treasury some $220 million in dividends.

In short, under this bill the seaway would continue to operate without Federal subsidy.

Since the seaway together with the Great Lakes is quite literally a fourth sea coast of the United States, the Federal Government should retain ownership of the United States share of the seaway in perpetuity. The Government should not try to amortize the costs of its investment over 50 years—it should, instead, seek to be paid a fair annual rate which in time will repay its investment many times over.

The U.S. Government has made a long-term, if not permanent, investment in every other major U.S. transportation system.

OCEAN SHIP CHANNELS

The seaway is very much like an ocean ship channel for it serves a particular geographical area, yet ocean ship channels have not had to repay invested capital or to pay interest, and, in fact, have not even had to pay their operating and maintenance costs.

For example, through fiscal year 1965, the Federal Government has paid on behalf of the Delaware River channel from Philadelphia to the sea, $54,631,336 in construction costs and $113,346,844 in operating and maintenance costs; the Houston ship channel, $34,449,257 in construction costs and $32,605,276 in operating and maintenance costs; the Sacramento deep water channel, $39,551,254 in construction costs and $10,740,586 in operating and maintenance costs; and the Mobile, Ala., channel, $14,275,026 for construction costs and $15,221,599 for operating and maintenance costs.

INLAND WATERWAYS

Over $2 billion of Federal funds have been invested in inland waterways in addition to some $113 million annual appropriations for their operation and maintenance. The Northwest Ordnance of 1787 established the principle, specifically reaffirmed in the Rivers and Harbors Act of 1909, that tolls will not be charged for use of these waterways. As a result, not 1 cent of this huge capital investment has been repaid.

THE RAILROADS

In the period from 1850 to 1871 the Nation's railroad companies received Government land grants of about 183 million acres. According to a joint economic committee study, the value of this aid given to railroads came to nearly $1.3 billion. The arrangement was that this subsidy would be paid off over time by giving the Government special low shipping rates. This form of long-term "payment," still being made to the Federal Government, cannot be considered analogous to the seaway's interest burden and requirement to repay invested capital. There is no way to measure its adequacy in terms of a return on Federal investment or in liquidation of the investment itself.

THE AIRLINES

The Nation's commercial airlines are beneficiaries to the extent of at least $250 million of the $750 to $800 million appropriated each year to build airports, maintain, and operate airways, provide navigation and landing aids, communications facilities, and weather advisory services. For all of this, commercial prop transport planes pay only a 2-cent-per-gallon tax on gasoline, and jets, which do not use gasoline, pay nothing. Air passengers pay a 5-percent excise tax on their tickets but no toll or charge is assessed on airfreight.

TRUCKING LINES

While trucking lines, like other users of federally financed toll highways and bridges, presumably pay for their share of these new facilities, they are free to use all other highways, streets, and bridges in their business operations. It seems highly debatable whether their present payments in license fees, gasoline taxes, and other taxes would adequately cover their share of the interest and capital costs of past public investment as well as current operating and maintenance costs.

THE MERCHANT MARINE

U.S. shipping lines receive about $330 million annually in Government subsidies, about one-third of this money is capital investment, spent for ship construction, and the other two-thirds is used to subsidize operating and maintenance costs.

Mr. Speaker, by any measure the bill which my colleagues and I have joined in introducing today is truly a modest proposal. It is in keeping with the principle of the 1954 St. Lawrence Seaway Act—that the St. Lawrence Seaway is to pay the full costs of its construction and operation. No Federal subsidy is provided for in this bill.

The bill in no way puts the seaway on a comparable footing with other major U.S. transportation systems, all of which continue to enjoy large direct or indirect Government subsidies of capital expenses, operating and maintenance expenses, or both.

In terms of the seaway's financial dilemma, the bill works no miracles. The Seaway Corporation would continue to be financially responsible for all major costs of the great waterway. As a result, the Seaway Corporation would probably continue to operate in the red until some 56 million tons of cargo annually are carried over the seaway. Last year 49 million cargo tons were shipped. It is estimated that the 56-million-ton level will be reached sometime in the early 1970's.

The bill, however, is clearly sufficient to achieve its objective: It would eliminate any foreseeable need for increasing Seaway toll rates above their present levels, either in the next four shipping seasons, 1967 to 1970, inclusive, or thereafter; and within the next decade it woud probably make possible a decrease in the present toll rates.

It is my hope that early hearings will be scheduled on this bill. I could hope also that the President and the new Secretary of Transportation, Alan S. Boyd, would support this legislation. On January 12, 1967, testifying before the Senate Commerce Committee, which was then reviewing his appointment as Secretary of the new Department of Transportation, Mr. Boyd stated that he had an "open mind" on legislation such as the bill which we today reintroduced.

The text of the identical bills follows:

A bill to provide for a more conservative capitalization of the Saint Lawrence Seaway Development Corporation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That (a) section 5 of the Act of May 13, 1954 (Public Law 358, Eighty-third Congress; 33 U.S.C. 985), is amended (1) by inserting "(a)" immediately after "Sec. 5," and (2) by inserting in the first sentence ", prior to the date of enactment of subsection (c) of this section," immediately before "revenue bonds".**

(b) Such section is further amended by adding at the end thereof the following new subsections:

"(b) The Secretary of the Treasury and the Corporation are authorized and directed to convert the revenue bond obligations referred to in subsection (a) hereof to capital stock in an amount equivalent to the outstanding principal amount of said revenue bonds and accrued interest. The Corporation shall pay a cumulative dividend on such capital stock of 3.61 per centum per annum.

"(c) To finance its activities, the Corporation may issue to the Secretary of the Treasury, after the date of enactment of this subsection, capital stock with cumulative dividends payable from corporate revenue. The Corporation shall pay a cumulative dividend on such capital stock at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate as of the last day of the month preceding the issuance of the capital stock on current marketable obligations of the United States maturing more than five years thereafter.

"(d) The capital stock of the Corporation may be redeemable at the option of the Corporation in such manner as may be stipulated in such obligations."

Sec. 2. Subsection (a) of section 12 is amended by adding after the first sentence thereof the following sentence: "The division of the revenues of the seaway may be based on the respective annual costs of the Corporation and the St. Lawrence Seaway Authority of Canada only if comparable costs are used in arriving at the division."

Sec. 3. (a) Paragraph (4) of section 12 (b) of such Act (33 U.S.C. 988 (b)(4)) is amended to read as follows:

"(4) That the rates prescribed shall be calculated to cover, as nearly as practicable, the costs of operating and maintaining the works under the administration of the Corporation, payment of cumulative dividends on the capital stock of the Corporation, and payments in lieu of taxes."

(b) Paragraph (5) of such section (33 U.S.C. 988 (b)(5)) is repealed.

THE WORLD'S ONLY NUCLEAR-POWERED MERCHANT SHIP IS CONFRONTING MOTHBALLS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Wolff] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WOLFF. Mr. Speaker, the world's only nuclear-powered merchant ship is confronting mothballs. After an investment of over $54 million in this ship and advertising its capabilities to the entire world, it is being withdrawn from duty. The reason given by the administration is that its annual costs are not being covered by its operations. Three-quarters of the world to which she was intended to sail have never seen her, have never been open to nuclear shipping and will never be open if she is prematurely laid up, resulting in a serious gap in regulatory, technological, and safety information necessary for the design of the future nuclear vessels.

Therefore at a cost which ultimately may reach an estimated $9 million—for this may be the cost of immobilizing its reactors and meeting normal caretaker costs—this great ship is going to be taken off the ocean to save $2 million a year.

Mr. Speaker, aside from the bad economics involved in this decision, I wish to say to the Members here that more is involved in this than money. We made this investment in a nuclear merchant ship to prove that nuclear powered commercial vessels are feasible. It is hardly a convincing argument, then, to retire it from duty almost as soon as it is operable. If we mothball the *Savannah* who would even be interested in the possibilities for this type of ship again. Who would believe that this is the ship of the future? Putting the *Savannah* in mothballs seems to be the confession of a failure, the demonstration that nuclear powered merchant ships are not a practical consideration.

Putting the *Savannah* in the graveyard will set back the development of U.S. nuclear cargo fleet for 5 to 10 years. For even if at some future date we should decide to resume her operations, men will then need to be trained or retrained and develop the know-how for the operation of such a vessel. Some 60 men, enough to man two other nuclear vessels, have spent a great deal of time at the U.S. Merchant Marine Academy acquiring on-the-job training in the handling of this ship. But this training would be lost if the ship is retired.

I am sure the Members understand the necessity to this Nation to retain a highly competitive position insofar as commercial shipping is concerned. You may be sure that the Russians are not taking such backward steps as would jeopardize their commercial future.

Mr. Speaker, I ask that this experiment be given a better chance. I do not believe we should stop midstream. I do not believe we should stop an experiment before it has been given a chance to prove itself. The uncertainty of continuing the experiment cannot be greater than the uncertainty involved in mothballing the *Savannah*. The truth of the matter is that no one has ever put a nuclear ship in mothballs and it is not really known how difficult it will be, nor how much it will cost. Balanced against this is the knowledge that can be gained from its continued operation, and perhaps the imagination that might be invoked to probe into the means of making a ship of this nature profitable. Furthermore, when its potentialities have been more fully demonstrated to the world, there is a chance that those countries now having restrictions against the ship will drop their opposition to it.

Therefore, Mr. Speaker, I am today introducing a concurrent resolution which would request the President to continue the operation of the *Savannah* for at least 2 years as a trade "fair ship." As such it would be enabled, first "to complete her present feasibility studies with regard to the ship's commercial potential as it affects design, technology, operations, and the trade routes of our future nuclear ships"; and second, that during this period it would act as a trade "fair ship" containing permanent and temporary exhibits relating to trade and industry and other demonstrations of American economic accomplishment and cultural attainment. The benefits of mobile trade fairs in promoting the foreign commerce of the United States has already been demonstrated. There are many people of the world who want to see a nuclear-powered merchant vessel; and I think they should be given this chance.

This resolution suggests that an advance team of marketing and advertising experts precede the *Savannah's* visiting to any particular port to assure that each visit is a success.

Furthermore, the resolution suggests that during the 2-year period labor unions join in the operation of this vessel permitting it "an economic structure consistent with fair labor practices."

The *Savannah* is a great ship. It is the future ship. Now is the time to give it a chance to prove itself.

AMENDMENT TO FEDERAL VOTING ASSISTANCE ACT OF 1955

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I have introduced today a bill to amend the Federal Voting Assistance Act of 1955. This measure would recommend to the States that they extend to their citizens temporarily residing abroad the simple, uniform Federal post card application procedure for absentee registration and voting which is now generally available to members of the Armed Forces, the merchant marine, civilians employed abroad by the Federal Government, and the spouses and dependents of such citizens, pursuant to the recommendation of the Federal Voting Assistance Act.

Mr. Speaker, the Federal Voting Assistance Act imposes no obligations whatsoever upon any State. It merely recommends procedures which will facilitate the exercise of the voting franchise on a more uniform basis. The States are completely free to adopt or reject its recommendations. The Federal Voting Assistance Act of 1955 repealed and replaced the Soldiers Voting Act of 1942, enacted during World War II. Its purpose was "to permit and assist Federal personnel, including members of the Armed Forces, and their families to exercise their voting franchise." As the biennial reports of the Department of Defense attest, the act has been highly effective in achieving its stated purpose.

Mr. Speaker, since 1955 American business and other interests overseas have multiplied, and more and more private citizens have gone abroad temporarily to engage in business, teaching, and in other activities. While there are few reliable statistics, their number—excluding members of the Armed Forces—has been variously estimated at between 750,000 and 1,500,000.

The time has come, I believe, to bring the Federal Voting Assistance Act up to date so as to include, in its recommendations to the several States, the extension of simple, uniform absentee registration and voting procedures to all citizens temporarily residing abroad, as well as Federal personnel and their families.

Private citizens who are temporarily residing abroad to promote American exports or to protect American investments overseas or to teach or study in foreign universities are engaged in activities important to our balance-of-payments situation in particular and to our foreign relations generally. The activities of these Americans have an important effect on our country.

It is hard to see why the benefits of the FPCA absentee registration and voting procedure should be denied to such private citizens temporarily residing abroad while such benefits are generally granted to civilian employees of the Federal Government. For example, why should the wife of a businessman abroad be denied the right to register and vote absentee when the wife of a Federal civilian employee enjoys that right? In this respect, the right to vote is made to turn upon employment, rather than citizenship, as is generally the case.

The amendment I propose would not afford the benefits of the act to expatriates or to those who have forsaken their domicile here to reside permanently abroad. My amendment would apply only to citizens "temporarily residing" abroad and each State, as is the case, under present law, would be free to define for itself citizenship, residence, or domicile.

Mr. Speaker, I am advised that the procedures provided by the Federal Voting Assistance Act have not given rise to a single allegation that even one fraudulent ballot has been cast during the 12 years the act has been on the statute books. I believe that the same experience would hold true if the States, in response to the recommendations in my amendment, were to extend to their private citizens temporarily residing abroad the Federal post card application procedure suggested by the act.

The FPCA form requires a sworn statement of the identity and home address of the applicant, and an oath that the applicant is voting solely at the address stated and not elsewhere. The statements as to identity and State address can readily be verified by the consular official administering the oath by an examination of the applicant's passport, which must be renewed or reissued periodically. It is a Federal offense to forge or misuse a U.S. passport—18 U.S.C. 1542–1544.

Mr. Speaker, I am advised that 26 States, happily including my own State of Indiana, already permit absentee registration as well as absentee voting. Moreover, several of the 24 States which still require personal registration are now considering liberalizing their laws in this respect. The Legislature of the State of Washington has before it a bill for that purpose, and the legislatures of three States—Connecticut, Florida, and New Mexico—are considering, respectively, a proposed constitutional amendment, a new proposed constitution and a proposal for a constitutional convention. In each case, liberalized legislation would be permissible under the proposed changes. Illinois, Missouri, New Jersey, Pennsylvania, and Texas have official bodies to consider revision of their election laws which have had, or now have, similar proposals before them.

In short, Mr. Speaker, I believe this amendment to the Federal Voting Assistance Act is in tune with our times. It would be an act of simple justice to the many private citizens now temporarily residing abroad. It would also be in keeping with the continuing expansion of the right to suffrage in this country. As the Supreme Court recently observed in Wesberry against Sanders:

> No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.

In an editorial which appeared on January 5, 1967, the Washington Post drew attention to this problem and called for remedial action along the lines I propose. The editorial follows:

Vote for Citizens Abroad

It is high time for someone to speak out in behalf of the American citizens who are deprived of their vote because they are abroad on election day. Alfred E. Davidson, an American lawyer who lives in Paris, estimates that some three million U.S. citizens are now overseas. But only 12 of the 50 states permit the use of absentee ballots by these potential voters.

We think Mr. Davidson is right in saying that Congress should pass remedial legislation. It is quite unrealistic to expect the states to handle the problem. Many of the states do not want former citizens now living abroad to participate in their local elections. But there is no reason why they should not take part in national elections in which American citizens abroad continue to have a direct and legitimate interest.

Congress did seek to aid absentee voting by military personnel abroad. It would be timely to review this legislation in the light of current results, and its advantages might well be extended to civilians. The Bipartisan Committee on Absentee Voting which has been created in Paris with this objective deserves hearty support on this side of the water. Nothing could more effectively maintain the ties between this country and its citizens in other lands than the privilege of voting in our quadrennial elections."

Mr. Speaker, I want also to call the attention of my colleagues to a letter which subsequently appeared in the Washington Post and which amplifies the editorial. The letter follows:

Voting Abroad

Your excellent editorial of Jan. 5, "Vote for Citizens Abroad" deserves amplification.

The Federal Voting Assistance Act of 1955 recommends that the several states enact laws permitting absentee registration on a simple, uniform postcard application and absentee voting not only by members of the Armed Forces, the Merchant Marine and their families, but also by "civilian employes of the United States" serving abroad and their families.

The Act thus discriminates in extending the right to register and vote absentee in favor of civilians employed abroad by the Federal Government and their families and against civilian citizens abroad who are not so employed and their families.

The Federal Voting Assistance Act therefore should be updated to encourage the states to accord to all of their citizens temporarily residing abroad the simple, uniform absentee registration and voting procedures it recommends. Such an amendment would simply recognize the tremendous increase, during the decade since the Act was passed, in the number of Americans engaged in business, teaching and in other activities abroad.

The crux of the problem lies more in absentee registration than in absentee voting. While most states now permit absentee voting, 26 require registration in person—a requirement which few citizens residing abroad can meet.

The League of Americans Residing Abroad (LARA) is a nonprofit organization whose membership consists of American citizens residing abroad in more than 40 different countries and whose purpose is to forward their common interests. Perhaps the most important single issue on which LARA's members are united is their desire to vote. Accordingly, LARA advocates amendment of the Federal Voting Assistance Act during this Congress to encourage the states to accord the right to register and vote absentee to all citizens residing abroad and their families regardless of occupation.

STUART H. JOHNSON, Jr.,
Special Voting Counsel, League of Americans Residing Abroad, Washington, D.C.

Mr. Speaker, I earnestly commend this bill to the careful consideration of my colleagues with the hope that it can be acted upon in time for the several States to consider its recommendations before the 1968 national elections.

Mr. Speaker, the text of the bill follows:

A bill to amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that its absentee registration and voting procedures be extended to all citizens temporarily residing abroad

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled:

1. Section 101 of the Federal Voting Assistance Act of 1955, title 5, United States Code, section 2171, is hereby amended by striking out subsections (3) and (4) and inserting in lieu thereof a new section (3) as follows:

"(3) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them."

2. Section 204(b) of the Act, title 5, United States Code, section 2184(b), is hereby amended by striking out subparagraphs 3 (c), (d), (e), and (f) and inserting in lieu thereof new subparagraphs 3 (c), (d), and (e) as follows:

"(c) A citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia;

"(d) A spouse or dependent of a person listed in (a) or (b) above;

"(e) A spouse or dependent residing with or accompanying a person described in (c) above."

EDUCATION AND THE PUBLIC SERVICE: THREE PROPOSALS TO STRENGTHEN STATE, LOCAL, AND FEDERAL GOVERNMENT

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I am pleased to join the distinguished chairman of the House Education and Labor Committee, Congressman CARL PERKINS, of Kentucky, in introducing two imaginative legislative proposals designed to strengthen government at the State, local, and Federal levels: H.R. 8175, the Education for the Public Service Act, and H.R. 8234, the Intergovernmental Manpower Act.

These bills are similar in purpose, if not in all details, to H.R. 5989, my own Public Service Education Act which I introduced on February 22, 1967.

These three proposals will establish a series of programs to strengthen government at all levels by providing government employees significantly expanded opportunities for study, training, and intergovernmental exchanges which will significantly enhance their abilities as public servants.

H.R. 5989. THE PUBLIC SERVICE EDUCATION ACT

Mr. Speaker, the genesis of the Public Service Education Act lies in a concern I am sure that all of us in this body share: it is that the genius of the American constitutional system lies in our reliance on effective government at all levels, local, State, and regional, as well as Federal.

The federal system, with its many powers, sometimes overlapping, sometimes distinct, has been called a great laboratory for social experiment. Federalism has encouraged a diversity of solutions to the many problems with which the American people have wrestled throughout our history.

RESPONSIBILITIES OF STATE AND LOCAL GOVERNMENT

But the American brand of federalism implies that State and local, as well as regional governments are all viable partners in the political system. The social laboratory cannot be directed from Washington alone if it is truly to be a force for diversity. So we must set ourselves to the task of revitalizing government at all levels. The Public Service Education Act, by enabling all levels of government to attract and train able men and women for public service, will provide a vital tool in renewing the capacity of State, regional, and local government to participate creatively in the federal system.

PROBLEMS OF GOVERNMENT

The problems we face today in our States, our cities, and metropolitan areas are growing with extraordinary swiftness. Their complexity is staggering. Consider even a brief list of the difficulties we must overcome in the years ahead:

We must rebuild the inner cores of our cities, indeed, entire cities.

We must reclaim the streams and rivers from their increasing pollution.

We must insure that the very air we breathe is safe for human life.

We must reestablish confidence in the integrity and ability of our legal system to maintain a just order and to prevent the loss of property and life.

For many of our young people, we must work to make the schools of our country centers of intellectual and community activity, not cells where they wait until ready for employment, military service, or the ranks of the aimless unemployed.

We must establish in practice what we have so long preached—that every American is entitled to an equal opportunity to the opportunities afforded by a true and open society.

We must provide a level of medical and other social services consistent with the great riches which our economy continues to produce in astonishing abundance.

Mr. Speaker, I could go on to list still more tasks which face us as a nation. But the point is clear: we have much to do and government at all levels—local, State, regional, and Federal—will play an important role in helping us accomplish what we must.

Yet no government has deeper knowledge, greater foresight, or richer imagination than the men and women who do its necessary work. It is because we need more than ever before the most able and well-educated public servants we can get that I have introduced H.R. 5989, my Public Service Education Act of 1967.

PROVISIONS OF PUBLIC SERVICE EDUCATION ACT

The Public Service Education Act of 1967 is a three-pronged measure aimed at attracting talented persons to government at all levels, but chiefly at the State and local level. This measure can help produce more and better men and women for government not only in Washington, D.C., but in Maine and California and Indiana, in towns and cities and counties across the Nation.

The Public Service Education Act of 1967 seeks to improve the quality of government through three main lines of approach: support for graduate study at colleges and universities by those who plan to pursue careers in public service; fellowships for university study and inservice training for those now in government at the local, State, regional, and Federal levels; grants to institutions of higher education to strengthen their capacity to meet the demand for more and better education for the public service. Let me outline the major aspects of the bill.

First. Fellowships for persons who plan to pursue careers in the public service: This bill will help to attract more talented young people into careers in local, State, regional, and Federal Government by providing fellowships for up to 2 years of graduate study for persons intending to follow public service careers. The bill authorizes $46 million for a total of up to 3,750 fellowships over the next 5 years. The fellowships are for graduate study in public administration and public affairs at colleges and universities in the United States.

As part of the fellowship programs, colleges and universities will be encouraged and enabled to arrange internships in State, local, and regional government, much as we in Congress and the executive branch now arrange during the summers for outstanding college students.

Towns and cities all over the country like South Bend, Mishawaka, Michigan City, Plymouth, and La Porte in my own district; county governments, or States like Indiana could employ able students of public administration during their summer vacations. Both the student and the local or State government would benefit greatly from these internships, as the experience with student internships here in Washington has shown.

Second. Opportunities for further education for those already in public service: The Public Service Education Act will enable men and women now working for State and local governments, as well as for the Federal Government, to improve their professional qualifications by graduate study and through short-term, inservice training.

State and local government: For example, city administrators, State water pollution experts, police officers, and a wide variety of other public officials could attend the best colleges and universities in the country to catch up on the newest techniques in their fields. Or they might attend inservice institutes designed to bring new knowledge and information from the classroom into city hall and the statehouse.

Under this part of the measure, States will receive Federal grants to enable State and local government personnel to do graduate work or participate in inservice courses. The bill authorizes $85 million over 5 years for such programs.

Federal Government: A similar measure, although contained in a separate title of the bill, will provide some 3,200 graduate fellowships for Federal employees similar to the fellowships proposed for local, State, and regional personnel. Present authority for graduate study by Federal employees is not framed to encourage its fullest use by Government agencies nor is it focused squarely on public administration. The Public Service Education Act is intended to correct these deficiencies.

The proposed act also establishes a system of sabbatical leaves for career Federal employees in the supergrade category, somewhat like the practice of periodic sabbaticals common for American college and university teachers. Under the sabbatical system in the bill, these high-level employees would be eligible to apply for 1 year of study, reading, or research out of every 7 years of high Federal service. Many of the eligible might choose to pursue formal academic programs, but they should have an opportunity for the kind of individual study which has proved so valuable in academic life.

Third. Grants to colleges and universities: The act provides grants over the next 5 years to colleges and universities to develop the strongest possible programs in public administration and public affairs. We need the best people obtainable in the public service and we cannot expect institutions of higher education alone to shoulder the financial burden of producing them.

The bill establishes a 5-year $70 million program of grants to participating colleges and universities to assist them in meeting the demands for more and better public servants. It is intended that at the end of a 5-year grant, the university should expect and would be prepared to sustain the program without further Federal support under this act.

Mr. Speaker, we cannot afford to staff Government programs involving the expenditure of millions, sometimes billions of dollars, with less than the ablest and most highly trained men and women. That is why what we sow in the Public Service Education Act can reap such a rich harvest in the improvement of government in the United States.

VALUE OF PUBLIC SERVICE

As an American of Greek ancestry, I am acutely aware that my forebears knew well and appreciated fully the value of public service. In ancient Greece, to which we look for inspiration even today, the ideal of public service was a lofty one. Indeed, a man was judged by the character and quality of his public life and his contribution to the shared experiences of the city. I look to the day when public service at all levels will be as honored in this country as it was in the Greece of Pericles and to the time when we can acknowledge with even greater pride than we do today, the intelligence, ability, knowledge, and contributions of those who choose to serve in government, from the township to the highest levels of our Federal Government.

The Public Service Education Act, I think, can help us reach that goal.

My own Public Service Education Act, H.R. 5989, and both of President Johnson's proposals differ somewhat in scope and detail. But a common thread of concern for improving the quality of government at all levels runs through the three bills.

Let me summarize briefly the major facets of the Education for the Public Service Act, H.R. 8175, and the Intergovernmental Manpower Act, H.R. 8234—both proposed by President Johnson today.

PRINCIPAL PROVISIONS OF H.R. 8175—EDUCATION FOR THE PUBLIC SERVICE ACT—PROPOSED BY PRESIDENT JOHNSON

Mr. Speaker, this bill would establish in the Department of Health, Education, and Welfare a program of institutional grants and graduate fellowships designed to attract young men and women to public service in any branch of State, local, or Federal government, and to improve education for such service. The bill would authorize $10,000,000 to be appropriated for the first fiscal year, and such sums as might be necessary for the next 4 fiscal years.

Title I of the bill would authorize the Secretary of Health, Education, and Welfare to make grants to or contracts with institutions of higher education—and other designated public or private agencies in special circumstances—to assist them in preparing graduate or professional students to enter the public service, or for research into, or development or demonstration of, improved methods of educating students—including students at the undergraduate level—for the public service.

Grants or contracts would be equitably distributed throughout the United States among institutions that will be able to use the funds effectively, except that preference could be given to programs designed to meet an urgent national need.

Title II of the bill would authorize the Secretary to award fellowships, not to exceed three academic years in duration, for graduate or professional study for persons who plan to pursue a career in public service. Fellowships would be equitably distributed throughout the United States among institutions of higher education that have, or are developing, programs of high quality intended to educate persons for the public service or which contribute to the meeting of a significant and continuing need in the public service, except that preference could be given to programs designed to meet an urgent national need. The fellowships would carry a stipend consistent with prevailing practices under comparable federally supported programs, and a payment to the institution of $2,500 per academic year.

The Secretary would be authorized to establish an advisory committee to advise him on matters of general policy arising in the administration of the act.

Mr. Speaker, this proposal is similar to titles I and IV of my own Public Service Education Act, H.R. 5989.

PRINCIPAL PROVISIONS OF H.R. 8234—INTERGOVERNMENTAL MANPOWER ACT—PROPOSED BY PRESIDENT JOHNSON

Mr. Speaker, this bill would provide Federal financial and other assistance to State and local governments to train and improve administrative personnel.

Under this proposal, Federal agencies would be authorized to admit State and local employees to training programs for Federal employees, as well as to initiate special training programs for State and local employees who administer Federal grant programs.

The Civil Service Commission would be authorized to make grants covering up to 75 percent of the cost to assist State and local governments to establish and carry out comprehensive inservice training programs and to strengthen personnel administration.

H.R. 8234 would also facilitate intergovernmental cooperation by providing authority for temporary exchange assignments of Federal employees to State and local governments, and of State and local employees to the Federal Government.

The Civil Service Commission would also be authorized to make grants to State and local governments to provide fellowships for graduate study for employees selected by State and local governments for further training.

Mr. Speaker, under unanimous consent I would like to insert in the Record four documents which will help to clarify further the purposes and content of the similarities and differences between these interrelated proposals for improving the quality of American government: first, excerpts from the text of President Johnson's message on "The Quality of American Government," which he transmitted to Congress on March 20, 1967; second, H.R. 8715, the President's proposed Education for the Public Service Act; third, H.R. 8234, the President's proposed Intergovernmental Manpower Act; fourth, H.R. 5989, my own Public Service Education Act.

"The Quality of American Government"—Excerpts From the Message of President Johnson to Congress on March 20, 1967

THE PUBLIC SERVICE

Government is personal.

It is as compassionate and vibrant—or as ineffectual and spiritless—as the men and women who shape the laws, who make the decisions, who translate programs into action.

Andrew Jackson once said that the duties of all public offices were "plain and simple." We have journeyed far since then.

Today's public servant—at all levels of government—is a servant of change. He works to make the American city a better place to live. He strives to increase the beauty of our land and end the poisoning of our rivers and the air we breathe. In these and countless other ways he seeks to enlarge the meaning of life and to raise the hopes and extend the horizons for all of us.

The work to be performed in the years ahead will summon trained and skilled manpower in quantities—and quality—we have never needed before.

Within the federal government, we are making careers more attractive. Since I became President, I have proposed and you in the Congress have approved pay increases in each of the past 3 years for federal workers, raising salary levels by an average of 12%. The new Executive Assignment System begun last year will re-shape the upper civil service so that talent is readily recognized and excellence is fully rewarded.

Later in this session of Congress, I shall submit additional proposals to enable the government to attract and retain the public servants it needs.

But nowhere is the magnitude of government manpower greater—and the accompanying challenge more critical—than at the State and local levels. Consider the following:

—Between 1955 and 1965 employment in State and local governments increased from 4.7 million to 7.7 million, or four times the rate of growth of employment in the economy as a whole.

—By 1975, State and local government employment will grow to more than 11 million.

—Each year, from now through 1975, State and local governments will have to recruit at least one quarter of a million new administrative, technical, and professional employees, not including teachers, to maintain and develop their programs.

—One out of every three of the Nation's municipal executives, and one out of every two municipal health directors will be eligible for retirement within the next 10 years.

—There will be 2 vacancies for each new graduate of a university program in city and regional planning.

These statistics show that States and local governments are flourishing as they never have before. But they also contain a clear signal that in the chain of Federal-State-local relationships, the weakest link is the emerging shortage of professional manpower.

We can strengthen that link, or later pay the price of weakness with inefficient government unable to cope with the problems of an expanding population.

I believe we should take positive action now.

I recommend two legislative proposals to improve the quality of government in the years ahead—the Public Service Education Act of 1967 and the Intergovernmental Manpower Act of 1967.

My fiscal 1968 budget includes $35 million for these proposals:

—$10 million for the Public Service Education Act, and

—$25 million for the Intergovernmental Manpower Act.

These measures are demanding. They will require the support of Congress, the Executive Branch, State and local governments, our colleges and universities and private organizations.

1. The Public Service Education Act of 1967 [now Education for the Public Service Act]

This legislation has a single clear goal: to increase the number of qualified students who choose careers in government.

The measure would authorize the Secretary of Health, Education, and Welfare to provide fellowships for young men and women who want to embark on the adventure of government service.

It would provide support to universities seeking to enrich and strengthen their public service education programs.

This financial assistance can be used to support a broad range of activity including:

—Research into new methods of education for government service;

—Experimental programs, such as study combined with part-time public service;

—Plans to improve and expand programs for students preparing for government careers;

—Training faculties, establishing centers for study at the graduate or professional level, conducting institutes for advanced study in public affairs and administration.

2. The Intergovernmental Manpower Act of 1967

This legislation is designed specifically to deal with the varied manpower needs of State and local governments.

It would authorize the Civil Service Commission to:

—Provide fellowships to State and local government employees.

—Make grants of up to 75% to help State and local governments develop and carry out comprehensive training plans and strengthen their personnel administration systems.

It would allow federal agencies to admit State and local employees to federal training programs, and to provide additional assistance for those employees who administer federal grant-in-aid programs.

Across America, many men and women of skill and vision work in State houses and city halls.

Their knowledge and experience can help us. And we are prepared to bring the special experience of federal employees to the local level.

The Intergovernmental Manpower Act would allow federal workers to take assignments in State and local governments for periods up to 2 years, with full protection of job rights and benefits. In addition, the federal agencies would be able to accept State and local employees for assignments of equivalent periods.

This proposal, I believe, fills a vital need. The mutual interchange of ideas and perspectives will benefit all echelons of government.

Text of Education for the Public Service Act, H.R. 8175

A bill to establish in the Department of Health, Education, and Welfare a program of grants and fellowships to improve the education of students attending institutions of higher education in preparation for entrance into the service of State, local, or Federal governments, and to attract such students to the public service, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education for the Public Service Act".

TITLE I—GRANTS AND CONTRACTS TO STRENGTHEN AND IMPROVE EDUCATION FOR THE PUBLIC SERVICE

Sec. 101. The Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects (a) for the preparation of graduate or professional students to enter the public service or (b) for research into, or development or demonstration of, improved methods of education for the public service. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

(1) planning for the development or expansion of graduate or professional programs to prepare students to enter the public service;

(2) training and retraining of faculty members;

(3) strengthening the public service aspects of courses or curricula leading to a graduate or professional degree;

(4) establishment, expansion, or operation of centers for study at the graduate or professional level (but not including payment for construction or acquisition of buildings);

(5) conduct of short-term or regular session institutes for advanced study by persons engaged in, or preparing to engage in the preparation of students to enter the public service;

(6) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time public service; and

(7) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

The Secretary may also make grants to other public or private nonprofit agencies and organizations, including professional and scholarly associations, or contracts with public or private agencies or organizations, to carry out the purpose of this section when such grants or contracts will make an especially significant contribution to attaining the objectives of this section.

Application for grant or contract; allocation of grants or contracts

SEC. 102. (a) A grant or contract authorized by section 101 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

(1) sets forth programs, activities, research, or development for which a grant is authorized under section 101, and describes the relation thereof to any program set forth by the applicant in an application, if any, submitted pursuant to section 203;

(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

(3) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) The Secretary shall allocate grants or contracts under section 101 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of section 101, except that to the extent he deems proper in the national interest the Secretary may give preference to programs designed to meet an urgent national need.

(c) (1) Payments under this section may be used, in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in public service, other than public service as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

(2) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

TITLE II—PUBLIC SERVICE FELLOWSHIPS

SEC. 201. The Secretary is authorized to award fellowships in accordance with the provisions of this title for graduate or professional study for persons who plan to pursue a career in public service. Such fellowships shall be awarded for such periods as the Secretary may determine but not to exceed three academic years.

Allocation of fellowships

SEC. 202. The Secretary shall allocate fellowships under this title among institutions of higher education with programs approved under the provisions of section 203 for the use of individuals accepted into such programs, in such manner and according to such plan as will most nearly—

(1) provide an equitable distribution of such fellowships throughout the United States, except that to the extent he deems proper in the national interest the Secretary may give preference to programs designed to meet an urgent national need, and

(2) attract recent college graduates to pursue a carer in public service.

Approval of programs

SEC. 203. The Secretary shall approve a graduate or professional program of an institution of higher education only upon application by the institution and only upon his finding—

(1) that such program has as a principal or significant objective the education of persons for the public service, or the education of persons in a profession or vocation for whose practitioners there is a significant and continuing need in the public service as determined by the Secretary after such consultation with other agencies as may be appropriate;

(2) that such program is in effect and of high quality, or is readily put into effect and may reasonably be expected to be of high quality;

(3) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 102; and

(4) that the application contains satisfactory assurance that (A) the institution will recommend to the Secretary, for the award of fellowships under this title, for study in such program, only persons of superior promise who have demonstrated to the satisfaction of the institution a serious intent to enter the public service upon completing the program, and (B) the institution will make reasonable continuing efforts to encourage recipients of fellowships under this title, enrolled in such program, to enter the public service upon completing the program.

Stipends

SEC. 204. (a) The Secretary shall pay to persons awarded fellowships under this title such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(b) In addition to the amounts paid to persons pursuant to subsection (a), the Secretary shall pay to the institution of higher education at which such person is pursuing his course of study an amount equivalent to $2,500 per academic year, less any amount charged such person for tuition and nonrefundable fees and deposits.

Fellowship conditions

SEC. 205. A person awarded a fellowship under the provisions of this title shall continue to receive the payments provided in section 204 only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such fellowship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

TITLE III—GENERAL PROVISIONS

Definitions

SEC. 301. As used in this Act—

(a) The term "State" means a State, Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The term "institution of higher education" means an educational institution in any State exclusive of an institution of any agency of the United States, which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of title I, such term includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of clauses (1), (2), (4), and (5). For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(c) The term "public service" means service as an officer or employee in any branch of State, local, or Federal Government.

(d) The term "academic year" means an academic year or its equivalent, as determined by the Secretary.

(c) The term "nonprofit" as applied to an institution, agency, or organization, means an institution, agency, or organization owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

Coordination of Federal assistance

SEC. 302. In administering this Act, the Secretary shall give primary emphasis to the assistance of programs and activities not otherwise assisted by the Department of Health, Education, and Welfare, or by other agencies of the Federal Government, so as to promote most effectively the Act's objectives.

Method of payment

SEC. 303. Payments under this Act may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or under payments.

Limitation

SEC. 304. No grant, contract, or fellowship shall be awarded under this Act to, or for study at, a school or department of divinity. For the purposes of this section, the term "school or department of divinity" means an institution or department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

Utilization of other agencies

SEC. 305. In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution, on a reimbursable basis or otherwise in accordance with agreements between the Secretary and the head thereof.

Federal control of education prohibited

SEC. 306. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, or the selection of library resources by an educational institution, or over the content of any material developed or published under any program assisted pursuant to this Act.

Authority to establish advisory committee

SEC. 307. (a) The Secretary may without regard to the civil service and classification laws, appoint a committee to advise him on matters of general policy arising in the administration of this Act. Members of the Committee, who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Committee or otherwise engaged in the business of the Committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem (or, if higher, the rate specified at the time of such service for grade GS-18 in 5 U.S.C., § 5332), including travel time, and while so serving on the business of the Committee away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703, of title 5, United States Code, for persons employed intermittently in the Government service.

Report

SEC. 308. The Secretary shall include in his annual report to the Congress, a report of activities of his Department under this Act, including recommendations for needed revisions in the provisions thereof.

Appropriations

SEC. 309. There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1968, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the purposes of this Act. Funds appropriated for the fiscal year ending June 30, 1968, shall be available for obligation pursuant to the provisions of this Act during that year and the succeeding fiscal year.

TEXT OF INTERGOVERNMENTAL MANPOWER ACT—H.R. 8234

A bill to improve intergovernmental cooperation and grant-in-aid program administration; to assist State and local governments in strengthening their staffs by improving personnel administration and extending merit principles and by providing support for training of public employees; to permit temporary assignments of personnel between Federal and State and local governments; and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Manpower Act of 1967."

GENERAL DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares a national interest in—

(1) improving the quality of public administration at all levels of government, particularly in connection with programs that are financed in whole or in part from Federal appropriations;

(2) strengthening the capacity of State and local governments to deal with complex problems confronting all levels of government;

(3) aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) aiding State and local governments in developing systems of personnel management that are responsive to the goals and needs of their programs, effective in attracting and retaining capable employees, and based on merit principles; and

(5) facilitating temporary assignments of personnel between levels of government.

SEC. 3. The authorities provided by this Act shall be administered in such manner as to recognize fully the rights, powers, and responsibilities of State and local governments.

TITLE I—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

Declaration of purpose

SEC. 101. The purpose of this title is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields.

Admission to Federal employee training programs

SEC. 102. (a) In accordance with such conditions as may be prescribed by the head of the Federal agency concerned, a Federal agency may admit State and local government employees and officials to agency training programs established for Federal professional, administrative, or technical personnel.

(b) Federal agencies are authorized to receive payments from, or on behalf of, State and local governments for the costs of training provided under this section, and to enter into agreements with them for this purpose. The head of the Federal agency concerned may waive all or part of such payments. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

(c) The Commission may use appropriations authorized by this Act to pay the additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs.

Training of personnel engaged in grant-in-aid programs

SEC. 103. (a) Any Federal agency administering a program of grants or financial assistance to State or local governments may—

(1) establish, provide, and conduct training programs for State and local employees and officials who have responsibilities related to the federally aided program, and, to the same extent provided in section 102(b) of this Act, receive or waive payments for such training and credit any such payments to the appropriation or fund used for paying the training costs; and

(2) authorize State and local governments, from the grants or financial assistance when so provided in appropriation or other acts, to establish, conduct, provide, and support training and education programs for their employees and officials who have responsibilities related to the federally aided program, including internship, work-study, fellowship, and similar programs if approved by the Federal agency concerned, provided that full-time, graduate-level education supported under this subsection shall be consistent with provisions made for Government Service Fellowships under section 106 of this Act.

(b) The State or local government concerned shall—

(1) in accordance with eligibility criteria prescribed by the Federal agency concerned, select the individual employees and officials to receive education and training in programs established under this section; and

(2) during the period of the education or training, continue the full salary of the employee or official concerned and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance.

Grants to State and local governments for training

SEC. 104. (a) If training is not adequately provided for under grant-in-aid or other statutes, the Commission is authorized to make grants to State and general local governments for up to 75 per centum of the cost of developing and carrying out training and education programs for their professional, administrative, and technical employees and officials. Such grants may not cover costs of full-time graduate-level study, provided for in section 106 of this Act, or the costs of the construction or acquisition of training facilities. The State and local government share of the cost of developing and carrying out training and education plans and programs may include, but shall not consist solely of, the reasonable value of facilities and of supervisory and other personal services made available by such governments.

(b) A grant authorized by subsection (a) of this section may be made to a State on application to the Commission at such time or times and containing such information as the Commission may prescribe. To be approved, the application must meet requirements established by this subsection unless any requirement is specifically waived by the Commission. Such grant to a State, or to a general local government under subsection (c) of this section, may cover the costs of developing the program set forth in the application. The program set forth in the application must—

(1) provide for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the program at the State level;

(2) provide, to the extent feasible, for coordination with relevant training available under or supported by other Federal Government programs or grants;

(3) provide for training needs of the State government and of local governments in that State;

(4) provide, to the extent feasible, for intergovernmental cooperation in employee training matters, especially within metropolitan or regional areas; and

(5) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes.

(c) If, within one year from the effective date of the grant provisions of this Act, a State has not submitted and had approved an application for a program grant providing adequately for training of employees of local governments within the State, the Commission may consider and approve applications for grants authorized in subsection (a) of this section from those general local governments, or a combination of such governments, that serve a population of 100,000 or more. To be approved, a general local government application for a program grant must meet requirements similar to those established in subsection (b) of this section for State applications unless any requirement is specifically waived by the Commission. The Commission may—

(1) waive, at the request of a general local government, the one-year waiting period provided under subsection (c) of this section unless the State concerned declares, within ninety days from the effective date of the grant provisions of this Act, an intent to file an application for a program grant that will provide training for employees of the general local government; and

(2) make grants to a general local government, or a combination of such governments, serving a population of less than one hundred thousand if it finds that such grants will help meet essential needs in programs of national interest and will assist general local governments experiencing problems that result from their location in an area of rapid urbanization, in a metropolitan area, in a transportation corridor, or in a similarly critical area.

Grants to nonprofit organizations

SEC. 105. (a) The Commission is authorized to make grants to nonprofit organizations to pay up to 75 per centum of the costs of providing training to professional, administrative, or technical employees and officials of State or local governments if the Commission—

(1) finds sufficient State and local government interest in the proposed program to warrant Federal financial support; and

(2) approves the program as meeting such requirements as may be prescribed by the Commission in its regulations pursuant to this Act.

(b) The nonprofit organization must be—

(1) a national, regional, statewide, or metropolitan organization representing member State or local governments;

(2) an association of State or local public officials; or

(3) an organization primarily engaged in offering professional advisory, research, development, or other services to governments or making professional studies designed for the improvement of public administration.

Government service fellowships

SEC. 106. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing government service fellowships for State and local government personnel. The grants may cover—

(1) the necessary costs of the fellowship recipient's books, travel and transportation, and such related expenses as may be authorized by the Commission;

(2) reimbursement to the State or local government for not to exceed one-fourth of the salary of each fellow during the period of the fellowship; and

(3) payment to the educational institutions involved not in excess of $3,000 per academic year for each fellow less any amount charged the fellow for tuition and nonrefundable fees and deposits.

(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria for the selection of fellowship recipients by State and local governments.

(c) The State or local government concerned shall—

(1) select the individual recipients of the fellowships; and

(2) during the period of the fellowship, continue the full salary of the recipient and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance.

Coordination of Federal programs

SEC. 107. The Commission, after consultation with other agencies concerned, shall—

(1) prescribe regulations covering the training for State and local employees and officials provided for in this title, including requirements for coordination of and reasonable uniformity in such training programs;

(2) coordinate the training support given to State and local governments under authority of this Act with training support given such governments under other Federal programs; and

(3) make such arrangements, including the collection and maintenance of data on training grants and programs, as needed to avoid duplication of programs providing for training and to insure consistent administration of related Federal training activities.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

Declaration of purpose

SEC. 201. The purpose of this title is to assist State and local governments to strengthen their staffs by improving their personnel administration.

Improving basic personnel systems

SEC. 202. (a) To the extent he determines to be practicable, the President is authorized in programs that are financed in whole or in part from Federal funds and as a condition for the grant of such funds, to require State and local governments to provide for their employees systems of merit personnel administration. For this purpose, the President may establish appropriate standards consistent with such merit principles as—

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

(b) Nothing in this section or in section 203 or 204 of this Act, however, shall be construed to authorize any agency or official of the Federal Government to—

(1) exercise any authority, direction, or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee whose employment is in compliance with the established standards; or

(2) require the application of such standards to educational institutions or school systems.

State government and statewide programs and grants

SEC. 203. (a) The Commission is authorized to make grants to States for up to 75 per centum of the cost of developing and carrying out programs or projects to strengthen State and local government personnel administration and to furnish needed personnel administration services to local governments in that State.

(b) A grant authorized by subsection (a) of this section may be made to a State on application to the Commission at such time or times and containing such information as the Commission may prescribe. To be approved, the application must meet requirements established by this subsection unless any requirement is specifically waived by the Commission. Such grants to a State may cover the costs of developing the program or project set forth in the application which most—

(1) provide for designation, by the governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the approved program or project at the State level;

(2) provide for personnel administration based on merit principles for State government employees of the office designated under paragraph (1) of this subsection unless, in the case of projects of limited scope, it is determined to be impracticable by the Commission, and for those State government employees who are affected by the program or project and who are engaged in the administration of federally aided programs, if not otherwise covered by merit standard requirements in Federal statutes and regulations or by Presidential action under section 202(a) of this Act;

(3) provide for certain personnel administration improvement needs of both the State government and the local governments in that State, including State personnel administration services for local governments;

(4) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes; and

(5) set forth clear and practicable actions for the improvement of such aspects of personnel administration as—

(A) expansion of the coverage of State and local employees under existing merit standards, the establishment of merit standards where they do not now exist, and the further improvement of existing systems based on merit principles;

(B) establishment of statewide personnel systems to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well-qualified professional, administrative, and technical personnel;

(C) making of State grants to local governments;

(D) assessment of State and local government needs for professional, administrative, and technical manpower, and for the initiation of timely and appropriate action to meet such needs;

(E) improving one or more major areas of personnel administration, such as recruitment and selection, training and development, and pay administration;

(F) research and demonstration projects to develop and apply better personnel administration techniques, including both projects conducted by State and local government staffs and projects conducted by colleges or universities or other appropriate nonprofit organizations under grants or contracts;

(G) improving the recruitment, selection, assignment and development of handicapped persons, women, and members of disadvantaged groups whose capacities are not being utilized fully;

(H) achieving the most effective use of scarce professional, administrative, and technical manpower; and

(I) intergovernmental cooperation in personnel administration, with respect to such matters as recruiting, examining, pay studies, training, education, personnel interchange, manpower utilization, and fringe benefits.

Local government programs and grants

SEC. 204. (a) The Commission is authorized to make grants to general local governments, or combinations of such governments, that serve a population of 100,000 or more, for up to 75 per centum of the cost of developing and carrying out programs and projects to strengthen the personnel administration of such governments. Such grants may be made only if, within one year from the effective date of the grant provisions of this Act, a State has not submitted and had approved under section 203 of this Act an application for a grant providing adequately for assistance in strengthening the personnel administration of local governments within the State.

(b) A grant authorized by subsection (a) of this section may be made to a general local government on application to the Commission at such time or times and containing such information as the Commission may prescribe. To be approved, the application must meet requirements similar to those established in section 203(b) of this Act for a State application for a grant unless any requirement is specifically waived by the Commission. Such grants to a general local government may cover the costs of developing the program or project set forth in the application. The Commission may—

(1) waive, at the request of a general local government, the one-year waiting period, unless the State concerned declares, within ninety days from the effective date of the grant provisions of this Act, an intent to file an application for a grant that will include the local government; and

(2) make grants to general local governments, or combinations of such governments, that serve a population of less than one hundred thousand if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing problems that result from their location in an area of rapid urbanization, in a metropolitan area, in a transportation corridor, or in a similarly critical area.

Intergovernmental cooperation in recruiting and examining

SEC. 205. (a) The Commission may join, on a shared-costs basis, with State and local governments in cooperative recruiting and examining activities under such procedures and regulations as may jointly be agreed on.

(b) The Commission also may, on the written request of a State or local government and under such procedures as may be jointly agreed on, certify to such jurisdictions from appropriate Federal registers the names of eligible persons. The State or local government making the request shall pay the Commission for the costs of performing the service as determined by the Commission, and such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

Technical assistance

SEC. 206. The Commission may furnish technical advice and assistance, on request, to State and general local governments seeking to improve their systems of personnel administration. The Commission may accept payments, in whole or in part, for the costs of furnishing such assistance from the State or local governments to which furnished. All such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

Interstate compacts

SEC. 207. The consent of the Congress is hereby given to any two or more States to enter into compacts or other agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance (including the establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of State and local governments.

Transfer of functions

SEC. 208. (a) There are hereby transferred to the Commission all functions, powers and duties of—

(1) the Secretary of Agriculture under section 10(e)(2) of the Food Stamp Act of 1964 (7 U.S.C. 2019(e)(2));

(2) the Secretary of Labor under—

(A) section 3 of the Act of June 6, 1933 (29 U.S.C. 49b); and

(B) section 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1));

(3) the Secretary of Health, Education, and Welfare under—

(A) sections 134(a)(6) and 204(a)(6) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963 (42 U.S.C. 2674(a)(6) and 2684(a)(6));

(B) section 303(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(5));

(C) sections 314 (a)(2)(F) and (d)(2)(F) and 604(a)(8) of the Public Health Service Act (42 U.S.C. 246 (a)(2)(F) and (d)(2)(F) and 291d(a)(8)); and

(D) sections 2(a)(5), 402(a)(5), 503(a)(3), 513(a)(3), 1002(a)(5), 1402(a)(5), 1602(a)(5), and 1902(a)(4) of the Social Security Act (42 U.S.C. 302(a)(5), 602(a)(5), 703(a)(3), 713(a)(3), 1202(a)(5), 1352(a)(5), 1382(a)(5), and 1396a(a)(4)); and

(4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grants-in-aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program;

insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.

(b) The Commission shall—

(1) provide consultation and technical advice and assistance to State and local governments to aid them in complying with standards prescribed (A) by the Commission under subsection (a) of this section or (B) by the President under section 202(a) of this Act; and

(2) make investigations and advise Federal agencies administering programs of grants or financial assistance as to compliance with the standards and recommend the taking of such action as the Commission considers will most effectively carry out the purpose of this title.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of any Federal agency employed, used, held, available, or to be made available in connection with the functions, powers, and duties vested in the Commission by this section as the Director of the Bureau of the Budget shall determine shall be transferred to the Commission at such time or times as the Director shall direct.

(d) Personnel standards prescribed by the Commission under subsection (a) of this section and section 203(b)(2) of this Act shall be consistent, to the extent practicable, with standards prescribed by the President under section 202(a) of this Act.

(e) Personnel standards prescribed by Federal agencies under laws and regulations referred to in subsection (a) of this section shall continue in effect until modified or superseded by standards prescribed (A) by the Commission under subsection (a) of this section or (B) by the President under section 202(a) of this Act.

(f) This section shall become effective sixty days after the date of enactment of this Act.

TITLE III—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

Declaration of purpose

SEC. 301. The objective of this title is to provide for the temporary assignment of personnel between the Federal Government and State and local governments.

Amendments to title 5, United States Code

SEC. 302. (a) Chapter 33 of title 5, United States Code, is amended by inserting the following new subchapter at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"§ 3371. Definitions.

"For the purpose of this subchapter—

"(1) 'State' means—

"(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

"(B) an instrumentality or authority of a State or States as defined in clause (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

"(2) 'local government' means—

"(A) any political subdivision, instrumentality, or authority of a State or States as defined in clause (A) of paragraph (1); and

"(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

"§ 3372. General provisions.

"On request from or with the concurrence of a State or local government, and with the consent of the employee concerned, the head of an executive agency may arrange for the assignment of—

"(1) an employee of his agency to a State or local government; and

"(2) an employee of a State or local government to his agency; for work of mutual concern to his agency and the State or local government that he determines will be mutually beneficial to both. The period of an assignment under this subchapter may not exceed two years. However, the head of an executive agency may extend the period of assignment for not more than two additional years. The President may prescribe regulations for the administration of this subchapter.

"§ 3373. Assignment of employees to State or local governments.

"(a) An employee of an executive agency assigned to a State or local government under this subchapter is deemed, during the assignment, to be either—

"(1) on detail to a regular work assignment in his agency; or

"(2) on leave without pay from his position in the agency.

An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned. The supervision of the duties of an employee on detail may be governed by agreement between the executive agency and the State or local government concerned.

"(b) The assignment of an employee of an executive agency either on detail or on leave without pay to a State or local government under this subchapter may be made with or without reimbursement by the State or local government for the travel and transportation expenses to or from the place of assignment and for the pay or supplemental pay or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the executive agency used for paying the travel and transportation expenses or pay.

"(c) For an employee so assigned and on leave without pay—

"(1) if the rate of pay for his employment by the State or local government is less than the rate of pay he would have received had he continued in his regular assignment in the agency, he is entitled to receive supplemental pay from the agency in an amount equal to the difference between the State or local government rate and the agency rate;

"(2) he is entitled to annual and sick leave to the same extent as if he had continued in his regular assignment in the agency; and

"(3) he is entitled, notwithstanding other statutes—

"(A) to continuation of his insurance under chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the employee's life insurance fund and the employee's health benefits fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions; and

"(B) to credit the period of his assignment under this subchapter toward periodic step increases, retention, and leave accrual purposes, and, on payment into the civil service retirement and disability fund or other applicable retirement system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from a like agency pay for the period of the assignment and payment by the executive agency into the fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat (notwithstanding section 8348(g) of this title) his service during that period as service of the type performed in the agency immediately before his assignment.

However, an employee or his beneficiary may not receive benefits referred to in subparagraphs (A) and (B) of this paragraph (3), based on service during an assignment under this subchapter for which the employee or, if he dies without making such an election, his beneficiary elects to receive benefits, under any State or local government retirement or insurance law or program, which the Civil Service Commission determines to be similar. The executive agency shall deposit currently in the employee's life insurance fund, the employee's health benefits fund or other applicable health benefits system, respectively, the amount of the Government's contributions on account of service with respect to which employee contributions are collected as provided in subparagraphs (A) and (B) of this paragraph (3).

"(d)(1) An employee so assigned and on leave without pay who dies or suffers disability as a result of personal injury sustained while in the performance of his duty during an assignment under this subchapter shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(2) An employee who elects to receive benefits from a State or local government may not receive an annuity under subchapter II of chapter 83 of this title and benefits from the State or local government for injury or disability to himself covering the same period of time. This provision does not—

"(A) bar the right of a claimant to the greater benefit conferred by either the State or local government or subchapter III of chapter 83 of this title for any part of the same period of time;

"(B) deny to an employee an annuity accruing to him under subchapter III of chapter 83 of this title on account of service performed by him; or

"(C) deny any concurrent benefit to him from the State or local government on account of the death of another individual.

"§ 3374. Assignments of employees from State or local governments.

"(a) An employee of a State or local government who is assigned to an executive agency under an arrangement under this subchapter may—

"(1) be appointed in the executive agency without regard to the provisions of this title governing appointment in the competitive service for the agreed period of the assignment; or

"(2) be deemed on detail to the executive agency.

"(b) An employee given an appointment is entitled to pay in accordance with chapter 51 and subchapter III of chapter 53 of this title or other applicable law, and is deemed an employee of the executive agency for all purposes except—

"(1) subchapter III of chapter 83 of this title or other applicable retirement system;

"(2) chapter 87 of this title; and

"(3) chapter 89 of this title or other applicable health benefits system unless his appointment results in the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

"(c) During the period of assignment, a State or local government employee on detail to an executive agency—

"(1) is not entitled to pay from the agency;

"(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, section 638a of title 31, and the Federal Tort Claims Act and any other Federal tort liability statute; and

"(3) is subject to such regulations as the President may prescribe. The supervision of the duties of such an employee may be governed by agreement between the Executive agency and the State or local government concerned.

"(d) A State or local government employee who is given an appointment in an executive agency for the period of the assignment or who is on detail to an executive agency and who suffers disability or dies as a result of personal injury sustained while in the performance of his duty during the assignment shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(e) If a State or local government fails to continue the employer's contribution to State or local government retirement, life insurance, and health benefit plans for a State or local government employee who is given an appointment in an executive agency, the employer's contributions covering the State or local government employee's period of assignment, or any part thereof, may be made from the appropriations of the executive agency concerned.

"§ 3375. Travel expenses.

"(a) Appropriations of an executive agency are available to pay, or reimburse, a Federal or State or local employee in accordance with—

"(1) subchapter I of chapter 57 of this title, for the expenses of—

"(A) travel and per diem instead of subsistence to and from the assignment location;

"(B) per diem instead of subsistence at the assignment location during the period of the assignment; and

"(C) travel and per diem instead of subsistence while traveling on official business away from his designated post of duty during the assignment when the head of the executive agency considers the travel in the interest of the United States;

"(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

"(3) section 5724 (a)(1) of this title, for the expenses of per diem allowance for the immediate family of the employee to and from the assignment location;

"(4) section 5724a(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and upon return to his former post of duty; and

"(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location.

"(b) Expenses specified in subsection (a) of this section, other than those in paragraph (1)(C), may not be allowed in connection with the assignment of a Federal or State or local employee under this subchapter, unless and until the employee agrees in writing to complete the entire period of his assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the executive agency concerned. If the employee violates the agreement, the money spent by the United States for these expenses is recoverable from the employee as a debt due the United States. The head of the executive agency concerned may waive in whole or in part a right of recovery under this subsection with respect to a State or local government employee on assignment with the agency.

"(c) Appropriations of an executive agency are available to pay expenses under section 5742 of this title with respect to a Federal or State or local employee assigned under this subchapter."

(b) The analysis of chapter 33 of title 5, United States Code, is amended by inserting the following at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"Sec.
"3371. Definitions.
"3372. General provisions.
"3373. Assignments of employees to State or local governments.
"3374. Assignments of employees from State or local governments.
"3375. Travel expenses."

Repeal of special authorities

SEC. 303. The Act of August 2, 1956, as amended (7 U.S.C. 1881–1888), except that the Secretary of Agriculture may continue to make arrangements for the temporary assignment of employees with land-grant colleges or a college or university operated by any State or local government subject to the provisions of this title, and section 507 of the Act of April 11, 1965, Public Law 89–10, 79 Stat. 51 (20 U.S.C. 867), and section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) (less applicability to commissioned officers of the Public Health Service) are hereby repealed.

SEC. 304. This title shall become effective sixty days after the date of enactment of this Act.

TITLE IV—GENERAL PROVISIONS

Declaration of purpose

SEC. 401. The purpose of this title is to provide for the general administration of titles I, II, and IV of this Act (hereinafter referred to as "this Act"), and to provide for the establishment of certain advisory groups.

Definitions

SEC. 402. For the purpose of this Act—

(1) "Commission" means the United States Civil Service Commission;

(2) "Federal agency" means an executive

department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(3) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal-interstate agencies but does not include the governments of the political subdivisions of a State; and

(4) "local government" means a city, town, county, or other subdivision or district of a State, including agencies, instrumentalities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A "general local government" means a city, town, county, or comparable general-purpose political subdivision of a State.

General administrative provisions

SEC. 403. (a) Unless otherwise specifically provided, the Commission shall administer this Act.

(b) The Commission shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of this Act.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission may—

(1) issue such standards and regulations as may be necessary to carry out the purposes of this Act;

(2) consent to the modification of any contract entered into pursuant to this Act, such consent being subject to any specific limitations of this Act;

(3) Include in any contract made pursuant to this Act such covenants, conditions, or provisions as it deems necessary to assure that the purposes of this Act will be achieved; and

(4) utilize the services and facilities of any Federal agency, any State or local government, and any other public or nonprofit agency or institution, on a reimbursable basis or otherwise, in accordance with agreements between the Commission and the head thereof.

(d) In the performance of, and with respect to the functions, powers, and duties vested in it by this Act, the Commission—

(1) may collect information from time to time with respect to State and local government training programs and personnel administration improvement programs and projects under this Act, and make such information available to interested groups, organizations, or agencies, public or private;

(2) may conduct such research and make such evaluation as needed for the efficient administration of this Act; and

(3) shall include in its annual report, a report of the administration of this Act.

(e) The provisions of this Act are not a limitation on existing authorities under other statutes but are in addition to any such authorities, unless otherwise specifically provided in this Act.

Reporting requirements

SEC. 404. A State or local government office designated to administer a program or project under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

Review and audit

SEC. 405. The Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

Termination of grants

SEC. 406. Whenever the Commission, after giving reasonable notice and opportunity for hearing to the State or general local government concerned, finds—

(1) that a program or project has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is a failure to comply substantially with any such provision;

the Commission shall notify the State or general local government of its findings and no further payments may be made to such government by the Commission until it is satisfied that such noncompliance has been or will promptly be, corrected. However, the Commission may authorize the continuance of payments to those projects approved under this Act which are not involved in the noncompliance.

Advisory groups

SEC. 407. (a) The following advisory groups are authorized to be established under this Act:

(1) The President may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service—

(A) an advisory council to study and make recommendations concerning standards of merit personnel administration for personnel systems of State and local governments; and

(B) an advisory committee on intergovernmental manpower policy composed of representatives of the Federal Government, State and local governments, institutions of higher education and other educational and training organizations, professional organizations, employee organizations, and the general public, to advise on matters of general policy relating to this Act.

(2) The Commission may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committee or committees as it may determine to be necessary to facilitate the administration of this Act.

(b) Members of the advisory council or of the advisory committees who are not regular full-time employees of the United States, while serving on the business of the council or committees, including travel time, are entitled to receive compensation at rates not exceeding the per diem rate for GS-18; and while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

Appropriation authorization

SEC. 408. There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary for the fiscal year ending June 30, 1968, and for each of the four succeeding fiscal years, to carry out the programs authorized by this Act.

Revolving fund

SEC. 409. (a) There is established a revolving fund, to be available without fiscal year limitation, for financing training and such other functions as are authorized or required to be performed by the Commission on a reimbursable basis by this Act and such other services as the Commission, with the approval of the Bureau of the Budget, determines may be performed more advantageously through such a fund.

(b) The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized), and such unexpended balances of appropriations or funds relating to the activities transferred to the fund and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Commission may transfer to the fund, less the related liabilities, unpaid obligations, and accrued annual leave of employees who are transferred to the activities financed by the fund at its inception.

(c) The fund shall be credited with—

(1) reimbursements or advance payments from available funds of the Commission, other Federal agencies, State or local governments, or other sources for supplies and services at rates which will approximate the expense of operations, including the accrual of annual leave, the depreciation of equipment, and the net losses on property transferred or donated; and

(2) receipts from sales or exchanges of property and payments for losses or damage to property accounted for under the fund.

(d) Any unobligated and unexpended balance in the fund that the Commission determines to be in excess of amounts needed for its operations shall be deposited in the Treasury as miscellaneous receipts.

Limitations on availability of funds for cost sharing

SEC. 410. Federal funds made available to State or local governments under other programs may not be used by the State or local government for cost-sharing purposes under grant provisions of this Act. State or local government funds used for cost sharing on other federally assisted programs may not be used for cost sharing under grant provisions of this Act.

Method of payment

SEC. 411. Payments under this Act may be made in installments, and in advance or by way of reimbursement, as the Commission may determine, with necessary adjustments on account of overpayments or underpayments.

Effective date of grant provisions

SEC. 412. Grant provisions of this Act shall become effective one hundred and eighty days following the date of enactment of this Act.

TEXT OF PUBLIC SERVICE EDUCATION ACT—H.R. 5989

A bill to establish fellowships to enable persons in or planning a career in public service at the local, State, or Federal level to pursue graduate programs of education in public affairs, public administration and other related fields; to provide support for the development and strengthening of graduate level programs of public administration and public affairs at institutions of higher education; to provide support to State and local governments for the improvement of public service through short-term training programs for State and local government personnel; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "Public Service Education Act".

TITLE I—PUBLIC SERVICE FELLOWSHIPS

STATEMENT OF PURPOSE

SEC. 101. The purpose of this title is to improve the quality of government by providing fellowships for graduate study to persons who plan to pursue a career in public service in government at the local, State, regional or Federal level. For the purpose of this title, the term "career in public service" means a career as an officer or employee of a local or State government, a regional governmental organization established under a compact approved by the Congress of the United States, or the United States, in an executive, administrative or similar position which requires special competence in the fields of public affairs and public administration, including those which require qualifications in technical or professional fields.

FELLOWSHIPS AUTHORIZED

SEC. 102. (a) The Commissioner is authorized to award not to exceed 750 fellowships during the fiscal year ending June 30, 1968, and each of the four succeeding fiscal years, for up to two years of graduate study leading to a post-baccalaureate degree for persons who are pursuing or plan to pursue a career in public service. Such fellowships shall be awarded as provided in sections 103 and 104 of this title and for such periods as the Commissioner may determine, but not to exceed 24 months.

(b) In addition to the number of fellowships authorized to be awarded by subsection (a) of this section, the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this title but vacated prior to the time to the end of the period for which they were awarded; except that each fellowship awarded under this subsection shall be for such period of study, not in excess of the remainder of the period for which the fellowship which it replaces was awarded, as the Commissioner may determine.

ALLOCATION OF FELLOWSHIPS

SEC. 103. The Commissioner shall, in consultation with the Advisory Council on Public Service Education, allocate fellowships under this title to institutions of higher education with programs approved under the provisions of section 104(a) for the use of individuals accepted for study a program in accordance with such standards and priorities as he shall prescribe by regulation.

APPROVAL OF PROGRAMS

SEC. 104. The Commissioner shall approve a graduate program of an institution of higher education for purposes of this title only upon application by the institution and only upon his finding—

(1) that such program will substantially further the objective of improving the quality of education of persons who are pursuing or intend to pursue a career in public service,

(2) that such program is of high quality and either is in effect or readily obtainable, and

(3) that only persons who demonstrate a serious intent to pursue or to continue a career in public service will be accepted for study in the program.

In approving the application of institutions, the Commissioner shall give preference to those which are carrying on or have arranged for internship programs for the benefit of persons pursuing fellowships under this part.

(b) The Commissioner is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, to advise him with respect to the making of grants and contracts and the approving of programs under this title. Experts and consultants employed pursuant to this subsection may be compensated or so employed at rates not in excess of $100 per diem, including travel time, and may be allowed while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703, of title 5, United States Code, for persons in Government service employed intermittently.

STIPENDS

SEC. 105. (a) Each person awarded a fellowship under this title shall receive a stipend of $2,500 for the first academic year of study, and $3,000 for the second such year, plus an additional amount of $600 for each such year on account of each of his dependents. Where a person awarded a fellowship under this title for study at an institution of higher education pursues his studies as a regularly enrolled student at such institution during periods outside of the regular sessions of the graduate program of the institution, the Commissioner may make appropriate adjustments in his stipends and allowances for dependents.

(b) In addition to amounts paid to persons pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study $2,500 per academic year, less any amount charged such person for tuition and nonrefundable fees and deposits.

(c) In addition to the amounts paid pursuant to subsections (a) and (b) of this section, the Commissioner may pay to institutions of higher education which carry on or arrange internship programs at the State, local or regional level of government for the benefit of persons pursuing fellowships under this part an amount up to $100 per week, for a period not to exceed ten weeks during each year of fellowship study, for each fellowship holder who participates in such an internship program. Such amounts shall be used to defray any salary paid to fellowship holders participating in an internship program by the participating State, local or regional governmental agency.

LIMITATION

SEC. 106. (a) No fellowships shall be awarded under this title for study at a school or department of divinity. For purposes of this section, the term "school or department of divinity" means an institution or department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

FELLOWSHIP CONDITIONS

SEC. 107. A person awarded a fellowship under the provisions of this title shall continue to receive the payments provided in section 105(a) only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such fellowship was awarded in an institution of higher education, and is not engaging in gainful employment other than such part-time employment in teaching, research, or similar activities related to his training, or as a participant in an internship or cooperative education program, as has been approved by the Commissioner.

APPROPRIATIONS

SEC. 108. There are hereby authorized the appropriations to carry out this title, $4,500,000 for the fiscal year ending June 30, 1968; $8,500,000 for the fiscal year ending June 30, 1969; $11,000,000 for the fiscal year ending June 30, 1970, and each of the two succeeding fiscal year; and such sums for the fiscal year ending June 30, 1973, as may be necessary to enable persons who have been awarded fellowships prior to July 1, 1972, to complete their study under such fellowships.

TITLE II—EDUCATIONAL IMPROVEMENT FOR FEDERAL OFFICERS

PART A—FELLOWSHIPS FOR FEDERAL OFFICERS

SEC. 201. Chapter 41 of title 5, United States Code, is amended by adding at the end thereof the following: "S. 4119. Award of fellowship to employees.

"(a) During the fiscal year ending June 30, 1968, and each of the four succeeding fiscal years, the Civil Service Commission shall carry on a program under which it awards fellowships to employees for one year of graduate study at non-government facilities which are institutions of higher education.

"(b) To be eligible for a fellowship under this section an employee must (1) be in grade 11 to 15, inclusive, of the General Schedule under section 5332, or be employed in a position of comparable responsibility, as determined by the Commission, and (2) be selected by the agency in or under which employed.

(c) Of the fellowships awarded under this section, not less than 60 per centum shall be for study in postbaccalaureate programs concentrating in the social sciences and which will enhance the effectiveness of Federal executives, administrators, managers, and others on the general supporting staffs of agencies. The remainder of such fellowships shall be awarded for postbaccalaureate programs concentrating in the sciences, engineering, or other professions to allow Federal professional employees to expand and update their professional knowledge.

"(d) The number of fellowships awarded under this section shall not exceed the following percentages of those eligible in the fiscal year ending:

	Per centum
1. June 30, 1968	0.25
2. June 30, 1969	.5
3. June 30, 1970	.75
4. June 30, 1971	1.0
5. June 30, 1972	1.0

The number eligible shall be determined by the Commission in accordance with the requirements of part (b)(1) of this section.

"(e) The Civil Service Commission shall pay each non-Government facility at which a fellow is pursuing his course of study under this section the sum of $2,500 for each such fellow, less any amount charged such person for tuition and nonrefundable fees and deposits.

"(f) The head of an agency shall, as authorized by section 4109(a)(1), pay all of the pay (except overtime, holiday, or night differential pay) of an employee of the agency pursuing a fellowship awarded under this section. The head of an agency shall not make any payments under section 4109 (a)(2) which would constitute a duplication of a payment under subsection (e) of this section. Each agency which makes expenditures under section 4109(a)(2) on account of employees awarded fellowships under this section shall be reimbursed in full for such expenditures by the Civil Service Commission."

SEC. 202. (a) The analysis at the beginning of chapter 41 of title 5, United States Code, is amended by adding at the bottom thereof the following:

"4119. Fellowship training."

(b) Section 4106(a)(1) of such title is amended by inserting before the period the following: ", but the number of man-years of training for an agency shall not include fellowship training under section 4119".

(c) Section 4112(a) of such title is amended by inserting after "this chapter" the following: "(other than section 4119)".

PART B—SABBATICAL LEAVES

SEC. 211. Chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 6325. Sabbatical leaves.

"(a) During the fiscal year ending June 30, 1968, and each of the four succeeding fiscal years, the Civil Service Commission shall carry on a program under which it authorizes one year sabbatical leaves at full pay for employees as defined in section 2105.

"(b) To be eligible for a sabbatical leave under this section such an employee must (1) be in grade 16 to 18, inclusive, of the General Schedule under section 5332, or be employed in a position of comparable responsibility, as determined by the Commission, (2) have been such an employee for not less than six years, and (3) have been employed for not less than three years in a grade not lower than grade 16 of such Schedule, or in a position of comparable responsibility, as determined by the Commission.

"(c) An employee shall be selected for a sabbatical leave on the basis of applications submitted by him showing a plan which he intends to pursue for a one-year program of graduate level study, travel, reading research, or a combination thereof. Such an application shall include an estimate of the expenses involved in carrying out the plan. Upon the examination of such applications, each agency shall select those of its employees to be given a sabbatical leave on the basis of the extent it is anticipated enhancement of the employee's effectiveness and of the overall benefit to the Government. During the period of his fellowship, no employee shall engage in any substantially gainful employment or activity other than as a Federal employee. The number of employees in or under an agency who may be given a sabbatical leave in any year shall be determined by the Civil Service Commission.

"(d) The Civil Service Commission shall pay the cost incurred by an employee in carrying out his approved plan, except that such payments shall not exceed $10,000, exclusive of the pay of such employee and, where the plan provides for full-time study by the employee at any institution of higher education, such institution shall be paid $2,500, less any amount charged the employee for tuition and nonrefundable fees and deposits. Where less than full-time study is provided for the Commission shall reduce the payment to the institution by an appropriate amount."

TITLE III—IMPROVEMENT OF EDUCATIONAL QUALIFICATIONS OF STATE AND LOCAL GOVERNMENT OFFICIALS

PART A—PUBLIC SERVICE FELLOWSHIPS FOR STATE AND LOCAL OFFICIALS

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. For the purpose of enabling the United States Civil Service Commission (hereinafter referred to as the "Commission") to make grants to States under this title, there is authorized to be appropriated for the fiscal year ending June 30, 1968, the sum of $3,000,000; for the fiscal year ending June 30, 1969, the sum of $6,000,000; for the fiscal year ending June 30, 1970, the sum of $11,000,000; for the fiscal year ending June 30, 1971, the sum of $15,000,000; for the fiscal year ending June 30, 1972, the sum of $20,000,000.

ALLOTMENTS TO STATES

SEC. 302. (a) From the sums appropriated under section 201 or any fiscal year, the Commission shall reserve such amounts, but not in excess of 2 per centum thereof, as it may determine and shall allot such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this part. From the remainder of such sums, the Commission shall allot to each State an amount which bears the same ratio to the amount of such remainder as the product of—

(A) the population of the State, and

(B) the State's salary index (as determined under paragraph (2), bears to the sum of the corresponding products for all the States.

(2) The "salary index" for a State shall be 100 per centum less the product of (A) 50 per centum and (B) the quotient obtained by dividing the average salary paid in the United States to State and local employees eligible for a fellowship under this part by the average salary paid to such employees of the State. The determination of the salary index for a State shall be made by the Commission on the basis of the most recent satisfactory data available to it. For the purpose of this section, (1) the term "United States" means the 50 States and the District of Columbia, and (2) the term "State" does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Commission determines will not be required for fiscal year shall be available for reallotment from time to time, on such dates, during such year as the Commission may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commission estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year from funds appropriated pursuant to section 301 shall be deemed part of its allotment under subsection (a) for such year.

STATE PLANS

SEC. 303. (a) Any State which desires to receive grants, under this part shall submit to the Commission a State plan, in such detail as the Commission deems necessary, which—

(1) designates a single State agency to act as the sole State agency for administration of the State plan;

(2) sets forth a fellowship program under which—

(A) the State agency will award fellowships for one year of graduate level study at institutions of higher education,

(B) fellowships will be awarded only to employees of the State, or of a political subdivision of the State, whose duties are generally comparable to those of Federal employees in grades 11 to 15, inclusive, of the general schedule, under section 5332 of title 5, United States Code.

(C) not less than 60 per centum of the fellowships will be awarded for study in graduate programs concentrated in the social sciences and designed to enhance the effectiveness of State and local executives, administrators, managers, and general supporting staffs, and that the remainder of such fellowships will be awarded for graduate programs concentrating in sciences, engineering, or other professions and designed to enable scientists, engineers, and other professional employees to expand and update their professional knowledge.

(D) the persons awarded fellowships may elect to pursue their fellowship programs at any institution of higher education in a State which will accept them,

(E) persons granted fellowships will be paid their full salaries during the period of their study, and will be reimbursed for necessary transportation expenses and the expenses of the movement of their households, incident to the pursuit of their fellowships,

(F) the institution of higher education at which each fellow attends will be paid a supporting grant of $2,500 per annum for each fellow in attendance, less any amount charged such fellow for tuition and nonrefundable fees and deposits,

(G) the selection of fellows will be based on the needs of the State, as set forth in the State plan, or on the basis of the relative qualifications of the applicants as determined by standards and methods set forth in the State plan,

(H) provision is made for obtaining the participation of local government officials in the program,

(I) provision is made for providing reasonable opportunity for both State and local public service personnel to be awarded fellowships,

(3) sets forth such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of, and accounting for, Federal funds paid to the State under this part; and

(4) provides for making such reports, in such form and containing such information, as the Commission may reasonably require to carry out its function under this part, and for keeping such records and for affording such access thereto as the Commission may find necessary to assure correctness and verification of such reports.

(b) The Commission shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

PAYMENTS TO STATES

SEC. 304. From the amounts allotted to each State under section 302 the Commission shall pay to that State an amount equal to the amount expended by the State in making the payments required by section 302 (a)(2) and (F). Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

PART B—GRANTS TO STATES FOR SHORT-TERM EDUCATION AND TRAINING

AUTHORIZATION OF APPROPRIATION

SEC. 311. For the purpose of making grants to assist in the establishment and carrying out of more comprehensive programs of short-term, in-service training for State and local government officials, there is authorized to be appropriated for the fiscal year ending June 30, 1968, the sum of $10,000,000 for the fiscal year ending June 30, 1969, for the fiscal year ending June 30, 1970, and each of the two succeeding fiscal years, the sum of $10,000,000.

ALLOTMENTS TO STATES

SEC. 312. (a) From the sums appropriated for carrying out this part for any fiscal year, the Commission shall reserve such amount, but not in excess of 2 per centum thereof, as it may determine and shall allot such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this part. From the remainder of such sums, the Commission shall allot to each State an amount which bears the same ratio to such remainder as the population of that State bears to the population of all the States. The population of a State and of all the States shall be determined by the Commission on the basis of the most recent satisfactory data available to it. For purposes of this subsection the term "State" shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Commission determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Commission may fix, to other States in proportion to the original allotment to such State under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commission estimates each State needs and will be able to use for such year; and the total of such reductions shall be similarly realloted among the States whose proportionate amounts were not so reduced. Any amount realloted to a State under this subsection during a year from funds appropriated pursuant to section 311 shall not be deemed part of its allotment under subsection (a) for such year.

STATE PLANS

SEC. 313. (a) Any State which desires to receive grants under this part shall submit to the Commission a State plan, in such detail as the Commission deems necessary, which—

(1) designates a single State agency (which may be the State agency designated for purposes of part A) to act as the sole

State agency for administration of the State plan;

(2) provides for establishing and carrying out programs of short-term education or training (including specialized extension courses, management and executive development seminars, and full-time intensive programs of study) such programs to be carried out through contracts or other arrangements with public or nonprofit educational institutions;

(3) provides for obtaining the participation of local governmental officials in carrying out the program;

(4) provides reasonable opportunity for both State and local public service personnel to receive education and training;

(5) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including any such funds paid by the State to any other public agency) under this part; and

(6) provides for making such reports, in such form, and containing such information, as the Commission may reasonably require to carry out its functions under this part, and for keeping such records and for affording such access thereto as the Commission may find necessary to assure the correctness and verification of such reports.

(b) The Commission shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

PAYMENTS TO STATES

SEC. 314. From the amounts allotted to each State under section 312, the Commission shall pay to that State an amount equal to one-half of the amount expended by the State in carrying out its State plan. Such payments may be made in installments, and in advance or by way of reimbursement, when necessary adjustments on account of overpayments or underpayments.

PART C—ADMINISTRATION OF STATE PLAN; JUDICIAL REVIEW

ADMINISTRATION OF STATE PLAN

SEC. 321. (a) The Commission shall not finally disapprove any State plan submitted under this title, or any modification thereof without first affording the State agency administering the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Commission, after reasonable notice and opportunity for a hearing to such State agency, finds that—

(1) that the State plan has been so changed that it no longer complies with the provisions of section 303(a) or 313(a), as the case may be, or

(2) that in the administration of the plan there is a failure to comply substantially with any such provisions, the Commission shall *notify such State agency that the State will* not be regarded as eligible to participate in the program affected until the Commission is satisfied that there is no longer any such failure to comply.

JUDICIAL REVIEW

SEC. 322. (a) If any State is dissatisfied with the Commission's final action with respect to the approval of its State plan submitted under section 303(a) or 313(a), as the case may be, or with its final action under section 321(b), such State may, within sixty days after notice of such action, file with the United States Court of Appeals for the Circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commission. The Commission thereupon shall file in the court the record of the proceedings on which it based its action as provided in section 3112 of title 28, United States Code.

(b) The findings of fact by the Commission, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commission to take further evidence, and the Commission may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Commission or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

TITLE IV—ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION FOR IMPROVEMENT OF PUBLIC AFFAIRS AND ADMINISTRATION PROGRAMS

AUTHORIZATION FOR GRANTS

SEC. 401. The Commissioner is authorized to make grants to institutions of higher education to assist them to carry out comprehensive programs, not to exceed five years in duration, to expand or improve the graduate education in public affairs and public administration provided at the institution, including programs designed to renew the professional knowledge of Federal, regional, State, and local governmental officials. Such programs may include the expansion or improvement of graduate instruction in those social sciences which form the basis for effective education programs in public affairs and public administration. Grants under this title may be for projects and activities which are an integral part of such a comprehensive program such as—

(1) planning for the development or expansion of graduate education in public affairs of public administration,

(2) increasing and training faculty,

(3) teaching, research, curriculum development, and other related activities,

(4) acquisition of additional library resources,

(5) research on problems of government,

(6) developing and carrying out short-term intensive courses to renew the professional knowledge of public service employees.

GRANTS

SEC. 402. The Commissioner may make a grant under this title to an institution of higher education to assist it to carry out a program which he determines meets the requirements of section 401. No grants under this title shall exceed 75 per centum of the cost of the expenses incurred by the institution in carrying out the program with respect to which the grant was made or continue for more than five years with respect to any one program. Payments under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

PRIORITIES

SEC. 403. The Commissioner shall, in consultation with the Advisory Council on Public Service Education, establish a system of priorities to be used by him in making grants under this title where the funds available are insufficient to permit him to approve all eligible applications.

AUTHORIZATION OF APPROPRIATIONS

SEC. 404. For purposes of carrying out this title, there is authorized to be appropriated for the fiscal year ending June 30, 1968, the sum of $5,000,000; for the fiscal year ending June 30, 1969, the sum of $10,000,000; for the fiscal year ending June 30, 1970, the sum of $15,000,000; for the fiscal year ending June 30, 1971, the sum of $20,000,000, for the fiscal year ending June 30, 1972, the sum of $20,000,000, and for the four succeeding fiscal years such sums as may be necessary to enable institutions of higher education to complete programs begun before July 1, 1972.

TITLE V—ADVISORY COUNCIL AND GENERAL PROVISIONS

ADVISORY COUNCIL ON PUBLIC SERVICE EDUCATION

SEC. 501. (a) There is hereby established an Advisory Council on Public Service Education which shall consist of the Chairman of the Civil Service Commission, who shall be Chairman, of the Advisory Council, the Commissioner of Education, and ten additional members appointed by the President. Of the ten additional members, one shall be an officer or employee of the Federal Government, three shall be officers or employees of State or local governments, and three shall be officers or employees of institutions of higher education and three shall be representative of the general public.

(b) The Advisory Council shall advise the Commissioner and the Commission on policies, procedures, criteria, and regulations implementing this Act, and such members of the Advisory Council who are not regular full-time employees of the United States shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding $100 per day, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

DEFINITIONS

SEC. 502. As used in this Act—

(1) The term "Commissioner" means the Commissioner of Education.

(2) The term "Commission" means the United States Civil Service Commission.

(3) The term "institution of higher education" has the meaning given it by section 103 (b) of the National Defense Education Act of 1958.

(4) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

FEDERAL CONTROL PROHIBITED

SEC. 503. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any officer or employee of any State or local government, over the curriculum, program of instruction, administration, or personnel of any education *institution or school system*, or over the selection of library resources.

NEED TO REVISE SELECTIVE SERVICE LAW—XLII

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman *from Arkansas?*

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, one of the major reasons why so many draftees refuse to serve beyond their original obligation is, of course, because *of the low pay that they receive during* their 2 years of service. Furthermore, the antiquated military pay structure forces a substantial percentage of the enlisted men to seek off-duty employment, commonly known as moonlighting, in order to meet the minimum financial obligations and to attain a reasonable standard of living.

Senator Gaylord Nelson, in 1965, revealed the extent to which poverty existed in the Armed Forces:

> A recent estimate revealed that as much as 40 percent of the naval personnel stationed in the Washington area have outside jobs; 32 percent of the marines in the Washington area are also moonlighting. Last summer, the Air Force released a report showing that 71,000 Air Force personnel have off-duty jobs, to supplement their income. About 950 of these are officers; the rest are enlisted men. The great majority of the enlisted men are in grades E–3, E–4, and E–5.
>
> More alarming, however, was the fact that 5,000 Air Force personnel were receiving some form of relief benefits for the poor. The majority were receiving relief in the form of low-cost public housing. A few actually received food and clothing for their families. Most of those on relief are in the middle enlisted grades, whom the Air Force normally considers careermen.
>
> The standard U.S. formula for poverty is an income of $1,500 a year or less, for single persons; and up to $3,000 a year for a family of four. A total of 169,000 airmen come under this category. When adjustment is made for housing and rations, the hard core Air Force poverty pocket still amounts to a shocking 8,000 active duty personnel. These men are in the lower ranks; they have two or more dependents; and they have been in the service less than 2 years.
>
> There is every reason to assume that the situation is about the same in the other services, because of the uniform system of pay and allowances. A Navy study shows that 100,000 men are below the poverty standard.

I am sure that the same situation exists today, if indeed, it has not worsened. A study of moonlighting in the Washington area would probably reveal shocking material not only about how many are forced to engage in such activity, but also, at what cost this is to their duty effectiveness.

The problem of low military wages and personnel retention was the subject of a study in 1957 conducted by the Defense Advisory Committee on Professional and Technical Compensation, under the chairmanship of the then president of General Electric, Ralph J. Cordiner. The findings of what popularly became known as the Cordiner report, stated that the remedy for these problems "is not to draft more men to stand and look helplessly at the machinery. The solution is to give the men already in the Armed Forces the incentives required to make them want to stay in the services long enough and try hard enough to take these higher responsibilities, gain the skill and experience levels we need, and then remain to give the services the full benefit of their skills." The adoption of such incentives, Cordiner stressed, would make possible the abolition of the draft.

Some supporters of conscription seem to feel that as long as the draft continues to provide the needed replacements, the retention problem does not merit major concern. They are only deluding themselves, however, if they believe that the resolving of this problem can be postponed indefinitely.

CHICAGO INSTALLS ALLEY LIGHTING SYSTEM

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Annunzio] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, as the Representative in Congress for the Chicago Loop area, I take pride in calling to the attention of my colleagues an article which appeared in the March issue of Nation's Cities entitled "Chicago Takes the Menace Out of Dark Alleys."

This article describes Chicago's efforts to reduce crime by way of an imaginative and low-cost experiment: lighting the 17,000 alleys in the city of Chicago.

By an expenditure of only $13 million, Mayor Richard J. Daley has undertaken the first program of its kind in a major city, and as a result, has made the alleys and streets safer for the residents of Chicago. The mayor is to be commended, together with Commissioner James V. Fitzpatrick, of the bureau of streets and sanitation, and Deputy Commissioner John Kelly, of the bureau of electricity, for determined and successful efforts to make Chicago a safer place to live.

Other major cities may well profit by following Chicago's example and installing their own alley lighting system.

The article follows:

Chicago Takes the Menace Out of Dark Alleys

A daring $13 million crime fighting experiment in Chicago is eliminating a nesting place for criminal elements . . . dark alleys.

More than 51,000 streetlights—enough to provide adequate lighting for a city the size of Baltimore—will be installed by next month to shed protective light on the 17,000 alleys in this sprawling metropolis. The mass of alleys, tucked in every nook and corner of the city, represent a total aggregate of 2,240 miles, equivalent to approximately the distance between New York City and Salt Lake City, Utah.

"Modern street lighting has been a vital factor in the City's outstanding record of reducing crime while crime is increasing throughout the nation," declared Mayor Richard J. Daley, a native son who was a young man when the Windy City harbored the likes of Al Capone and the other infamous criminals of a bygone era.

Chicago's war on crime has been effective if statistics are any yardstick. While nationwide averages for serious crimes have skyrocketed 18 per cent since 1963, Chicago's major crimes show a 15 per cent nosedive for the same two-year period, according to Chicago Police Department figures.

Daley continued, "The alley lighting program, recommended by Superintendent of Police O. W. Wilson, is a new concept for the City which we feel will lead to a further reduction in crime and make our alleys safer and more convenient for all residents."

Alleys, by their very nature narrow and tucked deep within the heart of any large city, have long been breeding grounds for the criminal and the potential lawbreaker. But were they a contributing factor to Chicago's crime rate? Daley asked for a thorough investigation.

Out of a mass of reports for the first three police periods of 1966, January 6 to March 30 inclusive, the Police Department's Planning Division came up with some startling and conclusive figures.

Women using alleys to reach home or as a shortcut between blocks were especially vulnerable to criminals lurking in the dark. One out of every four rape cases in the City occurred in the darkened alleys between 6:00 pm. and 6:00 am.

Burglars in alleys also had a field day in this same time period, accounting for 18.1 per cent of the citywide total.

The crimes of rape, robbery, burglary, theft, and serious assault were included in the study.

Alley crimes accounted for 13.6 per cent of the citywide total for the three police periods with 64.1 percent of the alley total taking place in the 6:00 pm. to 6:00 am. period.

Police officials expect the alley lighting program to substantially supplement the Department's "Operation Crime-Stop." "Citizens will be more likely to witness a nighttime crime or suspect that a crime had been or is about to be committed," commented Superintendent Wilson, under whose leadership the unique plan was organized in 1964. Over 4,500 of the arrests made in 1965 by Chicago Police were the direct result of active citizen cooperation in "Operation Crime-Stop."

Statistics from other cities which have undergone extensive relighting programs prove the value of lights as a deterrent to crime. In Indianapolis, the activities of various squad cars revealed that five cars operating in newly-lighted districts reported 225 fewer crimes against property during the year after relighting. Two cars in districts not relighted reported 102 more crimes against property during the same period.

Gary, Ind.—a Chicago neighbor—began installing mercury lights first in dimly-lighted areas of the city. In the span of just two years, the rate of criminal assaults dropped 75 per cent and armed robberies fell 65 per cent. Population, in the meantime, had increased 27 per cent.

Chicago's citizens felt strongly about the gigantic $195 million bond issue in which the alley lighting was included, as they overwhelmingly voted approval last June.

The next step was the mechanics of the huge operation. Mayor Daley asked for, and got, a six-month completion timetable on the massive installation, normally considered to be a 12- to 18-month project.

The problem of the blitz operation was somewhat eased by the fact the city would utilize existing power poles of the Commonwealth Edison Co. Commonwealth also took responsibility for connecting the wire from the luminaries to their lines.

The city asked for bids on the 51,000 luminaries, to be delivered in specified lots within a 180-day period. General Electric's Outdoor Lighting Department was awarded the contract for the luminaries, which would be equipped by installation men with a 175-watt lamp.

The 51,000 luminaries will be spread more or less evenly around the city, which was divided into five areas for the purpose of equipment bids and installation.

With GE ready to crank out the luminaries at a near-record pace the installation project was dropped into the laps of determined, fiery Commissioner James V. Fitzpatrick of the Bureau of Streets and Sanitation, and his chief aide on the project, Deputy Commissioner John Kelly of the Bureau of Electricity. Both had been instrumental in submitting the idea of alley lighting in the original bond issue.

Undaunted by the fact the hurry-up program would put a tremendous load on city employees, Fitzpatrick asserted, "A lot of people don't think we can meet the deadline. But we are confident our workers will make it."

A turn-on ceremony, at the site of the first installation, took place on the night of October 17. Mayor Daley threw the switch which put energy to six luminaries. Over 1,000 residents cheered when their two darkened South Side alleys burst into brilliance.

The additional energy load is estimated to cost the city around a half-million dollars annually. This figures to only $10 per year for each luminaire, or roughly three cents per night per luminaire.

Seven million dollars of the $20 million lighting part of the bond issue will be used to light railroad underpasses, new areas, former park areas, and improve residential and arterial street illumination

When installation is complete, Chicago will have nearly a quarter of a million lights on its municipal street lighting system for an average of almost 1,500 lights for each of the 155 square miles for which the city is responsible.

Chicago already claims the title of the nation's Best Lighted Large City and with the completion of the alley lighting program—first of its kind in a major city—the Windy City's lead will be greatly extended.

Chicago Police Department—Crimes reported 1st 3 police periods, 1966, Jan. 6 to Mar. 30, inclusive

Offense	A Total city	B Alley total	C B/A percent	D Alley total 6 p.m. to 6 a.m.	E D/B percent	F D/A percent
Rape	415	143	34.4	103	72.0	24.8
Robbery	3,161	340	10.8	240	70.6	7.6
Burglary	8,053	2,198	27.3	1,460	66.4	18.1
Theft	14,774	1,182	8.0	657	55.6	.4
Serious assault	1,661	197	11.9	142	72.1	8.5
Total	29,842	4,060	13.6	2,602	64.1	8.7

CONGRESSMAN ANNUNZIO URGES EXTENSION OF NATIONAL TEACHER CORPS

Mr. **PRYOR**. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, I rise in behalf of one of the finest programs of the previous Congress and urge its extension. I speak of the National Teachers Corps.

This is a totally new effort—new chronologically and new conceptually. It is an attempt to reverse the flow of teaching talent away from poverty-area schools. It is an attempt to bring to these schools and to the disadvantaged who attend them, teachers with talent, teachers with idealism, teachers with a fierce desire to help poor children.

The Corps has been fighting for its life since birth. We in this Chamber have been slow to accept it. Some school districts, particularly wealthier ones, have labeled it Federal control of education—despite the fact that corpsmen come to a school only when they are requested and remain under the absolute local control.

Acceptance seems to have been slow everywhere except the ghetto where young teacher-interns have seized this chance to work wonders with their talent and their compassion.

The Teacher Corps, I believe, is needed, desperately needed. We can never again speak with justice or accuracy of breaking the poverty cycle if we reject this opportunity, this duty, of continuing and expanding this program.

Despite near annihilating handicaps, the Corps has proven its worth to my complete satisfaction. In my own city of Chicago, there are 61 corpsmen working in 16 public schools.

One veteran elementary school teacher has said that the Corps is having a beneficial effect on all teachers, new and old. She said: "It is trying to give us the old zest for teaching." Maude Carson, principal of the Jens Jensen School on Chicago's West Side, has said this:

> They (the Corpsmen) have an entirely different attitude—they are not always right—but they bring us something we need.

There are 5 million children in America who need them, too. They are poor children whose families have less than $2,000 income a year.

They need the warmth, and patience, and energy a corpsman brings because he is a corpsman. These 5 million children, and the hopes America dares hold for their future, are the most compelling arguments to continue and expand this bold and promising venture.

I have already mentioned the excellent work of the National Teachers Corps in the Chicago public schools. At this point I want to call to the attention of my colleagues, and insert in the RECORD two well-written and timely articles which appeared in the Chicago Sun-Times. The articles describe in detail the accomplishments of young men and women in the Teachers Corps who are reaching and teaching children of the lowest socioeconomic level. Careful reading of these articles will convince any doubters of the value of the Corps.

The articles follow:

[From the Chicago Sun-Times, June 26, 1966]

TEACHER CORPS—SOMETHING EXTRA

(By Ruth Dunbar)

A group of 150 individuals who could have a real impact on Chicago's slum schools next fall will begin training Monday at the Riverside campus of Concordia Teachers College. They are charter members of the National Teacher Corps, a junior cousin of the Peace Corps. The aim of the Teacher Corps is to reach and teach the children of poverty in big-city slums and rural backwaters.

The Chicago contingent—largest training unit in the nation—will come from coast to coast, as well as from Chicago neighborhoods.

Six local universities and colleges have pooled their resources to provide a tailor-made, realistic training program. Involved are DePaul, Loyola and Roosevelt Universities, Illinois Teachers College North, Illinois Teachers College South and Concordia.

Such a co-operative venture involving public, nondenominational, Lutheran and Roman Catholic colleges and universities is a first for this area.

Thirty of the corpsmen in the Chicago group are experienced or master teachers. The rest, called "interns" are young college graduates, mostly liberal arts majors. They will study and later work together as teams, one master teacher as the team leader for four interns.

For the next eight weeks, the corpsmen will pursue courses designed to give them an understanding of the disadvantaged groups with whom they will be working—Negroes, Indians, Mexicans, Puerto Ricans and Appalachian whites.

They also will learn teaching skills. Their training will include direct observation in Chicago's 30 special summer schools and in community agencies.

Evenings the corpsmen will participate in neighborhood activities, becoming personally familiar with the life of impoverished city areas.

In September—assuming Congress funds the National Teacher Corps for fiscal 1967—they will be assigned to work in inner city schools while continuing part-time study at one of the co-operating universities.

During this period, the interns will earn the beginning salary for a Chicago teacher, but nine-tenths of their pay will come from the federal government. At the end of two years, they will qualify for a state teaching certificate and a master's degree.

Since Chicago public schools have applied for 50 teams, a total of 250 corpsmen, it is believed that nearly all who are trained at Concordia this summer will work in Chicago elementary schools in the fall. However, the elementary school districts of Maywood and Posen-Robbins also have applied for several teams.

In the schools, the corpsmen will not be assigned as regular teachers. Their function is not to replace the existing staff, but to supplement it, to provide that extra service that spells the difference between a good school and a poor school.

Louise Dieterle, director of teacher recruitment for the Chicago Board of Education, said some of their work will be tutoring and working with small groups of children. Although they will not be in full charge of a class, they will be more than teacher aides, she said. They will do some counseling, but their greatest emphasis will be on helping children acquire reading skills.

The National Teacher Corps is the first national attack on what is probably the most crippling handicap of slum schools—the chronic shortage of well-trained, dedicated teachers.

Typically, schools that need the most skilled teachers are those that get the highest proportion of substitutes, undertrained and substandard teachers.

Although there are notable exceptions of dedicated and excellent teachers who by choice stay in slum schools, many who work in such schools are there because that was the only vacancy they could get. They are marking time until they can transfer to a better neighborhood.

Both the Havighurst survey and the Hauser report discuss the problem as one of the real inequalities of inner-city schools.

Although many remedies have been suggested to make teaching in such schools more attractive—such as smaller classes, better opportunities for promotion and even "combat pay," the problem continues to plague most big cities. Jealous of their transfer rights, teachers have balked at the idea of forced assignment to such schools.

The National Teacher Corps will move into a slum school only at the request of the local district. Many believe it will be a real shot in the arm for schools that mirror the handicaps of their slum neighborhood.

University of Chicago Prof. Philip M. Hauser said: "I am convinced that the Teacher Corps bears the seed of what could, with enough money and enough training and idealistic people, blossom into something great for the schools of the whole nation.

"In this first year of the National Teacher Corps program, what happens in Chicago will point the way. What happens here will be a strong indication of what could happen in other cities like Chicago.

"I am convinced the Teacher Corps will work. If it does not, a kind of waking death will continue to strike the children of Chicago's neighborhoods—the waking death of a future without hope because of a present without adequate education."

Fred Stoffel, on the Washington staff of the corps, expressed the conviction that the corpsmen will make a significant difference in slum schools. The interns, he said, are people of action, eager to serve.

There were about 10,000 applicants for the 1,600 positions in the corps, he said, so admission was quite selective.

"They are at once idealists and realists," he said. "They are people who see the deficiencies of American life and are eager to do something about them—and they know that they will be acquiring a skill and training that they could get in no other way."

Congress has provided $9,500,000 for fiscal 1966 to start the program. Although there is some controversy about $20,000,000 requested for fiscal 1967, Stoffel said he was optimistic that it would be approved this month.

If not, he said, "we will have trained people but we won't have enough money to put them in the schools in September."

For the six colleges involved, the program has special significance. They have learned that by joining forces they can undertake things that would otherwise be impossible for such institutions, none of which is richly endowed.

"Once we got together, it became apparent that even if this project didn't work, we would try to do other things in urban education together," said Jerome Sachs, president of Illinois Teachers College, North.

George Ivins, head of Roosevelt's Education Department, said the co-operative venture has taught the universities a great deal about each other. In spite of differences in administration, co-operation has been surprisingly easy. The curriculum for the corpsmen was jointly planned and the classes will be jointly staffed by the six institutions.

Already, participating universities are talking about other co-operative ventures—possibly a demonstration or experimental elementary school or a program for preparing teachers for the handicapped.

[From the Chicago Sun-Times, Mar. 26, 1967]

TEACHERS CORPS' SIDE EFFECTS WELCOMED

(By Lillian Calhoun)

The National Teachers Corps, an experiment in inner-city education, is having some welcome side effects here in addition to its main function of helping disadvantaged children.

The federal program, which places teaching interns in poverty-area schools, is "getting young people into teaching who would never attend teachers colleges," says NTC official Timuel D. Black Jr.

And a veteran Chicago teacher observed that the Corps is even having an effect on experienced hands like myself.

"It is trying to give us the old zest for teaching we once had," he said. "Many teachers are tired. Somewhere along the line we get so tied up with nonteaching and clerical duties we get discouraged."

SIXTY-ONE CHICAGO INTERNS

In Chicago, there are 61 Corps interns working in 16 public schools under the direction of principals and NTC team leaders, such as Black. Although federally financed, the program is locally controlled and can vary from school to school.

A school becomes eligible for an NTC team if a significant number of school children are from families of less than $3,000 income or if 50 per cent of the enrollment receives aid to dependent children.

An intern signs up for two years, receives an intensive eight-week inner-city orientation, is then assigned with two or three other interns, to an inner-city school and supervised by a team leader.

Six feet 2 inches, lavishly mustached Matt Carberry, 27, one of Chicago's 61 interns, is part of the NTC team at the Jens Jensen School, 3030 W. Harrison.

At Jensen last week, he worked on a rabbit hutch with kindergartners. Earlier, he spent two days with Jensen sixth graders and their teachers at the YMCA's Camp Duveen near Volo, Ill.

Interns must also work at neighborhood centers or in some outside activity that will bring them in contact with parents.

Carberry, a San Francisco State College graduate and art teacher, had been exposed to life in an inner city. He worked 19 months in the Hunter Point Negro ghetto in San Francisco.

He'd like to teach now in the inner city and to teach first grade.

"I'm very concerned," he said, "about the primary grades. Something has to be done about these kids so they can make decisions for themselves instead of having them made for them."

Carberry thinks class size is a fundamental factor in meeting the problem.

"If we are really to get equality of opportunity," he said, "we will have to have a class size directly proportional to the level of education within the child's natural environment.

"For example, if parents and neighbors have a fifth-grade education, we might have to have a class size of 10, certainly not more than 12. It is more than just saying we need small classes. It is more exact and can be calculated."

TEACHES READING

He works on reading with three sets of four third graders. Most are at a first-grade reading level and their regular classes have more than 35 pupils.

Saturdays, Carberry and his wife, Viviane, an artist, take four children on tours of the city always including a stop at the Art Institute.

Two of the West Side children the Carberrys took out recently, he said, had never seen Lake Michigan before. Or an escalator. Or an elevator.

"These kinds of things are taken for granted by schools dealing with middle-class children. But it's a basic education these kids don't get. Education doesn't happen only here in this room," he said as he gestured at the empty Jensen classroom.

He said parents of the children were concerned but either do not know how to help or are unable to, because of large families.

He has been impressed by the quality of written and artistic expression of some of his pupils. He declared:

"These kids have a lot going for them if they don't get turned off, become drop-outs at 16 or mental drop-outs within the classroom even earlier. It's too much to individualize teaching with 35 or 36 children in a class."

A Chicago intern attends one of six colleges afternoons or evenings. He is paid the beginning teacher salary by the local school system and can earn a master's degree at the end of the second year of college.

Chicago has the nation's only teachers corps consortium: Concordia Teachers College, DePaul, Loyola and Roosevelt Universities, and Illinois Teachers Colleges Chicago North and South.

Intern Nancy Houghten, of Boston stationed at the South Side Overton School, praised "the instant feedback" feature of NTC training. Teams can take a teaching problem back to university experts the same day it arises, she said.

Money, or the lack of it, is the Teacher Corps' No. 1 problem, as it is for the nation's public schools.

Thursday, the corps won a small victory in Washington, when the House Labor and Education Committee approved an education bill extending the corps' life through 1970. However, the bill has to survive House action, and the corps' funding must win approval by the House Appropriations Committee.

Considered a pet project of President Johnson, who has asked $36,000,000 for it in the next fiscal year, the Teachers Corps can survive only if Congress passes a $12,500,000 supplemental appropriation to carry it through June 30, 1967.

If both sums come through, Chicago may be able to double the number of its interns, said Dr. Armin C. Hoesch, NTC director here. Nationally, the corps, if funded, hopes to field 5,950 members by the end of the coming school year.

EDITORIAL SUPPORT FOR MONAGAN BILL

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. MONAGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MONAGAN. Mr. Speaker, on March 9, 1967 I introduced in the House H.R. 6990, a bill designed to provide funds for the open financing of U.S. student, labor, educational and cultural activities abroad. The funds which would be provided under the provisions of this bill would come primarily from private sources, and would replace those which heretofore had been covertly supplied by the CIA in its effort to insure that the United States was well represented in various international programs.

It is my opinion that financial support of U.S. participation in student, labor, educational and cultural activities abroad should come from an independent corporation whose activities are subject to public scrutiny, and whose directors come from the executive, legislative and private sectors of our country. This approach has been adopted in a report and findings submitted by a Presidential Commission including Under Secretary of State Nicholas deB. Katzenbach, CIA Director Richard Helms, and Secretary of Health, Education, and Welfare, John W. Gardner. The Commission's report was endorsed by President Johnson on March 29.

I was pleased to read an editorial that appeared in the March 22, 1967, issue of the Danbury, Conn., News-Times supporting this viewpoint, and would like to call it to the attention of my colleagues. The editorial follows:

REPRESENTATIVE MONAGAN'S GOOD PROPOSAL

Congressman John S. Monagan of Connecticut's Fifth District last month introduced a bill which would set up a federally chartered corporation to take over the aid to student and other organizations which the Central Intelligence Agency had been carrying on until exposure of its role in mid-February.

Under terms of his bill, this corporation or council would seek private funds for its work. If such financing were not sufficient, Congress would appropriate funds to it.

The council would work through student, labor, journalistic, scientific, education and similar organizations in support of American foreign policy.

The Monagan approach, or something similar to it, is expected to win support from the three-member committee which President Johnson set up to study the CIA's subsidization program.

The committee, comprising Undersecretary of State Nicholas Katzenbach, CIA Director Richard Helms and Health-Education-Welfare Secretary John W. Gardner, will probably propose the establishment of an independent corporation to finance openly the overseas activities of voluntary groups.

The purpose of the CIA subsidization program was a laudable one. But the fact that the primary function of this agency is spying or the collection of intelligence tainted the organizations which received the funds.

Congressman Monagan hit upon the right approach. If, as expected, the President's committee endorses it, Congress should lose no time in setting up the independent corporation.

AMENDMENT TO THE MEDICARE PROGRAM

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Tunney] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. TUNNEY. Mr. Speaker, I am introducing legislation today which will, I believe, improve the operation of the medicare program.

At the present time a doctor has the choice of either billing his patient directly or billing the Federal Government. If a patient is billed directly, he cannot, under the present law, send the bill to the Social Security Administration for payment under medicare. The patient must first pay the bill and then send the paid receipt to the Social Security Administration for reimbursement under the medicare program.

I believe that this places an undue and unnecessary burden on those under the medicare program. Why should the patient have to go out and borrow the money to pay his medical bill and then send the paid receipt to the Government for reimbursement? The legislation which I have introduced today would allow a patient to send his medical bill to the Social Security Administration for payment directly.

I hope that the Congress takes action as soon as possible on this bill in order to help improve the operation of medicare.

THE SUPREME COURT AND THE BANK MERGER ACT OF 1966

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, last year, a few of the Members of this House fought to prevent the powerful banking interests from forcing its will through Congress and on to the public with regard to bank mergers. The result of the blitzkreig efforts of the banks was the Bank Merger Act of 1966. Those of us who opposed it warned that it was a bad and unnecessary law.

I was the only Member of congress to publicly urge the President to veto the bill, and I was one of three members of the House Banking and Currency Committee who wrote dissenting views to the report of the bill.

Because I hold strong beliefs on the matter of weakening our antitrust laws and facilitating through legislative fiat the further concentration of wealth and power in the banking field, I was pleased by the Supreme Court's decision last week upholding the Attorney General's right to challenge bank mergers. The two cases decided were United States against First City National Bank of Houston and United States against Provident National Bank in Philadelphia.

In these first cases to reach the Court since passage of the 1966 act, the Court has completely confirmed the point that was made during the floor debate of the bill, namely, and I will quote my own remarks of February 10, 1966:

> The so-called guidelines for evaluating proposed mergers will guide the banks right back into the courts for another protracted round of expensive litigation. In the end, after the Supreme Court tells us the meaning of what Congress intended in drafting the vague and ambiguous language in this bill, we are liable to find ourselves at the same place we were before this bill was enacted.

From the Court's opinion, it seems that we are back where we were and that the Bank Merger Act did not even have the effect that its proponents wished it to have.

All those who wish to preserve the competitive nature of our economy, such as it is, should be gratified that the Justice Department has not been prevented from challenging bank mergers and that the burden of justifying them remains on the banks.

With unanimous consent, I am inserting a copy of the Supreme Cout's decision in the Record:

Supreme Court of the United States—
Nos. 914 and 972, October Term, 1966

(United States, Appellant, 914, *v.* First City National Bank of Houston et al., on appeal from the U.S. District Court for the Southern District of Texas; and United States, Appellant, 972, *v.* Povident National Bank et al., on appeal from the U.S. District Court for the Eastern District of Pennsylvania, Mar. 27, 1967)

Mr. Justice Douglas delivered the opinion of the Court.

These civil suits were filed by the United States under § 7 of the Clayton Act, 38 Stat. 731, as amended, 64 Stat. 1125, 15 U.S.C. § 18, to prevent two bank mergers—one in Texas between the First City National Bank of Houston and the Southern National Bank of Houston, and one in Pennsylvania between the Provident National Bank and the Central Penn National Bank, both in Philadelphia.

The Comptroller approved the mergers under the Bank Merger Act of 1966, 80 Stat. 7, 12 U.S.C. § 1828(c). The United States thereupon brought these suits in the respective District Courts and the Comptroller intervened in them. The District Courts dismissed the complaints, — F. Supp. —; 262 F. Supp. 397. The United States appealed, 32 Stat. 823, as amended, 15 U.S.C. § 29, and we noted probable jurisdiction, — U.S. —, — U.S. —.

I.

It is suggested that the complaints are defective in that they fail to state that the actions are brought under the Bank Merger Act of 1966, do not even mention the Act, and that, therefore, these cases should be remanded to allow the Government to amend the complaints.

The Bank Merger Act of 1966 provides that "any action brought under the *antitrust laws*" shall be brought within a specified time (12 U.S.C. § 1828(c)(7)(A)); it also specifies the standards to be applied by a court in a judicial proceeding challenging a bank merger "on the ground that the merger . . . constituted a violation of any *antitrust laws* other than section 2 of [the Sherman Act]" (12 U.S.C. § 1828(c)(7)(B)); and it provides immunity from such an attack if those standards are met. Section 1828(c)(8) provides that, "for the purposes of [§ 1828(c)], the term 'antitrust laws' means . . . [the Sherman Act]. . . . [the Clayton Act], and any other Acts in pari materia." Thus, an action challenging a bank merger on the ground of its anticompetitive effects is brought under the antitrust laws. Once an action is brought under the antitrust laws, the Bank Merger Act provides a new defense or justification to the merger's proponents—"that the anticompetitive effects of the proposed merger are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served." 12 U.S.C. § 1828(c)(5)(B). There is no indication that an action challenging a merger on the ground of its anticompetitive effects is bottomed on the Bank Merger Act rather than on the antitrust laws. What is apparent is that Congress intended that a defense or justification be available once it had been determined that a transaction would have anticompetitive effects, as judged by the standards normally applied in antitrust actions. Thus, the Government's failure to base the actions on the Bank Merger Act of 1966 does not constitute a defect in its pleadings. Nor is the Government's failure to mention the Bank Merger Act fatal, for, as we shall see, the offsetting community "convenience and needs," as specified in 12 U.S.C. § 1828(c)(5)(B), must be pleaded and proved by the defenders of the merger.

II.

An application for approval of the Texas merger was made to the Comptroller of the Currency pursuant to 12 U.S.C. § 1828(c)(5)(B), which provides that he shall not approve the merger "whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless [he] finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served." Requests were made of the Attorney General and the Federal Reserve System pursuant to 12 U.S.C. § 1828(c)(4) for their views and both submitted reports to the Comptroller that the merger would have serious anticompetitive effects. The Comptroller nonetheless approved it.

The same procedure was followed in the Pennsylvania case, and the Attorney General and Federal Reserve submitted adverse reports. Nonetheless the Comptroller approved this merger also. And, as we have said, these civil suits were instituted to enjoin them under § 7 of the Clayton Act.

Section 7 of the Clayton Act condemns mergers where "the effect of such acquisition may be substantially to lessen competition." The Bank Merger Act of 1966 did not change that standard. It, however, added innovations, not only in machinery for obtaining the prior approval of the Comptroller and a preliminary expression of views by the Attorney General and the Federal Reserve but also an additional standard for the Comptroller. Section 1828 (c) (5) (B) says, as already noted, that no merger shall be approved where the effect "may be substantially to lessen competition" unless the responsible agency, in this case the Comptroller, "finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served." And that subsection goes on to say: "In every case, the responsible agency shall take into consideration the financial and managerial resources and future prospects of the existing and proposed institutions, and the convenience and needs of the community to be served."

Section 1828 (c) (7) (B) provides that in a judicial proceeding attacking a merger on the ground that it violates the antitrust laws "the standards applied by the court shall be identical with" those the banking agencies must apply. And 12 U. S. C. § 1827 (c) (7) (A) states that "In any such action, the court shall review *de novo* the issues presented." (Emphasis added.)

Section 1828(c) (7) (A) also provides that the commencement of an antitrust action in the courts "shall stay the effectiveness of the agency's approval unless the court shall otherwise specially order."

It is around these new provisions of the 1966 Act and their interplay with § 7 of the Clayton Act that the present controversy turns.

First is the question whether the burden of proof is on the defendant banks to establish that an anticompetitive merger is within the exception of 12 U. S. C. § 1828(c) (5) (B) or whether it is on the Government. We think it plain that the banks carry the burden. That is the general rule where one claims the benefits of an exception to the prohibition of a statute. *Federal Trade Commission* v. *Morton Salt Co.,* 334 U. S. 37, 44–45. The House Report (No. 1221, 89th Cong., 2d Sess.) makes clear that antitrust standards were the norm and anticompetitive bank mergers, the exception: ". . . the bill acknowledges that the general principle of the antitrust laws—that substantially anticompetitive mergers are prohibited—applies to banks, but permits an *exception* in cases where it is clearly shown that a given merger is so beneficial to the convenience and needs of the community to be served . . . that it would be in the public interest to permit." (Emphasis added.) *Id.,* at 3–4.

The sponsor of the bill that was finally enacted, Congressman Patman, flatly stated: "It should be clearly noted that the burden of establishing such 'convenience and needs' is on the banks seeking to merge; and when we say clearly outweighed we mean outweighed by the preponderance of the evidence." Congressional Record, volume 112, part 2, pages 2440–2442.

We therefore disagree with the views of the lower courts to the contrary.

This problem is, of course, subtly merged with the question whether judicial review of the Comptroller's decision is in the category of other administrative rulings which are sustained unless a court is persuaded that the agency's action is clearly unsupported or not supported by substantial evidence, and the like.

The 1966 Act was the product of powerful contending forces, each of which in the aftermath claimed more of a victory than it deserved, leaving the controversy that finally abated in Congress to be finally resolved in the courts. So far as review of administrative agency action is concerned, we have only this to say. Prior to the 1966 Act administrative approval of bank mergers was necessary. Yet in an antitrust action later brought to enjoin them we never stopped to consider what weight, if any, the agency's determination should have in the antitrust case. See *United States* v. *Philadelphia National Bank,* 374 U.S. 321; *United States* v. *First National Bk. & Tr. Co.,* 376 U.S. 665. Traditionally in antitrust actions involving regulated industries, the courts have never given presumptive weight to a prior agency decision, for the simple reason that Congress put such suits on a different axis than was familiar in administrative procedure. *United States* v. *Radio Corporation of America,* 358 U.S. 334; *United States* v. *El Paso Natural Gas Co.,* 376 U.S. 651; *United States* v. *Philadelphia National Bank, supra; United States* v. *First National Bk. & Tr. Co., supra.* We have found no indication that Congress designed judicial review differently under the 1966 Act than had earlier obtained.

In fact, as already noted, "the standards applied by the court shall be identical with those that the banking agencies are directed to apply." 12 U.S.C. § 1828(c) (7) (B). This language does not express the conventional standard, *e.g.,* whether the agency's action is supported by substantial evidence. In the latter instance it is the agency's function to determine whether the law has been violated, while it is the court's function to ascertain whether, absent error in statutory construction, the agency's action has substantial support in the evidence.

There is no indication that Congress took that course here. Indeed the 1966 Act provides that the court in an antitrust action "shall review *de novo* the issues presented." 12 U.S.C. § 1828(c) (7) (A). It is argued that the use of the word "review" rather than "trial" indicates a more limited scope to judicial action. The words "review" and "trial" might conceivably be used interchangeably. The critical words seem to us to be *"de novo"* and "issues presented." They mean to us that the court should make an independent determination of the issues. Congressman Patman, the Chairman of the House Committee that drafted the Act, in speaking of this *de novo* review said that the court would "completely and on its own make a determination as to whether the challenged bank merger should be approved under the standard set forth in paragraph 5(B) of the bill." He added that the "court is not to give any special weight to the determination of the bank supervisory agency on this issue." Congressional Record, volume 112, part 2, page 2442. Indeed the momentum of judicial precedents is in that direction. For immunity from antitrust laws "is not lightly implied." *California* v. *Federal Power Commission,* 369, U.S. 482, 485. And the grant of administrative power to give immunity unless the agency's decision is arbitrary, capricious, or unsupported by substantial evidence, would be a long step in that direction. Moreover, the Comptrollers' action is informal, no hearings in the customary sense being held prior to the 1966 Act (*United States* v. *Philadelphia National Bank, supra,* at 351) and none being required by Congress in the 1966 Act. We would therefore have to assume that Congress made a revolutionary innovation by making administrative action well nigh conclusive, even though no hearing had been held and no record in the customary sense created.

The courts may find the Comptroller's reasons persuasive or well nigh conclusive. But it is the court's judgment, not the Comptroller's, that finally determines whether the merger is legal. That was the practice prior to the 1966 Act; and we cannot find a purpose on the part of Congress to change the rule. This conclusion does not raise serious constitutional questions by making the courts perform nonjudicial tasks. The "rule of reason," long prevalent in the antitrust field (see, *e.g., Chicago Board of Trade* v. *United States,* 246 U.S. 231) has been administered by the courts. A determination of the effect on competition within the meaning of § 7 of the Clayton Act is a familiar judicial task. The area of "the convenience and needs of the community to be served," now in focus as part of the defense under the 1966 Act, is related, though perhaps remotely, to the failing-company doctrine, long known to the courts in antitrust merger cases. *United States* v. *Diebold, Inc.,* 369 U.S. 654. The appraisal of competitive factors is grist for the antitrust mill. See, *e.g., United States* v. *Philadelphia National Bank, supra,* 357–367. The courts are not left at large as planning agencies. The effect on competition is the standard; and it is a familiar one.[1] If the anticompetitive effect is adverse, then it is to be excused only if "the convenience and needs of the community to be served" *clearly* outweighs it. We see no problems in bringing these standards into the area of judicial competence. There are no constitutional problems here not present in the "rule of reason" cases.

There is left only the stay issue. As we have seen, the 1966 Act provides that a timely antitrust action "shall stay the effectiveness of the agency's approval unless the court shall otherwise specifically order." 12 U.S.C. § 1828(c) (7) (A). The lower courts dissolved the statutory stays on dismissing the antitrust suits.

Our remand will direct that the stays continue until the hearings below are completed and any appeal is had. A stay of course is not mandatory under any and all circumstances. But absent a frivolous complaint by the United States, which we presume will be infrequent, a stay is essential until the judicial remedies have been exhausted. The caption of the 1966 Act states that it is designed "to establish a procedure for the review of proposed bank mergers so as to eliminate the necessity for the dissolution of merged banks." Moreover, bank mergers may not, absent emergency conditions, be consummated until 30 days after approval by the Comptroller in order to enable the Attorney General to commence an antitrust action, 12 U.S.C. § 1828(c) (6), which, apart from emergency situations, must be started within 30 days of the agency's approval, 12

---

[1] 12 U.S.C. § 1828(c) (5) (B) (5) provides, as we have seen, that a merger shall not be approved "whose effect in any section of the country may be substantially to lessen competition." It is pointed out that that standard omits the phrase "in any line of commerce" which is present in § 7 of the Clayton Act. It is argued that Congress meant that commercial banking is no longer to be considered as the area of effective competition and that the Act establishes in banking "a market test measurable only by large commercial realities."

We do not reach this question and we intimate no opinion on it nor any views on the merits of these mergers or on the justifications that are urged in their support. All questions except the procedural ones treated in the opinion are reserved.

U.S.C. § 1828(c)(7)(A). The legislative history is replete with references to the difficulty of unscrambling two or more banks *after* their merger.[2] The normal procedure therefore should be maintenance of the *status quo* until the antitrust litigation has run its course, lest consummation take place and the unscrambling process that Congress abhorred *in the case of banks* be necessary.

Reversed.

Mr. Justice Clark took no part in the consideration or decision of these cases.

AIR SAFETY

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, since my first session in the House of Representatives, I have indicated my strong interest in air safety. I have, on a sustained basis, manifested this keen interest in a variety of ways. Just last week I addressed this body in this regard. I intend to resume and continue expressing myself in this particular. I believe that what I have to say will be of concern and importance to the House and the Nation.

At this time, Mr. Speaker, in order to make available certain information and certain views on this all-important matter, I ask unanimous consent to insert at this point an article from the New York Times of March 23, 1967, an editorial and article from the Federal Times, and the complete statement of the National Association of Government Employees:

[From the New York Times, Mar. 23, 1967]

AIR TRAFFIC AIDES FIND FLIGHT PERIL—SAY FAA ECONOMY CAUSES MAN AND EQUIPMENT LACK—AGENCY DENIES THIS

(By Evert Clark)

WASHINGTON, March 22.—A group of air traffic controllers charged today that flight was reaching "a point of public peril" because of shortages of trained men and modern equipment.

"We are fortunate that we don't have the collisions now," Stanley Lyman, who has been a controller in Boston, said. "Ninety per cent of this is pure luck. It's a luck system."

Mr. Lyman and a half dozen other controllers made the charges at a news conference held by the National Association of Government Employes, which says it represents 5,000 to 6,000 of the 14,000 air traffic controllers employed by the Federal Aviation Agency.

The controllers flew here from such cities as Boston, Chicago and Miami for the meeting.

Asked for comment, the aviation agency said that both the general charges and some of the specifics issued by the union were "exaggerated completely out of context."

A spokesman said air traffic controllers had "pretty damn good jobs" with the lowest turnover rate in Federal employment. He said men were being hired and trained all the time, and "hundreds of millions of dollars" were being put into modernization of electronic equipment.

Controllers in the union spent six months surveying air traffic problems across the nation. They charged in a report released today that economies in the aviation agency had resulted in "seriously underequipped, undermanned, undercompensated and underadministered" traffic control towers and centers.

The aviation agency operates 305 towers and 28 centers that control airline, military and general-business and private flying. It also operates 330 flight service stations that do not control traffic but provide advisory services to general aviation.

The controllers said that, although air traffic was growing at an explosive rate, manpower was being reduced in many of the busiest centers and that old electronic equipment was not being maintained properly or replaced fast enough.

Many "incidents" of too close approaches of two planes go unreported, Mr. Lyman said, because they do not want to get themselves and flight crews into trouble and because the agency tends to blame them—not undermanning or inadequate equipment—for any problem.

"Every one of our centers running from three to 33 men short," Mr. Lyman said. The union's report said that employment at the Los Angeles center dropped from 296 to 285 from September, 1964, to September, 1966, while the number of flights operations was increasing from 39,626 to 56,594.

In the New England area, traffic is expected to increase by 43 to 44 per cent in five years, but "we are now eight or nine men understaffed, and we will be down 35 men in five years" if present plans are followed, Mr. Lyman said.

He and the other controllers said not enough young men were being hired and trained to supplement and replace older men, and that what training there was inadequate.

Mr. Lyman charged that five to nine "incidents" are reported in the crowded Boston-New York-Washington air corridor a week, but that if unreported incidents were included in the total "we'd probably shoot as high as 20 to 25 at times."

Aircraft under radar control are supposed to be separated by three miles when they are within 40 miles of a center and five miles at other times. An incident occurs any time the separation distance is less than this.

"Near misses" reported by pilots can be simple incidents or much closer approaches of two planes that require evasive action.

The aviation agency said 463 near-misses were reported in 1966, compared with 565 in 1965, even though the number of flight operations handled increased by 19 per cent.

If Mr. Lyman's figures were correct, the near-misses officially reported would be far higher, an agency spokesman said.

In 1966, Towers handled 44,952,806 takeoffs and landings, and centers handled 14,095,947, the agency said. In that year there were no mid-air collisions of airliners and 25 mid-air collisions of general aircraft, most of them near uncontrolled fields, the agency said.

The agency and the union agree that air traffic control is a very high stress occupation. Medical studies made by the agency show a higher rate of medical disorders after a number of years in the job than is found in the general work population.

Mr. Lyman said heart conditions had been discovered in three controllers in Miami in eight months. In Roanoke, a controller who collapsed at his job got Federal compensation for "occupational injury," he said.

CONTROLLER FAINTS ON JOB

In Miami last month, a controller saw an auto driving onto a runway, apparently into the path of a jet, and fainted, Mr. Lyman said. Another controller took over, warned the plane and trouble was averted.

The average controller is about 40 to 42 years old. The pay range is from $5,867 to $10,927, and the average controller makes about $9,500, the controllers said.

There is no mandatory retirement age for controllers, but "when a group gets over the hill and is now on the decline and still doing the same thing, there's nobody there" as a replacement, Mr. Lyman said.

He indicated that he felt the "hill" came soon after age 40.

Kenneth T. Lyons, president of the government employes association, said controllers had made a study of "what to do with an old air traffic controller after his 50's and actually we figure out you can't do anything with him."

"He isn't trained to do anything else, and at 55 who wants him?" Mr. Lyons asked.

While "pay is nice to talk about," Mr. Lyman said, "what we are looking for is a recognition of the fact of what is happening—that we need people, that we need equipment."

[From the Federal Times, Apr. 5, 1967]

A CALL FOR ACTION

Air traffic controllers lead a hard life. They work under constant pressure and with tremendous responsibility

The job takes its toll. A man ages fast when the lives of hundreds of other humans hinge on his every decision.

The Federal Aviation Agency is aware of the problem. There has been talk about finding a solution for years. In our first edition—two years ago—we began a series of articles on the problems confronting a man who makes a career of air traffic control. Many interviewed contended that an early retirement plan was needed for a man who has spent 20 years in the air traffic control field.

There has been considerable talk since that time, but very little action. The Federal Aviation Agency has acted to ease the job through the increased use of automation.

But, no machine is going to be dependable if there isn't a skilled hand around to push the proper buttons.

The degree to which the problem has grown was pointed up in a report by the National Association of Government Employees.

The union representatives presented the controllers' case in a press conference just before Congress recessed for Easter. NAGE claims to represent about 6,000 of the 14,000 controllers.

The arguments they presented were convincing—and frightening. They charged that "near misses" are a regular occurrence. They said as many as five to nine each week take place in the Washington-Boston air corridor.

---

[2] The Chairman of the Federal Reserve System testified in the hearings that preceded enactment of the Bank Merger Act of 1966 that "[a] Federal court order cannot recreate the two banks that formerly existed. . . . No matter how one may feel about whether the merger should have taken place in the first instance, there is no turning back. To unscramble the resulting bank clearly poses serious problems not only for the banks but for its customers and for the community." Hearings on S. 1698 and related bills before the Subcommittee on Domestic Finance of the House Committee on Banking and Currency, 89th Cong., 1st Sess., 11. The president of the American Bankers Association declared that "unmerging a bank after the two banks have operated as a single unit is nightmarish even in the abstract." Hearings on S. 1698 before a Subcommittee of the Senate Committee on Banking and Currency, 89th Cong., 1st Sess., 63. Senator Robertson stated, "[y]ou are dealing with a physical impossibility," and "the community gets hurt," when divestiture is attempted in a bank merger case. *Id.*, at 4. Senator Proxmire spoke of "the agony and the inequity and the financial loss, disruption of the economy in the community of being required . . . to unscramble." *Id.*, at 202.

The average age of controllers is 42. Not old in years, but old in terms of the sharp reflexes needed to cope with constantly changing situations which require instant decisions.

NAGE claims the air traffic control centers are understaffed. They say an increase of 20 percent in manpower is needed to man the control centers adequately.

Equipment used by the controllers also came in for criticism. The union said much of the gear is of World War II vintage.

FAA presented the other side of the picture. They said the turnover rate is low; that men are being hired all the time; that equipment is being updated.

The true situation probably lies somewhere between the two points of view. One thing, however, is clear. Air traffic is increasing. The speed and complexity of the planes also is increasing.

If the Congress continues to sit on the problem without taking any action we could be inviting air disasters of major proportions.

NAGE Pushes Air Controller Increase Plan

(By Dick Ritter)

Washington.—Charging that the nation's air traffic control is "a luck system" punctuated by many near misses each week, a group of controllers is urging Congress for a 20 percent increase in manpower and an upgrading of equipment maintenance.

In the Eastern region of the Federal Aviation Agency, there are five to nine "incidents" in the busy Washington-New York-Boston area each week, according to Stanley Lyman, national vice president for FAA affairs of the National Association of Government Employees. If unreported "incidents" were included in the total, "we'd probably shoot as high as 20 to 25 at times."

NAGE, headed by president Kenneth T. Lyons of Boston, called on Congress shortly before it recessed for Easter to make a "full-scale Congressional investigation" of the Federal Aviation Agency, charging "mismanagement to a point of public peril."

The union, which says it represents about 6,000 of the 14,000 FAA air traffic controllers, warned that spiralling air traffic had already "outstripped the capacity of the FAA to deal with it" and that there was a "steadily mounting danger of costly air tragedies."

The charges were made in a lengthy review of "The Forgotten Skyways" presented to Rep. Harley Staggers (D.-W. Va.), chairman of the House Interstate and Foreign Commerce Committee and to Sen. Warren G. Magnuson, chairman of the Senate Commerce Committee.

Declaring that the average age of FAA controllers is 42 years, Lyman warned that the FAA is not bringing in new men to be trained as replacements. "We've gone over the hill and are on the decline," Lyman said. "In this room (at the International Inn) there are those in that situation."

Warming up to the subject of near misses or "incidents" reported and unreported by the nation's controllers, Lyman defined an incident as occurring anytime airplanes are closer together than three miles while within 40 miles of a control center, and five miles at other times. While under radar control, these incidents can be merely simple violations of this separation area, or "near misses" that require pilots to take evasive action.

The reasons for these incidents, NAGE affiliated controllers charge, are:

Overworked and understaffed control centers.

Use of inadequate equipment, some of it of World War II vintage.

Poor working conditions and low pay that results in low morale among controllers.

But a spokesmen for FAA said the controllers had "pretty damn good jobs" with the lowest turn-over rate in federal service. He said men were being hired and trained all the time, and "hundreds of millions of dollars" were being put into modernization of electronic equipment. Furthermore, under Executive Order 1098, the unions do not have to be consulted on technical matters, such as radar equipment, while professional groups can comment on technical problems.

NAGE vice president Lyman and others criticized the top echelons of FAA management. "Here, the over-worked, under-paid, dedicated people who keep the FAA going at the operational level can count among their blessings the oceans of red tape which serve to blunt all directives of the bureaucracy, good or bad."

The efficiency records kept by FAA concerning equipment maintenance were attacked by Lyman as complete distortions. He charged that electronic technicians often have to perform preventive maintenance work without FAA orders or knowledge.

"They moonlight on repairing equipment," Lyman said, thereby permitting fantastic maintenance claims by FAA. But a NAGE member from Chicago volunteered that at busy O'Hare Airport the technicians are permitted to do preventive maintenance if they feel the equipment will fail before their next visit.

The FAA, which operates 305 towers and 28 centers (such as those at Leesburg, Va., Jacksonville, Fla., etc.), is faced with being understaffed while the volume of traffic increases yearly.

"Every one of our centers is running from three to 33 men short," Lyman said. The union's report said that employment at the Los Angeles center dropped from 296 to 285 from September 1964 to last September, while the number of flight operations rose from 39,626 to 56,594.

In the New England area, traffic is expected to increase about 44 percent in five years, but "we are now eight or nine men understaffed, and we will be down 35 men in five years if present plans are followed," Lyman said.

Long an advocate of early retirement for controllers, NAGE president Lyons said, "I don't believe any man should be on the boards after 50." The strain is too much, the union contends.

Lyman told of three controllers at Miami found to have heart conditions during an eight-month period, while in Roanoke, Va., a controller who collapsed at his job got federal compensation for "occupational injury," he said. In Miami during February a controller fainted when he saw a car driving onto a runway, apparently in the path of a jet plane. Another controller warned the pilot and trouble was averted Lyman said.

Another union official told of the lack of standby radar and electronic equipment at many towers. And at Jacksonville, Fla., on March 16, a NAGE controller reported that there was nearly a complete communications failure for about 90 minutes when telephone cables were accidentally cut by a construction machine.

In seeking to solve some of these problems, NAGE recommends:

Congressional legislation authorizing a 20 percent increase of controller staffing at all air traffic control centers and flight service stations.

A 20 percent increase in the electronic and technician field as it relates to Airway Facility Branch activities.

Congress approve an ad hoc committee of controllers to submit recommendations annually to Congress on air traffic control procedures.

Equipment be maintained on a continual "preventive maintenance system" rather than waiting for failures.

Statement of National Association of Government Employees to the Congress of the United States Relative to Critical Need To Improve Facilities and To Add Personnel to the Federal Aviation Agency

(Submitted by Kenneth T. Lyons, national president; Stanley Lyman, national vice president for FAA affairs; chief counsel: William F. Carr)

THE FORGOTTEN SKYWAYS

The general position of the National Association of Government Employees is that The Federal Aviation Agency is seriously under-equipped, under-manned, under-compensated and under-administered—all to a point of public peril. This Agency simply does not have enough funds effectively to do the life-and-death job for which it was intended. Policy-making inadequacies, sad to say, have also developed at various levels within the FAA. With the volume of air traffic in the United States literally soaring from one year to the next, and with the means for the control of this traffic lagging progressively behind—and in some instances even going backward—there is an evident imperative need for action.

Archie League, a high official with the FAA, recently predicted that by 1975 12 Air Traffic Control Centers will alone be handling 1,000,000 operations, or flights, each year—a total of 12,000,000 separate operations.

But planning to meet this air traffic explosion is a crazy quilt. For example, the Federal Aviation Agency is now in the process of creating an "Interim Common Instrument Flight Room" at Hangar Eleven, John F. Kennedy Airport, New York, at an initial cost of some $7,000,000. The FAA plans to maintain this interim operation at Hangar Eleven for approximately five years, then move it to a permanent location, Islip, N.Y., where the New York Air Route Traffic Control Center is now located. This second move to Islip reportedly will be made because the FAA now feels Hangar Eleven does not have the room needed for the expansion program planned for the future! The cost of the second move to Islip may amount to another $7,000,000 or so. In our opinion, this move to Hangar Eleven is wasteful and unnecessary, and should be made instead to New Jersey, to the government-owned McGuire Air Force Base at Wrightstown. This would mean substantial savings, and assure room for future expansion.

NEEDS A NADER

Air Traffic Control in the United States today needs the same kind of jolt that Ralph Nader gave to safety needs of automobiles. It also needs and merits at least a relative part of the multi-billion-dollar annual appropriations which now go disproportionately to highway construction. We fully favor all possible measures for highway improvement; but we also submit that the skyways of our nation should not be forgotten. Our skyways, too, sorely need new "paving" with modern electronic controls, above all with large numbers of additional personnel.

The truth of the matter is that we have been and are taking a 'horse and buggy' approach to the management of air traffic.

By its own testimony, the Federal Aviation Agency has serious lacks. The Agency, for example, called a special meeting—"Task Group Meeting on Flight Service Stations"—in Washington, D.C., December 5 through 16, 1966, saying:

"Problems and deficiencies in te Flight Service Station system continue to be reported with increasing frequency within the Agency and by aviation industry comments. The recent airline strike, with its attendant increase in general aviation activity, placed considerable strain on the FAA system to meet the demand for service. It is indicative of what may be faced again unless the system can be geared to meet the rapid growth in general aviation . . ."

The agenda for this same meeting set forth graphically some of the problems of Flight Service Stations:

"*Staffing.* The rapid increase in workload, coupled with the freezes on hiring, may have caused the number of employees in some stations to be inadequate for present demands. The Staffing Validation Branch, MS–56Q, is conducting an FSS staffing study.

"*Air Traffic Support Positions.* Past planning for stations has resulted in fewer headquarters, regional and area office personnel who are technically qualified and operationally oriented in Flight Service Stations. Adjustment in requirements may be necessary.

"*Classification.* Professional specialist grade is GS–9 at all Flight Service Stations (FSSs). Positions at large hub stations are difficult to fill because of workload, complexity and cost of living. Positions and related functions should be reviewed to assure that responsibilities are recognized in the present classification standard, that dead end positions are eliminated and that career progression is provided for well qualified employees.

"*Training and Qualification.* Training tends to lag behind the implementation of such new equipments as Doppler DF and weather radar. The increase in business jets and other high performance general aviation aircraft has created a need for including more briefing requirements in training and qualification programs.

"*Quarters.* Many FSS quarters are deficient, considering such items as space, layout, lighting, ambient noise, accessibility for pilots, view of the airport, weather observing and data display. Deficient quarters may contribute to inefficient operation.

"*A/G Console.* FSS A/G consoles were designed to serve the communication needs which existed many years ago and differ considerably from the present flight service mission. Some 'low boy' consoles are being tested.

"*Recorders.* FSSs do not have continuous electronic recording capability and must handwrite operational records. This electronic capability would improve efficiency and be useful in accident investigation, litigation and quality control.

"*Flight Information.* Explore methods for the FSS to provide more useful flight information services to the aeronautical public and more comprehensive data to the National Flight Data Center. Are FSS facilities and services adequately depicted and explained on aeronautical charts in the Airman's Information Manual? [1] Should the FSS be the primary point for distributing charts and publications to the aeronautical public?

"*Combined Station/Towers (C S/T).* Stations when combined with towers operate under relaxed standards; i.e., personnel are not required to be certificated as pilot briefers, briefing displays are not possible, responsibility for teletypewriter operation, flight plan handling, flight watch, pilot briefing, SAR actions are usually delegated to an adjacent station. Can the station functions performed by C S/TS be improved? [2]

"*Communications*

"*A/G Channels.* FSS (A/G channels are overloaded at most hub locations. Pilots frequently report that they are unable to either contact an FSS, or after contact, to satisfactorily exchange communications. The 122.2 simplex has been authorized. The Federal Communications Commission has been asked to reallocate the general aviation band and permit station simplex operations on 122.0, 122.2, 122.3, and 122.6. Stations would continue to use 122.1 VOR and 123.6, but relinquish 126.7. An implementation plan must be developed.

"*Semi-Discrete A/G Communications System.* The present FSS A/G system uses common channels to accommodate minimum radio-equipped aircraft. Interference sharply limits the capacity of such a system and the design principles for a higher capacity system must be decided. . . .

"*Mass Pilot Briefing.* As activity and demand continue to increase, it is becoming more difficult to brief each pilot individually.

"*Briefing Telephones.* Demand for pilot briefing frequently overtaxes briefing telephones . . . Telephone standards should be established for: high, medium and low activity stations; limited or unlimited service; ring-through at collocated FSS–WBAS: serving outlying airports by ENTERPRISE (long distance collect); FA, FX, flight service radiotelephone; and, service from WBAS at non-FSS locations. . .

"*Direction Finders.* One hundred and eighty-one FSSs have, or are programed for, DF. Non-DF FSSs must continue to plot pilot-provided information to orient a lost aircraft. A non-DF system is slow and subject to inaccuracies. . . .

"*Flight Assistance Interphones and Telephones.* Operational coordination among FSSs and between FSS/FAWS and FSS/SAR is limited to teletypewriter and long distance telephone. However, airborne emergencies and SAR actions require rapid, easy and frequent interfacility communications.

"*Copy Making.* The FSS is a message center for FAA facilities in the area. Could the workload be reduced by copy-making equipment? [3]

"*Message and NOTAM Handling.* Can message handling by teletypewriter be simplified, streamlined or otherwise improved? Could NOTAM procedures be simplified?

"*VFR Flight Plans.* Could the VFR flight plan system be simplified and streamlined? . . . Should the FVFR system be eliminated or revitalized?

"*Incoming Flight Notification Messages.* The Western Region is preparing to test a method using existing teletypewriter equipment, whereby incoming flight notification messages will be automatically transcribed to flight progress strips.

"*Posting at The Military Position.* Is there a need for retaining inbound flight progress strips on military IFR flights at the military position after the information has been delivered to the destination Base Operations Office? The control facility is responsible for initiating search and rescue action on IFR flights and retention of these strips at the FSS/military position may not be necessary.

In this illuminating agenda for the "Task Group Meeting on Flight Service Stations," the FAA wondered whether records being kept "could be eliminated or reduced."

With respect to weather services, it was admitted that "scheduled broadcasts entail a workload which may exceed the benefit to users," and that "means are known whereby the function could be semiautomated." It was agreed that "a modernized broadcast system is required."

Observed another agenda item: "Some SIGMET/AIRMETS are lengthy, sometimes used by forecasters to amend forecasts, and not too useful to pilots or briefers. Present SIGMET procedures are complicated and time-consuming. . ."

FAA POLICIES

If the Federal Aviation Agency has suffered from a chronic lack of funds, it has also unfortunately handicapped itself by too much of something else; too many administrative decisions and policies of the wrong kind, according to abundant evidence. Here, the over-worked, under-paid, dedicated people who keep the FAA going at the operational level can count among their blessings the oceans of red tape which serve to blunt all directives of the bureaucracy, good or bad.

To be sure, the National Association of Government Employees has a militant interest in the function and the health of the Federal Aviation Agency. As the largest independent union for government employees, the NAGE has a large membership among employees of the FAA. But we should like to draw to the attention of this Honorable Committee of the United States Congress, well-based independent opinions—as we sincerely believe them to be—and facts, all bearing in one way or another upon the administrative effectiveness of the FAA. In addition to a financial anemia, the FAA, we respectively suggest, has been afflicted from time to time with such other ills as myopia, dyspepsia, introversion and dual personality.

In an issue of December 27, 1965, the respected publication, "Electronics," commented editorially:

". . . Money is only part of the FAA's shortcomings—and maybe the smallest part. Too often, the Agency has tried to freeze technology that was already on the verge of being obsolete. In the past three or four years, it has traded in its militancy on air safety for a Casper Milquetoast attitude. FAA men often seem more concerned about rocking the boat than about solving problems affecting travelers on commercial airlines.

"In the past six months fatal air accidents have been frequent and frightening. At this time, it is hard to say which is more terrifying—the collision of an Eastern Airlines plane and a Trans World Airlines jet earlier this month or the FAA's 'that's the way the ball bounces attitude.'

WAIT 'TIL 1970

"After the last major air collision of 1960, the FAA tried to improve its control system. It failed, but at least the Agency was recognizing its responsibility. After this month's collision, the FAA figuratively shrugged its shoulders and said it had a system, to be installed by 1970, that might prevent such accidents. Then it went on to less controversial matters . . ."

Concluded the editorial: "A technological society in which two space capsules keep a rendezvous somewhere in the immeasurable universe should have no problem getting safe, efficient, comfortable air transportation. But first a major change in attitude and direction is required. The FAA has to do a lot more than count the bodies after an accident."

On January 11, 1966, all ATD personnel, Eastern Region, received an official memorandum which stated in part:

"The mounting number of system errors occurring in the Eastern Region has become a matter of great concern. I fully realize that all control personnel share this concern when a system error occurs, but I wonder how many of us fully realize how serious the situation has become and how many of us have reflected on where the current trends, if continued, will take us?

"What does the term 'system error' mean? Aside from the official definition, it means simply that a failure in the air traffic control system *has endangered one or more aircraft. It means that human lives might have been lost as a result.* We must never lose sight of this fact.

BURDEN ENORMOUS

Again, the ATCA Bulletin of July 5, 1966 (a publication devoted to news and developments in the air traffic control profession), noted: "Pending cases against the Government arising from air crashes seek damages totalling over $100,000,000. Nearly all will involve the controller to some degree. The burdens which all of this places on the controller are enormous. There have been instances of nervous breakdowns suffered by controllers as a result of the harrowing experience of a crash and the almost endless interrogation and cross-examination which follows. . .”

---

[1] No.

[2] Yes.

[3] Certainly.

Turnover is running high at Air Traffic Control facilities, so that the burden upon experienced personnel gets heavier. Letters from scores of NAGE Locals complain of over-work, training problems and low morale at ATC centers. A typical recent letter to NAGE Vice President for FAA Affairs, Stanley Lyman, from an NAGE Local officer at an Eastern facility said in part:

“During the year 1966, we have had a considerable turnover of personnel . . . Look at the workload here at our facility. During the year, we had approximately 290,000 total flight services performed. During 1966, we had an abundance of sick leave. This means the remaining specialists had to carry the workload. This was done by the morale-breaking procedure of changing watches, being called in earlier, and no spot leave being granted. . . From January to May, 1966, we had a complement of 24 personnel, counting the chief. From June to December, we had a complement of 22. This meant 290,000 flight services were divided by 23 personnel, and if my math serves correctly, 23 into 290,000 equals approximately 12,750 flight services per man, that is including the supervisor.

“Are the supervisors to be classified as ‘working supervisors’ or supervisors? As of the start of 1966, they were supervisors, thus the 290,000 should be divided among the journeymen and assistant journeymen. Using just 19, combined journeymen and assistants, the total flight services comes to approximately 15,300 per man for 1966. In using 18 journeymen and assistants, which we *did for* a *great part* of the year, the flight services per man increased considerably.

“More qualified personnel (must be) assigned, so we can have a half-decent watch schedule and be able to have spot leave or annual leave. Morale is at its lowest point and unless we can come up with some solution, we are going to have *to sacrifice safety* for economy. Why are personnel assigned here who require study and training, when we cannot spare the manpower to help them?”

MANPOWER SERIOUS

Manpower vacancies have reached a serious point at several facilities (by FAA's own admission) in the Washington Area (among others). A notice issued by the FAA Washington Area Office, Falls Church, Va., January 25, 1967, said; “Manpower vacancies among ATCS employees have reached a critical stage in several facilities . . . These vacancies cannot be filled solely by promotion actions within the specified facilities, because only a limited number of personnel are eligible for promotion. Limited vacancies at GS–10 and average grade ceilings have contributed in part to restricting some promotions in the past.”

From another NAGE ATCS Local came this recent note: “As it stands now we will have three supervisors for seven journeymen.” In large red letters, the letter concludes: “We're under-staffed. Especially with Summer coming on. Help!”

I could read excerpts from many other letters we have received, Mr. Chairman, unsolited letters from “out in the field,” telling of conditions that should not exist in any agency of this government, not to mention one with such vital responsibilities.

These reflections of FAA field functions, I will admit, Mr. Chairman, strain ones credulity in the light of the Federal Aviation Agency's persistent pre-occupation with cost cutting. As recently as February, 1966, an elaborate booklet was issued entitled, “Federal Aviation Agency Cost Reduction.” It described the “Cost Reduction Program” as the umbrella covering all of FAA's diverse economy programs . . .” I say, Mr. Chairman and members of your Committee, that what we need under such a program are more parachutes instead of umbrellas.

LIVES OR MONEY

This booklet, whose cost of preparation and publication would have paid for a one or two badly needed added traffic controllers, envisioned “specific cost reduction actions which will lead to savings of $31.7 million in fiscal year 1966 and $27.8 million in 1967.”

“These goals are in addition to the more than $100 million of savings accomplished since 1960,” said the pamphlet.

“Hitting the 1966 and 1967 targets will require more effort from each employee—surpassing them will challenge his imagination . . .”

However much it has challenged the imagination, it's certain that the penny-pinching program has posed a serious physical and taxing emotional challenge to our ATCS personnel!

An illustration of how our hard-pressed, over-worked and under-appreciated air traffic men are often taxed to the limit of human endurance, while inevitably increasing the possibility of tragic error, was contained in the NAGE–LA Newsletter (Los Angeles ARTC Center) of December 23, 1966. In the month of September 1964, said the Newsletter, the center had 39,626 operations and a staff of 296; in September 1965, 47,066 operations and a staff of 285; and in September 1966, 56,594 operations and a staff of 285. And a 17 percent increase in traffic was predicted for this year.

The sombre pattern of sharply rising operational loads without commensurate increases in personnel and adequate technological provisions is common to almost all air traffic control points in the United States today. And the crisis of need, particularly in consideration of the fact that the margin of safety in American air lanes is probably at a record low point, worsens from month to month as the gulf widens between control measures and traffic flow.

LAUDS ECONOMY

God forbid that we should be jolted into action by a series of air tragedies!

At a time when much more, certainly not less is needed, the FAA has been boasting of its cost-cutting, penny-squeezing policies. The FAA's “Intercom” bulletin of July 18, 1966 (R f. ¢) reprinted a leter from President Johnson to “Dear Bozo” (*i.e.*, Gen. William F. McKee, FAA Administrator) and reading in part:

“. . . I have noted with satisfaction the excellent work which you and your associates at the Federal Aviation Agency have been doing in reducing costs and manpower while absorbing additional workload and improving service to the public.

“I have taken particular note of your cost reduction program under which you saved $47 million during the 1966 fiscal year. These savings have been accompanied by a reduction in Agency employment of more than 3,500 employees—eight percent since 1963. The Agency has succeeded in combining economy with a safety program which has helped the commercial air carriers of the United States achieve the best safety record in the world and the best record for any five-year period in the history of American aviation. You have clearly demonstrated that outstanding performance in a critical and complex program can be continually achieved while reducing costs . . .”

The President's confidence that the “outstanding performance” can go on this way is open to serious challenge.

As always, the men and women who bear the burden will continue to give their best; but their best is no longer enough. They need help—both human and electronic help.

On March 14, 1966, officers and members of NAGE Local R2–19, FAA Control Tower, Newark Airport, complained to the Chief Air Traffic Branch, New York Area Office:

“We, the members and non-members of NAGE Local R2–19, plus other interested employees of the FAA located at Newark Tower would like at this time to request the FAA to re-evaluate their decision concerning the decommissioning of the Airport Detection (ASDE) Radar. Also, their decision on the now-decommissioned Precision Approach Radar. It is believed the conditions that exist at the present time, where Runway Four in adverse weather conditions is without an approved radar approach, is a hazardous and unsafe operation. Also, to subject control personnel, in the event of an emergency situation to give an unauthorized radar approach to this runway, places upon them tremendous mental pressures and a feeling of apprehensiveness. These conditions would not be present if the Precision Radar was re-activated . . .” [4]

ERRORS HIGH

System errors at many Air Traffic Control Centers are alarmingly high. In May of 1966, for example, an office bulletin at an East Coast Center report *64 system errors* the previous year.

In a review of a “serious air traffic staffing problem,” the Manager of the Los Angeles Area Office advised the director of the Western ATC Region (September 13, 1966,) that “the recruitment process is too slow, cumbersome, and has not been available to us during the past three years.”

He further advised: “Our professional work force is growing older and we have not recruited youth—the average age level in ATS in the Los Angeles Area is 39; potentials in airline activities are more attractive than in the FAA and many of our better people are *leaving to accept employment with the airlines*; equitable pay for complexity and responsibility was adversely affected when Level II VFR Towers and Level III Approach Control Facilities were created—promotional ladders are no longer attractive; we are robbing Peter to pay Paul by selecting within-grade candidates . . .”

The ATS System Error Reporting Program went into effect December 1, 1963. Statistics accumulated since then demonstrate the clear need to reduce—by such measures as added manpower and equipment and certain fundamental changes in FAA concepts—the number of errors occurring.

A bulletin issued in *June of 1965* by the Boston Air Traffic Office, however, said the goal of each facility must be total elimination of control errors and solicited the recommendations of all personnel for achieving this goal “within budgetary/manpower limitations . . .” Here was a candid admission that the Federal Aviation Agency would take necessary flight safety measures only to a certain financial point, an arbitrary budgetary constriction permitting of just so much safety and no more.

THINK TIME REDUCED

An FAA Eastern Region Air Traffic Division Bulletin (February 3, 1966), emphasized the importance of exercising “good judgement” in control procedures, and rightfully so. And the Bulletin also cautioned: “Don't get the idea that faulty judgement is limited to controllers. Radar handoff men, coordinators and supervisors can all be equally guilty of poor judgement.” It added that with the coming of radar in ATC and the reduction in separation standards, accurate action is more vital than ever. The notice likewise reminded that correct actions have become even more critical as speeds of aircraft increase, with consequent great reduction in available "thinking time."

---

[4] The protest cited the case of an aircraft which almost landed on top of a departure and of two U.S. Navy jets which had to make an emergency unauthorized Radar Surveillance approach to Runway Four.

Training as well as manpower and equipment deficiencies are apparent within the Federal Aviation Agency. According to an ATS System Error/Near Mid-Air Collision Study, "the present day training efforts are not always oriented to system needs." An ATD official said in a commentary on this study: "To proceed one step further, we believe the enroute facility commonly experiences difficulty in teaching all of its people even though a particular training program is orientated to a system need. It, therefore, becomes reasonable to associate this condition with the system error potential."

POWER OVER LIFE

Continued the official in his review: "When one reflects on the air traffic controller and his work environment, there appears ample evidence of a highly skilled group of people possessing the distinguishing qualities of conceptual ability, ability to remain stable under pressure and, probably more essential, ability to make sound decisions often under harassing circumstances when but little opportunity exists for preplanning. He almost literally holds the life and safety of hundreds of people in his hand at any given moment. Against this background, he must retain a massive amount of information as well as the necessary control techniques to cope with any situation. . . . He is confronted with a considerable and continuing challenge and certainly in this surrounding 'peak' form must be displayed at all times.

"We feel . . . that the controller is not given a sufficient amount of time to do all the reading and studying necessary to sustain him at the knowledge/skill level expected of him by the system. Similarly, this lack of time affects the amount of training *which can be administered to him—thus increasing* his chance for error.

"We also feel that the prime reason for this situation rests in the area of manpower allowances, based primarily on operational needs and which in effect relegate the training activity to a 'manpower permitting' basis. This 'catch-as-catch-can' method of administering a training program in a level III Facility makes it exceedingly difficult to plan, schedule, and regulate the function. Consequently, the training effort cannot commonly be directed to the area of greatest need.

"We recommend that a minimum controller training need be identified at the national level, expressed in terms of 'hours', and *established as a requirement*—and that the proper resources in the form of manpower be made available to insure completion of this recognized need. Approaching our problem in this manner also involves funding, but seems a necessary measure if we are to retain the work force at the high skilled/knowledge level expected of them, thereby minimizing the possibility of control errors arising out of this source area . . ."

PERSONNEL PROBLEM

The lack of trained personnel is, in fact, a worsening rather than a lessening problem within the FAA as time goes by.

In a letter to U.S. Senator John B. Williams (August 29, 1966) Ralph J. Mauro, as president of NAGE Local R2-39, Millville, N.J., well stated the issue in the following terms:

"We are engaged in one of our nation's largest industries, aviation, and according to Federal Aviation Agency's own figures, one of the fastest growing. We, as employees of the government, and particularly the Federal Aviation Agency, feel that we have an obligation to the American people engaged in commercial, general and military aviation in our nation.

"Figures indicate that activity over the last few years has increased from 30% to 50% and personnel in the air traffic control branch of the Agency has decreased by 25% to 40% . . ."

U.S. Sen. Clinton P. Anderson, chairman of the Senate Aeronautical and Space Sciences Committee, said at a recent hearing session (Jan. 25, 1967) the aviation and airline industries "are indispensable to our nation and becoming more so every day. They employ three million people and contribute $30.8 billion to the gross national product last year, an increase of more than 30% in two years, he noted.

RESEARCH LAGS

During these same hearings, two aeronautical experts (James E. Webb, Administrator of the National Aeronautics and Space Administration, and Karl G. Harr, Jr., president of the Aerospace Industries Association) testified nevertheless that aeronautical research is barely keeping pace with a new era in civil aviation.

Both said more must be done to keep up with what has been called the Civil Aviation Explosion, said a New York Times account.

Federal, state and municipal policies of trying to make do with as little as possible when it comes to the bustling aviation industry may prove to be self-defeating economically as well as being fraught with public safety perils.

An example of this fiscal foolishness—and of how the problems of traffic controllers are compounded—was contained in an address (Wall Street Journal) by Charles C. Tillinghast, Jr., president of Trans World Airlines, speaking before business and professional men at the Union League Club in New York City. He declared that New York airports are "in serious trouble" because of delays and this situation will further deteriorate before it improves. New York, he warned, stands to lose a significant number of visitors who will seek routes avoiding the area rather than chance the frustrating air traffic delays characteristic of the New York area. Delays of up to half an hour on take-off are commonplace, and frequently longer for arriving planes.

NAGE FINDINGS

The National Association of Government Employees has made numerous, close studies of conditions within the Federal Aviation Agency—where the NAGE has a large membership—and finds a clear need for an immediate, full-scale Congressional inquiry. Such a study should make determinations as to the safety "quotient" for the public under current FAA operational procedures and policies. The FAA, we believe, needs the same kind of Congressional investigative focus that was recently given the automotive industry safety standards. There are far too few controllers on duty at traffic control centers; we need many more controllers and other personnel; many FAA facilities are seriously undermanned. This is false economy, which turns our airports into casinos that gamble with human lives, and which can only have the effect of constricting the growth of the aviation industry.

Oscar Bakke, Eastern Region FAA director, has among other officials of the Agency, recognized in statements the need and the danger.

When anything goes wrong in the crowded skies around airports, the FAA is quick to try and make the controller the scapegoat. But the real trouble is that too few people have to handle too many aircraft. There is never any crowd in a control room.

In the conviction that there is direct relationship between "system errors" and facility staffing inadequacies, and that all "conflictions" are not reported in an attempt by the FAA to cover up the seriousness of conditions, a large NAGE Local at a major airport recently submitted a series of questions to the membership—and asked for frank answers.

Overwhelmingly, these experienced staffers (ARTCC) estimated that there was at least one "confliction", sometimes as many as five, on an average day at the facility. They testified to having personally seen an average of two to three "legal conflictions" in the previous two months. Opinions as to the need for "last minute" action to avoid conflict between aircraft—considered in a Radar environment—ranged from five up to 25 per day.

Almost all expressed belief that fewer "conflictions", whether discovered or not, would be possible if staffing were increased to distribute the workload. A preponderance reported there was less than full staffing in their particular sector every day they worked!

Assistance of a handoff man was listed as a relative rarity.

Asked, "Have you ever been forced into a position where you no longer have time to pre-plan or thoroughly scan the control board in order to make the right decision?" a majority replied in the affirmative, and agreed that such situations were dangerous. Presence of handoff controller at all times would permit more time properly to scan the scope and control board, it was also agreed.

The controllers and other personnel almost unanimously believed that the Facility administrative staff was aware of the need for more personnel, and that safety was being comprised by a policy there of staffing for an 80% traffic level.

Too much traffic was almost unanimously blamed for the majority of incidents, as opposed to strip marking, lack of knowledge or phraseology.

As to whether they thought it was safer to fly through the area today than it was three years ago, a substantial majority replied: "No."

Not long ago, personnel officers in the New York area of the New York FAA Traffic Control Facility submitted confidential questionnaires to personnel in an "evaluation program." And the reaction was not flattering to the FAA administration.

The employees generally gave ratings of no better than "poor" or "fair" to such categories as the handling of work schedules and annual leave; policy with respect to overtime work; "spirit of cooperation" among employees; reputation of the Agency in the community; and personel evaluation of job.

This study, and other evidence, points to a serious morale problem among our overworked controllers and other FAA personnel.

RECOMMENDATIONS

In the light of all of the facts, the National Association of Government Employees earnestly urges the Congress to consider the following:

1. The immediate enactment of legislation authorizing a 20% increase of Controller staffing at all Air Traffic Control Centers, Air Traffic Control Towers, Flight Service Stations.

2. The enactment of legislation authorizing a 20% increase in the electronic and technician field as it relates to Airway Facility Branch activities.

3. An immediate cessation of the arbitrary "phase out" of vital electronic equipment at Air Traffic Control Stations.

4. Congress enact legislation implementing an "ad hoc" standing committee comprised of active journeymen Air Traffic Control specialists who will be assigned a continuing role of submitting recommendations concerning air traffic control procedures to Congress yearly.

5. We recommend that legislation be enacted whereby all air traffic electronic computers, control systems, and their allied equipment will be inspected and maintained on a continual "preventative maintenance system" rather than the present system which requires equipment failure prior to maintenance being performed.

> 6. Congress approve additional funds for the updating and purchase of modern Radar and Electronic equipment for all types of Air Traffic Control.

PERIODIC REVIEW AND CONSOLIDATION OF FEDERAL GRANT-IN-AID PROGRAMS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. LONG] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. LONG of Maryland. Mr. Speaker, I am introducing today a bill to provide for periodic congressional review of Federal grants-in-aid and to authorize the consolidation of Federal grant-in-aid programs.

The Federal grant-in-aid program has become an established feature of our system of government. In 1946, States and localities received $894 million from the Federal Government to cope with their problems. In the fiscal 1968 budget, the President asked for $17 billion for Federal grants-in-aid for everything from child welfare and mental health to job training and park development.

But the fragmentation and diversity of the assistance in these fields sometimes matches the complexity of the problems themselves. The latest annual report of the Advisory Commission on Intergovernmental Relations calls attention to about 400 separate authorizations for Federal grant-in-aid programs. These are administered by 21 departments and agencies and 150 bureaus and divisions.

Local officials could well use a computer to chart the path through this maze of usually uncoordinated and frequently hostile sources of aid to solve one problem. A recent examination of Federal programs in manpower training, for example, pointed out that funds for job recruiting can come from nine different sources, adult basic education from 10, prevocational training and skill training from 10, and work experience from five.

One result of the confusion and frustration at the local level is the development of skill in the new game of "grantsmanship." Professional help in filling out forms must be sought, since the way an aid request is presented may create substance out of shadow in the mind of the Federal official reviewing the grant application.

President Johnson's concept of "creative federalism" is designed to strengthen the role of local government. Local communities are the ones plagued by crime, pollution, unemployment, and decay, and solutions to their problems must be tailored to meet their specific needs. As the President said in his recent message to Congress:

> We began as a nation of localities. And however changed in character those localities become, however urbanized as we grow and however high we build, our destiny as a nation will be determined there.

The 89th Congress enacted much legislation directed toward helping communities solve specific problems. The 90th Congress must make sure that these programs are effective and that they are flexible enough to meet new challenges.

My bill would provide for periodic congressional review of future grants-in-aid to insure continuing improvement and redirection as required by changing conditions. This will insure the optimum impact of Federal funds, the termination of outdated programs, and the substitution of new attacks on new problems.

The bill would also authorize the President to consolidate individual grant-in-aid programs within the same functional area. This consolidation would promote more efficient management and better coordination of grant programs, and permit grant recipients to plan for and use the aid more efficiently. The President would submit the grant consolidation plan to Congress, and it would become effective at the end of a 90-day period, unless either body of Congress disapproved.

Mr. Speaker, I urge prompt congressional action in the field of intergovernmental cooperation, one of the most pressing problems facing this session of Congress.

ESTABLISHMENT OF CLOSE COOPERATION BETWEEN GOVERNMENT AND BUSINESS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. SHIPLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. SHIPLEY. Mr. Speaker, one of President Johnson's most striking achievements has been the establishment of a close cooperative relationship between the Federal Government and American businessmen.

This feeling of mutual respect and understanding is benefiting all Americans, including proprietors of the Nation's 4.8 million small firms.

Due to the close cooperation between Government and business, banks in increasing numbers are now making loans to small business backed with a guarantee by the Small Business Administration, or they are participating with the Small Business Administration in making loans.

This feeling of mutual understanding and confidence, Mr. Speaker, is reflected in a letter I received recently from Gerald Sinclair, vice president of the Salem National Bank of Salem, Ill.

This unsolicited letter, I believe, testifies very eloquently to the friendly feeling of cooperation that exists between Government and business.

Here is what Mr. Sinclair has written:

> The SBA has been of invaluable assistance to our area. Some examples follow:
>
> A small tractor dealer in our area had a dream about five years ago. He saw a need in the Midwest for a jobbership to distribute boats, motors, campers, and lawn mowing equipment. He liquidated his small tractor business to get all the cash he could, and then came to our bank seeking a loan for $100,000. This was out of the question for us so I took him to St. Louis SBA.
>
> After some negotiations SBA took a second mortgage on all his property and made the loan. We serviced the loan and it was repaid not in the five-year time limit, but in four years.
>
> Today, this company is one of the largest wholesale distributors in the Midwest and has approximately 25 people on the payroll.
>
> A young optometrist wanted to fit his office with the most modern equipment to best serve the public. He had no equity or cash for a down payment. SBA made the loan and he now has a large successful business.
>
> A struggling small merchant about to close his doors applied to us for an $8,000 working capital loan. We couldn't make it. SBA guaranteed our loan to him. He expanded his operation and is now progressing nicely.
>
> As President of the Marion County Local Development Corporation, I am now closing a loan to a gas company for $350,000. This loan is being made through the SBA under Section 502 of the Small Business Act.
>
> This loan will enable several hundred people in small farm communities to procure a supply of natural gas. . .
>
> These are a few examples from many. As you can see, SBA has been of tremendous benefit to our area. . .

Mr. Speaker, this is the opinion of one private banker as to the value of this Government program which has President Johnson's full support.

Small business has been referred to as the seedbed of the American economy. This is certainly true. Almost all big businesses were small at one time, even the largest of our corporations.

The desire that many Americans have to become their own boss by owning their own business is part of the American dream. If the time comes when an enterprising young man or woman does not have the opportunity to own his own business, our economy will be robbed of one of its most vital forces.

President Johnson understands this and he is determined to see that small business remains a strong and dynamic influence in our country.

Mr. Speaker, in the first 6 months of this fiscal year, July through December, the Government has provided $3.6 million in loan assistance to 120 small businesses and small property owners in Illinois. In each of these cases, the loan recipient was unable to obtain financial assistance from private sources.

All of us are familiar with small businesses that seemingly have very bright prospects, with one exception: they lacked the necessary capital funds to expand and develop their full potential.

These, Mr. Speaker, are among the firms that SBA assists. The help that SBA provides can determine the difference between a healthy, sustained growth with more jobs, a more prosperous community, a healthy local economy on the one hand, and economic stagnation on the other.

Since its inception in 1953, SBA has given financial help totaling $68.7 million to more than 1,600 small firms in Illinois. Many of these loans were utilized for plant expansion.

Small Business Administration assistance takes many forms. It provides disaster loans at a rate of 3-percent interest to owners of homes and businesses that are damaged or destroyed in natural disasters such as floods and windstorms.

It provides economic opportunity loans up to $25,000 to disadvantaged persons who wish to start their own businesses or to improve and enlarge small businesses they already own.

SBA provides loans to small firms that are forced to find a new location because they are displaced by a federally financed urban renewal or highway project.

It provides loans to local development companies to help them attract new businesses which enterprises in turn often create jobs in underdeveloped nonurban areas.

It licenses and helps finance privately owned small business investment companies which in turn invest in promising small business enterprises.

Finally, in cooperation with private commercial banks, SBA makes loans to small businesses. This agency makes direct loans to small businesses only when bank participation is unavailable.

SBA has a close working relationship with local banks. In effect, what SBA does, is to make it possible for banks to provide long-term loans to small businesses. Normally, the amount of funds that a bank can use for this purpose has specific limitations.

But by participating with SBA in such a loan, or by making a loan with an SBA guarantee ranging up to 90 percent, commercial banks are often able to provide a great deal of financial assistance to their small business customers, at very little cost to the Federal Government.

Mr. Speaker, the valuable assistance the SBA is able to provide to small business is due in great measure to President Johnson's success in building a bridge of understanding and cooperation between business and Government.

It is an achievement that in the years to come will bring increased benefits to us all.

THE PRESIDENTIAL ELECTION CAMPAIGN FUND ACT OF 1966

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. FULTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, in the 89th Congress, the House of Representatives passed H.R. 13103, which sought, by modifying the incidence of taxes on incomes from foreign-owned investments in the United States, to encourage such investments, and in doing so, improving the critical balance-of-payments problems of our Nation.

This was a good bill.

It was a measure that had been discussed at length in the Ways and Means Committee. Hearings were held and the merits of the bill were open to study and discussion.

The bill was considered and approved and sent to the Senate.

There, so many amendments were added to what was a good bill that it was labeled the Christmas tree bill.

No hearings were held on these Senate amendments. No adequate review or study or discussion was given.

During the hectic closing days of the 89th Congress I cast my vote, with reluctance, for this measure, which by now had been grossly abused by unwise amendments. My affirmative vote was made because the provisions of the original bill, H.R. 13103, were still contained in the measure and these provisions were needed, and I felt were necessary to be enacted into law.

The bill became Public Law 89-869. Title III of the bill is known as the Presidential Election Campaign Fund Act of 1966.

My fellow Tennessean, Senator ALBERT GORE, has led the fight in the Senate in seeking to correct this error. He has been joined by a number of able lawmakers, including Senator ROBERT F. KENNEDY of New York, who has intimate knowledge of the basic dangers that are to be found in title III of Public Law 89-869. Senator GORE has introduced in the Senate a bill, S. 529, which would repeal title III of Public Law 89-869, the Presidential Election Campaign Fund Act of 1966.

I welcome the opportunity to correct this error now, before it goes into effect, by introducing a bill to repeal title III of Public Law 89-869, the Presidential Election Campaign Fund Act of 1966.

Congress was in error in approving this legislation, and I was in error in voting for its passage. It is only logical that we now correct this error through repeal. The act should be repealed because it is of unsound constitutionality; because it fails to provide safeguards on how public money will be spent; because it fails to place restraints, restrictions, or regulations on who will use this public money and on how it will be utilized; because it fails to place any restraint on the seeking of additional campaign funds, in whatever manner and from whatever source available, even if the methods used are questionable; and, perhaps of greatest importance, the act should be repealed because it fails to include needed reforms in our election laws.

The act authorizes a Federal subsidy of approximately $60 million to be divided equally between the two major political parties for unrestricted use by them. It had been stated that this law passed last year would put an end to political fund-raising activities at the national level. This is just not so. We in the Congress know it is not so. The leaders of our political parties know it is not so. And the people know it is not so.

If title III of Public Law 89-869 becomes operative, it will further compound the problems we already face in campaign financing practices.

Let us also keep in mind that our elections are not, in fact, conducted by the Federal Government. They are conducted by the States. Presidential electors are chosen within each State, not on a national basis.

During a national campaign each party puts forth its candidates for President, for Senator, for the House of Representatives, for Governor, and for other offices. But the elections are conducted by our States and the territories. State laws govern the opening of the polls, the choosing of election officials, the acquisition of voting machines, the printing of ballots, the regulation of poll watchers, the location of polling places, the hours at which the polls open and close, the counting of the ballots, the keeping of the records and the certification of the election.

We should preserve the right of a State to conduct its election, choose its elected officials, and to do this without undue influence from outside the State. Sixty million dollars, controlled by the national committee of our political parties, could exert undue influence in our elections.

We must also bear in mind that there is, legally, no such thing as a national political party. There is a Republican National Committee and a Democratic National Committee, but these are committees—not parties. There is no national political party treasurer to which funds can be provided. Our two major political parties are both formed from the political parties within each State, through State committeemen, who in turn form the national committee.

I repeat, there is no formalized corporate or legal entity of organization of a national political party.

Senator ROBERT KENNEDY has wisely pointed out still another great danger in this law. It could bring about a frightening concentration of power—and money is power—in our political party structure. This power could conceivably result in the taking over of our State parties by their national committees. The funds under this act would go to the national committee chairman. Now, let us assume that a Member of Congress has, in the eyes of the national committee chairman, been uncooperative to the goals of the national committee. The national committee chairman could decide to pour in tremendous amounts of money in behalf of an opposition candidate whose views are more to the liking of the national committee. This opposition candidate could be named as the one to run the presidential campaign in that particular State or district. This "chosen one" would have the funds to hire people, make the decisions on radio and television time, and, in effect, advance his own candidacy.

I strongly support our two-party system. But I do feel that a third party, or the nominee of a third party should be given an equal opportunity. For all practical purposes, the existing law prohibits the sharing in the funds of independent parties or candidates of independent parties.

The right to seek public office is a civil right as basic as the right to vote; and the right to seek that public office with equal opportunity with his fellow candidate is equally basic, regardless of his own financial situation.

I do advocate that public contributions be made to political parties, but with real election reforms; reforms that would protect the right of the ordinary citizen to cast his vote and have that vote equal to the vote of another; reforms which would make it possible for a poor man to run for public office on as nearly equal terms as is practical and possible.

We need to repeal this act because it is a stumbling block and a hinderance to election reform.

Time is of great importance. If we do

not act now, next year's tax return forms will be at the Public Printer, and action now would save us the task of changing these forms.

The original bill to which the amendment was attached dealt with the taxation of foreign investors. It was a good bill. But I now feel it would have been better to have rejected the entire bill rather than permit passage of title III, the Presidential Election Campaign Fund Act of 1966. It is fortunate that we now have the opportunity to correct this mistake.

AVOIDING POSTAL CATASTROPHE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALBERT. Mr. Speaker, Postmaster General O'Brien's provocative proposal to convert the Post Office into a nonprofit Government corporation has prompted widespread editorial comment from the Nation's newspapers. The reaction has been overwhelmingly favorable. Almost all the editorials either endorse the Postmaster General's plan or urge that it be given serious study and consideration. These comments are a well-deserved tribute to the Postmaster General's wisdom and courage in taking such a bold step.

One of the most thoughtful and complete discussions of the whole gamut of problems facing the postal service, including the need for a rate increase, appeared in this morning's New York Times. The Times describes Postmaster General O'Brien's recommendation to establish a nonprofit Government-owned postal corporation as an "intriguing suggestion that deserves to be taken seriously by Congress." I certainly share that view. I ask unanimous consent to insert the Times editorial at this point in the RECORD:

AVOIDING POSTAL CATASTROPHE

President Johnson's proposals yesterday for raising postal rates will, if adopted, temporarily ease the Post Office deficit. But the longer-range problems of that essential agency were what Postmaster General Lawrence F. O'Brien was talking about earlier this week when he pleaded for a fundamental change in his department's relationship to the Federal Government. Whatever Congress's decision on the rate increases, it is the issue Mr. O'Brien raised that must be faced if the postal system is to be saved, as he said, from "catastrophe."

His reference to "catastrophe" was not mere hyperbole. A preview of what may lie ahead was provided in the Chicago post office last October. There 10,000,000 pieces of mail backed up for several weeks and virtually paralyzed the nation's most important intercity postal processing point. Less dramatic, but also very important, are the innumerable instances of letters being delivered days and sometimes even weeks after they should have been, a phenomenon with which thousands of Americans are familiar from their own sad experience.

Part of the problem arises simply from the rate at which mail is multiplying. Between 1960 and 1966, Post Office volume increased almost 20 per cent, or even more rapidly than population. The huge capital plant of the postal service—much of it old, obsolete and located poorly in relation to modern transportation patterns—is geared, as President Johnson said yesterday, to handle only about half its present volume. Moreover, the current mail explosion has taken place in a period of high employment, making it difficult to recruit and retain a permanent, high-quality work force.

Politics further complicates these difficult questions. Congress makes the key budgetary, wage and rate decisions, and the result has been that the Post Office has been starved of needed capital, doomed to recurrent large deficits and forced to accept key managerial personnel appointed on the basis of political connections rather than merit.

Another major contributory cause to the present plight of the postal service is that powerful vested interests, notably the postal unions and associations of specialized mail users, have successfully and repeatedly imposed their will upon the system.

The postal situation would be even worse than it is if important positive steps had not been taken in recent years. The introduction of the zip code is a constructive innovation, opening the way to automated mail handling based on optical scanners such as the one installed in Detroit a year and a half ago. Computers and systems analysis are being brought in to meet postal problems, and there is opportunity for further progress along the lines of the President's suggestion for surcharges on odd-sized envelopes that cannot be handled by postal machinery.

But the most basic reforms now required go far beyond mere machinery. The capital needs of the postal system have to be met adequately so that many new physical facilities and much more modern mail handling equipment can be provided. Postal management must be chosen for competence and made a career service immune to political changes. The Post Office's finances need to be handled on a business basis, except as modified by explicitly stated public service criteria (which will involve some continued subsidy); and postal rates and wages must be insulated from the political forces that dominate them, so long as Congress makes the basic decisions.

It is these ends Mr. O'Brien hopes to attain by his proposal that the postal system be remodeled on the pattern of the Tennessee Valley Authority, and given quasiautonomy, access to the private capital market and other advantages that T.V.A. enjoys. It is an intriguing suggestion that deserves to be taken seriously by Congress, as it faces up to the vital necessity of reconstructing the Post Office Department so that it will be able to meet the nation's requirements, which it certainly does not do today.

A BILL TO GIVE PRODUCERS OF AGRICULTURAL PRODUCE THE SAME RIGHTS AND TRADE PRACTICES AS THOSE NOW ENJOYED BY THE BUYERS OF THESE PRODUCTS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, I am happy today to introduce legislation that will help set the stage for farmers of this Nation who are more interested in doing for themselves than in running to the Government for help.

The bill I offer is rather simple in construction, but tremendously important in concept.

It would enable farmers to band together in marketing associations without fear of reprisal by processors and handlers of farm commodities. This bill would in no way at all compel farmers to join marketing associations; nor would it compel handlers and processors of vegetables and fruits to bargain with farmers. But, it would lay down the law that a farmer could not be discriminated against by a processor only because he joined a bargaining association.

There have been instances of such reprisals in the immediate past as farmers have moved in the direction of organizing bargaining associations, largely under the auspices of the American Farm Bureau Federation, the Nation's largest farm organization.

Farm Bureau has been most active in the organization of farmer bargaining and marketing associations. Its members have found—and they have so testified before a committee of this Congress—that a few processors have refused to do business with some farmers simply because these farmers had joined bargaining associations.

It is our responsibility in this Congress to establish the rules which guide our system of self-government. I believe the bill I offer today helps to set much-needed guidelines as farmers strive to move away from Government price supports and toward a system that will assure them a fair price in the marketplace.

This bill is a natural move for those of us who have not been enchanted by large Government payments to farmers. The obvious substitute for Government payments and controls is to help farmers get their own best price.

NEED, IN THE CASE OF CERTAIN RAILROAD MERGERS AND ACQUISITIONS OF CONTROL, TO PROVIDE LIBERALIZATION OF PRESENT TAX RULES GOVERNING THE CARRYOVER OF UNUSED NET OPERATING LOSSES

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BURKE] may extend his remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BURKE of Massachusetts. Mr. Speaker, may I call to the attention of the Members of the House of Representatives the need, in the case of certain railroad mergers and acquisitions of control, to provide liberalization of present tax rules governing the carryover of unused net operating losses.

1. THE PROBLEM

Under current tax law corporations having unused net operating losses may merge tax-free—section 368(a) (1) (A) of the Code—and have the combined company utilize the net operating losses of both provided only that the corporations are not too unequal in size—sections 381 (a)(2), (c)(1), 382(b). That is, section 382(b), which governs the degree to which net operating losses carry over in the most commonly met with types of tax-free corporate reorganizations—that is, those specified in section 381(a)(2)—provides for a full carryover of net operating losses only where the stockholders of the loss corporation receive, in their capacity as stockholders, not less than 20 percent in fair market value of the combined company's stock. Thus in the presently pending merger between the two big Chicago-based railroads, Chicago & North Western and the Milwaukee, both merger candidates, will fully meet the 20-percent test of section 382(b). In consequence, the net operating losses of both these large railroads will carry forward intact for use by the combined corporation.

Such is not the case, however, when a small-loss corporation merges tax free into a much larger corporation. Where the loss corporation's stockholders receive less than the requisite 20 percent, a pro rata loss of net operating losses occurs. Thus if only 5 percent of the combined company's stock is received by the loss corporation's shareholders, only 25 percent of the loss corporation's unused net operating losses will carry over for use by the combined company. In consequence, a merger of the Erie Lackawanna or the Boston & Maine Railroads into either of the eastern Big Three; that is, Norfolk & Western, C. & O.–B. & O., or the Penn-Central systems, would result in the permanent loss of almost all of the very substantial net operating losses of both smaller roads. This disallowance results solely from the disparity in size between the merging and surviving corporations and to no other factor. This tax bill is designed to remedy this inequitable operation of the current tax law discriminating so drastically in favor of larger rail carriers as against smaller loss roads in the case of mergers and acquisitions of control in the railroad field where authorization and approval by the Interstate Commerce Commission have first been received.

2. IMMEDIACY OF THE PROBLEM

The Nation's rail transportation system in the northeastern segment of this country is rapidly being restructured into three giant systems; that is, the Norfolk & Western system; the C. & O.–B. & O. system; and the Penn-Central system. The emergence of the first two such systems is now an accomplished fact while the merger of the P.RR. and the N.Y.C. approved by the Interstate Commerce Commission in April of 1966, although temporarily returned to the Commission by the March 27, 1967, decision—*Baltimore & Ohio R. Co.* v. *United States*, 35 LW 4271—of the U.S. Supreme Court on certain important procedural issues unrelated to the basic merits of the plan itself, is generally recognized as a desirable development fully compatible with the public interest.

The Commission, charged by the Congress with the implementation of the national transportation policy, has in recent months repeatedly recognized that certain of the smaller eastern carriers such as the Erie Lackawanna, Delaware & Hudson, and the Boston & Maine, cannot survive, except as members of one of the Big Three, due to the formidable competitive pressures generated by such supersystems. The Commission's findings in this regard were fully accepted by the Supreme Court. Thus the full Commission, in its report and order of April 6, 1966, in finance docket No. 21989, Pennsylvania Railroad Co., merger, New York Central Railroad Co., stated with respect to the E.L., D. & H., and B. & M. that—

> The service the three petitioners render their shippers is essential and the public interest dictates that it be preserved. Unless somehow protected through inclusion herein [the Penn-Central merger] or by some other equitable merger, the petitioner would be adversely affected by the proposed merger to a serious degree and would be severely handicapped in providing required transportation to the highly industrialized areas they serve. (327 I.C.C. 475 at 529).

More recently, ICC Commissioner Charles A. Webb, in his report and order recommended on December 22, 1966, on further hearing in Norfolk & Western Railway Co. and New York, Chicago & St. Louis Railroad Co., merger, ICC finance docket No. 21510, page 23—hereinafter referred to as "the plan"—stated unequivocally:

> E.L., D. & H. and B. & M. cannot survive as independent carriers when the Penn-Central merger is fully consummated.

3. THE INTERESTS OF ORGANIZED LABOR

The plan provides for the inclusion of the three smaller eastern rail carriers in the N. & W. system only in the event the pending Penn-Central merger is consummated. The U.S. Supreme Court in its decision of March 27, 1967, held in effect that this placed the cart before the horse and that—

> It is necessary that the decision as to the future of the protected railroads [i.e., E.L. D. & H. and B. & M.] and their inclusion in a major system be decided prior to the consummation of the Penn-Central merger (35 LW 4276).

If the Penn-Central merger takes place, the combined system has now agreed to take over the long insolvent New Haven system. In the event of such takeover, Penn-Central has but recently agreed to extend job protection to some 9,600 New Haven employees. This agreement limits reductions in the New Haven's work force to attrition through retirement, death, or resignation, with employment being stabilized against minor falls in business. The estimated cost of such protection through attrition is $14,000,000. Only a strong rail system could either afford such a guarantee or make such an undertaking meaningful.

Substantially increased job protection would also be provided for the employees of E.L., D. & H., and B. & M. under the plan which finds—page 38—as a fact that—

> Their job security would be threatened if petitioner [EL, D&H, and B&M] were to remain independent carriers. Inclusion of the petitioners in the N&W system would not only preserve their transportation services but enable them to improve those services, thereby improving the lot of their employees.

It is well worth noting that the railroad brotherhoods are very much alert to the problem here sought to be remedied and have strongly endorsed this tax relief. Mr. G. E. Leighty, chairman, Railway Labor Executives' Association, under date of September 2, 1965, wrote to Representative WILBUR D. MILLS, chairman, House Committee on Ways and Means, in support of this measure in the 89th Congress, then sponsored by Representative KEOGH, of New York. Chairman Leighty at that time stated:

> We believe that the prompt enactment of this legislation is desirable in order that we may do everything possible to maintain necessary public services and jobs on the railroads affected in Mr. Keogh's bill. We are grateful to Mr. Keogh for his interest in maintaining stable employment in the railroad industry, and we hope your Committee will be in a position to favorably consider his bill at an early date.

Under the plan the employees of the smaller carriers joining the N. & W. system would be entitled to the same protection the N. & W. was required to extend the employees of the Nickel Plate and other railroads merging with N. & W. in 1964. That is, most such employees were covered by agreements providing that job eliminations resulting from the N. & W.'s takeover would be accomplished only through attrition. Under the plan similar protection would be extended to affected employees of E.L., D. & H., and B. & M. if taken over by N. & W.

4. NO UNDUE ADVANTAGES TO SPECULATOR GROUPS WILL RESULT FROM THE BILL'S ENACTMENT

Special tax relief always poses the problem of whether the resulting economic benefits will in fact redound to the benefit of the groups the Congress intended to assist. Great care has been exercised in drafting the measure here proposed to guard against the unjust enrichment of sheerly speculator interests. A full discussion of the elaborate safeguards built in this bill is set forth hereinafter.

A study of the stock market quotations since the original introduction of this measure's predecessor—that is, H.R. 10542—in the last Congress on August 18, 1965, conclusively shows that E.L.'s stock and debt have fluctuated in price with general market trends. The short-term market speculator has long since realized that there is no bonanza to be gained by holding the stock and securities of these small-loss eastern rail carriers throughout the long years needed to effect their ultimate lodgement with one or another of the eastern Big Three. The elaborate and carefully drawn provisions of the plan further serve to guard against any of the parties, including the stock and security holders of the loss roads, securing "a windfall" from this measure.

5. THE NEED FOR TAX RELIEF

The plan—page 24—specifically finds that—

> EL, D&H, and B&M perform essential rail transportation services.

The full Commission in April of 1966 found that the service rendered by these three smaller eastern carriers "is essential and the public interest dictates that it be preserved"—327 ICC at 524. The Commission is equally convinced that they cannot long survive in independent operation after a merger of the N.Y.C. into the P.RR. The U.S. Supreme Court in its March 27, 1967, opinion, earlier referred to, fully accepts the Commission's views on both points. Enactment of the proposed measure is, as a practical matter, essential to a prompt inclusion of these smaller rail carriers in the N. & W. system.

The plan itself, it is true, does not make the proposed amendment of the Internal Revenue Code by a measure substantially in accordance with that here proposed a positive condition of the inclusion of E.L. and B. & M. in the N. & W. system. Enactment of such tax relief, however, has been made a condition by the N. & W. system. D. & H. is a currently profitable road, and hence is concerned with the enactment of this tax relief measure only in that N. & W. need not, under the plan, acquire control of D. & H. if control is not also to be acquired of E.L.—compare, concerning opinion of Mr. Justice Brennan, 35 LW 4278, at 4283. The legal power of the ICC to condition railroad mergers upon subsequently to be determined conditions is concededly not beyond peradventure—compare, page 16 of the plan. Indeed, the question remains as acute as before the U.S. Supreme Court's decision of March 27, 1967, Mr. Justice Clark speaking for a sharply divided Court holding only that—

> We do not find it necessary to pass upon the question of naked power in the Commission to do what has been done here (35 LW 4271, at 4275).

Each case is apparently to be left to turn upon its own facts.

The N. & W. is the logical merger partner of these three small carriers, both from a competitive and from an economic point of view, and this the Supreme Court fully recognizes. Proceedings to effect their inclusion within the N. & W. system are already far advanced. N. & W., a publicly reluctant bridegroom, has repeatedly declared that it is absolutely unwilling to take over these small carriers unless and until the tax laws shall have been amended to enable the combined system to utilize the unused net operating losses of E.L. and B. & M.

A determined effort on the part of N. & W. to resist the "force down" by the ICC of the E.L. as a part of the 1964 merger of the Nickel Plate system and other carriers with the N. & W. could very well postpone N. & W.'s takeover of E.L. for an indefinite period lasting quite literally for years. The all-too-easy optimism on this score of Mr. Justice Clark—35 LW 4271, at 4277—is in direct contrast to the sober dissent of four Justices speaking through Mr. Justice Fortas relative to the delays these three small carriers may reasonably anticipate under the plan:

> It must be remembered, however, that the Commission's order will be subject to judicial review; and if the past is a guide to prediction, the resulting proceedings will be long, complex, and bitter. In short, no one can say whether the three roads will find their ultimate home during this calendar year or the next. (35 LW 4297, at 4299)

The much-less-controversial merger of the Atlantic Coast Line with the Seaboard Air Line has been bogged down in the courts since approval by the ICC late in 1963. Any extended delay in lodging E.L. with one or another of the eastern Big Three would, in the judgment of top management, prove fatal to the economic survival of that road because of the irresistible competitive pressures generated by the present concentration of rail systems in the Northeast.

In sum, the plan makes the N. & W.'s duty to acquire control of E.L. and D. & H. conditional upon effectuation of the Penn-Central merger but not upon enactment of this tax relief. The Supreme Court has now conditioned the Penn-Central merger on the lodgement of the three small eastern carriers with one or another of the Big Three, with N. & W. being the only realistic takeover choice. As a practical matter, however, N. & W. has repeatedly proclaimed the necessity of the Tax Code's amendment along the lines of this measure with the sure threat of an extended legal contest as the alternative. E.L., it is generally conceded, is scarcely in a position to survive any such extended legal contest.

6. THE PLAN'S PROVISIONS FOR THE FUTURE OF E.L., D. & H. AND B. & M.

(A) CREATION OF NEW CORPORATION (NC)

The plan provides for the inclusion on a mandatory basis of E.L. and D. & H. in the present N. & W. system provided the Penn-Central merger is effected. Acquisition of control over B. & M. by N. & W. is authorized but not directed under the plan. N. & W. is authorized to acquire control of E.L., D. & H., and B. & M. by creating a new subsidiary, New Corp.—NC—the capital stock of which will consist of common stock and two classes of noncumulative, participating preferred stock, classes A and B. NC's class A preferred stock will have priority on liquidation in the amount of $130 per share, and will be entitled, if any dividend shall be paid in any year on the class B preferred or on NC common stock, to noncumulative dividends of $5.20 per share in such year before any dividend is paid in such year on the class B preferred or NC common. Class B preferred stock will be subordinate to class A in liquidation and as to dividends but will have priority over NC common stock in liquidation in the amount of $130 per share and will be entitled, if any dividend is paid in any year on NC common stock, to noncumulative dividends of $5 20 per share in such year before any dividend is paid in such year on NC common stock. After payment of dividends on the two classes of NC preferred stock, NC common stock will be entitled to dividends, if declared, up to $1.30 per share. Any additional dividends will be shared among the three classes of NC stock in proportion to their respective per share dividend rates of $5.20, $5.20, and $1.30. Each share of NC stock, whether preferred or common, will be entitled to one vote per share on all matters.

All of NC's common stock will be issued to N. & W. Both classes of NC preferred stock will be convertible 5 years after issuance, at the holder's election, into N. & W. common stock on a share-for-share basis, and, if not previously converted, will be callable six years after issuance, at NC's option, at $150 per share.

NC will create three wholly owned subsidiaries, new E.L., new D. & H., and new B. & M. All of NC's common stock will be subscribed for by N. & W. in exchange for a sufficient number of shares of N. & W. common stock to cover issuance of N. & W. shares of common stock to D. & H. stockholders, and conversion of both classes of NC preferred stock into N. & W. shares as provided in the plan.

(B) CONTROL OF E.L.

With respect to the N. & W.'s acquisition of control of E.L., which the plan makes mandatory and binding upon N. & W. if approved by the requisite vote of E.L. stockholders, the plan further provides that NC will create a new wholly owned subsidiary, New E.L., which will assume all of E.L.'s obligations and liabilities and succeed to all of E.L.'s rights, privileges, franchises, and properties. The consideration to be given for E.L.'s merger into new E.L. will consist of NC's preferred class A and class B stock. Each share of outstanding E.L. common stock will be exchanged for 0.128 of a share of NC preferred class B. Each share of E.L. 5 percent series A preferred stock will be exchanged for 0.375 of a share of NC preferred class A. Each share of E.L. 5 percent series B preferred stock will be exchanged for 0.385 of a share of NC preferred class A. Each $100 principal amount of E.L. general mortgage income bonds, series A, due January 2015, now convertible into one share of E.L. 5 percent series B preferred stock will be convertible, pursuant to the terms and conditions of E.L.'s general mortgage, into 0.385 of a share of NC preferred class A.

The plan also provides that if, prior to the effective date of the ICC's order in this matter, "the Internal Revenue Code shall have been amended substantially as proposed in H.R. 10542, 89th Congress, first session,"—page 164—then each share of E.L. preferred and common will be exchanged directly for N. & W. common at the foregoing ratios. That is, N. & W. common stock would be issuable rather than NC preferred class A and B. If the Code is so amended within 5 years after the issuance of NC preferred stock then such stock will become convertible into N. & W. common at the holder's election, but in any event such election will arise 5 years after issuance despite the absence of amendment of the Internal Revenue Code substantially to reflect the provisions of H.R. 10542, which has been introduced anew in substantially similar form in the present session of Congress.

Thus the following series of exchanges would be authorized not later than 5 years after the Commission's order becomes final:

	Number of shares outstanding	Exchange ratio	Number of N. & W. shares required
EL common	4,701,380	0.128	601,777
EL preferred, series A	125,120	.375	46,920
EL preferred, series B	210	.385	80

In addition, N. & W. would be required to reserve 172,502 additional shares of N. & W. common stock for conversion of E.L. 4½ general mortgage bonds, series A.

(C) CONTROL OF D. & H.

The plan mandatorily provides for NC, upon approval by the requisite vote of D. & H. stockholders, to create a new wholly owned subsidiary, new D. & H., into which will be merged all the rights, privileges, franchises, and properties of D. & H. Co., after D. & H. shall have been merged into D. & H. Co. New D. & H. will succeed to all rights, privileges, franchises, and properties of D. & H. Co., and will assume all of D. & H. Co.'s obligations and liabilities which will be further guaranteed by N. & W. Should N. & W. so elect, N. & W. may merge D. & H. Co. directly into itself and thus render the creation of new D. & H. unnecessary. D. & H. is a profitable corporation and hence would not be a beneficiary of the tax relief here sought.

The exchange ratio laid down in the plan calls for the issuance of 0.4167 of a share of N. & W. common stock for each share of D. & H. Co. common stock or, stated differently, 2.4 shares of D. & H. common stock will be exchanged for one share of N. & W. common. Thus N. & W. would be required to issue 662,020 shares of its common stock in exchange for the 1,588,847 shares of D. & H. common stock.

(D) CONTROL OF B. & M.

Due to the poor financial position and modest prospective earning power of B. & M., the plan does not call for N. & W.'s mandatory acquisition of control of B. & M. as it does in the case of E.L. and D. & H. N. & W. is, however, authorized, if it so desires, to include B. & M. within its system. If N. & W. does so elect, then B. & M. will be merged into new B. & M., which will assume all obligations and liabilities of B. & M. and succeed to all rights, privileges, franchises, and properties of B. & M.

Each share of B. & M. common stock will will be exchanged for 0.10 of a share of NC preferred stock, class B. Each share of B. & M. preferred stock will be exchanged for 0.175 of a share of NC preferred stock, class A. Each share of B. & M. preferred and common will be exchanged directly for N. & W. common stock at the foregoing ratios if, prior to the effective date of the Commission's order, the Internal Revenue Code shall have been amended substantially as proposed in H.R. 10542. If the Code shall not have been so amended prior to the effective date of the Commission's order but is so amended within 5 years, then upon such amendment NC preferred stock will become convertible at the holder's election into N. & W. common stock on a share-for-share basis. At the expiration of 5 years, all outstanding NC preferred class A and B becomes convertible, at the election of the holder, into N. & W. common stock on a share-for-share basis.

(E) CONDITION PRECEDENT

An express condition precedent to N. & W.'s duty to acquire control of E.L., and D. & L. as heretofore set forth is the consummation of the pending Penn-Central merger. In the absence of such merger, the petitions of E.L., D. & H., and B. & M. to be included in the N. & W. system are to be denied. The plan equally recognizes that consummation of the Penn-Central merger will make the continued independent existence of all three small carriers economically impossible. The Supreme Court has now conditioned the consummation of the Penn-Central merger upon E.L., D. & H., and B. & M. first being provided for.

7. THE ICC FAVORS THE TAX RELIEF HERE SOUGHT

The views of the ICC were sought respecting both H.R. 10542, the Keogh bill of the 89th Congress, and the amendments thereto that are embodied in the current measure. Under date of September 29, 1965, the Commission, through its three-member Committee on Legislation, wrote to Representative E. J. Keogh, one of the measure's sponsors in the 89th Congress, respecting H.R. 10542, setting forth the Commission's position as follows:

> The proposed legislation will undoubtedly make it more attractive for profitable railroads to acquire weak railroads which find it difficult to continue operating independently. The acquisition and rehabilitation of such weak railroads would result in the preservation of essential rail services and would be in the public interest. Accordingly, we favor the objectives of this legislation.

Under date of June 20, 1966, the Commission's then Chairman, John W. Bush, again wrote to Representative Keogh, this time concerning H.R. 10542 in light of certain proposed modifications which have now been embodied in the proposed tax relief. The Commission continued to support the enactment of H.R. 10542. As to the proposed amendment, the Commission's only thought was "whether the modifications you proposed will be sufficiently attractive to encourage preservation of essential rail service."

The Commission's original view favoring the enactment of the tax relief proposed in the Keogh bill remains unchanged. The plan—page 81—notes that tax relief in this area was proposed in the 89th Congress—H.R. 10542 and S. 2786—relative to the carryover of railroad net operating losses and that—

> The Commission endorsed the objectives of the proposed legislation, hereinafter referred to as the Keogh bill. It is clear that the basic purpose of existing limitations on net operating loss carryovers is not applicable to post-merger inclusions effected under Section 5 of the Interstate Commerce Act, and that the Keogh bill would facilitate the inclusion of smaller railroads in larger systems on terms that are equitable to all concerned.

8. THE TAX RELIEF HERE PROPOSED

(A) GENERAL PURPOSE OF SUCH TAX RELIEF

The tax relief here proposed, which is substantially that contained in the Keogh bill—H.R. 10542—of the 89th Congress, would insure the carryover for a maximum of 11 calendar years of the unused net operating losses of certain regulated railroad companies to successor regulated rail carriers where the assets of the former are acquired by the latter in most kinds of tax-free reorganizations and liquidations. As noted earlier, many such railroad reorganizations and liquidations already are afforded this vital carryover of unused net operating losses for a 7-year period under current law—compare, sections 172(b)(1)(C), 381, and 382. Carryover of these losses is, however, currently allowable through reorganization only where the two combining railroads are not too unequal in size.

Realistically viewed, there are at this time only three roads which are in need of the proposed tax relief; that is, E.L., B. & M., and the New Haven, the conduct of whose business affairs has for some year been committeed to trustees in section 77 reorganization. Each of these three regulated rail carriers finds itself unable to meet the 20 percent requirement of section 382(b) by reason of size alone. That is, each of the three great eastern systems, which are the only merger candidates available to these three smaller roads, is already so large that there is no hope of even approximating the Tax Code's 20-percent stock requirement.

In drafting section 382(b), the Congress did not intend to discriminate between large and small regulated rail carriers, but only to put an end to general "huckstering" between commercial corporations of unused net operating losses. Accordingly, the tax relief here proposed in section 1 of the bill is simply designed to equate the posture of net operating loss carryovers of smaller regulated carriers by rail with that currently enjoyed by larger roads upon the occurrence of most types of tax-free reorganizations or liquidations. As the tax relief here proposed is strictly limited to such corporate exchanges effected between regulated rail carriers as are found by the ICC to be compatible with the public interest, there can be no "huckstering" of unused losses of a type which led to the adoption of section 382(b)'s 20-percent limitation.

In addition, the plan finds that the economic condition both of E.L. and of B. & M. is so precarious and their debts so large that no other carrier should be required at this time to take over their properties and so to become directly liable for their indebtednesses. Accordingly, it is provided in section 2 of the proposed new law that the net operating losses of railroad corporations which have accrued prior to their joinder in a consolidated return with the new parent corporation will nonetheless be available thereafter in computing consolidated taxable income and the consolidated tax payable where the new common parent corporation of the affiliated group is also a railroad corporation. The April 5, 1965, amendment to the consolidated return Regulations—T.D. 6813—liberalizing the rules governing the consolidated net operating loss deduction by narrowing the limitation imposed by regulation section 1.1502–31A(b)(3) and (b)(21)(1) offers a suggestive analogy and partial precedent for the approach taken in section 2 of the proposed measure.

(B) TECHNICAL ASPECTS OF THE PROPOSED MEASURE

The relief here proposed for the smaller loss rail carriers is of a twofold nature. The first avenue of relief, contained in section 1, amends the Tax Code by adding a new subsection (7) to section 382(b) and a new section 383 which, taken together, would remove the 20-percent requirement of section 382(b) in the case of certain railroad reorganization transfers and acquisitions of assets qualifying either under section 374(a), relating to the reorganization of insolvent railroad corporations, or under section 381(a)(2); extend the terms of section 381(c)(1), relating to carryovers of unused net operating losses, to acquisitions of assets effected under section 374(a); and extend the present 7-year carryover period of net operating losses in the case of regulated transportation corporations—as defined in section 172(j)—currently embodied in section 172(b)(1)(C) to a maximum of 11 years in the case of railroad reorganizations qualifying under section 374(a), or under section 381(a)(1) or (2).

Although the proposed measure specifies an 11-year cycle of carryovers—compare, proposed section 383(c)—in fact a cycle of only 10 full years will result unless the reorganization or liquidation should occur on December 31. This result is due to the fact that the year of reorganization or liquidation counts as 2 years unless the transfer occurs on the last day of the acquiring taxpayer's normal taxable year—compare, section 381(c)(1)(C)—which in the case of railroad corporations is December 31.

The second avenue of relief, contained in section 2 of the proposed measure, would enable preaffiliated status net operating losses of railroad corporations to carry over to a consolidated group with which such net operating loss generating member joins in filing a consolidated return. This tax benefit is conditioned upon the common parent corporation, as well as the loss generating affiliate, both being railroad corporations during the year in which both such corporations first join in a consolidated return. It is also necessary, in order to render a loss corporation's preaffiliated status net operating losses available to the consolidated group, that such loss generating affiliate continue to be "a railroad corporation actively and substantially engaged in the transportation business" unless its assets are transferred to another member of the affiliated group in a transaction qualifying under section 381(a)(1) or (2).

Under section 2 of the proposed measure, as under section 1, an 11-year cycle over which net operating losses are to be carried is provided—compare section 2(c). In reality, this 11-year period will be 10 years unless joinder in a consolidated return is first effected on January 1—compare, Treasury Regulations, section 1.1502-76(b)(2).

(C) TAXPAYERS AFFECTED

(1) RAILROAD CORPORATIONS

The proposed new Tax Code section 382(b)(7) and section 383(a) and (b) would apply only in the case of the acquisition of assets of a railroad corporation, as defined in section 77(m) of the Bankruptcy Act, by another such railroad corporation as so defined. Section 2 of the proposed measure likewise limits relief to the preaffiliated status net operating losses of railroad corporations as defined in section 77(m).

Section 77(m) of the Bankruptcy Act defines a "railroad corporation" as "any common carrier by railroad engaged in the transportation of persons or property in interstate commerce, except a street, a suburban, or interurban electric railway which is not operated as a part of a general railroad system of transportation or which does not derive more than 50 per centum of its operating revenues from the transportation of freight in standard steam railroad freight equipment." The Congress has upon several occasions in the past extended special tax relief in the case of railroad corporations as defined above—compare sections 108(b), 302(b)(4), 354(c), 373, and 374. Additional relief in connection with the carryover of unused net operating losses is urgently needed at this time.

(2) REGULATED TRANSPORTATION CORPORATIONS

As noted earlier, carryovers of net operating losses are provided for under the liberalizing scope of proposed new code section 383(c) for a maximum of 11 years, rather than 7 years, where transfers, qualifying under section 374(a) or under section 381(a)(1) or (2), are effected between regulated transportation corporations as defined in section 172(j) of the code. That is, liberalization of the carryover period to a maximum of 11 years for net operating losses is provided for where both transferee corporation and transferor corporation at the time of the transfer of the latter's assets both qualify as a regulated transportation corporation within the meaning of section 172(j) and so long as the transferee corporation continues thereafter to be so qualified, provided the requirements of section 374(a), or of section 381(a)(1) or (2) have been satisfied.

For the purposes of section 172(j) and of this measure, "a regulated transportation corporation" is a corporation 80 percent or more of the gross income of which—computed without regard to dividends and capital gains and losses—for the taxable year in question is derived from the furnishing or sale of transportation—as more specifically provided in section 7701(a)(33)—or which is a member of a regulated transportation system—compare section 172(j)(1). A corporation qualifies as a member of a regulated transportation system provided such corporation is a member of an affiliated group of corporations making a consolidated return for the taxable year in question and 80 percent or more of the aggregate gross income of the members of such consolidated group—computed without regard to dividends and capital gains and losses—for such taxable year is derived from the furnishing or sale of transportation—as described in section 7701(a)(33).

(D) TAX ATTRIBUTES AFFECTED

The only tax attribute favorably affected by the proposed measure is net operating losses realized prior to transfer of the loss generating railroad corporation's assets to another railroad corporation or prior to such loss corporation's joinder in a consolidated income tax return where the new common parent corporation is also a railroad corporation.

(E) AFFECTED TRANSFERS AND JOINDERS IN CONSOLIDATED RETURNS

The new measure, in the case of acquisitions and transfers of assets, extends only to transfers of property effected: First, under section 374(a); second, under section 381(a)(1), that is, to liquidations effected under section 332 except where the basic provisions of section 334(b)(2) apply; or third, under section 381(a)(2), that is, reorganizations effected pursuant to section 368(a)(1)(A), (C), or (D)—but only if the requirements of subparagraphs (A) and (B) of section 354(b)(1) are met—and (F). Thus all the normal safeguards, both statutory and administrative, currently applying to the stated types of reorganizations or liquidations must be met. That is, independent corporate business purposes must be served; continuity of the business enterprise must be present; and continuity of substantial proprietary interest, inherent in the concept of a reorganization in contrast to a sale, must exist.

In this latter connection relative to the continuity of substantial proprietary interest test, it follows that stock of the distributee or transferee corporation—or of such distributee or transferee's corporate parent or grandparent—must constitute a substantial portion in value of the total consideration moving from the transferee corporation to, or for the benefit and account of, stockholders of the transferor, or, in the case of transfers qualifying under section 374(a), to such transferor's other equity owners. Thus, a mere taking subject to, or assumption of, existing indebtedness of a distributor or transferor corporation by the distributee or transferee will not suffice, even if supplemented by such distributee's or transferee's subordinated income debt plus cash.

In the case of the acquisition of an affiliated status and joinder in a consolidated income tax return, the chief change in existing law relates to net operating losses which shall have accrued prior to the date of the loss generating member's first joining in a consolidated return with a qualified new common parent corporation. These preaffiliated status losses will be made available to offset consolidated taxable income thereafter realized. If the common parent corporation acquires the assets of another railroad corporation in a transaction described in section 382(b)(7) or section 383, the affiliated group will be entitled to the affected net operating loss of the transferor corporation despite contrary provisions in the Treasury Regulations implementing chapter 6—compare section 2(e)(1) of the proposed measure. Of course, the loss corporation's own losses—including those of a distributee or transferee corporation where the transfer qualifies under sections 381(a)(2) and 382(b)(7)—will be available without limitation to offset otherwise taxable income realized solely by such loss corporation itself or by its distributee or transferee corporation—compare section 2(b).

Transfers of assets and joinders in consolidated returns covered by the proposed measure can be effected only pursuant to an authorizing order of the ICC, which, upon due hearing, has found the transfer of assets or acquisition of affiliated status to be in the public interest and in furtherance of the national transportation policy of the Nation. Thus, as noted above, no "huckstering in net operating losses" can here be effected. Accordingly, the normal safeguards of section 269 and the regulations under chapter 6 have been relaxed—section 2(a), and (2)(e)(1).

(F) ADDITIONAL SAFEGUARDS PROVIDED

In the case of qualifying acquisitions and transfers of assets, in addition to the safeguards incorporated in the very concept "reorganization" which have been imported into section 382(b)(7) and section 383, the proposed measure in new Tax Code section 383(a) also specifically incorporates those safeguards set forth currently in section 381 (b) and (c)(1). Among these limitations is that imposed by section 381(b)(3) which provides that a distributee or transferee "shall not be entitled to carry back a net operating loss for a taxable year ending after the date of distribution or transfer to a taxable year of the distributor or transferor corporation."

(G) LOSS YEARS AFFECTED

Section 1 of the proposed measure, dealing exclusively with transfers effected in conformity with section 374(a), section 381(a)(1) or section 381(a)(2) of the Tax Code, affects only "net operating loss carryovers which are attributable to any net operating loss of the transferor incurred in a taxable year ending before January 1, 1968"—section 1(b). As the maximum carryover period is 11 years, it is apparent that the only loss years covered by this section are those incurred during the calendar years 1957 to 1967, inclusive.

Section 2 of the proposed measure likewise has a maximum loss carryover period of 11 years—section 2(c)—and limits the losses affected to those net operating losses "incurred by the member in a taxable year ending before January 1, 1968"—section 2(b)(1). Thus section 2 is limited to the same space of years, 1957 to 1967, inclusive, as is section 1. Further, to benefit from section 2, it must be shown that the net operating loss to be availed of was "incurred by a member—other than the common parent corporation—which first became a member of the affiliated group" which is to utilize the loss "during a taxable year ending after December 31, 1966"—section 2(b).

(H) RECAPTURE PROVISIONS

Where an affiliated group has been enabled under section 2(a) to utilize the preaffiliated status net operating losses of a railroad loss member of the affiliated group, it has seemed wise to insure against possible abuse and overreaching. Thus section 2(d) provides for a recapture of the tax benefits thus enjoyed in the event the loss generating member ceases to be a member of the group; has the direction of its affairs placed in the hands of a trustee in bankruptcy or section 77 trusteeship; or ceases to be a railroad corporation actively and substantially engaged in the transportation business. The year in which any of these three events occurs is denominated the loss corporation's "termination year." This recapture clause is not triggered if the loss generating member simply transfers its assets to another member of the affiliated group in a tax-free reorganization or liquidation qualifying under section 381(a) (1) or (2).

In a loss generating affiliate's termination year, the common parent corporation must return—section 2(d)(1)—as an item of ordinary gross income, and not as capital gain, the amount of such loss generating affiliate's preaffiliated status losses which the consolidated group has been enabled to enjoy with tax benefit solely by reason of section 2(a). Thus, the recapture provisions have no application to tax benefits accruing to the loss member solely from the utilization of its own losses. If the termination year occurs within a period of 10 years after the loss corporation first became a member of the affiliated group, then all of its preaffiliated status losses so utilized by the group with tax benefit are includible—section 2(d)(4). If the termination year occurs after 10 years shall have elapsed, then the amount to be included in the common parent corporation's gross income is 90 percent minus 10 percentage points for each full year elapsing after the close of the 10-year period and the beginning of the termination year. Thus if the 11th year is the year of termination, only 90 percent is includible. Nothing will be includible in the common parent's ordinary gross income, by reason of section 2(d), if the termination year begins with a year more than 19 full years after the year in which the loss corporation first became a member of the affiliated group.

(I) SPECIAL LIMITATIONS ON MAXIMUM AMOUNTS DEDUCTIBLE EACH YEAR

In order to avoid any undue impact on the revenues in a single taxable year, a two-pronged limitation is annually imposed upon the extent to which an affiliated group joining in a consolidated tax return under section 2(a) may utilize the preaffiliated status losses of a loss-generating member which is a railroad corporation actively and substantially engaged in the transportation business, other than against such loss-generating member's own otherwise taxable income or that of its qualified distributee or transferee corporation.

The first of these twin limitations—section 2(f)(4)(A)—provides that the amount of the loss carryovers made available under sections 2 (a) and (e) of the proposed measure may not exceed for each taxable year an amount equal to 50 percent of the consolidated taxable income for such taxable year computed without application of the new law and without regard to any net operating loss carryback to such taxable year. In addition, the second of the two limitations—section 2(f)(4)(B)—provides that the amount of the loss carryover made available under sections 2 (a) and (e) of the proposed measure in any taxable year cannot exceed an amount equal to 20 percent of the aggregate of the net operating loss carryovers of the loss affiliate referred to in sections 2 (b) and (e)(2) which were carryovers to the first taxable year for which the affiliated group filed a consolidated return claiming the benefits of section 2. For example, if the group first filed a consolidated return claiming benefits under section 2 for the taxable year 1969 and the total net operating losses of the loss member affected by this bill were $100,000,000, then not more than $20,000,000 of such losses could be availed of in any 1 year by members of the group other than the loss member or its qualified distributee or transferee. This $20,000,000 figure remains fixed even though the $100,000,000 carryover to 1970 might shrink to $80,000,000.

(J) ADDITIONAL SAFEGUARDS AGAINST "HUCKSTERING"

Two additional safeguards against the "huckstering" of unused net operating losses or undue enrichment of the new common parent corporation have been incorporated in the proposed measure. Thus it is provided in section 2(f)(3) that the losses made available under section 2(a) of the proposed measure to the consolidated group may in no event exceed the sum of the total fair market value of the common parent's stock into which the loss member's stock and securities are made convertible; the maturity value of all outstanding indebtedness of the loss member which is assumed or guaranteed by the common parent at the close of the taxable year; and the aggregate amount paid in by the parent corporation—as of the close of the taxable year—after the loss corporation became a member of the affiliated group as a contribution to the capital of the loss member. Section 2(f)(2), in turn, further limits the total deductions allowable under section 2(a) of the proposed measure to an amount not to exceed the unadjusted basis of depreciable property placed in service by the loss corporation after becoming a member of the affiliated group and held at the end of the year. For purposes of section 2 (f)(2) "depreciable property" means property used in the transportation business of the loss corporation with respect to which depreciation of amortization is allowable. It is also requisite that any such depreciable property shall have a useful life determined as of the time such property is placed in service of not less than 4 years.

It must further be recalled that section 2(a) of the proposed measure will not apply to any year in which the loss corporation ceases "to be a railroad corporation actively and substantially engaged in the transportation business." This requirement is not contravened if the loss corporation ceases to do business by reason of effecting a tax-free transfer of its assets to another member of the affiliated group in a transaction qualifying under section 381(a) (1) or (2) of the code.

(K) EXTENSION OF NET OPERATING LOSS CARRYOVER PERIOD FROM 7 TO A MAXIMUM OF 11 YEARS

Under current law—section 172(b)(1)—the net operating losses of a regulated transportation corporation, after serving as a carryback for 3 years, then, to the degree unutilized with tax benefit, serve as a carryover for the 7 years next succeeding the year of loss. Thus, a total net operating loss cycle of 11 years in all is provided for. In contrast, a 3-year carryback and a 5-year carryover term is applicable to business generally. A 10-year carryover term is, however, currently applicable in the case of net operating losses attributable to a foreign expropriation loss, with no period of carrybacks, thus producing a total net operating loss cycle of 11 years—section 172(b)(1)(D). No period of carryback is provided for the losses affected by this bill. Therefore a total maximum carryover period of 11 years has been provided. This term is fully justified in light of the extended delays attendant both upon acquisitions and transfers of the assets of, and of control over, regulated transportation corporations which also qualify as railroad corporations within the meaning of section 77(m) of the Bankruptcy Act.

(L) EFFECTIVE DATE

The new code provisions, that is, section 382(b)(7) and section 383, will apply only with respect to reorganization and liquidation distributions, transfers, and acquisition of assets effected in "taxable years ending after the date of the enactment of this act, or March 31, 1968, whichever date is later"—section 1(c). The temporary extension last year of certain excise taxes is slated to expire March 31, 1968.

Only acquisitions of status as a member of an affiliated group occurring during a taxable year ending after January 1, 1966, and pursuant to an order of authorization and approval issued by the ICC will be governed by the proposed measure—section 2(b). In addition, the new law will apply only with respect to consolidated returns filed "for taxable years ending after the date of the enactment of this act or March 31, 1968, whichever date is later"—section 2(h).

(M) IMPLEMENTATION

The Secretary of the Treasury or his delegate is already authorized by the present Tax Code to prescribe such regulations as may be necessary to implement section 1 of the proposed measure—compare, section 7805(a). Section 2 of the proposed measure, which will not form a part of the Tax Code, contains a specific grant of authority—section 2(h)—to the Secretary or his delegate similarly to implement its provisions by such regulations as he may deem needful and necessary for the administration and enforcement of section 2 provisions. The making of a consolidated return claiming the benefits of the new measure shall be considered as signifying the taxpayer's election to be bound by the Secretary's regulations.

9. IMPACT UPON THE REVENUES

(A) THE LOSSES AFFECTED

Although the proposed measure would extend relief impartially to all regulated rail carriers falling within its scope, only three rail carriers possessed of substantial unused net operating losses are known realistically to be interested in this bill at this time. These three carriers, operating generally in the northeastern portion of the country, are the E.L., B. & M., and New Haven. The earliest year for which the proposed measure could be effective is 1968 and the maximum period of carryover is 11 years. Thus only the loss experience of these three roads for the years 1957–67 is relevant under the proposed measure. The latest available data show the following net operating loss posture of E.L., the New Haven, and B. & M. as computed for Federal income tax purposes:

Year	EL	New Haven	B. & M.
1957	$7,421,250	$1,529,960	$1,212,783
1958	11,467,170	3,544,195	7,539,960
1959	5,887,660	10,070,452	15,844,474
1960	22,012,550	12,909,345	11,805,435
1961	28,295,440	19,421,608	7,038,180
1962	16,657,560	12,893,130	1,787,903
1963	15,970,310	9,212,967	279,132
1964	8,268,194	12,103,825	4,250,280
1965	[1] (1,573,343)	6,068,830	4,097,438
1966	[1] [2] (4,600,000)	[2] 6,500,000	([3])
1967			
Total	109,806,791	94,254,312	53,855,585

[1] Taxable income for year prior to application of net operating losses.

[2] Estimate as of Feb. 15, 1967.

[3] Not currently available.

(B) ECONOMIC VALUE OF THE AFFECTED LOSSES

The plan calls for the N. & W. system to take over the E.L. and, on a permissive basis, the B. & M. as well. The N. & W. system for 1968 would, under current law, be paying tax not at the 48 percent indicated rate but at 24 percent due to the operation of the investment credit and the new 50-percent limitation thereon. Further, the plan—pages 95–96—finds as a fact that the present E.L. may reasonably be expected in future to earn sufficient taxable income, during the present 7-year carryover period currently provided for regulated transportation companies by section 172(b)(1)(C) of the Tax Code, to utilize a very substantial portion of its own net operating losses. More concretely, the plan—page 105—sets forth that—

> All of EL's projected income from 1967 through 1971 (except $1.1 million in 1971) will be free of Federal income taxes due to operating loss carryovers * * *

And that—

> By electing guideline and accelerated depreciation methods in 1972 EL would pay no tax from 1972 through at least 1979.

Thus, on the basis of the best information currently available, E.L. would utilize its own losses to a very substantial degree, as authorized by present law, and so the proposed measure would have a very reduced impact upon the revenues insofar as E.L. is concerned.

Concededly, neither the New Haven nor the B. & M. can realistically be viewed as being in a position over the next 7 years to utilize any substantial portion of their own net operating losses. On the other hand, it is by no means certain as of this time that B. & M. will become a part of the N. & W. system. Rather, that road may join the New Haven as part of the Penn-Central system. Unlike the N. & W. which has long been in a very substantial taxable income posture, neither the P.R.R. nor the N.Y.C. has paid Federal income taxes for many years. Nor will either road, or even a combined Penn-Central system, be in a taxable area for many years to come, due to the availability of accelerated methods of depreciation and losses to be realized upon retirement of redundant property. Thus, although the total losses of B. & M. and the New Haven are very substantial, the economic benefit to be derived therefrom even under the proposed measure may well in fact prove quite moderate.

(C) ADDITIONAL ECONOMIC CONSIDERATIONS

The Federal fisc is affected not only by deductions allowable to taxpayers but by the degree to which debts owing to the Treasury by debtors, otherwise unable to repay, are made recoverable. Thus in weighing the impact of this measure upon the revenues sight should not be lost of the fact that the U.S. Government is liable, through ICC guarantees on junior loans outstanding against the three loss carriers here principally involved, which, as of March 1965, totaled $63,535,043 in principal amount—that is, $15 million for E.L.; $7,400,000 for B. & M.; and $41,135,043 for the New Haven. The absorption of these three loss debtors by strong continuing rail systems will insure the Treasury's freedom from having to make good on these existing guarantees or at least enhance its chances of recoupment where it has already been called upon to make good on its guarantee.

Although perhaps not readily subject to precise dollar evaluation, the economic benefits to be derived from the prompt lodgement of the three loss carriers here under consideration as integral members of strong continuing rail systems are nonetheless very real. Among these valuable intangibles must be counted the insuring of permanent jobs for the more than 30,000 employees of the smaller eastern carriers here involved and the continued availability of their services and facilities to the shipping public. Last, but by no means least, is the economic value to metropolitan areas in critical need of adequate commuter services securing these three loss lines' joinder with strong, viable rail carrier systems which alone have the economic strength, right-of-ways and know-how to join with Federal, State, and local governmental units in solving the problem of mass urban transportation.

On balance, it seems clear that the national fisc stands greatly to benefit from the prompt enactment of the proposed measure.

The text of the bill (H.R. 7609) follows:

H.R. 7609

A bill relating to the carryover of net operating losses of certain railroad corporations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Amendments of the Internal Revenue Code of 1954

(a) AMENDMENT OF SECTION 382.—Section 382(b) of the Internal Revenue Code of 1954 (relating to limitations on net operating loss carryovers) is hereby amended by adding at the end thereof the following new paragraph:

"(7) CERTAIN RAILROAD NET OPERATING LOSSES.—In the case of a net operating loss incurred in a taxable year ending before January 1, 1968, the limitation in this subsection on carryovers of such loss shall not apply if—

"(A) the transferor corporation and the acquiring corporation are railroad corporations as defined in section 77(m) of the Bankruptcy Act (49 Stat. 922; 11 U.S.C. 205);

"(B) the reorganization was effected pursuant to an order of authorization and approval issued by the Interstate Commerce Commission; and

"(C) the reorganization occurred in a taxable year ending December 31, 1966."

(b) Special Rule for Certain Railroads.—Part V of subchapter C of chapter 1 of such Code (relating to the carryover of specified tax attributes in the case of certain corporate exchanges and acquisitions) is amended by adding at the end thereof the following new section:

"Sec. 383. Carryover of Net Operating Losses in Certain Acquisitions of Railroad Corporation Assets

"(a) Carryover of Losses in Certain Acquisitions of Railroad Assets.—In the case of the acquisition of the assets of a railroad corporation by another railroad corporation in a transfer which is not within the provisions of paragraph (1) or (2) of section 381(a) but is a transfer to which section 374(a) applies, the acquiring corporation shall succeed to and take into account, as of the close of the day of transfer, the net operating loss carryovers of the transferor corporation in the manner set forth in paragraph (1) of section 381(c) and subject to the conditions and limitations specified in section 381(b). The provisions of section 382(b) shall not apply with respect to such carryovers.

"(b) Limitations on Application of Subsection (a).—Subsection (a) shall apply only if the transfer of the assets was effected pursuant to an order of authorization and approval issued by the Interstate Commerce Commission and occurred in a taxable year ending December 31, 1966, and shall apply only to net operating loss carryovers which are attributable to any net operating loss of the transferor incurred in a taxable year ending before January 1, 1968.

"(c) 11-Year Carryover in Certain Cases.—If the assets of a regulated transportation corporation (as defined in section 172(j)) are acquired by another regulated transportation corporation in a transfer described in section 374(a) or in paragraph (1) or (2) of section 381(a), the years of the transferee corporation to which a net operating loss of the transferor corporation can be carried forward and used by the transferee corporation under section 381(c) or under subsection (a) of this section shall be determined, so long as the transferee corporation is a regulated transportation corporation as so defined, as if section 172(b)(1)(C) provided for an 11-year carryover, instead of a 7-year carryover, of the net operating loss."

(c) Effective Date.—The amendments made by this section shall be applicable in computing net operating loss deductions for taxable years ending after the date of the enactment of this Act, or March 31, 1968, whichever date is later.

Sec. 2. Consolidated Returns

(a) Certain Losses Incurred Before Affiliation.—If a consolidated return is filed under chapter 6 of the Internal Revenue Code of 1954 by an affiliated group of corporations, the common parent corporation of which is a railroad corporation, the affiliated group shall be entitled, in computing the net operating loss deduction of the affiliated group under section 172 of such Code, to take into account (subject to the limitations set forth in subsection (f)) the net operating loss carryovers referred to in subsection (b), notwithstanding section 269 of such Code or any provision of the regulations promulgated under such chapter 6, but only if the common parent corporation files the consent provided for in subsection (d). For purposes of this section, the term "railroad corporation" means a railroad corporation as defined in section 77(m) of the Bankruptcy Act (49 Stat. 922; 11 U.S.C. 205).

(b) Carryovers Subject to Subsection (a).—The net operating loss carryovers referred to in subsection (a) are those which are attributable to any net operating loss (as defined in section 172 of such Code) incurred by a member (other than the common parent corporation) which first became a member of the affiliated group during a taxable year ending after December 31, 1966, and pursuant to an order of authorization and approval issued by the Interstate Commerce Commission and which net operating loss—

(1) was incurred by the member in a taxable year ending before January 1, 1968, and during which it was a railroad corporation but was not a member of an affiliated group which included the common parent corporation filing the consent under subsection (d); and

(2) could be carried over to the current taxable year if such member were filing a separate return and were allowed to carry over the loss to 11 taxable years following the year of such loss.

For purposes of the preceding sentence, if a member of the affiliated group (other than the common parent corporation) acquired the assets of another corporation in a transfer described in sections 381(a)(2) and 382(b)(7), any net operating losses incurred by such other corporation in taxable years ending before January 1, 1968, shall be deemed to have been incurred by such member of the affiliated group.

(c) 11-Year Carryover.—In computing the net operating loss deduction in a consolidated return under the provisions of this section, the number of years a net operating loss described in subsection (b) may be carried over under the provisions of section 172 of such Code shall be determined as if section 172(b)(1)(C) of such Code provided for an 11-year carryover instead of a 7-year carryover.

(d) Recapture Provisions.—

(1) Consent by common parent corporation.—Subsection (a) shall not apply with respect to the net operating loss carryovers of a member (hereafter in this section called the loss corporation) unless the common parent corporation of the affiliated group files a consent with its consolidated return that the common parent corporation, if the termination year as defined in paragraph (3) occurs will return as an item of gross income for such year the applicable percentage (set forth in paragraph (4)) of the aggregate tax benefit realized by the affiliated group through deducting under subsection (a) the net operating loss carryovers of the loss corporation. Such item of gross income shall be treated as gain from the sale of property which is neither a capital asset nor property described in section 1231 of such Code. The consent shall be filed in such form and manner as may be prescribed under the regulations promulgated under subsection (f).

(2) Computation of tax benefit.—The tax benefit referred to in paragraph (1) is the aggregate amount of the deductions allowed under section 172 of such Code on account of the net operating loss carryovers of the loss corporation described in subsection (b) of this section, but only to the extent that such deductions resulted in a reduction of tax of the affiliated group for the taxable years for which consolidated returns were filed, and reduced by the amounts, if any, by which such net operating loss carryovers (used up in the consolidated returns) could have been availed of by the loss corporation with tax benefit if it had made a separate return for all taxable years. The computation shall include the taxable year which is the termination year.

(3) Termination year.—For the purposes of this subsection the term "termination year" with respect to any loss corporation means the taxable year in which the loss corporation ceases to be a member of an affiliated group which includes the common parent corporation (other than through a transfer of its assets to another member of the affiliated group in a transaction qualifying under section 381(a) (1) or (2) of such Code), or, if earlier, the taxable year in which—

(A) control of the loss corporation is vested in a trustee in bankruptcy or in a proceeding under section 77 of the Bankruptcy Act, or

(B) the loss corporation ceases to be a railroad corporation actively and substantially engaged in the transportation business (other than through a transfer of its assets to another member of the affiliated group in a transaction qualifying under such section 381(a) (1) or (2)).

(4) Applicable percentage.—For purposes of paragraph (1), the term "applicable percentage" means 100 percent if the termination year begins within a period of 10 years after the loss corporation first became a member of the affiliated group, and if the termination year begins after such 10-year period, the term means 90 percent minus 10 percentage points for each full year elapsing after the close of the 10-year period and the beginning of the termination year.

(5) No reduction of basis.—Notwithstanding the regulations prescribed under chapter 6 of such Code, the basis of stock or any obligation issued by the loss corporation and help by the affiliated group shall not be reduced by reason of the deduction in the consolidated return of net operating losses referred to in subsection (b).

(e) Certain Loss Carryovers of Common Parent Corporation.—

(1) Use in consolidated return.—If the common parent corporation acquired the assets of another railroad corporation (hereafter called the transferor corporation) in a transaction described in section 382(b)(7) or 383 of such Code, the affiliated group shall be entitled, in computing its net operating loss deduction under section 172 of such Code, to take into account (subject to the limitations set forth in subsection (f)) the net operating loss carryovers referred to in paragraph (2), notwithstanding any provision of the regulations promulgated under chapter 6 of such Code.

(2) Carryovers affected.—The net operating loss carryover referred to in paragraph (1) are those which are attributable to any net operating loss of the transferor corporation incurred in a taxable year ending before January 1, 1968, and which, by reason of section 381 or 383 of such Code, could be carried over to the taxable year and deducted by the common parent corporation if it were filing a separate return for the taxable year.

(f) Limitations.—The additional deductions allowable under section 172 of such Code by reason of the application of this section shall be subject to each of the following limitations:

(1) No deduction in certain cases.—Subsection (a) shall not apply to the net operating loss carryovers of a loss corporation for the taxable year in which such corporation ceases (other than through a transfer of its assets to another member of the affiliated group in a transaction qualifying under section 381(a) (1) or (2) of such Code) to be a railroad corporation actively and substantially engaged in the transportation business, or for any subsequent taxable year.

(2) Limitations based on investments in depreciable property.—The additional deduction allowable for the taxable year under section 172 of such Code on account of the application of subsection (a) to the net operating loss carryovers of any one loss corporation shall not exceed the amount by which—

(A) the basis (unadjusted) of depreciable property (i) placed in service by the loss corporation after it became a member of the affiliated group and (ii) held at the end of the taxable year, exceeds

(B) the additional deductions allowed under subsection (a) for prior taxable years on account of the net operating loss carryovers of such loss corporation.

For purposes of this paragraph the term "depreciable property" means property used in the transportation business of the loss corporation and with respect to which depreciation (or amortization in lieu of depreciation) is allowable and which has a useful life (determined as of the time such property is placed in service) of 4 years or more, but such term does not include any property which is acquired primarily for the purpose of being rented to others. Rolling stock shall not be considered as acquired for rental purposes, even if rented in the ordinary course of business, where the amount of rolling stock acquired during such period is ordinary and necessary in the light of the needs of the loss corporation for such rolling stock.

(3) LIMITATION BASED ON INVESTMENT IN THE LOSS CORPORATION.—The additional deduction allowable for the taxable year under section 172 of such Code on account of the application of subsection (a) to the net operating loss carryovers of any one loss corporation shall not exceed the amount by which—

(A) the sum of (i) the total fair market value, as of the effective date of the Interstate Commerce Commission's order of authorization and approval referred to in subsection (b), of the common parent corporation's stock into which the loss corporation's stock and securities are made convertible by such order, (ii) the total maturity value of all outstanding indebtedness of the loss corporation which is assumed or guaranteed at the close of the taxable year by such parent corporation, and (iii) the aggregate amount paid by the parent corporation (as of the close of the taxable year) after the loss corporation became a member of the affiliated group as a contribution to the capital of the loss corporation or in discharge of indebtedness of the loss corporation previously assumed or guaranteed by the parent corporation, exceeds

(B) the additional deductions allowed under subsection (a) for prior taxable years on account of the net operating loss carryovers of such loss corporation.

(4) LIMITATION ON AGGREGATE AMOUNT DEDUCTIBLE IN ANY YEAR.—The aggregate of the additional deductions allowable for the taxable year under section 172 of such Code by reason of the application of subsections (a) and (e) of this section shall not exceed the lower of—

(A) an amount equal to 50 percent of the consolidated taxable income for the taxable year computed without the application of this section and without regard to any net operating loss carryback to the taxable year under section 172 of such Code, or

(B) an amount equal to 20 percent of the aggregate of the net operating loss carryovers referred to in subsections (b) and (e)(2) which were carryovers to the first taxable year for which the affiliated group filed a consolidated return claiming the benefits of this section.

Notwithstanding the provisions of section 172(b)(2) of such Code, such net operating loss carryovers to the taxable year shall be reduced, for the purpose of being carried over to subsequent taxable years, only to the extent such carryovers result in a reduction of tax for the taxable year after the application of the limitations set forth in this subsection. The portion of the carryovers which are not deductible because of such limitations shall be attributed to the most recent net operating losses.

(g) REGULATIONS.—The Secretary of the Treasury or his delegate shall precribe such regulations as he may deem needful and necessary for the administration and enforcement of the provisions of this section. An affiliated group shall not be entitled to the benefits of this section unless it consents to the regulations prescribed under this subsection prior to the last day prescribed by law for the filing of the consolidated return. The making of a consolidated return claiming the benefits of this section shall be considered as such consent to the regulations.

(h) EFFECTIVE DATE.—The provisions of this section shall apply in computing net operating loss deductions for taxable years ending after the date of the enactment of this Act, or March 31, 1968, whichever date is later.

OUR OUTDOOR RECREATION CHALLENGE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, 100 years ago Fredrick Law Olmsted, the landscaper of the Capitol Grounds, led a vigorous campaign to preserve open space and develop parks and recreation areas in New York City.

At the time, the population of New York was only half a million and much of the city, including parts of Manhattan, was still open land. Mr. Olmsted recognized that eventually, the explosive pressures of urban expansion would create a megacity. He believed that action should be taken to preserve a part of the countryside in the city while countryside was still available to preserve.

Mr. Olmsted showed remarkable foresight into urban recreation needs when he pointed out that Central Park, his major achievement, was designed to: Supply to the hundreds of thousands of tired workers, who have no opportunity to spend their summers in the country, a specimen of God's handiwork that shall be to them, inexpensively, what a month or two in the White Mountains or the Adirondacks is, at great cost, to those in easier circumstances. The time will come when New York will be built up, when all grading and filling will be done. There will be no suggestion left of its present varied surface, with the single exception of the few acres contained in the park.

Mr. Olmsted's foresight was not shared by the city fathers of New York. His ambitious plans, with the exception of Central Park, fell victim to apathy and indifference.

The result—

Wrote Interior Secretary Udall in his book, "The Quiet Crisis"—

> was predictable . . . New York fought a losing battle against congestion and blight, and Central Park today is a solitary symbol of what it might have been.

Mr. Speaker, very little of the countryside is left in any American city. Most urban areas, like New York, have failed to plan adequately for future recreation needs. Enclaves of open space, green gardens and public playgrounds are the exception rather than the rule.

In 1967, because of the failure to develop recreation facilities in the past, the United States has a deficit of over 3 million acres of urban recreation land. Simply meeting the quantitative needs for such land would require nearly tripling avaliable recreation acreage.

According to an article by Jack Underhill of the Land and Facilities Development Administration of the Department of Housing and Urban Development, the deficit by 1975 will increase to 4 million acres—6,250 square miles.

The current inventory of user-oriented local recreation land—land located in large metropolitan areas—within city limits is 630,000 acres. The 1975 need will be 1,630,000, based on a standard of 10 acres per 1,000 population.

An additional 400,000 to 450,000 acres of user-oriented park land is located outside city boundaries. Based on 15 acres per 1,000 standard, the 1975 deficit in this type of recreation land will be roughly 3,000,000 acres.

The magnitude of the recreation deficit is so staggering that we cannot hope to overcome it. But we can bring our recreation supply and demand into better balance. Delay will only serve to increase the severity of the problem.

The price of urban land is increasing and its availability is decreasing. Within the next decade, the cost of urban land will double. Every acre of recreation land which is purchased today will pay for itself with the savings realized over tomorrow's land prices.

Open land readily available for recreation uses is disappearing at a rate of between half a million and a million acres a year. Under the open spaces land program, the cost of purchasing developed land has exceeded that of open land nearly nine times.

Our predecessors in the last century failed to heed the warnings of Fredrick Olmsted. The consequence is today's urban recreation crisis. We cannot afford to continue to ignore the admonitions of Mr. Olmsted. To do so would mean that the next generation will face a recreation crisis complicated many times over.

A first step in the solution of the recreation crisis would be expansion of the open spaces land program. This program, which provides matching grants for the purchase and development of urban open space, has helped acquire 200,000 acres of land since 1961. Still, applications for grants outstrip our ability to meet them by three or four to one.

I recently introduced legislation to double the land acquisition and development funds authorized for the open spaces program. My bill would also permit use of development funds for recreation land other than that acquired under the program and would diversify the types of facilities which may be constructed with development funds.

Mr. Speaker, I hope our colleagues will have the opportunity to vote on my bill, H.R. 5865, or similar legislation, during this Congress.

INTERIOR SECRETARY UDALL RATED AMONG MOST SUCCESSFUL OF THE JOHNSON CABINET

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, as a new member of the House Interior Committee this year, I have come to have an even greater appreciation of our Secretary of Interior than before, and I always regarded him highly.

Don Oberdorfer, writing for the Knight newspapers, notes:

> Among Cabinet members, Udall has been singularly lucky. He is not bedeviled by the growing war in Asia, or by the racial revolution at home. The problems of his department have been manageable. More than any other Cabinet member, he has been free to accomplish what he set out to do.

Stewart Udall was a distinguished Member of Congress before he was selected by President John F. Kennedy to care for our Nation's department of natural resources. We have made great strides under his leadership. Every American can be grateful for the Secretary's doggedness, his vision and his political finesse.

The Department of Interior is not without its struggles with contending forces. Today there is a great debate beginning over what will happen to oil shale. Inside Interior and inside Congress there are sharp differences on public policy regarding oil shale. Setting the boundaries for a new park or finding money to buy the land for a park is no simple matter.

While Stewart Udall's task may seem easier than the task of other Cabinet officers, he has not relaxed or bent to special pressures. He has kept the cause of conservation before the public and the public is today making its voice heard.

Mr. Speaker, under unanimous consent I include the article about Secretary Udall, "Low Man Triumphs," by Don Oberdorfer, at this point in the RECORD:

[From the Charlotte Observer, Mar. 14, 1967]

UDALL: LOW MAN TRIUMPHS

(For six action-packed years, four members of John F. Kennedy's original cabinet have stuck to their jobs, piloting their vast departments from the bright hopes of January, 1961, through crisis and assassination and the grueling daily grind of Lyndon Johnson's Washington. This article, one of a series, tells what time has brought to one of the four cabinet veterans—Interior Secretary Stewart Udall—and to the department he has ruled for more than 2,000 days.)

(By Don Oberdorfer)

WASHINGTON.—At the end of his first year in office, Stewart L. Udall was rated by Time magazine as the least effective member of the Kennedy Cabinet. Now—five years later—he may rank as one of the most successful of the Johnson Cabinet.

He has not only survived under two presidents—he has triumphed in his field of greatest interest. During his tenure as secretary of the Interior, millions of Americans have awakened with shock and anger to their disfigured land, overcrowded parks, poisoned air and poisoned water. Moreover, they are eager to act.

Udall did not create this strong new wave of cleanup and conservation, but he has fostered it and channelled it. More than anyone else—even Lady Bird Johnson—he has been its symbol. He has been its steward.

Among Cabinet members, Udall has been singularly lucky. He is not bedeviled by the growing war in Asia, or by the racial revolution at home. The problems of his department have been manageable. More than any other Cabinet member, he has been free to accomplish what he set out to do.

His most essential task has been to build national and congressional support for the ideas he believes in. The drudgery of detailed administration—which is not Udall's special talent—has just begun.

Today he sits in shirtsleeves in a wooden rocking chair in his cavernous private office, combative as ever but a lot less impetuous than he was six years ago.

He is still husky and healthy—he harvests and splits his own firewood at home and mows his own lawn—but the years have put touches of gray in his crewcut. When he talks of the trials and accomplishments of office, his nasal Arizona twang is as strong as ever.

"Maybe I deserved to be last," Udall says of that early low rating of his performance. He had been a lawyer, a congressman and an amateur mountain climber, but until his elevation to the cabinet by John F. Kennedy, he had never been an administrator. He knew what he wanted to achieve, but he didn't know how to move the bureaucracy, the Congress or the country.

At the height of the talk about "foot-in-the-mouth" Udall, he decided to write a book. As Udall looks back on it, that made a major difference.

Early in the morning and late at night, and whenever he could find the time between, he laboriously set down in longhand his convictions about the tasks ahead. He savored coast-to-coast airline flights on official business—"four or five hours of uninterrupted work."

The result was "The Quiet Crisis," published in 1963, which was his attempt "to outline the land and people story of our continent . . . dedicated to the proposition that men must grasp completely the relationship between human stewardship and the fullness of the American earth."

The book was a best seller (40,000 copies without proceeds to the secretary). More important, it deepened Udall's knowledge and commitment, and it clarified his cause for himself and his associates.

"We've had a clear cut mission," he says of the days which followed. "And we've had everybody aboard."

The success of the book seemed to give Udall a surer grip on his job. The climb up the mountainside has been easier ever since.

"In his first meeting with the press, Udall said he'd taken office with the idea of thinking big and moving ahead on a broad scale," recalls W. J. MacFarlan of the Associated Press, a respected veteran of 15 years on the Interior Department beat. "Looking over his performance as secretary, I think you'd have to say he's gone and done it."

Some roadmarks along Udall's trail:

In six years, Congress has added 1,223,284 acres to the national park system at Udall's urging, including 300 miles of oceanfront and 47 miles of frontage on the Great Lakes. In the 15 years previous, no new national parks and few recreation areas were created in the continental United States, despite a growing population and rapidly increasing interest in the outdoors.

The new national policy is to "put the parks where the people are." Many of the new recreation areas and national seashores are within a few miles of great cities.

Udall conceived, and Congress approved, the land and water conservation fund, a continuing allocation of more than $100 million yearly to help localities, states and the federal government develop more outdoor recreation facilities.

Congress created, and placed in the Interior Department, the new federal Water Pollution Control Administration. Within five years, this job of reclaiming water is expected to cost twice the budget of interior's largest traditional task, land reclamation in the West.

Under Udall, the Interior Department has doubled its annual budget (to $1.8 billion for the coming year) and added 16,000 employees (to 66,000).

There have been no major scandals under his administration—though the department's regulation of public lands and petroleum resources have been historic targets for swindlers.

The bitter quarrel between private and public power interests has been held in check by a series of careful compromises. Neither side, however, is entirely happy with Udall.

Finally, Interior is no longer a "department of the West," with little business or reputation east of the Rockies. It has been transformed into a truly national department by the new recreation and anti-pollution activities, which reach out into every state.

"I'm proud of our record on particular things—saving seashores, creating parks, protecting rivers, converting saline water," Udall says, "but these are only beginnings.

"This job will take a generation, to clean up the countryside and build handsome, attractive cities.

"We've made a start, and I'm encouraged.

"I'm more encouraged, though, by the change of attitudes and goals, by the quickening of interest."

For the moment, at least, the interest seems to have outstripped the action. Water pollution, for example, suffered deep setbacks in the new (Vietnam-dominated) budget. Original authorizations calling for $450 million for waste treatment construction grants to cities and states were pruned back to an estimated spending level of $152 million. The chairman of the senate anti-pollution subcommittee, Ed Muskie of Maine, called this "totally inadequate."

The House Chairman John Blatnik of Minnesota said, "It makes me sick."

Udall leads a far-flung and complex department. Among his other troubles:

The age-old problem of the American Indian is little closer to solution, despite rising expenditures and manpower devoted to it. Interior's Indian bureau now employs one federal worker for every 24 Indians. Yet it is doing so poorly that the White House may transfer the whole problem to the Department of Health, Education, and Welfare.

Udall's pet reclamation project, designed to bring new water to his parched home state of Arizona and to fast-growing Southern California, is still stalled in Congress. Ironically, it has been blocked by his more usual backers—the conservationists—who objected to the proposed flooding of some remote portions of the Grand Canyon.

Now Udall has a new approach to avoid this—but it is not certain to find favor at the Capitol.

Beyond these achievements and objectives, the years have brought to Stewart Udall more fame than fortune, and a better sense of political prudence.

Since taking office, he has among other publicized outdoor feats, led hikes in the rain, climbed Mt. Kilimanjaro in Africa and Mt. Fuji in Japan, and escorted Lady Bird down a western river in a rubber raft (Udall "manages to conserve his strength by letting Mrs. Johnson paddle," cracked the President).

Financially, he hasn't done as well. Despite his Cabinet pay of $35,000 annually, the Udalls have to watch their pennies. Much is expected of a Cabinet official, and Udall lives entirely off his salary.

Last September, the first of the six Udall children went off to college. "Four years from now," say the secretary, "four of them will be in college. At some point, I'm in trouble."

Politically, he appears to be a wiser man. Still a partisan Democrat, he is not so obvious or so eager for battle as in earlier days.

A forthcoming issue of his beautifully-illustrated conservation yearbook is a sign of the times. It features flatteringly arranged quotations not only from Lyndon Johnson but from both Republican and Democratic conservation leaders on Capitol Hill.

He has worked hard on his congressional relations, and has known just where to concentrate his efforts.

If inspection by high officials would nourish growth, the duck farms of Stuttgart, Arkansas, for example, would produce the fairest fowl anywhere. They've been visited personally by Udall, by an assistant secretary and repeatedly by Udall's commissioner of fish and wildlife. The deserving ducks are in the home district of Chairman Wilbur Mills, D., Ark., of the House Ways and Means Committee, which approved the land and water conservation fund.

The attention to legislative chores is one secret of Udall's unexpected success with Lyndon Johnson, according to those who know both men well.

"Stewart was the only member of the Cabinet who had come from Capitol Hill, and he was the only Westerner," explains a mutual friend. "He and Johnson think a lot alike. They both come from small towns in arid country, and they both went to small colleges."

In 1960, Udall had cemented his friendship with JFK by stealing the Arizona delegation to the Democratic convention right out from under the noses of the confident Johnson forces. "Johnson didn't like it," continued his friend, "but he admired the job that was done on him. He knew he'd seen a pro at work."

Another close observer says that "Johnson likes to slicker them up on Capitol Hill. And Stewart is the world's best slicker-er."

After six years in office, Udall has surpassed in longevity all but three of his 36 predecessors as secretary of the interior, and these men were the Cabinet servants of Theodore Roosevelt, Woodrow Wilson and Franklin Roosevelt. How long Udall will continue is anybody's guess.

"Some people say that two or three years in an important job is enough," he mused recently, "but it took me two or three years to gain a grasp of the problems. This is a big country. The longer I've been in office, the more momentum I've been able to build up. I have felt more and more fulfilled in the job.

"My wife has stuck with me," he says of the busy years behind him. "I've had a strong team at work with me, and strong support from two presidents. That's why I've stayed around this long."

WALTER REED AND GENERAL MALLORY

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Rooney] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I take great pride today in calling to the attention of my colleagues the very dedicated and capable administrator of Walter Reed Army Medical Center, Brig. Gen. Philip W. Mallory.

Recently, I have had a number of occasions to visit Walter Reed Medical Center, one of two Army medical centers in the world and the primary facility for caring for our soldiers wounded in Vietnam. On each of these occasions I was tremendously impressed by the administration and operation of this center for healing and rehabilitation of our courageous young men, so many of whom have been severely maimed in the brutal battles which go on in southeast Asia.

At Walter Reed I have visited men from my own congressional district who are undergoing treatment of their wounds. One of these, Spc. Barry Schaffer, of Kunkletown, Pa., is a triple amputee who spent several weeks in the center's intensive care unit for treatment of severe shock. Another is Pfc. George B. Senick, of Bethlehem Township, Pa., a winner of the Bronze Star with "V" Device for exceptional valor. And still another is Spc. Stephen Kave, of Allentown, Pa., who lost his left leg in Vietnam.

The families and friends of these young men, like myself, have been very favorably impressed by the sophisticated care these boys are receiving in this 1,500-bed general hospital. Some of the most highly trained specialists in the world are at work there to speed these wounded along the road to recovery.

To support the enormous task of patient care, the hospital also conducts research and, in its role as a teaching hospital, trains medical interns, dietitians, physical and occupational therapists, and dental interns. Enlisted personnel receive training as X-ray technicians, neuropsychiatric specialists, operating room technicians, veterinary specialists, and laboratory technicians.

Overseeing the effective and efficient operation of these and many more activities is General Mallory, a personable Texan who has been engaged in military service in the medical field since 1934. He has been awarded such citations and decorations as the Legion of Merit, the Bronze Star, the Italian Cross of Military Valor, and decorations from the Brazilian and Chilean Governments.

Walter Reed Medical Center's extraordinary facilities and its fine staff make this a facility which is providing our men in uniform the best care available anywhere in the world.

The doctors, nurses, corpsmen, and civilian personnel know these young men and administer to their needs as individuals having personalities, not as numbered cases which simply add to their workload. The interest in these men which every staff member demonstrates daily might best be described as "tender, loving care."

All of this adds up to a medical center of which all Americans can be proud.

INCREASE IN PAY OF UNIFORMED SERVICES

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. Rivers] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. RIVERS. Mr. Speaker, I am today introducing a Department of Defense legislative recommendation which implements the President's recommendations concerning needed adjustments in compensation for members of the uniformed services as reflected in the President's message to the Congress on Federal pay and postal rates on April 5, 1967.

The legislation proposes an across-the-board 5.6 percent increase in the monthly basic pay of our uniformed services personnel effective October 1, 1967.

In addition to this general increase in uniformed services pay, the bill will make various adjustments in the level of payments authorized under the Dependent's Assistance Act for the families of our enlisted personnel in the lowest pay grades, that is E1 to E4 with less than 4 years of military service. These monthly increases in this element of military compensation will average approximately 9 percent.

I am particularly gratified by the Department's recommendation that the individual senior noncommissioned officer in each of the military services be paid an additional $150 per month more than the highest enlisted basic pay otherwise authorized. This specific increase in pay is designed to recognize and reward appropriately the additional responsibilities placed upon the enlisted incumbents of these new and important positions.

I am advised that the cost of this increase in uniformed services pay for the 9-month period during fiscal year 1968 will be $626 million. This is a substantial cost but one which is completely and fully justified.

I assure you that the Committee on Armed Services will take speedy action on this departmental recommendation and I hope that the House will have an opportunity to work its will on this important legislation in the very near future.

POSTAL REVENUE BILL

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Daniels] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DANIELS. Mr. Speaker, I have today introduced the postal revenue bill recommended yesterday by the President. I am pleased to join the distinguished gentleman from New York [Mr. Dulski], chairman of the Post Office and Civil Service Committee, and the chairman of our Subcommittee on Postal Rates, the gentleman from Montana [Mr. Olsen], in sponsoring the President's proposal.

Enactment of this legislation will meet the requirements of the Postal Policy Act of 1958, to the effect that postal rates be adjusted from time to time as may be required to produce the amount of revenue approximately equal to the cost of operating the Postal Establishment, taking into consideration the cost attributable to public service features.

The increased rates under this proposal will result in annual additional revenue of over $800 million. After taking into consideration the public service features, the revenue deficit for fiscal year 1968 is expected to be approximately $600 million. The new 4½-percent pay increase for postal employees will cost approximately $200 million. In addition, several very costly objectives have been outlined for improvement in the postal service. I need only list a few of these, such as improved management, new acquisition and modernization of facilities and equipment, and an increase in the efficiency of the postal service system.

All in all, I am sure there is no doubt in any of our minds that a postal rate increase is inevitable at this time. In general, I support the President's proposal, but I know from past experience that during the course of the extensive hearings which can be expected, and the markup of the bill by our committee, several improvements and adjustments will be recommended and undoubtedly will be adopted before a bill is brought back here to the floor of the House for your consideration.

Mr. Speaker, as a member of the Subcommittee on Postal Rates, I know that this proposal will receive a very thorough review. We realize it will require extensive hearings and detailed studies, as does any legislative proposal having such far-ranging effects on the patrons of the mail and, in many cases, their economic well-being. My ultimate aim will be to make sure that each class of mail will be paying its fair share of the cost when we finish with this postal rate bill.

Mr. Speaker, I would like to comment on one additional point. In all logic and reason, postal employees' pay, retirement, life insurance, health insurance, uniform allowances, and all other fringe benefits are matters separate and distinct from any postal rate adjustments. They should continue to be kept separate and distinct.

I strongly support the admonition that "the laborer is worthy of his hire." Postal deficits have no place at the bargaining table when we are considering employee benefits, but we all know that they do. It is my hope that one desirable result of the President's postal rate proposal will be to remove, or at least reduce, this impediment in connection with our consideration this year of improved postal employee pay and fringe benefits.

Mr. Speaker, an explanation of the postal rate bill and two tables follow:

Explanation of Postal Rate Bill

President Johnson has asked the Congress to increase postal rates. He has recommended a one-cent increase in first-class and air mail postage and increases generally ranging from about 20 to 30 per cent for second- and third-class mail, controlled circulation publications and for the educational materials category of fourth-class mail.

This fiscal year the Post Office Department expects a deficit of about $1.2 billion. About half of that deficit, $600 million, is attributable to functions of the Department designated by the Congress as public services. The remaining $600 million is the postal deficit and under the Postal Policy Act must be considered in assessing the adequacy of current postal rates. The Postal Policy Act calls for postal revenues to be "approximately equal" to operating costs, after public service losses have been deducted from total operating costs.

At present, first-class mail is operating just above the break-even point. The Postal Policy Act says first-class mail should pay all its costs plus an additional amount representing the fair value of the extraordinary and preferential services it receives. To meet this requirement, an increase in first-class rates is needed.

The Department's loss this year on the delivery of regular second-class mail (mainly mass-circulation magazines, newspapers and business publications) is estimated at $236 million. Revenues from this class of mail now pay only 29 per cent of the costs of delivering it. The increases proposed on regular second-class mail would bring cost coverage in this category to an estimated 37 per cent. The Department's loss on the delivery of regular third-class mail (single-piece and bulk-rate commercial) is estimated at $309 million. Most of this deficit is incurred in the delivery of third-class bulk mail, which is mainly advertising matter. Revenues from regular third-class mail now cover about 67 per cent of delivery costs. The proposed rate increases for regular third-class mail, along with the savings in operating costs the Department expects to realize from the mandatory ZIP Code presorting done by the users of third-class bulk mail, are expected to raise cost coverage on regular third-class mail to about 90 per cent.

The proposed rate increases would bring in an estimated $706 million in additional postal revenue in fiscal year 1968, with $537 million of this coming from first-class and air mail. Once all the proposed increases are fully effective, they are expected to bring in an additional $825 million a year in postal revenue, including $40 million to offset the cost of public service categories of mail. The new rates for first-class, air mail, single-piece third-class and fourth-class would go into effect July 1, 1967. The increases for second-class and controlled circulation publications would take effect in three annual steps, starting January 1, 1968. The increases for bulk-rate third-class would go into effect January 1, 1968.

The additional revenue from the proposed rate increase would permit the Department to move forward with the most ambitious modernization program in the history of the Postal Service. The Department's fiscal year 1968 budget calls for a sharp acceleration of efforts to refurbish the Postal Service's physical plant and to develop and obtain high-speed mail processing equipment. Modernization of the Postal Service is essential if we are to cope effectively with the nation's tremendous mail volume, which is now equal to the mail volume of the rest of the world combined. The 1968 postal budget includes more than $300 million in postal modernization expenditures, high-lighted by a 40.2 per cent increase in spending for research and engineering and a boost of 45.9 per cent in funds for plant and equipmet.

Following is a summary of the major changes in postal rates and regulations proposed in the bill.

FIRST-CLASS AND AIR MAIL

An increase from 5 to 6 cents per ounce for first-class mail not in excess of 12 ounces.

An increase from 4 to 5 cents for drop letters and for first-class post and postal cards. (A drop letter is a letter dropped off at the post office by the sender and picked up by the addressee at the same post office. Drop letters are used in rural areas where mail delivery service is not available.)

An increase from 8 to 9 cents per ounce for air mail not in excess of 8 ounces.

An increase from 6 to 7 cents in air mail cards.

All first-class mail over 12 ounces and all air mail over 8 ounces would be placed in a single category. A flat rate of 75 cents would be charged for all matter in this category up to one pound. For all matter weighing more than one pound, the present air parcel post rates would continue to apply except that the postage on matter weighing between 1 and 5 pounds would change at half-pound intervals rather than one pound intervals. This would result in the reduction of postage on some parcels. All mail subject to this single rate schedule could be handled and delivered on an expedited service basis. This approach reflects the priority mail principle and is a step toward the Department's ultimate goal of establishing a single class of priority mail.

All changes in first-class and air mail rates would be effective July 1, 1967.

SIZE AND SHAPE STANDARDS

The bill would impose a surcharge on certain types of mail which do not meet specified size and shape standards. The surcharge would be imposed on non-standard first-class and air mail weighing not more than 2 ounces, on matter weighing not more than 4 ounces mailed at the third-class single piece rate, and on all non-standard pieces subject to third-class bulk minimum piece rates. The surcharge would not take effect until after July 1, 1969. The purpose of the surcharge is not to raise additional revenue, but to discourage the use of envelopes and other mail pieces that cannot be readily handled by postal machinery or create other processing or delivery problems.

The surcharge would be imposed on mail which has size dimensions greater than 5¾ inches wide, 11½ inches long, non-uniform thickness or thickness which exceed ¼ inch, or ratio of width to length of less than 1 to 1.414.

On first-class and air mail, the surcharge would be the equivalent of postage for a one-ounce letter—6 cents and 9 cents, respectively, under the proposed rates. Non-standard third-class matter up to 4 ounces mailed at the single-piece rate would be subject to minimum postage of 10 cents. On regular third-class bulk-rate mail the surcharge would be .6 cent per piece and for non-profit third-class bulk mail .3 cent per piece.

Quantity mailings of samples, subject to single-piece rates and prepared for mailing as directed by the Postmaster General, would not be affected by the higher minimum rate for non-standard-size pieces.

The surcharge would not be imposed on mail that exceeds the size limits if the Postmaster General finds it can be readily handled by the Department.

REGULAR RATE SECOND-CLASS MAIL OUTSIDE COUNTY OF PUBLICATION

An increase from 2.8 to 3.4 cents per pound—phased in three annual steps—on editorial or non-advertising matter. The rate would go to 3 cents January 1, 1968, to 3.2 cents January 1, 1969, and to 3.4 cents January 1, 1970.

An increase in the per-pound zone rates on advertising matter. At present, the rates on the advertising portion of regular second-class mail range from 4.2 to 14 cents per pound, depending on how far the publication is mailed. The rates would be raised to 5.1 to 17 cents per pound, phased in three annual steps beginning January 1, 1968. The rate range would go to 4.5 to 15 cents January 1, 1968, to 4.8 to 16 cents January 1, 1969, and to 5.1 to 17 cents January 1, 1970.

An increase from 1 to 1.3 cents in the minimum charge per piece. The minimum charge per piece would go to 1.1 cents January 1, 1968, to 1.2 cents January 1, 1969, and to 1.3 cents January 1, 1970.

At present, the minimum charge per piece for publications which mail fewer than 5,000 copies per issue outside the county of publication is .5 cent. This would be increased to .6 cent January 1, 1968, .7 cent January 1, 1969, and .8 cent January 1, 1970.

The present minimum charge of ¾ of a cent for any issue of a publication which does not carry more than 5 per cent advertising would be discontinued. Issues of a publication which do not carry more than 5 per cent advertising would be subject to the regular minimum per piece charge shown above.

Special local rates for mailings at additional entry points would be eliminated. Under present regulations, publications issued more often than once a week pay a flat rate of 1 cent per copy for local delivery by city carriers from the Post Office where they are entered for mailing. Publications issued less often than once a week pay 1 cent per copy if they weigh 2 ounces or less, and a flat 2 cents if they weigh more, for local delivery by city carriers from the office of mailing. These special local delivery rates apply at every Post Office where the publication is entered for mailing, even at Post Offices outside the actual county of publication. Mailings at Post Offices outside the county of publication are called additional entry points. A number of mass-circulation magazines have taken advantage of this rate "loophole" by shipping their publications to major cities outside the county of publication, entering the publication for mailing in these cities, and receiving the special reduced local delivery rate. The Department has just completed a survey of mailing patterns of 20 major non-weekly magazines which employ additional entry points and are now subject to the special 1-cent and 2-cent per copy rates at such points. The results indicate a loss of $1 million a year in postal revenue, representing the difference between the postage for the local deliveries at the additional entry points and the postage that would have to be paid if the publications were charged the regular zone rates. The bill would eliminate the special local delivery rates for publications mailed at additional points of entry. The special rates would continue to apply to local delivery from the Post Office of entry in the county of publication.

WITHIN-COUNTY SECOND-CLASS MAIL

An increase from 1¼ to 1.5 cents per pound, phased in three annual steps, for delivery of second-class mail within the county of publication. The rates would go to 1.3 cents January 1, 1968, to 1.4 cents January 1, 1969, and to 1.5 cents January 1, 1970.

An increase from ⅛ to .2 cent in the minimum charge per piece on second-class mail delivered within the county of publication, effective January 1, 1968.

The present per-copy rates (1 and 2 cents) for certain publications delivered within the county of publication would be retained. (See fourth paragraph on Page 4).

CLASSROOM PUBLICATIONS SECOND-CLASS MAIL

These rates would be 60 per cent of the proposed higher rates for outside-the-county delivery of regular second-class publications, in keeping with the principle adopted by Congress in 1962.

This category of mail is comprised primarily of Sunday school journals and special scholastic publications for classroom use.

TRANSIENT SECOND-CLASS MAIL

An increase from 4 to 5 cents for the first 2 ounces. The present rate of 1 cent for each additional ounce would be retained.

This category of mail includes publications mailed by individuals and sample copies mailed by publishers in excess of the limit prescribed by postal laws.

NONPROFIT SECOND-CLASS MAIL

At present a flat rate of 1.8 cents a pound, with a minimum of ⅛ cent per piece, is charged for non-profit second-class mail (publications of religious, educational, fraternal, scientific, philanthropic, agricultural, labor, veterans organizations). No distinction is made between editorial and advertising content. The bill would for the first time set a higher rate for advertising content in these publications, following the principle now used for commercial second-class publications.

Starting January 1, 1968, the new rates for non-profit publications would range from 1.9 to 2.1 cents per pound, depending on the amount of advertising. Starting January 1, 1969, the rate range would be 2 to 2.5 cents and starting January 1, 1970, the rate range would be 2.1 to 2.8 cents per pound. The rate for non-profit publications would be the same regardless of how far they are mailed, as is now the case.

The minimum per piece rate on non-profit publications would be raised from ⅛ cent to .2 cent January 1, 1968.

CONTROLLED CIRCULATION PUBLICATIONS

An increase from 13.5 to 15 cents per pound, phased in three annual steps. The rate would go to 14 cents January 1, 1968, to 14.5 cents January 1, 1969, and to 15 cents January 1, 1970. This increase is in keeping with the proposed raise for second-class publications having characteristics similar to controlled circulation publications shipped at the pound rate.

An increase from 1 to 3.8 cents in the minimum charge per piece, phased in three annual steps. The rate would go to 1.9 cents per piece January 1, 1968, to 2.9 cents January 1, 1969, and to 3.8 cents January 1, 1970. This would raise the minimum charge for controlled circulation publications to the same level as the proposed minimum for third-class bulk rate matter. Many controlled circulation publications mailed at the minimum rate are shopper guides. Many shopper guides formerly mailed as third-class matter changed their format, and added a minimum of editorial content. in order to qualify as controlled circulation publications and receive the lower minimum rate charged for this category of mail. By making the minimum for controlled circulation publications equal to the third-class minimum, this rate "loophole" would be closed.

Controlled circulation publications are primarily trade, technical and industrial journals and shopper guides. They are mainly free circulation publications which are not eligible for second-class rates.

SINGLE-PIECE THIRD-CLASS MAIL

An increase from 4 to 5 cents for the first two ounces, effective July 1, 1967. The present rate of 2 cents for each additional ounce would remain the same.

An increase from 6 cents for each 2 ounces or fraction thereof to 14 cents for the first two ounces and 7 cents for each additional 2 ounces for keys, identification cards or tags or similar identification devices, and credit cards, effective July 1, 1967. This increase is in keeping with the principle of setting higher rates for matter of unusual size or shape. Keys, identification devices and credit cards require special attention and handling. The postage must be collected from the person to whom they are delivered.

BULK RATE REGULAR THIRD-CLASS MAIL

An increase from 2⅞ to 3.8 cents in the minimum charge per piece, effective January 1, 1968.

An increase from 12 to 16 cents per pound for books, catalogs, seeds and plants, and from 18 to 22 cents a pound for other matter, effective January 1, 1968.

BULK RATE NONPROFIT THIRD-CLASS MAIL

An increase from 1¼ to 1.9 cents in the minimum charge per piece, effective January 1, 1968.

An increase from 6 to 8 cents per pound for books, catalogs, seeds and plants, and from 9 to 11 cents a pound for other matter, effective January 1, 1968.

The proposed increase for non-profit third-class mail would make the rates for this category of mail 50 per cent of the proposed rates for regular third-class bulk mail. This would be a return to the pricing ratio in effect from 1959 to 1962.

SPECIAL HANDLING ON THIRD-CLASS MAIL

Special handling would be extended to cover third-class mail. At present, special handling is available only for fourth-class mail. This will correct an inequity which resulted from a 1958 law transferring parcels weighing between 8 and 16 ounces from fourth- to third-class mail. At that time no provision was made for allowing special handling service on the 8-to-16 ounce parcels transferred from fourth- to third-class mail. Since then, parcels weighing under 16 ounces have been ineligible for special handling and this has resulted in complaints from postal patrons.

MERCHANDISE SAMPLES

Merchandise samples that do not meet specified size and shape standards (see Page 3) no longer could be mailed at third-class bulk rates. Effective January 1, 1968, they would have to be mailed at the third-class single piece rate. The proposed third-class single piece rate is 5 cents for the first two ounces and 2 cents for each additional ounce, as compared to the proposed bulk rate of 22 cents a pound, with a minimum charge per piece of 3.8 cents. Also, the bill would authorize the Postmaster General to require that non-standard merchandise samples mailed third-class in substantial quantities be addressed and prepared for mailing in a manner specified by him. This would permit the Department to require addressing and preparation that would facilitate the handling and delivery of non-standard merchandise samples.

Cost coverage by classes of mail

[In percent]

Mail classification	Cost coverage	
	Current [1]	After proposed rates [1]
1st class	103.0	123.3
Airmail:		
Letters and cards	105.3	118.5
Parcel post	174.5	159.5
Total, airmail	121.3	128.1
2d class:		
In county	13.1	15.2
Nonprofit	7.0	8.8
Classroom	18.3	23.8
Regular	29.3	36.2
Transient	92.1	100.0
Total, 2d class	23.3	28.4
Controlled circulation	57.9	73.1
3d class:		
Single piece rate	86.2	100.6
Bulk-rate regular	61.2	80.2
Bulk-rate nonprofit	27.0	40.7
Total, 3d class	62.9	80.3
4th class:		
Parcels and catalogs [2]	97.3	97.3
Special-rate, 4th class	42.4	51.1
Total, 4th class	89.9	91.1
Government mail	105.2	124.9
International mail [2]	90.4	100.2
Total all mail and services	83.1	95.4

[1] Fiscal year 1966 adjusted for known revenue and cost changes. Before public service allowances are subtracted from costs.

[2] Rates set administratively by Postmaster General. International rate changes effective May 1, 1967.

Summary of proposed rate changes

Mail class	Definition	1968 revenues (estimated)	Major rate changes		Net gain (1968 volume basis)	Percent increase
			Now	Proposed		
		Millions			*Millions*	
1st class:						
Letters	Messages, bills, checks, etc	$2,526.9	5 cents per ounce	6 cents per ounce [1]	$494.3	20
Cards	Utility bills, Government, and picture cards	92.2	4 cents each	5 cents each	23.0	25
Total					[2] 517.3	
Airmail:						
Letters	Messages, checks, etc	225.0	8 cents per ounce	9 cents per ounce [1]	28.1	13
Cards	Government and picture cards	2.0	6 cents each	7 cents each	.3	17
Parcels	1st class and airmail parcels	107.8	1st class and zone rates	(1)	−9.2	−9
Total					[2] 19.2	
2d class:						
Regular	Mainly mass circulation magazines, newspapers, and business publications. Rural papers delivered outside home counties.	110.9	Nonadvertising: 2.8 cents per pound. Advertising: 4.2 to 14 cents per pound. Minimum: 1 cent per piece	Nonadvertising: 3.4 cents Advertising: 5.1 to 17 cents Minimum: 1.3 cents	25.0	23
Nonprofit	Publications of religious, educational, scientific, philanthropic, agricultural, labor, veterans', and fraternal organizations.	7.9	1.8 cent per pound; ⅛ cent minimum.	2.1 to 2.8 cents per pound; 0.2 cent minimum.	2.2	27
Classroom	Scholastic newspapers for classroom use	1.8	60 percent of regular rates	Same relationship	.4	24
In county	Rural papers delivered in the counties of publication.	9.3	Mainly 1¼ cents per pound; ⅛ cent minimum.	1.5 cent per pound; 0.2 cent minimum.	[3] 2.0	22
Transient	Publications mailed by individuals	5.0	4 cents 1st 2 ounces; 1 cent each additional ounce.	5 cents 1st 2 ounces; 1 cent each additional ounce.	.5	9
Total					30.1	
3d class:						
Single piece	Greeting cards, small parcels, printed matter, booklets, and catalogs.	209.3	4 cents 1st 2 ounces; 2 cents each additional ounce.	5 cents 1st 2 ounces; 2 cents each additional ounce.	34.9	17
Bulk, regular	Circulars, newsletters, shopper guides, small catalogs, seeds, merchandise samples, and coupons.	495.7	Minimum: 2⅞ cents 12 and 18 cents per pound	Minimum: 3.8 cents 16 and 22 cents per pound	154.1	31
Bulk, nonprofit	Fundraising appeals, institutional newsletters, reports, booklets, and meeting notices.	43.4	Minimum: 1¼ cents 6 and 9 cents per pound	Mnimum: 1.9 cents 8 and 11 cents per pound	21.8	50
Total					[2] 210.8	
Controlled circulation	Trade, technical, or industrial publications. Some shopper-guide newspapers.	24.3	13½ cents per pound; minimum 1 cent.	15 cents per pound; minimum 3.8 cents.	6.4	26
4th class: Educational materials.	Book and record clubs are main users. Special rates for libraries, schools, and other institutions.	59.5	General: 10 cents 1st pound; 5 cents each additional pound. Library: 4 cents 1st pound; 1 cent each additional pound.	General: 16 cents 1st 2 pounds; 6 cents each additional pound. Library: 8 cents 1st 2 pounds; 3 cents each additional pound.	12.3	21
Government mail	Franked and penalty mail	153.6	Applicable class rates	Applicable class rates	28.8	19
Total revenue gains.					824.9	

---

[1] 1st-class mail over 12 ounces and airmail over 8 ounces would be subject to a single air parcel rate schedule.

[2] Does not include revenue gains from additional postage charges for nonstandard size pieces.

[3] Includes $1,000,000 of new revenues owing to the discontinuance of "per-copy" rates at additional entry points.

EDUCATIONAL MATERIALS FOURTH-CLASS MAIL

An increase from 10 cents for the first pound and 5 cents for each additional pound to 16 cents for the first *two pounds* and 6 cents for each additional pound for books, recordings, films and similar educational materials, effective July 1, 1967.

An increase from 4 cents for the first pound and 1 cent for each additional pound to 8 cents for the first *two pounds* and 3 cents for each additional pound for mailings subject to the library rate, effective July 1, 1967.

The bill would authorize the Postmaster General to require mailers of 1,000 or more pieces under fourth-class educational rates to prepare their mail in a manner directed by him.

OVERCHARGE: HOW ELECTRIC UTILITIES EXPLOIT AND MISLEAD THE PUBLIC

Mr. **PRYOR**. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. Olsen] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. **OLSEN**. Mr. Speaker, the guest speaker at the National Press Club luncheon today was my Senate colleague, Lee Metcalf. His speech, entitled "Overcharge: How the Electric Utilities Exploit and Mislead the Public" is a timely presentation of an issue of interest and concern to everyone in America. I have unanimous consent that Senator Metcalf's remarks be printed in the body of the Congressional Record, as follows:

Overcharge—How Electric Utilities Exploit and Mislead the Public

(Address by Senator Lee Metcalf)

I appreciate the opportunity to discuss an important public policy issue before such a large and distinguished segment of the press.

This forum will provide almost as much exposure as a reprint in Reader's Digest.

If Reader's Digest condenses "Overcharge" let's have lunch again—on me.

Perhaps we should start with a few fundamentals about our Nation's largest industry, electric power.

Each of us living in this area buys his electricity from a large investor-owned utility. Some two hundred large investor-owned utilities—I prefer the abbreviation, I.O.U.'s—serve eighty per cent of the customers in this country. The other twenty per cent are served by customer-owned rural electric cooperatives, by public utility districts, or by city-owned systems, such as those in Los Angeles, Seattle and Jacksonville.

The Federal government does not retail electricity. It generates about one eighth of this country's power, and sells it at wholesale to the other power systems, to industrial customers and to some Federal agencies, such as the Atomic Energy Commission. Three fourths of the Nation's power is generated by the investor-owned utilities.

The cost of generating power has been running between four and five mills per kilowatt hour. Last year the Tennessee Valley Authority contracted with General Electric for two nuclear reactors which will generate power for two point thirty seven mills, about half present costs. Nuclear power is coming on fast. Its economies, and the economies possible in the large coal-fired plants, are pushing the cost of generation down sharply.

The electricity produced by the various power systems is frequently pooled, interconnected and exchanged. Rural electric cooperatives buy about as much power from the I.O.U.'s as they buy from Uncle Sam. Uncle Sam sells twice as much power to private companies—industries and utilities—as he does to cooperatives.

Some of us remember how lights used to dim during periods of peak use, or brighten when another boiler at the light plant was stoked up. Nowadays, as demand increases, a computer flicks a switch that brings in needed power, perhaps over a long-distance transmission line from another time zone or another climate. Because of long-distance transmission, costly standby plants to meet daily and seasonal peak loads are no longer necessary.

On the seventh of February, this year—an historic day in the history of electricity—ninety four per cent of the U.S. electric generating capacity and parts of Canada were brought into one giant system, when a breaker was closed at Yellowtail Dam in Montana. Electricity from Bonneville Power Administration in the Pacific Northwest was synchronized with that of Consolidated Edison in New York. The tie held. The engineers had succeeded in their task of forming a giant national grid.

Last month Doctor Seaborg, chairman of the Atomic Energy Commission, came to our Subcommittee on Intergovernmental Relations for an exciting discussion of the role that technology is playing in reducing the costs of electricity. Truly a golden age of giant power is upon us. The Federal Power Commission has reported that possible savings of as much as eleven billion dollars in the annual electric bill are feasible by nineteen eighty. The question is, who is going to get that eleven billion dollars a year? Will it go to the consumers, or stay with the utilities?

The answer at this point is that most of it will be added to the overflowing coffers of the utilities unless some changes are made.

In stark contrast with the accomplishments of the engineers, who have made possible the great economies in generation and transmission, the regulation of rates charged for electricity is as outmoded as an old Aladdin kerosene lamp.

The minority of consumers—the twenty percent—who purchase their electricity from cooperatives or city-owned systems—are more fortunate than the rest of us. The people who own and manage the cooperative and municipal systems are also the customers. As consumers, they want as much electricity as possible for the lowest possible price. Customer control thus substitutes for the competition that cannot apply, in the usual sense, among any one utility's captive customers.

The average residential rates charged customers of city-owned systems are only three-fifths as much as the rates charged by the I.O.U.'s. Both the investor-owned and municipal systems put about ten and a half per cent of their revenue into state and local taxes or in lieu of tax payments. The investor-owned systems collect an additional sum—about one eighth of their revenue—for federal taxes. Thus despite the federal tax differential, the city-owned systems have a much better rate record than the I.O.U.s.

Even the rural electric cooperatives, which cover sparsely-settled areas, have, on the average, cheaper rates than the I.O.U.s.

Part of the reason for this is the large investment which the private companies have in generation. On the other hand, the co-ops have proportionately heavier investment in distribution lines. The stock reply of the I.O.U.s to the rate differential is: "That's because those co-ops get two per cent loans from the Rural Electrification Administration." That is not to the point. Despite the cheap money sometimes available from REA—and it isn't always available—the co-ops have to pay out a larger percentage of their revenue for interest than the I.O.U.s do. The investor-owned utilities, because of the density of the areas they serve receive fifteen times as much money per mile of line as the co-ops do. So the I.O.U.s interest charges are relatively light. The I.O.U.s simply collect and keep more money than they need.

One other point—which you never read in the advertisements sponsored by the electric company people—the folks at your local I.O.U.—is that REA loans money to them too. They get two per cent loans from REA, on the same basis as co-ops do. They have to agree, as co-ops do, to provide area-wide service, to obtain a two per cent loan.

The I.O.U.s do not borrow much of that REA money now. They have discovered that it is less profitable to provide service on an area-wide basis, with two per cent money, than to serve more populous territory selectively with money that carries higher interest charges, mixed generously with internally generated funds. Internal generation is the socially acceptable phrase for retained overcharges.

Now what about the eighty per cent of us who buy our electricity from PEPCO, VEPCO, Con Ed and the other large investor-owned utilities?

In our case, we are usually regulated by the utilities themselves, working through public service commissions.

I know we were taught in school, and we even read today in Department of Commerce pamphlets, as well as utility advertisements, that everything is hunky-dory because the companies are regulated. It doesn't work that way, though.

These commissions do not have the staff, the competence, or in some cases the desire, to see to it that the tremendous savings made possible by large, efficient plants, Federally-financed nuclear research and the private-public transmission network are passed on to the consumers. State legislatures have given these commissions responsibilities covering hundreds, in some cases thousands, of companies. The commissions are handicapped by state laws designed for and by the electric company people, from the Illinois statutes suggested by Samuel Insull to the Iowa statute initiated by utilities in that state four years ago.

The Virginia commission boasts of its clean docket, which is another way of saying that there has been no VEPCO rate case since nineteen fifty three, when the company sought and obtained a rate increase. Since then VEPCO's earnings per share of stock almost tripled. Market value of VEPCO stock more than quadrupled. The cost-price spread, the difference between expenses and revenue, rose from sixty five million dollars in nineteen fifty six to one hundred and fifty million dollars in nineteen sixty six. Yet, during the past fourteen years VEPCO's three quarters of a million residential customers became eligible for reductions amounting only to a few cents a month.

VEPCO does not overcharge its customers as much as numerous utilities do in Florida and Texas, or in Illinois, Ohio, Indiana and Louisiana. And even in Michigan, where Detroit Edison's ingenious board chairman, Walker Cisler, handed the bill for his white elephant nuclear plant to the companies' customers and the Nation's taxpayers while boosting Edison's profits to truly handsome levels.

Consider for a moment the stake which the federal taxpayer has in those states just mentioned. The biggest electricity bill in the country is Uncle Sam's. Virginia, Florida and Texas contain multibillion dollar defense and space installations.

The overcharge in the electricity bill means less bang for the buck to the Department of Defense. It means cutting corners elsewhere, or stretching out a program, to the National Aeronautics and Space Administration. And as a Pennsylvania school superintendent told me recently, following his doctoral research on utility overcharges in his state, it means up to two and a half dollars per student that is taken from the education budget each year and put into the excess profits of the power companies.

By the term overcharge I mean the difference between what a utility actually earns and what it would earn with a six per cent rate of return on an original cost rate base. Let me elaborate briefly. Utilities are allowed to earn a percentage of their investment, or rate base. Six per cent has long been held to be adequate to operate successfully and attract capital. Bonds and preferred stock are the principal capital of most utilities and carrying charges on them are less than six per cent—in some cases less than four per cent. Thus after servicing debt and preferred stock with the funds provided by a six per cent rate of return, a utility ordinarily has enough left over to provide a return of nine per cent or more on its common stock.

The overcharge accumulates because—for one reason—rates are set on the basis of prospective revenue and expenses. Somehow, despite their batteries of accountants, lawyers and statisticians, utilities frequently overestimate their expenses and underestimate their revenues. After a few years someone notices that revenue has exceeded expectations, or that expenses have dropped, and that the utility is earning more than the allowed rate.

Nothing can be done about that, however, because of a principle of utility regulation called the "water over the dam" rule. It means that past overcharges or underpayments need not be adjusted. In practice, this means that the water over the dam always falls on the poor consumer. If the rates are insufficient you can be sure that the utility will go before the commission and get an increase.

We all become concerned when interest rates rise. During recent years the electricity overcharge has spiraled upward much more than bank interest rates have gone up. One member of the press kindly showed me a packet of material distributed this year by the Edison Electric Institute, trade association of the I.O.U.'s, in an effort to discourage press comment on overcharge. Edison Electric Institute states that the investor-owned utilities earned an average return of six point two per cent on invested capital during the five year period ending in nineteen sixty three. I won't vouch for Edison Electric Institute's figures, but I will say that in nineteen sixty five, according to the utilities' own reports filed with the Federal Power Commission, the average return on invested capital was ten point seventy five per cent. For the thirty five principal utilities, which account for two thirds of the business, the average was eleven point four.

Invested capital includes both preferred and common stock. The return on common stock alone is substantially higher. I don't have the nineteen sixty five figures, but in nineteen sixty four, thirty five of the major utilities had a return on common stock of more than fifteen per cent. For some it was above twenty per cent.

Let me digress at this point and mention a couple of substantial differences between I.O.U.s and Lucy's lemonade stand.

Lemonade stands, shoe stores, newspapers and other parts of our free enterprise system sometimes fail to make a profit. In fact, quite often they simply fail—at the rate of some fourteen thousand businesses a year. Government-protected monopolies which provide an essential, superior product do not fail. Even during the depths of the depression, electric utility earnings dropped only a small fraction of one per cent. Utilities can be categorized as "private socialism," to use FDR's phrase. But, advertising to the contrary, utilities can never, never, be classed as "free enterprise."

Secondly, when Lucy starts squeezing lemons, or when a merchant starts to build a store, they aren't paid for it. The revenue doesn't come in until sales are made or service is rendered.

In contrast, in VEPCOland and a lot of other states, utilities are allowed to put construction work in progress, plant held for future use, and all sorts of things into the rate base, on which each customer pays a percentage.

Some of these rate bases appear to be as bloated as a clovered bull. This audience will be interested in knowing that my co-author, Vic Reinemer, who is a VEPCO customer, recently inquired of the Virginia State

Corporation Commission as to the dollar amount of some of these items in VEPCO's rate base. The commission chairman replied that, were he to give out that information, he might have to give it to VEPCO's other customers too.

Were a county assessor to refuse to tell a taxpayer the assessed value of his property there would, I am sure, be some editorials about the right to know. The secrecy about the rate base is comparable, although larger in scale.

If any of you wish to inquire into this aspect of government secrecy you may wish on the same trip to try to obtain the lists of all persons and firms, legal and otherwise, retained by utilities. If this secrecy wall is broken the results I daresay will be more interesting than the quarterly reports on Congressional nepotism.

I referred earlier to a return of fifteen per cent and more on common stock of principal utilities.

That does not mean that you and I will get a fifteen per cent yield on utility stock. Some of the earnings are added to surplus, or put into the business. In the thirty two utilities which have initiated stock option plans since nineteen fifty three, stockholder equity is being diluted by purchase of stock at cut-rate prices by the company insiders. In one instance, the president of Montana Power picked up a third of a million dollars in windfall profits in one stock option transaction.

Those fine, ordinary citizens who own Montana Power—according to the ads—were paying about twenty four dollars a share for their stock. Jack Corette got his thirty thousand shares for less than twelve dollars a share. And he still has options on another thirty-five thousand shares.

Increasingly, utility financing is arranged through bonds and retained earnings rather than new issues of stock. Bond financing makes sense. Retained earnings, however, contain a good deal of money which should never have been collected from the customers in the first place, such as tax set-asides.

Utility taxes, as a percentage of revenue, have been going down for several years. Congress has given the utilities nine Federal tax benefits since World War Two. Federal tax collections decreased from fourteen point seven per cent of electric utility revenue in nineteen fifty five to twelve and a half per cent in nineteen sixty four. State and local taxes increased some during that period, but the net effect was still a tax decrease.

Utilities, unlike free enterprise, get to collect enough revenue to cover all their operating expenses. That includes salaries, pension plans, public relations, advertising, airplanes, legal services, the expense of presentations before commissions, reserves for uncollectibles and personal injuries—everything, including taxes.

In some states the customers are still paying a rate set before the tax reductions. Thus the utilities, which advertise themselves to be the greatest taxpayers, are actually taxkeepers.

Some of the money which is collected but not used for taxes is distributed as tax-free dividends. This results from an unfortunate provision of the nineteen fifty four tax law, which permits utilities to keep two sets of books. One is for the tax collector, the other for the regulatory commission. When income in the "regulation" book exceeds income in the "tax" book, the difference can be paid to shareholders as a tax-free return of capital. Consolidated Edison paid out about one hundred million dollars in tax-free dividends in nineteen sixty four and sixty five. Con Ed's rates are high and its smoke is thick, but I must say its pencils are sharp.

Ask a public utility expert which of the state commissions have done a good job for the consumer and he may mention three states—New York, California and Wisconsin. If he has kept up with recent developments he will omit New York, hedge on California and say a prayer for Wisconsin.

I will assume that most of you have followed the recent articles and editorials in New York papers which have told how Con Ed always seems to have its way with Governor Rockefeller's appointees on the New York commission. The Times has suggested a thorough look at the commission and the laws under which it operates. That is a noble idea, not likely to succeed in any state unless your profession and mine both spend more time digging into utility affairs than we usually do.

The Montana legislature scuttled a similar proposal in record time this year and Massachusetts utilities are trying to strangle a power study.

California has had the most outstanding commission of all. It was the one which called a halt recently to the common utility practice of billing the customers for utility contributions to charities, extremist organizations and alma maters of company officials. The California commission disallowed executive featherbedding. It won the respect of the utilities.

Then in rode Ronald Reagan.

He didn't need ninety days to study what to do about the utility commission. One of his first acts was to replace two of the three commissioners who, in a three-to-two vote, voted to decrease rates in a recent utility case. In February that same utility—Pacific Telephone and Telegraph—requested a rate increase of one hundred and eighty one million dollars a year.

You can be assured that Pacific Gas and Electric, Southern California Edison and the rest are waiting in the wings. Unless the California commission shows the spunk that characterized it in pre-Reagan days, the utility overcharge is going to outweigh many times over the much-publicized increases in educational costs in that state.

Currently, electric utility groups in several regions are attempting one of the most arrogant maneuvers since Dixon-Yates. This is an attempt to exclude public power systems from future nuclear generation and large-scale transmission. A group of New England utilities has repeatedly denied municipals a part in planned generation and transmission development. It is the same story in the Southwest. About a month ago, New York's Governor Rockefeller announced a plan to give private power companies a subsidized monopoly on nuclear power in New York and to preclude participation by the New York Power Authority in development of atomic stations. The New York legislature declined to approve this scheme.

If these public systems are denied participation, they will have to obtain power from less economic sources, raise their rates and eventually sell out to the investor-owned utilities, which is what the I.O.U.'s have had in mind all along. Thus the tiny yardstick of competition, the birchrod in the closet, which has done so much more than regulation to reduce rates, will be gone.

I do have a few suggestions as to what ought to be done.

For one thing, it is time for a thorough examination of the electric power industry by a Congressional committee. It has been more than a third of a century since the one good look at the business. That was the Federal Trade Commission investigation which Senator Gruening, then a newspaper editor, described in his book "The Public Pays."

Let me get in a plug for Ernest here. The nineteen sixty four, paperback edition has a slightly different title. It is called "The Public Pays—And Still Pays."

When I say investigation, I do not mean a punitive one. I mean an informative investigation, which will bring in focus the real world of our Nation's largest industry. Utilities are totally unlike their advertised image in which an overcharge becomes a bargain, a risk-free, government-favored monopoly becomes free enterprise, where taxkeepers become the greatest taxpayers and where customer-owned power systems become socialistic while absentee-owned, proxy-managed utilities are equated with mom and pop stores and little boys who sell empty coke bottles and idolize the Scoutmaster.

I imagine that if someone twisted our arms and pleaded, both Senator Gruening and I would agree to serve on such a committee.

We need to know more about the state commissions' ability or inability to regulate the electric power industry.

We need to know the different ground rules of regulation in various states. There is, for example, wide variation on the make-up of the rate base. As utility profits soar the utilities are trying desperately to put more expenditures into the rate base, or the operating expenses, so the rate of return will not appear to be so high.

We need to know whether there is a suitable alternative to the present concept of return on investment.

We also need to know how to apply the technology that this country already has to the regulatory process. The whole regulatory process rests on the accounts. They can easily be computerized. The Federal Power Commission could become a national data bank. Then any commission, or party in a case, could obtain full data on a utility's performance and accounting. Then regulators could project revenue and expenses and initiate adjustments before the "water over the dam" principle takes effect.

If anybody says that is technically impossible, I shall suggest the job be turned over to Huntley and Brinkley and their crew, who correctly called my re-election last fall and the percentage with only two per cent of the vote in. I am of course assuming the strike will be over before utility regulation becomes a burning national issue.

When we get automatic data processing in regulation—and I believe this offers tremendous possibilities for economy and fairness—I hope there will be one big button on the machine that any newsman can go in and push. Push that button and out will come the data on all the utilities' contributions and retainers.

There will be the detail, which many utilities now hide, on support for Manion Forum, which is headed by a member of the national council of the John Birch Society, for America's Future, which the John Birch Society relies on for book reviews, for the Committee for Constitutional Government, Harding College, the Foundation for Economic Education and the American Economic Foundation. There will be the payments to Industrial News Review, which supplies editorials reflecting the utility viewpoint which are widely used in rural America.

There will be contributions to colleges outside the utility's service areas, such as Detroit Edison's thirty thousand dollar gift to good old Cornell, alma mater of Board Chairman Walker Cisler, advisor to Presidents, prime ministers, and mayors—the utility man on utility matters.

Until such time, though, as there is a convenient button to push, or a thorough investigation by a committee with adequate authority, the real news about utilities will not come easy. Coverage of utilities requires a publisher willing to be snubbed at the club and to lose a lucrative advertising account. It requires a city editor who will put an investigative reporter on the utility beat, and be willing to wait a while for results. It requires inquisitive—even suspicious—reporters who will leave the herd that is grasping for a new angle on the story of the day.

The combination of an energetic public

utility consultant hired by the city of Miami and a good, persistent reporter backed by her paper—Juanita Green of the Miami Herald—won important rate reductions for residents of the Miami area recently, despite a lax state commission. A similar combination is at work now in New York.

We of the legislative branch can and should correct some of the abuses. We should give the Federal Power Commission authority to regulate all utility security issues, including stock option plans, as originally proposed by Senator Burton K. Wheeler and Representative Sam Rayburn, authors of the Public Utility Holding Company Act. I have introduced legislation to accomplish this.

We should put the big transmission lines on a common carrier basis, so that Governor Rockefeller, the New York and New England utilities and others cannot deny public systems equal access to wholesale power. It is as wrong to deny some power suppliers access to transmission as it would be to deny some Americans access to the interstate highway system.

We in Congress should increase substantially the conventional two per cent REA loan program, so that rural America's power systems can grow along with the big investor-owned system which are fortunate enough to serve so many customers that their revenues are much greater.

But so much of what is wrong about utilities can be cured by information. And not, please, information from the electric company folks. By some variations of Parkinson's Law, the more public relations people are hired or retained by utilities, the less the public knows about utility operations.

The press has improved the legislative branch by uncovering and reporting hanky-panky on the Hill. The public also needs to know why power companies never fail, or fail to make a profit, how they make one hundred and ten per cent of parity or more in good times or bad, why consumers do not get refunds on overcharges, how the utilities keep taxes, and how utility stock options dilute the equity of ordinary stockholders.

The public needs to know what is in the rate bases on which the utility gets its percentage, what retainers and extremist organizations are on the payroll that is met by the customers, and how much the actual rate of return exceeds the rate of return theoretically "allowed" by the regulatory commissions. The public needs to know who really owns and controls the "local" power company, how hundreds of millions of dollars in tax-free dividends are distributed by utilities, how many millions of dollars worth of capital are obtained from the customers and retained by the companies.

In short, the Big Blackout on utility operations needs to be lifted. The picture of the electric power business needs to be projected—right side up—in both the press and in the precincts.

Thank you.

ELIMINATE OBSCENITY FROM MAIL

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. OLSEN. Mr. Speaker, during the past year the Post Office Department received approximately a quarter of a million complaints from people throughout the United States bitterly protesting the receipt of offensive sex-oriented advertising matter in the mails. This is an increase of about 200,000 complaints over the figure of 5 years ago. And most of these complaints are from parents of minor children.

Permit me to give you two illustrations of why I believe this legislation is needed. My legislative assistant's 9-year-old son has received obscene advertising through the mail simply because his name appeared on a mailing list for Cub Scouts. The boy was one of many youngsters who had sent their names to a stamp-collecting club. The names and addresses of these Cub Scouts were sold through mailing list brokers to smut peddlers.

When the boy's mother intercepted the obscene advertising which was sent to her home she was, of course, shocked. I join with my staff in asking that families have protection against such unwanted solicitation.

Many of my constituents in Montana are asking for this type of protection. Similar incidents have been reported in my district. Very young girls had written to a record club inquiring about mail-order phonograph records. Again, their names reached the mailing-list market and subsequently many of them were annoyed by degenerates. The folks in my district have asked me what can be done and, until now, my only response can be "very little."

It should not be necessary to die to have one's name removed from a mailing list, and the legislation I am introducing today seeks to provide a remedy.

The bulk of the complaints stem from the indiscriminate and unsolicited direct mail advertising of dealers, nearly all of whom operate from the Los Angeles and New York City areas. It has been estimated these dealers mail as much as 25 million pieces of lurid advertising each year. For the most part, these mail solicitations are not themselves obscene within the meaning of that term as defined by the Supreme Court. Consequently, the Post Office Department is powerless, under present statutes, to do anything to prevent this traffic in unsolicited and offensive materials.

I think it is about time that something should be done to halt this suffusion of sex upon a protesting and objecting populace and the saturation of our children with sexual fantasy during their adolescence.

I am mindful that any legislative attempt to impede the free circulation of printed matter, particularly in the area of sex-related materials, is confronted with the strictest constitutional limitation laid down by the Supreme Court in a series of cases running from *Roth* v. *U.S.*, 354 U.S. 476 (1958), down through *Ginzburg* v. *U.S.*, 383 U.S. 463 (1966). With these cases in mind, I am introducing legislation which would make it a penal violation for a mailer to send matter offering to sell material of an erotic, sexual nature to an addressee who had previously notified the mailer he did not want to receive such material in the mails.

This type of solicitation was referred to as a pandering advertisement in the Ginzburg case. Such an advertisement is not obscene itself, but offers to sell materials which are claimed to be erotic.

My bill is deliberately phrased in keeping with the Ginzburg case to cover only that advertising matter which is intended for commercial exploitation of sexually provocative matters. This legislation will require the determination that the particular mailing piece comes within the category of pandering advertisements as that term is used in the Ginzburg case. And if so, an order would issue to the mailer and its successors and assigns which would advise the mailer to delete the names of the addressees involved from all mailing lists owned or controlled by the sender or his agents or assigns. Moreover, such order would further prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the certain designated addressees. The order would additionally caution mailers that any further mailing of such matter after 30 days from date of receipt of such order would be a violation of the Federal Criminal Code.

In a prosecution for violation of such an order the mailer could raise the issue whether the prohibited material was a pandering advertisement. Also, the mailer could successfully defend where he could show that the addressee solicited the particular advertising matter. Most importantly, the mailer could have the benefit of a jury's decision on these issues. I feel this would be in keeping with the requirements of due process.

Of course, if adults want to receive such sexually provocative matter, I do not think there is anything we can or should do about it. A free society compels such freedom. On the other hand, I do not believe a free society compels postal patrons to receive sexually provocative material addressed to themselves or their children. My bill would accommodate both groups.

I would like to make it perfectly clear that this bill does not give the Government censorship authority. I frankly do not think the Government should decide what people should read or write. On the other hand, I do not believe a Government department should be the unwitting agency for delivering into people's homes sexually offensive material that the patron has clearly stated he does not want.

My bill also includes a parent's right to include the names of his minor children in the covering order directed to the mailer. I believe it is still the fundamental responsibility, the duty, and the right of parents to provide for the moral training of their children. I firmly believe it is their decision that counts. And if parents believe that sex-oriented materials will produce a harmful result on their children, it is their absolute right and responsibility to take measures to keep such material away from them. Parents cannot keep this mail matter away from their homes by themselves. Mailers continually ignore their pleas to remove their names from mailing lists. Therefore, parents are looking to the Congress to support them in prohibiting the unwanted importation of sex matters into their homes.

The intent of my bill is preventative rather than remedial. It is intended to stop mailings of sex-oriented matter to those who do not want it, and not to punish any mailer for conveyance of the same matter to those who make no objection. I think we are all agreed that the U.S. mails never were intended to subject a person to forced receipt of indecencies. To assert otherwise would be an unconscionable distortion of the various legislative and constitutional purposes in guaranteeing basic human rights to all. As I previously indicated, my bill would promote the right of a parent to protect his home from damaging moral influences, and at the same time not punish the mailer for dissemination of the same matter to those who make no objection. This precept would not violate the right of an individual to mail to the general public or the right of the general public to receive mail from whom it desires. It simply attaches a rather different relative weight to a person's constitutional rights by permitting a person the right to stop being a captive audience for objectionable material. Thus, we have on the one hand the right of an individual to send mail, matched squarely against the right of another individual to prevent entrance of indecencies in his home. By bill would be a reasonable and practicable reconciliation of those opposing rights to services of the Post Office Department.

INCREASED POSTAL RATES

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. BLANTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BLANTON. Mr. Speaker, I commend the President on what appears to be a most comprehensive review of the problems in our postal system. His message to Congress asking for improvements is timely, as I think all Americans want our postal system improved.

However, I must object to the President's proposal to levy most of the burden of increased postal rates on the users of first-class mail.

The proposed first-class mail price boosts affect the American family directly—the same people who have carried the burden most of these years. At the same time, the third-class mailing industry, which turns out more than 22 billion pieces annually, are actually being given favored treatment. They are not carrying the burden of postal service cost which the users of first-class mail have always done.

I realize that third-class mail industries are important to our economy. They supply many jobs, and help relieve the postal service of many tasks by preparing their third-class mail in manners which expedite their delivery.

However, the fact still remains that they are not carrying the burden of the enormous cost it takes to run the service, and it is unreasonable to ask the first-class mail users to do more.

The third-class mailing industry accounts for millions of dollars of the postal service deficit. The amount of mail this industry puts out accounts for almost 26 percent of the total volume.

Yet, the third-class mailing industry with their low-cost, third-class rates pay only 60 percent of its handling cost. The first-class mail user pays more than 100 percent of handling costs.

I am in total agreement that the postal service needs some means of eliminating the great deficits it incurs. It needs to devise means of breaking even. But to shift the burden on the first-class mail users while the mailing industries do not carry their share of this burden is the wrong approach.

THE SOCIAL SECURITY EARNINGS TEST IS UNFAIR

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. DOW] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DOW. Mr. Speaker, the social security earnings test is not fair to more than a million people who cannot get social security benefits because they have enough ambition to work. To correct this unfair situation, I have today introduced H.R. 7974 which, if enacted, would repeal the sections of the Social Security Act that cause people who work to lose the social security benefits they or their husbands paid for.

The idea behind the social security program is that people who work pay social security taxes in anticipation of benefits to themselves and their families in old age or if they should die or become disabled before they become old. The 1965 Advisory Council on Social Security described social security as a program "that operates through the individual efforts of the worker and his employer, and thus is in total harmony with general economic incentives to work and save." The Council went on to say that—

> The covered worker can expect, because he has made social security contributions out of his earnings during his working lifetime, that social security benefits will be paid in the spirit of an earned right, without undue restrictions and in a manner which safeguards his freedom of action and his privacy.

Mr. Speaker, I agree very much with the Council that this is the way things ought to be. But, unfortunately, this is not the way things are. It is, though, the way things will be if H.R. 7974 is enacted.

The earnings test either destroys the incentives of people to work or penalizes those who do. Look at the situation of a widow with a child. Together they might get, say, $200 a month, $2,400 a year. This is not a very large sum and it is understandable that the mother should look for work. If she does, though, and earns more than $1,500 she will lose some of the benefit. If she earns as much as $3,300 she will lose all of it. Of course, she will still get her child's benefit.

Together her salary and the child's benefit will be more than if she had not worked. But is this fair? Look at what happened to her. The Government, acting through the Social Security Administration, has taxed her $1,200 for the privilege of working. I think this is not fair and that is one of the reasons I have introduced H.R. 7974. I do not want to tax a widowed mother for working. Social security alone is just not enough for her to live on, and we should encourage her to go to work if she can, rather than take away her small benefit. This situation does not seem to me to be in harmony with safeguarding a widow's freedom of action.

Mr. Speaker, I also ask that we consider what the earnings test does to the incentives of older people. On the one hand, we hear the experts say that when you get older you should continue to be active, that the older worker is a valuable asset that the Nation cannot afford to put on the shelf. On the other hand, we tell a man that if he pays social security taxes while he is working, he will get his social security benefit as an "earned right," that it will be paid "without undue restrictions." Yet if he works, the Social Security Act forbids the payment of the benefit that he worked and paid for.

Not only is it that he cannot get his benefit, but as long as he works he has to pay social security taxes. I fail to understand how we have let this situation exist for so long. Surely, a nation founded on and dedicated to the idea of free choice in a free economy should not provide in its laws any restriction that affects a man's choice of work.

Mr. Speaker, I believe it is time for us to encourage and reward ambition. The people who have made this Nation great, the people who made it the arsenal of democracy, and who developed our great economic potential are now reaching the retirement age. The people who are working now to make it even greater and who are developing our economic potential even more will be reaching retirement age in the future.

We should reward these people, not punish them. We should provide them with a free choice. If they want to retire on their social security benefits, we should allow them to do so. If they want to continue working after they qualify for social security benefits, we should allow them to do so without any reduction in the social security benefit they worked and paid for. This is what H.R. 7974 is intended to do. I urge this House to give it careful consideration.

INCREASE THE COMPENSATION OF THE MILITARY

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. HOLLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HOLLAND. Mr. Speaker, the President yesterday recommended to the

Congress an increase in regular military compensation of 4.5 percent to match that recommended for Federal civilian workers. I urge that we act on this fair and wise request.

In so doing, this administration and this Congress will continue—in a wholly nonpartisan way—our proud record of honorable treatment to those Americans now serving in, or recently separated from, the Armed Forces.

Let me review that record.

Over the past 2 years, we have enacted two military pay raises—and four in the last 4 years—a new cold war GI bill, an increase in hostile fire pay, a significant expansion of the military dependents' medicare program, a $10,000 servicemen's group life insurance program.

I am confident that in enacting this further pay increase recommended by the President, this Congress will be expressing the desire of the American people that our fighting men and women be given every equitable benefit that a grateful nation can provide.

REBUILDING CITIES AND LIVES

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Holland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HOLLAND. Mr. Speaker, Robert C. Weaver, Secretary of the U.S. Department of Housing and Urban Development, recently addressed a Pittsburgh audience following the groundbreaking for the United States Steel building. In his address, Secretary Weaver made an appeal for a massive research and development program to rebuild American cities.

I agree that an extensive research and development program is necessary if we are to adequately deal with the problems facing American cities. In an era where science and technology is bounding forward with giant steps, we can no longer take a day-by-day approach to the problems of our cities. We cannot possibly succeed in our war against the degradation and deterioration of slum living unless and until we begin to analyze our urban problems with the finest scientific and technological brains and equipment possible.

Also, I was pleased to hear that Secretary Weaver stressed participation by the local community leaders—educators, city officials, businessmen, and other private groups. Cities cannot and must not be rebuilt without the participation of those who will live in the cities.

On March 20, 1967, the Pittsburgh Press had an excellent editorial on Secretary Weaver's address and I commend it to my colleagues for their consideration.

[From the Pittsburgh Press, Mar. 20, 1967]

Rebuilding Cities and Lives

Robert C. Weaver's appeal for a massive research and development program to rebuild America's cities deserves the thoughtful attention of U.S. citizens.

Mr. Weaver, secretary of the U.S. Department of Housing and Urban Development, addressed his remarks to a Pittsburgh audience following the groundbreaking for the U.S. Steel Building. But the program he outlined could have a significant impact on millions of urban residents throughout the nation. The plan, indeed, could alter the basic fabric of urban society.

Mr. Weaver compared the city-rebuilding program with the two-billion-dollar project which produced the atomic bomb and the multi-billion-dollar effort to put an American on the moon by 1970.

"These endeavors," he said, "have demonstrated how to mount a massive array of resources—government, university and private enterprise—and to move toward a difficult goal by systematic actions."

The new program to rebuild cities, he added, "will be more difficult than the previous endeavors because we are dealing not only with inventing machinery but with trying to change the lives of people—and people are more obstinate than machines."

There can be no doubt that an unprecedented program of urban redevelopment will be necessary to halt decay and revitalize community life in America's cities. But Mr. Weaver's comment about "trying to change the lives of people" is certain to arouse concern among those who are sensitive to the Government's increasing control over the lives of its citizens.

Certainly, if our grievous urban problems are to be remedied, some measure of Federal direction will be required. Caution will be necessary, however, to prevent excessive domination of local projects by the Federal Government.

Fortunately, Mr. Weaver has welcomed the participation of city leaders, educators, businessmen and other private groups in the redevelopment and social programs which he envisions. Despite Federal control of purse strings, these local leaders and private groups must play a predominant role in the rebuilding of the physical and social environment of their own cities.

In contrast to the atom-bomb and moon projects, private efforts are mandatory in the urban programs because, as Mr. Weaver noted, it will deal with "obstinate people," who have their own ideas on how to run their lives.

The Federal bureaucracy, no matter how well intentioned, cannot be given sweeping power over a program which will have such a broad impact on our urban communities and their millions of inhabitants.

NEW YORK STATE LEGISLATURE PETITIONS CONGRESS AND THE PRESIDENT TO RESTORE THE AMERICAN MERCHANT MARINE TO FIRST PLACE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Carey] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. CAREY. Mr. Speaker, I firmly believe that one of the most vital problems facing our country at this time is the status of the American-flag merchant marine. Despite the signs of distress, which have long been flown in the face of all who should be concerned, little more than temporizing is being done.

Year after year we continue to fall further down the list of second-, third-, fourth-, and fifth-rate nations in terms of tonnage of shipbuilding in the maritime industry.

As the sponsor of one of the bills to create an independent maritime agency in the Federal Government to deal with the problem, I am convinced more than ever that this agency is needed to place us back where we belong as a world leader on the high seas.

Recently the Legislature of the State of New York demonstrated its interest in this area by memorializing the Congress and the President to take action along the lines I suggested. This resolution was passed unanimously by the legislature of my State, and I submit its text for printing at this point in the Record:

Concurrent Resolution of the Senate and Assembly of the State of New York Memorializing the Congress of the United States To Provide for Enforcement of the Provisions of Public Act 835, the Merchant Marine Act of 1936

Whereas Public Act 835, the Merchant Marine Act of 1936, still the law of this land, implements a strong U.S. merchant marine and mandates its adequacy for national defense or emergency; its adequacy for all domestic waterborne commerce and for a substantial part of export and import (foreign) waterborne commerce; its mandates vessels constructed in the United States of the most modern and efficient models, operated and manned by citizens under the U.S. flag; and

Whereas experience prior and subsequent to this Act indicates that each component factor cited in the Act is vitally necessary to the Nation and to its political subdivisions and the immediate and extended economy and safety; and

Whereas enforcement of these mandates has become so lax that today U.S. ships carry less than eight per cent of the total U.S. waterborne foreign commerce—because of failure by the Federal Government to support and protect the U.S. merchant marine, providing less support, less protection than is the practice common to all other maritime nations; and

Whereas the active U.S. merchant marine now consists of approximately 900 vessels—less than pre-World War II strength, and shipbuilding capacity has dangerously dwindled since that period, although the national responsibilities undertaken in the World and the magnitude of dangers confronted are gravely increasing. In contrast, the Soviet Union's maritime strength is equal to, or may now surpass, this Nation's—auguring favorably for their avowed purpose to dominate world maritime power by 1970—and meanwhile the United States allows its maritime force to diminish; now, therefore, be it

Resolved that the Legislature of the state of New York respectfully requests the Congress of the United States to urge that the provisions of Public Act 835, the Merchant Marine Act of 1936, be enforced, and immediately to pursue every channel of such enforcement rigorously, including the establishment of a separate and independent federal maritime agency; and be it further

Resolved, that copies of this resolution be transmitted to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives, and to each member of the New York delegation to the Congress of the United States.

PAY INCREASE FOR ARMED FORCES

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. Williams] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I want to take this opportunity to rise in support of the President's request for an increase in the regular military pay rates.

Financial rewards alone, of course, cannot possibly satisfy America's gratitude to our men and women in the Armed Forces. But we can assure them that they will receive increases on a scale comparable to that recommended for their civilian coworkers.

We ask much of our service men and women. Long hours on the alert, prolonged separation from their families, and the hazards of combat can be the daily lot of our military personnel.

The Congress has been sensitive to the financial needs of our military personnel and their dependents. Each year since 1962 the Congress has increased the military pay scale.

But we must continue to insure that military compensation keeps abreast of increases in the pay scales of Federal civilian employees. It is this goal that the President's message seeks to accomplish.

I am confident that I am expressing the general sentiment of this body in urging the enactment of the military pay increase requested by the President.

THE TEXTILE INDUSTRY AND ITS FUTURE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. TUCK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. TUCK. Mr. Speaker, a distinguished resident of my congressional district, Mr. William J. Erwin, president of the American Textile Manufacturers Institute, was invited to address the 18th annual meeting of the Institute at Hollywood Beach, Fla., on March 30, 1967. He was eminently qualified to speak to such a group, having served for years as president of the Dan River Mills, Inc., at Danville, Va., and now serves as chairman of the board of that corporation.

His talk was one of the most important I have read in years. Entitled "The Challenges of Progress," it is far reaching from the standpoint of its significance to the textile industry and to the American economy. In it he points with emphasis to the threat created by textile imports, reviews the accomplishments of the industry in the last year, and lists the probable changes which will occur to textiles within the next decade.

I am highly gratified to be able to insert his address in the RECORD so that all Americans may read it and reap the benefit of its message. It is as follows:

For more years than I care to remember, I have had the good fortune to serve this industry in a variety of positions, but none has been as satisfactory and rewarding as the one I now hold. It is a great privilege to serve this industry as president of ATMI, especially during a period when the industry has made great forward strides.

At this meeting I reach the mid-point of my term in office. From this vantage point, I can give you a state of the industry message and also peer ahead to what may happen.

You already know the achievements of the industry last year. I will highlight just a few of them, largely for the benefit of the ladies, who are entitled to share in our triumphs just as they agonize with our problems.

Spending for new plants and equipment in 1966 hit almost $1.2 billion—an investment of more than $1,250 for each of the 954,000 persons employed in textiles. We may rank 19th out of the 24 major industries in earnings, but we are number two in the relationship of capital investment to net worth.

We produced more than 17 billion square yards of fabric. Equally important, we offered them for sale at wholesale prices which are lower now than they were eight years ago.

More than half a billion yards of critically needed fabrics were supplied during the crucial military buildup period of July 1965 to July 1966. We don't often receive kudos from the federal government. In this case we did. Last January, Burt Frierson accepted on behalf of the industry an award for "ably and effectively" fulfilling textile requirements of the U.S. armed forces.

And last year, as the year before and every year, we produced fabrics of a variety and quality unmatched by any other textile industry anywhere.

Not everything was favorable. In 1966, the curtain fell on the drama of steadily growing textile prosperity which began its run five years ago. To switch metaphors, the bloom is now off the boom.

We have heard the predictable amount of wailing and teeth-gnashing which inevitably accompanies a pause in the upward thrust of sales and profits. Much more important we have also heard widely expressed the sentiment that this is just a pause, that it does not dim the prospects for the textile future, that we have climbed to a new position of strength from which we will mount additional gains.

I do not get the feeling at all that this is whistling in the dark. Rather, it indicates a new-found confidence born of the conviction that we have traveled a great distance along a soundly conceived course and that the progress we have made has real substance. I like this confidence. In my judgment, it is justified.

This is not to say that the road ahead is not strewn with boulders. They are there for all to see. Perhaps we will view them a little more dispassionately if we listen to the words of John W. Gardner, the articulate Secretary of the Department of Health, Education, and Welfare. He would say we have before us "a series of great opportunities disguised as insoluble problems."

One of these is imports.

There was a time when places like Pakistan and India and Hong Kong were exotic lands to visit and photograph. Not now, not for textile people. They go there to counsel with official U.S. delegations concerned with negotiating textile import restrictions. There's no fun in this; it's hard, unpleasant work.

Imports pour into this nation at the rate of 2.8 billion equivalent square yards per year, up 36% in one twelve-month period.

Every shipment of textile imports produces the effect of a stone heaved into a pond. The waves ripple out in every direction. They wash against and bit by tiny bit erode the foundations of the textile manufacturer, the fiber producer, the chemical supplier, the apparel manufacturer, all the organizations which form and serve our huge textile complex. And not just organizations. They eat away at the prosperity and well-being of the people who grow the fibers, spin the yarns, weave the cloth and fashion the apparel, the ones least able to withstand this debilitating process.

We have not been silent on this issue. We—members of ATMI, the directors and officers, the foreign trade committee, the staff—all of us have proclaimed the facts through every conceivable channel of communications. We have pounded on the doors of practically all the administration officials in Washington who deal with this subject. We have sought out senators and representatives, in their homes and at the capital, and with encouraging response. We have many devoted friends in the Congress. Early this month they raised their voices in eloquent and comprehensive discussion of the imports problem. We trust they could be heard a few blocks west on Pennsylvania Avenue.

The imports issue is joined, the battle still rages. Yet the strange thing is that there is an issue at all. We simply believe that when American interests are measured against those of overseas producers, the balance sohuld not be tipped against us.

If indeed we are to make great opportunities out of insoluble problems, it must be in the context of a favorable, supportive public opinion. We don't have it now. We are saddled with an image as out of date as Jayne Mansfield wearing a mother hubbard.

During 1966, we tried—harder than ever before. We increased the ATMI public relations budget, added a PR professional in New York to the staff, reached almost 11 million people with the film, "Can You Imagine?", told our story to more than 300,000 students. Individual companies also tried harder. The total effort still fell short of the need.

And let's face it. Trumpeting the imports story—however necessary this may be—is not the most effective way to build a positive public image.

There will be no relaxation in our efforts. The PR budget for the coming year has been increased again; the program will be expanded. The deep concern about this prolem throughout the industry suggests that member companies will increase and professionalize their programs. But measured against the size of this industry and the importance we claim to have in the nation's economy, the resources we are putting behind our public relations are inadequate. This condition must be remedied—and soon.

This annual meeting is themed to "The Challenges of Progress". We could just as well have called it "The Challenges of Change", because the two are inextricably intertwined. In a very real sense, the greatest challenges before us bear on our capacity to anticipate, understand, and respond to change.

Of course, there is nothing new about the phenomenon of change. What is new is its incredible pace. This, in turn, raises new questions, not the least of which is the ability of the human animal to adjust his mechanisms to a speed commensurate with the changing pressures of today's world.

I have talked about this subject before. One textile company which shall be nameless was sufficiently concerned about it to feature the management of change in its annual report to stockholders. Yet, with all the attention this subject has received, I retain an uneasy feeling that we do not grasp the full implications of the challenges which change has in store for us.

Possibly one way to get the speed of change in focus is to look back. Twenty-eight years ago, in the year 1939, we had what was then called the "mature society". Nine-and-one-half million people were unemployed, retail sales were one-seventh what they are today, personal savings, one-tenth. Gross national product was $91 billion; last year it was $740 billion.

Twenty-eight years ago, the United States was thought invulnerable behind the shield of two vast oceans. Three odd-ball scientists were trying to interest President Roosevelt in the fantastic notion that the power of the atom could be harnessed.

Twenty-eight years ago, television was an oddity unveiled at a New York World's Fair whose theme was world peace. The calculator was the most advanced instrument for data processing. Magnetic tape was a gleam in someone's eye. In twenty hours and three stops, you could fly from New York to San Francisco in a DC-3 at a breathless 196 miles per hour. The rocket was a spectacular piece of fireworks invented by the Chinese centuries earlier. And world population was 50% less than it is today.

Twenty-eight years ago, nobody could have guessed we stood at the brink of the most extraordinary scientific, technological, and social change the world ever witnessed.

Somehow we must comprehend, in our minds and emotionally, what has happened just in our own adult years. We must, because the accelerating pace of change virtually assures that we will encounter more totally new developments in the next ten years than those which have startled us and shaken the fabric of our lives since 1939. Consider, for example, that 90% of all the scientists who ever lived are living today; the amount of technical information doubles every ten years; throughout the world, about 100,000 journals are published every year in more than 60 languages, and the number doubles every 15 years.

It is evident that there are people—and they include some brilliant minds—who are speculating about and planning for the future. We may not understand their theories any more than we understood Einstein's theory of relativity, but theirs, like his, will assuredly revolutionize life on this planet.

Let's spend a few moments looking at the probable changes which will have a direct impact on textiles in the next decade.

By 1975—only eight years from now—there will be 225 million Americans. The economy of 1975 will be 50% larger than it is today. The textile business will have to be one-half again as big as it is now to maintain the same relative standing.

The makeup of the population will change and affect business prospects. The biggest changes will be in the young and the old—relatively, these groups will grow the fastest. The older people, bless them—those over 65 just for the purpose of this discussion—will not be content with mere existence. The needs and wants of these people who are retired but very much alive will increase. The hunger for travel, for comfort, for greater ease, is now apparent. It will intensify as social security and medicare benefits expand and private pension benefits grow.

In the mid-70's, today's huge teen-age market will have become the young adult market. There will be 10 million more families by 1975, all lovely prospects for homes and home furnishings, and apparel for themselves and their children.

By 1975, 60% of American families will enjoy incomes of $7,500 or more; one out of five (versus one out of 18 today) will have incomes in excess of $15,000. This increased purchasing power will produce huge markets for standard commodities and exotic specialities; it will also produce an appetite for a vast variety of services to make life easier, more interesting, more fashionable, different.

By 1975, the gross national product will have reached almost 1,000 billion dollars. Personal consumption expenditures will just about double between now and then. Over $650 billion will be spent—after taxes and savings—for the things American industry will make, for services provided, needs satisfied and appetites created.

Today, our concern is how to dispose of the products we have the capacity to produce. Tomorrow, our concern may be how to build the capacity to produce the products—in terms of quantity and kind—which the American people will demand. Can we develop the technology, can we generate the financing, to satisfy a market half again as large as today? If we accept the past as a normal criterion, the answer is obviously "yes". But I am trying to suggest that we cannot judge entirely by the past, that the pace of change alters the standards by which we have heretofore judged, that we have not really experienced before the velocity of change with which we must contend in the future.

Max Ways, writing on "The Era of Radical Change" in FORTUNE Magazine, said recently that "within a decade or two it will be generally understood that the main challenge to U.S. society will turn not around the production of goods, but around the difficulties and opportunities involved in a world of accelerating change and ever-widening choices." The question about progress, he concluded, will be how good, rather than how much.

The signs that he is right are already being flashed as warning signals. The clamor for clean air, clear rivers, livable cities, is loud in the land. The voice of the consumer is being heard in Washington. If you don't think so, ask General Motors.

The intellectual community seethes with indignation at the injustices in our society, inveighs against industry for an alleged preoccupation with producing trivia and manufacturing obsolescence, and for making the quantity of goods rather than the quality of life the measure of progress in America. Dismiss this if you like, as the fulminations of eggheads who never met a payroll. But do so at your peril. One lesson of our time is that the ideas of the Keyneses, the Galbraiths, the Schlesingers, gradually seep into the public consciousness and the body politic, and become incorporated in the framework of our law.

And mark this! Here in the United States and in the other "have" nations, we can talk, as I have done, about a material abundance almost beyond imagination. In a world of instant communications, our words are heard in the remote reaches of the earth by "have-not" peoples where millions face near-starvation. Somehow they must be led, or find their way, to a reasonable level of existence, else our deepest yearning—the quest for world peace—will be no more than a bucket of ashes.

Ladies and gentlemen, we are on the threshold of a big, dramatic, and exciting growth. The challenges of future progress will prove more demanding than anything we have experienced in the past. Tomorrow's textile leaders will need to be better informed, more foresighted, more broad-gauged than those of this or past generations. It will not be enough that they are expert in the bread-and-butter techniques of producing and selling goods, although they will require that ability in abundance. They will also require the capacity to sense the temper of the times, and the imagination to shape the industry into a mold that measures up to the needs and aspirations of a society whose political, social and human values are changing at breakneck speed.

Among the multi-talented people who will direct tomorrow's textile industry, there must be articulate leaders who can convey to young people the excitement, the glamour, the ever-changing face of this industry; who can persuade the public at large of the values inherent in our products and of the importance of textiles and constructive role the industry performs in the nation's economy; and who can voice to government at all levels the kind of balanced approach in domestic and foreign affairs which will enable the industry to flourish and best serve our citizens.

When I wonder if we are up to the challenges ahead, I recall what Alexis de Tocqueville said back in 1835 in his *Democracy in America*: "The Americans have all a lively faith in the perfectibility of man; they judge that the diffusion of knowledge must necessarily be advantageous, and the consequences of ignorance fatal; they all consider society as a body in a state of improvement, humanity as a changing scene, in which nothing is, or ought to be, permanent; and they admit that what appears to them today to be good, may be superseded by something better tomorrow."

He was right then; we are no different now. Thus I have a lively faith that our industry—and the people who direct it—will be something better tomorrow.

IN SUPPORT OF THE FORTHCOMING LATIN AMERICAN SUMMIT MEETING

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mr. MATSUNAGA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, I find it difficult to understand those who oppose the resolution which would express congressional support of the President's stated policy of continued and increased assistance to our Latin American neighbors. The President deserves the full support of the Congress for initiating commendable proposals in furthering economic integration in Latin America at the forthcoming Inter-American chiefs of state meeting. The proposed agenda includes, as part of the integration process, consideration of multinational projects. This is noteworthy, for an integration limited to joint action in tariffs, taxes, and marketing would fail to promote the closeness and cooperation among the countries of the area, so vital to success. Multinational projects will promote institution-building, as well as investment, since international agencies, or national agencies working jointly, will be required for permanent administration. These institutions will constitute a strong and continuing force for cooperation and good relations, as well as for integration.

The United States has participated in several multinational undertakings in Latin America. The joint construction of several power and water projects with our neighbor Mexico and the multinational financing of the Pan-American Highway are cases in point. The St. Lawrence Seaway is a further example of the benefits to be obtained from multinational cooperation.

At present the obstacles to intracontinental communications and cooperation in Latin America posed by limited road and rail networks, and inadequate telecommunications foster an introspective national outlook. Recently, however, there has been growing evidence of

a willingness to exploit shared geographic features for the common good.

The possibilities for multinational cooperation in Latin America are numerous. All will require careful study and analysis. Leading possibilities include an improved continental telecommunications system, a power transmission grid for Central America, the extension and completion of the Pan-American Highway, a north-south highway on the east slope of the Andes involving Colombia, Ecuador, Peru, and Bolivia, the development of the river basins such as the Plate.

The realization of the goals to be set at Punta del Este for multinational action in these and other areas must rest primarily with our partners in the Alliance for Progress. I believe we should be prepared to help, however, in those instances where the conception is realistic and the reward apparent.

These and similar considerations permit me, further, to believe that we are on solid ground as we approach the summit meeting, which can lead to significant new initiatives in Latin America. I wish President Johnson and his team good luck and Godspeed in their deliberations.

COMMUNITY ACTION IN THE WAR ON POVERTY

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OTTINGER. Mr. Speaker, the thrust of this Nation's antipoverty program lies in the preparation of people for jobs. Education and training are the essence of this effort. For many of the poor their past deprivation has been so great that a great effort must be made to help them catch up to a point where they can take advantage of educational and training opportunities.

Because of my strong feeling on this point, I was particularly pleased with the stress President Johnson placed on community action in his message to the Congress on America's unfinished business: urban and rural poverty.

The psychological problems of poverty are as serious as the economic aspects for they involve the isolation of individuals within the ghetto, as well as the isolation of the ghetto from the community at large.

Community action agencies attack this isolation. They bring the poor into the mainstream of our democratic process. For the first time in our history, poor people in groups and individually are being given an opportunity to have a say about what happens in their lives. Community action agencies are stimulating and focusing ghetto community spirit. People no longer are separate from each other or from the community.

Community action agencies are attacking the natural apathy of people who are accustomed to being forgotten and ignored. They are filling the organizational gap which exists in the ghettos, which makes the ghetto communities "noncommunities." They are focusing the ghetto voice, which has been given an outlet for the first time. And they are transforming a collection of people into a real community—with neighborhood service centers, health centers, credit unions, and job training and placement centers.

We saw in the Peace Corps that participation of the community in the resolution of its own problems was essential to progress. Billions of dollars had been spent providing facilities and services for poor overseas communities, usually without affecting much the patterns of living, of hopelessness and despair, that permeate these communities. When a Peace Corps volunteer lived in the community, however, stimulated the community to organize itself and to learn how to get these programs to respond to their needs and problems, then and then only did the life of the community begin to change. This is exactly the same thesis that is the basis of the community action committees.

In a short time, the community action concept has turned ideas into programs, apathy into economic opportunity, and hope for a better life. In more than 1,000 urban and rural towns, real progress has been made in terms of the millions of lives which have been touched, and changed a little. In the best traditions of democracy, the people most directly affected, the poor themselves, have the power, the voice, the positions—guaranteed by law—to help direct their own course. One in every three community action policymakers must be a poor person; more than one in every two community action employees comes from the ranks of poverty.

With a larger, and surer, sense of self, and the confidence and determination which that brings to the poor, the problem of poverty has a chance to be solved.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Kazen, for 7 minutes, on April 10, 1967; to revise and extend his remarks and include extraneous matter.

Mr. Riegle (at the request of Mr. Hunt), for 10 minutes, on April 11; and to revise and extend his remarks and include extraneous matter.

Mr. Bray (at the request of Mr. Hunt), for 30 minutes, on April 13; and to revise and extend his remarks and include extraneous matter.

Mr. Bray (at the request of Mr Hunt), for 30 minutes, on April 12; and to revise and extend his remarks and include extraneous matter.

Mr. Derwinski (at the request of Mr. Hunt), for 10 minutes, on April 11; and to revise and extend his remarks and include extraneous matter.

Mr. Halpern (at the request of Mr. Hunt), for 10 minutes, on April 10; and to revise and extend his remarks and include extraneous matter.

Mr. Riegle (at the request of Mr. Hunt), for 10 minutes, tomorrow; and to revise and extend his remarks and include extraneous matter.

Mr. Sikes (at the request of Mr. Pryor), for 30 minutes, on April 10; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Nelsen to extend his remarks during general debate on H.R. 2512, and include letters.

Mr. Pucinski.

(The following Members (at the request of Mr. Hunt) and to include extraneous matter:)

Mr. Corbett.

Mr. Fino.

Mr. Vander Jagt.

Mr. Bray.

(The following Members (at the request of Mr. Pryor) and to include extraneous matter:)

Mr. Walker.

Mr. Tunney in three instances.

Mr. Dingell.

Mr. Brasco.

Mr. Blatnik.

Mrs. Sullivan in two instances.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2536. An act to terminate the Indian Claims Commission, and for other purposes.

ADJOURNMENT

Mr. PRYOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Monday, April 10, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

611. A letter from the Comptroller General of the United States, transmitting a report of review of material readiness of the Hawk missile systems in the 32d Artillery Brigade of the 7th U.S. Army in Germany, Department of the Army; to the Committee on Government Operations.

612. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for the release of valueless liens; to the Committee on Agriculture.

613. A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services, and for other purposes; to the Committee on Armed Services.

614. A letter from the Deputy Assistant Secretary of Defense (Properties and In-

stallations), transmitting a notification of the location, nature and estimated cost of five training facilities projects proposed to be undertaken for the Army National Guard, pursuant to the provisions of 10 U.S.C. 2233a (1); to the Committee on Armed Services.

615. A letter from the Under Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to establish in the Department of Health, Education, and Welfare a program of grants and fellowships to improve the education of students attending institutions of higher education in preparation for entrance into the service of State, local, or Federal governments, and to attract such students to the public service, and for other purposes; to the Committee on Education and Labor.

616. A letter from the Secretary of the Interior, transmitting a copy of the annual report of the Division of Coal Mine Inspection, Bureau of Mines, for the calendar year 1966, pursuant to the provisions of 66 Stat. 692; 30 U.S.C., as amended; to the Committee on Education and Labor.

617. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to improve intergovernmental cooperation and grant-in-aid program administration; to assist State and local governments in strengthening their staffs by improving personnel administration and extending merit principles and by providing support for training of public employees; to permit temporary assignments of personnel between Federal and State and local governments; and for other purposes; to the Committee on Education and Labor.

618. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to adjust the rates of basic compensation of certain employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 158. A bill to amend section 209 of the Merchant Marine Act, 1936, so as to require future authorization of funds for certain programs of the Maritime Administration; with amendment (Rept. No. 177). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 418. Resolution to establish a standing committee to be known as the Committee on Standards of Official Conduct, and for other purposes (Rept. No. 178). Referred to the House Calendar.

Mr. ASPINALL: Committee on Conference. H.R. 2536. An act to terminate the Indian Claims Commission, and for other purposes (Rept. No. 179). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 8112. A bill to amend the Uniform Time Act in order to allow an option in the adoption of advanced time in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK:

H.R. 8113. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 8114. A bill to clarify the tax status of American Indians; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 8115. A bill to repeal the authority for the current wheat and feed grain programs and to authorize programs that will permit the market system to work more effectively for wheat and feed grains, and for other purposes; to the Committee on Agriculture.

H.R. 8116. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 8117. A bill to amend titles X and XVI of the Social Security Act to prohibit any State from imposing a lien on a blind individual's property as a condition of aid or assistance thereunder; to the Committee on Ways and Means.

By Mr. EILBERG:

H.R. 8118. A bill to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extensions of credit; to the Committee on Banking and Currency.

H.R. 8119. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FALLON:

H.R. 8120. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. FINO:

H.R. 8121. A bill to amend the Universal Military Training and Service Act so as to provide for the induction into the Armed Forces of persons who would otherwise be deferred from such service because of being morally deficient or defective, and for other purposes; to the Committee on Armed Services.

By Mr. HALL:

H.R. 8122. A bill to amend the Fair Labor Standards Act of 1938 to exclude ambulance drivers and attendants from the minimum wage and overtime compensation provisions of that act; to the Committee on Education and Labor.

By Mrs. HECKLER of Massachusetts:

H.R. 8123. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 8124. A bill to control unfair trade practices affecting producers of agricultural products and associations of such producers, and for other purposes; to the Committee on Agriculture.

H.R. 8125. A bill to prohibit age discrimination in employment; to the Committee on Education and Labor.

By Mr. MORSE:

H.R. 8126. A bill to amend the Housing and Urban Development Act of 1965 to increase from $200 million to $500 million the amount of the annual appropriations authorized thereunder for grants for basic water and sewer facilities; to the Committee on Banking and Currency.

By Mr. MOSS:

H.R. 8127. A bill to amend the Older Americans Act of 1965 so as to extend its provisions; to the Committee on Education and Labor.

By Mr. O'KONSKI:

H.R. 8128. A bill to require the Secretary of Agriculture and the Director of the Bureau of the Budget to make a separate accounting of funds requested for the Department of Agriculture for programs and activities that primarily stabilize farm income and those that primarily benefit consumers, businessmen, and the general public, and for other purposes; to the Committee on Agriculture.

By Mr. PIRNIE:

H.R. 8129. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. RHODES of Arizona:

H.R. 8130. A bill to incorporate the Young Engineers and Scientists of America, for the purposes indicated by Public Law 85-875; to the Committee on the Judiciary.

By Mr. RHODES of Pennsylvania:

H.R. 8131. A bill to amend the Older Americans Act of 1965 so as to extend its provisions; to the Committee on Education and Labor.

By Mr. RUMSFELD:

H.R. 8132. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. TUNNEY:

H.R. 8133. A bill to amend section 8e of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, so as to extend to imported tangerines the restrictions imposed by such section on certain other imported commodities; to the Committee on Agriculture.

H.R. 8134. A bill to amend the Older Americans Act of 1965 so as to extend its provisions; to the Committee on Education and Labor.

H.R. 8135. A bill to amend section 164 of the Internal Revenue Code of 1954 to permit the deduction of taxes levied by local political units in rural areas on the same basis as taxes levied by local political units in urban areas, and for other purposes; to the Committee on Ways and Means.

H.R. 8136. A bill to amend title XVIII of the Social Security Act to permit payment to an individual for the charges made by physicians and other persons providing services covered by the supplementary medical insurance program prior to such individual's own payment of the bill for the services involved; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 8137. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. WYATT:

H.R. 8138. A bill concerning Federal tax fairness; to the Committee on Ways and Means.

By Mr. YATES:

H.R. 8139. A bill to amend title II of the Social Security Act to permit States, under Federal-State agreements, to provide for coverage for hospital insurance benefits for the aged for certain State and local employees whose services are not otherwise covered by the insurance system established by such title; to the Committee on Ways and Means.

By Mr. ASHMORE:

H.R. 8140. A bill to provide for the settlement of claims against the District of Columbia by officers and employees of the District of Columbia for damage to, or loss of, personal property incident to their service, and for other purposes; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 8141. A bill to assist in the provision of housing for elderly persons, and for other purposes; to the Committee on Banking and Currency.

By Mr. GURNEY:

H.R. 8142. A bill to amend section 7701 of the Internal Revenue Code of 1954 to clarify the tax status of certain professional associations and corporations formed under State law; to the Committee on Ways and Means.

By Mr. HALL:

H.R. 8143. A bill relating to rate and method of computing the percentage depletion deduction in the case of porous tripoli; to the Committee on Ways and Means.

By Mr. HALPERN:

H.R. 8144. A bill to amend chapter 113 of title 18, United States Code, to prohibit the transportation, use, sale, or receipt, for unlawful purposes, of credit cards in interstate or foreign commerce; to the Committee on the Judiciary.

By Mr. RUMSFELD:

H.R. 8145. A bill to amend the National Aeronautics and Space Act of 1958 to establish an Aerospace Safety Advisory Panel to advise and assist the Administrator of the National Aeronautics and Space Administration with respect to the safety of the Administration's facilities and operations; to the Committee on Science and Astronautics.

By Mr. UTT:

H.R. 8146. A bill to encourage equity investment in new and small business, to provide additional revenue to the Federal Government, and for other purposes; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 8147. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. BLATNIK:

H.R. 8148. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. BRADEMAS:

H.R. 8149. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. BROOMFIELD:

H.R. 8150. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. DINGELL:

H.R. 8151. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. DULSKI:

H.R. 8152. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. ESCH:

H.R. 8153. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. WILLIAM D. FORD:

H.R. 8154. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. FRASER:

H.R. 8155. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. GRAY:

H.R. 8156. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. HARVEY:

H.R. 8157. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. HUNGATE:

H.R. 8158. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. KARTH:

H.R. 8159. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on the Public Works.

By Mr. KLEPPE:

H.R. 8160. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. KLUCZYNSKI:

H.R. 8161. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. McCARTHY:

H.R. 8162. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. McCLORY:

H.R. 8163. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. MADDEN:

H.R. 8164. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. MOSHER:

H.R. 8165. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. MURPHY of Illinois:

H.R. 8166. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. O'KONSKI:

H.R. 8167. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. PUCINSKI:

H.R. 8168. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. REUSS:

H.R. 8169. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. STANTON:

H.R. 8170. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. VANIK:

H.R. 8171. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. YATES:

H.R. 8172. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. ZABLOCKI:

H.R. 8173. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. BATTIN:

H.R. 8174. A bill to modify authority to lease for mining purposes allotted Indian lands owned by Indian heirs or devisees of allottees; to the Committee on Interior and Insular Affairs.

By Mr. BRADEMAS:

H.R. 8175. A bill to establish in the Department of Health, Education, and Welfare a program of grants and fellowship to improve the education of students attending institutions of higher education in preparation for entrance into the service of State, local, or Federal governments, and to attract such students to the public service, and for other purposes; to the Committee on Education and Labor.

H.R. 8176. A bill to amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that its absentee registration and voting procedures be extended to all citizens temporarily residing abroad; to the Committee on House Administration.

By Mr. BROWN of California:

H.R. 8177. A bill to amend the Elementary and Secondary Education Act of 1965 in order to provide assistance to local educational agencies in establishing bilingual educational opportunity programs, and to provide certain other assistance to promote such programs; to the Committee on Education and Labor.

By Mr. BURKE of Florida:

H.R. 8178. A bill to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits; to the Committee on Ways and Means.

By Mr. BURTON of California:

H.R. 8179. A bill to amend the Internal Revenue Code of 1954 to extend the head-of-household benefits to all unremarried widows and widowers and to all individuals who have attained age 35 and who have never been married or who have been separated or divorced for 3 years or more; to the Committee on Ways and Means.

By Mr. CAREY:

H.R. 8180. A bill to amend the Internal Revenue Code of 1954 to provide for a full tax deduction for child care expenses; to the Committee on Ways and Means.

By Mr. DAVIS of Georgia:

H.R. 8181. A bill to provide for a temporary suspension of the duty on paper textile cone-making, paper textile cone finishing, and paper textile cone drying machines; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 8182. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of business development corporations; to the Committee on Ways and Means.

H.R. 8183. A bill to amend the Tariff Act of 1930 to provide that certain forms of molybdenum be admitted free of duty; to the Committee on Ways and Means.

By Mr. DOLE:

H.R. 8184. A bill to amend title II of the Social Security Act to increase to $3,600 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. DOW:

H.R. 8185. A bill to amend the Older Americans Act of 1965 so as to extend its provisions; to the Committee on Education and Labor.

H.R. 8186. A bill to amend the National Defense Education Act of 1958 in order to authorize institutes for elementary and secondary school teachers of classical languages; to the Committee on Education and Labor.

By Mr. FULTON of Tennessee:

H.R. 8187. A bill to repeal the Presidential Election Campaign Fund Act of 1966; to the Committee on Ways and Means.

By Mr. GRAY:

H.R. 8188. A bill to amend title 39, United States Code, to improve the contracting authority of the Postmaster General to contract for the transportation of mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HALPERN:

H.R. 8189. A bill to authorize the appropriation of $4,404,000 as an ex gratia payment to the city of New York to assist in defraying the extraordinary and unprecedented expenses incurred during the 15th General Assembly of the United Nations; to the Committee on Foreign Affairs.

By Mr. HARRISON:

H.R. 8190. A bill to provide for the establishment of a national cemetery in the State of Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. HOWARD:

H.R. 8191. A bill making a supplemental appropriation to carry out the Adult Education Act of 1966 for the fiscal year 1967; to the Committee on Appropriations.

By Mr. HUNGATE:

H.R. 8192. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. JARMAN:

H.R. 8193. A bill to amend the Public Health Service Act in order to establish in the Public Health Service the position of Chief Veterinary Officer; to the Committee on Interstate and Foreign Commerce.

By Mr. LONG of Maryland:

H.R. 8194. A bill to provide for periodic congressional review of Federal grants-in-aid, to authorize the consolidation of certain grant-in-aid programs, and for other purposes; to the Committee on Government Operations.

By Mr. MESKILL:

H.R. 8195. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

By Mr. MULTER:

H.R. 8196. A bill to amend and clarify the declaration of national housing policy in section 2 of the Housing Act of 1949 and the statement of the purposes of urban planning in section 701 of the Housing Act of 1954; to the Committee on Banking and Currency.

By Mr. RIVERS:

H.R. 8197. A bill to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. ST GERMAIN:

H.R. 8198. A bill to control unfair trade practices affecting producers of agricultural products and associations of such producers, and for other purposes; to the Committee on Agriculture.

H.R. 8199. A bill to incorporate Recovery, Inc.; to the Committee on the Judiciary.

H.R. 8200. A bill to amend section 521 of title 38, United States Code, to exclude from consideration as income, for the purpose of determining eligibility for pension, all payments of any kind or from any source, including salary, retirement or annuity payments, endowments or similar income, which a veteran receives or is entitled to receive after attaining age 72; to the Committee on Veterans' Affairs.

H.R. 8201. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. STEIGER of Wisconsin:

H.R. 8202. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. ZABLOCKI:

H.R. 8203. A bill to amend the National Defense Education Act of 1958 to make equipment purchased under title III thereof available to all children attending public and private nonprofit elementary and secondary schools; to the Committee on Education and Labor.

By Mr. DANIELS:

H.R. 8204. A bill to adjust certain postage rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FALLON:

H.R. 8205. A bill to encourage exportation of agricultural commodities; to the Committee on Agriculture.

By Mr. FISHER:

H.R. 8206. A bill for the relief of certain employees of the Department of the Air Force at Kelly Air Force Base, Tex.; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 8207. A bill to reclassify certain key positions and increase salaries in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8208. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HANLEY:

H.R. 8209. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 8210. A bill to reduce crime and improve criminal procedures in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KEE:

H.R. 8211. A bill to amend section 201(c) of the Federal Property and Administrative Services Act of 1949 to permit further Federal use and donation of exchange sale property; to the Committee on Government Operations.

By Mr. KING of New York:

H.R. 8212. A bill to control unfair trade practices affecting producers of agricultural products and associations of such producers, and for other purposes; to the Committee on Agriculture.

By Mr. LEGGETT:

H.R. 8213. A bill to promote fair competition among prime contractors and subcontractors and to prevent bid peddling on public works contracts by requiring persons submitting bids on those contracts to specify certain subcontractors who will assist in carrying them out; to the Committee on the Judiciary.

By Mr. MATHIAS of Maryland:

H.R. 8214. A bill to encourage exportation of agricultural commodities; to the Committee on Agriculture.

By Mr. OLSEN:

H.R. 8215. A bill to amend title 39 of the United States Code in order to proscribe the mailing of certain matter not desired by addressees; to the Committee on Post Office and Civil Service.

By Mr. PELLY:

H.R. 8216. A bill to give the President authority to alleviate or to remove the threat to navigation, safety, marine resources, or the coastal economy posed by certain releases of fluids or other substances carried in oceangoing vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. REUSS:

H.R. 8217. A bill to provide for the adjustment of annuities payable from the civil service retirement and disability fund; to the Committee on Post Office and Civil Service.

By Mr. RIEGLE:

H.R. 8218. A bill to establish a National Commission on Senior Workers, to provide for a senior Americans community service program, to prohibit arbitrary discrimination in employment on account of age; to provide an 8-percent across-the-board increase in social security benefits, to provide for subsequent increases in social security benefits based on rises in the cost of living, to increase the amount individuals are permitted to earn without suffering deductions from social security insurance benefits, to revise and improve the income tax treatment of senior Americans, to permit increases in social security benefits to be disregarded in computing income for the purpose of determining eligibility for a veteran's or widow's pension under title 38 of the United States Code, to establish a program of Federal assistance in the form of grants and loans to nursing homes and other long-term care facilities, and for other purposes; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 8219. A bill to provide assistance for the improvement of State and local law enforcement agencies through acquisition of equipment for those agencies and provision of educational opportunities to their personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 8220. A bill to equalize civil service retirement annuities and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8221. A bill to amend section 8332, title 5, United States Code to provide for the inclusion in the computation of accredited services of certain periods of service rendered States or instrumentalities of States, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8222. A bill to amend chapter 83, title 5, United States Code to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

H.R. 8223. A bill relating to rates of postage on third-class matter mailed by certain nonprofit organizations; to the Committee on Post Office and Civil Service.

H.R. 8224. A bill to provide that the value of survivor annuities payable under chapter 83, title 5, United States Code shall not be taken into account for State inheritance tax or Federal estate tax purposes; to the Committee on Ways and Means.

H.R. 8225. A bill to modify the decrease in Federal group life insurance at age 65 or after retirement; to the Committee on Post Office and Civil Service.

H.R. 8226. A bill to amend section 8338, title 5, United States Code to correct inequities applicable to those employees or Members separated from service with title to deferred annuities and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8227. A bill to permit a retired employee or Member receiving health benefits pursuant to the provisions of the Federal Employees Health Benefit Act of 1959 (ch. 89, title 5, United States Code) to elect coverage under the Retired Federal Employees Health Benefits Act of 1960 (Public Law 86-724); to the Committee on Post Office and Civil Service.

H.R. 8228. A bill to amend section 8341 of title 5, United States Code to provide annuities for surviving spouses without deduction from a retired employee or Member's annuity, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8229. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H.R. 8230. A bill to amend title XVIII of the Social Security Act to provide payment for optometrists' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 8231. A bill to amend the act of October 4, 1961 (Public Law 87–383), so as to permit the use within Canada of certain funds appropriated pursuant to such act for the conservation of migratory waterfowl; to the Committee on Merchant Marine and Fisheries.

By Mr. BENNETT:

H.R. 8232. A bill to amend title 10 of the United States Code with respect to the retired grade and pay of members who have served under certain permanent appointments; to the Committee on Armed Services.

By Mr. PERKINS:

H.R. 8233. A bill to improve intergovernmental cooperation and grant-in-aid program administration; to assist State and local governments in strengthening their staffs by improving personnel administration and extending merit principles and by providing support for training of public employees; to permit temporary assignments of personnel between Federal and State and local governments; and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS:

H.R. 8234. A bill to improve intergovernmental cooperation and grant-in-aid program administration; to assist State and local governments in strengthening their staffs by improving personnel administration and extending merit principles and by providing support for training of public employees; to permit temporary assignments of personnel between Federal and State and local governments; and for other purposes; to the Committee on Education and Labor.

By Mr. RUPPE:

H.J. Res. 492. Joint resolution to establish a Commission on Balanced Economic Development; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H. Con. Res. 304. Concurrent resolution reaffirming the support of the Congress for United Nations peacekeeping and peacemaking operations and for other purposes; to the Committee on Foreign Affairs.

By Mr. WOLFF:

H. Con. Res. 305. Concurrent resolution expressing the sense of Congress with respect to the operation of the nuclear ship *Savannah*; to the Committee on Merchant Marine and Fisheries.

By Mr. BUTTON:

H. Con. Res. 306. Concurrent resolution to create a delegation to a convention of North Atlantic nations; to the Committee on Foreign Affairs.

By Mr. ST. ONGE:

H. Con. Res. 307. Concurrent resolution establishing a joint committee to conduct an investigation and study of problems relating to extraordinary air and water pollution; to the Committee on Rules.

By Mr. WYDLER:

H. Res. 416. Resolution amending the Rules of the House of Representatives to permit the broadcasting by radio and television of proceedings in the Hall of the House on the first day of each session of Congress; to the Committee on Rules.

By Mr. KING of New York:

H. Res. 417. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

126. By Mr. CAREY: Memorial of Senate and Assembly of the State of New York memorializing the Congress and the President of the United States to provide for enforcement of the provisions of Public Act 835, the Merchant Marine Act of 1936; to the Committee on Merchant Marine and Fisheries.

127. By Mr. CONTE: Memorial of the Commonwealth of Massachusetts concerning resolutions memorializing the Congress of the United States to establish a national cemetery in Massachusetts; to the Committee on Interior and Insular Affairs.

128. By the SPEAKER: Memorial of the Legislature of the Commonwealth of Massachusetts, relative to increasing the maximum monthly payments to persons under the Federal Social Security Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES:

H.R. 8235. A bill for the relief of Salvatore Montalbano; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 8236. A bill for the relief of Jose Eduardo Aunon; to the Committee on the Judiciary.

H.R. 8237. A bill for the relief of Zoran Mijic; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 8238. A bill for the relief of Nelly Sarmiento; to the Committee of the Judiciary.

By Mr. COLLIER (by request):

H.R. 8239. A bill for the relief of Nicholas Bolos; to the Committee on the Judiciary.

By Mr. CONABLE:

H.R. 8240. A bill for the relief of John Kitanik; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 8241. A bill for the relief of Victorino Severo Blanco; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 8242. A bill for the relief of Fitz Neptune (also known as Fitz Mims); to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 8243. A bill for the relief of Mrs. Ismay Paulina Mack; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.R. 8244. A bill for the relief of Bernard Joseph Marie Sweens; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 8245. A bill for the relief of Dr. Martin Adolfo Zaldivar and Mrs. Juana Maria Hernandez de Giner; to the Committee on the Judiciary.

H.R. 8246. A bill for the relief of Mr. Jose M. Quintana and Mrs. Lilia M. Quintana; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 8247. A bill for the relief of Dr. Husnu Demirag; to the Committee on the Judiciary.

H.R. 8248. A bill for the relief of Dennis Lue; to the Committee on the Judiciary.

H.R. 8249. A bill for the relief of Dr. Eddy Chi-Kwang Tong; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 8250. A bill for the relief of Dr. Herman Franklin Guzman and his wife, Maria Amelia Lopez-Penha de Guzman; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 8251. A bill for the relief of Giuseppe Stabile; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 8252. A bill for the relief of Francesco Carriglio; to the Committee on the Judiciary.

By Mr. REES:

H.R. 8253. A bill for the relief of Mr. Pyoung Tai Kwun; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 8254. A bill for the relief of Jan Drobot; to the Committee on the Judiciary.

By Mr. STEPHENS:

H.R. 8255. A bill for the relief of Enrique E. Bertot; to the Committee on the Judiciary.

H.R. 8256. A bill for the relief of Dr. Hermes Q. Cuervo; to the Committee on the Judiciary.

H.R. 8257. A bill for the relief of Jose Bernardo Garcia, M.D.; to the Committee on the Judiciary.

H.R. 8258. A bill for the relief of Jorge Gabriel Lazcano, M.D.; to the Committee on the Judiciary.

By Mr. STUCKEY:

H.R. 8259. A bill for the relief of Warren F. Coleman, Jr.; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.R. 8260. A bill for the relief of Arpi L. Vartian; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

59. The SPEAKER presented a petition of Maria Chiaravalle, Nocera Inferiore, Italy, relative to her admission to the United States; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Older Americans Act of 1965

EXTENSION OF REMARKS

OF

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 1967

Mr. TUNNEY. Mr. Speaker, I am introducing a bill today to extend the provisions of the Older Americans Act of 1965 and to increase the funding levels authorized by this important piece of legislation.

The number of older people in the United States today is equal to the combined population of some 20 of our States. The American born in 1900 could expect to reach his 47th birthday; the American born today can expect to reach 70 years of age.

These figures represent a national challenge and one that the Congress recognized in 1965 when it enacted, without dissent, the Older Americans Act. The Congress declared that it is the responsibility of governments at every level to assist our older people in achieving the full and free enjoyment of life in retirement and the later years.

My bill would extend the grant provisions under the Older Americans Act through 1974 and increase the funding levels above those authorized under present law. This will provide for the continuation of research, demonstration, and training projects thus far funded under the act and will permit the funding of many additional projects. These amendments are designed to continue the development of the State agencies on aging and their programs of local grants. This legislation will carry forward the program of direct project grants for research, development, demonstration, and training at the same level.

A major new program, and a much needed one of nutritional services will be developed to test new methods and ways to meet the nutritional needs of older people. Recent research into the nutritional needs of older people indicates that a large number of them suffer from lack of proper nutrition.

Studies reveal that many older homemakers, particularly those with incomes below $1,000 per year per person, did not meet the recommended standards of nutrition in their diets. In turn, these older citizens are more vulnerable to poor health and personal dependency. Factors such as inadequate income, apathy toward preparing and eating meals alone, inability to plan balanced meals, difficulties in marketing and outmoded beliefs about food indicate the need for nutritional research and services.

These amendments to the Older Americans Act will allow our senior citizens to live out their later years in dignity and honor.

Fino Asks Army To Draft Punks

EXTENSION OF REMARKS
OF

HON. PAUL A. FINO

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 1967

Mr. FINO. Mr. Speaker, today I have introduced a bill to amend the Selective Service Act to provide for the drafting of young persons now considered morally defective or deficient because of criminal records which include juvenile offenses, drunkenness, narcotic addiction, and serious moving traffic infractions. Such persons will receive training and serve in special combat units in the Armed Forces.

In the light of the crisis in Vietnam, I hope that our selective service laws can be revised this year so that the military may draft our Nation's oversized group of punks and hoods, many of whom are now draft exempt. I am not saying that most of them will be any great shakes as soldiers, but they can at least be of some use as extra manpower, and many can be helped to rehabilitate themselves in the process.

The Army presently refuses young men with records of juvenile, narcotics, drunkenness, and criminal offenses because it believes they are not "morally qualified" for the "privilege" of Army service. This is ridiculous in light of the Vietnam situation. War is not particularly moral, and Army service is considered a privilege by few draftees. The sooner the Army starts making use of America's large contingent of punks and young toughs, the better off we will be. Drafted punks will be good substitutes for persons who can make a greater contribution in other ways, and I personally feel that Army discipline and Army life may have something to offer to the punks and young hoods who now clutter up our streets. No doubt the Army can offer some training that will help rehabilitate young punks and teach the unemployable ones a trade.

I do not believe we can afford to continue drafting only those who satisfy high draft standards because this policy is self-defeating. It drafts those who could make a more valuable contribution elsewhere, and allows those who can make no other contribution and who might profit from service to escape it as morally deficient. The career soldier's concept of the military services as units in which membership is a privilege is inappropriate during wartime or during a period like the Vietnamese crisis. Besides, a unit like the Foreign Legion, which took criminals and misfits without question enjoys a reputation as high as most of the best American units.

Nevertheless, I do not believe that punks and criminals who might be drafted under my proposal should be indiscriminately mixed with other soldiers. Most ought to go in special units, and it seems fitting to me that they be combat trained.

I believe that drafting the punks would cut down our ever-increasing crime rate and make our streets and parks safe again. I intend to argue strongly for this change this spring when the House Armed Services Committee holds its draft law revision hearings.

Citrus Imports

EXTENSION OF REMARKS
OF

HON. JOHN V. TUNNEY

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 1967

Mr. TUNNEY. Mr. Speaker, I am introducing legislation today to amend the Agricultural Adjustment Act so as to extend to imported tangerines the restrictions imposed on certain other agricultural commodities such as oranges and grapefruit.

I am proposing this legislations because of my great concern over increased importation of foreign tangerines and their adverse effect on our domestic market. The disparity in production costs between the United States and other nations, such as Mexico, who are importing tangerines is well recognized. In view of our expanding production level for tangerines and the attendant probability of lower unit returns in the marketplace, the present U.S. duty of 1 cent per pound is not providing a sufficient deterrent to imports.

The legislation I am introducing today, if enacted, would subject imports of fresh tangerines to controls provided for by the Agricultural Marketing Act. Section 8e of this act provides that whenever a marketing order issued by the Secretary of Agriculture contains any terms or conditions regulating the grade, size, quality, or maturity of certain designated commodities, imports shall be prohibited unless they comply in a comparable manner with those promulgated for the domestic commodity.

The Teacher Corps: A Bright Experiment

EXTENSION OF REMARKS
OF

HON. FRANK J. BRASCO

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 1967

Mr. BRASCO. Mr. Speaker, I rise to say a few words in behalf of the Teacher Corps—which is so aptly described as a bright and forward-looking experiment in teacher education.

A good teacher possesses certain basic qualities: a liking for children and an ability to handle them with patience, understanding, and humor; a feeling for his subject; sufficient command of his subject to capture and hold the attention of his audience; and the humility to make himself a tool for a larger purpose.

Most of all, a good teacher must be willing to learn, to experiment, to fail 1 day perhaps, and come back the next to try again. He must look on each day's lessons as a mountain to be climbed—the top, the goal, in sight but never quite reached. It is his dissatisfaction with his own achievements that leads to change, improvement, growth.

These gifts are not necessarily inborn. They can be acquired or improved by effort, training, opportunities, and the inspiration of other teachers.

For the poverty school teacher, the challenge is still greater. For not only must he understand and love children, and be able to handle them and to awaken their intellectual curiosity, he must also be able to identify with them and their limited experiences, to talk to them in language and pictures they understand. He must have energy and hardiness of spirit. He must be able to accept rejection, rebuff, and disappointment—and each day, bit by bit, move closer to the unawakened mind of his young pupils.

Teacher education—and especially education of teachers of the disadvantaged—cannot be achieved overnight or by some magic formula. It means breaking out of old patterns to explore new formulas, practices, approaches.

Outside help—from such programs as the Teacher Corps—can stimulate, advise, act as pump primer, or catalyst. But the motive power must come from the education community itself, from the local education agencies and from the colleges and universities, all of whom are tooling up to meet today's challenge of bringing quality education to all.

Already, some 50 colleges and universities and more than twice as many local education agencies are involved in Teacher Corps training and service projects.

The motive power must also come from teachers and from would-be teachers themselves—public-spirited men and women willing to live and work with and to teach poverty's children—pay scales and tenure, benefits and stipends notwithstanding. Some 1,200 men and women from every corner of the Nation have already signified their deep trust in this program by participating in the first year of operation.

One of these young men—a 32-year-old veteran of 6 years of teaching—wrote:

> Many years ago, someone said: "If a man does not keep pace with his companions, perhaps it is because he hears a different drummer. Let him step to the music which he hears, however measured or far away." If we as teachers hear that different drummer—hear the call to reach out to deprived youngsters across the land—if we have the training and the inspiration, then let us not keep pace with our companions. Let us instead move to the force and step with deep commitment to the music we hear—let us move into the schools of our blighted slums and our pockets of poverty in the countryside—to fulfill our national heritage of reaching out to our impoverished disadvantaged youth.

"Sign me up," concluded this idealistic young man. I urge that we do just that—that we vote the funds for the Teacher Corps to sign up this young man and thousands like him with a sense of mission—so that they can be put in touch with equally dedicated local education agency heads and poverty teacher training centers. Then, together, they can "step to the music" they hear, "far away and measured." That music sounds the note of promise for our entire land: equal educational opportunities for all the youngsters of our great Nation.

Mr. Speaker, it gives me great pleasure to rise in support of the Teacher Corps and I urge my colleagues to do the same.

Danny Fernandez

EXTENSION OF REMARKS

OF

HON. E. S. JOHNNY WALKER

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 1967

Mr. WALKER. Mr. Speaker, it is with humility, pride, and sadness that I address my colleagues today.

Humility, because I am an ordinary person paying tribute to a young man of great bravery.

Pride, because one cannot help but feel that we must be a great nation to produce young men capable of the ultimate act of bravery.

Sadness, because I cannot feel otherwise at this Nation's loss of such a young man.

I am talking about Danny Fernandez, who, rather than see his fellow soldiers injured or killed, hurled himself on top of a grenade.

He died as the result of that selfless act.

Mr. and Mrs. Jose I. Fernandez, of Los Lunas, N. Mex., his parents, today received from our President's hand the Congressional Medal of Honor, our Nation's highest award.

Sp4c Fernandez was only 21 years old when he performed his act of courage.

It was February 18, 1966, a Friday. His unit was engaged in a fierce and bloody battle with the enemy when a grenade was tossed. It landed close to Daniel, but instead of thinking of himself and taking action which may have saved him, he warned his fellow soldiers to "move out" and took the full force of the explosion with his body.

Daniel had volunteered for the second tour of duty in Vietnam.

He also volunteered for the first tour of duty, and received the Air Medal. He was wounded in March 1965, and received the Purple Heart.

Those who knew Daniel well, his friends in New Mexico, his friends in the service, and his family, describe an unselfish young man, serious, mature, compassionate; a young man who enjoyed life, was active in sports and charity drives.

In losing Daniel Fernandez, we have lost a great deal.

Public Opinion Poll

EXTENSION OF REMARKS

OF

HON. ROBERT J. CORBETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 1967

Mr. CORBETT. Mr. Speaker, we have completed another poll of public opinion in the 18th Congressional District of Pennsylvania. The district embraces most of Allegheny County north of the city of Pittsburgh. While it is basically residential and industrial, it has such a variety of ethnic, social, and economic groups that it is almost a microcosm of the United States.

The total of those participating in the poll was gratifyingly large, and was probably sufficient to represent a referendum on each issue.

The tabulated results with some observations are included below. I sincerely hope that many will find them both interesting and informative:

TABULATED RESULTS FOR POLL CONDUCTED FEBRUARY 1967

1. What should we do about Vietnam? (Please select only one.)

(a) Continue our present course; 10%.

(b) Mount an all-out effort (not including nuclear or chemical weapons) for a military victory; 62%.

(c) Hold key defensible positions and try to negotiate a settlement; 18%.

(d) Withdraw as soon as possible; 10%.

Some interesting comparisons can be drawn from the responses to an identical question in our poll in June 1966. Then the answers were: (a) 8%; (b) 55%; (c) 19%; (d) 18%. Thus, in nine months the number of you desiring the United States to withdraw from Vietnam fell sharply from 18 to 10%, whereas those desiring an all-out effort to win the war jumped by about the same percentage: 55 to 62%. The figures on the other two choices remained virtually unchanged. We must conclude that our war against the Viet Cong has the fairly complete support of the American people, though a 10% opposition is considerable.

2. Would you favor a re-examination of President Kennedy's assassination by a non-government body of jurists and lawyers? Yes, 40%; No, 60%.

The 60–40 opposition to a re-examination of the facts surrounding President Kennedy's assassination came as a bit of a surprise. With all of the charges, counter-charges and suspicions created by controversial books and investigations, we felt that most people would have wanted as close to a final answer as possible. Apparently a sizable majority is content with the conclusions reached by the Warren Commission.

3. Would you vote to have the Federal Treasury share some of its revenues with the states for locally administered programs? Yes, 60%; No, 40%.

These results display increased public concern with the costly inefficiency of the Federal bureaucracy and recognition of the fact that the Federal government has dried up too many sources of state revenues.

4. Do you believe the Congress should give the go-ahead signal on the development of an anti-ballistic missile defense system? Yes, 56%; No, 44%.

The margin of difference of opinion on this question is not decisive. It quite well reflects discernible opinion in "official Washington." The issue may have to be resolved in the very near future and may very well be determined by Russia's actions.

5. Would you increase pay roll taxes sufficiently to hike social security benefits by (select one) (a) 8%, (b) 14%, (c) 20%.

The responses to the above were: (a) 34%, (b) 10%, (c) 10%.

This question produced an astonishing result. A whopping 46% of the voters independently added a fourth choice to our three point question: they are opposed to any increase in pay roll taxes to hike Social Security benefits. The President's proposal for a 20% increase in Social Security benefits with an off-setting increase in taxes certainly has not secured popular support in our District.

6. Would you permit the police under court supervision to employ wire tapping and other electronic devices to help solve crimes of violence and subversion? Yes, 81%; no, 19%.

The marked disparity of replies makes it very clear that the public has become "fed up" with the myriad of protections for suspected criminals and little protection for society.

7. Do you believe that we should cut off all aid to nations helping to supply North Vietnam? Yes, 92%; no, 8%.

Obviously most voters are disgusted with the attitude of some of our supposed allies and neutral nations that take all they can get from us and yet persist in actions that increase American casualties and help prolong the war in South Vietnam.

8. Would you support the President's proposed increase in postal rates to reduce the Post Office deficit? Yes, 57%; no, 43%.

Postal rates will go up this year, but not enough to eliminate the entire "deficit," because a considerable portion of the cost of postal operations is chargeable to public service rather than to users of the mail..

9. Should the United States continue the UN trade embargo against the government of Rhodesia? Yes, 45%; no, 55%.

These results are intriguing because a majority of the public usually always supports official American foreign policy objectives. While the Rhodesian question is rent with such factors as the role of the UN, white supremacy, racial self-determination, and the domestic civil rights movement in the United States, the majority NO votes probably are in protest to England's trade with North Vietnam and reflect the underlying mood of the replies to question 7.

10. Are you in agreement with the Administration's policies of trying to expand trade with Communist countries? Yes, 41%; No, 59%.

Although a majority oppose an expansion of trade with the Communist countries, the Administration will probably continue its "bridge-building" policies despite the war in Vietnam and the long-term danger of Communist aggression elsewhere.

11. Do you believe that we should end our farm price support and crop curtailment programs? Yes, 84%; No, 16%.

Our District clearly recognizes that Federal price support and crop curtailment programs simply are not in keeping with the present economic situation. Food shortages around the world call for greater food production, not artificial restrictions.

12. Would you approve granting a tax credit to assist industrial plants in offsetting the cost of installing anti-air and water pollution facilities? Yes, 76%; No, 24%.

Air and water pollution have now reached alarming proportions. There are other and perhaps some better ways of curing the malady than the suggestion proposed here, but the public definitely wants the situation remedied. It is time for efficacious action.

13. From what you have read about the President's budget for the coming year, would you support enactment of a 6% surtax on private and corporate incomes (after all possible cuts in appropriations)? Yes, 26%; No, 74%.

Over the years our respondents have always favored higher taxes in preference to larger deficits, which is essentially a responsible attitude toward fiscal matters. The sharp reversal above clearly indicates that people think that Federal expenditures are grossly excessive and should be cut deeply before thought is given to increasing the tax burden. Some also fear that a 6% surtax would deepen the recession if imposed at this time.

14. How do you rate President Johnson's overall performance in office? (a) good, 10%; (b) fair, 53%; (c) bad, 37%.

This multiple choice question is identical to one posed a year ago. The results then were: good, 22%; fair, 54%; bad, 24%. "Nuf ced."

Legislation Allowing Farmers To Deduct From Their Income Tax Assessments Made by Irrigation Districts

EXTENSION OF REMARKS
OF
HON. JOHN V. TUNNEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 1967

Mr. TUNNEY. Mr. Speaker, I am introducing a bill today that would make it possible for farmers to take an income tax deduction on assessments made by irrigation districts. The passage of this legislation would correct the present inequitable situation by providing the same income tax treatment on taxes and assessments paid by farmers as those paid by urban residents.

At the present time a farmer may not, under the law, deduct irrigation and water district assessments, and yet urban residents and businessmen may deduct taxes paid for school districts, streets, and sewer and water systems. Assessments are deductible by the farmer if they are a cost for operation maintenance of farming However, the Internal Revenue Service has ruled that assessments used for the construction of canals and other similar works are not deductible, even though the farmer does not acquire title to canals constructed by irrigation districts. Yet assessments are deductible for urban residents who do not own the city's water system, schools, courthouses, and roads. In addition, a farmer cannot normally amortize or depreciate his share of the capital costs of such works although he could do so if he built the works for his particular farmland.

I hope that the Congress will enact this legislation as soon as possible in order to eliminate this unfair and inequitable tax problem.

Travel to the Soviet Union

EXTENSION OF REMARKS
OF
HON. WILLIAM G. BRAY
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 1967

Mr. BRAY. Mr. Speaker, the administration's favorite argument for approval of the United States-Soviet Consular Convention was that it would mean more protection for American citizens traveling in the Soviet Union. Now, less than a month after the Senate approved the convention by the slim margin of three votes and less than 2 weeks after the President signed it, the administration has officially warned prospective tourists to the Soviet Union that they stand in danger of becoming helpless pawns in the cold war.

Yesterday the Department of State released a revised edition of its bulletin entitled "Travel to the Soviet Union." I quote from the bulletin:

> There is some basis for surmising that the Soviet authorities' treatment of Americans accused of violating their laws and regulations is harsher in periods of strained bilateral relations than would normally be the case. There have been indications of Soviet interest in exchanging imprisoned American tourists for Soviet citizens convicted of espionage in the United States. Also, the government-controlled press in the U.S.S.R., reflecting the Soviet desire to permit only controlled contacts between Soviet citizens and visiting Americans, has recently carried stories apparently designed to be public warnings that many tourists and other visitors from the United States are collecting intelligence information. . . .

I find it startling enough that the administration would openly admit the possibility of Soviet duplicity and deceit. After all, all we have heard from official administration channels for some time now has been how the Soviets are mellowing and how we should "build bridges" to encourage them to mellow even more.

But to have this warning appear so soon after the administration pulled out all the stops to win Senate approval of the Consular Convention is truly incredible. It destroys the administration's argument that the convention would give more protection to American tourists in the Soviet Union. Does the administration really expect the Soviets to honor the convention, or any part of it, if they suddenly decide to imprison some tourists to use as bargaining material in an attempt to get some of their own caught and convicted spies back?

The convention, to begin with, is worthless, as the Soviets will honor it only as long as they feel it is in their interest to do so. Even at that, it only gives the right of access to imprisoned Americans by qualified U.S. diplomatic personnel. It contains nothing that would protect them from arbitrary arrest or extremely harsh sentences for what most countries in the world would consider relatively minor infractions of their laws.

The administration pressed for approval of the convention as a step toward thawing the cold war. Now it turns around and openly admits the Soviets have every intention of doing exactly the opposite. We find the administration's arguments for the convention, on one hand, being negated and condemned by an official release from within the administration itself on the other.

Adult Basic Education

EXTENSION OF REMARKS
OF
HON. GUY VANDER JAGT
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 1967

Mr. VANDER JAGT. Mr. Speaker, without the ability to read, write, and do simple arithmetic, many adults are committed to a future of minimum earnings, persistent joblessness, and social dependency.

Congress, believing that large numbers of educationally deprived citizens aged 22 and over would seek instruction and greatly benefit from it if the opportunity were provided, authorized, in the Economic Opportunity Act of 1964, grants to States which had approved State plans for adult basic education programs.

In 1966 this program became part of the Elementary and Secondary Amendments of 1966—title III, adult education. The budget for fiscal 1967 provided $29.2 million for the program and the budget for fiscal 1968 recommends some $40 million.

Seldom do we hear or realize the impact of such programs, or their accomplishments. In the last few weeks I have been so gratified to receive personal letters from several adult students who are attending education classes in the Ninth Congressional District of Michigan.

I wish to publicly take this opportunity to congratulate the instructors of these classes, and even more so, the following individuals who have so proudly written of their accomplishments: Lillie Ballentine, Walter Ballentine, Laura L. Campbell, Wyoma Cannon, Lue M. Cartlidge, Bennie Coffee, Mrs. Adela Cortez, Linnie D. Croft, Mary Derrick, Cora Digby, Sino Dillard, Arnelia Dorsey, Katherine Duncan, E. M. Gant, Georgianna Garske, Hattie Green, Ollie Harris, Mrs. Arlene Hart, Lupe Hernandez, Dollie Johnson, Gertrude Jones, Josephine Leal, Mrs. Ceola Lewis, Maggie Linder, Fred McKinney, Julia McKinney, Louise McKinney, Olivia Mallette, Mrs. Opal Mann, Addie L. Matthews, Annie Matthews, Harold G. Mercer, Hattie Miller, Mrs. Betty Munroe, Velma Nall, Mrs. Mary Patricio, Elfriede Patterson, Mrs. Gladys Patterson, Mrs. Adela M. Perez, Florence

Philmore, Mary D. Priest, Henry Rollins, Brucie M. Scott, Mrs. Idell Sheard, Louise Smith, Dorothy Spurgis, SamElla Taylor, Beverly Joan Washington, Elizabeth Watson, Estella Williams, Henry Williams, Irene Williams, John H. Williams, Leeanna Williams, Mary P. Williams, Orna Lee Winston, Olivia Withers, Lettie Wolgamott, Hattie Mae Wright, and Trinidad Ylas.

Theirs is a courageous job well done.

Noise Abatement and the Office of Transportation

EXTENSION OF REMARKS

OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 1967

Mr. PUCINSKI. Mr. Speaker, a very significant statement was made Tuesday morning by Secretary of Transportation Alan S. Boyd concerning jet noise abatement. The Secretary said that not only would the new Department assume leadership and responsibility in the noise abatement field, but it would also establish a special Office of Noise Abatement to deal specifically with the problem.

Throughout the Nation, the problem of aircraft noise is becoming so acute that it is threatening the very future of aviation. The accelerated growth of air transportation, the development of larger and more powerful aircraft, and the enlargement of airport facilities are contributing to the problem on a national scale.

The graveness of today's noise problems can be heard in the anguished complaints from thousands of Americans and can be measured by the millions of dollars in pending noise litigation suits.

In the long run, failure to solve the problem will undermine public confidence not only in the entire aviation community but also in the Government leaders who have been charged with seeking workable solutions.

Therefore, I think that all of us should be heartened by the Secretary's statement before the Subcommittee on Advanced Research and Technology, House Committee on Science and Astronautics. Mr. Boyd provided an incisive analysis of the issues in his announcement that the new Department is escalating the fight against noise.

It is most noteworthy that the origin of this fight can be traced back some months to President Johnson's message to Congress on establishment of the new Department. The President directed the new Department to take immediate leadership in the noise abatement field. The President's Science Adviser, Mr. Hornig, has been coordinating Federal efforts to solve the noise abatement problem since that first message to Congress.

Secretary Boyd made it explicitly clear that aircraft noise is a high-priority matter in the new Department and his staff has begun to organize its complexities within a sound technical, economic, and legislative framework.

By declaring his intention to explore and utilize every possible means of attacking the problem of aircraft noise, Mr. Boyd has given us all cause for optimism that the public may, in the foreseeable future, look forward to answers to the critical and perplexing questions associated with aircraft noise.

The Secretary realizes the compelling urgency of drawing upon scientific technology, the great skills of our aeronautical engineers, and the sophisticated equipment available to them in a concerted drive to mute the whining jet engines that imperil the peacefulness of the skies, and consequently, the peaceful domain of our citizens.

I salute Secretary Boyd's timely remarks wherein he so ably stated a problem with which the Government and the aviation community must come to grips.

Problems of the Post Office Department

EXTENSION OF REMARKS

OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 1967

Mr. DINGELL. Mr. Speaker, the problems of the Post Office Department are among the most pressing which must be faced by the 90th Congress. Nowhere have I seen these problems more clearly analyzed than in a speech given by my good friend and colleague, Congressman WILLIAM D. FORD, whose 15th District of Michigan lies adjacent to my own 16th District. Congressman FORD gave this talk before a number of service clubs during the recent Easter recess, and was heard by a number of my constituents, who called it to my attention.

I believe, Mr. Speaker, that Congressman FORD's analysis and explanation of postal problems will be of interest to all our colleagues, and I am having it inserted in the CONGRESSIONAL RECORD for this reason.

The address follows:

It is a pleasure to be with you for this meeting.

Congress is currently in Easter Recess—a traditional "break" between the day of convening in early January and July 4th. I am using the time to visit many communities in my District and to talk with the people about the issues facing this session of Congress, including speeches to several organizations.

As many of you will recall, I have been a member of the House Committee on Education and Labor during my tenure in the House. It has been a most active Committee, considering and acting upon much historical and major legislation—such as the Elementary and Secondary Education Act. I have enjoyed my service on this Committee and have worked diligently to bring to the House bills that directly affect millions of people.

When the 90th Congress was being organized, I received a second important Committee assignment—the House Committee on Post Office and Civil Service. This Committee has responsibility for such items as postage rates; pay and retirement of Federal employees; bills relating to the Armed Forces postal system; mail matter; and the like. I believe this is going to be an active year for this Committee and I look forward to the next few weeks and months of service on it.

I want to discuss with you tonight the Post Office Department—the problems it faces and the programs that are proposed to give the Nation the mail service we deserve. This will include some comments on the expected legislation to increase postage rates.

You might say I have had an indoctrination into the postal service since joining this Committee. I am concerned over the Department's problems and I believe that you, as individual citizens will appreciate learning more of the situation. The Post Office Department has daily contact with practically every adult American citizen, and I don't know of anything that makes anybody madder than to have his mail delayed.

Let me say very firmly that I believe the Department is doing an excellent job in many, many respects handling the tremendous volume of mail that it faces each day. There are many able and dedicated officials and workers in the postal service—otherwise we would not have the mail moving as efficiently as it does.

I have been very much impressed with the quality of leadership and just plain old-fashioned dedication to work that is being given the Post Office Department by the Postmaster General, Lawrence F. O'Brien. He is a progressive thinker; he is determined to give the Nation a postal system of which we can all be proud; and he is pledged to erase the effects of little progress in past years and to adequately handle today's problems.

During his testimony to the House Appropriations Committee a few days ago, Postmaster General O'Brien sounded a strong note of warning. He stated that the "Post Office Department is in a race with catastrophe."

And he added: "And it is a race that we could well lose, though it is certainly in our power not to lose it."

The Postmaster General proceeded to then outline his general budgetary program for the coming fiscal year and to emphasize the several steps the Department proposes to take that will help "catch up" from past years and "get ahead" of the mail volume. These included: expansion and strengthening the ZIP Code; improved planning and budgeting; greater productivity through better utilization of employees; mechanization, modernization and research; having mail users pay their fair share of mail costs; a strong commitment to quality service; and a minimization of costs.

The House last week approved the Department's budget practically as presented. Some cuts were made, but the Senate is still to consider the bill and it is likely the final product will be near the Postmaster General's suggested budget.

Frankly, I don't think this is an area where expenditures can be reduced. More than 90 percent of the Department's budget is for paying the inescapable costs of salaries and fringe benefits for more than 700,000 employees. Thus, there is very little area in which to cut expenditures without serious consequences to the mail service and the effort to mechanize and modernize.

Let's get into the Post Office Department in some detail.

The Department's job is to move the mail . . . and there's plenty of it.

Mail volume is actually a mirror of the Nation's economy. The people of this Nation are earning more, spending more, and learning more than ever before . . . business activity is great. What does the mirror show in the way of mail volume?

We are at 80 billion pieces now and increasing at over 3 billion pieces a year. It is estimated that in the fiscal year 1968 this growth will be 4.5 percent. The entire nation of France produces only 9 billion pieces of mail a year, just three times our annual *increase* or about the same amount our Department process during the Christmas rush.

Here are three charts (not reproduced in the Record) that will be of interest: (1) Mail Volume, Personal Income, Population.

And the second, which shows the types of mail; (2) Mail Mix. This chart is for fiscal year 1966, but the percentages will not be far off . . . for fiscal year 1968 when the number of pieces reach 83 billion.

Another way of putting it: the mail rate is averaging more and more pieces for each man, woman and child in the Nation.

(3) 1965–1967 Letters Per year.

The Post Office Department's budget this year is $6.6 billion, up $418.8 million or 6.7 percent over the current fiscal year. The budget is geared to improving service and modernizing the Department's physical plant and equipment.

These slides give you a very brief idea of some of the factors involved . . . and what is proposed.

(4) Major Budget Increases: This slide shows how pay legislation has increased costs . . . while revenue from postage has not kept pace.

(5) Major Changes Since 1962: Construction . . . for Fiscal Year 1967 and Fiscal Year 1968.

(6) Construction—Fiscal Year 1967 (Slide).

(7) Construction—Fiscal Year 1968 (Slide).

One of the actions taken to help the Post Office Department meet its obligations to the public, and one of the most significant in my judgment, was the establishment of a Bureau of Research and Engineering headed by an Assistant Postmaster General.

The Department was able to recruit a really exceptional and creative man for the top position, Dr. Leo S. Packer, formerly a top executive of the Xerox Corporation. Dr. Packer is building a strong and talented staff, and he is providing vigorous leadership to the Department's accelerated research and engineering effort.

Another significant action in this field by the Postmaster General has been the appointment of a Research and Engineering Advisory Council . . . to provide a bridge to the scientific and engineering community. The establishment of this Council, consisting of 29 technical experts and executives, reflects the Department's policy of inviting talented and experienced individuals to assist in its programs. This group will provide a close link with the most advanced thinking of the engineering, academic and business community, and certainly will help apply the latest fruits of science and technology to the benefits of the postal service.

The Department has asked for a 40.2 percent increase in its funds for the next fiscal year for this new Bureau . . . $23.2 million. To illustrate the importance attached to this effort of the Department, I might point out that no changes were made in this appropriation request when the House acted last week.

If you haven't seen the March issue of *Fortune Magazine*, I suggest that you obtain a copy and read the article "It's Now or Never for the Post Office Department." This gives a lengthy summary of the efforts being directed by Postmaster General O'Brien and the work of Dr. Packer in research and engineering. It is an excellent article.

I mentioned the ZIP Code as one of the ways being used to improve the mail service . . . I believe it is important enough for a more detailed explanation. ZIP Code is becoming a part of the habit pattern of all Americans. As you know, effective January 1, 1967, all bulk second and third-class mail must be ZIP Coded. And, every effort is being made to have all Americans use the ZIP Code on their individual letters because in the Department's mechanization program is a plan for machines that will read the ZIP Code and help speed your mail on its way. (In fact, one of these machines is now being tested in Detroit.)

Today, ZIP Code and the Sectional Centers help the Department in its effort to move the mail.

(8) ZIP Code is the Direct Way: This chart (not printed in the Record) illustrates the difference in movement of mail before and after the ZIP Code and Sectional Center programs. Prior to these programs, movement of mail was limited to the memorizing of direct routings to communities by an individual postal clerk. The "memory bank" of the clerk generally was restricted to individual communities within the "home" state and in some instances to direct routings of communities in another selected state.

For example, prior to the ZIP Code and Sectional Center programs, a distribution clerk in Los Angeles would not necessarily know the location of Collinsville, Illinois 62234. If he distributed a letter addressed to Collinsville, he would send it to Chicago. A distribution clerk in Chicago, who would know the Illinois scheme, would then route it to St. Louis, a distance of some 285 miles south, and then it would be dispatched by highway transportation to Collinsville, a distance of 10 miles.

Under the ZIP Code and Section Center Programs, if all mail was distributed by ZIP Code, the clerk at Los Angeles would route this letter directly to the Sectional Center identified by the first three digits—622. This means the clerk at Los Angeles would not have to know a scheme for Illinois. The mail for all of the offices located in East St. Louis, Illinois Sectional Center, some 74, would move directly from Los Angeles to the Sectional Center under the ZIP Code process. This results in a reduction of 285 miles in transportation plus the essential time gained incident to the by-passing of the intermediate distribution at Chicago.

The direct movement of mail between the 552 Sectional Centers, which the Department is now able to accomplish in lieu of massing of mail on 73 major terminal points, has enabled the postal service to cope more efficiently with the exploding mail volume.

This has been a very brief description of the benefits of ZIP Code and Sectional Centers, but I am sure you can see its value.

The anticipated employment for the Department this next fiscal year will be well over 700,000.

This chart gives an idea of how employment has risen as the mail volume has grown. (Not printed in the Record.)

(9) Employment: The average person, who may not be called upon to consider such facts as I as a member of the House Committee, may not appreciate the productivity of the individual postal employee.

If we divide our total mail volume by our total number of employees, we find that the average employee handles more than 114,000 pieces of mail a year.

(10) Chart (not printed in the Record) Individual Employee Productivity: This compares to 96,000 for Switzerland, 94,000 for the Netherlands, 73,000 for Belgium, 62,000 for Germany, 59,000 for France, 56,000 for Great Britain, 47,000 for Italy and 31,000 for Japan. And none of these other nations deal with a postal delivery area of 3,600,000 miles complicated by dispersed suburbs, urban sprawl, coagulated traffic and skyscraper office buildings. In other words, each American postal worker handles as much mail as two French or German postal workers and more than three Japanese postal workers.

Postal employees are performing well. They deserve to have both a living wage and the most modern mail handling tools that can be provided.

The President has indicated that he will ask Congress for pay raise legislation that will include postal employees. You might appreciate the need more if you consider an example recently pointed out in Washington.

The bus company there has signs on its vehicles that offer $6,900 per year for beginning bus drivers. While, of course, the two jobs are not identical, and while fringe benefits might make a difference, a postal clerk or carrier must work 15 years to reach that salary figure under the present system. Moving people in buses is important, but so is moving the mail.

Although postal pay has been increased by 28 percent in five years, the Post Office Department is not competitive with other employees in some industrialized major cities. There was a suggestion by the Chairman of the House Post Office Appropriations Subcommittee during recent hearings that possibly salaries should be different for postal positions in cities and rural areas. This would enable the Department to more equally compete with industry.

Undoubtedly, we shall face this subject when the Committee on which I serve considers pay raise bills. Several have been introduced and await the President's recommendations.

Let me conclude by talking with you about the "postal deficiency" and postage rates.

The "deficiency" is simply the amount of funds required to operate the Post Office above the revenues received from postage. It is estimated the deficiency this year will be around $1.2 billion. However, the Congress has said that certain functions of the Department are "public service" and should not be included in the deficiency and in determining postage rates. This year, public service items will be approximately $600 million, which means that the actual deficiency will be around $600 million that must be financed from the Treasury.

This is shown on the following chart (not printed in the Record). (11) The Postal Deficiency: Now, let us "pinpoint" the deficiency by classes of postage . . . here is another chart (not printed in the Record)

(12) Pinpointing the Postal Deficiency: The Postal Policy Act of 1958 clearly spells out that the requirement that postal income and expenditures should be approximately equal, and that the rates should be adjusted from time to time if expenditures and income are not equal . . . As I stated, "public service" items are discounted in figuring the total deficiency.

Right now, no category of mail is paying its way, other than first-class and air mail, and the cost coverage in those classes of mail is nearing the break-even point. The Postal Policy Act considered that first-class mail must pay more than its cost due to the preferred service such mail received.

This chart (not printed in the Record) shows that Americans have bargain postage rates.

(13) Americans Have Bargain Postage Rates: And, as you know, the President has stated in his budget message that he will ask for an increase in postage . . . one-cent for first-class and air mail, or a 20 percent increase, which will produce an estimated $536 million in revenues.

The details of the increases to be requested in second and third-class mail have not been released by the President, but I expect this to be one of the major bills that we will soon be considering in my Committee.

The new budget calls for $700 million in revenue from postal rate increases—which on an annual basis will amount to some $800 million when fully effective. Using simple arithmetic, it is easy to see that the difference between the revenues to be raised from the first-class and air mail increases ($536 million) and the $800 million must come from the increases to be requested on second and third-class.

Personally, it is my feeling that these classes of mail be required to pay their fair share of the cost of delivery. I expect this will be one of the major points of discussion when my Committee begins work on the rate increase bill.

While we are on this subject, there has been recent discussion about doing away with postage stamps altogether, except to provide certain special services at extra cost. This may be an area for serious consideration by the Committee. This would mean the elimination of many activities such as printing, selling, licking, canceling, and collecting stamps. But, it would also mean that Congress must declare the postal operations to be mainly public service and that the expenses would be paid from the government's general revenues.

It is not possible for me to cover all of the most interesting and exciting operations of the Post Office Department in these remarks. I have become greatly interested in them, and I know this very important agency deserves great attention from the Congress. It must meet the challenge of "now or never," because we Americans are daily increasing our letter writing.

I know you want me to do all that I can to meet the challenge in a manner that will be fair to all users of the mail.

Colorado Welfare Director Foresees End of States Participation in Food Stamp Program if House Agriculture Committee Amendments Prevail

EXTENSION OF REMARKS

OF

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 1967

Mrs. **SULLIVAN**. Mr. Speaker, in numerous statements here on the House floor and in the CONGRESSIONAL RECORD in the past month I tried to warn the Members of the danger to the continued successful operation of the food stamp program, which by the end of the current fiscal year, will be providing adequate diets to more than 2 million Americans in low-income families.

The danger, as I saw it, lay in the fact that so many of the members of the Committee on Agriculture, which handles the food stamp legislation, do not have food stamp projects in their own congressional districts and thus may not be personally familiar with the effective manner in which the program now operates in more than 650 counties or cities located in more than half of all congressional districts.

COMMITTEE AMENDMENTS JEOPARDIZE PROGRAM

My fears were borne out when the committee voted recently to add two damaging amendments to H.R. 1318, the bill I introduced on behalf of the administration to provide authorization for future appropriations. One of those amendments, adopted by a vote of 16 to 9, could well be fatal to the entire program. It is significant that even after the bill was weakened, it was then approved by the committee by the narrow margin of only 19 to 14, including proxies, indicating that many of the 16 present who voted to insert a very damaging amendment may really desire to end the program entirely on July 1, 1967.

To those of us who consider the food stamp program important to the well-being of the people of our congressional districts, as well as to needy people elsewhere in the country, it is obvious that the action of the Agriculture Committee in adding amendments must be reversed when H.R. 1318 comes before us here in the House. Otherwise, we would be, in effect, permitting 16 of the 35 members of the Committee on Agriculture to decide the future—or rather the doom—of a program in which most of those 16 may have no direct interest insofar as their own congressional districts are concerned.

The amendment in question would require the States, beginning July 1, 1969, to pay 20 percent of the cost of the bonus coupons given to food stamp participants to assure them an adequate diet. At the projected level of the program for next year, that would be $40,000,000 a year which the States would have to pay. Just remember that for virtually no cost at all to the States—but at high cost to the cities and counties—the Department of Agriculture will send in carloads of surplus foods such as powdered milk, powdered eggs, lard, flour, cornmeal, and so on, for free local handouts to the poor under the loosely directed, scandal-ridden direct distribution system which the strictly administered food stamp plan has now superseded in hundreds of localities.

COLORADO WELFARE DIRECTOR EXPRESSES DEEP CONCERN

Convincing evidence of the seriousness to the States of the Agriculture Committee amendments to H.R. 1318 is shown in a copy I have received of a telegram sent on April 3 to the Speaker of the House from Miss Charline J. Birkins, director of the Colorado State Department of Welfare, as follows:

COLORADO STATE DEPARTMENT
OF PUBLIC WELFARE,
Denver, Colo., April 3, 1967.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.:

Strongly support remarks of Hon. Leonor K. Sullivan on March 23 concerning H.R. 1318, the food stamp bill. Agree that to require states to pay 20 percent of cost of bonus coupons issued to the needy would cripple and probably kill the program.

Food stamp program now operating in 35 Colorado counties. During past 12 months bonus coupons were issued in the amount of $1,496,515 and estimated cost of bonus coupons for next 12 months estimated to be at least $1,791,500.

Colorado could not pick up this cost in addition to present administrative costs. Food stamp program much more efficient and beneficial than Federal donated foods program. Strongly urge expansion of present food stamp program rather than its curtailment.

Miss CHARLENE J. BIRKINS,
Director, Colorado State Department of Public Welfare.

OTHER AMENDMENT LIMITS AUTHORIZATION TO 1 YEAR ONLY

In addition to the amendment requiring the States to pay 20 percent of the cost of the bonus coupons—that is, 20 percent of the difference between the amounts needy families can afford to spend for food and the amounts of money required to provide such families with adequate, nutritious diets—the committee also tacked onto H.R. 1318 an amendment limiting the authorization for future appropriations just to the 1968 fiscal year. That would mean that next year—and each year thereafter, if the program survived these piecemeal 1-year-at-a-time techniques—the Congress would first have to pass a new food stamp authorization bill before the Committee on Appropriations could even consider a request for funds. If every item in the Department of Agriculture budget were subjected to this kind of double jeopardy each year, it is a certainty that we would save a lot of money on agricultural programs, for it would be an impossibility for the annual fiscal year agricultural appropriation bill to be handled until long after the foreign aid appropriation bill, and all of the supplementals also, and by then most of the fiscal year in which the funds were supposed to be spent would probably have passed.

This is a novel idea for limiting Agricultural Department expenditures, but would hardly be effective in helping the farmer or anyone else interested in agricultural programs. Why pick out the food stamp program, then, for this technique of agonizing annual legislative reappraisal? Certainly it cannot be based on any desire to help or expand the food stamp program.

COLORADO NOT ALONE—ALL BUT NINE STATES IMMEDIATELY AFFECTED

Mr. Speaker, although the Colorado welfare director is the only State official I have heard from so far on this issue since the Agriculture Committee's action, 41 other States and the District of Columbia would also be immediately affected. Only Arizona, Delaware, Florida, Idaho, Massachusetts, Nevada, New Hampshire, Oklahoma, and South Dakota do not have food stamp projects in operation, and of those, Massachusetts has at least indicated an intention to participate.

For the list of those areas now participating, or scheduled to participate shortly, I refer the Members, Mr. Speaker, to my remarks in the CONGRESSIONAL RECORD on March 14, 1967, pages H6656–H6665 showing this information by States and congressional districts.

COLORADO NEEDY PAID $2 OF OWN MONEY FOR EACH $3 OF FOOD COUPONS

The Colorado welfare director's telegram reports that there are now 35 food stamp projects operating in the State. The latest figures I have on the actual number of people participating for a full month in Colorado are for January 1967, when there were only 21 projects in operation there. At that time, a total of 24,037 Coloradans received help through this program in obtaining a good diet.

These people paid more than $318,000 of their own money that month in order to receive food coupons worth $469,889 in the foodstores—a bonus of more than $151,000 in food purchasing power—or 32 percent. The bonus toward good nutrition averaged $6.29 per person per month, or about $3 in food purchasing power for $2 spent for food stamps.

In view of the sizeable contribution this represents toward good health for children in needy families, it is no wonder that the Colorado State welfare director shares my deep concern over the future of this successful program.

FIGURES ON NATIONAL LEVEL FOR JANUARY

On the national level, there were 1,438,795 men, women, and children participating in the food stamp program in January, in 589 projects, receiving added food purchasing power of $8,811,751 that month, or an average of $6.12 per person. Since then, the program has been expanded to more than 60 additional jurisdictions, and by June 30 it will have about 2 million participants in 875 areas, which areas include about 40 percent of the entire population of the country.

Among those areas are 116 of the Nation's 300 poorest counties. In such counties, up to 25 percent of the entire population might participate in the food stamp plan.

I just cannot imagine the Congress permitting such a program to be destroyed by an amendment recommended by only 16 of the 35 members of the Committee on Agriculture, particularly since 12 of those 16 apparently then voted against the bill even as amended.

Good Diets of 10,000 Eighth District Residents Endangered by Food Stamp Amendments

EXTENSION OF REMARKS

OF

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 1967

Mr. BLATNIK. Mr. Speaker, I have been following with great interest and deep concern the speeches and insertions in the CONGRESSIONAL RECORD by the gentlewoman from Missouri [Mrs. SULLIVAN] warning of the great danger to the continued operation of the Food Stamp program. Two counties in my congressional district, Itasca and St. Louis, were among the very first in the entire Nation to be designated for pilot food stamp projects. They have now been in the program for nearly 6 years, since June 1961.

Carlton County was included 2 years later, in 1963, while the food stamp program was still an experimental pilot operation. Since the passage of Public Law 88-525 in August 1964, establishing a nationwide food stamp program, Koochiching, Lake, Aitkin, and Pine Counties have also been assigned food stamp projects.

The food stamp program in the Eighth District of Minnesota now assures good, nutritious diets for more than 10,000 persons who otherwise would not be able to afford enough of the kind of foods necessary for a proper diet. Depending upon their income and family size, each family participating in the program must set aside each month for purchasing the food coupons that portion of its income it would normally spend, or be expected to spend, for food; and then the Department of Agriculture, working through the State welfare departments, augments this amount with additional bonus coupons sufficient to assure ability to purchase a good diet. The program is particularly beneficial for children, and is one of the most successful of all of the programs to combat poverty.

It is amazing to me that after 6 years of successful operation, this program is now in danger. Yet, the House Committee on Agriculture, as the gentlewoman from Missouri [Mrs. SULLIVAN] has pointed out, has voted to add two serious amendments to H.R. 1318, the administration bill she has sponsored to authorize further appropriations for the program. One would limit the authorization to fiscal year 1968 only; the other would require 20 percent cost sharing by the States. I will join Mrs. SULLIVAN in opposing those amendments when the bill comes to the floor.

Considering the fact that so many districts represented by Republicans as well as by Democrats are now included in the food stamp program, I am amazed to find that the Republicans on the Committee on Agriculture voted 10 to 4 against continuing the program, even after the two adverse amendments were adopted in committee. This is typical, of course, of the Republican Party's traditional attitudes, but we always hope that some day—somehow—the minority party will begin to learn something about the 20th century and the needs of the American people.

Well, there is at last some progress. Three years ago, when the food stamp bill was passed by the House, every Republican on the Committee on Agriculture voted against it after previously having joined in committee to load it down with an amendment intended to kill the program by making the States pay 50 percent of the value of the bonus coupons.

This time the committee's crippling amendment to require cost sharing by the States calls for 20 percent rather than 50 percent sharing. But it would have the same consequences as the 50 percent amendment of 3 years ago. It must be defeated. I join Mrs. SULLIVAN in expressing the hope that all Members who have food stamp projects in their districts will inform themselves on the probable consequences to their needy constituents of this destructive amendment, and will help to expunge it from the bill when H.R. 1318 comes before us.

Three National Farm Organizations Support Original Food-Stamp Bill Without Agriculture Committee "Crippling Amendments"

EXTENSION OF REMARKS

OF

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 1967

Mrs. SULLIVAN. Mr. Speaker, it is a source of gratification to me that three of the national farm organizations have advised me of their strong support for H.R. 1318, the food stamp authorization bill, without the amendments added by the House Committee on Agriculture which would seriously undermine the program.

While it is true that all organizations of farmers do not always agree with the conclusions of the committee which handles legislation of primary interest to agriculture, most of them do agree with the committee so frequently that it is rather unusual and significant to me that three farm organizations—the National Grange, the National Farmers Union, and the National Farmers Organization—should unite in this fashion behind a Member of Congress from a strictly urban constituency against an action of the Committee on Agriculture. I certainly appreciate this support.

Generally speaking, in the 14 years in which I have served here, I have always recognized the need for effective Federal legislation to enable the family farmer to remain on the farm and to produce the abundance of food which characterizes the American agricultural system. Thus, I have supported price supports, section 32, acreage limitations, and so on, where these would help the small farmer and agriculture as a whole. As the senior House Member on the National Commission on Food Marketing in the last Congress, I found ample evidence of the necessity for programs to assure better prices for farmers.

THE FACTS OF POLITICAL LIFE ON FARM LEGISLATION

But when some of those who advocate legislation to aid the farmer fail to recognize, as sometimes happens, that the needs of consumers must also be considered, and fail to concede that our remarkable food production capabilities must be translated into an opportunity for even the poorest American to enjoy at least a minimum adequate diet, those of us from urban areas must, of necessity, take a more critical look at strictly farm-oriented legislation. Farmers and consumers need each other, but it must be a two-way avenue of cooperation.

This was how the food stamp law of 1964 came to be enacted, in fact. For, after it appeared clear that the Committee on Agriculture would not report a food stamp bill favorably that year, word had to be passed along that other legislation favored by that committee would lose many votes needed from urban Members. Lo and behold, the food-stamp bill was reported, was passed, and became law, along with a controversial wheat-cotton bill.

SUPPORT FROM GRANGE, FARMERS UNION, NFO

Mr. Harry Graham, legislative representative of the National Grange, made a point of this when he appeared before the Committee on Agriculture to urge approval of H.R. 1318 in the form in which I introduced it. Mr. Graham has notified me of the intention of the Grange to do all it can to impress upon farmers and their organizations the importance of eliminating the committee amendments to my bill. The Grange is doing this not only to help urban Congressmen who have supported farm legislation in the past but because the food stamp program itself is a good program to help farmers too, by expanding the consumption of food—and the committee amendments would be damaging or even fatal to the program.

Mr. Reuben L. Johnson of the National Farmers Union, which was, I believe, the very first farm organization in the country to support my original food stamp bill more than a decade ago, has pledged the continuing support the NFU to my bill, and to my drive to eliminate the committee amendments.

I have now received, Mr. Speaker, the following wire from a third farm leader, Mr. Oren Lee Staley, president of the National Farmers Organization:

CORNING, IOWA.

Hon. LEONOR SULLIVAN,
U.S. House of Representatives,
Washington, D.C.

The National Farmers Organization strongly supports your original bill on the Food Stamp Plan, H.R. 1318, to make this a permanent program. We oppose the crippling amendments which were added by the House Agriculture Committee. The Food Stamp Plan should play an ever increasing role in overcoming the financial limitations to better diets on the part of our low income families. We therefore offer you our assistance in the passage of your bill through Congress.

OREN LEE STALEY,
President, National Farmers Organization, Corning, Iowa.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 10, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord is my shepherd.—Psalm 23: 1.

O Thou Seeking Shepherd of our seething spirits in days of doubt and in times of trouble, we realize anew our need of Thee. We need Thy grace to cleanse us, Thy love to strengthen us, Thy power to heal us, and Thy spirit to keep us free. Truly Thou art our shepherd, Thy rod and Thy staff are our sure support. Strengthen Thou our assurance that Thy hand is upon us leading us in Thy way and giving us the courage to walk in that way with Thee.

Guide our President as he journeys to South America. Out of this Conference may there come good news for all the countries of our hemisphere.

Bless Thou our men and women in the Armed Forces of our country facing constant danger and death. Comfort the bereaved, sustain those who are wounded, strengthen those who face the ordeal of battle, and by Thy spirit make us worthy of victory and ready to seek an enduring peace. In the name of the Prince of Peace we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, April 6, 1967, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed bills, a joint resolution, and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 24. An act for the relief of Hom Sheck See and his wife, Hom Mon Hing;

S. 39. An act for the relief of Athanasia Argere;

S. 60. An act for the relief of Dr. Oton Socarraz;

S. 65. An act for the relief of Dr. Miguel Alberto Rojas-Machado;

S. 66. An act for the relief of Dr. Alfredo Roboredo-Newhall;

S. 67. An act for the relief of Dr. Juan Ramon Diaz Zayas Bazan;

S. 72. An act for the relief of Carlos Miguel Calonge-Diaz;

S. 73. An act for the relief of Armando Jose Alonso-Garcia;

S. 74. An act for the relief of Ena Herminia Mourino de Moya;

S. 75. An act for the relief of Rita Maria Garmendia de Alsina;

S. 91. An act for the relief of Daniel Pernas-Beceiro;

S. 126. An act for the relief of Pedro Antonio Julio Sanchez;

S. 127. An act for the relief of Julio Francisco Dumas y Alcocer and Maria Josefa Dumas;

S. 128. An act for the relief of Andrew Loriz;

S. 129. An act for the relief of Carlos J. Arboleya;

S. 130. An act for the relief of Dr. Maria Yolanda Rafaela Miranda y Monteagudo;

S. 131. An act for the relief of Dr. Julio Valdes-Rodriguez;

S. 132. An act for the relief of Dr. Alberto Fernandez-Bravo y Amat;

S. 133. An act for the relief of Dr. Hector Jesus Sanchez-Hernandez;

S. 134. An act for the relief of Dr. Rafael A. Penalver;

S. 135. An act for the relief of Dr. Hilario Anido-Fraguio;

S. 137. An act for the relief of Mrs. Margarita L. Agullana;

S. 164. An act for the relief of Dr. Cesar A. Mena;

S. 165. An act for the relief of Dr. Ramon Baez Hernandez;

S. 167. An act for the relief of Dr. Anselmo S. Alvarez-Gomez;

S. 168. An act for the relief of Maria Jordan Ferrando;

S. 169. An act for the relief of Dr. Roberto E. Parajon and Maria C. Florin Parajon, his wife;

S. 170. An act for the relief of Dr. Pablo A. Suarez;

S. 173. An act for the relief of Dr. Luis G. Dediot;

S. 175. An act for the relief of Dr. Sherif Shafey;

S. 256. An act for the relief of Rosa Anna Genovese;

S. 280. An act for the relief of Rosa Agostino;

S. 287. An act for the relief of Wen Shi Yu;

S. 298. An act for the relief of Sixto M. Pagaran;

S. 328. An act for the relief of Dr. Oscar Lopez;

S. 332. An act for the relief of Noriko Susan Duke (Nakano);

S. 371. An act for the relief of Mrs. Mary T. Brooks;

S. 439. An act for the relief of Dr. Rafael Jacinto Nobo y Pividal (Rafael Nobo);

S. 461. An act for the relief of Gustavo Eugenio Gomez;

S. 462. An act for the relief of Dr. Jesus L. Lastra;

S. 464. An act for the relief of Dr. Guillermo N. Hernandez, Jr.;

S. 465. An act for the relief of Dr. Mario Guillermo Martinez;

S. 466. An act for the relief of Victor Abadi;

S. 501. An act for the relief of Dr. Fernando O. Garcia-Hernandez;

S. 533. An act for the relief of Kimiko Bethard;

S. 543. An act for the relief of Henri P. Boutin;

S. 642; An act for the relief of Kil Ja Chung;

S. 652. An act for the relief of certain employees of the Puget Sound Naval Shipyard;

S. 661. An act for the relief of Dr. Albert Victor Michael Ferris-Prabhu;

S. 822. An act for the relief of Hye Suk Paeng and Mi Kung Paeng (Patricia Ann);

S. 853. An act to extend the life of the Commission on Political Activity of Government Personnel;

S. 857. An act for the relief of Puget Sound Plywood, Inc., of Tacoma, Wash.;

S. 897. An act for the relief of Hilda E. M. Hofstra;

S. 899. An act for the relief of Julio Juan Castellanos Lopez;

S. 900. An act for the relief of Ernesto Sanchez Jerez;

S. 904. An act for the relief of Doreen Delmege Willis;

S. 905. An act for the relief of John Theodore Nelson;

S. 956. An act for the relief of Nachman Bench;

S. 996. An act for the relief of Dr. Esther Yolanda Lauzardo;

S. 1054. An act for the relief of Gerhard Hofacker;

S.J. Res. 27. Joint resolution establishing the Commission on Art and Antiquities of the Capitol, and for other purposes;

S. Con. Res. 17. Concurrent resolution providing for the printing of 1,500 additional copies of the Joint Economic Committee print entitled "Federal Programs for the Development of Human Resources"; and

S. Con. Res. 18. Concurrent resolution providing for the printing of 1,500 additional copies of the Joint Economic Committee print entitled "An Economic Profile of Mainland China."

SPECIAL SUBCOMMITTEE ON LABOR—PERMISSION TO SIT

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Labor may sit tomorrow afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PRESIDENT JOHNSON'S LEADERSHIP AMID TRAGEDY

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Speaker, in November 1963, the Nation and the world witnessed in the short space of a few hours the tragic assassination of President John F. Kennedy and a remarkable demonstration of the strength of our free society under stress as a new President took the helm of the ship of state.

Recently a number of books and articles have appeared casting doubt on every aspect of that fearful day. Events have been distorted, conspiracies have been invented, and every effort has been made to sensationalize and cheapen a terrible national trauma to which our leaders and people in fact responded nobly.

I have stood silent heretofore because I did not wish to pour oil on the fires of calumny; and because I hoped that the sensationalism would die a natural death.

I do not intend at this time to open the floodgates of painful memory, but I do wish to call attention to the article in the Washington Post of April 6, 1967, by Charles Roberts. It is the fifth in a superb series, "The Truth About the Assassination," and deals with events of which I have firsthand knowledge.

I was with President Johnson at Love Field and aboard USAF 26000. I was a witness to his behavior and I want to emphasize the complete veracity of Mr. Roberts' assertion that:

> President Johnson's takeover under harrowing conditions—he was the first President to witness the murder of his predecessor—was generally reported as "masterful" in 1963. As an unbiased witness to it, now that questions have been raised, I might add something more: It was careful, correct, considerate and compassionate.
>
> Considering that it occurred at a time when no one knew the full implications of Oswald's deed, and considering there was no script to follow, it was a masterpiece of coolheaded improvisation. Johnson, in my eyes, was the coolest man in Dallas, or aboard Air Force One.

The text of the article follows:

"The Truth About the Assassination"—V—United States Leaderless for 2 Hours on Fatal Day—Confusion Made Parkland Hospital a Disaster Area

(By Charles Roberts)

Parkland Memorial Hospital was a disaster area shortly after 1 p.m. that dreadful day in Dallas. The United States Government had been smashed at the top and for two hours no one seemed ready or able to pick up the pieces.

The atmosphere in the big hospital was not quite one of panic. It was just that no one knew, or was quite sure, what would happen, or what he should do next.

And then there was the almost unbelievable wrangle over the President's body. As undertaker Vernon Oneal arrived with an 800-pound solid bronze casket in which to remove the body, Dallas County Medical Examiner Earl Rose interposed.

"There has been a homicide here," he told Roy Kellerman, special agent in charge of the Secret Service detail on the Texas trip. "You won't be able to remove the body. We will have to take it down there to the mortuary and have an autopsy."

Legally, Rose was on solid ground. But he didn't reckon on Mrs. John F. Kennedy. She had made it known that she would not leave the hospital without her dead husband. Accordingly, Mr. Kennedy's top staff officers—Appointments Secretary Kenneth O'Donnell and Legislative Liaison Chief Larry O'Brien—had decided to fly the body back to Washington as quickly as possible.

With the late President's palace guard intimates—O'Donnell, O'Brien and Dave Powers—running interference, and with Mrs. Kennedy walking alongside the casket, the Secret Service did get the body out of Parkland. At 2:04 p.m., agents slid the bronze coffin into the rear of Oneal's white Cadillac hearse and took over the car. An Oneal attendant tapped on the driver's window and told agent Andy Berger, "I will meet you at the mortuary." Yes, sir," Berger replied. Then he drove at breakneck speed to Dallas Love Field.

This ghastly incident was the first of many misunderstandings in the tense hours following Mr. Kennedy's death. Some of those differences, particularly between the Johnson and Kennedy camps, have been magnified in the retelling.

Author William Manchester in "The Death of a President," a book authorized by the Kennedy family, has made both the Johnsons and the Kennedys look bad. As a witness to that transfer of power, I would like to record some first-hand impressions and perhaps correct some misimpression of the event.

I write without authorization from anyone—not as a "Kennedy man" or a "Johnson man" but as a reporter who covered both Presidents.

The most common misapprehension, generated more by the advance publicity for Manchester's book than by the book itself, is that Lyndon Johnson was overeager to "seize" the Presidency, that he was "crude" and "boorish" in his takeover. In his book, Manchester does not make such a charge—at least, in those terms—but he gives the distinct impression that Mr. Johnson's "behavior" and "manners" were less than exemplary.

After referring to Mr. Johnson's decision to return to Washington aboard Air Force One with Mrs. Kennedy and President Kennedy's body, for example, Manchester says:

"To those who loved John Kennedy, the transition of power seemed needlessly cruel. Consolidating the two groups (Kennedy and Johnson) on one airplane was to prove extremely unfortunate and aspects of Johnson's behavior in a very understandable state of shock may have proven exacerbating, but the difficulty there was largely one of manners and mannerisms. Johnson was not himself that afternoon—no man was himself then."

Manchester's last statement, that "no man was himself" that afternoon, is accurate; it was certainly true of the stunned members of Mr. Kennedy's staff. But beyond that, with a few conspicuous intervals of good clear reporting, Manchester and his sources seem to have been blinded by prejudice and grief.

Their bias may be understandable. There are many who loved Mr. Kennedy so much that they still consider Mr. Johnson a usurper or pretender to the office—a sort of interregnum caretaker until another Kennedy, presumably Bobby, can be restored to the throne. But the fact that they were once torn apart emotionally should not discolor the record of LBJ's assumption of office.

COOLEST MAN IN DALLAS

That takeover under harrowing conditions—he was the first President to witness the murder of his predecessor—was generally reported as "masterful" in 1963. As an unbiased witness to it, now that questions have been raised, I might add something more: It was careful, correct, considerate and compassionate.

Considering that it occurred at a time when no one knew the full implications of Oswald's deed, and considering there was no script to follow, it was a masterpiece of coolheaded improvisation. Johnson, in my eyes, was the coolest man in Dallas, or aboard Air Force One.

In Manchester's book, Mr. Johnson's performance that day was marred from the start by his decision to fly back to Washington aboard Air Force One—USAF 26000, the plane on which Mr. Kennedy flew into Dallas.

USAF 26000 was then the newest of four Boeing 707 jets converted into luxurious flying offices for use by the President and other VIPs. (There is, incidentally, much public misunderstanding of the term "Air Force One." The Air Force uses it to designate any plane on which the President is embarked, whether it is a 707, a Jet Star or a puddle-jumping Convair. Thus any plane Mr. Johnson might have taken from Texas automatically would have become Air Force One.)

Manchester suggests—by invoking a Kennedy staffer who was "dumbfounded" by LBJ's action—that Mr. Johnson should have left town on Air Force Two, the Presidential backup plane on which he had been flying. He quotes the witness, Kenney O'Donnell, as saying that "one plane was just like another" and implies that USAF 26000 should have been reserved as a flying hearse for Mr. Kennedy.

A BETTER-EQUIPPED PLANE

The fact is that Mr. Johnson discussed taking the "the plane" with O'Donnell twice before leaving Parkland at 1:30 p.m. Under pressure from the Secret Service to get out of Dallas, where other assassins might be lurking, he conferred with his bodyguards and Kennedy staffers on the possibility of moving "the plane" to nearby Carswell ABF. (The idea was dropped in favor of going directly to Love Field.) There is no reason to assume that Mr. Johnson referred to any plane other than 26000. He was then President.

In any event, after leaving the hospital with his head down on the back seat of an unmarked police car driven by Dallas Police Chief Curry, Mr. Johnson was delivered by his security-conscious Secret Service guardians to the newer ship.

There was a solid reason—never mentioned by Manchester—for Mr. Johnson to board the plane on which Mr. Kennedy had arrived. USAF 26000 then contained far more and better communications equipment—transmitting, receiving, coding and decoding—than any of the backup jets.

What orders the new President would have to give during that return flight no man knew. It would have been reckless for LBJ to take any but the best-equipped plane.

The President boarded at about 1:45 p.m.—19 minutes before Mr. Kennedy's coffin ran the gantlet of local officials at Parkland and headed for Love Field, with Mrs. Kennedy sitting in the rear of the ambulance next to the casket. Mr. Johnson had discussed arrangements for Mrs. Kennedy's return to Washington before leaving the hospital.

"O'Donnell told me that Mrs. Kennedy would not leave the hospital without the President's body," he recalled later. "I did not want to go and leave her in this situation. I said so, but I agreed that we would board the plane and wait until Mrs. Kennedy and the President's body were brought aboard the plane."

HALF HOUR AHEAD

Manchester's next implied criticism of Mr. Johnson is that he somehow forced the Kennedy party to wait an unconscionable length of time before riding back to Washington with him. The truth here is that President Kennedy's Air Force aide, Brig. Gen. Godfrey McHugh, in charge of air transportation for the whole Texas trip, assumed that Mr. Johnson would move out on the backup plane, USAF 86970, and made arrangements to put the dead President's body and his aides aboard USAF 26000.

By the time the Kennedy hearse arrived at Air Force One, at 2:18 p.m., Mr. Johnson had been aboard for more than half an hour, using the communications equipment to talk to officials in Washington and trying to track down a local Federal judge to swear him in. Crewmen had removed two rear seats from the small after cabin of the plane, opposite the rear galley, to make room for the bronze casket.

O'Donnell and O'Brien were not aware that the Johnsons were aboard until they straightened up, after putting the casket in place, and saw them commiserating with Mrs. Kennedy. Both were surprised. O'Brien was surprised "not because I thought it was bad taste or poor protocol or anything except that none of us knew where the new President was at that moment."

Fearing that police or local health authorities might still try to retrieve the President's body for a Dallas autopsy, O'Donnell ordered McHugh forward to get the plane airborne immediately. "I was in a highly desperate strait," he said later. Not until he headed for the cockpit himself, annoyed that the plane was still on the ground, did he discover that Mr. Johnson was waiting to be sworn in.

LESS THAN WHITE HEAT

Between O'Donnell, a tough former Harvard quarterback who was calling signals for the Kennedy team, and Mr. Johnson, a headstrong man, there was, then, a clash of interests: O'Donnell wanted to take off and Mr. Johnson wanted to wait until he had taken his oath of office. But there is a paucity of evidence that this conflict of plans generated the blazing controversy Manchester later perceived.

At least two high-ranking passengers, Mrs. Johnson and O'Brien (later to become Postmaster General), were never aware of it. And in his testimony before the Warren Commission, O'Donnell said he didn't think he even broached the subject to the President.

"He said to me that he had called the Attorney General," O'Donnell recalled, "and that the Attorney General had indicated that it was, if not mandatory, at least preferable that he be sworn in prior to the aircraft taking off. I didn't describe what I saw as the problems. I realized it was an inevitable delay. So I don't believe I commented on it. I just listened to him. We sat there."

(In his book, Manchester has O'Donnell "saying over and over, 'We've got to go.' 'We've got to get out of here.' 'We can't wait.' Each time Johnson's reply was the same: 'No, I have word from the Attorney General.' ")

If the difference between Mr. Johnson and O'Donnell ever reached the white heat indicated by Manchester (who describes O'Donnell's face as being drawn to a point "as though the muscles had been tightened by a single drawstring within"), it had simmered by the time I boarded the plane, right behind U.S. District Judge Sarah T. Hughes, an old political ally of Mr. Johnson's, at 2:30 p.m.

HIGH HONORS DECLINED

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Speaker, on March 9 my good friend and colleague, the gentleman from Florida, Congressman Ed Gurney, related to the House the delightful experience of having received an invitation to contribute to the Democratic Party.

He expressed his appreciation to the party and to the national chairman for this high honor.

I thought at the time that the reason a letter was sent to Mr. Gurney was so that we would see the error of his ways and want to enroll in the party of the people. Congressman Gurney is an outstanding American, and outstanding Americans belong in the Democratic Party.

Now I find myself faced with a similar situation.

Last week I was singularly honored by being one of a very limited number of persons to receive an invitation from the GOP.

After sending in $10, I was to receive an official publication with the exciting title of "The Republican." You can imagine the thrill I felt when I learned that my contribution would also mean I would receive a membership card.

An additional note was sent along for me to mail to a friend. The letter informed me that, after I joined, my friend would doubtlessly want to respond also. I am planning to send this additional letter to the gentleman from Oklahoma [Mr. Albert], as I know he would cherish the opportunity to contribute. Actually, I figured he could use a good laugh.

My eyes moistened and my heart beat faster as I read the letter I received, addressed to "Fellow American."

I read with interest what the money would be used for, but then it struck me that one of the things that it would do would be to unseat the patriotic citizen they had addressed in the Second Congressional District of Florida.

While I appreciate the high honor which has been paid me by the Republican Party, being included on this very limited list, it was for this selfish reason that I decided to decline the offer.

DEVELOPMENTS IN SOUTHEAST ASIA MAKE A POWERFUL FORMOSA HIGHLY ESSENTIAL

Mr. FISHER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FISHER. Mr. Speaker, the recent exchange of letters between President Johnson and the President of North Vietnam should remove any doubt in the mind of any one concerning Hanoi's total lack of interest in any peaceful settlement of that conflict.

The President again offered to stop the bombing if the other side would stop pouring troops and war materials into South Vietnam. The offer was described as a "trick" and was bluntly refused. Surely now the doves who have squawked about our bombing will shut up. Only the very naive and the stupid can be expected to persist in the view that if the defenders of South Vietnam would stop bombing, Hanoi would welcome a negotiation.

Most of the enlightened people of the world have suspected all along that the Communists are not interested in peace. Those aggressors are on a mission of mad conquest. It will be recalled that bombing has been suspended on two occasions in the past—once for a week and again for 37 days. But what happened? Each time Hanoi called it "blackmail" and a "hoax."

Mr. Speaker, this exchange should serve to solidify the unity and determination of this Nation and our allies. The American people want more bombing of strategic targets in the north. Now that it has been demonstrated beyond any doubt that the Communist aggressors are hellbent on war to the limit, they should be shown no mercy whatever.

Now that the Communists have removed any doubt as to their motives of subjugation and conquest in southeast Asia, it is a good time for us to reexamine the balance of power in that part of the world. The wraps have been removed. The Communist motives have been exposed. A recent captured document has made it crystal clear that Peking has demanded that Hanoi pursue the aggression, regardless of losses, and has held out hope for ultimate Chinese military intervention.

The Communist aggressors who invaded South Vietnam are strongly supported by the Red Chinese. It is said that more than 60,000 noncombat Chinese troops are now operating in North Vietnam, repairing and restoring broken rail lines and highways. The Peking aid, both political and military, has from the inception of the war on the south, been very much a part of the conquest.

That reminds us that chaotic conditions are now taking place inside Red China. And it reminds us of the strategic importance of Formosa as the future picture in the southeast Asia unfolds. Unfortunately for the free world, and for the future of southeast Asia, the Republic of China maintains a highly trained half-million-man army, an effective air force and navy. It is to our selfish interest in this period of transition that we give full support to the military potential in Formosa. Because no one can now foresee what developments may occur which would add to the usefullness of that state of readiness. Let us examine the recent upheavals in Red China a little further.

Chiang Kai-shek said recently that:

> Violent internal conflict has plunged the whole Chinese Mainland into chaos.

Of this there can be no doubt. As to just what is happening no two people, much less no two experts, appear to be in agreement. But one thing that can be said with some accuracy is that the current cultural revolution is inscrutable even by Chinese standards.

Perhaps it can be said that the chaos in Red China is evidence that Mao Tse-tung's communism runs counter to 3,000 years of Chinese history. It is an encouraging thought.

Those who know Chiang Kai-shek, those who have strong feelings for the Republic of China and who have some understanding of his true aims are not surprised at the great sense of responsibility which he is showing in the light of the total disruption which is Red China today.

Another man under the same circumstances might have indulged in provocative statements and threats to take advantage of Red China's difficulties. Instead, his response has been one of almost total restraint, a clear indication of the mature judgment which is the earmark of the true international leader.

He and other responsible officials of the Government of the Republic of China are watching and waiting and stressing political rather than military force as the most effective current weapon against Red China. Indeed, on this subject Chiang Kai-shek said:

> Our present task is to adapt ourselves to the changes in the world situation and create new opportunities for ourselves. Though we are convinced that our military counter offensive will be the decisive force to roll back the tides of treachery and suffering, we must bear in mind that as far as the present situation is concerned, politics must not only precede military action but politics must be considered as surpassing military action in importance.

The contrast presented between the Republic of China and Mao Tse-tung's government is impressive. While Red China is mired in economic troubles, seemingly endless political and military purges, Chiang and the other leaders of the Republic are quietly and effectively building Asia's strongest government and one of the most stable economies in the whole of the East.

And in another area, the contrast is equally striking: where the Republic of China occupies a respected position in the eyes of all of the free world, and one that is eminently deserved, we see Red China accumulating stinging rebuffs in Africa, Asia, and particularly in Indonesia where mass vengeance on Indonesian communism was the result of their attempt to seize control of that government.

Out of the cloud of turmoil of Red China comes an occasional weak glimmering that is revealing. In the Red Guards, we see teenage ideological commandos terrorizing the populace. We see Mao turning to reckless children in an attempt to sustain him in power. The need to go to these lengths surely must evidence the deepest, most profound and fundamental trouble within Red China.

Knowledgeable officials now say that this situation should open the eyes of those who have insisted that communism is firmly entrenched on the mainland and that Mao's dogma is universally accepted there.

Indeed, as though in the death throes of his leadership, Mao believes he must destroy, must obliterate everything that has gone before him, trusting only those carefully selected children who know nothing, and who could not know anything, but Maoism.

One cannot talk about China and its troubles without reflecting immediately on its effect on Vietnam. It is a well-known fact that the Red Chinese insist that "war of liberation" is the only means to achieve Communist control over the underdeveloped countries of Asia, Africa, and Latin America. They supported: "the revolutionary war of the oppressed peoples for their own liberation and progress and because all revolutionary wars are just wars."

The Soviets put their position this way:

> The American imperialists and their apologists are trying to prove the legitimacy of waging wars against people who are standing up for their national independence. But wars of national liberation are just wars. They are a legitimate weapon of oppressed peoples and express their aspiration to live in freedom without foreign oppressors and their henchmen.

While it is true that later Soviet statements softened this line—or I should say ostensibly softened this line—there was not then and there is not now any real choice to be made between the two. Whether there is or is not the monolithic conspiracy of a few years ago that had as its only purpose and aim the domination of the world, there still remains the same intent, the same purpose, and the same aim, however fragmented.

When there was unity amongst the Communist nations, we at least had in a sense, a single and quickly identifiable enemy. Perhaps the dissolution of the Communist world as a single monolithic unit has only increased our problems. Perhaps now we must look all around us, and with much greater care, since the attacks—ideological and military—can be of a much more greatly diversified nature. That there is some conjecture in this I readily concede, but I believe it is worthy of consideration and thought.

Let us be sure of one thing, Mao Tse-tung is no Tito who is content with the status quo and who has no expansionist ambitions. If he was, perhaps we would have less to worry about. The fact is, however, that the ambitions of Communist China, even in deep trouble as it is, are as large as those of the Soviet Union and perhaps larger in view of the adolescence of its ideological progress.

We do not need to be reminded of the nuclear devices that have been exploded by Red China. And can these be read in any way other than one more manifestation of their intention ultimately to dominate the smaller countries that touch their borders, and from there who knows where Red China's ambitions might carry them. Let us not for a moment underestimate the nuclear goals of Red China. It is staking virtually all of its available resources on this program. Indeed, the third 5-year plan—1963 to 1967—has been set aside for this single purpose. This can be done only at great cost to the rest of its economy, but let us not doubt that it will be done and the internal disruption now going on will only slow it down. And if its current troubles have the effect of lessening progress in this area, we can be sure that whoever comes out on top will continue along the same nuclear course.

FORMOSA, OUR TESTED FRIEND, MUST HAVE OUR FULL SUPPORT

Mr. Speaker, I am concerned, as every Member of this House is concerned, with what the chaos in Red China and its rift with the Soviet Union means to our own country and to the world. It is in this context that I express grave doubts as to whether we are supporting properly our strongest friend and greatest ally in the Far East.

I have referred in the past to how much we have heard and read about the committed and uncommitted nation. I have said before and I say again that there is no more committed nation than the Republic of China. They are as ready today as they were 17 years ago to uphold freedom—the kind of freedom that we in our own country understand.

We know how large our investment in economic and military aid to the Republic of China has been. We know that no assistance has provided greater rewards. No one with any knowledge of the situation in the Far East can be unaware of that quite literal "Rock of Gibraltar" that stands as a bastion of strength and freedom off the coast of Red China.

We need to do no more than visualize the geography of the far Pacific to understand immediately the importance of Formosa. Supposing, for example—and it is not beyond the realm of possibility—that our own forces might be required to take over the primary role of containing Communist China. A moment's reflection reveals the importance of Formosa to us in this eventuality.

Secretary McNamara has testified to the Armed Services Committee that:

> The China on Taiwan (Formosa) must maintain, and we must continue to help them support, large modern military forces if their territory is to be defended.

And as I have noted before, if all of our many, varied, and important interests in the Far East are to be defended—the President said recently:

> I will not ask any American citizen to contribute his tax dollars to support any country which does not meet the test of mobilizing its own resources as efficiently as possible.

This statement is an exact description and definition of the Republic of China.

The President later referred to the policy of military aid as one where it is militarily and economically sound and where it is consistent with our interests and our limited means.

Again, we have an exact and precise definition of the Republic of China.

But—and may I, Mr. Speaker, emphasize this "but"—what are we doing to maintain the strength of our great friend the Republic of China?

I have said that in view of the uncertainties that have developed inside Red China in recent months, with the Communist regime there shaken to its foundation, the strategic importance of Formosa in southeast Asia becomes of increasing importance. In order to be able to meet any contingency that may arise, it is, of course, of utmost importance that the military capacity of Formosa be kept fully operational.

In that respect we have faltered somewhat during the past year by failing to provide badly needed modern military equipment for use there. It is encouraging to note that plans for the next fiscal year call for considerably more military assistance for that country. Following this course would seem to be of the highest importance at this critical time.

The Republic of China should receive many times the amount of military aid that it has received in recent years, in order to support and modernize a powerful military force that is maintained there.

AID TO POLAND DEMANDS INVESTIGATION

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, under an agreement just completed, the Government of Poland has been relieved of the need to pay in dollars about $17 million in debt to our Government coming due this year under past Public Law 480 agreements.

The most important item in the agreement was acceptance by our Government of Polish zlotys instead of dollars as debt payment. Zlotys are virtually worthless outside of Poland. What the zlotys may ultimately be used for in Poland—if used at all—is of secondary importance. They may subsequently be appropriated by Congress to finance English-language teaching in Poland, as the State Department wishes. In any event the agreement forecloses our option to demand dollars. Equally important, it may be used as a precedent for similar foreclosures as other obligations of the Government of Poland come due between now and the year 2000.

The agreement raises serious questions to which the Congress must demand satisfactory answers. I am requesting that it be thoroughly investigated by the Europe Subcommittee of the House Foreign Affairs Committee.

For example: What is the justification for passing up the opportunity to demand $17 million in dollars? With war costs mounting sharply, our Federal debt topping $331 billion and the deficit for fiscal year 1968 now estimated to reach $8.1 billion, can our Government afford to miss a chance to put $17 million in our Federal Treasury?

In answer to a question I asked when he was recently before the Economic Policy Subcommittee of the House Foreign Affairs Committee, Under Secretary of Agriculture John A. Schnittker cast doubt on Poland's ability to pay the debt in dollars. His was a curious observation. It must have occurred to him that Poland, hard pressed though it may be, is able nonetheless to scrape together the necessary resources to help the aggressors in Vietnam on a continuing basis. If we insist that Poland pay the $17 million in dollars, it means that much less to help the enemy. By relieving Poland of the need to pay in dollars, our Government thus enables Poland to aid North Vietnam at a level it otherwise could not afford.

Furthermore, if the Polish Government will not pay its debts, the sooner we find out the better. Failure to pay would certainly give President Johnson excellent justification to withdraw his approval of Export-Import Bank credits for Poland.

What has the Government of Poland done to justify this concession?

Has Poland reduced its support of our enemy in Vietnam?

The facts give no hint of such reduction. The Warsaw radio daily villifies our aid to South Vietnam and calls for support for the aggressors. Poland recently joined other Communist bloc nations pledging a billion dollars in aid to the enemy. Polish ships continue to carry war material into Haiphong harbor—lethal cargo which is a license to kill American soldiers.

Has Poland granted freedom to its own people?

The facts are to the contrary. Since the celebrated "October revolution" in 1956, when hopeful changes within Poland occurred, the regime has actually tightened its grip on the people of Poland. They have less freedom today than in 1956.

Has Poland broken away from Moscow?

The facts are to the contrary. In recent years the nation has become more dependent on the Soviet Union than ever, and because of a combination of circumstances simply cannot break away.

Has Gomulka promised to make concessions in return? If so, what are the details? Has he agreed to turn off the daily anti-American tirades over radio Warsaw? Has he agreed to stop giving money and material to our enemy in Vietnam? Has he agreed to stop Polish ships from carrying supplies to North Vietnam? Has he agreed to grant some freedom to his own people? Has he agreed to reject dictation by Moscow and cooperate instead with the West?

Finally, was the agreement in conformity with the will of Congress as expressed in recent enactments?

Its primary purpose obviously was to ease monetary pressures on the Government of Poland. Therefore, it was a form of economic aid. Aid to Poland has been expressly prohibited and restricted by the Congress on several occasions since the Public Law 480 agreements with Poland were consummated.

What is the justification for this exception?

Unless these questions are answered satisfactorily, this episode will be an ironic footnote in American history—an outrageous example of cruel ambiguity. It appears that our Government with one hand sends American boys to fight and die in Vietnam while with the other extends economic aid to a Communist government substantially aiding the enemy.

Full documentation of the regression of freedom in Poland and the nation's dependence on the Soviet Union is set forth in the following review, prepared at my request by Joseph G. Whelan, specialist in Soviet and East European Affairs, Foreign Affairs Division, Library of Congress. It reveals in chronological fashion the following major points:

First. Since 1956, liberalism has suffered steady retreat. Occasionally the retreat was halted but this was infrequent.

Second. In every important respect Poland's foreign policy is an echo of the Soviet Union's. Soviet-Polish trade increases each year, and contacts are intimate.

Third. Within the structure of the Polish Communist Party, Gomulka walks a tightrope between "revisionist" and "Stalinist."

Here is the chronological documentation:

POLAND SINCE 1956: A BRIEF SELECTED CHRONOLOGY

October 1956: Political crisis in Poland brought Wladyslaw Gomulka into power as First Secretary of the Polish United Worker's (Communist) Party. The crisis generated a movement in Poland away from its formerly close association with the Soviet Union and toward a more independent status. Internally, Poland set out on a course designed to achieve Socialism more strictly according to Polish national interest than to that of the Soviet Union. Measures were taken that sought to meet many of the immediate grievances of the Polish people. On Oct. 24, President Eisenhower offered economic aid to Poland, and on Nov. 3, the Polish Government declared its readiness to negotiate with the United States on economic and financial aid.

November 15–18, 1956: Polish Communist party delegation, headed by Gomulka, conferred with Soviet authorities in Moscow. An agreement was signed which included a declaration that (1) future relations would be based on complete equality, respect for territorial integrity, national independence and non-interference in each other's internal affairs, (2) the status of Soviet forces in Poland would be revised giving Poland greater control over Soviet troop movements, (3) Polish debts would be cancelled and grants of new credits extended by the Soviet Union, and (4) the Soviets pledged to assist in the repatriation of Polish nationals still on Soviet territory.

November 24, 1956: Minister of Education announced that a special joint State-Church commission was working on a new status of religious education in Poland, based on the principles of "secularity of schools" and "unhampered freedom for the teaching of religion." Other actions were subsequently taken by the Government to improve its relations with the Church.

November 29, 1956: Gomulka declared in a speech that the building of socialism did not include freedom for all political parties "because this would include bourgeois parties."

December 3, 1956: Polish Communist party organ *Trybuna Ludu* called for an independent foreign policy in line with Poland's national interests and the development of friendship with Western Europe and the United States.

December 31, 1956: Anglo-Polish trade agreement was signed in Warsaw.

January 9, 1957: The new agrarian policy announced by the Polish Communist Party leadership envisaged increased agricultural production and included confirmation of land titles, reduction of compulsory crop deliveries and of land taxes, and restoration of prewar farm cooperatives alongside collectives.

January 11–16, 1957: Communist Chinese Premier Chou En-lai conferred with Polish authorities in Warsaw. A joint declaration of Jan. 16 stated that they supported the Hungarian Government and "oppose determinedly all attempts at interference by the imperialist forces with the internal affairs of Hungary," and that "the Chinese People's Republic supports the efforts of the Polish People's Republic in strengthening in Poland socialism based on Leninist principles."

January 12, 1957: Gomulka and leaders of the other "National Front" parties signed an appeal to voters in the Jan. 20 parliamentary elections not to strike names from the single ticket. The appeal was accompanied by a notice that some of the candidates would be withdrawn because of "weakness of character," "lack of responsibility for their behavior," and "lack of discipline." It appeared likely that if the people exercised their limited freedom of choice, the Communists would lose considerably more than the approximately 50 seats out of 459 they were prepared to sacrifice in deference to the new concession.

January 20, 1957: Parliamentary elections were held in Poland. The 459 seats in Parliament were contested by 720 candidates on a single National Front list. Only 12 percent of the candidates were members of the old Parliament. More than 90 percent of the voters cast ballots. Official results stated that 98.4 percent of the votes were cast for the single National Front ticket. Sixty-three (13.8 percent) seats went to non-party deputies, including 12 Catholic leaders. Gomulka had said that whatever happened on election day the Communists intended to stay in power.

March 5, 1957: Soviet Union and Poland signed agreement on the demarcation of their frontier in the area adjoining the Baltic Sea and reiterated their claim that the border arrangements made at the Potsdam Conference were "definitive."

March 25, 1957: Soviet-Polish repatriation agreement was signed in Moscow permitting the return to Poland of 500,000 Poles and Soviet citizens married to Poles.

April 22, 1957: U.S. Secretary of State Dulles said that the United States sought "the liberation of the captive nations . . . we do not . . . incite violent revolt. Rather we encourage an evolution to freedom . . . And when some steps are made toward independence, as recently in the case of Poland, we show a readiness to respond with friendly acts."

May 20, 1957: The Central Committee of the ruling Communist Party published a resolution reaffirming Poland's right to a road to socialism "corresponding to Polish conditions."

June 5, 1957: Gomulka declared that the Polish alliance with the Soviet Union was "necessary for Poland to exist . . . We cannot always do what we like." He pledged support for the Warsaw Pact and stated that the Soviet Union "can guarantee the Oder-Neisse frontier [between Poland and East Germany] when we ourselves can guarantee to them that we will follow a policy of friendship with the Soviet Union and with the countries of the Socialist bloc."

June 7, 1957: U.S.-Poland agreement was signed in Washington under the terms of which, (1) Poland would be supplied with $18,900,000 worth of surplus cotton, fats, and oils, to be paid in Polish currency, (2) an Export-Import Bank loan of $30,000,000 at an interest rate of 4.5 percent repayable in dollars over 20 years would be extended, and (3) the United States would facilitate the purchase of $46,100,000 worth of surplus wheat and cotton when Congress passed the appropriate legislation.

July 13, 1957: Roman Catholic weekly, Tygodnik Powszechny, was not published in protest against the Government's ban on the publication of a message from Cardinal Wyszynski. The Cardinal's message contain instructions to priests not to cooperate with Pax, a pro-Government Roman Catholic lay group.

August 12–14, 1957: Strike of an estimated 3,000-5,000 tranpsort workers in Lodz was suppressed by the army and police using tear gas. Strikers failed to receive satisfaction of their demands for a 30 percent increase in basic pay.

September 10–16, 1957: Polish First Party Secretary Gomulka, Premier Cyrankiewicz and Foreign Minister Adam Rapacki headed a delegation of party and government officials on a visit to Yugoslavia. A communique issued on Sep. 16 called for active coexistence to remove threats to peace, cooperation between Communist parties on a bilateral basis, admission of Communist China to the U.N., immediate halt to nuclear tests, and reunification of Germany on the basis of direct negotiations between East and West. Gomulka and Tito agreed on a joint platform of support for Soviet foreign policy and of reconciliation with neighboring Communist countries.

September 11, 1957: Student weekly Po Prostu was prevented by censorship from going to press. On Oct. 2, the paper was closed by order of the Polish Communist Party. On Oct. 3–6, students demonstrated in Warsaw against the closing of Po Prostu. Armed police and factory militia men used tear gas and rubber hoses to disperse about 2,000 demonstrators.

October 2, 1957: Foreign Minister Rapacki presented a plan in the U.N. for a denuclearized zone in Central Europe. On Feb. 1, 1958, Moscow radio stated that all members of the Warsaw Treaty Organization approved the Rapacki Plan. On May 4, 1958, the United States rejected the Rapacki Plan. Subsequently Britain and France also rejected it.

October 24, 1957: Gomulka declared that the Polish Communist party had lost many features of a vanguard of the working class and dissolved into "nonparty masses." He announced a "clean-up" which would affect about one half of the membership. On Jan. 3, 1957, a Polish press report stated that 31,000 party members were expelled since the beginning of the "clean-up," and there were still 1,143,761 members to be investigated. According to a report in the *New York Times*, one of the purposes of the purge was apparently "to restore industrial workers as the dominant class of the party."

November 14–16, 1957: Polish delegation attended Moscow meeting of world Communist Party leaders and signed a joint communique and manifesto stating Communist purposes and goals in international relations in the realm of ideology.

February 4, 1958: Soviet Union and Poland signed a three-year trade agreement, providing for a 35 percent increase in commerce in 1960.

February 15, 1958: U.S.-Polish negotiators signed a sales and credit agreement totalling $38 million.

April 14, 1958: Gomulka declared in a speech that workers' councils must give way to organizations more susceptible to party discipline. Strikes were illegal, and trade unions could not be independent of the Communist party.

May 24, 1958: Warsaw Treaty members conferred in Moscow. A joint communique made public on May 27 declared that the members of the organization decided to carry out a further reduction of their armed forces in 1958 by a total of 119,000 men. The Polish army was to be reduced by 20,000 men.

June 3, 1958: Polish Communist party announced that nearly 17 percent of its membership was excluded from the party as a result of the mass "verification" campaign. Official party strength was reduced to 1,052,809.

June 5, 1958: Cardinal Wyszynski, Roman Catholic Primate of Poland, declared in a sermon in Warsaw that the Polish Government was preventing the Church from building new churches. The conflict between the Church and the regime appeared to heighten in the months ahead. On July 27, the Roman Catholic Bishop of Czestochowa announced that on the 21st the Government violated the sanctuary of the Pauline Fathers' monastery at Jasna Gora, Poland's national shrine, by ordering secret police, assisted by militia, to search the Primate's office in a monastery building and confiscate archives, records and printing equipment. On Aug. 11, Cardinal Wyszynski ordered three months of special prayers throughout Poland as a protest against attacks on the Church by the regime. On Sept. 24, Gomulka declared that the Church was working "openly and secretly" against the Government.

October 24–Nov. 11, 1958: Gomulka headed a top-level Party and Government delegation to Moscow. A joint communique issued on Nov. 11 by Polish-Soviet leaders stated in part that the rapid militarization of West Germany, plans to equip it with nuclear and rocket weapons, and Chancellor Adenauer's support of "revenge seeking" elements were a threat to peace and to the security of European countries; that all members of the Warsaw Treaty supported the Rapacki Plan; that Poland's western frontier on the Oder-Neisse was inviolable; that the Soviet Union agreed to render technical assistance to Poland in developing some major branches of Polish industry; and that both countries agreed to expand scientific and cultural cooperation. The *London Economist* said of the Polish position: "Bit by bit the Polish leader has toned down the talk of his country's 'own road to socialism.' He . . . has condemned the Hungarian insurrection; his voice even mingled in the anti-Jugoslav chorus. Poland is still an unorthodox member of the Soviet bloc, but it is no longer the heretic to be watched with a finger on the trigger."

December 9–14, 1958: East German and Polish leaders conferred in Warsaw. In a joint communique they declared that the West German Government was the principal threat to peace in Europe.

January 28, 1959: Gomulka declared that Khrushchev's speech at the 21st Congress of the CPSU delivered "a blow against . . . all sorts of revisionists and renegades from Marxism-Leninism" who had accused Moscow of imposing its will on other states.

March 10–19, 1959: Gomulka dominated the Third Congress of the Polish United Workers (Communist) party in Warsaw. Agriculture Minister Ochab told the Congress that although collectivization of agriculture remained the party's goal, there would be no further attempts to force peasants into collectives. The Congress adopted a resolution on March 19, declaring that the Roman Catholic Church in Poland must give up its "hopeless battle" against communism. On the same day Gomulka announced the dismissal of 18 of the 75 members of the party's Central Committee, thus stripping the top leadership of the open influence of the "Stalinists" and "revisionists." According to the *New York Times*, the Congress resolution reflectd Gomulka's "strong pull toward Marxist orthodoxy, his determination to move closer to the Soviet Union . . . [and to avoid] open persecution of the Roman Catholic Church, forced collectivization and police terrorism."

June 10, 1959: United States and Poland signed a credit and sales agreement totalling $50 million. It provided for sale to Poland of surplus farm products worth $44 million. Payment was to be made in zlotys. The agreement also provided for extension to Poland of a $6 million line of credit, of which $2 million was to be used to buy poliomyelitis vaccine.

July 14–23, 1959: Khrushchev paid an official visit to Poland.

July 23–August 2, 1959: Vice President Nixon visited the Soviet Union. During Aug. 2–5, he was in Poland.

August 31, 1959: West German Chancellor Adenauer, in a broadcast on the anniversary of the outbreak of World War II, declared it was the aim of West Germany to "lay the foundation for an understanding . . . between the Germany of today and the Polish people, so that on this ground a true friendship may grow." On Sep. 1, Premier Cyrankiewicz attacked Adenauer's policy and declared, "He wants Poland weak and defenseless."

November 10, 1959: United States agreed to sell Poland 200,000 tons of surplus fodder grains under PL 480 to be paid for in Polish currency.

February 2–3, 1960: Leaders of Soviet bloc conferred in Moscow on problems of agriculture. On Feb. 4, an Eastern summit conference was held, the result of which was a complete endorsement of Khrushchev's program for an East-West summit meeting in May.

February 11, 1960: U.S. and Poland signed a supplemental agreement for sale to Poland of 600,000 tons of wheat, valued at $41.5 million.

March 16–21, 1960: First Secretary of the Hungarian Communist Party Janos Kadar was in Poland on an official visit, the first since the 1956 crisis. A joint communique issued on Mar. 21 urged "cooperation of countries of differing systems in international organizations," and declared that Poland and Hungary would sign a separate peace treaty with East Germany if the solution of the problem of a peace treaty with Germany should not be forthcoming.

March 24–April 8, 1960: Deputy Premier Piotr Jaroszewicz was in the U.S. on an official visit. At a news conference he declared that Poland would like to buy $100 million worth of American machinery annually for several years.

April 27, 1960: Riots erupted in Nowa Huta, a steel manufacturing city of 100,000, near Cracow. The riot started when workmen began to dig up a cross which had been consecrated on a site reserved for the building of the city's first church. The authorities had decided that the site was unsuitable for a church and were going to build a school. On May 30, riots also erupted in Zielona Gora. An estimated 5,000 people repeatedly clashed with police when local Communist authorities attempted to take over part of a Roman Catholic church building for use as a community center.

May 28, 1960: Vatican newspaper *L'Osservatore Romano* attacked the Gomulka regime and stated that the Polish leaders "are going back on their pledge of self-government for the Catholic Church in Poland," and that the concessions made to the overwhelmingly Catholic population of Poland after the uprising in Hungary in 1956 "were given grudgingly and out of necessity."

September 14, 1960: Gomulka reported on the agricultural situation to the plenum of the Communist Party's Central Committee. He stressed the necessity of modernizing Polish agriculture, and among other things, stated that grain and fodder production had been insufficient and necessitated the importation of eight million tons of cereals during the last five years.

September 16, 1960: Central Committee resolution endorsed Khrushchev's line of peaceful coexistence and competition with capitalist countries as being possible and desirable; it condemned "revisionism" and "dogmatism," the former being a euphemism for the Yugoslav position and the latter for the doctrines of Peking.

November 10, 1960: Gomulka attended secret "summit" conference in Moscow of 81 Communist party leaders. The party leaders accepted the principle that the struggle between socialism and capitalism can and should be decided not by a new world war but by peaceful competition between the two systems. According to a press report from Germany, Gomulka went all out for Khrushchev's policy which had been stubbornly opposed by Peking.

December 2, 1960: Polish Parliament approved the 1961 budget and program for the new five-year plan, beginning in 1961.

December 6, 1960: General Manager of the West German Krupp industrial enterprises, Berthold Beitz, arrived in Warsaw as guest of the Polish Premier, inspiring the *New York Times* to remark that his arrival "marked a startling turn in the somber chronicle of Polish-West German relations." On Jan. 10, 1961, Chancellor Adenauer told a group of Christian Democratic Union members that it might be possible for Germany and Poland to come closer together and that this would be "a good thing."

December 13, 1960: Most-favored-nation tariff rates accorded by the U.S. to Poland went into effect.

January 12, 1961: The Polish Roman Catholic hierarchy's pastoral letter, dated Jan. 12 but published on Mar. 17, criticized the "patriotic priests," a Communist-sponsored movement, of "anti-religious and demagogic" activities and of trying to organize a "so-called national church." On Mar. 28, 300 priests dissolved their "priest circles" and withdrew from the movement, while 400 decided to increase their activities and reaffirm their support for the National Unity Front.

January 20, 1961: Presidium of the party's Central Committee recommended that religious instruction in schools should cease by 1963, and that it should be permitted only out of schools for children of parents who wish them to have such religious instruction. The resolution stated that classes in religion in schools were a breeding ground for "fanaticism and intolerance." On Jan. 27, the Vatican's *L'Osservatore Romano* stated editorially that the Church-State agreement reached in 1956 was disintegrating and that Gomulka was now switching to the same line of outright persecution found in other areas of the Communist world.

February 5, 1961: *Trybuna Ludu*, official organ of the Polish regime, stated that "renunciation of territorial claims and of retaliatory desires constitute the sole platform on which a real rapprochement between West Germany and Poland may take place." On Jan. 22, Berthold Beitz of West Germany's Krupp enterprises returned to Warsaw for talks with Premier Cyrankiewicz.

March 19, 1961: Cardinal Wyszynski replied in a sermon to an attack on the Catholic hierarchy by Gomulka on Mar. 18 in which Gomulka denied that the Church was being persecuted in Poland and demanded that the Church's attitude should be "characterized by loyalty to the State and the people's authority." Gomulka attributed Church-State differences to the hierarchy who "are in Poland in body while in spirit they belong to the Vatican" and to the Vatican's "hostile policy" toward the Polish regime. Cardinal Wyszynski, however, denied that the Pope or his predecessor had ever attempted to give instructions on how the Polish bishops were to conduct church affairs in Poland and declared that the real issue was the regime's drive "to separate the Polish people from their historic faith." He listed more than 20 Government-sponsored organizations with atheistic programs as proof of the regime's hostility toward religion.

April 16, 1961: General elections to the Polish Parliament and to provincial, district, town and village councils were held. The 460 seats in Parliament were contested by 616 candidates on a single National Unity Front list. According to the press, the official list of candidates reflected Gomulka's policy of maintaining a balance between the "liberals" and the "Stalinists" in the party.

May 18, 1961: Premier Cyrankiewicz declared in the Polish Parliament that Poland could foresee the normalization of relations with West Germany only if the West German Government renounced all territorial claims on Poland and the revision of the present Oder-Neisse frontier, and would also cease all propaganda aimed at such a revision. A nonaggression pact with West Germany was impossible, he said, because of Poland's close relationship with East Germany, an economic, political, and military ally of Poland. He called for a peace treaty with both Germanys and the creation of West Berlin as a "free city." He revived the concepts of the Rapacki Plan for a nuclear-free zone in Central Europe. In all foreign policy questions relating to Laos, Cuba, and disarmament, for example, Cyrankiewicz adhered closely to the Soviet line.

August 5, 1961: Meeting of Warsaw Treaty nations ended in Moscow. A joint communique expressed the "inflexible determination" of all the treaty powers "to achieve a peace settlement with Germany before the end of this year." The West was warned that "to delay the conclusion of the German peace treaty for an indefinite period is deliberately to contribute to an intensification of the threat of a new war in Europe and not only in Europe." The communique stated that if the West refused to sign a German peace treaty, the Warsaw powers would conclude a treaty with East Germany that would "resolutely protect the sovereign rights of the German Democratic Republic . . . including her rights on land, water and in the air," presumably referring to access to Berlin. The background for this meeting was the Berlin crisis which began in June 1961 and did not subside until the fall when Khrushchev lifted the deadline on concluding a peace treaty with East Germany and failed to carry out his threats.

September 10, 1961: Gomulka declared in a speech at a mass rally following a two-day secret meeting of the Defense Ministers and Chiefs of Staff of the Warsaw Treaty nations that Poland was "raising the combat readiness of the Polish Army," and that this involved retaining servicemen already in uniform, calling up reserves and stepping up training. For the West to start a war over Berlin, he said, could be "suicidal."

October 9, 1961: Foreign Minister Rapacki reiterated in the U.N. General Assembly the Polish plan for a nuclear-free zone in Central Europe. He endorsed Soviet proposals for a settlement of the German problem as well as general and complete disarmament.

November 22, 1961: Gomulka reported to the plenum of the party's Central Committee on the 22nd Congress of the CPSU. He attacked the Albanian Communist leaders for their continued Stalinist views and declared that in Poland no further anti-Stalinist reforms were necessary since Poland was "on the right track." In reporting on the CPSU's 20-year program, he said that Stalinism's excesses developed when Soviet peasants were forcibly collectivized and their resistance suppressed by terroristic methods, a reference deleted from the Soviet published version of his speech.

December 15, 1961: United States and Poland concluded an agreement under the terms of which the United States would supply farm products worth $44,600,000 against payment in Polish zlotys. Since 1957, when the United States began the sale of surplus agricultural commodities to Poland for local currency, the value of such goods totaled $365.3 million. Credits of $61 million were also extended to Poland through the Export-Import Bank.

December 22, 1961: Polish Education Ministry was said to have eased some of its restrictions imposed on religious teaching on Aug. 19. The Ministry withdrew the requirement that parishes apply for permission to conduct religious instruction and that it be supervised by the Ministry. It also made it optional for teachers of religion to apply for payment to the Ministry.

February 8, 1962: Crooked Club Circle suspended its operations. The Club, which had been under police investigation because of the anti-Communist activities of one of its more prominent members, the writer Jerzy Kornacki, was the only organized form of unlimited debate in Poland. Government displeasure with the activities of the Club was said to have increased. The closing was regarded as a sign of weakness and fear on the part of the regime.

June 12, 1962: British-Polish trade protocol, covering the period July 1962-June 1963, was signed in Warsaw, providing for trade totaling 66,650,000 pounds.

September 28, 1962: Foreign Minister Rapacki declared in the U.N. General Assembly that West Germany was "the strongest power in the western part of the European Continent" and that it was "the most stubborn and aggressive cold war force in the West." He called for the conclusion of a German peace treaty and the demilitarization of West Berlin.

October 15, 1962: Gomulka and Cyrankiewicz arrived in East Germany for a five-day visit heading a government and party delegation. Upon arriving, Gomulka called for a German peace treaty and the demilitarization of West Berlin.

November 3, 1962: Gomulka conferred with Khrushchev in Moscow. The meeting was one of several called by Khrushchev involving Soviet bloc party leaders. The background for the meeting was the Cuban missile crisis of Oct. 22–28.

November 19–25, 1962: Foreign Minister Rapacki conferred with Tito and Yugoslav Foreign Minister Popovic while on an official visit to Yugoslavia. A joint communique issued at the end of the visit declared that "a similarity or identity of views" existed "on basic international problems." But, it failed to mention specific international problems such as Cuba, Berlin, the China-India dispute or disarmament.

November 26, 1962: Gomulka declared in a speech opening the 5th Congress of the Polish trade unions that far-reaching changes were needed in the current Five-Year plan in order to overcome prevailing economic problems. The rate of industrial production growth in 1963 was to be reduced to 5 percent instead of the planned 6.4 percent. Investment in agriculture and school building was to be increased, but investment in light industry, the food-processing industry, municipal affairs, transportation, and the health service were to be suspended "temporarily." In enumerating reasons for the changes, Gomulka listed the poor harvest, the inadequate growth of exports, the wrong composition of trade with the capitalist countries, high production costs, and as the principal reason the problems in the labor market.

February 1, 1963: United States and Poland concluded an agreement under the terms of which the United States agreed to sell Poland agricultural commodities worth $51,600,000 to be paid in local currency. The products included wheat, cotton and tobacco. The State Department declared that this agreement would bring the total amount of such sales since 1957 to $477,300,000. On Apr. 19, the United States and Poland signed a supplemental agreement which provided Poland with $15,800,000 worth of farm products including 92,000 bales of cotton and 220,000 hundred-weights of rice to be paid in zlotys.

February 26–27, 1963: Central Committee of Polish Communist party held its 12th plenum in Warsaw. The meeting dealt mainly with the problems of Polish agriculture. State farms, occupying 12 percent of the arable land and operating at a loss, were to be strengthened by increased allotment of funds and of unused land and by increased mechanization.

March 7, 1963: West Germany and Poland signed a three-year trade treaty, providing for a 30 percent increase in trade, with Polish exports to exceed German exports by 15 percent. A permanent West German trade mission was also to be sent to Warsaw. The treaty was said to fall short, "but not by much," of establishing diplomatic relations: West Germany has refused to maintain relations with any country (except the U.S.S.R.) that recognized the GDR; Poland also rejected diplomatic relations unless Bonn accepted the Oder-Neisse line as Poland's western frontier.

March 13, 1963: Premier Cyrankiewicz declared in a press conference at the U.N. in New York (on his return trip from an official visit to Mexico and on his way to Rome) that Poland was worried that its western border was still not recognized internationally. Referring to his conference with Mexican President Adolpho Lopez Mateos, Cyrankiewicz said that they agreed that East-West efforts on disarmament should be continued, and he maintained that the first step should be acceptance of the Rapacki Plan establishing a nuclear-free zone in Central Europe. The talks also concentrated on "beneficial trade relations" between both countries. President Adolfo Lopez Mateos made a state visit to Poland, the first Latin American head of state to do so, on April 1–3.

May 18, 1963: PAP, the official Polish news agency, disclosed that Hungarian Premier Kadar and Gomulka had a two-day meeting in Poland "with particular stress on economic problems apart from some aspects of the international situation of interest to both countries." Informed sources declared, however, that the conference had centered on the developing adjustment of relations with the Roman Catholic Church. Both Poland and Hungary were reported to have been undertaking negotiations with the Vatican. The background for the talks was the issuance of "Pacem in Terris" by Pope John XXIII, an encyclical that aroused interest among the Communist regimes and was said to be symptomatic of the new spirit developing between communism and the Vatican. According to one source, in the last six months the Vatican was attempting an "entirely new approach," displaying a desire to talk with the Communist governments on non-theological issues, while the Soviet bloc in turn was showing a desire for a "less hostile approach" to the Catholic Church.

June 9, 1963: Berthold Beitz, General Manager of West Germany's Krupp industrial enterprises, told newspapermen in Warsaw that Krupp companies would be willing to cooperate with Poland in the production of manufactured goods and in exporting heavy industrial goods to third countries.

June 13, 1963: According to press reports, Britain and Poland signed a five-year trade agreement, increasing trade for 1963–64 by $14 million. Poland was to export food-import capital investment goods.

June 13, 1963: British Labor Party leader Harold Wilson declared, while on a one-day visit to Poland after returning from a trip to the Soviet Union, that he supported military disengagement in Central Europe and expressed his opposition to German nuclear armament "directly or indirectly." The statement was made at a luncheon in his honor in Warsaw.

July 3, 1963: Premier Cyrankiewicz, at a rally in Frankfurt attended by Khrushchev and Ulbricht, the GDR leader, denounced President Kennedy for "pressing nuclear weapons on [West] Germany," and supporting its "revanchist" policies.

July 3, 1963: Roman Zambrowski, a chief aide to Gomulka, resigned from his posts on the Presidium and Secretariat of the Polish Communist Party's Central Committee. He had been the only member of the Politburo who sat on that body continuously since the Communists took power in Poland. But Zambrowski had been attacked for some time by the right-wing (Stalinist) of the Party. He had been vulnerable, it was said, because of his illness with cancer and because he was the only Jew on the 11-man Politburo. Gomulka and his immediate supporters approved the resignation; they were interested, as the *New York Times* reported, in maintaining a balance between the two main wings of the party, the hard-line rightists, and the leftists, who favored a liberalization policy.

July 4–6, 1963: Central Committee of Polish Communist Party convened in Warsaw. Gomulka strongly criticized Poland's Roman Catholic bishops for opposing peaceful coexistence which, he said, was advocated by the late Pope John. He cited a Polish Episcopal letter of Aug. 18 which he said made a distinction not between the defenders and adversaries of peace but between the believers and non-believers in Christ. Gomulka also attacked "remnants of bourgeois ideology" in the arts and social sciences, declaring that political coexistence did not mean ideological coexistence. He announced the formation of an ideological commission to lead the fight against "national nihilism . . . flattery of the West [and] of the Western style of life" in the artistic and educational fields. Gomulka's speech was said to contain "one of the strongest attacks on the church since he and Cardinal Wysznski reached the so-called 'gentleman's agreement' for peaceful coexistence" soon after the October 1956 crisis. Whether the new attempts to curb the intelligentsia would have any more effect than in the past would depend largely, according to the *Christian Science Monitor*, on the party's success on the economic front and on its efforts to push back "the still powerful influence of the Roman Catholic episcopate."

On July 5–6, the Central Committee elected Arthur Starewicz and Boleslaw Jaszczuk to its membership and postponed the Fourth Party Congress scheduled for 1963 to 1964. Starewicz, of Jewish origin, was said to belong to the "liberal" group; while Jaczczuk was regarded as representing the "hard line." Gomulka had been trying to preserve the balance between both wings of the party that was first attained in 1959. The influence of the "hard-line" Stalinist wing, however, was said to have been rising as the balance showed signs of dissolution in recent months under pressure of the country's economic difficulties.

July 7, 1963: Cardinal Wyszynski, on returning from Rome, responded to Gomulka's attack on the Polish bishops. In a sermon in St. John's Cathedral in Warsaw he declared that peaceful coexistence between peoples depended upon liberty, justice and the right to practice one's own religious beliefs. On July 19, the Vatican newspaper *L'Osservatore Romano* charged that Polish Communist authorities were renewing a Stalinist campaign against the Roman Catholic religion and charged further that they were violating agreements made with the Church in 1956.

July 24–26, 1963: Soviet bloc leaders conferred in Moscow at a summit meeting. Poland was represented by Cyrankiewicz and Gomulka. The meeting of the Comecon members agreed on the "coordination" of economic plans of the member countries for the period 1966–1970. Khrushchev stressed the need for integration of planning. Poland was Comecon's "driving force" in the past few years, it was said; no other Eastern European country was as actively interested in "economic integration" as Poland.

On July 26, the representatives of Comecon met as the Political Consultative Committee of the Warsaw Treaty and issued a communique approving the nuclear test ban treaty.

July 25, 1963: Soviet Union, United States, and Great Britain initialed the treaty outlawing nuclear tests in the atmosphere, outer space and under water. Poland supported the treaty.

July 27, 1963: France and Poland signed a $70 million three-year (1963–1965) trade agreement. Poland would export agricultural machinery, transport equipment, textiles and coal in return for French industrial machinery, electrical equipment, iron ore, steel products and other goods. This agreement marked the first long-run trade arrangement made with France and also marked the first time Poland had contracted to sell complete industrial plants, floating stock, and machinery, as PAP said, "to that highly developed industrial country."

August 15, 1963: Cardinal Wyszynski protested against a Government ban on organized pilgrimages to Jasna Gora Monastery in Czestochowa and all recent efforts by the regime to harass the Roman Catholic Church in Poland.

September 1, 1963: Yugoslav Foreign Minister Popovich arrived in Poland on a seven-day visit.

September 8, 1963: In a nationally televised speech, Gomulka denounced the Chinese Communists for being "blinded by the desire to possess nuclear weapons," and for splitting "the unity of the socialist camp." China had refused to sign the nuclear test ban treaty and had been highly critical of the Soviet Union for agreeing to the test ban. Gomulka also cited recent failures in Polish agriculture and stated that additional imports of grain and fodder and higher prices for foodstuffs would result.

October 5, 1963: Canada and Poland concluded a three-year agreement providing for the sale to Poland on credit of 44 million bushels of wheat valued at $90 million. This marked Canada's fifth largest wheat agreement with Communist countries since August. Long-term arrangements had been made with Communist China, the Soviet Union, Bulgaria, Czechoslovakia, and now Poland.

November 2, 1963: According to press reports, the Polish Government ordered students from four of the largest Roman Catholic seminaries in Warsaw, Poznan, Tarnow and Przemysl to report for military service. Previously, seminarians had been exempt from army duty. According to the *New York Times,* this action was the latest in a series of moves by the Government "that have soured church-state relations and threatened the uneasy truce between these two powerful forces in Polish life." The worsening of relations had begun unexpectedly in the summer.

November 11, 1963: Wladyslaw Matwin resigned from the Secretary of the Polish Communist Party's Central Committee. A member of the Central Committee since 1948, Matwin had become known in recent years as a leader of the "revisionist" or "progressive wing" of the party. Hence, he became a target of the "right-wing" whose power and influence within the party organization had increased in recent years.

November 18, 1963: Cyrankiewicz and Gomulka arrived in Hungary on a seven-day visit. The chief purpose of the meeting was to explore possibilities of expanding economic cooperation.

November 22, 1963: President Kennedy was assassinated in Dallas. In Poland, Nov. 25, the day of his funeral, was observed as one of national mourning: flags were flown at half-mast, public entertainments cancelled, and churches held special religious services.

December 1, 1963: Polish Communist Party's Central Committee issued directives to expand production of consumer goods and cut back investment in heavy industry because the latter's output exceeded the former's three times more than planned in the first three years of the Five-year Plan, resulting in a serious decline in living standard. According to *Trybuna Ludu*, the economy lagged behind the plan by one year, the winter of 1962–63 cost the economy the equivalent of $208 million, and the foreign trade balance worsened by the equivalent of $230 million.

December 5, 1963: A Congressional conference committee approved Senate provision to restore the President's authority to grant most-favored-nation treatment to Poland and Yugoslavia that had been withdrawn on Oct. 11, 1962. On Dec. 24, Congress adopted this provision as part of the foreign aid bill. The Presidential authority had been terminated under the Trade Expansion Act of 1962, but Poland and Yugoslavia continued to receive MFN treatment because the law directed that it be terminated "as soon as feasible;" the President never formally proclaimed the termination.

December 22, 1963: Polish Parliament approved the equivalent of an $11.5 billion budget for 1964, providing for a 24 percent increase in spending on agriculture and corresponding decreases in industrial investment.

December 28, 1963: Soviet Union and Poland signed a 1964 trade protocol in Warsaw providing for a $1.3 billion exchange of goods. On the same day, delegations from the Soviet Union, Rumania, East Germany, Czechoslovakia and Hungary arrived in Plock to commemorate the opening of the 420-mile Polish link of the 3,435-mile Friendship pipeline carrying crude oil from the Soviet Union to East Europe. Western experts regarded the project as one of the few major accomplishments of Comecon.

Also on the same day, Gomulka in a speech in Plock called on President Johnson "to drop words and begin to act." He proposed a freeze on nuclear weapons in Central Europe, a non-aggression pact between NATO and the Warsaw Treaty countries, and the "liquation of the cold war" in world trade. Poland was concerned about German nuclear armament and economic discrimination by the West European Common Market.

January 2–7, 1964: Khrushchev paid an unofficial visit to Poland. It was believed that the main topic of the Khrushchev-Gomulka discussions would be the position Poland would take on the problem of Peking's bid for leadership of the underdeveloped countries of Africa, Asia, and Latin America. It was further believed that they would discuss Khrushchev's call for an international pact banning the use of force to alter national frontiers.

February 3, 1964: United States and Poland concluded an agreement under which the United States agreed to sell Poland $90 million worth of farm products. According to the Department of State, this agreement brought the total amount of such sales since 1957 to $447,300,000.

February 4, 1964: Communist China and Poland signed a trade protocol for 1964, calling for a "greater volume" of trade than in 1963. Communist China would export light industry products, machinery, minerals, textiles and foodstuffs in exchange for Polish machinery, rolled steel, textiles and chemicals.

February 4, 1964: France and Poland signed a three-year agreement in which France agreed to supply each year not less than 400,000 tons of grain.

February 29, 1964: Polish Government circulated to ambassadors accredited to Poland its new plan for freezing nuclear arms strength in Central Europe. The memorandum proposed the freezing at the present level of all nuclear and thermonuclear arms "irrespective of the means of their employment and delivery" within an area comprising Poland, Czechoslovakia, East and West Germany, including their territorial waters and airspace. The area could be extended through the accession of other European states. On March 5, Foreign Minister Rapacki called for "a serious and constructive approach to our proposals and serious and constructive negotiations." He said that Poland regarded these new proposals, which he called the "Gomulka Plan," to be an extension and not a replacement for the old Rapacki Plan.

March 13, 1964: A meeting of the Central Committee of the Polish Communist Party opened in Warsaw. On Mar. 17 the Central Committee issued a policy statement calling for greater unity of the Communist nations as well as of the parties. The Committee strongly supported the Soviet position in its ideological dispute with Peking. It pledged a continued fight against "anti-Marxist ideas" in the Polish party and an increased "ideological offensive" against influences from the West.

March 19, 1964: In a letter to Cyrankiewicz, 34 leading Polish intellectuals appealed for a relaxation of censorship "in accordance with the guarantee of the Polish constitution." The letter charged that the regime's censorship policies were a "threat to the national culture." It also complained of shortages of paper that crippled publishing and made a plea for a free flow of information and views. According to a press report, "The open opposition of the intelligentsia reflects not only its own despair but is part of a nation-wide malaise which has infected Polish workers and youth."

On Apr. 12, it was reported that the regime banned the publication of the works of those intellectuals who signed the protest letter. On Apr. 14, some 800 Polish university students met in Warsaw and supported the appeal by the 34 intellectuals for greater cultural freedom.

On May 10, however, more than 156 Polish writers and journalists, in a letter published in the leading non-party newspaper *Zycie Warszawy,* protested against the "organized campaign in the western press and radio . . . slandering people's Poland." They claimed that Poland's cultural policy was the "common cause" of the creative intelligentsia and of the political and state leadership of the country. On May 14, 233 more Polish writers joined in the letter of protest.

On May 17, Chairman of the Writers Union Jaroslav Iwaszkiewicz announced a series of measures intended to appease the complaining intellectuals, namely, an increase in printing paper allocation, revised literary payments, and the authorized publication of at least one new periodical for poets.

March 22, 1964: At a rally of expellees and refugees from the former German territories beyond the Oder-Neisse line, West German Chancellor Ludwig Erhard stated that West Germany renounced forceful return of these territories without renunciation of her claim to them "on the basis of justice."

March 24, 1964: United States Agency for International Development (AID) announced a $6.1 million grant to Poland to complete a hospital in Krakow specializing in the treatment of children and sponsored by private Americans. According to the *New York Times,* the United States altogether will have provided $10.4 for the 300-bed hospital. This hospital was the only major post-war American project in Communist East Europe.

March 24, 1964: The Polish Government ordered travel restrictions on American diplomats in Poland beginning Apr. 1. The action was taken, it said, in retaliation for restrictions placed in 1963 on Polish diplomats in the United States. The note stated that restrictions would be withdrawn when the United States lifted those placed on Polish diplomats.

April 13, 1964: Gomulka, Cyrankiewicz and Rapacki arrived in Moscow for a conference with Soviet leaders. A joint statement declared that the Polish-Soviet Treaty of Friendship and Mutual Assistance would be extended for another 20 years and that an intergovernmental commission was set up by both states to provide for a "substantial" expansion of their economic, technical and scientific cooperation. The statement also reaffirmed the inviolability of existing frontiers with Germany and sharply criticized the Chinese for their campaign against the Soviet Union.

May 18, 1964: Communist China and Poland signed a cultural and scientific pact for 1964. The agreement provided for cooperation in science, health, culture and art, and exchanges of educational delegations.

June 15–20, 1964: The Fourth Congress of the Polish United Workers (Communist) Party was convened in Warsaw. Delegations from 11 European Communists parties attended. In his address to the Congress, Gomulka proposed that preparations should begin for a world Communist conference. Gomulka declared that divergencies appearing in the movement could not be overcome in a short time and that an international conference would require patience and thorough preparation. *Thus Gomulka, who had been originally cool to the idea of a conference, now fell in line with Soviet policy.* He attacked the Chinese for pursuing "great-power ambitions"; he also attacked West Germany as being the greatest single obstacle to easing international tensions. In domestic affairs Gomulka stated that an expansion *of small private services was needed to employ* 1.5 million school graduates over the next five years. He also stated that Poland's basic task was to grow more food and declared that the Party would focus its attention on small private farmers who accounted for 86 percent of total farmland area.

On June 19, Zenon Kliszko, a member of the Politburo, disclosed that in the past four years or so some 210,000 persons had been dropped or expelled from the party. Some members, indifferent to political life, had been dropped; others left for personal reasons; and some 40,000 were expelled for violating party discipline. However, more than 800,000 new members were added, he said, bringing the total membership to 1.6 million.

On June 20, Gomulka was re-elected First Party Secretary. He announced that the membership of the Politburo was expanded from 10 to 12, while Central Committee was expanded to 85 full and 78 candidate members, from 77 to 65 respectively. According to one source, Gomulka preserved the appearance of unity by "drawing closer to his old Stalinist opponents, giving a bit more influence to the 'Partisan' faction, and bearing down against the more 'liberal' or pro-revisionist elements."

June 25–July 2, 1964: Tito conferred with Polish leaders while on an official visit to Poland. Relations between Poland and Yugoslavia were regarded as being good, even cordial. Of all the Communist countries, Yugoslavia maintained the most numerous and diverse contacts, especially on the economic level.

June 27–30, 1964: United States Attorney General Robert F. Kennedy made an unofficial visit to Poland. He visited Warsaw and Krakow and met with Cardinal Wyszynski. According to the *New York Times*, this "private visit" had given the Polish people another opportunity "to register the intensity of their friendliness toward the United States . . ." Despite Communist rule for almost a generation, the *Times* said, traditional ties of sentiment uniting both peoples "appear as strong as ever—perhaps stronger."

July 13, 1965: Canada announced the sale of 7.5 million bushels of wheat to Poland valued at $14 million.

July 21, 1964: West Germany and Poland signed a supplementary accord to their 1963 trade agreement, calling for an increase in trade.

July 21–22, 1964: Polish Communists celebrated the 20th anniversary of the founding of the Polish Committee of National Liberation, the institution responsible for the beginning of Communist rule in Poland. Khrushchev and other party leaders of East Europe attended the celebration. In a commemorative address, Gomulka declared that socialism had triumphed in spite of "important malicious slander broadcast from the imperialistic radio stations, by the bankrupts we threw overboard, by people from the old reactionary regime, and by traitors who sold themselves to foreign intelligence services." He attacked West German and American "imperialists" as the gravest dangers, saying that the United States and West Germany "have a common platform" of militant anti-communism and of pushing the world to the brink of war. He also attacked Barry Goldwater, the American Presidential candidate, provoking Ambassador John Moors Cabot then present to leave the hall.

September 18, 1964: In a speech to a Congress of the Union of Polish Writers, Gomulka declared that they ought not to forget that some positive achievements had been made during the "evil days" of Stalinism. Gomulka warned the writers that the party would not accept works antagonistic to communism and said that any book about the Stalin period would not be published if it showed only its evil side. Jaroslaw Iwaszkiewicz, Chairman of the Writers Union, accused Polish censors of "narrow-mindedly interpreting current *regulations.*"

September 27, 1964: Trybuna Ludu published a statement accusing the Catholic Hierarchy of disobeying laws and regulations and of using medieval methods against nonbelievers. It demanded loyalty to the state as a basic condition for the kind of Church-State accord existing between the Vatican and the Hungarian Government. This statement coincided with certain anti-religious actions taken by the regime against the Church.

October 14, 1964: Khrushchev was removed as Soviet Premier and First Secretary to be replaced as Premier by Aleksei N. Kosygin and as First Secretary by Leonid I. Brezhnev. On October 17, Gomulka and Kadar, who was then in Poland, called for the restoration of world Communist unity. Gomulka paid tribute to Khrushchev by saying that he had contributed "immense achievements" in building Soviet power and in the "struggle for peace." On October 25, Kosygin and Brezhnev conferred with Gomulka and Cyrankiewicz at a hunting lodge near the Soviet border. Tass said that they had talks in "an atmosphere of friendship and cordiality," and achieved "complete unity of views." Observers considered Gomulka to be the most highly regarded in the Kremlin among East European party leaders. Giving him priority, it was said, appeared to be in keeping with Khrushchev's practice of frequently consulting the Polish leaders before any of his East European associates.

October 22, 1964: The Polish Roman Catholic hierarchy issued a statement asserting Poland's right to the territories acquired from Germany after World War II. It was said that the move suggested that the Polish bishops were trying to get the Vatican's tacit recognition of the Oder-Niesse line by reminding it of the need to appoint full-time bishops to the four dioceses in the former German territories.

November 2, 1964: United States Department of State revealed that a battery of hidden microphones was discovered in the United States Embassy in Warsaw.

November 9, 1964: Melchior Wankowicz, a Polish-born naturalized American citizen and writer, and one of the 34 intellectuals who had appealed to Cyrankiewicz for a relaxation of censorship, was sentenced to 36 months in prison for distributing "false and slanderous" material against the regime both in Poland and abroad. The case was cited as an illustration of the increasingly severe handling of intellectuals by the regime and also as being symptomatic of a generally "tougher" domestic line.

December 12, 1964: General Mieczyslaw Moczar, former head of the security policy was named Minister of Internal Affairs. Lucjan Motyka, formerly secretary of the Krakow party organization, was appointed Minister of Culture. The appointments were said to represent an attempt by Gomulka to balance contending liberal and conservative forces in the party: Moczar, a leading member of the so-called Partisan Group, was likely to strengthen those opposed to too much Western influence and liberal tendencies at home; on the other hand, Motyka was widely respected by Polish intellectuals and opposed heavy-handed censorship or pressure on them.

December 14, 1964: In a speech before the U.N. General Assembly Foreign Minister Rapacki called for an international conference to consider the "problem of European security in its entirety," to be attended by all European states including the Soviet Union and the United States. Rapacki attacked the United States plan for a multilateral nuclear force (MLF), saying that it would upset the political balance, widen the division between East and West, and almost certainly lead to the Soviet bloc countries taking "appropriate counter-measures." He questioned the reasoning that such a force would deter West Germany from acquiring *nuclear arms independently.*

December 21, 1964: Danish Foreign Ministry revealed that three staff members of the Polish Embassy in Copenhagen, including the military attache, were expelled for espionage.

January 8, 1965: The Soviet Union announced that negotiations with Poland had been completed for coordinating the two economic plans of both countries during 1966–70. A long-term trade protocol was signed providing for a substantial increase in trade and for greater specialization of production in relation industries. In Moscow the negotiations were regarded as evidence of an increasing shift from Comecon control over economic relations among its members to bilateral arrangements.

January 14, 1965: Fritz Erler, Chairman of the West German Socialist Party's parliamentary group, declared in Berlin that it would be useful if in preparation for negotiations over Germany's eastern frontier, that is, the Oder-Neisse line, German and Polish representatives could discuss the issue without any foreign mentors. Juridically speaking, he said, only an all-German government could sign a peace treaty, but Germany could not demand that the frontier question should be raised except in negotiations for a peace treaty. Erler's proposal for a dialogue on the frontier issue was said to have found "no sympathetic echo in Poland." The Poles adhered to the position that the Oder-Neisse frontier was the result of the war waged and lost by Germany and that the developments of the last two decades ruled out any possibility for any negotiations.

January 28–February 2, 1965: Comecon states conferred in Prague. In a speech, Polish Deputy Premier Jaroszewicz urged the council to strive harder for a higher level of coordination of national plans and for specialization in industry. According to Jaroszewicz, it was not only economically unjustified but impossible for each Comecon member state to produce all types of equipment needed for such fast-developing industries as electronics and chemicals. A press report stated that Jaroszewicz's declaration reflected the disappointment of Poles "who have placed so much hope and considerable financial investment in Comecon cooperation."

January 31, 1965: In a sermon delivered in St. Augustine Church in Warsaw, Cardinal Wyszynski implied that Communist regimes brought a new kind of slavery to man.

February 2, 1965: Berthold Beitz, General Manager of Krupp, announced that an agreement was signed in January between Krupp and the Polish Government to set up joint-ownership plants on Polish sites for the production of semifinished industrial goods. Beitz indicated that Krupp would set up one or more branch factories in Poland, providing the equipment, technical and managerial personnel and production specifications, while labor, land and buildings would be provided by Poland.

On February 21, *Trybuna Ludu* denied that such an agreement has been reached and declared that the current negotiations had only a purely economic significance.

February 25, 1965: Italy and Poland signed a five-year trade agreement, providing for annual exchanges of goods worth $115,200,000.

March 1–5, 1965: A meeting of 19 pro-Soviet Communist party delegations, including Poland, was held behind closed doors in Moscow. The purpose of the meeting was presumably to decide on a common strategy in dealing with the dispute with China.

March 16, 1965: In a speech at a meeting of the Polish Central Committee, Gomulka declared that the dominant principle in Polish foreign policy was the "fraternal friendship and close alliance with the Soviet Union and all Warsaw Pact member coun*tries—a political-economic-defense alliance* which has guaranteed our national frontiers and our security and development." The Polish-Soviet alliance, he said, has three main justifications: (1) it was a vital factor to the security and development of Communist Poland; (2) it was the key to the Warsaw Pact which "creates an insuperable obstacle to the aggressive actions and plans of West German imperialism, playing an enormous part in safeguarding peace in Europe and the world"; and (3) it corresponded to the vital interests of the Soviet Union and the Soviet people. Gomulka attacked West Germany, warned of its "revisionism" and demanded recognition by the West of the Oder-Neisse line for the sake of European peace.

March 29–30, 1965: Polish Government delegation was in Brussels to discuss farm exports with the European Common Market Commission. Poland was the second Communist country, after Yugoslavia, to discuss trade problems with the Six, though it did not officially recognize the Common Market. However, the *New York Times* reported that Poland was the first Soviet-bloc nation "to recognize the legal existence of the European Community [Common Market]."

April 5–9, 1965: Brezhnev and Kosygin were in Poland to sign a new 20-year Polish-Soviet Treaty of Friendship, Cooperation and Mutual Assistance. At a Polish-Soviet friendship meeting on Apr. 8, Gomulka declared that the treaty was "of a defensive nature" and that Poland, like other Warsaw Pact members, was pursuing a peaceful policy toward all countries. He noted that the treaty constituted "an impassable barrier" to all aggressive actions on the part of "West German revenge seekers and their allies." Brezhnev stressed the importance of the fact that the treaty "guarantees the inviolability of the frontiers of People's Poland." The issue of the frontiers, he said, was settled by the Potsdam Agreement "finally and irrevocably." One German source wrote that the treaty was a "clear sign" of the increasing equality of Poland vis-a-vis the Soviet imperium; that it confirmed the binding guidelines of Polish foreign policy for the past 20 years, namely that Poland's security rested on the closest possible collaboration with Moscow; and that the new treaty, like the old one, was directed against West Germany.

On Apr. 14, the West German Government issued a statement in which it "emphaticallv rejects" the claim that the Oder-Neisse line was Poland's east boundary, reiterated the West German view that the frontier question could be settled only by a peace treaty signed by a freely elected all-German Government, and repeated the Government's renunciation of force as a way to determine a future German-Polish frontier.

April 11, 1965: Cardinal Wyszynski charged in a Warsaw sermon that Government funds were being used to spread atheism through disciplinary action among Poland's youth in schools, colleges and the army.

May 1, 1965: In a May Day speech Gomulka accused the United States of having "become the policeman of colonialism" through its policies in Vietnam. He demanded "a stop to the dirty war waged by the United States against the Vietnamese nation and the withdrawal of American troops from South Vietnam."

May 8, 1965: Gomulka said in a speech in Wroclaw commemorating the 20th anniversary of the end of World War II that Poland would not agree to the reunification of Germany as the "price" of German recognition of the present German-Polish border. He made it clear that Poland would not accept any West German promise of later recognition of the Oder-Neisse line. According to Gomulka, West Germany wanted to "swallow" East Germany, and that its first objective after that would be the "destruction" *of the Oder-Neisse frontier.*

May 30, 1965: General elections to the Parliament (Sejm) and to the provincial, district, town and village councils were held. The 460 seats in the Sejm were contested by 670 candidates; a single list of candidates was presented by the National Unity Front comprising the Polish United Workers' (Communist) party, the United Peasant Party, the Democratic Party, and a number of Independents. The National Front List of candidates was endorsed by 98.81 percent of the electorate. Though only a single list was presented, there were a few more names on all the lists than posts to be filled; thus, the electorate had some chance to express a personal, though highly limited, preference.

June 24, 1965: France and Poland initialed in Warsaw a new five-year trade agreement, providing for annual exchanges totalling 210 million francs ($42 million) both ways, an increase of 30 percent.

June 30, 1965: In a statement signed by Internal Affairs Minister Moczar and Defense Minister Marshal Spychalski, the Polish Government announced its decision to transfer the nation's internal forces from the Internal Affairs Ministry to the Defense Ministry. According to the Government statement, there was no longer any need of internal security troops, since the "whole nation is linked to the regime and the people's authority"; their role has changed and they "now face the task of contributing to develop the general defense system." One Western source saw in this move the "final severance of Poland's links with the Stalinist past." It was also believed to reflect the increasing intensity of factional struggle within the regime. It was estimated that this move was taken to reduce the power of Moczar, whose influence had increased considerably in the past year.

On July 8, Lt. General Grzegorz Korczynski was appointed Deputy Minister of National Defense and Chief Inspector of Territorial Defense in charge of the Internal Forces. This appointment was interpreted as being an effort to counterbalance the dissolution of the "partisan" group and Minister for Internal Affairs. Korczynski, it was said, "is in effect considered number 2 man of the 'partisans.'"

July 15, 1965: At a meeting of representatives of writers, press and social organizations, Minister of Culture Motyka accused three Polish writers, Jan. N. Miller, Stanislaw Cat-Mackiewicz, and J. Grzedzinski of "slandering the Polish state" in contributions that were printed under pen names in the Polish exile press. On Sept. 17, Miller was given a three-year suspended sentence. During a recess, Miller told reporters that the Polish press had become a "laughing stock" because of its policy of silence. He said that since "there is no freedom of speech or thought or of the press in Poland," he thought publication of his views abroad was the best way of reaching high Polish officials who would not otherwise have been able to read them. According to Miller, his "good intentions" were misunderstood.

July 27, 1965: In a speech during a Central Committee plenum, Stefan Jedrychowski, head of the State Planning Commission, said that consumer demand and industry profit henceforth must be the guide to the country's economy. According to Jedrychowski, the Government aimed at reforms in planning and management that would result in the "optimum harmony between the directives of central planning and initiative at lower levels, as well as between the system of directives and the system of economic incentives which influence enterprises and their workers."

August 31, 1965: In a ceremony in Wroclaw commemorating the 20th anniversary of the Church's administration in these annexed territories, Cardinal Wyszynski stressed the ties of the land east of the Oder-Neisse with the 1,000-year history of the Polish state. "*The desire to maintain these territories,* with Poland's western border at the Oder and Neisse Rivers," the *New York Times* said, "unites all Poles. Even between church and state, where relations are often abrasive, there is unity on this question. But it is also a sore point with the church, for the Vatican does not recognize frontiers that have not been agreed upon by proper peace conferences."

September 1965: In a paper presented at the 5th International Conference on World Politics at Noorwijk, Holland, Prof. Adam Bromke of Carleton University, a specialist on Polish affairs, made the following concluding generalizations on Poland under Gomulka:

> Gomulka, however, has been spared the test of strength with the Polish people over the issue of the Polish-Soviet alliance, for in the early 1960's no strong pressures to repudiate it came from the Poles. The mood of the country has been that of political realism. . . . The memories of the abandonment of Poland by the West and the futility of her unaided efforts to preserve her independence from Russia in the late 1940's are still vivid in the minds of the Poles. Furthermore, the Polish people have been constrained from pressing for complete emancipation from the Soviet Union by their fear of West Germany. The German territorial claims to Poland's western provinces, which so far have not been disavowed by the United States, have made the Poles look for protection to Russia. In the last resort, it has been the Western policy which has contributed to Poland's turning from a restive satellite into an unenthusiastic but basically reliable ally of the Soviet Union.
>
> As long as the present international situation persists, the prospects for changes in Poland, similar in their scope to those of 1956, appear to be remote. The Poles apparently feel that in view of the realities of their country's external position they have done everything that they possibly can. It is unlikely that in the near future they will press for any drastic changes. In this way the impetus of the Polish upheaval of 1956 has largely spent itself. As a model of reform Poland no longer has much to offer the other Communist states. Indeed, if the present trends continue, in the end she might turn from a progressive into a retrogressive force in the Communist orbit—her policies checking rather than advancing the spread of polycentrism in Eastern Europe. (International Journal, v. 20, Autumn 1965: 508-09.)

September 1, 1965: British Foreign Office announced that a system of concealed microphones was discovered in the British Embassy building in Warsaw.

September 5, 1965: In a speech in Warsaw marking the 26th anniversary of the beginning of World War II, Gomulka appealed to President Johnson to stop the war in Vietnam. He asked the United States to cease "piratical bombing attacks on North Vietnam, withdraw American troops, make the 1955 Geneva agreements a reality, and respect the Vietnamese right to reunification." He urged the United States to accept the North Vietnamese 4-point proposal for peace.

September 8, 1965: West German Chancellor Erhard told a news conference that West Germany was prepared for reconciliation with Poland. Observing that Polish policy was determined by the Soviet Union, Erhard indicated the hopes of West Germany that its relations would improve if the East European countries continued to gain increasing control over their own foreign policies.

September 9–16, 1965: Cyrankiewicz was in France on an official visit where he conferred with President de Gaulle, Premier Pompidou, Foreign Minister Couve de Murville and other officials. After the first of his three conferences with de Gaulle, Cyrankiewicz expressed his gratitude to France for having recognized the Oder-Neisse line as the permanent border between Poland and East Germany. On the following day, Chancellor Erhard disputed the Cyrankiewicz declaration stressing that a settlement would have to await a peace treaty in accordance with the Potsdam agreement. On Sept. 15, Cyrankiewicz declared in a press conference that West German recognition of the Oder-Neisse line as the German-Polish border was the condition for Polish agreement on normalizing relations. The second condition, he said, was recognition of the European status quo, that is, the existence of two German states. Moreover, he said, recognition of the Oder-Neisse line would have to be a prerequisite for Polish approval of German reunification.

A communique issued on Sept. 15 stated that the problems of Southeast Asia had been discussed; that both sides agreed that a solution could be found only in a return to the 1954 agreements which provided for independence of the countries concerned and noninterference in internal affairs; that the European questions were at the center of their discussions; that both sides believed it desirable that cooperation between the states on the Continent should gradually develop based on mutual respect of sovereignty; and that tendencies for normalizing relations between East and West Europe should be supported in order to eliminate tensions. An exchange of views took place on matters of European security and both sides expressed the hope that solutions could be found that would contribute to that end. Reference was made to indict either directly or indirectly the United States effort in Vietnam and made no reference to the problem of a divided Germany or to the controversial Oder-Neisse line.

September 11–12, 1965: Brezhnev made an unannounced visit to Poland where he conferred with Gomulka on developments in inter-party relations and international policy.

September 13, 1965: President Johnson announced that the United States would send its first commercial trade mission to Poland and Rumania. The purpose of the mission was to explore opportunities for selling more American products to the civilian industries of the two countries. Officials in Washington attached political as well as economic significance to the mission and to the desire of both Poland and Rumania to receive it. In 1964, United States-Polish trade totaled $63 million in American exports and $64 million in imports. Moreover, the United States exported surplus agricultural products to Poland valued at about $75 million.

September 17–21, 1965: British Foreign Secretary Michael Stewart paid an official visit to Poland where he conferred with Cyrankiewicz and Rapacki. At a press conference in Warsaw, Stewart reaffirmed the British position that a final settlement of the Oder-Neisse border would have to await the conclusion of an all-German peace treaty. In a joint communique, both nations recognized differences in their views on a number of world problems. Though disagreeing on Vietnam, they did agree that there should be an "early peaceful settlement based on the principles of the Geneva agreements of 1954." On the matter of European security, Stewart and Rapacki agreed that "the convening—after careful preparation and in favorable circumstances—of a European conference on security and cooperation would be useful."

September 20–23, 1965: Cyrankiewicz paid an official visit to Austria. A communique issued on Sept. 23 stated that the main goals of both countries was the maintaining of peace and security, especially in Europe. Neither Germany nor the Oder-Neisse question was mentioned. Observers in Vienna regarded the visit as having a positive effect, even though for the moment it did not lead to any concrete results.

September 25, 1965: West German Ibag machine-building firm in Neustadt and the Polish state trade agency Polimex signed in Warsaw an agreement setting up a joint West German-Polish company named Depolma. Under the arrangement the company will organize cooperation between both West German and Polish factories in planning, production and sales of machines. About one-fifth of the trade between both countries will be handled by Depolma. In 1964, the volume of West German-Polish trade amounted to about $170 million.

October 14–16, 1965: Italian President Giuseppe Saragat was in Poland on a state visit where he conferred with Gomulka and other Polish leaders. A communique issued at the end of the visit stated among other things that both countries intended to continue contributing actively to peaceful and stable coexistence and collaboration aiming at easing of international tensions.

October 16, 1965: German Evangelical (Protestant) Church published a document in Hanover calling on the Bonn Government to make an approach "on a new plane" to Poland on the matter of the Oder-Neisse boundary. According to the statement, a dialogue must be inspired by a spirit of reconciliation and a dropping of exclusively legalistic arguments. The document stated that, owing to the treatment of the Poles during the war, the Germans have a particular obligation to respect their vital rights and leave them the space needed for their national development. The statement urged that the Government should "hesitate today to lay claim to the return of territories which have become an economic necessity for Poland." According to the *Times* of London, the importance of the document "lies in the call to today's generation of Germans . . . to reexamine the realities of the Oder-Neisse issue in the light of Germany's war record and Poland's postwar need."

October 22, 1965: France and Poland concluded a new five-year trade agreement. Both countries agreed to increase their mutual trade by 50 percent. Among other things, Poland agreed to import "investment" or capital goods from France and both sides agreed to exchange "industrial missions," particularly in heavy industry and in the chemical industry.

October 29–30, 1965: Brezhnev conferred with Gomulka and other Polish officials in Byelorussia at an unannounced meeting. According to Tass, the leaders discussed questions of the "further development of economic and political relations between the Soviet Union and Poland, and exchanged opinions on the most important problems concerning the present situation in Europe and other parts of the world, and the international Communist movement."

November 15–19, 1965: Gomulka and Cyrankiewicz paid an official visit to Yugoslavia.

November 18, 1965: Soviet Union and Poland signed a five-year trade agreement in Moscow, calling for a 63 percent increase in exchange compared to the pact of 1961–65. The Soviet Union was said to be "by far Poland's most important trade partner."

November 30, 1965: In a letter dated Nov. 18, 36 Polish Roman Catholic churchmen headed by Cardinal Wyszynski invited the German Roman Catholic bishops to the celebration in 1966 of the 1000th anniversary of Poland's conversion to Christianity. The letter recalled the suffering of the Polish people at the hands of Nazi Germany and the persecution of the Church, but it declared, "despite a situation which is almost hopelessly burdened by the past . . . we call to you—'Let us try to forget.' No more polemics, no more cold war. Rather the beginning of a dialogue. . . ." Referring to the former German territories to the East, the letter said: "The Polish Western border at the Oder-Neisse is for Germany, as we well understand, an extremely bitter fruit of the last war of mass extermination, compounded by the suffering of millions of refugees and expelled Germans . . . For our country . . . it is a question of existence not of more Lebensraum) . . ." The announcement of the letter was made at the Vatican Council in Rome.

On Dec. 6, the German bishops, assembled in Rome, declared in a letter that they "grasp with brotherly reverence the hand stretched out to them. They accepted the invitation and extended one to the Polish bishops to attend the Roman Catholic Congress at Essen in 1968 and to the 1000th anniversary of the diocese of Meissen, in East Germany during the same year.

On Dec. 10, *Zycie Warszawy*, a non-party newspaper, attacked the Polish bishops for their letter of invitation to the German bishops. It declared that the Polish bishops have "willfully entered the realm of foreign policy, which has nothing to do with the religious mission of the church." On Dec. 12, *Trybuna Ludu*, also denounced the Polish bishops, alleging that the message to the Germans was conciliatory and apologetic.

On Dec. 17, the Catholic hierarchy stated in a special communique that they had also sent invitations to every Catholic episcopate in the world to attend the millenium celebration, and that the letter to the German bishops has, "like all the others, the character above all of a Church document . . . [which does not] encroach in any way on the rights of the state." The bishops also maintained that "contrary to some views," the Polish hierarchy "maintains the viewpoint of the inviolability of the Western frontier of Poland."

On Dec. 27, *Neues Deutschland*, the official party organ of the GDR, denounced the conciliatory exchange of letters as "inadequately camouflaged revanchism." It stated that the Polish bishops had demonstrated disloyalty toward East German Catholics by directing their letter to the West German bishops as if East Germany did not exist. It hinted that the East German bishops could hardly expect permission to attend the celebrations as their action was directed against the Government's "peace policy and against the interests of the State."

December 3, 1965: *Trybuna Ludu* accused Peking of blocking unity of action among the Communist states in defense of Vietnam against American "aggression."

December 27, 1965: Polish Government expelled David Halberstam, Warsaw correspondent of the *New York Times*. He was accused of dispatching "slanderous and offensive reports."

December 29, 1965: United States Ambassador-at-Large W. Averell Harriman arrived in Warsaw where he conferred with Gomulka and Rapacki on Vietnam. It was believed that the purpose of the Harriman mission was to urge the Poles to back up their professed desire for peace in Vietnam by working more actively toward that goal on the International Control Commission for Indochina. Poland, Canada, and India are the member states constituting this International Control Organization.

January 9, 1966: The Polish Government issued a statement accusing Cardinal Wyszynski of harming Polish national interests while in Rome and barred the Cardinal from further travel abroad. The regime was sharply critical of the Cardinal's invitation to the German bishops to attend millenium observances. This recent action by the regime was said to have dimmed Polish hopes for a Papal visit to Poland during the celebrations at Czestochowa.

On Jan. 14, Gomulka declared, at a session of the All-Polish Committee of the National Unity Front, that "one cannot accuse [the bishops] of making border concessions. . . . They only used very unfortunate formulations. . . ." Gomulka further stated: "Let the Church conduct its activities which belong to it, but we demand that it maintain a loyal policy toward the State if it wants to deal in politics. . . . If Cardinal Wysznski, or other bishops want to express views on political problems, we do not forbid it, but let it be in accordance with the policy of the government of People's Poland." Gomulka further stated that Poland felt no forgiveness towards West Germany and that Cardinal Wyszynski was "attempting to swing Poland to the West by calling it a Christian bulwark." "The Polish nation cannot be won over to the West," Gomulka stated.

January 17, 1966: West German Minister for Refugee Affairs Johann-Baptist Gradl said that West Germans would have to make concrete "sacrifices" if there was to be any hope for reunification. Included among such sacrifices could be the claim to Germany's east territories and renunciation of "certain kinds of weapons." But he stressed that it would be the task of an all-German Government to negotiate the nation's final frontiers. This was the first time that a West German Cabinet Minister stated publicly that his Government was prepared to yield former German lands to the east to reach a frontier settlement with Poland.

On Jan. 18, *Zycie Warszawy* stated that recognition by West Germany of the Oder-Neisse line and the existence of the GDR was the first and inescapable condition for any kind of dialogue between Poland and West Germany.

January 31, 1966: Cardinal Wyszynski said in a sermon at the Jasna Gora Monastery that Poland's Roman Catholic Church could not be vanquished by any temporal power.

February 16, 1966: Albania and Poland signed five-year trade agreement. Recently, the Poles raised the level of diplomatic representation in Albania from minister to ambassador. However, on Feb. 23, the Polish Government announced that it had declared the Albanian Ambassador in Warsaw persona non grata and demanded his immediate recall on the grounds of anti-state activities and "violation of the principles of international law and normal behavior as well as Polish laws." Subsequently, the Albanian Government rejected the Polish charges and demanded the withdrawal of the Polish Ambassador from Tirana. The main reason for the initial Polish action appeared to be the belief that the Albanian Ambassador had issued an Albanian passport to a Polish Communist writer, Kazemierz Mijal, known for his pro-Chinese leanings.

March 25, 1966: In a note to 115 governments the West German Government offered to exchange declarations with Poland, Czechoslovakia, the Soviet Union and "any other East European state" renouncing the use of force for settling international disputes. In addition the note proposed that the "countries concerned" agree on a freeze on the number of nuclear weapons maintained in Europe and their ultimate reduction in stages. It also proposed that "all non-nuclear states," who were members of the Eastern or Western military alliances, should follow West Germany's example and renounce the production of atomic, bacteriological and chemical weapons. Further, it repeated Bonn's position that it would not give up its claim to the territory east of the Oder-Neisse line "until such a time as a freely elected all-German government recognizes other frontiers."

On Mar. 31, the Polish non-party paper *Zycie Warszawy* declared that the West German proposals offered nothing new and added: "common sense should tell these politicians that fake initiatives and the reiteration of old slogans will open no gates to the West German eastern policy, now closed with bars of revisionist claims." On Apr. 29, the Polish Government responded to the note of the West German Government: it rejected any claim by Bonn for revising the Oder-Neisse boundary, and stated that the decisions of the Potsdam Conference were "final," and further that the Western boundary was finally established by a 1950 agreement with the GDR.

March 29–April 6, 1966: Gomulka headed the Polish delegation to the 23rd Congress of the CPSU in Moscow.

March 31, 1966: A Polish Embassy spokesman in Rome stated that Pope Paul VI had been advised that a visit to Poland to participate in the millenium celebrations "would not be opportune at this time." The visit of the Pope, it was said, confronted Gomulka with a dilemma: To permit the visit would have been regarded as a gesture of religious toleration helping to reconcile the "solidly" Roman Catholic population with the regime and gaining support to cope with serious economic problems; still, popular enthusiasm for the visit would have overwhelmed the party's attempt to identify with the national celebrations. It was said that Gomulka dared not risk a situation where the Pope "would have stolen the show" and where the Poles would have been able to demonstrate "too plainly where their loyalty lies."

On Apr. 7, Polish Ambassador to the United States Edward Drozniak confirmed the decision of the regime to bar all foreign Catholic churchmen from attending the celebration scheduled for May. The reason: Cardinal Wyszynski had "invited the Church leaders without consulting the Polish Government."

On Apr. 22, Pope Paul VI sent a message to Cardinal Wyszynski expressing his sadness at being unable to attend the celebration; he expressed his love and "spiritual paternity" for all Poles and evoked the "mutual charity that has always linked the Holy See and the dear Polish nation."

April 17, 1966: In a speech in Poznan where the Church and State held separate concurrent public ceremonies celebrating the millenium, Gomulka accused Cardinal Wyszynski and part of the episcopate of wanting to make Poland a "bulwark of Christianity" again. Gomulka said: "This irresponsible shepherd of shepherds, fighting against our people's State, who proclaims he will not humble himself before Polish reasons of State, puts his imaginary claims to the spiritual leadership of the Polish nation higher than the independence of Poland."

On the same day, Cardinal Wyszynski said in a sermon in Poznan that the Polish Church wished to collaborate with the State, for the State needs God. He said: "The Church seeks to bring God's peace to all in the name of national unity." The Church had a legitimate concern with the economic, social and political life of the nation, he said, but it did not seek control over the temporal life of the people.

May 3, 1966: Between 250,000 and 500,000 Roman Catholics celebrated the 1,000th anniversary of the coming of Christianity to Poland at Jasna Gora monastery, "repository of the venerated portrait of the Black Madonna of Czestochowa." In a sermon at an open air Mass Cardinal Wyszynski renewed the Church offer to forgive the German people. "Poles have often known how to forgive their enemies," he said. "From the Mountain of Light (Jasna Gora) we Polish bishops in the name of God—we forgive."

May 7, 1966: Cyrankiewicz speaking at a State celebration in Krakow commemorating the end of World War II called for national unity "without division into believers and non-believers." He attacked West Germany and reiterated the conditions for normalizing relations: (1) recognition of the Oder-Neisse boundary; (2) recognition of the GDR; and (3) renunciation by the West Germans of atomic weapons.

May 8, 1966. In Krakow, 500,000 citizens, most of the city's population, participated in a religious procession headed by Cardinal Wyszynski. The *New York Times* reported: "The emotional outpouring laid open the soul of this nation more plainly than perhaps at any time since the turbulent days as 1956. . . . It showed the country to be as profoundly Roman Catholic as ever, despite five months of an aggressive government campaign against the Church. And it proved that Cardinal Wyszynski, the chief target of the campaign, remains the man who can arouse more spontaneous enthusiasm than any other Pole."

During the months of May and June clashes occurred between Poles and State authorities. On June 4, the Government, in a letter to the episcopate in Lublin, warned Cardinal Wyszynski and the bishops of the legal consequences should festivities create public disturbances. On June 8, *Zycie Warszawy* urged the Roman Catholic clergy to withdraw their support from the Cardinal and follow churchmen who urged coexistence with communism. It accused the Cardinal of inciting the Polish faithful against the State. However, on June 9, the Cardinal declared before an estimated crowd of 100,000 in Warsaw that the whole of Poland has now "gathered round its priests."

May 10, 1966: West Germany and Poland signed in Warsaw a long-term trade protocol, extending the original agreement until the end of 1969 and calling for liberalized and intensified trade. It was expected that trade would not be less than the 1965 level of $200 million.

May 17, 1966: Italian Fiat Automobile Company was reported to have signed a $40 million agreement with Poland for the construction of an automobile assembly plant at Zeran, near Warsaw. The agreement was said to have provided for an annual output of 35,000 Fiat cars when the plant begins production in 1970.

May 18–21, 1966: French Foreign Minister Couve de Murville conferred in Warsaw with President Edward Ochab, Gomulka, Cyrankiewicz and Rapacki. On the 20th, he and Rapacki signed two five-year pacts covering the development of cultural, scientific and technical relations. At a press conference on May 22, Couve de Murville declared that in the talks with Rapacki there was agreement that the solution of the German problem would be useful only if it were acceptable for all countries and thus served the security of Europe. All new conditions must first be created for discussion of the German question, he said. Such conditions, he said, should be established between states which have grown apart, owing to two decades of political development. According to *Neue Zurcher Zeitung* of Zurich, the French intended to impress "Bonn and to use the Polish question as an additional lever in shaping the wavering French-German problems; on the other hand, the Poles wanted to show how hopelessly anachronistic the demands of German policies are in the question of the eastern borders, when even the Federal Republic's western neighbor accepts the present borders."

May 23, 1966: A United States Embassy official in Warsaw announced that the Polish Government expelled three United States military attaches on charges that two of them carried out "intelligence activities." It was also announced that three Polish military attaches were expelled from Washington.

June 10, 1966: At a press conference in Stockholm at the end of a five-day official visit, Polish Foreign Minister Rapacki called on the United States to cease bombing North Vietnam "finally and unconditionally" as a first and necessary step towards ending the war. He welcomed France's withdrawal from its military obligations under NATO. He further urged the convening of a European conference on security and economic cooperation with the participation of the United States.

June 11, 1966: The Soviet Union and Poland concluded a five-year agreement on scientific and technical cooperation covering the years 1966–70. This was the first long-term agreement Poland signed with any country on scientific and technical cooperation. The agreement covered over 1,700 research projects to be carried out either jointly by Polish and Soviet research centers or by scientists of either country for the other. Subjects included foundry operations, extracting and processing coal, electric power, electronics, and chemistry among others.

June 26, 1966: An estimated 1,000 anti-Government demonstrators marched up and down Warsaw's main street chanting slogans and singing hymns, and disbanded only after riot policemen had twice charged into their ranks. The demonstration was an outgrowth of Warsaw's millenium celebration that began in front of Cardinal Wyszynski's residence and headed toward the headquarters of Poland's Communist Party. The marchers never reached their destination.

July 7, 1966: Warsaw Pact countries issued a 2,000-word "Declaration on U.S. Aggression in Vietnam," denouncing the United States in what was described as "scathing terms," but making no new promises of military aid to North Vietnam or proposals of a negotiated settlement. The Communist leaders declared that the Americans were waging a "bandit war" by "barbarous and inhumane means" comparable to those of "Hitlerite war criminals."

July 8, 1966: The Warsaw Pact countries issued a broadly worded invitation to the nations of Western Europe to join in "a general European conference for the discussion of questions related to insuring security in Europe." The 18-page declaration was published after the departure from Bucharest on July 7 of the Communist leaders after four days of top-level discussions. "The necessity is ripe," the declaration stated, "for undertaking measures for the lessening, primarily, of the military tension in Europe."

August 15, 1966: Cardinal Wyszynski confirmed that the Polish Communist Government would not permit him to make a planned visit to the United States and Canada during August.

October 4, 1966: *Trybuna Ludu,* Polish CP organ, gave new impetus to the regime's drive to purge the ranks of the Communist Party and public administration of corrupt elements by giving details of a case of corruption involving a Henryk Borysewicz, an administrator of an institution for mentally ill women. In three previous articles the paper called on the party to expel unworthy members so that the Communists could effectively carry out their function of overseeing the ethics of public life.

October 7, 1966: In a speech delivered at the Congress of Polish Culture, Zenon Kliszko, a member of the party's Politburo, chief spokesman on ideological matters, and closest associate of Gomulka, issued a stern reminder of the limits on artistic freedom. Before an audience of 2,000 delegates, Kliszko said:

"Our cultural policy guarantees to writers and artists freedom of choice of subject matter and form of their work and liberty of personal expression. . . .

"But our policy cannot allow cultural creation to be exploited to propagate ideas hostile to Socialism or for political action in the interests of the imperialist forces on the other side of the barricade or for activities that endanger the vital interests of the Polish state and people."

The Congress provoked hostile criticism from Cardinal Wyszynski when a published draft of the final resolution stressed as its main theme that culture had never so flourished in Poland as under the Communist regime.

In an outdoor sermon heard by tens of thousands the Cardinal, described as being "obviously nettled by the tenor of the congress," characterized Polish culture as largely the work of the Church. He said:

"This Christian culture consists of freedom of thought, freedom of religion, freedom of upbringing, education and science, freedom of opinion and freedom of assembly. . . . It is these freedoms that create culture. Anything that abridges them is anticulture.

"This clash between Church and State was only one of many that occurred in subsequent weeks."

October 7, 1966: In an address given to the National Conference of Editorial Writers at the Carnegie Endowment Building in New York, President Johnson made the following comments on United States policy aims in Eastern Europe:

"Now, finally, third, one great goal of a united West is to heal the wound in Europe which now cuts East from West and brother from brother. That division must be healed peacefully; it must be healed with the consent of Eastern European countries and consent of the Soviet Union. . . .

"We must improve the East-West environment in order to achieve the unification of Germany in the context of a larger, peaceful and prosperous Europe. Our task is to achieve a reconciliation with the East, a shift from the narrow concept of coexistence to the broader vision of peaceful engagement. . . .

"We want the Soviet Union and the nations of Eastern Europe to know that we and our allies shall go step-by-step with them just as far as they are willing to advance.

"So let us, both Americans and Europeans, intensify, accelerate, strengthen our determined efforts. We seek healthy economic and cultural relations with the Communist states."

The President went on to enumerate the various steps that he has taken in his words, to "build the bridges to Eastern Europe" that he had spoken of in his speech a few years ago at the Virginia Military Institute, namely: (1) conclusion of the consular treaty, a cultural and air agreement with the Soviet Union; (2) a decision to press for legislative authority to negotiate trade agreements extending most-favored-nation tariff treatment to European Communist states; (3) reduction of export controls on East-West trade on non-strategic goods; (4) and the signing of a determination permitting the Export-Import Bank to guarantee commercial credits to four additional Eastern European countries, Poland, Hungary, Bulgaria, and Czechoslovakia. Regarding the matter of frontiers, the President said:

"Hand in hand with these steps to increase East-West ties must go measures to remove territorial and border disputes as a source of friction in Europe. The Atlantic nations oppose the use of force to change existing frontiers and that is the bedrock, too, of our American foreign policy. We respect the integrity of a nation's boundary lines."

October 22, 1966: A meeting of the leaders of the Soviet Union and its allies in East Europe, Cuba and Mongolia ended in Moscow with the issuing of a communique described as being "unusually noncommittal." Nothing was said about agreement on any subject. An issue of major concern was said to be the "cultural revolution" in China.

October 27, 1966: The Soviet Union and its East European allies agreed at a conference in Moscow a week ago to grant the North Vietnamese assistance in material and money amounting to about $1 billion, according to "informed" Polish sources. Of the total, $800 million was to come from the Soviet Union, Poland's contribution was said to be $30 million. In the matter of the Vietnam War, Poland has consistently supported the general position of the Soviet Union and the other nations of the East European bloc.

October 31, 1966: Leszek Kolakowski, Professor of Philosophy at the University of Warsaw, and described as a "liberal," undogmatic Marxist was reported to have been expelled from the Communist Party after delivering a speech at a university meeting a week ago in which he was said to have described a balance sheet between the hopes engendered by the anti-Stalinist Revolution of 1956 and the Polish reality of today. According to the press, the meeting was said to have been a stormy one in which students who sought to defend today's Poland against critics were shouted down by a majority. University authorities were said to have instituted disciplinary proceedings against a number of students.

In 1957, Gomulka had singled out Professor Kolakowski as a dangerous revisionist in a plenary session of the Party's Central Committee. Subsequently, *Trybuna Ludu* denounced the professor.

On Nov. 4, it was reported from reliable sources that the speech that led to Kolakowski's expulsion was, as the press said, "a profound criticism of how the party is governing Poland. . . ." It was reported that at the meeting leading to Kolakowski's expulsion which was held to celebrate the 10th anniversary of the "little revolution" of October 1956, the professor had said that there was no reason to celebrate the anniversary despite the gains made 10 years earlier. There was still not genuine democratic freedom in Poland, he was reported to have said.

December 7, 1966: Twenty-one Polish authors, all members of the Communist party, recently signed a letter to party authorities questioning the party's policy toward writers and other intellectuals, according to informed sources in Warsaw. The letter was an outgrowth of the expulsion of Professor Kolakowski. While the professor's name was not mentioned, the letter was said to have reiterated his criticism of a narrowing of freedom of artistic creation and expression. The writers, who had met with high party officials informally to be dissuaded from their criticism, were said to be meeting individually with the party's Control Commission in a continuing effort of the party authorities to compel them to withdraw their criticism.

December 14, 1966: The Polish Government began proceedings in Warsaw to close six Roman Catholic seminaries on the ground that they refused to admit government inspectors. The action was taken following a government order to Church authorities to remove the rectors of the institutions; the Church did not comply. According to "informed observers," this action was regarded as the "gravest attack" on the power of the Church since the Church-State modus vivendi in 1956. Church authorities protested by letter against the regime's proceedings, charging that they were illegal. Affected by the order were Poland's only two Jesuit seminaries, diocesan seminaries and that of another order.

The Government action came in what was said to be an "increasingly bitter controversy" over its demands to exercise control over the seminaries. According to Church authorities, the regime had heightened their demands from the right to inspect seminary premises to inspection of textbooks and checking on the teaching of non-theological subjects. Reluctantly the Church submitted to these demands. Early in 1965, the State requested the right to place its representatives on examination boards and even ask questions to students being examined. The Polish bishops resisted, and in March 1965 instructed rectors not to admit state inspectors, an ecclesiastical order that was carried out. On Nov. 22, the Education Minister informed the bishops of six dioceses that proceedings had been instituted for the removal of the rectors of the six seminaries in their areas. Four days later letters were sent demanding removal of the rectors. Church authorities maintained that the bishops alone had the right to name and dismiss rectors and that no state approval was required for nomination; therefore, they appealed the order. The regime's response came on Dec. 7 advising them of proceedings to close the seminaries. In subsequent weeks Polish churchmen mounted a counter-attack against the regime from the pulpits in which they demanded the right to educate their own future leaders of the Church.

On Dec. 25, Cardinal Wyszynski was described as having "defiantly" put the Government on notice that the Roman Catholic Church would not willingly yield to demands to close some seminaries. He affirmed the right of the Church to educate its future priests, not, as he said, "the Ministry of Education, officials of the Office for Religious Affairs, security services or even the police." "In the education of future priests," he declared, "no one shall replace" the Church. Despite his stern words, the Cardinal addressed season's wishes to the political leaders of Poland and voiced a hope that they would assure the Church of all its rights and liberties.

On Dec. 27, the regime made public its case against the Church on closing the seminaries in what was described as an "uncompromising" statement published in *Trybuna Ludu*, but it declared there was no intention to extend inspection to theological teaching.

On Jan. 12, 1967, it was reported from Warsaw that the Church-State dispute had suddenly taken a more hopeful turn when representatives of the Episcopate and the State convened a joint commission for regulating their differences. A factor in easing tensions was said to be the arrival of a new emissary from the Vatican who in secret talks was believed to have tried to prepare fresh negotiations between the regime and the Vatican. This "cautious search" for a reconciliation between Warsaw and the Vatican was said to have broken down as a result of the bishops' so-called "forgiveness" letter of invitation to the German bishops and the subsequent cancellation of the Pope's pilgrimage to Czestochowa to celebrate the millenium.

December 20, 1966: The Polish Communist party was said to be considering "sterner" measures to be taken against dissatisfied intellectuals. Party meetings with writers and other intellectuals disclosed a considerable current of criticism and hostility against the party line on Polish cultural freedom. A meeting of a cell at the Writers' Association on Dec. 9, for example, was described as being "tempestuous."

January 19, 1967: Soviet leaders Brezhnev, Kosygin and President Nicolai Podgorny conferred with Polish leaders somewhere in Poland during the week for policy discussions on what was believed to have related to Polish-Soviet relations with Communist China, the West and the Roman Catholic Church. The timing of the announcement from the official Polish news agency PAP, it was said, seemed to reflect the growing uneasiness of the Soviet Union over Chinese affairs and to confirm the impression of diplomatic and Polish sources that the meeting concentrated on serious policy questions. The Russians have been seeking Polish support in their conflict with Peking.

January 27, 1967: Polish Foreign Minister Adam Rapacki concluded two days of official talks in Paris with a call on President de Gaulle. Subsequently, Rapacki declared that he had a better understanding of French policy. But, the two countries have held differing views on the essential problem which concerned them, namely, the German question. The French regarded a potentially dangerous strain existing in Europe so long as Germany remained divided and thus Paris sought a thaw in East-West relations that would permit reunification. On the other hand, the Poles sought the recognition of the GDR as a legally existing state, not only by the French but also West Germany. In conversations with French leaders, Rapacki suggested that a Pan-European security Conference be convened, an idea the Soviets unsuccessfully proposed to the French. The French held the view that such a meeting could be convoked only after a thaw in relations but was not a means for inducing a thaw. According to a report from Paris published in the *Washington Post*, Rapacki also brought up his 1959 "Rapacki Plan" on denuclearization of Central Europe, long regarded as being an unfruitful proposal even in Poland.

February 9, 1967: Gomulka attacked West Germany as nations of the Warsaw Pact opened a conference in Warsaw. The establishing of relations between West Germany and the East European states, he said, "will not improve in the slightest degree the climate in Europe unless the West German government gives up its claims against the vital interests of the Socialist states." Poland and East Germany, it was said, have taken the "hardest line" toward West Germany. In contrast, Rumania, Czechoslovakia, Hungary and Bulgaria have been moving toward a closer relationship with the Bonn Government.

February 10, 1967: Foreign Ministers of the Warsaw Pact countries ended a three-day meeting intended to "sooth the disquiet of East Germany and Poland," as the press report said, over the lively interest of their allies in establishing closer relations with West Germany. The report from Warsaw said that the meeting had failed in that purpose. The communique did not repeat the minimum conditions for a rapprochement between West Germany and the Communist nations that were included in the Bucharest declaration of July 1966, namely, recognition of the existence of the GDR and West Germany; renunciation of West Germany's claim to represent all Germany; recognition of Poland's western frontier; and a pledge that West Germany be deprived of any share in control over nuclear weapons. Informed East European sources said that the purpose of the conference was to establish a closer exchange of views before moving toward relations with West Germany so as not to diminish the conditions in the Bucharest declaration. A week before, Rumania recognized West Germany, precipitating the "anguished reactions" of the GDR and Poland that led to the conference.

Sources: Deadline Data on World Affairs, the New York Times, the Washington Post.

TAIWAN'S STRATEGIC IMPORTANCE IN ASIA

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, in these troubled times when true friends are at such high premium and we seem to have so few, it is well to reassess the importance of those who stand fast. There should be a lesson of particular significance in the fact that for more than a generation, we have freely bestowed our aid to nearly every country which sought it, yet only a handful of those countries now stand unashamedly beside us in the battle for freedom in South Vietnam.

Amazingly, some of the principal beneficiaries are making a profit out of trading with the enemy. Most of them simply look the other way and pretend nothing is going on, while we fight the battle which may insure freedom for them as well, in the years ahead. This amazing situation calls for reassessment of American policies. It is time to give primary consideration to the development of the economic and military resources of those countries who have clearly indicated their friendship and their willingness to be counted. Foremost among these is Taiwan, whose friendship has never been in doubt.

The Republic of China on the island of Taiwan has become, since the days of the Korean war, increasingly important to U.S. strategic interests in the Far East. This is due primarily to two interrelated factors, geography and the growth of Nationalist China's military strength. Geographically, Formosa acts as a link in the Western defense system which rings mainland China from Japan to Thailand. It currently serves as a base for the U.S. 7th Fleet operating off Communist China and has been used to service American aircraft being used in Vietnam.

Chinese Communist control of the island would seriously affect the U.S. military position in the western Pacific. Such a situation would reduce the effectiveness of Okinawa as a base serving American defense needs in Asia. A Communist Formosa would also seriously menace the Philippines—just 200 miles to the south—where this country maintains bases and where the Communist Huk movement has become active in recent months in Luzon.

The military strength of the Republic of China constitutes a factor of importance in the context of the current cold war conflict between Asian communism and the free world. To the West and particularly to the United States, the Chinese Nationalist forces represent a valuable military asset in a conflict with Communist China. The planners in Peking must also consider Taiwan in arriving at decisions affecting their country's military role in southeast Asia and Vietnam.

Nationalist China's Armed Forces currently number approximately 544,000 men. Of the four services—Army, Navy, Marines, and Air Force—the Army and Air Force are the most important. The Army has a strength of 400,000, 80,000 of which are on the offshore islands of Quemoy and Matsu. It is broken down into 23 divisions—of which two are armored—two armored Cavalry regiments, four Special Forces groups, and one parachute brigade. The Air Force, with a total strength of 82,000 men, possesses 500 combat aircraft. It has recently begun to replace its old F–86 Sabrejet with more modern U.S.-built F–100A's, F–104G's, and F–5A's. In past combat experience against Communist China's Air Force, the Nationalists have given an excellent account of themselves.

Taiwan's Armed Forces possess recognized qualities of effectiveness; nevertheless, certain weaknesses exist. U.S. officers who have served as military advisors to Nationalist China, have spoken highly of the caliber of the troops. In addition, the average age of the soldiers is in the early twenties due to the influx of young Taiwanese. On the negative side, however, the Armed Forces continue to possess some obsolete equipment. For example, of the 13 combat squadrons in the Air Force, six are composed of Korean war vintage F-86 Sabrejets. The Army also operates with M-24 tanks of the same period. The Nationalists, with U.S. assistance, have begun a program of modernization, but this has not been completed. Until this modernization is completed, a weakness exists which should be corrected without delay.

Nationalist China's military capabilities are also limited by the fact that the United States has designed its military aid program to limit the Armed Forces role to one of defense. Taiwan currently has enough amphibious transport equipment to carry only one division across the Formosa Straits, and its air transport facilities can move no more than one parachute regiment at a given time. Because of this, only two divisions have received training in amphibious warfare. This situation also should be improved. Taiwan as an ally is very valuable and Taiwan's defenses should be among the best.

Despite the weaknesses which exist, it is obvious that Communist China does consider the Taiwan threat in mapping its military plans. Peking's current relations with her neighbors has forced it to station large numbers of troops at various points in the country; in Tibet, opposite India, along the Soviet frontier, and along the long coastline facing Taiwan. This situation has developed at a time when the absence of Soviet military aid has resulted in reported shortages of fuel and spare parts and a growing obsolescence of existing equipment.

These factors have a direct bearing on China's role in southeast Asia. Peking currently maintains a stationary force variously estimated at between 400,000 and 750,000 men opposite Taiwan to guard against an attack from that quarter. Pentagon analysts reportedly have asserted that this plus the Chinese Communists' other military commitments and equipment problems have made it impossible for them to commit more than 20 divisions—400,000 men—if they should decide to invade southeast Asia. Furthermore, should the leaders in Peking be thinking of embarking on such a course, they must consider the possibility of a counterattack from Taiwan, possibly in South China. Thus, given all of these factors, there can be little doubt that Taiwan today acts as a restraining influence on Peking in relation to the current struggle in southeast Asia.

The fact that Taiwan stands guard gives significant additional strength to the democracies in southeast Asia. We should provide the modern weapons which are needed to make Taiwan stand taller still in the affairs of the Pacific.

THE 1967 AMENDMENTS TO THE ECONOMIC OPPORTUNITY ACT RECOMMENDED BY THE PRESIDENT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Speaker, I am introducing the 1967 amendments to the Economic Opportunity Act which have been recommended by the President.

As one who strongly supports the need for Federal emphasis and assistance in a program to bring the poor within reach of economic opportunity, I applaud the President's concentration on fundamentals.

And as chairman of the Committee on Education and Labor, I know I speak for the entire committee in assuring the President that his recommendations will receive the careful and constructive consideration that they deserve.

This emphasis on fundamentals anticipates further important advances in the struggle to permit the poor to become self-sufficient.

No radical, new approach is being sprung on the Congress in this bill. It is built on the experience the program has had in its 2-plus years of operation. Significant congressional suggestions are incorporated and provisions are included to prevent repeating mistakes that have been made.

The bill represents an endorsement of the program Congress has approved and which the Office of Economic Opportunity has carried out under the capable direction of Sargent Shriver since its enactment in 1964.

But the bill spells out in clearer detail the worthy purposes of this program; it deals in straightforward language with the problems that have developed.

To make these important changes the Economic Opportunity Act has been rewritten almost throughout, but the sound basis and principles behind the program are the same.

There are no handouts in this bill, no makework, no compulsion, and no dominant Federal power.

Community action is still stressed with great encouragement and emphasis placed on local decisionmaking and the utilization of every available resource—human and otherwise—to help the poor help themselves.

Education, training, work experience, job counseling, and health and legal services are stressed as ways of breaking down the obstacles which now bar those in poverty from taking advantage of the economic opportunity available to others in our affluent society.

The purpose throughout is to move those in poverty off the welfare and public assistance rolls into worthwhile employment and thus relieve both their own burden of human misery and the burden of others whose taxes have had to pay for their support.

There are undoubtedly differences of opinion as to how this purpose should be achieved, but I am convinced that the goal itself—the eradication of costly and debilitating poverty—is an achievement sought by every Member of this House.

I ask, therefore, that the 1967 amendments to the Economic Opportunity Act be considered in this light—maturely and with the wisdom and dedication this serious problem demands.

The bill which I have introduced proposes three titles. Title I, in effect, embodies the Economic Opportunity Act and the amendments that have been recommended.

Title I would authorize the appropriation of $2.06 billion for programs of the Office of Economic Opportunity in fiscal year 1968. This would include $1.022 billion for community action efforts, $874 million for the Job Corps and work-training programs, $47 million for rural loans and for programs for migrant and other seasonal farm laborers, $70 million for work experience programs, and $31 million for volunteers in service to America—VISTA.

Some in this body will say the request is too large but I would remind them that the problem is even larger. Some will say the request is too small. I would refer them to the President's description of his 1968 budget as one "for troubled times."

Throughout the bill you will find better statements of purpose, provisions for tighter administrative and fiscal control, stricter program evaluation requirements, greater emphasis on the need to combat rural poverty, new coordination of employment programs, an expansion of the role of States in the antipoverty effort and stronger encouragement for the participation in the program of the private sector—business, labor, and volunteer groups.

The objectives of community action are put in better focus by the bill and the structure of community action agencies is more clearly defined. Provision is made for the participation of public officials. Minimum functions are stated and the audit requirements imposed by the Congress last year are retained and strengthened.

Sections relating to the Job Corps provide for better screening of candidates and better placement of enrollees—both as to the centers they attend and in jobs upon their graduation. Techniques for improving discipline are included. In addition, the bill calls for an increase from 23 to 25 percent in the number of young women in the Job Corps and a reduction from $7,500 to $7,300 in the limit on the average annual cost per enrollee.

The bill proposes an Assistant Director for Rural Poverty, an Assistant Director and staff for the Economic Opportunity Council and new language relating to salary comparability features and to the incentives provided persons on public assistance to increase their outside earnings in productive employment.

Title II of the bill would establish a summer camp program as suggested by the President in his message to Congress on children and youth. Title III would provide certain criminal sanctions in cases of embezzlement, willful misapplication, theft or kickbacks involving funds allocated under the Economic Opportunity Act.

The bill is broad, certainly, but the task before us is tremendous and the opportunity even greater. We have the chance, through a program against poverty, to serve the Nation in so many ways.

We can serve the poor by giving them the chance to work and to develop the dignity that comes to a man who can pay his own way. We can serve their children by giving them a better chance to break the poverty cycle that has gripped the family.

But more important we can serve the country by making it possible for all men to participate productively in an economic system that, in and of itself, will work against poverty and thus relieve the burden this problem now creates for the Nation.

SUMMARY OF PRINCIPAL PROVISIONS OF THE PROPOSED EDUCATION FOR THE PUBLIC SERVICE ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Speaker, the bill would establish in the Department of Health, Education, and Welfare a program of institutional grants and graduate fellowships designed to attract young men and women to public service in any branch of State, local, or Federal Government, and to improve education for such service. The bill would authorize $10,000,000 to be appropriated for the first fiscal year, and such sums as might be necessary for the next 4 fiscal years.

Title I of the bill would authorize the Secretary of Health, Education, and Welfare to make grants to or contracts with institutions of higher education—and other designated public or private agencies in special circumstances—to assist them in preparing graduate or professional students to enter the public service, or for research into, or development or demonstration of, improved methods of educating students—including students at the undergraduate level—for the public service.

Grants or contracts would be equitably distributed throughout the United States among institutions that will be able to use the funds effectively, except that preference could be given to programs designed to meet an urgent national need.

Title II of the bill would authorize the Secretary to award fellowships, not to exceed 3 academic years in duration, for graduate or professional study for persons who plan to pursue a career in public service. Fellowships would be equitably distributed throughout the United States among institutions of higher education that have, or are developing, programs of high quality intended to educate persons for the public service or which contribute to the meeting of a significant and continuing need in the public service, except that preference could be given to programs designed to meet an urgent national need. The fellowships would carry a stipend consistent with prevailing practices under comparable federally supported programs, and a payment to the institution of $2,500 per academic year.

The Secretary would be authorized to establish an advisory committee to advise him on matters of general policy arising in the administration of the act.

OVERSIGHT SUBCOMMITTEE OF THE COMMITTEE ON SCIENCE AND ASTRONAUTICS—PERMISSION TO SIT DURING SESSIONS OF HOUSE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that the NASA Oversight Subcommittee of the Committee on Science and Astronautics be permitted to sit while the House is in session this afternoon and throughout the remainder of the week.

Mr. Speaker, we are undertaking a very important investigation through the efforts of this important subcommittee.

The SPEAKER. Will the distinguished gentleman from California please take the microphone and repeat his request?

Mr. MILLER of California. I shall be happy to do so, Mr. Speaker.

Mr. Speaker, I ask unanimous consent that the NASA Oversight Subcommittee of the House Committee on Science and Astronautics be permitted to sit this afternoon while the House is in session and be permitted to sit during the succeeding days of the week while the House is in session due to the fact that it is undertaking the Apollo investigation.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, would the distinguished chairman of the Committee on Science and Astronautics indicate as to whether or not this request has been cleared by the ranking minority member?

Mr. MILLER of California. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. Yes; I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I, as chairman of the House Committee on Science and Astronautics, have not had an opportunity to consult with the ranking minority member or with the other minority members on the committee. However, the full Committee on Science and Astronautics is sitting at this time and it is my opinion that the ranking minority member would agree to this request.

Mr. Speaker, we have a large number of witnesses and other participants now present before the full committee and we are anxious to get the investigation of this matter underway.

Mr. GERALD R. FORD. Mr. Speaker, the request of the gentleman from California bears upon the investigation of the Apollo tragedy?

Mr. MILLER of California. Mr. Speaker, if the distinguished minority leader will yield further, it does deal with the Apollo tragedy.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

BURNING THE AMERICAN FLAG

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. RANDALL. Mr. Speaker, I take this time to remind us of a happening in Paris last Friday which left me first dismayed and then angered. I refer to the burning of our flag. This kind of insult should raise our resentment to the boiling point.

Maybe some of the demonstrators were Communists. The press account simply said they were "youthful demonstrators." The fact remains they burned the flag of the United States, the symbol of our country.

Mr. Speaker, they burned it at the moment a program was commemorating our entry into World War I to help the French people in 1917, 50 years ago this April. Remember, it was this same flag that went in front of our troops when they went ashore in 1917. It is the flag of a country that has forgiven France an enormous money debt owed for World War I.

The French should remember that this flag, ripped from the American cathedral on Avenue George V, is the flag of Americans who have twice in this century come to help save the French nation.

Our State Department should enter an immediate and vigorous protest. We have a right to expect the French authorities to deal firmly with these offenders who are their own citizens. We in this country have laws to punish our own people who destroy the flag of another that is being properly displayed in the United States.

If General de Gaulle does not like our country or our stand in Vietnam, that is a policy matter. But to desecrate and then burn our flag is an act of such great disrespect as to be an assault against the very being of the United States.

The French should take quick and stern action against these demonstrators to provide evidence of assurance there remains some measure of gratitude in the hearts of the French people for the country that has more than once saved their national existence.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from Texas [Mr. DOWDY].

SITES FOR CHANCERIES

Mr. DOWDY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 6638) to authorize the Commissioners of the District of Columbia to acquire certain real property in the District of Columbia determined to be necessary for use as a headquarters site for the Organization of American States or as sites for offices of other international organizations or governments of foreign countries, and for other purposes, and I ask unanimous consent that the bill be considered in the House as in the Committee on the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) The Commissioners of the District of Columbia (hereafter in this Act referred to as the "Commissioners") are authorized to acquire by purchase, condemnation, donation, exchange, or otherwise, such real property (and any buildings and other improvements thereon) which are within the two areas in the northwest section of the District of Columbia described in subsection (b), and which the Secretary of State determines to be necessary for sites for—

(1) a headquarters building for the Organization of American States,

(2) office buildings for other international organizations, or

(3) office buildings for foreign governments.

(b) Of the two areas referred to in subsection (a), one area comprises lots 11, 12, 13, 14, 56, 57, 809, 822, 829, 830, and 832 in square 2567; and the other area comprises lot 810 in square 2547. The lots and squares referred to in this subsection are those shown on plats of surveys recorded in the Office of the Surveyor of the District of Columbia.

SEC. 2. The Commissioners are authorized to sell, lease, or exchange real property acquired under section 1 of this Act to foreign governments and international organizations, including the Organization of American States, upon such terms and conditions as the Secretary of State, after consultation with the Commissioners, shall prescribe. Every lease, contract of sale, deed, and other document of transfer of real property, acquired by the Commissioners under section 1 of this Act, which is entered into by the Commissioners and a foreign government or an international organization shall provide—

(1) in the case of a foreign government, that such government shall use such real property to establish business offices for the chief of the diplomatic mission of such governments, and

(2) in the case of an international organization, that the international organization shall devote such real property to the organization's official uses.

SEC. 3. (a) The provisions of the Act of June 20, 1938 (D.C. Code, secs. 5-413—5-428), shall not apply to any building constructed by an international organization, including the Organization of American States, or a foreign government on real property acquired or leased under this Act by such organization or government. No building may be constructed by such organization or government on such real property until—

(1) plans showing (A) the building's location, height, bulk, number of stories, and size, and (B) the provisions for open-space and off-street parking in and around such building, have been approved by the National Capital Planning Commission; and

(2) plans showing the building's height and the appearance, color, and texture of the materials of exterior construction of such building have been approved by the Commission of Fine Arts.

(b) The Commissioners shall provide to individuals, families, business concerns, and nonprofit organizations, displaced by acquisitions of real property by the Commissioners under section 1 of this Act, the relocation services and payments authorized by the Act of October 6, 1964 (D.C. Code, secs. 5-728—5-732). Individuals and families displaced by such acquisitions of real property shall be entitled to the same preference as is provided families in section 8(b) of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5-707(b)).

(c) All costs incurred by the Commissioners in carrying out the purposes of this Act, including the cost of acquiring real property under section 1 of this Act and providing relocation services and payments, shall be borne by the United States.

(d) The costs of rerouting, relocating, and rebuilding public sewers and their appurtenances and water mains, fire hydrants, and other parts of the public water supply and distribution system which are occasioned in carrying out the purposes of this Act shall be without cost to the District of Columbia.

With the following committee amendment:

On page 2, line 1, strike "are" and insert in lieu thereof "is".

The committee amendment was agreed to.

Mr. GROSS. Mr. Speaker, I move to strike the requisite number of words. I do so, Mr. Speaker, in order to ask if the gentleman would take some time and give us an explanation of this bill.

Mr. DOWDY. Mr. Speaker, if the gentleman will yield, I will be glad to explain the bill.

Mr. GROSS. I am happy to yield to the gentleman from Texas.

PURPOSE OF THE BILL

Mr. DOWDY. Mr. Speaker, the purpose of H.R. 6638 is to provide that the government of the District of Columbia may acquire about 10 acres of vacant, unused land to be used for additional sites for the location of chanceries of foreign nations, or for the Organization of American States or other international organizations. As may be determined by the Secretary of State, the land acquired may be disposed of by the government of the District of Columbia at value by lease, sale, or exchange.

COMMITTEE HEARINGS

Committee hearings were held on February 15 and 16, 1967, at which testimony was presented by the Chief of Protocol of the Department of State, the Office of the Corporation Counsel for the District of Columbia, citizens organizations, businesses, and private citizens.

The Department of State presented information as to the needs for space for chanceries and other international organizations but expressed preference for its own proposal for the establishment of an enclave near Washington Circle which would involve acquisition of about 50 acres of land, 33 acres of which are privately owned and used for residential and business purposes.

On behalf of the Commissioners of the District of Columbia, the Office of the Corporation Counsel expressed concern that the provisions of the bill might result in costs to the local government. The clean bill, reported by your committee, requires the Federal Government to bear all costs incurred under its terms.

Citizens associations, businesses, and other citizens supported the bill as preferable to the alternate proposal of the State Department, since it required no dislocations for residents and businesses and preserved tax revenues and jobs for the District of Columbia.

BACKGROUND

Until late 1957, a foreign government could purchase property in any residential area of the District of Columbia and convert it to chancery uses. Pursuant to the act of June 20, 1938—52 Stat. 797—new zoning regulations were developed and became effective in 1958. Since a chancery is essentially a business office of a foreign nation, the new regulations classified such uses as business uses and prohibited the location of chanceries in residential areas unless a special exception was approved by the Board of Zoning Adjustment for the District of Columbia.

The application of the 1958 zoning regulations relating to chanceries proved to be difficult and unsatisfactory to some foreign nations and to the residential areas of the District of Columbia. Many new small nations needing chancery facilities, and other nations desiring new and larger chanceries or extensions to existing facilities, filed applications for special exceptions. If an application for a special exception was denied, or if the citizens of the residential neighborhood militantly objected to such a business operation, such action could be misinterpreted and become a source of embarrassment to the Government of the United States. The lack of a clear law setting up criteria for the location of such chanceries made it extremely difficult to explain to the applicant nations the basis for a particular decision which rejected in one case and approved in another case, an application for a special exception.

THE 1964 CHANCERY ACT

During the 88th Congress, Public Law 88-659—78 Stat. 1091, approved October 13, 1964—was enacted "to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia." Your committee at that time held detailed public hearings and received the views and suggestions of the Department of State, the government of the District of Columbia, citizens' organizations, and private parties. The language developed was the result of numerous subcommittee meetings, conferences with officials of the State Department, the Commissioners of the District of Columbia, the Zoning Board and others, to determine the actual needs to be met and find a reasonable basis for reconciling the interests of the citizens of the District of Columbia and at the same time making reasonable provision for the location of chanceries.

During the period of 1 year devoted to this legislation by your committee, many alternatives were considered and many drafts of legislation were produced. One of the alternatives suggested to State Department representatives was the establishment of an enclave area for the location of chanceries or similar structures for foreign governments. No affirmative response was received to such suggestions.

The intent of your committee in the legislation which was enacted—Public Law 88-659—was to preserve the right of use of any real property which had been lawfully used for chancery purposes; to permit the transfer, repair, and maintenance of such property; and to permit the location of chanceries in medium high-density and high-density residential areas, in special-purpose zoned areas, and commercial areas of the District of Columbia. These provisions continued the availability of a reservoir of property which had been and was being used for chancery purposes and made ample provision for the use of additional property for the location of new chanceries. Further, the policy of the committee and a specific intent of the committee was that no lawful right of use of real property for chancery purposes was to be in any way impaired or limited by reason of any of the provisions of the 1964 act.

NEED FOR LEGISLATION

During the time since the enactment of Public Law 88-659, it appears that relatively few foreign nations have attempted to establish chanceries within the areas opened and available under the provisions of that act, for chancery use as a matter of right. The reasons why chanceries have not been located under the provisions of that act have not been disclosed to your committee. There is no lack of available space for such use in the District of Columbia in conformance with the provisions of law.

In connection with the now proposed legislation, the State Department advised your committee that—

> The Department of State has, for sometime now, voiced increasing concern over the lack of adequate chancery sites in the Washington area and the serious difficulties being experienced by foreign governments in locating suitable facilities in which they may comfortably perform their special duties. Considering our role as host country and world leader, it is truly unfortunate that a situation of this sort continues to exist. Our inability to accommodate foreign governments in a relatively minor matter as providing suitable chancery sites serves as a constant irritant to our professed desire to conduct friendly and fruitful relations with the countries of the world.

Because of this position assumed by the State Department, the Department in the 89th Congress sponsored legislation to establish an enclave in the Washington Circle area of the downtown district.

Although hearings were held on the legislation during the 89th Congress, the proposal did not reach either body of the Congress for action. Your committee is advised that the Department will again sponsor similar legislation in this Congress. That legislation called for the taking of more than 33 acres of privately owned land. Your committee is advised that the legislation being sponsored in the present Congress will be essentially similar.

In support of the Washington Circle enclave proposal in the last Congress, the State Department presented to the Committee on Public Works—hearings on H.R. 14936—an exhibit showing the anticipated needs of foreign nations for chanceries and indicating the acreage desired by each of the listed nations. Eighteen nations were listed and 10 of them were shown to need one-fourth acre. The other eight nations' indicated needs ranged from one-half to 3 acres. The total acreage need, as shown by this exhibit, for 18 nations was 8 and three-fourth acres.

In connection with our reported bill (H.R. 6638), the State Department transmitted to the District Committee a similar list of nations showing their needs. The names of five of the nations listed in the last Congress were not on the new list, but seven other nations were listed, making a total of 20 nations. The exhibit showed that every nation remaining on the list which had requested one-fourth acre last year, was now listed as wanting one-half acre. No nation was listed as desiring only one-fourth acre. The total acreage shown as needed in the second list was essentially double that indicated in the first list or a total of 17 acres.

Your committee is not advised whether the nations dropped from the first list have found suitable chancery facilities, which is a reasonable presumption. Nor is your committee advised as to the possible disposition or availability of the existing chancery facilities of those nations which have been added to the list, which have chanceries but are listed as desiring other facilities at this time.

An examination of the data submitted indicates that probably as many as 10 of the nations listed as desiring larger or alternate chancery facilities would be leaving facilities which would be transferable to other nations.

Along with the information in reference to the needs of foreign governments for chanceries, the State Department has represented to the Congress, in committee hearings on the pending bill and before the Public Works Committee in the last Congress, that land is needed on which to erect a new structure for the Organization of American States. It was indicated that the present buildings used by the Organization have insufficient space to house all of its activities. The reported bill provides that the area described for acquisition may be used for that purpose, as well as for chanceries, or for other international organizations.

In recommending the enactment of the pending bill, H.R. 6638, your committee proposes the acquisition of the lands described in the bill as an alternate provision for the location of chanceries. The area described would provide space for the Organization of American States, plus sufficient land area for the chanceries of some smaller nations. This, along with the provisions under existing law, and the availability of real property which has been used for chancery purposes and which might be transferred to other foreign governments for such use, increases the availabilities of property in the District of Columbia for chancery use. Your committee recognizes that there is no intent under existing law, under the terms of the pending bill, or under any other proposal considered by the committee, which would require any foreign government to locate a chancery in any specific area, or on any particular property.

SUITABILITY OF LOCATION

The land areas described in the bill by lot and square numbers are located roughly in the area of 16th Street and Florida Avenue, NW. This general area, has served for scores of years as a location for embassies and for many chanceries for foreign governments. The sites are on an elevation which overlooks downtown Washington, with the Capitol and the Washington Monument in view to the south. Rock Creek Park, which is the largest park in the Nation's Capital, and the National Zoological Park are nearby to the west. The area is served with good transportation, theaters, hotels, restaurants, churches, and community shopping centers and services.

In the immediate vicinity are located the chanceries for the Governments of Ghana, Lithuania, Poland, Italy, Mexico, Somali, Spain, and Bulgaria. About 60 chanceries, or about one-half of the total of all chanceries of foreign governments, are located within a three-fourths mile radius of the sites proposed in the bill. Within a mile radius of the sites, nearly 85 percent of all the chanceries of foreign governments will be found. In this proximity to the chanceries of other foreign governments, many of the advantages of an enclave are realized without the disadvantages or objections which may arise from establishing a large enclave chancery area.

To provide the greatest latitude for the erection of structures suitable for the purposes intended, the bill exempts the designated area from the provisions of the zoning laws and regulations of the District of Columbia. However, to provide good planning and compatibility of such structures, the plans for any buildings as to height, bulk, number of stories, ground coverage, and parking, are subject to the approval of the National Capital Planning Commission, and the external appearance of the structures is subject to approval by the Commission on Fine Arts.

ACQUISITION COSTS AND TAX LOSSES

The lands, proposed for acquisition under the terms of H.R. 6638 have a gross area of approximately 10 acres. The Henderson Castle site contains 5.95 acres and the Shapiro site 4.06 acres. Their assessed valuation for tax purposes is $440,836 and $86,794 respectively. Real property taxes paid to the District of Columbia on the sites are $11,902 and $2,343 respectively. The assessed valuation of both parcels is thus $527,630 and the total annual taxes realized by the District amounts to $14,246.

In estimating the acquisition costs for property due to be taken for public purposes, the assessed valuation is commonly multiplied by a factor of 2.5. On such basis the total acquisition cost would be approximately $1,320,000 or approximately an average of $3 per square foot. Real property experts, however, estimate that the probable fair market value of the property in question would average about three times the foregoing figures, or an average of $9 to $10 per square foot for a total cost of approximately $4.5 million. Significantly, it should be noted that the acquisition of the land described does not involve the displacement of any families from dwelling units nor the dislocation of any businesses.

In sharp contrast is the proposal sponsored by the State Department in legislation introduced last year, and to be reintroduced in the present Congress, for a chancery enclave of nearly 50 acres in the area north of Washington Circle which contains some of the most valuable real property in the District of Columbia. Of the lands proposed to be taken under that proposal, 33 acres are privately owned and have an assessed valuation of $20,975,000, and the real property tax return to the District is $566,335. Applying the 2.5 factor to this assessed valuation indicates an acquisition cost of approximately $50 million. Some parcels are estimated to have a current fair market value of $100 per square foot. Real estate experts estimate that the present fair market value for the property could be as much as $100 million to $125 million. The cost per square foot to the Government could be nearly 10 times that for the area proposed in the reported bill. The additional tax losses to the District of Columbia which would result from the acquisition of the Washington Circle acreage would amount to in excess of $500,000 per year on real property taxes alone. Thus, in 10 years this additional tax loss would exceed the entire cost of acquisition of the areas proposed in the pending bill.

Further, it should be mentioned that in addition to the private property within the proposed Washington Circle enclave, there are 17.66 acres of nontaxable District of Columbia government property consisting of a school, firehouse, police station, and library, with an estimated value of in excess of $17 million which would likewise be involved, should the State Department's proposal be adopted.

Of major concern to your committee is the fact that the land to be acquired under the terms of its bill is vacant, no housing units need be demolished or families displaced, and no businesses will be interrupted. In contrast, the Washington Circle location sought by the State Department would require the demolition of many housing units, and the displacement of hundreds of families in the District of Columbia where there is a severe shortage of low-rent housing and lower middle income housing. Further, numerous businesses there would be dislocated eventually. Some of these businesses have indicated that they would close their doors and the District of Columbia would lose hundreds of jobs, as well as the income taxes, and the sales tax revenues which are generated from the payrolls of those businesses. Other businesses have indicated that if they continued to operate, they would be forced to leave the District of Columbia. This would have further adverse effect upon tax revenues and possibly on the job availabilities within the District of Columbia.

Your committee believes that as a matter of policy when private lands must be acquired within the District of Columbia, and where such land is available at reasonable prices, is excellently located, and can serve the same purposes, it should be secured in preference to much higher-priced land which dislocates District of Columbia residents and businesses and results in severe losses in tax revenues to the city.

REIMBURSEMENT TO THE DISTRICT OF COLUMBIA

H.R. 6638 provides that the District of Columbia shall acquire the land described in the bill, reroute or provide streets, sewer, and water facilities and furnish the other normal municipal services which might be necessary. However, all costs incurred by the District of Columbia government in connection with acquisition and improvements shall be borne by the Government of the United States.

Mr. GROSS. I note this provision on page 4, paragraph (c):

> (c) All costs incurred by the Commissioners in carrying out the purposes of this Act, including the cost of acquiring real property under section 1 of this Act and providing relocation services and payments, shall be borne by the United States.

What does the gentleman envisage as the cost to the United States of that paragraph?

Mr. DOWDY. This is the estimate. Of course, you will bear in mind we also have a provision in the bill that whenever any of this land is set aside to a foreign nation, they have to pay value for it.

Mr. GROSS. That is, that the foreign nation must pay for the land?

Mr. DOWDY. That is right. They must pay either the value for a lease or buy it, whichever they do—they have to pay value for it.

In estimating the cost of property taken for public purposes, it is common practice to multiply the assessed value by a factor of 2½. Here in the District of Columbia, we realize that is not enough. The assessed value of this 10 acres of property is just over $500,000 and 2½ times that, of course, would come out on an average or would be approximately $1,320,000 or $3 per square foot. Actually, that is a small figure and we figure probably it will take three times that much—the average cost would be around $9 or $10 a square foot and the total cost would be approximately $4,500,000.

Mr. GROSS. This land which is to be purchased is not presently owned by our Government and we have no interest in it at this time; is that correct?

Mr. DOWDY. That is correct.

Mr. GROSS. Does the gentleman agree that if we approve this bill, it will have the effect of stopping the consideration of the grandiose plan to build a huge compound with an international drinking club in connection with it on land that would cost, I am told, between $24 million and $30 million?

Mr. DOWDY. It would be at least that and probably cost 100 times what this would. No; this will not stop consideration of that, but it should show the fallacy and the ridiculousness of that particular proposal.

Mr. GROSS. If this bill is approved by the Congress, what necessity would there be for the consideration of the other bill?

Mr. DOWDY. Actually, none.

Mr. GROSS. That is what I thought. I would hope that the Committee on the District of Columbia, if this bill is approved, would look with something more than a jaundiced eye on the consideration of the other bill.

Mr. DOWDY. It would, and knowing that the gentleman would be interested in this, as I am, one of the reasons I support the bill introduced by the gentleman from Minnesota [Mr. NELSEN]—and incidentally this bill is a combination of one with the gentleman from New York [Mr. MULTER] and we found good portions in both bills, and this is a combination of the bills rewritten and introduced as a clean bill.

One of the things about these particular 10 acres of land, which is of particular interest to me and I know it is to the gentleman too, is that I want you to note that the acquisition of land described in this bill does not involve the displacement of any family from any dwelling unit nor does it involve the displacement or dislocation of any business.

Mr. GROSS. I assume that a substantial amount in taxes is being paid to the District of Columbia government at this time on the large and expensive tract that would be gobbled up by the State Department if it had its way?

Mr. DOWDY. That is true.

Mr. GROSS. Property taxes are paid on the land covered by this bill but not in any part of the amount by comparison with the area along Pennsylvania Avenue?

Mr. DOWDY. It would be a mere fraction. The total annual taxes realized by the District of Columbia on this land is $14,000. It is probably a half million dollars on the other.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. DOWDY. I thank the gentleman.

Mr. NELSEN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the Committee of the District of Columbia was faced with the decision of trying to acquire some property for chanceries and we gave consideration to the proposal that is now up for discussion.

Later on, the Department of State seemed to feel that our proposal was shortsighted. However, it is our feeling that the proposed acquisition is reasonable, that the area to be provided is adequate, and that if this area becomes available, other very costly property would not and should not be needed.

The chairman of the committee and I introduced similar bills in the hope that there would be bipartisan agreement on this very controversial problem. In our District of Columbia Committee we found very little opposition to the proposal that is before us today. In my judgment, this is a sensible proposal and it is one that we can certainly support with good conscience. It will make available for chanceries necessary sites at a reasonable cost in the District of Columbia.

My colleague to my right, the gentleman from Arizona [Mr. STEIGER], has given the subject a very great amount of detailed study. I presume that he will make a few comments about it at the appropriate time.

Mr. STEIGER of Arizona. Mr. Speaker, I move to strike the requisite number of words. I think it is significant to note, for purposes of our consideration of the bill, the exact difference in the values we are talking about on the two pieces of property. The Nelsen bill would cost a maximum of $4.5 million. The so-called State Department proposal would cost considerably more, in the neighborhood of $125 million. These are figures that have been analyzed by local real estate experts and have been accepted by the committee.

I think also it is significant to note that in the Nelsen bill there is specific language which would require that the State Department, when they turned this land over to foreign bodies or organizations, would require that the foreign bodies give something of value in exchange. It would preclude the gift of the land to foreign bodies, and I think that is of great significance in this measure.

Mr. **BROYHILL** of Virginia. Mr. Speaker, I seriously question the need to set aside any land—and I repeat, any land—for use for chanceries by foreign nations in the District of Columbia. But to entertain consideration of dedicating 50 prime acres of the District of Columbia in the Washington Circle area as is advocated by the Department of State is, in my opinion, totally irresponsible. To perpetrate such a landgrab under the guise of actual need—is something less than honest and frankly the State Department's case for such a proposal is preposterous.

During the 88th Congress, we developed and passed the Chancery Act of 1964, Public Law 88–659, on October 13, of that year. Extensive hearings were held and over a year was spent in deliberation. The Department of State, the Commissioners of the District of Columbia, the Zoning Board, and many others helped shape this act, to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia Great pains were taken to determine the actual needs of the various foreign governments and to establish a reasonable and equitable way in which to discharge those needs while at the same time protecting the interests of the citizens of the District.

Among the suggestions made to the Department of State was the establishment of an enclave area for the location of chanceries. This suggestion was made by the Committee on the District of Columbia of the House of Representatives. However, let me assure you that the proposal did not envision the grandiose, 50-acre, $100 million land deal conceived by the State Department. As a matter of record, the proposal met without affirmative response and our own Government had recently and forcefully resisted a similar proposal made by the Soviet Union that we locate our chancery in Moscow in an international enclave. Such was the record in 1964.

Public Law 88–659 made it more simple for foreign nations to obtain chanceries or sites to construct such offices in the District of Columbia. Under the act, chanceries could be established in medium high density and high density residential areas, in special purpose zoned areas, as well as in commercial areas of the Nation's Capital. These provisions made for ample locations for chancery use and it appeared that under our free enterprise system, the range of available real estate covered the widest imaginable spectrum, particularly since embassies, as always, could be located anywhere in the city.

In succeeding months, few foreign nations established chanceries in the areas made available under the provisions of the 1964 act. It appears that there is no shortage of available space for such use in the District of Columbia. However the State Department now contends that the need for an elaborate international enclave is critical. In this connection, the Department of State caused to be introduced, H.R. 14936 in the 89th Congress and has promulgated similar legislation in this Congress.

Several of my colleagues and I have sponsored the legislation that is now before us. The Committee on the District of Columbia has published a report on these measures which in itself is an extraordinary document—but I wish to read a portion of that report to you to illustrate the methods that the State Department is employing to sell their bill.

> In support of the Washington Circle enclave proposal in the last Congress, the State Department presented to the Committee on Public Works (Hearings on H.R. 14936) an exhibit showing the anticipated needs of foreign nations for chanceries and indicating the acreage desired by each of the listed nations. Eighteen nations were listed and ten of them were shown to need ¼ acre. The other eight nations indicated needs ranging from ½ to 3 acres. The total acreage need, as shown by this exhibit, for eighteen nations was 8¾ acres.
>
> In connection with our reported bill (H.R. 6638), the State Department transmitted to the District Committee a similar list of nations showing their needs. The names of 5 of the nations listed in the last Congress were not on the new list, but seven other nations were listed, making a total of twenty nations. The exhibit showed that every nation remaining on the list which had requested ¼ acre last year, was now listed as wanting ½ acre. No nation was listed as desiring only ¼ acre. The total acreage shown as needed in the second list was essentially double that indicated in the first list or a total of seventeen acres.
>
> Your Committee is not advised whether the nations dropped from the first list have found suitable chancery facilities, which is a reasonable presumption. Nor is your Committee advised as to the possible disposition or availability of the existing chancery facilities of those nations which have been added to the list, which have chanceries but are listed as desiring other facilities at this time.
>
> An examination of the data submitted indicates that probably as many of ten of the nations listed as desiring larger or alternate chancery facilities would be leaving facilities which would be transferrable to other nations.

You can readily see that the 10 acres that the legislation before you today provides, would have more than satisfied requirements of the foreign nations as reported by the State Department a year ago, but are now inadequate under the Department's revised estimates. It is also interesting to note that these nations have revised, and in many instances, doubled their requirements in a period of a few short months.

I find this to be incredible—incredible; that is, unless inducements of extremely valuable real estate at bargain prices have been proffered.

Now the State Department caused its bill to be sent to another committee other than that on the District of Columbia. I do not question for a moment the capabilities and the wisdom of any committee of the Congress. But the citizens of the District of Columbia are deeply involved in these measures. They are adversely affected by the State Department's proposal particularly. It therefore becomes the duty of the House District Committee, as specialists in matters pertaining to the Nation's Capital, to investigate what is proposed and to offer its advice to the House of Representatives in good faith.

This we have done by bringing to you a reasonable alternative to what could be a disaster for Northwest Washington and a disaster to the Nation's taxpayers.

The Washington Circle land grab of 33 privately owned and 17 publicly owned acres of prime Washington real estate would deplete the real estate tax returns to the District by $566,335 annually at today's rates. Real estate experts estimate that present fair market value of this site could be as high as $125 million. Hundreds of families now living in this site would be displaced and there is a severe shortage of housing in the District already, particularly in the lower rent and lower middle income requirements. Numerous businesses that could cost the District hundreds of jobs as well as staggering losses in tax revenues. These acres would then have to be razed. Although we are told that the land would be sold or leased, we have no assurance that fair market values would be returned to the United States.

In contrast, the bill before you would not misplace a single family. The land covered therein is vacant and unimproved. No businesses would have to be relocated. It is estimated that it can be acquired for less than $5,000,000. The District now realizes $14,246 in taxes from these two tracts annually.

There is little or no opposition to the location of chanceries in this vicinity. As a matter of record, many of the residents of these areas have submitted petitions asking that chanceries be located here. Conversely, there has been a storm of protest from the citizens and the businessmen in the Washington Circle area.

Finally, although State says that all of the nations expressing need for chancery locations have expressed interest in the Washington Circle site, I point out that there is no way to force them to locate there. There is no way to guarantee, particularly if fair market value for this land is required, that the nations involved will locate there.

On the other hand, the sites chosen in the bills before you have much to recommend them over the Washington Circle area, not the least of which is a $9 to $10 a foot price tag versus a $70 to $100 a foot price tag.

As to the stability of location, I quote the following from the committee report:

> The land areas described in the bill by lot and square numbers are located roughly in the area of 16th Street and Florida Avenue, NW. This general area, has served for scores of years as a location for embassies and for

many chanceries for foreign governments. The sites are on an elevation which overlooks downtown Washington with the Capitol and the Washington Monument in view to the south. Rock Creek Park, which is the largest park in the Nation's Capital, and the National Zoological Park are nearby to the west. The area is served with good transportation, theaters, hotels, restaurants, churches, and community shopping centers and services.

In the immediate vicinity are located the chanceries for the Governments of Ghana, Lithuania, Poland, Italy, Mexico, Somali, Spain and Bulgaria. About 60 chanceries, or about one-half of the total of all chanceries of foreign governments, are located within a ¾ mile radius of the sites proposed in the bill. Within a mile radius of the sites, nearly 85 percent of all the chanceries of foreign governments will be found. In this proximity to the chanceries of other foreign governments, many of the advantages of an enclave are realized without the disadvantages or objections which may rise from establishing a large enclave chancery area.

I believe it is quite clear that if the Nation needs to reserve an enclave for chanceries, the bill before you is vastly superior to that proposal advocated by the State Department. I sincerely entreat you to be so guided.

Mr. HORTON. Mr. Speaker, I rise in opposition to H.R. 6638, which would authorize the District government to acquire certain properties in Northwest Washington to be used by foreign governments for their embassies and chanceries. The executive for the District of Columbia, the District Commissioners, are wholeheartedly in opposition to this bill.

The President, on February 27, 1967, recommended a realistic alternative to the proposal of H.R. 6638:

> For the District to serve its purpose as the Nation's Capital, it must provide for the representatives of foreign governments and international organizations. Increasingly, the unavailability of space for the legitimate needs of foreign governments is becoming a matter of concern.
>
> Many new countries require but have been unable to secure adequate space for their chanceries. Many older countries which are seeking larger quarters are having similar difficulties. The problem has become an unnecessary irritant in our international relationships.
>
> *I recommend legislation which, consistent with the legitimate interests of District citizens, would specify an area northwest of Washington Circle to be available for foreign chanceries and the offices of international organizations.* The bill would authorize the Federal Government to acquire land in this area for appropriate disposition, as the Secretary of State may determine, to foreign governments and international organizations.

After studying the issues involved in this legislation, I have come to the conclusion that the Commissioner's opposition and the President's alternative recommendation is based on fact.

The Commissioners feel, and I concur, that the sites stipulated in H.R. 6638 would provide room for a very minimum number of foreign chanceries and would not offer an effective long-range solution to the problem which confronts foreign governments which are desperately seeking adequate space in the District of Columbia for the conduct of their business with the United States.

I am fully aware of the issues involved in this knotty problem. On the one hand we have the bill before us, H.R. 6638, offering 10 inadequate acres; on the other hand the State Department version proposes to offer to these foreign governments approximately 33 acres north of Washington Circle. The Department feels that the 33 acres are needed to adequately house the many foreign chanceries, embassies, and the several international organizations such as the OAS. Their purpose is to bring order out of the present chaos.

There is a question here of priority. This is the Nation's Capital. We have to conduct our foreign relations as smoothly as possible in a crisis-ridden world. We have to see that the governments with which we have relations are as adequately provided for as our chanceries and embassies are in those foreign nations.

It all boils down to this. Shall we approach the problem of providing adequate space for these foreign governments for their chancery purposes or shall we put off coming to grips with this problem and enact feeble, halfway, helter-skelter measures that in no way meet this urgent problem.

I received a letter, dated March 10, 1967, from the President of the Board of Commissioners, Mr. Walter N. Tobriner, in which he details the opposition of the Board of Commissioners in which I fully concur, Commissioner Tobriner's letter follows:

> MARCH 10, 1967.
>
> Hon. FRANK HORTON,
> *U.S. House of Representatives,*
> *Washington, D.C.*
>
> DEAR MR. HORTON: The Commissioners of the District of Columbia have been informed that you desire to have their views on H.R. 6638, a bill "To authorize the Commissioners of the District of Columbia to acquire certain real property in the District of Columbia determined to be necessary for use as a headquarters site for the Organization of American States or as sites for offices of other international organizations or governments of foreign countries, and for other purposes."
>
> The bill, which, as you know, the Committee on the District of Columbia has ordered reported, authorizes the Commissioners of the District of Columbia to acquire land and improvements thereon within two specified areas of the District to the extent necessary, as determined by the Secretary of State, to provide sites for a headquarters building for the Organization of American States and office buildings for foreign governments and international organizations. The first of these areas consists of eleven lots, all but one of them unimproved, in an area bounded by Ontario Road, Florida Avenue, Sixteenth Street, Belmont Street, and a line running between the south curb of Belmont Street and the east curb of Ontario Road. The second consists of one large unimproved lot west of Adams Mill Road and some distance to the north of Calvert Street.
>
> The bill authorizes the sale, lease, or exchange of the property acquired by the Commissioners "upon such terms and conditions as the Secretary of State, after consultation with the Commissioners, shall prescribe." It further provides that the Zoning Act of June 20, 1938, shall not apply to buildings constructed on such property but that in lieu of such Act the buildings are to be approved by the National Capital Planning Commission and the Commission of Fine Arts, as their respective interests may appear. Relocation costs for persons displaced from the subject areas are to be paid in accordance with the requirements of the District of Columbia Relocation Act of October 6, 1964 (D.C. Code, secs. 5-728—5-732). All costs incurred by the Commissioners in carrying out the purposes of the Act are to be borne by the United States, except that subsection (d) of section 3 of the bill provides that the rerouting, relocation, and rebuilding of the public sewers and their appurtenances and water mains, fire hydrants, and other parts of the public water supply and distribution system occasioned in carrying out the purposes of the Act "shall be without cost to the District of Columbia."
>
> The Commissioners strongly oppose the bill for several reasons. Since it deals with activities primarily of interest to the Federal government, the Commissioners believe it would not be appropriate for the municipal government of the District of Columbia to acquire property for use by the Organization of American States and by international organizations and foreign governments, even though ultimately the District is to be reimbursed. Even more important, the Commissioners are of the view that the two areas totaling approximately eleven acres, would provide for only a very limited number of office buildings, and would not offer an effective long-range solution to the problem. Finally, the proposed sites are in areas that are now predominantly residential. The Commissioners have long sought to reduce the impact of chanceries in residential neighborhoods.
>
> The President, in his message of February 27, 1967, on the Nation's Capital, recommended legislation which would specify an area northwest of Washington Circle to be developed for office buildings for international organizations and foreign governments. The Commissioners are informed that the Secretary of State has proposed to the Congress the legislation recommended by the President. Under such legislation, the Administrator of General Services, rather than the Commissioners of the District of Columbia, would be authorized to acquire the needed property. The Commissioners believe that an international center at this location would be more desirable because of its close proximity to the proposed rail rapid transit system and the availability of supporting services by commercial establishments in the area, and because more adequate space will be available to meet long-range needs.
>
> For the foregoing reasons the Commissioners strongly recommend against the enactment of H.R. 6638. In lieu thereof, the Commissioners recommend that the Congress give favorable consideration to the legislation proposed by the Secretary of State, establishing, in the view of the Commissioners, a more suitable area in which international organizations and foreign governments will be able to locate their offices than would be provided by H.R. 6638.
>
> Sincerely yours,
>
> WALTER N. TOBRINER,
> *President, Board of Commissioners, District of Columbia.*

Mr. GRAY. Mr. Speaker, H.R. 6638 provides for the location of a new headquarters for the Organization of American States here in Washington. It also provides for the location of a chancery complex at the site of the former residence of the late Senator Henderson, of Missouri.

H.R. 7415, which I introduced, is the administration's bill on the same subject. This bill would provide for a new headquarters site for the Organization of American States at Pennsylvania Avenue and M Street, bordering on Rock Creek. The contiguous areas, running east on Pennsylvania Avenue to Washington Circle, thence north on 23d Street for several blocks, would be designated for the location of the chanceries. That is the area which the National Capital Planning Commission has designated for this purpose. The entire area would not be taken for chancery sites, but certain selected lots would be used for chancery construction when a government indicated a desire to proceed with such construction, after having submitted approved building plans.

There has been much controversy over the location of the chancery complex. Hearings were held by the Subcommittee on Public Buildings and Grounds, of which I am chairman, during the 89th Congress. Several witnesses appeared in opposition, especially those who felt they would be compelled to move when chanceries were constructed. This is a complex subject which requires detailed study.

There is one basic consideration in all such proposals as contained in the bill reported out by the District Committee and my bill, H.R. 7415; namely, that the foreign governments concerned must approve the site and be willing to spend their money for the construction of chanceries. No one can compel them to do so. Nor can be Congress compel them to locate in an area which they deem unsuitable. And yet, that is precisely what we are attempting to do in H.R. 6638. I have been reliably informed by senior officers of the State Department that no foreign government is willing to locate a chancery on the Henderson Castle site. So, why do we pass a bill which will tie up large sums of the government of the District of Columbia to buy a white elephant which they will never be able to dispose of for the purpose intended? Why do we legislate for a purpose which all admit is unobtainable? If ever the Latin maxim "Parturient montes, nascetur riduculus mus"—the mountains in labor bring forth a mouse—was appropriate, it is with regard to this effort in which we are now engaged.

Mr. Speaker, there can be little doubt that the Organization of American States needs a new headquarters. The old Pan-American Union building on 17th Street is outmoded and was never suited to be an office building for headquarters of a great international organization. My bill, H.R. 7415, authorizes the construction of a new headquarters on a site agreed upon by all concerned and opposed by none, so far as I know. The bill provides for construction of the new headquarters site by the General Services Administration, subject to complete reimbursement by the Organization of American States. Only the Public Works Committee can entertain jurisdiction for authorizing such construction. I have scheduled hearings on H.R. 7415 for the Subcommittee on Public Buildings and Grounds that will probably commence around May 3. I think that it is untimely to pass on H.R. 6638 until the Committee on Public Works has acted. No one, least of all the Organization of American States, has any intention of erecting a headquarters on the Henderson Castle property. Why should we demean ourselves by passing a bill which we all know to be meaningless?

Mr. Speaker, I realize the main purpose in bringing out this bill by the House District Committee is their fear of losing taxable income from property in the District of Columbia. For this I salute the members of the committee. However, the hard fact remains that neither OAS or any foreign government chancery wants to locate in the area that would be set aside if H.R. 6638 should become law. I want to assure the House membership that the Committee on Public Works is very sensitive to both cost and loss of revenue from taxes through the taking of property. During the course of our hearings we will try to determine what countries are desperate for chancery space and see if they would be willing to locate on vacant land, thereby requiring little if any valuable business property. The same determination can be made concerning the needs for the headquarters building for the Organization of American States. In closing let me again state that I am not quarreling with the distinguished members of the House Committee on the District of Columbia however, if we are to solve the problem of where our foreign chanceries and OAS headquarters are to be located, we must give some consideration to the people involved and not arbitrarily set aside an area they have publically announced is not suited to their needs. I am hopeful that the House Committee on Public Works, Subcommittee on Public Buildings and Grounds can accomplish what is sought by the passage of H.R. 6638, saving money and at the same time satisfy the thousands of foreign workers who are located in Washington to carry on their government's business. I am sure we expect the same courtesy and treatment in their countries.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DOWDY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT OF POSSIBLE MOTION TO SUSPEND THE RULES ON APRIL 11 OR APRIL 12 TO PERMIT CONSIDERATION OF A MEASURE RELATING TO THE RAILWAY LABOR ACT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order on tomorrow or Wednesday for the Speaker to recognize, under suspension of rules, a motion or joint resolution covering the subject matter of extending the period for making no change in conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, and I do not intend to object, as I understand it, the need and necessity for such action is predicated on the possibility that if such action is not taken affirmatively, the Nation could be faced with a very critical and very serious rail strike beginning 1 minute after midnight this coming Wednesday. Is that correct?

Mr. ALBERT. The gentleman is correct.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROCEEDINGS IN THE CASE OF ADAM CLAYTON POWELL, JR., ET AL. v. JOHN W. McCORMACK ET AL.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that a letter addressed to the Speaker and dated April 7, 1967, from the Honorable Bruce Bromley, together with the enclosures therewith relating to the litigation instituted by Adam Clayton Powell, Jr., et al., against JOHN W. McCORMACK et al., be printed in the CONGRESSIONAL RECORD in the regular 7½-point type notwithstanding an estimated cost of $3,575.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

CRAVATH, SWAINE & MOORE,
New York, N.Y., April 7, 1967.

Re: *Powell et al. v. McCormack et al., Civil Action No. 559-67.*

The Honorable JOHN W. McCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I enclose herewith one copy of each of the following:

1. Plaintiffs' Memorandum of Points and Authorities in Support of Convening a Three-Judge Court.
2. Defendants' Memorandum of Points and Authorities with respect to Plaintiffs' Application for Convening a Three-Judge Court dated March 31, 1967.
3. Defendants' Memorandum of Points and Authorities in Support of Defendants' Motion to Dismiss and Opposition to Plaintiffs' Motion for Preliminary Injunction dated March 31, 1967.
4. Plaintiffs' Supplemental Memorandum of Points and Authorities in Support of Application for Convening a Three-Judge Court.
5. Plaintiffs' Memorandum of Points and Authorities in Opposition to Defendants' Motion to Dismiss.
6. Opinion of Judge Hart dated April 7, 1967.

Faithfully yours,
BRUCE BROMLEY.

I

PLAINTIFF'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF CONVENING A THREE-JUDGE COURT

[In the United States District Court for the District of Columbia, Civil Division]

ADAM CLAYTON POWELL, JR. ET AL., PLAINTIFFS, *v.* JOHN W. MCCORMACK, ET AL., DEFENDANTS—CIVIL ACTION No. 559–67

(Memorandum of points and authorities in support of plaintiffs' application for the convening of a statutory three-judge court pursuant to 28 U.S.C. sections 2282 and 2284)

In ascertaining whether the statutory three-judge court jurisdiction has been properly invoked, the United States Supreme Court, in *Idlewild Bon Voyage Liquor Corp. v. Epstein,* 370 U.S. 713, 715 (1962), placed the scope of the inquiry in these words:

". . . When an application for a statutory three-judge court is addressed to a District Court, the court's inquiry is properly limited to determining whether the constitutional question raised is substantial, whether the complaint at least formally alleges a basis for equitable relief, and whether the case presented otherwise comes under the requirements of the three-judge statute."

In *Schneider* v. *Rusk,* 372 U.S. 224, 225 (1963) the Court stated that ". . . the constitutional questions involving deprivation of nationality which were presented to the district judge were not plainly insubstantial. The single-judge District Court was therefore powerless to dismiss the action on the merits, and should have convened a three-judge court. Ex parte Northern Pac. R. Co., 280 U.S. 142, 144, 50 S. Ct. 70, 74 L. Ed. 233; Stratton v. St. Louis S. W. R. Co., 282 U.S. 10, 15, 51 S. Ct. 8, 10, 75 L. Ed. 135; Ex parte Poresky, 290 U.S. 30, 54 S. Ct. 3, 78 L. Ed. 152; Idlewild Bon Voyage Liquor Corp. v. Epstein, 370 U.S. 713, 82 S. Ct. 1294, 8 L. Ed. 794."[1]

In this Circuit, the standards for convening a statutory three-judge court have been definitively stated in *Reed Enterprises* v. *Corcoran,* 354 F. 2d 519, 521 where Circuit Judge J. Skelly Wright framed the issues as follows:

"The problem presented as to whether the convening of three-judge Districts Courts is required in these cases divides itself into three parts: (1) the presence or absence of a substantial constitutional question; (2) the necessity for injunctive relief; and (3) the presence or absence of a case or controversy. We shall consider these issues seriatim."

1. *"The presence or absence of a substantial constitutional question"*

It can hardly be argued that the question as to whether the House of Representatives, in refusing to seat a member-elect, has exceeded its powers under the Constitution of the United States—particularly under Article I, Section, Clause 2 and Section 5, Clause 2—is not a "substantial constitutional question." It is plaintiffs' contention that the House of Representatives is constitutionally required to seat a duly elected Congressman who meets all of the qualifications required for membership therein as set forth in Article I, Section 2, Clause 2, which reads as follows:

"No person shall be a Representative who shall not have attained to the age of 25 years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of the State in which he shall be chosen."

The history of the proceedings at the Constitutional Convention, during which these qualifications were accepted and all others rejected, reveals the clear intention of the framers that the legislature was to have no power to alter or add to the constitutional qualifications and that accordingly the power of each House to be a "judge of the . . . qualifications of its own members" (Article I, Section 5) was, by the Constitution itself, restricted to the qualifications of age, citizenship and inhabitancy set forth in Article I, Section 2, Clause 2, supra. In this connection the Court's attention is respectfully referred to Warren, *The Making of Our Constitution* (1928), pp. 420–24; 2 Farrand, *Records of the Federal Convention,* p. 248 et seq; *The Federalist Papers,* No. 68. See also Storey, *Commentaries on the Constitution* (5th ed.), p. 460; Cushing, *Elements of the Law and Practice of Legislative Assemblies in the United States of America,* p. 27 (1866); McCrary, *Elections* (3rd ed.), p. 214 and p. 387; 33 Va. L.R. 322, 334 (1947); Cooley, *Constitutional Limitations*; Tucker, *Treatise on the Constitution,* p. 394; Foster, *Treatise on the Constitution,* p. 367; Paschal, *Annotated Constitution,* 2d Ed., p. 305 § 300; Willoughby, *Constitutional Law of the United States,* 2d ed. § 337; Meecham, *Public Offices,* 164 (1890); Throop, Public Offices, § 73.

Only this Term the Supreme Court of the United States in *Bond* v. *Floyd,* 87 S. Ct. 339 (1966), in a unanimous opinion, reminded us that it was the clear intention of the framers that Congress was to have no power to alter, change or add to the constitutional qualifications for membership in either House. In so doing, it ordered seated in the Georgia House of Representatives a member-elect who possessed all of the constitutional qualifications but had been barred for reasons other than those constitutionally prescribed.

In the course of its unanimous opinion, the Court, speaking through the Chief Justice, reiterated the fundamental constitutional mandate of the framers that the national legislature as well had no power to refuse to seat a member-elect who met the constitutional qualifications. At page 340, in footnote 13, the Court analyzed the intentions of the framers:

"Madison and Hamilton anticipated the oppressive effect on freedom of expression which would result if the legislature could utilize its power of judging qualifications to pass judgment on a legislator's political views. At the Constitutional Convention of 1787, Madison opposed a proposal to give to Congress power to establish qualifications in general. Warren, *The Making of the Constitution* (1928), 420–422. The Journal of the Federal Convention of 1787 states:

" 'Mr. Madison was opposed to the Section as vesting an improper and dangerous power in the Legislature. The qualifications of electors and elected were fundamental articles in a Republican Govt. and ought to be fixed by the Constitution. If the Legislature could regulate those of either, it can by degrees subvert the constitution. * * * Qualifications founded on artificial distinction may be devised, by the stronger in order to keep out partizans of a weaker faction.

* * * * *

" 'Mr. Madison observed that the British Parliament possessed the power of regulating the qualifications both of the electors and the elected: and the abuse they had made of it was a lesson worthy of our attention. They had made the changes in both cases subservient to their own views, or to the views of political or Religious parties. 2 Farrand, *The Records in the Federal Convention of 1787* (Aug. 10, 1787), pp. 249–250.

" 'Mr. Hamilton agreed with Madison that:

" 'The qualifications of the persons who may choose or be chosen * * * are defined and fixed by the constitution: and are unalterable by the legislature.' The Federalist, No. 60 (Cooke ed. 1961), 409."

Certainly, the complaint in the instant case which raises this constitutional issue is not "patently frivolous." *Reed Enterprises* v. *Corcoran* and *Idlewild Bon Voyage Liquor Corp.* v. *Epstein, supra.* In this connection see *Krebs* v. *Ashbrook,* (D.C. D.C.) Civil Action No. 2157–1966, *Hobson* v. *Hansen* (D.C. D.C.) Civil Action No. 82–66, 252 F. Supp. 4(1966), and *DuBois Clubs of America v. Katzenbach* (D.C. D.C.) Civil Action No. 1087–66, all cases pending in this District in which statutory three-judge courts were convened.

2. *"The necessity for injunctive relief"*

It is equally obvious that the complaint, in the words of the Court in *Idlewild,* "at least formally allege[s] a basis for equitable relief." The allegations conform to the requirements of *Ex parte Young,* 209, U.S. 123, which underline the power of federal courts to enjoin the enforcement of unconstitutional statutes. "The basis for injunctive relief in the federal courts has always been irreparable harm and inadequacy of legal remedies." *Beacon Theatres, Inc. v. Westover,* 359 U.S. 500, 506–507 (1959). The power of a Federal District Court to entertain a cause of action seeking injunctive relief from the threatened enforcement of unconstitutional statutes is not open to question. *Ex parte Young,* supra; *Traux v. Reich,* 239 U.S. 33; *Terrace v. Thompson,* 263 U.S. 197; *Hague v. CIO,* 307 U.S. 496; *American Federation of Labor v. Watson,* 327 U.S. 582; *Pierce v. Society of Sisters,* 268 U.S. 510; and *Hale v. Bimco Trading Co.,* 306 U.S. 375.

3. *"The presence or absence of a case or controversy"*

The power of federal courts to restrain acts of Congress has been unquestioned since *Marbury v. Madison,* 5 U.S. (1

---

[1] See also *Bailey* v. *Patterson,* 369 U.S. 31 33 (1962); *Powell* v. *Workmen's Compensation Board of New York,* 327 F. 2d 131, 138 (1964); *Keyishton* v. *Board of Regents,* 345 F. 2d 236, 239 (1965), rev'd on these grounds — U.S. —.

Cranch) 137, 177 (1803). Ever since *Marbury*, the judicial branch has asserted the right and duty to exercise the power of judicial review over acts of Congress claimed to be violative of the Constitution in cases properly brought before them. In Marshall's words, as applicable now as then:

"It is emphatically the province and duty of the judicial department to say what the law is . . .

"So if a law be in opposition to the Constitution; if both the law and the Constitution apply to a particular case . . . the Court must determine which of these conflicting rules governs the case. This is of the very essence of the judicial duty."

There can be no question that plaintiffs expressly state a cause of action arising under the Constitution and laws of the United States as required by 28 U.S.C. 41(1) and, in particular, under Article I, Section 1, 2(1) (2) (4), 5(1) (2) and 9(3) of the Constitution of the United States and the 5th, 6th, 8th, 9th, 10th, 13th, 15th and 19th Amendments.

In *Bell v. Hood*, 327 U.S. 678, 683, (1946) the Supreme Court, in reversing a dismissal of an action for damages based on violations of the 4th and 5th Amendments, held that where "the alleged violations of the Constitution . . . are not immaterial but form rather the sole basis of the relief sought," the matter in controversy "arises under the Constitution or laws of the United States, whether these are suits in 'equity' or at 'law' ". As Mr. Justice Black stated, ". . . where federally protected rights have been invaded, it has been the rule from the beginning that courts will be alert to adjust their remedies so as to grant the necessary relief." (at 684)

CONCLUSION

As demonstrated above, the complaint contains "a substantial constitutional question" which is not "patently frivolous"; at least formally alleges a basis for equitable relief; and sets forth a justiciable case or controversy. All the necessary prerequisites for the invocation of the statutory court jurisdiction set for in *Idlewild* and *Reed*, supra, have been complied with. The three-judge court should be immediately convened in order to bring before it promptly this case of high constitutional order.

Respectfully submitted,

FRANK D. REEVES,
HERBERT O. REID, SR.,
P. O. Box 1121,
Howard University.
WASHINGTON, D.C.
JEAN CAMPER CAHN,
1308 Nineteenth Street, N.W.
WASHINGTON, D.C.
ROBERT L. CARTER,
20 West 40th Street.
NEW YORK, NEW YORK.
HUBERT T. DELANY,
55 Liberty Street.
NEW YORK, NEW YORK.
ARTHUR KINOY,
WILLIAM M. KUNSTLER,
511 Fifth Avenue.
NEW YORK, NEW YORK.
HENRY R. WILLIAMS,
271 West 125th Street.
NEW YORK, NEW YORK.
Attorneys for Plaintiffs.

II

DEFENDANTS' MEMORANDUM OF POINTS AND AUTHORITIES WITH RESPECT TO PLAINTIFFS' APPLICATION FOR CONVENING A THREE-JUDGE COURT DATED MARCH 31, 1967

[In the United States District Court for the District of Columbia]

ADAM CLAYTON POWELL, JR., ET AL., PLAINTIFFS, *v.* JOHN W. MCCORMACK, ET AL., DEFENDANTS—CIVIL ACTION No. 559–67

(Defendants' memorandum of points and authorities with respect to plaintiffs' application for the convening of a statutory three-judge court)

Lloyd N. Cutler, Louis F. Oberdorfer, Max O. Truitt, Jr., Timothy B. Dyk, James S. Campbell, Wilmer, Cutler & Pickering, 900 17th Street, N.W., Washington, D.C. 20006, Of Counsel

Bruce Bromley Attorney for Defendants, 1 Chase Manhattan Plaza, New York, New York 10005.

John R. Hupper, Thomas D. Barr, Victor M. Earle, III, Jay E. Gerber, Cravath, Swaine & Moore, 1 Chase Manhattan Plaza, New York, New York 10005, Of Counsel.

March 31, 1967.

[In the United States District Court for the District of Columbia]

ADAM CLAYTON POWELL, JR., ET AL., PLAINTIFFS, *v.* JOHN W. MCCORMACK, ET AL., DEFENDANTS—CIVIL ACTION No. 559–67

(Memorandum of points and authorities with respect to plaintiffs' application for the convening of a statutory three-judge court)

STATEMENT

The complaint alleges that House Resolution No. 278 (the Resolution) excluding Mr. Powell from the House of Representatives is unconstitutional. It prays for an injunction restraining Members of the House and certain non-member officers from barring Mr. Powell under the authority of the Resolution and affirmatively directing them to sit and treat him as a Member, contrary to the Resolution. Plaintiffs have applied for the convening of a three-judge court, pursuant to 28 U.S.C. § 2282, apparently on the assumption that said Resolution is an "Act of Congress" within the meaning of that statute.

Defendants maintain that a three-judge court is not required in the circumstances of this case.

SUMMARY OF ARGUMENT

1. A resolution of the House of Representatives is not an "Act of Congress" within the meaning of 28 U.S.C. § 2282, and therefore there is no statutory basis for convening a three-judge court. That conclusion is supported by the plain meaning of the words "Act of Congress," by the legislative history and purpose of section 2282, and by the decided cases.

2. Even if a resolution of a single House were deemed an "Act of Congress," a three-judge court would not be required until a single district judge had disposed of defendants' pending motion to dismiss for lack of jurisdiction. Decisions in this Circuit and elsewhere support the power of a single judge to dismiss an action, otherwise requiring a three-judge court, for basic jurisdictional defects.

ARGUMENT

Point I

A resolution of the House of Representatives is not an "Act of Congress."

Plaintiffs' request for a three-judge court can only be granted if the Resolution is deemed an "Act of Congress" within the meaning of 28 U.S.C. § 2282.[1] On their face the words "Act of Congress" include only statutes which are enacted by both Houses of Congress and signed by the President. The Resolution was neither adopted by the Senate, nor signed by the President (Const. Art. I, § 7). Moreover, it does not contain an enacting clause, 1 U.S.C. § 101, or appear "in slip or pamphlet form of the laws of the United States issued under the authority of the Administrator of General Services", 1 U.S.C. § 113. Thus, it is not and plainly cannot be an "Act of Congress" within the usual meaning of those words. This was also the view of the court of appeals in *F.H.E. Oil Co. v. Commissioner*, 150 F. 2d 857, 858 (5th Cir. 1945): "[a] Resolution is not an Act of Congress approved by the President or passed over his veto."

Furthermore, the legislative purpose of section 2282 does not justify any departure here from the plain meaning of the words "Act of Congress." In fact, reference of the pending action to a three-judge court would be contrary to the purpose for which section 2282 was enacted. During the middle 1930's when the validity of newly enacted federal economic and social legislation was under attack in the courts, a disgruntled plaintiff often could bring his case before a federal district judge who was believed to be hostile to the philosophy of the new legislation and obtain an injunction to halt the administration of important government programs affecting the entire nation, at least pending appellate review of the single judge. To avoid or minimize delay in the enforcement of constitutional laws, and to provide greater safeguards for the protection of the national interest, Congress enacted the three-judge court statute and permitted a direct appeal from such cases to the United States Supreme Court.[2]

The specific and narrow purpose of the three-judge court provision was recently restated by the United States Supreme Court in a case holding that a three-judge court is not required in a declaratory judgment action because such a judgment, unenforced, would not disrupt or delay administration of widely applicable national regulation.

---

[1] Section 2282 provides: "An interlocutory or permanent injunction restraining the enforcement, operation or execution of any Act of Congress for repugnance to the Constitution of the United States shall not be granted by any district court or judge thereof unless the application therefor is heard and determined by a district court of three judges under section 2284 of this title."

[2] See Comment, *The Three-Judge Federal Court in Constitutional Litigation*, 27 U. Chi. L. Rev. 555, 561–63 (1960).

"The legislative history of § 2282 and of its complement, § 2281, requiring three judges to hear injunctive suits directed against federal and state legislation, respectively, indicates that *these sections were enacted to prevent a federal judge from being able to paralyze totally the single operation of an entire regulatory scheme,* either state or federal, by issuance of a broad injunctive order. . . . Repeatedly emphasized during the congressional debates on § 2282 were the heavy pecuniary costs of the unforeseen and debilitating interruptions in the administration of federal law which could be wrought by a single judge's order, and the great burdens entailed in coping with harassing actions brought one after another to challenge the operation of an entire statutory scheme, wherever jurisdiction over government officials could be acquired, until a judge was ultimately found who would grant the desired injunction. 81 CONGRESSIONAL RECORD 470–481, 2142–2143 (1937)." (Emphasis added.) *Kennedy* v. *Mendoza-Martinez,* 372 U.S. 144, 154–55 (1963).[3]

See also *Phillips v. United States,* 312 U.S. 246, 248–51 (1941).

That narrow legislative purpose will not be served by stretching the plain language of the statute to require a three-judge court in this case. The applicants for the three-judge court are not the defendants who seek to sustain the Resolution, but plaintiffs who attack the validity of the Resolution, and seek the injunction. And the Resolution does only one thing—it excludes Mr. Powell from the 90th Congress. It does not create a broad regulatory scheme which would be frustrated and interdicted by injunctive relief. In short, the plaintiffs challenge merely a "single unique exercise of . . . authority. . . ." *Phillips v. United States, id.* at 253. They do not seek to "paralyze totally the operation of an entire regulatory scheme. . . ." *Kennedy v. Mendoza-Martinez, supra* at 154. *See also Zemel v. Rusk,* 381 U.S. 1, 7 n. 4 (1965).

Thus, it would be an unwarranted expansion of section 2282 for this court to hold that the resolution of a single House constitutes an "Act of Congress." This section is to be "narrowly construed." *Bailey v. Patterson,* 369 U.S. 31, 33 (1962). Like its companion section, 2281 (governing injunctive suits against state statutes), it is "not . . . a measure of broad social policy to be construed with great liberality, but . . . an enactment technical in the strict sense of the term, and to be applied as such." *Phillips v. United States, supra* at 251.

The narrow legislative purpose of the three-judge district court requirement together with that canon of strict construction have led the courts to hold that three-judge courts were not required in situations similar to this case. In *Jordan v. Hutcheson,* 323 F. 2d 597 (4th Cir. 1963) a three-judge court was held not required under section 2281 in a suit to enjoin enforcement of a resolution of the Virginia legislature.[4] Similarly, the Supreme Court has held that federal administrative orders are not "Acts of Congress" within section 2282.[5] Under section 2281 it is held that, while a state constitution is a "statute,"[6] a state law of local application,[7] a municipal ordinance or resolution,[8] or action by the governor[9] are not "statutes." Those holdings all comport with the narrow purpose of sections 2281 and 2282 which applies only where an injunction is sought against the operation of a statute of general application. It seems plain under those cases that a resolution of a single House of Congress is not an "Act of Congress."

The action of the district court in *Methodist Federation* v. *Eastland,* 141 F. Supp. 729, 731, 736 (D.D.C. 1956), convening a three-judge court to consider the constitutionality of a concurrent resolution of the House of Representatives and the Senate is not controlling here. This case is not even cited by the plaintiffs, nor was the three-judge court issue discussed by the majority of the district court. We respectfully submit that, for all the reasons outlined above, a three-judge court was improperly convened in the *Methodist* case.[10] Furthermore, even if a concurrent resolution were held to be an "Act of Congress," the resolution of a single house falls in a quite different category. Resolutions of a single house, such as the Resolution here, generally relate to the housekeeping, organization and internal business of that house. In adopting a concurrent resolution, the House and Senate acting together *are* the Congress. Where such a concurrent resolution has an effect outside the Congress, it is closer to being an "Act of Congress" within the meaning of the three-judge court statute than any resolution of a single house.[11]

Point II

A single judge may dismiss for the jurisdictional defects involved here.

Even if the Resolution were deemed an "Act of Congress" within section 2282, a single judge would be authorized to determine the jurisdictional questions presented by defendants' pending motion to dismiss. If the court grants that motion to dismiss, there will of course be no occasion for convening a three-judge court.

Defendants have moved to dismiss the complaint on grounds of immunity from suit, political question, separation of powers and lack of federal question jurisdiction. The language, the legislative history, and the purpose of section 2282 all indicate that jurisdictional issues of this sort may properly be decided by a single district judge without convening a three-judge court. The language of section 2282 provides only that an injunction "restraining the enforcement . . . of any Act of Congress for repugnance to the Constitution . . . shall not be granted" except by a three-judge district court. The legislative history similarly indicates that the concern was only that a single judge might interdict a statutory scheme by *issuing* an injunction. The purpose of the statute therefore was to protect the United States, not plaintiffs.[12]

While that principle has not been extended to permit a single judge to dismiss a complaint on its merits, *see, e.g., Idlewild Bon Voyage Liquor Corp. v. Epstein,* 370 U.S. 713 (1962), it is clear that a single judge must in the first instance determine whether the suit is within the jurisdiction of a three-judge court. For example, he must determine whether the case presents a substantial federal constitutional question. *See, e.g., Turner v. Memphis,* 369 U.S. 350 (1962); *Bailey v. Patterson,* 369 U.S. 31 (1962); *Ex Parte Poresky,* 290 U.S. 30 (1933). It is equally clear that where other aspects of the jurisdiction of the district court are challenged, those issues may properly be resolved by a single district judge.[13]

---

[3] Section 2281, governing injunctions against state statutes, seems to have had the additional purpose to protect "the sensibilities of the citizens, and perhaps more particularly of the state officials. . . ." *Swift & Co. v. Wickham,* 382 U.S. 111, 125–26 (1965).

[4] *See also Dombrowski v. Burbank,* 123 U.S. App. D.C. 190, 358 F. 2d 821 (1966), *cert. granted,* 385 U.S. 812 (no three-judge court in suit to enjoin enforcement of resolution of subcommittee of United States Senate).

There are decisions convening a three-judge court in cases seeking to enjoin hearings by the House Un-American Activities Committee on the ground of the alleged unconstitutionality of Rule XI of the Rules of the House. *See, e.g., Stamler v. Willis,* 371 F. 2d 413 (7th Cir. 1966); *Krebs v. Ashbrook,* Civil No. 2157–66 (D.D.C. August 15, 1966). These cases are clearly distinguishable because Rule XI of the House of Representatives has been enacted as a part of the Legislative Reorganization Act, ch. 753, 60 Stat. 812, 828 (1946). Thus, in those cases plaintiffs, in seeking to enjoin the House Rule, were seeking to enjoin an Act of Congress.

In *Bond v. Floyd,* 251 F. Supp. 333, 335 (N.D. Ga. 1966), *rev'd on other grounds,* 385 U.S. 116 (1966), a three-judge court was properly convened under section 2281 because plaintiffs sought to enjoin the enforcement of a state constitutional provision on the alleged ground that it was unconstitutionally vague. See *American Federation of Labor v. Watson,* 327 U.S. 582 (1946).

[5] *William Jameson & Co. v. Morgenthau,* 307 U.S. 171 (1939).

[6] *American Federation of Labor v. Watson, supra* at 591.

[7] *Ex Parte Williams,* 277 U.S. 267 (1928).

[8] *Ex Parte Collins,* 277 U.S. 565 (1928).

[9] *Phillips v. United States, supra.*

[10] A joint resolution of general application, which unlike a concurrent resolution is signed by the President, should probably be regarded as an "Act of Congress." *Cf. Brotherhood of Locomotive Firemen* v. *Certain Carriers,* U.S. App D.C. ——, 331 F. 2d 1020, *cert. denied,* 377 U.S. 918 (1964).

[11] Furthermore, concurrent resolutions, by Act of Congress, may often suspend the operation of a statute or other action. Concurrent resolutions are thus often given the effect of law, while a single house is only rarely given power to suspend the operations of a statute by a simple resolution. *See generally,* Ginnane, *The Control of Federal Administration by Congressional Resolutions and Committees,* 66 Harv. L. Rev. 569 (1953).

[12] *See* Note, *The Three-Judge District Court: Scope and Procedure under Section 2281,* 77 Harv. L. Rev. 299, 306–10 (1963).

[13] This reading of the statute is not contradicted by the 1942 amendment to section 2284, ch. 210, 56 Stat. 199 (1942), which merely provides that:

"In any action or proceeding required by Act of Congress to be heard by [three judges]. . . .

"(5) . . . a single judge shall not . . . dismiss the action, or enter a summary or final judgment."

Plaintiffs may rely on statements in *Idlewild* (*supra*, p. 8; plaintiffs' memorandum, p. 1) to argue that a single judge cannot dismiss an action for want of jurisdiction where the requirements for a three-judge court are otherwise satisfied. However, neither the language nor holding of *Idlewild* supports that argument.[14] Furthermore, plaintiffs fail to cite the numerous cases holding that a single judge may dismiss for want of jurisdiction. Those cases hold that a single judge may dismiss a complaint for want of jurisdiction on such varied grounds as lack of jurisdiction amount, *Jacobs v. Tawes*, 250 F. 2d 611 (4th Cir. 1957); exclusive jurisdiction in another court, *Eastern States Petroleum Corp. v. Rogers*, 108 U.S. App. D.C. 63, 280 F. 2d 611 (1960), *cert. denied*, 364 U.S. 891;[15] *Seatrain Lines Inc. v. United States*, 233 F. Supp. 40 (D.N.J. 1964); or lack of an indispensable party, *Osage Indians v. Ickes*, 45 F. Supp. 179 (D.D.C. 1942), *aff'd*, 77 U.S. App. D.C. 114, 133 F. 2d 47 (1943), *cert. denied*, 319 U.S. 750. *See also Eastern States Petroleum Corp. v. Rogers*, 105 U.S. App. D.C. 219, 265 F. 2d 593 (Prettyman, C.J.), *appeal denied*, 361 U.S. 7, *mandamus denied sub nom. Eastern States Petroleum Corp. v. Prettyman*, 361 U.S. 805 (1959).

A recent decision in this Circuit squarely reaffirms the power of a single judge to dismiss for jurisdictional defects similar to those here. In *Lion Manufacturing Corp. v. Kennedy*, 122 U.S. App. D.C. 391, 330 F. 2d 833 (1964), the court held that the plaintiff's claim did not present a justiciable case or controversy within the jurisdiction of the district court. The court of appeals concluded:

"There remains only the question of whether it was proper for a single judge to dismiss the complaint without convening a three-judge court. This inquiry needs to be made because 28 U.S.C. § 2284 does in terms place certain limitations upon a single judge, including the dismissal of complaints. However, as this court has recognized, Section 2284 is addressed to the manner in which a three-judge court must function once it has been convened. It assumes jurisdiction in the District Court over the controversy, and its provisions come into play only when that jurisdiction exists. *It remains for the judge who is asked to convene a three-judge court to determine whether jurisdiction exists in the District Court; and, if he properly concludes there is no jurisdiction, his power to dismiss the complaint, as well as to deny the motion to convene a three-judge tribunal, is in no way circumscribed by Section 2284.*" 330 F.2d at 840–41 (footnotes omitted and emphasis added).

Even more closely in point is the recent decision in *Hobson v. Tobriner*, 255 F. Supp. 295 (D.D.C. 1966), *mandamus denied sub nom. Hobson v. Gasch*, —— U.S. App. D.C. ——, —— F.2d — (1966), *cert. denied*, 35 U.S.L.W. 3282 (1967). In that case, Judge Gasch held that it was not necessary to convene a three-judge court to hear a suit brought to enjoin enforcement of the statutory provisions creating the commission form of government in the District of Columbia. First, he held that certain of the claims were without merit and therefore raised insubstantial constitutional questions. However, Judge Gasch went on to hold (p. 300) "that the complaint as a whole seeks a political remedy beyond the power of the Court to grant" because it in effect seeks home rule which is "a political question confided by the Constitution to Congress. . . ." In addition, he determined that the complaint sought to enjoin performance of "executive duties of the President." He thereupon dismissed the complaint.[16] *Hobson v. Tobriner* was followed by Judge Jones in *Carliner v. Board of Commissioners*, Civ. No. 2981–66 (D.D.C. March 20, 1967), where a three-judge court was similarly denied.

Thus, in *Lion* and *Hobson*, the courts determined that jurisdictional issues such as want of case or controversy, political question and separation of powers could be dealt with by a single judge. The similar issues in this case are also appropriate for decision by a single judge, and justify dismissal of the complaint. A three-judge court is not necessary.

CONCLUSION

For the reasons stated above, the application for the convening of a three-judge court should be denied. March 31, 1967.

Respectfully submitted,

Bruce Bromley, 1 Chase Manhattan Plaza, New York, New York 10005.

Lloyd N. Cutler, Louis F. Oberdorfer, Max O. Truitt, Jr., Timothy B. Dyk, James S. Campbell, Wilmer, Cutler & Pickering, 900 17th Street, N.W., Washington, D.C. 20006, Of Counsel.

John R. Hupper, Thomas D. Barr, Victor M. Earle, III, Jay E. Gerber, Cravath, Swaine & Moore, 1 Chase Manhattan Plaza, New York, New York 10005, Of Counsel.

III

DEFENDANTS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS AND OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION DATED MARCH 31, 1967

[In the United States District Court for the District of Columbia]

Adam Clayton Powell, Jr., et al., Plaintiffs, v. John W. McCormack, et al., Defendants—Civil Action No. 559–67

(Defendants' memorandum of points and authorities in support of defendants' motion to dismiss and in opposition to plaintiffs' motion for preliminary injunction)

Bruce Bromley, One Chase Manhattan Plaza, New York, New York 10005, *Attorney for Defendants.*

Lloyd N. Cutler, Louis F. Oberdorfer, Max O. Truitt, Jr., Timothy B. Dyk, James S. Campbell, Wilmer, Cutler & Pickering, 900 17th Street, N.W., Washington, D.C. 20006, *Of Counsel.*

John R. Hupper, Thomas D. Barr, Victor M. Earle, III, Jay E. Gerber, Cravath, Swaine & Moore, One Chase Manhattan Plaza, New York, New York 10005, *Of Counsel.*

March 31, 1967.

INDEX

Preliminary Statement.
The Parties.
Plaintiffs' Claims.
Relief Requested.
Summary of Argument.
Argument
Point I—This Court Lacks Power to Adjudicate This Matter.
A. This Court Is Barred by Article I, Section 6 of the Constitution from Questioning the Defendant Members as to the Propriety of the Action Taken in Adopting H.R. Res. 278 and Excluding Mr. Powell.
B. The Subject Matter of this Controversy Is a Political Question Specifically Entrusted by the Constitution to a Coordinate Branch of the Federal Government and Does Not Satisfy the Criteria for a Justiciable Controversy.
(1) *The Constitution Clearly Commits Resolution of this Controversy to the House.*
(a) *The commitment of the issue to the House is textually compelling.*
(b) *The House properly interpreted the scope of the power committed to it by the Constitution.*
(c) *The House action is also justified under the expulsion power committed to it.*
(2) *Additional Political Question Considerations Are Also Present.*
C. Even if Congress Could Do So, It Has Not Conferred Jurisdiction On the Courts To Consider this Case.
Point II—This Court Lacks Power to Grant Plaintiffs Any of the Relief Requested Against the Members of the House.
A. The Injunctive Relief Requested Against the House and its Members Is Barred by the Doctrine of the Separation

---

If the district court does not have jurisdiction, the action is not "required to be heard by three judges." See *Lion Manufacturing Corp. v. Kennedy*, 122 U.S. App. D.C. 391, 330 F. 2d 833 (1964). Indeed, the *Bailey* and *Turner* cases (cited at p. 8) hold that the 1942 amendment does not affect the duty of the single judge to determine whether a three-judge court is required.

[14] In *Idlewild* the court held that a single judge did not have power to abstain pending a decision by a state court, and the language of the case specifically permits inquiry into the question "whether the complaint at least formally alleges a basis for equitable relief, and whether the case presented otherwise comes within the requirements of the three-judge statute." 370 U.S. at 715.

[15] *Accord, McReynolds v. Cristenberry*, 233 F. Supp. 143 (S.D.N.Y. 1964), *cert. denied before judgment*, 379 U.S. 972 (1965).

[16] *See also Reed Enterprises v. Corcoran*, 122 U.S. App. D.C. 387, 354 F.2d 519 (1965), recognizing that, *inter alia*, a complaint may be dismissed because "injunctive relief" is not necessary or because there is no "case or controversy." *Compare Stamler v. Willis*, 371 F.2d 413 (7th Cir. 1966), where the court required a three-judge court on the seemingly erroneous theory that a separation of powers issue involved the "merits," but nevertheless recognized that (p. 414n.3),

"There is no doubt that a single district judge, where a three-judge court is requested, may consider the question of his own jurisdiction, in an appropriate case. *E.g., Lion Mfg. Corp. v. Kennedy*. . . ."

of Powers and by the Speech or Debate Clause.

B. The Relief Requested in the Nature of Mandamus Is Not Available.

C. The Declaratory Relief Requested Is Barred by the Same Principles.

Point III—This Court Also Lacks Power to Grant Any of the Relief Requested Against Any of the Non-Member Defendant Agents of the House, Requiring Them to Perform Alleged Official Duties in a Manner Contrary to an Adopted Resolution of the House.

A. The Principles That Bar Injunctive Relief Against Members of Congress Are Equally Applicable to the Agents of Congress.

B. 28 U.S.C. § 1361 Does Not Authorize the Court To Compel an Agent of the House To Perform his Official Duties.

Point IV—In Any Event, Plaintiffs Have Totally Failed to Demonstrate a Sufficiently Strong Probability of Prevailing Either as to Jurisdiction or on the Merits to Justify the Grant of a Preliminary Injunction.

A. Plaintiffs Have Failed To Make a Clear Showing of Probable Success on the Merits.

(1) *H.R. Res. 278 is not a bill of attainder.*

(2) *H.R. Res. 278 is not an ex post facto law.*

(3) *H.R. Res. 278 does not constitute cruel and unusual punishment under the eighth amendment.*

(4) *H.R. Res. 278 does not violate the ninth amendment.*

(5) *H.R. Res. 278 does not violate the tenth amendment.*

(6) *H.R. Res. 278 does not violate the thirteenth, fifteenth or nineteenth amendments.*

(7) *H.R. Res. 278 does not violate substantive due process (fifth amendment).*

(8) *The adoption of H.R. Res. 278 did not violate procedural due process or the sixth amendment.*

B. Plaintiffs Have Failed To Satisfy Other Essential Requirements for a Preliminary Injunction.

Conclusion.

TABLE OF AUTHORITIES

Cases

Application of James, 241 F. Supp. 858 (S.D.N.Y. 1965).

Baker v. *Carr*, 369 U.S. 186 (1962).

Barenblatt v. *United States*, 360 U.S. 109 (1959).

Barr v. *Matteo*, 360 U.S. 564 (1959).

Barry v. *United States ex rel. Cunningham*, 279 U.S. 597 (1929).

Blackmar v. *Guerre*, 342 U.S. 512 (1952).

Bolling v. *Sharpe*, 347 U.S. 497 (1954).

Bond v. *Floyd*, 385 U.S. 116 (1966).

Calder v. *Bull*, 3 U.S. (3 Dall.) 386 (1798).

In re Chapman, 166 U.S. 661 (1897).

Civil Rights Cases, 109 U.S. 3 (1883).

Coffin v. *Coffin*, 4 Mass. 1 (1808).

Colegrove v. *Green*, 328 U.S. 549 (1946).

Coleman v. *Miller*, 307 U.S. 433 (1939).

Communist Party of the United States v. *McGrath*, 96 F. Supp. 47 (D.D.C. 1951).

Copra v. *Suro*, 236 F.2d 107 (1st Cir. 1956).

Cummings v. *Missouri*, 71 U.S. (4 Wall.) 277 (1867).

Dakota Central Telephone Co. v. *South Dakota*, 250 U.S. 163 (1919).

Davis v. Beason, 133 U.S. 333 (1890).

Dombrowski v. *Burbank*, 123 U.S. App. D.C. 190, 358 F.2d 821, *cert. granted sub. nom Dombrowski* v. *Eastland*, 385 U.S. 812 (1966).

Dreyer v. *Illinois*, 187 U.S. 71 (1902).

Dropps v. *United States*, 34 F.2d 15 (8th Cir. 1929).

Dunn v. *Retail Clerks International* Ass'n, 229 F.2d 873 (6th Cir. 1962).

Field v. *Clark*, 143 U.S. 649 (1892).

Fischler v. McCarthy, 117 F. Supp. 643 (S.D.N.Y.), *aff'd*, 218 F.2d 164 (2d Cir. 1954).

Frank v. *Maryland*, 359 U.S. 360 (1959).

Galvan v. *Press*, 347 U.S. 522 (1954).

Gomillion v. *Lightfoot*, 364 U.S. 339 (1960).

Griswold v. *Connecticut*, 381 U.S. 479 (1965).

In re Groban, 352 U.S. 330 (1957).

Hall Signal Co. v. *General Railway Signal Co.*, 153 F. 907 (2d Cir. 1907).

Hannah v. *Larche*, 363 U.S. 420 (1960).

Hare v. *Harwitz*, 248 F.2d 458 (2d Cir. 1957).

Harisiades v. *Shaughnessy*, 342 U.S. 580 (1952).

Hawaii v. *Gordon*, 373 U.S. 57 (1963).

Heald v. *District of Columbia*, 259 U.S. 114 (1922).

Healy v. *Ratta*, 292 U.S. 263 (1934).

Hearst v. *Black*, 66 App. D.C. 313, 87 F.2d 68 (1936).

Hobson v. *Tobriner*, 255 F. Supp. 295 (D.D.C. 1966), *mandamus denied sub nom. Hobson* v. *Gasch*, —— U.S. App. D.C. ——, —— F.2d ——, *cert. denied*, 35 U.S.L. Week 3282 (Feb. 13, 1967).

Hutner v. *McCarthy*, Civil No. 89–364 (S.D.N.Y. 1953).

Johnson v. *Stevenson*, 170 F.2d 108 (5th Cir. 1948), *cert. denied*, 336 U.S. 904 (1949).

Jordan v. *Hutcheson*, 323 F.2d 597 (4th Cir. 1963).

Jurney v. *MacCracken*, 294 U.S. 125 (1935).

Kennedy v. *Mendoza-Martinez*, 372 U.S. 144 (1963).

Kennedy v. *United States*, 146 F.2d 26 (5th Cir. 1944).

Keogh v. *Horner*, 8 F. Supp. 933 (S.D. Ill. 1934).

Kilbourn v. *Thompson*, 103 U.S. 168 (1880).

Larson v. *Domestic & Foreign Corp.*, 337 U.S. 682 (1949).

Lauf v. *E. G. Shinner & Co.*, 303 U.S. 323 (1938).

Leser v. *Garnett*, 258 U.S. 130 (1922).

Ludecke v. *Watkins*, 335 U.S. 160 (1948).

Marbury v. *Madison*, 5 U.S. (1 Cranch) 137 (1803).

Massachusetts v. *Mellon*, 262 U.S. 447 (1923).

Massachusetts State Grange v. *Benton*, 272 U.S. 525 (1962).

Methodist Federation v. *Eastland*, 141 F. Supp. 729 (D.D.C. 1956).

Mins v. *McCarthy*, 93 U.S. App. D.C. 223, 204 F.2d 307 (1953).

Mississippi v. *Johnson*, 7 U.S. (4 Wall.) 475 (1867).

Muskrat v. *United States*, 219 U.S. 346 (1911).

Obegard v. *Olson*, 264 Minn. 439, 119 N.W.2d 717 (1963).

Order of Railway Conductors of America v. *Pitney*, 326 U.S. 561 (1946).

Palko v. *Connecticut*, 302 U.S. 319 (1937).

Panama Canal Co. v. *Grace Line, Inc.*, 356 U.S. 309 (1958).

Pauling v. *Eastland*, 109 U.S. App. D.C. 342, 288 F.2d 126, *cert. denied*, 364 U.S. 900 (1960).

Pauling v. *McNamara*, 118 U.S. App. D.C. 50, 331 F.2d796 (1963), *cert. denied*, 377 U.S. 933 (1964).

Peterson v. *Sears*, 238 F. Supp. 12 (N.D. Iowa 1964).

Randolph v. *Willis*, 220 F. Supp. 355 (S.D. Cal. 1963).

Reed v. *County Commissioner*, 277 U.S. 376 (1928).

Riss & Company v. *ICC*, 86 U.S. App. D.C. 79, 179 F.2d 810 (1950).

Romero v. *International Terminal Operating Co.*, 358 U.S. 354 (1959).

In re Sawyer, 124 U.S. 200 (1888).

Sevilla v. *Elizalde*, 72 App. D.C. 108, 112 F.2d 29 (1940).

Sheldon v. *Sill*, 49 U.S. (8 How.) 440 (1850).

Smiley v. *Holm*, 285 U.S. 355 (1932).

Smith v. *Allwright*, 321 U.S. 649 (1944).

Snowden v. *Hughes*, 321 U.S. 1 (1944).

South Carolina v. *Katzenbach*, 383 U.S. 301 (1966).

Springer v. *Philippine Islands*, 277 U.S. 189 (1928).

State ex rel. Wettengel v. *Zimmerman*, 249 Wis. 237, 24 N.W. 2d 504 (1946).

Tenney v. *Brandhove*, 341 U.S. 367 (1951).

Terry v. *Adams*, 345 U.S. 461 (1953).

Trimble v. *Johnston*, 137 F. Supp. 651 (D.D.C. 1959).

Trop v. *Dulles*, 356 U.S. 86, 96 (1958).

United States v. *Brown*, 381 U.S. 437 (1965).

United States v. *Germaine*, 99 U.S. 508 (1878).

United States ex rel. Girard Trust Company v. *Helvering*, 301 U.S. 540 (1937).

United States v. *Holliday*, 70 U.S. (3 Wall.) 407 (1865).

United States v. *Johnson*, 383 U.S. 169 (1966).

United States v. *Lovett*, 328 U.S. 303 (1946).

United States v. *Mouat*, 124 U.S. 303 (1878).

United States ex rel. Brookfield Construction Co. v. *Stewart*, 234 F. Supp. 94 (D.D.C. 1964).

United States v. *Zucker*, 161 U.S. 475 (1896).

Utah Fuel Company v. *National Bituminous Coal Commission*, 69 App. D.C. 333, 101 F. 2d 426 (1938), *aff'd*, 306 U.S. 56 (1939).

Virginia Railway v. *System Federation*, 300 U.S. 515 (1937).

W. A. Mack, Inc. v. *General Motors Corp.*, 260 F. 2d 886 (7th Cir. 1958).

Walton v. *House of Representatives*, 265 U.S. 487 (1924).

Weems v. *United States*, 217 U.S. 349 (1910).

White v. *Berry*, 171 U.S. 366 (1898).

Whittier v. *Emmet*, 108 App. D.C. 191, 281 F. 2d 24 (1960).

Wilson v. *United States*, 44 C. Cl. 428 (1909).

Yakus v. *United States*, 321 U.S. 414 (1944).

Constitution, Statutes and Rules

United States Constitution:

Article I, Section 2.

Article I, Section 3.

Article I, Section 5.

Article I, Section 6.

Article I, Section 9.

Article VI.

Fifth Amendment.

Sixth Amendment.

Eighth Amendment.

Ninth Amendment.

Tenth Amendment.

Thirteenth Amendment.

Fourteenth Amendment.

Fifteenth Amendment.

Nineteenth Amendment.

Statutes and Rules:

Act of March 3, 1875, ch. 137 [§ 1], 18 Stat. 470.

Act of May 31, 1870, ch. 114, § 23, 16 Stat. 146.

2 U.S.C. § 78.

28 U.S.C.:

§ 1331.

§ 1343(3) 3, (4).

§ 1344.

§ 1361.

§ 1391.

§ 1491.

§§ 2201–02.

§ 2281.

§ 2282.

42 U.S.C.:

§ 1971(a)(1)–(2).

§ 1981.

§ 1983.

Federal Rules of Civil Procedure:

Rule 19(a).

Rule 23(a)–(c).

Congressional Materials

Cong. Globe, 41st Cong., 2d Sess. 3872 (1870).

CONGRESSIONAL RECORD, volume 106, part 14, pages 18405–6.

CONGRESSIONAL RECORD, volume 107, part 9, page 12157.

CONGRESSIONAL RECORD, volume 108, part 15, pages 20093–4.

CONGRESSIONAL RECORD, page 4997, March 1, 1967.

H.R. Rep. No. 85, pt. 1, 56th Cong., 1st Sess. (1900).

H.R. Rep. No. 536, 87th Cong., 1st Sess. (1961).

Rules of the House of Representatives, H.R. Doc. No. 374, 88th Cong., 2d Sess. (1965).

S. Rep. No. 1992, 87th Cong., 2d Sess. (1962).

Subcommittee on Privileges and Elections, Senate Committee on Rules and Administration, *Senate Election, Expulsion and Censure Cases*, S. Doc. No. 71, 87th Cong., 2d Sess. (1962).

Miscellaneous

Annot., 107 A.L.R. 205 (1937).

1 Blackstone, *Commentaries* (4th ed. 1770).

Brief for Petitioners, *Dombrowski* v. *Eastland*, No. 118 (U.S. Sup. Ct., Oct. Term 1966).

Clarke, *Parliamentary Privilege in the American Colonies* (1943).

Comment, 13 *U.C.L.A. L. Rev.* 1317 (1964).

Elton, *The Tudor Constitution: Documents and Commentary* (1960).

2 Farrand, *Records of the Federal Convention* (1911).

The Federalist (Cooke ed. 1961).

16 Hansard, *The Parliamentary History of England* (1813).

1 Hind, *Precedents of the House of Representatives* (1907).

Journals of the House of Burgesses of Virginia: 1619–1659 (1915).

Journals of the House of Burgesses of Virginia: 1659–1695 (1914).

Kier, *The Constitutional History of Modern Britain* (6th ed. 1961).

New Jersey Constitution § 3 (1776).

North Carolina Constitution § 10 (1776).

17 *Ops. Att'y Gen.* 419 (1882).

1 Remick, *The Powers of Congress in Respect to Membership and Elections* (1929).

3 Stubbs, *Constitutional History of England* (1880).

Wechsler, *Toward Neutral Principles of Constitutional Law*, 73 *Harv. L. Rev.* 1 (1959).

PRELIMINARY STATEMENT

This is an action for declaratory and injunctive relief and relief in the nature of mandamus brought on March 8, 1967, by Adam Clayton Powell, Jr., and thirteen electors of the 18th Congressional District of New York against certain Members and Officers of the House of Representatives of the 90th Congress of the United States. The gravamen of the complaint is that House Resolution 278 of March 1, 1967 (H.R. Res. 278), improperly excluded Mr. Powell from membership in the House of Representatives, in violation of plaintiff's constitutional rights. Basically plaintiffs seek an order from this court compelling the Members of the House to vote in favor of seating Mr. Powell.

In addition to opposing plaintiffs' right to any interim or permanent injunctive relief, defendants have moved to dismiss the action for lack of jurisdiction generally, and in particular on the grounds that: (a) under article I, section 6 of the Constitution, the Members of the House may not be questioned for adopting said Resolution or for any other action in connection with the refusal to seat Mr. Powell; (b) plaintiffs' claims raise a political question and thus do not present a justiciable controversy; (c) Congress has not conferred any jurisdiction on the court to consider this subject matter; and (d) the court does not have the power to grant any of the relief sought by plaintiffs.

THE PARTIES

Mr. Powell sues in his capacity as "the duly elected Representative to the 90th Congress of the United States from the 18th Congressional District of the State of New York" (complaint, para. 3). Mr. Powell and the thirteen additional plaintiffs also sue as "non-white citizens of the United States and duly qualified electors of the 18th Congressional District of the state of New York . . . [who] upon information and belief voted at the general election of 1966 for plaintiff, ADAM CLAYTON POWELL, JR." (complaint, para. 2a). In addition to suing on their own behalf, plaintiffs purport to sue "on behalf of all other persons similarly situated pursuant to Rule 23(a)" (complaint, para. 2a). The class on whose behalf plaintiffs claim to sue is presumably a class defined as all non-white citizens of the United States who are duly qualified electors of the 18th Congressional District of New York and who voted in the general election of 1966 for Mr. Powell. The female plaintiffs may also intend to sue on behalf of an additional class comprised of all "qualified female electors in the 18th Congressional District" (complaint, para. 12d). Some, but not all, of the prerequisites for a class action are alleged.[1]

Defendant McCormack is the Speaker of the House of Representatives of the 90th Congress of the United States. Defendants Albert, Ford, Celler, Moore and Curtis are Members of the House of Representatives. Speaker McCormack and those other five Members are sued individually and, purportedly, "as representatives of a class of citizens who are presently serving in the 90th Congress as members of the House of Representatives" (complaint, para. 4c). Speaker McCormack is also sued as Speaker of the House. None of the Rule 23 prerequisites to a class action is alleged with respect to the asserted class of defendants.[2] (Complaint, para. 4 a-c.)

Defendants Jennings, Johnson and Miller are respectively the Clerk, the Sergeant-at-Arms and the Doorkeeper of the House of Representatives. They are sued both individually and in their respective capacities as agents of the House (complaint, para. 4 d-f).

PLAINTIFFS' CLAIMS

Plaintiffs' claims have their genesis in H.R. Res. 278, which the House adopted on March 1, 1967, by more than a two-thirds vote of 307 to 116. (CONGRESSIONAL RECORD, p. 5037, March 1, 1967). The preamble to H.R. Res. 278, which was adopted on the same date by a voice vote (*id.* at p. 5037), recited in part that a Select Committee of the House has concluded: (1) that Mr. Powell possesses the requisite qualifications of age, citizenship and inhabitancy and holds a New York Certificate of Election; (2) that he has ignored the authority of the New York courts and on several occasions has been adjudicated in contempt thereof, thereby reflecting discredit upon the House; (3) that he has improperly maintained a person on his clerk-hire payroll; (4) that as Chairman of the Committee on Education and Labor, he permitted and participated in improper expenditures of government funds for private purposes; and (5) that his refusal to cooperate with two committees of the House in their lawful inquiries was contemptuous and conduct unworthy of a Member (complaint, para. 8), H.R. Res. 278, therefore,

---

[1] If this action were to proceed beyond our motion to dismiss, the court would encounter serious problems under Fed. R. Civ. P. 23(a)–(c) in determining whether this is a proper class action and how it should be administered. Under the view we take of this case, however, this problem may be safely passed.

[2] As to the propriety of the alleged class of defendants, we have even more serious doubts. If we are correct that the central problem here relates to the voting power of each Member of the House, we believe that no Member of the House can adequately represent any other Member. Each Member's vote is his alone to cast and to defend. In our view, therefore, each Member of the House is an indispensable party to this action under Fed. R. Civ. P. 19(a). Again, however, we believe that this issue may be passed for the present.

"*Resolved,* That said Adam Clayton Powell, Member-Elect from the 18th District of the State of New York, be and the same hereby is excluded from membership in the 90th Congress and that the Speaker shall notify the Governor of the State of New York of the existing vacancy." (Complaint, para. 8.)[8]

Very significantly, plaintiffs' complaint does not challenge in any way the accuracy of any of the findings contained in the five numbered paragraphs of the preamble to H.R. Res. 278. Plaintiffs instead contend that the very adoption of H.R. Res. 278 and the acts taken by the named defendants pursuant thereto violate the United States Constitution and deprive plaintiffs of various rights guaranteed to them by the Constitution.

In a matter of this complexity and fundamental constitutional significance, and where plaintiffs have obviously, and properly, sought to raise every conceivable issue that might under any analysis be brought forward, it seems desirable carefully to delineate the nature of, and the alleged basis for, the many claims made by plaintiffs.

Plaintiffs claim on their own behalf and on behalf of the class they purport to represent that H.R. Res. 278 is in violation of article I, section 2, clause 2, of the United States Constitution, which provides:

"No Person shall be a Representative who shall not have attained to the age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen."

Plaintiffs allege that the three requirements enumerated in that section are "the sole and only qualifications prescribed by the Constitution for members of the House of Representatives;" that those qualifications cannot be altered, modified, expanded or changed by the Congress; and that the House found Mr. Powell to possess those qualifications, "but nonetheless voted to exclude him" (complaint, para. 9).

The House action of exclusion is then alleged to be a "gross violation of" the provisions of article I, section 2 of the Constitution that "the House of Representatives shall be composed of Members chosen . . . by the People of the several States" and a violation of the rights of the electors of the 18th District to elect the Representative of their choice so long as the person chosen meets all the qualifications prescribed by the Constitution (complaint, paras. 10–11).

The same action is also alleged, as to all non-white electors of the 18th District, to violate the thirteenth amendment, which prohibits slavery in the United States (complaint, para. 12a).

The same action is also alleged, as to all non-white electors of the 18th District, to be a deprivation of equal protection of the laws and due process of law in violation of the fifth amendment (complaint, para. 12b).

The same action is also alleged, as to all non-white electors of the 18th District, to be a denial of their rights under the fifteenth amendment, which provides that the right to vote shall not be denied or abridged by the United States on account of race (complaint, para. 12c).

Finally, the same action is also alleged, as to the five female plaintiffs, to have deprived them and all other qualified female electors of the 18th District of rights guaranteed under the nineteenth amendment, which provides that the right to vote shall not be denied or abridged on account of sex (complaint, para. 12d).

It is again very significant that, notwithstanding the aforementioned conclusional allegations that Mr. Powell's exclusion deprived non-white and female electors of the 18th District of their voting rights under the fifth, thirteenth, fifteenth and nineteenth amendments, the complaint does not set forth any facts whatsoever suggesting in the slightest particular that Mr. Powell was excluded because of considerations of race or sex. In contrast, the preamble to H.R. Res. 278, the Report of the Select Committee and the debates on the floor of the House (all incorporated into the complaint), affirmatively establish that the exclusion was based upon findings of improper and unlawful actions on the part of Mr. Powell. There are no facts alleged before this court that would support any conclusion that the House excluded Mr. Powell for any reason other than those set forth in H.R. Res. 278.

Certain claims are also asserted on behalf of Mr. Powell only. It is first alleged that H.R. Res. 278 constitutes a bill of attainder and an ex post facto law in violation of article I, section 9 of the Constitution, which provides that no bill of attainder or ex post facto *laws* shall be passed. This violation of section 9 is said to result from the fact that "punishment" was imposed on Mr. Powell "by legislative *act*" (emphasis added) which "created and imposed punitive standards retroactively" (complaint, para. 13).

It is also alleged that with respect to Mr. Powell, H.R. Res. 278 amounts to cruel and unusual punishment in violation of the eighth amendment to the Constitution (complaint, para. 13).

Finally, with respect to Mr. Powell, it is said that the hearings before the Select Committee and the resolution and the debate thereon were proceedings which did not accord him "the elemental rights of due process" in violation of the fifth and sixth amendments and that "[i]n effect, the whole proceeding amounted to a trial for infamous crimes without presentment or indictment by a Grand Jury" (complaint, para. 14). That charge is completely rebutted by the report of the Select Committee and the subsequent debates thereon (all annexed to the complaint), which indisputedly establish that Mr. Powell was accorded a full and fair hearing.

Next, plaintiffs turn to allegations regarding the manner in which certain specific defendants, including non-members of the House, have allegedly violated the Constitution. Those alleged violations are presumably claimed to be wrongs as to all plaintiffs.

As to Speaker McCormack, it is alleged that he has violated the fifth amendment in declaring the seat of the 18th Congressional District vacant, in notifying the Governor of New York of that vacancy, and "in causing the City of New York to undergo the expense of $100,000.00 to hold a special election." This follows, it is said, because under the Constitution a vacancy may occur only by withdrawal, resignation, expulsion or impeachment (complaint, para. 15). Presumably, the Speaker allegedly committed those wrongs in his capacity as Speaker, and not individually.

It is further alleged that Speaker McCormack has refused and threatens to continue to refuse to administer the oath to Mr. Powell "under color and authority of his office and the illegal and unconstitutional actions" of the House in adopting H.R. Res. Nos. 1 and 278 (complaint, para. 16). This contention is apparently designed to raise an issue under 42 U.S.C. § 1971, entitling all citizens to vote without distinction of race, although it is obvious that it does not do so. It is not clear whether the Speaker is alleged to have committed those wrongs in his capacity as Speaker or in his individual capacity.

It is finally alleged that Speaker McCormack threatens to exclude Mr. Powell from occupying his office in the House Office Building and to deprive him of the emoluments and privileges of office "in clear violation of his authority as Speaker of the House and the authority of the House of Representatives itself" under article I, sections 1, 2 and 5 and the fifth amendment to the Constitution (complaint, para. 17). Those wrongs are apparently claimed to have been committed by the Speaker individually.

Certain charges are also made against the Clerk, the Sergeant-at-Arms and the Doorkeeper, who as Officers of the House have implemented H.R. Res. 278. These Officers are alleged to have violated the Constitution and laws of the United States and to be acting "under color of the authority and mandate of House Resolution No. 278" by respectively refusing to perform services and duties for Mr. Powell, refusing to pay Mr. Powell's salary and refusing to admit Mr. Powell to the hall of the House as the duly elected representative of the 18th Congressional District (complaint, para. 18 a-c).

In a final catch-all paragraph, plaintiffs allege that H.R. Res. 278 is unconstitutional on its face and that in addition to the violations previously alleged it violates article I, sections 1 and 5 generally and the ninth and tenth amendments to the Constitution, *i.e.*, the enumeration and reservation amendments (complaint, para. 19).

RELIEF REQUESTED

Plaintiffs seek broad declaratory and injunctive relief from this court. First, they seek a declaratory judgment pursuant to 28 U.S.C. §§ 2201–02 determining that by refusing to seat Mr. Powell, defendants and all persons "acting in concert with them or participating with them" are violating the Constitution in all the ways enumerated in the complaint (complaint, para. 20). This omnibus designation as to "all persons" is undoubtedly intended to include all Members of the House.

---

[8] The resolution appointing the Select Committee (H.R. Res. 1, 90th Cong., 1st Sess. (1967)) is attached to the complaint as Exhibit A (complaint, para. 6a). The full Report of the Select Committee (H.R. Rep. No. 27, 90th Cong., 1st Sess. (1967)) is attached to the complaint as Exhibit B (complaint, para. 6c). The proceedings of the House on March 1, 1967, which contain the debates and action on H.R. Res. 278, are attached to the complaint as Exhibit C (complaint, para. 8).

Plaintiffs go on to allege that this court must restrain enforcement of H.R. Res. 278 and all acts taken thereunder in order to prevent plaintiffs from suffering serious, immediate and irreparable harm. Mr. Powell will suffer such harm by being deprived of "rights, privileges and emoluments to which he is entitled . . . as a Representative," and all plaintiffs and other electors of the 18th Congressional District "will be deprived of their fundamental right to be represented . . . by their duly chosen Representative" (complaint, para. 21).

In specific implementation of their general requests, plaintiffs in their prayer seek several different categories of relief.

First, plaintiffs seek the convening of a statutory three-judge court pursuant to 28 U.S.C. §§ 2282, 2284.[4]

Second, plaintiffs seek a declaratory judgment determining that the exclusion of Mr. Powell is unconstitutional and that H.R. Res. 278 is unconstitutional both on its face and as applied.

Third, plaintiffs seek permanent injunctive relief, in effect: (1) restraining the defendants and "all other persons in active concert or participation with them from enforcing, operating under or in any manner whatsoever executing House Resolution 278"—a prayer which clearly contemplates an injunction running against each Member of the House; (2) compelling Speaker McCormack to administer the oath to Mr. Powell and compelling the Clerk, the Sergeant-at-Arms and the Doorkeeper to perform services and duties for Mr. Powell, to pay him and to admit him to the House; (3) compelling Speaker McCormack and the Clerk to grant Mr. Powell the use of an office and the other privileges and emoluments of office; (4) restraining the named defendant Members of the House and all other Members of the House of Representatives of the 90th Congress "from taking any action to enforce House Resolution No. 278 *or any other action* which will deny to plaintiff Adam Clayton Powell, Jr. the right to be seated" (emphasis added)—*i.e.*, an order forbidding the Members of the House from voting, or directing them to vote, in a particular way on matters relating to the seating of Mr. Powell (complaint, pp. 12–13).

Fourth, plaintiffs seek relief in the nature of mandamus under 28 U.S.C. § 1361 ordering and directing Speaker McCormack to administer the oath and directing the Clerk, the Doorkeeper and the Sergeant-at-Arms to pay Mr. Powell and to accord him all privileges, rights, and emoluments which would be due him (complaint, pp. 13–14).

Finally, plaintiffs seek interim relief in the form of a preliminary injunction directing immediate performance of substantially all of the acts to be required by the permanent injunction sought (complaint, p. 14).

SUMMARY OF ARGUMENT

1. This is a suit against the House, its Members and agents to declare illegal an action taken on the floor of the House, and to bar or compel other actions within the House.

This court is confronted at the threshold with the fundamental question whether it has the power to proceed to adjudication of the issues raised by the complaint. Clearly it does not, for reasons that are basic to the separation of powers within our federal government. The court's inquiry must start and immediately end with the express prohibition of the Constitution, contained in article I, section 6, clause 1, that the Members of the House are not to be questioned in any other place, including a court, for what they may say or do as part of their proceedings.

Even if that specific prohibition did not exist, this case would still not be justiciable. To proceed would involve the court in political questions which under the constitutional plan of separation of powers are reserved for determination by the legislative branch. The Constitution, after prescribing certain minimum qualifications for membership, empowers each House to determine, under standards and rules within its discretion, whether any particular person shall be allowed to enter or remain as a Member of that House. Thus, it was exclusively a matter for the House to investigate and find that Mr. Powell had committed improper and unlawful acts inconsistent with his obligations as a Member, and to decide whether he should be excluded from taking his seat.

If there is any judicial power to review such decisions, it extends only to determining that the House properly interpreted its constitutional powers so as to exclude Mr. Powell for the offenses he was found to have committed.

Plaintiffs' papers show on their face that Mr. Powell was excluded for activities unbecoming a Member of the House, including misuse of House funds and contempt of court orders. The complaint does not allege that Mr. Powell was excluded because of his race, religion, or political beliefs, statements or activities. There is no basis for judicial intervention into the political question of how the House should judge the qualifications or behavior of its Members.

Furthermore, the jurisdiction of the lower federal courts under the Constitution extends only so far as may be expressly provided by Acts of Congress. There is no statute expressly conferring jurisdiction over this type of controversy on the courts, and it cannot reasonably be inferred that Congress intended the general grant of federal question jurisdiction to authorize judicial intrusion into a matter so intimately involving its prerogatives and internal operations as a coordinate branch of the government. Indeed, the only statute permitting suits to claim a public office expressly excludes the offices of President, Vice-President and Members of Congress.

2. Similar considerations bar the grant of any relief in this case against the Members of the House, whether it be declaratory or injunctive in nature. Any such relief would bring the judicial and legislative branches into the conflict prohibited by the doctrine of separation of powers. Judicial direction as to how the Members of the House should vote and act within the House would violate the doctrine of separation of powers and the guarantees of freedom of speech and debate, and could not in any event be enforced.

3. Similar considerations bar the grant of any relief as against the non-member officers of the House delegated by the House to implement its mandate within the chamber. Just as a court has no power to direct a Member to take or refrain from taking a particular action in the House, it lacks power by injunction or mandamus to direct a non-member agent charged by the Members with executing their will to take or refrain from taking particular action within the House. This conclusion derives not only from common sense but from applicable doctrines of legislative and sovereign immunity.

4. It follows from all of the foregoing that plaintiffs have not made out any case for interim relief. They have utterly failed to make the requisite demonstration of a high probability of sustaining the court's jurisdiction or of ultimate success on the merits. They have failed to demonstrate that any of their charges of violation of federal constitutional rights have even the slightest merit. Their request for interim relief is improper for the further reason that to grant it, *i.e.*, to direct the seating of Mr. Powell, would change the status quo and would accord plaintiffs now the same affirmative relief to which they claim to be entitled only after a full trial and an ultimate determination in their favor.

ARGUMENT

Point I

This Court lacks power to adjudicate this matter.

A. This Court Is Barred by Article I, Section 6 of the Constitution from Questioning the Defendant Members as to the Propriety of the Action Taken in Adopting H.R. Res. 278 and Excluding Mr. Powell.

At the threshold, article I, section 6, clause 1 of the Constitution expressly forbids this court to proceed with this case against the defendant Members. That provision, the so-called "Speech or Debate Clause," has its roots deep in British and American constitutional history. It broadly provides that "For any Speech or Debate in either House, they [the Senators and Representatives] shall not be questioned in any other Place."

The reasons for that provision were recently adverted to by the Supreme Court in *United States* v. *Johnson*, 383 U.S. 169, 178–79 (1966) (footnote omitted):

"Behind these simple phrases lies a history of conflict between the Commons and the Tudor and Stuart monarchs during which successive monarchs utilized the criminal and civil law to suppress and intimidate critical legislators. Since the Glorious Revolution in Britain, and throughout United States history, the privilege has been recognized as an important protection of the independence and integrity of the legislature. See, *e.g.*, Story, Commentaries on the Constitution § 866; II The Works of James Wilson 37–38 (Andrews ed. 1896). In the American governmental structure the clause serves the additional function of reinforcing the separation of powers so deliberately established by the Founders. . . . The legislative privilege, protecting against possible prosecution by an unfriendly executive and conviction by a hostile judiciary, is one manifestation of the 'practical security' for ensuring the independence of the legislature."

---

[4] As demonstrated in defendants' separate memorandum on the point, a three-judge court is not required in this case.

The Speech or Debate Clause protects the Members from judicial questioning not only as to "speech" and "debate" as those terms are commonly understood, but also as to "things generally done in a session of the House by one of its members in relation to the business before it." *Kilbourn* v. *Thompson,* 103 U.S. 168, 204 (1880). Accordingly, with respect to the House of Representatives, the Speech or Debate Clause extends ". . . to written reports presented in that body by its committees, to resolutions offered, which, though in writing, must be reproduced in speech, and *to the act of voting,* whether it is done vocally or by passing between the tellers." *Ibid* (emphasis added).

The very essence of the plaintiffs' complaint against the Members is that they voted for and the House passed a resolution. Clearly, the conduct complained of by plaintiffs in this case is within the coverage of the clause, and the Members hence may not be judicially questioned in this or any other court.

Consider the complaint. In paragraph 6, plaintiffs complain that "the House of Representatives adopted House Resolution No. 1;" that thereafter the Speaker appointed a Select Committee; and that that Committee "submitted a Report to the House." In paragraph 8, plaintiffs complain that the "House of Representatives passed and enacted House Resolution 278." Finally, in paragraph 9 is the substantive gravamen of the complaint:

"The House found that Adam Clayton Powell, Jr. possessed the requisite qualifications for membership in the house . . . but nonetheless voted to exclude him."

Thus, it is very clear that the matter as to which plaintiffs seek to call the Members into question here is "Speech or Debate" within the meaning of article I, section 6, clause 1. That they cannot do, and this court is without power to entertain their complaint.

The Speech or Debate Clause was first considered by the Supreme Court in *Kilbourn* v. *Thompson, supra.* Kilbourn had refused to respond to certain questions and to produce documents in response to a subpoena duces tecum issued by a special committee of the House of Representatives which was investigating real estate transactions of an organization with which he was associated. Because of his contumacy, the House adjudged him in contempt of itself, and issued its warrant for his arrest. That warrant was served by Thompson, the Sergeant-at-Arms, who arrested Kilbourn and, in accordance with the instructions in the warrant, committed him to the District of Columbia jail, where he remained until produced in response to a writ of habeas corpus. Kilbourn then sued for damages for false arrest, naming as defendants the Sergeant-at-Arms, the Speaker of the House, under whose hand the subpoenas and warrant had issued, and the members of the special committee. The Supreme Court of the District of Columbia sustained the defendants' special pleas to the complaint, and entered judgment for the defendants. On writ of error the Supreme Court affirmed the judgment dismissing the action as to the Members of the House.

The Court found it necessary to reach the merits because of its conclusion, discussed below, that in executing the arrest, the Sergeant-at-Arms was not protected by the Speech or Debate Clause. The Court concluded that the House of Representatives did not have power to adjudge or punish a recalcitrant witness for contempt. Second, it held that the actions of the House under scrutiny were of a kind traditionally entrusted to the judiciary—rather than to a legislature—and therefore beyond the authority of the House. Indeed, the Supreme Court concluded that the action of the House had been unconstitutional. In the words of Justice Miller, ". . . the resolution of the House of Representatives authorizing the investigation was in excess of the power conferred on that body by the Constitution . . ." 103 U.S. at 196. Nonetheless, the Speech or Debate Clause was held to immunize the Members of the House from the suit, and dismissal of the action against them was upheld.

In *Kilbourn* v. *Thompson,* the Court drew a clear distinction between actions within the House, such as the debate and passage of a resolution, and subsequent actions taken outside the House by Members or agents of the House pursuant to a resolution as passed. As noted above, the Court held that an action for false imprisonment would lie against Thompson, the Sergeant-at-Arms of the House, for arresting and imprisoning Kilbourn pursuant to the resolution. But the Court noted that the Speaker and other Members of the House named as defendants had not assisted in the arrest of Kilbourn outside the House or his imprisonment except by participating in the debate and vote on the floor of the House. The Court found that while participation in these actions within the House had operated to "procure" the arrest and would have created liability within normal principles of false imprisonment law, the Members were protected from being questioned for their conduct by the Speech or Debate Clause.

The distinction drawn in *Kilbourn* v. *Thompson* is directly applicable to the complaint in this case. The complaint, directed against Members of the Congress, individually and as a class, squarely questions their actions within the House in debating, passing and abiding by H.R. Res. 278, and asks relief against them for those very actions. As such, the complaint must fail under the Speech or Debate Clause.

The continuing vitality of the Speech or Debate Clause was recently emphasized by the Supreme Court. In *United States* v. *Johnson, supra,* it was held that a court could not, consonant with the Speech or Debate Clause, exercise jurisdiction over an indictment which charged that a Congressman had conspired to defraud the United States by, among other things, making a speech on the floor of the House for which he was paid by private persons interested in distributing copies of the speech. The conspiracy conviction depended upon a showing that the speech in question was made only to serve the private interests and was not made in good faith.

The Court started with the proposition that

"However reprehensible such conduct may be, we believe the Speech or Debate Clause extends at least so far as to prevent it from being made the basis of a criminal charge against a member of Congress of conspiracy to defraud the United States by impeding the due discharge of government functions." 383 U. S. at 180.

After reviewing the history of the clause, and the earlier Supreme Court cases interpreting it, the Court held that the conviction could not stand:

"We hold that a prosecution under a general criminal statute dependent on such inquiries necessarily contravenes the Speech or Debate Clause." 383 U. S. at 184–85.

Moreover, it follows, as developed more fully hereinafter under Point II, that if a Member of the House cannot be questioned in court for any act taken in the House, the relief sought by plaintiffs with respect to the Members may not be granted because it can never be enforced. Clearly, a court order requiring a Member to vote in a particular way or to take or refrain from taking action within the House could not be enforced through a contempt proceeding if the Member could not be questioned—even for his failure to comply with the contempt citation—in any other place.

In our view, therefore, the clear, unambiguous prohibition of article I, section 6 ends this case at the moment it begins—the Members of Congress simply may not be questioned here for their actions within the House in refusing to seat Mr. Powell, nor could the House itself be questioned for such action. *Cf. Barenblatt* v. *United States,* 360 U. S. 109, 133 (1959).

B. The Subject Matter of this Controversy Is a Political Question Specifically Entrusted by the Constitution to a Coordinate Branch of the Federal Government and Does Not Satisfy the Criteria for a Justiciable Controversy.

There are weighty additional reasons why the present controversy is not within the competence of the courts to resolve.

The ultimate question presented by this case is whether a court will transgress the constitutional separation between the judicial and the legislative powers and undertake to instruct the Members of the House how they should have voted or otherwise acted within the House, or how they shall vote or act, on the question of seating Mr. Powell. Courts have traditionally described such problems as political questions that are not justiciable and hence not within the power of the courts of the United States to decide.

That conclusion can also be expressed in more conventional terms: the court does not have jurisdiction because the subject matter is entrusted to a branch of the federal government other than the judiciary. Applying either concept, the result here is the same: whether the court concludes that it does not have subject matter jurisdiction or that a non-justiciable political question is involved, the complaint must be dismissed because the court does not have the power to proceed.

Chief Justice Marshall long ago identified the problem involved here: "Questions in their nature political, or which are, by the constitution and laws, submitted to the executive, can never be made in this court." *Marbury* v. *Madison*, 5 U.S. (1 Cranch) 137, 170 (1803). Obviously that conclusion applies with equal force to the legislature.

Examples of traditional political questions were catalogued by the court of appeals for this circuit in *Sevilla* v. *Elizalde*, 72 App. D.C. 108, 112–13, 112 F. 2d 29, 33–34 (1940) as follows (footnotes omitted):

"the decisions in the Federal courts recognize and apply this principle of judicial self-limitation in so-called political cases. Thus courts have refused to: Determine whether or not the constitutional guaranty to every state of a republican form of government has been satisfied; or determine the conditions of peace or war; or determine the beginning and end of war; or determine whether or not aliens shall be excluded or expelled; or determine governmental title to or jurisdiction over a territory; or determine the status of Indian tribes; or recognize the existence of states or governments; or enforce the provisions of a treaty when the sovereign choses to disregard them; or determine whether a treaty has been terminated; or inquire into the constitutional powers of representatives of foreign nations . . . ."

The most recent and exhaustive analysis of the political question doctrine is contained in the Supreme Court's opinion in *Baker* v. *Carr*, 369 U.S. 186 (1962). The Court held that the state apportionment action there involved did not present political question problems for the federal judiciary, and that it was justiciable by reason of the supremacy clause of article VI. However, the Court made clear that a non-justiciable political question would have arisen if the issue had involved coordinate branches of the federal government. As the Court put it,

"[I]n the . . . 'political question' cases, it is the relationship between the judiciary and the coordinate branches of the Federal Government, and not the federal judiciary's relationship to the States, which gives rise to the 'political question'.

". . . The non-justiciability of a political question is primarily a function of the separation of powers." 369 U.S. at 210.

The Court went on to delineate circumstances in which a political question would arise:

"Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; *or* a lack of judicially discoverable and manageable standards for resolving it; *or* the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; *or* the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; *or* an unusual need for unquestioning adherence to a political decision already made; *or* the potentiality of embarrassment from multifarious pronouncements by various departments on one question." 369 U.S. at 217 (emphasis added).

Those considerations compel a finding that this suit seeks an impermissible determination of a political question.

As the Court emphasized in *Baker* v. *Carr*, the several criteria just quoted are in the alternative and if any one "is inextricable from the case at bar" there should be dismissal for nonjusticiability. *Ibid.*

We submit that at least five of those criteria are inextricable from this case.

(1) *The Constitution Clearly Commits Resolution of this Controversy to the House.*

(a) *The commitment of the issue to the House is textually compelling.*

The first test laid down by the Supreme Court is whether there is "a textually demonstrable constitutional commitment of the issue to a coordinate political department." *Ibid.*

That test is overwhelmingly satisfied here. Article I, section 5 of the Constitution clearly makes this question one for decision by the House of Representatives alone in providing that

"Each House shall be the Judge of the . . . Qualifications of its own Members . . . ."

And further that

"Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member."

That language can mean no less than that the House of Representatives is the sole judge of the qualifications of its Members. The Supreme Court has clearly endorsed that view, in an emphatic, unanimous opinion and in words that are incapable of being misunderstood:

"Generally, the Senate is a legislative body, exercising in connection with the House only the power to make laws. But it has had conferred upon it by the Constitution certain powers which are not legislative but judicial in character. Among these is the power to judge of the elections, returns, and qualifications of its own members. Art. I, 5, cl. 1. . . . Exercise of the power necessarily involves the ascertainment of facts, the attendance of witnesses, the examination of such witnesses, with the power to compel them to answer pertinent questions, to determine the facts and apply the appropriate rules of law, and, finally, to render a judgment which is beyond the authority of any other tribunal to review." *Barry* v. *United States ex rel. Cunningham*, 279 U.S. 597, 613 (1929).

Under that decision it is clear that any determination made by the House in judging the qualifications of a Member-elect or the behavior of a Member "is beyond the authority of any other tribunal to review."

As Mr. Justice Douglas pointed out in a concurring opinion in *Baker* v. *Carr*, "Of course each House of Congress, *not the Court*, is 'the Judge of the Elections, Returns, and Qualifications of its own Members.'" 369 U.S. at 242 n. 2 (emphasis added). *See also Reed* v. *County Commissioners*, 277 U.S. 376, 388 (1928) (Senate "fully empowered, and may determine such matters without the aid of the House of Representatives or the Executive or Judicial Department.")[5]

It is thus apparent that the present controversy is expressly and "demonstrably" one committed by the Constitution to the House for resolution. Indeed, it seems to us that the subject matter of this controversy has been so clearly committed exclusively to the House for resolution that Congress could not confer the appropriate jurisdiction to consider the matter upon the courts even if it so desired. *Cf. Marbury* v. *Madison*, 5 U.S. (1 Cranch) at 165–66. ("By the constitution of the United States, the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience."). *See also Muskrat* v. *United States*, 219 U.S. 346 (1911).[6]

The foregoing analysis has had consistent historical support from pre-colonial times until the present day. In England, before the Tudor period, jurisdiction over disputed elections (including disputes over the qualifications of the elected) lay with the Lord Chancellor and the judges of the assizes. 3 Stubbs, *Constitutional History of England* 457 (1880); Kier, *The Constitutional History of Modern Britain* 151 (6th ed. 1961). But in the sixteenth century the House of Commons began to assert exclusive jurisdiction over such matters. In 1586 when the Chancellor informed the Commons that an election dispute was "a thing in truth impertinent for this House to deal withal," the Commons replied "that albeit they thought very reverently (as becometh them) of the said lord chancellor and judges, and know them to be competent judges in their places, yet in this case they took them not for judges in Parliament in this House." Elton, *The Tudor Constitution: Documents and Commentary* 275–76 (1960).

---

[5] The two houses of Congress play a variety of roles in addition to enacting laws. The Senate acts as judge and jury in trials of impeachment (presided over by the Chief Justice only when the President is impeached); it judges the qualifications of its members and the validity of elections; it disciplines and punishes disorderly members; it lends its advice and consent to treaties and appointments; and, together with the House of Representatives, it proposes amendments to the Constitution. The House also sits as a judicial tribunal when it judges the qualifications of its members and the validity of elections and when it disciplines and punishes disorderly members; it acts as a grand jury in cases of impeachment; and it acts as an electing body when the Electors are unable to select the President by a majority of votes. *See Jurney* v. *MacCracken*, 294 U.S. 125 (1935) (Brandeis, J.) (power, under certain circumstances, to try and punish for contempt); *Smiley* v. *Holm*, 285 U.S. 355, 365–66 (1932); *Barry* v. *United States ex rel. Cunningham*, *supra*.

[6] "Who, for example, would contend that the civil courts may properly review a judgment of impeachment when article I section 3 declares that the 'sole Power to try' is in the Senate? That any proper trial of an impeachment may present issues of the most important constitutional dimension, as Senator Kennedy reminds us in his moving story of the Senator whose vote saved Andrew Johnson, is simply immaterial in this connection.

"What is explicit in the trial of an impeachment or, to take another case, the seating or expulsion of a Senator or Representative may well be found to be implicit in others. . . ." Wechsler, *Toward Neutral Principles of Constitutional Law*, 73 HARV. L. REV. 1, 8 (1959) (footnotes omitted).

In 1769, in the course of the debates in the House of Commons over the exclusion of John Wilkes, the overriding of the choice of the electors, with respect to the capacity of an individual to sit in Parliament, was justified on the ground that the Commons possessed exclusive jurisdiction in cases of election:

"That the House of Commons is the sole court of judicature in all cases of election. That this authority is derived from the first principles of our government; viz, the necessary independence of the three branches of the legislature. Did any other body of men possess this power, members might be obtruded upon in the House, and their resolutions might be influenced under colour of determining elections. They have therefore an exclusive jurisdiction, and must be in all these cases the dernier resort of justice. That the House in the present case is the competent judge of disability, and that their decision on it is final; that if in this, or any other instance, its decisions were found to be attended with prejudice, the united branches of the legislature in their supreme and collective capacity, might interpose, and by passing a law regulate such decisions for the future; but that nothing less could restrict their authority." 16 Hansard, *The Parliamentary History of England* 594 (1813); *see also* the Lords' refusal to interfere with the Commons' jurisdiction, *id.* at 829.

The practice of the colonial legislatures was in accord with that of the House of Commons. On the first day of the first meeting of the first legislature in colonial America, the Virginia House of Burgesses proceeded to determine the qualifications of its members and, indeed, temporarily denied seats to two members pending an investigation to determine whether they should be excluded. *Journals of The House of Burgesses of Virginia: 1619–1659,* at 4–5 (1915). In 1692 the Virginia Burgesses adopted a resolution "that the house of Burgesses are the Sole and only Judges of the Capacity or incapacity of their owne members." *Journals of The House of Burgesses of Virginia: 1659–1695,* at 381 (1914).

The practice of the House of Burgesses is illustrative of the uniform practice of the legislative bodies of each of the thirteen colonies. *See generally,* Clarke, *Parliamentary Privilege in the American Colonies,* ch. IV (1943). Clarke notes that "by far the greatest number of election cases [in the colonies] turned on the question of qualification, either the qualification of voters—that is, the right to vote—or the qualification of candidates—that is, the right to sit," *id.* at 151. It seems clear from Professor Clarke's research that *all* of those cases were tried and finally resolved by the colonial legislatures exclusively. *See also* 1 Remick, *The Powers of Congress in Respect to Membership and Elections* 57, 59 (1929).

Moreover, in the constitutions adopted by most of the states following the Declaration of Independence, almost invariably the houses of the state legislatures were expressly given jurisdiction to "judge" the election and qualifications of their members. *See, e.g., N.J. Const.* § 3 (1776); *N.C. Const.* § 10 (1776).

It is thus apparent that at the Constitutional Convention the Framers acted against the background of an unbending tradition of several centuries. That tradition lent clear meaning to the expression, "Each House shall be the Judge. . . ." Consistent with history the Framers chose likewise to make each House the judge.

Since that time there have been a host of expulsion, exclusion and election controversies resolved in the House and in the Senate. They are collected in 1 Hind, *Precedents of the House of Representatives* (1907); Subcommittee on Privileges and Elections, Senate Committee on Rules and Administration, *Senate Election, Expulsion and Censure Cases,* S. Doc. No. 71, 87th Cong., 2d Sess. (1962). In a number of those cases, notably the exclusion of Roberts, Vare, Smith and Bilbo, the propriety of excluding a Member-elect on grounds other than the prerequisites for office specified in article I, sections 2 and 3, was debated vigorously. *See id.* at 119, 122, 142; 1 Hind, at § 474. While we have not as yet made an exhaustive study of the debates, we have not been able to find any suggestion in those debates that that question should be decided in any other forum.

The state and federal courts have agreed. The state courts have uniformly held that a provision in a state constitution to the effect that each house of the legislature shall judge the elections and qualifications of its members vests exclusive jurisdiction in the legislative body and deprives the courts of any jurisdiction whatever. *See, e.g., Obegard* v. *Olson,* 264 Minn. 439, 119 N.W. 2d 717 (1963); and the extensive collection of cases in Comment, 13 U.C.L.A. L. Rev. 1317, 1321 n. 24 (1964); Annot., 107 A.L.R. 205, 209 (1937). Federal cases, too, have consistently held that the courts are without jurisdiction to review political questions involving the elections and qualifications of members of legislatures. *Barry* v. *United States ex rel. Cunningham, supra; Reed* v. *County Commissioners,* 277 U.S. 376 (1928); *Johnson* v. *Stevenson,* 170 F. 2d 108 (5th Cir. 1948), *cert. denied,* 336 U.S. 904 (1949); *Peterson* v. *Sears,* 238 F. Supp. 12 (N.D. Iowa 1964); *Keogh* v. *Horner,* 8 F. Supp. 933 (S.D. Ill. 1934); *see also, Sevilla* v. *Elizalde, supra; Application of James,* 241 F. Supp. 858 (S.D.N.Y. 1965).

It is fair to say that, until this Term of the Supreme Court, there has never been a decision in the state or federal courts assuming jurisdiction over this particular subject matter in the context of either a state legislature or the United States Congress. *Bond* v. *Floyd,* 385 U.S. 116 (1966), is the first such case, but it does no violence to the fundamental principle of separation of powers here under attack. As the Supreme Court earlier pointed out in *Baker* v. *Carr,*

"[I]t is the relationship between the judiciary and the coordinate branches of the Federal Government, and not the federal judiciary's relationship to the states, which gives rise to the 'political question.'" 369 U.S. at 210.[7]

For federal courts sit to vindicate federal rights under the supremacy clause, and those rights may not be impaired by the internal action of a house of a state legislature any more than by a state statute or even by a state constitution. *See, e.g., Dreyer* v. *Illinois,* 187 U.S. 71, 84 (1902).

In short, this court is here squarely presented with a challenge to the separation of powers. The integrity of that principle is fundamental to our form of government.

As James Madison wrote in the forty-seventh number of *The Federalist,* "The accumulation of all powers, legislative, executive, and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny." *The Federalist* No. 47, at 324 (Cooke ed. 1961).

And he concluded in the forty-eighth,

"It is agreed on all sides, that the powers properly belonging to one of the departments ought not to be directly and completely administered by either of the other departments. *It is equally evident, that none of them ought to possess, directly or indirectly, an overruling influence over the others, in the administration of their respective powers.*" *Id.,* No. 48, at 332 (emphasis added).

As the Supreme Court emphasized in *Springer* v. *Philippine Islands,* 277 U.S. 189, 201 (1928), "This separation and the consequent exclusive character of the powers conferred upon each of the three departments is basic and real—not merely a matter of governmental mechanism." In the same vein are the Court's remarks in *Massachusetts* v. *Mellon*, 262 U.S. 447, 488 (1923): "The general rule is that neither department may invade the province of the other and neither may control, direct, or restrain the action of the other."

---

[7] This principle was clearly stated in *Jordan v. Hutcheson,* 323 F. 2d 597, 604–05 (4th Cir. 1963), where the court said,

"In protecting the constitutional rights of individuals vis-a-vis state action, the federal courts are not concerned with the division of legislative, executive and judicial functions within the governmental structure of the state. As heretofore pointed out, it is the doctrine of federalism; *i.e.,* federal respect for the institutions of state governments, which causes our courts to move with care in this direction. Separation of powers is, however, the principle involved when federal courts come to consider the activities of the legislative branch of the federal government. . . ."

(b) *The House properly interpreted the scope of the power committed to it by the Constitution.*

A brief consideration of plaintiffs' basic claim illustrates how clearly the subject matter here involves a political question. Plaintiffs assert that article I, section 2 sets forth "the sole and only qualifications prescribed by the Constitution for members of the House" (complaint, para. 9); that those qualifications may not be altered, modified, expanded or changed by the House; and that since the House found Mr. Powell to be possessed of the qualifications enumerated in article I, section 2, it was unconstitutional to exclude him.

We respectfully submit that whether or not plaintiffs correctly read these provisions of the Constitution is a matter to be decided exclusively and finally by the House, and not by a federal court in a suit against the Members. But even if there exists any power of judicial review of such matters—and no case has ever so held—it can hardly extend to this case. Any such sweeping form of judicial review would convert the House into a lower court of the judicial branch when it considers and decides upon the qualifications and expulsion of its Members. We need not here consider whether the courts might ever properly review grossly arbitrary abuse of the power of the House. This is not such a case. The Supreme Court has already made it entirely clear that it will consider intervention only when it is obvious that there has been a "manifestly unauthorized exercise of power." *Baker* v. *Carr*, 369 U.S. at 217.[8]

It is readily apparent here that the House was entirely correct in construing the Constitution to permit disqualification of Mr. Powell on the grounds invoked, *i.e.*, that he had by conduct amounting to contempts of court, other contumacious behavior and misuse of congressional funds demonstrated his unfitness to serve in that body.

Article I, section 2 provides,

"No Person shall be a Representative who shall not have attained to the age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen."

That language is clearly susceptible of the interpretation that the requirements for Members set forth therein are not intended to be exclusive.

In the first place, the three tests set forth in article I, section 2 are clearly not described as the sole qualifications for membership. Indeed, they are not even described as "qualifications." They are cast in the negative, thus strongly suggesting that they are merely meant to set forth *minimum requirements* for membership applicable to all. Only a few years after the Constitutional Convention, John Randolph cogently explained the significance of that negative constitutional language:

"If the constitution had meant (as was contended) to have settled the qualification of members, its words would have naturally ran thus: 'Every person who has attained the age of twenty-five years and been seven years a citizen of the United States, and who shall, when elected, be an inhabitant of the State from which he shall be chosen, shall be eligible to a seat in the House of Representatives." Quoted in *Case of Brigham H. Roberts*, H.R. Rep. No. 85, pt. 1, 56th Cong., 1st Sess. 13 (1900).

Further support for John Randolph's construction is found in the records of the Committee of Detail of the Constitutional Convention. Edmund Randolph, then Governor of Virginia and subsequently the first Attorney General of the United States and one of the five members of the Committee of Detail, prepared an outline for discussion by the members of that Committee in which the following appears:

"5. The qualifications of (a) delegates shall be the age of twenty five years at least and citizenship: (and any person possessing these qualifications may be elected except)." 2 Farrand, *Records of the Federal Convention* 139 (1911).

The portion in parentheses was crossed out, thus implying, we believe, that it was specifically concluded not to attempt an exclusive list of qualifications. And by the time the Constitution reached final form, the affirmative stipulation of qualifications had been changed to negative statements of disqualification.

In the second place, the Constitution itself plainly adds specific additional disqualifications to the three which plaintiffs assert are exclusive. Thus article I, section 6, clause 2, provides that no person holding any office under the United States may be a member of either house. Again article VI, clause 3, provides that members of each house shall be bound by oath or affirmation to support the Constitution, thereby obviously disqualifying any member-elect unwilling to take the oath or affirmation. And the fourteenth amendment added a sixth "disability" (engagement in rebellion against the United States, etc.). *Compare* 1 Blackstone, *Commentaries* *163 (4th ed. 1770), much in the minds of the Framers, which listed "standing incapacities" of Members of Parliament in the same form as article I, section 2, clause 1, and emphasized that Parliament might adjudge a Member incapable to sit for reasons beyond the "standing incapacities."

In the third place, in addition to imposing the aforementioned six disabilities on individuals, the Constitution imposes but a single limitation upon each house in judging qualifications. That limitation is in article VI, which provides that "no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States." By listing negative disqualifications or prerequisites for all who would seek office in either house, by the specific prohibition against imposing a religious test on those who meet such prerequisites, and by the provision authorizing each house to be the judge of the qualifications of its members—that is, those who have already met the stated minimum prerequisites—the Constitution seems clearly to contemplate that neither house is to be foreclosed from invoking other criteria when judging qualifications.

Finally, it is important to consider the constitutional framework, article I, section 5, in which the provision that each house shall be the judge of its members' qualifications appears. All four clauses of section 5 deal with matters of internal governance and regulation of each house. Every part of that section deals with matters of discretion, expressly and exclusively delegated to the houses of Congress. In short, the construction of section 5 as a whole demonstrates a conscious commitment to each house of complete discretion in the conduct of all of its internal affairs.

We accordingly submit that the plain implication of the six disqualifications, the single express prohibition and the overall construction of article I, section 5, lead inexorably to the conclusion that the two houses are free to demand other qualifications from their members. That conclusion is consistent as well with the dictates of common sense. Merely as an indisputable example, it seems plain beyond doubt that one who had become mentally incompetent, following election but prior to seating, could properly be excluded. Yet, as we understand plaintiffs, the House would be required to seat such a person if he met the so-called exclusive qualifications under article I, section 2 (notwithstanding the great harm that seating him might do to the nation as well as to his own constituency).

---

[8] This statement reflects the traditional self-restraint expressed by the Supreme Court in the political question context. In some political question cases, the Court has held that a decision by the coordinate branch of the government that it has complied with the requirements of the Constitution is entirely final and unreviewable. *See, e.g., Field* v. *Clark*, 143 U.S. 649, 669–72 (1892) (official declaration by Congress and President that bill passed Congress as required by Constitution must be accepted by Court); *Coleman v. Miller*, 307 U.S. 433, 450, 456 (1939) (Congress has final determination of whether amendment to Constitution was adopted in conformity with constitutional requirements). In other political question situations, the Court has held that it must accept the political departments' determination of the scope of their constitutional powers where such determination is not arbitrarily or obviously and manifestly unauthorized. *See, e.g., United States* v. *Holliday*, 70 U.S. (3 Wall.) 407, 419–20 (1865) (where political departments recognize certain Indians as a "tribe" and thus subject to congressional regulation under art. I, § 8, cl. 3, courts must do the same); *Dakota Cent. Tel. Co.* v. *South Dakota*, 250 U.S. 163 (1919); *Ludecke* v. *Watkins*, 335 U.S. 160 (1948) (courts must defer to congressional and presidential determinations of propriety of exercise of war powers).

Moreover, the Court has recognized that when a house exercises its power to judge and punish its members, it acts as a judiciary, *Barry* v. *United States ex rel. Cunningham, supra*, and that, in such a case, unusually great respect must be accorded by the courts to the house's interpretation of the meaning and scope of the constitutional provision under which it acts. *Id.* at 620 (where Senate exercises its judicial power, even as to a non-member, courts can interfere only "upon a plain showing of such arbitrary or improvident use of the power as will constitute a denial of due process of law").

As we have said, we need not consider here whether the House, having interpreted its constitutional powers to permit excluding a Member on the grounds set forth in H.R. Res. 278, is legally free to exclude on any ground whatever. The grounds on which the House relied here, *e.g.*, misuse of congressional funds and contempt of court orders, certainly fall within the ambit of proper bases for exclusion from a legislative body naturally interested in upholding its own reputation for integrity, honesty and respect for the courts. This is not a case where the House has excluded a Member on wholly arbitrary and unreasonable grounds, such as race, religion or political beliefs. Indeed, plaintiffs' complaint does not allege that Mr. Powell was excluded on any such ground, nor does it challenge the factual basis of the actual grounds on which Mr. Powell was excluded.

(c) *The House action is also justified under the expulsion power committed to it.*

Even if the House had erroneously added a disqualification not permitted by the Constitution, judicial intervention would not be permitted. For the House action can be alternatively justified under the expulsion power, as to which the Constitution clearly imposes no limitations, and the "error," if any there be, is thus technical at worst.

H.R. Res. 278 as originally introduced in the House called for the seating of Mr. Powell and the imposition of certain sanctions. CONGRESSIONAL RECORD, March 1, 1967, pages 4997–4998. After a motion to bring the resolution to a vote was rejected, Mr. Curtis proposed an amendment to the resolution, providing that Mr. Powell "is excluded from membership *in the 90th Congress,*" *id.* at pages 5020–5021. In response to a parliamentary inquiry by Mr. Celler as to whether the resolution in the amended form offered by Mr. Curtis would "require a two-thirds vote, in the sense that it might amount to an expulsion," the Speaker stated that "action by a majority vote would be in accordance with the rules," *id.* at page 5021. Mr. Curtis then stated that "the power of expulsion very clearly implied the right of exclusion" and that therefore "exclusion would require a *two-thirds vote.*" *Ibid.* Shortly thereafter Mr. Celler protested against excluding Mr. Powell "on a majority vote" on the grounds that a mere majority vote would be unconstitutional. *Id.*, at pages 5023–5024.

The resolution was thereafter duly adopted in the form proposed by the Curtis amendment by a vote in excess of two-thirds of the 434 Members—307 to 116. *Id.* at page 5035.

The foregoing makes it clear that the House excluded Mr. Powell by a two-thirds vote and that some Members at least considered exclusion and expulsion co-extensive in the context at hand. It may be that in a theoretical sense a Member should properly be seated before he may be expelled and that, for that reason only, the action was an exclusion.[9] It was of course so designated in the resolution. It may be that no such formality is required, because in practical effect the two amount to the same thing and the basic constitutional requirement for expulsion—a concurrence of two-thirds—was amply satisfied. But surely the broad perimeters of article I, section 5, giving the House control over the conduct of its internal affairs, prevent judicial questioning as to the technical regularity of the parliamentary procedure involved.

Furthermore, whatever limitations are arguably imposed upon the power to judge qualifications of Members-elect, granted by clause 1 of section 5, it has never been disputed that the authority of the House to determine its own procedural rules and to expel on the vote of two-thirds is committed solely to its discretion. In particular, there can be no dispute that expulsion can be had for a host of reasons relating to past and current behavior. As the Supreme Court has stated, "The right to expel extends to all cases where the offence is such as in the judgment of the Senate is inconsistent with the trust and duty of a member." *In re Chapman,* 166 U.S. 661, 669–70 (1897). Here the Select Committee found that Mr. Powell had been guilty of conduct reflecting discredit upon and bringing into disrepute the House and its Members, had participated in misappropriation of government funds, and had been guilty of contumacious conduct unworthy of a Member. It can hardly be doubted that those findings, expressly recited in H.R. Res. 278 (and indeed not contested by the complaint), support the judgment of the House that Mr. Powell's conduct had been inconsistent with the trust and duties imposed by membership in that body.

Plaintiffs' entire argument therefore rests upon the slimmest of reeds. At most their contention is that the action of the House was not absolutely regular. If the House had taken the technical step of voting to seat Mr. Powell and then immediately expelling him by the two-thirds vote that in fact was accomplished on the amended resolution to exclude, the plaintiffs would have no argument left at all. The House did not take that step, presumably because it was already on notice of the wrongful conduct, felt that such action would be inconsistent with its stated obligation to judge qualifications of Members-elect and saw no need for two votes to accomplish what could be done in one. We submit that the House of Representatives has effectively met the stated requirement for expulsion; if it has not, the deficiency in its resolution is merely technical and ministerial and hardly the occasion for judicial review. It is unthinkable that all the policies militating against judicial interference with the legislative branch in a case of this sort should be put to one side in order to correct such a minor and technical deficiency.

(2) *Additional Political Question Considerations Are Also Present.*

The foregoing makes clear that the subject matter of this controversy has been carefully committed by the Constitution to the House for resolution and, hence, under the very first test in *Baker* v. *Carr,* the case must be dismissed because the claim is not justifiable. The Framers expressly and advisedly made the political decision to charge the House with determining the qualifications of its Members as part of their commitment to the separation of powers. No court has ever ventured into this delicate area; no court ever should.

In addition, as we have said, four of the other tests in *Baker* v. *Carr* are also met here.

First, there is in this case "a lack of judicially discoverable and manageable standards for resolving it." 369 U.S. at 217. Here the problems to be resolved are what test an individual Member of Congress should apply when voting on the qualifications of another Member, how each Member should weigh the factors involved in that test, and, finally, what each Member's vote should be in the case of Mr. Powell. Standards for resolving those problems are, we submit, not discoverable by an article III court and, as we develop in Point II, clearly not manageable.

It is, we think, significant that there is no reported case in which the courts in the United States have taken jurisdiction to determine the right to possess a congressional office. To the contrary, whenever the question has arisen, jurisdiction has been denied. *Johnson* v. *Stevenson,* 170 F. 2d 108 (5th Cir. 1948), *cert. denied,* 336 U.S. 904 (1949); *Peterson* v. *Sears,* 238 F. Supp. 12 (N.D. Iowa 1964); *Keogh* v. *Horner,* 8 F. Supp. 933, 935 (S.D. Ill. 1934); *Obegard v. Olson,* 264 Minn. 439, 119 N.W. 2d 717 (1963); *State ex rel. Wettengel* v. *Zimmerman,* 249 Wis. 237, 24 N.W. 2d 504 (1946). Indeed, in a suit challenging the legality of the election of Mr. Powell himself, a district court held that it was without jurisdiction in view of article I, section 5 of the Constitution, concluding "the federal courts have no jurisdiction to pass on the qualifications and the legality of the election of any member of the House of Representatives." *Application of James,* 241 F. Supp. 858 (S.D.N.Y. 1965). These principles were confirmed by the court of appeals in *Sevilla* v. *Elizalde, supra,* where the court stated,

"We are cited to no cases, and we find none, in which the Federal courts have been asked to determine the qualifications of a member of Congress. Apparently it has been fully recognized that that power is lodged exclusively in the legislative branch." 72 App. D.C. at 117, 112 F. 2d at 38.

Second, this case is impossible to decide "without an initial policy determination of a kind clearly for non-judicial discretion." *Baker* v. *Carr,* 369 U.S. at 217. As we have made clear *supra,* pp. 30–38, the Members of the House clearly have been given very broad discretion both to determine the qualifications of Members and to expel Members. The kind of determination required of them involves obviously basic policy considerations.

---

[9] The same argument has been made against invoking the power to judge qualifications of "members" to bar a member-elect, and has been expressly rejected by the Supreme Court. *Barry* v. *United States ex rel. Cunningham, supra.*

Third, it is impossible for a court to undertake independent resolution of this controversy "without expressing lack of the respect due coordinate branches of the government." *Ibid.* Here, of course, the question is what respect is due the House of Representatives by this court. Quite apart from the prohibitions of the Speech or Debate Clause, we submit it to be self-evident that a court owes the Members of the House at least the minimal respect of not directing them how to vote on a particular matter or what action to take or refrain from taking within the House.

Fourth, and finally, we think it also clear that this matter also presents "the potentiality of embarrassment from multifarious pronouncements by various departments on one question." *Ibid.*

C. Even if Congress Could Do So, It Has Not Conferred Jurisdiction on the Courts To Consider this Case.

Even if this case against the House and its Members were of a type which the Constitution contemplated that the federal judiciary might consider, it would not necessarily follow that this court had jurisdiction to decide it. For the jurisdiction of the lower federal courts is dependent upon an affirmative grant of such jurisdiction by the Congress. See, e.g., *Romero* v. *International Terminal Operating Co.*, 358 U.S. 354 (1959); *Lauf* v. *E. G. Shinner & Co.*, 303 U.S. 323 (1938); *Sheldon* v. *Sill*, 49 U.S. (8 How.) 440 (1850). It is therefore necessary to examine critically the statutory jurisdictional bases asserted in plaintiffs' complaint. Such examination discloses that none of those asserted bases supports the jurisdiction of this court here.

The complaint (para. 1) founds jurisdiction on 28 U.S.C. § 1331 (original jurisdiction of case involving federal question and more than $10,000 in controversy); 28 U.S.C. § 1343(4) (original jurisdiction of civil action authorized by law to recover damages or secure other relief under any law providing for protection of civil rights, including right to vote); 28 U.S.C. §§ 2201–02 (declaratory relief proper in case of actual controversy within the court's jurisdiction; no separate grant of jurisdiction); 28 U.S.C. § 2282 (three-judge court required in case seeking injunction against enforcement of allegedly unconstitutional Act of Congress; no separate grant of jurisdiction); 42 U.S.C. § 1971(a)(1)-(2) (right to vote protected; no grant of jurisdiction); 42 U.S.C. § 1981 (equal rights under the law protected; no grant of jurisdiction); and 42 U.S.C. § 1983 (person depriving another of constitutional rights under color of state or territorial statute liable to party injured; no grant of jurisdiction).

It is readily apparent from the foregoing that the only colorable basis for jurisdiction in this case is 28 U.S.C. § 1331(a), conferring jurisdiction on a district court where the matter in controversy exceeds $10,000 and "arises under the Constitution, laws or treaties of the United States."[10] However, even if this action did literally "arise under the Constitution" and, therefore, under the seemingly all-embracing language of section 1331(a), we submit that Congress never intended that section to embrace a controversy of this nature.

We start with the propositions that federal courts are courts of limited jurisdiction, and that the Supreme Court itself has had a "deeply felt and traditional reluctance . . . to expand the jurisdiction of the federal courts through a broad reading of jurisdictional statutes." *Romero* v. *International Terminal Operating Co.*, 358 U.S. at 379. A grant of jurisdiction should not lightly be implied into section 1331(a) in this context since it is well established that federal jurisdiction is to be strictly construed. *See Healy* v. *Ratta*, 292 U.S. 263, 270 (1934).[11]

Indeed, the Congress has strongly indicated an intent to withhold such jurisdiction from the district courts in the present case. The only section of the Judicial Code specifically conferring jurisdiction to recover possession of office, 28 U.S.C. § 1344, limits such jurisdiction to certain instances where the right to vote has been denied and moreover, and very significantly, excepts even from that limited jurisdiction cases involving the offices of "elector of President or Vice President, United States Senator, Representative in or delegate to Congress, or member of a state legislature."

The legislative history of section 1344 plainly indicates that it was intended to deny jurisdiction to United States courts in cases such as this. The section was first enacted as section 23 of the "Force Act" of May 31, 1870, ch. 114, 16 Stat. 146. The purpose of the exceptions was described on the floor of the House as follows:

"*It was thought important by the conference committee that the courts of the United States under no possible condition of things should be authorized to intervene to settle any case of contest whatever about the election of members of Congress*, about the election of electors for President or Vice President of the United States, or about the election of the members of a State Legislature, leaving the last under the constitutions of the several States to be settled exclusively by the bodies to which they were elected." *Cong. Globe*, 41st Cong., 2d Sess. 3872 (1870) (emphasis added).

When Congress created general federal question jurisdiction in 1875, it could hardly have intended to confer jurisdiction which it had expressly withheld only five years earlier. Act of March 3, 1875, ch. 137, [§ 1], 18 Stat. 470 (now 28 U.S.C. § 1331).

In *Johnson* v. *Stevenson*, 170 F. 2d 108 (5th Cir. 1948), *cert. denied*, 336 U.S. 904 (1949), the court of appeals unanimously held that section 1344 deprived the United States courts of jurisdiction to try title to the office of United States Senator, and a like conclusion necessarily follows in a suit to try title to the office of a Member of the House of Representatives. The court held in *Johnson* v. *Stevenson*,

"In this section there is a manifest purpose to keep the judicial department from intervening, even by the usually available law writ of quo warranto, in the election of these high functionaries in the executive and legislative departments. According to the common law there was no right at all to contest in a court any public election, because they belong to the political branch of the government and are beyond the control of judicial power, and the only remedy in the nature of an election contest was a quo warranto or an information in that nature. . . . This explains the words in Sec. 1344 'to recover possession of any office', which would be the object of a quo warranto. *The aim of the section is to enable the district court to interfere in elections only to the limited extent it prescribes and to exclude it altogether from interfering with the election of a Senator or with the constitutional right of the Senate to judge of his election in all its steps or stages.*" *Id.* at 110 (emphasis added).

In *Johnson*, no Member of the House or Senate was a defendant, yet the court held itself powerless to interfere. In a suit such as this, brought against the House and its Members, the court's conclusions as to lack of judicial power have even greater force.

However, this court need not reach the question whether section 1344 itself denies jurisdiction. As we have demonstrated, in this case there are serious constitutional doubts whether the court *could take jurisdiction in this case*, and those issues would have to be decided before the court could proceed. Under those circumstances, and in light of section 1344, section 1331 should not be construed to apply to this case.

Point II

This Court lacks power to grant plaintiffs any of the relief requested against the Members of the House.

It is plain that, if we are correct in any significant part of our analysis under Point I, the court is without power to grant the relief plaintiffs seek. But even if we are wrong in what has been said thus far, there are a number of other serious jurisdictional problems involved in granting any of the relief sought by plaintiffs against the House, its Members and agents.

---

[10] Most of the other sections recited in the complaint obviously do not confer any subject matter jurisdiction on the district courts. To the narrow extent that 28 U.S.C. § 1343(4) might be read to confer jurisdiction as to claims of *federal* deprivation of civil rights protected by "Act of Congress," the related Acts of Congress invoked, 42 U.S.C. §§ 1971(a)(1)-(2), 1981, 1983, deal either with state action or with specific acts (arguably federal) of voter discrimination, such as tests of literacy, that are not alleged to have been involved here. Those Acts cannot conceivably be read to include protection against an internal determination of the House of Representatives done under color of the Constitution.

[11] The fact that section 1331(a) jurisdiction requires a certain minimum in controversy (now $10,000) is further evidence that the statute should not be read to cover this case. In a matter of this fundamental constitutional concern it hardly seems likely that Congress would have intended the jurisdiction of the federal courts to turn on the happenstance of the requisite minimum jurisdictional amount.

Plaintiffs now seek, by injunction, mandamus, or otherwise an order which would

(1) restrain the House of Representatives from enforcing a resolution adopted by over 71 percent of its Members;

(2) compel the Speaker of the House to administer an oath, to which action a majority of the Members is opposed;

(3) compel various officers of the House to render services for Mr. Powell, which their superiors have expressly ordered them not to do;

(4) compel the House, as a body, to accord Mr. Powell all the privileges, emoluments and rights of a Member;

(5) compel the House to admit him to membership; and

(6) restrain the Members of the House "from taking . . . *any other action* which will deny plaintiff Adam Clayton Powell, Jr. the right to be seated" (emphasis added).

It is safe to say that no court has ever ventured its process that far.

Courts and judges customarily talk in terms of power to grant relief, and they mean just that—power. Enforcement of any order is ultimately grounded in power. To be sure, in an ordered society responsible members of the community bow to the order of a court without the exercise of the court's power, but the power remains as the basis for the decree nevertheless. When considering the theoretical reach of a court's order, it is useful to think in terms of the court's power to compel the result in decrees.

What is the result plaintiffs seek? They request that the court take all necessary action to force the House of Representatives to seat Mr. Powell. How can that result be accomplished since more than two-thirds of the members are opposed to that action? Certainly not by an order to the Speaker or to one or more of the agents of the House. They are all, even the Speaker in the final analysis, only agents of the majority of the Members of the House. Surely one cannot imagine the possibility of the Speaker, for example, administering the oath to Mr. Powell when a majority of the Members have directed him not to do so.

There is only one other way to accomplish the result plaintiffs seek; a majority of the Members must be ordered to vote to seat Mr. Powell. That must ultimately be done expressly by the court; no other relief will obtain the result plaintiffs demand. Should a Member of Congress vote in any matter as he is ordered to vote by some other branch of the government? That is a matter which each Member must settle for himself in his own conscience.

However that may be, the important point which concerns us here is whether the court can or should, for the purpose plaintiffs seek, become the legislature. Madison, quoting Montesquieu, has warned in the forty-seventh number of *The Federalist* that "Were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for *the judge* would then be *the legislator*." *The Federalist* No. 47, at 326 (Cooke ed. 1961) (Madison) (emphasis in original).

That conclusion of the political philosophers is consistent with the conclusions reached by our courts.

A. The Injunctive Relief Requested Against the House and its Members Is Barred by the Doctrine of Separation of Powers and by the Speech or Debate Clause.

Essentially, plaintiffs seek relief against the entire House to force the seating of Mr. Powell.[12] It has long been clear that the judicial branch cannot entertain an action to enjoin either the legislature or the executive.

Mississippi v. *Johnson*, 71 U.S. (4 Wall.) 475 (1867), involved a significant attempt to maintain such an action against one of the other branches. There, the State of Mississippi sought to enjoin President Andrew Johnson from invoking allegedly unconstitutional Reconstruction legislation. This the Supreme Court held the judiciary could not do:

"The Congress is the legislative department of the government; the President is the executive department. Neither can be restrained in its action by the judicial department; though the acts of both, when performed, are, in proper cases, subject to its cognizance.

"The impropriety of such interference will be clearly seen upon consideration of its possible consequences.

"Suppose the bill filed and the injunction prayed for allowed. If the President refuses obedience, it is needless to observe that the court is without power to enforce its process. If, on the other hand, the President complies with the order of the court and refuses to execute the acts of Congress, is it not clear that a collision may occur between the executive and legislative departments of the government? May not the House of Representatives impeach the President for such refusal? And in that case could this court interfere, in behalf of the President, thus endangered by compliance with its mandate, and restrain by injunction the Senate of the United States from sitting as a court of impeachment? Would the strange spectacle be offered to the public world of an attempt by this court to arrest proceedings in that court?" *Id.* at 500–01 (emphasis added).

More recently, the same rule was reiterated in *Trimble* v. *Johnston*, 173 F. Supp. 651, 652–53 (D.D.C. 1959):

"The judicial branch of the Government is independent of the other two departments. Its decisions and its business may not be controlled or influenced by either the legislative or executive branch. In fact, it has been often said that there can be no liberty without an independent judiciary. Reciprocally, *the judicial branch of the Government may not control or direct the legislative or executive departments. Thus, the Federal courts may not issue an injunction or a writ of mandamus against the Congress.*" (Emphasis added.)

As Judge Burger has phrased it,

"[There] is no reason why we as judges should regard ourselves as some kind of Guardian Elders ordained to review the political judgments of elected representatives of the people. . . . This elementary fact about the nature of our system, which seems to have escaped notice occasionally must make manifest to judges that we are neither gods nor godlike, but judicial officers with narrow and limited authority. Our entire System of Government would suffer incalculable mischief should judges attempt to interpose the judicial will above that of the Congress and President . . . ." *Pauling* v. *McNamara*, 118 U.S. App. D.C. 50, 53, 331 F. 2d 796, 799 (1963), *cert. denied*, 377 U.S. 933 (1964).

Though no previous action has sought to enjoin the entire Congress, there have been several cases in which plaintiffs have brought suit to enjoin congressional committees from performing their functions. In these cases the courts have uniformly determined that such an action will not lie, and it follows a fortiori that this suit is barred.

Two cases in this circuit deserve special mention. First, in *Hearst* v. *Black*, 66 App. D.C. 313, 87 F.2d 68 (1936), suit was brought to enjoin a Special Senate Subcommittee from copying and using telegraph messages in alleged violation of various constitutional and statutory provisions. The court of appeals held that the suit could not be entertained, stating,

"[T]he committee has obtained copies of the telegrams and they are now physically in its possession; and this means neither more nor less than that they are in the hands of the Senate, for the committee is a part of the Senate . . . . [According to the prayer of the complaint] if we find that the method adopted to obtain the telegrams was an invasion of appellant's legal rights, we should say to the committee and to the Senate that the contents could not be disclosed or used in the exercise by the Senate of its legitimate functions. We know of no case in which it has been held that a court of equity has authority to do any of these things. On the contrary, the universal rule, so far as we know it, is that the legislative discretion in discharge of its constitutional functions, whether rightfully or wrongfully exercised, is not a subject for judicial interference.

"The Constitution has lodged the legislative power exclusively in the Congress. If a court could say to the Congress that it could use or could not use information in its possession, the independence of the Legislature would be destroyed and the constitutional separation of the powers of government invaded. Nothing is better settled than that each of the three great departments of government shall be independent and not subject to be controlled directly or indirectly by either of the others. . . .

---

[12] In so far as this action is against the defendant Members individually, rather than the entire House, there is no equity jurisdiction. Any injunction running only against the defendant Members individually could not be effective since it is the whole House which has refused to seat Mr. Powell. Therefore, since a court of equity will not require a person to do an act which is not within his power to do, such an injunction will not issue. See, e.g., *Blackmar* v. *Guerre*, 342 U.S. 512, 516 (1952); *Dombrowski* v. *Burbank*, 123 U.S. App. D.C. 190, 192–93, 358 F.2d 821, 823–24, *cert. granted sub nom. Dombrowski* v. *Eastland*, 385 U.S. 812 (1966).

". . . If it be insisted that this is the acknowledgment of a power whose plenitude may become a cataclysm, the answer is that the Congress 'is as much the guardian of the liberties and welfare of the people as the courts' . . ." *Id.* at 316–17, 87 F. 2d at 71–72.

More recently in ***Pauling* v. *Eastland***, 109 U.S. App. D.C. 342, 288 F. 2d 126, *cert. denied*, 364 U.S. 900 (1960), a witness who had been ordered by the Senate Subcommittee on Internal Security to produce certain documents brought suit to enjoin enforcement of the Subcommittee's order. The district court dismissed the complaint, and the court of appeals affirmed, concluding.

"In the case at bar the present situation of appellant Pauling . . . is [opposed to] the right of the Senate to pursue its legislative duties without judicial interference. The separation of powers principle is one of the basic concepts of the Constitution. The courts have no power of interference, unless and until some event, such as arrest, indictment or conviction, brings an actual controversy into the sphere of judicial authority. The courts cannot interfere merely upon the petition of a person potentially liable to some such event. It is clear . . . that the doctrine of the separation of powers prevails here." *Id.* at 345, 288 F. 2d at 129.

The holding of these cases is echoed time and again in other cases and by other courts. See ***Mins* v. *McCarthy***, 93 U.S. App. D.C. 223, 209 F. 2d 307 (1953) (court will not enjoin Congressional hearing); ***Methodist Federation* v. *Eastland***, 141 F. Supp. 729 (D.D.C. 1956) (court will not enjoin Senate subcommittee from publication of report); ***Fischler* v. *McCarthy***, 117 F. Supp. 643, 647–50 (S.D.N.Y. 1954) (alternative holding that court will not enjoin Senator from compelling production of documents), ***aff'd on other grounds***, 218 F.2d 164 (2d Cir. 1954). See also ***Dombrowski* v. *Burbank***, 123 U.S. App. D.C. 190, 192–93, 358 F.2d 821, 823–24 (dictum), ***cert. granted sub nom. Dombrowski* v. *Eastland***, 385 U.S. 812 (1966);[13] ***Hutner* v. *McCarthy***, Civil No. 89–364 (S.D.N.Y. 1953).

While the aforementioned decisions denying injunctive relief primarily advert to the limitations placed on the courts by the doctrine of separation of powers, at least one other decision emphasizes the insuperable obstacle to injunctive relief also raised by the Speech or Debate Clause.

As we have shown above, the Supreme Court has squarely held that the Speech or Debate Clause protects members of the legislative branch from damage actions generally, even where the action complained of was not authorized by the Constitution. See ***Kilbourn* v. *Thompson***, 103 U.S. 168 (1880). ***Methodist Federation* v. *Eastland***, 141 F. Supp. 729 (D.D.C. 1956), squarely holds that it immunizes them from injunction actions as well. There, the Federation charged that a pamphlet authored by the Internal Security Subcommittee and authorized to be printed by concurrent resolution falsely characterized the plaintiff as a communist front organization. The complaint sought a declaration that the concurrent resolution was unconstitutional and prayed for an order enjoining the Public Printer, the Superintendent of Documents, and the Members of the Subcommittee from printing or distributing the pamphlet. The three-judge district court relied upon the Speech or Debate Clause, noting that "[i]t would be paradoxical if Members could be questioned in any other place for statements in a document which both houses have ordered published." *Id.* at 731. Accordingly, the court dismissed the complaint as to the Members of the Subcommittee for lack of jurisdiction.

To construe the Speech or Debate Clause as proscribing injunctive relief as well as damage suits and criminal prosecutions is of course mandatory if that Clause is to be meaningful. For the ultimate purpose of that Clause is to enable representatives "to execute the functions of their office without fear of prosecutions, civil or criminal." ***Coffin* v. *Coffin***, 4 Mass. 1, 27 (1808), quoted with approval in ***Kilbourn* v. *Thompson, supra***, at 203. And the privilege of speech and debate is designed to immunize legislators from deterrents to the uninhibited discharge of their legislative duty, ***Tenney* v. *Brandhove***, 341 U.S. 367, 373 (1951), and to protect them from "cost and inconvenience and distractions of a trial." *Id.* at 377. For the court to grant an injunction would subject a Member to substantial coercive deterrents, since disobedience could lead to contempt citations, damages and even imprisonment. And if, on the other hand, the injunction could not properly be enforced in the face of the Speech or Debate Clause, such unenforceability in itself is a cogent reason for not issuing the injunction. ***Virginian Ry.* v. *System Federation***. 300 U.S. 515, 550 (1937).

We need not stop to consider whether an injunction may issue against a Member of Congress to restrain the taking of action outside the House or Senate against the person or property of an individual citizen. *Cf.* Brief for Petitioners, ***Dombrowski* v. *Eastland, supra***, No. 118 (U.S. Sup. Ct., Oct. Term 1966). In any event, as all the cases cited above expressly hold, the courts lack power to enjoin either house, their committees or members from taking actions within the house in the course of their official business. That is precisely the type of injunctive relief plaintiffs seek here.

Finally, plaintiffs in substance seek a ruling that Mr. Powell has the right to sit as a Member of the 90th Congress. In so far as this claim seeks equitable relief, it is plain that the action will not lie. In *Baker* v. *Carr*, the Court recognized that there was no "federal equity power" to determine title to a public office. The Court stated:

"[S]uch cases as In re Sawyer, and Walton v. House of Representatives, . . . held that federal equity power could not be exercised to enjoin a state proceeding to remove a public officer. . . . White v. Berry . . . relying on Sawyer, withheld federal equity from staying removal of a federal officer." 369 U.S. at 231 (citations omitted).

The cases cited by the Court have conclusively settled that there is no federal equitable jurisdiction in such circumstances, whether or not there is a remedy by mandamus or other prerogative writ. *In re Sawyer*, 124 U.S. 200 (1888); ***Walton* v. *House of Representatives***, 265 U.S. 487 (1924). ***White* v. *Berry***, 171 U.S. 366 (1898), involved an allegation that a federal officer had been unconstitutionally removed from office. The Supreme Court held,

"[A] court of equity [has] no jurisdiction over the appointment and removal of public officers, and that to sustain a bill in equity to restrain or relieve against proceedings for the removal of public officers would invade the domain of the courts of common law, or of the executive and administrative departments of the government." *Id.* at 376.

B. The Relief Requested in the Nature of Mandamus Is Not Available.

Plaintiffs' efforts to obtain relief in the nature of mandamus under 28 U.S.C. § 1361 are completely misplaced in view of the barriers to relief above described. See ***Trimble* v. *Johnston***, 173 F. Supp. 651, 653 (D.D.C. 1959) ("the judicial branch . . . may not control or direct the legislative . . . department. . . . Thus, the Federal Courts may not issue . . . a writ of Mandamus against the Congress.") We consider mandamus more fully under Point III. We show that a Member of Congress is clearly not "an officer or employee of the United States" within the meaning of section 1361. We also show that mandamus will never lie to compel performance of any discretionary act, much less to compel a Member of Congress to vote or refrain from voting, or to take or refrain from taking any other action within the House in the course of his official duties. ***Compare, Marbury* v. *Madison***, 5 U.S. (1 Cranch) 137, 170 (1803); ***Panama Canal Co.* v. *Grace Line, Inc.***, 356 U.S. 309, 318 (1958); ***Colegrove* v. *Green***, 328 U.S. 549, 555 (1946).

C. The Declaratory Relief Requested Is Barred by the Same Principles.

It is irrelevant here that plaintiffs, in addition to an injunction, seek declaratory relief. In *Pauling* v. *Eastland*, 109 U.S. App. D.C. 342, 288 F.2d 126, *cert. denied*, 364 U.S. 900 (1960), the court of apeals held that a declaratory action will not lie where suit for an injunction would be improper:

"[Pauling] contends that a declaratory judgment in respect to his rights and in respect to the validity of the contemplated action would not really interfere with the Senate. But such a differentiation [is] . . . without substance. It is unthinkable . . . that, if the courts should hold a specific directive of a Committee of the Congress unconstitutional and void, the Commitee would nevertheless attempt to enforce that directive. So . . . a declaratory judgment would be as effective as impingement upon and interference with legislative proceedings as a flat injunction would be. Thus . . . a declaratory judgment respecting the validity of contemplated Congressional action would violate the doctrine of the separation of powers and would be an illegal impingement by the judicial branch upon the duties of the legislative branch." 288 F.2d at 130.

---

[13] In an unreported opinion, the district court in *Dombrowski* concluded, "It is elementary that our Federal Government is divided into three coordinate branches. No one of the three may interfere with the activities of either of the other two except in the limited matters as provided by other provisions of the Constitution. Consequently, this Court may not enjoin a Congressional committee from pursuing its activities." Civil No. 2678–63 (D.D.C., filed Oct. 31, 1963). In *Dombrowski*, "the relief requested . . . is directed solely" at the individual defendants, 358 F.2d at 824; in this case, however, the action is against Members of Congress in a representative capacity.

Accord, Fischler v. *McCarthy*, 117 F. Supp. 643, 649–650 (S.D.N.Y.), *aff'd on other grounds*, 218 F.2d 164 (2d Cir. 1954). *See also Riss & Company* v. *ICC*, 86 U.S. App. D.C. 79, 179 F.2d 810 (1950); *Utah Fuel Company* v. *National Bituminous Coal Commission*, 69 App. D.C. 333, 101 F.2d 426 (1938), *aff'd*, 306 U.S. 56 (1939).

Point III

This Court also lacks power to grant any of the relief requested against any of the non-member defendant agents of the House, requiring them to perform alleged official duties in a manner contrary to an adopted resolution of the House.

A. The Principles That Bar Injunctive Relief Against Members of Congress Are Equally Applicable to the Agents of Congress.

As we have shown, Members of the Congress are protected by fundamental considerations of the separation of powers, the Speech or Debate Clause and other doctrines from any suit requiring them to take action or refrain from acting relating to their official duties. In this case plaintiffs seek such relief not only against the Members, but also against three agents of the House. However, such agents are immune from suit for reasons very similar to those applicable to the Members themselves. For if a court cannot order a Member of Congress to take or refrain from taking a particular action, the courts ought not to be able to issue such order against a non-member agent to whom the House has delegated the performance of a particular task within the Chamber.

Directly in point is *Methodist Federation* v. *Eastland*, 141 F. Supp. 729 (D.D.C. 1956). There a three-judge court consisting of Judge Edgerton, Judge Prettyman and Judge Wilkin (dissenting) dismissed a suit seeking to enjoin publication of a document ordered published by a concurrent resolution of both Houses. As to the members of the Senate subcommittee involved, the court dismissed for lack of jurisdiction by reason of the Speech or Debate Clause; as to the Public Printer and the Superintendent of Documents it dismissed for failure to state a claim, holding, "We have no more authority to prevent Congress, or a committee *or public officer acting at the express direction of Congress*, from publishing a document than to prevent them from publishing the Congressional Record." 141 F.Supp. at 731–32 (emphasis added).

A recent case is *Dombrowski* v. *Burbank*, 123 U.S. App. D.C. 190, 358 F.2d 821, *cert. granted sub nom. Dombrowski* v. *Eastland*, 385 U.S. 812 (1966). There the court of appeals sustained a dismissal of a suit for damages against the Chairman and Chief Counsel of the same Senate subcommittee for wrongful taking of records, holding that legislative immunity protected the Chief Counsel as well as the Committee Chairman. The court relied on the following quotation from *Barr* v. *Matteo*, 360 U.S. 564, 572–73 (1959), saying that what was said there "about immunity of Executive officials seems persuasive here:"

"'The privilege is not a badge or emolument of exalted office, but an expression of a policy designed to aid in the effective functioning of government. The complexities and magnitude of governmental activity have become so great that there must of necessity be a delegation and redelegation of authority as to many functions . . . .'" 358 F.2d at 826 n. 11.

If an agent of the Congress is protected by legislative immunity when he takes official action within the scope of his duties, the protection necessarily proscribes injunctive relief requiring such an agent to take action against the express will of the House.[14]

It is of course true that agents of the Congress may in certain circumstances be held judicially accountable for acts they commit against the persons or property of individuals pursuant to an unconstitutional direction of Congress or either House. *Kilbourn* v. *Thompson*, 103 U.S. 168 (1880). But we know of no case where the judicial power to enter judgments against such agents for acts already taken has been extended to issuing injunctions ordering such agents to refrain from taking action or to compel the agents of the Congress to take particular actions within the house against the announced will of that house.

The analogous doctrine of sovereign immunity, barring suits to compel a government official to take official action (except in the limited class of cases where mandamus lies) is also applicable. Speaking of that doctrine in *Larson* v. *Domestic & Foreign Commerce Corp.*, 337 U.S. 682, 691 n. 11 (1949), Chief Justice Vinson said,

"A suit may fail, as one against the sovereign, even if it is claimed that the officer being sued has acted unconstitutionally or beyond his statutory powers, if the relief requested can not be granted by merely ordering the cessation of the conduct complained of but will require affirmative action by the sovereign or the disposition of unquestionably sovereign property."

Mr. Justice Frankfurter, writing for the dissenting Justices, also recognized that "jurisdiction was found wanting" in cases where the plaintiff "demanded relief calling for an assertion of what was unquestionably official authority." 337 U.S. at 729. This principle was recently reaffirmed in *Hawaii* v. *Gordon*, 373 U.S. 57 (1963), where the court said,

"The general rule is that relief sought nominally against an officer is in fact against the sovereign if the decree would operate against the latter . . . . *Here the order requested would require the Director's official affirmative action*, affect the public administration of government agencies and cause as well the disposition of property admittedly belonging to the United States. The complaint is therefore dismissed." (Emphasis added.)

It has been expressly held that the principle of sovereign immunity applies to suits against Members and agents of Congress. In *United States ex rel. Brookfield Construction Co.* v. *Stewart*, 234 F. Supp. 94 (D.D.C.), *aff'd*, 119 U.S. App. D.C. 254, 339 F. 2d 753 (1964), the court dismissed a suit against the members of the House Office Building Commission (the Speaker and two other Members of the Congress) and the Architect of the Capitol, an agent of the Congress, under the doctrine of sovereign immunity. To the same effect is *Randolph* v. *Willis*, 200 F. Supp. 355 (S.D. Cal. 1963), in which the court dismissed a complaint against the Members of a subcommittee of the House Committtee on Un-American Activities and its counsel, staff director, and special investigator, also on grounds of sovereign immunity.

B. 28 U.S.C. § 1361 Does Not Authorize the Court To Compel an Agent of the House To Perform his Official Duties.

There remains only the question whether the defendants' sovereign immunity from suit to compel the taking of official action has been waived by 28 U.S.C. § 1361 to the extent of authorizing writs of mandamus against officers of the House.

Although the complaint does not allege that this court has jurisdiction pursuant to 28 U.S.C. § 1361, the relief prayed for includes relief in the nature of mandamus pursuant to that section. Section 1361 provides:

"The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff."

This provision was first added to the code in 1962, Act of Oct. 5, 1962, Pub. L. No. 87–748, [§ 1], 76 Stat. 744. The same Act added to Section 1391 of Title 28 a new subsection broadening the venue provisions in civil actions "in which each defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or an agency of the United States," *id.* § 2.

It is perfectly clear that plaintiffs cannot invoke this statute to obtain any of the relief here sought.

In the first place, the statute was obviously not intended to apply to personnel of the legislative branch. The Act did not define the words "officer or employee of the United States or any agency thereof," nor is there any general definition of those terms applicable to title 28 or to the code as a whole. However, the legislative history makes clear that the statute was not aimed at legislative officials. Throughout the committee reports, the term "Government official" was used in place of and synonymous with "officer or employee of the United States." *S. Rep. No.* 1992, 87th Cong., 2d Sess. (1962); *H. R. Rep. No.* 536, 87th Cong., 1st Sess. (1961). Both committee reports stated that the primary purpose of the bill was to facilitate "review by the Federal courts of *administrative* actions." (Emphasis added.) Nowhere in the reports is there any suggestion of intent to cover Members of Congress or officers or employees of Congress. Surely if the members of the committees had intended to subject themselves and their colleagues to question by the courts contra to article 1, section 6, and their employees to burdensome suits throughout the country for relief in the nature of mandamus, it is reasonable to assume that some extensive reference would have been made to the point in the committee reports or in debate.

---

[14] In their brief on certiorari in the Supreme Court, the plaintiffs in *Dombrowski* argue that an agent of the Senate took action outside the Senate that was beyond the scope of his authorized official duties. Whether or not this claim is sustained, it has no bearing on the present case, where plaintiffs are seeking a court order to compel agents of the House to take actions within the House in the course of their official duties.

Consideration of the bill in the Senate and the House themselves was perfunctory. See CONGRESSIONAL RECORD, volume 108, part 14, pages 18783–18784, and part 15, pages 20093–20094; CONGRESSIONAL RECORD, volume 107, part 9, page 12157; CONGRESSIONAL RECORD, volume 105, part 14, pages 18405–18406. It is significant, however, that the manager of the bill in the House stated that it was instigated by the "growth in the size and power of the executive branch of the Government," without any mention of the legislative branch or officials thereof. CONGRESSIONAL RECORD, volume 107, part 9, page 12157. Obviously, absent the most specific evidence of intent in the language of the statute or in committee reports, it cannot be assumed that a Congress jealous of its prerogatives as a coordinate and equal branch of the government would have passed a law waiving the immunity of the legislative branch and permitting itself to be questioned through mandamus actions.

Further indication of the congressional understanding that legislative personnel were not covered by the statute is derived from the constitutional precedents. *See, e.g.,* 17 *Ops. Att'y Gen.* 419, 420 (1882) ("a member of Congress is not an officer of the United States in the constitutional meaning of the term"); *Dropps* v. *United States,* 34 F.2d 15, 17 (8th Cir. 1929), *cert. denied,* 281 U.S. 720 (1930) (in the constitutional sense an "officer of the United States is one who is appointed by the President or by a court or by the head of a department"); *Hare* v. *Harwitz,* 248 F.2d 458, 503 (2d Cir. 1957) ("The phrase 'officer of the United States' is understood as referring to those officials appointed by the President, by members of his Cabinet or by the courts"). *See also United States* v. *Mouat,* 124 U.S. 303 (1888); *United States* v. *Germaine,* 99 U.S. 508 (1878); *Kennedy* v. *United States,* 146 F.2d 26 (5th Cir. 1944).

In the second place, the availability of mandamus relief is blocked by the fact that legislative action is inherently discretionary, rather than ministerial. Mandamus, of course, is only available to require a public official to perform a ministerial duty. *Marbury* v. *Madison,* 5 U.S. (1 Cranch) 137, 169 (1803).

Ministerial duties of officers of the executive branch are imposed by statute. In contrast, duties of Members of the House of Representatives arising under the Constitution are not by their nature so explicit and so free from the need for interpretation as to provide a basis for mandamus. Just as an executive agency is not subject to mandamus when the "duty to act turns on matters of doubtful or highly debatable inference from large or loose statutory terms," *Panama Canal Co.* v. *Grace Line, Inc.,* 356 U.S. 309, 318 (1958), so the legislature's duty cannot be ministerial when it turns on matters requiring constitutional interpretation.

It follows that what cannot be done directly against the House cannot be done indirectly by mandamus against officers of the House. For example, to require the Speaker to administer the oath, either by a direct mandate or by an injunction restraining him from refusing to do so, is simply a way of ordering the House to cause the oath to be administered. Similarly, the sought-for mandates or injunctions against "refusal" addressed to the Clerk, the Sergeant-at-Arms and the Doorkeeper are indirect ways of ordering the House to undo an action which was within and subject to its legislative discretion. As such, they are barred by the basic principles of mandamus law.

In the third place, mandamus is barred by a variety of other well-recognized principles. For example, with respect to the request for a mandate to the Sergeant-at-Arms to pay money, salaries and allowances to Mr. Powell, there is a statutory duty under 2 U.S.C. § 78 imposed upon the Sergeant-at-Arms to pay the Members "as provided by law." *See also* rule IV, section 1 of the Rules of the House of Representatives, *H.R. Doc. No.* 374, 88th Cong., 2d Sess. § 649 (1965). But even if a command to the Sergeant-at-Arms to pay moneys allegedly owed to a Member were otherwise permissible under principles applicable to mandatory relief, it would be barred by the principle that mandamus does not lie where other relief is available. *United States ex rel. Girard Trust Company* v. *Helvering,* 301 U.S. 540 (1937); *Marbury* v. *Madison, supra* at 169. It is clear that under the Tucker Act, 28 U.S.C. § 1491, a Member of Congress can sue in the Court of Claims for money due him as such. *See Wilson* v. *United States,* 44 Ct. Cl. 428 (1909). In such circumstances, relief in the nature of mandamus is neither necessary nor appropriate. *See Whittier* v. *Emmet,* 108 U.S. App. D.C. 191, 281 F.2d 24, 28–29 (1960), *cert. denied,* 364 U.S. 935 (1961).

Again, with respect to the request for mandate to the Clerk, the Sergeant-at-Arms and the Doorkeeper to admit Mr. Powell to the hall of the House, mandamus is unavailable. Under rule XXXII, ex-Members of the House are required to be admitted to the hall. *H.R. Doc. No.* 374, 88th Cong., 2d Sess. § 919 (1965). Nothing in the record establishes any refusal of the Doorkeeper or the Clerk or the Sergeant-at-Arms to accord this privilege. Accordingly, it is neither necessary nor proper for the court's powers to be invoked to command admission which has not been refused.

Finally, with respect to the general prayer to have Mr. Powell accorded "rights, privileges and emoluments" to which a duly elected and qualified Representative is entitled, a directive so expressed is simply too vague for serious consideration as an appropriate subject either of injunctive or mandamus relief.

Point IV

In any event, plaintiffs have totally failed to demonstrate a sufficiently strong probability of prevailing either as to jurisdiction or on the merits to justify the grant of a preliminary injunction.

In light of the overwhelming bar to any assertion of the court's jurisdiction and all the massive obstacles to permanent injunctive or mandamus relief already described, it is perhaps superfluous to say that plaintiffs have not established any right to interim relief.

A. Plaintiffs Have Failed To Make a Clear Showing of Probable Success on the Merits.

In order to establish any right to a preliminary injunction, a plaintiff must make a strong showing of probable success on the merits. *Yakus* v. *United States,* 321 U.S. 414 (1944); *Massachusetts State Grange* v. *Benton,* 272 U.S. 525 (1926); *Hall Signal Co.* v. *General Railway Signal Co.,* 153 F. 907 (2d Cir. 1907).

Plaintiffs allege in conclusional form, without any supporting facts whatever, that numerous provisions of the Constitution have been violated by the action of the House. As we have made clear thus far, we do not believe the court should even consider these allegations in a case brought against the House and its Members. But if we are mistaken as to the court's lack of jurisdiction, plaintiffs here still are not entitled to a preliminary injunction, for they cannot show a substantial probability of ultimate success on the merits. We have already established that H. R. Res. 278 was well within the powers of the House under article I, section 5. We turn, therefore, to the alleged deprivations of federally-protected rights. As we shall now show, each of those claims is so frivolous that plaintiffs cannot possibly establish substantial probability of sustaining any one of them on the merits.

(1) *H.R. Res. 278 is not a bill of attainder.*

The express constitutional restraint on the power of Congress to enact a bill of attainder, art I, § 9, cl. 3, prevents it from becoming a "judicial magistracy," *Cummings* v. *Missouri,* 71 U.S. (4 Wall.) 277, 323 (1867), and thus serves as "an implementation of the separation of powers, a general safeguard agains legislative exercise of the judicial function, or more simply—trial by legislature," *United States* v. *Brown,* 381 U.S. 437, 442

(1965). Obviously, where the Constitution has expressly given to each house the power to act as a court and to expel or exclude, as it has by making each house the sole judge of the qualifications of its members, art I, § 5, cl. 2; *Barry* v. *United States ex rel. Cunningham,* 279 U.S. 597 (1929), any exercise of that power can in no way amount to a bill of attainder. Being empowered to judge the qualifications of, and expel, its Members, the House is thus expressly permitted to exercise powers as to Members it would not be able to exercise against non-members. *Cf. United States* v. *Lovett,* 328 U.S. 303 (1946). It decision is no more a bill of attainder than is its exercise of the power to impeach. Art. I, § 2, cl. 5; Art. I, § 3, cl. 6, 7.

(2) *H.R. Res. 278 is not an ex post facto law.*

Of course, H.R. Res. 278 is not even a "law". But quite apart from that, it neither subjects Mr. Powell to criminal prosecution, nor imposes a criminal punishment for previously innocent acts, nor changes the rules of evidence by which less or different testimony is sufficient to convict of a criminal act. It thus is not an ex post facto law. *Calder* v. *Bull,* 3 U.S. (3 Dall.) 386 (1798); *see also Galvan* v. *Press,* 347 U.S. 522, 531 (1954); *Harisiades* v. *Shaughnessy,* 342 U.S. 580 (1952). Moreover, the specific constitutional provision authorizing each house of Congress to judge the qualifications of, and expel, its members again prevents H.R. Res. 278 from being an ex post facto law.

(3) *H.R. Res. 278 does not constitute cruel and unusual punishment under the eighth amendment.*

H.R. Res. 278 is not punishment. *See Kennedy* v. *Mendoza-Martinez,* 372 U.S. 144, 168–69 (1963). It is not a penal act against Mr. Powell, but rather "a disability, not to punish, but to accomplish some other legitimate governmental purpose." *Trop* v. *Dulles,* 356 U.S. 86, 96 (1958); *cf. Davis* v. *Beason,* 133 U.S. 333 (1890). Moreover, it does not subject him to loss of citizenship, *Trop* v. *Dulles, supra,* or to physical mistreatment or incarceration, *Weems* v. *United States,* 217 U.S. 349 (1910); compare the disciplinary power of a court to disbar an attorney for misconduct.

Again, the claim of cruel and unusual punishment would seem to be rebutted by the fact that the Constitution gives each House express power to discipline and expel its members. Art. I, § 5., cl. 2. Since expulsion cannot be cruel and unusual punishment, neither can exclusion.

(4) *H.R. Res. 278 does not violate the ninth amendment.*[15]

Plaintiffs' allegations that H.R. Res. 278 violates the ninth amendment is not spelled out with any specificity. If they mean to suggest that Mr. Powell has a right to a seat in the legislature and that such a right existed at common law but was not mentioned explicitly in amendments first through eighth, *see Griswold* v. *Connecticut,* 381 U.S. 479, 486–99 (1965) (Goldberg, J., concurring), then their allegation is totally devoid of substance. Clearly, such a right was never recognized at common law either in England or in any of the colonies (*see Point I, supra*). If, on the other hand, they mean to suggest that they, as citizens of the United States, have a right under the ninth amendment to be represented in Congress by a particular person, then their allegation is equally meritless. *See, e.g., Heald* v. *District of Columbia,* 259 U.S. 114, 124 (1922); *Hobson* v. *Tobriner,* 255 F. Supp. 295 (D.D.C. 1966), *mandamus denied sub nom. Hobson* v. *Gash,* U.S. App. D.C. , F.2d , *cert. denied* 35 U.S.L. Week 3282 (Feb. 14, 1967).

(5) *H.R. Res. 278 does not violate the tenth amendment.*[16]

H.R. Res. 278 does not violate the tenth amendment because the power to judge the qualifications of members of the House, and to discipline, punish and expel them, has expressly been delegated to the House, and is not reserved to the States or to the people. Art. I, § 5, cl. 1; *see, e.g., Barry* v. *United States ex rel. Cunningham, supra; Sevilla* v. *Elizalde,* 72 App. D.C. 108, 112 F.2d 29 (1940); *Application of James,* 241 F. Supp. 858, 860–61 (S.D.N.Y. 1965); *Keogh* v. *Horner,* 8 F. Supp. 933 (S.D. Ill. 1934).

(6) *H.R. Res. 278 does not violate the thirteenth, fifteenth or nineteenth amendments.*

Plaintiffs allege that H.R. Res. 278 subjects them and other non-whites to the pains and penalties of discrimination based upon race and color in violation of the thirteenth and fifteenth amendments.[17] Additionally, it is alleged that the female plaintiffs and all other female electors of the 18th Congressional District have been deprived of their rights under the nineteenth amendment.[18] However, plaintiffs do not allege, and apparently do not contend, that the House deprived them of their right to vote because of their race or sex; nor that it acted against Mr. Powell with the intention of depriving them of their right to vote because of their race or sex; nor that it refused to seat Mr. Powell because of his race. Indeed, the complaint in effect concedes, as it must, that Mr. Powell was excluded for precisely the reasons stated in H.R. Res. 278. *See Field* v. *Clark,* 143 U.S. 649 (1892).

Plaintiffs thus do not even allege any support for the conclusional claims of discrimination on account of race or sex. Plaintiffs apparently claim that because Mr. Powell is non-white, that because a predominant number of people in the 18th Congressional District happen to be non-white, and that because some also are female, the court must infer automatically, that Mr. Powell's exclusion was motivated by discrimination on account of race or sex. Such inferences are plainly impermissible and the allegations of the complaint are, therefore, plainly insufficient. *See Snowden* v. *Hughes,* 321 U.S. 1, 10 (1944).

"The Thirteenth Amendment has respect, not to distinctions of race, or class, or color, but to slavery." *Civil Rights Cases,* 109 U.S. 3, 24 (1883). H.R. 278 imposes no conditions of slavery or involuntary servitude on anyone.

The fifteenth amendment prohibits only denials of the right to vote because of race. In some cases, courts will protect the effectiveness of the right to vote against subtle or ingenious attempts to subvert it; but the state action invalidated in those cases was always *expressly* motivated, designed and intended to deny Negroes the right to vote. *See, e.g., South Carolina* v. *Katzenbach,* 383 U.S. 301 (1966); *Gomillion* v. *Lightfoot,* 364 U.S. 339 (1960); *Terry* v. *Adams,* 345 U.S. 461 (1953); *Smith* v. *Allwright,* 321 U.S. 649 (1944); *Hobson* v. *Tobriner, supra.* Since plaintiffs do not claim that H.R. Res. 278 was expressly enacted to deny them the right to vote because of race, they do not even *allege* a violation of the fifteenth amendment.

The nineteenth amendment prohibits governmental action which impairs the right to vote solely because of sex. *Leser* v. *Garnett,* 258 U.S. 130 (1922). Again, plaintiffs do not even allege that H.R. Res. 278 was intended or designed to serve that purpose.

(7) *H.R. Res. 278 does not violate substantive due process (fifth amendment).*

While it is true that the essential requirements of equal protection (fourteenth amendment, sec. 1) have been imposed on the federal government via the "due process" provisions of the fifth amendment, *see, e.g., Bolling* v. *Sharpe,* 347 U.S. 497 (1954), the argument that H.R. Res. 278 violates the equal protection of laws or substantive due process provisions of that amendment has already been answered in *Barry* v. *United States ex. rel. Cunningham:* "Nor is there merit in the suggestion that the effect of the refusal of the Senate to seat Vare pending investigation was to deprive the state of its equal representation in the Senate. The equal representation clause is found in article V, which authorizes and regulates amendments to the Constitution, 'provided, . . . that no state, without its consent, shall be deprived of its equal suffrage in the Senate.' This constitutes a limitation upon the power of amendment and has nothing to do with a situation such as the one here presented. The temporary deprivation of equal representation which results from the refusal of the Senate to seat a member pending inquiry as to his election or qualifications is the necessary consequence of the exercise of a constitutional power, and no more deprives the state of its 'equal suffrage' in the constitutional sense than would a vote of the Senate vacating the seat of a sitting member or a vote of expulsion." 279 U.S. at 615–16.

---

[15] The ninth amendment provides: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

[16] The tenth amendment provides: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

[17] The thirteenth amendment provides:

"Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"Section 2. Congress shall have power to enforce this article by appropriate legislation."

The fifteenth amendment provides:

"Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous conditions of servitude.

"Section 2. The Congress shall have power to enforce this article by appropriate legislation."

[18] The nineteenth amendment provides:

"Clause 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

"Clause 2. Congress shall have power to enforce this article by appropriate legislation."

The same principle applies to the temporary deprivation of representation which is occasioned by a refusal to seat.

(8) *The adoption of H.R. Res. 278 did not violate procedural due process or the sixth amendment.*[19]

Finally, plaintiffs' allegations that Mr. Powell was denied procedural due process or his rights under the sixth amendment are likewise without merit. The hearings conducted by the Select Committee were public; Mr. Powell was given notice of them; Mr. Powell was invited to appear as a witness (which he did); Mr. Powell was accorded the right to be represented by counsel; and his counsel was permitted to call witnesses (which they did not do). Furthermore, the findings of the Select Committee were specific and detailed. The debates on the floor of the House were likewise thorough and extensive. The basic requirements of due process demand no more. *Palko* v. *Connecticut,* 302 U.S. 319 (1937); *cf. Hannah* v. *Larche,* 363 U.S. 420 (1960); *Frank* v. *Maryland,* 359 U.S. 360 (1959); *In re Groban,* 352 U.S. 330 (1957).

The Rules of Procedure of the House governing proceedings with respect to judging qualifications have never been questioned in any other place, and indeed, they cannot be. Art. 1, § 5, cl. 2. Nor has anyone ever questioned the Senate's rules for trial of impeachment. Art. I, § 3, cl. 6. Clearly, in our view, the House was not required to accord Mr. Powell the same rights he would have in a court of law. Nevertheless substantially all such rights were extended to him. Plaintiffs' allegations that Mr. Powell was denied due process are thus wholly without merit.

Since the proceedings against him were not criminal prosecutions, or anything like criminal prosecutions, the sixth amendment has no application here. *See Hannah* v. *Larche, supra; United States* v. *Zucker,* 161 U.S. 475 (1896).

In sum, the plaintiffs have made no showing of any deprivation of fundamental rights. As this case stands, the Members of the House refused to seat Mr. Powell for precisely the reasons stated in H.R. Res. 278. No other reasons are either alleged or may be inferred. *Cf. Field* v. *Clark, supra.*

B. Plaintiffs Have Failed To Satisfy Other Essential Requirements for a Preliminary Injunction.

In a suit such as this involving a confrontation between two coordinate branches of government, a court of equity requires much stronger grounds for granting preliminary relief than when only private interests are at stake. *Yakus* v. *United States,* 321 U.S. at 440. As Judge Bazelon wrote, concurring in *Communist Party of United States* v. *McGrath,* 96 F. Supp. 47, 48 (D.D.C. 1951) (emphasis added), "The strong showing of injury ordinarily required of one seeking an injunction, even where private rights alone are involved, *is multiplied manifold* when an attempt is made to restrain an act of Congress."

Furthermore, the complaint does not merely seek the traditional preservation of the status quo pending final decision. In seeking the immediate seating of Mr. Powell, it requests the very relief to which plaintiffs claim to be entitled in the case of ultimate success. "A preliminary injunction does not issue which gives to a plaintiff the actual advantage which would be obtained in a final decree." *W. A. Mack, Inc.* v. *General Motors Corp.,* 260 F. 2d 886, 890 (7th Cir. 1958). Courts "ought not to grant temporary relief which would finally dispose of the case on its merits," *Dunn* v. *Retail Clerks International Association,* 299 F. 2d 873, 874 (6th Cir. 1962).

Here, those decisions are particularly applicable. It would be hard to imagine that the peremptory seating of Mr. Powell would be appropriate while the courts give due consideration to the basic jurisdictional problems raised here. *See e.g., Order of Railway Conductors of America* v. *Pitney,* 326 U.S. 561 (1946); *Copra* v. *Suro,* 236 F. 2d 107, 115 (1st Cir. 1956).

CONCLUSION

For all the reasons above stated, the motion for a preliminary injunction should be denied and the motion to dismiss the complaint should be granted.

Respectfully submitted,
Bruce Bromley,
Attorney for Defendants.

One Chase Manhattan Plaza, New York, New York 10005.

Lloyd N. Cutler
Louis F. Oberdorfer
Max O. Truitt, Jr.
Timothy B. Dyk
James S. Campbell
Wilmer, Cutler & Pickering,
Of Counsel.

900 17th Street, N.W., Washington, D.C. 20006.

John R. Hupper
Thomas D. Barr
Victor M. Earle, III
Jay E. Gerber
Cravath, Swaine & Moore,
Of Counsel.

One Chase Manhattan Plaza, New York, New York 10005.

March 31, 1967.

IV

PLAINTIFFS' SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF APPLICATION FOR CONVENING A THREE-JUDGE COURT

[In the United States District Court for the District of Columbia, Civil Division]

Adam Clayton Powell, Jr., et al., Plaintiffs *v.* John W. McCormack, et al., Defendants—Civil Action No. 559–67

(Plaintiffs' supplemental memorandum of points and authorities in support of plaintiffs' application for the convening of a statutory three-judge court pursuant to 28 U.S.C. §§ 2282 and 2284)

This, "*Plaintiffs' Supplemental Memorandum of Points and Authorities in Support of Plaintiffs' Application for the Convening of a Statutory Three-Judge Court Pursuant to 28 U.S.C. §§ 2282 and 2284*" (hereinafter referred to as *Plaintiffs' Supplemental Memorandum*), is filed in reply to "*Defendants' Memorandum of Points and Authorities with Respect to Plaintiffs' Application for the Convening of a Statutory Three-Judge Court*" (hereinafter referred to as *Defendants' Memorandum*) and, to avoid repetition and unnecessary duplication, is intended to be read in conjunction with and by reference to the previously filed "*Memorandum of Points and Authorities in Support of Plaintiffs' Application for the Convening of a Three-Judge Court Pursuant to 28 U.S.C. §§ 2282 and 2284*" (hereinafter referred to as *Plaintiffs' Memorandum,* pursuant to the authority of *Idlewild Bon Voyage Liquor Corp.* v. *Epstein,* 370 U.S. 713 (1962 :

". . . When an application for a statutory three-judge court is addressed to a District Court, the court's inquiry is appropriately limited to determining [1] whether the constitutional question raised is substantial, [2] whether the complaint at least formally alleges a basis for equitable relief, [3] whether the case presented otherwise comes under the requirements of the three-judge statute."

Defendants' Memorandum, in "Point I," apparently takes issue only with the sufficiency of plaintiff's showing on the third issue—i.e., whether the case presented falls within the requirements of 28 U.S.C. § 2282—and, more specifically, whether House Resolution No. 278, the constitutional validity of which plaintiffs challenge herein, is an "Act of Congress" within the meaning of the statute. *Defendants' Memorandum* is then directed to their second and concluding point that, even assuming the statutory three-judge requirements are met here, a single District Judge may and should first dispose of defendants' pending motion to dismiss this action for basic jurisdictional defects—specified as "immunity from suit, political question, separation of powers and lack of federal question jurisdiction."

Accordingly, *Plaintiffs' Supplemental Memorandum* is addressed only to these two issues; first, whether a Resolution by the House of Representatives of the United States is, within the contemplation of 28 U.S.C. § 2282 and as used therein an "Act of Congress" and, secondly, whether a single judge has jurisdiction to dismiss the complaint herein "for the jurisdictional defects involved here."

---

[19] The sixth amendment provides:

"In *all criminal prosecutions,* the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense." (Emphasis added.)

I. HOUSE RESOLUTION NO. 278 IS AN "ACT OF CONGRESS" WITHIN THE CONTEMPLATION OF 28 U.S.C. § 2282

Defendants' Memorandum, at pp. 2–3, asserts that:

". . . On their face the words 'Act of Congress' include only statutes which are enacted by both Houses of Congress and signed by the President. The Resolution was neither adopted by the Senate, nor signed by the President (Const. Art. I, § 7). Moreover, it does not contain an enacting clause, 1 U.S.C. § 101, or appear 'in slip or pamphlet form of the laws of the United States issued under the authority of the Administrator of General Services.' 1 U.S.C. § 113. Thus it is not and plainly cannot be an 'Act of Congress' within the usual meaning of those words. . . ."

In support of this argument defendants proceed, at page 3 of *Defendants' Memorandum,* to misquote out of context *F. H. E. Oil Co.* v. *Commissioner,* 150 F. 2d 857, 858 (5th Cir. 1945), so that it appears as a holding that "[a] Resolution is not an Act of Congress approved by the President or passed over his veto." The full quotation is as follows:

"[2, 3] Resolution No. 50 adopted by the House of Representatives June 22, and agreed to by the Senate July 21, 1945, is urged as requiring a reconsideration. The Resolution is not an Act of Congress approved by the President or passed over his veto. It does not make law, or change the law made by a previous Congress and President. It does not alter the statutes as they existed when the taxes in controversy accrued. As an expression of opinion on a point of law it would of course be entitled to most respectful consideration by the courts, which under the Constitution exercise the judicial power, that is, the power to decide cases. We do not think the Resolution was intended as an intrusion upon the judicial power, but only as an assurance to those engaged in the oil and gas well business that the special favor heretofore extended them by the 'expense option' of the Treasury Regulation which the Treasury Department had declared its purpose to continue, had the backing of those voting for the Resolution. It was not its purpose to enlarge or extend the Regulation beyond the understanding and practice of the Treasury Department which had made and administered the Regulation." (Emphasis supplied).

Thus it is clear that the court was not dealing with "Resolution" as compared with "Act of Congress" in a generic sense, but with "Resolution No. 50" as compared with an "Act of Congress" and their respective force and effect as expressions of legislative will. For an apt discussion of this case and the purpose and effect of the Resolution involved therein, see Gibson, *Congressional Concurrent Resolutions: An Aid Statutory Interpretation?* 37 A.B.A.J. 421, 479 (1951).

The thrust of defendants' argument is that form, rather than substance or effect, is the hallmark of an "Act of Congress." In Myers, *Joint Resolutions Are Laws,* 28 A.B.A.J. 33, 34 (1942), there is reproduced correspondence between the Department of State and the Joint Committee on Printing of the Congress in 1940–1941 which demonstrates that Congress has used and recognized the terms "act," "joint resolution," and "law" interchangeably. In a letter of the Acting Secretary of State dated November 16, 1940, addressed to the Vice President, it was stated:

"The present system of segregating acts and joint resolutions in different series probably is an outgrowth of the situation in the early days of the Congress when all major legislation took the form of acts and only minor legislation was in the form of resolutions. In recent years much major legislation has taken the form of the joint resolution, and I believe it is now rather generally conceded that a joint resolution is just as much a law as a bill after passage and approval.

"For example, in *Davison Gulfport Fertilizer Co. v. Gulf & Ship Island Railroad Co.* (92 F (2d) 107, 113 [cert. den. 302 U.S. 738]), United States Circuit Court of Appeals for the Fifth Circuit, July 20, 1937, Circuit Judge Holmes, dissenting (but not as to this point), said: 'The controlling legal principles may be presented briefly. A joint resolution has the characteristics and effect of law, and is to be construed as other statutes.' Likewise, in *Ann Arbor Railroad Co. et al. v. United States et al.* (281 U.S. 658, 666), decided June 2, 1930, the opinion of the Supreme Court states in part: 'The measure that is before us is the joint resolution which emerged from the legislative deliberations and proceedings. It is brought here to the end that we may determine its proper construction, which of course is to be done by applying to it the rules applicable to legislation in general."

"As illustrations of the manner in which the terms 'act,' 'joint resolution,' and 'law' are interchanged in legislative practice, I might mention Public Resolution, No. 66, 76th Congress, approved April 25, 1940, which is entitled 'Joint Resolution to Amend Section 5 of Public Law Numbered 360, Sixty-sixth Congress.' Similarly Public Resolution, No. 54, 76th Congress, entitled 'Joint Resolution to Preserve the neutrality and the peace of the United States and to secure the safety of its citizens and their interests,' approved November 4, 1939, contains the provision (Sec. 20) that 'This joint resolution may be cited as the "Neutrality Act of 1939".' "

Further, Myers, supra at p. 37, says:

". . . The legislative practice of using the terms 'joint resolution,' 'act' and 'law' is more important as evidence, for the Congress certainly and repeatedly, even customarily, produces legislation which it intends to be law from both kinds of proposal. Since 'all legislative powers' are vested in the Congress the power to legislate rather than the form it takes is the essential element.

* * * * *

". . . The approval of the President was determined not to be requisite as early as 1798."

Plaintiffs' examination of the legislative history of 28 U.S.C. § 2282 strongly suggests, if it does not compel, a conclusion opposite to that of *Defendants' Memorandum,* page 3, that "reference of the pending action to a three-judge court would be contrary to the purpose for which section 2282 was enacted."

28 U.S.C. § 2282 was adopted as Section 3 of the Act of Congress of August 24, 1937, 50 Stat. 752. Congress thereby extended a procedural device—the statutory three-judge District Court—previously established for other types of controversies, the purpose and effect of which is to limit the power of a single district judge over applications to enjoin the enforcement of Acts of Congress claimed repugnant to the Constitution, vest power over such applications in a court of three judges (at least one of whom would be a circuit judge) and provide direct appeal to the Supreme Court from the granting or denial of such applications. The consideration of the extension of this procedural device to Acts of Congress occurred during a significant development in the exercise of federal legislative power.

Gibson, supra, 37 A.B.A.J. 421, 479 (1951) describes the background of this development, as follows:

". . . In 1919 and 1920 unsuccessful attempts were made to extend the scope of the concurrent resolution. In both Houses concurrent resolutions were introduced to end the state of war with Germany. The war was eventually terminated in July, 1921, when the President approved a joint resolution. President Wilson's veto of the Budget and Accounting Bill because it provided that the Comptroller General might be removed by the concurrent resolution blocked another effort to enlarge the scope of the concurrent resolution. President Roosevelt, under more favorable political circumstances, signed many important measures in which Congress reserved the right to nullify or terminate by concurrent resolution the exercise of powers therein granted. For example in this connection, in World War II legislation, Congress has, in defining certain terms, e.g., 'termination of war,' provided that it may by concurrent resolution terminate the war or otherwise limit the exercise of powers delegated. However, in many of these instances the war was in fact terminated by a joint resolution passed by the Congress and approved by the President."

Ginnane, *The Control of Federal Administration by Congressional Resolutions and Committees,* 66 Harv. L. Rev. 569, 569–590 (1955), further describes this development:

"Beginning in 1939, a constantly increasing number of federal statutes have been enacted with provisions that a resolution passed by one or both Houses of Congress may veto, terminate, or compel action under those statutes by the executive branch of the Government. Other provisions permit the statute itself to be terminated or repealed by congressional resolution. Still other statutes and legislative proposals would subject actions proposed by the executive branch of the

Government to the prior approval or disapproval of congressional committees. Such statutory provisions create a new relationship between the President and Congress and can profoundly affect the administration of the Federal Government . . .

"In recent years federal statutes have provided for the following types of control of executive or administrative action by a concurrent resolution, or less frequently by a simple resolution of the Congress:

"1) Veto of action proposed by the President or an executive officer pursuant to a statute, as in the reorganization acts and the alien deportation statute;

"2) Termination of statutes or statutory powers, as in the Lend-Lease Acts and many other statutes;

"3) Termination of executive action carried on pursuant to statute, as in the foreign aid statutes;

"4) Direction of executive action pursuant to a statute, as in the Neutrality Act of 1939;

"5) Removal of executive officers, as in the Tennessee Valley Authority Act."

In the Senate report, during the debate, as well as in all of the early drafts of what became 28 U.S.C. § 2282, reference was to "acts of Congress." There is a clear inference that by such usage Congress intended *acts* to mean Congressional action—any expression of legislative will—and not the forms in which such will was expressed.

"The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 2260) to provide for appearance on behalf of and appeal by the United States in certain cases in which the constitutionality of *acts* of Congress is involved, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

* * * * *

". . . Section 3, 4 and 5 of the Senate amendment are new matter not contained in the House bill.

* * * * *

"Section 3 of the Senate amendment is new matter, to which the House managers agreed with modifications. It forbids the issuance of any interlocutory or permanent injunction suspending or restraining the enforcement, operation, or *execution* of, in whole or in part, any *act* (emphasis added), of Congress upon constitutional grounds except upon the determination of a three judge court at least one member of which shall be a circuit judge, *supra*.

"This section prohibits the issuance of any injunction to suspend or restrain the execution of *acts* of Congress, except by a court composed of three judges and applies to all interlocutory and final injunctions hereafter issued whether the suits in which they are issued be now pending in the district courts or hereafter instituted." (Cong. Rec. Vol. 81, pt. 8, p. 8702). (Emphasis added.)

Mr. Sumners, Chairman of the Senate Judiciary Committee, stated:

"The bill as it passed the House, as it passed the Senate, and as agreed to by the conferees undertakes to recognize, and does recognize, that when the constitutionality of an *act* of Congress is drawn into question the public interest becomes involved in that litigation. It is a public duty which is owed to the court which has the responsibility of passing on the constitutionality of an *act* of Congress that it be given all the assistance which can be given to aid it in an understanding of the questions involved." (Ibid., p. 8703). (Emphasis added.)

It is inconceivable that, during the period in the development of the legislative process by Congress when the expanded use of the resolution as a method for expressing the legislative will of Congress was being pressed, the Congress would intend the term "Acts of Congress" to mean other than all the methods by which legislative action is accomplished.

This contention is further buttressed by Senator McCarran, floor manager of the proposed legislation in question, in stating its purpose to the Senate:

"Mr. President, addressing myself to the unfinished business, House bill 2260, and the Committee amendments thereto, by way of explanation I desire to say that I shall not detain the Senate for any considerable length of time save and except to make clear to the Senate that the aim and object of the committee amendments and of the bill as it now stands before the Senate is to facilitate and speed up and add celerity to actions instituted in the respective Federal Courts.

"The first part of the bill provides for intervention by the Attorney General in any case instituted in a Federal Court where the constitutionality of an *act* of Congress is challenged. The bill provides that when such an occasion arises, the parties having instituted the action, and a constitutional question appearing to be involved, the Attorney General at once shall be notified. I intend to offer an amendment which will clarify that section when it is reached in due course. In other words, at this time the bill provides that if, in the judgment of the trial court, there is a serious question involved in the challenge of the constitutionality of an *act* of Congress, the trial court may issue an order notifying the Attorney General. I propose to offer an amendment making it mandatory, and not leaving any discretion whatever to the trial court, so that on the institution of an action presenting a question of constitutionality, immediately the Department of Justice shall be notified, and immediately the Department of Justice shall be permitted to intervene for and on behalf of the United States Government; and on its intervention the Government, then represented by the Attorney General, shall become a party, not to the individual controversy but for the purpose of defending and protecting the *acts* of Congress, or defending and protecting the policy involved in the acts of Congress." (Ibid., p. 8507) (Emphasis added).

Mr. Sumners, Chairman of the House Judiciary Committee explained the purposes of the legislation:

"We have sought to combine, supporting the general plan, the right which the Government as a necessary party—and this has been my view, and I think the view of our committee—to appear in a case where the constitutionality of an act passed by the legislative branch of the Government is drawn into question, and then we believe that this legislation, too, will be supported and welcomed by the courts of the country because of the governmental philosophy that underlies the inviting by the courts frequently of a representative of the Government to appear as amicus curiae. The appearance of a public representative to represent the public when the constitutionality of an act of Congress is drawn in question is sensible and necessary.

"Mr. May. What I wanted to know is this: Under previous legislation, as I understand it, a Federal judge on an exparte hearing could grant an injunction, and this bill as reported requires a hearing before three circuit judges before a permanent injunction can be granted. Is that true?

"Mr. Sumners of Texas. Not exactly true. We have attempted to incorporate in this legislation the arrangement with reference to drawing into issue by injunction the validity of certain acts of State.

"Mr. May. Then I understand from that statement that this bill will really expedite the disposition of injunction matters and prevent the delay in Federal litigation on injunction proceedings that has seemed to exist for the past several years.

"Mr. Sumners of Texas. That is one of the definite purposes of the bill. It should be stated in this connection, Mr. Speaker, that your committee and the conference committee have sought to expendite the final determination of these constitutional questions by permitting an appeal directly to the Supreme Court from the judgment of the three-judge court.

"Mr. Sumners of Texas. . . . Whenever the question is to test the constitutionality of an act of Congress the three-judge court would come into being, and it is of the same composition as the three-judge court testing certain questions arising with reference to certain state acts.

"Mr. Voorhis. But suppose the judgment of the trial court upholds the act of Congress, is it not then still possible for the private litigant, if delay is to his advantage, to make the same series of appeals through the circuit court and have the same kind of delays and periods of uncertainty we have at the present time? Suppose the decision is favorable to the Government in the original trial court, is it not still possible for the private litigant to appeal through the circuit court of appeals and have the same long drawn out suspension of and interference with the carrying out of the act in question as we have now?

"Mr. Sumners of Texas. The private litigant, of course, can appeal to the Supreme Court." (Ibid., p. 8703).

The Supreme Court in *Kennedy v. Mendoza-Martinez*, 372 US 144, 154 (1962) stated with reference to the purpose of § 2282 as gleaned from its legislative history:

"The legislative history of § 2282 and of its complement, § 2281, requiring three judges to hear injunctive suits directed against federal and state legislation, respectively, indicates that these sections were enacted to prevent a single federal judge from being able to paralyze totally the operation of an entire regulatory scheme, either state or federal, by issuance of a broad injunctive order. Section 2281 'was a means of protecting the increasing body of state legislation regulating economic enterprise from invalidation by a conventional suit in equity. . . . The crux of the business is procedural protection against an improvident statewide doom by a federal court of a state's legislative policy. This was the aim of Congress.' *Phillips v. United States,* 312 U.S. 246, 250–251. Repeatedly emphasized during the congressional debates on Section 2282 were the heavy pecuniary costs of the unforeseen and debilitating interruptions in the administration of federal law which could be wrought by a single judge's order, and the great burdens entailed in coping with harassing actions brought one after another to challenge the operation of an entire statutory scheme, wherever jurisdiction over government officials could be acquired, until a judge was ultimately found who would grant the injunction." 81 Cong. Rec. 479–481, 2142–2143 (1937).

The House could act in the instant case by a simple resolution because the House was attempting to exercise a constitutional grant of authority by which it could "act" or effectuate "law" without the concurrence of the Senate or the participation of the Executive Branch by approval or veto. As the Supreme Court stated in *Barry v. United States ex rel. Cunningham,* 279 U.S. 597, 613–614 (1929):

"But it has had conferred upon it by the Constitution certain powers which are not legislative but judicial in character. Among these is the power to judge of the elections, returns and qualifications of its own members. Art. 1, § 5, cl. 1. 'That power carries with it authority to take such steps as may be appropriate and necessary to secure information upon which to decide concerning elections.' *Reed v. County Commissioners,* 277 U.S. 376, 388. Exercise of the power necessarily involves the ascertainment of facts, the attendance of witnesses, the examination of such witnesses, with the power to compel them to answer pertinent questions, to determine the facts and apply the appropriate rules of law, and, finally, to render a judgment which is beyond the authority of any other tribunal to review."

Further, the Court at p. 614 stated:

"In that event, the limitations put upon the committee obviously do not control the Senate; but that body may deal with the matter, without regard to these limitations, *subject only to the restraints imposed by or found in the implications of the Constitution.*" (Emphasis added.)

It follows that H. Res. 278 is the mode by which the House acted in this "judicial" matter. This resolution, classified as a "simple resolution" is so classified because of the mode of its enactment. Its classification is not indicative of its content, its finality, or its importance.

The test under 28 U.S.C. § 2282 is the national importance of the legislative act. The membership and composition of a house of the national legislature is surely of the most grave importance.

The national and general importance of this matter is abundantly evident by the actions of the defendants to date as well as the present stance of their attorneys in this action. H. Res. 376, 90 Congress, 1st Session provides:

"Whereas, Adam Clayton Powell, Jr., et al., on March 8, 1967, filed a suit in the United States Court for the District of Columbia, naming as defendants certain Members and Officers of the House of Representatives, and contesting certain actions of the House of Representatives; and

"*Whereas, this suit raises questions concerning the rights and privileges of the House of Representatives, the separation of powers between the legislative and judicial branches of the Government and fundamental Constitutonal issues:*

"Now, therefore, be it

"Resolved, That the Speaker of the House of Representatives of the United States is hereby authorized to appoint and fix the compensation of such special counsel as he may deem necessary to represent the House of Representatives, its Members and Officers named as defendants, in the suit filed by Adam Clayton Powell, Jr., et al., in the United States District Court for the District of Columbia, as well as in any similar or related proceeding brought in any court of the United States; and be it further

"Resolved, That any expenses incurred pursuant to these resolutions, including the compensation of such special counsel and any costs incurred thereby, shall be paid from the contingent fund of the House on vouchers authorized and signed by the Speaker of the House of Representatives and approved by the Committee on House Administration; and be it further

"Resolved, That the Clerk of the House of Representatives transmit a copy of these resolutions to the aforementioned court and to any other court in which related legal proceedings may be brought." (Emphasis added)

The Courts have clearly indicated the grave importance of the issues herein raised as to the scope and effect of the action of the House of Representatives expressed in H. Res. 278.

"Long ago in Yick Wo v. Hopkins, 118 U.S. 356, 370, 6 S. Ct. 1064, 1071, 30 L. Ed. 220 the Court referred to 'the political franchise of voting' as a fundamental political right, because preservative of all rights." Recently in Reynolds v. Sims, 377 U.S. 533, 561–562, 84 S. Ct. 1362, 1381, 12 L. Ed. 2d 506, we said, "Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the rights of citizens to vote must be carefully and meticulously scrutinized. *Harper* v. *Virginia State Board of Elections,* 86 S. Ct. 1079, 1081, (1966).

* * * * *

"*That the free choice by the people of representatives in Congress, subject only to the restrictions to be found in §§ 2 and 4 of Article I and elsewhere in the Constitution, was one of the great purposes of our constitutional scheme of government cannot be doubled* . . .

"We turn to the words of the Constitution read in their historical setting as revealing the purpose of its framers, and search for admissible meanings of its words which, in the circumstances of their application, will effectuate those purposes. As we have said, a dominant purpose of § 2, so far as the selection of representatives in Congress is concerned, was to secure to the people the right to choose representatives by the designated electors, that is to say, by some form of election. Cf. the Seventeenth Amendment as to popular 'election' of Senators. From time immemorial as election to public office has been in point of substance no more and no less than the expression by qualified electors of their choice of candidates. *United States v. Classic,* 313 U.S. 299, 316–318 (1941). (Emphasis added).

"Free and honest elections are the very foundation of our republican form of government. Hence any attempt to defile the sanctity of the ballot cannot be viewed with equanimity. As stated by Mr. Justice Miller in *Ex parte Yarbrough,* 110 U.S. 651, 666, 'the temptations to control these elections by violence and corruption' have been a constant source of danger in the history of all republics. The acts here charged, if proven, are a kind which carries that threat and are highly offensive. *Since they corrupt the process of Congressional elections, they transcend mere local concern and extend a contaminating influence into the national domain.*" (Ibid., Douglas, J. dissenting, supra p. 329) (Emphasis added).

The applicability of 28 U.S.C. § 2282 is determined by the importance of the issue raised by the asserted constitutional attack upon the legislative will, rather than the form in which the legislative will was expressed.

The law in this circuit is settled: a legislative resolution is an act of Congress for the purposes of the three-judge district court statute. In *Methodist Federation for Social Action v. Eastland,* 141 F. Supp. 729 (D.D.C. 1956), that issue was decided conclusively. The majority opinion in that case, written by Circuit Judge Edgerton, never even paused to consider the question. However, District Judge Wilkin, dissenting on other grounds, wrote:

"The defendants say, 'The Court lacks jurisdiction of the subject matter in that Senate Concurrent Resolution 62 is not an act of Congress within the meaning of 28 U.S.C. Secs. 2282, 2284.' It seems inconceivable that Congress would recognize the power of such a three-judge court as this is to restrain 'the enforcement, operation, or execution of any act of Congress or order of any department or agency of the United States for repugnance to the Constitution', and exclude from its consideration a Senate Concurrent Resolution." (141 F. Supp. at 736)

As defendants properly note, this question was not raised in plaintiffs' first submitted points and authorities but that was so only because the law of this question has previously been conclusively determined for this court.

The government was also a party to *Krebs* v. *Ashbrook,* (D.C.D.C., Civil Action No. 2157–1966), and there resisted the convening of a three-judge court on every other conceivable basis but never questioned that the Rule of the House, there under attack, was an "act" within the meaning of 28 U.S.C. § 2282. And, again in this circuit, a three-judge statutory court *was* convened to hear the cause.

This broad interpretation of an "act" of Congress was also made in *Stamler* v. *Willis,* 371 F. 2d 415 (1966) in the Seventh Circuit. In ordering the convening of a statutory three-judge court, the Circuit Court wrote:

"The complaint alleged generally that the interpretation of section 18 of Rule XI as expressed by the continued conduct of the Subcommittee of the House . . . attributes a meaning to the rule which renders it unconstitutional . . ." 371 F. 2d at 414.[1]

The correctness of such decisions by the courts is evident. When a legislative body acts so that its enactment carries with it the force of law, irrespective of the formalities attendant upon the enactment, that act is an "Act of Congress" within the meaning and intent of 28 U.S.C. § 2282.

The question of the "status" of a Resolution of the House of Representatives has previously been considered by the Supreme Court of the United States. Justice Frankfurter, writing for the Court in *United States v. Rumley,* 345 U.S. 41, 43 (1953), said:

"Although we are here dealing with a resolution of the House of Representatives, the problem is much the same as that which confronts the Court when called upon to construe a statute that carries the seeds of constitutional controversy."

The Court in *Rumley* was reviewing the question of the power of a congressional committee to investigate certain activities pursuant to an enabling House Resolution. The seriousness of the issue was heightened rather than diminished by the fact that the investigation was made pursuant to a House Resolution rather than a statute which is enacted with many more formal checks and safeguards.

"It can hardly be gainsaid that resolutions secure passage more casually and less responsibly, in the main than do enactments requiring Presidential approval." (Ibid., at 46).

The Court is suggesting that, where it would have a duty to review objections raised to a formal Legislative enactment *a fortiori,* it certainly must review such objections directed to a final House resolution which may be passed ". . . more casually and less responsibl[y] . . . than . . . enactments requiring Presidential approval."

The Supreme Court often has had occasion to consider the meaning of the words "act" or "statute" as those terms relate to the exercise of federal jurisdiction. As early as 1883, in the case of *Stevens v. Griffith,* 111 U.S. 48, 50, the Court wrote:

"Any enactment to which a State gives the force of law, whether it has gone through the usual stages of legislative proceedings, or been adopted in other modes of expressing the will of the State, is a statute of the State within the meaning of the acts of Congress touching our appellate jurisdiction."

As is clear from the face of the resolution involved in the instant case, the House of Representatives intended that House Resolution 278 have "the force of law," the factor the Supreme Court considered critical for invoking federal jurisdiction in *Stevens* v. *Griffith, supra.*

The Court has further considered the meaning of the terms "act" or "statute"—in the context of three-judge statutory district court litigation—and has very broadly construed them. In *American Federation of Labor* v. *Watson,* 327 U.S. 582, 591–593 (1945), it held that only a three-judge court could restrain ". . . 'the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such state in the enforcement or execution of such statute . . .' . . . The question is whether within the meaning of that section 'statute' is restricted to legislative enactments or includes provisions of state constitutions as well. *It is sometimes used to embrace all enactments however adopted, to which a state gives the force of law.* See *Stevens* v. *Griffith,* 111 U.S. 48.

"In our view the word 'statute' in § 226 [now 28 U.S.C. § 2281] is a compendious summary of various enactments by whatever method they may be adopted to which a state gives her sanction. . ."[2]

See also *Alabama Public Service Commission* v. *Southern Railway Co.,* 341 U.S. 341, 343–44 (1950), *Mora* v. *Mejias,* 206 F. 2d 377, 386 (1953), explained in *Detres* v. *Lions Building Corp.,* 136 F. Supp. 699 (1955).

Defendants, on pages 5–7 of their Memorandum cite several cases which are described as "situations similar to this case." It is clear that defendants' references to *Methodist Federation* v. *Eastland, supra,* only serve to support plaintiffs' contention that "Act of Congress," as those words are used and intended in 28 U.S.C. § 2282, is a phrase which admits of interpretation, as there "act" was deemed to include resolutions of Congress, not just statutes. It is further submitted that defendants' reference to *Dombrowski* v. *Burbank,* 358 F. 2d 821 (1966) *is wholly misleading. Burbank* was *not* a case in which injunctive relief was sought through action of a statutory three-judge court. Quite the contrary, it was an action for damages and an injunction against the use of records and documents signed by a Senate subcommittee. No question was even raised as to any "resolution of [a] subcommittee of the Senate" which would require the convening of a three-judge court.

Defendants really do come to the heart of the three-judge court question and the requirement for a three-judge court in this case when, on page 7 of their Memorandum, they note, "Resolutions of a single house, *such as the Resolution here,* generally relate to the housekeeping, organization and internal business of the house." [Emphasis supplied]. To characterize the action of the House of Representatives here as a "housekeeping" matter is a shocking understatement. As a result of this "housekeeping" resolution, the House of Representatives has denied to a duly qualified and properly elected member-elect his right to be seated in Congress and at the same time denied to the citizens of the 18th Congressional District of New York one of their most fundamental constitutional guarantees—the right to a voice in their government.[3] It is in just such circumstances that the necessity for convening a three-judge district court is most pressing. *U.S.* v. *Classic, supra.;* CONGRESSIONAL RECORD, March 1, 1967, page 5017.

In the very case that defendants cite for the proposition that the three-judge court is required only when a broad regulatory scheme is attacked, *Phillips* v. *United States,* 312 U.S. 246 (1941), Justice Frankfurter also stated that the three-judge court legislation is "designed to secure the public interest in a 'limited class of cases of special importance.' *Ex parte Collins,* 277 U.S. 565, 567." *In Ex parte Collins, supra,* Justice Brandeis stressed the need for a three-judge court in "cases of general importance" and "cases of unusual gravity." 227 U.S. at 569. The case before this court is precisely such a case. And, although the act of Congress in question is not one involving broad economic measures, it is certainly not a "single unique exercise of authority." The rule of the House under attack in *Krebs* v. *Ashbrook* and *Stamler* v. *Willis, supra,* was a rule of broad application hardly in the sense of an economic regulatory scheme. And yet, in both of those cases, one presently pending in this circuit in a three-judge court, 28 U.S.C. § 2282 was held applicable and three-judge courts were convened. The law of this case will be the law of the House of Representatives and the law governing the power of the House to act in any subsequent case. CON-

---

[1] The Court of Appeals there noted that Rule XI had been incorporated into the Legislative Reorganization Act of 1946, readopted by the 89th Congress, however, in petitioning the court for a rehearing *en banc,* the government argued strongly that Rule XI was really only incorporated by reference into the Act and should be considered as standing on its own. The Seventh Circuit, in plenary session, by a vote of six to two, refused to rehear the case and implicitly ruled that whether Rule XI stood alone or was a part of a statute passed by the Congress and signed by the President was immaterial to the issue of the appropriateness of convening a three-judge court.

[2] Plaintiffs recognize the fact that 28 U.S.C. 2281 authorizes the convening of a three-judge statutory court, in a State context, where a "State statute" or "an order" of an administrative board or commission is attacked. However, in directing this court's attention for guidance to cases involving 28 U.S.C. § 2281, plaintiffs have cited cases in which the issue to be determined was the scope of the definition of the term "statute." It would further seem clear that if the federal courts have broadly construed the word 'statute' in 28 U.S.C. § 2281, *a fortiori,* the less specific term "Act", in 28 U.S.C. § 2282 should be at least equally broadly construed.

[3] In addition, a special election is proposed to be held in New York to fill the "vacancy" created by the claimed illegal action of the House, at an estimated cost of $100,000.00 to New York and its tax-paying citizens.

GRESSIONAL RECORD, March 1, 1967, pages 5002, 5022, 5023, 5025.

The law in this circuit is clear. In *Methodist Federation, supra*, it was held that something less than a statute, in fact, a Resolution of Congress, sufficed within the meaning of 28 U.S.C. § 2282 to warrant convening a three-judge court. That holding was only this year reaffirmed in this circuit in *Krebs* v. *Ashbrook, supra*. A like result was reached by the Seventh Circuit in *Stamler* v. *Willis, supra*. The question, therefore, as to whether something other than a statute is an "Act" within the meaning of 28 U.S.C. § 2282 has previously and conclusively been settled in this and other circuits.

The need for convening a three-judge court in this case is also clear. The resolution here in question carries with it the "force of law" and creates issues of such constitutional magnitude that for the protection of the government and its acts, admittedly a paramount purpose behind the enactment of 28 U.S.C. § 2282, see Defendants' Memorandum, pp. 3–5, a three-judge court is not only appropriate but necessary and indispensable.

Defendants have cited and relied very heavily on the opinion for the *Phillips* Court by Mr. Justice Frankfurter. It is thus of particular significance that that same Justice, writing for the Court in *Rumley* eleven years later, stated:

"Although we are here dealing with a resolution of the House of Representatives, the problem is much the same as that which confronts the Court when called upon to construe a statute that carries with it the seeds of constitutional controversy." (345 U.S. 41, 43) (Emphasis added).

House Resolution 278, because it is in every sense an act of Congress, raises issues of such magnitude that a single judge should not, and by the provisions of 28 U.S.C. § 2282 is required not to entertain any consideration of the merits of the controversy. The grounds for dismissal summarized by defendants on p. 8 of their memorandum are all appropriate questions for a three-judge court. The brief discussion which follows evidences the necessity for a hearing and determination of these issues before the three-judge panel.

POINT II. WHERE A SUBSTANTIAL FEDERAL CONSTITUTIONAL QUESTION EXISTS, A COMPLAINT WHICH SEEKS TO ENJOIN THE ENFORCEMENT, OPERATION OR EXECUTION OF A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES MUST BE HEARD AND DETERMINED BY A THREE-JUDGE STATUTORY COURT

When the allegations of a complaint directly challenge the constitutionality of an Act of Congress whose enforcement, operation or execution are sought to be enjoined, the cause *must* be heard by a statutory three-judge court. 28 U.S.C. § 2282; *Florida Lime Avocado Growers v. Jacobsen*, 362 U.S. 73 (1960); Currie, *The Three-Judge Court in Constitutional Litigation*, 32 U. of Chi. L. Rev. (1964). The complaint in the instant case raises a substantial and fundamental constitutional question as to the validity of House Resolution 278, enacted by the House of Representatives on March 1, 1967, which denied the right of Member-Elect Adam Clayton Powell, Jr., 18th Congressional District, New York, to his seat in the Ninetieth Congress.

The constitutional issues here raised are, of course, not "patently frivolous", *Reed Enterprises* v. *Corcoran*, 354 F. 2d 519 (1965), *Idlewild Bon Voyage Liquor Corp.* v. *Epstein*, 370 U.S. 713 (1962), "not plainly insubstantial," *Schneider* v. *Rusk*, 372 U.S. 224 (1963), or "wholly unsubstantial, legally speaking non-existent," *Bailey* v. *Patterson*, 369 U.S. 31 (1963), and the complaint "formally alleges a basis for equitable relief." *Reed Enterprises* v. *Corcoran, supra; Idlewild Bon Voyage Liquor Corp.* v. *Epstein, supra;* cf. *Dombrowski* v. *Pfister*, 380 U.S. 479 (1965).

In both *Idlewild* and *Reed*, the Supreme Court and this Circuit have recently restated the narrow scope of inquiry open to the District Judge and the Chief Judge of the Circuit in ascertaining whether the statutory three-judge court jurisdiction has been properly invoked. In the *per curiam* opinion in *Idlewild*, the scope of this preliminary inquiry was delineated as follows:

". . . When an application for a statutory three-judge court is addressed to a district court, the court's inquiry is appropriately limited to determining whether the constitutional question raised is substantial, whether the complaint at least formally alleges a basis for equitable relief, and whether the case presented otherwise comes under the requirements of the three-judge statute." 370 U.S. 713, 715.

In *Reed, supra*, Circuit Judge J. Skelly Wright recently framed the issues in this manner.

"The problem presented as to whether the convening of three-judge District Courts is required in these cases divides itself into three parts: (1) the presence or absence of a substantial constitutional question; (2) the necessity for injunctive relief; and (3) the presence or absence of a case or controversy." 354 F. 2d 519.

The complaint herein meets all of the standards set forth in *Idlewild and Reed*. A serious and substantial constitutional issue has been raised, formal pleadings in equity are before the court and federal jurisdiction over the subject matter thereof has been invoked. Since the complaint conforms to all existing guidelines for the convening of a statutory three-judge court, this court has no alternative but to so certify to the Chief Judge of the Circuit.

The instant complaint raises the question of whether the House of Representatives, in refusing to seat a duly qualified member-elect has exceeded its powers under the Constitution, and, in particular, under Article I, Section 2, Clause 2 thereof. It is difficult to conceive of any more serious and substantial constitutional question than this one. At stake is the very heartbeat of American democracy—the right of the people to be represented by whom they freely choose.

There can be no doubt that the complaint, in the words of *Idlewild*, "at least formally allege(s) a basis for equitable relief" The power of federal district courts to entertain causes of action seeking injunctive relief from the threatened enforcement of unconstitutional statutes is hardly open to question. *Ex parte Young*, 209 U.S. 123, *Traux* v. *Reich*, 239 U.S. 33, *Terrace* v. *Thompson*, 263 U.S. 197, *Hague* v. *CIO*, 307 U.S. 469, *Hale* v. *Bimco Trading Co.*, 360 U.S. 375.

Most recently, in *Krebs* v. *Ashbrook*, (D.C.D.C.) Civil Action No. 2157—1966 a three judge court was convened in this district to consider formal equity pleadings in a complaint seeking the restraint of Rule XI of the House of Representatives. In this connection, the court's attention is respectfully called to the recent decision of the Seventh Circuit in *Stamler* v. *Willis*, 371 F. 2d 415 (1966).

Defendants while conceding that a single judge may not dismiss a complaint on its merits, *Idlewild Bon Voyage Liquor Corp* v. *Epstein, supra*, insist that he may dismiss for want of jurisdiction. With the latter premise, plaintiffs have no basic quarrel. But in every case cited by defendants (see 9–10, *Defendants' Memorandum*) and indeed in all cases researched by counsel for plaintiffs, the critical jurisdictional defects are those basic omissions readily apparent on the face of the complaint or readily ascertained by affidavits or other proof. See, for example, *Jacob* v. *Tawes*, 250 F. 2d 611 (lack of a jurisdictional amount); *Seatrain Lines, Inc.* v. *United States*, 233 F. Supp. 40 (D.C.N.J., 1964) (exclusive jurisdiction in another court); and *Osage Indians* v. *Ickes*, 45 F. Supp. 179 (1942) (lack of an indispensable party).

Obviously, defendants cannot point to any such patent jurisdictional defects in the complaint herein—nor do they even attempt to do so. As will be more fully discussed, what defendants are laboriously trying to do is to convince this court that lack of jurisdiction and absence of justiciability are synonyms and that, therefore, it has the power to dismiss under the latter characterization. Conscious that single judges have no power to decide either the merits of the case or the appropriateness of the exercise of jurisdiction (*Idlewild, supra*), defendants are determined to accomplish by semantics what they cannot do under existing law.

They buttress their invalid argument by virtually total reliance upon the cases of *Lion Manufacturing Corp. v. Kennedy*, 330 F. 2d 883 (1964), and *Hobson v. Tobriner*, 255 F. Supp. 295 (D.C.D.C. 1966). It is their position that in both cases "the courts determined that jurisdictional issues such as want of case or controversy, political question and separation of powers could be dealt with by a single judge." (pp. 11–12, Defendants' Memorandum). A reading of both cases clearly establishes that neither stands for the proposition asserted by defendants.

In *Lion*, the court concluded that no case or controversy was presented since there was no threat of enforcement of the criminal statute involved. That contention is, of course, not urged here by defendants. Cf. *Reed Enterprises v. Corcoran, supra*, in which the Court of Appeals distinguished *Lion* in words directly applicable here:

"The Government's argument that the applications for a three-judge courts were properly denied because the litigation in the District Court did not present a case or controversy within the meaning of Article 3 of the Constitution is predicated primarily on our opinion in *Lion Manufacturing Corporation v. Kennedy*, 117 U.S. App. D.C. 367, 330 F. 2d 833 (1964). There, in an action to enjoin enforcement of the Slot Machine Act of 1951 as amended by the Gambling Devices Act of 1962, 15 U.S.C. §§ 1171–1178, we held that an application for a three-judge court was properly denied, the District Court being without jurisdiction since the complaints stated no case or controversy. In *Lion* '[I]t is nowhere alleged that the Attorney General, or anyone acting for him, has taken steps to initiate criminal prosecutions against plaintiffs or to require registration, nor that threats to this effect have been directed to plaintiffs.' 117 U.S. App. D.C. at 372, 330 F. 2d at 838. The factual difference between *Lion* and these cases is manifest."

Had the House of Representatives adopted a resolution which did not exclude Member-elect Powell but merely, in general terms, gave it the power to exclude allegedly errant congressmen, then possibly there would exist a parallel between this case and the facts of *Lion*. But the House has done what the Attorney General did not do in *Lion*—it has has "taken steps to initiate" exclusion proceedings against Mr. Powell. As defendants well know, *Lion* has absolutely no relevancy to the instant case where a "case or controversy" clearly exists.

Hobson is, likewise, totally inapplicable. In denying an application for a three-judge court (without dismissing the complaint except as to the President of the United States),[4] the district court did so on the ground that the challenges to the constitutionality of certain portions of the District of Columbia Code were "insubstantial" (255 F. Supp. 295, 299) in view of the exclusive legislative power over the District given to Congress by virtue of Article I, Section 8, Clause 17 of the Constitution.[5]

After so holding, the Court added as another reason for its refusal to convene a statutory court the fact that "the complaint as a whole seeks a political remedy beyond the power of the Court to grant . . . what has been called 'home-rule.'" (Ibid., 300). Assuming, arguendo, the correctness of the reasoning of the District Judge in this respect, it is a far cry from seeking to obtain "homerule for the District of Columbia to attempting to enjoin an unconstitutional exercise of power by the House of Representatives. '. . . the Congress in common with all branches of the government must exercise its powers subject to the limitations placed by the constitution on government action,'" *Barenblatt* v. *United States*, 360 U.S. 109 (1959).

In its discussion of the separation of powers doctrine, the court stated that its assumption of jurisdiction and a consideration of the issues raised by plaintiffs "would, of necessity, result, in some degree, in a substitution of the Court's judgment for that of Congress." It went on to add that "this substitution . . . would be a grave transgression of the doctrine of separation of powers in view of the fact that Congress is vested with jurisdiction over the form of Government to be accorded the District of Columbia." (Ibid., 300).

Not only is this reasoning totally inapplicable to the facts of the instant case but it flies in the face of the recent ruling of the Seventh Circuit in *Stamler v. Willis*, 371 F. 2d 413 (1967) (rehearing denied en banc, February 13, 1967), in which the court, reversed the denial of an application for the convening of a statutory three-judge court and the dismissal of the complaint in an action against members of the House of Representatives individually and as members of the House Un-American Activities Committee. In its opinion, the Seventh Circuit emphasized that:

"We think that if the complaints present a substantial constitutional question, the three-judge court request ought to be granted, since there is no doubt that the complaints 'at least formally alleges a basis for equitable relief . . .' and that 'the case presented otherwise comes within the requirements of the three-judge statute'." (Ibid., at 414)

Although defendants cavalierly attribute this decision to "the seemingly erroneous theory that a separation of powers issue involved the 'merits'" (p. 11, Defendants' Memorandum), it is obvious that the Court was well aware of all of the ramifications of its action, an action which was passed upon by the entire bench of the Circuit when it rejected the government's motion for a rehearing.[6]

None of defendants' cases support the proposition that the single judge may dispose of these issues upon the application for the convening of a statutory court. They are issues which require above all an evaluation involving an estimate and weighing of factors beyond the statutory competence of the single judge. They are peculiarly issues for determination by the three-judge court after the consideration of affidavits in support of and in opposition to the allegations of the complaint (Opinions of Judges Letts and Pine in *Communist Party* v. *McGrath*, 96 F. Supp. 47), or after joinder of issue by responsive pleadings (Ibid., Opinion of Circuit Judge, now Chief Judge Bazelon). At a minimum, they are not issues for summary disposition under the "limited" powers of the single judge. *Idlewild Bon Voyage Liquor Corp.* v. *Epstein, supra.*

As has been previously noted, there is no serious contention by the defendants that the constitutional issues raised in the complaint are not "substantial" within the meaning of the three-judge court statute. Any argument that these issues are "patently frivolous", the test enunciated only recently in this Circuit in *Reed Enterprises, supra,* would be in absolute disregard of the realities of the matter. Under the governing decisions of the Supreme Court, see *Idlewild Bon Voyage Liquor Corp. supra,* and of this Circuit, see *Reed Enterprises*, supra the complaint raises serious and substantial constitutional questions of highest magnitude and requires the convening of a three-judge statutory district court.

CONCLUSION

An order certifying the cause to the Chief Judge of this Circuit for the convening of a three-judge statutory district court should be entered.

Respectfully submitted,

FRANK D. REEVES,
HERBERT O. REID, SR.,
P.O. Box 1121,
Howard University.
WASHINGTON, D.C.
JEAN CAMPER CAHN,
1308 19th Street NW.
WASHINGTON, D.C.
ROBERT L. CARTER,
20 West 40th Street.
NEW YORK, N.Y.
HUBERT T. DELANY,
55 Liberty Street.
NEW YORK, N.Y.
ARTHUR KINOY,
WILLIAM M. KUNSTLER,
511 Fifth Avenue.
NEW YORK, N.Y.
HENRY R. WILLIAMS,
271 West 125th Street.
NEW YORK, N.Y.
Attorneys for Plaintiffs.

V

PLAINTIFFS' MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

[In the United States District Court for the District of Columbia]

ADAM CLAYTON POWELL, JR., ET AL., PLAINTIFFS, v. JOHN W. MCCORMACK, ET AL., DEFENDANTS—CIVIL ACTION No. 559–67

(Plaintiffs' memorandum of points and authorities in opposition to defendants' motion to dismiss and in support of plaintiffs' motion for preliminary injunction)

The judiciary has clear and well-established jurisdiction to review not only the constitutionality of congressional action, *Marbury v. Madison*, 5 U.S. (Cranch) 137 (1803), but of action of the Executive Branch itself, *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952). When the enforcement of Acts of Congress is sought to be enjoined as repugnant to the Constitution, this determination must be made by a statutory three-judge court which is the only tribunal that can make it, 28 U.S.C. § 2282. Despite the clear legal prohibition against single-judge action in this area, *Reed Enterprises v. Corcoran,* 345 F. 2d 519 (D.C. Cir., 1965); *Idlewild Bon Voyage Liquor Corp v. Epstein,* 370 U.S. 713 (1962); *Lion Mfg. Corp v. Kennedy,* 330 F. 2d 833 (D.C. Cir., 1964); plaintiffs will, however, respond to the points raised by defendants in their *Memorandum in Support of Defendants' Motion to Dismiss and in Opposition to Plaintiffs' Motion For a Preliminary Injunction* [hereinafter referred to as *Defendants' Brief*].

---

[4] Defendants' statement on p. 11 of their Memorandum that "He [Judge Gasch] thereupon dismissed the complaint" is as untrue as it is deliberately misleading.

[5] Cf. *Hobson* v. *Hansen*, 252 F. Supp. 4 (D.C. D.C. 1966), in which a three-judge statutory court was convened to consider a challenge to the constitutionality of a section of District of Columbia Code authorizing the appointment of members of the Board of Education by District Judges.

[6] Many, if not most of the same objections raised by defendants here were similarly raised in the court by those in *DuBois Clubs of America* v. *Katzenbach* (Civil Action No. 1087–66) and in *Krebs* v. *Ashbrook* (Civil Action No. 2157–66), in each of which the necessity for convening three-judge statutory courts was certified to the Chief Judge of the Circuit, and such courts subsequently convened.

POINT I

This Court has power to adjudicate this matter

Defendants contend that this court lacks power to proceed to an adjudication of the issues raised by the complaint herein for reasons basic to the separation of powers within our federal government. As grounds for this assertion they interpose: 1) "the express prohibition of the Constitution contained in Article I, section 6, clause 1, that the Members of the House are not to be questioned in any other place, including a court, for what they may say or do as part of their proceedings;" 2) "[t]o proceed would involve the court in political questions which under the constitutional plan of separation of powers are reserved for determination by the legislative branch . . . [there being] no basis for judicial intervention into the political question of how the House should judge the qualifications or behavior of its members;" 3) "the jurisdiction of the lower federal courts under the Constitution extends only so far as may be expressly provided by Acts of Congress [and] [t]here is no statute expressly conferring jurisdiction over this type of controversy on the courts, and it cannot reasonably be inferred that Congress intended the general grant of federal question jurisdiction to authorize judicial intrusion into a matter so intimately involving its prerogatives and internal operations of a coordinate branch of the government;" 4) "[s]imilar considerations bar the grant of any relief in this case against members of the House, whether it be declaratory or injunctive in nature . . . [j]udicial direction as to how members of the House should vote and act within the House would violate the doctrine of separation of powers and the guarantees of freedom of speech and debate and could not in any event be enforced;" 5) "[s]imilar considerations bar the grant of any relief against the non-member officers of the House delegated by the House to implement its mandate within the chamber . . . as a court has no power to direct a member to take or refrain from taking a particular action in the House, it lacks power by injunction or mandamus to direct a non-member agent charged by the Members with executing their will to take or refrain from taking particular action within the House;" and 6) "that plaintiffs have not made out any case for interim relief. . . . [t]hey have failed to demonstrate that any of their charges of violation of federal constitutional rights have even the slightest merit." (*Defendants' Brief*, pp. 11–13.)

A. *This Court is not barred by Article I, Section 6 of the Constitution from questioning the validity of House Resolution 278.*

Defendants claim that this court lacks power to adjudicate this matter on two separate grounds:

First, they argue that the Speech or Debate Clause (Article I, Section 6, Clause 1 of the Constitution) expressly prohibits judicial inquiry into the "speech" or "debate" or "things generally done in a session of the House by one of its members."

Defendants' argument fails to acknowledge one fundamental distinction: that the "Speech or Debate Clause" protects the process of discourse and decisionmaking in Congress—but it does not and cannot purport to grant the same immunity to the final product of that process—whether it be an Act of Congress or a Resolution of the House. Defendants accurately state that that Clause extends protection to written reports, resolutions and even to the act of voting. But to extend that same immunity to the product that flows from that process would be to overturn the basis of judicial review established in *Marbury v. Madison,* 5 U.S. (1 Cranch) 137 (1803).

The principal case relied upon by defendants, *Kilbourn v. Thompson,* 103 U.S. 168, (1880), indeed reaffirms that distinction. As *Defendants' Brief*, p. 17, properly notes:

> "[T]he Court drew a clear distinction between actions *within* the House, such as the debate and passage of a resolution, and *subsequent actions taken outside the House* by Members or agents of the House pursuant to a resolution as passed." (Emphasis added.)

Accordingly, the Court held that an action for false imprisonment would lie against the Sergeant-at-Arms for arresting and imprisoning Kilbourn pursuant to the resolution.

Here plaintiffs similarly base their case, not on the internal events in the House as such but rather on the outcome of that process, as revealed by its own test, implemented by the Speaker's notice of vacancy to the Governor of the State of New York and by other directions to the Sergeant-at-Arms. Primarily, the process of committee hearings, floor debate, etc., by which H. Res. 278 was produced, is material because of the constitutional infirmities in that process and its impact upon the final product of the deliberations. Had the deliberations themselves not resulted in the unconstitutional Resolution, scrutiny of the debate and hearings within the House would be academic.

But if that process, because of alleged constitutional protection, is to immunize the result, then no law which is the product of that process could possibly be attacked or subjected to judicial constitutional review.

Furthermore, the "Speech or Debate" Clause historically was intended and applied as protection against suits for damages brought against individual members for participation in discussion and debate. The purpose of the Clause was to permit debate in the House to proceed unhampered by fear of external retaliation.[1] No such reprisal or retaliation, no personal suit for damages is here presented, but only an attack upon the application to enjoin the enforcement of the unlawful product of the debate and discussion.

In *United States* v. *Johnson,* 383 U.S. 169 (1966), the Supreme Court reversed a criminal conviction of a Congressman for violation of the conflict of interest statute because of the Prosecutor's reliance upon a speech made by the defendant on the floor of the House. But the decision clearly distinguishes the speech, which was immunized, from the criminal act, which was not. Mr. Justice Harlan, at p. 172, was explicit in limiting the reach of the Speech or Debate Clause:

> "No argument is made, nor do we think that it could be successfully contended, that the Speech or Debate Clause reaches conduct, such as was involved in the attempt to influence the Department of Justice, that is in no wise related to the due functioning of the legislative process."

Similarly, in *Tenney v. Brandhove,* 341 U.S. 367 (1951), Mr. Justice Frankfurter made it clear that the test of the appropriateness of the invocation of legislative immunity is not the official status of the legislator but rather the nature of the actions for which he is called to account. An "unwarranted extension of Privilege" was not to be permitted to be a path for legislators to "acquire power." 341 U.S. 367, 376 (1951).

But regardless of which actions have been found to fall within and which without the ambit of the immunity created by the Speech or Debate Clause, one thing is very clear; it has never been extended to place an act of Congress beyond judicial scrutiny and the higher law of the Constitution.

In this instant matter, it is important to note that the Defendants Speaker McCormack and the Sergeant-at-Arms are not acting solely in a legislative capacity, but also as officers in carrying out and implementing the product of the legislative process. As such, they are like any other officer of the Government who must be made defendants if the authorization asserted for their acts is to be tested for constitutionality.

Finally, the Speech and Debate Clause was not designed to permit or sanction the tyranny of the legislative branch. The Supreme Court is, at this very moment, considering whether the Clause immunizes a Senator and a Senate employee from liability in a suit for money damages under the Civil Rights Act, where the complaint charges that they participated in a conspiracy together with state officials under color of unconstitutional state laws to instigate and contrive illegal raids, arrests, searches and seizures. *Dombrowski v. Eastland,* No. 118, October Term, 1966. Significantly, the defendants in that case did not raise the issue of the immunity of their action from judicial review.

B. *The subject matter of the controversy is not a "political question" and*

---

[1] See Mr. Justice Frankfurter in *Tenney v. Brandhove,* 341 U.S. 367 (1951).

satisfies the criteria for a justiciable issue.

Defendants claim that the court lacks power to adjudicate this matter because it is a "political question." They cite the criteria set forth in *Baker* v. *Carr*, 369 U.S. 186 (1962), as dispositive of this issue without looking closely to the method of analysis developed and applied in that case or the context in which those criteria were enunciated.

Thus, the *Baker* court rejected the notion that such terms as "political question" were self-defining and started instead from the opposite predicate:

"Deciding whether a matter has in any measure been committed by the Constitution to another branch of government, or whether the action of that branch exceeds whatever authority has been committed, is itself a delicate exercise in constitutional interpretation, and is a responsibility of this court as ultimate interpreter of the Constitution." (369 US at 211.)

The Court then proceeded to look at a number of categories of cases, each of which have traditionally been regarded as involving political questions to determine whether that category is absolute or self-defining. In category after category—foreign relations, dates of duration of hostilities, validity of enactments, status of Indian tribes, republican form of government—the court systematically demonstrated that blanket rules must give way to particular exceptions.

1. *The criteria relied upon by defendants are necessary but not sufficient conditions to prove non-justiciability.*

The conditions or characterizations cited by Defendants as dispositive are, in fact, characterized only as *necessary* but not *sufficient* to compel a conclusion of non-justiciability. As the court put it:

"Unless one of these formulations is inextricable from the case at bar, there should be no dismissal for non-justiciability on the ground of a political question's presence." (369 U.S. 217)

While we do not consider that those characteristics are here "inextricably linked" to this matter, we contend that even if that were so, it would not compel a finding of non-justiciability. For these criteria are not magic touchstones—only indications—for the Court goes on to say:

"The courts cannot reject as 'no law suit' a bona fide controversy as to whether some action denominated 'political' exceeds constitutional authority." (*Ibid.*)

2. *None of the criteria listed in Baker v. Carr as raising a "political question" are inextricably present in this case.*

However, even if it be supposed that those characteristics set forth in *Baker v. Carr* were both necessary and sufficient to demonstrate the presence of a "political" (and hence, non-justiciable) issue, none of those characteristics relied upon by defendants can be found to be "inextricable from the case at bar".

Those tests relied upon by defendants are:

(a) "a textually demonstrable constitutional commitment of the issue to a coordinate political department."

There is indeed a textually demonstrable commitment to the House to judge those qualifications of its members which are explicitly enumerated in the Constitution. There is no such commitment of the right to create new, *ad hoc* qualifications or to sit in unreviewable judgment on the presence or absence of those qualifications. Nor can the power to impose discipline on a Member be treated as a power to generate and apply new qualifications to a Member-elect. The power to discipline members can hardly constitute a textually demonstrable authority to discipline non-members. Defendants' uneasiness with this position is clearest where they grudgingly indicate that, perhaps, if the House were to impose qualifications of race, religion or political belief, there might be occasion for judicial intervention. Apparently the textual commitment to the House does not extend to all unprescribed qualifications—only to those which defendants deny to be present here. *Baker v. Carr, supra* at 220–222.

In *Colegrove v. Green*, 328 U.S. 549, 564 (1946), Mr. Justice Rutledge, in a pertinent concurring opinion, stated as follows:

"I concur in the result. But for the ruling in *Smiley v. Holm*, 285 U.S. 355, 52 S. Ct. 397, 76 L. Ed. 795, I should have supposed that the provisions of the Constitution, Art. I, § 4, that 'The Times, Places and Manner of holding Elections for * * * Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations * * *'; Art. I. § 2, vesting in Congress the duty of apportionment of representatives among the several states 'according to their respective Numbers'; and Art. I, ¶ 5, making each house the sole judge of the qualifications of its own members, would remove the issues in this case from justiciable cognizance. But, in my judgment, the Smiley case rules squarely to the contrary, save only in the matter of degree.

"* * * * *

"Assuming that [Smiley] is to stand, I think, with Mr. Justice Black, that its effect is to rule that this Court has power to afford relief in a case of this type as against the objection that the issues are not justiciable."

(b) "a lack of judicially discoverable and manageable standards for resolving it."

Defendants seek to persuade the court that intervention here will lead to judicial surveillance of the most minute aspects of Congressional affairs, thereby converting the Congress into a subordinate branch. However, the principle advanced by plaintiffs is clear enough. It is limited to the point that those qualifications set forth in the Constitution are exhaustive and exclusive. It is the defendants who in this case are seeking to advance a dangerously open-ended and unmanageable standard—one which Congress has repeatedly repudiated except on other occasions of extraordinary irrationality. *Baker v. Carr, supra* at 222–224.

(c) "the impossibility of deciding without an initial policy determination of a kind clearly for non-judicial discretion."

This does not appear to be even remotely relevant here. It relates to cases concerning international affairs, length of hostilities and other classes of cases found in the past to involve "political questions". *Baker v. Carr, supra* at 211–214.

(d) "impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government."

The power to review the acts of Congress to determine their conformity to the Constitution is of the essence of constitutional government. No lack of respect is shown a coordinate branch of the government by insistence that all branches recognize the supremacy of the Constitution, whether that coordinate branch be the legislature (*Marbury v. Madison, supra*), or the executive, (*Youngstown Sheet and Tube Co. v. Sawyer*, 343 U.S. 579 (1952)). Nor need the court forsake its traditional presumption in favor of the regularity, propriety or suitable deportment on the part of Congress in order to engage in its traditional activity of examining a serious claim that an Act of Congress is unconstitutional. *Baker v. Carr, supra* at 214–218.

(e) "an unusual need for unquestioning adherence to a political decision already made."

This condition appears to pertain to instances of recognition of foreign (and, in one case, domestic) governments where the court felt dutybound to adhere to a political decision to grant or withhold recognition. *Baker v. Carr, supra* at 212. No political judgment in this sense has been made by the Congress. Further, those cases which invoke this standard also go out of their way to point out that to deny justiciability does not involve the abnegation of the judicial duty to uphold the Constitution. And, here, the decision made by Congress cannot, in the light of the election which Congress itself has ordered, be viewed as final and dispositive such as to bind other branches of government, the Constitution notwithstanding.

(f) "the potentiality of embarrassment from multifarious pronouncements by various departments on one question."

Where the Constitution itself is involved, no embarrassment can ensue from performance by the Court of its normal duties. The Court has not hesitated to assume jurisdiction where witnesses before congressional committees have been cited for contempt and have contended that Congress failed to follow its own rules or that congressional procedures failed to afford witnesses their constitutional rights. See e.g., *Yellin v. United States*, 374 U.S. 109 (1961) (witness justified in refusing to testify at a public hearing when request for an executive session provided by the Committee's own rules had been denied); *Christoffel v. United States*, 338 U.S. 84 (1949) (witness could not be validly convicted of perjury unless a quorum was present at time his alleged perjured testimony was delivered). See also *United States v. Smith*, 286 U.S. 6 (1931).

The real thrust of this argument is a veiled threat at the Court that not Congress, but the Court, will be embarrassed should Congress persist in its unconstitutional course in the event a court decision would strike down its Resolution. This presumably is the risk assumed by the judiciary ever since *Marbury v. Madison, supra,* and the fact that Congress' own rules are involved in no way affects that commitment:

"With the courts, the question is only one of power. The Constitution empowers each House to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights *U.S. v. Ballin,* 144 U.S. at 5, (1892)."

The Court in *Baker v. Carr, supra* at 230, shed further light on the proper approach to a claim that a case involves a "political question":

"Gomillion was lifted 'out of the so-called "political" arena and into the conventional sphere of constitutional litigation' because here was discriminatory treatment of a racial minority violating the Fifteenth Amendment."

The Court's solemn duty enunciated in *Marbury v. Madison, supra,* is not that easily avoided by recital of the Talismanic words "political question". At best, the involvement of a coordinate branch of government poses the issue of justiciability—it does not resolve it, *Bell v. Hood,* 372 U.S. 678 (1945). It cannot if there are present factors which lift this case "out of the so-called 'political area' and into the conventional sphere of constitutional litigation." We are here once again in that conventional sphere.

The Court's handling of this question in *Wesberry v. Sanders,* 376 U.S. 1 (1964) is particularly instructive:

"Mr. Justice Frankfurter's *Colegrove* opinion contended that Art. I, Sec. 4 . . . had given Congress 'exclusive authority' to protect the right of citizens to vote for Congressmen, but we made it clear in *Baker* that nothing in the language of that article gives support to a construction that would immunize state congressional apportionment laws which debase a citizen's right to vote from the power of courts to protect the constitutional rights of individuals from legislative destruction, a power recognized at least since our decision in *Marbury v. Madison.*" (376 U.S. at 6)

Thus, the fact that there is a relationship between the judiciary and the coordinate branches of the federal government has never precluded the Court from invalidating a law passed by Congress, declaring unconstitutional acts of the Executive branch, inquiring into internal practices of the coordinate branch which violate the constitutional rights of individuals, examining constitutionally repugnant flaws in the so-called political process which results in the election of Congressmen; or intervening into the actions of the Executive branch where national security safeguards transgressed constitutionally protected rights.[2]

The immunity from scrutiny claimed here could not be more repugnant to those rights. Defendants base their claim to impose additional qualifications upon membership on the dictates of "common sense"—and postulate that mental incompetence would surely be grounds for exclusion. If Congress is free to declare all those whom it wishes mentally incompetent, if Congress is free to impose qualifications, with an uneven hand and without procedural safeguards, on any member-elect who has aroused its displeasure, then the danger of an unreviewable "common sense" standard becomes apparent. The progress of the law over the centuries has been the story of the triumph of reason and experience over the "common sense" dictates of the Inquisition, the Star Chamber and the infamous John Wilkes Affair.

It was the unprincipled, *ad hoc,* discriminatory erection of just such qualifications which the Framers expressly sought to prevent by the exhaustive enumeration of constitutional qualifications for membership in the House.[3] It is only with respect to the presence or absence of those qualifications that they were willing to vest final and unreviewable authority in the House to judge the qualifications of its members. Thus, arguably, had Congress found Mr. Powell to be less than 25 years of age, there would have been no recourse to the courts. But having adjudged the existence of those qualifications enumerated in the Constitution, the House was not free to both add additional ones and be the judge thereof in Star Chamber proceedings devoid of the most elemental aspects of due process.

Whatever question of justiciability might be raised by the presence of "political factors" and the involvement of a "coordinate branch of government," is disposed of by the claim that the acts here involved transgress the Constitution. And Constitutional exegesis is the Court's domain.

The mode of analysis adopted by the Court in the *Bond* case is here directly applicable. It defines the necessary and proper scope of judicial responsibility for the Courts of Georgia with respect to the Georgia legislature. It is no mere accident that the Court, while speaking to Georgia's responsibilities, made allusions to its own constitutional responsibilities with respect to the Congressional behavior.

(3) *The "Political Question" Doctrine is NOT applicable here for reasons of policy.*

At the heart of the "political question" doctrine is one over-riding consideration which it might be well to recall.

That doctrine, in effect, commands the Court to respect the political process and the distribution of governmental power and responsibility which that process has created. It says that the Court should not substitute its judgment for that of the people and for the institutions of representative government they have created. It sums up, however inexactly, the place of the judiciary in a democracy. And so it is strange, indeed, to find that doctrine here being advanced to persuade the Court to tolerate action which deprives a constituency of its vote, or which dictates to the people of Harlem that they may not elect the representative of their choice to Congress even though he fulfills all constitutional requirements. For here, the "political question" argument is nothing other than a polite threat to the Court to participate by default in an act of disfranchisement which strikes at the very core of that same democratic process whose integrity was to be protected by the "political question" doctrine.

C. *The Constitution has Conferred Jurisdiction on the Courts to Consider this Case.*

In setting forth plaintiffs' jurisdictional premises (*Defendants' Brief,* pp. 40–41), defendants ignore plaintiffs' reliance upon the Constitution of the United States. In attempting to prove that "a controversy of this nature" was not contemplated by Congress under the grant of jurisdiction contained in 28 U.S.C. § 1331(a), defendants do not mention Article III, Section 2, of the Constitution which states that "the Judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority. . . "[4]

There can be no question that plaintiffs expressly state a cause of action arising under the Constitution and laws of the United States as required by 28 U.S.C. § 1331 and, in particular, under Article I, Sections 1, 2(1) (2), (4), 5(1) (2) and 9(3) of the Constitution of the United States and the 5th, 6th, 8th, 9th, 10th, 13th, 15th and 19th Amendments.

In *Bell v. Hood,* 327 U.S. 678, 683 (1946), the Supreme Court, in reversing a dismissal of an action for damages based on violations of the 4th and 5th Amendments, held that where "the alleged violations of the Constitution . . . are not immaterial but form rather the sole basis of the relief sought," the matter in controversy "arises under the Constitution or laws of the United States, whether these are suits in 'equity' or at 'law' ". As Mr. Justice Black stated, ". . . where federally protected rights have been invaded, it has been the rule from the beginning that courts will be alert to adjust their remedies so as to grant the necessary relief." (*Ibid.*, 684).

---

[2] Or invalidating a resolution of the House of Representatives, *Kilbourn v. Thompson,* 103 U.S. 168 (1880).

[3] *Bond v. Floyd,* 385 U.S. 116, 126 (1966), at fn. 13.

[4] As Chief Justice Marshall put it in *Marbury v. Madison, supra,* at 179, "The judicial power of the United States is extended to *all* cases arising under the Constitution." (emphasis supplied.) See also *Eastern States Petroleum Corp. v. Rogers,* 280 F. 2d 611, 614 (D.C. Cir., 1960), in which the court stated:

"We recognize, as appellant argues, that 'a construction of the statute which would deny all opportunity for judicial determination of an asserted constitutional right is not to be favored." Lockerty v. Phillips, 1943, 319 U.S. 182, 188, 63 S. Ct. 1019, 1023, 87 L.Ed. 1339; see Lynch v. United States, 1934, 292 U.S. 571, 586–587, 54 S.Ct. 840, 78 L.Ed. 1434. And we assume, for present purposes, that the congressional power to confer and withdraw federal jurisdiction is itself subject to constitutional limitations, including those of due process. Crowell v. Benson, 1932, 285 U.S. 22, 56, 52 S.Ct. 285, 76 L.Ed. 598; Battaglia v. General Motors Corp. 2 Cir., 169 F.2d 254, 257, certiorari denied 1948; 335 U.S. 887, 69 S.Ct. 236, 93 L.Ed. 425; see Hart & Wechsler, Federal Courts and the Federal System 312–40 (1953)."

Defendants very cleverly argue that this Court has no jurisdiction over the cause by arguing that it should be dismissed on the merits. They completely ignore the distinction set out in *Bell v. Hood, supra*, and never really question the subject-matter jurisdiction of this Court. The pivotal language in *Bell v. Hood, supra*, at 682, 684–685, is:

"Jurisdiction, therefore, is not defeated . . . by the possibility that the averments might fail to state a cause of action on which petitioners could actually recover. For it is well settled that the failure to state a proper cause of action calls for a judgment on the merits and not for a dismissal for want of jurisdiction.

"* * * * *

"Thus, the right of petitioners to recover under their complaint will be sustained if the Constitution and laws of the United States are given one construction and will be defeated if they are given another. For this reason the district court has jurisdiction."

This distinction has been made in myriad cases. See for example, *Bock v. Perkins*, 139 U.S. 628, (1890); *Gully v. First National Bank*, 299 U.S. 109, (1936); *Harmon v. Superior Court*, 307 F. 2d 796 (9th Cir., 1962); *Blaney v. Florida National Bank*, 357 F. 2d 27, (5th Cir., 1966). The Supreme Court of the United States most recently addressed its attention to and re-affirmed this proposition in *Baker v. Carr, supra*.

Moreover, this is not, as defendants strain to illustrate, a suit to try title to a political office and does not require the courts "to settle any case of contest . . . about the election of members of Congress . . ." (*Defendants' Brief*, p. 42). There are no contesting parties, and title to the office in question is not in issue. In its most elemental sense, this is an action to set aside an Act of Congress because it conflicts with the Constitution, and it is palpably clear that this Court has jurisdiction to hear and determine such a case.

Defendants, in their tortured analysis of the supposed interplay between 28 U.S.C. §§ 1331 and 1344 are grasping at non-existent straws. Their unsupportable premise deserves no further elaboration.

POINT II

The Court has power to grant the relief sought by plaintiffs

Suffice it to say that plaintiffs seek only the normal available injunctive and declaratory remedies necessary to afford them relief from the unconstitutional action of defendants. What they ask for is neither novel nor unusual and courts, from one end of the land to the other, have had little difficulty in complying with similar prayers.

There can be no question whatsoever as to the power of the federal courts to restrain the unconstitutional actions of Congress. *Marbury v. Madison, supra; Ex parte Young, supra.* Classically, judicial declarations of the unconstitutionality of Acts of Congress are enforced by injunctions. *Ex parte Young, supra.* Neither the doctrine of Separation of Powers nor the Speech and Debate Clause bar such relief.

The contention by defendants that relief in the nature of mandamus is likewise unavailable is equally unsound. As Chief Justice Marshall said in *Marbury v. Madison, supra*, at 173, "This, then, is a plain case for a mandamus, either to deliver the commission, or a copy of it from the record." Traditionally, mandamus lies to force an officer to perform a ministerial act and is applicable when "an applicant . . . has a right to execute an office of public concern, and is kept out of possesion of that right." (*Marbury v. Madison, supra*, at 169).

Lord Mansfield, in 3 Burrow, 1266, in *King v. Baker*, delineated the cases in which the writ lay.

"Whenever there is a right to execute an office, perform a service, or exercise a franchise, [more especially if it be in a matter of public concern, or attended with profit] and a person is kept out of possession, or dispossessed of such right, and has no other specific legal remedy, this court ought to assist by mandamus, upon reasons of justice, as the writ expresses, and upon reasons of public policy, to preserve peace, order and good government."

We are concerned here solely with a ministerial act—the swearing in and admission of Mr. Powell to the rights, powers and emoluments of the office to which he has been duly elected and for which the House itself has found that he possesses the only constitutional qualifications. There is nothing remaining but to seat him, surely a ministerial function, and it should be done. As Lord Mansfield further elaborated in *King v. Baker, supra*.

"This writ ought to be used upon all occasions where the law has established no specific remedy, and where in justice and good government there ought to be one."

More than one hundred and fifty years ago, *Marbury v. Madison, supra*, disposed of the basic issue raised by defendants' motion, once and for all, establishing the affirmative duty of courts to review the acts of other coordinate branches of the federal government against claims that those acts violate the Constitution.

"It is emphatically the province and duty of the judicial department to say what the law is . . ."

Fifteen years less four days ago—April 8, 1952—the Executive Branch of our Government precipitated a confrontation with the Judicial Branch, and more specifically this very District Court, which bears a striking similarity to the confrontation arising in the instant case between the Legislative and Judicial Branches of our Government. There as here issue was joined in actions praying for declaratory judgment and injunctive relief as to the power and propriety of judicial interference with an exercise of authority claimed to be committed to a coordinate branch of the government. Accordingly, it is interesting and we hope persuasive and prophetic to recall some of District Judge Pine's language in his opinion at 103 F. Supp. 571 (D.C. Cir., 1952):

"[The Executive's contention that its action in seizing the steel mills rested upon the President's 'broad residuum of power'] requires a discussion of basic fundamental principles of constitutional government, which I have always understood are immutable, absent a change in the framework of the Constitution itself in the manner provided therein. The Government of the United States was created by the ratification of the Constitution. It derives its authority wholly from the powers granted to it by the Constitution, which is the only source of power authorizing action by any branch of Government. It is a government of limited, enumerated, and delegated powers. *The office of President of the United States is a branch of the Government, namely, that branch where the executive power is vested, and his powers are limited along with the powers of the two other great branches or departments of Government, namely, the legislative and the judicial.* (*Ibid.*, p. 573) (Emphasis supplied)

"* * * * *

"The grants of Executive power are necesarily in general terms in order not to embarrass the Executive within the field of action plainly marked for him, but his jurisdiction must be justified and vindicated by affirmative constitutional or statutory provision, or it does not exist.

"I stand on that as a correct statement of the law. . . (*Ibid.*, p. 574).

"* * * * *

"That there can be no doubt as to what it [defendant's contention] is, he states it unequivocally when he says in his brief that he does 'not perceive how Article II [of the Constitution] can be read * * * so as to limit the Presidential power to meet all emergencies,' and he claims that the finding of the emergency is 'not subject to judicial review.' *To my mind this spells a form of government alien to our Constitutional government of limited powers. I therefore find that the acts of defendant are illegal and without authority of law.*" (Ibid., 576) (Emphasis supplied).

We respectfully urge that in this second historic confrontation in this Court between the Judicial Branch and a coordinate Branch of our government, no different result is indicated.

Respectfully submitted,
FRANK D. REEVES,
HERBERT O. REID, SR.,
P.O. Box 1121,
Howard University,
WASHINGTON, D.C.
JEAN CAMPER CAHN,
1308 19th Street, N.W.,
WASHINGTON, D.C.
ROBERT L. CARTER,
20 West 40th Street,
NEW YORK, NEW YORK,
HUBERT T. DELANY,
55 Liberty Street,
NEW YORK, NEW YORK,
ARTHUR KINOY,
WILLIAM M. KUNSTLER,
511 Fifth Avenue,
NEW YORK, NEW YORK,
HENRY R. WILLIAMS,
271 West 125th Street,
NEW YORK, NEW YORK,
Attorneys for Plaintiffs.

VI

OPINION OF JUDGE HART, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, DENYING PLAINTIFFS' APPLICATION FOR A THREE-JUDGE COURT, DISMISSING THE COMPLAINT FOR WANT OF JURISDICTION, DENYING MOTION FOR PRELIMINARY INJUNCTION

[In the United States District Court for the District of Columbia]

ADAM CLAYTON POWELL, JR., ET AL., PLAINTIFFS *v.* JOHN W. MCCORMACK, ET AL., DEFENDANTS—CIVIL ACTION NO. 559–67

ORDER

Upon consideration of the complaint filed herein, of the motions filed herein and the points and authorities in support of and in opposition to the same, and oral argument having been had in open court, it is by the Court this 7th day of April, 1967,

Ordered, That the application for a three-judge Court be and the same is hereby denied, and it is further

Ordered, That the complaint be and the same is hereby dismissed for want of jurisdiction of the subject matter, and it is further

Ordered, That the motion for a preliminary injunction be and the same is hereby denied.

GEORGE L. HART, JR.,
Judge.

[In the United States District Court for the District of Columbia]

ADAM CLAYTON POWELL, JR., ET AL., PLAINTIFFS *v.* JOHN W. MCCORMACK, ET AL., DEFENDANTS—CIVIL ACTION NO. 559–67

OPINION

Frank D. Reeves, Esq., Herbert O. Reid, Sr., Esq., Mrs. Jean Camper Cahn, of Washington, D.C., and Robert L. Carter, Esq., Hubert T. Delany, Esq., Arthur Kinoy, Esq., William M. Kunstler, Esq., and Henry R. Williams, Esq., of New York City, *for the plaintiffs.*

Bruce Bromley, Esq., John R. Hupper, Esq., Thomas D. Barr, Esq., Victor M. Earle III, Esq., Jay E. Gerber, Esq., of New York City, and Lloyd N. Cutler, Esq., Louis F. Oberdorfer, Esq., Max O. Truitt, Jr., Esq., Timothy B. Dyk, Esq., and James S. Campbell, Esq., of Washington, D.C., for the defendants.

HART, J. This is an action for injunctive relief, mandamus, and declaratory judgment brought by Adam Clayton Powell, Jr., and thirteen electors of New York's 18th Congressional District. Defendants are Members and Officials of the House of Representatives of the 90th Congress sued individually, in their official positions, and as representatives of all House Members. The complaint alleges that House Resolution 278, passed March 1, 1967, by a vote of 307 to 116, improperly excluded Powell from House membership in violation of the plaintiffs' Constitutional rights.

Plaintiffs assert that Powell meets the qualifications of age, citizenship, and inhabitancy specified in Article I, Section 2, Clause 2 of the Constitution (and holds a valid certificate of election) and that under Article I, Section 5, Clause 1, these are the exclusive tests for admission to House membership. In addition, plaintiffs allege that House Resolution 278 subjects them to discrimination based upon race and color in violation of the 5th, 13th, and 15th Amendments to the Constitution; that the Resolution constitutes a bill of attainder, an ex post facto law, and cruel and unusual punishment; and that adoption of the Resolution violated procedural due process and the 6th Amendment.

APPLICATION FOR A THREE-JUDGE COURT

28 U.S.C. § 2282 provides as follows:

"An interlocutory or permanent injunction restraining the enforcement, operation or execution of any Act of Congress for repugnance to the Constitution of the United States shall not be granted by any district court or judge thereof unless the application therefor is heard and determined by a district court of three judges under section 2284 of this title."

It is plain by its terms that the foregoing section applies to an "Act of Congress" only. The history of the statute is wholly consistent with this interpretation. The matter complained of here, House Resolution 278, is patently not an Act of Congress. It follows, therefore, that convening a statutory three-judge court to consider the issues raised by the complaint is neither required nor authorized.

The question whether a joint resolution of Congress, approved by the President, would be an "Act of Congress" within the meaning of 28 U.S.C. § 2282 is not before this Court and, therefore, is not decided. In any event, the decision of the Court on the motion to dismiss would moot the question of the right of plaintiffs to a three-judge court in the case at bar.

MOTION TO DISMISS—JURISDICTION

The defendants have moved under Rule 12(b) of the Federal Rules of Civil Procedure to dismiss the complaint for the following reasons:

1. *This Court does not have jurisdiction over the subject matter of this action;*
2. This Court does not have jurisdiction over the persons of the defendants;
3. The complaint fails to state a claim upon which relief may be granted.

In their brief the defendants have broken down the three contentions for dismissal set forth above into a number of sub-heads. Each of these sub-heads has been briefed and argued with learning and care by both sides.

1. *Speech or Debate Clause:*

In the English Bill of Rights ("An Act Declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown; passed in the 1st year of William and Mary, A.D. 1689") it was provided:

"That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any *court* or place out of Parliament." [Emphasis added.]

This provision was carried forward in our Constitution, Article I, Section 6, Clause 1, in the following language:

". . .; and for any speech or debate in either House, they [The Senators and Representatives] shall not be questioned in *any other place.*" [Emphasis added.]

The above provision of the Constitution may well bar jurisdiction of the Court in the matter here in controversy, but the Court does not bottom its decision on this point.

2. *Right of the House of Representatives to Determine the Qualifications of Its Own Members:*

The question of whether there is an absolute right in the House of Representatives to determine the qualifications of its own members will not be touched on herein.

Let us consider whether the House has correctly interpreted the word "qualifications" in Article I, Section 5, Clause 1 of the Constitution which provides:

"Each House shall be the judge of the elections, returns, and *qualifications* of its own members, and a majority of each shall constitute a quorum to do business. . . ." [Emphasis added]

It can be argued with great force and conviction that the word "qualifications" covers any cause that the Members of the House, by majority vote, choose it to cover, including:

1. Contempt of the Courts of New York;
2. Improper maintenance of an employee on a Member's clerk-hire payroll;
3. As a Member and committee chairman, permitting and participating in improper expenditure of government funds for private purposes; and
4. Acting in a manner contemptuous of the House and unworthy of a Member of the House of Representatives.

On the other hand, it can be argued with force and conviction that in light of Article I, Section 5, Clause 2 of our Constitution, which reads:

"Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

the word "qualifications" in Article I, Section 5, Clause 1 is limited to age, length of citizenship, and inhabitancy in the state from which a person shall be chosen, as provided in Article I, Section 2, Clause 2, plus a valid election certificate.

The Court deems it unnecessary to resolve this question in view of its disposition of the matter of jurisdiction under the doctrine of separation of powers.

3. *Separation of Powers:*

In this Court's view of the case, the complaint and the relief prayed for raise one issue of such transcendent importance that all other issues in the case pale into insignificance. This issue constitutes a "political question." The question facing the Court may be simply stated as follows: Would consideration of the complaint on the merits and granting any of the requested relief violate the doctrine of "separation of powers"?

At first blush it might be thought that the Supreme Court answered this question in the negative in *Bond* v. *Floyd* 385 U.S. 116 (1966). In that case the Supreme Court invalidated a resolution of one branch of the Georgia Legislature refusing to seat Bond, holding that the resolution violated Bond's right to freedom of speech guaranteed by the First

Amendment of the federal Constitution. The *Bond* case did not present a "political question" nor did it raise the question of separation of powers between coordinate branches of government.

The Supreme Court stated concisely when a "political question," which includes the doctrine of separation of powers, arises, and when it does not arise, in the case of *Baker v. Carr*, 369 U.S. 186, 210 (1962), when the Court said:

"[I]n the . . . 'political question' cases, it is the relationship between the judiciary and the coordinate branches of the Federal Government, and not the federal judiciary's relationship to the States, which gives rise to the 'political question.'

". . . The non-justiciability of a political question is primarily a function of the separation of powers." 369 U.S. at 210.

As to the precise issue which I deem to be raised here, there are no cases directly in point. This Court has not found a case nor has any been cited to it where the complaint and the relief prayed therein have posed to the Court with such stark clarity the question of separation of powers between the Legislature, as represented by the House of Representatives of the United States, and the Federal Judiciary. The following cases may be said to touch on the point but each of them is easily distinguishable on its facts:

Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803);

Luther v. Borden, 48 U.S. (7 Howard) 1 (1849);

Mississippi v. Johnson, 71 U.S. (4 Wall.) 475 (1867);

Kilbourn v. Thompson, 103 U.S. 168 (1880);

United States v. Ballin, 144 U.S. 1 (1892);

In re Chapman, 166 U.S. 661 (1897);

Massachusetts v. Mellon, 262 U.S. 447 (1923);

Springer v. Philippine Islands, 277 U.S. 189 (1928);

Barry v. United States ex rel. Cunningham, 279 U.S. 597 (1929);

Bell v. Hood, 327 U.S. 678 (1946);

Colegrove v. Green, 328 U.S. 549 (1946);

Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1955);

United States v. Johnson, 383 U.S. 169 (1966);

Hearst v. Black, 66 App. D.C. 313, 87 F. 2d 68 (1936);

Sevilla v. Elizalde, 72 App. D.C. 108, 112 F. 2d 29 (1940);

Pauling v. Eastland, 109 U.S. App. D.C. 342, 288 F. 2d 126, *cert. denied*, 364 U.S. 900 (1960);

Reif v. Barrett, 355 Ill. 104, 188 N.E. 889 (1933);

Peabody v. Boston, 115 Mass. 383 (1874);

People ex rel. Drake v. Mahaney, 13 Mich. 481 (1865);

State ex rel. Boulware v. Porter, 55 Mont. 471, 178 P. 832 (1919);

Brown v. Lamprey, 106 N.H. 121, 206 A. 2d 493 (1965).

Let us review briefly, and with a broad brush, the emergence of the doctrine of separation of powers as a principle of free government and the extent to which the doctrine had developed at the time our forefathers prepared the Constitution in 1787 for adoption by the people.

When the doctrine began to bud in ancient Greece, separation of powers referred to the division of authority between the high and the low; between the king, the aristocracy, and the masses; and between the executive and the legislature. To Solon (638?–559 B.C.), the doctrine meant increasing the power of the poor while balancing this power with aristocratic councils and magistrates. Thucydides (471?–400? B.C.) praised a fusion government of the high and the low. Plato (427?–347 B.C.) saw the need for wise aristocrats or kings, and the Statesmen.

Aristotle (384–322 B.C.) contributed the first statement of the doctrine as we now conceive it. He described government as divided into three parts—deliberators, magistrates, and judicial functionaries.

Polybius (205?–125? B.C.) said the Roman Republic was at its best when it combined democratic, aristocratic, and royal elements. Cicero (106–43 B.C.) and Machiavelli (1469–1527) praised government in which all the elements were combined.

John Locke (1632–1704), in order to prevent tyranny, would divide the government between two organs, the executive and the legislative.

Montesquieu (1689–1755) stated the doctrine as it was conceived in the early 18th century as follows:

"The political liberty of the subject is a tranquility of mind arising from the opinion each person has of his safety. In order to have this liberty, it is requisite the government be so constituted as one man need not be afraid of another.

"When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.

"Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression.

"There would be an end of everything, were the same man, or the same body, whether of the nobles or of the people, *to exercise those three powers, that of* enacting laws, that of executing the public resolutions, and of trying the causes of individuals." Montesquieu, *The Spirit of the Laws*, 154 (6th Ed. 1792).

However, Montesquieu thought the judiciary of little importance and said at p. 157, *supra:*

"Of the three powers above-mentioned, the judiciary is in some measure next to nothing: there remain therefore only two; and as these have need of a regulating power to moderate them, the part of the legislative body composed of the nobility, is extremely proper for this purpose."

It remained for Blackstone (1723–1780) to express the doctrine as it reached full development with the addition of a strong, independent judiciary into the trefoil shield of freedom, a government separated into three parts, the legislative, the executive and the judiciary:

"It is probable, and almost certain, that in very early times, before our Constitution arrived at its full perfection, our kings, in person, often heard and determined causes between party and party. But at present, by the long and uniform usage of many ages, our kings have delegated their whole judicial power to the judges of their several courts; which are the grand depositaries of the fundamental laws of the kingdom, and have gained a known and stated jurisdiction, regulated by certain and established rules, which the crown itself can not now alter but by act of Parliament. And, in order to maintain both the dignity and independence of the judges in the superior courts, it is enacted by the statute 13 W. III., c. 2, that their commissions shall be made (not, as formerly, *durante bene placito*, but) *quamdieu bene se gesserint*, and their salaries ascertained and established, but that it may be lawful to remove them on the address of both houses of Parliament. And now, by the noble improvements of that law in the statute of 1 Geo. III., c. 23, enacted at the earnest recommendation of the king himself from the throne, the judges are continued in their offices during their good behavior, notwithstanding any demise of the crown (which was formerly held immediately to vacate their seats), and their full salaries are absolutely secured to them during the continuance of their commissions; his majesty having been pleased to declare that 'he looked upon the independence and uprightness of the judges as essential to the impartial administration of justice, as one of the best securities of the rights and liberties of his subjects, and as most conducive to the honor of the crown.'

"*In this distinct and separate existence* of the judicial power in a peculiar body of men, nominated indeed, but not removable at pleasure, by the crown, consists one main preservative of the public liberty; which can not subsist long in any state, unless the administration of common justice be in some degree separated from the legislative and also from the executive power. Were it joined with the legislative, the life, liberty, and property of the subject would be in the hands of arbitrary judges, whose decisions *would be then regulated only by their* own opinions, and not by any fundamental principles of law; which, though legislators may depart from, yet judges are bound to observe. Were it joined with the executive, this union might soon be an overbalance for the legislative. For which reason, by the statute of 16 Car. I., c. 10, which abolished the Court of Star Chamber, effectual care is taken to remove all judicial power out of the hands of the king's privy council, who, as then was evident from recent instances, might soon be inclined to pronounce that for law which was most agreeable to the prince or his officers.

Nothing, therefore, is more to be avoided, in a free constitution, than uniting the provinces of a judge and a minister of state." 1 Blackstone, *Commentaries on the Laws of England,* 267–68, 269 (21st Amer. Ed. 1854).

By the time the members of the Constitutional Convention met in 1787 the doctrine of separation of powers between the legislative, the executive, and the judiciary had become an axiom of free government.

In the Federalist papers, which appeared in 1787 and 1788 in defense of the proposed federal Constitution, Madison was assigned the task of explaining the principle of separation of powers and proving that the framers had not disregarded it. Madison did not argue that the principle was a good one. He started with the premise that it was good and that is was a necessary doctrine to be included in the Constitution to insure a republic that guaranteed freedom to its people; this premise was accepted by the people to whom his arguments were addressed.

In The Federalist, No. 47, published January 30, 1788, Madison said:

"One of the principal objections inculcated by the more respectable adversaries to the constitution, is its supposed violation of the political maxim, that the legislative, executive and judiciary departments ought to be separate and distinct. In the structure of the federal government, no regard, it is said, seems to have been paid to this essential precaution in favor of liberty. The several departments of power are distributed and blended in such a manner, as at once to destroy all symmetry and beauty of form; and to expose some of the essential parts of the edifice to the danger of being crushed by the disproportionate weight of other parts.

"No political truth is certainly of greater intrinsic value or is stamped with the authority of more enlightened patrons of liberty than that on which the objection is founded. The accumulation of all powers legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. Were the federal constitution therefore really chargeable with the accumulation of powers or with a mixture of powers having a dangerous tendency to such an accumulation, no further arguments would be necessary to inspire a universal reprobation of the system. I persuade myself however, that it will be made apparent to every one, that the charge cannot be supported, and that the maxim on which it relies, has been totally misconceived and misapplied. In order to form correct ideas on this important subject, it will be proper to investigate the sense, in which the preservation of liberty requires, that the three great departments of power should be separate and distinct." *The Federalist,* No. 47, 323 (Cooke Ed. 1961) (Madison).

James Wilson, who was influential in obtaining the adoption of the Constitution, said:

"Though the foregoing great powers—legislative, executive, and judicial—are all necessary to a good government; yet it is of the last importance, that each of them be preserved distinct, and unmingled, in the exercise of its separate powers, with either or with both of the others. Here every degree of confusion in the plan will produce a corresponding degree of interference, opposition, combination, or perplexity in its execution." Wilson, *Works,* 407 (1804).

The doctrine of separation of powers, which developed over a period of two millennia, is firmly imbedded in the warp and woof of our Constitution.

It is the conclusion of this Court that for the Court to decide this case on the merits and to grant any of the relief prayed for in the complaint would constitute a clear violation of the doctrine of separation of powers. For this Court to order any member of the House of Representatives of the United States, any officer of the House, or any employee of the House to do or not to do an act related to the organization or membership of that House would be for the Court to crash through a political thicket into political quicksand.

This Court holds, therefore, that by reason of the doctrine of separation of powers, this Court has no jurisdiction in this matter.

The Court rules as follows:

1. The application for a three-judge Court is denied.

2. The complaint is dismissed for want of jurisdiction of the subject matter in this Court.

3. The prayer for a preliminary injunction falls with the dismissal of the complaint.

George L. Hart, Jr.,
Judge.

Date: April 7, 1967.

SUBCOMMITTEE NO. 5, COMMITTEE ON THE JUDICIARY—PERMISSION TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may sit during general debate today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—PERMISSION TO SIT DURING GENERAL DEBATE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMUNICATION FROM THE ASSISTANT ATTORNEY GENERAL IN THE MATTER OF THE MARYLAND PETITION COMMITTEE

The SPEAKER laid before the House the following communication from the Assistant Attorney General:

April 6, 1967.

Hon. John W. McCormack,
Speaker of the House of Representatives, Washington, D.C.

Dear Mr. Speaker: We are happy to advise you that Judge Thomsen on March 27, 1967, granted the government's motion to dismiss the action entitled *In the Matter of The Maryland Petition Committee, et al.* v. *Lyndon B. Johnson, Hubert H. Humphrey, John W. McCormack and the Acting Attorney General,* Civil No. 17826, which had been filed in the Maryland District Court.

Enclosed for your information is a copy of Judge Thomsen's opinion.

Sincerely yours,
Barefoot Sanders,
Assistant Attorney General.

The SPEAKER. Without objection, the order will be recorded in the Record and in the Journal.

There was no objection.

CROATIAN INDEPENDENCE DAY

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Derwinski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, today marks the annual commemoration of independence by the people of Croatia. Since the close of World War I, Croatia has been a part of the then newly created Yugoslavia, and today its people are captives of the type of communism imposed by Yugoslavia's dictator Tito.

Leaders of Croatian patriotic, fraternal, and civic groups are working zealously throughout the United States to maintain the customs and heritage of their people and cooperate with the peoples of other captive lands in the common effort to restore freedom to all those nations now captives of communism.

The people of Croatia have a long and honorable history and have faithfully maintained their great national traditions. Even though they do not receive proper attention from our State Department and Government leaders, the American public remembers the courageous leadership in their struggle for postwar freedom which was provided by Aloysius Cardinal Stepinac, world renowned as a heroic opponent of atheistic communism. Cardinal Stepinac, who died on February 10, 1960, was one of the great heroes of our time and a symbol of the suffering which champions of religious freedom have endured under Communist tyranny.

We must maintain the struggle for freedom for which Cardinal Stepinac was such a great inspiration until the day when the Croatians and other captive peoples throw off the yoke of communism.

GROWING FARM PROBLEMS REQUIRE CONTINUATION OF TASK FORCE ON AGRICULTURE

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr.

Langen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LANGEN. Mr. Speaker, because the present administration has utterly failed to cope with the dire economic problems that beset American agriculture and rural areas, the House Republican Planning and Research Committee has thought it essential to continue the work of the Task Force on Agriculture.

With farm prices at inadequate levels, the farm parity ratio at a dismally low 74, increased agricultural imports competing with commodities raised domestically, and increased production costs plaguing all domestic producers, every effort must be expended to rectify this deplorable situation. That is why I am pleased the Task Force on Agriculture has been given the opportunity to continue its efforts in behalf of American agriculture and rural areas.

We are privileged to have several Members returning for another term of service on the task force. They served with distinction during the past 2 years, and I know they will continue to contribute their valuable time and energy to our research efforts in 1967 and 1968.

It also gives me pleasure to announce the appointment of five first-term Congressmen to the task force who have, on the basis of their outstanding background and expressed interest, qualified themselves for added recognition and responsibilities. Accordingly, I also look forward to working with these diligent new Members, who bring to the task force the benefit of their personal accomplishments in agricultural and rural affairs.

This is my ninth year as Congressman from Minnesota's Seventh District and I am beginning my second 2-year term as chairman of the Task Force on Agriculture, which was formed by the Republican Planning and Research Committee of the House of Representatives.

Members of the Task Force on Agriculture for the 90th Congress in addition to myself will include the following returning colleagues: Hon. Alexander Pirnie, of New York; Hon. James F. Battin, of Montana; Hon. Bob Dole, of Kansas; and the following freshmen colleagues: Hon. John Paul Hammerschmidt, of Arkansas; Hon. Thomas S. Kleppe, of North Dakota; Hon. Tom Railsback, of Illinois; Hon. William J. Scherle, of Iowa; and Hon. William A. Steiger, of Wisconsin.

TIME TO GET BUSY

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Langen] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LANGEN. Mr. Speaker, there are alarming indications that Congress will ignore last fall's mandate of the people and will gloss over and pass important legislation without adequate thought and debate. Three months have passed with practically no action, and we have seen evidence of another repeat performance by those who would push legislation out of committees with insufficient hearings and onto the House floor without proper discussion. It is time to dismantle the so-called Tuesday-Thursday Club. There are not enough Congressmen in Washington on Mondays and Fridays to gather a quorum. Congress must get to work and remain in session, not only through as much of the year as needed, but every day of the week. The present practices can accomplish nothing except another round of hasty legislation that has permitted the Federal Government to grow like topsy, without proper direction or purpose. This is the time in history when we need thoughtful answers instead of slogans and gimmicks.

The lack of action thus far this year is underscored by the fact that Congress has been considering supplemental appropriations for the Vietnam war and other programs for the current fiscal year which ends in just 3 more months. Authorizing legislation has not been considered for any of the Federal aid programs; including poverty, education, or anything else, although such authorizing legislation is a prerequisite before our Appropriations Committee can even start to look at the problems of funding these programs.

The administration has added to the confusion by failing to understand the mood of the Nation that finds our farmers kicking up their collective heels in protest of a big brother government that has been far less than candid in proclaimed efforts to help American agriculture. All we have had from the administration is a myriad of special messages that, if implemented, would do nothing but throw the Nation further in debt. For Congress to again rubberstamp these warmed-over proposals would be unthinkable.

The administration has even misjudged the state of the economy. Less than 6 months ago, Congress followed their advice and suspended the 7 percent investment tax credit that encouraged U.S. industry to expand and create new jobs. Now the Congress was asked to reinstate it as the administration belatedly realizes that the economy is cooling off. But at the same time, the administration insists that we will need an income tax increase this year. No real thought has been entertained to cut unnecessary spending, the only real solution to increasing inflation.

Congress, if it stays on the job and works at it, has real alternatives to the rubberstamp proposals of the past. Among them is the Federal tax-sharing bill that would replace many overlapping and duplicating Federal-aid programs by returning a part of the Federal income taxes to the States. The Human Investment Act would encourage private enterprise to create jobs, preferable to the one-shot Federal make-work programs of the past. We have a real opportunity to review and tighten up present programs that have failed in their objectives and have become bogged down in bureaucratic redtape and political considerations. Enactment of realistic trade laws would help American Agriculture and other businesses, instead of putting price-depressing roadblocks in the way of economic progress.

In short, we in the Congress have a real opportunity to redirect this Nation's great wealth and humanitarianism in a purposeful way that is in keeping with a new era of national and world purpose.

"FUNNIER THAN THE FUNNIES"

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Hall] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HALL. Mr. Speaker, the tide of editorial comments across the Nation continues to run against an increase in the budget of the National Foundation on Arts and Humanities. Especially when they are funding such projects as a history of the comic strips in time of war and severe strain on the Treasury. I am constrained to note that the Wall Street Journal editorial of April 10, 1967, gives a much clearer picture of the basic issues than some of the "know-nothing" comments in some of our Washington journals. Under unanimous consent I insert, at this point in the Record, the Wall Street Journal editorial of April 10, 1967. Also an article from the April 9, 1967, issue of the St. Louis Post-Dispatch:

[From the St. Louis Post-Dispatch, Apr. 9, 1967]

Representative Durward Hall Opposes Federal Cultural Aid

(By David B. Bowes)

Washington, April 8.—Advocates of federal support for the arts and humanities should never ask if there is a doctor in the House.

Because if they do, Missouri's Republican Representative Durward G. Hall, a Springfield surgeon, will suggest that the ailing patients be lugged back to state agencies and private foundations.

Dr. Hall's critics are convinced his running attack on the National Foundation on the Arts and the Humanities is aimed at scuttling the whole concept of scholarly research.

Representative Frank Thompson Jr. (Dem.), New Jersey, said Dr. Hall speaks to the midriff, not the cortex. To Thompson, the controversy is reminiscent of the early 1950s when "the late Senator Joseph McCarthy frequently put intellectuals under fire."

The humanist scholar needs to be encouraged to attempt large-scale evaluations, in Thompson's view, if social scientists are ever to ask fundamental questions germane to the future well-being of American society.

The Ozark legislator, now serving his fourth term, denies he is out to kill social research. "I believe in research that has a public benefit," Dr. Hall said in an interview. He mentioned his research and development interests as a member of the Armed Services Committee.

Through its National Endowment for the

Humanities, the foundation recently announced 69 grants totaling about $936,000. Projects range from a study of characteristics of the generation of Washington and Jefferson to a sociological assessment of early members of the Nazi party.

Dr. Hall, intrigued by what he calls an "eye-grabber," selected the $8,789 grant for compiling a history of comic strips. With it, he said, he could capture headlines and thus "teach the public how their money is running through the fingers of Congress."

Dr. Hall thought he detected additional signs of bamboozlement.

"Some of the other (proposed grants) are equally absurd," he declared in a speech opposing appropriations for the projects. "Many would not be justified even if we had a large budget surplus, for surely tax funds were never intended to be used for this purpose."

If there is authority in the Constitution for a succession of "comic book" grants, he cannot find it, Hall said.

On another occasion, when he urged his colleagues to exclude Adam Clayton Powell, Dr. Hall quoted what he considered a pertinent passage "from my pocket Constitution, not being a lawyer and not trained in objectivity, but yielding to no man as to what I hope is prudent judgment . . ."

Proud of being one of four "doctors in the House," Dr. Hall believes there would be less complacency in the land if thrift and sound priorities were more stoutly defended under the Capitol dome.

"If I didn't believe this strongly I would go back to saving lives," Dr. Hall said. He is called "Doc" by congressional aids, having practiced medicine and surgery more than 25 years. He opposed medicare on ground it would replace free choice with compulsion.

The chairman of the National Humanities Endowment, Barnaby C. Keeny, restated the foundation's position that "pendantry will not be grubstaked." In reply, Dr. Hall called for research into what happens when nonstudents use universities as seed beds for "riot, insurrection and anti-Vietnam demonstrations."

The plot thickened, in Dr. Hall's view, when he learned that the grantee, David W. Kunzle, was not an American citizen and that the University of California art teacher had criticized United States conduct of the Vietnam war.

Dr. Hall denounced Kunzle before the House Appropriations Committee, called him a "silly ape" in a conversation with the Post-Dispatch and cryptically referred to disquieting letters he has received from "the Santa Barbara community," where Kunzle lives.

Whether Kunzle is or is not politically left of center, and maybe heir to an English chocolate factory, he and Dr. Hall clearly read their funnies differently.

In Kunzle's opinion, Al Capp, the outspoken creator of "Li'l Abner," is great but a social reactionary. Dr. Hall suspects that Little Orphan Annie's guardian, Daddy Warbucks, will show up in Kunzle's opus as another "bloodthirsty, American imperialist."

The absence of any Negro comic book characters, either heroes or villians, is a fact that concerns the young art teacher. Dr. Hall suggests that the U.S. Supreme Court take judicial notice of Dick Tracy and the rising crime rate, then reverse some of its recent 5-4 decisions.

The Missourian was unavoidably late for an appointment to discuss the controversy he had stirred up. He was among House conservatives defending the Un-American Activities Committee against liberal efforts to deny it funds.

Visitors waiting for Dr. Hall may pass the time in his outer office by reading his selection of magazines which include William F. Buckley Jr.'s National Review and The American Legion Magazine. The latter publication is celebrating the fiftieth anniversary of World War I.

A trim, gray-haired man of 56, Dr. Hall strode into his office at 5:30 p.m., a day's work well done. HUAC had gotten a big new budget.

Asked how things had gone on the floor, he said it was about the same as ever: "A lot of pinkos will get their names in the papers; that's the purpose of it."

Turning to humanities, Dr. Hall asked what business the country had investing in such ventures when the public debt was 336 billion dollars, when there was a "no-win war" being fought and French President De Gaulle was "stealing our gold."

Contrary to what others might say, he is not against the arts or humanities or anything cultural, Dr. Hall emphasized. He continued:

"I'm one of the guys that goes to the art galleries when I'm in Brussels. I've been to the Louvre and so on. I think I'm as cultured as the next man in my area, so far as the Ozarks are concerned."

Nor does Dr. Hall look down on comic strips.

"I think a guy's a moron who won't read the comics," he declared. Gesturing toward a wall covered with framed political cartoons, he said he appreciated the influence of cartooning as much as anyone.

As long as the country was "bankrupt," however, he could not approve an 80 per cent increase (to $16,000,000) in the annual budget for the Arts and Humanities Foundation.

Asked to assume, for sake of argument, that there was enough money to go around, Dr. Hall remained skeptical. He could not envisage any "cultural breakthrough" resulting from grants such as those at issue, he said.

Grimly Dr. Hall enumerated what he said were actual and unjustified research projects funded by other federal agencies.

He did not crack a smile as he described studies of the mating dance of jungle butterflies or "the rectal temperatures of hibernating bears." He has been a delegate to the American Medical Association.

In the Representative's opinion, the arts and humanities can do nicely on the financial support of many private foundations. As a second choice he would have cultural ventures funded entirely through state councils for arts and humanities.

"Why have it done by some ribbon clerk in Washington who doesn't know Goethe from Rubens?" Hall asked. "The state councils know better where to grease the axle when it squeaks."

He declined to disclose his own preference for arts over humanities, or vice versa. Dr. Hall said he helped bring concert music to Springfield on occasion, but did not consider himself qualified to weigh the relative merits involved.

[From the Wall Street Journal, Apr. 10, 1967]

Funnier Than the Funnies

Almost single-handed, Rep. Durwood Hall of Missouri has been waging a running battle against the spending, by a presumably budget-conscious nation involved in a costly war, of Federal funds for recondite researches into nooks and crannies of the arts. For his pains, he seems to be getting more lumps than support.

Earlier this year, during Congressional debate on the public debt ceiling, Mr. Hall was looking about for an example of the sort of unnecessary spending which keeps inflating that debt; he not illogically seized on some of the grants being handed out through the National Foundation on the Arts and Humanities.

One grant of $8,789 went to Dr. David Kunzle, an assistant professor of art at the Santa Barbara campus of the University of California, for a study of the influence of cartoons and comic strips on political thought. Granting that cartoons have had an impact on history, Mr. Hall questioned the lack of a sense of priority evidenced by such grants at a time when the Administration was talking about higher taxes.

He might have mentioned some others, such as the $20,000 grant for "A Biographical Dictionary and Census of Theatrical Performers on the Stages of London and Its Suburbs From 1660 to 1801." However, it was the comic book grant which became a cause celebre when it developed Dr. Kunzle was a British citizen and opposed to U.S. involvement in Vietnam.

Thus the comic strip research issue, like the antipoverty war and a lot of other issues, became all tangled up with Vietnam. Liberals in Congress, such as Rep. Frank Thompson Jr. of New Jersey, implied that Mr. Hall was trying to denigate something Mr. Thompson calls "Scholar Power." Liberal publications have labeled Mr. Hall a yahoo and a know-nothing.

It is unfortunate that Dr. Kunzle's status and beliefs have been allowed to fog up Mr. Hall's point, which is simply that the more than $16 million being asked for arts and humanities projects this year is an incongruous expenditure against the background of the Vietnam conflict.

These boondoggles would be funnier than the funnies if they were not so expensively needless.

MEDICAL EXPENSE DEDUCTIONS FOR PERSONS OVER 65

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. Bolton] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. BOLTON. Mr. Speaker, I am introducing a bill today to allow persons 65 years of age and older to deduct all medical expenses from their income tax. The bill is designed to restore a provision that the elderly enjoyed before 1967.

Before January 1, 1967, persons over 65 were allowed to deduct all medical expenses. But the Social Security Amendments of 1965 eliminated this provision and stated that the elderly could deduct only medical expenses which amounted to more than 3 percent of their income. Therefore, if someone spent 6 percent of his income on medical expenses, he would be allowed to deduct only 3 percent of that on his income tax returns.

The 1965 amendments also changed the deduction for money spent on drugs—allowing only that amount which exceeds 1 percent of the individual's income. Based on figures compiled between July 1964 and June 1965, the average individual 65 or over pays $41 a year for prescription drugs. These are only prescribed drugs, and not the ones, such as aspirin, picked off the shelf in the drug store. The average income for a person that age is approximately $1,300 a year. Therefore, these people spend about 3 percent of their income on prescription drugs. Sometimes, it is much more than this.

The revenue loss for allowing these persons to continue deducting all medical expenses would be very small. However, the few dollars they would save on income tax would mean a great deal to them. I am hopeful the Committee on

Ways and Means will consider my bill and give it early approval.

"ONE MAN, ONE VOTE" RULING HAS NO BASIS

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, as I have pointed out previously, some sources are becoming extremely worried that the method of amending the Constitution by means of a national constitutional convention might well be put to the test. As the situation now stands, 32 States have called for such a convention to amend the one-man, one-vote decision of the Supreme Court, with but two more States necessary to reach the minimum of 34.

Henry Hazlitt in the Chicago Tribune of April 7 offers some cogent observations on this issue, and for this reason I place his column entitled "One Man, One Vote Ruling Has No Basis" in the Record at this point:

"One Man, One Vote" Ruling Has No Basis

(By Henry Hazlitt)

It's amazing how little respect our self-styled "liberal" reformers have for the Constitution when it gets in the way of one of their pet reforms. On June 15, 1964, a 6 to 3 majority of the Supreme court tortured the "equal protection of the laws" clause of the 14th amendment to mean that the members of both houses of every state legislature must be elected in a manner to give all voters equal representation.

This was the famous "one-man, one-vote" decision.

Neither the phrase nor the concept occurs in the Constitution. Before and since the original adoption of the Constitution, nearly all of the states have had bi-cameral legislatures, and in nearly all cases one house has been elected mainly on a population basis and the other mainly on a territorial basis.

There is not a shred of evidence that Congress when it submitted the 14th amendment intended to change this arrangement.

The Supreme court's ruling flouts the explicit constitutional provisions for election to the United States Senate. The Constitution provides for two senators from each state, regardless of the comparative population of the states.

This means, for example, that [on the basis of the 1960 census] the two senators from New York represent nearly 17 million people and the two senators from Alaska only 226,000. Each voter in Alaska, in other words, gets 74 times the representation in the United States Senate of each voter in New York.

And the original Constitution nailed this provision down. "No state, without its consent, shall be deprived of its equal suffrage in the Senate."

In the face of this, the Warren court amended the Constitution to forbid the states to continue the same apportionment system as the federal government's. If the "equal representation" doctrine is mandatory for the states it should be mandatory for the federal government. Then the United States Senate has been invalidly elected, and not a single member of the Supreme Court, whose appointment was ratified by that Senate, is entitled to his seat.

DIRKSEN BEGINS ACTION

To counter this flagrant usurpation by the court of power to enact legislation and to amend the Constitution to suit itself, Sen. Dirksen [R., Ill.] sponsored an amendment explicitly authorizing the states to apportion one house of their legislature on some basis other than population.

On Aug. 4, 1965, this proposal failed by seven votes to obtain the necessary two-thirds vote in the Senate. Inconsistently, a substantial minority of senators voted to deny to any state the right to apportion its upper house by the same method to which they owed their own jobs.

Then Sen. Dirksen and others quietly resorted to another method of amendment. Article V of the Constitution also provides that Congress, "on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments."

JUST TWO SHORT

This today would require the application of 34 state legislatures. And opponents of any such amendment were suddenly startled three weeks ago, after the Illinois and Colorado legislatures acted, to discover that 32 state legislatures, only two short of the total needed, had already called for such a convention.

Opponents of the Dirksen amendment are now making desperate efforts to prevent such a convention. They want to call the state petitions invalid. They protest that "if such a convention took place there would be no way to confine it to the reapportionment question. It could go on to . . . drastically alter other provisions of the Constitution."

This may be true. But there is a simple way to avert such a danger. Let the Senate, while there is yet time, reconsider and approve the proposed Dirksen amendment.

WHY NOT TRY TEACHING MORAL PRECEPTS AGAIN?

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the Washington Star and contributing writer, Reed J. Irvine, are to be commended for reemphasizing the values of the time-honored and time-proven moral training so sadly lacking in our educational field today. In the Sunday edition of the Star of April 9, 1967, Mr. Irvine, in his article entitled "Why Not Try Teaching Moral Precepts Again?" recommends a return to traditional educational policies in which character can triumph over material circumstances. This is not to say that poor environment and substandard educational facilities are to be discounted. However, the mere improvement of both environment and facilities will not insure the elimination of the antisocial behavior apparent among some of the youth of today. As the author points out:

> It is quite possible to teach good behavior in a secular institution. This has been demonstrated very clearly in Japan, where, before the American Occupation, the schools placed very strong emphasis upon moral education.

It cannot be denied that trying to sell the product of moral education is an uphill battle today. But there is an urgent need to make this issue part and parcel of education plans and proposals. To help broadcast this message more extensively, I insert, at this point in the Record, the excellent article, "Why Not Try Teaching Moral Precepts Again?" by Reed J. Irvine, appearing in the Washington Star of April 9, 1967:

Why Not Try Teaching Moral Precepts Again?

(By Reed J. Irvine)

Americans have come to accept the idea that crime and delinquency stem in very large measure from poverty, bad housing and inferior education. It is perplexing to those who share this belief to observe the startling growth in crime that has occurred during the past several years of unprecedented prosperity. There is puzzlement over revelations such as those recently published in The Star about highly destructive antisocial behavior in local low-cost housing projects. Theoretically the provision of decent low-cost housing ought to improve the behavior of those benefiting from it, but it is reported that some of the local housing projects have been subjected to extensive physical destruction by their inhabitants. They are shunned as dangerous or morally undesirable places in which to raise a family by many of those who are entitled to live in them. Similarly, efforts to provide attractive and wholesome schools have been frustrated in many cases by the destructiveness and anti-social behavior of some of the students.

Perhaps it is correct to say that, given time, the effort to improve behavior by perfecting the physical environment and eradicating poverty and ignorance will work. But the public is growing ever more anxious for remedies that will halt and reduce the incidence of crime quickly. In the search for some answer to what is becoming our most pressing problem it might be wise to reexamine the premise that anti-social behavior is primarily caused by conditions in the environment or in the social system.

This is a relatively new idea, which has largely replaced the time-honored concept that character can triumph over material circumstances. From a purely pragmatic point of view, its validity is questionable, since the policies derived from it do not appear to be working well. It may be said that the traditional policies which emphasized severe punishment for wrongdoers fell far short of perfection. Certainly a more civilized approach should stress prevention of crime, not merely punishment. This, too, is an old idea. One of its earliest advocates in America was Thomas Jefferson's friend, Benjamin Rush, an early opponent of capital punishment, who argued that the only way to prevent crime was "by disseminating the seeds of virtue and knowledge . . . by means of proper places and modes of education."

HOME TRAINING

It was Rush's belief that proper education could develop fine character in young people even though the material circumstances in which they lived might be poor. The most important place for such education has long been known to be in the home. There is no lack of evidence that children are more influenced by the character of their mothers than by the incomes of their fathers. It is not clear that any external institution, whether it be the church or the school, can offset the harm that is done to the characters of children by improper training at home.

However, the church and the school can certainly supplement the home in providing the training required to give young people respect for the law and the rights of the others. Because church associations are purely voluntary, the church is very frequently unable to reach those who might benefit most from its influence. The schools, however, are in a position to exercise their influence over virtually every child in the community five days a week, nine months a year. They therefore have a good opportunity to provide moral training to supplement the home influence.

Unfortunately, the American public schools have not utilized this opportunity to the extent they might. This is not a question of religious instruction. It is quite possible to teach good behavior in a secular institution. This has been demonstrated very clearly in Japan, where, before the American Occupation, the schools placed very strong emphasis upon moral education.

JAPANESE RULES

Traditionally, oriental education was concerned more with the cultivation of character than with the mastery of skills or the acquisition of useful information. The teacher was valued as a man of high character who could, by precept and example, influence the moral development of his pupils. He was supposed to be a man of learning, but he was even more revered for his character and his exemplary conduct. The traditional attitude had a strong influence on Japanese education development in the era of modernization that began with the Emperor Meiji in the latter part of the 19th century.

This was reflected in the Emperor's edict on education, which had to be learned by heart by every Japanese school child prior to the end of World War II. In this edict, the Emperor prescribed the following rules of conduct:

1. Honor and obey your parents.
2. Love your brothers and sisters.
3. Live harmoniously in marriage.
4. Be true to your friends.
5. Be modest and moderate.
6. Be kind to others.
7. Pursue learning and cultivate the arts.
8. Develop your intellectual faculties and moral powers.
9. Advance the public good and promote the common interest.
10. Respect the Constitution and obey the law.
11. Be courageous in defending the Throne.

MORAL EDUCATION

The emphasis the schools placed upon these rules of conduct, which had the dignity and authority of an imperial command, left no room for doubt in the mind of any Japanese school child as to the type of conduct that was expected of him. However, the Japanese educators went much further than this. They explained and reinforced the rules of conduct with formal daily instruction in moral education in the classroom. These courses were considered to be one of the most important parts of the curriculum. They were begun in the first grade and carried on throughout the entire school course, using specially prepared textbooks.

These texts consisted chiefly of stories and biographical sketches which taught a moral or illustrated desirable traits of character. A typical text printed in Japan for use in the Japanese schools in Hawaii began with a story that emphasized respect for parents and the importance of children avoiding actions which might bring disgrace to their families. This was followed by a chapter on Abraham Lincoln which emphasized his honesty, kindness and sense of justice. Next came a biography of James A. Garfield, an inspiring story of his struggle to rise from the depths of poverty, a story that has probably not been read by any American school child (outside of Hawaii's Japanese schools) for several generations. This account of Garfield's life stressed the sacrifice made by his older brother to permit James to attend school, and it showed how James repaid his debt by his great diligence in both study and work. Other exemplary men of character portrayed in this text included Herbert Hoover, Admiral Togo, who won fame in the Russo-Japanese War, and the conqueror of yellow fever, Dr. Noguchi.

This method of molding the character of the young was not, of course, original with the Japanese. Older generations of Americans can remember receiving similar instruction in their youth in the schools, though not as intensively and systematically as under the Japanese plan. There are still those among us whose primary school readers were full of stories about heroes whose lives inspired emulation. The Japanese educators were influenced by the 19th century English writer, Samuel Smiles, whose most famous book, "Self Help," impressively documented the traits of character that had contributed to the great achievements of outstanding statesmen, writers, scientists and artists. Smiles, in turn, had been influenced by Plutarch, whose "lives" were written to show "virtue or vice in men" and were used to mold the character of many generations of school boys.

There is no question that this mode of instruction was very influential in Japan. Prewar Japan was poor economically, but the incidence of crime and delinquency was extremely low. It is said that not a single murder was committed in Okinawa, the poorest of all the Japanese prefectures, in the 50 years preceding World War II. Since the war, there has been a profound change, and Japan is now racked by crime and violence. Many Japanese blame the change on the elimination of moral instruction in the schools, on orders of the American Occupation authorities. It was contended that the courses had been used to teach militarism, but it was never clear why they had to be eliminated rather than "purified" by the removal of any militaristic influence. The ensuing growth of juvenile delinquency has evoked demands that moral instruction be reinstated in the schools in Japan. The opposition comes mainly from those who take the view that the ills of society must be cured by revolutionary changes in the economic and social system. Their opposition to moral instruction is really a tribute to its effectiveness in reducing social evils and hence the appeal of revolutionary remedies.

RUSSIAN RULES

It is interesting to note that Russia, supposedly the most revolutionary of societies, depends very heavily upon the public schools to teach and enforce moral conduct. The child entering school is required to learn 20 rules which are supposed to govern his conduct not only inside the school, but outside as well. A pupil who violates the rules may be expelled. These rules included the following:

1. To acquire knowledge in order to become an educated and cultured citizen.
2. To obey the instructions of the teacher without question.
3. To come to school clean, well-groomed and neatly dressed.
4. To be polite to one's elders, to behave respectfully in school and outside.
5. Not to use coarse expressions, not to smoke, not to gamble.
6. To protect school property and to be careful of one's own belongings and those of others.
7. To obey one's parents and help them take care of small brothers and sisters.
8. To maintain cleanliness and order in rooms.
9. To cherish the honor of one's school and class.

The government is very assiduous in instructing parents on the proper supervision and discipline of children. This is done through books, parents' magazines, journals for teachers and thousands of lectures annually. The schools are strict in enforcing discipline, and Western visitors to the Soviet Union are impressed by the precise behavior of the children. These children who persist in violating the rules of conduct are sent to correctional institutions. What is more, the parents of such children, are also subject to punishment, since the parent is held responsible for the behavior of the child. If the parents are found to be uncooperative in giving their children proper supervision, the children may be taken from their custody and placed in boarding schools.

The Soviet Union, has delinquency problems in spite of these measures, but they do not appear to be as serious as might be expected in a society where terribly overcrowded housing and a high proportion of working mothers are an obstacle to parental supervision and discipline of children. Though supposedly guided by the theory that it is the material environment that determines behavior, the Soviets do not rely on the achievement of a materialistic Utopia to eliminate anti-social behavior. They are more realistic than many Americans in that regard.

This is not to say that either the Soviet Union or prewar Japan should be held up as the perfect model in our search for a solution to the chaotic conditions that characterize some elements of our society. The lessons that can be learned from a study of the experience of these countries are indeed, old lessons that we once knew but have forgotten. Emphasis upon individual character building is as old as the Bible. At some point in our not too distant past, it came to be regarded as old-fashioned or "square." Plutarch was forgotten. Horatio Alger became a joke. Samuel Smiles evoked snickers. And the Bible became illegal as far as public schools were concerned.

But we obviously have not found workable alternative means of curbing antisocial attitudes and conduct among our young people. There is little sense in dismissing what has proven workable in other times and other places merely because it is old.

CONTROLS ON IMPORTS OF BEEF AND VEAL INTO THE UNITED STATES

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. MARTIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MARTIN. Mr. Speaker, I am today introducing a bill to tighten controls on the import of beef and veal into the United States. The present law does not adequately protect the livestock industry, and allows for too many exemptions. Under the present law, all processed, canned, and prepared beef and veal are not included in the import quota.

My bill would include all processed beef and veal under the import quota. There has been a tremendous increase in imports in this category since the law was passed in 1964. Last year, a total of 1.2 billion pounds of processed, canned, and prepared beef and veal were imported into the United States.

Also, under the present law, import limitations are not imposed until imports have reached 110 percent of a predetermined base figure. For 1967, this is 905 million pounds, thus establishing the prohibition of imports figure at 995 million pounds. My bill would reduce the 110 percent to 100 percent.

Under the present law, the President may impose restrictions on further imports of beef and veal when 110 percent of the base figure is reached. Under my bill, the restrictions would be mandatory when 100 percent is reached.

Total imports of all beef and veal are having a very adverse effect on the price of cattle in this country, and it is imperative that these loopholes in the law be tightened and that effective protection be given our livestock industry. Beef imports increased over 51 percent in January 1967, compared to January 1966. I hope that a prompt and effective action is taken to protect our meat industry in this country.

EXPLANATION OF OBJECTION TO BILL ON PRIVATE CALENDAR

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Talcott] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TALCOTT. Mr. Speaker, I am one of the "official objectors" on the Private Calendar. The rules of the House do not permit questions, explanations, or debate during the call of the Private Calendar. Nevertheless, I try to study each bill and resolution thoroughly and to make my decision objectively and equitably.

On March 21, 1967, during the first call of the Private Calendar of the 90th Congress, I objected to the passage of H.R. 3715 and H.R. 3716, separate bills for the relief of Charles J. Arnold and Edward G. Beagle, Jr. These bills would relieve the claimants of the liability to pay the United States the sums of $212.08 and $337.67, respectively, for the purchase of Christmas greeting cards for the Civil War Centennial Commission.

These vouchers, totaling $549.75, covered the cost of Christmas cards—which many Members, including myself, considered a personal expenditure and not a proper charge against public moneys. In spite of Messrs. Arnold and Beagle's sincere belief that such expenditure fell within the authorized activity of the Commission, the Comptroller General, under applicable law, could have relieved the individuals of payment—if he found that the employees did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts. However, he did not relieve payment.

I, in concurrence with the Comptroller General, believe that the two claimants could have ascertained that the expenditures involved have never been considered a proper charge against public funds. I believe that the sending of Christmas greetings should be a personal expression and that the Federal Government should not foot the bill for personal greetings. The payment for these greeting cards by the Federal Government could set an undesirable and troublesome precedent.

I commend the gentleman from Maryland [Mr. Mathias] for his sincere concern for the interests of these two gentlemen. In spite of his earnest and sustained efforts, I was constrained to object for the aforesaid reasons.

REPORT OF THE APOLLO 204 REVIEW BOARD

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Rumsfeld] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, I insert at this point in the Record the text of my remarks today on the opening of the hearings of the NASA Oversight Subcommittee of the House Committee on Science and Astronautics on the Apollo 204 accident.

Certainly the report of the Review Board indicates a need for an independent review board for the National Aeronautics and Space Administration Agency. I have introduced legislation for this purpose, H.R. 8145, and will continue to do everything possible to see that the Congress gives consideration to such a proposal.

Comment on Report of Apollo 204 Review Board by Representative Donald Rumsfeld, April 10, 1967

I am deeply disturbed by the report of the Apollo 204 Review Board. My concern is not that the Board was unable to discover the precise cause of the accident during the course of its rigorous technical investigation, but, rather, that the Board failed to examine, or at least report on, the fundamental conditions which permitted the accident to occur and which, moreover, resulted in the tragic deaths of three fine young men. The report's, and apparently the investigation's, shortcomings in this regard leave open the possibility of similar catastrophes in the future.

In brief, the Board is to be praised for accurately setting forth what conditions existed to cause the accident. Regrettably, the Board fails to answer the more basic and, to this Committee, more important questions such as:

1. The Board found that "those organizations responsible for the planning conduct, and safety of this test failed to identify it as being hazardous." Is this fault a single oversight or is it indicative of a basic weakness in the organization of NASA and/or the contractors? Did the Board determine, for example, which "organizations" had responsibility for making this decision? Is responsibility so diffused that the fault may well show up in future accidents?

2. The Board found that "adequate safety precautions were neither established nor observed for this test" and recommends that "management continually monitor the safety of all test operations and assure the adequacy of emergency procedures." Again one might ask if the problem raised is indicative of a fundamental management weakness of if it is simply an isolated example.

3. The Board found that "deficiencies existed in Command Module design, workmanship and quality control" but failed to identify whether these faults were due to poor performance by the contractor or by NASA, and whether basic management shortcomings are the actual causative agents. To correct this situation the Board merely recommends "an in depth review . . . of Environmental Control system" and the accomplishment of certain structural changes. How these deficiencies could have gotten into the Command Module and how to prevent future problems of this sort are not discussed.

The Board was specifically told to "consider all other factors relating to the accident, including design, procedures, organization, and management" and to "develop recommendations for corrective or other action based upon its findings and determinations." In these respects, I believe, that it has failed.

Many of us have been concerned from the initiation of this investigation that the membership of the Board was such as to preclude a true examination of the internal functioning of NASA. The report bears us out. It appears that Congress must now carry the investigation further to determine whether fundamental errors in the management of the space program resulted in this accident. I, for one, would like to know:

a. Whether the lack of an independent safety review system permitted the assumption that the Apollo 204 test was "non-hazardous." (I have introduced a bill, H.R. 8145, to create an independent review board for NASA.)

b. Whether the lack of an Inspector General permitted NASA and contractor performance to slip below acceptable levels without being recognized until it was too late. (Rep. Fulton (R-Pa.) has introduced a bill, H.R. 4473, to require an Inspector General for NASA.)

c. Whether the lack of effective contractor supervision is the actual cause of the accident.

These and other related basic questions remain to be answered. The Congressional committees must see that they are answered if we are to succeed in our efforts to provide for a sound, well-managed space program.

It is inconceivable to me, in view of the scope and magnitude of the conditions found by the Board, that they could exist without their being the direct result of serious and fundamental management defects within NASA. The report tells what conditions existed to cause this accident. The House Committee on Science and Astronautics must now determine why these conditions were permitted to exist and recommend the necessary structural changes in NASA management to avoid similar catastrophes in the future.

STATEMENT OF O. R. STRACKBEIN, CHAIRMAN OF THE NATIONWIDE COMMITTEE ON IMPORT-EXPORT POLICY

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. Berry] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BERRY. Mr. Speaker, I have asked unanimous consent to insert in the Record the statement of O. R. Strackbein, chairman of the Nationwide Committee on Import-Export Policy.

This, Mr. Speaker, in my judgment, is an exceptionally well-prepared and well-considered testimony and should have the thoughtful consideration of every Member of Congress, particularly at this time when our negotiators are sitting around the table trying to work out tariff negotiations between ourselves and the Common Market countries.

The statement before the Foreign Economic Policy Subcommittee of the House Foreign Affairs Committee is as follows:

U.S. World Trade Position Is Weak

(By O. R. Strackbein, chairman, the Nationwide Committee on Import-Export Policy, before the Subcommittee on Foreign Economic Policy, House Committee on Foreign Affairs, Apr. 5, 1967)

The virtues of free trade have been dinned into the ears of college students of economics so long and so relentlessly that we have become a nation of tunnel-thinkers on the subject of tariffs and trade. As victims of the Pavlovian routine we no longer have minds of our own. Ideas and facts that come from the outside cannot breach the tunnel walls. We have done with reflection because we have been taught and have become inert in the view that there is no alternative to free trade as the highest economic good in international commercial relations.

Perhaps there is a degree of exaggeration in this observation, but it comes uncomfortably close to the truth.

The complacency of the American public in its acceptance of the established foreign trade policy of this country has been nurtured with great care by the great metropolitan press, so that public ignorance on the subject has been preserved in its inviolate state. The State Department during the past generation has been a zealous promoter of the Pavlovian conditioning process by supplying the right pabulum at the sound of the bell. In recent years that Department has withdrawn into the shadows for the better concealment of its ever-present hand in the direction of our foreign trade policy. It has not gone away; it has merely faded from open view, and still plies its deceptive mystique.

It was replaced in 1962 as a result of the Trade Expansion Act, by the President's Special Representative for Trade Negotiations on its own motion or without audible objection. The purpose was to divert attention from itself in future negotiations of tariff reductions. Considering the bureaucratic distaste for surrender of power to anyone the decision to bow out of tariff negotiations no doubt came as painful acknowledgement that in popular esteem the unknown devil is vastly preferable to the known one. Hence the creation of the non-State Department office of the President's Special Representatives in the Trade Expansion Act of 1962.

DECEPTIVE TRADE STATISTICS

Under the spell of the Trade Agreements Program the State Department has had ready confederates in other executive departments. With hardly a dissenting voice they have faithfully joined in singing the praises of the Trade Program.

The issuance of trade statistics that would reflect the benefits of the Trade Agreements Program fell principally to the Departments of Commerce and Agriculture. In time these Departments contrived several ingenious devices to conceal the truth in trade trends and to heap credit on the Trade Program. The factual background is in sore need of examination and exposure.

MISLEADING EXPORT STATISTICS

(1). These Departments have persistently and grossly exaggerated the growth of our exports *as evidence of our competitive prowess* in world markets and as proof that our trade agreements negotiators had swept away foreign barriers to our exports as compensation for gutting our own tariff. How else explain the healthy booming of our exports?

The Department of Agriculture knew better because at the lower levels of statistical researches they saw how many billions of our export dollars were accounted for by heavy export subsidies paid to wheat and cotton farmers to enable them to meet world prices and thus to export. After the advent of foreign aid they also knew how the volume of exports that was generated by this program owed its existence to the generosity of the American taxpayer and not to the competitive standing of our farmers in world markets. Let it be said in favor of the professional staff level of the Department that it published separate statistics showing the origins of certain exports in various governmental programs. Unfortunately between the professional and the public relations or propaganda level the distinction was lost. The outpourings to the press spoke of record and rising exports without exposing the cause. The newspapers did nothing to uncover the concealment. They accepted and swallowed the padded statistics and fed them to the public as God's truth.

This deception was, however, not enough to satisfy the cravings of super-salesmen for the best in propaganda. If exports could be so readily inflated and sold as the genuine article, what about imports?

MISLEADING IMPORT STATISTICS

(2). In this segment our trade, i.e., imports, there was nothing to be gained by making a little look like much. Rather, the advantage lay in making much look smaller, as we shall see. The United States had long ago adopted a rather singular method of recording the value of imports. Nearly all other countries report their imports according to their cost laid down at the ports of entry. We do not. Our Department of Commerce records the cost at the foreign point of shipment, thus leaving out the cost of shipping and insurance. This practice was of no consequence so long as the balance of trade was a matter of no great concern.

ADVANTAGES OF DECEPTION

The method in recent times, however, achieved merit in the eyes of those who were bent on making our Trade Program look good, by making our imports look smaller than they were. To the official Departmental propagandists two advantages were perceived as growing out of the anomaly of our system of valuation of imports.

As our imports looked smaller than our exports, they could not be regarded as very menacing to domestic producers and manufacturers. Also, the smaller size of our imports made our tariff reductions appear less ominous than they would be if the higher level were reported. This effect evidently pleased our State Department. For example, the $25.4 billion imports of 1966 would have been more nearly in the magnitude of $28.7 billion had the cost of ocean shipping insurance and other charges been added, as they should have been to show the true cost at the ports of entry.

The other advantage, however, outweighed this one. Since the balance of *trade* (as distinguished from the balance of payments) reflected the difference between exports and imports, a lower level of imports would have the effect of swelling our export surplus; and the larger the export surplus the greater the credit due the Trade Agreements Program and *the greater the justification of further tariff reductions*. Thus, at least three executive Departments had a vested interest in the false effect created by our official trade statistics: State, Commerce and Agriculture. If our exports exceeded our imports in the magnitude of $5 billion or more as they did *annually* from 1960 through 1965 according to our official statistics (See Statistical Abstract of the United States 1966, Table 1250, p. 849), with a range from $5.3 billion to $7.8 billion, a further 50% tariff reduction as contemplated under the Kennedy Round could be justified.

Thus were official statistics of two prestigious Federal Departments pressed into support of a national policy; while any appearances to the contrary were suppressed or put forward in a manner that would assure oblivion. The Department of Agriculture, for example, has indeed for some years issued statistics showing regular exports distinctly from those owing their origin to governmental programs or subsidies; but the data were issued in abstruse publications that had circulation limited to mailing lists. In any event, no enterprising reporter ever exulted in the discovery of a gold mine of scandal in the precincts.

The effect of the double deception was, of course, to show an export surplus in our trade balance of the magnitudes noted above. Had the export statistics been stripped of all exports that owed their genesis wholly or predominantly to governmental assistance in the form of subsidies or foreign aid, they would have been smaller by some $4 billion, as we shall see.

Agricultural exports in the year ended June 30, 1965, totaled $6.09 billion. Of this total, $1.6 billion were exports under "Government-financed programs". Beyond that exports of $1.0 billion were made "with export payments". The total of these two types of transactions was therefore $2.6 billion. This left $3.5 billion of exports in the form of private commercial sales abroad without subsidy. In the same period imports of agricultural products were $3.9 billion, leaving us with a *deficit* of $400 million in our trade balance in terms of private competitive unsubsidized trade instead of the handsome surplus claimed. (Foreign Agricultural Trade of the United States, monthly publication, U.S. Department of Agriculture, June, 1966, Table 1.)

However, although the statistical office of the Department of Agriculture is the source of these statistics, the publicity issued by the Department was of a different kind. Typical of the effusions of the publicity office is the first line in the Department's monthly publication, cited above, for December 1966. It opens with these words:

"Another banner year is in prospect for U.S. agricultural exports. They are expected to rise about 6% to a new record of $7 billion in fiscal year 1966–67. The increase is expected to occur in commercial sales for dollars."

In the spirit of panegyrics in which the message was composed it was perhaps natural to include in "commercial sales" a billion dollars, more or less, of exports that actually moved not because of competitiveness in foreign markets but as the result of "export payments" to move wheat, cotton, etc, "commercially" outside P.L. 480 and similar government programs.

TRADE SURPLUS BECOMES A DEFICIT

Exports under AID are not limited to agricultural products. In 1964 nonagricultural merchandise exports financed by U.S. Government grants and capital totaled $1.4 billion. (Foreign Agricultural Trade of the United States, U.S. Department of Agriculture, July 1965, Table 1, p. 8.)

Added to the $2.6 billion of agricultural shipments that moved under governmental assistance the total falls into the magnitude of $4 billion. If this total of excessive valuation of our total exports, in the sense of reflecting our competitive sales in foreign markets, is added to the $3.2 billion of undervaluation of our imports, the total discrepancy rises to $7.2 billion.

Applied to the reported trade "surplus" of $5.2 billion for 1965, the $7.2 billion would reflect a deficit of $2 billion in our trade balance of unsubsidized, private commercial transactions. This reflects the magnitude of the official deception perpetrated on the American people.

Such a deficit would reflect our true competitive position in the world far more faithfully than do the present official trade statistics. Recognition of the actual deficit would put the proposal to make further drastic tariff reductions in a wholly different light. If our competitive position in world markets and at home *vis a vis* imports, is as weak as a deficit in the magnitude of some $2 billion would indicate, we should not think of any further across-the-board tariff cuts. This fact helps explain the pains to which the Departments concerned have gone to conceal the facts: for the Government is wedded to the Kennedy Round of tariff cuts no matter how costly and pernicious the results would surely be. The tunnel style of thinking referred to at the outset is thus clearly demonstrated.

CORROBORATIVE EVIDENCE

The weak competitive position of American industry and agriculture in world markets and at home in the face of imports is supported by other incontrovertible evidence, such as the trends in our exports and in the sales abroad enjoyed by foreign manufacturing affiliates of U.S. firms; and, further in the trend of U.S. imports of manufactured goods.

A factor of prime importance in determining the benefits or economic damage produced by trade is the effect on employment.

In weighing the trends of exports and imports their bearing on employment should claim our special attention. For example, the production of raw materials represents only one step in the total productive process. Many products are put in shape for consumption as a finished manufacture only after passing through a number of successive stages of processing and fabrication, each calling for application of labor. Therefore the mix of exports and imports, and particularly the trend toward or away from raw materials or manufactured goods in the mix, is of primary concern.

EMPLOYMENT AND TRADE

In 1965 total employment in agriculture, mining, lumbering, and fishing, which are the sources of nearly all raw materials, was 7,984,000. Employment in the manufacturing industries was 17,900,000 or more than double the number devoted to raw material production. If therefore the trend in imports is running toward a greater proportion of finished goods, our trade trend is against greater employment in this country.

FLIGHT FROM DOMESTIC EMPLOYMENT

Such trends away from employment in this country would be expected to occur when unit costs of production are higher here than abroad. We would more readily sell abroad those products that incorporate the least amount of labor in this country, such as raw materials. On the other hand, we would be more interested in importing rather than buying at home products in which a higher degree of labor was incorporated. The finished goods produced abroad would naturally be cheaper than the domestic. Of course, a considerable volume of our imports consists of raw products; but these are imported in many instances because we are not self-sufficient in them or do not produce the item at all, as witness coffee, crude rubber, tin ore, tea, copper ore, etc. Nearly a half of our raw-product imports are of this kind.

EFFECTS OF HIGHER U.S. COSTS FOREIGN INVESTMENTS

Also, when our goods are relatively high-priced so that they do not compete so readily in foreign markets there is a great attraction toward investment in foreign producing facilities by our manufacturers. The higher domestic costs may thus be circumvented and the foreign markets may be supplied from within to a greater advantage. Foreign employment is then substituted for employment in this country; or, in many instances, foreign workers are employed abroad to produce goods that would not be produced in this country in any case because they would find no outlet in foreign markets or only at the cost of distinctly lower profits. The choice in either case then favors direct foreign investment over exports.

Statistics that reflect the progress of our foreign investments as these are converted into producing facilities of a large variety of manufactured goods abroad have been developed by the U.S. Department of Commerce. A recent Report (see Survey of Current Business, U.S. Department of Commerce, November 1966, p. 7) entitled "Sales of Foreign Affiliates of U.S. Firms in 1965" traces the rapid progress made by our private foreign investments in expanding their sales.

Since 1957, according to the data published by the Department of Commerce, the sales of foreign manufacturing affiliates of American companies have risen much more than United States exports. In some areas the disparity is quite startling.

U.S. EXPORT TRENDS

Total U.S. exports increased from $20.8 billion in 1957 (the year used in the Department's report) to $27.0 billion in 1965. This was a growth of 30.0%.

However, within this average were considerable variations. Exports to Europe increased 52.7% during the same period. Those to Canada rose 42.7%. Exports to Japan increased more than those to either Europe or Canada, rising 66.8%.

By contrast, exports to Latin America declined 12.3%. This decline accounts for the low total average of 30.0% while exports to Europe, Canada and Japan rose considerably more.

TREND IN SALES OF FOREIGN MANUFACTURING AFFILIATES OF U.S. FIRMS

Compared with this slow upward trend in exports the sales of foreign manufacturing affiliates of American companies (generated by direct private investments abroad) recorded a relatively sharp upward trend. One of the lesser increases occurred in Canada where sales made by affiliates of American companies rose only 70.2% between 1957 and 1965. Even so this was higher than the increase in our exports to Canada, which was only 42.7%.

In Latin America as a whole, sales of U.S. manufacturing affiliates rose 125%, even though our exports to that area declined 12.3%. In the case of Argentina alone the increase was 279.2%. In Mexico the increase was only a little over half as sharp, or 142.5%, but still above the average. These percentages compare with an actual *decline* of 6.3% in our *exports* to Argentina and an increase of only 22.3% in our exports to Mexico.

In the case of Europe, where our exports increased 52.7%, the *sales of U.S. affiliates* increased 197.2%, reaching $18.7 billion in 1965. This was more in absolute terms than double our exports to Europe, which in 1965 stood at $8.8 billion. In other words, American companies established in Europe enjoyed a sales volume more than twice the volume of our exports to that area in 1965. The gap was approximately $10 billion, in favor of the foreign manufacturing affiliates. In 1957 such sales exceeded our exports to Europe by only half a billion dollars, or 1/20 of the 1965 standing. The trend is therefore unmistakable. Sales by U.S. affiliates in Europe have in recent years greatly outpaced the growth in our exports to Europe, as these statistics so dramatically demonstrate. (For export trends see Statistical Abstract of the United States, 1966.)

The upward trend in the sales of U.S. manufacturing affiliates in Japan has been the sharpest of all since 1957, recording an increase of 324%. However, the total of such sales in 1965 was still less than our exports to that country. These stood at $2.0 billion in 1965, while the sales of U.S. manufacturing affiliates were $920 million, having come up from the low base of $217 million in 1957. Thus the *growth* in these sales at 324% was nearly five times as great as the increase in our exports to Japan, which was 66.8%, as already given. Our private investments in Japan have actually been retarded by the attitude of the Japanese government. Otherwise the discrepancy between sales of our affiliates there and trend of our exports to Japan would be greater even than they are.

Clearly, the advantage is overwhelmingly on the side of the affiliates compared to exports from this country, so far as Europe, Latin America, Canada and Japan are concerned. These countries account for the greater part of our trade by far.

GROWTH OF PRIVATE DIRECT FOREIGN INVESTMENTS

The phenomenal growth of direct private investment abroad has been the generator of the lively growth of sales recorded by the foreign affiliates. In 1957 direct private long term U.S. investments abroad were $25.2 billion. In 1965 they had reached a level of $44.3 billion, an increase of 75%. These were not all investments in *manufacturing* enterprises, but the latter have enjoyed a sharp increase. Since 1961 investments in manufacturing enterprise abroad have exceeded all other direct investments combined, including petroleum. In 1965 slightly over half of all direct foreign investment went into manufacturing enterprises. Distinctly less than half went into mining and petroleum.

The sales of these manufacturing enterprises abroad reached $42.3 billion in 1965, up from $31.8 billion as recently as 1963. This represented an increase of 33% in two years, compared with a 17% increase in our exports in the same period. If we keep in mind that our exports have been buoyed by AID and other governmentally assisted transactions the contrast becomes all the more startling.

TREND OF IMPORTS

The trend of imports of *manufactured* products has shown an upward slant that is in sharp contrast to the trend of exports of finished goods. While *exports* of finished manufactures increased only 35% from 1957 to 1965, *imports* rose 151% or more than four times the pace of export growth. A third of this increase, or 48% has occurred since 1960.

Other imports have not increased at the same pace as those of manufactured products. For example, imports of *crude materials* have increased only some 14% since 1957. Crude food imports have risen even less or approximately 8%. Imports of manufactured foods also outpaced the increase in raw materials and crude foodstuffs, having risen 47%. In other words, the more labor incorporated in the goods the advantage in importing them increases, as would be expected. Raw material, incorporating the least labor, offers no heavy inducement for importation.

Thus the relatively slow increases in imports of raw products and unmanufactured foods support the close correlation asserted above. The less amount of work expended, as in the case of raw materials and crude foodstuffs, the lower the growth in imports. The greater the amount of work expended at productions, as in finished foodstuffs and semimanufactures, the sharper the increase in imports because of the savings effected. The steepest rise of all was in imports of finished manufactures, which, as already noted, increased 151% between 1957 and 1965.

The conclusion to be drawn from (1) the contrast in the trends in our exports and in the imports of finished manufactures, (2) the difference in our export trend and the growth in the sales of manufactured products by foreign affiliates of U.S. firms, and (3) the concurrent living expansion registered in the direct private investments by U.S. industry in foreign manufacturing enterprise, is that a common cause has been in operation. This cause can be identified as the higher unit cost of production in this country which is a direct result of higher wages not compensated by a sufficient productivity lead in this country.

A more conclusive corroboration is obtained when *quantity* export and import statistics are consulted. These are independent of price movements, either up or down.

A comparison may be made between the behavior of total exports and exports of finished manufactures; also between total imports and imports of finished manufacturers.

From 1957 to 1965 (prel.) total U.S. exports by quantity rose from an index of 111 to 144, where 1957–59=100. Exports of finished manufactures rose during the same period from an index of 108 to 140. The increase in total exports was 30%; while exports of finished manufactures rose 29.6%, or virtually to the same extent.

During the same period total imports by quantity rose from an index of 91 to 153. This was an increase of 68.1%, or more than double the increase in total exports. (See Statistical Abstract of the United States, 1962, Table 1215, p. 880; ibid., 1966, Table 1259, p. 874.)

Thus, while our total imports expanded more than twice as rapidly as our total exports from 1957–65, a greater contrast appears when we compare the trend of exports and imports of finished manufactures. The exports of these rose 29.6%, as shown above. Imports of finished manufactures, unlike our exports of them which increased almost in the same proportion as total exports—imports of finished goods which incorporate the work applied through the various stages of manufacture, to repeat, increased from an index of 84 to 211, or 151%. (Ibid.)

This compares with the increase of roughly 30% in the exports of finished manufactures and an increase of 68.1% in total imports.

There can be no doubt about the great divergence between these trends; and the reason should be celar.

A final corroboration of these revealing trends is provided by the Statistical Yearbook of the United Nations, 1965. Unfortunately the last year included is 1964. Nevertheless the trends are closely parallel to those derived from the Statistical Abstract of the United States. From the U.N. Yearbook, 1965, we find that total world exports exclusive of this country rose 60.4% by value from 1957 to 1964, while U.S. exports rose only 26.8%, or less than half as rapidly as exports of the rest of the world. (U.N. Yearbook, 1965, Table 149, p. 398). In other words, our share of the world markets was shrinking. While we did enjoy an absolute increase, helped by foreign aid shipments, the other countries expanded their exports more than twice as rapidly as we.

Additional details found in the Yearbook permit a comparison of the trend of U.S. exports of *manufactured goods* and those of other leading industrial countries. Our exports of these products rose from an index of 110 in 1957 to 134 in 1964, or by 21.8%, by volume. By contrast, West German exports of manufactured goods rose 75%; the French rose by 92%; Italian, 209%; Dutch, 113%; Belgian, 87%; Canadian 60% and the Japanese 169%. (Ibid., Table 151–B, p. 418.)

Clearly, while the other industrial countries rapidly increased their exports of labor-saturated goods or manufactured products, our exports of these goods lagged miserably. On the other hand, our imports of finished manufactures rose at a magnitude comparable to the rise in exports of these products by the other countries, or 151%.

No further evidence should be needed to demonstrate conclusively the competitive weakness of the United States in foreign markets in all goods, but particularly in manufactured goods. Our weakness in exporting agricultural products is concealed by the inclusion of governmentally assisted and subsidized sales abroad in our export statistics.

Our competitive weakness at home *vis-a-vis* imports of manufactured goods is the most appalling of all. With an increase of 151% in such imports compared with an export increase of only 29.6%, the writing on the wall should be unmistakable.

MACHINERY EXPORTS

The only bright spot in the exports of *manufactured* products is found in U.S. machinery exports. These increased from $4.2 billion in 1958 to $6.8 billion in 1965. This was an increase of 60% in value. While this increase was double that of our exports in general it still was not as handsome as the increases in exports of manufactured products enjoyed by the European countries listed above, and by Japan.

However, we many attribute the rise in our machinery exports to the sharp increase in our investment in foreign manufacturing enterprise. This increase, nevertheless, was not sufficient to offset the lag in total exports, since these included machinery and would have been even more deficient if the rising exports of machinery had been excluded. Moreover, machinery imports 1958–65 increased 172%.

Exports of chemical products have also risen, going from $1.4 billion in 1958 to $2.4 billion in 1965, or 71%. However, most of the chemical exports are not in the form of finished manufactures. but consist principally of raw materials or semi-manufactures.

If machinery and chemical exports are excluded from our exports these increased only 13.3% from 1957 to 1965, or an average of less than 2% per year. During the same period our gross national product grew by 53% or at an average rate of 6.6% per year. A growth rate of less than 2% per year is unacceptable as a satisfactory showing. It represents a serious deficiency.

AGRICULTURAL EXPORTS

Exports of agricultural products increased by 29% from 1957–65. rising from $4.7 to $6.1 billion, an increase of $1.4 billion. If deducted from the remaining apparent export surplus the latter would drop to $1.39 billion for 1965. The upshot is that the increase in all exports from 1957–65 in all products, less machinery, chemicals and agricultural products was 6.7% or less than 1% per year.

This increase, which is measured in value was, however, more than offset by the increase in prices between 1957–65. Unit value of our exports of *finished manufactures* rose from an index of 98 in 1957 to 111 in 1965. (See Stat. Abs., 1962, Table 1215, p. 880; ibid., 1966, Table 1259, p. 874 for unit values of exports.)

Therefore our exports of these products in terms of quantity actually declined since 1957. The drop was about 6%. This is the bleak truth of our trade position in the world! How different from the public impression gained from official propaganda!

CONCLUSION

We inevitably conclude that the United States is in an untenable competitive position in U.S.-world markets in nearly all categories of finished manufactures, including machinery.

These are the goods that require most workers in their production. This is a distressing situation, the direct result of our far-ranging tariff-cutting program of 30 years.

What has long been hailed as a huge export surplus has been a spurious product of our official trade statistics. These have steadfastly and culpably hidden the fact that trade-wise this country has been bleeding steadily from a concealed wound. The official concealment has reached the proportions of a scandal.

The time is long past due when the public should be told the truth.

To go through with the Kennedy Round would under these circumstances be compounding a felony.

EAST-WEST TRADE LEGISLATION

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Fino] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FINO. Mr. Speaker, today I am introducing legislation to prohibit the Export-Import Bank from financing East-West trade; to terminate the export credit sales program through which the Commodity Credit Corporation is subsidizing agricultural sales to the Soviet bloc; and to amend the Export Control Act to terminate the President's authority to license strategic exports to Soviet bloc nations aiding the North Vietnamese. Frankly, Mr. Speaker, I am out to burn the bloody bridges the President is building to the East: I think that they are short on economic and political plausibility and long on naivete.

For the benefit of the Members of this House, and for members of the Banking Committee who will sit tomorrow to hear testimony on the proposed extension of the Eximbank and expansion of its export lending and guarantee authority—the essential thrust of which relates to East-West trade blueprints—I am inserting in today's Record a compilation of data on East-West trade, as follows:

My release of April 10, 1966, on the above East-West trade legislation.

A pamphlet describing the operations of Eximbank.

The Export-Import Bank Act of 1945, as amended.

The administration bill to amend the Export-Import Bank Act—renew and expand Bank operations.

My Export-Import Bank Act amendments which first. prohibit the Bank from financing East-West trade; second, express congressional policy that the Bank not compete with private lenders; and third, require the bank to guarantee or insure agricultural exports only on commercial terms.

March 20, Barron's weekly article on Eximbank shortcomings.

Eximbank letter to me on proposed Fiat deal.

Congressional Quarterly summary of proposed Fiat deal—Eximbank loans to Fiat of Italy to build auto plant for Russia.

January 16, 1967, Barron's weekly article on East-West trade entitled "Dangerous Bridges."

October 10, 1966, Journal of Commerce article "Business Skeptical on Soviet Trade Bid."

U.S. News & World Report, March 27, 1967, "East-West Trade—What it Means to Business."

Business Week, October 29, 1966, "Communist Trade: No Bonanza Yet."

Wall Street Journal, May 10, 1966,

"Back-Door Trade, U.S. Firms Deal More With Red Bloc Via Foreign Units."

Wall Street Journal, February 10, 1967, "Russia Goes Shopping in Europe"—describes how Russia needs Fiat plant to produce export cars to earn foreign exchange.

March 27, 1967, Eliot Janeway article on how Germany's Krupp empire foundered on East-West trade.

April 2, 1967, Washington Post article on Eastern Europe's increasing anger over Vietnam war.

February 1967, Barron's weekly article "Congress Should Probe Commodity Credit Corporation Export Sales Program."

Statement of Congressman Paul Findley, March 20, 1967, "Food for Peace or Food for War?"

Fourth Quarter 1966 Export Control Report of Secretary of Commerce—Security Export Controls.

Text of Export Control Act of 1949.

State Department letter to me of March 14, 1967, on U.S. oil companies supplying oil to Russians from Persia.

April 2 Economist of London article on Persian oil supplies to Soviets.

Fino Introduces Bills To Block U.S. Trade With Communist Bloc and Reshape Export-Import Bank and CCC Practices

Congressman Paul A. Fino, Dean of the New York Republican House delegation, second-ranking Republican on the House Banking and Currency Committee and member of the Joint House-Senate Committee on Defense Production, today introduced legislation to amend the Export-Import Bank Act of 1945 to prohibit Export-Import Bank financing of East-West trade; to prohibit the Export-Import Bank from making further loans for which private financing is available; and to prohibit the Export-Import Bank from financing agricultural export sales, except on regular commercial terms.

In addition to the above legislation to amend the Export-Import Bank Act, Mr. Fino introduced legislation to amend the Export Control Act of 1949 to *require* the President to curtail U.S. exports to nations which are furnishing military supplies to any nation involved in hostilities with the United States.

Congressman Fino also introduced legislation to amend the 1966 Food for Peace Act to modify and restrict the Commodity Credit Corporation's export credit sales program, through which the United States is subsidizing credit food sales to the Communist bloc nations of Europe, as well as to prohibit the CCC from accepting letters of credit on foreign banks.

In introducing this legislative package designed to dismantle the President's East-West bridge building apparatus, Mr. Fino said:

"Tomorrow, the House Banking Committee begins its consideration of the Administration legislation to extend the Export-Import Bank for another five years and to increase the amount of loans, guarantees and insurance it may have outstanding to $13.5 billion. The Administration hopes to use the Ex-Im Bank as the lynchpin of its efforts to promote United States trade with the Communist bloc nations, which makes the proposed Ex-Im Bank extension and lending authority increase extremely meaningful. It deserves at least a week of hearings rather than the scheduled mere day.

"When the Export-Import Bank legislation comes before the House Banking and Currency Committee, I intend to oppose it as strongly as I can unless the Administration has 1.) abandoned its plans to use the Ex-Import Bank as the mechanism of its plans to build East-West trade bridges, and 2.) taken the Ex-Im Bank out of competition with commercial banks. Frankly, I do not see how the Administration can ignore the fact that we are at war; that Eastern European objections to that war are so deep as to mock East-West 'bridge building' efforts so long as the war continues; and that so long as the war continues, 'bridge building' amounts to nothing more than strengthening the economy of a bloc of nations supplying North Vietnam's anti-United States war effort. In my book, 'bridge building' and Vietnamese war escalation are contradictory policies. Time enough for 'bridge building' when we have disposed of the Vietnamese sore in international relations. If we are using the East-West trade 'bridge building' policy to try and convince the Communist bloc that we don't mean what we are doing in Vietnam, then we have no business feeding American lives into the booby-trapped meatgrinder of Vietnam.

"My first bill seeks to strike at the heart of the President's bloody network of bridges by amending the Export-Import Bank Act of 1945 to prohibit the Ex-Im Bank from insuring or financing United States exports to, or for eventual use by or in the Soviet Union, Mainland China, North Vietnam, North Korea, Cuba, Poland, Hungary, Czechoslovakia, Rumania, Albania, East Germany, Bulgaria, Yugoslavia, or any other nation which the President shall find to be part of a combination of nations threatening the security of the United States. This prohibition will kill the proposed deal whereby the Export-Import Bank is to finance United States machine tool exports to be used by Italy's FIAT company to build an automobile plant in the Soviet Union. I believe Ex-Im Bank financing of the FIAT deal would be a great mistake. The Soviet Union is going to use the automobiles it will build only as transportation for its bureaucrats or exports with which to earn foreign exchange, which in turn can be used to purchase strategic goods or dollars with which to bleed U.S. gold supplies. Furthermore, the FIAT deal would enable Russia to make up for a severe technology gap at United States expense. The Soviet Union is now producing cars of the quality the United States produced thirty years ago. Why should the United States taxpayer be expected to subsidize loans to enable the Soviet Union to catch up with the free world in auto production? Furthermore, it is false to say that FIAT will simply get the machine tools elsewhere if we do not agree to provide them. As economist Eliot Janeway has noted 'in order to meet Russia's specifications, FIAT needs to buy high power American machine tools'. For these reasons, the FIAT deal should be blocked, and the Export-Import Bank prohibited from further flirtations with the Communist bloc.

"I strongly believe that the United States is foolish to think that East-West trade will 'build bridges to the East'. Let me quote Czechoslovakia's *Pravda*, saying that the notion of trade converting the Marxists is 'so naive it borders on the grotesque'. As former Russian Premier Bulganin said, the key to East-West trade is the technological expertise the Soviets can beg, borrow or steal, and this 'struggle for technical progress is the struggle for the building of a Communist society'. The Communist bloc nations badly need our technological expertise, to save them from the developmental shortcomings of their socialist system. It makes no sense for us to hand this expertise to them on a platter, and this is what we would be doing, because the Soviet bloc does not want actual trade but credits. They know they do not have enough goods to give us in return for our machines and expertise, so they want us to give them credit. The President's plan to extend U.S.-taxpayer subsidized credit to the Soviets to enable them to overcome their industrial technology gap and save Communism from its shortcomings is the height of folly, call it 'bridge building' or anything else. Credits for Communism is cupidity!

"At the present time, the Communist bloc has a $2 billion commercial debt in Western Europe. Not having the goods which the United States seeks in trade, Soviet trade with the U.S. must inevitably lean heavily on credits, and even the President's Special Committee on East-West Trade deliberately advised him that 'trade with Communist countries should not be subsidized'. United States businessmen who look to the Soviet bloc for quick trade profits are living in a dream world. Realists pay attention to the experiences of West Germany's Krupp industrial empire, which is on the ropes from over-extending credits to the Communist bloc. There are no instant trade profits lurking behind the frontiers of the Communist bloc.

"My Export-Import Bank bill would also amend the Export-Import Bank Act to express the sense of Congress that the Ex-Im Bank should not make any loans for which private resources are available at market interest rates in the United States or at reasonable interest rates abroad. I believe that Congress has to curb the Ex-Im Bank's empire-building propensity to make unnecessary loans at rates barely above its own borrowing costs. Let me quote a front page article from the March 20, 1967 issue of *Barron's*, the national business and financial weekly.

" 'In the first half of fiscal '67, Eximbank was doing business at an annual rate of over $2.5 billion. . . . Much of the gain has come in direct export loans, which, at $980 million for the latest six months, nearly equaled the total for all of fiscal '66. Theoretically, of course, Eximbank doesn't compete with private lenders; however, the principle frequently is honored more or less in the breach. Thus, over a decade ago we observed that "some fairly surprising corporate names have turned up on its books. Among them have been several leading U. S. producers of boilers, generators and electrical equipment, all of which doubtless could arrange to borrow privately. An even more bizarre affair was the $70,000 loan advanced to a South American subsidiary of a big metal fabricator, which probably could have taken such a sum out of petty cash." By charging less than the traffic will bear—a $56 million loan to Aeronaves de Mexico last fall was made at 5½%, perhaps half the going rate south of the border and roughly its own borrowing cost—Eximbank inevitably has siphoned business away from commercial channels. Owing to the "voluntary" restraints on private foreign lending, the occasional lapse now has been elevated to high public policy.'

"Lastly, my Export-Import Bank bill would prohibit the Export-Import Bank from insuring guaranteeing or otherwise financing agricultural export sales to foreign nations except on strict commercial terms of 25% down and 18 months to pay. The Ex-Im Bank has recently guaranteed a $15 million loan to Hungary for the purchase of agricultural commodities which runs for three years and includes no down payment. This is foolish—the type of foolishness which led to the $100 million worth of loans which Indonesia and the United Arab Republic are presently delinquent on.

"My second bill would amend the Export Control Act to require the President to prohibit exports of all commodities on the Commodity Control list as of July 31, 1966, to nations the governments of which are furnishing military supplies to any nation involved in hostilities with the United States. I believe this is necessary to stop the President from using discretionary authority to take commodities off the strategic list as part of his 'bloody bridge building'.

"My third bill would amend the 1966 Food for Peace Act to terminate the Commodity

Credit Corporation's export credit sales program, under which the Commodity Credit Corporation intends to circumvent the Findley Amendment to the Food for Peace Act which prohibits agricultural credit sales to Communist bloc nations or other nations trading with North Vietnam. Unfortunately, the Commodity Credit Corporation's Export Credit Sales Program is not subject to the Findley Amendment, and the CCC hopes to use an expanded Export Credit Sales Program as a key 'East-West' trade mechanism. The Export Credit Sales Program has mushroomed in the last few years, and will probably mushroom fantastically in the near future under CCC proposals to buy private agricultural commodity stocks and sell them on easy-credit (subsidized) terms to the Communist bloc. Heretofore, the CCC has only been able to so dispose of surplus agricultural commodities. Now the empire-building CCC has power, thanks to last year's Food for Peace Act, to buy private commodity stocks and resell them abroad on subsidized credit terms. My bill would eliminate this authority, which a recent *Barron's* article cited as giving CCC 'unprecedented influence in world commodity markets'.

"My Food for Peace Act amendment would also prohibit the Commodity Credit Corporation from accepting letters of credit on foreign banks under the Export Credit Sales Program. Recently, the CCC was stuck with a 21 million dollars in letters of credit on the Intra Bank of Beirut, Lebanon, which folded up last fall. Also, last October, right after the Bank of Egypt defaulted on a note due to the U.S. Export-Import Bank, CCC accepted $6.6 million worth of the Bank of Egypt's letters of credit, and has taken $18.1 million since in Bank of Egypt letters of credit. The incredible underhanded United States subsidy being given to Nasser's Egypt via the Commodity Credit Corporation must be stopped. *Barron's* weekly, in a February, 1967 cover story, said that 'Congress should probe the CCC's Export Credit Sales Program' and I agree. The CCC should immediately halt any plans to purchase private agricultural commodity stocks for sale to the Communists on subsidized terms, and should also refuse any further letters of credit except from United States-chartered banks.

"I note also that the President is allowing U.S. oil companies in the Middle East to sell foreign-produced oil to Russia (admitted in State Department letter to me of March 14) and I am afraid he is going to let the Russians bid on turbines for the Grand Coulee Dam. Our bridge-builder-in-chief ought to put down his erector set and rethink his handiwork."

Export-Import Bank, Washington, D.C.

Founded in 1934, the Export-Import Bank, more popularly known as Eximbank, is an independent corporate agency of the United States Government. Its function is to assist in financing the export trade of the United States. The Bank serves this purpose by making loans directly to overseas buyers of American goods and services; by guaranteeing and insuring short and medium term export transactions; and by discounting export debt obligations held by commercial banks. To enable Eximbank to conduct these operations, the Act of Congress which constitutes the charter of the Bank, grants it broad banking powers, including authority to borrow and lend, and to buy, sell, or guarantee debt obligations.

The direct lending operations of Eximbank are not unlike those of the several multi-national banks engaged in international lending, although Eximbank's activities are designed solely to serve the interests of the United States, whereas the multinational institutions serve the interests of all their member governments. In its insurance and guarantee operations, Eximbank is the United States counterpart of those institutions of other industrial countries which provide guarantees and insurance to their exporters against the credit and political risks of overseas sales.

The charter of Eximbank lays down three basic principles: (1) Eximbank should supplement and encourage—not compete with—private capital; (2) Eximbank loans should generally be for specific purposes and should offer reasonable assurance of repayment; and (3) Eximbank fees and premiums charged for guarantees and insurance should be commensurate with the risks covered.

Eximbank derives its funds from capital stock, from borrowing either from the United States Treasury or the private capital market, and from retained earnings. All of the Bank's $1 billion of capital stock is held by the Treasury and the Bank may borrow from the Treasury up to $6 billion. The Bank has raised funds in the private market through the sale of participations in its loan portfolio and the Attorney General of the United States has ruled that Eximbank guarantee of such participations, as well as other undertakings of the Bank, constitutes a general obligation of the United States Government backed by its full faith and credit. The retained earnings of the Bank, which constitute a reserve for possible losses, are slightly in excess of $1 billion. This reserve has been accumulated by the Bank after payment of all its operating expenses, including interest on funds borrowed, and payment of dividends over the years of some $500 million to the United States Treasury.

Eximbank is authorized to have outstanding loans, guarantees, and insurance of up to $9 billion. Since its charter provides that only 25 per cent of the face amount of up to $2 billion of guarantees and insurance need be charged against this ceiling, commitments outstanding may reach $10.5 billion. During its life, Eximbanks net authorization for loans, guarantees, and insurance have aggregated over $17 billion.

The chief executive officer of the Bank is a President who also serves as Chairman of a bi-partisan Board of Directors which is the policy making body of the Bank. The President and Chairman, and the other four members of the Board, are appointed by the President of the United States with the advice and consent of the Senate. Eximbanks policies are coordinated with those of the Government as a whole through the National Advisory Council on International Monetary and Financial Policies, an inter-agency group composed of the Secretaries of State, Treasury, and Commerce, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of Eximbank. An Advisory Committee of nine members, broadly representative of production, commerce, finance, agriculture, and labor, meets several times a year to advise with the Bank on its policies.

DIRECT LOANS

If a buyer abroad contemplates procuring equipment from United States suppliers for an industrial or other project and these purchases are of sufficient magnitude, direct contact with and a direct credit from Eximbank will usually be the most appropriate Eximbank assistance. Purchasers eligible to apply for a direct credit are: a foreign corporation, the stock of which is privately or publicly held; a foreign partnership or individual; a foreign government or its agencies; or a United States enterprise operating abroad. Generally speaking, the credit will be made available only to assist in financing capital goods and related services of United States origin.

Under a direct loan, Eximbank negotiates a credit agreement with the foreign purchaser who issues his notes or promises to pay to Eximbank upon effective delivery of the equipment, the Bank concurrently remitting dollars to the United States supplier. Here the exporter's role is secondary and he participates in the financing only when asked to take some part of the financial portion of the sale.

Repayment terms for direct credits vary with the project and the type of equipment, running normally from five to fifteen years. An initial waiting period prior to the first repayment of principal may be granted for installation and to permit cash throw-off to develop. The interest rate on direct credits is not subject to fluctuations but, as it is governed in part by the cost of money to Eximbank, may be adjusted upwards or downwards from time to time.

Eximbank must satisfy itself that the country in which the loan is to be made can supply, in all probability, the dollar exchange to service not only the Eximbank loan but the country's total dollar debt as well. If exchange controls exist or are imminent, Eximbank will require assurance from appropriate governmental authorities that the necessary dollar exchange will be forthcoming. If the country is limited in its ability to earn hard currency, Eximbank may give priority to loans which finance enterprise capable of throwing off or saving foreign exchange.

In loans to unseasoned ventures, or where the credit of the obligor falls short of "reasonable assurance of repayment" criteria, Eximbank requires an unconditional endorsement from a financially responsible guarantor—a foreign private or governmental bank, the government itself, a foreign or domestic corporation, or on occasion an individual. Eximbank prefers not to accept mortgages, pledges, or other liens on assets as security for its loans.

Finally, the technical feasibility of the project must be appraised. This may involve engineering, market potential, raw material availability, and similar studies. Since Eximbank operates within the framework of Government policy, it also weighs the effect of the loan on the United States balance of payments and the project's economic and social impact in the host country.

Not all direct loans are for capital goods. Eximbank has been a significant factor in financing agricultural commodity exports, principally cotton. Loans have also been made to financial institutions abroad for relending to buyers of United States equipment. A number of sizeable credits have been extended to foreign governments to tide them over temporary periods of dollar shortage, thereby maintaining the flow of United States goods to the recipient country.

GUARANTEES AND INSURANCE

Eximbank assistance to short and medium term export transactions lies in guarantees and insurance. Unlike direct loans, Eximbank neither deals with the foreign purchaser nor provides financing. Guarantees are issued to commercial banks, and sometimes to exporters, on medium term transactions. Risk insurance, for sales on both short and medium term, is issued to exporters through the Foreign Credit Insurance Association (FCIA), a group of 60 of the principal United States marine, casualty, and property insurance companies. Eximbank insures all political risks and reinsures a portion of the commercial risks. Exporters may purchase comprehensive coverage (political *and* credit risks) or coverage for political risks alone. Financing is left entirely to the exporter who may assign the proceeds of his policy to a bank or other financial source.

FCIA insurance or Eximbank's guarantee is protection against the foreign buyer's protracted default in the payment of principal and interest and his insolvency; and against inconvertibility, cancellation of import licenses, war expropriation, and like political risks.

Eximbank ranks countries according to the soundness of the market and guarantee fees and insurance premiums reflect this ranking and the payment terms of the credit. For short term sales the average fee or premium is less than one-half of 1 per cent of the value of the goods shipped.

Short term transactions are those having terms up to 180 days. The exporter, examining his normal marketing pattern, must offer for cover—and pay premiums on—enough of his exports to various markets to give the insurer a reasonable spread of risk. Claims under short term cover are paid at the rate of 90 per cent of compensable loss stemming from commercial risks and 95 per cent stemming from political risks.

Medium term transactions are those having terms of 181 days to 5 years or occasionally more. The foreign buyer is required to make a cash payment of at least 10 per cent of the invoice value, and the exporter must carry at his own risk at least 10 per cent of the financed portion of the sale throughout the period of the credit. The term of payment must be appropriate to the goods. Most medium term transactions are authorized by Eximbank, case-by-case.

Guarantees are issued to commercial banks to cover only those medium term export sales financed without recourse upon the exporter. To permit Eximbank to rely upon the credit judgment of the commercial bank, this bank must assume for its own account the commercial risk on at least the first one-half of the maturities or the first eighteen months of the repayment period, whichever time element is shorter. Eximbank assumes the commercial risk on those maturities not carried by the commercial bank and the political risk on all maturities. As in medium term insurance, authorization is case-by-case.

DISCOUNT LOANS

Eximbank opened a discount facility for export debt obligations on September 1, 1966. Under this program commercial banks may borrow from Eximbank for periods up to one year against their portfolio of debt obligations of more than 180 days stemming from exports shipped after March 1, 1966. In addition, to provide an incentive to banks to increase their short term as well as medium term export financing, Eximbank, beginning September 1, 1967, will make loans annually based on the increase over the preceding September 1st in a bank's total export loan portfolio—including short term obligations. Eximbank does not purchase the export obligations; instead, it lends to the commercial bank and gauges the amount, term, and interest rate of its loans by the amount, term, rate, and other characteristics of the export debt obligations held in the portfolio of the borrowing bank.

EXPORT-IMPORT BANK ACT OF 1945 [1] [2] AS AMENDED THROUGH DECEMBER 31, 1965, 12 U.S.C. 635

An act to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Export-Import Bank Act of 1945".

SEC. 2. (a) There is hereby created a corporation with the name of the Export-Import Bank of Washington, which shall be an agency of the United States of America. The objects and purposes of the Bank shall be to aid in financing and to facilitate exports and imports and the exchange of commodities between the United States or any of its Territories or insular possessions and any foreign country or the agencies or nationals thereof. In connection with and in furtherance of its objects and purposes, the Bank is authorized and empowered to do a general banking business except that of circulation; to receive deposits; to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guaranty, and to guarantee notes, drafts, checks, bills of exchange, acceptances, including bankers' acceptances, cable transfers, and other evidences of indebtedness; to purchase, sell, and guarantee securities but not to purchase with its funds any stock in any other corporation except that it may acquire any such stock through the enforcement of any lien or pledge or otherwise to satisfy a previously contracted indebtedness to it; to accept bills and drafts drawn upon it; to issue letters of credit; to purchase and sell coin, bullion, and exchange; to borrow and to lend money; to perform any act herein authorized in participation with any other person, including any individual, partnership, corporation, or association; to adopt, alter, and use a corporate seal, which shall be judicially noticed; to sue and to be sued, to complain and to defend in any court of competent jurisdiction; and the enumeration of the foregoing powers shall not be deemed to exclude other powers necessary to the achievement of the objects and purposes of the Bank. The Bank shall be entitled to the use of the United States mails in the same manner and upon the same conditions as the executive departments of the Government. The Bank is hereby authorized to use all of its assets and all moneys which have been or may hereafter be allocated to or borrowed by it in the exercise of its functions.[3] Net earnings of the Bank after reasonable provision for possible losses shall be used for payment of dividends on capital stock. Any such dividends shall be deposited into the Treasury as miscellaneous receipts.[4]

(b) It is the policy of the Congress that the Bank in the exercise of its functions should supplement and encourage and not compete with private capital, and that loans, so far as possible consistently with carrying out the purposes of subsection (a), shall generally be for specific purposes, and, in the judgment of the Board of Directors, offer reasonable assurance of repayment.[5]

(c) (1) The Export-Import Bank of Washington, in furtherance of its object and purposes under this Act, is authorized and empowered to guarantee, insure, coinsure, and reinsure United States exporters and foreign exporters doing business in the United States in an aggregate amount not in excess of $2,000,000,000 [6] outstanding at any one time against political and credit risks of loss arising in connection with United States exports; and to establish and maintain fractional reserves in connection therewith. The reserves maintained by the Bank of the guarantees, insurance, coinsurance or reinsurance issued pursuant to this section shall be not less than 25 per centum of the related contractual liability of the Bank. Insofar as contracts of guarantee, insurance, coinsurance, and reinsurance are concerned, only that part of the Bank's liabilities represented by reserves provided for above shall be taken into account for the purpose of applying the limitations imposed by section 7 of this Act. Fees and premiums shall be charged in connection with such contracts commensurate, in the judgment of the Bank, with risks covered.

(2) The Bank may issue such guarantees, insurance, coinsurance and reinsurance to or with exporters, insurance companies, financial institutions, or others, or groups thereof, and where appropriate may employ any of the same to act as its agent in the issuance and servicing of such guarantees, insurance, coinsurance, and reinsurance, and the adjustment of claims arising thereunder.[7]

SEC. 3. (a) The Export-Import Bank of Washington shall constitute an independent agency of the United States and neither the Bank nor any of its functions, powers, or duties shall be transferred to or consolidated with any other department, agency, or corporation of the Government unless the Congress shall otherwise by law provide.

(b) There shall be a President of the Export-Import Bank of Washington, who shall be appointed by the President of the United States by and with the advice and consent of the Senate, who shall receive a salary at the rate of $28,500 [8] per annum and who shall serve as chief executive officer of the Bank. There shall be a First Vice President of the Bank, who shall be appointed by the President of the United States by and with the advice and consent of the Senate, who shall receive a salary at the rate of $27,000 [8] per annum who shall serve as President of the Bank during the absence or disability of or in the event of a vacancy in the office of President of the Bank, and who shall at other times perform such functions as the President of the Bank may from time to time prescribe.

(c) There shall be a Board of Directors of the Bank consisting of the President of the Export-Import Bank of Washington who shall serve as Chairman, the First Vice President who shall serve as Vice Chairman, and three additional persons appointed by the President of the United States by and with the advice and consent of the Senate. Of the five members of the Board, not more than three shall be members of any one political party. Each director, other than the President of the Export-Import Bank and Vice President of the Export-Import Bank, shall receive a salary at the rate of $27,000 [8] per annum. Before entering upon his duties, each of the directors shall take an oath faithfully to discharge the duties of his office. Terms of the directors shall be at the pleasure of the President of the United States, and the directors, in addition to their duties as members of the Board, shall perform such additional duties and may hold such other offices in the administration of the Bank as the President of the Bank may from time to time prescribe. A majority of the Board of Directors shall constitute a quorum. The

---

[1] Originally enacted as Public Law 173, 79th Cong. (59 Stat. 526), July 31, 1945.

[2] *Previous History of Bank:* The Bank was first organized as a District of Columbia, banking corporation under Ex. Ord. No. 6581, Feb. 2, 1934, it was continued as an agency of the United States by Public Law 1, 74th Cong. (49 Stat. 4), Jan. 31, 1935, as amended by Public Law 2, 75th Cong. (50 Stat. 5), Jan. 26, 1937; Public Law 3, 76th Cong. (53 Stat. 510), Mar. 4, 1939; Public Law 420, 76th Cong. (54 Stat. 38), Mar. 2, 1940; Public Law 792, 76th Cong. (54 Stat. 961), Sept. 26, 1940; and repealed by Section 10 of the Act of 1945. The Second Export-Import Bank of Washington, D.C., was established under Ex. Ord. No. 6638, Mar. 9, 1934. It was abolished by Ex. Ord. No. 7365, May 7, 1936, 1 F.R. 372, and its commitments transferred to the Export-Import Bank of Washington.

[3] Reorganization Plan No. 2 of 1954, 19 F.R. 3986 (68 Stat. 1280), transferred certain functions and assets from the Reconstruction Finance Corporation to the Export-Import Bank of Washington.

[4] Sec. 2(a) as amended by Public Law 89, 80th Cong. (61 Stat. 130), July 9, 1947, to change the charter of the Bank from a District of Columbia corporation to a Federal corporation, to set forth more specifically the powers of the Bank, and to provide for the distribution of net earnings.

[5] See also excerpts from the Mutual Defense Assistance Control Act of 1951 (Battle Act), Appendix II, and Bretton Woods Agreements Act of 1945, Appendix III.

[6] As amended by Public Law 88–101 (77 Stat. 128), Aug. 20, 1963.

[7] Sec. 2(c) added by Public Law 87–311 (75 Stat. 673), Sept. 26, 1961. Previous Sec. 2(c) enacted by Public Law 30, 83d Cong. (67 Stat. 28), May 21, 1953 authorized the Bank to issue certain consignment insurance or reinsurance in favor of United States exporters up to an aggregate outstanding amount of $100,000,000.

[8] Present salary as provided by Public Law 426, 88th Cong. (78 Stat. 400), Aug. 14, 1964.

Board of Directors shall adopt, and may from time to time amend, such bylaws as are necessary for the proper management and functioning of the Bank, and shall, in such bylaws, designate the vice presidents and other officers of the Bank and prescribe their duties.

(d) There shall be an Advisory Committee of nine members, appointed by the Board of Directors on the recommendation of the President of the Bank, who shall be broadly representative of production, commerce, finance, agriculture and labor. The Advisory Committee shall meet one or more times per year, on the call of the President of the Bank, to advise with the Bank on its program. Members of the Advisory Committee shall be paid a per diem allowance of $50 for each day spent away from their homes or regular places of business, for the purpose of attendance at meetings of the Committee, and in necessary travel, and while so engaged they may be paid actual travel expenses and not to exceed $10 per diem in lieu of subsistence and other expenses.

(e) No director, officer, attorney, agent, or employee of the Bank shall in any manner directly or indirectly, participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership or association in which he is directly or indirectly personally interested.[9]

SEC. 4. The Export-Import Bank of Washington shall have a capital stock of $1,000,000,000 subscribed by the United States. Payment for $1,000,000 of such capital stock shall be made by the surrender to the Bank for cancellation of the common stock heretofore issued by the Bank and purchased by the United States. Payment for $174,000,000 of such capital stock shall be made by the surrender to the Bank for cancellation of the preferred stock heretofore issued by the Bank and purchased by the Reconstruction Finance Corporation.[10] Payment for the $825,000,000 balance of such capital stock shall be subject to call at any time in whole or in part by the Board of Directors of the Bank. For the purpose of making payments of such balance, the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include such purpose. Payment under this section of the subscription of the United States to the Bank and repayments thereof shall be treated as public-debt transactions of the United States. Certificates evidencing stock ownership of the United States shall be issued by the Bank to the President of the United States, or to such other person or persons as he may designate from time to time, to the extent of the common and preferred stock surrendered and other payments made for the capital stock of the Bank under this section.

SEC. 5. (a) The Secretary of the Treasury shall pay to the Reconstruction Finance Corporation [10] the par value of the preferred stock upon its surrender to the Bank for cancellation. For the purpose of making such payments to the Reconstruction Finance Corporation the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include such purpose. Payment under this subsection to the Reconstruction Finance Corporation shall be treated as public-debt transactions of the United States.

(b) Any dividends on the preferred stock accumulated and unpaid to the date of its surrender for cancellation shall be paid to the Reconstruction Finance Corporation by the Bank.

SEC. 6. The Export-Import Bank of Washington is authorized to issue from time to time for purchase by the Secretary of the Treasury its notes, debentures, bonds, or other obligations; but the aggregate amount of such obligations outstanding at any one time shall not exceed $6,000,000,000.[11] Such obligations shall be redeemable at the option of the Bank before maturity in such manner as may be stipulated in such obligations and shall have such maturity as may be determined by the Board of Directors of the Bank with the approval of the Secretary of the Treasury. Each such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the issuance of the obligation of the Bank.[12] The Secretary of the Treasury is hereby authorized and directed to purchase any obligations of the Bank issued hereunder and for such purpose the Secretary of the Treasury authorized to use as a public-debt transaction the proceeds of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include such purpose. Payment under this section of the purchase price of such obligations of the Bank and repayments thereof by the Bank shall be treated as public-debt transactions of the United States.

SEC. 7. The Export-Import Bank of Washington shall not have outstanding at any one time loans, guaranties, and insurance [13] in an aggregate amount in excess of $9,000.000,000.[14] [15] [16] [17]

SEC. 8. Export-Import Bank of Washington shall continue to exercise its functions in connection with and in furtherance of its objects and purposes until the close of business on June 30, 1968,[18] but the provisions of this section shall not be construed as preventing the Bank from acquiring obligations prior to such date which mature subsequent to such date or from assuming prior to such date liability as guarantor, endorser, or acceptor of obligations which mature subsequent to such date or from issuing, either prior or subsequent to such date, for purchase by the Secretary of the Treasury, its notes, debentures, bonds, or other obligations which mature subsequent to such date or from continuing as a corporate agency of the United States and exercising any of its functions subsequent to such date for purposes of orderly liquidation, including the administration of its assets and the collection of any obligations held by the Bank.[19]

SEC. 9. The Export-Import Bank of Washington shall transmit to the Congress annually a complete and detailed report of its operations.[20]

SEC. 10. Section 9 of the Act of January 31, 1935 (49 Stat. 4, ch. 2), as amended, is repealed.

SEC. 11. Notwithstanding the provisions of section 955 of Title 18, United States code,[21] any person, including any individual, partnership, corporation, or association, may act for or participate with the Export-Import Bank of Washington in any operation or transaction, or may acquire any obligation issued in connection with any operation or transaction, engaged in by the Bank.[22]

SEC. 12. The Export-Import Bank of Washington created hereby shall by virtue of this Act succeed to all of the rights and assume all of the liabilities of Export-Import Bank of Washington, a District of Columbia corporation, and any outstanding capital stock of the District of Columbia corporation shall be deemed to have been issued by and shall be capital stock of the corporation created by this Act and all of the personnel, property, records, funds (including all unexpended balances of appropriations, allocations, or other funds now available), assets, contracts, obligations, and liabilities of the District of Columbia corporation are hereby transferred to, accepted, and assumed by the corporation created by this Act without the necessity of any act or acts on the part of the corporation created by this Act or of the District of Columbia corporation, their officers, employees, or agents or of any other department or agency of the United States to carry out the purposes hereof and it shall be unnecessary to take any further action to effect the dissolution or liquidation of Export-Import Bank of Washington, a District of Columbia corporation. The members of the Board of Directors of the District of Columbia corporation, appointed pursuant to the provisions of the Export-Import Bank Act of 1945, shall, during the unexpired portion of the terms for which they were appointed, continue in office as members of the Board of Directors of the corporation created by this Act.[23]

---

[9] Sec. 3 as amended by Public Law 570, 83d Cong. (68 Stat. 677), Aug. 9, 1954. Sec. 3 of the Act of 1945 had previously been amended by Reorganization Plan No. 5 (67 Stat. 637) effective June 30, 1953, which abolished the Bank's Board of Directors and transferred its functions to a Managing Director.

[10] Public law 163, 83d Cong. (67 Stat. 230), July 30, 1953, provided for continuance of the Reconstruction Finance Corporation until July 30, 1954, and for termination of its lending powers Sept. 28, 1953. Reorganization Plan No. 2 of 1954, 19 F.R. 3986 (68 Stat. 1280), assigned certain functions to appropriate agencies, including the Bank, for liquidation.

[11] As amended by Public Law 158, 82d Cong. (65 Stat. 367); Oct. 3, 1951; Public Law 570, 83d Cong. (68 Stat. 677), Aug. 9, 1954; and Public Law 85-424 (72 Stat. 133), May 22, 1958. The authority to borrow from the United States Treasury contained in this Section is in addition to the authority contained in section 2(a) under which funds may be obtained to finance the Bank's activities within the limitation contained in Section 7.

[12] As amended by Public Law 89, 80th Cong., (61 Stat. 130), June 9, 1947.

[13] As amended by Public Law 30, 83d Cong. (67 Stat. 28), May 21, 1953.

[14] As amended by Public Law 158, 82d Cong. (65 Stat. 367), Oct. 3, 1951; Public Law 570, 83d Cong. (68 Stat. 677), Aug. 9, 1954; Public Law 85-424 (72 Stat. 133), May 22, 1958; and Public Law 88-101 (77 Stat. 128), Aug. 20, 1963.

[15] Public Law 89-273 of October 20, 1965 limits operating expenses for fiscal year 1965 to $1,186,120,000 ($900,000,000 for long term capital loans.)

[16] Public Law 87-195 (75 Stat. 454), Sept. 4, 1961 (The Foreign Assistance Act of 1961), Sec. 632(f) reads as follows: "Credits made by the Export-Import Bank of Washington with funds allocated thereto under subsection (a) of this section or under section 522(a) of the Mutual Security Act of 1954, as amended [which provide that the President may allocate to any United States agency funds available for each Act] shall not be considered in determining whether the Bank has outstanding at any one time loans and guaranties to the extent of the limitation imposed by section 7 of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635e)."

[17] Since section 2(c) permits a charge of not less than 25% of guaranties and insurance issued thereunder against the limitation in section 7, the Bank may have outstanding at any one time loans, guaranties and insurance aggregating $10.5 billion.

[18] As amended by Public Law 89, 80th Cong. (61 Stat. 130), June 9, 1947; Public Law 158, 83d Cong. (65 Stat. 367), Oct. 3, 1951; Public Law 85-55 (71 Stat. 82), June 17, 1957; and Public Law 88-101 (77 Stat. 128), Aug. 20, 1963.

[19] Sec. 8 as amended by Public Law 89, 80th Cong. (61 Stat. 130), June 9, 1947.

[20] As amended by Sec. 2(9) of Public Law 348, 89th Cong., (79 Stat. 1310), Nov. 8, 1965.

[21] See Appendix IV.

[22] As amended by Sec. 29 of Public Law 779, 83d Cong (68 Stat. 1237), Sept. 3, 1954.

Appendix I. Public Resolution—No. 17—73d Congress

[H.J. Res. 207]

Joint resolution requiring agricultural or other products to be shipped in vessels of the United States where the Reconstruction Finance Corporation [1] or any other instrumentality of the Government finances the exporting of such products

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that in any loans made by the Reconstruction Finance Corporation or any other instrumentality of the Government to foster the exporting of agricultural or other products, provision shall be made that such products shall be carried exclusively in vessels of the United States, unless, as to any or all of such products, the United States Maritime Commission, after investigation, shall certify to the Reconstruction Finance Corporation or any other instrumentality of the Government that vessels of the United States are not available in sufficient numbers, or in insufficient tonnage capacity, or on necessary sailing schedule, or at reasonable rates.

Approved, March 26, 1934: as amended by Public Law 835, 74th Cong. (49 Stat. 1985), June 29, 1936.

Administration Bill Introduced by Mr. Patman and Mrs. Sullivan

A bill to amend the Export-Import Bank Act of 1945, as amended, to shorten the name of the Bank, to extend for five years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves, export credit insurance and guarantees, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635), be and the same is hereby further amended as follows:

(a) By striking from the name of the Export-Import Bank of Washington the words "of Washington" wherever the same appears in said Act.

(b) By striking from section 2(c) of said Act "$2,000,000,000" and substituting in lieu thereof "$3,500,000,000".

(c) By striking the last sentence from section 3(d) of said Act and substituting in lieu thereof: "Members, not otherwise in the regular full-time employ of the United States, may be compensated at rates not exceeding the per diem equivalent of the rate for grade 18 of the General Schedule (5 U.S.C. 5332) for each day spent in travel or attendance at meetings of the Committee, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently."

(d) By striking from section 7 of said Act "$9,000,000,000" and substituting in lieu thereof "$13,500,000,000".

(e) By striking from section 8 of said Act the date "June 30, 1968" and substituting in lieu thereof the date "June 30, 1973".

H.R. —

A bill to amend the Export-Import Bank Act to prohibit the Bank for insuring or financing East-West trade, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Export Finance Act of 1967".

SEC. 2. Section 2 of the Export-Import Bank Act of 1945 is amended by adding the following new subsection:

"(d) The Bank may not issue guarantees, insurance, coinsurance, reinsurance, or make loans or otherwise finance United States exports to, or for eventual use in or by, the Soviet Union, mainland China, North Vietnam, North Korea, Mongolia, Bulgaria, Albania, Rumania, Czechoslovakia, Hungary, Poland, Yugoslavia, and Cuba, and such other nations as the President may find to be, alone or in combination with other nations, threatening the security of the United States."

SEC. 3. Section 2(b) of the Export-Import Bank Act of 1945 is amended to read as follows:

"(b) It is the policy of Congress that the Bank in the exercise of its functions should not compete with private capital by making any loan for which private resources are available at market interest rates in the United States or at reasonable interest rates abroad, and that loans, so far as possible consistently with carrying out the purposes of subsection (a), shall generally be for specific purposes, and, in the judgment of the Directors, offer adequate assurance of repayment."

SEC. 3. Section 2(c) of the Export-Import Bank Act of 1945 is amended by adding the following subsection:

"(3) The Bank may not guarantee, insure, coinsure or reinsure to or with any persons, any loan or transaction involving perishable agricultural goods not requiring normal commercial terms of 25 per centum payment down and the balance within eighteen months of delivery."

[From Barron's, March 20, 1967]

The Sky's the Limit—A Critical Note on the Export-Import Bank

"I take pen in hand to inquire whether it is true that you agreed to let the Export-Import Bank lend $50 million to an Italian credit institution to finance the sale of American machine tools for the new Fiat automobile plant at Togliatti (formerly Stavropol) on the Volga River in the Union of Soviet Socialist Republics . . . We see in the papers that the Fiat cars made in the Soviet Union won't be bought by Ivan Ivanovitch. The Central Intelligence Agency says the cars will be manufactured for the Soviet 'bureaucratic and managerial elite, not the average Russian.' Doesn't this mean that Joe Doakes will be lending his hard-earned tax money to the Ex-Im Bank to furnish American machine tools on credit via Milan to Moscow so that Kosygin, Brezhnev and the affluent clique in the Praesidium can ride around in comfort while Ivan Ivanovitch tramps to work on foot? Could you please tell us how this $50 million loan (to) Soviet Russia will help bring about a classless society there? Seems to us that what our American nieces and nephews will be doing in this deal is financing joy rides for Communist economic royalists."

Apart from its wit and wisdom, the open letter to the Chairman of the House Subcommittee on International Trade, written recently by Mrs. Widener, nationally syndicated columnist, has a special claim to fame. It happens to be quietly critical of the Export-Import Bank, a federal institution which, thanks perhaps to the passage of time and the perpetuation by the government of far worse follies, has become an accepted part of the U.S. financial scene. Possibly not since the mid-'Fifties, when former Senator Paul Douglas assailed it for making loans to Juan Peron, has anyone challenged its credentials. On the contrary, the National Foreign Trade Council repeatedly has paid it tribute. Similarly, Wall Street six weeks ago snapped up a half-billion-dollars worth of its Investment Portfolio Participation Certificates.

The Export-Import Bank doubtless is good for the money—in any case, the "full faith and credit" of the United States stand behind its obligations. What troubles us—and equally should concern creditors and taxpayers—are the uses to which such funds may be put. Historically the institution has prided itself on seeking to supplement rather than supplant private capital. Now, however, owing to the so-called voluntary restraints on commercial bank lending abroad, which fail to apply in its case, Eximbank willy-nilly has acquired a privileged status. To judge by a recent loan to oil-rich Kuwait, the privilege all too readily may be abused. Other recent transactions, notably the fantastic Fiat deal, plainly suggest that Washington's right hand, so to speak, knows full well what the left is doing and is glad to cooperate. Government and banking today may be partners, but the combine is still bad business.

Unfortunately it's a big and growing business. Established in 1934 with an original capital of $11 million to foster trade with the newly recognized Soviet Union (those farsighted New Dealers!), Eximbank over the years has come a long way. Its sphere of operations now covers most of the world, free or otherwise, while its financial capacity, including direct loans, loan guarantees and insurance, has surged to an authorized $9 billion (measures to raise the ceiling to $13.5 billion are pending in Congress). At the rate the agency has been growing lately, it could use the money. In the 12 months ended June 30, 1966, the Bank "did a greater volume of business than in any previous year in its history, except for the post-World War II reconstruction years of 1946." Total new authorizations for loans, guarantees and insurance ran to $2,142 million, an increase of 15.2% over 1965. In the first half of fiscal 1967, Eximbank was doing business at an annual rate of over $2.5 billion.

Much of the gain has come in direct export loans, which, at $980 million for the latest six months, nearly equaled the total for all of fiscal 1966. Theoretically, of course, Eximbank doesn't compete with private lenders; however, the principle frequently is honored more or less in the breach. Thus, over a decade ago we observed that "some fairly surprising corporate names have turned up on its books. Among them have been several leading U.S. producers of boilers, generators and electrical equipment, all of which doubtless could arrange to borrow privately. An even more bizarre affair was the $70,000 loan advanced to a South American subsidiary of a big metal fabricator, which probably could have taken such a sum out of petty cash." By charging less than the traffic will bear—a $56 million loan to Aeronaves de Mexico last fall was made at 5½%, perhaps half the going rate south of the border and roughly its own borrowing cost—Eximbank inevitably has siphoned business away from commercial channels. Owing to the "voluntary" restraints on private foreign lending, the occasional lapse now has been elevated to high public policy. Two years ago the monetary authorities imposed a ceiling on the expansion of bank loans abroad. To judge by the unrestrained rise in Eximbank commitments however the sky's the limit.

In such an expansionary climate, errors of judgment are apt to proliferate. On this score a recent prospectus lists some $50 million in defaulted loans. Indonesia and the

---

[23] Sec. 12 added by Public Law 89, 80th Cong. (61 Stat. 130), June 9, 1947.

[1] Abolished by Reorganization Plan No. 1 of 1957, effective June 30, 1957.

United Arab Republic are delinquent on another $100 million of credit, while other claims, including the oft-extended Argentine loan cited above, look shaky. Last fall, in an effort to reach a settlement with Bolivia, the Bank waived the payment of $10 million worth of interest arrears, a precedent-setting move which strikes some observers as ominous. It also authorized a $23.7 million loan (since canceled) to Middle East Airlines of Beirut, which carried the guarantee of the now-defunct Intra Bank.

The "bridge building" loans are far and away the most discreditable. For example, Eximbank has just agreed to guarantee a $15 million loan to Hungary for the purchase of cotton, soybeans, soybean meal and sorghum. Although Bank officials recently told us that (unlike the Commodity Credit Corp., where apparently anything goes) they regard "commercial terms on perishables to mean not more than 18 months to pay and at least 25% in cash," the deal with Hungary stipulates no down payment and runs for three years. Thus, in a kind of Gresham's Law of lending, recklessness is driving out any semblance of prudence. As to the Fiat deal, Mrs. Widener, who didn't know whether to laugh or cry at such folly, chose the former, Senator Roman L. Hruska (R., Neb.) last week spelled out its sorry significance. "In the face of our dwindling gold supply and in face of the indirect but very effective assistance to the North Vietnamese which results therefrom, the Administration is going forward to help the economic and the industrial productivity and to strengthen the position of the Soviet Union and the other Communist countries. Such action simply does not make sense."

The same, we submit, holds true of the institution that has made it all possible. Amidst a global depression, the Export-Import Bank may or may not have had a job to do; today, with private resources abundant, it long since has outlived its usefulness. Through subsidizing buyers and sellers, abroad and at home, the Bank has acquired a kind of diplomatic immunity against criticism. Around here, however, it's open season on sacred cows.

Export-Import Bank of Washington,
Washington, D.C., March 24, 1967.

Hon. Paul A. Fino,
House of Representatives,
Washington, D.C.

Dear Mr. Fino: In reply your letter to Mr. Linder of March 9, 1967, I have enclosed two copies each of the Export-Import Bank Act of 1945, as amended; the Bank's "Regulations for Principals and Agents"; and the Bill now before the Congress proposing further amendments to our Act. The Bill was introduced in the House of Representatives by Mr. Patman as H.R. 6649 and by Mrs. Sullivan as H.R. 6650. Both bills have been referred to your Committee on Banking and Currency. An identical bill (S. 1155) is before the Senate Committee on Banking and Currency.

The Bill offers several major amendments to the Bank's Act. The Bill would extend the life on the Bank by five years to June 30, 1973, and would increase by $4.5 billion the existing $9.0 billion ceiling on outstanding loans, guarantees, and insurance. Within this ceiling the bill would increase by $1.5 billion the existing $2.0 billion authority to issue guarantees and insurance on a 25% fractional reserve basis.

Regarding the FIAT-Soviet auto plant, you will recall that President Johnson announced last October that the Bank was prepared to consider a loan for this project. Earlier in 1966 it had been publicly announced that FIAT was awarded a contract by the Soviet Union to design and construct an automobile plant in the Soviet Union with an annual capacity of 600,000 units and a total estimated cost of $800 million. The President's announcement was consistent with his trade policy for Eastern European countries which, broadly speaking, is designed to facilitate the exchange of peaceful, nonstrategic goods and services on terms customary in international trade. It is the Administration's belief that this policy not only offers the prospect of trade benefits but also may contribute to the easing of international tensions.

FIAT is prepared to consider buying up to $50 million of equipment from the United States if export financing is available. Whether the Bank agrees to extend loans to IMI for this project will not affect FIAT's decision to build the automobile plant in the Soviet Union. FIAT is quite prepared to fulfill its contract to build the plant whether or not U.S. financing is available. It would merely substitute equipment of European manufacture for items which it would prefer to buy in the United States.

In any financing that Eximbank may undertake for this project, the Bank will be relying upon the credit not of the Soviet Union but of an Italian financial institution and one of our established borrowers, the Istituto Mobilaire Italiano (IMI). The Bank's financing would be in the form of a loan to IMI for the benefit of the FIAT Company, and the Bank would not be extending credit to or in any way be dealing with the Government of the Soviet Union or any of its entities.

After consulting with other executive agencies and at the direction of the President, the Bank has indicated to IMI that it is willing to accept a loan application. The loan would be to finance purchases by FIAT of items wholly of U.S. manufacture or origin. To date IMI has not made application and FIAT has yet to decide what specific items of U.S. equipment it will purchase. Each item, of course, will be subject to a thorough review prior to export by appropriate agencies of the U.S. Government to determine that it is not of strategic nature.

The Bank's financing will be on terms customary in international trade and comparable to credits extended in other cases to finance similar exports to Western buyers. Repayment is proposed over a period of five years beginning two or three years after shipment of the equipment being financed.

Turning now to the Bahamas, early last year the Government of the Bahamas applied to the Bank for assistance in financing two public projects. Following a series of discussions with representatives of that Government, the Bank's first loan was authorized in September 1966 for $9 million to finance the U.S. costs of improvements to and expansion of the harbor of Nassau. The second loan was authorized in October 1966 for $4 million to finance the U.S. costs of modernization and expansion of the Government's Telecommunications Corporation. Under both loans the Bank looks for repayment to the full faith and credit of the Government of the Bahamas.

As in other cases, the Bank's authorizations were approved by the National Advisory Council on International Monetary and Financial Policies, of which the Secretary of Treasury is chairman and the Secretaries of Commerce and State, the Chairman of the Federal Reserve Board, and the Chairman of the Export-Import Bank are members.

The harbor project is being carried forward with the U.S. firms of Frederick Snare Corporation as contractor and Stanley Engineering Company as supervisory engineer. Page Communications Engineers, Inc., is acting as consultant for the telecommunications project. Procurement of the equipment required for both projects will involve a large number of U.S. suppliers.

These loans, of course, were authorized before the change in administration that resulted from the elections in January. Premier Pindling then visited the Bank on February 2, 1967, to make our acquaintance and to confirm that his administration also regarded the projects as having high priority in the Government's economic development program.

We trust that this information will be of assistance to you, and we will be pleased to answer any further questions.

Very truly yours,
B. Jenkins Middleton,
Vice President, Program Planning and Information.

[From the Congressional Quarterly, Mar. 10, 1967]

SOVIET-FIAT AUTO PLANT SUPPORTED IN SUBCOMMITTEE REPORT

One part of the Johnson Administration's efforts to improve East-West trade relations received encouragement from members of a House subcommittee early in 1967.

The proposal was for Government assistance, through the U.S. Export-Import Bank (Eximbank), to finance export of American machine tools to an Italian company for an automobile plant in the Soviet Union.

The proposed arrangement involved no direct trade with the Soviet Union. But it was one aspect of U.S. efforts to continue dealing—even if indirectly—with the Soviet Union in spite of the international tensions resulting from the Viet Nam war. As of March 1, no loans had yet been made.

Congress was not directly involved in the machine-tools proposal except that it had the power to block the Eximbank financial assistance. An attempt to prohibit Eximbank assistance for exports to Communist bloc nations occurred in Congress late in 1966, but it was unsuccessful. (*1966 Weekly Report p. 2641*)

BACKGROUND

President Johnson Oct. 7, 1966, announced that the Eximbank was "prepared to finance American exports for the Soviet-Italian FIAT auto plant." This was part of his program to "build bridges" to the Soviet Union and East European nations. (*1966 Weekly Report p. 2495*)

In what was the largest East-West trade deal ever undertaken, the FIAT motor company of Italy had agreed to build an $800-million automobile plant in the Soviet Union. Of this sum, about 350 million was to be spent to buy machinery in the West. About $50 million was planned for direct purchases of automotive machine tools from the United States and a further sum was to be spent on purchases from European firms operating under license arrangement with U.S. companies.

The plans called for the Eximbank to make loans to IMI (Istituto Mobiliare Italiano), an Italian financed institution, and for FIAT then to use the funds to buy the U.S. equipment. (U.S. producers already supplied FIAT with many machine tools.)

U.S. participation in the sale was one of a number of Administration efforts—some controversial—to improve East-West relations. One of the most controversial was President Johnson's proposed legislation to increase his authority to negotiate trade agreements with the Soviet Union and East European Communist bloc nations. A bill sent to Congress in 1966 was ignored. (*Weekly Report p. 6; 1966 Weekly Report p. 2557*).

Another measure was the U.S.-Soviet Consular Convention (Exec. D. 88th Congress, 2d Session). (*Weekly Report p. 6, 299*)

Other measures included a treaty banning nuclear weapons in outer space (Exec D, 90th Congress, 1st Session). Executive actions removing 400 industrial and consumer items from the strategic list of goods that could not be exported to the Soviet bloc and the addition of four East European countries to the list of those eligible for Eximbank export credit guarantees. They were Poland, Hungary, Bulgaria and Czechoslovakia. The Administration also hoped for future agreements with the Soviets on nuclear nonproliferation and arms control. (*Weekly Report p. 200; 1966 Weekly Report p. 2495*)

HOUSE SUBCOMMITTEE REPORT

Four 1966 members of the House Banking and Currency Committee March 1, 1967, issued a report for the Committee's International Trade Subcommittee on the proposed FIAT-Soviet auto plant. They said they saw no reason to object to the Eximbank's participation in the plan. Three were members of the Subcommittee (composed of 12 members): Thomas L. Ashley (D Ohio), chairman, Chester L. Mize (R Kan.) and Thomas M. Rees (D Calif.). The fourth, James Harvey (R. Mich.), was a member of the full Committee at the time. Only the four participated in the study, they visited Italy, the Soviet Union and other countries during December 1966. The Banking and Currency Committee oversees the Export Control Act and Eximbank operations.

The report included a CIA study of present and future prospects for Soviet automotive capabilities and goals. Although the CIA report was cautious about concluding that there were signs of any abrupt change in Soviet economic goals, the House study said, "we would not underestimate the impact of installation of an auto assembly plant which by itself is capable of quadrupling current Soviet passenger automobile production.

The report said that the Italians, as early as 1962, had discussed the possibility of U.S. participation with President Kennedy and said that they had been encouraged to pursue such a deal on the theory that increased automotive production might switch some Soviet economic resources toward consumer goods industries.

An initial agreement was made between FIAT and the Soviet Union in July 1965. A final contract was signed Aug. 15, 1966, providing for the construction of a plant with an annual capacity of 600,000 automobiles.

[From Barron's, Jan. 16, 1967]

DANGEROUS BRIDGES: PROPOSALS FOR EXPANDED EAST-WEST TRADE REST ON SHAKY GROUND

Among the articles of faith in Washington, none is more hotly professed than the doctrine of "Bridges to the East." It holds that American trade can seduce the countries of the Soviet bloc away from Socialist rigidities toward a capitalist-style economy, with East-West amity and possibly even political freedom at the end of the line. This belief began growing earnestly in 1964, when signs of "independence" from Moscow became visible in State Department telescopes aimed at puppet Red Rumania.

"So naive that it borders on the grotesque," said the official Slovak Communist newspaper "Pravda," in a typical comment on the notion that the carrot of American machinery and technology might convert the Marxist donkey. But such Communist candor failed to daunt U.S. policymakers, perhaps because the scoffing was restricted to local consumption in local languages, while Red broadcasts abroad, declarations by bloc leaders and informal talks with foreign diplomats, reporters, and stray businessmen hinted of native nationalism, economic liberalism, evolution toward freedom and other hopeful developments.

President Johnson pointed his first "bridge of friendship" eastward in the summer of 1964, when thousands of American commodities were delicensed for export to Rumania, which also was promised delivery of whole industrial plants with Export-Import Bank financing. Last October the President held out the prospect of a whole network of bridges to the Red countries, including the Soviet Union: "Our task is to achieve a reconciliation with the East—a shift from coexistence to peaceful engagement. We seek healthy economic and cultural relations with the Communist states." Specifically, he announced: 1) clearance for the Export-Import Bank to guarantee commercial credits for Czechoslovakia, Hungary, Poland and Bulgaria; 2) the Bank's readiness to finance export of American equipment to a large Soviet auto plant which Italian Fiat will build; 3) imminent decontrol of certain commodities for sale to East Europe.

Six days later some 400 items previously barred from export to the Soviet bloc without special license—including metal manufactures, machinery and chemical products—were expunged from the Commerce Department's Commodity Control List. Since then Congress has confirmed Mr. Johnson's authority to produce Export-Import Bank guarantees of credit for "any Communist country . . . when the President determines such guarantees in the national interest." The U.S. has raised to embassy rank its legations in Bulgaria and Hungary (the latter is still the refuge of Roman Catholic Primate, Josef Cardinal Mindszenty, hiding there from the Russians since the Red Army shelled the 1956 Budapest uprising into rubble. Under Secretary of State Eugene M. Rostow has urged a joint effort by the free world's industrial powers and the U.S. for "peaceful economic engagement" with East Europe. Awaiting the 90th Congress are two Administration "bridge" bills, one a Convention allowing the Soviets to establish a series of consulates here, the other an East-West Trade Relations Act extending most favored nation treatment to those European Communist states not yet so favored (Yugoslavia and Poland already are).

Disquiet has been expressed by an occasional Senator or Representative, an editorial or column, and a few economists and businessmen. By and large, however, industry has shared the enthusiasm for increasing East-West trade. When the U.S. government set up recent business missions to Rumania, Poland, Bulgaria and Hungary, the Commerce Department crowed that "we had no lack of candidates anxious to participate." A high-speed October tour of East Europe sponsored by "Time" had a roster reading like a Who's Mostly Who in U.S. Business and Finance.

Formidable academic support for "peaceful engagement" has come from Zbigniew Brzezinski, a ranking specialist on East Europe and inventor of the term. Brzezinski, now on loan from Columbia University to the State Department's Policy Planning Council, is credited with having furnished the main intellectual inspiration for the idea of prodding satellite and Soviet "evolution" through wide economic and other stimuli. Roost concepts in his "Alternative to Partition" (Council on Foreign Relations, 1965) were borrowed by the Johnson and Rostow speeches cited above.

Despite the near-unanimity, however, American parents, taxpayers and entrepreneurs have cogent reasons for withholding their hurrahs. One is that Moscow began pushing bridges long before Washington. Premier Nikolai Bulganin said in 1955: "Everything now being created by world science and technology must be studied, technical information improved, relations with research established and scientists of foreign countries expanded." Party boss Nikita Khrushchev in 1956: "The task is to pursue a vigorous policy of improving relations with the U.S., developing trade and expanding contacts." Premier Aleksei Kosygin in September 1955: "We must make wider use of foreign technology." No bones were made about the purpose, in Bulganin's words: "The struggle for technical progress is the struggle for the building of a Communist society."

A second good reason not to be over-awed by a proposition just because most policymakers and experts agree on it is that recent history bulges with consensus that went wrong. To cite a few exploded axioms: we can trust Joseph Stalin's wartime pledges on free elections in East Europe; let's let the Red Army get to Berlin first; the Chinese Reds are agrarian reformers; Fidel Castro is a patriotic anti-Communist; Arab unity and Egypt's Nasser are irresistible forces which the U.S. should appease and support.

One way to test the bridges proposition would be to examine some of the economic "facts" on which its widespread acceptance rests: 1) satellite defiance (especially Rumania's) has thwarted a Soviet drive for bloc integration; 2) satellite economic reforms are trending toward a Western structure; 3) another mark of the satellites' growing emancipation is their increased trade with the West; and 4) satellites have actually begun exploiting the USSR, reversing their previous condition of servitude.

Upon examination, these assumptions look more like fiction than fact. The evidence suggests instead that Moscow is the chief beneficiary of bloc non-integration; that satellite reforms have failed to shake the basic centralism of Communist management, leaving the concept, of a market-oriented economy as remote as ever; that the Soviets have upped their trade with the satellites as fast as the West; and that the USSR is getting more economic mileage, not less, out of East Europe since the dawn of so-called Red nationalism.

The data indicate further that increase of normal U.S. trade can't help the bloc much. East Europe exports little that we need or could accept in payment. The nub of the issue is U.S. credits, not U.S. trade. And U.S. credits given freely, without a Communist quid pro quo, will defeat our purpose.

The Reds' war-emphasis allocation of investment, and their adoration of an inflexible god called The Plan, have hobbled their economic development with producer muddle and consumer crisis. Their only way out is via genuine reform. They must face up to decentralization, higher rewards for labor, greater initiatives for management, real adaptation of Western market techniques (not merely of U.S. technology) and a shift from armaments to better-quality exports. But this they will not do unless compelled, because such reforms would reduce the Party's totalitarian power.

Yet only this, and nothing else, can build a sturdy bridge. There is a chance if we use the bargaining power of our credits which the bloc so desperately needs. There is a second chance if we abstain, and the bloc is forced to adjust by its own internal stresses and (in satellite territory at least) by the necessities of population discontent. There is no chance whatever, if we subsidize the regimes as they stand.

LOOK AT THE EVIDENCE

To justify these conclusions it will be useful to look hard at the evidence behind them. Consider, first, the theory that plucky Rumania prevented the Soviets from integrating the bloc's economies. A typical statement of the theory—with an air of absolute verity—is J. W. Fulbright's passing reference in a Senate speech that the Rumanians had "defied the Russians in refusing to subordinate their economy to a Soviet-sponsored program for joint economic development of the Soviet bloc . . . (and in) undertaking to strengthen (Rumania's) economic independence by broadening their industrial base."

The bridge-building chairman of the Foreign Relations Committee was saying that the Soviets had tried to impose a so-called "socialist division of labor" on Comecon—the Council for Mutual Economic Assistance, East Europe's answer to the Marshall Plan. Each Comecon member was to specialize in what was best for the bloc rather than for itself; all the satellites obeyed—except Rumania, a "defiance" which wrecked the Soviet design.

But the truth is that Comecon integration was wrecked by the region's built-in economic confusions, which made a "socialist division of labor" simply impossible. Moreover, Rumania was only one of several members which insisted on "broadening their industrial base" instead of serving as sources of raw materials. Foremost and decisive among such recalcitrant members was the USSR.

West Europe could achieve an operating Common Market because the area possessed systems of adjustable internal tariffs, convertible currencies, an infra-structure of independent economic units competing under fairly equal terms and a reasonably free play of market forces. East Europe could not integrate because it traded inside itself by barter instead of money; had no independent economic units, no solid currencies and no internal tariffs to adjust; and was entirely innocent of competition.

Integration might still have been possible if Comecon could figure out objectively which member might produce what item at what cost for equal quality, and make assignment of tasks accordingly. But this was unattainable in the area's accounting nightmare of artificial money rates and non-economic State-manipulated "costs" beyond the reach of rational audit.

ANGRY DEBATE

Soviet economic journals have been angrily debating for three years just how production cost should be defined. Rumanian money is a normal example of the bloc's currency chaos; the lei's official rate for foreign trade is six to the dollar; for individual remittances abroad it is 12; for foreign tourists 18; for Rumanian tourists 30; official Rumanians abroad have to pay back 60 lei for every unaccounted dollar; the lei's real purchasing power, meanwhile, is 25 to 1.

Out of the Horse's mouth ("Hospodarske Noviny," economic review of the Czechoslovak Communist Party's Central Committee, July 22, 1966) has come the revelation that Comecon's only worthwhile "multilateral coordination" has been a mere "exchange of information," and this only to "pinpoint the main problems" in any planning to be done "after 1970"! The review goes on to lament that "Comecon members still face one another as closed economic units."

Can believers in bridges glean more comfort from a second canon in their credo, the one which professes that Western aid has inspired, and will continue to inspire, a gradual fading-away of Communism through economic reform in the Western image?

Washington considers Rumania the likeliest candidate for such liberalization. So it is curious that Rumania stands last in line among the satellites on even minimal change. A full year after U.S. commitment to the Rumanian bridge, Communist chief Nicolai Ceausescu (in July 1965) informed his Party Congress that no reform would occur; he stipulated that decentralization of State controls—the key to meaningful change—"is not Rumania's way of doing things."

CURIOUSER AND CURIOUSER

It is curious that the "rebellious" idea of modifying the totalitarian economic structure *also was invented by Soviet Russians.* Nikita Khrushchev was the first, gingerly, to attempt decentralization, in 1957. In the early 'Sixties, Kharkov University Professor Y. Liberman began his daring advocacy of market-economy concepts like profitability and managerial initiative. Liberman is the basic text for the debate flourishing ever *since in Soviet and satellite (except Rumanian)* economic circles.

Khrushchev tried for geographical decontrol by replacing 10 central and 15 republic industrial ministries with 104 regional economic councils (Sovnarkhozy). His announced purpose was to spur local economic flexibility, but the real aim was to strengthen Khrushchev's provincial Party henchmen against his opponents in the Moscow bureaucracy. Weakened in the Cuban-missile confrontation, Khrushchev was compelled by his critics in 1963 to accept a Supreme Sovnarkhozy, which brought the reins back to Moscow. After his downfall, the regional councils were suppressed.

Some modification of the Command Economy (though far short of effective) was allowed in 1965. Managers got the right to discharge unproductive workers, but no say in distribution of plant production. A bigger chunk of "profits" was left to the individual enterprise, but no curb was placed on the arbitrary pricing system which operates independently of supply, demand or true cost and makes profit meaningless. The slow-grinding three-tier administrative structure—State Planning Commission (Gosplan) over Industrial Ministries over Individual Enterprise—remained. As noted in the U.S. Information Agency's bimonthly "Problems of Communism," the "reform measures do not even begin to eliminate the fundamental deficiencies of Soviet economic management."

Similar defects are rampant among the satellites. Despite much talk and some patchwork, nowhere (except Yugoslavia) has any dent been made on the two major obstructions: know-nothing control of economic decision by the Red political apparatus, and management according to Marxist prejudice, rather than according to the marketplace.

GLUTTING THE WAREHOUSES

Thus it was possible, at the Zabrze-Zakrzow Metal Works (as reported by the Polish press), for an unusually alert plant director to notice that demand for large refrigerators was dropping and a shortage in small ones rising; for him and his workers' council to recommend that next year's plan should increase output of smaller models 70% at the expense of big models; for the far-away central planners to reject this and order more big models than the preceding year, on grounds that small units would require extra labor and some overtime pay, thereby upsetting the indices for jobs and wages already concocted by the Ministry. So the big units were inexorably manufactured—to join some *60,000 unsold units already glutting the local* warehouses.

This characteristic satellite example in Poland dates not from 1950 but from 1965–66. It suggests that, after years of ballyhoo and change, things remain very much the same. On decentralization, the much-advertised re*forms have tended to restrict the top echelon* of the Command Economy to long-range strategy, leaving tactical decisions to a lower level: "Trusts" in Czechoslovakia, "Industrial Associations" in Poland, "Associations of People's Enterprises" in East Germany, and so forth.

The exiled Polish economist Michael Gamarnikow, a brillant student of satellite economics, has analyzed the abberations of these agencies in the magazine "East Europe" (July 1966). They are a cross between cartel, combine and holding company, controlling the finances and administration of component enterprises, their targets and production. *Being smaller than the old bureaucratic units,* their deluge of directives is less torrential, but they merely interpose still another institution into the superstructure. Appointable and fireable by the Minister, the Trust Director reports to him, preserving the old political "transmission belt." Top Trust *positions are mainly filled by people from the* old apparatus. As one satellite journalist has put it, "Only the name of the institutions on the door has changed. The persons inside, their habits and attitudes, remain the same."

CLING TO THEIR POWER

Some variations of a limited free-price system are being introduced requiring enterprises to pay some attention to what the market, i.e. the consumer, wants. But there is small sign that the central planners are ready to make these valid by yielding or reducing their arbitrary rule over production costs and profit. They cling to their power to fix prices of raw materials, semi-finished products, fuel and power, the size of total payroll and individual wages, the wholesale and retail prices of finished goods.

For authentic profitability, price increases would be inescapable in the Communist systems. Production costs would have to rise if only because interest would have to be paid on capital for the first time and subsidies reduced or ended. Nevertheless, not one of the published East European economic blueprints contemplates any real compensation in higher personal earnings. Underpaid labor and exploited peasants (subject to arbitrary low prices for their produce) would remain the chief sufferers. So long as the State dominates all the other production costs, managers trying for a better profit performance would have little room to maneuver except by discharging superfluous workers. (Experimenting cautiously with higher wages and reduced work-force in a few plants, the Soviets were amazed to discover that labor productivity soared by 31% when 7% of the workers were dismissed.)

WHY ARE THEY UNLIKELY?

Why are such reforms unlikely? Mobility of labor, for one thing, raises the specter of political contamination. Consumer-goods production, for another, takes capital away from rockets, moon probes, heavy industry, guns. Surrender of production and investment controls deprives the Party faithful of jobs and strips the Party of influence. So would the necessary closing of profitless enterprises, many of them huge status symbols built during the Stalin era and maintained only by State coverage of their deficits. Nation-wide services like housing—now provided at nominal rents—would have to be charged at cost plus. All this would bring social—and potentially political—disturbance.

Confronted by such menace, the Red regimes are marking time with half-measures—and peering westward for rescue with*out risk or obligation. Even where,* as in Czechoslovakia, 1,300 inefficient enterprises were shut down in 1964–65 and the abolition of another 1,400 is projected for 1966–70, the net result is considered virtually nil by local observers ("Procrastination as a Planning Principle," in "Prague Reporter," July 16, 1966). "It will be impossible," says the Polish weekly "Polytyka" (August 8, 1966) "to lead our economy into clear water without correcting the price and wage structure or, to put it buntly, without introducing such a structure, because there has been no such thing in our economy. . . ."

Another pillar beneath the bridges policy is that the rise of satellite trade with the West reflects East Europe's gradual emancipation from the Soviet Union. Ergo, Washington argues, still larger trade means still larger emancipation.

GOT THERE FIRST

Once more it must be reported that the Russians got there first with the idea. In June 1958 the Soviet government formally proposed increased trade to the U.S., offering substantial orders for American equipment (if we would arrange the credits) to advance a multibillion-dollar expansion of the Soviet chemical industry. The *following January, Anastas Mikoyan, as Soviet Deputy Premier,* journeyed to Washington specially to request removal of trade restrictions and grant of large long-term credits. He got a short answer then, but his arguments and his shopping bag have been dusted off by present U.S. advocates of business deals with Communism.

It must also be noted that satellite trade with the free world has been developing at no faster rate than Soviet trade with the free world—or satellite trade with the Soviets. Rumania's non-Communist trade went up from 27% of its entire foreign trade in 1960 to 35% in 1965, a rise of eight percentage points. In approximately the same period the USSR's trade with non-Communists went up seven points, from 29% in 1960 to 36% in 1964. From whom was the USSR emancipating itself?

During the same time, Poland, whose emancipation we have long been overtly fostering by trade concessions and economic aid, actually cut down its business with the West from 43% to 39%. Meanwhile, satellite trade with the USSR, which East Europe was supposed to be rejecting in its turn westward, rose from 37% in 1960 to 40% in 1964, the latest year available for full comparative data. Rumania stood third-highest among the six satellites in her level of exchanges with the USSR. This hardly sustains the thesis that Rumania is spearheading a Western orientation.

In some cases the West's increase in a satellite's trade does amount to more than the West's increase in trade with the USSR. Invariably the difference represents the value of Western credits. In other words, the West pays for such increases. Western Europe and Japan have been easier on credits to the satellites than they have to the Soviets. The titillating thing is that Moscow has not resented such discrimination. Recently released figures on 1965 Rumanian trade with Western Europe may tell why.

Thanks to credits, Rumania's unfavorable balance of trade with the six Common Market and the Outer Seven countries reached 490 million lei ($82 million at the foreign-trade exchange rate). By eloquent coincidence, this was almost the identical figure (495 million lei) for Rumania's favorable balance with the Red bloc. It represented a credit from Rumania to her Comecon partners in their barter economy. Thus, indirectly but effectively, Western credits had been transferred by Rumania to the other Communist states, with the USSR getting the usual lion's share. Moreover, because the Soviets were continuing their notorious practice of charging more than world prices for Russian exports to Rumania and of paying less for imports from Rumania, Western credits were also fattening Rumania for further exploitation by the USSR.

Despite such pillage, the notion lately has grown current that the Soviet Union now is being exploited by East Europe, rather than the other way around. The satellites, it appears, get world-market prices from Russia for their inferior machinery, while paying "below cost" prices for Soviet food and raw materials. This view, very satisfying to members of the satellite-emancipation cult, derives its inspiration from Russian economic *journals.*

OVERCHARGES SATELLITES

Actually, as distilled by exiled Estonian economist Aleksander Kutt from the official Soviet annual survey of USSR foreign trade, Russia collected an extra $12.7 billion from the satellites in a single decade by over*charging and under-paying between 1955* and 1964. Instead of diminishing, this loss to East Europe has been on a mounting scale, from $503 million in 1955 to $2,251 million in 1964, the latest year officially recorded in full.

For 1965, Soviet figures specifically avail*able on crude oil exports show the satellites* still being charged more than the USSR's West European customers: Czechoslovakia had to pay 18.06 rubles ($20.07) per metric ton; Poland 17.11 rubles, East Germany 15.32—while Austria got the same ton for 10.98 rubles and Italy for 7.93 rubles. The 1965 price to the Czechs was 127% higher than to the Italians.

The myth that the satellites suddenly have begun exploiting the USSR is more than a Soviet effort to cover up chromic extortion. It provides a smokescreen of indignation for a new Russian drive to exact still higher prices from the captive nations for Soviet raw materials. These prices are to be based on production cost plus. Though above world level, the exorbitant charges previously levied on the satellites still do not make Soviet exports profitable. But this is due to the inefficient and uneconomic Soviet procedures which swell production costs.

FORCED LOANS

In June 1966 the authoritative "Voprosi Ekonomiki' summoned the industrialized satellites to invest in Soviet extractive industries if they wanted to continue getting raw materials. Czechoslovakia, Hungary, and East Germany promptly agreed to give the USSR such loans. Soviet domination of East Europe's economy will only be strengthened if Western financing speeds industrialization in underdeveloped Rumania and Bulgaria. The more these require Soviet raw materials, the greater the Soviet bargaining power over them will be.

Thus four major economic props beneath the emancipation bridges have the solidity of jello. There is also reason to suspect that even the traffic over the proposed bridges is radically not as described by White House, State, Commerce and other promotional U.S. agencies.

The Administration has specifically ruled out anything strategically useful: "In no case," according to the State Department, "does our policy permit trade with Communist countries in war materials and other strategic items." True, no U.S. bombs, missiles, tanks or other military goods have been sold direct to the Reds. But what about the so-called "gray area" items?

These are commodities or know-how which can be bellicose or pacific in application, depending on the good faith of the recipient. The Administration must consider Red good faith to be impeccable. Gray items get licensed for export when a "determination" is made they will be used for "peaceful purposes." Government spokesmen—among them, Assistant Secretary of Commerce Alexander B. Trowbridge, in a speech to the National Foreign Trade Council Convention on November 2 publicly congratulate themselves that more and more such goods are being approved whenever "demonstrated to us that the order is reasonable and necessary for the civilian economy." This has been going on "for some years" with Poland, Trowbridge rejoiced, "since 1964" with Rumania; and "more recently with other countries of Eastern Europe and the USSR." He added that the U.S. was also now okaying "some types of commodities and technology which we were not approving to any of them a few *years ago.*"

Among gray shipments, listed by Congressman Glenard P. Lipscomb (R., Calif.) in a speech to the House on October 17, are: know-how to build a Soviet plant for glycerol, used in explosives; metal-cutting machinery to Bulgaria for ball bearings; piston-*making equipment for Rumania; an aluminum*-tubing mill for Czechoslovakia; steel mills and rotary combustion engines for East Germany; a chemical factory for Poland; radiation instruments and airplane navigational equipment for Hungary.

RANDOM SAMPLING

This is a random sampling from hundreds of war-useful items licensed: a list just for part of 1966 covers two full columns of small type in the CONGRESSIONAL RECORD. All are undeniably employable in peace, but easily convertible to war. One must conclude that Washington believes either that a Communist promise is as good as gold or that the risk of our troops somewhere getting hurt by a gray item turned black is justified by the boost which that item might have given a Communist economy.

Communist pledges never to detour strategic goods from "civilian" purposes would be dubious enough if the Red bloc were currently on its best behavior. But right now all its members are flagrantly helping the Vietcong war effort. Just in the past 12 months, Soviet ships have unloaded at least 50 cargoes at the North Vietnam port of Haiphong. Moscow Radio boasts (in its domestic service) about Haiphong wharves crammed with crates of equipment "from Soviet and Czechoslovak factories." After a personal inspection trip to Vietnam, Senate Majority Leader Mike Mansfield (who nevertheless still advocates bridges) officially reported the Vietcong was getting "full and firm support" especially from the Soviet Union, Poland and Rumania—the two satellites still regarded by Mr. Trowbridge as notably trustworthy. East German, Bulgarian and other satellite chiefs regularly reaffirm their direct aid to "the Vietnamese people's heroic defense against American imperialist aggression."

DEADLY WALLOP

An item need not even be "gray" in the strategic sense to pack a deadly wallop. The Vietcong transport for its guerrillas, weapons and supplies is donated largely by the Red bloc. Rumanian and Czechoslovak trade agreements with North Vietnam include vehicles; said Prague Radio (again only for internal broadcast): "We shall deliver . . . machines and equipment, means of transportation."

Yet, with Congressional approval, U.S. taxpayer money is being funneled through the Export-Import Bank to finance American equipment comprising 75% of the installations in the Soviets' Fiat-planned, $887 million auto plant, expected to produce 600,000 cars annually. As these roll off the line, it will be child's play to metamorphose them out of their "civilian" innocence.

Petroleum is another peace-loving commodity with a mortal kickback. Soviet oil dumping on non-Communist markets, to acquire foreign exchange for the USSR's industrial build-up, has been noted. This *drive, also aimed at making under-developed* African and Asian countries dependent on the Soviet by displacing Western oil suppliers, became so clearly perilous that the State Department two years ago issued an alert about it. A National Petroleum Council report (sponsored by the U.S. Interior Department) said that Soviet-bloc oil exports "further Communist political objectives, (with) penetration especially marked in Western Europe"; the Council warned that "Western equipment and technology would enhance the Soviet's ability to produce, refine and export oil." Yet one of the *first moves in the Administration gambit for* Rumania's "independence" was a 1964 license to help set up an oil refinery installation there with capacity of one million tons annually. Since then there has been a steady stream of approvals for petroleum drilling and oil and gas production equipment.

The *real Red dilemma is how to pay for* U.S. skills and equipment. They can pay only by borrowing. Not short-term credits, which lower the boom quickly, but long-term. Ultimately the logic of the bridge policy must compel such credits in bulk. Critics of the Administration see this as the *most pernicious aspect of the program.*

The Communists already have accumulated a cozy $2 billion commercial debt, largely in West Europe. Industrial sales approved or executed for Rumania are backed by five-year credit guarantees to U.S. business from the Export-Import Bank. The President now has Congressional authority, at his discretion in "the national interest" to command the Bank's support for more of the same with the entire bloc. His Special Committee on East-West trade deliberately advised him that "trade with Communist countries should not be subsidized." But this is what we are ready to do.

FORM OF SUBSIDY

A long-term credit to a Communist country is a form of subsidy, especially in the political sense. Five years is not "normal" short or medium term. Ninety days is normal when Western countries trade with each other, or six months, or possibly a year. The five-year term was originally a limit; the 1934 Berne Agreement pledged export credit institutions not to guarantee commercial credits for a longer period. But the U.S. has come to accept five years not as a limit but as normal.

So far, the U.S. has admittedly been urging other suppliers to restrict their bloc credits to five years, correctly contending that anything more is not trade but aid. But, in the context of the Administration's overall thinking, this clearsightedness is sure to dim. Meanwhile Japan and her West European competitors, in their race for Communist orders, have escalated to seven, 12 and 15 years. The justification given is that a credit's duration should match normal amortization for complete factories and other major equipment like ocean-going vessels.

Ironically, though these interminable credits are called good business, and the Communists good risks because they have not defaulted to date, in no case will the Western businessman stir without a government guarantee of his risk.

THREE ALTERNATIVES

Opponents of the bridges policy see three alternatives on long-term U.S. credits: to grant the credits unconditionally; to withhold them absolutely; to pay them out gradually, each one in exchange for a specific concession leading gradually toward a genuinely favorable change in East-West relationships.

The Administration seems intent on the first choice. The critics find merit in the second; recommend the third; and consider the first potentially ruinous to the economic and political interests of the captive peoples and of the free world.

Credits without quid pro quo would enable the Red systems to continue operating as they are, slowing reform, freezing or scrapping it. This appraisal is not guesswork. Once assured of substantial U.S. credits in 1964, Rumania became the only satellite where even discussion of possible reforms was taboo. As soon as large-scale American aid for Poland was nailed down in 1958, the Communist Party there rejected a radical reform plan drawn by the Polish Economic Council the previous year. As long as American help was pouring in, Yugoslavia did nothing about liberal programs formulated in the mid-'Fifties; since the help dried up two years ago, the Yugoslavs have been racing to introduce economic incentives, managerial initiatives and other "capitalist" concepts.

Unconditional long-term credits simply would eliminate or relieve the bloc's acute pressures. Why bother to remedy the foreign-exchange pinch by narrowing the quality gap between Eastern and Western competitive products instead of concentrating on space exploration and armaments—if the U.S. obligingly waives the need for foreign exchange? Why decentralize management and reduce the Party's control, or decollectivize and allow the peasants to till their own land or form genuine cooperatives—if the U.S. supplies industrial machinery and technical guidance, chemicals and agrarian know-how which will enable the totalitarian economy to get by without drastic overhaul? Why scratch for efficiency, lower costs and profitability in a liberalized economy so as to earn investment capital for rational expansion—if the Americans will do the investing and ship the expansion? Why raise wages and give other rewards for greater effort by labor—if American techniques and equipment will increase productivity without such costly incentives?

MAKING A BUCK

Suppose the second alternative is adopted and Washington suppresses entirely its impulse for long-term financing of bloc economies. The exact positive of the negatives listed above will not accrue, if only because other countries may continue their present zeal for "making a buck" out of the Red trade. But to the large extent that their resources cannot fill the void created by our abstention, the stresses inside bloc economies will have their chance to perform constructively.

After all, the wave of reform clamor by Red economists was not provoked by us but by the inherent defects of the existing system. The first satellite to pick up the reformist theses of the Liberman school in the USSR and make the biggest noise about them was Czechoslovakia—which had been the most industrialized prior to the Communist grab and therefore the first to bog down under Communist mismanagement.

If we refrain from solving its dilemma, the bloc may yet be constrained for economic survival to do something about them. The USSR has the largest problem, because, on a much smaller economic basis, it supports armament and space programs comparable to the American. And all the Comecon members must increase their agricultural investments, keep other investments at a level adequate for a minimum 4% growth in gross national product, and somehow lure the cooperation of farm and factory workers.

Till now the leadership has been resisting basic changes which could create counterforces against the Party's hegemony. But necessity may yet compel the acceptance of political risks: incentives to end foot-dragging by peasants and workers; less planning and more productivity; more butter and less moonshots; the accumulation of foreign exchange by outselling competitors abroad rather than by outdumping them, and so on.

There remains a final, supreme consideration for any American businessman who may still hanker after elusive profit from selling to the Communists. He must decide in his own private conscience whether the profit is worth the personal risk that some day, soon or late, on some near or distant battlefield, his neighbor's son or his own may be struck down by a weapon which his zeal for trade put into an enemy's hand.

[From the Journal of Commerce, Oct. 10, 1966]

KEEPS OPEN MIND, BUT—BUSINESS SKEPTICAL ON SOVIET TRADE BID

Businessmen, the majority of whom are skeptical about, if not opposed to, trading with East European countries under prevailing circumstances, nonetheless will await with great interest the outcome of the President's holding out of the olive branch to the Soviet Union late last week. The President made this move when he announced last Friday in an address here to the National Conference of Editorial Writers a number of steps by the U.S. designed to foster trade and travel with the East European Bloc.

Coming at a time when the U.S. and Soviet involvements in the Viet Nam conflict are escalating, the initial reaction of business executives interviewed by The Journal of Commerce here and in the Midwest ranged from surprise to incredulity.

WAIT AND SEE

But, after weighing the implications of the President's action within the context of his announced aim of demonstrating that this country stands ready to do its part in the "building of a foundation of mutual trusts," some businessmen were inclined yesterday to wait and see rather than criticize the President even though the granting of credit to Communist countries as proposed by President Johnson goes against the grain.

Contributing to this attitude was the inference that, in view of the discussions the President had with the United Nations' Secretary General right after his speech and is scheduled to have this afternoon in Washington with Soviet Foreign Minister Andrei A. Gromyko, easing of trade-travel curbs is part of an over-all effort to try to get Viet Nam peace talks going and to reduce our military posture in Germany.

Further, the point was made that the President was fully cognizant of Congressional reluctance to authorizing easing of Communist trade curbs and also of public sensitivity regarding Viet Nam where U.S. casualties are mounting. Hints, his action only a month prior to the national elections was presumed to be equally fully premeditated.

WELCOME INITIATIVE

Considering the above factors, there was also some inclination yesterday in some business quarters to welcome the President's initiative even though it was felt that hopes of developing a substantial volume with the East European Bloc in the near future are pretty futile. There was a caveat, however, that any such trade easing should not include the provision of technical know-how that might be regretted later.

Insofar as technology goes, puzzlement was voiced regarding the President's reference to sharing it with Europe. The question was raised as to whether Mr. Johnson might be considering pushing companies to share certain technology which they would be reluctant to do.

On Friday, a Journal of Commerce survey revealed that Midwest businessmen and bankers were strongly skeptical over the likelihood that President Johnson's moves to liberalize East-West trade would result in any immediate rush by U.S. industry to step-up trade relations with eastern bloc countries.

The survey of central state manufacturers at the weekend revealed a strong undercurrent of incredulity that the Administration would seek to produce closer trade ties with the eastern bloc at a time when the Soviets are providing financial and material assistance to the Viet Cong and the North Vietnamese.

Much of the reservation about accelerated East-West trade also stems from difficulties encountered by U.S. manufacturers in previous attempts to set up trade relations with the East under the Eisenhower and Kennedy Administrations. Midwesterners point out that both these administrations attempted more liberalized trade with the East only to have their efforts bogged down by Congressional and Defense Department objections.

A Chicago-based machinery manufacturer commented that efforts to export clearly nonstrategic machine tools to Czechoslovakia, Rumania and the Soviet Union during the past several years have constantly met with Defense Department objections even in cases where export permits have been obtained from the Commerce Department.

"It establishes a very bad image for the U.S. to accept an order and specify a delivery date only to have to later cancel it under Defense Department veto," he said.

A Detroit automobile parts manufacturer observed that Export-Import Bank authorization to finance U.S. exports for the Soviet-Italian Fiat auto plant is apparently the result of urging by Italian manufacturers in need of American tooling to complete the plant on schedule. He said it is doubtful the offer of Eximbank financing will provide much of a stimulus to accept orders for the project since manufacturers are already hard-pressed to fill domestic orders.

Another Detroit engine manufacturer expressed doubts that the moves to liberalize trade will produce any significant near-term results as long as there is no clearly set-out definition of the term "strategic."

He said his company was recently compelled to cancel firm orders from an eastern bloc auto plant for truck engine parts when the Defense Department registered its objection. He noted that these orders were to be the first in a continuing series of shipments running for several years.

In support of the Administration's proposals, Maynard P. Venema, chairman, Universal Oil Products, told The Journal of Commerce that increased trade with the eastern zone can be an important wedge in the establishment of better social and political relations with these countries.

Mr. Venema stressed he is completely opposed to the shipments of materials that might be used in any way to support the Viet Cong and the North Vietnamese in their war efforts. Along these lines, he said there is a clear need for the Administration to agree on what is strategic.

Mr. Venema observed that establishment of trade relations has been in large part responsible for whatever support U.S. policies are presently receiving in eastern zone nations. It seems to make sense that increased trade would tend to strengthen the U.S. position in these areas, he said.

[From the U.S. News & World Report, Mar. 27, 1967]

EAST-WEST TRADE—WHAT IT MEANS TO BUSINESS

The idea is getting around that new approaches to Russia will bring Americans a bonanza in trade with Communists in Europe.

U.S. businessmen would sell large amounts of goods behind the Iron Curtain. So would Western Europe, Canada and Japan. Communists would gradually become capitalists. That's the theory.

You get a different perspective, however, from European businessmen and government experts who are actually doing business with the Reds.

Here's what these authorities say:

Trade between Eastern Europe and the West will indeed continue to grow—perhaps by as much as 10 per cent a year. But today Russia and its European satellites buy only 4 billion dollars' worth of goods a year from the entire non-Communist world. The U.S. alone buys more than 25 billions' worth.

Individual American companies may make some sizable sales in Eastern Europe. U.S. exports there might hit several hundred millions a year, compared with about 200 millions in 1966.

But, significantly, potential markets in these lands will remain relatively modest. Growth is strictly limited.

The main trouble is that Russia and its friends have very little to sell to the West. Eastern Europe has little chance of earning the foreign exchange it needs to pay for imports.

Russian exports, for example, consist chiefly of raw materials such as metals and agricultural products, items for which the West generally has little need. The Soviets may increase their earnings in the future if plans for piping oil and gas to Western Europe work out.

British experts say sale of Red-made manufactured goods is limited by their poor quality, outdated marketing and inadequate after-sales service.

Communists are said to be trying to make their goods more competitive.

"But don't expect miracles," cautions a trade expert in Geneva. "So far, there is little evidence that the outlook for Eastern European exports to the West will improve quickly."

Plans for big offers of credit by the West aren't likely to make much difference either, say Europeans.

The Kremlin hasn't made full use of credits already available. Britain, for one country, offered the U.S.S.R. a 280-million-dollar credit in 1963. The Russians used only half, let the rest expire.

There's little question that Eastern Europe needs Western goods.

Industrial equipment and processes top the list. Russia is particularly interested in Western chemical and synthetic-textile plants. It is now making deals for Italian and French auto plants. Iron Curtain nations want steel, shipbuilding and pulp-and-paper machinery, too.

Europeans think U. S. firms may be able to outbid them for petrochemical, electronics and food-processing plants.

Computer and office-equipment sales are expected to climb. Europeans concede a big share of this market to U. S. companies if the U. S. lowers trade bars.

But European traders emphasize that Red lands buy only what their national plans call for. Thus, prospects for big sales of consumer goods remain dim.

For some firms, it seems, East-West trade may produce big profits. But for most, any bonanza looks far away.

[From Business Week, Oct. 29, 1966]

COMMUNIST TRADE: NO BONANZA YET

(That's the view of most U.S. businessmen. They're skeptical about the benefits that may flow from Washington's relaxation of rules on trade with Eastern European nations.)

Like the cold war itself business attitudes toward dealing with Communist countries appear to be thawing.

The process has speeded up a bit now that President Johnson has moved to relax restrictions on trade with the Soviet Union and some East European Communist countries. Increased trade with the Communists is one facet of a broad new "peace offensive" launched by Johnson to improve relations with the Russians and to help keep a lid on the Vietnam war. Thus, the President:

Removed some 400 industrial and consumer items from rigid export licensing requirements.

Announced that the Export-Import Bank backing for credits is being extended to four more East European countries.

Promised to press for legislation empowering him to relax tariff restrictions with Eastern Europe if he feels it to be in the national interest.

"I'm just delighted to see it," says James G. Miles, vice-president of Control Data Corp. His company doesn't stand to gain any immediate benefit—computers are still on the controlled list—but Miles thinks the Administration move is in the right direction.

Nick of time. Some other U.S. companies surveyed by Business Week say the trade relaxation comes in the nick of time—so rapidly have their West European competitors moved into East European markets.

"It's probably overdue," says Franklin Judson, corporate secretary of I-T-E Circuit Breaker Co. Even more blunt is Donald H. McIver, vice-president of Ex-Cell-O Corp.'s Machine Tool Group: "Our government has been very foolish to restrict trade with East Europeans." The restrictions have "promptly put business in the hands of our West German competitors," he says.

Even businessmen who otherwise would find trading with Communists distasteful figure that the U.S. might as well relax restrictions since it can't stop its allies from doing business in Eastern Europe.

"As a citizen, I think that if the Communist countries are promoting world revolution, and if we can slow down or inhibit those countries by not trading with them, then it would be the thing to do," says Julien R. Steelman, president of Koehring Co. "But if you can't enforce the embargoes, there's no point in half-way measures. All we've accomplished with the strategic lists and the licensing is to keep the U.S. out of competition with France, West Germany, and Italy."

Skeptics. A few businessmen believe that relaxing trade restrictions may be useful from a political standpoint. "Anything LBJ could do to warm up the Soviets to get their cooperation on Vietnam would be a good idea," says S. S. Savage, manager of the International Div., Diamond Alkali Co.

But most businessmen tend to be a bit skeptical about any political and economic benefits.

U.S. trade with Eastern Europe has never been large (exports in the first half of 1966 amounted to only slightly more than $100-million). It is hobbled by the fact that the Communists have not been able to produce much that Americans want to buy, and thus lack dollars to purchase in the U.S. They often want to make what amounts to barter arrangements—something that is unattractive to most big U.S. companies. And abusive anti-U.S. propaganda leaves many businessmen cold to dealing with Communists.

"Our company has never solicited business from these countries, nor do we intend to," says Dr. James C. Hodge, president of Warner & Swasey Co. He adds: "It's a bit puzzling to hear one week that we need to reduce demand pressure for machine tools in the U.S., and then encourage foreign sales of equipment the next week."

A few companies remain even more adamantly against East-West trade. "I do not approve of trade with any Communist countries," says Robert W. Galvin, chairman of Motorola, Inc.

Backlash. Some companies, such as Lincoln St. Louis, a subsidiary of McNeil Corp., are now researching trade possibilities. However, others don't think that many of the 400 items removed from the strategic list are going to be big sellers in the East. Koehring's Steelman points out that West Europeans are already selling these items to the Communists; and he calls the Johnson move "a big wind with no rain."

And consumer goods companies that deal with Communists can feel a "backlash" in the U.S., as Firestone Tire & Rubber Co. did last year. It backed out of talks with Rumania for building a big synthetic rubber plant after anti-Communist groups brought pressures.

B. F. Goodrich Co.'s International Div. vice-president, Gerard Alexander, makes the key point: "We are an American-based company, and we have to live with the mood of the people. The Administration will have to do a good selling job to change this mood and convince people that East-West trade is good for the country."

Uncertain benefits. Even manufacturers of capital equipment—which is what the Communists most want to buy—aren't looking forward to any bonanza in Eastern Europe.

"We don't feel it's worth spending the effort to develop a market in the Communist bloc countries," says the president of a Houston oil field equipment manufacturer.

And W. Cordes Snyder, Jr., chairman and chief executive officer of Blaw-Knox Co., doubts that even the Export-Import Bank's backing of credits up to five years will stimulate sales of heavy machinery to East Europe. "I don't think they can pay it back in five years," he says.

Edson W. Spencer, vice-president, International Div., Honeywell, Inc., is "inclined to think that there will not be big benefits. Most companies will find strong foreign competition."

Perhaps most important of all is the point a West Coast businessman makes: "Americans aren't hungry enough to fight now with the Western European countries for Communist business."

Some winners. Still, some companies see a good chance to make sales as a result of the lifting of trade restrictions. One of them is Ex-Cello-O, which figures to participate in the giant deal whereby Italy's Fiat will supply the Russians with a 600,000-car-a-year auto plant. Johnson authorized the Export-Import Bank to guarantee credits for machinery shipped by U.S. manufacturers to Fiat for use in the new plant, and Ex-Cell-O's McIver says his company "absolutely" expects to get some of this business.

Possibly benefiting, too, are some farm equipment manufacturers—although the results may be long-term. While East Europeans are short of dollars right now, says Neil M. Chrisman, director of export sales for Deere & Co., the question is "what's going to happen in the next 10 years." Chrisman notes that in farm equipment, U.S. producers have one advantage in the competitive race: They make the big equipment the Communists want; Europeans and the Communist countries produce mostly smaller equipment.

Some chemical companies may profit from the removal of some industrial and agricultural chemicals from the export controls list. A big Midwest chemical company is now researching trade possibilities. Dr. Ernest Csendes, executive vice-president of Occidental Petroleum Corp., is somewhat optimistic about the prospects. Occidental has talked with Moscow about building ammonia plants, and Csendes considers Russia a good trade possibility in perhaps five years, especially for chemical plants and fertilizers.

[From the Wall Street Journal, May 10, 1966]

BACK-DOOR TRADE: U.S. FIRMS DEAL MORE WITH RED BLOC VIA FOREIGN UNITS

(By J. Russell Boner)

Leipzig, East Germany.—American companies are selling more to Communist countries than anyone would ever guess from the trade figures.

They are accompanying this through the back door, via subsidiaries in Europe. Thus, sales and profits from dealing with Eastern European nations are buried in the consolidated corporate reports of U.S. companies and are reflected in export figures from European nations, rather than in U.S. trade totals. Moreover, these sales may obtain fresh impetus from a bill proposed by President Johnson last week to liberalize trade with East European nations.

Examples abound of heavy selling to Eastern Europe by U.S. subsidiaries abroad.

Victor C. Squitieri, Jr., manager of Honeywell, Inc.'s commercial controls division for continental Europe, says, "Of the commercial equipment we sell (in East Germany) about 60% is made in West Germany and counts as German exports." Only 40% shows up in U.S. trade figures. International Business Machines Corp. reports that its sales to the Communist bloc come almost entirely from its Western European plants.

No one knows exactly how much U.S. trade is carried on through overseas subsidiaries. But talks with companies doing business behind the Iron Curtain indicate commerce of this type is rising faster than direct U.S. trade. Direct trade itself is moving up briskly. Last year U.S. imports from Red nations rose some 40% from 1964, to $141.5 million. U.S. industrial exports to Red nations rose, too, Government officials estimate, though the overall export figure slipped to $222.6 million from $339.2 million in 1964, because massive grain shipments of 1964 weren't repeated last year. Based on these figures, America's trade with the Sino-Soviet bloc accounts for only 3% of all East-West trade.

All the evidence indicates these statistics don't even begin to show the volume of U.S. trade with Red nations. Italy's Fiat, for instance, has just negotiated with the Russians to build an auto plant in the Soviet Union with a capacity of more than 2,000 units daily. The cost would be in excess of $800 million. Fiat officials say that U.S. companies may be asked to bid on more than $50 million worth of equipment for the plant. But the shipments to Russia would be through Fiat, and all sales would be lumped into Italy's exports to the Soviet Union.

U.S. EXHIBITORS OVERLOOKED

The U.S. trading role has been taken over by overseas subsidiaries to such an extent that some Communists apparently aren't aware they're dealing with American companies. The East Germans, eager to indicate American de facto recognition of their regime, claimed that 68 American firms were represented at the recent Leipzig fair. The number was heavily bolstered by the inclusion of over 30 U.S. publishers represented in two small booths by Dutch and Swiss exhibitors. Yet, astonishingly, in their listings the East Germans failed to identify as American more than 20 publicly held U.S. companies, including subsidiaries and ventures of such giants as Ford Motor Co. and H. J. Heinz (both counted as British), Honeywell (West German) and General Electric (French with Machines Bull).

The Communists aren't the only ones overlooking the American role in sales behind the Iron Curtain. "Britain Wins Moscow Order for Landing Aid System" reads a London Times headline. The story deals with a $280,000-plus Russian order for an instrument landing system to be installed by Standard Cables & Telephones, Ltd., at Moscow's Sheremetyevo Airport. Nowhere does the story mention that SCT is a British subsidiary of International Telephone & Telegraph Corp., New York.

Even U.S. banks apparently are establishing "back door" branches to help U.S. corporate customers abroad conduct trade with Communist nations. They are homing in on Vienna, a key financial center in East-West trade. Last November Bank of America opened an office in the Austrian capital, and Chase Manhattan Bank is currently negotiating to acquire an Austrian bank there.

There are many reasons American companies are selling the products of their European subsidiaries behind the Iron Curtain. Some are matters of simple economics: Lower transportation costs or easier adaptability. Others are of political origin, involving tariffs and clearances.

Caterpillar Tractor Co., for instance, has a perfectly straight-forward reason for preferring to sell Eastern Europe customers its D4 tractors made in France. "It costs $600 to ship a D4 from Grenoble," says Stephen G. Weckel, Caterpillar's Eastern European representative. The freight bill to ship one behind the Iron Curtain from Peoria, Ill., the company's U.S. headquarters, is over $1,200.

IBM equipment made in Europe is simpler to sell to the Reds because both East and West Europe are on a 50-cycle electrical system. Equipment sold in the U.S. is designed to operate on 60 cycles.

In many cases the sale of products made entirely in Europe can mean avoiding bothersome clearance procedures through the U.S. Commerce Department. In the final quarter last year, the department rejected export licenses for $1.8 million in goods, or 4% of the total applications for shipments behind the Iron Curtain. Not all the products for which licenses were required appear to be strategic goods. For instance, official clearance was required for $4 million worth of cotton seeds shipped to Albania.

Even where shipments are approved, the licensing procedure can pose a psychological barrier to trade. Mr. Weckel reports that last September Caterpillar concluded a deal to sell some $250,000 worth of big crawler tractors an wheel-loaders to Czechoslovakia, but did not get a go-ahead from the U.S. Government until last month. Mr. Weckel contends that the Communist representatives are "very unhappy about having to sign forms" pledging not to use the equipment for strategic purposes. And "it's embarrassing to the customer once they have done it to have to wait six months to a year for U.S. Government approval," he adds.

Communist lands often balk at direct trade with the U.S. because of the difficulties they encounter in selling goods to America.

"Exchanges must be made on a reciprocal basis," argues Vasila Eustatiade, a representative of Rumania's Masinexport. "We have to achieve a balance between imports and exports."

COMPLAINTS OF DISCRIMINATION

But this is difficult to accomplish. Gerhard Beir, East Germany's deputy minister of foreign and inter-German trade, says his country is stymied in selling to the U.S. because of "discriminatory treatment of our products." These include, he says, such things as high tariff barriers, the barring of East German businessmen from the U.S. and a requirement that U.S. importers stamp "Made in the Soviet-Occupied Zone" on East German products, including even Christmas tree ornaments.

The high tariff complaint is voiced by most Eastern bloc nations. Only Poland enjoys most favored nation treatment in dealings with the U.S. (So does Yugoslavia, but that country is considered a Western nation by the U.S. Government in its trading statistics.)

President Johnson has asked Congress to empower him to extend the most favored nation treatment to Red nations at his discretion. Under present law, these nations must hurdle the 1930 Smoot-Hawley tariff to sell in the U.S. The average Smoot-Hawley rate on durable products is about 45% of their value, against a comparable rate of 12.2% for nations covered under the 1962 Trade Expansion Act.

Many U.S. companies have begun working through Western European agents or representatives who can use or convert bartered Eastern European goods into hard currency in their own lands. This money, in turn, can be switched easily into dollars.

Gunter Diederichs, a representative of Franz Kragh, Bremen, West Germany, says his firm sells U.S. flue-cured tobacco to the East Germans receiving goods in exchange. In turn Kragh sells these goods in Western Europe and pays the tobacco growers in dollars.

Gordon S. Planner, director of Dominions Export Co., Ltd., London, handles Red bloc trade for a growing list of British-based U.S.-owned companies. Last year Dominions sold the Communists about 200 British Ford tractors and Ford-powered tractors.

Dominions actually sells more Communist-produced goods, such as fertilizer, furniture, toys and chemicals, in Britain than it does Western goods to the Reds. Because of this favorable flow of foreign exchange through Dominions, Mr. Planner says, the Communists are receptive to hard currency deals for products his company represents. As the Dominions experience indicates, it's much easier to sell Communist goods in Britain than in the U.S.; in fact, Britain has a trade deficit in its dealings with the European Communists.

The back door approach doesn't by any means suggest that American businessmen are being sneaky. Right now there's more pressure than ever before for a lowering of barriers to East-West trade. This year, for the first time, the U.S. State Department dropped opposition to U.S. exhibits at the March fair held here in Leipzig and rated as the most important trade fair in the Communist world.

A CHANGE OF ATTITUDE

The frank and open attitude in discussing trade relations with newsmen displayed by representatives of American firms and products here indicates a vast change from recent corporate misgivings about East-West trade. A year ago Firestone Tire & Rubber Co. dropped plans to give Rumania technical information to build a synthetic rubber plant. Sen. Fulbright (D., Ark.) charged then that the cancellation was due to pressure from U.S. right-wing groups and to attempts by Goodyear Tire & Rubber Co. to exploit the deal with the Communists for competitive purposes.

In fact, the increasing commercial contacts with Eastern Europe are viewed by many as beneficial to U.S. political aims. "Trade negotiations and trade relations can provide us with useful opportunities to influence attitudes in these countries in directions favorable to our national interest," argues a report to the President of the Special Committee on U.S. Trade with Eastern European Countries and the Soviet Union. This blue-ribbon group was headed by J. Erwin Miller, chairman of Cummins Engine Co. of Columbus, Ind.

Despite President Johnson's plea for liberalization of East-West trade, it's unlikely that the suggested measure will be enacted in this session of Congress. Even though the climate for liberalization may be better than it has been, this is not the sort of legislation anticipated in a Congressional election year.

Many Americans still strongly oppose trade with the Red bloc, contending that it only serves to strengthen communism to America's detriment. The prolonged Vietnam conflict, plus indignation over a plan by Western European companies to sell $150 million worth of steel finishing mills and other equipment to Red China, could strengthen the opposition to freer trade.

Thus it appears that for the present, at least, the main American approach to the Communist bloc will continue to be through the back door.

[From the Wall Street Journal, Feb. 10, 1967]

Russia "Goes Shopping" in West Europe

(By George Melloan)

LONDON.—When Soviet Prime Minister Alexei Kosygin began an after-luncheon speech before the Confederation of British Industry here this week many attentive executives no doubt hoped to hear that he had come shopping for boots, bicycles or other British-made goods.

But they soon learned that the Soviet Union's latest trade offensive in Western Europe is not all that simple.

Mr. Kosygin instead offered a rather perplexing proposal for joint, long-range Anglo-Soviet planning for industrial development so that each could stress industries that would serve some of the trade needs of the other. He also urged that the Soviet Union and Western Europe step up their exchange of expertise to close the "technology gap" that presumably gives the U.S. industrial superiority over Europe.

While the proposals were not exactly what British businessmen had expected, there can be little doubt that they were made with a serious and significant purpose. That purpose, implied a half dozen times in Mr. Kosygin's remarks, is to seek greater Western European help in building the Soviet economy.

That this help will be willingly, and almost enthusiastically, given has been demonstrated by the eagerness with which French, Italian and British companies have snapped up Soviet deals so far. The sums often look impressive to trade-hungry nations. But a more careful examination suggests that the long-term benefits to Western Europe of this cooperation may be less than Europe hopes for, and that the Soviet benefits will be somewhat greater.

ON THE OFFENSIVE

The evidence of the trade offensive in recent months has been impressive. Nicolai Podgorny, president of the Presidium of the Supreme Soviet, visited Austria in November and Italy last month, talking both friendship and contracts. Mr. Kosygin barnstormed France in December, shaking hands with factory workers and toasting General de Gaulle, before coming here this week for a repeat performance.

Western European visitors to Russia have seen the signs too. "There is no doubt there is a trade offensive taking place," says James Bryan Scott, managing director of Black-Clawson Ltd., a British producer of paper making machinery that sells equipment to Russia. "I've been going to Russia for 13 years and you can sense these things." As further evidence, he cites the fact that increased foreign trade was called for in the latest Soviet five-year plan, and that Soviet Foreign Trade Minister N. S. Patolichev has been given greater status in recent months. And the final test, of course, is contracts, which have been flowing out of Moscow in rising numbers and with increasing magnitude. Last week several contracts went to the French, including an order for two new Renault auto body plants, which will involve the shipment of some $50 million in equipment to Russia over the next few years. Britain's Courtaulds Ltd. landed a $26 million acrylic fiber plant contract this week. Another fiber plant, valued at some $112 million, is being built in the Soviet Union by Polyspinners Ltd. and John Brown Constructors of Britain.

And then, of course, there was last year's huge $320 million order to Italy's Fiat S.p.A. for help in building an auto plant at Togliati, on the Volga. The plant, with a capacity for 600,000 cars a year, will cost a total of $880 million. Italy's Olivetti landed a $60 million order to build two office equipment plants. And Ente Nazionale Idrocarburi, the big state-owned Italian oil company, feels it is close to agreement on a contract to build part of a pipeline that would bring Soviet natural gas to Austria, Italy and perhaps France.

There can be little doubt that Western personal appearance tours accompanying all this largess are partly political. The Soviets have obviously not missed the evidence that U.S. concentration on Vietnam and the ill-will the war has generated have weakened American influence in Western Europe. General de Gaulle has sought to exploit this weakening to increase his influence. The Russians are obviously seeking to do so too.

In his speech here this week Mr. Kosygin said that one way of establishing relations between countries of different social systems was the concluding of specific contracts and agreements "which would solve our problem and correspond to your own interests." At the same time he struck hard at U.S. Vietnam policy and at West Germany, which has been one of the closest U.S. allies in Europe.

It thus becomes increasingly evident that while President Johnson talks about building bridges to the East, the Russians are building a bridge, too, but with waning interest in spanning it across the Atlantic.

Soviet political goals are not too hard to fathom. Italy has a coalition government with strong Socialist overtones the Russians would no doubt like to see increased. Britain has a Labor government that is cautiously planning further steps toward a Socialist economy. Gen. de Gaulle has extended the hand of friendship to the Soviet Union. Even West Germany has become more conciliatory, despite the continuation of the Soviet hard line toward West Germans.

Better relations with West Europe might serve to increase Soviet influence there when there is evidence that its influence in East Europe is waning. And, with Red China threatening its eastern flank and disrupting the world Communist movement, the Soviet Union badly needs political friends. The fact that Mr. Kosygin is warmly shaking hands in London when the families of Soviet diplomats are being manhandled in Peking attests to the importance he obviously places on Western friendship at this stage.

NOT NECESSARILY BAD FOR UNITED STATES

A cooling off of the Cold War in Europe, even at the expense of a loss of American influence there, would not necessarily be an unwelcome development for the U.S. At this stage there is no serious prospect that the Soviet Union will be able to buy its way into a position where it would have a major influence over political decisions in Western Europe.

There is also every reason to believe that the Soviet objective in its trade offensive is just what Mr. Kosygin says it is, to build the Soviet economy faster.

The Soviet economy certainly has its problems. There is evidence, say Western analysts, that in recent years Soviet consumers have been on something of a buyers' strike. The main evidence is the fact that savings of Soviet consumers have risen about 50% in the last five years.

At the same time retail inventories have been rising. This indicates, says one observer, that buying power is being withheld, presumably because of the low quality of some of the goods being offered. The implications of this for the Soviet economy are not hard to see. If a state-owned enterprise makes products that customers won't buy, the state cannot recover the rubles it has invested. The result: A waste of capital, which is just as serious in a Communist country as in a capitalist country, particularly a Communist country that already has plenty of trouble generating an adequate return on its capital.

This need for Western technology and capital is undoubtedly one of the major reasons for the stepped-up trade offensive. Most of the contracts for new plants provide for long-term financing from the West. And of course, by buying the plants instead of products themselves, the Russians are essentially buying Western know-how. If the plants are obtained on credit, so much the better for the Soviets.

This need for technology was a major factor in the Fiat agreement, says a highly placed European auto executive who was close to the negotiations. He says that the cars the Russians have been able to build on their own correspond in technical quality to the cars that were being built in the West in the mid-1930s.

But while these contracts with Russia may look juicy, their long-term benefit for European economies is highly debatable. Since they are being financed either with Western money or through long-term arrangements for bartering Soviet oil, gas and other raw materials, the initial effect could even increase the deficit in the balance of payments of some of the European countries.

So far, in terms of payments balances, the records of the European countries in stepping up trade with Russia have not been good. All six of the Soviet Union's largest trading partners in Europe—Great Britain, West Germany, Finland, Italy, France and Sweden—ran a sizable deficit in trade with the Soviet Union.

BRITAIN'S WIDENING DEFICIT

In Great Britain, that gap has more than doubled since 1962, reaching $212 million last year. Britain is a heavy buyer of timber, furs and minerals from the Russians. It is no wonder that British government officials and businessmen were more hopeful that Mr. Kosygin would be talking more about redressing the imbalance by buying some British-made products than about the possibilities of long-term planning.

France hasn't fared so well, either, despite all the talk of Franco-Soviet friendship. For the first eight months of last year, France ran an $80 million trade deficit with the Soviet Union as a result of Russian failure to keep up its purchases under the 1964 France-Soviet trade pact.

And despite the imbalances that already exist, the Soviet Union is talking about using the technology it is buying to sell more goods to the West. The new Fiat plant will build cars primarily for export, only secondarily for the Russian market. The Soviet Union talks about doubling its petroleum sales to France. It will obviously hope to make Austria, Italy and France big customers for its natural gas.

All this may work well in the end for Western Europe. And termination of the Cold War is certainly to be desired. But over the long pull, as long as it deals with Russia on Russian terms, Western Europe may end up paying a high price for Soviet friendship.

[From the Chicago Tribune, Mar. 27, 1967]

East-West Trade

(By Eliot Janeway)

Bankruptcy would be too harsh a word to describe the take-over to which the largest paternalistic family proprietorship left in the world [Krupp] has just been forced to submit. Besides, a bankruptcy hurts creditors as well as owners. But Krupp's creditors have just protected themselves by jumping the owner.

The trouble which has developed is not commercial but financial.

Krupp never had a chance. For its big export successes were racked up across the iron curtain. And the soviet states . . . will jump at the chance to buy anything offered to them—just so long as they don't have to start paying for it inside of five years, and so long as they get terms stretching over another 10 to 15 years.

The Communists' governments . . . insist on having their imported equipment installed and operating before they obligate themselves to start paying for it; so that the plant and equipment . . . earn their keep before the bills start falling due. The way the communist governments hornswoggle the capitalists, startup investment costs need not be paid for until the time comes to declare dividends on a free ride.

For Krupp's soviet customers, the free ride has been a joy ride for years on end—until Krupp's salesmen finally ran out of gas. The creditors, in declaring the party over, have set hard conditions. Krupp's manager, who is the super-salesman and the self-styled unofficial German ambassador in the soviet sector, is to be superseded by a banker. The bankers, moreover, have told the government that, if Krupp was carrying its soviet customers as an accommodation for foreign policy, the government and not the banks should hold the bag; and the government is—to the tune of a new 75-million-dollar export credit guarantee for Krupp.

Krupp's crisis is America's object lesson. Germany has found out the hard way that not even Krupp can afford to do business with the soviets on their terms. Soviet financial diplomacy always needs a new sucker, and America is being invited to pick up the tab for the next round of "sales" across the curtain.

Are we about to rush in where the Germans fear to tread?

[From the Washington Post, Apr. 2, 1967]

Eastern Europe Fears Wider War

(By Robert H. Estabrook)

United Nations, N.Y.—Eastern Europeans here give a private reason for concern over the war in Vietnam beyond the publicly stated sympathy for their Communist counterparts in Hanoi.

They fear that the effect of continued conflict may be to damage their independence from the Soviet Union and curtail their freedom to establish additional ties with the West.

Already Communist-bloc countries are feeling a variety of pressures from Moscow indirectly attributable to the war. Some representatives here are worried lest Soviet involvement in North Vietnam increase and a demand be made on them for "volunteers."

They especially fear a direct Soviet-American confrontation—for example, if a Soviet ship carrying military supplies were to be sunk.

At the same time one experienced Communist diplomat here believes that the Russians are eager to see an end to the war because it is a distraction from their forthcoming celebration of the 50th anniversary of the Soviet Union.

What particularly agitates the East Europeans is the tendency of a war psychosis to encourage the latent Stalinist elements in the Soviet hierarchy and consequently to blight liberal tendencies not only in the Soviet Union but also in their own societies.

"When the post-revolution generation in the Soviet Union became adults it was at the height of the Stalinist terror," commented a perceptive Communist here.

"Now the post-revolution generation is becoming politically important in the other Socialist countries. It believes in co-existence, not isolation. We don't want to have a new Cominform or a reversion to Stalinism forced on us."

Yet the pressures are there, some of them perhaps due more to the traditional Russian attitude toward Eastern Europe than to any reassertion of Stalinism as such.

One such pressure is Soviet displeasure with a new nine-country East-West effort in cultural and economic cooperation. The loose grouping includes representatives from two NATO countries—Belgium and Denmark; three Warsaw Pact members—Czechoslovakia, Hungary and Poland; and four neutrals—Austria, Finland, Sweden and Yugoslavia.

Although the meetings have been very informal and have not led to much except talk, the Soviet Union is said to have been making difficulties for Czechoslovakia, Hungary and Poland over their participation.

As a result of these pressures, plus the failure of a Polish peace initiative last fall, Eastern Europeans here express discouragement about the prospects of a cease-fire in Vietnam.

They disclose that British Foreign Secretary George Brown wrote an unreported news letter to Soviet Foreign Minister Andrei Gromyko about three weeks ago proposing a more active peace effort but that Gromyko made a noncommittal reply.

Nevertheless, one Communist diplomat cited the moderate Soviet election-day speeches recently by Premier Alexei Kosygin and Party Chairman Leonid Brezhnev as an indication that the Soviet Union is still interested in trying to effect a compromise in Vietnam.

The words were very carefully chosen, he noted, "and Hanoi and the Vietcong cannot be very enthusiastic about them." Hanoi also is unenthusiastic about proposals made by United Nations Secretary General U Thant but has not rejected them, he added.

This same diplomat sees a possibility in the announcement of a change in the leadership of the Vietcong that both it and North Vietnam are in more of a mood to compromise—but not on the terms of the Ky government in Saigon. North Vietnam, he asserted, is in a more difficult economic situation than the Vietcong because of the effects of American bombing.

"But if Hanoi changes its line," he said, "the Vietcong will be forced to accept it. The political independence of the Vietcong is not real. In a real sense Hanoi and the Vietcong are the same thing."

This observation is unusual only because it comes from a Communist diplomat.

[From Barron's, February 1967]

Loophole or Rathole?—Congress Should Probe the CCC's Export Credit Sales Program

(By Shirley Scheibla)

Washington.—The doors of Intra Bank of Beirut slammed shut five months ago, but worldwide repercussions are being felt even today. In this country, dazed officials seem shocked that the Commodity Credit Corp. holds $21 million in letters of credit on the defunct Lebanese institution. Worse, CCC has no idea how much, if anything, the paper is worth. Naturally enough, Congress is beginning to wonder, too. CCC, after all, is supposed to support the price of agricultural commodities, and dispose of U.S. surpluses. What it was doing with Intra's letters of credit—and to what extent its financial soundness may have been impaired—remains a mystery which the agency, so far, hasn't adequately explained.

CCC'S FOREIGN POLICY

When it does, its answers to pointed questions from Capitol Hill are bound to range far and wide. For Intra Bank is only one of the questionable claims held by CCC against foreign banks, under its little-known Export Credit Sales Program. Not heretofore publicly disclosed are CCC claims of $68.8 million against the Bank of Egypt and some good-sized loan agreements with Communist countries—$50 million with Poland, $10 million with Hungary and $13.2 million with Czechoslovakia.

Moreover, CCC is negotiating right now with Yugoslavia, on a $10 million line of credit for the purchase of wheat, wheat flour and rice. Once Administration policymakers approve additional credit sales, the agency expects to start new talks with the Tito regime. (Both deals would come atop a controversial one announced last month to sell Yugoslavia $9.6 million of edible oils under Public Law 480—the farm-surplus disposal act.) All told, the agency expects to boost such outlays, currently amounting to $250 million (and just $124 million only six months ago), to well over $350 million in the next year.

Aside from the obvious financial risks, CCC's wheeling and dealing behind the Iron Curtain eventually may land the agency in political hot water. Thanks to the dust-up in Beirut, Congress is hearing about it for the first time. An admendment to PL 480, proposed by Rep. Paul Findley (R., Ill.) and recently enacted (after the edible-oils deal), forbids trade with any Communist state providing aid to North Vietnam. But CCC spokesmen are quick to explain that since their credit sales program is not covered by the law, they are free to do as they please. Trading with the Reds, they add, is consistent with the current Administration's "bridge building" policy.

The other side hopes so, too. "We want to continue our traditional trade with the U.S., which has been dealt such a shocking blow by the Findley Amendment," says Gavra Popovic, economic counselor in the Yugoslavian Embassy. "We must find a mutually acceptable means of doing so." Congressman Findley himself, upon learning of the scheme, bluntly called it nothing less than "a deliberate attempt to circumvent the will of Congress."

Until now, to be sure, the program has been restricted to commodities held in CCC inventory, plus tobacco covered by CCC loan. The agency, though, is drawing up a major new regulation under which it could purchase private stocks for export credit sales, of anything the agency may consider in excess supply. Exults one CCC lawyer: "There's virtually no limit to what we can do under this. We might even include frozen orange juice."

Clearly, it would give the agency unprecedented influence in world commodity markets. Already the program allows Uncle Sam to feed both friend and foe. In addition, CCC can supply the use of dollars for up to three years (or indefinitely, where it can't collect the debts). What's more, buyers get the advantage of export subsidies on such items as wheat, wheat flour, tobacco and rice. Yet sales under the program show up as pluses in the U.S. balance of payments—another count in its favor within the Administration.

UNKNOWN STATE

CCC officials admit, however, they're unable to make adequate investigations into the soundness of some of the foreign banks they've begun doing business with. As an aide told Barron's: "Once we decide to extend credit to such countries, we have no choice but to deal with a state bank, regardless of its condition." Last October, as it happens, the Bank of Egypt defaulted on a note due the U.S. Export-Import Bank. In the very same month, CCC accepted $6.6 million worth of Bank of Egypt's letters of credit. It took another $7.7 million the next month, $9.4 million more in December and still another $1 million in January 1967. At Eximbank, a highly placed source comments: "We'd have to be crazy to do more business with the Bank of Egypt. Now they're in default on $2 million and haven't even paid interest." At CCC, they seem hardly alarmed.

Congressmen, as noted, are just becoming aware of all this, because the agency doesn't announce individual transactions under its Export Credit Sales Program. The current budget request gives no clues either, since CCC has chosen to use part of its $14.5 billion borrowing authority rather than seek special appropriations for the program. Legally, the agency has been relying on its standing authority to dispose of surplus commodities—no matter how or where.

THERE WAS A TIME

The whole program got started in 1956, when CCC indeed was burdened by huge grain surpluses. Here's how the pattern evolved. First an exporter had to obtain government approval of a contemplated sale, together with a bank letter of credit which covered it. The letter was used in lieu of cash to pay CCC for the necessary stocks. (CCC's price was at the export market level, as determined by CCC, and included the benefit of any export subsidy in force on those items.) The exporter then would sell for the best price he could get, enabling him to turn over his money quickly—and escape all liability for the credit arrangements. CCC looked to the bank rather than the foreign buyer for repayment.

The letters of credit were issued for a maximum of 36 months. Interest rates were based on those in the U.S., including CCC's cost of borrowing from the Treasury and even the Federal Reserve rediscount rate. Such terms were unusually generous, since it would be difficult (if not impossible) to find anyone else willing to extend credit on perishable commodities for so long a period. In addition, interest rates often were set far below those obtaining in the foreign buyer's own country.

For six years, while the Agriculture Department was all but giving away CCC surpluses under PL 480, the Export Credit Sales Program achieved no great magnitude; sales for the total period amounted to $109 million. But in 1963, things began to pick up. Sales reached $76 million that fiscal year, as disposals under PL 480 slackened off. By February 1965, after CCC inventories effectively had been reduced, the agency changed its regulations to let an exporter buy private stocks for delivery abroad. Instead of being paid by the foreign buyer the U.S. exporter, on furnishing proof of shipment, received from CCC a sales certificate which could be sold, or used to buy CCC stocks. The agency, for its part, was "paid" by letter of credit.

CCC previously had been accepting letters of credit only on U.S. banks. Now it considered any U.S. branch of a foreign bank, if supervised by New York State banking authorities, as the equivalent. (All CCC dealings with Intra Bank were through its New York branch, classified as a "U.S." bank.) Under any flag, however, banks willing to finance sales on Agriculture's scope were hard to find.

Just prior to February 1966, the Department asked Eximbank to finance the export of agricultural commodities, for dollars, on liberal credit terms of up to three years. The institution replied by saying that it lacked authority. An official recently explained that reasoning for Barron's:

"For the past three years, Congress has specified in the authorization bill for Eximbank that we may not do any business with Communist-dominated countries except as the President of the United States may determine in the national interest. The only Presidential determination the bank has had in the matter of agricultural commodities came from President Kennedy. He said we could insure or guarantee but not finance the sale of such commodities on commercial terms to Russia, Poland, Hungary, Czechoslovakia, Bulgaria and Rumania.

"The bank interprets 'commercial terms' to mean not more than 18 months and at least 25% in cash. Under such conditions we have guaranteed the sale of $24.4 million worth of wheat, cotton, soybeans, soybean meal and dry milk to Hungary and $4.2 million worth of tallow and cotton to Poland. For most countries we don't like to go over six months for perishable commodities because the collateral gets eaten."

ONWARD AND UPWARD

When CCC got the reply, an official recalls, "we explored whether Eximbank was able to do additional financing of the scope we wanted. After we found they were not, we went ahead with our own program." It was launched on February 22, 1966, through a new and highly significant—but little-noticed—regulation. The rule stated that CCC would accept letters of credit from foreign banks, including even those without U.S. branches, provided (1) the interest rate was hiked one point above that for American banks and (2) an American bank guaranteed 10% of the commercial risk (but not the political risk) of the total amount. Actually, the latter "provision" could be waived.

The result: program sales zoomed to $210 million for fiscal '66, and to $250 million in the first half of fiscal 1967. (As noted, they are expected to exceed $350 million next year.) Under the new regulation, CCC began accepting credits from banks in Japan, the Netherlands, West Germany, Greece, Italy, Korea, Lebanon, Morocco, Switzerland, Syria, Thailand and Tunisia, as well as the aforementioned letters from banks in the United Arab Republic, Poland, Czechoslovakia and Hungary. The regulation also provides a basis for present negotiations with Yugoslavia.

HAIL NASSER?

As puzzling as any are the deals with Bank of Egypt. According to a CCC official, the National Advisory Council on International Monetary and Financial Problems "made the decision" to export commodities to the UAR, and "once this decision was made, we had no alternative but to accept the letters from the Bank of Egypt." According to a spokesman for that "advisory" council, however, it does not originate policy and expresses no opinion on the legality of proposals. It rules only on whether agency proposals are "in line with policy" of the national Administration. On this basis, it offered no objection last year to the proposed $70 million line of credit with Bank of Egypt. CCC went ahead as though it had carte blanche.

"NOT PUBLIC DOMAIN"

In summary, CCC's recent program transactions with the UAR are shown in the accompanying table. These figures, it should be noted, were given to Barron's by CCC. The State Department is much more closed-mouth. After The New York Times, in a recent report, noted that UAR President Nasser threatened not to pay his country's debts to the U.S., Foggy Bottom was beleaguered with inquiries about the size of that debt. The official figure put out by State was $169.2 million. However, when asked for a breakdown (showing under what programs which claims were acquired), State shot back: "That information is not in the public domain."

How about those deals with the Iron Curtain countries? The $50 million to Poland is for three years at 7%. Half is for cotton and tobacco, calling for annual payments of accrued interest, plus a lump-sum payment of the entire principal after three years. The rest is for feed grains, rice, and barley (30,000 tons only), with payment of both principal and interest in equal annual installments. Hungary's $10 million, running for three years at 7%, is for wheat, feed grains, cotton and tobacco. Equal annual payments of principal and interest are required. The $13.2 million for Czechoslovakia, finally, is for grain sorghums, and has the same repayment terms. Meanwhile, NAC recently gave the nod to the follow-on $10 million for Yugoslavia; a CCC request for advice on an additional amount now is pending. CCC officials say the interest rate will be around 7%.

What comes next in CCC's bridge-building? By the end of this month, officials hope to issue their new regulation, permitting the agency to purchase private stocks for export credit sales. This would eliminate the need to tie the program to CCC's own stocks—currently, upland and extra-long-staple cotton, milled and brown rice, corn, cornmeal, barley, oats, rye, grain sorghums, wheat, wheat flour, bulgur, tobacco, cottonseed oil, soybean oil, nonfat dry milk, cheese and butter.

SECTION 4

The authority is based on Section 4 of PL 808, enacted last November, which states: "Commercial sales of agricultural commodities out of private stocks on credit terms of not to exceed three years may be financed by Commodity Credit Corp. under its Export Credit Sales Program. There are hereby authorized to be appropriated such sums as may be necessary to reimburse the Commodity Credit Corp. annually for its actual costs incurred or to be incurred under its Export Credit Sales Program."

So far CCC has not sought an appropriation for the program. Undoubtedly, that explains why most members of Congress seem unaware of it. With its $14.5 billion of untapped borrowing authority, the agency says it really may not need to ask for specific Congressional approval. Without it, they've already managed to go pretty far afield.

[From the CONGRESSIONAL RECORD, Mar. 20, 1967]

FOOD FOR PEACE OR FOOD FOR WAR?

(Mr. FINDLEY (at the request of Mr. EDWARDS of Alabama) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, one of the most perceptive analyses of our food-for-peace program, Public Law 480, was contained in a recent copy of the "Washington Report" published by the American Security Council. Entitled "Food for Peace or Food for War?" this article by Frederic N. Smith, a retired naval intelligence officer and a long-time observer of Soviet bloc operations, discusses some of the perplexing problems of this program. I inserted it in the RECORD at this point in my remarks:

"FOOD FOR PEACE OR FOOD FOR WAR?

"Food is a weapon

"Our surplus food is now a foreign policy instrument of tremendous potential. Under Public Law—480, our surplus food has and is being given away on very easy credit terms to much of the world. This program is popularly known as 'Food for Peace.' Other American surplus food is distributed by the FAO (Food and Agriculture Organization) of the United Nations. In line with the trend to distribute our aid through international as opposed to national channels, many visionaries would prefer that all our surplus food go to the United Nations for distribution.

"Who gets the food?

"Does our present program promote peace? Or is it a misguided aspect of our foreign aid program? Nations that are unfriendly to the United States have been large beneficiaries of our surplus food. The United Arab Republic (Egypt), Poland and Yugoslavia are the most flagrant examples.

"UAR sells food to finance war in the Yemen

"The United Arab Republic last year used our surplus food in order to free her own rice for export to Communist countries such as Cuba, Bulgaria, East Germany and the Soviet Union. Such trade helped the UAR to finance her undeclared war in the Yemen against the Royalist forces. The Christian Science Monitor recently reported that the International Red Cross is investigating charges that the UAR has used poison gas in this war. This should hardly be news as these attacks have been going on for 4 years but, up to now, the world's press seems to have ignored them.

"Thus, the UAR is hardly a factor for peace in the Middle East and future shipments of surplus American food to that country are the subject of agonizing and continuing discussions at the State Department.

"Yugoslavia and the Findley amendment to Public Law 480

"The case of Yugoslavia is also noteworthy. Here is a nation that in large part has been able to feed her population well (at least by Communist standards) because of American grain shipments over the years. Last year Congressman Paul Findley of Illinois sponsored an amendment to Public Law 480 which prohibits the spending of food on easy credit terms to nations that trade with or in any manner give aid to North Vietnam. This amendment does not prevent normal *cash sales* between the United States and such nations.

"The Findley amendment was adopted by an overwhelming vote in the Congress. However, the State Department wishes above all else to remain on friendly terms with Tito and has recently attempted to negotiate a new sale of food to Yugoslavia on easy credit terms. Congressman Findley blew his whistle on this attempt and stated that he would seek a court injunction to prevent this sale as a violation of the law. The State Department, interestingly enough, justified its actions by replying that *private organizations* in Yugoslavia were aiding Ho Chi Minh and not the Yugoslav government. Even the most poorly informed student of Communist affairs knows that there is no such thing as a 'private' organization in a Communist state and, as a matter of fact, even in a democratic nation it is difficult for a private organization to operate in international trade against government wishes. (This can easily be demonstrated by noting the tough U.S. Executive Order recently published, which provides for severe penalties for anyone trading with Rhodesia.)

"The Yugoslavs have expressed great concern to highly-placed American visitors over the Findley Amendment. However, they were rather rudely exposed when, on December 20th of last year, a mob of 8–10,000 people sacked the U.S. consulate in Zagreb, in a demonstration against our policy in Vietnam. Consular officials stated that they had a week's warning of the riot, but the police did little or nothing to protect the consulate. Again, even the cursory student of Communism knows that such things as riots are not 'spontaneous' in a Communist nation. A second riot was started in Belgrade but, evidently, the Yugoslav government thought better of it and the police broke it up. As of now the State Department and Congressman Findley are still disputing the effect of this law and plans for the original shipment have been quietly dropped.

"Poland and surplus food

"No sooner had Congressman Findley won a skirmish over shipments to Yugoslavia than the State Department announced on December 30th that U.S. Ambassador Gronouski was working out a plan to ease Polish payments of dollars for surplus food delivered in previous years. This was done at a moment when the *Chicago Tribune* was carrying a story of Stettin harbor in Poland being filled with ships. The story described how on one side of the harbor ships were loading munitions for North Vietnam, which Poland was providing to Ho Chi Minh on credit. On the other side of the harbor, American food was being unloaded for Communist Poland—also provided on credit. There are very few more significant concessions we could offer to Gomulka, as Poland together with the other iron curtain countries, is desperately short of dollars.

"The Communist desert

"The question of surplus food is no longer just one of humanitarian concern. As everyone knows the world's population is growing at a rate that will soon outstrip the available food supply. Largely unnoticed has been the contribution of the spreading Communist desert to this problem. Communism has swallowed up many nations that used to produce surplus food for export. Beginning with the Soviet Union in 1917 and right on down to Hungary and Rumania, one can observe the spreading Communist desert. Or one might even cite Indonesia's experiment in Socialism as an example of how Marxist-Communist rule produces agricultural chaos and recurring food shortages.

"Communists attempting to corner world market of surplus food?

"How many people are aware of how deeply committed the surplus food of the free world is to feeding of the Communist world? In the first six months of 1966, Communist China, the Soviet Union and North Korea together purchased more than 62% of Australia's wheat exports. Canada recently concluded an agreement with the Soviet Union for 9 million long tons of grain, to be delivered over the next three years. This is the largest single transaction ever handled by the Canadian Wheat Board. Even France delivered a million tons of wheat to the USSR in 1966.

"U.S.S.R. and satellites agriculture outlook poor in the years ahead

"What of the situation within the Soviet Union and her Eastern European Satellites and Cuba? While starvation is not indicated for anyone, the situation is serious. Last year Czechoslovakia was compelled to import 800,000 tons of grain from the West because the USSR could not supply it. This year Hungary will have to import 100,000 tons of grain that presumably the USSR also cannot deliver. In order not to default entirely on her trade agreements, the USSR often imports food from the West to sell to her satellites. As an example, many times Soviet ships have loaded wheat in Canada and sailed directly to Havana, Cuba to unload.

"This year's harvest in the Soviet Union is said to be good. But given the Soviet propensity for exaggeration in agriculture statistics, we have to be cautious in accepting Soviet figures. A recent study issued by the Joint Economic Committee of the Congress entitled *New Directions In The Soviet Economy* states that U.S.S.R. statistics on agriculture have been suspect since 1958.

"The Soviets are currently attempting various means of raising their production but they are unlikely to adopt the one step that will bring success—decollectivization. Many innovations are being tried and both the Soviet and Western press make much of each one reported. However, the Soviet peasant has been in many battles with his Communist master and is extremely shrewd. He has had all too many incentives dangled in front of him that were later taken away.

"Actually, in spite of the well-publicized increase in investments in agriculture machinery and fertilizer, the productivity of the Soviet farmer is stagnant or even dropping slightly. One of Moscow's top planners recently admitted that American farm labor is *four times as productive* as Russian farm labor and that Soviet farm output averages only 25% of that of the United States. Added to all this, hoof and mouth disease was reported by the *London Daily Telegraph* to be raging unchecked in the Ukraine and Moldavia last year. Therefore, in spite of an occasional good harvest or reports of various farm improvements, it is doubtful that the Soviets can feed themselves or their satellites, without importing from the West for years to come, if ever.

"Soviet offers to replace American food aid

"Of course, some people may become confused over recent Soviet offers to supply wheat to India and the United Arab Republic. These are obviously political moves and are not intended to be long-range commitments. It should be remembered that as recently as 1962, Soviet merchant ships were loading butter in Odessa for Cuba at a time when butter was virtually unobtainable in most larger Soviet cities. This is not the first nor the last time that the Soviets will deprive their own people of food in the interests of promoting world Communism.

"Food for peace should be used in our national interest as a diplomatic weapon

"Food to most Americans seems an innocent enough export. We have fed the world's hungry people since about World War I. However, do we aid the so-called 'liberalization' of the Soviet block when we ship food to Communist nations and permit them to cover up their own errors? If we enforce the letter of the law in cases like the Findley Amendment, might we not really achieve some leverage in the cold war? If it shortens the war in Vietnam by one day, is it not worth it? But further in the future than the immediate conflict in Vietnam, the day may be coming when we will be hard pressed to feed our friends, let alone our foes. In this area we are sadly in need of some hard-headed and long-range planning. Will the bounty of our farmers be used to prolong Communist tyranny and war or will it really became 'Food for Peace'?"

Fourth Quarter 1966 Export Control Report of Secretary at Commerce

PART II—SECURITY EXPORT CONTROLS

East-West trade policy

On October 7, 1966, President Johnson delivered a speech at the National Conference of Editorial Writers in New York on restoring European unity, including the improvement of trade relations with Eastern Europe. One of the steps proposed by the President was to "reduce export controls on East-West trade with respect to hundreds of nonstrategic items."

Pursuant to the President's decision and policy statement, the Department of Commerce announced, on October 12, 1966 (Current Export Bulletin 941), the removal of approximately 400 nonstrategic commodity entries on its control list from the validated license requirement for export to the U.S.S.R. and other Eastern European countries. This action authorized the export of these commodities to these destinations under general license G-DEST. The revision does not apply, with a few exceptions, to the Soviet controlled zone of East Germany with which the United States does not maintain diplomatic relations. Nor does it apply to Communist China, North Korea, North Vietnam, and Cuba.

These commodities included primarily textile products, certain metal manufactures and machinery, chemical materials and products, and a variety of consumer goods. The Commerce Department consulted other interested departments and agencies before taking this step. A revised Commodity Control List reflecting these and other changes as well was issued in Current Export Bulletin No. 943, dated November 14, 1966.

These 400 commodity entries were added to the already existing list of approximately 500 such entries which may be exported to Communist countries of Eastern Europe under general license without prior specific approval of the Department of Commerce. However, the requirement for individual licenses continues with respect to other goods. Removal of these nonstrategic commodities from the validated license requirement reduces the administrative burden of the government and of American exporters. Business firms will no longer be required to apply for a license before agreeing to an export transaction involving any of these commodities to these countries.

The changes in the list offer additional opportunities to facilitate the President's objective of expanding peaceful trade with Eastern Europe.

This action does not change the Department's policy of denying the export to Eastern Europe of any commodity that would contribute significantly to the military or economic potential of those Communist countries in a way that would be detrimental to the national security and welfare of the United States. In addition, the Department maintains an embargo over commercial shipments to Communist China, North Vietnam, North Korea, and Cuba.

Underlying this action is the basic belief that, where overall considerations permit, the many close relationships growing out of trade in peaceful goods provide opportunities for bringing about greater understanding and mutual benefits. At the same time, increased trade provides more employment for our workers, more sales for our businessmen and farmers, and may assist in improving our balance of payments position.

That foreign trade transactions conforming to our laws and regulations are clearly advantageous to our nation is widely accepted throughout our country. Nevertheless, the Administration is concerned about the views of those citizens who do not believe that increasing trade with Eastern Europe is in the best interests of the United States. Some fear that promoting peaceful trade with the Communist countries of Eastern Europe will undermine our position in Vietnam where we are fighting Communists in open conflict. Secretary of State Dean Rusk, in a number of statements, has dealt with this crucial question of why we treat different Communist countries on an individual basis. In his letter of transmittal to the Congress, dated May 11, 1966, accompanying the proposed East-West Trade Relations Act of 1966, he said:

"We are reaffirming in Vietnam—as we have on many earlier battlefields—our determination to aid free and independent nations to defend themselves from destruction by Communist aggression or subversion. But determined resistance to such force is only part of our strategy to maintain a peaceful world.

"It has equally been our purpose to demonstrate to the Communist countries that their best interests lie in seeking the well-being of their peoples through peaceful relations with the nations of the free world. We want the Soviet Union and the nations of Eastern Europe to understand that we will go step-by-step with them as far as they are willing to go in exploring every path toward enduring peace. We require only that our willingness and our actions be genuinely matched by theirs.

"We are confident that this policy is sound even when we are fighting against Communist weapons in Vietnam. Indeed, it is when we are resisting force with force that it is most important to hold open every avenue to peace. We need to make unmistakably clear to all Communist nations in Eastern Europe that their best interests lie in economic development and peaceful trade, not in support of futile attempts to gain advantage through the use of force."

Commenting on the same theme in his October speech, the President said:

"We do not intend to let our differences on Vietnam or elsewhere prevent us from exploring all opportunities. We want the Soviet Union and the nations of Eastern Europe to know that we and our allies shall go step-by-step with them as far as they are willing to advance."

U.S. trade with Eastern Europe[1]

U.S. *exports* to the U.S.S.R. and other Eastern European countries during the third quarter 1966 totaled $36.8 million. This compares with exports of $45.5 million in the previous quarter, and $24.3 million in the comparable 1965 quarter. Exports to these countries in the third quarter 1966 represented 0.4 percent of total U.S. exports for that period.

Of the third quarter 1966 exports, Poland received $9.5 million; Rumania, $7.1 million; and Czechoslovakia, $6.6 million. Principal exports to Poland were corn, $3.1 million; and grain sorghum, $2.9 million. Grain sorghum exports to Czechoslovakia, East Germany, and Hungary were valued at $7.6 million. Exports of hides and skins to Poland, Rumania, and the U.S.S.R. totaled $2.2 million.

U.S. *imports* from the same Eastern European countries during the third quarter 1966 amounted to $46.9 million. This was higher than the $44.0 million imported in the previous quarter, and the $34.5 million imported in the third quarter 1965. Imports from these same countries in the third quarter 1966 represented 0.7 percent of total U.S. imports for that period.

Poland accounted for $19.6 million of this total, principally in canned hams, $5.7 million, and universals, plates, sheets, tubes, pipes, and fittings of iron or steel, $4.7 million. Other principal products imported were pig iron, $4.1 million, mainly from the U.S.S.R., and palladium, $3.2 million, from the U.S.S.R.

TABLE 1.—*U.S. trade with principal countries of Eastern Europe, 1964, 1965, and January–September 1966*

TRADE WITH BULGARIA

[In thousands of dollars]

Commodity	1964	1965	January-September 1966
Exports, total	5,020	3,613	2,318
Baby chicks	----------	31	16
Corn, except seed	654	----------	----------
Grain sorghums	----------	483	17
Soybean oilcake and meal	928	1,460	700
Meat and fish meal, inedible	----------	296	345
Tobacco, unmanufactured	----------	----------	19
Cotton, raw, except linters	2,621	----------	----------
Seeds for planting	1	15	1
Tallow, inedible	154	213	----------
Coal tar and other cyclic intermediate acids	70	123	----------
Fungicides	----------	22	----------
Polychlor insecticides	----------	16	----------
Medicinal and pharmaceutical products	56	304	518
Plastic materials	58	39	69
Chemicals, other	25	2	19
Paper and paperboard	8	11	4
Textile machinery	3	----------	375
Glassworking machinery and parts	----------	384	----------
Heating and cooling equipment	----------	2	30
Gas compressors	----------	----------	21
Cannery machinery and parts	215	----------	----------
Telecommunications apparatus	----------	93	80
Machinery, other	3	10	36
Professional, scientific, measuring, and controlling instruments and apparatus	4	16	40
Fountain pens	----------	45	----------
Other and unspecified domestic exports	206	47	28
Reexports	14	1	----------

---

[1] The term "Eastern Europe" as used throughout this report is employed in a special sense, and is defined to include only the following areas: Albania, Bulgaria, Czechoslovakia, East Germany (including the Soviet sector of Berlin), Estonia, Hungary, Latvia, Lithuania, Poland (including Danzig) Rumania, and the U.S.S.R.

TABLE 1.—*U.S. trade with principal countries of Eastern Europe, 1964, 1965, and January–September 1966*—Continued

TRADE WITH CZECHOSLOVAKIA

[In thousands of dollars]

Commodity	1964	1965	January–September 1966
Exports, total	11,338	27,685	27,542
Meat and preparations	53	1	
Wheat	2,350		
Barley	727	2,506	
Corn, except seed	822	3,277	8,889
Seedcorn, except sweet seedcorn	72	45	54
Rye	569		
Grain sorghums	1	12,214	10,076
Hops	1,071	171	688
Soybean oilcake and meal	120	74	741
Lard	881		
Tobacco, unmanufactured	45	255	23
Cattle hides, undressed	511	1,592	1,537
Calf and kip skins, undressed	22	48	39
Peanuts, shelled, green			328
Soybeans	665	3,425	1,224
Rubber, synthetic		121	276
Woodpulp	162	82	180
Sulfur, crude	567	798	539
Vanadium ores and concentrates		295	311
Crude animal materials	133	9	16
Crude materials, other	24	78	44
Fish oils and fish liver oils, inedible	307		
Tallow, inedible	121		283
Soybean oil crude, inedible	299		
Organic chemicals	85	66	82
Carbon black	23	189	
Pigments, paints, and related materials	42	67	80
Antibiotics, bulk	60	121	20
Medicinal and pharmaceutical producis, other	200	64	48
Plastic materials	33	52	22
Gum and wood resins	151	162	74
Prepared culture media		44	47
Chemicals, other	*70*	*28*	82
Pencil slats	514	501	132
Paper and paperboard	9	17	169
Tractors, tracklaying			99
Electronic computers, digital			227
Card punching and auxiliary machinery	80	64	32
Parts for electronic data processing machines		8	69
Office machines and parts, other	17	85	40
Metalworking machinery		72	6
Textile and leather machinery and parts	43	72	84
Paper, pulp, and paper processing machinery and parts	20	54	51
Construction and mining machinery and parts	24	86	19
Air conditioners, self-contained	62	48	
Underground mine loaders			44
Trucks, industrial, electric	43		
Mechanical handling equipment, other	3	63	100
Metal treating and metal powder molding machines		69	41
Nonelectric machinery, other	69	104	200
Electric measuring and controlling instruments and apparatus	45	50	137
Resistance welders		67	
Electric machinery, apparatus, and appliances, other	16	65	84
Professional, scientific, measuring, and controlling instruments and apparatus	38	77	109
Musical instruments, sound recorders, reproducers, and parts	11	102	43
Manufactured goods, other	79	197	100
Other and unspecified domestic exports	2	51	12
Reexports	77	49	41

TRADE WITH EAST GERMANY

Commodity	1964	1965	January–September 1966
Exports, total	20,211	12,413	20,668
Meat, fresh, chilled, or frozen	471		
Butter	2,938	1,226	
Wheat	7,849	2,607	
Barley	261		
Corn, except seed	1,591	2,517	9,298
Rye	404		
Grain sorghums		883	3,887
Oranges, fresh		636	
Lemons, fresh		236	323
Navy beans, dried, except seed		173	
Lentils, dried, except seed		217	
Tobacco, unmanufactured	1,053	1,423	2,678
Calf skins, undressed			79
Fur skins, undressed	42	26	20
Soybeans	1,061	560	
Wood, shaped or simply worked			44
Cotton linters	240	386	745
Crude vegetable materials	96		
Coal, bituminous	2,856	1,298	1,610
Methanol	209		
Superphosphatic fertilizer	509		
Paper and paperboard			138
Electronic computers, digital			1,514
Card punching and auxiliary machinery	5	92	4
Glassworking machinery and parts	121		
Lifting and loading machinery	40		
Nonelectric machinery, other	37	38	77
X-ray apparatus			94
Nuclear radiation detecting and measuring instruments		30	
Professional, scientific, measuring, and controlling instruments and apparatus	71	6	6
Recording magnetic tape and wire			77
Other domestic exports	26	57	70
Reexports of raw cotton	320		
Reexports, other	11	2	4

TRADE WITH HUNGARY

Commodity	1964	1965	January–September 1966
Exports, total	13,753	9,327	7,111
Nonfat dry milk	1,352		1
Wheat	2,486		
Rice	108		
Corn, except seed	158		286
Grain sorghums	32	3	2,785
Soybean oilcake and meal	3,422	2,777	997
Meat and fish meal, inedible		19	
Lard	59		
Food, other	45	8	14
Cattle hides, undressed	65	706	472
Calf and kip skins, undressed	41	209	714
Sheep and lamb skins, undressed	47	89	128
Hides and skins, except fur skins, undressed, other	36		
Fur skins, undressed	28	1	
Soybeans	2,451	3,550	
Rubber, synthetic		1	25
Cotton, raw, except linters	2,267		
Crude animal materials	102	6	4
Chicle and other gum bases	27		
Seeds for planting	9	5	35
Tallow, inedible	77	533	173
Organic chemicals	177	276	74
Inorganic chemicals	49	306	
Mineral tar and crude coal-tar chemicals	44		
Pigments, paints, and related materials		22	19
Antibiotics, bulk		89	1
Medicinal and pharmaceutical products, other	95	29	388
Herbicidal preparations	1	63	
Chemicals, other	35	6	8
Leather	3		88
Paper and paperboard	6	92	139
Nylon filament yard and monofilaments; nylon tire cord and fabric	87		
Card punching and auxiliary machinery		122	3
Parts for electronic data processing machines			57
Office machines, other	59	12	4
Textile machinery	46	15	1
Paper, pulp, and paper processing machinery and parts	3	44	
Refrigerating units, centrifugal			18
Telecommunications apparatus	5	20	49
Nuclear radiation detecting and measuring instruments	30	6	44
Electric measuring and controlling instruments and apparatus, other	22	25	52
Machinery, other	44	28	109
Professional, scientific, measuring, and controlling instruments and apparatus	51	56	72
Printed matter	5	1	255
Other and unspecified domestic exports	173	81	84
Reexports of hydrocortisone, bulk		34	
Reexports, other	6	3	5

TABLE 1.—*U.S. trade with principal countries of Eastern Europe, 1964, 1965, and January–September 1966*—Continued

TRADE WITH POLAND

Commodity	1964	1965	January–September 1966
Exports, total	138,066	35,417	30,094
Pork, fresh or frozen	766	---------	---------
Nonfat dry milk	1,517	912	617
Butter	4,106	1,818	---------
Wheat	*56,301*	*559*	---------
Rice	2,866	---------	---------
Barley	2,169	---------	1,601
Corn, except seed	3,097	---------	3,105
Grain sorghums	5,381	---------	2,981
Wheat flour	1,146	1,567	1,306
Cornmeal	118	137	101
Cottonseed oilcake and meal	---------	142	---------
Soybean oilcake and meal	---------	2,646	2,285
Lard and other prepared edible fats	221	68	---------
Food, other	2,450	232	114
Tobacco, unmanufactured	2,636	---------	---------
Tobacco, manufactures	470	621	417
Cattle hides, undressed	574	1,723	2,910
Sheep and lamb skins, undressed	204	153	81
Peanuts, shelled, green	---------	121	24
Soybeans	4,145	2,850	93
Flour and meal of oilseeds, oil nuts and kernels	---------	---------	212
Rubber, synthetic	2,054	1,088	1,318
Cotton pulp	59	132	---------
Cotton, raw, except linters	18,625	1,831	3,453
Manmade fiber staple and tow	1	164	---------
Wool rags and used clothing of wool	537	23	---------
Seeds for planting	5	363	301
Crude, materials, other	74	49	128
Coal, bituminous	94	---------	---------
Tallow, inedible	8,574	8,500	2,771
Soybean oil, crude	6,865	---------	---------
Soybean oil, refined	1,283	2,480	1,456
Cottonseed oil, refined	4,001	244	---------
Plasticizers, cyclic	703	---------	---------
Butyl alcohol	---------	207	---------
Organic chemicals, other	149	326	163
Carbon black	25	134	207
Antibiotics, bulk	14	170	---------
Hormones, bulk	102	22	296
Medicinal and pharmaceutical products, other	678	139	123
Plastic materials	*201*	*129*	33
Chemicals, other	118	139	135
Paper, paperboard, and manufactures	55	565	333
Yarn and thread of manmade fibers	868	511	---------
Universals, plates, and sheets of iron or steel	168	46	---------
Iron and steel, other	4	93	87
Structures and finished parts of aluminum	161	---------	---------
Typewriters and parts	107	23	---------
Office machines and parts, other	6	54	117
Metalworking machinery	187	170	344
Textile and leather machinery	40	24	216
Mineral crushing, sorting, and similar machinery	100	2	19
Glassworking machinery and parts	20	59	365
Heating and cooling equipment	182	56	36
Pumps, centrifuges, and parts	16	283	22
Lifting and loading machinery and parts	173	109	1
Trucks and tractors, industrial, and parts	7	118	---------
Spraying machinery	---------	94	10
Nonelectric machinery, other	134	311	560
Electric measuring and controlling instruments and apparatus	224	316	142
Electric machinery, apparatus, and appliances, other	96	212	199
Road motor vehicles	88	33	32
Clothing, except of fur	448	377	432
Professional, scientific, measuring, and controlling instruments and apparatus	169	448	120
Developed motion-picture film	119	162	65
Printed matter	280	225	164
Manufactured goods, other	285	262	217
Unspecified commodities for relief	1,639	928	329
Other and unspecified domestic exports	37	61	33
Reexports	124	186	20

TRADE WITH RUMANIA

Exports, total	5,156	6,385	18,633
Baby chicks	---------	---------	80
Wheat	169	---------	---------
Potatoes, fresh	10	---------	134
Meat and fish meal, inedible	---------	487	---------
Yeast and baking powder	---------	114	9
Cattle hides, undressed	---------	1,523	3,787
Calf and kip skins, undressed	---------	94	495
Soybeans	---------	---------	108
Woodpulp	731	389	1,173
Cotton, raw, except linters	1,387	---------	43
Florida phosphate hard rock and land pebble	---------	---------	256
Sulfur, crude	106	---------	---------
Crude animal materials	96	---------	---------
Coal	1,235	521	921
Coke of coal, lignite, or peat	---------	596	---------
Petroleum coke	---------	88	---------
Tallow, inedible	327	99	9
Animal fats and oils, inedible, other	53	49	---------
Rubber antioxidants, cyclic	---------	---------	54
Organic chemicals, other	54	25	38
Carbon black	36	1	4
Hormones, bulk	---------	41	23
Medicinal and pharmaceutical products, other	72	33	66
Essential oils, perfume, and flavor materials	---------	48	---------
Explosives and pyrotechnic products	---------	---------	61
Plastic materials	265	66	18
Catalysts, compound, except nickel	---------	---------	511
Chemicals, other	54	30	118
Tubes, pipes, and fittings of iron or steel	---------	---------	384
Finished structural parts and structures of iron or steel	---------	2	271
Containers for storage, of iron or steel, 80 gallons or more	---------	41	---------
Handtools and tools for machines	3	89	420
Manufactures of metal, other	6	52	51
Steam generating power boilers and parts	---------	---------	39
Internal combustion engines, not for aircraft, and parts	---------	1	86
Tractors, wheel and garden	---------	9	46
Agricultural machinery and implements, other	49	35	42
Leatherworking machinery	30	---------	1
Textile and leather machinery, other	3	32	123
Parts for printing machines	---------	---------	41
Flour-mill and gristmill machines and parts	242	---------	---------
Power cranes, draglines, shovels, and parts, excavator type	---------	40	399
Ditchers and trenchers, self-propelled	---------	---------	55
Well-drilling machines and parts	---------	92	156
Construction and mining machinery and parts, other	---------	43	34
Heating and cooling equipment and parts	27	55	3,036
Pumps for liquids and parts	---------	417	228
Pumps, centrifuges, and parts, other	---------	37	595
Oil and gas field equipment and parts	---------	484	116
Mechanical handling equipment, other	7	---------	78
Motorized handtools and parts, nonelectric	---------	187	137
Ball and roller bearings	---------	---------	40
Plastics-working machines and parts	---------	90	---------
Taps, cocks, valves, and similar appliances	---------	87	584
Mechanical power transmission equipment and parts, except for motor vehicles and aircraft	30	80	6
Nonelectric machinery, other	14	25	304
Electric power machinery and switchgear	---------	2	260
Insulated wire and cable and electric insulating equipment	---------	---------	228
Telecommunications apparatus	2	---------	67
X-ray apparatus and parts	---------	---------	37
Electric measuring and controlling instruments and apparatus	8	85	1,036
Electric machinery, apparatus, and appliances, other	---------	6	33
Passenger cars	8	14	35
Trucks	---------	8	59
Power cranes, draglines, and shovels, wheel or truck mounted	---------	---------	129
Truck trailers and parts	---------	27	49
Professional, scientific, measuring, and controlling instruments and apparatus	10	51	173
Developed motion-picture film	52	2	2
Printed matter	---------	---------	572
Manufactured goods, other	36	21	186
Other and unspecified domestic exports	16	24	547
Reexports	18	43	40

TRADE WITH U.S.S.R.

Exports, total	144,553	45,161	30,518
Wheat	110,418	---------	---------
Rice	7,386	---------	---------
Cattle hides, undressed	1,231	6,068	10,668
Calf and kip skins, undressed	---------	81	234
Soybeans	---------	6,374	---------
Woodpulp	968	1,986	5,250
Cotton, raw, except linters	311	---------	---------
Manmade fiber staple and tow	1,987	1,353	678
Petroleum coke	299	---------	---------
Tallow, inedible	8,250	17,492	6,471
Coal-tar and other cyclic intermediates	1	15	128
Rubber compounding chemicals, except cyclic	174	---------	1
Rubber accelerators, cyclic	---------	25	59
Rubber antioxidants, cyclic	212	756	1,041
Agricultural fungicides and herbicides, except preparations	1,727	1,016	372
Benzene hexachloride	400	---------	---------
Butyl alcohol	643	2,403	---------
Alcohols and polyhydric alcohols, other	---------	---------	179
Organic chemcials, other	390	151	278
Carbon black	303	3	3
Sodium phosphate and other sodium compounds	321	---------	---------
Inorganic chemicals, other	139	1	212
Synthetic organic dyestuffs and color lakes	7	118	1
Medicinal and pharmaceutical products	163	313	176
Plastic materials	701	526	501
Insecticides, fungicides, disinfectants, and similar preparations	2,756	386	882

TABLE 1.—*U.S. trade with principal countries of Eastern Europe, 1964, 1965, and January–September 1966*—Continued

TRADE WITH U.S.S.R.—Continued

[In thousands of dollars]

Commodity	1964	1965	January-September 1966
Chemicals, other	120	17	67
Rubber tires and tubes	78	111	33
Rubber manufacturers, other	71	27	1
Textile yarn, fabrics, and related products	23	57	36
Tubes and pipes, seamless, carbon steel			445
Power generating machinery, except electric	135	76	11
Agricultural machinery and implements	25	105	214
Laundry and drycleaning equipment, commercial, and parts	408	168	122
Leatherworking machinery		52	6
Textile and leather machinery, other	37	265	155
Food processing machinery and parts, except domestic	63	57	367
Coal cutting and continuous mining machinery	1,246	924	
Construction and mining machinery, other	306	183	156
Mineral crushing, sorting, and similar machinery and parts			95
Heating and cooling equipment for treatment of food products		2	234
Pumps and centrifuges and parts	109	61	95
Underground mine loaders and parts		401	16
Conveying equipment and parts	492	40	150
Wrapping, packaging, filling, and similar machines and parts	399	25	127
Ball and roller bearings	20	117	11
Plastics-working machines and parts	166		1
Nonelectric machinery, other	259	160	199
Electric power machinery and switchgear	378	352	8
Insulated wire and cable	107	31	
Telecommunications apparatus		5	157
Electric measuring and controlling instruments and apparatus	113	36	60
Special purpose nonmilitary vehicles	709	1,757	
Road motor vehicles, other	24	312	72
Clothing, except of fur	59	85	32
Professional, scientific, measuring, and controlling instruments and apparatus	146	87	75
Printed matter	37	57	45
Manufactured goods, other	152	218	180
Live animals, not for food		181	193
Other domestic exports	75	61	46
Reexports	9	44	20

Export licensing to Eastern Europe [2]

Commodity Applications Approved

License applications for commodities valued at $30.5 million were *approved* for export to Eastern Europe in the fourth quarter 1966. Principal destinations were Czechoslovakia, $10.0 million; the U.S.S.R., $5.2 million; Hungary, $4.7 million; and Bulgaria, $3.7 million. This dollar volume represents a decrease from $34.9 million approved in the third quarter 1966, and $41.3 million approved in the fourth quarter 1965.

Agricultural commodities, valued at $14.5 million, and hides and skins, valued at $4.9 million, accounted for a large share of the total value approved. Bulgaria, Czechoslovakia, and Hungary were the principal recipients of the agricultural goods, and the U.S.S.R., Poland, and Rumania of the hides and skins.

Other principal commodities approved were hot scarfing machinery, $0.9 million, to Poland; and cotton linters, $0.8 million, to East Germany.

For calendar year 1966, total license applications *approved* for export to Eastern European destinations amounted to $153.1 million compared with $143.4 million in 1965.

Commodity Applications Rejected

During the fourth quarter 1966 license applications for commodities valued at $0.3 million were *rejected* for export to Eastern European destinations. Rejections included an automatic sorter for electronic components, $253,308, to East Germany.

In calendar year 1966 license applications for commodities valued at $3.6 million were *rejected* for export to Eastern European countries compared with $6.7 million in 1965.[3]

TABLE 3.—*Commodities licensed for export to Eastern European destinations in the 4th quarter, 1966*

[Value in dollars]

All Eastern European countries [1]	30,503,269
Albania:	
Beverage pumps	1,000
Spare parts for X-ray units	17
Total	1,017
Bulgaria:	
Soybean meal	3,603,123
Lubricating oil and grease	663
Herbicides	1
Chemical compounds	14
Industrial chemicals	16,221
Synthetic resins	26,736
Diesel engine parts	1,968
Electronic computer equipment	7,540
New printing calculators	25,000
Air conditioners	5,290
Beverage pumps	1,000
Roller bearings	8,118
Rectifiers and resistors	153
Airborne navigation and communication equipment	29,341
Batteries	101
Diodes and electron tubes	140
Passenger cars	2,500
Station wagons and parts	8,100
Electrical instruments for testing (transformers)	886
Electric melting pot	380
Cotton tester and accessories	453
Mechanical industrial process control instruments	1,078
Total	3,738,806
Czechoslovakia:	
Yellow grain sorghums	4,847,031
Cotton seed expeller	113,000
Soybean meal	842,698
Tobacco	28,397
Shelled peanuts	16,470
Soybeans	953,715
Cotton linters filter paper	17,799
Prehydrolyzed bleached sulfate woodpulp	12,170
Asbestos fiber	32,814
Vanadium pentoxide	449,173
Lubricating grease	1,585
Linseed oil	62,000
Cyclic intermediates	14
Industrial chemicals	125,747
Synthetic organic medicinal chemicals	74
Herbicides	20,201
Acids and anhydrides	17,746
Miscellaneous organic chemicals	605,386
Carbon black furnace	7,183
Calcium hyprochlorite	3,485
Synthetic organic dyestuff	2
Medical and pharmaceutical products	1,364
Synthetic rubbers and compounds	1,542
Synthetic resins	44,219
Regenerated cellulose and chemical derivatives of cellulose	41,616
Lubrication additives	241
Chemical products and preparations, not elsewhere classified	2,474
Culture media	5,362
Diagnostic reagents	2,147
Rubber belts	46
Tabulating machine card stock	101,041
Nylon filament	30
Glass capillary tubing	100
Cadmium sticks	10,807
Aircraft internal combustion engine and parts	5,326
Outboard motors	7,990
Automatic typewriters and accessories	82,610
Electronic computer components	524,389
Statistical machines and parts	278,721
Multitype typewriter parts	1,391
Rock drilling machines and accessories	63,000
Trenchers and spare parts	37,987
Air conditioners	4,235
Beverage pumps	1,000
Centrifuges, separators and parts	10,220
Nonmilitary tractor shovel loaders	38,400
Battery powered trucks	8,064
Pneumatic portable tools	3,338
Industrial machinery, parts and accessories, not elsewhere classified	14,759
Ball bearings and parts	31
Spray etchers and parts	51,090
Electron resistors and micro switches	4,577
Electrical motors and relays	602
Hearing aid batteries	7
Electron tubes and semiconductors	1,609
Flame detectors and simulators	30,924
Electrical testing instruments	30,441
Potentiometer	3,940
Instruments for testing nonelectrical equipment	4,740
Scintillation camera	38,730
Passenger car and replacement parts	3,500
Colored filters (optical)	601
Camera with accessories	4,740
Still picture projector and parts	150
Processors with speed changers	4,840
Photocopy printers	7,930
Instruments for measuring and checking variables of liquids or gases	1,102

---

[2] See footnote 1.

[3] Electronic data processing equipment valued at $0.2 million was rejected in 1966 and $4.4 million in 1965.

TABLE 3.—*Commodities licensed for export to Eastern European destinations in the 4th quarter, 1966*—Continued

[Value in dollars]

Czechoslovakia:	
Spectrum measuring instruments	1, 954
Physical properties testing equipment and accessories	3, 247
Chemical analysis equipment	530
Magnetic recording/reproducing equipment parts and accessories	3, 107
Cattle hides	432, 274
Total	10, 079, 775
East Germany:	
Tobacco	245, 500
Yellow soybeans	644, 390
Chemical woodpulp	25, 920
Synthetic rubber	62, 034
Cotton linters	820, 372
Paraffin alkane (industrial chemical)	132, 240
Virgin mercury	120, 960
Culture media	11, 434
Laboratory reagents	1, 311
Chemical materials and products, not elsewhere classified	17, 350
Asbestos	900
Cementing preparations	45
Acrylonitrile monomer (synthetic resin)	3, 500
Tabulating machine card stock	176, 000
Fiber glass fabric	50, 045
Pulp refiners and parts	86, 786
Beverage pumps	80, 000
Agricultural machines, parts and attachments	14, 403
Spray etchers and parts	31, 167
Magnetic tape	41, 220
Tape handler	25, 490
Unexposed still picture film	118
Instruments for measuring and checking pressure in liquids or gases	14, 675
Chemical analysis equipment	52, 476
Laboratory or scientific instruments	1, 147
Airconditioning units and controls	34, 909
Capacitor winding machines	13, 000
Radiation detection and measuring instruments	37, 165
Other industrial equipment and parts	16, 287
Total	2, 760, 844
Estonia: Beverage pumps	500
Total	500
Hungary:	
Yellow grain sorghums	1, 044, 611
Soybean meal	2, 204, 603
Synthetic rubber	15, 948
Cotton standards	96
Rubber antiozonants	1
Agricultural chemicals	543, 407
Industrial chemicals	2
Miscellaneous organic chemicals	92, 507
Synthetic resins	11, 681
Fluorescent powder	29, 501
Diagnostic laboratory reagents	1, 428
Photographic chemicals and film	614
Silicone oil	32, 225
Cement and cement kits	65
Hydraulic fluid	1, 004
Laboratory glassware	77
Cadmium sticks	5, 328
Metal whisk broom caps	572
Railway and locomotive engines, parts and accessories	56, 781
Agricultural equipment, parts and accessories	5, 448
Nonmilitary tracklaying tractor	39, 000
Statistical machine parts	116, 364
Electronic computer system and parts	253, 077
Industrial machines and accessories	50, 438
Laboratory machines and instruments	1, 836
Air conditioning equipment	47, 914
Beverage and fuel oil pumps	653
Ball and roller bearings	1, 292
Hearing aid batteries	44
Automotive parts and transmission equipment	1, 188
Resistors and microswitches	304
Communications antenna	650
Transistors, diodes, electron tubes and parts	4, 667
Radiation detecting and measuring instruments and parts	11, 414
Oscilloscope	2, 687
Voltmeters	1, 170
Osmometers with accessories	8, 348
Hand tools	550
Physical properties testing and inspecting instruments, electric or electronic, parts and accessories	36, 490
Used clothing	750
Motion picture camera and parts	8, 201
Microscope	342
Liquid supply meters	20, 265
Solar energy experiment kit	5
Dial thermometer	42
Optical measuring instrument parts	198
Sensitized paper, not developed	774
Magnetic tape unit, parts and accessories	59, 700
Rubber tubing	54
Medical and pharmaceutical preparations	150
Iron and steel samples	315
Total	4, 714, 781
Latvia: Beverage pumps	500
Total	500
Lithuania: Beverage pumps	500
Total	500
Poland:	
Laboratory reagents	446
Nickel sulphate	132, 102
Synthetic rubber	132, 102
Fuels and lubricants	3, 389
Lithium bromide	260
Hot scarfing machinery	965, 000
Statistical machines and accessories	21, 632
Electron tubes	3, 573
Spectrophotometers and accessories	58, 907
X-ray thickness meter	1, 724
Recording tape	2, 196
Parts for aircraft internal combustion engines	600
Automotive replacement parts	500
Gas chromatographs and accessories	16, 152
Physical properties testing and inspecting equipment	12, 710
Industrial machinery, not elsewhere classified	6, 746
Cattle hides	1, 034, 983
Total	2, 262, 289
Rumania:	
Rubber antiozonant	2, 085
Chemicals, not elsewhere classified	347
Hydraulic fluid	4, 818
Diamond drill bits	40, 370
Helium and helium-hydrogen systems	132, 790
Nonmilitary aircraft motors	409
Metal working machines and tools	30, 225
Truck crane	118, 500
Magnetic tape transports	3, 700
Catalytic cracking unit parts	288, 375
Parts for non-military vehicles	2, 452
Physical properties testing and inspecting equipment	9, 178
Rotary drill pressure gages	8, 360
Petroleum and natural gas production equipment	358, 992
Transformers and semiconductors	620
Cattle hides	675, 715
Total	1, 676, 936
U.S.S.R.:	
Grain samples	5
Magnesium oxide	80, 560
Monoethanolamine (industrial chemical)	110, 051
Diethylene glycol (industrial chemical)	423, 000
Methyl pyrrolidone (organic chemicals)	50, 008
Methyl vinyl ketone	14, 568
Normal propyl alcohol	16, 800
Cyclic intermediates not elsewhere classified	1, 722
Rubber products	763
Reagents	1, 135
Dow pon (industrial chemical)	23, 250
Synthetic leather	100, 000
Chemicals and chemical products not elsewhere classified	25, 866
Plastic tubing	7, 740
Nickel and nickel alloy products	82, 123
Ceramic cup burners	127, 161
Roller bearings	11, 889
Diesel engines and parts	41, 805
Beverage pumps	10, 000
Photographic-equipment and accessories	182, 546
Motors and spare parts (shuttle cars)	724, 118
Airborne navigational and direction finding equipment	10, 594
Magnetic tape units and parts	99, 000
Photo composing machine and parts	31, 593
Air conditioner	269
Fiber filament yarns	4, 839
Refractory cement	495
Industrial machines, parts, and accessories	75, 404
Physical properties testing equipment, parts and accessories	5, 727
Industrial process control instruments	9, 807
Magnetic charts	3
Accessories for sporting parachutes	483
Passenger cars	18, 011
Agricultural machinery parts	16, 851
Electronic computer equipment and parts	49, 860
Automatic typewriters and parts	75, 565
Copying machines and parts	9, 082
Astronomical telescope parts	400
Gift parcels of food	356
Teleprinter machine	1, 000
Cattle hides	2, 822, 892
Total	5, 267, 341

[1] Includes $14,500,000 of agricultural products licensed to Eastern European areas in the 4th quarter.

Technical Data Applications Approved

During the fourth quarter 1966 the Department *approved* 102 applications for the export or reexport of unpublished and unclassified technical data to these destinations. This compares with 76 approved in the previous quarter, and 55 approved in the comparable 1965 quarter. Eleven of the fourth quarter approved applications permitted exports of technical data only for sales quotations or bids in response to inquiries received, either directly from Eastern European areas or indirectly from firms in free world countries wishing to make quotations or offers based on the use of U.S.-origin technical data.

As in the past, the U.S.S.R. and other Eastern European areas continued throughout the reporting period to show that their greatest interest was in the acquisition of technical data in the fields of petroleum refining, petrochemicals, chemicals, and ferrous and nonferrous metallurgy. U.S. firms continued to seek the advice of the Government concerning the applicable export regulations and export licensing policy in connection with their licensees, affiliates, and subsidiaries abroad furnishing technical data and/or equipment to these Eastern European areas for the construction of various production facilities.

Technical data approved during this period related to the following:

Bulgaria: Tires and tubes; cold strip and sheet rolling mill, and galvanizing furnaces and temper mill; electrostatic precipitators; rotary earth augers.

Czechoslovakia: Pelletizing iron ore and fly ash; sulphuric acid evaporator; cold aluminum breakdown mill; dehydration and sludge burning; butadiene and cis-polybutadiene; vinyl chloride monomer and polyvinyl-chloride; air preheaters; pitch and indene-coumarone resins; ethylene; dichlorethane; polypropylene; cyclic catalytic reforming para-xylene.

East Germany: Ethylene; furnaces for ethylene; olefines; ammonia; cold tube reducing mill; caustic soda; propylene and polypropylene butadiene; potash mining machinery; fiber glass furnaces; fatty acid distillation.

Hungary: Sheet glass; hot strip down coiler; electrolytic tinning line; phosphoric acid evaporator; air preheaters; rotary earth digging augers; xylene isomerization.

Poland: Cold strip reversing mill; reciprocating compressors; furnaces for ethylene; stretch reducing mill; superphosphate and phosphoric acid; preheaters; oil refinery heaters; butadiene; fiber glass furnaces; continuous steel strip and sheet (aluminized); centrifugal pumps, sulphuric acid; polystyrene.

Rumania: Cold steel strip rolling mill; wire rod mill; insecticides; black liquor evaporator; carbon steel strip and sheet line; phosphoric acid; drawbench; mineral wool; furnaces for vinyl chloride monomer; fiber glass; heat exchangers; ammonia; continuous fat splitting; pesticide; compressors.

U.S.S.R.: Benzene over-the-highway cargo-carrying equipment; steel beam; mainline valves; pelletizing iron ore; drum industrial type boilers; natural gas liquification herbicide; rubberized thread prepolymer; digging augers; steam tube calciners; fired heaters; furnaces; vinyl chloride monomer; carbon dioxide removal pyrolysis furnaces.

In approving these applications, the Department, after careful evaluation, concluded that these technical data exports to Eastern Europe would not contribute significantly to its military or economic potential in a way that would be detrimental to the national security and welfare of the United States.

Technical Data Applications Denied

During the quarter the Department *denied* two technical data applications to Poland and one to Rumania because the transactions involved a party subject to a Departmental denial order.

Foreign Filing of Patent Applications

U.S. firms were granted 220 licenses for the export of technical data to permit the filing of foreign patent applications with Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, Rumania, and the U.S.S.R. during the fourth quarter of 1966. This represents a decrease from the 232 approved in the third quarter 1966.

Value information

The total dollar value of licenses approved for the export of technical data to these areas is not provided for this period because such value information has not been required on export license applications for technical data. Also, shipments or transmittals of technical data are not reported as U.S. export statistics. Until recently, the dollar value of technical data exports to these areas has not been deemed to be sufficiently large to require appropriate value reporting, particularly in the light of the recognized difficulties involved in such a reporting requirement. It is now believed, however, that exports of technical data, including technical services, to Eastern European areas are increasing in total value and are becoming significant in relation to current levels of goods exported to these destinations. The Department, during the fourth quarter, continued to study a proposed revision of the technical data regulations to require dollar value information on proposed and actual exports to Eastern European areas.

Revision of technical data export regulations

Effective November 21, 1966, technical data relating to porous nickel were placed under the validated export license requirement to all destinations, except Canada.

Also, effective November 21, 1966, technical data relating to two additional commodities were made subject to the requirement, under General License GTDU, that an exporter must obtain from the importer in a friendly country a written assurance that neither the technical data nor the direct product thereof is intended to be shipped, either directly or indirectly, to a Country Group W, Y, or Z destination. The additional commodities are (1) trimellitic acid and anhydrides; and (2) pyromellitic acid and its dianhydrides. (See Current Export Bulletin 942, dated Oct. 21, 1966.)

Export Control Act of 1949

(As extended and amended by Public Law 89–63, 89th Cong.)

An Act to provide for continuation of authority for the regulation of exports, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Export Control Act of 1949."

FINDINGS

Section 1. (a) Certain materials continue in short supply at home and abroad so that the quantity of United States exports and their distribution among importing countries affect the welfare of the domestic economy and have an important bearing upon fulfillment of the foreign policy of the United States.

(b) The unrestricted export of materials without regard to their potential military and economic significance may adversely affect the national security of the United States.

DECLARATION OF POLICY

Sec. 2. (1) The Congress hereby declares that it is the policy of the United States to use export controls to the extent necessary (A) to protect the domestic economy from the excessive drain of scarce materials and to reduce the inflationary impact of abnormal foreign demand; (B) to further the foreign policy of the United States and to aid in fulfilling its international responsibilities; and (C) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States.

(2) The Congress further declares that it is the policy of the United States to formulate, reformulate, and apply such controls to the maximum extent possible in cooperation with all nations with which the United States has defense treaty commitments, and to formulate a unified commercial and trading policy to be observed by the non-Communist-dominated nations or areas in their dealings with the Communist-dominated nations.

(3) The Congress further declares that it is the policy of the United States to use its economic resources and advantages in trade with Communist-dominated nations to further the national security and foreign policy objectives of the United States.

(4) The Congress further declares that it is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States and (B) to encourage and request domestic concerns engaged in the export of articles, materials, supplies, or information, to refuse to take any action, including the furnishing of information or the signing of agreements, which has the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against another country friendly to the United States.

AUTHORITY

Sec. 3. (a) To effectuate the policies set forth in section 2 hereof the President may prohibit or curtail the exportation from the United States, its Territories, and possessions, of any articles, materials, or supplies, including technical data or any other information, except under such rules and regulations as he shall prescribe. To the extent necessary to achieve effective enforcement of this Act, such rules and regulations may apply to the financing, transporting, and other servicing of exports and the participation therein by any person. Such rules and regulations shall provide for denial of any request or application for authority to export articles, materials, or supplies, including technical data, or any other information, from the United States, its Territories and possessions, to any nation or combination of nations threatening the national security of the United States if the President shall determine that such export makes a significant contribution to the military or economic potential of such nation or nations which would prove detrimental to the national security and welfare of the United States. Such rules and regulations shall implement the provisions of section 2(4) of this Act and shall require that all domestic concerns receiving requests for the furnishing of information or the signing of agreements as specified in section 2(4) must report this fact to the Secretary of Commerce for such action as he may deem appropriate to carry out the purposes of section 2(4).[1]

(b) The President may delegate the power, authority, and discretion conferred upon him by this Act, to such departments, agencies, or officials of the Government as he may deem appropriate.

(c) The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils, during any period for which the supply of such commodity is determined by the Secretary of Agriculture to be in excess of the requirements of the domestic economy, except to the extent required to effectuate the policies set forth in section 2(1)(B) or 2(1)(C) of this Act.

---

[1] Rules and regulations required to be promulgated pursuant to the 1965 amendment to sec. 3(a) shall be promulgated as expeditiously as practicable, and shall be published in the Federal Register within 90 days after the date of enactment of this Act.

CONSULTATION AND STANDARDS

SEC. 4. (a) In determining what shall be controlled hereunder, and in determining the extent to which exports shall be limited, any department, agency, or official making these determinations shall seek information and advice from the several executive departments and independent agencies concerned with aspects of our domestic and foreign policies and operations having an important bearing on exports.

(b) In authorizing exports, full utilization of private competitive trade channels shall be encouraged insofar as practicable, giving consideration to the interests of small business, merchant exporters as well as producers, and established and new exporters, and provisions shall be made for representative trade consultation to that end. In addition, there may be applied such other standards or criteria as may be deemed necessary by the head of such department or agency, or official to carry out the policies of this Act.

VIOLATIONS

SEC. 5. (a) Except as provided in subsection (b) of this section, in case of any violation of any provision of this Act or any regulation, order, or license issued hereunder, the violator or violators, upon conviction, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. For a second or subsequent offense, the offender shall be punished by a fine of not more than three times the value of the exports involved or $20,000, whichever is greater, or by imprisonment for not more than five years, or by both such fine and imprisonment.

(b) Whoever willfully exports anything contrary to any provision of this Act or any regulation, order, or license issued hereunder, with knowledge that such exports will be used for the benefit of any Communist-dominated nation, shall be punished by a fine of not more than five times the value of the exports involved or $20,000, whichever is greater, or by imprisonment for not more than five years, or by both such fine and imprisonment.

(c) The head of any department or agency exercising any functions under this Act, or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed $1,000 for each violation of this Act or any regulation, order, or license issued under this Act, either in addition to or in lieu of any other liability or penalty which may be imposed.

(d) The payment of any penalty imposed pursuant to subsection (c) may be made a condition, for a period not exceeding one year after the imposition of such penalty, to the granting, restoration, or continuing validity of any export license, permission, or privilege granted or to be granted to the person upon whom such penalty is imposed.

(e) Any amount paid in satisfaction of any penalty imposed pursuant to subsection (c) shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his discretion, refund any such penalty, within two years after payment, on the ground of a material error of fact or law in the imposition. Notwithstanding section 1346(a) of title 28 of the United States Code, no action for the refund of any such penalty may be maintained in any court.

(f) In the event of the failure of any person to pay a penalty imposed pursuant to subsection (c), a civil action for the recovery thereof may, in the discretion of the head of the department or agency concerned, be brought in the name of the United States. In any such action, the court shall determine de novo all issues necessary to the establishment of liability. Except as provided in this subsection and in subsection (d), no such liability shall be asserted, claimed, or recovered upon by the United States in any way unless it has previously been reduced to judgment.

(g) Nothing in subsection (c), (d), or (f) shall limit—

(1) the availability of other administrative or judicial remedies with respect to violations of this Act or any regulation, order, or license issued under this Act,

(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act or any regulation, order, or license issued under this Act, or

(3) the authority to compromise, remit, or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

ENFORCEMENT

SEC. 6. (a) To the extent necessary or appropriate to the enforcement of this Act, the head of any department or agency exercising any functions hereunder (and officers or employees of such department or agency specifically designated by the head thereof) may make such investigations and obtain such information from, require such reports or the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, and take the sworn testimony of, any person. In addition, such officers or employees may administer oaths or affirmations, and may by subpena require any person to appear and testify or to appear and produce books, records, and other writings, or both, and in the case of contumacy by, or refusal to obey a subpena issued to, any such person, the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and after notice to any such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisons of the Compulsory Testimony Act of February 11, 1893 (27 Stat. 443) shall apply with respect to any individual who specifically claims such privilege.

(c) No department, agency, or official exercising any functions under this Act shall publish or disclose information obtained hereunder which is deemed confidential or with reference to which a request for confidential treatment is made by the person furnishing such information unless the head of such department or agency determines that the withholding thereof is contrary to the national interest.

EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT

SEC. 7. The functions exercised under this Act shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237), except as to the requirements of section 3 thereof.

QUARTERLY REPORT

SEC. 8. The head of any department or agency or official exercising any functions under this Act shall make a quarterly report, within forty-five days after each quarter, to the President and to the Congress of his operations hereunder.

DEFINITION

SEC. 9. The term "person" as used herein shall include the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof.

EFFECTS ON OTHER ACTS

SEC. 10. The Act of February 15, 1936 (49 Stat. 1140), relating to the licensing of exports of tin-plate scrap, is hereby superseded; but nothing contained in this Act shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over exports of any commodity.

EFFECTIVE DATE

SEC. 11. This Act shall take effect February 28, 1949, upon the expiration of section 6 of the Act of July 2, 1940 (54 Stat. 714), as amended. All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under said section 6 of the act of July 2, 1940, shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act.

TERMINATION DATE

SEC. 12. The authority granted herein shall terminate on June 30, 1969, or upon any prior date which the Congress by concurrent resolution or the President may designate.

(NOTE.—The regulations issued under this legislative authority appear in Title 15, Chapter III, of the Code of Federal Regulations, in Parts 368 to 399, inclusive.)

DEPARTMENT OF STATE,
Washington, March 14, 1967.

Hon. PAUL A. FINO,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FINO: The President has asked me to reply to your letter of March 3, 1967 concerning a recent story in the "Northern Virginia Sun" which reported that United States oil companies operating in the Middle East had been encouraged to sell petroleum to the USSR and other Eastern European countries. You expressed strong opposition to such trade.

The United States Government has not encouraged United States oil companies to sell petroleum to the Soviet Union or to the other Communist countries of Eastern Europe. Under the Export Control regulations, United States oil companies are required to obtain an export license from the Department of Commerce before selling domestically-produced petroleum or petroleum products to the USSR and other Eastern European countries. Export license applications for such sales would be subject to the usual criteria and a license would not be approved if it were determined that the item in question would make a contribution to the purchasing country detrimental to the national security and welfare of the United States. A different situation prevails with regard to petroleum and petroleum products produced by United States companies from their overseas operations. Sales of these products to the USSR and the other Eastern European countries are not subject to the Export Control regulations. Under the Foreign Assets Control and Cuban Assets Control regulations, United States oil companies are prohibited from selling petroleum and petroleum products from foreign operations to Mainland China, North Viet-Nam, North Korea and Cuba.

As for possible United States sales to the Soviet Union, it should be noted that the USSR is one of the world's leading exporters of crude petroleum, having exported over 60 million metric tons in 1965 out of a total production of more than 242 million metric tons. For this reason it is extremely doubtful that the USSR would be interested in purchasing crude petroleum from United States companies. On the other hand, with the exception of Romania, all the Eastern European countries are major importers of crude petroleum. At present the USSR supplies these countries with almost all of their petroleum imports. From the point of view of the Eastern Europeans this trade is attractive since it does not involve the expenditure of hard currency. The availability of Soviet crude in Eastern Europe on barter terms has meant that up to now there has been no demand for petroleum produced by United States international oil companies. However, because this situation can change I understand that United States companies are now looking into market possibilities in certain countries of Eastern Europe.

A significant recent development has been the promotion of petroleum sales to Eastern Europe by the Government of Iran in exchange for industrial equipment. Iran is interested in promoting such barter trade in order to obtain a foothold in new markets, and the Eastern European countries are interested in new outlets for their manufactured goods. On the Iranian side, this trade will be based on oil produced in Iran by the Iranian Consortium in which some United States companies participate. Under the terms of the agreement between the Government of Iran and the Consortium, Iran has the right to call upon the Consortium to deliver stated amounts of oil in lieu of a cash royalty. Whatever transactions are arranged would be between Iran and the Eastern European Government concerned. As was noted above, our export control regulations do not apply to the participation of United States companies in arrangements of this type.

On the subject of East-West trade generally, I should point out that it is United States policy to encourage trade in peaceful goods with the Communist countries of Eastern Europe, including the Soviet Union. We are demonstrating in Viet-Nam, as we did earlier in Greece, Berlin, Korea, and Cuba, that we will not permit Communist aggression to succeed. At the same time we have sought to show the Communist countries that their best interests lie in pursuing peaceful relations with the nations of the free world.

We recognize that, while American servicemen are undergoing the hardships of the Vietnam battlefield, it is not always easy to appreciate the validity of a policy which focusses on long-term objectives, designed to bring about a more peaceful world. The fundamental reasons for this policy are perhaps best set forth in a few paragraphs from the President's remarks made on August 26 of last year, in Idaho Falls, Idaho.

"Uneasy is the peace that wears a nuclear crown. And we cannot be satisfied with a situation in which the world is capable of extinction in a moment of error, or sadness, or anger.

"I can personally never escape, for very long at a time, the certain knowledge that such a moment might occur in a world where reason is often a martyr to pride and ambition. Nor can I fail to remember that whatever the cause—by design or by chance—almost 300 million people would perish in a full-scale nuclear exchange between the East and the West.

"This is why we have always been required to show restraint as well as remember to demonstrate resolve; to be firm but not to walk heavy-footed along the brink of war."

You will, I believe, be interested in having President Johnson's statement of October 7 in which he discussed our relations with Eastern Europe, and I enclose a copy. Also enclosed is a copy of the East-West Trade Relations Act of 1966, which includes the Secretary of State's transmittal to the Congress of this Act. In these documents you will find a full documentation of our current policy towards the Communist countries of Eastern Europe.

I hope that you will find this information helpful. If I can be of any further assistance please do not hesitate to write.

Sincerely yours,
William B. Macomber, Jr.,
Assistant Secretary for Congressional Relations.

[From the Economist, Apr. 2, 1966]

Iran and Russia: Friends Across the Fence

(From our Teheran correspondent)

The Shah makes his second venture into communist territory when he goes to Jugoslavia later this month. After his visit to Russia last summer, this trip to Jugoslavia is yet another indication of the remarkably brisk transformation of Iranian foreign policy. In the early 1960's, Iranian relations with the Russians were hostile. Today contact with the communist world is expanding in all directions.

New agreements signed over the last two years have pushed up trade with half-a-dozen east European countries. A recent agreement under which Iran will sell Rumania $100 million worth of crude oil over a ten-year period in return for heavy plant and machinery is typical of these trade treaties. Discussion is going on about using the credit, worth nearly $40 million, that has been offered to Iran by Poland, Hungary and Czechoslovakia. The volume of trade is still small. But more and more industrial equipment is being bought in east Europe in exchange for traditional Iranian exports, such as cotton and dried fruit.

These arrangements are largely adjuncts to the surprising expansion in Iranian-Russian ties. The Russians last year became the largest single market for Iran's non-oil exports, taking some 20 per cent of the total. After Iran formally pledged in 1963 that it would not allow foreign missile bases on its soil, nor allow Iran to become a base of aggression against the Soviet Union, the two countries quickly signed a number of long-pending agreements. The Russians have already held their first industrial exhibition in Teheran; Aeroflot now flies regularly between Teheran and Moscow; a cultural agreement is in the pipeline. The two countries are co-operating in constructing a dam across the Aras river on their common frontier. The dam will be jointly used for hydroelectric power and irrigation purposes, and is being financed by Russian credits worth $36 million. This money will also help pay for Russian technical assistance in developing Iranian fisheries and for a string of grain silos the Russians are constructing across the country.

The crowning act to these multiple moves towards a rapprochment came last December, when the two countries signed an agreement under which the Russians are to provide Iran with $286 million in credits to finance an industrial complex consisting of a steel mill, a machine-tool plant and, possibly, a factory for making farm implements. The steel mill, with an initial annual capacity of 600,000 tons, will be expanded at a second stage to 1,200,000 tons. At the same time, the Russians are to help Iran build a $450-million pipeline to run natural gas from Iranian oil fields to the southern Soviet republics 750 miles away.

This agreement is immensely important. Iran has been wanting a steel mill for some 20 years. But repeated negotiations with the United States and west Europe have not worked out and the issue had become highly political. It will give a Russian slant to Iran's biggest venture into heavy industry; it will bring dozens of Soviet technicians to Iran and means that several hundred Iranian technicians and workers will be trained by Russians.

To keep the balance, Iran has, at the same time, been busy signing contracts, worth more than $140 million, with American firms for joint ventures in petrochemicals. Moreover, most of the supply and building contracts for the gas pipeline to the Soviet Union are likely to go to western firms.

All the same, what all this means is that the Shah can now stick much more firmly to a middle course between East and West than he has done before. There are numerous reasons for this change. The east-west thaw has contributed. Moreover, the Shah is convinced that there have been basic changes in the Soviet Union itself; that it is now more interested in co-operation than in subversion and so no longer threatens Iran. Besides, the initiative towards Russia helps the regime at home. The government is no longer so open to criticism from its left-wing opponents. The greater independence it is now showing in foreign policy has favourably impressed public opinion.

Finally, there is the question of foreign exchange. Iran's stepped-up industrialisation programme, its expanding economy and its increased arms purchases have put a strain on the balance of payments. Deals with communist countries are favoured because they are by barter, and because the interest rates are low. By 1970, Iran expects to be piping $66 million worth of gas each year to the Russians. In this way, the Russian loan should be written off within a few years.

These considerations were probably behind the Shah's unexpected warning early in March that Iran would turn to "new markets" for its military and industrial imports if oil revenues did not rise more rapidly, and if there is no improvement in the terms at present being offered by traditional sources. This has generally been read as a veiled threat to turn to Russia for arms purchases as well, although no one in the government has been willing to give so explicit an interpretation to the Shah's remarks. While the Americans do not mind the Russians sharing in Iran's economic development, they would probably draw the line at arms purchases. But American pressures no longer weigh as heavily as they did with the Shah. He will certainly continue to feel his way cautiously in foreign policy. But few doubt that in saying what he wants, and in presenting the alternatives for getting it, he means what he says.

THE TFX—A SORRY MONUMENT TO McNAMARA

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Latta] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LATTA. Mr. Speaker, the Washington Evening Star newspaper of Friday, April 7, 1967, carried an article by Richard Wilson entitled "The TFX—A Sorry Monument to McNamara," which I believe every Member should read. For this reason I submit it below:

The TFX—A Sorry Monument to McNamara

(By Richard Wilson)

Our $10 billion airplane, the TFX, does not operate as planned. It does not meet the requirements of either the Air Force or the Navy. It costs two to three times the original estimate.

The TFX program is a sorry monument to the strong mindedness of a secretary of defense who was trying to prove his intuitive brain power was superior to the collective judgment of the Joint Chiefs of Staff and a board of civilian experts.

Richard Witkin, for many years an aerospace news editor, concludes in an exhaustive article in the New York Times magazine:

"As for (secretary of defense) McNamara, despite all his brilliance, he is emerging in the F111 (TFX) dispute as a merely human, fallible policy-maker who compounded what appears to have been an initial mistake—commonality—by tactlessness and a presumptuous flouting of sound managerial doctrine."

Commonality is a term used to describe the purpose of the TFX fighter-bomber as a plane that would be jointly used by the Air Force and the Navy, a short-cut in plane procurement that would save taxpayers $1 billion, according to McNamara.

The program is not saving $1 billion. Each F111 is being produced at a cost of about $8 million, two to three times original estimates. Instead of being a $5 billion procurement program, the total cost would be at least $10 billion if fulfilled as originally planned.

The plane is not suitable for use by the Navy from carriers. It weighs far too much and has numerous other technical shortcomings that may prevent it ever being used by the Navy.

Penalties are also being paid in the Air Force version of the plane, although taken separately the aircraft is considered to be a radical advance in design.

But very little in the program is working the way McNamara planned it. His judgment, or whatever it was, giving the contract to the financially floundering General Dynamics Co. instead of the Boeing Co., as the Joint Chiefs of Staff and the civilian experts recommended, has not been confirmed.

These developments are a sharp disappointment to the McNamara-admirers, who have built him into a superman incapable of error and with a towering command of technical details beyond the scope of the mind.

When this mess at the Pentagon is looked at from a little distance, one point compels attention. In the early days of the Kennedy administration it became a fetish that the civilian will had to be imposed on the military.

Otherwise the generals and admirals, acting in concert with the managers of the munitions industry and likeminded people in Congress, would so influence events by the allocation and spending of huge sums of money as to virtually run the country. Gen. Dwight D. Eisenhower, leaving the presidency, warned against the potential for evil of the military-industrial complex.

McNamara was picked by President Kennedy as a man capable of imposing his will on the military. But he could not have chosen a worse way to do so than in overriding the Joint Chiefs of Staff in a highly complicated and technical matter, particularly now that his action has boomeranged so badly.

This is not the only way in which the Joint Chiefs of Staff have been overridden. They have been overridden on the scope and nature of bombing in North Vietnam.

Many times the joint chiefs have recommended hitting North Vietnam airbases from which Russian MIGS rise to thwart American bombing attacks. To the response that this will only drive the MIGs to Chinese bases, the joint chiefs can reply that those Chinese bases already are being used.

But there are apparently no more general officers in the high command who have the audacity to take their careers in their hands and argue for their point of view—no more Admiral Andersons, or Gen. LeMay, who opposed McNamara and were punished for it. The Joint Chiefs of Staff has been downgraded, not to say intimidated, by overpowering civilian control represented by McNamara, backed up by the commander-in-chief.

While it may be readily conceded that there are real dangers in the unrestrained exercise of military discretion, it can also be said that there are risks in the imposition of the civilian will on the military judgment of trained commanders. This may be the case with the present restraints on bombing, as it was in the critical decisions on the TFX airplane contract.

As the successful allied commander in Europe of World War II, Eisenhower did not hesitate to argue with and prevail over Winston Churchill. But that spirit seems to be lacking in the present military command set-up.

H.R. 5900—THE AGRICULTURAL PRODUCERS MARKETING ACT OF 1967

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, on February 21 I introduced H.R. 5900, the Agricultural Producers Marketing Act of 1967. Every farm organization that I know of supports this legislation.

American farmers and ranchers have a need for a greater marketing power. The basic purpose of H.R. 5900 is to assist in the development of voluntary agricultural marketing programs by prohibiting unfair practices against producers solely because of their membership in a marketing association.

This act would prohibit processors, canners, freezers, and other purchasers of agricultural products from restraining any producer in the exercise of his right to join and belong to an association of producers or from discriminating against any producer because of his membership in or contract with such an association.

It would not force purchasers to deal with marketing associations of producers; nor would it prevent a purchaser from choosing the producers with whom he deals. This bill would not end competition by preventing other purchasers from offering a producer a better price or contract than is available through his marketing association. It would apply only if the purchaser used coercion, intimidation, or bribery.

Experience has indicated a need for a clearer definition of unfair practices by purchasers as well as a more rapid procedure to obtain relief. Substantial evidence was presented by witnesses during the 1966 hearings held by the Senate Agriculture Committee on a similar bill that such unfair practices have been used by purchasers.

The rights of purchasers are protected by two principal factors: First, producer membership in a marketing association remains voluntary; and second, purchasers are free to deal with whomever they choose. This includes the right to refuse to deal with a marketing association. A producer would be required not only to prove discrimination but also that the discrimination was intended to discourage his membership in a marketing association.

Members from farm districts should know these facts about this bill and should tell them to the people they represent. It is in the interest of consumers as well as producers of agricultural products.

LEGISLATIVE PROGRAM FOR RETIRED FEDERAL EMPLOYEES

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, yesterday I introduced 10 bills which constitute a legislative program for our retired Federal employees. Through the years some inequities have arisen in the retirement program for our civil servants. The legislation which I have introduced is designed to remedy these inequities.

It is not easy, Mr. Speaker, to obtain the relevant information on all of the effects of the bills which I have introduced. It is for this reason that I qualify my support. I have introduced the legislation so that full and complete discussion and debate of the merits of the bills can be obtained. If, at the conclusion of this debate, any part of the legislative program proves to be inadequate or ill-advised, I will ask that it be withdrawn from consideration.

But I feel strongly that all of the legislative program should be carefully considered and studied.

During the past 45 years there have been many changes in our civil service retirement system. For many years, most of the changes were retroactive to provide benefits for those previously retired commensurate with the benefits granted to those who would retire in the future. However, during the 1950's and 1960's, the liberalizations of retirement benefits have not been made retroactive, with the result that many inequities have arisen. There must be some measure of correlation between the benefits awarded prospectively during the past 15 years and the benefits now paid to those who retired prior to the effective dates of such prospective legislation. Otherwise, how can present Federal employees have any assurance that they, too, will not be forgotten as soon as they leave the active working force? How long can the morale of the present active working force be sustained under such conditions?

H.R. 8220 which I have introduced effectively correlate the benefits awarded by most of the prospective legislation during the 1950's and 1960's. Section 1 of this bill would extend the formula for reduction of retirees' annuities to provide for surviving-spouse annuities, contained in the act of October 11, 1962, to all present retirees who retired prior to October 11, 1962. In other words, the formula for voluntary deductions from civil service retirement annuities to provide for a surviving spouse would be the same for all retirees, past, present, and future.

Prior to April 1, 1948, there was no simple procedure for a retiring employee to provide survivor benefits for his spouse. There was an option for a "joint-survivor annuity" to be computed on an actuarial basis but it was so complicated that few retiring employees used it. Also, there was no provision for an annuity for the widow of an employee who died in the service.

On April 1, 1948, Public Law 426, 80th Congress, became effective and permitted a retiring employee to elect a survivor annuity for his spouse by taking a reduction of 10 percent in his annuity, plus a reduction of three-fourths of 1 percent for each year that such spouse was under the age of 60, the total reduction not to exceed 25 percent. The survivor annuity was fixed at 50 percent of the unreduced annuity of the retiree. This law also granted a survivor annuity to the widow of each male employee who died in the service after service of at least 5 years, computed on the basis of half of the amount the employee would have received if retired on full annuity at the time of his death. Also, this law granted either a free survivor annuity, or an annuity increase of 25 percent—not to exceed $300—to each married person previously retired. The survivor annuity was set at half of the annuity of the retiree, limited to $600 per annum. Two years later, Public Law 601, 81st Congress, granted survivor annuities to those who had chosen annuity increases and vice versa, thus assuring survivor annuities to all married retirees prior to April 1, 1948, who were living on that date. By a later law in 1958, the widows of pre-1948 retirees who had died before April 1, 1948, and the widows of employees who had died with 10 years or more of service befor April 1, 1948, were granted annuities.

Under Public Law 310, 81st Congress, after September 30, 1949, the cost of a survivor annuity was modified by requiring a reduction of only 5 percent on the first $1,500 of original annuity, plus 10 percent on the remainder, retaining the three-fourths of 1 percent reduction for each year the spouse was under 60 years of age, and with the maximum reduction limited to 25 percent. This law was not made retroactive to apply to persons previously retired.

Public Law 854, 84th Congress, made a drastic change in survivor annuities, effective October 1, 1956. Thereafter, a retiree could elect a survivor annuity based only on a portion of his annuity, and suffered a reduction of only 2½ percent on the first $2,400 of such portion, plus 10 percent of the remainder, if any. The survivor annuity was fixed at half of the amount of annuity designated by the retiree. Extra deductions based on the age of the spouse were discontinued. This enabled a retiree to provide a survivor annuity of $1,200, for a reduction of only $60 per year in original annuity. The provisions of this law were not made retroactive to apply to persons previously retired.

The latest change in laws governing survivor annuities was made in Public Law 87-793, effective October 11, 1962, when the amount subject to reduction at 2½ percent was increased from $2,400 to $3,600, and the amount of the survivor annuity was increased from 50 to 55 percent of the base. This enabled a retiree after that date to elect a survivor annuity of $1,980 per year at a cost of only $90 per year. The provisions of this law were not made retroactive to apply to persons previously retired.

Because changes in survivor provisions of the law were not made retroactive to persons previously retired, we now find that persons retired prior to October 1, 1956, are suffering the loss of up to 25 percent of their annuities in order to provide survivor annuities of only 50 percent of their unreduced annuities, while persons retired since October 11, 1962, can provide survivor annuities up to $1,980 per annum for a reduction of only 2½ percent of $3,600, or an annual cost not to exceed $90. Even where the age factor did not apply, the man who retired in 1948 who has annuity enough to provide his wife with a survivor annuity of $1,800 is now suffering a reduction of $360, 10 percent of $3,600. The 1948 retiree pays four times as much as the 1963 retiree, but the 1963 retiree can provide 10 percent more in survivor annuity. The retiree in 1950 who has a large enough annuity to provide a survivor annuity of $1,800 is suffering an annuity reduction of 5 percent on $1,500, and 10 percent on $2,100, a total reduction of $285, more than three times the amount paid by the 1963 retiree, and can't provide as much for his spouse. The 1957 retiree who has sufficient annuity to provide a survivor annuity of $1,800 for his spouse, is suffering a reduction of 2½ percent on $2,400 and 10 percent on $1,200, a total of $180. His cost is double that of the 1963 retiree, who can provide 10 percent more in survivor annuity for only $90 per year. The persons receiving the least annuities have to pay the most for survivor protection, and their survivors, who can only look for a percentage of small annuities, are further penalized by a lower percentage formula.

There was a similar problem under the Foreign Service Retirement System. For many years prior to 1960, a Foreign Service officer was permitted upon retirement to designate his wife to receive a survivor annuity of half of his unreduced annuity, but he had to elect to receive for his lifetime only 75 percent of this unreduced annuity. He had to pay 25 percent of his annuity to provide his wife with a survivor annuity of 50 percent. In 1960, a new law changed this system and permitted a Foreign Service retiree whose annuity would be at least $4,800 to provide his wife with a survivor annuity of $2,400 per year, at a cost of only $300 per year—2½ percent on $2,400, and 10 percent on $2,400—which corresponded to the formula in effect at that time under the civil service retirement system. Also, this law set a minimum survivor annuity of $2,400 for the Foreign Service retirement system. The law was not made retroactive for persons previously retired.

Public Law 89-308, approved October 31, 1965, eliminated these inequities from the Foreign Service retirement system. The annuities of former Foreign Service retirees who elected survivor annuities at the cost of a loss of 25 percent of their annuities, have been recomputed on the more liberal 1960 formula of $300 per year to provide survivor annuities of $2,400. Also, survivor annuities which were under $2,400 per annum have been increased to the new minimum of $2,400 per annum. In addition, Public Law 89-308 gives a new opportunity for former retirees who did not elect survivor annuities at the time of their retirement to now elect such survivor annuities and pay back the costs for prior years by monthly installments of $25 deducted from their annuities.

There was discrimination against older retirees in the matter of costs imposed for the privilege of providing survivor annuities in the Foreign Service retirement system as in the civil service retirement system. It has been eliminated in the Foreign Service retirement system and should be eliminated also in the civil service retirement system.

Costs are always an important item for consideration in connection with proposed legislation. We have no official figures because we do not have the basic data which would be required. However, we can present some estimates based on figures we have been able to obtain from the Civil Service Commission.

On June 30, 1965, there were on the rolls 7,325 persons who retired in fiscal year 1948, 8,423 who retired in fiscal year 1949, and 9,693 who retired in fiscal year 1950. From this we estimate that there are now approximately 12,000 former employees who retired between April 1, 1948 and September 30, 1949. This includes men and women and persons who retired under conditions which prevented them from designating their spouses to receive survivor annuities. Also, the high cost at that time deterred many from electing survivor annuities. Perhaps one-fourth of these retirees elected survivor annuities, and the probable average increase they would receive from recomputation would be $120—average annuity $1,800, and average reduction changed from $180 to $60. This would make the cost of adjusting this group $360,000. From October 1, 1949, to October 1, 1956, there were 93,601 retirees who were still on the rolls of June 30, 1965. It is not likely that more than one-third of these elected survivor annuities, and we estimate the average to be restored to each through recomputation at $75—average annuity $2,000, and average reduction changed from $125 to $50. This would make the cost of adjusting this group $2,340,000. Between October 1, 1956, and October 11, 1962, there were approximately 225,736 retirees who were on the rolls on June 31, 1965, and perhaps 40 percent of these elected survivor annuities, and we estimate the average to be restored through recomputation at $45 (average annuity of $3,000 designated as base for survivor annuities, and average reduction changed from $120 to $75). This would make the cost for this group about $4,063,248. The total cost of the recomputation of annuities would be about $7,763,248.

Section 2 of this bill would extend the benefits of the act of July 18, 1966, eliminating the deductions for years under attained age of 60 as to those who retire after July 18, 1966, on the basis of attained age of 55 and completion of 30 years of creditable service to those who retired prior to July 18, 1966 on the same basis. It would remove the penalties imposed for each full month under age 60 at time of retirement now applicable to those who retired prior to July 18, 1966.

It can be said that since the enactment

of the act of July 18, 1966 it has become the official policy of the Federal Government to encourage employees past the prime of life to retire from active Government service and thus permit more frequent injection of new blood into important Government agencies. The promise of such early retirement is an important factor in the attraction and retention of qualified persons in the Federal civil service. For many years this which to all intents and purposes has become the official policy of the Government, was to say the least, the quasi-official policy of the Federal Government.

Public Law 854, 84th Congress, the act of July 31, 1956, provided for retirement to an immediate annuity for those with 30 years of service who had attained the age of 55 but stipulated that the annuities of such persons be reduced by one-twelfth of 1 percent for each full month not in excess of 60, and one-sixth of 1 percent for each full month in excess of 60 that such person was under the age of 60 years at date of separation. Public Law 426, 80th Congress, the act of February 28, 1948, provided that the annuity of any employee retiring on the basis of attained age of 55 with 30 years service be reduced by one-fourth of 1 percent for each full month such employee was under the age of 60 years at time of retirement.

Public Law 411, 77th Congress, the act of January 24, 1942, provided for immediate annuity at age 55 on the basis of 30 years' service computed on the basis of "the present worth of a deferred annuity at the age of 60 years." So that here again we have several categories of retirees retired on the basis of attained age of 55 with 30 years of service with each preceding category having a much higher rate of reduction for months under the age of 60—yet the same intent to provide for the injection of new blood into the Federal civil service must have animated each succeeding amendment even though it could be argued that it did not become the "official" policy of the Government until the enactment of the act of July 18, 1966.

And while it can be argued that the encouragement of early retirement at age 55 with 30 years' service did not become the "official" policy of the Government until last year there are hundreds of present retirees who could testify that they were indirectly and "unofficially" encouraged to elect early retirement in order to make way for the employment of younger people.

There were many subtle ways that bureau chiefs could employ to "encourage" such early retirement in the name of improvement of the Federal civil service by injection of new blood. The enactment of this section into law would not affect a large number of present retirees but would seem to be an act of elementary justice as to the comparatively small number that would benefit.

Section 3 of this bill would permit all present annuitants who were separated from the Federal civil service prior to July 31, 1956 with more than 5 years of service who later qualified for reduced annuities upon attainment of the age of 62, commonly referred to as deferred annuitants, to have the same right to elect deductions from their annuities to provide for a surviving spouse that those annuitants who retired to an immediate annuity have had for many years and that those deferred annuitants who have become entitled to deferred annuities since July 31, 1956 have had pursuant to section 9(g) of Public Law 854, 84th Congress—the act of July 31, 1956. Enactment of section 3 of this bill into law would not affect a large number of retirees but would again be an act of elementary justice to that comparatively small number it would benefit.

Section 4 of this bill would restore the survivor annuity to those surviving spouses who were entitled to such annuity prior to their remarriage after the death of the retiree-spouse in those cases where the survivor annuity has been stopped because of such remarriage prior to the enactment of the act of July 18, 1966. Subsection (d) of section 506 of Public Law 89-504, the act of July 18, 1966, provides that:

> In the case of a surviving spouse whose annuity under this section is hereafter terminated because of remarriage before attaining age sixty, annuity at the same rate shall be restored commencing on the day such remarriage is dissolved by death, annulment or divorce * * *.

This liberalization should be extended to those surviving spouses over the age of 60 who remarried prior to July 18, 1966. There are a substantial number of such surviving spouses now over the age of 60 whose survivor annuity was so small that they could not exist on it alone, let alone live in dignity. They were literally forced to live with their children or friends and relatives or seek charity. Many of them felt the need for companionship and understanding from those in their own age group. It was but natural that many elected to remarry within their age group but by so doing they were forced to surrender their meager survivor annuities. This rather cruel and outmoded dictum has now been removed as to those survivor-annuitants of former employees who died or retired on or after July 18, 1966. Surely in this enlightened era of social justice this liberalization should now be extended to those survivor annuitants of former employees who died or retired prior to July 18, 1966.

Section 5 of this bill would permit those retired prior to July 12, 1960, to have those periods of service that were in excess of the maximum years of service creditable for retirement prior to July 12, 1960, computed on and after the effective date this section is enacted into law. Since July 12, 1960, employees who continued in service and made contributions to the retirement fund after they had accumulated enough years of service to earn the maximum annuity have received credit for such contributions to purchase additional annuities, thus giving them more than the maximum basic annuity then permitted. There are a substantial number of annuitants who retired before April 1, 1948, who had otherwise creditable service in excess of 35 years but who received no credit for such excess service and contributions. There are many other annuitants who retired prior to July 12, 1960, who received no credit for contributions beyond the time during which they earned maximum annuities. The provisions of section 8342(h) of title 5, United States Code, should be made applicable to all employees and Members who retired prior to July 12, 1960.

Section 6 of this bill would extend the benefit of the "annuity floor" granted to those retired on account of disability after October 1, 1956, to those who retired on account of disability prior to October 1, 1956. Disability retirement is a double calamity inflicted by loss of employment forced by loss of capacity to work. This hardship is recognized in Public Law 84-854, the act of July 31, 1956, which provides that an employee retiring on account of disability under the provisions of that act shall be entitled to a minimum annuity equal to 40 percent of average salary or the annuity that would have been earned by service to age 60, whichever is less, but this recognition was restricted to those retired subsequent to October 1, 1956, which was the effective date of the act of July 31, 1956. Here again a comparatively small number of present retirees would be affected but to those who would benefit it would seem to be but an act of elementary fairness and justice.

Section 7 of this bill would extend survivor annuities to certain "forgotten widows" not now eligible because they were married to the former employee for less than 5 years or because he had less than 10 years of creditable service. Public Law 85-465, the act of June 25, 1958, provides that the unremarried widow or widower of an employee—first, who had completed at least 10 years of service creditable for civil service retirement purposes; second, who died before February 29, 1948; and third, who was at the time of his death subject to an act under which annuities granted before February 29, 1948, were or are now payable or who retired under such act—shall be entitled to receive a survivor-annuity provided such widow or widower was married to the employee for at least 5 years immediately prior to his death. Public Law 854, 84th Congress, the act of July 31, 1956, defines the term "widow" for the purposes of survivor annuities as "the surviving wife of an employee or Member who was married to such individual for at least 5 years immediately preceding his death," and provides for survivor annuities "if an employee dies after completing 5 years of civilian service." Section 7 of this bill would amend the act of July 31, 1956, to lower the marriage requirement to 2 years and the period of service requirement to 5 years. It is probable that section 7 would actually benefit a very small number of surviving widows who are living today but for those few it would be a matter of long-delayed justice and is long overdue.

Section 8 of this bill would make some provision for the expense of last illness and burial of those former civil service employees who retired prior to the effective date of the Federal Group Life Insurance Act of 1954 and were therefore unable to participate in that program. A very large number of such pre-1954 retirees are among that large group of Federal civil service annuitants who are receiving less than $200 per month. They simply cannot afford even the comparatively small cost of "burial insurance" offered by commercial "mail order" insurance companies. It is but equitable that those who were denied through no fault of their own the right to participate in the Federal group life insurance initiated by the 1954 act should be granted the minimal amount of $500 to be applied toward the expenses of last illness and burial.

Inferences have been made by those not in sympathy with the concept of equalization of Federal civil service retirement benefits that the justification for recent prospective legislation is that those who retired prior to such legislation concluded their period of active service pursuant to a "contract of employment" the terms of which were or should have been familiar to all such retirees and that the present Congress and executive branch of the Government has no obligation to rectify the omissions of the past. The answer to this attitude is twofold: First, from a strictly legalistic sense it is a matter of record that courts of equity throughout the Nation have long adhered to the principle that they have the power to "reform" contracts that affect present public policy; and, second, regardless of any such legalistic argument the principles of social justice are now firmly embodied in the fabric of our national welfare policies. This bill seeks only to extend the liberalizations of prospective legislation during the 1950's and 1960's to those retired prior to such legislation—all such further liberalizations to become effective only after the date this bill is enacted into law.

H.R. 8221 would help remedy another inequity. With the multitude of grant-in-aid, and matching programs initiated by the Federal Government, a large number of employees, though technically employed by the States, are for all practical purposes controlled by the Federal Government. If these employees, for one reason or another, qualify for coverage under the Civil Service Retirement Act, the years they worked under the so-called Federal-State projects should be credited for civil service retirement purposes and be applied retroactively to all now retired.

H.R. 8222 provides that if an originally named survivor of a civil service annuity passes away before the spouse who has provided for the annuity, the spouse can name a second survivor should he remarry. Under present law a survivor annuity means a reduction in retirement payments. This reduction is not lifted if the survivor expires before the retiree.

H.R. 8223 would grant the National Association of Retired Civil Employees the same postal privileges given to labor unions and other nonprofit organizations.

H.R. 8224 exempts survivor annuities from State inheritance and Federal estate taxes.

H.R. 8225 would change the rate of reduction in Government group life insurance at age 65 or date of retirement, whichever is later, from 2 percent a month to 1 percent a month, and halt the reduction at 50 percent, and finally would restore to 50 percent all insurance now reduced below that amount.

H.R. 8226 would grant deferred annuitants all annuity increases authorized after the termination of their services and before the commencement of their annuities.

H.R. 8227 would make medicare benefits available to all civil service retirees and increase Government benefits to civil service retirees so that the cost of medicare medical insurance would be covered.

H.R. 8228 would give an annuity to the surviving spouse of each retiree under the civil service system without charge to the original annuity, provided the spouse was married prior to retirement, or if after retirement the marriage continued for at least 3 years. It would also restore full annuities to all retirees who are now receiving reduced annuities in order to provide a survivor annuity for the spouse, provided that no existing annuity or right to provide an annuity is reduced or impaired.

H.R. 8229 would increase retirement income credit under Federal income tax laws.

Mr. Speaker, as I stated at the outset, this is an extensive and ambitious legislative program for our retired civil servants. It should be closely examined and scrutinized. Parts of it may have to be changed or revised, but I submit it for the consideration of the Congress. There are problems and there are inequities and I hope they can be overcome.

ARGUMENT FOR PROPOSED 23-INCH TELESCOPE AND LABORATORY BUILDING, U.S. NAVAL OBSERVATORY, FLAGSTAFF

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. STEIGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. STEIGER of Arizona. Mr. Speaker, the following excellent language sets forth the need for the proposal of a new laboratory and telescope at Flagstaff, Ariz.

FLAGSTAFF, ARIZ.,
April 2, 1967.

This proposed new building is intended to house a 23-inch refracting telescope purchased several years ago from the Princeton University, and to furnish added laboratory and office space. The need for both the telescope and the laboratory facilities is caused by changes taking place both at the parent Naval Observatory in Washington, and in the science of Astronomy.

In Washington, astronomical observing conditions have been badly damaged by city lights and city atmospheric pollution. The Flagstaff Station was established in 1955 so that some of the most adversely affected work could be moved to a site having better conditions. It is now proposed to move that last remaining major astronomical program, the double start program, to Flagstaff. This will require the 23-inch telescope. Moving the double star program has been put off because of the need for an additional telescope and the consequent expense involved. The U.S. Naval Observatory is one of the last observations in the northern hemisphere and in the United States to continue the unglamourous work of observing double stars. The importance of the work has been emphasized at recent meetings of the International Astronomical Union, where an almost unavailing plea has been advanced not to abandon work of this kind. It is fitting that the U.S. Naval Observatory should continue work of this type.

The laboratory space is needed partly because there has never been a good laboratory facility here, partly because a new project has been undertaken at Flagstaff. This project is the development of an electronic camera, the astronomical analogue of the electron microscope. With the electronic camera, which takes pictures by means of a photoelectric cathode, information from the telescope can be stored at ten times the rate of photography. This is because the photocathode is ten times as efficient as the photographic plate, and therefore uses ten times more of the light gathered by the telescope. Use of the electronic camera therefore is roughly analogous to increasing the size of the telescope by a factor of ten, but very much cheaper. Projects for the development of electronic cameras are being pushed hard in England and in France, but in the United States our project at Flagstaff is the only one. This project, well supported by the Office of Naval Research and the National Science Foundation, needs laboratory space critically. The proposed new building would furnish the required space.

GERALD E. KRON,
Director, Flagstaff Station.

UNNECESSARY SUBSIDIES IN URBAN RENEWAL

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentlewoman from New Jersey [Mrs. DWYER] may extend her remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. DWYER. Mr. Speaker, the Secretary of Housing and Urban Development has now formally confirmed that approval of section 701 of the Demonstration Cities and Metropolitan Development Act of 1966 will be extremely costly, both in terms of additional and unnecessary subsidies and of the distortions it introduces into the urban renewal program.

According to Secretary Weaver, the estimated cost of facilities which were made eligible for special grant-in-aid credit by section 701 and which were completed, under construction or planned at the time of a survey ordered by the Secretary, will be approximately $1,500,000,000. This will result in additional noncash local grants-in-aid of about $300,000,000.

As I tried to point out during debate on the legislation last fall, section 701 was adopted without adequate consideration of its economic or social costs. It seems inconceivable that, at a time when Congress is seeking ways of controlling unnecessary spending and when Congress is gradually reorienting the urban renewal program to its essential objective of improving low- and middle-income residential housing, we should permit such a costly distortion as section 701 to continue to exist.

At appropriate opportunities, Mr. Speaker, beginning with consideration of this year's housing bill by the Housing Subcommittee of the House Banking and Currency Committee, I shall attempt to repeal or greatly modify section 701, and I urge the support of our colleagues.

By way of background to this effort, I include herewith, as a part of my remarks, first, the text of my remarks in the House on October 20, 1966, on the conference report on the demonstration cities and metropolitan development bill and, second, the text of Secretary Weaver's report of March 13, 1967, and the attached memo, estimating the potential cost of section 701.

As our colleagues will note, Mr. Speaker, the Secretary emphasizes that the estimates are on the low side, both because construction costs usually increase by 50 percent over estimates and because there is no way of judging how many future urban renewal projects may be planned around the attractive subsidies offered by section 701.

The material referred to follows:

Mrs. DWYER. Mr. Speaker, it is a matter of great regret to me that the demonstration cities and metropolitan development bill, after lengthy consideration in the House and Senate and in the conference committee, is still not worthy of support. As a conferee, I felt obliged to omit my name from the conference report and I cannot, in good conscience, vote for the compromise bill.

I consider it regrettable because I have strongly supported almost every major housing bill during my 10 years in the House, and because the present bill could have been—and should have been—good legislation. Cities need help in restoring rundown areas, in providing new hope and opportunity for people living in slums, and in improving the quality of life and environment in our major centers of population.

But this bill is so compromised by the addition to it of billions of dollars of special urban renewal credits that the demonstration cities program, which will depend heavily on urban renewal, will be severely handicapped. Inasmuch as the Secretary of Housing and Urban Development has confirmed my estimate, I can only attribute the administration's public silence on this issue to its willingness to pay almost any price to obtain the legislation it wants.

I refer of course to title VII of the bill. As our colleagues will recall, the Banking and Currency Committee, at my repeated urging, deleted a section from title VII which would have authorized local noncash urban renewal credits for 52 special projects at a cost estimated at $750 million. But the committee and the House retained the even more objectionable section 701, which provides credits for 25 percent of the cost of cultural, exhibition, civic and municipal facilities for all of the more than 800 communities with active urban renewal projects. And the House accepted an amendment authorizing local credits for university and hospital projects located as far as 1 mile away from urban renewal projects.

In my remarks during debate on the bill, I estimated that the cost of section 701 alone would exceed $2 billion, and exceed it probably by a substantial margin. It would also, of course, have the same kind of adverse effect on the urban renewal and demonstration cities programs as the 52 special projects we eliminated earlier, and on a much more comprehensive scale.

I emphasize again, Mr. Speaker, that my fear and concern in these respects were also shared by the Housing Secretary.

Although I pursued my fight against these unjustified credits—or subsidies, to give them their correct designation—we were limited under the rules during the conference to consideration of credits for "municipal" facilities and for university and hospital projects within 1 mile of urban renewal areas.

I am glad to report, Mr. Speaker, that the conference did agree to put some limits on the municipal facilities eligible for local credits, but it did not go nearly far enough. While we struck out the word "municipal," the conference inserted in its place "city hall or public safety building" and added certain medical, research and mental health facilities to those eligible for credits. The conference also added to the existing 25-percent credit limitation a dollar figure of $3,500,000, and it approved the 1-mile liberalization for university and hospital facilities eligible for full credit.

It is impossible, Mr. Speaker, to say precisely how much the conference saved in dollar amounts by the action we took on urban renewal credits. We saved something, but not nearly enough. Using my estimate of $2 billion as the cost of section 701 as approved by the House—a conservative estimate—and relying on Secretary Weaver's judgment that municipal facilities would account for approximately half the cost of section 701 credits, I would speculate that conference limitations on eligible municipal projects will reduce the cost by one-half—or a net saving, very approximately, of another $500 million.

As useful as this may be, however, it serves to point up the extremely costly character of what Congress is doing to the urban renewal program in this bill. What Congress left in the bill will still cost billions, it will still distort urban renewal, limit its usefulness as a slum-clearance and residential construction program, and deprive many communities of legitimate urban renewal assistance, and it will still hurt the demonstration cities program. In effect, we are asking urban renewal to subsidize city jails, city halls, firehouses, police stations, hospitals, cultural centers, exhibition halls, university buildings, and other facilities, at the expense of low- and moderate-income families who need decent housing if we are to have decent cities. These may be all good and desirable facilities, but by definition none of them are integral parts of urban renewal and many will not even be in or near the urban renewal area. Urban renewal is being made a convenient source of financing and being transformed into a giant "pork barrel."

Fortunately, Mr. Speaker, the conferees accepted my proposal to include cautionary language in the report, emphasizing that section 701 is not intended to be a "blank check" for urban renewal credits, and requiring the Department of Housing and Urban Development to report to Congress next January on the potential cost of section 701, including recommendations for changes in the law as it affects local grants-in-aid. This will give us another chance to look carefully at what we are doing, though it is an opportunity we should have utilized more thoroughly before we passed this bill.

In voting against the conference report, as I shall, Mr. Speaker, I want to make it clear that my vote will not be against housing or urban renewal or the effort to rehabilitate slum areas. It will be a vote protesting the misuse of these and other potentially valuable programs to serve other and unrelated purposes.

If Congress wants the Federal Government and the Federal taxpayer to subsidize the building of jailhouses or concert halls, then we should enact a program for such purposes. But we should not use a program designed for much more urgent needs. I am afraid Congress action will come back to haunt us.

THE SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,
Washington, D.C., March 13, 1967.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Conference Report on the Demonstration Cities and Metropolitan Development Act of 1966 requested this Department to report to the Congress on the potential cost of Section 701 of that Act. Section 701 amended the urban renewal legislation to authorize as a local grant-in-aid 25 percentum of the cost or $3.5 million, whichever is less, of a publicly owned facility, the construction of which was begun not earlier than three years prior to the date of enactment, if such facility (a) is to be used for cultural, exhibition or civic purposes, or for a city hall or public safety building, or is built or rehabilitated by a public university and is to be used for treatment of physical or mental disabilities or medical research; (b) is in or near an urban renewal project; (c) contributes materially to the objectives of the urban renewal plan; and (d) is not otherwise eligible as a local grant-in-aid.

Based on a survey of all projects in planning and execution, and those projects for which planning approval was pending on October 31, 1966, the estimated cost of facilities of an eligible character which were completed, under construction or planned at the time of the survey, will be approximately $1,500,000,000. Applying the 25 percentum or $3.5 million limitation, this would result in additional noncash local grants-in-aid of approximately $300,000,000.

The effect on Federal costs of allowing these additional noncash local grants-in-aid is complex and has caused us considerable difficulty in analysis. The need for additional capital grants, and the timing of this need, depend on a wide range of variables including the financial structure of the total pool of local projects, the sequence in which projects reach completion, and the options available to the locality as to how it will treat the credits involved. Because we have had to make a number of assumptions about these variables, our estimates cannot be precise. However, we believe that they do represent a reasonably accurate estimate of the cost of Section 701.

A number of financial consequences flow from the statutory treatment of a local grant-in-aid as both (a) a necessary cost of the project, and (b) a credit toward the local share of the costs. Thus, the eligibility of $300,000,000 additional local grants-in-aid will result in increasing the costs of the projects involved by the same amount and require adjustments in both the local and Federal contributions.

Of the $300,000,000 additional credits approximately $100,000,000 will be immediately required to meet the local share of the increased recognized costs.

The additional Federal grant required is limited by the provisions of Section 103(a) (3) to the difference between net project costs and the local grants-in-aid actually made. This works out to mean that the immediate increase in the Federal grant is limited to the amounts by which localities substitute noncash credits for cash commitments already made for the carrying out of projects. An analysis of the urban renewal financing pattern of all of the cities which are expected to claim noncash local grants-in-aid under Section 701 indicates that Federal grants could increase by an amount of approximately $100,000,000 if the localities choose this course of action. Of this $100,000,000 approximately $70,000,000 could be required in the immediate future for projects now in execution, and approximately $30,000,000 could be required in the next two years for projects in planning or awaiting approval.

To the extent local credits are not used to meet the immediate increase in project costs or to substitute for cash committed to existing projects, they become excess "pooling" credits which are available to the locality to meet the local share required to initiate future projects or to meet further increased costs on existing projects. These excess credits can be treated as generating a future demand for Federal capital grants equal to two times their face amount (in the case of projects under the two-thirds formula) or three times their face amount (in the case of projects under the three-fourths formula). Assuming, as we did above, that localities will choose to withdraw their cash commitments to existing projects, approximately $100,000,000 excess "pooling" credits will become available which in turn may generate a long term demand for approximately $200,000,000 in future Federal capital grants.

Some localities may choose not to withdraw cash commitments already made to existing projects in the manner we have predicated above. To the extent this occurs, every dollar by which the short term capital grant demand is decreased will result in a two or three dollar increase in the long term demand. However, using the assumption of complete local cash withdrawal, the overall estimated cost of the enactment of Section 701 with respect to existing projects is as follows:

Immediate capital grant requirements	$70,000,000
Short-term (12- to 24-month) requirement	30,000,000
Long-term requirement	200,000,000
Total	300,000,000

But going beyond the actual costs involved, the enactment of Section 701 will have unfortunate consequences on the carrying out of the urban renewal program. The potential availability of noncash local grant-in-aid credits for public construction which is normally associated with the downtown areas of our cities provides a positive incentive for projects in those areas to the possible detriment of those aimed at improving housing conditions for low and moderate income families. In addition, the ready availability of pooling credits reduces the incentives for the provision of such public facilities as schools, parks, and playgrounds which are of such great importance in improving the environment of residential areas.

To some degree, the unfortunate consequences of Section 701 can be mitigated by limiting the credits of city-wide facilities to the specific projects to which they are related. I would hope the Congress would consider such an amendment and would be prepared to supply legislative language for this purpose.

Sincerely yours,

ROBERT C. WEAVER.

SURVEY OF POTENTIAL COSTS OF SECTION 701 OF THE DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966

METHODOLOGY

The survey was carried out in December of 1966 using October 31 as the base date. It covered all projects approved for planning or execution as of that date as well as projects for which survey and planning applications were pending approval in the Washington office. The survey data was prepared by HUD Regional Offices based on their contacts with local officials.

SCOPE OF SURVEY

The following is a summary of the cities and projects covered by the survey:

	Covered by survey	With potential sec. 701 credits
Localities	838	237
Projects	1,504	284

TYPE OF FACILITIES AND COSTS

A total of 470 facilities potentially eligible for section 701 credits were identified with the following categories and costs:

[Dollar amounts in thousands]

Type of facility	Number	Approximate cost	Potential credits[1]
Cultural, exhibition or civic	206	$777,028	$163,217
City halls	119	307,879	72,908
Public safety buildings	110	146,609	32,703
College medical buildings	35	234,574	31,203

[1] Application of statutory limitation of 25 percent of cost or $3.5 million, whichever is less.

RELATIONSHIP OF FACILITY TO URBAN RENEWAL PROJECT

Of the facilities identified as potentially eligible for section 701 credits, the following geographic relationships to urban renewal projects were noted:

Within project boundaries	278
Within ¼ mile of project	192

ESTIMATED UTILIZATION OF NONCASH CREDITS

The following table indicates estimates of how localities will utilize the noncash credits resulting from the adoption of section 701:

[Dollars in millions]

Status of projects	Increase in (a) project costs and (b) noncash credits	Estimated utilization of noncash credits		
		Required increase in local share	Noncash credits substituted for cash committed	Credits available for pooling
Execution	$180.4	$60.1	$71.1	$49.2
Planning or awaiting approval	12.06	40.2	30.4	50.0
Total	301.0	100.3	101.5	99.2

LIMITATIONS OF SURVEY

An inherent problem in this type of survey is that it must be based largely on future intentions and estimates rather than on hard documentation. As a result, there is probably a fair margin for error as to the final costs involved. Given all of the factors involved, the overall cost estimates are probably on the low side.

The bulk of the facilities covered by the survey were still in the planning stage and some of them may never be built. However, we can expect this factor to be more than offset by additional facilities which will be proposed and undertaken by virtue of the benefits which will accrue from the Section 701 credits.

The survey was based on brief descriptions of the facilities and could not apply firm tests of all the statutory requirements. We can expect that some of the facilities counted in the survey will be unable to meet these tests when they are formally submitted for credit.

The major point of unreliability of the survey data is probably in the cost estimates. Traditionally such early estimates are on the low side. Of those facilities ultimately found eligible, we can expect that the current cost estimates will be exceeded by a factor on the order of 50 percent.

The survey concerned itself only with present projects, but we can expect the availability of Section 701 credits will affect decisions about the priorities and locations of future projects. Because of the availability of these credits, we can expect that a higher proportion of future projects will be planned around proposed public facilities of the character eligible under Section 701.

THE KENNEDY ROUND AND THE FUTURE OF U.S. TRADE POLICY—AN EVALUATION OF PROGRESS AND ISSUES IN THE SIXTH ROUND OF TRADE NEGOTIATIONS UNDER THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The **SPEAKER.** Under previous order of the House, the gentleman from Missouri [Mr. CURTIS] is recognized for 60 minutes.

PART I: AGRICULTURE NEGOTIATIONS, GRAINS

Mr. CURTIS. Mr. Speaker the Kennedy round of trade negotiations has now reached the period of ultimate decision. Less than 3 months remain until President Johnson's authority to negotiate under the 1962 Trade Expansion Act expires. Only a few weeks remain until the April 30 agreed deadline for completing the package of bargains. This report, given to fulfill my function as a congressional delegate for trade negotiations appointed under the Trade Expansion Act, is an evaluation of the progress of these important international negotiations at their most critical juncture. It is my third such report, the first having appeared in the CONGRESSIONAL RECORD, volume 111, part 9, pages 12360–12365, and the second in the CONGRESSIONAL RECORD, volume 112, part 9, pages 11856–11869. Yet another report, on cotton textiles, that discussed many related issues, appeared in the CONGRESSIONAL RECORD, volume 112, part 16, pages 20966–21003.

Because what is achieved or not achieved in the Kennedy round will shape the future of international trade and trade negotiations, this report will hopefully also provide a basis for future discussion. I have prepared it in the thought that it may be a reference source for those citizens and public officials, including members of Congress, who wish to examine and understand the forces at work in this important area of U.S. foreign economic policy. International trade—exchanges of goods and services—affects the economic well-being of all Americans. And it is also important as part of an integrated foreign policy which understands and uses trade as a means to promote peace and prevent war.

This evaluation and report will be delivered in successive sections, discussing first the major agriculture sectors, with emphasis on grains and dairy products. I will then describe the industrial negotiations, including iron and steel, cotton textiles, chemicals, aluminum, and pulp and paper. I will conclude with a discussion of other-than-tariff trade barriers, including antidumping. The problems of providing means whereby the developing countries can improve their trade earnings will be treated in a discussion of tropical agriculture products, and cotton textiles.

During 5 years the Kennedy round has preoccupied the attentions of Americans interested in foreign affairs and trade. For Atlanticists the Kennedy round has held the promise of a more tightly knit Atlantic community. For those essentially concerned with communism, the Atlantic solidarity and prosperity promoted by the Kennedy round might strengthen the West's ability to oppose the Communist East. For those who believe in the importance of integrating the world's developing economies more closely with the industrial economies and establishing the conditions for their faster economic development, the Kennedy round has held great promise. To those doctrinally committed to "free trade" the Kennedy round has promised the longest step forward in two decades, while the anxiety of those who believed that the first duty of an American is to favor American industry has been lessened in respect to the Kennedy round by the evidence of U.S. negotiators' emphasis on reciprocity.

KENNEDY ROUND IN A NEW CONTEXT

One importance of the Kennedy round is its promotion of fair competition as one of the factors in promoting trade expansion.

The concentration of high rates of trade growth in specialized industrial manufactures is said to give foreign trade an important, or leading, role in economic growth. The explanation seems to reside in increasing specialization and exploitation of economies of scale. Harold Van B. Cleveland, in "The Atlantic Idea and its European Rivals," published for the Council on Foreign Relations in 1966, summarizes this idea as follows:

> Most of the advanced industrial nations are at a stage of development where, for a growing part of their industrial output, a high rate of growth depends on an expansion of output more rapid than is possible within domestic markets. Growing international specialization has become a condition of maintaining a high rate of industrial growth. . . . Specialized products account for a growing proportion of industrial output and play a "leading" role in economic growth.

This conclusion is borne out by data that compare the growth of world output of goods and services in relation to world trade in goods and services.

Trade analyses agree that before World War I, when relative freedom of exchanges of goods and services and payments prevailed, output grew at annual rates of about 4 percent, and world trade grew faster than output. But between 1928 and 1949 the average growth in trade fell drastically as a result of the economic and political effects of the Great Depression and the Second World War, and annual rates of growth of output also declined.

DYNAMIC GROWTH IN THE 1950'S AND 1960'S

But the experience of the 1950's, and of the first half of the present decade, showed that the rate of increase in manufacturing output was much larger even than in the booming decades before World War I, and that the growth of world trade was even greater, reaching a compound rate of 6.6 percent a year for manufactured and primary products combined. Much of this trade expansion is considered the result of trade barrier reductions during the 1950's.

Given these underlying forces it is difficult to understand how a highly advanced economy such as the United States can suffer in world trade as long as it remains aggressively competitive—devoted to implementing marketplace economics. A central goal of economic policy should therefore be to maintain a strongly innovative economy. This goal requires a combination of policy tools. One of them is foreign trade based on fair competition. A trade policy seeking to allow competitive forces to play is healthy not only for the United States but for the world economy.

In this new context is found the importance of the Kennedy round and future trade negotiations. Against this background I will discuss below the major issues in all the important sectors of the Kennedy round.

ASSESSMENT, BALANCE, WITHDRAWAL—SOME ELEMENTS OF TACTICS

Since my report to Congress on the progress of the negotiations on May 31, 1966, and my report on the trade policy issues raised by the long-term cotton textile arrangement on August 29, 1966, some major tactical moves have been made. The most important of these has been the assessment of offers of the 16 so-called "linear" participants in the negotiations. Linear participants are those which have agreed in principle to an across-the-board or "linear" percentage cut in tariffs on all but a bare minimum of traded items. The assessment effort was part of the negotiating plan devised by GATT Director-General Eric Syndham White, and the date set for the presentation of assessments was November 30. This could not accomplish precise balancing because it was based on some assumptions about the outcome of the negotiations. But it was valuable because it recapitulated the negotiations to date. All negotiants except the EEC met the November 30 deadline.

For the United States this was a two-part exercise of great importance. The assessment of offers was undertaken during the fall by economists of the office of the special representative for trade negotiations in order to determine the balance—or imbalance—of other nations' offers. The Commerce Department also made an independent assessment of the gap between what the United States is offering and what we are offered by others. Both estimates of imbalance with all other negotiating countries come near to about $2 billion total deficit for the United States.

At the same time, through extensive study and decision by the interagency trade staff and Trade Executive Committees, a withdrawal list was being determined. The Trade Executive Committee—TEC—includes representatives at Assistant Secretary level from the Departments of State, Commerce, Interior, Labor, Agriculture, Treasury, and Defense, chaired by Ambassador William Roth, special representative for trade negotiations.

The TEC instructed its subsidiary committee, the Trade Staff Committee—composed of senior policy officials of the departments represented on the Trade Executive Committee—to draw up a list of items that would be the most appropriate to be withdrawn if necessary. Items chosen were to be those economically sensitive to tariff cuts, other than those items not already on the U.S. exceptions list.

The Trade Executive Committee met in late November in Geneva where the difficult final decisions on possible withdrawals were made. The result was a listing of items in these categories of priority: first priority were items certain to be affected by cuts; second priority were those that likely would be affected; third were those likely to be only marginally affected.

ASSESSMENT AT GENEVA

Then, in bilateral meetings with the major participants in the negotiations, the Deputy Special Representative in charge of the negotiations at Geneva, Ambassador Michael Blumenthal, presented the U.S. assessment of offers. In his presentations the Ambassador explained to the foreign representatives opposite him the several methods by which the United States had calculated the balance of offers as a part of the assessment exercise. Among these methods were: First, an evaluation of offers on the basis of weighted trade in items subject to cuts; second, an analysis of the trade creating or diverting effects to try to determine, using three sets of elasticities, whether U.S. exports would increase or decrease; third, a calculation of losses of duties collected; and fourth, a calculation of the volume of imports on which offers were made.

Ambassador Blumenthal also submitted a list of concessions the United States would like to obtain from each country and, finally, the select list of items for withdrawal to indicate hypothetically what the United States will likely withdraw if new offers sufficient to achieve balance are not put on the table. The U.S. intention during these assessment meetings was to make clear that full U.S. offers would remain on the table only if the offers of certain other participants were improved sufficiently to achieve reciprocity.

The participants with whom the United States determined an unfavorable balance were primarily Japan, Canada, and the EEC. With the United Kingdom there was also a slight lack of balance, each side, however, assessing its imbalance with the other at nearly the same dollar value. The items in dispute could be said to be mainly tobacco and whiskey of Scottish origin. Of these assessment meetings I attended those with the representatives of Japan, Canada and the United Kingdom.

THE UNITED STATES, THE EUROPEAN COMMUNITY, AND THIRD COUNTRIES

But clearly the most important such assessment or balancing exercise was that held with the EEC. On the EEC offers depend the offers of many other participants, all of whom have indicated that those of the EEC are insufficient. If each one of these countries were to act on its decision that EEC offers were not sufficiently in balance with its own, and were to retract offers, such country would of course attempt to withdraw from negotiation those offers that were of principal importance to the EEC, and to maintain those of interest to others. But, inevitably, many such withdrawals would affect third countries, including the United States, simply because they are subject to the most-favored-nation—MFN—rule, which in essence requires that a concession made to one country must apply to all.

The focus of U.S. and third country displomacy and negotiation must continue to improve EEC offers where they are insufficient. By increasing these offers the maximum results can be obtained for everyone, particularly third countries such as the members of the European Free Trade Association, which have made very generous offers. Developing countries will also benefit from deep cuts in EEC tariffs.

A GROWING DISTORTION IN EUROPEAN TRADE

The growing economic chasm between EFTA and the EEC, creating as it does an unnatural division of Europe into two trading blocs of unequal size, is cause for alarm to certain EFTA members in particular. As a customs union the EEC prefers its members by creating a duty-free internal market. At the same time it necessarily discriminates against nonmembers by excluding them from the union by means of a uniform common external tariff—CXT—and other devices.

Thus traditional markets of nonmembers are often absorbed by union members because of their new specially favored access to the Common Market. The creation of a common external tariff applicable to all members has the special effect of raising duties on some countries' exports while lowering duties on others. Thus a traditional supplier may find that the duties on a major export item to a low-tariff country are increased by the averaging of tariffs to create a CXT.

A case in point is butter from Denmark, which used to supply the German market in large quantity. As tariffs among EEC members have fallen relative to external tariffs, the Netherlands has increasingly supplanted Denmark in provisioning Germany with butter. This "Danish dilemma" is illustrated by the fact that the former largest single Danish export, shipments of cattle and beef to the EEC worth more than $100 million in 1965, has virtually come to a stop.

These factors impel Denmark, and other countries in much the same plight, to seek association or membership in the EEC. Even West German "lands," or states, are suffering. Formerly linked by trade ties to areas including non-EEC members, two lands in particular, Bavaria and Schleswig-Holstein, find the trade-creating effects of the EEC unable to balance the trade-diverting effects of the separation from their old economic ties with EFTA countries. These are the reasons why the EEC's common external tariff must either be negotiated down, or excluded countries like Denmark must join the larger grouping.

EFTA as a group would eventually like to form a union with EEC; Spain and Israel would also like to become associated. Turkey and Greece have already been blessed by association agreements. The line grows longer while, ironically, the ability of the EEC to achieve the needed internal consensus successfully to integrate new members diminishes.

The Kennedy round was conceived as a principal means of reducing the growing chasm between European economic blocs. If it does not bring that result, it will have been a failure in a major sense.

NORDIC COUNTRIES BARGAIN TOGETHER

The division of these two major European trading areas and its economic side effects, and the imbalance between EEC offers and other nations' offers, have led several EFTA members to attempt a new negotiating approach. Denmark, Finland, Norway, and Sweden have joined in a "Nordic front" to negotiate single agreed lists of tariff offers and withdrawals. The joint Nordic approach was necessitated by the insufficiency of EEC offers, and there are now signs that it has been effective. At its January 10 meeting the EEC Council of Ministers improved its offers to the Nordic countries somewhat. These improvements will fortunately also benefit the United States under the most-favored-nation rule.

So much for this sketch of some major developments in the scheme of the negotiations. These extremely complex negotiations are commonly divided into four main groups, each with its own subdivisions. The main groups are agriculture negotiations, industrial negotiations, negotiations in the area of nontariff barriers, and negotiations with developing countries.

Within the agriculture sector, which I will discuss first, negotiations are carried out in several committees for various products: cereals, meats, dairy, other temperate products, and tropical products. Within the industrial sector five large areas with special problems, steel, chemicals, textiles, paper and pulp and aluminum, have been treated individually. In the area of nontariff barriers antidumping has become preeminent, and while other nontariff barriers find their way into the negotiations, notably the American selling price issue and the European "road tax," they do so largely in the context of industrial bargaining.

AGRICULTURE AND INTERNATIONAL TRADE NEGOTIATIONS

Agriculture negotiations in the context of the Kennedy round are best understood as a beginning—a beginning in reconciling conflicting national agriculture policies almost predestined to create clashes of national interests. These clashes of interest have now become acute because nations generally have failed to develop economic principles to deal with agriculture. Instead they have developed multitudinous political mechanisms to control domestic agriculture sectors.

The tools of national agriculture control have not been the traditional tools used to control trade in industrial sectors; namely, tariffs. Rather, the tools have been direct intervention in markets to buy and sell commodities, with the objective of maintaining prices and guaranteeing to farmers a certain level of income deemed to be fair without relation to real economic forces.

Particularly since the war, during which U.S. agriculture had expanded so greatly, policies of price maintenance for current production have created a world agricultural surplus, acute in many countries, in periods when world commercial demand had not grown sufficiently to absorb it. But for traditional exporters of agricultural products, like the United States, the problem of surplus was not unusually serious until the buyers of their output began to produce farm commodities in sufficient quantity to begin to approach self-sufficiency.

TRADITIONAL U.S. AGRICULTURE MARKETS CHALLENGED

In the 1960's the United States found that its traditional largest purchasers in Europe were beginning to adopt farm policies which would result in increased domestic output. To justify such policies of agricultural autarchy were adduced balance-of-payments arguments, and the real need for reconstruction of agriculture sectors damaged and retarded from technological development by the war. Also important, however, was the feeling that a strong agriculture sector is necessary for national security in time of emergency. This argument, understandable in the context of the postwar period, is cited today as an important motivation for EEC farm policy.

In pursuit of policies of agricultural self-sufficiency and balance of payments equilibrium, and in order to implement the requirement of the 1957 Treaty of Rome establishing the Common Market that agriculture policies of the Six be harmonized, the EEC began to formulate its common agriculture policies—CAP's. The first U.S. encounter with these revolutionary new policies came during the Dillon round—or the fifth round of negotiations under the General Agreement on Tariffs and Trade—which took place in 1960–62.

CONFRONTATION ON EEC AGRICULTURE POLICIES AT THE DILLON ROUND

Recounting some of the history of the Dillon round and agriculture gives a better perspective of the present agriculture negotiations. The United States has in fact been involved in negotiations on the EEC's common agriculture policies for far longer than many of us think. But it is accurate to say that in fact the full portent of the EEC's policies did not come home to us until in 1960 the EEC explained its agriculture policies at annual GATT agriculture consultation meetings.

In the Dillon round, the community withheld certain items such as grains, rice, poultry, dairy products, and meat from the negotiations because for these products they planned to establish common agriculture policies based on variable fees. In many of these products the United States had previously obtained duty reductions and even zero bindings in GATT negotiations. The community's intention to adopt common agriculture policies meant that it would have to negotiate with the United States and other countries any alterations in GATT obligations which other member countries had made previously. In some products, like soybeans and variety meats, satisfactory alterations were agreed upon. But for many products, such as grains and other products named above, the community refused to negotiate satisfactory bargains that would assure us the same treatment under the common agriculture policies as we had had previously.

HISTORY OF THE VARIABLE LEVY IN TRADE NEGOTIATIONS

The effect of the common agriculture policy if based on the variable levy system was to establish a system of import charges that fluctuated day to day and was therefore not the result of international tariff negotiation but of determination by an administrative authority. Under the rules of GATT, specifically article XXIV(5)(a), average levels of protection of a customs union cannot be higher than those of its component members. But the general agreement has never been specifically interpreted to disapprove variable levies in the same way that it disapproves of quotas.

The new EEC agricultural policy had not been formulated in detail nor had it been agreed upon by 1961, but its outlines were clear. Also quite clear was that a common agriculture policy on these lines would be demanded by France as the price of progress toward more complete economic union and finally political integration of the Common Market.

THE IDEA OF GUARANTEED ACCESS

Instead of opposing inalterably the variable levy system at the Dillon round, the United States proposed as compensation for the violation of GATT rules a type of "guaranteed access" to the European market in commodities of which the United States was even then a large supplier. In addition it sought cuts in tariffs on agriculture items not to be covered by the variable-levy system.

In response to American demands EEC negotiators would only, however, offer assurance that the variable-levy system would not be operated in such a way as to damage U.S. exports. Such assurance of course contradicted the intent of the variable-levy system, which when in full operation was in fact intended to prevent competition from outside the market—that was simply the objective of the system.

Thus the United States in 1961 chose not to oppose the variable-levy system per se. The President and his advisers decided that the variable levy would be the price the United States would pay for the growth of the EEC and for other concessions in the Dillon round.

The Dillon round agriculture stalemate was broken when the United States assented to complete negotiations without resolving satisfactorily the deep problems created by the emerging common agriculture policy on wheat, feed grains, poultry, meat and rice. But the U.S. acquiescence was considered only the end of the first round: the Trade Expansion Act contained a requirement that the next negotiations under its authority be concerned equally with agriculture. It was to be the forum in which the agriculture problems left unresolved by the Dillon round would be rectified.

THE LEGACY OF THE DILLON ROUND

In retrospect it is now easy to observe that the United States indeed paid a very high price for this decision of the Dillon round. Though we maintained our option to continue to seek satisfactory compensation for the violation of GATT obligations after the Dillon round we did so in the context of the common agriculture policies themselves. We have, therefore, only in a sense "accepted" those systems, but only in that we have agreed to try to modify them until they became compatible with sound trade principles.

A more effective approach might have been steadfastly to refuse to accept the common agriculture policy as we saw it developing, and to have demanded compensation in terms of the previous levels of duties. The price of this position may have been the failure of the Dillon round and perhaps also the failure of the European community. But the result is that the United States, in the absence of a recourse under a GATT rule prohibiting variable levies, and having dealt with the EEC common agriculture policies for 6 years, would now find it difficult to obtain through GATT compensation for the changes or "unbindings." In cases where the CXT rates were negotiated in the Dillon round, and therefore bound in GATT, a variable levy or other fee that brought the total fees above the bound level could be legally questioned in GATT.

In a speech in December 1966, titled "New Challenge in International Relations" Alf Landon said:

> In October 1961, when the White House was divided on whether to support the fledging European Economic Community, or whether to request a year's extension of the Reciprocal Trade Act, I urged support of the EEC as the most realistic step toward economic and political stability, and hence world peace. Why? Because the EEC was founded on the simple principle of removing nationalist barriers to international trade.

THE KENNEDY ROUND, A SEQUEL TO THE DILLON ROUND

Thus the Kennedy round was to be both the focus of the clash of national policies resulting when a traditional exporter finds its customary markets being closed by agriculture policies which have the effect of overstimulating production. It is also the focus of the conflicts of trade policy left over from the Dillon round.

Agriculture negotiations in the Kennedy round are therefore, from one point of view, an attempt to reconcile the international effects of irrational, uneconomic, national farm policies. National policies have had damaging international effects in the form of tariffs, quantitative controls over imports and exports, subsidies to promote exports, international commodity agreements and bilateral agreements, selective preferential arrangements of various kinds, and agricultural dumping made acceptable under the rubric "food aid," or "donable food programs." We are right in attempting to deal with them internationally, but the base from which the negotiations have begun is at best faulty.

This background strongly suggests that that international negotiations in the agriculture area are bound to be disappointing. The fact that the United States as an exporter can offer little meaningful incentive to the EEC in the farm area in return for meaningful conditions of access to the EEC narrows the scope of bargaining possibilities, unless the United States were to use the full weight of its industrial bargaining strength.

This is shown by EEC reaction to U.S. agriculture offers. The United States in fact offered 50-percent cuts in its tariffs on an immense range of items in the U.S. tariff schedules relating to agriculture. These offers were not, however, sufficient to bring meaningful offers from the EEC—and the result has been threatened U.S. withdrawal of a list of offers that, one would think, are very attractive to the EEC. But the enticement does not seem to be sufficient to cause the Community to alter the farm policies it spent years forging through political and economic compromise.

THE NEGOTIATING SCHEDULE IN AGRICULTURE

In evaluating the progress of the agriculture negotiations a review of the steps by which the negotiations have developed to the present is useful: it is testimony to the sense of frustration we now experience.

The ministerial resolution of May 1963, reaffirmed by the resolution of May 1964, agreed that the negotiations would include all items, agricultural as well as industrial. Both resolutions said that for agriculture products the negotiations would provide "acceptable conditions of access to world markets in order to significantly develop and expand world trade in such products."

The United States has officially committed itself to the postion that there can be no industrial bargains without meeting the above criteria for agricultural products: a final package must contain both. This commitment, which is not required by the letter of the 1962 Trade Expansion Act, has been so frequently reiterated in official statements that it is impossible now to breach it without dishonor. And it is clearly the spirit of the act and is evident in its legislative history.

BINDING THE MARGIN OF SUPPORT AND DISPARITIES—MAJOR EEC PROPOSALS

Though the ministerial resolution of May 1964 announced the sixth round's formal opening, the year between May 1963 and May 1964 had been filled with tedious discussions about the ground rules of the negotiations both in the industry area and in agriculture. During this period emerged the two great bugaboos which have haunted both agricultural and industrial negotiations to this day. In agriculture the Community developed and presented the idea of binding the margin of support, the "montant de soutien," while for industrial items it evolved the concept of "disparities."

THE MONTANT DE SOUTIEN

The binding of the montant de soutien would, in the EEC plan, have been part of a world market organization system based on the internal EEC farm system itself. Under the EEC proposal each country would determine the level of its own domestic price supports for each product. World reference prices would be negotiated with other countries for each product. Each country, including the EEC, would then offer to freeze the margin between domestic support prices and these world reference prices. If the price of the imported article was below the reference price, a supplemental or variable levy would be collected equal to the difference between the offering price and the world price. Thus, for an importing country, the reference price would become a minimum world price.

The response of the United States and others was to propose instead an approach according to which, where fixed tariffs were the only form of protection, the aim would be to seek 50-percent cuts as would be done in the case of industrial items. Where measures other than fixed tariffs were barriers, the aim would be a significant liberalization in these forms of protection equal to 50 percent in traditional barriers. In a statement to the Foreign Economic Policy Subcommittee of the House Foreign Affairs Committee as late as August 10, 1966, Governor Herter again reiterated the U.S. position that:

> The objective of the agriculture negotiations should be trade liberalization equal to that achieved in the non-agricultural sector, meaning 50 percent tariff cuts where tariffs provide the effective protection, and where other forms of protection are employed, such as variable levies, liberalization equivalent to a 50-percent cut in fixed tariffs.

Thus we can clearly see the pragmatic manner in which the United States has responded to the problem of adapting EEC farm policies to make them acceptable.

DISPUTE ABOUT GROUND RULES FORGOTTEN

By the summer of 1964 both the United States and the Community agreed to proceed with the negotiations pragmatically, and to forget arguments of principle. The parties agreed to table lists of exceptions to their industrial offers—which they had agreed would be substantially all items traded—by November 17, 1964. Then, early in 1964, efforts to reach agreement on the ground rules for agriculture were abandoned. It was agreed that grains offers would be made on May 17 and that all other agriculture offers would be tabled on September 16, 1965. The delay in tabling the nongrains offers was requested by the EEC, which took the position that it could not make offers on agricultural products in the Kennedy round until it could take major internal decisions on the levels of price supports and the elements of the common agriculture policy regulations for all major products.

Like other deadlines, however, the September 16, 1966, tabling deadline fell by the wayside. This time the cause was the Community crisis precipitated by France that emerged on June 30, 1965. Ostensibly based on the issue of Community financing, the roots of the crisis reached to the deepest arguments about the future political development of the Community. I have discussed the cause and issues of this crisis in the CONGRESSIONAL RECORD, volume 111, part 13, pages 18133–18134.

THE DECISION TO TABLE LIMITED AGRICULTURE OFFERS, SEPTEMBER 1965

The result was that the United States and the other major negotiating countries, particularly the EFTA countries, were faced with the decision how to maintain some momentum in the negotiations. It was determined by these participants that the best way to proceed would be to table agriculture offers of interest to each other—that is, to exclude offers that they would have made to the EEC had it been able to table its own offers.

In the United States this limited tabling strategy required Presidential decision, largely because of the refusal of the Agriculture Department to accept the theory of negotiations proposed by the Special Representative for Trade Negotiations, Governor Herter. This theory was that by allowing pressure to ease on the EEC we would weaken the will of the Community to make internal decisions and thus decrease the momentum of the negotiations. As a minimum, limited tabling would permit us to make significant bargains with other countries.

The Agriculture Department argued that the United States should wait until the EEC could table its offers before tabling even limited offers. The Department's theory was that maintaining such pressure on the Community could result in hastily made decisions which might be more harmful to U.S. interests than less hurried decisions not taken in a context of crisis. Underlying this position was the fear that tabling even limited offers would make more difficult the negotiation of acceptable conditions of access in furtherance of a significant development and expansion of agricultural trade.

SOME PROGRESS IN GRAINS IN 1965

Progress in agriculture negotiations during 1965 was limited to the area of grains. There the Community, along with other participants in the grains discussions, was able to table initial offers on May 17, 1965. These offers were largely in terms of the binding of the montant de soutien. The May meetings were followed by further exploratory discussions. But the EEC crisis on June 30 also caused progress in grain negotiations to come to a halt.

It was only in February and March 1966 that the EEC was able to resume agriculture and industrial negotiations in the Kennedy round. The Community tabled somewhat improved grains offers early in August 1966 when it tabled most other agriculture offers, thus enabling negotiation in the agriculture sector to begin in earnest for the first time.

THE U.S. STAKE IN GRAINS EXPORTS AND THE COMMUNITY MARKET

Grains have been a focal point of the negotiations because of the size of the actual and potential U.S. trade in these commodities and because grains is the area of perhaps the greatest potential damage from the Community's common agriculture policy. Partly because of the commitment remaining from the Dillon round, partly because of the trade importance of the grains area, partly because of the willingness of the French to obtain higher world prices for their own grains exports there has been progress in this area.

FACTS ABOUT U.S. AGRICULTURE TRADE

The following table demonstrates the value of U.S. agricultural exports from 1955 through 1966, separating sales for dollars from Public Law 480 and other Government-financed exports. Total agricultural exports according to this table were $6.68 billion in 1966. Total agriculture exports excluding specified Government-financed programs, or commercial exports, were $5 billion.

U.S. Agricultural exports under specified Government-financed programs, exports outside specified Government-financed programs, and total agricultural exports—Value and percent of total, years ending June 30, 1955, through 1966

[In millions of dollars]

Type of export	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1955 through 1966
Public Law 480:													
Title I, sales for foreign currency	73	439	909	659	725	826	952	1,024	1,085	1,064	1,135	864	9,755
Title II, disaster relief	83	91	88	92	56	65	146	176	159	150	72	150	1,328
Title III, donations	135	184	165	173	131	105	144	169	170	189	179	171	1,915
Title III, barter	125	298	401	100	132	149	144	198	60	112	130	227	2,076
Title IV, long-term supply and dollar credit sales								19	58	47	151	161	436
Total, Public Law 480	416	1,012	1,563	1,024	1,044	1,145	1,386	1,586	1,532	1,562	1,667	1,573	15,510
Mutual security (AID), secs. 402 and 550, sales for foreign currency and economic aid [1]	450	355	394	227	210	167	186	74	14	24	26	42	2,169
Total exports under specified Government-financed programs	866	1,367	1,957	1,251	1,254	1,312	1,572	1,660	1,546	1,586	1,693	1,615	17,679
Total exports outside specified Government-financed programs [2]	2,278	2,129	2,771	2,752	2,465	3,205	3,374	3,482	3,532	4,481	4,404	5,066	39,939
Total agricultural exports	3,144	3,496	4,728	4,003	3,719	4,517	4,946	5,142	5,078	6,067	6,097	6,681	57,618

[1] Values shown are disbursements for exports.

[2] Exports, "outside specified Government programs" (sales for dollars) include, in addition to unassisted commercial transactions, shipments of some commodities with governmental assistance in the form of (1) extension of credit and credit guarantees for relatively short periods; (2) sales of Government-owned commodities at less than domestic market prices; and (3) export payments in cash or in kind.

Source: "Foreign Agricultural Trade of the United States," U.S. Department of Agriculture, November 1966.

Of total agriculture exports—both commercial and Government financed—of over $6 billion the major components, according to the following table prepared by the Agricultural Department, were wheat and feed grains:

Total U.S. agricultural exports including Government-financed programs—Value by commodity, calendar years 1965 and 1966

Commodity	1965	1966 [1]	Change
	Millions of dollars	*Millions of dollars*	*Percent*
Animals and animal products:			
Dairy products	196	126	−36
Fats, oils, and greases	226	190	−16
Hides and skins	109	155	+42
Meats and meat products	112	116	+4
Poultry products	70	67	−4
Other	75	71	−5
Total, animals, etc.	788	725	−8
Cotton, excluding linters	486	432	−11
Fruits and preparations	313	315	+1
Grains and preparations:			
Feed grains, excluding products	1,134	1,339	+18

*Total U.S. agricultural exports including Government-financed programs—Value by commodity, calendar years 1965 and 1966—*Continued

Commodity	1965	1966 [1]	Change
	Millions of dollars	*Millions of dollars*	*Percent*
Rice, milled	243	228	−6
Wheat and flour	1,183	1,535	+30
Other	72	90	+25
Total, grains, etc.	2,632	3,192	+21
Oilseeds and products:			
Cottonseed and soybean oils	241	153	−37
Soybeans	650	760	+17
Protein meal	187	226	+21
Other	79	88	+11
Total, oilseeds, etc.	1,157	1,227	+6
Tobacco, unmanufactured	383	482	+26
Vegetables and preparations	155	176	+14
Other	315	336	+7
Total exports	6,229	6,885	+11

[1] Preliminary.

Source: U.S. Department of Agriculture.

SIZE OF EEC MARKETS FOR U.S. AGRICULTURE EXPORTS

Of total agricultural exports of over $6 billion in 1966, agriculture exports to the EEC were $1.5 billion, and grains exports were about $650 million of that amount. The following table presents U.S. agricultural exports to the EEC from 1962 to 1966 by major commodities, and thus shows the importance of the EEC as a buyer of the whole range of U.S. agricultural exports:

U.S. agricultural exports to the European Economic Community—Value by commodity, calendar years 1962–66 [1]

[In thousands of dollars]

Commodity	Years				
	1962	1963	1964	1965	1966
Variable levy commodities: [2]					
Feed grains	317,081	275,258	325,972	471,472	476,439
Rice	14,247	13,399	15,378	10,140	18,823
Rye grain	18,709	13,700	5,676	1,463	4,417
Wheat grain	50,603	63,655	59,228	67,674	107,096
Wheat flour	5,553	3,200	1,662	1,207	1,358
Beef and veal (excluding variety meats) and cattle	64	169	1,326	2,623	900
Dairy products	3,603	22,551	54,398	30,473	1,211
Lard [3]	2,134	2,543	2,489	1,062	1,105
Pork (excluding variety meats) and swine	341	2,067	8,631	377	1,339
Poultry and eggs:					
Live poultry	790	1,388	1,059	1,380	1,496
Broilers and fryers	30,701	10,698	10,615	6,306	5,415
Stewing chickens	8,347	6,092	6,384	2,710	758
Turkeys	9,624	8,766	11,060	17,491	13,523
Other fresh poultry	574	338	669	938	304
Eggs	3,443	3,331	1,889	1,922	1,710
Total, poultry and eggs	53,479	30,613	31,676	30,747	23,206
Other	16,972	25,864	26,523	24,463	26,763
Total	482,786	452,729	532,959	642,001	662,657
Nonvariable levy commodities:					
Canned poultry [4]	1,080	1,997	3,902	3,325	2,351
Cotton, excluding linters	105,973	131,557	189,143	70,258	65,885
Fruits and vegetables	91,169	97,314	84,525	99,615	87,091
Hides and skins	20,560	16,426	27,433	31,601	28,384
Oilcake and meal	46,020	61,520	76,637	110,736	143,998
Soybeans	162,320	159,436	213,867	226,201	278,676
Tallow [4]	26,375	25,921	34,989	37,222	34,660
Tobacco, unmanufactured	105,543	104,215	105,824	106,315	119,917
Variety meats, fresh, frozen [4]	16,327	21,087	32,280	34,371	35,051
Vegetable oils, expressed	13,161	18,405	33,083	35,590	15,851
Food for relief or charity	14,360	10,164	6,354	4,656	4,555
Other	65,057	70,640	74,881	74,562	82,156
Total	667,945	718,682	882,918	834,452	898,575
Total, EEC	1,150,731	1,171,411	1,415,877	1,476,453	1,561,232

[1] Compiled from U.S. Bureau of the Census data.

[2] Grains, poultry, and pork were subject to variable levies beginning on July 30, 1962; rice on Sept. 1, 1964; and beef and dairy products on Nov. 1, 1964. The variable levy classification is designed to show overall changes in exports rather than to measure the impact of the variable levies.

[3] Lard for food is a variable levy commodity while lard for industrial use is bound in the General Agreement on Tariffs and Trade (GATT) at 3 percent ad valorem. U.S. lard is for food use.

[4] Although canned poultry, tallow, and variety meats are subject to variable levies, the import duties are bound in GATT.

EVEN WITHOUT EEC SOME GOOD BARGAINS ARE POSSIBLE

The above-demonstrated importance of the EEC as a market for our products gives it the central place in the negotiations. But even so, we have other markets of great importance, with whom it will be possible to make some bargains even in the absence of suitable offers from the EEC. Seventy percent of our farm exports were bought by other countries. At the end of fiscal year 1966 Japan was our biggest single country market—other than EEC—accounting for trade worth about $900 million. Canada bought $629 million, and the United Kingdom $432 million, of our agriculture products.

While it would be possible to conclude bargains with other countries, such bargains would be very limited in scope because of the extreme selectivity which would have to be used in making them. Given a failure of negotiations with the all-important EEC, other countries would be very careful indeed not to allow tariff cuts to each other that under the MFN rule would benefit the EEC also. This would mean a minimization even of the bargains possible without the EEC.

COMMON AGRICULTURE POLICIES AND U.S. AGRICULTURE TRADE

It is very difficult to comprehensively explain the workings and ramifications of the common agriculture policies—CAP's—without becoming tediously detailed and lengthy. But it is important to try to understand how the CAP's actually affect the U.S. national interest, rather than to be content simply with more flat assertions that EEC policy is outright harmful and illegal.

There are many EEC common agricultural policies, which make the job of explanation even harder. In creating a common policy for each product it has been necessary pragmatically to reconcile the different sectoral interests in compromise arrangements. Thus the CAP for each product group is somewhat different from the other. And in many cases the common policy is the highest common denominator of protection and inefficiency—it takes account of the agriculture problems of the least efficient and most protected producer.

To understand the great grains muddle created by EEC policy it is particularly important to understand the variable levy system. It is the backbone of the EEC protective device—the other systems, known as the sluicegate price system, reference price system, and guide price system, are only embellishments of the true variable levy concept. The central idea of each is that the margin of protection shall always raise the price of the import to a level above domestic prices in the least efficient community market centers.

THE TRUE VARIABLE LEVY

The variable levy system when completed will apply to wheat and feedgrains, rice, dairy products, olive oil, and sugar, or to about 20 percent of the EEC's total agricultural imports. But it is possible, even likely, that the system will be extended to other segments of agriculture. For several of the above products the system is not yet entirely in effect.

The true variable levy is based essentially on three prices: target price, threshold price, and c.i.f.—or "landed"—price. The objective of the variable levy system is to bring the price of the import up to the target price when that import reaches its final destination in an interior EEC market center.

Target prices are fixed seasonally by the Community. They are the EEC prices for the product in those marketing centers of the Community with the least adequate domestic supplies—or greatest scarcities and therefore highest prices.

From the target price, or what is in effect the theoretical support price in the neediest interior marketplace, are deducted all the costs of getting the product to the deficit market center. These costs are: transportation, importer's margin, quality adjustment, and sales tax. When these costs are subtracted from the target price the remainder is the threshold price.

Thus the threshold price is the price at a port of entry up to which the landed price of an import must be raised. And the device for raising the price is the variable levy. The amount of the levy is simply the difference between the landed—c.i.f.—price of the import and the threshold price, and it can be and is adjusted daily always to reflect this price differential.

The magnitude of the variable levy in terms of dollar equivalent is shown by the following data on EEC levies on wheat and corn as they were on February 1, 1967. It will be seen in the following table that the amount of the levy is in some cases almost as much as the landed—c.i.f.—price of grain.

Common Market levies on wheat and corn of Feb. 1, 1967

[Per bushel]

	Wheat	Corn
West Germany:		
Levy	$1.77	$1.07
C.i.f., U.S. Hard Winter Ordinary	$1.90	
C.i.f., U.S. No. 3 corn		$1.64
Levy as percent of landed value	48	39
France:		
Levy	$1.22	$0.65
Since France is an exporter of both wheat and corn, c.i.f. prices are not readily available.		
Italy:		
Levy	$1.53	$0.10
C.i.f., Argentina	$1.96	
C.i.f., U.S. No. 2 corn		$1.66
Levy as percent of landed value	44	6
Belgium:		
Levy	$1.20	$0.43
C.i.f., U.S. Hard Winter Ordinary	$1.91	
C.i.f., U.S. No. 3 corn		$1.60
Levy as percent of landed value	39	21
Luxembourg:		
Levy	$1.49	$0.43
C.i.f., U.S. Hard Winter Ordinary	$1.91	
C.i.f., U.S. No. 3 corn		$1.60
Levy as percent of landed value	44	21
Netherlands:		
Levy	$1.39	$0.67
C.i.f., U.S. Hard Winter Ordinary	$1.90	
C.i.f., U.S. No. 3 corn		$1.60
Levy as percent of landed value	42	30

AN INVINCIBLE BARRIER

Naturally there are many objections to this system, antithetical as it is to every accepted means of taxing imports. Most important is the sheer invincibility of the barrier it creates. No matter how efficient the external supplier, he can never undersell EEC producers. In addition, the complexity of the daily changing variable levy makes it difficult for sellers to know costs, thus the system itself is a nontariff barrier to trade. The importer becomes merely a residual supplier standing by to sell only when shortages occur.

The refinements of the system make it even more invincible. The amount of the variable levy is set each day on the basis of the lowest price of the landed product, meaning that all higher price sellers pay a levy which brings the price of their product above the threshold price. The target, and hence the threshold, price is set on the basis of the latest efficient—greatest deficit—internal markets, which means that the highest possible threshold price is arrived at. Prices are at their highest in areas with greatest deficits. Thus the protective effect of the system is maximized.

The variable levy system is the most clearly restrictive of the three systems on which the CAP's are based. It is economically evil in that it prevents a very large number of consumers from obtaining cheaper food products because it sets high prices in order to support the least efficient domestic producers. And it prevents truly efficient producers from enjoying the proper fruits of their economic resources and ingenuity.

THE EEC STAKE IN GRAINS

I have shown above the U.S. dollar interest in maintaining and expanding its exports of grains to the European Community. The United States is a relatively efficient producer of grains. We feel that this relative efficiency of production should be allowed to compete in a traditional market, partly on the basis of the rights that were ours in GATT, before the common agriculture policy for grains. But the difficulty we have encountered in pressing our claims has an economic and political motivation that is very clear: the EEC has a big stake in grains production as a major element of its agricultural activity.

More than 59 percent of EEC plowland is in grains; output of grain accounts for one-half of the total value of farm production in the EEC; and grains are important as feed to produce poultry and red meats, consumption of which has been increasing rapidly.

Total EEC wheat production was nearly 1 million metric tons higher in 1965 than in 1964, a very large increase, even though part of the crop was below average because of a wet harvest. Increased production in the EEC combined with EEC export subsidies, has affected U.S. wheat exports both to the Community and to third countries.

Europe largely produces Soft wheat, therefore it will likely always import Hard wheat in order to mix with the Soft to make flour of acceptable quality. Canada is the biggest producer and exporter of Hard wheat by far, but Communist countries have in the past absorbed so much Canadian Hard wheat that U.S. Hard—Northern Plains—wheat exports had less competition in EEC markets. Though Communist China will remain a Canadian cash customer, it became clear at the end of 1966 that the U.S.S.R. would likely be self-sufficient in grains, and may again emerge as an important exporter. This makes the world commercial demand picture for U.S. Hard wheat sales less bright than even a year ago.

At the same time, markets for U.S. Soft wheat exports have been threatened because the French have been subsidizing the export of their surplus Soft wheat by $1.35 a bushel, compared to our own February 1967 export payment of about $0.05 for a representative grade. In fact the French have been permitted by the Community to use money collected by means of the variable levies to finance French export subsidization and farm subsidies. It is a nearly incredible situation. By paying variable levies on our wheat and feed grains, we are subsidizing the production in the EEC that is in turn subsidized to compete in third markets with U.S. exports.

WHAT FUTURE FOR U.S. GRAINS EXPORTS TO EEC?

But the worst is still to come, according to students of the EEC farm systems and the world grain trade.

On July 1, 1967, common prices for 90 percent of EEC farm commodities will come into effect. The remainder will be covered by July 1, 1968. As Farm Journal Editor Carroll P. Streeter wrote in the March issue of the Journal.

> French farmers will suddenly see their prices go up 10 percent while German farmers will swallow hard and take 10 percent to 15 percent less. As a group prices will shoot up 7 percent to 30 percent, depending on the commodity and country.

Until now the French have used a tax to discourage the increased production resulting from the gradually higher price, a tacit signal that even they believe the final—July 1, 1967—price will stimulate greater production. This is significant because the Community has argued that the final price will not actually cause much more grains production—for one reason because there is very little additional land to be used. But at the new high price it is believed that land will be found in quantity and production will sharply increase. More importantly, through use of unproved fertilizing techniques stimulated by higher prices, output from existing acreage will likely rise substantially. This, in any case, is the basis of U.S. planning.

THE EFFECTS OF THE COMMON GRAINS POLICY ON U.S. GRAINS EXPORTS

Estimating future EEC grains production and demand has been difficult and estimates differ. Within the U.S. administration the effort to agree on a projected effect of the CAP on U.S. grains sales has been abandoned, as different agencies tended to develop their own statistics to support their own arguments.

COMMUNITY PROJECTIONS

If one accepts data compiled by the EEC Commission itself, it would appear that the continually increasing demand for feed grains cannot be met by internal production. Assuming that Community per capita income increased by 5 percent per annum, but not taking into account price rises resulting from the CAP, there will be greatly increased demand for wheat. Due to inelastic Community supply, it is estimated that EEC net import requirements in 1970 will be 10 million tons, about the same as in 1950-52. However, the Community's import requirements would be almost entirely for coarse grains, whereas in 1950–52 wheat imports exceeded coarse grain imports.

Explained in terms of "self-efficiency", the EEC estimates that it will be only 86 percent self-sufficient in all grains by 1967–70, but will be entirely self-sufficient in wheat. In fact, by 1970 it is projected that the EEC will have a large surplus of exportable wheat. A July 1966 study by the EEC Commission showed that wheat consumption will diminish further than expected as European consumers shift to more diverse and expensive foods. The study thus expects the Community to have from 310,000 to 460,000 tons of wheat available for export in 1970 even if its future production estimates are not too low, which is doubted in this country. The Community estimate shows that the total degree of EEC self-sufficiency in all grains will be the same in 1970 as it was in 1957–60, and that imports will therefore remain at previous levels.

PRIVATE PROJECTIONS DIFFER

A much more pessimistic projection was made in 1965 by an independent Dutch research organization, the Agricultural Economics Institute. The conclusion of the study is that EEC production of grains by three projections will be 68.1 million metric tons by 1970. It estimates that under an assumption of constant EEC grain prices, only 7.6 million metric tons will be imported in 1970; that under the assumption of a 15-percent grains price increase only 6.3 million metric tons will be imported, compared to the 10.8 million tons needed in 1962. This independent projection of future EEC grains import demand is indeed sobering.

Finally, Dr. Eric Thorbecke and Alfred Field, in an article in Farm Policy Forum, Volume 17, No. 4, for 1964–65, made projections which, like those of the Dutch research organization, are also pessimistic:

> Given the agriculture protection in Europe even before the advent of the EEC, and the relatively low income elasticities of demand for most farm products, the leveling off of demand for U.S. farm imports would have come about independently of the CAP. At the same time, it is clear that the CAP will further contribute to the worsening of U.S. prospects for agricultural exports to the EEC.

A table follows showing the conclusions of these authors about future demand. They employ two assumptions. The first is that the EEC will by 1970 be totally self-sufficient in wheat. The second is that the EEC will continue to import high quality—Hard—wheat:

U.S. exports of selected agricultural commodities to the EEC

[In thousands of metric tons]

Commodity	1957–59	1961	Year 1970 projections [1]	
			Low	High
ASSUMPTION 1				
Cereals, of which	(4,000)	(6,327)	(2,920–4,190)	(3,480–4,980)
Wheat and wheat flour	1,100	2,577	0	0
Feed grains	2,900	3,750	2,920–4,190	3,480–4,980
ASSUMPTION II				
Cereals, of which	(4,000)	(6,327)	(3,270–4,803)	(3,830–5,593)
Wheat and wheat flour	1,100	2,577	350–613	350–613
Feed grains	2,900	3,750	2 920–4,190	3,480–4,980
Meat and meat products	43	97	9–24	34–90
Fats and oils	1,557	1,905	1,184–1,722	
Tobacco	*50*	*95*	43–67	
Cotton	435	518	200–400	230–460

[1] For cereals: "low" refers to an annual rate of growth of 4 percent in private consumption expenditures per capita between 1958 and 1970, whereas under the high-income hypothesis, it is assumed that the latter will grow at 4.9 percent over the period. For all other commodities: "low" refers to an annual rate of growth of GNP of 4.7 percent and "high" to a growth rate of 5.7 percent. The 2 above hypotheses are roughly equivalent. The above projections are based partially on studies by FAO, EEC, and the authors.

U.S. GRAINS EXPORTS TO THE COMMUNITY WILL SHRINK

I cannot endorse any of these projections of future EEC demand for U.S. grains. But I would draw the conclusion from the inter alia that by 1970 the CAP for grains will have been the major cause of a serious drop in U.S. grains exports.

As a nation we are compelled then to find ways of preventing this event—an important element of our national interest, worth millions of dollars of export trade, is clearly at stake. I have explained above that the arrival at a common agriculture policy was the essential price of the formation of the Community—the United States long ago made the policy decision to accept the price, and to try to modify the system to make it compatible with our own economic interest as well as sound economic principles.

THE NEED TO PROTECT U.S. COMMERCIAL INTEREST

Indeed, we did assume that the EEC would essentially be outward looking, and that modification of the agriculture systems would not prove too difficult. The EEC may well become "outward looking" after the storms of the present period of economic and political adjustment are weathered, but in the interim period we are forced to devise means of protecting our commercial interest.

Our attempt at a solution in the grains area has been to seek international agreement along the lines of a grains agreement.

A GRAINS AGREEMENT DELINEATED

A grains agreement as now proposed would establish market access for wheat and feed grains but would distinguish between the two in one respect. For wheat the agreement would establish minimum prices as well as market access. There are about 200 classes and grades of wheat. A class is a genetic type of wheat. "Grade" of wheat refers to protein content. Prices would have to be set for each class and grade, according to current proposals, thus establishing a set of "fixed differentials" among the types and grades of wheat.

For grains other than wheat—corn, barley, oats, sorghums—there would be no world price scheme. Instead—according to the exporters' initial proposals—there would only be access commitments by the EEC. Rice is not included in the grains agreement.

The grains negotiations have been taking place in the forum of the GATT Cereals Group, a subcommittee of the GATT Trade Negotiations Committee, which is itself in charge of the overall negotiations. Cereals Group members are Canada, Australia, Argentina, EEC, Japan, Switzerland, Norway, Sweden, the United Kingdom, and the United States. Other countries may join if an agreement is worked out.

The main elements of the package now under negotiation in the Cereals Group at Geneva were decided in meetings among the United States and the three other major exporters, Australia, Canada, and Argentina. Representatives of these countries met in Washington during September 1966, and decided on a common position which they have since been discussing with the major importing countries. These discussions began on a sustained basis in the second week of February 1967, and have continued since. Major importers are the United Kingdom, Japan, Norway, Switzerland, and Denmark. Some Asian and African countries also have commercial interest in grain imports.

There are essentially four major elements to be considered in a grains agreement as now conceived: access commitment, minimum world prices, market sharing, and donable food programs.

"IRONCLAD" SELF-SUFFICIENCY ASSURANCES

The concept of self-sufficiency is really the reverse of the earlier U.S. request for access commitments. For the United States it is the most important element in the exporters' proposal. It is thought that the EEC chose to look at the access idea from the reverse side in order to save face: it did not "accept" market access, it will instead "offer" to maintain a certain restricted level of internal self-sufficiency.

The exporting countries have requested that the EEC adopt a standard of about 86 or 87 percent self-sufficiency in all grains. The EEC has proposed 90 percent, but a 90-percent self-sufficiency limit seems too high on the basis even of the EEC's own projections of its self-sufficiency by 1970. As a key element of a self-sufficiency agreement, there must be absolute asurances that any surpluses generated by the EEC over the self-sufficiency ratio will not enter commercial markets.

PRICE RANGES

Agreement on a range of world prices for wheat is a major goal of the proposed grains agreement and it is also a principal point of attack of certain American farm organizations. There is precedent for such price setting in the International Wheat Agreement—IWA—which has been in effect since 1954, but expires July 31, 1967. American experience under the IWA has shaped thinking about the nature of future international price commitments.

The IWA sets a price range for the highest quality class of wheat, Manitoba No. 1 delivered at Fort William, Port Arthur, Canada. The minimum price is $1.625 and the maximum $2.02 per bushel. Differentials between this class wheat and lower classes have in the past been established by tacit agreement between Canada and the United States, the largest exporters. The United States is said to have consistently observed the differentials and not priced its wheat below them until a change in policy about 2 years ago, when cooperation among exporters broke down completely and U.S. pricing policy became more aggressive. Canadians and other exporters had been more flexible than the United States, sometimes setting prices through their international marketing boards at levels below the tacitly agreed differentials, therefore keeping their wheat competitive in world markets. Thus we used to hear the complaint of U.S. wheat growers that the United States did not price competitively in world markets.

In the organized world of the international wheat trade the IWA seemed to be but a token. In a new grains agreement the objective seems to be to try to set minimums for all the classes of wheat and make these minimums meaningful. If achieved, the United States could avoid being caught in the position of alone observing minimum prices while others supply markets the United States might have had.

This is the logic behind the argument that in a new grains agreement there must be meaningful commitments requiring other exporters not to engage in cutthroat pricing.

Thus another key issue is the levels of the minimum prices themselves. High minimums would narrow commercial wheat markets in poorer countries and tend to deprive those purchasers willing to buy more wheat at lower prices. But the level of the minimum price range is very important for another reason related to the concept of market sharing.

MARKET SHARING

Market sharing as initially conceived in the grains negotiations would come into effect when world wheat prices fall below the fixed minimums. Then each exporter would divvy up the market according to shares in a "very recent representative period." The U.S. market share proposed hypothetically would be about 32 percent, it is known.

Obviously, if the agreed minimum prices were high, market sharing would come into force often. If the minimum price is set so high as to become the effective world trading price, there is no practical way of avoiding a constant condition of market sharing.

The present minimum price proposal of the exporting group, based on a new basing grade and basing point on No. 2 Hard Red Winter wheat basis free on board gulf ports of $1.85 a bushel, is quite high indeed. It is higher than the average monthly world price for the same wheat for every month at least since the 1962–63 crop year. Were this price to be agreed on, market sharing would be in effect the bulk of the time, and world wheat trade would be controlled utterly.

Such a situation would not be acceptable. If a grains agreement is negotiated, the minimum price will have to be reasonable and realistic. If it were not, importers like Japan and other industrial importing countries will not be able to afford an agreement, and poorer importing countries would be deprived.

Ideally, a minimum price should be sufficiently low that it would only serve to prevent distress selling and deliberate price undercutting—so that its very existence would actually discourage wheat marketing agencies from selling below the minimum, in order to avoid the noisome controls that would then come into effect. Perhaps the most positive result from the pricing provisions of the agreement would be to discourage cutthroat competition.

FOOD AID

The current grains agreement proposal also includes commitments about food aid—means of sharing the burden of donable food programs now borne almost exclusively by the United States. In the past several weeks of the negotiations, the food aid proposals of the agreement have become its most controversial element. On food aid therefore, could hinge the fate of a grains agreement, and on the fate of the grains agreement hinges the Kennedy round.

Food aid has come into the grains agreement discussions almost inadvertently, largely as a corollary to the self-sufficiency problem discussed above. The real problem is how to guarantee that EEC grains production in excess of the agreed ratio of self-sufficiency will not enter commercial markets. The answer has been to try to commit the EEC to undertake to give the food away, store it, or destroy it. We would prefer that it be given away, so that part of the U.S. obligation to donate food will be removed and shared among those able to do so.

Public Law 480 food programs were the children of opportunism and bad planning. U.S. donable foods are simply the result of excess production resulting from price fixing. In the name of brotherhood and economic development the United States put developing countries on the dole to receive our unwanted surpluses. The effects of this expedient policy have been almost unquestionably harmful to the recipients. Because he so clearly describes the effects of such foreign aid, I quote from page 53 of John O. Coppock's book for the Council on Foreign Relations titled "Atlantic Agricultural Unity: Is It Possible?":

> Gift food is sold by the recipient governments, usually through regular distribution channels. The normal state of the recipient countries, particular if their development programs are progressing, is one of incipient or active price inflation. Frequently, low-price imports are used in an attempt to stem the price inflation, at least for food sales. To the extent that such efforts are successful, they act as a depressant to prices of domestically produced food stuffs relative to the prices of other goods. Local growers are thus "taxed" as a special group by this means; not only are their incomes reduced relatively by this disparate rise in prices, a disincentive to private investment in agriculture is an even more serious consequence.
>
> It is generally argued that such donated imports "provide resources" for the development program. . . . In fact this claim is valid only to the extent that such free imports substitute for imports that would otherwise have had to be purchased commercially and paid for in foreign exchange. This argument is never made, at least to farmers and others interested in the export trades. In general, the developmental resources in these countries which are in short supply are either goods which have to be imported or insufficient technical and managerial skills and proper institutional organization. None of these can be expanded in supply by importing free food that is additional and not substitutional.

But once having created such dependency, it would be cruel and immoral to terminate it suddenly. Thus, at a time when the United States finds itself out of its former surplus position, and at a time of growing cash markets, our objective is naturally to want to share the burden of the dependency we have furthered by our own policies. It should be hard for Europeans to deny the U.S. attempt to share the obligation to feed the starving.

UNITED STATES AND EEC SHARES OF A FOOD AID AGREEMENT

The level of contribution of industrialized countries annually to world food aid has been set at about 10 million tons. The contribution would be divided among grains agreement participants—the U.S. share might be about 40 percent, the EEC share about 25 percent. This raises the problem of the burden on food deficit—importing or nonproducing—industrialized countries. The Japanese, for example, are concerned because their food aid contribution might cost them about $100 million of foreign exchange each year. They would have to buy wheat to ship to poorer countries. This, on top of a high world price, makes the grains agreement very difficult for Japan to swallow. The British are in much the same position, and are joined by West Germany and the Netherlands.

At Geneva, on March 30, Sir Richard Powell indicated Britain might accept a food air commitment. By the logic of negotiations therefore the United States would have to pay a suitable price. This price could be very high. It could mean a reduction in something we want from the negotiations, or it could mean an increase in something we can offer. The price might even be too high to pay. For this reason the United States may well have to drop the food aid provision from the agreement.

Were they to do so, the U.S. negotiators would have to find some other suitable means of disposing of EEC surplus production. The food aid idea still appears to me to be the most logical means of doing so.

Thus a food aid understanding should be part of an eventual agreement. It seems the only practical way of negotiating an access commitment when the EEC, and perhaps also the United Kingdom, have refused to negotiate the level of their domestic supports, and apparently are also unwilling to continue even the modest efforts the French have made to limit the quantity to which price supports apply. The resulting surpluses cannot be stored easily as storage facilities do not exist except at European ports, and these surpluses will not likely be destroyed. It would seem that they must therefore be given away.

The donable food aspect of the proposed grains agreement is important then for three reasons: It would help get the United States off the hook of having to feed starving people by itself out of dwindling or nonexistent surpluses, it would have considerable appeal when the Senate considers ratification of an agreement, and it would make an EEC self-sufficiency commitment realistically workable.

BIG OPPOSITION TO A GRAINS AGREEMENT

The proposed grains agreement has drawn heavy fire from organization on both doctrinaire and practical grounds. In the last several months it has been one of the most hotly discussed trade issues. The American Farm Bureau Federation, the Grain and Feed Dealers' National Association, and the U.S. Feed Grains Council have expressed opposition, as have other groups. These organizations and others have been extensively briefed by the Agriculture Department about the grains agreement as first proposed and are well informed about its provisions. The National Grange, on the other hand, is among the groups in favor of an agreement.

A key element of the arguments put forward by opponents is that by entering a grains arrangement along the lines described above the United States will eliminate competition in the wheat market and thus decrease the competitiveness of U.S. grains in world markets.

Unless one knows the grains trade, one might think that a free market does in fact exist in wheat, but this is not the case. Australia, Argentina, and Canada, our biggest grains competitors, sell through government wheat boards or trading authorities. The United States itself subsidizes each bushel of exported wheat: an exporter must obtain a U.S. Department of Agriculture license for all exports. The USDA determines the subsidy. The domestic price of No. 1 Hard Red Winter wheat ordinary f.o.b. gulf, a standard type of wheat, was $1.95 a bushel in February 1967. The export payment, or subsidy, is $.09 and therefore the world price is $1.85; $1.95 was in effect the U.S. support price for that type wheat.

To make U.S. grains more "competitive" in world markets would require increased subsidy to lower the price. "Competition" in this context has thus a shaded meaning at best.

The element of artificiality in this "competitive" U.S. approach would be eliminated were the United States to remove subsidies and controls from grains production, and permit the market to operate freely rather than to manipulate it.

U.S. PROPOSAL FOR UNSUPPORTED DOMESTIC POLICIES

The United States actually proposed in the Cereals Group that all producing nations should establish conditions of free agricultural trade. This formal proposal was made in the Cereals Group discussions beginning May 17, 1965. It was rejected.

But perhaps now is the time for the United States to act unilaterally in the grains area. It seems to me that the conditions are now present that make possible such a shift from the domestic policies of past years. Were it possible to do so we could begin from a new base in international efforts to establish world agricultural trade on more economic lines.

UNSHACKLING AMERICAN GRAINS PRODUCTION UNILATERALLY

American agriculture has for years suffered from production surpluses resulting from the demands on the American farmer to increase his production during World War II. The farmer responded to Government requests by enlarging his plantings and investment in order to feed the world at war. Government price support and subsidy programs at the end of the war were properly intended to be a means of tapering off gradually from high wartime production levels. But the purpose of these readjustment measures was never realized. Production was not tapered off; rather it was maintained at high levels throughout the postwar period, with resultant huge surpluses.

The present alleviation of our grains surplus problem has come not from a successful effort finally to control production, but from a steady rise in total demand, both foreign and domestic, to the point that there is now nearly a balance between demand and supply.

The new balance between supply and demand for grains is evidenced by the narrowing differential between domestic and world market prices. Encouraging increases in commercial exports of wheat and especially feed grains are additional evidence of favorable market conditions. Increased demand is reflected in decreased Commodity Credit Corporation—CCC—stocks of wheat and feed grains. In 1965 total CCC wheat stocks were 753 million bushels and, by December 1966, stocks were 369 million bushels. CCC stocks of feed grains have declined from 1.7 billion bushels in 1965, to 1 billion bushels in 1966, which equaled about 42 million tons; 600 million bushels of wheat is considered a satisfactory reserve stock. About 40 to 50 million tons is considered an adequate reserve for feed grains.

AN OPPORTUNITY FOR FUNDAMENTAL CHANGE

Thus there presently exists an ideal opportunity to eliminate subsidy and control programs for grains—an opportunity that should be seized by those interested in the most rational use of economic resources, the welfare of the farm community and the national economy. Congress, after full public debate and deliberation, should repeal all authorities permitting the Executive to deal directly in grain markets through buying and selling crops in order to control prices, by specifying acreage allotments, marketing quotas, and through hiding a substantial part of the cost of the wheat program by taxes on millers.

At the same time, Congress should enact legislation that will make certain that recourse loans are available to American producers of wheat and feed grains. Such insured resource loans should be made through banks and other private financial institutions with Government standing in the background as loan insurer.

Such legislation would be consistent with a national economic policy intended to allow market forces to determine production and prices and thereby promote greater efficiency, and ultimately greater income, in the farm sector. Market conditions now permit such a step. It would benefit the consumer and it would eliminate Federal Government expenditures that cost the public about $2 billion in fiscal year 1966.

TOWARD FUTURE SUCCESSFUL NEGOTIATIONS IN AGRICULTURE

But this step is particularly advisable for reasons relating to the Kennedy round. In these difficult negotiations the United States and other nations have for the first time attempted to deal with the full scope of world agriculture trade problems. In large part the difficulty of these negotiations stems directly from the fact that world trade in most important agriculture products is impeded and confused by national economic policies that have created highly artificial conditions in domestic farm sectors.

These conditions exist in almost all industrialized countries. It is convenient and easy now to single out the extraordinary systems of agriculture support and protection being finalized and effectuated by the European Economic Community under common agriculture policies that will apply to almost all EEC farm commodities. Other countries also have uneconomic agriculture policies, including the United Kingdom and the United States. These domestic economic policies so distort the economies of production of agriculture commodities that it is very difficult to deal with them through international action.

The cures, in many instances, must

start at home. That is why the United States effort in dealing with the EEC must be to continue to attempt over the long term, however difficult that may be, to change the fundamental domestic pricing and support system and the border protection devices now being established by the Community. It may well be that these systems will collapse both of their own inefficiency and after continued U.S. efforts to change them.

In international agriculture trade, therefore, the fundamental cures must be domestic cures, and they must be in the direction of removing government subsidies and controls from the agricultural marketplace. U.S. action to reestablish the conditions of the domestic marketplace in wheat and feed grain would prepare the way for more successful international efforts to improve marketplace conditions in world trade. Were it to eliminate government controls the United States would remove any possible criticism from our grains trading partners, the EEC and other countries, that we subsidize production and exports.

THE WHEAT AND FEED GRAINS ACT OF 1967, A MEANS TO THIS END

Therefore on March 16 I introduced a bill in the House, H.R. 7326, the Wheat and Feed Grains Act of 1967, to repeal all authorities for the current Agriculture Department wheat and feed grain programs and to authorize programs that will permit the market system to work more effectively for American grains.

The approach I suggest is, I believe, the fundamentally correct one. If adopted it will do much to sort out world grain trade problems and it will make eventual agreement with the EEC easier.

ADDRESSING THE PROBLEM AT HAND

Responsible persons cannot but be concerned that, in less than 3 months the EEC will have completed a system that within only 3 years will, by several estimates, result in serious shrinkage of one of our most important markets for our agricultural products. These persons understandably want to arrive at commitments to prevent this damage to our commercial interest, and perhaps they are correct in thinking that an international arrangement is the only possible means of preventing such damage.

Criticism concentrates first on the idea of an access agreement, then on the height of the proposed minimum price and on market sharing.

WHY AN ACCESS AGREEMENT RATHER THAN CHANGE THE VARIABLE LEVY SYSTEM

U.S. officials are attacked by opposing groups because the United States has concentrated on obtaining an access agreement rather than on modifying the threshold or target prices so as to strike at the root source of EEC agriculture protection, its pricing systems.

Is this a valid complaint? Is it realistic? The data adduced above show how essential the grains CAP and its pricing system is to the political development of the Community. Experts here and in Europe have stated that the pricing system itself cannot be modified through negotiation at this time. If, as seems possible, the EEC market for U.S. wheat shrinks to next to nothing by 1970, and there is no grains access agreement, would there be enough world demand to absorb U.S. wheat and feed grain production?

One answer expressed by the Grain & Feed Dealers National Association is that the United States "can best retain and improve its position in other world markets and keep strong pressure on the costly EEC common agricultural policy by maintaining a system of competitive prices in the world cereals market."

THE ESSENTIAL FLAW—MINIMUM PRICE

But the focal point of opposition is justifiably the minimum price and market sharing. Farm groups know that the minimum high price set in the initial bargaining was a compromise. The principal U.S. interest is an access commitment principally for its soft wheat. The Canadian interest is a high price for its hard wheat, which will always be demanded in Europe because Europe cannot grow enough of its own. The result was U.S. agreement on a high initial price in return for Canadian agreements to press for access.

Farm groups know this and their expressions of disapproval are healthy. They indicate to other exporters that it will be difficult to obtain U.S. ratification of an agreement that sets too high a price. The fact is that the negotiating price for the basic wheat—No. 2 Hard Red Winter gulf ports—is higher than the world price has been in every year but 1967. The proposed minimum would be too high by far.

The real U.S. attitude may be ambivalent. One report has it that Australian Prime Minister Holt asked President Johnson, during the latter's trip to Australia last fall, to consider that high grains price would cause Red China to spend all its foreign exchange on food. What it might in fact succeed in doing is simply to drive the Communist Chinese back into the arms of the Soviets, who last year had a wheat surplus, a small portion of which they gave to India.

We can no longer count on the Soviet Union as a large cash buyer of wheat. Because of fundamental reforms introduced by Khrushchev, but concealed by two seasons of very bad weather, the Soviet Union now appears to be a self-sufficient producer. In fact, if Soviet surpluses continue, we may very well find it selling below any high minimum price to developing countries, whom we see as future commercial buyers. Such sales would have obvious political importance.

Obviously if a minimum price must be agreed to at all, it is important to set a relatively low price.

WHAT IS THE BALANCE OF U.S. ADVANTAGE?

Where does the balance of U.S. advantage lie? Some claim that because a grains agreement as now conceived is not going to achieve substantial modification of the variable levy pricing system itself, there should be no Kennedy round agreements of any kind. This view is based on the idea that, once having made industrial bargains in the Kennedy round, future leverage to modify the variable levy through industrial bargains is lost. This argument has real merit.

But there is another consideration that must be given thought. It has been statistically shown that world economic expansion itself results in correspondingly greater exports of agriculture products. Were significant industrial bargains to be made without industrial bargains it is still likely that agriculture exports will increase. On this economic argument a case could be made for accepting something less in agriculture than we had hoped to get, on the grounds that significant industrial cuts could cause the increased agriculture trade that we seek anyway.

It can be argued that the grains agreement now envisoned is the best the United States can do after a very hard "college try." They say that, because grain represents a very substantial portion of actual and potential U.S. exports, and because the EEC's grains CAP will have a profound effect on U.S. grains sales in Europe, the grains access agreement will have utility and important dollar value.

What meets the terms of the 1962 trade act and the ministerial resolution calling for acceptable conditions of access in furtherance of significant expansion of trade? Opinions vary. A grains agreement that had a very low minimum price and iron-clad assurances that surplus EEC production in excess of 86 percent of its internal needs would not be sold commercially, would probably meet the test because it might insure continuation of grains exports now worth about $650 million, and possibly much more.

But there certainly are disadvantages in any such scheme—distasteful ones. It would be far better to achieve a modification of the EEC pricing system itself.

PROPOSALS TO MAKE A GRAINS AGREEMENT MORE PALATABLE

An element should be added to the agreement to make it far more acceptable to those who reject it as an acceptance or "legitimization" of the EEC pricing system, and to those who see it as a poor substitute for modifying the variable levy itself.

The grains agreement should not legitimize the protective devices of the EEC by making clear in a preambulatory passage that it is not. There should be an agreement in principle in the document that by 1970 at the latest the EEC would begin to bind the variable levy, with the the goal of converting it into a fixed tariff by a future date.

Certainly, at the very least, the United States should, when signing and ratifying any such agreement, make clear its objections and its future goals. But if at all possible the agreement itself should contain a provision permitting the reopening of negotiations on the variable levy at some specific future date.

The United States has been and should remain essentially sympathetic in a tough-minded way to the EEC agriculture problems. The variable levy is in principle an illegal device in GATT, that it creates economic inefficiencies very costly to the EEC when it is linked to high target prices. It has equally onerous effects on the world economy. A grains agreement that does not express the concept that competition must someday be established in world agriculture trade and that access and price agreements are at best minimal assurances should be rejected, and the industrial negotiations should be scrapped until another day—in the hope that another opportunity will, in fact, come to use authority such as that Congress gave to the President in the 1962 trade act.

A HARD POLICY CHOICE

The New York Times, in an editorial on January 20, giving a well-reasoned judgment of the advantages and disadvantages of a grains agreement, said in part:

> A grain agreement alone would be a significant accomplishment. It would ease the way toward a successful conclusion to negotiations on industrial goods. It also would give American grain producers assured export markets and it would make for a fairer and more rational sharing of the burden involved in distributing food to the poor countries of the world.

These are the factors that must be considered first by the U.S. negotiators when making an agreement; and second, by the U.S. Senate when ratifying it, and by both Houses of Congress should the agreement require implementation. Though the objective as expressed by the special representative for trade negotiations in Senate Foreign Relations Committee hearings on February 27 is to make a package of agricultural and industrial bargains that is substantial even independently of a grains agreement; in fact, a satisfying grains agreement is indispensable to achieving the initial and still important goal of providing "acceptable conditions of access to world markets in order to significantly develop and expand world trade in such products."

BEHIND RECENT REPORTS FROM GENEVA—NO DECISIONS YET

During the week of March 27 in Geneva a ministerial level meeting, though without ministerial level meeting fanfare, resulted in press reports of more optimistic tenor than earlier. The logjam is said to be breaking; new "initiatives" are being proposed.

It is true that there is a new spirit of ferment in Geneva. It is the feeling in the air that Mr. Peter Dreyer, the perceptive Journal of Commerce Brussels correspondent, reported on March 22 when he wrote:

> The prevailing moderate optimism, pointing to modest but generally acceptable results, has two main roots. There is for one the feverish activity now displayed by all principal delegations and their staffs. There is, for another, the near universal assumption that so strenuous an effort cannot but be successful.

But important decisions have not yet been made, and so many remain to be made—not just in grains, but also in the other areas of temperate agriculture negotiations, and of course in the intensely complicated industrial sectors. We can shortly expect announcement that an antidumping agreement has been fundamentally agreed upon. As an initial advocate of such an agreement, concrete achievement in even this limited area is encouraging. But there is much left to accomplish.

The scheduled meetings of the EEC Council of Ministers for April 10 through 12 will be the local opportunity for making the decisions that will spell success or failure for the Kennedy round.

NEXT SECTION OF REPORT

I believe it very important that there be a much wider public understanding of the specific nature of our own trade policy and of EEC agriculture policy. Thus I will discuss in the next section of this evaluation the other product groups for which special negotiating teams have been established: meat and dairy products. I will also discuss poultry and fruits and vegetables, important U.S. trade items, and the problems posed by expanding developing country exports of tropical agriculture products. This section will follow on Thursday, April 13. It will be followed by a discussion of the industrial negotiations.

THE PAN AMERICAN FAMILY

The **SPEAKER**. Under previous order of the House, the gentleman from Texas [Mr. KAZEN] is recognized for 7 minutes.

Mr. **KAZEN**. Mr. Speaker, President Johnson has designated this week of April 9 through 15 as Pan American Week. It should, therefore, be a time for us to hesitate a moment in our deliberations and reflect upon this country's role in the Pan American family.

In the early days of the development of the West, there was a saying that good fences make good neighbors. We, at this time, have some fence mending to accomplish if we are to realize our fervent desire to be good neighbors with our friends of Latin America. We seek to be recognized as full partners with our Latin American counterparts. The economic, social, moral, and educational prerequisities of our hemisphere demand that we enter into a full cooperative venture with our friends to the south.

It is time that we implement the Alliance for Progress with more than money and mere words. It is time that we joined in utilizing a program designed to achieve the progress and understanding we desire. Latin America has always been referred to as the back door to the United States. This is no longer true. Latin America is no longer the back door to this country, but is equally the front door and most of the windows.

What happens in any single country in this hemisphere necessarily affects us. If a single country in this hemisphere is suffering the effects of disease, poverty, or illiteracy, we in the United States share equally in the responsibility and in the consequences. We must, of necessity, render assistance where help is needed. We have become interdependent upon the other nations of this hemisphere politically, socially, and economically. However, we have in many cases in the past been shortsighted and have advocated a policy in respect to our neighbors of being penny wise and dollar foolish. It seems that in many instances we have acted as an afterthought when it came to dealing with our neighbors in this hemisphere.

True, we have always rightfully avoided any connotation that we sought domination through our aid. I believe that with this preoccupation, we may have leaned too far the other way and avoided our responsibilities. Our aid was never intended for this purpose and I wish to see this policy continue. But, I believe that our aid has been inadequate; that we have in part failed in money and in the other fields where we are able to offer, when asked, technical assistance and advice that are so desperately needed.

We have learned a tremendous lesson from the events that took place in Cuba. We must not let this lesson fade from our memory so soon. The mere thought that hostile intercontinental ballistic missiles would be located this close to our country, that within minutes tremendous destruction in lives and property could be inflicted upon our country became a matter of grave concern to all of us. What happened there can happen again, and if it does, we must share part of the blame.

But placing the blame will not obliterate the fact that the national security of this Nation and every nation in this hemisphere can be endangered by another such upheaval. The pride and individual national patriotism of our Latin American friends can be easily understood in this country where we share the same feeling toward our Nation.

While the needs in many countries are large, no nation wishes to compromise its national dignity and integrity by asking continuously for aid from the United States. Such aid should be offered and it should be offered on a basis which will preclude any indignity to our friends.

Our aid should be such that it will enable our friends to help themselves out of their dilemmas. We must offer our storehouse of knowledge and resources, but it must be in a spirit of cooperation.

Yes, we may need to increase our monetary aid to Latin America, but we must go deeper into our relationship than just writing a check, and our aid must be in a positive form, a form which takes on a permanent status. It must be a permanent working agreement between our nations, one that will not be affected by any future political commitments. Our sister American nations deserve a special relationship with this country. Because of our friendship, our cultures, our related histories, our interdependence on trade and security, and especially because of geographic considerations, Latin America is in a special category among the nations of the world for the United States.

Our ties are related in many ways. We are partners in a joint endeavor that hopes to build a series of interdependent nations cooperating in a peaceful effort toward creating a better world in which to live. It is of paramount importance to realize that when we aid our Latin American neighbors, we are also aiding ourselves.

We must now deal in specifics instead of broad phrases that sound good but which realize little achievement. The proposal to create a common market is an imminent necessity. We must implement this proposal with every assistance at our command. The requirement of every nation can be fulfilled through such an agreement, all to the benefit and betterment of every participating nation.

Every nation must be afforded the opportunity to take part in such endeavor. We will thus help ourselves through aiding others. We sometimes fail to recognize that within this hemisphere there is prevalent disease, poverty, lack of sufficient food, and illiteracy. There is no reason for this to be so in our modern-day world. With our vast resources and technological know-how, we in the United States can extend the hand of friendship through help to alleviate these problems. This is by no means a one-sided affair. It is a task for every nation in the hemisphere to join in providing assistance wherever assistance is needed.

The extended hand of friendship must contain more than money. It first must be extended from the heart with a sincere desire that there be mutual respect and mutual understanding between us. Money, of course, is a consideration, but there is little excuse for disease to be prevalent in some nations in this hemisphere while we enjoy abundant health. There is no reason why productive land is not utilized to help feed the people of this entire hemisphere because of lack of know-how and proper implements. There is no longer a justification behind which we can hide that many of our neighbors have large segments of their populations to whom educations have been denied. We have reached the point in the United States when both of necessity and moral obligation we must focus our attention on Latin America.

We have concentrated much of our effort and money on Asia and Europe in order to maintain our security. But I am afraid that in this process, we have neglected those who are closer to us and upon whom we depend so much. We have at times relegated our neighbors in Latin America to the status of a neglected stepchild. We expected much of them; their full devotion and cooperation, but we bought the new suit for others while leaving the hand-me-downs to our true friends who were likewise in need.

Let me urge that we begin and then proceed on a definite path to economic integration that will guarantee the full utilization of the capabilities of every nation in this hemisphere. I urge that we mobilize our forces, join with our friends and create a hemisphere of abundance, health, and knowledge. Every nation in this hemisphere possesses the basic freedoms of democracy and it is our desire that each continue in this same independent pattern.

President Johnson has long been cognizant of the problems concerning our policy with Latin America. In his effort to present a forceful recommendation at the conference at Punta del Este this week, he asked for concurrence of a resolution which would spell out in detail our concern and proposals for a joint venture with our neighbors. This House gave the President that resolution. However, there are those who seem to want to hold back when it comes to being specific with our neighbors in our own hemisphere. The President had no constitutional prerequisite to ask for this advice and consent. He did it because of his interest in the problem—because of his desire to go to this Conference armed with the full concurrence of the Congress and the American people.

Those of us who live near our Latin neighbors know the problems that exist. We are anxious to give encouragement to the President in his endeavors. I urge that we really activate the Alliance for Progress; that we make it a real working mandate. Now is the time for action. Let us take the lead in seeing that this possibility becomes a reality.

Mr. Speaker, now is the time to accomplish the task which is imminent.

Mr. UDALL. Mr. Speaker, will the distinguished gentleman yield?

Mr. KAZEN. I am happy to yield to my distinguished colleague from Arizona.

Mr. UDALL. Mr. Speaker, I just wanted to commend my friend, the distinguished gentleman from Texas [Mr. KAZEN], upon his very timely and very profound and important statement which the gentleman has just concluded.

Mr. Speaker, the statement of the gentleman represents a real and substantial contribution to the congressional consideration of these important Latin American problems with which we are confronted.

Further, Mr. Speaker, I wish to say that I am always heartened after each election at the manner in which the scales and the expertise of the House of Representatives are broadened through the addition of new Members from different parts of this great country.

Further, Mr. Speaker, I want to say to my distinguished friend, the gentleman from Texas, that with the gentleman's background in the Texas Legislature and with the gentleman's long residence and interest along the Mexican border, the gentleman brings much to this House of Representatives with reference to the understanding of Latin American problems.

Mr. Speaker, I wish to commend the distinguished gentleman, especially for speaking out upon this important subject and for giving his good and studied advice to his colleagues, as well as his good advice to the people of this country.

Mr. KAZEN. Mr. Speaker, I thank the distinguished gentleman from Arizona.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

THE THREAT OF A CRIPPLING AND PARALYZING NATIONWIDE RAILROAD STRIKE NOW FACES AMERICA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. DOC. NO. 104)

The SPEAKER laid before the House the following message from the President of the United States.

To the Congress of the United States:

The threat of a crippling and paralyzing nationwide railroad strike now faces America.

At 12:01 a.m., on Thursday, April 13, 137,000 shopworkers—mechanics, powerhouse employees and shop laborers—without whose services the trains cannot operate are scheduled to begin a walkout against virtually every major railroad in this country. Over 95 percent of the Nation's railroad mileage will be affected.

For almost a year the parties have engaged in extensive collective bargaining to reach a settlement. These negotiations have proceeded with a seriousness of purpose. The parties have bargained hard and with skill.

The major issues on the bargaining table are traditional but vital. They include higher wage rates, larger wage differentials between skilled and unskilled workers, and the length of the contract.

Since October 1966, the negotiations have taken place under the Railway Labor Act—the machinery established by the Congress to handle disputes involving the Nation's railroads.

Through mediation and through the recommendations of an Emergency Board that I established last January, some progress has been made. Recently, at my direction, Secretary of Labor Wirtz and Under Secretary of Labor Reynolds have worked, with National Mediation Board Chairman O'Neill, to achieve a fair settlement. Out of this process many of the issues have been narrowed. Others have been eliminated.

Now, however, the procedures under the Railway Labor Act have run their full course—but the parties have still not been able to resolve their differences.

Under the law, the unions are free to strike at 12:01 a.m. April 13 unless—

A settlement is immediately reached.

The unions agree to a voluntary extension of the "no strike" period. The Government's request for such an agreement has already been rejected.

Congress takes special action to keep the trains running while the parties can continue to work toward a settlement through collective bargaining without a nationwide strike.

In this message I call upon the Congress to take that special action.

THE PROPOSAL

I have carefully weighed the type of action Congress might usefully consider to meet the needs of the immediate situation.

I have consulted with the wisest advisors available to a President.

The legislation I am proposing takes full account of two central considerations. The first is the significance of uninterrupted rail service to the national welfare and safety, and particularly to defense production. The second is that even in these extreme circumstances, collective bargaining must be given every opportunity to work—with the bargainers fully aware of the national significance of their responsibility.

With these considerations in mind, I recommend that Congress approve a joint resolution to extend the 60-day "no strike" period in this case for an additional 20 days.

The resolution would have the effect of extending the "no strike" period under the Railway Labor Act for this case to a full 80 days—the same period allowed under the Taft-Hartley Act. The normal period of restraint under the Railway Labor Act has already expired.

The proposed joint resolution follows the finding made by the Emergency Board of three distinguished Americans to whom this case was referred under the Railway Labor Act. The Board was of the conviction that:

> There should be established a longer period of statutory restraint subsequent to the submission of an Emergency Board's report in order to give the parties additional time to negotiate a settlement. The Board notes that under the Taft-Hartley Act the parties have a period of 80 days after the Board Report is submitted to the President.

The proposed resolution gives the process of collective bargaining a last clear chance in this case, while giving the Nation the uninterrupted railroad service it must have. I have always believed that solutions arrived at through hard and honest negotiations are preferable to those imposed by decree.

I will appoint a panel of special mediators to assist the parties in reaching a settlement during this 20-day period. I have also asked Secretary of Labor Willard Wirtz, Secretary of Transportation Alan Boyd, and representatives of the other interested Government agencies to work with the parties.

THE IMPACT OF A STRIKE

The differences which remain in this dispute are important. But they are slight when compared with the price to the country and to these parties from a suspension of rail service.

The purpose of this message and of this proposal is to impress upon the parties and to make clear to the Nation what is at stake here.

The cost of a nationwide railroad strike would be incalculable. I urge you to consider these facts:

On the first morning of the strike three-quarters of a million rail commuters in New York, Chicago, and Philadelphia alone would be unable to take their trains to work.

Shipments of perishable foodstuffs to many major cities would be halted at once.

Actual food shortages could soon occur in several cities.

Some health hazards would develop. For example, supplies of chlorine used to purify community water supplies would grow short.

The coal mining industry, with 140,000 workers, would cease operations almost at once.

Many other industries which rely heavily on the railroads—such as metal mining, steel, chemicals—would be badly crippled and soon begin to close down.

For a week or more most factories could operate from their inventories. Soon, shortages and bottlenecks would begin to curtail production drastically. A spreading epidemic of lost production and lost jobs would sweep through the Nation.

A 1-month strike would reduce the gross national product by 13 percent. That would be nearly four times as great as the total decline that occurred in the Nation's worst postwar recession. It would drive the unemployment rate up to 15 percent—for the first time since 1940—putting millions of workers out of jobs.

In short, a railroad strike would affect every man, woman and child in this Nation. It would increase the cost of living. Each day the strike continued would bring pyramiding losses in goods, services and income—losses which can never be fully regained. A prolonged strike could well break the back of the Nation's stable prosperity for some period to come.

Beyond this, there remains the impact of a rail strike on defense production, and particularly on our 500,000 brave servicemen in southeast Asia.

For example:

Forty percent of the total freight shipped by the Defense Department is moved by the Nation's railroads. A strike would materially disrupt these vital operations.

Shipments of ammunition will be critically affected. During April, 210,000 tons of ammunition are scheduled to move to ports for overseas shipment. About 175,000 tons are going by rail.

Production of ammunition will be hindered. Sulfuric acid, a key ingredient for ammunition, moves only by rail car.

The movement of gasoline and jet fuel for our combat and transport aircraft heavily depends on railroads.

The M-48 tank and other heavy military equipment used in Vietnam, can be shipped only by rail.

Strategic missiles such as Polaris and Minuteman are moved by specially equipped rail cars.

CONCLUSION

The costs are so heavy and the consequences so dire that there have been only two brief national rail strikes in this century. This is a clear example of the responsibility—and restraint—which can be displayed by railroad labor and management.

Almost 3 years ago to the day the Nation was faced with an equally grave railroad strike. Then, both the carriers and the unions placed the national interest first. The strike was postponed and a fair and just settlement reached.

On that occasion I said:

> This agreement is American business and American labor operating at its very best, at the highest levels of public responsibility. This is the face of American industrial democracy that we can proudly show to the entire world, that free enterprise, free collective bargaining, really works in this country, and that the needs and the demands of the people's interest are understood and those needs and those demands come first.

It is my fervent hope—and I believe that I speak for all Americans—that the parties to the railway dispute which now threatens the Nation arrive at a just settlement, for "He that keepeth understanding shall find good."

More drastic measures could have been proposed. But I believe that the parties should be given one more opportunity—a last clear chance—to resolve their differences, in their own way, in the spirit of free collective bargaining.

As President I have the firm responsibility to represent this Nation at the meeting of the heads of Latin American States at Punta del Este. The commitment to go to Punta del Este was made many months ago—and it must be honored.

But as President, I also have the clear responsibility to take action that will assure uninterrupted rail service for our Nation. I am taking that action in submitting this joint resolution today and requesting prompt action by the Congress.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 10, 1967*.

The SPEAKER pro tempore (Mr. UDALL). Without objection, the message and accompanying papers will be referred to the Committee on Interstate and Foreign Commerce and ordered to be printed.

FULL CABINET RANK URGED FOR VETERANS' ADMINISTRATION

The SPEAKER pro tempore (Mr. UDALL). Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, it remains one of the greatest inconsistencies of our Government's organization that we continue to deny the Veterans' Administration full Cabinet rank.

The VA's current budget of $6.8 billion a year is larger than that of all but three of the full-fledged departments, and it is by far the largest of the 35 independent Federal agencies.

Its daily work affects a huge segment of our people—the veterans, service personnel who are the future veterans, dependents, and survivors—a little less than half the Nation's total population.

Since 1963, I have been introducing bills in each Congress calling for a Department of Veterans' Affairs. A little over 2 months ago, in a message to the Congress, the President stressed the importance of servicemen and veterans as a national responsibility.

Through the years, all of the major veterans' organizations of the United States have repeatedly endorsed the establishment of a Department of Veterans' Affairs. Only last week, the commander in chief of the Veterans of Foreign Wars once more called upon the Congress for this most necessary legislation.

We are all aware of the magnitude of the veterans' programs carried out and supervised by the Veterans' Administration. This important agency should have Cabinet status to assure it of the dignity and authority it needs to translate the Nation's gratitude into action in behalf of veterans, their families, and survivors.

I have introduced a bill in this session to establish a Department of Veterans' Affairs. I add my hope to those of all the veterans' groups of the United States that this will be the year when we no longer sidestep this necessary task.

The statistics of the Veterans' Administration provide astounding documentation to justify giving the VA equal standing in the executive branch with departments of much smaller size, and much more limited scope.

With its 176,000 employees, the VA as an employer is exceeded only by the Department of Defense and the Post Office Department.

The VA provides services for 25,800,000 veterans and their families. The enactment of the cold war GI bill last year, at one stroke, added 4 million new beneficiaries to the rolls. Under the education provisions of that act alone, 480,000 ex-GI's will be enrolled in colleges and other institutions of learning by the end of this month.

The largest single medical program in the world is operated by the agency. Last year, it provided 40.1 million days of hospital care to 782,000 veterans, at a cost of $985 million. If you add all types of care—like the outpatient and in-the-home service provided by the VA—the annual cost totals $1.2 billion.

The Administration's network of 165 hospitals is the largest in the world, and VA research staffs are engaged in about 7,000 research projects. One-half of all the men and women who win medical degrees in the entire country receive some part of their training at VA hospitals, and the same is true of almost one-fifth of the country's newly capped professional nurses.

The VA handles 6 million life insurance policies, with a face value of over $40 billion. The new policies provided by recent legislation will give the Administration $31 billion in additional insurance to supervise.

The agency has paid disability and death compensation to more than 4,700,000 veterans and dependents. It operates the Nation's largest guardianship program, involving more than 600,000 children and incompetents.

There have been 7 million home, farm, and business loans, for a total of $66 billion, under the VA loan program.

I need not go on. All the figures are equally massive, and equally impressive. The far-reaching scope of this agency's operations demand that the Congress act promptly to establish a Department of Veterans' Affairs. I urge such action at once.

NATIONAL FORESTS: AMERICA'S "HAPPY HUNTING GROUNDS"

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Florida [Mr. Sikes] is recognized for 30 minutes.

Mr. SIKES. Mr. Speaker, I am pleased to submit for reprinting in the Record, a very fine speech by the Honorable Edward P. Cliff, Chief of the Forest Service, U.S. Department of Agriculture, entitled, "National Forests: America's 'Happy Hunting Grounds'." Mr. Cliff's speech was delivered at the annual meeting of the National Rifle Association in Washington on April 1, 1967. It is one of the most interesting and informative statements that was presented at this important convention and I feel that it merits careful study on the part of the Members of Congress.

The speech follows:

National Forests: America's "Happy Hunting Grounds"

(By Edward P. Cliff, Chief, Forest Service, U.S. Department of Agriculture, at the annual meeting of the National Rifle Association, Washington, D.C., Apr. 1, 1967)

Two years ago, I had the honor and pleasure of participating in the annual meeting of the National Rifle Association. I described hunting on the National Forest System and pointed out that scientific management of wildlife habitat is the key to meeting increasing hunting pressures. Today I would like to make a progress report to you. A great deal is being done to improve your chances of bagging game produced on the National Forests and National Grasslands.

First, a bit of perspective. We often refer to the public forests and rangelands we administer as "The Nation's Playgrounds." Last month, the Bureau of Outdoor Recreation reported that 46 percent of all recreation use of *all* Federal lands in 1966 took place on the National Forests. The estimated 173 million visitor-days of recreation use we tallied is an all-time high—and is more than three times as much as any other Federal agency.

We think that the reasons for this are easy to see. In addition to the great size and variety of the resources, we are fortunate in being able to offer some of the finest quality recreational experiences in the world. Whether you are looking for an outstanding winter sports area, a magnificent scenic vista, a challenging trout stream, a wilderness adventure, a well-designed campground—or you name it—you can find it on the National Forests. The hunting opportunities alone surpass anything enjoyed by the European nobility of yesteryear. And they await the pleasure of every American. Being able to work with resources like these is a lot of fun—but it is also a challenging responsibility that we don't take lightly.

Ladies and gentlemen, this afternoon I want to pledge to you that the National Forests are going to *continue* to be America's "happy hunting grounds." I can say this with confidence because recent years have seen real progress in habitat development, in management of wildlife populations, and in public interest in scientific resource management. *We are seeing even closer working* relationships between landowners, State and Federal agencies, sportsmen groups, and other interested parties. There seems to be a general awareness that game populations, and their habitat, are renewable resources—resources that can be harvested; resources that benefit from positive management practices.

Let me point out, however, that my confidence rests in large part upon my belief that the understanding of conservation as "the wise *use* of resources" will prevail in the years ahead. This is a matter that should be—and already is, I think—a matter of personal concern to most of the members of this Association.

Because you can understand the need for orderly harvest of fish and game species, you probably recognize the need for orderly harvest and renewal of timber resources. Some people don't. They decry logging—particularly the clearcutting sometimes needed to regenerate sunlight-demanding species of trees. You have a real stake in this issue because the management of timber resources is the greatest single tool we have available to improve wildlife habitat.

The theme of this session "Hunting and Conservation" is timely. It reveals your recognition that your Association has a job to do in helping our country reach the right resource-management decisions. The Forest Service part of the job is to help provide optimum habitat on the public lands we administer. And to make sure that people have a good chance to enjoy the fish and game species occupying that habitat.

We work very closely with the various State agencies, the Fish and Wildlife Service, and others in coordinating resource management practices with their interests. It is important to keep in mind that fish and game laws and other regulating measures pertaining to wildlife populations themselves are not within the jurisdiction of the Forest Service. On the National Forests, that is a responsibility of the States. Ours is to manage and improve the habitat.

We improve fish and wildlife habitat in two ways—directly through specific measures designed for that purpose, and indirectly through our overall protection and management practices.

Construction of watering facilities is one example of direct action. Large numbers of watering holes and spring developments have been provided in the East. The so-called guzzler, which catches rain water and funnels it into a tank, is commonly used in the Southwest and elsewhere to meet the needs of deer, quail, and other species. In some areas, at least one water hole per square mile is needed for deer or other non-migrating species. During the past five years we have completed more than 5,000 small water developments on the National Forests to benefit wildlife.

Last year we seeded and planted more than 33,000 acres with forage species. For example, in the East we reseed temporary logging roads with a grass and clover mixture. This provides pleasant hunter walkways and some of our finest ruffed grouse shooting. In the West and Southwest, we plant palatable shrubs such as bitterbrush, and open up juniper and pinon pine stands to improve deer range. In some areas we use prescribed burning to stimulate sprout growth of browse species—this amounted to 43,000 acres last year. In other situations we may purposely leave openings in the forest, or create and plant food patches to improve the habitat for turkey, door, or other species.

We are developing wetlands for waterfowl through positive management actions. National Forests along the Mississippi flyway are particularly well situated for waterfowl use. Two years ago, the 2,000 acre Oakwood Bottoms Greentree Reservoir was completed on the Shawnee National Forest in Illinois. Through a system of low dikes, control gates, and pumped water supply, the area is flooded during the late fall and winter season to help hold and feed migrating and wintering populations of waterfowl. As a fringe benefit, the local wood duck population is expected to increase significantly on the project area. The pink oak timber, which is predominant there, provides an abundant supply of acorns. In a locality where private lands are often posted against hunting, this Greentree Reservoir is especially welcome to the hunting public.

Wetland development on the Chippewa National Forest in Minnesota also presents an exciting future. Although there are many lakes on the Forest, duck nesting is limited to portions of the shoreline. About one-fourth of the Forest area is classed as wetland, and we estimate that about 50,000 acres of the low-lying ground can be effectively developed and managed primarily for waterfowl production.

To do this, we need to construct shallow water impoundments, blast potholes, and install nesting boxes and platforms. More than a threefold increase in waterfowl production should result from these improvements. Incidentally, we think this project can also bolster the local economy by making it easier to grow and harvest wild rice on suitable sites. This development proposal, and an inventory of the wetlands, was recently completed with the valuable help of the Bureau of Sport Fisheries and Wildlife and the Minnesota Department of Conservation. We look forward to implementation of this plan in the near future.

Quite often, I take along a fishing rod on my hunting trips. If you do, too, you may be interested to know that we don't overlook any chance to improve fish habitat, either. National Forests contain nearly one-fourth of the cold water lakes and reservoirs, not counting the Great Lakes. More than 21,000 miles of National Forest streams in the Pacific Northwest are used by spawning salmon, steelhead, and other anadromous game fish.

We are working hard to keep these fishing waters productive. The rapidly increasing hazards of pollution, as forests become more heavily used, require specific actions and the investment of substantial time and money. For example, we are testing a gravel cleaner—sometimes dubbed the "riffle sifter"—designed to restore the productive capacity of silt-laden spawning beds.

Much of the direct action that we take on the National Forest to improve wildlife habitat results from State participation. About half of the work is financed by the States under cooperative work arrangements. This participation by the States, of course, is a direct reflection of interest on the part of sportsmen groups like yours. For example, the State of Virginia—and a few others—require hunters and fishermen to purchase a special stamp in addition to the State license if they hunt or fish on National Forests. Proceeds from sales of these stamps are used to improve habitat according to plans jointly approved by the State and by the Forest Service.

Direct improvement of habitat must necessarily be concentrated on a very small fraction of the total area. Yet, a few strategically located improvements can have great impact.

Indirect actions to improve habitat can be even more beneficial because of the larger areas treated. For example, the National Forests produce about one-fourth of all of the timber harvested each year in the United States to meet industrial needs. This gigantic operation—producing more than 12 billion board feet of raw material—creates wildlife openings and "food patches" on a grand scale. Each year we harvest timber on 1¾ million acres. About one-fourth of this involves some form of small clearcuts.

We have a fine staff or trained biologists who are constantly alert to opportunities to coordinate timber management activities with wildlife habitat improvement needs. Our timber experts, on the other hand, are required to recognize these needs as they plan their sale programs. As a matter of fact, most of our professionals are hunters and fishermen, and they enthusiastically seek ways to improve the fish and wildlife resource. For example, in all of our work we are careful to leave sufficient den trees for squirrels and other tree-nesting birds and animals, and to reserve food trees which produce mast and berries.

The trained biologist knows that an unbroken stand of timber is unproductive of many forms of wildlife. A hunter soon learns that the best place to hunt is along the edge of timber; in an opening; or in an old burn. Nutritious forage is not produced under dense shade, but rather in openings where direct sunlight reaches the ground. Thus, productive wildlife habitat ranges should have many interspersed openings and a variety of food plants.

Management of the Douglas-fir timber zone in western Oregon illustrates the interrelationship of the ax and saw and the hunter's rifle. There was a major expansion of logging in the National Forests during and after World War II. Blacktailed deer, which inhabit the Douglas-fir forests, showed little or no increase in numbers from 1940 to 1950, but showed a *fourfold* increase between 1950 and 1960—and another 20 percent increase since 1960. Those of you who may be familiar with western Oregon can visualize the vast unbroken Douglas-fir forests and their low productivity as deer habitat. There is no question in my mind that dispersed patch-cutting of timber, through its effect on forage production, has been the greatest single factor causing the spectacular increase in blacktailed deer during the past 20 years.

Another example from the other end of the country is on the Appalachicola National Forest in Florida. Strips of timber are left uncut there as we convert scrub hardwoods into a pine forest. This provides the "edge effect" so favorable to birds and animals, and it also assures adequate supplies of acorns and other mast, den trees, and cover. These are habitat essentials that would be lost if widespread clearing and planting were done in that area.

Not long ago, many foresters, and the public in general, viewed selective cutting as the ideal form of timber management. In that method of management, individual trees are selected for cutting and before long seedlings and saplings and young poles are intermixed with larger, mature or nearly mature trees. Selective cutting is still a good system under many conditions, but now we are finding that even-aged management also is one of our best multiple use tools.

When a patchwork of intermingled stands of trees of various ages is developed, there is a great variety of food and cover for wildlife. When sunlight reaches the forest floor there is a prompt improvement in habitat conditions. Grasses, vines, and other plants are stimulated. Insect life increases and is available within easy reach of young quail and grouse and turkeys. Bird dogs can work within sight of the hunter, and shooting visability is good.

Later on, as the trees grow in size and the opening disappears, intermediate cuttings, or thinnings, help keep the areas productive for both timber and wildlife. In some kinds of forests, such as the southern pines, prescribed burning can provide similar benefits over large areas. Of course, the cycle begins again when the final stand of crop trees is harvested.

There are many other examples of indirect ways in which both wildlife habitat and hunting enjoyment are enhanced on the National Forests. Range rehabilitation and livestock watering devices provide very important benefits of this kind. Acquisition of lands under the Land and Water Conservation Fund Act provides better public access to hunting and fishing. Expanded road and trail systems spread out the hunting pressure. Designation of areas as "Wilderness" assures quality hunting and fishing for those who really like to rough it. Firebreaks improve habitat and hunting conditions. Protection of the forest against catastrophic losses from wild fire or epidemic outbreaks of insect damage makes hunting more enjoyable, and reduces damage to game habitat and streams.

All in all, wildlife habitat management can be a remarkable demonstration of the multiple use philosophy in action. The sum total of public benefits is made larger in quantity and higher in quality through skillful coordination of uses and activities.

Before concluding, let me say just a few words about rare and endangered species. More than 20 of these species are found within the National Forest System. Some are famous—such as the timber wolf, grizzly bear, California Condor, Prairie Chicken, Kaibab squirrel, and the Kirtland's Warbler. Others are relatively unknown—for example, the Puerto Rican parrot, the Tule elk, the California Bighorn, the Piute trout, and the Little Colorado spinedace. In each of these cases, we either are seeking information or we already have a definite plan of management under way to keep or make their habitat as favorable as possible. Perhaps some of you are bird watchers or amateur biologists as well as riflemen. If you are, you know what tremendous interest can be stirred up with respect to one of these species. It is that kind of interest and public concern that we need to harness in moving ahead wildlife management on the National Forests.

Yes, the National Forest System is a remarkable piece of real estate. On one hand it can accommodate the needs of species of plant and animal life struggling for survival. Yet it is also one of the greatest hunting grounds in the world. As more and more people require more and more goods and services, these lands and waters will become even more important. The problems of meeting the variety of increasing needs—and of protecting the resources from damage and pollution—are becoming more difficult with each passing year.

Your Association needs to keep abreast of what goes on in your National Forests—you have a role to play in shaping national policy and in making sure these public lands remain the happy hunting grounds that they are today.

THE RESTORATION OF FEDERALISM IN AMERICA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin [Mr. Laird] is recognized for 5 minutes.

Mr. LAIRD. Mr. Speaker, I am inserting in the Congressional Record the report of a special study group of the Republican coordinating committee dealing with the problems of Federal-State-local fiscal relations.

This report, prepared by Prof. Roger A. Freeman, senior staff member of the Hoover Institution on War, Revolution, and Peace, of Stanford University, points out clearly the need for a new look at our archaic system of grant-in-aid assistance to the States. The report makes the extremely valid point that Federal assistance requirements often replace local needs in the consideration of which projects will be advanced in a particular region.

This study outlines the alternatives to the present system of categorical grants-in-aid. It discusses revenue sharing in its three major forms—percentage rebates, tax credits, and bloc grants—as means of restoring a semblance of balance to our federal system of government.

Frankly, Mr. Speaker, I am very disturbed when I hear the President describe our evolving system of government as "A new kind of federalism—Federal-State interaction never contemplated by the Founding Fathers." I bebelieve that our present structure of government is most responsive to the needs of our citizenry, and hence, eminently worth maintaining. However, during recent years, this system has been distorted by Federal controls, teased by Federal funds, and maligned by Federal bureaucrats.

If the federal system of our Founding Fathers will continue to serve our needs, I believe that a new approach must be found for financing effective solutions to the complex problems of modern America. The report of the special study group of the Republican coordinating committee takes a long step in answering that problem.

The report follows:

THE RESTORATION OF FEDERALISM IN AMERICA

(Statement adopted April 3, 1967, by the Republican Coordinating Committee study group on Federal revenue sharing)

Speaking to the State governors two weeks ago, President Johnson announced some startling plans which, if carried out, would radically change the structure and the very nature of American government. The President said:

"What we are living through together are the birth pangs of a fundamentally new process in American government—a new kind of Federalism—Federal-State interaction never contemplated by the Founding Fathers."

What is this new process or new kind of Federalism? The President spelled it out. In his view, it means that Federal grants-in-aid to the States, which totalled only $30 million in 1920, will in the next five years quadruple, from the present $15 billion to $60 billion. He is correct in saying that the Founding Fathers never contemplated such action. In fact they would have been horrified by such plans to achieve exactly what they, by a careful drafting of the Constitution, aimed to prevent from happening in the newly created Republic: a monopoly of governmental power in Washington with concentration of all authority in an omnipotent national government.

To be sure, a trend in that direction has been apparent for some years. If left unchecked and if the President's predictions are carried out, they are certain to destroy the system which the Founding Fathers created almost two hundred years ago, which our generation inherited, and which we expected to bequeath to our children and children's children.

The principle upon which this Republic was founded was one of a wide dispersal of governmental power—of checks and balances, of authority allocated to several branches and levels of government, with maximum decision-making on local public services left at the State and community level. The writers of the Constitution had learned from history that centralization of power leads to tyranny, that no matter how well intended, good government is no substitute for self-government, and that the only lasting safeguard of the liberty of citizens and communities is a system that prevents any single segment of government from being able to control all the others.

States, counties, cities, towns and school districts have learned in recent years that they are no longer completely masters of their own affairs. Their first consideration often no longer is the needs of their citizens for public services and facilities, but the availability of funds from Washington. Urgent needs can be left unmet because Federal money is available for other purposes and Federal funds must be matched from local funds. Attempting to get the most in Federal funds, States and localities tend to distort their budgets and are frustrated in efforts to accomplish things which their residents require. Though needs differ widely from State to State and from area to area, it is national decisions on priorities which again and again determine what will be done, regardless of local needs or desires. There are now very few activities in which a State or city or district will go ahead and make decisions based solely on merit from its own viewpoint—it will almost always first determine what Federal money is available and then decide to act accordingly.

When individual citizens want something done by government, or feel aggrieved by an act of government, they can approach, or unseat, their locally elected officials—county commissioners, city councilmen, mayors, and governors.

But they are frequently powerless and helpless when it comes to the acts of Federal agencies, run in and from Washington. Federal officials are so far removed from the reach of local residents that they can and do make their decisions, affecting the vital interests, livelihoods, and homes of those citizens without having to take their wishes into consideration.

The frustrations of local officials and individual citizens trying to make themselves heard in Washington, but being blithely disregarded, calls for action to prevent the accumulation of ever greater authority in the national bureaucracy.

WHAT CAUSED CONCENTRATION OF GOVERNMENTAL POWER IN WASHINGTON?

A variety of reasons have been cited for the growth in Federal power and the decline in home rule and local self-government. But the main cause is the unparalleled growth of specific Federal grants-in-aid.

Two decades ago, there were only a few programs of Federal aid which totalled barely $1 billion a year and covered only a few dozen activities. In the current fiscal year grants-in-aid amount to $15 billion and the President, as mentioned earlier suggested recently that they could quadruple in just five years. If these plans are carried out they will, for all practical purposes, mean the end of the Federal system as envisioned by its founders and of State and local government as we know it. These plans suggest the establishment of a governmental monopoly in Washington, with all other governments being reduced to subordinate subdivisions taking most of their orders from Federal administrators who hand out the money.

What makes State and local governments subordinate and submissive divisions is not merely the flow of the money, whether it be $1 billion or $15 billion or $60 billion. It is that Federal funds are being allocated specifically for thousands of State and local programs, covering virtually all of their activities, and conditioned upon compliance with Federal dictates on what is to be done and how it is to be done.

From the few dozen activities for which Federal funds were available not long ago, their number grew to a hundred, and an inventory by the Legislative Reference Service of the Library of Congress counted 239 separate authorizations in April 1964. By January 1965, their number had swelled to 283, and, by January 1966, to 399. When classified by type of aid there were 479 separate authorizations of Federal aid in January 1966, and several dozens were added during the second session of the 89th Congress. These programs cover virtually every field of State and local government activity and enable Federal administrators to exercise control over the spending of not only Federal, but also State and local funds, by their right to grant or deny Federal monies, to approve or disapprove projects or to require changes.

To be sure: the need for public services has grown tremendously, and legitimately so with the increase in population, greater urbanization and industrialization. It is not a question of what public services are to be provided, or how much is to be spent on them. The question is who should make the decisions: the local citizens and their elected local and State officials, or the national government and Federal administrative officials.

The multiplication of Federal aid programs to several hundred has, in many cases, resulted in virtual chaos. With so many overlapping activities, often several Federal agencies are engaged in parallel or similar pursuits, sometimes in competition with each other.

John Gardner, Secretary of Health, Education, and Welfare, last fall testified before the Senate Subcommittee on Intergovernmental Relations:

"In almost every domestic program we are encountering crises of organization. Coordination among Federal agencies leaves much to be desired. Communication between the various levels of government—Federal, State, local—is casual and ineffective."

The President's coordinator for Federal-State relations, Farris Bryant, former Governor of Florida, recently stated to a panel of Governors:

"There are too many specific, categorical grant programs".

Yet the President has submitted dozens of new programs at every recent session of Congress, including many to the first session of the 90th Congress in 1967.

How can our citizens ever expect order out of this chaos, if numerous new programs are added every year—instead of reducing their number and organizing them in an effective manner?

FEDERAL FINANCIAL AID TO STATE AND LOCAL GOVERNMENTS

The demands upon State and local governments for public services have in recent years multiplied, and will continue to grow at a rapid pace. For instance, their outlays in the vital areas of education, highways, health, natural resources and urban housing alone have more than doubled in the past ten years, from $23 billion to $51 billion, including grants.

State and local governments have been able to cope with these demands only by continuing rounds of tax boosts. Between 1959 and 1966 the 50 States imposed 19 new major taxes and enacted 230 major increases in tax rates. Their tax collections jumped from $23 billion to $52 billion in the past ten years. Even so, their indebtedness multiplied more than three times over the decade and now exceeds $100 billion. Moreover, the problems of State and local finances have been aggravated by the inflationary policies of the present Administration and by high interest rates; the costs of services have risen and so have the costs of borrowing.

Most government services in the domestic field have traditionally been State and local responsibilities, and the sharp increase in needs has put a severe strain on the finances of those governments. The ability of State and local governments to raise adequate revenues is in most cases gravely handicapped by the exorbitant Federal tax burden. State and local governments would be in a far better position to support their activities adequately if the Federal tax burden did not hit their taxpayers every year like a ton of bricks.

State and local tax receipts do increase—without rate boosts—roughly in proportion to the growth of the economy. But Federal tax receipts grow much faster due to the graduated nature of the Federal income tax, which to the individual means an automatic increase in tax rates as his income level advances. Also, as the value of the dollar shrinks and incomes go up, income taxes may grow faster than personal income. This means that the burden of the income tax, as well as the receipts from it, grow rapidly and disproportionately without boosting Federal tax rates—and even while tax rates are being reduced.[1]

While Federal revenues increase at a rapid pace without the necessity to boost rates, State and local officials must assume the political risk of steady rounds of tax increases if, in order to meet urgent demands, their revenues are to grow faster than the economy as a whole.

The "automatic" increase in receipts from the Federal income tax puts the Federal government in a better position financially than the State and local governments. This is one of the major reasons for the steady and rapid increase in Federal grants-in-aid.

---

[1] E.g., the personal exemption totalled $500 during World War II. The dollar has since lost half of its value and a comparable exemption now would amount to $1000. But, the exemption is $600.

HOW CAN THE TREND OF GOVERNMENTAL CENTRALIZATION BE ARRESTED?

As was pointed out in the preceding section, a major reason for the difficulty which States and localities encounter in financing their vital public services, is the excessive Federal tax burden. We, therefore, believe that the prime aim and objective of any drive to ease the financial strain on State and local governments should be a program of a gradual step-by-step reduction in the Federal tax burden through a series of cuts in income tax rates.

The Federal government, which has been taking close to two-thirds of all governmental revenues in the United States, should steadily accelerate the reduction of its share of the tax dollar so that States and local governments can simultaneously increase their share. We believe this to be the soundest method of relieving the pressure on State and local government finances.

It is obvious that a program of cutting Federal tax rates must go hand in hand with Federal expenditure control so as to prevent the continuance of huge budgetary deficits which can result in a steady shrinking of the value of the dollar and the continuance of inflationary trends.

This does not necessarily mean a reduction in the dollar amounts of Federal expenditures. But we believe that further growth in Federal domestic expenditures must be controlled so as to assure that deficits and inflation do not result. The major aim of the action as mentioned before, must be a gradual, continued reduction in the slice of the tax dollar which the Federal government takes.

However, because of the built-in growth in receipts from the Federal income tax, we believe that the national government should continue to aid in the financing of vital public services provided by State and local governments such as education, welfare, health and highways.

In other words, the money flow from the national government to State and local governments, which presently totals $15 billion and has shown a tendency to grow, should for now be maintained. The danger to the Federal system of government and the reality of centralized control is not caused so much by the flow of money as by the splintering of grants-in-aid into hundreds of programs and by the minute conditions and close supervision accompanying them.

We believe that these problems can be solved in several ways and that, most likely, a combination of several methods is the most effective way to do so. Detailed study of these proposals should be undertaken:

(1) *Block Grants.* Instead of grants for hundreds of different programs, and thousands of projects, Federal funds to State and local governments could be allocated to a few broad functional areas such as education, welfare, health, highways, etc., with the decisions as to the exact applications of the funds left to the recipient governments.

Such consolidation would have many advantages. It would enable State and local governments to apply funds to the specific projects most urgently needed in their areas, rather than permitting the national government to set priorities.

Moreover, this would free the President and the Congress of the necessity of considering the demand for and adequacy of public services in tens of thousands of communities all over the country. A major share of the time of the President and of Congress is devoted to the consideration of domestic programs which could be handled more effectively by each State and local government according to local needs. As a result, the President and the Congress find it difficult to devote sufficient time and study to matters of national security and international relations—and this situation could have disastrous consequences.

If Congress would authorize grants-in-aid to States and local government on a *block basis, by major functional areas,* far more of its time could be devoted to the consideration of national security and international affairs. At the same time, domestic public services could be more satisfactorily provided under the control of State and local governments which can devote all of their time and attention to them, are more familiar with local needs, and are directly responsible to their constituents.

(2) *Revenue Sharing.* Another method of providing financial aid to State and local governments without exercising control is through an approach that has received evergrowing attention in recent years, as evidenced by numerous Republican proposals: Federal revenue sharing.

The Federal government has, for all practical purposes, pre-empted the most productive tax source in this country: the income tax. Federal income tax collections now total more than all other tax receipts of all governments combined (Federal-State-local) in the United States. The Federal government claimed, in 1965, more than 90 percent of all income tax collections in the country. It is unlikely that State and local governments can expand their income taxation to any significant degree, as long as the Federal tax bite is so heavy.

However, the strain could be relieved by channeling a share of Federal income tax collections back to States and local governments. As long as the money flow from the national to State and local governments is maintained—and we have stated earlier that this most likely is the political reality—we believe that this could be done better by rendering purely fiscal aid through a sharing of Federal tax receipts than by earmarked and closely controlled conditional grants. Most States allocate to their political subdivisions a share of their tax receipts, and a number of other countries do likewise. Why should the U.S. Government not follow a similar course? The numerous proposals submitted for channeling a percentage of Federal income tax collections back to the States need to be studied in greater detail if a broadly acceptable program is to be devised. Such a program should consider three points:

a. Federal pre-emption of the most lucrative tax source has placed all States in a difficult financial postion. Therefore a share of the tax collections should be returned to *all* States and some of their political subdivisions.

b. A number of States lack natural and other resources, are less industrialized and, as a result, have a lower per capita income than others. Yet, the citizens of those States require a minimum of vital public services in such fields as education, health, welfare, highways, etc. It is therefore justified to allocate to low-income States proportionately larger amounts so as to enable them to provide adequate services without placing an undue burden on their residents.

c. With growing urbanization in our society, the pressing demands of local and city governments must be recognized, and any revenue sharing plan should contain appropriate provisions to assure that local governments receive a fair share of the total amount.

(3) *Federal Income Tax Credits for State and Local Taxes.* Another effective means of enabling States and local governments to finance themselves better is the granting of partial credits on the Federal income tax for taxes paid to those governments. Such credits could be made available for *all* State and local taxes (which are presently deductible for Federal income tax purposes), or at least for those types of taxes which are presently imposed within all States. A partial credit would be a more potent—and fairer—means of recognizing State and local taxes than mere deduction from the tax base.

We do not believe that Federal tax credits should be permitted only for State income taxes, as has been suggested. This would force all States to adopt a particular tax, although the citizens of some States clearly prefer other types of taxation. It is highly improper for the national government to pressure the citizens of some States into a *form* of taxation which they do not favor.

It would, however, be proper to consider granting some special types of income tax credits for residential property taxes, particularly school property taxes, because such taxes are already imposed in every State and in every school district, and property taxes have become particularly burdensome throughout the country. The schools deserve special consideration, and such credits would enable them to be financed more adequately at the local level.

(4) *Federal Income Tax Credits for Education.* Such plans as block grants, and revenue sharing would ease the financing of public services. However, in some fields such as education an important share of the responsibility is borne by private institutions and their supporters. If financial aid goes only to public institutions, the balance could be shifted strongly toward public education and hundreds of private colleges and other schools might not be able to survive. This would throw an added load on the taxpayers who would then have to assume that responsibility. One reasonable solution suggested by many Republicans would be the granting of Federal income tax credits for tuition and other expenses and for donations to public and private educational institutions. Several proposals of this type have been submitted and gained broad support in Congress and among the public and deserve further careful study.

For the present:

1. The Republican Party reaffirms its strong support for a broad program of revenue sharing and functional block grants as a means to restore a balance to the Federal-State system. We propose that the Democratic-controlled Congress undertake hearings on the legislation introduced by Republicans in both Senate and House, with the objective of enacting a sound and meaningful law this year or early in 1968.

2. Until the Federal Budget approaches balance, we believe that shared revenues should be allocated to the States as a substitute for and not in addition to existing conditional and earmarked grants-in-aid.

3. Beginning in the fiscal year 1968, we recommend that no new specific Federal grant programs should be enacted, except in unusual circumstances.

4. We believe that Congress should declare its intention that all grant programs expire automatically at the end of five years, unless a different period is specifically set forth in the enabling legislation.

5. We urge that Congressional hearings be held on pending proposals for a general system of individual tax credits on State and local taxes paid, as a partial replacement for the present grant-in-aid programs.

6. We recommend that Congress consider an increase in the credit on estate and gift taxes so as to leave the major receipts of these taxes to the States. Further, we suggest that other sources of revenue which could be left to State and local taxation be considered.

Mr. Speaker, the complete membership list of the Republican coordinating committee follows:

Presiding Officer: Chairman, Republican National Committee.

FORMER PRESIDENT

Dwight D. Eisenhower.

FORMER PRESIDENTIAL NOMINEES

Barry Goldwater, Richard M. Nixon, Thomas E. Dewey, Alf M. Landon.

SENATE LEADERSHIP

Everett M. Dirksen, Illinois; Thomas H. Kuchel, California; Bourke B. Hickenlooper, Iowa; Margaret Chase Smith, Maine; George Murphy, California; Milton R. Young, North Dakota; Hugh Scott, Pennsylvania.

HOUSE LEADERSHIP

Gerald R. Ford, Michigan; Leslie C. Arends, Illinois; Melvin R. Laird, Wisconsin; John J. Rhodes, Arizona; H. Allen Smith, California; Bob Wilson, California; Charles E. Goodell, New York; Richard H. Poff, Virginia; William C. Cramer, Florida.

REPRESENTATIVES OF THE REPUBLICAN GOVERNORS ASSOCIATION

John A. Love, Colorado; John A. Volpe, Massachusetts; George W. Romney, Michigan; Nelson A. Rockefeller, New York; Raymond P. Shafer, Pennsylvania; John H. Chafee, Rhode Island; Nils A. Boe, South Dakota; Daniel J. Evans, Washington.

REPUBLICAN NATIONAL COMMITTEE

Ray C. Bliss, Ohio; Mrs. C. Wayland Brooks, Washington, D.C.; Mrs. Collis P. Moore, Oregon; Donald R. Ross, Nebraska; Mrs. J. Willard Marriott, Washington, D.C.; J. Drake Edens, Jr., South Carolina.

PRESIDENT OF THE REPUBLICAN STATE LEGISLATORS ASSOCIATION

F. F. (Monte) Montgomery, Oregon.

THE LATE JOHN C. O'BRIEN

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GERALD R. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I am distressed to learn of the death today of Mr. John C. O'Brien, the distinguished chief of the Washington bureau of the Philadelphia Inquirer and the friend of many Members of this House. John O'Brien was one of the giants of the Washington press corps, who did his work with the quiet authority of one who had surveyed the political scene for 35 years. He will be greatly missed by his readers, by his colleagues who had honored him with presidence of the National Press Club, and the Gridiron Club, and by his many admirers and associates in the life of the Nation's Capital.

RESOLUTION OPPOSING PAST CIA FINANCING PRACTICES OF PRIVATE GROUPS, ADOPTED UNANIMOUSLY BY MOUNT HOLYOKE COLLEGE CHAPTER, AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BOLAND. Mr. Speaker, recent disclosures of Central Intelligence Agency financing of student and other groups has generated a deluge of thought-provoking criticism.

For example, the Mount Holyoke College, Massachusetts, chapter of the American Association of University Professors unanimously adopted a resolution, at its March meeting, expressing very great concern and strong objection to the former CIA practices of financing, which has been ordered stopped by President Johnson.

The president of the Mount Holyoke College chapter of the American Association of University Professors, Alan McGee, has provided me with a copy of the resolution. With permission granted I include Mr. McGee's letter and the resolution with my remarks at this point in the RECORD:

SOUTH HADLEY, MASS.,
April 4, 1967.

Hon. EDWARD BOLAND,
House Office Building,
Washington, D.C.

DEAR MR. BOLAND: Enclosed is a resolution which was passed unanimously by the Mount Holyoke Chapter of the American Association of University Professors at its March meeting. A copy of it is being sent to the National AAUP with a request that such a resolution be introduced at the annual meeting in April.

We thought you would be interested in knowing of our very great concern and strong objection to CIA support of academic, labor and other private groups and our hope that the policy has been permanently discontinued.

Sincerely,

ALAN MCGEE,
President, Mount Holyoke College Chapter of AAUP.

Enclosure.

RESOLUTION OPPOSING PAST CIA PRACTICE OF SUPPORTING ACADEMIC, LABOR, AND OTHER PRIVATE GROUPS

The Mount Holyoke College chapter of the American Association of University Professors strongly protests the government policy of utilizing Central Intelligence Agency funds to support academic, labor, student, and other groups. We believe that covert support for academic research, cultural exchanges and other academic programs is inconsistent with the purposes and principles of such activity. When financial support is given covertly through an agency which is involved not only in information gathering but also is an action arm of the United States Government, the purposes of the group concerned are distorted, the group demoralized, the lines between free inquiry and government policy blurred. Furthermore the actions of the government in this regard, have cast suspicion on all academic activity, on the credibility of the government and generally weakened the capacity of the academic, the student, the labor leader, and the government to accomplish their purposes.

We believe, moreover, that any form of government support for political organizations is inconsistent with a democratic society which assumes the existence of opinion and power centers independent of the government. Political groups must have not only pro forma independence, but effective independence and the government must know that it is effective. Therefore, even overt support of labor unions and the National Student Association is subject to very serious question, since these are in part political groups.

The fundamental assumptions of the government policy of financial support for public and private organizations through the Central Intelligence Agency are invalid and destructive and have created a dangerous and justifiable cynicism on the part of the giver as well as the recipient.

POSTMASTER GENERAL LAWRENCE F. O'BRIEN'S PROPOSAL FOR "A NEW DESIGN FOR THE POSTAL SERVICE" BEFORE THE MAGAZINE PUBLISHERS ASSOCIATION AND THE AMERICAN SOCIETY OF MAGAZINE EDITORS, APRIL 3, 1967; AND EDITORIAL COMMENT FROM THE SPRINGFIELD DAILY NEWS AND SPRINGFIELD UNION

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BOLAND. Mr. Speaker, both Springfield, Mass., newspapers have commented editorially on Postmaster General O'Brien's suggestion that the Post Office Department be turned into a nonprofit Government corporation.

In an editorial, the Springfield Daily News said:

> Congress and the President should reward Mr. O'Brien's courage in making the proposal by giving the plan intensive study.

I agree that the proposal merits intensive study.

The Springfield Union finds this idea "closer to the mark" than proposals to turn the Post Office over to private industry which would charge as much as the traffic would bear for mail delivery in the interest of maximum profits. The Springfield Union is right in stating that the Post Office must remain a public service and in calling for a study of Mr. O'Brien's courageous recommendation.

With permission, I insert both the Daily News editorial of April 4 and Union editorial of April 5, and the text of Postmaster General O'Brien's address, with my remarks at this point in the RECORD:

[From the Springfield (Mass.) Daily News, Apr. 4, 1967]

MR. O'BRIEN'S DRAMATIC PROPOSAL

Postmaster General Lawrence F. O'Brien has proposed what at first glance appears to be a radical revision of the U. S. postal system. Mr. O'Brien urges that the Post Office Department be replaced by a nonprofit government corporation operated by a board of directors. It would be managed by a professional executive.

Although the postmaster's plan is sketchy on operational specifics, his objective is clear. His contention is that the Post Office Department "is in a race with catastrophe." This is the case, Mr. O'Brien said yesterday, because of the ever increasing volume of mail which it must handle and because the department has become mired in "a jungle of restrictive legislation and custom."

The postmaster's goal is to put his department on a sound monetary basis by cutting through congressional red tape, removing it from the ranks of Cabinet agencies, and allowing a more independent operation. As a government corporation, the department would, however, still be subject to the authority of Congress. The directors would be appointed by the President, subject to congressional confirmation.

Mr. O'Brien's plan is, in his words, "the most extensive proposal ever made in the history of the American postal service." Certainly, it is the most dramatic proposal for change in the long history of the system. However, at second look the proposed revision may not be as radical as it appears.

The Post Office Department has operated at a deficit during much of its history. It was able to record small surpluses until 1837. There have been relatively few years since then when it did not operate in the red. From 1900 through 1954, for example, surpluses were recorded only 13 times. Deficits from 1945 through 1954 totaled $4.2 billion. This exceeded the combined deficits during the period from 1789 to 1945.

There has been little change in this pattern in the past two decades. Mr. O'Brien's proposal reflects the frustration he feels in trying to handle vast volumes of mail quickly and efficiently in the face of serious financial problems. Last week the House slashed $100 million from a Post Office Department bill seeking $6.6 billion.

Mr. O'Brien has been noted for his forthright manner through the years, beginning in Springfield and continuing on Capitol Hill. He is now advocating abolition of his own job.

He has taken the hard rather than the easy way in trying to improve his department and the service it renders to millions of U.S. citizens. Congress and the President should reward Mr. O'Brien's courage in making the proposal by giving the plan intensive study.

[From the Springfield Union, Apr. 5, 1967]

MAIL MUST GO THROUGH

Postmaster General Lawrence F. O'Brien got a mixed reaction to his plan to abolish the Post Office Department and set up a government corporation to delivery the mail. But he can't be faulted on grounds of selfishness. He admits the idea would put him out of a job.

More than that, it would end a long (though occasionally broken) tradition of rewarding presidential campaign strategists and high national committee muck-a-mucks with a prestigious Cabinet position and informal title of "general," from which vantage point and rank these political managers and get-it-done men continue to ply their trade for the benefit of the Presidents who elevated them.

No more Jim Farleys or Arthur Summerfields or—or even Larry O'Briens?

That's the story, all right. And it means Mr. O'Brien has to be taken seriously. The mail must go through, and by almost unanimous consent it's not always making it the best and fastest way right now.

The idea of turning the postal service over to private enterprise, or even two competing private companies, comes up now and then when postal deficits boggle the taxpayer's mind, the price of a stamp goes up, or a much awaited letter or package arrives late. Maybe the efficiency forced by competition would maximize performance and minimize waste. But there should be a public hand in the mail business, a direct line of responsibility between server and served.

Mr. O'Brien's proposal of a nonprofit government corporation is closer to the mark. He's in an excellent position both to know what's needed and to sell his recommendations. He deserves attention.

A NEW DESIGN FOR THE POSTAL SERVICE

(By Postmaster General Lawrence F. O'Brien before the Magazine Publishers Association and the American Society of Magazine Editors, Shoreham Hotel, Washington, D.C., Apr. 3, 1967)

It is indeed a pleasure to be with you here today and to bring you the greetings of President Johnson.

You, collectively, form one of our greatest customers.

And we, the U.S. Post Office Department, form your greatest channel of distribution.

Certainly, there is a partnership of mutual interest and long concern existing between us, a fact reflected in the splendid cooperation given by MPA members to the Postal Service by donating valuable space as a public service to ZIP Code advertisements. My friends, I want to state again my thanks and appreciation for this voluntary and important effort.

The partnership that exists between us is also accorded unique recognition in the Postal Policy Act of 1958.

For the Act recognized that publishing, and the distribution of publications, form not just another business, but a national resource that has yielded enormous benefit to the nation throughout its history, and will continue, I am sure, to yield enormous benefit in the years to come.

It is a truism to recall the great diversity of this splendid country of ours—diversity in geography, in climate, in farm and industry, in race, in national origin.

We are so diverse that only extraordinary means could have held us together when so many forces seemed designed to tear us apart. There are a number of reasons why the United States did not become the dis-United States, and why we did not evolve into a North American Balkans.

There are many factors that combined and unified America. The process was carried on silently, almost in secret, underneath the temporary upheavals in our history. It moved by a chain of paper that transported the elements of Americanism through thousands of miles, across mountains and desert, from city to frontier, a chain stretching into every clearing and valley. This link consisted of the postal service and the publications—magazines and newspapers—that provided a common store of images, of heroes, of folklore, of truth, and of inspiration and ideals.

The American magazine industry has been a powerful force in the making of America, and of making America better, and I salute you and your industry which we strive to serve.

Occasionally I receive some slight indication that our effort to serve is meeting with success. Just a few days ago I received a letter from a patron in North Dakota, telling me of improved mail delivery. She said, "You just don't know how much prompt mail service means to my husband since he lost his mind."

I'm sure she wasn't referring to the delivery of magazines.

I notice there are an increasing number of magazine articles that deal with problems of the future of the postal service. I don't know whether this is because the present and the past are so dismal, but there is a noticeable trend, nonetheless.

Of course, the future has always fascinated man. And I suppose publishers have found . . . if I can sound TIMEly . . . that there are profits in being prophets.

But I'm afraid even the most optimistic prophets can't see much brightness in *our* future. Fortune tells us in bold capital letters that "Time is running out"—I wonder if the editor let that one slip by or if it's a subliminal hint to renew a sister publication—"Time is running out," the Fortune headline reads, "and trouble is spreading." "It's now or never for the Post Office." The Saturday Review tells us of "The Day the Mails Stopped." Newsweek tells "How to Float on a Sea of Red Ink." "What's the Matter With the Mails?" the Reporter asks plaintively. "What Ails the Post Office?" Nation wants to know. Reader's Digest finds a "Crisis in the Post Office." U.S. News & World Report gives me some company by reminding us of "A Question the World Over: 'What's Wrong With the Mails?' " and in its April 3rd issue it asks, "Can Anything be Done About U.S. Mail Service?"

And so it goes. I apologize for those I've missed.

After reading some of those articles, I am reminded of the confused lady in Fresno whose car rolled smashingly down the street after she got out to mail a letter. "Didn't you set the emergency brake?" asked the judge. "Emergency brake?" she said, surprised. "I didn't know mailing a letter was an emergency."

Well, despite the many problems we face, it still isn't an emergency—*yet*. In fact, if I may refer back to the April issue of U.S. News, I think there *is* something that can be done about the U.S. mail service. That something is to change the prescription we've been using to combat hardening of the postal arteries, and our chronic case of pernicious deficit. I believe another prescription is needed. In fact, I have given the nature of this prescription considerable—and increasing—thought since I became Postmaster General 17 months ago today.

We have made extensive progress in our effort to improve service. In fact, we have even taken some of the steps that you have been urging on us for years.

Though I am proud of what has been accomplished, the speed of our advance reminds me of the nature of battle in World War One. For every inch that we advance through shellhole, sticky mud, and poison gas, it is necessary to undertake a tremendous barrage, and expend whole divisions of energy and good will. Victories are measured in inches.

The reason for this painful and difficult progress is rooted not merely in volume, but more in the restrictive jungle of legislation and custom that has grown up around the Post Office Department in the 138 years since it joined Andrew Jackson's Cabinet.

In 1829, the Post Office Department was one of the principal policy arms of the Federal Government. During our history, we were the channel through which Federal assistance was provided to roadbuilding, the newly developed steamship, and the infant railroad and airline industries. It was important and necessary and *right* that there be a strong link between the postal service and the highest policy-making levels in the Executive Branch of our government. But those needs of the past no longer exist.

Since Andrew Jackson's time there have been more changes in the way people live and the way people think than had taken place in the previous thousand years. If the postal service had remained what it was in 1829, the situation would be a difficult one. But the truth, my friends, is that we are less able to meet changing needs today than was Amos Kendall, Jackson's Postmaster General, or Montgomery Blair, Lincoln's Postmaster General.

All institutions have a life of their own, and they either grow or die. Sometimes, like the dinosaur, they grow in ways that are harmful, they grow in self-destructive ways.

I think that is the path that has been taken by the postal service.

I have concluded that there are so many existing and formidable barriers to efficient management that the ultimate solution to the problems of the postal service lies in taking the Department out of its present context entirely.

I think the effort to patch a fabric so full of holes is yielding diminishing returns.

Let me cite just one example: In 1951, a parcel post law was passed which proved unworkable. During the period from 1951 to 1966, when the Parcel Post Reform Law was passed, there were close to 2 million words of testimony, from 244 witnesses. In addition, there were whole forests consumed for the amount of paper required for newspaper and magazine coverage of the issue. There were another 4 million words involved in exchanges over this matter with the Interstate Commerce Commission, and in debate in the Houses of Congress. For each page of testimony countless hours of research and preparation were required. The time of many talented people, on both sides of the issue, was consumed as quickly as cellophane in a bonfire.

And, as you are keenly and perhaps painfully aware, we are now engaged in requesting a rate increase, a task that will certainly place heavy burdens on already overburdened members of Congress.

If we ran our telephone system in this way, the carrier pigeon business would still have a great future, and I would sell my shares of AT&T—if I had any.

If we sought to build an atomic bomb in this way, we'd still be surveying sites in Tennessee, Washington, and New Mexico—or arguing about whether we should survey the sites.

Ladies and Gentlemen, the Post Office Department, as presently constituted, reminds me of the classic definition of an elephant—a mouse built to government specifications.

Recently I was asked a basic question about the organization of the Postal Service by the perceptive Chairman of the House Appropriations Subcommittee, Representative Tom Steed of Oklahoma.

Chairman Steed asked, "General . . . would this be a fair summary: that at the present time as the manager of the Post Office Department, you have no control over your work load, you have no control over the rates of revenue that you are able to bring in, you have no control over the pay rates of the employees that you employ, you have very little control over the conditions of the service of these employees, you have virtually no control, by the nature of it, of the physical facilities that you are forced to use, and you have only a limited control at best over the transportation facilities that you are compelled to use. . .?" And then he added, this is ". . . a staggering amount of 'no control' in terms of the duties you have to perform."

I agreed with Chairman Steed. My area of "no control" is almost unlimited.

This is a situation that has grown up over such a long period of time and has such a strong tradition, that the only effective action I forsee is sweeping it away entirely.

And at this point permit me to say loud and clear that I am not focusing any criticism on Congress for the manner in which the Postal Service is organized. Our organization is the product of evolution, and I think any candid assessment of the record will show that whenever real progress has been made during that evolutionary process, Congressional prodding has had much to do with it. For example, I recently received a strong prod myself from the Chairman of the Senate Post Office and Civil Service Committee—Senator Mike Monroney—concerning greater use of airlift for first class mail. So when we have moved down more enlightened paths, it has quite often been as a result of Congressional "marching orders."

The question is whether so much prodding would have been necessary if the managers of the postal service were themselves clearly and fully responsible for the Department's record.

As you know, I had some experience in the legislative area prior to becoming Postmaster General and I want to say that since taking on this job I have had the fullest cooperation from the Chairmen and members of our legislative and appropriations Committees. Senator Monroney, Chairman Steed, Chairman Dulski and their colleagues have at all times displayed the most intense interest in postal progress. They have often initiated and always supported our efforts to modernize, mechanize and plan for the future.

The conclusion I have reached has fully taken into account this meaningful partnership between the Executive Branch and the Congress. The partnership *is* meaningful, the relationships *are* excellent but together we occupy a vehicle no longer able to respond to the demands of the times.

Indifference, inflexibility, timidity are tenacious molds that grow in areas shaded by diffused responsibility. When *everybody* is responsible, as you well know from your own business operations, *nobody* is responsible.

If there is one lesson I have learned from many years in public service it is that when you give a man responsibility and hold him to it—then, and only then, do you get results.

A lifetime in politics has also helped me appreciate the value of compromise. But there are times when compromise is simply not possible. It's difficult to find grounds for compromise between a girl who wants a big church wedding and a boy who wants to break his engagement. And it's difficult to find a compromise between superlative service and cumbersome organization.

Shortly after I became Postmaster General I assigned the best talent I could find to a Task Force to study this problem. I have recently seen the results of the study made by this group. Their conclusions and my own are parallel.

And therefore I propose to you today that the postal service—

Should cease to be part of the President's Cabinet;

Should become a nonprofit government corporation, rendering essential public service;

Should provide postal services authorized by the Congress;

Should be operated by a board of directors, appointed by the President, and confirmed by the Congress;

Should be managed by a professional executive appointed by the board;

Should be given a clear mandate on the percentage of cost coverage for postal services, so that further revisions in rates—should they be necessary—would be made on a fixed formula basis.

And in addition, management and employees alike should be paid according to standards of comparable industries; and employees should be offered more incentive and scope as well as a wider area for collective bargaining.

Further, other steps should be taken to assure that the postal service reflects fully the genius of American management and industrial skills.

Through the establishment of a government corporation we would avoid the many statutory restrictions on appropriated funds which now exist. For example, the corporation would issue bonds to provide a capital fund with which to build appropriately designed and well equipped post office structures, which could also be self-amortizing through rental income.

I can report to you that I have made a general recommendation of this nature to the President, and he feels it worthy of intensive study. And in case there is any doubt, I want to state that while I am advocating the abolition of my own job, I would not under any circumstances take an executive position in the government corporation I am proposing.

During recent months a number of proposals have been made in the Congress to alter some aspects of the postal service. While all are well intentioned, they are only props for the tottering structure we now inhabit so uneasily.

I believe the time for props is past. I think we must stop tinkering and begin constructing.

The Constitution of the United States makes no mention of supporting farm prices, regulating the purity of food and drugs, the reclamation of arid land . . . but it does contain a mandate for Congress to establish post offices and post roads. The Founding Fathers understood clearly that, aside from the common defense, there are few services as important to a farflung nation than a postal service with the qualities of safety, certainty, celerity and economy. The United States is perhaps the most ingenious nation in the history of the world. I think it is about time that we devote considerably more of that ingenuity to the vital area of postal communications.

It is about time, because the volume that already threatens catastrophe is only the shadow of events to come.

We are close to the 200 million mark in our population.

Our gross national product approaches $760 billion.

We are in the 74th month of unbroken and unprecedented economic expansion.

Our index of industrial production is 155% of what it was back in 1957 to 1959.

Personal income rose to $610 billion a year as of February.

We are better educated than ever before. The average number of school years completed per citizen is at an all-time high of 11.8. More Americans are going to school than ever before. And the Federal, State and local governments are pouring almost $30 billion into education, more than twice the entire national income of Spain and 70 per cent of the entire income of Italy.

In short, the United States right now has more people earning and learning than ever before.

What does this mean for the Postal Service? Simply that we are the mirror of this affluence, this rising standard of living and learning.

And, I might add, mail volume is growing faster than our population. For each year, despite the growth in telephone, teletype, and other electronic traffic, there is a rise in the per capita number of letters sent by the American people. When I came to the Post Office Department the rate was one piece of mail per day for every man, woman and child: 365 pieces a year. Now we are anticipating a figure of 415 pieces of mail a year for every American.

Ladies and Gentlemen, some observers seem to view the Post Office Department as a kind of sponge that can absorb any amount, any increase, in mail. I am afraid the sponge is full.

We simply can't go on as we have been.

A number of magazine articles I cited earlier arrived at conclusions similar to that of Fortune: ". . . unless *something* is done soon to reform the service, the postal system is headed for an impossible situation."

The article commends the steps we have taken, such as accelerating our mechanization and modernization program; according new status to our research effort by upgrading it to the Assistant Postmaster General level and attracting to it many highly qualified engineers and scientists; setting up an Office of Planning and Systems Analysis so that resources may be employed in the right place, the right time, with the right emphasis; and providing for the most extensive electronic source data network in the world.

We have taken these steps, and we plan to take still others in the future. For example, on top of our $100 million accelerated mechanization and modernization program, we are asking the Congress for an additional sum of $300 million for the coming year—a sum already approved by the House of Representatives. But though meaningful progress has been and is being made—we still pull behind us the anchor of organization long ago surpassed by the general advance of our country.

I have, today, given you my proposals on how we can move into the main stream of progress. I know my proposal is far-reaching; in fact, it has to be the most extensive proposal ever made in the history of the American postal service. But, I am firmly convinced, this is the only way to achieve the superlative postal service President Johnson has mandated, postal service worthy of the American Standard. And, I would like to ask you to cooperate with us, as you have so often in the past. A departure from tradition such as I propose requires public understanding and public support. There is no better vehicle for the creation of undering and support than the powerful instrument of the American magazine industry. So, in closing, I ask for your help in bringing home to the people of this country the need for, and the nature of, the proposals I have made today.

President Johnson often recalls a statement once made by John F. Kennedy—that happiness 'lies in full use of your powers along lines of excellence. I think through the changes I suggest, we can build a postal service that uses, fully, its resources along lines of excellence, a result that, at long last, should make the American people happy with mail service.

AIRBORNE MOVIE CHARGE DISCRIMINATORY

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. CORMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CORMAN. Mr. Speaker, the Civil Aeronautics Board on March 9 proposed a rule to permit airlines to establish a $2 minimum charge to passengers for viewing airborne movies, which are now provided by the airlines without charge. This action was in response to a request by 12 U.S. airlines for CAB approval. The Board will make its decision after April 14, which is the deadline for filing comments by interested parties.

I strongly oppose the CAB's proposed regulation and have so stated to its Board. I would like to also voice my objections to the Members of the House.

The airlines have for many years offered various services to its passengers, whether tourist or first-class fares are purchased, and these services have been included in the purchase price of the fare. First-class amenities have included gourmet meals, reading materials, alcoholic beverages, chewing gum, and even cigarettes—all purportedly to provide comfort and an easier journey to airline users. Movies were then added as a further comfort and means of entertainment for lengthy domestic flights. None were at any additional cost to the passenger.

Why this proposed rule now? It is not only grossly unfair; it is also discriminatory. A passenger who does not wish an alcoholic beverage in first-class flight certainly pays for the drinks his copassengers imbibe, by the very fact that the cost of his fare includes such service. A passenger who does not wish to have his dinner in flight certainly pays for the dinners his copassengers eat; just as he does for an unread magazine or a refusal of a piece of chewing gum or a cigarette. Surely a passenger who wishes to see and hear a movie should not be discriminated against by being made to pay a fee of $2. Such action can only be viewed as a fare increase.

If the Civil Aeronautics Board should exercise its ratemaking powers to permit airlines to levy a separate $2 charge for inflight movie entertainment, a chain reaction of costly consequences would result.

Unless accompanied by a commensurate fare reduction, a fare increase would be the immediate result. Furthermore, it would be the first step toward a fragmentation of cabin services—including food—now being provided for the price of the ticket, and the beginning of a system of special charges, which would burden both the airlines and passengers. It would eliminate an important factor of competition, which is the only way to keep fares down.

NEED TO REVISE SELECTIVE SERVICE LAW—XLIII

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, opponents of a voluntary system of recruitment of military manpower believe that without a draft, accessions to military service would be drastically reduced. They believe that without the draft, the country would not be able to meet its manpower commitments and its worldwide responsibilities. The draft, then, must be maintained. It not only provides the Armed Forces with the necessary numbers of men, but furthermore, it also acts to stimulate enlistment.

Studies have shown, however, that the influence of the draft upon enlistment is not as great as some people believe it to be. For example, in 1964, Senator NELSON referred to a Defense Department study of first-term enlistees which showed that 63 percent of those interviewed indicated that they would have enlisted regardless of the draft, as noted in table 1:

TABLE 1.—*Influence of draft upon enlistment decision of 1st-term Army enlistees,*[1] *by mental group*

[In percent]

	Total	Group I	Group II	Group III	Group IV
No influence	46.8	21.7	35.2	55.9	66.9
Very little influence	16.5	14.0	18.0	16.3	14.6
Some influence	17.4	24.5	23.2	13.9	8.1
Very much influence	19.3	39.8	23.6	13.9	10.4
Total	100.0	100.0	100.0	100.0	100.0

[1] Based on responses to following question: When you were a civilian without prior military service, how much influence did the selective service draft have upon your decision to enlist in the Regular Army?

No influence; I wanted to be in the Army.
Very little influence; I most likely would have enlisted if there had been no draft.
Some influence; I might not have enlisted if there had been no draft.
Very much influence; I would not have enlisted if there had been no draft.

Source: 5-percent Armywide sample survey, as of Nov. 3, 1962.

Even in the study presented by Assistant Secretary of Defense Morris at last year's draft hearings before the House Armed Services Committee showed that the draft had no effect upon the enlistment of some 62 percent of the first-term enlistees, as shown in table 2:

TABLE 2.—*Responses of regular enlisted personnel on their 1st tour of active duty to: "Would you have enlisted if there had been no draft?"*[1] *by selected characteristics*

[Percent distribution]

Selected characteristics (1)	Total (2)	Yes definitely (3)	Yes probably (4)	No probably (5)	No definitely (6)	No idea (7)	Draft[2] motivated (8)
Total	100	30.1	27.6	20.1	15.2	7.0	38.0
SERVICE							
Army	100	27.1	25.6	20.7	19.4	7.2	43.2
Navy	100	32.3	30.2	17.9	12.3	7.3	32.6
Air Force	100	26.6	26.4	23.8	16.0	7.2	42.9
Marine Corps	100	37.0	28.7	17.4	11.3	5.6	30.4
AGE AT ENLISTMENT							
17 to 19 years	100	34.2	29.5	17.2	12.0	7.1	31.4
20 to 25 years	100	17.6	21.6	29.1	24.9	6.8	57.9
EDUCATION[3]							
Less than high school graduate	100	42.9	28.8	11.7	9.7	6.9	23.0
High school graduate	100	27.1	28.2	22.4	14.9	7.3	40.2
Some college or more	100	16.3	23.1	28.3	26.0	6.3	58.0
MENTAL GROUP							
Group I and II	100	25.1	27.4	22.8	18.5	6.1	44.0
Group III	100	33.9	28.0	18.1	12.6	7.5	33.2
Group IV	100	36.6	27.9	14.8	11.8	8.9	29.2

[1] The question asked, "If there had been no draft and you had not had any military obligations at the time you first entered active military service do you think you would have entered the service?

[2] Number answering "No probably" or "No definitely" as a percent of the total, excluding "No idea."

[3] At time of entry on active military service.

Source: Department of Defense Survey of Active Duty Military Personnel, as of October 1964.

As we know, the reenlistment rate among the draftees is very low. On the other hand, the volunteer reenlistment rate is, in the words of Mr. Morris, "several times higher" than that of the draftee.

For those who feel that the abolition of the draft would result in a lack of sufficient manpower, increased pay and other incentives, which, by the way, are long overdue, would attract additional volunteers. As a matter of fact, the Cordiner report stated that more realistic pay not only would increase enlistments, but actually make possible a reduction in the size of the Armed Forces, especially in training and transportation of personnel.

SUPPORT FOR 4.5-PERCENT INCREASE IN REGULAR MILITARY COMPENSATION

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Everett] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. EVERETT. Mr. Speaker, I rise to support enactment of the President's request for a 4.5-percent increase in regular military compensation.

The success of our defense effort depends importantly on the morale of the men and women in our Armed Forces. The burdens imposed on them today are no less than at any time in our history, and they are responding to these challenges in a manner befitting the noble tradition of the Armed Forces.

We cannot repay our entire debt to these gallant men and women by increasing their compensations. But we can ensure that those who are called to man our defenses receive increases in regular compensation comparable to that recommended for Federal civilian employees.

The conflict in Vietnam has called attention to the importance of our fighting forces. But the protection of our national security is an effort which began long before and will continue long after hostilities in that troubled land have ceased. The defense of this country and of the free world is an ongoing effort which demands the services of the most qualified, best trained men and women this Nation can provide. These people in turn deserve our continued support.

I am confident that this Congress will support the proposed military pay increase, as I believe will the Nation.

FIGHTING POVERTY

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Friedel] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, this Nation's antipoverty program, while grounded in the finest of humanitarian principles, has a practical application we too often overlook. If we can bring economic opportunity to the poor, as this program proposes, the economic return to our country will be far greater than the cost of the program itself.

This point was made quite effectively in a recent editorial in the Baltimore Sun. The Sun, in commenting on President Johnson's modest request for the antipoverty program, pointed out that a reduction in the program proposed by the President would represent false economy of the worst sort.

Under permission to extend my remarks, I would like to include the editorial at this point in the Record. It carries a message which deserves the consideration of every Member of Congress.

The editorial follows:

[From the Baltimore (Md.) Sun]

FIGHTING POVERTY

President Johnson's requests for the War on Poverty are modest, $2 billion. Considering the magnitude of this problem in the United States—there are some 30 million people living below the "poverty line"—it is inappropriate to call this effort a "war." The President recognizes this. In his latest message to Congress, he refers only to a "strategy against poverty." Two billion dollars spent in behalf of 30 million people figures out to $67 apiece. The other war, in Vietnam, is costing well over $1,000 per South Vietnamese per year.

The President says this country is fighting in Vietnam because it is right and because it is in the national interest. The same is true of the fight against poverty. It is right to help people trapped in a desperate poverty that destroys their health, their pride and often even their lives, as Americans' national and religious traditions teach. It is in the national interest, because a community of poverty within a larger community of the nonpoor is destructive of the social arrangements and amenities that make modern life livable for both groups.

The President's request for $2 billion, modest as it is, is realistic. As long as the war in Vietnam continues, funds for domestic programs are going to be hard to come by. There is already talk in Washington that Congress won't provide even the $2 billion. That would be the worst sort of false economy. The "savings" would delay effectiveness. The longer the "strategy" against poverty takes to pay off, the greater the cost will be for all governments—Federal, state, local—because of crime, unemployment, decaying real property, disease, social stress, and on through the whole list of what is making metropolitan areas such expensive and unsatisfying places to live.

HURRAH FOR ALASKA

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'Hara] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, Sunday's newspapers reported a very significant development which I should like to call to the attention of any of our colleagues who may have missed it. I refer to the rejection by the Alaska State Senate of a resolution calling for a convention to amend the U.S. Constitution.

For the benefit of those who may not have seen the article reporting the action of the Alaska Senate, I include as part of my remarks the Associated Press dispatch which appeared in last Sunday's Washington Post. The article follows:

ALASKA REJECTS REAPPORTION MOVE

(By Ed Isenson)

JUNEAU, ALASKA, April 8.—Despite strong pressures from national Republican figures, the Republican-controlled Alaska State Senate today defeated a resolution calling for a U.S. constitutional convention on reapportionment.

The vote was 8 to 9, with three Senators out of town. Eleven votes are needed for passage.

The resolution seeks to overturn the Supreme Court's one-man-one-vote ruling by permitting states to apportion one House of a Legislature on a basis other than population. If 34 states approve it, Congress will call a convention to amend the Constitution.

Alaska would have been the 33rd state. Iowa also is considering it.

State Sen. Brad Phillips (R) had held the House-passed resolution in his Senate Rules Committee until he was assured it would not open up the entire Constitution to amendment.

After a lengthy long-distance telephone discussion with U.S. Senate Minority leader Everett McKinley Dirksen (Ill.) and members of his staff—and a "four-foot telegram" from Dirksen—Phillips agreed to bring the bill to the floor.

But he and one other Republican joined seven Democrats in voting to kill it.

Phillips comes from the Anchorage area, which gained four Senate seats under a recent reapportionment. In addition, he said Dirksen had failed to convince him that the Constitution would not be opened to other amendments if a convention is called.

Phillips also said Maryland Sen. Joseph D. Tydings, a Democrat, had contacted him 10 days ago and had presented very persuasive "academic arguments."

Mr. Speaker, I congratulate the Alaska Senate for its good judgment. It has acted very wisely and in the national interest.

TRAFFIC SAFETY

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Mahon] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, it would be difficult to overemphasize the importance of traffic safety. Ways must be found to drastically reduce the death and accident toll on our streets and highways.

I was much impressed by an editorial which appeared recently in the Floyd County Hesperian, Floyd County, Tex., on the subject of safe driving. I commend the publisher, Wendell Tooley, for printing the column by Joyce Smith, as follows:

DEAR SON: Today we handed you the keys to a shiny blue car. How proud you were the first time you sat behind the wheel with

Dad beside you, your sister and me in the back seat. Suddenly, the world for you had changed, just as surely as you and I had changed places in the car. And we were proud of you.

But now you are a young man, straight and taller than your Dad, ready to accept responsibility, and we have handed you the keys of the shiny blue car—and the trigger of a deadly weapon. Your responsibilities have changed from feeding the dog and burning the papers and bringing home a good report card to guarding your own and thousands of other lives on the highway.

At the risk of sounding selfish (we are not selfish, but we love you selfishly), I must say that you owe it to us, your mother and father, to be careful and cautious in your driving. We could never endure the heartbreak of losing you, and the thought of your causing someone else to suffer or die, is more than we could bear.

We won't always be at your side to tell you that your turn is just over the hill, that you are crowding the road's edge, or that the next curve is sharper than you think. Just remember, the car will go exactly where you steer it. It will go just as fast as you make it. And a car can kill. In a few seconds, you could destroy all the dreams and hopes we have made for you. You are half our lives. Please, dear Son, save that for us.

YOUR MOTHER.

And now to you, dear driver, we beg of you, in your rush to get wherever you are going, stay away from our boy. We have trained him as carefully and wisely as we knew how. He understands that the rules of life are the same as the rules for driving—if you get out of line, someone gets hurt. He also knows that you have broken those rules, for he has heard you squall your tires on the curve near our house; he has picked up the beer bottles tossed in our yard from your car; he has watched you cross the double yellow line going up a hill.

The law says that he can drive today for he is 16, and society says we cannot keep him in our close protective care forever. So he will drive. And he will drive carefully, as he has been taught. But the examples you have set for him are stupid and ugly.

So please, dear driver, be watchful of our son. He is the only one we have.

WATER FOR PEACE

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FASCELL. Mr. Speaker, last year, the Congress approved legislation authorizing the President of the United States to convene an International Conference on Water for Peace, and to provide the necessary appropriations for that purpose.

That legislation was considered and recommended to the Committee on Foreign Affairs and, subsequently, to the House, by the Subcommittee on International Organizations and Movements which I have the honor to chair. In the meantime, an interdepartmental Committee, established jointly by Secretary of State Dean Rusk and Secretary of the Interior Stewart L. Udall, has been studying ways and means of advancing the international cooperative effort aimed at the solution of the world's water problems.

The Committee was composed of—

Kenneth Holum, chairman, Assistant Secretary, Department of the Interior;

Herman Pollack, Acting Director, International Scientific and Technological Affairs, Department of State;

John A. Baker, Assistant Secretary, Department of Agriculture;

Albert B. Fitt, General Counsel, Department of the Army;

Dr. Robert White, Administrator, Environmental Science Services Administration, Department of Commerce;

Dr. Philip Lee, Assistant Secretary, Department of Health, Education, and Welfare;

James T. Ramey, Commissioner, Atomic Energy Commission;

Dr. Albert H. Moseman, Assistant Administrator, Agency for International Development.

Observers: Harry S. Rowen, Assistant Director, Bureau of the Budget; Robert L. Smith, Office of Science and Technology, Executive Office of the President.

The interdepartmental Committee's report is being released today. Because of the widespread interest in Congress in the work of that Committee, and in the forthcoming Water-for-Peace Conference, I should like to place in the RECORD at this point the recommendations which appear in that report.

They are as follows:

VII. RECOMMENDATIONS

INTRODUCTION

The following recommendations are advanced by the Interdepartmental Committee on Water for Peace in the belief that they are worthy of consideration to stimulate the rate of progress in water development throughout the world and to promote a more systematic framework in which the efforts of individual countries and international organizations can be coordinated to fulfill this end.

The recommendations take into account the programs the President has launched to combat hunger, ignorance and disease and the corresponding planned increases in U.S. aid to international agricultural, educational and health programs. Although addressed to the subject of what the United States additionally might do, both through its own program and through its representation and voice in international councils in urging other nations to make parallel and cooperative contributions, the recommendations are founded on the basic premise that nations and regions of the world which have water problems and desire to respond to them by promoting water development, must undertake this responsibility themselves. Through the international Water for Peace Program the world community can exchange knowledge and experience, offer encouragement, supply technology, and provide technical and financial assistance, but one nation or region cannot do the job for any other. This principle of self-help is fundamental to the program.

The recommendations are for both short- and long-term actions. Although they focus on water problems and ways to solve them, all such efforts should be planned within the broader framework of the overall economic and social development requirements of the respective country or region. The goal of giving the less developed countries increased ability to solve their own problems requires stress on more extensive planning; education and training at the subprofessional and professional levels; institution building; discovery of new ways to utilize local labor, local materials and equipment, and local sources of finance; and enhanced application of science and technology. A regional or subregional approach to many of these problems can be especially useful.

In the long run, progress in solving water problems will be measured through new capital construction, ranging in size from the installation of simple sanitation facilities to the construction of large-scale river basin projects. Most of the financing inevitably must come from local and national sources. Supplementary capital assistance must also be provided from international and bilateral sources, at expanded levels; requirements for this financing will need to be under constant review and should be related to the ability of countries to use the assistance effectively.

The recommendations that follow are not mutually exclusive. Some overlap; all are complementary. For example, the program under the International Hydrological Decade supplements activities covered in four preceding sections on regional centers, education and training, research and information and data. This does not result in a duplication of activity, rather, the objectives of one recommendation will be advanced by the successful carrying out of other related recommendations.

Following each recommendation or group of recommendations are references to the pages in the main body of the report where the subject is discussed more fully.

1. WATER FOR LIVING

a. *Goals.*—We recommend that the United States encourage countries and regions having water supply problems to establish realistic goals for their national efforts, as Latin America has done in the Charter of Punta del Este. For example, consideration might be given to establishing the goal that by 1980 the percentage of urban and rural populations in the developing countries served by piped drinking water will be increased by at least 50 percent.

b. *U.S. Bilateral Community Water Supply Development Program.*—(1) We recommend an increase in U.S. financial assistance to community water supply and sewerage projects in areas of critical need. This assistance should include provision for necessary institutional support to establish and operate water supply installations, including training programs and the enactment of national water legislation if necessary.

(2) We recommend that the United States sponsor and cooperate in studies into ways and means to sharply accelerate improvements in urban and rural water supplies throughout the developing world consistent with the establishment of an institutional base that will in the future provide adequate water supplies financed largely through local revenues.

c. *International Water Supply Effort.*—We recommend that the community water supply programs of the World Health Organization (WHO) and the Pan American Health Organization (PAHO) be strengthened and that all governments and other international organizations increase technical assistance and capital support for community water supply programs.

d. *Desalination.*—(1) We recommend that the United States offer to assist in the construction of—

(*a*) Small- and medium-scale desalination plants, including solar stills, in those areas where the need for additional drinking water is critical, where humanitarian purposes would be fulfilled, and where there is no obviously cheaper source;

(*b*) Desalination plants in areas where acute water shortages exist or occur unexpectedly or where economic development is retarded to the point of stagnation;

(c) Large-scale desalting plants, particularly when joined with the production of electrical energy, which can make a dramatic impact in the solution of specific water problems. Decisions to assist in capital arrangements for such large-scale plants will, of course, have to be preceded by careful assessment of individual projects as presented.

(2) We recommend that the United States continue to offer to provide all appropriate technical assistance to countries interested in developing desalting projects.

e. *Pollution Control.*—(1) We recommend that the Water for Peace Program be used as a foundation for a world effort at providing clean, health-preserving water. The U.S. contribution to this, which will depend heavily on the expanded Community Water Supply Development Program of AID, should be coordinated with those health activities which are to be carried out under the proposed International Health Act of 1966, and also with the health activities of other governments, the specialized agencies of the U.N., and other organizations as appropriate.

(2) We recommend that pollution problems both in developed and developing countries be discussed at the International Conference on Water for Peace.

2. WATER FOR FOOD

a. *Goals.*—We recommend that the United States encourage countries needing more water and water management for increased food production to establish specific goals, at least over the next 10 years to support their plans for food production to feed their expected population. Goals should be set for the development of water resources through improved water uses, supplemental water supply, elimination of flood damage, improved water management, installation of needed drainage facilities, addition of new irrigation acreage, and fish production and processing.

b. *Expansion of AID Programs.*—It is recommended that AID's expanded activities in support of the President's Food for Freedom Program include assistance for the solution of agricultural water problems, including planning, training, development of irrigation and reclamation facilities, flood control and drainage improvements, which, together with that furnished by all other sources, will support the attainment of the planned levels of food production.

c. *Support to the Food and Agriculture Organization.*—We recommend that the United States urge the strengthening of the FAO, especially with respect to increased development and improved use of surface and ground water resources, and irrigation, drainage and flood control, for agriculture; improvement and management of upland watersheds; and greater production of fish for food, particularly fish farming in conjunction with agricultural land use, notably in rice-producing areas, and for conducting studies, inventories and the establishment of demonstration projects for promoting fishery production in coastal estuaries.

d. *Opportunities for Fish Production and Processing.*—Water development programs, where appropriate, should provide for protection of fishery resources and their development, including methods for harvesting, processing, distribution, and marketing in an efficient and economic manner. Emphasis should be placed on management for sustainable yield of fisheries resources and on development of fish protein concentrate from freshwater species.

e. *U.S.-Owned Local Currencies for Water Development.*—(1) We recommend that, within the context of country program priorities, a portion of U.S.-owned excess local currencies be offered for the creation of agricultural development banks (or be added to the resources of existing banks) for irrigation and other water conservation and development activities and for making loans to farmers for these purposes.

(2) We recommend that foreign currencies to be obtained under the Food for Freedom Program be used more extensively for the development of water projects.

(3) We recommend that a larger share of excess foreign currency funds available to the U.S. Government be used for research on water-related problems. Where congressional authorization is required, it should be sought. Any other limitations which might prevent the use of such funds for research on local water problems within developing countries should be removed.

f. *Special Demonstration Projects.*—We recommend that AID give special attention to large-scale projects for demonstration and training of nationals, consisting of coordinated development of water and land resources to be established in tributary watershed areas in selected countries or regions suffering a critical food shortage. In most instances these projects could be integrated with or become a part of river basin development projects.

3. WATER FOR INTERNATIONAL COOPERATION—INTERNATIONAL RIVERS

We recommend that nations sharing international river basins as well as appropriate U.N. agencies be encouraged to give special attention to the cooperative development of international river systems, not only to realize the full economic values of their development but also because such effort is in itself a valuable encouragement to general international cooperation.

In support of this policy, we recommend:

(1) That the United States encourage the Secretary-General of the United Nations to pursue his suggestion of early 1966 to conduct a survey of the potential for development in international rivers, but along regional or subregional lines and on a selective basis with respect to specific river basin projects. Although financing of regional surveys would presumably be through the UNDP, the United States should be ready to make contributions to arrangements for such surveys.

(2) That the United States encourage with other interested nations and U.N. agencies to give priority to the development of at least one additional international river basin in each continent.

(3) That the United States encourage countries bordering on international rivers to join in creating appropriate international bodies to promote the cooperative development of the river systems.

(4) That the United States in calling the Water for Peace Conference invite the participants to report on studies of the development potentials of international river systems of particular interest to them.

4. REGIONAL CENTERS FOR WATER RESOURCES DEVELOPMENT

(1) We recommend that the United States offer to assist in the creation or strengthening of a number of regional or subregional centers for water resources development, where appropriate, under the leadership of regional and subregional international entities, particularly the United Nations regional economic commissions and the Organization of American States. The sponsoring organization and the participating countries of the region should in each case work out the location and functions of the center and its relations with other institutions.

(2) The sponsoring organization and the participating countries of the region should clearly establish their determination to provide long-term support for each center.

(3) The United States should be prepared, at least by the time of the international conference, to offer to contribute a substantial percentage of the annual cost for the first 5 years of nine new centers. The goal might be to establish or expand two centers in 1968, three in 1969, and four in 1970.

5. EDUCATION AND TRAINING

a. Regional Institutions for Professional Training.—We recommend the creation or enlargement of a number of regional or subregional institutions and programs for professional training sponsored by appropriate multinational groups or by national groups with appropriate multinational involvement. A major input also could come from participation by industrial and other private groups. The functions of these institutions, we suggest, would be to provide undergraduate and graduate education in water-related disciplines, either as separate institutions or as adjuncts to existing universities. The Water for Peace Program should be prepared to contribute to the support of these institutions, including arranging for the exchange of professors and scientists, as discussed below. These centers would complement, or, in appropriate cases, be combined with the Regional Centers for Water Resources Development proposed in recommendation 4 above.

b. Regional Technical and Vocational Training.—(1) We recommend that the United States, in cooperation with the U.N. agencies and other countries, establish regional programs to train teams of instructors who can conduct vocational training in connection with water resources projects.

(2) We recommend that where special skills are required, special courses or training centers should be organized on a regional basis.

(3) We recommend an expansion of the U.S. program of sponsoring regional short-term institutes on a continuing basis outside of the United States for training technicians in water specialties.

(4) We recommend that private industry and other private groups be considered as a source of instruction, personnel, materials, equipment and financing in these programs.

c. *Education and Training Programs in the United States.*—We recommend that the U.S. Government assist universities, foundations, schools and Government agencies to improve their programs for the training of both foreign and U.S. nationals in curricula and practical field techniques essential to international water resources development. It would be desirable to have arrangements facilitating the return of advanced students in the United States to their own countries later to do thesis work.

d. *Exchange and Fellowships Programs.*—We recommend an expansion of exchange programs for professors, government officials, water specialists, and other experienced persons active in water matters. We also recommend an expansion of exchange fellowship programs for graduate students in all fields related to water resources development.

e. *Education Study.*—We recommend that the United States urge and support the initiation by an appropriate U.N. organization of a survey of available data concerning the facilities available and explicit needs for expanded education and training in water resources subjects.

f. *Peace Corps.*—We recommend that the Peace Corps give greater emphasis to training and direct assistance on water resources development activities.

g. *Coordination With International Education Programs.*—In his message on international education and health, the President made a number of proposals to strengthen U.S. position in international education programs. We recommend that as appropriate these programs include attention to education, training and study in the fields related to water resources development.

6. RESEARCH AND SURVEYS

a. *Existing Research Programs.*—We recommend that on-going domestic research programs in the water field be encouraged and expanded, and that results and findings that could be of value in solving the world's water problems be made available to the world community on a regular basis.

b. *Research and Development on Specific Problems.*—We recommend that the Water for Peace Program give active support to research, including testing, directed to the solution of specific problems in water resources development that are particularly characteristic of the less developed countries. Funding could come in part from U.S.-owned local currency funds.

c. *Regional Centers for Tropical Research.*—We recommend that the United States contribute financial and other support to the establishment and operation of several regional or subregional research centers, where appropriate, to study water-related problems peculiar to tropical areas. This research function might be added to those already assigned to the proposed Regional Water Resources Development Centers. Participation by universities located in the regions should be enlisted by the centers.

d. *Cooperative Research and Studies.*—We recommend that broadly representative teams of U.S. experts be formed to engage in research and studies in cooperation with other countries on international and regional problems of water conservation and management of mutual interest.

e. *Resource Reconnaissance Surveys.*—We recommend that the developing countries participating in the international conference mutually establish a common goal of completing by 1975 compatible reconnaissance surveys of their water and related land resources. If possible, this would be desirable against a background of overall resource inventories; and demographic and economic surveys could also be useful. To this end, the United States should offer technical assistance, as requested, and employ all available and newly developed techniques of radar, modern photography, and remote-sensing equipment as appropriate.

f. *Use of Satellites.*—We recommend that the cooperation of the National Aeronautics and Space Administration (NASA) be enlisted in the Water for Peace Program to study the feasibility of making surveys of water and related resources on a world basis, using intrumented earth orbiting vehicles.

g. *Basic Data Networks.*—We recommend that the United States offer to assist with the planning, design, and establishment of new or enlarged basic-data networks and compilation systems, particularly in the developing countries.

h. *Resource Studies and Project Evaluation.*—We recommend that the United States provide increased support for planning studies of integrated resources development and in the application of project evaluation methods, and that the U.S. and international banking institutions be encouraged to expand their activities along these lines.

7. INFORMATION, DATA AND PUBLICATIONS

a. *Information and Data Retrieval.*—We endorse and support current U.S. efforts to establish facilities and advisory councils for coordinated water resources information retrieval and data storage and retrieval, and we recommend that the systems include categories relating to international water activities as well as domestic.

b. *Assistance to Regional Centers.*—We recommend that the United States provide assistance to the Regional Centers for Water Resources Development and to other regional groups in regard to the establishment of libraries, publications exchange, water information retrieval, and the development of interest profiles to take advantage of U.S. and other retrieval facilities.

c. *Publications Exchange.*—We recommend that studies of existing facilities and programs for international exchange of publications relating to water resources be made with a view to improving these programs and filling in the gaps; that limited funds be made available to finance publications exchanges; and that the subject of international publication exchanges be discussed at the international conference.

d. *Translations.*—We recommend that arrangements be made for the translations of pertinent technical reports, manuals, and textbooks into other languages where such materials are needed.

8. INTERNATIONAL HYDROLOGICAL DECADE

We recommend that the United States participate fully in the International Hydrological Decade, and we support the proposals of the U.S. National Committee for inclusion under the Water for Peace Program.

9. UNITED NATIONS PROGRAMS

a. *Strengthened Water Program.*—We recommend that the United States reinforce and support the United Nations, the specialized agencies and the international development banks in accelerated and expanded programs for water resources development. We also recommend that the United States support increased allocation of funds for technical assistance and preinvestment surveys in the U.N. Development Program. The United States is planning to increase its pledge to the UNDP for 1967 by $5 million; and expects to continue increasing its contributions in future years, with the result that additional financing should be available for water development projects as well as other purposes.

b. *Intergovernmental Committee on Water Questions.*—It is recommended that the U.S. Government, in addition to its support of the U.N. Administrative Committee on Coordination, support the establishment of an intergovernmental committee on water questions under the Economic and Social Council in order to help fill the need for a higher level coordinating mechanism among the many elements of the United Nations that are concerned with water questions.

c. *Ground Water Surveys.*—We recommend that the United States encourage the U.N. to undertake a 5-year program of assembling, compiling and making available in published or other suitable form, information and data relating to the ground water resources in developing countries.

10. FOREIGN BILATERAL PROGRAMS

We recommend that the United States representative inform the Development Assistance Committee (DAC) in Paris of the proposed Water for Peace Program, including the international conference, and urge increased support for water resources projects in the bilateral programs of the member nations.

11. WATER LAW AND LEGAL INSTITUTIONS

a. *Legal Aspects of International Rivers.*—The U.S. Government should encourage governmental and private organizations in the United States and abroad and international agencies to continue to study and make available the legal aspects of the use and development of water resources of international rivers and river basins. The United States should also encourage specific bilateral and regional arrangements, in each case of international river basin development, to establish agreed legal principles, including provisions for the settlement of disputes through permanent institutions selected for the particular development.

b. *Water Legislation.*—We recommend that assistance be provided by the United States, by regional centers and by other countries to each developing nation asking aid in establishing the codes and legal institutions necessary for the rapid and orderly development of its water resources. We also recommend that legal studies be included in the programs of U.S. international centers.

c. *U.N. Legal Experts.*—The United States should urge that U.N. development programs relating to water resources should provide legal experts to the countries being assisted. These experts should give advice and assistance on international and domestic water law problems and on the organization and functioning of international and domestic institutions needed for water resource development.

12. STRENGTHENING U.S. CAPABILITIES TO SUPPORT OVERSEAS WATER DEVELOPMENT

a. *Careers in International Water Service.*—We recommend that appropriate steps be taken to encourage U.S. experts in all water-related disciplines from both inside and outside of Government to concentrate on, or to augment their professional careers by, studies and work in overseas water problems.

b. *Expert Teams.*—We recommend an expansion in the capacity of the United States to send abroad qualified teams of water resources experts to provide various technical services to countries and regional entities requesting such help, particularly with regard to planning, administering, and financing water resources programs.

c. *Water for Peace Organization.*—We recommend the establishment with the U.S. Government of a Water for Peace Office, under interdepartmental guidance, to coordinate U.S. participation in overseas water resource efforts, to serve as a central point to stimulate interest in international water programs, and to ensure the effective discharge of U.S. commitments under the Water for Peace Program.

d. *Mobilizing Private Participation.*—The Water for Peace Program should promote the interest and cooperation in international water activities of individuals and of universities, private organizations, industry, and State governments, through such mechanisms as conferences and seminars, advisory committees, information exchanges, and group cooperation.

13. THE INTERNATIONAL CONFERENCE ON WATER FOR PEACE

The United States will sponsor an International Conference on Water for Peace in Washington, D.C., on May 23–31, 1967. This Conference should serve to identify problems, exchange knowledge, discuss goals, and consider cooperative action programs in furtherance of the worldwide objectives of the Water for Peace Program.

NEW BILL WOULD PROVIDE DIRECT PAYMENT TO MEDICARE PATIENTS

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. ULLMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ULLMAN. Mr. Speaker, I am introducing today for the consideration of the House a bill to permit direct payment to medicare patients prior to payment by the beneficiary for medical services received. I am pleased to announce that this legislation has the enthusiastic approval and endorsement of the American Medical Association.

This legislation, originally introduced by my able colleague, the gentleman from Ohio [Mr. VANIK], would amend title XVIII of the Social Security Act.

I am confident that this bill will correct an awkward situation which has confused and disturbed many of our elderly citizens participating in the medicare program. Under the present law, payment for medical services is made in two ways: The physician may accept an assignment for the services rendered and submit the charges directly to the Social Security Administration for payment, or alternatively, the physician may require the patient to pay the entire bill directly, provide the patient with a "receipted bill," and leave responsibility for reimbursement from the Government to the medicare patient. Medicare patients are often ill equipped to meet the responsibility in the latter instance.

The medicare recipient does not understand why he must come up with cash on the spot when his doctor refuses to accept a medicare assignment. In a few isolated cases, where the patient was unable to pay, a promissory note has been executed, and interest costs have been charged to the patient until reimbursement was received from the Social Security Administration.

The Ways and Means Committee did not anticipate this abuse of title XVIII when it recommended the medicare program in 1964. I know that the American Medical Association does not condone any additional interest burden on the elderly and disabled recipients of their professional care.

As the gentleman from Ohio [Mr. Vanik] stated on the floor February 15:

> The patient should not be made the victim in any ideological dispute between the doctor and the Government.

This bill will remove this source of unnecessary embarrassment to the medical profession and financial difficulty for the medicare patient.

I recommend the legislation I am introducing today as one means of correcting this inequity. If the patient can file for his entitlement with the Social Security Administration with an itemized and unpaid bill, he can pay for the entire bill when he receives his medicare portion with dignity. It is consistent with the objectives of our medicare program to insure this measure of dignity in the doctor-patient relationship.

PUBLIC RELATIONS PORK BARREL

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Fulton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, recent disclosure by the General Accounting Office that Federal publicists are being subsidized by taxpayers' dollars to the tune of $425 million is almost shocking.

This amounts to disclosure of a Federal public relations "pork barrel" from which funds are siphoned off for purposes of Federal imagery, promotion, and policy salesmanship. All at the taxpayers' expense.

Now, $425 million may not sound like a great deal of money to some, especially when poured over the myriad of Federal departments and agencies. However, this amount would:

First. Cover the entire appropriation request for the rent supplement program over the next fiscal year.

Second. Pay more than half the budget request for the urban renewal program over the next fiscal year.

Third. Cover the local governmental budget of my entire congressional district, Metropolitan Nashville-Davidson County, Tenn., over the next 4 years.

Fourth. Pay for the combined newsgathering costs of the three television networks, the Associated Press and United Press International, and the Nation's 10 largest newspapers over the next 2 years.

And on and on we could go.

Now, there is no questioning that our Federal departments and agencies have a right and duty to provide legitimate information services to the news media and to the public. But it would seem to me that expenditures of $425 million a year are well above and beyond the call of duty.

Here then, it seems to me, is some fat in the budget which can be painlessly trimmed.

A very timely editorial on this subject entitled "Operation Ballyhoo" appeared in the March 31, 1967, edition of the Nashville Banner and I insert it in the Record, at this point:

[From the Nashville (Tenn.) Banner, Mar. 31, 1967]

Operation Ballyhoo

The Federal Government spends more of the taxpayer's money to tell and show him what it wants him to hear and see than on its legislative and judicial branches combined. So says the Associated Press in summarizing, from Washington, the $425 million annual expenditure for federal publicity.

That is more than double the combined outlay for newsgathering by the two major U.S. news services (AP and UPI), the three major television networks, and the 10 biggest American newspapers.

Much of the publicity operation, which has risen steadily through successive administrations, is devoted to convincing Americans (with their own money) that what the government does is for their welfare.

It's the press agentry concept, with spoon-feeding techniques—in the manner of news-management on the part of the departments and agencies involved. And "manning the sluice-gates of this stream of self-revelation are at least 6,858 federal employees occupied full or part time" at it.

Big government has grown in this particular, too; the high pressure salesmanship in support of that burgeoning commodity.

The AP survey showed that the biggest domestic publicity network is maintained by the military, with about 3,000 employees in this field, and a budget of at least $32 million. But the Pentagon has no copyright on the methods and practice of governmental publicity organs, grinding out their reams of lyrics to that $425 million tune.

Unit after unit, the agencies grind out their own—some of it valid and informative, and some of it plain brain-washing.

The people's right to know is a vital concept, respected, championed, and served by responsible journalism. Public business is the public's business. But there is a vast difference between factual reporting to that end and bureaucratic manipulation, first deciding what is "good" for the people to know or believe, and then feeding them "information" contrived for that.

Fifty-four years ago Congress enacted a law stating that "No money appropriated by any act shall be used for compensation of any publicity expert unless specifically appropriated for that purpose."

That law still is on the statute books. Now would be a good time for Congress—and the nation—to call for its enforcement. Not only would it get information back into the mainstream of accurate and valid reporting, but it would save the taxpayers hundreds of millions of dollars now going each year for Operation Ballyhoo.

THE NEW MANPOWER

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the Department of Labor is perhaps our most innovative executive department, and one of its publications, Employment Service Review, has become an embodiment of creative federalism.

While the U.S. Employment Service has only a share of the responsibility for manpower disjunctions of our society, it has to wrestle with technological advances, with inadequately trained or educated manpower, with outmoded job requirements, with intergovernmental relations and with minority group discrimination. These problems go deep within our society; they are complex and variously connected.

As steps toward solving these problems, I have introduced and urged my colleagues to pass H.R. 623, the State and Local Government Employees Training Act. I have introduced H.R. 624, to improve intergovernmental relations and coordination. And I have introduced H.R. 629, the right-to-work bill which would guarantee a job to all who are able, willing, and seeking to work.

I firmly believe that full employment and responsive government must be among the marks of excellence in our society. Here, the role of the U.S. Employment Service is of vital importance, and I am heartened by the imaginative role foreseen by its Director, Frank H. Cassell. I am including below his frontpiece article for the latest issue of the Employment Service Review, entitled "The New Manpower," and an article in this same March–April issue by Prof. Eli Ginzberg, "Employment Service—Chosen Instrument of the Manpower Revolution."

The New Manpower

(By Frank H. Cassell)

R. Buckminster Fuller, noted architect and one of the great creative minds of our time, frequently scolds scientists and engineers for remaining slaves to old mythologies. For example, he accuses them of thinking in terms of the sun "setting," of shooting missiles "up" into space and of winds being "blown from the West" whereas, of course, the sun is stationary in relation to the earth, missiles go "out" into space, and winds are the result of air moving "into" a low pressure center. To Mr. Fuller, the creative process begins when we put away the myths, return to the fundamentals, and reexamine our problems and situation in terms of the *real* facts.

While I won't presume to be another Buckminster Fuller, I believe there is a definite need for applying this kind of creative thinking to the manpower field. Just as there is a vast reservoir of wealth in the universe still to be discovered and used, there is a wealth of human resources right under our noses—if only we put aside the myths and apply our creative energy to using it.

Is the requirement that a certain job be done by an engineer or technician a matter of fact or a company tradition?

Is a high school diploma really required to handle that sales job, or do we recognize that one can be a competent and motivated human being without a diploma?

Do all the jobs now being done by a registered nurse really require a registered nurse?

Are we searching in vain for a broad generalist to do the job of a narrow specialist?

As employers and members of the Federal-State Employment Service, are we utilizing fully the manpower and assistance available under the new employment and training programs?

The New Careers Movement, as Prof. Frank Reissman of New York University likes to call it, is now centered around the nonprofessional public service employee. He estimates that there are some 50,000 such previously inexperienced and untrained people doing jobs normally allotted to highly trained professionals and technicians. The key to success is in breaking down the job, building in training, and then making the job the motivator for further development of the worker.

Technological changes and advances have forced a similar New Careers Movement in business and industry, but much remains to be done. The trouble is, we have been thinking in terms of adjusting the manpower to the needs of technology, rather than the other way around. Meanwhile, manpower, rather than technology, is becoming the increasingly important factor in operating costs, not to mention the sociological factors that also reflect on economic well-being in general. Isn't it time we started to think more in terms of fitting jobs into people, instead of people into jobs?

Working together, the Federal-State Employment Service and the creative employer have an unusual opportunity to move into the new industrial revolution of full employment, full and efficient utilization of available human resources—and full production.

EMPLOYMENT SERVICE—CHOSEN INSTRUMENT OF THE MANPOWER REVOLUTION

(By Eli Ginzberg)

(NOTE.—Dr. Eli Ginzberg is Professor of Economics and Director, Conservation of Human Resources, Columbia University, and Chairman, National Manpower Advisory Committee.)

Not so many years ago many sophisticated observers argued that in any reform of job market operations the worst course would be to ignore the Employment Service, since it was not in a position to carry out effectively the functions it had, much less any new functions. Yet, today, the Employment Service is regarded as the chosen instrument of the manpower revolution. What lies behind this shift from disdain to critical importance, from reluctance to add even small functions to a situation where every new manpower program becomes the responsibility of the Employment Service?

Shortly after James P. Mitchell became Secretary of Labor, only slightly more than a decade ago, he appointed an ad hoc consultants group under the informal chairmanship of Dean Douglas Brown, to assist him in rethinking the mission of the Department and its organization. This group concluded that the Department must change its image and become *the* Manpower agency of the Federal Government. Few understood what we were proposing and few of them were enthusiastic. After all, this was at a time when, after testifying on the Hill, a senior official of the Labor Department was told by the chairman of a congressional committee to give his regards to "your boss, Mr. Meany."

It was 5 years from the time the consultants recommended raising manpower as the Department's new flag until the first rumblings of the manpower revolution were heard throughout the land. And only another 5 years have passed since then—a very short period even in a country with a short history.

In order to appreciate the radical shift in prevailing attitudes toward the Employment Service, some recent manifestations of the continuing manpower revolution will be presented briefly, together with a consideration of the exaggerated expectations that many hold for the Service. This will be followed by more realistic recommendations concerning the direction of desirable changes.

Some items from recent press reports and certain findings from current manpower research will help to set out many dimensions of the accelerating manpower revolution through which we are now living.

The Census has just reported that between 1960 and 1965 another 2 million Negroes migrated out of the South, most moving to the North but many to the West. The horrendously difficult problems of the ghetto unemployed are but one reflection of this trend.

A group of consultants charged with appraising the effectiveness of the Federal effort to improve the education of hard-to-teach children has concluded that the country has gotten very little for its money. Most of the difficulties remain unresolved.

Despite anguished pleas from farm employers, the Bracero program was substantially halted in a single year with very small losses to the farmers and substantial gains to American farm laborers.

Two decades after the passage of the Employment Act, Congress finally passed two direct employment bills—Kennedy-Javits and Nelson-Scheuer.

Despite 5 years of markedly improved economic and employment conditions, the unemployment and underemployment rates for Negroes remain distressingly high.

Recent research has revealed that only 3 percent of all career officers and enlisted men availed themselves of counseling prior to being separated from the armed services, although the overwhelming majority were facing the necessity of finding civilian jobs.

Another study of how the unemployed look for and find jobs revealed that they relied primarily on personal contacts and only secondarily on employment agencies, private or public.

Spokesmen for various low income and minority groups are becoming increasingly concerned that while training is valuable, and job creation may be even more valuable, the problems of their constituencies will not be resolved until their income needs are met. There is little or no prospect for many of the low skilled to earn enough to bring their family incomes above the poverty line.

Finally, the public, Congress, and the Administration have become aware that the variegated manpower and manpower related programs initiated since 1961 represent a crazy quilt with duplication, overlapping, and resultant loss of effectiveness. Coordination has become the watchword of the day.

The foregoing are simply indicative of the scope and scale of the manpower revolution. They should help, however, to make clear why the Employment Service has been living through a tumultuous period and why the years ahead are also likely to be tumultuous.

Without undue elaboration, it seems worthwhile to set out below why some of the major expectations that many have come to hold about what the Employment Service should do appear to be exaggerated, if not unrealizable.

1. The Employment Service cannot get a job for every person who is seeking one. Many individuals are not directly employable. In other instances, the demand for labor is too weak.

2. It may not even be possible for the Employment Service to provide a meaningful service for every person who seeks its help. If a job cannot be provided, there may be nothing else that the client wants or can use.

3. The Employment Service will not always be able to meet all employers' demands, even for unskilled labor. The effective supply frequently is inadequate.

4. It is not the province of the Employment Service to be the sole provider of service to potential employees and potential employers. In some communities, employer opposition to the Service runs very deep and has been of long standing.

5. While it is easy to applaud the recommendations of the critics that the Employment Service should keep fewer records, it is difficult to see, especially where unemployment compensation moneys are involved, how a governmental agency can operate without a reasonable amount of recording and reporting.

6. Much stress has been placed upon the desirability of attracting and retaining a higher average level of personnel in the Employment Service. But the same general statement is made about every other large-scale governmental and nongovernmental organization from the Armed Forces to General Electric. The value of such a hortatory formulation is unclear, especially in the absence of an established relationship between a staff member's education and personality and his performance.

7. The argument is advanced that the Employment Service should spend more time appraising those who seek its help. Admittedly it does not know as much as it should about the clients whom it serves. However, this advice cannot be followed in the absence of corresponding adjustments of staff and budget and of calculations as to how optimum results can be obtained.

8. The Employment Service has been criticized for placing people, especially young people, in low-level jobs. But what employment alternative is there for an unskilled man or women, especially one not interested in undergoing training?

9. Finally, the point has been made that the Employment Service has not been doing all that it can and should do to implement the new manpower programs which have been legislated in recent years. Query—how can it possibly do this and also carry on all of its earlier responsibilities with, at best, only very modest adjustments in staff and budget?

In short, the Employment Service has been advised to do too much with too little. Its critics have frequently had no real understanding of the complexities involved in providing effective services to the hard-to-employ. And they have further underestimated the lack of public acceptance, if not outright hostility, that the Employment Service still faces in many communities.

But to argue as has been argued above that unrealistic expectations have developed about the Employment Service does not imply that it cannot change at all and, by changing, do a more effective job. Some directions for constructive change are noted below.

1. In focusing more of its attention on the hard-to-train and hard-to-employ, it must learn to operate not solely on its own but in cooperation with a host of community organizations—governmental, nonprofit, and private. In short, the Employment Service must see itself and operate as a specialized community agency.

2. It must devote a substantial amount of its resources to developing job openings with different types of employers. If the Service becomes too client oriented, that is, too oriented toward the jobseeker, it will fail him unless it has developed effective relations with those who alone can provide him with a job.

3. In its efforts at job creation, it should recognize the desirability of stimulating community-wide efforts in which local leadership acts to spur business to provide jobs for the hard-to-employ. The Employment Service cannot hope to carry the ball alone. It must learn to work cooperatively with and through the leadership structure.

4. The same observation holds with respect to MDTA and other training efforts. The Employment Service should not seek to operate the MDTA program, together with Vocational Education, as an intragovernmental effort. What it should do is to involve as many employers and trade unions as it can in the development of on-the-job and other types of training and of eventual employment opportunities.

5. One of the least exploited of all potential assistance is that of members of the academic community who could help Employment Service operations, especially in large centers, to improve the collection and analysis of data and to interpret it to the community. The academicians could profit from constructive relations with the Employment Service which, in turn, needs the kind of help that interested professors can provide.

Specifically, a closer liaison with the academic community would make it much easier for the Employment Service to develop and carry through followup studies of what happens to various groups of clients. This is something it has an urgent need to know; this is something that the professors are also interested in finding out.

6. The Employment Service needs to review critically the changes in its areas of operation and to pick up, as early as possible, important changes in supply or demand. For instance, it must be alert to the inflow of large numbers of migrants who may have special characteristics and needs. This, too, is an area where academicians and other experts in the community can be of assistance.

7. There is need for the Employment Service to improve its relations with news media. It has much general and specific information of interest to the press. If this were readily released for publication, it is likely that the press would cooperate by creating a better local image of the Employment Service. The press could also alert the Employment Service to changes in the community of which it might not have become aware.

8. As the Employment Service focuses increasingly on the hard-to-employ, it faces the responsibility of adapting its present instruments and procedures to the needs of the new clientele. Despite general agreement that the General Aptitude Test Battery requires such adaptation, relatively few changes have been made. While some progress has been made in inservice training of staff, a greater involvement of community leaders, academicians, and the press—as recommended above—could go a long way to provide additional resources that could be used to this end.

Clearly, there is much that the Employment Service can do—much that it should do—to change itself so that it is in a better position to discharge its old as well as its new functions.

It should be emphasized that the manpower revolution is still in its early stages. We are still experimenting with many facets of an active job market policy. But, it is clear that, despite some early neglect, the Employment Service has become and will remain the chosen instrument of the manpower revolution. If the Employment Service did not exist, it would be necessary to create an organization with a great network of field offices to perform the services which it is now charged with performing.

But if the Employment Service is to do its job more effectively, it must move in two directions: It must become a community agency, much more closely alined with other community agencies; and it must remain sensitive to national, regional, and State relations.

As its responsibilities shift from an exclusive concern with employment to a broadened concern with employability, it must learn many new ways of thinking and doing. Otherwise, it will fail to discharge its new responsibilities effectively.

Since so many of its new clientele are Negroes or members of other minority groups; since the Employment Service is a Federal-State system; and since the commitment of the Federal Government to the elimination of discrimination is unequivocal, the Employment Service must find ways to surmount local pressures which continue to violate the rights of minorities. Failure to do so means that it will be untrue to its trust and no organization can be efficient if it loses integrity.

The Employment Service has changed, but it has need to change further. The only question that it faces is whether it will take the lead and change itself or whether it will wait and be pushed into changes by others. The answer to this crucial question is the challenge that the leadership of the Employment Service faces.

NEW HELIPORT NAMED IN HONOR OF MAJ. CHARLES L. KELLY

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, last Friday, April 7, 1967, I was privileged to have been present at an inspiring ceremony in my district, at Fort Sam Houston, the most historical and venerable base of national defense in Southwest United States; indeed, in the country.

This was the dedication of the new heliport facility, dedicated and named in honor of one of our great Americans, one of that breed who has made it possible to have the kind of country we enjoy, and, unfortunately, sometimes take for granted: Maj. Charles L. Kelly, killed in Vietnam in 1964 as he was endeavoring to rescue wounded comrades.

Major Kelly is the symbol of American faith and ideals. Here was a man who started out at the bottom rung of the military ladder. He did his duty in the Second World War; he went to school and obtained not only a bachelor's degree but a master's as well. Then he went into the medical field service. He attained the rank of major.

Major Kelly could conceivably have saved himself. As he was about to enter the landing spot to retrieve and rescue the wounded American servicemen he warned by radio that the enemy was firing mortar and small arms fire and that he should withdraw and leave. Then came his classic answer: "Not until I have taken out the men."

This will be the memorable phrase of the Vietnam war. We should never allow ourselves to forget our heroes like Major Kelly.

I extend to the commanding officer of Brooke Army Medical Center, Maj. Gen. Conn L. Milburn, Jr., in behalf of not only the 20th District but all of us, I am sure, sincere congratulations for the arrangements that made it possible to have this ceremony. Lt. Gen. Leonard D. Heaton, the Surgeon General of the Army, delivered the main address, having to travel all the way from Washington to San Antonio to do so. This shows the quality of greatness of such men as General Heaton and General Milburn who recognize the heroic contributions of our service heroes and who make it possible for those of us who are in their eternal debt to join in honoring such men.

Mr. Speaker, I insert at this point the reports of this solemn occasion as recorded in the San Antonio Light of April 8, 1967, and April 2, 1967:

Most Decorated Pilot: Heliport To Honor Hero of Viet War

The heliport at Ft. Sam Houston will be named Charles L. Kelly Army Heliport Friday in honor of a pilot killed in Vietnam.

Dedication ceremonies are set for 10 a.m. at the heliport, located on the east side of the fort.

Lt. Gen. Leonard D. Heaton, surgeon general of the Army, will make the dedicatory address.

MOST DECORATED

Maj. Kelly, killed in action on July 1, 1964, was the most decorated pilot in the Army Medical Service.

He was killed when he flew into a Viet Cong area to pick up a wounded American soldier and two wounded Vietnamese.

As he was landing ground troops advised him to get out, but Kelly said he would leave only when he had the wounded men aboard.

The Viet Cong opened fire killing him.

Kelly's widow, Mrs. Jessie H. Kelly, and their three children, Jane, 14, Barbara, 13, and Charles, 6, of Augusta, Ga., and his mother, Mrs. Ruth M. Kelly of Sylvania, Ga., will attend the ceremonies.

Kelly's awards included the Distinguished Service Cross, the Silver Star, the Distinguished Flying Cross, Bronze Star, Air Commendation Medal and the Gallantry Cross with Palm.

The Republic of Vietnam awarded him the Military Order Medal.

He held a B.S. degree from Georgia Teachers College and a M.A. degree from George Peabody College, Nashville, Tenn.

DETACHMENT CHIEF

During World War II, he served as an enlisted man with the 30th Infantry Division. He then left the Army to return to college.

He was commissioned a second lieutenant in the Medical Service Corps and served as commanding officer of the 54th Medical Detachment at Ft. Benning, Ga.

He had been in Vietnam since January,

1964, as commander of the 57th Medical Detachment.

Since his death, the Academic Building at the U.S. Army Aviation Center, Ft. Rucker, Ala., was named Kelly Hall in his honor.

At the heliport dedication, the U.S. Army Band will play the national anthem and Maj. George W. Kelling, Brooke Army Medical Center adjutant, will read the dedication order.

HELIPORT NAMED FOR HERO OF VIET RESCUES

The heliport at Ft. Sam Houston was named Charles L. Kelly Army Heliport Friday in honor of a pilot killed in Vietnam.

Dedication ceremonies were held at the heliport with Kelly's widow, Mrs. Jessie H. Kelly, his mother, Mrs. Ruth M. Kelly, and his three children, all from Georgia, attending.

Lt. Gen. Leonard D. Heaton, surgeon general of the Army, gave the dedicatory address.

Maj. Kelly, a helicopter ambulance pilot, was killed in Vietnam July 1, 1964. He was attempting to evacuate wounded men when he was shot by groundfire.

Although advised by ground troops not to land, he said he would leave only "when I have your wounded."

SYMBOL FOR MEDICS

"May these words ever be a living, lifelong symbol for Army Medical Service pilots," Heaton told the 2,000 persons attending the dedication.

Heaton said more than 64,000 casualties from the Vietnam war have been evacuated in helicopter ambulances.

Kelly was credited with rescuing more than 500 wounded soldiers in Vietnam.

"Many men owe their health and lives to men like Maj. Kelly," Heaton said.

"As one of his fellow officers called him, he was a different type of soldier—one who saved rather than took human lives," Heaton continued.

MOST DECORATED

Kelly was the most decorated officer in the Army Medical Service. His awards include the Distinguished Service Cross, the Silver Star, the Distinguished Flying Cross, Bronze Star, Army Commendation Medal and the Gallantry Cross with Palm.

The Republic of Vietnam awarded him the Military Order Medal.

Following the dedication speech, a memorial to Kelly was unveiled officially naming the heliport after him.

ARMY BAND PLAYS

While the 4th Army Band played "The Green Beret," four helicopters trailing red and green smoke flew over the crowd.

Those present were taken on a tour of the heliport facilities following the ceremony.

Ranking officers at the event included Maj. Gen. Chester A. Dahlen, Ft. Sam Houston commanding general, and Maj. Gen. Conn L. Milburn Jr., Brooke Army Medical Center commanding general.

PRAVDA DOES NOT LIKE H.R. 6990

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. MONAGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MONAGAN. Mr. Speaker, I offer, in further support of my bill—H.R. 6990—to establish the American International Cultural and Educational Council, an editorial from Pravda, March 21, 1967, which criticizes:

First. The CIA.

Second. H.R. 6990.

Third. The Presidential Commission, including Under Secretary of State Nicholas Katzenbach; Secretary of Health, Education, and Welfare John Gardner, and CIA Director Richard Helms.

I am confident that anyone who reads the Pravda comment will want to support my bill.

[From Pravda, Mar. 21, 1967]

THE CIA IS LOOKING FOR A SCREEN—NOTES OF A POLITICAL OBSERVER

(By Y. Zhukov)

Scandal . . . scandal . . . scandal! The US Central Intelligence Agency has been caught red-handed! Some extremely shady deals have come out: the CIA was bribing students' organisations, organisations of lawyers, religious leaders and many other bodies whose representatives, resorting to liberally supplied dollars, were engaged in subversive anti-communist and anti-Soviet activity on the international arena. This news circulating throughout the entire world press has cast the CIA men into depression, has made the rulers in Washington blush, and has alarmed the Congressmen. So, a "presidential commission" was set up urgently and commissioned with picking up and pasting together the fragments of the shattered vessel.

The commission is quite a competent one: Under-Secretary of State Nicholas Katzenbach, Secretary of Health, Education, and Welfare John Gardner, and CIA Director Richard Helms, the guilty party in all this unexpected fuss.

And now we have a report published on March 19 in the *New York Times* on the first results obtained by this distinguished commission. What has it arrived at? Perhaps, you'll think that the commission has decided to put an end to the unseemly activity which Mr. Helms was found guilty of? Well, then you are not familiar with political ethics in Washington if you got such a thought into your head.

Oh, no. According to the *New York Times*, things are altogether different: the point is that the activity of some organisations is alleged to be of so great an importance for spreading American ideas abroad that some other way must be found for financing them. The newspaper points out that the supporters of this programme emphasised that the decision concerning secret financing had been taken in 1952 after private funds refused to finance the youth and trade-union organisations which were willing to engage in propaganda and political struggle against Communists abroad.

And now Katzenbach's commission comes out in defence of the CIA. The *New York Times* writes that Mr. Katzenbach said that the CIA, having decided to carry out such a programme, had been acting not on its own initiative, but in conformity with the policies approved by the National Security Council. So, since they organised the bribing of American public organisations together, they must answer for it together, too.

However, this is what one may call an internal settling of accounts. And what is it that the "presidential commission" proposes practically? Without being abashed in the least Messrs. Katzenbach, Gardner and Helms recommend that use be made of the experience of their more successful British colleagues. "In their searches for some other method of financing the Katzenbach commission," says the *New York Times*, "studies, as everyone knows, the activity of the British Council. This organisation financed by the government, but actually run on a private basis (?!) is reminiscent, as to its structure, of the British Broadcasting Corporation (BBC)".

Just take a look and see how nice and noble it all looked says the "presidential commission" with endearment. Out of the 30 members of the British Council Executive only 7 are civil servants, and the rest are the salutary "private persons." Formally the British Council "decides on its own about the nature of its work", however, taking place in the process "is a constant discussion (!) between the government officials and the council's executive. What a wonderful screen that!

And now we see the "presidential commission" whose active member is the chief of the CIA, proposing to set up, along the lines of the British Council, an American International Council for Culture and Education with the only difference that this Council should have "greater powers" than its British counterpart.

While the question is being discussed, John Monagan, an adroit member of the House of Representatives, has already submitted a bill "compiled in the spirit of the recommendations of the Katzenbach commission." According to the bill, "this council will be able to subsidise and provide consultations for student, trade union, journalistic, scientific and other 'similar' organisations so that they would support the US foreign policy. The Council will be able to receive financial means from private funds and private persons, however, if such financing proves to be insufficient the bill allows the Congress to appropriate federal means for it."

Hardly will those in London thank the "presidential commission" for the publicity which it has made for the British Council. Hardly will the American "non-government organisations" be thankful to it, the organisations which have as it were suffered serious moral and political loss of prestige as a result of the exposure of their contacts with the CIA.

No matter what screen Mr. Helms and his friends use for concealing these contacts, the US and international public will be able to see in its true light the unseemly role of the American intelligence.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. LAIRD (at the request of Mr. WILLIAMS of Pennsylvania), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. SMITH of Oklahoma (at the request of Mr. WILLIAMS of Pennsylvania), for 20 minutes, on April 11, 1967; to revise and extend his remarks and include extraneous matter.

Mr. RAILSBACK (at the request of Mr. WILLIAMS of Pennsylvania), for 30 minutes, on April 13, 1967; to revise and extend his remarks and include extraneous matter.

Mr. CAHILL (as the request of Mr. WILLIAMS of Pennsylvania), for 30 minutes, on April 11, 1967; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL

RECORD, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WILLIAMS of Pennsylvania) and to include extraneous matter:)

Mr. HUTCHINSON.

Mr. HOSMER in two instances.

(The following Members (at the request of Mr. KAZEN) and to include extraneous matter:)

Mr. HAYS.

Mr. MORRIS of New Mexico.

SENATE BILLS, JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills, a joint resolution, and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 24. An act for the relief of Hom Sheck See and his wife, Hom Mon Hing; to the Committee on the Judiciary.

S. 39. An act for the relief of Athanasia Argere; to the Committee on the Judiciary.

S. 60. An act for the relief of Dr. Oton Socarraz; to the Committee on the Judiciary.

S. 65. An act for the relief of Dr. Miguel Alberto Rojas-Machado; to the Committee on the Judiciary.

S. 66. An act for the relief of Dr. Alfredo Roboredo-Newhall; to the Committee on the Judiciary.

S. 67. An act for the relief of Dr. Juan Ramon Diaz Zayas Bazan; to the Committee on the Judiciary.

S. 72. An act for the relief of Carlos Miguel Calonge-Diaz; to the Committee on the Judiciary.

S. 73. An act for the relief of Armando Jose Alonso-Garcia; to the Committee on the Judiciary.

S. 74. An act for the relief of Ens. Herminia Mourino de Moya; to the Committee on the Judiciary.

S. 75. An act for the relief of Rita Maria Garmendia de Alsina; to the Committee on the Judiciary.

S. 91. An act for the relief of Daniel Pernas-Beceiro; to the Committee on the Judiciary.

S. 126. An act for the relief of Pedro Antonio Judio Sanchez; to the Committee on the Judiciary.

S. 127. An act for the relief of Julio Francisco Dumas y Alcocer and Maria Josefa Dumas; to the Committee on the Judiciary.

S. 128. An act for the relief of Andrew Loriz; to the Committee on the Judiciary.

S. 129. An act for the relief of Carlos J. Arboleya; to the Committee on the Judiciary.

S. 130. An act for the relief of Dr. Maria Yolanda Rafaela Miranda y Monteagudo; to the Committee on the Judiciary.

S. 131. An act for the relief of Dr. Julio Valdes-Rodriguez; to the Committee on the Judiciary.

S. 132. An act for the relief of Dr. Alberto Fernandez-Bravo y Amat; to the Committee on the Judiciary.

S. 133. An act for the relief of Dr. Hector Jesus Sanchez-Hernandez; to the Committee on the Judiciary.

S. 134. An act for the relief of Dr. Rafael A. Penalver; to the Committee on the Judiciary.

S. 135. An Act for the relief of Dr. Hilario Anido-Fraguio; to the Committee on the Judiciary.

S. 137. An act for the relief of Mrs. Margarita L. Agullana; to the Committee on the Judiciary.

S. 164. An act for the relief of Dr. Cesar A. Mena; to the Committee on the Judiciary.

S. 165. An act for the relief of Dr. Ramon Baez Hernandez; to the Committee on the Judiciary.

S. 167. An act for the relief of Dr. Anselmo S. Alvarez-Gomez; to the Committee on the Judiciary.

S. 168. An act for the relief of Maria Jordan Ferrando; to the Committee on the Judiciary.

S. 169. An act for the relief of Dr. Roberto E. Parajon and Maria C. Florin Parajon, his wife; to the Committee on the Judiciary.

S. 170. An act for the relief of Dr. Pablo A. Suarez; to the Committee on the Judiciary.

S. 173. An act for the relief of Dr. Luis G. Dediot; to the Committee on the Judiciary.

S. 175. An act for the relief of Dr. Sherif Shafey; to the Committee on the Judiciary.

S. 256. An act for the relief of Rosa Anna Genovese; to the Committee on the Judiciary.

S. 280. An act for the relief of Rosa Agostino; to the Committee on the Judiciary.

S. 287. An act for the relief of Wen Shi Yu; to the Committee on the Judiciary.

S. 298. An act for the relief of Sixto M. Pagaran; to the Committee on the Judiciary.

S. 328. An act for the relief of Dr. Oscar Lopez; to the Committee on the Judiciary.

S. 332. An act for the relief of Noriko Susan Duke (Nakano); to the Committee on the Judiciary.

S. 371. An act for the relief of Mrs. Mary T. Brooks; to the Committee on the Judiciary.

S. 439. An act for the relief of Dr. Rafael Jacinto Nobo y Pividal (Rafael Nobo); to the Committee on the Judiciary.

S. 461. An act for the relief of Gustavo Eugenio Gomez; to the Committee on the Judiciary.

S. 462. An act for the relief of Dr. Jesus L. Lastra; to the Committee on the Judiciary.

S. 464. An act for the relief of Dr. Guillermo N. Hernandez, Jr.; to the Committee on the Judiciary.

S. 465. An act for the relief of Dr. Mario Guillermo Martinez; to the Committee on the Judiciary.

S. 466. An act for the relief of Victor Abadi; to the Committee on the Judiciary.

S. 501. An act for the relief of Dr. Fernando O. Garcia-Hernandez; to the Committee on the Judiciary.

S. 533. An act for the relief of Kimitko Bethard; to the Committee on the Judiciary.

S. 543. An act for the relief of Henri P. Boutin; to the Committee on the Judiciary.

S. 642. An act for the relief of Kil Ja Chung; to the Committee on the Judiciary.

S. 652. An act for the relief of certain employees of the Puget Sound Naval Shipyard; to the Committee on the Judiciary.

S. 661. An act for the relief of Dr. Albert Victor Michael Ferris-Prabhu; to the Committee on the Judiciary.

S. 822. An act for the relief of Hye Suk Paeng and Mi Kung Paeng (Patricia Ann); to the Committee on the Judiciary.

S. 853. An act to extend the life of the Commission on Political Activity of Government Personnel; to the Committee on House Administration.

S. 897. An act for the relief of Hilda E. M. Hofstra; to the Committee on the Judiciary.

S. 899. An act for the relief of Julio Juan Castellanos Lopez; to the Committee on the Judiciary.

S. 900. An act for the relief of Ernesto Sanchez Jerez; to the Committee on the Judiciary.

S. 904. An act for the relief of Doreen Delmege Willis; to the Committee on the Judiciary.

S. 905. An act for the relief of John Theodore Nelson; to the Committee on the Judiciary.

S. 856. An act for the relief of Nachman Bench; to the Committee on the Judiciary.

S. 996. An act for the relief of Dr. Esther Yolanda Lauzardo; to the Committee on the Judiciary.

S. 1054. An act for the relief of Gerhard Hofacker; to the Committee on the Judiciary.

S.J. Res. 27. Joint resolution establishing the Commission on Art and Antiquities of the Capitol, and for other purposes; to the Committee on House Administration.

S. Con. Res. 17. Concurrent resolution providing for the printing of 1,500 additional copies of the Joint Economic Committee print entitled "Federal Programs for the Development of Human Resources"; to the Committee on House Administration.

S. Con. Res. 18. Concurrent resolution providing for the printing of 1,500 additional copies of the Joint Economic Committee print entitled "An Economic Profile of Mainland China'; to the Committee on House Administration.

ADJOURNMENT

Mr. KAZEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 11, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

619. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend the marketing quota provisions of the Agricultural Adjustment Act of 1939, as amended; to the Committee on Agriculture.

620. A letter from the Acting Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting a report of agreements signed under Public Law 480 in February and March 1967 for the use of foreign currencies, pursuant to the provisions of Public Law 85–128; to the Committee on Agriculture.

621. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting listings of Army, Navy, and Air Force contracts negotiated, during the period July–December 1966, pursuant to the provisions of section 2304(e) of title 10, United States Code; to the Committee on Armed Services.

622. A letter from the Director, Office of Economic Opportunity, Executive Office of the President, transmitting a draft of proposed legislation, the Economic Opportunity Amendments of 1967; to the Committee on Education and Labor.

623. A letter from the Secretary of Health, Education, and Welfare, transmitting the Annual Report of the Commissioner of Education for the fiscal year ended June 30, 1966, pursuant to the provisions of subsection 301(c) of Public Law 874 and subsection 12 (c) of Public Law 815; to the Committee on Education and Labor.

624. A letter from the Comptroller General of the United States, transmitting a report of inquiry into alleged improper practices in providing nursing home care, medical services and prescribed drugs to old-age assistance recipients in the Cleveland, Ohio, area, Welfare Administration, Department of Health, Education, and Welfare; to the Committee on Government Operations.

625. A letter from the Comptroller General of the United States, transmitting a report of review of acquisition and use of aeromedical research facilities, Federal Aviation Administration, Department of Transportation; to the Committee on Government Operations.

626. A letter from the Comptroller General of the United States, transmitting a report on the examination of construction

and related costs of the Rayburn Office Building, House Office Building Commission, Architect of the Capitol; to the Committee on Government Operations.

627. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to extend the authority for exemptions from the antitrust laws to assist in safeguarding the balance-of-payments position of the United States; to the Committee on the Judiciary.

628. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to provide for the appointment of additional circuit judges; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of April 6, 1967, the following bill was reported on April 7, 1967:

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 207. A bill to provide for the participation of the Department of the Interior in the construction and operation of a large prototype desalting plant, and for other purposes; with amendment (Rept. No. 180). Referred to the Committee of the Whole House on the State of the Union.

[Submitted April 10, 1967]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. House Resolution 405. Resolution to disapprove Reorganization Plan No. 2 (Rept. No. 181). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DULSKI:

H.R. 8261. A bill to adjust the rates of basic compensation of certain employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. UDALL:

H.R. 8262. A bill to adjust the rates of basic compensation of certain employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DULSKI:

H.R. 8263. A bill to adjust the rates of basic compensation of certain employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. UDALL:

H.R. 8264. A bill to adjust the rates of basic compensation of certain employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ABBITT:

H.R. 8265. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of tobacco acreage allotments and acreage-poundage quotas; to the Committee on Agriculture.

H.R. 8266. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of tobacco acreage allotments and acreage-poundage quotas; to the Committee on Agriculture.

H.R. 8267. A bill to amend title II of the Social Security Act to provide that (for purposes of determining entitlement to child's insurance benefits) a child's dependency on his mother shall be determined in the same way as his dependency on his father; to the Committee on Ways and Means.

By Mr. BATES:

H.R. 8268. A bill to prescribe the geographical limits of the naval districts and to provide that the commandants thereof shall be officers not below the grade of rear admiral; to the Committee on Armed Services.

By Mr. BOLAND:

H.R. 8269. A bill to authorize the Secretary of Housing and Urban Development to make loans for the provision of urgently needed nursing homes; to the Committee on Banking and Currency.

By Mrs. BOLTON:

H.R. 8270. A bill to amend the Internal Revenue Code of 1954 to restore to individuals who have attained the age of 65 the right to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 8271. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. CAHILL:

H.R. 8272. A bill to amend title 38 of the United States Code in order to promote the care and treatment of veterans in State veterans' homes; to the Committee on Veterans' Affairs.

By Mr. COLLIER:

H.R. 8273. A bill to incorporate the Catholic War Veterans of the United States of America; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 8274. A bill to amend title 10, United States Code, to equalize the retirement pay of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 8275. A bill to provide for a more effective and equitable draft system by amending the Universal Military Training and Service Act; to the Committee on Armed Services.

H.R. 8276. A bill to amend the Public Health Service Act by adding a new title X thereto which will establish a program to protect adult health by providing assistance in the establishment and operation of regional and community health protection centers for the detection of disease, by providing assistance for the training of personnel to operate such centers, and by providing assistance in the conduct of certain research related to such centers and their operation; to the Committee on Interstate and Foreign Commerce.

H.R. 8277. A bill to abolish the office of U.S. commissioner, to establish in place thereof within the judicial branch of the Government the office of U.S. magistrate, and for other purposes; to the Committee on the Judiciary.

H.R. 8278. A bill to amend title 38 of the United States Code to increase to $30,000 the maximum servicemen's group life insurance which may be provided members of the uniformed services on active duty, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 8279. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to assist in providing means for portability of credits under certain private pension plans, and for other purposes; to the Committee on Ways and Means.

By Mr. EILBERG:

H.R. 8280. A bill to amend the Internal Revenue Code of 1954 to allow teachers to deduct from gross income the expenses incurred in pursuing courses for academic credit and degrees at institutions of higher education and including certain travel; to the Committee on Ways and Means.

H.R. 8281. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 8282. A bill to increase from $600 to $1,000 the personal income tax exemption of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemption for old age and blindness); to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 8283. A bill to amend the United States Housing Act of 1937 to provide that a tenant of a low-rent public housing project shall be permitted to continue to occupy such project (with appropriate rent adjustments) even though the family's income increases beyond the applicable limits; to the Committee on Banking and Currency.

H.R. 8284. A bill to amend the United States Housing Act of 1937 to make it clear that low-rent public housing includes stores and other necessary or desirable nondwelling facilities; to the Committee on Banking and Currency.

H.R. 8285. A bill to amend the United States Housing Act of 1937 to restore the former preferences accorded veterans and servicemen in the selection of tenants for low-rent housing projects; to the Committee on Banking and Currency.

H.R. 8286. A bill to amend the United States Housing Act of 1937 to remove the existing 15 percent limit on the amount of assistance which may be provided thereunder for low-rent public housing in any one State; to the Committee on Banking and Currency.

By Mr. FINO:

H.R. 8287. A bill to prohibit commercial sales of agricultural commodities out of private stocks through the Commodity Credit Corporation Export Credit Sales Program, and for other purposes; to the Committee on Agriculture.

H.R. 8288. A bill to amend the Export-Import Bank Act to prohibit the Bank from insuring or financing East-West trade, and for other purposes; to the Committee on Banking and Currency.

H.R. 8289. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mrs. HECKLER of Massachusetts:

H.R. 8290. A bill to provide for national cemeteries in the Commonwealth of Massachusetts; to the Committee on Interior and Insular Affairs.

By Mr. HORTON:

H.R. 8291. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 8292. A bill to amend title 18 of the United States Code to make it a Federal crime to transport or sell stolen domestic animals in interstate or foreign commerce; to the Committee on the Judiciary.

By Mr. MARTIN:

H.R. 8293. A bill to include prepared or preserved beef and veal within the quotas imposed on the importation of certain other meat and meat products; to reduce the percentage applied to certain aggregate quantity estimations used, in part, to determine such quotas from 110 percent to 100 percent; and for other purposes; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 8294. A bill to amend title 37 of the United States Code in order to assist career members of the Armed Forces to provide their children with a college education, and for other purposes; to the Committee on Armed Services.

H.R. 8295. A bill to amend the Federal Aviation Act of 1958 to provide that certain provisions of insurance contracts covering loss of life or personal injury of passengers being transported in air transportation shall be null and void, to require additional precautionary measures aboard certain aircraft in the interest of the safety of the traveling public, and to make it a felony to carry or attempt to carry firearms or explosives on board commercial aircraft; to the Committee on Interstate and Foreign Commerce.

By Mr. MESKILL:

H.R. 8296. A bill to amend the charter of the Veterans of Foreign Wars of the United States in order to make additional persons eligible for membership in that organization; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.R. 8297. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

H.R. 8298. A bill to amend the Internal Revenue Code of 1954 to grant an additional income tax exemption to a taxpayer supporting a dependent or dependents who have intellectual limitations to the extent that ability to learn and to adapt to the demands of society is impaired; to the Committee on Ways and Means.

By Mr. MORRIS:

H.R. 8299. A bill to amend the Service Contract Act of 1965 to exclude from such act contracts with the Post Office Department the principal purpose of which is the transportation, handling, or delivery of the mails; to the Committee on Education and Labor.

H.R. 8300. A bill to amend title 5, United States Code, to provide overtime pay for time in excess of 40 hours in an administrative workweek spent in a travel status away from the official duty station in connection with official business, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NELSEN:

H.R. 8301. A bill to provide for the election of a delegate from the District of Columbia to the House of Representatives, and for other purposes; to the Committee on the District of Columbia.

By Mr. O'KONSKI:

H.R. 8302. A bill to provide a program for dairy farmers under which production adjustment payment shall be made to such farmers who voluntarily adjust their marketing of milk and butterfat; to the Committee on Agriculture.

H.R. 8303. A bill to amend title 38 of the United States Code to increase to $30,000 the maximum servicemen's group life insurance which may be provided members of the uniformed services on active duty, and for other purposes; to the Committee on Veterans Affairs.

By Mr. PIRNIE:

H.R. 8304. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROUDEBUSH:

H.R. 8305. A bill to authorize the Secretary of the Interior to accept and administer the birthplace of Wilbur Wright as a national monument, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STAFFORD:

H.R. 8306. A bill to amend the Internal Revenue Code of 1954 to allow a 30-percent credit against the individual income tax for certain amounts paid for higher education or for occupational training or retraining; to the Committee on Ways and Means.

By Mr. TEAGUE of California:

H.R. 8307. A bill to repeal the authority for the current wheat and feed grain programs and to authorize programs that will permit the market system to work more effectively for wheat and feed grains and for other purposes; to the Committee on Agriculture.

By Mr. ULLMAN:

H.R. 8308. A bill to amend title XVIII of the Social Security Act to permit payment to an individual for the charges made by physicians and other persons providing services covered by the supplementary medical insurance program prior to such individual's own payment of the bill for the services involved; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:

H.R. 8309. A bill to provide for a comprehensive program for the control of noise; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 8310. A bill to establish in the Department of Health, Education, and Welfare a program of grants and fellowships to improve the education of students attending institutions of higher education in preparation for entrance into the service of State, local, or Federal Governments, and to attract such students to the public service, and for other purposes; to the Committee on Education and Labor.

H.R. 8311. A bill to provide an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operation, to expand summer camp opportunities for disadvantaged children, and for other purposes; to the Committee on Education and Labor.

By Mr. BOLAND:

H.R. 8312. A bill to provide an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operation, to expand summer camp opportunities for disadvantaged children, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS:

H.R. 8313. A bill to provide an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operation, to expand summer camp opportunities for disadvantaged children, and for other purposes; to the Committee on Education and Labor.

By Mr. HOLLAND:

H.R. 8314. A bill to provide an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operation, to expand summer camp opportunities for disadvantaged children, and for other purposes; to the Committee on Education and Labor.

By Mr. KIRWAN:

H.R. 8315. A bill to provide an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operation, to expand summer camp opportunities for disadvantaged children, and for other purposes; to the Committee on Education and Labor.

By Mr. MOSS:

H.R. 8316. A bill to provide an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operation, to expand summer camp opportunities for disadvantaged children, and for other purposes; to the Committee on Education and Labor.

By Mr. STAGGERS:

H.J. Res. 493. Joint resolution to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN:

H.J. Res. 494. Joint resolution proposing an amendment to the Constitution of the United States providing for representation in the Congress for the District constituting the seat of government of the United States; to the Committee on the Judiciary.

By Mr. LUKENS:

H. Res. 420. Resolution to establish a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. SELDEN:

H. Res. 421. Resolution relative to the anniversary of the founding of the Pan American Union; to the Committee on Foreign Affairs.

By Mr. VAN DEERLIN:

H. Res. 422. Resolution to establish a standing committee to be known as the Committee on Standards of Official Conduct, and for other purposes; to the Committee on Rules.

By Mr. WYATT:

H. Res. 423. Resolution establishing a code of ethics and standards for the House of Representatives and creating a standing Committee on Ethics and Standards to enforce such code; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

129. By the SPEAKER: Memorial of the Legislature of the State of New York, relative to the development of a worldwide code of safety regulations; to the Committee on Merchant Marine and Fisheries.

130. Also, memorial of the Legislature of the State of North Carolina, relative to ratification of the proposed constitutional amendment relating to succession to the Presidency and the Vice-Presidency; to the Committee on the Judiciary.

131. Also, memorial of the Legislature of the State of Oklahoma, relative to the establishment of an adequate and permanent national cemetery system; to the Committee on Interior and Insular Affairs.

132. Also, memorial of the Legislature of the State of South Carolina, relative to permitting high school students under the age of 18 to drive school buses; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLLIER:

H.R. 8317. A bill for the relief of Carmela Ricciardella De Crescenzo; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 8318. A bill for the relief of Mrs. Eursella Advira South Campbell; to the Committee on the Judiciary.

H.R. 8319. A bill for the relief of Afif Mohamed Ramedan Toutounji; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

60. By the SPEAKER: Petition of Henry Stoner, Portland, Oreg., relative to a study on the holdings of currency unproductively held in this country; to the Committee on Rules.

61. Also, petition of Greater Tampa Chamber of Commerce, Tampa, Fla., relative to the restoration and raising of the congressional image; to the Committee on Rules.

SENATE

MONDAY, APRIL 10, 1967

(Legislative day of Thursday, April 6, 1967)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

The VICE PRESIDENT. The prayer today will be delivered by a friend of the Senate, a fine Christian layman, Mr. Mark Evans, vice president of Metromedia, Inc., Washington, D.C.

Mr. Evans offered the following prayer:

Our Heavenly Father, in humility, we ask Thee to hear our prayer. Accept our profound thanks for life and liberty, for this haven land of freedom, choice above all others, for home and hearth and health, for men dedicated to virtuous principles, for public officers who love this land and ofttimes, though unheralded, serve it so well. Guide those who face and fear temptation in duty's performance. We thank Thee, Father, for courage, so typified by the champions of freedom who this hour, in distant places, fight to preserve it. Bless their loved ones with a spirit of understanding; let them receive strength from a knowledge of purpose. May we who benefit so much be made more keenly and gratefully aware of those who stand, and those who fall, defending that on which all our blessings are predicated. We gratefully express our thanks for the safe return of the noble servant, HUBERT HUMPHREY, who presides over this legislative body. We ask Thy protection of the President of the United States, who departs shortly for the important task of reassuring our concern to millions of our American brothers to the south. May he engender in them the hope of a better tomorrow. Return him to his difficult tasks, Father, buoyed up in spirit and determination to give our blessed land unselfish leadership. Bless the Congress of the United States; guide them in its challenging decisions. May they seek Thy guidance, for in Thee we do truly place our trust.

Sincerely do we pray and in the name of Jesus Christ. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Thursday, April 6, 1967, was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2536) to terminate the Indian Claims Commission, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 2536) to terminate the Indian Claims Commission, and for other purposes, and it was signed by the Vice President.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. BYRD of West Virginia, and by unanimous consent, the Subcommittee on Public Health, Education, Welfare, and Safety of the Committee on the District of Columbia was authorized to meet during the session of the Senate today.

On request of Mr. BYRD of West Virginia, and by unanimous consent, the Subcommittee on Air and Water Pollution of the Committee on Public Works and the Committee on Commerce were authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The VICE PRESIDENT. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

OFFICE OF EMERGENCY PLANNING

The legislative clerk read the nomination of Endicott Peabody, of Massachusetts, to be an Assistant Director of the Office of Emergency Planning.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—AIR FORCE AND ARMY

The legislative clerk proceeded to read sundry nominations in the Air Force and the Army which had been placed on the Secretary's desk.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request by Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for release of valueless liens, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT ON TITLE I AGREEMENTS UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Acting Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting pursuant to law, a report on title I agreements under the Agricultural Trade Development and Assistance Act of 1954, for the months of February and March 1967 (with accompanying papers); to the Committee on Agriculture and Forestry.

INCREASE OF RATES OF BASIC PAY FOR MEMBERS OF THE UNIFORMED SERVICES

A letter from the Deputy Secretary of Defense, transmitted a draft of proposed legislation to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services, and for other purposes (with accompanying papers); to the Committee on Armed Services.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of acquisition and use of aeromedical research facilities, Federal Aviation Administration, Department of Transportation, dated April 1967 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of construction and related costs, Rayburn House Office

Building, House Office Building Commission, Architect of the Capitol, dated April 1967 (with an accompanying report); to the Committee on Government Operations.

Ordered, That the above report be printed as a Senate document under the provisions of 78 Stat. 551.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on an inquiry into alleged improper practices in providing nursing home care, medical services, and prescribed drugs to old-age assistance recipients in the Cleveland, Ohio, area, Welfare Administration, Department of Health, Education, and Welfare, dated March 1967 (with an accompanying report); to the Committee on Government Operations.

Education for the Public Service Act

A letter from the Under Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to establish in the Department of Health, Education, and Welfare a program of grants and fellowships to improve the education of students attending institutions of higher education in preparation for entrance into the service of State, local, or Federal governments, and to attract such students to the public service, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

Postal Revenue Act of 1967

A letter from the Postmaster General, transmitting a draft of proposed legislation to adjust certain postage rates, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

Federal Salary Act of 1967

A letter from the Chairman, U.S. Civil Service Commission, Washington, D.C., transmitting a draft of proposed legislation to adjust the rates of basic compensation of certain employees of the Federal Government, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

CONCURRENT RESOLUTION OF OKLAHOMA LEGISLATURE

The VICE PRESIDENT laid before the Senate a concurrent resolution of the Legislature of the State of Oklahoma, which was referred to the Committee on Interior and Insular Affairs:

Enrolled Senate Concurrent Resolution 17

A concurrent resolution requesting Congress and the U.S. Department of Defense to establish an adequate and permanent national cemetery system available with burial spaces in national cemeteries for all U.S. military servicemen and servicewomen who are entitled to the same and wish to be interred therein; and directing distribution

Whereas figures compiled by the Department of Defense for the fiscal year 1966, show that of the 4,873 servicemen who lost their lives in the fight for freedom in Vietnam, approximately 20% were buried in national cemeteries. In addition to those who were interred in national cemeteries, many more would probably have been buried in a national cemetery had there been available space near the home of next of kin; and

Whereas over the past three (3) years there has been a determined effort on the part of some federal agencies to sharply curtail or do away altogether with any further provision for national cemeteries, and the Bureau of the Budget has stated unequivocably, "We continue to believe that expansion of the national cemetery is undesirable. The Administration firmly believes that funeral benefits now paid by the Veterans Administration and under Social Security are far preferable to the furnishing of interment facilities by the Government. Legislation to this end would not be in accord with the program of the President"; and

Whereas present day burial expenses are sufficiently high without placing on the veteran's and serviceman's dependent the added cost of purchasing a burial plot, which cost can run into astronomical figures for the widow who has little income; and

Whereas, the burial allowance of the Veterans Administration and that provided under Social Security are far too meager to provide for the last rites of most veterans and servicemen; and

Whereas, the Department of the Army has advised Congress that "The Administration has determined that it is opposed to any further expansion of the present national cemetery with the exception of Arlington National Cemetery"; and

Whereas, it is perfectly evident that the present administration is determined to end the national cemetery system just as soon as present facilities are exhausted. This procedure is a rank departure from the longtime precedent that veterans who have served their nation in the time of war are entitled to burial sites provided by the United States Government: Now, therefore, be it

Resolved by the Senate of the first session of the thirty-first Oklahoma Legislature, the House of Representatives concurring therein:

SECTION 1. That the Congress of the United States be and is hereby urged to take such action as necessary to forestall the present plans of the Bureau of the Budget and the administration, and to oppose the position of that Department of Defense, which supports the administration's policy of no further expansion of the national cemetery system, with the exception of the Arlington National Cemetery, as many national cemeteries have already exhausted available space and several others are scheduled for closing this year.

SEC. 2. That the Department of Defense be requested to establish an adequate and permanent national cemetery system to make national cemeteries available with burial spaces for all U.S. Military servicemen and servicewomen who are entitled to the same, and wish to be interred therein.

SEC. 3. That copies of this Resolution be forwarded to the Secretary of the United States Senate; the Chief Clerk of the United States House of Representatives; The Honorable Lyndon B. Johnson, President of the United States; The Honorable Robert S. McNamara, Secretary of Defense; The Honorable Charles L. Schultz, Director, Bureau of the Budget; and to each member of the Oklahoma Congressional Delegation.

Adopted by the Senate the 28th day of March 1967.

GEORGE HIGH,
President of the Senate.

Adopted by the House of Representatives the 29th day of March 1967.

REX PRIVETT,
Speaker of the House of Representatives.
BASIL R. WILSON,
Secretary of the Senate.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 106. Resolution extending the Special Committee on the Organization of the Congress (Rept. No. 160).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FONG:

S. 1468. A bill to amend title II of the Social Security Act to prevent the benefit amount of certain widows from being reduced on account of the changes made by the Social Security Amendments of 1965 in the provisions relating to determination of family status in the case of certain children born out of wedlock; to the Committee on Finance.

By Mr. BIBLE:

S. 1469. A bill for the relief of Wang Dai Pao; to the Committee on the Judiciary.

By Mr. MORSE:

S. 1470. A bill for the relief of the Ida Group of Mining Claims in Josephine County, Oregon; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 1471. A bill for the relief of Dr. Hugo Gonzalez; to the Committee on the Judiciary.

By Mr. HART:

S. 1472. A bill to protect the Nation's consumers and to assist the commercial fishing industry through the inspection of establishments processing fish and fishery products in commerce; to the Committee on Commerce.

(See the remarks of Mr. HART when he introduced the above bill, which appear under a separate heading.)

By Mr. RIBICOFF (for himself, Mr. BAYH, Mr. CASE, Mr. DODD, Mr. JAVITS, Mr. KENNEDY of New York, Mr. MAGNUSON, Mr. PELL, and Mr. MONDALE):

S. 1473. A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. RIBICOFF when he introduced the above bill, which appear under a separate heading.)

By Mr. MORSE (for himself, Mr. MANSFIELD, Mr. HILL, and Mr. DIRKSEN):

S.J. Res. 65. Joint resolution to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MORSE when he introduced the above joint resolution, which appear under a separate heading.)

FISHERY PRODUCTS PROTECTION ACT OF 1967

Mr. HART. Mr. President, I am today introducing a revised version of a mandatory fish inspection bill which I first introduced as S. 3922 on October 18, 1966.

By and large the earlier bill met with a favorable reception. There was wide recognition that Federal inspection of fish and fishery products would be beneficial to the consumer and would also strengthen the industry.

Since last fall I have had meetings with various segments of the industry, with several of my colleagues, and with Government officials. I believe that the new bill entitled the Fish Products Protection Act of 1967, is an improvement over the earlier version in several respects.

For example, the educational and preparatory period during which the industry will have opportunity to gear up to meet the new standards has been lengthened from 3 to 6 years. The role of the State inspection systems has been strengthened. The coverage of imported fish has been spelled out in greater detail. The sections on criminal penalties have been removed.

It is my hope, Mr. President, that with these changes the acceptance of this new proposal will be such that we can move forward promptly with hearings and floor action.

I ask unanimous consent that the text of the bill and a summary of its provisions be inserted in the Record following my remarks.

The PRESIDING OFFICER (Mr. Lausche in the chair). The bill will be received and appropriately referred; and, without objection, the bill and summary will be printed in the Record.

The bill (S. 1472) to protect the Nation's consumers and to assist the commercial fishing industry through the inspection of establishments processing fish and fishery products in commerce, introduced by Mr. Hart, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 1472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fishery Products Protection Act of 1967".

Sec. 2. For the purpose of this Act—

(a) The term "commerce" means travel, trade, traffic, transportation, or communication in any State and a point outside thereof, or between points in the same State but through a point outside thereof;

(b) The term "State" includes the States of the United States, its territories and possessions, the District of Columbia, and the Commonwealth of Puerto Rico;

(c) The term "Secretary" means the Secretary of the Interior;

(d) The term "person" means any individual, partnership, corporation, or association;

(e) The term "fish" means any aquatic animal or part thereof intended for human food;

(f) The term "fishery products" means any edible part of fish that is processed separately or in combination with other ingredients for human food;

(g) The terms "process" or "processed" or "processing" mean the handling, storing, preparation, production, manufacture, preserving, packing, transporting, or holding of any fish or fishery products;

(h) The term "wholesome" means sound, healthful, clean, and otherwise suitable for use as human food;

(i) The term "unwholesome" means—

(1) Unsound, injurious to health, or otherwise rendered unsuitable for use as human food; or

(2) Consisting in whole or in part of any filthy, putrid, or decomposed substance; or

(3) Presence of bacteria of public health significance; or

(4) Processed under unsanitary conditions whereby fish or any fishery products may have become contaminated with filth, or whereby any fishery products may have been rendered injurious to health; or

(5) Packaged in a container composed of any poisonous or deleterious substance which may render the contents injurious to health;

(j) The term "inspection service" means the agency or agencies designated by the Secretary as having the responsibility to carry out the provisions of this Act;

(k) The term "inspector" means any person authorized by the Secretary to inspect fish and fishery products;

(l) The term "official inspection mark" means any symbol prescribed by the Secretary;

(m) The term "official establishment" means any establishment that has been issued a certificate of registration by the Secretary;

(n) The term "establishment" means the premises, buildings, structures, facilities, and equipment used in the processing of fish and fishery products.

(o) The term "vessel of the United States" means any vessel of five net tons and upward that is enrolled, licensed, or documented under the laws of the United States and entitled to the privileges of vessels employed in the fisheries;

(p) The terms "container" or "package" include, but are not limited to, any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover;

(q) The term "label" means any written, printed, or graphic material upon the shipping container, if any, or upon the immediate container of the fishery product or accompanying such product, including, but not limited to, the individual consumer package;

(r) The term "shipping container" means any container used or intended for use in packaging the product packed in an immediate container;

(s) The term "immediate container" includes any consumer package, or any other container in which fish or fishery products, not consumer packaged, are packed.

Sec. 3 Congress declares that wholesome fish and fishery products are an important source of the Nation's food supply; and that unwholesome and adulterated fish or fishery products moving in the channels of commerce or directly affecting commerce are injurious to the consumers, adversely affect the marketing of wholesome fish and fishery products, result in losses to producers and fishermen, and limit markets for such products. It is the purpose of this Act to prevent such adverse effects.

Sec. 4. (a) In furtherance of the purpose of this Act, the Secretary shall conduct, directly or by contract, a survey of the methods, practices, and sanitary conditions of the establishments in the United States and vessels of the United States processing fish or fishery products. The Secretary shall then develop and promulgate, by regulation, adequate sanitary standards and practices for establishments processing fish or fishery products in any State for movement in commerce and for establishments the operations of which directly affect the movement of fish and fishery products in commerce and for vessels of the United States.

(b) The Secretary shall, based on studies, surveys, and other information, also issue adequate and effective regulations to assure (1) that imported fish or fishery products are safe, healthful, wholesome, unadulterated, and suitable for human food, and (2) that the containers of such products are safe and comply with such sanitary standards as he may prescribe.

(c) Such regulations shall be promulgated within three years after the effective date of this Act.

Sec. 5. Effective three years after the effective date of the regulations promulgated under section 4 of this Act:

(a) No person shall process any fish or fishery products in any establishment for movement in commerce or in any establishment the operations of which directly affect the movement of fish and fishery products in commerce unless such establishment has been issued a certificate of registration by the Secretary, or unless the Secretary determines, in accordance with the provisions of section 8 of this Act, that the State wherein such establishment is located provides an adequate and enforceable system of regulation, certification, and inspection of such establishment and the fish and fishery products processed therein.

(b) No fish or fishery products shall be imported into the United States unless they comply, as determined by the Secretary, with the regulations issued under section 4 of this Act for imported fish and fishery products. All imported fish and fishery products, after entry into any State in compliance with such regulations, shall be treated as domestic fish and fishery products within the meaning of, and subject to, the provisions of this Act.

(c) The Secretary of State, in consultation with the Secretary, shall encourage foreign countries importing fish and fishery products into any State to establish enforceable sanitary standards and practices for establishments and vessels of those countries processing fish and fishery products for such importation and a system of certification and inspection of such establishments and vessels. Such standards and practices must be consistent with those promulgated by the Secretary under this Act. The Secretary may authorize such countries to use an official inspection mark on each immediate container and shipping container of imported wholesome and unadulterated fishery products. No country shall use such a mark on containers of imported fishery products unless authorized by the Secretary. Containers with unauthorized marks shall not be allowed to enter into any State.

Sec. 6. (a) Any person who is required by section 5 of this Act to have a certificate of registration, and who is denied a certificate of registration shall upon request be given a hearing by the Secretary whose determination shall be final.

(b) The certificate of registration of any official establishment that fails to comply with the provisions of this Act and the regulations issued thereunder may be suspended upon notice by the Secretary. The holder of the suspended certificate may at any time apply for reinstatement of the certificate, and the Secretary shall immediately reinstate it if, after an opportunity for a hearing, he finds that adequate measures have been taken to comply with the requirements of the Act and regulations.

(c) Any inspector shall have access to any official establishment for the purpose of ascertaining whether the conditions of the certificate are being complied with. Denial of access for such inspection shall be ground for suspension of the certificate.

Sec. 7. In order to provide technical assistance to the commercial fishing industry in meeting the requirements of this Act and the regulations issued thereunder, the Secretary shall utilize to the greatest extent feasible the provisions of the Fish and Wildlife Act of 1956, as amended.

Sec. 8. The Secretary shall encourage each State to provide an adequate system of regulation, certification, and inspection of establishments located in the State that process fish and fishery products for movement in commerce and establishments the operations of which directly affect the movement of fish and fishery products in commerce, and the fish and fishery products processed therein, including, but not limited to, the promulgation and enforcement of sanitary standards and practices that are consistent with those promulgated by the Secretary. Whenever the Secretary determines that a State has provided such system, he shall publish in the Federal Register a notice to that effect and thereafter establishments and persons in that State shall be subject to the requirements of said system in lieu of the requirements of this Act, except that nothing in this section shall preclude the Secretary from rescinding such notice and reasserting Federal jurisdiction over such establishments and persons under this Act if he determines that such action is in the public interest.

SEC. 9. For the purpose of this Act, fish and fishery products shall be deemed to be adulterated:

(a) If they bear or contain any poisonous or deleterious substance which may render them injurious to health, but, if the substance is not an added substance such fish and fishery products shall not be considered adulterated under this paragraph if the quantity of such substance in such fish and fishery products does not ordinarily render them injurious to health; or

(b) If they bear or contain any added poisonous or added deleterious substance, unless such substance is permitted in their production or is unavoidable under good manufacturing practices, as may be determined by the Secretary or under other provisions of Federal law limiting or tolerating the quantity of such added substance: *Provided*, That any quantity of such added substances exceeding the limits so fixed shall also be deemed to constitute adulteration; or

(c) If any substance has been substituted, wholly or in part therefor; or

(d) If damage or inferiority has been concealed in any manner; or

(e) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality, or make it appear better or of greater value than it is.

SEC. 10. Every vessel of the United States harvesting or processing fish or fishery products for movement in commerce shall be constructed, equipped, operated and maintained, to meet such sanitary standards and practices as the Secretary may prescribe.

SEC. 11. All fish and fishery products processed in an official establishment for movement in commerce or in an official establishment the operations of which directly affect the movement of fish and fishery products in commerce or on vessels of the United States and the containers of such products shall be subject to inspection and reinspection by sampling or other methods by the Secretary at any time when processed for introduction into commerce.

SEC. 12. (a) Each immediate container and shipping container of wholesome and unadulterated fishery products may bear in distinctly legible form at the time such products leave the official establishment an official inspection mark. Such container shall bear in distinctly legible form the name of the products, a statement of ingredients, if fabricated from two or more ingredients, including a declaration as to artificial flavors, colors, or preservatives, if any, the net weight or other appropriate measure of the contents of such container, and the name of the processor or the name and address of the distributor. The Secretary may permit reasonable variations and grant exemptions from the foregoing requirements when, in his judgment, such variations and exemptions would effectuate the purpose of this Act.

(b) The use of any written, printed, or graphic matter on or accompanying any fishery products or the immediate container or shipping container thereof leaving an official establishment which is false or misleading in any manner is prohibited.

(c) No fishery products leaving an official establishment may be sold or offered for sale by any person under any false or deceptive name. Established trade names which are usual to such products and which are not false and deceptive are permitted.

(d) If the Secretary determines that any label used or prepared for use by any person is false or misleading in any particular, he may order such person to discontinue the use of such label except as modified in the manner prescribed by the Secretary. Such person may request a hearing, but the use of the label shall, if the Secretary so directs, be withheld pending a hearing and final determination by the Secretary. Such final determination shall be conclusive unless within thirty days after receipt of notice of such determination such person appeals to the United States court of appeals for the circuit in which such person has his principal place of business or to the United States Court of Appeals for the District of Columbia. An appeal may be taken by filing with the clerk of such court a written petition praying that the Secretary's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine to cover the costs of the proceedings, if the court so directs. The provisions of section 204(b) through (h) of the Act of August 15, 1921, as amended (7 U.S.C. 194), shall be applicable to appeals taken under this section.

SEC. 13. No person shall:

(a) Process, sell, offer for sale, transport, or deliver any fish or fishery products from any establishment for movement in commerce or the operations of which directly affect the movement of fish and fishery products in commerce or from a vessel of the United States which is unwholesome, adulterated, or otherwise unsuitable for use as human food;

(b) Sell or otherwise dispose of for human food any fish or fishery products which have been inspected and declared to be unwholesome or adulterated or otherwise unsuitable for use as human food under this Act;

(c) Deliver, receive, transport, sell, or offer for sale or transport for human food any fish or part thereof separately or in combination with other ingredients, other than fishery products, from an official establishment or vessel of the United States except in accordance with the provisions of this Act;

(d) Deliver, receive, transport, sell, or offer for sale or transport for human food fish or fishery products from an establishment whose certificate of registration has been suspended;

(e) Use or reuse any immediate or shipping container bearing an official inspection mark except for fishery products from an official establishment unless the mark is removed, obliterated, or otherwise destroyed;

(f) Falsely make or issue, alter, forge, simulate, counterfeit, use, or possess any official inspection certificate, memorandum, mark, or other identification, or device for making such mark or identification authorized by this Act, or cause, procure, aid, assist in, or be a party to, such false marking, issuing, altering, forging, simulating, counterfeiting, use or possession contrary to the provisions of this Act.

SEC. 14. For the purpose of enforcing the provisions of this Act, any person engaged in the business of processing, transporting, shipping, or receiving fish or fishery products for movement in commerce or conducting operations which directly affect the movement of fish or fishery products in commerce shall maintain records showing, to the extent that such person is concerned therewith, the receipt, delivery, sale, movement, or disposition of fish or fishery products and shall, upon request, permit the Secretary at reasonable times to inspect such records. Such records shall be maintained for a reasonable period to be determined by the Secretary.

SEC. 15. The provisions of this Act shall not apply to any wholesale establishment where the only processing involved is the cutting up of fish or fishery products for sale to retail outlets of any kind or description; or to any retail establishments primarily engaged in selling fish and fishery products and other items directly to retail consumers; or to any fisherman selling fish harvested by him directly to retail consumers.

SEC. 16. The cost of inspecting fish or fishery products, establishments, vessels, containers, labels, or other matters in accordance with this Act and the regulations issued thereunder shall be borne by the United States, except that the cost of overtime and holiday work performed in official establishments or vessels of the United States shall be borne by the owner or person in charge of such establishments or vessels at such rates as the Secretary may determine. Any amount received by the Secretary in reimbursement for sums paid by him for such work shall be credited to the appropriation from which payments for such work were made.

SEC. 17. The district courts of the United States shall have jurisdiction for good cause shown to restrain any violation of this Act or the regulations issued thereunder.

SEC. 18. All fish and fishery products determined to be unwholesome or adulterated pursuant to any inspection or reinspection conducted pursuant to section 11 of this Act shall be condemned. Any person whose fish and fishery products are condemned may appeal to the Secretary from such initial inspection and the condemned fish and fishery products shall be marked and segregated pending such appeal. The determination of the Secretary on appeal shall be final and if he sustains the initial determination the fish and fishery products shall be destroyed: *Provided*, That any fish and fishery products that may be made wholesome and unadulterated by reprocessing shall not be condemned and destroyed if reprocessed under the supervision of an inspector and found by him to be wholesome and unadulterated.

SEC. 19. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. The Secretary may utilize the services, equipment, and facilities of any Federal agency with or without reimbursement in carrying out the provisions of this Act and may designate any Federal agency as an inspection agency.

SEC. 20. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

The summary presented by Mr. HART is as follows:

BRIEF STATEMENT OF THE MAJOR PROVISIONS OF THE FISHERY PRODUCTS PROTECTION ACT OF 1967

1. The bill provides a system for upgrading and inspecting fish and fishery products processing operations performed in establishments engaged in commerce and vessels of the United States. It applies both to domestic and imported fish and fishery products. The bill exempts retail outlets, certain wholesalers, and fishermen selling harvested fish directly to the consumer.

2. The bill provides an initial three-year period to study and survey the commercial fishing industry and its processing practices and to develop and issue sanitary standards and practices for processing establishments and vessels. At the same time, the Secretary must also issue regulations governing imported fish and fishery products.

3. After the regulations are issued, industry will have an opportunity to gear up to meet the standards and practices. Three years after the effective date of the regulations, each establishment will have to have a certificate of registration to show that the establishment complies with the Act. Simi-

larly, no fish or fishery products will be permitted entry into the United States unless the importer meets the sanitation requirements.

4. The bill directs the Secretary of State to encourage foreign governments importing fish and fishery products into this country to adopt a system of certification and inspection which is equal to the one authorized by this bill. Once a country does have such a system, the Secretary of the Interior may authorize the importers from those countries to use an official inspection mark.

5. The bill recognizes that States now have or will have an inspection and certification system of their own. Where this occurs, the Secretary will recognize the State system in lieu of the Federal system.

6. The method of enforcement is injunctive relief and suspension of the certificate. Where fish and fishery products are inspected and found to be unwholesome or adulterated, the Secretary may condemn them.

7. The cost of this program will be borne by the Secretary, except where overtime and holiday work are involved.

YOUTH CAMP SAFETY

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, a bill entitled "The Youth Camp Safety Act."

The bill would establish a joint Federal-State program to improve youth camp safety standards, and has the following objectives:

First. The establishment and publication of Federal standards for youth camp safety developed by the Secretary of Health, Education, and Welfare after consultation with representatives of the States, private persons, and organizations concerned with youth camping and camp safety;

Second. The establishment of State programs to insure compliance with Federal standards;

Third. Encouraging camps which comply with Federal standards to publicize the fact, in order that parents and others seeking camps for their children might be assured that objective minimum standards of health and safety are met at the camp of their choice;

Fourth. Grants available during a period of 5 years to assist participating States to develop and carry out compliance and inspection programs;

Fifth. In addition, the Secretary of Health, Education, and Welfare would be required to submit an annual report to the Congress dealing with the implementation of the youth camp safety program, the problems encountered and recommendations for improvement.

The bill is not a Federal licensing mechanism. It specifically prohibits interference by any Federal or State official in the curriculum, program, or ministry of a youth camp. It establishes no additional Federal bureaucracy to administer the act—leaving that to the States. In short, it is a reasonable attempt to establish minimum safety standards for youth camps, and to give parents a simple way to determine that the camp they select for their children complies with those standards.

Each year about 6 million children attend resident or day camps or participate in travel camps or teen tours throughout the Nation and overseas. In a few States, there are excellent, comprehensive regulations covering camp safety. In 19 States, there are no regulations at all—in the rest, only a few aspects of the situation are covered.

In the absence of State action, a number of private organizations have been active in the field. The American Camping Association, the Christian Camp Association, the American Association of Private Camps, the Boy Scouts of America, the Red Cross and National Safety Council, and many other associations and organizations, have diligently provided real leadership in the camp safety field. Yet it is estimated that only 40 to 50 percent of the more than 12,000 day, resident, and travel camps throughout the country meet basic safety standards.

Camps take the place of parents—they care for our most precious possessions: our children. It does seem to me reasonable that society, acting through its government, assure parents that the camps they choose for their youngsters meet minimum safety standards.

I emphasize that this legislation would not affect the vast majority of youth camps—for the vast majority, I am convinced, operate with primary concern for the welfare and safety of their campers and with a real love for children. But there are camps, far too many, which do not meet minimum reasonable standards of safety. In meetings with camping officials over the past months, I have heard enough horror stories about situations in nonaccredited and unaffiliated camps to be convinced that legislation in the field is desirable and necessary.

Last year I introduced similar legislation. During the recess of the Congress, my staff and I met with scores of camp directors, officials of camping associations, and leaders in the camp safety field. They suggested amendments to my original proposal, and for the most part, these amendments have been incorporated into the present bill. I am delighted that the American Camping Association, which has worked closely with my staff, has seen fit to endorse this legislation and urge its adoption. The ACA, with more than 7,000 members representing 1.5 million campers in a vast cross section of all forms and kinds of camping—Girl Scouts, Boy Scouts, 4-H Clubs, Boys Clubs, Campfire Girls, and thousands more—states its official position:

> "In summary, the majority of the membership of the American Camping Association conclude that the enactment of a Youth Camp Safety Act by the Federal government would contribute significantly to providing a safer milieu among all camps operating in the fifty states and, on that basis, the majority of the general membership of the American Camping Association and the National Board of Directors support and endorse the efforts of Senator Ribicoff to bring such a bill into reality in this session of the Congress.

I am also deeply grateful for the support and encouragement of the Association of Private Camps—an organization which has taken the initiative in establishing a strong and well-enforced safety code for its over 250 member camps—and the Christian Camping Association, with whose leadership and many of its members my staff has worked closely in developing this bill.

How would the youth camp safety program work?

First, the Secretary of Health, Education, and Welfare would, after consultation with an advisory council, State leaders, and after opportunity for hearing, establish and promulgate youth camp safety standards.

Second, States would be encouraged to establish programs of annual inspection to insure compliance with Federal standards by camps operated within their boundaries. Federal matching annual grants-in-aid of up to $50,000 per State would be available to help defray the cost to the States of such programs.

Third, camps which were found to comply with the Federal standards would be authorized and encouraged to display the fact of such compliance.

In essence, this would mean that a parent seeking a camp for his child would have a simple, readily available test. Does the camp meet Federal safety standards, or does it not? Surely, this is the least we can do to assure a safe and healthy camping experience for our youngsters.

Mr. President, this legislation has the support of the vast majority of organized camping. Most camps already measure up. Those that do not will have the opportunity to improve. Those that will not maintain safe conditions do not deserve to be in business.

We have an unusual opportunity here to insure the safety and welfare of millions of children at a relatively modest cost. I urge favorable consideration of the youth camp safety bill.

Mr. President, the bill is introduced on behalf of myself, and Senators Bayh, Case, Dodd, Javits, Kennedy of New York, Magnuson, Pell, and Mondale.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1473) to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards, introduced by Mr. Ribicoff (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that a position paper of the American Camping Association, a position paper from the Association of Private Camps, and a table prepared by Dr. John Kirk of the ACA, describing existing camp safety regulations in States throughout the Nation, be printed at this point in the Record.

There being no objection, the position papers and table were ordered to be printed in the Record, as follows:

[From the American Camping Association, Inc., Bradford Woods, Martinsville, Ind.]

Position Paper: Youth Camp Safety Act, 1966 Senate Bill 3773

INTRODUCTION

On August 26, 1966, Senator Abraham Ribicoff of Connecticut introduced the Youth

Camp Safety Act of 1966 (S. 3773) into the United States Senate. The American Camping Association had been aware of this pending legislation, and at the request of Senator Ribicoff's Administrative Assistant, the ACA Executive Director had, on several occasions been in contact with Senator Ribicoff's office.

The purpose of this Act is to protect and safeguard the health and well-being of the youth of the nation attending camps by providing minimum safety regulations to be implemented by states electing to participate in this program. The Federal Government will provide financial assistance and leadership for the states in order to accomplish this goal.

At the present time there are 17 states which require camps to be licensed and inspected annually, 26 states have regulatory programs intended to supervise the operation of various aspects of children's camps.

After much discussion and serious study, the ACA National Board of Directors at their October meeting, voted to submit a position paper that would support the intent of the Youth Camp Safety Act, since it is educational in scope. In the same motion, the National Board called for a Consultation to be held in order to provide the various elements of organized camping in the United States an opportunity to react to the provisions of Senate Bill 3773. This consultation, chaired by Dr. John J. Kirk, chairman of the ACA National Standards Committee, was held November 19, 1966, in New York City. A list of the participants is included as Appendix B. As a result of the consultation, a working paper was developed by Dr. Kirk and reviewed by Howard Gibbs, National President of ACA, Mrs. Hattie Smith, National Legislative Chairman, and Ernest F. Schmidt, Executive Director of ACA. The working paper was then sent to the forty Sections of the American Camping Association requesting that a special meeting be set up at which time the reaction and opinion of the general membership could be solicited.

The working paper reflected, in essence, the opinion of the representatives in attendance at the consultation, and that consensus was that Senate Bill 3773, and the principles embodied therein, should be supported. Thirty of the forty Sections of the American Camping Association have reacted to the working paper and the majority also support the principles and purpose of Senate Bill 3773. Some concerns and suggestions have been made by the various Sections of the American Camping Association, and these suggestions and concerns will be reflected in the Section-by-Section discussion of the bill which follows. In order that the minority opinion may also be heard, certain selected comments from Section representatives will be included in Appendix A.

The following Section-by-Section analysis of the bill represents the official opinion and position taken by the majority of the Sections reacting to the bill and the working paper which was developed as a result of the special consultation on November 19th:

AMERICAN CAMPING ASSOCIATION OFFICIAL POSITION ON SENATE BILL 3773

Section 2. *Statement of Purpose.* The majority of the membership of the American Camping Association is in agreement with the purpose of the Act as stated. This bill would serve, primarily, as an educational tool, whereby the participating states would have trained camp evaluators visit the camps in the state and determine whether or not the camps were meeting the established minimum criteria. Those camps that were satisfactorily complying with the minimum federal safety regulations would receive a statement of compliance. *ACA does not recommend using the term "Seal of Approval," "Accreditation," or "Certification," for camps meeing the minimum criteria.* Camps that failed to meet the minimum federal regulations would be deprived of the privileges of indicating compliance, but would not be be closed or placed on any provisional status as a result of the provisions of this bill.

Section 3. *Definitions.* In the definition of a Youth Camp, the membership expressed concern over the use of the term "instructional' 'rather than "educational," and it is recommended that Line 8, Page 2, be amended to read *"for educational and recreational purposes,"* rather than "recreational or instructional," as it now appears. It was also suggested that consideration be given to including the evaluation of travel camps, in addition to resident and day camps. Since the majority of travel camps move across state lines, they are frequently excluded from any state regulatory programs which are now in existence. In order to provide the general public with an awareness concerning minimum standards for travel camps, and in order to more adequately protect children attending these camps, it is recommended that the bill include a provision to evaluate such camps.

It was also recognized that some national organizations conduct rather extensive programs through travel camps and such organizations should be given consideration as a certifying agency and that under the provision of the state programs being developed would be permitted to certify their own travel camps. This provision would only apply when the standards of the organization in question were at least equal to, or above, the minimum safety regulations that would be developed by the Advisory Council and approved by the Secretary of Health, Education and Welfare. This suggestion is made, since it might prove administratively impossible for state evaluators to visit and evaluate the many travel camps operated by some national organizations.

In order to standardize the language as applied to organized camping, it is further recommended that a glossary of camp terminology be developed in order that there be uniform understanding and interpretation of the various terms now applied to a summer camp operation. Such a glossary of terms would be of considerable assistance to those organizations which operate camps in several states.

Section 4. *Grants to States for Youth Camp Safety Standards.* The general reaction to this section of the bill is that the financial provisions appear adequate for the implementation of the program is the fifty states. With the federal government providing fifty percent of the cost to implement the program, this should be sufficient to encourage states to initiate a program intended to safeguard the health and welfare of children while participating in a summer camp experience.

Section 6. *State Plans.* The provision that a state agency be designated or created to supervise the program caused some concern. It seems that within the existing framework of the state health department, the state welfare department, or the state department of education, this program could be initiated, and it would be unnecessary to establish or create a new state agency. A provision should be added to this section that would require the participating states to hire a person to serve as supervisor for the new program. It is strongly recommended that the National Office of the American Camping Association be designated as the cooperating agency with which the states work in developing the job specifications for such an individual. This recommendation is made since ACA is the only national organization which includes in its membership representatives from all segments of the organized camping profession, such as agency, private, church, government, and family. The strength and success of the programs could depend to a great extent on the qualifications of the supervisor of the program, such an individual should be trained in outdoor education, camping, and outdoor recreation.

Although implied, it is not specifically stated that the participating states would be required to *annually* visit and evaluate the camps in order for a said camp to qualify. Such wording should be included in the provisions of the bill.

This section of the bill also suggests that the participating states encourage the camps to advertise compliance with the federal minimum safety regulations. In any such advertising, the camps should be required to use the term "compliance with minimum regulations" rather than "certified" or "accredited" in order to avoid any confusion with the American Camping Association accreditation program, which stresses optimum camp operation rather than compliance with minimum safety regulations. The American Camping Association must educate the general public regarding the difference between compliance with minimum federal regulations and meeting the American Camping Association's standards, which are pointing towards the optimum of camp operation. A camp which satisfactorily complies with the federal minimum safety regulations means only that a child is less likely to be killed or injured in said camp. The federal minimum safety regulations in no way could be used as a measurement of the *quality* of the camping experience provided. This should be clearly stated in any literature or pronouncements made by the state or federal government.

Under Section 6, describing State Plans, there should also be a provision that camp directors be granted the right to an "Executive Hearing," in those cases where they feel the state has been unfair in the appraisal of their camps. In the bill, there is the implied provision that camp operators be entitled to a judicial hearing, and this provision would remain even with the addition of an Executive Hearing. The advantage of an Executive Hearing is that it would not be necessary for the camp director to hire counsel and such a hearing could be scheduled more quickly than a judicial review, which would have to follow the various steps which are common in any such court action.

Section 7. *Determination Federal Share.* The provisions under this Section of the bill seem adequate and would not adversely affect the administration or implementation of the bill in any way. The $50,000 maximum appears to be quite generous, and it appears doubtful that any state would require this amount on a fifty percent matching basis.

Section 8. *Operation of State Plans.* The provision under this Section provide for the states to appeal the decision of the federal government to disapprove or terminate participation in the program. It appears that this Section adequately protects the right of the state to accept or reject the provisions of the bill, and it also provides adequately for appeal, if and when said state is dissatisfied with the ruling of the Secretary of the Department of Health, Education and Welfare.

Section 9. *Advisory Council on Youth Camp Safety.* Considerable concern has been expressed by the general membership regarding the make-up and number of the National Advisory Council. The feeling has been expressed that this Council should be composed of camping professionals. It was further recommended that the make-up of the Council be predetermined by designating the organization that should be represented. Since the American Camping Association stands as the only professional organization in the United States representing all segments of the organized camping movement, it is felt that one-third of the membership of the Advisory Council consists of American Camping Association representatives. The following groups and individuals are suggested for membership on the National Advisory Council: The Executive Director, American Camping Association; Chairman, American Camping Association, National Standards Committee; Chairman, American Camping Association National Legislation Committee; Vice-President for Private Camps, American Camping Associations; Director of Camping Services and Conservation, or designated representative, Boy Scouts of America; Director of Camping, or designated representative, Girl Scouts of the United States; Director of Camping, or designated representative, Camp Fire Girls, Inc.; designated representative from the National Council of Churches; designated representative from the National 4-H Programs; designated representative from the National Society for Crippled Children and Adults; designated representative from the Boys' Clubs of America; designated representative from the National Catholic Camping Association; designated representative from the Young Men's Christian Association; designated representative from the Young Women's Christian Association; Camping Consultant from the National Jewish Welfare Board; designated representative from the Christian Camps and Conferences Association, Inc. By selecting the twelve or more representatives from organizations of this type, it would insure that the voice of organized camping was represented to the fullest and that any safety standards developed by this group would truly represent the current and best thinking of organizations concerned with organized camping. This Advisory Council should also be empowered to call upon the services of such organizations as the National Safety Council, the American Medical Association, the American Academy of Pediatrics, and other specialized professional organizations which might have information and suggestions for the development of adequate safety regulations.

It was further suggested that the provisions of the bill specifically state that each participating state be required to establish a State Advisory Council made up of similar membership as that represented on the National Council. This would insure a local voice in the implementation of the federal minimum safety regulations and also provide an opportunity for closer supervision on the implementation and enforcement of the state program.

Section 11. *Authorization*. The financial provisions under Authorization in the bill seem appropriate in order to pursue and carry out the intent and purpose of the Act.

GENERAL STATEMENT

The provisions of the Youth Camp Safety Act appear to strengthen organized camping and, if enacted, would actually contribute significantly to a safer milieu in all participating camps.

At the present time, there are over a million children attending camps that do not affiliate with any national organization and do not necessarily adhere to any established set of operating standards. Under the provisions of the Youth Camp Safety Act, a minimum set of safety regulations would be developed and through an appropriate state agency, camps in participating states would be able to have the educational benefit of being alerted to the need for following these minimum regulations in order to adequately safeguard the health and welfare of the children they serve. This would also provide a means whereby parents could, at least, be aware of the minimum safety provisions necessary in order to adequately safeguard the child during the camping experience. *It must be stressed that the provisions of this bill and application of this bill by state programs in no way guarantees a quality camping experience, nor does it guarantee that all camps in a participating state would be operating at a level of competence which would adequately safeguard the health, welfare, and safety of children.* It does, however, require that states that participate will annually evaluate camps within their boundaries and measure the operation of these camps against an established criteria which would be the federal minimum safety regulations. The program would also provide an educational tool for those camp operators who do not, at the present time, have the benefit of guidance and supervision from a professional camping organization.

It must also be pointed out that some states already have very adequate regulatory programs, and this bill should in no way adversely affect the continuation and expansion of such existing programs. If a state with a regulatory program already has in effect regulations which are above the federal minimum safety regulations, then the state in question should not be required to lower or modify its regulations in any way in order to qualify for participation in the federal program, nor should such a state be denied the benefit of federal financial aid to assist in financing their existing programs. The advantage of having one uniform set of minimum safety regulations rather than 50 or more possibly conflicting operating codes is self-evident.

In summary, the majority of the membership of the American Camping Association conclude that the enactment of a Youth Camp Safety Act by the federal government would contribute significantly to providing a safer milieu among all camps operating in the fifty states and, on that basis, the majority of the general membership in the American Camping Association and the National Board of Directors support and endorse the efforts of Senator Ribicoff to bring such a bill into reality in this session of the Congress.

Approved by ACA Executive Committee, January 20, 1967.

Appendix A—Concerns and fears expressed by some members of the American Camping Association

The following comments were gleaned from the Section Reports, and although they do not reflect the majority opinion of the general membership of the American Camping Association, are being included in order that a more complete view of the opinions of the total membership might be reflected in this Position Paper:

1. "The National Advisory Council should be expanded in order to provide for broader representation. Fifteen or eighteen members would provide a more representative voice for all segments of the camping profession."

2. "The bill, as written, lacks 'teeth,' and unless a provision is added which would force camps to adhere to the minimum safety regulations, the bill has no real value. Unless a camp which fails to meet the regulations can be forced to comply, the bill fails to accomplish its purpose."

3. "Federal funds are not necessary, and the states should be encouraged to voluntarily develop minimum safety regulations to serve as a guide for organized camps. Federal funds only lead to federal control which is not needed or desired."

4. "The American Camping Association Standards Visitation Program should be used in lieu of state inspections. Camp directors are already subjected to more inspections and evaluations than really required."

5. "There is a danger that government bureaucracy will smother all real camping experiences. Program areas should not be regulated in any way. This bill might open a 'Pandora's Box' of government regulations with applications going far beyond those now foreseen."

6. "There is no guarantee that state evaluators will have any professional training in measuring the effectiveness of a camp operation. This could be a 'pork barrel,' whereby states could award jobs based on political patronage rather than professional competence."

7. "Several states now have adequate programs and a federal program is not needed."

8. "The passage of such a bill will adversely affect the Standards Program of the American Camping Association."

9. "The federal government has no business in organized camping, and the implementation of regulations should be left to private agencies."

10. "There was a strong feeling that ACA might well be legislating itself out of business."

11. "A federal program will adversely affect present ACA relationships with state agencies."

12. "Before any federal legislation on camping is introduced, a thorough nationwide survey should be made to determine whether a real need for such legislation exists."

13. "The Federal Advisory Council could draft a model set of regulations to satisfy the intent of the bill—but without federal subsidy."

[From the Association of Private Camps, Inc.,
New York, N.Y.]

REPORT OF A STUDY GROUP OF THE ASSOCIATION OF PRIVATE CAMPS CONCERNING THE YOUTH CAMP SAFETY ACT OF 1966, SENATE BILL S. 3773

On September 12, 1966, at the direction of the Board of Governors of the Association of Private Camps, a Study Group was organized consisting of the Officers of the Association of Private Camps and all Past Presidents of said organization for the purpose of considering the "Youth Camp Safety Act of 1966."

On the basis of the reports of said committee, representatives were appointed to meet with Senator Ribicoff's staff in order to discuss the provisions of the bill and to present the recommendations of the Study Group, as unanimously approved by the Board of Governors.

On February 21st, Mr. Abner Rabbino, Chairman of the Committee on "Youth Camp Safety Act"; Mr. Edwin Shapiro, President of the Association of Private Camps; Dr. S. L. Winnick, Past President and Mr. Lloyd A. Albin, Member; met with Mr. Wayne Granquist, Administrative Assistant and Mr. James Dorsch, Legislative Assistant to Senator Abraham Ribicoff in Washington, D.C.

Senator Ribicoff's office was advised that the Association of Private Camps, an organization representing professional camping for over 28 years, was wholeheartedly in approval of Senate Bill S. 3773.

It was indicated to the Senator's staff that our membership covers many of the states of our country and presently has more than 250 of the recognized leaders in the camping field. Nine years ago, realizing the necessity of maintaining high level standards, the Association passed a law making it mandatory for all its member camps to be Standards examined, in order to maintain accredited membership. Each of the member camps has been visited and its Standards have been evaluated by highly qualified pro-

fessional people trained and experienced in the fields of camping, education, recreation and evaluation. The carefully selected staff of evaluators has no affiliation with any APC or other camp. This evaluating staff is comprised of faculty members from leading colleges and universities across the Country. Total membership compliance with up-dated APC Standards is insured by a continuing program of accreditation that schedules each member camp for a re-visit and a re-evaluation periodically, on a rotation basis.

We have contributed by way of Conventions and Symposiums in all phases of camping. A vast amount of material is in the libraries of many Universities and also the Library of Congress. A number of our member directors have lectured at Universities and are on the Board of Trustees of many institutional camps. They have also served as advisors, without fee in this regard. Many colleges now give Point Credit to students who serve as counselors in our private camps, because these institutions of learning are aware of the vast opportunities that the student has under the aegis of our knowledgeable camp directors.

Most of our states have regulatory rules to which we subscribe. We enthusiastically support the passing of any meaningful laws that will constructively contribute to raising the level of performance, leadership training, supervision, health and safety of camping. It is always true, however, that the implementation of any rules or laws becomes the dramatic and important objective.

We believe that we have outstanding and recognized professionals heading our camps. For the great contribution in thought and action that these people are capable of giving to a Council of from 12–18 members, we respectfully recommend that a minimum of five members of such a panel should come from the Association of Private Camps.

Analysis of State camp safety regulations

[Code—1 excellent; 2 good; 3 fair; 4 no regulations]

Category	Alabama	Alaska	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	Florida	Georgia	Hawaii	Idaho	Illinois
I. Camp personnel:													
Age requirement for counselors	4	4	4	4	1	2	4	4	4	4	4	4	4
Counselor to camper ratio	4	4	4	4	1	1	4	4	4	4	4	4	3
Minimum age of director	4	4	4	4	2	3	4	4	4	4	4	4	4
Required training for aquatic staff	4	4	4	3	2	1	4	4	4	4	4	4	4
II. Program:													
Supervision of activities	4	4	4	4	4	1	4	4	4	4	4	4	4
Restriction for hazardous activities	4	4	4	4	4	2	4	4	4	4	4	4	4
III. Site and facilities:													
Location and drainage of site	4	2	2	2	1	1	4	1	1	4	4	4	1
Type and size of living quarters	4	2	4	2	3	3	4	2	1	4	4	4	2
Sleeping accommodations	4	1	4	1	3	1	4	1	1	4	4	4	1
IV. Administration:													
Responsibilities of the director	4	4	4	4	4	1	3	4	1	4	4	4	4
Personal histories						1	4	4	4	4	4	4	4
V. Health:													
Doctor on call	4	4	4	2	1	2	4	4	4	4	4	4	1
Physical exam required	4	4	4	1	2	2	4	2	4	4	4	4	1
Isolation quarters or camp infirmary	4	4	4	2	1	2	4	4	3	4	4	4	2
Health supervisor on staff	4	4	4	2	2	1	4	4	3	4	4	4	1
First-aid supplies	4	4	4	2	1	1	3	2	4	4	4	4	4
Medical treatment record	4	4	4	4	1	2	4	4	4	4	4	4	4
VI. Sanitation:													
Ratio of toilet facilities	3	1	1	4	1	1	1	4	1	4	4	4	4
Sewage disposal	2	2	2	1	1	1	2	1	1	4	4	4	1
Garbage and waste disposal	2	2	2	1	1	1	2	1	1	4	4	4	1
Food protection and food handling	4	2	2	1	1	1	1	1	1	4	4	4	1
Food storage and refrigeration	4	2	2	1	1	1	1	1	1	1	4	4	1
Milk supply and serving methods	4	2	4	1	1	1	4	3	3	4	4	4	1
Safe water supply	2	1	1	1	1	1	1	1	1	4	4	4	1
Sanitation of dishes and utensils	4	3	3	1	1	1	1	1	1	4	4	4	1
Insect, weed, and rodent control	4	4	3	4	1	2	4	2	2	4	4	4	2
Animal regulations	4	4	4	4	3	4	4	4	3	4	4	4	4
Camp cleanliness	3	1	3	1	1	2	3	3	1	4	4	4	3
VII. Safety:													
Aquatic facilities	4	4	4	1	2	1	3	1	4	4	4	4	1
Archery ranges	4	4	4	4	4	1	4	4	4	4	4	4	4
Rifle ranges	4	4	4	4	4	1	4	4	4	4	4	4	4
Horseback riding procedures	4	4	4	4	4	1	4	4	4	4	4	4	4
Fire regulations	4	3	3	4	1	1	3	2	3	4	4	4	1
Heating equipment	4	1	4	4	1	4	3	4	1	4	4	4	1
VIII. Transportation:													
Condition of camp vehicles	4	4	4	4	4	1	4	4	4	4	4	4	4
Age and qualifications for drivers	4	4	4	4	4	1	4	4	4	4	4	4	4

Category	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	Montana
I. Camp personnel:													
Age requirement for counselors	4	4	4	4	4	4	4	4	1	4	4	4	4
Counselor to camper ratio	4	4	4	4	4	4	4	4	1	4	4	4	4
Minimum age of director	4	4	4	4	4	4	4	4	4	4	4	4	4
Required training for aquatic staff	4	4	4	4	4	4	4	4	1	4	4	4	4
II. Program:													
Supervision of activities	4	4	4	4	4	4	4	2	2	4	4	4	4
Restriction of hazardous activities	4	4	4	4	4	4	4	4	2	4	4	4	4
III. Site and facilities:													
Location and drainage of site	4	4	2	1	4	1	4	1	3	3	4	4	1
Type and size of living quarters	4	4	4	4	4	3	4	1	3	3	4	4	4
Sleeping accommodations	4	4	4	4	4	3	4	1	2	1	4	4	4
IV. Administration:													
Responsibilities of the director	4	4	3	3	4	4	4	4	1	3	4	4	3
Personal histories of campers	4	4	4	4	4	4	4	2	1	4	4	4	4
V. Health:													
Doctor on call	4	4	4	4	4	4	4	1	2	1	4	4	4
Physical exam required	4	4	4	4	4	4	4	1	2	2	4	4	4
Isolation quarters or camp infirmary	4	4	4	4	4	2	4	1	1	1	4	4	4
Health supervisor on staff	4	4	4	4	4	4	4	1	1	4	4	4	4
First-aid supplies	4	4	4	4	4	2	4	1	1	1	4	4	4
Medical treatment record	4	4	4	4	4	4	4	4	1	1	4	4	4
VI. Sanitation:													
Ratio of toilet facilities	4	4	4	2	4	1	4	1	1	1	4	4	3
Sewage disposal	4	4	2	2	4	1	4	1	1	1	4	4	2
Garbage and waste disposal	4	4	2	3	4	1	4	1	1	1	4	4	2
Food protection and handling	4	4	4	4	4	1	4	1	1	1	4	4	3
Food storage and refrigeration	4	4	4	4	4	1	4	1	1	1	4	4	4
Milk supply and serving methods	4	4	4	4	4	2	4	1	1	1	4	4	4
Safe water supply	4	4	3	1	4	1	4	1	1	1	4	4	1
Sanitation of dishes and utensils	4	4	4	4	4	1	4	1	1	1	4	4	4
Insect, weed, and rodent control	4	4	4	4	4	3	4	2	1	4	4	4	4
Animal regulations	4	4	4	4	4	4	4	4	1	3	4	4	1
Camp cleanliness	4	4	4	4	4	4	4	2	1	2	4	1	4

Analysis of State camp safety regulations—Continued

[Code—1 excellent; 2 good; 3 fair; 4 no regulations]

Category	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	Montana
VII. Safety:													
Aquatic facilities	4	4	4	4	4	3	4	1	1	3	4	4	4
Archery ranges	4	4	4	4	4	4	4	4	2	3	4	4	4
Rifle ranges	4	4	4	4	4	4	4	4	2	2	4	4	4
Horseback riding procedures	4	4	4	4	4	4	4	4	2	4	4	4	4
Fire regulations	4	4	4	4	4	4	4	2	2	4	4	4	4
Heating equipment	4	4	4	4	4	4	4	4	4	4	4	4	4
VIII. Transportation:													
Condition of camp vehicles	4	4	4	4	4	4	4	4	4	4	4	4	4
Age and qualifications for drivers	4	4	4	4	4	4	4	4	3	4	4	4	4

Category	Nebraska	Nevada	New Hampshire	New Jersey	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island
I. Camp personnel:													
Age requirement for counselors	4	4	4	4	4	4	4	4	4	4	4	4	4
Counselor to camper ratio	4	4	4	4	4	4	4	4	4	4	4	4	4
Minimum age of director	4	4	4	4	4	4	4	4	4	4	4	4	4
Required training for aquatic staff	4	4	4	4	4	4	4	4	1	4	4	2	2
II. Program:													
Supervision of activities	4	4	4	4	4	3	4	4	4	4	4	4	4
Restriction for hazardous activities	4	4	4	4	4	4	4	4	4	4	4	4	3
III. Site and facilities:				4									
Location and drainage of site	2	4	1	4	4	2	1	4	2	4	4	1	4
Type and size of living quarters	3	4	1	4	4	2	3	4	2	4	4	4	4
Sleeping accommodations	1	4	1	4	4	3	2	4	1	4	4	4	3
IV. Administration:													
Responsibilities of the director	4	4	4	4	4	3	4	4	2	4	4	4	3
Personal histories of campers	4	4	4	4	4	4	4	4	1	4	4	4	4
V. Health:													
Doctor on call	1	4	1	4	4	3	3	4	4	4	4	4	4
Physical exam required	4	4	1	4	4	4	2	4	1	4	4	4	4
Isolation quarters or camp infirmary	1	4	1	4	4	4	3	4	1	4	4	4	4
Health supervisor on staff	4	4	1	4	4	4	2	4	4	4	4	4	4
First aid supplies	1	4	1	4	4	4	2	4	1	4	4	4	4
Medical treatment record	1	4	4	4	4	4	4	4	4	4	4	4	4
VI. Sanitation:													
Ratio of toilet facilities	1	4	1	4	4	4	2	4	1	4	4	4	1
Sewage disposal	1	4	1	4	4	1	1	4	1	4	4	1	2
Garbage and waste disposal	2	4	1	4	4	1	1	4	1	4	4	1	2
Food protection and food handling	1	4	1	4	4	1	1	4	1	4	4	1	1
Food storage and refrigeration	1	4	1	4	4	1	1	4	1	4	4	1	1
Milk supply and serving methods	1	4	2	4	4	2	1	4	1	4	4	1	1
Safe water supply	1	4	1	4	4	1	1	4	1	4	4	1	2
Sanitation of dishes and utensils	1	4	1	4	4	1	1	4	1	4	4	1	1
Insect, weed, and rodent control	2	4	2	4	4	4	3	4	1	4	4	4	4
Animal regulations	3	4	4	4	4	4	4	4	1	4	4	4	4
Camp cleanliness	1	4	1	4	4	3	1	4	1	4	4	2	3
VII. Safety:													
Aquatic facilities	2	4	2	4	4	3	3	4	4	4	4	2	2
Archery ranges	3	4	4	4	4	4	4	4	2	4	4	4	4
Rifle ranges	1	4	4	4	4	4	4	4	2	4	4	4	4
Horseback riding procedures	4	4	4	4	4	4	4	4	4	4	4	4	4
Fire regulations	1	4	2	4	4	3	4	4	1	4	4	3	4
Heating equipment	4	4	4	4	4	4	4	4	4	4	4	4	4
VIII. Transportation:													
Condition of camp vehicles	4	4	4	4	4	4	4	4	4	4	4	4	4
Age and qualifications for drivers	4	4	4	4	4	4	4	4	4	4	4	4	4

Category	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin		Wyoming
										Residential	Day	
I. Camp personnel:												
Age requirement for counselors	4	4	4	4	4	4	4	4	4	1	4	4
Counselor to camper ratio	4	4	4	4	4	4	4	4	4	1	2	4
Minimum age of director	4	4	4	4	4	4	4	4	4	4	1	4
Required training for aquatic staff	1	4	4	4	4	4	4	4	1	2	1	4
II. Program:												
Supervision of activities	4	4	4	4	4	4	4	4	4	4	2	4
Restriction for hazardous activities	4	4	4	4	4	4	4	4	4	4	4	4
III. Site and facilities:												
Location and drainage of site	1	4	4	4	4	3	2	1	1	4	4	1
Type and size of living quarters	2	4	4	4	4	3	3	2	1	3	4	4
Sleeping accommodations	1	4	4	4	4	3	4	1	1	1	4	4
IV. Administration:												
Responsibilities of the director	4	4	4	4	4	4	4	3	3	4	3	3
Personal histories of campers	4	4	4	4	4	4	4	4	4	4	2	4
V. Health:												
Doctor on call	1	4	4	4	4	4	4	4	2	2	1	4
Physical exam required	1	4	4	4	4	4	4	4	3	1	2	4
Isolation quarters or camp infirmary	4	4	4	4	4	4	4	4	1	1	3	4
Health supervisor on staff	3	4	4	4	4	4	4	4	2	3	2	4
First-aid supplies	4	4	4	4	4	4	4	4	1	1	1	4
Medical treatment record	4	4	4	4	4	4	4	4	4	1	2	4
VI. Sanitation:												
Ratio of toilet facilities	1	4	4	4	4	3	4	1	1	1	1	4
Sewage disposal	1	4	4	4	4	1	2	1	1	1	1	2
Garbage and waste disposal	1	4	4	4	4	1	2	1	1	2	2	2
Food protection and food handling	1	4	4	4	4	1	1	1	1	2	2	2
Food storage and refrigeration	1	4	4	4	4	1	1	1	1	2	2	2
Milk supply and serving methods	3	4	4	4	4	1	2	1	1	3	3	2
Safe water supply	1	4	4	4	4	1	2	1	1	1	1	2
Sanitation of dishes and utensils	1	4	4	4	4	1	1	1	1	1	1	2
Insect, weed, and rodent control	4	4	4	4	4	3	4	2	2	3	3	4
Animal regulations	4	4	4	4	4	4	4	3	1	2	2	4
Camp cleanliness	2	4	4	4	4	4	3	1	1	1	1	2

Analysis of State camp safety regulations—Continued

[Code—1 excellent; 2 good; 3 fair; 4 no regulations]

Category	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont	Virginia	Washington	West Virginia	Wisconsin		Wyoming
										Residential	Day	
VII. Safety:												
Aquatic facilities	1	4	4	4	4	3	3	3	1	1	1	4
Archery ranges	2	4	4	4	4	4	4	4	2	4	4	4
Rifle ranges	2	4	4	4	4	4	4	4	2	1	4	4
Horseback riding procedures	4	4	4	4	4	4	4	4	4	4	4	4
Fire regulations	2	4	4	4	4	4	4	4	1	2	1	4
Heating equipment	4	4	4	4	4	4	4	4	1	4	4	4
VIII. Transportation:												
Condition of camp vehicles	4	4	4	4	4	4	4	4	4	4	1	4
Age and qualifications for drivers	4	4	4	4	4	4	4	4	4	4	1	4

CHANGE OF REFERENCE

Mr. HILL. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be discharged from the further consideration of S. 1462, to amend section 602 of title VI of the Civil Rights Act of 1964 (78 Stat. 252) to provide that Federal financial assistance shall not be denied any hospital or patient therein on account of certain practices of said hospital, and that the bill be referred to the Committee on the Judiciary.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF BILL

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the name of the Senator from Alaska [Mr. GRUENING] be added as a cosponsor at the next printing of S. 1378, a bill to designate the Indiana Dunes National Lakeshore as the "Paul H. Douglas National Lakeshore."

The **PRESIDING OFFICER.** Without objection, it is so ordered.

CHANGE DUE IN U.S. POLICY TOWARD EUROPE

Mr. MANSFIELD. Mr. President, to many of us, the current dialog over changing attitudes in Europe, and how those changes should be reflected in official U.S. policy toward Europe, is long overdue. Clearly, policy has lagged behind these changing attitudes. There exists a real gap between Europe as viewed by the Europeans and the same continent as seen through American eyes.

Concern for this gap has prompted 44 Senators to cosponsor Senate Resolution 49, the aim of which is to bring about a substantial reduction in the number of U.S. military personnel now deployed in Western Europe. And it has stimulated considerable debate outside Congress, particularly in the Nation's press.

In this connection, I call the Senate's attention to an outstanding series of articles by Thomas W. Ottenad, staff correspondent for the St. Louis Post-Dispatch. The articles, which appeared in the Post-Dispatch on March 12 through 18, discuss in depth changes in England, West Germany, East Germany, the Common Market, and in the interrelationships between these and the United States.

Mr. Ottenad is a highly perceptive newspaperman who has the ability to extract the essence of an issue. He states in the opening article:

> Radical charges are coming whether the United States wants them or not. Failure to cope with them will mean greater isolation from Europe.

In a first-rate piece of reporting, he goes on to prove his point. If any criticism may be implied, it is that Mr. Ottenad's series is not longer. I should think that an analysis of similarly high quality of the extent of interaction between other countries of Eastern and Western Europe would be most helpful.

Mr. President, I commend the reading of this series to my colleagues, and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

U.S. DOMINANCE IN EUROPE ENDS—WESTERN ALLIANCE IS WEAKENED BY DESIRE TO END THE COLD WAR—COMMUNIST SATELLITES ARE BECOMING MORE INDEPENDENT OF RUSSIA

(By Thomas W. Ottenad)

First of a series

BERLIN, March 11.—Old values, beliefs and priorities in Europe are changing as the postwar world yields to a new order.

The final form and direction are by no means settled. However, some of the distinguishing characteristics are emerging:

Many Europeans believe that the Cold War is over and there is no longer serious danger of a hot war between the United States and the Soviet Union.

East and West are moving cautiously toward each other in business and political relations.

There is a greater tendency for America and Russia to communicate directly on the basic issues that only the superpowers can handle, leaving Europe in a subordinate role.

Behind the Iron Curtain the Communist satellites of eastern Europe, with East Germany a notable exception, are becoming increasingly independent of the Soviet Union.

A deepening gulf divides the United States from western Europe, marking the end of the age of American dominance and foretelling an era of looser, more difficult trans-Atlantic relations.

The political, military and diplomatic ties that bind the Western Alliance are weakening, although Europe's dependence on American nuclear strength prevents a fundamental rupture.

The old spirit of nationalism, with Gen. Charles de Gaulle the foremost advocate, is rising on both sides of the Iron Curtain.

Radical changes are coming whether the United States wants them or not. Failure to cope with them will mean greater isolation from Europe.

These are some of the major impressions that emerge from conversations with diplomats, political leaders, businessmen, academicians and others on a seven-week journey through Europe.

Nearly everywhere was a feeling of change. It made itself felt, not only in fundamental issues but in daily life as well. Living up to its reputation as Europe's "swinging city," London looked far sleeker than it did two years ago. Shop windows were colorful and contemporary rather than drab and traditional. The miniskirt was everywhere.

Paris and Rome were dotted with construction cranes. New high-rise apartment and office buildings are transforming the faces of these two handsome cities, not always for the better. Between Brussels and The Hague the Low Countries are becoming increasingly industrialized, with more chimneys than windmills dotting the Dutch countryside.

This divided city of Berlin reminds that the past is not completely gone. The Communist-built wall that in 1961 stopped the flight of East Germans to the West still cuts the city in two. Yet even here in this isolated western outpost, surrounded by Communist-held territory, the tension is noticeably less.

In general there is a feeling in Europe that the detente between East and West has been strengthened. Throughout the western democracies there is an all but universal belief that war is virtually impossible; thanks to the nuclear balance of terror. The Cuban missile crisis in 1962 is widely regarded in Europe as the turning point. When Russia pulled back there, it signalled a refusal to go over the nuclear brink.

The theory, so much more confidently accepted in Europe than in the United States, is not new, but it is more strongly held now than it was a few years ago. In Europe the split between the Soviet Union and Communist China is regarded as an unrivaled opportunity to forge closer bonds between East and West. As evidence of the Russian attitude Europeans point to a recent proposal by Premire Alexi N. Kosygin, for a treaty of friendship and co-operation with Great Britain.

The chance that is seen may not last, since the current chaos in China could end in the ascendancy of a group that would heal the rupture with Russia. So action must proceed quickly. And Europe wonders why the United States does not show more initiative, imagination and leadership in seizing the opportunity.

A visitor finds considerable criticism of the United States in Europe. In part, it stems from the war in Vietnam. American policy is condemned on moral grounds. The war is said to have damaged America's standing severely in some places. Yet for most Europeans the conflict in Asia is remote and of little direct concern. Diplomats agree that it has not yet endangered fundamental American-European ties.

Europeans grumble about the United States for other reasons, too. Many feel neglected. Others criticize President Lyndon B. Johnson for lack of interest in Europe or for policies that Europeans find confusing.

Rather surprisingly, there seems little objection in western Europe to the increasing tendency by the United States and the Soviet Union to deal directly on major world issues without consulting others. Of all the European nations, Germany remains most suspicious of any deal that might be made by the Big Two. But even the Germans are no longer completely hostile. Foreign Minister Willy Brandt told the Post-Dispatch:

"We welcome this American intention (to deal directly with Russia), for the German government wants to see East-West tension reduced. We realize that the United States and the Soviet Union carry a special responsibility in that."

A few weeks later, however, Chancellor Kurt Georg Kiesinger attacked American-Soviet efforts to write a nuclear nonproliferation treaty. This, together with a threat to cut off its offset payments for British troops stationed in the Reich, raises serious questions about the unity of the new German coalition government and the continuity of its policies. It appears more flexible on some issues but more self-assertive on others. Worrisome, too, is a rising spirit of nationalism, demonstrated by the recent success of the National Democratic Party, which many regard as a neo-Nazi movement.

The German reaction to the projected nonproliferation pact suggests that Europe may be less amenable to the Soviet-American dialogue when it comes to grips with specific issues. The closer the Big Two come to agreement, the more Europe can be expected to be heard.

A number of recent developments emphasize the importance of the growing dialogue between Russia and America. They include the treaty signed last January prohibiting use of nuclear weapons in outer space and progress toward a nuclear nonproliferation pact. If the two big powers should be able to slow the antiballistic missile race, the pattern would be further strengthened and Europe would be even further cut off from the decision-making process. Soviet-American cooperation has been strengthened, too, by such minor steps as the consular convention pending in the Senate and an agreement for direct air service between New York and Moscow.

Adding a final thread to the East-West tapestry is the eastern policy being pursued by Germany. Actively seeking closer ties with the Soviet satellites, the Kiesinger regime already has succeeded in establishing diplomatic relations with Romania.

It is confident that others will follow suit despite East Germany's frantic efforts to halt the process. The Communist German regime fears it will be isolated if the West German policy succeeds.

The currents of change sweeping across Europe cut deeply on both sides of the Iron Curtain. Inside the Communist camp there is a clear trend toward greater independence, with Yugoslavia the notable frontrunner. Other eastern nations are beginning to shape a national communism that suits their own needs rather than the dictates of Moscow. Romania spoke out bitterly last spring against the maintenance of Soviet military bases and troops in eastern Europe. And throughout the satellite nations economic reform is under way, injecting profits, costs and incentives into the Communist system.

The European equation may be altered sharply by the new German government's ardent attempt to revive the intimate relations that formerly existed with France. How far it is willing to go in following Gen. De Gaulle's intransigent lead is not yet clear. However, it is not expected to risk a fight with the French over Britain's attempt to join the European Common Market.

This situation, now coming to a peak, is a critical one. The current belief is that De Gaulle will again keep Britain out of the club, as he did in 1963. If he does, the results will be shattering for both the financially strapped British and Europe as a whole.

Strong pressures are being felt for changes in western defenses. The betting in informed quarters is that Britain and perhaps the United States will soon reduce the number of troops they have in Germany. This likelihood, coupled with other factors, tends to put heavier reliance on nuclear weapons and could lead to a return to the doctrine of massive retaliation advocated by the late John Foster Dulles.

Economic problems in Germany and Britain, together with a "technological gap" between Europe and the United States, add further to the feeling of change in Europe. And over it all hangs a major imponderable: Will France, which last year withdrew from the integrated military organization of the North Atlantic Treaty Organization, break from the alliance itself after the treaty becomes open to renunciation in 1969? De Gaulle says he will not, but some informed diplomats here in Europe are skeptical. If he quits NATO, the result will be another major crisis for the Western Alliance.

Informed diplomats agree generally that a fundamental change is taking place in relations between the United States and Europe. Revived economically by the American Marshall Plan after World War II, the countries of Western Europe now are becoming more independent of the United States. They are turning to one another instead of to America in tackling basic problems. One high-ranking diplomat described the situation this way:

"The American age is ending in Europe. There is growing here a European consciousness of Europe."

He said that while an independent Europe was to be welcomed it will bring with it a period of strained relations with the United States.

"Greater independence will increase the gulf between the United States and Europe; not narrow it," he said. "Our relations are going to become looser. The future is going to be difficult. It will bring developments that we will regard as anti-American.

"We have assumed that we could have European independence without tears, that is, without negative effects on the United States. But we can't. There will be tears."

Relations between the United States and Europe have worsened significantly in the past two years, said another diplomat. However, he argued that the problem has not reached significant proportions and is not likely to do so.

Those who are most sanguine about the future argue that a healthier relationship will result if Europe is able to stand on its own feet and not be subservient to the United States. While agreeing philosophically, some officials warned that much will depend on the course Europe follows. If it retains a close tie with the United States, the Western world will remain strong. If, on the other hand, it seeks to become a third force, balancing between the West and the Communist East, American interests might be severely jeopardized.

At this stage it is difficult to see where the currents that are sweeping across Europe will ultimately lead. Much will depend on the fragile spirit of detente and whether it continues. Much will depend on efforts to scale down the armaments race. Much will depend on the course taken by Germany and whether it joins the Gaullist demand for a more independent military role for Europe.

And finally, much will depend on the postwar generation, now reaching maturity. In a sense, these young people typify the change that is occurring in Europe. For what is happening is that one age is ending, and a new one, as yet only dimly seen, is beginning.

Stakes Are High, Odds Poor for Britain as Wilson Seeks Common Market Membership—Showdown Stage Approaching—Difficult Economic Problems Are Faced by London Government

Second in a series

London, March 13.—The most exciting political game in Europe is moving into the showdown stage as the British push their effort to join the Common Market. The odds against them are nearly as heavy as those against a dice player in the gambling casinos here in London's sleek West End. Prime Minister Harold Wilson, never a rash man, is moving more warily than ever, for the stakes are high.

The nation's future is believed to hang in the balance. Whether Britain is to sink or swim as a major world power may well turn on how successfully Wilson handles the Common Market problem and a second big issue—the need to strengthen and modernize Britain's lagging economy and to overcome its persistent financial difficulties.

Energetic efforts are being made on both fronts. In a series of trips to the six nations making up the European Economic Community, or Common Market, Wilson and Foreign Secretary George Brown have sought to show that Britain is ready to end its traditional insularity and become a good "European."

At home an initial program of "freeze and squeeze" has severely pinched and domestic economy, easing pressure on the all-important balance of payments and bolstering the frequently shaky pound sterling.

Despite a firm beginning, early success is unlikely in either field. Even optimists who think there is a chance for membership in the common Market concede that it is probably two or three years away. And in the economic sphere, a long, determined effort will be required to modernize production methods, halt union featherbedding and make the other fundamental changes needed to cure the country's serious ills.

Complicating both problems is increasing political opposition. More than a hundred back-bench members of Wilson's own Labor party have signed a resolution opposing entry into the Common Market. And the powerful Trades Union Congress, the source of much of the Labor party's strength, has bitterly attacked the government's plans for continued wage controls.

Wilson has created a swirl of activity in dealing with both the Common Market and economic issues. But at times the flurry is more confusing than revealing. Never one to foreclose any options, Wilson, his critics say, has not yet committed himself unequivocally to Common Market membership. His economic program is regarded as a courageous move for a Labor Prime Minister, but skeptics wonder whether he can push it far enough.

The biggest obstacle to British hopes is again French President Charles de Gaulle. It was De Gaulle who in January 1963 vetoed the first British move to enter the European economic community.

There is an almost unanimous belief among European leaders that De Gaulle still does not want Britain in the EEC. Those who have seen the French leader find him suspicious of Britain's "special relationship" with the United States. The French say that if Britain is admitted to the EEC it will simply be a Trojan horse for further American domination of Europe. In this connection, a recent proposal by a group of Americans to strengthen U.S.-British relations was viewed as unfortunate and ill-timed.

De Gaulle is said to feel also that Britain is not sufficiently European-minded. Britain's strained economy is cited as a bar to membership. As remedies, the French have pondered such possibilities as ending the role of sterling as a reserve currency, devaluation of the pound, and abandonment of British defense commitments east of Suez, which the U.S. wants continued.

In Europe, most of the French arguments are regarded as window dressing. At the heart of the matter is French fear of British ties with the U.S. and the realization that Britain would seriously challenge both their leadership of the EEC and the domination they seek of western Europe. The British position is weakened by the lukewarm attitude of West Germany. The Bonn coalition government, bent on restoring close relations with France, is regarded as not likely to risk a fight with De Gaulle over Britain.

Many who favor British entry into the Common Market are counseling delay. They want at all costs to avoid a direct confrontation that might provoke a final no from De Gaulle. A well-informed official at the Common Market headquarters in Brussels suggested protracted, informal discussions while hoping for more favorable conditions. The British seem to be leaning in this direction. Two weeks ago in the House of Commons Wilson himself appeared to hint that Britain might set out on a second round of exploratory talks rather than submit a formal application for membership.

There is a general expectation that any decisive step will be delayed at least until after the Kennedy round of tariff negotiations, at which bargaining may end about April 30. Wilson told the House of Commons the other day that his government would decide what to do about May 1. His probable choices are to go ahead at once or to wait for a more favorable time, probably using the pretext of further exploratory talks. Some officials believe the whole matter may be put off until next year.

In substance, Britain needs the Common Market for one essential reason: Only as part of the EEC can it have access to the mass market it needs to hold its own against the United States and other world competitors.

Membership, however, would not be an unmixed blessing. A major problem would stem from the shift from Britain's low tariffs on agricultural imports to the Common Market's relatively high levies. British food prices probably would rise by 10 to 14 per cent, with the cost of living jumping as much as 3.5 per cent and the balance of payments being adversely affected by $700,000,000 or more.

The British would like to soften the impact by adopting the agricultural system gradually over a transitional period of perhaps seven years. Britain's relations with the Commonwealth and with its partners in the European Free Trade Association also might require special consideration.

While Wilson and Brown devote their energies to the Common Market question, Chancellor of the Exchequer James Callaghan and Michael Stewart, Minister of Economic Affairs, are trying to put the economy on a sounder footing.

It is difficult to realize on a visit to Britain that the country suffers from serious economic ills. The shops in London are filled with luxury items and there is no shortage of customers. There is a lively, vibrant air about London. Somehow there is a greater feeling of change in the air than you remember from a visit just two years ago.

But beneath the surface the problem is acute and familiar. Economic growth has been slow and unsteady, with the annual increase in gross national product in the decade ended in 1964 hovering between 2.8 and 3.4 per cent.

Recurrent financial crises—four in eight years—have hit the country. The balance of payments has been in deficit in nine of the last 14 years. Although more exports are urgently needed, imports have been growing faster, rising at the yearly rate of 4 per cent in the last decade against 3 per cent for exports.

Inflationary pressures have been strong. In the 10 years ended in 1965 retail prices rose by 34 per cent. In the same period, weekly earnings of manual workers soared by 65 per cent. With incomes rising about 6 per cent a year and productivity by more than 2½ per cent, the upward spiral has quickened. As prices rise, imports increase, exports fall behind, and the old cycle is repeated with the balance of payments worsening and sterling coming under new pressure.

It was this kind of situation that came to a boil again last summer. The balance of payments had been in deficit since the second half of 1963. Demand pressures were heavy, with wages and salaries nearly 8 per cent higher in the first quarter of 1966 than a year earlier but with the gross national product up less than 2 per cent. Then a seamen's strike severely cut into exports. These and other factors put heavy new pressure on the pound.

The labor government decided that its previous limited measures were not adequate. In July it ordered a program of "freeze and squeeze." The aim was to curb domestic and overseas spending in order to relieve the pressure on sterling. Wages were frozen for six months and then severely restrained for six more. With few exceptions prices were frozen for a year. Credit was tightened, some indirect taxes were boosted and public spending was cut at home and abroad.

It was a tough program designed to reduce demand on the domestic economy by 1.4 billion dollars and to cut overseas spending by nearly $500,000,000. It was hoped that the pause would allow productivity to catch up with the increases in incomes.

Callaghan and Stewart believe that their austerity program is working. The Chancellor of the Exchequer reported recently that sterling has strengthened, with reserves of gold and convertible currencies increasing. Exports are about 10 per cent higher than a year earlier. The rapid increase in imports appeared to have been checked, although the picture was not entirely clear. The balance of payments improved last year.

But the gains are not without cost. Unemployment has increased sharply, with the rate in February standing at nearly 2 per cent. This is a high level in Britain, but still only about half the rate of nearly 4 per cent reached in February 1963. Industrial production has declined more than 2 per cent since last summer, a significant decline. Automobile production dropped by 7 per cent last year to the lowest level since 1963, but the slump may have eased in the last two months.

What the Laborites have done so far is not very different from the "stop and go" policies for which they used to condemn the tories. The Labor government has certainly stopped the economy. But the question now is how long it can safely be held in check. Already there are gloomy forecasts that unemployment may hit 2½ per cent by the end of 1967 and may continue to rise in 1968 if present policies are continued. Private investment in new factories may be down 10 per cent this year with private purchases of homes down by 4½ per cent.

The government already has taken some cautious reflationary steps. Government grants to encourage productive investments were stepped up. Government spending estimates for the fiscal year starting April show an 8.5 per cent increase, and the bank rate, which determines interest charges, was lowered from 7 to 6½ per cent in January. However, officials doubt any major reflationary moves are likely this year.

Complicating the short-run outlook are a number of other factors. Limited wage and price pressures are likely to be felt this spring. The current period of "severe restraint" is less rigid than the initial "standstill," and increases in wages and prices will be possible under certain conditions.

Even more uncertain is the outlook for the period after the government's statutory controls over wages and prices run out next August. The government has proposed an extension of limited powers allowing it to delay but not to prohibit or rescind wage and price increases. The Trades Union Congress wants nothing more than a voluntary system. Business is not happy about government regulation either.

While this question remains unsettled, officials of the Labor government believe a significant gain has been made. They say that both business and labor now accept the idea that there should be some form of prices and incomes policy related to productivity and the nation's general economic well-being.

Government officials concede that a successful wage-price policy is one of the long-term goals they must achieve if they are to correct Britain's underliving economic ills. Others include: improvement in efficiency and productivity, stimulation of export production, job training, cost reduction and modernization of factories and methods. Efforts are being made in all of these fields through the recently established ministry of technology and economic development committees. But officials say it is too early to tell whether they are succeeding.

One of the fundamental questions is whether British businessmen and workers are ready to change traditional ways of doing things in order to keep pace with the world around them. An astute businessman who has broad contacts in industrial circles is convinced that the structure of British industry is changing.

If Britain is to have a viable, major economy in the future, some observers are convinced she must have a bigger base and market. It is here that the move to join the Common Market complements the country's economic program.

West Germany's New Directions Likely to Have Wide Effects on Its Ties With United States, Britain—Growth of Right-Wing Party, Economic Slump, Relations With Reds Are Factors in New Role

Third of a series

Bonn, March 14.—A new kind of West Germany is once again seeking a place in the sun.

More demanding and assertive, it appears to be ending some of its old ties. Politically and diplomatically it is moving in new directions and its actions could have far-reaching repercussion for both the United States and Europe.

Especially disturbing to some observers is an apparent tendency by the new coalition government of Chancellor Kurt Georg Kiesinger to split with American and Britain and to tie itself more closely to France. Also unsettling is the emergence of an extreme right-wing political party that revives memories of the Nazi past. There is concern, too, that the country's current economic slump might further fan the flame of an emerging nationalism and political extremism.

At the same time there is an encouraging aspect to some of the trends found here in this small capital city on the banks of the Rhine.

Of major significance is a shift in West German foreign policy from the rigidities of the Adenauer and, to a lesser extent, the Erhard regimes. There is greater flexibility and realism than before on such key questions as a European detente, relations with the Communist bloc and reunification of Germany.

The course that West Germany settles on in the months ahead is of vital importance, because this grim and determined land, which only 20 years ago lay shattered, has again become an industrial and military power. In terms of population, trade, industrial plant and foreign financial reserves it is the leading power in Europe outside the Soviet Union. Its gross national product ranks behind only that of the United States and Russia. Its military force of 462,000 men is the second largest in western Europe although, unlike France and Britain, it has no nuclear weapons of its own.

With power of this kind, what West Germany does may well affect the face of Europe. So far, this potential has been largely unrealized. For a cardinal point of western foreign policy has been to keep Germany so closely bound up in the Atlantic alliance as to block any opportunity for independent adventures.

Whether Kiesinger will try to free himself of these restraints is not yet clear. But certainly his Christian Democrat-Socialist coalition has shown no hesitation about setting out on an independent course and pushing for its own goals even at the risk of alienating old allies.

This tendency already has provoked a minor crisis with the United States over the proposed nuclear nonproliferation treaty. To the astonishment of nearly everyone Kiesinger suddenly has taken a hard line against the pact. His action has jeopardized prospects for the treaty, which previously had been rated good because of near-agreement by the U.S. and the Soviet Union.

The German attack was a virtual turnabout. Early last month Foreign Minister Willy Brandt, although raising some questions about the proposed agreement appeared to give it strong backing. Then came a whispering attack followed by open complaints against Washington by top German officials.

Finance Minister Franz Josef Strauss, regarded by some as the strong man in the German government, is believed to be behind this move. Cynics charge that the real German objective—one they say Strauss holds dear—is to keep the way open for a more independent military role for Germany. These sources dismiss as phonies the Germans' ostensible objections that the treaty endangers their civilian nuclear industry and that it fails to guarantee the security of Germany and other nonnuclear powers.

In another area the Kiesinger government, with Strauss again calling the tune, suddenly has taken a tougher position on the question of offsetting part of the costs incurred by Britain in keeping 55,000 troops in the Reich. It has indicated it may cancel the offer of the previous Erhard government to pay one-third of the foreign exchange costs incurred by Britain.

Another shock to British-German relations may be coming soon. Many diplomats are convinced that Germany will do little to help the British in their current effort to join the European Common Market. Although Germany favors British membership, skeptics say Kiesinger will not risk a fight with France, which is strongly opposed.

The Coalition government has made the restoration of close relations with France one of the two touchstones of its foreign policy since taking office last November. In mid-January Kiesinger went to Paris to confer with French President Charles de Gaulle. The meeting was hailed on all sides as a start toward restoring the intimacy that had existed when Konrad Adenauer was Chancellor but which had cooled under Erhard.

How far Kiesinger is prepared to go in wooing De Gaulle is not clear. The German Chancellor insists that he does not share De Gaulle's opposition to an integrated allied military system, to the presence of American troops in Europe or to Britain's entry into the Common Market.

Most diplomats believe that Germany has no intention of trading the protection of the vastly superior American nuclear umbrella for that of France's tiny force de frappe. As a result, they expect the overall goal of the Kiesinger policy will be to preserve Germany's basic ties with the U.S. in defense and other essential fields while at the same time striking a more independent attitude and paying court to France.

By far the most dramatic change in direction under the new German government involves its attitude toward the Communist world. The Kiesinger regime signaled its intention shortly after taking office by announcing that it intended to seek closer relations with the Communist governments of eastern Europe.

The effort has been pushed energetically. The first breakthrough came late in January when diplomatic relations with Romania were established. The Germans are hopeful that one or two other Communist governments, most likely Hungary or Bulgaria, will follow suit this year.

Diplomats generally believe that closer relations between Germany and the Soviet satellite bloc will help to relieve tensions in Europe. East Germany, fearful of being isolated, has reacted strongly. At its request an emergency meeting of the Warsaw pact nations was held a month ago to consider the West German campaign.

But it brought no assurances that other Communist governments would not follow Romania's lead. However, the Soviet Union, under pressure from East Germany, has gradually hardened its stand against the West German initiative.

The "eastern policy" being pursued by Bonn is far more ambitious than its previous actions. Under previous governments Germany made limited overtures to the Communist bloc, concluding trade pacts with Poland, Hungary, Romania and Bulgaria. The new government seems ready to bend, if not to scrap, the old Hallstein doctrine—which prohibited relations with any nation—except the Soviet Union—that recognized East Germany.

Germany's attitude toward the East has changed in other respects, too. Gone is the old insistence that East and West Germany must be reunited before there can be any thought of a general detente in Europe. The coalition government is willing to join in steps to relax. East-West tensions first, putting off until later the goal of reunification.

To many people one of the most worrisome developments in Germany is the growing power of the National Democratic party, regarded by many as Neo-Nazi. The problem is almost certain to become more acute in the months ahead.

The party, which scored its first successes last November when it polled almost 8 per cent of the vote in elections to the state legislatures in Bavaria and Hesse, is expected to make further gains in both state elections this spring and in the national contest for the Bundestag in 1969. Guesses are that it may win 10 per cent of the seats in the Bundestag.

This would give the NDP a national sounding board. Nonetheless, experts believe it will remain only a limited political force although they warn: Its popularity could zoom if it produces a magnetic leader or if the present stagnant economy changes into a serious recession.

The economic problems that confronts Germany is both unfamiliar and serious. Germany, the land of the "wirtschaftswunder," or "economic miracle," had become accustomed to never-ending growth as its economy soared at the annual rate of 7.5 per cent throughout the decade that ended in 1960.

It was shocking to find that the rate last year had suddenly slowed to no more than 2½ per cent, the slowest since the currency reform of 1948. The prospect for this year was even worse: absolutely no growth at all unless drastic measures were taken. "Never before have the indices been so gloomy," an expert at the Ministry of Economics told the Post-Dispatch.

The government responded with an anti-recession package. Government spending on defense and social welfare was slashed. An emergency public works program to pour $625,000,000 into highways, railroads and other projects was drafted. Tax incentives were offered and credit was eased.

There are serious doubts among some experts as to how well the program will work. For one thing, the growth estimates on which the budget is based are probably far too high. As a result, the government is likely to face the prospect of a sizable deficit later this year.

Although unemployment climbed to 2.6 per cent in January—or double the level a year earlier—most observers believe that the German economy is fundamentally sound. They expect it to shake off the present slump without serious damage. However, one German expert said a major economic disaster could develop unless the government was skillful.

Well-informed observers here in Bonn say it is too early to tell whether the coalition of Christian Democrats and Socialists will hold together until the next scheduled elections in 1969. For the most part, they think it will unless it stubs its toe on the economic problem or some other major issue. Some persons question how long men of such divergent views as Strauss and Brandt will be able to work together.

Some observers have been impressed with Kiesinger. Said one, "he is more decisive and effective than anyone expected. Furthermore, he is open minded about working with Brandt's Social Democrats to implement common policies."

In practical political terms, both the Socialists and Christian-Democrats face a common problem. To justify their joining hands, they must sharply differentiate their government from that of former Chancellor Ludwig Erhard. Basic criticism of Erhard's regime was that it had become too dependent on the United States, particularly at a time when American interests in Europe appeared to have waned. Erhard was censured also for neglecting French-German relations.

It is clear now that the Kiesinger government is determined to reverse these policies. In doing so it has created an image of a more demanding and more independent Germany.

"It is inevitable that there will be some loosening of its tie with the United States," remarked one diplomat.

Living Conditions in East Germany Best of Any in Soviet Bloc but Peace of Mind Is Lacking—Government Lives in Fear and Suspicion—Isolation From Other Satellite Nations Is Increasing

Fourth of a series

East Berlin, March 15.—The dismal wall of stone, barbed wire and guns that cuts through the heart of Berlin has brought the stability of a prison to East Germany but has failed to bring peace of mind or security.

Deeply mistrustful of the United States and the West, the Communist German government lives in fear and suspicion. It shows little interest in the detente that one feels with increasing force in much of the rest of Europe.

Its deepest hatred is reserved for its brothers in West Germany, whose every move is viewed as a plot to destroy the weaker Communist regime. Within the Communist camp itself, East Germany appears increasingly isolated, with other satellite governments ignoring its protests and moving toward closer relations with West Germany.

A week of traveling through East Germany leaves a Western visitor uncertain about this strange country, perhaps the darkest spot behind the Iron Curtain, but conversations with East Germans and with knowledgeable experts help, and at the end a few tentative conclusions emerge:

East Germany has become an economic reality ranking as one of the world's top 10 industrial countries despite limited resources and manpower.

The Communist government appears well established. Any thought of a popular rebellion against it is said to be unrealistic.

East Germany opposes reunification except on its own terms, and prospects for bringing the two Germanys together appear to have receded into the distant future.

There is little intellectual freedom here, with tougher government controls than in most other Communist bloc countries.

Living standards have improved, reaching the level of West Germany of 10 or 15 years ago.

East Germany claims to have eradicated all traces of the Hitler era but charges that the Nazi spirit is still strong in West Germany.

Unlike other satellites, which have loosened their ties with the Soviet Union, East Germany remains tightly bound.

East Germany is a grim and somber country. Somehow there hangs over it something of the depressing air that Christopher Isherwood described so vividly in his stories of Berlin in the 1930's.

The visitor who travels from East Berlin to Dresden and Leipzig finds himself bombarded by propaganda from morning to night. The Communist government is all-wise; it has made no mistakes.

Eager to be recognized as the equal of West Germany, the East German regime welcomes almost any kind of attention. Its officials are helpful and friendly to the few western reporters they see. However, the government controls and supervises a reporter's visit. It picks the people and places to be seen; the driver and guide it provides are always present.

By American standards this country lags far behind the western world. Its per capita consumption of goods and services is only about two thirds the level in West Germany. Wages are lower and many prices are higher. The necessities of life are generally low priced, but luxury items are expensive and consumer goods often are scarce. An East German worker has to work from two to six times as long as a West German to pay for such articles as a man's suit, woman's silk stockings, refrigerator, automobile and television set.

Yet by Communist standards East Germany is far above average. Living conditions are better than in any other country in the Soviet bloc. There is only one private automobile for every 66 persons, but that is far more than any other satellite nation can boast. In the European Communist camp it ranks second only to the Soviet Union in industrial output and productivity. Even the West Germans concede that in some ways the East Germans have outdistanced them, with lower rents, lower prices for basic foods, and in some ways more advanced social welfare, health and education programs.

East Germany has benefited heavily from its prison wall. Before the wall was built across divided Berlin in 1961, more than 3,000,000 persons had fled from East Germany. With only 17,000,000 persons left behind, this constituted a serious loss, magnified by the fact that many who fled were skilled workers, professional people and intellectuals.

Now the loss has been cut to a trickle. As a result, the labor force has been stabilized. Economic planning has a sounder base and production has increased. When a visitor suggested recently that East Berlin seemed to have far more new buildings than he remembered from a trip four years ago, his German guide replied, "Yes, most of our building has come in the past five years."

To one who is accustomed to freedom, the wall has an obsessive quality. Repeatedly one finds oneself wondering what would happen if it were suddenly torn down. Would there again be a rush to escape? And what would follow if the 22 Russian divisions stationed in East Germany were withdrawn? Would the people arise and overthrow the government of Communist boss Walter Ulbricht?

Even the experts hesitate in answering. Undoubtedly many would leave if the wall were down. It is difficult to say, however, whether the rush would be as big or as protracted as before.

The air of acceptance that has come after nearly 18 years of Communist rule came through clearly in the conversations of a number of persons who spoke with a recent visitor. In East Berlin young factory workers parroted the government's line on every issue. They realized their obligations to the socialist order—to work hard, go to job training classes at night, increase production. They were determined to carry them out.

In Dresden the young personable economic director of a camera factory was delighted with the emphasis put on profits and costs in the country's recently liberalized economic system. On a collective farm near Leipzig, workers appeared well pleased with wages they said were far higher than they ever earned before the war as laborers on the estates of large landlords.

One comes away with the feeling that the Communist government of East Germany is not likely to be upset from within. It could be overturned by a drastic change in international conditions, if, for example, the Soviet Union decided that East Germany was no longer important to it. This seems unlikely at present.

The Communist German government appears out of step with the rest of Europe. At a time when its fellow satellites are showing greater independence of the Soviet Union and new interest in closer relations with the west, East Germany is marching to an older, harsher tune.

Ulbricht's government has been thrown into something near panic by the developing cordiality between West Germany and Communist nations in Eastern Europe. To the East Germans this is a dangerous move that may isolate them from their only allies. They saw the first step in Romania's decision late in January to establish diplomatic relations with the West Germans.

At the East Germans' urgent request, the Warsaw Pact nations held a meeting a few days later. East Germany failed to get any assurances that other Communist governments would not follow Romania's lead. However, the Soviet Union recently has taken a stronger line against the West German campaign, affording East Germany some moral support.

In the face of the more flexible attitude shown by the Bonn government, Ulbricht has stiffened his attitude. In an address last New Year's day the East German leader said, in effect, that West Germany would have to recognize the East German state before there could be any talks about joining the two nations in some kind of confederation.

East Germany, say the experts, does not really want reunification. In large measure, this reflects the concern that East Germany, with only one third the population of West Germany and a much smaller economy, would be overwhelmed in almost any amalgamation of the two. As time passes and the differences become more pronounced between the two Germanys, the prospects for reunification appear more remote.

Although its political face is turned to the past, a slow trend toward economic liberalization is moving ahead here just as it is in much of the Communist world. Although there are differences from country to country, the process consists essentially of loosening central state controls and giving more weight to the market place. Profits, wage incentives, realistic costs and other elements of a capitalist economy are being introduced and are transforming the Communist system.

Economists rate East Germany as farther advanced than any other Communist nation in implementing this process. The "new economic system" here was launched with a blueprint in July 1963. The first stage, which has been completed, saw considerable decentralization in economic planning and control of industrial production. Decisions formerly spelled out in great detail by the central government were turned over to industrial associations. Prices of raw materials and some other goods, instead of being set arbitrarily, were revised to reflect costs more realistically.

Two months ago the second stage started. Describing its purpose, an economist for the State Planning Committee told the Post-Dispatch: "We used to say, 'the best factory is the one with the highest production.' Now we say, 'the best factory is the one that makes the highest profit.' "

The new phase allows a more independent role for individual factories in planning production levels and kind of output. It emphasizes bonuses and incentives for workers and stresses the need for factories to show a profit. Perhaps the most important aspect of the plan is a broad reform in the prices of finished goods and industrial machinery so as to reflect actual, rather than theoretical, costs. Subsidies are to be removed.

Nonetheless, some limits remain. The prices to be charged by factories will be indicated through government calculations of profits and costs. And price revision will not apply to consumer goods. Subsidies on these will continue; their prices will not reflect true costs. While other prices are expected to rise, the government has pledged that those of consumer products will not.

Economists outside of East Germany believe the Communist government here will have difficulty in carrying out its plan. They see inexorable pressure on consumer goods as prices of materials and other components rise to reflect true costs. "This is the year of truth," said one non-German expert.

Some economists believe that East Germany, although leading the way in implementing the new economic system, actually is far less radical in approach than some other Communist countries. They believe that it will retain the principal of price fixing by the government, although the figures are likely to be based more realistically on actual costs. In contrast, others, notably Czechoslovakia, Hungary and Bulgaria, appear inclined to move farther away from government control of prices, with the market playing a larger part.

What the future holds for East Germany is difficult to tell. It is an artificial state created by the Soviet Union in the aftermath of World War II and its history has been harsh. It is estimated that Russia took more than 15 billion dollars in war reparations out of the country. A small nation no bigger than the largest state in West Germany, it has few natural resources. It must import much of its food as well as raw materials for industrial production. It did not reach the prewar level of industrial output until 1957, six years later than West Germany. In 1960 the production of consumer goods still was below prewar levels.

The future is likely to be influenced heavily by a rising new class of managers and technicians. For the most part, young men are moving into positions of importance in business and industry. Their interest is less in doctrinaire Communist ideology than in making the system work. Although they do not criticize the past, they feel that conditions have changed. They are all for profits and incentives within an elastic Communist framework. They are a more pragmatic, more business-minded breed than the aging professional Communists who still control East Germany.

Also important for the future are those who are even younger. The postwar generation, just reaching maturity, is disaffected in East Germany as elsewhere. Said one observer who has studied them closely:

"The young people in East Germany are politically disinterested, just as they are in West Germany. They want to be left alone. They are not interested in questions of war and peace.

"They feel no responsibility for the past. They are sick of nearing of the Nazi period and its concentration camps. All of that is for their fathers. They want to have fun.

"They have been forced to accept the Communist system, but they are not fully committed to it. They join the organizations so they can get ahead. They will never rebel.

"But they will be good technocrats and well trained specialists. They won't overthrow the system, but they may modify it.

"East Germany will never return to what it was."

Gulf Widening Between United States and Europe; How To Curb Arms Race Is Central Issue—Disarray, Dissension and Uncertainty Surround Allied Defense Policy—"Bored to Death" With NATO

Fifth of a series

Paris, March 18.—"If you want to clear the room at a cocktail party just mention NATO," remarked a young diplomat who is stationed here. "Everyone is bored to death with it."

Although exaggerated, this cynical comment tells something of the air of disarray, dissension and uncertainty that surrounds Allied defense policy.

Western strategy, already weakened by France's split with the 14 other members of the North Atlantic Treaty Organization, is under new pressure. With the British leading the way, a strong effort is being made to reduce the number of Allied troops stationed in Europe and to return to the doctrine of massive nuclear retaliation.

The Western squabble comes against a backdrop of urgent need to curb the arms race. Under discussion are a treaty that would bar the spread of nuclear weapons and an attempt to avoid the installation of costly antimissile defenses, which many see as another, perhaps unbearable, twist in the armament spiral. A decision on both rests largely with the United States and the Soviet Union. If they fail, it may be too late to slow the weapons race.

As one travels through western Europe, the impression grows that there is emerging a groping, awkward effort to break out of the patterns of the past. Many diplomats and others argue that the danger of war has eased if not disappeared. Now the West can—some say must—relax its defenses.

This sentiment is one measure of the widening gulf between the United States and Europe. For America clings to the Cold War doctrine that the Soviet Union remains a clear military threat to the West. Critics charge the United States with failing to respond vigorously enough to the opportunity for better relations with the Soviet Union which many Europeans think has grown out of the Russian-Chinese split.

Europeans differ in their prescriptions for the future. Some, like the young diplomat here in Paris, believe that NATO has outlived its usefulness. This view reflects the basic difficulty encountered in trying to hold together a military alliance when the threat confronting it appears to have dwindled. But it is an extreme attitude, not widely shared in European government circles.

Much more widely held is the belief that Western defense levels can be reduced safely. A high-ranking official at NATO headquarters here said privately, "There is an unspoken feeling that adjustments, that is, reductions, can be made." He said sentiment for a cutback was clear in Great Britain, Germany and some of the smaller countries in the Western alliance.

The first step may come soon. There is a general belief in European circles that Britain soon will reduce its garrison in Germany. Facing severe financial problems, the British have asked Germany to offset the foreign exchange costs of $263,000,000 a year involved in keeping the troops there. The Germans have never offered to meet more than one third of the total, and their coalition government now appears unwilling even to go that far. The British have made it plain that unless they get help from some quarter they probably will cut their 55,000-man Army of the Rhine by about one third.

Such a move would give strong ammunition to those who favor a reduction in American military force in Europe, still totaling about 300,000 men. An increasing number of members of Congress have been urging a reduction. Mike Mansfield, the scholarly Democratic leader of the Senate, has been joined by more than 40 cosponsors in introducing a resolution calling for a substantial cutback.

This is an attractive suggestion, especially in view of the demands of the Vietnam war for men and money. Furthermore, some sources would not be surprised if Germany moved soon to cut its offset payments to the United States as well as to Britain. Under a two-year agreement ending next June 30, the Germans are committed to buy $1,350,000,000 worth of military equipment in the United States to counterbalance American troop costs. As of Jan. 1, they were about $500,000,000 short of purchases.

Despite accumulating pressures, the Johnson Administration has been standing firm against reducing the American garrison in Europe. Late last year it initiated talks with Britain and Germany seeking to avoid a hasty cutback. Two weeks ago it suggested a new formula: Germany would not be expected to offset American and British troop costs through direct purchases of arms. Instead, the Allies would try to work out a policy of monetary co-operation to prevent troop costs from contributing to balance-of-payments problems or to the continuing drain on gold reserves.

If the eventual decision despite U.S. opposition is for a substantial reduction in allied troop levels in Europe, the effects will be far-reaching. On the positive side, some European experts believe the Soviet Union would respond with a troop reduction of its own, although they doubt that it would agree in advance to do so.

Troop reduction might help also to defuse the dangerous situation that exists in Europe because of the intense concentration of armaments there. Alastair Buchan, director of the authoritative Institute for Strategic Studies in London, noted a year ago that "middle Europe is the most highly armed area in the world." This section of Europe, not much larger than Texas, held 1,000,000 armed men, 7,000 aircraft and more than 6,000 nuclear warheads. For Europe as a whole, the figures are even bigger.

Some military men and others believe there might be adverse effects from a troop curtailment by Britain and the United States. To some extent, they say, it would reduce the tight control that the allies have exercised over West Germany since World War II. It would also enhance the position of France, which is maintaining troops in Germany without any direct offset payments. And it would push the alliance toward greater reliance on nuclear weapons.

This last effect takes on added importance in view of the strong effort being made to revive the doctrine of massive nuclear retaliation that was advocated by the late Secretary of State John Foster Dulles. Chief architect of the new move is Dennis Healey, British Minister of Defense. His objective is to get rid of the strategy of flexible response evolved by the Kennedy Administration shortly after it took office in 1961. Under this approach, conventional forces were emphasized with the hope that the ultimate nuclear conflict could be avoided. In essence Healey's theory is based on the belief that a major war is most unlikely but that if it does occur, it will "go nuclear" almost at once.

The British feel they have support for their approach among a number of NATO countries, although the United States remains committed to the concept of a flexible response. However, the growing estrangement from Europe and rising pressure to cut American costs and troop commitments abroad could push the U.S. closer to the doctrine of instant nuclear retaliation.

Looming large over the future of NATO is the question of what France will do two years from now. For in 1969 the NATO treaty becomes open to renunciation. President Charles de Gaulle has said that he does not intend to take France out of the western alliance, but some allied diplomats think he might. If he does, it is questionable whether the Atlantic alliance will survive.

It is clear now that NATO has been damaged seriously by France's withdrawal a year ago from the alliance's integrated military structure. Diplomats in Europe make much of the fact that NATO survived the French actions and even took a few steps forward. But most of the gains they point to are largely procedural and bureaucatic in nature. For Gen. Lyman L. Lemnitzer, supreme commander of NATO forces, and other allied leaders, there are serious military problems. Acknowledging that NATO has been weakened militarily, informed sources ticked off some of the major effects of the French move:

Northern and southern Europe have been separated by a de facto neutral belt made up of France, Switzerland and Austria.

Allied military operations have been made more difficult and expensive, for troops and supplies must now detour around France.

Military activity will be jeopardized even further if France closes its air space to Allied planes. Overflight rights, formerly granted for a year at a time, now are on a monthly basis.

Although France may, as it promises, stand by its allies in the event of war, it is not expected to make any significant commitment on which hard military plans can be based.

Critics feel that the French take a one-sided view of their relations with the western alliance. This appraisal was underscored by a French official who told the Post-Dispatch that France must have complete freedom of choice as to whether to join any future war involving western nations. Yet, he went on, the United States must be "trapped" into helping Europe in any emergency. Asked how he justified such a double standard, he replied:

"I don't justify it. I just state it as a fact. The truth is we need you more than you need us."

Germany's attitude on defense problems is viewed by some as curiously ironic. It demands that Allied troops be kept in the Reich for its protection; yet it balks at helping to pay for them. Further, its defense expenditures fell from 6 per cent of Gross National Product in 1963 to only 4.7 per cent last year; its level of defense spending has been lower in recent years than that of any other major western country except Italy.

The future for NATO is uncertain. There is some assurance in the widely held view that none of the 14 remaining members will follow France's example and withdraw. European sources are convinced that none of the countries is ready to abandon the defense shield NATO offers. But, they say, many are ready to reduce the size of the shield.

Pessimism Reigns in Brussels as Ideal of Political Union for Common Market Retreats—EEC Compared With Youngster on a Bicycle, Pedaling Barely Fast Enough To Keep From Falling

Sixth in a series

Brussels, March 17.—A visitor to the headquarters of the European Common Market here in Belgium scarcely has time to put down his suitcase before hearing about "the bicycle theory."

Like a youngster on a slow-moving bicycle, he is told, the Common Market is pedaling along barely fast enough to keep from falling.

The simile is apt. Even the best friends of the six-nation European Economic Community or Common Market concede that its momentum has slowed seriously. Beset by internal problems, political changes in Europe and persistent French nationalism, the EEC has stalled so badly that it is doing little more than marking time.

The change is keenly felt here in Brussels. Informed sources say that President Walter Hallstein and other members of the executive commission appear to have retreated to a more cautious position. The executive arm of the EEC has boldly championed the idea that the countries of Europe must at last turn their backs on the outmoded concept of national independence and join in a United States of Europe.

But now some of the leaders of the fight are tiring. Speaking privately the other day, a major official of the EEC talked gloomily of the discouraging lack of progress. He wondered aloud whether he should get out and perhaps try to carry on the battle from outside. This tone is far different from that of a few years ago. Then despite setbacks the "Eurocrats" of the Common Market were confident that they were winning the fight for a new and better Europe.

The assessment today is far more pessimistic. Some competent sources see little early likelihood that the EEC will advance beyond its initial goal of creating a customs union to the broader and more difficult objectives of establishing a true economic, and eventually, political union.

It now appears that the customs union will be set up by July 1, 1968, 18 months ahead of schedule. Principal achievements will be elimination of all internal tariffs so that goods may move freely among the six member states, France, Germany, Italy, Belgium, The Netherlands and Luxembourg; establishment of a common set of external tariffs replacing varying national levies on imports, and creation of a common agricultural market.

Outlook for the second goal, that of unifying the entire economies of the member nations, is less promising. "The chances are fair," said one highly placed EEC official. "They're not bad, but they're not as good as they could be." Nonetheless, he predicted that the objective would be reached, probably between 1975 and 1980. Others were less sanguine. They felt that progress might be blocked by political opposition.

Beyond the first two goals lies the dream of eventually leading Europe into the promised land of political union. This alluring prospect, so bright when the Common Market was established by the Treaty of Rome just 10 years ago this month, has faded over the years. Principal reasons are a revival of nationalism and the unyielding opposition of French President Charles de Gaulle to political integration.

Even the most ardent supporters of political unity have retreated. In The Netherlands, one of the strongest advocates of a United States of Europe, a top official told the Post-Dispatch privately: "We are willing to water down our demands."

He suggested that something like the old Fouchet plan proposed by the French themselves in 1962 might provide a pattern. This was a scheme for political co-operation by European nations through periodic national consultation without supranational strings. The Dutch official indicated that his country would insist on guarantees of eventual supranational authority for such an organization, but was willing to postpone them for "a long period, perhaps five, 10 years or more." In the interim, the result would be a return to the old-fashioned system of loose alliance among sovereign states that is favored by De Gaulle.

Whether Europe will ever be ready to move beyond the Gaullist concept to political federation is seriously in doubt. Authoritative observers disagree, although men like Jean Monnet, one of the principal architects of the European union, remain confident. But even the most optimistic say political union will not come for 15 years or more.

In the meantime, a more immediate danger threatens the stability of the EEC. It is widely expected in Europe that Great Britain's current effort to join the Common Market will be blocked by France just as a previous British move was in 1963.

If this happens, the shock waves may imperil the Common Market itself. The EEC will be transformed into a narrow, inward-looking organization. And it will lose a golden chance to build the broader base that many believe is essential if Europe is to compete with the giant economies of the United States and the Soviet Union. If Britain and its partners in the European Free Trade Association are allowed to enter, the EEC will have a mammoth market of 280,000,000 persons and a gross national product of 350 billion dollars.

The future of the Common Market and of Europe itself depends largely on Gen. de Gaulle. There is a serious question as to how long he can continue to carry the burdens of the French presidency. He is 76 years old. But informed sources in Europe say that the general, who comes from a long-lived family, enjoys good health.

"He can carry on for a long time," said one observer who sees him frequently. But it is possible that he will step down before his term ends in 1973 if he feels his abilities are impaired.

What will come after him is an intriguing subject for speculation. Some students of European affairs believe that France's present anti-American policies and its opposition to European unity will change after De Gaulle leaves power. But a realistic Italian diplomat dissented. He said:

"I think De Gaulle reflects the French people. His policies will not change quickly even after he leaves."

De Gaulle's position in France is somewhat weaker after last week's elections when the Gaullist majority in Parliament was all but erased. However, it appears doubtful that the setback will lead to any drastic change in his views on international affairs, for foreign policy was not an issue.

One of the most important tests of the Common Market's attitude toward the rest of the world, and particularly the United States, is the Kennedy round of tariff negotiations, now nearing its close at Geneva.

Hopes were high when these protracted discussions started in May 1963. The immediate objective was commercial—to make reciprocal cuts of up to 50 per cent in tariffs on thousands of industrial and agricultural products and to lower other barriers to world trade. But the underlying aim was political—to create a great open market for the United States and Europe, encouraging the dream of political co-operation and Atlantic partnership.

Now, say some European diplomats, this noble purpose has faded in the face of hostile developments on both sides of the Atlantic. On the American side, some Europeans say, interest in western Europe has been replaced by preoccupation with Vietnam. On the European side, the EEC, say some Americans, has become self-centered. As a result, the idea of an Atlantic partnership has become dormant.

In turn, the Kennedy round has lost much of its political meaning and become little more than a commercial exercise in bargaining. The United States has been irritated by what it views as a highly protectionist attitude adopted by the Common Market on agricultural items. The EEC has been angered by the "American selling price," which puts protectionist duties on chemicals and some other products.

Facing a June 30 deadline on American authority to negotiate, the talks at Geneva are entering the final phase. Negotiations may be wound up by April 30. Experts believe the eventual outcome may be an average cut of about 30 per cent across the board on industrial goods. This would be far greater than anything achieved in the past, but far below the original target. On agricultural commodities, far less progress is expected, with the most likely achievement a grains agreement governing prices, support levels and surpluses.

Here in Brussels, officials and technicians of the Common Market are at work on a variety of immediate economic tasks designed to implement the customs union and to move toward the broader goal of economic union. Top priority goes to the tasks of harmonizing varied, often conflicting, national tax structures, which frequently hamper the free movement of trade. A major accomplishment came last month with a decision to adopt a uniform, "added value" system of taxing manufactured goods. The full job of tax harmonization is not expected to be completed before 1972.

Work has started on measures to assure free movement within the EEC of capital, labor and business enterprises. It is expected to call for no fewer than 250 legislative changes by member governments. Forty already have been forwarded to the governments. Five or six years will be required to complete the undertaking.

Equally tedious work is under way to bring into harmony varying national standards governing production of automobiles, electrical appliances and hundreds of other manufactured articles. Also to be sought are uniform regulations for subsidies to shipbuilders and other industrial firms.

Later this year may come the first major debate on formulating a common scientific and technological policy. Also being worked on are common policies for transportation, monetary matters and economic problems.

"None of these has any political glamor," a top official of the EEC remarked with an apologetic smile. "But the total of them all is of the highest importance economically and politically."

The economic success of the Common Market has brought requests for limited, associate membership from a number of other states. Farthest advanced are negotiations with Austria, which have been under way since 1965.

Not yet resolved is the question of merging the executive branches of the Common Market and its two sister communities, the European Coal and Steel Community and the European Atomic Energy Community. The eventual goal is to bring all three groups together into a single entity.

After 10 years the Common Market has made major progress toward uniting the small, nationalistic economies of its six member states. Some glimpse of where it will go in the future may come next month when its leaders are expected to gather at a special ceremonial meeting in Rome.

"The feeling," remarked one top official in Brussels who watches the EEC closely, "is that the Common Market will continue to exist. It won't fall off the bicycle. But the question is—what will its form be, and how and when will it move forward?"

He paused a moment. "I don't know the answer," he said.

United States Has a Big Lead Over West Europe in Modern Technology—American Firms Are Beginning To Dominate Foreign Markets as They Set Up Subsidiaries Abroad or Buy Out Their Overseas Competitors

Last of a series

Rome, March 18.—A distinguished leader of the European movement for political unity and closer relations with the United States held up a warning finger.

"I'm afraid a misunderstanding—to say the least—is coming between the United States and Europe and I don't know how we can avoid it."

The cause of his alarm was the "technological gap." Throughout Europe there is widespread fear that the United States has opened up such a commanding lead in computers and other glamour industries based on advanced science and technology that Europe's economic future may be jeopardized.

Adding fuel to the growing argument are two related problems: the "brain drain," or heavy loss of physicians, scientists and engineers suffered by many European countries as their best-trained young people, lured by bigger opportunities and salaries, migrate to the United States; and the increasing American domination of foreign markets as U.S. firms set up subsidiaries abroad or buy out European competitors.

These three intertwined problems are currently the most fashionable subject of discussion in Europe. Statesmen, economists, business leaders and others repeatedly brought them up in conversations with a Post-Dispatch reporter during a seven-week trip through seven European countries. Finding cause for concern on every side, they cited with alarm a long list of developments, including:

The United States spends two to three times as much money on research and development as the major countries of western Europe combined.

A total of 85,000 foreign engineers, scientists and physicians left their native countries to settle in the U.S. in the 15 years ended in 1964, and the rate is rising.

Great Britain, already having trouble keeping up with the world's economic leaders, lost 1900 scientists and technicians to America in six years.

Europe's aviation industry has fallen behind technologically and America's big manufacturers are swamping the European market with their commercial airliners.

Direct American investment in plants and equipment abroad, now totaling about 50 billion dollars, is soaring. The rise is particularly fast in Europe, with manufacturing investments in the six Common Market countries jumping by nearly 40 per cent last year.

American business threatens to dominate some European industries. U.S. firms already control 50 per cent of Britain's automobile production. When General Electric took over Machines Bull, it left France without a centralized computer industry.

The problem that Europe faces is a product of its small, divided, nationalistic economies. It stems also from Europe's failure to move swiftly into the technological age with its emphasis on computers, electronics and the other scientific industries utilizing the most sophisticated techniques. Said the statesman who feared a serious rift between the U.S. and Europe:

"Through the Common Market and the Coal and Steel Community, Europe has put its old, traditional industries on a sounder economic footing. Yet it has done little in the new scientific industries while the United States has been developing a whole new technology. American firms have moved far out in front."

The danger, he went on, is "the growing impression that the United States is going to control Europe's industry and economy." An official in Belgium warned of an other hazard. Irritation over the American technological lead and the continuing U.S. takeover of European firms could well lead to a dangerous nationalistic reaction. This possibility is particularly true in his own country, he added.

There is another side to the coin, however. Some informed sources believe that the very seriousness of the technological problem may help to push Europe in the direction of greater economic and political co-operation. Said one:

"Europe must organize and unite. The pressures are all in that direction. The concept of national independence has become nonsense for European countries and perhaps even for the whole European continent."

Those who hold this view believe that Europe's problem will be solved only if a bigger, more unified economic base is constructed. This is one of the principal arguments used by Great Britain in its current effort to join the Common Market. With Britain and its partners in the European Free Trade Association as members, the Common Market would have a Gross National Product of 350 billion dollars. Its population would go from 180,000,000 to 280,000,000. This mass market, substantially larger than the United States, would be vast enough to support the costly research that is needed for top rank in the technological age, say the advocates of unity.

Chances for this kind of action appear remote at present. There is a general expectation that France will block the British move to join the Common Market. So if anything is to be done, it must be on a shorter-range, more limited basis.

One of the moves most favored by European businessmen is a relaxation of antitrust laws to allow mergers across national boundaries. Business leaders argue that only the largest concerns can afford highly expensive research programs and Europe has few business giants. Figures show that of the 65 largest firms in the world in 1963, more than three fourths, or 49, were American.

Robert Marjolin, the economist who is vice president of the Common Market, offers some other remedies. In a speech several months ago he called on European nations to raise the level of higher education, make liberal grants for research at universities, provide more public funds to pay for applied research and development projects, and encourage private research through changes in laws governing taxation, patents and operation of private foundations.

Marjolin and others have stressed the need for the six members of the Common Market to co-ordinate their policies relating to scientific research and technology and pool their resources for common undertakings. In a cautious approach to the concept of creating a broader base, they have urged that non-members, particularly Great Britain, be allowed to join in research efforts by the Common Market.

A solution that may become increasingly inviting to European businessmen is to link up with American concerns. This is the quickest, easiest way to get the know-how they need although the price they pay may be a share in their businesses. Obviously this approach is not indorsed by any European government. However, there is a tacit acknowledgement that American factories bring Europe badly needed resources of money and knowledge. For despite their protests about American investments, European leaders have not moved to restrict them. Even France, which has shown the greatest hostility, recently took a somewhat softer line.

So far, there has been talk but little action toward remedying Europe's underlying problems. Studies are being made by the Common Market, the European Parliament and even the North Atlantic Treaty Organization. The U.S. also is analyzing the situation, considering steps this country might take to reduce the gap. Several proposals have been advanced for European-American co-operation, including a rather vague suggestion by Italian Foreign Minister Amintore Fanfani for a kind of technological Marshall Plan to be financed jointly.

Whether the technological gap is as wide as it is painted is open to question. The "brain drain" to the United States is offset in part by a talent flow to Europe from less developed areas. Nor are all of those who migrate to the United States permanently lost to Europe, for many return. Those who are skeptical argue, too, that America's greater spending on research may simply reflect, in part at least, its generally higher costs. And a high level of technical expertise does not appear to be an economic panacea, for growth in the United States has been slower than in some European countries.

Despite these qualifications, it is clear that Europe lags far behind the United States. Some measure of the gap has been spelled out by the highly respected Organization for Economic Co-operation and Development in one of the new significant studies made of the problem.

Using 1962 data, it found that the United States spent about four times as much on research and development as western Europe, defined as including Great Britain, France, Germany, Belgium and the Netherlands. After allowing for differences in costs, it put the American figure at two and a half times the European level.

About 60 percent of the American expenditure was for military and space research, compared with only 33 percent in western Europe. The American lead in these fields was about 4 to 1. But in civilian research the margin was much smaller, probably about 1½ to 1. The study conceded that civilian activities in the United States probably benefit from the country's heavy military and space activities but said opinions differ on the extent of the "spinoff."

The OECD estimated that about 1,250,000 persons were employed on research and development projects in the United States compared with only about half a million in western Europe. Included in the totals were 436,000 scientists and engineers in the United States but only 148,000 in western Europe.

America was found to have a significant technical lead in "most industries," though not all. Its superiority was greatest in electrical equipment, machinery, vehicles and aircraft.

Several statistics confirm the general American advantage. The study found that the United States has a large and growing surplus in its "technological balance of payments" with Europe, measuring the flow in payments for technical know-how licenses and patents. American receipts from western Europe exceeded its payments by a margin of 5 to 1.

In the five years ended in 1961 Americans accounted for 17 percent of all the patents taken out in western Europe. But Europeans held only 10 percent of the total issued in America. The big American lead appears to be increasing.

The study was pessimistic about chances of closing the gap. Given a conscious, all-out effort, it may be possible in the civilian field although progress will be difficult and slow, the OECD said. In military and space research, where the American advantage is greater, it added, the chances are even slimmer.

Europe's lagging position is emphasized

even further when it is ranked against both the United States and the Soviet Union. Although the two big countries have only 14 percent of the world's population, they have over two-thirds of all the scientists and engineers engaged in research and development work.

The number of workers employed on research and development projects in the Soviet Union is estimated to be between 1,000,000 and 1,500,000. This is about the same as the American figure but two to three times the total in western Europe. In substance, the OECD found that Russia's relation to Communist eastern Europe is much the same as the United States' position with western Europe. Both big countries are major sources of technical knowledge within their spheres in influence. Both have heavy favorable balances. However, there is no evidence that Russia holds a lead like that of the United States in the field of civilian research.

Both the OECD study and a recent report prepared for the United Nations confirm the heavy "brain drain" from Europe to the United States. The OECD study showed that between 1952 and 1963 the number of scientists and engineers coming to America was equal to about 5½ per cent of each year's class of university graduates. In just five years ended in 1961 the total came to 6500. After some slowdown in 1961 and 1962, there appears to have been an increase in 1963. Most affected was Great Britain, whose net loss of scientists and engineers rose from 665 in 1962 to 917 in 1963.

American expenditures for research and development in 1962 were estimated at 17.5 billion dollars. In contrast, all of western Europe spent only 4.4 billion. Expenditures amounted to 3.1 per cent of Gross National Product in the United States but only 1.6 per cent in Europe. Per capita expenditures in the U.S. were nearly four times those in Europe. The ratio of technological workers to total population was more than twice as high in the United States as in Europe.

If Europe ever expects to catch up with the United States and the Soviet Union, the OECD stressed, it must expand its higher education facilities. The study noted:

"In the long run the scale of research and development effort which is feasible depends on the supply of scientific manpower, and western Europe has lagged far behind the United States and the USSR in this respect. The U.S. and the USSR both have a very much larger stock of scientists and engineers and a much larger output than all the western European nations combined."

The study acknowledged that most European countries have "ambitious" plans for expanding higher education, but added, "even if these are all realized the American and Soviet annual output of scientists and engineers will still be much bigger in 1970, and the disparity in the absolute size of the stock will be greater still."

It is clear that it will take a high order of political and industrial statesmanship if Europe is to be brought into the front rank of the technological age. It is also clear that this kind of leadership is not yet in sight.

SENATOR MUSKIE LAUDED

Mr. MANSFIELD. Mr. President, when a colleague is accorded recognition as an outstanding public servant, it reflects great credit on the Senate as well as on the Member's own State. The latest to be so honored is the junior Senator from Maine [Mr. Muskie].

In a Wall Street Journal article of March 28, Senator Muskie is accurately portrayed by newsman Norman C. Miller as a man whose "name seldom lands in the headlines," but who is "one of the Senate's most skillfull legislators, a pragmatist who works quietly and effectively."

Mr. President, I know of no Member who is more worthy of this praise. The Senator from Maine eschews publicity, works hard, and has gained a well-deserved reputation among his colleagues for integrity, fair dealing, and effectiveness. What is more, his stature grows with each passing year. As a lawmaker, as a great American, and as a thoroughly decent human being, Ed Muskie has few peers; he is a Senator's Senator.

Mr. President, I ask unanimous consent that the Wall Street Journal article on the junior Senator from Maine be printed at this point in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

Muskie of Maine—Though He Shuns the Senate Limelight, His Influence Is Considerable, and Gaining

(By Norman C. Miller)

Washington.—The tall, lean Senator relaxes in his back-row seat on the Democratic side, his craggy countenance impassive as the orations flow on. A gallery visitor might well conclude that this quiet Senator is just another backbencher, a man of little influence in the chamber.

In the popular sense it is no doubt true that Edmund S. Muskie, the junior Senator from Maine, is a relatively obscure member. His name seldom lands in the headlines; his appearance on national television is rare. But the fact that the limelight has eluded Ed Muskie during eight years in the Senate does not mean that he has failed to achieve an influential role.

On the contrary, in cloakroom speculation about who may someday succeed Mike Mansfield as Democratic Leader, Ed Muskie's name is high on almost everyone's list. Such talk is premature, but it demonstrates the high regard colleagues have for him as one of the Senate's most skillful legislators, a pragmatist who works quietly and effectively for liberal goals without inflaming feelings by indulging in doctrinaire debate. And, since Sen. Muskie has a record of winning by massive margins in Maine, chances are that the 53-year-old Senator will steadily expand his Senate influence for years to come.

This prospect is particularly welcome at the White House. For Ed Muskie has guided through the Senate some of Lyndon Johnson's most controversial programs, notably last year's model cities bill, a legislative innovation given little chance of success until a Muskie compromise disarmed the opposition without sacrificing the essentials. Clearly, the President hopes to make use of Sen. Muskie's talents in future legislative battles.

"The President regards him as a real powerhouse," says a former White House aide. "He's one of the few liberals who's a match for the Southern legislative craftsmen."

There's irony in this admiration, for Ed Muskie is hardly one of Lyndon Johnson's Senate proteges. In fact, when he entered the Senate in 1958 he quickly found himself in the then-Majority Leader's doghouse, and there he stayed for quite some time.

A DEMAND UNHEEDED

The run-in occurred when the Majority Leader demanded the freshman Senator's help in defeating the biennial liberal attempt to amend Senate rules so filibusters could be curbed more easily. Sen. Muskie rejected the demand and voted with the anti-Johnson liberals.

But LBJ won anyway, and his retaliation was swift. Sen. Muskie was assigned to three moribund committees: Government Operations, Public Works and Banking. The assignments were far from satisfying to a man whose ambition on coming to Washington had been to work in the foreign affairs field. In his early years in the Senate, he recalls, "I was very frustrated, lonely, disillusioned and disconsolate."

The Washington letdown was particularly jarring for Sen. Muskie after his remarkable rise to the top in Maine politics as a Democrat in a traditional Republican stronghold.

Son of a tailor who had emigrated from Poland to Rumford, Maine, Edmund Sixtus Muskie worked his way through Bates College, winning a Phi Beta Kappa key, and got his law degree from Cornell in 1939. War interrupted his efforts to establish a practice in Waterville, Maine, and he spent the duration as a junior officer on destroyer escorts in the Atlantic and Pacific.

Returning to Waterville, the inexperienced lawyer found clients scarce. Thus, when local Democratic leaders approached him hunting fresh candidates for the state legislature, young Ed Muskie quickly accepted. The New Deal had cemented his allegiance to the Democratic Party, he recalls, and "I thought it would be interesting to be in the legislature once, while I was waiting for my law practice to build up."

Mr. Muskie won and was quickly captivated by politics. He was to stay in the Maine house for six years, becoming minority leader of a small band of Democrats. During this time, too, he married Jane Gray of Waterville and the first of the couple's five children was born.

In 1952 the rising politician became Maine's Democratic National Committeeman—just in time to preside over the near collapse of the state's shaky party. Dwight Eisenhower's triumph over Adlai Stevenson wiped out the Federal patronage that had sustained Democratic Party workers for years. And political misfortune was compounded by personal disaster. Early in 1953, while working on a second-story addition to his home, Mr. Muskie fell and broke his back. Almost a year passed before he was fully recovered, and by then he was almost broke financially.

Seemingly, it wasn't a promising prelude to another political campaign. Yet Mr. Muskie and a few other Democrats in 1954 found themselves in control of the Maine party by default; the old leaders had lost interest with the lapse of Federal patronage. Mr. Muskie was picked to run for governor, and scored a stunning upset.

His election as Maine's first Democratic governor in 20 years was less a personal triumph, however, than a product of voter reaction against long years of the GOP's one-party rule. Actually, Maine knew very little about its new governor; state politicians recall finding Yankee Protestants astonished to learn they had voted for a Catholic of Polish descent.

But Gov. Muskie established himself solidly with the voters during his two two-year terms. Taking a nonpartisan approach emphasizing economic and educational problems, he maneuvered most of his program through the Republican legislature. In 1958, when he made his bid for Washington, he rolled up 60% of the vote to become the first popularly elected Democratic Senator in Maine's history.

In Washington, however, Mr. Muskie was just another freshman from a small state and one, moreover, laboring under the handicap of having crossed Majority Leader Johnson. But in time the committee assignments that seemed second-rate gave Sen. Muskie his chance to make his mark.

Both pollution control and the problems of Federal-state relations came under the jurisdiction of Sen. Muskie's committees. In the late '50s and early '60s these were matters of scant public concern, but they were familiar to the former governor and he immersed himself in them.

Consequently, when water and air pollution suddenly developed into major political issues in response to grassroots demands for clean-ups, Sen. Muskie was prepared to lead the long legislative battles that resulted in the Clean Air Act of 1963 and the Water Quality Act of 1965, which gave the Federal Government money and authority to begin policing pollution. This year he will lead the effort to enact President Johnson's proposal for Federal enforcement of new regional air pollution standards, which Sen. Muskie has long urged on the Administration.

UP FROM OBSCURITY

Similarly, Sen. Muskie's post as chairman of the once-obscure Senate subcommittee on intergovernmental relations has become a strategic spot. His panel's hearings have helped spotlight the shortcomings of proliferating Federal grant-in-aid programs intended to help states and local governments. But, while he has been sharply critical of bureaucratic bungling and red tape, he has disdained publicly-seeking exposés to concentrate on legislative remedies.

Sen. Muskie's legislative specialties now so absorb him that he has forsworn his original ambition to join the Foreign Affairs Committee. Having worked up to a senior position on all his committees, he has twice rejected chances to give one up for a junior seat on Foreign Affairs. That decision has curbed his participation in the Senate's highly publicized Vietnam debates. For, though he generally supports the Administration's war policy, he refrains from making a lot of speeches on matters unrelated to his specialties, recognizing that a Senator who talks too much loses influence in the chamber.

Anyway, dealing with practical problems like controlling pollution and making Federal-state programs work better is shrewd politics for a Democrat from a state that's still predominantly Republican. "In Maine they don't even think of me as a Democrat," Sen. Muskie says with satisfaction.

Indeed, his personal appeal back home is markedly similar to that of his popular four-term Republican counterpart, Margaret Chase Smith; both are disdainful of partisan bickering. Yet, while Mrs. Smith is truly a lone wolf in the GOP, Sen. Muskie always campaigns as a member of the "Democratic Team" (he is careful never to criticize Mrs. Smith, however—which makes some Maine Democrats unhappy).

On the home stump, speechmaker Muskie can deliver a stemwinder, and in the Senate it was his eloquent appeal that carried the day for the model cities bill last year (afterward, Majority Leader Mansfield remarked to colleagues, "It's rare for a Senator to win any votes by a floor speech, but Ed did and pulled the bill through"). Yet, except about subjects on which he enjoys a special competence, he is reluctant to speak out, and this evokes misgivings among some other liberals. They fault him for shying from open combat on issues.

There are those, too, who think he is reticent about seeking power. This year and next he will have an opportunity to show his mettle in an additional assignment as chairman of the Senate committee that works to get Democratic members elected.

That job is another that probably won't win headlines for Sen. Muskie. But Senators do not rise in the club because of publicity. It is their "inside" performance that counts with their colleagues, and in that respect Sen. Muski has no worry about his accomplishments escaping attention.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COLOR IT RED

Mr. BYRD of West Virginia. Mr. President, my eye was caught by a full-page advertisement in the Washington, D.C., Post on April 3 with the crude headlines "Stop the Killing—Stop the Vietnam War."

Obviously designed in its flamboyance of appearance to attract immediate attention to the emotion-arousing sentiments which it expressed, the advertisement was stated to be an appeal from citizens of Japan and "The Voice of Hiroshima." In all ways it represented a blatant play on the emotions.

I am wondering if the same ad, or a similar one, appeared in North Vietnamese newspapers, and I would be willing to predict that it did not.

This dramatic advertisement, which purported to speak for the Japanese people, arbitrarily stated:

> The U.S. must stop bombing North Vietnam, unconditionally and permanently. It must unilaterally de-escalate its war action.

It linked the Hiroshima atomic bombing with the bombing of military targets in North Vietnam, but it did not mention Korea.

It combined messages from so-called victims of the brutalities of World War II, and an accusatory plaint for return to Japan of control of the island of Okinawa, with a range of dramatic critiques of American policy in southeast Asia.

This published hodgepodge of dramatic charges had as its leadoff a beginning half page of pen-brushed oriental characters, a great contrast to the usual printed alphabet of American newspaper type. The effect was theatrical in appearance and emotion arousing in substance.

But to have been most realistically presented, the entire page-long advertisement should have been colored red.

I ask unanimous consent that this advertisement be printed in the RECORD.

There being no objection the advertisement was ordered to be printed in the RECORD, as follows:

STOP THE KILLING—STOP THE VIETNAM WAR

AN APPEAL FROM CITIZENS OF JAPAN AND THE VOICE OF HIROSHIMA

An angry elephant, the most enormous ever seen, is rampaging through the Southeast Asian jungle. Contemptuous of all other life, he tramples all underfoot, smashing down the trees, vines and flowers, crushing beneath his ponderous feet the nests of birds and the homes of his weaker neighbors. By the law of the jungle, Might is Right. But by the same law, he too will be destroyed by his natural enemies and the creatures he has outraged. Such is the bitter truth of this Vietnam war.

The Japanese people and the citizens of Hiroshima say: In the past, we Japanese waged war all over Asia as a means of attaining our political goals. To justify these wars, our leaders made up slogans: "Peace and Freedom in Asia!" and "Stop Communism!" We believed these slogans, and, like the elephant, we trampled on the rights of others. By the law of the jungle, we were crushed. With the atomic bombing of Hiroshima we experienced the utmost savagery of war. We learned of its futility: both the bombs and the bombers are victims.

The Vietnam war reminds us of Hiroshima and all our own bitter past. Having inflicted bombs and suffered them as well, we can imagine the feelings that lie deep in the hearts of the bombed Vietnamese. We can also imagine the emotions of American youngsters who are now sent out to destroy Vietnamese.

The Japanese are against this war: We are a nation of more than 100 million people. We consider ourselves to be among America's friends in Asia, but *your government is losing our sympathy by its rampage in Vietnam.* Eighty-two per cent of the Japanese adults are opposed to the United States war policy in Vietnam, according to a nationwide poll conducted by the Mainichi, a leading independent daily.

To your Government, we say: We have learned from past experience, and the lessons of our history, that policies imposed on other nations by force of arms, are futile. The minds of men cannot be won by destruction of life and possessions. If the United States values its national destiny, it must stop this destruction. The United States must stop bombing North Vietnam, unconditionally and permanently. It must unilaterally de-escalate its war action. All parties involved in the fighting must thus be brought out of the jungle to the conference table. Only such negotiations can bring this senseless war to a just conclusion—settlement of the Vietnamese questions by the Vietnamese people themselves.

We say this from our past experience—especially the painful experience of Hiroshima and Nagasaki.

To American citizens: We Japanese are with you whenever you speak up against this unjustifiable war. Let us cry together "We are against this war!" so that our policy-makers will hear our compelling voice. This is no time for silence. We must speak up now!

JAPANESE POINT OF VIEW

(Mrs.) Kurihara Sadako (atomic bomb victim in Hiroshima).—In the atomic bombing of Hiroshima, I lost my parents and everything I had. I am still suffering from radiation after-effects. It was on Aug. 6, 1945 that the first atomic bomb was used on man, largely as an experiment. Now, we survivors of the atomic bombing see Vietnam being used as a proving ground for new American weapons. As human beings sharing the same fate, we have deep sympathy with the bombed people of Vietnam. In one voice with all others, we cry out from Hiroshima, "Stop the war and restore peace to Vietnam!"

Kitazone Tadao (day-laborer, Tokyo).—Americans never forget Pearl Harbor. Before the Japanese Imperial Government started the perfidious attack, many people in Japan opposed the war and were jailed. I am one of the many. The Vietnamese people are now fighting against your government just as your forefathers led by George Washington fought against England, which refused to give them independence. I want to fight for the independence of Vietnam in the spirit of the American revolution upheld by George Washington and Abraham Lincoln.

Hidaka Rokuro, (professor of Tokyo Univ.).—What America gained in Japan by its war in Vietnam is only the Japanese people's disappointment, distrust and indignation. In public opinion surveys, the Japanese used to point to America as the country they favored most. A recent poll showed that America is no longer the country best liked by the Japanese. This is the first time in the postwar history that the United States has failed to rank first in such polls. I remember that George Kennan warned about this in his testimony to your Senate. What he was fearing has already become a reality.

(Miss) Yokoi Miyako (sixth grade primary school pupil, Osaka).—I am terrified to hear many boys and girls of my age have been killed in Vietnam. American friends, do stop killing them.

(Mrs.) Uchiyama Ayako (housewife.)—Is it true that the Vietnam war is being fought to defend Asia from Communism? Do you justify the killing of so many innocent children and women in Vietnam because you are against Communism? Misled by the military clique, the Japanese committed a grave crime in Asia years ago. Will you, American women, give your serious thought to the atrocities your men are acting in Vietnam?

Noma Hiroshi (novelist).—Eyes burning with hostility to China are like the blinkered eyes of the carriage-horse. This narrowed vision in man leads to recklessness. War is escalated in Vietnam and crisis hangs over Japan, Asia and the whole world. I write these lines in sorrow and anger.

Muro Kenji (student).—I was born in 1946, the year after the last war ended. I myself have no personal war experience. However, I believe those who can see the situation objectively can often grasp its meaning better than those who are on one side of the war. American friends, listen to Japanese young people who are definitely against your war. We may be seeing something which you in America fail to see in the Vietnam situation.

Dr. Muramatsu Hiro (physician).—Vietnam is now being showered with napalm bombs and sprayed with poisonous chemicals. Human lives are being taken on a mass scale. Those in the medical profession cannot let this murderous act continue because they live for the sake of saving human lives. America must immediately stop killing the Vietnamese.

(Miss) Shinzato Fumiko (Okinawa student).—Okinawa is actually a part of Japan, but it is subject to American military rule. All our islands have been turned into a military stronghold. There are 950,000 of us Japanese living in Okinawa. Our land has been confiscated arbitrarily for your military bases and our people are forced to work for your bases under humiliating conditions. Frequently, your planes accidentally drop vehicles, timber and light bombs on the homes of Okinawans, and many have been killed or injured. We have little political freedom under your military government. Your leaders explain that the Okinawans must endure all this for the sake of freedom. But there is no freedom to be protected in Okinawa. Nor are democracy and security of life. We want to be part of Japan again as soon as possible. We demand therefore that you end the Vietnam war and return our islands to our homeland.

(The fund for this advertisement has been raised by Beheiren (Japan (Peace for Vietnam!) Committee) from among hundreds of thousands of people all over Japan and from all walks of life and of all ages, who responded to a call issued by 13 persons whose names are printed right at the bottom. Especially in Hiroshima, the local YMCA and other citizens' groups took an active part in the fund-raising campaign. Beheiren was founded in April, 1965, by writers, composers, artists, professors and citizens' groups with no political affiliation, with novelist ODA Makoto as chairman. Beheiren sponsored its first anti-war advertisement in the New York Times on Nov. 16, 1965. Your comments on this ad and financial contribution are welcome to Beheiren.)

Awaya Noriko, Singer; Ei Rokusuke, Popular Song Writer; Izumi Taku, Composer; Kaiko Ken, Novelist; Kato Yoshiro, Cartoonist; Komatsu Sakyo, Novelist; Kuno Osamu, University Professor; Kuwabara Takeo, University Professor; Matsumoto Seicho, Novelist; ODA Makoto, Novelist; Okamoto Taro, Painter; Shiroyama Saburo, Novelist; Tsurumi Shunsuke, University Professor.

ADEQUATELY FINANCED RESEARCH PROGRAMS, RATHER THAN ARBITRARY AND RESTICTIVE HEW REGULATIONS, ARE NEEDED TO INSURE BOTH CLEAN AIR FOR THE NATION AND CONTINUED ABUNDANT FUEL SUPPLIES

Mr. BYRD of West Virginia. Mr. President, this Nation of ours is blessed above all others with abundant resources of fuel. Coal reserves alone are sufficient to last for hundreds of years at present rates of consumption, and a great deal of them are in West Virginia.

We must have ample supplies of readily available, low-cost fuel. The demand for energy is growing at a prodigious rate. Electric power consumption alone is doubling every 7 years. Our expanding industrial and transportation system will require more and more fuel. Without ample fuel supplies here at home we could be in serious trouble.

But our seemingly abundant supply of fuel is being threatened—not by some natural disaster which might deny access to our coal or oil reserves.

The danger arises from the zeal of some officials in the Federal Government to clean up air pollution without regard to the effect on our fuel supplies. Cleaning up the air is a laudable and important goal and one toward which everyone — Government, the Congress, industry, and the individual — should work.

Unfortunately, some of our air pollution control officials have decided that this goal of clean air can be achieved overnight simply by the issuance of regulations. They have decided that the only way the problem can be attacked is by imposing limits on the amount of sulfur contained in fuels which can be legally burned to reduce the amount of sulfur dioxide in the atmosphere.

Mr. President, the only difficulty with this approach is that the limits which are being pushed are so restrictive that they would prohibit the burning of almost all of our coal. They would kill the patient to cure the cold. For example, they are recommending standards which would limit the coal burned in metropolitan areas to that containing less than one-half of 1 percent sulfur. This is intended to achieve a goal which Public Health Service officials have adopted, calling for no more than 0.1 part per million of sulfur dioxide in the air. Many scientists contend that this is far lower than is necessary in order to protect health, but, nevertheless, it is being adopted as a national goal by HEW.

The plain fact is that we have very little coal which is that low in sulfur content—some States and some counties of other States, including West Virginia, produce no coal that could even begin to qualify under such rigid standards. Thus, if such unrealistic air pollution guidelines are accepted and adopted on a wide scale, they can only cause the closing down of many mines, the loss of thousands of jobs in the coal mine, railroad, and allied industries, and eventually severe economic disruption to the Nation.

Without free access to coal, I do not see how the Nation's future demands for fuel can be met. Nor can I understand why Department of Health, Education, and Welfare officials refuse to recognize that any sound air pollution control program must be based upon assurances that plentiful supplies of fuel still will be available.

Of course, we are going to have to have regulations governing the emissions of pollutants. But it simply does not make sense to issue regulations that are so restrictive they would bar the burning of the vast majority of our fuel reserves. In the long run, this would assure the collapse of any air pollution control program and, more seriously, it would raise the real danger of a fuels and power shortage.

There is no need for this Nation to get itself into the dilemma of having to choose between clean air and plentiful fuel.

We can, and must, have both. But the way to achieve this goal is not through the issuance of regulations which will cut off our major supplies of fuel. Rather, it is to emphasize research, to develop the technology that will reduce the sulfur in coal and the emission of sulfur oxide in coal combustion to the desirable level.

This approach, and I wish to emphasize this point, will move us as fast as practicable and feasible toward the ultimate goal of pollutant-free air, but it will not run the risk of a fuel shortage. Meantime, we will perfect ways to control sulfur emissions from smokestacks, to make it possible to burn all our coal without polluting the atmosphere.

HEW officials have talked a lot about the need for new technology. But, thus far, they have failed to match their words with action. In passing the Clean Air Acts of 1963 and 1965, Congress clearly recognized the technological deficit and instructed HEW to plan and carry out the necessary research program.

Unfortunately, we are not much further along than we were when the 1963 and 1965 legislation was passed. Some essential work has been done, but little if any of it by HEW, on the development of processes to remove the sulfur from fuel or to control sulfur dioxide emissions.

Private industry has been working on this problem for many years, as has the U.S. Bureau of Mines of the Department of Interior. I am told that there are now at least four processes for removing the sulfur oxides from the stacks after coal and oil are burned. All of these are said to offer promise although further research and development, including actual testing in large pilot plants, is necessary. This work needs to be greatly speeded up. We should start building large demonstration plants so that in the not too distant future we will have the necessary equipment ready for installation in new and existing powerplants.

If it is necessary to build pilot plants to test all of these systems at the same time, and if such a program would materially speed up the prospects of at least one of them being proven practicable and economically feasible, then it should be done. This is the procedure followed by the Atomic Energy Commission, which may have several different demonstration programs for different types of atomic power converters underway at once, hoping that one or more will prove successful. The need for learning how to utilize our natural resources for coal without adding to the problems of air pollution is greater than the need to develop new methods of generating atomic power, and the Government must recognize and accept this fact.

I do not believe Congress will quibble about the necessary funds to carry on this work. The Congress realized, as far back as 1963, that research is the key that will unlock the door to cleaner air. That is why we clearly instructed HEW to plan and carry on the necessary research work.

What is needed now is for HEW to come up with a research program which recognizes the urgency of the situation and the compelling need for developing the technology which will insure against the threat of a possible fuel shortage.

Ours is the most technically advanced nation in the world. Given a problem as important as the one we now face—that of developing adequate supplies of pollution-free fuel—I have every confidence in the world that we can come up with the answers.

In the meantime and pending the development of the necessary technology, I hope that HEW will go slow with any new regulations which ignore the realities of the situation.

This Nation can have clean air and continued abundant fuel supplies. The answer lies in research—and not in restrictive and unrealistic regulations, adopted before science and engineering have made it possible of achievement without economic disaster.

ANTI-SLAVERY SOCIETY EXPOSES INCREASE IN SLAVERY—NEED FOR HUMAN RIGHTS CONVENTION—XLIX

Mr. PROXMIRE. Mr. President, while many people agree to the advisability of U.S. ratification of the human rights conventions on forced labor or political rights of women, these same people have asked me: "Why do you plead daily for ratification of a convention outlawing slavery? Certainly everyone knows that thankfully slavery has gone the way of the dinosaur and the dodobird."

Mr. President, my answer to these people is simply this: slavery is very much alive in 1967, and increasing rather than decreasing.

The Anti-Slavery Society in London, founded in 1823, is a fact-gathering private organization which provided the impetus and persuasion for legislation abolishing slavery throughout the British Empire in 1833.

Not content merely with the abolition of slavery throughout the British Empire, the Anti-Slavery Society has persisted to this day on a very limited budget and with a small staff—in its effort to eradicate entirely from our civilization this barbaric practice of man's inhumanity to man.

Between 1947 and 1962, the society has found, there has been a threefold increase in chattel slavery.

The contemporary practice of slavery is concentrated, but not confined, in the Middle East. There, the increased purchasing power from oil profits has nurtured the expansion of slavery, a traditional practice in that region.

However, there is a bright spot even in that area. King Faisal of Saudi Arabia has developed an effective program for stopping slave traffic within his nation.

Still, forms of slavery prevail in such diverse areas as Africa—on both northern and southern borders of the Sahara—in the Andes of South America, in parts of Pakistan and India, and even in a section of the Philippine Islands.

Slavery is decidedly a contemporary problem. We cannot ignore it. While slavery has been absolutely eradicated from our national life, the United States can exert a very positive international influence by ratifying the convention on slavery.

We can use our considerable international prestige to bolster those nations which are conscientiously attempting to expunge slavery from their own lands and to demonstrate to other nations, not making the effort, that we are aware of their practice of slavery and are diametrically opposed to it.

Therefore, Mr. President, I urge the Senate without further delay, to ratify the human rights conventions on forced labor, genocide, and political rights of women, as well as the convention on slavery.

THE AMERICAN DAIRY FARMER CHEATED WITH CHEEDHAM IMPORTS

Mr. PROXMIRE. Mr. President, as my colleagues know, I am the principal Senate sponsor of S. 612, the Dairy Import Act of 1967. I am happy to say that this legislation is now being sponsored by one-half of the Senate. Furthermore, the Secretary of Agriculture has recognized the seriousness of the dairy import picture by calling for hearings under section 22 of the Agricultural Adjustment Act.

However, action under this section to curtail imports can be considered, at best, only a temporary solution. As we have seen in the past, once quotas are set on Junex and Colby cheese, the principal offenders of our import control regulations, new mixes and cheeses will be manufactured to circumvent these controls. This invasion by evasion can be halted only by a permanent control measure such as the Proxmire bill, which permits imports to share in any increase in domestic consumption yet places controls, based on a historical import figure, on dairy imports.

In my estimation, the importance of S. 612 is highlighted by the fact that the proposed section 22 hearings have not dampened enthusiasm for import control legislation. In fact, since Secretary Freeman called for these hearings, three more Senators have placed their names on the Dairy Import Act of 1967.

Finally, I am delighted to note that cheese importers have finally, although probably inadvertently, decided to call a spade a spade. As most of us know, dairy imports have cheated the dairy farmer out of his share in the national prosperity by taking advantage of loopholes in our Nation's import control regulations. The Journal Of Commerce Import Bulletin for Friday, February 18, announced that eight cases of cheedham had been brought into the port of New York from Australia. If Congress acts this year to impose strict but sensible dairy import controls, foreign cheese manufacturers will not be able to "cheat 'em" any longer, with imports of cheedham or any other foreign dairy product.

NELSON PROPOSAL FOR APOSTLE ISLANDS DESERVES ALL-OUT SUPPORT

Mr. PROXMIRE. Mr. President, Senator GAYLORD NELSON has made a great fight for the preservation of the breathtakingly beautiful Apostle Islands as a national seashore.

Recently, the Milwaukee Sentinel commented editorially on why this fight by Senator NELSON deserves national support, and I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BACKING NEEDED

Sen. Nelson (D-Wis.) says that the decisive stage has been reached for realization of a dream held by conservationists for many years—the establishment of the Apostle islands national lakeshore. The difference between success or failure now may rest on the degree to which the private citizens of America are determined that this chance not be lost.

Bill S-778 would preserve for posterity a magnificent stretch of shoreline along Lake Superior, 21 islands still wild and undeveloped, and a 10,000 acre wildlife area. Chances for passage appear to be reasonably good, as the president has given priority to the proposal, and it has been cleared by the budget bureau for action by the senate interior committee. That committee will hold hearings soon, and the expression of public sentiment may determine the fate of the bill in the senate.

Nelson suggests that the Apostle islands bill will clear the senate, but will face a tough test in the house, and he urges, accordingly, that all of us tell our congressmen that we want the bill passed.

The advice is good, and it certainly is timely. It is far too seldom today that we still have left the opportunity to preserve such a large and wonderful part of our natural heritage. The opportunity must be seized; if it is lost now, it may be gone forever.

The proposed Apostles park would also be a large boost for Wisconsin's economy. As Nelson says, it would provide northern Wisconsin with a tastefully developed national park service facility, which could well provide the nucleus for the recreational development of an area too long neglected. It could be one of the nation's truly great tourist attractions.

The time is at hand for all-out support of this project.

GRONOUSKI ENDORSES O'BRIEN POST OFFICE PROPOSAL

Mr. PROXMIRE. Mr. President, the extensive proposal of Postmaster General Lawrence F. O'Brien to abolish his Department and substitute a nonprofit Government corporation in its place has evoked a great deal of discussion in recent days.

It is my view that the Postmaster General's significant ideas of reform for an operation that will become a $1.2 billion deficit in the next fiscal year certainly bears our close attention. It may be the salvation of taxpayers who subsidize the U.S. postal service and result in putting the Department on a business basis.

Of special note is the fact that the former Postmaster General and now U.S. Ambassador to Poland, John Gronouski, in Warsaw made some sharply delineated and lively observations of his successor's plan.

Mr. President, I ask unanimous consent to have the statement of Ambassador Gronouski printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

As Postmaster General Larry O'Brien's immediate predecessor, I have been impressed by the important management innovations which have been inaugurated under his administration. None, however, are of as far reaching significance as the proposal to transfer the Post Office Department from an agency in the President's Cabinet to a nonprofit government corporation operated by a board of directors and managed by a professional executive. The Post Office Department is a critically important function of government, the efficient operation of which is vital to the flow of communications and commerce. Its functions both as user and supplier of services touch every facet of American life.

Yet, during my tenure as Postmaster General I became increasingly convinced that the Postmaster General's role does not rationally fit into the framework of the President's Cabinet. Matters that properly come up for Cabinet discussion only rarely have relevance to post office operations. Where the Postmaster General makes a meaningful contribution to Cabinet discussions it is usually in his individual capacity, not on the basis of his experience in running the post office.

Over the years the post office operation has grown dramatically both in size and complexity as one of the nation's largest business interprises. Its successful management requires the exercise of sophisticated management skills. Furthermore, those who are responsible for its operation must be permitted a degree of flexibility and decision making authority comparable to that available to the management of a major private business. Larry O'Brien's proposal is the sensible way to achieve these objectives and it has my unreserved endorsement.

REACTIVATION OF A BATTLESHIP FOR USE IN VIETNAM

Mr. RUSSELL. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, over the past year, I have urged, time and again, in all the conferences I have been privileged to attend, that one of our battleships be taken out of mothballs and returned to the active fleet for use in naval bombardment of the railroads, highways, and other prime targets along the coast of North Vietnam.

For a long time, the Department of Defense took the unrealistic position that it was all right to drop thousand-pound bombs on these targets, but it would be highly improper and dangerous to fire shells upon them from ships at sea. They have finally been induced to use destroyers and cruisers.

But I have still been unsuccessful in persuading those who have the final authority in matters of this nature, that the use of a battleship is advisable. I may say, Mr. President, that I am more convinced than ever of the value of this additional attack capability.

It is, however, heartening to note that any political considerations which might heretofore have inhibited the adoption of naval bombardment of the north have now been cast aside. This, therefore, opens the way for the use of a battleship.

The destroyers and cruisers occupy an important part in our naval operations, but the armament on the vessels now being used has many limitations when compared with combat proven battlewagons. The 5-inch guns aboard destroyers and the 8-inch guns aboard cruisers have ranges of 7½ and 17 miles, respectively, while one battleship has nine 16-inch guns—each with a range of 24 miles. Indeed, Mr. President, some experts assert that this range can be increased to over 40 miles with the use of modern propellants.

In addition, each battleship is armed with 20, 5-inch guns—the equivalent armament of five destroyers—and these weapons can be used against surface targets, as well as for their original purpose of protection from air attacks.

But the tremendous firepower of its main battery is the battleship's most important superiority. The destructive power of any weapon is based primarily on the weight of the explosive charge. The projectile of the 16-inch gun weighs 1,900 to 2,700 pounds and its nearest competitor, the projectile of the 8-inch naval gun, now being used, weighs 260 pounds. The notable superiority of this weapon against targets in the north needs no further testimony than these simple statistics.

Arguments against the use of a battleship in Vietnam relating to cost and the time it would take to activate one of these ships are unconvincing at best.

It has been estimated that it would cost between $11 million and $20.5 million to activate one battleship and the annual operating cost has been estimated at $12.8 to $16.8 million. In other words, the total cost of activating one of these huge vessels and operating it for 1 year is considerably less than the current cost of waging the war in Vietnam for 1 day.

But when we consider the price we are currently paying for air strikes against targets in North Vietnam, the significance of this cost diminishes even more. We are losing many fine, young American pilots daily and the value of their lives, particularly to their families and loved ones, is incalculable in financial terms. Considering it from the standpoint of hard dollars, many of the planes which go down with these young men cost more than $2 million, in addition to approximately $200,000 to train each pilot.

In addition, we currently have an adequate supply of workable 16-inch-gun ammunition, which no other ship in commission can use. This includes some 24,000 tons of projectiles—more than was expended during 31 months of battleship bombardment in Korea where it proved most effective. This ammunition was paid for long before our expensive operations in Vietnam even began.

Mr. President, it would take only a matter of months to remove one of these combat-proven vessels from the quiet waters of the back channel and prepare it for combat, and 3 additional months would be required for training and deployment. When compared with the leadtime for the development of some of the more fancy and sophisticated new innovations in weaponry, this leadtime is relatively short.

The Committee on Armed Services has been informed that there are between 500 and 600 targets in North Vietnam that could be effectively reached by gunfire from a battleship. A careful examination of the map of this long and narrow country confirms that a battleship could easily bring havoc on practically all of the strategic routes leading from Hanoi to the south.

An aircraft is over the target only a matter of seconds and the moment the aircraft departs, reconstruction of the damaged tarket begins. But one of these battleships can lie offshore and hurl one of these ton-or-more projectiles on the target every 35 or 40 minutes, regardless of weather conditions and visibility, and permanently interdict any reconstruction operations.

Some of our destroyers—which carry no armor—have been damaged in recent days in duels with North Vietnamese shore batteries. It has been reported that the weapons being installed along the shores of North Vietnam are of the 150-millimeter variety. The maximum range of weapons in this category—152-millimeter Soviet howitzer—which seems to be the most likely weapon—is approximately 10 miles. When we consider that the range of the 16-inch gun is 24 miles, it is obvious that any engagement between these Communist weapons and our battleships would be on our terms.

The four battleships in mothballs are

probably the most heavily armored vehicles in our defense system. Admiral Carney, the former Chief of Naval Operations, has called them "the strongest structures man has ever made."

The same size weapon that could sink a destroyer and take the lives of some of the crewmen on board would only damage without great significance a battleship because of its heavy protection.

It therefore seems to me, Mr. President, that the lives of American boys on a destroyer are needlessly jeopardized when we send one to do a battleship's job—just as the lives of our pilots have been needlessly jeopardized in attacking targets that could have been taken out by naval gunfire.

For the life of me, I cannot understand the adamant position of the Department of Defense and the administration against using this additional capability.

I may say, Mr. President, that I intend to discuss this matter on every available opportunity until some real reason is advanced for failure to reactivate a battleship.

MR. SULLIVANT—OKLAHOMA'S GREAT POLITICAL SAGE

Mr. MONRONEY. Mr. President, when Edmund Burke made that historical statement identifying the role of the fourth estate in the affairs of men, he predicted most accurately the service, the life, and the times of a beloved Oklahoma newspaperman, Mr. Otis Sullivant. Tomorrow night, April 11, 1967, friends of Mr. Sullivant will honor him at a testimonial banquet in Oklahoma City.

This event will be a much deserved tribute to the one individual who has influenced Oklahoma public opinion more than any other during my lifetime. It has been my good fortune over the years to have Mr. Otis Sullivant's respect and confidence. He has not always agreed with my position regarding legislative matters, but he has always been absolutely fair, honest, and interesting in his news and editorial treatment of me, my point of view and my record.

Let me clarify, however, my reasons for feeling pleased and sometimes flattered by Mr. Sullivant's reporting. It is not unusual for Oklahoma politicians to praise Mr. Sullivant one day and damn him the next. I must admit that while I praise him today, I might have reason to feel uncomfortable when I read what he writes tomorrow. He pulls no punches. Many times over the years Mr. Sullivant's analysis of my posture regarding matters of public interest have been most helpful to me.

I once hoped to become a great political writer myself. I once worked as a reporter in the Oaklahoma statehouse alongside Mr. Sullivant—we were competitors. He represented the Daily Oklahoman and I was the Capitol correspondent for the long since defunct Oklahoma News.

In that long ago era of turbulent Oklahoma politics, when our young State set some sort of record in impeaching Governors, Otis Sullivant emerged as a living journalistic symbol of rigorous incorruptibility, compelling truth, and sagacious observations. I have always admired his quiet professionalism.

Mr. Otis Sullivant has served the people of Oklahoma well over the past 40 years. He and Mrs. Sullivant have exemplified the highest type of citizenship. They have two married daughters and two grandchildren. Fortunately for our State, Mr. Sullivant's high standards of personal conduct and superb standards of journalism have influenced succeeding generations of young news men and women assigned to the State Capitol beat. Perhaps there will never be a cornerstone for the Sullivant school of journalism, but a tribute to his professional leadership is graven in the hearts of scores of those news gatherers who have benefited from watching him operate.

It is altogether fitting that the people of Oklahoma honor this journalist whose unselfish service to them has been of such great value to all the people of our State and to the Nation as a whole.

In recent weeks the editor of the Sooner magazine, the alumni publication of the University of Oklahoma, did a profile on Mr. Sullivant entitled "Otis Sullivant Is a Professional." In this article Mr. Paul Galloway documented most effectively this remarkable newspaperman and his contribution to society. I am privileged to have this opportunity to pay tribute to Mr. Sullivant by requesting unanimous consent that Mr. Galloway's article appear at this point in the Record. For politicans who would serve more effectively, for newsmen who strive to do better, and for the reading public who benefits when the other estates and the fourth estate function constructively together, this biography essay has much meaning.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Sooner magazine, Jan. 1967]

Otis Sullivant Is a Professional

Oklahoma's peerless political scribe Otis Sullivant poses with his faithful 40-year-old typewriter in a rare photograph (Sullivant would rather be read than seen). The venerable L. C. Smith machine has turned out more page-one copy than any of its younger counterparts in the posh Daily Oklahoman newsroom. And the reputation of its master as a writer is legend. Says one colleague: "Otis is greatly respected for his accuracy and reliability. His stories have tremendous weight. People believe in them. You'd think they were chiseled on stone tablets—and for all I know, they are."

His voice on the telephone was clear and strong, the voice of a man younger than his 64 years, as I asked him if he would agree to an interview for an article in the alumni magazine. "Sure, come on up and we'll talk, though I'm not sure why you'd want to. All you're going to find is a cynical old man who no longer has any heroes." We arranged a meeting for a morning later in the week, and an hour or so before the appointed time, I entered the Oklahoma Publishing Co.'s new building on NE Fourth Street in Oklahoma City to talk with a couple of the men who have worked with Otis Sullivant, and known him as friends, for many of the 40 years that he has been writing for The Daily Oklahoman. We talked about him over coffee; about his reputation as the state's best political writer; about some of his big stories; about his unassailable accuracy and his unimpeachable integrity; about his ability to gauge the mood of the voters at election time and his methods at arriving at his consistently unerring observations and predictions; about his family; about his farm east of Norman adjoining the Little River project; about the time while there when he was thrown by one of his horses, a mare named Ginger, in 1953 as he indulged himself in one of his few diversions—riding—and the state senate, in a moment of rare humor, countered the more respectful resolution passed by the house, which extended its sympathy for his broken leg and called for a speedy recovery, by offering its own resolution commending the horse. (Sen. Jim Rinehart cast the only vote against the resolution, explaining that since the horse had broken Sullivant's leg instead of his writing arm he, in good faith, could not vote to commend Ginger.)

One of the men told the story, which is perhaps apocryphal but which nonetheless captures the character of the man and thus is appropriately instructive, about the time a governor, one of Oklahoma's most powerful figures, was unhappy with some of Sullivant's articles, which he thought cast a less than flattering light on his administration. The governor summoned Sullivant to this office, and in no uncertain gubernatorial terms indicated his displeasure. He told Sullivant to stop. Sullivant's reply was laconic and direct: "Governor, I don't give a damn whether you like the articles or not," and with that he left.

When I asked one of the men about Sullivant's appraisal of himself as cynical and without heroes, he replied, "I think the only heroes Otis has are the people." The remark at first seemed corny, but I could see the man meant it. Later it seemed precisely correct.

I began an excursion into miscellanea: Is he a hunt-and-peck-man? (Answer: He uses both hunt-and-peck and touch methods.) Fast writer? (The inevitable answer: Yes, and always on deadline.) Shorthand? (Answer: No. He began with Gregg but soon abandoned it because it was playing havoc with his spelling.) I struck a responsive key when I asked about the kind of typewriter he used. We quickly adjourned from the first-floor cafeteria to the fourth floor and the newsroom to observe *the* machine.

The newsroom is something else. Hildy Johnson and his rakish cohorts of *The Front Page* would surely be struck incredulously speechless by its splendor. It does not resemble the cluttered, dingy, maelstroms of activity Hollywood gave us and, oddly enough, which actually exist. The Oklahoman's new newsroom is carpeted, fully and tastefully in blue; it is laden with Formica; it is windowless with automatic temperature control; it is very, very modern, extremely efficient, and just like any other large cavern-like office one might find in, say, an insurance company or some such business. But it's quite nice, and even the old reactionaries who hated to lose the former newsroom, the cramped, romantic relic right out of *Citizen Kane*, have made a happy adjustment.

We approached Sullivant's desk, indistinguishable from its uniformly exact companions except—wait. On his writing table, an anachronism. A black (yes, black and there are no *black* typewriters anymore) L. C. Smith sat, proudly and contemptuously too, I thought, flaunting its solid 40-year-old craftsmanship at the beige-and-white whipper-snappers which sat bulkily and self-consciously in its venerable presence. It was a reassuring link with the past, and its older sister, I am told, likewise reassures and retains links at the Capitol, subject to the words and wishes of another highly respected political observer, Ray Parr (Sooner Magazine, Nov. 1964).

Just as we were carefully and respectfully replacing the cover on the Smith, Sullivant entered the newsroom, came forward, and introduced himself. Like probably most of his readers, I had never met him. Further, like many, I had never seen him, either in person or in a photograph.

I was quite familiar with his writing, of course. Every person who really *reads* the Oklahoman is. Though some may not venture past the asinine froth of Ann Landers and her ilk, many, and all of the shakers and movers of Oklahoma, know who Otis Sullivant is and read his columns. Tens of thousands, in fact, depend solely or at least heavily on him for insight into the machinations of their state government. Sullivant's style reflects the man. It is unpretentious, disciplined, direct, spare, knowledgeable. Each column is like an artisan's finely crafted piece of furniture: sturdily constructed, substantial, lasting, polished.

Surprisingly, for I do not customarily approach clairvoyance, he was very much as I had imagined him: tall (about six feet), slender, and erect. He is not given to smiling, and his appearance is therefore solemn, almost dour. His eyes are penetrating, not cold, and peer out from a pair of horn-rimmed glasses. His hair was once light it appears; it is now grey, closer to white really, sparse, and combed back. The man exudes incorruptibility.

The interview was held in a small conference cubbyhole off the newsroom, and the subject's apparent severity dissolved into unequivocal and relaxed cooperation. We spent a good part of the morning and the lunch hour talking about Oklahoma politics and reporting, and it was, in those deathless words, most "enlightening and entertaining." He is an arresting conversationalist, and his subject matter was enthralling. Propping his feet up, Sullivant led me through much of the state's political story, an exciting though often less than grand epic at which he has had better than a front-row seat: Otis Sullivant has been backstage for 40 of Oklahoma's 60 years of statehood. He has known every one of the state's governors, from Haskell to Bartlett, and the latter's is the thirteenth (of 19) administration under which he has reported. He is presently covering his twenty-first (of 31) legislative session. Through the years he has come to know most of the legislators and members of the executive branch, and he has in the course of his 40 years become an authority on government. A recent newspaper article about him says part of it: "He has helped many young men develop; he has given them credit for accomplishments but hasn't hesitated to report the bad as well as the good. Sullivant takes pride in knowing as much about legislation, the purpose and background, as legislative leaders themselves. Legislators know they can trust him, and he usually has advance and inside information on proposals. He has learned all the inner workings and the activities of lobbyists and pressure groups. . . . He is familiar with the problems of welfare, human rights, road building, aid to schools, mental health, and all the other issues."

Yes, and he has chronicled and interpreted the unfortunately occasional scandals and impeachments which have pocked the history of the state; he has been privy to the peccadillos, the indiscretions, the failings of some; in short, he has witnessed and reported the governing of a state by its citizens. This would account for a tendency toward cynicism, would it not? Again I resurrected his telephone remark. "Let me amend that some. Say I'm a realist. I have no illusions about the capacity of men for smallness and wickedness. I don't adore or idolize men. I've seen the rise and fall of too many, but I'm also an idealist. If I didn't think things were getting better, I wouldn't have continued."

Sullivant was born four years before statehood on the family farm near Norman which his father had homesteaded in the run of 1889. When he was two, his parents moved to town, and young Sullivant attended Norman elementary schools and graduated from Castle Heights Military Academy in Lebanon, Tenn. in 1920. He then entered the University to study journalism. After his junior year he quit school to accept a job with the Fort Worth Press. "We weren't as obsessed with getting a degree in those days," says Sullivant, "and besides, work was hard to find." He stayed in Fort Worth three years as city hall, police, and general reporter. In 1927 he returned home to look after his father, who had suffered a stroke, and to try to save the farm. On the fifteenth of September of that year he began his unbroken association with the Oklahoman as a general reporter. "I wasn't happy with my assignment, then fate took a hand. The second spot at the Capitol opened up and I grabbed it—anything to get out of what I was doing. Joe O'Brien was the main political reporter for the paper then. I remember my first trip to the Capitol. While we were going out on the street car, Joe saw a judge from another county, guessed what he was doing in Oklahoma City, interviewed him, and had a story before we had even arrived. At the Capitol he noticed a state senator standing at the entrance. The man was involved in a key bill. Joe went straight to him, and in minutes had another important story. It was a valuable introduction for me. It pointed to the value of being well informed and developing contacts. You can't hurry the latter. You must build a reputation for trustworthiness, for respecting a confidence, for judgment and fairness. And it takes time to be accepted. Outside the surface fun and excitement newspaper work is hard work, and writing is only a small part. The preparation, the collection of facts, cultivating sources, knowing where to go, whom to see, and what to make of it all are the critical parts of reporting. A newspaper is no better than its good reporters. They are far more important than an editor." The room apparently was not bugged by any editors. No protest was forthcoming.

Shortly after arriving at the Capitol, an infamous event helped Sullivant decide to stay with politics. It was the "ewe lamb rebellion" of 1927 in which disgruntled legislators attempted to impeach the newly elected governor, Henry Johnston. The house called itself into special session, and Gov. Johnston activated the National Guard to prevent its meeting at the Capitol. A nocturnal rump session was held in the Huckins Hotel, and Sullivant was one of the two reporters allowed to witness proceedings. "I was a kid of 24, and it was fascinating and exciting. I was hooked," says Sullivant. "I hadn't intended to remain in Oklahoma City. My dream was to go to New York and write for the World (which later folded), the Mecca of newspapers at the time. Well, the senate decided not to accept the impeachment although two years later Johnston *was* impeached and turned out of office.

"In 1928, however, Joe quit, and I took his place. I came to stay a year, and I'm still here. I resolved to get out at age 30. I felt reporting was a young man's game, and I never wanted to be an editor or executive. The Depression came along, though, and I was making $50 a week. Some lawyers and bankers weren't making that much then. Too, Bill Murray was governor, and it was fun. I stayed, and I wouldn't trade the years I've had. I know a lot of rich men, and I don't envy any of them. Lately though I haven't had any fast heartbeats on any stories, and I wouldn't give a nickel to do it again," he said, almost smiling.

Sullivant is his own man and has been for his four decades. His technique is to remain aloof from the leaders. "I've never tried to be a buddy to any governor. I prefer to shun any familiarity, which prevents a reporter from being objective, I believe. I pay my own way, and I protect my independence. I'm grateful to the Oklahoman, for they've left my copy alone. My observations have been contrary to the editorial conclusions on occasion, but my articles have not been interfered with. In 1944 Mr. Gaylord was for Dewey and thought he'd be elected. A front-page editorial to that effect and my story, to the opposite conclusion, appeared side by side."

In the fall Sullivant plans to retire, and he's looking forward to it. Though he is not a wealthy man—a newspaperman does not retire as a wealthy man—he has exhibited the same foresight in his private affairs that he demonstrates in his professional career and his retirement will be comfortable. He plans to spend time on his farm; he would probably live there were it not for the urban preferences of his wife Betty. He may write a book about the political scene he has witnessed and he may not. He will certainly be visited by his daughters, Sydney (Mrs. John Draper) and Alice Ann (Mrs. Charles K. Smith Jr.) and their families, which include two grandchildren. And he can reflect on an important, valuable, and renowned career as one of society's most indispensable members—the political reporter. Says Sullivant: "Ive watched 40 years of Oklahoma politics, and it's been interesting and exciting. I'm glad I decided to remain. I have attempted to present the authentic picture for the people. A political writer has to be responsible to the people, and to them only." So Otis Sullivant *does* have heroes after all.—PG.

CREDIBILITY GAP IN THE DEPARTMENT OF DEFENSE

Mr. YOUNG of Ohio. Mr. President, it should be a matter of concern to all Americans that there is a credibility gap, so-called, when it comes to news released from the Department of Defense. Credibility gap is rather delicate phraseology for what would be termed issuing incomplete or false information to the American people. To the junior Senator from Ohio it seems it would be far better if the Defense Department would issue no statements rather than inaccurate ones regarding the total losses of our combat aircraft through hostile action while flying missions in Vietnam.

Earlier this month the Defense Department announced that 500 of our combat warplanes had been destroyed by hostile action over North Vietnam. To the American public such a total must have caused some shock. The destruction of more than $2 billion worth of the finest warplanes in the world seems stupendous. This is somewhat insignificant, however, compared to the terrifying fact that many priceless lives of American pilots and airmen were lost in the destruction of their aircraft. This necessarily followed notwithstanding heroic efforts made by our helicopter pilots, quite frequently successful in reaching and rescuing pilots who have been able to parachute from their planes. Unfortunately, this statement from the Defense Department was merely a half-truth. It failed to mention that during the same period approximately 175 additional combat airplanes have been destroyed by enemy action over South Vietnam. Again, we have only a half-truth.

Pentagon officials have acquired the habit of reporting losses of airplanes due to "accidents and incidents." This includes many, many aircraft destroyed by mortar fire and other forms of Vietcong attacks while on the ground. The

American people are entitled to know by statements giving in detail the total number of airplanes destroyed by enemy fire while on the ground at our numerous airbases in South Vietnam. What is this total since the time of the beginning of our involvement in the civil war which has been raging in Vietnam for 10 years?

Unfortunately, in this civil insurrection or civil war in Vietnam in recent years American ground forces have finally turned it into an American war with more than 500,000 young Americans doing the fighting. Furthermore, we are on the side of the Tory element which fought on the side of the French colonial masters when during the war of liberation, when following the end of World War II the French sought by force to reestablish their Indochinese colonial empire. The Saigon government in June 1965, was a civilian government. Then in a sudden coup 10 generals overturned that civilian government. Who were the 10 generals? Nine had fought with the French forces seeking to reestablish the French-Indochinese colonial empire. The French were finally defeated at Dienbienphu, which was overrun May 7, 1954. Following that time, the Geneva Conference brought about a cease-fire and created a temporary demarcation line dividing Vietnam at the 17th parallel.

It was distinctly and definitely stated in the Geneva accords that this was a temporary demarcation line. Historically, over hundreds of years, there has never been a North Vietnam and a South Vietnam. The French withdrew their thousands and thousands of soldiers and their naval forces, on the demand of the French people who had elected Mendes-France Premier of France on the promise that he would end the war in Asia and withdraw some 200,000 French soldiers who had been fighting there. The conflict waged from 1946 to 1954 had bled France white. Did the French Republic lose face by withdrawing from Vietnam and making peace? No, indeed. Nor did De Gaulle lose face later when he gave up that huge French department in Africa known as Algeria. In fact, France is stronger today than it has been at any time within recent decades.

Nine of those ten generals come from what is now termed "North Vietnam." They selected Ky as Prime Minister. Ky was born in Hanoi and served as a pilot in the French Air Force, alined against his fellow countrymen fighting for their liberty. Their involvement was identical with those Tories who fought with the Redcoats against the patriots in our Revolution. We Americans who like to consider ourselves the most revolutionary nation in the world have become the most unrevolutionary.

To advert again to the credibility gap, the Defense Department has reported that nearly 500 helicopters have been destroyed by accidents and incidents. This in addition to approximately 325 helicopters and other rotary-wing aircraft which they report as having been shot down and destroyed over South Vietnam. Therefore, it appears there is a misrepresentation of fact. Of the nearly 500 helicopters destroyed by "accidents and incidents," let the American people know how many were destroyed on the ground by Vietcong mortar fire and other hostile action.

American citizens have a right to know the facts. "Give light and the people will find their way."

THE THREATENED RAILROAD STRIKE—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 104)

The **PRESIDING OFFICER**. The Chair lays before the Senate a message from the President of the United States. The clerk will read the message.

The legislative clerk read the message and it was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

The threat of a crippling and paralyzing nationwide railroad strike now faces America.

At 12:01 a.m. on Thursday, April 13, 137,000 shopworkers—mechanics, powerhouse employees' and shop laborers—without whose services the trains cannot operate are scheduled to begin a walkout against virtually every major railroad in this country. Over 95 percent of the Nation's railroad mileage will be affected.

For almost a year the parties have engaged in extensive collective bargaining to reach a settlement. These negotiations have proceeded with a seriousness of purpose. The parties have bargained hard and with skill.

The major issues on the bargaining table are traditional but vital. They include higher wage rates, larger wage differentials between skilled and unskilled workers, and the length of the contract.

Since October 1966, the negotiations have taken place under the Railway Labor Act—the machinery established by the Congress to handle disputes involving the Nation's railroads.

Through mediation and through the recommendations of an Emergency Board that I established last January, some progress has been made. Recently, at my direction, Secretary of Labor Wirtz and Under Secretary of Labor Reynolds have worked, with National Mediation Board Chairman O'Neill, to achieve a fair settlement. Out of this process many of the issues have been narrowed. Others have been eliminated.

Now, however, the procedures under the Railway Labor Act have run their full course, but the parties have still not been able to resolve their differences.

Under the law, the unions are free to strike on 12:01 a.m. April 13, unless—

A settlement is immediately, reached;

The unions agree to a voluntary extension of the no-strike period. The Government's request for such an agreement has already been rejected;

Congress takes special action to keep the trains running while the parties can continue to work toward a settlement through collective bargaining without a nationwide strike.

In this message I call upon the Congress to take that special action.

THE PROPOSAL

I have carefully weighed the type of action Congress might usefully consider to meet the needs of the immediate situation.

I have consulted with the wisest advisers available to a President.

The legislation I am proposing takes full account of two central considerations. The first is the significance of uninterrupted rail service to the national welfare and safety, and particularly to defense production. The second is that even in these extreme circumstances, collective bargaining must be given every opportunity to work, with the bargainers fully aware of the national significance of their responsibility.

With these considerations in mind, I recommend that Congress approve a joint resolution to extend the 60-day no-strike period in this case for an additional 20 days

The resolution would have the effect of extending the no-strike period under the Railway Labor Act for this case to a full 80 days—the same period allowed under the Taft-Hartley Act. The normal period of restraint under the Railway Labor Act has already expired.

The proposed joint resolution follows the finding made by the Emergency Board of three distinguished Americans to whom this case was referred under the Railway Labor Act. The Board was of the conviction that—

> There should be established a longer period of statutory restraint subsequent to the submission of an Emergency Board's report in order to give the parties additional time to negotiate a settlement. The Board notes that under the Taft-Hartley Act the parties have a period of 80 days after the Board Report is submitted to the President.

The proposed resolution gives the process of collective bargaining a last clear chance in this case, while giving the Nation the uninterrupted railroad service it must have. I have always believed that solutions arrived at through hard and honest negotiations are preferable to those imposed by decree.

I will appoint a panel of special mediators to assist the parties in reaching a settlement during this 20-day period. I have also asked Secretary of Labor Willard Wirtz, Secretary of Transportation Alan Boyd, and representatives of the other interested Government agencies to work with the parties.

THE IMPACT OF A STRIKE

The differences which remain in this dispute are important. But they are slight when compared with the price to the country and to these parties from a suspension of rail service.

The purpose of this message and of this proposal is to impress upon the parties and to make clear to the Nation what is at stake here.

The cost of a nationwide railroad strike would be incalculable. I urge you to consider these facts:

On the first morning of the strike three-quarters of a million rail commuters in New York, Chicago, and Philadelphia alone would be unable to take their trains to work.

Shipments of perishable foodstuffs to many major cities would be halted at once.

Actual food shortages could soon occur in several cities.

Some health hazards would develop. For example, supplies of chlorine used to purify community water supplies would grow short.

The coal-mining industry, with 140,000 workers, would cease operations almost at once.

Many other industries which rely heavily on the railroads—such as metal mining, steel, chemicals—would be badly crippled and soon begin to close down.

For a week or more most factories could operate from their inventories. Soon, shortages and bottlenecks would begin to curtail production drastically. A spreading epidemic of lost production and lost jobs would sweep through the Nation.

A 1-month strike would reduce the gross national product by 13 percent. That would be nearly four times as great as the total decline that occurred in the Nation's worst postwar recession. It would drive the unemployment rate up to 15 percent for the first time since 1940, putting millions of workers out of jobs.

In short, a railroad strike would affect every man, woman, and child in this Nation. It would increase the cost of living. Each day the strike continued would bring pyramiding losses in goods, services, and income—losses which can never be fully regained. A prolonged strike could well break the back of the Nation's stable prosperity for some period to come.

Beyond this, there remains the impact of a rail strike on defense production, and particularly on our 500,000 brave servicemen in southeast Asia.

For example:

Forty percent of the total freight shipped by the Defense Department is moved by the Nation's railroads. A strike would materially disrupt these vital operations.

Shipments of ammunition will be critically affected. During April 210,000 tons of ammunition are scheduled to move to ports for overseas shipment. About 175,000 tons are going by rail.

Production of ammunition will be hindered. Sulfuric acid, a key ingredient for ammunition, moves only by rail car.

The movement of gasoline and jet fuel for our combat and transport aircraft heavily depends on railroads.

The M–48 tank and other heavy military equipment used in Vietnam, can be shipped only by rail.

Strategic missiles such as Polaris and Minuteman are moved by specially equipped rail cars.

CONCLUSION

The costs are so heavy and the consequences so dire that there have been only two brief national rail strikes in this century. This is a clear example of the responsibility, and restraint, which can be displayed by railroad labor and management.

Almost 3 years ago to the day the Nation was faced with an equally grave railroad strike. Then, both the carriers and the unions placed the national interest first. The strike was postponed and a fair and just settlement reached.

On that occasion I said:

> This agreement is American business and American labor operating at its very best, at the highest levels of public responsibility. This is the face of American industrial democracy that we can proudly show to the entire world, that free enterprise, free collective bargaining, really works in this country, and that the needs and the demands of the people's interest are understood and those needs and those demands come first.

It is my fervent hope, and, I believe that I speak for all Americans, that the parties to the railway dispute which now threatens the Nation arrive at a just settlement, for "He that keepeth understanding shall find good."

More drastic measures could have been proposed. But I believe that the parties should be given one more opportunity—a last clear chance—to resolve their differences, in their own way, in the spirit of free collective bargaining.

As President I have the firm responsibility to represent this Nation at the meeting of the heads of Latin American States at Punta del Este. The commitment to go to Punta del Este was made many months ago, and, it must be honored.

But as President, I also have the clear responsibility to take action that will assure uninterrupted rail service for our Nation. I am taking that action in submitting this joint resolution today and requesting prompt action by the Congress.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 10, 1967*.

S.J. RES. —

A joint resolution to extend the period for making no change of conditions under Section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees

Whereas disputes exist between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers; Brotherhood of Railway Carmen of America; International Brotherhood of Firemen and Oilers functioning through the Railway Employees' Department, AFL–CIO, labor organizations; and

Whereas the President of the United States, pursuant to the provisions of section 10 of the Railway Labor Act, by Executive Order No. 11324 of January 28, 1967, created an emergency board to investigate these disputes and report its findings; and

Whereas the emergency board has reported and the statutory period for making no change of conditions, as extended by agreement of the parties, is about to expire, without the parties having resolved the issues in dispute, thereby continuing to threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation services; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the above objectives in a manner conducive to resolution of the disputes through collective bargaining: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of Section 10 of the Railway Labor Act (45 U.S.C. 160) shall be extended for an additional period with respect to disputes referred to in Executive Order No. 11324 of January 28, 1967, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which such disputes arose prior to 12:01 a.m. on May 3, 1967.

The PRESIDING OFFICER (Mr. WILLIAMS of Delaware in the chair). The majority leader is recognized.

Mr. MANSFIELD. Mr. President, I commend the President of the United States for sending this message and proposing a joint resolution which would accomplish one thing, and one thing only: an extension of 20 days beyond the 60 days allowable for a cooling-off period under the Railway Labor Act. The extension of 20 days would bring the period into conformity with the time allowed under the Taft-Hartley Act.

As the President has said, he had made a commitment which he will honor, a commitment which he should and must honor, to attend the Latin American meeting of the chiefs of state at Punta del Este in Uruguay beginning on Wednesday. To that end, he is leaving the country tonight, and the reason why he has sent this message to Congress and is proposing a joint resolution for our consideration is that next Wednesday at midnight all the machinery and facilities which he has at his disposal under existing law will terminate. He has pursued every course he is authorized to pursue. He has no other alternative but to turn to Congress.

In view of the fact that the President has fulfilled his responsibility, I think he is doing the right thing by seeking our assistance in an effort to bring the proposed strike to an end.

The country is faced with a most difficult situation, and no part of the Nation will escape its results. On the one hand, we are confronted with a possible strike by the shopcraft employees beginning at midnight on Wednesday next, a strike, by the way, which could have been—and could still be—avoided if they would agree to what the great majority of railway workers have already assented to. On the other hand, it appears that we have a combined lockout on the part of employers and some wildcat strikes on the part of some unions in the transportation industry.

No one need look very far or possess exceptional wisdom to know just what the effects of these two difficulties will entail for the Nation as a whole—for all segments of the economy—for all parts of our population.

I therefore commend the President. I commend him for honoring his commitment to go to Punta del Este, for conferring with the bipartisan leadership this morning for almost 3 hours, for calling to the White House the committees of both the House and the Senate which are most directly concerned, and for seeking our aid to help him to bring about an extension of the cooling-off period. To that end, we may hope that with the additional 20-day period, the contending parties will get together and reach an agreement which will result in a continuation of the fulfillment of the needs of this country, not to mention the needs of the men overseas, men who are there not by choice but to carry out a policy laid down in Washington. We hope that by supporting the President, this crucial matter will be concluded before it is too late.

It is my understanding that insofar as the lockout and wildcat strike situation in the transportation industry are concerned, the administration at the present time is considering invoking the 80-day cooling-off period under the Taft-Hartley Act.

Some problems need to be ironed out. Some questions need to be answered. However, I think for the moment that the most important matter to be considered is the potential strike which will affect the railroad industry beginning at midnight Wednesday next.

The important considertion is maintaining service in the transportation industry of the country. With respect to the situation concerning the truckers and their employees—I would hope that a timely agreement will be arrived at so that the 80-day clause under the Taft-Hartley Act need not be invoked.

Mr. LAUSCHE. Mr. President, I, too, commend the President for sending his message to Congress and asking us to pass a joint resolution to extend the cooling-off period from 60 to 80 days. The 80 days would be equivalent to the cooling-off period provided in the Taft-Hartley law.

The President has significantly pointed out that a strike in the railway industry of our country would reduce our annual gross product by 13 percent. It would paralyze innumerable businesses. A railroad strike would adversely affect our men in South Vietnam.

The President in his message rather clearly describes the plight that we will find ourselves in if the railroads of the country are struck next Wednesday midnight.

Some 750,000 commuters in two of our largest cities will be immediately affected. The transportation of food will be impaired. The impact upon the Nation would be far greater than we could immediately comprehend without deep thought such as has been given to the situation by the President.

The President, in the concluding paragraph of his message, states:

> More drastic measures could have been proposed. But I believe that the parties should be given one more opportunity—a last clear chance—to resolve their differences, in their own way, in the spirit of free collective bargaining.

I am convinced that the President has determined to choose for the time being the remedy of extending the cooling-off period by 20 days. However, I frankly state that as I read in the newspapers about the strikes of schoolteachers, city employees, the threatened strikes and violence to be anticipated, and threats of policemen striking, and when we realize that the trucking industry of the country is on the verge of a national strike which is very nearly as important as the threatened strike against the railroads, I am led to believe that the time has come when Congress should give consideration to a review of all the laws dealing with the right to strike.

I cannot bring myself to a peaceful state of mind and belief that Government employees have the right to strike. I cannot believe that employees of a city, village, county, school board, or the U.S. Government should be vested with the right of stopping the business of Government.

Yet, that is what is happening. In Toledo, they have had a strike for several months. The strike paralyzed the collection of garbage and rubbish in the city.

The chairman of this meeting today has read about threatened strikes of firemen. No word has yet reached us of threatened strikes of policemen, but we can anticipate that that will happen.

Mr. President, I contemplate submitting to Congress, through the Senate, one, a bill that will prohibit public employees from striking; second, a bill that will require compulsory arbitration in all industries whose rates are fixed by public bodies, either of the States or of the National Government.

The railroads are under the control of the Interstate Commerce Commission. That Commission fixes the rates which may be charged by the railroads. The ability to meet pay schedules, of course, is related to the amount of revenues that the railroads collect.

Hence, it is my belief that all industries which are subject to rate-fixing by the Federal, State, or local governments should be required to arbitrate their disputes rather than to have those industries affected by strikes.

Which are the industries that would be covered? Companies that supply gas, telephone, railroad, telegraphic, and other services. It may be that the bill should also include all industries against which strikes would affect the national economy.

I commend the President for his message. It is a step in the right direction. My hope is that if the strike is not settled in the 20-day period which will elapse if the President's proposal is adopted, he will then recommend compulsory arbitration of this dispute between the railroad labor unions and the railroad industry.

Mr. DIRKSEN. Mr. President, has the Senator from Ohio yielded the floor?

Mr. LAUSCHE. I have.

Mr. DIRKSEN. If there is an ominous threat to the well-being of the economy of the country, it has had very little discussion or attention on the front pages of the newspapers. I doubt very much whether the American people are adequately alerted to what is involved, for if there is to be a strike against the rail carriers of the country, coupled, of course, with the difficulties that now confront us by virtue of a possible strike against the trucking industry, that really is an ominous threat, as I say, to the country, not only to its food supply, but to nearly every activity that takes place in the country.

Probably the only thing to do, in the event the leaders of the union forces will not agree to an extension, is to have Congress extend the time under the Railway Labor Act. Sixty days are now allowed in which to achieve an agreement. If that period were extended for 20 days, the effect would probably be the same as under the 80-day provision in the Taft-Hartley Act.

At the present stage of negotiations, it would appear that something ought to be done as an emergent measure before the President departs on his trip to Latin America. I am advised that the House will take up this matter tomorrow under a suspension of the rules. But I am hopeful that the Senate probably can take the matter up today. Obviously, if the Committee on Labor and Public Welfare meets this afternoon, an objection might be made on the ground that whatever is reported will have to lie over for a day. In that event, we could adjourn the Senate, then reconvene the Senate, and still take action this afternoon. I sincerely hope that this course of action may be pursued, because we cannot trifle with the matter.

There are those who think that perhaps the strike should be allowed to eventuate and that action be taken thereafter. But the readjustments, the damages, and the difficulties that ensue after a strike actually gets underway are absolutely incalculable.

I trust, therefore, that we can find a way to extend the negotiating period for 20 days. By that time, the President will have returned from his Latin American visit, and there will be adequate time to pursue further the equities that are involved on each side of the bargaining table.

Mr. HILL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. HILL. The Committee on Labor and Public Welfare will meet at 2 o'clock to consider the joint resolution. I hope that we may get action on the measure this afternoon.

Mr. DIRKSEN. That sounds extremely hopeful. I trust that that will eventuate.

(At this point, Mr. YARBOROUGH assumed the chair.)

Mr. WILLIAMS of Delaware. Mr. President, I join the majority leader and the minority leader in commending the President for sending this message to Congress. I express the hope that the Committee on Labor and Public Welfare, the Senate, and the House of Representatives will take prompt action and that perhaps the Senate may even be able to act this afternoon.

IMPACT OF FREE ENTERPRISE CAPITALIST SYSTEM ON POSTWAR COMMUNISM

Mr. PERCY. Mr. President, the recent debate on and passage of the Consular Treaty has served to increase the public discussion of the advantages and disadvantages of extending and further developing East-West contact through trade. I believe a growing number of Americans—of all walks of life—are concerned that alternative means of competition with the Communist bloc be found to replace the present militarily oriented basis of the relationship between East and West.

The Caterpillar Tractor Co., of Peoria, Ill., is one of our most prominent American industrial enterprises. As such, they export throughout the world not only goods but good arguments for the merits of the American free enterprise system. Mr. William Blackie, the highly respected chairman of the Caterpillar board, is an extremely interested observer and participant in international trade in general, and of East-West commercial competition in particular.

Accordingly, I was extremely interested in Mr. Blackie's views on the impact of our free enterprise capitalist system on postwar communism. His able address at the annual award dinner of the Moles in New York on January 25, 1967, will assuredly be of equal interest to Members of both bodies of Congress, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AN ADDRESS BY WILLIAM BLACKIE, CHAIRMAN, CATERPILLAR TRACTOR CO., AT THE ANNUAL AWARD DINNER OF THE MOLES, NEW YORK, JANUARY 25, 1967

Throughout this strife-ridden world there is today one great yearning—one great hope: *peace*. But hanging over all is the knowledge that men are fighting and dying—for what? For peace! The objective of war is peace. It must be! War in itself can never be an end. It can only be a means; but toward what, if it is not something which ends in peaceful enjoyment of the result achieved—by the side which is not the loser?

The objective of war by those who start it is to achieve peace by ultimately reestablishing it under a different set of conditions than those theretofore prevailing—conditions which they deem better—*for their* purpose. Historically, the causes of aggression are usually described by the aggressors as need for security or for expansion of living space, and by the attacked as lust for power or greed for possession. But whatever they may *be, the ascribed causes can usually be resolved into attempts by the aggressor to* impose his will upon the attacked; while the attacked seeks to preserve his own right to live and act in accordance with his own will.

Now there exists in the world today a body of thought which professes that *it* is the enlightened protagonist of a superior way of life—one which should be *imposed* upon those who do not choose to accept it voluntarily. Its concentration occurs in a number of countries where the governing power has been seized by those protagonists, though not necessarily held by the will of the majority. These are the communist countries—among which there are two of present major significance, Soviet Russia and Communist China. And it is from either or both of these two sources that directly or indirectly can be traced most of the major trials and tribulations which have beset worldwide international relations since the end of World War II.

If this be true, then two developments of recent origin deserve very serious attention by all who, like us, seek to have a world in which there shall be both peace and goodwill to men. One of these is the unconcealed evidence that the Soviet Union and most of its East European allies are discovering some of the errors of their economic ways and are making appropriate modifications of their systems. The other is that the adoption of these modifications accompanied by other departures from classical communist dogma is creating a widening schism between Soviet Russia and Red China.

These are the primary developments. Two more might be deemed secondary, though they are not unrelated. One of these is the resurgence of a spirit of nationalism among the separate communist countries in East Europe; the other is the growing disaffection and the resulting power struggle which is dividing Red China. The former of these, more nationalistic independence, is undoubtedly being encouraged in Eastern Europe by the diversionary influence of the split between the two major communist regimes; the other, the division within Red China, is caused, at least in part, by the same kind of reform movement which is going on in Soviet Russia.

Taken in combination and as a preface to what I am about to say, these developments may become compounded into the most important political event of our times.

II

The schism between Soviet Russia and Red China is based on a charge by the Chinese that in changing its ways Soviet Russia, in common with most of the other communist countries of Eastern Europe, is departing from classical Marxist-Leninist doctrine and moving toward Western-style capitalism, while at the same time it is espousing the idea of peaceful coexistence with that capitalism. The "crime" is called revisionism—presumably because that is just what it is: a revision of earlier ideas about ways and means of best developing "the greatest good of the greatest number".

Among others, the changes being proposed or adopted involve movement toward some of the most basic elements of free enterprise capitalism. Thus the influence of a freer marketplace as expressed in more flexible pricing would be given recognition as a necessary functional mechanism having the purpose and effect of more closely reconciling supply with demand—production with consumption. This was an objective which the central planners sought, but they bogged down in an *unmanageable morass* of bureaucratic paper and statistics which, even if it could have been handled and interpreted, would still not have put shoes on the feet or clothes upon the backs of people who did not choose to buy them because they did not like the fit, the style, the quality or the *price. In many cases there appears to have* been an obsession with quotas so unrelated to needs that a considerable proportion of production went into obsolescent inventories. And even where there was economic intelligence in the introduction of new products there was serious lack of knoweldge or decision about when to discontinue old ones. There were simply too many unknowable and interdependent variables for planners, anywhere, to anticipate the contingencies or evaluate the probabilities.

A change of this kind would, of course, create both the need and the opportunity for a reduction of price controls and price subsidies. In Hungary, for example, about 80% of all prices have been set by the state. Under the new model, nearly that same proportion would become free or at least flexible under ceilings. More important is the Soviet decision to *raise* basic industrial prices even though these would still remain under control. Heretofore, coal, oil, gas and steel were sold at prices obviously far below cost. This was part of the method to force development of a heavy industry base. That kind of price subsidy is now to be eliminated and, in a modification of emphasis, the needs and demands of the consumer are being more generally recognized. This admitted responsiveness to public pressures has, in turn, required that the managers of the various enterprises become obliged not to ignore something which we would consider to be the influence of a freer and even competitive marketplace. They need, just as we do, the feedback of the market servomechanism.

As explained by Professor Ota Sik, the architect of the reforms in Czechoslovakia: "There was no other way but to start using the market again . . . If we take free enterprise to mean free price competition in the market, then even socialism cannot do without this enterprise . . . If the system is to work as a market, it needs *real* market prices."

Profit would be determined as a means of measuring the efficiency of an enterprise and would be employed as an incentive for promoting higher productivity and greater cost effectiveness. This incentive would operate in two ways: one applicable to the enterprise as a whole, the other to its managers and employees—who are called workers. Part of the total profit would be retained for the expansion or security of the enterprise, as through capital additions and modernization. (Let there be no doubt that this is a management incentive.) The other part of the profit would go to the managers and workers as bonuses (almost like profit-sharing dividends) which, in certain instances, could supplement basic salaries and wages by as much as 20%. There would be a limitation upon the amount of such bonuses designed under some kind of formula to ensure that wage costs do not increase faster than productivity. Nevertheless, resort to any material incentive is a notable departure from the classical Marxist credo that the profit motive is both evil and unnecessary. It means that profits and return on investment would supplant the fulfillment of quantitative quotas as the standard of performance.

Wages would be "de-leveled." Under the egalitarian Stalinist system, professionals and both skilled and unskilled workers within each profession, trade or industry received about the same pay and did so without regard to how well or how badly they performed. There was also little spread between the compensation of the manager and worker. The effect was deadening. Now the stimulus or penalty of relative personal reward and status is to be brought into the system—a surely significant departure *from* a *creed* which held *"from* each according *to his ability, to* each according to his *need"*.

Accompanying these changes as a matter of necessity, if not wholly of desire, authority and responsibility for investment and production decisions are being decen*tralized. Henceforth central planning will be confined largely to projections reaching* out five or more years and be concerned with overall economic goals. Shorter term execution will be assigned to the managers in charge of the individual enterprises and they will operate with a substantial degree of autonomy. In what would seem to be a natural concomitant managers will henceforth be selected less *for* their loyalty to the party and more for their industrial competence.

One means of governmental control would be continued through the allocation of capital funds. Heretofore such funds came directly out of the state budget as required to meet the master plan—and free of charge. The concept of capital in terms of cost and productivity was considered a capitalistic phenomenon, and the result was a most inefficient use of capital. Now central government banks would make capital advances or loans on the basis of investment analyses submitted by the industry trusts or the individual enterprises and would do so at a charge or rate of interest which would provide a reasonable return to the lender and at the same time impose a much-needed degree of financial discipline upon the borrower. The very introduction of such a capitalistic instrument as interest or its equivalent is, of course, significant. (And note, please, that their government-owned business enterprises would be paying taxes, interest or capital charges to the state. Ours are not usually obliged to face up to such a proper responsibility.)

As will be observed, these changes could not achieve their purpose without another capitalistic element: competition. If the efficient are to be rewarded and the laggards are not, then the former must establish their supremacy over the latter. In industry, the final test of this occurs at the point of sale, i.e., of customer purchase. So goods and services will vie for the favor of the user, and he, accordingly, will have a choice among competing alternatives. This, in turn, is already encouraging an idea that the time has come when communist "entrepreneurs" should be resorting to that most despicable device of the capitalists: advertising.

Listening to Soviet officials in Moscow two years ago, I was told that these changes need cause no surprise in capitalist circles. Lenin, it was said, had always advocated the adoption of whatever methods produced the best results even though this might require departure from what theretofore had been considered communist doctrine. As opposed to our concept of free enterprise based upon private property, the one and only basic tenet of the new economics, communist style, is now said to lie in state ownership of the means of production and distribution. When pursuing this particular matter further in the East European countries two months ago, I was given a subtle modification. Ownership of the means of production and distribution, I was told, is to rest in the hands of *society*, with management by the state. To work for another—a private employer—is deemed to be a subjugation to degrading, undignified, unprincipled exploitation. Working for society—for all of the people—is held to be an uplifting, dignified, highly principled duty—an honorable obligation and even a privilege. This sharpens the point of the hackneyed story of the communist who, when asked to distinguish between the two systems, replied that "capitalism is the exploitation of man by man and communism is just the opposite".

(Incidentally, those we call communists in Europe refer to themselves as socialists.)

Concomitant with these economic reforms there would inevitably have to be another—a growth of personal and political freedom. The evidence shows in a variety of ways. If centralized planning could not be made to work effectively for the major industries, how could it ever succeed for the hundreds of thousands of small businesses which are necessary to service the living habits of big urban populations—the barber, the beauty shop operator, the tailor, the self-employed repairman, the individual craftsman, and thousands of others whose work is of a more personal nature and does not lend itself to mass bureaucratic regulation. So small business people of that kind are gradually having their freedom restored. They will work as independent entrepreneurs rather than as servants of the state. And the intention to let small farmers have ownership and operation of their farms is probably not as significant as the decision to let them sell their surpluses on the free market at prices of their own setting. This may hardly justify description as laissez-faire rugged individualism but it certainly is a form of free, private enterprise.

(In Poland, which is perhaps the most pro-western country in Eastern Europe, there are now 98,000 privately owned workshops employing 164,000 people; and 85% of its farmland is in private hands. Poland, incidentally, is granted most-favored-nation tariff treatment by the U.S. and is supplied surplus food-stuffs under our Public Law 480.)

It is further reported that decentralization of the communist economy is being accompanied by growing demand for more democratic rights. If so, that would be in full accord with our belief and experience that economic freedom and personal political freedom go hand in hand. Destroy one and the other dies because it cannot live alone. And it is surely not without significance that voters in Hungary and Poland as well as in Yugoslavia are to be allowed to elect government representatives from among a choice of candidates—even though all of one political party. This suggests a possibility that within that party there could be graduations or, some day, even wings—left and right—just as we have here. In that event there could at least be some choice between differing ideas.

III

The changes mentioned are not all being made or being introduced contemporaneously in all of the communist countries of Europe. Most of them are being adopted in Russia where it is planned to have all important industries working under some form of profit measurement and incentive by 1968. Czechoslovakia, which has been ahead of Russia in several respects is moving into a formally approved program this year. Hungary will adopt a substantially similar program at the beginning of 1968. In varying degrees, Poland and East Germany are ahead of or behind the others; while Rumania holds back, watching the developments in the others from a position of somewhat greater economic security. (It is Rumania, however, which repudiated the Soviet principle of a "socialist division of labor" wholly within the COMECON countries as a bloc. And it was the Rumanians who insisted upon complete freedom of economic action—in particular to trade with the West when they deemed it advantageous to do so. The process going on there is not so much revisionism as it is "de-Russification".) Nevertheless, it should not be assumed from these developments that any of the countries of Eastern Europe intend to build their society on anything which they would consider to be a radical departure from communist principles, and there is no present reason to believe that dissolution of "the bloc" or a break with Moscow is in the offing.

It should also be understood that the changes mentioned are apparently being introduced not so much out of any great admiration for free enterprise capitalism—successful as it may be—as in recognition of the failures of the communist system to begin to produce equivalent results. If underlying communistic ideas could be made to work effectively, they would presumably be retained; but when they do not succeed, alternative methods will apparently not be ignored—even though this might mean the adoption of what had earlier been considered improper capitalistic practices.

Failure, of course, is a relative term. It is to be measured only against some standard—some calibration of what constitutes success. This was recognized by the early communist prophets. They preached that our system had to be destroyed, presumably in order that theirs might succeed. The matter was not one to be based on any "self-determination of peoples"—to be established independently, internally, country by country. Instead, the "true believers" undertook the greatest attempt in all history not only to convert others to their way of thinking but to subvert them in a manner which would seek to strengthen the communist hold in the world by weakening that of all who believe otherwise. It was not to be a matter of open international rivalry—one in which there would be any willingness on the communist side to let the better system win. It was to be an open battle for the minds of men to the end that those enslaved by the power of communism—ideological, political, economic or military—would join or be forced together in a world in which there would no longer be room for our kind of free, private, competitive capitalism.

Now in this context, and in this one aspect of their dogma, I suggest that the doctrinaire communists are correct: their economic system cannot, in the long run, survive or succeed in the same world as ours. The reason: ours, by producing infinitely superior results, is proving theirs to be fundamentally inferior.

The whole idea of communism and a communistic state lies entirely in a body of theory which defies all human experience. In one place or another and at one time or another, it has been tried—and it has always failed. On the other hand, our theories of capitalism were not conceived in advance of trial and test. They are the derived principles of a long economic pragmatism which has proved their worth.

A viable economic system is not a matter of theory or faith; it is one of empirical results. It is an instrument for a purpose—to be shaped and perfected in the course of its use until it becomes the most appropriate tool for the purpose. Ours is the best—not because it is ours, but because it has produced better results than any other. And it is the best because it has also achieved its success with a minimum of infringement upon that one precious virtue which transcends all other considerations, freedom of the individual.

Nevertheless, as with change everywhere else, the reforms described are meeting with resistance within each country where they are being proposed or introduced. The "conservatives" defend the status quo of classical communist ideology and cling to its doctrinaire cliches while the liberals press for change. In several countries the political survival of present incumbents would be jeopardized by reform; and entrenched bureaucrats—being the same everywhere—behave like entrenched bureaucrats. Workers will presumably have to work harder and better if the motivating incentives are to be effective. They may not like the change. And for many of the old-line "reactionaries" it could hardly be easy to accept such radical departures from a system for which they had fought, worked or suffered so much. Think too of the horrors of repression, terror and punishment through which so many had to pass in order to reach something which, in part at least, is now being found unworthy of the terrible cost. Sometimes progress has to wait for an older generation to die out.

So it cannot be presumed that all the reforms will come into being quickly—or even at all. On the other hand it can be assumed that if they are given a fair trial those changes which move in the direction of our established practices are more likely to succeed than the abortive theories they would supersede. And should they succeed, the further erosion of communist faith would surely create more doubt about the validity of other aspects of what had therefore been treated as immutable dogma.

IV

Today there is evidence that the two sides are shaping up inside the communist world. The center of doctrinaire Marxist-Leninist communism has moved to Peking while the sheer force of liberalizing pragmatism has been working evolutionary change in the capitals of Eastern Europe. The Red Chinese condemn the whole Soviet idea of coexistence—peaceful or otherwise. The East European sees a nearby Western civilization flourishing at a level which far exceeds his own. The contrast and the choice between communist austerity and capitalist prosperity stares him in the face—and he is not blind. He may believe that revolutionary dictatorial communism did carry him away from downtrodden serfdom faster than might have been possible in any other manner. But now that progress has slowed to an embarrassingly low rate, the deficiencies of the system are beginning to reveal themselves.

In all of these circumstances we, the United States, are surely faced with both the need and the opportunity for a reexamination of postulates—for a farsighted reconsideration of national policies and objectives. To proceed without responsible recognition of what is going on now as contrasted with the conditions prevailing only a few years ago would be to ignore the march of history. Soviet Europe has been de-Stalinizing itself; we often seem to be harboring hate of the past more than hope for the future.

And there *is* hope for the future—if we who, by the random fate of history, are the leaders of the world accept our obligation to *lead*.

First, I suggest that our objective should be, as I think it is, not the killing of commu*nists* but instead a lighting of the way toward a reform of commu*nism*—by the voluntary decision of the communists themselves. Men are not "converted" by force of arms or even by punishment. True conversion can only come from within, whether the subject be individual man or that body of men recognized as a state. But—and more by tangible evidence than oral suasion—the way toward conversion can be shown by the demonstration of better alternatives. It is the very nature of man that he must live on the basis of choice among competing and sometimes conflicting alternatives; and to the maximum extent possible within the mores or conventions of his society that choice should be a matter of his own personal decision. This is the very essence of freedom. To make his selection intelligently, there must, however, be adequate knowledge and understanding of the alternatives.

Among the peoples of Soviet Europe there has been little or no exposure to the concept or practice of capitalism as a feasible alternative to communism—and few ever lived in a democracy. Prerevolutionary Russia and several of the other communist countries never had the chance to enjoy modern style capitalism, and even those older people who might once have known something of its advantages and successes are now heavily outnumbered by younger generations who have not only been deprived of the opportunity to study comparison of the two systems but have been indoctrinated with a philosophy which would reject any idea that there could be an alternative to communism.

That is—until now! Today there are signs which portend a possibility that the walls of ignorance, intolerance and international hostility may be cracking under the strain of failure on the one hand as compared with success on the other. It is in this spirit that on October 7, 1966, the President of the United States delivered a major foreign policy speech. In it he said that "A just peace remains our most important goal". "Our purpose" he continued "is not to overturn other governments but to help the people of Europe to achieve together a continent in which the peoples of Eastern and Western Europe work shoulder to shoulder together for the common good—a continent in which alliances do not confront each other in bitter hostility but instead provide a framework in which West and East can act together in order to secure the security of us all." After espousing "the vigorous pursuit of further unity in the West" the President emphasized that "one great goal of a united West is to heal the wound in Europe which now cuts East from West and brother from brother. That division must be healed peacefully; it must be healed with the consent of Eastern European countries and consent of the Soviet Union. This will happen only as East and West succeed in building a surer foundation of mutual trust. Our task is to achieve a reconciliation with the East, a shift from the narrow concept of coexistence to the broader vision of *peaceful engagement*. Where possible we shall work with the East to build a lasting peace. We do not intend to let our differences on Vietnam or elsewhere ever prevent us from exploring all opportunities. We want the Soviet Union and the nations of Eastern Europe to know that we and our allies shall go step by step with them just as far as they are willing to advance. So let us, both Americans and Europeans, intensify, accelerate and strengthen our determined efforts."

There might be differences of opinion about the means of pursuing these policies, but surely there can be no quarrel with the objectives.

V

Everywhere in the world today communism, as a political or an economic system—and occasionally as both—is on the retreat. It is being defeated in some countries, repudiated in others, and in Europe, it is receding of its own volition. The causes for this turn of events lie in the paucity of what communism has to offer, in its restrictions of personal freedom, in its denial of human motivations, and—perhaps more than any other single factor—in its *failure*. One of the major causes of communist reform is undoubtedly the increasing evidence of capitalist success and the growing knowledge of this among the communists. The idea that the capitalist countries are more successful *because they are capitalist* is penetrating through the rusting iron curtain. If this be so, the major contribution which we might make to the peace of the world need not necessarily be the deterrent of armed strength; it could be industrial strength as demonstrated by the quality and quantity of the benefits brought to our society by the wise employment and continuing development of our still evolving capitalism.

These benefits would include our personal freedom and political democracy; our mode of living, our institutions, and the patterns of our culture; our goods and services; our comforts and pleasures; and whatever other qualities go into life as we know it at its best. Not all of these might, of course, be desired by others. That is not the point. The essential requirement for individual freedom and dignity is that there be personal choice—free from enslaving dictation by others. In the long run the healing of the rupture which has split the world into two—or three—camps will not come through nations or governments. It will come through ordinary people who, like us, have the normal human aspirations for a society in which they can enjoy freedom and family, work and play and the pursuit of that same kind of happiness which our forebears deemed to be a worthy objective.

Nothing in these remarks conflicts with what we have to do at this time in Vietnam: *win* by achieving an honorable termination of the hostilities on terms which will offer the prospect of something more than another truce between wars. For the time being, positions and emotions on both sides of the Atlantic regarding these hostilities will have the effect of retarding movement toward peaceful engagement in Europe. But sight should not be lost of the larger objective: an enduring *world peace*. We seek to find means of abolishing war—hot and cold. The goal may never be attainable, but how will we ever know if we do not try everything in our power to make it possible.

In the words of Winston Churchill, let the moral of our leadership then be—

"In War: Resolution.
"In Victory: Magnanimity.
"In Peace: Goodwill."

EPILOG

In a sort of "far out" extrapolation of these changes and aspirations let us, for the moment, accept it as a premise that the principal difference between the two economic systems might become only one of the ownership of the means of production and distribution—a sort of state capitalism as contrasted with our private capitalism. Could that of itself ever be a valid cause for international war, or subversion or for anything more than dialectical difference? We live in harmony with many countries where public or tax-supported ownership of industry is an accepted and even desired way of life. Such a type of ownership exists within our own federal system as well as in numerous state and municipal enterprises. It is seldom if ever as effective as a private profit-earning tax-paying enterprise. But it can be tolerated if the tax-paying voters are willing; and in certain circumstances it has the advantage of providing earlier what private capital might only be willing to provide later.

Carrying the hypothesis a generation further, suppose—for the moment, at least—that the two great proponents of the opposing systems were to find their differences evaporating into nothing more than separate forms of self-determination. Our basic quarrel with the communists is not that they are communists per se; it is that they are not content to be whatever they want to be within the confines of their own countries. We still subscribe to a policy which favors the self-determination of peoples, but communist aspirations and actions are international, and it is this which gives us proper cause for concern. Should they manage to succeed beyond their own boundaries our national security would be jeopardized; were they to stay at home and abandon Soviet imperialism, all our security needs might not be met, but peaceful coexistence would then seem more readily possible. That kind of existence is already generally preferred to an alternative of unpeaceful coextinction. But might it not be possible to find a less coercive, more moral foundation for coexistence in *peaceful engagement*.

If the changes now being proposed or wrought in communist practice were to become successful—as we of the West should hope they will—it would appear to be only a matter of some further time until there could be personal earnings which would exceed the cost of mere sustenance and become disposable income or *savings*. Wealth is created only by people and their personal savings are the very essence of investment capital. How then could enlightened communism fail to move—almost automatically in spite of itself—toward that kind of progress which would seek to regenerate itself on the wealth created by the constructive work of its own people?

Will success spoil communism? Is it possible that with the substitution of practices that succeed for theories that fail, communism will evolve toward a compatible compromise with capitalism? If the test lies in results measured by the greatest good—why not?

FEDERAL SHARING OF REVENUE WITH THE STATES

Mr. BAKER. Mr. President, no one has done more to encourage the beginning of Federal revenue sharing with the States than the economist, Joseph A. Pechman. Mr. Pechman, director of economic studies at the Brookings Institution, was Chairman of the President's Task Force on Intergovernmental Relations, which recommended the adoption of revenue sharing. Because of the administration's studied refusal even to encourage serious consideration of this bold new initiative in federalism, that task force report has never emerged from the White House.

Mr. Pechman, nevertheless, has continued through lectures, articles, and discussions with interested legislators to advance the cause of revenue sharing.

His latest statement on this important subject appears in an article "Money for the States," published in the April 8, 1967, issue of the New Republic.

The article goes to the heart of the revenue-sharing controversy by considering the question whether State and local governments are to be trusted to act upon their own initiative to meet in an imaginative way the increasing demands that society places upon government. One would think that today no one would suggest that State and local governments are virtually obsolescent as policymaking bodies in the Federal partnership and are more properly to be regarded as mere administrative extensions of a more powerful Central Government.

Yet that seems to be the assumption, whether expressed or implied, that dominates this administration's attitude toward the traditional Federal partnership between Central, State, and local governments.

Mr. Pechman disputes this assumption. He admits, as we all will, that there is considerable room for improvement in State governments. But he also recognizes that—

> The State governments do not have a monopoly on incompetence—many of the Federal bureaucracies administering grants are something less than models of efficiency.

He further points out that during the last decade the States, "without central direction or coercion—have actually used most of their scarce resources for urgently needed State and local programs."

I wholeheartedly subscribe to Mr. Pechman's view that if our Federal partnership of governments is to be able to respond most efficiently and effectively in the future, there must be a strengthening of and more reliance upon State and local governments. The first step in this reform should be to improve the financial condition of the State governments through Federal revenue sharing. Polls show that 70 percent of the American people favor this sort of program. Sentiment favoring revenue sharing grows every day in Congress. In the Senate, nearly 2 dozen of my colleagues have committed themselves to some form of revenue sharing. On March 9, I, together with 15 cosponsors, introduced the "Revenue Sharing Act of 1967." The plan would begin modestly by committing 1 percent of the Federal revenues remaining after the cost of national defense and the national debt has been subtracted from the annual Federal revenues. Our plan would cost about $500 million in its first year of operation. The President has said that within 5 years Federal aid to cities and States will amount to about $60 billion annually. If Federal aid to States and cities is to increase at anywhere near the rate the President predicts, it is inconceivable to me that we should not commit a small percentage of this total effort to no strings attached aid.

Mr. Pechman's article deserves close examination by every Member of this body who is interested in the reinvigoration of our sorely pressed State and local governments. I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Republic, Apr. 8, 1967]

MONEY FOR THE STATES

(By Joseph A. Pechman)

First broached in 1964 by Walter W. Heller, the idea that the federal government should share some of its revenues with the 50 states and over 90,000 local governments has an unusual degree of support from moderates in both political parties. The opposition comes mainly from conservatives who always prefer tax reduction to better public services, and from liberals and bureaucrats who believe that major decisions about public services should be made in Washington.

Revenue sharing is intended to allocate to the states and local governments on a permanent basis a portion of the very productive and highly "growth-elastic" receipts of the federal government. Most federal revenues come from income taxes that rise at a faster rate than income as income grows. By contrast, state-local revenues barely increase in proportion to income. One reason is that the federal government has virtually preempted the fruitful income tax. Ninety percent of the taxes that are levied on incomes of individuals and businesses in this country goes to the federal government, though 33 of the 50 states tax incomes. States are generally reluctant to increase taxes on incomes, for fear of losing business to other states.

State-local needs have outstripped the potentialties of their revenue system at constant tax rates, so that the rates have been pushed steadily upward throughout the postwar period and many new taxes have been added. But essential public services are starved by governors, mayors, and legislators who naturally try to avoid the politically distasteful—and sometimes politically-suicidal—choice of increasing taxes. Furthermore, state-local taxes are on balance regressive; they impose unnecessarily harsh burdens on low-income recipients.

Stripped to essentials, the revenue sharing plan would operate as follows:

A portion of federal revenues would be automatically set aside each year in a special trust fund on the basis of a predetermined formula.

Disbursements from the fund would be made primarily on a per capita basis, a method that automatically helps the poorer states relatively more than the richer states.

The funds would be turned over to the states, with the understanding that a major share would go to the local governments.

Constraints on the use of the funds would be much less detailed than those applying to conditional grants. However, the funds would not be available for highway construction, since there is a special federal trust fund with its own earmarked revenue sources for this purpose.

An audit of the actual use of the funds would be required, as well as certification by the appropriate state and local officials that all applicable federal laws, such as the Civil Rights Act, have been complied with in the activities financed by the grants.

The per capita method of distributing the grants was chosen because it is the best available index of state fiscal capacity and need. It allocates more money to the populous states; at the same time, it automatically distributes relatively more to a poor state than to a rich state. For example, a $25 per capita distribution would amount to 10 percent of the budget of a state that can afford to spend $250 per capita and only 5 percent of the budget of a state that can afford to spend $500 per capita. More equalization could easily be provided if desired; for example, a small part of the fund, say, 10 percent, could be allocated to the poorest third of the states. Tax effort could also be given some weight in the formula, thereby encouraging states to maintain or increase tax collections out of their own sources, and penalizing those which might yield to the temptation of reducing state taxes.

On the other hand, it would be totally inappropriate to allocate the funds in proportion to the amounts collected from each state. This would give disproportionately larger shares to the wealthiest states, and would widen rather than narrow differentials in state fiscal capacities.

The same criticism holds for the various types of federal income tax credits for state income taxes, which are often proposed as a substitute for revenue sharing. The tax credit is a method to coerce states to adopt income taxes (and is needed for that reason), but it is not a good device for achieving the equalizing objectives of revenue sharing. So long as state shares of federal money depend no income, wealthy states will do better than the poorer ones.

Several methods can be used to calculate the amounts to be set aside annually for revenue sharing. The two most important criteria are that (a) the amounts should grow more than in proportion to the growth of the economy, and (b) the changes that might be required with the passage of time should be held to a minimum. The first criterion would be satisfied by any one of a number of growing bases—for example, total federal revenues, total income tax revenues, and the individual income tax base. The second would be satisfied best by the individual income tax base (*i.e.*, taxable income) which is changed only rarely. Actual income tax receipts could also be used, provided Congress is prepared to change the revenue-sharing formula when tax rates change. On balance, the income tax base is preferable.

ANOTHER $6 BILLION

At this year's expected income levels, that base is in the neighborhood of $300 billion and the allocation would amount to $3 billion for every percentage point of the base. If the Vietnam war were to end soon, the nation could easily afford to allocate two points of the income tax, or $6 billion, for revenue sharing, as an addition to the $15 billion a year that the federal government already sends the states in grants in aid. This extra $6 billion would be enough to finance general grants average $30 per capita. At this rate, California would receive about $580 million, New York $560 million, Massachusetts $160 million, Wisconsin $125 million, Maryland $110 million, Mississippi $65 million, and so on. Equally important as the amounts, the grants would automatically grow with the tax base—in a full-employment economy, they would double every nine years.

The plan is often criticized because the states and local governments might be in trouble if the revenue-sharing funds declined during a recession. But it turns out that this is not a matter of great concern. The tax base has declined only twice since the end of World War II—by four percent in 1949 and by less than one-tenth of one percent in 1958. These are within the range of fluctuations that state and local governments are accustomed to in some of their own tax sources. But even if a deep recession occurred, Congress could easily add to the statutory amounts to prevent state-local distress. Few anti-recession measures would satisfy both the efficiency and stabilization objectives as well as revenue sharing. Rather than reducing the federal government's flexibility to combat recessions, as some allege, the plan would provide another useful outlet for federal funds in these circumstances.

Some people have embraced the revenue-sharing plan as a method of undercutting the present federal conditional grant system: a few would even replace the present grants by unconditional or general-purpose grants. But the two types of grants have very different functions and these cannot be satisfied if the federal system were limited to one or the other.

Conditional grants—*e.g.*, for urban renewal and public assistance—are justified on the ground that the benefits of many public services "spill over" from the community in which they are performed to other communities. Expenditures for such services would be too low if financed entirely by state-local sources, because each state or community would tend to pay only for the benefits likely to accrue to its own citizens. States have a well-developed system of conditional grants to local governments for this reason. Additional assistance by the federal government is needed to raise the level of expenditures closer to the optimum from the national standpoint.

General purpose or block grants—*e.g.*, for health, education and welfare as a block—are justified on different grounds. In the first place, all states do not have equal capacity to pay for local services. Even though the revenue effort of the poorer states is average, they are unable to match the revenue-raising ability of the richest states. Second, federal use of the best taxes (*i.e.*, on income) leaves a substantial gap between state-local need and state-local fiscal capacity. Moreover, no state can push its rates much higher than the rates in neighboring states for fear of placing its citizens and business enterprises at a disadvantage. This justifies some federal assistance even for purely state-local activities, with the poorer states needing relatively more help because of their low fiscal capacities.

For these reasons, the general-purpose grants are intended to supplement the conditional grants, not to replace them. Considering the large unmet needs throughout the country for public programs with large spillover effects (education, housing, etc.), adoption of revenue sharing should not be the occasion for reducing conditional grants. It is a well-known axiom of logic that two objectives cannot be satisfied by using only one instrument.

The most serious criticisms of revenue sharing come from those who have lost faith in the state governments. On the whole the states have been doing a good job, although there are exceptions. Without central direction or coercion, they have actually used most of their scarce resources for urgently needed state and local programs. Between 1955 and 1965, general expenditures of state governments rose steeply by $23 billion, to around $40 billion. Of this increase, about 60 percent went for education, health, welfare and housing more than 40 percent went to education—most of it through grants to local governments. This evidence suggests that, if the states were to receive unencumbered funds from the federal government, they would spend them on urgently needed services whether the particular services were stipulated in the legislation or not. To be specific, if the federal government allocated $6 billion for revenue sharing, there is little doubt that about $3 billion of this money would be spent on teachers' salaries, school buildings and other educational needs.

The federal government would, of course, expect the states to pass the funds through to their local governments in an equitable manner, but this is much less of a problem than most people might suppose. All states give aid to local units and most give significant amounts. As a matter of fact, the state grant-in-aid system for local governments is much more highly developed than the federal grant system. In the aggregate, transfers from state to local governments account for more than a third of state expenditures and about 30 percent of local general revenues. By contrast, federal grants amount to only 17 percent of state-local revenues. Thus, even without any specific requirements, the local governments would receive at least a third of any general funds the states might receive from the federal government.

SAFEGUARDING LOCAL UNITS

But there is no reason why the federal government should not write a "pass-through" formula into the plan to be sure that the states will turn over to their local units an even larger share of the revenue-sharing receipts than they might otherwise allocate. This can be done in two ways:

1. The revenue-sharing legislation might provide that all states must pass along a certain percentage of the grants to their local governments. In view of recent trends, the minimum should be at least 40 percent and might even be as high as 50 percent. This would prevent any state from shortchanging its local governments (although it might be difficult to detect offsetting reductions in existing grants if the state legislature was of a mind to do so). The disadvantage of a fixed percentage is that the extent to which the states delegate responsibilities to, and share revenues with, local governments varies greatly. In some states, the appropriate percentage may well exceed the 50-percent mark, and in others it may be below it. The danger is that any minimum percentage is likely to become a maximum, so that stipulating the percentage may do more harm than good in some states.

2. A more flexible method of handling this problem is to require the governors to prepare detailed plans for the use of the funds. As guidance for the development of these plans, the Congress might indicate the general areas which it regarded as most urgent, including the need for making funds available to local governments. To be sure that the plan represented a broad spectrum of opinion in the state, the governor would be directed to consult with local officials and representatives of local citizens' associations before incorporating the plan in his budget. The development of such plans would provide the occasion for a complete review and possibly a revamping of state-local relations throughout the country.

The second method provides more flexibility and greater opportunity for initiative and innovation in state-local relations. However, if Congress believes this decision cannot be left to the states, the fixed percentage method is certainly consistent with the spirit and intent of the revenue-sharing plan. In either case, the net additional funds that would be funneled to local governments would be greatly increased.

The states are an essential feature of our federal system of government. A local government is efficient to do some things, but not others. In taxation, for example, large local tax rate differentials encourage people to move to other communities or to purchase elsewhere to avoid taxation. As for expenditures, not a single large city has the financial capacity to support higher education, health facilities and other urgent expenditures, as well as to pay for the heavy welfare costs. With the growth in population, the states are rapidly becoming metropolitan governments in the true sense of the word—Maryland and Connecticut, for example. For reasons of efficiency, the state governments cannot be permitted to wither away.

There is little doubt that the quality of state governments varies greatly. But this is changing quickly in many parts of the country, as the effects of reapportionment are felt. Furthermore, there is no point in denying urgent fiscal aid to the "good" states merely because there are some "bad" states ("good" or "bad" in their attitude toward public services). As the last election demonstrated, states change complexion rapidly—Maryland is an example of a state that went from bad to good last November, and California is an example of one that went from good to bad. It should also be added that the state governments do not have a monopoly on incompetence—many of the federal bureaucracies administering grants are something less than models of efficiency.

In brief, revenue sharing will provide the states with a growing source of income from taxes that are much more equitable than those now available to them. Much of this money will go to local governments with or without legislative safeguards. There is no better way to help finance the urgently needed public services, and at the same time, to strengthen our federal system of government.

THE FALL OF BATAAN RECALLED

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an article which was published in the Washington Star of April 9, 1967, written by Frank Hewlett, entitled "Reporter Recalls Fall of Bataan 25 Years Ago Today."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REPORTER RECALLS FALL OF BATAAN 25 YEARS AGO TODAY

(By Frank Hewlett[1])

Twenty-five years ago today the sick and hungry American and Filipino forces on Bataan surrendered after a gallant 98-day stand which so upset the Japanese timetable for conquest that it was never again to get back on schedule.

One little-known reason why our nearly 80,000-man garrison was able to hold out so long was that someone in Washington had goofed and sent to the Philippines a million gallons of unordered gasoline.

General Douglas MacArthur's quartermaster had asked the War Department for enough 55-gallon drums to hold that much fuel. He didn't request gasoline because there was already substantial amounts in storage throughout the Philippines. Besides, plenty more was at refineries on the nearby islands of Borneo and Sumatra where our Allies had surplus stocks after having cut off sales to the Japanese as punishment for their takeover of French Indo-China.

Old records of USAFFE (United States Armed Forces Far East) show the order was filled less than two months before the war started but the asked-for empty drums arrived in Manila harbor filled with gasoline.

No one seems to know why but most of this gas ended up in storage dumps on Bataan. Either someone showed remarkable foresight or it was just a stroke of luck because our defense plans at that time didn't call for any last stand on the Bataan peninsula across the bay from Manila.

Anyhow, the gas was there and was more than welcome because when MacArthur finally decided to follow an old war plan, which called for holding out on Bataan until relief arrived, there wasn't time to move much in the way of supplies to the jungle-covered peninsula.

Those 18,000 gas drums were long since empty when on April 9, 1942 the Filipino-American defenders of Bataan surrendered. The fuel situation had become so acute that when the last of the USAFFE reserves were committed most of them had to walk to their front line positions even though there were hundreds of idle trucks and busses at Bataan's main motor pool. Some of our few remaining tanks ran out of gas on the way to the front and had to be abandoned.

Before the men of Bataan finally gave up the peninsula had been picked clean. The rice crop had been commandeered and milled by the quartermasters. They not only butchered Bataan's 600 carabao (water buffalo) but also the 250 horses of the 26th Cavalry regiment and their 48 pack mules. Before the end came some of the Americans had eaten dog, iguana and monkey meat.

---

[1] Frank Hewlett, veteran Washington correspondent, was in the Philippines with the United Press when World War II started and covered the Bataan campaign. He escaped to Australia after being the last correspondent on Corregidor which held out for nearly a month after Bataan surrendered.

Bataan had a field bakery which had managed to operate for two months and the GI's there were an ingenious bunch. Coconut oil was used when they ran out of lard. They even salvaged two barge loads of flour from the waters of Manila Bay.

Sugar was the Philippines main export but there wasn't enough on Bataan to sweeten a cup of coffee, if there had been any coffee.

Neither was there any pineapple, although it was rotting in the fields of the big Del Monte plantation on the island of Mindanao. Pineapple was a high priority item because it helped check beriberi which was taking a heavy toll among the fighting men.

April 3, 1942—Good Friday—was the beginning of the end of Bataan. Then the forces of Gen. Homma made a major breakthrough over a wide front. This came after a devastating artillery barrage and an attack in force by bombers of the 22nd brigade.

On Easter Sunday the Japanese resumed their brutal artillery and air bombardment and followed it with a new drive by their Fourth division.

Bataan's main reserves consisted of four badly depleted regiments. Maj. Gen. Edward P. King Jr., committed them all with orders to counter-attack. Some of the lost ground was regained but only for a short time.

One of these units was the 57th regiment, an organization with American officers and an enlisted personnel of seasoned Filipino Scouts. Its third battalion was commanded by Maj. Harold K. Johnson, now the army's chief of staff. Four times in five days this regiment valiantly tried to establish new defense lines. When the end came the gallant 7th was down to 500 officers and men.

Bataan's last defense line was established by New Mexico National Guardsmen from an antiaircraft brigade commanded by Col. Charles G. Sage who died in February of this year a retired major general. Sage was directed to destroy all his guns except those that could be used for infantry and set up a defense line on high ground just north of the village of Cabcaben. The New Mexicans were all alone there when Gen. King decided the situation was hopeless and sent two officers forward with an improvised white flag.

During the night about 2,000 persons escaped from Bataan to the island of Corregidor less than five miles away which was to hold out another month. They included most of the army nurses, 300 survivors of the All-American 31st infantry regiment, navy personnel from sunken ships and a few scouts from the 26th cavalry regiment. The force which Gen. King surrendered was the largest in American history and included 12,500 Americans and 66,500 Filipinos.

SENATOR BYRD HONORED IN WEST VIRGINIA

Mr. MANSFIELD. Mr. President, my Senate colleague, Robert C. Byrd, of West Virginia, was honored by the Morgantown. W. Va.. Chamber of Commerce at a luncheon followed by a tour of Federal facilities in the area, on Saturday, March 25.

I have a copy of the commendatory remarks made by Mr. James R. McCartney in introducing Senator Byrd at the luncheon. Mr. McCartney served for 16 years as managing director of the Morgantown Area Chamber of Commerce prior to this year, when he became director of personnel and public relations for the Consolidation Coal Co., a part of Continental Oil Corp. He has thus had excellent opportunities to observe fully the benefits which have accrued to the citizens of West Virginia from Senator Byrd's dedicated efforts in behalf of his home State.

I am happy to see that Senator Byrd's effective work as a public servant is recognized in a fully merited manner in West Virginia.

I ask unanimous consent that Mr. McCartney's presentation by printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Good afternoon, ladies and gentlemen: This a great day for Morgantown. We have come together to recognize the outstanding public service performed for our State and more specifically for our community by one of our U.S. Senators, the Honorable Robert C. Byrd. Senator Byrd, I am pleased to publicly have this opportunity to welcome you here and we are all delighted that you have accepted the Morgantown Chamber of Commerce invitation to visit our community and inspect a few of the Federal facilities that you have been so instrumental in locating here.

At this time I also want to welcome our other out-of-town guests who have joined us in honoring you here today. At the head table:

Reverend Doane.

C. G. McVay, president of Monongahela Power Company.

Roy Gerard, superintendent of the National Training Schools for Boys.

James McGee, Director of Coal Research, U.S. B. of M., Morgantown Station.

Homer Parker, Director of the U.S. Forestry Sciences Laboratory.

Dr. Heflin.

Byrd.

Martin Piribek, president of the chamber of commerce.

Judge Christie.

Joseph Leonard, director of the fly ash research project.

George Fumich, Jr., Director of the Office of Coal Research, Department of Interior.

Arthur W. Beuhler, mayor.

Dr. C. D. McClure, Director of Alfor.

The Honorable Harley O. Staggers, chairman of the House Committee on Interstate and Foreign Commerce.

Joel Hannah, managing director.

Henry B. Brown, Jr., president of Keystone Bituminous Coal Association.

William M. Poundstone, executive vice president, Consolidation Coal Company.

One of the many institutions that Senator Byrd has helped over the years is West Virginia University. Having himself experienced the hardship that many children encounter in obtaining an education, Senator Byrd has always been a great friend of our schools, colleges, and universities. As most of you know, while serving as United States Senator, he attended American University in Washington and obtained his law degree through sheer hard work and loss of sleep. What many do not know is that he was graduated at the top of his class. We are pleased that Dr. Harry B. Heflin, acting president of West Virginia University and a tried and true West Virginian in his own right, is here today to express *his* compliments to our distinguished United States Senator—Dr. Heflin:

"I want to commend the chamber of commerce for its fine efforts in arranging this affair, and Senator Byrd, I think you should know that this chamber of commerce, now almost 50 years old, is not in the habit of giving testimonial affairs like this just as a passing fancy or because of some whim of a few of its mmebers. This chamber has always been aware of its civic responsibility and very jealous of its position as a leading organization working for the economic progress and general welfare of the Morgantown area. It is well known that this chamber has not arranged this type of occasion because it thought it was good politics or because it might bring added economic gain to this community. This testimonial luncheon for you has been arranged because our members and many others in this community believe you have been and are a dedicated public servant. (Read letters from Senator Randolph and Governor Smith)

"To us you are an honorable man, very hard working, and a man who does what he believes to be right and just rather than what is politically expedient.

"This is why we are glad you are here today. It is pleasant to our ears to hear the oft said comments like, 'Bob Byrd is not controlled by anyone,' or 'Byrd votes his own beliefs and convictions,' 'Bob Byrd is one of the hardest working senators in Washington.'

"Certainly you have the utmost respect of your fellow Senators or you would not have been elected to the extremely important and sensitive position of secretary of the democratic conference in this session of Congress. In this capacity you, along with Senator Mansfield, of Montana, the majority leader, and Senator Long of Louisiana, the floor leader, have the responsibility of meeting weekly with the President to discuss administration policy. You were elected to this most important position by your Senate colleagues because they respect you just as we do . . . certainly not because you represent one of the largest and most influential States in the Union.

"Our congratulations to you for having this great honor and responsibility bestowed upon you. You are also a most effective member of the Senate Committees on Appropriations and Armed Services—two of the most important committees of Congress.

"I hope that the tour you have just been on this morning clearly convinces you that your influence and leadership in having these Federal installations located here have been more than justified. I also hope it has shown you that this community is willing to do its share in providing a desirable home for the employees working at these facilities and that we are cooperating fully in helping these installations to be successful.

"Senator Byrd, your life is an outstanding example of a true American Horatio Alger story. I doubt if there is in our Congress today or, possibly ever has been, any other person who has travelled a tougher road than you have to reach the high position you now hold. It is a great tribute to you and it has certainly meant much sacrifice, hard work, great determination and *willpower to succeed* or it could not have become a reality. We admire you and respect you for making this success out of your life.

Being a U.S. Senator is not an easy job. No one that I know of has ever thought or said that being a Senator is a "soft job." Rather it is a job for a man of your character and qualities which include your:

"Spotless personal integrity.

"Complete devotion to your State.

"A champion under pressure.

"A man of great metal capacity.

"A person of total honesty.

"A deeply religious individual.

"A human being with complete compassion for his fellow men.

"A fine husband, father, and grandfather.

"A dedicated public servant.

"A great patriot wholly devoted to the basic principles of this democracy.

"And a man of unswerving faith in himself and his ability to clearly see right from wrong and to *talk for, work for, and vote for* what is right in every instance.

"You have demonstrated all of these qualities and you have been invited here today so that we could tell you of our appreciation for your dedicated efforts.

"We are also greatly pleased that Mrs. Byrd has accompanied you to Morgantown. First, let's face it. When she married you, you had nothing but potential! She has been a most devoted, understanding, encouraging, and unselfish wife and we are glad to acknowledge her help to you and to your career. Mrs. Byrd, we were proud to see in the newspapers the picture of you dedicating one of our nation's newest atomic submarines several months ago. Incidentally, Mrs. Byrd, I understand that you have a very husky grandson, and we hope that you and the Senator will use your most persuasive influence to have him attend West Virginia University.

"Senator Byrd, again welcome to Morgantown. We salute you for being a dedicated United States Senator from West Virginia, for standing up for your beliefs and convictions, for your steadfast integrity, for your complete devotion to duty, and above all for being truly a great American. And now I introduce to you our United States Senator, ROBERT C. BYRD."

WAR AGAINST CRIME

Mr. MANSFIELD. Mr. President, by all odds, 1967 appears to be the year of this Nation's war against crime. The pendulum of concern for this serious problem, which has too long been on the side of neglect, is beginning to swing toward action. President Johnson, in his state of the Union message, proposed a safe streets and crime control bill, calling for $350 million in Federal aid to State and local law-enforcement agencies over the next 2 years. Later, the President's Commission on Crime issued a lengthy report which, because of unusual public interest, has had to be reprinted. Last week, a large number of the Nation's most important law enforcement officers gathered in Washington to hear the President, Attorney General Ramsey Clark, ex-Attorney General and current Crime Commission Chairman Nicholas Katzenbach, and other top Federal officials. Hopefully, out of all this activity will come congressional laws to put teeth into our anticrime efforts.

High on the list of priorities is the task of restoring to the individual police officer both the public backing and the technological tools to do his job. He represents our first line of defense against crime, but more and more he has been left to fend for himself and more and more he is the subject of ill-merited abuse and castigation. As a result, morale among many metropolitan police forces has slipped to an alarming degree, and recruitment has become difficult, if not impossible.

The plight of police departments today is described in a thoughtful article by Talmage Powell which appeared in the April issue of the American Legion magazine. Mr. Powell points out, for example, that Washington, D.C., is 230 men short of its authorized strength of 3,100 despite a $100,000 recruitment drive and $50 rewards to each member of the department who recruits a new officer.

No one will deny that this Nation must maintain its enviable record of protection of the rights of persons suspected of crime. Nor will they question our continued attack on poverty and ignorance as root causes of crime. But, Mr. President, if this Nation is to remain a land of law, the public had better begin to equip its police departments so that they can function effectively within the new ground rules of recent years and to accord to them the respect to which they are entitled and which they deserve. It would be my hope that Congress will move swiftly to consider the proposals made by President Johnson and his Crime Commission. If it does not, the Nation will face not a few "long hot summers."

Mr. President, I ask unanimous consent that the article by Talmage Powell be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OUR DOWNGRADED POLICE: A NATIONAL PERIL

(By Talmage Powell)

A whole series of events has been unfolding in recent years that is downgrading and demoralizing our American municipal police.

While some people would debate the right and wrong of the many things that are increasingly demoralizing our cops, there are two things that are beyond debate:

1. Police are starting to disappear. Fewer and fewer men want the job.

2. Respect for police is on the wane. And it is respect for police—rather than the police themselves—that actually enforces most of the law in this country.

It is a perilous thing for a nation to cheapen its police *en masse*, to drive people away from wanting to be cops, and to permit respect for the blue coat to vanish.

That peril, too, is beyond debate. It was demonstrated in the laboratory of the Boston police strike of 1919. Let's turn back the clock and take a second look at an American city without police.

The Boston police had real grievances in 1919. They worked a 12-hour shift. Their annual wage of about $1,100 was about half that of an industrial worker. When nobody higher up would hear their grievances they went on strike.

Of 1,544 Boston police, 1,117 walked out on a Sunday afternoon. Massachusetts Governor (and later President) Calvin Coolidge at first wanted no part of the mess. He wanted Boston to solve it. So he did not call out the State Guard, and Boston was lawless.

News of the strike swept the city. With darkness, crowds were jostling in the flophouse-and-gin-mill area of Scollay Square. A few fistfights tested the new freedom from restraint. Then wanton vandalism followed. Trolleys were pulled off wires. A window was smashed. A car overturned. A woman screamed and that was the signal turning the crowd into a mob.

The next 72 hours wrote one of the darkest paragraphs in American history. By Monday night, mobs were looting and smashing stores. Men were being slugged and robbed in plain view. Screaming women were dragged into doorways and assaulted. Police stations were stoned as a minor pastime. Terror-stunned citizens cowered behind locked doors, with loaded guns to protect themselves, their wives and children. Hurriedly organized citizens took up armed posts in the banks and larger stores behind barbed wire and barricaded doors. Out-of-town criminals picked up their arms and headed for Boston. By Wednesday, the mobs were partially armed, and Boston teetered on the edge of total catastrophe.

Finally, Police Commissioner Edwin Curtis found a technicality whereby he could call out a small part of the State Guard on his own authority. As these moved into Scollay Square with bayonets fixed, a pitched battle was started, with flying bricks, stones and bottles from the looting mob. Guardsmen killed three people before the mob fell back. Debris and wounded people littered the area. One on-leave sailor was killed. He was only an innocent bystander. Two men were killed in South Boston. Four Harvard undergraduates, citizen volunteers, fell into the clutches of a lawless mob and were almost lynched before help could reach them. Finally, when Curtis' limited Guard had restored some order, Coolidge sent the State Guard in force into Boston on Thursday and the hoodlum's holiday ended.

Today, year by year, the whole nation is so ignoring the fundamentals of public safety that men are less willing to be cops. The Boston police strike is coming over us everywhere by degrees. Police aren't striking—they are quitting—and young men aren't as anxious to become today's police.

In Chicago, 64 men quit the force in the month of July last year.

San Antonio estimates that it needs 1,200 police. Only 800 are authorized. The force is 10% short of that.

Baltimore reports 360 police vacancies.

Washington, D.C., is 230 men short of its authorized strength of 3,100, in spite of a fantastic recruiting program. The National Capital went on a $100,000 drive for new cops, seeking them as far afield as New Hampshire and Indiana—with few takers. A member of the Washington, D.C., force gets a $50 reward each time he recruits a new officer to active duty.

Many cities have thrown out the window a requirement that their police must be residents. Police forces in various cities and towns are raiding one another.

Fairfield, Conn., waived the residency requirement but got only half as many applicants as there were vacancies.

Phoenix, Ariz., created a new category, "police aides," 18-year-olds doing non-critical work.

Houston lowered the age limit for police recruiting from 21 to 19.

Dallas is thinking about lowering its eyesight standards for police.

Sometimes the police shortage is present even when invisible. In Des Moines, where crime rates go up about 12% every year, 30% of the police have less than five years' experience—an indication of the turnover. It takes about five years to season a good officer, but Des Moines is only one of many cities that must depend largely on rookies for police protection.

Mobile units beat the bushes for potential policemen. Posters appeal to the above-average young man to serve, in ways reminiscent of military recruitment. Display ads are splashed in newspapers far from home base.

Oakland, Calif., plans a van equipped with a police-science display as a recruiting gimmick. The International Association of Chiefs of Police reported this January that several cities plan to set up police recruiting desks in shopping centers, and to accept applicants on the spot for the first time in history.

As the actual number of policemen falls below the need, and as respect for policemen is downgraded in many ways, and as courts and laws make it increasingly difficult for policemen to do their work, the inevitable is happening in the field of crime and public disorder. It is increasing by degrees the way it went up swiftly in Boston in 1919.

FBI figures show crime climbing six times faster than population. Police Chief Philip Purcell, of Newton, Mass., bluntly told the recent police chiefs' convention that law enforcement "is at the point of crisis in our country." While crimes are increasing, *solved* crimes are diminishing—by about 10% a year, says the FBI. Last year, of about 2,800,000 serious crimes known to municipal police, about one in four was solved. San Diego Police Chief Wesley B. Sharp has warned that: "If there isn't a change it [the increase in crime] will lead to anarchy—and criminals will control the nation."

The terrible thing about the accelerating destruction of the image of the policeman is that it is not a corrosion of the bad cop, but of the good one. If it were aimed at the corrupt police force and the grafting cop, it could be all to the good. Corrupt police are an old and unsavory story. In recent years, the biggest exposé came from Denver, which woke up one morning in November 1961, to discover that more than 35 of its police had been arrested as burglars. Over a seven-year period they had committed at least 129 crimes—stealing $40,000 in one blow from a Safeway supermarket.

Yet the national corrosion of our police today is eating away at the policeman who tries to do his duty. He is being so demoralized on many fronts that a veteran New York officer recently said: "If a son of mine even mentioned going into police work, I'd think about having him committed." In earlier years it was not an uncommon thing for police officers' sons to follow in their policeman-father's footsteps.

While the policeman was seldom well paid in money, there was another kind of pay that we didn't begrudge him. We gave him that respect and public support that made his position one of great public trust. The courts supported him. The law supported him. Only a few years ago, though the pay was no better, the police candidate lists were rarely exhausted. A young man had to beat the competition if he wanted to win a job on the force. When he graduated from the police academy he felt that he had been singled out for a special responsibility. He knew the public was behind him. His duty to enforce the law and keep the peace was clear. If he performed well he had a sense of accomplishment that he could find in few other jobs.

How are things now?

Police are being demoralized by low pay.

Police are being demoralized by contemptuous attitudes toward them in some politically minded courts.

Police are being demoralized by leniency in the penal system which turns hardened criminals back out on their beats almost as fast as they are arrested.

Police are being demoralized by adverse Monday-morning reviews of split-second decisions that they had to make on duty—often with their lives at stake.

Police are being demoralized by charges of "police brutality" aimed against them as a matter of course by criminals and criminal lawyers.

Police are being demoralized by planned and trumped-up charges of "police brutality" leveled at them by civilian organizations bent on creating public disorders—in which the police themselves are often the only ones "brutalized."

Police are being demoralized by published photographs and stories of violence and of vague charges against them which show their role in an untrue light—by selection and omission.

Police are being demoralized by court decisions which free criminals on highly technical grounds even when there is no question of guilt.

Police are being demoralized by new laws that make it even harder to convict the most blatantly guilty defendants, and that tie their hands ever tighter in their efforts to enforce the law.

Police are being demoralized by their increasing liability to physical assault on themselves—assault that is sometimes even excused by leaders of public thought and morals, leaders who *should* bring moral pressure against it.

Let's zero in on some detail.

Considering the personal risk, the responsibility and the exacting nature of police work, the pay continues remarkably low. In the last decade, "moonlighting" (taking off-hours jobs) by police has attracted public attention. The national average of starting pay for city policemen is less than $100 a week, before deductions. Many families on relief get more income. Omaha patrolmen put in four years to reach $500 a month, and the chief reportedly makes less than 66 officials in the city school system.

In Asheville, N.C., a patrolman can work his way up to $5,200 a year in seven years. Houston police chief Herman B. Short estimates that more than 75% of his men have to moonlight to support their families.

Such pay scales can hardly be rated as good for a job that entails rigorous qualifications, that sometimes calls for being spit on, cursed, used as a target for flying bottles or bullets; and which annually sees many policemen beaten and killed on the job, leaving widows and children on inadequate pensions.

The growing lack of support of police in more and more courts is virtually an invitation to our cops to look for some saner way to make a living. The definition of "illegal search and seizure" has been broadened; rules on confessions and interrogations have sharply curtailed the "rights" of policemen. The most ringing defense in the world of the rights of defendants fails to face the other question: Who wants to be a cop under such rules?

Los Angeles official Thad F. Brown recently said, "A 21-year-old policeman may have to make a snap decision in a situation that the Supreme Court will take weeks to study—then decide, five to four, that the policeman did the wrong thing." A Connecticut police chief adds: "We have excellent men, but they're getting discouraged. A cop makes an arrest and then finds that he is a bad guy in court." A recent New Yorker cartoon was hardly joking when it showed a burglar, caught red-handed rifling a safe, ordering the officer to stop stalling and inform him of his rights. "Cops today feel the cards are stacked against them," says a New York official. "We have a real morale problem," he pointed out.

In a Chicago Court, officer Frank Perry preferred charges against three punks who'd beaten him up. The judge put them on probation and told Perry he was a "cry baby." In another Chicago case, two off-duty officers, responding to a woman's screams, found one of two men creating a disturbance to be armed with a broken beer bottle. The officers announced themselves, drew their guns and ordered the man to drop his weapon. Instead, Patrolman Thomas A. DeSutter got the beer bottle in his face, and needed 27 stitches and 23 days in a hospital to recover. The judge dismissed the charges against the defendants on the grounds that the police had no right to draw their guns!

When hardened criminals are rapidly returned to society by the penal system, it may please advocates of prison reform, but the facts are that most of them go back to crime so fast that the cop's job is similar to running as hard as possible to stay in the same place. Every 15 minutes, around the clock, a convicted criminal is returned to the streets. California, for example, grants paroles and probations to 90% of its criminals. The fact is that 48% of all parolees repeat their crimes in less than two years. FBI figures for 1966 show that seven out of every ten major crimes involved previous offenders. If the parole system is to be put in balance with the law-enforcement problem, a lot more has to be done by those responsible for parole and probation to reduce the percentage of crime-repeaters turned loose.

Like the rest of us, policemen wish that every criminal could be rehabilitated. But unlike the rest of us, the cop has the often dangerous task of rearresting the same man time and time again. Needless to say, the predicament doesn't boost an already sagging morale.

The policeman's job has always involved risk of personal injury or death, but only in recent years has there been a tendency among many leaders of public thought to excuse or condone violence to police, and thus destroy the fabric of moral barriers against raising a hand against the police.

The result could have been predicted. Felonious assaults against Los Angeles police have increased 31.4%. Quite generally, especially in the big cities, there is a new and uglier face on the personal-risk side of police work. A cop can find himself in danger of being lynched if he tries to arrest a common drunk and a mob scene develops. In 1965, 53 police were murdered and 30 more died in line of duty. And in that year, 20,523 cops were assaulted. Of 278 policemen murdered in the last six years, 30% of them were killed while making arrests or transporting prisoners.

The allegation that any policeman doing his job in a tough situation is being "brutal" has become so commonplace that, if someone yells "police brutality," mobs can be turned against officers who are doing their best to do their duty. A young policeman who had that experience for the first time put it this way: "It makes you feel worse than an animal. You're out there doing the best you can, and somebody says it ['brutality'], and pretty soon everybody is screaming it until it's the only sound you can hear." This trial-by-mob of our police has gotten so bad in some crowded cities that cop-baiting is a gimmick favored by criminals. The trick is to aggravate the officer into any display that might be construed as "beyond reasonable force." Then the officer, if he isn't mobbed on the scene, is put on trial in court instead of the defendant. Legally, a policeman is empowered to use "reasonable force" to carry out his job. But the definition of "reasonable" has been stretched so that a cross look or a hard tone of voice has been branded as "brutality."

Organized cop-baiting by political demonstrators has become so familiar that it is obvious and commonplace. Demonstrators at the University of California at Berkeley have established "Police Brutality Committees" in advance of demonstrating. Students were primed to start yelling "brutality" when the first cop stepped out of a squad car at one of their planned public disturbances—and this is an old Communist tactic. Others were coached in advance to report to a hospital with "police inflicted disabilities." The police countered by bringing along cameras to photograph arrests. Not a single case of deliberate police brutality went on the record. But five highway patrolmen were treated for injuries, one being hospitalized for a week. Anti-Vietnam war demonstrators in Washington last year leaned out of paddy wagons to slug policemen, then posed as "brutality victims." The American press and TV have often gloried in showing photos of demonstrators being hauled about bodily by police. Many such media accept no responsibility for reporting what they actually know of the whole deal in such cases, however. They seldom report what they know full well, that such scenes are staged by demonstrators and that the police are deliberately baited. Communists at Congressional hearings often create disturbances, then resist arrest in front of the press cameras in a bit of vaudeville that the press too often plays straight (see "Congress Versus Extremists," American Legion Magazine, Jan. 1967).

The degree to which the downgrading of police is semiorganized in an unholy alliance among some intellectuals, political groups and criminals—and then glossed over as a genuine grass roots antipolice movement in the press—is seldom realized.

Certainly any newspaper reader would feel that, in the Negro districts of our large cities, the police are genuinely hated as "anti-Negro brutes." And so would readers of some scholarly books on today's police. That is how some militant Negro and white political leaders, many criminals, scholars and hoodlum mobs tell it, and that's how it often comes through in the press. How surprising then to learn what the Louis Harris poll discovered when it polled city Negroes door-to-door to find their attitudes about police—instead of simply asking self-appointed spokesmen. The Harris report reads as if it came from another planet. The ordinary Negro citizens said they wanted more and better law-enforcement, a tougher clamp down on dope and crime, better police protection. Among workaday citizens, black or white, crime is a major worry—and the tougher the district the more all law-abiding citizens crave increased, not decreased, policing.

Former New York Deputy Police Commissioner Joseph G. Martin said: "The eager, dedicated young policeman starts out at a trot. Then this kind of thing [unsubstantiated charges of brutality] slows him down. Finally, he doesn't know where he stands, so you find him standing still."

Police departments generally resist the establishment of civilian review boards to hear citizens' charges against police overstepping the bounds of their authority. They say that they should discipline their own. Such boards are a two-edged sword, they note. The boards are subject to political appointments, political decisions and the pressures of self-appointed citizens' groups. They tend to discourage policemen on duty from acting courageously to protect the public in tough situations. The officer's hand is stayed by premonitions that a politically appointed board, pressed by those often hysterical citizens' groups that get so much attention these days, may second-guess him in the security of a meeting room. Better to do nothing and show no initiative.

The people of New York City appear to share the police view of civilian boards. Last fall they went to the polls, forgave the police all the traffic tickets they'd gotten, and voted overwhelmingly against a civilian review board.

There *is* police brutality, and there are other abuses of police authority. In Chicago, of 289 recent verbal complaints, seven charges of brutality were sustained. In Washington, D.C., where written complaints are required, only 11 were filed in the same period. Seven, again, were sustained. In Detroit, about ten complaints a year stand up under investigation. In three recent years, Rochester found cause for action in one case out of 23 complaints.

Supreme Court decisions over the years regarding proper evidence of crime and the proper way to get this evidence have, among other things, made law enforcement a game with as many arbitrary rules as contract bridge. In their zeal to protect defendants, courts have set up conditions whereby it is almost impossible for the police to collect evidence against the most blatantly guilty criminal without committing a technical error which entitles the criminal to go free.

Somehow this is a long remove from the idea of law enforcement. Wittingly or not, the courts have made crime a game in which guilt or innocence plays ever a smaller and smaller part. If the police pop an infield fly, the crooks have them out automatically, and neither the public interest in crime-suppression nor the law that was violated has much to do with it.

In a recent book belaboring police generally for their methods of collecting evidence, author Ed Cray suggests that the Supreme Court is often guided by the police experience in Washington, D.C. There the ground rules for collecting evidence have been quite strict since 1914, and the crime rate is supposedly all right because it isn't worse than in other big cities. The crime rate in all our cities, including Washington, is bad and rising steadily, and there is another side of the coin in Washington. That's where there's a $50 bonus to any officer who gets a recruit for the force. That's where they are looking as far away as Indiana to try to find qualified young men who want to wear the policeman's blue coat in the capital city of the nation—without too much success. And that's where women employees of the Supreme Court are provided with police escorts after dark when they work overtime.

TEMPORARY EXTENSION OF RAILWAY LABOR ACT

Mr. MORSE. Mr. President, I have been advised that the President's message in regard to the pending problems in the field of railway labor relations has been received. Is my understanding correct?

The PRESIDING OFFICER. The Senator's understanding is correct.

Mr. MORSE. This morning, the President, the Secretary of Labor, the Under Secretary of Labor, the Secretary of Defense, the Secretary of the Department of Transportation, the Postmaster General, and other members of the President's administration, including White House aides, met with a group of Senators and a group of Representatives in the Cabinet Room. The Members of Congress consisted primarily of representatives of the Senate Committee on Labor and Public Welfare and the similar committee in the House.

The President, the Secretary of Labor, the Secretary of Defense, the Secretary of Transportation, and other high administration officials who were called upon by the President, discussed at some length with Members of Congress the pending crisis in the railway industry of the country. The President told us of the contents of the message he was planning to send to the Hill momentarily, and he also discussed with us the contents of a proposed joint resolution.

Mr. President, I send to the desk, for appropriate reference, the joint resolution, which I introduce in behalf of myself, the Senator from Montana [Mr. Mansfield], the Senator from Alabama [Mr. Hill], and the Senator from Illinois, the minority leader [Mr. Dirksen].

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 65) to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees, introduced by Mr. Morse (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. MORSE. Mr. President, I wish to discuss the joint resolution. I shall read it for the Record, because my discussion will be based upon its contents.

S.J. Res. 65

Joint resolution to extend the period for making no change in conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees

Whereas disputes exist between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers; Brotherhood of Railway Carmen of America; International Brotherhood of Firemen and Oilers functioning through the Railway Employees' Department, AFL-CIO, labor organizations; and

Whereas the President of the United States, pursuant to the provisions of section 10 of the Railway Labor Act, by Executive Order No. 11324 of January 28, 1967, created an Emergency Board to investigate these disputes and report its findings; and

Whereas the Emergency Board has reported and the statutory period for making no change of conditions, as extended by agreement of the parties, is about to expire, without the parties having resolved the issues in dispute, thereby continuing to threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation services; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintined; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the above objectives in a manner conducive to resolution of the disputes through collective bargaining: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of Section 10 of the Railway Labor Act (45 U.S.C. 160) shall be extended for an additional period with respect to the disputes referred to in Executive Order No. 11324 of January 28, 1967, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which such disputes arose prior to 12:01 a.m. of May 3, 1967.

Mr. President, what this resolution does in effect, then, is to extend the operation of the Railway Labor Act for an additional 20 days, which will bring it up to 12:01 a.m., May 3.

Incidentally, as was pointed out by the President in the conference this morning, that means it will extend the 60-day period of the Railway Labor Act during which strikes cannot be held to a total period of 80 days, which would make it coincide with the length of period covered under the emergency disputes section of the Taft-Hartley law.

Mr. President, the controlling reason given by the President as to why he is sending up the resolution is that he leaves at midnight tonight for Punta del Este to attend a conference of the heads of state of Latin American countries. This is a conference to which he has been invited, a conference to which he has committed himself for quite some time. Therefore, it is unthinkable that the President should cancel his trip. Such a cancellation would not be understood, particularly by the heads of state of Latin American countries.

Therefore, what the President is saying to the parties in this dispute in this time of crisis is, in effect, "I am asking that no strike action be taken for 20 days provided Congress passes the joint resolution which I am sending up to them forthwith."

I wish to say to the Senate that it is obvious that this is a reasonable request on the President's part. Mr. President, in view of the circumstances in which the President finds himself, it would be a reasonable request under any circumstances, for the reasons I now set forth:

As the Secretary of Defense pointed out in great detail, large quantities of material are essential for our men fighting in South Vietnam. Everyone in this body knows that I am opposed to that war, but everyone also knows that as long as we have boys over there fighting, we must see to it that they have the supplies with which to fight and with which to protect themselves. The Secretary of Defense left no room for doubt in my mind—and I heard no one at the White House conference express any doubt about it that a major railroad strike in this country at this time would create a most serious crisis in regard to the prosecution of the war effort. Bad as I think our involvement in that war effort is nevertheless all of us must see to it that there is no interruption in our railroad transportation system or for that matter any other segment of our transportation system.

In my judgment, as long as we are engaged in the war, the men who are there now must have the supplies necessary with which to fight and to protect themselves.

After I listened to the Secretary of Defense, I did not have the slightest doubt as to the need for reaching an amicable settlement through good faith collective bargaining of the pending railroad dispute.

The President made very clear that he had sought a voluntary agreement from the brotherhoods to postpone any strike until he returned from Punta del Este, in the hope that during the period he was gone, they could negotiate a settlement. I do not think there is any doubt about the fact that in the request being made on behalf of the President of the United States, it was also made clear that the administration feels—and I think rightly so—than in some way, somehow, this dispute must be settled around the conference table and not on the picket line. The immediate, serious, and disastrous effect a railroad strike in this country, at this critical hour, would have makes a mediated settlement essential in the public interest. I know something about the import of a nationwide railway strike. I happened to be chairman of the President's Emergency Board in 1941, when we settled the then pending threat of a nationwide railroad strike which was to take place the next day December 7, 1941. We settled that strike on December 6, 1941—a few hours before Pearl Harbor.

Comment was widespread at that time as to what the shocking effect on our country would have been if the railroad trains of America were bogged down in a nationwide strike at the very time of the Pearl Harbor calamity.

Let me say, Mr. President, that although there was not the slightest expectation of a Pearl Harbor during the Emergency Board hearings on the threatened nationwide railroad strike, the evidence was voluminous as to why it was so important that the dispute be settled without a strike. The world was a troubled world in December 1941. A great war was going on in Europe and it was not known how soon it would be before the United States would become involved in it. The evidence was voluminous as to why it was so important that an agreement be reached by way of the negotiating processes around the conference table rather than on the picket line.

I want to say this to the American people—and when I speak to the American people I speak to all of labor, as well as to all of management, and to all the other groups in this country—that in this time of national crisis, a railroad strike in this country is unthinkable. I care not how short the crisis caused by such a strike might be, or how long it might be. The dislocations caused by a nationwide railroad strike, or a strike that would not be nationwide but would involve large segments of the railway industry, would be so disruptive of the transportation system of this country and so disruptive of the need for war materiel to be shipped on its way to the war zone, that the unions and the carriers must settle this case around the negotiating table and not on the picket line. It is their clear patriotic duty.

These are not my words alone, Mr. President, but the plain meaning of the President of the United States when he urges that the parties to this dispute enter into a voluntary agreement to postpone a strike for 20 days and continue in a good faith attempt to mediate their differences.

In regard to the President's request for a voluntary agreement of strike postponement I am not privileged to say more than that it is my information there was not unanimity on the part of the brotherhoods involved in turning down the request of the President. But there is a rule of procedure that, when there is an objection in the brotherhoods bargaining group, then the entire group will stand together in voting against such a request. Therefore, so far as the record is concerned, the request of the President was rejected by the six craft unions involved in the dispute.

We discussed this matter with the President. Some of the members of the Senate Labor Committee were there. The chairman of the committee is on the floor, and I appreciate the courtesy of his attendance, because I wanted him to be my witness as I relate to the Senate what went on at the White House.

Following the conference with the President, there was an informal committee meeting called by our chairman, Senator HILL, in the Cabinet room. We discussed the resolution and the message. We thought it ought to be crystal clear that a request had been made to the unions involved on the part of the President for a voluntary agreement to withhold the strike until his return from Punta del Este and for a total period of 20 days with the hope that a mediation settlement could be worked out in the meantime.

I was designated by the committee to go back to the President's Office and see the President and advise the President that the consensus of the committee was that it ought to be made crystal clear that the request was made at the request of the President himself for a voluntary agreement not to have a strike until he returned from Punta del Este and for an additional time totaling 20 days. The President advised me that the Secretary of Labor had made such a request in behalf of the President. The Secretary of Labor was there also and he assured me that he had made such a request in behalf of the President.

Nevertheless the President agreed to write a letter to the chairman of the Senate committee and to the chairman of the House committee, in which he would state—and we saw the letter before we left the White House—that the request was made to the union representatives and it was rejected by them. In fairness to the President, this should be said in order to keep the record straight.

In my judgment, the President has done everything that a President can do to seek to get this case settled by the peaceful procedures provided for by way of negotiations by the parties through collective bargaining, by mediation, by the appointment of a special emergency board, headed by Mr. Ginsberg, which has handed down recommendations. Of course, as Senators know, the brotherhoods have rejected the Emergency Board's report. The carriers have asserted them.

I want this history perfectly clear because what I have related is the situation that confronts the Senate. The administration, having done all it can do to reach a peaceful understnading in regard to this case, necessarily has to turn to Congress if there is to be an attempt to bring this dispute to peaceful negotiations without a strike. Such is the purpose of the resolution.

As the chairman of the committee would tell the Senate, at 2 o'clock this afternoon the Senate Committee on Labor and Public Welfare is going into a hearing at which we will hear the Secretary of Labor, Mr. Wirtz, and the Under Secretary, Mr. Jim Reynolds, who was a great help to us at the White House this morning. We are going to listen to them, and then the committee will proceed to give such consideration to the merits of the resolution as, in its wisdom, it decides.

It may well be that we will not take final action until tomorrow morning. That is not certain. It may well be done this afternoon if what we hear this afternoon is completely satisfying and there is no reason for delay.

I want to make it clear that we are introducing the resolution because the President is entitled to have its introduction. The introduction of it does not mean that it is not subject to change and modification by the Congress acting in its wisdom. This brings up another matter that we are going to have to wrestle with in the Congress in the weeks ahead. That is the possibility of new legislation that will deal with emergency disputes.

Let the Record show again, as my record for 22 years has shown, that I do not believe in legislation in the handling of emergency disputes that imposes upon labor and management compulsory arbitration. In my judgment, that is a step in the direction of economic totalitarianism of one form or another. It places arbiters sitting in compulsory arbitration courts or boards in a position, to all intents and purposes, to exercise control over the American economy. If they can fix wages, they can fix prices. If they can fix conditions of employment for workers, they can fix conditions for management in the operation of their plants and businesses.

I do not think that is ever justified, and it is not necessary today.

That was why I was one of the few Members in this body who voted against the only compulsory arbitration bill that has ever passed this body in my 22 years in the Senate. It, too, happened to involve the railroad industry. I do not intend to start voting for compulsory arbitration, because I do not think people understand the implications of compulsory arbitration in regard to the control of the economy of the country. A free economy is lost under compulsory arbitration.

But there should be a balancing of interests of both labor and management in the settling of so-called emergency disputes. I said in the Cabinet Room this morning we have a critical situation arising in regard to conditions in the trucking industry. The trucking industry in effect is saying, "We are going to stop the movement of all trucks because there are some wildcat strikes in a very de minimis number of cases." Thus in the Cabinet Room this morning I joined with another Member of Congress, who had raised the point that what is involved in the trucking dispute has many of the characteristics of a lockout. I do not think the Taft-Hartley law should be used in a lockout of the type that is arising in the trucking crisis, forcing men to go back to work."

In a lockout situation, the moving party is the employer. That is why, standing on the other side of the middle aisle in 1947, when I led the fight against the Taft-Hartley bill in the Senate, the Senator from Oregon then pointed out that the Taft-Hartley bill was not a balanced proposal as far as emergency disputes were concerned. If we are going to put men back to work presumably in an emergency dispute situation in which the union is apparently the major wrongdoer, then there must be a balancing provision in the law that makes it very clear that in another type of case in which the employer is the wrongdoer by forcing a lockout, then the employer should have nothing to gain by a continuation of the labor dispute. That is why I proposed in 1947 what I then called a "token seizure" of any business during the period necessary for settling an emergency dispute in a lockout situation. If the union is to be denied the right to strike in an emergency dispute for an 80-day period when the union is in the wrong, then the employer should be denied the right to lockout when he is found to be in the wrong.

I only mention this, as I did in the Cabinet room this morning, Mr. President: Let this be notice upon the trucking concerns of this country that as far as the senior Senator from Oregon is concerned, that if it is their strategy to stop the trucks for the purpose of forcing the application of an 80-day provision, to send men back to work for 80 days then the senior Senator from Oregon will be proposing here on the floor of the Senate that their companies be seized, if it is found that they are the wrongdoers. They should not be allowed to lock out in order to force an application of the Taft-Hartley law against the drivers of their trucks. When we come to the consideration of emergency dispute legislation, if, as, and when we do, Mr. President, the senior Senator from Oregon once again will be heard on the floor of the Senate arguing for a balanced law. The Taft-Hartley dispute section never was balanced; it was always slanted in favor of the employers against labor. I happen to be one who feels that there has to be impartial balance and fairness in the provisions of any law that deals with the problem of labor relations.

Coming back to the resolution pending before Congress as I said in the Cabinet room this morning we are at the point in this railroad case just about where I left the airline dispute last year. If Senators will remember, the Morse resolution was introduced in the Senate and was passed, by a vote of some 54 to 31. I was charged by some in labor with being a strikebreaker because I proposed to extend the Railway Labor Act in that case for a period of 180 days, with the guarantee to labor that any final settlement would be retroactive to January 1, 1966. How in the world could that be strikebreaking, after a national negotiating committee of the union involved had even entered into an agreement, through its representatives, with the President of the United States, to accept the mediation agreement that was agreed to?

I said then and repeat now, the rank and file of that union had a perfect right to reject the agreement, but I felt under the circumstances, after the President had even been called in as a party in the negotiations, that they should have agreed to stay at work, and given instructions to their national mediation committee to go back to mediation and seek to obtain a better agreement on certain specific points. That was the position I took then.

Mr. President, the situation in this railway case crisis has some of the same aspects. The extension recommended is not for 180 days; it is for a 20-day extension of the provisions of the Railway Labor Act for the purpose of further negotiations, in hopes that a peaceful settlement can be reached. What other course of action is there? We have only two alternatives: either to follow this course of action, in hopes a peaceful settlement can be obtained, or to permit a strike to go on.

Mr. President, if the public interest did not outweigh the interests of the parties, then I would say, "Let them strike." But as long as the statements and the evidence submitted by the Secretary of Defense this morning, and by Mr. Boyd of the Department of Transportation, another Cabinet officer, and by the Secretary of Labor as to the disastrous effect a nationwide railway strike would have upon the war effort and upon the economy of this country, I wish to say that as of now—and I emphasize this for the Record—it is the opinion of the senior Senator from Oregon that a prima facie case exists in support of the President's resolution. The only recourse and the only remedy now to stop the strike is the passage of such a resolution for that period of time as required by the terms of the resolution. The only power which can accomplish that result is Congress. Senators may say, "You can let the strike proceed, and then you can make appplication, after the strike proceeds, for further action by the Congress."

But, Mr. President, look at our image. Certainly we do not want the President, to be in Punta del Este, when that kind of a domestic crisis develops in our country. Certainly, if it develops, the President cannot be at Punta del Este. Let us face up to that. We would not want him to be there. He would not want to be there.

I do not think it is unreasonable for Congress, in behalf of all of the people, to take the position that certainly this strike should not proceed while the President is out of the country. The President will be at Punta del Este on a foreign policy matter of vital concern to this Republic for years and years to come. I happen to believe that what may be proposed at Punta del Este, and tentatively agreed to, within the Presidential powers, subject to the review of Congress, will prove to be of great historic importance. Therefore, Mr. President, I think we are justified, under such circumstances, in passing a resolution that would have the effect at least of postponing a strike until the President returns from Punta del Este, and for the remainder of a 20-day period.

But the power, Mr. President, is limited now to Congress. It may be that after the 20-day period provided in the resolution has passed there may be a development of a set of operative facts that would call for the application of further congressional action. This is true because it is only Congress, under the interstate commerce clause, that has the authority to take jurisdiction of the subject matter.

I believe, Mr. President, knowing the labor leaders involved, and having great admiration for the heads of these unions—each and every one of them, Mr. President—that upon reflection, and as a result of further negotiations, an agreement will be reached and a strike will not be necessary, even if they wanted to follow the strike route.

But, Mr. President, it is the interstate commerce clause that gives to Congress the jurisdiction over labor disputes. That is the only section of the Constitution which gives us jurisdiction. Therefore, the President is not only within his prerogatives and his rights, but in keeping with his Executive duty, to lay this matter before representatives of Congress in consultation, as he did this morning, advising us of the message that he was sending up and of the resolution that I have just introduced.

I wanted to make this statement, Mr. President, before I go into the committee hearing at 2 o'clock.

I shall consider myself perfectly free to support any modification of the resolution that I become satisfied on the facts should help to accomplish the desired results. But the President is certainly entitled to have that resolution introduced, and I am proud and honored to be asked to introduce it, together with the Senator from Montana [Mr. MANSFIELD], the Senator from Alabama [Mr. HILL], and the Senator from Illinois [Mr. DIRKSEN].

I make this statement, Mr. President, knowing that many Senators are elsewhere, so that it will be available for their reading before breakfast tomorrow morning. I want them to understand the historical background of what has happened in this dispute.

The Senator from Michigan [Mr. GRIFFIN] was with us this morning. I thank him for the honor that he has paid me by listening to my account and interpretation of what happened.

The Senator from Alabama [Mr. HILL] advised me that he had to leave, but he joins me in the introduction of the resolution and agrees with my account of what happened in the conference with the President this morning.

Mr. GRIFFIN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. GRIFFIN. Mr. President, having been with the chairman of the committee, the Senator from Oregon, and others at the White House within the hour, I wish to state that I, too, came back with the feeling that it is necessary to support the President in this request, that we have no other choice, and that I believe we should approve a resolution extending for a period of 20 days the provisions of the Railway Labor Act.

I point out—and I think perhaps the Senator from Oregon will agree with me—that this is a dramatic example of what I believe is an unfortunate inconsistency in our laws, because one act, the Railway Labor Act, applies to part of the transportation industry in this country—the airlines and the railroads—whereas the Taft-Hartley Act applies to the trucking industry.

Because this is the case, and because there are differences in periods of waiting and no-strike provisions, the public is confused. I think that many times the parties are confused and even Members of Congress are confused as to which of these two laws applies in this particular request by the President.

It happens that the 20 days will extend the provisions under the Railway Labor Act to make it conform to the 80-day waiting period that would apply if the Taft-Hartley Act were applicable.

While it is unfortunate, in my opinion, that Congress does not have proposals and recommendations before it for revising the emergency strike provisions that we have under the several laws, I do hope that when we get around to making changes in our basic laws, we might try to bring the whole transportation industry under one of the laws, or at least make the laws consistent so that the whole transportation industry would be covered by the same rules of procedure.

Mr. MORSE. Mr. President, I agree with the observations of the Senator from Michigan. As the Senator recalls, there was some discussion of this with the President in the Cabinet room this morning when one of the Members of Congress raised with the President the matter of giving consideration to the imposition of the legislation.

The President pointed out that he has had a task force at work on this matter ever since 2 years ago. He made mention of it in his state of the Union message. The President states that the task force will have some recommendations to make very shortly, at which time the administration will proceed to give some consideration to them.

Mr. GRIFFIN. Mr. President, I thank the Senator for yielding.

The PRESIDING OFFICER. Is there further morning business?

AUTHORIZATION FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE A REPORT ON JOINT RESOLUTION DEALING WITH THE POSSIBLE RAILROAD STRIKE, UNTIL MIDNIGHT TONIGHT, TOGETHER WITH ANY INDIVIDUAL, MINORITY, OR SUPPLEMENTAL VIEWS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be permitted to file its report on the joint resolution dealing with the possible railroad strike until midnight tonight, together with any individual, minority, or supplemental views, if desired. I might add that separate views of any kind are not anticipated at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask the Senator from Oregon if, on the basis of the law or laws as they now stand, that come midnight Wednesday next, the President will be absolutely powerless to function in this particular situation.

Mr. MORSE. The Senator is correct. That applies to all procedures available to him.

The Attorney General was in the Cabinet Room this morning, and the specific question was asked him. He gave the same answer, that once Wednesday midnight arrives, the executive branch of our Government will have done everything it can under existing law.

If the strike then occurs, the President can seek further congressional action, but the strike will be on and great dislocation will take place. Further, the President will be out of the country at that time.

In my judgment, we are going to put the President in a very awkward position and create a very bad national emergency. Further we will put him in a position in which he will either have to come back, if he has gone. If we do not give him some reasonable answer that we will pass this resolution he may be forced to decide not to go at all to Punta del Este. I repeat that the best interests of our foreign relations with Latin America for years to come make it very essential that he go to Punta del Este.

I think the country is entitled to some action by Congress immediately on this resolution.

Mr. MANSFIELD. I agree with the distinguished senior Senator from Oregon, who is without question the best informed man in either body in the field of labor relations and one of the very best informed men in the country, if not the best.

Mr. MORSE. The Senator is kind, but I deny his allegations.

Mr. MANSFIELD. I repeat my statement and emphasize it.

I say also that the question of the President attending the Punta del Este conference came up this morning, and it was the unanimous viewpoint of all those present that because of the importance of this meeting, he should by all means honor his commitment to attend.

We are delighted that he has had this evidence of wholehearted support on the part of the Members in attendance at that meeting at the White House, because we all recognize the great significance attached to this particular meeting of the chiefs of state of the Western Hemisphere at this time.

It is well to remember that the President has completely fulfilled his responsibility with every means available.

I commend the President not only for referring the matter to us for our advice and counsel, as well as action, but also for keeping his commitment to meet with the chiefs of state of Latin America on Wednesday next.

I wish the President Godspeed and good luck.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. Mr. President, I join the majority leader in my capacity as chairman of the Subcommittee on Latin American Affairs in highly commending the President of the United States for the program and procedure that he has followed in preparing the way for his attendance at this head-of-state conference in Punta del Este.

As the Senator knows, I thoroughly endorse the objectives of the resolution that the President sent to the Congress. The President did not send a resolution asking for no changes.

In order to satisfy some Senators that had concern, there could have been certain language which I recommended to the Committee on Foreign Relations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, language could have been added that would leave no room for doubt that Congress was reserving its authority to exercise the constitutional processes of the Constitution, includnig the procedures of authorization and appropriation bills. That is the check. That is the test.

I made that recommendation in the Foreign Relations Committee. I said then, and I say now, that there would have been no opposition at all at the White House level. It was consistent with the intention of the President from the beginning.

With that language in the resolution, I thought that the resolution as sent by the President should have been passed.

I said a few minutes ago, and repeat in this context, that I happen to think this is a very important foreign policy conference for the whole future of the Western Hemisphere—and that means the United States as well as the Latin American countries.

I join the majority leader in wishing the President every possible succcess in this very important conference and pledge to him my support in carrying out the objectives that he outlined in his message when on March 10, 1967, he sent his message and the recommended resolution on the Punta del Este Conference to the Congress.

Mr. DIRKSEN. Mr. President, last week the majority leader was tragically and unfortunately away from the Senate because of death in the family.

It was at that time that a number of proposals were submitted because of what was regarded as the inadequacy of the resolution reported by the Senate Committee on Foreign Relations.

This was done notwithstanding the fact that the House had already acted on a resolution that was regarded as quite adequate.

Under the circumstances and in view of these various proposals that came to my attention I undertook to convene a meeting of the Republican membership of both the House and the Senate for further discussion of the matter.

There was at that time a proposal of circulating a roundrobin statement. After some considerable discussion the leadership approved a rather short, but I thought an all-inclusive statement, wishing the President Godspeed in his journey to Punta del Este, and also in his negotiations with the heads of state of the Latin American Republics. We desired to make it abundantly clear that we did not want him to go there with embarrassment and under any awkward circumstances; and I thought, brief as that statement was, it was adequate to the purpose.

I am glad now, after further consultation with the President, that he does not feel encumbered in any way. And so I wish him well in these negotiations. But the statement did enable us to go on the record so that all the world might know that we fully share his desire to achieve these objectives, if that can possibly be done, in the interest of the social and economic well-being of all the people in this hemisphere.

Mr. MANSFIELD. Mr. President, on the basis of the statements made this afternoon, I believe that as the President departs for Punta del Este tonight, he knows that he has the full cooperation and approval of the Senate in his endeavors in meeting with the other chiefs of state.

Like my colleagues, the distinguished Senator from Oregon [Mr. MORSE] and the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], the Senate wishes the President Godspeed and good luck.

TROOP REDUCTIONS IN EUROPE—THE LATIN AMERICAN SUMMIT CONFERENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD statements which were issued by me over the weekend in connection with troop reductions in Europe and the President's trip to meet with the chiefs of state of Latin America at Punta del Este.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MIKE MANSFIELD, APRIL 9, 1967

Press references indicate the reaching of an agreement by Germany, the United Kingdom and the United States on reductions of military forces stationed on the European continent under N.A.T.O. It is reported that the United States will recall two of the three brigades in one of the six divisions which we have in Western Europe. This means a reduction on the order of 12,000 men (and presumably their dependents) in a U.S. military establishment of well over 500,000 Americans which has been maintained for many years on the European continent.

It should also be noted that some weeks ago there were indications that the Defense Department intended to withdraw two U.S. divisions from Europe. It is not clear from the current report whether the 12,000 men now expected to be recalled would represent a first step in that larger reduction or whether the 12,000 men is to constitute the total cut.

It would be my hope that if there is to be a 12,000 man withdrawal, it would be but a first step and that further reductions of U.S. forces in Europe will follow promptly. Certainly if the 12,000 is the sum total of the contemplated reduction, it can only be regarded, in my judgment, as wholly inadequate.

I note with interest in this connection another press report which makes reference to a Soviet troop withdrawal from Eastern Europe. According to this report out of London, the Soviet Union has recalled from Hungary, three motorized Russian divisions totalling 30,000 men, a reduction which cuts in half the Soviet garrison in that country. I hope this report is accurate and reflects in Eastern Europe the same trend towards military deemphasis which exists in Western Europe.

Whether or not there is a parallelism, however, my own view remains disposed towards a substantial reduction of our forces in Europe. In my judgment, that reduction is called for in our own interests and in the light of current European attitudes and the realities of the situation on the continent.

That is the premise of the Senate Resolution of the 44 which has been referred to a joint group of the Foreign Relations and Armed Services Committees. I have asked the Members to meet with me on Thursday, April 13 for an organization-meeting. Since it seems possible that the only reduction of U.S. forces in Europe which is contemplated by Executive Branch officials may be the 12,000 reported in the press, it is all the more necessary that this special committee proceed to a judicious examination of the resolutions on troop reductions and related European policy which have been referred by the Senate. It would be my hope that, pursuant to its mandate, the special Committee will be able to recommend to the Senate an appropriate course which will provide the President with the best possible advice and support on this question.

STATEMENT BY SENATOR MIKE MANSFIELD, APRIL 10, 1967

Today, the President of the United States will leave Washington en route to Punta del Este in Uruguay. He will confer there with the several Presidents of the American Republics. Among the questions which will be discussed at the meeting will be those relating to the rate of economic and social advance under the Alliance for Progress and the possibilities of expanding commerce and trade through a Hemispheric common market and other forms of inter-American cooperation.

There will be, at this Conference, an opportunity for an intense focus by the Heads of the American States on the current problems and prospects of the Western Hemisphere. There will also be occasion for affirmation of the mutuality of respect, concern, and obligation which it is to be hoped will infuse ever-increasingly the relations of the nations of the Americas.

I should like to note at this time that I happened to be among those Senators whom the President consulted on a proposed Congressional resolution which would have provided an endorsement of an expanded program for the Alliance for Progress. The proposal seemed to me to be a sound one and I was certainly prepared to support a resolution along those lines. I regret the events of the past week which apparently have inhibited the enactment of some formal expression of Senate sentiment on the matter. May I say that either the resolution proposed by the Executive Branch, or the substitute proposed by the Committee, or still another which the Senate itself might have devised out of these original forms could well have proved to be of some added usefulness at the Punta del Este meeting.

It has come to my attention since my return—I was not in the city last week—that the resolution reported by the Foreign Relations Committee was characterized by some unnamed source somewhere in the Executive Branch as "worse than useless." That statement was, to say the least, a gratuitous comment on the efforts of the distinguished members of the Committee to work out a way of accommodating the desires of the Executive Branch while sustaining the Constitutional responsibilities of the Senate. That the President himself is fully understanding of the situation was made clear by his press secretary who announced that:

"The President has made his position known to Congress, and the question of whether the Senate does or does not wish to express a view before the conference is held is their privilege. . . ."

I regret the irresponsible comment on the work of the committee from the unnamed Executive source. It appears to have had the effect last week of confusing the issue and impairing full Senate consideration of the matter. It is too late now to proceed judiciously to form a Congressional statement on the matter. Nevertheless, I think it ought to be clear and I know the Senate would wish it to be made clear that there is no question as to the sentiments of this body. To say the very least, we hold the other American Republics in the highest esteem. Resolution or not, we are prepared to give the most understanding attention to any measure of hemispheric cooperation and benefit which may emerge from the Conference and which may involve in some way the Senate's constitutional functions. We join together, regardless of party, and with all Americans in full support of the President and in wishing him Godspeed as he leaves to represent us all at the Punta del Este meeting.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. **DIRKSEN**. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock a.m. tomorrow, Tuesday.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PRESIDENT TRUMAN

Mr. **SYMINGTON**. Mr. President, the Truman administration was the subject of an address by the Honorable Charles S. Murphy, Chairman of the Civil Aeronautics Board, at the 10th annual board meeting of the Harry S. Truman Library Institute held in Independence, Mo., earlier this month.

Unfortunately Mr. Truman was unable to attend to hear the brilliant and affectionate remarks by his former Special Counsel. Mr. Murphy described how decisions were made during the Truman administration and stressed the President's ability to mobilize brains as well as facts. He noted our former President's unique gifts of simplification, diligence, orderliness, gentleness, dedication, learning, and the courage to do what he thought was right.

I ask unanimous consent that a report of Mr. Murphy's lecture, published in the Kansas City Star of April 2, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Kansas City Star Apr. 2, 1967]

A FORMER AID LAUDS TRUMAN—CHARLES MURPHY CITES DILIGENCE OF 33D PRESIDENT—AT LIBRARY MEETING—CAB CHAIRMAN SPEAKS BEFORE DIRECTORS OF INSTITUTE

It would be difficult to imagine a President who did his homework any more diligently than Harry S. Truman, a close associate of the 82-year-old former chief executive said yesterday in Independence.

Charles S. Murphy, chairman of the Civil Aeronautics board and former Truman assistant in the White House, added that Truman had a facility for "mobilizing brains as well as facts."

SPEAKS AT MEETING

Murphy, special counsel to President Truman, spoke on the Truman administration at the tenth annual board meeting of the Harry S. Truman Library Institute board of directors at the Truman library. Mr. Truman, closely confined to his Independence home since last August when he was ill with an abdominal ailment, did not attend.

However, other guests and members represented a wide segment of educators, lawmakers and administrators. The visiting group was headed by Chief Justice Earl Warren of the United States Supreme court, who presided at the lecture program.

Dr. Elmer Ellis, president emeritus of the University of Missouri, presided at the meeting of the board.

In his lecture, Murphy described Mr. Truman as a man who had a mind of his own and made it up for himself. Murphy said that, as President, Mr. Truman always called for help in decisions and in planning for the future—relying on a distinguished civilian committee for advice, for example, before deciding to drop the atomic bomb that ended World War II.

TALKS ON KOREA

"The decision to resist aggression in Korea was reached over the course of two days and nights of most intensive discussions with the top civilian and military leaders of the government," Murphy continued.

"The order to relieve General Douglas MacArthur of his command was issued only after the President had discussed the matter for days with the secretary of defense and the joint chiefs of staff and had received their unanimous advice that the action was necessary."

"By his very example he was a great teacher," Murphy said, "and many of the lessons he taught are transferrable not only to other occupants of the White House, but to the whole spectrum of human affairs."

Murphy listed some of Truman's great gifts as simplification, diligence, orderliness, gentleness, dedication, courage and learning.

"Truman described a speech," Murphy stated, "as a direct statement of facts without trimmings and without oratory.

"When speaking of the American presidency it may be asking too much to say keep it simple, but serious efforts in that direction are likely to be highly productive of good results.

EVERY WAKING MOMENT

"About this diligence I will simply record that for seven and three-quarters years he spent virtually every waking moment working at being President.

"The ways he showed consideration for his staff were countless. Mrs. Truman joined him in this and I am sure that on her part this was a natural manifestation of the nobility and generosity of her nature. I am sure, too, that this was the real motivating factor for him.

"The problems of the presidency are so complicated," Murphy said of his dedication, "that for all of his wisdom and talent for simplification, it was difficult to tell what action was right and what was wrong in any particular situation, but what he thought was right was what he did.

"So far as I was able to tell, Truman was never afraid of anything. So that leaves me with the philosophical question of how courageous a man can be if fear is absent from his makeup."

Truman was described as a man who never stopped learning. He was 61 years old when he came to the presidency, almost 69 when he left it. But few men at any age have had such an intensive, productive and successful learning period, Murphy said.

MADE MAJOR CHANGES

During the Truman administration, Murphy recalled, there were major changes among the President's staff, members who are housed in the executive office building, although not in the White House itself. Notably, these included the establishment of the Council of Economic Advisers in 1946 and the National Security council and the National Security Resources board in 1947. The latter was superseded by the Office of Defense Mobilization to meet the exigencies of the Korean war.

"Truman persisted in doing the right thing all the way to the end of his term," Murphy said in closing. "This included orderly turnover."

Murphy related that on the train returning to Washington from Independence after the 1952 election Truman instructed him to prepare the "orderly turnover" to the Republicans. He said that he was not happy about the assignment but admitted that Truman was right.

He said a few days later he was told to gather information on statements by sundry persons in the campaign with a final instruction to "analyze Trumanism."

"I have not and probably never will be able to comply with that directive," Murphy said, "but I hope these remarks today may be regarded as partial compliance."

THE 25TH ANNIVERSARY OF SURRENDER ON BATAAN PENINSULA

Mr. **INOUYE**. Mr. President, although a quarter century has passed the surrender of American and Filipino forces on the Bataan Peninsula in the Philippines on April 9, 1942, remains a bitter memory in the minds of millions of Americans.

Still reeling from the devastation wrought by attacking Japanese forces at Pearl Harbor, our Nation was driven to its knees when the gallant defenders of Bataan struck their colors after a desperate 3-month siege.

Yet even in this darkest hour, the American people looked upon their Filipino allies with a new-found respect and admiration. Of the 78,100 men in the American fighting force on Luzon, 66,304 were Filipinos.

Bataan marked the beginning of a totally new relationship between the United States and Asia. Many years later it was to lead to another great test of courage and convictions in a place called Vietnam.

The Japanese began their invasion of the Philippines simultaneously with the attack on Pearl Harbor. By mid-December they had some 200,000 troops ashore and Gen. Douglas MacArthur declared Manila an open city on the day after Christmas. The siege of Bataan began January 3, 1942.

Malaria, diarrhea, malnutrition, and beriberi soon weakened the pitifully inadequate defenses. By March 1 the troops were on one-third rations.

When Bataan fell, Lt. Norman Reyes, now public relations director of the Dillingham Corp., in Honolulu, broadcast these words from the tunnel of another similarly fated bastion, Corregidor:

> Bataan has fallen, but the spirit that made it stand—a beacon to all liberty-loving peoples of the world—cannot fall!

Frank Hewlett, the veteran Washington correspondent for the Honolulu Star-Bulletin, covered the Bataan campaign from beginning to end as a United Press correspondent. He reported that before the men of Bataan gave up, they had butchered Bataan's 600 water buffaloes, the 250 horses of the 26th Cavalry Regiment, and 48 pack mules. The defenders also tried to survive on iguana and monkey meat.

Corregidor was to fall May 6, 1942. The stirring words of General MacArthur vividly recalls that fateful day:

> Corregidor needs no comment from me. It has sounded its own story at the mouth of its guns. It has scrolled its own epitaph on enemy tablets, but through the bloody haze of its last reverberating shots, I shall always seem to see the vision of its grim, gaunt and ghostly men, still unafraid.

The Philippines achieved independence on July 4, 1946. Today her people stand by our side, as they did at Bataan and Corregidor, determined that democracy shall survive in a free Asia.

NEED FOR A "BUGGING" LAW

Mr. LAUSCHE. Mr. President, I am in complete concurrence with the views expressed by the editor of the Washington Daily News in the issue of Friday, April 7, under the title "Why a 'Bugging' Law Is Needed."

The editor states among other things:

> The only remedy is a tough law; a law which permits official wiretapping only under judicial supervision for limited and specific cause. And imposes heavy penalties on wiretapping by anyone else, bureaucrats, pranksters, business spies or hoodlums.
>
> It is time for Congress to stop being merely horrified by these revelations and start writing a law to control these insidious operations.

I am in complete concurrence that the time is at hand "for Congress to stop being merely horrified by these revelations" but to "start writing a law to control these insidious operations."

The committee dealing with this subject has been in existence for several years; much discussion has been had about the evils perpetrated by the bugging system; however, nothing constructive has resulted from these hearings by way of an adequate law that will stop the bugging and stop Congressmen from being shocked by the revelations of what is being perpetrated.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY A "BUGGING" LAW IS NEEDED

After hearing testimony of how Internal Revenue Service employees had "bugged" a judge's chambers and a grand jury room, Sen. Edward V. Long of Missouri said he was "shocked."

He also must have been shocked by other testimony on the same day relating the extensive use of wiretaps and similar electronic "snoops" by professional racketeers.

It all suggests again that anybody—anybody at all—can use the gadgets of modern invention to eavesdrop on anybody else for whatever purpose he has in mind.

And however "shocking" it is to learn that tax agents, willy-nilly, have been bugging grand jurors and judges, or anyone else, it is equally shocking—or more so—to know that any of us may be subjected to such snooping by organized criminals.

One of Sen. Long's witnesses even swore that the telephone lines into Federal offices were tapped.

The only remedy is a tough law—a law which permits official wiretapping only under judicial supervision for limited and specific cause. And imposes heavy penalties on wiretapping by anyone else, bureaucrats, pranksters, business spies or hoodlums.

It is time for Congress to stop being merely horrified by these revelations, and start writing a law to control these insidious operations.

GOVERNOR ROMNEY ON VIETNAM

Mr. GRIFFIN. Mr. President, on April 7, in Hartford, Conn., Michigan's Gov. George Romney delivered a highly significant address on a most important subject—the conflict in Vietnam.

I believe Governor Romney's speech gives voice to the Nation's concern that the Vietnam conflict must be resolved justly and with honor.

In his remarks, Governor Romney has drawn on the lessons of the past, not only for understanding of the present, but also to plan a bridge to the future.

Mr. President, I ask unanimous consent that the text of this important address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD as follows:

REMARKS BY GOV. GEORGE ROMNEY OF MICHIGAN AT THE 150TH ANNIVERSARY DINNER, THE HARTFORD TIMES, HARTFORD, CONN., APRIL 7, 1967

In the rip tide of today's heated debate on the paramount issue confronting our nation, there is one incontestable truth: it is unthinkable that the United States withdraw from Vietnam.

It is not my purpose tonight either to catalog past mistakes or to prescribe what ought to be done in the next four days, four weeks, or four months in that embattled corner of Southeast Asia that so drastically affects every American hearthstone.

Vietnam is a name that boxes the compass. It presents problems that cannot be resolved by crafty political gamesmanship that seeks to homestead the inside track on an issue that will win the American Presidency.

Vietnam is not just foreign affairs as it might have been called a generation behind us. It cuts across every vital sector of national life—urban and rural modernization, economic and social welfare, campus environments, church affairs, and the all-encompassing public morality. It affects most poignantly those American boys who are fighting and their families and loved ones at home.

Moreover, every nation around the globe judges what we are doing in Vietnam against the way in which we comport ourselves on this issue at home.

And it is not a test of wills to see which Party will be the peace party—which candidate will be the hawk or dove.

Too often the complex policies involved in South Vietnam are reduced to, "do we bomb" or "do we withdraw." It's not that simple.

Problem is piled on problem in a tangled heap that challenges our intelligence, our stamina and our faith.

When people become frustrated and confusion reigns, the desire for a simple answer increases. We cannot let this desire cloud our thinking or misguide our action.

Although efforts to induce negotiations have not worked up to this point, they should be pursued vigorously. But since they haven't worked yet, demands for a sharp change of course will undoubtedly be intensified.

That change could take the direction of massive military escalation.

Many thoughtful and responsible American leaders are beginning to speak in this vein. Indeed, among the general public there appears a visible groundswell of impatience leading to a mood of "Let's get it over with; let's crush them once and for all."

This simplistic reaction is tempting but wrong.

First, by actions approaching devastation of a non-white Asian people, we would play into the hands of the Communists. They would use this effectively to paint us in their propaganda as ruthless oppressors and militarists—the very opposite of our true role in the world.

Second, from the point of view of stopping the expansion of Communism, we must remember that a devastated Vietnam would not be a buffer. It would be a vacuum.

Third, we must never forget that substantial escalation is still possible on both sides.

Vietnam does not stand by itself in international affairs.

Others who watch the world frontiers of freedom fear a bogdown in Vietnam may make us vulnerable to Communist pressure, intrigue and subversion in Latin America, Europe, the Middle East, Africa and elsewhere. They wonder if America can use effectively our principles, purpose and power for peace and progress around the world.

Before us stretch grief-laden straits that must be navigated with resolute will and genuine—and I repeat genuine—willingness to reach that solution that will lead to a just peace.

Failure to recite a catalog of past mistakes does not mean that the past cannot instruct the present and the future. It is a useful exercise to ask ourselves what are the lessons that emerge from Vietnam.

One lesson surely is that a commitment of the character and massiveness of ours in a country the size of Vietnam has the inevitable result of turning it into an American dependency.

This is as unconscionable to our tradition as it is resented by other free nations. We can hardly be happy when our every decision not merely affects but largely directs the intimate daily life of a sister nation.

We must avoid such future entrapments.

Another—and I hope well-learned—lesson is that we must avoid commitments that grow like Topsy. There has been a failure to decide what the scope and nature of our Vietnam commitments ought to be.

We now must acknowledge the wisdom of President Eisenhower's decision thirteen years ago not to deploy ground troops in Vietnam. Starting with a decision in 1954 to afford modest economic support and limited military advice, we now find ourselves totally committed—with a current force in being approaching half a million men and a direct budgetary outlay of at least $24 billion yearly, almost one fifth of our national budget.

Our interest has been defined largely by the commitment, rather than the commitment by the interest.

The final major lesson is that any administration must be frank, open, and straightforward in counseling with the American people. Vietnam has given rise to a rupture of trust between governors and governed for which it is difficult to find a parallel in American history.

Not only has the public thus been largely excluded from its direct sovereign role in decision-making but Congress has been bypassed. There is no excuse here of lack of time, or of the small nature of the emergency. This is the fourth largest war in our history.

On this point, I am going to let Abraham Lincoln speak for all Americans who feel that there is something terribly wrong about this.

Lincoln, confronted with this precise issue, when in Congress, wrote to his law partner, William Herndon:

"Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such purpose, and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much as you propose. If today he should choose to say he thinks it necessary to invade Canada to prevent the British from invading us, how could you stop him? You may say to him, 'I see no probability of the British invading us;' but he will say to you, 'Be silent: I see it, if you don't.'"

Lincoln continued:

"The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood."

Adhering to the Constitutional process could prevent similar entrapments in the future.

But where do we stand now?

It is patently clear that the massive buildup in America and allied might has not only made defeat unthinkable, but makes possible the breaking of the spine of enemy main force battalions.

Our military effort must succeed. I believe that we must use military force as necessary to reduce or cut off the flow of men and supplies from North Vietnam, to knock out enemy main force units, and to provide a military shield for the South. We must give our gallant fighting men our full support.

Action in the South holds out the promise of a series of conventional military victories.

Obviously this does not mean cessation of guerrilla activity. Nor does it portend a significant breakthrough in that "other war"—the pacification program. But it does mean that, with the achievement of military dominance in the traditional sense, we will have reached a decisive moment in the course of the war.

But before that moment is reached, we must ask ourselves once again what is the shape of the peace we seek in Vietnam? What do we hope to leave behind when our task there is done?

We must recognize the danger that substantial military victories could inflate our peace aims. I find this prospect extremely disquieting.

Too often in the tides of history, men have sought to rationalize sacrifices already made by seeking wider goals. We must guard against falling into this pattern in Vietnam.

We must stand immovably against all pressures which would preclude a just peace.

Hopefully, when the time of military dominance arrives, the government of South Vietnam would be willing to negotiate a "peace with amnesty."

In a "peace with amnesty" in South Vietnam, all citizens would be allowed to participate in the political process, provided they abide by the ground rules.

Specifically, individual members of the National Liberation Front would be permitted to participate freely in the political life of South Vietnam, on condition that it abandon its use of political terrorism, its subservience to any foreign communist organization, and then disband.

This would not mean that a coalition government involving the National Liberation Front would be forced upon the people of South Vietnam. I am opposed to any such coalition government.

It would mean that all the people of South Vietnam would be given an equal opportunity, as individuals, for peaceful participation in shaping the future of their country.

Unless we pursue this proposition or some similar solution, we will face a very lengthy and brutal struggle in winning the "other war."

It would be far wiser and more compassionate to include today's enemies in tomorrow's peace than to court the human suffering to both the South Vietnamese and our own fighting men that a drawn-out "other war" struggle would demand.

Unless "peace with amnesty" can be achieved in South Vietnam, then it would be necessary to break the spine not only of the main force battalions but of the Viet Cong guerrillas as well in order to win the "other war."

The United States is the most powerful nation the world has ever seen. But we are not omnipotent.

While there are no limits to what we can destroy, there are limits to what we can build.

The ultimate outcome of this fateful struggle depends on what the South Vietnamese do in rebuilding their own society and communities as well as on what we do in helping them.

The "other war" is primarily their war. It combines anti-guerrilla warfare, political and psychological warfare, social and economic weapons, pacification and civil action programs, and reconciliation programs to win back those Viet Cong members who are more nationalists than communists.

The villages and hamlets, where the majority of the people live, are the very base of South Vietnamese existence, and thus the base for South Vietnam's future—either Communist or free. The Viet Cong, recognizing this, directs its primary campaign of terror and assassination against them—not against Saigon.

Our fighting men, not only in battle but in countless individual acts of consideration and concern for the suffering people of Vietnam, have proved they are truly magnificient Americans.

But it would be a tragic error to ask them to take over the "other war" as some have proposed.

Taking on the responsibility for the "other war" would tie down hundreds of thousands of American troops for many years. It would undermine the initiative and capacity of the South Vietnamese to help themselves. It would transform South Vietnam into an American military colony which America neither wants nor needs.

We have already Americanized the shooting war. We should not Americanize the "other war."

The Hanoi leaders may be holding out in the desperate hope that America will tire of the struggle, that our purpose will falter, that disillusionment and discord here at home will somehow induce us to abandon our friends and dishonor our commitments by pulling back or pulling out.

That is a false hope—and I for one will not contribute to it. I have repeatedly said that I will neither give encouragement to Hanoi's aggressive course, nor undermine our President in sincere efforts to bring peace to Vietnam.

I have even heard that the leaders in Hanoi think a Republican administration might come into power that would settle on their terms.

For what it is worth, I would like to tell them right now that here is one Republican I can speak for who will not settle on their terms under any circumstances!

Let me summarize my position on Viet Nam:

1. It is unthinkable that the United States withdraw from Vietnam.

2. We must not over-simplify this conflict by talking only in terms of bombing or withdrawing.

3. The failure to induce negotiations at this time should not result in massive military escalation. We should continue to seek meaningful negotiations.

4. We must learn from the lessons of this tragic war to avoid similar involvements in the future.

5. We must give our gallant fighting men our full support. We must use military force as necessary to reduce or cut off the flow of men and supplies from North Vietnam, to knock out enemy main forces, to provide a military shield for the south, and to establish military dominance.

6. We should help South Vietnam to get an effective program underway to win the "other war", which because of its inherent nature is primarily their war.

7. At the point of achieving military dominance, we should encourage the Government of South Vietnam to achieve "peace with amnesty" to avoid a very long and brutal "other war".

8. If "peace with amnesty" or some similar negotiated solution fails, we should continue to help the South Vietnamese win their "other war" but keep from Americanizing it as we have done the military conflict.

With our help, the South Vietnamese have made a start toward building a stable, representative, civilian government at the national level. This is encouraging.

America's major objective and contribution must be a just peace.

The political, social and economic development of South Vietnam and of all Southeast Asia cannot really start or eventually take off without peace.

So much remains to be done—and patiently so.

Let us build stone by stone upon the dreams and concepts that have served this nation from its birth.

Let us get on with the task. Let us be ready to move our dreams and our beliefs in freedom from the drawing boards to the conference table.

Let us pursue with strength the just peace in South Vietnam that our prayers should so earnestly seek, and that may yet be within our grasp.

So doing, we can fulfill our role as "the last, best hope of earth . . . The way is plain, peaceful, generous, just."

LEAGUE OF WOMEN VOTERS SUPPORTS EQUAL OPPORTUNITY

Mr. RIBICOFF. Mr. President, we are all well acquainted with the excellent work done by the League of Women Voters. The consistent high quality of their carefully reasoned statements compells us to give weight and consideration to their arguments.

The League of Women Voters of the United States has, through its membership in local units across the country, just completed a 2-year study of human resource development. I have received a number of letters from organizations in Connecticut which, as a result of this study, indicate their strong support for equal opportunity in employment and education. These letters also offer an excellent evaluation of the actual operation of some of the economic opportunity programs.

In order that Senators may have the benefit of these excellent reports, I ask unanimous consent that correspondence I have received from Mrs. Sidney E. Sweet, Jr., president, League of Women Voters of Connecticut; Mrs. Benjamin Radding, president, League of Women Voters, Simsbury, Conn.; Mrs. Michael Erlanger, president, League of Women Voters, of Redding, Conn.; Mrs. E. Bowman Stratton, Jr., president, League of Women Voters of Fairfield, Conn.; and Mrs. Hollis Fait, president, League of Women Voters, Mansfield, Conn., be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

LEAGUE OF WOMEN VOTERS
OF MANSFIELD, CONN.,
March 13, 1967.

Senator ABRAHAM A. RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: The members of the Mansfield League of Women Voters wish to remind you of our intense interest in programs to provide equality of opportunity in education and employment for all Americans.

We are concerned that the pressures of military spending and discouragement with the complexities of eliminating poverty and discrimination seem to be weakening Congressional determination to tackle the urgent problems of our society. We were disturbed, for example, by the failure of the Eighty-Ninth Congress to appropriate adequate funds to the Office of Education for enforcement of Title VI of the 1964 Civil Rights Act and by the defeat of civil-rights legislation in 1966.

Of greater impact locally was the failure of Congress to appropriate all the funds authorized by the Economic Opportunity Amendments of 1966. Although concern with proper administration of anti-poverty funds is certainly necessary, we have seen no evidence of abuse in our local programs, and we regret the restrictions placed on local initiative, especially in the Community Action Program. This is of direct concern to the League because we were the original sponsors of the Mansfield Community Council.

The curtailment of funds has forced the abandonment here of important projects such as a Neighborhood Youth Corps. Another victim was an imaginative scheme to pay senior citizens to act as foster parents to children at the Mansfield Training School.

In general we are anxious that the hopes raised by these many new programs not be disappointed lest the problems become worse than they were before. Experience with the Head Start Program, for example, has shown that the effects may be actually damaging unless the expectations aroused are met with follow-through programs in the primary schools.

The League members appreciate the efforts you have made thus far in the War on Poverty, and we hope that you will vigorously support additional legislation to make significant progress towards equality of opportunity in education and employment.

Sincerely yours,
Oladene Fait
Mrs. Hollis Fait,
President, Mansfield League of Women Voters

The League of Women
Voters of Fairfield,
March 9, 1967.

The Honorable Abraham Ribicoff,
Senate Office Building,
Washington, D.C.

Dear Mr. Ribicoff: We would like to take this opportunity to acquaint you with the League's position in the field of national human resources. We believe that the federal government shares with other levels of government the responsibility to provide equality of opportunity in education and employment for all persons in the United States.

To be more specific, the types of programs the League supports include:

1. Programs in basic education, occupational education and retraining when necessary.
2. Expanded opportunities in apprenticeship and on-job training.
3. Day care centers for disadvantaged preschool children to give their parents the opportunity for employment.
4. Compensatory programs for disadvantaged groups beginning at the preschool level and extending through secondary education.
5. Federal financial aid to help needy students remain in secondary school and to take advantage of post high school training and education.

We recognize that this is a massive program. All cannot be accomplished in a year, or even two, five or more years. There has already been a start along the road. Many missteps have been made. We feel that the program needed and needs very careful planning before proceeding with expansion and with the expenditure of huge sums of money.

We will in the near future continue to communicate with you our position in this important field of endeavor. We ask for your thoughtful consideration and thank you for your efforts directed toward the support of these worthwhile programs.

Sincerely yours,
Kearsley C. Stratton
Mrs. E. Bowman Stratton, Jr.,
President.

The League of Women Voters
of Redding, Conn.,
March 1, 1967.

The Honorable Abraham Ribicoff,
Senate Office Building,
Washington, D.C.

Dear Senator Ribicoff: In 1964 the League of Women Voters of the United States, out of deep concern about the gap in opportunities in this country, adopted the Development of Human Resources as a study item. After two years of work, study and discussion a strong consensus emerged, allowing Leagues, including our Redding League, to act in support of programs providing equality of opportunity for education and employment.

I am sure you are aware of the kinds of programs the League supports: basic education for adults; compensatory education for the disadvantaged; occupational training or retraining of various sorts; day care centers for children to allow parents to work; school integration programs; effective fair employment practices laws. The ultimate aim, of course, is practical as well as moral—to assist people to become self-supporting, self-respecting contributors to society.

Our League is interested in the problems and programs in Danbury, our urban neighbor. In Danbury and vicinity, as in countless communities across the nation, outmoded ideas, lack of initiative and money have in the past precluded action on the problems of the disadvantaged. Also, Danbury is now inheriting through immigration the results of years of inequities in the South. However, in the past two years things have begun to change in Danbury because of Federally and State sponsored programs and some fine local leaders. Head Start, Upward Bound, Neighborhood Youth Corps, job training, work study, adult basic and vocational education programs have been run effectively. There is a young but well-organized Community Action Committee which oversees the area anti-poverty programs and which has a well-qualified director. Government and private social agencies are now working together. Minority needs are being pinpointed and action planned. Through the Community Action Committee, funds have been appropriated or requested for a Neighborhood Youth Corps summer program, four summer Head Start programs and one year-round Head Start program. Funds will be requested for day care and job training programs. Funds have also been appropriated or requested for adult basic education, vocational-occupational education, an outdoor education program and five centers for supplementary arts education.

Our League urges that Federal funds be continued and increased for these programs. We also urge more flexibility in funding.

Earmarking of Federal money tends to hinder the solution of unique problems of areas that differ in make-up. Also, since the cost-of-living varies from area to area, the poverty level criteria used to determine who gets help need to be adjusted or made more flexible to fit the realities of each area.

We feel strongly that so much has already been spent on the anti-poverty programs in our area that to curtail them now when the benefits are just being realized would be wasteful—as well as unfair to Danbury's disadvantaged citizens. We are well aware that there will be attempts to cut and emasculate many of the programs, and hope that you will give your full support to preserving them.

Sincerely,
Mary A. Erlanger
Mrs. Michael Erlanger,
President.

League of Women Voters,
Simsbury, Conn., February 27, 1967.

Dear Senator Ribicoff: The members of the Simsbury League of Women Voters are greatly concerned that programs to provide equality of opportunity for all persons in education and employment should continue. As you are probably aware, members of Leagues all over the nation studied the subject of Human Resources for two years and reached a position in 1966 in support of programs and policies to provide equality of opportunity in the areas of education and employment.

Our position includes the conviction that the federal government shares this responsibility with other levels of government; and we are particularly concerned for compensatory educational programs for disadvantaged people and for the removal of discrimination in both education and employment.

At a general membership meeting, the Simsbury League heard first-hand from Mr. David Holmes, Executive Director of Hartford's Community Renewal Team, about the fine work being done there with the assistance of federal funds. We feel that community action programs such as this are very valuable and should continue.

We are supporting, along with other Leagues in Connecticut, various bills currently before our General Assembly concerning state aid to the disadvantaged. As previously stated, we feel that all levels of government share this responsibility, and we urge that you give favorable consideration during the current congressional session to federal proposals that will work toward equality of opportunity in education and employment.

Very truly yours,
Dorothy L. Radding
Mrs. Benjamin Radding,
President.

League of Women Voters of
Connecticut,
Hamden, Conn., March 2, 1967.

The Honorable Abraham Ribicoff,
Senate Office Building,
Washington, D.C.

Dear Senator Ribicoff: The League of Women Voters of the United States has through its membership adopted firm positions in support of equality of opportunity in education and employment. These positions have been reached after two years of study by League members of the problems of human resource development. We believe that it is the responsibility of all levels of government to provide equality of opportunity and that programs to increase the education and training of disadvantaged people, programs to prevent and/or remove discrimination, and programs that will bring about racial integration of the schools will do the most to achieve the ends we seek.

To be more specific, the League supports such things as greatly increased educational opportunity through compensatory programs for disadvantaged groups, expanded opportunities in apprenticeship and on-the-job training programs; a regional approach to problems of economically depressed areas; programs to bring about effective integration of schools through federal technical assistance such as training programs and institutes for teachers and school administrators; the withholding of federal funds from school districts which fail to meet realistic and effective guidelines and standards for school integration; withholding government contracts from business and industry which discriminate in employment, and an effective federal fair employment practices agency.

The League also supports community action programs which are carefully tailored to the educational and employment needs of the people they are intended to reach, which involve in the planning and implementation of the programs the people for whom the programs are designed, which are competently and efficiently administered and continually evaluated as to their effectiveness.

Although we in Connecticut are fortunate in having long been in the forefront on human rights legislation, we realize that we have a responsibility to continue our efforts and also to do what we can to promote equality of opportunity in education and employment nationwide.

We as the League of Women Voters of Connecticut are presently talking to our representatives in the Connecticut General Assembly about programs for the disadvantaged and increasing state support of projects, appearing before appropriate committees of the Assembly and working with the Planning Council and various committees of the Governor's Conference on Human Rights, and Opportunities. Local Leagues within the state are doing what they can to create a climate in their cities and towns which will be receptive to fresh ideas and stimulate new initiatives in this area of concern—equality of opportunity for all.

This letter is to inform you of our convictions and efforts along the lines mentioned above and to urge you to support in the Senate of the United States legislation designed to achieve the ends we seek. You no doubt will be hearing from us further on specific legislative proposals but we wanted you surely to be aware of our general concern.

Sincerely,

VIRGINIA S. SWEET
Mrs. Sidney E. Sweet, Jr.,
President, League of Women Voters of Connecticut.

JACKSON HOLE, WYO., BIDS FOR 1970 ISF WORLD SKI CHAMPIONSHIP

Mr. HANSEN. Mr. President, the U.S. Ski Association and those splendid western centers of hospitality contiguous to Wyoming have thrown their support behind the Equality State as the proposed site for the 1970 World Ski Championships of the International Ski Federation. Wyoming, accordingly, is the official American choice—that is to say, the official choice of the U.S. Ski Association—for this world series of skiing competition, which attracts the best skiers and the most eager spectators the world has to offer.

For the honor of hosting the 1970 ski championships, the huge Jackson Hole ski area in Wyoming's Teton Mountains is in competition with ski areas in Japan, Italy, West Germany, Austria, Canada, Switzerland, and Czechoslovakia. Wyoming cut her teeth earlier this year when an international ski meet, the Wild West Classic, was staged at Jackson. The meet was used as a testing ground by the International Ski Federation officials to see how well the ski area handled large, international ski competition. The area passed the inspection with flying colors and was soon after selected as the official U.S. entry.

Mr. President, it goes without saying that the Congress would like to see the United States play host to the world's largest and most illustrious event in skiing competition, but I think that added impetus could be given to the U.S. application which will be considered in May of this year when the International Ski Federation World Council meets at Beirut, Lebanon.

Accordingly, Mr. President, tomorrow I should like to submit for the consideration of Senators a concurrent resolution which would express the sense of the Congress of the United States that the 1970 World Ski Championships be held at the Jackson Hole ski area in Jackson, Wyo.

It is regrettable, Mr. President, that the CONGRESSIONAL RECORD does not carry photographs—particularly color photographs—so that I could better show Senators and other readers of the RECORD the wonders of the Jackson Hole country. The American Alps, the magnificent Teton Range, borders Jackson on its western perimeter and it is on the eastern slope of these mountains down which the world's skiers will be speeding if the American entry for competition is approved.

The mountains of Jackson Hole and Teton National Forest offer new heights in American skiing. They are lofty, they are broad, and they are varied. They have a 4,135-foot vertical rise, a virtually limitless timber-free bowl, and countless miles of trails and slopes for every degree of skiing skill. Twenty-four runs and trails are indexed in the Jackson Hole literature, ranging from easy to difficult. Completed recently is the 65-passenger tram running from the ski area's headquarters up the slope of Rendezvous Peak. In terms of accommodations for spectators and competitors in a ski meet, Teton Village at the foot of Rendezvous Peak offers approximately 300 rooms while an additional 4,000 beds are available in the town of Jackson, just 15 minutes away.

Mr. President, I sincerely feel that the U.S. Ski Association made a splendid and commendable choice when it picked the Jackson Hole Ski Area as the American entry in competition for the 1970 World Ski Championships of the International Ski Federation and I ask the Senate to act upon the resolution I will introduce with enthusiasm and dispatch.

I ask unanimous consent to have printed in the RECORD the text of the concurrent resolution which I intend to submit tomorrow.

There being no objection, the proposed resolution was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION —

Whereas, the United States Ski Association, in cooperation with the Jackson Hole Ski Area, has formally submitted its bid to the International Ski Federation to hold the 1970 World Ski Championships at the Jackson Hole Ski Area in Wyoming; and

Whereas the staging of the 1970 World Ski Championships at Jackson Hole would be a great benefit to the United States and to the State of Wyoming; and

Whereas guarantees have been made to the FIS that sufficient and adequate facilities for competition, housing, accommodations and communications exist or will be provided by the State of Wyoming, the Jackson Hole Ski Area, and the local community: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby expresses its approval of the selection of the United States Ski Association and supports its recommendation to the International Ski Federation World Council meeting in May of this year in Beirut, Lebanon, that Jackson Hole in the State of Wyoming be designated as the site for the 1970 FIS World Ski Championships.

VIETNAM—THE STRUGGLE TO RESCUE THE PEOPLE

Mr. SYMINGTON. Mr. President, further with respect to the article entitled "The Struggle To Rescue the People," published in Fortune, this article accurately portrays my views resulting from my trips to Vietnam.

Members of the Senate want to know the truth about all sides of this operation; therefore, I ask unanimous consent that additional excerpts from that article be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

In response to an American suggestion, the Ky government has agreed to assign at least half of the 321,000 men of the Army of the Republic of Vietnam (ARVN, pronounced to rhyme with Marvin) to the job of pacification. These first-line troops will undertake the critical task, previously left to regional forces, of providing millions of peasants with true protection against Communist guerrilla bands. If the plan works, it will be safer than ever before for the peasants to take the first steps toward rallying to the government side. At the same time, Premier Ky has created a new Vietnamese Government counterpart of the U.S. operation and has placed in charge an exceptionally promising man: Major General Nguyen Duc Thang, thirty-seven. An aggressive, imposing leader, Thang is training thousands of young men and women "cadres" (civilian political workers) to work on pacification in the hamlets, giving the program new zing and momentum.

None of this alters the grim reality that the pacification job in Vietnam ranks as one of the most difficult the U.S. has ever undertaken. The magnitude of the task, only now being recognized in Saigon, is much less appreciated in the U.S. "We don't really understand even now," said one top-ranking U.S. official, "how to go at this." There is experience only in failure. If pacification should succeed this time—and the odds are certainly no better than even—the effort will take years, perhaps as much as a decade, of persistence and patience. And ultimate success will depend, in large measure, upon an element that the U.S. cannot control: performance by the South Vietnamese in carrying out the program. There is, to be sure, the difference that the effort this time begins under more favorable conditions than any that have existed in the past, mainly because the Communist main forces have been bottled up by American troops. Even so, success in pacification represents the only visible way for the U.S. to escape from Vietnam, except in defeat. For as long as the Vietcong retain control of the countryside, withdrawal of U.S. forces would simply remove the last obstacle to Communist strangulation of the rest of the country. Nor would recourse to escalated bombing of the North offer an alternative solution; aside from other possible effects, it would be irrelevant to the control the Communists exercise in the South. Success of pacification, in short, has become an imperative for the U.S. and South Vietnam.

WEAPONS CONTROL

Mr. SMATHERS. Mr. President, last Sunday, the senior Senator from Massachusetts [Mr. Kennedy], "unarmed, save with the armor of reason and conviction," in the words of the Washington Post, argued the case for weapons control before the group which most strongly opposes such controls, the National Rifle Association. As a cosponsor of S. 1, the administration firearms bill introduced by the Senator from Connecticut [Mr. Dodd], I agree with Senator Kennedy, who is also a cosponsor of the bill, that the 90th Congress will pass effective weapons control legislation. I share his view that there is a community of interest between those who would prevent wrongful uses of firearms and those who wish to promote proper uses, and thus that the National Rifle Association should cooperate in the design and enactment of the proposed State Firearms Control Assistance Act of 1967. The visit by the Senator from Massachusetts to the association could be the first step in such a constructive relationship.

I ask unanimous consent that there be printed in the Record the text of his remarks and the editorials regarding his appearance, published in the Washington Post of April 4, 1967, and the New York Times of April 5, 1967.

There being no objection, the items were ordered to be printed in the Record, as follows:

Address by Senator Edward M. Kennedy to the Annual Meeting of the National Rifle Association, Washington, D.C.

I welcome this opportunity to meet with you today to discuss the kind of legislation I consider absolutely essential to control the sale and movement of guns in our nation. I had looked forward to the chance to meet with your membership at a general session on legislation. Since that was not possible, I shall attempt to bring my thoughts to you, in the hope that what is said here will eventually be communicated to your membership, and to the public.

I asked to meet with you to discuss the clear and compelling need to legislate against the uncontrolled sale and shipment of guns. This need is now well-understood by the general public—weapons are available in this country to the demented, the criminal, the child, the addict, and all others who would abuse these instruments of death. Your organization has stated that the person, not the gun, creates this national problem. I agree that the gun cannot cause harm without the person, and the intent of the legislation I support is to see to it that those persons bent on violence and crime be deprived of the weapons that in their hands horrify the public.

The National Rifle Association is fully aware of the tragic statistics:

In this century the number of Americans killed within our borders by bullets exceeds the number of N.R.A. members.

In this decade the number of Americans killed by firearms at home is many times the number of boys we have lost in Vietnam.

In 1965 alone, 5,600 murders, 34,700 assaults, and most of the 68,400 armed robberies were committed with guns.

In a recent three year period, of the 4000 people who ordered guns from only two of the mail order dealers in the city of Chicago, one-fourth—or 1,000—of them had criminal records.

These figures tell only a part of the unbelievable story of gun abuse, but they should be enough to cause concern among men of reason in 1967.

Let us look at the response of our nation's leadership to this growing national emergency. The President of the United States, and the President who preceded him, both called for strong legislation to curb the flow of weapons to those in our society who should not have them. This call has been supported by their Attorneys General, by the Director of the Federal Bureau of Investigation Mr. J. Edgar Hoover, by the International Association of Chiefs of Police, by the American Bar Association, by the National Crime Commission, by the country's best police chiefs and prosecutors, and, I believe, by the vast majority of our citizens.

And let us examine the response of some of those who disagree—citizens who are supposedly intelligent, patriotic and upstanding members of their communities. They have said, "Register Communists, not firearms;" "Move to Russia if you want to live under gun control legislation;" or, "Register your firearms, those who want a police state will appreciate it."

And what has been the response of the National Rifle Association? Your stated policy has been that . . . "Firearms legislation is of insufficient value in the prevention of crime to justify the inevitable restrictions which such legislation places upon law-abiding citizens." That statement does not differentiate between various kinds of legislation. It does not admit that there are any merits to the arguments of law enforcement officials, public officials, the general public or the President of the United States. That statement represents to me a negative response in the face of a majority opinion that something must be done, some step must be taken, to reduce the chance of death and injury by guns in the hands of the young, the unstable or the lawless.

As the result of your efforts, we in Congress have been flooded by mail, wires, and telephone calls. All too often these communications are abusive and irrational. We have been labeled un-American, Socialistic, and unconcerned with the true causes of crime. We have been described as opposed to the legitimate use of guns for sport and hobby. At worst these charges are ridiculous and cruel, at best they are simply wrong. And in almost every case, it is apparent that nothing is being done by opponents of gun legislation to foster understanding, intelligent debate, and compromise.

But regardless of the efforts of the opponents of gun legislation, we in Congress have our responsibilities to the people. We intend to meet them. And the choice is yours whether we will meet these responsibilities with the assistance of your members, or in spite of them.

Let me state the case for this year's legislation, legislation which I believe will pass. The State Firearms Control Assistance Act of 1967 has neither the purpose nor the effect of restricting the hunting pleasures of any members of this Association. It will not make it impossible, or even difficult, to purchase, carry, or use a gun for sporting purposes. This law, S. 1, will not prevent a firearms competitor from traveling from state to state to a match of shooting skill, and it will not preclude the legitimate gun user from buying a rifle or a shotgun while he is away from home.

It is certainly not the intention of any member of Congress to deprive, or even interfere with, the American sportsman or his right to take to the field to hunt or match his skills against others. The true sportsman, the hunter, or the collector of weapons is well-represented in the Congress and the government. His love of the outdoors and his competitive spirit are shared and admired by all.

The State Firearms Control Assistance Act of 1967 was constructed with full recognition of the diversities among states, their geography, their histories, and their experiences with crime and guns. It seeks, after laying down basic Federal standards, to allow each state to decide for itself how to prevent the misuse of firearms.

No state can now make such decisions and make them stick. My state of Massachusetts, for example, has fairly stringent gun laws. Hunters and competitors and collectors have no difficulty in complying with them and do so willingly. Yet under present conditions these laws constitute only a minor nuisance to the criminal, the addict, the juvenile, or the incompetent who wants to avoid the Massachusetts regulations. Those who my state says cannot buy weapons can order them by mail from out of state. Those whom the laws of Massachusetts seek to keep away from guns can go to Maine or New Hampshire or Vermont, which have few restrictions, and buy their weapons. In fact a survey by the Massachusetts State Police showed that 87 per cent of the guns used in crimes in the Commonwealth were purchased over-the-counter in these neighboring three states.

Is this fair to the citizens of Massachusetts, who, after weighing the costs of strict gun controls against the benefits, have decided in favor of controls? Is this fair to the law-abiding gun owners of Massachusetts who see others evading the state's laws?

It is the essence of our Federal system that the states be given as much authority as possible in determining their own legal environment. This principle is especially appropriate in the case of firearms use, which varies so greatly from region to region, from state to state. Yet where firearms are concerned, diversities cannot be protected unless the states have Federal assistance to prevent their laws from being circumvented. This is the essence, the basic thrust, of the legislation before Congress. Under this legislation:

There will be no Federal restrictions on purchasing a gun in one's own state for a person who complies with state and local law, is of the proper age (18 for long guns, 21 for others), and is not a convicted felon, or currently under indictment, or a fugitive from justice. Purchase of rifles and shotguns can be made by nonresidents in person from dealers in other states, and the arms can be shipped home, if the transaction and the delivery comply with the laws of both places. Other purchases of rifles and shotguns, and all purchases of hand guns originating out of state, can be made from or through dealers in one's own state, just as a local purchase is made.

This in sum is the bill. It sets only two national, and unobjectionable, standards for the *purchase* of guns. It sets no standards for the *use* of guns. The standards of this bill prevent criminals and juveniles from buying guns from licensed dealers. The rest is up to the states. They can, for example, make their own rules on the use of guns by juveniles. They can make whatever other rules they want regarding the purchase of weapons and they can promulgate these rules secure in the knowledge that their laws cannot be eroded by less stringent laws in neighboring states.

What is the harm in this? It is true that the ads in the Rifleman will have to add the words "Order through your local dealer," and the out-of-state dealer will have to yield some of his profit to the local dealer, who relieves him of the state and Federal compliance obligations. If you want a handgun, you will have to buy it in your own state. If you want a rifle, you will have to buy it from a dealer in your own state, or buy it in person in another state. I venture to say that the bulk of *your* purchases already comply with those rules.

So the question before us is a simple one.

Are the possible minor inconveniences too great for the sportsman to bear if they can prevent children, convicted felons, and the mentally ill from mailing away for guns whenever the spirit moves them? Are they too high a price to pay to keep surrounding states from depriving Massachusetts of the benefit of her own gun laws? Is it not worth these minor inconveniences if we can avoid one murder, one suicide, one accident, or ten, or a hundred, or a thousand?

The American public does not feel that gun control laws are too great an inconvenience, or that they will exact too high a price in restrictions for the law-abiding citizen to pay. The American public feels that whatever minor disruptions gun users will experience should not override the benefits that gun control legislation will bring to the people as a whole.

In a poll conducted by the Gallup Organization this past January, we can find some measure of the public view:

73 per cent of those polled favored a law which would require the registration of a rifle or a shotgun.

85 per cent favored a law requiring registration of pistols.

75 percent favored doing away with all mail order buying of guns.

84 per cent felt there should be restrictions on who is allowed to buy a gun.

Only 12 per cent, less than one-eighth of those polled, believed that anyone who wants a gun should be allowed to buy one with no questions asked.

In the face of this expression of public opinion, an opinion that clearly states that the American people want even more protection than we find in the current proposal before Congress, we must act, and we will act.

And I believe that your organization, confronted with the case, the statistics, and the public outcry, must also act—but act positively. The National Rifle Association has a history of opposition to gun control legislation. But there have been occasions when you have shown a recognition that there can be forthright and constructive proposals for weapons control.

In a statement of policy in the September 1966 issue of the Rifleman, you said, "The NRA strongly supports ownership controls directed at those individuals who, as a class, should not possess firearms—convicted felons, drug addicts, habitual drunkards, mental incompetents, and unsupervised juveniles." I could not have stated my goal, and the ultimate goal of S. 1, more distinctly. Moreover, as shown by the Association's testimony before the Juvenile Delinquency Subcommittee as the 89th Congress, you agree that, "Controls on the interstate shipment of firearms are definitely needed."

And I am pleased to remind the Association that in 1963 the Board of Directors of the NRA supported that year's firearms control legislation, and an NRA official testified in favor of it. I might add that the proposal, numbered S. 1975, might in certain respects be considered more onerous and more inconvenient for the purchasers of weapons than this year's bill. The 1963 bill called for the filing of a sworn and notarized affidavit for every interstate mail order purchase. It required a copy of that affidavit to go to the police chief in the buyer's home town, regardless of whether that jurisdiction required registration.

I think that this year's proposal is more effective, more efficient, and in some ways less burdensome for the legitimate sportsman or collector. Yet, despite your support of the 1963 bill, and despite the existence of a reasonable proposal today, the NRA has called instead for a three-point legislative program taking an entirely different approach from the one developed by experts from the Executive and legislative branches after years of painstaking efforts. I must say that I wonder whether you think your proposals would meet the goal you yourselves have put forth, the goal of keeping guns away from those who should not have them. I am sure that you have heard from many who are experts, about the problems with your proposals, so I will deal with them very briefly.

The first NRA proposal would make most local crimes of violence involving firearms into Federal crimes with mandatory minimum sentences. Would this measure keep a weapon out of the hands of any criminal, any child, any alcoholic, addict, or incompetent? Of course not. Would it deter a criminal who is not deterred by the severe state penalties for murder, for assault with a deadly weapon, or for armed robbery? Of course not. What it would do would be to make vast numbers of local offenses into Federal offenses. It would require a national police force if it were to be enforced. And it would intrude the Federal Government into the proper police function of the states, cities, and local communities.

Your second proposal is for a statute which would merely prohibit shipment of a firearm to anyone who could not legally receive it in his own state. Even putting aside a serious problem of wording, this measure could not possibly be effective, for it does not provide machinery, such as that in the 1963 bill, for the shipper to determine whether the buyer is in fact eligible to receive a firearm. Nor does it prevent an ineligible purchaser from merely going across a border into the next state to buy a gun which he could not buy in his own state. Thus the proposal would be nearly impossible to enforce and ineffective even if enforceable.

Your third proposal, dealing with "destructive devices," differs only on technical points with the related provisions of the Administration proposal, and I believe that the prior differences have been compromised very much in your favor. It is fine as far as it goes, and should be part of any Federal legislation. But this measure does not even attempt to address the central problems of weapons transactions dealt with both by S. 1 and the 1963 bill.

If you had come up with an effective alternative to the approach of S. 1, we would now be considering it. But I don't believe you have. And the American people, and their representatives in Congress, are, therefore, considering S. 1.

The bill before us is not a panacea. It will not prevent all crime, all suicides, or all gun accidents. But after many years of study it is the best measure anyone has devised. There has been too much delay already. The American people do not want to wait any longer, and neither does Congress.

Yet it is not too late for you to assume a new role of cooperation, a role consistent with the public-spirited attitudes which marked the founding of your organization. Throughout the nation's history, there have been other times when groups striving for what they considered to be right, strongly opposed legislation later enacted. But it is also true in our history that the forces that unite us have been stronger than those which divide us. And from this strength has come some of our most important legislation. The labor laws, Social Security laws, civil rights laws, and medicare were vehemently opposed by some people, yet they were passed, implemented, and now benefit millions upon millions of Americans.

Now it is up to you. Millions of Americans want the benefits of S. 1. If it is passed, you are the ones who will have to bear some slight inconvenience to pursue your hobbies. Is this not a reasonable burden to bear in the public interest? Is this not the true meaning of patriotism and love of country? You are riflemen and pistol shooters and collectors and competitors and hunters, of course. *But you are citizens first,* and if your fellow citizens ask you to make these minor concessions, *can you really refuse?*

I do not think you can. I do not think you want to. I believe that no one has a greater interest in the reduction of illegitimate and harmful uses of firearms than you who seek protection of legitimate and safe uses. Our mutual interests and our common purposes should enable us to work together to enact appropriate firearms legislation.

I am hopeful that perhaps even in the few days remaining of this annual meeting you will have an opportunity to consider ways you can foster a new spirit of constructive cooperation, in the name of progress and the national welfare.

[From the Washington (D.C.) Post, Apr. 4, 1967]

IN THE LIONS' LAIR

Unarmed save with the armor of reason and conviction, Sen. Edward M. Kennedy appeared on Sunday at his own request before assembled officials of the National Rifle Association at their annual meeting and told them some of the facts of life about gun casualties. He had sought to address the NRA membership in an open session; but the Association did not choose to run that sort of risk.

"In this decade," the Senator told his audience, "the number of Americans killed by firearms at home is many times the number of boys we have lost in Vietnam. In 1965 alone, 5600 murders, 34,700 assaults, and most of the 68,400 armed robberies were committed with guns." As though to lend point and poignancy to these stark statistics, a UPI story from New York on Monday reports that "Marine Sgt. Michael Kroll, a Vietnam veteran from New York who was decorated for heroism in battle, was shot and killed today when he attempted to break up a brawl in Greenwich Village. Kroll, who held the Purple Heart, was slain by a single blast from a shotgun fired point-blank into his face."

After outlining the reasonable and moderate terms of the current Administration firearms control legislation, Senator Kennedy put the issue squarely to the NRA officers: "Now it is up to you," he said. "Millions of Americans want the benefits of S. 1. If it is passed, you are the ones who will have to bear some slight inconvenience to pursue your hobbies. Is this not a reasonable burden to bear in the public interest? Is this not the true meaning of patriotism and love of country? You are riflemen and pistol shooters and collectors and competitors and hunters, of course. *But you are citizens first,* and if your fellow-citizens ask you to make these minor concessions, *can you really refuse?"*

The question is not merely rhetorical. It awaits an answer.

[From the New York Times, Apr. 5, 1967]

GUN CONTROL NEEDED

The leadership of the National Rifle Association showed something less than robust confidence in its position on gun control when it refused the other day to permit Senator Edward M. Kennedy of Massachusetts to address the delegates to its annual convention. He was only allowed to speak to a closed meeting of the association's board of directors.

The sad truth is that although the N.R.A. presents itself as an organization of rank-and-file sportsmen, it is heavily dependent upon gun manufacturers and dealers for advertising revenue in its journal and is opposing anything that might interfere with their profitable business.

In his remarks, Senator Kennedy had much the better of the argument, which is not surprising since his case is irrefutable. He pointed out that in this decade the number of civilians killed by firearms at home is many times the number of soldiers killed in Vietnam. In 1965 alone, 5,600 murders, 34,000 assaults and most of the 68,000 armed robberies were committed with guns.

It is easy to argue that these crimes could have been carried out by other means. But advocates of gun-control legislation are making an effort to reduce the toll of death and suffering; they are not offering a panacea. Because a gun is easily concealed, readily available, and achieves its purpose immediately, it is the favorite weapon of the jealous lover, the excitable adolescent and the demented crank. No other weapon can make that claim.

The needless slaughter from misused guns makes it imperative to ban the sale of firearms through the mails and to require the registration of guns with the police. This would be no greater hardship for sportsmen that a driver's license is for automobile owners. We trust that Congress will enact gun-control legislation this year with or without the cooperation of the National Rifle Association.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. DIRKSEN. Mr. President, if there is no further business to come before the Senate, in accordance with the order previously entered, I move that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 2 o'clock and 1 minute p.m.) the Senate adjourned until tomorrow, Tuesday, April 11, 1967, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 10 (legislative day of April 6), 1967:

PUBLIC SERVICE COMMISSION

William L. Porter, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia for a term of 3 years expiring June 30, 1970 (reappointment).

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Lt. Gen. Ralph Edward Haines, Jr., Army of the United States (major general, U.S. Army), in the grade of general.

POSTMASTERS

ALABAMA

Pete Holman, Titus, Ala., in place of W. C. Gantt, retired.

COLORADO

Beryl E. Lambert, Yuma, Colo., in place of H. L. Grauerholz, deceased.

HAWAII

Hon Chung Chee, Honolulu, Hawaii, in place of G. T. Hara, retired.

ILLINOIS

Floyd E. Garrett, Kinmundy, Ill., in place of R. R. Atkins, deceased.

Estle D. Rogers, Xenia, Ill., in place of N. G. Lee, retired.

IOWA

Opal A. Bonynge, Lester, Iowa, in place of C. G. Bigelow, deceased.

NEW JERSEY

Frank Leone, Oakland, N.J., in place of H. J. Bowitz, deceased.

NEW YORK

Gerald J. Mulderig, Medford Station, N.Y., in place of J. F. Schleyer, retired.

PENNSYLVANIA

Robert W. Anthony, Altoona, Pa., in place of Bruce Crumm, retired.

PUERTO RICO

Luz Piazza, Adjuntas, P.R., in place of Angel Ramirez, deceased.

TEXAS

Joyce L. Beasley, Enochs, Tex., in place of M. B. Robinson, retired.

WASHINGTON

Helen M. Scott, Langley, Wash., in place of A. W. Graham, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 10 (legislative day of April 6), 1967:

OFFICE OF EMERGENCY PLANNING

Endicott Peabody, of Massachusetts, to be an Assistant Director of the Office of Emergency Planning.

U.S. ARMY

The following-named officer to be placed on the retired list, in grade indicated under the provisions of title 10, United States Code, section 3962:

To be generals

Gen. Paul Lamar Freeman, Jr., O17704, Army of the United States (major general, U.S. Army).

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Lt. Gen. James Karrick Woolnough, O18709, Army of the United States (major general, U.S. Army).

IN THE AIR FORCE

The nominations beginning Daniel H. Daley, to be a permanent professor, U.S. Air Force Academy, and ending Donald L. Wasson, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD, on March 20, 1967; and

The nominations beginning Peter B. Carter, to be a permanent professor, U.S. Air Force Academy, and ending Peter R. Zook, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 23, 1967.

IN THE ARMY

The nominations beginning George L. Darley, to be colonel, and ending Kenneth A. Zych, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 23, 1967.

EXTENSIONS OF REMARKS

Strasburg High School Basketball Champions

EXTENSION OF REMARKS

OF

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1967

Mr. HAYS. Mr. Speaker, on Saturday afternoon, March 18, the Strasburg High School basketball team won the Ohio high school class A basketball championship in St. John Arena, Columbus. Ending the year with a record of 27 wins and no losses, Strasburg became the only high school team in the State to go through the season undefeated. I should like to add my congratulations to the many which have already been received by the members of this outstanding team and their coach, Charles Huggins.

Fuzz Phrase Computer (Mark II)

EXTENSION OF REMARKS

OF

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1967

Mr. HOSMER. Mr. Speaker, several months ago I made disclosure of the existence of a device known as the Fuzz Phrase Computer. My statement at that time is reproduced at the conclusion of these remarks. Subsequently it was brought to my attention that the computer was earlier stolen by someone from the Canadian Defense Department and published at a prior date in Canada. Upon investigation, I find simply that the Canadians stole it from the Pentagon before I did and then were careless enough to let it be stolen from them. Obviously a device such as this only could spring from the minds of American whiz-kids. In the intervening weeks thereafter I was able to steal from the Pentagon its improved version of the Fuzz Phrase Computer designated Mark II. The Mark II, reproduced here as a table, differs from the Mark I by the addition of an entire new column, column D, and therefore requires use of a random four-digit rather than three-digit number.

PENTAGON SECRET SPILLED

"Total Reciprocal Mobility?"—"Synchronized Digital Projection?"—"Systematized Third-Generation Programming?"—"Parallel Reciprocal Options?"

Since Robert S. McNamara, his computers and his whiz-kids commandeered the Pentagon in 1961 the public has been bombarded with speeches, statements and press releases replete with such unintelligible gobbledegook which reveals little of what goes on there.

Foreign secret agents have the skill, training and electronic snooping devices to get around these semantic land mines and search for hard intelligence. Just plain domestic patriots do not. John Q. Taxpayer wonders what in heaven/hell is happening to the $50 or $60 billions of his money Secretary McNamara spends every year. So does Congress which hears but seldom understands his incomprehensible explanations.

Therefore—so the American people can understand why they can't understand what Pentagon spokesmen tell them—I am today revealing one of their deepest secrets.

It is the "Fuzzphrase Computer" issued to all top Pentagon civilians which enables them to sound just like they know all about what they are saying. They don't. But you don't, either.

The Computer supplies its user with Ph. D-sounding fuzzy phrases guaranteed to confuse and obscure practically anything. Details of the device (obtained at great risk) are attached. At command it will produce 1000 different and sonorous authority-bearing fuzzy phrases guaranteed to be incapable of comprehension by anyone.

Use of the Computer is simple. Imagine any random three digit number. If you lack imagination use part of your telephone number and such. Then select from columns A, B and C the three corresponding fuzz words. Combine them to produce your foggy, oracular, equivocable, indefinable, abstruse and obtuse "fuzzphrase".

Whatever turns up is certain to surround you with the aura of an authority and bamboozle everyone.

Do I think they will prosecute me under the Official Secrets Act for this revelation? No. I believe the Pentagon will opt to utilize its 722 and pursue its 501 to achieve a 976.

Likely as not it also will feed thirty new fuzz words into the Computer and we'll all be off on another round of befuddling hot-air balloon rides.

Fuzz-phrase computer (Mark II)

	A	B	C	D
1	Integrated	Management	Option	Rehearsal.
2	Total	Organizational	Flexibility	Input.
3	Systematized	Monitored	Capability	Mechanism.
4	Parallel	Reciprocal	Mobility	Mission.
5	Functional	Digital	Programing	Configuration.
6	Responsive	Logistical	Concept	Attitude.
7	Optimal	Transitional	Time phase	Analysis.
8	Synchronized	Incremental	Projection	Research.
9	Compatible	3d generation	Hardware	Reference.
0	Balanced	Policy	Contingency	Authorization.

Results of Third Annual Public Opinion Survey in the Fourth Congressional District of Michigan

EXTENSION OF REMARKS

OF

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 10, 1967

Mr. HUTCHINSON. Mr. Speaker, for the first time in the 3 years I have been conducting a direct-mail public opinion survey in the Fourth Congressional District of Michigan, a clear-cut "majority view" has emerged on the question of our conduct of the Vietnamese conflict.

Of the more than 10,000 district residents who participated in the survey, 54.3 percent indicated that they favored "increase of ground, air, and naval forces sufficient to insure complete control of South Vietnam in the shortest possible time."

This was one of five alternatives offered in a five-part, multiple-choice question on the problem of Vietnam.

A similar alternative was favored by 24.8 percent in 1965, and by 33.1 percent in 1966.

Even more significant, I would say, is the fact that only 4.3 percent favored "continuation of present policies" in prosecuting the war in Vietnam.

Also of special interest to my colleagues, I believe, will be the results of three questions regarding proposed changes in the Selective Service System. Residents of the district responding to the questionnaire registered substantial opposition to all three proposals, including the concept of a national draft lottery.

The complete results—which were tabulated by electronic data processing—are as follows:

VIETNAM

The administration has chosen to wage a limited war against Communist aggression in South Vietnam. If a satisfactory peace cannot be secured through negotiation in the foreseeable future, which of the following course of action do you favor most?

[Answers in percent]

(a) Withdrawal of U.S. forces	10.41
(b) Increase of ground, air, and naval forces sufficient to insure complete control of South Vietnam in the shortest possible time	54.30
(c) Cessation of bombing in North Vietnam	1.89
(d) No increase in ground forces, but increased use of air and sea power against North Vietnam and supply routes to the south	21.61
(e) Continuation of present policies	4.36
No answers	8.33

THE DRAFT

Present draft laws provide that the oldest men within the draft age bracket shall be called first. Would you favor calling the youngest first?

Yes	35.14
No	53.21
Blank	11.65

Present draft laws call upon local draft boards to furnish quotas of men classified 1-A. Would you favor a law which would place all men classified 1-A in a national pool, with Federal authorities filling draft quotas from that pool by lottery?

Yes	39.29
No	47.40
Blank	13.31

Instead of the present system of calling men between the ages of 19 and 26, would you favor lowering the draft age to between 18½ to 22½?

Yes	27.58
No	59.07
Blank	13.35

SOCIAL SECURITY

Do you favor an increase in social security benefits?

Yes	46.66
No	45.99
Blank	7.35

Do you favor an increase in social security benefits which would require raising social security taxes?

Yes	23.62
No	68.36
Blank	8.01

TAX SHARING AND TAX CREDITS

Do you favor a tax-sharing arrangement under which the Federal Government would return a portion of income tax revenues to the States with no strings attached?

Yes	55.63
No	36.50
Blank	7.87

Would you favor such a program if it made necessary an increase in Federal taxes?

Yes	11.43
No	78.89
Blank	9.68

Federal-State tax-sharing plans would cast the Federal Government in the role of tax collector for the States. A system of direct tax "credits" is suggested as an alternative. Would you favor allowance of Federal income tax credits for such things as higher education costs, State income taxes, and pollution control facilities?

Yes	45.28
No	38.83
Blank	15.89

FOREIGN POLICY

Do you favor expansion of U.S. trade with East European Communist nations?

Yes	28.24
No	65.68
Blank	6.08

AIR AND WATER POLLUTION

Do you favor an expanded role for the Federal Government in the control of water pollution?

Yes	66.66
No	27.01
Blank	6.33

Do you feel the Federal Government should take the lead in control of air pollution?

Yes	64.69
No	29.06
Blank	6.25

THE POVERTY WAR

The various war on poverty programs have been in effect for nearly 2 years. Thus far, do you think they have been successful in moving toward the ultimate goal of improving the lot of the poor?

Yes	11.73
No	82.40
Blank	5.87

CIVIL RIGHTS

Do you favor enactment of Federal laws prohibiting restrictions on the sale of rental housing on the basis of race, color, or creed?

Yes	25.52
No	69.03
Blank	5.45

In your opinion, are any additional Federal laws needed for the protection of civil rights?

Yes	18.35
No	73.13
Blank	8.52

The Roughriders

EXTENSION OF REMARKS
OF
HON. THOMAS G. MORRIS
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Monday, April 10, 1967

Mr. MORRIS of New Mexico. Mr. Speaker, it is safe to say that of all the regiments ever engaged in American military history none has equaled, in color, dash, and daring, the Roughriders of the Spanish-American War.

Now, more than half a century later, the gallant undertakings of these extraordinary Americans linger in the memory of everyone concerned with fortitude in action. Their deeds, their zeal, and patriotic purpose capture the imagination, to a most remarkable degree.

Recruited for war from the cattle ranges, mining camps, and from the law-enforcing bodies of the great Southwest, they came in time to represent the pioneer spirit of the American frontier, face to face with foreign tyranny. Praised as the heroes of the age, in the heat of war, they are so remembered still, by everyone familiar with the facts.

Theodore Roosevelt, Assistant Secretary of the Navy under President McKinley, was the guiding force of the Roughriders. When the Spanish War began, in April 1898, Roosevelt resigned his post at the Navy Department to organize the 1st Volunteer Cavalry Regiment, and in so doing turned for assistance to the people he knew and respected the most: the cowboy heroes of the Southwest.

Having lived among the cowboys as a youth, Roosevelt recognized in them a fighting spirit unsurpassed, and therefore called them into service, in the national interest.

The cowboy volunteers of 1898 consisted of three regiments. Colonel Roosevelt led the 1st Volunteer Cavalry Regiment, while Col. Jay L. Torrey and Melvin Griggsby commanded the 2d and 3d Cavalry Regiments, respectively.

The 1st Cavalry had a brief training period at San Antonio, in the spring of 1898, then entrained for Florida. Transported thence to Cuba and arriving June 22, they met the enemy in combat June 24 and bore the brunt of a fierce attack in the battle of Las Guasimas. The subsequent charge of the Roughriders up San Juan Hill has become a permanent part of the history of American military achievement.

In keeping with this great tradition—the heroism of western volunteers in the struggle for democratic supremacy throughout the world—it is only fitting that there be established a museum, dramatizing the accomplishments of the heroes involved. I therefore propose the establishment of such a museum, and recommend the selection of the State of New Mexico as the site for its construction.

It is worth noting, in this regard, that New Mexico is closely tied to the spirit of the Roughrider tradition, not merely as a part of the old Southwest—from which a majority of the Roughriders came—but also and specifically as a State that gloried in the brilliant performance of its own, in every achievement scored by Colonel Roosevelt and his men.

Upon returning from Cuba, in 1898, Colonel Roosevelt wrote a letter to Governor Otero of New Mexico in which he described how admirably the New Mexico troopers in the battalion of the Roughriders had behaved in battle. Of the eight troops at his command, three were from New Mexico, and Roosevelt declared:

> As for the troops themselves, I cannot say too much for their daring and resolution in battle, their patient endurance of every kind of hardship and battle, and their discipline, ready obedience and order in camp—these last qualities being as indispensable to soldiers as courage itself. I am more than proud to be in the same regiment with them; I can imagine no greater honor than to have commanded such men.

Certainly, the State of New Mexico has grounds for pride in a performance rating praise of this nature from so distinguished a source.

Before the New Mexico veterans of the Roughrider campaigns were discharged from service, they were visited, at Camp Wikoff, Long Island, by Governor Otero, bringing with him personal greetings from relatives and friends, honoring the troopers and their glorious commander, Colonel Roosevelt. In June 1899, Colonel Roosevelt repaid the courtesy, visiting the first Roughrider reunion in Las Vegas, and a new tradition was born. Every summer thereafter, for many years, the Roughriders staged their annual reunion, and always it was held in Las Vegas.

Clearly, then, there exists a tie between the drama of San Juan Hill, and the flatlands of New Mexico—and especially so in the case of Las Vegas.

To honor those men—the heroes of the Roughrider operations of 1898—to properly salute their deeds, their courage, and their patriotic conduct, I ask that a museum and memorial be established in Las Vegas, N. Mex., under jurisdiction of the Interior Department, that all Americans may, therefore, be able to see and to hear of a segment of our history that should never be permitted to die in the American consciousness.

Pacific Northwest-Southwest Water Problem

EXTENSION OF REMARKS
OF
HON. CRAIG HOSMER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 10, 1967

Mr. HOSMER. Mr. Speaker, about a month ago it was my privilege to participate in the Columbia River Conservation Congress, held at Wenatchee, Wash. I was a member of a panel discussing "A Southwest Look at Northwest Water," and I ask unanimous consent to include the text of my remarks for the RECORD.

In addition, I also include a newspaper report on that meeting from the Seattle Times because, to me, it illustrates a significant change in Northwest attitude on the subject of interbasin water transfer studies. There has been no abrupt reversal to be sure, but more of a subtle softening.

As recently as last year Northwest journals were nearly unanimous in their adamant refusal to consider anything that remotely suggested that a transbasin diversion might be mutually beneficial to the entire Pacific-Intermountain West. They obviously felt that the Southwest was being too persistent, or too vigorous, in attempting to get some kind of a study underway. It was this situation which I was referring to when I stated at Wenatchee that—

> It will be impossible to agree on even an agenda of negotiation unless we clear away all the suspicion, distrust, and emotional provincialism which emasculate effective communications.

It was heartening, therefore, to subsequently read Walt Woodward's comment in the March 12 edition of the Times.

> Northwest water leaders—

He said—

> have no intention of resting our case on emotion. From now on, it will take hard facts and reasonable projections to defend the Columbia from diversion.

That typifies most of the editorial comment I have seen of late and it is indicative, I think, of a growing realization that there is indeed a dire water problem in the Southwest and that the Northwest should not forever let its surplus water gush away unused to the sea while its neighbors are desperately seeking ways to augment their disappearing supplies.

The dominant theme now, and this is reflected also in the public statements of many Northwest resource authorities, seems to be one of "we know we have an abundance of water but let us decide first how much." The fact that the individual States of the Pacific Northwest have embarked on study programs of their own is also encouraging news. Those responsible deserve commendation for their initiative.

When this new-found information is available and correlated to the broader westwide picture we will have achieved some measure of progress. Isolationism is a word this Nation forgot about 50 years ago.

TEXT OF REMARKS BY U.S. REPRESENTATIVE CRAIG HOSMER AT THE COLUMBIA RIVER CONSERVATION CONGRESS, CASCADIAN HOTEL, WENATCHEE, WASH., MARCH 7, 1967

Mr. Chairman, friends of the Columbia River Conservation Congress, ladies and gentlemen.

When Mr. Kimm extended his invitation, he suggested that I discuss the water problems of the Southwest. Nobody would be happier than I if there were no problems at all to discuss, especially those of water deficiency. But since they do exist, and on a grand scale where I live, and since no amount of wishful thinking will make them go away, there happens to be ample material for discussion. I will attempt to cover the major, salient issues within reasonable limits.

I was happy to accept the invitation for two interrelated reasons. First, although much has been said and written about the rapidly deteriorating capacity of the Colorado River to satisfy the demands of the seven Basin states (Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming), I do not believe that the serious nature and depth of the situation is yet fully understood or appreciated—here or elsewhere.

The second reason why I jumped at the chance to come across the continent to Wenatchee is just plain old curiosity. Last fall I saw an editorial in one of your leading Northwest newspapers which suggested that the Columbia was in such sorry shape that some of the big powerplants along the river might have to shut down for lack of water. My first reaction was that the editorial writer was confusing the Columbia with the Colorado because a few months earlier I read a statement by your fine young Governor, Dan Evans, that the Columbia feeds the Pacific Ocean at the fantastic rate of 6.8 billion gallons an hour. Well, naturally, I just had to come and see for myself which story was right. And now having seen that truly magnificient waterway first hand, I can reassure you on one matter—you are in no danger of being declared a water disaster area.

We in the Pacific Southwest think the Northwest has enough surplus water to justify at least a reconnaissance of diversion possibilities and some of your spokesmen say we are in error. They say that the Columbia River is barely able to keep the Bonneville generators spinning the year round. Yet we read full-page newspaper advertisements beckoning thirsty industries to share your water largesse. We say that the Southwest needs help to avoid an inevitable supply-demand crisis. You reply that we're wasteful and crying "wolf."

That, of course, may be true though I've yet to hear a really good reason why. By the same token, it is entirely possible, I suppose, that a trans-basin diversion might not prove feasible and the Southwest will have to look elsewhere for water supply augmentation. Nonetheless, the point is that here we apparently have a region of plenty adjoining a region of apparent water poverty and that to me is sufficient base upon which meaningful discussions can be conducted among reasonable individuals.

However, there is an obvious perquisite to discussion. It will be impossible to agree on even an agenda of negotiation unless we clear away all the suspicion, distrust and emotional provincialism which emasculate effective communications.

If you do not believe us and we do not believe you, then there is something tragically, fundamentally amiss in our relationship.

Sometimes I wonder if things would be different if we switched positions. Suppose, for a few years, that we in the Southwest were the "haves" and you here in the Northwest were the "have nots."

Nobody can honestly or realistically prejudge his reactions under conditions he has not experienced but I daresay a bit of turnabout would help clear the air considerably.

Put yourselves in our place facing certain unassailable hardcore truths about presently existing conditions in the Southwest that are begging for immediate study and solution. We believe there are not enough whips in existence to send our people where the water is instead of bringing it to them. We are the thirsty victims of the familiar law of supply and demand. In international politics, an imbalance usually precipitates war. In Southwest water affairs, things are about the same. Only now the battlefield has moved indoors to courtrooms and the halls of Congress. Witness the variety of compacts and court decisions which tightly circumscribe our existence.

Foremost among them, inasmuch as it affects all seven states of the Basin, is the Colorado River Compact, written in 1922 on the assumption that the average annual supply of the Colorado River system is approximately 20 million acre-feet. It divided 16 million of this between two groups of states. The Upper Basin (mostly in Colorado, Utah, Wyoming, and New Mexico) got 7.5 million acre-feet; the Lower Basin (mostly in Arizona, California, and Nevada) got 8.5 million acre-feet, including one million acre-feet provided in Section III (b) of the Compact. The so-called "Three B" water is the extra water—if it exists—over and above the Basin's basic apportionment of 7.5 million acre-feet. Section III (d) of the Compact requires Upper Division states to deliver 75 million acre-feet every 10 years to the Lower Division.

The same erroneous hydrological estimates were still followed in 1944 when the United States, in a noble World War II gesture, signed a treaty guaranteeing our Mexican neighbors 1.5 million acre-feet annually, about twice as much as they were then using. Article III (c) of the Compact said that Mexico was to be satisfied out of the supposed surplus of 4 million acre-feet. Only if this surplus was inadequate was the Mexican burden to cut into the apportionments to the two basins. In that supposedly unlikely event, each basin was to bear half of the deficiency.

The net effect of the legal allocations under the Compact and the Mexican Treaty add up to a total draft upon the river of 17.5 million acre-feet—and that's not counting about a million acre-feet lost in evaporation and other causes.

On the other hand, the Colorado's average annual flow at Lee Ferry actually turns out to be about 13 to 15 million acre-feet, depending on the years used as a base period. Instead of a 4 million acre-foot surplus, the river actually has a 2.5 million to 4.5 million acre-foot annual deficit.

To further complicate the Colorado's water bankruptcy, along came the Supreme Court decision of 1964 in Arizona vs. California, which held that the tributaries of the Colorado in Arizona and Nevada are not to be included in the Lower Basin pot. So the Court went ahead and allocated 7.5 million directly from the mainstream: To California 4.4 million acre-feet annually; Arizona, 2.8 million acre-feet, and Nevada, 300,000 acre-feet.

The only reason the Colorado is not now as dry as a bone is that all the Basin states have not fully developed their entitlements. When the Upper Basin projects that have been authorized, and all the presently proposed projects, such as the Central Arizona Project, are constructed, these minimum allocations will be far exceeded. That is why the river is bankrupt.

Now superimpose upon these harsh realities the fact that we are talking about the fastest-growing region of the nation. In southern California alone, which now has a population of about 10 million, compared to about 5.6 million for Washington, Oregon and Idaho, we are now taking approximately 5.1 million acre-feet of Colorado River water a year. Actually, the six California agencies represented on the Colorado River Board of California hold contracts with the Secretary of the Interior for 5.4 million acre-feet.

By 1990, less than 25 years away, while the Northwest's population is expected to grow to possibly 8 million, southern California will have exploded to 17 or 18 million persons. That is a staggering statistic to digest. It is nearly double the present population. And, while it may represent an added potential problem to California, Northwest businessmen can look upon it as something of a bonanza. Our population growth means a vastly expanded market for your produce and products.

Six years ago, the Senate Select Committee on National Water Resources reported that by 1980—only 13 years hence—municipal water systems will be using twice as much water as they were in 1960; the six major water-using industries three times as much; and the electric power utilities, who need water for cooling purposes, four times as much. The nation will require double the amount it now uses just to maintain living standards, to protect health and to develop recreational opportunities.

The Committee concluded that, by the same year 1980, present programs will leave five major river basins, which cover one-fourth of continental United States, without enough water for consumptive uses and pollution control. The Colorado is one of them. The other basins, by Committee definition, are the South Pacific, the Great Basin, the Upper Rio Grande-Pecos River, and the Upper Missouri River.

So, it is simply a question of time—and not much time at that—until the water needs of the Southwest surpass the amount of water available from the Colorado.

It is plain to see from these unadorned facts that the Southwest is desperately dependent upon substantial augmentation of Colorado River water from some source—and soon. Without supplemental water, first we ration and then we wither.

A moment ago I mentioned pollution control. This is the other side of the quantity-quality coin, the latest specter come to haunt our streams and rivers. Mexico raised it first, complaining of the quality of the Colorado River water that reaches her.

We must quickly develop workable and reasonable quality standards for the interstate waters of the Colorado River System. To do so, full consideration must be given to the numerous factors and variables connected with the control, development, utilization, conservation and protection of the system's water resources. It is evident that future development and utilization of the Basin's water—for expansion of irrigated agriculture, increases in population and industrial growth—will be accompanied by progressive increases in consumptive losses of water and attendant increases in concentrations of dissolved solids.

The combination of cumulative pollutants and dwindling quantity makes a water supply augmentation program that much more compelling. In other words, we're caught in the quality-quantity pinch and it hurts. Unlike some of the Eastern rivers, the Colorado is not the victim of indiscriminate dumping of refuse. Rather, its problem in the main is one of excessive salinity, the by-product of return flow.

It was just a few months ago that the Department of the Interior reported that salt pollution posed the greatest threat to the drinking water of the seven Basin states. In fact, it was said that salt encroachment has already reached public health limitations in the Duchesne sub-basin of Utah and the San Juan sub-basin of New Mexico. The water the Metropolitan Water District diverts from the Colorado for households and industries on the coastal plain now contains half again as much salt as the Public Health Service standard for drinking water. The towns in Imperial Valley, and along the river, have no other sources whatever to dilute this salinity. Essentially, what is happening is that cities and industry are permanently removing water from the river, but are sending back to it, in return flow from farms, the original content of the unwanted salt.

Responsible officials of the seven states are currently attempting to formulate a set of Basin-wide water quality standards to meet the terms of the Federal Water Quality Act of 1965. Whatever else may be decided, they are unanimously agreed that the anticipated increased uses of water make importation vitally essential. The revitalization of the present water quality of the Lower Colorado River, as contemplated bv the guidelines of the Federal Water Pollution Control Administration, can only be made practicable by a major water augmentation program.

Having outlined the quantitative and qualitative characteristics of the Southwest water picture, let me hasten to emphasize now that I am not looking down a one-way street in promoting and endorsing an interbasin water transfer study. We know that the states of the Northwest have special demands for water—for salmon fisheries, navigation, power, et cetera. We realize that their other needs will increase, for such reasons as population growth, waste disposal, municipal and industrial purposes, and cooling of water for giant atomic energy plants.

The kind of study I envision contemplates a truly Western regional approach encompassing the area from Canada to Mexico and from the East slope of the Rockies to the Pacific Ocean. This is a region of tremendous natural abundance, covering 28 per cent of the total land area of continental America.

Planning for a Pacific-Intermountain West empire will challenge engineering talent and ingenuity, the skills of economists and the political astuteness of all concerned. But the rewards, to all sections, will be commensurate.

Much of the area involved, especially in the Northwest, is still "new" with respect to potential use of its water resources and so is adaptable to multiple-purpose development without too much disruption of established land uses. Therefore, with a truly cooperative planning effort and an honest evaluation of all its assets and needs, we can avoid the errors of Topsy-like growth. We in the Southwest are not so fortunate. Too many people are now dependent on decisions that are literally set in concrete.

Despite the need for truly regional plans, I do not want to leave the impression that the Southwest is sitting idly on its hands, just waiting for somebody to dig a Northwest-Southwest water ditch. Californians, for their part, are spending some $2 billion of their own money on the State Water Project to bring northern water to the dusty Southland. And that's not taking into account the billion-plus dollars that the Metropolitan Water District and the Los Angeles Department of Water & Power will invest for supplemental connecting works. Add to that the nearly half-billion dollars earmarked for a prototype nuclear desalination plant off the Southern California coast, plus the heavy investment in waste water reclamation projects. These major programs illustrate our initiative and self-help attitude.

Actually, there are localities in the Southwest that have even more pressing and immediate needs for water and therefore my remarks are stated in the context of the entire Southwest. I'm talking water for seven states, not one, or any part of one.

But the alleviation of water shortages is not the only value which would be derived if the Pacific-Intermountain West were to be considered as a single economic unit. By pooling demand and integrating it with the requirements of the areas of abundance, water supplies might be tapped which are much less expensive and much more reliable than the costs of "go it alone" approaches by segments of this region. Lower costs would permit the watering of extensive areas, such as eastern Oregon, that otherwise would be totally incapable of development—and at no additional cost to anyone else. In fact, there could be a reduction in cost to the regional partners.

Economists also point out that there are beneficial "spill-over effects" of large-scale regional water resources development. One is to permit megalopolis-type development. Take the Chicago-New York axis for example. Certainly New York has not suffered economically because of Chicago's growth, or vice versa. Nor has the great industrial belt between them detracted from the future of either.

Whether a Seattle-San Diego axis and/or a Los Angeles-Phoenix axis will develop remains to be seen. But it appears certain they cannot unless the essential water resources are provided for both ends and a wide band of way points.

I think the point bears re-emphasizing here that the responsible, representative voices of the Southwest desire only a fair, impartial study. When we talk of Northwest water, we do so in terms of that which is clearly surplus to this Basin's long-range needs by a wide margin. The protection of areas of origin which we have proposed, and still do, is ironclad and sacrosanct. We reject any policy that would rob Peter to pay Paul.

Rather, our philosophy is to guarantee that every state, every county and every river valley shall not, arbitrarily and without just compensation, be prevented from seeking an economic destiny at least as satisfactory as it could have been had water exportation not occurred at all.

When we can understand each other's fundamental problems and aspirations, we will have conquered the biggest obstacle to regional water development. Otherwise, we're straining at gnats and swallowing camels.

As a parting thought I would like to quote a prayer that a Congressional chaplain, the late Dr. Peter Marshall, once recited to the House of Representatives. It goes like this:

"May we resolve, God helping us, to be part of the answer and not part of the problem."

[From the Seattle (Wash.) Times, Mar. 12, 1967]

Facts, Projections Needed in Columbia River-Water Debate

(By Walt Woodward)

There was a memorable moment of truth in a two-hour colloquy on the Columbia River in a Wenatchee auditorium last week. It occurred when Congressman Craig Hosmer of California, seeking water for constituents, said:

"If you do not believe us, and we do not believe you, then there is something tragically, fundamentally amiss in our relationship."

He meant that now is the time for both sides to get down to an exchange of hard, proven facts and reasonable projections.

If they do not, something tragc ultimately will occur. That it is most likely to occur in the Pacific Northwest is obvious. The political advantage does not lie with us. While it is true that our Columbia has a water flow ten times that of their Colorado Southwestern states outvote us, congressionally speaking, 3 to 1.

Those are not good odds. In a shouting match, we are not going to be in good voice. An exchange of facts, not shouts, is to our advantage.

That is what The Wenatchee Daily World, sponsor of the Conservation Congress for the Pacific Northwest, tried to provide last week. It had the nerve to invite into Columbia-partisan Wenatchee three of the Southwest's most articulate spokesmen. Congressman Hosmer, Senator Frank E. Moss of Utah and Felix L. Sparks, director of the Colorado (state) Water Conservation Board.

Given their full innings, they said that the Colorado not producing enough water to satisfy a 1922 seven-state compact, is "bankrupt." What is more, California, one of those seven states, is experiencing a 5,000-person daily growth not envisaged in 1922. Finally, the Colorado, as it reaches California and other lower-basin states, is suffering from excessive salinity a by-product of return flow.

Rebutting all this were William S. Holden, an Idaho Falls resident and vice chairman of the Western States Water Council, and Dr. E. Roy Tinney, director of Washington State University's water-research center.

Holden said "reasonable time" was needed by the Pacific Northwest to determine whether it has any water to give. He warned that "pressure," either from the Southwest or the federal government, would cause "resistance" here.

This evoked a suggestion that Holden might be stalling. Hosmer said that "the greatest way to kill a thing is to delay." Moss added:

"The pressure is here already. The Southwest does not have enough water. There must be some sense of urgency."

Into this breach rushed Dr. Tinney to contend that this state already has completed a "preliminary" study showing that no water can be spared. As to the contention that the Columbia is being wasted into the sea at Astoria, he said:

"What would you have us do? Dry it up? The Columbia must continue to flow to the sea for navigation, fish, salinity control, tourist attraction and temperature control."

The 350-person capacity audience burst into its only applause of the afternoon when Dr. Tinney added:

"You are tampering with the very quality of our life. We get somewhat emotional about this."

Yes, we do. That same day, an astute political figure in this state, Charles W. Hodde, the former Colville potato farmer who rose to be House speaker in the Legislature, has been named by President Johnson as chairman of a newly created Pacific Northwest River Basins Commission.

Hodde, a witness but not a participant at the conservation congress, joshingly said his intent would be to "keep the river bed filled." That did him no emotional harm with biased friends of the Columbia.

And Senator Warren G. Magnuson evoked more emotionalism by asking:

"Is water a regional resource, or is it to be supplied to any number of people who settle or establish any kind of business or farming operation wherever they choose? Must the mountain always come to Mohammed?"

Arrayed against these bright words, however, are economic contentions that our historic uses of the Columbia for hydro-electric power and irrigation no longer are of the highest priority. Both nuclear and coal-stoked steam plants are on the ascendency. And there is not much doubt that water used for urban or industrial purposes commands a much higher price than water which is run through an irrigation ditch.

Tinney, Hodde and Magnuson of course, have no intention of resting our case on emotion. Perhaps better than anyone, they read the signals hoisted at that conservation congress.

From now, it will take hard facts and reasonable projections to defend the Columbia from diversion.

SENATE

TUESDAY, APRIL 11, 1967

The Senate met at 11 o'clock a.m., and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Lord, our God, whose love will not let us go, but followest us all the way: We bow before Thee in gratitude at the remembrance of all Thy mercy and all Thy mercies.

We would bring our restless lives into the quiet sanctuary of Thy presence, that we may be still and know that Thou art God.

In spite of all the evil that stalks the earth with threats and shackles and chains, we thank Thee for human kindness, for hope that shines undimmed, for faith that is dauntless, and for all the qualities of high personality that cannot be bribed.

Let Thy beauty, O Lord, be upon us, that our spirits may be radiant as in Thy strength we face the perplexities of these troubled days. Use us, we pray, in all our human relationships as ambassadors of good will, so that at the end of the day we may be able to say, "I have kept the faith."

In the Redeemer's name we ask it. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 11, 1967.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 10, 1967, was dispensed with.

REPORT OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the Senate of April 10, 1967, the following report of a committee was submitted:

By Mr. MORSE, from the Committee on Labor and Public Welfare, without amendment, on April 10, 1967:

S.J. Res. 65. Joint resolution to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees (Rept. No. 161).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 6638) to authorize the Commissioners of the District of Columbia to acquire certain real property in the District of Columbia determined to be necessary for use as a headquarters site for the Organization of American States or as sites for offices of other international organizations or governments of foreign countries, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 6638) to authorize the Commissioners of the District of Columbia to acquire certain real property in the District of Columbia determined to be necessary for use as a headquarters site for the Organization of American States or as sites for offices of other international organizations or governments of foreign countries, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

COMMITTEE MEETINGS DURING SESSION OF THE SENATE

On request of Mr. BYRD of West Virginia, and by unanimous consent, the following committee and subcommittees were authorized to meet during the session of the Senate today:

The Committee on Aeronautical and Space Sciences;

The Subcommittee on Public Lands of the Committee on Interior and Insular Affairs;

The Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary; and

The Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary.

RESOLUTION OF THE MASSACHUSETTS GENERAL COURT

Mr. KENNEDY of Massachusetts. Mr. President, on behalf of the junior Senator from Massachusetts [Mr. BROOKE] and myself, I send to the desk a certified copy of a resolution from the Massachusetts General Court memorializing the Congress of the United States to enact legislation increasing the monthly payments under the Federal Social Security Act to $200.

I ask that this resolution be appropriately referred.

There being no objection, the resolution was referred to the Committee on Finance, as follows:

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION INCREASING THE MONTHLY PAYMENTS UNDER THE FEDERAL SOCIAL SECURITY ACT TO $200

Whereas, The cost of the necessities of life in this country has risen to an all time high; and

Whereas, A substantial portion of the people of this nation depend to a large extent if not entirely upon the monthly payments received by them under the Social Security program; and

Whereas, The current monthly payments under said program have now become grossly inadequate for their needs; and

Whereas, An increase of such maximum payments to two hundred dollars per month would tend to relieve such conditions; therefore be it

Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation increasing the maximum monthly payments to persons under the federal Social Security Act to two hundred dollars; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress, and to the members thereof from this Commonwealth.

House of Representatives, adopted, March 21, 1967.

WILLIAM C. MAIERS,
Clerk.

Senate, adopted in concurrence, March 23, 1967.

NORMAN L. PIDGEON,
Clerk.

Attest:

KEVIN H. WHITE,
Secretary of the Commonwealth.

RESOLUTIONS OF GENERAL COURT OF MASSACHUSETTS

Mr. BROOKE. Mr. President, it is an honor for me to present, on behalf of myself and the senior Senator from Massachusetts [Mr. KENNEDY], two resolutions which have been adopted by the Massachusetts House of Representatives and the Massachusetts Senate.

I ask unanimous consent that these two resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, and referred, as follows:

To the Committee on Interior and Insular Affairs:

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ESTABLISH A NATIONAL CEMETERY IN MASSACHUSETTS

Resolved, That the General Court hereby respectfully urges the Congress of the United States to take such action as may be necessary to establish a national cemetery in the Commonwealth of Massachusetts; and be it further

Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress, and to the members thereof from the Commonwealth.

House of Representatives, adopted March 6, 1967.

WILLIAM C. MAIERS,
Clerk.

Senate, adopted in concurrence, March 13, 1967.

NORMAN L. PIDGEON,
Clerk.

Attest:

KEVIN H. WHITE,
Secretary of the Commonwealth.

To the Committee on Post Office and Civil Service:

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION EXEMPTING LETTERS AND PACKAGES MAILED TO SERVICEMEN IN VIETNAM FROM ALL POSTAGE CHARGES

Whereas, No effort should be spared in maintaining constant communication between members of our armed forces serving in Vietnam and their relatives and friends; and

Whereas, The flow of such communication should be facilitated to the fullest degree; therefore be it

Resolved, That the General Court hereby respectfully urges the Congress of the United States to enact legislation exempting letters and packages mailed to such servicemen from all postage charges; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the Postmaster General, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

House of Representatives, adopted, March 6, 1967.

WILLIAM C. MAIERS,
Clerk.

Senate, adopted in concurrence, March 13, 1967.

NORMAN L. PIDGEON,
Clerk.

Attest:

KEVIN H. WHITE,
Secretary of the Commonwealth.

CONCURRENT RESOLUTION OF GENERAL ASSEMBLY OF IOWA

Mr. HICKENLOOPER. Mr. President, I present a concurrent resolution of the General Assembly of the State of Iowa. I ask that the resolution be printed in the RECORD, and appropriately referred.

There being no objection, the concurrent resolution was referred to the Committee on Finance, as follows:

HOUSE CONCURRENT RESOLUTION 3

Whereas, the mobility of individuals and the free flow of commerce have placed unforeseen demands upon state and local governments in our federal system; and

Whereas, the vigor and responsiveness of state and local governments are essential elements of our governmental system; and

Whereas, existing categorical federal aid programs in many instances impede state and local governments from meeting priority public needs in a manner effectively suited to the varying problems and needs of individual state and local governments; and

Whereas, the principle of tax sharing would allow state and local governments more adequate revenue sources, now therefore, be it

Resolved by the House of the 62nd General Assembly of the State of Iowa, the Senate concurring, That the Legislature of the state of Iowa urge that the federal government adopt new federal intergovernmental fiscal policies which reflect a basic change in emphasis, giving more discretion and responsibility to state and local governments and moving away from the over-reliance on national controls under the very large number of existing categorical federal grant-in-aid programs; and be it further

Resolved, That the Legislature of the state of Iowa specifically endorses the principle of tax sharing and the principle of block grants, consolidating existing federal categorical grants-in-aid, to partially or wholly offset federal categorical grant-in-aid programs which now exist or may be developed in the future. be it further

Resolved, That a copy of this Resolution be forwarded to each of the members of the Iowa delegation in Congress.

We, Maurice E. Baringer, Speaker of the House of Iowa, and William R. Kendrick Chief Clerk of the House, hereby certify that the above and foregoing Resolution was adopted by the House of the Sixty-second General Assembly.

MAURICE E. BARINGER,
Speaker of the House.
WILLIAM R. KENDRICK,
Chief Clerk of the House.

REPORT ENTITLED "ADMINISTRATIVE PRACTICE AND PROCEDURE"—REPORT OF A COMMITTEE (REPT. NO. 162)

Mr. LONG of Missouri. Mr. President, from the Committee on the Judiciary, I submit a report entitled "Administrative Practice and Procedure" pursuant to Senate Resolution 190, 89th Congress, and ask that it be printed.

The ACTING PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Missouri.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TALMADGE:

S. 1474. A bill to waive the defenses of the U.S. bases on laches, lapse of time, and statutes of limitations on the claim of Leonidas B. Mallard; to the Committee on the Judiciary.

By Mr. RUSSELL (for himself and Mrs. SMITH) (by request):

S. 1475. A bill to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services, and for other purposes; to the Committee on Armed Services.

(See the remarks of Mr. RUSSELL when he introduced the above bill, which appear under a separate heading.)

By Mr. ELLENDER (by request):

S. 1476. A bill to amend the act of February 2, 1903, as amended, to authorize user charges for certain services performed thereunder by the Department of Agriculture, and for other purposes;

S. 1477. A bill to amend section 301 of title III of the act of August 14, 1946, relating to the establishment by the Secretary of Agriculture of a national advisory committee to provide for annual meetings of such committee;

S. 1478. A bill to amend the provisions of the Agricultural Act of 1949, as amended, establishing the minimum price-support level for peanuts;

S. 1479. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to authorize loans for recreational enterprises, to increase the annual aggregate of insured loans, and for other purposes; and

S. 1480. A bill to amend certain acts relating to the inspection, classification, certification, testing, and identification of cotton, tobacco and grain; and the examination of warehouses licensed under the United States Warehouse Act; and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. ELLENDER when he introduced the last two above-mentioned bills, which appear under separate headings.)

By Mr. LAUSCHE:

S. 1481. A bill for the relief of Ernestina Sabec; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 1482. A bill for the relief of Dr. Ernesto Nestor Prieto; and

S. 1483. A bill for the relief of Dr. Pedro Lopez Garcia; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 1484. A bill to establish a Small Business Crime Protection Insurance Corporation, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. SMATHERS when he introduced the above bill, which appear under a separate heading.)

By Mr. MUSKIE (for himself, Mr. HART, Mr. INOUYE, Mr. JACKSON, Mr. GRUENING, Mr. NELSON, and Mr. RANDOLPH):

S. 1485. A bill to improve intergovernmental cooperation and grant-in-aid program administration; to assist State and local governments in strengthening their staffs by improving personnel administration and extending merit principles and by providing support for training of public employees; to permit temporary assignments of personnel between Federal and State and local governments; and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. MUSKIE when he introduced the above bill, which appear under a separate heading.)

By Mr. MORTON:

S. 1486. A bill for the relief of Mr. and Mrs. Arthur T. Daus; to the Committee on the Judiciary.

By Mr. MORSE (for himself, Mr. CLARK, Mr. CASE, Mr. JAVITS, Mr. KUCHEL, Mr. HART, Mr. METCALF, Mr. MONDALE, Mr. MCCARTHY, and Mr. WILLIAMS of New Jersey):

S. 1487. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strikes at the sites of construction projects; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

By Mr. MONRONEY (by request):

S. 1488. A bill to adjust certain postage rates, and for other purposes; and

S. 1489. A bill to adjust the rates of basic compensation of certain employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. MONRONEY when he introduced the above bills, which appear under separate headings.)

By Mr. GRIFFIN:

S.J. Res. 66. Joint resolution to create a joint congressional committee to review and recommend revisions in the laws relating to industrywide collective bargaining and industrywide strikes and lockouts; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. GRIFFIN when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTION

THE 1970 INTERNATIONAL SKI CHAMPIONSHIPS IN WYOMING

Mr. HANSEN (for himself, Mr. ALLOTT, Mr. DOMINICK, Mr. BENNETT, and Mr. MOSS) submitted the following concurrent resolution (S. Con. Res. 21); which was referred to the Committee on Foreign Relations:

S. CON. RES. 21

Whereas the United States Ski Association, in cooperation with the Jackson Hole Ski Area, has formally submitted its bid to the International Ski Federation to hold the 1970 World Ski Championships at the Jackson Hole Ski Area in Wyoming; and

Whereas the staging of the 1970 World Ski Championships at Jackson Hole would be a great benefit to the United States and to the State of Wyoming; and

Whereas guarantees have been made to the International Ski Federation that sufficient and adequate facilities for competition, housing, accommodations, and communications exist or will be provided by the State of Wyoming, the Jackson Hole Ski Area, and the local community: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby expresses its approval of the selection of the United States Ski Association and supports its recommendation to the International Ski Federation World Council meeting in May of this year in Beirut, Lebanon, that Jackson Hole in the State of Wyoming be designated as the site for the 1970 International Ski Federation World Ski Championships.

INCREASED RATES OF BASIC PAY FOR MEMBERS OF THE UNIFORMED SERVICES

Mr. RUSSELL. Mr. President, for myself and the senior Senator from Maine [Mrs. SMITH], I introduce, by request, a bill to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services, and for other purposes.

I ask unanimous consent that the letter of transmittal requesting introduction of this bill and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter of transmittal will be printed in the RECORD.

The bill (S. 1475) to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services, and for other purposes, introduced by Mr. RUSSELL (for himself and Mrs. SMITH), by request, was received, read twice by its title, and referred to the Committee on Armed Services.

The letter presented by Mr. RUSSELL is as follows:

THE SECRETARY OF DEFENSE,
Washington, April 5, 1967.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation (Attachment A) "to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services, and for other purposes". This proposal is part of the Department of Defense legislative program for the 90th Congress. The Bureau of the Budget has advised that the enactment of the proposal would be in accord with the program of the President. It is recommended that this proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

This proposed legislation implements the President's recommendations concerning needed adjustments in compensation for members of the uniformed services contained in his message to the Congress on Federal Pay and Postal Rates, dated April 5, 1967.

The principal purpose of the proposed legislation is to increase the regular compensation of the personnel in our uniformed services by 4.5%. To accomplish this goal the proposed legislation:

Increases the rates of monthly basic pay pay by 5.6%, effective October 1, 1967;

Increases rates paid to certain personnel under the provisions of the Dependent's Assistance Act, effective July 1, 1967;

Provides authority to pay the basic allowance for quarters and the dislocation allowance to certain bachelor personnel in conjunction with a permanent change of station, effective July 1, 1967; and

Provides a special basic pay rate for the senior noncommissioned officer position of each military service, effective October 1, 1967.

BASIC PAY INCREASE

The proposed new rates will assure an increase in the "regular compensation" of military personnel similar to that proposed in the President's Message for civilian employees of the Government effective October 1, 1967. Regular military compensation is defined as basic pay; quarters and subsistence allowances, either in cash or in kind; and the tax advantage thereon. This regular compensation is considered to be the equivalent of the gross salaries payable to Federal employees under the Classification Act. Because regular military compensation includes elements other than basic pay, a 4.5% increase in regular compensation translates into a 5.6% increase in basic pay as shown in Attachment B to this letter.

DEPENDENT'S ASSISTANCE ACT RATES

With respect to the increased Dependent's Assistance Act rates, it is proposed to increase the rate payable to personnel in pay grades E-1 to E-4, with less than four years completed service, who are not provided Government quarters, and who have up to two dependents. Most of the recipients of these payments are first term enlistees or inductees with one or two dependents, many of whom we have called into service as a result of the increased manpower demands occasioned by our Southeast Asia deployments.

The proposed increases, which would apply to an estimated 270,000 personnel in the lower four enlisted grades, are considered appropriate to minimize the financial impact of military service on these members.

QUARTERS AND DISLOCATION ALLOWANCES FOR BACHELOR PERSONNEL

With respect to the proposal to pay the basic allowance for quarters and the dislocation allowance to certain career personnel without dependents during a permanent change of station, the proposed legislation is designed to accomplish two results. First, it will establish authority to pay a basic allowance for quarters to a member of a uniformed service without dependents who is in pay grade E-4 (four years or more of service) or above, for the period he is in a travel or leave status between permanent duty stations. Second, it will permit payment of a dislocation allowance to a member without dependents when he is transferred to a permanent station where he is not assigned to Government quarters.

With respect to the first objective, the vast majority of career military members have dependents, but the few who do not sometimes experience a loss of income while moving because the statute now precludes their entitlement to the basic allowance for quarters while in PCS status. The proposed legislation will correct this condition and assure equal treatment of our career personnel without regard to their dependency status.

With respect to the second objective, the dislocation allowance is presently authorized only for a member whose dependents make an authorized move. However, a member without dependents incurs the same general type of additional expenses when he is not furnished Government quarters as does a member with dependents. It is thus believed that the original intent of the dislocation allowance will be better served if the proposed legislation is enacted to provide an amount equal to one month's basic allowance for quarters for a member without dependents where Government quarters are not furnished.

SENIOR NONCOMMISSIONED OFFICER POSITION IN EACH SERVICE

With respect to the special rates of basic pay for the occupant of the recently established senior noncommissioned officer position in each military service, the rate proposed is $844.20 per month while so serving, regardless of years of service completed for pay purposes. This is $150.00 per month more than the highest enlisted basic pay rate otherwise proposed. This special rate is designed to recognize and reward appropriately the additional responsibilities of these new and important positions.

OTHER PLANNED ADJUSTMENTS

In addition to the above proposals, certain compensation adjustments are being taken by administrative action under provisions of existing law, as follows:

(1) Payments will be made to approximately 9,800 additional bachelor personnel in pay grades E-7 through O-3 who will be permitted to live off-post and draw BAQ under recently revised policies covering bachelor accommodations.

(2) Cash commuted ration payments to enlisted personnel permitted to mess separately have been increased, as provided by law, from $1.17 to $1.30 per day effective January 1, 1967.

BUDGETARY IMPACT

Provision has been made in the President's FY 1968 Budget to accommodate the additional cost of this proposed legislation as follows:

Analysis of budgetary impact of proposed pay increase

Personnel affected	Total fiscal year 1968 budgetary cost	Amount already in 1968 DOD budget	Additional budget cost in fiscal year 1968	Effective date
Active duty:				
Basic pay	$460.7		$460.7	Oct. 1, 1967
Quarters	30.8	$27.5	3.3	July 1, 1967
Subsistence	49.7	49.7		Do.
Other items related to basic pay	43.6		43.6	Oct. 1, 1967
Total active duty	584.8	77.2	507.5	
Other DOD personnel (cadets, Reserves, retirees after effective date)	32.7		32.7	Do.
Total DOD personnel	617.5	77.2	540.3	
Other uniformed services	8.6		8.6	Do.
Grand total	626.1	77.2	548.9	

NOTE.—In fiscal year 1969, the full-year cost of the above adjustments (assuming the 1968 force level) will rise by $184.3 million, reflecting a 12-month cost of basic pay and "other" items which are directly related to basic pay as follows:

Total fiscal year 1968 budgetary cost	$626.1
Additional cost on 12-month basis:	
Basic pay	153.6
Other basic pay related costs	14.5
Other DOD personnel costs	13.3
Other uniformed services costs	2.9
	184.3
Total 12-month cost	810.4

In accordance with Section 1008(b), Title 10, United States Code, we are now engaged in a complete review of the principles and concepts of the military compensation system. This review is directed toward developing a permanent method for measuring the comparability of military and private sector salaries. The results of this study will be available during the current calendar year, and after approval by the President, will be submitted to the Congress with the appropriate legislative recommendations, in time for consideration in the next session of the Congress.

Sincerely,

CYRUS VANCE,
Deputy.

Attachments.

CALCULATION OF PROPOSED 1967 MILITARY PAY INCREASE

A. CALCULATION

1. Objective: Increase active force "regular compensation" (salary) by 4.5% effective 10/1/67. Special additional adjustments in allowances will be effective 7/1/67.

2. Composition of active force regular compensation (salary) in FY 1968 is as follows:

	Millions
Basic pay	$10,971.2
Quarters and subsistence	[1] 4,333.6
Income tax advantage	[2] 823.0
Total	16,127.8

[1] Includes cost of quarters and subsistence furnished.

[2] Does not reflect special tax exemption for personnel in combat areas.

3. A 4.5% increase in regular compensation (salary) is computed by multiplying 4.5% times $16,127.8 million. This equals $725.8 million for 12 months. However, the proposal is that the 1967 increase becomes effective on October 1, 1967. Thus we estimate the regular compensation (salary) increase for the remainder of FY 1968 will be 75% of $725.8 million, or $544.4 million.

4. Increases in allowances proposed to become effective July 1, 1967 will raise the total value of the FY 1968 regular compensation (salary) increase to $568.2 million.

5. Other budget costs for related items of compensation that increase when basic pay increases produce an estimated grand total budget cost in FY 1968 of $626.1 million, and of $810.4 million in subsequent years at current force levels on a 12 month basis. The composition of the amount is shown below:

B. COMPOSITION OF INCREASE

[In millions of dollars]

Personnel receiving increase	Fiscal year 1968 (Oct. 1 effective date)	Subsequent years (12-month basis)
1. Active duty-regular compensation (salary):		
(a) Basic pay increase at 5.6 percent	460.7	614.3
(b) Quarters and subsistence	[1] 80.5	[1] 80.5
(c) Income tax advantage	[2] 27.0	[2] 31.2
Total active duty salary	568.2	726.0
2. Active duty-other pay elements related to basic pay:		
(a) Reenlistment bonus	11.0	14.7
(b) Separation pay	12.7	16.9
(c) Social security	15.8	21.1
(d) Dependents indemnity compensation	[3] 2.6	[3] 3.4
(e) Death gratuity	.9	1.2
(f) Unemployment compensation	[3] .6	[3] .8
Total other active duty costs	43.6	58.1
3. Other DOD personnel:		
(a) Reserve personnel	[4] 26.5	37.8
(b) Persons retiring after effective date	5.3	7.0
(c) Cadets and midshipmen	.9	1.2
Total other DOD personnel	32.7	46.0
4. Total DOD personnel (less tax advantage)	617.5	798.9
5. Other uniformed services	[3] 8.6	[3] 11.5
6. Grand total (less tax advantage)	[5] 626.1	810.4

[1] Composed as follows: Dependent's Assistance Act increase, $20,100,000; bachelor quarters allowance, $10,700,000; cash commuted ration increase, $49,700,000, total $80,500,000.

[2] Not a budget cost

[3] Not a DOD budget cost.

[4] 70 percent of full year cost because of concentration of payments during summer training in the first quarter.

[5] Of this amount, $77,200,000 has already been provided in the DOD budget for fiscal year 1968.

ADDITIONAL LOANS FOR RECREATIONAL ENTERPRISES

Mr. ELLENDER. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to authorize loans for recreational enterprises, to increase the annual aggregate of insured loans, and for other purposes. I ask unanimous consent that a letter from the Secretary of Agriculture, requesting the proposed legislation, together with a section-by-section analysis, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter and section-by-section analysis will be printed in the RECORD.

The bill (S. 1479) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to authorize loans for recreational enterprises, to increase the annual aggregate of insured loans, and for other purposes, introduced by Mr. ELLENDER, by request, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The letter and section-by-section analysis presented by Mr. ELLENDER are as follows:

DEPARTMENT OF AGRICULTURE,
Washingon, D.C., March 16, 1967.

Hon. HUBERT H. HUMPHREY,
President of the Senate.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill, "To amend the Consolidated Farmers Home Administration Act of 1961, as amended, to authorize additional loans for recreational enterprises, to increase the annual aggregate of insured loans, and for other purposes." These proposals will aid in accomplishing some of the recommendations in the President's message on poverty transmitted to the Congress on March 14, 1967.

The bill would amend sections 304 and 312 to provide additional authorizations for loans to individual farmowners or tenants to provide outdoor recreational facilities. The amendments to these sections would permit farmowners or tenants to convert all or a part of their entire acreage to recreational uses. Recreational developments receiving assistance under this authorization, as a matter of policy, would be undertaken consistent with comprehensive land-use plans. Existing authorization for loans for recreational enterprises requires individuals to continue to have some farming operations. These changes make it possible for the entire farm to be used for outdoor recreational purposes.

Many farmers who now apply for assistance in financing a recreational enterprise desire to continue farming, but others desire to quit farming and give up any other employment they have and devote full time to income-producing recreational enterprises. The amendments would permit loans to be made to accomplish either result and would provide eligible applicants an opportunity to engage in recreational enterprises large enough to use the special skills necessary for success. The farming operation could not be larger than family-size, but the family-size concept would not be applicable to recreational enterprises.

Loans for recreational purposes may, as appropriate under the respective sections, include funds for (a) acquisition of additional land and land development, (b) construction, improvement and operation of outdoor recreational facilities, equipment, and related buildings, (c) acquisition of animals, birds, fish, and supplies, (d) payment of operating expenses and cash rent, (e) refinancing of debts, and (f) loan closing costs. Additional loans would be available after conversion to full-time recreational enterprises should adequate credit not be available from other sources.

The change in section 308 of the Act would eliminate the $450,000,000 limit on the aggregate of real estate loans that can presently be insured by the Secretary of Agriculture in any one year. It is proposed that, instead of this annual limitation, a termination date of October 1, 1969, be provided for this insurance authority.

The applications for soil and water loans to nonprofit associations and public bodies have about tripled from 1,422 in fiscal year 1965 to 4,205 in fiscal 1966. The 4,228 association loan applications on hand June 30, 1966, coupled with the 15,931 farm ownership loan applications and 1,915 individual soil and water loan applications, represent a total demand for credit resources far in excess of the current $450,000,000 authorization. This increase in loan applications is indicative of the need in rural communities, and shows the inadequacy of the present annual $450,000,000 loan insurance authorization.

The proposed amendment to section 333 (b) would delete the word "farming" to permit use of the same types of county committee certifications for recreational loans to individuals as are now being used for farm ownership, operating, and soil and water loans to individuals.

To carry out these new programs and authorities in the 1968 fiscal year, it is estimated that an additional $25 million program level for insured loans under the Agricultural Credit Insurance Fund will be required. We expect to initiate the other amendments within present budget requests for fiscal year 1968.

A section-by-section analysis of the bill is enclosed.

The Bureau of the Budget advises that enactment of this proposed legislation would be in accord with the President's program.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

Enclosures.

SECTION-BY-SECTION ANALYSIS OF PROPOSED BILL TO AMEND THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Section 1. Section 304. *Recreational loans:* The addition to Section 304 will authorize loans to individual farm or ranch owners or tenants to establish or further develop outdoor recreational enterprises. That section will authorize the use of funds for acquiring the additional essential resources for income-producing recreational activities. The amount of each loan to an individual will be subject to the $60,000 and normal value limitation in Section 305(a).

The applicant will be required to be a farm or ranch owner or tenant when he receives the initial recreation loan. Subsequent loans can be made for the recreational enterprise originally financed under this subtitle. The applicant may, but will not be required to, continue to farm after the loan is made. The labor requirements for a recreational enterprise may exceed the equivalent of those for a family farming operation.

Recreation loans under this Section may be made or insured for (1) acquisition of additional land and land development, (2) construction, improvement, and operation of outdoor recreational facilities, equipment and related buildings, (3) refinancing of debts, and (4) loan closing costs.

Section 2. Section 308. *Elimination of annual limit on insurance authority:* This amendment will remove the $450,000,000 aggregate annual ceiling so as to permit the making of insured loans to eligible applicants commensurate with the demand until October 1, 1969. Insured loans are made under this authority for farm ownership, individual soil and water, and association purposes. Because of the extremely high demand for loans in rural communities for water and waste disposal projects, the authorization has been exhausted during the first nine months of each of the past three years.

Section 4. Section 312 (7). *Operating loans—recreational enterprises:* The new Item 312 (7) is a companion authorization to that contained in the revision of Section 304 and will authorize loans to individual farmers and ranchers to convert part or all of their farming operations to outdoor recreational enterprises. Loans will be made to establish new enterprises or to expand existing enterprises. These funds will be used for equipment and facilities, animals, birds, fish, supplies, payment of operating expenses and cash rent, refinancing of indebtedness, and loan closing costs. Operating loans for farming operations and recreational enterprises will be subject to the $35,000 limitation in Section 313. These loans will assist farm families to convert their farming operations so that their resources will be put to the best use in order to produce a profitable return on their investments or to otherwise improve their incomes. The applicant may, but will not be required to, continue to farm after the loan is made. The labor requirements for a recreational enterprise may exceed the equivalent of those for a family farming operation. The applicant will be required to be a farmer or a rancher when he receives the initial recreation loan. Additional loans can be made with respect to any recreational enterprise qualifying for an initial recreation loan.

Section 5. Section 333(b). *County committee certification:* By deleting the word "farming" in that section the county committee will certify as to whether the applicant has the character, industry and ability to carry out the proposed operation. The committee certification, therefore, will not be limited to considering the applicant's ability to farm. It will be broadened to cover the applicant's ability to carry out the operation of a recreational enterprise on part or all of the farm.

AMENDMENT OF CERTAIN ACTS RELATING TO INSPECTION, CLASSIFICATION, CERTIFICATION, TESTING, AND IDENTIFICATION OF COTTON, TOBACCO, AND GRAIN

Mr. ELLENDER. Mr. President, by request, I introduce, for appropriate reference, a bill to amend certain acts relating to the inspection, classification, certification, testing, and identification of cotton, tobacco, and grain; and the examination of warehouses licensed under the U.S. Warehouse Act, and for other purposes. I ask unanimous consent that a letter from the Secretary of Agriculture, requesting the proposed legislation, be printed in the Record, together with an explanation of the bill.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter and explanation will be printed in the Record.

The bill (S. 1480) to amend certain acts relating to the inspection, classification, certification, testing, and identification of cotton, tobacco, and grain; and the examination of warehouses licensed under the U.S. Warehouse Act, and for other purposes, introduced by Mr. Ellender, by request, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The letter and explanation presented by Mr. Ellender are as follows:

Department of Agriculture,
Washington, D.C., March 17, 1967.

Hon. Hubert H. Humphrey,
President of the Senate,
U.S. Senate, Washington, D.C.

Dear Mr. President: Enclosed is a draft of proposed legislation to place on a self-supporting basis the special benefit portion of the following services: (1) the cotton classing and related services furnished under the authority of the Cotton Statistics and Estimates Act, the Cotton Futures sections of the Internal Revenue Code, and the U.S. Cotton Standards Act, (2) the tobacco inspection service furnished under the authority of the Tobacco Inspection Act, (3) the grain appeal and supervision inspection services furnished under the authority of the U.S. Grain Standards Act, and (4) the inspection and licensing of warehouses under authority of the U.S. Warehouse Act.

The 1968 Budget proposes placing these services on a self-supporting basis in order to further the general policy that beneficiaries of special governmental services should be charged for such services. The basic services furnished by the Department would not be changed. Only the financing would be different.

Free cotton classing services have been provided to members of cotton improvement groups since the passage of the Smith-Doxey amendment to the Cotton Statistics and Estimates Act in 1937. Other cotton classing, under authority of the U.S. Cotton Standards Act and the Cotton Futures sections of the Internal Revenue Code, is presently being performed on a fee basis.

Fees were charged for cotton classing services prior to the enactment of the Smith-Doxey amendment which had as one of its primary purposes the development of better quality American cotton. This was achieved by the organization of cotton improvement groups and by encouraging the marketing of cotton on the basis of quality. Cotton improvement groups have now been organized across substantially all of the cotton-producing area and it is considered entirely reasonable that all users of cotton classing services again be required to pay a fee for the service.

Under the Smith-Doxey amendment, classing service is provided upon request, without payment of a cash fee, to producers organized to promote the improvement of cotton. Pursuant to law the cotton samples submitted by these producers for classing become the property of the Federal Government.

These samples are sold and the proceeds from such sales are deposited to the Treasury as Miscellaneous Receipts to offset part of the Government cost. Under the proposed legislation the receipts from the sale of samples would be deposited into a fund established in the Treasury under this Act and would be available for meeting part of the cost of the service. The additional cash fee to be charged would be about 25¢ per classing based on current prices, costs and volume.

Tobacco inspection at designated auction markets has been provided to the public since 1935. Inspection at non-designated markets has always been on a reimbursable basis. The Department believes that there is no longer any reason to provide free tobacco inspection and, consequently, draft legislation has been prepared amending the Tobacco Inspection Act to remove the restrictions against charging for tobacco inspection at the designated markets. Costs are estimated to be about 20¢ per hundred pounds inspected at current prices and volume.

Grain inspection services have been provided to the public since 1916 by licensed non-Federal inspectors and the cost of their services has been charged to the applicants for inspection. Federal supervision of local inspectors and appeal inspection services have been provided to the public since 1916 by the Department under annual appropriations. No fees have been charged for Federal activities involved in supervising the work of these licensed inspectors. Fees have been assessed for appeal inspections but have been refunded when the appeals were sustained. Appeal fees not so refunded have been deposited in the Treasury as miscellaneous receipts. The samples obtained during supervision and appeal inspection have either been donated to Governmental or charitable agencies or sold. When the samples have been sold, the proceeds have been deposited in the Treasury as Miscellaneous Receipts. Under the proposed legislation, the appeal fees not refunded, and the receipts from the sale of samples would be deposited into the fund and would be available for meeting part of the cost of the service. The cost for the supervision inspection service would be added to the fees charged by the licensed inspectors and charged to the applicants for inspection. It is estimated that this would increase the fees by about 15 percent, based on current prices, costs, and volume.

All voluntary grading, inspection and classing services conducted by the Department with the exception of the services conducted for the three commodities under consideration, are almost wholly financed from fees paid by the user of the service. In fiscal year 1966 the Department collected $27,698,055 in fees from users of such services for fruits and vegetables, dairy products, meat, poultry and eggs, and other products. The enclosed proposed legislation for cotton, grain, and tobacco is another step toward the fulfillment of the Department's program to make special benefit services self-supporting to the extent practicable.

The Department believes that the free inspection of tobacco, the free supervision inspection of grain, and the free classing of cotton have achieved their goal as a means of facilitating marketing, and that the service would and should continue to be utilized on a regular fee basis.

Since its inception in 1916 the U.S. Warehouse Act has been administered with appropriated funds. Fees collected thereunder have been less than 10 percent of costs and, in accordance with provisions of the law, have been deposited into the Treasury as miscellaneous receipts. Fees have been charged for examinations and inspections made pursuant to applications therefor by warehousemen, or other persons under Section 9, and for warehouse licenses or amendments of such licenses. Fees have also been charged for licensing of applicants to inspect, classify, sample, grade or weigh products. No such fee would now be charged as a separate item.

No fees have ever been charged for the continuing and essential program of making other inspections and examinations of the over 1,800 licensed warehouses. The proposed fees would be set at figures calculated to cover the costs of ascertaining whether warehouse licenses are being complied with (including reasonable inspections and examinations).

Much of the on-site examination and inspection work performed under the Act, both before and after licensing, constitutes an independent review or audit of storage operations, including consideration of records and stored inventory. The information developed thereby is of considerable benefit to a warehouseman as a check on the status of these important matters and on the performance of the warehouse employees engaged in actual operation of the warehouse. This work also benefits depositors, the owners of stored inventory, who individually are not in position to determine whether their interests are being properly safeguarded.

Under the proposed legislation the annual license fee would be assessed on the anniversary date established for bond renewal in each warehouse license. At the outset of the program an initial fee would be assessed covering that portion of the year from the date of institution of the new program to the anniversary date.

Although total fee collections are estimated at $1,600,000 based on 1968 anticipated level of licensing, the cost of the fee system to warehousemen who presently operate or who may elect to operate under the program would be small in relation to their annual storage and handling revenues. On the basis of preliminary estimates it appears that the annnual fee would approximate $.05 per bale of licensed cotton storage capacity and $.0006 per bushel of licensed grain capacity.

Under the proposed legislation, fees would be charged to cover, as nearly as practicable, the costs which the Secretary determines relate to the special benefit service. The receipts would be deposited into a fund, without fiscal year limitation, where they would remain available for use by the Secretary in providing the services authorized by the amended Acts. In addition, the Secretary would be authorized to deposit into the fund, receipts collected from the sale of samples of cotton submitted for classification or testing, and samples of grain obtained for appeal and supervision inspections.

The provisions of the proposed legislation would go into effect on such dates as the Secretary would determine but not later than fifteen months after enactment. Cotton classing and tobacco inspection services would be placed on a fee basis at the beginning of the crop years so as to enable the Department to provide equal treatment to all users of the service. As there is no crop year for grain inspection or warehouse examination applicable nationwide, the fee program for these activities will be effective as soon as the change can be made following enactment of the legislation—about six months.

The proposed legislation would provide for deposit to the fund of appropriations necessary to establish the fund. Based on estimated costs for fiscal year 1967, it will be necessary to capitalize the fund with an appropriation of $4,561,000 plus the fair and reasonable value of such supplies, equipment and other assets as the Secretary may transfer to the fund.

Enactment of the legislation would reduce appropriation requests by about $11,260,000 on an annual basis and would reduce the net cost to the Government in furnishing the services by about $7,000,000 on an annual basis.

A statement summarizing the coverage of the proposed legislation is attached.

The Bureau of the Budget advises that enactment of this proposed legislation would be consistent with the Administration's objectives.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

Enclosure.

[From the U.S. Department of Agriculture, Consumer and Marketing Service]

PROPOSED LEGISLATION TO PLACE ON A SELF-SUPPORTING BASIS THE SPECIAL BENEFIT PORTION OF COTTON CLASSING, TOBACCO INSPECTION, GRAIN INSPECTION, WAREHOUSE INSPECTION AND LICENSING, AND RELATED SERVICES

1. *Cotton classing and related services:*

a. Fees would be charged for cotton classing services which have been provided free to members of cotton improvement groups since passage of the Smith-Doxey amendment to the Cotton Statistics and Estimates Act in 1937. This would reduce appropriation requests by about $4.7 million on an annual basis.

b. Income from sale of samples and charges for classing other than under Smith-Doxey amendment is now deposited to the Treasury as Miscellaneous Receipts. Under proposed legislation, this income of about $3.4 million would be made available to meet part of the estimated total direct costs for cotton classing, including supervision and administrative costs related thereto.

c. The reduction in net cost to the Government of about $1.3 million would require an additional fee of about 25c per classing based on current prices and costs.

d. Cotton Classing services would be placed on a fee basis at the beginning of the crop year.

2. *Tobacco inspection:*

a. Fees would be charged for inspection and grading of tobacco at designated auction markets. Services performed at non-designated markets have always been on a fee basis. This would reduce appropriation requests by about $2.9 million on an annual basis. Based on current prices and volume of inspection services, this would amount to about 20c per hundred pounds inspected.

b. Tobacco inspection service would be placed on a fee basis at the beginning of the crop year.

c. Amendments to the Tobacco Inspection Act would provide for—

(1) The termination of the market designation of any designated market if the Secretary determines by referendum that a majority of growers voting disapprove of inspection and certification.

(2) Collection of fees and charges for inspection and related services from warehouse operators or persons financially interested in the tobacco; *Provided*, that inspection and related services may be denied at a warehouse at any designated market if the warehouseman fails to pay fees and charges authorized to be collected from him for such services or if the auction sale is not operated in accordance with the provisions of the regulations issued pursuant to the Act.

3. *U.S. grain Standards Act:*

a. Grain sold by grade and shipped in interstate or foreign commerce from or to a place where a licensed non-Federal inspector is located, must be inspected. The licensed inspectors recover the cost of their services from the applicant. Under the proposed legislation, fees charged by licensed non-Federal inspectors would be increased to cover, as nearly as practicable, the direct cost for Federal supervision of local inspectors, including administrative costs related thereto. It is estimated that this would increase the fees by about 15 percent, based on current prices, costs, and volume.

b. For appeal inspections, fees are assessed, but refunded when the appeals are sustained. Appeal fees not so refunded have been deposited in the Treasury as miscellaneous receipts. Samples obtained during supervision and appeal inspections have either been donated to the Government or charitable agencies or sold. When sold, the proceeds have been deposited in the Treasury as miscellaneous receipts. The proposed legislation provides that appeal fees not refunded and receipts from the sales of samples, which currently amount to about $682 thousand, would be available for meeting part of the cost of the service.

c. The proposed legislation for the Grain Standards Act would reduce appropriation requests by about $2.2 million on an annual basis and reduce the net cost to the Government in furnishing the services by about $1.5 million on an annual basis.

4. *U.S. Warehouse Act:*

The legislative proposal authorizes that a reasonable fee be charged (1) for each examination or inspection of a warehouse (including the physical facilities and records thereof and the agricultural products therein) upon application of a warehouseman, or other person under Section 9 of the Act, and (2) for every warehouse license issued, modified, extended or continued.

5. *Financing arrangements:*

The basic services furnished by the Department for cotton classing, tobacco inspection, grain inspection and warehouse examination and licensing would not be changed. Only the financing would be different. The proposed language provides for the establishment of a revolving fund, without fiscal year limitation, which would permit direct use of the fees and charges collected, and the proceeds from the sale of samples for operation and administration of the programs.

The language also authorizes the appropriation of such sums as may be necessary to establish the working capital required for the operation of the fund. On the basis of the appropriation and workload estimates in the 1968 Budget, an appropriation of $4,561,000 would be required in 1967 for capitalization, plus the fair and reasonable value of supplies, equipment and other assets transferred to the fund.

SMALL BUSINESS CRIME PROTECTION INSURANCE CORPORATION

Mr. SMATHERS. Mr. President, I introduce, for appropriate reference, a bill to establish a Small Business Crime Protection Insurance Corporation.

The need for this legislation is founded on the fact that throughout the Nation the owners and the managers of small business establishments in our urban centers have become prime targets of criminals intent upon robbery, burglary, and assault. Yet, Mr. President, it is the particular plight of our small businessmen that, when their need for insurance protection is at its greatest, they are denied its benefits, especially when, as is so often the case, they are the victims of repeated robberies and systematic burglaries.

The effect of this legislation will be to fill a yawning gap between insurance available through normal commercial channels, which fails to reach victimized small businessmen, and the growing need of small businessmen for compensatory protection policies.

The bill would establish a corporation in the Small Business Administration to be known as the Small Business Crime Protection Insurance Corporation. The Corporation would have a board of directors of six public members and three private members, the public members to be appointed by the President, and the private members to be elected by members of the insurance industry who would hold stock in the corporation.

The Administrator, through the corporation, would be authorized to provide insurance and reinsurance against loss by small businesses due to robbery, burglary, shoplifting, vandalism, and other similar crimes in those instances in which insurance or reinsurance from private sources is not available on reasonable terms.

As chairman of the Select Committee on Small Business, I have become increasingly concerned over the vulnerability of small business enterprises to burglary and their proprietors to robbery, personal injury, and even loss of life.

For the past several weeks, the staff of the Small Business Committee has been investigating the impact of crime in the Nation's small businessmen. The dimensions of this problem are staggering. Yet the burden of crime on small business is not an unknown fact of contemporary urban life to even the most casual reader of our daily newspapers.

According to the Uniform Crime Reports covering 1965, which many competent students of our mounting national crime problem believe understate the number of crimes, there were committed in 1965 almost 120,000 robberies and 1,173,000 burglaries.

Surveys conducted by the Bureau of Social Science Research of Washington, D.C., and the Survey Research Center of the University of Michigan covering a number of high crime rate precincts in Washington, Chicago, and Boston revealed that burglaries in these precincts are three times the reported rate and robberies 50 percent greater than the reported rate.

When the Nation's Capital, in some categories of crime is near the top of the list for cities of its size it is imperative that prompt action be taken on not only this measure but on all other measures designed to make our streets safe for the public.

According to data first published in the report by the President's Commission on Law Enforcement and Administration of Justice in February, in our 14 largest cities, only the 1965 robbery rate in Chicago exceeded that of the District of Columbia.

Indeed, Mr. President, in one 24-hour period of December 1966, 35 robberies in Washington netted the robbers almost $16,000. With my proposed legislation in mind to help provide insurance for small businessmen victimized by crime, I should like to emphasis that, of these 35 robberies committed within one 24-hour period, 11 of the victims were small businesses. Here is the tale of the take: $1,500 from a liquor store; $2,100 from a roofing company; $139 from a shoe store; $30 from a tourist home; $200 from a truck rental company; $1,400 from a transfer company; $289 from a hotel; $40 from a tavern; $80 from a carryout shop; an undetermined amount from a tourist home, and $300 from a drycleaning shop.

Such small business victims of crime throughout the Nation need help. They have a right to be secure in their persons and their property, not only as small businessmen, but as citizens as well.

What happens, Mr. President, when a corner grocery store is held up at gun point and the week's receipts grabbed from the cash register? One of the first things that happens is that that small businessman's insurance policies are either canceled or the premiums are raised to prohibitive levels. If this small businessman wants to maintain his insurance, he finds that he must install expensive security guards, place iron grills over his doors and windows, install a burglar alarm system, buy a police dog, or otherwise incur expenses that are out of line with the volume of business he normally conducts.

The investigations of the committee staff in this area alone reveal this predicament: The typical small businessman in many Washington localities cannot afford to be robbed and also he cannot afford the security measures which alone would make it possible for him, provided he can pay for it, to maintain his insurance. Something must be done.

There is a movement afoot, fortunately, to afford compensation to victims of crime. Victim-compensation programs were created in New Zealand and in Great Britain in 1964. Now victims of criminal acts who suffer severe financial hardships in both California and New York are eligible for compensation.

Mr. President, the principle has been well established. For many years we have had Federal crop insurance. Again, in March, the distinguished junior Senator from New Jersey [Mr. WILLIAMS] introduced S. 1290, which would subsidize part of the costs of flood insurance in high-risk and generally uninsurable areas.

My bill would extend much the same kind of help to the Nation's almost 5 million small businessmen.

I do not hold that, in its present form, the bill is perfect. It is, however, a start in a direction that I am convinced is right.

There is no question in my mind but that crime is are most critical domestic problem.

We need to know more about the social and economic causes of crime. We need to know more about how to control crime. These are necessarily long-range goals.

Meanwhile, Mr. President, it is my hope that by public hearings to be held by the Small Business Committee later this month, we will at least be able to focus attention on the problem that crime presents to the Nation's small businessmen.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD and that the bill be held at the desk for 1 week for those who would like to cosponsor it with me.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, will be printed in the RECORD at this point, and will be held at the desk for 1 week for cosponsors, as requested.

The bill (S. 1484) to establish a Small Business Crime Protection Insurance Corporation, and for other purposes, introduced by Mr. SMATHERS, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 1484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Crime Protection Insurance Act of 1967".

FINDINGS AND STATEMENT OF PURPOSE

SEC. 2. The preservation and expansion of the system of free competitive enterprise is basic not only to the economic well-being but to the security of this Nation. Such security and well-being cannot be realized unless the actual and potential capacity of small business is encouraged and developed. It has been the declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small-business concerns in order to preserve free competitive enterprise. As a part of this assistance, small business should be protected in the security of its premises and operations in order to enhance its capabilities to service all sections of society.

ESTABLISHMENT OF THE CORPORATION

SEC. 3. In order to carry out the purposes of this Act, there is hereby established in the Small Business Administration, under the supervision and direction of the Administrator of the Small Business Administration, a "Small Business Crime Protection Insurance Corporation". Except as otherwise provided in this Act, the Corporation shall be subject to the provisions of the Government Corporation Control Act. The Administrator shall carry out his functions under this Act through the Corporation.

DIRECTORS AND OFFICERS

SEC. 4. (a) The management of the Corporation shall be vested in a board of directors consisting of nine members who are citizens of the United States, one of whom shall be elected annually by the board to serve as chairman. Six members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for terms of four years except that (1) the terms of such six members first taking office shall be effective on the date on which other members of the board are elected and shall expire as designated by the President at the time of appointment, one at the end of one year, two at the end of two years, two at the end of three years, and one at the end of four years after such date; and (2) any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor w[illegible]ppointed, shall be appointed for the remainder of such term. Three members of the board shall be elected annually by the stockholders of the Corporation who hold class B stock issued by the Corporation under section 14. No stockholder or any trustee for a stockholder may at any time hold directly or indirectly (through any subsidiary or affiliated company, nominee, person subject to the direction or control of that stockholder, or otherwise) legal title to or any beneficial interest in more than 5 per centum of the outstanding shares of class B stock issued by the Corporation.

(b) Members of the board who are in the executive branch of the Government shall receive no additional compensation for their services as members of the board. Each member of the board appointed from private life shall be entitled to compensation at a rate not to exceed $100 per day, when actually engaged in the performance of the duties of the board. Each member of the board shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of such duties.

(c) The Corporation shall have a president, and such other officers as may be named and appointed by the board of directors, at rates of compensation fixed by the board, and serving at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation shall receive any salary from any source other than the Corporation during the period of his employment by the Corporation.

AUTHORITY TO INSURE AND REINSURE

SEC. 5. In order to carry out the purposes of this Act, the Administrator is authorized to provide, upon such terms and conditions (including coinsurance requirements) as he may establish, insurance and reinsurance against loss by small business concerns due to criminal activity for which insurance or reinsurance from other sources is not available on reasonable terms.

ESTIMATED RATES AND FEES

SEC. 6. (a) The Administrator shall from time to time establish a schedule of "estimated rates" for insurance offered under the provisions of this Act, which would be adequate, in his judgment, to produce sufficient proceeds to pay all claims for probable losses over a reasonable period of years. Such "estimated rates" shall be used as a basis for determining the fees to be paid by the small business concerns insured. They shall be based on consideration of the risks involved and shall be uniform for similar risks within a given classification of property. They shall not include administrative expenses of the Federal Government under this Act. The Administrator shall establish a schedule of fees to provide insurance protection at reasonable costs designed to achieve marketability: *Provided*, That no insurance policy shall be issued for a fee less than 60 per centum of such "estimated rate". The Administrator is authorized to establish such classifications of fees as he deems necessary to carry out the purposes of this Act based on the use of the property to be insured, the availability of insurance from private sources covering such property, and the ability of the insured to self-insure or reinsure and may establish differentials in levels of fees for such classifications: *Provided*, That all such fees shall be uniform for similar risks within a given classification of property. The Administrator shall pay into the Crime Protection Insurance Fund, hereinafter created, from time to time, an amount equal to the difference between the fees charged for insurance policies issued and the amount which would have been charged if the "estimated rates" were applied.

(b) The Administrator from time to time shall also negotiate with insurance companies seeking reinsurance for the purpose of establishing fees for reinsurance offered under the provisions of this Act. Such fees shall be based on consideration of the risks involved and shall be adequate, in the judgment of the Administrator, to produce sufficient proceeds over a reasonable period of years to pay all claims for losses. The fees shall not include administrative expenses of the Federal Government under this Act.

PROPERTY AND LOSS LIMITS

SEC. 7. The Administrator is authorized to provide for the determination of types and location of property of small business concerns with respect to which insurance or reinsurance shall be made available under this Act, the nature and limits of loss or damage in any area which may be covered by such insurance or reinsurance, and such other matter as may be necessary to carry out the purposes of this Act.

RISK CLASSIFICATION

SEC. 8. The Administrator may from time to time issue appropriate regulations regarding the classification, limitation, and rejection of risks assumed by him under authority of this Act.

REINSURANCE REGULATION AUTHORITY

SEC. 9. (a) The Administrator is authorized to issue such regulations regarding reinsurance under this Act as he deems advisable in order to carry out the purposes of this Act.

(b) The premium rate and terms and conditions of any policy reinsured under the provisions of this Act shall be subject to approval by the Administrator.

(c) The Administrator shall use his best efforts to encourage private insurance companies to undertake the issuance of insurance policies covering that portion of the loss in excess of the limits specified in section 9(a) of this Act resulting from damage to or destruction of real or personal property of small business concerns due to criminal activity. The Administrator may seek to achieve this end by offering a program of appropriate reinsurance within the authority granted him by this Act.

(d) Wherever practicable, the Administrator may encourage, by offering suitable reinsurance subject to the provisions of this Act, the issuance by private insurance companies of policies insuring against loss by small business concerns due to criminal activity.

NONDUPLICATION OF AVAILABLE INSURANCE

SEC. 10. No insurance or reinsurance contract, shall be issued under the provisions of this Act covering risks against which insurance is available on reasonable terms from other public or private sources.

USE OF OTHER PUBLIC AND PRIVATE FACILITIES

SEC. 11. (a) In providing insurance or reinsurance under this Act, the Administrator shall use to the maximum practicable extent the facilities and services of private organizations and persons authorized to engage in the insurance business under the laws of any State (including insurance companies, agents, brokers, and adjustment organizations); and the Administrator may arrange for payment of reasonable compensation therefor.

(b) The Administrator may supply, receive from and exchange with other agencies of the Federal Government, State, local, and interstate commissions or agencies, and private organizations experienced in the fields of insurance or reinsurance, such information as may be useful in the administration of the programs authorized by this Act.

(c) In carrying out the functions authorized in this Act, the Administrator may consult with such other agencies of the Federal Government and interstate, State, and local public agencies as he deems advisable.

CLAIMS PAYMENT AND JUDICIAL REVIEW

SEC. 12. (a) Under such regulations as the Administrator may prescribe, he shall arrange for prompt adjustment and payment of valid claims for losses covered by insurance or reinsurance under this Act.

(b) Upon disallowance of any claim against the Administrator under color of any insurance or reinsurance made available under this Act, or upon refusal of the claimant to accept the amount allowed upon any such claim, the claimant may institute an action against the Administrator on such claim in the United States district court in which a major portion (in terms of value) of the insured property of a small business concern is located. Any such action must be begun within one year after the date upon which the claimant receives from the Administrator written notice of disallowance or partial disallowance of the claim. For the purposes of this section, the Administrator may be sued and he shall appoint one or more agents within the jurisdiction of each United States district court upon whom service of process can be made in any action instituted under this section. Exclusive jurisdiction is hereby conferred upon United States district courts to hear and determine such actions without regard to the amount in controversy.

FUNDS

SEC. 13. (a) To carry out the purposes of this Act, the Administrator is authorized to establish two funds to be known as the (1) Crime Protection Insurance Fund, and (2) Crime Protection Reinsurance Fund.

(b) All insurance fees collected by the Administrator for insurance policies issued by him under this Act shall be deposited in the Crime Protection Insurance Fund. All fees collected by the Administrator in connection with reinsurance made available by him under this Act shall be deposited in the Crime Protection Reinsurance Fund.

(c) Moneys in each of the funds may be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States. Such obligations may be sold and the proceeds derived therefrom may be reinvested as provided above if deemed advisable by the Administrator. Income from such investment or reinvestment shall be deposited in the respective fund from which the investment was made.

(d) All salvage proceeds realized by the Administrator in connection with insurance made available under this Act shall be deposited in the Crime Protection Insurance Fund; and all salvage proceeds realized by the Administrator in connection with reinsurance made available under this Act shall be deposited in the Crime Protection Reinsurance Fund.

FINANCING

SEC. 14. (a) Subject to the provisions of subsection (b), the Corporation is authorized to issue from time to time and to have outstanding shares of capital stock, issued without par value, in such numbers as it shall determine to be required for the fulfillment of the objects of the Corporation. Each share of stock shall be sold at an initial issue price established by the board of directors; and entitle the holder thereof to one vote at shareholders' meetings.

(b) Whenever any capital stock in any amount is issued by the Corporation, 60 per centum thereof shall be designated as class A stock, and 40 per centum thereof shall be designated as class B stock. Class A stock may be issued only to the Secretary of the Treasury, and may be held only by the Secretary on behalf of the Government. Class B stock may be issued to and held by insurers.

(c) The Secretary of the Treasury is authorized from time to time to subscribe for, acquire, and hold on behalf of the Government class A shares of the stock of the Corporation in amounts which shall not at any time exceed in aggregate purchase price $90,000,000. The Secretary or his designee, under the direction of the President, shall exercise the voting rights of the Government incident to the stock of the Corporation held by the Government. Subject to the limitation contained in this subsection, there are hereby authorized to be appropriated to the Secretary from time to time such sums as may be required for the purchase by the Secretary of class A stock issued by the Corporation under this section.

(d) In addition to the stock authorized by subsection (a) of this section, the Corporation may issue bonds, debentures, and other certificates of indebtedness, not to exceed $50,000,000, as the board may determine from time to time to be required for the fulfillment of the functions of the Corporation.

(e) Funds received by the Corporation from the sale of its capital stock, shall be available for carrying out its functions under this Act, and for operating expenses arising in connection therewith. Moneys which are not otherwise employed shall be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States.

CORPORATION POWERS

Sec. 15. For the purpose of carrying out functions under this Act the Corporation shall have the following powers:

(1) sue or be sued;

(2) without regard to sections 3648 and 3709 of the Revised Statutes, as amended (31 U.S.C. 529 and 41 U.S.C. 5), and section 322 of the Act of June 30, 1932 (47 Stat. 412, as amended (40 U.S.C. 278a)), enter into and perform contracts, leases, cooperative agreements, or other transactions, on such terms as the board of directors may deem appropriate, with any agency or instrumentality of the United States, or with any State or agency or political subdivision thereof, or with any person, firm, association, or corporation and consent to modification thereof, and make advance or progress payments in connection therewith;

(3) without regard to sections 3648 and 3709 of the Revised Statutes, as amended (31 U.S.C. 529 and 41 U.S.C. 5), and section 322 of the Act of June 30, 1932, as amended (40 U.S.C. 278a), by purchase, lease, or donation acquire such real and personal property and any interest therein, make advance or progress payments in connection therewith, and hold, use, maintain, insure against loss, sell, lease, or otherwise dispose of such real and personal property as the board of directors deems necessary to carry out the purposes of this Act;

(4) appoint, in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, such officers, attorneys, agents, and employees as may be necessary to carry out the provisions of this Act; to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title; and to define their authority and duties; and to employ experts and consultants or organization thereof, as authorized by section 3109 of such title, at rates not to exceed $100 per diem for individuals;

(5) conduct researches, surveys, and investigations relating to crime protection insurance and reinsurance for small business concerns and assemble data for the purpose of establishing estimated rates, fees, and premiums for insurance and reinsurance under this Act;

(6) issue such rules and regulations as the board deems necessary to carry out the purposes of this Act; and

(7) exercise all powers specifically granted by the provisions of this Act and such incidental powers as are necessary to carry out the purposes of this Act.

RESERVATION OF RIGHTS IN REAL ESTATE ACQUIRED

Sec. 16. The acquisition by the Administrator of any real property pursuant to this Act shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local law of the inhabitants on such property.

TAXATION

Sec. 17. Nothing in this Act shall be construed to exempt any real property, acquired and held by the Administrator in connection with the payment of any claim under this Act, from taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed.

ANNUAL REPORT

Sec. 18. The annual report made by the Administrator to the President for submission to the Congress under existing law on all programs provided for under this Act shall contain a comprehensive report concerning the operation of insurance and reinsurance programs authorized under this Act together with such recommendations, if any, for legislative changes deemed by the Administrator desirable to improve the operation of programs authorized under this Act.

DEFINITIONS

Sec. 19. As used in this Act—

(a) "Administrator" means the Administrator of the Small Business Administration.

(b) "Corporation" means the "Small Business Crime Protection Insurance Corporation".

(c) "Criminal activity" means robbery, burglary, shoplifting, vandalism, and such other felonies as the Administrator may by regulation prescribe.

(d) "Insurer" includes every person engaged as principal and as indemnitor, or contractor in the business of entering into contracts of insurance.

(e) "Small business concern" shall have the same meaning as prescribed by the Administrator pursuant to section 3 of the Small Business Act (15 U.S.C. 632).

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the unanimous-consent request, which was approved, as propounded by the Senator from Florida [Mr. Smathers], in regard to holding a bill at the desk for additional signatures, be rescinded.

The PRESIDING OFFICER (Mr. Gore in the chair). Is there objection?

Mr. SMATHERS. Mr. President, I did not hear what the distinguished junior Senator from West Virginia asked for.

Reserving the right to object, I think it should be understood that the reason why I made that request was that the minority leader had stated publicly that he did not want Senators to ask that bills be held open. Because he had made that request, naturally, I would be happy to honor it, and I have no objection to the request of the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERGOVERNMENTAL MANPOWER ACT OF 1967

Mr. MUSKIE. Mr. President, on behalf of myself and Senators Gruening, Hart, Inouye, Jackson, Nelson, and Randolph, I introduce, for appropriate reference, a bill to improve intergovernmental cooperation and grant-in-aid program administration to assist State and local governments in strengthening their staffs by improving personnel administration and extending merit principles and by providing support for training of public employees; to permit temporary assignments of personnel between Federal, State, and local governments; and for other purposes.

Mr. President, this bill, known as the Intergovernmental Manpower Act of 1967, embodies the proposals of the administration. It closely resembles S. 699, the Intergovernmental Personnel Act which I introduced on January 26 of this year, and which is cosponsored by some 15 Senators. The administration bill which I now introduce would do the following:

First. Make Federal training programs available to State and local personnel;

Second. Authorize special Federal programs, including graduate fellowships, for those administering grant-in-aid programs;

Third. Provide grants to State and local governments for their own training of administrative personnel;

Fourth. Authorize the President—to the extent he determines practicable—to require personnel merit standards as a condition for receiving Federal grants;

Fifth. Provide grants and technical assistance for the strengthening of State and local personnel systems;

Sixth. Authorize Federal cooperation with State and local recruitment and examining activities;

Seventh. Encourage interstate compacts to improve personnel administration and training;

Eighth. Provide authority for the exchange of employees between Federal, State, and local levels of government;

Ninth. Direct the Civil Service Commission to coordinate all Federal training activities so as to avoid duplication and insure maximum effectiveness of Federal personnel assistance to State and local governments.

Mr. President, this is an across-the-board Federal program to meet a serious—and too often hidden—crisis in intergovernmental relations. It goes to the heart of creative federalism. It recognizes the fundamental fact that Federal, State, and local services are only as good as the people on the firing line who administer them. And it seeks to strengthen this administration by grants, technical assistance, and training support, without injecting Federal controls over State and local personnel administration. This flexible feature of the bill is an important one.

Last year, State and local governments received $15 billion in Federal aid, and spent nearly $80 billion of their own resources for domestic development and services. By 1975, State and local expenditures are expected to rise over $130 billion, administered by some 11 million employees.

The sheer magnitude of State and local administration today, and its projected rate of growth to meet the needs of a population of over 300 million by the year 2000—just 33 years away, makes it critical that Congress, so long concerned with substantive programs for State and local development, now turn to encouraging better management.

To those of us who for many years have been studying the growing problems and conflicts between our several levels of government in the federal system, this broad effort by the administration to come to grips with the intergovernmental manpower problem is most encouraging.

Mr. President, the Subcommittee on Intergovernmental Relations, which I chair, has been studying the personnel aspects of intergovernmental administration intensively since its inception in 1962. Last year, it completed a 3-year survey of Federal, State, and local officials on what they saw as the weak points in our Federal system. A part of this survey involved intergovernmental personnel, and from it were developed a series of recommendations for improving the State and local manpower situation.

The administration bill which I introduce today contains many of the recommendations contained in the survey and includes some valuable additional features. It is the result of careful and sharpened analysis by experts at the Civil Service Commission, the Bureau of the Budget, HEW's Division of State Merit Systems, the staff of the Advisory Commission on Intergovernmental Relations, and other agencies and individuals knowledgeable in the field of intergovernmental personnel.

I feel that out of Senate consideration of this administration bill and S. 699, the proposed Intergovernmental Personnel Act of 1967, there will come a strong, effective, and far-reaching piece of legislation which will contribute to the creative future of federalism in this country.

Mr. President, President Johnson in his excellent message on the "Quality of American Government" stated the challenge:

> Today's public servant—at all levels of government—is a servant of change. He works to make the American city a better place to live. He strives to increase the beauty of our land and end the poisoning of our rivers and the air we breathe. In these and countless other ways he seeks to enlarge the meaning of life and to raise the hopes and extend the horizons for all of us.
>
> The work to be performed in the years ahead will summon trained and skilled manpower in quantities—and quality—we have never needed before.
>
> Nowhere is the magnitude of government manpower greater—and the accompanying challenge more critical—than at the State and local levels.

In the last decade, Congress has passed more programs and appropriated more money than in all the preceding Congresses going back to the beginning of this Nation. Now it must concern itself with the methods and systems by which those programs are carried to the people, in the fastest most effective way possible. Strengthening State and local personnel administration and training is a fundamental step in the right direction.

Mr. President, I ask unanimous consent that following these remarks there be printed the text of the proposed Intergovernmental Manpower Act of 1967, a statement of purpose and justification, and a section-by-section analysis.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, statement of purpose and justification, and section-by-section analysis will be printed in the RECORD.

The bill (S. 1485) to improve intergovernmental cooperation and grant-in-aid program administration; to assist State and local governments in strengthening their staffs by improving personnel administration and extending merit principles and by providing support for training of public employees; to permit temporary assignments of personnel between Federal and State and local governments; and for other purposes, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 1485—INTERGOVERNMENTAL MANPOWER ACT

A bill to improve intergovernmental cooperation and grant-in-aid program administration; to assist State and local governments in strengthening their staffs by improving personnel administration and extending merit principles and by providing support for training of public employees; to permit temporary assignments of personnel between Federal and State and local governments; and for other purposes

Be it enacted by the Senate and the House of Representatives of the United Sates of America in Congress assembled, That this Act may be cited as the "Intergovernmental Manpower Act of 1967."

General declaration of policy

SEC. 2. The Congress hereby finds and declares a national interest in—

(1) improving the quality of public administration at all levels of government, particularly in connection with programs that are financed in whole or in part from Federal appropriations;

(2) strengthening the capacity of State and local governments to deal with complex problems confronting all levels of government;

(3) aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) aiding State and local governments in developing systems of personnel management that are responsive to the goals and needs of their programs, effective in attracting and retaining capable employees, and based on merit principles; and

(5) facilitating temporary assignments of personnel between levels of government.

SEC. 3. The authorities provided by this Act shall be administered in such manner as to recognize fully the rights, powers, and responsibilities of State and local governments.

TITLE I—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

Declaration of purpose

SEC. 101. The purpose of this title is to strengthen the training and development of State and local government employees and officials, particularly in professional, administrative, and technical fields.

Admission to Federal employee training programs

SEC. 102. (a) In accordance with such conditions as may be prescribed by the head of the Federal agency concerned, a Federal agency may admit State and local government employees and officials to agency training programs established for Federal professional, administrative, or technical personnel.

(b) Federal agencies are authorized to receive payments from, or on behalf of, State and local governments for the costs of training provided under this section, and to enter into agreements with them for this purpose. The head of the Federal agency concerned may waive all or part of such payments. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

(c) The Commission may use appropriations authorized by this Act to pay the additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs.

Training of personnel engaged in grant-in-aid programs

SEC. 103. (a) Any Federal agency administering a program of grants or financial assistance to State or local governments may—

(1) establish, provide, and conduct training programs for State and local employees and officials who have responsibilities related to the federally-aided program, and, to the same extent provided in section 102(b) of this Act, receive or waive payments for such training and credit any such payments to the appropriation or fund used for paying the training costs; and

(2) authorize State and local governments, from the grants or financial assistance when so provided in appropriation or other acts, to establish, conduct, provide, and support training and education programs for their employees and officials who have responsibilities related to the Federally-aided program, including internship, work-study, fellowship, and similar programs if approved by the Federal agency concerned, provided that full-time, graduate-level education supported under this subsection shall be consistent with provisions made for Government Service Fellowships under section 106 of this Act.

(b) The State or local government concerned shall—

(1) in accordance with eligibility criteria prescribed by the Federal agency concerned, select the individual employees and officials to receive education and training in programs established under this section; and

(2) during the period of the education or training, continue the full salary of the employee or official concerned and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance.

Grants to State and local governments for training

SEC. 104. (a) If training is not adequately provided for under grant-in-aid or other statutes, the Commission is authorized to make grants to State and general local governments for up to seventy-five percent of the cost of developing and carrying out training and education programs for their professional, administrative, and technical employees and officials. Such grants may not cover costs of full-time graduate-level study, provided for in section 106 of this Act, or the costs of the construction or acquisition of training facilities. The State and local government share of the cost of developing and carrying out training and education plans and programs may include, but shall not consist solely of, the reasonable value of facilities and of supervisory and other personal services made available by such governments.

(b) A grant authorized by subsection (a) of this section may be made to a State on application to the Commission at such time or times and containing such information as the Commission may prescribe. To be approved, the application must meet requirements established by this subsection unless any requirement is specifically waived by the Commission. Such grant to a State, or to a general local government under subsection (c) of this section, may cover the costs of developing the program set forth in the application. The program set forth in the application must—

(1) provide for designation, by the Governor or chief executive authority, of the

State office that will have primary authority and responsibility for the development and administration of the program at the State level;

(2) provide, to the extent feasible, for coordination with relevant training available under or supported by other Federal Government programs or grants;

(3) provide for training needs of the State government and of local governments in that State;

(4) provide, to the extent feasible, for intergovernmental cooperation in employee training matters, especially within metropolitan or regional areas; and

(5) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes.

(c) If, within one year from the effective date of the grant provisions of this Act, a State has not submitted and had approved an application for a program grant providing adequately for training of employees of local governments within the State, the Commission may consider and approve applications for grants authorized in subsection (a) of this section from those general local governments, or a combination of such governments, that serve a population of 100,000 or more. To be approved, a general local government application for a program grant must meet requirements similar to those established in subsection (b) of this section for State applications unless any requirement is specifically waived by the Commission. The Commission may—

(1) waive, at the request of a general local government, the one-year waiting period provided under subsection (c) of this section unless the State concerned declares, within ninety days from the effective date of the grant provisions of this Act, an intent to file an application for a program grant that will provide training for employees of the general local government; and

(2) make grants to a general local government, or a combination of such governments, serving a population of less than 100,000 if it finds that such grants will help meet essential needs in programs of national interest and will assist general local governments experiencing problems that result from their location in an area of rapid urbanization in a metropolitan area, in a transportation corridor, or in a similar critical area.

Grants to nonprofit organizations

SEC. 105. (a) The Commission is authorized to make grants to nonprofit organizations to pay up to seventy-five per centum of the costs of providing training to professional, administrative, or technical employees and officials of State or local governments if the Commission—

(1) finds sufficient State and local government interest in the proposed program to warrant Federal financial support; and

(2) approves the program as meeting such requirements as may be prescribed by the Commission in its regulations pursuant to this Act.

(b) The nonprofit organization must be—

(1) a national, regional, statewide, or metropolitan organization representing member State or local governments;

(2) an association of State or local public officials; or

(3) an organization primarily engaged in offering professional advisory, research, development, or other services to governments or making professional studies designed for the improvement of public administration.

Government service fellowships

SEC. 106. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing Government service fellowships for State and local government personnel. The grants may cover—

(1) the necessary costs of the fellowship recipient's books, travel and transportation, and such related expenses as may be authorized by the Commission;

(2) reimbursement to the State or local government for not to exceed one-fourth of the salary of each fellow during the period of the fellowship; and

(3) payment to the educational institutions involved not in excess of $3,000 per academic year for each fellow less any amount charged the fellow for tuition and nonrefundable fees and deposits.

(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria for the selection of fellowship recipients by State and local governments.

(c) The State or local government concerned shall—

(1) select the individual recipients of the fellowships; and

(2) during the period of the fellowship, continue the full salary of the recipient and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance.

Coordination of Federal programs

SEC. 107. The Commission, after consultation with other agencies concerned, shall—

(1) prescribe regulations covering the training for State and local employees and officials provided for in this title, including requirements for coordination of and reasonable uniformity in such training programs;

(2) coordinate the training support given to State and local governments under authority of this Act with training support given such governments under other Federal programs; and

(3) make such arrangements, including the collection and maintenance of data on training grants and programs, as needed to avoid duplication of programs providing for training and to insure consistent administration of related Federal training activities.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

Declaration of purpose

SEC. 201. The purpose of this title is to assist State and local governments to strengthen their staffs by improving their personnel administration.

Improving basic personnel systems

SEC. 202. (a) To the extent he determines to be practicable, the President is authorized, in programs that are financed in whole or in part from Federal funds and as a condition for the grant of such funds, to require State and local governments to provide for their employees systems of merit personnel administration. For this purpose, the President may establish appropriate standards consistent with such merit principles as—

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

(b) Nothing in this section or in sections 203 or 204 of this Act, however, shall be construed to authorize any agency or official of the Federal Government to—

(1) exercise any authority, direction, or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee whose employment in is compliance with the established standards; or

(2) require the application of such standards to educational institutions or school systems.

State government and statewide programs and grants

SEC. 203. (a) The Commission is authorized to make grants to States for up to seventy-five percent of the cost of developing and carrying out programs or projects to strengthen State and local government personnel administration and to furnish needed personnel administration services to local governments in that State.

(b) A grant authorized by subsection (a) of this section may be made to a State on application to the Commission at such time or times and containing such information as the Commission may prescribe. To be approved, the application must meet requirements established by this subsection unless any requirement is specifically waived by the Commission. Such grants to a State may cover the costs of developing the program or project set forth in the application which must—

(1) provide for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the approved program or project at the State level;

(2) provide for personnel administration based on merit principles for State government employees of the office designated under paragraph (1) of this subsection unless, in the case of projects of limited scope, it is determined to be impracticable by the Commission, and for those State government employees who are affected by the program or project and who are engaged in the administration of Federally aided programs, if not otherwise covered by merit standard requirements in Federal statutes and regulations or by Presidential action under section 202(a) of this Act;

(3) provide for certain personnel administration improvement needs of both the State government and the local governments in that State, including State personnel administration services for local governments;

(4) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes; and

(5) set forth clear and practicable actions for the improvement of such aspects of personnel administration as—

(A) expansion of the coverage of State and local employees under existing merit standards, the establishment of merit standards where they do not now exist, and the further improvement of existing systems based on merit principles;

(B) establishment of statewide personnel systems to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well-qualified professional, administrative, and technical personnel;

(C) making of State grants to local governments;

(D) assessment of State and local government needs for professional, administrative, and technical manpower, and for the initiation of timely and appropriate action to meet such needs;

(E) improving one or more major areas of personnel administration, such as recruitment and selection, training and development, and pay administration;

(F) research and demonstration projects to develop and apply better personnel administration techniques, including both projects conducted by State and local government staffs and projects conducted by colleges or universities or other appropriate nonprofit organizations under grants or contracts;

(G) improving the recruitment, selection, assignment and development of handicapped persons, women, and members of disadvantaged groups whose capacities are not being utilized fully;

(H) achieving the most effective use of scarce professional, administrative, and technical manpower; and

(I) intergovernmental cooperation in personnel administration, with respect to such matters as recruiting, examining, pay studies, training, education, personnel interchange, manpower utilization, and fringe benefits.

Local government programs and grants

SEC. 204. (a) The Commission is authorized to make grants to general local governments, or combinations of such governments, that serve a population of 100,000 or more, for up to seventy-five percent of the cost of developing and carrying our programs and projects to strengthen the personnel administration of such governments. Such grants may be made only if, within one year from the effective date of the grant provisions of this Act, a State has not submitted and had approved under section 203 of this Act an application for a grant providing adequately for assistance in strengthening the personnel administration of local governments within the State.

(b) A grant authorized by subsection (a) of this section may be made to a general local government on application to the Commission at such time or times and containing such information as the Commission may prescribe. To be approved, the application must meet requirements similar to those established in section 203(b) of this Act for a State application for a grant unless any requirement is specifically waived by the Commission. Such grants to a general local government may cover the costs of developing the program or project set forth in the application. The Commission may—

(1) waive, at the request of a general local government, the one-year waiting period, unless the State concerned declares, within ninety days from the effective date of the grant provisions of this Act, an intent to file an application for a grant that will include the local government; and

(2) make grants to general local governments, or combinations of such governments, that serve a population of less than 100,000 if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing problems that result from their location in an area of rapid urbanization, in a metropolitan area, in a transportation corridor, or in a similarly critical area.

Intergovernmental cooperation in recruiting and examining

SEC. 205. (a) The Commission may join, on a shared-costs basis, with State and local governments in cooperative recruiting and examining activities under such procedures and regulations as may jointly be agreed on.

(b) The Commission also may, on the written request of a State or local government and under such procedures as may be jointly agreed on, certify to such jurisdictions from appropriate Federal registers the names of eligible persons. The State or local government making the request shall pay the Commission, for the costs of performing the service as determined by the Commission, and such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

Technical assistance

SEC. 206. The Commission may furnish technical advice and assistance, on request, to State and general local governments seeking to improve their systems of personnel administration. The Commission may accept payments, in whole or in part, for the costs of furnishing such assistance from the State or local governments to which furnished. All such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

Interstate compacts

SEC. 207. The consent of the Congress is hereby given to any two or more States to enter into compacts or other agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance (including the establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of State and local governments.

Transfer of functions

SEC. 208. (a) There are hereby transferred to the Commission all functions, powers, and duties of—

(1) the Secretary of Agriculture under section 10(e)(2) of The Food Stamp Act of 1964 (7 U.S.C. 2019(e)(2));

(2) the Secretary of Labor under—

(A) section 3 of the Act of June 6, 1933 (29 U.S.C. 49b); and

(B) section 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1));

(3) the Secretary of Health, Education, and Welfare under—

(A) section 134(a)(6) and 204(a)(6) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963 (42 U.S.C. 2674(a)(6) and 2684(a)(6));

(B) section 303(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(5));

(C) sections 314(a)(2)(F) and (d)(2)(F) *and 604(a)(8) of the Public Health Service* Act (42 U.S.C. 246(a)(2)(F) and (d)(2)(F) and 291d(a)(8)); and

(D) sections 2(a)(5), 402(a)(5), 503(a)(3), 513(a)(3), 1002(a)(5), 1402(a)(5) 1602(a)(5), and 1902(a)(4) of the Social Security Act (42 U.S.C. 302(a)(5), 602(a)(5), 703(a)(3), 713(a)(3), 1202(a)(5), 1352(a)(5), 1382(a)(5), and 1396a(a)(4)); and

(4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grants-in-aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program;

insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.

(b) The Commission shall—

(1) provide consultation and technical advice and assistance to State and local governments to aid them in complying with standards prescribed (A) by the Commission under subsection (a) of this section or (B) by the President under section 202(a) of this Act; and

(2) make investigations and advise Federal agencies administering programs of grants or financial assistance as to compliance with the standards and recommend the taking of such action as the Commission considers will most effectively carry out the purpose of this title.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of any Federal agency employed, used, held, available, or to be made available in connection with the functions, powers, and duties vested in the Commission by this section as the Director of the Bureau of the Budget shall determine shall be transferred to the Commission at such time or times as the Director shall direct.

(d) Personnel standards prescribed by the Commission under subsection (a) of this section and Section 203(b)(2) of this Act shall be consistent, to the extent practicable, with standards prescribed by the President under section 202(a) of this Act.

(e) Personnel standards prescribed by Federal agencies under laws and regulations referred to in subsection (a) of this section shall continue in effect until modified or superseded by standards prescribed (A) by the Commission under subsection (a) of this section or (B) by the President under section 202(a) of this Act.

(f) This section shall become effective sixty days after the date of enactment of this Act.

TITLE III—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

Declaration of purpose

SEC. 301. The objective of this title is to provide for the temporary assignment of personnel between the Federal Government and State and local governments.

Amendments to Title 5, United States Code

SEC. 302. (a) Chapter 33 of title 5, United States Code, is amended by inserting the following new subchapter at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"§ 3371. Definitions.

"For the purpose of this subchapter—

"(1) 'State' means—

"(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

"*(B) an instrumentality or authority of* a State or States as defined in clause (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

"(2) 'local government' means—

"(A) any political subdvision, instrumentality, or authority of a State or States as *defined in clause (A) of paragraph (1); and*

"(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

"§ 3372. General provisions.

"On request from or with the concurrence of a State or local government, and with the consent of the employee concerned, the head of an Executive agency may arrange for the assignment of—

"(1) an employee of his agency to a State or local government; and

"(2) an employee of a State or local government to his agency; for work of mutual concern to his agency and the State or local government that he determines will be mutually beneficial to both. The period of an assignment under this subchapter may not exceed 2 years. However, the head of an Executive agency may extend the period of assignment for not more than 2 additional years. The President may prescribe regulations for the administration of this subchapter.

"§ 3373. Assignment of employees to State or local governments

"(a) An employee of an Executive agency assigned to a State or local government under this subchapter is deemed, during the assignment, to be either—

"(1) on detail to a regular work assignment in his agency; or

"(2) on leave without pay from his position in the agency.

An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned. The supervision of the duties of an employee on detail may be governed by agreement between the Executive agency and the State or local government concerned.

"(b) The assignment of an employee of an Executive agency either on detail or on leave without pay to a State or local government under this subchapter may be made with or without reimbursement by the State or local government for the travel and transportation expenses to or from the place of assignment and for the pay or supplemental pay or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the Executive agency used for paying the travel and transportation expenses or pay.

"(c) For an employee so assigned and on leave without pay—

"(1) if the rate of pay for his employment by the State or local government is less than the rate of pay he would have received had he continued in his regular assignment in the agency, he is entitled to receive supplemental pay from the agency in an amount equal to the difference between the State or local government rate and the agency rate;

"(2) he is entitled to annual and sick leave to the same extent as if he had continued in his regular assignment in the agency; and

"(3) he is entitled, notwithstanding other statutes—

"(A) to continuation of his insurance under chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the Employee's Life Insurance Fund and the Employee's Health Benefits Fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions; and

"(B) to credit the period of his assignment *under this subchapter toward periodic step*-increases, retention, and leave accrual purposes, and, on payment into the Civil Service Retirement and Disability Fund or other applicable retirement system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from *a like agency pay for the period of the* assignment and payment by the Executive agency into the Fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat (notwithstanding section 8348(g) of this title) his service during that period as service of the type performed in the agency immediately before his assignment.

However, an employee or his beneficiary may not receive benefits referred to in subparagraphs (A) and (B) of this paragraph (3), based on service during an assignment under this subchapter for which the employee or, if he dies without making such an election, his beneficiary elects to receive benefits, under any State or local government retirement or insurance law or program, which the Civil Service Commission determines to be similar. The Executive agency shall deposit currently in the Employee's Life Insurance Fund, the Employee's Health Benefits Fund or other applicable health benefits system, respectively, the amount of the Government's contributions on account of service with respect to which employee contributions are collected as provided in subparagraphs (A) and (B) of this paragraph (3).

"(d)(1) An employee so assigned and on leave without pay who dies or suffers disability as a result of personal injury sustained while in the performance of his duty during an assignment under this subchapter shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(2) An employee who elects to receive benefits from a State or local government may not receive an annuity under subchapter II of chapter 83 of this title and benefits from the State or local government for injury or disability to himself covering the same period of time. This provision does not—

"(A) bar the right of a claimant to the greater benefit conferred by either the State or local government or subchapter III of chapter 83 of this title for any part of the same period of time;

"(B) deny to an employee an annuity accruing to him under subchapter III of chapter 83 of this title on account of service performed by him; or

"(C) deny any concurrent benefit to him from the State or local government on account of the death of another individual.

"§ 3374. Assignments of employees from State or local governments.

"(a) An employee of a State or local government who is assigned to an Executive agency under an arrangement under this subchapter may—

"(1) be appointed in the Executive agency without regard to the provisions of this title governing appointment in the competitive service for the agreed period of the asisgnment; or

"(2) be deemed on detail to the Executive agency.

"(b) An employee given an appointment is entitled to pay in accordance with chapter 51 and subchapter III of chapter 53 of this title or other applicable law, and is deemed *an employee of the Executive agency for all* purposes except—

"(1) subchapter III of chapter 83 of this title or other applicable retirement system;

"(2) chapter 87 of this title; and

"(3) chapter 89 of this title or other applicable health benefits system unless his appointment results in the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

"(c) During the period of assignment, a State or local government employee on detail to an Executive agency—

"(1) is not entitled to pay from the agency;

"(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, section 638a of title 31 and the Federal Tort Claims Act and any other Federal tort liability statute; and

"(3) is subject to such regulations as the President may prescribe. The supervision of the duties of such an employee may be governed by agreement between the Executive agency and the State or local government concerned.

"(d) A State or local government employee who is given an appointment in an Executive agency for the period of the assignment or who is on detail to an Executive agency and who suffers disability or dies as a result of personal injury sustained while in the performance of his duty during the assignment shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(e) If a State or local government fails to continue the employer's contribution to State or local government retirement, life insurance, and health benefit plans for a State or local government employee who is given an appointment in an Executive agency, the employer's contributions covering the State or local government employee's period of assignment, or any part thereof, may be made from the appropriations of the Executive agency concerned.

"§ 3375. Travel expenses.

"(a) Appropriations of an Executive agency are available to pay, or reimburse, a Federal or State or local employee in accordance with—

"(1) subchapter I of chapter 57 of this title, for the expenses of—

"(A) travel and per diem instead of subsistence to and from the assignment location;

"(B) per diem instead of subsistence at *the assignment location during the period* of the assignment; and

"(C) travel and per diem instead of subsistence while traveling on official business away from his designated post of duty during the assignment when the head of the Executive agency considers the travel in the *interest of the United States;*

"(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

"(3) section 5724(a)(1) of this title, for *the expenses of per diem allowance for the* immediate family of the employee to and from the assignment location;

"(4) section 5724(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and upon return to his former post of duty; and

"(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location.

"(b) Expenses specified in subsection (a) of this section, other than those in paragraph (1)(C), may not be allowed in connection with the assignment of a Federal or State or local employee under this subchapter, unless and until the employee agrees in writing to complete the entire period of his assignment or 1 year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the Executive agency concerned. If the employee violates the agreement, the money spent by the United States for these expenses is recoverable from the employee as a debt due the United States. The head of the Executive agency concerned may waive in whole or in part a right of recovery under this subsection with respect to a State or local government employee on assignment with the agency.

"(c) Appropriations of an Executive agency are available to pay expenses under section 5742 of this title with respect to a Federal or State or local employee assigned under this subchapter."

(b) The analysis of chapter 33 of title 5, United States Code, is amended by inserting the following at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"Sec.
"3371. Definitions.
"3372. General provisions.
"3373. Assignments of employees to State or local governments.
"3374. Assignments of employees from State or local governments.
"3375. Travel expenses."

Repeal of special authorities

Sec. 303. The Act of August 2, 1956, as amended, (7 U.S.C. 1881–1888), except that the Secretary of Agriculture may continue to make arrangements for the temporary assignment of employees with land-grant colleges or a college or university operated by any State or local government subject to the provisions of this title, and section 507 of the Act of April 11, 1965, P.L. 89–10, 79 Stat. 51 (20 U.S.C. 867), and section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) (less applicability to commissioned officers of the Public Health Service) are hereby repealed.

Sec. 304. This title shall become effective sixty days after the date of enactment of this Act.

TITLE IV—GENERAL PROVISIONS

Declaration of purpose

Sec. 401. The purpose of this title is to provide for the general administration of titles I, II, and IV of this Act (hereinafter referred to as "this Act"), and to provide for the establishment of certain advisory groups.

Definitions

Sec. 402. For the purpose of this Act—

(1) "Commission" means the United States Civil Service Commission;

(2) "Federal agency" means an executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(3) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal-interstate agencies but does not include the governments of the political subdivisions of a State; and

(4) "local government" means a city, town, county, or other subdivisions or district of a State, including agencies, instrumentalities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A "general local government" means a city, town, county, or comparable general-purpose political subdivision of a State.

General administrative provisions

Sec. 403. (a) Unless otherwise specifically provided, the Commission shall administer this Act.

(b) The Commission shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of this Act.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission may—

(1) issue such standards and regulations as may be necessary to carry out the purposes of this Act;

(2) consent to the modification of any contract entered into pursuant to this Act, such consent being subject to any specific limitations of this Act;

(3) include in any contract made pursuant to this Act such covenants, conditions, or provisions as it deems necessary to assure that the purposes of this Act will be achieved; and

(4) utilize the services and facilities of any Federal agency, any State or local government, and any other public or non-profit agency or institution, on a reimbursable basis or otherwise, in accordance with agreements between the Commission and the head thereof.

(d) In the performance of, and with respect to the functions, powers, and duties vested in it by this Act, the Commission—

(1) may collect information from time to time with respect to State and local government training programs and personnel administration improvement programs and projects under this Act, and make such information available to interested groups, organizations, or agencies, public or private;

(2) may conduct such research and make such evaluation as needed for the efficient administration of this Act; and

(3) shall include in its annual report, a report of the administration of this Act.

(e) The provisions of this Act are not a limitation on existing authorities under other statutes but are in addition to any such authorities, unless otherwise specifically provided in this Act.

Reporting requirements

Sec. 404. A State or local government office designated to administer a program or project under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

Review and audit

Sec. 405. The Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

Termination of grants

Sec. 406. Whenever the Commission, after giving reasonable notice and opportunity for hearing to the State or general local government concerned, finds—

(1) that a program or project has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is a failure to comply substantially with any such provision;

the Commission shall notify the State or general local government of its findings and no further payments may be made to such government by the Commission until it is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Commission may authorize the continuance of payments to those projects approved under this Act which are not involved in the noncompliance.

Advisory groups

Sec. 407. (a) The following advisory groups are authorized to be established under this Act:

(1) The President may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service—

(A) an advisory council to study and make recommendations concerning standards of merit personnel administration for personnel systems of State and local governments; and

(B) an advisory committee on intergovernmental manpower policy composed of representatives of the Federal Government, State and local governments, institutions of higher education and other educational and training organizations, professional organizations, employee organizations, and the general public, to advise on matters of general policy relating to this Act.

(2) The Commission may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committee or committees as it may determine to be necessary to facilitate the administration of this Act.

(b) Members of the advisory council or of the advisory committees who are not regular full-time employees of the United States, while serving on the business of the council or committees, including travel time, are entitled to receive compensation at rates not exceeding the per diem rate for GS–18; and while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

Appropriation authorization

Sec. 408. There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary for the fiscal year ending June 30, 1968, and for each of the four succeeding fiscal years, to carry out the programs authorized by this Act.

Revolving fund

Sec. 409. (a) There is established a revolving fund, to be available without fiscal year limitation, for financing training and such other functions as are authorized or required to be performed by the Commission on a reimbursable basis by this Act and such other services as the Commission, with the approval of the Bureau of the Budget, determines may be performed more advantageously through such a fund.

(b) The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized), and such unexpended balances of appropriations or funds relating to the activities transferred to the fund and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Commission may transfer to the fund, less the related liabilities, unpaid obligations, and accrued annual leave of employees who are transferred to the activities financed by the fund at its inception.

(c) The fund shall be credited with—

(1) reimbursements or advance payments from available funds of the Commission, other Federal agencies, State or local governments, or other sources for supplies and services at rates which will approximate the expense of operations, including the accrual of annual leave, the depreciation of equipment, and the net losses on property transferred or donated; and

(2) receipts from sales or exchanges of property and payments for losses or damage to property accounted for under the fund.

(d) Any unobligated and unexpended balance in the fund that the Commission determies to be in excess of amounts needed for its operations shall be deposited in the Treasury as miscellaneous receipts.

Limitations on availability of funds for cost-sharing

Sec. 410. Federal funds made available to State or local governments under other programs may not be used by the State or local government for cost-sharing purposes under grant provisions of this Act. State or local government funds used for cost-sharing on other federally assisted programs may not be used for cost-sharing under grant provisions of this Act.

Method of payment

SEC. 411. Payments under this Act may be made in installments, and in advance or by way of reimbursement, as the Commission may determine, with necessary adjustments on account of overpayments or underpayments.

Effective date of grant provisions

SEC. 412. Grant provisions of this Act shall become effective 180 days following the date of enactment of this Act.

The statement of purpose and justification, and a section-by-section analysis presented by Mr. MUSKIE are as follows:

STATEMENT OF PURPOSE AND JUSTIFICATION FOR THE INTERGOVERNMENTAL MANPOWER ACT OF 1967

A legislative proposal to improve intergovernmental cooperation and grant-in-aid program administration; to assist State and local governments in strengthening their staffs by improving personnel administration and extending merit principles and by providing support for training of public employees; to permit temporary assignments of personnel between Federal and State and local governments; and for other purposes

PURPOSE

The proposed Intergovernmental Manpower Act is designed to improve the quality of American government at all levels, with particular emphasis on strengthening State and local governments to permit them to play their full part in a system of creative Federalism. The Act enhances the quality of State and local personnel without injecting Federal controls over program administration. Specifically, the Act seeks to achieve the following ends:

1. To authorize Federal agencies to admit State and local government officials and employees, particularly in the administrative, professional, and technical occupations, to Federal training programs. To meet the costs resulting from the admission of State or local employees or officials to such training programs, the Federal agency concerned may use its appropriations or may be reimbursed by State or local governments, or the Civil Service Commission may use its appropriations to reimburse the Federal agency concerned or make advances toward these costs.

2. To authorize Federal agencies administering programs of financial grants or assistance to State or local governments to provide special training for State and local government officials or employees who have responsibilities related to those programs; and permit State and local governments to use appropriate Federal funds to establish training courses for or to pay certain education expenses of their officials or employees who have responsibilities related to the program concerned.

3. To authorize the U.S. Civil Service Commission to make grants to State and local governments and other appropriate organizations for carrying out approved plans for training State and local employees, for the development of such plans by State and local governments, and for the granting of Government Service Fellowships to State and local governments to be used for their employees selected for special graduate-level university training.

4. To authorize the President, to the extent he determines to be practicable, to require State and local governments which receive Federal grants to provide systems of merit personnel administration for employees in such programs.

5. To authorize the Civil Service Commission to make grants to State and local governments to plan and to make improvements in their systems of personnel administration.

6. To authorize the Civil Service Commission to join with State and local governments in cooperative recruitment and examining activities and to furnish technical advice and assistance, at the request of State and local governments, to strengthen personnel administration.

7. To give the consent of Congress to interstate compacts designed to improve personnel administration and training for State and local employees.

8. To authorize the temporary assignment of personnel between the Federal Government and States and local governments.

9. To direct the Civil Service Commission to coordinate training activities at the Federal level so as to avoid duplication of effort and to insure maximum coordination of related activities.

JUSTIFICATION

President Johnson, in his State of the Union Message to Congress on January 10, 1967, identified as a major objective the need "to create a more effective partnership at all levels of American Government." The President said:

"The 88th and 89th Congresses enacted more social and economic legislation than any two Congresses in our history. But all of this legislation will come to nothing unless it reaches the people.

"Federal energy is essential. But it is not enough. Only a total working partnership among Federal, State, and local governments can succeed. The test of that partnership will be the concern of each public organization. each private institution, and each responsible citizen.

"Each State, county and city needs to examine its capacity for government in today's world. Some will need to reorganize and reshape their methods of administration—as we are doing. Others will need to revise their constitutions and their laws to bring them up to date—as we are doing. Above all, we must find ways in which the multitudes of small jurisdictions can be brought together more efficiently.

"During the past three years we have returned to State and local governments about $40 billion in Federal aid. This year alone seventy per cent of our Federal expenditures for domestic social programs will be distributed by State and local governments. With Federal assistance, State and local governments by 1970 will be spending close to $110 billion annually. These enormous sums must be used wisely and effectively.

"We intend to work with the States and localities to do exactly that."

In his budget message to Congress for fiscal year 1968, President Johnson provided an agenda for Federal, State, and local cooperation:

"Capable personnel are essential for effective service to the public at the State and local level no less than at the national level. I am recommending legislation to broaden educational and training opportunities for students planning careers in the public service and for public employees who desire to improve their skills. Provision will also be made for financial and technical assistance to strengthen State and local personnel management and to permit interchange of personnel between the Federal Government and State and local governments."

On March 17, 1967, in his message to Congress on the Quality of American Government, President Johnson said: "The work to be performed in the years ahead will summon trained and skilled manpower in quantities—and quality—we have never needed before."

The President recommended two legislative proposals to improve the quality of government in the years ahead—the Education for the Public Service Act of 1967 and the Intergovernmental Manpower Act of 1967.

With regard to these two proposed laws, the message of the President stated:

"These measures are demanding. They will require the support of Congress, the Executive Branch, State and local governments, our colleges and universities and private organizations."

"They recognize that the key to effective action remains with the States and local governments.

"1. *The Education for the Public Service Act of 1967:* This legislation has a single clear goal: to increase the number of qualified students who choose careers in government.

"The measure would authorize the Secretary of Health, Education, and Welfare to provide fellowships for young men and women who want to embark on the adventure of government service.

"It would provide support to universities seeking to enrich and strengthen their public service education programs."

"* * * * *

"2. *The Intergovernmental Manpower Act of 1967:* This legislation is designed specifically to deal with the varied manpower needs of State and local governments.

"It would authorize the Civil Service Commission to: Provide fellowships to State and local government employees; Make grants of up to 75 per cent to help State and local governments develop and carry out comprehensive training plans and strengthen their personnel administration systems.

"It would allow federal agencies to admit State and local employees to federal training programs, and to provide additional assistance for those employees who administer federal grant-in-aid programs.

"Across America, many men and women of skill and vision work in State houses and city halls.

"Their knowledge and experience can help us. And we are prepared to bring the special experience of federal employees to the local level.

"The Intergovernmental Manpower Act would allow federal workers to take assignments in State and local governments for periods of up to 2 years, with full protection of job rights and benefits. In addition, the federal agencies would be able to accept State and local employees for assignments of equivalent periods.

"This proposal, I believe, fills a vital need. The mutual interchange of ideas and perspectives will benefit all echelons of government."

General nature and scope of the problem

The metropolitan areas of the United States are home to nearly two out of every three of our citizens. By 1980, there may be as many as 190 million persons living in vast metropolitan complexes.

This swelling tide of growth is posing tremendous problems to government at all levels. The areas in which these problems arise are well-known: slums and commercial blight, inadequate housing, water and air pollution, crime and juvenile delinquency, racial tensions, unemployment and underemployment, traffic congestion, and inequities in education, to mention only some of the major ones.

Citizens are demanding of their governments more effective government, better education for their children, more and better roads and public transit facilities, clean and plentiful water, unpolluted air, better police and fire protection, more and better recreation facilities, more and better hospitals, better facilities for the treatment of mental illness, programs for safeguarding economic security, and many others.

The major burden of providing these and other such public services rests with State and local governments. These mushrooming demands, however, generally have been beyond the financial capabilities of the State and local governments to meet, as evidenced by the continually increasing need for and the amount of Federal aid. In ten years, total Federal aid to State and local governments will have more than tripled, rising from $4.1 billion in 1957 to an estimated $15.4 billion in 1967.

This aid in recent years has constituted about 15% of total State-local revenue and covers a wide variety of activities: from airport construction to urban renewal, from highway construction to public assistance and community development. All told there were 162 Federal programs of aid to State and local governments in January 1966. The need of State and local governments for substantial financial assistance is only one of the many facets of the overall problem of meeting the demands of our citizens and of making our population centers fit places to live. Also critical is the fact that many of the States and local governments, now and in the foreseeable future, lack the highly qualified administrative, professional, and technical personnel in the numbers required to plan, innovate, organize, and execute the wide variety of necessary programs.

Between 1955 and 1965, State and local government employment increased from 4.7 to 7.7 million persons. This is a 63% increase—a rate of growth 4 times that of the United States economy as a whole and 7 times that for Federal employment.

It is estimated that total State and local government employment will rise from 7.7 million in 1965 to a level of approximately 11.4 million by 1975—an increase of 48 per cent. Total recruiting needs for administrative, professional and technical employees (other than teachers) are estimated at 2.5 million persons over the ten-year period—an average of 250,000 a year. This includes both replacement needs and growth. Nothing like this critical manpower situation has ever been faced before by State and local governments.

There can be little question, therefore, that now and in the future State and local governments must face a serious problem in obtaining and retaining the large numbers of the high quality administrative, professional, and technical personnel they must have. The general shortage of such trained and talented people throughout the economy will compound this problem.

The growing concern with the problem

The concern over the problem of trained and talented manpower at all levels of government is not a recent development.

As long ago as 1933, the Social Science Research Council, an autonomous body representing seven national professional societies in the social science field, appointed the Commission of Inquiry on Public Service Personnel to report to the American people on the problem of governmental manpower. The Commission's report *Better Government Personnel* concludes with a statement which is remarkably similar to conclusions reached today: "In spite of the vital importance of government and governmental services, American national, State, and local governments do not at the present time attract to their service their full share of the men and women of capacity and character. This is due primarily to our delay in adjusting out attitudes, institutions, and public personnel policies to fit social and economic changes of the past seventy years."

Almost 30 years later in 1962, the Municipal Manpower Commission, after an extensive investigation which included interviews wtih hundreds of local officials, reported similar findings in its study *Governmental Manpower for Tomorrow's Cities:* "The quality of APT (administrative, professional, technical) personnel in local governments today, by and large, is inadequate to cope with present and especially emerging metropolitan problems . . . The local governments have not attracted, at the entry level, a fair share of the ablest young people equipped with intelligence and training to rise to APT positions."

Although the two studies reach similar conclusions, the situation of the labor market, of course, was greatly different at the respective times of these reports. The critical shortage of workers in more recent years—and especially of those workers of high training and quality—led the Municipal Manpower Commission to add: "In a significant number of instances, local governments are living on the 'fat' of the manpower they were able to recruit during the depression Thirties . . . The retirement of a large proportion of all department and division heads in the next decade must be expected."

The present status of State and local manpower is also reflected in a recent study of the Committee for Economic Development. In its report *Modernizing Local Government to Secure a Balanced Federalism,* the Committee characterized State and local government personnel in some jurisdictions in the following phrases:

"Positions requiring knowledge of modern technology are frequently occupied by unqualified personnel."

"Except in large cities, most department heads are amateurs."

"The spoils system still prevailing in parts of the nation has deep roots in many local governments."

"Pay scales are usually too low to attract competent professional applicants."

The Federal Government, in both the Legislative and Executive Branches, has also engaged in studies of the problems in this area. In the Executive Branch, an intensive review has been made of the forementioned and many other studies and reports of private and government groups and individuals. The views and recommendations of experts in the field (including governors, mayors, city and county managers, knowledgeable people in private business, administrators of Federal programs, academic scholars, representatives of the professions, foundation officials, and others) have been sought. The day-to-day experiences of the Executive Branch in administering grant-in-aid programs over the past years has been closely examined. The record shows that—

Real success in carrying out the social and economic programs enacted by the 88th, 89th, and earlier Congresses, and financed by Federal funds, does depend very greatly on the vitality and competence of State and local governments; and

Such vitality and competence in turn, depend largely upon the ability of State and local governments to attract and retain talented, well-trained, and highly motivated individuals into their career administrative, professional, and technical ranks.

In the Legislative Branch of the Federal Government, among many pertinent studies, the Subcommittee on Intergovernmental Relations of the Committee on Government Operations, United States Senate, has conducted a continuing study over the past three years on American federalism. In the report *The Federal System As Seen By Federal Aid Officials: Results of a Questionnaire Dealing with Intergovernmental Relations,* 1965, the Subcommittee points out:

"Even the most brilliantly conceived grant-in-aid program will fail to meet its objectives unless there are qualified State and local personnel to carry it out. Intergovernmental personnel matters, then, are of paramount significance."

The report further states that:

"A shortage of well-trained and highly qualified administrative, professional, and technical personnel exists now at all levels of government and present forecasts indicate that this gap will grow. Many of the well-trained and well-qualified employees presently working for the various levels of government were hired during the depression years of the 1930's and they are now approaching retirement age."

Senator Edmund S. Muskie, Chairman of the Subcommittee on Intergovernmental Relations, commented on the above report in August, 1966, in his opening statement at the Hearings on S. 3408, the *Intergovernmental Personnel Act of 1966:*

"The subcommittee found that manpower was one of the weakest links in the chain of cooperative federalism. The 109 middle-management administrators of Federal grants participating in this study indicated a basic awareness that the success of their programs depended in large measure on the talents of their State and local administrative counterparts."

After a thorough review of the evidence, Senator Muskie in his statement described the immense problem brought about by the shortage of qualified personnel.

"These forecasts of manpower shortages . . . reveal that State and local governments generally—and not just a few of these jurisdictions—are having serious difficulty in attracting and holding professional, managerial, and technical personnel. Finally, they promise that these jurisdictions will face even greater difficulties in the years ahead.

"These estimates of State and local personnel shortages, then, clearly indicate that manpower is as critical to improved intergovernmental relations and to creative federalism as any other single issue."

The programs set forth in the proposed Intergovernmental Manpower Act are designed to help meet the new conditions and problems outlined above.

Title I: Training and developing State and local employees

Recent studies have pointed out that many professional, technical, and administrative employees of State and local governments lack the kinds and levels of skills necessary to adequately perform their jobs. Formerly adequate knowledge may be outdated in the face of increasingly complex technical and management problems.

State and local officials recognize the need for training. Over 90% of those surveyed by the International City Managers Association in 1961 stated that there was definitely a need for post-entry employee training programs. The report of this survey, *Post-Entry Training in the Local Public Service,* showed that only 30% of the responding local governments and only 40% of the responding States conducted regular training programs for key management and technical personnel, and only a minority of the local programs ". . . Could be classified as either comprehensive or adequate."

The Municipal Manpower Commission, in its 1962 study, similarly found that less than one-third of local governments were training administrative, professional, and technical employees. The Commission also noted that "In the opinion of their peers many APT people in local governments are poorly prepared for their positions."

Surveys of training at the State level, such as those reported in *Training Activities in the State Governments,* 1962, by Earl Planty, Professor of Management, University of Illinois, and George Kanawaty, a graduate student at the same university, and in *Public Employee Training on the State Level in the United States,* 1964, by Charles E. Moan, Jr., Director of Training for the Department of Administration, State of Rhode Island, show that, although most States have some sort of training program, it is generally not extensive or well-coordinated. Many States do not have a central training office to direct or coordinate the programs. Few States have written statements of training policy, standards for the establishment of programs, methods of evaluating them, adequate records, knowledge of the type or amount of training being accomplished by individual agencies, or precise information on training expenditures.

Expenditures for training at the State and local levels are reported to be less than for other major personnel activities. The 1964 report by Mr. Moan noted that in the State governments ". . . reported budgetary appropriations for training, particularly on the central level, were low in comparison with the total number of employees in the public service." Many State budgets, however, did not show the specific financial share allocated to training and it was difficult to cite actual training expenditures for the State agencies.

Further information on this point is provided by the Public Personnel Association in its 1964 report *Budgets, Staffs, and Pay Rates of Public Personnel Agencies*. A survey showed expenditures for training at the State level to be much less than for other major personnel activities. At the local level, in 178 cities with over 100 employees, over 40% made no report on training expenditures. An additional 40% indicated that their expenditures were less than one-tenth of the personnel budget.

The nature of the problem is further revealed when note is taken of which employees receive training. Both the International City Managers Association and the Municipal Manpower Commission studies indicate that training at the local government level is concentrated on a few specific groups such as policemen, firemen, and office personnel. The training is generally designed to improve basic skills and help lower-level employees to perform in their present jobs.

Administrative, professional, and technical personnel, however, receive relatively little training in the changing nature and responsibilities of local government, problems of human relations, or modern decision-making in complex situations. At all levels, there are very few effective career development programs.

The States are more active that local governments in executive, middle-management, and supervisory training. Few States, however, provide help in these areas to the local governments. Most training programs provided by States for local government personnel are in specialized service areas where the State has direct financial and administrative interests.

The International City Managers Association has listed certain basic training program needs which must be met if the current situation is to be improved. Included in these immediate needs are additional funds, qualified personnel to design and give training programs, training materials and guides geared to local problems and situations, technical advice on how to train, and a clearing house of information on training available.

State and local governments now receive some training assistance from outside sources, but not on the extensive scale that is needed. Professional societies and associations and local universities provide excellent sources for training and career development. Current Federal programs for training certain groups of State and local employees flow from a variety of authorities enacted by Congress but are not adequate to satisfy present needs. They are largely restricted to specific functional fields in line with substantive legislation.

The Senate Subcommittee on Intergovernmental Relations has recommended:

"A Federal grant-in-aid program to assist State and local governments in providing in-service training programs for their personnel, and . . .

"The Civil Service Commission, individual Federal agencies, and private organizations, such as the Brooking Institution, . . . establish a series of intergovernmental institutes and seminars which would bring together Federal, State, and local administrators of the same or even dissimilar aid programs."

Title I of the present proposed bill is intended to help provide the broad scale aid that is needed by State and local governments to develop adequate training programs for their employees. It would encourage training through a wide variety of sources such as:

Internal State and local government training programs.

Regular Federal employee training programs.

Special training programs established for certain State and local employees by Federal agencies administering grant-in-aid programs.

Programs offered by higher educational and other non-profit training institutions and professional associations.

The training programs contemplated under the proposed legislation would be designed to help the employees who need short term, intensified training courses to keep up with the latest developments in their fields, as well as to provide fellowships for those employees who need to participate in longer-term, graduate-level training. They would assist in providing the technical training that is needed to strengthen the operation of State and local governments in new and complex fields, and would increase the availability of management training which is now so limited at the State and local levels.

The authorities in the bill would also be so administered as to provide the coordination and planning which is now lacking, to a large extent, in the training activities related to Federally-assisted programs.

Today, more than ever, the rapid rate of technological and social change emphasize the need for continuing education and training. No matter how well trained administrative, professional, and technical employees are when they first enter the public service, they will need to have further training through the years to keep up with major technological changes, to study the complex new problems facing State and local governments, and to prepare themselves for new responsibilities.

The Committee for Economic Development stated the need as follows: ". . . young employees contemplating careers as professional administrators should receive additional training in basic administrative techniques, such as those used in budget preparation and administration, organizational techniques, space and manpower studies, and procedural analysis. Local units without enough recruits each year to conduct their own on-the-job programs should use contract systems with universities, professional associations, or other governments.

"Beyond training for new employees, there is pressing need for continuous development of persons in responsible positions. A program of continuing education and mid-career development—with universities and professional associations—is crucial to effective administration in all local government."

Title I of this proposed bill is intended to help meet the above expressed need, with the conviction that better training for State and local employees will mean improved service to the public, more efficient operation of Federally-aided and other programs, the attraction and retention of better qualified personnel for the public service, and increasing public confidence in the ability of State and local governments to meet the needs of the present and the future within the context of the creative Federal system.

Title II: Strengthening State and local personnel management

The basic purpose of title II is to stimulate and assist State and local governments to strengthen their staffs and improve their systems of personnel administration. A related objective is to help bring about the maximum possible degree of effectiveness in the administration of Federally-aided programs.

The Municipal Manpower Commission reported in *Governmental Manpower for Tomorrow's Cities* that: "The vitality of urban America is at this moment one of the most important domestic priorities. Urban public service, staffed by able, interested personnel, can go far to maintain this vitality. If the best talents are not at work to tackle the problems and make the decisions of the metropolitan areas, the daily lives of our urban dwellers will be adversely affected."

The Committee for Economic Development, in its report *Modernizing Local Government*, pointed out that American institutions are now under a severe and increasing strain. The report particularly pointed out that specialized skills are increasingly essential to the solution of most governmental problems.

The research of the Senate Subcommittee on Intergovernmental Relations has revealed that States and localities—not Washington—have shouldered most of the burden of meeting the mounting public demands for more and better services.

In the hearings before the Subcommittee on the proposed Intergovernmental Personnel Act of 1966, representatives from Federal, State, and local governments, private business, professional organizations, and others attested to the need for highly qualified and motivated personnel at the State and local levels. This need must be satisfied, particularly in the administrative, professional and technical areas, if they are to carry out the many new Federally-financed programs effectively.

Frederick Fay, President of the National Association of Housing and Redevelopment Officials, cited the needs that exist in the specific area of housing and urban development: ". . . a large factor standing in the way of effective and speedy achievement of goals of the Great Society in our field—is a lack of trained and experienced manpower to do the job."

Governor George Romney of Michigan and Charles Schwan, Jr., representing the Council of State Governments, noted the overall increasing responsibilities being placed on the States and the correlative need for more and better qualified people to carry out the administration of developing functions.

From such information as is currently available on the coverage of State and local employees under systems of personnel administration based on principles of merit, we know that:

At the State level: Of the more than two million persons employed in 1965, 963,000 or 47.9 percent were covered by some system of merit personnel administration. Percentages of State employees covered by merit systems in individual States ranged from a low of 4.1 percent to a high of 86.4 percent. In 24 States, less than 50 percent of the employees were covered.

At the city levels: A large majority of cities over 100,000 population have merit system laws which cover at least some of their employees.

At the county level: Scarcely 200 of the slightly more than 3,000 counties have a merit system law or are covered by State law.

The statistics on coverage or non-coverage of personnel by merit standards do not, however, tell the whole story. Of paramount importance are the answers to such questions as:

How well are these personnel systems doing their job?

Are they responsive to and meeting the current needs of the government jurisdictions they serve?

Available information seems to indicate that, with some notable exceptions, they are not.

The Municipal Manpower Commission recommended that: "The appointment and advancement of public personnel should be based exclusively on merit principles. The principle of 'merit'—that men and women should be selected and promoted only on the basis of proved competence and accomplishment—must be observed in any enterprise faced with great changes and public responsibility."

The Committee for Economic Development also concluded that "Personnel practices based on merit and professional competence . . ." are vital to present demands.

The Committee noted one means of bringing the merit system to local governmental units: "Federal and State grants are sometimes conditioned upon professional or merit staffing, a useful requirement forcing local units to do what should have been done on their own initiative."

In the hearings on the Intergovernmental Personnel Act of 1966, State and local officials, organizations deeply interested in administration in governments, concerned scholars, and others pointed out that most personnel systems in State and local governments were not doing their job as effectively as they might, and were not fully responsive to new and changing needs.

Many of those testifying gave strong support to the application of merit principles to State and local government personnel systems. They further suggested, that in administering a grant-in-aid program to improve personnel administration, a Federal staff agency, such as the Civil Service Commission, rather than an operating department, would be most responsive to the various needs of State and local governments.

The personnel function requires a background in serving the interests of management generally, of being responsive to the needs of a variety of management structures, and of experience in the development of executive policy. Severe limitations would exist on the flexibility of a program-oriented Federal agency to conduct a comprehensive program of staff assistance to State and local governments in the field of personnel administration. Rather, the various Federal program agencies could best serve as a source of expert advice, as needed, to the central staff agency with overall responsibility.

Dean Stephen K. Bailey of the Maxwell Graduate School of Citizenship and Public Affairs, Syracuse University, and currently President of the American Society for Public Administration testified that the Civil Service Commission could provide the necessary expertise to assist in developing and improving merit systems.

"In my estimation, Federal grants should be awarded . . . only after the Chairman of the U.S. Civil Service Commission has satisfied himself that States and localities will undertake vigorous analyses of existing personnel practices within their respective jurisdictions. . . . Obviously merit systems should be created where they presently do not exist; but equally important, most merit systems should be drastically reformed where they presently do exist."

The requirement that State and local governments employ persons engaged in administering Federally-financed programs under a merit system of personnel administration has been placed in effect, beginning in 1939, with respect to such programs as old-age assistance, medical assistance for the aged, unemployment compensation, aid and services to needy families with children, and a few others. More recently the requirement has been applied to the Employment Service, Civil Defense, and Medicare. All told, some 38 Federal programs out of 162 are now covered by the merit requirement.

Title II of the proposed bill authorizes the President, to the extent he determines to be practicable, to require State and local governments to provide, for those employees engaged in programs financed in whole or in part from Federal funds and as a condition for the grant of such funds, systems of merit personnel administration. To accomplish this, the President may establish appropriate standards consistent with merit principles.

In the broadest definition, merit personnel administration demands a personnel system in which comparative merit or achievement governs each individual's selection and progress in the service, and in which the conditions and rewards of performance contribute in turn to the competency and continuity of the service. A sound merit system operates with sufficient flexibility to be fully effective in a changing environment and fully responsive to program needs. It adjusts to the condition of the labor market and is viable in response to the demands of the public it serves.

On the other hand, routine merit systems with rigid or unrealistic procedures, as well as the older schemes of personal and political preferment, have proved ineffective. Management must therefore seek the development of modern, flexible, merit systems of personnel administration.

The proposed bill lists the several areas where emphasis should be placed in establishing standards for a merit personnel system. It also provides that covered employees shall be free from partisan influence or threat of reprisals in accomplishing their tasks and in seeking fulfillment of career objectives.

But at least as important is the capacity to carry on a modern personnel program. The personnel staffs of many State and local governments are not of sufficient size, nor do many have the necessary broad base of experience, to develop, and implement fully effective systems of personnel administration based on principles of merit. Data from the report *Budget, Staffs and Pay Rates of Public Personnel Agencies* show that at least twenty States had no more than ten professional staff officials in their personnel agency. Many local units of government are not sufficiently large in population, geographic jurisdiction, and financial resources to make long-range plans and to attract and retain an adequate professional personnel management staff.

Therefore, in order to assist States and local governments to develop and implement comprehensive plans to strengthen their career staffs and their systems of personnel administration based on merit principles, title II of the proposed bill authorizes the Civil Service Commission to make grants for these purposes to State governments.

In the event that a State does not submit or intend to submit a plan which provides adequate assistance to particular local governments, those local governments of general jurisdiction, or combinations of such governments, which serve populations of 100,000 or more may submit plans to and receive grants from the Civil Service Commission.

In a statement submitted to the Subcommittee conducting hearings on the proposed Intergovernmental Personnel Act of 1966, Elliot Richardson (then Lieutenant Governor and now Attorney General of the Commonwealth of Massachusetts) said: "The cooperative role envisioned for the Civil Service Commission in examination procedures, recruitment, and training is particularly welcome. We can profit from the experience and the progressive programs of the Federal Civil Service Commission."

Title II of this proposal authorizes the Civil Service Commission, in the area of cooperative recruiting and examining, to:

1. Join, on a shared-cost basis, with State and local governments in cooperative recruiting and examining activities,

2. Certify, on the written request of a State or local government, the names of eligible persons on Federal registers appropriate to the position being filled, and

3. Accept reimbursement or advances of funds for the above services.

Finally, the Commission is authorized in title II to furnish technical advice and assistance to State and local governments in the area of personnel management. A vigorous program of technical assistance will not only insure maximum benefits from the extension of merit principles, the provision of grant assistance, and the institution of substantial cooperative efforts, but will also reach problem areas not reached by grants or joint operations.

Title III: Mobility of Federal, State and local Government employees

Title III of the proposed Intergovernmental Manpower Act of 1967 is intended to facilitate Federal-State-local cooperation and enhance effective use of skilled manpower. It permits Federal employees in all Executive agencies to serve with State or local governments for periods up to two years, with provision for extending such assignments for not to exceed two additional years under certain conditions. Federal employees so serving would suffer no loss of employee rights and benefits by virtue of serving in such assignments. Authority is also provided for State and local government employees to work for the Federal Government for similar periods.

The mobility idea is not new, and its value has already been demonstrated in previously established programs in industry, institutions of higher learning, and the Government. There are many areas of parallel function which require the application of similar skills. The temporary assignment of high quality personnel to a related organization brings fresh thinking to bear on mutual problems and broadens perspective. It enables an organization to obtain the expert help it needs to solve a special problem or get a new program started.

This is particularly important in the governmental sphere at this time. With the establishment of new broad-ranging programs involving every level of Government, many jurisdictions are finding it difficult to obtain the professional and managerial personnel needed to staff those programs. Being able to share hard-to-get talent would be invaluable in advancing these programs.

There are two primary requisites to establishing a mobility program. There has to be a willingness on the part of the agencies involved to work together, and there has to be some assurance to the employees concerned that they will not lose any of the rights and benefits of their original employment by serving in another jurisdiction. If one of the jurisdictions does not provide for the continuation of an employee's rights and benefits, a very practical deterrent is created. The unavailability of a travel allowance or the loss or suspension of pension benefits could cause an employee to withdraw himself from consideration for such assignment.

In the Federal Government, it is possible for an employee to accept a temporary assignment with another government jurisdiction while on leave without pay from his regular job. But if he accepted the assignment under existing authorities, he would have to take some losses. There is no provision for reimbursing his moving costs or for insuring his continuing eligibility for fringe benefits. Depending on the length of time he would be away, he would stand to lose leave and retirement credit, for example.

It has taken special legislation to establish the few Federal-State mobility programs currently in operation. Under Public Law 84-918, the Department of Agriculture has the authority to arrange for the temporary assignment of its personnel to the States, and vice versa, on a detail or leave without pay basis without the loss of Federal employee rights and benefits. Similar authority was recently granted the Office of Education and the Public Health Service. All of these authorities contain provisions for temporary Federal appointments of State employees and limited Federal fringe benefit coverage under certain circumstances.

The proposed title III is an adaptation of these authorities for all Executive agencies. Similar to the other authorities, this title sets a two year limit on assignments but, in addition, provides authority for an extension of not to exceed two years in special situations. It is expected that most assignments would run for approximately a year or two and that the extensions would be made sparingly. The proposed title also provides for Presidential regulation which could be delegated.

It is, of course, recognized that some reciprocal action on the part of State governments is needed to make mobility work. State governments and their subdivisions would have to be willing to accept Federal employees and provide guarantees to their own employees that they would not incur hardship by accepting a Federal assignment.

Some progress in this direction is being made, but there is still a long way to go. Various State governments have arrangements whereby employees are permitted to serve temporarily in other jurisdictions on a detail basis; others have arrangements for their employees to go off on leave without pay to serve another jurisdiction; but only a few have transfer authorities similar to those now existing in the Federal Government.

The Council of State Governments has, in the past, recommended to the States enactment of legislation which would permit State and local governments to participate fully in mobility programs. During the hearings before the Senate Subcommittee on Intergovernmental Relations regarding the proposed Intergovernmental Personnel Act of 1966, the Advisory Commission on Intergovernmental Relations called for such a program between the various levels of government and noted the Council of State Governments' recommendation which stated:

"At the present time the authority for Federal agencies to participate in a State or local employee interchange program is limited in scope. It is the recommendation of the Committee on Suggested State Legislation that Congress enact broad enabling legislation that would permit all Federal agencies to participate in employee interchange programs with both State and local governments."

Favorable consideration of this legislation by the Congress, encouraging intergovernmental mobility, would provide an impetus for State and local governments to follow suit.

It should be clear that the elimination of barriers to mobility does not require wholesale or widespread movement of people. No grand schemes of major rotation, no enforced movement, is contemplated. The objective is clear: to make it feasible and simple to move key technical people between units of government temporarily when it serves a sound public purpose. Large numbers would not be involved. Similar authority already applicable to a few program areas has been only modestly used.

Title IV: General provisions

Title IV provides the general provisions for titles I, II, and IV of the proposed Intergovernmental Manpower Act and also provides for the establishment of certain advisory groups.

In the definitions listed in this title "local government" includes, but is not limited to, "general local government." Local government in the United States is made up of a variety of units with varying responsibilities, authorities, and jurisdictions. Well over one-half of these local governments have responsibility for a single function such as public education, fire protection, or sanitation.

These single-function special districts, in all cases, fall within, overlap, or encompass multi-function, general-purpose units of local government such as towns, cities, and counties. This has, in many cases, caused fragmentation and lack of coordination in meeting the overall problems of metropolitan as well as less urbanized areas.

The local government grant-in-aid provisions in titles I and II of this proposal are applicable only to "general local government," thus excluding special districts as direct recipients of such grants. This restriction enables Federal funds to be made directly available only to those local governmental authorities which are capable of carrying out a coordinated and comprehensive approach to the overall problems of the community.

This title further provides the necessary authorization to administer effectively the various provisions of the Act. Included in the administrative provisions is authority for the Commission to collect information with respect to State and local government training programs and personnel administration and to make such information available to interested groups and organizations. Further authority is provided for conducting research and making such evaluations as are necessary for efficient administration of the Act.

A major concern of those who have studied the problem of State and local governments is the lack of information readily available concerning training and personnel programs. Maximum improvement of such programs can be achieved only when problem areas have been pinpointed, needs recognized, and resources coordinated. The above provisions will be major steps in achieving these goals.

Authority is also given to the Commission to require that State and local governments, administering a program or project, make such reports and evaluations as are necessary for effective control regarding the status and application of Federal funds and the operation of the approved program. State and local governments are also required to keep and make available for audit purposes records that are pertinent to the grant received.

Such records, evaluations, and reports are necessary to insure that a program continues to comply with provisions of the Act and, where there is a failure to comply, provides the documentation, or lack of documentation, necessary for considering termination of the grant.

To assist in matters of policy related to the Act, authority is provided for the establishment of two advisory groups by the President and for such other committees, to be established by the Commission, as are necessary to facilitate the administration of the Act.

Of those established by the President, one will be an advisory council which will study and make recommendations on the appropriate role of standards of merit personnel administration in the improvement of the personnel systems of the State and local governments. A second group will be an advisory committee on intergovernmental manpower policy which will advise on matters of general concern. The advisory group members will represent the Federal Government, State and local governments, educational and training institutions, professional and employee organizations, and the general public.

The advisory groups will serve as an initial and major step in achieving the working partnerships envisioned in the objectives of this proposal and will provide an avenue for the extension of the effective partnership to the administering officials at all governmental levels.

The final provisions of title IV relate to the appropriations, methods of payment, and the establishment of a revolving fund. Authorizations to establish a revolving fund would provide an effective accounting control over training and other functions of the Commission authorized by the Act to be financed by reimbursements or advance payments from available funds of Federal agencies and State and local governments. In addition, appropriations may be made to the revolving fund to provide the working capital necessary to finance operations pending the recovery of costs.

Summary

In conclusion, President Johnson's budget message to Congress for fiscal year 1968 may properly be cited:

"The Federal Government has a vital stake in the workings of our federal system. Federalism is not a one-sided partnership and the States and local governments do not exist simply to carry out programs on behalf of the National Government. When we lose sight of these facts the federal system suffers, governments work at cross purposes, and the programs fail to achieve their objectives. Our task now is to improve federal programs and administration, while we do more to help State and local governments strengthen their machinery for planning and management.

"Our agenda must give high priority to a stronger and more effective federal system of government in the United States. To meet urgent and growing needs, the Federal Government is providing a wide range of programs to assist State and local governments. Now the chief task is to manage these programs efficiently at every level of government to assure the most effective public services. This effort will require support and action by the Congress."

SECTION ANALYSIS: INTERGOVERNMENTAL MANPOWER ACT OF 1967

Section 1: This section sets forth the basic purposes of the Act as a whole and provides that it may be cited as the *Intergovernmental Manpower Act of 1967*.

Section 2: This section sets forth the finding and declaration of the Congress that it is in the national interest that the quality of public administration at all levels of government be improved; that the capacity of State and local governments to deal with complex problems confronting all levels of government be strengthened; and that the Federal Government assist the State and local governments in such efforts by furnishing aid to train their employees and to improve their systems of personnel administration, and by facilitating temporary assignments of personnel between levels of government.

Section 3: This section provides that the Act shall be administered in such a manner that the rights, powers, and responsibilities of State and local governments are fully recognized.

TITLE I—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

Section 101: This section sets forth the basic purpose of this title which is to strengthen State and local government programs for the training and development of their employees and officials, particularly those in professional, administrative, and technical occupations.

Admission to Federal employee training programs

Section 102: Subsection (a) of this section authorizes admittance of State and local government employees and officials to training programs established by a Federal agency to train Federal professional, administrative, or technical personnel. The subsection provides that the admittance of State and local employees and officials is subject to such conditions as the head of the Federal agency establishing the training program may prescribe.

Subsection (b) of this section authorizes Federal agencies admitting State and local government employees and officials to their training programs to receive payments for the training from, or on behalf of, State and local governments, to waive all or part of such payments, and to enter into agreements concerning the payments with the State or local government concerned. It is contemplated that such agreements may deal with such matters as method of payment, training fees, contributions for costs not covered by the fee, and amounts to be waived. State and local government payments may include contributions to meet any costs of conducting the training not covered by payments on a "fee-per-student" or similar basis. These unreimbursed costs would ordinarily be developmental or overhead costs, perhaps involved in the modification of a training program or course to better meet the needs of participating State and local government employees, as well as of Federal employees.

Subsection (c) of this section authorizes the Commission to use appropriations authorized by this Act to meet such costs to the extent they are unreimbursed, and to reimburse other Federal agencies for these costs.

Training of personnel engaged in grant-in-aid programs

Section 103: This section authorizes any Federal agency that administers a program of grants or financial assistance to establish, provide, and conduct themselves training programs specifically for States and local government employees and officials who have responsibilities related to the aided program. Federal agencies may, to the same extent provided in section 101(b) of this Act, accept payments for such training from or on behalf of State and local governments, waive all or part of such payments, and enter into agreements concerning the payments.

The section further provides that any Federal agency administering a program of grants or financial assistance may authorize a State or local government to establish, provide, conduct, and support training and education programs, including fellowship programs providing for full-time graduate-level study, for those of their employees and officials who have responsibilities related to the aided program. Full-time graduate level fellowship programs, to be approved, must be consistent with the provisions made for Government Service Fellowships under section 106 of this Act. Section 106 provides that fellowships may—

Not exceed two years of full-time graduate level study for professional, administrative and technical personnel;

Cover the necessary costs of books, travel and transportation, and such related expenses as may be authorized;

Provide reimbursement to the State or local government for up to 25 percent of the salary of each fellow during the period of the fellowship; and

Cover payment to the educational institution involved not to exceed $3,000 per academic year for each enrolled employee, less any amounts charged for tuition and nonrefundable fees and deposits.

The authority to reimburse the State or local governments for up to 25 percent of the fellowship recipient's salary will be used primarily to encourage and assist State and local governments to release an employee for needed long-term training by helping to defray a part of his salary costs, especially when such governments are faced with the need to pay the salary of a temporary replacement. It is intended that the salary so paid a recipient will not be excluded from gross income for Federal income tax purposes.

To provide the necessary financial support, the Federal agency concerned may use funds appropriated for the grant or financial assistance program, if such authority is provided in the appropriation act or other appropriate acts.

Section 103 also provides that the State or local government concerned shall select the employee or official to receive the education or training, and shall continue his full salary and normal employment benefits during the period of training. State and local governments, however, must make their selections in accordance with such eligibility criteria as may be prescribed by the Federal agency concerned.

Grants to State and local governments for training

Section 104: This section authorizes the Commission, if training is not adequately provided for under grant-in-aid or other statutes, to make grants to States and, under certain circumstances, to general local governments to meet up to seventy-five percent of the cost of developing and carrying out programs, approved by the Commission, for training their professional, administrative, and technical employees and officials. Such grants may not be used to cover the costs of full-time graduate-level study, which is covered in section 106 of this Act, or of the construction or acquisition of training facilities.

The grant may cover the costs of developing the program covered in the application as well as the costs of carrying out the approved program. It is intended that one application, to the greatest extent practicable, cover both planning and execution aspects and costs of the program and be reviewed and approved on a single-step basis.

The State and local government's share of the costs may include the reasonable value of the facilities and personal services they provide. The State and local government's share of costs may not, however, consist solely of providing such facilities and services.

The section sets forth the requirements a State or general local government application for a training program grant must meet in order to be approved by the Commission. The Commission is authorized to waive any of the requirements in a specific case. In general, these requirements emphasize the importance of careful planning, a comprehensive approach, strong leadership by the chief executive, inter-program and inter-jurisdictional coordination, and similar matters. In addition, a State or local government is required to provide assurance that the grant will not result in their reducing relevant expenditures or the substitution of Federal funds for funds they previously made available for these purposes.

The Commission is authorized to make grants to a general local government serving a population of 100,000 or more, or a combination of such local governments, if within one year from the effective date of the grant provisions of this Act the State has not submitted and received approval of an application for a training program grant which includes such local government. The grant provisions become effective 180 days following enactment of the Act. The application submitted by the local government must meet requirements similar to those established for State applications unless any requirement is waived by the Commission.

The purpose of this provision is to encourage State governments generally to engage in State-wide planning and coordination with local governments so far as training of public employees is concerned, but to permit larger local governments to move ahead with their own programs if a State government remains inactive in this field.

The Commission is authorized to waive the one year waiting period and make grants to general local governments if such a government requests the waiver and the State government has not declared, within 90 days of the effective date of the grant provisions of this Act, an intention to include in their application for a training program grant the employees of the local government.

The Commission may also waive the 100,000 population requirement and make grants to smaller general local governments, or combinations of such governments, if located in an area of rapid urbanization, a metropolitan area, a transportation corridor, or other critical geographical area, and if it finds such grants will meet essential needs in programs of national interest.

Grants to nonprofit organizations

Section 105: This section authorizes the Commission to make grants to nonprofit organizations that meet certain requirements specified in the section to pay up to seventy-five percent of the costs of providing training to State and local government professional, administrative, or technical employees and officials. To make such grants, the Commission must first find that State or local government interest in the training program is sufficient to warrant the financial support and, in addition, approve the training program as meeting such requirements as may be prescribed by its regulations.

It is contemplated that, in some cases, it may be more effective and less expensive to take advantage of the expertise of a nonprofit organization in developing a training program needed by several governmental jurisdictions, rather than for each State or city government to set up such a program itself, even though capable of so doing.

Government service fellowships

Section 106: This section authorizes the Commission to make grants to States and general local governments to support programs, approved by the Commission, to provide fellowships for graduate-level study to professional, administrative, and technical employees such State and local governments have selected for this training. The grants may cover the necessary costs of travel and transportation, books and such related expenses as the Commission may authorize, not exceed one-fourth of the salary of the employees selected for the period of the graduate study, and not to exceed $3,000 per academic year to the educational institution involved for each fellow, less any amount charged by the institution for tuition and non-refundable fees and deposits.

The authority to include in the grant an amount sufficient to pay 25 percent of a fellowship recipient's salary will be used primarily to encourage and assist State and local governments to release an employee for needed long-term training by helping to defray a part of his salary costs, especially when such governments are faced with the need to pay the salary of a temporary replacement.

A fellowship awarded by a State or general local government to a professional, administrative or technical employee will be for a period not exceeding two years.

This section provides that the State or general local government will, subject to eligibility criteria prescribed by the Commission, select the individual employee to be awarded a fellowship. The State or general local government must, during the period of the fellowship, continue the full salary and normal employment benefits (such as credit for seniority, leave accrual, retirement, and insurance) to which the recipient of the fellowship would be entitled had he remained on the job. It is intended that the salary so paid a recipient will not be excluded from gross income for Federal income tax purposes.

Coordination of Federal programs

Section 107: This section directs the Commission, after consultation with other concerned Federal agencies, to prescribe regulations covering the training provided for in title I of the Act. The regulations are to include requirements for coordination of, and reasonable uniformity in, the training programs established by the Commission and by other Federal agencies under title I.

In addition, the section directs the Commission, again after consultation with other Federal agencies concerned, to coordinate the training support given State and local governments under this Act with that provided under other Federal programs. The Commission is to make such arrangements as needed to avoid duplication among Federal programs providing for training of State and local government employees and to insure consistent administration of related Federal training activities. The Commission is authorized to collect and maintain appropriate data on Federal agency training grants and programs.

This section does not give the Commission authority over such agency functional training matters as substantive course content, methods and techniques of training, or training priorities.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

Declaration of purpose

Section 201: The section sets forth the basic purpose of this title which is to assist State and local governments to strengthen their staffs by improving their personnel administration.

Improving basic personnel systems

Section 202: This section authorizes the President, to the extent he determines it to be practicable, to require that State and local governments provide, for their employees who are engaged in programs which are financed in whole or in part by Federal funds and as a condition for the grant of such funds, methods of personnel administration that are based on merit principles.

To accomplish this purpose, the section provides that the President may establish appropriate standards of merit personnel administration which will emphasize certain provisions which are important to positive, effective personnel management under merit principles. It is intended, and is so provided in section 208 of this Act, that standards issued under the merit requirements of existing statutes would remain in effect until the President issues new standards.

The section also provides that neither the standards of merit personnel administration established by the President nor the requirements established for programs to strengthen State and local government personnel administration under sections 203 and 204 of this Act, may be construed to authorize any Federal agency or official to exercise any authority, direction or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to an *individual* employee whose employment is in compliance with the established standards. Nor may this section or sections 203 and 204 be construed to authorize any Federal official to require the application of the established merit standards to any educational institution or school system.

State government and statewide plans and grants

Section 203: This section authorizes the Commission to make grants to States for up to seventy-five percent of the costs of developing and of carrying out programs to strengthen State and local government personnel administration and for furnishing needed personnel services to local governments.

To receive grants, a State must submit and obtain Commission approval of an application meeting requirements specified in subsection (b) of this section and containing such information as the Commission may prescribe. The Commission is authorized to waive any one or more of these requirements.

One such requirement is that the application must provide for personnel administration based on merit principles for those employees of the State office designated by the governor or chief executive to have primary authority and responsibility for developing and administering the approved program or project, unless determined to be impracticable by the Commission in the case of projects of limited scope.

Those State employees who are engaged in the administration or programs funded in whole or in part by Federal funds, but who are not already covered by merit standards requirements under other statutes or established by Presidential action under section 202(a) of this Act, and who are also affected by the grant program under this Act, must also be covered by merit principles, unless this requirement is waived by the Commission.

Cases may arise where it would not be appropriate to require merit standards of personnel administration in order to receive a particular kind of Federal program aid, but where it might become appropriate to so require when the State or local government also asks for Federal financial assistance in improving personnel administration for the program concerned. It might then be reasonable to expect that such improvement would include measures to bring about merit administration.

It is intended, and is so provided in section 208 of this Act, that merit standards issued under the merit requirements of existing statutes and administrative agreements and regulations would continue in effect until superseded or modified by standards issued under this Act. Meanwhile, these standards would also satisfy the requirements of this section.

Programs or projects contained in grant applications may also include such elements, for example, as: (1) establishment of a statewide personnel system; (2) making of State grants to local governments; (3) conducting research and demonstration projects, either by the State and local government staffs or by contract or grant with an appropriate non-profit educational or other institution, to develop and apply better personnel administration techniques to meet special problems of State and local public services; and (4) strengthening and improving the methods and techniques of recruitment, selection, assignment, and development of handicapped persons, women, and members of disadvantaged groups whose capacities are not utilized fully. The purpose of these provisions is to encourage innovation and imagination in making personnel administration responsive to new and changing conditions, especially in large urban areas.

The State may also include in its application a program for furnishing needed personnel services to local governments, or it may submit an application dealing exclusively with such a program if it does not wish to request assistance with respect to its own personnel management improvement activity.

The application for a Federal grant under this section must provide assurance that the grant will not result in a reduction in relevant State and local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes.

Local government programs and grants

Section 204: This section provides that if, within one year from the effective date of the grant provisions of this Act, the State has not received Commission approval of an application under section 203 of this Act which provides for assistance to general local governments in the State, these local governments, singly or in combination, may submit applications to and receive grants from the Commission if the population they serve, either individually or collectively, is 100,000 or more.

The Commission, at the request of a general local government, is also authorized to waive the one year waiting period and the requirement for a 100,000 population minimum in specified circumstances. The one year waiting requirement can be waived, at the request of a local government, if the State does not declare within ninety days from the effective date of the Act's grant provisions an intent to file an application for a grant that will include the local government. The population requirement can be waived and grants made to smaller general local governments, or combinations of such governments, if they are located in an area of rapid urbanization, a metropolitan area, a transportation corridor, or other critical geographic area and if the Commission finds such grants will help meet essential needs in programs of national interest.

The purpose of this provision is to encourage State governments generally to engage in Statewide planning and coordination with local governments, so far as personnel administration improvement is concerned, but to permit larger local governments to move ahead with their own programs if a State government remains inactive in this field.

To be approved by the Commission, general local government applications must meet requirements similar to those prescribed for State plans under section 203(b) of this Act, but appropriately adjusted to reflect the fact the jurisdiction of concern is a local government, not a State. The Commission is authorized to waive any one or more of the requirements.

The application must provide assurance that Federal grants will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State and local government funds previously made available for these purposes.

Intergovernmental cooperation in recruiting and examining

Section 205: This section authorizes the Commission to join, on a shared-cost basis, with State and local governments in cooperative recruiting and examining activities under such procedures and regulations as may be jointly agreed on.

The Commission is authorized, on the written request of a State or local government and under agreed to procedures, to certify to the requesting jurisdiction, from Federal registers appropriate to the job being filled, the names of persons who are eligible. In the administration of this section, the Commission will not, however, certify to State or local governments the names of persons who have indicated that they are not interested in employment with such jurisdictions.

The Commission is also authorized to accept payments from State and local governments requesting the Commission to certify names of eligibles for the costs of performing the service: such costs to be determined by the Commission. These payments are to be credited to the appropriation or fund from which the expenses were paid.

Technical assistance

Section 206: This section authorizes the Commission to furnish technical advice and assistance requested by State and general local governments who are seeking to strengthen their systems of personnel administration. The Commission is also authorized to accept from the State or local governments concerned payments covering, in whole or in part, the costs of providing the assistance. These payments are to be credited to the appropriation or fund from which the expenses were paid.

Interstate compacts

Section 207: This section gives the consent of Congress for any two or more States to enter into compacts or agreements for cooperative efforts and mutual assistance (including establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of the States concerned and for employees of their local government jurisdictions. Such compacts and agreements must not be in conflict with any Federal laws.

Transfer of functions

Section 208: Subsection (a) of this section transfers to the Commission all functions, powers and duties of any Federal department, agency, office or official (other than the President) that relate to the prescription of personnel standards on a merit basis under any provision of law or regulation that specifically requires the establishment and maintenance of personnel standards on a merit basis for programs financed in whole or in part by Federal grant-in-aid funds.

Subsection (b) of this section directs the Commission to aid State and local governments to comply with the personnel standards issued by the President under section 202 of this Act and those issued by the Commission under the authorities transferred to it by subsection (a) of this section. Subsection (b) also directs the Commission to investigate and advise the Federal agency concerned as to the compliance or noncompliance with the personnel standards of State and local government programs receiving grants or financial assistance. The Commission, further, must recommend to the concerned Federal agency such action as it considers necessary for the Federal agency to take to effectively carry out the purposes of this title.

Subsection (c) of this section provides for the transfer to the Commission, at the time directed and to the extent determined by the Director of the Bureau of the Budget, of the personnel, property, records, unexpended appropriations, allocations and other funds of a Federal agency which are concerned with the functions, powers, and duties transferred to the Commission by section 208(a). It is understood that any personnel engaged in functions transferred will be transferred in accordance with applicable laws and regulations relating to transfer of functions.

Subsection (d) of this section provides that personnel standards prescribed by the Commission under this Act will be consistent with those issued by the President under this Act.

Subsection (e) of this section provides that personnel standards issued by Federal agencies under current laws will remain in effect until modified or superseded by standards issued under this Act by the President or by the Commission.

Subsection (f) of this section provides that the effective date for the transfer of functions, powers, and duties is sixty days after the enactment of this Act.

TITLE III—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

Declaration of purpose

Section 301: This section sets forth the purpose of title III, namely to facilitate intergovernmental cooperation by authorizing temporary assignments of Federal employees to State and local governments, and of State and local employees to the Federal Government.

Section 302: This section adds a new subchapter VI at the end of Chapter 33 of title 5 of the United States Code embodying the mobility provisions.

Definitions

Section 3371 of the new subchapter defines "State" and "local government" for the purposes of this title. These definitions are intended to be broad enough to include any agency of a State or local government at any level, their instrumentalities including multi-State authorities such as the Port of New York Authority, intra-State authorities, and Federal-State authorities such as the Appalachian Regional Commission.

There is no special definition of a Federal agency or a Federal employee in this section. For the purposes of this title a Federal agency would be any Executive agency as defined under section 105 of title 5 of the United States Code. The definition of Federal employee would be that which appears in section 2105 of title 5. Uniformed personnel, including those in the Coast Guard, the Public Health Service, and the Coast and Geodetic Survey do not come under its coverage.

General provisions

Section 3372: This section provides the broad framework for establishing mobility programs. It authorizes assignments of employees, with their consent, from one governmental jurisdiction to another for periods up to two years. Assignments could be extended by the Federal agency head concerned for not to exceed two additional years. The assignment would have to be for work which the Federal agency head determined would be of mutual benefit to his agency and the State or local jurisdiction concerned. A man-for-man exchange would not be required.

The authority to prescribe regulations for the administration of this title would be assigned to the President. These regulations would include instructions for implementing the various provisions of this title and could provide for the exclusion of certain employees from coverage, such as elected officials or probationary employees.

They would also include guidelines for agreements that would be entered into by Federal agencies and State and local participating agencies governing the terms and conditions of individual assignments.

Assignment of Federal employees to States or local governments

Section 3373: This section deals with the assignment of Federal employees to State and local jurisdictions. Under subsection (a) employees could be assigned either on a detail or leave without pay basis, whichever seems most desirable to the agencies involved. Employees serving on a detail basis would be treated as Federal employees for all purposes except that their supervision would be governed by agreement between the participating agencies. The Federal Tort Claims Act and any other tort liability statute would continue to apply to Federal employees whether on detail or on leave without pay.

Subsection (b) provides that assignments either on a detail or leave without pay basis may be made with or without reimbursement by the State or local government for salary, supplemental salary, and travel and transportation expenses of Federal personnel. Authority would be available for Federal agencies to receive reimbursement from the State or local agency for all or part of the expenses of Federal employees.

Subsection (c) sets the ground rules for assignments of Federal employees to State and local governments on leave without pay. Such personnel would be given State or local government appointments, and their salary would come from State or local funds. However, Federal appropriations would be authorized for certain expenses. If the rate of pay for a State position is less than the rate of pay the Federal employee would have received had he remained at his Federal post, the Federal agency would pay a salary supplement equal to the difference. The supplement would be payable as earned, and would not be conditional on such factors as completion of the full period of assignment.

Employees serving on leave without pay would earn leave at the same rate as they would have earned it had they remained in their regular jobs. Employees would not be authorized to earn leave at a higher rate even if the position they occupied in the State government normally called for a higher earning rate. The determination whether the Federal Government or the State or local government paid for the leave would be arrived at by agreement between the participating agencies.

Federal employees on leave without pay would be entitled to continuation of their retirement, life insurance, and health benefits coverage under the civil service or other applicable systems as long as they currently paid the employee contribution into the appropriate fund or system. The employer contribution would be paid by the Federal agency originating the assignment for all three types of coverage. These personnel would continue to be covered under 5 U.S.C. 8501–8508 relating to unemployment compensation benefits.

Service performed on such assignments on leave without pay would be creditable for Federal salary; retention, retirement, and leave accrual purposes. Such service would also be creditable for early retirement purposes for law enforcement personnel under 5 U.S.C. 8336(c).

There is one circumstance, however, under which Federal health, life insurance, and retirement benefits would not be authorized. That would be when employees or their beneficiaries elected to receive benefits under State or local systems instead. The policy throughout this title is to bar the receipt of dual benefits by Federal employees for any purpose.

Subsection (d)(1) provides that if an employee on leave without pay is injured or killed in the performance of official duty, he or his beneficiary shall be treated for the purpose of injury compensation benefits as if he had been injured or killed while on active duty in his agency. Here, too, the employee or his beneficiary would have a choice between Federal and State benefits. And if the non-Federal benefit is selected, the employee or his beneficiary would not be entitled to a parallel Federal benefit.

Under Subsection (d)(2) an employee who elects to receive State workmen's compensation benefits would not be entitled to Federal disability retirement for the same period.

Assignment of State or local government employees

Section 3374: This section sets forth the conditions for assignment of State and local employees to the Federal Government.

Subsection (a) provides two methods for assigning State and local employees to Federal agencies which are comparable to the two methods authorized for Federal employee assignments to State and local governments. State or local employees could serve either on a detail basis or under a temporary Federal appointment without regard to the provisions governing appointment in the competitive civil service. An employee who is detailed to the Federal Government would remain a State government employee for most purposes. A state employee given a Federal appointment would be treated in the same way as any other temporary Federal employee for most purposes. He would not be entitled to tenure, and his appointment could be terminated at any time by the Federal agency employing him.

Subsection (b) provides that a State employee given a Federal appointment would not come under the coverage of the Civil Service Retirement Act or other applicable retirement systems or the Federal Employees Group Life Insurance Act. He would not be covered under the Federal Employees Health Benefits Act or similar authority unless his Federal appointment resulted in the loss of coverage under a State or local health benefits system.

Subsection (c) is concerned with the status of State and local personnel detailed to a Federal agency. Such personnel would not be entitled to Federal pay, but would be considered Federal for certain Federal employee laws including those relating to conflict of interest, political activity, failure to account for public money, disclosure of confidential information, lobbying with appropriated funds, and tort claims. In addition, they would be subject to such regulations as the President may prescribe. For example, they might be made subject to existing Executive orders relating to Federal employee conduct and suitability. The supervision of the duties of a State or local detailee would be governed by agreement between the participating agencies.

Subsection (d) provides that a State or local government employee serving on detail or under Federal appointment who is disabled or dies as a result of personal injury sustained while in the performance of official duty is to be treated as a Federal employee for on-the-job injury compensation benefits. However, as in the case of the Federal employee who is injured serving on a State or local government assignment, the State or local employee or his beneficiary would not be entitled to receive both Federal and State benefits for the same injury.

Subsection (e) provides that if a State or local government fails to continue the employer's contribution to the State or local government retirement, life insurance, and health benefit plans for a State or local government employee under Federal appointment, the employer's contribution or a part thereof, may be paid by the Federal agency concerned. In these situations, the Federal agency would transmit deposits directly to the State or local government system.

Travel expenses

Section 3375: This section authorizes the payment of travel and transportation expenses and per diem for State and local government employees assigned to Federal agencies and Federal employees assigned to State and local governments. This section is intended to be broad enough to provide for the needs of Federal, State, and local employees enroute to, from, and during their assignments in either the Federal Government or State and local governments.

The authorizations provided would be available for Federal agency use on a discretionary basis under regulations prescribed by the President. For example, it is not intended that the Federal agency would assume all the travel expenses of Federal employees serving on a leave without pay basis in State and local government assignments. The intent here is to have the authority available for use when it would be in the Federal agency's interest to use it. State and local governments would be expected to assume their fair share of the travel and transportation costs, particularly with respect to their employees serving on detail in Federal agencies and Federal employees serving under State and local appointment.

Subsection (a)(1) provides authority for a Federal agency to pay the costs of travel, including mileage and allowances, and per diem in lieu of subsistence in accordance with subchapter I of Chapter 57, title 5, United States Code, of Federal, State and local employees enroute to, from, and during assignment. It is expected that during the assignment, all travel expenses will generally be paid by the governmental jurisdiction to which the employee is assigned. There might be instances, however, when it would be desirable for the original employer to assume the cost, as for example, for travel to attend a meeting arranged at the request of the original employer.

Subsection (a)(2) provides authority to pay the travel and transportation expenses of the immediate families of employees assigned to another governmental jurisdiction and return. This includes transportation of household goods and personal effects, packing, crating, temporarily storing and unpacking, etc.

Subsection (a)(3) provides authority to pay a per diem allowance for the immediate family of the employee while enroute to and from the assignment location in accordance with section 5724a(a)(1) of title 5 of the United States Code. Section 5724a(a)(1) is the proposed title 5 citation for section 23(1) of the Administrative Expenses Act as amended by section 2 of Public Law 89-516. This citation is used in H.R. 5876 which would codify certain recently enacted laws.

Subsection (a)(4) would authorize payment of subsistence expenses for the employee and his immediate family for a period up to 30 days while occupying temporary quarters at the assignment location and upon return to the employee's original post of duty in accordance with proposed section 5724(a)(3) of title 5. This citation incorporates provisions of section 23(3) of the Administrative Expenses Act as amended by section 2 of Public Law 89-516, and also appears in H.R. 5876.

Subsection (a)(5) provides for the payment of expenses of non-temporary storage of household goods and personal effects in connection with assignment at an isolated location. This derives from section 25(a) of the Administrative Expenses Act as amended by section 2 of Public Law 89-516, and would appear as 5726(c) of title 5 upon enactment of the codification bill.

Subsection (b) provides that the expenses specified in subsection (a) may not be allowed unless the employee signs a written agreement to complete the entire period of his assignment or one year, whichever is shorter, unless separated for reasons beyond his control. If the agreement is violated, the expenses would be recoverable by the United States. However, an agency head could waive the right of recovery with respect to State or local government employees assigned to his agency.

Subsection (c) authorizes the use of appropriations to transport the remains and personal effects of employees and their dependents who die while on an assignment.

Analysis of chapter 33 of title 5

Section 302(b): This section sets forth section headings for each of the major provisions of this title.

Repeal of special authorities

Section 303: This section repeals other employee mobility authorities with the exception of section 314(f) of the Public Health Service Act relating to Commission Officers of the Public Health Service and those provisions of the Act of August 2, 1956, as amended, relating to the temporary assignment of employees to and from the Department of Agriculture and land-grant colleges or a college or university operated by any State or local government.

Effective date

Section 304: This section sets the effective date of this title at sixty days after enactment.

TITLE IV—GENERAL PROVISIONS

Declaration of purpose

Section 401: This section sets forth the purpose of this title which is to provide for the general administration of titles I, II, and IV of the Act and to provide for the establishment of certain advisory groups.

Definitions

Section 402: This section defines, for the purposes of the Act, the terms "Commission," "Federal agency," "State," "local government," and local government of "general jurisdiction."

General administrative provisions

Section 403: This section provides that, unless otherwise specifically provided, the Commission shall administer the Act, and shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of the Act.

In the performance of, and with respect to, the functions, powers, and duties vested in it by the Act, the Commission is authorized by subsection (c) to issue standards and regulations necessary to carry out the purposes of the Act; to consent to the modification of any contract entered into under the Act; to include in any such contracts those covenants, conditions, or provisions the Commission deems necessary to assure that the purposes of the Act will be achieved; and to enter into agreements with any Federal agency, State or local government, or other public or non-profit agency or institution, for the use (on a reimbursable, non-reimbursable, or other basis) of their services and facilities.

Subsection (d) authorizes the Commission to collect information from time to time with respect to State and local government training and personnel administration programs under the Act; to make such information available to interested public or private groups, organizations, or agencies; and to conduct research and make evaluations as needed for the efficient administration of the Act. In addition, subsection (d) requires the Commission to include a report on the administration of the Act in its annual report.

Section 403 further provides that the Act's provisions are not a limitation on existing authorities under other statutes. Unless specifically provided otherwise, the Act's provisions are in addition to such authorities.

Reporting requirements

Section 404: This section provides that reports and evaluations shall be made by those State or local government offices designated to administer an approved program under the Act. Such reports and evaluations will be made in such form, at such times, and containing such information concerning the status and use of Federal funds and the operation of the program as may be required by the Commission. In addition, the section requires that such designated State and local government offices keep and make available such records as the Commission may require for the verification of the reports.

Review and audit

Section 405: This section requires grant recipients, for the purpose of audit and examination by the Commission, the head of the Federal agency concerned, or the Comptroller General of the United States, to permit access to any books, documents, papers, and records that are pertinent to the grants received.

Termination of grants

Section 406: This section authorizes the Commission to terminate payments made by the Commission under the Act to a State or local government whenever it finds, after giving the government concerned reasonable notice and opportunity for a hearing, that a program approved under the Act has been so changed that it no longer complies with the provisions of the Act or that in the operation of the program there is a failure to comply substantially with the provisions of the Act.

The government concerned shall be notified by the Commission of its finding before payments are terminated. The Commission may, however, authorize the continuance of payments to those projects which are not involved in the noncompliance. The Commission is also authorized to resume payments when it is satisfied that such noncompliance gard to civil service laws.

This section is not intended to authorize the Commission to terminate or otherwise order termination of payments under other laws providing grants or other financial assistance to a State or local government.

Advisory groups

Section 407: Subsection (a) authorizes the President to appoint an advisory council to study and make recommendations on the role of standards of merit personnel administration, which the President is authorized to issue by section 202, in improving State and local government personnel systems. The President is also authorized to appoint an advisory committee to advise on matters of general policy relating to the Act. The committee is to be composed of representatives of Federal, State, and local governments; of institutions of higher education and other educational and training organizations; of professional organizations and employee organizations; and of the general public. Appointments to the council or to the committee may be made without regard to civil service laws. Subsection (a) also authorizes the Commission to appoint such advisory committees as it may determine to be necessary to facilitate administration of the Act. These appointments may also be made without re-has been or will promptly be corrected.

Subsection (b) of this section provides authority to fix the rate of compensation and to pay the travel expenses, including per diem in lieu of subsistence, of members of the advisory groups who are not regular full-time employees of the United States.

Appropriation authorization

Section 408: This section authorizes to be appropriated for the first fiscal year, and for each of the four succeeding fiscal years, such sums as may be necessary to carry out the programs authorized by this Act. The section also authorizes the appropriation of these sums without fiscal year limitation.

Revolving fund

Section 409: This section authorizes the establishment, within the Commission, of a revolving fund for financing functions authorized by the Act to be performed on a reimbursable basis and financing such other Commission functions as the Commission, with the concurrence of the Bureau of the Budget, determines may be performed more advantageously through a single, central revolving fund. Reimbursements or advance payments made by Federal agencies, offices of the Commission, or from State and local governments for services furnished or to be furnished, will be credited to the fund.

The section authorizes the appropriation of funds to establish the capital of the fund. It is contemplated that approximately $1,000,000 of the total sums appropriated for the first fiscal year will be used to provide the necessary capital.

The section also provides that unobligated and unexpended funds determined by the Commission to be in excess of amounts needed for operating the revolving fund shall be deposited in the Treasury as miscellaneous receipts.

Limitations on availability of funds for cost sharing

Section 410: This section provides that State or local governments, in meeting their share of the costs under this Act's grant provisions, may not use Federal funds made available to them under other laws, or funds they have reserved to meet their share of the costs on other Federally assisted programs.

Method of payment

Section 411: This section authorizes the Commission to pay or accept payments under this Act in installments and in advance or by reimbursement. The Commission is authorized to determine the specific method of payment to be employed in a particular case.

Effective date of grant provisions

Section 412: This section provides that the effective date of the Act, insofar as the grant provisions are concerned, is 180 days after its enactment.

POSTAL RATE BILL

Mr. MONRONEY. Mr. President, at the request of the Post Office Department and pursuant to the President's message on postal rate increases, I introduce for appropriate reference a bill to adjust postal rates.

The bill provides for a 1-cent increase in first-class and airmail rates, and corresponding rate increases in all other classes of mail except zone-rated parcel post. Parcel post rates were increased in 1966 by Congress. This bill proposes a 22-percent average increase in second-class rates, for magazines and newspapers; a 31-percent increase in third-class rates, for advertising material; and a 21-percent increase in certain book rates for fourth-class mail.

The Department estimates that the bill will produce $824.9 million in new revenue when fully effective.

Because the bill is designed to produce revenue, it is necessary that it be considered by the House of Representatives before being taken up by the Senate. The Senate has our committee's assurance that this proposal will receive prompt and careful consideration when the House completes its action on the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1488) to adjust certain postage rates, and for other purposes, introduced by Mr. MONRONEY, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

FEDERAL PAY

Mr. MONRONEY. Mr. President, at the request of the Civil Service Commission and pursuant to the President's message, I introduce for appropriate reference a bill to increase the salaries of Federal employees subject to the four classified pay systems—postal, civil service, Foreign Service, and the Department of Medicine and Surgery in the Veterans' Administration.

The bill would increase salaries by an across-the-board figure of 4.5 percent, effective October 1, 1967, and would require further adjustments in pay in 1968 and 1969 to achieve full comparability with private enterprise by the end of the calendar year, 1969.

This pay increase would add approximately $630 million to the costs of our Federal payroll on a full-year basis. The Senate has our committee's assurance that it will receive our careful consideration.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1489) to adjust the rates of basic compensation of certain employees of the Federal Government, and for other purposes, introduced by Mr. MONRONEY, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

JOINT CONGRESSIONAL COMMITTEE TO REVIEW, AND RECOMMEND REVISIONS IN, THE LAWS RELATING TO INDUSTRYWIDE COLLECTIVE BARGAINING, STRIKES, AND LOCKOUTS

Mr. GRIFFIN. Mr. President, I rise to associate myself generally with the remarks made earlier by the distinguished Senator from New York [Mr. JAVITS] concerning the need for legislation, and to join him in deploring the failure not only of the administration to recommend changes in the existing law, as was promised by the President, but also, regretfully, in deploring the inaction of the Senate and the Congress itself in this field.

I should like to add one further dimension to the discussion. I believe the time has come when we should establish a joint bipartisan congressional committee on industrywide bargaining in the Congress, with a specific mandate to review, and recommend revisions of, the laws relating to industrywide collective bargaining and industrywide strikes and lockouts.

Mr. President, I introduce today, for appropriate reference, a joint resolution calling for establishment of such a blue ribbon bipartisan Joint Congressional Committee on Industrywide Bargaining.

In this decade, we have seen industrywide bargaining, and the awesome consequences of industrywide strikes, evolve into the nightmare of the American economic structure. The airlines strike last year, as well as the railroad work rules dispute 3 years before, gave some indication of the extent of the national paralysis that can set in when a labor-management dispute involves not merely one employer and his workers—but all or most of the employers and unions representing the workers in an entire industry.

Today marks the fourth time I have introduced this joint resolution calling upon Congress to scrutinize industrywide collective bargaining practices and to recommend amendments to the law.

On July 24, 1963, when the railroad work rules dispute was at its height, I stood on the floor of the House of Representatives and called upon the Congress to recognize the urgent need to come to grips with these problems. On that day I warned that even after the particular railroad dispute then pending was resolved:

> . . . (T)he nation . . . (would) still be left without guidance and without any improvement in the procedure to deal generally with national industrywide strikes.

But that warning went unheeded. In 1963, and again in 1965, I introduced joint resolutions in the House of Representatives similar to the one I introduce today.

Last summer, as is too well known, this country's vital air transportation system suffered the impact of a devastating nationwide strike. That single strike not only caused immeasurable economic loss and personal inconvenience in every State of the Union but it took place while the Nation was engaged, as it is today, in a major foreign conflict.

On July 13, 1966, in the midst of the airline strike, I introduced the same joint resolution, this time as a Member of the U.S. Senate. I then stated:

> Long ago, Congress should have undertaken, in an orderly fashion, a serious review of our labor laws, and the broad policy problems associated with industrywide bargaining and strikes.

But once again, no action was taken on the resolution.

It will be recalled that, over a year ago in his state of the Union message of January, 1966, the President told Congress and the Nation that he would submit legislative recommendations to revise our laws dealing with crippling nationwide strikes and lockouts. But the Congress and the Nation waited all last year—and the administration proposals did not come. Nor have any such recommendations been forthcoming in this session of the Congress. Nevertheless, failure on the part of the administration cannot be put forth as an excuse for inaction on the part of Congress.

All told, 32 major collective bargaining agreements will be open for renegotiation this year. With the administration's wishful 3.2 percent wage guidelines now buried under the airline settlement, no crystal ball is needed to forecast that the Nation can be in for real trouble in the months immediately ahead.

I would be the first to concede that the establishment now of a joint bipartisan committee, such as I have proposed, will not provide instant answers for the crises that are already upon us.

But, even though the hour is late—and even though some disputes may have to be handled with special, temporary legislation—of the kind we enact today—we should begin the thorough, orderly review that is urgently needed to produce a sound revision of our laws relating to industrywide bargaining, strikes and lockouts.

One reason that the job has not been undertaken by Congress heretofore is that jurisdiction over labor-management legislation is dispersed, particularly in the House, among too many different committees. Furthermore, the principal committee in each House is occupied with too many other problems—such as the war on poverty.

Both reason and precedent argue for a bipartisan committee having a membership equally divided between the two major parties. Labor-management laws are politically sensitive. There is a better chance of making progress, I believe, if neither party is put in the position of having to bear exclusive responsibility for the committee's conclusions and recommendations.

A joint, bipartisan committee is not a novel concept.

Congress established such a committee 2 years ago when we established the Joint Committee on the Organization of the Congress.

Thus, the Joint Congressional Committee on Industrywide Bargaining which I am proposing would consist of 16 members, eight from each House, with membership divided equally between the parties. The committee would include members of the Senate Committees on Labor and Public Welfare, Commerce, and the Judiciary, and members of the House Committees on Education and Labor, Interstate, and Foreign Commerce, the Judiciary and Merchant Marine and Fisheries.

This should be a blue-ribbon committee with a mandate to review our laws related to collective bargaining and strikes and lockouts which affect an entire industry or a substantial portion thereof. I hope and believe that the recommendations of such a committee would merit and receive widespread support of Congress and the Nation.

I am pleased to note that a former colleague, the gentleman from Missouri, Representative Curtis, has already introduced this resolution in the other body.

Mr. President, the hour is late, but we must get about the job that needs to be done.

I ask unanimous consent that the joint resolution be printed in the Record.

The **PRESIDING OFFICER**. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 66) to create a joint congressional committee to review and recommend revisions in the laws relating to industrywide collective bargaining and industrywide strikes and lockouts, introduced by Mr. Griffin, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S.J. Res. 66

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created a joint congressional committee to be known as the "Joint Committee on Industrywide Bargaining" (hereinafter referred to as the "joint committee") to be composed of eight Members of the Senate to be designated by the President pro tempore of the Senate and eight Members of the House of Representatives to be designated by the Speaker. The members of the joint committee appointed from the Senate shall include four members of the majority party and four members of the minority party; and they shall be designated from among the members of the Committees on Labor and Public Welfare, Commerce, and the Judiciary. The members of the joint committee appointed from the House of Representatives shall include four members of the majority party and four members of the minority party; and they shall be designated from among the members of the Committees on Education and Labor, Interstate and Foreign Commerce, the Judiciary, and Merchant Marine and Fisheries.

Sec. 2. The joint committee, acting as a whole or by subcommittee, shall be authorized to study and investigate the entire field of industrywide and regional collective bargaining procedures and practices between employers and labor organizations, and combinations or groups thereof, and problems relating thereto, including but not limited to—

(1) the ways and means by which the collective bargaining process might be improved, altered, revised, or supplemented so as to avoid or minimize strikes and lockouts which affect an entire industry or region, or a substantial part thereof;

(2) the concentration of economic and other power under the control of business organizations and labor organizations, and groups thereof, and such practices or policies, if any, which tend to concentrate or monopolize power affecting the collective bargaining process, and the relationship of such factors to strikes and lockouts affecting an entire industry or region, or a substantial portion thereof;

(3) the effectiveness and usefulness of various forms of mediation, conciliation, arbitration, and other possible procedures and methods for aiding or supplementing the collective bargaining process;

(4) the administration, operation, and possible need for revision of existing Federal laws which in any way concern collective bargaining, strikes, or lockouts affecting an entire industry or region, or substantial portion thereof;

(5) such other problems and subjects which relate in any way to collective bargaining, strikes, or lockouts as the joint committee deems appropriate.

Sec. 3. A vacancy in the membership of the joint committee shall not affect the powers of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as the original appointment was made. The joint committee shall select a chairman and a vice chairman from among its members.

Sec. 4. The members of the joint committee who are Members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are Members of the House of Representatives shall from time to time report to the House of Representatives, by bill or otherwise, the results of the joint committee's studies and investigations, together with their recommendations with respect to matters within the jurisdiction of the joint committee.

Sec. 5. In carrying out its duties, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings or investigations, to sit and act at such places and times, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, to make such expenditures as it deems advisable. The joint committee may make such rules respecting its organization and procedures as it deems necessary: *Provided, however,* That no bill, measure, or recommendation shall be reported from the joint committee unless a majority of the committee assent. Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or by the joint committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses. The provisions of sections 192 and 194 of title 2, United States Code, shall apply in case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section. The cost of stenographic service to report public hearings shall not be in excess of the amounts prescribed by law for reporting the hearings of standing committees of the Senate. The cost of stenographic service to report executive hearings shall be fixed at an equitable rate by the joint committee. Members of the joint committee, and its employees and consultants, while traveling on official business for the joint committee, may receive either the per diem allowance authorized to be paid to Members of Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

Sec. 6. The joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The joint committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government.

Sec. 7. The expenses of the joint committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman.

RESTORATION OF INVESTMENT CREDIT—AMENDMENT

Mr. WILLIAMS of Delaware submitted a modified amendment, intended to be proposed by him, to the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the next printing of S. 1322, the Fair Farm Budget Act of 1967, the name of the Senator from Wyoming [Mr. HANSEN] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the next printing of S. 1358, the Fair Housing Act of 1967, the names of the Senator from Montana [Mr. METCALF], the Senator from Wisconsin [Mr. NELSON], and the Senator from Rhode Island [Mr. PELL] be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the names of the Senator from Pennsylvania [Mr. SCOTT], the Senator from Michigan [Mr. HART], and the Senator from Massachusetts [Mr. KENNEDY], be added as cosponsors of the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, at its next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARING ON THE NATIONAL COURT ASSISTANCE ACT, S. 1013

Mr. TYDINGS. Mr. President, as chairman of the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary, I wish to announce hearings for the consideration of S. 1033. The bill would encourage improvements in the machinery of judicial administration by establishing within the Department of Justice the Office for Judicial Assistance, and for other purposes.

The hearings will be held at 11:30 a.m. on April 18, 1967, and at 9:30 a.m. on April 19 and 21, 1967, in the District of Columbia Committee hearing room, room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6303, New Senate Office Building.

EXTENSION OF SPECIAL COMMITTEE ON ORGANIZATION OF CONGRESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 162, Senate Resolution 106.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution (S. Res. 106) extending the Special Committee on the Organization of Congress was considered and agreed to, as follows:

S. RES. 106

Resolved, That the first sentence of S. Res. 293, Eighty-ninth Congress, second session, agreed to August 26, 1966 (relating to the establishment of the Special Committee on the Organization of the Congress), is amended by striking out "March 31, 1967", and inserting in lieu thereof "June 30, 1967".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 160—explaining the purposes of the resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 106 would authorize the extension of the Senate Special Committee on the Organization of the Congress from March 31, 1967, to June 30, 1967, making the special committee conterminous with the Joint Committee on the Organization of the Congress. The resolution would only extend the operating authority of the special committee, no funds or staff personnel being requested.

This extension of the special committee has been requested by the members thereof, who also constitute the Senate membership on the joint committee. The purpose of the requested extension is expressed in a letter addressed to Senator B. Everett Jordan, chairman of the Committee on Rules and Administration, by Senator A. S. Mike Monroney, chairman of the special committee and cochairman of the joint committee, as follows:

"* * * my colleagues on the Special Committee on the Organization of the Congress of the U.S. Senate and I believe it would be prudent to extend the life of the special committee until June 30, 1967, for the purpose of considering amendments, if any, to S. 355 (Legislative Reorganization Act of 1967) that may be adopted by the House, and recommending to the Senate whether or not the Senate should agree to the House amendments or whether a conference should be requested."

AUTHORIZATION FOR APPROPRIATIONS FOR THE ACQUISITION OF CERTAIN PROPERTIES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 160, S. 1216.

The PRESIDING OFFICER. The bill will be read by title.

The LEGISLATIVE CLERK. A bill—S. 1216—to authorize appropriations during fiscal year 1967 for use by the Secretary of Defense for acquisition of properties pursuant to section 1013 of Public Law 89–754, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill.

There being no objection the Senate proceeded to consider the bill.

Mr. JACKSON. Mr. President, the bill would authorize the sum of $11 million during the current fiscal year for use by the Secretary of Defense to provide assistance to military or civilian employee homeowners by reducing their losses incident to the disposal of their homes when the military installations at which they were serving or employed are ordered to be closed in whole or in part. While the basic legislation is a product of the Banking and Currency Committee and is set forth in section 1013 of Public Law 89–754, the Demonstration Cities and Metropolitan Development Act of 1966, appropriations for the acquiring of the properties must be authorized by a military construction authorization act. The bill before us then—S. 1216—authorizes the first increment of funds to carry out the intent of the basic legislation and should be sufficient to provide assistance to those homeowners whose eligibility is established prior to the end of the current fiscal year. Additional funds will be requested in the fiscal year 1968 military construction authorization bill.

For a little better understanding of this matter, I should like to review briefly the facts leading up to the need for the basic legislation and just what it does provide. Between November 1, 1964, and December 31, 1966, the Secretary of Defense ordered closed in whole or in part a very substantial number of military installations throughout the United States. This action resulted in a seriously depressed real estate market in many areas, making it difficult or impossible for those military or civilian employee homeowners transferred as a result of the closure, to dispose of their properties without suffering a loss. Three courses of action seemed to be open to many of these people: Foreclosure, with the resulting loss of credit standing; selling their property at a loss; or permitting it to remain vacant. Many, understandably, find themselves without resources to purchase another home at their new post of assignment. In light of this, it seemed only proper that some measure of relief be granted these homeowners who are to a degree victims of circumstances as a result of the base closure program. The basic legislation, which the authorization contained in the bill before you, will implement, does three things. It will provide for the payment of deficiency judgments and other foreclosure costs for those who had lost their homes through foreclosure; for those who sell their homes at a loss, a payment will be made in an amount equal to the difference between the fair market value at the time of the sale and 95 percent of the fair market value prior to the announcement of the closure; and, if the property remains unused, it will be taken over by the Government and the owner compensated for the difference between the amount of the mortgage and 90 percent of the fair market value prior to the closure announcement.

The Department of Defense currently estimates that some 45,350 homeowners were affected by the base closure program since November 1, 1964, but this does not necessarily mean all will prove eligible for assistance. The net cost of the program is estimated by the Department to be $49.8 million.

Mr. President, this completes my presentation and I shall be glad to answer any questions.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 158—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

Section 1013 of Public Law 89–754, the Demonstration Cities and Metropolitan Development Act of 1966, authorizes the Secretary of Defense to provide assistance to military or civilian employee homeowners by reducing their losses incident to the disposal of their homes when the military installations at which they were serving or employed are ordered to be closed in whole or in part. Appropriations for the acquisition of properties must be authorized by a military construction authorization act.

This measure (S. 1216) would authorize the appropriation of $11 million for providing assistance to homeowners whose eligibility is established prior to the end of the current fiscal year. Authorization for appropriation of additional funds required to provide for the assistance to other eligible homeowners will be requested in the fiscal year 1968 military construction authorization bill.

EXPLANATION OF THE BILL

During the period November 1, 1964, to December 31, 1966, the Secretary of Defense announced the proposed closure in whole or in part of some 206 military installations throughout the United States. This program affected about 205,800 personnel, both civilian and military. Of those affected, 45,350 are estimated to be homeowners located for the most part in 23 major impact areas. In these areas the base closure announcements had a rather devastating effect on the real estate market, making it extremely difficult if not impossible for the homeowners who is transferred as a result of the base closure to dispose of his property without suffering a loss. The military homeowner has no choice but to accept whatever transfer is given to him and the civilian homeowner finds himself in a comparable position if he wishes to continue in his employment. Three equally unpalatable courses of action seem to be open to them; namely, to accept foreclosure with the related expenses and loss of credit standing; disposal of their property at a loss; or to permit their houses to remain vacant. The equity a man has in his home may in many instances be tantamount to his life's savings and he is without resources to purchase another home at his new post of assignment. Since these people, both military and civilian, are the unwilling victims of a situation created as a direct result of the base closure program, it is only just and fair that some steps be taken to afford them relief.

BASIC LEGISLATION

As early as 1965, the Congress recognized the problem as outlined above and a provision (sec. 108) was included in the Housing and Urban Development Act (Public Law 89–117) authorizing the Secretary of Defense to acquire homes from distressed mortgagors in areas near military bases which had been ordered to be closed. The full ramifications of this matter could not be determined at that time and no funds were requested to implement the program. The Senate Appropriations Committee in considering the military construction appropriation bill for fiscal year 1966 did take formal notice of the provision contained in the housing bill and had this to say:

"The committee feels that in view of the complexity of the situation, the Department of Defense should make a study of section 108 of the 1965 Housing and Urban Development Act. It is the opinion of the committee that sufficient information and data is not available upon which to base a sound judgment to appropriate money for this new program."

Subsequently, the Department of Defense completed their study of this problem and submitted to the Congress a legislative proposal designed to alleviate the situation. This proposal was in essence incorporated in the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89–754) as section 1013. This legislation authorizes the Secretary of Defense to provide assistance to military or civilian employee homeowners by reducing their losses incident to the disposal of their homes when the military installations at which they are serving or employed are ordered to be closed in whole or in part. To provide such assistance, the Secretary is authorized "to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling. * * *"

The act established in the Treasury a fund to be available to the Secretary for extending such financial assistance to qualified homeowners but subsection 1013(i) requires that appropriations for the acquisition of properties must be authorized by a military construction authorization act and that no moneys in the fund may be expended except as may be provided in appropriation acts.

The act authorizes assistance for the owner of a qualified dwelling if he was a serviceman or a civilian occupying the dwelling and serving or employed at the installation at the time of, or under specified conditions within stipulated periods prior to, the public announcement of the closure action. Any individual who is eligible under the criteria of the act may elect to receive (1) a cash payment as partial compensation for losses sustained in a private sale, or (2) as purchase price for his property, an amount equal to 90 percent of the fair market value prior to the base closure announcement, or the amount of the outstanding mortgage. Also, the Secretary of Defense may reimburse or pay on account of eligible persons such sums as may be paid or be otherwise due and owing by such persons as the result of foreclosure commenced by mortgagees after the base closure announcement and prior to March 3, 1967.

SCOPE OF THE PROGRAM

Studies at installations announced for closure between November 1, 1964, and December 13, 1966, indicate that about 124,600 military personnel and 81,200 civilian employees will be affected and that 12,980 and 32,370, respectively, will be eligible homeowners. It is estimated that some 28,500 homeowners—8,500 military and 20,000 civilians—will establish eligibility for assistance by June 30, 1967, but it is estimated that about 10,600 will elect not to apply for assistance because (being in areas where the impact of base closure on the housing market is negligible), they can sell at a price in excess of the prices available under the alternatives provided by the statute.

Accordingly, it appears that about 17,900 individuals will apply for assistance under the act during fiscal year 1967. Even though a major portion of fiscal year 1967 is already passed and some time is required to develop maximum administrative efficiency, it is estimated that about 45 percent—8,100—of the applications can be processed by June 30, 1967; the remainder will be handled as expediously as possible in fiscal year 1968.

Base closure actions announced on January 19, 1967, are not expected to have a perceptible impact on the homeowners' assistance program during fiscal year 1967.

ELIGIBILITY CRITERIA

Section 1013 of Public Law 89–754 spells out in detail just who will be eligible for assistance. The Secretary of Defense may provide assistance with respect to:

"any property improved with a one- or two-family dwelling which is situated at or near a military base or installation which the Department of Defense has, subsequent to November 1, 1964, ordered to be closed in whole or in part, if he determines—

"(1) that the owner of such property is, or has been, a Federal employee employed at or in connection with such base or installation (other than a temporary employee serving under a time limitation) or a serviceman assigned thereto;

"(2) that the closing of such base or installation, in whole or in part, has required or will require the termination of such owner's employment or service at or in connection with such base or installation; and

"(3) that as the result of the actual or pending closing of such base or installation, in whole or in part, there is no present market for the sale of such property upon reasonable terms and conditions."

Further, the section provides:

"(b In order to be eligible for the benefits of this section such employees or military personnel must be or have been—

"(1) assigned to or employed at or in connection with the installation or activity at the time of public announcement of the closure action;

"(2) transferred from such installation or activity, or terminated as employees as a result of reduction-in-force, within six months prior to public announcement of the closure action, or

"(3) transferred from the installation or activity on an overseas tour unaccompanied by dependents within fifteen months prior to public announcement of the closure action;

"Provided, That at the time of public announcement of the closure action, or at the time of transfer or termination as set forth above, such personnel or employees must—

"(i) have been the owner-occupant of the dwelling, or

"(ii) have vacated the owned dwelling as a result of being ordered into on-post housing during a six-month period prior to the closure announcement;

"Provided further, That as a consequence of such closure such employees or personnel must—

"(i) be required to relocate because of military transfer or acceptance of employment beyond a normal commuting distance from the dwelling for which compensation is sought, or

"(ii) be unemployed, not as a matter of personal choice, and able to demonstrate such financial hardship that they are unable to meet their mortgage payments and related expenses."

These eligibility criteria are intended to insure that assistance is extended only to Department of Defense connected homeowners who have been proximately affected by a base closure action. The program is limited to career or career-conditional Federal employees, on the basis that there should be an eligibility threshold for homeowners assistance, just as there is for other employee benefits.

The committee had a question in connection with the requirement * * * "that the closing of such base or installation, in whole or in part, has required or will require the termination of such owner's employment or service at or in connection with such base or installation * * *"

The committee was concerned about the eligibility, in the light of this requirement (subsec. 1013(a)(2)), of persons transferred from an installation or activity which had been announced for closure, whose transfers were pursuant to routine military orders for rotation to another assignment. In cases where there was a gradual phasedown of the installation, the positions held by such persons might even be filled by replacement personnel.

The committee was informed that the Department of Defense takes the view that where a position or job assignment will ultimately be terminated by a base-closure action, persons transferred from such positions or assignments, who otherwise meet all requirements under section 1013, will be considered eligible. The fact that, in the interests of the Government, certain positions may continue to be filled on an interim basis during a phasedown period, is not material to an evaluation of eligibility. The committee concurs with the Department's views in this matter.

PROCEDURES

The types of assistance available and the mechanics of the program can best be illustrated by examining in sequence the procedures planned by the Defense Department. To begin with, it is contemplated that an applicant for assistance will obtain an information brochure on the program from his military or civilian personnel officer, or, if he is no longer associated with the Federal Government, from the personnel officer of the nearest military installation or activity.

The brochure will describe the eligibility requirements and rights of applicants under section 1013 of Public Law 89-754, as well as the procedures to be followed in seeking the alternative forms of assistance which are available.

The applicant will also obtain and submit to the personnel officer an application for homeowners assistance. This form will contain:

1. Information as to his service or employment at an installation or activity announced for closure;

2. Reasons for desiring assistance (relocation outside commuting area or financial hardship, with related detailed information); and

3. Information on property for which assistance is sought.

The personnel officer will review the application and verify the facts relating to eligibility, and certify that the applicant has been determined to be eligible, or that he has been determined to be ineligible (with reasons therefore).

If the personnel officer determines the applicant to be ineligible, he will return the application with a determination to that effect. Applicant will have a right of appeal to the central claims office, and to higher authority.

CENTRAL CLAIMS OFFICE

If the personnel officer determines the applicant to be eligible, he will so certify at the bottom of the application form, and forward the form to the central claims office for further action.

The central claims office will take the following actions with respect to applications from eligible homeowners:

1. Applicants whose homes have been foreclosed: The claims office will confer with the Veterans' Administration, Federal Housing Administration, and mortgagees (as appropriate) and pay deficiency judgments, debts owing to VA or FHA, and other foreclosure costs directly on behalf of the applicant. To the extent that the applicant may have already paid all or part of his valid foreclosure costs, the claims office will reimburse him.

2. Applicants whose homes have already been sold: The claims office will obtain fair market value appraisals, both current and prior to the base closure announcement, for the property for which assistance is sought. It will remit to the applicant a check in the amount (if any) by which 95 percent of the prior FMV exceeds either the current FMV or the actual sales price (whichever is higher). If no payment is due, the applicant will be so advised. In all cases applicants will be informed of the basis for the decision in his case (essentially the amounts of the two appraisals).

3. Applicants still in possession of their homes: The claims office will obtain current and prior FMV appraisals, and inform applicants of the amounts of such appraisals so that they may elect to—

(*a*) Sell privately and claim loss compensation; or

(*b*) Assign their properties to the Government for the amount of the outstanding mortgage(s); or

(*c*) Assign their properties to the Government for 90 percent of the prior FMV.

Upon receipt of the appraisal information, homeowners electing alternate 3(*a*) will sell privately and thereafter send the claims office a claim for loss compensation with evidence of the gross sales price received. The claims office will thereupon remit to the homeowners a check in the amount (if any) by which 95 percent of the prior FMV exceeds either the current FMV or the actual sales price (whichever is higher).

Homeowners electing to assign their properties to the Government under alternates 3(*b*) or 3(*c*) will send the claims office an application for government purchase. The claims office will approve such applications by endorsement and transmit them to the appropriate office for action with respect to property acquisitions, mortgage assumptions, and cash equity payments (alternate 3(*c*)).

INTERAGENCY ACTIONS

Pursuant to the provisions of section 1013 (g) of Public Law 89-754, the Department of Defense is currently engaged in discussions with the Department of Housing and Urban Development in order to determine which functions the latter Department might most effectively perform in connection with this program, especially with respect to acquisition, management, and disposal of properties.

COST ESTIMATES

Total costs of homeowners assistance in connection with base closure actions between November 1, 1964, and December 31, 1966, are estimated to be $49.8 million, including $11 million in fiscal year 1967 and $27 million in fiscal year 1968. These are net costs, after deducting estimated receipts from disposition of acquired properties.

The table appearing below contains an approximate distribution of the fiscal year 1967 authorization into principal categories. It is based on Department of Defense estimates which involve a number of complex factors such as the number of military and civilian personnel displaced, time phasing of displacements, percentages of homeowners among displaced personnel, average values of homes, percentages of market declines in impacted areas, and probable elections by homeowners as to types of assistance.

Summary of authorization request, fiscal year 1967

Activity	Number of cases	Amount
Payments to homeowners (reimbursement for losses in private sales)	4,970	$1,593,000
Operating costs (operating and maintenance costs for acquired properties, appraisal fees, and administrative costs for all types of assistance)		1,617,000
Capital outlay (equity payments to homeowners, payments in foreclosure cases, and payments on assumed mortgages)	3,130	7,790,000
Total, authorization	8,100	11,000,000

FISCAL DATA

The enactment into law of this measure will involve the expenditure of $11 million.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with subsection 1013(i) of Public Law 89-754 (80 Stat. 1255, 1292) there is authorized to be appropriated for use by the Secretary of Defense for the purposes of section 1013 of Public Law 89-754, including acquisition of properties, an amount not to exceed $11,000,000.

EFFECTIVE PROCEDURES FOR ENFORCEMENT OF THE ESTABLISHMENT AND FREE EXERCISE CLAUSES OF THE FIRST AMENDMENT TO THE CONSTITUTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 86, S. 3.

The PRESIDING OFFICER The bill will be stated by title.

The LEGISLATIVE CLERK. A bill—S. 3—to provide effective procedures for the enforcement of the establishment and free exercise clauses of the first amendment to the Constitution.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ERVIN. Mr. President, this bill was introduced by me, for myself and for the Senator from Oregon [Mr MORSE], the Senator from Kentucky [Mr. COOPER], the Senator from Pennsylvania [Mr. CLARK], the Senator from Texas [Mr. YARBOROUGH], the junior Senator from Florida [Mr. SMATHERS], the senior Senator from Florida [Mr. HOLLAND], and the Senator from Hawaii [Mr. FONG].

When the senior Senator from Kentucky [Mr. COOPER] and I first proposed legislation a few years ago to allow the courts to rule on the constitutionality of Federal aid to church-supported institutions, our amendment was adopted in the Senate by a close rollcall vote, and only after much deliberation. The amendment was later deleted by the conference committee.

With the enactment of more and more aid programs, there has been increasing confusion in the country and in Congress about the boundaries of the separation of church and state and the proper role of the Federal Government in private education. Toward the end of the last Congress, debate on a bill identical to S. 3 was still vigorous. Nevertheless, that bill, S. 2097, passed the Senate by a substantial majority without a rollcall vote.

This year, the judicial review bill, S. 3, was reported by the Constitutional Rights Subcommittee on February 28 and the Judiciary Committee on April 4. I am deeply gratified that the majority leader and the minority leader have agreed to place the bill upon the Consent Calendar for consideration by the Senate.

This bill does not attempt to define the meaning of the first amendment. It merely undertakes to make certain that the Federal district courts shall have jurisdiction of suits to determine the validity, under the first amendment, of grants and loans of tax moneys authorized by certain acts of Congress. It thereby enables Congress hereafter to legislate in constitutional light rather than in constitutional darkness.

There is ample reason for the increasing support for judicial review in Congress. That reason can be stated simply: It is impossible for Congress to legislate intelligently, or for the administration to administer intelligently, in a constitutional vacuum with no judicial guidelines as to what Federal aid is consistent with first amendment proscriptions against an establishment of religion. Two recent developments illustrate this problem.

First, the Office of Education has granted $56,000 to Rev. John La Brake to plan a joint public and parochial high school in Vermont. In addition to paying Reverend La Brake's salary and that of his staff, the funds may be used to campaign for local voter approval of the project. If erected, this would be the first combined public-religious educational facility conceived and sponsored by the Federal Government. And there is no wall of separation in the architect's plans.

Second, in Maryland last fall, the State's highest court held State aid to three religious colleges unconstitutional under the first amendment to the Constitution. Nevertheless, those same colleges are continuing to receive Federal money simply because, in the absence of enabling legislation such as S. 3, the grants cannot be challenged.

These grotesques of the law can only multiply if we do not take action. The press and the public are becoming increasingly aware of this, and, consequently, we in Congress are too. Within the past year, enactment of S. 3 has been endorsed by the New York Times, the Chicago Tribune, the Washington Post, the Charlotte Observer, the Wichita Beacon, the Winston-Salem Journal, the Pittsburgh Post-Gazette, and countless other newspapers. When such unanimity comes from such diversity, I know we must be on the right track.

Among the educational, religious, and civil liberties organizations supporting the bill are the following: American Civil Liberties Union, Baptist Joint Committee on Public Affairs, Americans for Public Schools, National Education Association, National Congress of Parents and Teachers, Council of Chief State School Officers, Americans United for Separation of Church and State, American Jewish Committee, American Jewish Congress, the Unitarian Universalist Association, Seventh-day Adventists, Union of American Hebrew Congregations, National School Boards Association, National Association of Evangelicals, American Association of School Administrators, American Association of University Professors, Anti-Defamation League of B'nai B'rith, Association of State Colleges and Universities, Central Conference of American Rabbis, Union of American Hebrew Congregations, and many others.

Against these supporters is arrayed a sincere, devout group of Americans who refer to themselves as "Citizens for Educational Freedom." It is the position of this organization that Federal aid to religious schools is both legal and desirable, and that S. 3 is not. They feel, and they have testified before the Subcommittee on Constitutional Rights, that the decision in Frothingham against Mellon is a matter of constitutional law and that Congress cannot confer jurisdiction to hear first amendment cases. My answer is that the best legal minds in the country rejected that view during the same hearings at which the Citizens for Educational Freedom testified last year. But it is not necessary to rehash the debate again now. The law is abundantly clear on that point.

Opponents also hold that S. 3 is discriminatory in that it does not allow taxpayers to challenge laws other than those which may abridge the first amendment. The truth is that citizens already have the power to test all other provisions of our Bill of Rights. Two years of hearings and investigations on judicial review legislation reveal that only in the area of church-state separation is there such a dearth of judicial opinion. But, if it can be shown that now or at any time in the future any basic right is not being enforced because Congress has not provided the tools, I pledge my efforts to insure enactment of enabling legislation similar to S. 3.

Recently, CEF also charged that the bill "quietly was passed by the U.S. Senate in 1966 by a voice vote but fortunately failed to reach the floor of the House of Representatives due to lack of support in the House Judiciary Committee."

I assure my colleagues that I have never been less "quiet" than in my support of S. 3. I have raised my voice loud and long to the press and to the Congress, and I shall continue to raise the dome until S. 3 is signed by the President. I hope that will be soon, for as I said on this floor a year ago—and I conclude now as a I began the debate then:

For far too long the issue of state aid to church-related organizations has been a divisive force in our society. It has created communication barriers among our religions and fostered intolerance. This is a natural consequence when the courts are prevented from carrying out their function of deciding a great constitutional issue.

All of us who are sponsors of this bill have supported Federal aid to education. Some of us have done this in spite of our doubts as to the constitutionality of the implementation of several recent education and poverty programs—we have done so because of the over-riding necessity of aid to public education. Others of us are confident that the programs meet the tests of the first amendment. There is, then, some disagreement as to the end result of enacting S. 3. But there is total agreement on this central issue: the courts must be given the opportunity to decide. Only then will the century-long controversy end.

Because the report from the Judiciary Committee on S. 3 contains a thorough explanation of the bill, I ask unanimous consent that excerpts from the report—No. 85—be printed at this point in the Record.

There being no objection, the excerpt from the report (No. 85) was ordered to be printed in the Record, as follows:

PURPOSE OF S. 3

The purpose of S. 3 is to provide effective procedures for the enforcement of the establishment and free-exercise clauses of the first amendment to the Constitution of the United States. The bill achieves this ambition by affording the judicial machinery necessary for instituting an equitable action for declaratory judgment to obtain judicial review of the constitutionality of grants or loans made under certain enumerated acts of Congress.

It is envisaged that the classes of plaintiffs participating in litigation under this Act shall include the following: (1) individual and corporate Federal taxpayers, or groups thereof; (2) any public or other nonprofit institution or agency which has made application for a Federal grant or loan; and (3) citizens of the United States.

It is intended that the classes of plaintiffs identified in sections 2, 3, and 4, be given the requisite "standing to sue" in litigation which qualifies as a "case or controversy" within the meaning of article III of the Constitution of the United States. Furthermore, this bill in no way defines a case or controversy but merely grants standing to the parties involved in any case or controversy which may arise under the establishment and free-exercise clauses of the first amendment to the Constitution. Since an interpretation of the provisions of the first amendment relating to religion is indispensable to the decision in the actions to be brought under the bill, a case or controversy within the meaning of article III necessarily exists.

The acts enumerated in section 1 are not intended to be inclusive although review is expressly limited to those acts. Instead, they are representative of legislation which affords substantial and direct financial aid to denominationally controlled and denominationally "related" institutions. Such aid, it has been asserted, is of doubtful constitutionality.

The bill is not intended to deal directly with the problem of the principle of separation of church and state nor with the constitutionality of any of the enumerated acts. It is designed, however, to remove any of the existing doubt as to the power of taxpayers, citizens, and institutions to obtain judicial review of the validity of Federal grants or loans under the provisions relating to religion in the first amendment.

LEGISLATIVE HISTORY

During the course of the 88th Congress, the Subcommittee on Constitutional Rights received numerous requests for an investigation of the expenditure of Federal funds to aid sectarian institutions. It began preliminary research in this area of constitutional law at that time. As the subcommittee continued its background study, there was increased interest and concern by taxpayers and nonprofit organizations because of the passage of the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965, both of which authorize extensive allocations of Federal funds to nonsecular schools.

When the Senate deliberated the Elementary and Secondary Education Act, Senators Ervin and Cooper offered an amendment to provide for judicial review to determine whether disbursement under that Act would be consistent with the first amendment to the Constitution. Discussion on this amendment elicited concern, expressed by Senator Morse and others, that such an amendment might jeopardize the passage of the Education Act. A similar amendment, which Senators Ervin and Cooper proposed to the Higher Education Facilities Act, was passed by the Senate in 1963, although later deleted in conference. The more recent amendment, however, failed to pass the Senate in 1965. At that time, Senator Morse showed his willingness to support an independent judicial review bill and subsequently introduced S. 2097. In introducing S. 2097, Senator Morse said that he, the Attorney General of the United States, and the Solicitor General of the United States, drafted the measure. Senator Morse pointed out that the bill, drafted in 1961, was reworked in 1963. In the CONGRESSIONAL RECORD, volume 111, part 6, page 7595, he also said:

"I took the same position then which I take tonight, that if we are going to have a judicial review provision in our law, we should have it as a separate and independent bill. It should cover not only education legislation, but also all other Federal programs involving Federal grants and loans. I am satisfied that the bill would meet all the constitutional tests. I am satisfied that the bill, if enacted into law, would bring the first amendment under a review by the U.S. Supreme Court. It would end up by giving us, as we lawyers say, 'a decision on the nose'."

In a memorandum originally submitted in 1961 by the Secretary of Health, Education, and Welfare to Senator Morse as chairman of the Senate Subcommittee on Education and endorsed again in 1965, the Department stated, with regard to judicial review of Federal aid to sectarian institutions:

"If Congress wishes to make possible a constitutional test of Federal aid to sectarian schools, it might authorize judicial review in the context of an actual case or controversy between the Federal Government and an institution seeking some form of assistance * * *. In the absence of some statutory provisions, there appears to be no realistic likelihood that Federal legislation raising the constitutional issues discussed in this memorandum will be resolved by judicial decision."[1]

On July 29, 1966, the Senate approved S. 2097 as amended by the committee. It was referred to the House Committee on the Judiciary on August 1 but no action was taken on the bill before Congress adjourned. S. 3, identical to that which passed in 1966, was introduced in the 90th Congress on January 11 by Senator Ervin and other Senators. Because extensive hearings were conducted on S. 2097 in 1966, no further hearings were had on S. 3.

NEED FOR LEGISLATION TO ENFORCE THE FIRST AMENDMENT TO THE CONSTITUTION

The principle of separation of church and state as emanating from the proscriptions of the first amendment is not under examination in this report. Suffice it to say, that in reaching the approximately 50 decisions handed down by the Supreme Court relating to the establishment and free exercise clauses of the first amendment, and more particularly in the five or six most recent and significant cases, the Court has agreed to this conclusion: *neither a State nor the Federal Government may pass laws nor levy taxes which support religious activities either directly or indirectly*. [Emphasis added.]

The reason this legislation was introduced was well stated by Prof. Louis L. Jaffe, Byrne professor of administrative law, Harvard Law School:

"* * * many of the States, and perhaps even the Federal Government, are or soon will be undertaking expenditures for education which allegedly violate constitutional prohibitions against aid to religious establishments. The law appears to be that a taxpayer suit to test the constitutionality of such expenditures by State and locality can be brought in some jurisdictions and not in others, and—somewhat of a crowning paradox—that the constitutionality of State and local expenditures can be adjudicated by the Supreme Court but not the constitutionality of Federal expenditures."[2]

Senator Ervin, in his opening statement, noted that:

"Many Americans share the conviction that the making of grants and loans of tax-raised moneys to religious institutions violates the first amendment to the Constitution. Unfortunately, there is grave doubt whether these Americans can obtain a judicial determination of this question. The doubt exists because of the decision of an old case, *Frothingham* v. *Mellon*, 262 U.S. 447 (1923) * * *. The point in this case most relevant to our inquiry is that portion of the decision which involves the claim set forth by Mrs. Frothingham, an individual plaintiff. She sued to enjoin the execution of an appropriation of Federal funds for grants to the States for maternal benefits. The Court held that under existing laws, applicable to a plaintiff seeking equitable relief in the form of an injunction, she failed to make a case in her complaint.

"In the only portion of the opinion which is not obiter dicta, the Court said, at page 487, that a taxpayers' interest in the moneys of the Treasury 'is shared with millions of others; is comparatively minute and indeterminable; the effect upon future taxation * * * is so remote * * * that no basis is afforded for an appeal to the preventive powers of the Court'."[3]

The question was posed by Prof. Paul A. Freund of Harvard Law School, in a statement submitted to the subcommittee, "[I]s the defect in a Federal taxpayer's suit, under the *Frothingham* rule, one of lack of standing in the lesser sense, or is it so fundamental that article III prevents any change in the prevailing Federal rule?"[4] A major purpose of the recent hearings conducted on S. 2097 was to answer that question; for if it were determined that the *Frothingham* decision was grounded on constitutional considerations, this legislation would be legally impermissible. Testimony at the hearings and the statements submitted to the subcommittee point out that the *Frothingham* decision was founded on grounds other than purely constitutional ones. Indeed, Professor Freund answered his own question.

"The defect in Federal taxpayers' suits does not rise to the level of an article III infringement * * * the present situation is not beyond repair through provision by Congress for a straightforward Federal taxpayer's suit * * *".[5]

Accordingly, Mr. William J. Butler of the New York Bar and counsel for the petitioner in *Engel* v. *Vitale*, 370 U.S. 421 (1962), stated:

"Of all the interpretations of *Frothingham* v. *Mellon* that have been offered, it would seem to me that the only one that is still viable is that the Constitution itself does not authorize a taxpayer suit to review the constitutionality of Federal expenditures. However, I suggest that it is certain that Congress has the right, by appropriate legislation, to grant a remedy for violations of the first amendment * * *".[6]

Addressing himself to the question of whether citizens should be allowed to sue to challenge the constitutionality of Federal expenditures under the first amendment, Prof. Leo Pfeffer said, "I think the initial question should be 'why not?' The burden of proof, it seems to me, would be upon those who assert that there should be no such right."[7] Professor Pfeffer went further. In reference to the *Frothingham* case, he said:

"It was decided in 1923 at the time when judicial attacks upon social welfare legislation, child labor laws, maximum hour laws, minimum wage laws, and so on, were frequent. The Court, while it invalidated a number of these laws, sought to exercise some degree of judicial restraint. And one of the means it applied for the exercise of this judicial restraint was to assert that a taxpayer, suing to invalidate such a law, must show that he has suffered some special damage or injury not shared by the common public or by all taxpayers. This was a decision based upon judicial discretion, upon the Court's interpretation of judicial policy. It was not based upon any constitutional limitation on the Court's power to act * * *."[8]

It has been suggested by various constitutional authorities, particularly Professors Jaffe and Kenneth Culp Davis, that the Supreme Court would even now hear a taxpayer's suit challenging a Federal appropriation which, in the words of the *Frothingham* case, is a "matter which admits of the exercise of the judicial power." And, in his statement submitted to the subcommittee, Professor Jaffe added, "But we know from *Everson*[9] that the questions which would be adjudicated under the proposed statute, are matters which admit of the exercise of the judicial power."[10] In such cases, the Court may still refuse to take jurisdiction of such a suit not for constitutional reasons but on grounds of public policy. In his testimony before the subcommittee, Professor Jaffe stated, however, that if "Congress mandates jurisdiction the Court may well be prepared to accept the congressional action as a definitive expression of a policy favoring the assumption of jurisdiction."[11]

It is important to remember that the constitutionality of none of the acts enumerated in section 1 has been ascertained by the Supreme Court of the United States. Furthermore, Prof. Leo Pfeffer pointed out in his testimony before the subcommittee that judicial review is available for every aspect of the Bill of Rights except the establishment clause of the first amendment. He stated: "* * * ironically, even though the first amendment says 'Congress shall make no law respecting the establishment of religion,' and does not say 'no State shall make a law respecting the establishment,' the Court accepted jurisdiction of a suit against a State law alleged to violate that provision of the first amendment."[12]

In reference to the desirability of filling the procedural gap between the first amendment guarantee's regarding the freedom of religion and the enjoyment of that freedom, Professor Pfeffer noted that—

"* * * James Madison, when defending the Bill of Rights specifically stated that he expected that the courts would make themselves the special guardian of the Bill of Rights, which in fact they have done. They have done it except for this technical obstacle in establishment cases involving Federal expenditures. * * * and James Madison * * * did have that foresight and that intelligence to realize that the Bill of Rights without judicial enforcement would be what he called a parchment barrier."[13]

Interpretation of the religion clauses of the first amendment has remained fairly constant throughout its existence. This is apparent, at least, from an observation of the decisions of the Supreme Court and more particularly of the Court's repeated references to history as they are called upon to interpret and apply the first amendment. In spite of the precautionary rule adhered to by the Court, that no act of legislation will be declared void unless the act is unconstitutional beyond all reasonable doubt, recently, presumptions of invalidity have appeared to prevail against statutes alleged to interfere with the freedom of religion. This freedom has been said to occupy a preferred position in the Constitution.[14]

---

[1] "Constitutionality of Federal Aid to Education in Its Various Aspects," S. Doc. No. 29, 87th Cong., 1st sess., p. 27.

[2] Jaffe, Louis L., "Judicial Control of Administrative Action," pp. 459–460 (1965).

[3] Hearings, 1966.

[4] Id.

[5] Freund, hearings, 1966.

[6] Hearings, 1966.

[7] Id.

[8] Id.

[9] *Everson* v. *Board of Education*, 330 U.S. 1 (1947).

[10] Hearings, 1966.

[11] Id.

[12] Id.

[13] Id.

In this regard, Professor Pfeffer explained:

"* * * Of all the guarantees of the Bill of Rights none is more important, according to the thinking and decisions of the U.S. Supreme Court, than the first amendment. It was no accident that the Bill of Rights started with the first amendment, nor that the first amendment started with the words 'Congress shall make no law respecting an establishment of religion.' This, as the Supreme Court pointed out recently, was put first in the Bill of Rights because it was first in the minds of the Constitutional Fathers."[15]

There have been times in the history of the United States that the Supreme Court has declared that certain issues brought before it were of a political nature and that it would not enter this "political thicket." The Department of Health, Education, and Welfare, through its representative spokesman, suggested that since the President and the Congress have decided that the legislation to be subjected to review by this bill is constitutional, there was no need nor desirability of having the judicial branch of the Government lend its approval or disapproval to the question. The subcommittee submits, however, that the case of *Marbury* v. *Madison*, 1 Cr. 137 (1803), is still good law and applicable to the problem now confronting the Congress. In S. 3 Congress has not abdicated its responsibility for determing the constitutionality of its actions to the Supreme Court. To the contrary, it carefully deliberated upon the constitutional issues posed by the acts enumerated in section 1 of the bill. But, "the controversy over them is not stilled."[16] As Professor Freund submitted:

"The authority of government to aid religious groups is an area of dispute that does not lend itself to political settlement. In fact, it was precisely to keep religious differences out of the arena of politics that the first amendment was adopted."[17]

One of the initial sponsors of this legislation, Senator Wayne Morse, declared in his testimony before the subcommittee: "I think we will greatly strengthen our whole system of three coordinate and coequal branches of government if we provide in a broad bill a jurisdictional basis for judicial review."[18] The bill recognizes that the final power to adjudicate controversies arising under the Constitution rests in the courts rather than the Congress.

The case of *Horace Mann League* v. *Board of Public Works*, 242 Md. 645, 220 A. 51 (1966); certiorari denied, appeal denied, 385 U.S. 97 (1966), had been cited by opponents of judicial review as potentially productive of judicial guidelines in this area of constitutional law. On November 14, 1966, however, the Supreme Court refused to review the Maryland court of appeals decision declaring three construction grants to three church-controlled colleges unconstitutional under the first amendment to the U.S. Constitution. Commenting on the case when S. 3 was introduced, Senator Ervin said:

"These same three colleges which cannot constitutionally receive funds from the State of Maryland have each been recipients of Federal grants during the last 2 years. The effect, then, is that while the establishment clause was originally intended to apply only to Congress, today it is only enforced against State legislatures. On religion and the first amendment, the law of the land is less majestic than ironic."

Several cases are now pending which challenge the constitutionality of the Elementary and Secondary Education Act of 1965. The pendency of these cases may be cited by opponents of judicial review as a substitute for legislation. The committee feels, however, that if the question of standing is raised by the defendants in these cases, they will undoubtedly be successful under the present state of the law. Moreover, the failure of the Maryland case to produce new insight in our understanding of the first amendment should serve as an example to the Senate.

The U.S. Office of Education now indicates that it would welcome court rulings on the constitutionality of its programs. Commissioner Howe has stated that without such rulings, Federal and State educational agencies will continue to have problems.

ACTS SUBJECT TO REVIEW UNDER S. 3

The following is an outline of the existing laws which may be affected by this act:

These nine acts include, by application, church-related institutions among their beneficiaries. The extent of this inclusion is not, according to Department officials, accurately definable. In some cases the acts have not been in operation long enough to make a determination but the legislative history portends broad utilization of such institutions in these new Federal education programs.

HIGHER EDUCATION FACILITIES ACT OF 1963
(PUBLIC LAW 88–204, AS AMENDED)

The Higher Education Facilities Act of 1963 authorizes the following programs:

Title I.—Federal matching grants for construction of undergraduate academic facilities at public 2-year institutions of higher education and at public and private 4-year institutions of higher education.

Title II.—Federal matching construction grants to public and private institutions of higher education and cooperative graduate center boards for the improvement of existing graduate schools and cooperative graduate centers and for assistance in the establishment of new graduate schools and cooperative graduate centers.

Title III.—Loans to public and private institutions of higher education for the construction of academic facilities. [As a result of amendments to Public Law 88–204 contained in Public Law 89–429, Participation Sales Act of 1966, construction loans are to be made from a separate revolving loan fund created in the Treasury.]

Fiscal year 1967 appropriations

Title I	$453, 000, 000
Title II	60, 000, 000
Title III	200, 000, 000
State administrative expenses and technical services	9, 744, 000

TITLE VII OF THE PUBLIC HEALTH SERVICE ACT

The provisions of this title authorize Federal assistance to health research and teaching facilities and to various health professional personnel.

Part A provides for matching grants-in-aid to public and nonprofit institutions for the construction of facilities for research in the health sciences. Administration of this part is aided by the creation of the National Advisory Council on Health Research Facilities. The appropriation for fiscal year 1967 is $50,000,000.

Part B provides for grants for the construction of teaching facilities for medical, dental, and other related personnel. For this purpose $135 million has been appropriated for fiscal year 1967.

Part C authorize the establishment of a student loan fund to assist schools in providing loans to students of medicine, dentistry, osteopathy, optometry, and veterinary medicine. The fiscal year 1967 appropriation is $25,325,000.

Part D is discussed in another section of this outline, under the Mental Retardation Facilities and Community Mental Health Act of 1963.

Part E authorizes a program of improvement grants to assist schools of medicine, dentistry, osteopathy, optometry, and podiatry in improving the quality of their educational instruction. For fiscal year 1967 the appropriation is $30 million.

Part F provides for a scholarship program for students of medicine, osteopathy, dentistry, optometry, podiatry, or pharmacy, allowing them assistance of up to $2,500 annually. The appropriation for fiscal 1967 is $4,030,000.

Part G authorizes grants to be awarded to training centers of the allied health professions in junior colleges, colleges, and universities for construction, basic and special curriculum improvements, traineeships for students, and development of new methods of training. The appropriation for fiscal year 1967 is $3,735,000, none of which will be available for construction grants.

NATIONAL DEFENSE EDUCATION ACT OF 1958
(PUBLIC LAW 85–864, AS AMENDED)

This act, as currently in effect, authorizes the following programs:

1. Federal contributions to public and private institutions of higher education for use in establishing funds for making low-interest loans to students. Fiscal year 1967 appropriation: $192 million.

2. Federal matching grants to State educational agencies for the acquisition of laboratory and other special equipment and for improvements in State services necessary for strengthening instruction in science, mathematics, history, civics, geography, economics, industrial arts, modern foreign language, English, and reading in public elementary and secondary schools: Federal loans to nonprofit private elementary and secondary schools for same purposes. Fiscal year 1967 appropriation: $88,200,000.

3. Graduate fellowships for persons interested in college teaching. Fiscal year 1967 appropriation: $81,957,000.

4. Federal matching grants to State educational agencies to assist them in carrying out programs of testing, guidance, and counseling in the public schools. [Private schools may also participate in the testing program, either under the State plan or under special arrangement with the Commissioner of Education.] Fiscal year 1967 appropriation: $24,500,000.

Federal grants to or contracts with public and private institutions of higher education for the operation by them of guidance and counseling institutes. Fiscal year 1967 appropriation: $7,250,000.

5. Federal grants to or contracts with public and private institutions of higher education for the operation by them of modern foreign language and area studies centers. Fellowships for individuals engaged in advanced training in modern foreign languages and area studies. Fiscal year 1967 appropriation: $15,800,000.

6. Federal grants to or contracts with public or nonprofit private agencies, organizations, or individuals for research and experimentation projects in the more effective use of educational media, and for dissemination

---

[14] See the opinion of Mr. Justice Reed in *Kovacs* v. *Cooper*, 336 U.S. 77, 88 (1949)

[15] Hearings, 1966.

[16] See Freund, hearings, 1966.

[17] Hearings, 1966.

[18] Id.

of the results of such projects. Fiscal year 1967 appropriation: $4,400,000.

7. Federal matching grants to State educational agencies for the improvement of State statistical services. Fiscal year 1967 appropriation: $2,250,000.

8. Federal grants to or contracts with public and private institutions of higher education for the operation by them of advanced training institutes for teachers of history, geography, economics, civics, industrial arts, modern foreign languages, reading, international affairs, or English; for teachers of disadvantaged youth; and for school library personnel and educational media specialists. Fiscal year 1967 appropriations: $30 million.

Fiscal year 1967 appropriations.—$446,357,000 in the aggregate.

MENTAL RETARDATION FACILITIES AND COMMUNITY MENTAL HEALTH CENTERS CONSTRUCTION ACT OF 1963 (PUBLIC LAW 88-164)

Title I of this act authorizes (1) project grants for the construction of mental retardation research centers; (2) project grants for the construction of clinical facilities for the mentally retarded to be associated with a college or university; and (3) formula grants for the construction of public and other nonprofit facilities to provide comprehensive services to the mentally retarded.

Title II authorizes formula grants for the construction of public and private nonprofit community mental health centers.

Title III provides for grants for training, research, and demonstrations with respect to the education of handicapped children.

Public Law 89-105 authorizes grants to pay part of the cost of professional and technical personnel staffing the community mental health centers.

The total appropriation for this act for fiscal year 1967 is $113,600,000.

TITLE II OF THE ACT OF SEPTEMBER 30, 1950 (PUBLIC LAW 874, 81ST CONG.)

Title II of Public Law 874 was enacted as title I of the Elementary and Secondary Education Act of 1965 and is treated under that act below.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (PUBLIC LAW 89-10, AS AMENDED)

The Elementary and Secondary Education Act of 1965 authorizes the following programs:

Title I.—Federal grants [through fiscal year 1968] to local educational agencies serving areas with concentrations of children from low-income families. Agencies may use grants for any of a wide range of programs designed to meet the special needs of educationally deprived children.

Local agency may qualify for grants on behalf of: (1) children from families with annual income of less than low-income factor [$2,000 fiscal year 1967; $3,000 fiscal year 1968]; (2) children from families with income in excess of low-income factor due to AFDC payments; and (3) children in local institutions for neglected or delinquent children, or in foster homes at public expense.

Additionally, State educational agencies may receive grants for use in educational programs for migratory children of migratory farm laborers and for handicapped children and children in institutions for the neglected and delinquent. Finally, grants may be made to the Department of the Interior for use in schools for Indian children [fiscal year 1967 only].

Pupils in private elementary and secondary schools are eligible to participate in certain title I programs administered by local educational agencies.

Title II.—Federal grants [through fiscal year 1970] to State educational agencies for the acquisition of school library resources, textbooks, and other instructional materials for use of the pupils and teachers in public and private elementary and secondary schools in the State.

Grants to Department of the Interior for acquisition of library resources, texts, and other materials for Indian schools [fiscal year 1967 only].

Grants to Department of Defense for acquisition of library resources, texts, and other materials for DOD overseas dependents schools [fiscal year 1967 only].

Title III.—Federal grants [through fiscal year 1970] to local educational agencies for establishment and operation of supplementary educational centers and services for the teachers and pupils of public and private elementary and secondary schools.

Grants [fiscal year 1967 only] to Secretary of Defense and Secretary of the Interior for use in providing special services in overseas dependents schools and Indian schools, respectively.

[*Title IV.*—Amends Cooperative Research Act; discussed below.]

Title V.—Grants [through fiscal year 1970] to State educational agencies for use in broad range of projects designed to strengthen and improve their educational leadership resources.

Arrangements for interchange of personnel between State educational agencies and U.S. Office of Education.

Title VI [added by Public Law 89-750, November 3, 1966].—Grants [through fiscal year 1968] to State educational agencies to assist them in programs for the improvement of education of handicapped children at preschool, elementary, and secondary levels. Handicapped children enrolled in private elementary and secondary schools are eligible to participate in programs assisted under this title.

Fiscal year 1967 appropriations

$1,342,410,000 [1] in the aggregate—

Title I	$1,070,410,000
Title II	105,000,000
Title III	145,000,000
Title V	22,000,000

[1] Up to $30,000,000 of this sum to be available for use under the Adult Basic Education Act of 1966, enacted as title IV of Private Law 89-750, Nov. 3, 1966.

COOPERATIVE RESEARCH ACT OF 1954 (PUBLIC LAW 531, 83D CONG., AS AMENDED)

The Cooperative Research Act, as amended by Public Law 89-10 and by Public Law 89-750, authorizes the following programs:

1. Grants to colleges and universities; other public and nonprofit private agencies, institutions, and organizations; and to individuals for research in education, and for disseminating information derived therefrom.

2. Contracts or jointly financed cooperative arrangements with colleges and universities; other public and nonprofit or profitmaking private agencies, institutions, and organizations; and with individuals for purposes described in 1, above.

3. Grants to colleges and universities and other public or nonprofit private agencies, institutions, and organizations to assist them in providing training programs in educational research.

4. Contracts or jointly financed cooperative arrangements with colleges and universities and other public or private (nonprofit or profitmaking) agencies, institutions, and organizations for purposes described in 3, above.

5. Grants to or contracts with universities, colleges or other appropriate public or nonprofit private agencies or institutions, or combinations of such agencies and institutions, for part or all of the cost of constructing regional facilities for educational research and related purposes. (Funds for construction authorized through fiscal year 1970 only.)

Fiscal year 1967 appropriations.—$70,000,000 in the aggregate, of which sum up to $12,400,000 will remain available until expended for construction of regional facilities for research and related purposes.

HIGHER EDUCATION ACT OF 1965 (PUBLIC LAW 89-329, AS AMENDED)

This act, as amended by Public Paw 89-698 (October 29, 1966) and by Public Law 89-752 (November 3, 1966), authorizes the following programs:

Title I. Grants to public and private institutions of higher education for strengthening their community service programs and increasing their effectiveness as agents for the solution of community problems such as housing, poverty, government, land use, health, and transportation. Fiscal year 1967 appropriation: $10 million.

Title II.—

Part A: Grants to public and private IHE for assistance in acquiring needed library resources such as books, periodicals, documents, and tapes. Fiscal year 1967 appropriation: $25 million.

Part B: Grants to public and private IHE for assistance in training persons in librarianship. Grants to or contracts with public and private IHE and other appropriate public or private agencies for research in the improvement of libararies and librarianship. Fiscal year 1967 appropriation: $7,300,000.

Part C: Transfer of funds to the Library of Congress for acquisition of library materials from around the world which are of value to scholarship and for distribution of bibliographic information on such materials. Fiscal year 1967 appropriation: $3 million.

Title III.—Grants for assisting developing institutions of higher education—public and private—in improving their academic quality by entering into cooperative arrangements with other, better developed institutions and agencies. Teaching fellowships for qualified graduate students and junior faculty members to encourage them to teach in developing institutions. Fiscal year 1967 appropriation: $30 million.

Title IV.—

Part A: Grants to public and private IHE for use in making educational opportunity awards to needy students.

Contracts with State and local educational agencies and other public or nonprofit private organizations and institutions for identifying qualified but needy youth and encouraging them to continue their educations. Fiscal year 1967 appropriation: $114,500,000.

Part B: Advances to assist in establishing or strengthening reserve funds of State and nonprofit private student loan programs. Interim program of Federal insurance of student loans, to remain in effect until State and nonprofit private insurance programs are accessible to all students. Federally subsidized interest on federally insured student loans and loans insured under approved State and nonprofit proviate programs. Fiscal year 1967 appropriation: $46 million.

Part C: Grants to public and private IHE to assist them in operating student work-study programs. (Pt. C amended and expanded the college work-study program originally enacted as part of the Economic Opportunity Act of 1964, and transferred authority over the program from the Office of Economic Opportunity to the Office of Education.) Fiscal year 1967 appropriation: $134,100,000.

(Part D: Amendments to the National Defense Education Act, treated above.)

Title V.—

(Part A: Establishment of an Advisory Committee on Quality Teacher Preparation.)

Part B: Establishment of a National Teachers Corps to attract and train qualified teachers and inexperienced teacher-interns who will be available, upon request of local educational agencies, for teaching in economically depressed areas. The local educational agency may use Teachers Corps members in providing certain educational services in which pupils of private schools can participate. Fiscal year 1967 appropriation: $7,500,000.

Part C: Graduate fellowships to enable teachers or prospective teachers to study at public and private IHE. Grants to and contracts with public and private IHE to assist them developing or strengthening graduate programs for teachers and prospective teachers. Fiscal year 1967 appropriation: $30 million.

Title VI.—

Part A: Federal matching grants to public and private IHE for acquisition of laboratory, television, and other special equipment and materials needed for improving undergraduate instruction in science, mathematics, foreign languages, history, geography, government, English, other humanities, the arts, or education. Fiscal year 1967 appropriation: $14,500,000.

Part B: Grants to or contracts with public and private IHE for the operation by them of training institutes for individuals engaged in (or preparing to engage in) the use of educational media equipment in institutions of higher education. Fiscal year 1967 appropriation: $2,500,000.

(*Title VII.*—Amendments to the Higher Education Facilities Act of 1963, treated above.)

Fiscal year 1967 appropriation.—$424,400,000 in the aggregate.

ECONOMIC OPPORTUNITY ACT OF 1964 (PUBLIC LAW 88–452 AS AMENDED BY PUBLIC LAWS 89–253 AND 89–794)

The following is a summary of the relevant portions of this act:

Title I establishes the Job Corps, which provides work experience and training for disadvantaged young men and women aged 16 through 21. This training takes place in residential rural conservation camps and urban training centers. The Neighborhood Youth Corps was also established to provide programs which will give employment and training in their own communities to young men and women aged 15 through 21 who live at home. The 1966 amendments authorized a new special impact program to employ and train unemployed and low-income residents of high-concentration poverty areas in activities designed to improve life in their neighborhood: $412.5 million was appropriated for fiscal year ending June 30, 1965; 1966 and 1967 appropriations were not earmarked by title: however, 1966 authorizations were $700 million and 1967 authorizations were $696 million; $211 million for the Job Corps, $410 million for the Neighborhood Youth Corps, and $75 million for the special impact program.

Title II authorizes general community action programs. Both public and private resources are to be mobilized to combat poverty within the community. Grants may be made to meet the costs of developing programs for technical assistance, research training and demonstration, and for special programs aimed at the chronically unemployed poor. The 1966 amendments add a new provision for grants to finance adult work training and employment programs for poor persons involved in community improvement activities. The Headstart and legal services programs which were not specified in the 1964 act are included in the 1966 amendments. Headstart includes the furnishing of health, nutritional, social, educational, and mental health services to young children: $340 million was appropriated for fiscal year ending June 30, 1965; 1966 and 1967 appropriations were not earmarked by title; however, 1966 authorizations were $850 million and 1967 authorizations were $846 million.

Adult basic education was transferred to the Office of Education under Public Law 89–750. Under this program grants may be made to States to initiate basic education programs for those 18 years of age and over whose inability to read and write seriously impairs their ability to get or retain employment.

Title III established special programs to combat poverty in rural areas, including assistance for migrants and seasonally employed agricultural workers, and authorizes loans with 15 years maximum maturity in amounts not exceeding $3,500 to low-income families, $35 million was appropriated for fiscal year ending June 30, 1965, 1966 authorizations were $55 million, and 1967 authorizations $57 million.

The Office of Economic Opportunity has stated that in respect to title II, it has often found that church-related institutions are the most viable resource in a community for perfecting the purposes of this title. In this regard Mr. Sargent Shriver stated:

"Three or four years ago it was practically impossible for a Federal agency to give a direct grant to a religious group. Today we have given hundreds without violating the principle of separation of church and state."

Testimony elicited from agency representatives indicates that approximately 6 percent of the community action programs are operated or coordinated by church-affiliated organizations.

ANALYSIS OF PROVISIONS OF S. 3

In general

All the acts described above pose the problem of the extent to which the first amendment proscribes church-state interaction. Recent Supreme Court cases have engendered serious doubts as to the constitutionality of the type of public assistance which is offered by these acts to denominational institutions. Furthermore, witnesses asserted that any distinction between limited and general aid would be specious. Likewise, to achieve direct aid, which is undoubtedly unconstitutional, by categorizing the funds or justifying such allocations in the interest of national defense or public welfare may also be fallacious.

In reference to the constitutionality of certain acts affected by this legislation and of his efforts to have them enacted by the Senate, Senator Wayne Morse made the following statement in his testimony before the subcommittee:

"* * * I could not speak with finality, no one could, until the court rules. I do not think that as Senators we ought to be put in a position where we have to move in legislatively by the back door. That is the way I described it.

"I said to the Senate, 'I am asking for this through the back door because I cannot walk through the front door for a general Federal aid-to-education bill, because I feel existing court decisions bar my entrance there.'

"So what did we do? Let us be frank about it. It is not a very nice term it is a frank and accurate description of some of our legislation, to say we used what amounts to a subterfuge approach on this constitutional question. We had no other choice. We used the national defense education approach, we used the contract approach, we used the categorical approach. Why did we use those approaches? Because we were afraid, let us be frank about it, that we could have been beaten on the constitutional argument on a general aid bill."[19]

The basic purpose for this legislation can be seen in section 1. It is a twofold purpose. Primarily, the bill is designed to provide a feasible and practical test of the constitutionality of acts of Congress. As noted later in this report, all sections of the Constitution may be and generally have been, tested or enforced by the courts with one exception—the establishment clause of the first amendment. Thus, we see a second reason for S. 3 the enumerated acts in section 1 of the bill.

This bill is couched in terms of "the provisions relating to religion" although it is the establishment clause of the first amendment which is the particular right to be enforced. It is understood, however, that both the establishment clause and the free exercise clause can be read together. In fact, it is the free exercise of religion that is ultimately sought to be protected by a proscription against establishment. This interpretation of the first amendment has been endorsed on numerous occasions by the Supreme Court. Mr. Justice Goldberg, concurring in *Abington School District* v. *Schempp*, 374 U.S. 203, 305 (1963), said:

"These two proscriptions are to be read together, and in light of the single end which they are designed to serve. The basic purpose of the religion clause of the first amendment is to promote and assure the fullest possible scope of religious liberty and tolerance for all and to nurture the conditions which secure the best hope of attainment of that end."

The distinction is recognized here because the infringement on religious liberty in general occurs, if at all, by virtue of the fact that the Federal Government may be approaching through various acts the "establishment of religion" which is proscribed in the establishment clause of the first amendment.

The establishment clause is not confined to the protection of particular religious exercises. As Mr. Justice Douglas stated in the *Abington* case, at page 229:

"[I]t also forbids the State to employ its facilities or funds in a way that gives any church, or all churches, greater strength in our society than it would have by relying on its members alone."

The scope of this bill is focused more readily on the establishment clause for two additional reasons. All of the legislation enumerated in this section involves education in some way and *"the most effective way to establish any institution is to finance it; and this truth is reflected in the appeals by church groups for public funds to finance their religious schools."*[20] [Emphasis added.]

Mr. Justice Douglas continued—

"But the institution is an inseparable whole, a living organism, which is strengthened in proselytizing when it is strengthened in any department by contributions from other than its own members.

"Such contributions may not be made by the State even in a minor degree without violating the establishment clause * * *. What may not be done directly may not be done indirectly lest the establishment clause become a mockery."

The *Abington* case is particularly helpful in an understanding of the constitutional significance of S. 3. It explains another reason for placing this legislation in the framework of the establishment clause. In footnote 9 in the opinion of the court, Mr. Justice Clark explains "[*B*]*ut the requirements for standing to challenge State action under the establishment clause, unlike those relating to the free exercise clause do not include proof that particular religious freedoms are infringed.*" [Emphasis added.]

Section by section

Publication of the order of the Federal officer approving or disapproving a grant or loan under any of the acts enumerated in section 1 is a condition precedent to the effectuation of such order. Furthermore, this publication will constitute official notice to any party or parties wishing to challenge such order as violative of the establishment clause of the first amendment to the Constitution and the limitation on the bringing of an action shall commence on the date of such publication.

---

[19] Hearings, 1966.

[20] *Abington School District* v. *Schempp* at 229, concurring opinion of Justice Douglas citing II Stokes, *Church and State in the U.S.* (1950).

Section 2 of the bill is an authorization granting standing to "any public or other nonprofit agency or institution which is or may be prejudiced by the order of the Federal officer making a loan or grant under the authority of any of the Acts enumerated in section 1." Prejudice occurs to the complaining party when the making of such grant or loan serves to reduce the amount of funds available in a given year for a grant or loan under any of these acts to such complaining agency or institution and when such grant or loan is deemed inconsistent with the establishment clause of the first amendment. The complaining party may bring an action for declaratory judgment within sixty days after the publication of the order of the Federal officer in the Federal Register. The defendants will be the Federal officer and the agency or institution whose application has been approved.

It is understood that no potential beneficiary of Federal appropriations has a constitutional right to receive financial benefits from the Federal Government. Nevertheless, a potential nondenominational beneficiary has an interest in these appropriations because but for the allegedly unconstitutional aid to church-related institutions the plaintiff institution would have received Federal aid for its own needs. It would, therefore, be prejudiced to such an extent that equitable relief should be made available. Additionally, the injury is "direct" enough to support standing.

Section 3(a) authorizes corporate and individual taxpayers to bring an action for declaratory judgment against the Federal officer making a grant or loan under any of the acts enumerated in section 1. The action shall be based on allegations that such grant or loan is inconsistent with the establishment clause of the first amendment of the Constitution. In order to maintain an action under this section a plaintiff need only show that it has paid any part of such income tax imposed upon its taxable income under section 1 of the Internal Revenue Code of 1954 for the last preceding calendar or taxable year. A 60-day limitation on the bringing of an action is also provided in this section. This subsection also provides that "[N]o additional showing of direct or indirect financial or other injury, actual or prospective, on the part of the plaintiff shall be required for the maintenance of any such action."

The type of action contemplated here is, of course, couched in terms of the first amendment and is essentially different from that in the *Frothingham* case. Professor Freund, in a statement submitted to the subcommittee, states that this action "* * * does not rest on a quantitative comparison of the financial stake of various classes of taxpayers. The object of the challenge in that case (*Frothingham* v. *Mellon*) was on expenditure asserted not to fall within the national power to tax and spend for the general welfare but to fall within the realm of State authority." [21]

The following additional statement by Professor Freund is of critical importance to an understanding of this legislation.

"Under this bill, however, the litigation would be brought to vindicate rights secured by the first amendment, a right to be free of a Federal religious establishment, a right closely allied to the right of free exercise of religion, and one that traditionally took the form of freedom from enforced contribution to support religious activities. In this view, the quantum of the financial stake is not central to the right; any such use of a citizen's tax payments would constitute the heart of the offense to his autonomy in the religious sphere." [22]

Under subsection (b) all citizens are afforded identical relief to that of the taxpayer in subsection (a). The right which is sought to be protected is not one of monetary concern at all but is one of citizenship under the first amendment. The challenge is to an expenditure which allegedly constitutes a forbidden law respecting the establishment of religion. The plaintiff sues not only for himself but also in behalf of all other citizens to vindicate the public interest in the observance of the provisions relating to religion in the first amendment.

William J. Butler, testifying before the subcommittee, asserted that "Congress has the right, duty, and power to provide a procedure whereby citizens of the United States may control the unlawful acts of public officials through the courts * * *. It is his interest as a citizen of the United States that would motivate him to initiate a lawsuit under this Act." [23] The actions of the public officials which are challenged as being unlawful under this bill are those which are unlawful only because the acts authorizing their action may be unconstitutional.

Mr. Butler also noted—

"Moreover, over a period of a substantial number of years and in a number of leading cases, apparently because of the importance of the first clause of the first amendment, the U.S. Supreme Court has recognized standing to sue where there is no financial basis at all. Thus, in *Everson, McCollum, Zorach, Engel, Murray,* and *Schempp*, the Court has recognized parenthood of a child in the school affected as sufficient basis for standing to sue. *Everson* v. *Board of Education*, 330 U.S. 1 (1947); *McCollum* v. *Board of Education*, 333 U.S. 203 (1948); *Zorach* v. *Clauson*, 343 U.S. 306 (1952); *Engel* v. *Vitale, supra; School District of Abington Township, Pa.* v. *Schempp*, 374 U.S. 203 (1963)." [24]

Finally, Prof. Louis Jaffe concluded that—

"It seems to me clear that the procedural conditions relevant to case or controversy do not differ in the slightest as between a State and a Federal taxpayer suit. In both cases there is a plaintiff prepared to carry the burden of persuasion and a defendant ready to defend. There is little risk that the Court will not be adequately briefed.

"A citizen or taxpayer sufficiently concerned to bring a lawsuit in which he does not have a monetary concern is for that very reason likely to take seriously the presentation of the lawsuit. The judgment will be definitive; it will determine either that the defendant does or does not have a duty to enforce the law in question. There need be nothing contingent or speculative about the question to be decided and if there is, jurisdiction can be refused on that ground." [25]

Finally, it should be noted that Congress has in the past authorized defined classes of persons to seek review of administrative orders where they qualify as "aggrieved persons." The most common form of relief has been obtained through an injunction or action for declaratory judgment. Typically, Federal courts have recognized standing in consumers, licensees, and television viewers. In *Associated Industries* v. *Ickes*, 134 F. 2d 694 (1943), the Court of Appeals, Second Circuit, held that an association of industrial firms, including consumers, had standing to review an order by the Secretary of the Interior purporting to increase the minimum price of coal. After reviewing a series of cases dealing with standing to challenge official action, Judge Frank declared:

"While Congress can constitutionally authorize no one, in the absence of an actual justifiable controversy, to bring a suit for the judicial determination either of the constitutionality of a statute or the scope of powers conferred by a statute upon Government officers, it can constitutionally authorize one of its own officials, such as the Attorney General to bring a proceeding to prevent another official from acting in violation of his statutory powers; for then an actual controversy exists, and the Attorney General can properly be vested with authority, in such a controversy, to vindicate the interest of the public or the Government. Instead of designating the Attorney General, or some other public officer, to bring such proceedings, Congress can constitutionally enact a statute conferring on any nonofficial person, or on a designated group of nonofficial persons, authority to bring a suit to prevent action by an officer in violation of his statutory powers; for then, in like manner, there is an actual controversy, and there is nothing constitutionally prohibiting Congress from empowering any person, official or not, to institute a proceeding involving such a controversy, even if the sole purpose is to vindicate the public interest. Such persons, so authorized, are, so to speak, private attorney generals." 134 F. 2d at 704.

Prof. Kenneth Culp Davis in his "Administrative Law Treatise," volume 3, section 22.05, points out that "the basic idea of the private attorney general who can sue to vindicate the public interest is a very old one." The action by citizens under subsection (b) may be brought in behalf of the individual plaintiff and all others in similar circumstances. This principle has never been repudiated by any Federal court and thus affords an additional ground on which a plaintiff may base his claim.

Section 4 authorizes any public or other nonprofit institution or agency to bring a civil action to review the final decision of a Federal officer which denies a loan or grant applied for under any Act enumerated in section 1. The denial must have been on the ground that such grant or loan would be inconsistent with the establishment clause of the first amendment to the Constitution. The challenge to such denial must be instituted within 60 days after the order of disapproval appears in the Federal Register.

Section 5 contains the procedural and jurisdictional provisions for the operation of this proposed Act. All actions would be brought in the District Court of the United States for the District of Columbia which would have jurisdiction without regard to the amount in controversy. The District of Columbia is the obvious jurisdiction since the defendant in all three types of actions under this Act includes the Federal officer issuing the order which is to be challenged, and, with the exception of section 2 actions, the Federal officer is the only defendant.

This section also provides that "In the event two or more civil actions are brought under the provisions of this Act challenging the constitutional validity of the same loan or grant, such court may consolidate such civil actions for the purpose of trial and judgment." This provision will reduce any possible increase in the caseload of the Federal courts. Furthermore, since jurisdiction is limited to the District of Columbia, there is a geographical barrier to the prosecution of frivolous suits. It should be noted also that litigation such as that contemplated by this Act will be a substantial financial undertaking and must be undertaken within 60 days after publication of the order approving or disapproving the grant or loan.

The provision in section 5 which calls for expediting review and appeal should guarantee speedy and orderly processing of cases under this Act.

The remaining portions of subsection (a) of section 5 include the following:

"All process, including subpenas, issued by the district court of the United States for any such district may be served in any other district. In any action under this Act the court shall have authority to determine all matters of fact or law appropriate to a decision of the case. No costs shall be assessed against the United States in any proceeding under this Act. In all litigation under this Act, the Federal officer shall be represented by the Attorney General."

---

[21] Hearings, 1966.

[22] Id.

[23] Id.

[24] Id.

[25] Hearings, 1966.

Subsection (b) of section 5 provides "the judgment of the district court shall be subject to review as provided in sections 1252, 1253, 1254, and 1291 of title 28 of the United States Code" which read as follows:

"§ 1252. Direct appeals from decisions invalidating Acts of Congress.

"Any party may appeal to the Supreme Court from an interlocutory or final judgment, decree or order of any court of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam and the District Court of the Virgin Islands and any court of record of Puerto Rico, holding an Act of Congress unconstitutional in any civil action, suit, or proceeding to which the United States or any of its agencies, or any officer or employee thereof, as such officer or employee, is a party.

"A party who has received notice of appeal under this section shall take any subsequent appeal or cross appeal to the Supreme Court. All appeals or cross appeals taken to other courts prior to such notice shall be treated as taken directly to the Supreme Court.

"§ 1253. Direct appeals from decisions of three-judge courts.

"Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges.

"§ 1254. Courts of appeals; certiorari; appeal; certified questions.

"Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

"(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

"(2) By appeal by a party relying on a State statute held by a court of appeals to be invalid as repugnant to the Constitution, treaties or laws of the United States, but such appeal shall preclude review by writ of certiorari at the instance of such appellant, and the review on appeal shall be restricted to the Federal questions presented;

"(3) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

"§ 1291. Final decisions of district courts.

"The courts of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court."

Section 6(a) provides: An interlocutory injunction enjoining the payment of a grant or loan, or any portion thereof, made pursuant to the order which is claimed to be invalid in an action under this act may be granted by the court at any stage of the proceedings authorized by this act. To avoid interrupting important education and welfare programs already in operation, none of these programs will be subject to attack through the procedures provided by this legislation. Furthermore, a grant or loan once perfected may not be refunded under the provisions of this bill. The intent is to bring under review those orders authorizing a grant or loan under any of the acts enumerated in section 1 which occur after enactment of this bill. To provide otherwise would be to create grave and obvious hardships. Thus, it is anticipated that refunding shall only occur in those instances wherein a specific order, effected by this act, is successfully challenged as being inconsistent with the establishment clause of the first amendment.

An objection to the bill particularly aimed at section 6(a) concerns the possibility of a multitude of lawsuits which may impede the administration's program for health, education, and welfare. This objection is not, however, supported by the evidence. In the recent case of *Office of Communication of the United Church of Christ* v. *F.C.C.*, 359 F. 2d 994 (C.A. D.C. Cir. 1966), the court met these fears in the following manner:

"The fears of regulatory agencies that their processes will be inundated by expansion of standing criteria are rarely borne out. Always a restraining factor is the expense of participation in the administrative process, an economic reality which will operate to limit the number of those who will seek participation; legal and related expenses of administrative proceedings are such that even those with large economic interests find the costs burdensome."

The bill is designed to insure that no Federal programs will be suspended until a final judgment by the court declaring the particular grant or loan to be unconstitutional. The court, however, may in its discretion, grant an interlocutory injunction enjoining the payment of a grant or loan which is claimed to be invalid in an action under this act.

It should be remembered that actions arising under this proposed legislation would be heard by a three-judge Federal court, 28 U.S.C. 2282 provides:

"An interlocutory, or permanent injunction restraining the enforcement, operation or execution of any Act of Congress for repugnance to the Constitution of the United States shall not be granted by any district court or judge thereof unless the application therefor is heard and determined by a district court of three judges under section 2284 of this title." [Emphasis added.]

The main thrust of the bill is, of course, section 6 subsection (b). Upon a final determination by the court that the order of the Federal officer which is challenged is invalid the agency or institution receiving the grant or loan shall refund the unexpended portion of the same. In the case of a loan it shall be repaid with accrued interest at the rate fixed therefor. Deferred payment is permitted for a reasonable length of time.

Any refunding after final judgment would be applied to the current appropriation from which it was paid and may be reallotted in accordance with existing law. Typically in most of the programs which may be affected by this act there is a standard reallotment provision in each act. An example is section 203(c) in the Economic Opportunity Act of 1964. It reads in part—

"(c) The portion of any State's allotment * * * for a fiscal year which the Director determines will not be required for such fiscal year for carrying out this part shall be available for reallotment from time to time, on such dates during such year as the Director may fix, to other States in proportion to their original allotments for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Director estimates such State needs and will be able to use for such year for carrying out this part; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment * * *."

Section 7 is a standard separability provision.

Section 8 provides that the act may be cited as "an Act to enforce the first amendment to the Constitution.

The committee feels it is likely there will be only a few and important cases arising under this bill, most of which will be sponsored by organizations representing the views of large numbers of citizens or taxpayers. The committee is also mindful of the statements and attitudes of the Supreme Court in this respect and toward litigation in general.

The Supreme Court in *N.A.A.C.P.* v. *Button* stated as follows:

"* * * under the conditions of modern government, litigation may well be the sole practicable avenue open to a minority to petition for redress of grievances * * *. For such a group, association for litigation may be the most effective form of political association." [26]

Mr. Justice Harlan further elaborated:

"Freedom of expression embraces more than the right of an individual to speak his mind. It includes also his right to join with his fellows in an effort to make that advocacy effective * * * so it must include the right to join together for the purposes of obtaining judicial redress. We have passed the point where litigation is regarded as an evil that must be avoided if some accommodation short of a lawsuit can possibly be worked out. Litigation is often the desirable and orderly way of resolving disputes of broad public significance, and of obtaining vindication of fundamental rights." [27]

This legislation is a partial answer to the demanding question of Justice Douglas:

"What are courts for, if not for removing clouds on title, as well as adjudicating the rights of those against whom the law is aimed, though not immediately applied." [28] [Emphasis added.]

The Subcommittee on Constitutional Rights conducted extensive hearings on this legislation in the 89th Congress. On February 28, 1967, it reported S. 3 to the full committee.

The committee has concluded that this legislation is meritorious, and having considered the same, reports favorably thereon without amendment, and recommends that it be considered favorably.

CHANGES IN EXISTING LAW

In compliance with subsection (4)of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

That the approval or disapproval of an application of any public or other nonprofit agency or institution for a loan or grant under—

(1) the Higher Education Facilities Act of 1963,

(2) title VII of the Public Health Service Act,

(3) the National Defense Education Act of 1958,

(4) the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963,

(5) title II of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress),

---

[26] *N.A.A.C.P.* v. *Button*, 371 U.S. 415, pp. 430, 331, 337 (1963).

[27] Ibid. 371 U.S. 452.

[28] *Public Affairs Associates, Inc.* v. *Rickover*, 369 U.S. 111, 116 (1966). See testimony of Franklin C. Salisbury, hearings, 1966.

(6) the Elementary and Secondary Education Act of 1965,

(7) the Cooperative Research Act,

(8) the Higher Education Act of 1965, or

(9) the Economic Opportunity Act of 1964, shall be effected by an order of the Federal Officer making such grant or loan which shall be conclusive except as otherwise provided in this Act. Notice of such order shall be published in the Federal Register and shall contain such information as the Federal officer issuing the order deems necessary to effectuate the purposes of this Act.

Sec. 2. Any public or other nonprofit agency or institution which is or may be prejudiced by the order of the Federal officer making a loan or grant under the authority of any of the Acts enumerated in section 1, in a particular year to another such agency or institution, by virtue of the fact that the making of such loan or grant serves to reduce the amount of funds available for loans or grants in such year to the agency or institution which is or may be prejudiced, and which deems a loan or grant to be inconsistent with the provisions relating to religion in the first amendment to the Contitution, may bring a civil action in the nature of an action for a declaratory judgment. Defendants in such action shall be the Federal officer and the agency or institution whose application has been approved. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register.

Sec. 3. (a) Any citizen of the United States upon whose taxable income there was imposed an income tax under section 1 of the Internal Revenue Code of 1954 for the last preceding calendar or taxable year and who has paid any part of such income tax and who deems a loan or grant made under any of the Acts enumerated in section 1 to be inconsistent with the provisions relating to religion in the first amendment to the Constitution, may bring a civil action in the nature of an action for a declaratory judgment against the Federal officer making such a loan or grant. No additional showing of direct or indirect financial or other injury, actual or prospective, on the part of the plaintiff shall be required for the maintenance of any such action. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register with respect to such loan or grant. In suing under this subsection, the plaintiff may sue either on behalf of himself or on behalf of all other taxpayers similarly situated.

(b) Any citizen of the United States who deems a loan or grant made under any of the Acts enumerated in section 1 to be inconsistent with the provisions relating to religion in the first amendment to the Constitution, may bring a civil action in the nature of an action for a declaratory judgment against the Federal officer making such a loan or grant. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register with respect to such loan or grant. In suing under this subsection, the plaintiff sues not only for himself but also in behalf of all other citizens to vindicate the public interest in the observance of the provisions of the first amendment relating to religion.

(c) For the purpose of this section the term "citizen" shall include a corporation.

Sec. 4. Any public or other nonprofit institution or agency whose application for a loan or grant under any of the Acts enumerated in section 1 of this Act has been denied by the Federal officer having appropriate authority on the ground that such loan or grant would be inconsistent with the provisions relating to religion in the first amendment to the Constitution may bring an action to review the final decision of such Federal officer within sixty days after such loan or grant has been denied.

Sec. 5. (a) Any action under this Act shall be brought in the District Court of the United States for the District of Columbia, and such court shall have jurisdiction without regard to the amount in controversy. In the event two or more civil actions are brought under the provisions of this Act challenging the constitutional validity of the same loan or grant, such court may consolidate such civil actions for the purpose of trial and judgment. Any action under this Act pending before the district court or court of appeals for hearing, determination, or review shall be heard, determined, or reviewed at the earliest practicable time and shall be expedited in every practicable manner. All process, including subpenas, issued by the district court of the United States for any such district may be served in any other district. In any action under this Act the court shall have authority to determine all matters of fact or law appropriate to a decision of the case. No costs shall be assessed against the United States in any proceeding under this Act. In all litigation under this Act, the Federal officer shall be represented by the Attorney General.

held invalid under this Act, the remainder of such Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Sec. 8. This Act may be cited as "an Act to enforce the first amendment to the Constitution".

(b) The judgment of the district court shall be subject to review as provided in sections 1252, 1253, 1254, and 1291 of title 28 of the United States Code.

Sec. 6. (a) An interlocutory injunction enjoining the payment of a grant or loan, or any portion thereof, made pursuant to the order which is claimed to be invalid in an action under this Act may be granted by the court at any stage of the proceedings authorized by this Act.

(b) When and if any judgment becomes final that declares invalid an order of the Federal officer under this Act, the agency or institution receiving the grant made by the Federal officer pursuant to such order shall refund the unexpended portion of the same, and if a loan has been made pursuant to such order it shall be refunded with accrued interest at the rate fixed therefor, for credit to the appropriation from which it was paid. The Federal officer may in his discretion permit deferment for a reasonable time of repayment of the grant or loan including interest thereon.

Sec. 7. If any provision of any Act referred to in the first section, or the application of such provision to any person or circumstance, shall be held invalid under this Act, the remainder of such Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Sec. 8. This Act may be cited as "an Act to enforce the first amendment to the Constitution".

Mr. ERVIN. Mr. President, I ask unanimous consent that an article from the Christian Science Monitor of March 14, 1967, entitled "Joint Public and Parochial School Proposed in Vermont," an article from the Winston-Salem Journal of April 9, 1967, entitled "The Church-State Dilly in Vermont," describing this project, and an editorial from the Washington Post of April 7, 1967, be inserted at this point in the RECORD.

There being no objection, the articles and the editorial were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Mar. 14, 1967]

JOINT PUBLIC AND PAROCHIAL SCHOOL PROPOSED IN VERMONT

(By Cynthia Parsons and Robert L. Savage)

SWANTON, VT.—The United States Office of Education is backing a plan to combine public and parochial school facilities here on one campus and in one complex of buildings.

So far, the Office of Education, under Title III, has made a preliminary grant of $56,000 to the project. Voters in three small Vermont towns soon will accept or reject a $3 million bond issue for the combined public and religious school project.

The towns of Swanton (population 4,000), Highgate (population 2,000), and Franklin (population 1,000), which would make up Union School District No. 7, need a new junior-senior high school.

The present public-school facilities in the district are old and inadequate to care for the expanded numbers of students. This is also true of the Roman Catholic parochial-school facilities.

PUBLIC BACKING

A joint venture, a "first" in the annals of the United States Office of Education, would place both the public and the religious school facilities on one campus.

Last summer the Office of Education gave $56,000 under Title III of the Elementary and Secondary Education Act to sponsors of the new facility. The Rev. John R. LaBrake, formerly principal of Swanton's parochial school, is the project director and receives a salary of $13,500 from federal funds.

A. Neal Shedd, director of planning and supplemental centers at the Office of Education, is enthusiastic about combining of the religious and nonreligious school facilities and helped Fr. LaBrake apply for the funds and show the necessary backing for the project from religious and lay leaders in the three towns.

SECOND GRANT AWAITED

Mr. Shedd's assistant, Norman E. Hearn, told The Christian Science Monitor's education editor: "We'd like to encourage more cooperation of this type between the public and the parochial schools. This type of sharing seems to me to be the 'American way.' "

The $56,000 not only pays Fr. LaBrake's salary, and the salaries of any staff he hires, but may be used to "sell" the project to the voters. Architect fees also come out of the same grant.

Fr. LaBrake has applied for a second grant of $97,000 which is just now making its way through the Office of Education. If approved, this amount would be used to finance a year's internship program for the principal, a guidance counselor, and 11 department heads from the public school.

Mr. Hearn explained that he and Mr. Shedd would help Fr. LaBrake with this new request for continued federal assistance if necessary.

OVERCROWDED SITUATION

It is the usual procedure for Title III grants to be carried along for two or three years.

The new regional school would initially enroll some 1,000 students in grades 7–12. A wing of the proposed $3 million complex of buildings would house a privately constructed, owned, and operated religious school.

The idea for the joint facility originated with Fr. LaBrake as a solution to the overcrowding in both the public and Catholic parochial schools in the area. Plans for the $3 million complex are virtually complete and the architectural firm of Saver & Co. has drawn up plans for a six-circle campus-type junior-senior high school. The building will be carpeted and air conditioned throughout.

The next step is for the citizens of Franklin to vote whether or not they wish to join Swanton and Highgate in the same union school district. Next would come a bond election in the three towns to finance the building of the school.

Construction of the religious school wing, Fr. LaBrake explains, will be financed privately at an estimated cost of $300,000. The religious school will house a chapel, classrooms, and offices for religious advisers. According to Fr. LaBrake, any denomination will be free to use the school, and both denominational and nondenominational religious courses will be offered.

Among the subjects being considered for the religious school are "moral and spiritual guidance," "introduction to sacred scripture," and "liturgy and life." These are listed in addition to a heading called "special denomination courses." Courses will be taught by personnel provided by the participating denomination or denominations.

It is uncertain where ownership of the religious school will lie. According to Fr. LaBrake, it will be owned by the local Roman Catholic parish. But Protestant ministers and town officials say the decision has not yet been made.

COST PROBLEM

Officials in Swanton agree that the area is more than 70 percent Roman Catholic.

This section of Vermont is adjacent to the Canadian border and is heavily French-Canadian. Highway signs are in two languages just outside of Swanton, and the television viewer in the towns can choose between two English-language stations and more than four French-language stations.

The ministers of the Methodist and Congregational churches have stated publicly that they are in favor of the project and stand to gain by having one wing of the new school as a religious school. None of the Protestant churches in the area presently operate schools.

It is reported that the pastor of the local Episcopal church is opposed to the religious school. He is traveling in Europe on leave of absence from his parish and was unavailable for comment.

The joint public-religious school concept has appeared to stimulate little controversy in the three towns. The church-state issue is rarely discussed.

The cost of the project, however, may prove to be a major stumbling block for the planners. One citizen summed up the general feeling in the three towns:

"Three million dollars is just too much."

Education officials supporting the project agree that the cost will be a heavy factor in the bond issue voting. It is estimated that 40 percent of the families in the three towns have less than $3,000 yearly income.

PERSISTENT ATTITUDE

Originally scheduled for mid-March, the election has been postponed until May or June to allow time for the planners to "sell" the project to the voters. If it is defeated the first time, project officials expect it will be brought back time and time again until approval is granted.

With this attitude on the part of the school's promoters, support from the Office of Education probably in excess of $100,000, and the knowledge on the part of community leaders that the present schools will not meet state standards slated to go into effect in September of 1967, it is likely the new public-parochial school will be built.

If it is, Swanton and its neighbors will be the first communities in the nation to combine public and parochial schools into one facility.

[From the Winston-Salem (N.C.) Journal, Apr. 9, 1967]

THE CHURCH-STATE DILLY IN VERMONT

(By Lloyd Preslar)

WASHINGTON.—Things have been popping lately in the troubled area of church, state and separation.

In Wisconsin, the voters approved with surprising ease a state constitutional amendment to allow public expenditures for the transportation of parochial school children. One supporter of the amendment said the vote reflected a new "tolerance of viewpoints" among Wisconsin folk.

In Washington, there is a Senate bill to prod the federal courts into reviewing the constitutionality or grants to church-related institutions. The real fight is expected later in the House, and the battle could get bitter.

Meanwhile, one such grant has been made to three little towns in upper Vermont, and it is a dilly. The U.S. Office of Education provided $56,000 for the planning of a school complex—a campus-type set of buildings with the local public school on one end and the local Catholic school on the other.

Said A. Neal Shedd, director of planning and supplemental centers for the Office of Education: "This type of sharing seems to me to be the American way."

It does not seem to be the American way to church-state separationists in Washington. They have not yet begun to complain out loud about the Vermont grant; they are still looking at it in what might be described as stunned amazement. The judicial review bill is foremost on their agenda. If enacted, it might put an end to all such grants.

Sen. Sam Ervin of North Carolina is chief sponsor of the bill, which passed the Senate last year but died when Rep. Emanuel Celler of New York, chairman of the House Judiciary Committee, declined to move the bill along on his side of the Capital. Another trip through the Senate is expected, perhaps this month. The separationists would then have a year and a half—until the end of the 90th Congress—to try again to force Celler's hand.

The bill is nothing more than an attempt to remove barriers to the consideration of law suits challenging federal grants to church-related institutions. The courts could rule either way on whether grants are constitutional.

The bill's supporters are a varied group—Ervin; liberal senators such as Joseph Clark of Pennsylvania; educational organizations whose main interest is the public schools; the American Civil Liberties Union; and various Jewish organizations.

Allied in opposition are such organizations as Citizens for Educational Freedom. Its members are primarily Catholics who want public funds to support their parochial school systems. Their propaganda war has begun to anger some of the separationists. For example, CEF leaders say darkly that last year's bill passed the Senate "quietly . . . by a voice vote," while the truth is that Ervin wanted a roll call last year and would like one again this year. Some senators would rather not record themselves.

The deterioration of the public schools is what many of the separationists fear most—not any real "establishment of religion." The Vermont grant may not raise that kind of question because the entire proposed complex would be attractive. Here the establishment of a religious institution in the original constitutional sense seems to be the rub.

The towns involved are Highgate, Franklin and Swanton, which have a combined population of only 7,000. Both public and Catholic schools are in disrepair. The federal money for planning the combined campus is being managed by the former principal of Swanton's parochial school. He could use part of the money to campaign for approval of public construction bonds.

An official of the ACLU wrote the U.S. Office of Education asking for any constitutional justification of the grant. The reply came from a federal lawyer whose letter was short on legal arguments but who said the Office of Education would not think of doing anything unconstitutional. It was reminiscent of an exchange of letters between the Roman Pliny and his emperor, Trajan, in the 2nd Century.

Pliny was concerned about whether Christians were getting a fair trial before he put them to death. He said he asked three times if they were Christian, and killed them only if all three answers were in the affirmative.

Trajan's reply was: "My Pliny: You have taken the method which you ought."

At the Office of Education, perhaps they ask themselves three times if a grant to a parochial school is constitutional. All answers being in the affirmative, they close their eyes and write the check.

[From the Washington (D.C.) Post, Apr. 7, 1967]

WEIGHING THE LAW

From the moment it was introduced at President Johnson's behest, there was vehement disagreement and debate regarding the constitutionality of the Elementary and Secondary Education Act of 1965. The disagreement was not resolved by the debate over the bill in Congress; many members, it is fair to say, voted to enact the bill into law, despite uncertainty as to whether application of some of its clauses would be constitutionally valid, because they were convinced of the urgent need for Federal aid to education and because they believed that the constitutional questions would, in time, be settled by the courts.

But there is a serious impediment to judicial determination of these questions. In 1923, in a case known as *Frothingham v. Mellon*, the Supreme Court held that an ordinary taxpayer seeking to prevent the appropriation of Federal funds to the States for maternal benefits had no standing to sue because "the effect upon future taxpayers is so remote that no basis is afforded for an appeal to the preventive powers of the court." Relying on this rule, a Federal District Court the other day dismissed a suit challenging the Education Act, brought in Dayton, Ohio, by Protestants and Other Americans United for Separation of Church and State.

But POU did not come to court as a mere taxpayer. It came as a plaintiff asserting a deprivation of religious liberty and of the right to be free of any "establishment of religion." In Dayton, it asserted, Federal funds were used by the State of Ohio to put books into a parochial school library where they were made available to children attending that school; the effect of this, POU contended, was to give Federal aid to religion in contravention of the First Amendment. Had the books been loaned directly by some public authority to children who attended the parochial school, or made available to them through a public school or a public library, no question of constitutionality would have arisen.

The question of standing to sue is a difficult and delicate one. Whether the District Court in Ohio was right in dismissing the POU suit will have to be determined by a Court of Appeals and perhaps ultimately by the Supreme Court. Senator Sam Ervin reintroduced last January his bill designed to remove any doubt as to the power of taxpayers, citizens and institutions to obtain judicial review of the validity of Federal grants and loans under the First Amendment provisions relating to religion. In re-

> porting this bill favorably last year, the Senate Judiciary Committee concluded that the *Frothingham* decision of 1923 was not based on constitutional grounds but was rather an exercise of judicial restraint and could therefore be changed by legislation.
>
> If this is so, the Ervin bill would be most useful. For it can hardly be doubted that the Federal courts would not be indifferent to a direct congressional request that they decide a clouded constitutional issue. It seems to us, moreover, that there is much merit to the POU argument that a great deal more than a taxpayer's suit is involved in a challenge to specific ways of administering Federal aid to education. Commenting a year or more ago on the Ervin bill, Prof. Paul Freund of the Harvard Law School said that litigation under it would be brought "to vindicate rights secured by the First Amendment, a right to be free of a Federal religious establishment, a right closely allied to the right of free exercise of religion and one that traditionally took the form of freedom from enforced contribution to support religious activities. In this view, the quantum of the financial stake is not central to the right; any such use of a citizen's tax payments would constitute the heart of the offense to his autonomy in the religious sphere."
>
> When one recognizes that a Federal program of grants-in-aid to the States necessarily entails diversity of application and when one acknowledges that differing opinions will be conscientiously held as to the constitutional validity of these applications, judicial review seems to be the only way to get an authoritative determination. The controversy can best be concluded by the patient judicial process of inclusion and exclusion.

Mr. COOPER. Mr. President, I rise in support of S. 3, a bill to provide procedures for the judicial interpretation of the establishment and free exercise clauses of the first amendment to the Constitution. I am glad to be a cosponsor of this bill and urge its passage by the Senate.

The bill would establish a procedure where none exists today. It would enable the Supreme Court to review and determine the constitutionality of grants or loans made under certain acts of the Congress.

In our consideration of this bill it may be helpful if I review briefly its legislative history.

An amendment similar to the provisions of the bill before us today was proposed by the distinguished senior Senator from North Carolina [Mr. ERVIN] and myself in 1963 to the Higher Education Facilities Act and was approved by the Senate. However, in conference with the House the amendment was deleted.

When the Elementary and Secondary Education Act of 1965 was being debated on the floor of the Senate the senior Senator from North Carolina [Mr. ERVIN] and I again offered an amendment to provide for judicial review to determine whether the grant and loan programs contemplated by the proposed legislation would be consistent with the first amendment to the Constitution. The floor manager of the bill, the distinguished Senator from Oregon [Mr. MORSE], opposed the amendment on the grounds that its adoption at that time might jeopardize the passage of the bill and, further, that the purpose of the amendment would be better served through the enactment of general purpose legislation affecting all such acts. He stated his willingness to assist in obtaining such legislation.

On June 7, 1965, the distinguished Senator from Oregon [Mr. MORSE] introduced the bill S. 2097 to provide for the judicial review of the constitutionality of these grants and loans, and I was a cosponsor of this bill. On July 9, 1966, the Senate approved S. 2097 as amended by the committee, but no action was taken by the House before the Congress adjourned. The bill, S. 3, before us today is identical with the bill, S. 2097, which the Senate passed last year.

This subject is a difficult one. I have supported, during my service in the Senate, many educational bills. In my first term in the Senate, I joined Senator Taft in the introduction of the bill to provide aid to public elementary and secondary schools—which the Senate passed in 1948. In 1954 I introduced a bill, which was reported by the Committee on Labor and Public Welfare, to provide funds for the construction of elementary and secondary schools; it was the only such bill reported in the years between the Taft bill and the bill passed by the Senate in 1960. In 1958, I joined as a cosponsor of the National Defense Education Act. I believe that with one exception, I have supported every measure to strengthen the public school and higher education systems, including the Health Professions Educational Assistance Act in 1964, the landmark Elementary and Secondary Education Act and the Higher Education Act in 1965 and last year's amendments.

In discussing this question on the floor of the Senate on October 15, 1963, I stated:

> The issue of Federal aid to church schools is controversial. It stirs emotions and even bias and prejudice. I think it very important that the subject be discussed rationally and dispassionately, and that Congress undertake its responsibility to determine if the provision in the bill providing loan funds for the construction of academic facilities for sectarian schools is prohibited by the first amendment to the Constitution. Congress has this responsibility and duty. Because of a peculiar legal situation, it is difficult for the issue to reach the Supreme Court and so have its constitutionality determined.

The need for the bill before us today arises from the fact that few cases interpreting the first amendment have been decided by the Supreme Court with respect to the power of the Congress or the States to provide aid or support to church schools. In my view there are three reasons for this situation.

In the first place, we should remember that it was not until some 24 years ago that the Supreme Court held that the 14th amendment made the first amendment to the Constitution applicable to the States and that under the first amendment the States had no more authority to enact legislation supporting a religious institution than does the Federal Government.

In the second place, few cases have been decided upon this important question as a result of the 1923 Supreme Court decision in the case of Frothingham against Mellon which held that a taxpayer could not question an appropriation made by Congress unless he was able to show a substantial interest, separate from that in his capacity as a taxpayer.

The principles underlying the need for this bill are well stated by the committee in its report at page 2:

> The bill is not intended to deal directly with the problem of the principle of separation of church and state nor with the constitutionality of any of the enumerated acts. It is designed, however, to remove any of the existing doubt as to the power of taxpayers, citizens, and institutions to obtain judicial review of the validity of Federal grants or loans under the provisions relating to religion in the first amendment.

Mr. President, I believe it both appropriate and fitting at this time to take the opportunity to commend the senior Senator from North Carolina [Mr. ERVIN], chairman of the Subcommittee on Constitutional Rights, and the senior Senator from Oregon [Mr. MORSE] for their tireless efforts, hard work and scholarly consideration over the years on this important and most difficult constitutional subject, which have produced the bill before us today.

Mr. MORSE subsequently said: Mr. President, this morning the Senator from North Carolina [Mr. ERVIN] obtained Senate passage of S. 3, the judicial review bill, to provide effective procedures for the enforcement of the establishment and free exercise clauses of the first amendment to the Constitution.

I had the privilege of being one of the cosponsors of the bill, along with Senators COOPER, CLARK, YARBOROUGH, SMATHERS, HOLLAND, and FONG. It was not my privilege to be present and participate in the discussion of the bill this morning when Senator ERVIN had it called up and it passed the Senate.

Therefore, I ask unanimous consent that the brief remarks I shall make about it be inserted in the CONGRESSIONAL RECORD just prior to the vote of the bill this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. I was very pleased to be one of the cosponsors of the bill. I think, if my recollection is right, it was in 1963—it may have been in 1964, but I will put the correct date in the RECORD—when we had one of the education bills before the Senate, Senator ERVIN and Senator COOPER offered an amendment on the floor of the Senate to the bill that I was managing which, in my judgment, as the CONGRESSIONAL RECORD will show, might very well have made it impossible for us to see the bill passed. They offered a judicial review amendment.

It will be recalled that I had worked out with President Kennedy a program for seeking to provide some Federal aid to private schools by way of categorical use authorizations and appropriations.

Senator ERVIN and Senator COOPER raised serious doubts as to whether or not the categorical use approach would be constitutional. I recall that my argument, in essence, was that in the same sense that specific grants to private schools on higher education loans, under the national defense education program, had not been successfully challenged up until that time, I thought the approach we were making in the elementary and secondary school bill of that year would stand the test of constitutionality.

However, I completely agreed with Senator ERVIN and Senator COOPER that I thought we ought to have a bill passed providing for judicial review that would give us, as we lawyers say, a "decision on the nose," from the Supreme Court, laying down an interpretation of the first amendment to the Constitution that would settle once and for all the degree to which the Congress of the United States, under the Constitution, could make funds available to private schools with a religious background.

It will be recalled that I said then, as I have for many years in the Senate, that I do not intend to take my eyes off the interest of the boys and girls, the students. As far as I was concerned, I wanted to see a development to the maximum extent possible of the intellectual levels of all American boys and girls whether they went to private or public schools. Of course, as a lawyer, I wanted that aid to go to them within the confines of the Constitution.

So, standing at the desk which the Senator from Louisiana [Mr. LONG] is now occupying, I made a pledge to Senator ERVIN and Senator COOPER if they would not press the amendment. They did press the amendment, and we defeated it, although I think we defeated it pretty much on the basis of the pledge that I made. My pledge was that if they would offer a separate bill, I would be a sponsor of it; that it should be a general judicial review bill that would be applicable not only to the matter of education legislation, but would apply as much to higher education facilities, public health, and all the other areas of such legislation in which some question might be raised as to the constitutionality of the bill.

Such a bill was introduced. We passed it today. It is S. 3, Calendar No. 86. In my judgment, it at least gives us an opportunity—depending, of course, upon the judgment of the Supreme Court—in the best form that has ever been presented to the Congress in all the history of Congress, to have a U.S. Supreme Court decision on this very perplexing problem.

Until we get a decision on how far Congress can go under the first amendment of the Constitution by way of Federal aid to private schools with religious backgrounds, we shall have to continue, as I described in the debates on education legislation, to go through the back door and the side door rather than the front door, to use an allegorical argument, in aid-to-education legislation. I want to go through the front door if it is constitutional; and if it is, then we ought to have a decision from the Supreme Court directly on the issue in relation to the first amendment to the Constitution.

So, Mr. President, I highly commend the Senator from North Carolina [Mr. ERVIN] and the Senator from Kentucky [Mr. COOPER], for those two men have persistently stressed this matter when we have had other Federal aid legislation before us, and I have given them my support ever since I gave the pledge to which I have referred.

I think the bill is a good one. I think it will be very helpful in getting one of the most doubtful areas of constitutional law clarified by the Supreme Court, and I hope will pave the way for that broad piece of Federal legislation in the field of aid to education; namely, a general Federal aid bill. In my opinion we cannot have a general Federal aid bill in the field of education until this question of the applicability of the first amendment in relation to education bills is finally resolved by the Supreme Court.

I think this is a very important day in the legislative history of the Senate—certainly in the history of education legislation—and I highly commend Senator ERVIN, who has given dedicated legislative service to pressing this matter, which finally resulted in the passage of the bill. I equally commend Senator COOPER and the other cosponsors of the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the approval or disapproval of an application of any public or other nonprofit agency or institution for a loan or grant under—

(1) the Higher Education Facilities Act of 1963,

(2) title VII of the Public Health Service Act,

(3) the National Defense Education Act of 1958,

(4) the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963,

(5) title II of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress),

(6) the Elementary and Secondary Education Act of 1965,

(7) the Cooperative Research Act,

(8) the Higher Education Act of 1965, or

(9) the Economic Opportunity Act of 1964,

shall be effected by an order of the Federal officer making such grant or loan which shall be conclusive except as otherwise provided in this Act. Notice of such order shall be published in the Federal Register and shall contain such information as the Federal officer issuing the order deems necessary to effectuate the purposes of this Act.

SEC. 2. Any public or other nonprofit agency or institution which is or may be prejudiced by the order of the Federal officer making a loan or grant under the authority of any of the Acts enumerated in section 1, in a particular year to another such agency or institution, by virtue of the fact that the making of such loan or grant serves to reduce the amount of funds available for loans or grants in such year to the agency or institution which is or may be prejudiced, and which deems a loan or grant to be inconsistent with the provisions relating to religion in the first amendment to the Constitution, may bring a civil action in the nature of an action for a declaratory judgment. Defendants in such action shall be the Federal officer and the agency or institution whose application has been approved. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register.

SEC. 3. (a) Any citizen of the United States upon whose taxable income there was imposed an income tax under section 1 of the Internal Revenue Code of 1954 for the last preceding calendar or taxable year and who has paid any part of such income tax and who deems a loan or grant made under any of the Acts enumerated in section 1 to be inconsistent with the provisions relating to religion in the first amendment to the Constitution, may bring a civil action in the nature of an action for a declaratory judgment against the Federal officer making such a loan or grant. No additional showing of direct or indirect financial or other injury, actual or prospective, on the part of the plaintiff shall be required for the maintenance of any such action. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register with respect to such loan or grant. In suing under this subsection, the plaintiff may sue either on behalf of himself or on behalf of all other taxpayers similarly situated.

(b) Any citizen of the United States who deems a loan or grant made under any of the Acts enumerated in section 1 to be inconsistent with the provisions relating to religion in the first amendment to the Constitution, may bring a civil action in the nature of an action for a declaratory judgment against the Federal officer making such a loan or grant. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register with respect to such loan or grant. In suing under this subsection, the plaintiff sues not only for himself but also in behalf of all other citizens to vindicate the public interest in the observance of the provisions of the first amendment relating to religion.

(c) For the purpose of this section the term "citizen" shall include a corporation.

SEC. 4. Any public or other nonprofit institution or agency whose application for a loan or grant under any of the Acts enumerated in section 1 of this Act has been denied by the Federal officer having appropriate authority on the ground that such loan or grant would be inconsistent with the provisions relating to religion in the first amendment to the Constitution may bring an action to review the final decision of such Federal officer within sixty days after such loan or grant has been denied.

SEC. 5. (a) Any action under this Act shall be brought in the District Court of the United States for the District of Columbia, and such court shall have jurisdiction without regard to the amount in controversy. In the event two or more civil actions are brought under the provisions of this Act challenging the constitutional validity of the same loan or grant, such court may consolidate such civil actions for the purpose of trial and judgment. Any action under this Act pending before the district court or courts of appeals for hearing, determination, or review shall be heard, determined, or reviewed at the earliest practicable time and shall be expedited in every practicable manner. All process, including subpenas, issued by the district court of the United States for any such district may be served in any other district. In any action under this Act the court shall have authority to determine all matters of fact or law appropriate to a decision of the case. No costs shall be assessed against the United States in any proceeding under this Act. In all litigation under this Act, the Federal officer shall be represented by the Attorney General.

(b) The judgment of the district court shall be subject to review as provided in sections 1252, 1253, 1254, and 1291 of title 28 of the United States Code.

SEC. 6. (a) An interlocutory injunction enjoining the payment of a grant or loan, or any portion thereof, made pursuant to the order which is claimed to be invalid in an action under this Act may be granted by the court at any stage of the proceedings authorized by this Act.

(b) When and if any judgment becomes final that declares invalid an order of the Federal officer under this Act, the agency or institution receiving the grant made by the Federal officer pursuant to such order shall refund the unexpended portion of the same, and if a loan has been made pursuant to such order it shall be refunded with accrued interest at the rate fixed therefor, for credit to the appropriation from which it was paid. The Federal officer may in his discretion permit deferment for a reasonable time of repayment of the grant or loan including interest thereon.

SEC. 7. If any provision of any Act referred to in the first section, or the application of such provision to any person or circumstance, shall be held invalid under this Act, the remainder of such Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 8. This Act may be cited as "an Act to enforce the first amendment to the Constitution".

TEMPORARY EXTENSION OF SECTION 10 OF THE RAILWAY LABOR ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 163, Senate Joint Resolution 65.

The PRESIDING OFFICER. The joint resolution will be stated.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (S.J. Res. 65) to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MANSFIELD. Mr. President, I suggest to the attachés of the Senate that the offices of all Senators be called and that Senators be informed that this joint resolution is the pending business.

With the approval of the distinguished Senator from Oregon [Mr. MORSE], the manager of the joint resolution, I should like to ask him to yield the floor to me so that I may suggest the absence of a quorum, without losing his right to the floor.

Mr. MORSE. Mr. President, I yield.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. Mr. President, I suggest to the attachés of the Senate that they inform Senators that this will be a live quorum.

The PRESIDING OFFICER. The suggestion of the majority leader will be followed. The attachés will proceed accordingly.

The assistant legislative clerk proceeded to call the roll.

[No. 68 Leg.]

Aiken
Allott
Anderson
Baker
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kuchel
Lausche
Long, La.
Mansfield
McGee
McGovern
McIntyre
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Russell
Scott
Smathers
Smith
Sparkman
Spong
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. BYRD of West Virginia. I announce that the Senator from Indiana [Mr. BAYH], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Montana [Mr. METCALF], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Mississippi [Mr. STENNIS], the Senator from Maryland [Mr. BREWSTER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Arkansas [Mr. MCCLELLAN] are necessarily absent.

I also announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Washington [Mr. MAGNUSON], the Senator from Missouri [Mr. LONG], and the Senator from Alaska [Mr. BARTLETT] are absent on official business.

Mr. KUCHEL. I announce that the Senator from South Carolina [Mr. THURMOND] is absent on official business.

The PRESIDING OFFICER. A quorum is present.

Mr. MORSE. Mr. President, this resolution is also under consideration in the House of Representatives at the present moment.

Time is of the essence, because, if the Senate agrees, as I am confident it will agree, and very early passage of the resolution will be the action of the Senate, this resolution, when passed by the two Houses of Congress, must be flown to Punta del Este, to be signed by the President and returned to Washington, D.C. Only then will it be effective in preventing a nationwide railroad strike which is threatened at midnight tomorrow night.

I shall be very brief in my presentation of the case in support of the resolution. It really is presented in the committee report which is on the desk of each Senator.

The Senate Committee on Labor and Public Welfare acted in committee on this resolution yesterday afternoon. We called in the representatives of the parties to the dispute. We sought to work out a voluntary agreement with them whereby they would agree to postpone this strike for 20 days. The union representatives agreed to take it to their bargaining committee and to report to us at 6:30 last night. Their report was in the negative.

The Committee on Labor and Public Welfare then proceeded to consider the resolution, and, by a vote of 14 to 0, recommended the resolution to the Senate.

We had received prior approval for the committee to file a report up to midnight last night. The report was filed. A copy of the report is on each Senator's desk. I want to express my appreciation for the dedicated work of our professional staff in helping prepare the report which is before us.

I need read only a few paragraphs in order to make my case. On page 1 of the report, under the heading "Principal Purpose of Legislation," I read this language:

> This resolution, which was recommended by the President in his message of April 10, extends the provisions of existing law prohibiting for a limited time strikes and changes in the work rules involved in this dispute for an additional 20 days (until May 3, 1967) to provide additional time for the parties to resolve the issues through collective bargaining.

At the bottom of the page, the report continues:

> Unless this legislation is enacted or the dispute is adjusted before 12:01 a.m. on April 13, this Nation faces a shutdown of service on all major railroads in the United States.

May I say that we cannot tolerate a shutdown of the railroads of this country for 48 hours, in this time of crisis, to say nothing about a prolonged strike.

The report goes on to say.

> The legislation, therefore, proposes the application to the current dispute of an additional 20 days "cooling-off period" to permit the parties to resolve the issues themselves through collective bargaining. It was pointed out in the report of Emergency Board 169 established to deal with this dispute that "no real bargaining had actually taken place between the parties before their appearance before the Board."

The report continues:

> During this 20-day extension, the unions may not engage in a strike over these issues, and the carriers may not make any changes, except by agreement, in the proposed work rules or other conditions of employment involved in the dispute.
>
> In the course of the debate in committee on this resolution, it was agreed unanimously that the parties to this dispute would be called before the Committee on Labor and Public Welfare on April 24, 1967, to give a report to the committee on the progress which they had made in their bargaining.

That motion, made by the Senator from Massachusetts [Mr. KENNEDY], was unanimously supported by the committee, because we were impressed by the pledges made by the parties during the afternoon session, that they would engage in good-faith collective bargaining if the extension of time contained in the pending resolution became law. But we feel, Mr. President, that we should call the parties back before us on April 24 to hear a report as to what progress has been made in connection with good-faith collective bargaining.

Mr. President, there is no question about the fact that the Secretary of Labor, the Under Secretary of Labor, and the Chairman of the Railway Mediation Board have done all that was within their power to do to try to lead these parties to a settlement following the report of the Emergency Board. The six craft unions involved rejected the report of the Emergency Board, which meant that it was necessary to proceed, then, under mediation processes. As the Senate knows, under the Railway Labor Act, after an Emergency Board has been appointed there is a 30-day period for the Emergency Board to hear the case and make its recommendations thereon. There then is an additional 30-day period for the parties to seek to reach a mediated settlement of any differences that develop between them in respect to the recommendations of the Emergency Board.

That means, Mr. President, that unless this resolution is passed today, we will have an early strike in the railway industry, and it will start, of course, with the President out of the country at Punta del Este, at a vitally important international conference. As I stated on the floor of the Senate and to the parties at the hearing yesterday, we should recognize that this conference at Punta del Este deals with foreign relations matters of great concern to this country. What comes out of that conference by way of recommendations and agreements among the heads of state may affect the foreign relations and policies of the United States vis-a-vis Latin America for a good many decades to come.

So, Mr. President, we are in an emergency situation in regard to the handling of the resolution before us. The President of the United States, in my judgment, did everything that he could, through his great office, to convince the parties that they should come to a voluntary agreement for an extension of the time in which to seek a mediated settlement prior to any strike.

We met in the Cabinet Room of the White House yesterday for some time. The President explained to us the proposed resolution and his message thereon, which was printed in the Record yesterday. We were briefed by various Cabinet officers, including the Secretary of Defense, the Secretary of Labor, the Secretary of Transportation, and other spokesmen for the administration, as to what the effect of a nationwide railroad strike at this time would be. I might also say that yesterday Mr. George Meany, the president of the AFL–CIO, repeated the request he had made previously, urging that the parties enter into a voluntary agreement to postpone the strike for the period of time recommended by the President.

Mr. President, the President's own pen gives us the statement this morning as to the action he sought to take to urge the parties to reach a voluntary agreement. The President asked for an extension of bargaining for the 20 days covered by the resolution because the President was greatly concerned, and rightly so, about going to Punta del Este in the face of a threat of a nationwide railroad strike. If the strike could not be prevented by way of a resolution such as we are now considering, obviously, the President would not have gone; and if it should develop—which is not reasonably foreseeable—that a resolution is not passed, it will mean that the President must come back, because he would not think of remaining at Punta del Este with a nationwide railroad strike going on in our country.

So, Mr. President, the President of the United States yesterday, April 10, wrote a letter to the chairman of the Senate Committee on Labor and Public Welfare [Mr. Hill] and to the chairman of the House committee, Mr. Staggers, which reads as follows:

> Dear Mr. Chairman: There has been an inquiry as to the background of the Joint Resolution transmitted to the Congress in connection with the railway dispute.
>
> This will advise you, in answer to the question raised with me, that a request was made by the Secretary of Labor, at my request, upon the six craft union representatives, to postpone any strike action in this case for a period which would extend beyond the return of the President from the meeting at Punta del Este. This request was strongly and repeatedly pressed. It was denied.
>
> Sincerely,
>
> Lyndon B. Johnson.

Mr. President, an additional point that I wish to make before I close my statement of the case for the resolution will be found on page 3 of the committee report on the desks of Senators. Because I want the Record to show that there is not the slightest doubt as to the emergency nature of the problem confronting the Senate, I shall read that portion of the report. There is not the slightest doubt as to what devastating effects upon the economy of the country and upon the war effort would flow from the beginning of a strike in the railway industry. As the report points out:

> In his message to the Congress calling for the enactment of the pending legislation, the President stated that the cost of a nationwide railroad strike would be incalculable. He pointed out the following immediate and short-term consequences:
>
> "On the first morning of the strike three-quarters of a million rail commuters in New York, Chicago, and Philadelphia alone would be unable to take their trains to work.
>
> "Shipments of perishable foodstuffs to many major cities would be halted at once.
>
> "Actual food shortages could soon occur in several cities.
>
> "Some health hazards would develop. For example, supplies of chlorine used to purify community water supplies would grow short.
>
> "The coal mining industry, with 140,000 workers, would cease operations almost at once.
>
> "Many other industries which rely heavily on the railroads—such as metal mining, steel, chemicals—would be badly crippled and soon begin to close down.
>
> "For a week or more most factories could operate from their inventories. Soon, shortages and bottlenecks would begin to curtail production drastically. A spreading epidemic of lost production and lost jobs would sweep through the Nation.
>
> "A 1-month strike would reduce the gross national product by 13 percent. That would be nearly four times as great as the total decline that occurred in the Nation's worst postwar recession. It would drive the unemployment rate up to 15 percent—for the first time since 1940—putting millions of workers out of jobs."
>
> Beyond this, there remains the impact of a rail strike on defense production, and particularly on our 500,000 brave servicemen in southeast Asia.

Mr. President, we take, in this portion of the report, the evidence and the data given to us by the Secretary of Defense in his briefing in the Cabinet Room yesterday morning. I ask Senators to listen carefully:

> Forty percent of the total freight shipped by the Defense Department is moved by the Nation's railroads. A strike would materially disrupt these vital operations.
>
> Shipments of ammunition will be critically affected. During April, 210,000 tons of ammunition are scheduled to move to ports for oversea shipment. About 175,000 tons are going by rail.
>
> Production of ammunition will be hindered. Sulfuric acid, a key ingredient for ammunition, moves only by rail car.
>
> The movement of gasoline and jet fuel for our combat and transport aircraft heavily depends on railroads.
>
> The M–48 tank and other heavy military equipment used in Vietnam can be shipped only by rail.
>
> Strategic missiles such as Polaris and Minuteman are moved by specially equipped rail cars.
>
> During hearings on the railroad work rules dispute in 1963, the Committee on Commerce received testimony from the Acting Secretary of Commerce concerning the impact on the Nation of a nationwide railroad strike. His testimony pointed out at that time that the injury to the economy would begin on the first day of the strike and would increase in seriousness.

There then follows in the committee report data from the Department of Commerce that speaks for itself and urges by its implications quick action on this resolution.

Mr. President, in closing, I yield to no one in the Senate or in Congress in the desire to protect the right of free men and women to strike in order to improve their wages, hours, and conditions of employment. But I have always said, for 22 years, the right to strike is not an absolute right when there is involved the imperilment of the public interest; and the public interest would be imperiled by a strike on the railroads at this time.

I think, therefore, as I said yesterday afternoon, that it is the patriotic duty of the parties to this dispute to postpone this strike for a period of time until they can return to good faith collective bargaining.

When the Emergency Board in its report stated that there was no bargaining prior to the time that the Board sat on hearings of the case, we then have some understanding as to why there are charges back and forth on both sides that the other side has not been bargaining. Yet, when we talked yesterday afternoon with the representatives of the two parties and raised this point, we had their assurance that if it should develop that the strike is postponed, both sides stand ready and willing to engage in good faith collective bargaining.

Let me make crystal clear that it was not the desire of the six crafts on yesterday afternoon to have a postponement of the strike. However, I happen to believe that it is the public duty of Congress in the public interest and in the interest of our boys in South Vietnam that this strike be postponed by legislative action.

Everyone in the Senate also knows that I oppose this war, I opposed our getting into it, I have opposed its escalation.

I believe we ought to proceed with other procedures to seek to bring this war to an end than the procedures now being followed.

But I have also always said that as long as we have those boys over there dying in a war, to which I think they never should have been sent, we have the duty to see to it that they are supplied with material with which to protect themselves and carry out their orders.

I think that is the issue before us today.

Mr. JAVITS. Mr. President, I should first like to express publicly my thanks to the Senator from Vermont [Mr. PROUTY], who is the ranking minority member of the committee, for the consideration he afforded me yesterday in my absence due to the committee hearing at Jackson, Miss.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MORSE. Mr. President, I join the Senator in expressing my appreciation to the Senator from Vermont [Mr. PROUTY] and to the other Republican members of the committee for the cooperation they gave us yesterday afternoon on this matter.

We sat there not as Republicans and Democrats, but as U.S. Senators faced with a great national problem. There should not be the slightest bit of partisanship displayed in this matter, and there is none.

I also intended—and I am sorry that I did not—to comment on the supplementary views of Senators JAVITS, PROUTY, DOMINICK, FANNIN, GRIFFIN, and MURPHY. A mimeographed copy of those supplementary views is on the desk of each Senator.

These views were developed after the committee adjourned. I was not aware that they were going to be developed. I did not know that the minority was going to file separate views.

I think that the Senator from Vermont [Mr. PROUTY] knows that had I known it, I would have insisted that those views be part of the committee report. I did not know it until this morning when I received the mimeographed copy.

I think all on the other side of the aisle are entitled to have the statement that, as the manager of the joint resolution, I have just made and my sincere thanks for once again receiving the cooperation of the minority members of the Committee on Labor and Public Welfare, which has always been the case.

Mr. JAVITS. I thank the Senator.

Mr. President, I am gratified that at the insistence of both parties, notwithstanding the shortness of opportunity for action, opportunity was afforded to the parties to the dispute to voluntarily agree to a deferment for the period recommended by the President. It was only because, at the last minute, the parties failed to agree upon a deferment that our action today was required.

These were the specific points made known to me yesterday by the Senator from Vermont upon my return to the city late last night.

We immediately got out these minority views. Although the mimeograph copy does not reveal it, the Senator from California [Mr. MURPHY] joins in these views. He, too, was absent with me because of the hearing in Mississippi.

Mr. President, I read the supplementary views of the minority members of the Committee on Labor and Public Welfare to the Senate:

SUPPLEMENTARY VIEWS OF MR. JAVITS, MR. PROUTY, MR. DOMINICK, MR. FANNIN, MR. GRIFFIN, AND MR. MURPHY

We feel compelled by the national interest to support the joint resolution extending the status-quo under the Railway Labor Act in the current dispute between 95% of the nation's railroads and six shopcraft unions until May 3, 1967. But, our support is based entirely on the necessity of avoiding an immediate work stoppage on the U.S. railroads which would—especially in view of its suddenness—disrupt the entire economy, cause great hardship to hundreds of thousands, if not millions of people and interfere with defense production necessary for our troops in Vietnam. All this while the President is out of the country engaged on a mission vital to the future of the entire western hemisphere. Under these circumstances the Administration's request that Congress act immediately to require the parties to maintain the status-quo until after the President return from the Punte del Este Conference can hardly be denied.

However, we would be remiss in our duty to the nation if we did not protest at the same time the necessity, once again, for Congress to take last-minute emergency action to prevent a strike which would be catastrophic to the nation because the existing law makes no provision to deal with such a crisis. To make matters worse, in this case, our action may serve to put off the day of reckoning for only a few weeks.

The plain fact is that procedures in law for dealing with this kind of emergency should have been established long ago, at a time when the calm, deliberate consideration which the problem warrants would have been possible.

The President, in his State of the Union Message last year, promised to recommend appropriate legislation, but nothing was forthcoming. The Secretary of Labor stated, early this year—the most crucial year from a collective bargaining standpoint since 1959—that the Administration had the problem under study and would shortly recommend definitive action. We are still waiting for the Secretary's recommendations.

Congress too has been remiss. Last year and again this year (S.J. Res. 9) resolutions were introduced, with substantial bipartisan support, which would have required the Secretary of Labor to submit a proposal for dealing with national emergency strikes to Congress. Hearings alone might have accomplished the purpose of the resolutions, but no hearings were ever held.

We believe that it is obvious that neither the Administration nor we in Congress can avoid facing reality any longer. Accordingly, we call upon the Administration and the Congress to recognize the necessity for prompt action to establish permanent procedures for handling labor disputes which threaten the national health and welfare.

PETER H. DOMINICK.
PAUL J. FANNIN.
GEORGE MURPHY.
JACOB K. JAVITS.
WINSTON L. PROUTY.
ROBERT P. GRIFFIN.

APRIL 11, 1967.

Mr. President, I point out that the administration must be held responsible for the fact that no hearings were ever held on the resolutions mentioned in the supplementary views which I have just read to the Senate.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I promised to yield first to the Senator from Iowa [Mr. MILLER].

Mr. MILLER. Mr. President, I thank my colleague for yielding.

I associate myself with the views expressed by my colleague, the senior Senator from New York.

I was one of the several Senators on the floor who joined in cosponsoring one of the resolutions to which the Senator from New York referred.

I might also say that another compelling motive for my joining in these views is the statement on page 2 of the committee report, to which the Senator from Oregon [Mr. MORSE] earlier referred, which reads as follows:

> It was pointed out in the report of Emergency Board 169 established to deal with this dispute that "no real bargaining had actually taken place between the parties before their appearance before the Board."

I am hopeful that we will have permanent legislation. It will not be possible to resolve disputes such as these unless there is good-faith collective bargaining long before the critical period.

I thank the Senator from New York for yielding.

Mr. LAUSCHE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. LAUSCHE. I recall the statement by the President that he would recommend to Congress the passage of legislation that would help to solve the types of problems now confronting us. I also know about the expectation that the Secretary of Labor would make a recommendation. I have in mind my own views of what ought to be done.

What does the Senator from New York now have in mind, that has not yet reached final crystallization and judgment, about what we might expect from the President and the Secretary of Labor by way of the passage of a new law that would cope with problems of the type now confronting us?

Mr. JAVITS. I do not expect anything from either the President or the Secretary of Labor. I have had expectations, now, for over a year. They have been completely dashed. I do not believe that either the President or the Secretary of Labor can resolve his own uncertainties and doubts and come to a purposeful conclusion as to what to recommend to Congress.

It is my considered judgment that unless Congress takes the initiative in doing what it believes must be done, it will find itself faced, once again, with a crisis. The panic button will be pushed again, as it was in the airline strike. We will have some makeshift, jerry-built piece of legislation which will not last beyond the immediate moment.

I predict this: Just as 500, certainly not more than 700, men who pilot tugboats tied up the entire city of New York until there was a danger of its freezing to death, so one day we will again find ourselves looking right down the muzzle of a gun. At that time, all of us, whether we are prolabor, antilabor, or moderate on the labor issue—will be forced to admit that "We have never done our duty in this matter; we are now paying for it, and so is the country."

It might happen that the Senate—or the House of Representatives—would get itself into such a wrangle that meaningful action would prove to be impossible. So far, we have been remarkably lucky. We were completely boxed in during the airline strike. Fortunately, Americans have some sense of discipline and some sense of patriotism, no matter how impatient they may be. But we cannot always be that lucky. We are lucky now. There seems to be a general consensus on the passage of this joint resolution—it provides for an extension of only 20 days. Some day, however, we are going to have a national strike and I am convinced that unless Congress initiates action, nothing will happen, and the country—the Nation—will be in a state of complete vulnerability. We have now had two scares. We may have more than that the third time out.

Mr. LAUSCHE. Mr. President, I concur substantially in the description given by the Senator from New York of the plight that confronted the people of New York City during the metropolitan tugboat strike.

Mr. JAVITS. And the subway strike.

Mr. LAUSCHE. And the subway strike. Does New York have a law prohibiting strikes against the government?

Mr. JAVITS. We have a law which penalizes strikes against the government. The penalties heretofore were considered so severe that they were not actually administered. The law has been amended to make the penalties less severe on the employees, but heavier on the unions themselves, in the hope that that will be more effective.

On Thursday, April 6, together with Senator KUCHEL, I introduced my concept of the broad legislation which is needed upon this subject—S. 1456. Frankly, I do not look into crystal balls, but I stated in introducing the bill that I believe the Nation was facing a railroad strike and that we were fiddling while Rome was about to take fire right at our feet.

Mr. LAUSCHE. What solution does the Senator from New York propose?

Mr. JAVITS. My solution is the partial right of seizure by the Government—that is, seizure and limited operation—in order to protect the public health and to prevent suffering. That is a classic remedy.

The other classic remedy, which I do not like, is compulsory arbitration. Other people recommend labor courts. We will fight that out in a calmer atmosphere, when we are not facing the question we are now facing. But let us get at it.

Let us be realistic, frank, and brutal. We cannot get the leadership in the Senate to give us even a hearing on a proposition of that nature. It is not the chairman of the committee or the chairman of the Subcommittee on Labor who does not want to do it himself; not at all: It is the White House itself that says "No." Until the White House and Congress act, the country will be completely vulnerable in such a situation as now confronts us. I see no justification for that. It is one of the most crying shames in the country.

I am a friend of labor. I am a prolabor Senator. I say so on the floor of the Senate today; I have said so time and again before. But I maintain there is no excuse for this situation.

I will say this, too: There is no excuse for either labor or management not being patriotic enough to get in back of such a solution. Labor is in a complete flap about this. Labor does not know what to do. They have a completely divided house. If they do not know what to do, Congress will have to tell them. There is nothing unfriendly about that. If they knew what to do, we would be delighted to have them decide on the remedy.

Mr. LAUSCHE. I commend the Senator from New York for stating that Congress should take some action toward the passage of laws that will enable the Government to cope with problems such as this. The Senator has recommended the seizure of industries in which strikes affect the national interest.

Mr. JAVITS. Imperil it.

Mr. LAUSCHE. Yes, positively.

Yesterday, I stated that, in my opinion, the time has come for Congress to pass certain pieces of legislation. One of them would prohibit strikes against the Government. Until now, we have had no announcement of policemen going on strike. But one of these days, that surely will come. When it comes, there will be great alarm and expressions of consternation, just as there are now, periodically, when the railroad and trucking industries are struck.

Second, it is my opinion that instead of passing a seizure law, Congress ought to pass a law providing a most liberal period of time for conciliation, negotiation, and settlement. If at the end of that extravagant period of time, no settlement has been reached, there should be compulsory arbitration in the industries whose revenues are determined by governmental bodies, such as the Interstate Commerce Commission, public utilities commissions, and other rate-fixing bodies.

I may be wrong in what I recommend. The Senator from New York may be wrong in what he recommends. But somehow, a remedy should be found that will help the Nation to protect itself against the strong-arm methods of achieving objectives without the machinery of arbitration.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DIRKSEN. I certainly will not confess the impotence of this body to deal with a strike situation. Pending in the House of Representatives is H.R. 5638, introduced by Representative PICKLE. It goes a considerable distance down the road to a desirable end. In addition, there is a draft of another bill that has been referred to as the so-called finality bill.

The fact of the matter is that there is no germaneness rule in this body and we can take either one of these proposals or some other bill that has been developed, and hook it onto any piece of legislation that goes across the floor.

I wish to say to my friend from New York, that if I am correctly informed, the same spokesman in the present dispute are those who were spokesmen in the airlines dispute.

Mr. JAVITS. The Senator is correct.

Mr. DIRKSEN. This becomes a little professional. I do not believe we have to be so tenderhearted about it. If we are ready, regardless of how the administration feels, we have a responsibility to do something about it.

Frankly, I am ready, and I am ready to join with my friend from New York in some kind of measure that we can hook on to any piece of legislation that appears on the floor of the Senate.

Mr. JAVITS. Of course, both the Senator from Illinois and I are quite adult and have been around for some time. We are cognizant of our ability to do this. I know that the Senator would appreciate, perhaps more than any other person here, the delicacy of the matter. I am sure that he, as I do, wants an exploration of the situation and an effort to arrive at the best remedy having the most support, and because this is a consensus idea we would not be pushing something with violence down the throats of labor or management. That was the reason for pushing for a hearing. In matters of this kind, this procedure is desirable. I know that the Senator would agree.

We are being pushed to that point by this unbelievable refusal to even have hearings on these bills or on this concept. We are pushed to the point where we are going to have to follow the procedure that the Senator from Illinois suggested. Perhaps the matter could be agreed on in the Republican conference, it could be brought out, and the minority could have it placed on the calendar. We have given the majority all of the opportunity in the world on this issue. This is a big issue. However, I have hesitated to do that and I have not wanted to do it until now for understandable reasons. This matter should be developed at hearings, with consideration by experts of labor and management, within the powers that Congress has. But as it is, Congress is being frustrated and denied.

Now, for the second time in a year, we are faced with this embarrassing and panic-button-pushing situation.

Mr. DIRKSEN. Mr. President, I wish to make two comments. First, the real difficulty lies in section 10 relating to the emergency action; namely, that you get to the end of the road and there is no enforcing power. When we get to May 3, and there has been no agreement, we are looking down the same gun barrel that we are now. That is my first comment. Something certainly can be done about section 10 of the existing law. It would occur to me that that is a job we can do. Finally, if we hook it on here, the Senate becomes a Committee of the Whole, and the committee work will be done on the floor of the Senate, whether we like it or not, but everyone will have his day.

I do not believe that we can expose the people of this country to this kind of jeopardy. My telephone was ringing last night, and I received calls stating that they had started already not making food deliveries in Chicago. That is the way this situation hits the countryside, and it cannot be permitted. Reasonable men should get together with respect to their differences and not jeopardize the country.

Mr. JAVITS. Mr. President, an axiom for any government is self-preservation. Our Government faces a situation where it has not protected itself against the possibility of its own destruction.

I am proud to have introduced a bill the other day which would provide adequate time for negotiation and conferences before we arrived at any freeze point. The Senator from California [Mr. KUCHEL] joined me as a cosponsor.

I am confident, that in the absence of the deliberative process of committee hearings which is so very valuable, we will have to feel that we are being forced into action by the full Senate by the sheer failure of the administration to act, notwithstanding the promises of the President in his state of the Union message. This situation is beyond me. The administration seems to be unable to get itself in a position to decide for fear of antagonizing someone. But sometimes somebody has to be antagonized. It cannot be helped. We have to do it if we are to accomplish anything here.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MORSE. The Senator has been kind to point out that he and I last year, and again this year, joined in the Javits-Morse proposal to have the administration, through the Department of Labor, make a report to us in regard to any recommendations that they have for the handling of emergency disputes.

I should say this in fairness to the President. Yesterday morning at the White House one of our group raised this point with the President. I do not purport to quote the President but I paraphrase him very accurately when I say that the President told the group that a task force has been working on this matter for over a year, as he himself suggested in his state of the Union message 2 years ago. Thereafter, he took this matter up with his administrative leaders in the field of labor. Subsequently, there was appointed a task force to go into this matter. That task force is about to report to him. They have reached some conclusions. As soon as the report is considered at the White House level it will be transmitted to the Congress by way of whatever recommendations the administration decides to make. I am glad that progress is being made.

The last point I wish to make is that we, as the Senator from New York [Mr. JAVITS] pointed out, have our responsibilities here, irrespective of the administration. Therefore, I shall continue to join with him in urging early hearings on legislation that is already waiting at the desk for consideration.

I did not have the opportunity—and that is my fault and not his—to discuss this with the Senator from New York in advance of his proposal. As the Senator knows, for many years in the Senate I have introduced periodically various proposals of my own for legislation dealing with emergency labor disputes, and that will happen again. I join the Senator now, for the record, in saying that I think at an early date our committee should proceed with hearings on whatever legislation is awaiting hearings. We cannot afford further delay.

Mr. JAVITS. I am grateful to the Senator. At least this should be done and I cannot help but feel it has not been done, notwithstanding their efficiency, because the White House said no.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOMINICK. I congratulate the Senator on his statement. I believe his views are well known.

When I was called by the White House to attend a discussion of the strike situation yesterday morning it more than a little irritated me. I did not go solely because it seemed to me that the President has had a year and a half since his state of the Union message to do something about permanently solving strikes of this nature.

The President has not only had that length of time, but an opportunity was again presented in our September resolution last year, introduced by the senior Senator from New York; additionally there was the resolution of January of this year, Senate Joint Resolution 9, in which I was again happy to join as a cosponsor. The President had an opportunity to act in response to the suggestion contained in the speech the Senator from New York made on April 6. On April 6, of last week, I made a similar speech calling this matter to the President's attention. No action of any kind was taken until yesterday morning, at the very minute when the President was on his way, or just about to leave for South America, and only 2 days from a strike deadline which had already been set by the union.

It seems to me that this is an intolerable situation in which to put the Senate. We are suddenly faced with a crisis of this nature with nothing but delaying tactics, which in 20 days will bring us back to the same situation unless the parties are able to settle the matter. In view of the past airline strike this does not seem likely.

I make these remarks for the RECORD because I think the administration and Congress, as the Senator from New York said, have been remiss in their duties to the people of the United States in not getting legislation before this body so that we could hold hearings and consider legislation which would provide a method for a permanent solution to disputes of this kind.

I should like to ask the Senator from New York this question: Do I correctly understand from him that he feels extended hearings before the Senate Committee on Labor and Public Welfare, on his proposal for limited seizure legislation, the legislation suggested by the Senator from Ohio, or on a labor court proposal, would do a good deal to air the issues involved for the public as a whole, and would also tend to bring together the respective sides so that they could foresee that some compromise agreement will have to be worked out?

Mr. JAVITS. I do. I think that this is a matter of such delicacy and such moment, involving so many millions of Americans—there are 16 million Americans unionized alone—as to demand that kind of treatment. I would be loath to tack on any rider to another bill, and let this, as the Senator from Illinois [Mr. DIRKSEN] has stated, be a Committee of the Whole in a matter of this kind; but it may have to be done.

If it is done, it will be done by default of the administration in not moving. Despite this, it should be made clear—and I feel that the Senator from Oregon [Mr. MORSE] will agree, although I do not want to quote him or tie him into this—that I am confident that we would have had this solved long before this, if the White House had not lowered the boom on this matter until it was good and ready. It is greatly overready. That is the main point of my statement here today.

Mr. DOMINICK. The administration not only lowered the boom, it also dug a grave, put some issues into it, covered it up, and placed a headstone on it.

Let me ask the Senator from New York one more question: Do I correctly understand that in the hearings the Senator is talking about, we would not just consider section 10 of the Railway Labor Act——

Mr. JAVITS. Oh, no.

Mr. DOMINICK (continuing). Because there are other issues.

Mr. JAVITS. Such as the Railway Labor Act, the 80-day Taft-Hartley injunction, and consideration of the problem of Government employees, which has probably been referred to, and upon which there is legislation pending.

Mr. DOMINICK. I commend the Senator from New York for his statement. I certainly intend to support the resolution, even though I think it is too little and too late.

Mr. JAVITS. Did the Senator from California wish me to yield to him?

Mr. MURPHY. Two minutes.

Mr. JAVITS. I am happy to yield to the Senator from California.

Mr. MURPHY. Mr. President, I have served on the Committee on Labor and Public Welfare since I became a Member of the Senate, and I believe I am the only member of that committee who has ever been a member of a labor union. I have been one for 40 years. I am very proud of my association with labor. Over the years, I have taken a great deal of time to make a thorough study of the needs and procedures in this area. As long ago as 15 years, I took a resolution to the floor of the national convention of the American Federation of Labor which would set up machinery to do away with all jurisdictional strikes. The rank and file of labor agreed with us on that.

Today, I should like to congratulate the Senator from Oregon [Mr. MORSE] on his position. I should also like to associate myself with the Senator from New York.

There comes a time when the consideration of the welfare, security, and safety of this Nation is paramount and must take precedence over any other questions, whether it be of management, labor, or whatever smaller group.

We have come to that time today. As the Senator from New York has so eloquently stated, the roast is overdone in the oven. We have known about the strike of the newscasters which is very important to the people of this Nation. How else can they get their information accept for the news media and newspapers? We now have a railroad strike impending. We have the truckers' strike and a lockout at the same time.

Mr. JAVITS. Let me say right there—if the Senator will permit me to interrupt him—that that lockout is significant because it is so easy to try to dismiss the argument I have been making by saying it is antilabor or antistrike. But here is a lockout on the part of the truckers themselves. The necessary legislation would apply to that situation as much as it would apply to a threatened railroad strike.

Mr. MURPHY. Exactly. We also know that negotiations are in the offing with the automotive industry, one of our largest industries. We have known that this whole situation is about to explode. We have had in the past 3 years, I believe, more workdays lost through strikes and work stoppages than in any time in the history of this country that I can recall.

I agree completely and enthusiastically with the Senator from New York that something must be done, and must be done immediately, to finally protect the welfare of this great Nation. I think that the administration has been remiss. I think it has played expediency against actual duty. It is time that the duty of Congress now come to the forefront. Let us consider this problem with calmness and unemotionalism and effect a resolution of the problem through legislation of which we can all be proud and which will rebound to the benefit of our country.

Mr. JAVITS. I thank my colleague very much for his helpful intercession. For many years he was the president of the Screen Actors Guild.

I should like to point out that not only are there two immediate situations facing us, the railroad strike and the truckers lockout, but there is also now outstanding the 80-day Taft-Hartley injunction in the electricians strike in the major west coast shipyards, issued on the ground that the disruption of work there was interfering with our ability to maintain our forces in Vietnam. In addition, negotiations in the rubber field are now going down to the wire—the present contract expires on April 20. All of these situations are happening at one and the same time.

Mr. COOPER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. COOPER. I should like to join my colleagues in commending the ranking Republican member of the Committee on Labor and Public Welfare, the senior Senator from New York [Mr. JAVITS], for his responsible statement and for emphasizing that Congress should develop legislation to deal with these disputes before emergencies arise.

There is ample precedent for Congress taking this course of action.

Shortly after the close of World War II, when a railroad strike was threatened, President Truman thought it necessary to suggest the impressment of railway employees into the armed services.

Later, when a steel strike was threatened, an attempted seizure of the steel mills was prohibited by a Supreme Court decision.

These indefinite and indeterminate situations caused Congress to take action under the leadership of Senator Taft. The Committees on Labor of both House and Senate developed the Taft-Hartley bill which became law. That legislation was fiercely fought by many, including the labor unions, but it found genuine acceptance throughout the United States.

Now, of course, it is inadequate, as the Railway Labor Act is inadequate. Thus, I think the time has come, if the administration will not act, for the Labor Committee to take action, to hold hearings, develop legislation, and deal with the subject.

I am sure that the Senator would agree that in the long run labor unions would be receptive to fair legislation which would establish some measure of stability for them. I also think that management should be. I know that the public will welcome the development of constructive legislation.

I hope that the Senator and our colleagues will continue this good fight and find ways to develop legislation which will assist in strengthening collective bargaining and avoiding recurring crises.

Mr. JAVITS. I thank my colleague.

Mr. COOPER. May I add this one thought. I have served on the Committee on Labor and Public Welfare with the Senator and others. It is very fascinating work. There are other precedents for congressional initiative. In 1959 when some provisions of the Taft-Hartley Act were found inadequate to deal with certain situations, another Member of this body took action—the then Senator John F. Kennedy—to develop legislation. Later, when his bill went to the House, a Member of that body—now a Senator—worked toward further refinements—the Senator from Michigan [Mr. GRIFFIN].

In the course of the strike that was crippling the major airlines of the country in July of last year I stated on the Senate floor that—

> This is one of several strikes in the past year that has affected the Nation's entire transportation system. I believe it is time that the emergency dispute section of the Taft-Hartley Act should be overhauled, as pointed out by the distinguished Senator from Oregon [Mr. MORSE] the other day on the floor.
>
> Where a dispute exists between a regulated industry and its employees and a national emergency is created, then certainly Congress has an obligation to establish, by legislation, some procedure for safeguarding the public interest. I am hopeful that the Senate Labor Subcommittee can begin hearings soon on bills now pending before the subcommittee.

In concluding my remarks at that time. I pointed out that—

> We cannot continue to limp along from crisis to crisis in the field of national transportation, when so many industries are affected, and the health and livelihood of so many individuals beyond the parties to the dispute are involved.

Mr. JAVITS. I thank the Senator.

Mr. President, I wish to conclude so that the Senator from Vermont [Mr. PROUTY] can gain the floor.

I appreciate very much the stake of labor in this question. I have been personally attacked, because I have an outstanding record, and I am proud of it, with trade unions, as a Senator who has been very favorable to organized labor in the United States. I feel in good conscience that I am maintaining that position in the position I take today, and have taken for the last 2 years, because I think it represents a serious threat to labor's right to strike. If there is going to be a crackdown. If the pendulum swings the other way, then it could result in taking away labor's right to strike, for example, by a requirement of compulsory arbitration, and by so doing, crippling labor. That is the danger that labor faces. So it is as a friend of labor that I am trying to save our country when its very survival is being jeopardized.

Finally, I say this is not an isolated situation, and that unless hearings are held within a reasonable time to work out a way to deal with these situations, I intend to offer amendments to pending legislation which would set up permanent procedures to deal with this problem. I may be beaten down, but the fight must be, and will be, made on the floor if the problem is not dealt with through committee hearings.

I yield the floor.

The **PRESIDING OFFICER.** The Senator from Vermont is recognized.

Mr. PROUTY. Mr. President, first, I ask for the yeas and nays on the pending resolution.

The yeas and nays were ordered.

Mr. PROUTY. Mr. President, I join my colleagues in commending my distinguished friend the senior Senator from New York [Mr. JAVITS] for his very brilliant exposition of this problem. I also pay tribute to the distinguished senior Senator from Oregon [Mr. MORSE] for his efforts and for his understanding of this great difficulty.

I believe this is a problem which, in large part, is due to the lack of decisiveness on the part of the President when we were confronted with the airlines strike last year. Senators will recall that he refused to state whether it was an emergency. He refused to say whether he wanted legislation, or, if he did, what kind of legislation might be appropriate. The committee invited various representatives of the administration, the Secretary of Defense, the Secretary of Commerce, the Postmaster General, and others to testify on the subject, and the only one sent as a representative by the administration to testify was the Secretary of Labor. If any of my colleagues recall those hearings, they will remember that Secretary Wirtz did one of the greatest jobs in giving testimony I have ever witnessed, even though he said nothing, because that is what he had to do. This is not to reflect adversely on the Secretary. He was simply required to take the position he did at that time.

When that resolution concerning the airline strike was before the Senate, I offered a motion to postpone any action for a few days—3 or 4 or 5 days. I believe the senior Senator from New York joined as one of the supporters of that motion, which lost.

Last Sunday night, I received a call from the White House, as other Senators did, saying there was to be a meeting at the White House concerning the railroad strike. Certainly, the President, the Secretary of Labor, and others knew that there was a deadline; that this strike was going to take place unless something happened. The President knew he was going to be away from Washington on a very important mission. I think it was only reasonable to expect that action would have been taken prior to his departure.

We find that a letter was finally sent by the President to the chairman of the Labor Committee in the House, and I believe to the chairman of the Commerce Committee in the Senate.

We had to work pretty hard to have that letter sent. It was not sent with the President's message to Congress. It was sent to the chairman of the committee, and it is now a part of the public record.

Some of the matters discussed at our committee meeting will not be made public because we sat in executive session. If any prominent individual might be embarrassed by that record, it would certainly not be any member of the committee. I shall not divulge the contents of those statements, but I think we should recognize that the Nation is faced with a very grave problem. As the Senator from New York and the Senator from Oregon have stated far more eloquently than I can, legislation in this field must take place in the very near future.

We were hopeful yesterday when carriers' representatives said they would continue negotiations on a voluntary basis for another 20 days. The representatives of labor agreed to recommend this approach to their membership. We thought we had achieved a great deal, but within a half hour we were advised the unions would not agree. The same unions were involved in the airlines strike last year.

If the unions which are responsible for the present difficulty remain adamant, they may well be responsible for enactment of compulsory arbitration which Congress has always been reluctant to do and which has always been opposed by both labor and management.

It seems to me those representatives have got to learn the industrial facts of life. The sooner, the better. I tried to help them last year. I thought we were making progress yesterday afternoon. They represent only 30 percent of the railroad employees. I believe the other 70 percent are close to agreement.

I hope the Senate will approve the resolution promptly.

Mr. McINTYRE. Mr. President, the resolution of labor-management disputes by congressional action is getting to be a habit, and a very unsatisfactory one at that. Last year, we voted to put an end to an airline strike. Before that, we voted to put an end to an earlier railroad strike. We may soon be faced by proposals to put a stop to disputes in the trucking industry.

I intend to vote against the pending legislation today, not because I am not convinced of its necessity, but simply in protest against the use of Congress as a tool in the labor-management bargaining process. If enough of us will vote no, today, perhaps it will serve to stimulate discussion and proposals about better ways to handle future disputes in the transportation industry.

Mr. RANDOLPH. Mr. President, the pending resolution to add 20 days to the no-strike period of 60 days in the labor-management railroad dispute would have the impact, if passed, of creating within our citizenry a general belief that Congress, faced with such an emergency, can act without partisanship and with promptness.

I have listened today with intense interest to the comments of Senators on both sides of the aisle, and to observations that the hour is relatively late to consider legislation which would attempt to deal with these matters.

Mr. President, I speak specifically today of the impact of a general railroad shutdown, if it were to take place, on the economic life of the State of West Virginia.

There is ample evidence of the seriousness of the impact of a railroad strike on our national economy and on the well-being of people. The President of the United States already has stated in his factual message to the Congress the consequences of such a work stoppage on this country as a whole.

In West Virginia, a complete enforced cessation of service by the five railroad systems serving our industry and commerce would be catastrophic, primarily because of the nature of our principal industries. Therefore, as a Senator representing the State of West Virginia it seems to me that I am acting responsibly in exerting every equitable effort to keep the parties in this labor-management dispute in collective bargaining as they search for a negotiated settlement of their differences. Certainly, we of the Mountain State must do our utmost to be as helpful as possible in all efforts intended to avert a railroad strike.

Coal, chemicals, steel and glass are the primary producing and shipping industries—by far the largest employers of our nonfarm labor force—in West Virginia. All of these industries are extremely vulnerable to production shutdown and worker layoffs when railroad services are not available.

Our coal mines and coal miners would be almost immediately affected because at least 90 percent of all coal mined in West Virginia is shipped by rail beyond our borders, most of it in large unit trains to electric generating plants, to tidewater for transloading to oceanic vessels for export, to steel mills, and to automotive and other manufacturing facilities, as well as to other types of customers.

Nationally, there were 537 million tons of coal mined last year, and 85 percent was hauled by rail. Approximately 140,000 coal mine jobs were involved in this production.

West Virginia's portion of such production was 154 millions tons and approximately 90 percent was moved by rail, or approximately 138½ million tons. There are 41,000 coal miners in West Virginia as an annual average, and the value of the coal they produce, based on the last annual gross tonnage, was $737.3 million.

We have, therefore, the statistics on the number of coal mine jobs affected, the value of the coal produced, and the approximate tonnage that would be affected by a rail strike. Patently obvious is the fact that if there are no empty coal hoppers moved by rail to the mine loading facilities, the mine will close. And this closure probably would occur on the first or second day after the rail strike would go into effect. The loss of employment would be felt immediately by all but a few of a mine's employees, with only a skeleton force of maintenance personnel being kept on duty. Due to the adverse impact on coal alone, the West Virginia unemployment rate would quickly increase by as much as 7½ percent. The vast majority of the 41,000 active miners in West Virginia would be forced into idleness for the duration of the strike. Production losses would run an average of approximately 400,000 tons each day of a 30-day month up to approximately 13 million tons for such a month.

The consequences of upward to 40,000 coal miners being idle and 400,000 tons of coal production per day being lost would be a staggering impact on the economy of many communities and on the State. The losses of payroll and taxes would pyramid as the effects of rail and coal mine shutdowns would proliferate and engulf other segments of industry and commerce. The general economy of our State would be staggered from the direct results of coal and rail stoppages alone.

To then add to the economic chaos the impact of a railroad strike on the chemical, steel, and glass industries would be to compound chaos into economic catastrophe and widely spread human suffering.

The costs of cutting off the operations of complex chemical producing units because there would be no regular railroad cars or tank cars to receive the production would be staggering and the resulting unemployment would be still another shameful consequence.

Likewise, the economic loss and unemployment growing out of banking the fires of steel mill furnaces or shutting down glass plant tanks would be terrible to contemplate.

It is not for Congress in this situation or in any other similar situation, to go to the specifics of the controversy between management and labor. That is not our province.

The jurisdiction—which we would not request—to settle the issue in this particular dispute is not given to us. However, there is the overriding concern of the public. We must consider the public interest, and the national welfare must be, of course, uppermost in the minds of all Senators.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to my able colleague.

Mr. MORSE. Mr. President, the Senator has made the point that we do not seek to settle disputes as far as their substantive nature or merits are concerned. But I think the Senator from West Virginia is so right when he points out the procedural responsibility of Congress.

I do not care what legislation Congress passes, none of us will live so long as to find Congress in the position in which from time to time it is not going to have to carry out its legislative responsibility under the interstate commerce clause of the Constitution.

We will not be able to pass any legislation, in my judgment, that will permanently remove from the legislative halls of Congress the responsibility of the Congress to pass upon the procedural problem the Senator from West Virginia has raised.

That is our responsibility, and although I do not like to see labor cases come to Congress for procedural treatment, they will continue to come as long as there is a Congress, because they are part of the very problem of human relations as such problems are reflected in industrial relations.

I know that politically we would much prefer not to have them come to Congress, but it is also a test as to whether we will face up to our political responsibilities.

I think we have that responsibility this afternoon, and I hope that we will proceed with an early vote on the matter.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to my capable colleague.

Mr. JAVITS. Mr. President, I join with the Senator from West Virginia and the Senator from Oregon in this particular matter.

It is so easy in this case to be tabbed as some antilabor, antistrike person.

Those of us who have had a little experience with such matters are not afraid of that. We know that the verdict of the electorate is rendered on a more solid basis than a mere tag.

It is very heartening to me to note that the Senator from West Virginia, with his background and responsibilities, feels very much as we do in this matter.

I think it should be an assurance to labor that the problem is in the hands of its friends and not of its enemies. It is not the enemies of labor who are setting the pace. It is the friends of labor.

Settlement of this matter would constitute an element of certainty—an element urgently needed by all parties as well as by the Nation.

Mr. RANDOLPH. Mr. President, I thank both Senators for their cogent comments in connection with the responsibility of individual Senators in relation to the important vote which will be taken, I hope, within a few minutes.

Mr. President, during my tenure of some 22½ years in Congress—both as a Representative and as a Senator—I have been a member of the respective labor committees and of the Subcommittee on Labor.

I have recognized the cause of labor, the need for collective bargaining, the right of labor to strike. I also understand the responsibility which labor and management and all of us share in seeing to it that the economy of the United States is not ripped to shreds. We must be sure that the security of the United States and its people does not suffer. In the final analysis, even though there may be an element of distaste and reluctance on the part of some to act, by and large the people in this country will know that Congress is responsive to the possible peril which could result if the rail system of the United States were shut down at this particular time in a critical period of our history.

Mr. President, mine has not been a pleasant recitation of probable impacts of a general railroad strike on West Virginia and other States with similar economic structures. But it is the likely result that would unfold in the event of such a stoppage—and it highlights in degree the distress that we must do everything to avoid.

We have no alternative but to support the joint resolution to add 20 days to the authorized 60 days of the no-strike legal requirement as relates to railroad disputes. Congress can be effective and helpful at this time—a crucial time.

Mr. KENNEDY of Massachusetts. Mr. President, for the second time in but a few months the Senate is called upon again to pass specific legislation on the eve of crisis in a specific labor dispute. Once again the Congress of the United States has been asked to make important decisions regarding a labor dispute and to make these decisions with little time for the consideration that such a step demands.

There is no doubt in my mind that this dispute, unlike the airline strike that we were faced with last year, carries with it all of the potential of a national emergency. A strike against our Nation's railroads would place this country under a severe economic strain and threatens to bring not only economic but social disruptions. The Secretary of Labor has described what the effects of such a strike would be—

Three quarters of a million rail commuters in New York, Chicago, and Philadelphia would be unable to take their trains;

Shipments of perishable foodstuffs to many of our major cities would be halted; this, when we are already suffering the effects of a nationwide lockout in the trucking industry—health hazards would develop as, for example, supplies of chlorine to purify community water supplies are curtailed;

The coal industry would have to cease operations almost at once; and

Within the period of 1 month our gross national product would be reduced by 13 percent, while the unemployment rate in our country would rise to 15 percent.

These statistics leave no doubt that a nationwide rail strike is something that must be of concern to the Congress; but there remains the doubt as to whether or not Congress should only be concerned with this dispute at this time or whether it would not be more profitable for Congress to concern itself with questions of national labor policy so that we are not called upon from time to time to act in haste after collective bargaining has deteriorated.

Because of my concern with the growing use of the Senate as another device that those who fail to bargain in good faith can rely upon in their bargaining strategy I attempted in committee yesterday to reach a situation where the parties would voluntarily agree to withhold strike action, for a minimum amount of time while the President was in Uruguay or for the maximum of 20 days as requested by the President.

We called the parties to the dispute before us in executive session, not to discuss the specific issues in this dispute but to determine those steps that could be taken to reach agreement short of legislation. It became apparent from our discussions in committee with the parties that there was disagreement over whether or not the President had made a personal appeal for no strike action during his absence.

In the late hours of our involvement, while this point was never clarified fully, we asked the unions to take it as fact that the President was now making that appeal to them through the Secretary of Labor, as was the Senate Labor Committee. I had been hopeful late yesterday afternoon we had received a commitment from the union representatives present that they would go back to the other unions involved and recommend a voluntary extension of the bargaining period. The unions exercised their prerogatives in our society and rejected the appeal of the President and of our committee. I think they made a mistake in doing this, for now that we have begun to legislate in this specific dispute and to extend the bargaining period for 20 days, there is little doubt but that we will be involved if the parties fail to reach an agreement by early May. At that time it may be necessary for the Congress to look to general labor legislation—to consider changes in our national labor policy in the midst of a national emergency.

With the union's rejection of the appeal that I feel we forcefully made, I voted to report out the joint resolution before us today. I shall support it here on the floor. But I also took the opportunity in committee to move that the parties in this dispute return to us on April 24 to give a report on the success of bargaining during the 20-day period. It is my hope at that time that they will exercise their obligations and will reach an agreement. But if it appears at that time that they will not be successful by May 3 I would expect that those in the administration close to the dispute will offer their recommendations to us with sufficient time given for the consideration this matter deserves.

Mr. MANSFIELD. Mr. President, our colleague, the junior Senator from Montana, is necessarily absent today. But he has asked me to announce that if he were here he would vote in favor of the resolution. As a firm believer in the principle of collective bargaining, Mr. METCALF wants to give it every opportunity to work.

The **PRESIDING OFFICER** (Mr. SPONG in the chair). If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The **PRESIDING OFFICER.** The joint resolution having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce

the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. McCARTHY], the Senator from Arkansas [Mr. McCLELLAN], the Senator from Montana [Mr. METCALF], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Pennsylvania [Mr. CLARK], the Senator from Arizona [Mr. HAYDEN], the Senator from Washington [Mr. JACKSON], the Senator from Missouri [Mr. LONG], and the Senator from Washington [Mr. MAGNUSON] are absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from Pennsylvania [Mr. CLARK], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Washington [Mr. JACKSON], the Senator from Washington [Mr. MAGNUSON], the Senator from Arkansas [Mr. McCLELLAN], the Senator from Montana [Mr. METCALF], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Minnesota [Mr. McCARTHY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from South Carolina [Mr. THURMOND] is absent on official business. The Senator from Texas [Mr. TOWER] is absent on official business.

If present and voting, the Senator from South Carolina [Mr. THURMOND] and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 81, nays 1, as follows:

[No. 69 Leg.]

YEAS—81

Aiken
Allott
Anderson
Baker
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hatfield
Hickenlooper
Hill
Holland
Hruska
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kuchel
Lausche
Long, La.
Mansfield
McGee
McGovern
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Russell
Scott
Smathers
Smith
Sparkman
Spong
Symington
Talmadge
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—1

McIntyre

NOT VOTING—18

Bartlett
Bayh
Brewster
Clark
Fulbright
Hayden
Hollings
Jackson
Kennedy, N.Y.
Long, Mo.
Magnuson
McCarthy
McClellan
Metcalf
Ribicoff
Stennis
Thurmond
Tower

So the joint resolution (S.J. Res. 65) was passed, as follows:

S.J. RES. 65

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall be extended for an additional period with respect to the disputes referred to in Executive Order No. 11324 of January 28, 1967, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which such disputes arose prior to 12:01 a.m. of May 3, 1967.

The preamble was agreed to.

Mr. McCLELLAN subsequently said: Mr. President, I should like to make a brief announcement in explanation of why I was absent and not voting a little while ago when the roll was called on Senate Joint Resolution 65.

Had I been present, I would have supported the joint resolution. I am glad to know that it passed with only one dissenting vote.

Mr. President, I was absent by reason of being in attendance at the funeral of a lifelong friend. I tried to get back in time for the rollcall but missed it by a few moments.

Mr. JACKSON subsequently said: Mr. President, during the vote on Senate Joint Resolution 65, rollcall No. 29, I was in the Senate Office Building when the vote was being taken. The bell did not ring, so I had no notice that the vote was being taken. Had I been notified and had I been present, I would have voted "yea."

INVESTMENT TAX CREDIT

The **PRESIDING OFFICER** (Mr. MONDALE in the chair). The Chair lays before the Senate the unfinished business, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

The Senate proceeded to consider the bill.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMATHERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without *objection, it is so ordered.*

RENT SUPPLEMENT PROGRAM

Mr. SPARKMAN. Mr. President, I would like to call to the attention of my colleagues an article by William F. Buckley, Jr., entitled "A Move From Housing Projects," which was published in the News American on March 29, 1967.

This article is particularly interesting as it relates to the true facts about the rent supplement program. I have supported this program in the past because I believed that it promoted local control and local initiative in providing decent housing for our low-income citizens, and offered an excellent substitute for private enterprise to step in where Government is now required to do the job.

I do not always find myself in agreement with Mr. Buckley but I am pleased to see that he has joined with those of us who feel that the rent supplement program is a sensible approach to the low-income housing problem.

I ask unanimous consent that excerpts from Mr. Buckley's article be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

[From the News American, Mar. 29, 1967]

A MOVE FROM HOUSING PROJECTS

(By William F. Buckley, Jr.)

They are brawling in Congress on whether to expand or contract the rent-supplement program. That is the device by which very poor families are given the difference between 25 percent of their monthly wages (or relief checks) and the monthly rental of an apartment deemed suitable for decent living.

A typical example singled out lately by the Wall Street Journal: A Negro woman, separated from her husband, with two children. She earns $300 per month, pays $75 toward a monthly rental of $107.25. The $32.50 monthly supplement paid by the government makes a great deal of difference in the living quarters available to the lady, and moreover the plan is so constructed as not to deprive her of the incentive to work for higher wages.

As she increases her take-home pay, she still gets to keep 75 percent, the balance going toward the rent. If her annual earnings should exceed $4,300, she is excluded from the program. But 25 percent of $4,300 leaves her only about $15 a month shy of her existing monthly rent.

The debate tends, as many do, to miss the main point.

There are the congressmen who defend the program on the usual redistributionist grounds plus the very persuasive point that rent-supplement programs permit a flexibility and individuation that the massive public housing programs do not.

Opponents of the measure ask where do you get off taking from Smith, who is struggling to pay his own rent, in order to pay Jones—especially since, in many cases, Jones doesn't care to work; and in many other cases, Jones is nowhere in sight, there is only Mrs. Jones and the children, and she can't work and look after the brood at the same time.

Always the talk is on how to make it possible for the indigent to pay rents that are above their reach, and never, or hardly ever, on how to bring down the rents so the indigent could better afford decent living quarters.

Pending a solution from the other end—a reduction in the cost of housing—Congress must decide the matter of rent-supplements. Surely the argument, if it is to be restricted between the relative merits of more public housing and more rent-supplement programs, favors more of the latter than the former.

* * * * *

. . . Now the problem of conservatives may be to find the most suitable forms within which essentially non-desirable federal programs can best go forward.

THE U.N. AND VIETNAM

Mr. McGEE. Mr. President, on Sunday, Mr. Howard K. Smith, that eminent commentator and columnist, wrote about the ineffective approach of the United Nations toward getting peace talks underway regarding Vietnam. Indeed, he puts much of the blame on those of us who have refrained from putting the U.N. on the spot, as it were, for fear of rocking its foundations. But Mr. Smith raised good points, expressing the fear that the World Organization may impair itself more by looking the other way when called upon to take a stand, at least verbally. His column from the Washington Star is food for thought, Mr. President, and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Sunday Star, Apr. 9, 1967]

The Ineffective, Sacred Cow Status of the U.N.

(By Howard K. Smith)

The U.N. has become to the realm of world organization rather what Orson Welles was to the theater—a creature of infinite promise that has consistently proved sluggish about fulfilling its promise.

This is written by an ardent long-time supporter of the U.N. who would still pay almost any price to keep this germ of international order alive. But it is precisely that feeling by many people that is making it—the U.N., not Orson Welles—a sacred cow whose ineffectualness and flabbiness it is considered sinful to point to.

Let us keep the relation of the U.S. to the U.N. in perspective. The organization was conceived by the U.S. and given its name by President Roosevelt. The vastest proportion of its upkeep was and is paid by the U.S.

Though from time to time the Communist nations—when their line requires it—call it the puppet of the U.S., the fact is that this country, to preserve the organization's integrity, has gone so far as to vote against its own allies—in the Suez crisis when Britain and France and Israel were required to withdraw from invaded Egypt. Let those who argue that U.S. policy is but a rag blown whichever way the winds of internal political pressures dictate take note that this action was done by affronting one of the most articulate and respected voting minorities in our country.

To keep the U.N. functioning the U.S. has even voted against itself. In the recent crisis over payments for successful peace-keeping operations of the U.N. in Gaza and the Congo, the U.S. insisted reasonably that costs be shared. We got no effective support, so we dropped the demand and voted against ourselves.

Now, the Vietnam crisis is made to order either for U.N. action—or if action is too much, then for the U.N. simply to take a verbal stand. On ten distinct occasions the U.S. has appealed to the U.N. to help get peace talks started, with no response. On two other occasions, Secretary General U Thant has offered proposals to open talks. The U.S. has accepted them and the foe has rejected them. The reaction of U Thant in both cases has been worthy of the present mood of the organization.

On the latest occasion, U Thant produced a plan with a logical and fair beginning: both sides would agree to stop all fighting. The U.S. accepted immediately. North Vietnam, in effect, spat in the Secretary General's face. U Thant then proceeded to argue, in contradiction to the facts, that the Communists had not rejected this proposal; and he proposed that the U.S. stop fighting unilaterally with no assurances whatever from the other side.

Mr. Thant's record has been consistently one-sided. The most famous case in point was the cloudy non-event of August 1964. At that time, we are told, the North Vietnamese agreed to talk with us in Rangoon. But the U.S. disregarded the offer and instead escalated the fighting to prevent the meeting from taking place.

The only evidence we have for this apparently scandalous episode is (1) Thant's vague statement, never elaborated on by him, and (2) an alleged statement by Adlai Stevenson published by a magazine after Stevenson's death when he could no longer be asked for clarification.

Only the bare bones of this incident are factual: Thant did apparently get a grudging indication that the North Vietnamese would meet—but only on the basis of their four points. That is, the U.S. would surrender before talking. Still, Thant was told we would be in Rangoon if he could deliver the North Vietnamese. He could not, so no conference took place. And the incident has become a loaded legend.

It would seem that the U.S. no longer has much to lose by speaking sternly to the U.N.: We have done more than could fairly be demanded to keep it going. We might remind its members of Dag Hammerskjold's words in a past crisis: The U.N. is mainly for the small nations—the big ones can defend themselves. It is therefore up to the small ones to make the organization effective. If a Communist veto prevents action, at least the organization can go on record in words as it did in the case of the Russian occupation of Hungary.

The new nations that have flooded into the U.N. have demanded status as sovereign nations. Well, let them now prove they possess the requisite sense of responsibility.

American spokesmen have refrained from reminding the organization of its purpose for fear of somehow impairing it. But now a greater danger is growing—that is, that it will impair and corrupt itself by looking the other way each time we look to it.

HAWAII'S EXPANDING ROLE IN ASSISTING PACIFIC ISLANDS

Mr. FONG. Mr. President, last August I called attention to an informal proposal for closer cooperation between Hawaii and the Pacific Trust Territory. The suggestion was to invite members of the Congress of Micronesia to visit the Hawaii Legislature as participants in an observer course. The Micronesian Congress, organized only 2 years ago, would send a delegation of its members to observe the older Hawaii Legislature in action so the Micronesians might develop ideas that can be useful when they return to their territory. In turn, Hawaii lawmakers would have an opportunity to become acquainted with their counterparts from Micronesia.

The proposal was first advanced editorially by the Honolulu Advertiser. In my remarks in this Chamber on August 26, 1966, I stated that "I heartily endorse this 'mutual education' proposal and hope it can be implemented.

It is with deep satisfaction, therefore, that I can now report that the idea has become a reality. Eighteen members of the Congress of Micronesia have arrived in Honolulu to begin a 4-week program of observation and participation in the current annual session of the Hawaii State Legislature.

They are in Hawaii at the invitation of the Hawaii Legislature. The program is supported by the East-West Center's Institute for Technical Interchange. To Vice Chancellor Y. Baron Goto, of the institute, goes much credit for bringing about the program, and I commend Dr. Goto, the Honolulu Advertiser, and all others associated with the program for launching this good neighbor project.

I wish to note also another East-West Center program to assist the Micronesians, and other Pacific islanders. A team of five Honolulu nursing specialists will conduct a field training program next month on professional nursing in the trust territory, Western Samoa, American Samoa, Fiji, Tonga, and the Cook Islands.

Both of these programs—one to bring Micronesian congressmen to Hawaii, the other to send Hawaii nursing specialists to the Pacific islands—represent the further growth of close cooperation between Hawaii and her Pacific neighbors. The East-West Center is contributing significantly to this expansion and deserves hearty praise for its valuable and unique contributions to the advancement of this part of the globe.

I ask unanimous consent to have printed in the Record two news articles describing both programs.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Honolulu Star-Bulletin, Apr. 6, 1967]

Nursing Team To Aid Trainees in Pacific Isles

Five Honolulu nursing specialists will conduct a training program on professional nursing in six southwest Pacific island groups this May.

The five women will work with 35 trainees from Western Samoa, American Samoa, Fiji, Tonga, the Cook Islands and the Trust Territory of the Pacific under a program sponsored by the East-West Center.

Although training for Pacific island nurses has been offered at the center, this is the first time specialists will be sent to the field.

The team from Honolulu will include Sister M. Aileen, assistant administrator of St. Francis Hospital; Ellen Sherman, director of nursing at Leahi Hospital; Dorothy D. Williams, nursing instructor at the University of Hawaii; Mary Suda, operating room nurse at Kuakini Hospital, and Mrs. Sally Faustino, assistant program officer at the Institute for Technical Interchange.

[From the Honolulu Advertiser Apr. 7, 1967]

Eighteen Micronesians Get Committee Duties Here

Eighteen members of the Congress of Micronesia yesterday began a four-week program of observing the Legislature in action.

The group includes one senator and two representatives from each of the six Micronesian districts.

They were introduced to the House and Senate yesterday and were given assignments to committees they wished to follow.

The idea of participating in such an observer program first came up when the Micronesian Congress was organized in 1965.

The Congress is a first step toward self-government in the Trust Territory of the Pacific, now administered by the United States under United Nations mandate.

Sen. Isaac Lanwi of Majuro in the Marshall Islands noted that staff members of the Congress observed the State Legislature's budget session last year.

In August The Advertiser editorially advocated bringing the Congressmen to observe the 1967 legislative session. In January the Legislature extended the invitation.

The observer program is supported by the East-West Center's Institute for Technical Interchange, and the congressmen will be given room and board at the center.

Dr. Y. Baron Goto of the Institute said the congressmen would hold a discussion session at the center from 7:30 to 9 each morning before going to the Legislature.

The congressmen will attend the regular sessions of the House and Senate, and meetings of the committees to which they have been assigned.

They will be given added guidance by the chairman and staffs of the committees.

The senators in the group and their committee assignments are:

Bailey Olter of Ponape, Education; Hirosi Ismael of Truk, Public Health and Welfare; Andon L. Amaraich of Truk, Judiciary; Isaac Lanwi of Majuro, Public Health and Welfare; John Olbedabel of Saipan, Ways and Means; and Francis Nuuan of Yap, Economic Development, Tourism and Transportation.

The representatives, who have not yet received their assignments, are Jacob Sawaichi and Polycarp Basilius of Palau, Raymond Setik and Mitaro Danis of Truk; Henry Samuel and Atlan Anien of the Marshall Islands, Manuel Muna and Carlos Camaco of the Mariana Islands, Luke Tman and John Regulimar of Yap, and Daro Weital of Ponape.

HUMPHREY TRIP A GREAT SUCCESS

Mr. PROXMIRE. Mr. President, last week I read into the RECORD the warm praise by Charles Collingwood of CBS of the remarkable performance by Vice President HUBERT HUMPHREY in defending this Nation's Vietnam policy before critics in Europe.

Since the Vice President returned, newspapers all over the country have been warm in their praise of the superlative job he has done for this country.

As the Washington Post said editorially this morning, this kind of trip should be repeated. It serves our Nation very well indeed.

Mr. President, this country has a great asset in our eloquent, energetic Vice President, for which all of us as Senators and Americans I am sure are grateful.

I ask unanimous consent that editorials from the New York Times and the Washington Post, that appeared this morning and evaluate the Humphrey trip be printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 11, 1967]

HUMPHREY'S TRIP

Vice President Humphrey very clearly accomplished the two foremost purposes of his European visit: the governments he visited know more about American policy and the Government of the United States is better informed on European attitudes. It is doubtful if the President could have sent a better ambassador on such a dual mission. Vice President Humphrey is a persuasive and amiable advocate and he is, as well, a quick and perceptive observer.

Time will tell how many results he achieved both as advocate and as reporter. Subsequent events will show if things go more smoothly in the Kennedy round and in the maneuvers for a nonproliferation treaty. Later developments will indicate if he made any progress in reconciling European leaders to the American role in Southeast Asia. Our own policies no doubt will reflect the information which he acquired.

The limitations of such a mission, of course, arise from the narrow scope of the enterprise. If differences exist because of genuine misunderstanding and misconstruction as to European and American policies, a gifted emissary can accomplish a great deal. If they spring inherently, not from misunderstanding, but from real differences over policies that are well understood on both sides, there are strict limits to what an interpreting visit can achieve.

The Vice President's personal charm obviously had its impact on European leaders and his success at this level suggests that he should be utilized as an ambassador more frequently. These affirmative reactions cannot eclipse entirely the dismay created in the United States by some of the hostile demonstrations he encountered. News photographs of Paris demonstrators burning an American flag made a painful impression on American newspaper readers. Fortunately they are sophisticated enough to know such disorders do not reflect governmental opinion, or even general French opinion.

The general reaction to the Vice President's trip suggests that it would be useful and helpful in maintaining historic friendships in Europe if the excursion were to be repeated at frequent intervals.

[From the New York Times, Apr. 11, 1967]

THE HUMPHREY TRIP

Vice President Humphrey's mission to Europe has done something to improve the atmosphere in relations with America's oldest and most important allies, creating a new opportunity to resolve some of the substantive issues that have strained the fabric of Atlantic unity.

What has complicated and exacerbated all the divergencies between Europe and the United States in recent years has been a progressive breakdown of communication. The Johnsonian penchant for secrecy—within the Administration as well as outside it—has reduced not only the amount of consultation with allies but the usefulness of the consultations that have occurred. The result has been a gap in comprehension so serious as to lead the Chancellor of West Germany to speak publicly of "nuclear complicity" between Washington and Moscow.

When communication breaks down, suspicion tends to replace confidence. The relaxation in East-West relations in the past year that has led to the de Gaulle visit to Moscow and the Kosygin visit to London has also brought about many other high-level contacts among NATO and Warsaw Pact countries. Mr. Humphrey told his European hosts that the United States feel inadequately informed about these developments.

Conversely, not only West Germany but many of the NATO countries have doubts about the projected nuclear nonproliferation treaty. The secrecy with which negotiations have been conducted with the Soviet Union has been such that the current draft, now that it finally has been shown to the NATO allies, has led them to question more than forty separate points on which the State Department is drafting written replies.

It was not Mr. Humphrey's function to answer all these questions in detail during his two weeks in Europe. Yet Mr. Humphrey's articulateness and his explanation of American policy has surely helped revive the belief that the United States—despite Vietnam and the search for *détente* with Russia—is still interested in Europe's deepest concerns. He evidently was able to counter the suspicion that the United States was sacrificing Europe's interests—through the non-proliferation treaty, troop cuts and other measures of détente—to gain Soviet aid in ending the Vietnam war.

The test now is whether Mr. Humphrey can bring Europe's concerns home in Washington to the point where the Johnson Administration gets its priorities back again into a reasonable relationship with the nation's real interests and those of its closest allies abroad.

A LIMITED WAR?

Mr. YOUNG of Ohio. Mr. President, the miserable civil war in Vietnam is, we are told by administration officials, still a limited war. Yet there are those who advocate increasing pressure to remove even those few limitations now being observed by our Armed Forces on orders of the administration. However understandable the desire to get it over with quickly, we must constantly evaluate the consequences of removing restrictions on our conduct of the war.

In its recent report, the Senate Preparedness Subcommittee stated:

> The most pressing need is an affirmative response to some of the recommendations of responsible commanders to strike more meaningful military targets in North Vietnam.

By this I assume they mean that the President and the Secretary of Defense should yield to pressures from the Joint Chiefs of Staff to bomb North Vietnam's airfields and to mine or bomb Haiphong Harbor and ships in its harbor.

Let us examine the consequences of such actions. Bombing the airfields of North Vietnam would entail great risks. In the first place, it would mean significantly higher aircraft and human losses for the United States, insofar as these airfields are the most heavily defended targets in North Vietnam. The distinguished senior Senator from Missouri [Mr. SYMINGTON] has stated:

> It is possible that, because of increasingly concentrated north Vietnamese airfield defenses, we will lose more planes if authority were given U.S. pilots to "neutralize" the five Mig bases in north Vietnam.

It is not a possibility. It is a certainty that any attempts to bomb these airfields would result in significantly higher losses.

More important, to bomb the airfields would represent not only a military escalation of the war but a political escalation. If this war is to be kept within any limits at all, if we are to prevent it from spreading into a worldwide—possibly nuclear—holocaust, we should not force the North Vietnamese into the position of having no choice but to utilize Communist Chinese assistance. For us to bomb Hanoi's airfields would significantly increase Hanoi's need to resort to Chinese airfields. We cannot be sure at this time whether Communist China would refuse such a request by Hanoi if Ho Chi Minh were forced to make it. I regard as extremely dangerous the argument used by so many of our "war hawks": that because of her present domestic turmoil, Communist China under no circumstances would feel obligated to enter the war.

Similarly, the dangers of expanding the war as a result of mining Haiphong harbor are great. By doing so, we destroy the developing détente between our Nation and the Soviet Union and possibly force them into an alinement with

Communist China, since some Soviet freighters in the Haiphong harbor would most certainly be destroyed and some Russians killed. Thus in a single act all our efforts toward relaxing tensions with the Soviet Union would have been in vain and the moves of its leaders in recent years toward disarmament agreements with us would likely be reversed. In addition, we would unavoidably destroy the ships of many other nations.

Mr. President, the pressure of the war hawks is pushing the administration in a dangerous direction. When urged to permit American pilots to bomb Mig airfields in North Vietnam recently, Defense Secretary McNamara's response was hardly comforting. He gave assurances that "under present circumstances these bases would not be attacked." Then he added:

> This belief (that not attacking the mig bases would help insure the smallest possible cost in American lives) can change as time goes on.

It should cause concern to Americans to know that the possibility of destroying these North Vietnamese bases and possibly forcing Hanoi to rely on those of China has not been definitely rejected.

Aside from the usual pressures for escalation by conventional means, there have been dangerous rumors, such as those reported in the Washington Post of March 24, that the use of certain types of nuclear weapons in Vietnam is being considered in the Pentagon. It is said that such weapons would be useful for destroying targets which have hitherto proved difficult to destroy, such as Vietcong tunnels in South Vietnam or steel bridges in North Vietnam. I am very disturbed to learn of serious research proceeding toward making use of so-called tactical nuclear weapons. The very existence of these weapons carries a temptation to use them—a temptation which is increased by the desire to win this war "cheaply" in terms of American lives. The "war hawks" may argue that such bombs bear no relation to the type which might destroy whole cities, and that they would be relatively "clean" in terms of radioactive fallout. Even if this were true, and even if the effects of these bombs could be controlled—which I seriously doubt—their utilization represents an extremely dangerous precedent. I fervently hope that our President will not give in to such violent extremist policies apparently urged by our Joint Chiefs of Staff, other militarists, and warhawks.

With the war being expanded at its present pace, there are bound to be costly airplane losses which are not readily replaceable and there is bound to be criticism that the problem can be solved merely by using more hardware with fewer restrictions. I, for one, believe that the ultimate solution to the problem in Vietnam lies not in pursuing a policy different in degree—that is, increasing military pressure—but a policy different in kind. More and more, we are coming to rely on a policy aimed at military victory. More and more, the hawks are warning that this war may be lost in Washington, not on the battlefield.

Mr. President, a negotiated settlement would not be a defeat. Very definitely it would be a victory for us. However, it is very difficult for the administration to keep its perspective when not only the Joint Chiefs of Staff but also some Members of Congress are urging unrestricted warfare.

Finally, if their advice were followed, the credibility of the so-called peace initiatives taken by our administration would be undermined still further than at present. It is difficult to believe in the "peaceful intentions" of a nation which is simultaneously paving the way for an unlimited war that could possibly result in a nuclear war. To accept the recommendations of the Senate Preparedness Subcommittee would very definitely make this an unlimited war, with results we dare not imagine. As the strongest Nation on earth, we bear a responsibility to protect the world from an open-ended, limitless war.

THE NEED FOR RESTRICTING TEXTILE IMPORTS

Mr. McGEE. Mr. President, the need to restrict textile imports in the interest of stabilizing our own textile industry, particularly the wool industry, was covered thoroughly in this Chamber March 1, in depth. Action is urgently needed, as representatives of the industry make clear in letters which have been coming to my office since. I ask unanimous consent that several of these letters, highlighting the situation in which this vital industry finds itself today, be printed in the Record.

There being no objection the letters were ordered to be printed in the Record, as follows:

Boston Wool Trade Association,
Boston, Mass., March 9, 1967.

Hon. Gale W. McGee,
Senate Office Building,
Washington, D.C.

Dear Senator: In behalf of the Boston Wool Trade Association I want to thank you for your support of the textile industry in general and the wool textile industry in particular as evidenced by your remarks in the Senate on March 1.

Steadily rising uncontrolled imports of wool textile products into the United States market have caused and are continuing to cause serious disruption to our industry and, incidentally to the wool growers of the United States whose only market is the domestic mills. Although the Administration recognizes this problem no solution has been forthcoming. Our survival is dependent on an immediate and equitable solution and we are counting heavily on your continued support in the months ahead.

Thank you again for your efforts in our behalf.

Sincerely,
Boston Wool Trade Association,
P. Loring Reed, Jr.,
President.

American Textile Manufacturers Institute, Inc.,
Washington, D.C., March 6, 1967.

Hon. Gale McGee,
U.S. Senate,
Washington, D.C.

Dear Senator McGee: On behalf of the American Textile Manufacturers Institute I wish to express our sincere thanks for the interest you have evidenced in the matters affecting the welfare of our industry by discussing the subject on the floor of the Senate on Wednesday, March 1st.

Not only is the present health of the textile and its allied and supporting industries being challenged but also their vital future role in the overall economy as well as in the military security of our nation. Your recognition of these matters and your discussion of them on the floor of the Senate we trust will convince the President of the necessity of taking the immediate executive action which is indicated; namely, not cut tariffs on textiles in the Kennedy Round of tariff negotiations in Geneva this month; renew the Long Term Cotton Textile Arrangement (LTA) for five years and without change; and, direct the negotiation of an appropriate arrangement covering international trade in wool and man-made fiber textiles similar to the LTA.

It is our hope that you will avail yourself of every opportunity to bring these matters to the President's attention and to urge him to take timely action on them.

The entire textile industry, and those allied and supporting segments of the agricultural and business economy, are grateful to you for your cooperation, and we stand ready to support you in preserving this part of our national life for the future good of our country.

In deep appreciation.

Sincerely,
William J. Erwin,
President, ATMI.

J. P. Stevens & Co., Inc.,
New York, N.Y., March 7, 1967.

Hon. Gale W. McGee,
U.S. Senate,
Washington, D.C.

Dear Senator McGee: Over the week-end I had an opportunity to read each of the remarks in the Senate last Wednesday regarding textile and apparel imports. Your statement was particularly good and I wanted you to know I personally appreciate your interest in the matter.

The wool segment, as was pointed out, has been particularly hard hit and because the American textile industry is virtually the only customer of the American wool growers, I know the impact this has had on Wyoming and other important wool growing states.

No doubt you are also keenly aware of the adverse effect imported red meat has had on American cattlemen. As a rancher just north of Wyoming, in Montana, I am also personally familiar with the situation of lower prices and higher costs while the imports are soaring.

Again, many thanks for your continuing interest in these important matters which affect such a large cross-section of American jobs and the total economy.

With best wishes, I am,

Yours sincerely,
Bob Stevens.

National Association of Wool Manufacturers,
Washington, D.C., March 6, 1967.

Hon. Gale W. McGee,
U.S. Senate,
Washington, D.C.

Dear Senator McGee: On behalf of the members of this Association I wish to express our gratitude to you for the constructive comments on the wool product import problem which you made on the Senate floor Wednesday.

Action by our government to achieve reasonable limitations on imports of wool textiles and apparel is urgently needed and we deeply appreciate your participation in the effort to accomplish this.

Sincerely,
J. A. Crowder.

A TIRED HOUSEWIFE

Mr. TALMADGE. Mr. President, there has come to my attention an excellent article written by Mrs. J. P. Strickland of Reno, Nev., and published in U.S. News & World Report.

Entitled "I Am a Tired Housewife," the article expresses very well many of the feelings of the American people today about certain aspects of our current society.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"I AM A TIRED HOUSEWIFE"

(*A year ago there was reprinted on this page an editorial entitled "I Am a Tired American," written by Alan C. McIntosh, editor of a weekly newspaper in Minnesota. Presented here this week is an article entitled "I Am a Tired Housewife," sent in by Mrs. J. P. Strickland, wife of the assistant principal of a public school in Reno, Nev. It reflects further some of the discontent over different aspects of American life today*—David Lawrence, Editor.)

(By Mrs. J. P. Strickland)

I am a tired housewife.

I am tired of trying, in this land of abundant food, to balance my budget when milk prices jump three cents on the half-gallon, and meat which was 69¢ per pound goes to 89¢ in just one week's time.

I am tired of staying home while my husband burns the midnight oil studying, so that he can make the next pay step-up—only to find these added earnings gobbled up by increased taxes and rising living costs.

I am tired of "experts" calling conscientious mothers neurotic for insisting that their offspring toe the line.

I'm tired of attorneys and social workers and courts who continue to hand down candy-coated sentences because, they claim, the poor dear hoodlum wasn't brought up in the right environment—an environment that half the world would be envious to share.

I'm tired of the cement deserts swallowing up lovely trees and making pensioners homeless—all in the name of bulldozer-type progress or code-rating accommodations.

I'm tired of hearing of all the "isms" which are supposed to take the place of the ideals and ideas propounded by our God-fearing forefathers, who died that we might be free. I'm tired of having these liberties taken away from my children step-by-step in the name of social benefits.

I'm tired of being told that it's sissy or old hat to believe in God's Way, and that God is dead.

I'm also tired of hearing that Christmas carols shouldn't be part of a school concert.

I'm tired of seeing our police officers ridiculed and criminals exalted during riots and "marches."

I'm tired of begging people to help me in the home—then having them turn me down because they might miss an unemployment check.

I am tired of intermittent phone calls during the day and night by some quack who took offense at a letter penned to the local newspaper. I get especially tired when my youngsters are wakened from naps by this or by advertising or soliciting over my private line.

I'm tired of being told that my work is easy because I have modern appliances in place of a real live maid and that my tiredness from sixteen or more hours of labor in my home is caused by my not having enough outside interests. In fact, I'm tired of not having time to see perfection in my household tasks because the demands on my time to civic causes take up so many hours, yet accomplish little because of constant bickering over chairmanships or protocol.

I'm tired of texts which my children bring home from school telling how wonderful world government will be and how selfish the U.S.A. is, not to give away every thing she has earned by the sweat of her brow.

I'm tired of answering begging calls or receiving piles of "gimmee" mail even after giving generously to the United Fund. My feet are sore from helping out at rummage sales and the like to raise money for things which my husband's tax money is supposed to cover.

I'm tired, tired, tired of the idea that sex education is a panacea for every ill under the sun.

I am sick and tired of the "better" women's magazines thinking they have to have an article on sex in each current issue.

I'm tired of having to run to turn off my radio when smutty jokes come over the air, often under the guise of folk songs.

I'm also tired of having to censor my current magazines before letting my youngsters read them.

I'm tired of improving my property by painting and adding new fixtures, only to have my taxes doubled because of those improvements.

I'm tired of seeing the hurt look in the eyes of my children when they wear half-soled shoes to school while playmates whose parents are "on the dole" get shiny new shoes to flaunt.

I'm tired of seeing people who have saved diligently being penalized for their thrift while the ne'er-do-well is coddled with unearned benefits.

Yes, I'm sick and tired of seeing people with initiative and good old Yankee ingenuity pushed around while loafers are being paid to be slothful. I'm sick of this modern psychology which is so different from the Golden Rule and the Book of Proverbs.

I am tired of seeing this once wonderful God-fearing nation bowing to Satan's whims, but I am not too tired to pray.

THE CONFERENCE AT PUNTA DEL ESTE

Mr. McGEE. Mr. President, in these moments of social and political stress in developed and less developed nations alike, I rise with conviction to lend my vocal and moral support to the millions of have-nots in our own hemisphere who urgently demand the mere basic essentials of a decent life—food and home, schools and land, and the health to enjoy them. We stand on the threshold of the most decisive and crucial conference ever held in this hemisphere—the Inter-American Presidential Summit Meeting to be held in Punta del Este, Uruguay.

The United States has traditionally stood for progress in freedom and has generously supported the legitimate claims and efforts of our fellow Americans to the south in their quest for a better tomorrow. Ours is a golden opportunity to practice what we preach. Even as we sought and received moral and material support in difficult bygone days of our Nation's youth—so today do millions of less privileged Latin Americans cast a longing and hopeful glance toward our country and the actions of our leaders. They act not as mendicants but as the proud forgers of a new higher destiny.

It is widely recognized that the success of the Alliance for Progress depends ultimately on the self-help efforts generated by these peoples themselves. Nevertheless, we all realize that to accomplish the flow of benefits we all strive for, the advanced nations must extend a special hand of generosity and friendship to help prime the pump of socioeconomic development which is the key to prosperity.

The hemisphere has resounded in recent days with news of preparations for the upcoming summit meeting. We have seen and heard many conflicting reports—and many of us are understandably confused. After all, are we not told on the one hand that the Alliance has failed and on the other that it has achieved great things?

Let us not be deceived. The Alliance for Progress is not yet a complete success; nor is it a failure. The truth is in the middle: the Alliance lives and grows stronger with each passing day.

It is vibrant with activity—the building of thousands of new schools, hospitals, water supply systems, houses, and roads It beats in the hearts of millions of hopeful people who await only the helping hand and the necessary guidance to create their own better tomorrow.

Much has been done—new common markets are quadrupling interarea trade, tax and land reform are helping spread the benefits of growing economies, new business and public administration systems are being instituted. But much more remains to be done.

Freely elected governments—some recently inaugurated—are striving with their sister republics for peaceful reform and democratic institution building.

A constant and ever-growing exchange of technical advisers is assuring accelerated scientific and technological advance. Industry and business are gearing for an even greater role in Latin American development. New multinational power complexes, massive fertilizer factories, and international communications grids are in all stages of construction.

There is no question about it in my mind: we are on the right track. This hemisphere has seen proof in the last 6 years under the Alliance for Progress that revolutionary change can be brought about—in peace, and in freedom.

We are at an exciting point in the history of inter-American affairs. Surely, the meeting in Punta del Este of chief executives will determine a great part of future history, as the hemisphere's leaders make decisions that will be felt for generations. I am proud to believe that the United States will be able to play its full and appropriate role in these deliberations and in future actions

---

GREEN THUMB

Mr. NELSON. Mr. President, one of the most successful of the antipoverty programs has been the Green Thumb program, which gives employment to hundreds of poor and elderly rural citizens.

Last year the men working under Green Thumb did important and valuable work on conservation projects. They planted more than 500,000 trees, built 50 new parks, rebuilt 50 old parks, and created hundreds of rest areas. In addition, they reconstructed historical park sites and buildings and beautified highway roadsides.

Before Green Thumb began its operations, these families had an average annual income of $900 per couple. In the Green Thumb program they may earn up to $1,500 a year.

The administration of the Nelson amendment, of which Green Thumb is a part, has been delegated to the newly created Bureau of Work Programs in the Labor Department. Last week the Department of Labor and Green Thumb, Inc., signed an agreement for the continuation of the program that will employ 400 elderly men in five States—Arkansas, Oregon, New Jersey, Indiana, and Minnesota. The average age of these men is 67, and two of them are 89. For the first time a Green Thumb project has been approved for the State of Wisconsin. The yearly cost of this program will be $192,000, and will serve five northern counties.

The success and popularity of Green Thumb have resulted in its expansion into a new program called Operation Mainstream. Its goal will be to combat rural as well as urban poverty and will be administered by the Bureau of Work Programs. Permanent jobs will be sought for the elderly and work provided for the chronically unemployed down to age 22.

If more funds were available for these vital programs, greater results would be realized. Nevertheless, our efforts must continue in the struggle to eliminate poverty from the United States.

THE DANGER OF A COMMUNIST SEIZURE OF VIETNAM

Mr. McGEE. Mr. President, about 5 months have passed since Prof. Robert A. Scalapino authored an article for the New York Times on why we cannot accept a Communist seizure of Vietnam. Yet, though much has passed in that time, the situation, as it was viewed by Scalapino, has not altered. His words can stand searching criticism today without losing any of their validity. That cannot be said of many articles written or speeches delivered on the subject of Vietnam, at least in detail.

Professor Scalapino pointed out, so correctly, that the importance of Vietnam, and of Asia as a whole, is parallel to the importance of Europe 20 years ago; that the challenge hurled by the Communists in Asia today represents a direct threat to the political equilibrium of the region and, hence, to the world. He writes:

> It is a test of the American capacity to respond in measured terms to a threat that is important but not terminal.

This article presents a broad view of Vietnam, in the context of our overall policy in Asia and elsewhere in the world, and in the context of our time. The question Professor Scalapino asks is the question I trust history will have an affirmative answer for:

> In an age when the peace of the world depends upon establishing some political equilibrium in Asia, and fostering the type of socio-economic programs that will make that equilibrium viable, do we have the patience and the sophistication to take a leading role?

Mr. President, I ask unanimous consent that Professor Scalapino's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WE CANNOT ACCEPT A COMMUNIST SEIZURE OF VIETNAM

(By Robert A. Scalapino)

No doubt, it was easier for the United States, two decades ago, to assume major responsibility for the defense and development of Western Europe than it is to undertake a similar role in Asia today. We were, then, fresh and idealistic—and, above all, "our world" was at stake.

"Europocentrism" and "spheres of influence" have been the two central elements shaping American foreign policy in the recent past. It is not surprising that many Americans, including a significant proportion of our intellectual community, find it difficult—even painful—to adjust to a rapidly changing world in which these themes are no longer sufficient.

We face a challenge in Asia similar in its proportions to that which we faced in Europe 20 years ago. In this sense, the Asia-Pacific area is unique. Only in this region are we confronted with the immediate necessity of joining with others to create a political equilibrium—participating in the establishment of a balance of power if peace is to be underwritten. Latin America and Africa present complex problems affecting their peoples and the world, but neither continent contains the combination of factors which made Europe in its time—and Asia today—so crucial to global peace.

With this background in mind, let us look briefly at current trends in Asia. At the outset, I am prepared to make an embarrassing confession. In a period when being a fervent disciple of gloom is "in," I must admit to cautious optimism. I would assert that the broad events unfolding in Asia over the past several years warrant hope, and are themselves eloquent testimony to the importance of an American presence in Southeast Asia during these crucial times.

What are the most significant developments? First, a growing number of non-Communist Asian leaders are becoming alert to the responsibilities of this era—social, economic and political. In many Asian societies, one can detect a transition of major significance. Passing from the scene is a first-generation revolutionary élite that was strongly politicized, deeply ideological, and often possessed of striking charismatic qualities but very limited technical skills or interests. Emerging is a second-generation (or even third-generation) élite—more pragmatic than ideological, more administrative than charismatic, and infinitely more trained in, or committed to, the mechanics of social and economic engineering. If this transition continues and takes hold, it might well represent the most important development of this age.

Second, the economic progress achieved in certain parts of non-Communist Asia is impressive. The miracle of Japan has long been acknowledged, but recent economic trends in South Korea and Taiwan also deserve recognition. In Southern Asia, such states as Malaysia and Singapore, Thailand, and the Philippines—if political stability can continue—should be able to score striking economic gains in the years that lie ahead. Technical breakthroughs into population control, food production and industrial development, imaginatively used, could enable progress and freedom to go together in Asia. Meanwhile, non-Communist Asia can not only tolerate economic comparison with Communist Asia in many respects, but welcome it—a fact that shocks our die-hard pessimists.

Third, political trends can also be viewed as encouraging. A number of the small Asian states have not only survived the first critical years after their birth, but managed to gain legitimacy in an increasing measure. In Indonesia, moreover, a shift of far-reaching significance has taken place. The leftist swing and the alliance with Peking, so threatening to other Southeast Asian states, have been reversed, and a new effort to make moderate politics work is under way.

At the same time, the Communists of Asia have never before been so fragmented. Mainland China is in the midst of an upheaval involving top party and army circles. The party itself is split wide open. The Sino-Soviet cleavage, far from being healed as a result of the Vietnam conflict, as was predicted, has grown wider, partly because of that conflict.

Moreover, the small Communist states and parties of Asia have in some cases denounced both Moscow and Peking, seeking to form an alliance of the "small" against the "large" Communists. Currently, the North Koreans and the Japanese Communists are open members of that alliance, and some North Vietnamese are no doubt flirting secretly with the idea. Each of these parties, however, is split internally and, at least with the Korean and Japanese Communists, numerous purges have taken place.

Only the most rash men would attempt to predict the outcome of the Chinese internal struggle at this point, but its immediate impact upon the rest of Asia has been nothing less than disastrous for the Chinese Communist image. The purge of scores of intellectual, military and political leaders, together with the relentless pursuit of nuclear weapons, has drastically altered the "lovable China" myth so assiduously cultivated in the days of Bandung.

No leader in Asia today is unaware of the problem of China. And few non-Communist leaders—if any—fail to recognize the critical importance of building some balance of power, containing economic, political and military components, against the long-range threats confronting them. In this task, they assign the United States a vital but by no means exclusive role. The age of Western domination of Asia is ending. That of partnership may have just begun.

Some critics have argued that if the Communists were allowed to win in Vietnam, or possibly throughout the region known as Indochina, Ho Chi Minh would become another Tito. Ironically, at the moment, the chances for that seem far better if the Communists lose the struggle to conquer South Vietnam by force, and are caused to live in the midst of a true power balance, as was the case in Europe when Titoism emerged. Neither Chinese hegemony over continental Asia, nor an expanding Vietnamese Communist empire in the southeast (certain to be bitterly resisted and therefore heavily dependent upon external support) is a promising route for the real independence of Hanoi.

Vietnamese Communist independence will be meaningful only if Chinese power to the north is counterbalanced by some other power to the south, and if Hanoi is prepared to accept and work with a complex power relationship among Moscow, Peking and Washington. A pledge by the United States and its Asian allies to accept the sovereignty of North Vietnam and to allow Hanoi to benefit from broad economic developments within the Southeast Asia region, while receiving economic and technical assistance directly from the Soviet bloc, may be the only method of assuring Hanoi's independence from Peking in the long run. Surely, to count upon Peking's comradely benevolence in the absence of any balance of power in this area is naive, especially in view of China's attitudes and actions toward other Asian Communist movements.

Naturally, there will be reverses in the future in Asia, as there have been in the past. Even where trends are broadly favorable, much progress will occur in a zigzag pattern. Some essential changes will come with painful slowness. Massive challenges lie ahead—particularly in societies like India and Indonesia. It is time, however, to demand that the pessimists at least face up to the evidence that contradicts their prognosis of unalleviated gloom and doom.

There are some Americans who believe that our decision to make a major commitment in Southeast Asia had nothing to do with these developments. I am not one of them; more important, neither are the overwhelming majority of non-Communist leaders in Asia. It is no exaggeration to assert that at present not a single non-Communist Asian government wishes the United States to withdraw from Southeast Asia or to be defeated in Vietnam. Cambodia's Norodom Sihanouk, in his famous letter to The New York Times of June 4, 1965, put the critical issue bluntly and in terms understandable to every leader of a small Asian state. "I have never had the slightest illusion," he wrote, "on the fate that awaits me at the hands of the Communists, as well as that which is reserved for 'my' government, after having removed from our region the influence, and especially the presence, of the 'free world,' and the U.S.A. in particular." Do we need stronger evidence, when such words can be written by one of our most bitter critics?

It is more meaningful to assert that our recent commitments in Asia have produced certain strains in our relations with Europe. Some articulate Europeans have feared that our preoccupation with the Pacific would reduce our interest in the Atlantic. Others have worried lest the Russians take advantage of the situation. Basically, however, non-Communist European leaders—Socialists included—have understood the reasons for our Vietnam policy, and supported it. Contrast their attitudes, for example, with those of Asian leaders two decades ago, when we were widely condemned throughout the non-Western world for upholding "rotten Western imperialist states."

A certain gap does exist between informed leaders and the common citizen in Europe. And this gap is produced in major part because the public, as in the United States, gets the TV-press treatment of the war in the American style. The Vietcong are notoriously uncooperative in allowing Western cameramen to shoot pictures of eye-gouging or throat-slitting ceremonies, or in permitting newsmen to attend briefings on market-place terrorism. Most horror and sensationalism must thus be drawn from the non-Communist side.

To all of the above, France is a partial exception. Paraphrasing General de Gaulle, however, I think that old allies can afford to be frank with one another. Many French still harbor deep grievances against the United States for policies that appeared to them to abet the dismantling of the French Empire, and they suffer great anguish over the possibility that our policies might succeed in areas where French policies failed. Our understanding of these emotions does not require our acceptance of the judgments that flow from them.

In truth, our image in Europe and elsewhere will depend heavily upon one critical fact: can we succeed? It has been asserted by individuals who should know better, that we are big enough to accept defeat gracefully, and that our greatest contemporary problem is an arrogance of power. Such statements illustrate the powerful guilt complex that operates in some branches of American society, but they scarcely accord with the facts. The issue is not whether we can accept defeat but what the repercussions of our defeat would be for Asia and the world at this point. Our major problem in recent years, moreover, has not been an arrogance of power, but the uncertainty as to how best to use the massive power which we possess.

Our policy, and that of the South Vietnamese Government, must rest fundamentally upon two premises. First, the Vietcong movement is solidly controlled by the Communist party and that party in turn is dominated by the North. These points have now been virtually conceded by the Communists themselves (see, for example, the September, 1966, issue of Hoc Tat, the North Vietnamese party organ), so they should be removed from the debate. Any victory for the so-called National Liberation Front, therefore, would be a victory for the Communists—and, in the long run at least, for the *Northern* Communists. Korea provides an analogy. The Southern faction of the Korean Communist party was ultimately overwhelmed by the Northerners because they controlled the apex of power; indeed, the Southern leader, Pak Heun Yong, was executed by the Northerners during the Korean war, with his followers being relegated to obscurity.

The second essential premise must be that many elements currently in the National Liberation Front, especially those who are not hard-core Communists, may well have become disillusioned in recent months, and under the proper political circumstances might be separated from the movement. Concerning these crucial points and their policy implications, we shall have more to say later.

Neither of the above facts, to be sure, directly answers two questions advanced by certain critics. Granted that the National Liberation Front is largely a creature of the Communists, and that without Northern Communist leadership, organization and support this movement would not have been initiated in the form that it took, and might now collapse, is the Vietnamese conflict still not in essence a civil war? Moreover, is it not possible, despite their recent reverses, that the Communists have won the support of a majority of the South Vietnamese people, casting us in the role of thwarting the democratic will?

Of course, the Vietnamese struggle can be defined as a civil war in certain respects. Vietnamese are fighting against Vietnamese, and there are Northerners and Southerners on both sides of the conflict. To analyze the struggle merely in these terms, however, is profoundly to misunderstand the nature of our times. Divided states everywhere—Germany and Korea as much as Vietnam—represent a precarious balance involving regional and international interests as well as internal political divisions. In all cases, these divided states are a result of complex history and imperfect agreements. To attempt to change them by force at this point, however, represents far more than civil war. Whether in Europe or in Asia, it represents a direct challenge to the political equilibrium of the entire region and hence to world peace.

There are good reasons to believe, moreover, that the attempt to bring South Vietnam under Communist control does not represent the desire of a majority of the Vietnamese people. On every recent occasion when the National Liberation Front has elected to test its political strength, it has suffered a major defeat. Its calls for general strikes in October and December, 1965, were almost completely ignored. Its attempts to block the municipal elections of 1965 and the Sept. 11, 1966, Constituent Assembly election were ignominious failures. And perhaps of greatest significance, it was unable to seize control, or even play a commanding role, in the Hue and Danang uprisings of early 1966, when the authority of the central Government was at a low ebb.

None of this is to assert that the political problems are unimportant. On the contrary, the Vietnam struggle will ultimately be decided as much by political as by military considerations. A revolutionary movement dedicated to violence does not need to have majority support in order to be victorious. When even 10 per cent of the population is committed to such a movement, and able to neutralize the great majority of the people, most governments can be placed in grave jeopardy. Given our political culture, Americans naturally assume that threatening movements must have a majority on their side, but, in fact, deeply committed minorities prepared to employ any means to achieve power often hold the keys to the politics of our times—unless they are resolutely and intelligently opposed.

A reasonable estimate of the broadest political divisions in South Vietnam would probably assign the N.L.F. some 15 to 20 per cent support and opposition to the Communists 35 to 40 per cent, with the remaining citizens essentially apolitical, prepared to accept the winners. Any such bald assessment, of course, is misleading because it cannot measure the fragility and infinite gradation of political commitment on various sides, and the relative importance of local and regional political leadership. No objective observer would deny, moreover, that South Vietnamese politics constitute the Achilles heel of those attempting to prevent a Communist take-over, and pose the central challenge of the immediate future—not because the Communists are so strong, but because the opposition is so divided.

The politics of South Vietnam have been those of minority militance, majority disunity and public confusion. Serious regional, religious, political and personal differences—given considerable rein in an atmosphere where the Government does not, probably cannot, rule firmly—continue to plague the non-Communist cause. It is nonsense to define the present South Vietnamese Government as "Fascist." True, its efficiency has been low. It has been insufficiently representative. It has been unable, and often unwilling, to conduct badly needed reforms (and this is a crucial test that lies ahead, with improving security conditions now removing one major barrier). All of these problems are commonplace throughout the new world and naturally they are exacerbated when the Communists decide to inject terrorism and guerrilla warfare into the scene. The fact is, however, that a considerable amount of free expression—including strong criticism of the Government—takes place in South Vietnam every day—far more than is possible in Hanoi or, for that matter, in Rangoon.

It is also inaccurate to imply that the Communists have captured the Vietnamese nationalist movement. Indeed, it is extraordinarily important that none of the prominent Buddhist, Catholic, Cao Dai, Hoa Hao or Da Viet leaders—many of them fervent nationalists—have joined the N.L.F. whatever their grievances and divisions. They know the character of that organization, even if some foreigners do not.

The gulf between the Communists and ourselves is fundamentally over whether Vietnam shall be a unified Communist state or one divided into a Communist North and a non-Communist South. In this connection, the often-repeated thesis that the Communists could have won nationwide elections in 1956 should be closely scrutinized. What kind of elections? And won what? The Geneva agreement of 1954 was defective, if not fraudulent, in positing a Vietnam solution through "free elections." Every action of the Vietnamese Communists after 1950, including their assassination of scores of non-Communist nationalist leaders, made it clear that *their* concept of "free elections" did not include the right of any real opposition to organize, or, indeed, to survive in areas where they had military control. The idea that an International Control Commission could establish freedom merely by supervising the mechanics of elections under these circumstances was scarcely worthy of world statesmen.

And if one chooses to believe in Utopia, what would truly free elections have demonstrated? Under no duress of any kind and with every group having full opportunities for campaigning, Vietnamese citizens in all probability would have voted overwhelmingly on the basis of religion, personalities and regional identifications. No political party would have come close to winning a majority of seats for a National Assembly. Undoubtedly, Ho Chi Minh would have been one of those elected, and quite probably he—as an individual—would have received the largest single number of votes. That would not have signified, however, that most Vietnamese wanted a dictatorship of the Communist party.

Up to date, the Vietnamese Communists have continued to demand unconditional surrender as the price for ending the war. The so-called Four Points of Hanoi and the Five Points of the National Liberation Front, together with the embellishments added to them, constitute precisely this demand: All military opposition to the Communists by us should cease, and all American and other non-Vietnamese forces should be withdrawn from South Vietnam. All equipment given by us to the South Vietnamese military forces should also be removed. The National Liberation Front should be recognized as the sole legitimate representative of the South Vietnamese people. Its program, based upon a step-by-step unification of Vietnam under Hanoi's Communist regime, should be adopted.

The Communists are prepared today, as they have always been prepared, to negotiate with us on how these terms shall be carried out. Matters of timing and priority are open to discussion now as they were in 1964 and 1965, providing we accept their basic conditions. They are perfectly willing to help us save face, just as they sought to perform this service for the French at Geneva. Up to the present, however, they have not been prepared to accept any formula which would allow the non-Communists of Vietnam an alternative to Communist rule. When these facts are understood, much of the debate about our willingness to negotiate becomes irrelevant. The central issue is and always has been, are we prepared to accommodate ourselves to a total Communist victory?

Some critics insist that we too are demanding unconditional surrender, but this is not accurate. The United States does not insist upon a unified, non-Communist Vietnam, nor is it committed to rollback of Communist governments elsewhere in Asia. Those individuals who want to live under Communism in Vietnam could have a Northern sanctuary. We are prepared, moreover, to withdraw American forces from South Vietnam when and if a political solution can be reached.

Indeed, there is nothing in the current American position that would bar the neutralization of the entire area under firm international security agreements. We are even prepared to see North Vietnam share in certain economic and political regional undertakings if the Hanoi Government chooses to do so. Are these the terms of unconditional surrender?

We are simply not prepared to accept a Communist seizure of power under the Hanoi-N.L.F. formula. Neither are the non-Communists of South Vietnam, who may be divided on many things, but who show unprecedented unity in rejecting current Communist terms.

Some observers believe that the Vietnamese Communists are being forced into a fundamental reconsideration of policy for the first time since 1959–60. Their heavy military losses, the growing disenchantment with Peking and increased Soviet influence in Hanoi, and the war weariness of the North are cited as key factors. The only evidence currently in the public domain is more ambivalent. French authorities have told us that Hanoi no longer believes that military victory is possible, but is prepared to conduct a holding operation rather than negotiate at this time.

Why? One might suppose that negotiations would now be extremely attractive, especially in view of our concessions. What if the Communists took advantage of all U.S. pledges with respect to military de-escalation in the event of negotiations, but entered the sessions intending to make absolutely no concessions? Could they not regroup and resupply their bone-weary, battered troops, and prepare them for future activities if necessary? It is legitimate to question whether our preparations for negotiations are adequate and whether our concessions in this connection have been wise.

Why have the opportunities not been tested by Hanoi? First, the North Vietnamese cannot rid themselves of the illusion that the United States is France, and that internal political crisis, combined with global pressures, will force an American surrender.

Hanoi also continues to count upon the political disintegration of South Vietnam, perhaps its most realistic hope. There is now evidence, moreover, that fairly intensive Communist efforts are under way to penetrate certain non-Communist groups, notably the so-called militant Buddhists.

The greatest barrier to negotiations, however, is probably a psychological one relating to the Communists themselves. For years, all Communist leaders beginning with Ho Chi Minh himself have ceaselessly proclaimed that they are prepared to settle for nothing short of total victory, even if the struggle takes 5, 10, or 20 years. Belief in total victory, indeed, has been made into an article of Marxist-Leninist faith, a touchstone of loyalty. Compromise, therefore, would be a traumatic experience for leaders and people alike, and possibly one with dangerous ramifications for the Communist party.

Thus, although the situation may change dramatically, the present prospects for negotiations are cloudy, and American policies for the immediate future must be based upon the assumption that the war will continue. Two related issues therefore continue to be of paramount importance. Are further concessions in an effort to induce negotiations in order, or should additional military escalation be undertaken for that purpose?

First, let us look very briefly at the past. Some critics charge the Johnson Administration with deliberately using peace overtures to camouflage its planned escalations. To me, this is a vulgarization of an enormously complex, difficult problem. The plot thesis upon which it rests is simple, psychologically satisfying—and incorrect. We are not ruled by diabolically wicked men. To imply this is to obscure the true issue: What policy is most appropriate in dealing with opponents who often mistake concessions for weakness and who have very different rules for the political game? Is there a better method than a policy which simultaneously offers a broader set of opportunities for moderation and a set of rising penalties for extremism?

Earlier, we debated the enclave concept. As it was usually advanced, that concept had certain fatal weaknesses in my opinion, and it was correctly rejected. It would have destroyed all hope of any viable political alternative to Communism in South Vietnam. It thus would have separated us totally from the non-Communist Vietnamese nationalists, and supported the false thesis that our interests lay only in military bases and the retention of American power—or the saving of American face—in Asia. In sum, the charge of imperialism would have been underwritten by American policy itself.

Moreover, the enclave policy would have guaranteed no negotiations, because it would have given the Communists explicit indication of both the limits and the desperate nature of our commitment. Never have the Communists been willing to negotiate under such circumstances except to extract total surrender—and if that were our intent, there were less painful ways to effect it. Even from a military standpoint, the enclave proposal raised the gravest questions. The defense of fixed bases and separate garrisons, particularly if clogged with vast numbers of refugees, requires scarcely fewer men than a more mobile strategy, and it gives the enemy enormous psychological advantages.

The argument for unilateral American concessions currently centers on proposals for the cessation of Northern bombing. The issue of Northern bombing has always been a thorny one. Strong arguments against it were advanced at the outset—the effect of world opinion, the dangers of further escalation, the likelihood of increased Communist rigidity.

At least equally weighty considerations were advanced on the other side. Why should the Communists be able to transport men and equipment safely to the borders of the "enemy," enjoy the immunity of their own military facilities from attack, even be allowed to deny any involvement (as the North Vietnamese have consistently done)?

There is no question that the bombings have hurt the North, and hurt it badly. The Communists, themselves have admitted this. They have acknowledged weariness, food shortages and even a creeping defeatism, which they insist is restricted to a small segment of the people. They have also admitted that some "counterrevolutionary" elements exist in the North, elements affected by recent developments. Southern morale was unquestionably bolstered by the knowledge that South Vietnam was not the sole target of a war in which Hanoi played such a critical role.

Moreover, the physical condition of Northern infiltrators and the amount of supplies they can bring with them are additional evidences of the effect of the bombings. Incidentally, the Northern bombings led the Soviet Union back onto the Vietnamese scene and served to reduce Chinese influence, because only the Russians could provide the sophisticated anti-aircraft equipment needed once the bombings began.

These factors cannot be ignored, nor balanced by the simple assertion that the bombings have not stopped infiltration. We have stated that if there were signs—public or private—of an interest in negotiations or a willingness to engage in some reciprocal act of de-escalation, our bombing of the North would cease. Thus far, the campaign for an immediate, unconditional, permanent cessation of these bombings on our part has failed to answer two related questions of major importance. Is there anything to indicate that a reduction of military pressure upon the Communists would induce compromises on their part, or would they merely take advantage of such a situation, as they have done on previous occasions? If so, how long could any Administration justify a return to the "privileged sanctuaries" position while American casualties mounted? To put it bluntly, is not a unilateral cessation of Northern bombing certain to lead to major escalation unless the Communists respond favorably within a matter of months at most, and does it not give to the Communists the real initiative in determining the escalation issue?

Sometimes it is asserted that South Vietnam cannot be saved if it is physically destroyed in the process. Such a statement conjures up a false image. There is no need to minimize the suffering and destruction taking place in Vietnam today in order to challenge terms like "annihilation" and "genocide". In fact, destruction in Vietnam at this point has not approached the level suffered by certain countries in World War II, nor that endured by Korea in the aftermath of an earlier "national liberation" effort by the Communists. Indeed the major cities have been relatively untouched in physical terms and the Vietnamese population—both North and South—is currently rising, not falling. Moreover, in no other conflict in history has there been so much sensitivity to the suffering of innocent people. A number of Americans lie dead today because we have sought to reduce noncombatant casualties even at grave risks to our own men.

None of this is to indicate joy over this war, nor is it to minimize the costs being borne by Vietnamese society. They are serious. It is time, however, to call a halt to emotional outbrusts that grossly distort the facts. Furthermore, certain basic questions must be faced by those who imply that the responsibility for the killing lies with the non-Communists. Who is committed to the thesis that violence is an indispensable instrument of attaining power? Who categorizes all those opposing Communism as "enemies of the people"—legitimate targets for liquidation? And what would happen to those "enemies" if the Communists were to win in Vietnam? Does anyone seriously believe that an American withdrawal would end the killing or the suffering in Vietnam? If we ever reach a position where our legitimate concern about the miseries of war enables any aggressive force to use violence with impunity, will we then deserve to be called moral?

What course of action should now be pursued? First, if the arguments against unilateral de-escalation are powerful, so are the arguments against any massive escalation. To take steps, for example, that would threaten the obliteration of North Vietnam or involve us directly with either China or the Soviet Union would be to take actions unwise from any standpoint. Vietnam, above all, is a test of the American capacity to respond in measured terms to a threat that is important, but not terminal. The Vietnam struggle must always be kept in its larger context, and to do so is to reject all extreme solutions.

With respect to the military arena, it is now time to define our function more specifically, and that act in itself can do much to prevent uncontrolled escalation. Our primary military task, and that of our non-Vietnamese allies, should be to prevent or to reduce to a minimum Northern infiltration into South Vietnam. No limit should be placed upon the number of troops necessary for this task, and the bombings of the North should be related specifically to this goal. Further escalation, thus, should not be contemplated unless the character of the infiltration changes.

We should make it clear, moreover, that we are prepared to reduce the level of our attacks as Northern infiltration declines, without any necessity for formal negotiations. Meanwhile, we, together with our allies (especially the Koreans), should concentrate upon the speedy training of new South Vietnamese officers and the revitalization of the South Vietnamese Army forces, so that they can ultimately take up the primary task of coping with the Vietcong.

It is impossible—and it would be unwise—to attempt any rigid line of demarcation at this point between the tasks of dealing with Northern infiltration and handling the Vietcong. The objective, however, and the policy thrust should be strongly in this direction.

Our task is that of providing a military umbrella under which the process of building a nation can take place. It is also clear, however, that we cannot afford to stand aloof from the vital socio-economic and political problems which South Vietnam faces. The so-called pacification program is not going well. The war cannot be lost militarily, but it can be lost politically. It can also be won—in the sense of seeing an evolution not dissimilar from that which has taken place in South Korea. Three basic conditions are necessary.

First, military security must be guaranteed, in order for villagers to have any confidence that their allegiance will not be their death warrants.

Second, a social revolution in the countryside must be sponsored by the South Vietnamese Government as its top political priority, with the full force of American influence being directed toward this end. In Japan, we conducted one of the most successful social revolutions ever undertaken in modern Asia. In Korea, we provided an environment for a much more modest revolution to take place. Vietnam demands an American policy between these two, but closer to the Japanese model. Corrupt and inefficient officials must go. Programs like land reform (on a much broader scale than previously attempted) must come—and now. This is more important—and more possible—than instant democracy, Western style.

Third, our general political support in Vietnam should be oriented less around a man, and more around a pattern of political evolution. The immediate thrust must be toward a mixed military-civilian Government, a working coalition of moderate elements from which can be drawn acceptable leaders and, eventually, a dominant party that can enlist support sufficient to allow both stability and some degree of openness. It is particularly essential to get more Southerners into the Government at all levels.

A formal coalition Government involving the Communists is neither wise nor feasible. It has not worked in Laos, Burma or any other nation of Asia, and it would not work in South Vietnam. A generous amnesty for ex-Vietcong elements, however, and the inclusion of some persons previously associated with the National Liberation Front in the Government as individuals may be both practical and desirable. The political evolution of South Vietnam is certain to be complex, with a number of crises lying ahead. Our stake in this evolution requires that our influence be felt.

Any Vietnam policy, to be effective, must be encased in a broader policy toward Asia that is at once subtle, flexible and forward-looking. With respect to the Communist states, we must advance policies that offer an extensive structure of opportunities for moderation, on the one hand, and a set of firm, explicit deterrents to extremism, on the other. Toward other Asian states, including our allies, we must increasingly solicit opinions and cultivate an atmosphere of partnership and mutual responsibility. Nothing is more important in this age of nationalism than the psychological relations between states, including the patterns of style and behavior that are established.

Vietnam is a major test of American institutions and American political behavior. Can our people endure a long, complicated, intricate game which must not be played at either 0 or 100? Can they adjust to playing at 46, and being willing to go to 63—but no more? Or down to 8, but no lower?

In an age when the peace of the world depends upon establishing some political equilibrium in Asia, and fostering the type of socio-economic programs that will make that equilibrium viable, do we have the patience and the sophistication to take a leading (but not solo) role? And, finally, are our political, communications and intelectual élites capable of providing the blend of maturity, balance and wisdom that is essential if these challenges are to be met? Upon the answer to these questions hinges our future, and that of many other peoples.

AWARD OF NAVY CROSS TO HOSPITALMAN RAYMOND CLAY, ATLANTA, GA.

Mr. TALMADGE. Mr. President, it was my privilege recently to be present at the Bethesda Naval Hospital for the presentation of the Navy Cross to one of our gallant veterans of combat duty in Vietnam.

The award, the highest the Navy can confer, went to Hospitalman Raymond Clay, of Atlanta, who was wounded in Vietnam while administering aid and protecting Marine casualties in the field.

The April 9 edition of the Atlanta Journal-Constitution contained an editorial column concerning Hospitalman Clay, who exemplifies the fine American men who are presently serving their country in Vietnam. I invite the column to the attention of the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

Hospitalman Clay, Who Threw Himself on a Grenade, Smiled

(By Wayne Kelley)

Washington.—The admiral was standing at attention. So were several captains, commanders and assorted officers of distinguished rank.

A bevy of nurses lined one wall of the narrow room at Bethesda Naval Hospital just outside Washington. Sen. Herman Talmadge was there and so was Rupert L. Murphy, a member of the Interstate Commerce Commission and a Georgian.

Raymond Clay of Atlanta was standing at attention at the far end of the room. Almost at attention, that is. From the cuffs of his Navy blues to the tip of his chin, he was at attention.

But a slight smile crossed the face of Hospitalman Clay. As the admiral began to read from a long citation, Raymond Clay, from his honored position just to the right of the admiral, began to smile a broad, pleasant, unabashed smile.

No one objected. Those who noticed could only wonder what he was thinking.

The citation recited an almost unbelievable series of events. On Sept. 24th, 1966, Hospitalman Raymond Clay and his platoon of Marines ran into a regiment of Viet Cong on a rugged hill in Vietnam's Quang Tri Province.

A Marine buddy was wounded and Clay crawled forward through intense mortar and small arms fire to help. An enemy grenade exploded about 11 yards away.

"Although bleeding profusely from wounds," the admiral continued to read, Clay stayed at the side of the wounded marine.

Two more grenades landed nearby. Clay kicked one into the bushes and threw himself between the second grenade and his patient.

"In so doing," the admiral read, Hospitalman Clay "absorbed the shrapnel and shock with his own body, saving the wounded Marine from further injury and possible death."

Sen. Talmadge noticed Hospitalman Clay's smile. So did the nurses, eyes bright with restrained tears, their faces full of pride. Clay was a favorite patient.

"His inspiring and courageous action, in jeopardizing his own life in order that his patient might live, were in keeping with the highest traditions of the United States Naval Service," the admiral said.

Then he pinned the Navy's highest award, the Navy Cross, on hospitalman Clay.

It was hard to figure the smile now. Raymond D. Clay was obviously a happy man.

Did he believe that he had been handed a second shot at life, and was simply thankful to be alive?

Clay, 38, a pleasant looking fellow with dark hair and glasses, had a word to say to the admiral, the naval officers, and his guests.

"There were 50 men on that hill," Clay said. "Twenty-four were wounded and only 14 walked away. Whatever is said you have got to give a lot of credit to those Marines."

What of his plans? With only a short time left until retirement, was Clay going to take it easy?

"I have asked to go back to Vietnam," he said. A short visit to Atlanta, some recuperation time, and Raymond Clay will be back where he started, in the rugged country of a hostile land thousands of miles from home.

With 19 years of service Clay could have been more than a hospitalman in rank. It might be that Hospitalman Clay, a friendly, easy-going fellow hasn't taken the Navy very seriously, at least until all the chips were down.

The knowledge that he has got what it takes when it really counts is enough to make a man smile.

LOWELL MASON'S GRACE

Mr. CARLSON. Mr. President, for 33 years Lowell Mason, a former member of the Federal Trade Commission, has been host at a luncheon on the opening day of the baseball season. The guests in attendance at this luncheon include the members of the executive, judicial, and legislative branches of the Government. On each of these occasions, Mr. Mason has opened the session with a grace.

I ask unanimous consent that it be made a part of these remarks.

There being no objection, the grace was ordered to be printed in the RECORD, as follows:

LOWELL MASON'S GRACE

Oh God teach us to pay our debt to Thee by the quality of our lives not by the quality of our words.

Grant us such a measure of Thy spirit, that our fellowship (at this luncheon, the baseball game and all the places where we gather together) may echo the fellowship of the spirit Thou has taught us in the quiet of cathedrals, the solitude of woods, and the majesty of sea and mountain.

Teach us to respect the feelings of others more than our own rights, and the rights of others more than our own feelings, to differ without anger, to know the best, not just the good; and to know that it is better to earn liberty than to praise it. Amen.

THE COST OF PURCHASING WONDER DRUGS

Mr. MONTOYA. Mr. President, I invite the attention of Senators to a change in the procurement policy of the Defense Department which has resulted in a considerable increase in the cost of the so-called wonder drugs for the use of our service personnel. Originally, the Pentagon gave the Navy doctors the task of buying all medicines for the Pentagon. About 3 years ago, this responsibility was transferred to the Defense Supply Agency, which has adopted a policy of buying drugs at higher prices within the United States. The Veterans' Administration has continued to buy drugs at the lowest price, drugs which in many instances are priced at one eighth of domestic cost.

As an example, the Veterans' Administration has been buying the drug Tetracycline for $1.78 per bottle of 100. This includes duty and delivery from overseas. The Pentagon has been buying the same drug domestically at more than three times this price.

In the purchase of meprobanate, the cost when bought in Denmark is $1.49 per bottle of 500. I have been informed that the Pentagon has recently bought this same unit domestically at $9.50.

The Veterans' Administration has reported that in the last 5 years it has saved approximately $3,200,000 for the American taxpayer by the purchase of meprobanate in Europe.

I call upon the Secretary of Defense, Mr. McNamara, to look into these expenditures promptly and to consider the transfer of this task back to those Navy medical personnel who will purchase with an eye to the money they are spending.

An article along these lines was published in the Boston Globe of January 3, 1967, in a financial column written by Mr. Allen M. Smythe. Similar articles by Mr. Smythe, a reputable financial columnist, appeared in a number of other metropolitan dailies.

I ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEFENSE DRUG PURCHASE PROGRAM IRKS CONGRESS

(By Allen M. Smythe)

Startling testimony about "the false and misleading" statements made to obtain drug patents have had repercussions at the Capitol and in the complex and cumbersome Defense Supply Agency.

Recent disclosure that the Pentagon had stopped buying foreign drugs in favor of the much higher prices of domestic "wonder drugs" has disturbed three congressional committees which have been investigating the prices and the validity of the drug patents.

This change of policy over the last 18 months runs counter to the efforts of four Federal agencies which have been trying in vain to reduce the price and profit on commercial drugs by legal means. The four agencies are the Department of Justice, the Patent Office, the Federal Trade Commission, and the Food and Drug Administration.

Federal purchases of foreign drugs began in 1959 when the Veterans Administration and the Bureau of Naval Medicine learned that some of the new wonder drugs were costing about 10 times their manufacturing cost. The Navy was given the task of buying all drugs for the armed services.

Up to July 1, 1965, the Pentagon issued 52 contracts, valued at $11,389,630 to Swedish, Danish and Italian firms. Lowest domestic bids totaled $31,695,630, a saving of $20,306,000.

However, in 1962 Defense Secretary Robert S. McNamara decided to "computerize" the buying of common-use defense items and established the Defense Supply Agency. Later the purchase of drugs was added to its task. The policy began to reverse in spite of the Buy-American Act which provides a differential of 6 and 12 percent favoring domestic firms. McNamara raised this to 50 percent for defense supplies.

Navy officials said the high identical bids of United States patented and produced drugs justified their buying overseas. Title 28, United States Code, Section 1498, states that the "sole remedy to patent holders against Federal purchases is reasonable compensation."

The Navy offered royalties of 10 percent of the costs. It was pointed out that the issuance of a patent does not guarantee a monopoly. Its validity and infringement must be proved. No drug company has accepted the challenge as this would mean revealing exact costs.

In 1961, officials of Chas. Pfizer & Co., Bristol-Myers Co. and American Cyanamid Co. were defendants in antitrust criminal indictments in the U.S. District Court of New York, Southern District, Squibb and Upjohn were named as co-conspirators. Legal maneuvers have kept these actions from going to trial.

In 1963 the Federal Trade Commission issued an order to the antibiotic firms to cease fixing and maintaining of prices. It was appealed to the U.S. Court of Appeals, Cincinnati.

The Court of Appeals returned the drug industry appeal to the FTC with instructions to obtain detailed data on illegal patents. Patent Office examiners testified that Pfizer and Cyanamid obtained a patent on tetracycline through "misrepresentation and withholding of material information."

The testimony nullifies the tetracycline patent as not being "new and novel." On Dec. 3, 1966, the FTC, announced their order of 1963 against the six drug firms "to cease fixing prices and restrain trade" was effective.

The red-faced officials of the DSA suddenly decided the prices they were paying for drugs were "classified." They admitted one purchase of meprobanate from Denmark for $1.49 per bottle of 500. Wyeth Co. and Wallace Laboratories have quoted $10.20 and $10.45 to other federal agencies.

However, the Veterans Administration, an older and thriftier agency, continues to buy drugs at the lowest price. They recently bought 92,000 bottles of tetracycline in Italy at $1.78 per bottle of 100. This includes duty and delivery. Lowest U.S. firms bids were $5.24. The VA has saved $2.1 million on this drug over the last five years.

Cut rate drug stores sell this drug under trade names as Achramycin and Tetracyn for 20 to 25 cents a tablet although "doctors and their families" can buy them for $9.60 a 100.

Cut-rate drug stores sell meprobanate as Miltown and Equinil for $7.95 per 100. The Food and Drug Administration recently called the drug "habit-forming."

Nitrofuranton costs $2.37 a bottle from Italy. Sulfadiazine costs $4.50 a bottle from Denmark. Wholesale prices in U.S. for these and other antibiotics are three to eight times as much.

GOVERNOR ROMNEY'S SPEECH—WELL DONE

Mr. BENNETT. Mr. President, last Friday, Gov. George Romney, of Michigan, delivered a major address concerning American involvement in Vietnam. His speech was a mark of true statesmanship. Mr. Romney has become a major contender for the Republican nomination for President of the United States. He has shown his ability to win important elections; he has shown that he is capable of governing one of our great States; and now Mr. Romney has shown that in the field of foreign policy he understands the complex nature of America's foreign relations as well as the need to elevate this critical segment of American national life above partisan politics.

Governor Romney has received a great deal of favorable press comment concerning his stand on Vietnam. It was a pleasure to me that his speech was so well received, not only by the working press but by those men who form editorial opinion.

Mr. Romney has shown that he understands the nature of the American commitment in Vietnam. He has come out very strongly in support of our troops and fighting men who are carrying out the objectives of the U.S. Government in southeast Asia.

In assessing the war, Governor Romney has clearly pointed out the intricate position of the United States. He has warned against the consequences of an indiscriminately escalated war, as well as the disasters of an American withdrawal. He has warned against seeking peace of revenge, while calling upon the administration to continue to pursue its efforts to obtain a just peace whereby South Vietnam's security would be preserved. Governor Romney has pointed out the need to win the "other war" in Vietnam. He realizes, as do most men closely connected with the war, that Vietnam's ultimate security depends upon its ability to provide the necessary social, economic and political reforms necessary to a stable society.

Realizing the critical role that any new Republican administration would play in Vietnam and the vain hope entertained by Hanoi that American will and determination in Vietnam will collapse, Governor Romney issued a very clear and concise statement of his own position. May I quote:

> That is a false hope—and I for one will not contribute to it. I have repeatedly said that I will neither give encouragement to Hanoi's aggressive course, nor undermine our President in sincere efforts to bring peace to Vietnam.
>
> I have even heard that the leaders in Hanoi think a Republican administration might come into power that would settle on their terms.
>
> For what it is worth, I would like to tell them right now that here is one Republican I can speak for who will not settle on their terms under any circumstances.

Unlike some members of the President's own party, Governor Romney has not chosen to seek political or personal gain or revenge from a very crucial foreign policy issue. Prompted by the great tradition of Senator Arthur Vandenberg, also of Michigan, Governor Romney has placed the national interest above personal or partisan advantage. He has exhibited the quality of statesmanship at a time when statesmanship has practically disappeared from the American scene.

Mr. President, I commend Governor Romney for his forthright and statesmanlike approach to this very critical foreign policy issue.

TAX REVENUE LOST BY STATES

Mr. FANNIN. Mr. President, westerners generally are among the most ardent supporters of State and Federal conservation programs. And well we should be. Blessed with many natural resources and unmatched scenic wonders, our States remain for the most part the last great wilderness area of the United States, offering thousands and thousands of square miles where citizens from all 50 States can acquaint themselves with nature, some for only the first time. Because this is so, significant acreage within our borders is reserved for public ownership, and nowhere more so than in Arizona, where 85 percent of all land is federally or State owned.

Needless to say, this situation is not always a blessing. It can create hardship for the State, particularly in lost tax revenue, and for individuals, some of whom suffer financial setbacks. An example of the latter occurrence is well documented in a thoughtful letter I received recently from a constituent, M. A. D'Albini.

I ask unanimous consent that Mr. D'Albini's remarks and the newspaper article to which he refers be printed in the RECORD.

There being no objection, the letter and article were ordered to be printed in the RECORD, as follows:

TUCSON, ARIZ.,
March 16, 1967.

HON. PAUL FANNIN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FANNIN: My purpose in writing this letter is to express my viewpoint about a trend of thinking among national administrators which is of great concern to me. To illustrate my concern, I shall begin by citing a case of first hand knowledge.

My mother, Mrs. Clara D'Albini, operates a ranch in the Huachuca Mountains in Southern Arizona, near the Coronado National Monument, not far from Fort Huachuca. She and my father (now deceased) acquired the ranch in 1927. During the 1930's the Forest people fenced a grazing allotment for them surrounding the ranch which was to carry 147 head of cattle year round. Beginning in the 1940's and up to this time the carrying capacity of the allotment has been gradually reduced by the various Forest supervisors. The most recent reduction being that she should take a 5 year non-use permit for 33 head of cattle (thus reducing her herd to 100 head) or the Forest would have to levy an outright cut of 33 head. The reason for the reduction being stated as due to excessive use of desireable browse plants, decreasing density of desireable grasses, and increasing number of oak which are taking over the grasslands.

Based upon my own observation, after spending a year on my mother's ranch and covering it on foot and on horseback, I have found that the deer population has greatly increased over the years and that it is the increased deer population which is contributing to the over-grazing. I have found 5 to 8 deer running in bunches where scarcely one could be found 25 years ago. The deer increase results from two situations—(1) establishment of the Coronado National Monument, which was located within the ranch allotment, has created a breeding sanctuary where deer can multiply freely, and where they can seek refuge during the hunting season each year, and, (2) whereas in years gone by the forest supervisors maintained and kept open a network of trails which hunters could use during the hunting season, these trails are no longer kept open. As a result, only a very few hunters get to where the favorite deer hide-outs are located. Both of these situations are jointly contributing to an encroachment on the grazing capacity of the range and in the end will no doubt prohibit the grazing of cattle on the range altogether. Thus we have a situation where Federal administrators and nature working together will in the end eliminate an income producing enterprise.

Over the past 25 years I have observed an increasing trend on the part of Federal administrators to establish monuments, parks, wilderness areas, recreation areas, sanctuaries, etc., supposedly for the benefit of future generations. Each time one of the foregoing is established at least two major and important changes occur—(1) whatever income producing enterprise existed at the time, it has been immediately stopped or greatly curtailed, and (2) the task of administering the new establishment becomes a direct monetary burden upon the taxpayers.

About two-thirds of the land area in Arizona is now Federally owned in the form of National Forest lands, BLM lands, parks, monuments, wilderness areas etc., or set aside as Indian reservations. Recently the National Park Chief, Mr. George Hartzog, stated at a meeting held in Tucson that he hoped Congress would set aside 1500 square miles of Arizona desert as a new national park; that the land has been overgrazed; and that making a park of the area would restore plant life and offer a place for disappearing species of desert animals to survive. My personal opinion is that this is a real dream! There are no animals peculiar to that area which cannot be found in greater abundance elsewhere in Southern Arizona, even on privately owned land, what little there is of it. What isn't a dream though is Mr. Hartzog's plan to establish an administrative complex on the land where none exists today. (See attached.) Here again, the grazing being done at present results in income. Mr. Hartzog would stop this effort in favor of a 1500 square mile area as a tax supported entity.

I have talked to many other persons about these matters and have found that I am not alone in wondering how future generations themselves are going to survive, as they toil to sustain themselves and at the same time strive to meet the administrative burden being placed today by the few who seek notice at the central trough under the admiring eyes of the national gallery.

Sincerely,

M. A. D'ALBINI.

PARK STATUS LIKELY THIS YEAR FOR 1,500 SQUARE MILES OF SONORAN DESERT—NATIONAL PARK CHIEF HARTZOG IS HOPEFUL

The chief of the nation's parks said yesterday he is hopeful that Congress will declare 1,500 square miles of southwest Arizona a new national park this year.

George Hartzog was in Tucson for an annual meeting of southwestern region national park superintendents at the Hi-Way House Motor Hotel.

The proposed Sonoran Desert National Park has been on Park Service drawing boards for several years. If approved as recommended, it will include the Organ Pipe National Monument near Ajo and extend south and west from there.

A national monument is a limited geographic area with no more than one scenic phenomenon. It is made a national shrine by Presidential order. A national park, encompassing much more ground and many scenic interests, may be declared only by Congress.

"The area has been overgrazed," said Hartzog of the proposed park land. "Making it a park will restore a greater abundance of plant life and offer a place for disappearing species of desert animals to survive."

If made a park, a central visitor and administration complex will be completed within five years—as well as a number of basic trails and roads. Completion will take a little longer, as fast as plants can grow and animals can multiply.

Eventually, the park would include campgrounds and hiking trails. A superhighway would never cross it. Hunting and prospecting would be forbidden. An Air Force bombing range running the width of the park land would be phased out as the military need for it decreases, Hartzog said.

Groups of sportsmen and would-be miners have voiced stalwart opposition to the park proposal. Hartzog feels they would be more receptive if they "understood the project."

More ample supplies of vegetation will breed more ample supplies of game animals, Hartzog submits. And those game animals won't all stay on the park reservation.

The Park Service director also has pointed feelings about damming the Colorado River near Grand Canyon, a national park.

"A low dam wouldn't bother us," said the director. "The reservoir water wouldn't back up onto park land. But a big dam is a different story. A big dam would convert 10 to 13 miles of the river to a lake—on park land."

Hartzog feels that the changes in vegetation, fish life and canyon-bottom terrain occasioned by a dam lake would be an "artificial intrusion into a natural setting purposely preserved by Congress."

Arizona has decided to go ahead with a Colorado dam project without federal help. The size of the proposed dam is still in question.

Hartzog left for a return to Washington, D.C., last night.

THE TWO CONFERENCES IN LATIN AMERICA: PUNTA DEL ESTE AND SANTIAGO AND THEIR RELATIVE IMPORTANCE

Mr. **GRUENING**. Mr. President, two historic meetings take place this week in South America: For the second time in history the chiefs of state of Western Hemisphere countries meet—in Punta del Este, Uruguay—to discuss mutual problems and their solutions; simultaneously representatives from more than 75 countries, from governments and international organizations, are convened in Santiago, Chile, for the eighth in a series of international meetings concerning family planning privately sponsored by the International Planned Parenthood Federation.

The really important issue in Latin America is neither the need nor desirability of a common market or proper implementation of the Alliance for Progress, rather, it is the grim fact that these worthy efforts, and others, are going down the drain as population growth in Latin America exceeds economic growth.

Hunger, illiteracy, disease, and despair impair or destroy any progress suggested by rhetoric or implemented by piecemeal uncoordinated efforts at local, national, or world levels to solve the problems created by the population explosion.

President Johnson has spoken of these problems 31 times publicly since his election. He correctly states in his January 10, 1967, state of the Union address before Congress that—

> Next to the pursuit of peace, the really great challenge to the human family is the race between food supply and population increase. That race tonight is being lost. The time for rhetoric has clearly passed. The time for concerted action is here, and we must get on with the job.

Giants of the Western Hemisphere have warned of the impending dangers of the population explosion.

The distinguished democratic statesman of Colombia, Dr. Alberto Lleras Camargo, former president of his nation, journalist, and member of the Catholic Church, summarized the situation in the course of his testimony before the population crisis hearing held nearly 2 years ago by the Senate Government Operations Subcommittee on Foreign Aid Expenditures of which I am chairman.

He said:

> Latin America is breeding misery, revolutionary pressures, famine, and many other potentially disastrous problems in proportions that exceed our imagination even in the age of thermonuclear war. "The only way to solve these problems is through population control. Today this can and must mean reducing the rate of growth. In the future, it might well be in order to step it up again, if the effects of the reduction should turn out to be excessive or unhealthy. But as Huxley has said, since man has made it his business to control death—and in large part he has succeeded—he cannot escape the need to control birth.

Dr. Lleras is a realist, but, more important, he sees a way out of the dilemma—if we move forward.

President Johnson has amply expressed his great desire to help. In his foreign aid message to Congress on February 9, 1967, he said:

> In particular, we will wage war on hunger. Together, the world must find ways to bring food production and population growth into balance. My proposals make clear our determination to help expand food supplies. We must be equally ready to assist countries which decide to undertake voluntarily population programs.

I am, therefore, pleased to read in the press reports of the population meeting in Santiago that the director of the new Population Service in the new War on Hunger Office in the Agency for International Development plans to meet with representatives of the other governments who are in Chile.

Let us hope that these men and women take those long, overdue steps to coordinate and disseminate birth control information upon request, and that as they do, they also consider the parallel problems of hunger, illiteracy and the other ingredients of poverty.

The responsible New York Times columnist, Mr. Tom Wicker, touched on these problems in his column today entitled "In the Nation: Poverty and Punta del Este."

He wrote:

> A population growth of 3 per cent a year is rapidly overtaking the area's meager ability to feed, house, clothe, educate and employ its people, with a resulting increase in poverty.
>
> Any effective attack on poverty must provide the poor with more than job training and birth control; it must provide the poor with money of their own (redistribution of wealth) and an effective political voice (redistribution of power).
>
> That is why only the surface of the Latin-American problem will be attacked by Punte del Este; just as has been the case in the United States, economic growth alone may improve the lot of the poor but it will increase the power and the wealth of the rich and the middle class to a far greater degree.
>
> More, perhaps, than any other Government, that of the United States recognizes the needs of the world's poor and their terrible power to rise violently if these are not met. But its dilemma is that in its desire to avert violent revolution it can only join forces with those who have the largest stake in the "status quo" and who therefore are least willing to see it changed.

I ask unanimous consent that the full text of Mr. Wicker's column be printed in the RECORD as exhibit 1 at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. GRUENING. I also ask unanimous consent that a chart prepared by the Legislative Reference Service of the Library of Congress for the Government Operations Subcommittee on Foreign Aid Expenditures showing Latin American and Caribbean populations, birth rates, death rates, infant mortality rates, population growth rates, and per capita incomes, be printed as exhibit 2 at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GRUENING. An examination of the chart is depressing. I will not point a verbal finger at a particular Latin American nation. To do so would be unfair. But the facts substantiate the need for us to implement fully the superb mandates of President Johnson.

The New York Times today in its editorial entitled "Conference in Santiago" supports my belief that the conference "could be more important in its potential effects on Latin America than the meeting of Presidents that begin tomorrow in Punta del Este."

As the New York Times editorial reminds us, the birth rate in Latin America is the highest in the world, its food supply is inadequate, its population is young, and abortion rates are high.

I ask unanimous consent that the full text of the editorial be printed in the RECORD as exhibit 3 at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. GRUENING. This year it appears the dream of Margaret Sanger, Elise Ottesen-Jensen and all the others who have worked for international cooperation in the field of family planning has crystalized. In the 21 years since a fledgling, unorganized idea was discussed in Stockholm in 1946, the International Planned Parenthood Federation has grown to maturity.

Its world conference program in Santiago includes principal aspects of the population problem. The participants are experts in their respective fields. I ask unanimous consent that the conference program as published in the March 1967 issue of the organization's news bulletin be printed in the RECORD at the close of my remarks as exhibit 4 so that my colleagues and other readers of the RECORD may have a better idea of the scope of the Santiago meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. GRUENING. So this week we watch and listen hopefully as the future life of hundreds of millions of people, and perhaps more, is discussed and, hopefully, brightened by those meeting in Punta del Este and Santiago.

The Bible tells us that "The price of wisdom is above rubies." We have the wisdom to improve the quality of man's life on earth, if we try. Our hopes and prayers go out to those assembled in Santiago and Punta del Este.

EXHIBIT 1

[From the New York Times, Apr. 11, 1967]

IN THE NATION: POVERTY AND PUNTE DEL ESTE

(By Tom Wicker)

WASHINGTON, April 10.—President Johnson went out to watch the Washington Senators this afternoon, left after five innings and fled to South America. No one can blame him for that, but he will not find the situation south of the border much more encouraging than it was at D.C. Stadium, where the Senators staked a reasonable claim to last place in the first game of the season.

Johnson's personal presence at Punte del Este is designed to demonstrate the United States' interest in, and to help push Latin-American heads of state toward, a regional common market. Behind that purpose lies the idea that regional planning and trade arrangements will speed the growth of Latin-American economies.

POVERTY ON THE RISE

A population growth of 3 per cent a year is rapidly overtaking the area's meager ability to feed, house, clothe, educate, and employ its people, with a resulting increase in poverty.

Undoubtedly, a successful Latin-American common market would help; it would presuppose, at the least, an end to wasteful duplication of industrial facilities and the hamstringing protectionism that the duplication fosters. But Johnson probably is under no illusion that the common market plan can be anything more than a step in the right direction.

RESISTING CHANGE

That is basically because the world is peopled with men, and men are better geared to the *status quo* than to revolutionary purposes like that of eliminating poverty. Even in a fast-growing society like that of the United States, to effect such a revolution peacefully is in many ways a virtually impossible task; as the President took off for South America he left behind a tell-tale admission of that fact.

This came in the news that the celebrated "war on poverty," which began so hopefully three years ago, is going to be sharply revised (if it survives at all) by the Administration itself. In a superb bureaucratic euphemism, officials said this would make the program "better suited to the complexities of effective and efficient administration."

Better suited, that is to say, to the fears and resistance of politicians, of the community establishments they so often serve, and of people who quite humanly regard with trepidation anything that might affect their own property, status and privilege.

The proposed changes would prevent antipoverty workers from partisan political activity, rule out any use of poverty funds for "illegal picketing or demonstrations," and increase the involvement of local businessmen, labor leaders and elected officials (in other words, the Establishment) in community action programs.

Aside from the facts that the courts have not yet established any clear-cut rules about what constitutes "illegal picketing or demonstrations," and that community action programs originally were to be the vehicles for drawing the poor themselves into effective action against poverty, it is plain that the purposes of such changes in the program are (a) to give more control to the politicians and the economic establishment in any given community, and (b) to reduce the ability of the poor to mobilize their own political power outside the paternal umbrella of the middle class and the wealthy.

Thus, the brief, sad history of the war on poverty amply shows that the dominant forces of society are unlikely to permit a Government responsive to those forces to conduct a revolution against them—to threaten the class structure and endanger property and privilege. Yet, any effective attack on poverty must provide the poor with more than job training and birth control; it must provide the poor with money of their own (redistribution of wealth) and an effective political voice (redistribution of power).

SCRATCHING THE SURFACE

That is why only the surface of the Latin-American problem will be attacked by Punte del Este; just as has been the case in the United States, economic growth alone may improve the lot of the poor but it will increase the power and the wealth of the rich and the middle class to a far greater degree.

More, perhaps, than any other Government, that of the United States recognizes the needs of the world's poor and their terrible power to rise violently if these are not met. But its dilemma is that in its desire to avert violent revolution it can only join forces with those who have the largest stake in the *status quo* and who therefore are least willing to see it changed.

EXHIBIT 2

B. Latin American and Caribbean region

Country	Year of last national census	Population estimate 1965 (millions)	Birth rate, live births per annum (per 1,000 population)[1]	Death rate (per 1,000 population)[1]	Infant mortality rate (per 1,000 live births)[1]	Annual average rate of population growth, 1958–63 (percent)[2]	Number of years to double population at present growth rate	Per capita gross national product, 1964 (dollar equivalents)
Argentina	1960	22.4	21.7	8.1	60– 65.0	1.6	44	$541
Bolivia	1950	3.7	41–45.0	20–25.0	135–155.0	1.4	50	162
Brazil	1960	81.3	43–47.0	11–16.0	----------	3.1	23	175
Guyana	1960	.6	42.6	7.9	55.0	2.8	25	291
British Honduras	1962	.1	46.3	8.9	69.5	3.7	19	360
Chile	1960	8.7	33.7	12.0	111.0	2.3	31	474
Colombia	[3] 1964	[3] 17.8	42–46.0	14–17.0	100–110.0	2.2	32	286
Costa Rica	1963	1.4	47–50.0	8.8	80.4	4.5	16	360
Dominican Republic	1960	3.6	48–54.0	15–20.0	80–100.0	3.6	20	246
Ecuador	1962	5.1	45–50.0	15–20.0	94–107.0	3.1	23	215
El Salvador	1961	2.9	46.8	10.4	65.5	3.2	22	280
Guatemala	1964	4.4	47.7	17.2	42.8	3.2	22	310
Haiti	1950	4.7	----------	----------	----------	2.3	31	73
Honduras	1961	2.2	45–50.0	15–20.0	47– 60.0	3.2	22	215
Jamaica	1960	1.8	39– 9.0	7.8	39.4	1.8	39	443
Mexico	1960	40.9	45.4	10.3	66.3	3.2	22	427
Panama	1960	1.2	40.4	9–12.0	55– 65.0	3.2	22	488
Paraguay	1962	2.0	45–50.0	12–16.0	110–120.0	2.4	29	200
Peru	1961	11.7	42–48.0	13–18.0	95–105.0	2.8	25	267
Surinam	1961	.4	44.5	8.2	44.0	3.6	19	340
Trinidad and Tobago	1960	1.0	34.5	6.2	39.6	3.2	22	614
Uruguay	1963	2.7	21–25.0	7.9	75– 85.0	1.2	58	503
Venezuela	1961	8.7	45–50.0	10–15.0	60– 75.0	3.4	21	797

---

[1] The years in which the annual figures for birth rate, death rate, and infant mortality rate are based are not provided in the source.

[2] Annual average rate of population growth for all underdeveloped countries on this and subsequent charts are based on years 1958–63, as compared to base period of 1960–65 for Europe.

[3] These 2 items taken from "Assistance for Family Planning Programs in Developing Countries," AID, Office of Technical Cooperation and Research, Health Service, Population Branch, Washington D.C., Jan. 1967. P. 19.

EXHIBIT 3

CONFERENCE IN SANTIAGO

There is drama as well as practical importance in the conference of the International Planned Parenthood Federation being held in Santiago, Chile, this week.

Latin America is at least 95 percent Roman Catholic. The President of Chile, Eduardo Frei, is a Christian Democrat—incidentally, with a family almost as large as Senator Robert Kennedy's. Yet President Frei and the Chileans and, indeed, an undoubtedly huge number of all Latin Americans are welcoming and applauding the delegates from all over the world who are discussing population control.

This is the second important conference on the subject held in South America. In August 1955 the American Assembly of Columbia University and the Population Council sponsored a hemispheric meeting in Cali, Colombia, which was a pioneering success. Priests from Latin-American countries took part and the meeting had the blessing of the Archbishop of Cali. It was widely and frankly reported in the press of the hemisphere, as the Santiago conference will surely be.

The special reasons why birth control is a vital subject in Latin America are well known. The area has the highest birth rate in the world; it is underdeveloped; the population is growing faster than the production of food to nourish it, and as much as 55 percent is now under 21 years of age. The abortion rate is high. Contraception is widely practiced, despite Church teachings, but not widely enough.

No region of the world needs population

control more. The conference in Santiago could be more important in its potential effects on Latin America than the meeting of Presidents that begins tomorrow in Punta del Este.

The Chilean meeting, however, is truly international. It is the whole world that needs population control. The famine in parts of India today is the result of prolonged droughts; but whatever the weather is in the future, India, Pakistan and China will probably face famines in the 1970's unless births are controlled. Latin America could hold out somewhat longer, but not later than the 1980's the way birth rates are going now.

The greatest impediments to an all-out attack on the problem are the religious prohibitions involved for Roman Catholics and the poverty and ignorance of the masses in all countries. Meetings such as the one now being held in Chile should help to emphasize the need for accommodation in the field of religion and for education and economic help in vast areas where such help is desperately needed.

Exhibit 4

World Conference: Full Programme Arrangements

SUNDAY, APRIL 9

Opening session

Conference Chairman: Mr. George Cadbury (Canada), Vice-Chairman, IPPF Governing Body.

Session Chairman: Dr. Luisa Pfau (Chile), President, Chilean Association for Protection of the Family, and President, IPPF Western Hemisphere Regional Council.

Address by Señor Eduardo Frei, President of Chile.

Address by Señor Manuel Fernández, Mayor of Santiago.

Response: Shrimati Dhanvanthi Rama Rau (India), President, International Planned Parenthood Federation.

Keynote Address: Lord Caradon, Minister of State and Permanent United Kingdom Representative to the United Nations.

MONDAY, APRIL 10

Morning—Plenary session: Economic and social problems of population changes

Session Chairman: Dr. Lenworth Jacobs, President of the Jamaica Family Planning Association and Medical Officer, Government Hospital, St. Ann's Bay, Jamaica.

Discussion Chairman: Mr. Milos Macura, Chief, United Nations Population Division.

Rapporteur: Lic. Raul Benitez-Zenteno, Professor of Sociology and Demography, National University of Mexico.

1. The Influence of Population Changes: Miss Carmen A. Miró, Director, United Nations Latin American Demographic Centre (CELADE), Santiago.

2. The Impact of Population Growth on Agriculture and Industry: Mr. Gordon Bridger, Senior Economic Adviser, Ministry of Overseas Development, United Kingdom.

3. The Employment Situation in Latin America: Professor Alain Touraine, Professor of Sociology, University of Paris.

Afternoon—General session

Session Chairman: Dr. Sugiyama Iutaka, Research Director, Latin American Centre for Research in the Social Sciences, Rio de Janeiro, Brazil.

Discussion Chairman: Dr. Enrique Iglesias, Director, Institute of Economic Research, University of Montivideo.

Rapporteur: Dr. Minoru Muramatsu, Faculty of Public Health, Japan. Vice-President, International Union for Scientific Study.

1. The Impact of Population Growth on Housing: Professor Juliusz Gorynski, Professor of The Economics of Building and Town Planning, Warsaw.

2. The Impact of Population Growth on Food Supplies: Dr. Hernán Santa Cruz, Assistant Director-General for Latin American Affairs, Food and Agriculture Organization.

3. The Impact of Population Growth on Education: Professor Lim Tay Boh, Vice-Chancellor of the University of Singapore.

4. The Impact of Population Growth on Mental Health: Professor George M. Carstairs, Department of Psychiatry, University of Edinburgh, Royal Edinburgh Hospital.

Medical session: Recent developments in biological control of fertility

Session Chairman: Professor F. T. Sai, Department of Preventive Medicine, Ghana Medical School.

Discussion Chairman: Dr. M. K. Krishna Menon, Director, Institute of Obstetrics and Gynaecology, Government Hospital for Women and Children, Madras.

Rapporteurs: Dr. Margaret Jackson, Medical Officer, Devon Family Planning Clinic, U.K.; Consultant to IPPF Medical Committee. Dr. Gregorio Lim, President of the Family Planning Association of the Philippines.

1. Orals

(*a*) Low Dose Products: Dr. Jorge Martinez Manautou, Director of Research, Institute of Social Security, Mexico.

(*b*) Sequential Therapy: Professor Rodney Shearman, Associate Professor of Obstetrics and Gynaecology, University of Sydney.

(*c*) Post-coital Oral Contraception: Professor John McLean Morris, Professor of Gynaecology, Yale University School of Medicine.

2. A Contraceptive Injection Study: Dr. Edward Tyler, The Tyler Clinic, Los Angeles: Member, Oral Advisory Committee of the IPPF Medical Committee.

3. The Effect of Oral Contraception on Lactation: Dr. Siva Chinnatamby, Medical Director and Vice-President, Family Planning Association of Ceylon.

4. Orals: Long- and Short-term Side-Effects: Dr. Roberto Nicholson, Professor of Gynaecology, University of El Salvador, Buenos Aires.

5. Treatment of Infertility: Dr. Bruno Lunenfeld, Director, Institute of Endocrinology, Tel-Hashomer Government Hospital, Israel.

TUESDAY, APRIL 11

Morning—General session: Patterns of family life

Session Chairman: Dr. Harry C. Harley, M.P., Member, Canadian House of Commons. Chairman of Health and Welfare Committee.

Discussion Chairman: The Hon. Harold Walter, Minister of Health for Mauritius.

Rapporteur: Professor Gino Germani, Department of Social Relations, Harvard University. Former Director, Institute of Sociology, University of Buenos Aires, Argentina.

1. The Family as a Social Unit—Responsibilities of Husband and Wife: Mrs. Aziza Hussein, Egyptian delegate to UN Commission on the Status of Women. Member of the Board, National Association for Family Planning, Egypt.

2. The Effect of Family Size on Growth and Development of the Child: Dr. Roberto Rueda Williamson, Director, National Institute of Nutrition, Bogota.

3. The Family as an Economic Unit and a Basis for National Planning: Professor G. W. Roberts, Professor of Demography, Department of Sociology, University of the West Indies, Jamaica.

4. The Place of Family Planning in Community Integration and Development: Dr. Olatunji Adeniyi-Jones, Medical Officer of Health, Lagos City Council; Chairman, Family Planning Council of Nigeria.

5. Maternal Health—Infant Mortality: Dr. Alexander Kessler, Chief, Human Reproduction, World Health Organization, Geneva.

Basic science session I: The male factors in reproduction

Chairman: Dr. Jaime Zipper, Associate Professor of Physiology, Medical School, University of Chile.

1. Studies in the Cations of Semen: Dr. I. G. White, Department of Veterinary Physiology, University of Sydney.

2. Comments on the Mode of Action of Gonadotrophins in the Male: Dr. J. D. Biggers, Professor of Reproductive Physiology, Division of Population Dynamics, Johns Hopkins School of Hygiene and Public Health, U.S.A.

3. Different Response of the Mountain Dwellers to Chorionic Gonadotrophin Hormone: Dr. Roger Guerra-Garcia, Research Associate, Department of Endocrinology, Institute of High Altitude Research, Peru.

4. Places of Selective Absorption of Colloidal Particles along the Sperm Pathway: Dr. Mairo Burgos, Professor and Director, Institute of Histology and Embriology, School of Medical Science, Mendoza, Argentina.

5. Auto-Antibodies to Sperm as a Cause of Infertility in the Human Male: Dr. Philip Rümke, Head, Department of Immunology, Netherlands Cancer Institute.

6. Anti-Spermatic Antibodies in the Human and Animal Male: Dr. Roberto Mancini, Professor of Histology, Buenos Aires Medical School.

7. Immunologic Aspermatogenesis induced in Rabbits by other Antigens than Spermatozoa and Testis: Dr. Bruno Lobo, Professor of the Faculty of Medical Science, State Univisity of Guanabara, Brazil.

Afternoon—General session: Educational factors in planned parenthood

Session Chairman: The Hon. Enche Mohamed Khir Johari, Minister of Education and Chairman, National Family Planning Board, Malaysia.

Discussion Chairman: Dr. Francisco Mardones-Restat, Director-General, National Health Service, Chile.

Rapporteur: Mrs. Avabai Wadia, President, Family Planning Association of India.

1. Attitudes Toward Planned Parenthood: Dr. J. Y. Peng, Assistant Professor in Population Planning, University of Michigan School of Public Health.

2. Health Education in Family Planning Programmes: Mrs. Jean Pinder, U.S. AID Health Education Consultant in Ghana.

3. The Importance of Sex Education:

(*a*) Sex Education at School: Rektor Torsten Wickbom, Headmaster, Katrineholm Secondary School, Sweden.

(*b*) Adult Education and Responsibilities: Dr. Mary Calderone, Executive Director, Sex Information and Education Council of the United States.

4. The Role of Universities and Medical Schools: Dr. Jorge Arias, B., Director of the Training Programme, Central American Research Institute for Industry, Guatemala.

Public meeting

A round-table discussion on "Family Planning in Contemporary Thought."

Chairman: Dr. Claudio Veliz, Director, Institute of International Affairs, University of Chile.

Six panel members from different countries of the world.

Medical session: Intra-uterine devices

Session Chairman: Dr. Phong Aksara, Deputy Under-Secretary of State for Public Health, Ministry of Public Health, Bangkok, Thailand.

Discussion Chairman: Dr. Gabriel Velazquez-Palau, Dean, Faculty of Medicine, University of Valle, Colombia.

Rapporteurs: Dr. Sarah Israel, Officer-in-Charge, Family Planning Training and Research Centre, Bombay.

Sir Theodore Fox, Director, Family Planning Association of the United Kingdom.

1. Optimum Insertion Time for IUD's—After Abortion: Dr. Lidija Andolsek, Director, Family Planning Centre. Chief, Department for the Study of Abortion and Contraception, Gynaecological Clinic, University of Ljubljana, Yugoslavia.

2. Optimum Insertion Time for IUD's—After Delivery: Mr. Tye-Hin Lean, Senior Consultant, Obstetrics and Gynaecology, Ministry of Health, Kandang Kerban Hospital, Singapore.

3. Optimum Insertion Time for IUD's—In Relation to Menstruation: Dr. Jaime Zipper, Associate Professor of Physiology, Medical School, University of Chile.

4. The Effect of IUD on Lactation: Dr. Carlos Gomez-Rogers, Assistant Professor of Obstetrics, Faculty of Medicine, University of Chile.

5. The Current Status of Intra-Uterine Contraception: Dr. Christopher Tietze, Associate Director, Bio-Medical Division, The Population Council.

6. Bacteriology of the Uterus with IUD: Professor Daniel Mishell, Assistant Professor, Department of Obstetrics and Gynaecology, Los Angeles School of Medicine, University of California.

7. The Effect of IUD on the Endometrium: Dr. E. Aguilera, Assistant Professor of Gynaecology, Hospital Clinico Jose J. Aguirre, Santiago.

WEDNESDAY, APRIL 12

Morning—General session: The world-wide problem of abortion

Session Chairman: Dr. Joaquin Nuñez, Medical Director, Honduras Family Planning Association.

Discussion Chairman: Professor Pierre Hubinont, Professor of Obstetrics and Gynaecology, University Hospital of St. Pierre, Brussels.

Rapporteur: Dr. Andras Klinger, Chief, Demographic and Social Statistics Section, United Nations Economic Commission for Latin America.

1. In the Far East: Dr. Genichi Nozue, Chief, Department of Obstetrics and Gynaecology, Japanese Red Cross Hospital.

2. In Europe: Professor Franc Novak, Professor of Obstetrics and Gynaecology, Faculty of Medicine, Ljubljana.

3. In the Near East: Dr. Isam Nazer, Medical Adviser, Jordan Family Planning Association.

4. In Latin America: Dr. Rolando Armijo, Professor of Epidemiology, School of Public Health, University of Chile; and Pan-American Sanitary Bureau.

5. In North America: Dr. Edmund Overstreet, Professor and Vice-Chairman, Department of Obstetrics and Gynaecology, University of California Medical School, San Francisco.

Basic science session II: ovum transport and fertilization

Chairman: Professor Roberto Caldeyro-Barcia, Professor and Chairman, Department of Physiopathology, Service of Obstetrical Physiology, School of Medicine, University of Uruguay, Montevideo.

1. Tubal Ovular Relationship: Dr. Luigi Mastroianni, Professor and Chairman, Department of Obstetrics and Gynaecology, University of Pennsylvania.

2. Biological Aspects of Tubal Ovum Transport: Dr. Ramiro Delgado, Professor, Department of Morphology, University of Valle, Colombia. Executive Director, University Committee of Investigation on Population.

3. Cytochemical Observations on Tubal Ovum Ova: Dr. Luis Izquierdo, Professor of Biology, Faculty of Science and Embriology, Faculty of Veterinary Medicine, University of Chile.

4. The Beginnings of Human Development: Dr. R. G. Edwards, Physiological Laboratory, Cambridge University.

5. The Effects of Steroids on the Fertilization and Transport of Mammalian Eggs: Dr. M. C. Chang, Senior Scientist at the Worcester Foundation for Experimental Biology, Shrewsbury, Mass.

6. Mechanism of Action of Intra-Uterine Foreign Bodies in Animals: Dr. A. B. Kar, Deputy Director and Head, Division of Endocrinology, Central Drug Institute, Lucknow, India.

7. Mechanisms of Experimental Immuno-Infertility: Dr. S. J. Plank, Assistant Professor of Population Studies, Department of Demography and Human Ecology, Harvard School of Public Health, U.S.A.

Afternoon—Medical session: working session for clinicians

1. Mode of Action of Present-day Oral Contraceptives.

2. Round-table Discussion on Intra-Uterine Devices.

Open meeting: A round-table discussion on youth and sex education

Chairman: Professor Roberto Caldeyro-Barcia, Professor and Chairman, Department of Physiopathology, Service of Obstetrical Physiology, School of Medicine, University of Uruguay, Montevideo.

Panel Members: Dr. Mary Calderone, Executive Director, Sex Information and Education Council of the United States.

Dr. Agnete Braestrup, President IPPF Europe and Near East Region. President of the Danish Family Planning Association.

Dr. Mohammed Ismail Ragab, Assistant Professor of Obstetrics and Gynaecology, Ein Shams University, Cairo.

Father P. Hernán Larrain Acuna, S.J., Director, Institute of Psychology, Catholic University of Chile.

Dr. Thorsten Sjövall, Director, Psychiatric Service, Mental Health Agency, Stockholm. Vice-President, IPPF Europe and Near East Region.

Rektor Torsten Wickbom, Headmaster, Katrineholm Secondary School, Sweden.

Professor Hermógenes Alvarez, Dean of the School of Medicine, Montevideo, Uruguay.

THURSDAY, APRIL 13

Morning—General session: survey and status of IPPF family planning programmes

Chairman: Mr. Cass Canfield, Chairman, IPPF Governing Body.

1. Africa Region: Dr. S. Mwathi, President, Family Planning Association of Kenya. Dr. Olatunji Adeniyi-Jones, Chairman, Family Planning Council of Nigeria.

2. Europe and the Near East Region: Mrs. Joan Rettie, Regional Secretary, IPPF Europe and Near East Region.

3. Indian Ocean Region: Mrs. E. C. Fernando, Regional Secretary, IPPF Indian Ocean Region: Honorary Secretary, Family Planning Association of Ceylon.

4. South-East Asia and Oceania Region: Mrs. Goh Kok Kee, J.P., Chairman, IPPF South-East Asia and Oceania Region.

5. Western Hemisphere Region: Dr. Luisa Pfau, President, IPPF Western Hemisphere Regional Council; President, Chilean Association for Protection of the Family.

6. Western Pacific Region: Dr. Chong Chin Lee, Vice-Chairman, IPPF Western Pacific Regional Council.

Basic science session III: Uterine Physiology and implantation

Chairman: Professor Alan S. Parkes, Professor of the Physiology of Reproduction, Cambridge University.

1. Ecology of Nidation: Professor M. C. Shelesnyak, Professor of Biodynamics, Department of Experimental Biology, Weizmann Institute of Science, Rehovoth, Israel.

2. Mechanism of Anti-Implantation Action of Anti-Oestrogens: Dr. M. R. N. Prasad, Professor of Zoology, Department of Zoology, University of Delhi.

3. The Anti-Fertility Properties of Stilbene and Bibenzyl Derivatives: Professor C. W. Emmens, Professor of Veterinary Physiology, University of Sydney.

4. Induction of the Reversible and Irreversible Changes in the Endometrium of the Rat, in order to Avoid Implantation: Dr. Jaime Zipper, Associate Professor of Physiology, Medical School, University of Chile.

5. Uterine Activity in Non-Pregnant Women: Dr. Elsimar Metzker Countinho, Department of Biochemistry, Faculty of Medicine, Bahia, Brazil.

6. Studies on the Effects of IUD's on Tubo-Uterine Motility in Rhesus Monkeys: Dr. Peter Eckstein, Department of Anatomy, Medical School, Birmingham, England.

7. Physiology of the Human Fallopian Tube: Dr. C. Gomez-Rogers, Assistant Professor of Obstetrics, Faculty of Medicine, University of Chile.

Afternoon—Plenary session: Contraceptic Techniques

Session Chairman: Professor Octavio Rodrigues Lima, Professor of Obstetrics and Gynaecology, Faculty of Medicine, University of Brazil.

1. Rhythm Method (The Use of Basal Body Temperature): Dr. Anibal Rodrigues, Professor and Chairman of Gynaecology, El Salvador Hospital and Catholic University, Santiago.

2. Intra-Uterine Devices—Mechanism of Action: Report from the Basic Science Session; Dr. Luigi Mastroianni, Jr., Professor and Chairman, Department of Obstetrics and Gynaecology, University of Pennsylvania, U.S.A.

3. Intra-Uterine Devices—Optimum Insertion Time: Report from the Medical Session; Dr. Sarah Israel, Officer-in-Charge, Family Planning Training and Research Centre, Bombay.

4. Recent Developments in Biological Control of Fertility: Report from the Medical Session; Professor M. K. Krishna Menon, Director, Institute of Obstetrics and Gynaecology, Government Hospital for Women and Children, Madras.

5. Comparison of Long-term Effectiveness in IUDs and Orals; Dr. Antonio Hernandez Torres, Regional Director in Obstetrics and Gynaecology, School of Tropical Medicine, San Juan, Puerto Rico.

6. The Place of Local and Vaginal Methods: Dr. Helena Wright, Vice-Chairman, IPPF Medical Committee; Vice-Chairman, IPPF Europe and Near East Region.

7. Future trends: Report from the Basic Science sessions. Professor A. S. Parkes, Department of the Physiology of Reproduction, Cambridge University.

FRIDAY, APRIL 14

Morning—General session: Programming for family planning services

Session Chairman: Mr. Sam Keeny, Resident Representative of the Population Council for East Asia.

Discussion Chairman: Mr. R. L. Munro, C.B.E., President, Family Planning Association of Fiji.

Rapporteur: Dr. Hernán Mendoza, Chief, Population Studies Division, Colombian Association of Medical Faculties.

1. Available Training Facilities and Training Organizations: Dr. Dipak Bhatia, Family Planning Commissioner, India.

2. Administration of Family Planning Services: Mr. Enver Adil, Family Planning Commissioner, Pakistan.

3. The Role of Para-Medical Personnel: (*a*) Dr. Gordon Cummins, Chief Specialist, Obstetrics and Gynaecology, Queen Elizabeth Hospital. Director, Population Council Research Project, Barbados.

(*b*) Mrs. Marina Phillips-Gay, Midwife, Population Council Research Project, Barbados.

4. The Responsibility of the Public Health and Medical Profession: Dr. Alan Guttmacher, Chairman, IPPF Medical Committee. President, Planned Parenthood Federation of America.

Basic science session IV: Hypothalamic-hypophysial gonadal axis

Chairman: Professor E. C. Amoroso, Professor of physiology, Royal Veterinary College, London.

1. Ovulating Hormone (LH) Secretion—A Model for the Automatic Control: Dr. Victor R. Ramirez, Professor and Chairman, Department of Physiology, Institute of Medicine, Austral University of Chile.

2. Inhibitory Action of Human Hypothalamic Extracts on Ovulation in Rats: Dr. Manuel de la Lastra, Professor of Physiology, Catholic University School of Medicine, Santiago.

3. Ovarian Response to Gonadotrophins in Patients under Anti-Ovulatory Therapy: Dr. Carlos Gual, President, Mexican Society of Nutrition and Endoctrinology.

4. Long-term Side-effects of 19–NOR Contraceptive Compounds: Professor A. Lipschutz, Institute of Experimental Medicine, Chile.

5. Effect of Steroidal and Non-Steroidal Agents on Hypophysial-Gonadal Axis: Dr. S. Roy, Deputy Director, Central Family Planning Institute, New Delhi.

6. Transplantable spontaneous and Experimentally Produced Pituitary and Testicular Tumours of the Rat, Tumorigenic and Anti-Tumoral Actions of Oestrogens: Dr. R. Iglesias, Institute of Experimental Medicine, Chile.

Afternoon—Plenary session: Effectiveness

Session Chairman: Mr. Ernst Michanek, Director-General, or a Representative of the Swedish International Development Authority.

Discussion Chairman: Mr. A. M. A. Kabir, President, East Pakistan Family Planning Association.

Rapporteur: Dr. Aquiles Sobrero, Director, Margaret Sanger Research Bureau, New York.

1. The Effectiveness of Family Planning Programmes:

(*a*) On the Birthrate: Dr. Oscar Harkavy, Director, Population Programme, Ford Foundation.

(*b*) On Incidence of Abortion: Dr. Minoru Tachi, Director, Institute of Population Problems, Ministry of Health and Welfare, Tokyo.

2. Critical Evaluation of Family Planning Programmes: Dr. Frank Notestein, President, The Population Council, U.S.A.

3. Measures for Greater Effectiveness: Dr. Jae Mo Yang, Professor of Preventive Medicine, Yonsei University, Seoul, Korea. Chairman, Planned Parenthood Federation of Korea.

SATURDAY, APRIL 15

Morning—Closing session

Chairman: Professor Hernán Romero, Chairman, Department of Social and Preventive Medicine, University of Chile. Executive Secretary to the Conference.

Vote of thanks: President, International Planned Parenthood Federation.

1. Summary of the Conference: Mr. G. W. Cadbury (Canada), Vice-Chairman, IPPF Governing Body.

2. The Future of the IPPF: Sir Colville Deverell, Secretary-General of the International Planned Parenthood Federation.

3. Closing Address: Dr. Ramón Valdivieso, Minister of Health, Chile.

SENATOR CARL HAYDEN

Mr. BYRD of West Virginia. Mr. President, the Evening Star, Washington, D.C., on April 6 reported that 50 years ago on April 6, 1917, the present senior Senator from the State of Arizona, the Honorable CARL HAYDEN, was serving in the House of Representatives. As a Congressman, he was present at the time of the congressional declaration of war which brought the United States into World War I.

His discussion of some of the events related thereto makes interesting reading.

I ask unanimous consent that this newspaper article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FIFTY YEARS AGO TODAY: HAYDEN RECALLS U.S. ENTRY INTO WAR I

Fifty years ago today the United States entered World War I and stepped toward a role in world leadership.

On that day, Lyndon B. Johnson was an 8-year-old in Texas.

Hubert H. Humphrey, 6, was learning his ABCs in Wallace, S.D.

But there is one man who was in Congress when war was declared April 6, 1917, who is still there—Sen. Carl Hayden, D–Ariz. He'll be 90 next fall.

Hayden came to the House in 1912 when Arizona was admitted as a state. He served there until elected to the Senate in 1926.

In a war anniversary interview, Hayden recalled long hours of debate before the House passed the war resolution, 373 to 50, in the early morning hours of April 6.

But of all that was said, Hayden related, "I remember most distinctly the remarks of Jeannette Rankin, the lady from Montana."

Miss Rankin, a Republican and the first woman elected to the House, did not respond until her name had been called four times on the roll call. Then, close to tears, she stood and said, "I want to stand by my country, but I cannot vote for war. I vote no."

Hayden said when he voted for the war declaration he was expressing the overwhelming view of his constituents.

Hayden said that with the declaration of war he and a number of his House colleagues began to talk about volunteering.

"Three members joined before (President) Woodrow Wilson issued an executive order to prohibit any more of us from joining," Hayden continued. "One of them was Fiorello LaGuardia of New York.

"By the middle of 1918, when this ban had kind of been forgotten, four of us went down and enlisted and served until after the armistice."

He named the other three as retired Judge Marvin Jones of the U.S. Court of Claims, then a Texas representative; another Texan, the late Sen. Tom Connally, then in the House, and the late Albert Johnson, a representative from Washington.

Hayden, a captain in the Arizona National Guard, was made a major and was commanding an infantry battalion at Ft. Lewis, Wash., when discharged.

STEPS TOWARD DECLARATION

Chronologically, the steps in the declaration of war were these:

April 2—Wilson, addressing a night joint session of the Senate and House, asked for the declaration. It was then that he said "the world must be made safe for democracy."

April 3—Sen. Robert M. LaFollette, R–Wis., by the technicality of invoking Senate rules and refusing unanimous consent, temporarily blocked Senate consideration of the resolution for 13 hours and at 11 p.m. passed it, 82 to 6.

April 5—The House began consideration of the resolution.

April 6—After 18 hours of debate, the House passed it. Newspapers of the day variously report the time as 3:12 a.m. and 3:15 a.m. At 1:18 p.m., Wilson signed it.

One account is that Wilson's action was signaled by semaphore from a White House window to the Navy Department, then relayed to ships at sea.

SUPREME COURT DECISION ON NISEI CLAIMS

Mr. FONG. Mr. President, I applaud the U.S. Supreme Court decision handed down yesterday restoring the rightful claims of thousands of American citizens of Japanese descent who sought partial return on their savings accounts vested by the Federal Government during World War II.

The Court unanimously held that some 4,100 Nisei claimants were entitled to a generous interpretation of the statute of limitations, which the Department of Justice had held last year barred their claims.

These 4,100 persons were those who did nothing in response to a 1958 Government offer to redeem their certificates of deposit in American branches of Japanese banks for 2 cents on the postwar dollar—far below the postwar conversion rate.

In September last year, when the Attorney General held that they were barred from claiming even that very small amount, I wrote the Attorney General a strong letter of protest. I said, in part:

> As a lawyer, I think the claimants have a very good case. As a Senator, I deplore our Government's reliance on a technical ground to deny American citizens their rights.
>
> As an American citizen, I think the time is long overdue for some act of equity for these Americans of Japanese ancestry who proved their loyalty many times over during the war in the face of great hardship.

In October 1966, I again wrote the Attorney General, urging him to retain custody of the Office of Alien Property funds in the Yokohama Specie Bank if the Supreme Court subsequently should rule against the claims of the Japanese-American depositors.

I feared that if these claimants were denied judicial relief, the Justice Department should keep custody of those funds in order to give Congress time to pass a law to correct this gross injustice. At that time I announced my intention to introduce such legislation.

I am much pleased to note that in view of the Court's decision, this action is unnecessary.

Mr. President, what I sought in behalf of these citizens last year was wholly reasonable and long overdue.

The Supreme Court's decision to waive a technicality of law and allow the return to these depositors of funds which are rightfully theirs is a ruling I consider eminently fair and just.

THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

Mr. SPONG. Mr. President, today marks the 10th anniversary of the Metropolitan Washington Council of Governments. Its leaders, its staff, and its supporters, both past and present, deserve the thanks of the people of Washington and of the adjacent areas of Maryland and Virginia.

It has become increasingly evident to most of us, and especially to local elected and appointed officials, that the solutions to the complex problems of our growing metropolitan centers can only be determined and effected through organized, constructive cooperation among pertinent local governments. As a member and past chairman of the Hampton Roads Committee on Areawide Cooperation, which is concerned with metropolitan problems of my native section in Virginia, I have a personal knowledge of the importance of joint efforts in solving problems affecting a number of local communities in an urban area.

Metropolitan Washington was fortunate a decade ago to have leaders with sufficient vision to form the area's Council of Governments. It is the third oldest such organization in the Nation. The fact that there are now more than 50 similar groups throughout the country is certainly due in part to the success of the Washington Council. As the Vice President declared last week at the first National Conference of Councils of Governments, the Metropolitan Washington Council "has been a pilot program and it has blazed a new path of governmental operation."

Not only was the Washington Council of Governments one of the first of its kind, it has also been one of the most successful. The Council, its member governments, and their participating officials have been justly recognized throughout the Nation for their exemplary cooperation and noteworthy achievements. Among the many accomplishments of the Metropolitan Washington Council of Governments are the development of police and fire department communications networks, air pollution studies and formulation of a model local ordinance to secure air pollution control, and promotion of political and financial support for the approval of the interstate compact and development of an area subway system. In short, the Metropolitan Washington Council of Governments has been a doer as well as a thinker and planner.

Its impact has extended beyond the Washington area: in my home State of Virginia serious consideration is being given by the Governor and the general assembly to the development of a State policy which would encourage establishment of councils of governments in metropolitan sections throughout the Commonwealth. And across the country the Metropolitan Washington Council of Governments, through its effectiveness and well deserved national reputation, has provided much of the impetus for the widespread support which now exists in the metropolitan areas for this kind of political innovation.

On the occasion of its 10th anniversary I would like to salute the Metropolitan Washington Council of Governments for its past contributions and wish it continued success for the future.

THE ROLE OF THE LAWYER IN THE LEGISLATIVE PROCESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record a paper which I prepared last year and which was printed in the Record of March 2, 1966, entitled "The Role of the Lawyer in the Legislative Process."

There being no objection, the paper was ordered to be printed in the Record as follows:

The Role of the Lawyer in the Legislative Process

Mr. Byrd of West Virginia. Mr. President, William Allen, president of the Boeing Airplane Co., has observed that:

"No movement in history for the improvement of man's condition and for the establishment of justice has ever succeeded without the presence, the influence, and the leadership of great and courageous lawyers. No such movement, once established, has been maintained against opposing forces without the aid of great and courageous lawyers." (47 A.B.A.J. 981) (1961).

This observation by Mr. Allen, a lawyer turned businessman, finds ample confirmation in the lawyer's dominant and brilliant role in the political history of our country. In the beginning it was lawyers like Thomas Jefferson, Patrick Henry, James Madison, and John Adams whose eloquence against "the history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States," sparked the drive for independence.

More than half the delegates to the First Continental Congress which met in 1775 were lawyers. Three members of the famous Committee of Five which drafted the Declaration of Independence were lawyers: Thomas Jefferson, John Adams, and Roger Sherman. Thirty-two of the fifty-five signatories of that document were lawyers. Thirty-five of the fifty-five members of the Constitutional Convention in 1787 were lawyers.

Independence secured, it was lawyers the likes of the great Clay, Calhoun, and Webster who debated in Congress the meaning of the Federal Constitution and the character of the National Government.

At the moment of greatest peril to the Nation, it was the down-to-earth prairie lawyer, Abraham Lincoln, who emerged from the Springfield circuit to save the Union.

It was two other lawyers, Woodrow Wilson and Franklin D. Roosevelt, who led the mighty Allied forces to victory in the gigantic upheavals that have convulsed the 20th century. Both men were outstanding champions in the cause for a great and free society not only for our own people but also for all people. Both, as lawyers, foresaw that the eventual survival of this planet depended upon the establishment of law and order, and both sponsored the development of world legal and political institutions for the pacific settlement of disputes.

In time of peace and in time of war, in the legislature and in the executive branch, as well as the judiciary, our Nation has drawn its leadership from the ranks of the legal profession. It is not surprising, then, that 24 of our 36 Presidents have been lawyers. The profession can boast among that number: John Adams, Thomas Jefferson, James Madison, James Monroe, John Quincy Adams, Andrew Jackson, Abraham Lincoln, Woodrow Wilson, and Franklin D. Roosevelt.

So, also, in the 89th Congress, as with most of its predecessors, lawyers—305 in number—make up a majority of the membership. Congressional Quarterly, January 1, 1965, page 25.

The attraction of public service for members of the legal profession has been the subject of comment, usually generous comment, over the years. As one might expect, the reasons advanced to explain this truly American phenomenon are many and diverse. John J. McCloy, lawyer, banker, and public servant extraordinary, has put it this way:

"In our society, with a Federal Congress and 48 State legislatures, it is natural that there should be a great demand for lawyers, and I am sure that this aspect of our national life accounts in substantial part for the large number of lawyers who become public figures. We are, moreover, a legalistic country. We have a much wider field of application of statutes and regulations than is the case elsewhere. Our inheritance of governmental traditions and customs is relatively small.

"In England, France, and Germany, for example, neither public nor business life requires such a familiarity with the multiplicity of legislation and regulations which we encounter. The ever-increasing volume of this material is a further reason why lawyers in this country are more apt to become interested in public affairs and more conscious of public needs." (2 Washington and Lee Law Review 171, 173–174 (1958).)

Others have said that lawyers are attracted to public life because of the challenge which such service presents and the satisfaction of having made a meaningful contribution to one's country and time.

Some commentators have explained the lawyer's call to public service in terms of his traditional roles of advocate and counselor. It is not unusual for those using this approach to begin with Woodrow Wilson's statement that "Politics is the struggle for law, for an institutional expression of the changing life of society."

From this basis, they proceed to draw a number of conclusions, such as, since the lawyer is constantly engaged in the interpretation of the law in the courts and the application of the law in his practice, it is only natural that he should have an interest in the execution of the law as a public executive, or in the change or development of the law to meet "the changing life of society," as a legislator; or, since the lawyer is constantly articulate in the courts in controversies, many of which are of great public interest, he is at home in the public forum pleading public causes which he deems to be of interest to his larger client, the public interest.

Thus, we are told:

"When great occasions arise when a community wishes to express its thought and feeling, or when events are to be fashioned, the lawyer * * * is the most natural spokesman on such significant occasions." (Pepper, The Lawyer Call to the Public Service, 34 Penn. Bar Assoc. Quart. 125, 126 (1962–63).)

While these observations serve to explain in substantial part the demand for lawyers in government and "the lawyers" call to public service," they do not fully explain why men with the training and background peculiar to the legal profession have played and are playing so predominant and successful a role in government. That this training when properly used and developed is most effective in government comes to us on high authority. Thomas Jefferson remarked that:

"The study of the law is useful in a variety of points of view. It qualifies a man to be useful to himself, to his neighbors, and to the public. It is the most certain stepping-stone to preferment in the political line."

The attributes which legally trained men can bring to public service were perhaps best described by the late Justice Frankfurter. He put it this way:

"The kind of faculties that are needed [for public affairs] are more likely to be trained in men brought up in the law than in any other calling—the ability to see the many sidedness of what appears to be simple problems, the ability to give to those problems the points of view of the interests of all relevant factors, factors with which, though you are not sympathetic or which, on the whole you do not think should prevail, nevertheless have to be taken into account in the final accommodation * * * that is the very special claim of the lawyer; that he is by the nature of his calling, relatively heedful of intellectual disinterestedness in seeing a problem whole, analyzing a problem, taking it apart into its components." (18 Fed. Bar. Journal 24, 25 (1958).)

In Justice Frankfurter these attributes—industry, articulation, detachedness and objectivity—reached a zenith.

It would be nonsense to think that the characteristics the Justice enumerated are exclusively the possession of the lawyer, or that they are substitutes for breadth of mind, ability, and courage. The attributes of the trained lawyer to which he referred are, for the most part, tools which all wise and capable men employ or strive to employ.

The most that can be said is that, through constant use, these tools are apt to be kept better sharpened by the lawyer, and that when he enters government, or any other endeavor, they are likely to produce more effective results in his hands than in the hands of even very able men whose pursuits have not so continuously demanded their sharpness.

Having examined the extent of lawyers' influence and representation in the history of our country, and the reasons for their preeminent role in government, I would now like to discuss the variety of legal assistance available to Members of Congress. This will bring us into contact with a little known but extremely valuable Government lawyer—the legislative attorney. There are, of course, two avenues of internal legal assistance to Congress; namely, the Office of the Legislative Counsel and the legal staff of congressional committees. In addition to these familiar sources, Members may seek advice and assistance from lawyers on their own immediate staffs and from the lawyers of the American Law Division, Legislative Reference Service, in the Library of Congress.

Although the ready availability of such legal assistance to Members comes as little surprise to anyone, the role of the legislative attorney is not as well-known as that of his counterpart in the executive branch. The reasons for this relative obscurity are explained partly by the anonymity that cloaks his work, and partly because relatively few lawyers have the same personal contact with Congress as an institution as they do with other branches of Government.

Despite this relative obscurity, the legislative attorney plays an important role in shaping the body of law which affects every one of us. Both in terms of influence and numbers, lawyers predominate off as well as on the floor of Congress. The predominance of lawyers in the Capitol will, if anything, continue to grow with the increased size and complexity of the congressional workload and the demand for persons with legal training.

The makeup and activities of the modern Congress are a far cry from those of the First Congress in 1789. The 26 Senators and 65 Representatives who met in 1789 had only a very tiny staff to assist them with their legislative activities. These activities consisted chiefly of action on little more than 100 pieces of legislation involving a total expenditure of $4.5 million for the entire Federal establishment.

The present Congress, composed of 535 Members, will have before it some 18,000 bills and will pass on two annual budgets exceeding $100 billion each. In contrast to the First Congress which had only a handful of committees and conducted no investigations whatsoever, contemporary Congresses devote a great deal of time to legislative oversight and investigation. Unlike their 18th century predecessors, today Members have a fulltime, year-round occupation the scope and breadth of which requires the help of more than 2,500 nonclerical staff aids, including more than 500 persons with legal training.

Of the four kinds of legislative attorneys who assist Members in the performance of their legislative duties, doubtless those on the Member's personal staff have the broadest range of activites. Commonly referred to as legislative assistant, the staff lawyer is responsible for such things as analyzing legislation before the Members committee or before the entire House, briefing the Member on all the relevant factors involved, and sometimes recommending a position for the Member to take. Some portion of his time also will be taken up by the preparation of bills and amendments for the Member himself to introduce, and assisting the Member in working toward favorable action.

In addition, the legislative assistant, as a member of the staff, is frequently called upon to shoulder many of the other activities of the office. Thus, it is not unusual for him to draft answers to constituent correspondence and assist visiting constituents in their business dealings with the Federal Government. On occasions he may be called upon to stand in for the Member at a speaking engagement or to testify on his behalf.

Because of the farflung nature of his responsibilities, the legally trained staffman learns early the importance of cultivating contacts with various sources of "expertise" which will save him a great deal of time and effort. These contacts number among them his brother attorneys on the committee staffs, the Legislative Counsel, the Library of Congress, and in the executive branch of the Federal Government. Frequently, he will call on, and seek advice on specific matters from, nongovernmental sources, such as bar and trade associations, colleges and universities, and lobbyists.

Hence, the legislative assistant frequently is, in a very real sense, the Member's alter ego. The price paid for this close association with the Member is a high degree of anonymity outside the confines of the congressional office.

Whether the Member himself is a lawyer and/or has a lawyer on his staff, both eventually call upon the legal experts employed by the 16 Senate and 20 House standing committees that handle legislation, and some 15 or more special, select, and joint committees which are primarily concerned with conducting investigations. As might be expected, the narrow range of subjects over which each committee has jurisdiction, virtually assures that the lawyer on the staff is a qualified expert.

Although appointments of committee staff personnel are generally made by the chairman alone or in consultation with the ranking minority Member, committee aids have a responsibility to all the members of the committee. They are expected to furnish factual information about matters of committee business to any Member who requests it, including those not on his committee.

In addition to assisting Members, committee counsel are responsible for virtually all aspects of the functional operations of the committee. He prepares for hearings by calling for and arranging the appearance of witnesses, establishing lines of inquiry, and getting all the relevant legal and factual source materials. He briefs Members on all matters which arise in connection with the hearings, and upon their conclusion, assists in the committee's final deliberations, including the markup of the bill and the preparation of committee reports.

The submission of a report does not signal the end of committee counsel's involvement with a particular bill. When a bill is being considered by the entire body, he may be asked to assist in the preparation of statements or otherwise familiarize noncommittee members with the salient details of the legislation. Finally, he must be available to assist conference members who are appointed to reconcile any differences in the Senate- and House-passed versions.

Perhaps the most specialized work in the legislative branch is performed in the Office of the Legislative Counsel. Both the Senate and the House have their own office to which members and committees turn for bill drafting services. These services are available at every stage of the legislative process—from initial preparation of a bill, to drafting amendments, to harmonizing the compromised version with the original text. The personnel of the office may also be consulted with respect to a draft prepared from any of the innumerable and diverse sources of legislation.

The art of drafting legislation is a highly specialized skill. It is an art which calls for competence of as careful an order as that required for other legal documents of the highest importance. Not only the words to be used, but also the organization and framework of the draft, as well as the sanctions, if any, by which it is to be carried into effect, must be considered and chosen with care. It requires, above all, a thorough knowledge of the subject matter of a particular measure—statutory and decisional law, administrative interpretation, as well as the entire frame of reference in which it is to operate. This formidable task is the responsibility of the legislative counsel and the 20 or so men that staff each of the offices.

Somewhere within the structure of Government there is, of necessity, a place to which legislators turn in some numbers for information. This is the function of the Legislative Reference Service in the Library of Congress. Both Members and committees are continually confronted with complex problems upon which they are supplied with reports, opinions, and recommendations of departmental experts. To assist Members, the Legislative Reference Service will report on those problems by its own team of trained specialists. In this way, Members will obtain an impartial presentation of the facts by experts who have no axe to grind. The result is that Members of Congress and congressional committees, have available on the one hand, reports of the executive departments, and on the other hand, the reports of impartial experts.

In particular, the American Law Division of the Legislative Reference Service, consisting of some 18 lawyers, service members, and committees with a broad range of legal reports. These include such things as surveys of Federal and State legislation on a subject, legislative histories of a given measure, arguments on the constitutionality of a bill, and analysis of court decisions.

In addition, on particular request of a Member, statements will be prepared for specific use in connection with remarks on the floor or elsewhere.

Finally, the lawyers on the Legislative Reference Service staff are available for consultation on any subject within their special competence.

Lawyers in the legislative branch perform a variety of important roles in the effective operation of the Congress. By virtue of their legal training, they provide analytical skills indispensable to intelligent and judicious lawmaking. In these varied undertakings they perform what Justice Frankfurter described as "work of the greatest possible value to an ordered society."

"In all the diversity of our great functions," he went on to say, "I deem them great who belong to the great symphony that makes the legal music of the world and particularly our world, our country." (18 Fed. Bar Journal 24, 32 (1958).)

CENTENNIAL ANNIVERSARY OF CANADA

Mr. JORDAN of Idaho. Mr. President, this year marks the 100th birthday anniversary of Canada, our good neighbor to the north. With the observance of this milestone event, it is indeed fitting that we of the United States should reiterate our continued commitment to the productive spirit of cooperation which has characterized our relations with Canada.

A decade ago, I was honored to represent the United States in negotiations with Canada as chairman of our delegation to the International Joint Commission, a body which is itself a tribute to cooperation. My experience on the Commission enriched my admiration for Canada and Canadians. Our great northern neighbor occupies a special place in my own affections.

But I believe that Canada has a special place in the hearts of all citizens of the United States. Our two peoples have fought side by side in war and have worked together in peace. We have forged an impressive tradition of common interest and common cause. Without question, it is the desire and policy of the United States that this extraordinary relationship should continue.

My State of Idaho shares a boundary with Canada. The Idaho Legislature, in recognizing this historic year for Canada, has stated that this border "has always been more a landmark of mutual understanding than a line dividing our interests." This is a truth of precious value to both our Nations.

However, a recognition of mutual understanding demands reciprocity of respect. Such is the essence of relations between good neighbors. Our profound respect for the sovereignty of Canada has been and should always be the basis of our ongoing dialog of cooperation. Emphasizing this respect, I join in wishing Canada well as she enters her second century.

It is a considerable pleasure to me that the State of Idaho has approved a memorial extending to Canada the State's warm good wishes in this anniversary year and in future years. I ask unanimous consent that the memorial be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

S.J. MEMORIAL 11

A joint memorial to the Prime Minister, the Governor General and the Parliament of the Dominion of Canada

We, your Memorialists, the Senate and the House of Representatives of the Legislature of the State of Idaho assembled in the Thirty-ninth Session thereof, do respectfully represent that:

Whereas, Idaho points with sincere pride to many ties with Canadian enterprise and history dating back to the exploits and achievements of the great men of the Hudson's Bay Company, founders of Fort Boise, which even today gives its name to our state capital, and

Whereas, Canada sends Idaho more visitors than do even some of the sister states in our Union and resulting ties have been of great mutual benefit and that numbers of our citizens have served with honor and distinction in Canada's armed forces, and

Whereas, the border between Idaho and Canada has always been more of a landmark of mutual understanding than a line dividing our interests and as Dick d'Easum, one of Idaho's most distinguished writers comments, "Canada is an honest neighbor. If she needs a cup of sugar or a potato to help out when company comes, she can borrow it here." And

Whereas, July 1st of this year marks the one hundredth birthday of Canada;

Now, therefore, be it resolved by the Thirty-ninth Session of the Legislature of the State of Idaho, now in session, the Senate and the House of Representatives concurring, that on behalf of the government and the people of the State of Idaho we extend our heartiest best wishes to the government and people of Canada, that all the blessings of peace and prosperity may be theirs in a great future in which our nation and our state, too, may share.

Be it further resolved, that the Secretary of State of the State of Idaho be, and he hereby is, authorized and directed to immediately forward certified copies of this Resolution to the proper officials of the government of Canada that both government and people may be made aware of the import of this Resolution.

REAPPORTIONMENT AND THE LEGISLATIVE PROCESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a paper prepared last year by Mr. J. David Eberly on the subject "Reapportionment and the Legislative Process."

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

REAPPORTIONMENT AND THE LEGISLATIVE PROCESS

Mr. BYRD of West Virginia. Mr. President, during the spring semester at the American University, Washington, D.C., I conducted a seminar at the law school on the subject, "The Legislative Process." One of the students, Mr. J. David Eberly, prepared a term paper entitled "Reapportionment and the Legislative Process." For the benefit of college students throughout the country, I ask unanimous consent that Mr. Eberly's term paper may be printed at this point in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD as follows:

"REAPPORTIONMENT AND THE LEGISLATIVE PROCESS

"(By J. David Eberly, Term Paper for Legislative Process Seminar, Washington College of Law, Spring 1966)

"Introduction

" 'Reapportionment should not be thought of solely in terms of a conflict of interests between urban and rural areas. In the long run, the interests of all in an equitable system of representation that will strengthen State government is far more important than any temporary advantage to an area enjoying overrepresentation.' [1]

"This seminar paper basically asks three questions. What is reapportionment? What is the legislative process? In what ways has the legislative process been influenced by the nationwide activities and problems surrounding the reapportionment issue? Inasmuch as the seminar has taken the form of a course in law and its subject is the legislative process my paper will deal less in terms of the first two questions than with the latter. My stated supposition is that there is a familiarity by the student with the reapportionment issues and cases in general and a workable acquaintance with the legislative process so that primarily the function of this paper is to examine the relationship of these two forces. How has reapportionment affected the processes whereby laws are proposed, initiated, examined, debated, directed, adopted or defeated? In what ways have the country's institutions and traditions been threatened or changed? As a result of reapportionment? What are the anticipated results to be seen in the future, and perhaps the question that begs the most important answer is whether or not the changes brought about by reapportionment will solve the problems which, it has been argued, are the causes for the need behind reapportionment? In other words, will reapportioned legislatures be able to cure the social and political illness inherent in the so-called old regime of malapportionment?

"Even though I have assumed much in the way this paper has been organized the end result may appear to be more of a political science discussion than one of law. This is almost inevitable for the ideas that are connected with this problem are deeply involved with political theory. Questions of republicanism, democracy, representation, and politics have too much at stake here to be ignored.

"It is also to be noted, by way of introduction that the material available on this subject is virtually inexhaustible. To the student it would appear that almost everyone has written about it, from political science professors, lawyers, journalists and teachers to the legislators themselves including many very eminent United States Senators. My research has in no way begun to exhaust the possibilities; it could not if an entire year were dedicated to the study. This is secondary research in that basically I have read what others have written and from them have I gained the ideas to be presented. These sources have been filled with comments hitting at the very heart of our political system. It is not difficult to see how the fibre of such discussions might tend to become emotional, for when men and women feel threatened they are apt to react in many ways. As a personal opinion, I should hasten to say that there is a great deal to be said for 'both sides of the issue,' not in terms of city vs. rural people, but in terms of complete reapportionment vs. against no reapportionment at all. I must confess that prior to my reading I had little or no sympathy or understanding for those fighting the reapportionment trend. I now testify that they have many compelling arguments.

"This paper will be divided into four parts. In the first section I want to discuss what many see to be the causes of the problem. Why did the reapportionment movement begin? What were some of the social and political forces that led to its initiation? By understanding what lies at the roots it should be an easier task to determine what results reapportionment will yield. The second section will deal generally with a question of political philosophy. What does representation mean? Whom does a representative actually represent? What have been the different historical interpretations of this idea called republicanism? An understanding of what the reapportionment drive is trying to accomplish can come only as one understands this very basic concept, for otherwise malapportionment would be as satisfactory a political interpretation of republicanism as fair apportionment and yet they stand as direct opposites in political theory. The third section will briefly survey what has been said by the courts and commentators about reapportionment. What is it? How has it come about? What does it mean in terms of our existing institutions? The last section describes what changes and results have been observable and some predictions for additional change. This part, I hope, serves as the conclusion to a logical development of the idea. It may seem that I have chosen the technique of asking rather than answering barrages of questions. If this is so it is because the country is yet attempting to discover how reapportionment will, in fact—not theory, affect it. We are adjusting to legal decisions which have been laid down which will indirectly affect us more, than probably any others in our legal history. There is little wonder that the simple question is more easily forthcoming than the simple answer.

---

[1] Report by the President's Commisison on Inter-Governmental Relations, 1955.

"Roots of reapportionment

"If the reapportionment problem is the tree the tangle of events that has supported its growth may well be seen as its roots. In this case social politics has reversed the laws of botany, for the roots and the plant are of a totally different stock. What can be said as to the forces in the background that have led to reapportionment? There are those who have said that the place to begin is to see this as a treatment of an episode in the urbanization of the American community.[3] In other words to use an old test of the law of torts, 'but for' the growth of urbanization in our country there would have been no need for or cause of reapportionment. Urbanization has involved not only the growth of American population over the past years, but also to a great extent its relocation. In 1790, almost a decade following the beginning of our Republic only four per cent of the American population could be said to be urban. By 1962 the figure had changed to seventy per cent. Seven out of every ten persons in this country live in a community (city, town, or suburb) setting. In a little more than one hundred seventy-five years better than six and a half persons out of every ten in the United States moved from a farm to the cities. The result of this migration has been that now some seventy-five per cent of the people live on about one per cent of the land. This mobility of our population has many immediate problems relating indirectly to the issue of reapportionment. Among them is the resulting loss of vote because of residence requirements. '. . . it is estimated that somewhere between six and eight million persons lost their vote in the 1960 presidential election because they had changed residence shortly before election day.'[2] One of the results of this mass movement of people has been the creation of what Professor Schattschneider has called a national politics.[4] Interstate systems of transportation and communication have combined to give the people a national outlook which has been assisted by the efforts of the national political parties. As a consequence many of the older political alignments based on sectionalism and geography are being displaced.

'People do not feel the loyalties to county and state if they are relative newcomers as much as they once did when their entire life was spent in the community of their birth. 'Geographically, the states are obsolete,' insists writer-professor Jerome Ellison, 'Their boundaries were drawn on the bases of political realities of 50 to 300 years ago.'[5] It is the competition thus engendered between state and national politics[6] for the favor of and service to the people that has been a resulting part of the urbanization movement. This competition has not always come about out of what critics of big government have called the insatiable thirst for power by the national government. In many cases it came about because conditions on the state level were so bad that there was no alternative. What has been at the heart of the inability or unwillingness of state governments to solve the problems of the people? In its simplest terms the problem can be stated by saying that the movement of the people from the country to the towns was not correlated with a corresponding examination or change in the basis of representation from election districts to those state legislatures. Representation remained pretty much by tradition as it had always been. 'Well,' one might ask, 'what is at fault in this?' John Locke commented many years ago concerning almost an identical problem faced by the English in their Parliamentary elections—a problem resulting from the migration of people from the country to town because of the job opportunities created by the industrial revolution.

" 'To what gross absurdities the following of custom . . . may lead . . . when we see the bare name of a town of which there remains not so much as a ruins, where scarce so much as a sheepcote or more inhabitants than a shepherd is to be found, sends as many representatives to the grand assembly of law makers as a whole county numerous in people and powerful in riches.' [7]

Armbrister, in his article[8] has laid the issue squarely in the laps of malapportioned state legislatures where rural groups—the 'Cornstalk Brigade' in Ohio, 'Appleknockers' in New York, 'Kerosene Kult' in Vermont have thwarted the efforts of the urban legislators to assist in urban problem solving. Senator TYDINGS of Maryland, in commenting of the extensiveness of such conditions throughout the nation[9] noted that by the mid-1950's only Massachusetts and Wisconsin had equitable representation in both houses of their state legislatures. These inequitable conditions were the result of urbanization. Statistics could be quoted almost endlessly to indicate the inequality of control in legislatures throughout the country. To sample just a few[10] we find that as of 1964 26 of the 50 state senates were apportioned in such a manner that 40% or less of the voters in those states could elect a majority of the senators; 25 or 49 lower houses were equally malapportioned. Eight per cent of the electorate of Nevada could elect a majority in the Nevada Senate. In the lower house in Connecticut one representative was elected by 428 times as many voters as another from a rural district. The editor of a major magazine[11] reports that one State Senator from Los Angeles, California, represents 6,038,771 people while one of his brethren from the north eastern part of the state is responsible to only 15,300. In my own state of Maryland the five most populous State Senatorial districts have a combined population of 2,335,000 which is 75% of the total State population. Yet they elect only 57% of the members of the House of Delegates and 35% of the State Senators The Senator from the largest county in Maryland alone represents more people than does a majority of his colleagues combined.[12]

"We might inquire into the practical results of such apportionment. What have been the effects of such legislature? Mayor McKeldin in his testimony[13] discussed the financial crisis of Baltimore. He noted how the present urbanization movement is from inner city to suburb. People are leaving Baltimore because property taxes are too high and the people coming in are unable to meet the high real estate tax levels. Property values are dropping and so is the ability to pay. Many times the city has gone to the state legislature to ask for permission to broaden its area of taxation—to no avail. Requests for sales and income taxes were refused.[14] Legislatures have too long held to ancient prerogatives of interfering in local city affairs. Home rule has been slow in coming. In Maryland only three counties and Baltimore city have a form of home rule. It has not been too many decades ago that state legislatures were debating appropriations for a city hall for Philadelphia, fire engines for Maryland cities and police protection for New York City.[15]

"To be sure, the defeat of proposed legislation is as much a part of the legislative process as its passage. This veto power has been the most effective measure employed by rural representatives,[16] who often have not come to the legislature with any other motive than to kill a certain bill. For example, the Indiana legislature has consistently refused to allow the city of Indianapolis to accept federal grants to be used for urban renewal. It has allocated state gas tax funds for repair of county roads, but steadfastly denied them to the city. A case in point was reported recently in activities in the Maryland General Assembly.[17] State Senator Gude of suburban Montgomery County had sponsored a bill to raise the minimum driving age to 18 unless 16 and 17 year olds had participated in a state accredited driver training program. He thought this would help solve a nationwide highway safety problem particularly acute in congested urban areas. He was supported by Anne Arundel and Howard Counties of the fast growing Baltimore-Washington area. Rural legislators had other ideas and argued that farm youngsters could learn to drive without such lessons. Senator Thomas R. O'Farrell of rural Carroll County was quoted, 'It's going to inconvenience a lot of people, this thing. Frankly, I don't think it will save the life of one no-good scoundrel. My boy is going to drive too fast, just like I do. It's not lessons. * * * You're got to change people up here,' (he said pointing to his head) 'We have boys 7, 8, 10 years old driving tractors with ten tons of equipment behind them. You all don't mind imposing these hardships on people in the country.'

"The crux of the problem has been pointed out by several commentators. Senator TYDINGS has said, 'Most State legislatures have simply been out of touch with a majority of the people of their states.'[18] Professor Schattschneider had much the same thing in mind when he observed that the power to 'rationalize the structure of local government is vested in state legislature which are out of touch with urban problems and too antiquated to do anything about them.'[19] But the problem has been clearly put before us when we realize that these issues of urban government over which states are ineffectually struggling affect the welfare, health, and happiness of nearly three-fourths of the American people. Institutions to cope with problems of public policy, power, finance, and public administration need to be found. That existing state governmental institutions have been indicted for their shortcomings, has been evidenced by a periodic reading of the newspapers. The closing of the 1966 session of the Maryland General Assembly saw failures in the areas of redistricting—both at the Congressional and State level—and a tax reform bill which was designed and strongly urged as a means of supporting big-city education in Baltimore. The last term of a retiring governor and general lack of unity by the Assembly leadership produced a hectic turmoil bordering on the ridiculous.

---

[2] Schattschneider, E.E., "Urbanization and Reapportionment," 72 Yale L.J. at p. 7.

[3] New York Times, Aug. 11, 1962, p. 18, Col. 1.

[4] Schattschneider, E.E., op. cit. at p. 8.

[5] Armbrister, Trevor, "The Octopus in the State House," Saturday Evening Post, Feb. 12, 1966 at p. 26.

[6] Schattschneider, E.E. op. cit. at p. 9.

[7] Subcommittee on Constitutional Amendments of the Committee on the Judiciary, U.S. Senate, 89th Congress-First Session, "Reapportionment of State Legislatures," 1965, at p. 650.

[8] Armbrister, Trevor, Supra at note 5.

[9] Tydings, Joseph D. U.S.S., "The Last Chance For The States," Harpers, March, 1966 at p. 24.

[10] Saunders, Albert C., "The Right to an Equal Vote," National Council of Churches, Washington Office, August, 1965.

[11] "Are Farmers Better Than City People?" Saturday Evening Post, June 19, 1965 at p. 90.

[12] Testimony of the Hon. Theodore McKeldin before Subcommittee on Constitutional Amendments, Supra at note 1, p. 6.

[13] Testimony of the Hon. Theodore McKeldin, op. cit.

[14] It should be noted that at the conclusion of the 1966 session the Maryland General Assembly did vote an optional one per cent income tax for the use of local governments.

[15] Subcommittee on Constitutional Amendments, op. cit. at p. 770.

[16] Armbrister, Trevor, op. cit. at p. 29.

[17] Homan, Richard, "Rural Group Again Heads Off Gude At Pass," Washington Post, February 3, 1966.

[18] Tydings, Joseph, op. cit.

[19] Schattschneider, E. E., op. cit. at p. 11.

"A reporter summed it all up by noting 'the sorry spectacle of an archaic and ineffective state government, shorn of leadership, bled of morale, and unable to deal effectively with the pressing issues of its time.'[20] The analysis[21] as to why this is so includes, among its reasons, not only malapportionment, but also lack of sufficient salaries[22] to interest capable people other than those of independent means of support and woefully inadequate legislative sessions,[23] with mandatory adjournment deadlines. This void of action at the state level coupled with the trend toward a national politics has resulted in increased activity at the level of national government. 'The federal government,' observes Saunders, 'now participates extensively in areas of governmental activity, such as welfare, education, housing, health and highways. Most of the problems are essentially urban in nature, and the new role of the national government results from urban pressures. The existence of these pressures is in part of a response to the stagnant structure of local government and malopportionment.'[24] In part the federal response to this pressure can be seen in the newly created cabinet position of Secretary of Housing and Urban Development. To those for whom such federal intervention is disagreeable one can only ask—what is the foreseeable alternative? In 1953, President Eisenhower appointed a special commission to try to determine what powers the states wanted to recoup from the federal government. Their report indicated that the states really didn't want to recapture a single important function.[25] The report, set out in part below, indicates the potential result of the look toward Washington.

"'If States do not give cities their rightful allocation of seats in the legislature, the tendency will be toward direct Federal-municipal dealings. These began in earnest in the early days of the depression. There is only one way to avoid this in the future. It is for the States to take an interest in urban problems, in metropolitan government, in city needs. If they do not do this, the cities will find a path to Washington as they did before, and this time it may be permanent, with the ultimate result that there may be a new governmental arrangement that will break down the constitutional pattern which has worked so well up to now.'

"'One result of State neglect of the reapportionment problem is that urban governments have bypassed the States and made direct co-operative arrangements with the National Government in such fields as housing and urban development, airports, and defense community facilities. Although necessary in some cases, the multiplication of national-local relationships tends to weaken the State's proper control over its own policies and its authority over its own political subdivisions.'[26]

"Some ideas on representative government

"If American forms of government were like these assemblies of ancient Greece the problem of reapportionment would be relegated to academic discussions of the political philosophers. However, the population growth of democracies has proven that pure democracy is unwieldly and so republicanism or representative democracy has become necessary. With representative government has come the concurrent problem of representation or apportionment. There is not a real need here to build a case for the importance of suffrage. The casting of the vote is the process by which the individual delegates authority to another in his behalf. One who does not cast that ballot or who is prevented from doing so takes no part in the decision making process. The franchise in a republic is all important. It is the private citizen's only direct activity in government. It is by casting his vote that he helps to insure a government being directly responsive to his needs and wishes rather than becoming despotic-benevolent or otherwise. As each voter casts his vote the government should hear him equally as well as each and every other.

"As we view the development of early representative bodies, it may be noted that their first functions were neither legislative nor was their apportionment popularly equitable.[27] They were primarily gatherings of representatives of classes who met to bargain with the King. The matter of a tax levy was always facilitated for the King when the representative body agreed to it. Their bargaining power, or price was usually the right of a presentation to the King of complaints and petitions for his favor. These people may be seen as little more than agents of local powers acting under special instructions or mandates.[28] The English Parliament and French Estates General of pre-revolution days are examples of assemblies made up of group or class interests. Aristocratic, commercial, eccelesiastical and industrial interests were thought to be sufficiently different that their voices should be segregated and heard separately. Friedrich considers that even today the most important function of legislatures is not so much the initiation of legislation, even though this is considered the peculiar province of representative assemblies, as is the carrying on of popular education and propaganda and the integration and coordination of conflicting interests and viewpoints.[29] The clash of argument in debate precipitated by divergent interests brings out in a healthy manner the pros and cons of pending proposals in a manner necessary for intelligent legislating. How then may a system of politics insure that these differing interests are present in their representative assemblies? One alternative that comes to mind first is that of having a national at-large election. This would certainly insure that everyone had an equal voice in the selection of representatives and consequently that there would be fair apportionment.

"A closer examination of this at-large election presents a less optimistic picture. With a single majority and a single minority the winner, in essence, takes all and no one is present to speak the dissident minority voice. The minority becomes dependent upon the majority to be benevolent without the benefit of a nagging, loyal opposition. In effect, this would destroy two party politics. Many factors have been advanced[30] as bases of representation other than strict accord with population; such as geography, historical tradition, political unit boundaries, and property value to name but a few. The burning question is whether and how extensively they may be used. Some fundamental questions of public political policy need to be determined as they become reflected in a system of representation. What is it that needs to be protected—property interests or people? What is the ultimate basis of suffrage—what one stands to gain from government or what one stands to lose to government? The United States Supreme Court has clarified this public policy when it said, "Neither acres, nor trees, nor cows are entitled to vote, and their owners should not be favored in the legislative councils because of the fact of ownership."[31]

"Historically, our country in rejecting the idea of at-large elections in an effort to make sure different interests were heard in government settled on representation based on factors such as history and geography. There are those current writers who feel this is as important a judgment as has been made in determining apportionment, even more so than making sure every person is equally represented. A state has the right to make this policy decision, according to Justice Harlan in his dissent to the *Baker* decision and it is no more illogical or discriminatory than levying a tax on property rather than income. Both are legislative judgments.[32] Whenever a government operates under such apportionment, however and this legislative judgment gives equal voice to minority sections such as rural areas, the cry of discrimination is immediately raised. In response to a proposed Constitutional Amendment introduced by Senator Dirksen (discussed later in this paper) which would give the states the right to eventually make such a legislative judgment an editorial of a leading magazine proclaimed, "let no one be deceived. The proposed amendment actually is based upon the wrongheaded premise that some Americans are more worthy than others—in short, that men who live in the open country, near the soil, possess a natural ability and earthly wisdom that entitles them to dominate the corrupted city dwellers."[33]

"Part of the argument for unit representation rests in the theory of bi-cameralism. The proposed Dirksen Amendment is based on this also. Basically its logic is that the United States Congress is apportioned on the basis of both population and units. In keeping with this precedent there ought to be an opportunity for one house of each state legislature to be based on a plan similar to that of the Senate of the United States. This Federal analogy argument was foreseen and answered by Woodrow Wilson many years ago when he wrote:

"'No such historical reason exists for having two houses in the States. The object of the Federal arrangement is the representation of the two elements on which the National Government rests, namely, the popular will and a Federal Union of States. The State legislatures have two houses simply for purposes of deliberateness in legislation . . . The double organization represents no principle, but only an effort at prudence.'[34]

"Another idea of interest and importance that should not be overlooked is the outlook of the representative (not represented) body. To pursue this question is to ask—to whom do the representatives owe a responsibility, only to those who voted for them, to those of the particular area from which they come, or to the state or nation (whichever the case may be in a state or national body) as a whole? In short, is he an agent of his senders or an official of the government as a whole? To the extent that he is seen as an official of the whole the question of the means of election and the basis of apportionment lessens in significance. That our country and its government is viewed as a whole unit was declared by President Lincoln in his rejection of the doctrine of secession. The Constitution is a compact of the people of the United States and not a compact between the States.[35] This was a basic premise on which the conflict of the Civil War was, in large part, based. Lewis Dexter seems to be of the opinion that legislators are not at all united in their approach to this question. They see their obligations either to this whole or to their own constituency exclusively. Other possible obligations such as to foreign allies, for example, are seldom considered.[36] Strong motives for responsibilities to voters occur frequently. Dexter again cites, 'A Congressman of my acquaintance took about 100 letters which he received on a particular issue and checked the registration of the writers. He found that almost three-quarters of them were not registered in his district. What difference then would their views make with respect to his prospects for reelection?' [37] No less a Parliamentarian than Edmund Burke sees a representative assembly as being responsible to the whole. He writes:

---

[20] Dessoff, Alan, "Plight of Assembly Traced To Tawes," Washington Post, March 30, 1966.

[21] Saunders, noted supra at note 2 on p. 7.

[22] New Hampshire legislators are paid $100 per year. 34 states pay their legislators $2500 or less per year.

[23] 31 states alternate yearly sessions of 30 and 90 days.

[24] Saunders, noted supra at note 2 on p. 7.

[25] Armbrister, op. cit. at p. 27.

[26] Report of Presidential Commission, noted supra at note 1, p. 1.

[27] Friedrich, Carl, "The Dual Nature of Representation," *Legislative Politics U.S.A.*, ed. by Theodore J. Lewi, Little Brown, 1965.

[28] Friedrich, Carl, op. cit. at p. 3.

[29] Ibid at p. 10.

[30] McCloskey, Robert, "Foreward: The Reapportionment Cases," 76 Harvard Law Review 54, 1962.

[31] Baker v. Carr, 369 U.S. 186, 1962.

[32] Dissent of Justice Harlan in Baker v. Carr, cited supra in note 2 at p. 15.

[33] "Are Farmers Better Than City People?" op. cit.

[34] Subcommittee Report cited supra (at note 1 on page 6) at page 651.

" 'Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; Parliament is a deliberative assembly of one nation, with one interest—that of the whole—where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed: but when you have chosen him, he is not a member of Bristol, but he is a member of Parliament.' [38]

"That Congress is a national assembly may be seen by the facts that Congressional salaries are paid from the National treasury, each house is the judge of the qualifications of its own members, and may make its own rules and discipline its members. The same arguments can be made for state legislatures representing the state as a whole rather than counties or other smaller units. Why then, if we are to accept this premise, do legislators feel so responsible to the interests of their own home location? Why wouldn't at-large elections insure the most equitable means of selecting representatives oriented to the whole and why then worry about malapportionment at all? Without dealing again with these questions we seem to have come the full circle in this discussion of representation. The most we might say is that an elected body may and usually will be both a set of agents from different interests as well as a representative group determining the common interest.

"As a legislature draws its capacity to make law from its representatives, its ability to balance the interests of the community rests with its ability to reflect them in proportion to their actual occurrence in the community itself.[39] We are concerned then, in securing a representative assembly which reflects with more or less mathematical exactness the various divisions in the electorate. This leads us to an examination of exactly what is fair apportionment. Two elements are suggested; first that all interests are heard and represented. Friedrich says that our system requires a drawing from every geographical area of the country,[40] and Bickel carries this argument to its extreme, but perhaps logical conclusion in the following excerpt:

" 'It is irrational and does it represent no policy to wish to maintain two party balance in a State of predominantly Democratic registration by insuring Republican control of one house of the legislature? Is it irrational to wish to insure the election of one Republican representative from Manhattan? Is it irrational or otherwise forbidden so to Gerrymander districts that a solid Negro or Puerto Rican vote is insured, thus making certain that legislative bodies will contain members of these minority groups?' [41]

"The second factor appears to be that these interests are heard and represented in proportion to their size. In other words, fair representation is an assurance that each person will have, as nearly as possible, an equal opportunity to share in the political process through which the persons charged with the legislative function are chosen. Allan Sindler has set out the meanings of these two terms succinctly when he said, 'The more equally represented are the voters, the more equitable can the "apportionment" be said to be. Conversely, "malapportionment" sets in at some point—the exact location depending on one's standards—as one moves away from an identical 1:1 ratio of representation among all voters throughout all political subdivisions.' [42]

"Reapportionment

"As has already been noted, much of the legislative history of our country testifies to the importance of the right to vote. We have moved to throw down suffrage barriers based on wealth, sex, former condition of slavery or servitude, race and ability to pay taxes. The reapportionment issue extends the importance of voting by saying, in essence, that not only the right to vote, but the right to an equal vote is basic to democratic survival. The process of reapportionment begins when notice is taken of such inequality of voting strength and steps are inaugurated to equalize it as much as possible. So far we have been talking in terms of apportionment in general, but it must be realized at this point that it affects legislative life at two levels of government. Distinguishment needs to be made between reapportionment of State legislatures, which by and large has occupied the bulk of time and effort of the courts, and Congressional redistricting—in other words drawing up equal districts in terms of population from which to send representatives to the United States House of Representatives. The reason that these two aspects of the reapportionment problem are seldom separated in general discussions is that the responsibility as well as the failure to act is inherent in the states. The problem has gained prominence, with obvious necessity when the states have failed in their responsibilities to make the necessary adjustments. A second distinguishment that needs to be made for clarification pertains to the method of reapportionment. How should or rather how is this all coming about? In the early 19th century in England, notice was taken of what was termed rotten boroughs and the problem of malapportionment in general by Parliament. The Reform Bill of 1832 sponsored by the Whig government of Earl Grey—in essence a piece of national legislation—effected the then desired remedy. This is the second concern, for when a legislature appears to be unable or even unwilling to participate in its own reapportionment, who will, or can do it for the legislative body? Do the courts have this power? In general, the reapportionment controversy has raged over the judicial judgments made and not over the legislative efforts.

"The legislature, and especially those legislators who have felt a responsibility to engage in self reapportionment have been hamstrung by a variety of barriers. The State Constitutions, for one thing, which have created and outlined the powers and organizational structure of the legislatures were drafted (the bulk of them) in the 18th and 19th centuries when government was considered as something less than desirable—a necessary evil so to speak, but surely not a positive instrument of society.[43] Legislative reapportionment by the legislatures has been compared to do-it-yourself surgery, a painful job that is apt to be done badly.[44] Self interests, whether personal, partisan or emotional make it difficult to insert the scalpel. In Maryland, for example, the General Assembly in its efforts at Congressional redistricting could not bring itself to eliminate one of the three representatives sent exclusively from Baltimore city. It may be noted that all three incumbents have sufficient seniority to hold important and powerful committee memberships in Congress and all three belong to the party that controls the General Assembly. Consequently, the legislature failed to adopt a plan. It now remains for the Federal District Court to do it for them. The most obvious question that comes to mind is whether a malapportioned ligislature can introspect its attention and cure itself? Can one expect a bill approving the destruction of a system to be adopted by that very same system? Mayor McKeldin of Baltimore does not think so.[45]

" 'I cannot find it in my heart to castigate the members of the State legislature who vote, in effect, to maintain their own advantage and that of their constituents. I may not like the way they vote, and I may not like the consequences, but I recognize their vote, in terms of political reality, as inevitable and natural.'

"Maryland, in effect, was stuck without the help of court intervention. The state ballot of 1950 called for a consensus vote by the Maryland voters on the issue of a Constitutional Convention. 200,439 voters approved such a call while 56,998 disapproved. In spite of this almost 4–1 edge and in violation of Article XIV, Section 2 of the Maryland Constitution the General Assembly has refused to pass enabling legislation to call such a convention which could have laid the groundwork for reapportionment. Critics point out, however, that the delegates to such a convention would be selected on the same malapportioned basis as those in the Assembly and consequently, the Convention would have served no useful purpose. The Maryland Court of Appeals has written off any chance of self-reapportionment when it said, 'the chances of the appellants' obtaining relief from the infringement upon their alleged Constitutional rights, other than from the courts, is so remote as to be practically nil.' It must be said that even in the face of legislative inactivity the courts have stepped in with the greatest of reluctance. A Federal District Court in Alabama said in 1962 that the 'duty to reapportion rests clearly on the legislature and the court was acting only because of long-continued default and total inability of the legislature to reapportion itself.'[46] The reluctance of some has gone so far as to be patently optimistic. Yet their optimism carries a hint that a judicial course of action is still open.

---

[35] Kelly and Harbison, *The American Constitution*, W. W. Norton & Co., 1963, at p. 395.

[36] Dexter, Lewis, "The Representative and His District," *Legislative Politics U.S.A.*, ed. by Theodore J. Lewi, Little Brown, 1965, p. 8.

[37] Ibid at page 88.

[38] Burke, Edmund, "Speech to the Electors of Bristol," *Legislative Politics U.S.A.*, op. cit.

[39] McKay, Robert, "Political Thickets and Crazy Quilts-Reapportionment and Equal Protection," 61 Michigan Law Review, 1963 at page 650.

[40] Friedrich, op. cit.

[41] Bickel, Alexander M., "The Durability of Colegrove v. Green," 72 Yale Law Journal, 1962, at page 43.

[42] Sindler, Allan, P., "Baker v. Carr: How to 'Sear the Conscience' of Legislators," 72 Yale Law Journal, 1962, at page 23.

[43] Armbrister, op. cit. at p. 71.

[44] Schattschneider, op. cit. at p. 12.

[45] Testimony of Theodore McKeldin, noted supra at note 4, p. 7 at page 834. The following exchange was recorded on page 639. Senator Tydings: "Could you conceive of the Maryland legislature submitting for the people of Maryland a fair apportionment plan under the present constituted malapportioned State Assembly?" Mr. McKeldin, "That would be impossible, in my opinion." Senator Tydings: "That is right—means nothing when you have a malapportioned legislature which is submitting the plan to the people."

" 'The legislative branch has, as yet failed to act. So long as time remains for performance, we cannot presume that once their duty has been called to their attention they will fail to carry it out.'[47]

" '. . . if the legislature neglects or refuses to make a fair, equitable and constitutional apportionment within a reasonable time after the 1963 legislature has been in session, then plaintiffs or others should not be prejudiced or prevented, by the decision in this case, from appealing to a federal court for redress.'[48]

"Why should the courts feel this reluctance to speak out in these cases? If one has been injured hasn't it been the historic purpose and function of the courts to give him assistance? Is it not the court that makes the aggrieved the equal of the aggravator? Lee Rankin strongly supports the judicial action at this point when he notes that, 'the Supreme Court in its historic action in the reapportionment cases has been faithful to its great role as the protector of democratic rights and institutions.'[49] In response to the accusation that by such action the Court has subjected itself to a loss of prestige he replies that it would have lost more prestige by ignoring the problem than by facing it. Another, but related issue is the question of propriety of a federal court intervening in the matter of the organization of state and local governments. Thus, the delicate relationship of federalism is subjected to more pressure. Mayor McKeldin raised this concern, even though recognizing the inability of his state to cure its own problem. He somewhat answered his own fears by saying, "However, they (Constitutional framers) did not intend the preservation of states' rights at the expense of individual rights, and they wisely provided instruments and mechanisms by which the Federal Government might restore individual rights whenever these latter were threatened at any other level of government."[50] Another fear of critics is that the court is now entering an area where it becomes involved in partisan political policies, for beneath the surface of most of the cases there has lain a political struggle. Rankin recognizes this, but says it is inevitable.

" 'Reapportionment normally involves a struggle of one political group against another for increased power. The manifest purpose of reapportionment suits is to aid the complainants in their efforts to exert a greater influence on legislation and political decisions than these who are in control of the legislature. In such a contest it is impossible to avoid the bitterness engendered by the effort to redistribute political influence from a group of "haves" to a group of "have nots." '[51]

"Such an attitude is tempered with a cautious warning from others. McCloskey suggests that the courts' value as constitutional tribunals would be seriously jeopardized if the public began to come to the conclusion that they were merely another legislature and that judicial appeal was just another way of expressing a super layer imposed on the legislative process.[52] Perhaps traditionally, the strongest argument against judicial intervention in such cases was a lack of discernible, effective remedies to be used by the courts. Some remedies that have been suggested and used to a degree are: injunctions against election officials restraining them from holding elections without a correction of existing malapportionment,[53] at-large elections—thus eliminating the discrepancies of unequal districts,[54] and writs of mandamus issues against the legislature itself. (The latter is not likely to be used in view of the difficulty of holding an entire legislature in contempt for failure to comply.) The lack of effective remedies has not seemed to present any discoverable hardship and the courts have not suffered any apparent loss of prestige because of it. McCloskey reports no instance of legislative defiance in the face of a judicial pronouncement[55] since the beginning of these cases. This says something of a very significant nature about the position of the courts in our political society.

"The remainder of this section will be devoted to a look at a sample of the cases that have affected apportionment. Basically the issue that brought the question to the court's attention was that unequal representation in State legislatures and the United States House of Representatives was a denial of the equal protection of the laws as required by the 14th Amendment to the Constitution. In other words, a person in a district of greater population and yet represented by an equal or lesser number of representatives than one living in a district of lesser population was not given an equal voice in the creation of law; therefore he was not equally protected. That these cases have been important is hardly a disputed fact. Senator Sam Ervin of North Carolina in one of our seminar sessions stated that in his opinion the 'courts have best influenced the legislative process through the reapportionment cases.' Lee Rankin feels that the *Baker* v. *Carr* decision among others of its successors will probably 'have a more far-reaching effect on the nature and development of American life and institutions than any other pronouncements . . . within modern times.'[56] Potentially the effect of these decisions will reach every subsequent piece of legislation. Let us look briefly at some of these decisions.

"The tradition that had developed in reapportionment cases was spelled out in *Colegrove* v. *Green*,[57] a 1946 case. Colegrove held, on a question of inequities in Congressional districts, that malapportionment is a 'political question' and therefore not meet for judicial determination. Political questions are those for which redress should be sought in the electoral, not judicial process; therefore such a question was held to be nonjusticiable. The Supreme Court developed this doctrine of non-justiciability on several grounds. The wrong complained of was not a private wrong, but one suffered by the entire body politics. To involve the judiciary in the politics of the people is 'hostile to a democratic system.' A due regard for the effective working of our government dictates that one branch should not do what is the responsibility of another. A final argument even saw the Constitution as being sufficiently viable to permit malapportionment, if legislatively determined.

"*Gomillion* v. *Lightfeet*[58] is seen as an assertion that the general matter of apportionment is justiciable under certain circumstances. This decision, handed down in 1960 held that the State leigslature of Alabama could not recast the municipal boundaries of Tuskegee in such a way as to exclude the plaintiffs from a rightfully held right to vote in municipal elections. The Court stated, 'Legislative control over municipalities no less than other State power, lies within the scope of relevant limitations imposed by the United States Constitution. The opposite conclusion, urged upon us by respondents, would sanction the achievements by a state of any impairment of voting rights whatever, so long as it was cloaked in the garb of the realignment of political subdivisions. It is inconceivable that the guarantees imbedded in the Constitution of the United States may thus be manipulated out of existence.'[59]

"By far, the case that opened the door for extensive judicial examination of apportionment was *Baker* v. *Carr*.[60] This case was brought by a citizen of Tennessee who noted that the Tennessee State legislature, contrary to State constitutional requirements had not reapportioned for sixty years. The complaint was brought on the basis that such malapportionment—the result of the failure of the legislature to reapportion—constituted a denial to the plaintiff of the equal protection of the laws under the 14th Amendment of the United States Constitution. The Supreme Court, in a precedent shattering 1962 decision held this to be a justiciable issue and preceded to make their examination. At least two things are important to note here: first of all it is a case of the federal court determining that a State legislature was violating this individual right and second, that the issue was brought under the 14th Amendment—a charge of discrimination—and not on the old orthodox issue that malapportionment was a violation of the Constitutional guarantee of a republican form of State government. Justice Brennan in stating the decision laid the issue of non-justiciability of a political question by saying, 'The political question doctrine, a tool for maintainance of government order, will not be so applied as to promote only disorder.'[61]

"It would appear to me, in terms of the matter of representation and the legislative process, that the Court set definite limits on the utility of the presently defined doctrine. For example, it is questionable whether representatives who have been elected from an unchallenged and malapportioned district could have their prior election challenged and subsequently thrown out on the basis of this case. '. . . when the senators and representatives of a State are admitted to the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority. And its decision is binding on every other department of the government and could not be questioned in a judicial tribunal.'[62] Justice Douglas in a concurring opinion stated that the test under which apportionment is to be judged is not universal equality, but whether or not the malapportionment injects an obvious and invidious discrimination on the plaintiff. The *Baker* case has, it goes without saying, been roundly discussed and resoundly cussed. McKay calls it one of the two most important cases decided by the Supreme Court in the 20th century.[63] *Baker* serves to strengthen and extend the most important voting function by protecting the integrity of the vote which is cast. Without this integrity, says McKay, the vote is meaningless. The dissent in *Baker* follows the old rule laid down in *Colegrove*; that the redress, if any, is to be found in an 'informed, civically militant electorate,' and not in the courts. 'Do not the legislatures have the right to remain silent?' asks Justice Harlan in a dissenting opinion.[64] Legislative inaction may be seen to be as surely an exercise of legislative power as legislative action.

---

[46] Sims v. Frank, 208 F. Supp. 431 (M.D. Ala. 1962) at p. 441.

[47] Michell v. Reusseau, 183 A2nd 817, Vt. 1962, at p. 823.

[48] Wisconsin v. Zimmerman, 209 F. Supp. 183 (W.D. Wis. 1962) at p. 188.

[49] Rankin, J. Lee, "The High Price Exacted for Not Entering The Political Thicket," 15 American University Law Review 1 Dec. 1965, at page 27.

[50] Testimony of Theodore McKeldin, cited supra note 4, p. 7, at p. 831.

[51] Rankin, op. cit. at p. 2.

[52] McCloskey, op. cit. at p. 67.

[53] Saunders v. Gray, 203 F. Supp. 158 (N.D. Ga. 1962).

[54] Carroll v. Becker, 285 U.S. 390, 1932.

[55] McCloskey, noted supra at note 3, p. 27.

[56] Rankin, op. cit. at p. 1.

[57] Colegrove v. Green, 328 U.S. 545, 1946.

[58] Gomillion v. Lightfoot, 364 U.S. 339, 1960.

[59] Ibid. at p. 344–345.

[60] Baker v. Carr, 369 U.S. 186, 1962.

[61] Baker v. Carr, supra at page 215.

[62] Ibid. at p. 220.

" 'Surely it lies within the province of a state legisltaure to conclude that an existing allocation of senators and representatives constitutes a desirable balance of geographical and demographical representation, or that in the interest of stability of government it would be best to defer for some further time the redistribution of seats in the state legislature.' [65]

"*Baker* was followed in 1964 by *Reynolds* v. *Sims*.[66] The *Reynolds* case restated the *Baker* concept—that the 'Equal Protection Clause' requires substantially equal legislative representation for all citizens of a state regardless of where they reside. This decision went further in a more specific manner to declare that in a bicameral state legislature the seats of both houses must be apportioned substantially on a population basis. This hit virtually all of the legislatures in the country. These bodies have had at least one house apportioned on a basis other than population. These county or unit areas of representation that were involved were, as we have already seen, the locus of extreme inequities in proportional representation. It had become a matter that the county or the unit or the chief economic or other interest group was that which was being primarily represented. This was what the Supreme Court was now striking down when they said, 'Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system.' [67]

"To dilute the weight of a vote, continued the court, because of the residence of the voter impairs his basic constitutional rights under the 14th Amendment as much as invidious discrimination based on race, sex or economic status. Political equality can mean only one thing—one person, one vote. A state may no longer give consideration to any of the following as an apportionment basis; history or tradition, economic or group interests, area, geography, desire to insure effective representation for sparsely settled areas, availability or access of citizens to their representatives, theories of bicameralism—except as approved by the Court, occupation, attempt to balance urban and rural power, and the preference of a majority of voters in the state. It may have been this last, as much as any other idea that prompted Justice Harlan in his dissenting opinion to *Reynolds* when he said, 'I believe that the vitality of our political system on which in the last analysis all else depends, is weakened by reliance on the judiciary for political reform; in time a complacent body politic may result.'

"Effect of reapportionment on the legislative process

"The task of drawing some conclusions is at once the most difficult in the analysis of this problem and yet few of the observations that have been made in this paper are separate from the legislative process. That apportionment is vitally concerned with the legislative process is not in dispute. The only figures I have ever seen on the importance of single votes were a part of a film [68] which claimed that in an off-year election the winner could be determined by getting the votes of an uncommitted 3 or 4 out of every 100 voters in each precinct of each district. The issue of apportionment which is directly involved in the location of these boundaries and the population make-up of those districts and precincts becomes a major factor in who gets elected to serve in the legislative halls of our country. Now that the Supreme Court has ordered the reapportionment of legislatures along certain lines and the fact that states are voluntarily complying one wonders what changes will be evident.

"One of the fears that was expressed as a reaction to the *Reynolds* v. *Sims* decision came from Everett Dirksen, United States Senator from Illinois. Senator Dirksen claims that in our haste to cure the ills of rural dominated malapportioned legislatures we will jump to the opposite extreme which is equally as disastrous. 'In turning the control of the State legislatures over to the cities, the court is giving to the city bosses the power to tax and with it the power to destroy.' [69] It becomes evident that just as urbanites have suspected rural interests because of what they have done in the legislatures so the rural interests are now afraid of what will happen when the 'shoe goes on the other foot.' Dirksen claims that the city 'machines' will determine where roads will be built, where school funds will go, where police protection will be provided and the disposition of welfare funds. Numbers, say Dirksen, don't hold the key to wisdom in terms of questions of public policy. Now, he charges, because of the decree of the Supreme Court California can be dominated by Los Angeles and San Francisco; Michigan by Detroit; New York State by the five boroughs of New York City and Pennsylvania by Philadelphia and Pittsburgh. To answer, at least in part, this fear one need only look to the United States Senate. Since the adoption of the popular election amendment potentially the large urban areas or cities in the states could control the election of the states' two Senators. It hardly appears that this possibility has harmed the caliber of the occupants of the Senate. The cities seemed to have helped in electing as capable Senators as the State legislatures did before them. Professor Hanson of American University claims this urban conspiracy is more myth than possibility.

" 'Urban and suburban citizens, who will receive their fair share of legislators at long last, are not a homogeneous mass of humanity. Their interests and politics are, as a rule, far more complex, diverse, and divisive than rural politics. Majorities and minorities are more likely to rest on temporary coalitions of interests than on urban-rural cleavage.' [70]

"The most obvious of the results to the legislative process is the new and more extensive activity of the courts. Now, not only may a court exert an influence on legislation by construing its meaning upon question and determining its constitutionality, but it may also look into the very substance of the process of representation. The new concept of judicial restraint in political questions revolves around two points. The Court may not inquire into any matter (1) calling for a decision by a parallel and coequal branch of the national government, or (2) where judicially discoverable and manageable standards are lacking. The question in the minds of many in this respect is whether these reapportionment cases indicate a trend that the Supreme Court will become more liberal in its interpretation of its jurisdiction. Robert McKay thinks it might. Any question presented to a federal court in a proper form 'arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made under their authority,' [71] is justiciable. 'To deny recognition to fundamental constitutional issues and to retreat from correction or wrongs discovered by inquiry would be a sad confession of judicial inability.[72]

"Another result affecting the legislative process is that authority for legislatures to apportion themselves on bases other than population can come only from the Constitutional amending process. As in the cases of popular Senatorial elections, woman suffrage, income and poll tax questions an Amendment has been introduced. Senator Dirksen, on August 11, 1965, introduced Senate Joint Resolutions 103—'Proposing an amendment to the Constitution of the United States to preserve to the people of each State power to determine the composition of its legislature and the apportionment of the membership thereof in accordance wtih law and the provisions of the Constitution of the United States.' This proposed amendment provides that in the case of a bicameral state legislature members of one house shall be apportioned on the basis of population but that members of the second house may be apportioned on other bases such as geography or political subdivisions. Whatever apportionment is to become effective in a state must be approved by a majority of its voters. These choices for approval by the voters must contain one plan which is based solely on substantial equality of population. The basic proposition expounded by backers of this proposal is that the people of a state ought to have the right to choose how they shall be represented in the state legislature. Dirksen has found substantial popular support for the amendment. Some of this support, to be sure, comes from an emotional appeal to the fear of big city political machines, some of it is an appeal to majority democracy—a concept difficult to oppose and some of it comes from a realistic appraisal of states where practical political problems might occur.

" 'There is need for the Dirksen amendment in states like California, where the population tends to be jammed up in a small section of a tremendously variegated geographical whole. Under "one man, one vote" representation in two houses of the California State Legislature, urban Los Angeles could, at least theoretically, reduce the whole San Francisco Bay region to the role of humble petitioners at the Capitol in Sacramento.' [73]

"Opponents of the amendment, such as Royce Hanson, say that the basic issue is not one of the democratic right of a majority to decide, but rather to what extent should individual rights of citizens be subordinated to majority power? [74] Some personal rights are beyond the reach of any majority at any time. Thomas Jefferson was quoted, during testimony of Hanson, as saying, 'Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation because the prejudices themselves cannot be justified.'[75]

---

[63] McKay, op. cit. (Along with the school desegregation case—Brown v. Board of Education.)

[64] Baker v. Carr, supra at p. 336

[65] ibid

[66] Reynolds v. Sims, 377 U.S. 533, 1964

[67] Reynolds v. Sims, supra at p. 562

[68] "Where Were You? a Ford Motor Company Film produced about 1960

[69] Dirksen, Everett McKinley, U.S.S. "The Supreme Court Is Defying The People," Saturday Evening Post, September 12, 1964

[70] Testimony of Royce Hansen before the Senate Subcommittee on Constitutional Amendments, op. cit. at p. 653

[71] *Constitution of the United States*, Article III, Section 2

[72] McKay, op. cit. at p. 650–651

[73] Chamberlain, John, "Reapportionment Favors Suburbs," King Features Syndicate, Washington Post, 1966

[74] Hearings Before Subcommittee on Constitutional Amend. op. cit. p. 649

"Professor Schattschneider sees that reapportionment will eventually influence some of the traditions in Congress. In particular he foresees the decline of the advantage that the seniority system has worked for some Congressmen. Lengthy tenures in Congress will not be as common from states previously felt to be one party strongholds.

"'In the U.S. House of Representatives, malapportionment combines with a different factor to produce an anti-urban, even a pro-rural bias. The internal organization of the House tends to give a great premium to members who acquire seniority because they have very little organized opposition in their "safe" constituencies. Notoriously the seniority system in the House works to the advantage of (1) members from one-party, rural constituencies in the North and West and (2) members from states of the old Solid South.'[76]

"Reapportionment appears to have many changes in store for our state systems of legislative bicameralism. If one might assume for purposes of argument that the Dirksen Amendment will find favor with sufficient states and members of Congress to be adopted and ratified the result, providing the States take advantage of the option provided, would be a legislature with one house apportioned on the substantial equality basis and the second house remaining as it is. It is hard to see that such a scheme would provide any change over the current status quo. Professor Hanson cites instances where this situation has existed. In Michigan one house was reasonably well apportioned on the basis of population while the other was poorly apportioned. An impasse developed between the two houses over tax legislation essential for the state. By the time the impasse was resolved the State was on the verge of financial bankruptcy. In 1962 Maryland enacted a stopgap reapportionment measure in the House of Delegates. The House proceeded to pass a series of bills dealing with urban issues. The Senate, however, which remained unchanged in its apportionment on a county basis operated to veto these bills. Many of the proposals did not even make it to the floor of the Senate while those that did were defeated. Some will say that to reapportion both houses on the basis of population will destroy the value of a bicameral system. The Court in its *Reynolds* decision was very explicit in its suggestions for the maintenance of bicameralism on the State level.

"'We do not believe that the concept of bicameralism is rendered anachronistic and meaningless when the predominant basis of representation in the two State legislative bodies is required to be the same-population. A prime reason for bicameralism, modernly considered, is to insure mature deliberate consideration of, and to prevent precipitate action on, proposed legislative measures. Simply because the controlling criterion for apportioning representation is required to be the same in both houses does not mean that there will be no differences in the composition and complexion of the two bodies. Different constituencies can be represented in the two houses. One body could be composed of single-member districts while the other could have at least some multi-member districts. The length of terms of the legislators in the separate bodies could differ. The numerical size of the two bodies could be made to differ, even significantly, and the geographical size of districts from which legislators are elected could also be made to differ. And apportionment in one house could be arranged so as to balance off minor inequities in the representation of certain areas in the other house.'[77]

"All of the results discussed so far have been incidental to the main concern of the reapportionment movement. If the causes were rooted in urban problems and the ineptness and inefficiency of State governments, what will happen in these areas? Will reapportionment solve these crises? Based on our observation of conditions under a rural dominated legislature it seems a fair assumption that only an urban legislative majority is likely to have the interest and the will to do the things that need to be done. As these legislatures become apportioned on the basis of population our second assumption is that fair representation will result and where urban majorities are in order they will come into existence. Such a legislative majority will, by political necessity, be required to tackle these matters so long ignored by the states—civil rights, social welfare, penology, crime prevention, labor benefits, conservation, education and a host of others. By making the proper number of seats available to the suburbs and cities, reapportionment makes possible the better representation of minority interests and groups, such as Negroes, fringe area farmers, laborers, businessmen (and even Republicans)[78] Armbrister, in his extensive report[79] printed in the Saturday Evening Post sees a real advance in the political growth of two-party politics in many areas of the country; Republicans in the South, Southwest and West; Democrats in New England and the Midwest. Minority groups will also have new voices as witnessed by the election of ten Negroes to the Georgia State legislature. It is generally felt that the group that stands to gain the most in terms of additional representations is the suburb. In the Chicago area, for example, while the city proper will pick up three more seats as a result of Illinois legislative reapportionment the surrounding suburbs are gaining twice that number. Thus, the suburban voter will be in a new position as a shift man on partisan policies.

"Many of the suburbanites are what one writer has called the 'old central city Democrats' who have jumped several notches in the economic ladder and in so doing have deserted the inner city for the more open suburb. If the Democrat Party moves too far to the left under pressure from the service starved city, the suburban Democrat may respond by going Republican. Such conjecture at times gets a bit theoretical, but at any rate cross currents like these help to point up the possible lack of complete unity on the part of the urbanites which may help to relieve some of the fears of the Dirksen Amendment supporters. It is a fair summary and perhaps understatement to admit that the shift of political power is moving gradually but surely from the rural to the urban complex as a result of reapportionment. As to what all this will do to the dilemma of State government may perhaps be seen in an example cited in Armbrister's report.[80] Following the reappointment of the Michigan legislature the legislative new comers set about: increasing appropriations for education and mental health, hoisted workmen's and unemployment compensation by substantial amounts and provided homestead exemptions for senior citizens. The legislature not only concerned itself with urban problems, but turned its attention to the organization of the State government. As a result, the governor was successful in reducing the top-heavy number of executive boards and commissions from an unmanageable 140 to a streamlined 19. These fringe benefits, as Armbrister calls them will be as important a result of reapportionment in the long run as the overt advantages gained by the individuals from a more equitable distribution of legislative seats. Indeed, it seems as if reapportionment has given the states a long sought opportunity to reassert themselves as meaningful units of government."

THE ATLANTIC ALLIANCE—ADDRESS BY SENATOR HARRIS

Mr. JACKSON. Mr. President, I invite the attention of Senators to an outstanding address on the Atlantic alliance by the able junior Senator from Oklahoma [Mr. Harris].

This up-to-date interpretation of the alliance and the needs of Atlantic cooperation was delivered April 1 before the Annual World Affairs Institute, sponsored by the Cincinnati Council on World Affairs and the Rotary Club of Cincinnati. Attending this institute were some 1,000 college-preparatory high school seniors, selected by competitive written test, from Ohio, Indiana, Kentucky, and West Virginia.

I believe the address will be of great interest to Senators. Senator Harris is among the most knowledgeable men in Congress on the contemporary problems of Europe and of the Atlantic community. He made a significant contribution to the hearings on the Atlantic alliance conducted last year by our Subcommittee on National Security and International Operations. In 1966 he participated in the Bilderberg meeting in Germany and has just recently served on the American delegation to the first meeting of parliamentarians from the countries of the DAC—Development Advisory Committee—OECD, in Bonn, Germany, April 4 to 7, 1967.

I ask unanimous consent that the complete text of the address by Senator Harris be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address of U.S. Senator Fred R. Harris, Democrat, of Oklahoma, to 21st Annual World Affairs Institute, Sponsored by the Cincinnati Council on World Affairs and the Rotary Club of Cincinnati, in Cooperation With the Avco Broadcasting Corp., Cincinnati, Ohio, Saturday, April 1, 1967

I appreciate the opportunity to participate in this year's World Affairs Institute on the future of the North Atlantic Treaty Organization. The institute has long enjoyed national prominence, and rightly so, because it provides a very important means for spreading the facts and diverse opinions, concerning current world problems, before the people of this part of our nation.

It is well that this Institute should concentrate on young people, first, because you, longer than any of the rest of us, must live with the consequences of many of today's decisions; and, secondly, you are prepared to bring much-needed, fresh insight and perspective to bear upon the problems of our day.

As never before in the history of the world, the decisions made by government have tremendous impact on all our lives, and, therefore, no citizen worthy of that name in our Republic can fail to take an active part in public and political activities. The word, "idiot" comes from a Greek term which signified a person who took no part in public affairs. Today, in a country where government depends upon the consent of the governed. where decisions daily made in government have profound influence on each of us and our futures, we can say with feeling, in the words of Francis Bacon, "It is left only to God and the angels to be lookers on." Each of us must be participants in the decion making process. You, here, are, and I commend you for it.

---

[75] ibid

[76] Schattschneider, op. cit. at page 11

[77] Reynolds v. Sims, supra, page 576–577

[78] Testimony (tongue in cheek) by Hansen—one time Democrat candidate for Congress to the Dirksen (Republican) Amendment hearings.

[79] Armbrister, op. cit. page 29

[80] Armbrister, op. cit. page 26 and 70

As I read over the various complex subtopics for discussion at this Institute, I was again impressed with the rightness of my support in the U.S. Senate of a proposed Constitutional amendment to permit 18-year-olds to vote. I am firmly convinced that the young people of today—your generation—are better prepared, better educated, more committed and dedicated than any group of young people this country has ever produced.

I have said something about a discussion of facts in this Institute, and that is another reason why I am glad that this Institute is for young people. You, better than the rest of us, are able to accept and live and cope with the central fact of our age: Change.

George Bernard Shaw once said: "Some men see things as they are and ask, why? I see things that have never been and ask, why not?" That is our job today in connection with world affairs and with NATO. It is the function which you are so well equipped to perform in this Institute and in the days and years which follow.

The concept of change is not easy to master or live with. Especially is that so in the field of world affairs. We tend to perceive reality, not as it is, but as it once was. But change does come. It has occurred. It is occurring. It will occur. I know that we Americans, who haven't had such long experience as a great power with world responsibilities, sometimes, in the face of changing conditions, feel very much like the fellow who, by the time he had installed an air conditioning system in his house to combat the heat of summer, found that winter had come and he now needed a heating system.

Change in world affairs, though it may come slowly, is nevertheless real. Consider the shock a person, who had left this planet at the end of World War II, would have upon returning to it now. His first question might be: "What's happened while I've been gone; mainland China, the Soviet Union, and France were our allies when I left, and Germany and Japan were our adversaries?"

So, we must speak and think of facts as they are, not as we might wish them to be. That is exactly what the people of the United States and their representatives in government did after World War II. They took a hard look at the facts. They saw a Europe which was economically prostrate, unable to defend itself against what they also rightly saw, the real and present threat of Soviet expansionism and aggression. Shaking off the isolationism which had characterized much of the history of our country, they saw that, as the only capable free world power, we had to take such steps as would contain that expansionism and aggression, until Europe could recover and defend itself.

They saw that need, not just because of our moral responsibilities to the people of Europe from whom we had mostly descended, but they saw that our own security was bound up with that of Europe, that World War II had plainly taught, as Churchill said, "The notion that the peace and security of the world can be maintained by throwing a small nation to the wolves is a fatal delusion." They saw that unless aggression is stopped when it starts, it eventually must be stopped at far greater cost in lives and treasure.

And, so, looking at the facts as they were, the people of the United States and their government put together a brilliant piece of work, a remarkable framework of collective defense, of assistance to those who might be attacked, both from outside aggression and from internal minorities, externally supported and supplied. The hard facts of Soviet and Communist expansionism, and the inability of Europe to withstand it, were met by the hard facts of the Truman Doctrine of 1947, Greek-Turkish Aid, the Marshall Plan, the Atlantic Alliance, and the North Atlantic Treaty Organization. We took a strong lead, and Europe was happy for us to do so.

But, now, let's look at the facts in 1967. Consider France and General DeGaulle. Recently, during a visit to New Orleans, I saw a fountain in Jackson Square, memorializing the 1960 visit of General DeGaulle to that city. A plaque on the fountain quoted from his speech given there. The gist of General DeGaulle's words, and I paraphrase, were, "The primary thing required for freedom to triumph in the world is for the free nations to remain strongly united." Since then, as we all know quite well, General DeGaulle has withdrawn his military support of NATO and has required NATO to remove its military headquarters from French soil. We are no longer so strongly united.

What has happened? What is happening?

Is DeGaulle the problem, or is he just a symptom of the problem? How we answer that question, how we now perceive reality, may well determine the success or failure of what we now do.

In any event, it does not serve our purposes to spend our time railing at General DeGaulle. First, it only widens the gap between us and France, and makes more distant the day when France might again come fully back into NATO. Second, name calling alone accomplishes nothing, because DeGaulle's actions have already been taken, and they are final for the time being. Third, and most important, we must look behind DeGaulle and see Europe. We must face the facts.

My attendance in 1966 in Germany at the Bilderberg meeting of NATO nations and my participation in the NATO hearings last year of our Senate Subcommittee on National Security and International Operations, listening to many viewpoints, particularly those expressed by men who had helped to frame the Atlantic Alliance and NATO, convinced me that there is a need for all of us and our elected representatives to avoid the pitfalls of pride in authorship and unwillingness to accept change. For, as Louis Halle wrote recently: "Our American policy has been based on the situation as it appeared to exist in the period immediately after the war. Because we have invested in that policy not only our resources, but so much of our emotional and intellectual energy as well, and because such powerful vested interests depend on it, our whole disposition is to cling to the unchanging nominal image in preference to the unstable reality."

NATO grew out of a time when the United States only, not the Soviet Union, had the power to deliver a massive atomic attack. We agreed to defend Europe in case of attack. The United States could have then, in retaliation for a Soviet attack on Europe, used such atomic weapons on the Soviet Union, without risking a major Soviet atomic attack on our own homeland. That is no longer true. We now live in a world where in a major war our homeland is open to immediate and devastating attack. The Europeans know this quite well. They have begun to ask the question: "Would the United States, which once might have been willing to rain nuclear holocaust on Moscow in retaliation for an attack on Paris, now be willing to so respond if New York or Washington or Los Angeles would be the next and immediate target of the Soviet Union?" This is a serious question which goes to the very heart of the Atlantic Alliance and its military apparatus. It is this question which has caused France to desire its own nuclear deterrent. So, this is one change which has taken place—and a very serious one—since NATO was formed.

Moreover, Europe is no longer economically prostrate. Since the founding of NATO in 1949, the gross national product of the European members has more than doubled. We aimed our policy, following World War II, at the goal of rebuilding European nations, strong enough economically, politically and militarily to become full partners with us in maintaining world security. We must have known that with such recovery would come the desire on their part to have a greater share in making those decisions which affected them, their future and their security. Whether or not we expected it, such independence has come with renewed strength.

Further, when Chairman Khrushchev backed down in the face of the firm determination of the United States and removed his missiles from Cuba in 1962, there was the beginning of an important change in the European perception of, and attitude toward, the Soviet menace. That change was heightened by the fragmentation of the once-monolithic Communist bloc, as Red China split off spectacularly and other countries showed increasing signs of restlessness under the Soviet yoke. Europeans do not now view the Soviet Union as the aggressive threat it once was.

DeGaulle, who had been one of the hardest of the hard-liners in his attitude toward the Soviet Union, sensed this change of European attitude. He began to voice what many Europeans were and are thinking: "Should we be so entangled with the United States that they might in South Viet Nam or elsewhere drag us into a war against our own interests? or should we be so closely aligned with the United States that we would have to follow any agreement they might make with the Soviet Union? Wouldn't it be better for us," DeGaulle asked, "to have some separate military and nuclear policy of our own, some freedom of action, greater control over our own destiny and, together with the other nations of the European community, become a third force, a balance of power, between the great powers of the United States and the Soviet Union?"

Whether we like it or not, these are the questions; these are the facts. We may yell "Ingrate!" at the top of our lungs, and with great reason to do so. But it won't change things. It won't help us solve our problems. It won't help us meet changed conditions.

We must be as brilliant, as innovative, as original in dealing with these new conditions today as those dedicated Americans were, following World War II, in founding our policy then and framing NATO and the Atlantic Alliance. Nations—including the United States—support alliances or organizations only when they perceive it to be in their best interests to do so. NATO will be a strong and effective institution in direct proportion to the degree it serves the national interests of the member nations as they view their interests.

First, we must fully recognize that the nations of the Atlantic Alliance are sovereign and equal partners with us. They feel quite strongly that mutual security must be based upon decisions mutually made.

Second, we must maintain NATO as an instrumentality for defense and deterrence, with constant reassessment of its organization and effectiveness in concert with our allies. The problems we face in NATO today are in large measure a product of the success of the Atlantic Alliance and NATO. We must not let the very success of our own policies cause us to throw out the instrumentalities by which it was achieved. There is no doubt that the military umbrella, furnished by NATO, provided the secure shelter under which European recovery was brought about. I am reminded of the advice our football coach used to give us: "When you get down to the twenty yard line, you shouldn't discard all the plays that got you there."

We must, therefore, continue the concept of integrated military strength in NATO as a deterrent against aggression and a defense if it comes. The Berlin crises of 1958 and afterwards and the Cuban missile confrontation of 1962 should remind us that Soviet expansionism is not such a part of ancient history as to be disregarded with impunity. It would be dangerous, indeed to assume that the future—especially a future which involves individual European nations going their own separate ways—would not provide some tempting opportunities for the Soviets to continue probes of Western firmness. Our government, therefore, has been quite right in its determination to continue its NATO military policy and support, in spite of the French withdrawal.

This is not to say that we should for all time continue NATO unchanged, militarily. For one thing, we must leave the door open and the seat warm for France fully to rejoin the military alliance. No ground defense plan for Europe can be complete without France.

Further, difficult as it is both technologically and politically, we must press forward toward a solution to the problem of nuclear decision-making. French nationalism, which centers around its own nuclear capabilities, will, in my judgment, give rise to similar nationalism on the part of West Germany. French diplomats in conversation with me have hotly contested such a statement by saying that the Soviet Union would never allow West Germany to have nuclear arms. But, it seems to me a simple and elementary fact of life that young politicians in West Germany will eventually have to respond to the pride and nationalism of the German people and demand the equality and independence for Germany which comes with nuclear power, unless some sharing of nuclear decision-making can be institutionalized in NATO.

Our government at the December NATO Ministers meeting supported an important step toward solving the vexing problem of nuclear sharing. Two permanent NATO bodies for nuclear planning and consultation were created, the Nuclear Defense Affairs Committee, open to all members of the Alliance, and a Nuclear Planning Group of seven members to handle the detailed work. The concept of the Multi-lateral Force, MLF, is dead, and, in fact, was born dead. But, the problem which it sought to solve was and is real and alive. It must be solved, and it must be solved in concert with our allies.

Moreover, if NATO is to remain a viable, effective military deterrent, its strategy and force planning must be constantly updated, and this is being done to some degree. At the January meeting of the NATO Defense Ministers, our government supported a reappraisal of NATO forces and the establishment of five-year force planning procedure. For our part, the United States is right, I feel, in taking a close look at the number of ground troops we should maintain in Europe. It is clear that our allies have not contributed as much, proportionally, to the Alliance, in terms of manpower and resources, as have we, and that their economic strength would permit them to do more for their own security. Further, it is equally clear that our balance of payments problems indicate that we cannot indulge in the luxury of keeping more troops in Europe than are absolutely necessary, our present cost being $1.5 billion per year for the six divisions we now have stationed there.

There is no question in my mind that we must have a substantial military presence in Europe in order that our allies may believe in the credibility of our commitment to their defense against aggression. But I believe that it may be possible to withdraw some American forces from Europe at the present time, perhaps as many as one or two divisions.

I do not, however, support the resolution now pending in the United States Senate, authored by the Senate Majority Leader, Senator Mike Mansfield of Montana, and a good many other Senators, to accomplish this reduction of our forces in Europe, because—and I emphasize this again—the decisions we make in connection with the mutual security of the Atlantic community must be mutually arrived at. Part of present problems result from regrettable instances of our taking actions of serious concern to our allies without proper advance discussions, and we should guard against such future errors if we hope to keep and rebuild the confidence of our partners. Further, without the Mansfield Resolution, it may be possible to secure in return for a reduction of U.S. troops a corresponding reduction of Soviet troops in East Germany and Eastern Europe. With full discussion, therefore, I believe it will be possible to reduce the level of our forces in Europe, perhaps using the concept of dual basing, if we can work out some difficult technical problems in connection with it, whereby we would store weapons and other equipment in Europe but bring some of our troops home and keep them ready to move back immediately by airlift should the need arise.

Third, and most important, we must make greater use of NATO as an instrumentality for eliminating the causes of war, as an instrumentality of peace. As Vice President Hubert Humphrey said at Westminster College in Fulton, Missouri, last month:

"In our Alliance, the task is this: To transform what was built on fear and common threat into a vital, working instrument built on hope and common opportunity and common responsibility.

"It must be an Alliance for peace and peaceful progress, not simply against the spectre of invasion from the East. It must be an Alliance for promotion of social and economic welfare, not simply against a Communist threat."

We are bound to Europe, and they to us, by a common culture and a common heritage. Our ties of friendship will not soon be broken. We are also bound to them in our desire to eliminate the root causes of war, for to the extent they still exist, it is our insecurity which is mutual.

It has rightly been said that we have not made peace in Europe, except that peace is the absence of war. There can be no real peace so long as Europe and Germany are separated by what Winston Churchill twenty-one years ago called "an Iron Curtain," when he said, "From Stettin in the Baltic to Trieste in the Adriatic, an Iron Curtain has descended across the continent."

Since its inception, the Alliance has served as a useful forum for consultation on major problems. But with changed conditions, the importance of NATO as a focal point of coordination of policy—not just military policy—is growing rapidly. As our Ambassador to NATO, Harlan Cleveland, has said, "We are now entering the political phase of the alliance."

When the North Atlantic Treaty was being drafted, the Canadians pressed for the inclusion of Article 2 of the Treaty, calling for political and economic, as well as military activity by NATO. At the time many of the participants in drawing up the Treaty thought Article 2 was little more than window dressing, and some have told me that lately. I contend that Article 2, window dressing or limited substance in 1949, will likely be more the heart of NATO from now on. In 1956 the NATO Council named a Committee to recommend ways to strengthen the organization politically. This committee, which came to be known as the Three Wise Men, made a number of recommendations which were adopted. However, one of their recommendations which has not been given proper attention was a call for all members to submit for discussion by NATO all important problems and proposals which affect other members. This recommendation looms larger today because there are plenty of vital problems to tackle: Greater detente with the Soviet Union, East-West trade, German reunification, China, and the number one issue in the world—what to do about the mounting hunger, disease, and want in Asia, Africa, and Latin America that could well engulf our dreams of the world community bound together in peace by a common dedication to human dignity and freedom.

At their meeting last December the NATO Ministers decided to undertake a study of developments since the North Atlantic Treaty was signed, with a view toward identifying and meeting the specific tasks now before the Alliance.

Undoubtedly this committee will focus heavily on the general subject of East-West relations and German unification. In my opinion, coordination of effort through NATO in these interdependent areas can bring meaningful progress. On the other hand, a lack of such coordination can do considerable harm. Fifteen relatively unrelated approaches to these problems would offer the Soviets many opportunities to play one ally off against another. The loosening of Soviet control in Eastern Europe and the now discernible trend toward moderation and reform in the Communist countries offer us expanded opportunities to improve our relations and move closer to a peaceful and lasting European settlement. But, if the NATO allies do not act together, we may not only throw away a golden chance, but also open the door to even more dangerous instability and nationalism. The United States should be ready to take advantage of improved Soviet and East European attitudes, wherever our interests converge, as they did on the Soviet Consular Convention, recently approved by the U.S. Senate, but we must be wary and cautious and we must, through NATO, take account of our allies and their opinions at every step.

There is no doubt in my mind the problem of a divided Germany will become more acute in the coming years. It is not realistic to expect the German people to continue to accept the present partition in perpetuity. At the same time it is not realistic to expect Germany's European neighbors to accept reunification if there is no assurance for their own security interests. The German problem is not going to be solved overnight by some sudden and brilliant diplomatic move. It is going to come about only through a gradual approach in which East-West tensions are reduced and a general atmosphere and means are developed whereby German's neighbors are convinced that reunification will not constitute a threat to them. These conditions cannot be met without a strengthening of the political consultation role of NATO, a continuation of our collective NATO defense, and a willingness on the part of the Alliance partners to explore prudently but steadfastly how we are going to change the narrow and potentially dangerous concept of coexistence with the Communist countries to what President Johnson has called "the broader vision of peaceful engagement."

I cannot imagine a true detente until the Soviet leaders realize that it is in their interests to come to a reasonable settlement in Europe. A strong, unified NATO, willing to look positively at how a peaceful lifting of the Iron Curtain can be achieved, should help the Soviets reach that decision.

As you can readily glean from my remarks, I do not share the pessimism of those who deem inevitable an overwhelming revival of nationalism in Western Europe, who wring their hands in despair and say that we should give up what they term our unrealistic support of European unity, and who think that a settlement in Europe can only be brought about by a bilateral deal between the United States and the Soviet Union. I believe that it is fair to say that a continental consciousness is emerging in Europe on both sides of the Iron Curtain. Undoubtedly there will be manifestations of old nationalist feelings as this happens. We are not experiencing such a phenomenon in France. But the longer term outlook, if we meet the new challenges, is brighter than that, and I do not think we should abandon our efforts to support the establishment of a United Western Europe which can be an even greater market for our goods, a force for moderation in world politics, and a dynamic partner in helping the less developed countries.

With regard to this last point, I think that more use should be made of NATO, now, toward solving the problems of the underdeveloped world. The Atlantic community does not exist in a vacuum, but as a connected part of the whole world. I realize that there will be some overlap here with the OECD, which has additional membership from the European neutrals and Japan, but the value of continuing coordination of views and actions in this field by the NATO allies could be considerable. Number one on the agenda should be the potential world food crisis which has grave implications for future world stability, unless we are willing to act boldly and responsibly. Someone has rightly said, paraphrasing Lincoln, "This world cannot exist half rich and half poor, especially when the rich are getting richer and the poor are getting poorer," and, I might add, more populous. Aside from the important moral principles involved, the very name of this City, Cincinnati, which calls to memory all the glory which was Rome, should remind us that, if we divide this world into "us" and the "barbarians" we may well awake one morning to find the "barbarians" have overrun us. Next week I go to Bonn, Germany, to attend a Conference on Development Aid. I hope this conference will stimulate more concerted Western action on this vital subject.

Another NATO role that might be expanded is scientific and technological cooperation. As Chairman of the Senate's Subcommittee on Government Research, I have been exposed to the strong European feelings about the technology gap between them and the United States. I was glad to observe that the NATO Ministers have decided to go into this matter, to examine this complex and little understood question. We are already seeing possibilities for cooperation with the Europeans in defense research and production. And I can envisage other possibilities for cooperation in research and joint ventures, especially in light of the dizzying pace of scientific advancement, in an age when 90% of all the scientists who ever lived are alive today and when 85% of the PhD. degrees in this country have been granted since World War II.

Although the future outline of the Atlantic Community is unclear, it is not too early for us to be looking ahead, stretching our imaginations. There are a number of sincere and persuasive advocates of an Atlantic Union. They urge that the United States and Western Europe must recognize their need for each other and begin to explore the ways and means to achieve actual union. Frankly, I do not think such efforts today would have much chance of success. Many of our European friends are afraid that such a merger would submerge them, and they would become captives of a North American giant. There are misgivings here at home. But this and other such ideas are precisely the sort of ideas we must continue to think about and discuss. NATO is the place for such discussion and for taking the actions I have proposed if NATO is to serve the vital interests of its member nations, as it must if it is to survive as a useful organization.

Some have said DeGaulle did us a favor when his actions caused us to reappraise NATO. Most of us would respond to that in the words of the television comic: "Don't do me no more favors." But, we cannot deny that a reassessment was long overdue—and is fortunately going on now—in our own country and in Europe. We cannot deny that conditions have changed, and are changing. We cannot deny that those changed conditions would exist even if DeGaulle did not.

We must recognize the equality of our NATO partners, we must maintain the military umbrella of NATO, and we must make it a better instrumentality for peace by responding to relaxing East-West tensions without relaxing our guard, by pursing a European settlement through it, by using it for greater cooperation among ourselves and more coordinated responsibility in regard to the other and underdeveloped parts of the world.

I salute you, who have taken part in this conference. You are the heirs of a world which is more exciting, more challenging and with more opportunity for each individual to be of real service, to make a lasting mark, than any ever passed from one generation to another.

Approaching our duty today in our world—as those Americans did who shaped our policies following World War II—with hope, with willingness to face reality and think new thoughts, and, most of all, with a keen sense of the opportunity we have today for service to others, you and I could then rightly say of ourselves in the words of Shakespeare's Henry the Fifth on the eve of the St. Crispin's day battle:

"This story shall the good man teach his son;
And Crispin Crispian shall ne'er go by,
From this day to the ending of the world,
But we in it shall be remembered

And gentlemen in England now a-bed
Shall think themselves accurs'd they were not here,
And hold their manhoods cheap whiles any speaks
That fought with us upon Saint Crispin's day."

FINANCIAL DISCLOSURE BY MEMBERS OF CONGRESS AND OTHERS

Mr. CASE. Mr. President, I am delighted to note that the Senator from Kentucky [Mr. MORTON] favors the financial disclosure requirement for Members of Congress. His support of the essential provisions of the bill that six Senators, from both sides of the aisle, have joined in introducing is particularly welcome in view of his prior opposition to the proposal.

Our bill (S. 1104) would require an annual statement by Members of Congress, candidates for Congress, top legislative staff, as well as top officials in the executive branch, of all sources of income, including gifts of more than nominal value, assets and liabilities, and all transactions in commodities and real and personal property.

It would thus be more comprehensive than an income tax return, as Senator MORTON noted.

No one can disagree, I believe, that the standing of Congress with the public has dropped perceptibly and continuously in the last few years. From time to time, Congress has made halfhearted attempts to deal with the problem, none of them likely to reassure the public of its determination to maintain proper standards of conduct. Rather, the impression has been almost unavoidable that Congress will act only if forced to do so by an outrageous misuse of position and then hope that the problem will go away.

But the problem will not go away, and the longer Congress dallies, the worse it will become.

This is the sixth Congress in which I have introduced the disclosure bill. I have myself regularly made disclosure in accordance with the provisions of the bill. A number of other Members of Congress have also made financial reports. I believe all of them would agree that the experience is not as painful as they might have feared. In many ways it is a positive protection to the Member making the report.

I reiterate my hope that the Senate Select Committee on Standards and Conduct will not confine itself to the case presently before it, but will make general recommendations, including a disclosure requirement.

Senator MORTON's stand is indicative, I believe, of the growing support for such a requirement. Before the current session ends, we will at last, I hope, have an opportunity to vote on the matter. In terms of public confidence in the integrity of the Congress, I know of nothing more important.

U THANT—MERCURIAL MAN

Mr. LAUSCHE. Mr. President, on Wednesday, April 5, I pointed out on the floor of the Senate the unexplainable inconsistency of the positions taken by U.N. Secretary General U Thant respecting the action that the United States ought to take to bring about a settlement of the shooting war in South Vietnam.

I ask unanimous consent that the statement which I made on Wednesday, April 5, be reprinted in the RECORD.

There being no objection, the statement and editorial were ordered to be reprinted in the RECORD, as follows:

U THANT'S PLANS

Mr. LAUSCHE. Mr. President, I have two editorials dealing with U Thant's plans for a truce in Vietnam. One deals with U Thant's plan for a truce in the firing in South Vietnam. The other deals with the same subject and gives praise to U Thant for his recommendations that a truce be declared, preliminary discussions be held, and resort be had to the Geneva accords in an attempt to settle the dispute in that southeast Asian area. Both editorials commend U Thant for his objective and impartial approach to the problem.

U Thant, in his recommendation for a truce, placed equal responsibility upon both North Vietnam and the United States. The United States immediately accepted his proposal. Ho Chi Minh rejected it.

After the rejection of the proposal by Ho Chi Minh, the senior Senator from Pennsylvania [Mr. CLARK], at a meeting held by the Americans For Democratic Action, again urged a unilateral cessation of the bombing of North Vietnam by the United States. It is my recollection that the Senator from Pennsylvania went one step further and recommended complete unilateral discontinuance of our efforts to protect our interests in South Vietnam.

Mr. President, the senior Senator from Pennsylvania suggested a unilateral approach and did not call upon North Vietnam to take any action whatsoever. To the great amazement of the world, and especially of myself, U Thant, who had previously recommended bilateral discontinuance, joined in the declarations made to the Americans for Democratic Action and declared that the United States should one-sidedly discontinue its efforts while the North Vietnamese continue to move troops and equipment into South Vietnam, to be used in the taking of the lives of the American boys who are there.

I do not want to be harsh, but I cannot understand how there could be such a change in opinion by U Thant with respect to this important problem confronting the United States. How could he reasonably advocate bilateral cessation of the firing on one day and one week later advocate unilateral cessation by the United States?

My conclusion is that he did not think the matter out. When I say that he did not think the matter out, I am being most charitable in the expression of my opinion. Some might say that he is lacking in consistency and that, therefore, because of an inability to be consistent, he declared one policy on one day and another policy a few days later.

The people of the United States have the right to expect from U Thant, in his office as the Chief Executive and head of the United Nations, an objective and impartial approach to the problems of a negation of any effort on his part to deal with the United States less charitably and honestly than he deals with the North Vietnamese.

Mr. President, I ask unanimous consent that an editorial entitled "U Thant's Plan," published in the Cleveland Press of March 29, 1967, and an editorial entitled "Thant's Big Risk in Truce Plan," also published in a Cleveland, Ohio, newspaper, be printed at this point in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

"[From the Cleveland Press, Mar. 29, 1967]

"U THANT'S PLAN

"Where he used to demand the United States halt the bombings of North Vietnam and 'maybe' there'd be negotiations, United Nations Secretary General U Thant now has revised his plan, for the better.

"Fairly, he now asks both sides to halt all military activity simultaneously, then talk about next steps and a final settlement of the Vietnam problem. That's an improvement.

"What's more, the U.S. has declared its acceptance. We did so out of a desire to end that bloody war by negotiations, a desire so deep among Americans that we feel it in our hearts.

"Yet that desire is tempered by a determination to see the war—and any negotiations—through to an honorable conclusion, meaning the South Vietnamese would be able to run their own affairs, free from outside force.

"So our willingness to negotiate means we have confidence in our arms, and also in the growing promise that South Vietnam can put its political house in order and make the progress that is the only durable answer to the Viet Cong.

"Unfortunately, the Communists have made plain they have no interest in accepting U Thant's plan, or any other plan that asks them to put up their arms, too.

"Why do they persist in their intransigence? Is it, as Secretary of State Rusk says, they are underestimating our strengths? Or is it that they are patiently, and correctly, waiting for political turmoil to erupt again in Saigon, or for 'doves' to win out in Washington, or the American people to get fed up with the casualties and cost of the war?

"We should not become discouraged by this latest failure to make peace. There will doubtless be more. The answer is to go on trying to make peace, but not wearily settle for peace at any price—and, simultaneously, to go on fighting the war—without becoming so angry that we go on a military rampage.

"THANT'S BIG RISK IN TRUCE PLAN

"Secretary General U Thant laid a large measure of his personal prestige on the line in proposing the standstill truce in Vietnam in order to get peace talks started.

"He is an Asian and in his United Nations pronouncements he reflects the thinking of an international peace body which has suffered considerable embarrassment from its incapacity to cope with the Vietnam conflict.

"The standstill truce would halt the bombings of the North and prevent Hanoi from using the pause to increase its troop and supply movements, thus removing the major barriers in the path of the peace table.

"The United States promptly accepted the proposal.

"In his optimism, Thant chooses to believe that indications of a Hanoi rejection do not add up to a categorical turndown.

"President Johnson and Secretary of State Rusk do not share his optimism.

"The North's rejection, as broadcast by the Vietnam News Agency, said approval of the truce proposal would mean that the Vietnamese people were accepting the 'conditions of the aggressors.' Last February Hanoi rejected the President's direct offer to halt the bombing and freeze U.S. troop levels as preliminaries to peace talks.

"If the Hanoi rejection of the standstill truce becomes categorical, Thant, who has been highly critical of the U.S. involvement in the struggle, will have to revise his thinking.

"With American acceptance in his pocket within minutes after he revealed his proposal, he knows which side wants to prolong the war."

Mr. LAUSCHE. Mr. President, the U.N. Secretary General, operating under the distinction of being the head of the United Nations, recently recommended a truce to be supported both by North Vietnam and the United States. The truce contemplated a cessation of all warfare followed by a preliminary discussion of the problems involved and then by a purpose to settle the dispute in accordance with the provisions contained in the Geneva Accord of 1954.

In calling for a truce, U.N. Secretary General U Thant called upon both of the contesting parties to take affirmative action that might lead to a settlement of the dispute in southeast Asia.

In my talk as above set forth, I pointed out the abnormality of Mr. U Thant's conduct and words. He had called upon North Vietnam and the United States to join in a truce; the United States accepted the proposal but the North Vietnamese rejected. He then weakly subscribed to an action taken by the Americans for Democratic Action, calling upon the United States to unilaterally discontinue its participation in the South Vietnamese strife while allowing the Communist North Vietnamese to continue their shooting, subversion, infiltration, atrocities, exploitation and all of the other evils which the North Vietnamese are committing.

Mr. President, I ask unanimous consent to have printed at this point in the Record an editorial entitled "Mercurial Man," published in the Monday, April 3, issue of the Washington Evening Star.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Evening Star, Apr. 3, 1967

Mercurial Man

Early last week U.N. Secretary-General U Thant made a reasonable proposal for ending the war in Vietnam.

He called for a standstill truce with all fighting stopped, preliminary talks between the United States and North Vietnam, and then negotiations aimed at a lasting political settlement. This proposal was accepted by the United States. It was rejected in Hanoi and there has been no indication of any intention on Ho Chi Minh's part to accept it.

Five days later U Thant resumed his "peace-making" effort. This time, however, his approach was quite different. The secretary-general indorsed a peace plan put forward by Senator Joseph Clark, D-Pa., saying that he had been "greatly impressed" by it.

What is the Clark plan? That on April 15 the United States stop bombing North Vietnam, halt all offensive operations in South Vietnam, induce the South Vietnamese to do the same, and then withdraw into "easily defensible" positions, fighting only to protect the perimeters. The senator told the Americans for Democratic Action that he had "some confidence" that adoption of his recommendations would lead to peace. We think it would lead to nothing of the sort—that for all practical purposes it would give the Communists a victory that they cannot win by force of arms.

Such a proposal, coming from Senator Clark, is not surprising. It is at least consistent with his previous dove-like stance. But U Thant's endorsement is a different matter. It takes a bit of doing to switch in five days from an equitable peace proposal, directed even-handedly to both sides, to a call for the United States to make unilateral concessions which would amount to abandonment of the fight for a free and independent South Vietnam.

Two consequences are to be expected. One is the grave impairment of Thant's effectiveness as a peace-maker. The other is to encourage Hanoi to keep up the struggle. And this at a time when the enemy forces have just been badly mauled in their desperate effort to score a major victory in Zone C.

Mr. LAUSCHE. Mr. President, the editorial points out the meandering thinking of Secretary General U Thant of the United Nations.

I call it meandering; the Evening Star calls it mercurial. The mercurial course which he has chosen gives encouragement to Hanoi to keep up the struggle in the false belief that if U Thant supports Hanoi, Hanoi must be right. U Thant's effectiveness as a peacemaker is gone. History will record that his thinking has been murky and devoid of fixed concepts of justice. His wishy-washy approach to the problem has contributed to its prolongation and thus to the unnecessary loss of life and injury to the bodies of many worthy youthful North Vietnamese, South Vietnamese, Australians, North Koreans, Philippines, the youth of the United States, and others.

DEATH OF WILLIAM B. WHITLEY

Mr. JORDAN of North Carolina. Mr. President, it is my sad task to advise the Senate of the sudden, untimely, and tragic death of William B. Whitley.

I do not need to tell those of you who knew him that Bill was one of the most knowledgeable, competent, and astute men on Capitol Hill, where legislation and politics were concerned.

I do not need to tell you that he was ever a dedicated Democrat and a tireless worker for the party, and that he had the trust, the confidence, and the respect of all with whom he dealt.

I have lost a strong right arm—a man who has been a bulwark of my staff ever since the day I came to Washington nearly 9 years ago.

But I have lost more than that. I have lost a beloved friend with whom I had worked closely since the days when I was State Democratic chairman in North Carolina and handling the gubernatorial campaign for the late William B. Umstead, himself a former U.S. Senator.

I and others of his associates have lost a man of warmth and dignity, understanding and compassion, a man whom even the President of the United States viewed as a friend and confidante.

His family has lost a devoted husband and father, the community where he lived an ardent churchworker and community leader.

Bill Whitley's life lasted only 40 years. But those with whom he lived it can take solace in the fact that those years brought him a rare wealth of regard and love from a host of people in high places and low, here and in North Carolina, which is sought by many but comes to very few.

SENATE RATIFICATION OF HUMAN RIGHTS CONVENTIONS APPEARS CLOSER AFTER 3 MONTHS—L

Mr. PROXMIRE. Mr. President, 3 months ago today I pledged that I would speak daily on the Senate floor urging Senate ratification of the Human Rights Conventions on Forced Labor, Genocide, Political Rights of Women, and Slavery.

Today marks the 50th time I have spoken on this subject. After 3 months and 50 speeches, I am greatly encouraged.

During this 3 months the following events have occurred—I hope, somewhat immodestly, not entirely unrelated to my own efforts:

The chairman of the Foreign Relations Committee appointed a subcommittee to hold hearings on three of the Human Rights Conventions.

The subcommittee, ably chaired by the senior Senator from Connecticut [Mr. DODD] has completed hearings on the conventions on forced labor, political rights of women, and slavery.

Ambassador Arthur Goldberg testified in favor of Senate ratification of these three conventions.

No witnesses appeared in opposition to Senate ratification.

It is now hoped that the subcommittee will report these three conventions to the full committee sometime next month.

At long last after a truly unconscionable delay, proponents of ratification can be realistically optimistic about the prospects of Senate ratification of three of these four conventions.

However, the Convention on Genocide, the first "magnum opus" of the United Nations, which has already languished before the committee for 18 long years, is still banished to some committee limbo. No hearings have been scheduled. No subcommittee has been appointed to consider the Genocide Convention.

Mr. President, this continuing delay is both indefensible and unpardonable.

I can assure the Senate that the proponents of Senate ratification of the Human Rights Conventions will not be satisfied with merely three of the four. That might be a good batting average for a ballplayer, but human rights are no game. You are either for human rights or against them. There is no halfway.

The United States has been domestically committed all the way to human rights. In the words of a revered American President Woodrow Wilson, who might even have been answering the cynics and critics of human rights conventions:

> Sometimes people call me an idealist. Well, that is the way I know I am an American. America is the only idealistic nation in the world.

America has made her ideals a living reality for our own people. We owe our fellow man no less. The ratification of the Human Rights Conventions on Forced Labor, Genocide, Political Rights of Women, and Slavery will be a major step toward that worthy objective of human freedom and human dignity for every man.

PRESIDENT JOHNSON'S RESPONSIBLE CONDUCT OF THE WAR IN VIETNAM

Mr. SPARKMAN. Mr. President, three generations ago a great American President declared a basic tenet of our Nation's foreign policy:

> We do not profess to be the champions of liberty and then consent to see liberty destroyed. We are not the friends and advocates of free government and then willing to stand by and see free government die before our eyes.

Thus spoke Woodrow Wilson in 1919. In the years that followed, tens of thousands of young Americans gave their lives in defense of these principles.

They fought through Europe and across the Pacific during World War II.

They fought in Korea in the 1950's.

And they are fighting in Vietnam today.

They fought knowing that war's cruelty and suffering can only be justified by the restoration of freedom and liberty. And they fought neither as aggressors nor against the will of the people for whom they were committed into action.

The United States entered the postwar period as the most powerful nation on earth. We are the leaders of the free world, the champions of democratic government, the most productive and resourceful society the world has ever known.

If we cannot help those smaller and weaker nations to defend their freedom, what nation can?

In truth, we have not sought these commitments—they have sought us, at a time when some 60 new nations have been born; when on every continent and in nearly every country, the have-not peoples are clamoring for their political, social, and economic rights.

We are living through a revolution of rising expectations.

The meaning of this revolution is clear: The United States cannot remain indifferent to the plight of those small and weak nations threatened by powerful and ambitious aggressors.

This is the meaning of our commitment to the people of South Vietnam. It is a commitment honored by three American Presidents in response to a request by the Republic of South Vietnam.

We are there, in President Johnson's words, to resist "the collapse of the Republic of South Vietnam in the face of subversion and external assault."

We have learned—as the history of the past generation has taught—that there can be no security anywhere on earth when the strong are allowed to dominate the weak.

At stake in South Vietnam is the security and stability of the entire region of southeast Asia. For make no mistake: If aggression in Vietnam were allowed to run its course unchecked, it would quickly spread across the borders of every other country on that troubled, struggling area.

President Johnson committed our Nation to a major role in this struggle only when it became clear that the Communist forces were winning the war in South Vietnam.

Had he hesitated, South Vietnam would now very probably be governed from Hanoi.

But he did not hesitate. And today there is no possibility that South Vietnam can lose this war militarily. And because this is so, the chance that other independent nations in southeast Asia will be overrun by aggressors is less probable today than it was a year ago.

The nature of our commitment in Vietnam cannot be isolated from the nature of the war itself.

We have made our commitment not to a Government or to a piece of real estate in a distant geographic area—but to the 16 million South Vietnamese who want nothing more than the opportunity to determine their own futures as a free and independent people.

This is a limited war—limited by the reality that we wage war not to conquer an enemy, but to find a peaceful and honorable solution to the struggle.

It is a war waged in pursuit of peace—not for the surrender of our adversaries, but for their eventual realization that victory is impossible and that peaceful settlement is the only rational end.

In such a war we do not seek to win new territory, but to insure the security of existing boundaries and the lawful rights of a free and independent people.

To do otherwise would be to invite uncontrolled escalation that would spread the flames, rather than containing or smothering them.

Our forces and those of our allies are engaged in a slow, painful, and frustrating guerrilla war against a well-disciplined and resourceful enemy.

This is a war of the lightning thrust, the deadly ambush, the hidden boobytrap, and the terrorist raid. The battleground is steaming jungle and endless rice paddies.

Let me emphasize my conviction that the United States is conducting a responsible and careful military operation in Vietnam that is calculated to maintain ground security and eliminate terrorist domination of rural areas.

American forces have insured that there will be no Communist victory in South Vietnam. They have secured large land areas that were once the domain of the Vietcong. And they have carefully controlled the awesome potential of our Nation's military response. Working together with our Vietnamese allies we have insured security for large numbers of dispossessed peasants and rural farmers and their families, who had known little but Vietcong terror for the past decade.

But as Secretary of Defense McNamara has emphasized, the security we seek for South Vietnam cannot be limited to military action. The so-called other war in Vietnam has also yielded promising results.

In 1963, the Government of Vietnam began an amnesty program for Vietcong members who chose voluntarily to leave the jungle hiding places and to return to normal life. In 1965, there were 11,000 returnees. Last year that figure was almost doubled. We expect that this year that figure will double again.

In addition, a growing number of Vietcong are deserting and returning to their villages. In 1966, some 684,000 refugees moved from insecure areas to relatively stable and secure areas. Another three-quarters of a million refugees migrated to the cities.

These facts indicate, I think, a growing disillusionment with Communist promises and Vietcong methods. They indicate the growing success of civilian programs for economic, education, political, health, and security assistance.

A new constitution for Vietnam is now completed. Local elections have begun. Inflation has been checked and the rice shortage is under control. Roads—the country's lifeline—once closed are now being opened and secured for the movement of goods and people.

What is the alternative to these efforts to restore peace and order in Vietnam?

The Vietnamese people know the answer. They understand that if the United States withdrew its help and its military support, they would return to a nightmare of terror unleashed against defenseless civilians.

Last year alone, more than 5,000 civilians—including village leaders, teachers and health workers—were tortured, kidnaped or killed by the Vietcong.

The aim of this brutal campaign is to create such chaos and misery that the entire nation will collapse. Those who are critical of the administration's conduct of the war have had very little to say about this phase of the struggle.

Yet, each day in Vietnam brings new terror and atrocites. School buses are blown up; hospitals and schools fired upon; hamlet chiefs killed or mutilated; unarmed prisoners shot down; entire villages overrun or destroyed.

These wanton acts have been largely ignored by American protesters. Instead we have heard passionate clamorings about children cruelly burnt by American napalm as the result of our bombing attacks.

We have seen photographs of these alleged victims and read newspaper advertisements that urge the President to stop the inhuman bombing.

How true are these charges? A few weeks ago, the New York Times sent its medical writer, the respected physician, Dr. Howard Rusk, to tour South Vietnam and report on the casualties he saw and the hospital facilities that exist to help them.

Dr. Rusk said, in a two-part series of articles, that the reports of widespread casualties among children or other civilians caused by napalm are simply not true.

He recognized, as we all do, that there have been such casualties, but in the 20 hospitals he visited, he did not see one case. He did see numerous children maimed or crippled as the direct result of Vietcong terror raids.

No one claims that American ground or air action has not resulted in civilian casualties. This would be impossible. But we can be assured that every effort is made to keep these losses to a minimum.

Efforts are made to forewarn civilian populations of impending hostilities. As to bombing civilians, we have the assurance of President Johnson, and I quote, "I would simply say that we are making an effort that is unprecedented in the history of warfare" to avoid civilian casualties.

The President added:

> We have never deliberately bombed cities, nor attacked any target with the purpose of inflicting civilian casualties.

This is the firm and unwavering policy of the U.S. Government. Yet there are those who choose to believe that civilian losses are not the result of mistakes or of the fallibility of men and machines. There is no rational reason for such views.

I think our people understand that there are really no hawks or doves within the highest councils of our Government. There are only men trying to find a peaceful and honorable settlement.

There is no one—I repeat, no one in our Government—who wants anything less than a quick, peaceful solution. And there is no one who wants this war to expand, who finds satisfaction in the fact that Americans are fighting in the rice paddies of Vietnam.

Those of us who know President Johnson, realize that no one detests this war more than he.

We know him as a leader committed to the cause of peace and to the task of building a society dedicated to human welfare and enlightenment.

We know him as a President who has accomplished genuine miracles on the domestic scene—leading the way toward more historic legislation for health, education, and economic stability than any other President in our history.

Knowing this, we can only imagine the extent of his anguish over the Vietnam situation.

No American hates this war any more than does President Johnson.

No other American has so despaired over the casualty figures—military and civilian—as President Johnson has.

No world leader has spent more time or exerted more effort to end this conflict than President Johnson has.

In his quest for peace in Vietnam, he has enlisted the aid not only of our entire diplomatic corps around the world, but of practically every nation on earth. He has spoken to nearly every head of state, every foreign minister, every ambassador stationed in Washington.

He has been in constant communications with emissaries from governments long hostile to the United States.

He has sought the good offices of Pope Paul, the Secretary General of the United Nations, and other respected figures, in the cause of peace.

He has carefully controlled every military action in Vietnam to avoid the possibility of enlarging the war.

He has, on five separate occasions, halted the bombing of the north to show our country's sincerity in wanting peace talks.

He has communicated directly with Ho Chi Minh and supported more than 30 proposals for negotiations.

Let me briefly document our attempts to find peace in Vietnam:

Laos Conference, July 23, 1962.

U.N. Security Council invitation to Hanoi, August 7, 1964.

Seventeen nonalined nations' appeal, April 1, 1965.

President Johnson's speech at Johns Hopkins University, April 7, 1965.

Indian Government's proposal, April 1965.

U.N. Secretary General U Thant's peace efforts, April 1966.

Suspension of bombing, May 12–17, 1965.

Commonwealth Prime Ministers' initiative, June 1965.

Davies mission, July 1965.

President's letter to U Thant, July 28, 1965.

Ambassador Goldberg's letter to President of Security Council, July 30, 1965.

Indian-Yugoslav proposal, August 1965.

United Kingdom 12-nation appeal, December 1965.

Cambodian proposal for ICC expansion, December 1965.

Pope Paul VI's appeal, December 19, 1965.

Concentrated peace effort, December 1965 to January 1966.

Ronning mission, June 1966.

Asian Conference initiative, August 6, 1966.

U.N. Secretary General's proposal, August 31, 1966.

Ambassador Goldberg's General Assembly address, September 22, 1966.

British Six-Point Plan, October 6, 1966.

Manila communiqué, October 25, 1966.

Ambassador Goldberg's letter to U Thant, December 19, 1966.

British proposal for cessation of hostilities, December 30, 1966.

Tet—Lunar New Year—truce, February 8–13, 1967.

President Johnson's letter to Ho Chi Minh, February 8, 15, 1967.

Continuous bilateral contacts with Communist states.

Bombing pauses:

May 12 to 17,—5 days, 20 hours;

December 24, 1965 to January 30, 1966—36 days, 15 hours;

December 23 to 25, 1966—2 days;

December 30, 1966 to January 1, 1967—2 days; and

February 8 to 13, 1967—5 days, 18 hours.

All of the President's efforts have, to date, been rejected by Hanoi. And while not everyone agrees with our Vietnam policy, there can be no reasonable dispute over the fact that the President continues to press for a peaceful settlement.

But this fact should not obscure another basic proposition—namely, that the President will not surrender to extreme views. Nor will he sacrifice the safety of our military forces by unilaterally deescalating the conflict to bring about the possibility of negotiations.

In short, President Johnson wants peace. But he also must persist in the struggle until the possibilities for negotiations are realized.

Our reasons for being in Vietnam have not changed. We must meet aggression with force, live up to our commitments to the people of South Vietnam, and help to stabilize the turbulent southeast Asia region.

We want peace. This is the cry not only of the people of South Vietnam and of the United States—but of mankind.

Our hope is that Hanoi will heed this universal plea and help begin the process that will lead to a peaceful settlement. But there has been no indication that Hanoi's leaders are ready to move from the battlefield to the conference table.

In the absence of any such signs the war will continue and so shall the bombing.

To Ho Chi Minh, I say:

I can assure you that the Congress of the United States strongly supports President Johnson's conduct of the war in Vietnam and his decisions regarding American bombing of your homeland. And the Congress reflects the convictions of the American people.

Do not be misled by the vocal clamoring of the dissenters. For while they accurately convey the distaste all Americans feel about the necessity for war, they do not represent the overwhelming majority's determination to keep our pledge to the people of South Vietnam until an honorable settlement can be achieved.

I say to Ho Chi Minh, the onus is now on you. The world is watching and waiting for some positive sign that you are ready to sit down and begin serious discussions.

We in the United States have heard that you are a patriot who loves his country and his people. If this is true, then you must help to stop the ground and air war that brings only greater damage and more costly losses to your nation, already bleeding profusely from the ravages of war.

If you want the bombing to halt, then agree to end the infiltration of men and materials into the south. This is a fair proposal to de-escalate the war.

The world has seen photographic evidence of how Hanoi used the Tet truce period to resupply the Communist forces in the south. This evidence underscores an obvious fact: President Johnson cannot end the bombing without jeopardizing the security of Vietnamese, American, and allied troops now in the field.

This he will not—and cannot—do.

History's hardest judgment is reserved for those leaders who allow pride, anger, or blind patriotism to stand between progress for their nation and needless suffering and destruction.

To my fellow Americans, I say:

Vietnam is but another test of our Nation's resolve to live up to its commitments in the world. Korea was such a test. So was Berlin and Cuba. Rest assured that there will be others.

We shall meet our obligations in the future as we have those in the past: As a people unified by our love of freedom and our determination to achieve a stable and peaceful world community.

We shall continue to resist aggression and to make mankind's benefits available to all men.

We shall continue to do what we must to help those who need our help—the poor and weak, the disinherited and neglected of this earth—who look to the United States as a willing partner for human progress.

Let it be said of our generation that we were brave enough to seek the peace.

President Johnson has made this commitment. For him—and for us—the torch of freedom shall never be the light that failed.

REMARKS OF THE VICE PRESIDENT AT GODDARD MEMORIAL DINNER

Mr. MONDALE. Mr. President, on March 15, 1967 Vice President Hubert H. Humphrey made a deeply perceptive speech at the Goddard Memorial Dinner, and highlighted the need for adoption of the space treaty.

We have already done much to promote international cooperation in space, but we must develop a sense of urgency and priority if this goal is to be achieved. I believe the remarks of the Vice President should be brought to the attention of the Senate and the Congress for that reason.

Mr. President, I ask unanimous consent that they be inserted in the Record at this point.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of Vice President Hubert Humphrey, Goddard Memorial Dinner, March 15, 1967, Washington, D.C.

This dinner is an occasion each year for commemorating that far-sighted pioneer of space, Dr. Robert Goddard.

But our gathering this year is an occasion for the remembrance, with sorrow and also with pride of three gallant men—Astronauts Grissom, White and Chaffee.

These were splendid young Americans, the finest our country has to offer. They knew—none better—the great risks of space. Yet they accepted them with open eyes, in wholehearted dedication to their country and its great adventure into space.

Of them it may truly be said, in the words of the poet Stephen Spender: "Born of the sun, they traveled a short while towards the sun, And left the vivid air signed with their honor."

Our hearts go out to their families in this time of their sorrow. I visited with them after the tragic accident, and I vividly recall what one of these brave women said, in speaking of her husband: "It is my hope that his efforts will not have been in vain—and that our country will continue to pursue the goals for which he gave his life."

On behalf of President Johnson, I assure you tonight that we have not lost heart—that we will not falter—that we shall move forward with renewed determination in our exploration of space.

And I am sure that the man we honor tonight, Congressman George P. Miller, can give you the same assurance on behalf of the Congress.

Our first obligation is to come as close as humanly possible to determining the cause of the Apollo 204 accident, so that we can make sure it will never happen again.

At this very moment, one of the strongest and most demanding Review Boards ever assembled is hard at work. Already we have had three interim reports and two Senate Committee hearings. Top members of the NASA organization have appeared before the Space Council.

I have been impressed by the thoroughness of this inquiry and the tough-minded way the Review Board is going about its work.

In the meantime, tonight, I want once more to express the President's confidence, and my confidence, vigorously in our NASA team.

It is this team which has enabled us, in just nine years, to put 16 astronauts in orbit, for a total of 1996 man-hours.

It is this team which has made it possible for our astronauts to put in 12 hours outside their spacecrafts.

It is this team which has enabled us to map the moon and to make an unmanned landing on it.

It is this team which has probed Mars and Venus and sent spacecraft to study the sun.

It is this team which will ensure that we are second to none in space—and I repeat, second to none.

I think it is noteworthy that today there is general agreement among the pre-eminent experts in the field that this country no longer needs a single major goal as a spur to its efforts, such as the 1961 commitment to go to the moon.

Rather, there is the realization that this nation has matured in its space effort and has developed the technology and the understanding to push forward into space in a balanced, selective manner.

This is the recommendation of the President's Science Advisory Committee, in its report last month. It called for a balanced space program, including both the extension of earth-orbiting capabilities and eventual manned planetary exploration.

I particularly want to call your attention to this passage from the President's recent Budget Message to Congress: "In 1961, this Nation resolved to send a manned expedition to the moon in this decade. Much hard work remains and many obstacles must still be overcome before that goal is met. Yet in the last few years we have progressed far enough that *we must now look beyond our original objective and set our course for the more distant future*. Indeed, we have no alternative unless we wish to abandon the manned space capability we have created."

The President followed this by requesting almost half a billion dollars for, and I quote him, "an effective followup to the manned lunar landing."

He also requested funds to enable us to increase our space competence through the development of nuclear rockets for space exploration, specifically including the objective of planetary exploration.

Space is the highest kind of human adventure, a daring thrust outward into the unknown. We all agree to that.

But even now, in the very infancy of this effort, we know that our efforts in space are bringing direct and immediate benefits to our nation and its people right here on earth.

Weather satellites have been in orbit for little more than a year, but already the savings made possible by improved weather forecasting have been very substantial.

As our global information about the earth's cloud cover and weather patterns improves, we should be able to do even better. Even now, we are able to detect hurricanes at an early period of their formation, and to give early warnings resulting in the saving of hundreds of lives and many millions of dollars.

The potential benefits from more accurate and longer-range weather forecasting are tremendous. An effective World Weather Watch should be achievable within a decade by the use of weather satellites supplemented by the necessary surface installations. It has been authoritatively estimated that this could mean benefits to the United States alone of over $6 billion a year. That figure, it is worth noting almost as high as our current expenditures of 7.4 billion dollars a year.

Satellites should also make possible highly accurate navigation systems for ships and planes, with corresponding savings in time, money, and lives.

It is not only in weather forecasting that this wider view of the world's surface will yield great dividends.

Another important application is in crop forecasting—of vital importance in this period when the world's population threatens to outrun its food supply.

Remote sensors in satellites show promise of quickly determining crop acreages and even identifying what types of crops are being grown all around the world—a task that now requires months of research. These satellite-borne sensors may also help greatly in estimating probable crop losses from disease and drought.

In this way, we may be able to get much prompter and more accurate estimates of potential world-wide crop yields than by totalling the estimates of earth-bound agricultural officials. Thus, we can anticipate food shortages and take timely action to alleviate them.

Satellites may also enable us to locate diseased areas of forests, making it possible for the foresters to get to them promptly and take remedial action before the disease spreads more widely.

Satellites can help us in prospecting, as well. Spaceborne magnetometers and gravity sensors can locate underground bodies of ore. Special infrared and ultraviolet detectors and other special color-sensitive photographic film can detect the tell-tale signs in soil and vegetation of certain kinds of mineral deposits.

Another field which is bound to grow in importance, is that of communications. For nearly two years, since the first Early Bird satellite was flown, we have linked Europe and North America with TV, voice, and data transmission. Last year, we connected the United States and Asia by using similar satellite techniques.

We all share in the benefits of this better service. And the traditional systems of radio and undersea cables have improved their service and lowered their rates to meet this new competion, with very substantial benefits to large users.

All this already—and we are just at the very beginning of the age of communications satellites.

We are just at the beginning of a real "communications explosion."

Tomorrow, satellites will create a world-wide network of information, education, and entertainment—making the whole world, in Marshall McLuhan's phrase, "a global village."

We will have the capability to telecast directly to the Soviet Union and China, and the Russians—and eventually the Chinese—to telecast to us.

We will have at our command the possibilities of a world-wide library system. With this system, we will be able to have a quick look at the text or pictures from any books, old or new, in any library in the world.

Businessmen, scholars, or diplomats of many countries will be able to confer without leaving their offices or laboratories.

We will be able to see news *as it happens* . . . enjoy entertainment from any part of the world . . . get a college education, without stirring from our homes.

It will soon be possible, even in the most remote areas of the world, to receive direct telecasts from suitably positioned satellites.

Education—a prime necessity for progress in the developing nations—will in this way be immensely accelerated.

There are also, as you know, spin-off benefits of many other kinds—such as greatly improved electronic devices and techniques, new alloys, paints with greater resistance to heat, cold, abrasion, and acids. There are new and better methods for the casting and shaping of metals, and advancements in many other industrial processes.

I was interested to note, for example, what Finance Minister Franz Josef Strauss of Germany said recently:

"Every dollar spent for space research in the United States ten years ago is worth four times that much in economic value today . . . the fallout from space penetrates every sector of commerce."

Knowledge gained in space can serve not only to enhance human life but actually to save it, through new and better medical techniques.

The extreme sensitivity of the senors enable them to measure minute muscle tremors, and they are now being tested for early detection of the muscle tremors associated with Parkinson's Disease. They also have a potential use as a diagnostic device during neurosurgery.

The photo technique that was used to enhance television pictures from the moon is now being applied to enhance the usefulness of medical X-Ray photos. Physicians and radiologists are hopeful that the computer enhancement process will enable them to sharpen a variety of medical-biological pictures and perhaps more readily detect the beginnings of cancer, heart disease, and other potentially harmful abnormalities.

An electrical switch devised for the astronaut's operation of spacecraft controls has been adapted for use by a paralyzed patient to operate a hospital call board and control a wheel chair.

And in basic biological research, a device originally designed to measure micrometeorite particles is being used to measure the heartbeat of a chick embryo without passing electrodes through the egg shell.

Just as important as the technological advances generated in the space effort are the highly sophisticated techniques of problem-solving, organization, and management which have been developed to meet the unprecedented demands of space. Systems analysis and the "zero defects" program for product reliability are now being applied widely throughout industry.

Our European friends are greatly concerned about the competitive edge which American industry seems to have over theirs—the so-called "technology gap."

I am very much concerned about this, too, and I believe that we must—and we shall—respond to the initiatives of our Atlantic partners in trying to narrow it.

But I believe that the gap may be as much in improved methods of organization and management—methods largely developed in our space effort—as in technology itself.

Here in the United States, I have been keenly interested in the application of the highly sophisticated insights and skills evolved in the space effort to the solution of many of our social and economic problems.

Just a few days ago I examined a list of 77 studies and projects undertaken by major companies in our aerospace industry. They dealt with major problems facing our cities, such as community planning, urban transportation systems, and police and fire-fighting organizations. They were concerned with various aspects of our educational system, with medical care, and with crime and delinquency.

They included systematic studies of the conservation and use of our natural resources and methods of dealing with air and water pollution. They dealt with our national transportation system, with power generation, and with many other matters.

This is a big country, with big problems and even bigger opportunities. And we need all the dividends we can draw from our investment in space in coming to grips with the problems and making full use of the opportunities.

President Johnson has said, "we will not be a great nation unless we pursue excellence."

I know of no field that so insistently inspires and demands the practice of excellence as space. There is no room for error, no place for any performance short of the very best. Indeed, the space challenge has already greatly stimulated the drive for excellence in education, from the lowest to the highest level, not only in science but in every field.

Finally, when we voyage out into space we see this planet earth in perspective—as a kind of space ship hurtling through the universe, with all mankind aboard. We are bound to reflect how absurd it is that we have yet to achieve a world order of peace and freedom under law; that so far we have merely replaced the tribal anarchy of primitive man with the infinitely more dangerous anarchy of nation-states armed to the teeth.

We are deliberately endeavoring in our space program to promote international understanding and cooperation.

We have already been cooperating in various aspects of space with more than 70 nations and we plan to put even more stress on this in the future. Countries all over the world can, with suitable and not costly equipment, tune in on our weather satellites and use the information for their own forecasting purposes.

We ourselves are currently receiving reports from the newest Soviet weather satellite—Cosmos 144. They are coming in on a teleprinter at the National Environmental Satellite Center near here, through a circuit set up with the Soviet Union in 1964. It has been dubbed the "cold line" to distinguish it from the "hot line" for instant communication in emergencies which was established after the Cuban missile crisis.

Most encouraging of all, the Space Treaty has already been signed by 81 nations, and I am confident that the Senate will shortly ratify it. Thus the Cold War—already fading on earth, as I noted in my address at Fulton, Missouri, earlier this month—will be banished completely from space. Peace among nations will reign there—a harbinger, I hope, of peace on earth.

As we celebrate the great discoveries and achievements of the past in space, and look forward with confidence to even greater ones to come, we can well take as our theme the old Latin motto: "Ad Astra per Aspera"—to the stars despite all difficulties.

But we should never forget that, although some of us are looking at the stars, all of us are here on the earth—a small planet, but our own. And it is urgent, indeed it is imperative, that our human institutions—national and international, keep pace with our scientific and technological progress.

As that great scientist and truly great man, Dr. J. Robert Oppenheimer, said of the age in which we live:

> "The years of man's life measure not some small growth or rearrangement or moderation of what he learned in childhood, but a great upheaval. What is new is that, in one generation, our knowledge of the natural world engulfs, upsets, and complements all knowledge of the world before."

We cannot bid scientific and technological progress to hold still until man and his institutions, at their current snail's pace, catch up—any more than King Canute could bid the tide not to come in.

My old friend Adlai Stevenson wrote an article for Fortune magazine some 11 years ago in which he expressed a fear that many people felt at that time:

> "Technology, while adding daily to our physical ease, throws daily another loop of fine wire around our souls."

Many of those who had such fears have since had them dispelled.

I think, instead, that we have seen how man—and his soul, if you will—have been served by the technological progress of the past few years.

It is true that today man possesses the means to finally, once and for all, destroy himself.

But it is equally true that man possesses—for the first time in his history—the means to extend the blessings of humanity to all men.

We must press forward into the unknown. That is our nature.

But at the same time, we must look with a clear eye at where we are taking ourselves so that our final destination will not be destruction, but rather the bright new world that today lies almost within our sight.

"THE SBA IN HAWAII"

Mr. INOUYE. Mr. President, since I became a Member of the U.S. Senate in 1963, the Small Business Administration has assisted more than 200 small firms in the State of Hawaii. Approximately $6 million has been loaned on a long-term basis.

SBA has also assisted 13 small firms which were forced to relocate because of federally financed projects with $627,000 in loans. This agency has provided local development companies with $1.5 million. Many of these loans have assisted in the construction of factory buildings, motels, hotels, and restaurants to increase and improve the accommodations for Hawaii's vital tourist industries.

Mr. President, one of President Johnson's greatest accomplishments to date has been the establishment of an effective cooperative relationship between the business sector and the Federal Government.

This is not merely my personal view, as it was recently noted by one of the sharpest observers of the American business scene, Prof. Theodore Levitt of the Harvard Graduate School of Business Administration.

Certainly, this close relationship between business and Government, known today as "creative federalism," is bringing benefits to businessmen of this country and to all Americans. Nowhere, I believe, is this fact more clearly evident than in the small business sector of our economy. It is indeed an important factor in promoting continued prosperity in Hawaii.

It is not unusual today that small businessmen should feel that they have a strong ally in the Federal Government. The President, since he first became a Member of Congress, has shown a keen interest in the welfare of the small business community and their problems. He has asked the Administrator of SBA, Bernard L. Boutin, to make small business one of the greatest growth industries in the Nation.

Hawaii's SBA activity is more than citing a few statistics. I should like to relate, for the benefit of my colleagues, in human, personal terms, stories which have been brought to my attention indicating how SBA's assistance has affected the fortunes of three Hawaiian enterprises.

The first story concerns Richard and Evelyn Miyashiro, a couple, who in January 1946 invested their savings in a drive-in restaurant in the city of Hilo, Island of Hawaii. They named it the "Cafe 100," in memory of the 100th Battalion of the 442d Regiment, an outfit renowned for its fighting spirit, in which Miyashiro served during World War II. It is a proud name. Mr. President, I also had the honor of serving with the 442d Infantry Regimental Combat Team.

Despite setbacks, including heavy damage from a tidal wave shortly after the cafe was opened, Miyashiro and his wife with their initiative built a successful enterprise.

In 1959 the Miyashiros decided to expand and relocate their restaurant in a new building. An SBA loan of $29,000 in which a local bank participated, helped them finance this expansion.

The new restaurant was again struck by disaster 21 days after its completion. A second tital wave destroyed the Miyashiro's business and also their home.

An SBA disaster loan of $60,000 in which a bank participated, enabled the Miyashiros to rebuild their restaurant on ground beyond the reach of tidal waves.

Their new establishment is the first self-service drive-in restaurant on the Island of Hawaii. This small business is now prospering and the Miyashiros are grateful for the help SBA was able to provide.

A second SBA success story concerns two Hawaiian brothers, Tai Yee Chun and Thomas T. W. Chun. The older brother, Tai, had been a welding foreman at the U.S. Navy Yard at Pearl Harbor, and a vocational high school teacher. The younger brother, Thomas, had been employed by local welding shops following his discharge from the Army. The brothers formed a partnership in 1947 called the Mutual Welding Co. They had six employees and specialized in steel fabricating services for the construction industry.

Construction costs in Hawaii are higher than usual because much of the material has to be shipped from the mainland. The Chun brothers, aware of this, knew that if they could devise a method of cutting construction costs they would have a virtually unlimited market.

The Chun brothers ordered steel from the mainland and produced prefabricated steel buildings in Hawaii. In 1961, during a lull in construction, they erected a building designed especially for their new project. By the time the building was equipped, they had a number of contracts for prefabricated steel products.

With its new plant, Mutual Welding was able to submit low bids for constructing many buildings. They purchased plate steel from west coast mills, and arranged to cut delivery time by one-half.

In addition to prefabricating rigid frame buildings, Mutual Welding also does custom steel fabricating and normal steel fabrication work. Examples of the firm's work can be seen on the Honolulu skyline. They include the theater of the Honolulu International Center, the State Capitol, and the City Bank of Honolulu.

This small business has grown steadily and it has a bright future. Its success is due to the foresight and hard work of the Chun brothers. But the Small Business Administration also played an important part in this successful enterprise. In 1958 SBA made the company a $70,000 loan which was repaid 3 years later.

Recently, Mutual Welding obtained a new $300,000 participation loan from SBA to enable them to build a new plant, as they had lost their lease on their previous site.

When the new plant is completed, Mutual Welding expects to expand production and to hire an additional 25 employees. The new plant will provide sufficient space for the firm to expand to a total of 250 employees in the not too distant future.

Mr. President, a third case that I would like to call to your attention concerns an inventor, Thomas Souza, Jr. Mr. Souza, now 37, has worked with metals since his first job as a shipfitter at the U.S. Navy Yard at Pearl Harbor after graduation from high school. In 1955, while still employed at the navy yard, he and a partner organized their own welding business which they operated on a part-time basis. Later, Souza bought his partner's share, and in 1959 left the navy yard to operate his business, Island Steel & Welding, full time. He specialized in prefabricating structural steel framing, guard railings for lanais, patio framing and piping, and playground equipment.

Two years ago Souza faced a great challenge. He had won a contract to do steel fabricating work on Hawaii's tallest building, the Ilikai. Their builders suddenly decided to switch from steel fabrication to aluminum. Souza was forced to make an alternate bid very quickly. He planned to devise a simplified and less expensive way of fabricating aluminum railings.

He devised an ingenious method of joining the railings by fitting them together without use of bolts, welding, or connecting devices. He called his new system "Islecraft" and obtained a patent.

Using the new system he installed aluminum railings in the Ilikai building at a saving of $100,000 over other bids.

Souza's new invention is already a commercial success. It has now been used on 73 different hotel and apartment projects in Hawaii. He hopes soon to license the system on the mainland and in foreign countries. He also plans to adapt the system for fencing gates, doors, room dividers, partitions, and ceilings.

Souza's success is primarily the result of his ingenuity and his hard work. But again the Small Business Administration made a substantial contribution.

In April 1960, after Souza decided to enter private business full time, SBA provided a $27,900 bank participation loan which enabled him to construct a building to house his plant.

Last October, SBA again provided much-needed financial assistance with a bank participation loan of $50,000 to finance plant expansion and to provide additional working capital.

These cases, I believe, exemplify the work that the Small Business Administration is doing every day to help small firms obtain necessary financing.

The last two examples are what SBA Administrator Boutin refers to as "innovation loans." He has instructed SBA loan officials to seek out small firms who with SBA loan assistance can put their new ideas, new products, and new techniques to the practical test of everyday use.

Administrator Boutin explains that to SBA innovation means the introduction of a new product or process, or it could entail the use of a new production technique, so that the resources available to society result in either a greater number or wider range of products or the same product at a lower cost.

In locating firms of this type—firms that are true innovators—SBA is providing a very valuable service.

EXECUTIVE REORGANIZATION STUDY PANEL

Mr. PEARSON. Mr. President, the creeping malaise of bureaucratic mismanagement is often discussed but rarely treated. The need for executive reorganization is a recurring theme in every Congress—and with good reason. Every year the size and responsibility of the Federal Government grows. Unfortunately, the ability to control this expansion does not grow apace. Thus, there is a need for periodic reviews of executive operations. Such a review would be inaugurated by the bill—S. 47—whose passage I urge today.

This bill, which was introduced by me on January 11, 1967, and has since been cosponsored by 41 of my colleagues, calls for the establishment of a Commission on the Operation of the Executive Branch. This body would be authorized to examine the organization and functioning of the executive branch and to make appropriate recommendations to Congress.

Such a thorough, objective and completely bipartisan review of Federal operations is long overdue. Indeed, Mr. President, since this measure was first introduced just three months ago the urgency of the problem has become more apparent than ever.

Just last week the Postmaster General publicly admitted that postal operations would be more efficient if they were administered by a public corporation. In making this suggestion, he further noted that both postal services and employee benefits would be improved under corporate management.

Certainly the growth of the Federal bureaucracy is increasing rapidly, and it is no wonder that some administrators despair of ever establishing adequate control over it. As of February, this year, there was a total of 2,885,526 civilians on the Federal payroll. In fiscal year 1966, the figure was 2,788,097. This represents an increase of nearly 100,000 employees in just seven months.

Though minor reductions in the number of civilian employees occurred during the first years of the present administration, the cost of the civilian payroll has continued to mount inexorably. In fiscal year 1963, the figure was $15.3 billion. In 1964, it was $16.2 billion. In 1965, it was 17.2 billion, and by calendar year 1966 it had reached $19.8 billion.

Furthermore, Mr. President, the immense size of this growth is highlighted by the fact that in the last decade alone Federal Government-sponsored research and development has more than quintupled—to the startling total of more than $16 billion a year.

There is an obvious need to evaluate and control this bureaucratic sprawl. This need is further underscored by the incredible proliferation of Federal programs and the vast number of agencies which are attempting to administer them.

For example, three separate programs are attending to the treatment of deaf children. Thirty are involved in teacher-training schemes.

Mr. President, the list goes on and on and on. Yet, these illustrations are merely scattered straws in the wind. They represent just the tip of the iceberg. The great bulk of waste and duplication goes unreported. Often Federal administrators are unaware of the overlapping that may exist in another agency. Many times, however, evidence of waste is deliberately concealed. No individual wants his mistakes exposed to the embarrassing glare of public disclosure.

However, Mr. President, the challenges facing this Government are so pressing, the scope of Federal involvement is so vast, and the role of the bureaucracy is so critical that we can no longer afford to delay.

It is true that waste is endemic in any operation which expands as rapidly as the Federal bureaucracy. But such waste need not be taken for granted. A major effort is needed to achieve not only economy savings, but also to focus attention on changing conditions, obsolete organization and modernizing administrative procedures.

Henry Clay once said:

> Government is a trust and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people.

Unfortunately, Mr. President, the people today are often getting too little benefit for their tax dollars. The bewildering array of alphabet agencies are not fully meeting their commitments. To do so they will need the help of an outside panel offering both objectivity and expertise. If the American public is to receive the good government it deserves, we must increase the quality of all our Federal programs.

MINNESOTA'S 25TH ANNUAL 4-H RADIO SPEAKING CONTEST

Mr. MONDALE. Mr. President, for the last 25 years, the Minnesota Jewish Community Relations Council, in conjunction with the University of Minnesota's Agricultural Extension Service, has sponsored an annual 4-H radio speaking contest. The purpose of this citizenship event is to promote human understanding amongst Minnesota young people, as well as to provide participants with practical radio speaking experience.

This year, nearly 1,500 4-H members, 14 to 19 years of age, participated in competitions at local, county and district levels. All contestants prepared and delivered original speeches on the topic, "What Does Living in a Culturally Pluralistic Society Mean to Me?"

It is my understanding that the quality of this year's addresses was exceptional. Judging by the perceptive and thoughtful remarks prepared by this year's State champion, Anne Fyrand of Hazel Run, and Reserve Champion Karen C. Anderson of Cambridge, that judgment is well justified.

Mr. President, I believe these speeches will be of interest to my colleagues in the Senate, and I ask unanimous consent that they be printed in their entirety at this point in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

WHAT DOES LIVING IN A CULTURALLY PLURALISTIC SOCIETY MEAN TO ME?

(By Anne Fyrand, Yellow Medicine County, 1967 4-H State Radio Speaking State Champion)

One morning soon after V. J. Day a United States Navy flagship lay anchored in the waters near Shanghai, China. The admiral aboard the ship was becoming increasingly worried. Rumors were being circulated about supposed military operations by the Chinese Navy which could lead to a hazardous international situation.

Unable to procure any clues, the desperate admiral sent an intelligent professor of languages ashore to view the situation. The professor did not visit the military officers but went directly to the mayor of Shanghai. He conversed with the mayor on various subjects including Chinese brush work, the mayor's children, and the impartment of compliments from the admiral to the mayor.

After the seventh cup of tea, which in China means the time at which one states his business, the professor arose to leave. Before departing he decided to extend one more courtesy to the mayor when he said. "By the way, the flagship is leaving in the morning and the admiral wanted you to be the first to know."

The professor had executed the admiral's plans perfectly with the result that the military officers were called in, and after seven more cups of tea the professor had all the desired information.

Later we shall return to the Mayor of Shanghai and his seven cups of tea for the story is relevant to the problem before us—"My response to a culturally pluralistic society."

In the year 1909, people were attending a hit play known as "The Melting Pot," from which the following lines are taken. "There she lies, the great Melting Pot—listen! Can't you hear the roaring and the bubbling? There gapes her mouth—the harbour where a thousand mammoth feeders come from the ends of the world to pour in their human freight." America, with almost two hundred million people, is not the melting pot that this play of the past said it would be. Rather, the nation as a whole is tending to gravitate to a society pluralistic in culture.

Many factors contribute to this development. The restless nature of the American citizenry keeps Americans continually on the move—from rural areas to urban centers and from state to state. The proportionate increase in Negroes in the North, Midwest, and even West, has been dramatic. The Nordic Supremacy feature has been deleted from our immigration laws and immigrants are no longer excluded from the United States because of their race or nationality. These and many other facets tend to make our democracy increasingly pluralistic.

As varied as are the groups which constitute our America, so varied is its culture. Knowledge is necessary to understanding, sympathy, and appreciation. It is not a question of superiority or inferiority, of pitting one culture against the other, but of realizing the true worth of every individual regardless of his background. Only then can one help in developing a feeling of belonging and equality which are a part of the American tradition.

First we must see all persons as products of their total environment. We are what we are because of our racial and national backgrounds, our family mores, our special interests and traditions, as well as our religious affiliation. The same is true of every other American. These elements are what makes our fellow Americans what they are.

If we are to understand the varied cultures in our country, we have to learn not to judge one another's behavior by the pattern of one's own. Whatever else can be said about the Chinese story, the professor was not behaving like an American and that is why his mission was so successful. He was seeing it all from the inside.

Can we do in our country what the language professor did in Shanghai? The fundamental problem lies in the heart of each one of us. Prejudices are some of the most obstinate barriers blocking attempts to cope with social problems. Only by breaking down our prejudices will we truly have a pooling of people for friendliness.

To stimulate appreciation and understanding of our pluralistic culture is our challenge. We must learn to be sensitive not just to words and facts but also to the more subtle aspects of these cultures. What is it like to be a Jew or Negro? What is he proud of? What pleases him and what offends him? What does he talk about? These are the things we need to know about each culture.

Let us come back to the Chinese incident and identify some of the aspects of the culture involved. The mayor spoke English better than the professor spoke Chinese, so although the Chinese language helped to open the door, it was not the essential tool. The brush work was also important as the mayor was a specialist on art. There was the business of the tea, the children, the admiral's compliments, the timing, and the order of events. These are blends of behavior, simple etiquette, and psychology.

It all boils down to this. Culture is a whole way of life and to understand another culture requires one to get out of his own culture and into the other fellow's. It is not enough for us to be taught to speak to them; we must learn to speak with understanding. To speak with understanding is to add dignity and stature to a man's accomplishments. To speak with understanding is to make possible the solution of great social problems. This should be mine and everyone's cup of tea.

What Does Living in a Culturally Pluralistic Society Mean to Me?

(By Karen Anderson, Isanti County, 1967 4–H State radio speaking reserve champion)

"The United States is the great melting pot of the world." I remember reading this in social studies in 7th grade, and again in American history as a sophomore. Since then, I have come to believe that this is not true. Instead, America is culturally pluralistic, which means that it contains many various cultures within its boundaries. It is because of this that we have the great nation that we do. Although a society of this type does have its problems, I believe the advantages outweigh these problems. First, I am going to explain why America is culturally pluralistic rather than a "melting pot," and, secondly, why this is an advantage.

America's society is a heterogeneous one, one which is made up of many dissimilar ingredients. Louis Adamic, in his book, *A Nation of Nations*, says, "It is the blend of cultures from many lands, woven of threads from all corners of the earth." The people of America cannot be stereotyped. It should not be thought that groups have remained exactly the same since entering this country, though, for this would not be possible. Different cultures have individual traits, but are also similar to others in some ways. Immigrants to America, bound by race, language, and other ties, were impelled to settle by nationalities. Each group was in some way influenced and changed by America as a whole, and America, in turn, by each group. These changes are inevitable. They have been going on for many years and will continue to do so. This is one reason why the United States is not a "melting pot." A "melting pot" would combine the different cultures, and give off a uniform product, which has not yet come about. Different people have kept many customs and traditions, which were first introduced in America by their forefathers.

Of all cultural differences that resist modification, religion perhaps ranks the first. In many countries there are few minority religions, but here we have many different ones. Christianity can be said to be dominant, but in itself, it has slightly under 200 denominations in the United States today. Besides Christianity there are other groups, too. It was often because of their religion that these groups came here. They knew that they could keep it and not have another "state religion" forced upon them. For these reasons I think it is evident that America is a culturally pluralistic nation, and is not a "melting pot." But, you may ask, "so, what?"

America is the country it is today because of the multi-cultural situation; no one group built it by themselves. It took the many, many people from all over the world using their talents and skills to develop and construct it. America is a vast edifice which has been built by the joint efforts of all the various groups who have come here. Each one had something to offer, and without any one of them, something would be lacking. Perhaps this idea is the greatest advantage. People of unlike countries can work together to make contributions in fields such as science and medicine. Too often, though, we think of what we have contributed to the world, and forget the contributions which the world has made to our nation. If we were to make a graph showing various countries' achievements per unit of time, we would see that America is leading the world. The reason for this is that many basic ideas were given to us. We didn't invent the wheel or the lever, gunpowder, or the art of printing. Our alphabet and our language were importations, too. The contributions made by Greece and Rome would fill a library including the very concept of democracy and rule by law. Galileo the Italian, Newton the Englishman, and Einstein the German Jew made our space age possible. We are the richest and most powerful nation on the face of the earth—thanks to "foreigners." We are proud of our United States, though, and rightly so. Many of our contributions to science and technology are essentially our own. Today the Gross National Product of our country is $700 billion, which is approximately twice as high as the second highest country, the Soviet Union. Yes, people from different countries working together has certainly "paid off."

Secondly, we have an advantage because we can gain a better understanding of the world and its people by living with representatives from practically every culture. Ours can be said to be the spirit of coexistence and cooperation, of friendliness and tolerance. This spirit is based partly on our democratic system of government; partly on the recognition of the principle of the freedom and dignity of the individual; partly on the fact that America has attracted to itself and received the contributions of work, ideas, and civilization that has come to it from all parts of the world. With all the imperfections that yet remain to be smoothed out, America nevertheless sets an enviable example to the rest of the world.

Yes, America is culturally pluralistic, for which we can be glad. The multiform, multicolored American culture is something I can well be proud of, along with every other American, because I know that it is—partly the product of myself and my forefathers.

SUPERSONIC AIRCRAFT

Mr. PEARSON. Mr. President, recently I received a letter from Mr. C. R. Smith, chairman of the board, American Airlines, which communication embodied in my judgment one of the most concise, persuasive, and logical arguments in favor of the development of supersonic aircraft.

Mr. Smith's position in summary points out that the development of the SST by the United States will determine our position as the leader in world aviation. His letter covers most of the points pertinent to this subject, including the argument involving the mach 2 or mach 3 plane, the question of the sonic boom, financing problems, and many other points which I recommend to my colleagues.

Mr. President, I ask unanimous consent that Mr. Smith's letter be incorporated in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN AIRLINES,
New York, N.Y., March 31, 1967.

Senator JAMES B. PEARSON,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR PEARSON: I hope that you will vote for a "go ahead" when the program for the development of the United States supersonic prototype comes before the Senate. The reasons for this recommendation are these:

It is no longer debatable that we will soon have supersonic air transportation. The question is the extent to which the United States will participate in this new development and benefit from it. The British-French have a government-sponsored supersonic airplane on the assembly line and it will be flying soon. The Russians have announced a similar government-sponsored transport and predict that it will be flying at least as soon as the British-French model. There is reason to believe that the Russians will have their airplane; they have the basic capability to design and build it, they have incentive to do so and their announcements in the past about air and space plans have usually been followed by performance.

Russia has been given authority to operate its airline to the United States. Both the British and the French have long had such rights. We should anticipate that British-French and Russian supersonic airplanes will be operating from Kennedy Airport before a United States airplane is available.

International air transportation is highly competitive. It directly affects the economy and the prestige of the nations involved. The air carriers of the United States must be able to operate supersonic airplanes if foreign-flag airlines do so. If the United States carriers cannot buy airplanes built in the United States, they must, for competitive reasons, buy them elsewhere. If this comes about, we lose both prestige and dollars. We also lose employment for our skills and work for our people.

We should be concerned about our position in world aviation. The United States has usually been first in the production, use and sale of better airplanes. In the main, the airlines of the world, although they are usually owned by the nation whose flag they fly, are now equipped with airplanes built in the United States. The United States is the world leader in aviation today. We became the leader because we were willing to lead. We have not hesitated to build, use and sell better airplanes once it had been proven that they were feasible, usable and salable.

Will the United States model be feasible, usable and salable? That would have been a realistic question some years ago. But, during recent years, we have devoted our attention to the potential of supersonic air transportation; we have worked hard and learned much. There is now no reasonable doubt that the United States has the technology needed to design and build the best supersonic airplane; no other country in the world has quite so much knowledge, skill and experience. We hesitate, not because we doubt our ability to produce, but because the investment will be high.

There may be nostalgic value in recalling the time when aircraft development programs cost must less. But, now, we are in a different league. If we want to retain leadership in aviation, in competition with other governments willing to support supersonic development, we must be willing to make the necessary investment.

It has been suggested that we might reduce our risk if we would be willing to settle for a Mach 2 airplane, believing that the total of the unknowns would be smaller. We know, of course, that the number of the unknowns has been steadily diminishing during recent years. Much of the mystery in designing a suitable supersonic airplane has already gone down the wind tunnel. An efficient, economic Mach 3 airplane can be built. Experts in the service of the government believe this and say so. Competent manufacturers are willing to share in the risk of the project. Experienced airlines expect to operate supersonic airplanes and they have protected delivery positions with substantial deposits.

We would increase our risk with a Mach 2 airplane, rather than decrease it. We would be extending the frontiers no farther than airplanes now under way. Our Mach 2 airplane would compete directly with other Mach 2 airplanes and we would have little advantage to offer. More important, the Mach 2 airplane will be obsolete much earlier than the Mach 3 airplane. There is little merit to a proposal that we rest at Mach 2 because other nations are willing to do so. They may be reaching the limit of their technology; we are not. If we stop at the intermediate point, we dissipate our superior technology and surrender our leadership.

Another way to reduce the risk, it is said, would be to build the new airplane of aluminum, because more is known about working aluminum. This would, in itself, reduce our airplane to Mach 2 because that is the limit for aluminum. A decision to prefer aluminum, if made several years ago, might then have been tenable, although it would have turned out to be wrong. But a decision now for aluminum would not be tenable; we can build a better airplane and should do so.

Titanium is a superior metal. It has many advantages, including better heat resistance and better resistance to corrosion. With titanium the airplane can be lighter, althought no less strong, giving us an increase in payload, which can be translated either into more range or more passengers, or both. Those who believe that we should "go back" to aluminum are just not well acquainted with what can be done with a better metal. We have learned to work titanium; there are few mysteries remaining. Military machines built of titanium have been flying at 1800 miles an hour for several years. The supersonic airplane, with its problem of heat production, must be designed for titanium.

There are hestitations in other areas. Some would be willing to support the project if they were promised that it would go slowly, learning as we go, as they put it. There is a mirage of appeal in a stretched-out program because annual appropriations might be smaller. We should realize, however, that this program has already been delayed. There is no justification for a planned slowdown.

We want this to be a good airplane, able to earn its way and repay its investment. To get that, we must have a fair total cost. The Air Force learned, long ago, that there are two methods which will certainly add to total cost. One is to slow down the development and stretch it out. The second is to insist on an "accelerated" or "crash" program. There is no need for us to make either of these mistakes.

What about the sonic boom? Nearly everyone who knows anything about airplanes is willing to discuss the sonic boom. That willingness may more often be found among those who have chosen to take a position against the program; it is a subject upon which strong convictions can be expressed without certainty that they will be successfully contradicted.

No one really knows enough about the boom. There will be a boom and it will bring problems. But actual experience with booms produced by large, fast airplanes is confined in the main to experience with the B–70. Only three of these airplanes have been produced and their total flying time is not much.

For the sake of discussion, let's assume the pessimistic point of view. Assume that the problem of the boom will not permit the Mach 3 airplane to operate at that speed over populated land areas. If so, that would reduce its immediate area of opportunity to the overseas routes, water routes, with the land portion at subsonic speeds.

Even with this hypothetical limitation, we still would know that other nations will be operating supersonic airplanes on their routes. If we intend to operate on the same routes with a fair opportunity for competition, we must also have supersonic airplanes. We then come back to the earlier conclusion, that supersonic air transportation is relatively "just around the corner." The principal question remains, to what extent do we intend to participate?

Aside from direct dollar economics, airplanes built in the United States have been "showing the flag" along the air routes of the world for a long time. These airplanes speak of industrial efficiency and of products of good quality. They affect the image of the United States and affect it favorably. This contribution to national prestige needs to continue.

Finally, this is the land of private enterprise. Why cannot the United States manufacturers and the airlines get together and finance the airplane without government aid?

Mathematically, it becomes obvious upon examination that total resources available to the United States firms are not sufficient to bear the risk of the enterprise. But there is more. Both the British-French and the Russian airplanes are government enterprises. The government provides the capital and takes the risks. The manufacturers and the airlines of the United States are efficient and relatively strong. But they are not strong enough to compete with the national treasuries of other governments without aid from their own government.

Unless the United States Government is prepared to participate in the development program, in a very sustantial way, we have the prospect that other countries will have a supersonic airplane but we will not have one.

Sincerely yours,

C. R. SMITH,
Chairman of the Board.

REPORT FROM VIETNAM

Mr. McGEE. Mr. President, Joseph Alsop has given us another look at our adversary in Vietnam, in and around Bienhoa, where, he tells us, the enemy's problems are infinitely graver than our own. The reason for this, Mr. President, as Mr. Alsop explains in a column taken from Monday's Washington Post, is that our forces in Vietnam have denied the Vietcong and their North Vietnamese allies the sanctuary of immune bases. In a series of operations which have been quite successful, we have denied the guerrilla army of our adversary the sanctuary which Mao Tse-tung holds necessary for victory by such units. This is a most encouraging development, even if it does not end all of our problems overnight. I ask unanimous consent that Mr. Alsop's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

III CORPS

(By Joseph Alsop)

BIENHOA, VIETNAM.—This little province town not far from Saigon is the headquarters of God knows how many special commands possessing God knows how many pieces of machinery so fast that the earth itself seems to groan under the burden. And it is also the headquarters of the Second U.S. Army Field Force, with responsibility for the whole huge, complex, vital III Corps Area.

Three Corps contains not only a long series of rich provinces and Saigon itself; in addition, it contains all but a couple of the huge, formerly impenetrable jungle "War Zones" that used to provide absolute immune bases for the big units of the enemy. After wandering from division to division, therefore, this is a good place to come to take a general look at the progress of the war in the single region of most importance to Hanoi and the V.C.

Here at Bienhoa, there is no stirring spectacle of young and brave American troops hotly engaged in battle, as at Landing Zone George. Here, instead, one sees the larger more somber drama of Hanoi's war plans going terribly wrong.

Precious few Americans, even here in Vietnam, understand the luridly unreal character of the war plans Hanoi adopted in response to the U.S. intervention on the ground in 1965. The aims were to cut the country in half at the waist and to invest the city of Saigon; and these aims were to be achieved by a major troop buildup despite the U.S. intervention.

The landscape is littered with phantoms of these aims. For instance, the move against Saigon was to be led by the Fifth VC Division, coming down from Phuoctuy Province, with the Ninth VC and the Seventh North Vietnamese divisions pushing over from the West in support.

Because of the harsh attrition inflicted by Gen. William C. Westmoreland's search-and-destroy strategy, the supposed leading division, the Fifth VC, never really reached divisional status. Its operations officer, Lt. Col. Nam Hung, defected last summer, revealing that his outfit still possessed only two regiments, one completely worthless and both riddled with malaria.

Avoidance of combat appeared for a long time to be this miserable outfit's prime purpose. More recently, the two regiments have been brought back to semi-life by the injection of North Vietnamese replacements. But their quality can still be judged from the fact that the main effort by one of them—a battalion-sized surprise attack—was successfully repelled by a single company of the rag-tag regional force-militia.

As for the Seventh North Vietnamese Division, over on the Laos border, it is even more a division in name only than the Fifth VC, and again because of the effects of general attrition. It has one combat-ready regiment, but its main function is now to serve as a replacement depot through which infiltrating North Vietnamese troops are staged to fill gaps in the ranks of other units.

The reason for all this can be swiftly discerned if one turns to the Ninth VC Division, once a ferociously tough fighting outfit wholly manned by Southerners. As early as last August, the Ninth had suffered so badly, and local recruitment had declined so gravely, that most of the battalions had to be filled up to half their strength with Northern soldiers.

In consequence, the "Cedar Falls" documents bristle with angry complaints of the North-South friction in the Ninth VC Division. More recently, an entire North Vietnamese regiment, the 101st, was inserted into this once-proud Southern Division to permit relief of the horribly mauled 271st VC Regiment. Thus the latter was withdrawn from combat—at any rate that was the hope—to help guard the enemy's deep-hidden Southern headquarters, COSVN, as it is called.

For a year and a half, in sum, everything has been sacrificed to keep the Ninth VC Division up to strength. But all three regiments of this division have just been hideously decimated once again in the "Junction City" operation. And just the other day, at Landing Zone George, even the COSVN guard-regiment, the unlucky 271st and the 70th, were at last cornered and worked over till they broke and ran after very heavy losses. COSVN itself has been driven to take refuge in Cambodia.

In III Corps, furthermore, barring assorted provincial battalions, COSVN no longer has a single big unit in fighting trim. One wonders what will be done about this. But one wonders even more about what will be done about the even more acute and painful problem of the formerly impenetrable war zones.

Here is where the vast machines of the American special commands have played a vital role. In Gen. Westmoreland's big operations in the "Iron Triangle" and War Zone C, the destruction of endless fortifications and the capture of many tons of documents have got the leadlines.

But they have been immeasurably less important than the construction of airstrips, the insertion of heavily fortified special forces camps at strategic points, and the swift thrust of great military roads into the very heart of the enemy's once-immune base areas. Ma Tse-tung, it must be remembered, long ago laid down the rule that without "immune" base areas, any guerrilla movement was "doomed to defeat." Just because the base areas have so dramatically ceased to be immune, it does not mean that all the problems of the III Corps Area are going to be solved overnight.

In most of the III Corps provinces, the task of pacification still presents very grave problems. But the crucial fact remains that the enemy's problems in III Corps are now infinitely graver than our problems. One may guess they have, in fact, become wholly insoluble.

VISIT TO VIETNAM

Mr. BYRD of Virginia. Mr. President, I rise to address my remarks to the American people on the most serious problem confronting the Nation today—the Vietnam war and our Asian policies.

I returned only last week, Mr. President, from 2 weeks in southeast Asia. I made this trip while the Senate was in Easter recess because I wanted to observe first hand the conditions under which our troops are operating—and the outlook for the future.

Mr. President, I wish that others could have been with me as I talked with young American men in the field in Vietnam, and in the jungles of that far removed, wartorn Asian nation.

To see these young Americans and to talk with them is to gain confidence anew in the United States for they, just as did the men at Valley Forge, are giving the world new lessons in selfsacrifice, in valor, and in unquestioned devotion to duty.

Being in Vietnam focused my mind on two thoughts concerning which we hear little in the United States.

One is that despite the frequent warnings that we must not escalate the war against the enemy, the hard truth is that it is being escalated every day against the American people.

The other thought is my conviction that total American effort must be directed toward the objective of securing more military aid in Vietnam from the Asians themselves, and from our allies throughout the world.

Mr. President, it was my purpose in going to Vietnam to learn first hand if our servicemen are receiving the best leadership and the best supplies we can provide them and the full measure of support to which they are entitled.

I wanted to see what the American people, through their government, could do to help them in the task they have been assigned.

Theirs is a tremendous task.

The magnitude of the United States undertaking in Vietnam can be appreciated only if one is aware that we are in effect fighting two wars—the military war and at the same time a political war involving a social revolution.

The American Government has undertaken not only to free South Vietnam of communism, and to stop the infiltration of Communists from the north, but it also is undertaking to bring democracy to every village and hamlet in the nation.

This it seeks to do in a nation in which less than one-half of the people are literate. It lays great stress on the so-called elections. Yet, formal education for most Vietnamese stops at the fourth grade. They have had no experience with democratic government.

My 2 weeks in southeast Asia tended to confirm or accentuate many of my earlier views on the war. It also stimulated my interest in the whole problem of southeast Asia.

I wanted to reflect on my trip and to think about what I saw before presenting publicly my observations regarding the U.S. position in Vietnam.

And I might say that during the 2 weeks I was outside of the United States, I adhered strictly to my policy of avoiding public comment on U.S. foreign policy while on foreign shores.

Privately, I sought the views of military and civilian leaders in Vietnam, in Thailand, in Taiwan.

For the most part, I received frank answers from those with whom I talked. Occasionally, there was evasion and sometimes propaganda, but on the whole there was only frankness.

Only a part of my time was spent with these leaders. I spent a great deal of time with the troops—with those who serve as riflemen and artillerymen and cooks and truck drivers and pilots and mechanics. I shook hands and talked with 700 to 800 Americans, including many Virginians from every part of the Commonwealth.

The American people can take both confidence and pride in the professional military leadership in Vietnam.

I refer not only to Gen. William C. Westmoreland, with whom I twice discussed our problems. He is a soldier of great ability.

While in Vietnam I visited the areas of each of his four major commanders, from Da Nang in the north to the Mekong Delta in the south.

I was highly impressed with the ability of Lt. Gen. Lewis W. Walt, commanding general of the 3d Marine Amphibious Force at Da Nang; with Lt. Gen. Stanley R. Larsen, commanding general of the 1st Field Force; with Lt. Gen. Jonathan O. Seaman, commanding general of the 2d Field Force, and with Adm. Norvel G. Ward who directs our operations in the Mekong Delta. The air operations are capably directed by Lt. Gen. William W. Momyer, commander 7th Air Force.

I found this same high quality of leadership with our forces at sea. The 7th Fleet is ably commanded by Vice Adm. John V. Hyland, and Carrier Task Force 77 is under the dynamic leadership of Rear Adm. David C. Richardson.

The degree of cooperation between the various services is outstanding. From the B–52 bases at Guam to the airfields of Vietnam I heard time and again high praise for the work being done by the infantrymen and the marines who are fighting the ground war.

Conversely, from the 1st Infantry Division, from the 25th Infantry Division, and from the 3d Marine Amphibious Forces, comments were frequently volunteered as to the vital part the Air Force, including naval aviation, is playing in the war.

While in a helicopter observing a combat assault landing near the Cambodian border, I asked Brig. Gen. Bernard W. Rogers, of the 1st Infantry Division, through the intercom system, his appraisal of the work of the Air Force. "Great, great," he replied.

One has to visit the almost impenetrable jungles to understand the natural sanctuaries the enemy in Vietnam enjoys and to appreciate the odds against our men in seeking out and destroying this enemy.

In this difficult mission, our huge Guam-based B–52 bombers have played a significant role. Here again the cooperation between the services is dramatized by a policy of Major General Krum, commanding general of the Strategic Air Command at Guam: He sends two flight crews each month to live with an infantry unit so that the aircrews may know firsthand the conditions on the ground.

Generally, the morale of our men is high. I found this to be the case almost everywhere I went, and it seemed particularly true at the forward areas.

For example, at one remote outpost north of Da Nang, I talked with 14 marines. They, along with two Vietnamese, comprise the combined action force guarding the adjacent Vietnamese village. Of the 14 American marines, two had voluntarily extended their enlistment for 6 months.

I would like to emphasize, too, that it was my observation that the morale of the Negro serviceman is equally as high, and the job he is doing is equally as good, as his white counterpart.

The dominant reason for the high morale appears to be the definite termination date to which each man can look forward. Under present policy, he knows that at the end of 1 year he will be returned to the United States.

Another important morale factor is the excellent medical attention our men receive. Evacuation helicopters quickly transport the wounded to base hospitals.

For example, on Easter Sunday I visited a field hospital north of Da Nang. My helicopter landed at the same time as did an evacuation helicopter with four wounded marines and two wounded Vietnamese. They had been hit only 30 minutes before, thus indicating the speed with which our wounded can receive medical attention.

In this connection, the pilots and corpsmen in these evacuation helicopters deserve great credit. They go in under fire to remove their wounded comrades and in doing so they suffer an even greater percentage of casualties than our combat men.

In Thailand, while I had been aware of the buildup, I am frank to say I had not realized its extent.

Thailand in itself is becoming a major military endeavor. More than half the Air Force strike missions against North Vietnam are flown from Thailand.

The United States has put a great deal of money into building four large military bases, and even more U.S. funds will be spent.

The Thais receive the Americans well. Some of this no doubt is due to delicate negotiations for the bases which were ably handled by Ambassador Graham A. Martin.

Thailand's potential is considerably greater than that of Vietnam. It has 32 million people compared to Vietnam's 16 million; an area of 198,000 square miles compared with Vietnam's 65,000.

Thailand has a history of relative political stability in sharp contrast to Vietnam's recent history.

Now for the deeper implications of our position in Vietnam and southeast Asia:

A recognized authority on Asia, Edwin O. Reischauer, former American Ambassador in Japan, the country of his birth, had this to say a few days ago:

> There is not much agreement in this country (U.S.) about the war in Viet Nam, except that it is something we should have avoided. We are paying a heavy price for it in lives, in national wealth and unity, and in international prestige and influence.

In a provocative article written for Look magazine, the scholar-diplomat says:

> We need a great debate—not just about Viet Nam, but about Asian policy in general. I do not think we really have an Asian policy —that is a well thought out concept of our relationship with Asia. We lack an overall understanding of the problem we face there, the relationships of our influence and the potentialities the Asians themselves possess. Decisions have been made country by country and case by case. Small and seemingly reasonable steps have been taken to meet specific, immediate problems, but sometimes these little steps have led us by slight imperceptible terms away from our objective. This is the way we stumbled into the blind alley of our present Viet Nam policy.

One does not need to be an expert on Asia to sense the logic of what Ambassador Reischauer writes.

It is vitally important that the American people know more about Asia, that greater thought be given by our leaders and legislators as to America's future course in Asia.

I would ask the people in the galleries, the people on the farms, the people in the cities and suburbs of our Nation to give greater thought to Asia, because Asia will play an increasingly important role to all of us Americans.

It is vitally important because America was called upon in 1950 to send troops to Korea where we suffered 33,629 battle deaths and 103,284 wounded.

Now, 17 years later, we are even more deeply involved militarily in southeast Asia, where we have more ground troops than we had at the height of the Korean war.

In Vietnam, we have roughly 435,000 American servicemen, plus 65,000 aboard ship in southeast Asian waters, plus another 42,000 American military men in Thailand.

So we are deeply and heavily involved with manpower in southeast Asia.

During 1966, the United States suffered 35,000 battle casualties—dead and wounded.

For the first 3 months of 1967, total American casualties have been running at the rate of about 1,300 per week, which on an annual basis would mean that we will have suffered about 65,000 casualties during 1967.

Historically, the people of the United States have been oriented toward Europe rather than toward Asia. Consequently, the American public has given little thought to American involvement in Asia.

The decision has been left to the leaders.

The commitments have been made in the name of the American people yet without the people or their representatives having had an opportunity to pass on the wisdom of the commitments until the involvement becomes so deep that our opportunities of action are limited and unsatisfactory.

One step leads to another, one gesture of friendship and help leads to additional commitments until we find ourselves as we do today, fully and deeply involved with resources and manpower in the problems of a country situated 12,000 miles from Washington—just about as far away as one can possibly get.

But our involvement in Asia does not stop with Vietnam.

In order to help the war effort there, we have negotiated with Thailand and have constructed, or are in the process of constructing, four huge military bases there, each of which I visited.

These bases are of great importance to the American military effort in Vietnam.

For example, our giant B–52 bombers heretofore all flown from Guam—a 12-hour round trip to target—will, beginning this month, be operated partially, from Thailand—a 4-hour round trip flight to target.

But our presence in Thailand further commits us in Asia, and it commits us to protect the Kingdom of Thailand.

Visualize, if you will, the map. Vietnam is separated from Thailand by both Laos and Cambodia. In other words, Laos and Cambodia lie between the two countries in which we are currently militarily involved.

The ultimate fate of Laos and Cambodia hangs in doubt with Communist pressure at a high point.

A part of Laos is now an important military base for the Vietcong; yet, another part of Laos is cooperating with the United States.

Cambodia claims to be neutral and will not permit the United States to overfly it when U.S. planes go from Thailand to Vietnam. Yet Cambodia is also a sanctuary for the Vietcong.

Sooner or later our Nation may be faced with grave decisions regarding Laos and Cambodia.

If such is the case and we decide to intervene, we will then have assumed the responsibility for all of what was French Indochina, plus its neighbor, the Kingdom of Thailand. If we conclude not to intervene in Laos and Cambodia, either or both could become another Communist-dominated North Vietnam.

What about the Asians themselves? What do the Asians think about American involvement in Vietnam?

The most important Asian nation economically is Japan.

Japan is not participating in the Vietnam conflict.

Except for occasional friendly statements by Prime Minister Sato, virtually no voice is raised in behalf of the United States. In fact, whatever comments are made in Japan regarding the Vietnam war are hostile to U.S. involvement.

What about the two largest Asian nations, Communist China and India?

China, as we know, is supplying most of the small arms and food for the North Vietnamese and Vietcong; and India, a nation which should have learned its bitter lesson from Red China, frowns on U.S. involvement in Vietnam.

Of the smaller Asian nations, aside from Thailand, we are getting major help only from Korea. That nation is supplying 47,000 troops—and a good fighting lot they are.

The Philippines have made a friendly gesture by sending 2,500 engineers to Vietnam. Additionally, we are getting some help from Australia and New Zealand, two non-Asian nations.

Our high officials like to say that Vietnam is being defended by free world forces. But, as a practical matter, the only free world forces involved in major magnitude are the United States and Korea, and, considering its size, Australia.

As I see it, one of the great weaknesses of our struggle in Vietnam is that our Government has been unable to obtain effective support from the Asian nations, or from the 44 nations with whom we have mutual defense agreements, or from the United Nations, to which we have contributed millions for the maintenance of world peace.

For the most part our so-called friends have turned cold shoulders and have even aided the enemy with trade. I point out here that during the past 4 months, 20 ships flying the flag of Great Britain have carried commodities and materials into the North Vietnamese port of Haiphong.

I talked with many responsible U.S. military leaders and civilian leaders while I was in those Far Eastern countries. Virtually none see an early end to our involvement in Vietnam. Most feel that our military involvement could go on for quite a while, perhaps several years.

All feel that our involvement in the so-called pacification program, or social revolution in Vietnam, is a long-range one which could keep large numbers of Americans in Vietnam for 15 to 20 years.

If, in the meanwhile, we face another "Vietnam" in Asia, one can readily see that the drain on our manpower and our economic resources will be tremendous. Already the Vietnam war has cost American taxpayers at least $40 billion.

The buildup in Vietnam—starting from scratch—has been accomplished in the amazingly short time of 18 months.

Today the construction capability is sufficient to duplicate the eight-lane circumferential highway around Washington, D.C., every 60 days, or pour another Hoover Dam in 11 months. The asphalt paving capacity is enough to rebuild the 118-mile Jersey Turnpike each month.

In one year the amount of rock crushed could fill enough railroads cars to make a train almost 1,000 miles long. The combined earthmoving and dredging capability is enough to excavate a new 100-mile-long Suez Canal in a year and a half.

These abilities exist simultaneously and have been developed in spite of monsoons, limited lines of communications and the widespread activities of a determined enemy. They dramatize, too, the great industrial might of the United States, built on the free enterprise system.

But economic cost is not my prime concern.

What concerns me so deeply is American involvement with manpower, and the heavy casualties we are suffering in the most unusual war the United States has ever fought.

It is not war as we knew it in World War I or World War II, or even in the Korean war. It is a guerrilla type of war to which Asians are well suited and to which their terrain is well adapted.

It is a war in which we send the world's best equipped fighter planes and bombers costing more than $2 million each to bomb or strafe inexpensive targets like a truck or a remote roadbed.

Vietnam today has on its soil more than 1 million military personnel—435,000 Americans, 47,000 Koreans, about 10,000 from various other nations, and 620,000 members of the South Vietnamese armed forces.

Geographically, South Vietnam is 65,000 square miles—almost exactly the combined size of the States of Virginia and West Virginia.

Visualize the placing of more than 1 million soldiers in the two Virginias and one can then visualize something of the situation in South Vietnam, and the inherent problems of such an arrangement.

Whenever responsible Senators such as the Senator from Georgia [Mr. RUSSELL], the Senator from Mississippi [Mr. STENNIS], the Senator from Missouri [Mr. SYMINGTON], or the Senator from Washington [Mr. JACKSON] urge that the supply routes of the enemy be cut, the cry goes up that this would escalate the war.

We hear much about a limited war—but for the American people, is it really a limited war?

It is limited as to expansion beyond the borders of Vietnam; it is limited insofar as obtaining help from other nations; it is limited in what our military commanders are permitted to do in stemming the flow of supplies to the enemy—but the war has been greatly widened so far as the American people are concerned.

Let us see where the real escalation has occurred.

The true escalation of the Vietnamese war has taken place on the ground within South Vietnam. Two years ago we had 29,000 U.S. troops in Vietnam; today we have 435,000, not counting the 42,000 in Thailand or the 65,000 aboard ships.

So the war has been greatly escalated for the American people, and the sacrifices their sons are asked to make.

Two weeks in southeast Asia dramatized to me that our southeast Asia involvement is deeper than it appears on the surface and is more complicated and more difficult than most Americans realize.

So long as U.S. forces fight in Vietnam, I feel it important that several steps be taken by our Government:

First. That the military commanders in the field should be given the authority to cut the enemy supply lines and attack vital military targets in North Vietnam if, in the judgment of the military leaders, it is necessary to do so to protect American troops.

The restrictions we have placed on our fighting men have permitted the enemy to build up its forces in North Vietnam, and to accumulate surface-to-air missiles, heavy artillery, heavy antiaircraft weapons and the oil to prosecute the war. Virtually all of the sophisticated weapons have come from the Soviet Union.

While with Carrier Task Force 77, I observed the launch and recovery of a night raid into North Vietnam. I later talked with two young A6 Intruder Bomber pilots who barely escaped from the target area after evading surface-to-air missiles which might well have been destroyed on the docks of Haiphong days earlier. Additionally, our pilots must contend with Mig fighters which contest them from sanctuary airfields.

The unwillingness to hit important military targets in North Vietnam has prolonged the war and increased our casualties, and in the future will increase our casualties even more.

Second. Our Government must not agree to "pauses" in military operations, such as we did for 6 days in February, unless it can be assured that the enemy will not use the cessation to consolidate his forces and to build his supplies.

The facts show that the 6-day February pause resulted in the transporting of more than 40,000 tons of material from North Vietnam to South Vietnam for the purpose of supplying the Vietcong.

Such a quantity of material is adequate to supply two Vietcong divisions for 6 months. Undoubtedly, additional American casualties resulted from the 6-day pause.

Third. I think it vital that our Government concentrate on getting support in the way of combat troops from other Asian nations. Supposedly, we are fighting to keep Asia free from communism. If such is the case, the Asians themselves should participate fully with manpower in this endeavor.

This is the third major war in which the United States has become involved in the short space of 25 years, and two of these — Korea and Vietnam — have been in Asia.

It is time—indeed, well past time—for our Government to begin a diplomatic offensive toward obtaining effective help from other nations to the end that America will not be fighting an Asian war virtually alone.

This, Mr. President, is my appraisal of conditions as I observed them in southeast Asia.

If we continue to restrict our military leaders in their missions, if we do not press for greater assistance from Asian nations, and from our allies elsewhere, then the American people have the right to know that we face a long, costly struggle.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. JACKSON. Mr. President, I commend the distinguished Senator from Virginia for the very fine statement he is making.

I know that the report he is now giving to the Senate—which he has also given to the members of the Committee on Armed Services—will be extremely helpful.

During the short time that the Senator has been a member of the Armed Services Committee, he has made a number of fine contributions.

I commend him for the forceful and effective report that he is giving to the Senate.

Mr. BYRD of Virginia. Mr. President, I am grateful to my friend, the distinguished and able Senator from Washington, for his generous and kind remarks.

The Senator from Washington is one of the senior members of the Senate and a senior member of the Armed Services Committee. He is one of the most knowledgeable men on military problems in the entire Congress.

I am most grateful for his comments.

Mr. President, I am convinced that a long war is to the advantage of the Soviet Union and Communist China.

I am convinced, too, that a long war will drain American resources and American manpower.

For that reason, I feel the logical course for the United States to follow is to conduct the war in such a way as to bring it to the earliest possible conclusion.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. HARTKE. Mr. President, the Senator from Virginia has made a thought-provoking speech. As usual, he has demonstrated his willingness to meet head-on the issue of the day.

I note that in his third recommended step to be taken by our Government, he states his belief that it is vital for us to concentrate on getting support in the way of combat troops from other Asian nations.

Is the Senator aware of the number of casualties that the South Koreans have had since the beginning of the war?

Mr. BYRD of Virginia. I do not have the precise figures at hand.

Mr. HARTKE. Mr. President, as I understand, the total number of South Korean casualties is less than 1,000. That figure includes all the killed, wounded, and missing. It is also my understanding that the South Koreans are not engaged in combat activities in the war. Is my understanding correct?

Mr. BYRD of Virginia. The South Koreans have in Vietnam a total force of 47,000.

I am not aware of their total number of casualties. I must say that I do feel that the Republic of South Korea has done, and is doing, its full share of participation in this matter, which is more than can be said for most of the other nations.

Mr. HARTKE. The Philippines have in Vietnam a contingent of 1,000 men. They are also engaged in construction work.

Mr. BYRD of Virginia. The figure I have reflects that 2,500 men from the Philippines are in Vietnam. They are engaged in engineering. They are not offensive troops. They are there for construction purposes.

Mr. HARTKE. The Australians have roughly 4,000 men in Vietnam.

Mr. BYRD of Virginia. The Australians have between 5,000 and 6,000 men in Vietnam. I am inclined to think that is a pretty good force for a nation the size of Australia.

Mr. HARTKE. How many men from New Zealand are in Vietnam?

Mr. BYRD of Virginia. A couple of hundred. The Thai are not actually participating in the sense of supplying military manpower, but they are very cooperative so far as the use of their territory is concerned.

Mr. HARTKE. Besides the countries I have mentioned, no other nations are involved in the struggle.

Mr. BYRD of Virginia. I do not think there are any others. Spain has an ambulance unit there. However, so far as effective participation is concerned, the Senator from Indiana is quite correct.

Mr. HARTKE. So far as we are concerned, we have no cooperation from either of our immediate neighbors in this respect—that is, from Canada or Mexico; or from any North American country, any South American country, any African country, any European country, or any Asian nations except Korea and the Philippines, and the limited Thai support.

Mr. BYRD of Virginia. Unfortunately the distinguished Senator from Indiana is correct.

One of the great weaknesses in the struggle in Vietnam and one of the great weaknesses of our Government is that we have not been able to get effective help. As the Senator from Indiana has pointed out, our Government has not been able to get effective help from its allies. We have mutual defense agreements with 44 nations. They would expect us to come to their defense, but we are getting very little help from them.

Mr. HARTKE. And many of the nations with which we have the agreements are those to which we are still providing foreign aid—military and economic aid.

Mr. BYRD of Virginia. Indeed, we are.

In this connection, there comes to mind the Asian nation of India, to which we are supplying—and have for many years supplied—large amounts of foodstuffs. This year Congress passed legislation to send much food to India, which we are happy to do, to prevent certain areas of that nation from starving. But I cannot help feeling that the American people deserve greater consideration at the hands of their friends and allies.

Mr. HARTKE. It is important to keep these facts in mind as we discuss this matter.

The Senator from Virginia has delivered a very thoughtful speech.

Mr. BYRD of Virginia. I am grateful to the Senator from Indiana.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am glad to yield to the able Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the senior Senator from Virginia for the report he has brought to the Senate today. The Senator from Virginia is a diligent, conscientious, active and able member of the Committee on Armed Services. He participates in the hearings conducted by that committee. He faithfully follows the discussions that are held upon matters which come before that committee, and he participates in an active and competent manner.

The Senator from Virginia has performed a service to the country by visiting South Vietnam and by submitting a very detailed report about his visit. I hope that Senators will read his report; that the people in the administration also will read it. The Senator has made a fine contribution. Though I have not had the opportunity to listen to the entire speech, I have heard a part of it, and I intend to read it when it appears in the RECORD.

I congratulate the distinguished Senator from Virginia and I repeat that he has performed a very real service, not only to the Senate but also to the country.

Mr. BYRD of Virginia. The Senator from West Virginia is much too kind and too generous, but I am grateful to him.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am glad to yield to the senior Senator from Ohio.

Mr. LAUSCHE. I desire to commend the Senator from Virginia for his able presentation of his views about what the course of our Nation should be in South Vietnam.

Statements of the character made by the Senator from Virginia and other Members of the Senate within the last 3 weeks will help much to clarify the minds of the public of the United States about what genuinely and truly is at stake in South Vietnam. The true picture has not been impressed upon the people of our Nation. Too many of our citizens are of the opinion that we are unjustifiably and improperly intervening in a matter which is of no concern to the United States. That opinion has been spread, it has been accepted, and it has produced an inordinate number of dead and bodily injured, because it has convinced Ho Chi Minh that we are divided, that we will pull out.

The Senator from Virginia has been in South Vietnam. He subscribes fully to the course that has been followed by our Government, except that he believes that we should hit the military forces of the enemy with greater constancy and greater force.

President Truman, President Eisenhower, President Kennedy, President Johnson, every Secretary of State since President Truman's administration, and every Secretary of Defense since President Truman's administration have taken the position that we cannot afford to allow the Communists to take over

South Vietnam by aggression. To me, the issue is not that we are solely trying to give the South Vietnamese the right—by open, free, public elections—to choose the type of government they want. The issue goes beyond that. It is related to the threat of communism by aggression, and thus eventually to a threat to the very security of our Nation.

I commend the Senator from Virginia for his able presentation. I repeat on the floor of the Senate what I said to the Senator in person on a number of occasions since he came to the Senate: Senator BYRD of Virginia is a valuable addition to this parliamentary body; and I am aware that his father, for whom I had such deep respect and affection, would be proud and honored to know of the high quality of service that his successor is rendering for the people of Virginia and for the people of the United States.

Mr. BYRD of Virginia. Mr. President, I wish to express my very deep appreciation for what the Senator from Ohio has said. He is very kind and generous, and I am deeply grateful.

I wish to comment about one statement made by the Senator from Ohio—the unification of the American people to accomplish the objective of bringing this war to an honorable conclusion.

There may be differences as to how this objective can best be accomplished, but I am convinced that the American people are united in the determination that this war be brought to a successful conclusion and, I hope, to an early conclusion.

Mr. LAUSCHE. Will the Senator further yield?

Mr. BYRD of Virginia. I am glad to yield.

Mr. LAUSCHE. I have disagreed with certain policies of the President, but I cannot help expressing my admiration and inspiration with respect to the efforts that the President has made: first, to be firm, and second, to try with all his might to bring the shooting to an end honorably, in the interest of the United States and in the general interest of all the people of the world.

The President has attempted, through every means conceivable, to induce Ho Chi Minh to come to the negotiating table. Ho Chi Minh, however, is convinced that we are so divided that we will abandon honor and will pull out.

The longer the arguments are made about stopping the bombing, others saying that we should pull out, the greater will be the number of fatalities and casualties resulting from the war.

Ho Chi Minh's hope lies in the conviction that we will quit, that we will surrender, and that we will allow the Communists to take hold of South Vietnam and then move southward, move into Africa, move into South America, and thus further threaten the security of the United States.

Mr. BYRD of Virginia. In holding such a view, I am certain Ho Chi Minh does not understand or realize the feelings of the people of the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REHABILITATION: KEY TO SOLVING THE HOUSING CRISIS

Mr. JAVITS. Mr. President, last night I was to have made what I consider to be a very important speech to the National Housing Conference, which had its concluding banquet in Washington. Due to the fact that my plane was late in arriving, the gathering could not wait for me. Hence, I failed to make the speech at that time. Inasmuch as I consider the subject of this speech a matter of very real and pressing interest to the Congress, because it raises a major issue as to how to deal with the crisis in the cities, I am making the speech today.

Mr. President, the fundamental thesis I wish to espouse is that the crisis of the cities is so urgent and is pressing upon us so heavily that instead of taking the optimum course to deal with that phase of it which relates to housing, we have to take a more accelerated course. After considerable examination and study I have come to the conclusion that the most measurable immediate progress which can be made is in the area of renovation and rehabilitation of existing structures rather than construction of new housing.

Mr. President, first I wish to make it clear that I support new housing for the ghettoes, and that I support the ideas for housing ownership by ghetto dwellers. However, in that belief, which my friend, the Senator from Illinois [Mr. PERCY] is strongly advocating in a fine bill which he has introduced, I do not recede from my position in the housing field.

We are talking about the fact that the housing situation in the slums and ghettoes will not wait for the optimum solution. While I do not believe that the solution which I propose is the complete solution, it is a way in which to accelerate a material start which, in my judgment, can have a profound effect upon the situation.

Sociologically, unless we deal with this subject and move into it in a way to act promptly, I feel it will enormously complicate the problems of racial tensions and public order which we find now beginning in the ghetto and slum structures, something which did not characterize these dwellings in other days, but does today.

Therefore, I present this proposal to the Senate in the sense of a state of urgency. We can do so now without blocking off or stopping the highly desirable activities with regard to ownership to which I have referred.

The much talked about "crisis of the cities" is essentially a crisis of the spreading slums and ghettoes. To make the massive and immediate attack on this problem that is necessary, we must devise methods of utilizing to the fullest renovation and rehabilitation of existing structures; we cannot wait for solutions by urban renewal, or all new housing, or all new cities.

With the proper legislation and administration, I estimate that it would be possible to bring about decent and sanitary housing in not less than 50 percent of the existing structures in slums and ghettoes through renovation and rehabilitation.

The problem before us must be dealt with on a massive scale. Rehabilitation and renovation are suited to private enterprise solutions, especially those involving civic action by business groups joined with nonprofit organizations to engage in massive projects in the multimillion-dollar class.

This must be our objective, and the plan I propose must be able to pass the test of being capable of attracting this kind of massive approach.

Before I outline my thinking on this problem, let us survey the problem itself. Statistics on the problem of urban housing are more staggering than eloquence.

The 1960 Census of Housing declared that 4.3 million urban units, or about 10 percent of the entire inventory, are substandard. We know that the rural slums, in many cases, are just as deplorable, if not more so. In New York City alone, estimates are that in 1965 there were still 43,000 old-law tenements built prior to 1901 containing approximately 1 million persons—as many people as the entire population of Baltimore. For 30 years—since the Housing Act of 1937—we have been trying to assure decent, safe, and sanitary housing for all our citizens. Yet, we must face the fact that in all that time we have not caught up with the problem. We have failed dismally. Even where we have made a small dent in the problem, the concept and design of the housing fell far short of balancing individual and community needs.

For all our progress, the slum dweller still lives in the midst of burgeoning economic and financial centers, with no great hope of attaining the prize of American life—a good home—any more than the Appalachian farmer, or the Indian in his adobe hut on the reservation. Ironically, the slum dweller's proximity to wealth makes his condition even more desperate. Thus, we have to fashion a program that can make an impact now.

There are three ways of attacking the problem of housing in the big cities: First, urban renewal, including both new construction and rehabilitation; second, new construction alone; and third, rehabilitation alone. Of course, we need programs encompassing both rehabilitation and new construction, but, in my view, we have not nearly recognized the possibilities of rehabilitation unconnected with urban renewal. There is room for initiatives without having to bring the whole lumbering machinery of urban renewal into operation.

What about the rehabilitation program now on the books?

There is a loan program and a grant program, and neither has significant impact. If our concern were to fix the small private home of the low-income person, then the loan program which is limited only to those who cannot get private financing at 3-percent rates is well suited. If we were concerned solely with rehabilitating the home of an owner-occupant whose structure lies within an urban renewal area and whose income does not exceed $3,000 a year, then the existing grant provisions are adequate. But these do not describe the slums I am talking about. The present loan setup ignores completely the fact that big city slums are composed mostly of tenements, not one- and two-family dwellings. The grant possibilities are limited by the fact that men earning less than $3,000 annually are more concerned about their next meal than fixing some fictional home.

Indeed, $3,000 a year is a starvation wage and one cannot live on that. Hence, the fact is, it is inapplicable and impractical.

As of March 1 of this year, the rehabilitation loan program in its 2½ years of existence has loaned $3.9 million while the grant program has reached only 2,310 persons with a little over $3 million. Obviously, these programs are not cut to fit the situation.

An initial problem is to establish guidelines as to when rehabilitation is appropriate and as to when new construction is appropriate. If we had unlimited funds and if we were unconcerned as to the impact on human lives, then new construction would always be the answer. But we have to operate within given realities. Even by putting together all the funds annually spent on new public housing construction—some $560 million—and even by doubling or quadrupling that amount, the amount is simply not enough to make new construction the exclusive solution in time—and I emphasize the words "in time."

In addition to the time element, rehabilitation has independent values of its own.

First, rehabilitation cuts costs. New York City figures that it spends around $22,500 for every new low income unit it erects. A comparable size unit in a five story walkup can be made over for approximately $13,500—generally speaking, about half the cost. This is not a hypothetical figure but is the most recent figure for the 114th Street project in New York City.

Second, rehabilitation is suitable to a broadscale attack. The Institute of Public Administration indicated in a recent report that on the 5,000 worst blocks in New York City, there are 52,000 substandard dwellings containing 300,000 units. Of these, some 22,000 of the larger structures, containing 229,000 units, representing 70 percent, were thought to be suitable for rehabilitation. Why should these have to wait upon a new construction program, when it is only a minority of buildings that really require new construction? The answer is, of course, that they should not.

Third, with proper technology—and I plan to push for full research funding in this field—it is possible to renovate and rehabilitate very much faster than it is to build anew. The private owner is unlikely to tolerate the delays usually identified with a bulldozer tearing down the old house and putting up a new one. He is unwilling to forgo loss of rental income on his property. But he certainly is far more interested in upgrading his own property in a short period of time and getting a very much better income out of it.

Fourth, the relocation problems attendant on new housing construction programs takes a high toll in financial and human costs. Under a rehabilitation program, residents can be provided with temporary housing and then moved back into redesigned apartments very promptly.

Fifth, rehabilitation is actually a revenue creating proposition. At present neither the Federal Government nor the local governments are getting much tax revenue from these buildings. Renovation would increase property values as well as create new jobs.

However, there is a much more significant reason for a major rehabilitation effort than any thus far mentioned. Until we have made greater inroads into fair housing, the Negro, Puerto Rican, Mexican-American will continue to live in the ghettoes of our cities. Try as we may, there is no use denying this for the near future. Therefore, the effort must be to clean up the ghetto while we work for greater racial mobility through open housing. These people seek to live in a decent home now. Who is prepared to ask them to wait again?

Rehabilitation makes a lot of sense because it is a very intelligent investment for private enterprise; therefore, real massive projects can be developed that will interest private enterprise as well as foundations and others in the private sector. But, thus far, we have not come to grips with all the ways it can be done. In the Senate I have introduced four proposals which I believe bring out untapped approaches and which develop the proper shared responsibility among the Federal Government, the localities, and the private sector.

Mr. President, I have introduced a series of bills which are intended to implement this concept. The point of my speech today is to show that the whole concept should represent a major direction of policy on the part of the United States in dealing with these slums and ghettos.

The implementing legislation is as follows:

First. Tax incentives through quick write-offs for depreciation.

Second. A Federal guarantee of bonds issued by local housing authorities for the purpose of making low-cost, long-term loans for rehabilitation of low-income housing, which will be on a lower income basis. I remind the Senate that a Federal guarantee is not a Federal appropriation, and therefore it would not amount to a tax upon the Treasury. We have always found that guarantees on housing mortgages, and housing bonds, bring us a profit rather than a loss.

Third. Advances to cities for rehabilitation of properties acquired through code enforcement or condemnation.

Fourth. Federal matching grants for local tax abatement on low-income housing.

Now, just to run through the bills quickly:

My first bill would allow a 5-year depreciation writeoff of the cost of rehabilitation. The tax incentive would spur rehabilitation and thus could increase not only the value of the property but also the capacity of the property to bring in income through rentals. The immediate revenue loss to the Government may very well be recouped in part by increased taxable income of groups, such as contractors, who will be doing work that would not otherwise be done.

The rehabilitator who received the tax deductions would be limited in his use of the rehabilitated property in the following ways: First, the property must be used for the housing of low-income families for at least the 5-year period; second, no tax deduction would be allowed for repair of any portion of the property which has been cited by a locality as failing to meet local code standards; and, third, the Secretary of Housing and Urban Development for a period not in excess of 60 months would require satisfactory assurances that rents provide reasonable return on the investment to the owner.

There has been repeated opposition from the Treasury to any attempt to use the tax code for social purposes such as rehabilitation. But last year the Congress enacted the so-called Christmas tree bill to allow—among other items—further depletion allowances creating an estimated $1 million annual revenue loss, for clam and oyster shells and—believe it or not—for clay and shale used in the manufacture of sewer pipe. This, of course, is in addition to the oil and gas depletion allowances estimated to cost about $2½ billion annually. No one can tell me that these uses of the tax code are more socially or economically justified than its use for better housing.

Concerning my second proposal, the Federally guaranteed local housing bonds are already tax exempt, allowing us to avoid the traditional Treasury Department opposition. The bill provides that tenants have the opportunity to acquire their dwelling units either individually or as a member of a group. The Federal guarantee would provide an incentive to the sale of local housing bonds at even lower rates. It is anticipated that Federal guarantees could lower rates by three-tenths to five-tenths of a point. Moreover, the Federal guarantee would be of assistance to those States whose credit has been burdened with efforts to finance the heavy costs of urbanization.

Increasingly, cities find themselves in possession of slum properties without the necessary capital to make use of them.

Hundreds of such structures sit idle in New York City and in other major cities. In my third bill, I propose that the Federal Government, as an incentive, advance to the city up to two-thirds of the cost of rehabilitating such city-owned properties. When the city receives income—either through rental or sale of the property—my proposal requires the advance to be repaid to the Federal Government. The rehabilitated properties would be available only to families of low or moderate income and every reasonable opportunity will be given to the tenants to purchase their dwelling units.

Another aspect of these bills is to help cities rehabilitate property which they acquire either by condemnation or because the property was so neglected that they have had to be taken over by the city. There is an enormous amount of such properties, and cities should be helped to put them in shape through rehabilitation.

Finally, in order to encourage tax abatement by local municipalities, my bills would make it profitable to have massive rehabilitation and thus permit very substantial reductions in rental for such housing. Thus, I believe that a Federal Government 50-percent matching program could greatly encourage it.

In New York City, for example, where real estate taxes on a $12,500 unit amount to $400 a year, a Federal matching grant like I have described could result in a reduction of $41.50 a month in the rent of a single unit.

I conclude by saying that these proposals do not take a purist approach. They seek to make these programs available wherever possible. The recipient may be a church-sponsored, nonprofit housing development, or it may be the slum dweller who decides to take advantage of interest rates. I am convinced that incentives are needed and that they will make practical an incentive to the housing industry to get into it. Industry has not been eager to get into it without Federal Government assistance. I recommend that what I have said be done, rather than the construction of new housing.

Finally, in order to buttress the program, we must assist by making some effort to continue the rent supplement program, which, in my judgment, is working out well, as well as other programs, such as the "Turnkey program," which will accelerate an incentive for private industry to step in to participate in the rehabilitation process, rather than depend on newly constructed and expensive housing.

Mr. President, I offer these proposals with great seriousness, because of my deep conviction, based on hearings and everything else that has happened, that we cannot possibly, in time, get at the problem of slums and ghettoes and give the people in those areas decent housing without engaging in a massive program of renovation and rehabilitation. We can do this in the most economic way by interesting private enterprise in it.

I should like to point out a very important aspect of this particular matter; namely, that it is best to have local government as well as private enterprise in such programs, because local government is given a premium, and such a program makes local government a key element in it.

Finally, such a program ties in very closely with the antipoverty program, because it will enable us to set up social agencies to help the actual tenants who are rehoused in rehabilitated housing. They will also redirect the way in which they take care of the housing, and in the training of themselves and in the way they deal with their families. In the general hopefulness of this approach in dealing with housing in slums and ghettoes, together with the antipoverty program, we may really have a massive improvement in the situation of the poor in this country.

THE STUDENT GUARANTEE LOAN PROGRAM

Mr. JAVITS. Mr. President, notable among the achievements of the 89th Congress was the Higher Education Act of 1965. This act provides many avenues of support to higher education in America. One of the most promising and intriguing of these is found in title IV–B, the portion relating to guaranteed student loans. Congress, wisely recognizing progress already made, authorized the principal guarantee role to State and private nonprofit agencies. A proposed Federal guarantee program was placed on a firm standby basis in order that State and private effort might have the first chance to fill this need. A number of States, including New York, have well-developed State guarantee programs. We hope that other States will follow their lead.

The principal private nonprofit student loan guarantee agency is a corporation headquartered in the State of New York, United Student Aid Funds, Inc., popularly known as USAF. This nonprofit corporation, founded in 1960, is supervised by a distinguished board of directors, and has as its honorary chairman the beloved former President of the United States, Gen. Dwight D. Eisenhower. USAF operates its own guarantee services for the benefit of students in all 50 States, in Puerto Rico and the District of Columbia. It is also the administering agent under contract for 29 separate State guarantee programs. To date, USAF has guaranteed over $100 million in loans which lending institutions have made to our Nation's college and university students.

While a number of State guarantee programs, as well as USAF, have been in existence for some years, the Higher Education Act of 1965 has been fully operational now for only about 7 months. The guaranteed loan provisions became fully effective as a practical matter only at the opening of the fall semester of 1966. Nevertheless, in this short period, it has become apparent that existing State and private guarantee services, and lenders as well, have felt the impact of the Higher Education Act of 1965. Mr. Allen D. Marshall, president of United Student Aid Funds, Inc., commented on this development at a meeting of the Southern Association of College and University Business Officers, February 21, 1967, at Houston, Tex. His remarks merit the thoughtful attention of all who share responsibility for student financial aid.

Mr. President, I ask unanimous consent that the observations of Mr. Marshall be included at this point in the RECORD.

POSSIBLE SIDE EFFECTS OF GUARANTEED LOANS

(By Allen D. Marshall, president,
United Student Aid Funds, Inc.)

I yield to no man in my regard for college presidents, professors, deans, and the other widely publicized functionaries of our higher educational system, up to and including football coaches. They are making more knowledge and understanding available to more young people than has ever happened in the history of the world. But I think it is time to give due credit to the man in the back room. I should like to begin this talk by offering you a personal judgment with which I hope you will agree. It is this: Behind every successful college or university you will find a hardboiled business department.

By "hardboiled" I don't mean heartless. I do mean realistic. And it is particularly important to be realistic in the area I am going to discuss with you today, which is the progress and problems of the guaranteed student loan program since passage of the Higher Education Act in 1965.

Completion of their higher education for the great majority of students—undergraduates and graduates alike—depends today on some form of outside aid. It may come from the Federal government, from the state, or from private philanthropists. It may consist of scholarships, work grants, loans, or even straight gifts.

When Jim Brown of the Class of '70 discovers that the money he has set aside cannot carry him through the next semester, he turns automatically to the student aid officer for help. It is this officer who examines Jim's budget, and determines if it is reasonable. It is he who agrees that Jim really does need a car to get to and from campus, or who suggests that he could reduce his outlay appreciably if he would take the bus instead. It is he who decides, or at least who should decide, on the amount of money Jim should ask for. And it is he who sets up the optimum "mix" for Jim among the various forms of aid available.

I stress this word "mix," because every kind of aid has some side effect. The amount of money that the university gives Jim today obviously will not be available for Joe tomorrow. If Jim gets a work grant he will have less time to study, and if he borrows he will have to pay the money back.

The responsibility of the loan office in prescribing the "mix" is comparable to that of a doctor in prescribing for a patient. From the earliest days of barbers-turned-surgeons, the wise medical practitioner has weighed the "side effects" of the operation, the blood letting, or the drug, against the direct benefit he hopes will cure the disease. If a patient is wise, he, too, will inquire into these side effects. Should he drink a cocktail if he has taken a tranquilizer or sedative? How long should he wait before driving his car?

I should like to extend this question of side effects from a specific loan transaction to the loan guarantee program as a whole. I only wish I had time to broaden my remarks even further, so as to take in the whole gamut of well-intentioned social measures that may have unexpected, and not necessarily beneficial, results. I notice, for instance, that Dr. Wilbur J. Cohen, Under Secretary of Health, Education and Welfare, recently expressed some skepticism over a current proposal to provide a guaranteed income for every family in the country. He speculated that such an arrangement might erode the will to work. And indeed it might!

But there is only time now to examine the side effects of the Higher Education Act on the loan guarantee program. The central effect, in my judgment, has been excellent. The program is moving faster than ever before.

Nonetheless, the side effects are there, and I do not consider all of them desirable. It is essential for educators who are concerned with the development of the whole man to be aware of these problems. And I know of no group better able to appreciate them, and to propose appropriate changes in the "mix," than the business departments of our colleges and universities.

STIMULATING EFFECT OF THE ACT ON STUDENT LOANS

The Higher Education Act of 1965 provides for Federal payment of a considerable part of the 6% interest charge on student loans granted in accordance with the regulations of the Office of Education. It also provides a certain amount of seed money to launch or bolster state and private reserves. I should like to stress that it does *not* provide for a Federal guarantee of loans, despite a widespread impression to the contrary. The guarantees are made entirely by state or private agencies, and the loans are made entirely by private lenders.

Guaranteed loan programs had been growing rapidly even before passage of the Higher Education Act. Many colleges preferred them to NDEA loans. This was partly because guaranteed loans can be generated by an 8% college deposit, while the college must put up 10% of every NDEA loan. Unlike the NDEA loan, the guaranteed loan is administered and collected by the lending institution, saving the college both nuisance and expense.

Incidentally, here seems a good place to briefly describe the simple concept of the operations of United Student Aid Funds. We receive deposits from colleges and contributions from donors. For every $1,000 thus received and kept in our reserves, we are permitted by our agreements with lending institutions to guarantee $12,500 of student loans. The deserving student consults his student aid officer who assists in filling out the application and from our Directory refers the student to a bank or other lending institution in his home town. The bank makes the loan after our Indianapolis Office has endorsed it. The college notifies the bank when the student leaves school. The bank notifies United Student Aid Funds when the student signs a "Payout Note", and when the Payout Note is paid in full. Periodically United Student Aid Funds sends banks and colleges lists of their outstanding loans for checking purposes.

Although the Higher Education Act became law on Nov. 8, 1965, United Student Aid Funds did not receive its allocation of funds for the states where it operates the state plan until negotiations were complete in late August, 1966. Meanwhile, the demand for loans simply exploded. From July through December, in spite of the tightest money market in forty years, United Student Aid Funds and state agencies guaranteed over $170 million worth of loans to over 200,000 students. It is estimated that guaranteed loans during the full school year will total around $400 million. And the rate of borrowing is still going up.

United Student Aid Funds, by the way, did nearly half as much of this business as all the state agencies, except New York, put together. We more than doubled the number and amount of loans we had guaranteed during the same months of the preceding year. In all, we have now guaranteed well over $100 million worth of loans. Participants in our program include more than 9,000 lending institutions and 900 educational institutions. We operate in every state, Puerto Rico, and the District of Columbia. We are also the administering agent for the State program in 20 separate states and Puerto Rico. I think it is fair to say that no other guarantee agency can come close to matching the range and diversity of our experience.

We are pleased at our growth, and look forward confidently to its continuance. Nonetheless, some storm warnings are beginning to fly.

ABUSES OF LOANS

We are seriously concerned, for example, about the apparent increase in loan applications from students who may not really have to have the money. Also a growing percentage of all students are borrowing up to the full $1,000 limit.

This unnecessary borrowing is perfectly natural, because the law specifies that need must not be taken into account in making loans. We believe this specification is a serious mistake.

Several educators have expressed dismay to us at this rush for easy money, and have said they hope that the banks will pay attention to the recommendations of the college financial aid officer for prudent loans. As one president commented, "We are waiting to see how many new Mustangs appear on the campus this semester."

The president of another college emphasized her conviction that students should not be able to borrow beyond their demonstrable educational needs. She reported that a number of her students appeared to lose interest in their studies if they could afford cars and carousals. I am sure that is not universally true, but I wonder if student deans who deal with campus incidents have checked to see whether they are caused chiefly by students who have to earn money and study too, or by the affluent students who have time on their hands.

Bankers are equally worried. The funds they can devote to this non-profit operation are limited. They would prefer to help the boys and girls who without loans might be forced to discontinue their education. They complain that if they cannot examine into student needs it is impossible to resist the demand of the important customer of the bank that he get the benefit of this low cost loan for the education of his son or daughter. Then when the really needy student arrives for his drink of water, the well is dry. This would be true whoever the loan guarantor might be—the Federal government, the state or a private agency.

It would be a disaster if the guaranteed loan program should founder because too much money was loaned for extra curricular activities.

TIGHT MONEY AND EXCESSIVE PAPERWORK

A second unfortunate side effect of the rules and regulations laid down by the Office of Education has been a heavy, and I think unnecessary, burden on the lending institutions. When the Higher Education Act was signed into law in the fall of 1965, it set 6% simple interest as a break-even proposition. But by the time the law actually became operative nine or ten months later, this break-even rate had become a loss rate. Banks which were perfectly willing to perform a public service by making non-profit loans could not in justice to their stockholders deliberately accept a loss.

The paperwork imposed by Federal regulations is equally serious. It has kept otherwise willing lenders out of the program. It has also driven literally hundreds of established lenders out of the program. The Office of Education has recognized this problem and we are assured that simpler forms and procedures will be announced soon.

It is a tribute to the civic spirit of American bankers that so many have joined this program and stayed in it. But we need many more. It is only with massive lender involvement—not 10,000 lenders but 20,000 or 30,000—that we can make essential funds available for every deserving student.

DELAYS AT UNITED STUDENT AID FUNDS

It is only fair for us at United Student Aid Funds to accept blame for some of the delays in processing applications during the fall of 1966. As I said, the seed money from the Federal government did not begin to reach us until late in August. By that time a tremendous number of applications had piled up, and new ones were coming in faster than the old ones could be processed. In several states the Federal advances were exhausted within a short time. As a result we fell behind in both processing and correspondence, and when reserves gave out we had to hold up loan applications until new reserves could be found. In one state students had to wait for their money for several weeks, until local colleges made their own deposits to fill the gap.

Some of these delays were unavoidable in a period of rapid growth. Others were not. We have undertaken a complete reorganization of our processing arrangements to make sure we can keep abreast of any foreseeable rate of future demand.

RECOMMENDATIONS

Even this brief listing of undesirable side effects in the loan program gives us a pretty good hint as to where the cure lies.

We believe, first, that student loan officers should be authorized to recommend to the lender the size of any given loan—or, for that matter, the advisability of making any loan at all. We do not suggest amending the law to establish some arbitrary mathematical means test. But we do suggest that it is unreasonable to foreclose the college and the lender from reasonable efforts to guide student borrowing.

Second, efforts must be intensified to reduce the clerical burden on all parties, especially lenders.

Third—and I have not dealt with this earlier—the options available to colleges should be broadened. We believe, for one thing, that direct loans by a college to its students should be eligible for the federal interest subsidy, as guaranteed loans now are. We also recommend that the college be entitled to use a percentage of the money repaid on NDEA loans as deposits with guarantee agencies. This could substantially increase available reserves.

I hope college business officers will support these recommendations—and improve on them. I am not ashamed to ask for your help, for I suspect your opinion carries more weight in Washington than mine does. After all, United Student Aid Funds has a strong personal interest—though we would deny that it is a selfish interest—in the growth and success of the guaranteed loan program. The bankers are pushing as hard as we for reforms, but they operate under the same handicap—perhaps even a greater one, since some people in Washington still use the word *banker* as a synonym for "malefactor of great wealth."

But you here today suffer from no such drawback. With your help, I am sure the few undesirable side effects of a program which in the main is thoroughly sound can be eliminated, and the "mix" perfected. When that is accomplished, we will be closer than we dared dream even a few years ago to the day when no deserving college student will ever again be forced to drop out of school for lack of marginal funds.

ROCKVILLE CENTRE HONORS U.S. SERVICEMEN IN VIETNAM

Mr. JAVITS. Mr. President, Mayor John A. Anderson, of Rockville Centre, N.Y., has issued a proclamation urging all residents, business firms, and organizations in Rockville Centre to fly the U.S. flag during We Support Our Servicemen in Vietnam Week, April 8 to 15. This is to be an expression of loyalty and esteem for our servicemen in Vietnam, and I heartily endorse it.

Whatever views the people of the United States may have with respect to Vietnam, all can agree in paying tribute to the valor, courage, and sacrifice of our fighting men.

I ask unanimous consent that the proclamation, which resulted from a resolution passed by Rockville Centre

Post No. 303, of the American Legion, be placed in the CONGRESSIONAL RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

A PROCLAMATION

Whereas, Our servicemen are fighting and dying in Vietnam to defend all free men; and

Whereas, it is fitting that we set aside a special period to honor our servicemen in Vietnam and to give an expression of our esteem for them; and

Whereas, The display of the Flag of The United States of America is an expression of loyalty and patriotism; Now, therefore,

I, John A. Anderson, Mayor of the Village of Rockville Centre, do hereby proclaim the week of April 8 to 15, 1967, as we support our servicemen in Vietnam Week, and do call upon all residents, business firms, and organizations to join in paying tribute to the servicemen of The United States Armed Forces in Vietnam by the display of the Flag of The United States of America by every household and business firm.

In witness whereof, I have hereunto set my hand and cause to be affixed the Seal of the Village of Rockville Centre this third day of April 1967.

STATEMENTS OF CHASE MANHATTAN BANK AND BANK OF AMERICA ON GOLD

Mr. JAVITS. Mr. President, I call attention to what I consider to be a most extraordinary, eloquent, and important declaration by twc New York banks, as published in the New York Times of today, the Chase Manhattan Bank and the Bank of America, in which both declare, as a matter of policy, that in a showdown, the dollar of the United States is superior to gold, and therefore that if there should be a run on gold in this country by the central bankers of the world, to whom we owe over $20 billion, and we should shut down on our gold payments, they express the confidence that our dollar standing will prevail in terms of stability in the world market, and end the myth that gold is needed as an underlying guarantee in the United States.

This would be revolutionary and would end all over the world the very depressing and oppressive influence which has dampened down business efforts and the economy.

To have these two banks declare that as a matter of considered policy is a position which, in my judgment, would evaluate things as they really should be evaluated, and would be more dramatic news than anything else that has happened this year so far as domestic policy is concerned.

I ask unanimous consent that the fine news article on the significance of this declaration, written by Edwin L. Dale, Jr., in this morning's New York Times, may be printed in the RECORD as a part of my remarks.

There being no objection the article was ordered to be printed in the RECORD, as follows:

THE WORD ON GOLD—WASHINGTON REACTS TO BANK COMMENTS ON THE BALANCE-OF-PAYMENTS PROBLEM

(By Edwin L. Dale, Jr.)

WASHINGTON, April 10.—Government officials have reacted with keen interest to unexpected statements last week by the Chase Manhattan Bank and the Bank of America to the effect that, in a showdown, the dollar is superior to gold and that the United States need not be so "defensive" about the deficit in its balance of payments.

Although men in government are cautious about discussing this delicate subject, the following points can be stated on good authority:

The Government neither wants nor expects a showdown or crisis, which would take the form of a "run" on the United States gold stock by foreign holders of dollars. It much prefers a continuation and gradual improvement of the present world monetary system, relying in part on continued foreign holdings of dollars, and there is every expectation that this system will continue to function.

However, there is a deep awareness in the government of the underlying strength of the dollar, stemming both from the size of the United States economy and the dollar's increasingly widespread use as an international currency. It is not too much to say that the men in charge believe, like the two large commercial banks, that in a showdown over which is worth most, the dollar would win and gold would lose, even though no showdown is expected and no one wants to flex United States monetary muscles.

If there ever were a crisis, in the form of a run on the gold stock, the United States would suspend gold payments, as the two banks implied should be done, rather than raise the price of gold from its fixed level of $35 an ounce. A deeply involved high official has said, "We have looked into the eye of the storm we think will not come, and we have unanimously decided that an increase in the price of gold would not be our defense."

The Government still considers the balance of payments problem an important one and, in contrast to the suggestion of the two banks, has no intention of early abandonment of the present semivoluntary controls over the outflow of American private capital. While the Government, and reportedly foreign central banks, appear more relaxed than formerly about small United States payments deficits, there is an unchanged sense of determination here to avoid the large deficits that occurred between 1958 and 1964.

The Chase Bank emphasized in a statement today that achieving equilibrium in the United States balance of payments was an objective of the "highest national priority" and that nothing it had said last week should be taken as advocating a change in the present world monetary system or in the United States pledge to buy and sell gold at $35 an ounce.

According to both sides, the two private bank statements were not inspired or suggested by the Government, despite some natural suspicions at home and abroad that this might be the case. According to spokesmen of the banks, the statements were not even inspired by each other, having occurred by coincidence in the same week.

The two statements were notable mainly because they came from banks. The viewpoint is not new. It has been stated in even more aggressive terms by a school of American economists, led by Charles P. Kindleberger of the Massachusetts Institute of Technology. It was adopted, by implication, in the Democratic majority report of the Congressional Joint Economic Committee last month, which called the dollar's strength "peerless."

The Chase discussion of the dollar-gold issue came in its bimonthly publication "Business in Brief," issued early last week. The Bank of America statement came, with less elaboration, in a speech last Thursday by the bank's president, Rudolph A. Peterson.

The idea of a "showdown" was developed in most detail in the Chase publication. If, because of a run by foreign central banks on the United States gold stock, the United States had to suspend gold payments, the publication said, foreign governments would promptly be faced with a "most disagreeable choice" and a "serious dilemma."

CHASE BANK STATEMENT

The Chase Manhattan Bank issued the following statement:

"The financial press has carried an active discussion in recent days over certain aspects of United States balance of payments and gold policy. Some of this discussion has been stimulated by an article in 'Business in Brief' prepared by the economic research department of the Chase Manhattan Bank. Under the circumstances, we would like to make clear our views on this important matter.

"1. First of all, we cannot emphasize too strongly that restoration of equilibrium in our balance of payments is, and must remain, a matter of the highest national priority. This is basic not only to the strength of the dollar, but also to the orderly evolution of the international monetary system and monetary responsibility, and further economies in official dollar outlays abroad, where consistent with meeting our Vietnam commitments.

"2. The present monetary system, based upon the free interchangeability of gold and the dollar at $35 an ounce, has served the world well. Supplemented by appropriate reform of the character now under international discussion, it is fully capable of meeting our needs for the indefinite future.

"3. As this implies, no change in the official price of gold is necessary or desirable, now or in the future.

"The possibility of ceasing the purchase or sale of gold in a time of crisis is also a course fraught with great risk and uncertainty. It, too, would represent a failure of world monetary and balance of payments policies. In citing that approach as a possible consequence of a monetary crisis, no implication should be read into the 'Business in Brief' analysis that a change in our gold policy is in any sense advocated. The central objective—and one that is clearly within our grasp—must be to avoid any kind of crisis that could give rise to this question."

INVESTMENT TAX CREDIT

The Senate resumed the consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

Mr. WILLIAMS of Delaware. Mr. President, the pending business before the Senate is the so-called Gore-Williams substitute, which has as its purpose the repeal of the Presidential Campaign Contributions Act of 1966.

I am very hopeful that we can get to a vote on the amendment this afternoon, or at least get action on it at an early date. Then we can proceed to the consideration of business before the Senate, and in particular to act on this pending bill.

The suggestion has been made that perhaps, rather than adopt the Gore-Williams substitute proposal to repeal the Presidential Campaign Contributions Act, the Senate should proceed to amend it. Personally, I do not think it is in a condition where it could be amended enough to remove the objections. I think its nature is such that repeal is about the only answer; then we can start all over again, hold hearings, get testimony before the appropriate committees, from the chairmen of both national committees, the various executive agencies that will be affected, the executive department, the Comptroller General, and others who may have interest in this particular subject.

This can be done far more intelligently with careful and detailed hearings. However, in the event that it should be the decision of the Senate that we proceed to amend that law on the floor, I think we should make sure that the amendments offered are constructive and substantive.

Let us correct some of the loopholes in the existing Corrupt Practices Act.

It was with that thought in mind that I offered the original amendment, to which the substitute is pending, to modify the existing law by reducing from 5 million to 2 million the required size of a political party in order to be eligible to participate in the fund. This is most essential if the act is to stay on the books; and I emphasize the word "if," because after all, we cannot and should not try to rule out third party participation.

However, that one amendment does not begin to correct all the weaknesses of the Act. For example, much has been said in the past years of the fact that in certain instances some committees organized to support candidates, are not required to report their contributions or their expenditures if those committees are organized and operate within one State or within the District of Columbia.

Section 302(c) of the Federal Corrupt Practices Act reads as follows:

> The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization.

The latter definition has the effect of excluding from the reporting requirements those political committees which are organized for the purpose of supporting the candidacy of individuals when such committees operate within one State.

I asked the legislative counsel to prepare a proposed amendment which would close this loophole. I read from a memorandum prepared by Mr. Dwight J. Pinion, legislative counsel, which more clearly describes the amendment:

> The Federal Corrupt Practices Act, 1925, requires political committees which accept contributions or make expenditures for the purpose of influencing congressional or presidential elections to keep records and file reports of contributions and expenditures. However, the definition of the term "political committee" contained in section 302(c) of the Corrupt Practices Act excludes (1) committees (other than those which are branches or subsidiaries of national committees or organizations) which accept contributions or make expenditures for the purpose of influencing elections in only one State, and (2) any duly organized State or local committee of a political party. The attached bill would remove these two exclusions.

There is a second section of the amendment, and I continue to quote Mr. Pinion, the legislative counsel:

> Section 306 of the Corrupt Practices Act provides that a person other than a political committee who makes expenditures (other than through a political committee) aggregating $50 or more in a calendar year for the purpose of influencing a presidential or congressional election *in two or more States* must file the reports required of political committees. The attached bill would also amend this provision by removing the two or more State requirement.
>
> The reports required to be filed by political committees by section 305 of the Corrupt Practices Act must contain with respect to the calendar year (1) the names and addresses of persons contributing $100 or more and the amounts of their contributions; (2) the total sum of all other contributions received; (3) names and addresses of persons to whom expenditures of $10 or more are made and the purpose of the expenditure; (4) the total sum of all other expenditures made.

To carry out these suggestions the legislative counsel has prepared an amendment. Surely there should be no objection to agreeing to its provisions. With that in mind, Mr. President, rather than submitting this proposal as a new bill or a separate amendment, I shall merely modify the pending Williams amendment, No. 152, to include a new section embracing this proposal as a part of my pending amendment.

I send the proposed new section to the desk and ask that it be stated, and modify my amendment accordingly.

The PRESIDING OFFICER. The modification will be stated.

The legislative clerk read as follows:

> SEC. 6. That (a) section 302(c) of the Federal Corrupt Practices Act, 1925 (2 U.S.C. 241(c)), is amended to read as follows:
>
> "(c) The term 'political committee' includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice-presidential electors."
>
> (b) Section 306 of such Act (2 U.S.C. 245) is amended to read as follows:
>
> "SEC. 306. Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating $50 or more within a calendar year for the purpose of influencing the election of candidates, shall file with the Clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 305."
>
> (c) The amendments made by subsections (a) and (b) shall be applicable with respect to contributions and expenditures made on or after the date of enactment of this Act.

Mr. WILLIAMS of Delaware. Mr. President, there is another loophole in the Corrupt Practices Act which surely should be corrected in any bill dealing with campaign expenditures.

I quote a memorandum prepared by Mr. Pinion, the legislative counsel, which explains this point:

> At the present time, the Federal Corrupt Practices Act, 1925, applies only with respect to contributions and expenditures by candidates in general or special elections. The attached bill would extend its coverage to primary elections and nominating conventions.
>
> The bill would accomplish this by redefining the term "election" so as to include primary elections and conventions or caucuses held by political parties for the purpose of nominating candidates; and by redefining the term "candidate" to include persons seeking nomination in a primary, convention, or caucus.
>
> The term "candidate" is further changed by the addition of specific references to persons seeking nomination or election as President or Vice President. At the present time the Act refers, in connection with Presidential elections, only to candidates for election as Presidential or Vice-Presidential electors. This is sufficient so long as the Act covers only general elections. However, if the Act is to be extended to cover primaries and nominating conventions it will be necessary to include a reference to candidates for nomination as President and Vice President in order that contributions and expenditures of political committees on behalf of persons seeking such nominations will be subject to the reporting requirements of the Act. It should be pointed out that the inclusion of this reference will not make it necessary for Presidential and Vice-Presidential candidates, themselves, to make reports.
>
> Section 309 of the Corrupt Practices Act contains the provisions which now impose ceilings on amounts which may be expended by candidates for the Senate and House. As drafted, the bill provides that this section will continue to be applicable only to candidates for Senate and House seats, and only with respect to general elections. The amounts, and methods of arriving at amounts, of maximum expenditures under this section would not be appropriate for application to primaries or conventions or to candidates for nomination or election of Presidential or Vice-Presidential candidates. Appropriate provisions for such application could, of course, be devised but further consideration of the problem would be necessary in order to arrive at proper amounts and methods of computation.
>
> The bill also makes changes in the definitions of "election" and "candidate" in section 591 of title 18 of the United States Code. The effect of these changes will be to make the provisions of (1) section 599 of title 18 which prohibit the making of promises of employment by candidates for the purpose of procuring support for their candidacy, and (2) section 597 of title 18 prohibiting the making of an expenditure to a person either to vote or withhold his vote for or against a candidate, applicable with respect to Presidential and Vice-Presidential candidates and to persons seeking nomination in primaries or conventions as candidates for congressional seats. At the present time, these two provisions are applicable only with respect to candidates for election to the Senate or House in general or special elections, and do not cover congressional primaries or candidates for nomination or election as President or Vice President.
>
> In addition to the above, the bill makes several technical amendments to the Corrupt Practices Act which become necessary because of its extension to primaries and nominating conventions.

The memorandum was signed by Mr. Dwight J. Pinion, Legislative Counsel. Along with this memo the Legislative Counsel has prepared a bill which I had planned to introduce for the consideration of the committee; however, there seems to be some question as to whether we will proceed to amend the act on the floor. If we do start rewriting the act on the floor I am sure it would be the unanimous opinion of the Senate that these two proposals should be a part of any bill or any provision accepted by the Senate.

Surely we can all agree that these obvious loopholes in the Corrupt Practices Act should be closed.

Surely there would be no objection to these two modifications of the Corrupt Practices Act. The modifications would extend the penalties of the Act to apply to all sources of campaign funds and to all expenditures.

Therefore, rather than introducing this as a bill, I further modify my pending amendment by adding a new section at the end thereof. I send the modification to the desk and ask that it be stated.

The PRESIDING OFFICER. The modification will be stated.

The legislative clerk read as follows:

SEC. 7. (a) Subsections (a) and (b) of section 302 of the Federal Corrupt Practices Act, 1925 (2 U.S.C. 241) are amended to read as follows:

"(a) The term 'election' includes a general, special, or primary election, including a preferential primary, and a convention or caucus of a political party held for the purpose of nominating candidates;

"(b) The term 'candidate' means an individual whose name is presented at an election for nomination for, or election as President or Vice President, or Senator or Representative in, or Resident Commissioner to, the Congress of the United States, whether or not such individual is nominated or elected;".

(b) Subsection (c) of such section is amended by inserting immediately before the word "election" the words "nomination or".

SEC. 2. Section 305 (a) of such Act (2 U.S.C. 244) is amended by striking out the words "a general election is to be held, at which candidates are to be elected in two or more States" and inserting in lieu thereof the following: "an election with respect to which contributions are accepted or expenditures made by such committee is to be held".

SEC. 3. Section 307 (a) of such Act (2 U.S.C. 246) is amended by striking out the words "an election" and inserting in lieu thereof the following: "the election in which the candidate seeks nomination or election".

SEC. 4. Section 309 of such Act (2 U.S.C. 248) is amended by adding at the end thereof a new subsection as follows:

"(d) Subsections (a) and (b) of this section shall be applicable only with respect to expenditures by candidates for election as Senator or Representative in, or Resident Commissioner to, the Congress in a general or special election."

SEC. 5. Section 591 of title 18, United States Code, is amended by striking out the paragraphs defining the terms "election" and "candidate" and inserting in lieu thereof the following:

"The term 'election' includes a general, special, or primary election, including a preferential primary, and a convention or caucus of a political party held for the purpose of nominating candidates;

"The term 'candidate' means an individual whose name is presented at an election for nomination for, or election as, President or Vice President, or Senator or Representative in, or Resident Commissioner to, the Congress of the United States, whether or not such individual is nominated or elected;".

The PRESIDING OFFICER. The Senator modifies his amendment accordingly.

Mr. WILLIAMS of Delaware. Mr. President, I repeat my earlier statement, that I do not think the floor of the Senate is the place where we can really do a good job of amending or rewriting the Presidential Campaign Contributions Act of 1966 or the Corrupt Practices Act.

I think this should be done after full hearings. However, should we decide to proceed, these are certainly proposals which have been made many times and have been endorsed by practically every Senator. Therefore, they should be of a noncontroversial nature.

If the Gore-Williams substitute proposal—which would repeal the 1966 Campaign Fund Act—is passed, as I hope it will be, then all of these proposed amendments would go to the appropriate committee for study.

However, if the Senate desires to reject the Gore-Williams substitute measure to repeal this $60 million campaign slush fund, the next vote would be on this amendment. As modified, I shall also support the Ribicoff amendment; it does not do much, but it is harmless and is an expression of a step in the right direction. I see no harm in it, and I would even accept it as a further modification if the Senator from Connecticut thinks it will help expedite the vote.

To summarize my pending amendment as now modified would do three things.

The first section of the amendment would amend the existing law so that political parties with 2 million votes might participate in the fund if the present law is to stay on the books, rather than to require a minimum of 5 million votes. This takes care of the so-called third party problem. Certainly that should be done.

The second section would amend the Corrupt Practices Act by requiring any committee which is formed in a single State and operates within one State, the purpose of which is to support and finance the campaign of a national candidate, to make all the detailed reports of its receipts and expenditures.

Under the existing law such committees operating in only one State do not have to report. However, my amendment would require that under the Corrupt Practices Act they make detailed reports of all their receipts and expenditures.

This would result in full disclosure of all campaign funds—where they came from and how they were spent.

The same requirement would also be true of political committees formed in the District of Columbia. They are not now covered under the existing law.

I repeat this amendment would require full disclosure by all committees formed anywhere in the United States, for the purpose of financing elections.

The third section would merely make the Corrupt Practices Act applicable to primaries as well as to general elections. And why should it not be? It is just as important to have clean primaries as it is to have clean public elections.

If we want honest elections in America surely these are the minimum steps to be taken by Congress.

I am ready to vote.

Mr. GORE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. GORE. Mr. President, with respect to the pending substitute amendment, which the able Senator has cosponsored, to repeal the Presidential Campaign Fund Act, I call to the attention of the Senate that I have just recently read an Associated Press dispatch quoting the senior Senator from Illinois to the effect that unless this law is repealed the administration of it might require the audit of every tax return filed by everybody. Is that possible?

Mr. WILLIAMS of Delaware. It is not only possible, but it is accurate. I have talked with representatives of the Department, and they have confirmed that point.

Under the act as it is on the books each taxpayer will have a box on his tax return in which he can put a check mark if he wishes to have $1 of his tax payment turned over to the presidential campaign fund. The only way to tell whether those boxes are checked is to examine every tax return.

Under the existing procedure about 10 percent of our tax returns are audited. Those are, of course, spot-check audits.

It would be physically impossible to audit the tax return of every American taxpayer, as the Senator well knows. However, if the act is not repealed every tax return from individual taxpayers, 70 million of them, must be examined by someone and tabulated to determine whether the individual taxpayer has checked yes or no on that $1 item. Otherwise, how would they know how much money to turn over to the respective political committee.

The answer to the question of the Senator is therefore yes.

Privately they admit that it is almost physically impossible to perform this task. The best evidence of that is that the distinguished junior Senator from Louisiana, the chairman of the committee and the author of the original act, introduced last Tuesday a bill the first section of which seeks to repeal the $1 check-off for campaigns. It is generally admitted by everybody that the check-off system will not work. Why not face up to this fact and repeal it?

Mr. GORE. Mr. President, will the Senator yield further?

Mr. WILLIAMS of Delaware. I yield.

Mr. GORE. Mr. President, as the Senator knows, a great many people file tax returns who ultimately have no tax liability through losses, through lack of income, and through various economic factors.

How would the checkoff operate in the case of a man who had a refund or who, because of a business loss in the latter part of the year, though he has made advance payments, ultimately has no taxes to pay? Would he be able to direct that a dollar be placed in the fund? Would not the return necessarily have to be audited?

Mr. WILLIAMS of Delaware. I have been unable to get the answer to that question for the simple reason that I have found no one in the Treasury Department who knows how it would work.

How do they know whether the man has filed his return properly? They have to check the return to determine whether or not the $1 is available.

This law, as passed last year, is a monstrosity. It will not work.

There is no question in my mind that even if today the Senate rejected—I hope it does not—the Gore-Williams proposal to repeal this act, within 6 months the act will be repealed. If nothing else, the administration will offer a little sneaky rider to some bill asking that the act be repealed and a new method of financing arranged, because it will not work. Why do they not let us vote on it?

Why is the administration encouraging this filibuster against one of its own bills?

Some argument has been made that the administration wishes to hold the act as passed last year as a club over the Senate, that in order to get it off the books we must appropriate the $60 million. That is not the way to legislate. Let us repeal this act and then discuss what we will do in the future.

Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS of Delaware. The amendment of the Senator from Connecticut [Mr. RIBICOFF] is the pending business; is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. WILLIAMS of Delaware. I emphasize that point because the modification of my amendment was not intended in any way to affect the amendment of the Senator from Connecticut. I wished to make certain for the RECORD that that was not done.

Mr. GORE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. GORE. The amendment offered by the senior Senator from Connecticut provides that at least 75 percent of the payment to each political party must be expended for certain specified purposes. I have studied those purposes over the weekend, and every kind of political expenditure that I have ever made or ever heard of anybody else making can be included within the purposes listed in the amendment. But just in case something had been overlooked or forgotten or unthought of, 25 percent—$7.5 million—could be used either for the specified purposes or for some other purpose which nobody has yet thought about.

So, it seems to me that the amendment is perfectly meaningless. It provides no safeguards whatsoever. The sky is still the limit. The gates are completely down.

Mr. WILLIAMS of Delaware. There is no question about that. That is also true with respect to the existing law. That is why it should be repealed. So far as I am concerned it would not make any difference whether or not the Ribicoff amendment is passed. It is just so many words offered with the best of intentions.

However, the modifications of the amendment which I have just sent to the desk would put some teeth into the other 25 percent in this way: As the Senator from Connecticut explained his amendment, contributions could be made from the 25 percent to political committees in the different States. My amendment as modified here today would assure that those political committees, regardless of how or where they are constituted, will have to file a detailed report with Congress or with the Clerk of the House under the Corrupt Practices Act.

Mr. GORE. My remarks were directed to the Ribicoff amendment. I concede that there were the modifications which the Senator from Delaware has just made in his own amendment written into law, they would contain some teeth with respect to reporting and disclosure. So if we are to proceed on the basis of rewriting the Corrupt Practices Act, then the modifications which the Senator from Delaware has made are certainly worthy of consideration.

Mr. WILLIAMS of Delaware. It was for that reason that I submitted these modifications.

Mr. President, so far as I am concerned, I am ready to vote on both the Ribicoff amendment and the Gore-Williams substitute.

This filibuster has been going on for 10 days—it is time to vote.

Mr. LONG of Louisiana. Mr. President, as I understand the thrust of the argument made by the Senator from Tennessee and the Senator from Delaware, they believe that we should not be permitted to legislate in the field of honest, clean government, and we should not be permitted to provide a means of assuring an honest presidential campaign, unless we proceed to reform all the existing laws and make it to heaven in a single leap. It is difficult to get there from this Chamber, although it might be worth trying, but hardly in a single leap.

I have been proceeding on the theory that no law is perfect or all inclusive. All that can be said about any good law is that it is a good law, so far as it goes. Thoughtful men and women will find ways to improve on it as time goes by, and to cover matters not covered in the original legislation.

I am pleased, however, to see that the Senator from Delaware—with at least some acquiescence of the Senator from Tennessee—is now proposing to undertake the rewriting of the campaign reform law the way he would like to write it. So, in due course, as the Senator suggests various and sundry reforms that he believes are necessary, perhaps we can act upon a great number of so-called reforms to the existing campaign fund laws, both the presidential campaign and perhaps other campaigns as well.

If we are going to take the time to work out provisions of this type with respect to this bill, it might, of course, take some time.

I regret to say, however, that there is still much misunderstanding by those who would like to repeal the law. For example, they say that there must be an audit of all tax returns in order to make the existing law work. That is not so. I certainly forgive them for not knowing about this, but it is not correct. Actually, all tax returns presently go through a mathematical check. We have machines to do that. That is all that would have to be done to see how many individuals wanted $1 of their tax money to go into the presidential election fund. In other words there would be no change made in existing mathematical check.

In addition, the question was raised as to how it would be known that a person would contribute the $1. That is specifically provided for in the act. The language indicates that a person may contribute if his liability for the taxable year is $1 or more. He may designate $1 to go into the presidential campaign fund under these circumstances. The next subsection of the act indicates that the question as to whether he has a tax liability for this purpose is to be determinded after reduction for credits. It is made very clear that that question which has been raised as well is specifically covered in the original act.

So there is really no problem in that respect, except when the Senator wishes to hunt for one and does not wish to find the answer to it, or at least does not find the answer to it.

Mr. President, I have tried to make it clear that I am not wedded to the specific language of the existing act or any of my proposed amendments. I am willing to consider anybody's amendment in hearing before the committee. Basically, the existing act provides that in place of the prior system—under which a relatively few wealthy individuals financed a campaign or denied financing to a campaign—we will simply make it possible for one person to contribute $1, and we would provide an administratively practical way by which every taxpayer could do so. One man, one vote, $1—and every American would be just as big as the next one.

Over the weekend it was my privilege to discuss my views in this matter with two important audiences in Louisiana.

One audience consisted of approximately 600 small businessmen from the State of Louisiana, the State of Mississippi, and adjoining areas. They gave an ovation when it was suggested that with this act it would no longer be necessary to have a family fortune or to compromise away one's principles in order to have sufficient money to finance a campaign to run for President of the United States.

Mr. President, every mother's son, no matter how humble his birth, with a good record for serving his Nation, should be able to run for President of the United States based on his achievements, and the respect which he had earned in the minds of his fellow men and fellow citizens. The idea was extremely popular with these business people that instead of suggesting that those who might run for President be limited to a handful of millionaires, or 100 millionaires, any patriotic American ought to be able to run and have his campaign adequately financed, after having been nominated by one of the major parties.

I made the same speech to the American Federation of Labor-CIO convention—that is the idea of one man, one vote, $1, as a substitute for our present fat-cat plan. The proposal received a round ovation.

Those people constituted two large audiences. The one meeting was composed of approximately 1,000 business and labor leaders who were at a convention, and business people who had been invited to attend the convention. The other audience was a conference of business people. They gave tremendous support for the idea that it should no longer be necessary that only members of wealthy families of America to be considered as President of the United States, but that instead anyone who had made a fine record in the uniform for his country in time of war, or who had served his country in other capacities—such as a good mayor, Governor, Representative, Senator, a good member of the President's Cabinet, or anyone who in any other field became a great American citizen—could in fact be eligible to be the President, and would not be disqualified from a practical point of view by virtue of the fact that he was of humble birth. The plan has much popular appeal. Of course it may well be improved upon.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I shall yield in a moment or two.

The President finds much appeal in it. He appointed a great American political scientist, a Ph. D. to study this matter and make suggestions. Incidentally, that man is a professor at Harvard University. He is the head of an institute at Harvard that studies matters of this kind. He has the assistance and advice of two other men who also are well recognized in the field of political science. This group is in the progress of making suggestions to the President as to how the existing act could be improved upon.

Let us not kid ourselves. There are some people who are fighting for their political lives now. There are some people who do not need financial assistance. As long as the law is kept as it is their competition would be multiplied once anyone else were nominated.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. GORE. Mr. President, a few moments ago the able Senator was eloquently describing the hypothetical national hero who might not be a millionaire but who had great qualifications for President and who should be, in his view, as I understood the Senator, able to seek the Presidency of the United States; and he could do so under the law passed last year, provided that he were the nominee of the Republican or the Democratic Party.

I wish to ask the Senator: Why should not this same national hero have the right to seek the Presidency of his country with equal opportunity of conducting his campaign if he were the nominee of the Liberal Party, the Conservative Party, or some other party? Why would the Senator take public money and contribute to the campaigns of the nominees of only two political parties, thus discriminating against the other political parties and the right of other citizens to seek the Presidency with equal opportunity?

Mr. LONG of Louisiana. The way I drafted the proposal I offered to the Committee on Finance would have taken care of that. It would have provided for advance payments—which would have helped third parties to finance themselves in the election in which they first made their showing. It also would have had a lower minimum number of votes which had to be received—1.5 million, I believe, rather than 5 million—in order to receive a distribution of funds.

Mr. GORE. I had asked the Senator about the law; not the proposed rewrite.

Mr. LONG of Louisiana. Then I would say I would not deny additional assistance to third parties. The proposal which I presented, as originally drafted, would have done about what it appears the Senator would like to have done for third parties. If the Senator thinks he can do better, I suggest that he present his amendment. I would be glad to consider it.

I drafted a proposal to provide that a third party could borrow money to spend based on what it had expectations to achieve votewise on election day. Some idea of this could be determined by polls or otherwise. In any event a third party would have gotten a postelection supplement to pay off bills it incurred for an election.

The committee did not want to go that far. The committee changed my bill and now, interestingly enough, it is said that the absence of this feature is a defect of the act. At that time the committee was not ready to go that far, but the committee went a long ways and it went far enough to help provide many answers in this area.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. GORE. The Senator has answered my inquiry by citing an amendment which he had proposed which he thinks would have corrected this defect in part. The able Senator has now offered as a separate bill a whole series of amendments, which illustrates that the law has many defects.

A few moments ago the able Senator said that all that one could say for a good law is that it is good as far as it goes. I turn this around. What would one say about a bad bill: Bad only as far as it goes? The law passed last year goes pretty far in the wrong direction and it should be repealed.

Mr. LONG of Louisiana. That is what the Senator thinks, but several years the Senator spent a good deal of money to research the matter and he said he found that a number of people put up money. I believe the Senator said about $30 million was put up for the election. I cannot recall, however, that the Senator presented a bill that we could vote for on this subject.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. Did the Senator bring his bill in?

Mr. GORE. I introduced a bill. I am not sure the Senator would vote for it.

The able junior Senator from Louisiana has just cited another subject on which he has offered an amendment. I wish to ask the Senator how the law which we passed as part of the Christmas Tree bill would correct any of the evils of undue influence of money in elections? How would the law of which the Senator is the author correct this in any way whatsoever?

Mr. LONG of Louisiana. It would provide adequate financing in an amount which in my judgment, would discourage solicitation of funds by dinners or other means as a means of financing presidential campaigns.

The act also provides that money used to finance an election would be accounted for to the Comptroller General—every nickel of it. This would be the first time that there would be known how campaigns actually were financed. The Senator has exerted considerable effort to find how a campaigns were financed in the past. We would now be in the position to find out how the money was spent.

Also most people want to do the right thing. If they do not do the right thing it is usually because of the circumstances, that are at least to some extent beyond their control, or because they do not get enough encouragement in the right direction. Often their problem is inadequate, independent financing. A candidate running for election does not care to make commitments of a doubtful nature. They would not want to make commitments in conflict with their conscience, but they might find it necessary to do that in order to find the money to finance a presidential campaign.

As I have said on occasion, candidates favoring a low level of interest rates often do not find the help they need in financing campaigns. They want to help the rank and file, 90 percent of the people, but the rank and file do not help very much in financing a campaign.

On the other hand, if one takes the other position, that he is willing to go along with a higher level of interest rates, and there are the sources that do put up large amounts of money for campaigns, then that does help to finance a campaign. That is my sincere judgment. It would help to get contributions from bankers and insurance executives, and other people of that kind.

As for monopolies, I have been on the Subcommittee on Monopolies of the Select Committee on Small Business as far back as I can recall. When I first came to the Senate, I served on that subcommittee, and during all my efforts against monopolies, I have not yet received one single campaign contribution from anyone—not even $1 or even 5 cents. It did not get me any money so far as financing my campaign was concerned.

I would say that candidates running for President would not care to commit themselves, either, to private patents on Government research in relation to research money. They would not care to commit themselves to that kind of monopoly, as to whether it should be regulated or go unregulated, or for some monopolies to be somewhat satisfied when they select people to go on commissions who would regulate them. Such candidates would not be likely to make any commitments in that direction if they did not think it was necessary to finance a campaign. There is lots of mischief in government that gets there because of the financial sources of contributions to campaigns when a person goes to campaign for office. So what we did last year was to provide a way whereby a presidential campaign, say, could be financed without the candidate having to make any commitments contrary to his conscience, without his having to be the son of a millionaire or a billionaire, but by merely being a good and competent American citizen who happened to be nominated as the candidate.

It has been asserted that this does not solve the problem in the primaries. Admitted. It is all right with me to solve the problem in a primary if the people trying to find fault, instead will try to find the answer. It is perfectly all right with me for someone to bring in an amendment which has found a way or made a good suggestion as to how we might meet this particular problem.

In this connection, an interesting thought was suggested by the Senator from Montana [Mr. Metcalf] the other day. His suggestion was that about September or October, in a presidential or a congressional year, the Secretary of the Treasury would simply mail to every taxpayer what in effect would be a voucher to the value of $1, and allow the taxpayer to write in the name of the candidate to whom he wanted to contribute that dollar, and send it back to the Secretary of the Treasury.

This would be a lot better, because it would be money which would have to be accounted for. It could not be paid to a candidate unless he had incurred those expenses. This is an interesting suggestion.

It meets, somewhat, the problem of some Senators, such as the proposal of the Senator from Delaware [Mr. Williams], that the taxpayer should contribute to the candidate of his choice. It beats that particular problem. If we want to do it that way, that is all right with me, but at least we have made a beginning. We have started after 150 years—bless Pat—we have finally begun to do something to provide for the honest financing of a campaign, in which I would be happy to cooperate with anyone in saying that we would try to eliminate the corruption that comes from improper financing of any political campaign, and trying to see that no candidate is improperly influenced.

Having made some headway and having achieved a little something toward seeing that elections will be clean and honest and not improperly influenced, is that not little enough in order to move forward rather than to move backward?

As one who has spent some time in working in this field, it would be sad to find that after 150 years we had managed to find a way to finance campaigns on an honest basis, without making any commitments that would conflict with our deep convictions in any respect whatsoever, and then find that instead of going forward, our efforts would be wiped off the statute books.

All Senators know the problems surrounding the financing of a political campaign.

Let me read the experience of one Senator who was trying to run for President. He was in the State of West Virginia, trying to find the funds to carry on his campaign for nomination for President of the United States. Of course, that does not solve the problem, but at least it moves in the direction of bringing about a solution to the problem. It shows what honorable and good men are up against when they try to run for the office of President, where sometimes one finds it an impossible problem to finance such a campaign unless he is the scion of a wealthy family.

I refer to the experience of Senator Humphrey, on an occasion which is rather touching and, I believe, rather sad under the circumstances. Yet, as a practical matter, it is an illustration of what any good man is up against when he tries to offer himself as a candidate for public office.

Let me quote from Theodore White's "Making of a President, 1960":

> Strangled for lack of money (Humphrey's expenditures in West Virginia were to total only $25,000—nothing, in the scale of American politics), knowing himself in debt, aware of the nature, depth and resources of this final Kennedy drive, as the final week end approached Humphrey became a figure of pathos. He needed advertising, he needed workers, above all he needed TV to show himself across the state.
>
> I remember the final Saturday morning, shortly after it was revealed that Kennedy's TV expenditures alone across the state had mounted to $34,000. Humphrey had had but four hours' sleep that morning and was up at seven, prepared to barnstorm north from Charleston in his bus on a rainy morning; at that point one of his assistants informed him that the TV stations that had booked him for a Sunday night half hour were threatening to cancel unless they were paid that day, cash in advance, for the time.
>
> It was one of the few times I have seen the temper of that genial man snap.
>
> "Pay it!" snarled Humphrey. "Pay it! I don't care how, don't come to me with that kind of story." Then, realizing that his crestfallen aide was, like himself, destitute, Hubert pulled out his checkbook at the breakfast table and said, "All right, I'll pay for it myself." and scribbled a personal check of his own.
>
> Mrs. Humphrey watched him do so, with dark, sad eyes, and one had the feeling that the check was money from the family grocery fund—or the money earmarked to pay for the wedding of their daughter who was to be married the week following the primary.
>
> My memory tells me that the sum of that check was $750—not a particularly large sum for a statewide hookup of half an hour. But such a grocery-money check buys time only—it does not buy the production, the preparation, the care a major television manipulation of the public requires.

Mr. President, that is a small illustration of what a candidate is up against when he tries to campaign for the Presidency of the United States. I am not against anyone who is a rich man's son being elected. All I say is that I am in favor of letting everyone run for office, letting them all have an opportunity to make their case to the American people.

Mr. GORE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. GORE. Provided he has the nomination of either the Republican or Democratic Party.

Mr. LONG of Louisiana. Well, now, that need not stop the Senator. Is he trying to move backward or trying to move forward? If the Senator would like to suggest an amendment that would make it possible for us to help finance the primaries, I have some thoughts in mind that I think it might be done.

Why does not the Senator devote his attention to that and see if he can come up with something? He might have a good idea.

Mr. GORE. I am anxious to take constructive steps. I think the first step is to erase the horrible mistake we have made.

Mr. LONG of Louisiana. Oh, I have heard that statement a few times. The Senator's idea is to erase what little progress we have made in 150 years. If the Senator from Tennessee can do anything better than I have in this area—aside from investigating it, which I am in favor of—then I would be interested in working with him.

The Senator from Louisiana is ready and willing, just as soon as we get this revenue bill behind us, to schedule hearings, to listen to everyone's suggestions, to take a good look at what we have done.

Incidentally, no harm can come from what we have done. What we have on the books, the so-called Long amendment, is a mere authorization. It requires an appropriation. No harm can come out of it. It cannot cost the Government a cent as it stands. It can cost the Government only the cost of printing a form. In fact, as it stands now, all it can cost is the expense of printing a little question in a square on a tax form. It cannot result in any expenditure from the Treasury other than that, unless Congress sees fit to appropriate money.

Yet we hear that this is a horrible mistake. I will tell Senators what is horrible. Some people are fearful that, if we can finance campaigns, it will make it possible for any mother's son to run. So some people dream up things as if our form of government were about to come to an end because we make it possible for people to run for office simply by making it possible for every taxpayer to have $1 of his taxes used for campaigns for either party.

AMENDMENT OF SECTION 8(b)(4)(B), NATIONAL LABOR RELATIONS ACT

Mr. MORSE. Mr. President, I send to the desk, in behalf of myself and Senators Kuchel, Clark, Case, Hart, Javits, Metcalf, Mondale, McCarthy, and Williams of New Jersey, a bill to amend section 8(b)(4)(B) of the National Labor Relations Act, as amended, with respect to strikes at the sites of construction projects.

I ask that the bill be appropriately referred, and I ask unanimous consent that it be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record, as requested by the Senator from Oregon.

The bill (S. 1487) to amend section 8(b)(4)(B) of the National Labor Relations Act, as amended, with respect to strikes at the sites of construction projects introduced by Mr. Morse (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 1487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(b)(4) of the National Labor Relations Act, as amended, is amended by inserting before the semicolon at the end thereof ": *Provided further,* That nothing contained in clause (B) of this paragraph (4) shall be construed to prohibit any strike or refusal to perform services or any inducement of any individual employed by any person to strike or refuse to perform services at the site of the construction, alteration, painting, or repair of a building, structure, or other work and directed at any of several employees who are in the construction industry and are jointly engaged as joint ventures or in the relationship of contractors and subcontractors in such construction, alteration, painting, or repair at such site, and there is a labor dispute, not unlawful under this Act or in violation of an existing collective-bargaining contract, relating to the wages, hours, or other working conditions of employees employed at such site by any of such employers and the issues in the dispute do not involve a labor organization which is representing the employees of an employer at the site who is not engaged primarily in the construction industry: *Provided,* That in the case of any such site which is located at any military facility or installation of the Army, Navy, or Air Force, or which is located at a facility or installation of any other department or agency of the Government if a major purpose of such facility or installation is, or will be, the development, production, testing, firing, or launching of munitions, weapons, missiles, or space vehicles, prior written notice of intent to strike or to refuse to perform services, of not less than ten days shall be given by the labor organization involved to the Federal Mediation and Conciliation Service, to any State or territorial agency established to mediate and conciliate disputes within the State or territory where such site is located, to the several employers who are jointly engaged at such site, to the Army, Navy, or Air Force or other department or agency of the Government concerned with the particular facility or installation, and to any national or international labor organization of which the labor organization involved is an affiliate. The notice requirements of the preceding proviso are in addition to, and not in lieu of the notice requirements prescribed by section 8(d) of the Act. In determining whether several employers who are in the construction industry are jointly engaged as joint venturers at any site, ownership or control of such site by a single person shall not be the only factor considered".

Sec. 2. The amendment made by this Act shall take effect ninety days after the enactment of this Act.

Mr. MORSE. The situs-picketing bill which I have introduced today—and which is cosponsored by my distinguished colleagues, Senators Kuchel, Williams, of New Jersey, Clark, Metcalf, Mondale, Hart, McCarthy, Javits, and Case—is intended to restore a parity of treatment under the Labor Management Relations Act between construction workers and their nonconstruction brethren.

The need for correction of the present inequitable restrictions established in the Denver Building Trades case on the right of construction workers to strike and picket peaceably has long been recognized by distinguished leaders of both parties, including four Presidents, and committees in both Houses of the Congress:

In 1949 President Truman proposed legislation which would have permitted the activity involved in the Denver Building Trades case.

In 1954 President Eisenhower advocated similar legislation in his first labor message to Congress. After extensive hearings, legislation introduced by Republican Senator Alexander Smith, of New Jersey, was reported favorably by the Senate Labor Committee—Senate Report 1211, 1954.

The same proposal was repeated by President Eisenhower in 1955 and again in 1958 and there were identical proposals by Democratic Senators and Congressmen.

In 1959 the then Senator Kennedy of Massachusetts introduced the same bill as S. 2643, and the House bill, H.R. 3540, was introduced by Republican Congressman Kearns, of Pennsylvania.

In 1960 the Special Labor Subcommittee, of the House Labor Committee, held extensive hearings on H.R. 9070. After receiving bipartisan support—including testimony from Under Secretary of Labor James T. O'Connell—the bill was reported to the House by the committee—House Report 1556.

In 1961 a similar bill, H.R. 2955, was introduced in the House and Secretary of Labor Arthur J. Goldberg testified in favor of its enactment. The companion bill in the Senate was introduced by Senator McNamara as S. 240.

Finally, in 1965 Secretary Wirtz appeared before the House Special Subcommittee on Labor in support of H.R. 6363, introduced by the distinguished chairman of the subcommittee, Congressman Thompson. The legislation was reported as H.R. 10027 in September of 1965—House Report 1041. S. 1655—McNamara-Kuchel—was the companion bill in the Senate.

As a further example of the bipartisan support of this proposal, in 1959 the conferees on the Landrum-Griffin Act considered adding the language of the Kennedy-Kearns bill to the act. Only a threatened point of order in the House prevented the change being accepted in conference. However, a bipartisan commitment was made at the time that further consideration would be given to this legislation. The commitment is clearly evident from the following statement inserted in the Congressional Record on September 3, 1959, by the then Senator John F. Kennedy:

> I have received the assurances of the Majority Leader and the Minority Leader that if the Committee on Labor and Public Welfare reports the Bill they will schedule it. Likewise, both the Speaker of the House and Representative Halleck have said that they will use their influence to secure a rule for the consideration of the Bill if the House Committee on Education and Labor reports it.

Despite the careful scrutiny which this bill has received and the strong measure of bipartisan support which it has garnered, some doubts and misconceptions have tended to persist. This is perhaps not surprising, in view of the complexity of the Labor Management Relations Act, the basic law which this bill would amend.

I would like now to take this opportunity to set the record straight, and to outline briefly and in general what the bill will accomplish and what it will not do.

The bill would, in effect, overturn the Denver Building Trades decision of the National Labor Relations Board, affirmed by the Supreme Court in 1951. That case held that it was an unlawful secondary boycott under section 8(b)(4)(B) of the act for a Construction Trades Council to picket a construction site in order to protest the subletting of work to a nonunion electrical contractor who was paying his employees substantially less than the union scale. The Board found that the object of the picketing was to require the union general contractor to cease doing business with the nonunion electrical subcontractor.

A careful study of the debates preceding the enactment of the Taft-Hartley Act in 1947 reveals no intention on the part of the proponents of section 8(b)(4)(B) to prohibit the kinds of activities at construction sites which the Board struck down in the Denver case. The record reveals that the purpose of this provision was to prevent certain activities which injure the business of a third person who is wholly unconcerned in the disagreement between an employer and his employees. The classic case of an illegal secondary boycott situation is that of a striking union sending its members to picket an establishment because it is installing the struck firm's products.

On the other hand, it cannot be fairly stated that employers in the construction industry, engaged as joint venturers or in a contract relationship in work at the site are neutral third persons who should be insulated from the effect of disputes relating to wages, hours, or other working conditions of employees at the site.

Every prime contractor knows whether or not the subcontractor with whom he is entering into a subletting agreement is union or nonunion. He is not acting in a vacuum. He is not nearly the innocent bystander that some of their lobbying activities profess.

Construction projects usually involve efforts of many separate contractors, welded together by the general contractor for the fast and efficient performance of the work.

Indeed, one prime consideration in the selection of a subcontractor or joint venturer is the nature and source of its labor supply.

Those doing business with him contract with him in large measure. They want him because he has access to a labor supply. It is one of his great assets.

He cannot be heard to say, or should not be heard to say, that he ought to be allowed to go ahead and follow a course of action which he knows, at the very time that he considers following it, is going to produce a great deal of labor unrest.

Consequently, long before contractors move to a jobsite, they have every opportunity to know whether union and nonunion men will be working together on the project and every reason to anticipate the troubles which are likely to result from this arrangement. No one can be taken by surprise in these situations. No one is neutral. And yet, because each one of the contractors is technically an independent entity, picketing in such situations would be regarded as an unlawful secondary boycott under current law.

In the ordinary industrial situation involving an employer outside the construction industry, comparable labor activities would not be prohibited. For example, peaceful picketing of such an employer in an otherwise lawful labor dispute would not be prohibited because it was designed to induce members of other unions to refuse to make pickups and deliveries at the plant.

Let me emphasize that the bill I am introducing today is a narrow bill with a specific purpose. I have been discussing to this point what the bill is designed to achieve. I would now like to point out its limitations and what it would not do.

Its effects do not extend beyond the project site or outside the construction industry. The bill is designed to maintain for innocent bystanders the same kind of protection which they now have in the ordinary industrial situation. It would not apply to labor activities where the issues in the dispute relate to labor organizations representing employees of nonconstruction employers at the site.

The bill amends section 8(b)(4)(B) of the Taft-Hartley Act by providing that the activities which it describes shall not be deemed a violation of that provision. It does not purport to amend other provisions of law in any way. Indeed, it does not even authorize any activities under section 8(b)(4)(B) which are otherwise unlawful under the act or in violation of a collective-bargaining agreement. This is an important point, and I would like to explore its implications a bit further, in view of the misunderstandings which have arisen concerning the bill.

Section 8(b)(4)(D) of the Taft-Hartley Act prohibits jurisdictional disputes. These prohibitions would in no way be affected by enactment of this bill. Similarly, it would not legalize otherwise unlawful recognition or organizational picketing. Such activities are governed by sections 8(b)(7) and 8(b)(4)(C) of the act.

It has been argued that in the absence of an express provision making it unlawful under the act for a labor organization to require an employer to recognize or bargain with another labor organization, the bill might be construed to permit one union to picket in violation of section 8(b)(7) for the purpose of requiring an employer to recognize another completely different union. Let me repeat again. The bill does not affect section 8(b)(7) in any way. Conduct that is now unlawful under this section will continue to be unlawful after the enactment of the bill.

In a similar vein, the bill gives no license to any labor organization to require an employer to recognize or bargain with any labor union if another union is lawfully recognized as the representative of the employees.

Section 8(b)(7) prohibits picketing where an object is to force an employer to recognize or bargain with a labor organization as a representative of his employees and the employer has lawfully recognized another labor organization in accordance with the act. The protections of this section, like other sections of the act, are not affected by the bill, and will continue to govern the conduct of labor organizations.

The bill would not affect the legality of product boycotts. These matters are governed by sections 8(e) and 8(b)(4)(A).

Essentially, a product boycott is a situation in which a labor organization has a dispute with a product manufacturer, and economic pressure is put on a secondary employer—a user of the product—in order to resolve the dispute with the primary manufacturer.

Put in terms of the construction industry, a product boycott would mean that construction employees at a construction site would not work with a product manufactured by an employer with whom the union has a dispute.

It will be seen that in such a situation, there is no dispute at the construction site involving wages, hours, or other working conditions of employees at such site. The actual dispute over working conditions is with the manufacturer at the factory, not with the construction employer at the site. For this reason, a product boycott does not qualify as the kind of dispute to which the bill would apply. In this area, the bill makes no change in existing law.

I would particularly stress that nothing in this bill in any way authorizes activities intended to promote racial discrimination. The civil rights laws remain in full force and any provisions of the Labor Management Relations Act, insofar as they prohibit such discriminatory activities, would be unaffected.

The complexity of this area of labor relations law has caused some to argue for the addition of definitions to the bill which would presumably clarify its provisions and limit its application to the situations at which it is directed. While I am all in favor of clarifications, the suggested changes frequently create more problems than they solve.

It has, for example, been suggested that the term "employer in the construction industry" be defined so as to mean "only those employers whose principal activity is in such industry." One of the purposes of this amendment is to assure that a manufacturer at whose site construction is being carried on will not be considered to be in the construction industry.

The term "construction industry" is not new to the act. This term is found in both sections 8(f) and 8(e) of the act. I submit that neither the NLRB nor the courts will have any difficulty in construing a term with which they are presently familiar.

There is no justification for delaying congressional approval of this extremely worthwhile and long overdue measure. When the limited purposes and scope of this proposal are fully appreciated, I am certain that this body will want to take prompt action to correct this long standing and long recognized defect in the structure of our labor relations law.

I close by saying, now that the bill has been introduced, that I urge the Senate Committee on Labor and Public Welfare to schedule early hearings either before the subcommittee headed by my very good friend the able chairman of the subcommittee, the Senator from Texas [Mr. YARBOROUGH] or by the full committee headed by the distinguishd Senator from Alabama [Mr. HILL].

As far as I am concrned, it is immaterial whether we have the hearings in the subcommittee or in the full committee. However, it is very important to me that we have the hearings and we have them without delay.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. GRIFFIN. Mr. President, as the Senator from Oregon knows, I quite often find myself in agreement with him on some of the legislative matters in this field. On this particular bill, I have a serious question.

I should like to ask the Senator from Oregon if there is any provision in the bill he introduced which would make any exception with regard to strikes at construction projects involving the national defense.

Mr. MORSE. There is nothing in the language of the bill that makes them an exception. Ten days' prior notice of a strike at a defense construction site must be given to the appropriate agency.

Mr. GRIFFIN. Mr. President, as the Senator will recall, in the last Congress, this was a matter of great concern because many strikes occurred in the construction of military projects, particularly those at some of the space projects. Cape Kennedy, for example, fell in the category in which this legislation, as I understand it, would legalize strikes that are now illegal under the interpretation of the National Labor Relations Board and the reports.

I would hope that if hearings are held by the Committee on Labor and Public Welfare in this session, we would have the representatives of the Defense Department and the Space Administration appear before the committee to answer questions regarding the possible impact of this legislation on those projects. It may be that this legislation would not have the dire consequences that some think.

I wish to express that concern at this time, because particularly in the other body we were precluded from having adequate witnesses representing the Defense Department and the Space Administration appear before the committee.

Mr. MORSE. As the Senator from Michigan knows, there is no danger of such policy being followed in our committee. In fact, all members of the committee would insist that any member of the committee be allowed to bring any witnesses or call any witnesses he wishes. The Senator from Michigan knows that that would be the first thing I would insist on, if any question were raised about not doing so.

It would be highly desirable to have before us the Defense Department witnesses and witnesses from some of the other Government agencies; it would give us an opportunity to look at some of the labor policies of the Federal Government through those departments.

They do not like to talk about their having labor policies, but my experience is that they have labor policies, and sometimes very bad labor policies. In fact, sometimes the men in uniform who run defense plants need just an elementary course in the meaning of free collective bargaining in this country and the importance of the rights of free men to organize into unions and to bargain collectively.

As the Senator from Michigan is aware, I have taken the position for many years that when the Government enters into the proprietary field, the Government has an obligation to follow a labor policy that is consistent with the policy of the country as a whole. The Senator also knows my position whenever there is a labor conflict such as the one we dealt with today, which at any time may jeopardize the security of the country or the public interest. I have never gone along with the program for a prohibition set out in legislation that gives men in uniform, in the Pentagon, to carry on an antiunion policy.

I believe that such action has characterized too many of our Government officials.

On the other hand, I believe we have a clear duty, as a labor committee, to see that the hearings are conducted and the witnesses testify, so that as Senators we take a look at any legislation from the standpoint of seeing that, if enacted, it will not jeopardize the public interest. I am going to keep my eyes on the public interest.

Mr. **PROUTY**. I thank the Senator from Oregon for the assurances that not only would the hearings be adequate, but also that in particular the Defense Department and the Space Administration and other agencies of Government who might be directly affected would be invited to testify and to indicate their views on this legislation.

Mr. **MORSE**. I will join the Senator in the request for the witnesses.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COMMON SITUS PICKETING: ACTION TO END A LONGSTANDING INEQUITY

Mr. **KUCHEL**. Mr. President, in our American industrial relations system, there must be one labor policy, not two. The inequity in our laws regarding picketing at construction sites must be corrected. I hope the Senate Committee on Labor and Public Welfare can, at an early date, hold hearings to consider this measure and that the administration will urge such action. I am delighted to join the senior Senator from Oregon [Mr. MORSE] in offering this bill. We are joined by a large number of distinguished colleagues on both sides of the aisle: Senators CASE, CLARK, HART, JAVITS, MCCARTHY, METCALF, MONDALE, and WILLIAMS of New Jersey.

This proposal has widespread support. It is high time action were taken.

This bill, the so-called common situs picketing legislation, would, if enacted, reserve the Supreme Court's decision in the Denver Building and Construction Trades Council case—341 U.S. 675. For over a decade, this decision has adversely affected thousands of building and construction trades workers throughout America. It has established two labor policies in this country: one which applies in an industrial plant, and another which applies on a jobsite.

In April 1949, when the National Labor Relations Board first rendered its administrative decision in the Denver Building & Construction Trades Council Case, the Taft-Hartley Act had been in effect for only 20 months. The NLRB had no previous experience with the building and construction industry because it had not taken jurisdiction of this industry during the years 1935 to 1947 when the Wagner Act was in effect.

A Republican President, Dwight D. Eisenhower, first recommended that legislation be enacted along the precise lines we have offered today. That was in 1954. He, and members of his administration acting on his behalf, repeated that recommendation on numerous subsequent occasions.

A Democratic President, John F. Kennedy, as a Senator in 1959, coauthored with me, and some others in both parties, S. 2643, which sought to overcome the Denver decision.

In the intervening years I have joined in offering succeeding bills on a bipartisan basis. Such support has been consistent, and the issue is no less urgent now than in the past.

I mentioned that, as a result of the Denver decision, we have two labor policies in America. The employees of a factory can engage in peaceful picketing in a labor dispute. That is their right under the law. Construction workers, on the other hand, are inequitably restricted in this basic freedom because of a technicality in the law which did not take into account the special facts of the building and construction industry.

In the construction industry, instead of one employer with different departments for different kinds of work, there are numerous contractors on the jobsite doing different kinds of work. Yet, under the Denver decision, if the Electricians Union pickets a jobsite because of a dispute with the electrical contractor and the bricklayers, carpenters, and other trades do not cross the picket line, it is held that the Electricians Union is guilty of causing a secondary boycott in violation of section 8(b)(4)(A) of the Taft-Hartley Act because the pickets are said to be inducing the bricklayers and other trades to strike with the object of compelling the prime contractor who employs them to stop doing business with the electrical contractor. Yet it is legal for the Electricians Union representing electrician employees in a factory to picket the factory site even though the production and shipping room employees and employees represented by other unions in the factory refuse to cross the picket line. This is simply and patently unfair. Change in this decade-old injustice is long overdue.

In 1959, when Congress, by the Landrum-Griffin Act, added section 8(e) and 8(f) to the National Labor Relations Act, it recognized that the typical building and construction job or project is an integrated economic enterprise even though numerous different employers may be engaged in the performance of such work. If this is the law, then one labor policy should apply across the board.

The late, distinguished Senator Robert Taft held that the secondary boycott should be outlawed when it injures the business of a third person who is wholly unconcerned in the disagreement between an employer and his employees. I agree. The difficulty, however, is that this principle cannot reasonably be applied to employers in the construction industry. On a jobsite these employers are either engaged as joint venturers or in the relationship of contractors and subcontractors in the work at that site. Thus, within the economic facts of this industry, these employers are neither "third persons" nor "wholly unconcerned" in the lawful labor dispute relating to higher wages, shorter hours, or better conditions of employment, or other lawful objectives by the employees at such site. The realities of the relationships which exist at a jobsite simply refute any valid claim that any of these employers are neutral to any dispute which might occur on that site.

On January 11, 1954, President Eisenhower in a message to Congress emphasized this fact when he stated that—

> The prohibitions in the act against secondary boycotts are designed to protect innocent third parties from being injured in labor disputes that are not their concern. The true secondary boycott is indefensible and must not be permitted. The act must not, however, prohibit legitimate concerted activities against other than innocent parties. I recommend that the act be clarified by making it explicit that concerted action against . . . an employer on a construction project who, together with other employers, is engaged in work on the site of the project, will not be treated as a secondary boycott.

The bill we now introduce is the Eisenhower recommendation, with a modification to provide that in disputes at worksites on certain national defense installations, a notice of intent to strike must be given not less than 10 days in advance to both Federal and State agencies responsible for such matters and to both employers and unions concerned.

This recommendation of a Republican President has had not only the endorsement of the executive council of the AFL–CIO on behalf of the combined labor movement, of the various building and construction trades unions, but also of many building and construction contractors as well.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 65) to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees.

AUTHORIZATION TO RECEIVE MESSAGES AND TO SIGN DULY ENROLLED BILLS AND RESOLUTIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment this evening, the Secretary of the Senate be authorized to receive messages and that the Vice President be authorized to sign duly enrolled bills and resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in——

Mr. WILLIAMS of Delaware. Does the assistant majority leader think it is possible to vote on this proposal this afternoon?

Mr. BYRD of West Virginia. I do not, I must confess in all honesty.

Mr. WILLIAMS of Delaware. We, in the minority, are trying to do all we can to help the majority get this matter moving.

Mr. BYRD of West Virginia. I understand that. I will express that statement to the majority.

Mr. President, if there be no further business——

Mr. WILLIAMS of Delaware. Will the Senator withhold that request, please? The Senator from Oregon [Mr. HATFIELD] desires unanimous consent to be recognized tomorrow for one-half hour.

Mr. BYRD of Virginia. Yes. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HATFIELD ON TOMORROW, WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of routine morning business tomorrow morning, or at the hour of 11:30 tomorrow morning, whichever comes first, the junior Senator from Oregon [Mr. HATFIELD] be recognized for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR FANNIN ON TOMORROW, WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the speech by the junior Senator from Oregon [Mr. HATFIELD] tomorrow, the junior Senator from Arizona [Mr. FANNIN] be recognized for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 14 minutes p.m.) the Senate adjourned until Wednesday, April 12, 1967, at 11 o'clock a.m.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 11, 1967

The House met at 12 o'clock noon.

The Reverend William G. Kalaidjian, minister, Bedford Park Congregational Church, Bronx, N.Y., and chaplain, New York City Police Department, offered the following prayer:

Oh magnify the Lord with me, and let us exalt His name together;

For with Him is the fountain of life: And in His light shall we see light.—Psalms 34: 3; 36: 9.

Almighty God, who has called our Nation to a place of great responsibility throughout the world; we Thy servants of every race, creed, and nationality, and clime of life, ask Thee to bless our United States of America.

Grant that our highest ideals and aspirations may be in accordance with Thy will.

Grant us genuine understanding and sound government, where no man is above the law and no man is beneath it.

Help us to feel the unity and purpose of our Nation as she serves the cause of freedom and makes the sacrifices needed to establish her credibility.

Help us to be masters of ourselves that we may always be servants of others and heirs of a peace that will endure, in the name of Him who is the Lord of life. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

NEW YORK'S WARM WELCOME TO JUDGE LINDLEY BECKWORTH

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, for 24 years the Honorable Lindley Beckworth was a Member of this body and in a number of Congresses it was my privilege and pleasure to serve with him on the Committee on Foreign Affairs. With other members of that committee I held Lindley Beckworth in high esteem and warm affection during our association together in the work of the committee.

It is pleasing to us all to read in today's newspapers of the warm welcome that awaited him at the commencement of new judicial duties in New York.

I am extending my remarks to include the following AP dispatch in the Washington Evening Star of April 11, 1967:

> NEW YORKERS WELCOME BECKWORTH
>
> NEW YORK (Associated Press).—U.S. Customs Court Judge Lindley Beckworth, a Texan recently appointed to serve here, was welcomed to New York yesterday by 100 members of the court and Justice Department.
>
> Judge Beckworth, former Texas member of Congress and state legislator, was described by Chief Judge Paul P. Rao at a reception in the U.S. Customs Court as a "wise, humane, gentle and understanding person."
>
> Rao said Beckworth would be a valuable asset to the court, which has been working shorthanded for the last few months and is deluged with cases.
>
> "I have attended many warm receptions in Texas," Beckworth said, "but never have I been received by some who are virtual strangers as I have been received here today."
>
> Beckworth, 53, a Democratic congressman for 24 years, is married and has five children.

SPECIAL SUBCOMMITTEE ON ECONOMIC DEVELOPMENT PROGRAMS OF THE HOUSE COMMITTEE ON PUBLIC WORKS—PERMISSION TO SIT DURING GENERAL DEBATE TODAY

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Economic Development Programs of the House Committee on Public Works be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

UNITED STATES SADLY LACKING IN WORLD PRESTIGE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, amid the fanfare accompanying the return of the Vice President from Europe, I think a little reality would not be out of place. An assessment of his ventures abroad indicates that the United States today is sadly lacking in world prestige.

After bestowing over $125 billion of the taxpayers' funds on various and sundry projects and endeavors scattered around the globe, our Government has reached the sad state of affairs where an American official cannot visit a foreign capital without being subjected to abuse. American citizens cannot travel abroad without being subject to arrest or mistreatment. At the present time, the President is negotiating another cornucopia for Latin America. Temporarily the flood of complaint and ingratitude, which has characterized their dealings with us, has been stilled as they await the opening of Uncle Sam's pinata and can see what they can expect from our ever-open Treasury.

That the rioting abroad which swirled around our Vice President was permitted by the authorities was an indication that officials there were not totally out of accord with the purposes of the riots. No gilding can conceal the fact that our relationships with other countries have been allowed to fall into disrepair. A review of past practices is in order.

Since our own freedom is at stake, we have no course but to defend freedom for the ingrates as well as for ourselves. But, I think this Congress should make certain that they do not get the butter while we are manning the guns.

FEDERAL RESERVE SHOULD LOWER REGULATION Q

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the Federal Reserve should be honest with the American people and complete the rollback of interest rates to the levels existing before December 6, 1965.

Amid much fanfare, the Federal Reserve last week reduced the discount rate from 4½ to 4 percent. I am, of course, pleased to see this particular interest rate go down but under present circumstances, this action is not expected to be overly meaningful.

The Federal Reserve did not make mention of regulation Q, which regulates the amount of interest that banks may pay on time deposits. This is where the big jump in interest rates occurred on December 6, 1965. At that time, the Federal Reserve raised this regulation to a whopping 5½ percent—wiping out the ceilings of 4 and 4½ percent which had existed previously.

This was a big jump—actually 37½ percent—and it is this interest rate which should be rolled back by the Federal Reserve.

The Federal Reserve gave the country only half a loaf in the drop of the discount rate last week. It should complete the job now by lowering regulation Q.

TV AND RADIO STRIKE HAD SOME ADVANTAGES

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, I can think of no industry which makes greater contribution to the entertainment, comfort, and good living of our people than the radio and television industry of America. It would have been very unfortunate during the recent strike if these industries had been shut down and their programs, news, and other information which they make available to the American people had been cut off. The stations and networks rendered a great service during the strike. The manner in which they handled their programs and carried on was most commendable. The members of their managerial and clerical staffs did a magnificent job in filling in for the so-called professionals who were out on strike.

The facts are that I am sort of disappointed the strike is over. The nonprofessionals were doing such a grand job of handling the programs. I had a feeling that their news reporting was done with absolute accuracy, with no bias, no slanting and with only a desire to give their listeners the absolute facts.

I congratulate and commend the networks, the individual stations and their clerical and management personnel for a job well done.

TO EXTEND PERIOD FOR MAKING NO CHANGE OF CONDITIONS UNDER SECTION 10 OF RAILWAY LABOR ACT

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 493) to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees.

The Clerk read as follows:

H.J. Res. 493

Whereas disputes exist between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers; Brotherhood of Railway Carmen of America; International Brotherhood of Firemen and Oilers functioning through the Railway Employees' Department, AFL-CIO, labor organizations; and

Whereas the President of the United States, pursuant to the provisions of section 10 of the Railway Labor Act, by Executive Order Numbered 11324 of January 28, 1967, created an Emergency Board to investigate these disputes and report its findings; and

Whereas the Emergency Board has reported and the statutory period for making no change of conditions, as extended by agreement of the parties, is about to expire, without the parties having resolved the issues in dispute, thereby continuing to threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation services; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the above objectives in a manner conducive to resolution of the disputes through collective bargaining: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall be extended for an additional period with respect to the disputes referred to in Executive Order Numbered 11324 of January 28, 1967, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which such disputes arose prior to 12:01 a.m. of May 3, 1967.

The **SPEAKER.** Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

The **SPEAKER.** Without objection, a second will be considered as ordered.

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 61]

Ashley
Ashmore
Burton, Utah
Dorn
Fraser
Garmatz
Green, Oreg.
Gude
Hansen, Idaho
Harvey
Holland
Jones, Mo.
Leggett
Long, La.
Lukens
Mathias, Md.
May
Pool
St. Onge
Stephens
Williams, Miss.

The **SPEAKER.** On this rollcall 410 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TO EXTEND THE PERIOD FOR MAKING NO CHANGE OF CONDITIONS UNDER SECTION 10 OF THE RAILWAY LABOR ACT

The **SPEAKER.** The gentleman from West Virginia [Mr. STAGGERS], will be recognized for 20 minutes, and the gentleman from Illinois [Mr. SPRINGER], will be recognized for 20 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, yesterday the President sent a message to the Congress pointing out that at 12:01 a.m. Thursday morning, this Nation faces the possibility of a strike shutting down over 95 percent of all the railroad mileage in the United States. He asked that the Congress pass legislation, extending for 20 days—that is, until May 3—the existing provisions of law under which this strike cannot take place. This 20-day extension also prohibits the railroads involved in the current dispute from making any changes in work rules or other conditions of employment which they will be free to make at 12:01 a.m. this coming Thursday.

The members of our committee were invited to the White House yesterday morning and we all received a briefing from the President on this situation. He asked us to pass this legislation promptly, and yesterday afternoon I introduced the resolution which is before the House today, and the members of our committee met to consider the resolution and then voted to report it to the House unanimously on a rollcall vote.

Mr. Speaker, by our vote on this resolution in the committee no member of our committee was taking one side or the other in this dispute. I want to make this perfectly clear, and I also want to make it clear that a vote for this resoluiton does not in my opinion put any Member of this body in the position of taking one side or the other in this dispute.

Mr. Speaker, the economic costs to this country of a strike in the railway industry will be, as the President pointed out in his message, incalculable. The first day of the strike, for example, would stop all commuter traffic into some of our major metropolitan centers. Can you imagine the horrible traffic jams that will be created in New York City, in Philadelphia, in Chicago—I might add to a degree even in Washington, D.C.? There are many trains throughout the United States right this minute that are carrying perishable foods. Chlorine moves in large quantities by rail, and truck transportation cannot be substituted for the rail shipments. This chlorine is necessary for treating sewage and it is also necessary for treating drinking water. What are our cities that require chlorine to do if rail transportation becomes unavailable to them?

The President pointed out in his message that there will be some adverse effects on shipments to Vietnam.

There are other consequences. If a strike in the railroad industry occurs, it will slow down the economy seriously. For example, coal mining will virtually have to cease immediately. Other industry dependent on rail transportation will rapidly run out of supplies and run out of storage space and they will have to close down. A nationwide railroad strike that lasted for 30 days could throw between 6 and 7 million Americans out of work.

In other words, Mr. Speaker, the national interest requires that this labor-management dispute be settled.

I think one thing ought to be made perfectly clear at this point. The responsibility for the possibility of a railroad strike occurring at 12:01 a.m. day after tomorrow does not lie necessarily with labor alone nor with management alone. Frankly, I do not know which side should bear the blame if such a strike were to occur. I do know this. The strike could be avoided if the representatives of labor will accept the current proposals made by management. The strike can also be avoided if the representatives of management will accept the proposals made by the representatives of organized labor. In other words, Mr. Speaker, if either side is willing to accept the settlement proposals made by the other side, this strike can be avoided. Unfortunately, neither side is willing to accept the proposals of the other, but I understand that they are very close.

As I understand it, the problem resolves itself down to the issue of wages and pay differentials. The parties are quite close together and they should, if true collective bargaining occurs, be able to resolve these differences themselves within this 20-day period.

Mr. Speaker, there is another reason for this legislation. The President is required to be out of the country for a meeting which cannot be postponed. The President is required to be at Punta del Este on a mission affecting the security of this entire hemisphere. The decisions that will be made at Punta del Este will be decisions affecting the entire world. It is intolerable to think that our President, while engaged in the complex and difficult negotiations that will be going on at Punta del Este must also be required to deal at long distance with the numerous emergencies and problems that will arise in the event of a nationwide railroad strike. Passage of this resolution will provide for a postponement of the possibility of this strike until after the Punta del Este Conference.

Now briefly, what this resolution does is to say that where the procedures set out in the Railway Labor Act as applied to this dispute prohibit any strikes or changes in work rules by either of the parties to this dispute until April 13, this prohibition against strikes and changes in work rules is extended to May 3. It does not take sides in the dispute. It prohibits labor from striking, which they are free to do under existing law as of April 13, and it also prohibits management from making any changes in work rules, which they are also free to do on April 13. The prohibition extends for 20 days, and at the end of that 20 days' freeze of the status quo, the parties may then resort to self-help.

Mr. Speaker, our committee considered this bill yesterday afternoon and, as I mentioned, was unanimous in passing it. I hope the House also should be unanimous, and our committee recommends passage of the bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. A serious situation is fast developing in the Midwest and I assume in other parts of the country with respect to the trucking industry. Has the committee any word from any source as to some form of intervention in that situation?

Mr. STAGGERS. I hesitate to get into that subject with this possible strike, too, before us. I am hopeful that the truckers situation will soon be settled. That is about as much as I can say. This railroad situation is on us now, and we hope that the House will take effective and affirmative action immediately.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER], is recognized for 20 minutes.

Mr. SPRINGER. Mr. Speaker, in order that my colleagues will have some idea that this is nothing new, I would like to read the following:

> In the event a strike occurs it will bring widespread and growing distress.
>
> Many industries which rely primarily on rail shipment—including coal and other mining which is dependent on rails leading directly to the mine, steel mills that ship by rail, certain chemical plants which load liquids directly into tank cars, and synthetic fiber mills dependent on chemicals which for safety reasons can be carried only in rail tank cars—all of these and others would be forced to close down almost immediately. There would not be enough refrigerated truck capacity to transport all of the west coast fruit and vegetable crop. A substantial portion of these and other perishable products would rot. Food shortages would begin to appear in New York City and other major population centers. Mail services would be disrupted. The delay, cost and confusion resulting from diverting traffic to other carriers would be extremely costly; and considerable rail traffic would be wholly incapable of diversion.
>
> The national defense and security would be seriously harmed. More than 400,000 commuters would be hard hit.
>
> As more and more industries exhausted their stockpiles of materials and components—including those engaged in the production of automobiles, metal products, lumber, paper, glass, and others—the idling of men and machines would spread like an epidemic. Construction projects dependent on heavy materials—exports and waterway shipping dependent on rail connections—community water supplies dependent on chlorine which also moves only by rail—slaughterhouses and stockyards, iron ore, rubber and machinery, magazine publishers, and transformer manufacturers—all would be hard hit by a strike. The August grain harvest would present a particularly acute problem.
>
> The Council of Economic Advisers estimates that by the 30th day of a general rail strike, some 6 million nonrailroad workers would have been laid off in addition to the 200,000 members of the striking brotherhoods and 500,000 other railroad employees—that unemployment would reach the 15-percent mark for the first time since 1940—and that the decline in our rate of GNP would be nearly four times as great as the decline which occurred in this Nation's worst postwar recession.
>
> At the same time, shortages and bottlenecks would increase prices—not only for fruits and vegetables but for many industrial materials and finished products as well—thus impairing our efforts to improve our competitive posture in foreign and domestic markets and to safeguard our balance of pay-

ments and gold reserves. And even if the strike were ended by private or congressional action on the 30th day, at least another month would be required before the economy would be back on its present expansion track. Indeed, a prolonged strike could well break the back of the present expansion and topple the economy into recession before the tax reductions and other measures now before the Congress for reinforcing the expansion have had a chance to take hold.

The statement I have just read is an excerpt from a Presidential message dated July 22, 1963—nearly 4 years ago. At that time we were faced with a situation at least similar to that facing the Nation today. I think it is interesting for us to note that the dire effects of a nationwide rail strike have not diminished in that 4-year period but rather have escalated.

We find, for instance, that today nearly twice as many commuters would be affected as in 1963, and in addition to all other compelling considerations we find that a strike would seriously affect the support of our fighting men in Vietnam. This latter consideration alone makes it unthinkable that our railroads can be allowed to stand idle.

There are some aspects of the present situation and the impending strike that are different from those 4 years ago and, I am glad to say, far more encouraging. In the first place, the issues today are more clear cut and constitute what might be described as a classic labor-management difference which should, and probably can, eventually be solved by traditional bargaining methods.

The President has asked that the Congress extend the cooling off period for an additional 20 days. Certainly that is not a final solution to the problem if it persists. The House of Representatives, however, can well afford to go along with this interim suggestion in the hope that it will be all of the action required of us.

It is also clear, however, that if a stoppage of rail service finally seems inevitable, we must then face up to the stern and unpleasant duty to implement the clear and necessary purposes for which the Railway Labor Act stands. These purposes are set forth in the act as follows:

§ 151a. General purposes.

The purposes of the chapter are: (1) To avoid any interruption to commerce or to the operation of any carrier engaged therein; (2) to forbid any limitation upon freedom of association among employees or any denial, as a condition of employment or otherwise, of the right of employees to join a labor organization; (3) to provide for the complete independence of carriers and of employees in the matter of self-organization to carry out the purposes of this chapter; (4) to provide for the prompt and orderly settlement of all disputes concerning rates of pay, rules, or working conditions; (5) to provide for the prompt and orderly settlement of all disputes growing out of grievances or out of the interpretation or application of agreements covering rates of pay, rules, or working conditions.

I think we should note and note well that the first and probably overriding purpose of the Railway Labor Act is to avoid any interruption to commerce and to the operation of the railroads. This we obviously must do.

For these reasons I clearly support the action suggested in House Joint Resolution 493 and sincerely hope that by the end of this additional period the parties to the present dispute can arrive at a satisfactory understanding and contract.

The SPEAKER. The question is on the motion of the gentleman from West Virginia that the House suspend the rules and pass the resolution, House Joint Resolution 493.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 396, nays 8, not voting 28, as follows:

[Roll No. 62]

YEAS—396

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bolton
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Clancy
Clark
Clawson, Del
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Corbett
Corman
Cowger
Cramer
Culver
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Dow
Dowdy
Downing
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fino
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Gray
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gurney
Hagan
Haley
Hall
Halleck
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Herlong
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyl
Kyros
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Lloyd
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McFall
McMillan
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Matsunaga
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Monagan
Montgomery
Moore
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Price, Ill.
Price, Tex.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roush
Rumsfeld
Ruppe
Satterfield
St Germain
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tuck
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Younger
Zablocki
Zion
Zwach

NAYS—8

Barrett
Burton, Calif.
Dulski
Hawkins
Johnson, Calif.
Olsen
Roybal
Ryan

NOT VOTING—28

Ashmore
Brown, Calif.
Burton, Utah
Clausen, Don H.
Conyers
Donohue
Dorn
Edwards, Calif.
Fraser
Garmatz
Green, Oreg.
Gude
Harvey
Jones, Mo.
Leggett
Long, La.
Long, Md.
Lukens
McEwen
Mathias, Md.
May
Pollock
Pool
Sandman
St. Onge
Stephens
Williams, Miss.
Willis

So (two-thirds having voted in favor thereof) the rules were suspended and the House joint resolution was passed.

The Clerk announced the following pairs:

Mr. St. Onge with Mr. Gude.

Mr. Donohue with Mrs. May.

Mr. Fraser with Mr. Don H. Clausen.

Mr. Williams of Mississippi with Mr. Burton of Utah.

Mr. Ashmore with Mr. Lukens.

Mr. Dorn with Mr. Harvey.

Mr. Leggett with Mr. Mathias of Maryland.

Mr. Stephens with Mr. McEwen.

Mr. Long of Louisiana with Mr. Pollock.

Mr. Pool with Mr. Sandman.

Mrs. Green of Oregon with Mr. Conyers.

Mr. Long of Maryland with Mr. Edwards of California.

Mr. Willis with Mr. Brown of California.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the Senate of the following title in which concurrence of the House is requested.

S.J. Res. 65. Joint resolution to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees.

TO EXTEND THE PERIOD FOR MAKING NO CHANGE OF CONDITIONS UNDER SECTION 10 OF THE RAILWAY LABOR ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S.J. Res. 65) to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees, a similar resolution to the one just passed by the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 65

Whereas disputes exist between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers; Brotherhood of Railway Carmen of America; International Brotherhood of Firemen and Oilers functioning through the Railway Employees' Department, AFL–CIO, labor organizations; and

Whereas the President of the United States, pursuant to the provisions of section 10 of the Railway Labor Act, by Executive Order No. 11324 of January 28, 1967, created an Emergency Board to investigate these disputes and report its findings; and

Whereas the Emergency Board has reported and the statutory period for making no change of conditions, as extended by agreement of the parties, is about to expire, without the parties having resolved the issues in dispute, thereby continuing to threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation services; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the above objectives in a manner conducive to resolution of the disputes through collective bargaining: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall be extended for an additional period with respect to the disputes referred to in Executive Order No. 11324 of January 28, 1967, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which such disputes arose prior to 12:01 a.m. of May 3, 1967.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 493) was laid on the table.

COPYRIGHT LAW REVISION

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2512) for the general revision of the copyright law, title 17 of the United States Code, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 2512, with Mr. DENT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Thursday, April 6, 1967, the Committee had agreed that chapter 1 of the bill be considered as read and open for amendment at any point.

There was pending the amendment which had been offered by the gentleman from Wisconsin [Mr. KASTENMEIER] and the substitute amendment which had been offered by the gentleman from New York [Mr. OTTINGER] to the amendment offered by the gentleman from Wisconsin [Mr. KASTENMEIER].

Without objection, the Clerk will read the substitute amendment offered by the gentleman from New York [Mr. OTTINGER] to the amendment offered by the gentleman from Wisconsin [Mr. KASTENMEIER].

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER as a substitute for the amendment offered by Mr. KASTENMEIER: On page 11, line 20, strike out all of section 111.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent to speak out of order for 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OTTINGER. Mr. Chairman, last Thursday I offered the pending substitute amendment to strike out section 111, which section deals with application of copyright protection to CATV.

I offered my substitute striking section 111 primarily for two reasons: First, to head off an amendment by the gentleman from North Carolina [Mr. WHITENER], which would have had the undesirable effect of exempting all CATV from any copyright protection whatsoever; second, because of jurisdictional problems between my own committee, the Committee on Interstate and Foreign Commerce, and the Committee on the Judiciary.

After consultation with the two committees, the jurisdictional problem has now been worked out, as I understand it. The agreement that I believe has been arranged between the two committees provides that the Interstate and Foreign Commerce Committee will take up promptly the problem of regulation of CATV, referring the matter of copyright protection of CATV to the Committee on the Judiciary at that time. This will give an opportunity for the very excellent and intricate solution to the copyright coverage of CATV worked out by the gentleman from Wisconsin [Mr. KASTENMEIER] and the gentleman from New York [Mr. CELLER] to be considered.

If my amendment is adopted it will have the effect of leaving all CATV fully subject to copyright protection, with no exception whatsoever, under a recent decision of the Federal District Court of New York.

I want to make it clear that I do not believe this is the most desirable solution to the CATV copyright problem. It is unduly harsh in its effect on CATV under the New York court decision—and it leaves some uncertainty because the New York decision is subject to appeal.

I think the solution presented by the committee, under the able leadership of the gentleman from Wisconsin [Mr. KASTENMEIER], is a very excellent solution. It is complicated. I sympathize with the Members in their frustration in trying to work their way through the complications. Stripped or verbiage, however, the amendment provides essentially that CATV which merely amplifies a signal or which is for certain public uses will not be subject to copyright liability. CATV which introduces coverage to areas not covered or which is brought in to an area to compete with existing coverage will be subject to copyright protection.

Section 111 seems to me a sensible, well thought out compromise on copyright coverage of CATV. Especially with the amendments proposed by the gentleman from Wisconsin [Mr. KASTENMEIER], I think it would be the most desirable disposition of this question.

In view of the dangers of wholesale copyright exemption posed by the amendment of the gentleman from North Carolina [Mr. WHITENER], however, and in view of the agreement made between the Commerce and the Judiciary Committees, I think my amendment, deleting CATV altogether from this bill and leaving its copyright coverage to the courts for the time being, is the best available disposition of the matter.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to the distinguished chairman of the Judiciary Committee, the dean of my delegation and of the House, the gentleman from New York.

Mr. CELLER. Mr. Chairman, the committee will accept the gentleman's amendment, the effect of which will be to strike out section 111. That action has been agreed upon as a result of conferences and negotiations that have been going on with the distinguished gentleman from West Virginia [Mr. STAGGERS], the chairman of the Committee on Interstate and Foreign Commerce.

There is of course some overlapping jurisdiction in this matter. The Committee on the Judiciary has jurisdiction over copyrights. The Committee on Interstate and Foreign Commerce has jurisdiction over regulation of communications like CATV and, discretion being the better part of valor, the members of the Committee on the Judiciary, who have been very active on this matter, deemed it advisable to yield to the Committee on Interstate and Foreign Commerce, and let the Committee on Interstate and Foreign Commerce continue its study of CATV. And the Committee on the Judiciary would have primary concern over copyrights and the Committee on Interstate and Foreign Commerce over regulation of CATV.

The gentleman from West Virginia and myself are in utter accord on this matter. We will work in tandem, and the committees will work in tandem so that we can work out an amicable solution to this matter, and thus do away with a rather vexatious and difficult controversy that has already arisen, and which my arise again unless this agreement is carried out.

It is my understanding that the gentleman from West Virginia will have no objection to the passage of the bill, and that he is in accord with this matter. I do hope the gentleman from West Virginia will express some words of accord along the lines I have uttered.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to my distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia.

Mr. STAGGERS. In response to the words of the gentleman from New York, the chairman of the Committee on the Judiciary, I might say if the jurisdictional dispute is disposed of, I will vote for the bill.

If the CATV provision is brought up in our committee and the matter of copyrights is involved, it will go to the Committee on the Judiciary for their consideration.

I am very hopeful that the educational TV dispute will be resolved because I think it is a national issue and should be allowed to go nationwide without any limitation being put on it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentlemen from New York [Mr. OTTINGER] may proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. STAGGERS. Mr. Chairman, will the gentleman from New York yield further?

Mr. OTTINGER. I am glad to yield further.

Mr. STAGGERS. I think that the educational TV issue is of such importance that it should be allowed if necessary to proceed nationwide without being limited to any particular radius. It affects my children and the children of other Members of the Congress as well as all children in the United States, and certainly we do not want to limit it to any one area. That is are reason I am hopeful, that when it is finally resolved, there is not going to be a limitation put on educational TV within certain areas. I think the chairman of the full committee, the gentleman from New York [Mr. CELLER] has given me assurances that that is his intention. I believe that is right; is it not, may I ask the gentleman from New York?

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield.

Mr. CELLER. The latter statement just made by the distinguished gentleman from West Virginia is correct. I will cooperate with him on educational TV.

I want to express my gratitude for the forthright and statesmanlike manner in which the gentleman from West Virginia has embraced the suggestions that I have made so that we can get this matter amicably adjusted without too much difficulty.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to the distinguished ranking minority member of my committee, the Interstate and Foreign Commerce Committee, the gentleman from Illinois.

Mr. SPRINGER. I think the solution of this should have been the acceptance of the Kastenmeier amendments. Those were well thought out amendments. Four of them favored TV. Amendment No. 5 favored CATV. I believe it was the best compromise that could be had under the circumstances and I still believe the solution, as brought up by the gentleman from Wisconsin [Mr. KASTENMEIER], was correct, and I still think it is correct. However, if it is the will of this body to strike out section 111 altogether, we still have not settled the question of copyrights, and we have thrown CATV out the window for all present and practical purposes so far as the national problem is concerned.

Those of you who have heard me on the floor know that I have not been an advocate of CATV. I have had serious doubts and reservations as to what CATV can or ought to do. In some ways this takes us just as far in the other direction as the Whitener amendment did in giving CATV complete relief from any copyright law.

I think, with the gentleman from New York [Mr. OTTINGER], that the Kastenmeier amendments, if adopted, would have been a correct solution for this whole problem both as to TV and CATV. However, since this has been agreed to by the chairmen of the two committees, I will go along, but I still think that is not the best solution of the problem.

Mr. OTTINGER. I thank the distinguished gentleman from Illinois and I want to say he has expressed my feelings exactly. I think the best legislation would have been to adopt section 111 and the Kastenmeier amendments and handle future problems of this nature by agreement between the two committees.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman.

Mr. RANDALL. Will you state your opinion on the parliamentary situation at this time? When the Committee of the Whole rose on Thursday, the Kastenmeier amendments had been offered. Your amendment was in the nature of a substitute. Now if your amendment or substitute is adopted, then all of section 111 will be struck out of H.R. 2512. Is that the situation, as you understand it?

Mr. OTTINGER. That is correct.

Mr. RANDALL. I am glad to hear this. I would have supported the Kastenmeier amendments because some of my radio stations have insisted the bill is objectionable without these changes. For my own part I have had some doubts about regulating TV, radio, and CATV in a copyright bill. There is a lot of merit to the bill, if section 111 can be removed. If the gentleman's substitute is adopted I can support the remainder of H.R. 2512. I congratulate the gentleman for his help and assistance.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am happy to yield to the gentleman from Illinois.

Mr. McCLORY. It is my understanding that if the substitute is adopted, the situation as far as copyright is concerned would be exactly where it is now, and under the court decision in United Artists Television, Inc. against Fortnightly Corp. there is a complete copyright liability of the CATV stations, including those that operate within the area of original transmission as well as those that operate beyond that area.

Mr. OTTINGER. That is my understanding of the decision of the Federal Court in New York, which is now subject to appeal. But as of now, the situation would be that CATV would be subject to copyright liability in all of its transmissions.

Mr. McCLORY. It is my further understanding that copyright liability is imposed by other sections of this bill relating to transmissions and retransmissions by television and CATV stations including section 100 and other sections of the bill.

Mr. OTTINGER. You are correct. Other sections of this bill would be applicable to CATV under the definitions of coverage set forth elsewhere in the bill.

Mr. McCLORY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. McCLORY. Mr. Chairman, with further reference to the statement made by the gentlemen from New York [Mr. Ottinger] and the gentleman from Illinois [Mr. Springer], I want to reiterate my understanding that the deletion of section 111 from the bill H.R. 2512 continues the complication which exists with regard to the retransmission of television signals by Community antenna system—CATV. Under the case of *United Artists Television, Inc.* v. *Fortnight Corp.*, 255 F. Supp. 177, copyright liability exists with regard to all CATV transmissions whether serving the immediate area of the television station from which the program originally emanates or in some area beyond that normally served by such a station.

It is difficult for me to understand how the subject of copyright liability can be resolved by deferring jurisdiction to the Committee on Interstate and Foreign Commerce.

In my opinion, there has been no effort or intention on the part of the Judiciary Committee to involve itself in the subject of regulating television broadcasting or secondary transmission operations. The single subject with which the Judiciary Committee has sought to exercise jurisdiction was that respecting copyright liability including liability for royalties to copyright owners and licensees.

In my previous statements in support of the committee amendments offered by the gentleman from Wisconsin [Mr. Kastenmeier], I endeavored to point out that section 111, as thus amended, would substantially resolve the subject of copyright liability as between copyright owners and licensees on the one hand and those making a secondary transmission of the copyrighted work. Notwithstanding that the subject of regulating CATV operations will now be considered by the Interstate and Foreign Commerce Committee, I hope and expect that the Judiciary Committee will again consider as a separate item the subject of copyright liability of CATV operators.

Section 106 of the bill H.R. 2512 covers televising by original transmission as well as by community antenna systems of copyrighted material. Such television operations are subject to this and other provisions of the bill.

Any relief from liability as provided in this bill or as directed in the case cited will have to come from additional legislation.

In my opinion the decision to delete section 111 will have the effect of postponing the action that could have and should have been taken by retaining section 111 in the bill. I regret the possible hardship which may result from the action of the House in deleting section 111 at this time. I hope it is restored in substantially the same form very soon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Kastenmeier].

Mr. OTTINGER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. OTTINGER. I believe the vote should be on my substitute rather than on the amendment offered by the gentleman from Wisconsin [Mr. Kastenmeier].

The CHAIRMAN. The gentleman took the floor and asked unanimous consent to withdraw his substitute.

Mr. OTTINGER. I did not, Mr. Chairman.

The CHAIRMAN. I asked if there was any objection, and no objection was raised.

Mr. OTTINGER. No; I asked unanimous consent to speak out of order.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York [Mr. Ottinger].

The amendment was agreed to.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Wisconsin [Mr. Kastenmeier], as amended by the substitute offered by the gentleman from New York [Mr. Ottinger].

The amendments, as amended, were agreed to.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Miller of California: On page 19, line 27, strike out all of section 116 and insert:

"§ 116. Scope of exclusive rights in nondramatic musical works: Public performances by means of coin-operated phonorecord players.

"(a) Limitations on Exclusive Right.—In the case of a nondramatic musical work embodied in a phonorecord, the exclusive right under clause (4) of section 106 to perform the work publicly by means of a coin-operated phonorecord player is limited as follows:

"(1) The proprietor of the establishment in which the public performance takes place is not liable for infringement with respect to such public performance unless:

"(A) he is the operator of the phonorecord player; or

"(B) he refuses or fails, within one month after receipt by registered or certified mail of a request, at a time during which the certificate required by subclause (1)(A) of subsection (b) is not affixed to the phonorecord player, by the copyright owner, to make full disclosure, by registered or certified mail, of the identity of the operator of the phonorecord player.

"(2) The operator of the coin-operated phonorecord player may obtain a compulsory license to perform the work publicly on that phonorecord player by filing the application, affixing the certificate, and paying the royalties provided by subsection (b).

"(b) Recordation of Coin-Operated Phonorecord Player, Affixation of Certificate, and Royalty Payable Under Compulsory License.—

"(1) Any operator who wishes to obtain a compulsory license for the public performance of nondramatic musical works on a coin-operated phonorecord player shall fulfill the following requirements:

"(A) Before or within one month after such performances are made available on a particular phonorecord player, and during the month of January in each succeeding year that such performances are made available in that particular phonorecord player, he shall file in the Copyright Office, in accordance with requirements that the Register of Copyrights shall prescribe by regulation, an application containing the name and address of the operator of the phonorecord player and the manufacturer and serial number or other explicit identification of the phonorecord player, and he shall deposit with the Register of Copyrights a royalty fee for the current calendar year of eight dollars for that particular phonorecord player.

"(B) Within ten days of receipt of an application and a royalty fee pursuant to subclause (A), the Register of Copyrights shall issue to the applicant a certificate for the phonorecord player.

"(C) The operator shall affix to the particular phonorecord player, in a position where it can be readily examined by the public, the certificate, issued by the Register of Copyrights under subclause (B), of the latest application made by him under subclause (A) of this clause with respect to that phonorecord player.

"(2) Failure to file the application, to affix the certificate or to pay the royalty required by clause (1) of this subsection renders the public performance actionable as an act of infringement under section 501 and fully subject to the remedies provided by section 502 through 506.

"(c) Distribution of Royalties.—

"(1) After the first day of January in each year, the Register of Copyrights shall file an action in the nature of an interpleader with the United States District Court for the District of Columbia and shall turn over to the court the royalty fees deposited with the Register during the preceding year, for the purpose of having the court distribute them. The court shall distribute the royalty fees to copyright owners or their agents asserting claims thereto within the period of time to be fixed by the court, as follows:

"(A) To every copyright owner not affiliated with a performing rights society the court shall distribute the pro rata share of the deposited royalty fees to which such copyright owner proves his entitlement; and

"(B) To the performing rights societies the court shall distribute the remainder of the deposited royalty fees in such pro rata shares as they shall by agreement stipulate among themselves, or, if they fail to agree, the pro rata shares to which such performing rights societies prove their entitlement.

"(2) Upon the filing of the interpleader and the turning over of the deposited royalty fees to the court, the Register of Copyrights shall be discharged from any further responsibility with respect to the collection, holding, and distributing of the royalty fees for the year for which the interpleader was filed.

"(3) With respect to the collection, holding, and distributing of the deposited royalty fees, the Register of Copyrights shall be a passive trustee, whose sole functions are to receive applications, issue certificates, receive deposited royalty fees, and turn the royalty fees over to the court in accordance with clauses (1) and (2), and to prescribe regulations relating to these functions.

"(d) Criminal Penalties.—Any person who knowingly makes a false representation of a material fact in an application filed under clause (1)(A) of subsection (b), or who knowingly alters a certificate issued under clause (1)(B) of subsection (b) or knowingly affixes such a certificate to a phonorecord player other than the one it covers, shall be fined not more than $2,500.

"(e) Definitions.—As used in this section, the following terms and their variant forms mean the following:

"(1) a 'coin-operated phonorecord player' is a machine or device that:

"(A) is employed solely for the performance of non-dramatic musical works by means of phonorecords upon being activated by insertion of a coin;

"(B) is located in an establishment making no direct or indirect charge for admission;

"(C) is accompanied by a list of the titles of all the musical works available for performance on it, which list is affixed to the phonorecord player or posted in the establishment in a prominent position where it can be readily examined by the public; and

"(D) affords a choice of works available for performance and permits the choice to be made by the patrons of the establishment in which it is located.

"(2) An 'operator' is any person who, alone or jointly with others:

"(A) owns a coin-operated phonorecord player; or

"(B) has the power to make a coin-operated phonorecord player available for placement in an estabilshment for purposes of public performance; or

"(C) has the power to exercise primary control over the selection of the musical works made available for public performance in a coin-operated phonorecord player.

"(3) A 'performing rights society' is an association or corporation that licenses the public performance of nondramatic musical works on behalf of the copyright owners, such as the American Society of Composers, Authors and Publishers, Broadcast Music, Inc., and SESAC, Inc."

Mr. KASTENMEIER. Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. ROGERS of Colorado. Mr. Chairman, reserving the right to object, as I understand it, this is the amendment which has been discussed and which would change section 116 very materially, and that the chairman of the committee, the gentleman from Wisconsin, [Mr. KASTENMEIER], and the gentleman from California [Mr. MILLER] are in a position to answer questions that might be asked in connection with the amendment? Is that correct?

Mr. KASTENMEIER. That is my understanding.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the chairman of the committee.

Mr. CELLER. The committee will accept the amendment offered by the gentleman from California as just read.

Mr. MILLER of California. Mr. Chairman, I may say that this is a compromise, as has been stated, which is acceptable to all the parties in contention. I hope it will carry.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, speaking individually, I will accede to the amendment offered by the gentlemen from California. I suppose, as indicated earlier today, that each of us would handle this problem somewhat differently. Yet, I believe, from all I have learned, that this represents a middle ground to resolve the basis of the controversy. After all, the primary purpose of the Judiciary Committee from the very beginning simply was to persuade the parties in interest to come to an accord. The amendment that the gentleman has offered represents the reaching of that accord.

Mr. MILLER of California. Mr. Chairman, I may say that this represents a matters which has been in contention for over 20 years. We had come to an impasse. I do not personally like it, but it is the best we can do. It does represent a compromise. Each side has given in. I believe in fairness to all concerned we can accept the amendment.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, I would like to underline what the gentleman from Virginia has said. This is really an historic moment in this particular controversy, because this is the first time that the major parties to this dispute have ever agreed, even though somewhat reluctantly. I would furthermore state that I believe the public interest is represented in the amendment. Therefore I support it.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from West Virginia.

Mr. MOORE. Mr. Chairman, do I understand that in its most simple terms the basis of this amendment just read is the coin-operated music box operators are relieved, in this particular form, of the recordkeeping that the present language before us envisions, and that substantially there has been an agreement as to the dollar amount per box per year? Do I understand further that this amendment contemplates that agreed sums of money would be paid to the Copyright Office rather than responsibility for distribution for the same being upon the owner of the coin-operated machines?

Mr. MILLER of California. That is as I understand it.

Mr. MOORE. Mr. Chairman, I support the gentleman's agreement and compliment the members of the committee for reaching a compromise in this instance.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, I understand the gentleman's amendment is that all of the present section 116, beginning on page 19 and continuing down through part of page 23, will be stricken, and that we are substituting for it the amendment of the gentleman, by which we get away from the idea that every jukebox operator must file a report each year with the Copyright Office. I understand that the amendment of the gentleman provides, in effect, that during the first 30 days of each year, that is, January of each year, each jukebox operator should apply to the Copyright Office and there pay a fee of $8 per box for that particular year, that the jukebox operator then would receive a certificate from the Copyright Office, and that the certificate should then be placed in the jukebox.

Mr. MILLER of California. That is correct.

Mr. ROGERS of Colorado. And that the ASCAP, the BMI, or other performance rights societies or enforcement agencies would not be in a position to demand or collect from the jukebox operator save and except for that $8 that he paid once?

Mr. MILLER of California. That is correct.

Mr. ROGERS of Colorado. I would like to go one step further and direct a question to the chairman of our committee.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. ROGERS of Colorado. In order to make this absolutely clear, I point out that I do not want the U.S. Government paying for this.

There is a provision on page 4 of this amendment which says, with respect to the collection, holding, and distribution of the deposited royalty fee, that the Register of Copyrights shall be a passive trustee. In other words, he will receive the money, and then he will interplead and file it in the district court in the District of Columbia.

My question to the chairman of the committee is: Does the passive trustee have the right to reimburse himself for all expenses in connection with the collection of this money?

Mr. CELLER. I will say to the gentleman that the passive trustee; namely, the Register of Copyrights, merely acts as a conduit to receive the funds and to pass them on to the song writers, authors, poets, dramatists, or their representatives in the performing rights societies. There is no expense whatsoever to the Office of the Register of Copyrights. The Government does not have to stand any of the expenses involved in the operations of the Register of Copyrights when he receives and disburses these funds.

Mr. ROGERS of Colorado. In other words, when he does receive them, or if there should be any expense in connection with it, he will have the right, as the gentleman would interpret it, as a passive trustee, to there collect the necessary funds so that we would not have to appropriate through action of the Congress of the United States this money to carry out the duties and responsibilities.

Mr. CELLER. That is my understanding.

Mr. ROGERS of Colorado. I thank the gentleman.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, the debate on H.R. 2512, the general revision of the copyright bill, has been accompanied by much misunderstanding. A great deal of this has centered around section 116, the so-called jukebox provision, which amends the 1909 copyright law to provide that recordings played in jukeboxes make certain payment to the copyright owner.

Section 116 penalizes no one; it places no one in an unfair position. In simple truth, what it does is to place jukebox owners in a more favorable position than many others who use copyrighted material for profit. It simply provides that when a jukebox owner and operator makes money from a record of a copyrighted song, he may have a statutory license to play that song on paying $8 to the copyright owner for each 12-month period that the record of the song is in the box. All others who use copyrighted music—ballroom owners, wired music operators, restaurants, tavern and others—have negotiated rates with copyright owners in the usual way.

Jukebox operators make money from the use of music. They have had a free ride since 1909. They have also done much to improve the choice and quality of the music available to the public. This bill would require them to pay a certain royalty for the use of that music. They might negotiate for a lesser royalty. This new section does not determine whether payment should be made in the case of good music and not in the case of bad music. Congress should not be in a position to legislate on public taste.

Finally, section 116 places the jukebox operator in a more favorable position than other users by giving him a choice of a statutory rate or a negotiated royalty, at the operator's option.

The section as now written eliminates the burdensome bookkeeping formerly proposed, and I urge acceptance of 116, as amended, and passage of this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 7, strike all of lines 24, 25 and 26.

Mr. GROSS. Mr. Chairman, I take this time and I offer an amendment in an effort to find out just why this provision is in the bill. In the general debate and thereafter last Thursday I tried to find out why the United Nations and the Organization of American States would be written into this bill. Up to this point I have not been able to get an answer to the question.

I would appreciate it if someone conversant with this bill would tell me why the United Nations is being dragged in by the ears, into this legislation and into the law?

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I believe, as I stated on last Thursday, the reason is that we are obligated to do so under the Universal Copyright Convention, of which the United States is a member.

Mr. GROSS. You say we are obligated to recognize the United Nations and the Organization of American States. Why are we obligated?

Mr. KASTENMEIER. Well, I cannot answer the gentleman as to why we have undertaken those obligations, but I assume that all signatories to the Universal Copyright Convention determined that it was desirable to recognize copyrights in the United Nations for this purpose.

Mr. GROSS. Suppose the United Nations or the Organization of American States gets out of line insofar as this law is concerned. How would any individual have any redress against the United Nations or the OAS? How would anyone go about suing either organization in American courts? Somebody help me out with this procedure, please.

Mr. KASTENMEIER. If I may respond further to the gentleman?

Mr. GROSS. Yes.

Mr. KASTENMEIER. It is not a question of redress against the United Nations but a question of protection of the United Nations' rights in copyright.

Mr. GROSS. How would you go about obtaining redress with respect to the United Nations?

Mr. KASTENMEIER. All we do, may I say to the gentleman from Iowa, is to protect their copyrights. An individual in the United States has no occasion to have redress against the United Nations in this connection.

Mr. GROSS. You must impose some obligation on the United Nations. You say you are obligated to go to them, so you must impose some kind of obligation or responsibility on that organization. What is it? I still do not understand what you are out to do here.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will be glad to yield to the gentleman.

Mr. HUTCHINSON. The subsection to which the gentleman refers sets forth those types of situations in which an individual or an organization or whatnot can apply for copyright to the United States. In other words, if one of the authors is a national or a domiciliary of the United States or if he lives in a foreign country that is a party to a copyright treaty, why, then he can make application for American copyright; if that work is first published in the United States or in a foreign nation where there was a membership in the Universal Copyright Convention; or, third, if the work is first published by the United Nations, the application then can be made to the United States for copyright. Now, these applications for copyright would not be treated any differently if it were working through the United Nations than if it were an American author or any other author who was empowered under this law to make application for copyright.

Mr. GROSS. But the point is why is it not suggested that they be a member of the Universal Copyright Convention? Why should they not be a member of the Universal Copyright Convention if they want to protect a copyright?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Why should they not become a member of the established national convention?

Mr. HUTCHINSON. There are some 22 nations, I think, who are members of the Universal Copyright Convention. Then there is another copyright convention—I think it is called the Bern Convention—of which the United States is not yet a party. So if you were going to restrict membership in the Universal Copyright Convention in order to get an American copyright, it would be quite narrow in scope. The point is, I suppose, that if a work can be copyrighted in the United States, there will be an assurance that it can be distributed in the United States and will be distributed in the United States under the protection of law. If the gentleman is of the opinion that a wide distribution of printed works is beneficial to the American culture and to all American citizens, I would not know why he should object to having it subject to distribution in the United States.

Mr. GROSS. Does the gentleman mean the United Nations? Does the gentleman mean through the United Nations?

Mr. HUTCHINSON. Mr. Chairman, if the gentleman from Iowa will yield further; no, it is not distributed through the United Nations. I mean to say the copyright granted is the copyright granted by the United States to a work which comes through the United Nations.

Mr. BINGHAM. Mr. Chairman, will the distinguished gentleman from Iowa yield to me for just one moment?

Mr. GROSS. Yes, I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I thank the gentleman from Iowa for yielding.

Mr. Chairman, I am reluctant to enter into this discussion, because I am not an expert with reference to copyrights and copyright law pertaining thereto. However, I do know something about the United Nations. But with respect to the question of the gentleman from Iowa [Mr. GROSS] as to whether the United Nations should become a party to the Universal Copyright Convention, I should say that the United Nations is not authorized to enter into any treaty and it cannot become a party to any convention as such.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. I was suggesting that nations desiring to have any benefits that may flow from this legislation become members of the Universal Copyright Convention, eliminating any necessity for getting into the United Nations with this thing, with the uncertainty that seems to me to be apparent.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. Yes, I yield further to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, as I understand the purpose of this subsection, it is to give to the United Nations and its specialized agencies, as well as to the Organization of American States, the right to copyright works that it produces. That is the only purpose of this subsection, as I read it.

Mr. GROSS. Well, Mr. Chairman, we are back where we started. I do not know of any reason why we should do that, and I urge the adoption of my amendment.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time in order to further the colloquy of the gentleman from Iowa [Mr. GROSS].

I hold in my hand an amendment which I have prepared which, if adopted, would also strike everything on page 7 after line 24 through line 2 of page 8. This would include, of course, both subsections 3 and 4—these words dealing with the United Nations and the words dealing with the area of Presidential proclamation.

Mr. Chairman, my basis for including both of these subsections of the main section 101 under the title, "Subject Matter of Copyright: National Origin," is simply to portray the situation as the gentleman who just preceded me in the well of the House, the gentleman from Iowa [Mr. GROSS], has well established.

Mr. Chairman, I understand that there is, perhaps, an area of reciprocity here and that there is involved the question of the subagencies, by virtue of the colloquy of the gentleman from Michigan [Mr. HUTCHINSON], to the effect that it must come out of the United Nations and be published through the United Nations or one of its specialized agencies. In other words, Mr. Chairman, there appears to be some reciprocity involved here.

Mr. Chairman, I would be very well satisfied with the legislative record established on that point pertaining to subparagraph (3). But I wonder whether in subparagraph (4), wherein it deals with the scope of Presidential proclamation, both unpublished and published works, as I read this legislation, if we are not relieving ourselves of legislative authority and if we are not engaging in the same old tactic of granting to the Executive additional authority?

Mr. Chairman, I wonder if the gentleman from Michigan, or if the gentleman who has chaired the subcommittee, would care to comment at this time upon that question—before I actually submit the amendment—as to whether the entirety of sections (3) and (4) should not be striken before this bill comes up for final passage?

Mr. KASTENMEIER. Mr. Chairman, I am sorry, but I did not hear the gentleman's question.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. Mr. Chairman, I would invite the attention of the gentleman to page 20 of the report, where the issue of Presidential proclamations is discussed. It will be noted that the present language of the section is considerably narrower than the bill was as originally introduced. As introduced originally, the bill, that is to say, its predecessor in the previous Congress, H.R. 4347, would have allowed the issuance of Presidential proclamations whenever the President found it to be in the national interest, even though the particular country did not grant equivalent protection to works of American authors.

We felt that went altogether too far and the language in the present bill, as the gentleman knows, is considerably narrower. It suggests something very close to the equivalent of reciprocity. It says that there must be a finding by the President that a particular country covered by his proclamation extends protection to the U.S. authority. The thinking behind this—if the gentleman will yield further—is that there should be an area of encouragement to so-called emerging nations, and there are some so-called emerging nations who do not have the refinements of copyright in all of its ramifications as they have been developed in established nations. So it was thought that the President should be permitted by proclamation to deal with those situations.

As I say, originally all he did, or had to do, was to determine that he thought it was in our national interest. We thought that went too far, and the bill now includes reciprocity.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. HALL was permitted to proceed for an additional 2 minutes.)

Mr. HALL. Mr. Chairman, I appreciate the committee's action, and the explanation of the gentleman from Michigan. I am not very much impressed by such statements that we should act before the fact in the case of emerging nations, who have not proved their responsibility. I think perhaps we have done that too much in foreign aid, and in many other areas, but I realize that is a personal opinion, and does not necessarily deal with copyright.

I believe the question still stands of joining the universal copyright convention, that this certainly would not take care of the situation because certainly the country could be vamped into that situation as soon as they gained the first essence of responsibility.

Do I understand the gentleman from Michigan to say that the President would provide the Congress with a certificate of necessity, or the proper agency with a certificate of necessity, before the proclamation involving extending protection of the copyright act under this title as it is rewritten?

Mr. HUTCHINSON. Will the gentleman yield?

Mr. HALL. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. There would have to be a finding by the President that with regard to the protection which he was extending there was a reciprocity of a sort with the other country.

Mr. HALL. Is the finding submitted to the Congress, or the certificate of necessity—and let us not indulge in a question of semantics, but is the finding submitted to the Congress, the finding or certificate of necessity?

Mr. HUTCHINSON. Of course, it is an Executive determination as to whether there is a protection in the nature of a reciprocity. I do not believe there is any requirement on the basis that it requires the President to report to the Congress, either before or after the fact.

Mr. HALL. In other words, the President just certifies to himself that there is a necessity, or that there is a finding that he should extend this copyright privilege to other nationals?

Mr. HUTCHINSON. The bill provides that the President would issue his proclamation. This would be published in the Federal Register. The Register of Copyrights would take notice of the proclamation. It is likely that the President would counsel with the Register of Copyright before issuing a proclamation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would suggest that this amendment be voted down.

It certainly is very logical that a work published by the U.N. or its specialized agencies or by the OAS should receive the protection of the copyright act. Also section 4 should not be eliminated. It protects and it adopts the principle of national treatment. The President is authorized to issue these proclamations if he finds that a particular country extends protection to United States works on substantially the same basis as it does in its own country.

So I urge that the Committee resist the amendment.

Mr. COLLIER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do so only because of the colloquy thus far has failed to clarify the situation.

The section of the bill to which the amendment is directed is not clear to me and I do not know how it could be clear to many Members of the House.

For this reason, let me ask a question: what type of production or publication are we talking about that would emanate from the U.N. which would be eligible for a copyright? Are we talking about a report of a particular agency? What is the nature of the types of works that would be eligible for a copyright protection under this provision?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman.

Mr. EDWARDS of California. I would presume that any printed document, or a movie or a series of slides would receive protection under the bill.

I think, and I would suggest, that the U.N. should be and is entitled to this kind of protection for work that it might have expended time and money on.

Mr. COLLIER. What would be the purpose of producing this work if it were not as part of the announced purpose of the United Nations that would be in general circulation?

Mr. EDWARDS of California. It could be in furtherance of some of its activities such as UNESCO, the children's fund, or something like that.

Mr. COLLIER. In that instance, might I suggest that the latest figures that I have been able to gather are that the production of anything of this nature through the United Nations would be financed to the extent of 47 cents on the dollar by the taxpayers of the United States, and now we are going to use funds that were so provided and in granting the U.N. the right to secure a copyright from which they would receive such benefits as would accrue therefrom. This is the very point I am trying to get squared away.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from New York.

Mr. BINGHAM. I would presume that any document published by the United Nations on which it might claim a copyright would be a document that would be offered for sale and to the extent that it was offered for sale, it would reduce the demands on the contributing nations to the United Nations.

I would also just like to comment in passing that the proportion of the United Nations budget that is contributed by this country is less than one-third, and not the figure that the gentleman has mentioned. But the gentleman is correct that most of the documents published by the United Nations are published gratis and they are not copyrighted. Personally I have never seen a document published by the United Nations on which it would claim a copyright. But I would imagine the only purpose in doing so would be to protect the right on a document that is offered for sale and thereby reduce the deficit that might be contributed by the member nations.

Mr. COLLIER. Of course, this is the first time the U.N. has been covered by this law to my knowledge. If I am incorrect in that statement, I stand to be corrected.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman.

Mr. KASTENMEIER. The United Nations was not in existence in 1909 which was the year of the last general revision of the copyright laws.

Mr. COLLIER. The fact that the United Nations was not in existence in 1909 would not foreclose any country from coverage under this proposal by international reciprocal agreement. There are publishing companies that were not in existence in 1909 that are covered by the copyright laws.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield further?

Mr. COLLIER. I am delighted to yield to the gentleman from New York.

Mr. BINGHAM. The only purpose for denying the United Nations the right to copyright where it chooses to exercise the right would be to prevent it from ever offering any publication for sale, and thereby reducing its financial income.

Mr. COLLIER. That is not clear to me. You say they could not offer it for sale. Certainly they could offer it for sale without necessarily being protected under the copyright law.

Mr. BINGHAM. If the gentleman will yield further, the whole purpose of copyright law, as I understand, is to protect the property in something that is offered for sale. If you are putting out documents gratis, there is no purpose in the copyright. In fact, that is not the United Nations' practice.

Mr. COLLIER. Well, it could be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GROSS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 4, line 6, strike the words "illustrative and not".

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, the function of my amendment is a very clear and a very simple one. From a reading of the language of the amendment and also from a reference to the legislation concerned, it is plain that the purpose of the amendment is to make it clear that copyright protection is only extended to those writings which the Congress intends to protect.

Under the language now contained in H.R. 2512, a blank check is given to protect every possible way in which an author may protect himself and express himself. Without this amendment the clear implication is given that the subject matter of copyright is for all intents and purposes unlimited.

I believe that when we set forth the things which the committee and the Congress intends to protect, we should set forth those matters very clearly; matters subject to a copyright should be well defined. I wish to make plain that it is not my attempt to unduly crimp the bill. It is not my intent to unduly interfere with an author having the benefit of the broad use of the copyright statute. But I believe that we should not go so far as to say, as it states on page 4, that the kind of works authorized to be copyrighted are illustrative and not limited. That means that the right to copyright is literally so broad and so undeterminative that not only will it create problems within the community of authors, within the community of poets, within the community of users of the copyright, but it will also create tremendous problems in terms of administration and in terms of litigation.

I believe if we intend to set out fairly what we do today, we should define with sufficient precision the responsibility which will be cast upon the Copyright Office, and that we should assure that the responsibilities assigned to the Copyright Office will be clear.

I believe that we should also make it very clear that the authors will know the kind of works which they can copyright, and that authors might understand with equal clarity those things which are not subject to copyright.

I can see no reason why it is necessary to impose upon the authors, upon the writers, upon the publishers, upon the producers of the records and of moving pictures such broad and such vague language that literally no one can understand precisely what is encompassed by the legislation.

I would point out that the fact that the language is as broad as it is makes possible an enormous amount of litigation which will affect the copyright office, which conceivably will cause mischief within the learned community for years and years to come.

Lastly, I would point out that the types of devices subjected—and I would refer the committee to page 6—to the copyright include literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; motion pictures and other audiovisual works; and sound recordings.

Certainly the committee has defined these devices with such clarity that it is not necessary to broaden further the requirements of law by making a statute—on which the committe has labored so long—so vague and so difficult to understand.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. CORMAN. Mr. Chairman, I would ask the gentleman if he can give us an illustration of what would be protected under the existing language that would not be protected after his amendment would be adopted?

Mr. DINGELL. I have not the vaguest idea, but I believe this is such bad draftsmanship that this is an open question. I say that the language this amendment strikes at is sufficiently mischievous that it should be removed. It casts doubt and ambiguity, and I do not believe the committee intended to do that.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. Mr. Chairman, I invite the attention of the gentleman to section 107 on page 8 of the bill, which has to do with the concept of fair use, the fair use of a copyrighted work including such use by reproduction in copies or phonorecords.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. HUTCHINSON, and by unanimous consent, Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. HUTCHINSON. Mr. Chairman, I invite the attention of the gentleman to the fact that if his amendment is adopted, it is really going to limit the concept of fair use much further than he would intend, because, if he will direct his attention to section 107, he will see that if this is to be limited and not illustrative, but only limited, he is going to make it much more difficult for a fair use of a work either by a scholar or a teacher or a student, or anyone else.

Mr. DINGELL. The gentleman has made a statement, but I must confess his statement to me at least at this point in the proceedings is as vague as the language in the bill that I am seeking to perfect, that I wish he would give me a little more information as to exactly what he does mean.

Mr. HUTCHINSON. Mr. Chairman, does the gentleman understand the concept of fair use?

Mr. DINGELL. Yes; I understand that.

Mr. HUTCHINSON. All right. Then in defining the elements of fair use in section 107, the bill says it shall include such use by reproduction in copies or phonorecords for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. The gentleman would suggest that those terms are limiting only. We, in the bill and throughout the whole structure of the bill, say these terms are illustrative and we do not intend to limit them, so there can be a breadth to the concept of fair use rather than a narrowing of it.

Mr. DINGELL. I have no objection to broadening the fair use, but I would point out to the gentleman from Michigan, the language of the committee bill has made it very doubtful as to precisely what is subject to copyright by making it illustrative and not limited. Further, I would point out to the gentleman that we should not be engaged in writing legislation on a basis where any word in the bill applies, "among other things" to the subject discussed.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The amendment was rejected.

AMENDMENT OFFERED BY MR. SISK

Mr. SISK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SISK: On page 9, line 31, strike out section 110 and insert in lieu thereof the following:

§ "110. Limitations on exclusive rights: Exemption of certain performances and displays

"Notwithstanding the provisions of section 106, the following are not infringements of copyright:

"(1) performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance is given by means of a copy that was not lawfully made under this title and that the person responsible for the performance knew or had reason to believe was not lawfully made;

"(2) performance of a nondramatic literary or musical work, or display of a work, by or in the course of a transmission by a governmental body or other nonprofit organization, if:

"(A) the performance or display is a regular part of the systematic instructional activities of a governmental body or a nonprofit educational institution; and

"(B) the transmisison is made primarily for:

"(i) reception in classrooms or similar places normally devoted to instruction, or

"(ii) reception by persons to whom the transmission is directed because their disabilities or other special circumstances prevent their attendance in classrooms or similar places normally devoted to instruction, or

"(iii) reception by officers or employees of governmental bodies as a part of their official duties or employment;

"(C) the time and content of the transmission are controlled by the transmitting organization and do not depend on a choice by individual recipients in activating transmission from an information storage and retrieval system or any similar device, machine, or process;

"(3) performance of a nondramatic literary or musical work or of a dramatico-musical work of a religious nature, or display of a work, in the course of services at a place of worship or other religious assembly;

"(4) performance of a nondramatic literary or musical work, otherwise than in a transmission to the public, without any purpose of direct or indirect commercial advantage and without payment of any fee or other compensation for the performance to any of its performers, promoters, or organizers, if:

"(A) there is no direct or indirect admission charge, or

"(B) the proceeds, after deducting the reasonable costs of producing the performance, are used exclusively for educational, religious, or charitable purposes, and not for private financial gain, except where the copyright owner has served notice of his objections to the performance under the following conditions:

"(i) the notice shall be in writing and signed by the copyright owner or his duly authorized agent; and

"(ii) the notice shall be served on the person responsible for the performance at least seven days before the date of the performance, and shall state the reasons for his objections; and

"(iii) the notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation;

"(5) communication of a transmission embodying a performance or display of a work by the public reception of the transmission on a single receiving apparatus of a kind commonly used in private homes, unless:

"(A) a direct charge is made to see or hear the transmission; or

"(B) the transmission thus received is further transmitted to the public;

"(6) performance of a nondramatic musical work, without any purpose of direct or indirect commercial advantage, by a governmental body or a nonprofit agricultural or horticultural organization in the course of its conduct of an annual agricultural or horticultural fair or exhibition whose duration does not exceed sixteen days."

Mr. SISK. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GERALD R. FORD. Mr. Chairman, I rise only to reserve the right to object or to make a point of order against the amendment—and I do not intend to object—because, if my previous conversations with the gentleman from California are correct, it is my understanding that this amendment is in conformity with the agreement or the arrangement that has been worked out by the managers of the bill. If that assurance is given, I certainly will withdraw my reservation on point of order.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman.

Mr. KASTENMEIER. The understanding of the gentleman from Michigan is correct.

Mr. GERALD R. FORD. Mr. Chairman, I withdraw my reservation on point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. BATTIN. Mr. Chairman, reserving the right to object, may I ask the gentleman from California if, within the amendment he is now proposing, there is the language I suggested on Thursday last dealing with county fairs and the operation of a fair by a county on an annual basis?

Mr. SISK. If the gentleman will yield, under his reservation, I might say that is included in the present language which would be substituted for the language to be stricken.

Mr. BATTIN. Further reserving the right to object, Mr. Chairman, may I inquire of the gentleman from Wisconsin as to whether, in working out the language, the language which he and I discussed on Thursday last is similar to or identical with the language offered in the amendment of the gentleman from California?

Mr. KASTENMEIER. Mr. Chairman, if the gentleman from Montana will yield, I say to the gentleman that it is identical.

Mr. BATTIN. Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. WRIGHT. Mr. Chairman, reserving the right to object, may I further ask the gentleman from California, with respect to the question just answered, a question concerning agricultural and horticultural expositions. Those also are included, are they not?

Mr. SISK. If the gentleman will yield, they are included in the language which has been under discussion. It is further my understanding that this is identical with the language which was proposed to be offered, I believe by the gentleman from Wisconsin [Mr. KASTENMEIER], or by some other member of the committee, on Thursday last.

Mr. WRIGHT. Mr. Chairman, further reserving the right to object, I believe the gentleman from California is familiar with the Southwestern Exposition and Fat Stock Show at Fort Worth. There are similar livestock shows throughout the country. Does the gentleman understand that these would come under the provisions for exemption of agricultural and horticultural expositions?

Mr. SISK. It is my understanding that was the intent of the language. If the gentleman wishes to yield to the gentleman from Wisconsin, he might care to comment.

Mr. KASTENMEIER. If the gentleman will yield, it is my understanding, and the understanding of the committee, that the type of exposition affair the gentleman describes would be covered under this amendment.

Mr. WRIGHT. I thank the gentleman.

Mr. Chairman, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from California that the amendment be considered as read and printed in the RECORD?

There was no objection.

Mr. SISK. Mr. Chairman, as we all know, things became a little confused last Thursday. In fact, a great many of us sought on Wednesday last to have a bit more time to discuss and consider some of the controversial sections of this bill. Fortunately, we have had some 3 or 4 days, over the weekend, to try to perfect some of the language.

Today, the simple purpose of the amendment which I have offered is to strike out the language which was inserted in my substitute on Thursday last and to restore to the bill all of the language now included in the bill under section 110 with the exception of (B) on page 10, reading thus:

> (B) the radius of the area normally encompassed by the transmission is no more than one hundred miles; and

That language is stricken from the substitute which I am now offering.

In addition to the existing language in the bill, we are offering as (6) on page 11 the language in connection with the so-called county fair amendment.

Now, in its most elementary form, that is exactly what we propose to do. Again I want to say that I wish to commend the Committee on the Judiciary and particularly the gentleman from Wisconsin, [Mr. KASTENMEIER], and the gentleman from Virginia, [Mr. POFF], on the long, hard work they have done on this bill. Some of us were somewhat critical of the procedure, because we felt on last week that this matter was being rushed. We were concerned about that. I want to say I joined with others in some considerable criticism about that rush. It is my understanding now that the majority of the controversial areas of this bill have generally been agreed to. Again, as I say, I wish to join my other colleagues in commending the committee on the great amount of work that has been done. Certainly I recognize the need for updating of the copyright laws where we find that this has not been done in some 60 years. So I would hope that my amendment in restoration of section 110 would be adopted.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. SISK. I will be glad to yield to my colleague, the gentleman from New York.

Mr. HORTON. I just want to make sure I understand the gentleman from California. As I understand it, section (1) on page 9, line 35, under section 110 would remain in the amendment that is now being offered by the gentleman from California. In other words, all that portion of page 9 on lines 35 through 39 and on page 10 lines 1 through 3 would remain in the amendment that the gentleman from California has offered?

Mr. SISK. The gentleman is exactly correct. As I say, everything that is at present in the bill is being restored except over on page 10, this part (B) on line 10 is being stricken from the bill, that having to do with the limitation of the broadcast area. But the reference to (1) on page 9, line 35, is back in the bill if the proposed amendment is adopted.

Mr. HORTON. Would the gentleman explain this? I think you indicated on page 11 you added something to section 110 by your amendment. Would you explain what is being added to the provisions of section 110?

Mr. SISK. Yes. The matter that is being added at that point deals with the so-called county fair amendment. If I may, I will simply read it to the gentleman, because there is added between lines 19 and 20 on page 11 this language:

> (6) performance of a nondramatic musical work, without any purpose of direct or indirect commercial advantage, by a governmental body or a nonprofit agricultural or horticultural organization in the course of its conduct of an annual agricultural or horticultural fair or exhibition whose duration does not exceed 16 days.

Mr. HORTON. I thank the gentleman.

Mr. SISK. As I understand it, this has been referred to as the so-called county fair amendment, but it seems to be broad enough to cover any type of proposal of that sort.

Mr. HORTON. The substance of your amendment is to remove the subdivision (B) on lines 10 and 11 on page 10, which removes the restriction with regard to transmission of no more from 100 miles.

Mr. SISK. The gentleman is correct.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. SISK. I will be glad to yield to the gentleman.

Mr. OTTINGER. Do I understand correctly that this amendment supersedes your original amendment which exempted educational TV and that educational TV will be covered in the amended section 110 as now presented?

Mr. SISK. Let me say, as I am sure my colleague will agree, section 110, as we indicated on Thursday of last week, actually amounts to a set of exemptions under the so-called copyright bill. What I am doing here is simply restoring all those exemptions.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SISK. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SISK. What we are doing is simply restoring all the exemptions listed here and eliminating the limitation on coverage for educational TV which is included at present at (B) on page 10, line 10.

Mr. OTTINGER. To be explicit, am I correct that this supersedes the amendment of the gentleman which carried Thursday which read:

> Notwithstanding the provisions of section 106, public transmissions for purposes of educational instruction are exempted from all provisions of this Act.

Mr. SISK. The gentleman is exactly right. This language is being stricken under this proposal and the language would go back as it originally existed, except for subsection (b), with the further addition of the "county fair" amendment.

Mr. OTTINGER. Mr. Chairman, I support the amendment which has been offered by the gentleman from California [Mr. SISK].

Mr. SISK. Mr. Chairman, I thank the gentleman from New York.

Mr. Chairman, I yield back the balance of my time.

Mr. POFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, may I compliment my distinguished colleague, the gentleman from California [Mr. SISK], for having offered the pending amendment.

Mr. Chairman, if the pending amendment is adopted, it would place back into the bill one of its most vital sections, one which was a casualty last Thursday when the Committee of the Whole House on the State of the Union adopted the original amendment to section 110.

Mr. Chairman, I support the pending amendment.

Yet, Mr. Chairman, I regard it as important to register a dissent with respect to one particular phase of the amendment.

In addition to restoring the other limitations and exemptions, the amendment, if adopted, would alter the exemption originally provided for instructional television. It would alter that section by removing all geographical limits.

I suggest, Mr. Chairman, that while there may be legitimate areas of disagreement as to what those limitations should be, it is only reasonable that there should be some limitation.

Mr. Chairman, section 110, as reported by the committee, strikes a public policy balance between the requirements of modern teaching techniques on the one hand and the property rights of copyright holders on the other hand; that is to say, the rights of all without whose works there could be no educational television broadcasting.

In terms of good education, of course, the more people reached, the better. But in terms of the copyrights of the author, the more people reached, the more the author should be compensated for his mental labors.

It is only fair, I suggest, that some of the money which is going today into educational television should go to the authors who produce the raw material for the benefit and use of education.

Why, why, Mr. Chairman, should educational television be willing to pay for the use of the talents of the performers who perform a copyright work and be unwilling to pay for the use of the talents of the person who created the copyright property.

Mr. Chairman, the balance which section 110 strikes, I submit, properly requires payment for some broadcasts and grants exemptions for other broadcasts.

Mr. Chairman, there is no copyright liability under the committee version of section 110 when the broadcast is made by a governmental body or is made by some other nonprofit organization for the purpose of classroom instruction.

The same is true when the broadcast is directed primarily to people who cannot, for one reason or another, be assembled in the classroom such as the preschool child, the physically handicapped, the elderly, the illiterate, the shut-in.

But the amendment now pending before the committee extends the exemption to all broadcasts by an ETV station, whether to the classroom or to the community at large. This is far more, Mr. Chairman, than the educational television people themselves asked for themselves. In testimony delivered before the other body less than 4 weeks ago the executive director of educational television stations testified that:

> Today we seek an exemption only for the instructional use of copyrighted materials, and not for its use in general, cultural and community ETV programs.

Mr. Chairman, I suggest that while procedurally it may be impossible effectively to deal with the geographical limitation at this point, I am sure that the other body considers the arguments on both sides of the issue.

Of course, we want to promote the cause of educational television, but in so doing we do not want to wreck the property rights of those who create the material without which educational television would be impossible.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. SISK].

The amendment was agreed to.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to inquire of the subcommittee and those who are managing this legislation today with respect to what provisions, if any, have been taken into consideration in perhaps not protecting, but giving some cloak of protection to the numerous publications that are committed to print by the U.S. Government.

Mr. Chairman, the reason I ask this question is that I have before me, and just for the purposes of emphasis, a half-dozen publications which all of us as Members of the House are familiar with. In this example they have to do with the publications of "Infant Care"; "Your Child, One to Six"; "Your Child, Six to Twelve."

The reason I ask the question of the committee handling the bill is this: these publications, as we know them in our respective offices, are available to our constituency on the basis of a simple request for the same and can be secured on a free distribution basis. If application is made to the Government Printing Office usually 15 cents will procure any particular publication the person is interested in which, in this case, I would say would be the mother or the father. But a perusal of the bookshelves of the country indicates to me—and I could go into long detail on this, by example—I hold in my hand a book entitled "Your Child, From Six to Twelve," which is now being republished and put on the bookshelves of the country as the publication of Child Care Publications, Inc., which identifies it as "Your Child, Six to Twelve," and it shows that this publication, which is the Government's publication, save for the front and the back covers, has now been copyrighted by Child Care Publishers, Inc., as of 1962.

Now, I could take the foreword of this book and the foreword of this pamphlet, which is available in any of our congressional offices, and read to you verbatim the covering letter of the individual that is responsible in Government for the construction of the same, down to the last paragraph and the last period in the book. You would find that this copyrighted work is actually a free Government publication. It sells for a dollar on the open market today. It is now copyrighted by an organization that now has the full privilege of distribution of the same under that copyright provision.

Now there are multiple cases and examples of this same thing going on. In another instance, here is a book that sells for $2.50 which is exactly the same book that you have in your office and which you distribute to your constituency on a no-cost basis. In each instance the verbiage is exactly the same and identical to that which is embodied in U.S. Government publication "Infant Care" or "Your Child From One to Six" or "Your Child From Six to Twelve."

In addition to that, you may be surprised to know that this tremendous volume I have in my hand called "Mothercraft" is the work of a lot of employees of the Government, which should logically be considered the property of all the people of this country. These volumes, quite well bound, are sold for a substantial price on the book market. Yet the only thing they represent is a reprint of the publications that we are familiar with.

The tragedy of this is as soon as we get a new publication, it could be for example like the one we call "Infant Care," the first publisher that runs to the Library of Congress with this new material is given a copyright on it. He simply submits it and is listed as copyright owner. This is the usual procedure and I have checked this with the Library of Congress. The procedure in copyrighting is for the publisher to send in the printed book that is to be copyrighted and then send two copies for his copyright to the Library of Congress. In time the Library of Congress issues a certificate of copyright to the publisher. This is pretty routine business and so far as I know a copyright on a Government publication is granted if any new material at all, even in the foreword, or in the introduction is included.

I would wonder whether or not it would be the time for us to consider, if not controlling by way of copyright books, pamphlets, and material written by employees of the Federal Government, for the country generally and certainly with the money of the taxpayers of this country, if we could not protect these particular contributions to our national life by some means in this bill.

Why could we not prevent the individual publisher or printing huckster from running to the Library of Congress and taking title to the work which belongs to all the people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MOORE. In some way, Mr. Chairman, can we not protect these publications?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman.

Mr. EDWARDS of California. In answer to the suggestion made by the gentleman from West Virginia, it is true that the subcommittee had considerable testimony on the point raised by the gentleman from West Virginia. There are many good arguments for the point the gentleman makes. However, it was the decision of the subcommittee and of the full committee that this present prohibition against the copyright in Government publications, which is the present law, be retained and be extended to cover any published or unpublished work of the U.S. Government.

However, I would also point out that this provision does not prohibit copyright from being secured on works prepared independently or under Government contract or grant by an individual author.

Mr. MOORE. May I say to the gentleman, I understand that completely. The point, the particular point, I am trying to bring to your attention is one which I think very well concerns the health of the country because some of these books going on the market today are reprints of 1956 and 1949 publications of Government agencies such as the Children's Bureau; U.S. Department of Health, Education, and Welfare. Even though, let us say, new publications like "Prenatal Care or Infant Care" and so on down the line have been written, these are being advertised and offered as the latest documents in these particular areas—and they are in some instances I dare say not the last word.

But the important matter is that here is somebody taking a work of an agency of the U.S. Government and obtaining a copyright on the same and then selling it for a price five and 10 times the price at which it is available from the Government Printing Office or at a price much, much higher than what it can be obtained for from individual Members' offices.

Mr. EDWARDS of California. If the gentleman will yield further, I would agree with him that this is a serious problem, and in any future consideration of the Copyright Act, a change such as he suggests should be seriously considered.

Mr. MOORE. May I point out that I am not going to tender any amendments to try to accomplish what I have raised because I believe there are some technical aspects of the bill which it might affect. I simply think that the Members ought to know what is going on in the country. We are giving a lot of people free rides that otherwise we might want to prohibit, or at least we could call the other body's attention and have them look at the bill as it goes in that direction.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Michigan.

Mr. DINGELL. I was troubled by the same point. I had an amendment that I hoped to offer which might reach this particular problem. I am not sure it would from what the gentleman has said.

The gentleman from California has said that this matter should be considered when the next revision of the Copyright Law is before the Congress. I note that the last revision of the Copyright Law was in 1909. Are we to wait approximately 60 years before the problem that the gentleman from West Virginia has discussed will be handled by the great Committee on the Judiciary?

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from New York.

Mr. CELLER. The fact that the publications which the gentleman has described and which are mere copies of Government publications, have the word "copyright" on them, gives the publisher no copyright rights. They are not copyrightable, since they are mere reprints or reproductions of what the Government has published. They have no copyrights whatsoever, despite the fact that they use the word "copyright." They have no rights whatsoever.

Mr. MOORE. May I say to the gentleman from New York that if he will in each instance of these examples I have here—and I will make them available to the gentleman or to his staff—if he will go to the Library of Congress and inquire as to who has the right to publish this particular information, he would find that in the instance of the publication I have before me, it is a Child Care, Inc., publication under copyright issued to them in 1962.

Mr. CELLER. They may say that, but that is not true. That is a falsehood, because what they have merely reprinted is not copyrightable.

Mr. MOORE. If I might touch on the other point, the fact that they state in the book that it is copyrighted does not in itself vest in the publishing company any right to the printed matter, but the fact is that they are getting money for it.

Mr. CELLER. I agree that there is an abuse to which we shall have to eventually address ourselves.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Virginia.

Mr. POFF. I think it should be said that the Copyright Office does not lightly process applications for registration. On the contrary, the Register of Copyrights is most assiduous in the processing of those applications. I say that because it has particular meaning to the point that the gentleman has raised, and I think it is well that he has raised it because it is a problem that needs to be dealt with. It must be understood that the copyright, even when registered in the Copyright Office, goes only to the supplemental or new material which is included in the work by way of preface or suffix to the work produced by the Government, and does not go to the textual material of the Government document.

May I say, too, that this precise problem is now before the Space Committee. The same question is being considered in connection with legislation which would have the effect of prohibiting the copying, or to select the person who would do the copying, of expert treatises prepared under Government programs. That might be a partial solution. In any event, this is not the time to treat with the matter on a broad scale. If this conduct constitutes unfair competition, then the jurisdiction properly is before another committee of the House, possibly the Committee on Interstate and Foreign Commerce.

AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. MACDONALD of Massachusetts. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MACDONALD of Massachusetts: On page 16, strike out lines 10 through 24 and insert in lieu thereof the following: "sound recordings specified by section 114(a), to make copies or phono records of a particular transmission program embodying the performance or display."

The CHAIRMAN. The gentleman from Massachusetts [Mr. MACDONALD] is recognized.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I am happy to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, as I understand the gentleman's amendment, it goes to the elimination of the limitations on the number and use of ephemeral recordings permitted by instructional television qualifying for an exemption, and it is in furtherance of discussions between the chairman of the Judiciary Committee and the chairman of the gentleman's committee in terms of an agreement as to which material ought to be eliminated from this bill.

Mr. MACDONALD of Massachusetts. The gentleman is correct.

Mr. KASTENMEIER. Mr. Chairman, the committee then accepts the gentleman's amendment.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, the amendment has not been presented to the minority side. I have no idea what the amendment does, and I would like to be advised what the language is and what its effect is.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I appreciate what the gentleman says, and his interest in the bill, but the language as just read is an amendment which really restricts itself to the situation, as a concrete example, of a class play dealing with Columbus Day or Thanksgiving Day, and under the very restricted language on page 16 of the present bill, that could only be repeated once, and under this language it could be repeated ad infinitum. It is not a question of profit, nor is there a profit motive in it. It merely deals with educational TV, which is why our committee was very interested in it.

Mr. POFF. Mr. Chairman, I shall not press the point further, but I would not want my silence to be interpreted as an assent to something about which I am not informed.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I am not about to engage in a colloquy with the gentleman. He knows about the bill. I cannot help it. I think the language is very simple.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, I suggest the gentleman could have helped it. I suggest the gentleman could have done what is customary and brought a copy of the amendment to both committee tables. This was not done. I am informed about the bill, I will say to the gentleman. What I am not informed about is the amendment of the gentleman and its effect.

Mr. MACDONALD of Massachusetts. Actually, I talked to the chairman of the committee about the matter. I thought it was such a routine thing that this was not necessary to do, but I apologize. I was erroneous in my judgment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MACDONALD].

The amendment was agreed to.

Mr. MACGREGOR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to make a point about the last sentence of section 115(a)(1) of the bill, which is only briefly referred to on pages 67 and 68 of the committee's report. The last sentence of the section referred to reads:

> A person may obtain a compulsory license only if his primary purpose in making phonorecords is to distribute them to the public for private use.

It strikes me that this sentence is discriminatory against the background music industry, and that it has no justification either in economics or law. Based on past experience in the music industry it can easily result in the monopolistic control of the entire background music industry by just a few music publishers. It would therefore seem to be wise and just that the sentence should be deleted from the bill or otherwise altered.

I am not a member of the Copyright Subcommittee, but as a Judiciary Committee member I have heard long and detailed discussion and argument concerning the compulsory license provision of section 115. At no time, however, have I heard a reasonable justification for the inclusion of the special exception found in the last sentence of section 115 (a)(1).

The effect of the sentence is to deny to the background music industry the compulsory license protection which the entire phonograph record industry has enjoyed for 58 years. What justification can there be for such a discriminatory special exception?

In order to understand the impact of this sentence it is necessary to understand something about background music. Background music or functional music consists largely of familiar music unobtrusively performed. It is designed to supplement other activities such as social conversation, factory or office work, shopping, eating, waiting, or just plain thinking. Background music or functional music has become an integral part of our way of life. We expect to hear it in restaurants, elevators, shopping centers, or waiting rooms. Industrial psychologists have recommended its use in industry.

The background music business has grown from an idea in the 1940's to a substantial industry in 1967. The year 1965 marked the first time that an organization was created to sell, rather than lease, background music equipment and tapes. This has been a highly successful development by an outstanding Minnesota company. It is apparent that without unjustified restriction the background music industry will continue to grow in the coming years and continue to make the days more pleasant for millions of people who have access to this music.

The development of a background music program necessitates access to the same vast repertoire of music which is available to the phonograph record companies under the compulsory license provision. These songs are generally in the category of standard popular works, are generally more than 10 years old and are mainly in the control of five or six large publishing companies.

The background music manufacturers are very much aware that the performance of this music is subject to the payment of public performance fees or royalties and, in addition, royalties for the mechanical reproduction of the music. These fees are not modest. I understand that for public performance ASCAP alone collected in excess of $1½ million from the industry in 1966. In addition to this, one Minnesota manufacturer has already paid directly to the music publishers over $1 million for both mechanical and public performance royalties since it entered this industry in August 1965.

I have no objection to requiring the payment of fees or royalties for the use of music. My objection to this special exception is to a dangerous implication which threatens the entire existence of the background music industry.

In the past the right to record was never questioned and the rates were either negotiated or were established by the statute. The rate of payment of public performance fees was the subject of bargaining between the users of music and the performining rights societies. It had almost always been necessary to negotiate a contract wtih ASCAP because the public performance rights of the great preponderance of standard musical works were controlled by ASCAP. If a rate could not be negotiated the user could petition the court of the southern district of New York to set a rate. This procedure has been employed several times during the last 10 years and it has served to avoid abuses in the exercise of the exclusive rights of public performance.

Under the special exception now contained in the second sentence of section 115(a)(1) the copyright proprietors are given a new exclusive right. They can determine, without limitation, the rate they wish to charge for the recording of their music, and can also deny the use of their music entirely. By doing so they could determine who could stay in the background music business and who could not. Since the bulk of standard musical compositions suitable for background music are still in the control of five or six music publishers, a combination of these companies or some of them could exert monopolistic control over an entire industry.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. MACGREGOR. I yield to the gentleman from Minnesota.

Mr. KARTH. I thank the gentleman for yielding.

I want to associate myself with the gentleman's remarks.

The fact of the matter is that on Thursday last I did engage in a colloquy with the distinguished gentleman from Wisconsin, and I expressed my concern about the very thing which my colleague now in the well is expressing his concern about.

I was somewhat surprised, and frankly a little confused, because of what the gentleman from Wisconsin said to me. It is in the RECORD. The second reason I asked the gentleman to yield is to correct the RECORD, which is now in error.

The gentleman from Wisconsin said to me that the background music people had not in fact appeared before the subcommittee in 1965 and voiced their opposition to the language which the gentleman in the well points out, as it exists in the bill.

The fact of the matter is, Mr. Chairman, they did appear and they did express their opposition to the language and they did offer seven or eight words that could be added to the language which exists in the bill, which would have been corrective in nature, and would eliminate their opposition.

Further, I point out that after they did appear before the subcommittee and did express their opinion and did offer corrective language, no organization—ASCAP, BMI, or any other—appeared in opposition thereto.

I further wish to inform the committee that I talked with the distinguished gentleman from New York [Mr. CELLER] about amending the language. While he had no objection, the gentleman from Virginia [Mr. POFF] did. His objections were that there might well be other areas in this bill, because of technicalities, which would require additional change.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(On request of Mr. KARTH, and by unanimous consent, Mr. MACGREGOR was allowed to proceed for 5 additional minutes.)

Mr. KARTH. As a result of that, I do not feel at this time I wish to offer an amendment, although I am very much constrained to do so. However, I want to set the record straight and to associate myself with the remarks of the gentleman in the well.

Mr. MACGREGOR. I thank the gentleman for his contribution.

In response to the gentleman from Minnesota [Mr. KARTH], it is not my position here today, either, to offer a specific amendment. As pointed out, there has been a suggestion in the past that this matter could be dealt with by the addition of certain words. It has also been suggested that the thing to do is to strike the second sentence of section 115(a)(1).

I am unable to determine what would be the best course, but inasmuch as this legislation will be considered further in the other body, I have taken this time. I appreciate the gentleman's assistance in making this point clear.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. MACGREGOR. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I am glad that the gentleman from Minnesota [Mr. KARTH] clarified the record. I did not state that persons in interests that he mentioned, corporations, did not testify. I said I did not believe they testified on that point but testified primarily on fair use. I remember checking the material myself and I missed the reference that they did in fact make in the record which they presented before the committee with regard to this point. It escaped my memory. I must say I agree with the gentleman from Virginia that the committee has taken a position that it was not the purpose to extend the compulsory license to manufacturers of the phonorecord, and I use that term "phonorecord" broadly, intended for commercial use. This applies in the three areas, for broadcasters, jukebox operators, or background music services.

Mr. MACGREGOR. If the gentleman will let me proceed at this point, I would like to call attention to a specific situation which I think illustrates the difficulty the gentleman from Minnesota [Mr. KARTH] and I have.

The special exception as worded would permit a phonograph record company to avail itself of the compulsory license and then make a background music use of the recording by later transferring it to tape. Recordings made by it would thus be created primarily for the purpose of distribution to the public for private use. That these recordings can be, and now are, publicly performed as background music is beyond doubt. Anyone who has flown American Airlines, TWA, or many other airlines can testify to this fact. This would place the background music industry in a disadvantageous position with the recording industry. Why discriminate? The compulsory license should apply equally to all those who wish to make recordings for listening purposes.

I would appreciate it if the gentleman from Wisconsin, the chairman of the subcommittee, would comment on that particular point.

Mr. KASTENMEIER. To comment further, I would say that it was our understanding that companies engaged in manufacturing background music were not now availing themselves of compulsory licensing. If they negotiated their licenses, we think there is possibly a cloud, and it is not clear now as to whether they are entitled to compulsory licenses. But, in any event, should it come about, as I assured the gentleman from Minnesota [Mr. Karth] last Thursday, that there is some special difficulty or some inequities about this, I am sure in due course that the committee would want to consider it.

Mr. MacGREGOR. Or it may well be, may I say to the gentleman from Wisconsin, that those difficulties could be headed off before they occur by consideration of this matter at length in the other body.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. MacGREGOR. I yield to the gentleman from Minnesota.

Mr. KARTH. I ask the gentleman to yield only for this further purpose: I think it is good that we had the colloquy today in the Committee of the Whole House for the purpose of calling this inequitable and discriminatory clause to the attention of the other body inasmuch as they are now in the process of holding hearings and perhaps in a few days or a week or two going into the marking up of the bill. I am hopeful with the attention that has now been given to this situation on the floor that it will be helpful for that body in making their final determination. I thank the gentleman for yielding.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I was much interested in the material that the gentleman from West Virginia [Mr. Moore] displayed a short time ago with respect to copyrights and the admission on the part of several members of the committee handling this bill that he had clearly pointed out evident abuses of the copyright law. Yet we are here today dealing with revision of the copyright law and no effort has been made by the committee to eliminate the abuses that he pointed out.

Mr. Chairman, I looked to the report for a definition of "copyrightability." Here it is:

> The basic subject matter of copyright is specified as "original works of authorship" that have been "fixed" in a "tangible medium of expression." Under the definition in section 101, a work is "fixed" if its embodiment in a physical object is "permanent or stable" rather than "transitory," but the form of fixation is immaterial as long as the work is capable of being perceived directly or made perceptible through any existing or future machine or device.

Mr. Chairman, I wonder if some member of the committee would care to explain this language? I received no real answer for the dragging of the "Tower of Babel" otherwise known as "United Nations" into this bill, and I hope someone will interpret this gobbledegook, or whatever it is.

I would like to ask the chairman of the committee, the gentleman from New York [Mr. Celler] to give me some kind of interpretation of this alleged definition:

> * * * but the form of fixation is immaterial as long as the work is capable of being perceived directly or made perceptible through any existing or future machine or device.

Well, Mr. Chairman, in view of the fact that no one seems to want to try to interpret what is termed the definition of "copyrightability," I guess that about all I can do is yield back the balance of my time and hope for the best and fear for the worst.

AMENDMENTS OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER. Mr. Chairman, I offer a number of amendments to correct clerical errors in chapter 1, and ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

> Amendments offered by Mr. Kastenmeier to chapter 1:
>
> On page 4, line 23, insert a comma after "sounds".
>
> On page 4, line 31, strike out "three-dimentional" and insert in lieu thereof "three-dimensional".
>
> On page 5, line 14, strike out the semicolon and insert in lieu thereof a comma.
>
> On page 6, line 30, strike out "pantomines" and insert in lieu thereof "pantomimes".
>
> On page 7, line 37, strike out "was" and insert in lieu thereof "were".

The CHAIRMAN. The question is on the amendments offered by the gentleman from Wisconsin [Mr. Kastenmeier].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dingell: On Page 8, line 11, replace the period with a comma and add the following language thereto: "or a work made for hire for the United States Government.
>
> "(c) A work of the United States Government includes any work that is a product of activities or research financed in substantial part by funds received directly or indirectly from the United States Government.
>
> "(d) Any work prepared in whole or in part by an officer or an employee of the United States Government shall be presumed to be the result of his official duties unless specific waiver thereof is obtained in advance of the earliest fixation in a tangible form."

Mr. DINGELL. Mr. Chairman, the function of this amendment is a very simple one. There is a prodigious amount of research of work and of publication conducted by or financed by the Federal Government in its entirety or in almost its entirety. The gentleman from West Virginia pointed out very clearly some examples of this. I do not know who it is who is asserting the copyright on the examples that he has presented to the Committee today, but I would point out that these are only a small portion of the documents which are produced either through the writing, research, or other effort which is conducted or financed either in whole or in part by the Federal Government. The Office of Naval Research, the National Science Foundation, the National Institutes of Health, all maintain tremendous research operations devoted to different scientific endeavors and different scientific activities, and from this flows a tremendous number of publications, periodicals, technical documents, and scientific treatises. There is a tremendous amount of research financed by the Federal Government which is done in universities and by private researchers and by research institutes. What we are doing, if we do not have this amendment to the legislation before us, is allowing work, which is conducted by the Federal Government, financed in whole or in part by the Federal Government, to be subject to copyright. The public, which pays for the cost of the research, and the writing of the technical studies, and all of the things which go into this, whether these be documents, whether they be photographs or whether they be charts, whether they be phono or sound recordings, whether they be training films of the Army or whether they be films put out by NASA or the AEC or something of this kind, will see its projects and their fruits subject to copyright. These can then be denied to the public at large, which paid for the cost, by the same individual who derived not only the cost of publication, but also payment of salary expenses, living allowances, honorariums, and other things, for doing precisely what he has been paid to do.

I believe it would be a gross wrong upon not only the public at large but upon other Americans who would wish to utilize this information for further creativity and for further contributions to the United States to lock up—to erect a toll gate at the entrance of federally financed research.

Let me read to you what the Founding Fathers had in mind when they wrote the Constitution dealing with this, and this is article I, section 8, which read as follows:

> To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;"

I would point out that here to allow work to be copyrighted that has been paid for by the people in whole or in part, through the Federal Government, is certainly not promotion of the arts or the promotion of science. Rather it is a restriction and a constriction on information and scientific progress.

I would point out that the Federal Government spends billions of dollars on this each year, and I say that not only is it a disservice to the taxpayers and to the people of this country, when we deny access to this to copyrightable items, but it is also a great disservice to the corporations and to the businesses and to the scientists and to the scholars who can further use—the work that has been done to create the copyright or the potential copyright—to make newer and greater contribution to our country.

Also this puts in a real roadblock against the widespread use of these documents which are created through the Federal Government support and prevents, by allowing those works to be copyrighted, the easy availability of that knowledge which would flow therefrom.

I would point out that this legislation does not just lock up the copyright for a period of a few days or a few weeks or a few years, but potentially this legislation will limit the opportunity of the public to have free access to copyrighted documents for as long as 100 years or 125 years and perhaps even for 150 years.

So I believe in making a document widely available where it is paid for by the public through the medium of federally financed research. It is an important contribution that can be made to American progress.

Mr. POFF. Mr. Chairman, reluctantly, I rise in opposition to the amendment and I say reluctantly because it is always with some reluctance that I oppose my distinguished friend from Michigan.

As those who are familiar with patent law will readily understand, what the gentleman is proposing is to transport the patent law doctrine in this area to the copyright field.

Now whether this is advisable or inadvisable is really beside the point at this late hour. The committee has not had the opportunity to address itself definitively to this extremely consequential amendment. For that reason alone, Mr. Chairman, I would suggest that it would be inadvisable to deal with it on the floor of the House.

Yet, Mr. Chairman, there is another answer which needs to be made. In the posture of the language reported by the committee, it is possible for each individual agency to decide for itself what the ownership of the copyright would be. If the agency decides that it should be a Government work, and therefore should not be copyrightable, then all the agency needs to do in the contract that it makes is to define the works that grow out of the contract as a "work for hire." In that case under the definition of the bill, it would be a Government work and no copyright would inhere in it.

On the other hand, if the agency feels that in order to serve as a stimulus and as an incentive to private industry, the copyright property should belong to the independent contractor who authored it, then all the agency needs to do is to insert in its contract with the independent contractor a clause which secures that right to the independent contractor.

At this point, Mr. Chairman, I suggest it is vitally important to preserve this area of flexibility and discretion within each of the independent contracting agencies.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman.

Mr. DINGELL. I have great affection for my friend from Virginia as he well knows. I would point out that this is the second time he has referred today on this floor to the members of the Committee on the Judiciary, who I understand have been working and operating on this bill now for some 7 years, that they have not had the opportunity to consider this important matter which rather gravely affects the public interest.

I will say that is not a very good argument to support the stand on the amendment as made by the gentleman, if my good friend, the gentleman from Virginia, would yield to me to make that point.

Mr. POFF. I do yield to the gentleman for that, but I will point out to my friend that I have reference to the full Committee on the Judiciary, and the full committee has had no such opportunity.

It was possibly within the purview of inquiry by the subcommittee, but since it was not offered in that focus, the subcommittee did not in fact deal with that as it should before a decision is reached in such a sensitive area. So, I ask that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 9, strike out the words "the projec-" in line 23, strike out lines 24 and 25, and insert in lieu thereof the following: "projection."

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, this amendment might appropriately be called the branch library amendment because its function and purpose is to assure that the rights of an owner of a particular copyright do not preclude projection of more than one viewing of the particular copyrighted substance or copyrighted device upon the walls of a library or through a closed-circuit television into branch libraries or similarly situated instrumentalities around the country.

H.R. 2512, in section 109, specifically excludes the right of an owner of a particular copy to display it to viewers not in the same room with the copy. This means that a central library may not transmit an image of a copyrighted document to a branch library for the use of its readers there.

Section 109 also restricts the projection to a single viewer. This proposed amendment would allow remote transmission of copies by the owners thereof, subject to other provisions of the legislation. It would also permit multiple access to the same copy. In both instances this would greatly enhance the ability of libraries to eliminate economically useless duplicate purchases, and it would enable our libraries to spend the taxpayers' dollars more efficiently and better, and to more uniformly make available the abilities which they have to disseminate the information which they hold in their great storehouses of knowledge throughout our population. I believe it is a good amendment and I hope the Committee will accept it.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment. I rise reluctantly, because the gentleman from Michigan certainly has the public interest in mind in his amendment. But it should be resisted. We considered this subject very carefully in committee. I might point out that it is the obligation of the Committee and of the Congress to protect the copyright, the ownership of a particular product, and under the amendment offered by the gentleman from Michigan, a single copy of a book or a picture in a central library could be transmitted throughout the country by television to a thousand branch libraries, thus destroying the market of the author or painter.

The committee seriously studied this subject, gave it every consideration, and I urge that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The amendment was rejected.

Mr. MOORE. Mr. Chairman, I move to strike the requisite number of words.

Not being a member of the subcommittee of the Judiciary Committee that considered this bill, it is necessary when individuals inquire concerning its ramifications that we use this means to inquire of those who have the necessary information. It has been brought to my attention that section 108 of the bill, which appears on page 9, could very well have a detrimental effect on those individuals who are working toward a doctoral degree in any one of the educational institutions of our country.

It has been suggested to me by a very distinguished member of the faculty of West Virginia University that the language in chapter 1, section 108 of this particular bill—H.R. 2512—would permit the plagiarism or copying of doctoral theses or dissertations. Presently, as I understand it, there is a measure of security for any of these theses or dissertations in that the reprinting of the same or republishing of the same or the passing off of the language content of a doctoral dissertation is a violation of the copyright law.

I would like to ask a member of the committee, either on the majority side or the minority side, if I might—the writer indicates to me, that under section 108 of the bill, that any university in the country can decide that an individual's published work is of value for scholarly research and have the same reprinted and sent around to other universities for depositing in their libraries. It has been suggested that this will encourage the copying of, or encourage students for doctors' degrees to take the work of another student in a particular field and pass it off as his own. Let us say a student at West Virginia University is awarded a Ph. D. on his own work which is used by him in applying for a doctoral thesis, another student, let us say at the University of Washington, some distance from the originating educational institution could copy the same. What in this bill would prevent this?

I know all of us are terribly jealous of those that labor hard to obtain their Ph. D.'s, and we want to see that their work is not passed off to somebody else and have somebody be given a free ride. Would the gentleman from Virginia perhaps write a little legislative history here, so that we can protect these energetic students?

Mr. POFF. Mr. Chairman, will the distinguished gentleman yield?

Mr. MOORE. I am happy to yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, the learned constituent to whom the gentleman refers was a witness before our subcommittee. I must say I appreciate the concern he expressed. I am familiar also with the content of the letter addressed to the gentleman from West Virginia. In order to make abundantly clear what is perhaps obscure, I believe it should be pointed out first of all that section 108 applies only to unpublished works.

Mr. MOORE. Mr. Chairman, would that category not be the circumstance in which a dissertation or thesis for a doctorate might fall?

Mr. POFF. Mr. Chairman, ordinarily the fact, as I understand, is that in order to win a degree the doctoral dissertation must be published, and, as a matter of practice, I believe the gentleman will find today that doctoral dissertations are copyrighted.

There is, however, another response which needs to be made. If the student does not choose to publish his work, or if a publication is not a condition precedent to the degree, then still the student can protect his literary property interests by contracting with the institution of deposit in such a way as to prohibit copying of his unpublished work.

Mr. MOORE. Mr. Chairman, may I ask the gentleman, would this prohibit the university, let us say any university, from declaring this unpublished work as of value to scholarly research and then, themselves, going ahead and reproducing it?

Mr. POFF. Yes, it would be possible, I will say to the gentleman, in the contract for the student so to protect himself. The purpose of the committee is reflected in the language of the report.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. MOORE was allowed to proceed for an additional minute.)

Mr. MOORE. Mr. Chairman, would it not be a little unique to ask a man or woman who seeks to obtain a doctorate in any one of a number of fields at a particular institution to attach a condition to the material he is submitting to that institution, saying to the university, "Give me the degree, but do not print it?"

Mr. POFF. It might, except that as I suggested earlier, the practice today largely is to publish, and to disallow a degree unless the doctoral dissertation is published.

Mr. MOORE. I thank the gentleman.

The CHAIRMAN. The Clerk will read chapter 2.

The Clerk read as follows:

CHAPTER 2—COPYRIGHT OWNERSHIP AND TRANSFER

Sec.
201. Ownership of copyright.
202. Ownership of copyright as distinct from ownership of material object.
203. Termination of transfers and licenses granted by the author.
204. Execution of transfers of copyright ownership.
205. Recordation of transfers and other documents.

§ 201. Ownership of copyright

(a) INITIAL OWNERSHIP.—Copyright in a work protected under this title vests initially in the author or authors of the work. The authors of a joint work are coowners of copyright in the work.

(b) WORKS MADE FOR HIRE.—In the case of a work made for hire, the employer or other person for whom the work was prepared is considered the author for purposes of this title, and, unless the parties have expressly agreed otherwise in a written instrument signed by them, owns all of the rights comprised in the copyright.

(c) CONTRIBUTIONS TO COLLECTIVE WORKS.—Copyright in each separate contribution to a collective work is distinct from copyright in the collective work as a whole and vests initially in the author of the contribution. In the absence of an express transfer of the copyright or of any rights under it, the owner of copyright in the collective work is presumed to have acquired only the privilege of reproducing and distributing the contribution as part of that particular collective work, any revision of that collective work, and any later collective work in the same series.

(d) TRANSFER OF OWNERSHIP.—

(1) The ownership of a copyright may be transferred in whole or in part by any means of conveyance or by operation of law, and may be bequeathed by will or pass as personal property by the applicable laws of intestate succession.

(2) Any of the exclusive rights comprised in a copyright, including any subdivision of any of the rights specified by section 106, may be transferred as provided by clause (1) and owned separately. The owner of any particular exclusive right is entitled, to the extent of that right, to all of the protection and remedies accorded to the copyright owner by this title.

§ 202. Ownership of copyright as distinct from ownership of material object

Ownership of a copyright, or of any of the exclusive rights under a copyright, is distinct from ownership of any material object in which the work is embodied. Transfer of ownership of any material object, including the copy or phonorecord in which the work is first fixed, does not of itself convey any rights in the copyrighted work embodied in the object; nor, in the absence of an agreement, does transfer of ownership of a copyright or of any exclusive rights under a copyright convey property rights in any material object.

§ 203. Termination of transfers and licenses granted by the author

(a) CONDITIONS FOR TERMINATION.—In the case of any work other than a work made for hire, the exclusive or nonexclusive grant of a transfer or license of copyright or of any right under a copyright, executed by the author on or after January 1, 1969, otherwise than by will, is subject to termination under the following conditions:

(1) In the case of a grant executed by one author, termination of the grant may be effected by that author or, if he is dead, by the person or persons who, under clause (2) of this subsection, own and are entitled to exercise a total of more than one half of that author's termination interest. In the case of a grant executed by two or more authors of a joint work, termination of the grant may be effected by a majority of the authors who executed it; if any of such authors is dead, his termination interest may be exercised as a unit by the person or persons who, under clause (2) of this subsection, own and are entitled to exercise a total of more than one half of his interest.

(2) Where an author is dead, his termination interest is owned, and may be exercised, by his widow (or her widower) and children or grandchildren as follows:

(A) The widow owns his entire termination interest unless there are any surviving children or grandchildren of the author, in which case the widow owns one half of his interest;

(B) The author's surviving children, and the surviving children of any dead child of the author, own his entire termination interest unless there is a widow (or widower), in which case the ownership of one half of his interest is divided among them;

(C) The rights of the author's children and grandchildren are in all cases divided among them and exercised on a per stirpes basis according to the number of his children represented; the share of the children of a dead child in a termination interest can be exercised only by the action of a majority of them.

(3) Termination of the grant may be effected at any time during a period of five years beginning at the end of thirty-five years from the date of execution of the grant; or, if the grant covers the right of publication of the work, the period begins at the end of thirty-five years from the date of publication of the work under the grant or at the end of forty years from the date of execution of the grant, whichever term ends earlier.

(4) The termination shall be effected by serving an advance notice in writing, signed by the number and proportion of owners of termination interests required under clauses (1) and (2) of this subsection, or by their duly authorized agents, upon the grantee or his successor in title.

(A) The notice shall state the effective date of the termination, which shall fall within the five-year period specified by clause (3) of this subsection, and the notice shall be served not less than two or more than ten years before that date. A copy of the notice shall be recorded in the Copyright Office before the effective date of termination, as a condition to its taking effect.

(B) The notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation.

(5) Termination of the grant may be effected notwithstanding any agreement to the contrary, including an agreement to make a will or to make any future grant.

(b) EFFECT OF TERMINATION.—Upon the effective date of termination, all rights under this title that were covered by the terminated grant revert to the author, authors, and other persons owning termination interests under clauses (1) and (2) of subsection (a), including those owners who did not join in signing the notice of termination under clause (4) of subsection (a), but with the following limitations:

(1) A derivative work prepared under authority of the grant before its termination may continue to be utilized under the terms of the grant after its termination, but this privilege does not extend to the preparation after the termination of other derivative works based upon the copyrighted work covered by the terminated grant.

(2) The future rights that will revert upon termination of the grant become vested on the date the notice of termination has been served as provided by clause (4) of subsection (a). The rights vest in the author, authors, and other persons named in, and in the proportionate shares provided by, clauses (1) and (2) of subsection (a).

(3) Subject to the provisions of clause (4) of this subsection, a further grant, or agreement to make a further grant, of any right covered by a terminated grant is valid only if it is signed by the same number and proportion of the owners, in whom the right has vested under clause (2) of this subsection, as are required to terminate the grant under clauses (1) and (2) of subsection (a). Such further grant or agreement is effective with respect to all of the persons in whom the right it covers has vested under clause (2) of this subsection, including those

who did not join in signing it. If any person dies after rights under a terminated grant have vested in him, his legal representatives, legatees, or heirs at law represent him for purposes of this clause.

(4) A further grant, or agreement to make a further grant, of any right covered by a terminated grant is valid only if it is made after the effective date of the termination. As an exception, however, an agreement for such a further grant may be made between the persons provided by clause (3) of this subsection and the original grantee or his successor in title, after the notice of termination has been served as provided by clause (4) of subsection (a).

(5) Termination of a grant under this section affects only those rights covered by the grant that arise under this title, and in no way affects rights arising under any other Federal, State, or foreign laws.

(6) Unless and until termination is effected under this section, the grant, if it does not provide otherwise, continues in effect for the term of copyright provided by this title.

§204. Execution of transfers of copyright ownership

(a) A transfer of copyright ownership, other than by operation of law, is not valid unless an instrument of conveyance, or a note or memorandum of the transfer, is in writing and signed by the owner of the rights conveyed or his duly authorized agent.

(b) A certificate of acknowledgment is not required for the validity of a transfer, but is prima facie evidence of the execution of the transfer if:

(1) in the case of a transfer executed in the United States, the certificate is issued by a person authorized to administer oaths within the United States; or

(2) in the case of a transfer executed in a foreign country, the certificate is issued by a diplomatic or consular officer of the United States, or by a person authorized to administer oaths whose authority is proved by a certificate of such an officer.

§ 205. Recordation of transfers and other documents

(a) CONDITIONS FOR RECORDATION.—Any transfer of copyright ownership or other document pertaining to a copyright may be recorded in the Copyright Office if the document filed for recordation bears the actual signature of the person who executed it, or if it is accompanied by a sworn or official certification that it is a true copy of the original, signed document.

(b) CERTIFICATE OF RECORDATION.—The Register of Copyrights shall, upon receipt of a document as provided by subsection (a) and of the fee provided by section 708, record the document and return it with a certificate of recordation.

(c) RECORDATION AS CONSTRUCTIVE NOTICE.—Recordation of a document in the Copyright Office gives all persons constructive notice of the facts stated in the recorded document, but only if:

(1) the document, or material attached to it, specially identifies the work to which it pertains so that, after the document is indexed by the Register of Copyrights, it would be revealed by a reasonable search under the title or registration number of the work; and

(2) registration has been made for the work.

(d) RECORDATION AS PREREQUISITE TO INFRINGEMENT SUIT.—No person claiming by virtue of a transfer to be the owner of copyright or of any exclusive right under a copyright is entitled to institute an infringement action under this title until the instrument of transfer under which he claims has been recorded in the Copyright Office, but suit may be instituted after such recordation on a cause of action that arose before recordation.

(e) PRIORITY BETWEEN CONFLICTING TRANSFERS.—As between two conflicting transfers, the one executed first prevails if it is recorded, in the manner required to give constructive notice under subsection (c), within one month after its execution in the United States or within two months after its execution abroad, or at any time before recordation in such manner of the later transfer. Otherwise the later transfer prevails if recorded first in such manner, and if taken in good faith, for valuable consideration or on the basis of a binding promise to pay royalties, and without notice of the earlier transfer.

(f) PRIORITY BETWEEN CONFLICTING TRANSFER OF OWNERSHIP AND NONEXCLUSIVE LICENSE.—A nonexclusive license, whether recorded or not, prevails over a conflicting transfer of copyright ownership if the license is evidenced by a written instrument signed by the owner of the rights licensed or his duly authorized agent, and if:

(1) the license was taken before execution of the transfer; or

(2) the license was taken in good faith before recordation of the transfer and without notice of it.

CHAPTER 3.—DURATION OF COPYRIGHT

Sec.
301. Pre-emption with respect to other laws.
202. Duration of copyright: Works created on or after January 1, 1969.
303. Duration of copyright: Works created but not published or copyrighted before January 1, 1969.
304. Duration of copyright: Subsisting copyrights.
305. Duration of copyright: Terminal date.

§ 301. Preemption with respect to other laws

(a) On and after January 1, 1969, all rights in the nature of copyright in works that come within the subject matter of copyright as specified by sections 102 and 103, whether created before or after that date and whether published or unpublished, are governed exclusively by this title. Thereafter, no person is entitled to copyright, literary property rights, or any equivalent legal or equitable right in any such work under the common law or statutes of any State.

(b) Nothing in this title annuls or limits any rights or remedies under the common law or statutes of any State with respect to:

(1) unpublished material that does not come within the subject matter of copyright as specified by sections 102 and 103, including works of authorship not fixed in any tangible medium of expression;

(2) any cause of action arising from undertakings commenced before January 1, 1969;

(3) activities violating rights that are not equivalent to any of the exclusive rights within the general scope of copyright as specified by section 106, including breaches of contract, breaches of trust, invasion of privacy, defamation, and deceptive trade practices such as passing off and false representation.

§ 302. Duration of copyright: Works created on or after January 1, 1969

(a) IN GENERAL.—Copyright in a work created on or after January 1, 1969, subsists from its creation and, except as provided by the following subsections, endures for a term consisting of the life of the author and fifty years after his death.

(b) JOINT WORKS.—In the case of a joint work prepared by two or more authors who did not work for hire, the copyright endures for a term of consisting of the life of the last surviving author and fifty years after his death.

(c) ANONYMOUS WORKS, PSEUDONYMOUS WORKS, AND WORKS MADE FOR HIRE.—In the case of an anonymous work, a pseudonymous work, or a work made for hire, the copyright endures for a term of seventy-five years from the year of its first publication, or a term of one hundred years from the year of its creation, whichever expires first, if, before the end of such term, the identity of one or more of the authors of an anonymous or pseudonymous work is revealed in the records of a registration made for that work under subsections (a) or (d) of section 407, or in the records provided by this subsection, the copyright in the work endures for the term specified by subsections (a) or (b), based on the life of the author or authors whose identity has been revealed. Any person having an interest in the copyright in an anonymous or pseudonymous work may at any time record, in records to be maintained by the Copyright Office for that purpose, a statement identifying one or more authors of the work; the statement shall also identify the person filing it, the nature of his interest, the source of his information, and the particular works affected, and shall comply in form and content with requirements that the Register of Copyrights shall prescribe by regulation.

(d) RECORDS RELATING TO DEATH OF AUTHORS.—Any person having an interest in a copyright may at any time record in the Copyright Office a statement of the date of death of the author of the copyrighted work, or a statement that the author is still living on a particular date. The statement shall identify the person filing it, the nature of his interest, and the source of his information, and shall comply in form and content with requirements that the Register of Copyrights shall prescribe by regulation. The Register shall maintain current records of information relating to the death of authors of copyrighted works, based on such recorded statements and, to the extent he considers practicable, on data contained in any of the records of the Copyright Office or in other reference sources.

(e) PRESUMPTION AS TO AUTHOR'S DEATH.—After a period of seventy-five years from the year of first publication of a work, or a period of one hundred years from the year of its creation, whichever expires first, any person who obtains from the Copyright Office a certified report that the records provided by subsection (d) disclose nothing to indicate that the author of the work is living, or died less than fifty years before, is entitled to the benefit of a presumption that the author has been dead for at least fifty years. Reliance in good faith upon this presumption shall be a complete defense to any action for infringement under this title.

§ 303. Duration of copyright: Works created but not published or copyrighted before January 1, 1969

Copyright in a work created before January 1, 1969, but not theretofore in the public domain or copyrighted, subsists from January 1, 1969, and endures for the term provided by section 302. In no case, however, shall the term of copyright in such a work expire before December 31, 1993; and, if the work is published on or before December 31, 1993, the term of copyright shall not expire before December 31, 2018.

§ 304. Duration of copyright: Subsisting copyrights

(a) COPYRIGHTS IN THEIR FIRST TERM ON JANUARY 1, 1969.—Any copyright, the first term of which is subsisting on January 1, 1969, shall endure for twenty-eight years from the date it was originally secured: *Provided*, That in the case of any posthumous work or of any periodical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of forty-seven years when application for such renewal and extension shall have been made to the Copyright Office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further,* That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work, the author of such work, if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of forty-seven years when application for such renewal and extension shall have been made to the Copyright Office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further,* That in default of the registration of such application for renewal and extension, the copyright in any work shall terminate at the expiration of twenty-eight years from the date copyright was originally secured.

(b) Copyrights in Their Renewal Term or Registered for Renewal Before January 1, 1969.—The duration of any copyright, the renewal term of which is subsisting at any time between December 31, 1967, and December 31, 1968, inclusive, or for which renewal registration is made between December 31, 1967, and December 31, 1968, inclusive, is extended to endure for a term of 75 years from the date copyright was originally secured.

(c) Termination of Transfers and Licenses Covering Extended Renewal Term.—In the case of any copyright subsisting in either its first or renewal term on January 1, 1969, other than a copyright in a work made for hire, the exclusive or nonexclusive grant of a transfer or license of the renewal copyright or of any right under it, executed before January 1, 1969, by any of the persons designated by the second proviso of subsection (a) of this section, otherwise than by will, is subject to termination under the following conditions:

(1) In the case of a grant executed by a person or persons other than the author, termination of the grant may be effected by the surviving person or persons who executed it. In the case of a grant executed by one or more of the authors of the work, termination of the grant may be effected, to the extent of a particular author's share in the ownership of the renewal copyright, by the author who executed it or, if such author is dead, by the person or persons who, under clause (2) of this subsection, own and are entitled to exercise a total of more than one half of that author's interest.

(2) Where an author is dead, his termination interest is owned and may be exercised by his widow (or her widower) and children or grandchildren as follows:

(A) The widow owns his entire termination interest unless there are any surviving children or grandchildren of the author, in which case the widow owns one half of his interest;

(B) The author's surviving children, and the surviving children of any dead child of the author, own his entire termination interest unless there is a widow (or widower), in which case the ownership of one half of his interest is divided among them;

(C) The rights of the author's children and grandchildren are in all cases divided among them and exercised on a per stirpes basis according to the number of his children represented; the share of the children of a dead child in a termination interest can be exercised only by the action of a majority of them.

(3) Termination of the grant may be effected at any time during a period of five years beginning at the end of fifty-six years from the date copyright was originally secured, or beginning on January 1, 1969, whichever is later.

(4) The termination shall be effected by serving in advance notice in writing upon the grantee or his successor in title. In the case of a grant executed by a person or persons other than the author, the notice shall be signed by all of those entitled to terminate the grant under clause (1) of this subsection, or by their duly authorized agents. In the case of a grant executed by one or more of the authors of the work, the notice as to any one author's share shall be signed by him or his duly authorized agent or, if he is dead, by the number and proportion of the owners of his termination interest required under clauses (1) and (2) of this subsection, or by their duly authorized agents.

(A) The notice shall state the effective date of the termination, which shall fall within the five-year period specified by clause (3) of this subsection, and the notice shall be served not less than two or more than ten years before that date. A copy of the notice shall be recorded in the Copyright Office before the effective date of termination, as a condition to its taking effect.

(B) The notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation.

(5) Termination of the grant may be effected notwithstanding any agreement to the contrary, including an agreement to make a will or to make any future grant.

(6) In the case of a grant executed by a person or persons other than the author, all rights under this title that were covered by the terminated grant revert, upon the effective date of termination, to all of those entitled to terminate the grant under clause (1) of this subsection. In the case of a grant executed by one or more of the authors of the work, all of a particular author's rights under this title that were covered by the terminated grant revert, upon the effective date of termination, to that author or, if he is dead, to the persons owning his termination interest under clause (2) of this subsection, including those owners who did not join in signing the notice of termination under clause (4) of this subsection. In all cases the reversion of rights is subject to the following limitations:

(A) A derivative work prepared under authority of the grant before its termination may continue to be utilized under the terms of the grant after its termination, but this privilege does not extend to the preparation after the termination of other derivative works based upon the copyrighted work covered by the terminated grant.

(B) The future rights that will revert upon termination of the grant becomes vested on the date the notice of termination has been served as provided by clause (4) of this subsection.

(C) Where an author's rights revert to two or more persons under clause (2) of this subsection, they shall vest in those persons in the proportionate shares provided by that clause. In such a case, and subject to the provisions of subclause (D) of this clause, a further grant, or agreement to make a further grant, of a particular author's share with respect to any right covered by a terminated grant is valid only if it is signed by the same number and proportion of the owners, in whom the right has vested under this clause, as are required to terminate the grant under clause (2) of this subsection. Such further grant or agreement is effective with respect to all of the persons in whom the right it covers has vested under this subclause, including those who did not join in signing it. If any person dies after rights under a terminated grant have vested in him, his legal representatives, legatees, or heirs at law represent him for purposes of this subclause.

(D) A further grant, or agreement to make a further grant, of any right covered by a terminated grant is valid only if it is made after the effective date of the termination. As an exception, however, an agreement for such a further grant may be made between the author or any of the persons provided by the first sentence of clause (6) of this subsection, or between the persons provided by subclause (C) of this clause, and the original grantee or his successor in title, after the notice of termination has been served as provided by clause (4) of this subsection.

(E) Termination of a grant under this subsection affects only those rights covered by the grant that arise under this title, and in no way affects rights arising under any other Federal, State, or foreign laws.

(F) Unless and until termination is effected under this section, the grant, if it does not provide otherwise, continues in effect for the remainder of the extended renewal term.

§ 305. Duration of copyright: Terminal date

All terms of copyright provided by sections 302 through 304 run to the end of the calendar year in which they would otherwise expire.

CHAPTER 4.—COPYRIGHT NOTICE, DEPOSIT, AND REGISTRATION

Sec.
401. Notice of copyright: Visually perceptible copies.
402. Notice of copyright: Phonorecords of sound recordings.
403. Notice of copyright: Contributions to collective works.
404. Notice of copyright: Omission of notice.
405. Notice of copyright: Error in name or date.
406. Deposit of copies or phonorecords for Library of Congress.
407. Copyright registration in general.
408. Application for registration.
409. Registration of claim and issuance of certificate.
410. Registration as prerequisite to infringement suit.
411. Registration as prerequisite to certain remedies for infringement.

§ 401. Notice of copyright: Visually perceptible copies

(a) General Requirement.—Whenever a work protected under this title is published in the United States or elsewhere by authority of the copyright owner, a notice of copyright as provided by this section shall be placed on all publicly distributed copies from which the work can be visually perceived, either directly or with the aid of a machine or device.

(b) Form of Notice.—The notice appearing on the copies shall consist of the following three elements:

(1) the symbol © (the letter C in a circle), the word "Copyright," or the abbreviation "Copr.";

(2) the year of first publication of the work; in the case of compilations or derivative works incorporating previously published material, the year date of first publication of the compilation or derivative work is sufficient;

(3) the name of the owner of copyright in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.

(c) Position of Notice.—The notice shall be affixed to the copies in such manner and location as to give reasonable notice of the claim of copyright. The Register of Copyrights shall prescribe by regulation, as examples, specific methods of affixation and positions of the notice on various types of works that will satisfy this requirement, but these specifications shall not be considered exhaustive.

§ 402. Notice of copyright: Phonorecords of sound recordings

(a) General Requirement.—Whenever a sound recording protected under this title is published in the United States or elsewhere by authority of the copyright owner, a notice of copyright as provided by this section shall be placed on all publicly distributed phonorecords of the sound recording.

(b) Form of Notice.—The notice appearing on the phonorecords shall consist of the following three elements:

(1) the symbol ℗ (the letter P in a circle);

(2) the year of first publication of the sound recording;

(3) the name of the owner of copyright in the sound recording, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner; if the producer of the sound recording is named on the phonorecord labels or containers, and if no other name appears in conjunction with the notice, his name shall be considered a part of the notice.

(c) Position of Notice.—The notice shall be placed on the surface of the phonorecord, or on the phonorecord label or container, in such manner and location as to give reasonable notice of the claim of copyright.

(d) Effective Date of Requirement.—The requirements of this section apply to all phonorecords publicly distributed on or after January 1, 1969.

§ 403. Notice of copyright: Contributions to collective works

(a) A separate contribution to a collective work may bear its own notice of copyright, as provided by sections 401 and 402. However, a single notice applicable to the collective work as a whole is sufficient to satisfy the requirements of sections 401 and 402 with respect to the separate contributions it contains (not including advertisements inserted on behalf of persons other than the owner of copyright in the collective work), regardless of the ownership of copyright in the contributions and whether or not they have been previously published.

(b) Where the person named in a single notice applicable to a collective work as a whole is not the owner of copyright in a separate contribution that does not bear its own notice, the case is governed by the provisions of section 405(a).

§ 404. Notice of copyright: Omission of notice

(a) Effect of Omission on Copyright.—The omission of the copyright notice prescribed by sections 401 and 402 from copies or phonorecords publicly distributed by authority of the copyright owner does not invalidate the copyright in a work if:

(1) the notice has been omitted from no more than a relatively small number of copies or phonorecords distributed to the public; or

(2) registration for the work has been made before or is made within five years after the publication without notice, and a reasonable effort is made to add notice to all copies or phonorecords that are distributed to the public in the United States after the omission has been discovered; or

(3) the notice has been omitted in violation of an express requirement in writing that, as a condition of the copyright owner's authorization of the public distribution of copies or phonorecords, they bear the prescribed notice.

(b) Effects of Omission on Innocent Infringers.—Any person who innocently infringes a copyright, in reliance upon an authorized copy or phonorecord from which the copyright notice has been omitted, incurs no liability for actual or statutory damages under section 504 for any infringing acts committed before receiving actual notice that registration for the work has been made under section 407, if he proves that he was misled by the omission of notice. In a suit for infringement in such a case the court may allow or disallow recovery of any of the infringer's profits attributable to the infringement, and may enjoin the continuation of the infringing undertaking or may require, as a condition for permitting the infringer to continue his undertaking, that he pay the copyright owner a reasonable license fee in an amount and on terms fixed by the court.

(c) Removal of Notice.—Protection under this title is not affected by the removal, destruction, or obliteration of the notice, without the authorization of the copyright owner, from any publicly distributed copies or phonorecords.

§ 405. Notice of copyright: Error in name or date

(a) Error in Name.—Where the person named in the copyright notice on copies or phonorecords publicly distributed by authority of the copyright owner is not the owner of copyright, the validity and ownership of the copyright are not affected. In such a case, however, any person who innocently begins an undertaking that infringes the copyright has a complete defense to any action for such infringement if he proves that he was misled by the notice and began the undertaking in good faith under a purported transfer or license from the person named therein, unless before the undertaking was begun:

(1) registration for the work had been made in the name of the owner of copyright; or

(2) a document executed by the person named in the notice and showing the ownership of the copyright had been recorded.

The person named in the notice is liable to account to the copyright owner for all receipts from purported transfers or licenses made by him under the copyright.

(b) Error in Date.—When the year date in the notice on copies or phonorecords distributed by authority of the copyright owner is earlier than the year in which publication first occurred, any period computed from the year of first publication under section 302 is to be computed from the year in the notice. Where the year date is more than one year later than the year in which publication first occurred, the work is considered to have been published without any notice and is governed by the provisions of section 404.

(c) Omission of Name or Date.—Where copies or phonorecords publicly distributed by authority of the copyright owner contain no name or no date that could reasonably be considered a part of the notice, the work is considered to have been published without any notice and is governed by the provisions of section 404.

§ 406. Deposit of copies of phonorecords for Library of Congress

(a) Except as provided by subsection (c), the owner of copyright or of the exclusive right of publication in a work published with notice of copyright in the United States shall deposit, within three months after the date of such publication:

(1) two complete copies of the best edition; or

(2) if the work is a sound recording, two complete phonorecords of the best edition, together with any printed or other visually-perceptible material published with such phonorecords.

This deposit is not a condition of copyright protection.

(b) The required copies or phonorecords shall be deposited in the Copyright Office for the use or disposition of the Library of Congress. The Register of Copyrights shall, when requested by the depositor and upon payment of the fee prescribed by section 708, issue a receipt for the deposit.

(c) The Register of Copyrights may by regulation exempt any categories of material from the deposit requirements of this section, or require deposit of only one copy or phonorecord with respect to any categories.

(d) At any time after publication of a work as provided by subsection (a), the Register of Copyrights may make written demand for the required deposit on any of the persons obligated to make the deposit under subsection (a). Unless deposit is made within three months after the demand is received, the person or persons on whom the demand was made are liable:

(1) to a fine of not more than $250 for each work; and

(2) to pay to the Library of Congress the total retail price of the copies or phonorecords demanded, or, if no retail price has been fixed, the reasonable cost to the Library of Congress of acquiring them.

§ 407. Copyright registration in general

(a) Registration Permissive.—At any time during the subsistence of copyright in any published or unpublished work, the owner of copyright or of any exclusive right in the work may obtain registration of the copyright claim by delivering to the Copyright Office the deposit specified by this section, together with the application and fee specified by sections 408 and 708. Subject to the provisions of section 404(a), such registration is not a condition of copyright protection.

(b) Deposit for Copyright Registration—Except as provided by subsection (c), the material deposited for registration shall include:

(1) in the case of an unpublished work, one complete copy or phonorecord;

(2) in the case of a published work, two complete copies or phonorecords of the best edition;

(3) in the case of a work first published abroad, one complete copy or phonorecord as so published;

(4) in the case of a contribution to a collective work, one complete copy or phonorecord of the best edition of the collective work.

Copies or phonorecords deposited for the Library of Congress under section 406 may be used to satisfy the deposit provisions of this section, if they are accompanied by the prescribed application and fee, and by any additional identifying material that the Register may, by regulation, require.

(c) Administrative Classification and Optional Deposit.—The Register of Copyrights is authorized to specify by regulation the administrative classes into which works are to be placed for purposes of deposit and registration, and the nature of the copies or phonorecords to be deposited in the various classes specified. The regulations may require or permit, for particular classes, the deposit of identifying material instead of copies or phonorecords, the deposit of only one copy or phonorecord where two would normally be required, or a single registration for a group of related works. This administrative classification of works has no significance with respect to the subject matter of copyright or the exclusive rights provided by this title.

(d) Corrections and Amplifications.—The Register may also establish, by regulation, formal procedures for the filing of an application for supplementary registration, to correct an error in a copyright registration or to amplify the information given in a registration. Such application shall be accompanied by the fee provided by section 708, and shall clearly identify the registration to be corrected or amplified. The information contained in a supplementary registration augments but does not supersede that contained in the earlier registration.

(e) Published Edition of Previously Registered Work.—Registration for the first published edition of a work previously registered in unpublished form may be made even though the work as published is substantially the same as the unpublished version.

§ 408. Application for registration

The application for copyright registration shall be made on a form prescribed by the Register of Copyrights and shall include:

(1) the name and address of the copyright claimant;

(2) in the case of a work other than an anonymous or pseudonymous work, the name and nationality or domicile of the author or authors and, if one or more of the authors is dead, the dates of their deaths;

(3) if the work is anonymous or pseudonymous, the nationality or domicile of the author or authors;

(4) in the case of a work made for hire, a statement to this effect;

(5) if the copyright claimant is not the author, a brief statement of how the claimant obtained ownership of the copyright;

(6) the title of the work, together with any previous or alternative titles under which the work can be identified;

(7) the year in which creation of the work was completed;

(8) if the work has been published, the date and nation of its first publication;

(9) in the case of a compilation or derivative work, an identification of any pre-existing work or works that it is based on or incorporates, and a brief, general statement of the additional material covered by the copyright claim being registered;

(10) in the case of a published work containing material of which copies are required by section 601 to be manufactured in the United States, the names of the persons or organizations who performed the processes specified by subsection (c) of section 601 with respect to that material, and the places where those processes were performed; and

(11) any other information regarded by the Register of Copyrights as bearing upon the preparation or identification of the work or the existence, ownership, or duration of the copyright.

§ 409. Registration of claim and issuance of certificate

(a) When, after examination, the Register of Copyrights determines that, in accordance with the provisions of this title, the material deposited constitutes copyrightable subject matter and that the other legal and formal requirements of this title have been met, he shall register the claim and issue to the applicant a certificate of registration under the seal of the Copyright Office. The certificate shall contain the information given in the application, together with the number and effective date of the registration.

(b) In any case in which the Register of Copyrights determines that, in accordance with the provisions of this title, the material deposited does not constitute copyrightable subject matter or that the claim is invalid for any other reason, he shall refuse registration and shall notify the applicant in writing of the reasons for his action.

(c) In any judicial proceedings the certificate of a registration made before or within five years after first publication of the work shall constitute prima facie evidence of the validity of the copyright and of the facts stated in the certificate. The evidentiary weight to be accorded the certificate of a registration made thereafter shall be within the discretion of the court.

(d) The effective date of a copyright registration is the day on which an application, deposit, and fee, which are later determined by the Register of Copyrights or by a court of competent jurisdiction to be acceptable for registration, have all been received in the Copyright Office.

§ 410. Registration as prerequisite to infringement suit

No action for infringement of the copyright in any work shall be instituted until registration of the copyright claim has been made in accordance with this title. In any case, however, where the deposit, application, and fee required for registration have been delivered to the Copyright Office in proper form and registration has been refused, the applicant is entitled to institute an action for infringement if notice thereof, with a copy of the complaint, is served on the Register of Copyrights. The Register may, at his option, become a party to the action with respect to the issue of registrability of the copyright claim by entering his appearance within sixty days after such service, but his failure to do so shall not deprive the court of jurisdiction to determine that issue.

§ 411. Registration as prerequisite to certain remedies for infringement

In any action under this title, no award of statutory damages or of attorney's fees, as provided by sections 504 and 505, shall be made for:

(1) any infringement of copyright in an unpublished work commenced before the effective date of its registration; or

(2) any infringement of copyright commenced after first publication of the work and before the effective date of its registration, unless such registration is made within three months after its first publication.

CHAPTER 5—COPYRIGHT INFRINGEMENT AND REMEDIES

Sec.
501. Infringement of copyright.
502. Remedies for infringement: Injunctions.
503. Remedies for infringement: Impounding and disposition of infringing articles.
504. Remedies for infringement: Damages and profits.
505. Remedies for infringement: Costs and attorney's fees.
506. Criminal offenses.
507. Limitations on actions.
508. Notification of filing and determination of actions.

§ 501. Infringement of copyright

(a) Anyone who violates any of the exclusive rights of the copyright owner as provided by sections 106 through 116, or who imports copies or phonorecords into the United States in violation of section 602, is an infringer of the copyright.

(b) The legal or beneficial owner of an exclusive right under a copyright is entitled, subject to the requirements of sections 205 (d) and 410, to institute an action for any infringement of that particular right committed while he is the owner of it. The court may require him to serve written notice of the action with a copy of the complaint upon any person shown, by the records of the Copyright Office or otherwise, to have or claim an interest in the copyright, and shall require that such notice be served upon any person whose interest is likely to be affected by a decision in the case. The court may require the joinder, and shall permit the intervention, of any person having or claiming an interest in the copyright.

§ 502. Remedies for infringement: Injunctions

(a) Any court having jurisdiction of a civil action arising under this title may, subject to the provisions of section 1498 of title 28, grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain infringement of a copyright.

(b) Any such injunction may be served anywhere in the United States on the person enjoined; it shall be operative throughout the United States and shall be enforceable, by proceedings in contempt or otherwise, by any United States court having jurisdiction of that person. The clerk of the court granting the injunction shall, when requested by any other court in which enforcement of the injunction is sought, transmit promptly to the other court a certified copy of all the papers in the case on file in his office.

§ 503. Remedies for infringement: Impounding and disposition of infringing articles

(a) At any time while an action under this title is pending, the court may order the impounding, on such terms as it may deem reasonable, of all copies or phonorecords claimed to have been made or used in violation of the copyright owner's exclusive rights, and of all plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which such copies or phonorecords may be reproduced.

(b) As part of a final judgment or decree, the court may order the destruction or other reasonable disposition of all copies or phonorecords found to have been made or used in violation of the copyright owner's exclusive rights, and of all plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which such copies or phonorecords may be reproduced.

§ 504. Remedies for infringement: Damages and profits

(a) IN GENERAL.—Except as otherwise provided by this title, an infringer of copyright is liable for either:

(1) the copyright owner's actual damages and any additional profits of the infringer, as provided by subsection (b); or

(2) statutory damages, as provided by subsection (c).

(b) ACTUAL DAMAGES AND PROFITS.—The copyright owner is entitled to recover the actual damages suffered by him as a result of the infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages. In establishing the infringer's profits, the copyright owner is required to present proof only of the infringer's gross revenue, and the infringer is required to prove his deductible expenses and the elements of profit attributable to factors other than the copyrighted work.

(c) STATUTORY DAMAGES.—

(1) Except as provided by clause (2) of this subsection, the copyright owner may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for all infringements involved in the action, with respect to any one work, for which any one infringer is liable individually, or for which any two or more infringers are liable jointly and severally, in a sum of not less than $250 or more than $10,000 as the court considers just. For the purposes of this subsection, all the parts of a compilation or derivative work constitute one work.

(2) In a case where the copyright owner sustains the burden of proving, and the court finds, that infringement was committed willfully, the court in its discretion may increase the award of the statutory damages to a sum of not more than $20,000. In a case where the infringer sustains the burden of proving, and the court finds, that he was not aware and had no reason to believe that his acts constituted an infringement of copyright, the court in its discretion may reduce the award of statutory damages to a sum of not less than $100. In a case where an instructor in a nonprofit educational institution, who infringed by reproducing a copyrighted work in copies or phonorecords for use in the course of face-to-face teaching activities in a classroom or similar place normally devoted to instruction, sustains the burden of proving that he believed and had reasonable grounds for believing that the reproduction was a fair use under section 107, the court in its discretion may remit statutory damages in whole or in part.

§ 505. Remedies for infringement: Costs and attorney's fees

In any civil action under this title, the court in its discretion may allow the recovery of full costs by or against any party other than the United States or an officer thereof. Except as otherwise provided by this title, the court may also award a reasonable attorney's fee to the prevailing party as part of the costs.

§ 506. Criminal offenses

(a) CRIMINAL INFRINGEMENT.—Any person

who infringes a copyright willfully and for purposes of commercial advantage or private financial gain shall be fined not more than $2,500 or imprisoned not more than one year, or both, for the first such offense, and shall be fined not more than $10,000 or imprisoned not more than three years, or both, for any subsequent offense.

(b) Fraudulent Copyright Notice.—Any person who, with fraudulent intent, places on any article a notice of copyright or words of the same purport that he knows to be false, or who, with fraudulent intent, publicly distributes or imports for public distribution any article bearing such notice or words that he knows to be false, shall be fined not more than $2,500.

(c) Fraudulent Removal of Copyright Notice.—Any person who, with fraudulent intent, removes or alters any notice of copyright appearing on a copy of a copyrighted work shall be fined not more than $2,500.

(d) False Representation.—Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than $2,500.

§ 507. Limitations on actions

(a) Criminal Proceedings.—No criminal proceeding shall be maintained under the provisions of this title unless it is commenced within three years after the cause of action arose.

(b) Civil Action.—No civil action shall be maintained under the provisions of this title unless it is commenced within three years after the claim accrued.

§ 508. Notification of filing and determination of actions

(a) Within one month after the filing of any action under this title, the clerks of the courts of the United States shall send written notification to the Register of Copyrights setting forth, as far as is shown by the papers filed in the court, the names and addresses of the parties and the title, author, and registration number of each work involved in the action. If any other copyrighted work is later included in the action by amendment, answer, or other pleading, the clerk shall also send a notification concerning it to the Register within one month after the pleading is filed.

(b) Within one month after any final order or judgment is issued in the case, the clerk of the court shall notify the Register of it, sending him a copy of the order or judgment together with the written opinion, if any, of the court.

(c) Upon receiving the notifications specified in this section, the Register shall make them a part of the public records of the Copyright Office.

CHAPTER 6.—MANUFACTURING REQUIREMENT AND IMPORTATION

Sec.
601. Manufacture, importation, and public distribution of certain copies.
602. Infringing importation of copies or phonorecords.
603. Importation prohibitions: Enforcement and disposition of excluded articles.

§ 601. Manufacture, importation, and public distribution of certain copies

(a) Except as provided by subsection (b), the importation into or public distribution in the United States of copies of a work consisting preponderantly of nondramatic literary material that is in the English language and is protected under this title is prohibited unless the portions consisting of such material have been manufactured in the United States.

(b) The provisions of subsection (a) do not apply:

(1) where, on the date when importation is sought or public distribution in the United States is made, the author of any substantial part of such material is neither a national nor a domiciliary of the United States, or, if he is a national of the United States, has been domiciled outside of the United States for a continuous period of at least one year immediately preceding that date;

(2) where the Bureau of Customs is presented with an import statement issued under the seal of the Copyright Office, in which case a total of no more than two thousand copies of any one such work shall be allowed entry; the import statement shall be issued upon request to the copyright owner or to a person designated by him at the time of registration for the work under section 407 or at any time thereafter;

(3) where importation is sought under the authority or for the use, other than in schools, of the Government of the United States or of any State or political subdivision of a State;

(4) where importation, for use and not for sale, is sought:

(A) by any person with respect to no more than one copy of any one work at any one time;

(B) by any person arriving from abroad, with respect to copies forming part of his personal baggage; or

(C) by an organization operated for scholarly, educational, or religious purposes and not for private gain, with respect to copies intended to form a part of its library;

(5) where the copies are reproduced in raised characters for the use of the blind;

(6) where, in addition to copies imported under clauses (3) and (4) of this subsection, no more than two thousand copies of any one such work, which have not been manufactured in the United States, are publicly distributed in the United States.

(c) The requirement of this section that copies be manufactured in the United States is satisfied if:

(1) in the case where the copies are printed directly from type that has been set, or directly from plates made from such type, the setting of the type and the making of the plates have been performed in the United States; or

(2) in the case where the copies are printed directly from plates made by a lithographic or photoengraving process, the making of the plates has been performed in the United States; and

(3) in any case, the printing or other final process of producing multiple copies and any binding of the copies have been performed in the United States.

(d) Importation or public distribution of copies in violation of this section does not invalidate protection for a work under this title. However, in any civil action or criminal proceeding for infringement of the exclusive rights to reproduce and distribute copies of the work, the infringer has a complete defense with respect to all of the nondramatic literary material comprised in the work and any other parts of the work in which the exclusive rights to reproduce and distribute copies are owned by the same person who owns such exclusive rights in the nondramatic literary material, if he proves:

(1) that copies of the work have been imported into or publicly distributed in the United States in violation of this section by or with the authority of the owner of such exclusive rights; and

(2) that the infringing copies were manufactured in the United States in accordance with the provisions of subsection (c); and

(3) that the infringement was commenced before the effective date of registration for an authorized edition of the work, the copies of which have been manufactured in the United States in accordance with the provisions of subsection (c).

(e) In any action for infringement of the exclusive rights to reproduce and distribute copies of a work containing material required by this section to be manufactured in the United States, the copyright owner shall set forth in the complaint the names of the persons or organizations who performed the processes specified by subsection (c) with respect to that material, and the places where those processes were performed.

§ 602. Infringing importation of copies or phonorecords

(a) Importation into the United States, without the authority of the owner of copyright under this title, of copies or phonorecords of a work that have been acquired abroad is an infringement of the exclusive right to distribute copies or phonorecords under section 106, actionable under section 501. This subsection does not apply to:

(1) importation of copies or phonorecords under the authority or for the use, other than in schools, of the government of the United States or of any State or political subdivision of a State, but not including copies of any audiovisual work imported for purposes other than archival use;

(2) importation, for use and not for sale, by any person with respect to no more than one copy or phonorecord of any one work at any one time, or by any person arriving from abroad with respect to copies or phonorecords forming part of his personal baggage; or

(3) importation by or for an organization operated for scholarly, educational, or religious purposes and not for private gain, with respect to no more than one copy of an audiovisual work solely for its archival purposes, and no more than five copies or phonorecords of any other work for its library lending or archival purposes.

(b) In a case where the making of the copies or phonorecords would have constituted an infringement of copyright if this title had been applicable, their importation is prohibited. In a case where the copies or phonorecords were lawfully made, the Bureau of Customs has no authority to prevent their importation unless the provisions of section 601 are applicable. In either case, the Secretary of the Treasury is authorized to prescribe, by regulation, a procedure under which any person claiming an interest in the copyright in a particular work may, upon payment of a specified fee, be entitled to notification by the Bureau of the importation of articles that appear to be copies or phonorecords of the work.

§ 603. Importation prohibitions: Enforcement and disposition of excluded articles

(a) The Secretary of the Treasury and the Postmaster General shall separately or jointly make regulations for the enforcement of the provisions of this title prohibiting importation.

(b) These regulations may require, as a condition for the exclusion of articles under section 602:

(1) that the person seeking exclusion obtain a court order enjoining importation of the articles; or

(2) that he furnish proof, of a specified nature and in accordance with prescribed procedures, that the copyright in which he claims an interest is valid and that the importation would violate the prohibition in section 602; he may also be required to post a surety bond for any injury that may result if the detention or exclusion of the articles proves to be unjustified.

(c) Articles imported in violation of the importation prohibitions of this title are subject to seizure and forfeiture in the same manner as property imported in violation of the customs revenue laws. Forfeited articles shall be destroyed as directed by the Secretary of the Treasury or the court, as the case may be; however, the articles may be returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury that the importer had no reasonable grounds for believing that his acts constituted a violation of law.

CHAPTER 7.—COPYRIGHT OFFICE

Sec.
701. The Copyright Office: General responsibilities and organization.
702. Copyright Office regulations.
703. Effective date of actions in Copyright Office.
704. Retention and disposition of articles deposited in Copyright Office.
705. Copyright Office records: Preparation, maintenance, public inspection, and and searching.
706. Copies of Copyright Office records.
707. Copyright Office forms and publications.
708. Copyright Office fees.

§ 701. The Copyright Office: General responsibilities and organization

(a) All administrative functions and duties under this title, except as otherwise specified, are the responsibility of the Register of Copyrights as director of the Copyright Office in the Library of Congress. The Register of Copyrights, together with the subordinate officers and employees of the Copyright Office, shall be appointed by the Librarian of Congress, and shall act under his general direction and supervision.

(b) The Register of Copyrights shall adopt a seal to be used on and after January 1, 1969, to authenticate all certified documents issued by the Copyright Office.

(c) The Register of Copyrights shall make an annual report to the Librarian of Congress of the work and accomplishments of the Copyright Office during the previous fiscal year. The annual report of the Register of Copyrights shall be published separately and as a part of the annual report of the Librarian of Congress.

§ 702. Copyright Office regulations

The Register of Copyrights is authorized to establish regulations not inconsistent with law for the administration of the functions and duties made his responsibility under this title. All regulations established by the Register under this title are subject to the approval of the Librarian of Congress.

§ 703. Effective date of actions in Copyright Office

In any case in which time limits are prescribed under this title for the performance of an action in the Copyright Office, and in which the last day of the prescribed period falls on a Saturday, Sunday, holiday or other nonbusiness day within the District of Columbia or the Federal Government, the action may be taken on the next succeeding business day, and is effective as of the date when the period expired.

§ 704. Retention and disposition of articles deposited in Copyright Office

(a) Upon their deposit in the Copyright Office under sections 406 and 407, all copies, phonorecords, and identifying material, including those deposited in connection with claims that have been refused registration, are the property of the United States Government.

(b) In the case of published works, all copies, phonorecords, and identifying material deposited are available to the Library of Congress for its collections, or for exchange or transfer to any other library. In the case of unpublished works, the Library is entitled to select any deposits for its collections.

(c) Deposits not selected by the Library under subsection (b), or identifying portions or reproductions of them, shall be retained under the control of the Copyright Office, including retention in Government storage facilities, for the longest period considered practicable and desirable by the Register of Copyrights and the Librarian of Congress. After that period it is within the joint discretion of the Register and the Librarian to order their destruction or other disposition; but, in the case of unpublished works, no deposit shall be destroyed or otherwise disposed of during its term of copyright.

(d) The depositor of copies, phonorecords, or identifying material under section 407, or the copyright owner of record, may request retention, under the control of the Copyright Office, of one or more of such articles for the full term of copyright in the work. The Register of Copyrights shall prescribe, by regulation, the conditions under which such requests are to be made and granted, and shall fix the fee to be charged under section 708(11) if the request is granted.

§ 705. Copyright Office records: Preparation, maintenance, public inspection, and searching

(a) The Register of Copyrights shall provide and keep in the Copyright Office records of all deposits, registrations, recordations, and other actions taken under this title, and shall prepare indexes of all such records.

(b) Such records and indexes, as well as the articles deposited in connection with completed copyright registrations and retained under the control of the Copyright Office, shall be open to public inspection.

(c) Upon request and payment of the fee specified by section 708, the Copyright Office shall make a search of its public records, indexes, and deposits, and shall furnish a report of the information they disclose with respect to any particular deposits, registrations, or recorded documents.

§ 706. Copies of Copyright Office records

(a) Copies may be made of any public records or indexes of the Copyright Office; additional certificates of copyright registration and copies of any public records or indexes may be furnished upon request and payment of the fees specified by section 708.

(b) Copies or reproductions of deposited articles retained under the control of the Copyright Office shall be authorized or furnished only under the conditions specified by the Copyright Office regulations.

§ 707. Copyright Office forms and publications

(a) CATALOG OF COPYRIGHT ENTRIES.—The Register of Copyrights shall compile and publish at periodic intervals catalogs of all copyright registrations. These catalogs shall be divided into parts in accordance with the various classes of works, and the Register has discretion to determine, on the basis of practicability and usefulness, the form and frequency of publication of each particular part.

(b) OTHER PUBLICATIONS.—The Register shall furnish, free of charge upon request, application forms for copyright registration and general informational material in connection with the functions of the Copyright Office. He also has authority to publish compilations of information, bibliographies, and other material he considers to be of value to the public.

(c) DISTRIBUTION OF PUBLICATIONS.—All publications of the Copyright Office shall be furnished to depository libraries as specified under section 2 of the Depository Library Act of 1962 (76 Stat. 353, 44 U.S.C. § 82), and, aside from those furnished free of charge, shall be offered for sale to the public at prices based on the cost of reproduction and distribution.

§ 708. Copyright Office fees

(a) The following fees shall be paid to the Register of Copyrights:

(1) for the registration of a copyright claim or a supplementary registration under section 407, including the issuance of a certificate of registration, $6;

(2) for the registration of a claim to renewal of a subsisting copyright in its first term under section 304(a), including the issuance of a certificate of registration, $4;

(3) for the issuance of a receipt for a deposit under section 406, $2;

(4) for the recordation, as provided by section 205, of a transfer of copyright ownership or other document of six pages or less, covering to more than one title, $5; for each page over six and for each title over one, 50 cents additional;

(5) for the filing, under section 115(b), of a notice of intention to make phonorecords, $3;

(6) for the recordation, under section 302(c), of a statement revealing the identity of an author of an anonymous or pseudonymous work, or for the recordation, under section 302(d), of a statement relating to the death of an author, $5 for a document of six pages or less, covering no more than one title; for each page over six and for each title over one, 50 cents additional;

(7) for the issuance, under section 601, of an import statement, $3;

(8) for the issuance, under section 706, of an additional certificate of registration, $2;

(9) for the issuance of any other certification, $3; the Register of Copyrights has discretion, on the basis of their cost, to fix the fees for preparing copies of Copyright Office records, whether they are to be certified or not;

(10) for the making and reporting of a search as provided by section 705, and for any related services, $5 for each hour or fraction of an hour consumed;

(11) for any other special services requiring a substantial amount of time or expense, such fees as the Register of Copyrights may fix on the basis of the cost of providing the service.

(b) The fees prescribed by or under this section are applicable to the United States Government and any of its agencies, employees, or officers, but the Register of Copyrights has discretion to waive the requirement of this subsection in occasional or isolated cases involving relatively small amounts.

Transitional and supplementary provisions

SEC. 2. This act becomes effective on January 1, 1969, except as otherwise provided by section 304(b) of title 17 as amended by this act.

SEC. 3. This act does not provide copyright protection for any work that goes into the public domain before January 1, 1969. The exclusive rights, as provided by section 106 of title 17 as amended by this act, to reproduce a work in phonorecords and to distribute phonorecords of the work, do not extend to any nondramatic musical work copyrighted before July 1, 1909.

SEC. 4. All proclamations issued by the President under sections 1(e) or 9(b) of title 17 as it existed on December 31, 1968, or under previous copyright statutes of the United States shall continue in force until terminated, suspended, or revised by the President.

SEC. 5. (a) Section 52 of the Printing Act, approved January 12, 1895 (28 Stat. 608; 44 U.S.C. § 58 (1964)) is amended to read as follows:

"SEC. 52. The Public Printer shall sell, under such regulations as the Joint Committee on Printing may prescribe, to any person or persons who may apply additional or duplicate stereotype or electrotype plates from which any Government publication is printed, at a price not to exceed the cost of composition, the metal and making to the Government and ten per centum added: *Provided*, That the full amount of the price shall be paid when the order is filed."

(b) Section 510 of the Federal Records Act of 1950 (64 Stat. 589, 44 U.S.C. § 400 (1964)) is amended to read as follows:

"SEC. 510. With respect to letters and other intellectual productions (exclusive of patented material, published works under copyright protection, and unpublished works for which copyright registration has been made) after they come into the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of copyright or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction or other purposes."

(c) In section 1498(b) of title 28 of the United States Code, the phrase "section 101(b) of title 17" is amended to read "section 504(c) of title 17".

(d) Section 543(a)(4) of the Internal Revenue Code of 1954, as amended, is amended by striking out "(other than by reason of section 2 or 6 thereof)".

(e) Section 4152(a) of title 39 of the United States Code is amended by striking out clause (5).

SEC. 6. In any case where, before January 1, 1969, a person has lawfully made parts of instruments serving to reproduce mechanically a copyrighted work under the compulsory license provisions of section 1(e) of title 17 as it existed on December 31, 1968, he may continue to make and distribute such parts embodying the same mechanical reproduction without obtaining a new compulsory license under the terms of section 115 of title 17 as amended by this act. However, such parts made on or after January 1, 1969, constitute phonorecords and are otherwise subject to the provisions of said section 115.

SEC. 7. In the case of any work in which an ad interim copyright is subsisting or is capable of being secured on December 31, 1968, under section 22 of title 17 as it existed on that date, copyright protection is hereby extended to endure for the term or terms provided by section 304 of title 17 as amended by this act.

SEC. 8. The notice provisions of sections 401 and 402 of title 17 as amended by this act apply to all copies or phonorecords publicly distributed on or after January 1, 1969. However, in the case of a work published before January 1, 1969, compliance with the notice provisions of title 17 either as it existed on December 31, 1968, or as amended by this act, is adequate with respect to copies publicly distributed after December 31, 1968.

SEC. 9. The registration of claims to copyright for which the required deposit, application, and fee were received in the Copyright Office before January 1, 1969, and the recordation of assignments of copyright or other instruments received in the Copyright Office before January 1, 1969, shall be made in accordance with title 17 as it existed on December 31, 1968.

SEC. 10. The demand and penalty provisions of section 14 of title 17 as it existed on December 31, 1968, apply to any work in which copyright has been secured by publication with notice of copyright on or before that date, but any deposit and registration made after that date in response to a demand under that section shall be made in accordance with the provisions of title 17 as amended by this act.

SEC. 11. All causes of action that arose under title 17 before January 1, 1969, shall be governed by title 17 as it existed when the cause of action arose.

SEC. 12. If any provision of title 17, as amended by this act, is declared unconstitutional, the validity of the remainder of the title is not affected.

Mr. KASTENMEIER (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that the remainder of the bill be printed in the RECORD, and that the bill be considered as open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 44, line 37, through page 45, line 18, strike out all of section 506 and insert in lieu thereof the following language:

"SEC. 506. (a) WILLFUL INFRINGEMENT FOR PROFIT.—Any person who willfully and for profit shall infringe any copyright secured by this title, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than $100 nor more than $1,000, or both, in the discretion of the court * * *

"(b) FRAUDULENT NOTICE OF COPYRIGHT, OR REMOVAL OR ALTERATION OF NOTICE.—Any person who, with fraudulent intent, shall insert or impress any notice of copyright required by this title, or words of the same purport, in our upon any uncopyrighted article, or with fraudulent intent shall remove or alter the copyright notice upon any article duly copyrighted shall be guilt of a misdemeanor, punishable by a fine of not less than $100 and not more than $1,000. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or who shall knowingly import any article bearing such notice or words of the same purport, which has not been copyrighted in this country, shall be liable to a fine of $100."

Mr. WHITENER. Mr. Chairman, very briefly stated, this amendment would reinsert into this legislation, in lieu of section 506, the existing law with reference to criminal punishment for copyright violations.

I have read the committee report. I believe this is on page 131.

I note that the committee glosses over rather quickly the rather substantial changes which are being made in the copyright law.

Members will note that in section 506 of H.R. 2512 the punishment is increased, in cases of violation. A person "shall be fined not more than $2,500 or imprisoned not more than one year, or both, for the first such offense, and shall be fined not more than $10,000 or imprisoned not more than three years, or both, for any subsequent offense."

In other words, a second violation of a copyright would subject an individual to the stigma of being a felon. This has never been done in the history of our copyright law, as I understand it. It would be a simply a property type of violation.

When we had the omnibus crime bill up before us there was a great hue and cry about making a felony out of some of these aggravated assaults. Many Members of Congress voted against that legislation on three occasions on the ground that the punishment was excessive.

I do not know what your experience has been, but in my experience in the criminal courts, as one who had some responsibility, I was always very loath to hang a felony on an individual where he could reasonably be relieved of that stigma. Here you are going to make a felon out of a man simply because he violates some copyright provision. I have heard no one say, and there is nothing in the committee hearing as far as I have been able to ascertain, that would indicate there has been any trouble about the adequacy of punishment under the old law. I would like to ask the chairman of the subcommittee if he had one scintilla of evidence before his subcommittee which indicated that there was any deficiency in the penal provisions of the existing copyright law.

Mr. KASTENMEIER. If the gentleman will yield?

Mr. WHITENER. I will be happy to yield.

Mr. KASTENMEIER. It is my recollection that there was a discussion as to the amount of the fine, in light of the passing of 58 years since the last revision, being inadequate. The gentleman, of course, will note for an initial offense the 1-year penalty remains the same.

Mr. WHITENER. It is a misdemeanor if committed one time, but if committed two times it becomes a felony. To get to what the gentleman just said, there is nothing in this proposal by the committee which takes into account the value of the work that has been allegedly infringed. It could be one of these silly ditties they sing—and I will not call out the name of any particular drink, but some of these bottled drinks—or this bit that "You sure make a fine cup of coffee, honey" or something of that sort. A man could be branded as a felon if he violated the copyright on two occasions.

Mr. KASTENMEIER. If the gentleman will yield further, the additional offense, of course, is punished as he described.

Mr. WHITENER. As a felony?

Mr. KASTENMEIER. As a felony. However, under what circumstances the maximum penalty would be employed by the court is something else. I think we can assure the gentleman this would be a rare case indeed.

Mr. WHITENER. I must interrupt the gentleman. He knows that under this specific language——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. The gentleman knows enough about statutory construction to know the court would not have one thing to do with determining whether or not it was a felony on there being evidence of a second violation or a second infringement of the copyright. The proof of the fact of a second infringement automatically would make the violation of the law a felony. It would not be a matter which would be up to the discretion of the court, and the court could not take into account the value of the copyright or the work. All the evidence would have to show would be a second violation of the copyright. That would make the violator guilty of committing a felony even though he was not aware of his violation of the law at the time of his commission of the act.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. Of course. I yield to the chairman of the committee.

Mr. CELLER. Whenever the term "one year" or "once" or "designated fine" is used, the words mean, "up to." It does not necessarily follow that the court must inflict the utmost.

Mr. WHITENER. Mr. Chairman, you know, under title 18 any criminal offense punishable by more than 1 year under the Federal Code is a felony.

Mr. CELLER. Yes.

Mr. WHITENER. That is elementary law.

Mr. CELLER. But I think the types of reasons that are mentioned in section 506 are the following: There are four types of criminal offenses actionable under the bill, and they are listed in section 506.

Mr. WHITENER. Mr. Chairman, may I interrupt the gentleman long enough to ask this question:

Would not the committee be willing to just—we will forget about my amendment, if that is the wish of the members of the Committee of the Whole House on the State of the Union today—strike out this language in the present bill relating to "only three years" and provide "shall be fined not more than $10,000 or imprisoned for not more than one year, or both."

Now, if you will do that, you will take away the stigma of a felony. I cannot conceive of any judge giving a man any more than 1 year imprisonment for a copyright violation, but it would still—if he is convicted, make a felon out of him.

Mr. CELLER. I believe that the gentleman from North Carolina must take into consideration the following: that there are four types of criminal offenses actionable under the bill, and they are listed in section 506 which the gentleman from North Carolina desires to amend under the heading "Criminal Infringement, Fraudulent Copyright Notice, Fraudulent Removal of Copyright Notice,"——

Mr. WHITENER. Mr. Chairman, I do not yield further, but may I point out this fact to the distinguished chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], that the fraudulent section of the bill makes violation a mere misdemeanor. It is where he is involved in private financial gain that you make the offense a felony.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, I want to ask the chairman of the committee, the gentleman from New York [Mr. CELLER]—and, incidentally, I shall be willing to withdraw my amendment, if either the gentleman from New York [Mr. CELLER] or the chairman of the subcommittee, the gentleman from Wisconsin [Mr. KASTENMEIER], would move to strike out "three" and insert "one"?

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, the committee has discussed this amendment, and we are willing to accept the gentleman's recommendation for the adoption of an amendment striking out the period of 3 years.

Mr. WHITENER. Will the gentleman from Wisconsin [Mr. KASTENMEIER] offer the amendment?

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I am happy to yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, I am sure the distinguished gentleman intended to say, "if the present amendment were withdrawn"?

Mr. WHITENER. That is exactly the proposition which I made.

Mr. POFF. And, Mr. Chairman, if the gentleman from North Carolina will yield further, if another amendment is offered subsituting 1 year for 3 years?

Mr. WHITENER. I understood the gentleman from Wisconsin [Mr. KASTENMEIER] to say that he is going to offer an amendment to strike out "three" and insert in lieu thereof "one."

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is my opinion that before the gentleman makes such an arrangement he should scrutinize precisely as to how often this type of sentence has been used and imposed.

Mr. Chairman, I would point out to the gentleman that the criminal sections involving violation of the copyright laws are seldom used. In fact, they have been used precisely four times, and in one case they were used in what amounted to what was a clear case of a violation of criminal laws.

Mr. Chairman, it is my opinion that the entire section should be stricken.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Yes; I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, that is precisely why we do not impose the strictest criminal provisions, because they are rarely brought into play. However, they are used to compel compliance with the law.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from North Carolina.

Mr. WHITENER. Will the gentleman from Michigan [Mr. DINGELL] ask the gentleman from Wisconsin [Mr. KASTENMEIER] if he is prepared to offer the necessary amendment in order to effect this change?

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. Yes; I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Yes; as I suggested to the gentleman from North Carolina [Mr. WHITENER], I am prepared to offer an amendment.

Mr. WHITENER. Mr. Chairman, in that event, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. DINGELL. Mr. Chairman, I object, and I ask for recognition.

Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, the proposed substitution by the committee representatives does precisely nothing, if adopted.

Mr. Chairman, as I have mentioned in an earlier colloquy with my good friend, the gentleman from North Carolina [Mr. WHITENER], the criminal sections, according to the studies that I have been able to make with great care of the files of the U.S. Department of Justice, reveal to me that in precisely four cases and only four cases in history have the criminal sections of the copyright laws been used. On another occasion, in a case reported, and it represented one of the most obvious and flagrant and outright and outrageous use of the criminal sections that one could imagine—a clear-cut case of blackmail of an infringer.

The infringement in that particular case was by an instructor who, having charge of the choir, made something like 40 copies of an arrangement of a particular musical publication. These were not original copies, but they were arrangements of a copyrighted piece of music. He subsequently had the work sung once by a high school choir in a church. As a result of this he was so pleased with the arrangement that he went to the publisher and to the holder of the copyright, and said "I have made a grand arrangement. Would you like to take a look at it?"

The holder of the copyright then proceeded to go after him for infringement and, because he could not succeed in suing the individual concerned for infringement, he then went after him on the basis of a violation of the criminal laws of the United States and sent to him a most extraordinary letter in which he said, as follows:

> The copyright laws permit us to ask a statutory fee of not more than $5000, and not less than $250. For the present we will be satisfied with the minimum of $250, and will allow you 90 days from this date for compliance. For the present we will not institute criminal complaint for willful infringement, maximum penalty one year in jail, and a $1000 fine.

I would point out to my colleagues that the tenderness of the heart of the subcommittee in reducing potential offenses against an infringer does not go to reduction of the increased fines, but only to the possibility of incarceration of the individual in jail, so I would point out that the charity that is being displayed by the committee today toward a potential infringer does really small good for an individual like this choir director who was charged with willful infringement, and was subsequently convicted. This, I think, is perhaps one of the most outrageous sections of a very bad piece of legislation. This particular proposal allows not only civil remedies, as one would find for violations of contracts or violations of patents, but actually goes so far as to allow the individual who is wronged an option of rushing into court to threaten a relatively innocent and, indeed, a relatively unfortunate and usually a relatively weak defendant, not with civil action, which is an appropriate remedy for violation of copyright, but to threaten him with criminal prosecution. I believe that this amendment suggested by the gentleman from North Carolina should be accepted. I believe the committee substitute if offered should most appropriately be rejected as an incentive and an invitation coercion and compulsion on the part of a person doubtfully situated by right so to do.

SUBSTITUTE AMENDMENT OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER. Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

> Amendment offered by Mr. Kastenmeier as a substitute amendment for the amendment offered by Mr. Whitener: On line 2, page 45, strike the words "three years" and substitute in lieu thereof the words "one year".

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Wisconsin [Mr. Kastenmeier], to the amendment offered by the gentleman from North Carolina [Mr. Whitener].

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. Whitener], as amended by the substitute amendment offered by the gentleman from Wisconsin [Mr. Kastenmeier].

The amendment as amended was agreed to.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I direct the attention of the Committee to page 30, section 303, which reads as follows:

> Copyright in a work created before January 1, 1969, but not theretofore in the public domain or copyrighted, subsists from January 1, 1969, and endures for the term provided by section 302. In no case, however, shall the term of copyright in such a work expire before December 31, 1993; and, if the work is published on or before December 31, 1993, the term of copyright shall not expire before December 31, 2018.

Mr. Chairman, what I am trying to find out is this. If a work is in existence now, what happens to it when its only protection is a common law copyright? Because under the terms and conditions of this bill, you are then, as I understand it, limited to the copyrights that are protected by the terms and conditions of this bill.

My question is: In these copyrights which are common law in their nature which may have been in existence before this law is enacted—what happens to those? Does anybody have any suggestions as to what the answer might be?

Would it be unreasonable to say that this bill would protect their rights?

Mr. Chairman, if I may repeat my question.

First of all, under this bill your common law copyrights are destroyed and you only depend on the copyright that is established by this bill. That being the situation, suppose you have a common law right to a copyright that is in existence before this bill is adopted. Then in that case does that copyright continue after this bill is adopted? That is my first question.

Mr. KASTENMEIER. Do I understand that the gentleman's question is: What happens to unpublished works and what happens to the rights in current unpublished works when the law goes into effect?

Mr. ROGERS of Colorado. Yes.

Mr. KASTENMEIER. I think the gentleman read what happened to them—namely:

> Copyright in a work created before January 1, 1969, but not theretofore in the public domain or copyrighted, subsists from January 1, 1969, and endures for the term provided by section 302. In no case, however, shall the term of copyright in such a work expire before December 31, 1993; and, if the work is published on or before December 31, 1993, the term of copyright shall not expire before December 31, 2018.

Mr. ROGERS of Colorado. Then would that apply to the common law copyright?

Mr. KASTENMEIER. If the gentleman has reference to unpublished works which commonly are described as being protected by common law copyright, the answer is yes.

Mr. ROGERS of Colorado. Suppose some of the writers of songs or performers have placed their voice or performance on records and having placed their performance or their voice on a record, do they have a common law right at least to protect their own voice and their own work? After January 1, 1969, would people be permitted to copy those works and play them or display them?

Mr. KASTENMEIER. If I understand the gentleman's question, if these works are still under common law protection on the effective date they will be protected thereafter.

Mr. ROGERS of Colorado. I thank the gentleman.

AMENDMENT OFFERED BY MR. MOORE

Mr. MOORE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Moore: On page 46, line 2. After line 2 insert new Section 509 as follows:
>
> "§ 509. The provisions of this Title shall not apply to community antenna television systems.

Mr. MOORE. Mr. Chairman, I shall not take 5 minutes to explain this amendment. The committee fully understands and realizes that we have taken section 111 out of this bill, which is that portion of it which deals specifically with CATV or the community antenna television. This amendment merely provides substantially that since we have done that, other provisions of the bill shall not apply to CATV.

For those in the committee here who feel that for some reason or other there is a question in their minds about the rights or privileges of CATV either to capture a signal or retransmit the same as to use material without the possibility of cost to them, that is, copyrighted material, may I simply say to each of you that I do not believe that CATV should have the privilege of utilizing copyrighted material without a corresponding liability.

At the same time, may I say, substantially what I seek to do with the addition of a section 509 is to simply say that the provisions of title 17 shall not apply to the community antenna television system. With the elimination of section 111 from this bill, the public residing in the areas normally served by TV stations which subscribe to CATV systems could have to pay the copyright owner twice as it is presently constructed, once through the advertiser of products he purchases, and secondly through the CATV system itself.

The second point I desire to make is that there are differences between the Judiciary Committee and the Committee on Interstate and Foreign Commerce which could not be resolved in this bill, and it would seem that we would punish the general public for those differences not being resolved.

The differences between the Committee on Interstate and Foreign Commerce and the Committee on the Judiciary, I believe, can be worked out on a considered basis, and each could recommend legislation within its own jurisdiction.

The CATV, in testimony given in the other body, indicated that they did not seek a total exemption, and I understand this is certainly not the case today. All they seek, and all I seek to do by the amendment, is to obtain fair treatment for this new and widely used media. With this amendment the Congress, I believe, can fashion that fair treatment in order that they pay copyright appropriately consistent with the rights of the public, and I would hope that this amendment, Mr. Chairman, might be agreed to.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I am happy to yield to the gentleman from North Carolina.

Mr. WHITENER. As I understand the gentleman's amendment, it merely provides that title 17 of this act shall not apply to community antenna television operation.

Mr. MOORE. The gentleman is correct.

Mr. WHITENER. The amendment would eliminate a great deal of controversy and concern that has been so bothersome and confusing to us for several days now.

Mr. MOORE. The gentleman from North Carolina is correct.

Mr. WHITENER. I am sure the gentleman feels that this would not necessarily close the matter permanently, but that the Committee on Interstate and Foreign Commerce will later make the study which they have suggested of the total cable antenna television operation.

Mr. MOORE. The gentleman is absolutely correct. All I seek to do is to give the Committee on Interstate and Foreign Commerce complete jurisdiction on this matter. I want to give them the matter in its entirety to look at, and then have them come back with appropriate recommendations.

Mr. WHITENER. I commend the gentleman for the amendment and hope that it will be adopted.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. CELLER. Mr. Chairman, this amendment would frustrate the agreement with the Interstate and Foreign Commerce Committee which has agreed to work with the Judiciary Committee on this very vexatious problem. Why should we anticipate and finalize, as it were, what the Interstate and Foreign Commerce Committee might later do in conjunction with the Judiciary Committee? This amendment, if it is adopted, is in violaton of the agreement the Judiciary Committee made with the Interstate and Foreign Commerce Committee, and adopted here today, and I believe it would be highly unfair to violate that agreement.

Beyond that, why should CATV be free from payment of copyright royalties? Why should it get the preference which is not accorded all other industries? TV pays royalties. Radio pays royalties. Juke boxes will pay royalties. Cabarets will pay royalties. Concerts pay royalties. Movies pay royalties. Theaters pay royalties. But we have now an invidious distinction, a preference which is utterly unjustified with reference to CATV.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from West Virginia.

Mr. MOORE. Mr. Chairman, the gentleman knows full well that in my remarks I do not intend, and I do not think the gentleman intends to leave the impression that we are going with finality here today to permit CATV to get off scot free. What we seek to do here is simply to give the committee which has jurisdiction the opportunity to answer this question in whole.

Mr. CELLER. Let the Judiciary Committee in conjunction with the Interstate and Foreign Commerce Committee work this matter out. That is what we agreed to do. Now the gentleman wants to come in to upset the applecart.

Let us see what CATV really is and see who are the people that the gentleman from West Virginia wants to help. There are 1,502 such television systems that pick up, as it were, programs from TV-licensed stations and networks and siphon off programs which, according to what the amendment would imply, would charge the listeners fees, but would pay nothing in the way of royalties to that which is the sine qua non of CATV, the work of the creative artists. So they would pay nothing to the authors of the poetry, to the dramatists, to the songwriters, whose work the CATV would appropriate. They would become free riders. I cannot accept that, I cannot stomach that, especially in view of the arrangement that has been made.

CATV, it has been indicated in the hearings, is an industry that anuually takes in $150 million. Now the gentleman from West Virginia wants to exempt that industry from royalties in connection with the creative work that they pilfer and take off from the licensed TV stations.

Let us see who some of these entities are that own these CATV stations which would go scotfree of royalties under the amendment that the gentleman from West Virginia offers. There is the General Tire & Rubber Co., which owns 72 CATV franchises, all profitable, and which has applied for six more.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from West Virginia.

Mr. MOORE. Not one of those 72 are located in the State of West Virginia—that is, of the General Tire & Rubber Co.

Mr. CELLER. I do not say they are located in West Virginia. I would say they are located in various parts of the country.

There is the Cox Cablevision Corp., which owns 40 CATV stations.

Mr. MOORE. Not one of which, may I say, if the gentleman will yield, is located in the State of West Virginia.

Mr. CELLER. I do not say they are located in West Virginia. I do not know where they are located.

Mr. MOORE. Mr. Chairman, will the gentleman yield further?

Mr. CELLER. I yield to the gentleman from West Virginia.

Mr. MOORE. Mr. Chairman, knowing the gentleman's service in the Congress, I know he wants a majority of the people of this Nation to have the full advantage of this great media of TV. This industry that takes this great media to billions of people throughout the country is exactly what I seek to preserve. I believe he would want to preserve that, too.

Mr. CELLER. I want the CATV owners to pay for what they would, under the gentleman's amendment, get for nothing. They should pay for it.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. CELLER was allowed to proceed for 5 additional minutes.)

Mr. MOORE. If the gentleman will yield further, I do not seek to forgive them from paying for copyrights. I seek by this amendment to give them the opportunity to allow the gentleman's committee and the Committee on Interstate and Foreign Commerce to have this Congress legislate as a whole.

Mr. CELLER. The gentleman would not do that at all. The gentleman, by this amendment, would free them from payment for copyrights.

It may be that the Committee on Interstate and Foreign Commerce and the Judiciary Committee later will act, or they may never touch upon this subject. I do not know.

Meanwhile, if this amendment should prevail and become the law, there would be no payment for copyrights, despite the fact that all the other media have to pay copyright royalties to the creative artists.

Let me give some other names of those who own stations.

Cox Cablevision Corp. owns 40 CATV stations and is seeking 30 more franchises.

The Teleprompter Corp. has 25 delectable franchises and has applied for two more.

The General Telephone & Electronics Corp., with huge profits, operates 24 CATV stations, and it wants 13 more.

The Triangle Publications, Inc. has 23 profitable stations, and wants to add 12 more.

The General Electric Co.'s cablevision subsidiary has 21 franchises and has applied for 27.

The National Broadcasting Co. has CATV stations, and the Columbia Broadcasting Co. has CATV stations. Those two play both ends toward the middle. They have TV and CATV. They would be going scot free from payment of royalties to the creative artists. That I cannot stomach.

I believe the gentleman is on the wrong track.

Again I implore the Members not to violate the agreement we made solemnly with the chairman of the Committee on Interstate and Foreign Commerce not to touch this subject, that we would deliberate subsequently and go into this very, very carefully and test every feature of it.

Now along comes the gentleman from West Virginia to upset the applecart, as it were, when he wants to let these CATV stations go without the payment of royalties. No. That is unfair.

I hope the amendment will be voted down.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Iowa.

Mr. GROSS. Is there not a CATV outlet in Austin, Tex., owned wholly or in part by a broadcasting corporation there?

Mr. CELLER. I have no knowledge about that.

Mr. GROSS. I wonder how Mr. Johnson feels about this.

Mr. CELLER. That is a political question. The gentleman would have to answer that himself.

Mr. WHITENER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the distinguished chairman of the Judiciary Committee has talked about a solemn agreement made with the chairman of the Interstate and Foreign Commerce Committee. As I understood it, there were members of the Interstate and Foreign Commerce Committee who felt that by the nature of the language in this proposed bill there was a left-handed attempt to regulate cable antenna television, which should properly be done by the Committee on Interstate and Foreign Commerce. The amendment was adopted striking section 111 in order that there might be a full study of the regulatory aspects of cable antenna television by the appropriate committee.

As a member of the Judiciary Committee—and I can only speak for this one member—I do not understand that there would be any proper agreement on the part of our committee with the Interstate and Foreign Commerce Committee which would violate the rules of the House and give to the Judiciary Committee any legislative jurisdiction in the regulatory field over cable antenna television.

I see no merit whatever in this contention that in some way our good friend from West Virginia [Mr. Moore] has committed the unpardonable sin and has brought about a possible breach of some solemn agreement between the chairmen of these two committees. The only thing his amendment would do is simply provide that cable antenna television, secondary transmission of primary signals or of primary transmissions would not be subject to title 17 as proposed here.

There is nothing wrong with that, it seems to me, because when one of these primary transmitters pays the fee for the use of the copyrighted article, there is certainly no limitation as to the number of listeners or viewers who may look or listen to this transmission. The only thing that a cable antenna television system does is to increase the viewing and listening audience, not of a new signal but of a secondary transmission of a primary transmission which they pick up from the spectrum. So it does not seem to me that any grand larcency is being sanctioned here by the adoption of the Moore amendment.

I would hope you listened to the chairman of the Committee on the Judiciary [Mr. Celler] when he pointed out that the Columbia Broadcasting System and the National Broadcasting Co. have gone into the cable antenna television business. It would seem to be rather logical that the reason they did so was to increase the number of viewers and listeners they have in order that they might get more for the product they are selling. This is just as a newspaper tries to increase its circulation in order to advance its advertising rate. So this amendment which the distinguished gentleman from West Virginia has offered, it seems to me, violates no agreement but merely brings reason into a picture which is already somewhat confused.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from West Virginia.

Mr. MOORE. Are we not also taking into consideration here paying twice for the use of one transmission and by writing this language into title 17 we are substantially putting this whole problem in its proper perspective on a jurisdictional basis here in Congress. Is that correct?

Mr. WHITENER. Absolutely. And may I say before I conclude that the gentleman from New York [Mr. Celler] a moment ago said that these big profitmaking concerns—and I personally do not oppose big profitmaking concerns—are in the cable antenna television business. I am not too concerned about that; it is a legitimate business. Down my way the cable antenna television operations were generally formed by local citizens who put up some money in order to get more television signals. If we lived in New York City or in San Francisco or some large city where they have a number of channels, it would not be necessary to have cable antenna television there. Where stations are scattered and population is sparse, the cable antenna television is performing a very important role.

Mr. MOORE. Mr. Chairman, will the gentleman yield further?

Mr. WHITENER. I am glad to yield to the gentleman.

Mr. MOORE. The circumstances in the gentleman's State are exactly those which exist in the State of West Virginia. These systems are usually owned by community-minded citizens, small in number, and they are not in any way in the context of those recited here by the distinguished chairman.

Mr. WHITENER. Generally they raise funds locally and put an antenna on the highest piece of ground they can find in order to bring in as clearly as possible a primary transmission which may be transmitted many miles away.

Mr. MOORE. There are exceptions to that, but generally that is the rule.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. A hotel or a motel sometimes puts up an antenna and amplifies a signal and puts it into the hotel or motel. Would this be classed as CATV?

Mr. WHITENER. I am really not prepared to answer that. I will yield to the gentleman from Wisconsin [Mr. Kastenmeier], because I know he is prepared to answer these questions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KASTENMEIER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not take the entire 5 minutes, but I want to say the major reason why the Committee of the Whole ought not to yield to this amendment is that it places CATV, in terms of a nonexempt user of copyright material, in a very special situation. Anyone else, and any other user, who does not have an exemption, whether he be a teacher or anyone else, falls under the section of chapter 5.

Mr. Chairman, what does this say? Anyone who violates any of the exclusive rights of the copyright owner as provided by sections 106 through 116, or who imports copies or phonorecords into the United States in violation of section 602, is an infringer of the copyright.

So, Mr. Chairman, I implore the Committee of the Whole House on the State of the Union to reject the amendment.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. Yes, I yield to my distinguished friend, the gentleman from New Jersey [Mr. Joelson].

Mr. JOELSON. Mr. Chairman, can the gentleman from Wisconsin tell me whether "CATV" means "complete avoidance of TV"? Is that what the gentleman from Wisconsin means?

Mr. KASTENMEIER. It is my opinion, Mr. Chairman, that the gentleman from New Jersey [Mr. Joelson] and it is my opinion that all the Members of the Committee of the Whole House on the State of the Union know by now what CATV means.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. Yes, I yield to the gentleman from New York.

Mr. OTTINGER. This amendment would cause great mischief, and it is precisely the reason why we moved to remove section 111 from the bill.

Mr. Chairman, the question is, In what status will we leave CATV, while the House Committee on Interstate and Foreign Commerce is considering this legislation?

Mr. Chairman, through this process CATV will not have proceeded upon its way at all. It would not have to pay anything to the creators, the artists, and the other people responsible for the material and content of the various programs.

Mr. Chairman, under this program the CATV would have to pay its way and be subject to reasonable copyright laws.

Mr. Chairman, in my opinion I respectfully request that the situation should be left as it is and I, therefore, hope that the members of the Committee will vote against the pending amendment.

Mr. KASTENMEIER. Mr. Chairman, I yield back the balance of my time.

Mr. SPRINGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hope that I can recall to the Members of the Committee the manner in which we were disappointed on Thursday last and what we have been discussing today as the first order of business.

Mr. Chairman, I did not support the move to strike out section 111. I was for the Kastenmeier amendments because, in my opinion, they represented the fairest manner of living with this problem. However, that was not the manner in which the question was resolved.

Mr. Chairman, section 111 was stricken. That represented the beliefs, as I understood it at that time, at least, of the chairman of the Committee on Interstate and Foreign Commerce and the chairman of the Committee on the Judiciary, and accordingly it was done. However, I wonder if this was fully understood here, on the floor of the House, as one of the pending matters of business before the Committee of the Whole House on the State of the Union.

Now, Mr. Chairman, this amendment in my opinion seeks to accomplish through the back door something that was not agreed to and which was discussed openly and fully. At the completion of the debate of Thursday last the feeling was to take CATV completely out from under the copyright law.

Mr. Chairman, it is my opinion that all the members of the Committee saw the injustice of this, the injustice of trying to so exempt CATV and eliminating the entire text of section 111.

Mr. Chairman, what was the purpose of this move?

Recently there was a New York Federal district court decision which held that CATV is subject to the copyright law.

Now, Mr. Chairman, this bill, if passed, must be observed by CATV, but the entire purpose of the amendment offered is to take CATV out from under the New York Federal district court's decision handed down by a lower court, a decision which might even go all the way to the Supreme Court of the United States.

Mr. Chairman, I do not wish that there be any misunderstanding as to the purpose of the pending amendment. The purpose of the pending amendment is to simply take CATV out from under the copyright law.

Mr. Chairman, what is the effect of this amendment? This amendment that the copyright owner who permits his work to be used by any TV station has no protection of any kind when a CATV thereafter uses his property.

I thought that the compromise of this bill would place CATV and television in some kind of balance, but this amendment removes the balance completely. In other words, this gives a terrific advantage to CATV in that they can pick up any program they want to and they are not responsible for it financially, economically, or in any other way. That is an injustice, and I do not believe it is a fair proposition, and I believe my colleagues can see this.

That is the simple proposition which you are voting on here now, and I would hope, in view of the fact that section 111 has been removed, that there would be no further attempts to remove CATV from the copyright law, or from the law of the land, as it presently exists.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. ROGERS of Colorado. If the decision you are talking about in New York says that they are not subject to the copyright provisions, and this should be reversed, do you then propose that this law should bring them under it?

Mr. SPRINGER. I would say yes, they ought to be under it in some respect, and I believe the CATV people, if you talk to them, realize this is a fair proposition, that they cannot be outside the copyright law and pick up broadcasts which cost millions of dollars to produce and rebroadcast it for nothing. I do not think any business should so profit from the labor of another. That is exactly what the Federal court decision said in New York.

Individuals who have a copyright in a broadcast should be able to protect that right and not have it so picked up.

Mr. ROGERS of Colorado. But is it not true that they have paid for it once?

Mr. SPRINGER. No; they have not.

Mr. ROGERS of Colorado. Then how can they pick it up?

Mr. SPRINGER. They are picking it up now by virtue of the fact that there is a great deal, may I say, of uncertainty and that even the networks and the producers have not been sure of where they were until this New York Federal court decision.

Mr. ROGERS of Colorado. But in order for it to be CATV, they pick up the signal from some place, do they not?

Mr. SPRINGER. Yes; that is correct.

Mr. ROGERS of Colorado. And that signal from which they pick it up has already paid the copyright owner, have they not?

Mr. SPRINGER. No; they have not.

Mr. ROGERS of Colorado. Well, now, if they have not paid them, if the original broadcaster has not paid them, then is it subject to copyright?

Mr. SPRINGER. I would say that if they use a copyrighted program, yes. If they have agreed with the producer for it that does not mean that CATV can pick up somebody else's broadcast on which someone else has paid the copyright fee. That is exactly what the New York Federal district court said—you could not take this, then, and rebroadcast, it after it has already been paid for once by the original broadcaster. That is what the New York decision said.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. CORMAN. As I understand it, the parties went into the New York court and it was established by the court that CATV should be liable, and we would be by this amendment reversing that court decision.

Mr. SPRINGER. That is exactly what this would do.

Mr. CORMAN. Mr. Chairman, I urge a "no" vote.

Mr. SPRINGER. Mr. Chairman, for these reasons I would ask that this amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken; and on a division (demanded by Mr. MOORE), there were—ayes 17, noes 57.

So the amendment was rejected.

Mr. KASTENMEIER. Mr. Chairman, I ask unanimous consent that all debate on the bill, and all amendments thereto, conclude in 20 minutes.

Mr. ROGERS of Colorado. Mr. Chairman, reserving the right to object, may I inquire how many amendments there are?

The CHAIRMAN. The Clerk advises there are two amendments at the desk.

Mr. DINGELL. Mr. Chairman, I have two amendments at the desk.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. KASTENMEIER]?

Mr. DINGELL. Mr. Chairman, I object.

Mr. KASTENMEIER. Mr. Chairman, I move that all debate on the bill, and all amendments thereto, conclude at 5 o'clock.

The motion was agreed to.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

The CHAIRMAN. The Chair recognizes the gentleman from Colorado [Mr. ROGERS], a member of the committee.

Mr. ROGERS of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 30, line 38, after 2018 insert:

"A sound recording created before January 1, 1969, phonorecords of which have heretofore been distributed to the public, shall be deemed first published on January 1, 1969.

"Copyright in such a work and in any other sound recording created before January 1, 1969, shall subsist and endure as provided by this section for other works."

The CHAIRMAN. Pursuant to the limitation of time, the gentleman from Colorado [Mr. ROGERS] is recognized for 2 minutes.

Mr. ROGERS of Colorado. Mr. Chairman, the objective of this amendment is to make clear that any common law copyright that may have been reported or may have been in existence at the time this act becomes effective shall now continue to be protected. It is just as simple as that and nothing more and nothing less.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. KASTENMEIER. It is my understanding that the gentleman's amendment is not necessary, and that this is already in the bill.

Mr. ROGERS of Colorado. There is some question about whether it is necessary or not. But it does take care of doubtful interpretation that would expose the recording industry to years of litigation and threaten the loss of investment in all its valuable recordings. So why not put it right in there so there would be no question about it and that would be the end of it. So accept the amendment.

Mr. KASTENMEIER. The record industries have been very careful about following this bill and none of the recording industry to my knowledge charged that the bill has the effect that the gentleman thinks it has or that there needs to be this additional language.

Therefore, Mr. Chairman, I urge rejection of this amendment.

Mr. ROGERS of Colorado. Then just accept the amendment and we will have no dispute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ROGERS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 29, in lines 23 and 24, strike out the phrase "the life of the author and fifty years after his death" and substitute in lieu thereof the words "twenty-eight years".

On pages 29, 30, 31, 32, 33, 34, strike out lines 25 on page 29, through line 37 on page 34, and insert in lieu thereof the following:

"(b) RENEWAL.—In the case of any copyrighted work other than a work for hire, the author if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's father, mother, brothers or sisters, shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within three years prior to the expiration of the original term of copyright: And provided further, That in the default of the registration of such application for renewal and extension the copyright in any work shall determine at the expiration of twenty-five years from the creation or publication, whichever is earlier."

The CHAIRMAN. The gentleman from Michigan is recognized for 2 minutes.

Mr. DINGELL. Mr. Chairman, I think this amendment is pretty much self-explanatory. Because of the very limited amount of time, I would point out that it very simply curtails and limits the amount of time which a copyright is going to be afforded to a copyright holder. It says 28 years plus a renewal of 28 years. The amendment to the copyright law before this body says 50 years plus the life of the holder. It is ostensibly argued by this committee that this is to reward creativity. The answer is that it does not reward creativity at all. It provides for the education of the grandchildren and the great-grandchildren of the person concerned, if he is lucky enough to get any money from the people who really get the benefit out of copyrights, and that is the exploiters of authors, poets, and so forth.

I took the trouble of going into the question of whether or not hearings had been held on this legislation. It is fair to point out there have been no hearings whatsoever held. No reports from the departments have been received. The only comment I could find from a department was one dated in 1962, speaking to the question of whether or not the Department of Justice supported the idea that copyrights should be extended. The language of that letter in part is as follows:

> The Department of Justice is opposed to lengthening the period of copyrights. Copyrights (and patents) are forms of monopolies and should not be extended for periods longer than those now provided by law. The present 56-year monopoly granted to authors is in our view fully adequate to reward authors for their contributions to society. Considering this matter from the viewpoint of the public, which is interested in the early passing of copyrighted material into the public domain, it would seem unwise to extend further copyright monopoly.

Then they went on to say:

> In view of the foregoing considerations the Department of Justice is strongly opposed to the enactment of the resolution.

The Department of Justice also went on to quote from article I, section 8 of the Constitution, which provides that the purpose of copyrights is "to promote the Progress of * * * Authors and Inventors the exclusive rights to their respective Writings and Discoveries."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DINGELL: On page 45, insert the following after line 18:
>
> "(e) When a work of the United States Government is included in a derivative work or a compilation, a notice indicating the presence of such work of the United States Government and a statement to the effect that copyright protection does not extend to that portion of the derivative work shall be prominently displayed in immediate proximity to the notice of copyright. The Register of Copyrights shall prescribe by regulations the form and position of the notice and statement, as well as the additional factual information to be contained therein. Factual information including the date of United States Government publication, whether the work is available from the Government Printing Office, and identification of the portions of the work which appear in the derivation or compilation shall appear in said notice and statement. Failure to include removal of, or alteration of such notice or statement shall be actionable under section 506 (b), (c), or (d)."

Mr. DINGELL. Mr. Chairman, we heard earlier of individuals busily exercised in the alleged or so-called or perhaps fraudulent or admitted copyrighting of documents published now by the Federal Government free of charge, available to the populace at large through the Government Printing Office, and we saw a number of things like "Baby Care," "Your Child, 6 to 12," "Prenatal Care," and a number of other documents which now bear alleged copyrights by private citizens. It is fair to say that this is a grave abuse of both the taxpayers, the Government Printing Office, and those persons who might be compelled to pay royalty prices for these so-called original publications.

I believe this amendment reaches the problem which was discussed at that time. It is offered in good faith to protect a piece of legislation which I believe has grave defects.

I would point out that it will stop in a very real sense the kind of rascality that the gentleman from West Virginia [Mr. MOORE] has pointed out, where individuals are now asserting copyrights to something which properly belongs to the Federal Government, something which properly belongs to the taxpayers, something which properly belongs to all the American people.

I would hope the Committee will adopt the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The question was taken; and on a division (demanded by Mr. DINGELL), there were—ayes 14, noes 43.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. KASTENMEIER: On page 28, line 33 delete the period after "Chapter 3".
>
> On page 29, line 34 strike out "if" and insert in lieu thereof "If".
>
> On page 34, line 14 strike out "clause (2)" and insert in lieu thereof "clauses (1) and (2)".
>
> On page 35, line 1 delete the period after "Chapter 4".
>
> On page 35, line 1 strike out "COPYIGHT" and insert in lieu thereof "COPYRIGHT".
>
> On page 38, line 16 strike out "of phonorecords" and insert in lieu thereof "or phonorecords".
>
> On page 46, line 10 insert a comma after "title".
>
> On page 49, line 19 delete the period after "Chapter 7".
>
> On page 49, line 28 strike out "responsbility" and insert in lieu thereof "responsibility".

Mr. KASTENMEIER. Mr. Chairman, as is evident from the reading by the Clerk, these are clerical amendments and solely for that purpose, to make the rest of the chapters of the bill, 2 through 7, conform to the clerical corrections.

Mr. GROSS. Mr. Chairman, I rise to speak to the amendments.

Mr. Chairman, I do not know to where the pending amendments go in the bill, because, to add to the confusion, the bill copy I have goes to page 24 and then the next page is 31. Then it goes from page 32 to page 29, and then from page 30 to page 27. From there it goes down to page 25 and then up to page 26, and from 26 to page 33.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I believe it is fairly evident, if the gentleman from Iowa listened to the reading of the amendments, that these are clerical amendments.

Mr. GROSS. Yes, but it is pretty hard to adjust to the pages, when they do not follow consecutively; when they jump 5 or 6 or 15 pages.

I do not know how much more confusion there could be with respect to this bill, or how it could be more compounded than to have copies of the bill such as this.

Mr. KASTENMEIER. May I say that the amendments I sent to the desk were in order.

Mr. GROSS. I am not challenging the validity of the amendments. I merely point out that one could not compound the confusion of this bill much more than to provide copies which jump from 5 to 10 pages and then go back an equal number.

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Wisconsin [Mr. KASTENMEIER].

The amendments were agreed to.

Mr. RARICK. Mr. Chairman, Congressman EMANUEL CELLER's bill, H.R. 2512 is titled, "For the general revision of the Copyright Law, title 17 of the United States Code and for other purposes."

The authority for a copyright law is found in the Constitution, article 1, section 8(8):

> To promote the Progress of Science and useful Arts, by securing for *limited Times* to Authors and Inventors the *exclusive Right* to their respective Writings and Discoveries.

The reason for the copyright law is, then, to grant a property right.

Historically, by copyright under the Constitution, a right of protection against infringement of theft is granted an individual to safeguard his creations to encourage and to promote more effort and ingenuity.

In exchange of protection for our American copyright holders, our Government has made treaties and agreements with foreign governments where we likewise protect the copyrights of foreign authors, composers, and so forth. Ingenuity and creative genius are individual—not talent of a nation or foundation.

But examine the "for other purposes" of the new copyright bill:

SECTION 104, SUBJECT MATTER OF COPYRIGHT: NATIONAL ORIGIN

(b) PUBLISHED WORKS.—The works specified by sections 102 and 103, when published, are subject to protection under this title if—

(3) the work is first published *by the United Nations or any of its specialized agencies, or by the Organization of American States,* or (emphasis supplied).

This is a completely new provision. Never before in copyright law has an organization been so honored. Since copyright holders are by law elsewhere defined as a resident of a nation—we wonder if the UNO and OAS are to be treated as a nation with residents. But, where under the U.S. Constitution is there authority for Congress to pass a law to protect the U.N.—or, for that matter, any country or organization?

Yet, section 105 of this bill, subsection (a) provides copyright protection is not available for any work of the U.S. Government. Deeply significant, the U.N. or OAS need not qualify for this benefit by first agreeing to recognize the copyright of Americans by reciprocity. Weird legal provisions. For subsection (1) of section 104 provides for recognition of authors "of a foreign nation that is a party to a copyright treaty to which the United States is also a party" and subsection (2) of section 104 calls for reciprocity for foreign nations a party to the Universal Copyright Convention of 1962. Why any need for such a special interest provision? To protect copyrights or to control copyrights?

Possibly we are setting the stage for a one-world copyright office in the U.N. to deprive Americans of their creative endeavors.

Ask an attorney how he would advise his client on copyright law if the bill passes. Would he not need first check with the U.N.? What if the U.N. infringes an American copyright? The U.N. cannot be sued for damages. This takeaway from copyright holders is heavily ladened with "other purposes."

Likewise new to copyright law are: "Limitations on exclusive rights of copyright holder" under sections 107, 108, 109, 110, 111, 112, 113, 114, and 115. For example, in section 110:

Limitations on exclusive rights: Exemption of certain performances and displays.

Notwithstanding the provisions of section 106, the following are not infringements of copyright:

(1) performance or display of a work by instructors or pupils . . . of *nonprofit educational institution.*

(2) performance . . . or display . . . by a *governmental body* or other *nonprofit organization.*

(3) performance . . . or display . . . *in the course of services at a place of worship or other religious assembly.*

(5) communication of a transmission embodying a performance or display of a work . . . on a single receiving apparatus . . . used in private homes.

The bill continues for 55 pages "taking away" from the copyright holder his "exclusive right and protection at law." A legal steal from the rights of the creative individual to give to the tax free foundations and so-called Government projects and programs. One might ask where under the Constitution is found authority to "take away" from the exclusive right. The emotional appeal is under "national interest" and education. Special interest groups are here laying the groundwork to destroy another constitutional right and to pirate the individual citizen—without any approval of the copyright holder—by law.

To alter or change any law creates havoc and instability, but here to "take away" from a protective law is a dangerous trend to individual liberty and private property. No lobby is present to speak or defend the individual American. And this U.N. protection clause could be used as a plant for the big "takeaway" to grow on.

This, then, is the disguised meaning of "and for other purposes" in the bill. The many changes and alterations in this bill make it a danger to America. It would be better captioned "Anticopyright."

Mr. DELLENBACK. Mr. Chairman, I feel that I should call to the attention of the House the fact that I have an ownership interest in the radio-television field. As a result I have followed very carefully the floor debate on H.R. 2512 to make absolutely certain that any and all votes I cast on this bill were in the best interests of my constituents and of this Nation and in no wise influenced by my above-mentioned interest.

It is my opinion that the matter of copyrights in relation to CATV is of significant importance and all possible policy questions in connection therewith should be settled in advance by statute. On the basis of the representations by the respective chairmen of the House Committees on Interstate and Foreign Commerce and Judiciary that this field will be carefully reviewed and studied by their committees, I have not objected to Mr. OTTINGER's amendment to delete section 111 from this bill.

With this section deleted I see no personal conflict of interest involved in House consideration of and vote on H.R. 2512. Before coming to this conclusion I checked with one of the senior members of the Judiciary Committee which considered this bill and was assured by him that my conclusion in this regard accorded with his own analysis thereof.

Mr. TENZER. Mr. Chairman, during the debate on the copyright bill on last Thursday, April 6, 1967, one of our colleagues, the gentleman from North Carolina [Mr. WHITENER], criticized authors, composers, and performing artists for forming organizations for their mutual benefit and to protect their common interests. I fail to see any reason why these citizens should be criticized for organizing any more than the National Association of Manufacturers, the Chamber of Commerce of the United States, or the American Medical Association, or any other group of citizens or associations of businessmen, to provide for their common interests. In the index of the hearings on this bill there is a list of the various organizations whose representatives appeared to present their views on this legislation. It does not behoove us to criticize any of them or to question their motives which in all instances was to further their own best interests.

The gentleman took the time to question the words of a certain jukebox song. I never heard the song because I have no occasion to listen to music in jukeboxes. I am sure that the gentleman does not seek to control music writing or to prescribe rules and regulations about who may write a song and what songs may be written. Similarly I do not think the gentleman would want to control who may write a book or what kind of books may be written.

Another of our distinguished colleagues called the writer of the type of song quoted on the floor as "mental midgets." I do not know the composer of the song and have no record of his IQ or scholastic or cultural attainments.

I would like to say to the gentleman from North Carolina and the gentleman from Ohio, that the music, the lyrics, and the shows in which they appeared, which provided me and millions of other Americans with countless hours of pleasurable enjoyment, included the following:

ALLTIME GREAT AMERICAN POPULAR SONGS

"Over the Rainbow," Arlen & Harburg.

"Stardust," Carmichael & Parrish.

"Waiting for the Robert E. Lee," Gilbert & Muir.

"Moon River," Mercer & Mancini.

"Side by Side," Harry Woods.

"I'm Looking Over a Four-Leaf Clover," Harry Woods.

"Praise the Lord and Pass the Ammunition," Frank Loesser.

"Over There," George M. Cohan.

"Take Me Out to the Ball Game," Norworth.

"White Christmas," Irving Berlin.

"God Bless America," Irving Berlin.

"Days of Wine and Roses," Mercer & Mancini.

"Love Is a Many-Splendored Thing," Fain & Webster.

"Thanks for the Memory," Robin & Rainger.

"Some Enchanted Evening," Rodgers & Hammerstein.

"The Shadow of Your Smile," Mandel & Webster.

"St. Louis Blues," Handy.

"Tenderly," Gross.

"Misty," Garner.

"Deep Purple," De Rose & Parrish.

"I Could Have Danced All Night," "My Fair Lady," Lerner & Lowe.

"Seventy-six Trombones," "Music Man," Meredith Willson.

"Dancing in the Dark," "Band Wagon," Schwartz & Dietz.

"Easter Parade," "As Thousands Cheer," Berlin.

"Sound of Music," Rodgers & Hammerstein.

"All Alone."

"Night and Day," "The Gay Divorcee," Cole Porter.

"Smoke Gets in Your Eyes," "Roberta," Kern & Harbach.

"Hello Dolly," Jerry Herman.

"I Can't Give You Anything But Love, Baby."

"Rhapsody in Blue," "Porgy and Bess," "The Man I Love," George Gershwin.

"Alexander's Ragtime Band."

"I Can't Give You Anything But Love," McHugh & Fields.

"Some Enchanted Evening."

"Tea for Two," "No, No, Nanette," Youmans & Caesar.

"Hey, Look Me Over," "Wildcat," Coleman & Leigh.

"Happy Days Are Here Again."

"Oh! What a Beautiful Morning."

Mr. Chairman, I want to salute the songwriters and composers of America and give them the credit due them for their contribution to the culture of America. They are justly entitled to the protection, from the Congress, guaranteed to them by the Constitution of the United States.

Mr. MONAGAN. Mr. Chairman, under article I, section 8, of the U.S. Constitution, Congress has the power "to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." Since the first copyright law was enacted in 1790, only three comprehensive revisions were undertaken, the last of which took place in 1909. The technical advances and new methods of reproduction and distribution of copyrighted works which have taken place since 1909 make the law under which we are operating obsolete. Thus Congress has been guilty of neglecting the constitutional mandate of "promoting the progress of science and useful arts."

While I support a basic revision of the entire copyright law, I am particularly interested in the sections which relate to the rights of authors.

The present term of copyright—28 years from publication or registration plus a renewal of 28 years—is clearly inadequate, for many authors outlive this period and experience a loss of income in their old age when they need such income the most. Furthermore, if we were to look upon the authorship of a manuscript as an investment, which indeed it is, the extension of the copyright period from the present 56 years to a period which would cover the author's life plus 50 years is both realistic and justifiable. I might add, what better way can we promote the arts and sciences than by rendering increased protection to the fundamental rights of those who produce novels, plays, and poems?

The mere fact that technological advancements have facilitated the duplication of printed matter is no reason for undermining an author's investment in a written work. This is akin to saying that because modern cars can attain high speeds we should eliminate speeding limitations. The results of such thinking are equally disastrous in either case.

While the rights of authors must be protected, the needs of education must be taken into consideration. H.R. 2512, I believe, does just this by recognizing the judicial doctrine of "fair use" and establishing standards for determining whether one's use of copyrighted material constitutes "fair use." In any event, if the rights of an author are threatened by reproduction, the cost of maintaining these rights should be borne by the public as a necessary expense of education. Public funds are used to buy microscopes, laboratory aids, films, projectors, and of an educational system. There is no reason why the use of literary products similar requisites for the maintenance should be treated otherwise.

Mr. Chairman, it has been almost 60 years since the last general revision of our copyright law. If all our activities were governed by the thoughts that were prevalent at the beginning of this century, life would be unbearable. It is nonetheless unbearable for authors, and artists, playwrights, and composers who must exist and create an anachronistic law.

For the reasons I have stated, Mr. Chairman, I wish to support H.R. 2512 and I urge its adoption.

Mr. SCHWENGEL. Mr. Chairman, the present bill for general revision of the copyright law, like all our previous copyright statutes, is founded on the constitutional provision empowering Congress, "to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." Thus, copyright protection for authors is designed to stimulate the creation of informational and artistic works of literature, music, and the arts, thereby enriching the knowledge and culture of the Nation.

Even before the adoption of the Constitution, 12 of the original 13 States, in response to a suggestion by the Continental Congress, adopted copyright laws. The preamble in several of those laws contained a statement of purpose, of which the following from the Massachusetts act of 1783 is typical:

> Whereas the improvement of knowledge, the progress of civilization, the public weal of the community, and the advancement of human happiness, greatly depend on the efforts of learned and ingenious persons in the various arts and sciences: As the principal encouragement such persons can have to make great and beneficial exertions of this nature, must exist in the legal security of the fruits of their study and industry to themselves; and as such security is one of the natural rights of all men, there being no property more peculiarly a man's own than that which is produced by the labour of his mind:

Justice Stanley Reed, in a 1954 decision of the Supreme Court, stated the essence of copyright succinctly, as follows:

> The economic philosophy behind the clause empowering Congress to grant patents and copyrights is the conviction that encouragement of individual effort by personal gain is the best way to advance public welfare through the talents of authors and inventors in "Science and useful Arts." Sacrificial days devoted to such creative activities deserve rewards commensurate with the service rendered—(Mazer v. Stein, 347 U. S. 201, 219).

The first copyright law of the United States was enacted by the First Congress in 1790. Comprehensive revisions were enacted in 1831, 1870, and 1909. We are still living with the archaic copyright law of 1909. A moment's reflection on the revolutionary changes in technology and communication since 1909 makes it evident that another comprehensive revision is badly needed to provide for compensating our creative people who produce the literature, music, and art used in modern methods of dissemination.

H.R. 2512 is the product of 10 years of study and discussion by the Copyright Office under the auspices of Congress, in which all interested groups participated, followed by more than 2 years of work by the House Judiciary Subcommittee which held extensive hearings for 22 days and devoted more than 50 executive sessions to studying all the views and suggestions presented at the hearings and afterward and to completing the bill.

The subcommittee has worked valiantly to reconcile the views and interests of the many groups concerned. It has succeeded so well that the bill has the overwhelming support of almost all of the creator, producer, distributor, cultural, and bar groups. The few interest groups who do not fully support the bill are opposed only to individual provisions constituting a very small segment of this comprehensive revision bill. With respect to these few areas of unreconciled conflicts of interest, the subcommittee has worked out compromise solutions which, in their unanimous opinion, are a fair balance of the equities in achieving the dual purposes of the copyright law: to reward authors for their labor and contributions to society, and thereby to foster the creation and dissemination of knowledge and culture for the public welfare.

Mr. BINGHAM. Mr. Chairman, I would like to join the various Members who have commended the distinguished chairman of the full Judiciary Committee, Mr. CELLER, the able chairman of the Subcommittee on Patents, Trademarks, and Copyrights, Mr. KASTENMEIER, and their committee colleagues for their careful and time-consuming study which produced the full revision of the U.S. copyright law now before us in H.R. 2512.

Comparing this revision of title 17 with the current copyright law, we cannot fail to be impressed with the precision of draftsmanship, the delicate balancing of competing interests and the creative attempts to meet the special problems posed by newly evolving media.

The bill provides a striking example of legislative activity at its best. It reflects efforts to meet the shortcomings of the present law, weaknesses which were highlighted in the intensive studies undertaken by the Register of Copyrights in response to our mandate 12 years ago. It has been leavened by the suggestions and comments of all the major interests which will be affected by this legislation—authors, composers, artists, designers, publishers, educators, broadcasters, recording, and motion picture companies, librarians, to name but a few. It has been clarified through refinements sponsored by members of the copyright bar who are anxious to remove ambiguities which have produced costly litigation and imperfect solutions for their clients. H.R. 2512 represents 3 years of committee study, analysis, drafting, and revision designed to meet the problems and to protect the interests which emerged during public hearings and executive sessions.

The great majority of the groups and individuals who testified before the committee support this bill. Yet each interest group would admit that the proposed legislation fails to embody all the provisions it favored. But these divergent groups support it because they understand this House must protect and insure the rights of a variety of competing scholarly and creative interests, that we must work out careful compromise. They realize that H.R. 2512 solves some of the worst problems under the current law by clarifying ambiguous provisions which fostered constant litigation.

We are here weighing a revision and modernization of our Copyright Code, enacted pursuant to article 1, section 8 of the Constitution, which grants Congress the power to secure to authors the exclusive right to their writings for limited times. The first purpose of all such legislation is to protect those who create original works, by granting to them the exclusive right to exploit their work over a term of years.

But balancing this constitutional interest in the individual creator is the second purpose of all such legislation—to advance progress and the useful arts. Copyright protection, in short, represents the Founding Fathers' belief that men would turn from the works of originality so necessary to the advancement of the Nation if the Government failed to give them the right to just compensation for copying of their work. The day we fail to provide such compensation to those who so enrich our society will mark our decision that progress in the arts and sciences is no longer a key national goal. That day, I hope, will never dawn.

By passing this bill, we will be strengthening the property rights of millions of Americans whose original works qualify for copyright protection. We serve the widest public interest—that is to say, we serve the people—by protecting these Americans against those who would take a free ride to prosperity at their expense.

Mr. GRAY. Mr. Chairman, many of us have been apprehensive about H.R. 2512 that would provide a general revision of the copyright law, title 17, of the United States Code, because we felt that certain individuals and organizations would be hurt by the passage of the bill as presented to the House by the Committee on the Judiciary. We all realize that the archaic copyright law should be revised but I, personally, do not feel that authors, writers, and other persons with unusual talents and abilities should expect the mass media or the general population to enrich them beyond bounds of reason just because they have a copyright on their work. They are entitled to fair and reasonable royalty on their records and other works of art; however, I, personally, feel that we should not have to pay someone a copyright fee in certain fields of live entertainment. One area I am particularly concerned with is county and State agricultural fairs.

I am indeed happy that the distinguished gentleman from California [Mr. Sisk] has agreed to offer a new section 117 to the bill that exempts annual agricultural or horticultural fairs or exhibitions whose duration does not exceed 16 days. There are a number of Members who are interested in this amendment and have agreed to support the bill if it is introduced. Thank you.

The CHAIRMAN. The Chair recognizes the minority leader, the gentleman from Michigan [Mr. Gerald R. Ford].

Mr. GERALD R. FORD. Mr. Chairman, I wish to wholeheartedly compliment the members of the subcommittee and also the member of the Committee on the Judiciary as a whole.

This legislation is the total handiwork of the House of Representatives and of the Committee on the Judiciary. The legislative branch, the House in this instance, has admirably worked its will.

As has been stated heretofore, on last Thursday and again today, the whole effort was initiated by the Committee on the Judiciary. As a result, we are about to conclude our consideration of the first change since 1909 in our copyright law.

The stimulus for this legislation did not come from the executive branch of the Government. It was the brainchild of Members of the House of Representatives and of the Committee on the Judiciary.

We should do more of this. We should not rely exclusively on the executive branch to make suggestions or recommendations to us for legislation. We in the legislative branch have a responsibility which we should assume much more often in the future.

Since this is the work of the Committee on the Judiciary and the will of the House, I certainly intend to support it, even though I would have enthusiastically supported in the first instance the initial recommendations of the Committee on the Judiciary itself.

I conclude with the final observation that I believe the committee and the House have done a first-class job.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished Speaker.

Mr. McCORMACK. I want to join with my friend in praising and complimenting the Committee on the Judiciary and the subcommittee for the long and tedious work done on this bill and for the very fine bill brought out of the committee. A bill of this kind is a legislative labor of love.

As I remember it, the last time any recodification of this law took place was over 50 years ago. The committee has done an outstanding job. Each and every one of the subcommittee and the full committee that did the work is entitled to full credit. I am talking about the Members on both sides of the aisle. I join with my friend, the gentleman from Michigan, the minority leader, in complimenting and praising the chairman of the Committee on the Judiciary and the full committee, and the chairman of the subcommittee of the Committee on the Judiciary and the members of that subcommittee on a job well done.

The CHAIRMAN. The gentleman from Maryland [Mr. Mathias] is recognized for 2 minutes.

Mr. MATHIAS of Maryland. Mr. Chairman, we began this debate by expressing our appreciation for the gentleman from Wisconsin and the gentleman from Virginia having done an outstanding job on bringing this bill before us as well as their colleagues on the subcommittee. We close the debate by expressing not only appreciation but admiration of all of their colleagues.

I would like to say a word about the very fine work particularly that was done for this bill which came from the Office of the Register, Mr. Kaminstein, and all of his staff, without whom I think the committee could not have worked as successfully and effectively as it has.

The United States has formal copyright agreements and understandings with less than half the countries of the world. In an age of communication satellites, when copyrighted materials are transmitted instantaneously everywhere, the possible loss to American authors is obvious. So too, there is potential harm to our national interests, in the lack of the cultural bridge between countries that can be provided by copyright. This bill can provide a guide to newly independent nations considering copyright legislation, and leadership in the evolution of a truly universal copyright system.

There are two existing international copyright conventions, the Berne and Universal Copyright Conventions. The older convention, the International Union for the Protection of Literary and Artistic Works, known as the Berne Union, came into force in 1887, and now has 55 members.

The United States has never joined the Berne Union and its present law would not qualify it for entry. The United States is a member of the Universal Copyright Convention—1952—which it joined in 1955. The Universal Copyright Convention has 54 members, many of them also members of the Berne Union. The older convention has higher standards than the newer agreement.

Almost all of the older countries with copyright laws provide for a term of copyright of life plus 50 years. The bill before you has such a term and would make it possible to consider our joining the Berne Union. This would probably require both implementing legislation on our part and changes in the Berne Union. Extensive preparations are now underway for a diplomatic conference to revise the Berne Union, in Stockholm in June 1967. Leaders of the Berne Union have expressed receptivity to accommodating the Union to our law, if the revision bill is adopted. There has also been some discussion of bridging the gap between the two conventions.

H.R. 2512 offers a unique opportunity, coming as it does at this crucial point in copyright history, to protect our copyrighted works wherever they are used and to begin the process of forming a truly international copyright system.

Mr. CORMAN. Mr. Chairman, in prescribing the powers of this Congress, the Founding Fathers provided in the Constitution that we shall have "the power to promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

Proof of the wisdom of that constitutional provision is abundant. The United States has long led the world in the invention and perfection of the many machines and devices which ease our toil, and has made substantial contributions in the fields of literature, art, music and drama which enrich the lives of us all.

However, the Congress has not revised our copyright laws for nearly 60 years. During that period there have been vast technological changes in the methods of conveying the results of the creativity of the artist to the listener or viewer. These changes, though they have enriched the cultural and esthetic lives of many, have also resulted in unjust enrichment of a few who have profited from the creativity of the artist without just compensation. It is time to correct these inequities.

H.R. 2512 goes a long way toward accomplishing this objective. Admittedly, it leaves some significant decisions to another day. We trust that day is not another 60 years away.

The most flagrant unjust enrichment of creative artists by the business community is from the sale of music through jukeboxes. This bill, after the amendment agreed to by the committee, makes a modest adjustment toward equity.

In the field of compulsory licensing of the works of composers, a more realistic fee is provided.

The problem of the conflicting rights of copyright owners and CATV operators is not effected by this bill. This issue must necessarily be dealt with at a later date, but we hope, for the sake of both sides and the public interest, that decisions will be forthcoming soon.

I respectfully commend the gentleman from Wisconsin [Mr. Kastenmeier], and those on his subcommittee whose labors were long and arduous, but whose accomplishments are a credit to this Congress.

This bill recognizes that the creativity of the individual is a thing of value to that individual and to society. If society is to benefit from continued creativity, the right of the individual to just reward must be protected. We go a long way in this bill in granting more reasonable protection that exists in the present law. I urge its adoption.

Mr. POFF. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. Reid] may revise and extend his remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. REID of New York. Mr. Chairman, I rise in strong support of H.R. 2512, the copyright law revision bill. This legislation represents a giant step forward in the development of American law in an area in which full protection for American authors and composers has been long overdue.

This bill would effect the first revision of the copyright laws since 1909. Leaders in the legal profession as well as the arts have expressed their conviction that the bill would update a "horse and buggy" statute to reflect modern technological advances and reform certain aspects of the law which have needed serious revision.

To those who suggest that the bill deserves further committee consideration, I should merely point out the countless hours of diligent labor which the distinguished Committee on the Judiciary has devoted to the formulation of the bill, during which respected leaders and experts in the field have had full opportunity to be heard.

To mention only two specific advances embodied in the bill, it will, first, extend the term of copyright to the life of the author plus 50 years, thus assuring his heirs the full benefits of his talents. In this and other respects, our copyright law will now conform to the provisions in effect in most other Western countries. Second, the bill would give the doctrine of "fair use" express statutory recognition for the first time and thereby clarify an important body of law.

Mr. Chairman, in my judgment, this bill is vital to our encouragement of the creative arts in America. In safeguarding the rights of our authors, composers, and other artists, we are protecting not only their rights but our national heritage as well.

Mr. POFF. Mr. Chairman, we have concluded what I think can only properly be called an adventure in legislative draftsmanship. As the distinguished minority leader has just said, this legislation is the product of the legislative branch, including the Copyright Office, which is an arm of the Congress of the United States. We need to be proud of this product of our hands. I can say without fear of successful contradiction that what has emerged after all amendments have been considered and adopted is essentially the same bill as that reported by the Committee on the Judiciary initially. There have been abrasions, discords, disputes, and controversies, but, as one member of the committee, I want to express my sincere appreciation to all members of the Committee of the Whole for the patience they have displayed in listening to what I know must often have been a very tiresome debate.

Mr. KASTENMEIER. Mr. Chairman, I would just like to take one moment to express my appreciation to all the members of the subcommittee and the full committee and the Committee of the Whole who made this contribution. The time and the years that went into this and the difficulties this bill has encountered on the floor make it apparent why revisions do not come more often than once in every 40 or 50 years. In any event, I think it is a legislative achievement, and we will all profit by it.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Dent, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2512) for the general revision of the copyright law, title 17 of the United States Code, and for other purposes, pursuant to House Resolution 413, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

MOTION TO RECOMMIT

Mr. DINGELL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. DINGELL. Indeed I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Dingell moves to recommit the bill (H.R. 2512) to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. POFF. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 379, nays 29, answered "present" 1, not voting 23, as follows:

[Roll No. 63]

YEAS—379

Abbitt
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bolton
Bow
Brademas
Brasco
Bray
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Conable
Conte
Conyers
Corbett
Corman
Cowger
Cramer
Culver
Cunningham

Curtis
Daddario
Daniels
Davis, Ga.
Davis, Wis.
Dawson
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dole
Dow
Dowdy
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Farbstein
Fascell
Feighan
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Gathings
Gibbons
Gilbert
Goodell
Goodling
Gray
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gurney
Haley
Hall
Halleck
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Herlong
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyl
Kyros
Laird
Langen
Latta
Leggett
Lennon
Lipscomb
Lloyd
Long, Md.
Lukens
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Mailliard
Martin
Mathias, Calif.
Mathias, Md.
Matsunaga
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Monagan
Montgomery
Moore
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poff
Pollock
Price, Ill.
Price, Tex.
Pryor
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tuck
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Younger
Zablocki
Zion
Zwach

NAYS—29

Abernethy
Bevill
Brinkley
Burleson
Cabell
Colmer
de la Garza
Dingell
Dorn
Everett
Fino
Flynt
Gettys
Hagan
Henderson
Kazen
Landrum
McMillan
Marsh
O'Neal, Ga.
Poage
Purcell
Rarick
Rivers
Roberts
Stuckey
Walker
Whitten
Young

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—23

Ashmore
Baring
Barrett
Burton, Utah
Donohue
Downing
Fallon
Fraser
Garmatz
Giaimo
Green, Oreg.
Gude
Harvey
Hébert
Jones, Mo.
Long, La.
May
Pool
Resnick
Rooney, Pa.
St. Onge
Williams, Miss.
Willis

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Ashmore against.

Mr. Donohue for, with Mr. Garmatz against.

Until further notice:

Mr. Rooney of Pennsylvania with Mr. Gude.

Mrs. Green of Oregon with Mrs. May.

Mr. Fallon with Mr. Harvey.

Mr. Willis with Mr. Burton of Utah.

Mr. Williams of Mississippi with Mr. Baring.

Mr. Pool with Mr. Fraser.

Mr. Long of Louisiana with Mr. Downing.

Mr. Barrett with Mr. Giaimo.

Mr. St. Onge with Mr. Resnick.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, H.R. 2512.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

COMMITTEE ON EDUCATION AND LABOR—PERMISSION TO FILE A REPORT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight tonight to file a report on H.R. 7819.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

COMMITTEE ON RULES—PERMISSION TO FILE A PRIVILEGED REPORT

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMITTEE ON PUBLIC WORKS—PERMISSION TO SIT

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Roads of the Committee on Public Works may be permitted to sit during general debate on tomorrow, April 12, and Thursday, April 13.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

POTENTIAL RAILROAD STRIKE

Mr. HERLONG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HERLONG. Mr. Speaker, it is gratifying to know that the President asked the Congress yesterday to take action to avert a paralyzing, crippling railroad strike with its devastating effect upon our economy. I compliment the committees of both the House and the Senate for the expeditious manner in which they have acted on the President's request. I feel confident both Houses will follow through today.

Of course, this is only a stop-gap measure and does not really solve anything. We may well be faced with the same situation 20 days from today as we are at this time unless something happens in the meantime.

This crisis arises out of an unresolved dispute between the Nation's rail carriers and a group of shopcraft unions, led by the International Association of Machinists.

This is the same union which last summer defied the President of the United States and the people of this country by shutting down the airlines for 40 days.

The present dispute has gone through all the provisions of the Railway Labor Act which was enacted by the Congress to provide a means of avoiding such crises as we now face. The last step in this act is the appointment of an Emergency Board which is charged with the duty of studying the dispute and recommending to the President of the United States a course of settlement. Such a Board was appointed in the present instance and rendered its report to the White House on March 10.

The railroads have accepted this report in toto and have repeatedly expressed their willingness to bargain with the unions within the framework of this Emergency Board report. The spokesmen of the machinists union have not only flatly rejected the recommendations of the Emergency Board but have ridiculed with consummate arrogance the public-spirited men appointed by the President to serve on this Board.

Practically everyone on both sides has reached agreement and when one group acting arbitrarily can throw this Nation's transportation system into chaos, it is obvious that the present machinery existing under the law is not adequate to meet the situation. Unless the machinists union shows a greater sense of responsibility for the public welfare and calls off this strike while it continues to bargain within the framework of the Emergency Board report, there is nothing that can be done legally to stop this strike except the passage by Congress of a law requiring the parties to arbitrate their differences while the public continues to receive the vital services of the railroad industry.

With this in mind, I have today introduced a bill which would amend the Railway Labor Act and provide for the findings of the Presidential Emergency Boards to be final and binding on both parties if they are unable to reach a voluntary settlement.

LOSSES SUSTAINED BY AMERICAN NATIONALS IN CUBA

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, more than $740 million in claims against Cuba have been filed with the U.S. Government for losses sustained by American nationals since Castro took over the island.

The amount is expected to jump considerably in the next few weeks.

The Foreign Claims Settlement Commission was established to receive and determine the validity and amount of claims against the Government of Cuba for losses arising since January 1, 1959, out of nationalization, expropriation, intervention or other actions taken against American nationals.

The deadline for filing claims is May 1, 1967. To date, there have been 1,276 claims filed with the Commission. These claims amount to $740,978,726. I have been advised by the Commission that the claims are expected to rise considerably in the following days before the deadline.

This is not money the Government will pay our nationals. Unfortunately it only means that, when the Communist government of Cuba falls, these claims will be presented to the Cuban Government for payment.

Of the 1,276 claims filed, 34 have been certified, or approved, for the amount of $7,729,828. Not all claims are approved, and not all of the major American companies which were confiscated have applied as yet.

I think we will see the figure go over the billion dollar mark when all the claims are filed. It distresses me greatly that these people who were robbed by Castro have no other course of action at this time.

This serves as a sorrowful reminder of how Castro has used the American citizens, as well as the citizens of his own island since he was propped up by the Communists.

Castro claimed that he would make Cuba the showplace of communism for the Western Hemisphere. But it is turning into a casket for the Cuban people.

The rationing of food is terrible. Meat is nearly impossible to get. In fact, the ration for meat is 3 pounds per month, when you can get it. And I have heard that most of the meat is gristle and bone. Coffee is rationed to 1½ ounces a week and rice, one of the staples of the masses, is now rationed to 1¼ pounds per month. And you cannot always get that either.

I would like to point out that, while coffee is scarce in Cuba to the point that Castro now has some wild ideas about injecting coffee bushes with hormones, other countries are trying to hold down their production in view of the glutted world market. I would imagine that this "Alice in Wonderland" scheme will have about as much success as his brainstorm to raise rabbits to feed the people.

The people are not starving, but authorities say that they show signs of a poor diet. The rationing has been about cut in half over the past year. And as a result there is developing a bit of activity in the black market. Ironically, in many cases the Cuban Government is encouraging black-market activity in order to take currency out of circulation and cut down on consumer demand.

Any rationalization by Castro that this is the showplace of communism in the hemisphere may well be founded. For this is the prime example of what will happen to a nation when the parasite of a Communist dictator gets control. The heart of the Cuban Government and the spirit of the people has been eaten out.

Since Castro has come into power, 5 percent of the total population has left their homeland to seek asylum elsewhere. This is grim proof of the extent to which Castro has wrecked the nation. The jam for applications for escape from Cuba is so severe that Castro has now stopped processing them. The Swiss estimate that between 225,000 and 250,000 are trying to apply and that 50,000 applications have been filed and are awaiting approval

The airlift has already taken about 60,000 Cubans to safety. In all, it is believed between 750,000 and a million Cubans want to leave. This means that if all the people who wanted to leave were permitted to, Cuba would lose as much as 20 percent of her population.

Nowhere in history has there been such a mass evacuation of nationals from their homeland. This is proof positive that Castro is holding his people in bondage, that the Communist system has not and will not work.

IMPORTATION OF TEXTILES

Mr. LANDRUM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANDRUM. Mr. Speaker, for a good many months Congress, and I think I can say the executive department as well, has been greatly concerned with the flow of imports in the field of textiles into the American market. We have had concerted action from the other body of the Congress under the fine leadership of the distinguished Senator from Rhode Island [Mr. PASTORE].

In the House of Representatives we have formed an informal textile committee, which I am privileged to chair, and of which the Honorable WILLIAM JENNINGS BRYAN DORN is secretary. All Members of the House of Representatives, who have cotton and textile interests in their districts, have responded enthusiastically to our efforts to make known our desire to have these imports curbed.

Recently in Atlanta, Ga., at the invitation of Dr. Edwin Harrison, president of the Georgia School of Technology, the Honorable Robert T. Stevens, president of J. P. Stevens & Co., Inc., delivered to the Rotary Club of Atlanta on March 13, 1967, a magnificent address detailing the situation in the textile industry today which is brought about by these imports, particularly from Japan and Hong Kong.

Mr. Speaker, I ask unanimous consent to include with my remarks this address by the Honorable Robert T. Stevens and call attention of the membership to its importance and ask that they give it their very careful study.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The address referred to follows:

IT'S UP TO JAPAN!

(By Robert T. Stevens, president, J. P. Stevens & Co., Inc.)

Dr. Harrison, Atlanta Rotarians and distinguished guests, I am deeply honored by your invitation to be here with you today. There are good reasons why I accepted your most cordial invitation. They relate to my abiding interest in national defense, in the American textile industry, and in the relationship between the two. Defense and textiles are both subjects which surely mean a great deal in Georgia. In this connection, I have chosen the title "It's Up To Japan!" for my remarks on this occasion.

At the outset, I am proud to say that I call Dick Russell and Herman Talmadge my friends. They are deeply concerned regarding these two topics. Senator Russell, as Chairman of the Armed Services Committee, is one of our country's foremost experts in national defense. He shares, as does The Honorable Carl Vinson, former Chairman of the House Armed Services Committee, the strong view that America cannot be second best with regard to our military, naval and air capability. Fortunately, Chairman Vinson, upon his voluntary retirement, after such a distinguished career in public service, was succeeded by a strong Chairman, The Honorable L. Mendel Rivers of South Carolina. Like Senator Russell, Mr. Rivers is forthright in his views on defense policy.

I need not remind you that Senator Talmadge, as a respected member of the Finance Committee, is a stalwart for American business and American jobs. He has been in the forefront, speaking out when questions of unfair foreign competition arise. He did so two weeks ago, as did Senator Russell, on the floor of the Senate. He makes it abundantly clear that Georgians and all Americans should not be offered as sacrificial lambs on the altar of foreign trade. He knows what it is to provide jobs and to meet payrolls.

Jobs and payrolls are, after all, what keeps the nation's economy going. Our Exposition Plant, right here in Atlanta, provides 845 jobs with an annual payroll of $3,934,000. Our nine plants in Georgia, together with the Allendale Plant, just over in South Carolina, which makes raw materials for the Milledgeville Plant, employ a total of 5,286 fine Americans with an annual payroll of $24,769,000. They are quite important to the communities and counties in which they are located.

Personally, I have always had a deep respect for Atlanta, its people and its institutions. As an example, I have admired Georgia Tech, known throughout the civilized world, as a distinguished institution of higher learning. We, in the Stevens Company, are extremely proud that Tech's President, Dr. Ed Harrison, serves on our Board of Directors. He brings to us a wealth of experience and learning and friendship.

Part of the reason the Stevens Company is so deeply committed to the State of Georgia is reflected in one man, John P. Baum, who, on February 1st, retired as Vice Chairman of the Stevens Company, after twenty-one years of distinguished service. As a native Georgian, a graduate of Tech, a veteran of World War II, and an honored citizen of Milledgeville, he first recommended that we commence manufacturing Stevens fine textile products in Georgia. That was in 1947. And look what he has built in your state! Many of you know him personally, like I do, as a dedicated citizen, and, even though he could not be here today, I proudly salute him in his native state.

The Stevens Company has long been committed to the proposition that the customer is king. We have deliberately, over the years, moved closer to the ultimate consumer. The product of the Exposition Mill today goes 100% into finished sheets for the consumers of America. A part of our program for consumer products includes the Stevens Fine Arts Collection, a beautiful selection of specially designed, high quality, terry towels. They are retailed in better department stores throughout the country.

One of these designs, Louvre, an extraordinary jacquard pattern, is of particular pertinence in this discussion. In mid-January of this year, during the white goods sales, one of our salesmen was in the towel section of a New York discount store and he could hardly believe what he saw—piles of what looked to be the famous Stevens Louvre towel. But it wasn't. It was a towel, made in Japan, selling far below the price of Louvre. While the design was precisely the same and the colors, too, the knockoff, as we call it in the trade, was smaller, lighter and not as well made as ours.

This is design piracy at its best. All of our time, effort and heavy expense to develop something new and attractive for the American consumer had been appropriated by the Japanese without cost to them. Then they put it into production on Japanese wage scales which are less than one-fifth of what we pay. Is this type of foreign trade fair? Is it in our own national interest? I don't think so. Our fine employees don't think so. The Japanese, in this way, are actually taking away American jobs.

Surely we do not need the excessive textile and apparel imports which are now deluging this nation from all directions. Last year United States total imports of this sort exceeded our exports by $902 million. With a total balance of payments deficit of $1.4 billion last year, it is an interesting and unwelcome fact that roughly two-thirds of our deficit was represented in the form of textile product imports. Why do we need to go to such an extent? Japan's economy is booming—yet she continues to hurt us in her exports of textiles, steel and other products.

The well-being of the textile and apparel industry directly affects the economic condition of some two million American workers. Additionally, another two million workers produce wool, raise cotton, manufacture man-made fibers and supply the other raw materials and equipment used by the American textile industry. Surely, four million people and their families deserve better treatment as regards foreign trade than they are now getting. And, as we sit here, our U.S. representatives in Geneva are striving for tariff cutting agreements on a broad front, which surely could make the situation even worse.

But I want to be completely fair on this matter. I commend our government most highly for pursuing and obtaining in 1961, under President Kennedy, an international arrangement covering cotton textile products. It is up for renewal right now, again at Geneva, and we have assurances that our negotiators are doing everything possible to obtain a renewal without basic changes. Thus, while these cotton product imports have, in the past, risen drastically and can continue, in the future, to rise every year under this international arrangement, at least a modicum of consideration is accorded cotton textile and apparel workers. It is with keen regret, however, that I note, after years of effort, nothing has been accomplished toward the solution of the most serious problems created by imports of wool and man-made fiber products. Wool is the basic raw material in seven of our nine Georgia plants.

Man-made fiber product imports have reached the critical stage in their impact on the American industry but, in my opinion, wool textile imports have long since passed the crisis point. In September, 1964, President Johnson, referring to wool product imports, said, "The Administration has made and will continue to make vigorous efforts to solve this problem. Wool textile and apparel imports must be kept at reasonable levels. For it is essential that the wool textile industry be restored to good health. We have been trying to work out effective arrangements with other textile-producing countries. Thus far, a multi-nation meeting has not been convened. But, we intend to continue our efforts vigorously."

That was 1964—2½ years ago. At that time imported wool products represented about 22% of domestic production. Today, total imported wool products represent about 27% of domestic production. In certain wool products the bite is even worse. In 1966, the ratio of worsted imports to domestic production shot up to 55%. Imagine the effect of that on American worsted mills essential to defense! One of those seriously affected is our beautiful plant at Milledgeville.

I have faith in the President. I believe what he says. But, if I have one suggestion for the President in this regard, it would be this. "Hurry, Mr. President. We haven't much time. Over half the industry has already been liquidated. The slowdown in what is left of our woolen and worsted industry is currently very apparent, yet these imports continue unabated. American textile workers are feeling the pinch." That is what I would say.

The American textile industry can be justly proud of its record in supplying our armed forces with all the textiles needed. Last year, without a single rated order, the military called for a total of 600 million square yards of fabric and made up goods. And 600 million yards were provided. We, in Stevens, have done, and will do, our full share in meeting the government's needs in South Vietnam and elsewhere. I'm certain others in the industry feel the same.

In my considered opinion, however, the American woolen and worsted industry, as presently constituted, is incapable of producing the huge quantities of fabric for military, medical and essential civilian use that would be required during any all-out emergency. I have testified to this effect before committees of Congress. We have to turn the industry around pretty quick, if it is to survive as an important segment of the economy. The most vital step that can be taken is to put some rule of reason into effect *now* with regard to wool textile and apparel imports. Our national security is deeply involved in this situation. Suppose we had to fight in a temperate or cold climate. Are we going to rely on Japan for our uniform fabrics? I don't think that is the desire of the Congress or the American people. Rather, I think they want action, not studies, to solve this problem before it is too late.

The Defense Department has termed the textile industry second only to steel in defense essentiality. And now steel, the most essential defense industry, is also being attacked by imports from low wage foreign countries, especially Japan. I would illustrate our textile problem with the following example: It involves the worsted segment of the industry, the hardest hit by imports. To put this in perspective, let us consider two large military contracts, one in 1951, during the Korean War and the other about a year ago.

In 1951, the government invited bids on nine million yards of worsted serge uniform fabric. Fifty-four producers bid on that contract. Of those fifty-four, thirty-nine are now, sixteen years later, completely out of the business. This is a shocking fact and a further significant fact is that, among the fifty-four bidders, 80 percent of the total yardage awarded was given to the thirty-nine who are no longer in the picture.

Now, as to the second contract. Early last year, the government invited bids on three million yards of worsted or worsted blend tropical fabrics. It is a sad statement of fact that just two firms responded with bids. The American worsted industry, once ready, able and willing to bid on large worsted military contracts, had been so tragically reduced in capacity that only two companies, including Stevens, submitted bids.

What is behind the deterioration of this once massive woolen industry? The answer, strangely enough, lies with the government itself. After the Korean conflict, and continuing up to the present time, the industry repeatedly warned and pleaded with our government to institute a well thought out, realistic policy to hold within reasonable bounds the flow of unneeded and unnecessary cheap textile and apparel imports into the United States. Tragically, nothing was done. Spindles and looms were scrapped. U.S. production went steadily down. Now we see the worsted section of the industry more than 50 percent liquidated from its peak and 55 percent of U.S. worsted-type production being supplied from overseas, principally from Japan!

Studies and surveys of the wool textile import problem have gone about as far as they can go. There isn't much more, if anything further we can learn about it. Industry missions to Europe have been many. Some progress toward a solution with the major European wool textile exporters seemed to be possible. Not so with the Japanese, by far the largest exporters of wool textiles to the United States.

In June 1965, a joint Government-Industry delegation travelled the 7,629 statute miles from Washington to Tokyo to talk things over. It was not an easy trip to arrange. Prior to the actual meeting, much time and effort were spent and many trans-Pacific cables were initiated. The Japanese, clearly, did not want to discuss the problem. They did not even want to discuss the possibility of a multination meeting to ascertain whether a problem did, in fact, actually exist. In any event, after much pleading, and on the insistence of the White House, our State Department finally arranged a meeting in Tokyo.

From the outset, it was obvious that the stiff, formal tone of the first confrontation presaged that the meeting would end in failure. According to the trade press, one Japanese delegate, despite the conciliatory attitude of the U.S. delegation, said, "We are not North Vietnam, you can't come here making demands. We will not be intimidated." In fairness to the diplomat who was Chairman of the Japanese delegation, that remark was later expunged from the official record after the meeting concluded, but the words remained indelible on the minds of the Americans who were there. And the 7,629 miles back to Washington were sad indeed. Thus, still another honest and sincere effort to harmonize wool textile relations with the Japanese, came to naught. The situation remains the same now—1¾ years later.

Japan, which constantly reminds the American people that they are large purchasers of American raw cotton, has indeed been a good customer for our cotton—in the past. She, of course, grows no cotton and, historically, the United States has been the world's foremost raw cotton exporter. But times are changing. Cotton production around the world is increasing each year. More countries are exporting cotton and these increased exports are finding their way to Japan, at the expense of American raw cotton exports.

An analysis of Japan's imports of raw cotton and their exports of cotton textiles and apparel to the United States is quite revealing. Of the total raw cotton used by the Japanese during the years beginning in August 1962, through August 1965, U.S. growths accounted for 32%. In semi-finished and finished cotton manufacturers, all the way to apparel, Japan shipped a full 25% of its cotton textile exports to the United States.

A study of Japan's trade with its other major cotton, supplier nations is somewhat different. This comparison clearly shows that factors other than the quantity of its cotton textiles exports to the nation concerned determine its purchases of raw cotton from that country. Mexico is a case in point. Mexico supplies the second largest quantity of cotton for Japanese consumption, or about 25% of the total. Yet Mexico practically excludes all cotton textile imports from all sources, including Japan. The rules of the game don't seem to be the same when Japan is considering American cotton compared with Mexican cotton!

Recently, I saw some figures from the March 1966 Foreign Exchange Statistics Monthly issued by the Bank of Japan. They go a long way toward destroying the myth that Japan purchases disproportionate quantities of American cotton in relation to what they claim are minor exports of cotton textiles and apparel to us. The information applies to the period April 1965 to March 1966.

These figures show that the value of American raw cotton imported by Japan during that year was $136 million compared with $108 million of Japanese cotton textile products exported to the U.S.—a difference of $28 million. Because U.S. imports are based on an FOB valuation, our imports are undervalued by slightly more than 10% thus reducing the balance to about $25½ million. But let us consider a broader picture. The United States exports no raw wool anywhere and our exports of man-made fibers to Japan are minimal. While they purchased $136 million worth of our cotton, they shipped to us, during the period in question, $420 million worth of all textile products, more than three times the valuation of their total raw cotton purchases from us. They seem to be doing real well in the relationship while we are hurting.

I have dwelt at some length on the Japanese because they started, and have continued to lead, the invasion of our American textile markets without regard to its impact on the American worker. They never seem to be satisfied, no matter how large their textile exports to the U.S. may grow. Perhaps they may kill the goose that laid the golden egg. One of these days, this message should get through to Osaka.

An orderly and prompt solution of the import problem of wool and man-made fiber products is the surest way for the Japanese textile industries to preserve, for the future, a strong position in the American market, without the possibility of retaliation. The American industry stands ready to come to the conference table at any time, under the auspices of the American government, and with the cooperation of the Japanese government and textile industry. Such a meeting, approached in the right spirit by all, could remove a rapidly festering situation in Japanese-American relations. It's up to Japan!

Thank you.

FREE ENTERPRISE VERSUS COMMUNISM

Mr. YOUNGER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. YOUNGER. Mr. Speaker, Mr. Charles L. Gould, publisher of the San Francisco Examiner delivered an address before the Advertising Federation of America Conference in Washington, D.C., at the Shoreham Hotel on February 8. I have not had the privilege of reading a more concise, logical, and impressive treatise on free enterprise versus communism. Mr. Gould has certainly struck a blow for the economic system which has made this country great and which has hindered Russia from achieving what she might have achieved under a different economic system.

He also sounds a warning under the title of his address, "Let's Stop Tampering With the Machinery," against Government interfering with our free enterprise system, it is that we cannot achieve economic success laboring under a system half socialistic and half free enterprise.

Mr. Gould's address, which I commend to all readers of the RECORD, follows:

LET'S STOP TAMPERING WITH THE MACHINERY

(By Charles L. Gould, publisher of the San Francisco Examiner)

I recently read that the preamble to the Declaration of Independence contains 300 words. The Ten Commandments has 297. The Gettysburg Address comes in at 267, while the Lord's Prayer has less than 100.

However, a recent report from the Federal Government on the pricing of cabbages allegedly contains 26,911 words. I will confine my remarks to something between the Lord's Prayer and the pricing of cabbages.

I will refrain from suggesting that government spokesmen who use 26,000 words on such a mundane subject might be well advised to spend more time looking at their own communications and functions and less time criticizing the private sector of our economy.

Now, let me, at the very outset, make it clear that I do not presume to stand before you as an expert in any sense of the word.

I speak to you as a newspaperman and as a newspaper reader who has been watching world developments with care and concern for many years.

My remarks today are strictly my own. I do not speak for any group or organization or special interests.

I also address you a a consumer who has had more than 50 years of personal involvement in this regard.

During this half century I have seen our competitive free enterprise system carry this nation to a position of international prestige and power that almost defies description.

At least in part, we have achieved this strength because our manufacturers and merchants were stimulated to greater endeavors through the tangible incentive inherent in our capitalistic concept.

They were not regimented. They were not required to march in the lock-step of conformity. They were encouraged to invest in new ideas . . . to invent new ideas . . . to innovate new ideas . . . in short . . . to aggressively pursue the twin paths of profits and progress.

Now, though, there are people in high places who believe they can improve on our time-tested methods. They are tampering with the sensitive balances of our intricate and complicated free enterprise system.

They do this at a critical hour. They do it at an hour when we are entering a new phase of the cold war and may soon be challenged by the Soviets on the international economic front.

They do it at an hour when we need maximum productive capacity to meet our needs at home while fulfilling our vital commitments abroad.

In this last regard, let me make it clear that I applaud our President in meeting the challenge of Communist aggression in Southeast Asia. I salute him for loving peace enough to fight for it.

Let's stop tampering with the machinery needed to get the job done.

To measure the strength of our system, let's look at its track record over the past half century.

Twice in one life-time, our nation has used its military might and its gigantic industrial power to stop aggression on a global scale.

A dozen times in lesser wars—including the one now raging in the steaming jungles of Vietnam—our citizens have answered the call for help and our free enterprise system has proved equal to the mountainous burden placed upon it.

During the 20 years of a tenuous peace that followed the end of World War II, we opened our hearts and our pocketbooks to the underfed and the underprivileged in a hundred nations around the globe.

Take a map of the world. Close your eyes and place a pin in any inhabited area and you will find some people who have benefited as a result of the generous heart of the American taxpayer.

While pouring out more than 125 billion dollars in foreign aid and military assistance, our free enterprise system has played an important role in raising our standards of living to levels undreamed of by any other people in any other land.

Look around you.

The average citizen in our society lives in circumstances that would have been the envy of kings and czars and potentates half a century ago.

Today, more of our people have more money than ever before. We earn more, save more, spend more—yes, and owe more—than ever before. We're experiencing a national boom that staggers the human imagination.

In the past six years, total gross national output in the United States increased 218 billion dollars. More than 40%.

Corporate profits soared thirty billion dollars. Up more than 60%.

Personal incomes increased 166 billion dollars and the number of people employed jumped a whopping 7 million.

While making and breaking these records, the American taxpayers have also financed the most expensive and expansive Federal Government in the annals of history.

This year alone, Uncle Sam will spend well in excess of 125 billion dollars.

Can the human mind comprehend the magnitude of this mountainous budget?

How does it relate to expenditures of the past?

Well . . . let us take all of the administrations of Washington, Adams, Jefferson, Madison, Monroe. Let us take all of the administrations from the Revolutionary War, through the Civil War, through the Spanish-American War, through World War I.

Let us take all Federal expenditures—for all purposes through the first 146 years of this nation's history. In those momentous years of war and peace, of prosperity and depression, of growth and expansion, your Federal Government spent fewer dollars than the total that will be expended this year.

In fact, the interest on the Federal Debt in this one year will exceed 14 billion dollars . . . that's more than three times the cost of running the entire Federal Government . . . in all its departments . . . just thirty years ago.

Where does the money go? Who gets it?

It touches the rich. It touches the poor. It goes for payrolls. It goes for research. It goes for parks, housing, education and social services. It lubricates the wheels of the free enterprise system as billions go to General Motors, Ford, Chrysler, Lockheed, Douglas and other corporations for defense contracts.

Let me make it patently clear that I am not one who sees only evil in big government. Big government, as presently practiced in the United States, performs tens of thousands of functions of vital importance to the peace and security and happiness of our 200 million citizens.

However, let me also make it patently clear that I am completely convinced that the fountainhead of our affluent society is not the Federal Government. The main-spring of our capacity to produce more . . . spend more . . . and share more than ever before is our free enterprise system. And—equally important—the faith of our people in this system.

Weaken that faith and the sensitive balance of our unique and highly complicated system can falter and fail. Ours is an economy of diverse and seemingly separate and independent elements. But they are bound together with emotional mortar of consumer faith.

It is thus that I share with many of our business leaders a feeling of frustration and futility and fear as I find men and women in high places within and without our Government who look at profit as a dirty word and are targeting in on big business in general and at the advertising profession in particular.

In preparation for today's discussions, I struggled through the labored and loaded logic of dozens of directives, essays, speeches and bulletins—critical of facets of our free enterprise system—that have poured forth from this weird wonderland of Washington . . . and from a dozen State Capitols throughout the nation.

I do not cloud the honesty and sincerity of all these men and women who have raised their voices in protest against some of the basic planks in our free enterprise system. Most are as sincere as they are deluded.

Neither do I say that big business—or small—is completely without sin. In every facet of our economy you will find some elements that are shady or shoddy and subject to censure.

But those who pursue these paths do not long survive.

One of the great strengths of competitive free enterprise is its ability to purge most of the poisons from its own system.

The practicing physicians who administer the purge are the men and women of the consuming public.

Never underestimate their collective power. Never underestimate their collective good sense and judgment.

Last year alone, more than 15,000 American business concerns were forced to the wall. Thousands of them went into bankruptcy because they lost the faith and support of the consuming public.

If you build a better mousetrap—and advertise it—customers will beat a path to your door. If you build a poor one—or a phony one—the chances are you'll be caught in your own trap.

Yes—the companies that survive and grow strong in our competitive system must run the daily gauntlet of free choice by the most astute, most discerning and most discriminating shoppers in the world.

No Government Agency . . . no do-gooders in private life can possibly have as much interest in pleasing the consuming public as do these successful companies. For—in our economy—their lives literally depend on keeping their customers happy.

In my pursuit of facts for today's meeting, I found a recurring note of criticism in dozens of the bulletins and speeches that came from our Justice Department, from our consumer councils and our alphabetical agencies.

Advertising in all of its ramifications is a favored target for the iconoclasts who seem determined to try their strength at shaking and shocking the gods of competitive commerce.

Some seemed to echo the sentiments of Arnold Toynbee, the famous British historian, who has repeatedly charged that advertising borders on the immoral. He was quoted in one essay as saying—and I quote—"I cannot think of any circumstances in which advertising would not be evil." end of quote.

Ponder those words, my friends, and realize how far from truth and reality are some of our critics.

The Honorable John K. Galbraith, who has long been an advisor to Presidents, is equally outspoken in his attacks. He charges advertising with being a costly luxury that raised the prices of goods and services and thus becomes an unnecessary and unwarranted burden for working men and women.

Our distinguished Assistant Attorney General—consciously or unconsciously—seems to walk down the same garden path with Mr. Toynbee and Mr. Galbraith.

I read with care and concern—and respectful interest—one of his recent speeches in which he deplores the fact that the consumer is confronted with too many choices. He then proposes that—and I quote "Government policies be directed toward neutral vehicles of information which tend to deal directly with uncertainty." end of quote.

He continued with this verbal package of economic dynamite—and again I quote . . . "We all know that such consumer research organizations as Consumer Reports tend to promote informed consumer judgment, and we can reasonably surmise that reports of that kind, if generally circulated, would significantly limit the ability of advertising power to enhance degrees of monopoly power to say nothing of enabling consumers to spend their dollars more fruitfully." end of quote.

Yes—that's what the man said.

Does he not propose a bureau to grade and evaluate all consumer goods and services? Does he not propose reports regularly issued so that the public will be the beneficiaries of his scoring system?

Would not and could not this—if it ever came to fruition—be the most monumental and costly boon-doggle in all time?

Who would do the scoring? How would it be done? Who would settle disputes? Who would pay the cost?

If this foolish fantasy ever came to pass and truly functioned as planned, let's look at the consequences.

Would not the consumers buy only those products and services with the highest scores?

Would not the also-rans soon falter and fail and then fade away? Would not competition wither and die?

Instead of eliminating or reducing monopolies as Mr. Turner suggests, would not this socialistic scheme give birth to the very Frankenstein of monopoly that he has vowed to fight?

Carried to its fanciful conclusion, would we not have an economy where competition was as effectively throttled as it is in Russia with its rigid state controls on production, distribution and display?

In one of his speeches, Mr. Turner advances the philosophy that companies and corporations can stifle and smother competition through the very magnitude of their advertising campaigns.

In short, Mr. Turner implies that once a company gets to the top of the competitive heap it can play king of the hill for evermore merely by the way it spends its advertising dollars.

How valid is this charge? Was Coca Cola's tidal wave of advertising able to slow the powerful and challenging drive of Pepsi Cola?

Who twisted Mr. Turner's thesis when Winston challenged and passed Camel cigarettes in a classic example of a competitive free-for-all?

What happened to the theories of those prophets of doom of twenty years ago who claimed that the Great Atlantic and Pacific Tea Company has reached such a position of power and influence that it would soon strangle and destroy all competition? If you happen to own any of the company's stock you know firsthand how foolish was that fear.

No, Mr. Attorney General, computers and consumer groups to the contrary, no one has ever been able to put a hammer-lock on customer loyalty so long as freedom of choice is maintained.

The billion dollar fiasco of the Edsel motor car is a priceless testimonial to the discriminating taste and complete independence of Mr. and Mrs. John Q. Public . . . so long as they have freedoms of choice in the market place.

Now, let me make it clear that I am not out to white-wash advertising. I do not say that this profession, as practiced in this country, is 100% pure. But . . . what business is? Or what group . . . including those who hold public office?

Just as Doctors and Lawyers and Bankers have established their own agencies for policing and correcting the excesses of associates, so, too, have the leaders of the advertising profession.

No group is more critical of unethical advertising than those who are in the profession. And—they do take proper steps to correct the evils.

I personally feel that the rather mild virus of hoopla and hyperbole that infects some of our merchants and manufacturers is probably less of a threat to the economic health and well-being of our people than are many of the curbs and cures being contemplated and proposed by the bureaucrats and dogooders.

In this regard, let us direct our attention to the dreams and schemes that have been blue-printed by the Honorable Esther Peterson and her associates in her unique role as Special Assistant to President Johnson in the area of consumer interests.

The Consumer Advisory Council has issued a litle book of 116 pages that has—in the aggregate—the explosive power of a nuclear bomb.

The Council has made studies and recommendations on every facet of American business that touches directly—or indirectly—the American Consumer.

Never since the long ago days of the NRA has a single Bureau advanced philosophies that—if inaugurated—would so dramatically and decisively affect every consumer business enterprise in the nation.

While some of the critics of business and advertising indulge in heavy outpourings of snarled syntax that defies interpretation, this cannot be said of this frightening little volume that is the Bible of the Consumer Advisory Council.

With remarkable brevity and directness, Mrs. Peterson and her group spell out their unhappiness with present business procedures in packaging, advertising, lending, spending, renting, selling, servicing and soliciting.

In some instances, Mrs. Peterson and her cohorts have launched their plans behind slogans and phrases as catchy and colorful as those produced by the word-merchants of Madison Avenue.

Who—for example—can quarrel with the clarion cry for Truth in Packaging? Like Motherhood and an early spring, it has almost universal appeal.

But look behind the slogan.

The bureaucratic brain-trusters—and they're not restricted to Mrs. Peterson's domain—have announced grandiose plans for re-shaping, re-packaging, re-designing, and re-organizing many of our basic business concepts.

In her important capacity, Mrs. Peterson has publicly deplored the wide variety of products that crowd the shelves of our supermarkets. She has also deplored their sizes, their shapes, their contents, and their labels.

She—and some of her counterparts at the State level—have looked over their shoulders at the past and, seemingly, longed for the good, old days when the corner grocer scooped unbranded coffee from a sack and sold unbranded rice and other unbranded food products on a price-per-pound basis.

Forgive me if I beg to dissent. In the long, long ago, I spent some of my high school Saturdays working in one of those cheerful, casually careless, unsanitary and unsatisfactory old-fashioned stores.

For peace of mind and pocketbook . . . for health and personal happiness—give me the present method of doing business. And deliver me from any concept by any consumer group that would turn our economic clock back to the old days that were not as good as the dreamer thinks.

Mrs. Peterson and her group come from a growing school of economists who are long on theory, but apparently short on experience. These are the Bureaucrats who have never met a payroll. These are the ones who demand an investigation into the higher price of bread while, at the same time, they applaud union-negotiated wage increases for the men who haul the wheat . . . for those who grind it . . . for those who bake it . . . and for those who sell it.

They seem to fail to understand that if you continue to increase the costs of industry you must expect a commensurate increase in prices.

Now—don't get me wrong. I am 100% in favor of protecting consumers.

As a life-long consumer, I am heartily in favor of any system or procedures that will help me get higher quality and lower prices on the goods and services I purchase.

But—having witnessed for more than thirty years the way Uncle Sam has protected our farmers with price controls, soil banks, bonuses, quotas and other impractical gimmicks, I have a strong suspicion that—as a taxpayer—I can't afford much more of his planned protection.

Incidentally, you will all recall that when Henry Wallace first started plowing under pigs and cotton as a means of creating scarcity and raising farm prices, the objective was to make life easier for millions of small farmers throughout the width and breadth of our fair land.

Well, after more than thirty years and more with 100 billion dollars, we find that there are fewer farmers than ever before. The number has declined by better than 50% in the last quarter of a century.

Those on small farms are still having to scratch to make a living . . . but take a look at the bigs. They're bigger than ever and growing bigger.

There are thousands of giant farming complexes that annually receive bonuses, parity payments, or soil bank deposits. Some of these individual Government checks exceed a million dollars. Thousands range upward from $50,000 a year. With the American taxpayers picking up the tab.

This year, the cost of running our mammoth and costly agricultural bureaus will exceed $6 billion. That's almost twice the cost of running our entire Government in 1934 when the plan was first advanced.

The same kind of growth and the same kind of costs are—in my opinion—inherent in the consumer programs now being launched.

Just six years ago—in 1961—a Government report showed that there were 33 Federal Departments and Agencies concentrating almost exclusively on problems relating to the care and feeding and protection of the American consumer.

These Bureaus were then spending more than a billion dollars a year and had more than 65,000 full-time employees on their payrolls.

Today . . . the number of Bureaus, Agencies and Departments is reportedly over the two hundred mark. The annual costs and the number of employees is astronomical.

I see my time is running short . . . please bear with me while I address my closing remarks to the role I see advertising playing in our expanding economy.

I feel that advertising—as practiced and sponsored by the men and women in this room—is a powerful catalytic force in our free enterprise system.

It helps to lubricate the mental machinery that indirectly drives our vast and complicated industrial plant. It has helped to make this the richest and most affluent nation on earth.

However, despite our great prosperity, pockets of poverty still maintain in our Great Society.

Official Washington has stated that any family with an income of less than $3,000 a year must be considered impoverished.

There are more than nine million families that fit this description.

Now—what vision does your mind conjure? Can you picture a tidal wave of Negro families living in abject poverty?

Well—revise your vision. 78 per cent of these impoverished families—three out of every four—are white families.

The uplift and improvement of these people—white and black—while preserving the dynamic strength of the American way—and while preserving individual rights and freedoms—is a challenge that business in general and advertising in particular must meet.

We in the communications fields must work with Government in a continuing struggle to transfer millions of men and women from the relief rolls to payrolls. By so doing, we will create new and needed sources of production . . . and at the same time . . . develop new markets for consumption.

We must also keep our industrial plant at full power if we are to meet the challenges of tomorrow. In this next decade our national population will increase by 33,000,000. In the life-time of some in this room, our population will double.

Think of what this means in terms of houses and highways and schools and colleges and autos and airplanes and factories and plants. Think of what it means for every commodity in our day-to-day living.

We must prepare for an expanded commercial responsibility—and opportunity—among the newly emerging nations of the world. We must play our proper role in Europe and work to develop commerce that will be helpful to those teeming millions in Asia who live in the shadow of hunger . . . and of Communist aggression.

To do all of these things requires maximum efficiency for our great industrial machine. We must, therefore, educate our people to the size and shape and scope of our responsibility. We must seek enlightened legislation in all areas dealing with national production. We must seek understanding on the part of labor leaders so that we can reduce or eliminate wasteful, unproductive, make-work and featherbedding practices.

In every one of these areas advertising has a role and a challenge. And, of course, the biggest challenge is accomplishing the whole so that we will not be buried by Communism on the international economic battlefront.

While I do not underestimate the magnitude of the Russian competitive challenge, let me point out that we have many things on our side. Perhaps, our major advantage is psychological.

And you people who represent the advertising profession have probably done more than the Government to crystallize and chart our basic economic course—our psychological course—in beating the Communists.

Let me explain . . .

The Communists preach happiness and contentment to their people. Through their mammoth propaganda apparatus they tell and sell their under-fed and under-clothed millions that they are living the rich, full, complete life.

When you have everything . . . or think you have . . . when your Government takes care of your every need . . . or claims it does . . . when these things are preached as doctrine . . . we find that individual initiative is stifled. Individual desires are curbed. Individual ambition is discouraged.

Conversely, in this country—you men and women of the advertising profession are the high priests of the cult of discontent. You are peddlers of the healthiest kind of unhappiness.

You hold the carrot of temptation and desire before the consuming public. And we reach for it. And, in reaching, we create movement, action, progress.

You stimulate our desire for improvement. You whet our appetites for better food . . . better cars . . . better homes . . . a better education . . . finer suits . . . smarter dresses. You fan the flames of hope and aspiration.

And hope, perhaps, is the most powerful force in our world today. For, without hope, the future becomes a pattern of monotony. Without hope . . . without dreams . . . without aspirations and ambition, our future world would indeed be grim and gray.

There is no real danger that the Communists will steal our psychological secret. Or—if they do—there need be no fear that they can make it work in a dictatorial system.

Advertising as practiced in this country is the epitome of freedom. It encourages freedom of choice at the individual level for cars, clothes, refrigerators, restaurants, trains, planes . . . individual choice for things and places and ideas . . . for churches and schools and political parties and Presidential candidates.

If the Communists should ever really unlock Pandora's box of advertising, it is conceivable that they might be able to harness the strength and desires of their millions. Properly stimulated they might eventually eclipse the United States in the economic struggle around the world.

But . . . if that should happen . . . I would not be too concerned . . . because . . . under those conditions the Communists would no longer be Communists. To make advertising work, they must become full-fledged members of the free enterprise system.

And . . . for a world without the menace of Communism . . . I am sure that everyone in these United States would welcome the opportunity to take our national chances on that kind of a competitive battle-ground.

A BILL TO EXTEND TO 1975 MANNED FLIGHT GOAL TO MOON

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, in May of 1961 the late President Kennedy suggested to Congress a goal of landing a man on the moon before 1970. This goal has subsequently been reaffirmed by President Johnson.

Today, I am reintroducing a concurrent resolution which would extend the goal of the lunar landing project to before 1975 instead of 1970.

My purpose when I originally introduced this legislation was to provide the flexibility needed by the scientists, engineers, and others engaged in working out the complex details of the preparations of a successful manned flight. At that time I also had in mind a stretchout in order to lessen the tremendous impact on the budget and avoid a so-called crash program. This latter objective today does not hold. We have gone too far to save money by this means. So, I am simply trying to take the heat off the Space Administration and to avoid any undue pressure which might arise in meeting the before-1970 goal. If we make the original goal, so much the better, but I still feel as I did back in January 1964 when I first suggested extending the goal, that we must not cut corners or incur any added risk due to haste. It is better to delay this project than have accidents.

Mr. James Webb, the Administrator, in a colloquy with me when he appeared before the House Science and Astronautics Committee 2 years ago, took strong exception to the bill so I decided that to attempt action on the bill at that time would be a gesture in futility.

Now, after the tragic flash fire in the Apollo capsule and the report of the review board indicating defects which could have caused the accident, I am raising this issue again. Let me emphasize that I am not inferring that the present disaster resulted from haste. However, according to the review board there were errors and I do say more care and deliberation might have prevented the accident. The goal date has resulted in indirect, if not direct, pressure to maintain the schedule established to "beat the Russians to the moon."

I have long admired the dedication of those connected with the manned space flight. My bill in no way is intended to downgrade their integrity or capabilities.

As I said in 1964, I could see no good reason not to provide more latitude in the scheduling of the program. Also I said and still say, any slippage in time due to reasons of safety should not require any apology to anyone—or loss of prestige. I still do not think there is any need to race. The main thing is to get to the moon and back again safely. If we do it a year or two later than planned we should not be embarrassed.

In that spirit, Mr. Speaker, I am suggesting a postponed deadline for this achievement. However, if we can do it safely and without undue haste by 1970—and I hope we can—as I said in 1964, so much the better.

TRIBUTE TO THE YOUNG PEOPLE OF VERMONT

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I want to bring to the attention of my colleagues one of the refreshing experiences I enjoyed during the Easter recess of Congress.

During a week-long tour of our State of Vermont, it was my pleasure to speak to the student bodies in three of our high schools. While the accomplishments of the 90th Congress to date do not make the most interesting subject material for a speech, this Congressman was certainly impressed and challenged by the question-and-answer periods which took place with these high school students.

There may be problems which some of our teenagers experience today, just as I suspect there were a few problems we had during that particular period of our lives. But it is encouraging to hear the concerns and interest which high school students are expressing today about national and international affairs.

I was especially impressed, for instance, with the concern shown by these young people in the Congress itself. They are particularly interested in having the Congress establish some type of permanent and meaningful committee which could investigate the official conduct of its own Members so that they can justify the respect and confidence which they feel for this branch of our Government.

I can sympathize with their confusion over the fact that the Congress is ready to pass laws regulating the lives of all our citizens, but has been unwilling to adopt standards for the official conduct of its own membership. I hope I was right when I gave them encouragement that this present Congress and this present House of Representatives would indeed face up to this issue.

I was impressed also with the interest students showed about our involvement in Vietnam. I was gratified by their objective questions about the military draft laws, for these laws will vitally affect them very soon in their young lives. I was encouraged by their concern for a stable Federal Government.

It is nice to be reminded that the great majority of our young people are not the ones we read about on the front pages of our metropolitan newspapers. And I can't help but get the feeling that not only are these many youngsters doing something right, but there must be a lot of parents and teachers still around who must be doing something right also.

CONGRESSMAN HORTON CUTS BACK SUMMER INTERN PROGRAM FOR LACK OF SPACE

Mr. HORTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, I rise today to deliver a regrettable message to my colleagues. Every summer since I came to Washington to join this honorable body, I have been pleased and proud to afford many young men and women college students the opportunity to live and work in Washington.

These intern programs have been good for me and for the students. Many of the students who worked and studied in my office in past years have written to me later to tell me that their experiences in my office honed their desires for a life in the service of their fellow citizens.

Each of them has brought to the Horton office an enthusiasm and freshness of thought which always rekindles the spark of duty in my year-round employees. Also, the instruction of these interns seems to sharpen my staff members' knowledge and appreciation of their own duties.

But circumstances have forced me to drastically curtail the intern program for summer of 1967. The decision has solely to do with a critical lack of space.

I have nine employees working regularly on my Washington staff. I employ six secretaries to assist me in handling the multitude of letters which daily are delivered to my office. My colleagues will agree that the mail volume seems to grow daily, underscoring the need for a sufficiently large staff to see to the needs of our constituents.

In addition to secretaries, I employ a legislative and executive assistant and an administrative assistant who supervises the work in the office.

By actual measurement, these nine employees work daily in House-assigned space which is far less than half that which the General Services Administration has called adequate for office work.

The total space afforded me in the Longworth House Office Building is 420 square feet. My private office, of course, is in addition to this total.

Were it not for the gracious assistance of one of my colleagues from Minnesota, who afforded me space for files and two desks in his office annex, this situation would be so intolerable that efficient work would be next to impossible.

According to figures supplied me by the General Services Administration, these nine employees should have a minimum total working space of 1,110 square feet.

Thus, my staff members already are handicapped by working in available space which, as I said, is less than half of the acceptable Government standard.

Thus, Mr. Speaker, where last summer I was able to include six interns on my staff at one time, because of the provision of adequate annex space, this summer without that additional area available, I shall be able to fill only one intern position. In order to spread that single space as far as possible, I hope to be able to open it to two young men, one for the first half of the summer and the second for the latter half.

The intern program for the summer of 1967 in the Horton office will be but a skeleton suggestion of that which once was. Work experience programs conducted by colleges and universities, nonprofit foundations, and civic organizations, to which I formerly opened my office doors just won't fit through this year.

I regret it, and I hope my colleagues share the sense of irritation and indignation which I direct at the unwillingness of all of us, myself included, to move all aspects of this honorable body into the age of modernity, equipping us thereby with the area and apparatus necessary to operate efficiently and effectively.

GRANT OF $125,320 TO LEARN WHEN TO SAY "AIN'T"

Mr. HALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous but pertinent material.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, a few days ago, on April 4, 1967, under the heading "Help? Say it Ain't So," I appealed for help in tracking down a Federal grant in the amount of $121,000 to teach people when they should say "ain't," and when they should say "aren't." I am happy to report that the source of this funding has now been established. The grant to Michigan State University, in the amount of $125,320 was made by the U.S. Office of Education under title IV, Elementary and Secondary Education Act.

An article in the March 17 issue of Time magazine entitled "The Fine Art of Grantsmanship," describes a new project that has been created since the advent of the Federal Government into massive expenditures for research. The Time article describes the double talk that must be carefully put together to impress the custodians of the Federal money. Nowhere is this paradox more obvious, than in this grant awarded to Dr. Roger Shuy, of Michigan State University. I ask unanimous consent to insert, at this point in the RECORD, a copy of the project résumés, and an article from the December 15 issue of the Flint, Mich., Journal, which tells what the money will actually be spent for, once one learns to penetrate the verbosity of the application. Both articles follow:

[From the Flint (Mich.) Journal, Dec. 15, 1966]

AIN'T CAN BE RIGHT, PROF SAYS

EAST LANSING (AP)—If you say "he don't," "they ain't," and "nobody learned me how to talk good," the grammar books will say you're wrong. But Prof. Roger Shuy won't necessarily agree.

For anyone whose speech violates grammar book rules, the Michigan State University linguist advocates having two kinds of English—a comfortable everyday kind and a more formal, kind, to impress your boss, for example.

If a child comes to school and says "ain't," Shuy will say "not that it is wrong, but that it is wrong some of the time."

He aims not to eliminate the "ain't," but to make sure the child knows that if he wants to climb high on life's social and economic ladders, there are times when he should say "aren't."

"If, he doesn't want to succeed, that's his business," Shuy said.

"For those who want to succeed, we ought to be able to tell them the switching devices (from everyday English to formal English) more precisely," he said.

Shuy currently is busy trying find out exactly what it is about the way various people speak that makes other people approve or disapprove of them.

The U.S. Office of Education granted $121,246 for his study, which includes taped interviews with 700 Detroit residents from different economic and social backgrounds.

Shuy and his staff are analyzing the tapes of the 1½-hour interviews, and "we could go five or 10 years, there's so much material."

But, he said, the federal office wants reports sooner than that and "we'll have things to say in fall of 1967."

"If there is some pattern that relates to social stratification, it's something teachers should be alert for," he said.

"We're seldom aware of the things that give us away," said Shuy.

Once he has been able to analyze the speech patterns that signal social classes, the next step is to develop the switching devices to turn those speech patterns into what Shuy calls "the target dialect."

This is the dialect, he explained, needed to enter life's "front doors."

Shuy said he has heard teachers tell disadvantaged children something that amounts to: "This is the way your parents talk and they are uneducated slobs."

He would rather have them say: "This type of talk is all right here as long as you understand it may hold you back socially—not that it is wrong, but it is wrong some of the time."

The linguist explained, "Home speech is more intimate. We don't want to shoot it down as bad.

"Talk is something that must be understood," he added. "We want to teach the art of when to switch from one dialect to another."

The type of material he and his assistants are gathering, Shuy said, could be tremendously valuable to teachers.

"It will help teachers determine the nature of the problem," he said. "It seems obvious there is no need to teach against a bad construction if it doesn't exist."

PROJECT RÉSUMÉS: A STUDY OF SOCIAL DIALECTS IN DETROIT

Investigator—Shuy, Roger W.

Michigan State University, East Lansing.

Prop date 25 Aug. 65 (Date of Proposal).

Bureau Number BR–6–1347.

Research Branch, DESR.

No. 6, Michigan.

Contract OEC–3–6–061347–0636

FY66–$121,540. 03–22–66.03–31–67. FY67–$3,780.

04–01–67.08–31–67.

Descriptors—Linguistics, dialect studies, language research, social differences, language patterns, speech habits, urban culture, East Lansing, Michigan.

Start date 03–22–66.

End date 08–31–67.

The linguistic features (pronunciation, grammar, vocabulary, and syntax) of the various English-speaking subcultures of Detroit will be delineated on this research program. In addition, it will—(1) seek efficient means of gathering language data in cities, (2) investigate effective uses of computers in the storing, retrieval, and analysis of language data in an urban dialect study, (3) provide actual language data for practical applications in the classroom, and (4) determine the linguistic clues to social class, the function of language in establishing social boundaries, and the processes of language in an urban area. After a developmental phase and the training of field workers are completed, language data will be gathered by structured linguistic interviews, questionnaires, conversational interviews, multiple choice tests, and tape recording. Consultants and staff will determine analysis techniques and procedures during the developmental stage of the project. (WB).

SENATOR EDWARD E. MARTIN

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, with the death of the Honorable Edward E. Martin, Pennsylvania and the Nation have lost another outstanding patriot, soldier, and statesman.

Our former colleague in the Senate was born in sparsely settled country, attended a small college, and preferred the humble surroundings that somehow are unique to the small community. He rose to exalted positions in the service of his State and his country, yet when his active career came to an end, he chose to return to the land of his youth to live almost anonymously among old friends and neighbors.

Edward Martin was a military hero. Before studying law he took part in the Spanish-American War. He also participated in the conflict on the Mexican border and in the First and Second World Wars. He served in all grades from private to major general, and his honors included the D.S.C. with Oak Leaf Cluster, Purple Heart with Oak Leaf Cluster, and American Legion Distinguished Service Medal.

Edward Martin held many public offices, and he conducted each with dignity, honesty, and dedication that endeared him to his political opposition as well as to his legions of supporters. He was burgess of East Waynesburg, solicitor of Greene County, and then auditor general, State treasurer, and adjutant general of the Commonwealth of Pennsylvania before becoming Governor in 1943.

Twice elected to the U.S. Senate, he was courageous, effective, and forthright. And when he reached an age where he felt that he could not continue to serve with the vigor and tireless devotion that he believed inherent in the responsibility of office, Senator Martin gracefully retired to his native western Pennsylvania.

Having had the opportunity to work closely with Senator Martin during my first 6 years in Washington, I came to enjoy a close personal friendship with this retiring and modest but dynamic and determined American statesman. I shall remember him always, and Pennsylvania will forever be indebted for his unswerving devotion to State and country.

JUDGE CHARLES E. MOYLAN

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. MATHIAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MATHIAS of Maryland. Mr. Speaker, a progressive era in the history of Maryland's bench and bar ended last month when the Honorable Charles E. Moylan retired, at the age of 70, as an associate judge of the supreme bench of Baltimore.

A native of Ijamsville in Frederick County, Judge Moylan is one of the Free State's most distinguished jurists and leading citizens. During his long career of public service, he has achieved prominence not only as an eminent judge, but also as a member of the Maryland bar, an active layman in the Methodist Church, president of the board of trustees of the Maryland School for the Deaf, a noted orator—and also as a baseball player and coach, a Navy pilot, a brilliant student, and an outstanding teacher.

Since his appointment to the supreme bench in 1943, Judge Moylan has served by his own request in the division for juvenile causes of the circuit court of Baltimore City. During these 24 years, his leadership and compassion have made this court one of the finest juvenile courts in America. Although the court has handled more than 54,000 cases since 1943, not a single decision has been appealed, a remarkable fact proving the respect his judgment has gained among members of the bar. His work as a champion of youth has been widely acclaimed by such organizations as the Boy Scouts of America, the Jewish Big Brother League, and the Baltimore YMCA.

Perhaps the most appropriate tribute to Judge Moylan's work for youth was the dedication of the Judge Charles E. Moylan Building for Adolescents at Boys Village, the correctional institution whose development the Judge has advocated and overseen for many years.

On the occasion of Judge Moylan's retirement on March 9, his two sons, Charles E. Moylan, Jr., and Daniel W. Moylan, prepared and presented an informal biographical tribute to him. Because this varied collection of articles and summaries presents all aspects of this remarkable gentleman, I would like to include it in the RECORD at this point:

A VISIT WITH CHARLES E. MOYLAN—ASSOCIATE JUDGE, SUPREME BENCH OF BALTIMORE CITY

This is no formal biography. The collection of old newspaper clippings, photographs, articles, speeches, box scores, and other family memorabilia of our father's interests and hobbies is prepared by us for presentation to him on his seventieth birthday,—the occasion of his retirement from The Supreme Bench of Baltimore City. May he enjoy this journey over some old trails of his earlier days as a farm hand, book agent, baseball player and coach, school teacher, clerk in a country store, newspaper reporter, Naval Aviation pilot, lawyer and jurist.—Chas. E. Moylan, Jr.; Daniel W. Moylan.

Retired, one needs must pay the toll
To youth and age, and turn not from his goal.
So let the way wind up the hill or down,
  Through rough or smooth, the journey will be joy;
  Still seeking what I sought when but a boy:
New friendship, high adventure, and a crown;
I shall grow old, but never lose life's zest,
Because the road's last turn will be the best.

—HENRY VAN DYKE.

THE JUDGES IN MARYLAND

(Reprint from Daily Record, October 1960)

Judge Charles E. Moylan, Associate Judge of the Supreme Bench of Baltimore, was born in Ijamsville, Frederick County, Maryland, on March 9, 1897, the son of the Reverend Daniel E. and Martha Linthicum Moylan.

He was graduated from the Frederick High School in 1914 and took his A.B. degree at Western Maryland College in 1917. He came to Baltimore in 1921 and attended the Johns Hopkins University Graduate School and was admitted to the Bar upon receiving his law degree at the University of Maryland Law School in 1924. He was awarded the honorary degree of Doctor of Laws from Western Maryland College in 1952.

Prior to moving to Baltimore Judge Moylan taught French and mathematics at the Brunswick High School and English at the Frederick High School. He then was an instructor of English at the Baltimore Polytechnic Institute from 1923 until 1925. He engaged in the practice of law from 1924 until his elevation to the Bench in September, 1943, when he has appointed by the late Governor Herbert R. O'Conor to fill the vacancy which existed due to the retirement of the late Judge George D. Solter. He was elected to a full fifteen-year term in 1945 and during his entire service on the Supreme Bench has presided in the Division for Juvenile Causes.

The jurist has served as a Judge of the Appeals Tax Court of Baltimore, 1932–1935, was Chairman of the State Industrial Accident Commission, Chairman of the Board of Trustees of the Maryland School for the Deaf, Trustee of Western Maryland College, a director of the Maryland General Hospital, the Legal Aid Bureau, the Goodwill Industries, and Trustee of the Harlem Park Methodist Church. In addition, he is a member of the National Rush Light Club of Boston, the Society of Antique Light Collectors, The Trial Table Law Club, the American Bar Association, the Maryland State Bar Association and the Bar Association of Baltimore City.

Judge Moylan was Chairman of the Baltimore Youth Commission for ten years and in 1948 the Boys Scouts of America presented him with the Silver Beaver Award "for distinguished service to Youth." In 1950 the Jewish Big Brother League honored him as "Big Brother of the Year for Maryland," while the Baltimore Y.M.C.A. awarded him its 1959 "Award for Service to Youth."

During World War I Judge Moylan was a Pilot in the United States Naval Flying Corps, with the rank of Chief Quartermaster and was coach of the Ijamsville Baseball Club (unlimited) of the Maryland State League which aggregation was the pennant winner on ten occasions from 1939 through 1960. He also is a member of the Kappa Sigma and Gamma Eta Gamma Fraternities, a Past Commander of the German H. H. Emory Post of the American Legion and was President of the Downtown Lions Club in 1932.

He was married to the former Anna Mildred Wheeler in 1924 by his father, a Methodist minister, and has two sons, Charles E. Moylan, Jr., State's Attorney for Baltimore City, and Daniel Wheeler Moylan, member of a Hagerstown law firm—Bushong, Byron and Moylan. Judge and Mrs. Moylan reside at 401 Bretton place in Baltimore.

THE HOME TOWN

Jude Moylan, making his summer home at Ijamsville, has a strong sentimental attachment for his home town. He has established in the Ijamsville Methodist Church a free library in honor of his late parents, Rev. and Mrs. Daniel E. Moylan. He organized and was the advisory coach of the Ijamsville Baseball Club of the Maryland State League for twenty-five years. In competition with Frederick, Brunswick, Thurmont, Mt. Airy and other much larger cities and towns, Ijamsville (pop. 120) won ten league pennants.

Judge Moylan is the author of: "Ijamsville, The Story of a Country Village," which was published in 1951.

COUNTY LEAGUE BANQUET

(Reprints from Frederick Post, 1921)

A banquet will be held by fans from the various towns represented in the Frederick County League last year which will be held at Wayside Inn Thursday evening, March 23, at 7:30 o'clock. This date was set by Bruce S. LeGore, chairman of the banquet committee, last night.

The pennant will be formally presented to the Thurmont team, champions of the circuit last season, at this banquet. Charles E. Moylan, of the Ijamsville club, will be presented with a gold baseball for leading the league in batting last season.

HOW IJAMSVILLE BATTED

Charles Moylan, second baseman of the Ijamsville baseball club, of the Frederick County Amateur League, is the winner of a silver loving cup, offered at the beginning of the season by Harry E. Wolfe, an Ijamsville merchant, to the player with the highest batting average for the season just closed. Moylan led the Ijamsville club with an average of .478, hitting safely in all of the 14 league games. Three Ijamsville players hit above .300. Gilbert and Hauver being the two others. The averages follow:

	G	AB	H	Per-cent
Moylan	14	67	32	0.478
Gilbert	7	30	12	.400
Hauver	10	36	11	.305
Jas. Grove	8	32	9	.281
Kreh	9	36	10	.277
Molesworth	13	54	14	.259
Wolfe	14	55	14	.255
Jarboe Grove	14	61	15	.246
Rimbey	4	10	2	.200
Riggs	8	20	4	.200
Wallis	6	20	4	.200
Westenhaver	2	6	1	.166
Cadle	9	30	5	.166
Nicodemus	3	8	1	.125

With Kreh as catcher and Hauver as pitcher, the regular club's hitting average for the season is .304, although but three of its members hit .300 or over.

The Ijamsville second baseman also won an overcoat given by B. O. Phelps, another Ijamsville business man, to the player on the Ijamsville club with the highest total bases for the season. He hit safely 32 times, including four doubles, two triples and two homers for a total of 46 bases. Molesworth is second, with 19.

THE CLUSTERED SPIRES OF FREDERICK

Chas. E. Moylan was graduated as an honor student from Frederick Boys' High School in 1914. He served as president of the Belles Letters Literary Society and as one of the editors of the high school magazine. Old box scores in the school newspaper reveal that he played second base on the varsity baseball team, and led his 1914 team in hitting with an average of .454.

After his graduation from Western Maryland College in 1917, the subject of this sketch returned to his native Frederick County. He taught French and Geometry in Brunswick High School for a year and then enlisted as a pilot in the U.S. Naval Flying Corps. When World War I ended, he taught English, Debating and French in Frederick Boys' High School, and coached its baseball team, for three years.

TWO YEARS AT WESTERN MARYLAND COLLEGE

The former clerk in the Ijamsville country store enrolled at Western Maryland College in the fall of 1915. He worked his way through college as a door-to-door book agent. He achieved an academic record equalled only twice in the history of the College. Completing the four years course of study in two years, he was graduated as Valedictorian of his Class in 1917.

While in college, Charlie Moylan served as president of Webster Literary Society, played second base on the Varsity baseball team, and in 1917 represented his college in the Annual Oratorical Contest with Washington College, St. Johns College and the University of Maryland, winning second honors.

The Green Terrors' second baseman in 1917 has served as president of his College Alumni Association. He was awarded an honorary doctorate (Doctor of Laws) by his alma mater in 1952. He has served for more than ten years, and is still serving, as a member of the Western Maryland College Board of Trustees.

THE UNIVERSITY OF MARYLAND LAW SCHOOL

After his two years at Western Maryland College, and a year in Seattle, Washington training to become a pilot in the U.S. Naval Flying Corps (World War I), Charlie Moylan taught four years at Brunswick and Frederick Boys' High Schools. After the War, he taught English for four years at the Baltimore Polytechnic Institute. He pursued a year's graduate work in Political Science at the Johns Hopkins University, while attending evening classes in the University of Maryland School of Law.

In his senior year at law school Charlie Moylan served as president of the University's Student Government. He was president of the Alpha Debating Club and the winner of the Louis Ashman Scholarship. He received an LLB degree in 1924, and was married a month later to a Western Maryland College schoolmate, Anna Mildred Wheeler, who was at the time the Head of the History Department in Baltimore's Junior High School #40. He practiced law in Baltimore from 1924 to 1943.

Certificate of attendance and record of Charles E. Moylan

These presents certify that Charles E. Moylan matriculated in the Law School of the University of Maryland in September 1921 and was graduated with the degree of Bachelor of Laws on June 7, 1924. The following is a transcript of his record:

Elementary Law	100
Contracts	90
Real Property	94
International Law	93
Domestic Relations	97
Pleading	80
Torts	96
Criminal Law	95
Testamentary Law	75
Personal Property	97
Title & Conveyancing	87
Practice	88
Sales	100
Agency	100
Evidence	98
Common Carriers	97
Commercial Law	96½
Corporations	97
Bills & Notes	93
Admiralty	93
Insurance	100
Bankruptcy	91
Conflict of Laws	100
Equity Procedure	77
Federal Procedure	80
Equity Jurisprudence	87
Constitutional Law	99
Practice Court	84

Passing mark 75%.

ROGER HOWELL,
Assistant Dean.

TWENTY YEARS AS A PRACTICING LAWYER

Mr. Moylan served for three years of this period as a Judge of the Baltimore City Appeal Tax Court, by appointment of Mayor Howard W. Jackson; entered the Primary for the Democratic Nomination for Mayor of Baltimore in 1935 and was defeated after a hard fought campaign; and later served for four years, by appointment of Governor Herbert R. O'Conor, as Chairman of the State Industrial Accident Commission.

During his law practice, Charlie Moylan was the senior partner in the law firm of Moylan, McKeldin and Smith. Associates in the firm at various times included Chas. David Harris, W. Hamilton Whiteford, W. Albert Menchine and Lester L. Barrett. Theodore R. McKeldin has twice served as Mayor of Baltimore City and for two terms as Governor of Maryland. Mr. Whiteford and Mr. Harris have served as presidents of the Bar Association of Baltimore City. The late Michael Paul Smith served for several years as a Judge of the Circuit Court for Baltimore County, while W. Albert Menchine and Lester L. Barrett are currently Judges of this Court. Chas. David Harris is now an Associate Judge of the Supreme Bench of Baltimore City. The old law firm was often facetiously referred to as a school for judges.

Chas. E. Moylan was appointed by the late Governor Herbert R. O'Conor as an Associate Judge of the Supreme Bench of Baltimore City in 1943 and was elected for full fifteen year terms in 1945 and 1961. He had served on this Court for twenty-four years at the time of his retirement on March 9, 1967.

SITTING JUDGES ARE ELECTED

(Reprint From the Baltimore Sun, 1945)

(By George J. Hiltner)

Baltimore voters yesterday voiced approval of the principle of electing sitting judges by giving six associate judges of the Supreme Bench a sweeping victory over two other aspirants to the judiciary, in almost complete returns from the city's 471 precincts.

Unofficial tabulations of reports from 467 of the precincts showed the following results of the voting, with the six sitting judges leading the list:

Judge Charles E. Moylan	87,488
Judge Herman M. Moser	83,944
Judge Michael J. Manley	83,184
Judge E. Paul Mason	80,813
Judge Joseph Sherbow	76,920
Judge John T. Tucker	69,223
James K. Cullen	45,841
Wilfred T. McQuaid	42,544

TWENTY-FOUR YEARS AS AN ASSOCIATE JUDGE OF THE SUPREME BENCH OF BALTIMORE CITY

In 1943 the Baltimore Juvenile Court was by statute placed at Circuit Court level. Judge Moylan has, by his own request, been assigned for the past twenty-four years by his colleagues on the Supreme Bench of Baltimore City to sit in the Circuit Court of Baltimore City, Division for Juvenile Causes. The Baltimore Court has been generally acclaimed as one of the best in America.

From the beginning Judge Moylan has agreed with the late Roscoe Pound, one of the country's foremost authorities in jurisprudence, that the establishment of the juvenile court in 1898 represents the greatest reform in the administration of justice since Magna Carta.

Judge Moylan's work for youth has been widely recognized. He was Chairman of the Balto. Youth Commission for ten years (1943–1953). In 1948 the Boy Scouts of America presented him with the Silver Beaver Award "for distinguished service to youth." In 1950 the Jewish Big Brother League honored him as "Big Brother of the Year for Maryland." The Baltimore Y.M.C.A. awarded him its 1959 "Award for Service to Youth."

During the past twenty-four years, the Circuit Court of Baltimore City, Division for Juvenile Causes, has had before it more than 54,000 cases charging juvenile delinquency. Many hundreds of lawyers have appeared in these hearings. In these two decades, there has not been an appeal from a decision to the Maryland Court of Appeals.

BOOK CALLS JUDGE MOYLAN'S YOUTH COURT "ONE OF THE BEST"

(Reprint from Baltimore Sun, September 1965)

Judge Charles E. Moylan, who has presided in the Baltimore juvenile tribunal for about twenty years, yesterday proudly displayed a book on juvenile crime which describes his court as "one of the best juvenile courts in the country".

The laudatory reference to the Baltimore Division for Juvenile Causes is contained in a book entitled "Kids, Crime and Chaos", written by Roul Tunley, editor of the former *American* magazine, and onetime editorial promotion head for *Look* magazine.

"Baltimore not only has one of the best juvenile courts in the country, but perhaps the most effective probation system, with caseloads limited to 50 or 60 per officer", Mr. Tunley wrote.

Further referring to the Baltimore court for juveniles, Mr. Tunley wrote that "the statistical results are gratifying".

"Baltimore's rate of delinquency has not increased since World War II. And the actual number of delinquents today is less than it was five years ago, despite a steady increase in the city's population.

"We could use a lot more of Baltimore's type of coordination."

"When people cooperate"

Earlier, the author asserted, "It is heartening what can happen when people cooperate.

"A few years ago, Baltimore, tired of having the delinquency programs of police, court, schools, church and other organizations working at cross purposes with one another, made a real attempt to coordinate all their activities in one place—the juvenile court building.

"There, most of the community's public and private resources have offices or representatives, and the court is the hub around which the city's whole child-welfare program rotates.

"Such close cooperation tends to eliminate waste and duplication, and most organizations can communicate with each other just by walking down the hall.

"With everybody looking in on everybody else all the time, higher standards are stimulated."

Judge Moylan said the author of the book, a native of Chicago and former reporter for the New York *Herald Tribune,* apparently was referring to a system he inaugurated about twenty years ago which has representatives of the school system and the Welfare Department in his court at all times to give closer liaison with these agencies.

The judge said having such persons in his court saves considerable time in placement of children in foster homes and in handling cases involving school truancy, discipline and acts of vandalism.

COTTAGE NAMED FOR MOYLAN BY BOYS VILLAGE INMATES

(Reprint from Baltimore Sun, Oct. 1958)

(By George J. Hiltner)

Judge Charles E. Moylan, of the Baltimore Juvenile Court, yesterday received the unique distinction of having a cottage at the Boys Village named in his honor by the youths he sent there for misbehaving.

In a sort of reverse twist of the old saying about biting the hand that feeds you, Judge Moylan was feted at a sumptuous meal served by the staff and boys at the correctional institution, and then was presented with a lamp made by the inmates from an aged cedar root.

More than 100 welfare, probation, police and penology officials of the State turned out for the ceremonies to honor the man credited with doing more than anyone else to remove the stigma that surrounded the old Cheltenham School for Colored Boys.

Physical changes noted

Visitors to the Southern Maryland school marvelled at the changes that have come over the institution in the past fifteen years, since Judge Moylan took a personal interest in the place and brought about many needed reforms.

The new Moylan cottage, with a dormitory and private rooms for about 25 inmates, and eight others almost identical, would do credit to almost any college campus.

Each cottage is completely equipped with a kitchen, lavatory and showers, a large play room, dining room and an apartment for the house parents. Outside, each cottage also has its own recreational area.

Gone, or in the state of demolition, are the old buildings with their dingy cells, places of solitary confinement and other shameful memories of the old Cheltenham.

Devil and Cheltenham

As an example of what the old Cheltenham meant to Negro boys of the State, Lawson J. Veney, superintendent of Boys Village, related something that Judge Moylan told him ten years ago.

In those days, the judge recalled, when one asked a white boy what would happen to him if he were bad, the answer would be that he would go to the Devil.

But when a Negro boy was asked the same question, he would reply that he would "go to Cheltenham."

Judge Moylan recalled that when he was assigned to the juvenile division of the courts in 1943, some 70 per cent of the youths at Cheltenham were untrainable because of their mental capacities.

Education provided

Since then, he said, the boys are carefully screened and the untrainable ones are sent to institutions under the Department of Mental Hygiene.

AN ARDENT CHURCHMAN

Judge Moylan is a member of Grace Methodist Church. When his father, the late Rev. Daniel E. Moylan, a deaf clergyman who founded Christ Methodist Church (Baltimore) in 1896 and was its pastor for forty-seven years, died in 1943, the son stepped in and took full charge of the work for two years until the Baltimore Conference of the Methodist Church could locate a successor. The membership of the Church was doubled during this two-year period. Rev. Louis W. Foxwell, whose deaf parents were members of the Church, and who was persuaded by Rev. Daniel Moylan to enter the ministry, is the present pastor.

Judge Moylan's "History of Christ Methodist Church for the Deaf" was published in the May–June (1943) issue of The Maryland Bulletin.

Judge Moylan was the teacher of the Reed Men's Bible Class of Gregory Baptist Church of Baltimore from 1935 to 1945. This is believed to be one of the largest Men's Bible Classes in the East.

C. E. MOYLAN PICKS ODD ALL-STAR CLUB

(Appeared in Grantland Rice's Spotlight, Fall of 1932)

The first All-Biblical team has been picked by Charles E. Moylan, Baltimore attorney, formerly of this city. The following yarn concerning Mr. Moylan's unique club is reproduced from W. Wilson Wingate's column, Baltimore sports writer.

The story:

The open season for All-America, All-Maryland and All-Time football teams has about run out, but, just in time, Charles E. Moylan, judge of the Appeal Tax Court, lets go with both barrels and brings down some rare game.

In fact, Judge Moylan has contributed the most unusual all-star group we have seen—a group composed of athletes of the Bible.

We might say that Judge Moylan, teacher of the Men's Bible Class of the Monument Street M. E. church, was himself an athlete of note in his college days and still holds the record batting average (.478) in Mike Thompson's Frederick County Baseball League.

Here are Judge Moylan's all-stars selected from the virile, dynamic, Biblical characters who lived in the out-of-doors and whose physical feats sometimes surpassed those of modern times:

Elijah	Long-distance runner.
David	Marksman.
Samson	Weight-lifter.
Peter	Oarsman.
Paul	Marathon swimmer.
Dr. Luke	Trainer.

Commenting on Elijah's endurance as a Marathan runner, Judge Moylan points out that this hardy man of the mountains, clad in a mantle of camel's hair, beat King Ahab and his chariot in a race over a rough mountain road to Jezrell, a distance of sixteen miles, in the midst of a blinding storm. He had an iron frame, which enabled him to endure a forty days' fast.

Of David's super control in a crisis, Judge Moylan points out that he threw from his "sling" a stone with such perfect accuracy that it struck the small open spot on Goliath's forehead—the only vulnerable opening beneath the giant Phillistine's helmet of brass. His marksmanship, when Israel's nation existence was threatened, labels David as a great "money player."

"The phenomenal strength of Samson," states the writer, "justifies his selection as weight lifter on the all-star group of Bible athletes. Proofs of his tremendous strength are many. He killed a young mountain lion bare handed (Judges 14.5–6). Standing between two pillars supporting a bleacher-like porch in the courtyard of the palace he exhibited his weight-lifting prowess and the structure crumbled (Judges 16:29–30).

"Shipwrecked in the Mediterranean, Paul was in the water a day and a night (II. Cor. 11–25). Only a great swimmer like Paul, with iron endurance, could have reached shore after being in the water practically twenty-four hours.

"Of the rugged, volcanic Peter, it is timely to note that sudden, and fierce storms are frequent on Lake Galilee, where Peter and his brother, Andrew, were partners in the fishing business and where he developed skill in handling boats, as shown by his exciting trip in a storm in which he rowed almost an entire night."

GOD'S UNIVERSE AND MAN'S ENDEAVORS

(Reprint from the Evening Sun Forum, Nov. 1961)

Sir: In our race with the Russians to conquer space, the spectacular feats of modern scientists and engineers should neither frustrate nor unduly dazzle us. As we place their feats in their proper perspective, they should increase our reverence toward God as the architect of the universe and enlarge our concept and appreciation of his handiwork.

The Russians have put a man (Yuri Gagarin) in orbit for a few hours, and America launched Major Alan B. Shephard 115 miles into space at a speed of 4,000 miles an hour. Next week Joe Walker, of the United States Space Agency, will pilot the X–15 and try for a new altitude record of 250,000 feet. The National Aeronautics and Space Administration announces that the thrust required to launch our first Saturn super-rocket on an eight-minute flight, which starts the United States on the long road to man's landing on the moon, totals 1,300,000 pounds.

Our Heavenly Father—fifty to two hundred million years ago—placed this earth in orbit around the sun. The thrust required to launch from the sun a missile (the earth) estimated by astronomers to weigh 6,000,000,000,000,000,000,000 tons 93,000,000 miles into space staggers the imagination. The earth has remained in orbit, non-stop, without refueling, with not only one man, but 2,500,000,000 people aboard, and has continued for millions of years to whir through space not at 4,070 miles an hour (heralded in 1961 as a record-breaking speed) but at an approximate speed of 68,600 miles an hour in its annual 600,000,000-mile journey around the sun.

Yesterday (November 9), American Major Bog White, in an X–15 rocketship, streaked along at 4,070 miles an hour, six times the speed of sound and twice as fast as a rifle bullet. Is this the new frontier of speed? As long ago as December 1, 1922, the Harvard Observatory issued a bulletin which informed us that a star in Cepheus has been moving for millions of years at a speed of 2,500,000 miles an hour.

The chance that our solar system could have been the result of mere accident—without plan or purpose of the Architect of the Universe—is about as remote as the chance that the King James Version of the Bible could have resulted from an explosion in a printing plant.

In the Constitutional Convention in Philadelphia, Benjamin Franklin said, "I am, at 84 years of age, the oldest delegate here, but the older I become the surer I am of this truth that God still governs in the affairs of mankind."

CHAS. E. MOYLAN,
Associate Judge, Supreme Bench of Baltimore City.

YOUNG AMERICANS ON THE MARCH

(Address of Chas. E. Moylan, Sr., delivered June 13, 1965, at the Eastern College Commencement in Baltimore, Maryland)

At the end of World War II, the United States Navy was not only the largest in the world but larger than the combined navies of all other nations. Our Navy historically has been the country's First Line of Defense, but many of its ships in this Atomic Age are already obsolete. We have, however, an auxiliary or reserve fleet; its ships are not obsolete but remain our greatest arsenal, a Gibraltar-like bulwark of national strength,—scholar*ship*, citizen*ship*, leader*ship*, international friend*ship*, statesman*ship* and wor*ship*. May I refer to four of them? First:—

Scholarship

The 130 graduates of Eastern College are a part of a vast army of about 600,000 who this month are being graduated from American colleges and universities. The ten million American college graduates of the past twenty years equal the entire number graduated from college in the preceding one hundred and seventy years of the Nation's history. During the next twenty years, every indication is that our college enrollment will double. The emphasis of the Age is on *Scholarship*.

The graduates of 1965 cannot look forward to an easy life of rocking chair comfort. Whatever profession or business you follow, you are going to find your workshop, your law office, your church, your civic club,—not a dormitory for sleepers but a front line trench. Many complex and alarming world problems will face our college graduates this year. Here are four:—

1. Our country leads the world in crime. This widespread epidemic of lawlessness and violence on our streets must be checked.

2. The world's population explosion must be controlled if we are to escape starvation, disease and plagues.

3. Your country—and the world—must find a way to prevent World War III and build a durable Peace if Judaic-Christian civilization is to survive in this Atomic Age.

4. In any normal decade it is rare for a single country to be born or to achieve its independence. In the twenty years since the end of World War II, that is within the lifetime of most graduates here today, we have seen the emergence of thirty-five new and sovereign states. All are naturally making mistakes and creating complex problems for us as leader of the free world.

Above the storm clouds of crisis, however, there is a rainbow of hope on the canvas of our sky.

Citizenship—Leadership—Statesmanship

This army of 10,000,000 young college graduates since the end of World War II—lawyers, engineers, political scientists, sociologists, business men, teachers, nurses, doctors, economists, homemakers—is the best equipped, the best trained, the best informed generation in all history to deal with the particular type of problems we face. In the past a great weakness of our system has been that too many of our older citizens shrink from taking part in politics. Thousands of these young leaders who have majored in political science, sociology, constitutional law, criminology and public health problems are planning an active participation in government—in politics. More students are being educated for careers in the diplomatic service in recent years in two schools alone, the Georgetown and American University Schools for Foreign Service—than were trained in this specialized field in all of our colleges in the preceding one hundred years.

From the ranks of this army must come the clear-headed scholarship, the public-spirited citizenship, the leadership and the statesmanship we must have if America is to solve our problems here at home, escape national bankruptcy, check crime and violence and set an example for the thirty-five new nations of the world by making our Democracy here at home work more smoothly.

You on this platform are a part of that trained army. With a sense of mission and flaming purpose to match your training and skill, you and your colleagues are ready, I know, to answer the bugle call.

International friendship

We need, too, another Ship—*international friendship*. The United States has for two decades been embarked upon a foreign policy to create a reservoir of understanding and friendship among nations as a broad and necessary foundation in building a stable Peace. The program revolves largely around our student exchange program and our Peace Corps.

A vast army of thousands of our high school and college students are being sent every year to and are educated in foreign countries in every part of the world. Thirty years ago it was rare for a young person under twenty-five ever to go abroad. Students from those foreign countries by the thousands are studying in American high schools, colleges and universities. They are forging strong ties of international friendship. Today these exchange students are overcoming the language barrier.

Tonight more than one-half of the world's people will go to bed hungry. More than one-half live in areas where the per capita yearly income is less than $100. Within a few months, many hundreds of our 1965 graduates will be in the Peace Corps and on their way to these far-off countries to help overcome these tragic conditions.

They are not tourists on a pleasant jaunt abroad. They mingle with the natives, get to know their ways, their needs, their feelings and attitudes. For two years they work among these peoples to improve economic and health conditions there. Their new-found neighbors learn to know them and to appreciate what Americans are really like.

Magazine writers and peddlers of gutter filth, who seem to relish glorifying the morals of the tomcat as they rant about the breakdown of moral standards on American campuses, should spend a month in these steaming jungles and see dedicated American youth of the Peace Corps at work—see them as they really are.

Of course, most of our graduates will not go abroad. Here, on the home front, too, they must play a part in providing the scholarship, the moral leadership, the potential for statesmanship and the public-spirited citizenship needed to keep America strong and free. Every community teems with opportunities in public health, in better sanitation, in community recreation programs, in your law practice, in highway safety, in crime control.

WORSHIP

We need a flagship for our auxiliary Navy. I suggest we christen this ship W-O-R-S-H-I-P. Young Americans must never forget our historic religious heritage as the richest source of our national greatness. I trust each of you will become active in your Church and its far reaching programs for community betterment. Atheistic Russia and Red China, for morale-building purposes, have nothing to match America's religious background, its spiritual resources and strength. Our citizens have more to fight for and more to live for.

In the Constitutional Convention in Philadelphia, Benj. Franklin arose and said: "At 84 I am the oldest delegate here. But the older I become the surer I am of this truth: that God still governs in the affairs of mankind. If a sparrow cannot fall to the ground without his notice, is it possible that a great Republic can be born without his concurring aid?"

THE THOROUGHBRED

(An address by Judge Charles E. Moylan of the Supreme Bench of Baltimore City before the North Baltimore Kiwanis Club, on the eve of the Preakness)

Dr. Frank Crane once said, "There is only one thing in life grander than a young man who is a thoroughbred—a young lady who is a thoroughbred."

What do we mean by this term "The thoroughbred?" Many times a veteran actor, just before the curtain goes up, receives a telegram that his wife or child has been critically injured and rushed to the hospital for immediate surgery. Every decent impulse urges him to rush to the loved one's bedside, but he cannot do so. The curtain goes up. The actor masks his sorrow behind a smile and the play goes on. Why? Deeply imbedded in the history of the theatre for hundreds of years is the tradition that "the show must go on." The old trouper of the stage never disappoints his audience. He is a thoroughbred.

During many shipwrecks, a dramatic scene is enacted. When rescue ships arrive to save the passengers, the last thing they see as the great ship goes down is a lone figure aboard. Loyal to the tradition of the high seas and to the code of men who "go down to the sea in ships," the Captain goes down with his ship. He is a thoroughbred.

All owners of racing thoroughbreds place great value on the bloodlines of their colts. The pedigree of the great Man-of-War has been traced through twenty-two generations of thoroughbreds to a horse owned by the studmaster of Oliver Cromwell.

The 1966 winner of the Kentucky Derby and the Preakness is the Maryland-bred colt, Kauai King. He was sired by Native Dancer, the 1953 Preakness winner and pride of Sagamore Farm here in Maryland. There has been a Preakness winner in three of the last four year generations of the male side of Kauai King's family tree.

The importance of sound bloodlines should not be overlooked by good parents. Clean living parents materially improve the chance that their offspring will measure up to their potential and not start out in life with physical and mental defects. Of 1,500,000 youths who reached draft age in 1965, nearly 40% were rejected for physical reasons and another 20% for mental and emotional defects. This situation is cause for national alarm. If America is to remain strong, more attention must be paid to sensible sex education, to marriage counselling, to medical research and to community recreation projects and public health programs. Strong, healthy parents and sound family planning will improve their chance of bearing and rearing strong, healthy children.

It is well to consider a second facet in the analogy between racing thoroughbreds and those of the human race who deserve this title. The owners and trainers of thoroughbred colts stress not only the colt's pedigree but the importance of long months of careful conditioning and training. Is such training not equally as important for children as for colts? The alarming increase of juvenile delinquency and lawlessness have become a national scandal. It is America's number one social problem. The root cause of the trouble is not delinquent children but delinquent parents who neglect, by precept and example, to train their children to respect the law and the property rights of their neighbors. Training in good citizenship must be stressed. America's greatest shrine of Gibraltar-like national strength is not Faneuil Hall in Boston, Independence Hall in Philadelphia or Raleigh Tavern in Virginia but the good, average home on the average street in the average town. Here the leaders of tomorrow must be trained by public-spirited parents for responsible citizenship, as carefully and thoroughly as the professional trainer conditions his thoroughbred colt for the big race.

A thoroughbred must have heart and be a great competitor. Many thoroughbreds are at their best on a dry track, when sunny skies are overhead, but they flounder on a muddy track. The real thoroughbred can run well even on a muddy track. That is just as true of men as of horses. When misfortune, sorrow or other mountainous difficulties crush one's spirit, when the track is muddy, only the thoroughbred—the champion—is at his best. He meets the test of adversity.

The most glaring failure in American History was Abraham Lincoln for the first forty years of his life. He tried to run a corner grocery store. His partner absconded with the funds. The business failed and he took several years to pay off the debts. He ran for the Legislature in Illinois but was soundly beaten by his opponent. When he first ran for Congress he was defeated. Then he tried to get a job in the Government Land Office in Washington, but another person got the job. His first effort to run for the U.S. Senate met with defeat. When he was forty years of age, he had failed in everything he had undertaken. But he did not give up! He turned those early failures into steppingstones that led him into a golden gateway of opportunity, where he could break the leg-irons and lift the shackles from the backs of four million men in slavery—and save this country in the crisis of the Civil War. He had the courage of a thoroughbred.

Military experts told us after World War I that one of the most powerful torpedoes of that day was the Maxmite torpedo. Yet children could play with it in absolute safety—bounce it on the floor—roll it down the steps of an ordinary building and not cause any damage. It wouldn't explode. This particular type of torpedo has to be fired through a foot or two of steel-plate armor before it meets resistance enough to bring out its full explosive force. A thoroughbred is made like that!

Horse breeders are sure that the thoroughbred colt's competitive spirit and fighting heart, his ability to win even on a muddy track, as well as speed and physical stamina, are passed on from sire to colt. Otherwise, Kauai King, 1966 Derby and Preakness winner, ready to be retired to stud, could not command a sales price of two million dollars nor could Man of War's owners have demanded a stud fee of $10,000.

The thoroughbred, as a result of sound bloodiness and long periods of conditioning and training, has not only physical stamina and physical courage but even greater qualities of character. This is as true of men as of horses. Men who deserve to be referred to as thoroughbreds wear always their honor as a shield. And their rugged integrity, honesty and personal morality is their shining sword. Tennyson said of Sir Galahad, "His strength was as the strength of ten because his heart was pure." The thoroughbred has a chivalrous, an inbred respect for womanhood. His personal code of clean living shuns the flabby weaklings with the morals of the tomcat; he turns his back upon the cheap and the vulgar. With him simple goodness and old fashioned decency take on genuine glamor and high adventure. He is not a long-nosed Puritan. He is a thoroughbred, a charter member of the world's finest aristocracy—the Legion of Honor.

The motion picture "The Covered Wagon" glorified the sturdy, weather-beaten pioneers who blazed a pathway across the trackless Alleghenies and settled the West. An introductory caption appeared on the screen. It read, "The cowards never started! The weak died on the way! Only the brave—the thoroughbreds—got through!"

Some years ago, an English ship capsized in a raging storm off the coast of Ireland. The Commander of the Irish Coast Guard called for volunteers to go out to try to save the drowning passengers. He said, "We have the worst storm in years. If you volunteer, some of you probably won't come back." Every man volunteered. One of them said, "Commander, we don't have to come back, but we do have to go out." Their call to duty overcame all thought of personal safety and all thought of their own families. This strong and transcendent sense of duty is the *noblesse oblige* of the thoroughbred. Can it be transmitted from one generation to another? I submit when such men turn their backs on mediocrity and the standards of the market place and stand upon high ground, when they are stirred by "the better angels of their nature,"—these crowning traits of character are a spiritual legacy from our Heavenly Father. Tennyson has observed:

"Men are like coins, some good and some bad,
"But everyone is stamped in the image of the King."

Such nobility is contagious, too! The grand words of Jas. Russell Lowell stand out in bold relief on the walls of Union Station in Washington:—

"Be noble and the nobility of other men,
"Sleeping at times but never dead,
"Will rise in majesty to meet your own."

MRS. MARY ENGLISH FEIGHAN

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Minshall] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MINSHALL. Mr. Speaker, a long and beautiful life of service and devotion to family, church, and community came to a close April 7 with the death of Mrs. Mary English Feighan, mother of our colleague, the Honorable Michael A. Feighan.

During her 91 years, Mrs. Feighan saw many high honors bestowed upon her late husband, John, and upon their seven remarkable children, five sons, all of whom became lawyers, and two daughters. Mrs. Feighan won her laurels, too, for her selfless devotion to church, charitable, and civic affairs.

In her closing years, she could reflect with great happiness and satisfaction upon nearly a century of achievement, a successful family dedicated to public service, and literally thousands of friends.

To her family, and particularly to my good friend and colleague, Mike Feighan, I offer sympathy on the loss of a wonderful mother. May the faith which made her life a tribute to the truths of her deep religious convictions sustain you in your sorrow.

THE LATE MRS. MARY FEIGHAN, MOTHER OF HON. MICHAEL A. FEIGHAN

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. Bolton] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. BOLTON. Mr. Speaker, My hometown, Cleveland, Ohio, has lost one of its most beloved citizens, Mrs. Mary Feighan—mother of our colleague, Hon. Michael A. Feighan—who passed away on April 6. The Feighan family has been prominent in civic and cultural affairs in Cleveland for many years.

Mrs. Feighan was 91 years old. Her husband, John T. Feighan, passed away in 1952. She was the mother of seven children: five sons—all lawyers—Joseph, John, Congressman Michael A. Feighan, Cleveland Municipal Court Judge Edward Feighan, and Francis X.; two daughters, Sister Ann Cecile, teacher of French at Lourdes Academy, Cleveland, and Mrs. Ann O'Brien of Cleveland.

Mrs. Feighan was active in church and charity work and was a zealous worker in all movements for the betterment of underprivileged children. Her late husband, John T. Feighan, vice president of the Cleveland Trust Co., received the pontifical award of Knight of St. Gregory. This order is conferred on persons who are distinguished for personal character and reputation and for notable accomplishments. Mrs. Feighan was her husband's counterpart.

It was my privilege to know Mrs. Feighan for many years and I valued her friendship very highly.

To Congressman Feighan and all the members of the family I extend my own deep and sincere sympathy in their great loss and would remind them, in the words so beautifully translated from the Sanskrit by Sir Edwin Arnold:

Never the spirit was born; the spirit shall cease to be never;
Never was time it was not; End and Beginning are dreams!
Birthless and deathless and changeless remaineth the spirit for ever;
Death hath not touched it at all, dead though the house of it seems.

Nay, but as one who layeth
His worn-out robes away
And taking new ones, sayeth
"These will I wear today!"
So putteth by the spirit
Lightly its robe of flesh,
And passeth to inherit
A residence afresh.

THE 10TH ANNIVERSARY OF THE METROPOLITAN AREA COUNCIL OF GOVERNMENTS

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Gude] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GUDE. Mr. Speaker, while much of the news these days concerns Vietnam and foreign affairs, we dare not turn away from the other contemporary dilemma—our metropolitan problems.

The Members of this body are all too aware of the challenges and potential damage posed by such urban enemies as crime, pollution of our air and water, traffic, parking, and an array of other problems which are both disturbing and distressing.

In the great metropolitan areas of this Nation, one of the generally significant political developments of this century is unfolding, carrying with it hope for the present and promise for the future. I refer, Mr. Speaker, to the growing conviction among the elected officials of our local governments, a conviction winning support in our State legislatures and the Congress, that the only effective approach to the curing of our metropolitan ills lies in the regional councils of governments.

Since the passage of the Housing and Urban Development Act of 1965, which included a section making such organizations eligible for Federal urban planning assistance, elected officials of local governments in more than 50 metropolitan areas of the United States have established councils of governments. These councils, on behalf of the local governments in their metropolitan areas, seek to develop solutions to their intergovernmental problems. The rapidly growing acceptance of this political strategy is based on the fact that these councils are composed of the elected officials of the local governments themselves. Together, through their council of governments, they establish regional policies aimed at the solution of intergovernmental problems, the same problems that confront every metropolitan area of this Nation in this generation.

Individually, these elected officials—and only they—can carry out these policies in their local areas. Thus, they can develop recommendations on the solution of regional problems without sacrificing any traditional authority or responsibility.

More and more local officials believe that this approach is the only real answer to achieving both the local cooperation and the local control which are at the same time essential and desirable if we are to mount a meaningful attack against these enemies of life in our metropolitan areas in the 1960's.

Indisputable evidence of this was found in Washington last week when 500 elected and appointed officials from our local and State governments across the Nation convened for 3 days of deliberations. This representative gathering clearly expressed the overwhelming endorsement of the council-of-governments approach. The meeting produced specific steps to organize these councils effectively and to assure the intergovernmental cooperation which they are designed to achieve.

It is a source of pride to me, Mr. Speaker, and to other citizens of my district that our own local elected officials have pioneered this approach through their organization, the Metropolitan Washington Council of Governments. This organization is currently observing its 10th anniversary. It is a tribute to the vision and efforts of these officials that the Washington Council is recognized across the Nation as the most productive organization of this type. It is a tribute, too, to such capable leaders as Archilles M. Tuchtan, the council of government's chairman of the board.

As a State legislator for the years that this organization has been active and as a Member of the Congress as it embarks on its second decade of service, I am happy to join in the salute to the Metropolitan Washington Council of Governments. Beyond that, Mr. Speaker, I am grateful for this opportunity to point out to the Congress that its recent mandates in the field of intergovernmental cooperation are producing fresh and hopeful innovations, such as regional councils of governments, which are capable of producing powerful weapons in our war against these urban enemies of crime, transportation, and pollution.

With these new weapons, we draw renewed conviction that we can yet reach that day envisioned by Theodore Roosevelt 60 years ago when he said:

> This Nation will not be a really good place for any of us to live in if it is not a really good place for all of us to live in.

THE INSIDE STORY OF RAMPARTS MAGAZINE

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the April 8, 1967, issue of Human Events, the national conservative newsweekly, featured an extensive article on Ramparts, the leftwing publication which brought to public attention recently the CIA-NASA affair. Human Events makes no claim to impartiality, for "it looks at events through eyes that are biased in favor of limited constitutional government, local self-government, private enterprise, and industrial freedom." Within this wide range of interests, it regularly carries the offerings of such well-known syndicated columnists as John Chamberlain, Henry Hazlitt, James Kilpatrick, Russell Kirk, Victor Riesel, and a host of other established writers. Newsworthy items to Human Events include the warnings of J. Edgar Hoover on the Communist Party, U.S.A. and Communist front groups, congressional committee hearings, and reports on a multiplicity of issues bearing on the interests of the United States and legislation on both foreign and domestic topics which affect individual and international rights and responsibilities. Our firm policy in Vietnam, with some reservations as to implementation, finds support within its pages.

In direct contrast are some of the targets of Ramparts anti-U.S. tirades. Director Hoover and the FBI, along with the congressional investigative committees, are fair game. Of prime importance are the deaths caused in South Vietnam because of the U.S. forces there, with hardly a word about the wholesale slaughter of South Vietnamese civilians which is a traditional feature of Communist policy and operations. Realistic concern over the worldwide threat of communism is "paranoia" to Ramparts.

Differences in policies and methods are to be expected in these troublous times. However, in an era when totalitarianism covets the lives of free men everywhere, the best interests of the United States in defense of its security and survival is a fair criterion on which to base such policies and methods.

In this light, the following article on Ramparts by M. M. Morton, which is the pen name of an expert on internal security affairs, should be judged. I include the article, "The Inside Story of Ramparts Magazine," from the April 8, 1967, issue of Human Events in the RECORD at this point:

THE INSIDE STORY OF RAMPARTS MAGAZINE

(By M. M. Morton)

Just moments away from San Francisco's bustling Barbary Coast of old and the busty topless waitresses of today are the offices of *Ramparts* magazine, a slick-paper sensationmonger that has unique sources of news, a seemingly unceasing flow of funds and an impact on today's political world that makes even the President and Congress take notice.

Though its positions parallel the Communist line on Viet Nam, the FBI, the CIA and a host of other issues, the five-year-old publication has thrust itself onto the national scene in a massive way. Boasting of editors who have been high in the echelons of the Kennedy Administration, including McGeorge Bundy's hand-picked staff man on the super-secret National Security Council, *Ramparts* has rocked the country—and even the world—with sensational exposes tailored to its left-wing ideology.

The magazine stirred an international controversy just over a year ago when it ran the story of Master Sergeant Donald Duncan, a decorated Viet Nam hero who denounced America's role in that far-off Asian land. Still later, it received national publicity by detailing Michigan State University's links with the Central Intelligence Agency.

Its most stunning triumph to date, of course, has been the amazing story of how the Central Intelligence Agency, through an intricate maze of foundations, secretly funded the left-wing National Student Association for 15 years.

While this massive subsidy was sheer folly in view of NASA's radical positions, *Ramparts'* purpose was to discredit the entire activities of the CIA, whose anti-Communist successes in Indonesia, Brazil and British Guiana in recent years have manifestly upset the left. Moreover, *Ramparts* provided the leads for a profusion of newspaper stories revealing that CIA funds had been funnelled to a variety of groups, many with a legitimate anti-Communist purpose.

By unloading its bombshell, the magazine managed to blow the CIA's cover for a wide array of activities, and the hemorrhaging of national defense secrets is not yet over.

Nor has *Ramparts* any intention of slowing down. Though $1.2 million in debt, its backers are putting out a weekly tabloid (*Sunday Ramparts*) and are trying to acquire an advertising agency, a book publishing house and an ultra-high frequency TV station to promote its virulently left-wing views.

Surfeited with journalistic success, *Ramparts* publishers, editors and writers seem to move with an extraordinary ease in and about the power centers of government. Contributing Editor Marcus Raskin, for example, once served on the National Security Council. Arthur Waskow, another contributing editor, worked for the Arms Control and Disarmament Agency and was a White House consultant on defense matters.

Managing Editor Robert Scheer, who recently met with representatives of the Viet Cong and has been an admirer of Fidel Castro, can just as easily meet with Sen. Robert F. Kennedy and his entourage in Bobby's U.N. Plaza apartment overlooking the East River in New York. In short, *Ramparts* has arrived.

Who runs *Ramparts* and where does it get its money? To find the answers to these questions has required a long digging operation and still not all the facts are known. Space permits only a truncated report of what was uncovered.

Ramparts' founder and publisher is Edward Keating, an intense liberal and Catholic convert who began his magazine back in 1962 as a "fifthly" of literary comment with a Catholic slant. By 1964, with circulation peaking at 2,500, friends counseled him to turn it into a left-wing sideshow. Typical covers after that: Barry Goldwater as a rattlesnake, Ho Chi Minh crossing the Delaware.

Much of the pizzazz injected into the magazine since then has come from Editor Warren Hinckle III, 28. Chief resident ideologue is Robert Scheer, a bearded New Leftnik from New York with impeccable credentials of protest from Berkeley. He is chief architect of *Ramparts'* get-out-of-Viet Nam fixation.

Ramparts expressed its shock and dismay in expensive advertisements in the New York *Times,* Washington *Post* and San Francisco *Chronicle,* over CIA sleuthing, use of covers and channeling of funds through secret "conduits," but an appraisal of the record clearly shows that *Ramparts* is four-square for undercover operations, 100 per cent for secret funds and heartily endorses hidden conduits—so long as they mesh with Keating's oft-expressed anti-anti-communism. No holds barred, in other words, except for the CIA, FBI, HCUA.

CHEMICAL RESEARCH EXPOSÉ

The March exposé of the CIA was written by Sol Stern, an under-30 news editor specializing in CIA affairs. This is not Stern's first article attacking CIA, nor, he promises, will it be his last.

A piece by Stern last year attacked the University of Pennsylvania because it offered students a course covering aspects of strategic intelligence and foreign policy in its broader intelligence setting. Stern attacked the private college for its support of the Foreign Policy Research Institute, the famous Cold War academy of scholars under the direction of Prof. Robert Strausz-Hupe which has produced such reasoned analyses of Communist intentions as *Protracted Conflict,* and the suggested American response, *A Forward Strategy for America.*

What most upset Stern was the federally funded research on campus by chemists and biology experts which may have produced suggestions, for example, for the defoliation of Vietnamese jungle areas to prevent their use by Viet Cong base camps and supply columns and the destruction of food crops in Viet Cong-controlled areas.

The exposure of the chemical research program was accomplished through the use of a snoop, Robin Maisel, who, with Russell Stetler of the May 2nd Movement, used to show pro-Viet Cong films to college students. Maisel had been a messenger for a book store and on several occasions delivered packages to the closely guarded quarters where the biological research was under way.

By carefully noting the titles of the volumes—he also checked titles for the previous six months—by keeping his eyes open while at the laboratory and by a little eavesdropping, Maisel was able to carry out a story about "Operation Spicerack" which led to a *Ramparts* breach of another national security project.

Maisel also took his information to the Philadelphia Committee to End the War in Viet Nam, one of the multitudinous peacenik groups with strong links to the Communists. In Maisel's case his own ties were obvious: He is the Philadelphia contact for the Young Socialist Alliance, the youth affiliate of the Trotskyite Communist group, Socialist Workers party. This was snooping condoned—nay praised—by *Ramparts.*

Ramparts' endorsement of this tactic is further revealed in a recent prospectus sent out by the Radical Education Project of Ann Arbor, Mich. REP calls itself an "independent education, research and publication program, initiated by Students for a Democratic Society, devoted to the cause of democratic radicalism and aspiring to the creation of a new left in America."

Among the projects already begun by REP is its own international espionage organization, which it frankly calls an "international intelligence network." REP describes its need for "quick, incisive sources of intelligence on issues as they develop . . ." and says it now has sources scattered around the world, including "Vietnamese rebels and neutrals." Also, it says, "one former staff member has recently returned from Guatemala where he has made extensive contacts with Guatemalan guerrillas."

STRANGE ADVERTISEMENTS

This far-flung intelligence network is sponsored by a variety of prominent national leftists, including at least two well-known Communists, Victor Perlo and Dr. Philip S. Foner. Other persons sponsoring REP's activities are: Father Philip Berrigan, Julian Bond, Barrows Dunham, Hal Draper, Jules Feiffer, W. H. Ferry, Norm Fruchter, Paul Goodman, Nat Hentoff, David Horowitz, Leo Huberman, Paul Jacobs, Julius Jacobson, Andrew Kopkind, William Kunstler, Staughton Lynd, Herbert Marcuse, Seymour Melman, Jack Minnis, Linus Pauling, Bishop James A. Pike, Marcus Raskin, Richard Shaull, Harvey Swados, Michael Walzer, Arthur I. Waskow, Harvey Wheeler, William Appleman Williams, Marshall Windmiller, and Howard Zinn.

Of the group one, Marcus Raskin, is on *Ramparts'* board of directors, and 11 have contributed articles to the magazine: Bond, Feiffer, Ferry, Jacobs, Pike, Hentoff, Waskow, Williams, Windmiller, Zinn—and Sol Stern, author of the very *Ramparts* articles that bled profusely over CIA intelligence operations.

The latest article attacking the CIA is *Ramparts'* fourth, and the Keating publication has carried three pieces ripping into the FBI. To those who wonder why no articles expose Soviet espionage, Viet Cong torture or Chinese Communist duplicity, Editor Sol Stern has a comeback: "Because we don't have good contacts in those countries." (In actuality, they have better contacts than many long-established publications.)

The real reason would appear to be that any such treatment by *Ramparts* might offend some of its precious few advertisers.

Ramparts in the past year has run a full-page advertisement for the W.E.B. DuBois Clubs of America, named by the U.S. attorney general as a Communist-front group; an advertisement promoting the Draft Program of the 18th National Convention of the Communist party; and a full-page ad for the Progressive Labor party, the national Communist group which fellows the current outpourings from Peking. No other nationally circulated general magazine has carried these advertisements. Other ads have appeared for such left-wing organizations as Americans for Democratic Action, United World Federalists and Women Strike for Peace.

In addition, for months the inside back cover has offered to sell a Scottish island, Inch Kenneth. The island belongs to *Ramparts* contributing editor Jessica Mitford, author of *The American Way of Death,* who is also known as Decca Treuhaft. Miss Mitford has been identified as a Communist party member by several witnesses testifying before congressional committees and in federal courts.

Perhaps the best identification, however, was provided in the Sept. 19, 1946, issue of the *People's Daily World,* which reported that she was the county financial secretary of the Communist Party of San Francisco and a member of the Twin Peaks Club of the CP.

In the interim Miss Mitford has belonged to more than a dozen officially cited Communist fronts, and as recently as January appeared in New York as a sponsor at a dinner honoring William L. Patterson, chairman of the National Negro Commission of the Communist party. She spoke and Gus Hall spoke.

Miss Mitford and her husband, attorney Robert Treuhaft of Oakland, were lionized in a *Ramparts* article last year which portrayed them as signs of "progressive development" in the area. Treuhaft himself has been named as a long-time Communist party member on numerous occasions by witnesses testifying under oath and was also the object of indisputable identification in the *People's Daily World* of April 29, 1946, which said he was a member of the Haymarket Club of CP, a cell set aside for lawyers.

Ramparts publisher Edward Keating revels in his gadfly role to the Establishment, as the New York Times sees his job. He is also quite clear about his foreign policy outlook. "If anything marks American political orientation and direction," he wrote recently, "it is its paranoia over communism. If our policy-makers had their way, we would not only contain communism, we would destroy it."

It is to counter this "paranoia" that Keating has dedicated *Ramparts.* His use of the verbal overkill, as above, also carried him a few months ago to refer to the Communist newspaper, *People's World,* as a "reactionary" publication.

Two years ago Keating addressed an open letter to President Johnson which epitomizes his bitterness and addiction to sarcasm: "We propose that you now carry your policies to their logical conclusion: the United States should occupy every country in the world and thus make this planet forever safe from *the* menace [i.e., communism]. . . . There are, of course, exceptions, such as the great Republics of South Africa and West Germany, which don't *need* to be converted."

Last October Keating called a press conference and with tears in his eyes, and his voice breaking, solefully predicted that once the November elections were behind him Lyndon Johnson would launch an all-out invasion of North Viet Nam. When December came and there was still no invasion, Keating took the stump and rearranged his prediction timetable; it would come right after the new year because Lyndon needed it to wind up the war before the 1968 election campaign.

PUBLISHER'S LEFTISM

This vindictiveness toward Johnson spills over constantly in *Ramparts'* pages and the magazine ran long excerpts from Barbara Garson's off-Broadway play, *MacBird,* which implicates Johnson in the assassination of President Kennedy. (*Ramparts* is also looking out for evidence of a right-wing conspiracy in the Kennedy murder.)

Keating's leftism was unknown a few years ago, but he holds it with such intensity that it obviously isn't a programmed attitude dictated by his public relations men. (They reportedly told him to turn the magazine left to make it a financial success.) Keating began active participation in anti-Viet Nam rallies in early 1965 and has appeared and spoken before more than 50 meetings throughout the country.

One panel he appeared on is illustrative of his poor choice of companions. It was a November 1965 session in San Francisco on "The Shrinking Press, News Management and Thought Control," presented by the Bay Area Friends of the *People's World* the Communist weekly.

Besides Keating the panel members were Dr. Carlton Goodlett, now a *Ramparts* director; Sidney Rogers, who is editor of Harry Bridges' union newspaper; and Steve Murdock, longtime Communist and editor of *People's World*.

In January 1966 Keating announced his candidacy for the Democratic nomination in the 11th Congressional District, the San Francisco Peninsula, and spent his entire campaign pointing to the black clouds over Viet Nam. After losing, Keating made a specific point of not endorsing his Democratic opponent, who had taken a hawkish attitude on Viet Nam. Keating's researcher during this period was Jerold C. Gray, who had made a two-year career out of being anti-HCUA following his 1960 arrest during the City Hall riots that disrupted HCUA hearings.

One of Keating's main projects right now is heading up the West Coast division of Spring Mobilization, the leftwing movement that plans a week-long national demonstration against the war in Viet Nam starting April 8. Keating's Mobilization group contains avowed Trotskyites and professed Communists, including Bettina Aptheker and other members of the Communist-controlled W.E.B. DuBois Club.

These alliances do not seem to bother Keating, however, and he has been quoted as saying he is "not the least concerned" about the violently anti-U.S. attitude of the DuBoisers. "We have only one political policy," he explains, "and that is non-exclusionary." Anyone opposed to the U.S. actions in Viet Nam is welcome.

In its financial report for the three weeks ending February 2, Keating's West Coast office of Spring Mobilization listed income of $1,136. According to the New York *Sunday News*, some of this money is known to have come from Albert (Mickey) Lima, Communist party chairman for northern California.

Keating, his wife and five children live in the exclusive residential community of Atherton on the Peninsula, far from the Negro ghettos of the bay area which regularly provide reading fare for *Ramparts* readers. It wasn't far from Atherton, in Menlo Park, where Keating first began *Ramparts*. The magazine originally was also printed right in Menlo Park, but is now farmed out to a Denver printing firm.

The editorial offices were moved from Menlo Park to the clangor of San Francisco's North Beach because, said Editor Hinckle, Menlo Park "was a ridiculous place to publish a magazine." He apparently has never heard of Pleasantville, N.Y.

The 28-year-old Hinckle, who formerly was on the San Francisco *Chronicle*, is credited in some circles with being the miracle worker who lifted the magazine out of the doldrums and made it a general circulation muck-raker. He is given credit for some of the more sensational layouts, typography and story treatment, and shares with Keating any medals for the magazine's purposefully iconoclastic tone.

It was just a few years ago that Hinckle was graduated from the University of San Francisco, where he edited the school paper, and immediately opened a campaign for city supervisor. He lost and wound up promotion director of the sickly *Ramparts*.

Today Hinckle, his wife and baby live in an olive-drab Victorian mansion in a gradually decaying San Francisco neighborhood. The old house tells an interesting tale, for it illuminates the constant circles within circles of the Ramparts story.

The house is owned by Mrs. June Dunn, administrative secretary of San Francisco Men for Peace, a now-moribund Vietnik group. The tenant before Hinckle was attorney Marvin Stender, member of the Executive Committee of the local chapter of the National Lawyers Guild, a cited Communist front.

SCHEER'S RADICALISM

Probably the best known nationally of *Ramparts'* staffers is Managing Editor Robert Scheer, who, at 30, has made a career of New Leftism. A former member of the pro-Castro Fair Play for Cuba Committee, he is the most articulate of the *Ramparts* crew and contends that he is an anti-Communist.

Last year Scheer ran for the Democratic nomination for U.S. Congress in Berkeley, hinging his entire campaign on getting out of the war in Viet Nam and getting into the "War on Poverty." Several weeks ago, Scheer traveled to Prague, Czechoslovakia, to meet with the Communist-controlled International Union of Students and representatives of the National Liberation Front, the political arm of the Communist Viet Cong in South Viet Nam.

Not publicized in his race for Congress but revealed later was the fact that Scheer's campaign coordinator was Carl Bloice, a 28-year-old Communist party member. Bloice's CP membership was hardly a secret; for several years he had been a by-lined staff writer for *People's World*, the Communist weekly on the West Coast, and then he was publications director of the Communist-controlled W.E.B. DuBois Clubs.

FROM BERKELEY TO THE DISTRICT OF COLUMBIA

At last summer's Communist party convention in New York City, Bloice was elected to the CP's National Committee and the requirements for serving on that policy board make it clear Bloice has been a CP member since at least January 1964, although intelligence agencies place it many years earlier.

Just two months ago the newsletter of the Robert Scheer campaign—he is keeping his organization intact under the name of Community for New Politics (CNP)—carried a social note: "Carl Bloice, heretofore coordinator for CNP, has left Berkeley for the larger battlefield in Washington, D.C., where he will be a correspondent for *People's World* and *The Worker*. At a farewell party December 23 at the home of Mr. and Mrs. Robert Scheer, Carl was presented with several going-away gifts, including a larger than life poster of Mao-Tse Tung. . . . Carl has indicated he will be an occasional correspondent [for the Scheer newsletter] . . . We all wish him the best of luck in Washington and we feel fully comforted by the fact that we are not losing a coordinator, but gaining a spy."

TAX MONEY HELPED

The portrait of Mao probably brought a gust of laughter when it was unveiled and presented to the Moscow-line Bloice, and the "gaining a spy" phrase was simply New Left humor. The story makes two important points: 1) Scheer's campaign manager was a Communist; and 2) The Capital correspondent for two Communist newspapers will contribute occasional articles to Scheer's campaign organization.

Scheer has told *Human Events* that he hired Bloice "for his technical competence"; that he likes him as a person, but violently disagrees with his politics.

Communist Bloice, however, was only one of Scheer's supporters. Another backer was the U.S. Treasury, which channeled funds into Scheer's campaign. It worked this way. During his campaign one of his workers was Mrs. Phyllis Haberman O'Donnell, who has been chairman of the East Bay DuBois Club. Mrs. O'Donnell worked on a work-study program directed by the University of California's Department of Criminology (which is now practically another Sociology Department) and was assigned to a leftist group called Welfare Rights Organization as a case worker. In truth, she worked for the Scheer campaign and reported on it at WRO meetings.

The work-study program was originally funded through the Office of Economic Opportunity, receives its funds through the National Defense Education Act and is overseen by the Department of Health, Education, and Welfare.

RASKIN AND WASKOW

Two of the men around *Ramparts* are highly placed nationally and rarely ever visit its offices. They perhaps account for the magazine's influence among opinion-makers across the country. (They may also account for Robert Scheer's interview with Sen. Robert Kennedy and other indications of favored treatment about the Capital.)

The two are Marcus Raskin and Arthur I. Waskow, both graduates of the staff of Wisconsin's ultra-liberal Rep. Robert Kastenmeier (D.).

Raskin is on the *Ramparts* board of directors and both he and Waskow have contributed articles. Raskin's most recent comment was on the CIA–NSA affair in which he sneered that the CIA is "primarily a commercial institution which deals in buying, renting and selling people." He also suggested that CIA operatives were pocketing some of the subsidy money they were supposed to be passing on.

LIBERAL PAPERS AUTHORS

Raskin and Waskow worked in 1962 on those famous articles of surrender, *The Liberal Papers*, which dealt with the difficulty of "decent Americans" to be "outspokenly and genuinely anti-Communist." *The Liberal Papers* suggested breaking ties with Chiang Kai-shek in order to split the Sino-Soviet alliance and proposed letting the Russians plug in on the DEW line. M. Stanton Evans, in *The Politics of Surrender*, says of *The Liberal Papers*, "The book as a whole is a complete agenda for American backdown, pullout and conciliation in every known category of foreign policy and national defense."

Having prepared *The Liberal Papers*, Raskin was promoted from Kastenmeier's office to John F. Kennedy's National Security Council, the highest policy-making body in the United States. He left after several years but still maintains his contacts in the executive mansion.

Waskow was, if anything, more successful than Raskin. His contribution to *The Liberal Papers* called for an end to nuclear testing (now effectively halted), creation of a "Peace Agency" (we now have the U.S. Arms Control and Disarmament Agency) and elimination of weapons "provocative" to the Soviet Union (well, let's see, there's Skybolt scrapped, those "obsolete" Thors in Europe, and most of SAC's bombers, etc.).

Today both Raskin and Waskow work for one of those "independent" research groups, the Institute for Policy Studies, churning out position papers on disarming the United States. Some of Waskow's work has been submitted to the Disarmament Agency itself, and for *Ramparts* he jotted down a satirical rendering of various articles of the Constitution, to shape it to the peacenik's view of how Lyndon Johnson is mismanaging his office.

Another *Ramparts* director is Dr. Carlton B. Goodlett, a San Francisco Negro physician who also publishes a left-leaning newspaper for Negroes, the *Sun-Reporter*. The *Sun-Reporter*, for instance, will run uncritically the latest pronouncement of Gus Hall and prints most of the press releases from the American-Russian Institute and other left-wing groups.

Goodlett holds both a Ph.D. and an M.D., and has for the past 20 years participated in activities of at least 20 officially cited

Communist fronts, including the California Labor School, the National Committee for Protection of Foreign Born, Committee to Secure Justice for Morton Sobell, American Youth for Democracy. He was a signer of a famous statement urging American students to attend the Communist-directed 1962 Helsinki World Youth Festival.

Goodlett has made several trips to Moscow to attend "peace" conferences and is an American sponsor of the biggest of the international Communist fronts, the World Peace Council of Vienna. He was active in the Fair Play for Cuba Committee and last year was sponsor of the Herbert Aptheker testimonial dinner.

For the past several months the *Ramparts* masthead has listed Don Rothenberg as assistant to the publisher. Rothenberg is also executive director of Californians for Liberal Representation, a far-left group made up of disgruntled left-wing Democrats and many of the same crowd that used to cluster about Henry Wallace rallies in the old days. During the last election campaign Rothenberg tramped the state, lecturing Californians on how they should vote. Rothenberg himself was unable to vote, since he had only recently arrived from Ohio.

What makes Rothenberg so interesting is that he was identified as a member of the Communist party, in Washington, D.C., by FBI informant Mary Stalcup Markward. For many years he served in Ohio as the executive of the Committee to Secure Justice in the Rosenberg Case. As most *Ramparts* (and *Human Events*) readers know, the Rosenbergs were convicted Soviet espionage agents executed for their part in betraying America's atomic secrets.

By uncanny coincidence, *Ramparts* recently advertised the book, *Invitation to an Inquest*, by Walter and Miriam Schneir, which is an attempt to posthumously rehabilitate the Rosenbergs, claiming the principal evidence against them was perjured testimony or concoctions of the FBI. The *Ramparts* advertisement was inserted by the Sobell Committee, a cited Communist front, which is trying to gain freedom for Morton Sobell, who was sentenced to 30 years on spy conspiracy charges.

How that ad got into *Ramparts* should be apparent to a three-year-old, when given the facts. *Ramparts'* New York public relations man is Marc Stone, the brother of leftist publisher I. F. Stone. It was just a year ago that a news release reported that Marc Stone was to handle publicity for the Walter and Miriam Schneir book. So, *Ramparts'* PR man is, in effect, the PR man for the Rosenberg-Sobell committees. Marc Stone once managed the New York office of Federated Press, cited as a Communist press service by both HCUA and the Senate Internal Security subcommittee. The old Dies Committee found that Federated Press was financed by the American Fund for Public Service and the Robert Marshall Foundation, "both principal sources of funds for Communist enterprises" (a nice way of saying conduits).

Last year Marc Stone traveled to Cambodia with six other Americans—one of them *Ramparts'* military editor, Donald Duncan—and after inspecting selected areas announced that the Viet Cong were not using Cambodia as a sanctuary, an expression identical to the press statements they had issued before leaving New York.

Other writers for *Ramparts* with CP connections include Carl Marzani, a former State Department employee who served a three-year prison term for perjury in denying his CP membership. Marzani is now affiliated with Alex Munsell, a notorious fellow traveler, in a leftist publishing house, Marzani & Munsell. They specialize in books attacking the CIA, FBI and any foreign policy based upon opposition to Communist advance.

Besides expertise at criticizing the CIA for its service to American freedoms, *Ramparts* also keeps a stable of nationally known FBI-baiters. Rex Stout, the Nero Wolfe creator, has contributed a piece attempting to absolve the Rosenbergs and implicating the FBI. Fred J. Cook has checked in with more warmed-up minutiae of alleged FBI malfeasance and a renegade ex-FBI agent, William Turner, is a *Ramparts* staff writer.

Several of Turner's articles have criticized his former employer in abusive terms. In the past few years Turner's criticism has progressed from what some FBI agents privately will admit was "constructive" to a high-pitched vendetta, complete with personal attacks upon J. Edgar Hoover.

One Turner story claimed to expose FBI wire-tapping and eavesdropping techniques, but Turner played tricks on his readers. He told, for example, about having worked in the highly secret FBI covert operation which monitored telephone taps and bugs placed in the San Francisco area. Turner wrote, "At a San Francisco cocktail party recently I had the odd sensation of hearing a voice from the past that I couldn't quite place. I studied the face—it was totally unfamiliar. Then it suddenly dawned on me; the voice was one I had heard many times while monitoring the tapes in the 'clubs.' It belonged to Robert Treuhaft, a prominent civil liberties lawyer and husband of noted author Jessica Mitford."

For all the *Ramparts* reader knew, the FBI was simply plugged in on the phone of a "prominent civil liberties lawyer." Turner did not mention Treuhaft's long and documented connections with the Communist party.

FBI UNDER ATTACK

The Turner article also explained current FBI eavesdropping programs, although he has been out of the bureau for six years. And the tone of the article is distinctly one of how he suffered for 10 years while installing bugs and taps.

Actually, following Turner's dismissal in 1961 he fought to be reinstated, carrying his battle, via Edward Bennett Williams, all the way to the U.S. Supreme Court. Such conduct is the mark of a man who liked the bureau and wanted to remain a G-man, not one who loathed his profession.

Now let's look at some others of the *Ramparts* staff. One category comes under the general subdivision of San Francisco *Chronicle*. Full-time *Chronicle* staff members who earn their bylines at *Ramparts* include Judy Stone (I. F. and Marc Stone's sister) and Ralph Gleason, both of whom have a reputation on the left. No shifting of journalistic gears is necessary for this type of moonlighting. On the days the *Chronicle* fails to carry an editorial condemning the CIA, it can be depended upon to carry one upbraiding (a) the FBI; (b) the HCUA; or (c) those opposing Red China's recognition and admission to the United Nations.

Listed as news editor is Gene Marine, an indefatigable writer who has contributed dozens of stories to the *Nation*, most of them anti-HCUA, -FBI, -civil defense, -loyalty oaths, -Nixon, etc. He has worked for Pacifica Foundation radio stations in Berkeley and Los Angeles and managed the campaign of a left-wing San Francisco legislator. For a brief time Marine went to New York and worked as editor for identified Communist David Livingston and his District 65 union, but returned to associate with Keating's publication. Marine *was* a Marine during World War II, but when the Korean War came along in 1950, this Marine asked for conscientious objector status.

One old man should be mentioned simply because he gave the magazine its name. John Beecher, who has been an associate editor, is the grand-nephew of Harriet Beecher Stowe and Henry Ward Beecher. Bearded and slightly eccentric, he used to print up his own poetry in a small printshop on his ranch. He was once dismissed from a state college for failing to take the required loyalty oath and went on to lead a campaign against it.

He has been, over the years, a writer for the *Nation* and has done some protest walking: In 1961 he briefly joined the San Francisco to Moscow Peace Walk, and several years ago joined a San Francisco march protesting the incidents in Selma, Ala., carrying Joe Hill's epitaph, "Don't Mourn, Organize." Back in 1962, when Edward Keating began his magazine in Menlo Park, bearded John Beecher was in Arizona, running his own printshop, Rampart Press.

A contributor, former director and consultant to the magazine is Dr. Gerald M. Feigen, a San Francisco proctologist, ventriloquist and world traveler, who also writes a weekly column for Dr. Goodlett's Negro newspaper, the *Sun-Reporter*.

Feigen encourages the notion that he'll put his money where his mouth is, but it seems only a ventriloquist's trick. During 1964 San Franciscans were startled to see a half-dozen enormous billboards throughout the city depicting an exploding nuclear bomb. On these was printed, "France plans to test an H-bomb near Tahiti. I protest. Gerald M. Feigen." This expensive personal message from an outraged liberal contrasts starkly with Dr. Feigen's 1961 communique to Nikita Khrushchev. He bought a four-line notice in the *Chronicle* personals column, "NIKITA: could you defend your action in resuming nuclear testing before a town meeting of the world? G. Feigen." How's that for a protest? Feigen is also a business partner of local advertising executive Howard Gossage.

Gossage is another member of the board of directors. He has brought in some outside money through advertising and each issue carries at least one, but usually three or four, full pages from Gossage's clients.

Gossage also writes occasionally and one of his articles, "The Fictitious Freedom of the Press," lamented that the press was too beholden to its advertisers and that this economic subjugation tended to sterilize press commentary. He also indulged in a lengthy self-criticism, ending with his opinion the ad agency commission system "is obsolete and the advertising agency obsolescent." Gossage proposed that a self-respecting magazine (*Ramparts?*) could break its chains by spurning advertisements and raising its price to 75¢ or a dollar, or even higher.

This unusual adman also serves one other purpose for the magazine: He is a pipeline to popular San Francisco *Chronicle* columnist Herb Caen, and it's a dull week when Caen fails to carry some puff piece about the magazine or its personnel.

Working closely with Gossage and Feigen is another publicist, with the improbable name of Jerry Mander. One of Mander's accounts is The Committee, a cabaret a few blocks from the magazine which stages political satire, specializing in ridicule of anti-communism. The Committee has had one ad in *Ramparts*, and has been the subject of several favorable reviews.

One misconception should be cleared away. That is the notion that *Ramparts* is a Roman Catholic laymen's magazine. That rests solely upon the Catholicism of Keating and several of his editors.

Actually, for all its underground pretensions about Church orientation, *Ramparts* is just what any other general circulation magazine is—a secular publication with a staff composed of Catholics, Protestants, Jews, agnostics and atheists. One editor is Paul Krassner, the atheist publisher of *The Realist*, a sometimes obscene, always iconoclastic magazine published in New York. So un-Catholic is *Ramparts*, in fact, that it ran an ad for atheist Madelyn Murray O'Hair in her campaign against church property tax exemption.

Keating trumpeted in mid-1965, via "An Editorial Announcement" that he was establishing an editorial board composed of himself, a Catholic; Arthur Cohen, a prominent publisher and Jewish scholar; and William Stringfellow, New York attorney and Episcopal Church representative to the World Council of Churches. This arrangement didn't last six months.

Only a handful of Catholic religious write for *Ramparts*. Trappist monk Thomas Merton sends in an occasional literary item from his Kentucky monastery. Brother Antoninus, a Dominican friar, is said to have caused official Church displeasure when one of his *Ramparts* articles was read in the San Francisco chancery. Brother Antoninus was once active in the Catholic Worker movement, an anarchist group, as was another contributor, Father Peter Riga, who now teaches at nearby St. Mary's College.

Ramparts' treatment of Jewry reflects a self-consciousness and once led it into an unbelievable gaffe. Author Leslie Fiedler wrote about "The Last Jew in America," and the letters columns shook with indignant readers who thought it disrespectful, condescending and downright insulting. And the illustrations—by Rick Schreiter, who usually draws for pornographer Ralph Ginzburg's *Fact* magazine—were compared by some with the caricatures found in *Der Stuermer*, Julius Streicher's anti-Semitic rag in Hitler's Germany. It even drew a strong letter of protest from the Anti-Defamation League, and an abject apology from the editors.

How does *Ramparts* keep going? This question has been raised repeatedly by readers, friends and critics. Hardly any issue of *Ramparts* shows, at current rates, ad revenue of more than $10,000, and some issues, like the March treatment of the CIA, reflected an income of less than $3,000. Of late the ads have run heavily to those from record and book clubs. Some ads are Gossage's and most of the others show a concentration from accounts of three New York advertising firms.

Recently Hinckle told a reporter that *Ramparts* has so far lost $1.2 million, and was losing $400,000 a year. Reported losses include $750,000 from Keating's pocket alone.

Hinckle said the annual costs run about $1 million, with one quarter of the budget going into printing costs and another quarter million for promotion. The promotion is really razzle-dazzle, from the attention-getting full-pagers in the New York *Times* and Washington *Post* that cost up to $6,000 each, to a methodical direct mail campaign targeted to liberals and leftists. One organization which subscribes to many leftist periodicals reports it has been solicited by *Ramparts* from at least 45 mailing lists.

A magazine cannot long survive on ad revenues of less than $100,000 a year, but *Ramparts* has made deficit financing a way of life. The full details of its finances are a well-kept secret, but some West Coast bankers are known to have made some short-term loans to the magazine.

Other sources revealed that $200,000 came from Frederick C. Mitchell, an assistant history professor at the University of Kansas who had inherited a fortune. Another $100,000 came from Louis Honig, president of a reputable San Francisco advertising agency. There are some rumors Keating is dickering with some other millionaires.

Not to be overlooked is the presence of Mrs. Eleanor Jackson Piel on the board of directors. She is rich in her own right and has the password to the gushing money fountains of Manhattan.

Some mention should also be made of *Ramparts*' connection with the Center for the Study of Democratic Institutions, the tax-exempt foundation at Santa Barbara, Calif. Irving Laucks, an octogenarian millionaire, who, with his wife, is also a monetary pillar of the Center, came through with $50,000 for *Ramparts*.

The Center also managed to finance a Scheer trip to Asia which he put to good use not only for the Center but for *Ramparts* as well. Paul Jacobs, one of the *Ramparts* staff, also serves with the Center.

How much of the Center and Center-connected money spills over to *Ramparts* is a matter of conjecture, but the links between the two groups are clear.

Ramparts is not letting its insolvency interfere with plans for expansion either. As already noted, there is now *Sunday Ramparts*, an eight-page newspaper printed primarily for the New York and San Francisco markets. The weekly was an instant success at losing money, and has a circulation of only 15,000. (The monthly magazine guarantees only 45,000 circulation to advertisers, but the editors talk in terms of 150,000.)

Ramparts has other empire-building plans, including possible purchase of the *Sun-Reporter* from Dr. Goodlett and, with Goodlett, ownership of one of the new UHF television channels.

How *Ramparts*, a supporter of many ultra-left causes, can expand its capitalist ventures while sinking deeper and deeper into debt is difficult to fathom. Perhaps in time *Ramparts* will reveal the entire story of its financing in one of its own exposes.

STATEMENT REGARDING VOTES

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Cramer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRAMER. Mr. Speaker, in that I was in Milwaukee, Wis., on Wednesday, April 5, attending a convention involving matters before the Public Works Committee of the House, I was not present for the votes taken by the House on that date. I therefore wish to state for the Record that, had I been present, I would have voted "yea" on rollcall No. 53, on ordering the previous question on the resolution and amendments for the House Un-American Activities Committee funds; I would have noted "no" on rollcall No. 54, on the motion to recommit with instructions; and I would have voted "yea" on rollcall No. 55, on passage of the resolution, House Resolution 221.

Further, on the record vote, rollcall No. 52, on the motion to recommit the resolution providing funds for the Science and Astronautics Committee for the purpose of adding to the resolution $30,000 for minority employees for that committee, had I been present I would have voted "yea."

POLLUTION OF AMERICA'S WATERS BY THE FEDERAL GOVERNMENT MUST STOP

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Cramer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRAMER. Mr. Speaker, during the past several years, the Committee on Public Works, on which I have the privilege of serving as the ranking minority member, while holding hearings on various bills on water pollution control, has repeatedly heard testimony from witnesses from all sectors of the pollution control effort which attest to the extent of the pollution of America's waters by activities of the Federal Government.

It is most unfortunate that at the very same time the Federal Government is spearheading the most mammoth attack on water pollution in our Nation's history that it has failed to adequately curtail its own pollution of our waters.

On July 2, 1966, the President of the United States signed Executive Order No. 11288, "Prevention, Control, and Abatement of Water Pollution by Federal Activities"—F.R. Doc. 66-7560—which was supposedly to give the full force of power to any Federal efforts to control its own pollution. The Executive order charged the heads of the departments, agencies, and establishments of the Federal Government with providing the leadership necessary to control the pollution of America's waters by any activities or installations under their respective jurisdictions. At the time the Executive order was signed, the administration was under fire for not controlling its own pollution and the Committee on Public Works was considering additional water pollution control legislation, legislation which could have included some prohibition against pollution by the Federal Government.

Unfortunately, the Executive order—for one reason or another—does not seem to have been put into full force by the administration. Pollution from Federal installations still continues, in many places on a massive level.

In a speech before the water and wastewater seminar of the American Water Works Association, Inc., and the Water Pollution Control Federation, meeting here in the Nation's Capital on February 7 of this year, I addressed myself to the problems of Federal pollution, commenting:

> *I propose the enactment of Federal legislation at the earliest possible date to bring a halt to the pollution of our waters from one of the largest sources of pollution in the Nation—Federal installation.* Insofar as it is practicable and consistent with the interests of the United States, the Federal Government must set a clear example to the other polluters by stopping its own pollution. It should place the construction of facilities necessary to abate pollution of our waters from Federal installations on a high priority basis. The establishment of a time table whereby pollution from any new Federal installation would have to be ceased by July 1, 1969, and whereby pollution from any Federal installations would have to be ceased by July 1, 1971, is one method of meeting this problem. Expenditures necessary to control pollution from Federal installations would be far wiser than Federal expenditures for many things I have found in this year's (recommended) budget.

Mr. Speaker, today I am introducing a bill to amend section 11 of the Federal

Water Pollution Control Act, as amended, to require, with the full force of law, the Federal Government to control its own pollution of our waters.

The enactment of my bill, and its subsequent implementation, would go far toward stopping the pollution of America's waters, a critical problem facing our Nation.

For the benefit of the Members of this body and for all those who are concerned about this problem, the text of the bill which I am introducing today reads as follows:

H.R. 8380

A bill to amend section 11 of the Federal Water Pollution Control Act relating to abatement of pollution from Federal installations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 11 of the Federal Water Pollution Control Act (33 U.S.C. 466h) is amended to read as follows: "The head of each department, agency, or instrumentality of the Federal Government having jurisdiction over any building, installation or other property from which matter is discharged into waters in any State shall in a reasonable period of time and pursuant with rules and regulations established pursuant hereto by each such department, agency, or instrumentality take such action as may be necessary to prevent, control, and abate the pollution of such waters resulting from such discharge.

Mr. Speaker, I urge the enactment, at the earliest possible date, of the legislation which I am introducing today.

IMPORTS HAVE BROKEN THE MARKET

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. BERRY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BERRY. Mr. Speaker, I am indebted to Dallas McGinnis, extension market editor, Iowa State University, Ames, Iowa, for some very illuminating facts on meat imports and what those imports, dumped on to an already saturated market, have done to the prices of meat in this country.

Mr. Speaker, there has been a great deal of interest created recently over dairy prices of excessive dairy imports. The serious situation is not limited, however, to dairy imports alone. Beef, veal, lamb, mutton, pork, and all kinds of red meat are down a good many points from where they were this time last year, and yet the cost of living for the man who is expected to raise that meat and put it on the market is several points higher than it was a year ago.

The overall parity ratio of farm income stands at 74 percent today, the lowest in many years.

Under unanimous consent, Mr. Speaker, I insert the remarks of Dallas McGinnis at this point in the RECORD, together with the facts he has presented.

Compared with a year ago livestock prices are as follows. Choice steers are $3.00 to $5.00 cwt. below a year earlier, good grade steers from $2.00 to $3.50 lower. Choice grade slaughter heifers are $2.00 to $3.50 lower and utility and commercial cows are $1.00 to $1.25 cwt. lower. The feeder steer price is now $2.00 to $2.65 cwt. below last year. Steer beef carcasses on a wholesale carlot basis are $6.00 cwt. below a year earlier.

Butcher hog prices are $4.75 to $5.00 cwt. lower than last year. The pork loins weighing 8 to 12 lbs. are $8.35 cwt. lower on a carlot basis.

Choice and prime wooled lambs are $4.75 cwt. to $5.25 cwt. below a year ago and the 35 lbs. to 45 lbs. lamb carcasses are $6.50 cwt. below last year.

Here's a summary just released by USDA on the imports of red meats in 1966. The total pounds was 1 billion 273 million pounds—26% greater than in 1965. Low prices for imported meat in Western Europe diverted greater shipments to the United States, where markets were more attractive.

Mutton imports showed the largest percentage gain of all meats in 1966, up 102% over a year earlier. Imports of beef and veal showed a substantial gain, up 192 million pounds, or 27%. Along with mutton, imports of boneless processing beef showed the greatest increase, accounting for 81% of all imported beef and veal. Demand for processing beef has been strong in the U.S.

Certain meat is covered by the Meat Import Law. (P.L. 88-482.) This includes fresh, frozen, and chilled beef, veal, mutton, and goat. Imports of these meats totaled 823.4 million pounds in 1966. This is up 34% from 1965 but below the 890 million pound import quota for the year, and under the 979 million pounds which is required to trigger action under the law.

Pork imports were 14% higher than a year earlier, with the major increase in canned hams, shoulders and other canned products.

Lamb imports showed a 19% increase over 1965. So we see that while mutton imports were up 102%, lamb imports were not up nearly that much but up 19%.

The above information on imports is detailed in the March 27, 1967 issue of the USDA publication "Foreign Agriculture."

You might also be interested in the January imports, the latest information I have available.

[Thousand pounds]

	December 1966	January 1967	January 1966
Total red meat	102,416	111,178	87,992
Beef and veal	72,557	82,986	58,241
Pork	25,165	22,669	25,533
Mutton and goat	3,474	4,275	2,022
Lamb	619	819	1,698

REMARKS OF GOV. GEORGE ROMNEY, OF MICHIGAN

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. CHAMBERLAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, in his speech delivered in Hartford, Conn., on April 7, 1967, the Governor of Michigan, the Honorable George Romney, made known his views, relating to our involvement in Vietnam, in unequivocal language. Because of the broad national interest in what Governor Romney had to say, as reflected by press reports, I include in the RECORD the complete text of his remarks. In addition, Mr. Speaker, I also include the editorial comment of the State Journal of Lansing, Mich., on April 8, commending the Governor on the position he has taken.

The material referred to follows:

REMARKS BY GOV. GEORGE ROMNEY, OF MICHIGAN, AT THE 150TH ANNIVERSARY DINNER, THE HARTFORD TIMES, HARTFORD, CONN., APRIL 7, 1967

In the rip tide of today's heated debate on the paramount issue confronting our nation, there is one incontestable truth: it is unthinkable that the United States withdraw from Vietnam.

It is not my purpose tonight either to catalog past mistakes or to prescribe what ought to be done in the next four days, weeks, or four months in that embattled corner of Southeast Asia that so drastically affects every American hearthstone.

Vietnam is a name that boxes the compass. It presents problems that cannot be resolved by crafty political gamesmanship that seeks to homestead the inside track on an issue that will win the American Presidency.

Vietnam is not just foreign affairs as it might have been called a generation behind us. It cuts across every vital sector of national life—urban and rural modernization, economic and social welfare, campus environments, church affairs, and the all-encompassing public morality. It affects most poignantly those American boys who are fighting and their families and loved ones at home.

Moreover, every nation around the globe judges what we are doing in Vietnam against the way in which we comport ourselves on this issue at home.

And it is not a test of wills to see which Party will be the peace party—which candidate will be the hawk or dove.

Too often the complex policies involved in South Vietnam are reduced to, "do we bomb" or "do we withdraw." It's not that simple.

Problem is piled on problem in a tangled heap that challenges our intelligence, our stamina and our faith.

When people become frustrated and confusion reigns, the desire for a simple answer increases. We cannot let this desire cloud our thinking or misguide our action.

Although efforts to induce negotiations have not worked up to this point, they should be pursued vigorously. But since they haven't worked yet, demands for a sharp change of course will undoubtedly be intensified.

What change could take the direction of massive military escalation?

Many thoughtful and responsible American leaders are beginning to speak in this vein. Indeed, among the general public there appears a visible groundswell of impatience leading to a mood of "Let's get it over with; let's crush them once and for all."

This simplistic reaction is tempting but wrong.

First, by actions approaching devastation of a non-white Asian people, we would play into the hands of the Communists. They would use this effectively to paint us in their propaganda as ruthless oppressors and militarists—the very opposite of our true role in the world.

Second, from the point of view of stopping the expansion of Communism, we must remember that a devastated Vietnam would not be a buffer. It would be a vacuum.

Third, we must never forget that substantial escalation is still possible on both sides.

Vietnam does not stand by itself in international affairs.

Others who watch the world frontiers of freedom fear a bogdown in Vietnam may make us vulnerable to Communist pressure, intrigue and subversion in Latin America, Europe, the Middle East, Africa and elsewhere. They wonder if America can use effectively our principles, purpose and power for peace and progress around the world.

Before us stretch grief-laden straits that must be navigated with resolute will and genuine—and I repeat genuine—willingness to reach that solution that will lead to a just peace.

Failure to recite a catalog of past mistakes does not mean that the past cannot instruct the present and the future. It is a useful exercise to ask ourselves what are the lessons that emerge from Vietnam.

One lesson surely is that a commitment of the character and massiveness of ours in a country the size of Vietnam has the inevitable result of turning it into an American dependency.

This is as unconscionable to our tradition as it is resented by other free nations. We can hardly be happy when our every decision not merely affects but largely directs the intimate daily life of a sister nation.

We must avoid such future entrapments.

Another—and I hope well-learned—lesson is that we must avoid commitments that grow like Topsy. There has been a failure to decide what the scope and nature of our Vietnam commitments ought to be.

We now must acknowledge the wisdom of President Eisenhower's decision thirteen years ago not to deploy ground troops in Vietnam. Starting with a decision in 1954 to afford modest economic support and limited military advice, we now find ourselves totally committed—with a current force in being approaching half of a million men and a direct budgetary outlay of at least $24 billion yearly, almost one fifth of our national budget.

Our interest has been defined largely by the commitment, rather than the commitment by the interest.

The final major lesson is that any administration must be frank, open, and straightforward in counseling with the American people. Vietnam has given rise to a rupture of trust between governors and governed for which it is difficult to find a parallel in American history.

Not only has the public thus been largely excluded from its direct sovereign role in decision-making but Congress has been bypassed. There is no excuse here of lack of time, or of the small nature of the emergency. This is the fourth largest war in our history.

On this point, I am going to let Abraham Lincoln speak for all Americans who feel that there is something terribly wrong about this.

Lincoln, confronted with this precise issue when in Congress, wrote to his law partner, Willian Herndon: "Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such purpose, and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much as you propose. If today he should choose to say he thinks it necessary to invade Canada to prevent the British from invading us, how could you stop him? You may say to him, 'I see no probability of the British invading us;' but he will say to you, 'Be silent: I see it, if you don't.' "

Lincoln continued: "The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood."

Adhering to the Constitutional process could prevent similar entrapments in the future.

But where do we stand now?

It is patently clear that the massive buildup in American and allied might has not only made defeat unthinkable, but makes possible the breaking of the spine of enemy main force battalions.

Our military effort must succeed. I believe that we must use military force as necessary to reduce or cut off the flow of men and supplies from North Vietnam, to knock out enemy main force units, and to provide a military shield for the South. We must give our gallant fighting men our full support.

Action in the South holds out the promise of a series of conventional military victories.

Obviously this does not mean cessation of guerilla activity. Nor does it portend a significant breakthrough in that "other war"—the pacification program. But it does mean that, with the achievement of military dominance in the traditional sense we will have reached a decisive moment in the course of the war.

But before that moment is reached we must ask ourselves once again what is the shape of the peace we seek in Vietnam? What do we hope to leave behind when our task there is done?

We must recognize the danger that substantial military victories could inflate our peace aims. I find this prospect extremely disquieting.

Too often in the tides of history, men have sought to rationalize sacrifices already made by seeking wider goals. We must guard against falling into this pattern in Vietnam.

We must stand immovably against all pressures which would preclude a just peace.

Hopefully, the government of South Vietnam would be willing to negotiate a "peace with amnesty."

In a "peace with amnesty" in South Vietnam, all citizens would be allowed to participate in the political process, provided they abide by the ground rules.

Specifically, individual members of the National Liberation Front would be permitted to participate freely in the political life of South Vietnam, on condition that it abandon its use of political terrorism, its subservience to any foreign communist organization, and then disband.

This would not mean that a coalition government involving the National Liberation Front would be forced upon the people of South Vietnam. I am opposed to any such coalition government.

It would mean that all the people of South Vietnam would be given an equal opportunity, as individuals, for peaceful participation in shaping the future of their country.

Unless we pursue this proposition or some similar solution, we will face a very lengthy and brutal struggle in winning the "other war."

It would be far wiser and more compassionate to include today's enemies in tomorrow's peace than to court the human suffering to both the South Vietnamese and our own fighting men that a drawn-out "other war" struggle would demand.

Unless "peace with amnesty" can be achieved in South Vietnam, then it would be necessary to break the spine not only of the main force battalions but of the Viet Cong guerillas as well in order to win the "other war."

The United States is the most powerful nation the world has ever seen. But we are not omnipotent.

While there are no limits to what we can destroy, there are limits to what we can build.

The ultimate outcome of this fateful struggle depends on what the South Vietnamese do in rebuilding their own society and communities as well as on what we do in helping them.

The "other war" is primarily their war.

It combines anti-guerilla warfare, political and psychological warfare, social and economic weapons, pacification and civic action programs, and reconciliation programs to win back those Viet Cong members who are more nationalists than communists.

The villages and hamlets, where the majority of the people live, are the very base of South Vietnamese existence, and thus the base for South Vietnam's future—either Communist or free. The Viet Cong, recognizing this, directs its primary campaign of terror and assassination against them—not against Saigon.

Our fighting men, not only in battle but in countless individual acts of consideration and concern for the suffering people of Vietnam have proved they are truly magnificent Americans.

But it would be a tragic error to ask them to take over the "other war" as some have proposed.

Taking on the responsibility for the "other war" would tie down hundreds of thousands of American troops for many years. It would undermine the initiative and capacity of the South Vietnamese to help themselves. It would transform South Vietnam into an American military colony which America neither wants nor needs.

We have already Americanized the shooting war. We should not Americanize the "other war".

The Hanoi leaders may be holding out in the desperate hope that America will tire of the struggle, that our purpose will falter, that disillusionment and discord here at home will somehow induce us to abandon our friends and dishonor our commitments by pulling back or pulling out.

That is a false hope—and I for one will not contribute to it. I have repeatedly said that I will neither give encouragement to Hanoi's aggressive course, nor undermine our President in sincere efforts to bring peace to Vietnam.

I have even heard that the leaders in Hanoi think a Republican administration might come into power that would settle on their terms.

For what it is worth, I would like to tell them right now that here is one Republican I can speak for who will not settle on their terms under any circumstances!

With our help, the South Vietnamese have made a start toward building a stable, representative, civilian government at the national level. This is encouraging.

America's major objective and contribution must be a just peace.

The political, social and economic development of South Vietnam and of all Southeast Asia cannot readily start or eventually take off without peace.

So much remains to be done—and patiently so.

Let us build stone by stone upon the dreams and concepts that have served this nation from its birth.

Let us get on with the task. Let us be ready to move our dreams and our beliefs in freedom from the drawing boards to the conference table.

Let us pursue with strength the just peace in South Vietnam that our prayers should so earnestly seek, and that may yet be within our grasp.

So doing, we can fulfill our role as "the last, best hope of earth. . . . The way is plain, peaceful, generous, just."

[From the Lansing (Mich.) State Journal
Apr. 8, 1967]

SPEECH ON VIETNAM DOES ROMNEY CREDIT

Millions of Americans, including politicians and pundits, awaited Gov. Romney's speech in Hartford, Conn., to see whether he would emerge as a hawk or a dove on Vietnam.

In our judgment, he did not show himself to be in either category but gave solid evidence that he has devoted long, sober and penetrating thought to the broad and deep significance of the conflict and its implications for the future.

We believe that by showing as he did in his speech his keen recognition of all that is involved in the war, the Michigan governor greatly strengthened his standing in national politics in which he is regarded as a front-runner for the Republican presidential nomination in 1968.

But he was not making the war a partisan political issue. In general, he supported President Johnson's basic policy in Vietnam and his speech drew praise from the White House.

And, citing reports that the leaders in Hanoi think a Republican administration might come into power that would settle on their terms, Romney said:

"For what it is worth, I would like to tell them right now that here is one Republican I can speak for who will not settle on their terms under any circumstances!"

There is good cause to believe that he reflected the sentiment of the vast majority of the American people when he said that "it is unthinkable that the United States withdraw from Vietnam" and when he called full support of "our gallant fighting men."

While the governor warned against oversimplifying "this conflict by talking only in terms of bombing or withdrawal," he supported the use of "military force as necessary to reduce or cut off the flow of men and supplies from North Vietnam, to knock out enemy main forces, to provide a military shield for the South, and to establish military dominance."

Romney said the failure to induce negotiations at this time should not result in massive military escalation and that "we should continue to seek meaningful negotiations" opening the way eventually for South Vietnam to achieve "peace with amnesty."

Looking to the future, the governor said one lesson to be learned from the war in Vietnam "is that we must avoid commitments that grow like Topsy."

He declared that the public "has been largely excluded from its direct sovereign-role in decision-making" and that Congress has been by-passed.

On this point he quoted Abraham Lincoln as saying:

"Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion and you allow him to do so whenever he may choose to say he deems it necessary for such purpose, and you allow him to make war at pleasure."

It can be expected that Gov. Romney will now become a target for both the hawks and doves who may have hoped they could count him among them. We think he should be credited for a forthright and comprehensive statement of his views on one of the most important issues confronting America without regard for the political consequences.

SOME OPTIONS FOR U.S. TRADE POLICY AFTER THE KENNEDY ROUND

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CURTIS. Mr. Speaker, an article in the March 6, 1967, edition of the Chemical and Engineering News titled "The Next Approach to Free Trade" presents an exposition of the ideas about the future direction of U.S. trade policy, and explores their relative merits. This well-prepared article, written by Senior Associate Editor Earl V. Anderson, gives particular attention to ideas for forming special trade arrangements between the United States and other important trading nations, with particular emphasis on the effects of the Canada-United States automotive products agreement, and the possibility of future such agreements with Canada.

Mr. Anderson's article is a distinctive contribution to discussion about our foreign trade policy. With unanimous consent the text of his article follows:

THE NEXT APPROACH TO FREE TRADE

(By Earl V. Anderson, senior associate editor)

Four regional trade blocks, permitting tariff-free trade among member countries, exist today:

European Economic Community: Belgium, France, Italy, Luxembourg, Netherlands, West Germany.

European Free Trade Association: Austria, Denmark, Norway, Portugal, Sweden, Switzerland, United Kingdom.

Latin American Free Trade Association: Argenitne, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, Peru, Uruguay, Venezuela.

Central American Common Market: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua.

1967 is going to be one "helluva year." That prophesy, almost an afterthought, comes from a chemical industry executive discussing the future of U.S. international trade policy. The gentleman couldn't be more correct. This will be quite a year indeed for while internationally minded chemical men are intently watching Geneva for the photo-finish outcome of the Kennedy round, they should also be considering the U.S. alternatives and prospects.

The Trade Expansion Act of 1962 expires on June 30. The Kennedy round, which was launched by the act, comes to an end along with it. And the U.S. must decide whether it will plunge into another freer trade crusade as it did when it passed the Trade Expansion Act, whether it will retrench along more conservative, protectionist lines, or whether it will settle on a trade policy somewhere in between.

There are good reasons to suspect that U.S. decision makers will continue to advocate a policy of less restrictive international trade. After all, it has been the American Way for more than 30 years. The U.S. started out on the liberal trade path when it passed the Tariff Act of 1934 [it has embraced the most-favored-nation (MFN) principle consistently since 1922]; it picked up the pace in 1948 when it joined the General Agreement on Tariffs and Trade (GATT); and it broke into a gallop when it passed the Trade Expansion Act of 1962.

There are equally valid reasons why the U.S. may find it expedient to shy away from another, intensive freer-trade initiative—or at least to consider a new approach.

Whatever the policy, this is the year in which it will start to take shape. There will not be major trade legislation this year designed to smash trade barriers on the scale of the Trade Expansion Act. Instead, there will be only stopgap or interim trade legislation. But the spadework will begin, and the few plans that have been fermenting while the Kennedy round was in session will be brought into the open after negotiations end. New ideas will be developed, and the businessman will have to decide which one he and his industry should support.

It will not be easy. World conditions, both political and economic, are shifting rapidly and generate an atmosphere of confusion. Officials embroiled in the Kennedy round, both in and out of Government, are weary from four years of difficult and taxing negotiations.

Uncertainty clouds the outcome of the Kennedy round even though the end is just around the corner. Nobody can predict what the final Kennedy round package will include, or if there is to be a final package at all. If negotiators agree upon reciprocal tariff cuts, however small and limited, some will consider the Kennedy round a success. Others already call it a failure because there is absolutely no chance of approaching the goals originally set for the trade talks.

The confusion, the weariness, and the uncertainty have made even the most ardent free traders apprehensive and have protectionists crying, "I told you so." Some of the apprehension stems from a feeling that the traditional, unconditional MFN principle and the multilateral form of negotiation used in GATT trade talks may no longer be effective.

Meanwhile, the perceptibly mounting tide of protectionist sentiment goes beyond mere gloating. In the U.S., the signs are scattered but unmistakable:

Senate Concurrent Resolution 100, which chides the Administration for even considering to negotiate American Selling Price and an international antidumping code.

A Congressional investigation of steel imports.

The Herlong-Hartke proposal, which calls for much tighter U.S. antidumping laws.

The protectionist tone of a speech made by master orator Sen. Everett Dirksen (R.-Ill.) before the Trade Relations Council in December.

The insistence by several farm groups to abandon the Kennedy round altogether.

Nor are protectionist tendencies confined within U.S. borders. World trade analysts are convinced that the European Economic Community (EEC) has little appetite for lowering its protective barriers. In fact, in the critical agricultural field, it has adopted a policy that makes foreign access to its markets even more difficult. Australia recently put into effect a variable import levy system designed to protect its chemical industry. Tariffs are assessed according to the difference in the import price and the price of the domestic product. In Canada, the chemical industry is incensed about Tariff Resolution 120, a government propsal that recommends far lower tariffs on chemicals than the industry thinks it must have to survive.

STOP OR GO

The weariness and frustration caused by the Kennedy round, along with the confusing crosscurrents of opinion, have fostered the belief that what is really needed is a moratorium on tariff and trade talks. Such a breather would give the world's major trading nations a chance to recharge their batteries, to digest the results of the Kennedy round, whatever they may be, and to consider their future trade policy carefully and deliberately.

Nobody has endorsed the idea officially. However, opinions expressed privately suggest that a one- to three-year hold on further negotiations wouldn't be detrimental to world trade.

Such an attitude is far from unanimous. Most freer trade advocates insist that the momentum toward less restricted trade must be maintained. Rep. Thomas B. Curtis (R.-Mo.), a Congressional delegate to the Kennedy round and one of the men on Capitol Hill most familiar with trade problems, is among them. He says that unless the momentum generated by the Trade Expansion Act and the Kennedy round is maintained, U.S. trade policy "could settle into a series of fragmented *ad hoc* responses unrelated to economic principle."

This bewildering kaleidoscope of opinion doesn't indicate anything definitive as far as a new U.S. trade policy is concerned. But it is safe to assume, despite the frequently warranted forebodings of adamant protectionists, that the U.S. will not abandon the principle of freer trade and revert to rock-ribbed protectionism. It is likely, however, that the U.S. will not embrace a liberal trade policy with the same zest it displayed in the Trade Expansion Act.

This Mexican standoff leads to two pivotal questions. What form or method will our future free trade policy embrace? How much freedom will it seek?

Several alternatives are available. They vary in form as well as degrees of freedom. And, of course, each has its share of advantages and disadvantages:

The U.S. can continue to adhere to the concept of multilateral negotiation in reducing tariffs and to the unconditional MFN principle, which is the cornerstone of GATT.

It can adopt a conditional-MFN attitude, which would permit multilateral negotiations, preferably through GATT. But, the U.S. would offer its tariff concessions only to those countries willing to reciprocate.

It can join or form a broad free trade area, which would bring under one free trade blanket as many industrialized countries as would be willing to join.

It can consider a bilateral free trade arrangement with Canada.

It can negotiate "controlled" or "qualified" free trade arrangements, covering specific industries or products, such as it has with Canada in the Automotive Agreement.

FEW CLUES

Which one of these alternatives, if any, will it be? Those industries with a stake in international trade that have looked to Washington for clues have found very few. The few that they have found are either so conflicting or so purposely vague that they give few hints as to the future.

The truth is that there has been little thought given to a post-Kennedy-round trade policy in official Washington. This shouldn't be too surprising. All of the government agencies involved with international trade have been concentrating upon the immediate, pressing problem: squeezing some measure of success out of the Kennedy round. Other problems, such as Vietnam, a faltering domestic economy, and civil rights, also tend to push trade policy into the background.

American industry shouldn't complain, however. It has remained conspicuously silent about the shape of future U.S. world trade policy. The chemical industry is no exception.

To their credit, chemical industry leaders have devoted a lot of time and money to the Kennedy round and its implementation. They have concentrated particularly on the fate of the American Selling Price. But, with pitifully few exceptions, it seems as though chemical men, like many government officials, haven't looked beyond the Kennedy round. One international trade expert worthy of the name says he has been unable to get his own company to do much thinking about future trade affairs.

This shouldn't be. The chemical industry has too big a stake in world trade to be apathetic about it. Last year, U.S. chemical exports reached an estimated $2.65 billion. That may be only about 6% of total output, but it's still a lot of business. U.S. chemical imports totaled about $990 million last year and are becoming an increasing concern because they have been growing twice as fast as exports in the past 10 years.

Most of the thinking about U.S. post-Kennedy-round trade policy has been done by a few private study groups. Among the most active are the National Planning Association (NPA) in Washington, D.C., and its Canadian counterpart, the Private Planning Association of Canada (PPAC) in Montreal, the Committee for Economic Development, and the Committee for a National Trade Policy. PPAC has under way a massive, three-year Atlantic Economic Studies Program to evaluate the prospects for trade liberalization among the Atlantic countries; that is, North America and western Europe. The study naturally pays particular attention to the economic impact on Canada of freer (or even completely free) trade in various possible alignments. However, because the relationship between the two countries is so uniquely close, the study considers carefully the outlook for U.S. foreign trade policy as well.

The two groups, NPA and PPAC, jointly sponsor another organization, the Canadian-American Committee, which has placed its emphasis on mutual problems and joint opportunities between two countries, including ways in which they can collaborate in world trade affairs. It has completed depth studies on a bilateral, Canadian-U.S. free trade area and last year published a statement recommending a broader trade area arrangement that would include European countries as well as Canada and the U.S.

Other groups have been active, too. The International Economic Policy Association has made proposals for a broad-based free trade area that could include the U.S. The U.S. Chamber of Commerce recently held a series of meetings in cities throughout the country to discuss the future of U.S. international trade policy.

EVALUATING THE COURSES

The work of these various study groups, enlightening as it is, won't help anyone predict what Washington will do eventually in world trade affairs. The one single aspect of future U.S. trade policy that appears certain is that it will include help for the LDC's—the less developed countries. The great unknown is the character and extent of future trade policy with the world's industrialized nations.

The independent studies do, however, enumerate the paths available to the U.S. as far as free or freer trade with industrialized nations is concerned. They also weigh the pros and cons of the various alternatives and, more important, stimulate thinking of government and industry officials concerned with the problem.

Assuming that a moratorium on trade talks is out of the question, the most obvious alternative is for the U.S. to continue its practice of granting tariff concessions on an MFN basis and of multilateral negotiation through GATT. In other words, no change, except that the policy doesn't have to be as far-reaching as were the provisions of the Trade Expansion Act.

For many reasons, this is the most likely course of a new foreign trade policy. Because it doesn't involve any basic changes in current policy, it is the least complicated course of action. It's doubtful, too, that Congress will be in any mood to give the President new, sweeping powers to lower trade barriers on the scale that the Trade Expansion Act did. Nor is it likely that the President will seek them. Too many other problems must take priority. MFN, by which concessions granted to one trading partner are automatically extended to all others, is so well entrenched in U.S. trade policy that it's difficult to conceive of its being discarded casually. Rep. Curtis has warned, for instance, that if the U.S. decides to drop MFN, "We should be fully aware of what it is we are taking leave of and what it is we will be undertaking."

Perhaps the most convincing argument for continuing the MFN principle is that it has worked extremely well from a free trade point of view. Since 1948, the year after GATT was organized, Free World exports have risen from about $50 billion to an estimated $200 billion last year. During this time, tariff barriers have been progressively lowered, principally through five rounds of GATT tariff negotiations (the Kennedy round is the sixth).

Others contend that would trade grew despite MFN concessions, not because of them. They believe that the exploding economies of most of the industrialized countries sparked the growth in world trade, not any method of negotiating lower tariffs.

More important, there is a growing disenchantment with MFN, multilateral negotiations, and reciprocal bargaining that characterize the GATT conferences. The disappointment, frustration, and stumbling encountered in the Kennedy round have nourished such feelings. It may be that the very success of MFN has made it less useful now. It may be that some of the world's major trading powers won't participate in future multilateral tariff sessions like the Kennedy round, either because they don't want to or because they can't. Whatever the reason, there is a growing tendency to consider alternatives to MFN as tools to further liberalize world trade.

A "conditional MFN" approach may be the answer. It would allow the U.S. to participate in some GATT negotiations on a multilateral basis, but the U.S. would only grant tariff concessions to those countries that offer reciprocal concessions.

This approach appeals to many opponents of unconditional MFN. They feel that it is sensible and fair. But it has its problems. It would violate a fundamental GATT principle and a traditional U.S. principle. It would destroy GATT itself, and one economist wonders whether the world without GATT would be better than the world with GATT. Conditional MFN probably wouldn't appeal to many other countries. It opens the door to a wave of massive retaliation and possible trade wars and could reverse trade concessions that we already have obtained.

FREE TRADE AREAS

One way for the U.S. to escape this impasse would be to join a regional trade bloc—a free trade area or customs union. If, indeed, the Administration decides that it wants to continue its freer trade momentum, it could go all the way to completely free trade through a regional trade bloc without sacrificing its sacred MFN principle or violating GATT rules.

GATT's Article 24 allows such regional trade blocs, which eliminate tariffs completely among member countries but not for nonmembers, if the arrangement covers "essentially all trade." Examples of customs unions are EEC and CACM (Central American Common Market). Free trade areas include EFTA (European Free Trade Association), LAFTA (Latin American Free Trade Association), Anglo-Irish Free Trade area, and the Austrialia-New Zealand Free Trade area.

Both types of trade blocs grant absolutely free movement for intraregional trade. There is one basic difference, however. In the customs union or common market, member countries adopt a common external tariff against imports from nonmembers. In a free trade area members can maintain their own individual tariff structures against nonmember imports. The customs union, too, implies a greater degree of harmonization in the economic and political policies of member countries than the free trade area.

Proposals calling for the U.S. to join a regional trade bloc specify a free trade area rather than a customs union. Why? Because Congress has the responsibility to shape U.S. trade policy. In a customs union, it would have to share this responsibility with the governments of other nations. Congress, reluctant to share its foreign trade responsibilities with the executive branch, certainly wouldn't consider sharing them with a foreign government.

Within the past year, there have been several specific proposals concerning the U.S. and its role in a possible free trade area:

The Canadian-American Committee has proposed a free trade association that would include the U.S., Canada, and Great Britain and her EFTA partners. Later, it could be expanded to include the EEC countries, Japan, Australia, and New Zealand.

The Canadian-American Committee has also studied (but has not proposed) a second plan: a free trade area embracing only Canada and the U.S.

The International Economic Policy Association calls for a trade area or common market that would cover all of the North Atlantic alliance countries.

The Private Planning Association of Canada is also studying the possibilities of a trade alliance among the members of the North Atlantic community.

In his recent book, "America in the Marketplace," ex-Sen. Paul Douglas says that the U.S. should establish a free trade area with the 13 leading countries of western Europe. This would include both EEC and EFTA countries. Later, it could be opened to Greece, Israel, Turkey, Central and South American countries, Japan, Australia, New Zealand, Canada, and Mexico.

At its convention in Ottawa last October, Canada's Liberal Party recommended that the Canadian government start negotiations to establish a free trade area embracing Canada, the U.S., and the Caribbean countries.

An unofficial proposal, originating in Japan, calls for a Pacific trade area that would start with the U.S., Canada, Japan, Australia, and New Zealand as members.

In a speech in London more than a year ago, Sen. Jacob K. Javits (R.-N.Y.) stated that, if Britain doesn't get into EEC, it should consider a free trade area that would include Britain, Canada, the U.S., and, indeed, all nations of OECD (Organization for Economic Cooperation and Development).

The world's leading industrialized nations shared this growth

[In millions of dollars]

	Total trade						Chemical trade					
	1960	1961	1962	1963	1964	1965	1960	1961	1962	1963	1964	1965
Canada:												
Exports	5,562	5,879	5,939	6,472	7,699	8,107	189	183	201	219	250	291
Imports	5,663	5,696	5,855	6,081	6,942	7,986	338	354	358	373	346	491
EEC:												
Exports	29,761	32,352	34,249	37,586	42,594	47,904	2,704	2,966	3,119	3,525	4,110	4,743
Imports	29,622	32,216	35,817	40,417	44,928	48,991	1,654	1,752	1,896	2,203	2,585	2,963
EFTA:												
Exports	18,129	19,046	19,961	21,707	23,540	26,031	1,529	1,593	1,686	1,857	2,099	2,314
Imports	23,089	23,544	24,599	26,383	30,097	32,228	1,338	1,368	1,437	1,593	1,912	2,156
Japan:												
Exports	4,050	4,240	4,920	5,450	6,670	8,450	170	190	260	320	385	547
Imports	3,760	4,810	4,450	5,560	6,570	6,795	240	300	255	345	400	408
United States:												
Exports	20,300	20,629	21,359	22,922	26,086	27,003	1,720	1,772	1,865	1,943	2,375	2,402
Imports	14,652	14,357	16,249	17,014	18,600	21,366	451	455	512	566	707	781

Sources: U.N., GATT, and OECD Annual Statistical Bulletins.

NORTH ATLANTIC FOCUS

Most of the proposals for a free trade area have two things in common: They include the U.S. and Canada; they concentrate upon the North Atlantic countries (though their recommendations about which European countries should be the charter members vary).

One reason for the emphasis on a North Atlantic economic partnership is that it would embrace just about all of the major industrialized trading nations in the world, with the obvious exception of Japan. But, more important, a close-knit Atlantic alliance—a strong bond with Europe—has been the cornerstone of U.S. foreign policy since the end of World War II.

Militarily, the approach has come through NATO (North Atlantic Treaty Organization). But NATO is on very shaky legs right now, and anything that would reinforce the Atlantic bonds would be appealing to the U.S. Gen. de Gaulle, who is thinking French first and European second, has no enthusiasm for NATO. He has dropped his NATO obligations, while managing to retain its benefits, and has forced NATO headquarters to move from Paris to Brussels. And in 1969, any NATO member can leave the organization with a year's notice.

The U.S. has also used economic rope to lasso European countries. In this respect, the famous Marshall Plan was fantastically successful. Even the Trade Expansion Act had as its goal a closer Atlantic alliance. The so-called "dominant supplier authority" provision of the act enabled the President to remove completely all tariffs on products in which the U.S. and EEC accounted for more than 80% of Free World exports, provided EEC granted reciprocal concessions. At the time, of course, the U.S. was confident that Britain would soon become a member of EEC. With Britain as an EEC member, the dominant supplier authority would have led to free trade for a substantial portion of transatlantic business. In effect, it would have established a free trade beachhead. However, France, with its famous veto, blocked Britain's EEC bid, and the dominant supplier authority became virtually meaningless.

There is no doubt that a multinational free trade area with the U.S. as a member would sustain the free trade momentum that seems to be losing some of its steam. There are many reasons why it is impractical, however. For one thing, it is not a simple matter for many nations to reach agreement on a free trade treaty. There are many complications, and the "weariness factor" comes into the picture. There is also much validity to the argument that the U.S. couldn't possibly consider exposing its market to foreign competition on a free trade basis with countries whose labor and production costs don't approach its own. Too many American companies would be driven out of business or forced to relocate overseas. Ironically, many European countries fear a free trade arrangement with the U.S. because of this country's technological advantage.

Nor do trends in Europe make this the best time to strive for a North Atlantic free trade area. Try for an arrangement with EEC and its internal struggles would preclude its even considering a broad free trade area with the North American community. Try for an arrangement with EFTA and the wedge driven between the European blocs may be more damaging to U.S. interests than the gains made from a joint free trade area.

Besides, several EFTA countries are longing for association with or membership in EEC. Britain is making new, strong gestures in this direction. Yet, the circumstances are not the same as they were when the dominant supplier authority was being designed. This time, Britain is thinking more "European" and less "Anglo-Saxon." Britain's Prime Minister, Harold Wilson, may be taking this stand publicly as insurance against another de Gaulle veto. Or he may be sincere in his desire to build up Europe as a "pillar of equal strength" with the U.S. Either way, it doesn't improve the prospects for a North Atlantic free trade area at this time.

Former Under Secretary of State George Ball put the situation in proper perspective last year when he testified before the House Foreign Affairs Committee. He pointed out that there are two ways to mesh the North Atlantic countries:

Try for a federation immediately.

Encourage European unity first and, at the same time, strive for an effective partnership through existing international groups (like GATT, NATO, OECD, and the International Monetary Fund). Said Mr. Ball, "The realities of power and politics clearly favor the second."

In cold reality, then, the prospects for a North Atlantic free trade area covering most of the Atlantic community countries are very dim at this time. Because it is politically inopportune, it's unlikely that the U.S. will push for such a broad trade alliance. To the chagrin of most U.S. businessmen, the Government seems to use trade policy to gain international political dividends rather than economic dividends. Because U.S. exports traditionally account for no more than 4 or 5% of gross national product, the Government can get away with it. Right now, there are no political dividends to collect, as far as a North Atlantic free trade area is concerned.

Exports are a small part of U.S. gross national product

[Exports, percent of GNP]

Canada	17
EEC	19
EFTA	18
Japan	10
United States	4

Source: United Nations.

NORTH AMERICAN ONLY

Following the old saw that "half a loaf is better than none," if a broad free trade area is out of the question, a narrower one may be the next best thing. One such proposal is a North American free trade area that would weld the U.S. and Canada into a regional trade bloc.

A U.S.-Canada trade pact would certainly be less complicated to consummate than a North Atlantic arrangement, though it would not be without problems. It would also satisfy the prerequisite that the U.S. can only join in a free trade area with a country of comparable labor and production costs, if indeed this is a prerequisite.

This proposal has received a lot of discussion recently. Admittedly, most of the discussion has taken place in Canada, and a lot of it has been unfavorable. One of the key questions is, "Who wants such an arrangement?" Presumably not the U.S. because there is nothing to be gained by it politically, and the economic advantages to the U.S. are also sparse or nonexistent.

Canada wants free trade, but on as broad a base as possible. Unlike the U.S., though, Canada's foreign trade objectives are influenced heavily by economics. Canada's exports account for more than 20% of her national output. Her imports are proportionately larger than those of the U.S., too. Foreign trade, obviously, is important to Canada.

However, if a broad free trade area is beyond reach, an obvious alternative for both countries is a bilateral arrangement. The spark won't come from Washington, though ("What's in it for us"). The initiative will have to come from north of the border.

Washington might respond favorably to such a Canadian initiative. If freer trade remains the Administration's goal and there is nowhere else to turn, the U.S.-Canadian proposed would be one way to maintain momentum toward that goal. And the U.S. rightly regards U.S.-Canadian relations as something special—in all the world there is nothing to compare with their 3000-mile, unprotected, common border.

For Canada, too, it might be the next best thing to a broader free trade area. Free trade between Canada and the U.S. isn't a new idea. It's been talked about ever since Canada became a federation, and Canada celebrates its 100th birthday this year. Now, the idea has been getting much more than passing interest in Canada. Dependent as it is on world trade and with the Kennedy round rushing to a close, Canada is looking ahead to its international trade prospects beyond the Kennedy round. Canada has set up an export goal this year of $11.25 billion, up from last year's estimated $10 billion. The significance of this goal can be best appreciated on a per-capita basis. It amounts to $563 for each Canadian. In the U.S., per-capita exports are less than $150.

In many of their speeches, top-ranking Canadian officials have emphasized the free trade theme. The theme, for the most part, has been consistent: free trade on the broadest possible basis and reluctance for a narrow, Canadian-U.S. arrangement. The latter isn't ruled out completely, however. In a speech before PPAC in November, Prime Minister Lester B. Pearson said, 'There are worse things that a customs union with the U.S." But the fear of political implication remains. In the same speech, he also said that a continental free trade area could lead to a "continental no-Canada area."

Canada's problem is simple to define and difficult to solve. It wants a viable domestic industry, but it has a population of only 20 million people to support this industry. It also wants to remain independent of the U.S., both politically and economically, but disparity in power and size is a tough foe of independency.

Canada developed its own secondary, or manufacturing, industry behind a high tariff wall. But without a mass market and the economy of size that such a market permits, it is a relatively inefficient industry. A gateway through the high tariff wall has been provided for Britain by the British Preference (BP) system which sets lower-than-normal tariffs on British exports to Canada. The BP system was designed, in part, to offset the economic influence of the U.S. but, ironically, the opposite has occurred. With the help of BP, British companies find it more profitable to export to Canada rather than invest directly there. Meanwhile, U.S. companies, through direct investment now own almost half of Canadian industry (the percentage is higher in the chemical industry alone).

Despite BP and general Commonwealth ties, Canadian-British trade is small compared to Canadian-U.S. trade. In 1965 for instance Canada shipped only 14% of its exports to Britain but 57% to the U.S. Similarly, Britain accounts for only 7% of Canada's imports, the U.S. 71%. With Britain now talking seriously about joining EEC, what little value remains in the BP system may disappear completely.

Another paradox in the Canadian position is that, although she seeks the freest possible trade on a multi-lateral basis, Canada has found it necessary to negotiate in the Kennedy round on a product-by-product basis. The original Kennedy-round scheme called for linear, or across-the-board, tariff cuts on as many products as possible. Canada felt that linear cuts in its own tariffs would expose Canadian industry to increased foreign competition. Reciprocal linear cuts by its trading partners, meanwhile, wouldn't help Canadian exporters significantly because Canadian costs still would be higher than those of its foreign competition.

Thus, Canada, not unlike the U.S., finds itself advocating a policy of freer trade on the broadest possible basis, yet stymied by economic realities of life. It wants—it needs—mass markets for its industry. But if Canada can't achieve these mass markets through linear tariff cuts and the world isn't ready for a transatlantic trade alliance, Canada might consider a more restrictive, regional trade bloc with the U.S.

Indeed, many in Canada are considering it—again. And again, Canadian thinking is torn between the obvious advantages of access to a mass market of 200 million neighboring U.S. citizens and the danger to Canadian economic and political independence.

Many Canadian industrialists, and this is particularly true in the chemical industry, think that Canadian industry would be swamped by American competition in a free trade arrangement. With much of their industry already controlled by Americans, they believe that American parent companies would relegate their Canadian operations to a branch-plant status. They also argue that it would be much easier for U.S. industry, with its large, efficient plants, to adjust to an additional market of 20 million people than it would be for Canadian industry to adjust to a new market of an additional 200 million people.

Not all Canadians share these reservations. One of those who doesn't is Jack Davis, Liberal M.P. from Coast Capilano, British Columbia, and a leading advocate of a Canadian-U.S. free trade alignment "as a first step." Referring to the branch-plant arguments, he says Canadian industry already has a branch-plant economy, brought about by protectionist policies. A free trade area with the U.S. would correct the situation, he says.

Mr. Davis agrees that some Canadian manufacturing industries may succumb to U.S. competition. But he and many others think that, given suitable adjustment provisions and an adequate transitional period, most Canadian industries would not only survive but benefit by a bilateral free trade arrangement with the U.S. The PPAC study now under way should help to determine whether they could or they couldn't.

The argument that economic union with the U.S. alone may or may not lead to political union will be even more difficult to resolve in Canadians' minds. Many Canadians think it would be inevitable. Others do not. They point out that the probability of—and the need for—political harmony in a free trade area is much less than in a customs union such as EEC. They also think that the U.S. would be careful to guarantee Canadian political independence, a commodity equally valuable to the U.S. With very few exceptions, such as East-West trade, Canadian thinking parallels U.S. policy, and it is to this country's benefit to have a sympathetic, independent ally in the forums of the world.

"SELECTIVE" FREE TRADE

While Canadians weigh the pros and cons of a U.S.-Canada free trade area, very little is heard in the U.S. about the subject, except when visiting Canadian dignitaries mention it in a speech. The U.S., it seems reasonable to expect, won't give much serious attention to the proposal unless and until initiative comes out of Canada.

One option for future Canadian-U.S. trade relations, however, that has been discussed frequently in the U.S. is the Canadian-U.S. Automotive Products Trade Agreement, more commonly known as the autopact. The autopact, authorized by Congress under the Automotive Products Trade Act of 1965 (P.L. 89–283), has been hailed as a major step toward free trade in automotive products between the two countries.

A "step toward free trade" it may be; "free trade" it is not. It is, instead, a scheme for controlled or regulated, no-tariff trade on a limited number of products involving a limited number of companies. Sperry Lea, American director of research for the Canadian-American Committee, believes that the term "selective industrial integration" better describes the autopact. Whatever the description, the autopact appears to be working well for both the U.S. and Canadian automotive industries. Now, industrialists on both sides of the border are wondering if it might be extended to other industries as well. Within the chemical industry, both the Canadian Chemical Producers Association and the Manufacturing Chemists Association have committees studying (if not recommending) the possibility.

The autopact removes tariffs on automobiles and some original equipment parts moving between Canada and the U.S. for companies that agree to meet certain conditions. These conditions require participating companies to:

Maintain the Canadian production-to-sales ratio that prevailed in the 1964 model year.

Maintain the level of Canadian value-added to imports of semifinished cars that prevailed in 1964.

Increase the Canadian value-added as sales increase.

Increase the level of Canadian content by fixed amount during the 1966, 1967, and 1968 model years.

Because auto companies in Canada must meet these conditions to qualify for the free trade benefits of the autopact (and the bulk of them are American-owned), it is considered as much an Ottawa-Detroit arrangement as it is an Ottawa-Washington arrangement. The pact runs through the 1968 model year, when it must be renewed.

There isn't universal agreement that the autopact is the best thing for the Canadian and American car manufacturers and their suppliers. Nationalistic Canadians have attacked it as "handing the country over to the Americans." Many Americans think that the Canadians blackmailed the U.S. into improving the efficiency of the automotive industry north of the border. And, while big and small business may benefit, the Canadian car buyer still must pay higher prices (if not quite so much higher) for automobiles than his American counterpart.

Imperfect though it may be, the autopact seems to be working as well as its planners dared to hope. Automobile and parts shipments have increased in both directions since the pact came into effect. Canadian automotive exports have risen more on a percentage basis, but they started from a much lower base.

The Canadian trade deficit in automotive trade with the U.S. has been reduced very little, however. This trade deficit, in fact, led to the autopact. Canada's deficit in automotive trade with the U.S. had been running more than $600 million per year. To stimulate exports, Canada concocted a complicated plan to remit to Canadian auto producers the duty they paid on imported American parts. The amount of remission depended upon how much the companies increased their own exports to the U.S. The U.S., under its customs laws, would have had to levy countervailing duties against the Canadian imports. The situation threatened to break into a trade war, a war which both sides wanted to avoid. The autopact became the solution.

Now other industries are wondering if the two governments will work out other arrangements similar to the autopact. Several have been mentioned, including chemicals. Others are tires, forest products, primary metals, power plant equipment, and electronic equipment.

An arrangement such as the autopact offers several advantages. First, it eliminates the artificial barriers that split a natural, single North American market into two tariff-protected regions. It allows Canada to rationalize its production for increased efficiency and, because Canada's automotive industry is almost entirely U.S.-controlled, it provides U.S. companies the same advantage.

Although the autopact doesn't provide for free trade in the true sense, it nevertheless is a step in that direction. It opens up the American market to Canadian producers (and vice versa), yet by its Canadian production guarantees avoids the danger of a pullout by U.S. companies that so many Canadians fear would occur in a genuine free trade situation. Finally, by using the industry-by-industry approach complete with adequate safeguards and transition periods, it is possible to reach a highly developed state of free trade with a minimum of disruptions to industry.

There are, however, compelling reasons to believe that a sequel to the autopact will be difficult to achieve:

The autopact was born of a crisis. It may take another crisis to stimulate a similar arrangement.

The automotive industry is unique. On both sides of the border there are few producers involved, and in most cases the Canadian companies are subsidiaries of American companies. The chemical industry, by comparison, has many more products and many more producers.

Congress may be exceedingly reluctant to consider a sequel. The autopact was negotiated by the executive branch, then presented to Congress as a fait accompli. This irked many Congressmen.

On the U.S. side the autopact violates GATT's MFN principle. The U.S. had to obtain a waiver from GATT members for the autopact. Presumably, the U.S. would hesitate to seek additional waivers, even if it were confident of receiving them, for fear of triggering a wave of similar requests from other GATT members.

Unless a crisis arises as it did in the case of the autopact, many of the difficult problems which could have, but didn't plague the autopact would have to be faced. For instance, the U.S. might decide to adhere to its MFN principles rather than seek a waiver from GATT. If it did, any concessions it granted Canada would have to be extended to other countries, thus exposing the U.S. market to outside competition. If these other countries didn't offer reciprocal tariff terms, the U.S. would be exposing itself to unfair competition.

Unless the two countries were willing to give outsiders a free ride, the only products worthy of consideration for an autopact sequel would be those for which Canada and the U.S. were each other's dominant supplier. Agricultural machinery, which is already freely imported by the U.S. and Canada, is an example. Even after these products are identified, there remains the problem of what to do with related products. Although controlled free trade may be agreed upon for a particular product, one country may have an advantage because of a more favorable position in raw materials or production equipment. The obvious solution, of course, is to bring these materials into the agreement, too, but the raw material suppliers and equipment manufacturers may not want to be included.

Canada received production guarantees under the autopact, and its industrial structure demands that it receive them in any sequel to it. The legality of these guarantees never was questioned when the autopact was being framed, but it could be in future similar arrangements. The antitrust implications of industrial cooperation might also prove a stumbling block.

Despite the problems involved, the possibility of another arrangement similar to the autopact is still very much alive, especially in Canada. Given the proper conditions, an arrangement such as the automotive industry worked out could be beneficial. One industrialist close to the problem lists these conditions:

The industry should have only a few producers with plants in both countries. This would enable companies to get the maximum benefit out of rationalizing their production; that is, making their plants more efficient.

The industry should have an excellent growth potential so that adjustments could be readily absorbed. There's little sense in trying to adopt the autopact to a stagnant industry because the adjustments can only be absorbed by cutbacks.

Industries should produce products which have a mass market.

In the U.S., if the chemical industry is typical, most of the interest in an autopact sequel has been defensive. Nobody is going around advocating an arrangement for his industry such as the car makers have. Rather, chemical leaders are preaching preparedness. They want to be prepared to give their opinions on a controlled free trade deal if the Government confronts them with it as suddenly as it did the autopact.

MCA, for instance, has a committee studying the problem. At its semiannual meeting in 1965, then Secretary of Commerce John Connor asked if the industry would favor an agreement with Canada similar to the autopact. MCA immediately formed a U.S.-Canadian Trade Study Committee. The committee recently issued its first report, but it doesn't favor or condemn a sequel to the autopact. It does, however, recommend that each company study the implications from its own point of view and lists several guidelines for conducting the study.

Few chemical companies have started their own investigation yet. Those that have, even before the MCA report was issued, have given the subject only a cursory glance. ASP and the Kennedy round still command attention. Although many chemical executives indicate they would rather have a qualified free trade arrangement than a free trade pact with no controls at all, it's unlikely that they will actively solicit such a deal.

Many in the chemical industry are hoping, if not betting, that the Administration will have no appetite for another major crusade against trade barriers after the Kennedy round finally ends. They may be right. The Administration may not have either the desire or the ability to mount another major campaign for freer trade.

The prevailing attitude in the chemical industry seems to be that advocates of freer trade are in the same predicament as a painter. The painter covers a lot of wall and ceiling space with his roller and broad brush. But he eventually reaches the point where he must do the woodwork and the trim. This requires a fine brush.

Perhaps world tariff and trade negotiations have reached a point where the fine brush must replace the broad brush. Perhaps the Administration recognizes this. But the chemical industry shouldn't make this assumption casually. Many believed the same thing before the Trade Expansion Act was passed.

U.S. TRADE POLICY BECOMES MORE LIBERAL

The chronology

1. 1909: Republicans under Taft refused to lower existing tariffs and passed the Payne-Aldrich Tariff Act of 1909.
2. 1914: Democrats under Wilson cut tariffs by about 40% with their Underwood Tariff Act. These were the most sweeping tariff cuts since 1857
3. 1922: The Fordney-McCumber Act of 1922, out of a Republican Congress, raised tariffs again. However, the most-favored-nation (MFN) principle was included in the act. So was American Selling Price (ASP)
4. 1930: The Smoot-Hawley Act raised tariffs to their highest level in U.S. history
5. 1934: The Reciprocal Trade Agreements Act of 1934, considered the start of the liberal trade movement in the U.S., was passed under Roosevelt
6. 1947: Formation of the General Agreement on Tariffs and Trade (GATT)
7. 1949: GATT negotiations at Annecy
8. 1951: GATT negotiations at Torquay
9. 1956: GATT negotiations at Geneva
10. 1960: GATT negotiations at Geneva (Dillon Round)

PROCEDURAL IMPROVEMENTS IN CONTEMPT CITATION CASES

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CURTIS. Mr. Speaker, during the last several sessions of Congress I have introduced two bills dealing with procedural reforms in contempt citation cases. Recent debate on this issue underscores the great need for reform in this area. The first bill would set up new procedures in the House for the investigation and referral to the House of circumstances leading to possible contempt of Congress citations. The second bill would amend judicial procedures by allowing courts to return declaratory judgements in these matters.

CONGRESSIONAL CONTEMPT CITATIONS

One of the necessary powers of this, or any other, legislative body is to protect itself against acts designed to undermine and contravene its functions. The means by which the American Congress protects itself is through the invocation of the contempt procedure, a process which calls to the attention of the Congress the act which threatens it and provides for punishment of the offender, either through the courts or before the bar of the House against which the contempt has been directed.

Most contempts today arise from actions of those called before committees of the Congress as witnesses. These actions range from refusal to cooperate to active obstruction of the committee's work. There is no need to call attention to the importance of our committee structure and the fact that the detailed legislative and investigative work which is done by the Congress is accomplished through committees. This is all clearly understood. The point to which I wish to address attention is the procedure by which contempts are brought to the attention of the parent body, the House or the Senate, by committees which have encountered such witnesses.

At present, it is the practice for the committee which has been the subject of the act of contempt to serve as first judge of the matter. It is the committee itself which reports the matter to the parent body, acting at once as victim and prosecutor. I question the soundness of this form of proceeding and the bill, I have introduced, would change this procedure. Basically, this bill provides a screening committee to which the complaint of contempt is brought and it is this screening committee, not the committee which has been subject to the action complained of, which would act as the agency reporting the matter to the parent body.

This new procedure commends itself because it places in the hands of an impartial body the investigation of the charge of contempt and does so in a manageable way. Surely the House or Senate could be considered impartial bodies to investigate the charge, but considerations of time prevent this and there is no practical way in which outside witnesses could be heard on the question of guilt if the entire House or Senate heard the matter. There is real question if the committee which complains of contempt can properly be charged with the responsibility of impartially weighing the evidence to determine if a contempt should be reported to the parent body.

This committee to investigate contempt charges would be named by the presiding officers of the House and Senate respectively and would serve as a special committee. The committee would have seven members and be divided four to three along party lines. The creation of this committee, and its operation in the important area of protecting the Congress and its proceedings from the interference of those wishing to undermine its effectiveness, would provide a strong safeguard of the rights of those charged with contempt and would make more meaningful this type of protection for the Congress.

JUDICIAL PROCEDURES

I have also introduced legislation which would provide for a declaratory judgment mechanism in connection with congressional contempt proceedings. These two proposals would represent a great step forward in the way in which the Congress deals with the contumacy of witnesses appearing before its committees.

The provisions of the declaratory judgment bill would be highly beneficial in that they would permit the clarification of the very difficult issues that often underlie potential contempt situations without resort to the difficult quasi-criminal procedure surrounding an actual contempt citation. Often the underlying point in a contempt situation is lost by concentration on the contumacy of the witness and not on the issue upon which the refusal to testify or produce papers is based.

Many recall, I am sure, the contempt citations offered against officials of the Port of New York Authority in 1960. It would have been far better had we been able to raise the issues of Federal-State relations that lay at the heart of the matter for consideration by a Federal court, through the declaratory judgment procedure, rather than using, as we did, the criminal contempt mechanism that was necessitated when a witness refused to produce the information requested by the committee.

This declaratory judgment procedure would be open only to the Congress and not to witnesses. It would serve as a means of expediting congressional action, and could not be used as a means to deter the proper functioning of the Congress or its committees. Further, the use of the declaratory judgment's mechanism is optional and need not be invoked. Of course, there will be many contempt situations that will not raise issues calling for immediate determination by the courts. However, many situations do arise where there is a need for a clarification of the underlying issue of contempt without concern for the fact that the witness has failed to divulge information.

Linking this with my other proposal to establish a special committee in both Houses of the Congress, to consider contempt situations, it would be the function of that committee, not only to make recommendations as to whether a contempt citation should issue, but whether the Congress should obtain from a court of the United States, a declaration of the legal relations between the Congress and the recalcitrant witness. The House of Congress concerned would then be free to act on the recommendations of the committee as it sees fit.

With the tremendous workload facing the Congress there is a great need for improving the procedures of the House of Representatives. These two proposals represent substantial steps forward in the field of contempt procedures, increasing both the speed and the skill with which the Congress can deal with contempt situations.

A BILL TO EXTEND THE PROVISIONS OF THE OLDER AMERICANS ACT OF 1965 AND TO INCREASE THE FUNDING LEVELS AUTHORIZED BY THAT LEGISLATION

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. REID] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. REID of New York. Mr. Speaker, I am introducing today a bill to extend the provisions of the Older Americans Act of 1965 and to increase the funding levels authorized by that legislation.

Americans born today can expect to reach 70 years of age, compared to those born in 1900 who had a life expectancy of 47 years. The number of Americans over 65 today is equal to the combined population of 20 States. The special needs of these senior citizens represent a national challenge, as the President stated in his recent message to the Congress.

The Congress first recognized this need in 1965 with the unanimous passage of the Older Americans Act, which declared that it is the responsibility of government at all levels to assist these citizens to achieve full and free enjoyment of their later years.

The act focused on three basic areas. First, it created the Administration on Aging to serve as the coordinating unit within the Federal Government in all matters of concern to older people.

Among its other responsibilities, the Administration on Aging carries out two grant programs authorized by the act. Title III provides funds to the States for community planning, services, and training in accordance with a State plan that is administered by a State agency whose sole responsibility is to administer this plan and whose concern is improving the lives of senior citizens. Some 51 States and territories now have such agencies and some 43 plans have been approved. It is expected that community programs under this title will total 800 to 1,100 by the end of this fiscal year.

The third major thrust of the Older Americans Act is the grant program authorized by titles IV and V to provide direct grants to conduct research into problems of the aged and to develop new techniques for meeting these problems, and to support specialized training programs for persons working with the aged. By the end of 1966, 39 grants had been made to institutions in 25 States under these titles.

The bill I am introducing would extend the grant provisions of this act through 1972. Further, authorizations for fiscal year 1968 are made in the amounts of $10,550,000 for grants to the States and $6,400,000 for research, demonstration, and training direct project grants, as well as such sums as may be necessary for the next 4 fiscal years. The increased funding is expected to support 240 to 300 new programs by the States and an additional 70 to 80 new research projects. One such research program that is contemplated by the Administration on Aging is the development of nutritional services that meet the needs of senior citizens.

Mr. Speaker, identical bills have been introduced by the chairman of the Education and Labor Committee, Mr. PERKINS, and by the chairman of the Senate

Special Committee on Aging, Senator Harrison Williams. In the 2 years that this legislation has been in force, considerable progress has been made in reaching senior citizens in their home communities who can benefit most from these programs. The extensions and revisions contemplated by my bill are important in sustaining this effort on the Federal, State, and local levels.

THE AMERICAN PEOPLE HAVE A RIGHT TO KNOW

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Bob Wilson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, the American people have a right to know that their own money is being spent in vast amounts by the Johnson administration to brainwash them at their own expense.

In fact, the Johnson administration is spending nearly $75 million more for self-glorification each year than it costs to support the Congress of the United States and the Supreme Court combined. It spends some $425 million a year of the public's hard-earned money to sell its story to the same people who put up the money.

Now I submit that it is understandable why the Johnson administration goes in for this record spending. The administration has demonstrated an unequaled inability to deal with either our domestic or our foreign problems, and it needs this vast publicity slush fund to try to cover up—to make flat failure look like rosy success.

How else can you explain the fact that the LBJ-Humphrey-Kennedy three-ring circus is spending more this year on propaganda than the combined expenditures of the two major American news associations, the three largest networks, and the 10 biggest American newspapers. As the Associated Press reports, straight-faced:

> Much of the expenditure is devoted to convincing Americans that what their Government does is for their welfare.

For example, Sargent Shriver, Kennedy's brother-in-law and head of the scandal-racked poverty program, keeps 46 staffers grinding out favorable publicity.

"With Sarge, when something goes wrong with the program, you step up the publicity," one of his public relations men was quoted as saying. On this program which has helped administration wardheelers more than the poor, the coverup has obviously been paid for by you, Mr. and Mrs. American.

Defense Secretary Robert S. McNamara has 3,000 publicity personnel and a budget of over $32 million to make the American people see the war in Vietnam through his eyes. In Vietnam alone, McNamara stables a publicity staff of 500—roughly one for each American plane lost in combat there.

The space agency, NASA, sent out 2,400 speakers last year to boost its unearthly program at symposiums and concerts. Some 2,700 radio stations are supplied weekly with 5-minute taped NASA radio shows and 1,600 with 15-minute shows. Each month, 500 television stations—about 200 of them color stations—also get a short NASA film. These propagandists say not one word about the huge Soviet military space effort which is a secret from the American people.

The Army alone plans to turn out 250 films this year. Government film or slide shows are available to the number of 6,000.

The Department of Agriculture spends $8.9 million a year on publicity; HEW, $7.7 million; and the AEC, $6.1 million.

No wonder you, the people, get only one side—the administration side—on almost every development and program. No wonder the truth is a casualty and people wonder what is really going on. Neither the Red Chinese nor the Soviet Russians have been submitted to such a costly brainwashing campaign. The attempt is to make the incredible credible—to make Alice in Wonderland seem real—by taking the American people through the administration's looking glass. The effort is to achieve the impossible—to make the administration look respectable, responsible, and reliable.

ADDITIONAL MEMBERS OF TASK FORCE ON AGRICULTURE

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Lang] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LANGEN. Mr. Speaker, as chairman of the House Republican task force on agriculture, I am pleased to announce the appointment of two additional members: the Honorable Bob Price of Texas, and the Honorable Sam Steiger of Arizona.

These gentlemen have, on the basis of their outstanding background in agricultural and rural affairs and expressed interest, qualified themselves for this assignment. I look forward to working with them and the other members of the task force during the 90th Congress.

ROBERT E. SHERIDAN—A TRIBUTE

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. Meskill] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MESKILL. Mr. Speaker, on April 2, my longtime friend and adviser, a member of my staff, Bob Sheridan, died without warning at his home in New Britain. He was 51. His loss was a tremendous personal shock to everyone who knew him and worked with him. Its true dimensions will be measured in the coming weeks and months.

I owe more to Bob than I can possibly say. The fact that I am in Congress today is due in large part to Bob Sheridan's skill and judgment. His interests and his skills were manifold. He led a many-sided rich life. Politics was one of his greatest loves and a subject which he understood deeply. He was a rare man who not only could sense every subtle change in the ground currents running beneath and through his community but who also knew how best to respond to these changes.

His friends will long remember him as a lover of life and as a master craftsman. His principle job at the time of his death was public relations director for Central Connecticut State College in New Britain from which he graduated. He was an ardent partisan for the college and for the general interests of education.

The New Britain Herald reflected the sense of community loss in a beautiful editorial published last Tuesday, the day of Bob's funeral. It expresses my feelings perfectly and in tribute to his memory and in respect to his family, I offer it at this point in the Record.

Robert E. Sheridan

He was a man of such quick, good wit, of such wide interests, of such far-ranging curiosity, of such clever imagination, that it was perhaps difficult to think of him as a serious, intellectual man. But Robert E. Sheridan was all of those things, a man of all seasons to many people.

His death on Sunday was a jolt, a shocking jolt. This was a man in the prime of life and activity, involved as he always was involved with many projects, many things, many ideas.

His obituary told of the great diversity of his activities: As public affairs director for Central Connecticut State College; as a prominent state Republican; as one interested in community activities; as a former school principal; as a radio announcer, and much more.

He knew and loved art, and surrounded himself with many original works of various modern schools. He loved theater, was a perceptive critic of it. Likewise, he appreciated great films, good writing, good music.

In politics, he had no peer in the realm of campaign organization. Sheridan was a man of bold and provocative ideas in politics; a strong influence in Republican campaign tactics. Yet, he was such a fair-minded person that he could number close friends high in Democratic circles—even during intensely partisan circumstances.

CCSC had no more fiercely partisan supporter. A graduate of the school (then known as Teachers College of Connecticut), he was in the forefront of the emergence of CCSC as a college of major proportions and dimensions. He fought for the college with a vigor that bordered on outright dedication, and he was a persuasive advocate when there was a need to be.

Bob Sheridan was often the "cool" man when others around him stormed or raged. Not that he was without emotion. But it was more in keeping for him to see things in their bigger perspective, and for him to assert himself by example of calmness and restraint.

We will not belabor the obvious to say that those who knew him were shocked by his untimely death. But we will suggest that this man was a dear friend to many people, and that in his way he enriched the lives of those with whom he came in contact. He will be sorely missed.

TORRINGTON REGISTER QUESTIONS U.S. BACKING FOR FIAT OF ITALY-SOVIET AUTO DEAL

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. Meskill] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MESKILL. Mr. Speaker, under unanimous consent, I am submitting for the Congressional Record a recent editorial from the Torrington Register, an outstanding daily newspaper in my district, in which the editor criticizes proposed U.S. support of the automobile deal between the Soviet Union and the Fiat Automobile Co. of Italy.

I second the Register's call for the closest congressional examination of this proposal. In calling this thoughtful editorial to the attention of the Congress, I want to point out that the people of my district are very familiar with advanced machinery. They understand machines and machine tools. They know how different machines can be used for different purposes. They appreciate how the knowledge displayed in one kind of machine can be adapted to machines for other purposes. We have a great deal of varied and highly sophisticated manufacturing in the Sixth District of Connecticut. In short, our people appreciate the tremendous, intangible value that is represented by $50 million worth of the finest machinery our country is capable of producing. Of course, it has a strategic value and, of course, this deal ought to be reviewed in closest detail by Congress. I urge my colleagues to read this editorial:

What's "Strategic?"

Washington's intention to permit an Italian firm to purchase American equipment for an automobile manufacturing plant in the Soviet Union may signal the end of the policy of prohibiting the export of "strategic" goods to communist countries.

Certainly the question of what is "strategic" is open to debate. In a strict interpretation, virtually everything shipped to the Soviet Union aids the Soviet war machine by freeing materials and capital needed in the consumer area.

Even under the most liberal interpretation, however, it is difficult to justify the approval of $50 million worth of U.S. auto manufacturing equipment. Among the items approved are foundry and heat-treating equipment, stamping and shaping tools, transfer lines, lathes, material-handling equipment and painting and upholstery tools.

More important than the equipment is the advanced technology which goes with it. The House Banking subcommittee, which approved the loan of $50 million to Italy through the Export-Import Bank for the deal, admitted "U.S. machine tool technology may play a larger part in the proposed auto plant than has been forecast earlier."

In light of this admission by an official agency, approval of the sale becomes still more questionable. If it goes through, the door will be opened much wider to the sale of previously restricted material and technical know-how.

As the President and Congress both have approved the deal, there is little chance of changing the decision now. But the subject of strategic sales to communist countries is due for a more thorough discussion in Congress than it received on this issue.

RESOLUTION OF KANSAS ASSOCIATION OF STUDENT FINANCIAL AID ADMINISTRATORS SUPPORTS HIGHER EDUCATION AMENDMENTS OF 1967

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. Shriver] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHRIVER. Mr. Speaker, the Kansas Association of Student Financial Aid Administrators recently adopted a resolution concerning the Higher Education Amendments of 1967 at its meeting at Kansas State Teachers College in Emporia.

This resolution was presented by Mr. Paul Chrisman, director of financial aids, Wichita State University.

The increasing numbers of students seeking higher education opportunities coupled with rising costs of getting an education require our continued attention and support of student financial aid programs.

Mr. Speaker, I include a copy of the resolution as adopted on March 20, 1967, by the Kansas Association of Student Financial Aid Administrators. The resolution follows:

Whereas the continued need for financial aid for students attending institutions of higher education in Kansas appears inevitable, and

Whereas this need involves educational opportunities for great numbers of students of the State of Kansas, and

Whereas such need will inevitably require an increase in allocated funds, and

Whereas most institutions find it extremely difficult to maintain sufficient funding of their diverse financial aid programs, and

Whereas the opportunity to endorse the new bill entitled "Higher Education Amendments of 1967" which has been introduced to Congress presents itself, and

Whereas the Kansas Association of Student Financial Aid Administrators believes in and is committed to the optimal use of funds that may be used to meet deserving students' needs.

Be It Therefore Resolved by the Kansas Association of Student Financial Aid Administrators that Congress be urged to proceed with all due expedition the passage of such amendments that provide for:

(1) Institutions to borrow student loan funds from the Commissioner of Education as an alternative to receive Federal capital contributions that must be matched

(2) Work-Study assistance to students being used as matching funds for Educational Opportunity Grants.

(3) Federal funds for Work-Study to be scheduled on a 80%–20% ratio

(4) Students being able to work 40 hours a week on the Work-Study Program while attending summer classes and (5) Other provisions that will provide students and their institutions the ways and means to plan effectively for the future growth and development of their State, Nation, and their resources.

OPPORTUNITY CRUSADE—SUBSTITUTE FOR THE WAR ON POVERTY

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Goodell] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODELL. Mr. Speaker, Mr. Quie and I and other Republicans will soon be introducing an "oportunity crusade" for the poor. This will be a complete substitute for the languishing and confused war on poverty.

The opportunity crusade involves total Federal expenditures of $1.7 billion, $300 million less than President Johnson's budget proposals. By involving private industry and States in the opportunity crusade for the poor, a total of $2.4 billion would be available "to revive the hopes and realistic aspirations of tired, cynical, and hopeless prisoners of poverty."

The opportunity crusade builds upon the solid foundation of a free-enterprise economy. By providing realistic incentives for private employers and individuals to develop on-the-job training programs, it also offers respectable and productive jobs, rather than dead end, make-work, public employment. Participants in jobs or in training under the opportunity crusade number 1,475,350 as compared to 423,000 under the administration of the war on poverty.

The opportunity crusade would completely dismantle the Office of Economic Opportunity under Sargent Shriver, eliminating or redirecting existing programs. The community action phases of the poverty war would be transferred to the Department of Health, Education, and Welfare. Job Corps would be replaced by residential skill centers administered by vocational education officials.

Other new proposals by the Republicans include:

First. An industry youth corps in which youths 16 to 22 would be offered private productive employment and on-the-job training. The Federal Government would pay 25 percent of enrollees' wages for 1 year under conditions that offered promise of long-term employment.

Second. Expansion of Headstart and a new Early Years program for poor children up to third-grade level.

Third. New military career centers under the Secretary of Defense for volunteers who are otherwise unable to meet Selective Service requirements for military service.

Fourth. Convert the present in-school neighborhood Youth Corps program into a major work study program for youngsters likely to drop out of high school for economic reasons. The program would be transferred from the Labor Department to the Office of Education, and be expanded to include part-time employment in private industry. Funds would be made available on a 50–50 matching basis for local schools to hire a coordinator to counsel, test, and, find appropriate jobs for needy students.

Fifth. A new State bonus program would be offered to encourage States to contribute up to a total of $200 million, matched by the Federal Government, to supplement community action and Headstart programs.

Sixth. VISTA, the so-called domestic peace corps, would be supplemented with a new "Hometown VISTA" to enlist local volunteers in the opportunity crusade for the poor.

Seventh. States would be brought in as partners in the opportunity crusade and all earmarking of community action funds would be eliminated.

Eighth. Employment services would be automated to provide high-speed, reliable joining of individuals with available jobs.

Ninth. A long overdue national skill survey would be made to pinpoint the thousands of skilled jobs for which qualified applicants cannot be found.

Tenth. Tax incentives would be given employers by a new Human Investment Act to encourage hiring and training of the unskilled.

Eleventh. The elderly and retired, who can be accurately characterized as the "forgotten poor," will be permitted and encouraged to work and obtain a livable income without loss of social security benefits.

Although the opportunity crusade would spend $300 million less than the President's poverty program, funds for new Headstart and unearmarked community action would be substantially above the President's proposal. Because of private and State involvement, more needy people would be reached and helped by the opportunity crusade at the $1.7 billion expenditure level than by the faltering, misfiring war on poverty at the $2 billion expenditure level.

The war on poverty is in desperate need of major redirection. It should not be eliminated, it should be revamped and put on a realistic basis. Only a small percentage of the poor have received meaningful assistance as a result of the billions of dollars in the present war on poverty. After 3 years, the poverty war has spent $4 billion of the taxpayers' money and created a poverty bureaucracy of 91,000 administrators. The poor have lost faith in the high promises of those who thought they could solve difficult problems by simply spending billions of dollars through a new poverty agency in Washington. If the administration fails to take the drastic steps long overdue to overhaul completely the present poverty war, Congress may well repeal the entire program and the good will go down with the bad. The plight of the poor in America today is a growing and major crisis that must be met realistically. The opportunity crusade, by reinforcing and redirecting portions of the poverty program with good potential and by starting new innovative programs, will revive the hopes of the poor and the confidence of the American people.

Following is a chart comparing opportunities and expenditures available through the opportunity crusade with those under the war on poverty:

Program	Total opportunities		New Federal authorization for opportunity crusade	Total funds for opportunity crusade	Budget proposal for war on poverty
	Opportunity crusade	War on poverty			
Job Corps	43,350	38,000	$230,000,000	$230,000,000	$295,000,000
Skill centers	(31,350)		(190,000,000)	(190,000,000)	
Military career	(12,000)		(40,000,000)	(40,000,000)	
NYC work study	1,295,000	295,000	140,000,000	202,000,000	321,000,000
In-school	(295,000)		(115,000,000)	(152,000,000)	[1]
Coordinator	(1,000,000)		(25,000,000)	(50,000,000)	
NYC work training	107,000	60,000	100,000,000	320,000,000	
Out-of-school	(13,500)		(30,000,000)	(40,000,000)	
Industry Youth Corps	(93,500)		(70,000,000)	(280,000,000)	
Community action			550,000,000	762,500,000	808,000,000
Total versatile unearmarked funds			(550,000,000)	(762,500,000)	(443,000,000)
Urban CAP's			(243,000,000)	(303,750,000)	
Rural CAP's			(207,000,000)	(258,750,000)	
Bonus			(100,000,000)	(200,000,000)	
Total present earmarked—Nelson-Scheuer, special impact, legal aid, health centers			0	0	(365,000,000)
Headstart			575,000,0000	793,750,000	472,000,000
Preschool			(340,000,000)	(425,000,000)	(337,000,000)
Early years			(135,000,000)	(168,750,000)	(135,000,000)
Bonus			(100,000,000)	(200,000,000)	
VISTA			26,000,000	26,000,000	31,000,000
Migrant and seasonal workers			27,000,000	27,000,000	27,000,000
Rural loans			2,500,000	2,500,000	2,500,000
Work experience			70,000,000	70,000,000	70,000,000
Automation of job opportunity data			20,000,000	20,000,000	0
Skill survey			5,000,000	5,000,000	0
Administration			0	0	16,000,000
Other funds			0	0	17,500,000
Total			1,745,500,000	2,458,750,000	2,060,000,000

[1] Total New York City.

THE OLDEST AND MOST DECADENT FLEET IN THE MARITIME WORLD

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODELL. Mr. Speaker, the neglected and scandalous state of the American maritime industry has been vividly portrayed by Helen Delich Bentley in an article which appeared in the April 7, 1967, issue of the Baltimore Sun.

In her exposé on the present condition of the American merchant marine fleet, Mrs. Bentley makes a startling and embarrassing assertion: the most wealthy and powerful nation on earth, the United States, has the "oldest and most decadent fleet in the maritime world."

More than just feeling a twinge to our national pride, the United States should be concerned with what effect this predicament has on our national security and our ability to fulfill our military commitments.

Exactly 1 year ago, the House Republican Policy Committee issued a statement to alert the America public to the crisis in our shipbuilding efforts and subsequent sealift capabilities. At that time, House Republicans called upon the administration to initiate corrective steps in order to avoid what well could prove to be a disastrous situation. Recently released reports by appropriate congressional committees have justified this skepticism and concern.

Mr. Speaker, it is with the hope that this lucid illustration of the facts will prompt the necessary action to, if not eliminate, at least minimize this serious situation that I include the following article by Mrs. Bentley:

LIBERIAN, UNITED STATES SHIPS SAD CONTRAST

(By Helen Delich Bentley)

YOKOHAMA, JAPAN.—It was a dismal, rainy day with peasoup fog enveloping the outer reaches of Yokohama Harbor. One could still see from one nearby pier to another and one end of the long piers to the other.

The atmosphere was filled with irony as well as thick clouds of mist.

BLACK PAINT GLEAMED

Looming high alongside the outfitting dock was a proud, spanking new 96,000-deadweight-ton tanker, rising majestically some 60 feet from the waterline to her shiny spotless deck.

The new coat of black paint gleamed on her hull, which extended for several football fields in length. Even through the thick haze, the white decks shone.

Climbing up the long gangway, reaching from the pier across 20 feet of water and up to the deck, was a feat in itself. Anyone concerned with heights would undoubtedly panic upon looking down from the aluminum gangway to the black water far below.

A "BABY" TANKER

One couldn't help but wonder about the difficulties a pilot must encounter climbing up and down a jacob's ladder on the new breed of sea giants when they are sailing without cargo, and their full height rides above the water line.

The melodic name of the 96,000-tonner—a "baby" tanker by today's standards since 300,000-tonners already are under construction and 500,000-tonners are in the planning stage—is the Allegro. Therein lies the irony.

The Allegro was built by Basil Goulandris, a prominent Greek shipowner who at one time had substantial interests in American-flag ships but has since sold them.

Goulandris built the ship for a long-term charter to an American-based oil company, Esso. That charter not only would assure the Greek owner full payment on the cost of the vessel but also a profit.

TWO AMERICANS THERE

Since on that particular day the ship was being turned over to her owners by the shipyard, the Ishikawajima-Harima Heavy Industries Co., Ltd. (referred to in Japan as I.H.I.), it meant her flag was to be raised with pomp and ceremony.

Therefore, some ten Japanese officials of I.H.I. lined up on the port side of the stern opposite all of the Greek officers who were to sail the ship. Standing in the center were some Greeks, Japanese, and two Americans.

When everybody was dutifully standing at attention, a record player was turned on and the strains of the Liberian national anthem came out loud and clear. As the music began, Chief Mate John Koukis slowly began raising a red, white and blue flag—that of Liberia.

TIMED PERFECTLY

He had practiced his timing perfectly so that as the anthem finished, so, too, had he completed his task of pulling the Liberian flag to the top of the halyard.

As the music ended and the one-star flag waved in the breeze, the Spectators clapped, marking the addition of another modern, gigantic ship to the fleet of the African nation.

And then somone pointed over the side to a rusty, sad looking freighter moored at the nearby repair pier. She, too, was flying a red-white-and-blue emblem, but her blue field containing 50 white stars. This seemingly neglected rustbucket, in which two men had recently been asphyxiated, is part of the American merchant marine.

The 27-year-old vessel, of World War II vintage, like the rest of the obsolete American-flag fleet is still struggling to keep vital American commerce and goods flowing.

SAME FOR 85 PER CENT

Eighty-five per cent of the American merchant marine is in the same decrepit patched-up condition, with their owners wondering how much longer they can keep these vessels going.

Where the Liberian-flag Allegro has an automated engine room, ample recreation rooms, a swimming pool, and even an elevator leading to the engine room, the American-flag ship's machinery is so old and worn that it is difficult for her owners to keep her sailing without extensive expenditures for repairs. The crew quarters on none of the World War II vintage vessels are anything to write home about, and the old engineers who have been called back to help keep the pipeline to Vietnam going find it so demanding to try to keep these vessels going that heart attacks are increasing and the men are aging faster than ever.

Liberia, the small African nation, has the world's largest and most modern fleet of merchant vessels.

The wealthy United States, which seems to have abundance for every other nation, has the oldest and most decadent fleet in the maritime world.

EMPTY SEAT IN THE CLASSROOM

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. KEITH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KEITH. Mr. Speaker, in these troubled times when we hear constantly of death and horror in southeast Asia, we tend to overlook the truly horrible slaughter on our highways. Every year the death rate on our highways far exceeds the death rate in Vietnam. Innocent people are murdered indiscriminately on the highways, whether they are newborn babies or aged grandparents. How can we prevent this massacre?

American Trucking Associations is doing its part to cut down the tragic highway toll. Because of education and constant safety awareness, truck drivers have a good safety record. They are trained to drive safely and to maintain their vehicles in top condition.

For 12 years American Trucking Associations has held an annual newspaper safety writing competition and has awarded prizes comparable to the famous Pulitzer awards.

This year a distinguished resident of my district, Mr. Everett S. Allen of the New Bedford Standard-Times won a $1,000 first prize for his editorial, "Empty Seat in the Classroom." Mr. Allen's editorial is a frightening and realistic account of the aftermath of an accident which claimed the life of a young man. It describes the shocked reactions of the victim's classmates, their horror at sudden death in their midst.

Mr. Allen has been a journalist for more than 30 years with the Standard-Times, and the clear and concise writing in his editorial has great impact.

American Trucking Associations is to be commended for attracting the Nation's attention to outstanding articles such as Everett Allen's. Readers of Mr. Allen's prize-winning editorial will find themselves driving more carefully. Perhaps lives will be saved.

Everett Allen's article from the Standard-Times of New Bedford, March 27, 1966, is as follows:

THE PRESENT TENSE: EMPTY SEAT IN THE CLASSROOM

(By Everett S. Allen)

In the newspaper of the night before, they all had seen the Page 1 picture of the wrecked automobile, twisted junk slammed against a tree, and they knew precisely how long the police said the black skid marks were, the final signature he had made in the last seconds of life.

At school the next day, in all the classrooms to which he had gone, they filed in awkwardly, looking furtively and reverentially at the empty desk. Between classes, it was virtually the only subject of conversation, because none of them was 20, and death, striking close at hand, was unbelievable, frightening, and exciting.

"You knew Mildred was supposed to have been with him," said the blond with leotards, "only at the last minute she decided not to go?"

COMING CLOSE TO DEATH

"No, was she?" they gasped appreciatively, and huddled closer about the water bubbler to savor this, because Mildred was in their classes, too, and very much alive on this blue and bright morning, and he was not.

To think of coming so close to death; if she had said yes, instead of no, and you could see them turning it in their minds.

Some of them had been to the funeral parlor.

"You know why the casket's closed?" asked the boy who won his letter in track, "When that heap stopped, he kept right on going." One of the girls grimaced, remembering how his dark hair had been strong and thick, and the whiteness of his teeth when he laughed, and that he had asked her to dance.

The band had played George Hamilton's "Long Black Limousine," and he had grinned, and slapped his fist on his open palm in time, because he liked everything about cars. It was awful to think about . . . it was too awful.

"Did he know anything about it, I wonder, when he was—going through the air?" asked the pale boy who got A's in mechanical drawing.

"No," they said in a chorus. They did not want to believe that he did; they thought probably the last bad second was before he was hurt at all, when the rear end started to swing, and the rubber was squealing, when the heap leaned into a sickening roll and he knew this time it wasn't going to come back up, and the big thick trees, dark and ugly, were almost in his face.

"There was a farmer," said the football player, "who lived more than half a mile down the road. It woke him up. He said he thought it was a dynamite blast. When he got there, it was all burning."

"Well, his father told him not to take the car," the brunet with the white sweater interjected. "I don't mean to sound cruel, but he shouldn't have been there anyway and if he'd been where he was supposed to, it wouldn't have happened."

They weighed this quite carefully because it had the ring of cosmic justice, but it did not satisfy all of them.

The girl with the history notebook said, "I don't think . . . I mean, if you believe in God, I don't think God would do a thing like that just because somebody was, you know, doing a small thing like that."

The three-letter man commented, "I don't think God had anything to do with it. I think when it's your time, it's your time. That's all. That's the way I live. That's what I think about getting drafted. Don't fight it."

One of them, who had been in the same class with the dead boy since the 1st Grade, who had lived across the street from him for all these years, had gone to the house last night, had mumbled something agonized at the boy's mother, clutched her hand, and fled. Today, he walked from class to class, mostly silent, but he had told them a little.

SHE HAD SOME PICTURES

"His mother was crying all the time. Her face was all swollen up from crying. She had some pictures of him on the kitchen table, and she was crying all over them, and you couldn't hear what she was saying very well, because it was as if she were choking. And the pictures she had weren't even the way he looked but they were all when he was little.

"And his father looked like an old man; his clothes looked too big for him. All he said was 'Seventeen years. He got through pneumonia. He was a smart boy. We had some of the money saved for college. What'll we do with it now? We'll bury him with it, and buy a nice stone with his name . . .' and he couldn't talk anymore."

"I can't believe it," said the blond with leotards. "I just can't."

"Well, you've got to take care of your car," the red-faced junior offered. "Check it all the time, especially the front end. So you can count on it. And some guys think they're better drivers than they are."

They looked at the empty classroom seat once more, and walked slowly down the corridor. Outside, protesting tires squealed as somebody rounded a corner and they looked at each other, but said nothing.

SOUND MONEY

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Wyman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WYMAN. Mr. Speaker, there is no substitute for sound money. Fiscal policies that take us away from sound money are against the people.

For years fiscal irresponsibility has characterized the fiscal policies of the present administration. It was preceded by similar policies in the administration of the late President Kennedy. Even under the 8 years of President Eisenhower's leadership, there were but 3 years in which the budget was held in balance.

If the Government was to be operated at a deficit equivalent to the cost of the Vietnam war, it might be excused as an extraordinary cost of war. But this is not the case. This Government is currently being run at a wild and reckless deficit. It is a deficit that this year added to the cost of the Vietnamese war—is likely to exceed $20 billion.

No attempt is made to confine requested appropriations to anticipated revenues. The Bureau of the Budget has approved departmental requests in excess of projected revenues time and again with a war on to boot.

The Congress itself, acting through its Appropriations Committees, has not required receipt of a prior estimate of revenues. It does not demand that its Appropriations Committees should confine their recommended appropriations to projected revenues. It has no legislative budget, and it fails to even require its separate subcommittees to operate within a cohesive overall plan. They separately go merrily on their separate way.

It is a fundamental that the best cook in the world cannot cut more pieces from a pie than there are materials in the pie. It is basic to sound money that the Congress should not permit the continued overspending of the Federal Government beyond its revenues.

No matter what administration does this, it should be halted whether the administration at 1600 Pennsylvania Avenue is Republican or Democrat.

The bus of state is very close to the cliff of insolvency. It is up to us here in the Congress to bring it back, to protect the people, to guard those who have savings, those who are on fixed incomes, and the future of our children. In this connection, the editorial by David Lawrence in the U.S. News & World Report issue of April 17, 1967, puts the question in the proper context. I commend it to the careful reading not only of the Members of this great body, but to all citizens interested in placing responsibility for inflation where it belongs.

Cheating the People

(By David Lawrence)

Governments since ancient times have depreciated the value of the monetary unit in order to get more money to spend and to make pretended payments on debt—but this custom has not become honorable because of its age.

The American people today are suffering from the effects of a continuous inflation. Their savings are being reduced in value. While money loaned is repaid in the same number of dollars, the purchasing power of each dollar is cut down every year.

Individuals who have invested in bonds or who have put their money in savings and loan associations or in savings accounts in banks, find themselves, after a few years or even months, to have been, in effect, shortchanged on what they can buy with their dollars. This is also the experience of those persons whose contractual claims are payable in fixed-dollar amounts such as life insurance, annuities or pensions.

At the end of the year 1966, for example, individuals who have been accumulating the aforesaid types of assets had an estimated $770 billion in such savings. But each price rise of one per cent has reduced the purchasing power of these savings by $7.7 billion.

Last year the cost of living went up by 3.3 per cent, which meant a loss of $25 billion to the nation's savers. Persons living on pensions and workers whose paychecks did not rise also suffered a loss in buying power.

During the past 15 years—according to the Government's own figures—the cost of living has increased. This has curtailed the purchasing power of the dollar by 20 per cent, and we now have an 80-cent dollar as compared with the 100-cent dollar of 1952.

The price rise over the last decade and a half has affected various types of savings in different ways. Each $1,000 deposited in a bank in 1952 has today a loss of $200 in buying power. Although the annual interest on $1,000 in a savings account has gone up from $25 in 1952 to $40 today, it will be found that, in terms of current purchasing power, the real gain in interest is $7 rather than $15.

Bond investors have been hurt even more by the inflation than have persons who placed their money in the deposit-type of savings. Interest rates, of course, on bonds already issued do not change. A corporate bond, for instance, with a 3 per cent coupon, bought in 1952 for $1,000 will pay that same amount of interest until maturity. But when the bond itself is redeemed, the $1,000 will not buy what it did in 1952. Instead, the investor will receive the equivalent of only $800 in buying power, and the $30 annual interest will buy only as much as $24 bought in 1952.

Owner of long-term bonds, moreover, face disappointment if they wish to dispose of their holdings in advance of a maturity date. A corporate bond bought in 1952 for $1,000 which still has 20 years to run before maturity may have dropped in its market price to $750. This is because the low interest rates of yesterday are out of line with the higher interest rates of today. If the investor needs to convert his bond into cash, the $750 he receives will buy only the quantity of goods that was available 15 years ago for $600.

The same problem also confronts investors in federal or State or local bonds. Even savings bonds, which do not fluctuate in price and offer to small investors an advantage over marketable bonds, are subject to the hazards of inflation.

The Government's "E" bonds has been widely bought, and in fact $43 billion's worth are held by the public. Such a $1,000 bond—purchased in 1952 at a cost of $750—can be cash in now for $1,215. But this will only buy as much goods and services as could have been obtained 15 years ago for $972. Inflation, therefore, has eaten up $243 of the accrued interest, or cut approximately in half the yield on the investment itself.

Investors, however, in such assets as common stock or real estate have fared better. For, in the average case, $1,000 put into common stocks 15 years ago now has a value of $3,800 in the market. This gain far exceeds the rise in living costs. The tendency, therefore, has been to divert funds into common stocks and various types of physical assets, and count on possible appreciation.

Even this is by no means an absolutely safe formula. For history tells us that when government finances become unstable, the public loses confidence in the policies of an Administration which keeps on spending more and more money in excess of revenues collected each year. There usually ensues a collapse of stocks, too, in what is called a "panic" or "depression."

The lesson that all this teaches us is that a "managed economy" can be mismanaged, and that debt-ridden governments which preach the doctrine that deficit-spending is healthy are soon or later confronted by economic disaster.

People can be cheated some of the time, but not all of the time. In the long run, they become convinced that there is no substitute for policies which are dedicated to sound money.

THE SOCIAL PROBLEM SOLVERS AND FUTURE PLANNERS ARE RUNNING AMUCK

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Fino] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FINO. Mr. Speaker, sad as I am to say it, the squirrels are climbing down from the trees and finding happy homes in the ivory towers of the Federal Government. I suggest that the Members of this House read the following two articles from the New Republic. Frankly, I was shocked by them.

The first article entitled "The Future Planners" is taken from the February 25, 1967, issue of the New Republic. Written by Andrew Kopkind, the general gist of the article is that the Federal Government is getting itself into the business of future-planning with a pronounced socio-experimental bias. I seem to recollect having told this to the House last year. Mr. Kopkind says that—

> The Administration is intrigued by all the activity, but cautious lest public opposition develop before a lobby for future-planning can harden its lines.

Mr. Kopkind goes on to describe how leftwing radicals "see future-planning as a backdoor to democratic socialism; they cannot figure how to get in by more overtly political means." I strongly suggest that the Members of this House read this article to see what the latest word is from the ivory towers of the Left. Before long, I imagine the Department of Housing and Urban Development will suggest that American residential patterns be planned by integration-programed computers.

The second article is another bomb. Written by James Ridgeway, it appeared in the April 8, 1967, New Republic under the title "Program Solvers." Reading it, I was not surprised to find that our asinine Pentagon is training soldiers to fight in Vietnam by means of games. The Department of Defense has given Abt Associates of Cambridge, Mass., a fat fee to produce a game called "Agile-Coin" in which players in different tents represent insurgents, government forces, and villagers. This game is being used to train U.S. soldiers in Fort Benning, Ga. No wonder we are losing in Vietnam. The order for this game was placed by the Pentagon's Advanced Research Projects Agency, one of McNamara's mathematical monstrosities. We cannot afford to play games in Vietnam. I am waiting to see how Secretary McNamara can computer-program Vietcong boobytraps. Maybe our war effort would pick up if the Secretary stepped on one such boobytrap.

Mr. Speaker, admirers of the poverty program will be delighted to know that the social problem-solvers have also produced a game called "Urb-Coin" which features Government players and insurgent players wrestling for sociopolitical control of U.S. cities. The game includes "bomb cards," presumably all in fun. Then there is "Raid," a game about a protection racket in the slums. This was a natural for the poverty program, which is a racket itself.

Last but not least, Mr. Speaker, there is a new transportation game being drawn up. According to Mr. Ridgway:

> Abt plans to run the final play of this game within the next couple of months, and the company hopes to heighten the reality by getting senators and congressmen and industrialists to represent themselves.

I am sure that supporters of the demonstration cities program will look forward to this new demonstration opportunity. I can hardly wait to see the Members of this House acting in games for the social planners. After all, we passed the demonstration cities program, did we not?

[From the New Republic, Feb. 25, 1967]

The Future-Planners

(By Andrew Kopkind)

While you and i have lips and voices which are for kissing and to sing with who cares if some oneeyed son of a bitch invents an instrument to measure Spring with?

—E. E. Cummings, from *Is 5*.

With the growth of the complexity of society, immediate experience with its events plays an increasingly smaller role as a source of information and basis of judgment in contrast to symbolically mediated information about these events . . . Numerical indexes of phenomena are peculiarly fitted to these needs.

—Albert D. Biderman, from *Social Indicators and Goals.*

An editor of *Fortune* calls it "the greatest advance in the art of government [in] nearly a hundred years." Michael Harrington says it is "one of the most radical suggestions put forth by a responsible body in our recent history." An antipoverty official in Virginia fears it is the road to "a full-fledged socialist state"; a socialist teacher in Chicago fears it is not. Tom Hayden, the organizer in Newark, calls it "a new barbarism."

What "it" is that so excites some and horrifies others turns out to be not one thing—or at least nothing for which there are words or concepts in common usage. Rather it is a collection of vaguely related political and intellectual happenings that have to do with new ways to analyze, anticipate, and control the social environment. Involved are elements of old-fashioned central planning and new-fangled futurism; but the participants are more than planners and less than utopians. They are a new genus of social actors, something between politicians and technicians. For the most part, they do not want to push the buttons of the computerized society themselves; they are not technocrats. Instead, they would like to tell whomever is in charge which buttons to push. They dream of using social science instead of pressure politics to solve the nation's problems. Professor Bertram Gross of Syracuse, one of the few men in the business who tries to relate all the happenings into a coherent social movement, calls the new breed "technopols." But a simpler definition describes what they do: plan for the future.

Future-planning is in many ways the most fascinating, and certainly the most fashionable thing to be doing this year in both government and the social sciences. There are a dozen or so public and private panels, task forces, editorial boards, and seminars engaged in it. The Department of Health, Education and Welfare has quietly assembled a technopol pool under Assistant Secretary William Gorham and the Columbia University sociologist, Daniel Bell, to explore the possibilities of a "social State of the Union" report. The American Academy of Arts and Sciences has two future-planning projects under way: a "Commission on the Year 2000" (the work will be published in *Daedalus*), and a shorter-term panel on the year 1976. The American Academy of Political and Social Science will publish two special issues of its *Annals* this year on "Social Goals and Indicators for American Society," and the chapters are being discussed this winter in a series of seminars conducted around the East Coast by Bertram Gross. The new planners have an international network: the UN runs a small future-planning operation in Geneva. Last year, future-planers from several countries met in London to set up a continuing project called "Mankind 2000." In Washington, a World Future Society is in the process of formation. Hundreds of private profit-making and nonprofit companies and foundations, taking off from the RAND idea, are in the future-planning game.

"It's an idea whose time is coming," former Assistant Secretary of Labor Daniel P. Moynihan said recently. Politicians of the more conventional stripe are beginning to see a wave in the future. Democratic Senators Harris of Oklahoma and Nelson of Wisconsin have bills in Congress seeking federal support, in one way or another, for future-planning. But the biggest political boost came earlier this month when Senator Walter Mondale of Minnesota introduced legislation to set up a Council of Social Advisers in the White House, authorize an annual "Social Report" to the President, and establish a Joint Social Committee of Congress to oversee the whole thing.

The Administration is intrigued by all the activity, but cautious lest public opposition develop before a lobby for future-planning can harden its lines. "Planning" still evokes fears of creeping socialism or rampant New Dealism (although most future-planners are ideologically distinct from both doctrines), and both the regular politicians and the technopols keep their eyes trained on the right for signs of attack. But the idea remains attractive. "If the war on poverty turned out to be money without progress," a sociologist said the other day, "this could be progress without money." Presidential Assistant Douglas Cater is the liaison with the future-planners, but he is not overly busy with the task. By and large, future-planning is still directed at the Administration, not by it.

If the technopols have their way, that will not always be the case. They assume that government must increasingly intervene to reform the social structure. But they see that the government is unable either to define its social goals or evaluate its performance in any scientific way. Definition and evaluation are inextricable. For an example, there are no reliable statistics on crime in the US; the FBI totals illustrate the basic law of statistical method—feed "garbage" into computers and you get "garbage" out. There is no way of telling whether methods of prevention and correction do any good, and no idea at all of the precise relationship of presumed "causes" to crime. In effect, the government has no concept of what the "crime problem" is, and at least until publication of the National Crime Commission's report, could develop no relevant anti-crime goals. "Making the streets safe" and such statements are not considered goals at all, but idle wishes or subjective metaphors. A few measurements have been taken of crime, but no significant correlations have yet been drawn. The state of the art was classically described by Groucho Marx; leaning over Harpo's prostrate form and groping for his pulse, Groucho declared, "Either he's dead or my watch has stopped."

SOME STICKY PROBLEMS

An impressive body of economic indicators, goals, and models has been constructed to show the state of the nation's economy and make policy objectives possible. The future-planners like to remind skeptics that it was not until economists measured unemployment that a distinct "unemployment problem" was recognized, and goals set for its alleviation. Now, federal economists aim for certain levels of employment and use their indicators to rate success toward that end. The Council of Economic Advisers watches over a sophisticated set of national accounts, which give a fair picture of where the country stands in terms of prices, income, steel and car production, movement of goods, investment, construction and the like. The economists use the data (weighted with their own ideas of what's good) to set economic goals. If things begin to go awry—if there are indications of inflation or an unemployment rise—the CEA will advise the President to take whatever steps he can to make the accounts come out even again.

But that is not always easy, and in fact even the economic indicators are inadequate (price indices do not take note of quality changes, for instance), the goals too obviously based on the economists' values, and the power to "fix" the economy really rather slight. Sticky problems on which there is no consensus—such as the maldistribution of wealth—are left unfixed.

Nevertheless, to a race of underprivileged behavioral scientists, the status, influence and political power of the macroeconomists are objects of consuming fascination and some envy. Economic data are *hard*; economic manipulation *works*. Would that the same could be said for psychology, sociology, political science and the rest. As tokens of their esteem, the behavioral scientists choose the terminology of economics and the "harder" physical sciences and mathematics. They throw around phrases like input/output, feedback, entropy, synergism, symbiosis; as if by adopting the symbols of science they could achieve it.

But they know too that the emphasis on economic accounting in governmental planning has excluded crucial social considerations. There is altogether too much talk about Gross National Product and too little about happiness, culture, integration, participation. Bertram Gross calls the obsession with economic forces "the new philistinism."

Gross' hobby-horse is a national system of social accounting, in which aspects of the "quality of life" would be tallied along with the facts of the economy. Ways will be found to work with data on health, social relations, crime, aspirations, art and culture, conflict, mobility. In a long and difficult chapter in the anthology, *Social Indicators,* Gross outlines his ideas on the possibilities for social accounting. He concludes that it is an inevitable development.

Laymen may find social indicator prose rough going and the tables and diagrams unfathomable, but a popular statement of social accounting was made by Michael Harrington two months ago in *Harper's*. His formulation of social accounting is rather simple: translate social values into economic terms (or devise a common unit for social and economic values), list the benefits on one side of a ledger, and balance them off against the social and economic debits on the other side. Thus, on the sheet for "highways" might be the benefits of mobility, convenience, supply and defense capability, employment in the construction trades, and so forth. On the debit side might be urban disruption, natural resource wastage, accident potential, car proliferation, and eyesore intensity. Anyone who has had a few years of the new math should be able to tote up the figures and arrive at a national highways policy. What is so *different* about future-planning is its assumption that the lack of information and not the conflict of interests is at the bottom of society's problems. Some of the planners (Gross in particular) question that approach, but despite their arguments the overall effect of future-planning seems to downgrade the importance of conflict. What is so *new* is the expectation that methods will be devised to supply the needed information.

A Washington economist recently explained what social indicators were all about by reducing the notion to an absurdity. He fantasized a scene in the Council of Social Advisers one day in the mid-1980's:

"Dan Bell is idly watching the Dow-Jones societal wire (formerly the business wire): 'Consumer Indignation Index down .04 percent. . . . Black Power Ratio steady, two percent drop in hair-straightener sales offset by two percent rise in empty seats at Miriam Makeba concerts). . . . Three youths from eastern Kentucky accepted at CCNY. . . . Participatory Democracy Determinant drops slightly (collapse of an antifluoridation organization in West Texas). . . . Cross Social Product extrapoliated to 789 by December 31.'

"Suddenly Bell calls excitedly, 'Mike, Bert, come here quick. The Native Restlessness Index has hit an all-time high!' The Advisers go into special session with their staff, then report their conclusions and recommendations to the President, who the next day asks Congress for emergency legislation to install a nationwide network of plastic swimming pools. He activates the National Guard, and calls a White House Conference."

BACK DOOR TO SOCIALISM

Much of the appeal of social indicators comes from the obvious parallel with economic accounting (Gross, as a young legislative assistant, helped draft the Employment Act of 1946 which set up the Council of Economic Advisers; he later served as its director.) There is a feeling among many radical and liberal reformers that no effective movement is likely to bring the kinds of change they want for the U.S. Harrington and a few others may see future-planning as a back door to democratic socialism; they cannot figure out how to get in by more overtly political means. But the diffuse background and predilections of the future-planners suggest that no common ground for a movement can be found. At one pole are the liberal and socialist humanists—Gross, Bell, Moynihan, Harrington, Leon Keyserling—who are more or less conscious of the values they want the indicators to indicate. At the other are the RAND-y systems analysts who take more pleasure in piecing together puzzles. In the middle somewhere are government officials who want to rationalize the bureaucratic process and be "effective."

The historical springs of future-planning are similarly diffuse. It has much in common with Fabianism and Keynesian economics, although there is no model for the social structure to compare with Keynes' construct of the economy. There is certainly some relevance to the concept of technocracy and managerialism. There is actually very little pure utopianism, which is "an absolute leap into the dark, the attainment of *the* one and only decent society—by people who have no power to bring it about," as one future-planner put it. Many of the new planners have been influenced by Bertrand de Jouvenal, the French political theorist who runs a social research institute called *Futuribles* (the name is a combination of *future* and *possible*). They also look to the urban planning experts who alone have physical models of "the future" to contemplate. Computer technology is not absolutely essential to social accounting, but the excitement computers have generated probably stimulates the urge to collect data.

But the most direct antecedent is the systems-analysis experience which began in the 'fifties and was brought to the government by Defense Secretary McNamara in the 'sixties. A Pentagon planner fixed the origins of the "corporate society" in the Korean War:

Major funds began to pour into research and development, stimulating the aircraft, missile and electronic industries. The rapid changes in R and D found government bureaucracy incapable of managing the complex weapons which technology declared possible, and the weapons system concept was born. The philosophy has spread throughout the economy."

PPBS — planning-program-budgeting-systems—flowed out from the Defense Department. Systems men set up the guts of the poverty program. HEW took it over and put one of McNamara's whiz kids, William Gorham, in charge. But the systems approach is restricted to more or less fixed programs—a Head Start, a weapons program, a health project. And it is concerned mainly with the efficiency of the program in economic terms—according to its pre-set objectives and values. Cost-effectiveness analysis will not indicate which Head Start organization in Mississippi gives Negroes a better sense of their community, which helps them share in politics, or which instills more dignity in the children. It will only tell which program has more enrollees, disburses more money, and creates jobs.

Social indicators are of a different order. They are meant to quantify the intangibles of quality, and feed them into the accounting. They deal with longer-term societal trends, and lead more directly to policy goals. A social indicator system for Mississippi might find ways to quantify pride, power, and communitarianism, and so formulate objectives and measure performance. The recent Coleman report on the effects of discrimination in education (reviewed by Christopher Jencks in this journal, October 1, 1966) was a partial model of what can be done with social indicators. But its field was narrow. The Moynihan report on "The Negro Family" is a better example of the uses of social indicators of continuing trends.

Post-industrial society (as Daniel Bell calls the current managerial, white-collared, technological state of affairs) creates the logic underlying, future-planning. A case in point is the development of the supersonic transport. The fantastic size, the money, the time span, and the complex government and corporate interests involved in the project forced planners to think about the future—what things would be like ten or a dozen years hence when people would (or should) be hurtling around the world aboard an SST. On only slightly less complicated levels, the biggest corporations must postulate demands and needs far into the future. Will the US use so many billion barrels of oil in 1985? Then Standard Oil had better buy Honduras, while the price is right. Better still, a combine of the government and an oil consortium should buy Honduras, for the sake of super-rational planning and permanent stability.

The power that industry's own future-planners have is immense. In an important way they can make public policy without feeling responsible to a popular constituency. The aerospace industry has tens of thousands of R and D technicians busily making models of the future and dreaming up ways for their corporations to profit by its exploitation.

The analysts build their futures-models, the companies fit their hardware to the models, the military men plan their strategies according to the available hardware, and the Administration chooses its foreign policy from the possible strategies. Along the way there may be some flexibility of choice: President Johnson can decide to go ahead with an anti-ballistic-missile program, or not. But by the time such choices are presented, many of the crucial alternatives have been eliminated. The R and D people at Lockheed, or wherever, have framed the key questions, even if they have not supplied the answers. Defense policies may be subject to some countervailing public debate, but industry's policies—oil reserve development, say—rarely if ever come into public view.

THE "CONTRACT STATE"

As the biggest purchasing agent in the U.S., the government has a special interest in seeing that its requirements are fulfilled. The Defense Department has dealings with some 17,000 subcontractors for its 12 weapons systems. Cost-accounting was obviously the only way to check on contract performance. But the "contract state" now encompasses more than military work. Increasingly, government agencies contract out to provide social services—education, job training, health care. Performance in such areas cannot be measured in purely economic terms (although they currently are). Social indicators are needed to judge performance standards. The contract state can hardly exist without them. Defense corporations are already at work analyzing the society's domestic needs, and trying to fit their production to them. James Ridgeway has pointed out in these pages how large companies are thinking about such projects as "new towns," which they would build and (perhaps) operate, for fun and profit. In California, a traditionally nervous aerospace industry has hedged against defense appropriations cuts by working up analyses of crime, pollution, transportation and Heaven knows what else, and selling both their models of the future and their plans for production to the state government. One company peered into its crystal ball and saw revealed an enormous number of Americans living at the water's edge (oceans, lakes, rivers, marinas, etc.) by 1990. It thereupon began to develop ways of producing or investing in the products the new race of amphibians will demand: boats, hydroponic gardens, waterproof paints. resuscitators, and the like. The future-planners can have it two ways: they can get in on the action early in a trend, and they can accelerate it by simply watching it, and doing a little loose talk on the side. They can even create huge markets. One government future-planner notes that RCA invested some $160 million in color television simply to create the market for it. In the same kind of way, the aerospace industry and military technologists created the "market" for the space race, by planning, and producing the hardware.

But model-building of future societies (almost all the planners like to "anticipate" a plurality of possible futures, rather than "predict" one specific future state) is only part of the work. It is the most fun, but also the least responsible. The serious, "scientific" future-planners are more concerned with the methods of developing social indicators, and the ways in which they will be used.

Here the most troublesome problems arise. First of all, there is precious little data available on the operation of the society in a non-economic way. As a consequence, men like Gross, Raymond Bauer (a Harvard Business School professor who edited *Social Indicators*), and their colleagues have to spend most of their time working out methods for taking measurements. The process leaves more action-minded social critics frustrated and confused. A recent discussion of the crime problem among social indicator people, for instance, dismissed the questions of prevention and causation and focused on correction, because no one has the foggiest idea of how to develop indicators for causes, much less how to work them into a social account. Would data on an urban freeway system—which accelerates the flight to the suburbs and thus solidifies ghettoes—be an item in a social accounting of crime? The social accountants take such questions in their stride. The need for data is obvious, no one claims much expertise, and to oppose the science because of its primitive methods is termed "the new know-nothingism." But it is harder for the future-planners to get off the hook on two fundamental problems their work raises: who will use the information collected, and for what purposes?

"Information is a core resource," a New York sociologist said last week in a discussion of indicators. "We've got to help countervailing groups use the information. We have it in economics, but not in the social sciences. There could be a government monopoly on information." Professor Bauer tends to agree: "The data are more likely to be used by people at the top of the structure," he says. Gross points out that there is always conflict in social systems, and social accounting will not—and should not—eliminate such clashes. He sees the role of social accounting as an "effort to restore human values to a central position in man's thought and action."

"HUMAN VALUES"

There is no general agreement on "human values." But the people who frame the questions about the society and plan the future can easily, and unconsciously, inject their own values into the answers they receive. The Moynihan report was a good example. The assumption was that fatherless, mother-dominated families were a "bad thing." Information was collected about unemployment rates, the number of heads of households who were Negro females, education, delinquency, and other symptoms of pathology. The questions the surveyors asked were designed to find out how bad a thing it was. Such studies might be titled, "The Negroes—and what to do about them." The goals which could emerge from the collection of indicators would have to do with changing Negroes to make them conform to the model of a "healthy" family member. There might be other ways to pose questions about the condition of Negroes—for example, what is so terribly wrong with a social structure that produces racism, alienation, and gross inequality? But the policy implications of the answers to that kind of question might be too unsettling to consider. Moynihan's questions were certainly legitimate, and his data weren't at all inaccurate. The problem was that he and his fellow-surveyors were able to frame national thinking about race and poverty problems by their choice of questions. The danger is that government and corporate elites will monopolize the business of question-asking, and so manipulate the attitudes of the society they are pretending to serve as disinterested technicians.

Elitism seems to be built into the theory of social accounting. "It is an establishment position," Bauer says. "It involves amelioration of the present system, but it assumes that the system can be made to work." Future-planning serves the ideological needs of the "corporate state" to maintain itself by the manipulation of reform: not so much as to change basic economic and political relationships, but enough to take care of immediate needs. The technopols are supposed to keep the balance.

In the fifties, Daniel Bell (among others, many of whom are confirmed future-planners) proclaimed "the end of ideology" in America, and predicted its demise in the West. The theory was that ideology arises from conflict, and serious conflict (class warfare and systemwide defects) is forever resolved in the U.S. Furthermore, the ideological model of Marxism is discredited, and radicalism is a dead letter. What problems remain to be solved are non-ideological, and could best be dealt with by intelligent, humanistic technicians. The systems analysts, the technopols, the future-planners filled the bill perfectly.

Max Ways, of *Fortune*, no modest propagandist for "liberal corporatism," sees the future-planner's role as shifting "the politics of issues to the politics of problems." Under their tutelage, business and government will prosper, and the level of national morality will climb. As proof, he shows how the Secretary of Defense has allowed the US to avoid the twin immoralities of escalation and withdrawal in Vietnam. "McNamara, his systems analysts, and their computers are not only contributing to the practical effectiveness of US action," Ways wrote, "but raising the moral level of policy by a more conscious and selective attention to the definition of its aims."

Ways, Bell, Moynihan, Harrington and others suggest, perhaps without realizing it, that there is a definite ideology of technical problem-solving. It would indeed be "know-nothing" to batter down all attempts at data-collection and social accounting just to get at those ideological elements. Some of the formulators—Gross, Bauer, and Biderman—have no sharp axes to grind, and are open to arguments that their theories may be misused in practice. The "corporate state," "post-industrialism," "the contract state" or whatever US society is coming to, already tends toward elitism and a kind of totalitarianism. "The worst kind of dictatorship," Bauer said not long ago, after an evening's discussion of social indicators, "is the kind that give people what they want, the kind in which you can't tell you're being controlled." If that is one of the possible futures, it is too important to be left only to the planners.

[From the New Republic, Apr. 8, 1967]

SOCIAL PROBLEM-SOLVERS

(By James Ridgeway)

Abt Associates, Inc., of Cambridge, Mass., uses technology in attempting to solve complex social and economic problems. This is a relatively new sort of work, and to judge by Abt's success, it could become big business.

Two years ago Clark Abt, 37, quit his job as manager of Raytheon's Advanced Systems Department and went into business for himself. At Raytheon, Abt had tried his hand at applying technology to arms control research, but the government wasn't much interested and all in all the work was disheartening. Abt was intrigued with the possibilities of using technology in dealing with such problems as transportation and education, and since there was no opportunity for him to do this at Raytheon he took a gamble and started a research and consulting firm. To begin with he had two employees, and one small contract to help Educational Services, Inc. devise educational games for children. He soon got another small contract from the Pentagon which wanted Abt to do research in counterinsurgency.

These were meager enough beginnings. By the end of 1966, however, Abt Associates had gross sales of $560,000 and expect this year to reach $1 million. The staff grew from three people to 30, and Abt moved the office from a tiny clutch of rooms atop a machine shop on a back alley to a large new building. His business has shifted from the military to planning and the design of educational curricula for civilian government agencies and private industry. Most of this involves using techniques of mathematical modeling, computer simulation or human-player gaming.

Abt, who is both an engineer and political scientist with degrees from MIT and Johns Hopkins, does not care to be too closely linked with the fad in games. Nonetheless, the company uses games extensively, and its first major success came from designing several counterinsurgency games for the Pentagon's Advanced Research Projects Agency. The first of these was called Agile-Coin (Coin stands for counterinsurgency) and it sought to simulate some of the main aspects of the terror-phase of internal revolutionary conflict in a Southeast Asian setting.

Gaming gets pretty complicated, and the introduction to Agile-Coin helps explain what Abt set out to do: "If the problems of counterinsurgency could be described in terms of a small number of variables, like most physical processes, mathematical analysis could soon solve them. If the state of social science knowledge were comparable to that of physical sciences, in which most important variables and relationships can be defined quantitatively, direct mathematical analysis would possibly be more attractive than simulation.

"The situation now is that we must deal as best we can with a complex problem that has not been described in quantitative form. Simulation is one way of moving from the qualitative to quantitative, and from subjective impressions to objective analysis, theory building, experiment, theory correction, prediction and control. And that is the final objective of our applied research—control of insurgencies."

In Agile-Coin, actors represent insurgents, government forces and villagers. The insurgents and government forces are meant to knock each other off, at the same time gaining the loyalty of as many villagers as possible. For their part, the villagers try to keep losses down, stop the conflict as soon as possible and end on the winning side. In playing the game the actors can be spread around in different rooms, or, in an outside version, they use tents. In approaching a village in the game, the insurgent player is accompanied by Control; by flashing cards back and forth at the village player, the insurgent either is ambushed or admitted to the village. Once in the village, the insurgent can make deals, arrange an ambush, impress villagers into his service, or if he likes, assassinate the government's representative. All of this is accomplished by flashing cards and recording movements with Control.

Although Agile-Coin was constructed as a research tool to find out more about terror, the military were excited by its educational possibilities, and used the game in teaching officers about counterinsurgency at the special forces school at Fort Benning, Georgia.

Abt made two other games about counterinsurgency. One was called Politica or Counter-Conspiracy. It is a simulation of internal national conflict in a Latin American setting. The players find out what can happen in a "pre-revolutionary" conflict—whether it results in democratic change, revolution or reaction. The third game, and perhaps the most popular of all, is Urb-Coin. It resembles Agile-Coin, but in an urban setting. Now, the government and the insurgents, often disguised as members of the population, wrestle back and forth for control of the city. The actors representing the people get white "chips," those from the government and insurgents have blue and red chips. The chips are worn around the player's neck in a "chiplace," (an Abt word). In addition, the belligerents get weapons chips and bomb cards they can show if they want to blow up something. Cheating is to be expected, but this can be embarrassing. Once, a Pentagon officer who had been invited to play Urb-Coin got so carried away with his role as a secret agent, that he hid his weapons chips in his shoes. He was disgraced when an Abt employee pinned the officer against the wall and pulled off his shoes. Urb-Coin is used in training military police at Fort Gordon, Georgia. A version of the game, called Raid, proved to be useful in catching the attention of youngsters in the Boston slums. Raid is about a protection racket in the slums. The youngsters choose sides, some playing members of the protection gang; others are cops who fight the gang; and the rest are slum dwellers whose main object is to avoid paying money to the gang and stay alive.

Abt is matter of fact about the games. In part he sees them as tools for social science research. On the other hand, games have had some success in schools, involving youngsters in learning and getting them to see different sides of a problem. From the standpoint of Abt's business, games serve as both a promotional device and an interesting way of putting across research. For example, instead of presenting a bank with a thick report telling it what to do about a training program, Abt gives the management a game which he helps them play. This way they learn to see some of the assets and liabilities of various kinds of training programs. They can pick and choose as they wish from a "menu" of strategies provided by Abt.

Abt has collected a diverse staff of people around him. Most are in their twenties. "The cost effectiveness of people in their middle twenties is unbeatable," Abt says. The staff has capabilities in mathematics, physics, systems engineering, computer programming, industrial management, economics, political science, sociology, anthropology, psychology, linguistics, history and fine arts.

The employees sell as well as manage. Part of the idea in running the company is to hire unusual people other firms wouldn't take and turn them into efficient managers. Average salaries are $12,000 and profit is made very much a part of the "reward system." "The more you produce the more you get" was the way it was described to me. Abt holds out the possibility of a salary increase every six months and gives year-end bonuses. The company's stock is held by the employees.

In pricing the work, Abt figures out the total man-months involved in a project, adds on cost and a fee of from 10 to 15 percent. In managing the research projects, he uses a computer to determine how many hours should be spent by each employee on the various projects each week.

The company now is engaged in a wide range of jobs, very few of them for the military. Last year Abt Associates designed an education system cost effectiveness model for the Office of Education. Now it is helping the National Science Foundation develop a way to measure the production of knowledge. The Foreign Policy Association has hired the company to make a game that shows the different foreign policy strategies that were available in dealing with the Korean war. Abt hopes professional actors will play this game on educational television; other games are to be serialized in trade magazines. The company is helping the First National City Bank with a curriculum for a new college the bank wants to open. It is designing curricula for Creative Playthings, CBS's educational subsidiary. And, for the first time, the company will make games purely for entertainment—games, Abt says, "a middle-class intellectual would like his kids to play."

A GAME FOR TRANSPORTATION

Abt does its selling in an offhand sort of way. Last year it demonstrated Agile-Coin, the popular counterinsurgency game, for 35 employees in the government, and this eventually led to a $50,000 contract from the new Transportation Department for a game to help explain some of the complicated economic and political interests that influence development of a new transportation policy for the Northeast corridor (Boston to Washington, D.C.).

The Abt people still are taking the kinks out of this game, but as Richard H. Rosen, the senior operations analyst at Abt described it to me, the game works something like this: Eighty different actors, representing different economic and political interests play for two days at simulating the economy and politics of the Northeast corridor. The objective of each actor is to come up with a plan that will benefit his interests. Nine rooms are required for play, three of them for negotiating.

Control has representatives in each room and they try to keep the game moving along. Thirty economic actors represent various business interests, such as the New York textile industry, the Providence jewelers, Connecticut and Massachusetts tool makers, etc. The communications industry actor is made to resemble the late Henry Luce. The economic actors lead off in the game, as they might in the "real world," by placing orders for raw materials and specifying how the goods are to be shipped. As the economic actors go through the motions of buying, manufacturing and shipping goods in the Northeast corridor, the data are run through a computer, and begin to show the transportation system bogging down. Each round of the game lasts about 40 minutes but with the help of the computer, the 40 minutes simulate a year's time (the game represents what happens between 1960 and 1980).

The economic actors become more and more frustrated as the computer shows them losing increasing amounts of money due to late or lost shipments. The businessmen actors look around for politicians to fix things up. Now the political actors, who have been sitting on the sidelines, begin to play. They represent all sorts of elected officials—senators, congressmen, mayors, heads of state legislatures—as well as representatives from political pressure groups, trade associations, conservation societies, state and local planning agencies. There is even a team of actors representing federal bureaucrats who squabble over who gets to do what.

Everyone is equipped with a scenario of his role, telling him how he would be acting in the "real world"; otherwise, the play is free, and as Rosen says, "the actors can negotiate, lie, steal, cheat, anything so long as it's in concert with their objective, which is to make a transportation plan that satisfies their own needs."

SENATORS WILL SIMULATE THEMSELVES

After five or six rounds of wheeling-dealing, the federal government calls a conference and presents a plan, which in the test plays was hooted down. More conferences follow, with state and local governments and other interested parties presenting different plans. The haggling drags on; under the game rules, a new plan must be agreed upon by the end of the first day of play. Rosen points out that in the "real world," one way to get political agreement is to wear down the participants. Thus, in the transportation game, the actors have to continue playing into the wee hours of the morning until they agree on a plan. This, says Rosen, "is a real simulation of reality." During the second day of the game, a computer is used to break down the general plan into details, and then it simulates the new system. The players watch to see how well it works.

The transportation game can be broken down to deal with regional problems. In one test play involving the states of Connecticut and Rhode Island, actors hammered out an interstate transportation plan. Basically the problem was how to get workers in Providence to jobs in Hartford. The participants agreed to build a high-speed rapid transit system from Hartford to Providence as well as a fast highway between the two cities. These measures would facilitate transportation of both people and goods. In addition, it was agreed that Connecticut should enlarge the Hartford airfield into an international airport, and a high-speed subway should be run from the center of town out to the airport. (The subway could interconnect with rapid transit systems coming up from New York and down from Boston.) To pay for much of this, Connecticut decided to float a bond issue. This was feasible, because the actors representing United Aircraft, based in Hartford, agreed to buy the bonds which offered a good yield. In addition, United, which makes aircraft engines as well as the high-speed railway equipment, stood to profit from the increased business. Rhode Island got some federal money to develop the Providence harbor, and more important, Connecticut promised not to develop the harbors of New London and New Haven, which might have competed with Providence. Thus Connecticut traded Rhode Island the rights to build a major seaport in exchange for a big air center.

Abt plans to run the final play of this game within the next couple of months, and the company hopes to heighten the reality by getting senators and congressmen and industrialists to represent themselves.

In the future, Abt would very much like to have the company open a new kind of school which he calls the "Free School." The children could start attending when they were three or four and would be free to pursue at their own pace subjects that attracted them. Abt is interested in getting children to teach one another and they would have a chance to do so at his school. Some of Abt's educational ideas may be put into practice in a somewhat different setting fairly soon. The company is discussing with the Office of Economic Opportunity the possibility of running a Job Corps camp in a large city. As Abt conceives this project, the corpsmen would remain in the community, living in refurbished tenements or houses. The youngsters would do much of the teaching in the camp, and would control its operation.

In using technology to solve social problems, Abt Associates, and companies like it, raise some unanswered questions. One is that this kind of enterprise can very well result in removing decision-making even further from the people, by taking it out of the hands of government bureaucrats and placing it in the hands of a new kind of intellectual elite able to raise and solve political and economic issues. Abt tries to keep clear of this situation by insisting that his clients ask the questions they want answered; Abt won't ask the questions for them. But what happens when a client has a dubious political aim it wants put across? For example, the purpose of the Agile-Coin research was to provide the client, the Pentagon, with knowledge to control "insurgencies" in foreign countries. Abt says the company is "apolitical," but, this is hardly so; its politics seem to be defined by the interests of its clients, whether they are in the government or big business. Will technology result in making people's lives more free, or is it to serve a small group of managers in their manipulation of society? It will be interesting to see how this group of intellectual businessmen deal with this question.

REVENUE SHARING: A PROGRESSIVE WAY TO MEET PROBLEMS

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. NELSEN. Mr. Speaker, I am today introducing a Federal revenue-sharing bill like that introduced by our distinguished colleague from Wisconsin [Mr. LAIRD]. I believe this bill is a progressive way to meet the problems and challenges of the future. It seeks to avoid establishment of an unresponsive supergovernment at the Federal level by providing more revenue to State and local governments for solving problems.

It is a truism, of course, that if more Federal tax dollars were left at home in the first place, a proposal of this nature would be most unlikely. However, this is not the case at present. Revenues needed for the support of good State and local government are being siphoned off to Washington at great bureaucratic cost. So it has become necessary to examine Federal revenue sharing as a means of redressing the present imbalance.

Briefly, this bill provides a 5-percent return of the Federal personal income tax to the States with no strings attached. The States could then use the money to help local communities solve priority problems.

The 5-percent return of the Federal personal income tax to the States would be allocated primarily on a population basis, though it would be weighted by a "tax effort ratio." Accordingly, those States with higher tax levels—indicating greater efforts to solve their own problems—would get a proportionately higher payment.

The bill also includes a tax credit section for individual taxpayers, permitting an individual to take a Federal personal income tax credit for all State and local taxes paid.

Mr. Speaker, among reasons for establishing some form of Federal revenue sharing is the fact that redtape, delays, and uncertainty mark today's Federal grant-in-aid approach, hampering the efforts of local communities to solve their problems.

A key complaint of State and local officials is that when they finally find out which Federal agency might be helpful, that agency turns out to have too many similar requests and too few funds to go around. Delays, paperwork, and the rejection of local projects result, while the problems go unsolved.

Moreover, the present comprehensive income tax system of the Federal Government, as I indicated earlier, has so eaten into available tax resources, the States and local governments find it almost impossible to raise extra money.

While it would be unrealistic to expect extensive revisions in our present system could be made overnight, the growing disillusionment of Americans with specialized grant-in-aid programs, designed and administered from Washington, indicates a fresh approach is needed. As a matter of fact, a recent national poll shows more than 70 percent of the American public favors a revenue-sharing program of some type.

For such reasons, I believe a revenue-sharing plan has merit and should receive consideration by this Congress.

THE LATE HONORABLE DR. A. L. MILLER

The SPEAKER. Under previous order of the House the gentleman from Nebraska [Mr. MARTIN] is recognized for 30 minutes.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MARTIN. Mr. Speaker, today I have taken 30 minutes of special orders in order to pay tribute to Dr. A. L. Miller who ably served in the House for 16 years—from 1943 until 1959.

Dr. Miller represented the Fourth District of Nebraska which it is my honor to represent today.

After Dr. Miller's retirement from Congress at the age of 66, his indefatigable energy required that he remain busy and useful in his activities. He served as Director of the Office of Saline Water between 1959 and 1961. In 1963, at age 70, he returned to the practice of medicine as medical director of the Hermitage Methodist Home in Arlington, Va.

Dr. Miller's home was Kimball, Nebr., where he was a surgeon and general practitioner. He also served as mayor of his hometown, in the Nebraska Legislature, and as State Health Director of Nebraska prior to his election to the first of his eight House terms.

In 1934 he lost both feet in a hunting accident, and 6 weeks later he performed successful major surgery on a woman patient while seated at the operating table. Dr. Miller got around on two artificial legs, and after World War II visited many wounded veterans in our military hospitals who had lost their legs. One of his regular routines to cheer up and restore confidence in these men was to dance a jig in the hospitals to show that the loss of his two feet was not a serious impairment on his activities.

When Dr. Miller gave up his practice in Kimball to come to the Congress, he mailed receipted bills to his patients totaling some $43,000 as a sort of a Christmas present.

He was an indefatigable campaigner and worked at his job of representing the Fourth District of Nebraska 12 months a year. He made frequent trips back to the district contacting personally thousands of people on each trip.

In the 83d Congress, he served as chairman of the House Interior and Insular Affairs Committee from 1953 to 1955. As chairman of the House Interior Committee, many reclamation projects were begun under his leadership. Adequate moisture for our crops in western Nebraska is always a great need, and the reclamation projects begun under Dr. Miller's chairmanship will serve as a life-long tribute to his recognition of the benefits of reclamation to our country.

He was an ardent advocate of many causes and never was hesitant about engaging in controversies.

Once, when some Washington ministers took issue with a piece of legislation, he told the House, "It would suit me better if they would stay with the Bible, and stay out of the political arena."

He had a sharp tongue when engaged in political dispute as exemplified when he told Harold Stassen in 1956 that delegates that favored Mr. Stassen for Vice President could caucus "in one of the telephone booths at the Statler-Hilton."

But, in attendance of elderly patients at the Hermitage after he left politics, he won paludits for his gentle and practiced care.

Proud of being a life member of the American College of Surgeons, he once commented he "probably was the only such individual engaged exclusively in the practice of geriatrics, the care and treatment of the elderly."

I like it—

He said—

> it's what anybody ought to do that can. These people need someone to care for them.

And thus Dr. Miller completed a long and fruitful life of assistance and kindness to his fellow men.

Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. CUNNINGHAM] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, it is with a deep sense of sorrow I learned this morning of the death of one of our former colleagues, a great Nebraskan and my personal friend, Dr. Arthur L. Miller. I had the privilege of serving with "Doc," as he was known to most of us, during the 85th Congress. As a new Member of this body, I relied heavily on his vast knowledge and experience.

All Nebraskans are proud of the record of Congressman Miller, and his exemplary service to the people of our State during his 16 years in the House of Representatives.

This respected Nebraska physician, born on a farm in Pierce County, Nebr., in 1892, graduated from Loyola Medical College in Chicago, served his country in the Medical Reserve Corps in World War I, practiced medicine and surgery in the western part of our great State before becoming a member of the Nebraska Unicameral Legislature in 1937. Before his election to the Congress on November 3, 1942, he served with distinction as the State health director of Nebraska.

I think I remember Doc Miller best for his long and continued interest in reclamation and health legislation which he worked so diligently for here in Congress. As chairman of the House Interior Committee he authored many important pieces of legislation, reclamation legislation that has benefited all Americans. As a result of his work on the Interior Committee he was given the Department of Interior's outstanding award for his successful efforts to establish the Office of Saline Water.

His reclamation projects in Nebraska will long be remembered by the thousands of persons who have benefited from his knowledge and assistance. As some of my colleagues may remember, Doc authored the Miller pesticide residue amendment which in turn led to much of the strong food and drug legislation that we have today.

As a physician he retained his strong interest in the medical profession and sponsored much worthwhile health legislation. He was one of the first sponsors of the original proposal to create the Department of Health, Education, and Welfare.

Much could be said about Doc Miller but I would just like to say that he was truly a representative of the people of Nebraska. I know that my colleagues join me in extending our heartfelt sympathy to the members of his family.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. Aspinall] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I wish to join with my colleagues, especially those from Nebraska, in paying my personal respects to the memory of our late colleague, the Honorable A. L. Miller of Nebraska. My first acquaintance with my late colleague and friend was in 1937 when I was speaker of the House of Representatives of the State Assembly of Colorado. Nebraska had just approved the unicameral system for its legislature. I invited the then State Senator Miller of Nebraska to visit the Colorado House of Representatives and advise us on the operations of the unicameral legislature in Nebraska and give us his opinion of this new innovation.

In his characteristic way, he told us why his State had adopted such a system and how it was working during its first period of operation. I remember that he said that in his opinion it would be a generation before anyone could effectively evaluate the unicameral system as compared to the bicameral legislature. His remarks at that time have proven to be all to true because even now there are questions as to the related values of the two systems.

Dr. Miller was a member of the Committee on Interior and Insular Affairs when I came to Congress in 1949. He became chairman of the committee when the Republican Party took over the control of the Congress in 1953 and served as chairman during the 83d Congress. He was a great friend of the reclamation program and water resources throughout the West. He was an effective legislator, very determined in his own position, and consequently had strong supporters as well as strong critics. He served the later years of his life in the profession which I personally believe he loved most, practicing medicine here in the Washington and Alexandria, Va., area. It truly can be said that he was a knowledgeable and dedicated public servant.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. Berry] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BERRY. Mr. Speaker, I have asked my colleague to yield in order that I might add a few words to the expressions of sympathy being extended to Mrs. Miller and to the Miller family on the occasion of the passing of one of America's great men.

When I came to Congress 17 years ago I was assigned to the Interior and Insular Affairs Committee as soon as there was an opening. "Doc" Miller, as he was fondly known by his many friends in Congress, was ranking Republican on that committee.

In 1953, when we had a Republican majority in Congress, "Doc" became chairman of this important committee. He worked diligently and the legislation that was steered through Congress under his guiding hand was legislation that has been most influential in this Nation's history.

It was my privilege on several occasions to accompany Chairman "Doc" on committee trips, frequently to various Indian reservations, studying the condition of the Indians, and what might be done to improve that condition. One time our studies took us to the South Pacific where we studied the conditions on the islands in the trust territories. Always "Doc" was a most interesting traveling companion. He was widely read and studied. His experience had been broad. His abilities were enjoyed and appreciated, not only by we on the committee and those in Congress, but also by the natives of the South Sea islands who recognized him as a friend, a neighbor, and one interested in their problems.

Nebraska and the Nation lost a real statesman and a tireless worker when "Doc" was defeated at the polls. The Nation lost a real statesman when "Doc" Miller passed away. I want to join the many friends, the loyal supporters, the many Members of Congress who served with "Doc" Miller in extending my sympathies to Mrs. Miller and the family on this occasion.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Gerald R. Ford] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, the American people lost a fine public servant recently in the death of Dr. Arthur Lewis Miller, for 16 years a Member of this House.

Dr. Miller was dedicated to service. He practiced medicine and surgery in Kimball, Nebr., for 23 years in the best tradition of the family physician. The people of Kimball loved him and made him their mayor. Later he served the people of his area in the Nebraska State Legislature and in January 1943 took a seat in the U.S. House of Representatives. During the 83d Congress, he served as chairman of the Interior and Insular Affairs Committee. After eight terms in the House, Dr. Miller capped his career by serving as Director of the Office of Saline Water in the Department of the Interior.

Mr. Speaker, Dr. A. L. Miller lived the good life—a life of service to others. As one who served with him in this House, I know well that America is the poorer for his passing.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. Albert] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. ALBERT. Mr. Speaker, I join the distinguished gentleman from Nebraska in his tribute to our late friend and former colleague, Dr. Miller. I served in the House with Dr. Miller for several years. He was a very efficient and helpful Member of the House. He has befriended me many times. As chairman of the Committee on Interior and Insular Affairs he took the lead in many matters important to my State. He was an affable, friendly man of innate wit and good humor. He was kind, courteous and highly respected by all the Members of the House.

I know I speak for all my colleagues when I say we are grieved at his passing. Mrs. Albert and I extend our deepest sympathy to his loved ones and his host of friends.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. Denney] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. DENNEY. Mr. Speaker, it is with deep sorrow that I speak to the Members of the death Thursday, March 16, 1967, of Arthur Lewis "Doc" Miller—farmer, teacher, medical doctor, military man, civic leader, city mayor, State legislator, U.S. Congressman, lay churchman, and family man.

"Doc" Miller helped many young men to achieve their potential in life. A man of vision in many areas, he was among the first to foresee the possibility of a fresh water shortage. It was his efforts that created the office of saline water under the Department of the Interior. Desalinization as a dream became a reality under "Doc" Miller's pioneering leadership.

A Congressman for 16 years, "Doc" the chairman of the House Committee on Interior and Insular Affairs.

"Doc" lost both legs by accident before World War II. Yet his courage gave inspiration to the many amputees he visited frequently in hospital wards during both the Second World War and the Korean war. It was only natural that his courage to inspire led him to overcome the use of crutches and he proudly walked without help.

After "Doc" retired from the service of his country, he continued his statesmanlike service to his fellow man. He continued his civic service and church work. He found time to work and hold a great interest in humanitarian ventures, such as his work in the Hermitage Clinic in Virginia.

All who knew "Doc" Miller benefitted from his outgoing inspiration. And those who did not know him personally will be influenced and helped by the mark he leaves on the archives of this country he loved so dearly.

Mr. Speaker, I ask unanimous consent for all Members who desire to do so to extend their remarks in the record on "Doc's" life and service. I know my colleagues will want to join Mrs. Denney and myself in extending our deepest sympathies to his family.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ARENDS] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. ARENDS. Mr. Speaker, it was a shock to me to learn of the passing of our former colleague from Nebraska, Arthur Miller, affectionately known to us as "Doc" Miller. He was a man of courage, determination, and compassion.

In 1930 he lost both his legs in a hunting accident. This did not discourage "Doc" Miller, nor deter him in his determination to make not only his place in life but to make a contribution to the betterment of life. Within 2 months, after learning to use artificial legs, he was back at his medical practice as a surgeon.

That is the kind of man he was. He was indeed an inspiration to all of us who knew him.

He felt that there would be a larger opportunity to serve mankind by being in Congress. He was first elected to this body in 1943. As a Member of Congress he enlarged his medical practice by sponsoring legislation for the improvement of hospitals and health facilities, for dealing with the problem of drug addiction and for the hospitalization of alcoholics. He sought to improve our laws relating to the adoption and care of children.

In many ways he was a pioneer in the field of public health. Many of the things he advocated have been put into effect. And, in this regard, he was especially helpful to the city of Washington. He was for a time chairman of the District of Columbia Subcommittee on Health, Education, and Welfare.

He also served on the House Interior and Insular Affairs Committee. Here, too, he made a distinctive contribution. Nothing "Doc" undertook but that he did it thoroughly and constructively.

"Doc" served in this body for 16 years. This in itself bespeaks the quality of his service to the people of his district in Nebraska. He was indeed a loyal Republican. He firmly believed in republicanism, and he stood firm on the principles in which he believed.

I consider it a great privilege to have known "Doc" Miller so well, and to have been able to work with him when he was in Congress. It was not only a privilege, it has been a lasting inspiration.

I extend my sincerest sympathy to his wife and his fine family. I share their loss. We have all lost a truly fine and great friend.

Mr. ULLMAN. Mr. Speaker, I was deeply saddened to learn of the passing of our friend and former colleague, Dr. A. L. Miller, Representative from Nebraska's Fourth District from 1942 to 1958.

Dr. Miller's last term in the House of Representatives was my first. Although we often differed, I have always appreciated the courtesies and advice he extended to me as a freshman Member.

Dr. Miller and I served together on the Interior and Insular Affairs Committee. I grew to admire and respect his considered judgment as ranking minority member of the committee. His criticisms were always constructive, and his record on the committee reflected a profound regard for the welfare of this Nation.

In this moment of sorrow, we can be thankful for the many years of distinguished service Dr. A. L. Miller extended to the U.S. House of Representatives.

Mrs. KELLY. Mr. Speaker, I wish to join my colleagues in paying tribute to the late Honorable Arthur L. Miller of Nebraska.

Congressman Miller was a great American. He fought fearlessly for what he believed to be best for our great country.

His service to the House of Representatives spanned two decades. He was chairman of the House Insular Affairs Committee. As chairman of the House District Subcommittee on Health, Education, and Welfare, his interest in the District of Columbia's hospital and health facilities will long be remembered. The Congressman was also a doctor of medicine, thus, he understood the problems of drug addiction and pushed for legislation dealing with the problem.

I will always remember Congressman Miller's integrity, and strength of character. He was a man of principle. He dedicated himself, heart and soul, to public service; first in the House of Representatives and later in the Department of the Interior.

I wish to express my deep sympathy to the Miller family, and I pray God's blessings upon them to endure their grief and sorrow.

Mr. BOW. Mr. Speaker, it was my privilege to serve with Dr. Miller as a member of the Committee on Interior and Insular Affairs during my first term in Congress. I continue to be grateful for the advice and encouragement he gave me at that time. The contribution he made during long service on the committee, including his term as its chairman, will be remembered for many years, particularly in the Western States where the activities of the Committee on Interior and Insular Affairs is vital.

My interest in water and reclamation projects, in the problems of our Indian tribes and in the Commonwealth of Puerto Rico were stimulated by my service with Dr. Miller.

I was grieved to learn of his passing and I extend my deepest sympathy to the members of his family.

Mr. RHODES of Arizona. Mr. Speaker, it is with a feeling of deep sadness that I join my colleagues in paying tribute to the late Dr. A. L. Miller. Dr. Miller was my first chairman. When I came to Congress, my one aim was to become a member of the Interior and Insular Affairs Committee. This aim was realized, largely through the efforts of many good friends including Dr. Miller. I met him at the National Reclamation Association meeting in Long Beach, Calif., before the Congress convened, and came away with his assurance that he would welcome me on the committee. He was even better than his word, because I can truthfully say that during his chairmanship I had nothing but the finest of treatment from him.

Dr. Miller was a sound thinker and a good organizer. He was a good chairman, and a good Member of the Congress. He was considerate of the other members of his committee, and of the committee staff. Much landmark legislation was passed during his tenure as chairman.

Mrs. Rhodes joins me in expressing our sympathy to Dr. Miller's family. They can be comforted by the exemplary life which their loved one led, and the high regard in which he is held by all who knew him.

Mr. DELANEY. Mr. Speaker, I join with other Members in paying my respects to our late former colleague, Dr. Arthur L. Miller, with whom a great many of us had the privilege to serve in this body.

As chairman of the Select Committee to Investigate the Use of Chemicals in Foods and Cosmetics, in 1950 to 1952, I came to know at firsthand the incisive mind, the broad knowledge, and the deep dedication with which "Doc" Miller served his constituency and our country. He applied to his legislative endeavors the same devotion and understanding which served him so well for nearly a quarter of a century as a practicing physician and surgeon.

The Congress and the Nation were enriched by his service. He was a good and warm friend whose name and record never will be forgotten. I extend my deepest sympathy to his family.

Mr. COLLIER. Mr. Speaker, I take this opportunity to join my colleagues who recently eulogized the late Arthur L. Miller, former distinguished Member of the House of Representatives.

Dr. Miller was elected to the 78th Congress to represent Nebraska's Fourth District, his State, and his country in Congress with distinction, just as he had earlier served his local community as a practicing physician.

Dr. Miller's service in this body continued from 1943 to 1959. It was my good fortune to serve with him during the 85th Congress, both as a Member of the House and as a member of the Committee on Interior and Insular Affairs when he was ranking minority member.

I was greatly impressed with his ability, his knowledge, his integrity, and his dedication. He believed that the taxpaying citizens should get a hundred cents' worth from every dollar they sent to Washington. He believed that thrift had not ceased to be a virtue simply because it was old fashioned.

Dr. Miller's triumph over a physical handicap that would have discouraged many a lesser man served to inspire other handicapped persons to do their best to show that ability will outweigh disability.

Mr. HALL. Mr. Speaker, I want to join my colleagues from Nebraska, and others, who had the privilege of serving with Dr. Miller when in the House of Representatives from Nebraska. I came to know Dr. Miller socially after coming to Washington in the 87th Congress. We frequently lunched together at the "Banana Kings." I came to know him as a stanch representative of the republic under a limited Constitution, a devoted family man, and a fine physician. The higher degree of education, culture, humanics, and knowledge of humans, to say nothing of belief in quality service above self, characterized this man in his application to legislation, as well as to everyday life. As physicians signed the Declaration of Independence and the Constitution, so indeed do we need more clear and discerning objective thinkers imbued with the scientific attitude, as we hammer out the will of the people in legislation this day and age. Such principles remain eternal, and are not thwarted by time, enhanced communications, or shrinkage of the earth. Dr. Miller evidenced these in his service to this body, as well as to mankind in general. His demise is the earth's loss, and we must have the deep and abiding faith, along with his family, of understanding the Almighty's great scheme of things beyond.

Again I compliment my colleague in the well of the House for taking this occasion to do deserved honor to a great physician, and an outstanding representative of his people, as well as a stalwart for the Nation.

Mr. MILLS. Mr. Speaker, the announcement of the passing of our friend and former colleague, Dr. Arthur L. Miller, of Nebraska, brings deep sadness to all who knew him.

I was privileged to serve with Dr. Miller during his 16 years of service in the House. His strength of character, his courage, and fortitude in the face of vicissitude, his dependability and devoted service not only as a legislator but in all his other fields of endeavor, merit the greatest respect and admiration. His record will stand as a source of inspiration and a monument to his devotion to his people, his State, and country.

My sympathy is extended to the members of his family in their bereavement.

Mr. FISHER. Mr. Speaker, I was grieved to learn of the passing of my good friend and former colleague, Dr. A. L. Miller. He and I were elected to the Congress at the same time, and he served with great distinction for 8 terms. In private life Dr. Miller was an expert in the field of medicine. He was a fellow in the American College of Surgeons. As a highly capable and practicing physician, he was recognized in the House of Representatives as a dependable authority in the field. And his advice was often sought and heeded.

Above all, Dr. Miller was a patriotic, dedicated American. He never faltered in his devotion to the cause of good government. He did his homework, was always well informed, and prepared to do battle for a good cause. I am sure that during my nearly 25 years in this body I have never known a more conscientious Member. The imprint of his legislative workmanship can be found in many enactments. Always constructive and progressive, Dr. Miller applied practical statesmanship to his legislative service.

Like many others, I counted Dr. Miller as my personal friend. From personal contact I was able to know and appreciate the depth of his personal integrity. He was indeed a great American.

To his surviving wife, Margie, I extend my deepest sympathy in her bereavement.

GENERAL LEAVE TO EXTEND

Mr. MARTIN. I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the life and service of the late Honorable Representative A. L. Miller.

The SPEAKER. Is there objection to to the request of the gentleman from Nebraska?

There was no objection.

THE SENIOR AMERICANS ECONOMIC FREEDOM PROGRAM

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. Riegle] is recognized for 10 minutes.

Mr. RIEGLE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RIEGLE. Mr. Speaker, on Thursday of last week I introduced H.R. 8218—a comprehensive legislative program called the senior Americans economic freedom program.

This program is designed to meet head-on one of the most tragic problem areas in our country today—namely the economic privation and lack of opportunity facing today's senior American. Events and circumstances—too long ignored—are today shunting most of our elderly out of the vital mainstream of American life onto the dead-end sideroads of poverty, isolation and despair.

This is an urgent national problem—it cries out for immediate and efficient corrective action. Because the problems of America's elderly are not exclusively those of our 19 million citizens aged 65 and over, but rather these problems belong to all of us.

The problems of senior Americans must become a common concern. Thoughtful Americans ought not be divided on this issue—it is an issue to which all concerned citizens should rally—and an issue on which Republicans, Democrats, and Independents should unite. It is, admittedly, and ambitious program—as it must be if it is to correct many long-standing inequities. I cannot predict today how long it will take before this entire program is enacted into law—but it will be enacted into law—and I intend to press the fight until that fight is won. Years of delay in seeking these reforms have trespassed too long on the patience and endurance of Senior America—and further delay is indefensible.

What then is the extent of the problems facing our 19 million senior Americans:

Today over 7½ million senior Americans have assets of less than $1,000.

Today over 5 million senior Americans have incomes below $1,600.

Today we know that job discrimination based on age continues.

Today some 400,000 unemployed senior Americans are on the sidewalks of our country looking for work—and they are not finding jobs.

Today senior Americans with incomes below $5,000 are paying Federal income taxes in excess of $206 million. I cannot believe the Federal Government needs this $206 million more than our low income senior Americans do.

Today over 17,000 of our Nation's 20,000 nursing homes are so poorly equipped that they do not meet the minimum standards of medicare.

Today senior Americans drawing social security are discouraged from earning more than $1,500 by the automatic loss of a portion of their social security payment.

These dismal statistics can be expressed in countless other ways but the conclusion is the same. The reality of this critical problem is absolute—and it is time that we in the Congress get moving to do something about it.

The senior American economic freedom program is built on one essential premise. It is that senior Americans need not be—and prefer not to be—wards of the Government. They prize their independence. They have, in fact, given our Nation much of its legacy of independence.

The record shows that in all too many instances, the Government has acted to arbitrarily restrict the initiative of our senior Americans and to erode their self-sufficiency. It is time to strip away these barriers and negative incentives and move to strengthen self-sufficiency—it is time to help and encourage our senior Americans as they strive to rejoin the mainstream of our national vitality.

The program as proposed provides the following:

First. That the first $5,000 of income be exempt from Federal income taxes for people 65 and over.

Second. That senior Americans are not to be discriminated against in employment on account of age.

Third. It provides for an 8-percent increase in social security payments retroactive to January 1, 1967, with future increase automatically tied to the cost of living.

Fourth. Increases the amount that a person receiving social security may earn from $1,500 to $3,000 without a reduction in his benefits.

Fifth. It provides that no reduction will be made in veterans' and widows' pensions when social security payments are increased.

Sixth. It establishes a Community Senior Citizens Corps and a Presidential Commission on Senior Americans.

Seventh. It initiates federally sponsored long-term loans and grants for the construction of nursing homes.

Eighth. It substantially revises and improves the income tax treatment of senior Americans.

Now, as a member of the minority party in the House, I nurse no illusions about the chances of this legislation on the strength of my sponsorship alone. Certainly, this legislation must earn the support of Members of the majority. And so I urge all Members—whether in the minority or majority—to study this legislation and join with me to win its passage. I will work with any Member of the House to enact this legislation—I invite any and all Members to join in a working partnership to meet the national need regarding the lives and hopes of senior America.

But the essential fact today is that we who now undertake this fight intend to win. Our energy and conviction is fully equal to the requirements of time and effort necessary to achieve this essential reform.

Let us work together to accomplish what is so badly needed.

THE LATE ILLINOIS STATE REPRESENTATIVE MARJORIE PEBWORTH

The **SPEAKER**. Under previous order of the House, the gentleman from Illinois [Mr. Derwinski] is recognized for 10 minutes.

Mr. **DERWINSKI**. Mr. Speaker, I have taken this special order to pay respect to the memory of Illinois State Representative Marjorie Pebworth, who passed away on April 2, 1967. Marge Pebworth represented a district coinciding with a substantial segment of the district I represent and as a valued constituent and political associate her dedicated work on behalf of her constituents was obvious to all of us who worked with her.

She was one of the most effective member of the Illinois House of Representatives. Testimony to this was clearly evidenced in newspaper eulogies, which I include in the Record at this point as a continuation of my remarks, from the Calumet Index, the Chicago Heights Star, the Chicago Tribune, Chicago Daily News, Chicago Sun-Times, Suburbanite-Economist, the Lansing Journal, and the Pointer.

Mr. Speaker, these testimonials speak for themselves in dramatizing the outstanding work of this wonderful woman whose dedication to the highest principles of government was an inspiration to all of us who had the privilege of working with her. Marge Pebworth, in a relatively brief career, made a lasting contribution to good government in the State of Illinois. It is because of her efforts that Illinois is a better State and she has helped lay the foundation for continued progress.

Mr. Speaker, as a further indication of the great esteem in which she was held, I ask unanimous consent that my colleagues, the gentleman from Illinois the Honorable John N. Erlenborn, the Honorable Tom Railsback, the Honorable Harold R. Collier, and the Honorable Donald Rumsfeld, be allowed to revise and extend their remarks at this point to join me in this eulogy to Mrs. Pebworth.

[From the Calumet Index, Apr. 5, 1967]

Marjorie Pebworth: 1911–67

Riverdale has lost one of its most beloved and valued members of the community, with the death Monday of Mrs. Marjorie Pebworth. Services are planned for Friday at 9 a.m. in St. Clement's Episcopal Church, 15245 Loomis, Harvey. Visitation begins this afternoon at the mortuary, 14338 Indiana. Graveside services will be conducted at 4 p.m. for the interment in the Knights of Pythias cemetery, Lizton, Indiana, the state of her birth.

She was the wife of Robert C., an executive with Sears, Roebuck & Co.; mother of two sons, Robert and Donald, and grandmother of twins, Marjorie and Carl, now two years old.

Mrs. Pebworth was born in Homer, Indiana, Aug. 19, 1911. She graduated from Indiana University and was librarian and secretary in the Indiana legislature reference bureau, before coming to this area in 1949.

One of four women elected to the Illinois House, Mrs. Pebworth was one of the best liked and most respected members of the 177 member body. She was serving her second term and was first elected to the legislature as a blue-ribbon candidate in the 1964 at-large election.

She led a field of six to gain one of the two Republican nominations as an independent candidate and then was swept into office last November.

Mrs. Pebworth served on the committees on education, on elections and on public aid, health, safety and welfare. She was also most proud of her chairmanship on the Constitutional Study Commission, to which she was appointed by the 1965 legislature.

Her loss is a sad blow not only to her family, but all those who knew her as a friend and as a member in the legislature, and as Governor Kerner commented "She was an able, dedicated public servant guided always by deep principle."

[From the Chicago Heights Star, Apr. 9, 1967]

Legislator's Death Is Loss to State and Southern Suburbs

State Rep. Marjorie Pebworth of the Sixth district, who died Monday at the age of 55, was one of those rare persons who believes in suiting the action to the word. As a young woman fresh out of Indiana university she decided that local government and education could stand some improving. There followed a career of dedicated public service, which she managed to pursue with distinction while raising two sons.

For aggressiveness this gentle lady substituted persistence and persuasion. But the result was the same: She accomplished what she went after.

At the time of her death the south suburban legislator was serving a second term in the Illinois House, where she was known to be one of the hardest-working members. Fellow officials rewarded her diligence and ability by making her chairman of the important Constitution Study commission and secretary of the Commission on the Organization of the General Assembly.

Their trust was not misplaced. To both groups she brought her characteristic vigor and intelligence, which aided greatly in their deliberations.

In addition to possessing legislative and administrative abilities, Mrs. Pebworth was a woman of culture and great personal charm. Her experience and vast fund of practical knowledge made her a popular public speaker and debater. Off the platform her quick, warm smile, ready sense of humor and perceptive mind made her a most engaging conversationalist.

Because she took to Springfield, in addition to the qualities already mentioned, her special woman's talents, the General Assembly is deprived of one of its most valuable members and the south suburban area has lost an able representative. She also will be greatly missed as a person by all those who knew her.

[From the Chicago Tribune]

Marjorie Pebworth

The death of Rep. Marjorie Pebworth of Riverdale has deprived the Illinois legislature of one of its most valuable members. Altho she was not a lawyer, she was recognized as an expert on the state constitution and was named chairman of the Constitution Study commission which recently proposed the calling of a state constitutional convention. She also served as secretary of a commission on the organization of the General Assembly which worked long and hard on plans to improve the legislative process.

It is customary in some circles to deride the Illinois legislators for various faults. Mrs. Pebworth was one of those who set high standards of ability, industry, and integrity and who are practical in their approaches to government problems. At the same time she was a warm and gentle lady. She will be missed.

[From the Chicago Daily News]

Marjorie Pebworth

Marjorie Pebworth's death at 55 is untimely, but the courageous legislator from Riverdale leaves a record of distinguished achievement.

A woman of conscience and integrity, she had a sure instinct for the public good and worked zealously to serve it. She chaired the important Constitutional Study Commission and served on the House committees on education and elections.

But it may be that Mrs. Pebworth's greatest service to Illinois was her recent, exemplary campaign for re-election. Because of her support of open occupancy bills, the regular Republican organization in her district tried to deny her renomination last year.

Mrs. Pebworth decided to go it alone. She led a field of five candidates in the primary and was re-elected handsomely.

Her strength and character will be missed in the Legislature and in a Republican Party not overburdened with leaders of the caliber of Marjorie Pebworth.

[From the Chicago Sun-Times]

MARJORIE MULL PEBWORTH

Mrs. Marjorie Pebworth had a great zeal to improve local governments and public education. As a young woman just out of college in the early '30s, she worked in the Indiana statehouse. Later, she managed to be active in the League of Women Voters while raising two sons, and was Illinois president of the league 1961–63. Elected as a blue ribbon at-large member of the Illinois Legislature in 1964, she proved to be a diligent and hard-working member, serving as chairman of the important Constitution Study Commission and as secretary of the Organization Study of the General Assembly. Her research in the latter job alone was monumental.

Mrs. Pebworth's death, at 55, reminds us of a line in the late T. V. Smith's book, "The Legislative Way of Life" commenting on the scarcity of women in legislative assemblies: "Think I ask you, of the richness of feminine temperament and talent whose absence makes the legislative way of life poorer."

Mrs. Pebworth brought not only a woman's special talents to Springfield but a vigor, intelligence and conscientiousness that is all too rare there. The General Assembly is poorer with her passing.

[From the Suburbanite-Economist]

WE'LL MISS MARGE

State Representative Majorie (Mrs. Robert C.) Pebworth, of the 6th district, who died in her sleep last Sunday night at her home in Riverdale, is going to be sorely missed, not only in her home district, but in the legislative halls of Springfield.

There can be no doubt that Mrs. Pebworth's untimely and tragic death was hastened by her unselfish devotion to her job and the countless hours she gave cheerfully to the task of helping give Illinois a better state government.

She earned the complete respect and admiration of leaders of both political parties. She was first elected as Republican candidate to the House of Representatives in the state at-large election of 1964, finishing seventh among the 59 Republicans named to the lower house at that time. Marge, despite the fact that she was denied organization support in the district, was re-elected to a second term last November, topping the entire slate.

The 6th district, which she so ably represented, includes all of Worth township and parts of Stickney, Calumet and Thornton townships. The seat which has been vacated with Marge's death will probably remain unoccupied until the election of November 1969. Governor Kerner could call a special election to fill the seat but this action is not likely since it is taken only in rare instances.

The writer had been personally acquainted with Mrs. Pebworth for some 18 years and knew her as a dedicated and able worker in the cause of good government years before she was named to the board of education of Thornton Township High school and Junior college and then was "drafted" by the Republican party and subsequently elected to the state legislature.

Few members of the state legislature have earned the title of "blue ribbon" legislator with all its connotations of integrity and excellence as did Mrs. Pebworth. It must be comforting to the sorrowing members of her family and her constitutents in the 6th district that her service to good government was recognized during her lifetime.

Mrs. Pebworth, a former state president of the League of Women Voters, was recognized as an expert on the Illinois constitution and, as a freshman legislator, was named chairman of the non-partisan Constitutional Study commission.

This was a distinguished legislative honor, more so since Marge was in her first term in the house. It was an assignment of which she was most proud.

It was the duty of this commission to research and recommend steps to be taken to update the state's 1870 constitution. At the time of her death she was preparing for the opening of commission hearings in Springfield.

A gracious person who never in the 18 years of our acquaintance failed to meet our news inquiries with charm, sanity, good humor and helpful cooperation, she is going to be missed. It was a great privilege to know her and a greater grief to note her passing.

[From the Lansing (Ill.) Journal]

REPRESENTATIVE MARJORIE PEBWORTH

The death of State Representative Marjorie Pebworth of Riverdale has deprived the Illinois legislature of a gentle and warm woman.

Mrs. Pebworth was chairman of the State's Constitution Study Commission which is calling for a Constitutional Convention.

She has been considered an expert of state constitution and also served as secretary of the commission on the organization of the General Assembly, which worked to improve the legislative process.

Mrs. Pebworth was known in government as a legislator with industry, integrity and ability.

All of Thornton Township will miss her.

[From the Pointer, Apr. 6, 1967]

COMMUNITY SADDENED BY DEATH OF REPRESENTATIVE MARJORIE PEBWORTH

RIVERDALE.—Funeral rites for Marjorie Pebworth, Illinois state representative from the 6th District, who died in her sleep in the family home at 14115 Wabash Ave., Riverdale, will be held Friday, April 7, at 9 a.m. at St. Clement's Episcopal church, 15245 Loomis, Harvey.

Visitation began at 1 p.m. yesterday at Community Mortuary, 144th and Indiana, Riverdale.

Graveside services will be held at 4 p.m. at the Knights of Pythias cemetery in Lizton, Indiana.

Mrs. Pebworth, 55, had been feeling ill about a week ago, but planned to return to Springfield last Tuesday.

Her husband, Robert, found her dead in her sleep early Monday morning.

Mrs. Pebworth was born in Homer, Rush County, Indiana in 1911. She moved to Illinois in 1937 and had been a resident of Riverdale since 1948.

She was educated in Shelbyville schools, and graduated from Indiana University with an A.B. degree in psychology in 1932, and a minor in journalism. She was a member of Mortar Board, a leadership honorary, Theta Sigma Phi journalism honorary, and Phi Beta Phi.

Prior to her marriage in 1934 she was employed as a clerk in the office of the Teachers License Bureau of the Indiana State Superintendent of Public Instruction; and later as a secretary-librarian in the Legislative Reference Bureau of the Indiana Legislature.

She has been editor of several publications of the Illinois League of Women Voters, and served as its lobbyist, secretary and state president. She was active in PTA, on the board of a Chicago Settlement House and on the board of a fund raising body for 50 children's agencies.

She was a member of the Illinois Distributive Education Foundation, chairman of the Citizenship committee of the Episcopal Diocese of Chicago, and a delegate observor for the Diocese to the national Conference on Race and Religion. She was appointed to the Education Committee of the Governor's Commission on Status of Women.

She was a member of the Riverdale-Dolton League of Women Voters, the Harvey Area Welfare Council and the Flossmoor Country Club.

She formerly served as a three term member of the Thornton Township High school and Junior College Board.

At the time of her death Rep. Pebworth was chairman of the Constitutional Study Commission.

She was first elected to the Legislature in 1964 as a blue-ribbon candidate running at large on the Republican ticket. Although the regular Republican party did not support her for renomination in the primary election last spring, she decided to run as an independent and won by a handsome majority in November.

She is survived by her husband, Robert, an executive with Sears, Roebuck and Co., two sons Robert Jr., 27, who is studying at the University of Cologne, Germany, and Donald, 25, a law student at Indiana University.

CONDOLENCES

Mrs. Derwinski and I are deeply shocked to hear of the unexpected death of State Representative Marjorie Pebworth. She was a great friend as well as a close political associate. While serving in Springfield she established a reputation as one of the most outstanding and dedicated members of the Illinois House of Representatives.

During her earlier career in school work and civic activities she had demonstrated her continuous devotion in helping residents of our local communities.

Her loss is something we feel in a very personal sense, and it is a tragedy for the State of Illinois to lose one of its most progressive and courageous legislators.

Congressman EDWARD J. DERWINSKI.

Marjorie Pebworth was a person who set high standards of ability and integrity and was practical in her approach to problems of the State and to the problems of the people she represented. She will be missed.

THOMAS HARPER,
Mayor of Dolton.

The death of Marjorie Pebworth is a great loss to the State of Illinois. My personal feeling when I heard of her death was one of shock and grief over the loss of a dear friend. My sincere condolences are extended to the family, all of whom I know well.

EDWARD KIPLEY,
Mayor of Riverdale.

Mr. ERLENBORN. Mr. Speaker, Marjorie Pebworth was a most exceptional woman. She was an idealist who, somehow, was able to carry her politics and her ideals in the same basket. She died the other day in her second term in the Illinois House of Representatives.

She was a leader in the League of Women Voters in Illinois, and some of my male colleagues have difficulty in accepting that organization's factfinding approach to public questions. Mrs. Pebworth, however, won the votes of the people of her district and the respect of her colleagues in the Illinois Legislature.

They found she was fairminded. They found she had good judgment—and used it.

Mr. Speaker, I am happy this good woman lent her talents to my State. I am glad she found a comfortable political home in my political party. I am sorry that she was taken from us at a time when all of us expected her to render a much longer period of public service.

My condolences go to her family and her neighbors.

Mr. RAILSBACK. Mr. Speaker, I was deeply saddened to learn of the death of my good friend and colleague in the Illinois House, Marjorie Pebworth. It was my privilege to serve with Marjorie Pebworth as a member of the house education committee in Illinois and there was no one that I respected more for her sincerity, integrity, and wonderful intellect.

Her death will be an irreplaceable loss to her constituents, to the members of the State legislature, and to the people of the State of Illinois, as well as to her husband, Bob. My wife and I wish to extend our condolences to her family, and especially to Bob Pebworth.

Mr. COLLIER. Mr. Speaker, I join my colleague from Illinois [Mr. Derwinski] in paying tribute to the memory of Marjorie Pebworth, who passed away last week. Mrs. Pebworth had been a member of the Illinois House of Representatives, having been elected in 1964 and reelected in 1966. She was one of only four women in the 177-member body.

Mrs. Pebworth was recognized as an authority on the constitution of Illinois when she was named chairman of the Constitution Study Commission during her first term in the legislature.

Before her election to the lawmaking body, she was associated with the Illinois League of Women Voters. She was the organization's legislative chairman for 3 years and then served as its president from 1961 to 1963.

It is a tragedy that such a promising career should be terminated by death at the early age of 55. My sympathies are extended to her husband, Robert C. Pebworth, their two sons, and their grandchildren.

Mr. RUMSFELD. Mr. Speaker, it is with sadness that I rise today, with my colleague, the Honorable Edward Derwinski, to pay tribute to a devoted American from the State of Illinois—Mrs. Marjorie Pebworth—whose life was dedicated to the service of her country and her State.

Before entering public life, Mrs. Pebworth was active in numerous worthwhile civic activities, including her distinguished service as president of the Illinois League of Women Voters from 1961 to 1963. She was elected to the Illinois State Legislature in 1964 as a blue-ribbon candidate in the at-large election, and was uniquely honored by her colleagues in being named chairman of the Constitutional Study Commisssion during her first year of office. Mrs. Pebworth was overwhelmingly elected to a second term in the State legislature in 1966, and at the time of her death was one of only four women in the 177-member Illinois House. Truly, she was a devoted civic leader and able legislator. I extend my deepest sympathies to her family.

CRUSADE FOR OPPORTUNITY FOR THE POOR

The SPEAKER. Under previous order of the House, the gentleman from Oklahoma [Mr. Smith] is recognized for 20 minutes.

Mr. SMITH of Oklahoma. Mr. Speaker, I have chosen in my first address to this body to direct my remarks to one of the most distressing problems of our day. Our Lord stated that the poor would be always with us, and I am persuaded that it is no disgrace to be poor; however, if one desires to improve himself, then I think America should fulfill its destiny, and continue to offer the opportunity of advancement to every individual. The best manner and means of attaining this goal should continue to engage our leadership and our individual attention. Many errors have been made in attempting to ease some of men's burdens, and causing many to misinterpret the economic design intended to raise their status. Education is the fundamental answer to our problem. We must teach each generation so that they may have the opportunity to succeed or fail. Our future must rest on our ability to produce, not upon the prospect of a Government dole. These mistakes must be overcome.

For many years it has been plain that the dependency of the poor on welfare administration sapped them of their initiative to make their own decisions. I believe that a poor man fails only when he is unwilling to attempt to make his own way in our economy, or fails to take control of his own life within the framework of our American ideals. To conquer poverty, we must break down the barrier to full participation in the economic life of our Nation, by producing citizens who have proven themselves to be willing and able to serve their fellow man, rather than resorting to marching and rioting. America has proven its ability to find a place for every immigrant, every citizen who was willing to overcome obstacles by testing his own resources.

It is my opinion that there is compassion in the hearts of every good American, and the desire to do something toward alleviating the problem of the poor, and of those who have suffered misfortune in life. To deny this would be to discount the very concept of the foundation upon which this country rests. This compassion reveals itself; not for personal reward, but because by our very nature we abhore the idea and the consequences of poverty of the soul and of the body.

The genius of the American system has proven that every man does not aspire to the same station in life, or the same vocation, and it has permitted him to exercise direction in his personal affairs. Whatever means are taken to alleviate our problems, we must not deny the personal privilege or incentive which has produced the uncommon rather than the common, and excellence, rather than mediocrity and conformity.

Eighteen years ago Senator Robert Taft said:

> I believe that the American people feel that with the high production of which we are now capable, there is enough left over to prevent extreme hard circumstances, and to provide education, medical care and housing, and to give to all a minimum standard of decent living and to all children a fair opportunity to get a start in life.

Mr. Speaker, in the next 5 years, our economy will be producing $1,000 billion worth of goods each year. The program which this administration has proposed to Congress, which is supposedly the Nation's answer to the plight of the poor, has lost its way in the bureaucratic befuddlement of the Office of Economic Opportunity. The poor are becoming poorer in many cases as a result of high sounding promises of those who thought they could solve difficult problems by spending billions of dollars through a poverty program administered in Washington.

Time after time, my distinguished colleagues, the gentleman from Minnesota [Mr. Quie], and the gentleman from New York [Mr. Goodell], of the House Committee on Education and Labor, have pointed out to the House the inadequacies, inefficiencies, and the total lack of rapport that exists in the OEO. Time and again these gentlemen have brought to the attention of the House the specter of politics that has entered into the program for the poor. They have so aptly presented the employment practice of the OEO by which over one-third of the employees, or some 38 percent of those working in the poverty program, which are making over $6,000 annually in at least five men's Job Corps centers, received over a 20-percnt increase over their former salary to join the war on poverty. The same condition prevails with the professionals in the $12,000 bracket. And in all too many cases, the poverty program has provided a haven for defeated political candidates. My colleagues have proposed amendments to the Economic Opportunity Act which would eliminate the 20 percent previous salary unless otherwise authorized. These amendments were objected to in a straight party line vote.

There have been efforts made by irate citizens to bring to the attention of the members the fact that very often poverty staff members have participated in partisan efforts on behalf of the majority party. In my opinion, this brings into question the motives of some of those who are engaged in this major effort. But, I need not dwell on the realistic facts which all of us know have occurred within the so-called war on poverty.

And, I think, it must be mentioned here also there are many who are giving themselves to this cause which are of the highest character, and whose concern is most genuine. What outrages our conscience and tears at our soul, is that those who are not able to take care of themselves because of unfortunate circumstances, or those who are living in the absolute vacuum of poverty, are beginning to realize that there are those in their country who really do not care for them, and that they are being used as a tool for the political success of the few. The mail received in my office indicates that we must move to correct this situation.

Mr. Speaker, I know that there is not a member in this House who does not care what happens to the child in the next block, or on the other side of town, or in any section of our beloved Nation. I would not dare to charge that there was anyone within the sound of my voice who is so callous as to look upon the plight of the poor as being an opportunity for political opportunism.

I believe that we can all agree that it is absolutely mandatory that we revive the local interest in the problems of the illiterate and underprivileged, and accentuate the learning processes and the principle of personal integrity and self-dependency. These ambitions must be fulfilled if the Federal bureaucracy is to be contained, and the taxpayers given their due consideration.

As human beings, and as Americans with an ethical heritage, we must never turn our faces from the problems of our day; but I would say to you, there is no better economic law than the one given in the book of Genesis which states, "we earn our bread by the sweat of our faces." There are many in this country that we must and will help, not because we feel compelled, but because we want to. In my opinion, one of the problems with the war on poverty is that it is too far removed from the concept that we are our brother's keeper. Instead, this has been replaced by the concept of "big brotherism."

Therefore, let us not impose the bureaucracy of a Federal agency over our local scene of government and thus have the complete reversal of the American ideals and concepts of government. I can tell you that I believe that this will happen in almost every phase of American life, if we as elected Representatives of the people, and if we as citizens of this country, do not stand up now and be counted and offer ourselves in testimony for our precious American system of incentives.

I believe it is incumbent upon those in the business communities, in the churches, in the schools, and universities, to revive a new awareness of individual commitments toward freedom and security which can only be produced by hard work, morality, and integrity, exemplified so well by leaders on the American scene in the generations passed; leaders who were statesmen, with true love for God and country.

It goes without saying that the problems of New York City and Chicago are not precisely the same problems which exist in Oklahoma City or Lawton, but I have a great faith in the combined intellect of those in all of our communities across this land to rise up and meet the problems that challenge them in their own communities. National uniformity of approach to the problem of poverty has not proven successful. But the fact that we can help those who are willing to help themselves is uniform and practical.

Mr. Speaker, my distinguished colleagues, Mr. Quie and Mr. Goodell, of the Education and Labor Committee, and other Members who represent the minority party in this Congress, on this committee, have suggested to the American people a program of action which will return to the poor a renewed and expressed desire to again raise their lives above the level where it now exists.

The "Opportunity Crusade," which I will cosponsor, is the blitzkrieg of the war on poverty. I would not be so bold as to state that it is the perfect answer nor do I believe that all the answers to all the problems could or should originate from Washington. However, I believe most firmly that it is a step in the right direction.

Ths crusade would involve total expenditures of $1.7 billion; some $300 million less than the administration budget has proposed. This crusade would involve private industry, and the State in an "Opportunity Crusade" for the poor. There would be a total of $2.4 billion available to revive the hopes of those who have a sincere desire to improve themselves. This crusade is built upon the solid foundation of a free enterprise economy. This crusade would completely dismantle the OEO under its present director. The community action phases of the so-called poverty war would be transferred to the experts in the Department of Health, Education, and Welfare. The Job Corps would be replaced by residential skill centers administered by vocational-technical experts and officials in the States. It will involve an Industrial Youth Corps in which youths 16 to 22 would be offered private productive employment and on-the-job training. It would expand the Headstart program and institute a new "early years" program for the poor children up to the third grade level. It would include new military career centers under the Secretary of Defense for those who were otherwise unable to meet selective service requirements for military service.

This crusade would convert the present in-school Neighborhood Youth Corps program for youngsters likely to drop out of school for economic reasons, from the Labor Department to the Office of Education, and would expand the program to include part-time employment in private industry. This great opportunity crusade for our country would institute a new State bonus program which would be offered to encourage the States to contribute up to a total of $200 million, matched by the Federal Government to supplement Community Action and Headstart programs. The VISTA program or the so-called domestic peace corps would be supplemented with a new Hometown VISTA to enlist local volunteers in the Opportunity Crusade for the poor.

Instead of earmarking community action programs, this crusade would bring the States into the Opportunity Crusade as a partner. This crusade would institute a long overdue national skill survey which would be made to pinpoint the thousands of jobs in which qualified applicants cannot now be found. Along with this crusade, tax incentives should be given to employers by the new Human Investment Act, which would encourage the hiring and training of the unskilled. Although this Opportunity Crusade would spend some $300 million less than the administrations so-called poverty program, funds for the new Headstart or unearmarked community action programs would be substantially above the President's proposal. Because of private involvement more needy people could be reached and helped, instead of ignored and used.

Mr. Speaker, I say that the war on poverty is in desperate need of major redirection. Local knowledge and private resources must be adequately utilized. After almost 3 years, the administration's war on poverty has spent $4 billion of the taxpayer's money and has created a poverty bureau of 91,000 administrators, and the poor have lost faith.

Mr. Speaker, I congratulate my colleagues, Mr. Quie and Mr. Goodell, for their insight and inspiration. I, for one, pledge to join them in their crusade for opportunity for the poor. And, I say to those in our country who have lain by the well, and waited for so long for someone to help them into the water, that they can now get up. We must further demand that those in our country who have so long lain by the well while they observe the misery about them must honor the same command. We must have a new mood in this country if we are to answer the challenge of leadership required of us, both at home and abroad, in this 20th century.

Mr. Speaker, I ask unanimous consent to insert immediately following my remarks an editorial by Richard Wilson, which was printed in the April 10, 1967, issue of the Evening Star.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The editorial referred to follows:

GREAT SOCIETY PROGRAMS OFF IN ALL DIRECTIONS

(By Richard Wilson)

A high resolve by some members of Congress at the opening of the current session has gone the way of most New Year's resolutions. The Democratic leader, Sen. Mike Mansfield, was one of those who resolved to re-examine the programs of the Great Society and shape them up.

President Johnson and Vice President Humphrey shared this noble purpose. Nothing has come of it, nor is anything likely to come of it unless a comprehensive program of reexamination is begun.

The reason for this is very simple. According to the President's Advisory Commission on Intergovernmental Relations, the total number of separate statutory authorizations for federal grant-in-aid programs is approximately 400. It is estimated that the programs are administered by 21 departments and agencies and 150 federal bureaus and divisions involving all 50 states, and a large proportion of the 92,000 units of local government.

We have come a full turn of the wheel on intervention of the federal government in the affairs of states and localities. Those who were insisting 20 years ago that only the federal government could solve local problems because local governments were unable to do so are now pleading with local government to take command of their own affairs because the federal government can't find the answer.

They are saying it is administratively impractical for Washington to run local affairs and that only through greater decentralization and more grass-roots participation can there be the slightest hope of making satisfactory progress.

In one breath the President's commission warns that the states are on the verge of losing control over the problems of the major urban centers to the federal government.

In another breath the report's substance is that federal intervention in local affairs has become an unmanageable mess. In other words, the states are losing control of urban problems to a federal government which can't handle them satisfactorily.

This bleak outlook is compounded by the hopelessness of trying to straighten out, coordinate, decentralize, and reorganize some 400 programs which have gone off every which way.

It is all a little reminiscent of Russian political experience. The Moscow planners decentralize and then they centralize only to decentralize again, add on incentives or take them away, and still the system does not work the way it was planned. But at least the Russians have a plan, and we do not.

Perhaps we need a nonproliferation treaty between Congress and the White House on the creation of new bureaus, agencies and programs, at least until it is found out how to make the old ones work. Some effort is being made in this direction.

Congress enacted laws replacing a dozen or more separate grant authorizations for health programs in such fields as tuberculosis, cancer, communicable diseases and venereal diseases.

These programs and others were consolidated into a single program with funds granted to the states for comprehensive public health services, with the precise services to be rendered submitted to the surgeon general for review and approval.

But this is only a meager beginning and may be the kind of centralization which later will have to be replaced by decentralization.

Studies are going forward on how to reduce the total number of programs and provide greater flexibility to recipient state and local governments.

It is undoubtedly too late to go back and do what many members of Congress now realize should have been done in the first place—the use of existing agencies for slowly expanding programs instead of the creation of new "crash" programs to abolish poverty and cure social ills which were of a chronic and not epidemic nature.

That approach, of course, would not have fulfilled the political imperative of two Democratic administrations which tried to convince the country that it had been stagnating in the Eisenhower years.

But in their eagerness for action, the two Democratic administrations have created such a proliferation of malfunctioning agencies and programs as to cause even the President's advisers to despair. We cannot do what a teacher would advise a fumbling student at the board—erase it all and start over again—but we can do what Vice President Hubert Humphrey advised after the last election: re-examine all these programs, junk the bad ones and improve the good ones.

Mr. PRICE of Texas. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Oklahoma. I yield to the gentleman from Texas.

Mr. PRICE of Texas. Mr. Speaker, I congratulate my colleague who represents the district in Oklahoma adjoining my district in Texas.

Many of our problems are common problems because of the similarity of the geography and economics of that area of Oklahoma and Texas.

I am particularly happy to hear the gentleman from Oklahoma [Mr. SMITH] say that education is the answer to our problem and that we must teach each generation so that they may have the opportunity to succeed or fail.

The gentleman also said that our future must rest on our ability to produce rather than upon the prospect of a government dole.

Nowhere is the tragedy of the welfare dilemma better—or worse—exemplified than here in our Nation's Capital. Only this morning I read in the morning newspaper that welfare payments in the District of Columbia have risen 19 percent during the past year and that payments for public assistance in February totaled $1,461,349 and that the number of persons on welfare rose from 29,472 in February 1966, to 30,684 in February 1967.

The total population of my hometown, Pampa, and most of the cities in the district represented by the gentleman from Oklahoma is less than the number of people on public assistance in Washington, D.C.

This rise in the number on public welfare is in spite of all of the money spent on antipoverty programs under the Office of Economic Opportunity and further emphasizes the failure of the war on poverty to even begin to accomplish its objectives.

I commend the gentleman from Oklahoma and the authors of the opportunity crusade, the gentleman from New York [Mr. GOODELL], and the gentleman from Minnesota [Mr. QUIE], for bringing this problem to our attention, a problem that can and must be solved.

Mr. SMITH of Oklahoma. I thank the gentleman from Texas, the Honorable BOB PRICE, for his considered and accurate statement.

AIR SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 20 minutes.

Mr. BROWN of Ohio. Mr. Speaker, events of the past few weeks have prompted me to speak out on the tragic incidences of air crashes that we have experienced in this country.

I speak as a resident of Urbana, Ohio, where on March 9, just a few miles from my doorsteps, a midair collision claimed the lives of 26 people. I am certain that I speak also for the residents of Juda, Wis., who just recently lost nine of their fine young citizens in New Orleans.

In speaking, I represent a broad range of air-safety interests in my congressional district; my close personal friend, family physician and acting coroner who is a weekend flyer; the Grimes Manufacturing Co., whose lighting and other products are widely used as safety devices on both commercial and private aircraft; and, of course, Wright Patterson Air Force Base, where thousands of my constituents earn their living by flying. I also speak for all of us who fly in commercial airlines regularly.

A time of reckoning is upon us. Since we must reckon, we should do so in an ordered and reasoned manner. And to that end I speak today.

The scene of the Urbana crash almost defies description. There were 26 bodies so torn apart that positive identification was all but impossible. Some baggage and body parts were never found.

Bits and pieces of the charred planes and their occupants were spread over 3 square miles of Ohio countryside like shrapnel, tearing the branches off trees.

What might the carnage have been if the collision had occurred over a populated area? We know what happened when a plane crashed on the outskirts of the New Orleans airport. Consider the results of a midair collision in the traffic pattern around National Airport above downtown Washington, or over suburban Virginia or Maryland. Also consider the loss to the carrier—not only of a multimillion-dollar aircraft and through possible lawsuits, but of a highly trained and valuable crew of men and women.

Let me suggest that 3 days after the Urbana crash, there could have been five Congressmen aboard the DC–9 that went down there. I often fly into Dayton, as do several of our colleagues.

That brings the possibility of very personal involvement pretty close to this body.

My district secretary and his wife were scheduled to fly into Dayton that day at about the same hour. He, too, might have been on that plane if a change in plans had not detained him in Washington.

Most Government leaders, including most in this Congress, are air minded, and are regular airline passengers. Many fly their own planes.

Fortunately, of course, no Members were on that ill-fated flight. But the families of the 26 people who did make the flight—the orphaned children, the widowed wives, the communities and businesses who lost their leaders, are little consoled that there were no national leaders on board. Their grief must echo that of the families and friends of the 476 other victims in the last 20 years of midair collisions where commercial carriers were involved.

I want to share the feeling of loss of all involved and to offer them a long arm of comfort. I should like also to be able to assure them that we will do everything humanly possible to avoid another echo of that grinding, explosive crash—to see that these 26 did not die without a purpose.

We must do everything we can to avoid future midair collisions.

At Urbana, a commercial airliner crossed paths with a small, but fast and well-equipped private plane. Before that crash, my awareness of air safety techniques did not extend much past seatbelts and "no smoking" signs. But this is no longer true.

Having met with representatives of the FAA, the CAB, the Air Transport Association, the Air Line Pilots Association, TWA, the Aircraft Owners and Pilots Association, the Institute of Navigation, the Collins Radio Co., the McDonnell Aircraft Corp., and the Bendix Corp.—having read court cases and studied reports endeavoring to acquaint myself with the many aspects and ramifications of air safety, I now feel I have a working knowledge of the ideas and attitudes of the people whose business is air safety. I would like to share some of those thoughts with you.

There are graphs that illustrate the recent growth of the air industry in terms of passenger miles flown, air cargo ton-miles, hours flown, the number of civil and commercial aircraft in operation, and so on. I risk an understatement when I describe the growth of the industry as tremendous—and the potential growth as projected on the graphs as phenomenal.

The number of civil aircraft, for example, will have nearly doubled between 1959 and 1970. These planes are categorized as general aviation—which varies in type from the cloth covered economy planes that a lot of Sunday pilots fly, to the multimillion-dollar, very fast and very sophisticated company jets piloted by professionals—and the commercial, with which we are all familiar.

For the past 17 months, manufacturers have delivered over 1,000 planes a month of all types, a high proportion of them to private users.

Revenue passenger miles flown by U.S. scheduled air carriers, by 1970, will have increased 3½ times since 1959. Total hours flown by general aviation alone is increasing at a rate of over half a million hours per year.

Aircraft operations handled by FAA traffic control towers was 27 million in 1959, but in 1970 the figure is expected to be 2½ times that, or almost 70 million. At this rate, average control tower business is doubling every 5 years.

Our present-day planes are much faster, much larger—and, as I have mentioned, there are a lot more of them. The aircraft manufacturers and their designers, the airlines and their pilots, the FAA and its air traffic controllers—in short, the whole industry—is striving hard to improve air transportation and to serve safely and with pride the American public.

But recent events focus attention on air safety, and illuminate the possibility of some serious lags in technology in this area of concern.

The idea of several supersonic airliners—each carrying 400 or 500 passengers—converging on a given air terminal at the same time is not at all farfetched. The implications here are very clear.

In 1966, there were over 5,500 total airplane accidents. Of those, 546 involved fatalities in which 1,340 people were killed. I can assure you that the trend in total fatalities is sharply upward. We can roughly predict that, by 1970, fatalities from aircraft accidents—that is, plane and ground accidents as well as midair collisions between two or more planes—will reach 1,500 per year. That 1,500 figure could easily occur in just two crashes—if two SST's were to collide and another SST were hit by a private plane. Whether or not this rate continues its climb is a question over which I feel Congress may have some control.

Soon after the Urbana crash, I asked the distinguished chairman of the Interstate and Foreign Commerce Committee, our esteemed colleague from West Virginia, HARLEY STAGGERS, to schedule hearings of all interested parties to air safety before the committee. I am pleased that Chairman STAGGERS has done so, and preliminary hearings will begin tomorrow. I hope these remarks of mine can point up some of the problems which will be fully aired in that hearing.

A valuable purpose will be served by a candid, executive session discussion of the tools and technologies required for safe air transportation—requirements that now exist and those that will certainly be engendered by growth in the industry.

The challenges in the development of an air safety program are many. Some are obvious. Some are as yet undefined.

Weather evaluation and reporting is certainly a major factor in flying. And techniques in this field have improved consistently over the years.

Yet, as late as December of last year—just 5 months ago—the U.S. Court of Appeals held that the failure to immediately report known changes in weather conditions was a substantial contribution to and concurrent cause of the crash of an Eastern Air Lines flight at Kennedy International Airport on November 30, 1962.

In this instance, the failure was human. The responsibility was placed on an FAA employee and the U.S. Government was held liable.

The committee should consider how we can achieve a weather reporting procedure that allows no such errors.

The committee should ascertain from all available sources whether air traffic control personnel are receiving adequate training prior to assignment, and recurrent training once they are on the job—and, whether the FAA has an adequate recruiting plan for ATC personnel, and is paying a competitive pay rate for qualified people.

How are working conditions? What are the duty schedules? Is there too much pressure on ATC people? Are they encouraged to report near-misses? Do air traffic controllers have the tools they need to do the best possible job?

These are areas that may warrant study. Is the best possible use being made of Federal and private money for the development and procurement of equipment that would improve air safety?

Since it is estimated that over $100 million in damages is sought in cases pending against the Government alone arising from air crashes, and the eventual dollar value of suits against the airlines in many of the same cases would probably be an equally staggering amount, perhaps we can afford to spend money to save money. That is smart business.

Are all the experts consulted when policies and programs are formulated? How realistic are plans for automation?

In view of the fact that the new alphanumerics system of aircraft identification and position is considered by some to be useless in heavy air traffic, I wonder. I mention this particular piece of hardware because it has been described as a panacea for much of our traffic control problem, but it may not perform when the chips are down.

Perhaps the committee should reevaluate the adequacy of the radar being used—its effective range, and its power to pick up general aviation aircraft that move into positive controlled airspace.

Are radarscopes so cluttered with traffic that a slight diversion, perhaps to light a cigarette, can result in a controller losing track of his customers?

Time magazine reports that the British have performed 15,000 fully automatic test landings with a variety of aircraft. The United States has but one such landing to show for its effort in this direction. If the British system is capable of certification for use as early as 1969, as reported, perhaps we should beg, borrow, buy, or steal it from them so we have the same protection when visibility for landing drops to zero.

This, a hearing may resolve.

There has been a concerted effort to develop a collision avoidance system that would work in conjunction with ground control to warn pilots when there is traffic in their immediate area. If the system reads a possible collision, a cockpit indicator advises the pilot of diversionary tactics that would supposedly prevent a midair collision.

A collision avoidance problem has existed since soon after the Wright brothers built their second airplane, and was recognized as early as 1919. During that year the International Commission for Air Navigation, an arm of the League of Nations, set forth some general rules for air traffic.

The basis of air safety at that time was what is called the see-and-avoid method—whereby pilots were solely responsible for the safe operation of their craft and relied on eye-sightings to determine any and all risks to their craft from other air traffic.

As we know from observing the blinking and flashing lights carried by virtually all planes—lights engineered and produced in Urbana, Ohio—the see-and-avoid, do-it-yourself system is still one of the fundamental methods of collision avoidance—and a very vital one.

But before 1930, it was realized that additional safety aids were needed. First, flagmen were on duty at some airports to signal pilots when it was clear for them to take off and land. Soon after, many airports installed radio-equipped control towers to cope with the traffic, and ground support for pilots was full born.

With the advent of radio aids to navigation, which were being installed along airways by the Federal Government, the amount of flying in restricted visibility or actual instrument weather conditions was increasing. By 1935, the airlines had established the first air route traffic control center at Newark to cope with this part of the air collision problem—flight in instrument weather conditions when the pilot cannot see and avoid.

At this point, there was a full sharing of responsibility for air safety between the pilot—when he could see—and ground control systems—when he could not. Industry terms for these two methods are visual flight rules—VFR—and instrument flight rules—IFR. Certain prescribed weather minimums, in essence, form the basis for the distinctive requirements of each of these two modes of flight operation.

Thus, under VFR, where the pilot is responsible for collision avoidance, he must conduct flight in weather conditions which permit him to see and avoid other traffic.

By contrast, under IFR, air traffic control is responsible for preventing collisions between IFR aircraft in controlled airspace. A big-brotherly, all-seeing eye protects planes from takeoff to letdown.

IFR operations have no en route weather minimums, and may be conducted in absolute zero visibility conditions or in absolutely clear conditions—and any type of visibility conditions between these two extremes.

Therefore, VFR and IFR traffic may be intermixed under a variety of weather situations, and air traffic control, especially en route, is not responsible for separating IFR aircraft from VFR in the same airspace.

The collision avoidance system is a real bright spot on the safety horizon. However, it is predicted that it will probably be 1970 before it becomes operational throughout our commercial fleet. But one potential manufacturer of the system has indicated that development and production in quantity could be speeded up.

The FAA must determine and publish specifications for such a system before any manufacturers can move ahead. The Air Transport Association, whose collision avoidance committee is coordinating the efforts of airline, government, and manufacturers interests, has set a goal date of June of this year for the completion of the needed specification. Why not April or May for a target date?

I would suspect that a healthy number of pilots and air traffic controllers would favor an earlier date. If I may speak for airline passengers who want to stay healthy and alive, so would we.

The committee should study the autonomy of the Civil Aeronautics Board, and—perhaps more timely—the National Transportation Safety Board which will soon assume the accident investigation duties and responsibilities of the CAB.

As an investigatory agency, the NTSB should be as independent of governmental and civilian ties as possible. The Board needs a highly trained complement of professionals to do its job properly. The hearing may help pin down the new Transportation Department to see that this congressional aim has not been frustrated.

The long-range development and location of air terminal facilities has gained added import with increased traffic and per plane passenger load. We should be able to point to a comprehensive master plan for a system of air terminals that will accommodate the super planes, the rigorous schedules and the millions of passengers in the decades to come. Our experience with inadequate and unsafe highways should be a lesson in why we must avoid a "too little, too late" air terminal development.

The limited access principle has proven effective on interstate highways, and may have valid application to airways in the near future. It is not altogether unreasonable to consider prohibiting some aircraft from entering certain areas around airports where traffic is heavy.

Here we must distinguish between types of aircraft, notwithstanding the present delineation of commercial and general aviation planes. As I have mentioned, the general aviation category includes some planes that are as fast, as well equipped, as well manned and, in some cases, even as large as some commercial air carriers. These aircraft are often capable of meeting commercial air safety criteria, and some do. Perhaps others should, if they want to compete for airspace with the scheduled carriers.

This might include, for example, requirements for filing an IFR flight plan and proceeding in accordance with it. The plane would, in turn, be monitored and controlled by air traffic control facilities, which would assume responsibility for its safety within the airspace authorized by the flight plan. Installation and use of certain safety equipment such as a radar transponder and effective radio gear might also be required in certain areas, and a periodic physical examination and proficiency check of pilots of some general aviation craft—similar to those required of commercial pilots—might be in order.

Meeting these standards would bring this type of aircraft within the scope of the FAA planned national airspace system which includes automatic conflict prediction and other automated functions relieving controllers of routine workload and permitting more time to be devoted to the maintenance of adequate separations between aircraft.

It is noteworthy that probably a small percentage of general aviation aircraft would be affected by such regulations. The greater number of private planes have no need to enter air corridors of other airspace normally used by commercial craft. They are based at, and most often fly between, the smaller airports where there is little hazard of collison with a scheduled carrier.

The committee should determine whether a severe economic or convenience hardship would be imposed on these planes by restricting them from the high-traffic areas mentioned. Again, a healthy respect for safe flying conditions for all should be the measure.

Remember, we do not allow bicycles on our freeways. They use other roads without undue inconvenience.

Ground support facilities and noise abatement requirements are important in the overall air travel picture. Perhaps, they should be studied in depth for factors related to air safety. We know that noise abatement is currently a partial determinant in assigning air routes and patterns, particularly around metropolitan airports. We must know to what extent—if any—this practice affects safety.

Is safety a major consideration in the number of crewmen in the cockpit of a commercial airplane? Are two men overtaxed to safely operate a DC–9, or are three needed—and what about the faster, bigger SST planes of the future?

If there is an answer, we should find it.

This the committee and the Congress can do—and must do.

It would appear that, being a relative youngster among American businesses, the air industry may be suffering some uneven growing pains. Surely it will eventually outgrow these problems. But how soon? Let us be sure it is as soon as possible.

The finger of 1,500 deaths a year is pointing at us.

NATION'S URBAN AREAS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. Goodell], is recognized for 60 minutes.

Mr. GOODELL. Mr. Speaker, on March 29, 1967, Mr. Edward J. Logue, development administrator of the Boston Redevelopment Authority, spoke before a gathering at George Washington University on the problems of our Nation's urban areas. His long experience in the field makes him a most articulate and perceptive commentator.

Mr. Logue offers several proposals for improving the effort to cope with urban area problems. Some I would reject, but all deserve careful consideration.

Two features of his remarks deserve special attention. First, he condemns the existing fragmented grant-in-aid system and proposes that Federal aid be made available "on a no-strings basis."

Second, Mr. Logue offers an endorsement for the principle of the Human Investment Act—H.R. 4574—introduced by my colleague, the gentleman from Missouri [Mr. Curtis] and about 100 other Republicans. Mr. Logue ventures the opinion that we ought to "advance the proposition that people are more important than machines." He proposes far more generous tax treatment for the costs of job training than I have ever heard suggested, contending that—

> We should allow the employer to deduct not only the full cost of paying and training the unskilled worker but twice as much besides to encourage him to take the risk over and over again.

I commend Mr. Logue's remarks to all who are concerned about redirecting our efforts to meet the problems of our cities and would like to read portions of those remarks into the Record at this point:

> I have been in the work of city rebuilding for a dozen years. In that time (is it long or short?) the urban crisis has moved from the fringes of public concern to a quite central position.
>
> Long unconsidered by too many of our columnists and editorial writers, the city and its problems have now come to be a major topic, albeit the concern strikes me as somewhat seasonal.
>
> I wish I felt that the work we have done in city rebuilding, or the eloquence of some of our mayors and scholars, was responsible for the increasing awareness that a cancer is eating away at most of the older neighborhoods in most of our older center cities.
>
> I am more inclined to the belief that deprivation, alienation combined into unrest and then erupting into riot in the slum ghettos is what has awakened the people and the pundits to the dangerous sickness afflicting so many of our cities. I think we are beginning grimly to sense that we are not coping effectively with a condition that can tear at the vitals of our domestic tranquillity as has nothing else in our nation since the Great Depression.
>
> May I take it this evening that there is widespread agreement, whatever the cause may have been, whatever the remedy should be, that in our slum ghettos and in the malaise affecting too many of our cities and their governments we have a problem of surpassing national importance. You have all heard

the statistics and I shall not repeat them tonight.

If you are not persuaded that much of our older inner cities are not fit to live in I still will not offer you numbers. Instead I will suggest that there still are plenty of slum areas in Washington you can walk through and perhaps convince yourself.

I think I can say, accurately if reluctantly, that our national efforts to date to cope with the urban problem, while far from unavailing, are not going to solve it in this century, which is only two-thirds through.

Do we have that much time left? You answer that yourselves. How long can we wait to launch the all out assault so obviously required?

I respectfully suggest that an affluent society, which parades itself through a ghetto living room via the television tube, should be aware that it is inviting a reaction from those who are not able to share in the affluence.

Too often in the last ten years areas of public and private opportunity in housing, education and employment have opened up, apparently, only to be effectively shut by rising standards and the rapidity of technological change. It is the relatively swifter pace of white affluence and white technological capacity which has made obsolete the striving patterns that put our immigrant forebears into the mainstream of American life. Special efforts are going to have to be made to bring our nonwhite fellow citizens into the mainstream of American society. Curiously this effort is most effectively underway today in our armed forces. It is a demonstration that it can be done. Some may rebel from the cost of such an effort or from its apparent deviation from older puritanical virtues we have supposedly held dear. I respectfully suggest to you all that it is consistent with our aspirations to join together for the pursuit of happiness and that it is a whole lot cheaper and less unpleasant than leaving most of the nonwhite population outside.

What kind of effort should we be making? I believe that the basic legislation we now have on the books is good enough if it were adequately funded and the program administration invigorated as it would be by full appropriations. Nothing will make a bureaucrat into an administrator faster than a steady flow of calls from the White House or the Budget Bureau or the Appropriations Committee asking to increase the pace of spending to meet demonstrated need and promising supplementary monies if required. (To the best of my knowledge such calls have never been made.) Contrariwise, nothing turns a high powered mover and shaker into a questioner and sceptic on individual program proposals faster than the knowledge that there are five to ten worthy applicants for every one he can satisfy. (Why, the same thing has even been known to happen to foundations.)

I am concerned about the future of urban renewal. I believe that in the last eight years it has developed a flexibility, a sensitivity to both human and aesthetic concerns, which have made it into one of the most potentially useful and worth while programs for city rebuilding in the world today. However, it will soon quietly approach a moment of crisis. If continued underfunding persists it will become as sterile and unsatisfying as much of our public housing is today, and support for the program will drop away as it has dropped away for public housing. The loss of talent, the loss of verve, the loss of fans that public housing has suffered will happen soon to the urban renewal program if present funding levels are maintained.

In recent years, and in particular on December 13 before the Ribicoff subcommittee, I have made many suggestions as to how the national government could more effectively help local government do a better job. They could be summed up in a few words "more dough, less advice". I continue to believe in that approach but I am increasingly pessimistic about its being adopted in the next few years, absent a sudden and honorable halt to hostilities in Viet Nam. If that happened I am sure we would be called on as a ready reserve of spenders to keep the economy going until the national government had re-arranged its priorities. We would then probably lose out to a program to populate the moon with new towns.

How about the model neighborhood program we have been looking for? Will it make rebuilding our cities easier? Not at all. In fact, Secretary Weaver went out of his way to assure the Congressional Committees that it would not be easy. Having studied the guidelines with some care I can guarantee you it will not be easy to get selected to plan a model city neighborhood and to get the money to carry the plan out. In fact, it is the most complicated way to get a so-called "block grant" that I think could have been devised.

In Boston, and in hundreds of other municipalities throughout the nation, us locals are busily preparing binders to stake out a claim for our share of $11 million. Even though there will be only seventy lucky winners, the work being done and the paper being churned out just to get into the act is a stimulant to the economy all by itself.

Despite the fact that the model city program is also under-funded and over detailed, I support it strongly. I oppose equally strongly the notion built into it that you in Washington and we in Boston are in a competition to see who can come up with the brightest, shiniest ideas to help our poor. I think there is something terribly wrong about the whole nation that some ghettos are going to be improved because they have the right kind of leadership and some are not because they do not. And it is even more distressing to me that for the sake of geographical balance some cities with no ghettos at all are going to get designated and some small towns, just to prove it is not a big city program. We have long since adjusted in Boston to the idea that the Bureau of Reclamation was not something we were going to see much of locally. Yet our Congressional delegation has consistently gone along with such programs.

Despite these reservations, which I regard as serious, I think the program is a useful experiment, and I hope that we in Boston will be allowed to bring to bear our experiences to make it successful.

The fifty-two page guideline is a competent document and by federal standards quite concise. Although setting forth a general outline it appears to allow for and indeed even to encourage cities to be innovative.

In order that seventy cities may get a piece of eleven million dollars to make model city plans some 500 to 1000 local mayors or city managers are going to have to confess their cities' shortcomings at length and quite publicly. There may be some sound reasons of public policy for encouraging so many repentant sinners to come forward when it is fore-ordained that only a few can be saved. As a Democrat, I am sure it is not good politics.

However, in Assistant Secretary H. Ralph Taylor the President and the Secretary have chosen an executive who is sensitive, imaginative and thoroughly experienced. He knows all the tricks we locals can try. He ought to; he invented a good many of them. If anybody can make the model city program move, Ralph Taylor is the man who can.

One of the things I am enthusiastic about in the HUD Model City guidelines is the emphasis it places on the central role of the Mayor. I have long felt that the authority and also the responsibility of the Mayor needs to be more central in the affairs of the city as increasingly have the role of the governors in the states.

Of course, I admit to having been spoiled. I have worked for and with two intrepid gentlemen Richard C. Lee and John F. Collins who enjoyed the job of Mayor and have transformed their cities (New Haven and Boston) in a way that no lesser office holder could have. New Haven has become the prime example of what can be done if you go all out. I am not at all sure Secretary Weaver will be able to justify a model neighborhood grant to New Haven. In Boston with its famous political tong wars John F. Collins has shown that not only can a new civic center rise out of the ashes of the Old Howard and Scollay Square but that urban renewal can be made to work on a truly large residential scale.

In New York City I think we are witnessing something equally promising in Mayor John V. Lindsay's bold and large scale approach to the slum ghettos there. He has asked for approval of three model neighborhoods. I have been particularly impressed by the careful, yet forceful way he is reshaping and decentralizing the administration of housing and renewal programs and the outspoken emphasis he has given to the quality of design in a city long indifferent to good architecture, public or private.

Although reluctantly, I am convinced that the model neighborhood program is not the answer we should all be looking for. It is a step forward, an interesting opportunity, but I do not believe it will make rebuilding cities easy.

I would like to suggest that in our search for an approach to city problems from a national standpoint there are some ground rules which I am sure apply in 1967 and may apply for sometime in the future. Most of us interested in the work of city rebuilding have been reluctant to recognize many of these ground rules and their implications for our aspirations for slumless cities while we are still around to enjoy them.

I am afraid we must begin with a pragmatic acceptance of the fact that, despite the poverty and degradation endemic in our slum ghettos, the American people and their national government are not about to reduce any existing national priorities or reallocate any national resource commitments in order to make more adequate national resources available to deal with the urban crisis.

I don't like that conclusion but I am afraid it is inescapable.

The most we can hope for, short of an honorable peace in Viet Nam, is a longer share of the increment in the gross national product. It will not be enough, however, to make a significant difference if the experiences of the last five years is indicative.

There are some specific ground rules I believe we must follow.

First, no money now needed for our present effort in Viet Nam is going to be diverted to the cities. (I don't happen to think it should be.)

Second, no money now needed for our present space effort is going to be diverted to the cities. (I happen to believe it could be and should, but concede it won't be.)

Third, no other established national budget priority such as the mammoth U.S. Department of Agriculture is going to be cut back to make room in the budget for the cities. (I used to think USDA programs were way over-funded but I have changed my mind about present programs. In fact, in view of the phenomenal increase in world population and the virtually worldwide lack of a population policy we should probably be encouraging worldwide USDA research.)

Fourth, no major beneficiaries of what Philip M. Stern has called "The Great Treasury Raid" are going to get turned out in order that more federal tax monies will be available for urban needs.

Fifth, no major element in the American economy is going to be slowed down in order to pump money into cities. Automobiles and sailboats and color television will be produced as rapidly as advertising can find them a market.

Sixth, no major new federal taxes are going to be levied to produce the extra unallocated revenues which could be channeled into meeting inner city needs. Nothing is more unlikely than an emergency slum tax or city tax.

Seventh, what is true of the federal government is more true of the states and will not be changed significantly by reapportionment. State needs are growing faster than state resources. The states have lost their chance to stand between the cities and the federal government.

To sum it all up the war against urban poverty and blight is not a war at all. The term is misleading and should be dropped. It is a low priority national program, substantially under funded and likely to remain so. I see only two ways this situation can change. The first is peace in Viet Nam which we all hope for. The second is war in the ghettos which we all hope against.

It is time for a new realism on the part of local officials, public interest groups and civil rights leaders. I have been to too many meetings here in Washington where we spelled out our needs, to too many Congressional hearings where we made our pleas. We have been going down the wrong road. I think it is time for a new turning.

Operating within the inescapable ground rules of no major new federal resource commitments, what we can do?

Basically I believe there are two things we can do.

First, I believe we can do vastly more with the federal resources we have and do it much better and much faster.

Second, I believe we can go over the Federal Internal Revenue Code with the care of a Wall Street lawyer or a Washington lobbyist and find ways to eliminate the help the Code is giving today to spreading slums and ways it can be amended to fight blight without draining the Treasury.

As to the first point, streamlining federal programs, we have not begun to scratch the surface. We need to put an end to the incredible proliferation of categorical federal aid programs in HUD, OEO and HEW particularly which are spawning a vast number of instant experts who are not the slightest bit reluctant to attempt to impose their own notions on local officials whose first mark of success must be the amount of dough they get from the feds. The instant experts would be better off closer to home working on the problems close enough to see them and feel them.

Last year's 414 page "Catalog of Federal Programs for Individual and Community Improvement" is already obsolete. At the rate the executive and legislative branches are spinning off new pilot projects, launched with glowing promises of the wonder they will perform, the average local official is beginning to feel like those air traffic controllers we heard about last week. Increasingly the local official is forced to turn his attention away from the local scene to palaver with a bewildering variety of feds who are at home with all the rhetoric but inexperienced and uninterested in the practical local applications. This criticism is more true by far of OEO than HUD.

Grantsmanship is one of our minor growth industries and I say the hell with it. If we do not cut away this jungle of programs (the catalog has to be read to even begin to comprehend how serious this problem is) I guarantee you that by 1969 C. Northcote Parkinson will be in charge of all local programs for the federal government.

If we are ever to restore the health and strength of inner city local government we must treat them as adults and give them freedom to work out their own solutions. I say that we in the city halls of America are as honest as those in Congress and the Executive Establishment, we know our needs and priorities a lot better and I believe we are equally capable of doing something about them.

Sure we will make mistakes but so have and will the Feds. We are closer to the electorate and if we are wasteful and incompetent or dishonest we stand an even better chance of being tossed out.

I propose that we lump together all of the inner city programs listed in the OEO guide and make them available to those cities on a no strings basis. Yes, let the Mayor of Boston decide his city's greatest need is for school improvements and the Mayor of New York that police are his highest priority. Let them decide. Let them use the process of consultation they think most appropriate. Let them be accountable to their communities for the choices they make and the way they carry them out. After all, no mayor has more than a four-year term.

Let the federal role be limited to two steps. First to receive, analyze and comment on a report from the Mayor on what he has done—a kind of accrediting report, quite public.

Second, since federal funds are involved, let the GAO conduct stringent post-audits for financial irregularities, the results to be made quite public.

I guarantee you, for whatever my twelve years in this work is worth, we will do the job faster, better, cheaper and more sensitively than we are doing it now. We will enjoy it more, we will get better people involved and we will provide gainful employment for all of those unneeded Feds.

And remember it does not cost one dime more.

Too much for one bite?

Well then why not pick seventy cities this year and let them try it. Then let's have a real competition between the federally oriented model neighborhood program and the "trust the locals" program. I think I know where I would place my bets. Where would you? And remember it would not cost a dime.

A change in the federal role from holding all the leading strings to conduit and auditor is not enough to make rebuilding our cities possible.

Where else can we turn within the limitations of the budgeting guidelines which must, I believe, govern us.

I believe the answer lies in the Internal Revenue Code. First, there is one major loophole to be plugged.

Incredible as it may seem, Uncle Sam is a principal cause of the phenomenon known as the slumlord.

No matter how run down the properties, no matter how miserable the housing, no matter how many violations have been lodged, the slumlord may file his depreciation. Believe it or not, even in an old low tenement he may take it on an accelerated basis!

I shall not attempt to take you through all the morbid steps by which noxious slums become respectable "tax shelters". The process is all explained in Chapter VII of Philip M. Stern's recent book, "The Great Treasury Raid." The chapter is titled: "How To Get Rich Quick in Real Estate"—with Uncle Sam's help.

In a contest between an on-the-premises tenant with meager resources and no access to the conventional lending market and a slumlord with access to all kinds of money markets and a federal tax bonanza to boot, who is going to win?

I suggest a simple amendment closing the loophole. No more depreciation allowed until and unless the owner can produce a certificate from the local government that the property for which the depreciation is claimed is in full compliance with the codes.

Such a provision would accomplish several objectives. It might make a good landlord out of a bad one. By stopping the tax-free depreciation allowances it would stop an outrageous drain on the federal treasury.

It will squeeze the water out of inflated slum values making it possible for public authorities, non-profit sponsors or competent profit-motivated private operators to acquire and rehabilitate the properties or, if that is infeasible, demolish the building and transfer the land to a more appropriate use.

I cannot imagine very many slumlords surfacing at a Congressional hearing and opposing such legislation. It should whiz right through.

On the positive side of tax inducements there are even greater opportunities to make the Internal Revenue Code work to make it easier to rebuild our cities.

Watch out for the critic who says it will drain the federal treasury. It won't. Helping rehabilitate slum ghettos has the same kind of economic spur potential that the recent income tax cut had. We all are familiar with the nation's happy experience when it gave an extra note of confidence to the private enterprise system by cutting back corporate and individual tax rates. We all know, or somebody must know, the benefits to the nation of the 27% depletion allowance.

I would like to propose for your consideration a series of "urban investment allowances" which could be taken by any federal income taxpayer owning property or conducting a business in an area certified by the appropriate local public agencies as blighted.

1. *Owner-Occupant of Residential Property:* He is the fellow we ought to encourage the most and whom we now discourage the least. Remember, unlike our slumlord he gets no depreciation unless he has tenants and has no tax incentive to keep his property in repair.

Why not give the owner-occupant a flat allowance of $1,000 a year as a deductible expenditure for maintaining his property—provided only that he spends it. Over and above that, why not give him generous straight-line depreciation allowance as an encouragement to stay where he is, assuming his own property needs no further improvement and the risk is in the neighborhood around him. He could stay there as long as he liked. His only risk would be that the blighted designation would be removed. What an interesting public hearing that would make!

2. *Owner of Residential Rental Properties:* Once the owner is in compliance with local codes give him extra depreciation allowances over and above the normal allowance if he is, in fact, investing them in repairs and improvements and can prove it.

3. *Owner-Occupant of Residential Rental Properties:* We all agree we want to encourage owner occupancy. It is certainly one of the most stabilizing forces a blighted community can have. Therefore it would seem appropriate to give an extra deduction to resident owners of rental properties.

The impact of such amendments would be widely and quickly felt in the average time it now takes to plan an urban renewal project before you begin to carry it out.

4. *Blighted Area Business Enterprises:* These enterprises, particularly the smaller ones have often been the hardest hit of any by eminent domain action or by the deterioration of the environment around them.

I would propose they get accelerated depreciation for any improvements to their properties and, in addition, get double the normal depreciation allowance as long as they remained within the blighted area. Expansion in the area should receive even greater preferential treatment from the Internal Revenue Code.

May I pause right here and say that I believe these allowances should be available to any area, whatever its racial composition, which meets the existing HUD criteria of eligibility.

5. *Incentive for New Investment:* Much of any blighted area really should be developed for new uses. New Housing, shopping and industrial buildings should not all be located outside the blighted areas as they nearly entirely are today.

There is an extra risk to such investment. Let's recognize that risk by allowing *triple* the normal depreciation allowance. Let's let the job of assembly of land be done privately and have the writedown, if any, provided by allowing a five-year write off of property acquisition.

6. *Incentives for on-the-job Training Programs:* Better housing and improved physical environment quickly attained can provide an enormous improvement in the quality of life and in the sense of hope. The improvement in the conditions of private properties will lead to an improvement in the level of public services; at least this has been the usual experience where rediscovered locational advantages have led to a comeback of once blighted areas.

But employment and education are equally as important as improvement in the physical environment. Education is complex enough to warrant separate treatment, and I shall not attempt to deal with it here.

We know that residents of blighted areas tend to have lower occupational skills than residents of other areas. We know that the gap is accelerating. We know that with a few exceptions public and quasi-public manpower development and job training are costly and ineffective. We know that, despite expressions of good will, private enterprise has not made a quantitatively significant contribution to the employment and training of blighted area residents.

Why not abandon the hope of wholesale charity or wholesale goodwill and turn the incentive system on again?

It's risky to take on an unskilled worker and train him. It's particularly costly if you give him a living wage during his training period. The overhead cost of such training is also high.

Why not make it worth the employer's while?

After all, if he buys a brand new machine that is certain to improve his plant's efficiency and probably guaranteed to displace some of his present employees, we call that progress and give him accelerated depreciation allowances as a reward.

Why not advance the proposition that people are more important than machines and allow the employer to deduct not only the full cost of paying and training the unskilled worker but twice as much besides to encourage him to take the risk over and over again.

Well, I could go on, but I'll just add one more—the New Seagram Rule. You may recall that the City of New York penalized the owners of the Seagrams building for the extra cost of making it superbly beautiful.

Architects are too shy or timid to admit that beautiful buildings do cost more than ugly ones. Why not get the extra cost of beauty certified (it wouldn't be hard) and allow a quick five-year write off? Think of all the practical people who would suddenly become enthralled with architects they never knew existed.

There is apparently very little that a lot of investors will not do to obtain a good tax shelter. Why not allow them to do a little social good?

Sure, I am aware that the inventive genius of the tax lawyer and the accountant would soon be trying to find ways to improve on the law. But what a nice problem to have!

I am also aware that the tax reformers will oppose any new efforts to amend the code for non tax revenues. That doesn't bother me a bit. They have not been too successful in the past, witness Phil Stern.

Ladies and Gentlemen, we have the most ingenious, most productive private enterprise system in the world. Our income tax structure has encouraged its imagination and resourcefulness. So far it has had no reason to go into the blighted areas of urban America. Let's speak to that system in language that it understands. Let's make it not only easy but profitable for private enterprise to rebuild our cities.

I would like to see a meeting in Washington, or maybe it would be better in Reston, devoted to examining new approaches to rebuilding our cities. All the public interest group leaders and representatives could come provided they agreed to leave their old slogans and their old bold new programs behind. The only featured speakers would be tax experts who would have been paid $1000 apiece to set forth a new way of improving cities by adjusting the code. Having had my say this evening, I would gladly stay away.

I believe that cities are a part of the public business the nation has too long neglected. I see no prospect of a funding breakthrough. I see enormous possibilities at negligible expense in a series of amendments to the Internal Revenue Code. It used to be said that the HHFA Administrator and the Federal Highway Administrator had never met and were unlikely to. In time they did meet, though not until after most of the Interstate Highway System had been laid out. I hope it may be possible for Secretary Weaver and Secretary Fowler to convene a conference to explore ways and means of making the Internal Revenue Code work in favor of city rebuilding instead of against it as is now the case. If the Treasury can give this as much attention as it does the international balance of payments, and as much enthusiasm, I believe we will, in fact, have found a way to make rebuilding cities easier.

"A HERO'S WELCOME": THE SUBSTITUTION OF GIMMICKS FOR SUBSTANCE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Alabama [Mr. EDWARDS] is recognized for 30 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the Vice President returned yesterday from a European trip. The occasion was marked by what they called a hero's welcome down at the White House.

This hero's welcome and the trip itself is another example of how far we have gone in the substitution of gimmicks for substance in the conduct of U.S. foreign policy.

The Vice President's trip might be considered a symbol of everything that has gone wrong with our foreign policy management in the past 6 years.

As he wiped the eggs, paint, and flour from his clothing in preparation for the gala White House ceremony, and as he recalled the jeers which greeted him at nearly every stop on his European trip, the Vice President must have wondered at what has gone wrong.

With U.S. relations abroad in so precarious a situation it is no wonder that administration publicists find it necessary to stage so spectacular a show as yesterday's "hero's welcome."

BASIC FACT

Any American, or any citizen in any country, who can read a newspaper knows that when you sweep away all the public relations gimmickry which characterizes U.S. foreign policy of the past 6 years the basic fact of the situation still exists: the United States has failed to provide international leadership.

And much of the world's trouble today is directly a result of that fact.

After 8 years of a Republican administration during which no country fell under the heel of Communist domination, and no American forces were engaged in hostilities, we now have witnessed 6 years of foreign policy drift and gimmickry during which both the insecurity and major military conflict have increased manifold.

After 8 years of world stability based in large part on a system of U.S. alliances carefully developed and nurtured by the Eisenhower-Dulles foreign policy, U.S. relations with non-Communist countries have steadily deteriorated in the past 6 years, and as a result we have had one crisis after another.

In 1960 there was a great controversy over the alleged loss of U.S. prestige around the world. Regardless of what prestige we had, we had a great deal of respect as an international force for peace and freedom.

In 1967 we have neither prestige, nor respect, nor peace, and freedom is on the ropes in many areas of the world. These facts might have been considered at yesterday's White House "hero's welcome."

REACTION

One major missing ingredient in foreign policy during the past 6 years has been genuine planning based on effective working relationships between the White House and the State Department.

In the Eisenhower administration the National Security Council, however bulky it might have been, worked as an effective core of U.S. foreign policy planning.

The Lebanon crisis of 1958 and the two crises over the offshore islands of Quemoy and Matsu were handled in such a way as to maintain peace and stability in remote parts of the world.

But with the coming of the Kennedy and Johnson administrations in 1961 the National Security Council was tossed into the wastebasket. Instead, reliance was put on haphazard judgment of a small number of individuals playing the important foreign policy game by hunch.

President Kennedy and President Johnson both entertained suggestions that long-term planning was essential in order to take the initiative and provide leadership. Both disregarded the advice.

Beginning in 1961 we entered a period of "firefighting" as a substitute for fire prevention: a period of foreign policy gimmickry instead of substantial planning.

We have had 6 years of concentration on the "operational aspects" of foreign policy instead of long-term reasoning. We have seen very little U.S. initiative, and instead a series of U.S. reactions to initiatives taken by others.

We have yielded the timing, the choice of weapons, and the choice of the battleground to our adversaries, and we are suffering the consequences.

VACUUM

As one example of the vacuum in our policy machinery I refer to an incident I have experienced at first hand.

On February 24 of this year I wrote to the State Department asking some questions as to the reasoning for the Department's action in denying Mr. Ian Smith, of Rhodesia, an opportunity to visit this country so that he could respond to an invitation to speak in Chicago.

I had thought my questions were routine in nature. The State Department had taken the action, and I was only asking why. But to my surprise I had no response to my letter, not even an acknowledgment of its receipt, until a month later on March 24.

On that day a gentleman from the State Department called my office to say they were working on a response. He said it was a "sensitive matter" but that we could expect a response shortly, perhaps even the next day.

A week later came another call from the same individual. This time he said essentially the same thing: the matter was under consideration at high levels, but it involved policy questions, and a response would soon be forthcoming.

Mr. Speaker, to this day I still do not have an answer to my questions. I have had nothing but the two phone calls.

I do not feel that this is a problem just within the State Department itself, although surely they must have a situation there in which true initiative is stifled in an atmosphere of "don't rock the boat."

I believe the primary problem is that on this Rhodesia matter there is no real policy yet even though some actions have been taken. It is an example of how our foreign affairs are being conducted on a day-to-day, even an hour-to-hour, basis, without a suitable overall plan.

If the State Department had a policy on which its Rhodesia actions have been based, I think that either they would have responded to my questions of some 46 days ago, or else would have explained to me why they cannot.

In these past 6 years, without real planning in foreign policy, without an operating National Security Council, and with undue reliance placed on slogans and gimmicks, the U.S. position has steadily deteriorated.

We should hope that the low-water mark was reached at yesterday's "hero's welcome" at the White House. What are some of the examples of our foreign policy failures?

First. The North Atlantic Treaty Organization has fallen apart and there is no relief in sight. We have no alliance with European nations worthy of the name.

State Department people seem to justify this by saying "the world changes" and "we must change with it." But adaptation to change is one thing, and a broken alliance is another.

NATO and other alliances in 1961 were the subject of scorn on the part of many influential people in the Kennedy and Johnson administration. It was fashionable in these groups to downgrade these alliances as a kind of old-fashioned and unnecessary mechanism associated with an oversimplified view of the world.

It was not sufficiently considered that they worked.

Even in the late 1950's Senator John Kennedy took the floor of the Senate to issue a blast at France for alleged mishandling of the Algeria matter. It was inevitable that, when Mr. Kennedy became President, our relations with France were to deteriorate further to the present point.

As part of this problem Mr. Kennedy in December of 1962 canceled the Skybolt missile program on which England had counted, and instead offered Polaris submarines to that country, but not to France except as an afterthought.

Second. The Southeast Asia Treaty Organization has fallen into disrepair in the same manner. It was a victim of the same scorn for alliances which prevailed in the White House beginning in 1961.

With France alienated and with Pakistan embittered SEATO became a paper organization. Our support for it became only a ritual acted out for the supposed benefit of those closest to Communist Chinese aggression in Asia—the Philippines, South Vietnam, and Thailand.

It was with a touch of irony that in 1965 and 1966 the Secretary of State was brought to the point of justifying our effort in Vietnam on the basis of our SEATO commitments.

Closer to the real point would be that it was our disregard for the substance of the SEATO idea that led to our unfortunate involvement in Vietnam in the first place.

THE SNOWBALL

With this serious deterioration of NATO and SEATO the United States has met a snowballing series of troubles. With a lack of regard for our natural allies we have found ourselves acting in effect without allies.

Third. President Kennedy went to Vienna in 1961 to meet Khrushchev where the Kremlin leader took the measure of the new President. While U.S. newspaper readers were fed reports by the hour on how the ladies got along, Mr. Khrushchev must have been deciding that our new administration was intent on starting U.S. foreign policy from scratch, just as though nothing had happened before—that no lessons had been learned in the actions of the Eisenhower-Dulles years which had been so successful from the U.S. standpoint.

Fourth. Then came the Bay of Pigs, with its catastrophic display of U.S. incompetence. The Kremlin's assessment of that incident must surely have been to verify the Vienna judgment: Under President Kennedy we had no capacity for effective action based on sound planning.

So the Cuba missile installation of 1962 was inevitable. What reason did the Kremlin have for thinking we would seriously object? The Kremlin's miscalculation should have been predicted, but it was not, and as a result we hovered on the brink of all-out nuclear war

Fifth. The Berlin Wall evidently was a complete surprise to our foreign affairs people also. We had no program, no policy. We did not even have a reaction.

Sixth. The Yemen crisis beginning in September of 1962 brought our position in the Middle East to a precarious crisis stage. In extending recognition to a rebellious regime we sought to appease Nasser but we managed only to dismay our friends.

Today in 1967 that problem still exists. And instead of more stability we have less in that area. Terrorists are spreading their poison in Aden; Russia is building an airstrip, a seaport, and roads in the area, and in the words of one reliable newspaper account just last Sunday, "alarms are ringing from the Mideast to the Atlantic."

Seventh. Also in 1962 Mr. Averill Harriman returned from Geneva after reaching agreements designed to find stability in Laos. His welcome at the White House was similar to the "hero's welcome" provided the Vice President yesterday.

The Laos agreements may have bought a lessening of active conflict in Laos. They did achieve a truce as a kind of patchwork emergency solution. Our mistake was to accept that solution as real progress.

Kennedy's mistake was to think of the Laos matter in isolation instead of part of the area strategy of Communists, with Vietnam as the key.

The fact is that the Laos agreements were a great victory for the overall southeast Asia strategy of the Communists—the Pathet Lao in Laos and the Vietcong in Vietnam.

The reason for this was that they left the Ho Chi Minh Trail in Communist hands as a route over which the Vietcong continued to send men and equipment from North to South Vietnam.

BIGGEST ACT

No single U.S. act, before or since, has served to deepen the U.S. commitment to South Vietnam as did the 1962 Laos agreements engineered by the Kennedy administration through Averill Harriman, who at that time had no experience in Asia.

Aside from the fact that the agreements were breached by the Communists when they chose to do so, the biggest result of the affair was to enable the North Vietnamese to count on having their supply route to the south open on a continuing basis.

From that time in 1962 the Communist strength in South Vietnam mounted sharply.

And today's guerrilla warfare is not limited to Laos and South Vietnam. It has been a problem in northeast Thailand for at least 2 years. And now just this month Prince Sihanouk, of Cambodia, despite his long efforts to placate the Communists, has announced that armed Communist rebellion has broken out in parts of his country.

BOLIVIA, TOO

Eighth. Today, Mr. Speaker, President Johnson begins new talks with Latin American leaders at Punta del Este in Uruguay.

These talks come after Communist

guerrillas have begun to terrorize part of the countryside in Bolivia. The State Department says there is little to worry about in Bolivia. We all hope they are correct but we have to recall that for many months they said there was nothing to worry about in Cuba also.

In fact they denied Castro was Communist until Castro himself came forth with the news in a boastful performance for the Cubans.

The Bolivian incidents are in accord with the Communist plans laid out at the Tri-Continental Conference in Havana in January 1966, where it was agreed to establish at Havana a general headquarters to support, direct, intensify and coordinate guerrilla activities in Latin America, Africa, and Asia.

CLEAR SUPPORT

Mr. Speaker, history is clear in its demonstration that Republicans in Congress have provided full support to any President of either party in any foreign policy action which utilizes planning and sound operational action to apply U.S. leadership to the long-term needs for stability, peace, and progress in world affairs.

Unfortunately the other party does not show the same measure of support, and our national foreign affairs leadership has been handicapped by a division in the Democratic Party. It handicaps us today.

Yesterday's "hero's welcome" at the White House might yet be useful if it somehow marks a transition. Let us move from a foreign policy of gimmickry and temporary expediency to one of true U.S. leadership.

It is only in this way that we can fulfill our very real responsibility to retain stability, peace, and humanity in the world.

THE LABORATORY REQUIREMENT FOR U.S. OCEANOGRAPHY

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Hanna] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HANNA. Mr. Speaker, the remarkable progress made by the United States in its missile and space efforts in no small degree can be attributed to the close relationship and cooperative interplay between the laboratories doing research and development and the shops producing hardware and materials.

Some time ago, Mr. Edward Wenk presented a paper called "Engineering for Maritime Exploration and Development." In this assignment, Mr. Wenk developed the role of ocean engineering in the effective and productive exploration and exploitation of the ocean potentials. The discussion certainly made clear that engineering was a particular discipline which would be called upon to apply its technology, methods, techniques, and materials to the sea world.

In the early phases of authorization and funding, I would like to delineate a related and equally important special field for careful consideration and favorable treatment. For lack of a more adequate designation, I shall call it the area of laboratory practices. As we prepare for a massive move into the wet frontiers of the sea, we must precede much of what we do by laboratory trials. This technique is well understood in the space program where "simulators" and other devices give data; give some operative form, and mark valuable experience ahead of project performance. Savings on heavy outlays in projects or projectiles are substantial because of this work.

It is our judgment that the laboratory techniques, methods, materials, and machinery are, in the United States in particular and in the world in general, below the standards required, if we are to move productivity into projects for undersea exploration. For example, not too long ago we found that we had made several very costly errors in such ancient and long accepted penetrations into the sea as harbors. Projections relative to wave patterns and tidal surges were incorrectly assessed and embarrassing damage ensued. Now there is an almost universally accepted requirement for testing in a laboratory such as the facility at Vicksburg for the design and structural components of new harbors.

It could well be that the French, the Dutch, the Scandinavians, and even the Russians are much further ahead in the development of laboratory practices and facilities than are we. Not surprising would be the disclosure that much of what has been developed is available in papers done in the languages of these nations. More than likely, little, if any, of this material would have been funneled, at this point, to our universities and scientific centers. Hardly any such works would have been translated into English.

An effort should be bent at once to collect all available information and materials. Immediately these works should be translated and communicated. Further, funds should be allocated early to put our country in the forefront of the development of laboratory practices which must precede any rational project undertakings.

When the tooling techniques and materials in such laboratories are such that one, applications are more fully effective, give full range to experimentation, more accurately reflect the actual conditions to be encountered, and two, interpretations are more penetrating and specific in their measurement of immediate results and in assessing probable projections, then the marriage between the laboratory and the project will begin to resemble that experienced in NASA.

Without an early preparation for funding in this particular field we may be making costly errors which will only necessitate a backing up. We can much more efficiently deal with this important requirement now. May I personally recommend to the recently organized National Council on Marine Resources and Engineering Development that urgent consideration be given to this phase of our coordinated effort. Seek a report on the experience of the nations known to be making a significant effort now, in this new work. The Dutch have a history of battling with the sea for a larger yield of productive life from the "wet world." The Japanese are ahead in the "fish farm" concept. Let us open up the channels for the learning flow from other lands. Let us equip our laboratories to ourselves become a significant center of advance in the conquest of the sea.

ADDRESS BY THE HONORABLE CLAUDE PEPPER

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Hanna] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HANNA. Mr. Speaker, I would like to take this opportunity to insert in the Record an address delivered by my distinguished colleague, the gentleman from Florida [Mr. Pepper]. Mr. Pepper made this statement at the luncheon of the International Union of Building Societies and Savings & Loan Associations in Buenos Aires, Argentina, on March 28.

Remarks of Hon. Claude Pepper to the International Union of Building Societies and Savings & Loan Associations

President Raymond Harold, Distinguished Delegates and guests, Ladies and Gentlemen; I thank you very warmly President Harold for your generous and kind words of introduction. Coming from you whose friendship I so highly esteem they mean much to me. I wish my father and mother could have heard what you have said about me. My father would have liked it and my mother would have believed all that you have said.

I thank you also for the privilege of speaking upon the program of the distinguished international union of building societies and savings associations. We are all fully aware of the momentous contribution toward the accumulation of savings and the building of homes by these great international institutions in so many parts of the world and the important contribution they are making toward the happiness and the well-being of so many millions of people. It is significant that you should be here on behalf of your great international organization to recognize the most significant work toward the same high aspiration of the interamerican savings and loan associations and all those identified with these great endeavors. And my wife and I are most happy to be able to come again as we were able to do last December to this beautiful city of Buenos Aires to observe again its lovely vistas and parks, its magnificent edifices and institutions and to enjoy once more the most gracious hospitality of its kind people.

Maybe you have heard of the man who died and went to Heaven. After he was there for a while he was moved down to the other place. And after residing there for some time by a great miracle he was permitted to return to earth. When he came back and his old friends learned that he was home again they crowded around him and plied him with many curious questions. One was now Bill tell us the truth. Which did you like better Heaven or the other place? Well said the returned traveler, if you like streets paved with gold and pearly gates and beautiful angels, Heaven is the place for you. But for old friends and warm associations, don't forget the place down below.

Although we meet here in heavenly Buenos Aires, it has been a great privilege for Mrs. Pepper and me to be able to see again so many old friends whom we have met at previous interamerican savings and loan conferences in Santiago or Quito or have been privileged to see in our own country.

I wish in the warmest way to commend Mr. Stanley Baruch and all those who have had a part in the setting up of this Fifth Interamerican Savings and Loan conference. The arrangements have been perfect. The setting here is most auspicious, the program most excellent, the distinguished delegates from all the countries represented were outstanding in their competence in these vital fields of savings and loan associations and home building. And with all this is a truly momentous interamerican conference which not only comes between the meeting of foreign ministers of the American Republics who gathered here only a month ago and the summit conference of the presidents of the American Republics to be held next month but it worthily ranks in significance with both.

Before I say more, may I invite all of you to attend the opening of the great Interamerican Cultural and Trade Center which will open as a permanent center in Miami, Florida, in my congressional district on July 4, 1968. This significant interamerican institution in which the United States and all of the Latin American countries except Cuba will participate and have distinguished exhibits, revealing the culture and the economic contributions of all of our peoples—a beautiful center where one who comes as a visitor may get a glimpse of the lovely attractions and the noble institutions of all of the free American republics—and where the republics of Central and South America who cherish freedom may appeal to the United States tourists to come to visit your lovely countries and where also you may expand your export trade by exhibiting to the fifteen million people who will come every year to this center the very desirable goods and products which you provide.

I especially wish to commend the National League for Insured Savings for the splendid and gallant leadership which it has given to the building of the dynamic savings and loan industry which is already in existence in Latin America. What a source of satisfaction it must be to Mr. Rex Baker, the president of the National League, and his predecessor, Mr. Harry Greep and one of my colleagues at Washington Federal, Mr. Arthur Courshoen and many, many more who have played a leading part in this great enterprise to see now that these institutions which came to birth only after the Alliance for Progress was inaugurated by President Kennedy in 1961, have flourished to the point where today there are 91 associations in nine Latin American countries with a total membership of 470,000 persons. These associations have accumulated savings in excess of 165 million dollars and have financed more than 56,500 homes. But we know this is only the beginning and there is to be a more exciting growth and progress in the years ahead—even greater than in the past—under the leadership of you who have come from so many countries to attest your continuing faith in savings and loan associations and under the stimulus and inspiration of the five momentous interamerican savings and loan conferences so dramatically climaxed here in lovely Buenos Aires.

It is my hope and belief that the legislation which I introduced in the congress last week to which my distinguished friend Mr. Rex Baker so generously referred in his address of Tuesday evening, will make a significant contribution to the growth of the savings and loan industry in Latin America to which we look forward. I am sure that we are in the process of working out a program under which the private savings and loan associations of the United States will be able to invest up to 1% of their assets—that means up to a maximum of 1 billion dollars since our industry is one of more than 100 billion dollars in assets now—toward the initiation and expansion of the savings and loan industry in Latin America. Such assistance, of course, will require the cooperation in the most earnest way between the government of the United States and the governments of Latin America, and between the savings and loan industry in the United States and the savings and loan institutions of Latin America. But we all know that the progress we have achieved thus far evidences that we have laid the foundation for such cooperation. We have developed the understanding and are rapidly developing the techniques by which it will be possible for the savings and loan industry of the United States as well as our government to give to this meaningful industry in Latin America not only the encouragement and counsel but also the assistance which will enable it to be a safe depository for the savings of the people and the instrumentality through which many more millions of people can achieve the happiness that can come only from the ownership of a home. But the perfection and the expansion of the savings and loan industry is only a part of the exciting revolution which is taking place throughout Latin America today. The spirit of San Martin, O'Higgins, Bolivar, Hidalgo, is felt where everyone goes throughout this old and great part of our hemisphere. But the enemy in this revolution is not a foreign crown or conqueror against whom these heroes of the past fought and triumphed but lack of education, substandard living, inadequate housing and denied opportunity for young, middle-aged and old alike.

San Martin, O'Higgins, Bolivar, Hidalgo and all those gallant men and women who fought with them in the several countries they liberated fought almost alone. In this revolution of today led by those who fight on in the spirit of your liberators and heroes of the past you do not fight your present revolutions alone. You have not only the friendship but the commitment of the United States of America and our people that we are with you in this war and we shall continue to fight with you until the new liberation is again gloriously achieved.

I regret to say that my country has not always followed this course. On the contrary, in the 15 years after World War II the United States gave 30 billion dollars to Europe, 15 billion dollars to Asia and only 2½ billion dollars to the western hemisphere. But, beginning in 1958 when we signed with you the charter for the Interamerican Development Bank the United States out of recognition that your cause was our cause took and set upon a new course. In 1960 we signed with you the Act of Bogota, under which we authorized 500 million dollars for the social trust fund to be used by the Interamerican Development Bank.

But the great stride forward in our cooperative program came in August of 1961 when President John F. Kennedy, who had such a warm place in his heart for the people of Latin America, inaugurated at Punta del Este the Alliance for Progress charter. In the words of President Lyndon B. Johnson, speaking to the Pan American Health Organization in Washington on August the 17th of last year: "The aim of the Alliance is to build new societies. And its method is to build democratically through a partnership of all. Today, the Alliance is a revolution at work—it is creating, building, transforming, reaching forward; it is touching the lives of hundreds of millions of our fellow citizens." President Johnson said he saw the further impact of the Alliance: "In the teacher and her pupils as they moved into new classrooms in the mountain plateaus of the Andes and the barrios of the cities;" he said, "we see it in the isolated indians of the remote villages that are striving to become part of larger international communities; we see it in the laborers that are carving roads on the eastern slopes of a vast mountain range to open up the heartland of South America; we see it in the farm extension agents and in the campesino who for the first time works the farm that he can call his own. We see it in the workers and the managers that are building new and great and modern industries. We see it in families that are moving from the slums to a new apartment or a new home. We see it in wholly new institutions such as cooperatives, development banks and unions and see them unlock the energy and resources of thousands of people who learn the strength of a common endeavor."

But continued President Johnson:

"We have only begun to meet the needs of today, and these are but a small fraction of the needs of tomorrow."

The President continued:

"If present trends continue, the population of this hemisphere will be almost one billion by the year 2,000. Two-thirds, some 625 million, will live in Latin America. Whatever may be done through programs to reduce the rate of population growth, Latin America faces a vast challenge.

"Farm production, for instance, should increase by 6 percent every year, and that will be double the present rate.

"At least 140 million new jobs will need to be created.

"Over a million new homes should be built each year.

"More than 175 thousand new doctors need to be trained to meet the very minimum requirements.

"Hundreds of thousands of new classrooms should be constructed.

"And annual per capita growth rates should increase to the range of 4 to 6 percent.

"These requirements, added to the demands of the present, mean that new sights must be set, that new directions and renewed drive must be found if we are to meet the challenge, if we are to move forward."

Then pledged President Johnson speaking, as I said, in August of last year:

"We are ready, therefore, to work in close cooperation toward an integrated Latin America. As the other Republics are forming their policies to accelerate this movement, at the moment we are now reviewing the opportunities for joint action throughout the hemisphere.

"To my fellow Presidents, I pledge: Move boldly along this path and the United States will be by your side.

"To all the hemisphere we say: Let the pace be quickened. Time is not our ally."

The Presidents of the Latin American republics accepted the challenge of President Johnson to a course of boldness. Accordingly, here in this great city of Buenos Aires only last month the foreign ministers of the Latin American republics met and formulated an agenda for a new Punta del Este conference to move to a higher level the whole program of the Alliance for Progress.

But this commitment to a new phase of the Alliance for Progress and a new form of cooperation between Latin America and the United States comes not only from our President but also from our Congress as well. Only last week it was my honor to present from the Rules Committee of the House to the House, House Joint Resolution 428 entitled: "Joint Resolution to Support the Other American Republics in a Historic New Phase of the Alliance for Progress." An overwhelming majority enacted this resolution which is awaiting only the action of the Senate after the Easter recess to become the law of our land when, of course, it will be approved by the President.

Here are some of the provisions of this congressional resolution passed by the House of Representatives of our Congress last week.

"That the Congress supports the concept of a Latin American Common Market."

"The Congress further supports United States participation with the other members of the Interamerican Development Bank, in the provision of resources to that institution to be used for financing multinational projects which promote Latin American economic integration."

"That the Congress supports individual and joint efforts of the member states of the Organization of American States to expand trade within the region and with other areas of the world and to mobilize public and private resources inside and outside the hemisphere to further the economic development of Latin America."

"Further, the Congress supports an increase in assistance under the Alliance for Progress for programs of educational and agricultural modernization and improvement of health."

"Thus, if progress is made by the Latin American countries toward the goals of economic integration and in the mobilization of domestic efforts and resources to advance the purposes of the Alliance for Progress, the Congress is prepared to support the allocation of significant additional resources over a period of five years for these objectives."

Hence, in a period of less than six years the Alliance for Progress has not only been founded and launched but it is being greatly expanded in historic conferences at nearby Punta del Este.

How exciting it must be to you in Argentina who have given such magnificent leadership to great enterprises in the past to know that here in this great city of Buenos Aires in February the American Foreign Ministers met; in March this most productive Savings and Loan conference convened, and in April the new Summit Conference of American Presidents will take place at neighboring Punta del Este.

We in the United States know as do you in Latin America that we are all the children of God and, therefore, are brothers. And we must and shall help one another. Gallant American men today are fighting and dying in far off Vietnam to help those brothers to live in freedom and dignity. You know other gallant American men would fight and die beside your own patriots if a foreign aggressor sought to set his foul foot upon your sacred soil—we know you would be at our side if such an infamous assault should fall upon our country.

Fortunately, we do not have to fight today for your freedom or ours. Our patriots of the past have won that precious inheritance for us all. What we have to do today is to make the freedom of your people and ours come to mean what San Martin, and O'Higgins, and Bolivar and Hidalgo and George Washington dreamed that it would be. With God's help and together we shall win this new freedom as we have won the old.

In Britain's darkest hours in World War II, Winston Churchill, in offering his people the hope of growing help from the United States quoted some lines from the United States poet Longfellow. As Churchill then looked toward the west in hope, we in the United States, seeing and feeling throughout Latin America the surge and rise of progress and a better life, look with new hope and faith to the South; and I paraphrase the words of Longfellow:

"For while the tide waves, vainly breaking,
Seem here no painful inch to gain,
For back through creeks and inlets making,
Comes silent, flooding in, the Main.

"And not by northern windows only,
Where daylight comes, comes in the light,
In front the sun climbs slow, how slowly!
But *southward*—look the land is bright."

And your land is bright—bright with the undying glory of your noble past; bright with the hope and promise of an even more glorious future.

VIETNAM'S FARMERS AND LAND REFORM

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HANNA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HANNA. Mr. Speaker, one of the arrows in the quiver collected for firing at the underdeveloped countries is land reform. I think it is high time to expose the fact that giving an activity a name does not necessarily indicate any knowledge about the said activity or indicate any measure of the desirability of its being undertaken or carried on.

Land reform, like any other activity, can only be understood in relation to where it is to occur; what the existing situation is; and what the so-called reform is going to do about it. Land reform is one thing in Taiwan and another in Korea. In each place a change in landownership has effected a betterment; in Taiwan the ownerships were increased in number and in Korea they are being decreased. Each move, though diametrically opposite, makes for an improved farm situation and increased output of farm products.

Land reform is only reform if it improves conditions and increases productivity. It must achieve both of those ends not through an exercise in abstractions but with reference to a real environment of a given country, its agricultural complex and its cultural conditions.

I wish to insert into the RECORD an article dealing with land reform in Vietnam which appeared in the March 30 issue of the Washington Post. I believe it can be useful in clearing up a misapprehension which is widespread; namely, that we are dealing with a feudal—or to use a perhaps more appropriate term—a "mandarin" type landholding situation in that country. By this is meant the type situation often associated with Iran and Cuba, for example, in which a very small percentage of the population owned a very large proportion of the land and an individual landlord might control the land and the livelihoods of literally thousands of poor peasant farmers.

Apparently in Vietnam this is not the case at all. During the 1950's individual landholdings in excess of approximately 250 acres were expropriated—with compensation—by the government and much of the wealth which was represented by the expropriated land was subsequently invested in urban activities such as industry and commerce. Thus, not only were individual landholdings reduced to 250 acres but the big absentee landlord class itself was converted to an urban class with a major stake in vigorous economic development rather than a vested interest in a rural status quo.

This article can serve to clarify what seems to be an important point of confusion to many who are trying to assess where we stand in our civilian efforts in Vietnam. The article sets the question of land reform in the perspective of the confusion the war has brought to the countryside. It makes the point that the immediate improvement of present conditions of land rental and land holding is largely dependent upon the ability of the government of Vietnam to reestablish security in the countryside and, where security exists, to enforce laws already on the books. This is a tall order in itself, and an urgent one, quite apart from future steps to increase the available land for sale to tillers. I encourage all of my colleagues to take a moment to read this article, which follows:

[From the Washington Post, Mar. 30, 1967]

VIETNAM'S FARMERS AND LAND REFORM

(By Eric Wentworth)

Understandable impatience with the land-snail's pace of pacification in Vietnam's countryside continues to fuel a quest for magic remedies. It is particularly unfortunate that "land reform" should number among the touted cures.

Though the term gets much lip-service from Americans and Vietnamese alike, to apply it loosely to the pacification picture can only cause new dribbles on a Jackson Pollock canvas that is already the bane of reason's eye.

In its classic sense, "land reform" entails the taking of property from inordinately well-endowed landlords and the distribution of this acreage to wretchedly under-endowed peasants. Thus is the term generally understood when governments undertake "land reform" in such nations as Iran, Chile, Brazil, Colombia and Peru. The usual goals are self-evident: to improve social justice, to neutralize political opposition, to gain prestige abroad and encourage greater farm production.

Even when the disparity between landed and landless is less than appalling, the reshuffle of holdings to allow former tenants a modicum of ownership can provide important social and economic incentives. Perhaps the most successful example in recent history was the U.S.-instigated land reform program after World War II in Japan, where population pressures on the available arable land have long been immense. Among other things, absentee landlords were compelled to sell all their land to the government for resale to tenants.

Those who advance land reform in the traditional sense as a pacification panacea for Vietnam seem to view it primarily as a political tool to remove a basic agrarian grievance and pry the peasants loose from Vietcong sympathies.

The VC themselves have wielded land reform as an issue to proselytize the peasantry. Some U.S. and Vietnamese officials on the scene question, however, whether the VC have provided much "land reform" themselves. They report that the VC redistribute land as political patronage, charge taxes at least as high as the rents the peasants used to pay their landlords and provide those allowed to have land with "instruments of possession" valid only during the duration of the war.

Even more to the point, Vietnam today simply isn't a typical candidate for the sort of sweeping land turnover that might pay rich dividends, say, in Latin America. Though no one pretends he did a perfect job, the late President Ngo Dinh Diem took dramatic steps toward narrowing Vietnam's "real estate gap" more than a decade ago.

Diem expropriated the large French holdings, including rich Mekong Delta riceland, and limited individual Vietnamese to 100 hectares (about 247 acres) apiece—plus an extra 15 hectares for burying and worshipping ancestors. Diem also decreed farm rent controls. Today, though an accurate breakdown of South Vietnamese land-holdings is impossible, it is estimated more than one-half the nation's farmers own at least part of the land that they till. At the same time, close observers of the war-weary nation's rural scene agree that few if any "feudal" landlords with massive properties still exist.

What does exist is unfinished business and confusion: Farmers with "provisional" titles to land they have gotten from the government or, in the case of the countless squatters, no titles at all. Farmers paying too much rent and farmers paying little or no rent. Farmers paying taxes (in many cases to the VC as well as to the Saigon government) and farmers paying no taxes.

In the name of "land reform," Prime Minister Nguyen Cao Ky's government despite a woeful lack of skilled bureaucrats has launched an apparently vigorous drive to distribute titles to government-held lands to squatters, tenants and other farmers including those who held provisional titles. In January and February alone, "firm" titles were issued to an estimated 57,000 farmers. Most if not all of them were occupying the land already.

In addition, to strengthen the administration of land policies at the local level, one member of the village councils to be elected throughout the country next month will have charge of these and related agricultural matters.

These are important, if limited, steps. They do not, however, represent any sweeping new "land reform" program. Nor does any such program appear to be in the cards.

CURRENCY COMPTROLLER CAMP COMMANDS CONFIDENCE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Hanna] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HANNA. Mr. Speaker, one of the most essential ingredients in the continued success of our Nation's banking industry is the confidence of the American people. Since his appointment as Comptroller of the Currency, Mr. William B. Camp has done much to insure that the confidence of the American public will continue to be vested in the Nation's banks.

Mr. Camp has shown in his short tenure that he takes his obligations seriously and performs them well. His close attention to the quality of the examinations his office must make of the operations of the 4,800 national banks and their 9,400 branches is most commendable.

Insisting on only the highest quality of service, Mr. Camp has initiated a number of steps designed to upgrade the bank supervisory role of his office. An accelerated program of recruitment has been instituted so that the staff of examiners can be increased by 200. Starting salaries of field examiners have been raised so they are now more competitive and assist in attracting well-qualified people. Accelerated educational programs have been instituted, including annual sectional examiners schools, semiannual automation schools, and credit seminars. Needed training in advanced electronic data is also being encouraged.

The 1,700 persons involved in the comptrollers office examining function and who work under Mr. Camp's expert supervision are performing both a needed and important service. Mr. Camp's foresight in emphasizing and strengthening the examining aspect of his office is indeed praiseworthy and deserving of the support of Congress.

I commend to the attention of the Members an article by Comptroller Camp that appeared in the April edition of the Banking Journal. The article detailing Mr. Camp's views on bank examinations follows:

Importance of Bank Examinations

(By William B. Camp)

A prudent man, regardless of his age and general health, usually forms the habit of getting periodic medical checkups—both for his own peace of mind and for his physician's benefit in keeping his records current and spotting any danger signals that might develop.

What is a voluntary procedure on the part of an individual is a requirement of law with respect to the national banks—and for very good reason. Their health and general well-being are of vital importance to the general public, depositors, and shareholders.

The Comptroller's office would be remiss in the performance of its statutory obligation if strong influence were not exerted on the continued safe and sound operations of our country's 4,800 national banks and their 9,400 domestic branches, which hold nearly 60% of all commercial bank assets in the nation. There are also 1,600 national banks operating trust departments holding in accounts with investment responsibility assets having a market value in excess of $90-billion. In addition, there are 235 overseas branches of national banks with total resources in excess of $9-billion. Since the cost of examination is borne by the bank, it is only fair that the banks receive in return the best and most thorough examination this office can provide.

The importance to the public of efficient and thorough examination of banks is abundantly clear. Public confidence, on which banks depend for the conduct of their business, could hardly be sustained without this assurance of regular scrutiny of bank operations.

The importance of examinations to the banks, themselves, is only slightly less apparent. Depositors have an extra safeguard of the security of the funds they have entrusted to the bank's care; shareholders receive additional assurance of the sound management of the business they own; temptation and opportunities for defalcations on the part of all who work for a bank are substantially reduced. Bank management has the benefit of assessment from an outside source of a variety of operations, procedures, policies, and practices which may be due for expansion, curtailment, modification, or continuation.

WEALTH OF DATA

Moreover, examination reports—while confidential as to individual banks—yield a wealth of statistical data that could hardly be obtained in any better or different manner. Such material, along with information supplied through reports of condition and other data, can be summarized and analyzed by the management of any individual bank to provide a reliable picture of relative standing in a variety of areas. It is this feature which is of obvious, direct concern to the Comptroller's office and to all other bank regulatory authorities.

The examining function is performed for the Comptroller by some 330 persons in the Washington office and by approximately 1,450 persons in field offices throughout the country. The field staff is organized into 14 geographic regions. In addition to the head offices of each region, there are 114 subregional offices.

It is of interest to note that it has been customary from the establishment of the national banking system to have an examiner conduct an examination of each national bank at least once a year. Frequency of examinations have raised from time to time in keeping with statutory requirements.

Bank examinations in the broad sense, are made to determine the condition, performance, and operations of banks. All facets of a bank examination, ranging from appraising assets and internal controls to evaluating the soundness of management policies, have as their end result the determination of liquidity and solvency—present and prospective—and the legality of the bank's acts. The scope of a national banking activity embraces every phase of banking activity found in the particular bank under examination or it may concentrate in specific areas of bank activity which deserve and must receive greater emphasis in direct relationship to their importance and bearing on the condition of the bank.

There are occasional rare instances where the examination report alerts this office and the directors of the bank to the deterioration of the affairs of a given bank and quite frequently, by timely warning, the affairs of the bank can be placed on a proper course and the unfortunate situation of a closed bank can be avoided. However, no laws or system of examination will prevent dishonest men from keeping false records and concealing the true condition of a bank, but we hope our examination techniques will enable our examiner to ferret out these before disaster strikes. The surest preventive is to have an honest, active, and competent board of directors.

The national banking system is sound, safe, and serving the public admirably. However, we feel it appropriate to upgrade our examining procedures to assure more effective supervision and to assist bank management in adapting to present-day banking techniques. To do this we have accelerated our recruitment program to increase our examining staff by approximately 200. The starting salaries of field examiners were recently increased to a more competitive level. Enrollment in graduate schools of banking and participation in courses of the American Institute of Banking have been accelerated. Our educational program also includes an annual sectional examiners school, semiannual automation schools, and credit seminars. In addition, 28 examiners are at present receiving training in advanced electronic data processing.

Our office is cooperating fully with the other Federal banking agencies in an effort to attain a uniform, or more nearly uniform, report of condition form. A continuing committee, composed of representatives of the three agencies, was able to make a significant advance toward this goal in December 1966. We believe that there is a good chance of achieving this goal for the mid-1967 call report.

The increasing use of automatic data processing, both by banks and the regulatory agencies, has added urgency to efforts in this area. When banks are required to report the same transactions on different bases to different agencies, a considerable cost is involved. Therefore, divergencies in requirements must be reviewed periodically to determine whether they still are necessary.

CHANGES ARE COSTLY

Changes in the format of report forms, even when made concurrently by all banking agencies, are also costly, for similar reasons. However, such costs must on occasion be incurred, if the benefits of improved reporting are to be achieved. We are participating in an interagency committee which will consider anew the purposes and uses of the report of condition and the report of income and dividends, toward the end of achieving revisions more nearly consistent with these purposes.

We have published in the *Federal Register* and distributed to all national banks for comment our proposed regulation relating to bank accounting and reports to shareholders. In our proposal, minimum requirements are set forth relating to the format of banks' annual reports to shareholders. These include a balance sheet, earnings statement, reconciliation of capital accounts, and reconciliation of reserves. Our operating assumption has been that the purposes of proper reporting are best achieved when the results are placed in the hands of bank shareholders.

In addition to outlining the reporting format, the regulation also specifies certain accounting methods and procedures to be followed. For example, under its terms, all national banks with assets above $100,000,000 would be required to operate on the basis of full accrual accounting. Every national bank, whatever its size, would be required to handle its installment loans on an accrual basis. Consolidation of all majority-owned significant subsidiaries in the reports of the parent bank is called for. All majority-owned bank premises subsidiaries would be consolidated, whether or not significant.

It is our view that this accounting and reporting regulation, with any modification deemed appropriate based on comments received, will allow shareholders to receive the information on bank operations to which they are entitled, without causing any undue burden for banks.

Banks are privately owned and financed; therefore, this office has no intention of interfering with the business of national banks so long as it is conducted in accordance with the law, in keeping with sound banking practices, and in the public interest.

HUD ANSWERS QUESTIONS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Hanna] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HANNA. Mr. Speaker, last month at a banking and currency meeting briefing session, I addressed two questions to representatives of the Department of Housing and Urban Development. The questions related to present FHA policies and procedures. To those interested in knowing the present HUD views on the particular aspects of the FHA policy question I commend the following to their attention:

HUD Answers Questions by Members of the House Banking and Currency Committee, March 14, 1967

Representative Hanna. In the late 40's home financing was 80% FHA/VA and 20% conventional. In the 60's the mix is reversed—20% FHA/VA and 80% conventional. A change in the mix of the 40's was desirable; the dramatic reversal it seems to us may be questioned.

Among the reasons for this change is the emphasis by the government on standards of construction and the length of time for application processing. Since the situation today is so changed from 20 years ago—with local codes and more sophisticated buyers—how would you react to a suggestion that FHA shift to relying on the local financial institutions for application for guarantees and standards control, and rely more on the allowance of participation to exert national office influence? Setting standards of foreclosure and delinquency, as well as standards of code compliance which must be met to qualify for participation in the FHA/VA guarantee, are already local matters. This change would increase efficiency and decrease required personnel.

Answer. It is true there has been a change in recent years in the ratio between FHA/VA home mortgages and those financed conventionally. According to national estimates, however, this ratio reached its highest point in 1955, when 41% of the new construction was financed with an FHA or VA mortgage. The ratio was 32% in 1949, and the current ratio is about 17%.

The principal reason for the shift from FHA/VA mortgages to conventional lending is the greatly increased liberality of the terms (low downpayments, long amortization periods) under which conventional loans are being made. There is less incentive to use FHA financing when liberal mortgage terms are available conventionally.

In past years, the FHA processing time for home mortgages may have been an influencing factor. Today, it is not affecting the use of FHA financing because of the speed with which the FHA processes applications for home mortgage insurance.

We do not interpret the decrease in the use of FHA financing as an indication that it is no longer necessary for the FHA to serve as the pioneer in setting and developing standards for home mortgage financing. The fact that private lenders are making loans on a conventional basis, similar in terms to those FHA provides, is proof that the FHA is accomplishing its mission of establishing the soundness of the more liberal mortgage terms. The FHA needs to stay in the home financing market to serve as a yardstick and standard against which conventional lending can be judged. We do not believe this FHA mission can be accomplished by delegating to local lenders the responsibility for setting processing standards and standards for delinquency and foreclosure.

Most important of all, it should be noted that during recent years, more than 40% of all new homes selling for less than $15,000 have been financed with FHA-insured loans; inside metropolitan areas the proportion is ever higher. And the FHA has continued to serve special classes of need in its urban renewal, relocation, elderly, cooperative, military, and other special purpose housing programs. Finally, FHA aid continues to add an important fund mobility factor to the entire mortgage market, and creates an element of negotiability that is absent in conventional loans.

Representative Hanna. Secretary Fowler recently suggested that the Congress abandon the interest ceilings on FHA and VA loans.

Reports now available on studies of discount and fee point schedules indicate that the beneficial results sought by a controlled interest ceiling are largely thwarted and to some extent distorted to the disadvantage of the homebuyer by the local factors of discounts and fee points.

What is your reaction to the suggestion of the Secretary of the Treasury?

Answer. The FHA statutory interest ceiling on home mortgages serves as a governmental protection to the homebuyer against exorbitant interest rates. It provides uniformity in the interest rates for all FHA insured home loans.

It is true that fee points and other discounts are collected by lenders in connection with FHA transactions to compensate for the variations among localities in money market conditions. However, any discounts collected are obtained from parties other than the borrower. FHA regulations prohibit the collection of discounts from the homebuyer. The lender is only permitted to collect from the borrower an initial service charge of $20 or one percent of the original principal mortgage amount, whichever is the greater, in the usual FHA home mortgage transaction. This charge may be increased to $50 or 2½ percent of the original principal mortgage, whichever is the greater, where new construction is involved and the lender disburses loan proceeds and inspects the property during construction.

We do not believe the problems relating to discounts would be solved by removing interest ceiling on FHA insured mortgages. During the recent period of stringency in the mortgage market, discounts were also being collected on conventional loans. There would, however, be justification for further flexibility in the FHA-insured multifamily mortgage programs, particularly those which have a statutory maximum below 6 percent.

NEED TO REVISE SELECTIVE SERVICE LAW—XLIV

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Kastenmeier] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, the draft forces the relatively few men who are asked to risk their lives for their country to bear the financial costs of maintaining our armed forces as well. The draftee is expected to subsidize our defense budget by accepting low pay during his first 2 years of service. This is nothing more than a reverse Government subsidy. The military compensation for the men in the lower grades is so small that, by way of comparison, Bruce Chapman, in his book, "Wrong Man in Uniform," reported that an Army private's pay of $90.60 a month is only slightly more "than the pay of a peasant on a collective farm in Rumania." It is also below the $110 and $112 a month, paid respectively by West Germany and Canada to their new recruits. Is it any wonder that 91 out of every 100 draftees leave the military service after their 2 years have expired?

One of the country's most distinguished economists, Prof. John Kenneth Galbraith, has said that the military draft is still "a device by which we use compulsion to get young men to serve at less than the market rate of pay." Galbraith went on to say that—

> We shift the cost of military service from the well-to-do taxpayers, who benefit by lower taxes, to the impecunious young draftee. This is a highly regressive arrangement that we would not tolerate in any other area. Presumably, freedom of choice here as elsewhere would be worth paying for.

Mr. Speaker, it is time we put an end to this ridiculously absurd Methuselahan principle of military compensation which imposes severe financial hardships on men with less than 2 years' service. The pay for inductees and initial enlistees should be substantially raised.

THE TEACHER CORPS: AN EDUCATIONAL BARGAIN

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. HOLLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HOLLAND. Mr. Speaker, I would like to reiterate my support for the Teacher Corps. I was privileged to vote for it last year when we enacted so many fine education programs. One of the finest of them—the one which shows almost unlimited promise—was the Teacher Corps.

We had an opportunity to decide on the merits of the Teacher Corps last fall when we considered its authorization. Both the House and the Senate considered, debated, and approved it. Now, having seen it working, we can take pride in our creation.

Our purpose in debating bills is to consider and decide upon the soundness of the program, to ascertain the amount of money needed to carry out its purpose, and to measure the results of the program against the expectations of Congress.

I favor evaluating established and operational programs by means of debate. It has proved to be an effective way to assure that money will be spent wisely. In the case of the Teacher Corps, called by Life magazine "the best bargain in the Federal education program," this has clearly been the case.

If we fund the Teacher Corps for a second year of operation, the Office of Education will recruit an additional 2,400 spirited, dedicated, experienced teachers as well as qualified college graduates to join the present cadre of 1,200 Corpsmen. These new Corpsmen will then be enrolled for 2 years' service during which they will be made available to school districts with large numbers of children from low-income families. The local school will hire, pay, and control the Corpsmen and the Federal Government will reimburse the school district.

Last year we considered the merits of a Teacher Corps and decided that it was needed and should be established. Since then the program has clearly justified our approval and earned our extended support. I urge not only its continuation but its expansion so that more of our Nation's most desolate classrooms will be served by these dedicated young people.

THE COURTS SUPPORT CRIME AND CRIMINALS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. WAGGONNER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, there are still a few people in the United States who believe that the Congress is somehow to blame for the ever-increasing crime rate. Two prime examples of how the courts have set themselves above the decisions of the Congress were printed in the Washington Post last Friday and this morning.

The first was a 2-inch item buried in the back of the paper stating that the Justice Department has finally given up trying to require the Communist Party to register as Communists. The U.S. Circuit Court of Appeals ruled last year that it violated the Constitution to require Communists to registered as subversive. This lunacy must have provoked a howl of laughter in the Kremlin.

The second item was another shortie—this time, six sentences—taking notice of the fact that a justice of the U.S. Court of Appeals in Boston ruled unconstitutional the amendment to the Selective Service Act which Congress passed last year prohibiting the mutilation or destruction of a draft card.

In these two specific instances, Congress tried to instill some respect for order and law, but the courts will not stand for it. It only remains now to see how much longer this branch of the Government is going to tolerate the excesses of the judiciary. It is completely pointless for us to consider any anticrime bill, particularly the pap the administration has recently proposed, until we take care of the first problem, the courts and their disrespect for any procedure requiring punishment for the lawbreaker. Until we curb the courts, there is no point to further efforts to curb the criminals.

The two items I refer to follow:

JUSTICE DROPS REGISTRATION OF COMMUNIST PARTY

The Justice Department abandoned yesterday a 14-year effort to register the Communist Party of the United States as an agent of the Kremlin.

A Department spokesman said it would not seek Supreme Court review of an appellate court's reversal of the second conviction of the Party for failing to register with the U.S. Attorney General.

Yesterday was the deadline for filing for review of the U.S. Circuit Court of Appeals ruling of March 3 which, in effect, extended Fifth Amendment protections against self-incrimination to the Party.

DRAFT CARD BURNING CASE REMANDED

BOSTON, April 10.—A Federal appeals judge ruled unconstitutional today an amendment to the Selective Service Act which prohibits the mutilation or destruction of a draft card.

Justice Bailey Aldrich of the U.S. Court of Appeals said the amendment was a violation of the First Amendment of the Constitution.

The decision came in the case of David Paul O'Brien, 22, of Framingham, Mass. He was sentenced to six years in prison for allegedly burning his draft card in public last year.

The appeals court upheld O'Brien's conviction, however, on grounds he had violated the Selective Service Act by not having his draft card in his possession at all times. Maximum penalty on that charge is five years in prison and a $10,000 fine.

Judge Aldrich ordered the case returned to U.S. District Court with instructions to vacate the six-year term and impose a new sentence.

INTEROCEANIC CANAL PROBLEM: THE CONGRESS MUST ACT

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FLOOD. Mr. Speaker, one of the gravest questions now before the Congress and the Nation is the interoceanic canal problem. In the diplomatic field, representatives of our Government are negotiating with those of the Republic of Panama on the future status of the Canal Zone. In the area of exploration, we are conducting surveys in the Republic of Panama for a new canal. Despite the importance of the canal subject, the mass news media has virtually ignored it and the Senate, which is a part of the treaty-making power under our Constitution, has been silent. All this has left the people of our country confused and seeking enlightenment.

During the Eisenhower administration it was thought by those in responsible authority following Panamanian invasions and riots in the Canal Zone that the token display of one Panama flag alongside our own, on zone territory, would satisfy the claims and aspirations of radicals in Panama—indeed, a naive judgment.

The two flags were accordingly displayed near the Tivoli Hotel in the Canal Zone. Did that satisfy the radical elements in Panama? Far from it. The flying only whetted their appetite, clamor, and demands for more extended Panamanian authority in the zone, with the display of the Panama flag everywhere the U.S. flag was officially flown.

Again the national administration acquiesced and the two flags were thus raised and maintained throughout the Canal Zone? Did this satisfy the radicals? Far from it. It was boldly proclaimed by their leaders that these recognitions by our Government were proof positive that the Panamanian Government was entitled to immediate, full, and exclusive sovereignty over the Canal Zone. This, if granted, would annul every law passed by the Congress for the administration of the Panama Canal enterprise and every act of our occupation since 1904 when, under treaty provisions and congressional enactment, our Government assumed control over the zone territory for canal and protective purposes.

Thus, Mr. Speaker, we see, just as was predicted by informed Members of the Congress, that a small beginning in the wrong direction opened the door to destruction. The Panama Canal cannot be maintained, operated, and governed efficiently with less authority than that granted the United States by the 1903 treaty. Moreover, it is evident from what has transpired that authoritative elements in our own Government who have so basely acquiesced in all these erosive processes and in the furtherance of supine and suicidal policy are now endeavoring to accomplish by treaty what could never be obtained by the normal process of congressional enactment.

In the exercise of our treaty authority, this has never been done for the oppression of Panama but for the sole reason that we cannot maintain, operate, sanitate, and protect the canal with less authority than that granted in the 1903 treaty. This viewpoint, so long held by our ablest statesmen and administrative authorities, in recent years has altogether been ignored by our responsible officials who have, in fact, adopted the radical aims recently and currently proclaimed in Panama with terroristic tactics. Yet these important facts have been virtually ignored in the mass news media in our country which have not sought information from the best informed sources.

It was primarily to meet the situation of massive news blockout and ex parte propaganda that the Congress in 1966 authorized the publication as House Document No. 474, 89th Congress, of a selected assembly of my addresses under the title of "Isthmian Canal Policy Questions." This volume has been distributed to all Members of the Congress and Government document depositories throughout the Nation. In addition, it has been sent to key officials in the executive branch of our Government and educational institutions. In some of the latter, it is being used as a textbook.

The two main canal issues, as historically evolved, are obvious. First, site; and, second, type. As to site, the struggles for it have been known as "battles of the routes"; and as to type, consideration of this matter has been aptly described as "battles of the levels." Today, history is repeating itself for the third time in the present century with practically all the old arguments and confusion that featured the earlier debates but with an added complication regarding Canal Zone sovereignty.

Over the past few years other Members of the Congress and myself have tried to make clear what the key canal questions are. Though stated many times on previous occasions, I shall do so again:

First, the transcendent responsibility of our Government to safeguard our treaty based sovereign rights, power and authority over the Canal Zone that are indisputable and indispensable for the continued efficient maintenance, operation, sanitation, and protection of the Panama Canal.

Second, the major increase of capacity and operational improvement of the existing Panama Canal through the modification of the third locks project—53 Stat. 1409—to consolidate the Pacific locks and to provide a summit-level lake anchorage in the Pacific end of the canal to correspond with that in the Atlantic sector, on which project some $75,000,000 was expended before work was discontinued in May 1942.

Third, the question of a new Panama Canal of so-called sea level design, or modification thereof, to replace the existing canal.

Fourth, the matter of a new canal at a site other than the Canal Zone.

Though bills designed to meet these questions in forthright and objective manner were introduced, no action was taken until after the January 1964 Red-led Panamanian mob assault on the Canal Zone. In September of that year, on administrative request and without adequate debate, the Congress enacted Public Law 88–609—78 Stat. 990—creating a five-member study group specifically instructed to determine the feasibility of one predetermined solution of the interoceanic canal problem—that of the so-called sea-level type. Later, on December 18, 1964, the President, reversing his previous stand, announced the negotiation of an entirely new treaty on the Panama Canal that would recognize the sovereignty—exclusive—of Panama of the Canal Zone territory.

In two addresses to this House on April 1 and July 29, 1965, on the subject, "Interoceanic Canal Problem: Inquiry or Coverup?" I went deeply into the canal question, including the legislative history of Public Law 88–609. Because of the pertinence of the information developed, I would urge all who are concerned with canal questions to read the indicated addresses, which can be found on pages 428 to 516 of House Document No. 474, 89th Congress, as well as in the CONGRESSIONAL RECORD. In addition, I would suggest careful study of a very able address before the Panama Canal Society of the District of Columbia by Capt. C. H. Schildhauer, on "The Problem of a New Canal: The Best Solution," which was quoted on July 13, 1966, in an address to the U.S. Senate by Senator JOHN G. TOWER and given wide distribution.

The enactment of Public Law 88–609 and the Executive announcement about the plan to return zone sovereignty to Panama have not solved the problem involved in the formulation of objective and realistic canal policy Instead they have complicated them and emphasize the need for adequate action by the Congress: To this end, Representative WILLIAM R. ANDERSON of Tennessee, FRANK T. BOW, of Ohio; CRAIG HOSMER and B. F. SISK, of California; and myself have introduced new bills in the 90th Congress to create the Interoceanic Canals Commission. These measures were approved in 1966, after mature consideration, by the American Legion in a notable resolution.

In order that the Congress may be fully informed concerning the matters above discussed, I quote the text of the indicated bills, Public Law 88–609, the 1966 American Legion resolution, and Captain Schildhauer's addresses as facts of my remarks and invite a comparison of the provision of the bills with those of the indicated law. The documents follow:

A bill to create the Interoceanic Canals Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interoceanic Canals Commission Act of 1967".

SEC. 2. (a) A commission is hereby created, to be known as the "Interoceanic Canals Commission" (hereinafter referred to as the "Commission"), and to be composed of eleven members to be appointed by the President, by and with the advice and consent of the Senate, as follows: One member shall be a commissioned officer of the line (active or retired) of the United States Army; one member shall be a commissioned officer of the line (active or retired) of the United States Navy; one member shall be a commissioned officer of the line (active or retired) of the United States Air Force; one member shall be a commissioned officer of the Corps of Engineers (retired) of the United States Army; and seven members from civil life, four of whom shall be persons learned and skilled in the science of engineering. The President shall designate one of the members from civil life as Chairman, and shall fill all vacancies on the Commission in the same manner as original appointments are made. The Commission shall cease to exist upon the completion of its work hereunder.

(b) The Chairman of the Commission shall receive compensation at the rate of $30,000 per annum, and the other members shall receive compensation at the rate of $28,500 per annum, each; but the members appointed from the Army, Navy, and Air Force shall receive only such compensation, in addition to their pay and allowances, as will make their total compensation from the United States $28,500 each.

SEC. 3. The Commission is authorized and directed to make and conduct a comprehensive investigation and study of all problems involved or arising in connection with plans or proposals for—

(1) an increase in the capacity and operational efficiency of the present Panama Canal through the adaptation of the third locks project (53 Stat. 1409) to provide a summit-level terminal lake anchorage in the Pacific end of the canal to correspond with that in the Atlantic end, or by other modification or design of the existing facilities;

(2) the construction of a new Panama Canal of sea-level design, or any modification thereof;

(3) the construction and ownership, by the United States, of another canal or canals connecting the Atlantic and Pacific Oceans;

(4) the operation, maintenance, and protection of the Panama Canal, and of any other canal or canals which may be recommended by the Commission;

(5) treaty and territorial rights which may be deemed essential hereunder; and

(6) estimates of the respective costs of the undertakings herein enumerated.

SEC. 4. For the purpose of conducting all inquiries and investigations deemed necessary by the Commission in carrying out the provisions of this Act, the Commission is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Commission is given power to designate and authorize any member, or other officer, of the Commission, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Commission may deem relevant or material for the purposes herein named. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

SEC. 5. The Commission shall submit to the President and the Congress, not later than two years after the date of the enactment hereof, a final report containing the results and conclusions of its investigations and studies hereunder, with recommendations; and may, in its discretion, submit interim reports to the President and the Congress concerning the progress of its work. Such final report shall contain—

(1) the recommendations of the Commission with respect to the Panama Canal, and to any new interoceanic canal or canals which the Commission may consider feasible or desirable for the United States to construct, own, maintain, and operate;

(2) the estimates of the Commission as regards the approximate cost of carrying out its recommendations; and like estimates of cost as to the respective proposals and plans considered by the Commission and embraced in its final report; and

(3) such information as the Commission may have been able to obtain with respect to the necessity for the acquisition, by the United States, of new, or additional, rights, privileges, and concessions, by means of treaties or agreements with foreign nations, before there may be made the execution of any plans or projects recommended by the Commission.

SEC. 6. The Commission shall, without regard to the civil service laws, appoint a secretary and such other personnel as may be necessary to carry out its functions, who shall serve at the pleasure of the Commission and shall receive compensation fixed in accordance with the Classification Act of 1949, as amended.

SEC. 7. The Commission is hereby authorized to appoint and fix the compensation of such engineers, surveyors, experts, or advisers deemed by the Commission necessary hereunder, as limited by the provisions in title 5, United States Code, section 55a; and may make expenditures, in accordance with the Travel Expense Act of 1949, as amended, and the Standardized Government Travel Regulations, for travel and subsistence expenses of members of the Commission and its employees while away from their homes or regular places of business; for rent of quarters at the seat of government, or elsewhere; for personal services at the seat of government, or elsewhere; and for printing and binding necessary for the efficient and adequate functions of the Commission hereunder. All expenses of the Commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Commission, or such other official of the Commission as the Commission may designate.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions and purposes of this Act.

SEC. 9. The Act entitled "An Act to provide for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans" (Public Law 88-609, 78 Stat. 990), is hereby repealed.

PUBLIC LAW 88-609

[88th Congress, S. 2701, Sept. 22, 1964
78 Stat. 990]

An Act to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to appoint a Commission to be composed of five men from private life, to make a full and complete investigation and study, including necessary on-site surveys, and considering national defense, foreign relations, intercoastal shipping, interoceanic shipping, and such other matters as they may determine to be important, for the purpose of determining the feasibility of, and the most suitable site for, the construction of a sea level canal connecting the Atlantic and Pacific Oceans; the best means of constructing such a canal, whether by conventional or nuclear excavation, and the estimated cost thereof. The President shall designate as Chairman one of the members of the Commission.

SEC. 2. The Commission is authorized to utilize the facilities of any department, agency, or instrumentality of the executive branch of the United States Government, and to obtain such services as it deems necessary in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

SEC. 3. The Commission shall report to the President for transmittal to Congress on July 31, 1965, with respect to its progress, and each year thereafter until the completion of its duties. The President shall submit such recommendations to the Congress as he deems advisable. The Commission shall continue until the President determines that its duties are completed, but not later than June 30, 1968.

SEC. 4. There are hereby authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act, not to exceed $17,500,000.

Approved September 22, 1964.

LEGISLATIVE HISTORY

House Report No. 1706 (Comm. on Merchant Marine & Fisheries).

Senate Report No. 968 (Comm. on Commerce).

Congressional Record, Vol. 110 (1964):

Mar. 30: Considered and passed Senate.

Aug. 12: Considered in House.

Sept. 1: Considered and passed House, amended.

Sept. 8: Senate concurred in House amendments.

[Forty-eighth annual National Convention of the American Legion, Washington, D.C.; August 30, 31–September 1, 1966]

RESOLUTION NO. 547

Committee: Foreign Relations.

Subject: Panama Canal.

Whereas, in a joint statement on September 24, 1965, Presidents Johnson of the United States and Robles of Panama announced that the two countries were negotiating new treaties with respect to the existing Panama Canal and a new "sea-level" canal which might be constructed across Panama; and

Whereas, that statement made clear that the 1903 treaty "will be abrogated" and that its replacement "will terminate after a specified number of years or on the date of the opening of the sea-level canal whichever occurs first;" and

Whereas, there is no assurance at this time that the construction of a sea-level canal will be determined to be feasible, either in Panama or elsewhere in the area, or that a satisfactory treaty respecting such new canal can be secured so as to provide the United States with the necessary rights for its effective operation and protection; and

Whereas, in the interim, this situation places in serious jeopardy the rights of the United States respecting the existing canal; and

Whereas, the Congressionally authorized Commission currently studying the feasibility of constructing a new interoceanic canal is restricted to studies relative to a "sea-level" canal; and

Whereas, various proposals, such as one known as the "Terminal Lakes Plan," have been advanced for the modernization of the existing Panama Canal, based upon study by competent students of many years experience in maintaining and operating the Canal; and

Whereas, such proposals would not require a new treaty with the Republic of Panama and would not jeopardize the U.S. rights in the Canal Zone; now, therefore, be it

Resolved by the American Legion in National Convention assembled in Washington, D.C., August 30, 31–September 1, 1967, That the American Legion (1) reaffirms its support of the basic and still existing provisions of the 1903 treaty, and the continued, indispensable sovereign control by the United States over the Canal Zone; (2) urges the enactment of legislation (similar to the Anderson-Flood-Bow bills of the 89th Congress) to establish an independent, broadly-based "Interoceanic Canals Commission," having as its mandate the examination of *all* tangible possibilities for improving and increasing trans-Isthmian transit capacity, followed by appropriate recommendations, and (3) urges that, until such a commission is duly created and makes its report, all further negotiations with the Republic of Panama be deferred.

THE PROBLEM OF A NEW CANAL: THE BEST SOLUTION

(Address by Capt. C. H. Schildhauer, USNR, retired, before the Panama Canal Society of Washington, D.C., May 21, 1966)

Mr. President, distinguished guests, ladies and gentlemen: Naturally, the thoughts of all of us are directed to the question of a new Isthmian Canal, either at the present route or at some other location. Because of the grave importance of the subjects involved, I venture to give you my own views on the matter of the best solution trusting that they will be considered objectively. Notwithstanding the fact that there has been legislation providing for consideration of only one solution, the canal matter is of such vast consequence that any inquiry purporting to be comprehensive should consider other treatments. In so doing, the key issues are site and type; and I shall express views which, I believe, reflect the judgment of most of the survivors of the construction of the present canal, including engineers so engaged. All these can appraise the problem realistically because of their intimate experience with, and knowledge of, the extreme difficulties which accompanied the original construction. In this connection, I especially refer to the tremendous question of slides, which would be vastly enlarged in any effort to go deeper into the earth for a so-called "sea level" project if the present site should be recommended as now seems most likely or in any other area.

In recent years much has been published about inter-oceanic canal problems. Writers have vied with one another to make the subject appear new but, as experienced students of Isthmian history well know, the major questions involved are old. The only new feature in the equation is a new crop of advocates and diplomats who have ignored the lessons of experience and have proceeded purely on the theoretical considerations.

The Panama Canal was opened to traffic on August 15, 1914, yet, within ten years, the subject of the type of canal, despite a most careful evaluation of the matter, was still being agitated. In a letter on May 31, 1924, to former Chief Engineer John F. Stevens, who had designed the Panama Canal and brought the project to a point where its success was certain, Governor Jay J. Morrow, one of its ablest governors, made this incisive and prophetic statement:

"The sea-level project is a hardy perennial, and apparently there will always be someone to argue for it, no matter how often the impossibility of realizing any such scheme within practicable limits of time and cost may be demonstrated."

The years passed. With the approach of World War II, our authorities became concerned about the problems of the Panama Canal and sought legislation for increasing its capacity through the construction of what was described as the Third Locks Project.

Authorized in 1939 at a cost of $277,000,000 after insufficient study and inadequate investigations, this proposal provided for one set of larger locks (140′ x 1200′ x 50′) near each of the existing locks but somewhat removed from them and for connecting the new locks with the existing channels by means of by-pass channels. (H. Doc. No. 210, 76th Cong., 1st Session.)

The proposed arrangement at the Atlantic end of the canal was logical because it duplicated a sound layout that has been tested by more than 50 years of successful operation at Gatun. At the Pacific end, however, the original third lock channel plan had three sharp bends that would have created operating problems and navigational hazards of the gravest character. This appraisal is based on navigational experience, study and observation, including many transits of the Panama Canal on naval vessels. Also, it should be especially noted that this project had undisclosed features for converting the canal to sea level according to a plan that had been neither comprehensively studied nor specifically authorized by the Congress!

Active construction started in 1940 and was placed on a rush basis until it was suspended in May 1942 after an expenditure of more than $75,000,000 mostly on lock site excavations at Gatun and Miraflores. Fortunately, no excavation was undertaken on the Pacific side at Pedro Miguel, which left the way open for a re-examination of the project in the light of marine experience before it was too late.

The Panama Canal at that time was the scene of tremendous activities in connection with its military protection and the transit of our naval vessels to and from combat areas in the Pacific. These demands created keen interest among canal authorities, both operating and engineering in the study of canal operational, navigational and engineering problems with regard to planning as derived from lessons learned under war conditions.

Eventually, these efforts inspired the development in the Panama Canal organization itself of what today is known as the Terminal Lake-Third Lock Plan, which proposal would consolidate all Pacific locks in one set south of Miraflores similar to the existing layout at Gatun and provide a summit-level lake anchorage in the Pacific sector to serve as a traffic reservoir.

Recognized immediately by respected canal engineers as the greatest single contribution in the way of canal planning since the removal of the Bohio Dam and Locks to Gatun to form Gatun Lake, the proposal attracted wide support from navigation interests that use the canal, including local naval authorities and, eventually, Fleet Admiral Ernest J. King and Secretary of the Navy Knox.

In its study of the plan, the Navy Department sent the Assistant Secretary of the Navy as a member of the General Board to the Canal Zone to look it over in the field. The General Board recommended strong Naval support of the plan and, in its principal report, made this significant statement: "The General Board is much impressed by the great preponderance of evidence in favor of the lock type and considers that the opinions presented, supported as they are by experience, fully justify the abandonment of the idea of a sea-level canal across the Isthmus of Panama." (Congressional Record, vol. 111, pt. 5, pp. 6757–6766.)

Extensive studies at the time in the Canal Zone, and later in the Navy Department, showed the lake-lock design to be the best canal plan for the transit of vessels practicable of achievement, and at "comparatively low cost", estimated in 1943 at less than $300,000,000 and without the necessity for negotiating a new treaty with Panama. The last is a paramount consideration.

Eventually, the terminal lake proposal was submitted on September 7, 1943, by the Secretary of the Navy to President Franklin D. Roosevelt, who indicated his approval of it as a post-war project. It was subsequently approved in principle by two Governors of the Panama Canal as the preferred form for the modification of the authorized Third Locks Project to meet future navigational needs.

Upset by the wide acceptance of the terminal lake idea for a new lake-lock type canal, advocates of the old and rejected "sea-level" plan, after the startling advent of the atomic bomb in 1945, seized upon that nuclear development as the psychological lever for obtaining legislation for a canal inquiry under a statute, the bill for which was drafted by themselves at the height of public hysteria.

The ensuing act of the Congress (Public Law 280, 79th Congress, approved December 28, 1945) directed the Governor of the Panama Canal to make a comprehensive investigation of the means for increasing its capacity and "security" to meet future needs of interoceanic commerce and "national defense"; and also for a restudy of the Third Locks Project, and a study of canals at other locations.

Taking advantage of the "security" factor inserted in the bill by advocates of the "sea-level" type, the 1946–7 investigators interpreted this factor as paramount and controlling, and money costs not a "governing consideration" and sympathetic propagandists urged it as a "mandate of the Congress!" According to informed members of the Congress at that time, this was a far more extreme interpretation of the statute than was intended by the Congress which enacted it.

The report of this inquiry was submitted in 1947. As expected, it recommended only the so-called Sea-Level Project in the Canal Zone on an alignment different from the existing channel for major canal construction, initially estimated to cost $2,483,000,000 primarily on the basis of its alleged greater "security". It ignored such matters as the vital treaty question involved, and what would be its costs for a huge indemnity to Panama, a greatly increased annuity, and the effect on tolls, all of which would have to be borne by maritime interests that use the canal or by our over burdened taxpayers. No wonder, such report failed to receive Presidential approval! When President Truman transmitted it on December 1, 1947, to the Congress, he did so without comment or recommendations, and the Congress took no action thereon, not even authorizing its printing. Three years later, in the Act of 1950, the Congress, on its own initiative, reorganized the Panama Canal enterprise, placing it on a self-sustaining basis.

As time passed, transits through the Panama Canal increased, and by 1964 its capacity was approaching saturation. On Executive recommendations, without adequate hearings, debate or information, the Congress enacted Public Law 88–609, 88th Congress, approved September 22, 1964, under extraordinary circumstances for so gravely important a matter.

In the Senate, the bill for this law was passed by voice vote without debate; in the House, under a rule procedure that prevented adequate debate on the vital issue. Moreover, the House acted without the benefit of published hearings before the Committee on Merchant Marine and Fisheries that conducted them and those hearings to this day have never been printed!

The statute authorized the President to appoint a so-called "commission" of five men not subject to Senate confirmation to determine the feasibility of constructing only a "sea-level" canal connecting the Atlantic and Pacific Oceans. This action, unwisely restrictive and unprecedented in character, served to exclude from consideration the solution that many competent independent and experienced engineers and other experts considered to be the best and most economic solution when the problem is evaluated from all key angles.

This body is now functioning. It is not the independent and broadly-based commission that situation requires and as was employed in the building of the present canal. The sea-level interests because of the alleged vulnerability of the present high-level lake-lock type canal are using the 1964 enactment to advance the 1947 "sea-level" recommendations with utter disregard of costs or consequences as a "mandate from the Congress" for the second time since World War II.

Meanwhile, the proper handling of the overall inter-oceanic question has been complicated by a series of developments affecting the Isthmus that started when Alger Hiss of the State Department in 1946 listed the Canal Zone as an "occupied area," thereby classifying it as a non-United States possession. Then followed in 1953 the negotiation of the Eisenhower-Remon treaty of 1955, which was supposed to end Panamanian demands for years to come. But efforts to appease, as was foreseen by informed members of the Congress and others, only resulted in greater effort to extort. Today we are in the process of negotiation with Panama for new treaties affecting the canal that would cede back to that country full sovereignty over the Canal Zone. As to that, I can think of no greater disaster for the continued efficient maintenance and operation of the Panama Canal or to Panama itself. It would be far better for Panama if the United States stayed on the Isthmus in perpetuity, for our presence there is the only guaranty for its continued independence.

It is pertinent to observe that the United States would never have undertaken to construct the Panama Canal except under conditions of complete and perpetual control. Moreover, long experience on the Isthmus shows that the present canal could not have been built nor subsequently maintained and operated with requisite efficiency with less authority than our government has exercised under the 1903 Treaty. This is in no sense imperialism but plain common sense, for our responsibilities require adequate authority.

As to the original decision of our government for the high-level lake-lock plan, the wisdom of it has been completely established. It was not a fly-by-night action by irresponsible and incompetent officials or a political compromise as claimed by some propagandists but a reasoned decision after the fullest consideration by some of the best engineers and ablest statemen that our country ever produced, after extensive debates in the Congress.

The principal arguments used by "sea-level" advocates during United States control have always been of hypothetical military character, "security" and "national defense"; not the actual problems of navigation and operations.

During the 1904–06 "battle of the levels", it was the alleged "vulnerability" of the high-level plan to naval gunfire, which was an important factor in causing the division of the Pacific locks into two sets separated by the intermediate level Miraflores Lake—the major error in the design of the Panama Canal. Parenthetically, I may add that the consolidation of the two sets of Pacific Locks were originally urged by Chief Engineer John F. Stevens in 1906 and later attempted by Colonel William L. Sibert but was not done because of public pressure in the United States for immediate action.

In 1939, it was the alleged danger of enemy bombing attacks that led to the hasty authorization of the Third Locks Project and its hazardous channel layout, and, as previously indicated, without adequate study of the crucial navigational and operational features involved.

In 1945, it was the alleged greater "security" of the "sea-level" type against destruction by nuclear attack, which fallacious premise has been extensively exposed in the Congress.

In 1964, it was the alleged greater "vulnerability" of the high level plan to destruction, even by "two sticks of dynamite".

Thus, it is abundantly evident that advocates of a "sea-level' canal adjust their terminology and justifications to their needs for advancing their predetermined objective. They never mention the obvious facts that nothing can be constructed of indestructible proportions, that the greatest dangers in any type of canal in the entire Canal Zone are massive slides, that the critical slide area is in the high central mass, and that any canal, regardless of design, can be destroyed by nuclear attack. Nor do these advocates ever give the costs and complications involved in negotiating a new treaty with Panama to determine the specific conditions for constructing a "sea-level" undertaking in the Canal Zone, which project is not covered by existing treaty and would require a new one.

It is to be noted that "sea level" advocates ignore the fact that the design that they have in mind is not, in any sense, an open strait, such as the Strait of Magellan, but that tidal locks and many miles of lateral dams, diversion channels, and flood control structures on both sides of the ship channel, would be necessary. They also ignore these facts: (1) that a greatly deepened cut required by the so-called "sea-level" design would present a greater peril for nuclear attack than the existing canal and (2) that, as warned by the Board of Consultants, Isthmian Canal Studies, 1957–60, there would be "serious danger of a long interruption to traffic * * *" (Ho. Rept. No. 1960, 86th Cong. 2nd Sess., p. 5, para. 16). Such lack of forthrightness in a matter so grave, is indeed, incomprehensible and, in fact, constitutes a betrayal of our own and Western Hemispheric interests, including those of Panama itself.

In following the canal subject closely over a period of years, I have read extensively in the CONGRESSIONAL RECORD many of the thoughtful objectives addresses and statements of Representative DANIEL J. FLOOD of Pennsylvania, as well as the writings and utterances of distinguished and informed authors. In the quality of their documentation, clarity of expression and force of arguments, Congressman FLOOD's contributions on the canal question are unique in our history and should be studied by all who wish to understand the canal problem. As summarized by him in a statement to the House of Representatives on March 1, 1966, the key issues in the Isthmian question are obvious and simple.

First, the transcendent responsibility of our Government to safeguard the indispensable sovereign rights, power, and authority of the United States over the Canal Zone territory as granted under the 1903 Treaty.

Second, the subject of the major increase of capacity and operational improvement of the existing high-level lake-lock canal through modifying the Third Locks Project to provide a summit lake and anchorage at the Pacific end of the canal to correspond with the layout at Gatun, on which, as previously stated, some $75,000,000 of the taxpayers' money has been spent on lock site excavations only at Gatun and Miraflores. The major part of these excavations can be utilized under the proposed lake-lock plan.

Third, the matter of a new Panama Canal of so-called "sea-level" design to replace the present canal, which, in addition to other structures previously mentioned, requires tidal locks near the Pacific end of the canal where the tidal range has a maximum of 22 feet.

Fourth, the question of a new canal at another site in Panama or Colombia or Nicaragua.

Despite the enactment of the 1964 canal statute, three bills were introduced in the present Congress by Representatives ANDERSON of Tennessee, Bow of Ohio and FLOOD of Pennsylvania to create an independent and broadly-based Interoceanic Canals Commission. The Commission would be authorized and directed to make and conduct a comprehensive investigation and study of all problems involved or arising in connection with plans or proposals for:

An increase in the capacity and operational efficiency of the present Panama Canal through the adaptation of the Third Locks Project (53 Stat. 1409) to provide a summit-level terminal lake anchorage in the Pacific end of the canal to correspond with that in the Atlantic end, or by other modification or design of the existing facilities;

The construction of a new Panama Canal of sea-level design, or any modification thereof;

The construction and ownership, by the United States, of another canal or canals connecting the Atlantic and Pacific Oceans.

You will note that these bills include consideration of the major improvement of the present Panama Canal through modification of the Third Lock Project. This is not included in the 1964 statute which only refers to a "sea-level" canal to meet future requirements. The enactment of these bills, to include consideration of increasing the capacity and efficiency of the present canal, should be included in the full and complete investigation and study of canal problems. The increase of capacity and operational improvement of the less expensive and functionally superior high-level lake-lock canal to meet the basic requirements mentioned in the statute cannot be overlooked in any inquiry that purports to be "full and complete." Moreover, it should be independent.

The high-level lake-lock type of modernization, when considered from all angles, offers the best solution. Besides it could pay its way while the necessary improvements are made. In contrast, a "sea-level" tidal lock canal must be completed to full dimensions at one and its enormous construction cost would be a substantial addition to the national debt for a very long time, to which must be added the diplomatic costs for a new treaty.

Indeed, meeting the canal problem by the major improvement of the existing lock-type canal would inure to the very great advantage of Panama by keeping the canal on the Isthmus preventing the destruction of Panamanian economy, and insuring the continued independence of Panama itself.

My uncle and his top level associates in building the Panama Canal were not men moved by sentiment in making crucial decisions but tough-minded realists. They, like those who follow the sea, had a great respect for the powerful forces of nature, so often exhibited at Panama in the form of massive slides. Were they here today, they would not be influenced by any sentimental feeling evoked by saving their own work but only by the intrinsic realities of the situation that they so well understood. I have every reason to believe from many conversations with him that they would favor the lake-lock plan that I have discussed as the proper solution and would oppose the resurrected idea of a so-called "sea-level" canal, which would require an unprecedented expenditure of the taxpayers' money and open a veritable box of Pandora of difficulties of every character. I, therefore, believe that the wisest and best solution is to keep the present canal and enlarge its capacity and improve its operations to meet future needs of shipping by means of the indicated high-level lake-lock design.

LEGAL AID FOR THE POOR

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. MEEDS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MEEDS. Mr. Speaker, the legal services program continues to win recognition as a vitally important and highly effective arm of the community action program. An article by James C. Millstone, appearing in the St. Louis Post-Dispatch on March 26, describes the outstanding work being done by legal services attorneys, and suggests the fundamental long-range significance of their efforts.

As I know many of my distinguished colleagues will wish to give close attention to the progress against poverty and injustice being made by OEO's legal services program, I ask unanimous consent that Mr. Millstone's article be included at this point in the RECORD.

LAWYERS GIVE AID TO POOR—IMPORTANT REFORMS IN THE LAW COULD HELP REDUCE NATION'S POVERTY

(By James C. Millstone)

WASHINGTON, March 25.—The distance from the poorhouse to the United States Supreme Court shrank perceptibly this week amid mounting evidence that the legal profession and the nation's paupers finally are beginning to find each other.

Government agencies like the Office of Economic Opportunity and private organizations like the NAACP Legal Defense and Education Fund are moving together to assert the legal rights of the poor.

Commentators regard the trend—labeled a "new wave" by the Harvard Law Review—as potentially significant from two standpoints: It promises important reforms in the law to assure justice for the poor and it could profoundly affect the national campaign to reduce poverty.

"What we want to do," says Earl Johnson Jr., director of OEO legal services program, "is to eliminate the laws and practices that make and keep people poor."

The movement promises to rock longstanding institutions and activities that traditionally have rested on the thesis that all the rights are on the side of the nonpoor.

Under most standard public housing practice, for example, a tenant may be put out of a project for no stated reason. In most welfare systems, an investigator may call at the home of a client at 3 a.m. to try to prove that a supposedly missing husband is still around. Most cities pay no attention to the soak-the-poor credit practices of sharp business operators.

The law looked the other way in the past. As Supreme Court Justice William J. Brennan Jr. put it in a recent talk, "our profession for too long presented the image of begrudging our professional talents to those who couldn't pay their way."

In the past two years, agencies offering legal help to the poor have increased their spending from $5,000,000 to $30,000,000 a year, but that still represents less than 1 per cent of the total funds spent for legal services of all kinds in the nation. The poor, it should be noted, make up 25 to 30 per cent of the population.

A case argued in the Supreme Court on Tuesday was a promising symbol of the new trend. It was brought by Mrs. Joyce C. Thorpe, a Negro mother of three, who was evicted from her public housing project apartment in Durham, N.C., in August 1965. Mrs. Thorpe suspected that she was barred because she had helped found a tenant organization, but the city housing authority gave no reason for its action.

In her suit, Mrs. Thorpe insisted that the action violated her constitutional rights because it denied her a hearing, an opportunity to refute any complaints against her and the benefits of the federal program for low-income families.

Her attorney, James M. Nabrit III of New York, told the nine justices: "This is the first Supreme Court case in the 30 years this country has had public housing in which tenants have been in a position to assert their rights. That, your honors, is because public housing tenants have no money."

The reason Mrs. Thorpe was able to bring the case this far was that it was taken over by the Legal Defense Fund, an organization founded in 1939 to develop legal precedents in the field of civil rights. Some months ago, the fund decided to embark on a similar program for the poor, and when the Ford Foundation gave the fund $1,000,000 last November, the group was able to establish the National Office for the Rights of the Indigent.

The new office has access to about 200 attorneys across the nation. It now is processing about 20 cases aimed at setting precedents in poverty law. Mrs. Thorpe's is the first to reach the Supreme Court.

The potential in the new trend can be seen in the possibilities in the Thorpe case. A decision for the Durham woman would invalidate low-rent project leases all over the nation and require new rules and regulations offering greater security to the 2,300,000 Americans living in such projects.

Other major cases at lower court levels being handled by the fund include:

(1) A test of the constitutionality of the money bail system, on the ground that it discriminates against the poor.

(2) A challenge to the "substitute parent" rule in many states which cuts off welfare benefits to a woman with an absentee husband if she forms a relationship with another man, on the ground that such action usually does not consider whether the new man contributes to the support of the woman and her children.

(3) Efforts to prevent housing authorities from evicting a tenant for having an illegitimate child.

(4) A challenge to a new Wisconsin garnishment law which permits a creditor to garnishee 50 percent of an employee's wages without notice to the employee.

The war on poverty's Legal Services Program is turning more and more toward the area of law reform. Charles Edson, former St. Louis attorney who now is chief of operations for the program, explained that the new emphasis is the result of the tremendous caseload volume that has greeted neighborhood law offices opened under OEO auspices.

"Our neighborhood lawyers are being swamped with cases," Edson said. "We feel that one big way to reduce the load is to get a test case ruling to establish a broad legal principle which would then apply to many of the individual cases that come to us."

As an example, Edson cited a District of Columbia case in which a married couple bought an automobile on credit and paid off $1600 of the $2228 cost when the husband lost his job and fell two weeks behind on the payments. The finance company repossessed and resold the car, then sued the couple for the difference allegedly due between the first and second sales, plus charges for repairs, storage and repossession.

The D.C. Legal Services Agency won the case and with it a court decree so broad as to forbid such repossession and sales transactions altogether. Edson estimated that poor people in Washington will save hundreds of thousands of dollars in future years because of the ruling.

Earl Johnson, director of the Legal Services Program, was so impressed with the potential of the law reform effort that he has decided to make that the program's primary goal.

"Through this technique," he said, "legal services programs can accomplish more for the poor with less expenditure of time and money than in any other way."

Much of the litigation in the test-case area has occurred in the field of landlord-tenant law. Legal Services has represented a tenant evicted from a slum apartment because she told authorities of the landlord's failure to correct housing code violations. Another case challenges the legality of a public housing authority denying admission to an otherwise qualified applicant on the basis of an arrest record.

A suit filed by antipoverty lawyers against welfare agencies here seeks to enjoin welfare investigators from unreasonable searches and seizures, prying questions about sexual life and criminal activity and other forms of harassing investigatory tactics in dealing with welfare recipients.

A New York unit is suing for the right to have a lawyer present during interviews between caseworkers and welfare recipients. In Syracuse, antipoverty lawyers are trying to force the school board to provide facilities for emotionally disturbed children of the poor. The St. Louis unit is seeking to alter Missouri law to require more adequate notice of eviction than is presently required.

In Salt Lake City, antipoverty lawyers are attacking the constitutionality of Utah's rule requiring one-year residency for welfare eligibility.

The connection between legal rights and poverty may seem tenuous in some cases. Nabrit, Mrs. Thorpe's lawyer, spelled it out for the Supreme Court in his argument.

"The only people living in public housing," he said, "are those who cannot afford better. For them, it is the only means of having decent, safe, sanitary housing. Arbitrary eviction is to remit them to the slums. That action can be of the greatest consequence in the life of a poor family."

ANTIPOVERTY BILL

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PICKLE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. PICKLE. Mr. Speaker, I join many of my colleagues today in the introduction of a new antipoverty bill, designed to amend the Economic Opportunity Act.

This is a problem of such scope that no perfect answer can be found quickly, and while we are searching for the optimum approach, I feel strongly that we should get behind the type of investment we have made so much progress with already.

If the Members desire to change the administration plan, or to alter the amount of money involved, then it is a matter within the wisdom of the membership. Like most Congressmen, I have some reservations of the increased amount of money involved here, but what I hope to see is that we maintain a positive approach to the entire program, and continue the good work already started.

LOUIS DANZIG: MAN OF VISION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. RODINO. Mr. Speaker, last evening I had the pleasure of attending the 36th annual banquet of the National Housing Conference, where I had the proud privilege of joining in tribute to my dear friend, Louis Danzig, executive director of the housing authority of the city of Newark, N.J.

Lou has long given unselfishly of himself, and has worked with devoted dedication in the cause of his fellow man. In so doing, he has brought honor to his city, and has earned the esteem and respect of all who know of his outstanding achievements.

I am delighted to add my warmest congratulations to him, and am pleased to include at this point the following resolutions of the membership of the National Housing Conference and the city of Newark, lauding this man of vision.

IN TRIBUTE TO LOUIS DANZIG, EXECUTIVE DIRECTOR, HOUSING AUTHORITY OF THE CITY OF NEWARK

There is an indispensable man! Members of the *National Housing Conference* pause in the deliberations of their 36th Annual Meeting to honor him.

For more than a decade, Louis Danzig, as Chairman of the Finance Committee, has succeeded in keeping *NHC* solvent. As a result, the *National Housing Conference* has been able to serve as catalyst for local and national, public and private agencies and groups. It is an innovator of public policies, a stimulator of action, and reporter on both. Lou Danzig has made it possible for *NHC* to continue as the rallying point for all Americans who fight for better housing, for renewed and vital cities and neighborhoods, and against poverty.

The *National Housing Conference* is grateful to Lou Danzig for leadership and assistance far beyond what could reasonably be asked of him. It honors him also for the renaissance he has engineered in his home City of Newark, where he has used the tools of low-rent housing, urban renewal and all of their related social services to bring hope where there was despair, and light where there was darkness to thousands of his fellow townsmen.

By honoring Louis Danzig, the *National Housing Conference* honors itself, and inscribes this message to him with gratitude and affection.

By Resolution of the Membership of the National Housing Conference, Washington, D.C., April Nine, Nineteen Hundred and Sixty-Seven.

RESOLUTION ADOPTED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK AT THEIR REGULAR MEETING HELD APRIL 5, 1967

Whereas, the National Housing Conference assembled at Washington, D.C., on April 10, 1967, recognizing the extraordinary contributions made in the causes of housing and urban renewal by Louis Danzig, Executive Director of the Newark Housing Authority, has selected him to be the recipient of honors; and

Whereas, by honoring him the City of Newark is likewise honored; and

Whereas, while devoting time and talents to the causes espoused by the National Housing Conference on a national level, Mr. Danzig never hesitated on a local level to champion what was good for housing, urban renewal, education, civil rights, labor, the city and all of its people; and

Whereas, he served the City of Newark with distinction, courage and unswerving loyalty, and his participation, counsel and leadership in the affairs of housing and urban renewal, has earned for him the appreciation and gratitude of everyone concerned: Now, therefore, be it

Resolved, That the Municipal Council of the City of Newark, New Jersey commends the National Housing Conference for its selection of Louis Danzig; and be it further

Resolved, That the Mayor and Municipal Council tender this resolution of congratulations with the hopes that it may be a source of some satisfaction to him to know of the high esteem in which he has been and will continue to be held by us; and be it further

Resolved, That a copy of this resolution be suitably inscribed and forwarded to Louis Danzig.

THE TEACHER CORPS—CLOSING THE GAP

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr, RODINO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. RODINO. Mr. Speaker, I rise in support of the Teacher Corps. Each school day, from September to June, school bells ring for more than 45 million American children.

Each child is beckoned with equal urgency to attend school, to prepare for the greater responsibilities of adulthood.

But the tragedy of our bountiful land today is that at least 5 million American children do not receive the educational opportunities to enable them to meet these responsibilities. This is the wasteful gap in educational opportunity that the Teacher Corps is designed to help bridge.

President Johnson describes the Teacher Corps as a plan to bring the best of our Nation's talent to its neediest schools. One could also describe it as a mighty national effort to liberate American children caught in a self-perpetuating cycle of poverty and ignorance.

These are the youngsters whose families earn less than enough to exist, according to the standards of our affluent society. Hence they live in city slums or rural areas where deprivation is chronic. The corps appears to me to be the right vehicle for extending and upgrading the quality of American education where it is most urgently needed.

As a nation, we are spending nearly $50 billion a year on education. The cost of the Teacher Corps—$17 million for fiscal 1967—is small indeed when you consider the far greater costs of neglect and the plague of social and economic ills spread by poverty and inadequate education.

There are benefits beyond calculation that accrue to our country when youngsters, who might have been cast aside, become, instead, valued and productive members of society.

The corps offers also an opportunity for spirited college graduates to enter the field of education. For 2 years they receive professional training—combining practice teaching with graduate study—that is supervised by experts capable of building incentive and promoting professional growth.

Each year the Nation's school systems are forced to function with 170,000 teachers less than we need to adequately educate our young. We cannot afford such a shortage.

The brunt of this deficiency is borne by the very schools we are trying to help. Schools of low-income areas cannot afford to hire enough good teachers. In turn, the students do not get the kind and quality of education they need. And without such education they do not get good, steady jobs. They remain poor, their children are poor, their schools remain poor, and so the cycle continues.

Mr. Speaker, the Teacher Corps is designed to meet this crisis in our educational system. It is a reasonable and sensible approach to a problem that we can no longer tolerate. I firmly hope that this Congress will have the foresight and wisdom to maintain and strengthen the Teacher Corps.

HEARINGS TO OPEN ON ALTERNATIVES TO CIA SUPPORT FOR PRIVATE OVERSEAS ACTIVITIES

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FASCELL. Mr. Speaker, I wish to announce that the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs will shortly begin holding hearings on legislation proposing to provide Federal support for certain private American overseas activities.

Specifically, the hearings will be directed to H.R. 7484 and related bills which were introduced recently by a bipartisan group of members of the Foreign Affairs Committee. Briefly, these bills provide for the establishment of an Institute of International Affairs to do openly what the CIA has been doing covertly in providing assistance to student and other groups.

We are, however, interested in other possible solutions to this continuing problem and would welcome any views and suggestions that our colleagues would like to offer on this point.

The hearings are scheduled to begin next week, Tuesday, April 18, with testimony from Members of Congress.

Private organizations and the executive branch will be invited to testify at a later date.

CHILD WELFARE AND ITS PROBLEMS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BURKE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BURKE of Massachusetts. Mr. Speaker, may I bring to the attention of the Members of the House testimony presented today before the House Ways and Means Committee by Joseph H. Reid, executive director of the Child Welfare League of America on the subject of "Child Welfare and Its Problems," as it confronts the American people. I endorse and concur on Mr. Reid's statement and its conclusions:

JOSEPH H. REID'S TESTIMONY BEFORE THE HOUSE WAYS AND MEANS COMMITTEE ON H.R. 5710, APRIL 6, 1967

INTRODUCTION

My name is Joseph H. Reid. I am the Executive Director of the Child Welfare League of America at 44 East 23rd Street, New York City. Established in 1920, the League is the national voluntary accrediting organization for child welfare agencies in the United States. It currently has 286 child welfare agencies in membership as well as 51 associate agencies. Represented in this group are voluntary agencies of all religious groups as well as non-sectarian public and private agencies. The League's prime functions are research, consultation services to local agencies and communities, standard setting, and child welfare publications.

I am authorized to speak on H.R. 5710 and related legislation by the Board of Directors of the Child Welfare League of America. The Honorable Elmer Andersen, the former Governor of Minnesota, who is the President of the Child Welfare League of America, had planned to testify for the League, but, for reasons beyond his control, he is unable to be in Washington today. Governor Andersen has therefore asked me to present his testimony on the League's behalf.

Although my statement does not necessarily represent the views of all our member agencies since they have not yet had the opportunity to read and approve this statement, in general, the statement is consistent with the views of the great majority of our members. We know there is no disagreement with the principle that there should be Federal financing on a matching basis of state costs for all public child welfare programs. Many agencies have already notified their own Representatives and Senators and this Committee of their views on H.R. 5710, introduced by Mr. Mills, and on H.R. 1977, introduced by Mr. Burke.

We are speaking on behalf of all the children in the United States living in hazardous circumstances in their own homes and those who have already lost their homes. This includes the more than 300,000 children already living in institutions and foster homes. Some are orphans, most are orphans of the living. We are also asking for consideration for the 100,000 children for whom each year adoptive homes must be found and for the unnumbered thousands of children who are neglected or abused by their own families.

The League is hopeful that Congress will give the same consideration to these sorely disadvantaged children that it already has to the aged, the disabled, the blind, and the financially dependent. Unfortunately, the Federal government has not seen fit in the past to treat these children equally. It has primarily left their care to the states and local communities. In fact, dependent, neglected children are the only major disadvantaged group for which the Federal government has not taken an equal share of responsibility with the states. They have no lobby, no vote; they cannot speak in their own behalf. No Administration, past or present, has seen fit to advocate that they be placed on an equal basis with other disadvantaged people. Their hope is in strong Congressional concern and action to remedy the gross inequity in previous Social Security legislation. The fact that so many members in this House, of both parties, have expressed their concern about such legislation, bolsters this hope.

The Child Welfare League is vitally concerned about all legislation which affects the lives of children, and there are therefore sections of H.R. 5710, notably those dealing with public assistance amendments, on which we will wish to comment, in addition to the child welfare services amendments in Sections 235, 236 and 237 of Title II. Our oral testimony, however, will concentrate on the child welfare amendments.

NEED FOR FEDERAL ASSISTANCE ON MATCHING BASIS FOR CHILD WELFARE SERVICES

Basically, the League strongly favors legislation which will provide Federal assistance on a matching basis to the states for comprehensive child welfare programs. Such legislation is best exemplified by H.R. 1977, first introduced in the 89th Congress by the late Congressman Fogarty and carried forward in this Congress by Congressman Burke who introduced the measure on the day following the unfortunate loss of Mr. Fogarty. Co-sponsors to H.R. 1977 include Congressmen Gilbert, Shriver, O'Neill, Farbstein, Edwards, Friedel, Byrne, Murphy, Boland, St. Onge, Macdonald, Giaimo, Fascell, Matsunaga, Nix, Halpern, Eilberg, Fulton, and Senator Pell.

H.R. 1977 is consistent with the recommendations submitted to the 85th Congress by the 1959 Advisory Council on Child Welfare Services appointed by Secretary Arthur Flemming and with the recommendations of the 1966 Public Welfare Advisory Council which was established by Congress under the 1962 Public Welfare Amendments. We believe legislation like H.R. 1977 is essential if the states are to fulfill the mandate placed upon them by Congress in the 1962 Public Welfare Amendments. The Child Welfare League wholeheartedly supported the 1962 Amendments in hearings before this Committee and believes that the Congress deserves congratulations for their passage. That bill was a major step forward in the public welfare field.

EFFECT OF 1962 PUBLIC WELFARE AMENDMENTS ON CHILD WELFARE SERVICES IN THE STATES

The 1962 Public Welfare Amendments contained a new definition of child welfare services which is now Section 528 of the Social Security Act as follows:

". . . public social services which supplement, or substitute for, parental care and supervision for the purpose of 1) preventing or remedying, or assisting in the solution of problems which may result in the neglect, abuse, exploitation or delinquency of children: 2) protecting and caring for homeless, dependent or neglected children; 3) protecting and promoting the welfare of working mothers; and 4) otherwise protecting and promoting the welfare of children, including the strengthening of their own homes where possible or, where needed, the provision of adequate care of children away from their own homes in foster family homes or day care or other child care facilities."

In addition, Congress mandated that these comprehensive child welfare services are to be provided in all political subdivisions of the states by 1975 and that they are to be "for all children in need thereof." The services to be provided, as indicated by the definition, must be comprehensive in nature, directed toward strengthening the child's own home where possible, or when this is not possible, providing a variety of substitute living situations to meet the individual needs of children living away from their own families.

In writing this legislation, Congress followed all the recommendations of the 1959 Report of the Advisory Council on Child Welfare Services, *except* for the vital provisions which would have provided the financial wherewithal to carry out the legislative mandate to the states, namely, matching grants for child welfare services.

Between 1962 and 1965, total expenditures for child welfare services increased by over $106 million. The non-Federal share of this increase was $90 million more in 1965 than it was in 1962. Federal funds for these purposes, however, increased only $16 million from 1962 to 1965. In 1965, state and local funds for child welfare services totaled $335 million. Federal funds added only $34 million to this amount. Over 50 percent of the total spent for child welfare services came from state funds, 40 percent from county funds, and only 10 percent of the total came from Federal funds.

Meantime, the total child population has been increasing. There were three million more children under 18 in 1965 than there were in 1962. By 1970, it is anticipated that there will be a total of 75 million children in the United States under 18.

The increase of children receiving child welfare services has also risen accordingly. The average increase was 5.5 percent per year until 1965 when it increased by seven percent. In 1965, 87 children per 10,000 children in the population were served by public and voluntary child welfare agencies, compared with 83 children per 10,000 in 1964. Almost 700,000 children were served by public and voluntary child welfare agencies in one day in 1965.

Although states have made some progress in expanding child welfare services since 1962, it will be impossible for them to meet the 1975 goal unless the inequities of Federal financing of child welfare services are remedied now. Federal matching funds for these purposes should be available on the same basis as they now are for welfare programs which benefit other disadvantaged groups where there is Federal matching on a variable basis at a rate of at least 50 percent.

Unfortunately, the 1962 Public Welfare Amendments made it more difficult to provide services for children. Child welfare services have been handicapped in obtaining personnel since 1962 because budget bureaus and state legislators are aware that state expenditures for public assistance services personnel will result in additional Federal dollars, whereas expenditures for child welfare personnel will not.

Typical is the comment of the Georgia Director of the Division for Children and Youth:

"No matter how much the State invests in these child service programs, however, the Federal allocation remains practically the same." [Georgia, as a matter of fact, has increased its state funds tenfold over the last four years for child welfare services, from $240,000 in 1962 to $2,400,000 in 1966.] "This places the burden almost totally on state and local governments to finance badly needed help for the growing number of disturbed youngsters in our booming child populations. . . . In the public assistance programs the percentage of federal dollars exceeds 70 percent. Programs such as vocational rehabilitation bring in matching federal dollars for every state dollar invested. The State Budget Bureau invariably notes that additional state funds devoted to child welfare services do not result in an increment in federal funds. This places such services in a very poor position when competing for favorable attention from state legislatures."

FEDERAL FINANCING OF CHILD WELFARE PERSONNEL AND TRAINING—H.R. 5710, TITLE II, SECTION 235 AND H.R. 1977

Child welfare personnel is the basic necessity for sound child welfare services, and state appropriations are not sufficient to meet the need for child welfare workers. The Child Welfare League, therefore, as a first priority, endorses legislation to provide Federal matching at 75 percent for child welfare services personnel and training in a manner which will place the financing of child welfare services on a parity with other state welfare services personnel. We believe that Section 235, Title II of H.R. 5710 is a step in this direction, but does not go far enough because it still leaves child welfare in a poor position vis-a-vis service personnel in other welfare programs. The 75 percent rate of reimbursement for *additional* state personnel and training expenditures is not the same as 75 percent rate of reimbursement of state personnel and training expenditures, even with a maintenance of effort provision, such as the one in the Burke bill (H.R. 1977, page 31, lines 22–25; page 4, lines 1–3). We would therefore urge this Committee to broaden the language of Section 235 of H.R. 5710 in order to eliminate the present discrimination by matching all state and local expenditures for personnel on the same basis as public assistance services personnel.

Under the language of Section 235, Title II of H.R. 5710, we believe it should be made clear that the language, "services provided by the staff of the state public welfare agency or by the local agency participating in the administration of the plan in the political subdivision," is meant to include such auxiliary staff as homemakers and child care staff in day care centers and public institutions, as well as the child welfare workers employed by the state or local public welfare agency.

Child welfare workers are in short supply and therefore their training is an essential component of a sound program. We endorse and support the inclusion of training costs in Section 235 of H.R. 5710 and note that it is also a provision of H.R. 1977, the Burke bill (page 7, lines 17–25).

NEED FOR CHILD WELFARE WORKERS

Child welfare workers are particularly needed because they are the persons who help families cope with problems so that children are able to remain in their own homes whenever possible. By counseling with families, child welfare workers can often prevent or remedy the neglect and abuse of children so that the situation does not deteriorate to the point where the child must be removed from the custody of his parents.

In Massachusetts there is a statewide Society for the Prevention of Cruelty to Children, the largest and best financed private agency of its type in the country, which has been a leader in providing protective services for children. This Society supports greatly expanded public child welfare services. In endorsing H.R. 1977, the Society's Central Legislative Committee and its General Secretary state that:

"H.R. 1977 would materially increase our public department's ability to provide necessary services to children in their own homes that are totally lacking here in Massachusetts. Children's protective services provided by the agency which I administer can only but partially cover the volume of services needed if children are to be given a chance to remain in their own homes with their parents who desperately need help from skilled case work personnel.

"The funds for training an additional case work staff as well as the funds for directing child service programs including day care, homemaker and children's protective services are urgently needed if we are to stem the tide of children who are needlessly placed out of their own homes because these services have not been available to their parents."

The development of public agency protective services is supported by almost all private child welfare agencies, of which the Massachusetts SPCC is but one example.

Child welfare workers can also help families to find and use the auxiliary social services which will make it possible for the child to remain at home. For example, when a mother is out of the home because of illness or otherwise unable to do all the necessary child and home care tasks, homemaker services can help provide the substitute care necessary to keep the child at home and prevent costly foster placement. Day care services, which help care for the child of a mother who must work or is otherwise overburdened, also help keep the child with his own family.

Adoption services, including services to unwed mothers, are another vital function performed by child welfare workers. In a nationwide study made of children in foster care by the Child Welfare League of America,* it was found that 40 percent of these children should have been placed for adoption instead of in foster care. Although foster care is regarded as a temporary placement, this study also revealed the likelihood that a child remaining in care longer than 18 months was likely to remain in foster homes for the rest of his childhood. Adoption is, therefore, a far better solution for children in need of permanent families of their own, and it is also a far more economical solution for the community which otherwise would have to support the children in foster care until they reached adulthood. Today, there are many of these children in need of permanent families of their own who are now in "temporary" foster care at public expense merely because communities lack the funds for adoption workers to expedite adoption placements. Meanwhile, for the same reason, many couples continue to wait for children to adopt.

Other children would not remain in foster care over such protracted periods if workers were available to counsel with the child's parents to help make it possible for the children to return to their own homes. Too many children remain too long in foster care instead of being returned to their own homes. The foster care study clearly indicated that social agencies staffed with untrained workers with high caseloads produce large numbers of children who are unnecessarily in foster care. The economy of low caseloads and well trained social workers has long been established. A large northeastern institution found that three years after employment of trained caseworkers, its population was halved and the average length of stay reduced by two-thirds. One midwestern county replaced untrained welfare workers with trained social workers. In two years, the number of children whom the county supported in foster care was reduced from 520 to 314. Forty-one thousand dollars a year more was spent in salary, but $240,000 a year was saved in foster care costs.

Whatever can be done to bolster a child's own home so that he can be nurtured by his own family is a first essential in a sound child welfare program. To prevent even the necessity of placement away from home and to help return them home as quickly as possible if temporary placement has been necessary, is the desirable goal. Both these essential tasks require additional child welfare personnel in every State. One-third of the counties in the United States still lack even one child welfare worker, and no state has sufficient child welfare personnel to take care of the children already in need of service. By 1975, 16,000 more child welfare workers will be needed if the states are to meet the mandate of the 1962 Public Welfare Amendments.

INADEQUACY OF PRESENT FOSTER CARE SERVICES

All children have a right to a home of their own with parents who love and can care for them. When neglect, abandonment, death or mental illness forces a home's break-up, however, foster parents can provide a substitute family life which enables the child to remain in the community. Foster care is, therefore, necessary and helpful for many children, particularly on a temporary basis. And, despite the best social services, there will always be a group of children for whom foster care will be a necessity. Where a child's home on a permanent basis is not possible for him, even with all possible welfare services, there are two alternatives. One is adoption which is a permanent legal transfer to a permanent home of his own. But where that is not possible, a secure long-term home with a loving, sympathetic foster family is the next best solution. Unfortunately, many children in foster care today are not likely to reach either of these preferred situations.

Foster care services in the states are inadequate and need strengthening. There are children in need of foster care who cannot be placed either because enough foster family homes cannot be found for them, or because the state limits the amount of money and number of foster care placements which can be made. There is a shortage of foster homes in many counties because foster care board rates paid to foster families do not realistically meet the expenses of caring for the children. Some children, therefore, are left permanently in custodial institutions or in dangerous home situations for the lack of foster homes. All this is not only harmful to the sound development of these children, but, in addition, is expensive to the communities both in the short and the long run.

In Kentucky, for example, where the number of foster family placements are limited, figures show that, unlike most other states, there are more children in institutional placements than there are in foster family care. The trend throughout the country has been markedly in the other direction.

Institutional foster care is a necessary part of the child welfare picture, however, and should be included in any comprehensive child welfare program. Some children maintain such fierce loyalties to their own parents that they cannot accept substitute foster parents. Others are so emotionally disturbed that they cannot tolerate or be tolerated by a foster family. A few, cruelly mistreated by adults, need a period of emotional convalescence before they are brave enough to try a new child-parent relationship. Some adolescents, battling to establish their independence from parents, rebel against foster parents just as they would against their own. For this group of youngsters a good institution offers the best temporary solution. It must be not merely a place of custody providing a roof, clothing and three meals a day, but a dynamic center which helps a child move forward to a more normal role in family and community life. Eighty-five percent of all institutional care for dependent and neglected children is now provided by private agencies. Most of these agencies are sorely pressed to obtain funds to maintain their operations on their present basis, let alone improve services to give these troubled children the kind of specialized care they need.

NEED FOR FEDERAL ASSISTANCE IN FINANCING FOSTER CARE—H.R. 1977 AND H.R. 3969

Federal assistance in financing foster care costs is not included in H.R. 5710. It would, however, be included under the provision of H.R. 1977 which would provide for Federal matching on a variable basis, to the states for all child welfare costs. This financing would help the states and localities in carrying the heavy burden of foster care costs which they now bear. At present, Federal funds represent only 2 percent of the national expenditure for foster care. These costs are often carried by the counties which are ill-equipped to meet this burden since county income derives primarily from real estate taxes. As a result, children are not getting adequate foster care, with future prospects even dimmer unless Federal aid becomes available.

The King bill, H.R. 3969, which has been referred to this Committee, would also provide for Federal matching of foster care costs in the states. The provisions of the King bill, in conjunction with the provision for 75 percent matching for personnel and training costs in Sec. 235, Title II of H.R. 5710, would help insure that adequate foster care facilities would be available for children truly in need of placement. This combination would provide the social services personnel necessary to insure that the children who could remain in thier own homes would be able to do so and would not be placed in foster care merely because these services were not available.

The King bill also includes provision for Federal matching for personnel involved in the foster care program. Even when children are necessarily in foster care, child welfare personnel are needed both to assess and place the children in foster homes wisely, and to help foster families work out the problems which arise in foster care placements. Moving from one foster family to another contributes to a child's instability. Studies reveal that this happens far too often. Skillful child welfare workers would help cut down on this harmful process by more careful selection of the foster home and by casework counseling to help the child and his foster family work out any problems which arise. The overall personnel provision of Sec. 235 of H.R. 5710 if properly broadened would incorporate this provision of the King bill.

The Child Welfare League of America supports the King bill as a supplement to the personnel provisions in H.R. 5710, but would suggest that the limits set by H.R. 3969 on the reimbursements for each foster care case should be removed from its provisions.

The Burke bill, H.R. 1977, on the other hand, includes provisions both for the 75 percent matching of personnel and training costs and the matching of other child welfare costs, including foster care. H.R. 1977 would, in our minds, be the ideal solution to this dual problem of providing necessary care both in and out of a child's own family, depending upon the individual needs of each particular child's situation. This legislation wisely gives each state the flexibility to adapt its child welfare programs to the needs of the children in the state, instead of adapting the state pattern of child welfare services to the source of Federal funds.

H.R. 5710—TITLE II, SEC. 236

At present, children in need of welfare services are neglected not only by their families, but also by the Federal government when it does not provide assistance to the states to help the children on the same basis as it helps other disadvantaged groups. Although Section 236 of Title II of H.R. 5710 would remove the authorization ceilings from child welfare grants after June 30, 1968, this would be no guarantee that state funds

---

*Henry S. Maas and Richard E. Engler, *Children in Need of Parents*, Columbia University Press, New York, 1959.

would be adequately matched despite the provisions of Section 235. It would be more equitable in our view to determine the extent of Federal expenditure by the extent of the need in the states, as is the procedure under the public assistance titles of the Social Security Act. Since state patterns of need vary, we believe this is a sound tax sharing device, giving states the flexibility to use Federal funds in accord with their own needs, but consistent with general standards of sound child welfare practice.

MAINTENANCE OF STATE EFFORT

We believe that legislation providing for Federal sharing of child welfare costs in the states should provide for the maintenance of state effort so that Federal funds will be used to supplement rather than substitute for state funds. We believe that the provision in the bill, H.R. 1977, does this wisely, whereas, the provision of H.R. 5710 would require the expenditure of *additional* state funds before any Federal reimbursements were possible. As we have pointed out before, this provision creates an inequity between child welfare financing and other welfare programs.

NEED FOR UNIVERSAL AVAILABILITY OF CHILD WELFARE SERVICES

Since all children may at some time in their lives need care or child welfare services, there must be a universal availability of such services throughout the country and available to all children. Children's problems are not limited by economic, geographic, or ethnic considerations. Help is needed urgently and immediately whenever and wherever a child's care is endangered. Parents may die, become ill, or for other reasons be unable to fulfill their parental functions. Today's modern families are no longer surrounded by the large bolstering family groups of aunts, uncles, cousins and other relatives of yesteryear. When parents are unable to care properly for a child, regardless of their economic circumstances, they may, therefore, need the help of community social services to provide substitute care for their children. For these reasons, it is essential that child welfare services be available throughout the states and available to all children regardless of race, creed, or financial circumstances. Where families can afford to pay for all or part of the cost of such care, states may, and do, make provision for payment of fees in appropriate circumstances.

COOPERATION OF PUBLIC AND PRIVATE SECTORS OF CHILD WELFARE

Both the Burke bill and the King bill provide for cooperative efforts on the part of the public and voluntary sectors of child welfare services. This would insure that child welfare services would be available to all and would permit the purchase of service from properly authorized non-profit agencies on a case by case basis. This would make possible a wider choice of agencies available to serve the specialized needs of children. Current practice permits the states to determine whether they wish to purchase care from non-profit agencies. This includes such services as day care, foster home care, and institutional foster care, including maternity home services, as well as homemakers.

The language of the Burke bill contemplates the continuing authorization of this practice, permitting the states to purchase child welfare services from non-profit agencies. If the provisions of the Burke bill are incorporated in the Social Security Amendments of 1967—as we believe they should be—we would urge that language be included to permit purchase of all child welfare services from non-profit agencies on a case by case basis if the states desire to do so. This should include the present language of Section 523(a)(2) of the Social Security Act pertaining to the use of the facilities and experience of voluntary agencies.

H.R. 5710, TITLE II, SEC. 237

Section 237, Title II, of H.R. 5710 includes a broadening of Section 526 of the Social Security Act with respect to demonstration and research grants. We endorse this change which will permit widespread use of research findings in demonstrating improved child welfare services in the states. We believe that the policy should be continued which would leave to the states the determination of use of demonstration and research funds for experiments in public or voluntary agencies.

RECOMMENDATION TO BROADEN TITLE II, PART 3

The proposed Child Welfare Services Amendments of H.R. 5710 represent a forward step toward helping the states to reach the goals set by Congress for adequate child welfare programs. The Child Welfare League of America, however, urges that they be broadened along the lines of H.R. 1977 to permit more adequate Federal assistance to the states in meeting the costs of child welfare personnel and other necessary child welfare services.

Too frequently in the past, in our view, children have been overlooked because social legislation of seemingly greater importance benefitting more people have taken precedence and priority. At this time, we hope that the Congress will give all children, whether homeless or neglected in their own homes, an equal share at the table of opportunity for a productive life.

H.R. 5710—PUBLIC ASSISTANCE AMENDMENTS

The League endorses Sections 201, 202 and 208 of Title II of H.R. 5710 with regard to public assistance.

We wish particularly to stress the basic importance of Section 202 which would require states to meet the financial needs of families with children, as determined by the state's own budgeting standard of minimum need established on January 1, 1967 and provides for an annual review of the standard to take into account changes in living costs. The best social services in the world cannot help feed the hungry or provide them with the other necessities of life. Living in constant poverty is not the way to promote the healthy physical or emotional growth of the next generation on which this country must depend.

Section 208, which would make permanent the temporary amendments of 1962, is also of prime importance. We believe, however, that the provision relating to assistance for children in need because of unemployment of a parent (AFDC–U) is so important that it should be a mandatory as well as a permanent provision of Title IV of the Social Security Act. We are shocked that only 22 states have included provision for this type of assistance since 1962. We believe it unsound and unwise to continue any welfare practice which actually encourages the break-up of families. We therefore urge that the states be required to provide assistance to families with children with an unemployed parent, as a basic part of the AFDC program.

We also support the principle of Section 201 which would permit dependent children over 18 and their relatives under the AFDC program, to keep part of their earned income without deductions from assistance payments. We believe however, that the allowable amounts of earned income which may be kept should be consistent with the amount allowed under the work training provisions of H.R. 5710 and under similar provisions of the Economic Opportunity Act.

SOCIAL WORK MANPOWER AND TRAINING—H.R. 5710, TITLE IV, SEC. 401

We also endorse the social work manpower and training provision in Title IV, Section 401 of H.R. 5710 which would complement the training provision of Sec. 235 of the Child Welfare Services Amendments. If institutions of higher learning are to be enabled to provide education and training for the additional social work manpower necessary to implement the Social Security Amendments of 1967, it is essential that they have financial help to do so. For this reason, we wish to emphasize our support of Section 401 of H.R. 5710.

SOCIAL SECURITY ACT—TITLE XIX

As to Title XIX, we point out the vital importance of this new program to children and to expectant mothers. Infant mortality rates reflect the socio-economic status of their mothers, as do the figures on the use of health and dental services. The lack of health care is most acute among persons of low income groups. For these reasons we believe the states should be permitted to continue to develop programs under the terms of this new legislation without any modification at the present time. It is premature to modify Title XIX in any basic respect until the states have had further experience with these programs. We would urge particularly that there be nothing in any provision which would restrict the elegibility for Title XIX benefits for children in low income families who could not otherwise afford health care. Children should continue to receive the same care as the other groups now covered under Title XIX. We also urge you not to adopt the proposed change in Sec. 220 of H.R. 5710 which would limit eligibility for Title XIX benefits to an income standard no higher than one and one half times that for public assistance, but urge that the definition of medical indigency be left to state determination as is done under Medical Assistance for the Aged.

We wish to thank the Chairman and members of the Committee for their courtesy in giving us the opportunity to appear and present the League's views.

SUMMARY AND RECOMMENDATIONS OF THE CHILD WELFARE LEAGUE OF AMERICA

There is need for Federal assistance on a matching basis to the states for comprehensive child welfare programs. In the 1962 Public Welfare Amendments, Congress mandated the provision of comprehensive child welfare services throughout the states by 1975, but did not provide matching funds for this necessary expansion. The states and localities presently carry 90% of the financial burden of providing services and care for children. Although the states have increased their expenditures for these purposes, child welfare programs are still inadequate to meet the needs of children, and the states will not be able to meet the 1975 goal without additional Federal participation. Children in need of help are particularly disadvantaged because the Federal Government grants matching funds for other state welfare programs at rates of 50% or more but does not make this contribution to child welfare programs. Although H.R. 5710 takes a step in this direction, it does not correct the present inequities. The League therefore hopes that the Child Welfare Services Amendments of H.R. 5710 will be broadened along the lines of H.R. 1977 in order to provide necessary services and care for children.

Child welfare personnel is the basic essential for any child welfare program. A first priority, therefore, is to provide Federal matching at 75% for child welfare services personnel and training in a manner which would put the financing of such services on a parity with other public welfare programs. Sec. 235 of H.R. 5710 should therefore be broadened to eliminate the current inequities by matching full personnel and training costs.

For children requiring care away from their own homes, there is a need for adoptive services, foster homes and good institutional care which are now not adequate either qualitatively or quantitatively because of insufficient funds. H.R. 1977 would help by providing matching funds for all such child welfare costs in addition to personnel. H.R. 3969 would provide matching funds for foster care costs. The League supports H.R. 1977 as the best solution to meeting children's needs and would also support H.R. 3969 as a supplement to a broadened personnel provision in Sec. 235 of H.R. 5710.

The League supports Sec. 236 of H.R. 5710 which would remove the authorization ceilings, but would prefer to see financing of child welfare services on a matching basis. It also approves Sec. 237 which broadens legislative language with respect to demonstration and research grants. The League supports the maintenance of state effort so that Federal funds supplement rather than substitute for state funds. The League stresses the need for universal availability of child welfare services and urges that full use be made of both the public and private sectors of child welfare.

The League endorses the social work manpower and training grants in Sec. 401 to institutions of higher learning.

Under the Public Assistance Amendments, the League supports Sec. 202 requiring states to meet full financial need, and Sec. 208, but urges that AFDC-U be made mandatory. We also support the principle of Sec. 201 permitting earning exemptions.

The League urges that no changes be made in Title XIX of the Social Security Act that would restrict eligibility for benefits for children and opposes Sec. 220 of H.R. 5710, urging instead that the definition of medical indigency be determined by the states.

FEDERAL COURT FACILITIES FOR NASSAU AND SUFFOLK

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Wolff] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WOLFF. Mr. Speaker, the need for convenient Federal court facilities for the two Long Island counties of Nassau and Suffolk has reached a point where we cannot deny this to them any longer. This need has been increasing at an incredible rate; in fact, the need of these facilities has been increasing as rapidly as the populations of these two counties.

The need for convenient Federal court facilities is apparent from studies of population, geography, and caseload. Under present population estimates, the people of Nassau and Suffolk represent 32.4 percent of the total and by the 1980's this is expected to rise to almost 40 percent, or 2,985,000 of the 7,720,000 residents of the district.

Geographically, the need is also apparent. Brooklyn is in the extreme western corner of the eastern district, forcing litigants, witnesses, jurymen, and attorneys to travel 30 miles from Mineola, 50 from Huntington, 82 from Riverhead, and 129 from Montauk. The existence of facilities at other spots on Long Island would eliminate the hours of valuable time wasted in transit to the present court.

Finally, this Federal judicial district, composed of Kings, Queens, Richmond, Nassau, and Suffolk Counties, is one of the busiest in the United States, being exceeded by only four districts in criminal cases and by only seven of the 88 Federal districts in civil cases. Although no precise, long-term studies have been completed as yet on the percentage of those cases which arose in Nassau and Suffolk, preliminary results show that in over 37 percent of the civil cases docketed during a 3-month period in 1966–67, venue could properly have been in Nassau or Suffolk. Caseload weight, therefore, also demands expanded facilities.

In order to alleviate these problems, I have introduced today a bill which would provide additional Federal court facilities for Nassau and Suffolk Counties by authorizing the Federal District Court for the Eastern District of New York to hold its sessions in Mineola and Riverhead, as well as in Brooklyn, the only present site. The existence of facilities at these two county seats would solve these problems by better serving the residents of these counties, and by reducing the long calendars in the Brooklyn court, and by eliminating the hours of valuable time wasted in transit. In terms of population, industry, schools, transportation facilities, and almost every other barometer of social, economic, and political growth, Nassau and Suffolk represent one of the largest and most rapidly growing suburban complexes in the country. The citizens of those two counties have long been entitled to these new Federal court facilities, and the time for action to alleviate this problem, in order to provide the most effective and efficient Federal judicial service to these areas, is now.

THE POST OFFICE AS A NONPROFIT GOVERNMENT CORPORATION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. Udall] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. UDALL. Mr. Speaker, last Monday on the floor of the House I commended Postmaster General O'Brien for his bold and forthright plan to convert the Post Office into a nonprofit Government corporation. I said then, and I repeat now, I see a great deal of merit in the Postmaster General's proposal and I believe it should be given careful study and serious consideration.

We all know about bad mail service, and there is no need to arouse our tempers again by reciting it now. The President put the matter in historical perspective in his message to us last Thursday when he told of the development of our present postal system. Our postal system is something which has grown like Topsy and finds itself attired in a patched-up garb of another era.

The Nation's press now has had an opportunity to react to Mr. O'Brien's recommendation. Seldom has such a potentially controversial proposal made by a Government executive met with such warm and enthusiastic response. Almost without exception, editorials on Mr. O'Brien's plan have either endorsed it outright or said that it deserves thorough study and evaluation. Without objection I shall insert in the Record at this point a cross section of these editorials from newspapers throughout the Nation:

[From the Washington Post, April 8, 1967]

Unquiet Postal Crisis

Congress can reduce the postal deficit by enacting the rate increases requested by President Johnson. But the crisis of the postal system cannot be resolved by merely increasing its revenues. Radical reforms are required to secure more efficient postal service, and Postmaster Lawrence F. O'Brien pointed the way with his bold proposal for transferring the Post Office to a nonprofit corporation.

The trouble with the postal system is that managerial control is vested in pressure groups—the postal unions, the second-class mailers and the patronage-hungry politicos—rather than in the man designated by Congress to manage the system. Mr. O'Brien has no effective control over the rates charged for the different classes of service, the hiring of employes, the choice of transport facilities or the introduction of labor-saving machinery and procedures. His "area of no control," as he remarked in his witty speech to the magazine publishers and editors, "is almost unlimited."

Mr. O'Brien's nonprofit corporation would be controlled by directors who are appointed by the President with the approval of Congress. Management would be vested in an executive appointed by the directors. And it would be free, within a mandate to cover certain portions of service costs, to vary rates. Wage scales, employe incentives, and collective bargaining procedures would be on the same basis as in private industry.

Given the political power of the vested interests, Mr. O'Brien's proposals will doubtless encounter stiff opposition in the Congress. But a fight for a nonprofit postal corporation ought nonetheless to be waged by the Administration. Even if it lacks at first some of the authority necessary to exercise managerial control, the very establishment of a nonprofit corporation would be a forward step in modernizing the postal system.

[From the Wall Street Journal, Apr. 6, 1967]

Special Delivery From Mr. O'Brien

When a member of the President's Cabinet suggests that his department ought to be run more like business and less like government, that's news. So Postmaster General O'Brien has made news by proposing that the Post Office Department be turned into a nonprofit Federal corporation.

Under Mr. O'Brien's proposal the Post Office would no longer be represented in the Cabinet. The President would name a board of directors who would appoint a professional executive to run the service, with broad authority under a mandate from Congress.

Now whether or not that would be the best solution to the postal system's problems, hardly anybody can argue very persuasively that the present system can long endure. For as Mr. O'Brien says, although he is responsible for the direction and all activities of his department, the Postmaster General's "area of 'no control' is almost unlimited."

He has, for instance, no control over postal system work loads, the rates it can charge, its salary schedules and its physical facilities. For permission to act in most of these areas he must go hat in hand to Congress. Any business whose manager had to wait upon the pleasure of a committee of, all told, 535 politically-motivated members probably would not be run much better than is the Post Office Department.

Indeed, considering that over about a century and a half the department has been expanded, in effect, chiefly by means of a series of legislative patches and lengths of administrative baling wire, it may be a wonder that the system works as well as it does.

However, when some postal officials concede that the pre-Christmas paralysis which hit the mails in Chicago could occur in a number of other cities at any time, obviously the stage at which the department further can be patched is past. And Mr. O'Brien rightly concludes that what is needed is a "bold, fresh approach."

The big obstacle, of course, is Congress, which figures it gets a lot of political mileage from picking postmasters and playing with postal pay. Before the lawmakers ignore Mr. O'Brien's special delivery message of frustration, though, they might ask themselves how many votes they will win by allowing the mail service to collapse.

[From the Christian Science Monitor, Apr. 6, 1967]

Hope for the Post Office

(By Erwin D. Canham)

Conservatives have long urged that the United States Post Office be run by private enterprise. Now comes Postmaster General Lawrence F. O'Brien to propose that it be operated along business lines by a public corporation.

The proposal is bold. As everybody says, it will require very careful study. But there is one reason why it might work today when it might not have worked two decades ago.

In recent years, the United States has learned a great deal about "systems management"—about the operation of very large-scale enterprises, whether in the public area like the National Aeronautics and Space Administration or the private area like the aerospace industry or the automotive industry. Indeed, systems management is one of the great breakthroughs of the computer age. It is already transforming many elements in the American economy.

FEDERAL "JUNGLE"

The Post Office would seem to cry out for this kind of administrative reform. It is, as Mr. O'Brien said, "a jungle of legislation and custom" which hampers efficiency and responsible modernization at every hand.

Under the O'Brien proposal, the public corporation would have a board of directors appointed by the President and confirmed by Congress. It would be managed by a professional executive appointed by the board. Hiring policies, wages, and working conditions would be set by normal collective bargaining, just as in private business.

The postal unions would no longer lobby wages and other changes through Congress. Operating funds would be raised by bond issues. If subsidies were found to be in the public interest they could be legislated by Congress or—I should think preferably—subsidies for limited public services could come out of total earnings if Congress decides certain functions should be carried on at less than cost in the general interest.

DEDICATED MEN

Hopefully the increased efficiency of the total operation would be so beneficial that financial burdens would be greatly lessened. There is no reason why costs should not come down even while wages and public benefits went up. This has been the broad experience in the nearest parallels; the operation of the telephone system or the electrical and gas utilities.

The board of directors, appointed by the President and Congress and yet not directly controlled on an administrative basis by them, could work out the vast changes necessary in the ancient system. The Post Office, from the Postmaster-General at the top down through the postmasters in cities and towns and the mail carriers on the street, has had its large share of dedicated and enterprising men. Valiant efforts have been made to introduce reforms. Valiant officials today try to do their best. But they are handcuffed by the system.

The device of a public corporation has proved effective in recent American experience. The successes of the Atomic Energy Commission speak for themselves. NASA has done a tremendous job. The TVA is an ongoing, long-vindicated operation, although unlike the other parallels it competes directly with private utilities while enjoying major tax and borrowing advantages.

CONSULTATIVE EXPERIENCE

The proposed post office corporation, like the Atomic Energy Commission and NASA, might well contract out some of its functions to private enterprise. It would need the best consultative experience of the systems managers to install and operate its reforms. The transitional stages would be extraordinarily difficult. How would the deadwood be phased out?

These and many other problems would require massive and wise study. Regeneration would not take place overnight. Career workers would certainly have to be treated with consideration. It is interesting that J. Edward Day, the lawyer and former insurance executive who was President Kennedy's first Postmaster General, opposes the idea. The postal unions express grave reserve.

But Mr. O'Brien's courageous idea should not gather dust. The men who know most about operating great systems should advise the Congress on what could be done. It has tremendous possibilities.

[From the Providence (R.I.) Journal, Apr. 6, 1967]

Post Office Reform

Postmaster General Lawrence F. O'Brien has proposed the most drastic change in the postal system since President Andrew Jackson, in 1829, took the system under the presidential wing by giving the postmaster general a chair in the Cabinet.

Ever since that date, the postal system has been deeply embedding in politics. The top job in the department often has been handed out as a plum to the presidential campaign manager. Many of the choicer postmasterships in the past also have been handed out as plums to deserving campaign workers. Virtually every detail of the postal operation, down to the price of a stamp and the pay for the letter carrier, has been subject to political pulling and hauling in Congress.

Mr. O'Brien so far has offered only a sketchy outline of his drastic reform proposal. The outline suggests, however, that he favors cutting the postal department away from its political ties. He would give the department more independence, more elbow room, and more freedom to conduct its affairs without having to run to Congress for permission every time it wanted to replace a worn-out lobby counter.

This objective could be achieved, Mr. O'Brien says, by removing the Post Office Department from its Cabinet-level status and setting it apart as a nonprofit government corporation. A board of directors would be appointed by the President and confirmed by Congress. The directors then would hire a professional executive to run the system.

Congress still could lay out some general ground rules. It could, for example, decide which categories of mail it wished to subsidize and what proportion of the costs should be met from rates. But beyond that, the new corporation presumably would have a free hand to adjust postage rates and to control both its income and outgo.

Under the existing system, the Post Office Department keeps none of its revenue. Every penny it takes in is handed over to the Treasury. Then, each year, the department is compelled to go before Congress, hat in hand, and request an appropriation sufficient to meet its anticipated costs for the coming year.

Under the proposed system, the corporation probably would keep its revenues, plus the congressional subsidies, and use this money to continue its operations.

One would expect to hear a chorus of protest from Congress over this proposal. After all, a department that employs 700,000 persons, that operates on an annual budget exceeding six billion dollars, and has been a political plaything of Congress for more than a century could hardly be withdrawn from the congressional grasp without offending some sensibilities.

But, strangely, the initial reaction to Mr. O'Brien's proposal is quite favorable. Sen. A. S. Mike Monroney, D-Okla, chairman of the Senate post office committee, calls it "very interesting and exciting." Rep. Morris Udall, D-Ariz, praised Mr. O'Brien for his "courage and vision." Rep. H. R. Gross, R-Iowa, has indicated his support for the reform.

Perhaps the size of the postal deficit (about 1.2 billion dollars this year), the enormous volume of mail (more mail is handled in this country than in all the other countries of the world combined), and the vast complexities of the system at last have persuaded the members of Congress that politics and the postal system don't produce a favorable combination and that the time has come for a drastic reform.

[From the Courier-Journal, Apr. 5, 1967]

Drastic Change Is Imperative in Our Creaking Postal System

Postmaster General Lawrence F. O'Brien believes that only a drastic transformation of the postal service can save it from imminent disaster, and there is impressive evidence that he is right. He is so concerned that he proposed the abolition of his job and the creation of a nonprofit, government corporation to run the postal service.

How serious is the situation? Well, the postal deficit is soaring and service is deteriorating, and in the past two years mail volume has risen at almost double the normal 3 per cent annual rate. Last October, an avalanche of mail in Chicago overwhelmed the largest post-office building in the world and showed that the U.S. postal system can indeed break down.

Last year, one of Mr. O'Brien's deputies admitted to a congressional committee that service today is worse than it was in 1956. Mr. O'Brien has launched a program of automation in the postal service, but it has not made much headway so far, and mechanization alone will not be enough.

A HYBRID CREATURE

The whole system is an invitation to inefficiency. The postal service is a hybrid creature of the executive and legislative branches. The Postmaster General is ostensibly the boss, but Congress sets the postal rates; Congress governs the size of the work force and sets pay scales; individual congressmen have a big say in the selection of postmasters.

Morale is so low among many postal service employes, because pay is low and the opportunities for advancement very limited. At present, the Post Office work force is cut up into 24,400 different bargaining units, and when union negotiators fail to get what they want from the management of the Post Office they can go over the department's head to Congress.

Despite all the talk over the past decade about modernizing postal service operations the work of handling the mail, according to *Fortune* magazine, "is being performed today with much the same facilities that existed before World War II, when only one-third as much mail was processed." A measure of how far automation has to go can be found in the fact that 31 per cent of the Post Office's current budget of $6.3 billion goes to pay workers, many of whom still sort mail by hand before pigeonhole cases at the rate of about 30 pieces a minute.

A flood of "junk" mail in the third-class category has created a problem for the postal service and is increasingly a source of irritation for its recipients.

Mr. O'Brien's bold plan for reshaping the Post Office has much to recommend it. Operating as a non-profit corporation, with directors appointed by the President, it could issue bonds to get money for new post offices and other facilities which are sorely needed. It also could control more of its operations by setting rates on the percentage of cost-coverage for various classes of mail. And the postal service could free itself of the maze of regulations that now encumber it.

But only a miracle, or a tidal wave of public support, can put it over. Congress, or at least the four Congressional committees that make most of the important decisions affecting the postal service, are almost certain to oppose the plan. The postal unions already have made known their lack of enthusiasm for it. But change is imperative if the largest postal system in the world is to continue functioning at a passable level of efficiency.

[From the Battle Creek (Mich.) Enquirer & News, Apr. 5, 1967]

POSTAL SERVICE IS RIPE FOR MODERN EFFICIENCY

Postmaster General Lawrence F. O'Brien has put forward an idea worth consideration—to turn the Post Office Department into a public non-profit corporation run by its own board of directors and a professional executive.

The proposal, originated by a task force of business experts, could do much to "take the post office out of politics"—a demand frequently heard ever since Benjamin Franklin was appointed the first postmaster general in 1775.

There would be no cabinet position for a postmaster general who, by tradition and practice, usually serves as an administration's chief politician.

Efficient management and rapid transit of the mails are impossible under the present system. The department has responsibility for running a vast, complicated operation with no control over the volume it handles, the revenue it gets or the wages it pays.

The volume runs to some 80 billion pieces of mail a year, much of it handled at a loss on a cost-fee ratio as high as 34 to 1. Postal rates are set by Congress, which restricts the department in the use of efficient equipment and transportation and whose members add to the loss by their uninhibited use of their franking privilege. Much of the free government mail which the department must deliver is designed to make agencies and congressmen look good, but its effect is to make the department look bad.

Presumably the non-profit corporation would also operate on a non-deficit basis. Franked mail would be charged to its sources, for a needed realistic allocation of costs.

One issue that has never been decided needs to be settled, and the proposed reorganization might well work to that end. This is the matter of how much the postal system should be operated as a public operation and how much as a self-supporting paid service.

A 1958 law calls for postal income to equal operating costs, minus specified services to be paid out of taxes, but Congress, which passed the law, has ignored it. In one year, for instance, Congress raised rates $900 million to wipe out a deficit—but then raised wages $1.2 billion, increasing the deficit. A repeat performance appears to be shaping up this year.

This is a good time for Congress to take a thorough look at the plan which Mr. O'Brien has suggested, to see if at long last the postal system might not now be modernized to current standards of efficient operation and use of the time and labor saving techniques which are available for mail handling and transportation.

[From the Tucson Daily Citizen, Apr. 7, 1967]

POSTAL PLAN MAKES SENSE

Postmaster General Lawrence F. O'Brien called Monday for the abolishment of his department as a cabinet agency. He would replace it with a nonprofit government corporation to handle the mails.

Mr. O'Brien's proposal brought words of encouragement from some Congressional leaders including Arizona's Morris K. Udall, a member of the House Post Office Committee.

President Johnson chose to ignore the words of the man he appointed to the cabinet in 1965. Wednesday, the President formally asked Congress to raise postal rates effective July 1.

The President's request does not solve two of the department's major problems: an accelerating deficit ($1.2 billion by 1968) and an increasing inability to handle the volume of mail (83.4 billion pieces by 1968).

Mr. O'Brien recognizes that these problems cannot be solved by more revenue. He proposes to solve them by taking the department out of politics, thereby increasing its efficiency. He proposes a nonprofit government corporation run by a board of directors appointed by the President and confirmed by Congress. A career executive would run the department. The agency would be empowered to finance necessary facilities by issuing bonds.

The present postal system is antiquated. It is inefficient. Its facilities are tied to pork barrel legislation rather than need. For instance, funds for needed facilities in 10 major cities including Tucson, St. Louis, Atlanta and Syracuse, have been cut from next year's budget.

Under Mr. O'Brien's plan, facilities could be constructed and paid for by bond issues as needed.

It is interesting to note that the post office, in Mr. O'Brien's words, borders on the edge of catastrophe and operates at a deficit of $1 billion annually. In comparison, American Tel & Tel, a private enterprise with a profit motive, blankets the nation in another field of communications. Last year, AT & T had a net profit of nearly $2 billion after taxes.

As a nonprofit, government operation, the post office cannot achieve the efficiency of private enterprise. But certainly it was never intended to be a model of inefficiency either.

Mr. O'Brien's plan should not be ignored. It deserves further study. He should be commended for a plan which would take the post office out of politics and even take himself out of the cabinet.

THE CONSTRUCTIVE INTERACTION BETWEEN THE SMALL BUSINESS ADMINISTRATION AND THE COMMUNITY

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DAWSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DAWSON. Mr. Speaker, the Johnson administration has long been a strong proponent of programs for social justice. The President has encouraged the cooperation of Government with private industry to upgrade the economic and social role of Negroes and other minority groups in our society.

Mr. Speaker, I would like to cite an example of an energetic young businessman in my Chicago congressional district who is witness of the constructive interaction between the Small Business Administration and the community.

Mr. Charles Hobson is a 29-year-old Negro who has been involved in the shoe business since he was 13. He has been a stock boy, salesman, manager, and now owner of a shoe store.

He and his wife faced what seemed to be impossible odds 1 year ago when they thought of opening their shoe store on East 47th Street. The store would be one of 20 retailing shoes on that street.

Hobson's pre-med and philosophy majors in college would be of little help in the practical side of running a business.

As early as 1963, Hobson was planning for the future and took advantage of a series of workshops on business management cosponsored by the Small Business Administration's Chicago office and the First Congressional District Business and Professional Men's Club.

Hobson continued his career as a merchandiser waiting for the opportune moment to strike out on his own. That finally came with the passage of the administration's Economic Opportunity Act of 1964.

On March 15, 1967, President Johnson said of the act:

> New programs had to begin in our cities and rural communities, in small towns and in migrant labor camps. America had to pull the drowning man out of the water and talk about it later.

The Small Business Administration was able to finance Hobson despite his lack of equity capital. He was granted a loan of $25,000 to be repaid in 12 years at $243 per month.

Hobson is the first Negro handling brand-name shoes on Chicago's 47th Street. Business is flourishing. The store deals in quality merchandise and has achieved a gross sales of $85,000. Hobson now enjoys a 25-percent higher net income than before he opened his own business. He employs one salesman full time and one part-time high school student. His wife and brother help out occasionally. He hopes to establish other stores.

Hobson has been a source of encouragement to the Negro community. Several potential businessmen are asking the Small Business Administration for more information on how to start a business with an economic opportunity loan.

The Small Business Administration's economic opportunity loan program will help provide the ambitious, bright Charles Hobsons of this country sufficient backing to realize their dreams and aspirations.

The Chicago regional office of the Small Business Administration will answer the questions future Charles Hobsons will ask in a new series of courses which will be underway April 3 for 10 weeks.

GREENSBORO, N.C.

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. KORNEGAY] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. KORNEGAY. Mr. Speaker, Look magazine, in its April 18 issue, will confirm what those of us who live in and love Greensboro, N.C., have known for years. For, in its publication of next Tuesday, Greensboro will be designated 1 of 11 members of Look's team of All America Cities.

This recognition of Greensboro's all American-ness makes our proud claim official. The work of many individuals and many groups, particularly the junior and senior chambers of commerce, is responsible for this noteworthy recognition by a national publication. But, the recognition surely would not have come but for the daily contributions of many of Greensboro's 140,000 citizens.

Not very long ago, the Piedmont Triad, of North Carolina, was designated as a common standard metropolitan statistical area. The Piedmont Triad, which has become a bustling triopolis as a result of the merging of the social, cultural, and economic interests of its three primary municipalities, Greensboro, High Point, and Winston-Salem, is the 59th largest market area in the United States.

The selection of Greensboro as an All America City completes the honorary degree of the triad, for Winston-Salem and High Point have already achieved this distinction. Thus, the triad itself becomes all American.

Those of us who have the privilege and the pleasure to live in our All America City of Greensboro are proud of the honor we have received. Personally, I think I am even more proud of the way this honor has been received by the leaders and the citizenry of our community. We have accepted this new honor as a challenge, a challenge to even greater achievements and accomplishments.

As a blueprint to other communities who seek All America selection, I would like to include in the Record a presentation which advanced Greensboro's case for inclusion on the All America honor roll. The following is the case of Greensboro, "A City Which Responds to Challenge":

[From Greensboro Business, Mar. 23, 1967]

A City Which Responds to Challenge

(On November 14, 1966, Greensboro Chamber President Thomas I. Storrs headed a Greenboro delegation to Boston to make a special presentation on Greensboro. The presentation? Greensboro's bid for All-America designation to the Awards Jury of the National Municipal League and *Look Magazine*, sponsors of the All-America City competition. Storrs presented Greensboro's case before the 12-member panel of judges which was charged with the responsibility to select 11 All-America cities from the 22 finalists. The text of Storrs' oral presentation follows.)

I am Thomas Storrs, President of The Greensboro Chamber of Commerce.

Greensboro, North Carolina, is a city which responds to challenge with accomplishment. Follow with me, if you will, the record of one such challenge.

One Saturday night in March 1962, parents throughout the city were brought face to face with a problem of which few were aware. Five hundred of their children attended a dance sponsored by a teenage girl's social club. The unchaperoned event progressed into disorder, the police were called, and eight youngsters were arrested on liquor charges.

A nineteen-member committee was at work 15 days later to meet the challenge of directing youth activities into constructive channels. Its labor led to the organization of the Greensboro Youth Council on Civic Affairs, presently made up of 62 high school students and 9 adults with a full-time staff director.

This council is now the recognized voice of Greensboro youth. Its opinions carry a great deal of weight in youth circles and the adult community, just as membership carries prestige. The youth council has established a youth jury to advise our courts on teen-age offenders, a school beautification contest, a program to help young people abstain from drinking alcoholic beverages, a teen-age employment service, a youth leadership workshop, and more than two dozen other projects.

This youth council received national recognition as a result of its mustering of community effort. It has become a model for other areas in distress.

Perhaps more important is the fact that the youth council reflects quite vividly the wide range of human resources available in Greensboro and the facility with which they can be mobilized to meet a specific challenge.

Look with me at Greensboro as a place to work and live.

We are a city of 140,000 in a mushrooming area which includes more than one million residents within less than 50 miles. We are the headquarters of three of the largest industrial concerns in the nation, a major divisional headquarters of a fourth. Other large corporations have important manufacturing and distributing facilities in our city. We are the home of one of the nation's largest life insurance companies, and of several smaller but important ones.

We have four colleges and a major campus of the consolidated University of North Carolina.

In Greensboro, it is "in" for a corporate executive or college professor to work for the community. This reservoir of talent has produced strong responses to the challenges of recent times.

Let me briefly survey recent events in just those terms.

The United Fund had a disturbing history of failures to meet its goals. It became difficult even to recruit campaign workers. In 1963, community leadership accepted responsibility for pre-campaign sales efforts, and teams of businessmen called on their competitors, customers and suppliers to sell the United Fund. The goal was reached, and this selling process became a part of each year's campaign. Greensboro now consistently raises the highest percapita contribution to the United Fund of any city in North Carolina—a total in excess of $1 million for the past two years.

In the field of race relations Greensboro has had its share of challenges. It was the scene of the nation's first "sit-in" efforts for the integration of eating facilities. It was also the scene of mass demonstrations in 1963 which brought paralysis to our downtown night after night. A human relations commission was established that year and has functioned effectively in providing communications and the community effort needed for these problems. Through the direct efforts of this commission our city opened nearly all public accommodations and job opportunities *prior* to the Civil Rights Act of 1964.

In its cultural and recreational life, Greensboro borrows heavily from its educational institutions. The Greensboro Symphony, formed by the joint efforts of the University and the community, followed the Greensboro pattern of difficulties, involvement of city leadership, and success. The current season completely sold out a 2,500-seat auditorium before the first performance.

A recently formed Community Arts Council is now well on its way toward a unified fund-raising effort.

The community has been consistently responsive to the money needs of its educational institutions. Just last month a foundation was established to channel a flow of private funds into the University of North Carolina at Greensboro. The impetus for this foundation, it should be emphasized, came from the community as an *offer* of assistance rather than from the University as a request.

Greensboro is quite proud of its annual golf tournament, The Greater Greensboro Open. It is the richest tournament on the PGA winter tour and one of the richest in the world—with a purse of $125,000. But it wasn't always that way.

Just five years ago, with a purse of only $35,000, the tournament was in danger of being squeezed off the PGA schedule. Our Jaycees, who had sponsored the tournament since 1938, needed help. They got it from a community grateful for such an outstanding sports event. Business and civic leaders threw their weight behind a campaign for the sale of $100 sponsor tickets. Last year, more than 600 were sold to form the nucleus of the funds needed to underwrite the tournament.

Economic challenges are not lacking in Greensboro. Let me speak of two of them.

History and the business structure of our community have led to a number of outlying office buildings and shopping centers. The resulting decay in the center of the city brought forth a recent effort by downtown businessmen, first, for a survey and development plan for the downtown, and second, for the implementation of this plan. Traffic patterns have been drastically revised, streets widened, arterial flows established, and property owners are responding with improvements. There is a new 16-story office building downtown. Bids were opened today for a $1,250,000 parking facility financed by downtown property owners, and the city and county governments are working on a $10,000,000 complex of joint office buildings presently under design across the Charles River in the offices of Eduardo Catalano. Raising the money will provide another challenge!

Industrial development in the city and its environs reached a virtual standstill several years ago as suitable sites became scarce. Businessmen concerned with the growth of the city prevailed upon city and county governments to agree on the extension of city utilities into the county. The result has been a $50 million growth in the basic productive facilities of Greensboro.

Closely allied to these developments was a city bond issue. Again the familiar problem-challenge-response sequence. A $14 million bond offering in 1963 for streets and an expanded water supply was defeated. The city government was shaken to learn that the public would not underwrite absolutely necessary improvements. Equally shaken were the non-government leaders of the community who foresaw a city strangled by inadequate streets and limited in growth by its water supply. Two years later a $19 million bond issue was offered, accompanied by a citizens' campaign of more than 100 speeches, 20,000 telephone calls, 38,000 pamphlets delivered to voters, and advertising that blanketed the city. The result was a record turnout for an off-year election, and the issue won by a 4 to 1 margin.

If there is one aspect of our city's life that best tells the story of community performance, then I think it would have to be our Jaycees, 450 members strong.

Last year the Greensboro Jaycee Chapter was proclaimed No. 1 in the United States. It then outdid that honor by becoming the first U.S. chapter to be named No. 1 in the world.

These young men have learned valuable lessons in leadership and community responsibility. And, in all honesty, I must admit that they have frequently given their elders lessons in these same fields.

This is a less-than-unbiased presentation of the facts concerning Greensboro. Now, let me shift to an objective appraisal of our city by one of our many newcomers. Last September a new corporate citizen came to Greensboro. We now have the international headquarters of Gilbert and Barker, Inc. (Gilbarco), a world-wide subsidiary of the Standard Oil Company of New Jeresey. The firm manufactures fuel handling equipment. It has an annual wage bill in Greensboro of more than $4 million.

This company moved to Greensboro only after a thorough search of alternative locations. It had no sentimental ties to Greensboro. It was not drawn there by tax exemptions or gifts of land.

The president of the company is Mr. Sidney Low. Let me ask him a question and give you his taped reply. "Mr Low, why did Gilbarco select Greensboro?"

(From the tape) *"Gilbert & Barker is an engineering-oriented company which is also concerned with the welfare of its people. We applied engineering techniques of analysis to the business and human factors involved in relocating our company. In effect, we fed into the computer all the factors which we could evaluate that would bear on the business performance of our firm and the living conditions of its people. The answer was Greensboro, North Carolina."*

Thank you, Mr. Low.

Thank you, ladies and gentlemen.

Mr. Speaker, as an example of the new challenge that confronts those of us in Greensboro, we might consider the challenging words of a Greensboro High School student, writing an editorial column for the Greensboro Record of April 4. Bill Buckley of Grimsley High School says, in his editorial:

ALL AMERICA—YEAH!

(By Bill Buckley, Grimsley High)

Last week Greensboro was chosen as one of the 11 All-America cities. Hurrah! This name is not the end of it. We now have a great deal to do. Why was Greensboro chosen as one of the 11? Because we have shown to ourselves and other people that we have a truly wonderful city . . . or do we? Look around you for a moment. Do you see any signs of "unall-Americanism?" If you do, we should try to do something about it. What are some things that need attention?

Have we cleared the city of all poverty-stricken areas? Certainly not. While it's true we've done a lot about it, we haven't completely remedied the problem.

Have we eliminated crimes and other unpatriotic gestures that cause the downfall of many cities? No. We still have thefts and an occasional murder, but we have improved the problem. We still need to do a great deal about the crime rate.

We have a multitude of wonderful people in Greensboro; maybe you're one of them. We have talented citizens who really deserve to be a part of Greensboro's glory. In short, we have many all-America people. Still, no matter how much we try, we continue to have some rotten apples that insist on slinging mud on our title. We have brought many people over from this rotten side but there are some bad ones still around. We need to work on this also.

Don't get the idea that just because Greensboro is "All-America," it's perfect.

We weren't chosen All-America because we're perfect, but because we have made a great amount of progress. Now we have to make more progress on our ever-growing poverty situation, our crime rate and our "rotten apples." How can you help? The next time the Jaycees or some other organization asks for your cooperation, respond willingly. If you do, you will be doing your part in keeping Greensboro "All-America."

NATIONAL SAFETY COUNCIL AWARD OF HONOR

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. KORNEGAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. KORNEGAY. Mr. Speaker, I was recently notified that a constituent firm in Greensboro, N.C., my hometown, had been awarded the highest honor that can be received from the National Safety Council.

Thompson-Arthur Paving Co. is an outstanding member of North Carolina's business and industrial community and has achieved an enviable record in the field of industrial safety. The company, its officers and its entire personnel force are deserving of commendation for having compiled such a safety record.

At this point, I would like to insert in the RECORD a copy of a news article which points up the great achievement of Thompson-Arthur in the safety field. The article follows:

THOMPSON-ARTHUR PAVING CO. RECEIVES NATIONAL SAFETY COUNCIL AWARD OF HONOR

The Thompson-Arthur Paving Company of Greensboro, North Carolina has been awarded the highest honor that can be received from the National Safety Council for an outstanding safety record in 1966.

This award is the Award of Honor, which is presented to companies which make excellent records in preventing accidents. This is the seventh consecutive year that the firm has been recognized by the National Safety Council for their accident prevention program.

The Thompson-Arthur award was on the basis of its record in 1966 when its accident frequency rate was 1.96 for each million manhours of work and the severity rate was 51 days of time lost for each million manhours.

For the entire highway construction industry in the Nation, the average for the three years prior to 1966 was 28.82 accident frequency rate and a severity rate of 3668. According to statistics of the National Safety Council, the 1966 Thompson-Arthur performance records was 87 percent better than par for the whole industry in frequency of accidents and 97 percent better in severity rate.

The company employs from five to six hundred men in North Carolina and Virginia. It has offices in Greensboro and High Point, North Carolina and Danville and Martinsville, Virginia.

LAUDING APPOINTMENT OF THE HONORABLE VICENTE T. XIMENEZ TO THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. WHITE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WHITE. Mr. Speaker, I am sure I speak the sentiments of many thousands of my constitutents in praising the action of President Johnson in naming the Honorable Vicente T. Ximenez to the Equal Employment Opportunity Commission.

Last January 16, when I introduced my bill, H.R. 2426, to increase the Commission from five to seven members, I pointed out to the House that the objectives of the Civil Rights Act of 1964 could not be fully achieved until there was better representation on the Commission for the millions of United States citizens of Mexican descent.

In the course of my remarks I noted:

> These Americans seek and deserve the opportunity to fully participate in the work and advancement of our nation. Their dedication to American ideals has been demonstrated again and again. . . . It is well known that the rolls of honor of those killed in military action and those wounded in service to their country have a high percentage of Americans of Mexican descent. Eleven Congressional Medals of Honor for World War II, and six for the Korean War were awarded to citizens of Mexican descent.

Just last week, this impressive roll of honor was lengthened with the award of the Medal of Honor to Daniel Fernandez, of Los Lunas, N. Mex., who gave his life for his country and his fellow soldiers when he threw himself on a grenade to save the lives of others.

Thus, the war in Vietnam continues to record the deeds of heroism by this group of our citizens, and I want to here express the appreciation of my constituents for the appointment of the Honorable Vicente T. Ximenez to the governmental body responsible for aiding their efforts toward equal economic opportunities.

Mr. Ximenez is a native of my home State, and for the past 17 years has been a resident of our neighbor State, New Mexico. He is a trained economist, an able teacher, and a skilled diplomat. As one of the founders and a past national president of the American GI Forum, he has worked hard to promote the successful adjustment of young veterans of Latin-American descent to successful civilian life. I know his efforts as a member of the Equal Employment Opportunity Commission will serve to bring about the objectives for which that Commission was created.

THE PUBLIC TELEVISION ACT OF 1967

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. PEPPER. Mr. Speaker, today I was the first witness before the Senate Commerce Committee, regarding the Public Television Act of 1967. Since my constituents as well as legislators and educators are strongly supporting this legislation and since a very few have voiced opposition, I would at this time like to offer my testimony before that committee in order that my colleagues and all who read this RECORD may understand the true facts about this bill and the need for its passage:

H.R. 6845: THE PUBLIC TELEVISION ACT OF 1967

(Statement of the Honorable CLAUDE PEPPER, before the Subcommittee on Communications of the Senate Commerce Committee)

Mr. PEPPER. Mr. Chairman, members of the Committee: I thank you very warmly for the privilege of appearing here this morning in support of this legislation.

I highly commend the able Chairman upon his very complete, comprehensive and penetrating statement upon this subject. I believe these hearings are going to be of immediate and of immeasurable significance to the people of this country. And he is highly qualified to take the leadership in this great opportunity that is offered to our economy.

I think all of us would like to say a kind word, and one of recognition and gratitude for a lady who is a member of the Federal Communications Commission, as the able Chairman referred to, by long and valued and gallant fight, not always an easy one, who made possible the reservation of this television channel, opposed by many competing commercial interests who wanted to make commercial use of it.

Fred Ahenna, as some of us remember, fought valiantly and successfully in making this channel possible for educational television.

Mr. Chairman, I very warmly welcome this opportunity to appear here today in support of S. 1160 and of my bill, H.R. 6845. I commend the able Chairman of the full Committee for his sponsorship of S. 1160.

As a former teacher and one who has always been vitally interested in education, I have long recognized the growing contributions of communications to the field of learning. The jet speed of our technological revolution, especially in the area of communications, has arrived faster than our reflections can handle. Many of our Nation's school children are living in an electronic environment only to enter a classroom which might be operating on the postulates of the past. The conflict between the dynamic world of technological advances and the somber world of traditional approaches to learning is upsetting for both the student and the schools. What is needed is an immediate desire on the part of educators to yield to change and focus their reflections on the exciting media of the future, particularly educational television and radio.

The medium of television is so new and yet has already been criticized for not living up to its potential. Quite recently an entirely new jargon has appeared in the world of television: public television as contrasted with educational television so that the public won't regard the medium as being too highbrow; instructional television as distinct from educational television to single out the advantages of televison for classroom use; satellite television and its immediate application for international communications; and quality television to distinguish it from the mass programming which focuses on the size of its audience. But the greatest plea for excellence in educational television came from President Johnson himself in his message to the 90th Congress when he said, "We should insist that the public interest be fully served through the public's airwaves."

A multitude of things have happened since 1900 and many of them have resulted in our new technology. Today, television and radio enter a child's life at such an early stage that he is often planted in front of a TV set or hears a playing radio when he is still in diapers. Children will listen to radio and watch television, but the majority of the programs offered to them are merely a device to keep them quiet rather than stimulate their curiosity and learning. When introducing this bill, I proposed that a Corporation for Public Television be established to provide support to noncommercial television and help local stations improve their proficiency.

I strongly endorsed the President's recommendations and I am proud to say that I was one of the first House members, so far, to introduce a similar bill.

The subject of educational television is not new to me since I introduced two bills to finance educational television prior to the President's recommendation. I sincerely hope that an Educational Television Act will be passed in this session of Congress and intend to press for hearings on this subject on the House side of the Congress. I commend this Committee for taking the initiative in conducting these hearings, and I am sure our able Chairman, Mr. Staggers, will shortly follow your leadership and will shortly have hearings on this vital subject.

Although the word "radio" has been omitted from the title of the bill, the medium of radio was not forgotten in the language of the bill. It has been demonstrated that educational radio can make an important contribution in developing the potentiality of man. Because of its accessibility and portable nature, radio can reach out to all Americans everywhere and can reap from all the advances made in instant communications. Recently Jack Gould, the television and radio critic of the *New York Times*, wrote that "National education radio at present is farther ahead in tapping the rewards of international broadcasting than any other American TV service." In stating my interest in educational radio, I hope that I have conveyed not a downgrading of educational TV but an uplifting of educational radio. This distinguished radio critic was recently at guest at our state university and made a very interesting statement on our public educational television communication facilities.

To emphasize the importance that my own state of Florida places in educational radio, there are now seven operating educational radio stations in Florida and the Board of Regents is now considering a plan to establish an educational radio station at each of its 26 junior college campuses, and hopes to establish a live, interconnected statewide educational radio network. The state has already asked the Federal Communications Commission to reserve noncommercial channels in each of the 26 cities involved. Such a system would, obviously, have a large variety of uses—in school training, at-home training, cultural enrichment and many other uses.

Mr. Chairman, I will not go into details regarding the provisions of this bill; however, I would like to briefly outline the provisions of this bill:

1. An increase in Federal funds for construction of educational radio and television facilities to $10.5 million for fiscal year 1968. This would be more than triple the 1967 appropriation for aid to educational television.

2. Creation of a Corporation for Public Television which would channel public and private funds to noncommercial radio and television stations for facilities and program development.

3. $9 million in fiscal 1968 for initial funding of the Corporation for Public Television. This would extend the program of Federal assistance under the Educational Television Facilities Act of 1962 which expires on June 30th of this year.

I, as well as many of my colleagues in both Houses, have recently been deluged by mail in opposition to this legislation and specify to that of the creation of the Public Television Corporation. Most of this correspondence has called this bill a "Hitler-type propaganda ministry." In other words, they have said that by the passage of such a bill, "The people of this country have lost the last vestige of freedom."

Mr. Chairman, this could not be farther from the truth. These people, whom I am sure have good intentions, have not had an opportunity to read this bill. Because of these statements and accusations, I feel it necessary that we give some detail of the provisions which relate to the Federal Government's participation in this program.

The proposed corporation for Public Television is quite specifically prohibited from any "take-over" of program control on the nation's educational stations. The able Chairman has made that clear. President Johnson's education message to the Congress states that "noncommercial television and radio in America, even though supported by Federal funds, must be absolutely free from any Federal Government interference over programming." Again a statement the able Chairman emphasized. The proposed Public Television Act made this charge specific (see page 14, Subsection D of H.R. 6845) that the corporation "carry out its purposes and functions and engage in activities in ways that will most effectively assure the maximum freedom of the noncommercial educational TV or radio broadcast systems and local stations from interference with or control of program contents or other activities."

The corporation is further forbidden from any political activity and no political test can be used in selection of its staff or its board members. The corporation is insulated in other ways from political interference. Its board members are chosen by the President and are confirmed by the Senate and both, of course, are elected by the people. Furthermore, the corporation is forbidden from being the originator and operator of any broadcasting itself. It "may not own or operate any TV or radio broadcast stations, system, or network, or interconnection or program production facility" (see page 16, Section 3 of H.R. 6845).

Most significant of the means to prevent any "take-over" is that each local TV station is itself a complete locally-controlled entity. Stations are licensed to universities, school systems and educational organizations, themselves responsible to local legislatures or citizens boards. Their charters and their Federal Communications Commission licenses forbid Federal program censorship of any sort. (Communications Act, Sec. 326.)

At last, the dreams of the great medium of educational television have been realized. I hope these dreams can become a reality, the kind of reality that can use communications to erase ignorance. Educational television and radio has a great message to offer its audience, the message of learning and hope.

Mr. Chairman, I would like to add that I think this is one of the most meaningful opportunities ever offered to the American people for the use of this technological model in the education of their children and in the education of the people generally.

I was at Harvard Law School before I ever lived in a city where there was an art museum or where there was a gallery or where there was an opportunity to see or hear good music. Today there is no excuse for the most remotely resident American not to have an opportunity to enjoy the best cultural influences and activities and performances in all the world by the use of the satellites as well as these television facilities. Children in a country school should be able to take a visit to the farthest art galleries of the world, and come to know the masters and works of art as they come to know the common things that they study in their books, by the medium of this marvel of communications.

The school, of course, with one teacher, an able teacher, can teach thousands—even millions—for that matter. And now I heard on the radio the other day in my car, while a program is being broadcast, they can call in information through these marvelous communications centers. You can almost have instantaneous communication between one teacher and all these students that are seeing and observing the television on the screens, and over the sound devices in the several schoolrooms and classrooms of the country.

This is another way that is also bringing to the public the libraries, the great libraries. Every person doesn't have the same incentive to go to a public library, to open a good book, learn and study from it, derive pleasure from it. It is much easier just to turn a knob on his television set in his living room and see and hear the context of the things that he could see and hear in the great libraries of the country.

In other words, the knowledge, the culture, the learning, the magnificent accomplishments of the cultural past come to a man's living room or to a boy's or girl's classroom by the medium of this marvel of communication.

This thing about competition with the commercial system—instead of causing the commercial system to discontinue their public program, you may be sure they want everybody to look in on their TV for educational TV. They are not going to expect their listening audience and their looking audience to be attracted only by their commercials. They have to have something to excite the interest of people, to make them turn the knob to their channel, to turn it entirely to their channel. And it will stimulate them. I don't want to take away the profit motive. They have got to make a profit or they can't operate. We want to stimulate them. But it is just like Social Security and private insurance. A lot of people thought when Social Security came, it would destroy the private insurance companies of the nation. It stimulated them.

In the days when I had the pleasure of being a member of this great body, they talked of giving assistance to heart and cancer research. A lot of conscientious and misguided people said, "You will destroy the American Cancer Society and the American Heart Association; you will destroy private incentive if the Federal Government is going to aid them." It stimulated the private contributions.

This will stimulate it. But it will stimulate not only larger contributions to the public interest, but of improved quality in private commercial programing.

Mr. Chairman, your able Committee is engaged in great work. I thank you for the privilege of appearing.

Senator Pastore. Thank you for a very splendid statement. I think you set the drama of this hearing.

Are there any questions of the Congressman?

Senator Cotton. No. I join and commend the Chairman in his remarks.

Mr. Pepper. Thank you very much.

Senator Hartke. No, Mr. Chairman; however I want to commend my able colleague for his fine statement.

Mr. Pepper. Thank you, Senator, and thank you, Mr. Chairman.

SUPPORT OF H.R. 7242, FOR INCLUSION OF FLIGHT TRAINING, ON-THE-JOB TRAINING, AND PAYMENT FOR RECORD EXPENSE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Pepper] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. PEPPER. Mr. Speaker, I rise to support H.R. 7242, introduced by me on March 15. Last year this body made the momentous decision to extend to Vietnam veterans the educational assistance provided veterans of World War II and the Korean war. The preamble of the 1966 GI bill very aptly sets forth that noble purpose.

> The Congress of the United States hereby declares that the education program created by this chapter is for the purpose of . . . extending the benefits of a higher education to qualified and deserving young persons who might not otherwise be able to afford such an education, providing vocational readjustment and restoring lost educational opportunities to those service men and women whose careers have been interrupted . . . by reason of active duty after January 31, 1955, and aiding such persons in attaining the vocational and educational status which they might normally have aspired to . . . had they not served their country.

Correspondence from all parts of the country, however, indicate the surprise and disappointment of many veterans that two important areas of education included in 1944 and 1953 bills are, in spite of this expression of such generous intention, excluded from the 1966 GI bill. When I am asked why the Vietnam Veterans Educational Assistance Act excludes on-the-job and flight training I have no answer. Therefore, I have introduced H.R. 7242 to restore assistance paid veterans for these two important areas of training.

H.R. 7242 also restores provision for payment to educational institutions of $1 monthly for each veteran enrolled to defray the expense of submitting the required reports and certificates.

These provisions are contained in Senate bill 9, which is sponsored by over half the Members of the Senate. The veterans bill which passed the Senate in 1965 also contained them.

Flight training was eliminated from final enactment in 1966 because it was thought that such training under the Korean GI bill was used for avocational purposes. I believe that the widespread popular concern over its elimination definitely indicates demand for such training. The aviation industry is training for occupational purposes. Regulations limiting flight training to vocational ends can be adequately formulated just as they have for other areas of training. The aviation industry is, needless to say, a greatly expanding one; from the great increase in construction and enlargement of municipal airports to development of supersonic aircraft. If the present rate continues, the airlines will have to cope with a shortage of 12,000 pilots in 1970. Why then should one of the most extensive educational acts of our Nation's history exclude preparation for an industry upon which our Nation is increasingly dependent?

H.R. 7242 would provide that veterans in flight training receive assistance at the rate of 75 percent of the established charge of the flight school. If the veteran's program of education consists of other education or training, this assistance will be in addition to assistance for the other courses. If his program consists only of flight training, he would receive no other educational assistance.

Another conspicuous shortcoming of the 1966 GI bill is that it excludes assistance for on-the-job training. Previous GI benefit legislation included such training. Right now our Government is heavily financing and calling upon its citizens to fervently support programs for increasing manpower skills. The wide-ranging Job Corps program is one of our most ambitious social experiments. Over 100 Members of Congress have sponsored a plan for tax credits for employers who provide training programs which meet the requirements of the Human Investment Act. Amid the expanding and enthusiastic development of this area of manpower training and retraining, again I ask: Does it make sense that we exclude this vital area from the 1966 legislation for educational development which is among the most far reaching and momentous of all time? At the same moment we ask our citizenry to undergo sacrifices for the very type of training program which we exclude.

With the introduction of H.R. 7242 I propose that assistance for apprenticeship and on-the-job training be provided at the following rates: $80 per month for single veterans, $100 per month for veterans with one dependent, and $125 per month for veterans with two or more dependents. But no monthly rate would be paid which, when added to the veteran's pay for the work performed, would exceed $370. The State-approving agency would require among other standards, the following:

First. That there be reasonable certainty that the job for which the eligible veterans is to be trained will be available to him at the end of the training period;

Second. That the wages paid be equivalent to those customarily paid and the training period be not longer than that customarily required;

Third. That the training content of the course be adequate to qualify the veteran for appointment to the job for which he is trained;

Fourth. That the training establishment be provided with adequate space, equipment, material, and instructing personnel.

Finally, H.R. 7242 would restore, as I said, the provision that educational institutions receive $1 a month for each veteran enrolled to defray expense of submitting required reports and certificates. With the introduction of H.R. 14688 in the last Congress I attempted to secure provision for this payment in the 1966 final enactment.

My colleague from Wisconsin, Representative Laird, has introduced a more extensive bill which includes these three proposals. Indeed, I am heartened by the broad and bipartisan support of which Mr. Laird's bill is an example. Just as in the Senate, the proposals for inclusion of flight training, on-the-job training, and payment for monthly record expenses are not confined to any one party, nor to any one section of the Nation.

NATIONAL CEMETERY LEGISLATION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. St Germain] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, I have been informed by the chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. Aspinall], that due to a resolution introduced by Mr. Teague of Texas, amending the Rules of the House in order to transfer jurisdiction over military and national cemeteries from the Committee on Interior and Insular Affairs to the Committee on Veterans' Affairs, Mr. Aspinall's committee plans no action on any national cemetery legislation until this matter of jurisdiction is settled.

In checking with the Committee on Rules, to which Mr. Teague of Texas' resolution has been referred, I have learned that they also have scheduled no action on this legislation.

In view of this checkmate, I would at this time, like to urge all my colleagues interested in establishing new national cemeteries and expanding existing national cemeteries, to join me in a concerted effort to persuade the Rules Committee to act on Mr. Teague of Texas' legislation so that legislative action to gain more burial space for our departed, honored veterans can be taken in this Congress.

In all of New England, which has almost 1½ million veterans, there is no national cemetery, while in the South Atlantic region, which has a little over 2½ million veterans, there are 24 national cemeteries or one cemetery for every 124,000 veterans. Because of this glaring inequity and the great contributions made by the veterans from Rhode Island, I introduced a bill in the 89th Congress and again in the 90th Congress for the establishment of a national cemetery in Rhode Island.

However, the inequity is not limited to New England and, because of this, many bills have been introduced calling for the establishment and expansion of national cemeteries in other parts of the Nation.

At hearings held in the 89th Congress, many of my colleagues and I voiced our dissatisfaction with the existing policy on our national cemeteries which fails to meet the growing needs of more burial spaces in addition to being a highly inequitable policy. Yet, no remedial action was taken in the 89th Congress and, if we fail to get the Rules Committee to take action on Mr. Teague of Texas' resolution, another Congress will pass without necessary action being taken on this matter.

I have no intention of allowing this to happen and will, therefore, make every effort to gain prompt action on this matter during this Congress. I hope that other Members share my feelings on this and will join me in making their views known to the House Rules Committee.

URGE EDUCATIONAL EXEMPTION OF $600

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Fuqua] may extend his remraks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FUQUA. Mr. Speaker, I have introduced a measure today which would provide for an additional $600 exemption for those taxpayers having college students dependents.

This measure is prompted by two basic factors.

First of all, the cost of attending college is rising all over this Nation. I am informed that the average full-time student at public 4-year institutions must pay some $1,011 per year, with those attending private institutions paying an average of $2,014.

Obviously, this is a pretty heavy financial load to bear, particularly when there are other children in the family either in high school or also in college.

Secondly, this is a time when we need all of the brainpower this Nation can produce. It makes good business sense, for every college graduate will return in taxes, several times the amount of the noncollege graduate.

I feel that this bill will provide much needed relief in the very area where it is needed, for the person who is paying the costs that allows a student to attend college.

It is fair and equitable.

My bill would allow the parents or the guardians of a student to claim the exemption. It would allow the student to claim the exemption, if this were in his or her best interest.

The cost of a college education is going to increase. It is going to be an ever-increasing burden on those who must bear the cost.

It would seem to me that this is one of the best ways to give these families some assistance in meeting this responsibility. While it will cost the Federal Government in the short analysis, it will more than repay itself when these college graduates enter the business and professional world.

I sincerely hope the committee to which it is referred will quickly and favorably consider this legislation. Its passage, I feel, is in the best interest of this Nation.

UNLOCKING EARLY LEARNING'S SECRETS

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Pucinski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, as a longtime proponent of early education for the young, I was delighted to read Life magazine's recent story regarding the enormous potential of the brainpower resources in even our very youngest children.

It has been obvious for some time that a complete revitalization of our educational techniques and our outmoded educational system must take place so that we may benefit from the harvest of intellectual curiosity which waits only to be stimulated into productive thought and action.

Mr. Speaker, it is a pleasure to call my colleagues' attention to the efforts being made by some of our more perceptive educators and scientists in this field of educating the very young child. This timely article follows:

UNLOCKING EARLY LEARNING'S SECRETS

A tiny baby follows a pattern of blinking lights in a sequence she has seen before—and memorized. She is far too young to sit up but, as her memorizing shows, not too young to begin the learning process. This astonishing discovery is one of many made by an army of educators and child study experts across the nation who are probing, poking and cajoling infants and toddlers—and in the process becoming convinced that a child's capacity to learn has scarcely been tapped by traditional methods of education. It has been found, for example, that 4-year-olds can be taught algebra and to spell complex words. The results of some studies are already being applied to help preschool programs like Operation Head Start overcome the learning gap that disadvantaged children face. Seventy U.S. cities have now embarked on preschool programs, half of them begun within the last two years. These have proved so valuable that the influential National Education Association's policies commission has made a revolutionary proposal: a formal program of education for all children should begin at age 4. As this ambitious idea gathers momentum among educators, psychologists expect their research to lead them to an even more ambitious goal—unlocking the mysteries of the learning process itself.

Until very recently, most child psychologists believed that children inherited a fixed intelligence, and in their early years developed at a fixed rate governed by their age. The value of learning experiences in the preschool years was usually belittled, or considered psychologically dangerous. Today the experts realize that neither physical nor mental development is so predictable: one researcher, for instance, discovered an orphanage in Teheran where children were unable to sit up at the age of 2, or to walk at the age of 4, simply because no one had taken the time or trouble to teach them how.

In the U.S., Harvard's Burton White (left) and Jerome Kagan have learned that training and attention can produce dramatic differences in children's rate of mental development. A child's personality develops so early that White and Kagan hope soon to be able to predict in a child as young as eight months traits that will lead him to become impulsive or reflective, aggressive or apprehensive, introverted or extroverted.

In the long-standing debate over inherited *vs.* acquired abilities, White and many of his colleagues now stress environment as the key to learning ability, and see a great field for development of toys and games that teach. "The baby is a novelty-digesting machine that devours change," Kagan says. "Pushing him to new experiences keeps him moving." The trick is to develop the environment for creative, enjoyable learning in his preschool years, without pushing the new techniques so hard that they become a fad—and cause both parents and children, in their anxiety for self-improvement, to lose all the pleasure in learning.

By the time a child reaches the age of 4, psychologists claim they can effectively measure the consequences of his background—and their findings are alarming. Children raised in the barren surroundings of poverty are already so far behind middle-class children raised with books and music and articulate parent that they may never catch up. One study measured the potential I.Q. gap caused by a slum environment alone as 20 points. For such children, school may never be anything more than a bewildering, humiliating nightmare. Early learning specialists are by no means agreed on what to do about the problem. One direct and widely approved technique is that employed by Dr. Glen Nimnicht at his New Nursery School in Greeley, Colo. To overcome the deprivations of culture or language encountered by Spanish-American and migrant children, he works in a "responsive environment" classroom. Here a child learns to develop his senses and skills—and through these methods his self-esteem—with teaching toys such as telephones and typewriters and with puzzle games where he can discover new things for himself at his own pace. Variations on this "discovery technique" are used in many Head Start classes to help children fill their learning void before formal schooling begins.

Such easygoing benevolence rankles Siegfried Engelmann, who with Dr. Carl Bereiter operates a no-nonsense pre-school at the University of Illinois. Bereiter and Engelmann, the latter a former advertising man and author of *Give Your Child a Superior Mind,* horrify most of their colleagues with their hard-nosed approach. "Discovery-oriented learning is phony learning," scoffs Engelmann. "One child is learning and five aren't. Our system is more rigid and structured. The kids are hollered at and praised." His group of children, largely Negro and virtually inarticulate when they begin classes, are drilled relentlessly in math and language. Their teachers demand responses in unison, accept no excuses, require complete sentences each time a question is asked or answered. "It's precise training; practice, not theory," says Bereiter. The results are pretty impressive. By the end of a year his preschoolers know factoring, can deal with negative numbers and simple algebra. Their I.Q.s rise an average of 15 points. It is still too early, however, to tell how long the effects of this high-pressure learning will last.

Scientific interest in the learning process is as old as psychology itself. For almost half a century, Swiss Theorist Jean Piaget has been studying learning sequences in children. A whole generation of U.S. parents dutifully tried to raise their children according to the now largely discredited theories of Gesell and Ilg, who based their development timetables on inflexible norms. The current ferment really began with a 1960 conference at which Jerome Bruner, director of Harvard's Center for Cognitive Studies, proclaimed, "The foundations of any subject can be taught to anybody at any age in some form."

Much of the research that has been carried on since has been masked in almost impenetrable jargon—to an early learning expert a nipple can become an "optimal intra-oral stimulus," and a man describing "the open-ended sequence relationship between stimulation and creativity" can turn out to be talking about how a child handles building blocks.

Conflicting ideas produced at different child study centers are keeping the field in healthy agitation. But new insights have already produced new and useful techniques. At Berkeley, Dr. Arthur Jensen has devised a more objective I.Q. test which makes it possible to spot promising but undeveloped children from deprived backgrounds who otherwise might be overlooked.

At the University of Chicago's Urban Child Study Center, psychologists are learning how lower-class mothers can stifle their children's chances in school, not only by their own lack of education but by an attitude which says, "Go to school, shut up and stay out of trouble." Head Start has made real break throughs by involving mothers in the education process, so they can see the opportunities available to their children. "Most middle-class kids are treated like a new hi-fi set," observes Harvard's Jerome Kagan. "They're worked on. 'Let's make him a prince' is the idea. But the lower-class kid is like a pet cat—a thing just to have around—unworked."

Though the National Education Association is serious in proposing that universal schooling begin at 4, it will be years before such a goal is reached. The introduction of five million more pupils and complex new teaching techniques into the nation's already overburdened school systems would be more than most communities could now handle—either in terms of money, trained staff or the required low pupil-to-teacher ratio. Until the experts themselves learn more about the mechanism of the learning process, this may not be altogether a bad thing. Many of them feel that middle-class children get too much prodding already, and that intensified schooling might produce more psychological problems than it would cure. "Learning is a social thing," says Dr. Kagan. "Attention, affection and rewards make for a good learning climate. But today everyone is told 'Go to school and be smart—learn the graphs and get the rewards for it in later life. . . .'" His colleague Burton White adds: "It's important to know the timing. Do we want a kid who can read at three and be a viper at the age of 10?"

Since play and learning are all one and the same to a small child, "school readiness" is largely a function of his previous specific learning experience. A professor's child can be just as disadvantaged as the poorest slum child if no one takes an interest in him. A poor child can get a rich variety of knowledge if his parents have the time, know-how and concern to teach him. Everything the early learning studies have uncovered points up an old truth. "It's the psychological environment that counts," as Berkeley's Jensen puts it. "It's what the parent does with the child."

THE PRESIDENT'S SUCCESS IN HELPING THE VIETNAMESE TO HELP THEMSELVES

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Pucinski] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, President Johnson calls it "the other war" in Vietnam. He has described this "other war" as a battle for the hearts and minds of the Vietnamese people, who have known more than 20 years of war and suffering.

What is this other war? And how successful is it?

To answer these questions, the Chicago Tribune asked its veteran roving correspondent Chesly Manly to tour Vietnam and investigate the impact of the pacification program on the lives of the people. Manly toured Vietnam for 10 weeks.

Some of his findings: 572,000 refugees have been resettled; 341,000 have been returned to their own villages, now liberated from Vietcong control; more than 20,000 Vietcong defected to the government side in 1966; the rate so far this year is almost twice as high; the Government controls all major population centers and 10,000 of 13,000 village hamlets. And everywhere the people are organizing for self-help and community action programs.

It is clear from Mr. Manly's articles that the United States and the Government of South Vietnam are helping to create a new era of progress for that war-weary nation.

Under unanimous consent I place Mr. Manly's articles in the Record at this point:

[From the Chicago Tribune, Mar. 27, 1967]

South Vietnamese Making Giant Strides in Pacifying Task

(By Chesly Manly)

Saigon, Vietnam, March 26.—The Vietnamese are making progress for the first time in the task of pacification and reconstruction of the rural hamlets of this country. They call it revolutionary development.

President Johnson calls it the "other war." He defines it as a war for the "hearts and minds of the people." The Communists, however, long since have alienated the hearts and minds of the people, as they frankly admit in secret party reports and directives, many of which have been captured.

A total of 1,755,000 Vietnamese have voted with their feet against the communist terror by fleeing to government controlled areas. Of these refugees, 572,000 have been resettled, 341,000 have been returned to their own villages, now liberated from Viet Cong control, and 842,000 are still in temporary shelters, awaiting resettlement or return to their own villages.

More than 80 per cent of the registered voters of this country indicated their support of the government by going to the polls in the national assembly elections last September, despite communist threats of violent reprisals and many actual armed attacks on the polling places.

PACIFICATION A MAJOR PHASE OF WAR

Pacification of the rural areas is no *other war* but it is a major phase of *the* war in Viet Nam. This is so because the war will not be won, no matter how many Viet Cong and North Vietnamese main force combat units are destroyed or driven out, until the local guerrillas are killed or captured or induced to give up the struggle.

There are increasing indications that the local guerrillas would soon give up the struggle if they could be deprived of North Viet Nam's support, which sustains whatever hopes they still have of winning the war. More than 20,000 Viet Cong defected to the government side in 1966, and the rate so far this year is almost twice as high.

The government's *chieu hoi* [open arms] program brought in 1,108 V. C. defectors in the week ending Feb. 25 and 1,168 in the week ending March 4, both new seven-day records. Many of the defectors turn in their weapons. In the delta province of An Giang, four V. C. brought in their political commissar, tied by his hands and feet to a shoulder pole, like a pig being carried to market.

Essentially the government's reconstruction program consists of nation-building, from the hamlet up. The first task, however, is pacification—eradication of the invisible V. C. infrastructure. The people help the government in this task by identifying the V. C. and the government helps the people with all sorts of economic and social development projects.

Pacification is a task which must be performed mainly by the Vietnamese themselves. The United States could not pacify the whole country without occupying it for years with perhaps a million men or more. This would destroy the initiative and responsibility of the people as well as any hope *of building a viable nation.*

PREVIOUS PROGRAMS FAILED IN HAMLETS

All previous efforts of this kind, beginning with the Ngo Dinh Diem government's "strategic hamlet" program, have failed for the same reason—lack of regional security. Communist main force units were driven *out in major offensive thrusts by the Vietnamese army*, but they always returned when the government forces moved to another region.

Meanwhile the V. C. infrastructure remained intact, terrorizing the people and disrupting efforts by the government to establish its authority. Village and hamlet chiefs and other community leaders were assassinated as examples of what would happen to government collaborators. Families were told that their children would be disembowelled or decapitated.

Yet all this time the fiction was maintained in reports throughout the world that the Vietnamese masses were neutral or indifferent in the struggle against communism and had to be won over to the government side before there could be any hope of military success. Actually military success had to come first, not to win the people over to the government side but to make it possible to begin the task of nation-building.

At last it has been recognized officially by American and Vietnamese authorities that pacification and meaningful social development cannot begin until the people are assured of protection from major armed attacks. This protection is provided by United States and allied forces in their "tactical areas of responsibility" and in continually expanding areas of operations by the 10 divisions and other units of the Vietnamese regular army.

There are 12 battalions in each Vietnamese division. Five battalions of each division, 50 in all, are receiving special R. D. [revolutionary development] training. They will be responsible for regional security, as well as local civic action work, in their respective areas. Vietnamese regional forces, organized in companies and controlled by the province chiefs, also will be responsible for the protection of groups of hamlets undergoing reconstruction.

Vietnamese and American officials estimate that only about 1½ million of South Viet Nam's 16 million people live in hamlets that are completely controlled by the V. C. They estimate, however, that about 2½ million others live in contested areas that are still too insecure for meaningful R. D. efforts.

The government controls all the major population centers, including the autonomous cities of Saigon, Hue, Da Nang, Cam Ranh Bay, Da Lat, and Vung Tau. There are 13,984 rural hamlets, of which the government controls 10,017. The other 3,967 are either controled by the V. C. or are subject to continuous V. C. depredations.

About 75 per cent of the rural hamlets now controlled by the government at one time or another have been under varying degrees of V. C. control and most of them still have to be pacified. Most of the hamlets that have never been controlled by the V. C. are considered pacified, but they require social development in varying degrees.

The government's new R. D. program, launched last year and upgraded this year, was conceived by the Vietnamese themselves and they are running it.

The United States, however, is paying for it and supporting it energetically with advice and technical assistance and civic action *work by every American military unit in* Viet Nam and by an army of 1,900 civilian employees of the embassy, the agency for international development, the joint United States public affairs office, the central intelligence agency, and other activities. All are under the direction of a new authority called *OCO [office of civilian operations].*

The Vietnamese intend to spend almost 6 billion piasters [about 50 million dollars] on R. D. this year. This money comes from counterpart funds generated by American economic aid. In addition, the United States provides equipment and materials of various *kinds for local public works and self-help* projects.

American economic aid to Viet Nam, including rice and other agricultural products, now totals about 700 million dollars a year. Never in history has any country done so much for the people of another as the United States is doing for Viet Nam. Many Americans wonder whether we are not doing too much, but the cost of all this aid is small compared with the cost of the war.

WORLD IS WATCHING

Moreover, both the United States and the Communists have decided to make Viet Nam a supreme test in the global struggle between freedom and communism, and the whole world is watching to see what happens here. Not only the Communists but also the French and anti-Americans in other countries, as well as thousands of intellectual saboteurs in the United States, appear to be obsessed by a morbid longing for the United States to fail in Viet Nam.

But all Americans in Viet Nam, military and civilian, are optimistic, and their confidence of success appears justified by the dedication and zeal with which the Vietnamese government has undertaken the task of nation-building, with the evident support of the people.

Maj. Gen. Nguyen Duc Thang, the R. D. minister, is regarded by American officials as one of the ablest men in the government. Many province chiefs also have won the admiration of Americans who work with them for their vigorous administration of R. D. programs.

NAME DEDICATED MEN

The 43 province chiefs, who represent the central government, have far more authority in their provinces than an American governor has in his state. In former years most of them were corrupt and as aloof from the people as viceroys, but the present government has appointed many dedicated young army officers who actually live on their military pay, so far as knowledgeable Americans can determine.

A major objective of the R. D. program is to unite the people and foster patriotic nationalism. The people are urged, to consider themselves Vietnamese, whether they are Buddhist, Catholic, Cao Dai, Hoa, Hao, or merely ancestor cultists, Tonkinese, Annamites, or southerners, Chinese or Montagnards.

Progress in this campaign is indicated by the friendly reception accorded to Premier Nguyen Cao Ky, Gen Thang, and other representatives of the central government on their travels around the country. Even the Montagnards of the central highlands, who once were called moi [savages] by the Vietnamese and were attracted in great numbers only three years ago by the so-called FULRO revolutionary movement, instigated by the Communists, have been won over to the government side. About half of the 800,000 Montagnards are refugees from the communist terror.

Recently Gen. Vinh Loc, Vietnamese II corps commander, appointed a Montagnard officer as chief of Pleiku province, a truly revolutionary event.

The term "revolutionary development" may seem a little strange for the social reconstruction program of a government that is at war against communism. Premier Ky used the Vietnamese term *xay dung* which literally means construction. Ky himself translated it into English, however, as revolutionary development, and that term has stuck.

Actually the program does call for a social revolution, to build a nation with human resources that have been corrupted and depleted by 75 years of rotten French colonialism, more than 20 years of war, and 10 years of systematic genocide by the Communists.

[From the Chicago Tribune, Mar. 28, 1967]

PACIFY, REBUILD: VIETS' FORMULA WORKS WONDERS

(By Chesly Manly)

SAIGON, VIETNAM, March 27.—The South Viet Nam government has 31,000 revolutionary development specialists in rural hamlets, working with the people on pacification and social reconstruction.

The R. D.'s mission is to eradicate the invisible Viet Cong infrastructure, arm and train the people for self-defense, and improve their condition of life so they will be prepared and have a stronger incentive to do their part in rebuilding this war-torn nation.

A school for the training of R.D. teams, operated by the government at Vung Tau, has graduated three classes. Under its present schedule, a new class of 2,200 will complete the 12-week course every five weeks.

FIFTY-NINE GRADUATES IN EACH NEW TEAM

Most of the R.D. teams now in the field are nongraduates of the Vung Tau school but all have had experience in the work they are doing. New teams composed of graduates of Vung Tau have 59 members, but most of those now at work in the hamlets have only 35 to 50.

The new teams include three security squads of 11 men each, equipped with M-1 rifles or carbines, submachine guns, light machine guns, and Browning automatic rifles [BARs]. These squads are responsible not only for the hamlets' security but also for the training of so-called "combat youths" for defense against guerrilla attacks.

Most of these "combat youths" are boys under 16 or men over 40 or 45, for nearly all youths and men of military age are in the armed forces of either the government or the communist Viet Cong.

Most Vietnamese hamlets also have a popular force [militia] platoon or at least a squad for local defense. The R.D. security squads have additional civic action duties.

Like other members of the R.D. teams they are specialists in education, public health, agriculture, animal husbandry, political organization, intelligence and counterguerrilla operations, carpentry and rudimentary engineering skills for work on roads, bridges, irrigation dams, schools, market places, houses, wells, and pigsties, and other occupations useful for community improvement.

A team stays in a hamlet long enough to bring it up to the government's standards and then moves to another hamlet. This may take four or five months and it may take more than a year depending on conditions in the hamlet.

Maj. Gen. Nuygen Duc Thang, R. D. minister, has announced a goal of about 1,100 hamlets for 1967 and American officials regard this as realistic. The government now claims control of 10,017 of Viet Nam's 13,984 rural hamlets. Many of these already conform to the government's standards but most require pacification and reconstruction. All the other 3,967 will have to be pacified and developed when they are brought under government control.

Gen. Thang has no timetable for the completion of this formidable task. Obviously it will take years, altho the pace will be accelerated as more teams complete their training at Vung Tau.

ALL VIETCONG WORKERS IDENTIFIED

Until this year the government had six criteria for a so-called ap tan sinh [new life hamlet]. These were:

1. A complete census has been taken and all members of the Viet Cong infrastructure have been identified.
2. Popular or para-military forces are trained and available for defense.
3. An integrated defense system is effective.
4. Hamlet grievances and aspirations have been expressed and economic and social development projects have been initiated.
5. The people have been organized for self-help and community improvement projects.
6. A local government, with a popularly elected hamlet chief, has been established.

This year the government adopted a new program with 11 criteria for a new life hamlet, now called ap doi moi instead of the old term that was derived from the Chinese. These criteria include the original six and five others, all in the area of social development.

It is recognized, however, that many of the hamlets will have to go thru preliminary development phases before they are ready for the 11-criteria program. One such type, called ap cung co [consolidation hamlet], formerly had a six-criteria status but has slipped back under Viet Cong control or influence and must be restored to the old minimum standards.

Another category consists of hamlets in the outer reaches of the government's authority, where pacification is about all that can be attempted in the first phase of the program.

An elaborate manual prepared by Gen. Thang prescribes 8 specific tasks that must be performed to meet the government's 11 criteria for a new life hamlet. Some of these guidelines reveal far more political idealism and enlightened concern for the welfare of the people than is usually ascribed to the military government of Viet Nam by American and other foreign correspondents here.

ELIMINATION OF CORRUPTION

As literally translated, the instructions call for the "annihilation of wicked dignitaries" and the "elimination of corruption, tyranny and oppression by influential persons or their relatives."

There is a strange similarity in language between this condemnation of "wicked dignitaries" and communist North Viet Nam's campaign against "cruel notables" in the mid-1950s. Gen. Thang's intent, however, has nothing to do with doctrinaire class warfare as waged by the Communists. There is no call for "people's courts" to condemn the "wicked dignitaries" to death; only their power and influence will be destroyed.

Obviously Thang refers to the so-called hereditary local mandarins particularly landlords and merchants who rob the farmers by demanding exorbitant rents and interest charges and paying less for their rice than it is worth.

In North Viet Nam land owners as a class were dispossessed and many thousands (estimates ran up to 150,000) were executed. Nhan Van, a Hanoi communist magazine, admitted (Nov. 5, 1956) that "people were arrested, jailed, interrogated, and cruelly tortured; people were executed or shot on the spot and their property confiscated; innocent children of parents wrongly classified as landlords were starved to death."

In South Viet Nam respect for private enterprise and land ownership is emphasized in both the R. D. and the land reform programs. One of the first tasks of an R. D. team is to survey the land and determine how much is available for distribution to the farmers.

One example of which the R. D. administrators are particularly proud is Huynh Ngoc Xuong, of Hue Duc hamlet, An Giang province. Xuong would be dispossessed as a reactionary or a "cruel notable" if he lived in North Viet Nam. He had been a small merchant, but in 1957, after a series of misfortunes, he became a tenant farmer. When the land reform program reached his hamlet in 1964 he had been a tenant farmer seven years and was eligible, according to the government formula, to purchase 14 hectares (34.5 acres) on credit.

Xuong diversified and rotated his crops, used fertilizer and improved seeds. Now he has two full-time tenant farmers, hires five extra workers during the harvest season, owns a tractor and pays a driver to do the plowing.

Xuong's daughter, Huyhn Thi Ba, owns and operates a prosperous small business, retailing cloth and making clothes to order, in Hoa Long hamlet, 18 miles east of her father's farm.

The former Diem government inherited from the French colonial regime a land system in which 40 per cent of the rice land was owned by 2,500 individuals, including many large French owners.

Rents were as high as 50 per cent of the harvest and the tenants had no tenure. The Diem government established a tenure system, put a limit of 25 per cent on rent rates, and expropriated all privately owned rice land in excess of 100 hectares [247 acres] per family.

SOLD ON CREDIT

A total of 462,000 hectares, 20 per cent of all the privately owned rice land in South Viet Nam, was expropriated and 248,000 hectares was subsequently sold to 115,000 farmers on a six-year payment basis, with provisional titles.

The present government has extended the payment period to 12 years and is exchanging permanent titles for the provisional certificates without awaiting final payment. The government is distributing the remaining expropriated land as rapidly as it can, but it is a slow process because of war conditions and the chaotic state of Viet Nam's land records.

Completion of the land transfer program will not greatly reduce the number of tenant farmers in this country because most rent from landlords who own much less than 100 hectares. The landlord-tenant relationship has been greatly improved, however, by the land reform.

LEASED TO VILLAGERS

The program does not affect communal land, estimated at 440,000 hectares, not all of which is suitable for rice cultivation. This land is held in trust by the villages and leased to local residents only, generally on a competitive bidding basis, altho the welfare of poor families is supposed to be a consideration as well as village revenue.

Communal land ownership by the villages is an ancient tradition and the Vietnamese are not disposed to abandon it.

Land reform is no great problem in this country. There is no serious population pressure on the land. About one hectare of rice land is all that the average family can manage on the central coastal plains, where there are three harvests a year.

In the southern delta the average family cultivates about two hectares, but in most of the delta only one crop a year is possible. In the dry season there is too much salinity in the rivers and canals. These are flushed out by fresh water when the rains come and the farmers get in a rice crop.

BEGAN VAST SETTLEMENT

The Diem government began a promising land settlement program in the vast central mountain plateau, where at least 1.5 million hectares of cultivatable land lies idle in the public domain. This land is especially suitable for the cultivation of kenaf and ramie both valuable fibers.

In 1960 the average yield of each fiber was about one metric ton per hectare, worth $200 for the kenaf and more than $600 for the ramie. The central highlands settlement program was disrupted by communist aggression from North Viet Nam.

There are many thousands of hectares of second-growth jungle land in this country that can be cleared and cultivated with the use of fertilizer and water from wells.

ON RECLAIMED LAND

Thousands of refugees from the communist terror have been resettled in new hamlets on land thus reclaimed from the jungle and this program is continuing.

Some new hamlets have been established for Viet Cong defectors brought in by the government's chieu hoi [open arms] program, altho reintegration of the reformed guerrillas in their own villages is considered a better practice.

The hoi chanh [defectors] are now coming in at a rate of 3,000 a month and the total to date is about 50,000. Each hoi chanh is given enough money for food while undergoing rehabilitation for 45 days in a government center.

Then he receives enough land for a home lot and subsistence farming and 10,000 piasters [$85], plus cement and roofing material, for a house, which he and his friends build. The United States pays for this program.

The hoi chanh are accepted in the army if they volunteer. Other volunteers are organized into armed propaganda or proselyting teams for work in contested areas. They are good at this work, for they know who the VC are; and, as one American officer said, "they have an incentive not to get caught."

The marines, who are the great innovators in pacification, hire hoi chanh at the company level and call them Kit Carson scouts. This practice, reminiscent of the American Indian wars, would seem to be an obvious thing to do, but it took the marines to think of it.

Some R. D. teams also use hoi chanh in their hamlet pacification work. One such volunteer remarked to the district chief that a young woman in the hamlet was exceptionally beautiful. The district chief, an army captain, said the young woman happened to be the wife of the district VC leader.

He told the hoi chanh that he could marry the woman if her husband did not return in six months. The hoi chanh saw to it that the word got around, and just before the deadline the VC leader gave himself up.

[From the Chicago Tribune, Mar. 29, 1967]

EFFORTS OF VIET REDEVELOPMENT TEAMS EVIDENT

(By Chesly Manly)

NHA TRANG, VIET NAM, March 28.—Khanh Hoa province is a good place to compare hamlets before and after treatment by the Vietnamese government's revolutionary development [R.D.] teams.

Luong Son hamlet, nine miles north of Nha Trang, the provincial capital, was controlled by Viet Cong until it was taken over by an R.D. team in February, 1966. The team left last Aug. 31, and Luong Son was designated 1966 hamlet of the year by Maj. Gen. Nguyen Duc Thang, Viet Nam's R.D. minister.

Another R.D. team took over Phu Huu, 12 miles northwest of Nha Trang, on Jan. 15 and distinguished itself on Feb. 17 when the hamlet was attacked by 200 Viet Cong. The hamlet defenders, outnumbered more than 2 to 1, drove off the V.C., killing 4 and wounding 11, and their own casualties were 3 dead and 5 wounded.

This reporter, accompanied by Maj. Le Khanh, the province chief, and Jim Smith, United States province representative, visited both hamlets for a before-and-after comparison and a demonstration of what this R.D. business is all about at the level of the rice fields, the classrooms, the market places, the maternity-dispensary-drug stations, and the pig sties.

PROVINCE CHIEF IS EXCEPTIONAL

Khanh Hoa province may be typical of the 43 in South Viet Nam in respect to the pacification and other problems but its province chief and American representative are exceptional. Maj. Le Khanh, 34, the province chief, is a slim, wiry, extremely energetic little man who is known and obviously adored by the villagers. He is a former chief of the American-trained Vietnamese special forces and a brother of Lt. Gen. Le Nguyen Khang, 3d corps commander [Khanh Hoa is in the 2d corps] but he prefers not to mention that.

He has fired members of his staff and officials of the Nha Trang city administration for corruption, run the prostitutes out of Nha Trang, where Lt. Gen. Stanley R. Larsen's 1st field force has its headquarters, closed the gambling houses, and—American sources report—rejected an offer of $8,500 from a group of Chinese who wanted to open a fair and do a little gambling on the side.

A BIG MAN FOR A BIG JOB

Jim Smith, 43, who calls the province chief "boss," is well over 6 feet tall and weighs more than 200 pounds. He retired as a major of infantry, a veteran of the first Ranger battalion, after 22 years in the army, with five Purple Hearts for wounds in World War II and Korea. He has been here 19 months and expects to stay two to four more years—"until the job is done."

Discussing the security problem before a big situation map, Smith derided reports about "the so-called V. C. infrastructure."

"We know from papers we've picked up that the province chief is No. 1 and I'm No. 2 on their list," he said. "I go everywhere in this province. If they have an infrastructure it is ineffective, or they would have killed me long ago."

The V. C. did shoot at him a year ago when he was cut off at a bridge from Phu Huu hamlet, where he had left his truck. Firing back, Smith eluded the V. C., swam across the river, and beat them to his vehicle.

Despite his contempt for the so-called infrastructure, he never goes anywhere without his M–16, altho he never stops his truck at a bridge to see whether the V. C. have mined it. On the way to Phu Huu he remarked that six of the culvert-type bridges we crossed had been blown up—three of them twice—in the last year by command-detonated mines while vehicles were crossing.

Only three days before, a truck loaded with Korean troops had been wrecked by a mine while crossing a bridge west of Nha Trang.

There may be no intrastructure in the province but Smith acknowledged that B–52 bombers came all the way from Guam, in late January, to blast the "supposed province headquarters of the V. C. in the mountains of Dien Khanh district, 18 miles west of Nha Trang, and that Korean troops in a follow-up attack captured half a ton of documents and "claimed a body count of 500."

CATCH VIETCONG MOVING UP

In February, he said, an American special forces team "caught a bunch of V. C. moving up for an attack on the Nha Trang air base and killed 26 of them." Two weeks later the V. C. attacked the air base with satchel charges, damaging several helicopters.

Smith said the V. C. have a major command headquarters in the southern part of Phu Yen province, north of Khanh Hoa, and that they roam in the mountainous areas of northern Khanh Hoa. He mentioned casually that one North Vietnamese regular army regiment, 18b, has been identified in this province. "Allegedly they were sent here to disrupt our program," he said. "They have not been successful and they won't be."

Finally, he pointed to the Hon Heo peninsula, which juts out into the South China sea, north of Nha Trang, and said the V.C. have controlled it since the Viet Minh war with the French. The peninsula is a jungle-covered ridge which is said to be honey-combed with tunnels. It has been bombed repeatedly and nobody lives on it except the V.C. It is supposed to be a major enemy supply base.

POINTS OUT FOE'S POSITION

The Korean 9th [White Horse] division has established headquarters at the base of the peninsula and this restricts enemy access to it by land, altho not by sampan and junk at night. Smith expressed hope that the Koreans will clear the V.C. out but he seemed doubtful.

On the way to Phu Huu he pointed out a Korean company position on a hilltop overlooking the hamlet, only 1,500 yards away, and said Korean troops did nothing whatever to assist the defenders when they were attacked by the V. C. on Feb. 17, altho the shooting went on for more than an hour and many mortar and recoilless rifle rounds were fired, as well as 8,000 rounds of small arms ammunition.

Smith said complaints were made and the deputy commander of the Korean division was sent to investigate.

Evidently a young and inexperienced company commander viewed the attack on the hamlet as a feint, intended to lure him into an ambush or away from his position, so it could be overrun, and not knowing what to do he did nothing. The more experienced Korean Capital [Tiger] division in the Qui Nhon area or the Korean marines in the 1st corps would have had ambushes out for the V. C.

Phu Huu was defended by the 37 members of the revolutionary development team, one popular forces platoon, about the same strength, and one 11-member intelligence squad assigned by the province chief. The defenders had put out small ambushes but they withdrew into the hamlet when two V. C. companies with about 200 men arrived.

The V. C. were finally stopped just inside the hamlet by a Browning automatic rifle, manned by two members of the R. D. team. Both were killed when a V. C. mortar round dropped in a coconut palm tree directly over their position. One intelligence squad member also was killed. Three V. C. bodies were found in front of the rifle and one of the wounded defenders, who was captured by the V. C. but later escaped, said one of the wounded V. C. died after the enemy withdrew from the hamlet.

SHOWS PROGRESS REPORT

One regional forces platoon, assigned by the province chief to strengthen the hamlet's defenses, arrived while we were there.

Nguyen Ngoc Phuoc, leader of the R. D. team, showed us a set of handwritten and illustrated reports on progress in the hamlet. One report listed the names of all 876 residents of the hamlet and gave detailed information about them, such as the number in each age group, religious affiliations, and education.

It contained the names of 20 V. C., as well as the names of all members of their families and pictures of their houses. The V. C. are absent, serving with enemy combat forces, and they do not constitute an infrastructure, or functioning control apparatus. Phu Huu is considered pacified; its security problem is external, not internal. The houses of the absent V. C. will be closely watched and members of the families will be questioned for information that might lead to their capture. Since the team arrived in January only one Phu Huu V. C. has defected and he is undergoing training in Nha Trang.

CONDUCT HAMLET TOUR

With a happy crowd following, Smith and the province chief conducted a tour of the hamlet, pointing out improvement projects on the program for this year. The rocky main road, 1,000 yards long, will be repaired with a rock foundation and a smooth, all-weather surface of laterite. The dingy meeting hall and one long-neglected two-room school will be repaired.

We visited a class in one modern school building, and the children, especially the little girls with gold rings in their pierced ears, lustily sang patriotic songs. The R. D. program emphasizes patriotic nationalism. Maj. Le Khanh said the children assemble at the high flag pole in front of the school each morning and recite the pledge of allegiance.

Phu Huu also will get a new market place, a maternity-dispensary-drug station, two canals, seven wells, 21 pig sties, two agricultural water pumps, five insecticide sprayers, and various other self-help projects this year. The United States provides materials and a little money for community projects. The workers are paid in bulgar [processed wheat] and cooking oil. Materials only are supplied for individual self-help projects.

SEVEN GET TWO PIGS EACH

Seven Phu Huu families will get two pigs each for breeding stock this year. Each family agrees to return one female of the first litter and help generate a perpetual motion distribution system. Cows and chickens will be distributed in some Khanh Hoa hamlets but not in Phu Huu this year. Improved rice seeds and fertilizers also are distributed and American technical experts are brought in to conduct training classes and demonstrations in agriculture and animal husbandry.

Luong Son, the 1966 hamlet of the year, has a population of 1,449. It is on the shore and most of the people depend on fishing or banana culture for a living, altho lively trading is conducted in the new waterfront market place.

About 150 fishing boats, many of them power-driven, were tied up at the beach, but not all of the owners live in Luong Son. There are 15 refugee families from the V. C.-dominated peninsula in Luong Son, all living in tin-roofed, bamboo-frame, mud-plastered houses built with materials from United States aid.

HAS NO ELECTRICITY

Luong Son gets its water from wells and it has no electricity, but the people seem happy. In fact, when the R. D. team was ready to leave last August their leaders said there was nothing else they wanted, and that's one reason why the hamlet was named No. 1.

There are 280 hamlets in this province, which has a total population of 338,000, including Nha Trang's 100,000 and about 19,000 refugees. Smith said 190 of the hamlets are pacified and already conform to the government's original six criteria for a new life hamlet. They are ready for further development as 11-criteria new life hamlets.

The province has 17 R. D. teams, which will work in 37 hamlets this year. Twenty-two of these, including Phu Huu, will be raised to 11-criteria status. Three formerly met the old six-point standard but have dropped back and must be redeveloped. Twelve are in contested areas and still have to be pacified.

SEES BIG POTENTIAL

Smith believes the province has a tremendous potential for economic development. He says it should export 2,500 tons of rice a month by 1968, as much as it now imports. One small dam built with American aid in the southern part of the province irrigates 840 hectares, enough rice land for as many families.

Smith wants to build a larger dam in the northwestern Khanh Duong district to supply electricity for several provinces and irrigate 3,000 hectares for vegetable cultivation. He says this mountainous area will rival Da Lat for vegetable production and had some of the world's finest grass, enough to support 50,000 cattle.

UNITED STATES BUILDING AIR STRIP

The United States is building a C–130 air strip in the district and Smith hopes that highway 21, leading to it from Ninh Hoa, north of Nha Trang, will be secured. The V. C. now collect road block "duties" on this highway. Smith hopes to settle 30,000 people from Nha Trang in Khanh Duong district when the V. C. are cleared out.

He hopes to persuade the Foremost Dairy company, which already operates in Vietnam, to come to Khanh Hoa province and he is seeking outside capital to develop the fishing industry here.

Some of the best seafood in the world, including wonderful crabs and lobsters and prawns as big as baby lobsters comes out of the South China sea. It would not be easy to find a better seafood dinner anywhere than crab meat and corn soup, broiled prawns with melted butter, lobster thermidor, french-fried potatoes, and a salad of local lettuce, tomatoes, and onions at Fregate's, a French-Vietnamese restaurant in Nha Trang.

PROPOSED REVISIONS TO THE SOCIAL SECURITY PROGRAM

Mr. **PRYOR**. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. **BINGHAM**. Mr. Speaker, last week I outlined to the Ways and Means Committee my views on various needed revisions of the social security laws and of the medicare program, as set forth in various bills I have submitted. As of possible interest to my colleagues and other readers of the RECORD, I include my testimony herewith:

I appreciate the opportunity to advise this Committee of my views on suggested amendments to the Social Security System. I am absolutely convinced that the present level of benefits is inadequate to meet the needs of those who now must rely on Social Security for economic survival. This is true both for retirement and survivors' benefits and the health insurance program.

It would serve no useful purpose for me to recapitulate the statistics which lead many of us to the conclusion that a dramatic acceleration of benefits is required. Others have recited these facts in great detail before this Committee. I would add only that the cost of living in a major city, such as New York, is much higher than it is in rural areas and in smaller communities. The national statistics tend to understate the intensity of the problems faced by the senior citizens whom I represent. For example, the National Consumer Price Index for "all items" for January, 1967 was 114.70. The corresponding figure for the Metropolitan New York area was 117.5. Moreover, the rate of increase is greater for New York City than for the rest of the nation. The New York City CPI figure rose by 5.3 between 1965 and Januray 1967 while the corresponding national figure is 4.8.

The raises necessary to keep benefits of those already retired at a decent level have, up to now, come exclusively from the Social Security Fund. This means that people currently employed must pay higher Social Security taxes to off-set the impact of increases in the cost of living on retirees. I think that, at a minimum, this expense should be paid out of general revenues.

GENERAL INCREASES IN SOCIAL SECURITY ARE NEEDED

I have co-sponsored two comprehensive proposals to increase monthly payments. The first (HR 264) would provide for an average increase of about 50% in benefits and would be partially financed by a contribution to the Social Security Fund out of general revenues of the United States. This is comparable to the federal contribution in the Medicare program. I think that we must use general revenues or face the prospect of perpetually inadequate benefits.

Recognizing that this bill is more ambitious than the times might make legislatively feasible, I have also submitted a bill which incorporates the President's proposals (HR 7354). This is far more modest and would yield increases designed basically to alleviate some of the grosser inadequacies in the existing benefit schedules and goes very little beyond regaining ground lost in the last decade by increases in the cost-of-living.

Both bills provide for automatic future increases in benefits as prices may rise in the future. I think that this automatic cost-of-living is very desirable. However, it will be scant help if the existing benefits are not made proportional to needs. I find it very disheartening—indeed intellectually dishonest—that some people tell senior citizens that an automatic cost-of-living formula would, without more, provide relief for the existing privations. If the benefits are now one-third below the minimum level needed for a decent standard of living then raising them exactly as much as the cost of living may rise in the future would simply perpetuate the disparity.

Needless to say, I support the most liberal increase in retirement and survivors' benefit levels that can be secured. Social Security should provide for retirees or survivors an adequate standards of living with some degree of dignity. The existing schedules fail to meet this standard and large increases are required not only to keep pace with rising living costs but to make up for deficiencies which have arisen over the years as the ratio of benefit levels to needs has deteriorated.

Having stated my support for the broad proposals designed to make major improvements in the Social Security program, I would like to expand my statement to explain two much narrower proposals which I have introduced.

EXTENDING BENEFITS TO DEPENDENT PARENTS OF RETIREES

In the field of Old Age and Survivors Insurance, I have drafted an amendment which would extend retirement protection to surviving parents of retirees (HR 4098). One of the marvels of modern medicine is the extension of life. A by-product of this phenomenon is that there are retirees under Social Security who have parents still living who are dependent on the retiree for their support. Nonetheless, existing law ignores this class of dependents. All other classes of family dependents, including step-children, are within the scope of the law.

The chances for retirees having surviving parents have gone up not only because of increasing life expectancy but also because those who work in covered employment who become totally and permanently disabled are entitled to benefits. Thus, for example, a 25 year old worker may be the sole support of his parents as well as his wife. Should he become totally and permanently disabled, only his wife would be included in calculating benefits under the present law. His parents are not considered.

I have checked with the actuaries at the Social Security Administration as to the costs of this program. After careful review, they concluded that the cost was so small that they characterized it as "negligible." In essence, what I propose here is to close an unanticipated gap in the system of retirement protections—a measure which would round out the program at insignificant cost.

EXTENDING MEDICARE TO PRESCRIPTION DRUGS

I turn now to a specific proposal I have with regard to Medicare improvements. In 1965, we adopted the historic Medicare Program in order to provide hospital and medical insurance for our older citizens. This Committee well knows the time, care, and devotion that went into securing enactment of Medicare, and that its passage was a major milestone in the history of American social welfare legislation.

For many millions of citizens over 65, Medicare means that the hard-earned savings of a lifetime will not vanish in a single medical catastrophe. Senior citizens need no longer fear that they will become a heavy economic and psychological burden upon their sons and daughters because of serious illness. Most significantly, our older citizens can maintain their own sense of dignity and independence without having to face welfare status.

Passage of Medicare established the fundamental minimal requirements for a medical insurance program, which would help to meet the needs of our elderly. But, as everyone fully recognized at the time, the bill was limited and would need additions and modifications as called for by our experience with the program.

One of the major gaps in the 1965 Amendment was the failure to extend coverage to the cost of prescribed drugs outside of a hospital or nursing home. Needless to say, the cost of drugs to an individual budgeting himself on a social security income can easily become prohibitive.

We have had experience with Medicare for over a year now. We know that it has been neither abused nor neglected. The necessary administrative machinery has begun to cope effectively with the complex problems involved in making this statute work. It is time now, as this Committee is carefully considering a major revision in all the Social Security laws, to fill in some of the serious gaps in Medicare. I urge the Committee to include provisions for covering prescription drug costs. Sick people need drugs as badly as they need hospital and nursing care or a doctor's attention. Usually, the need for drugs far outlasts the need for bed care and continued doctor's visits. Many chronic illnesses, from which many of those over 65 suffer, require extensive medication of one type or another. A very conservative estimate places the amounts expended each year on prescription drugs at $600 million.

A major stumbling block in working out the details of coverage of drugs has been the problem of determining "reasonable costs." There has long been a discrepancy between prices charged for the brand names of certain drugs and those which are merely prescribed by the generic or established name. I think that the amendment which I have introduced sets out a reasonable basis for reimbursing patients for their out-of-pocket expenses in purchasing prescription drugs prescribed by their physician.

This bill provides, under part B of the supplementary medical insurance portion of medicare, coverage for drugs in accordance with a schedule of allowances established by a formulary committee. In most instances, a drug is identical or substantially similar in effectiveness to the name brand and usually higher priced drug. For that reason, the schedule of drug allowances is based on the cost of the lowest priced generic equivalent, of acceptable quality, plus a small percentage fee representing the pharmacists' distribution and handling costs.

The basic listing of drugs requiring prescription for which benefits may be given will be prepared by a high-level formulary committee composed of the Surgeon General of the United States, the Commissioner of the Food and Drug Administration, and the Director of the National Institutes of Health. The Formulary Committee would be aided by an advisory committee consisting of seven members. These members would be selected by the Secretary of Health, Education, and Welfare from national organizations concerned with pharmacy such as the Council on Drugs of the American Medical Association, American Public Health Association, American Society of Hospital Pharmacists, American Association of Colleges of Apothecaries, American Pharmaceutical Association, and the Pharmaceutical Manufacturers Associations.

The advisory group may recommend items for inclusion in the listing of allowable items by the Formulary Committee. Nonprescription drugs of a life-saving nature may also be included for coverage by the Committee. In determining the costs of "the lowest priced generic equivalent," the Committee would consult recognized pricing guides such as the "Red Book," and the 'Blue Book," or it may use any other basis it deems appropriate in determining such generic prices for purposes of preparing its schedule of allowances.

The Formulary Committee may, from time to time, modify its schedule both in terms of items covered and allowances. It may also, by regulation, establish minimum and maximum prescription quantities and such other rules and regulations as it deems necessary to insure orderly, economical, and equitable provision of this benefit.

At least once a year, beneficiaries and physicians would receive a complete listing of the drugs for which a benefit is payable. Each drug would be listed, on a cross-indexed basis, by both generic and trade name with the allowance for each drug noted. Where a drug is available under more than one trade name, all alternative names would be listed. This procedure would permit older people to become acquainted with the different items covered and serve as a handy reference if patients wished to purchase prescriptions by established rather than trade name.

The patient would pay the pharmacist directly and then be reimbursed according to the amount allowed for that drug by the Formulary Committee. Only the $25 deductible requirement would be applicable to drug coverage, and the patient would not be subject to the 20 percent coinsurance provisions of part B.

This new benefit would be added to part B as of July 1, 1969. The additional premium necessary to pay for this benefit will total approximately $1 monthly per beneficiary, with the Federal Government paying 50 cents and the patient paying 50 cents.

There are several advantages to this approach, which I would like to emphasize. First—and of paramount importance—this legislation in no way interferes with a doctor's right to prescribe a drug by trade name if he wishes or with the patients' right to purchase such drugs by trade name if so prescribed. Both physician and patient retain full freedom regarding the version of the product prescribed. But if they wish to use the highest priced version of a drug, the Federal Government will only reimburse that patient to the extent of the reasonable cost—as determined by the formulary committee.

Second, in considering costs of the lowest priced established versions of drugs, the committee would only use the price of those established drugs of acceptable quality, thus guarding against acceptance of any unrealistically priced inferior products. Third, by widely distributing the committee's cross-listing of established and brand-name drugs, we will make sure that the patient can purchase the lower priced drug—if he wishes or the brand name—whichever his doctor has prescribed.

OUR OBLIGATION TO SENIOR CITIZENS

It is time that we fully honor our pledge to the elderly—to provide adequate financial protection against the uncertainties and hardships of ill health when the income-producing years have passed. I think this amendment to the Medicare program will help us accomplish that goal, and I urge this Committee to include it in the final bill it reports out to the House.

I certainly want also to go on record in support of other more general, liberalizing proposals to Medicare. I recognize that some of these are obviously so costly that selection must be made among them for priorities (e.g. eliminating the co-insurance, adding dental coverage, reducing the age for eligibility). None are without merit, and I would not deprecate the case to be made for any of them.

In conclusion let me say that as we improve and up-date benefit schedules for our senior citizens we not only improve the quality of their lives but also can remove many of them from welfare rolls. To the extent we accomplish this, we are really not adding to the net costs of government; we are merely paying out necessary sums from one account that would otherwise be paid from another. Pruning of the welfare rosters thus would do much for the self-respect of the recipients and would also eliminate a distortion in the picture of our manpower and economic situation. My appeal is based not only on social justice—though this would be sufficient—but on balanced social perspectives as well.

MODERNIZING THE FEDERAL ESTATE TAX CREDIT

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. ULLMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ULLMAN. Mr. Speaker, today I am introducing a bill to amend the Internal Revenue Code to provide an increase in the amount for which a credit may be allowed against the Federal estate tax for estate taxes paid to States.

This legislation is the product of extensive research and recommendations by the Advisory Commission on Intergovernmental Relations, on which I am privileged to serve with the gentlewoman from New Jersey [Mrs. DWYER] and the gentleman from North Carolina [Mr. FOUNTAIN].

Many of my colleagues will recognize this bill as H.R. 323 of the 89th Congress, introduced in 1965 by our dear friend and former Congressman from the State of New York, Eugene J. Keogh.

There are few areas of tax law more universally condemned by tax lawyers and other tax practitioners than the present maelstrom of estate, inheritance, and other death taxes. Taxpayer compliance and tax administration are needlessly difficult; jurisdictional conflicts frequently arise; and State revenues from death taxes fluctuate wildly from year to year.

It is particularly appropriate that we consider improving this outmoded system at a time when various proposals to boost the financing of State and local governments are before the Congress. One important feature of my bill is to stabilize income from death taxes and encourage optimum use by State governments of this revenue source.

Briefly, my bill replaces the present Federal estate tax credit for death taxes paid to States with a two-bracket credit. The two-step credit gives to the States a large part of the revenue produced by the lower tax brackets—up to $150,000 taxable estate—and reserves for the Federal Government the bulk of the revenue produced by larger estates.

The bill would stabilize State revenues because in the smaller States, wealthy decedents are relatively infrequent. Interstate distribution of revenue is improved because even the poorer States have some small estates. The Advisory Commission recommends the $150,000 dividing line to maximize the revenue potential for the States while not impairing the combined contribution these taxes provide for both State and Federal Treasuries.

The Federal budgetary impact of the tax law revisions encompassed by this legislation would be negligible for the first few years and would be spread over several years.

To insure that the revenues involved in an increase in the Federal tax credit would be conserved for the States, the Commission recommended that eligibility for the credit be limited to taxpayers in those States that have made corresponding adjustments in their tax laws.

Because many States would have to enact new legislation to take full advantage of the lower bracket revenue potential, I have provided that the date for State certification be prospectively set at January 1, 1971.

I recommend this legislation to Members of this House as a first step in modernizing the confusing and haphazard pattern of Federal credits for death taxes paid to States.

THANKS TO CELEBRITIES AND SERVICE GROUPS FOR ENTERTAINMENT AT ST. ALBANS NAVAL HOSPITAL

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ADDABBO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ADDABBO. Mr. Speaker, I would like to commend the good-willed deeds done by television star Betsy Palmer, stage star Jackie Alloway, dancer Joey Heatherton, actress Celeste Holm, and other celebrities, who recently took time out from their busy schedules to come to St. Albans Naval Hospital in the Seventh Congressional District of New York, and visit with the wounded soldiers who have recently returned from South Vietnam. My thanks also to all other celebrities and service groups who have from time to time participated in similar activities.

St. Albans Naval Hospital is in the Borough of Queens, operated by the Federal Government, serving the metropolitan vicinity of the New York-New Jersey-Connecticut area. At present, the hospital is filled to capacity with approximately 500 wounded men of the Armed Forces.

In the past 6 months, a program was instituted by the local Red Cross and the United Service Organization in the area to bring entertainers, celebrities, and others to the hospital to visit with the boys who have returned from Vietnam. The idea of having noted personalities tour the hospital wards and simply having them talk to the GI's at their bedsides individually, has proven to be successful in the fact that it has been a rewarding and gratifying experience for the celebrity involved and it has provided a tremendous lift and boost to the morale of a wounded GI whose parents and relatives may live in another area a couple of hundred miles away who are not easily accessible to visit with him.

The people I credited earlier should be commended for their benevolent aid and support. My remarks, however, should not only serve as a piece of information about this subject, but also, should act as an example to suggest that other programs of this type be established and activated locally in the other Government operated hospitals across the Nation.

Many of the men who have supported our U.S. commitments in South Vietnam through serving in the military fields now need our support and deserve it. Let something such as this just be another way in which our fine soldiers can be accorded some of the help, honor, and respect they should receive.

THE DILEMMA OF AMERICAN AGRICULTURE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Teague] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Coulter Hoppess, a distinguished attorney of Bryan, Tex., and a cattleman, has recently presented some observations on the dilemma confronting the agriculture economy which are most thought provoking. I believe his views would be of considerable interest to those of us in the Congress who are greatly concerned about the future economic wellbeing of agriculture. Mr. Hoppess' paper, which was presented to the Texas Extension Staff Conference on March 14, 1967, follows:

A Paper Presented to the Texas Extension Staff Conference, March 14, 1967, College Station, Tex.

(By Coulter Hoppess, attorney, Bryan, Tex.)

Ladies and Gentlemen of the Extension Service, I have been invited to make this presentation by your Director, John Hutchison, whom I respect and admire. I am honored and challenged by this invitation.

I will make this presentation in such a way as to reveal my very deep present concern about agriculture as it exists in the United States today. My concern is related more to the individual producer than to agriculture as an industry, and it is probable that the Director has felt that this somewhat legalistic lay attitude may open certain avenues for your consideration.

I know that each of you shares my concern and there is much evidence that others in all stations are becoming increasingly concerned, and in some cases even alarmed. Our Governor, John Connally, has just asked the legislature to create the Texas Agricultural Development Board to correspond with our presently existing Industrial Commission and our Texas Water Development Board. An agricultural promotional and research write off bill, identified as HB 457, is now undergoing hearings at our State Capital.

In Washington there are numerous bills pending attacking various surface aspects of the dilemma. A recent personal visit to some of our Congressmen and Senators and their Agricultural Assistants has indicated that they are fully aware of the problem and are even more concerned than I.

It is my hope that this presentation will stimulate your thinking, and since much of the matter presented is conclusion, that you will test me and require that I sustain and defend the position that I have assumed.

Our first consideration will of necessity be whether or not this concern is justified. Let us examine some of the facts.

The economic health of any individual or group enterprize can be evaluated by its relative position of advantage or disadvantage to the overall competitive economy. By applying this criteria we observe the following:

1. Agriculture cannot purchase and own land at existing market prices for agricultural purposes.

In support of this, Dr. A. B. "Pat" Wooten says that land must now be appraised as a commodity and not in reference to its agricultural productivity. Texas A&M University, in its Department of Agricultural Economics, is teaching those studying agriculture that if they intend to devote their energies to agricultural production they will have to acquire the use of the necessary capital land on some basis other than ownership. (The above fact of failure to be able to acquire and control a necessary capital asset has far-reaching repercussions which we will note more fully later.)

2. Agriculture cannot purchase labor at the usual, going and customary rate in the competitive economy.

A very visible example of this is the fruit and vegetable portion of the industry in which wages cannot be afforded to attract American labor and as a consequence an overwhelming majority of the fruit and vegetable crop is harvested and packed by imported labor from Puerto Rico and Mexico, which is oriented and conditioned to a peonage-type existence.

3. Agriculture is finding increasing difficulty in obtaining credit for production.

Observation of numerous Production Credit Associations who aggressively seek agricultural production loans with complete knowledgeability as to the capabilities and problems of agriculture and with a sympathetic approach thereto, reveals that livestock loans can only be obtained when there are other sources of income available to support the necessities of the family, and that no labor or management costs will be charged to the operation.

Many agriculturists have been able to remain in production only by borrowing on their capital asset, land, and refinancing at intervals to take advantage of the rising land market which reflects itself in their ability to borrow on an increased appraisal.

4. Agriculture is suffering a significant loss of management personnel.

The removal of talented and ambitious young people from agricultural pursuits and habitation to industrial and agriculturally related industrial pursuits, as well as urban habitation, clearly demonstrates a critical loss of the essential ingredient which must be added to land in order to bring about production, and that ingredient is people. You as members of the Extension Service are certainly more keenly aware of the diminished prospects of your activities than probably anyone else.

If these things be true, then we must agree that the agricultural producer is more than bankrupt—at this particular moment he is in fact actually dissipating his capital resources in order to subsidize a favorable consumer market.

I would like to correct what I believe to be a very bad error in popular economic thinking as it relates to agriculture. The agricultural producer is not caught in a price-cost squeeze. At a time of unprecedented prosperity in this economy, and at a time of unequaled demand for agricultural products, the agriculturist finds himself completely dislocated within the economy. Cost-price squeeze can be cured by the application of good management techniques. The condition of the American agricultural producer today cannot be corrected by any technique of good management. I wish to make my point very clear. Times are not going to be any better for the agriculturist—they are going to be continuingly worse.

The statistical recitation of the continuing reduction of the producers' share of the consumers' food and fiber dollar is only a result of a disease, not a cause—the dislocation—the fundamental discrepancy—is the cause of the economic problem. This dislocation has been increasingly apparent since at least the year 1952.

In this consideration, if you now agree even partially, then it is fair to ask—What is the underlying factor in this dislocation?

It may be many things. Much circumstantial evidence is available pointing to a variety of signposts of interest. The March issue of *The Cattleman* magazine, published by the Texas and Southwestern Cattle Raisers Association, contains, beginning at Page 26, a most interesting report by Fred Bailey, Jr., entitled "Washington Roundup." I feel it will be constructive to read certain excerpts from this report.

"Touchiest subject around the U.S. Department of Agriculture these days is whether USDA is, in fact, still in the business of representing farmers. Or whether it's consumers who now pull the strings that make Freeman & Company jump.

"The answer to that question has a lot more pocketbook significance than a casual observer of the Washington scene might think. In the course of a year, policies and decisions by the far-flung farm agency can put hundreds of millions of dollars in farmers' pockets. Or take them out! It can make a big difference whose bread USDA is dedicated to buttering.

"At this point in time, two facts stand out:

"First, USDA is adamant in insisting that it has farmers' best financial interests at heart.

"And, second, most farmers don't believe it.

"Indeed, USDA 'credibility' with farmers is at a low ebb. At least half the nation's farmers and ranchers appear convinced Washington is bent on 'federalizing' agriculture. And the other half seem equally inconsistent that agriculture is being abandoned by Washington to the perils of the free market.

"But despite such divergent views, both

sides share a common belief that the basis for their mistreatment by Washington lies in having been 'sold out' to the interests of consumers."

Somewhat later in the article, Mr. Bailey makes the following statements:

"Valid or not, constant criticism and widespread anti-USDA attitudes are beginning to penetrate even the thick hide which every Secretary of Agriculture must develop early in his tenure.

"The criticism strikes a sore point to the extent, in particular, that it is at least partially undeserved. While this is not to say that Freeman's policies have always been right or in farmers' best interest, there are nonetheless facts which critics tend to overlook.

"For one, by no means are all decisions affecting farmers and ranchers made at or by the USDA. Many are on orders from the White House. And the White House, bluntly, has more political fires to tend than just farmers'. Moreover, what's best for farmers isn't always best for either the country or the politicians currently elected to run it."

Mr. Bailey's points are well taken, and it is perhaps enlightening that we consider the following points which underlie the fundamental reasons for the dislocation to which I previously referred.

1. National political expediency.

a. On the short-term basis the most beneficial thing for all the voters is to have an abundant supply of food at a minimum cost. The recent "Housewives Protest" on a national basis over a very small percentage rise in the cost of food is a clear-cut example of the sensitivity of the urban population to the supply and cost of food.

2. International political expediency.

a. Over the years we have committed ourselves to engage in international trade in order to bring about a fair and equitable world trade in which we can market our industrial products. Most of the emerging nations have only agricultural products to offer for export, and the attraction of the American market is still great enough to attract these products in great volume. Though these imports constitute only a fractional portion of American consumption, there is evidence to indicate that they are sufficient to control and depress the American price structure of agricultural products.

3. Inadequate marketing techniques by the producer appear to contribute very greatly to the dislocation of his product in the economy.

a. As an example of this, Extension Service programs and land-grant colleges have insisted now for more than 40 years that the producers' interest and the national interest would both be served by reducing unit production costs by increasing yield through application of scientific techniques. We now have reliable statistics that demonstrate that for each one percent increase in production in a particular commodity, a five percent decrease in price in that commodity has unfailingly occurred.

We have now reached a point in this consideration where it is appropriate that we now decide in our own minds whether or not the economic dislocation of the American agricultural producer constitutes a significant problem to the overall greater national interest. The upset, or shift, of a traditional pattern will generally cause us to react negatively, however, we should look at this particular matter objectively.

We can certainly conclude that the greatest good to the greatest number is to have an abundant supply of nutrition, distributed so broadly and at such prices that none among us will be hungry. If this can be accomplished by importing all, or a large portion of our supplies from world areas of low-value land and serf and peon labor, who is to say that it is bad. In this connection, I would point out that there are those among us, both in economics and in government, who believe very strongly and with great conviction that an industrializing economy cannot support or afford an agricultural segment on a competitive basis.

I have concluded that there are two compelling political reasons in evidence today that almost certainly prevent any significant relief in the dislocation of the American agriculturist. They are:

1. The immediate dramatic increase in the cost of food in the United States.

2. The immediate restriction on foreign trade and the international repercussions resulting therefrom.

We now enter the area of my advocacy. I am convinced that the long-term welfare of the United States and its citizenship demands that immediate steps be taken to offer the American agriculturist a fair and equitable opportunity to exist within the economy. I precisely oppose subsidy by government.

I support the above contention by the following conclusions which I hold to be self-evident at this time: A reliable, abundant supply of food can only be guaranteed to the American consumer by an economically strong and healthy agricultural producer.

Failing to preserve the independent Democratic agricultural capitalist, I am convinced we can anticipate the following alternatives:

1. Complete governmental socialization of agriculture.

Production such as exists in Russia.

2. Acquiring all significant agricultural supplies from others.

Comparable to the supply situation that exists in the English Islands.

3. The organization and socialization of the American agricultural producer.

The relative merits and demerits of the first two alternatives are rather obvious and well known to us. I think you will be interested if I elucidate to some extent on the third of the alternatives.

According to a study made by the Department of Agricultural Economics of Texas A&M University in the year 1966, 47 percent of the rural lands of Brazos County, Texas, are owned by non-resident owners. Though no study has been made of which I am aware, it is reliably estimated that 60 percent of the lands of Washington County, Texas, are owned by non-resident owners. This latter county is one of the finer agricultural counties of our State. This trend of increasing non-resident ownership holds true in almost every area of the United States. As mentioned before, our agricultural youth are being taught that in order to produce agriculture for a profit they must either inherit at no cost or rent at unrealistic rentals land to be used by them for agricultural purposes. Purely as a demonstration of the general acceptance of this approach, you will be interested in a quote from the March issue of *Farm Journal* on Page 11, entitled "Farm Business," we find the following:

"A fair way to rent pasture: Weigh cattle on and off, multiply pounds of gain times current selling price." "The landlord gets a third of the dollar gain."

Loss of the right to administer the basic resources of land by the occupant and user of the land returns us to a baronial system of land ownership and patronage resulting in serfdom and peonage for the "producer-worker."

We are rapidly drifting towards the dominance of the sharecropper. This has occurred previously in the United States with disastrous results. I have never heard or read any economist or sociologist who contended that sharecropping was anything but bad for both the land and people of this great Nation.

Let me pose you this—the young American agriculturist who views himself as his father and grandfather did—as a perfect definition of a Democratic capitalist at last realizes he has been betrayed by this system, and that he has been reduced to the same state here that his European ancestor immigrated to escape. And let us suppose further that he organizes himself and his fellows and thereby controls the supply and distribution of food in the power sense.

I assure you that if such occurs government edict will be academic. He who controls who will work and who will eat, controls all.

Is this the scare talk of an irresponsible fool? I wish that it were! Persons far more subtle and sophisticated than I have already fully identified and appreciated the possibilities that exist in these unfortunate circumstances so fraught with danger for our country.

PROF. SEYMOUR HARRIS DENOUNCES MARTIN'S REAPPOINTMENT

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Patman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. PATMAN. Mr. Speaker, Seymour Harris, professor emeritus of political economy at Harvard University, has written a letter to the Washington Post of April 9, 1967, outlining his disappointment over the reappointment of William McChesney Martin, Jr., as Chairman of the Federal Reserve Board. I believe that Professor Harris has stated for the record the reasons why Martin was reappointed and the history of the Board's policies of tight money and high interest encouraged by Chairman Martin.

We all know the extensive campaign conducted by the banking community not only in this country but abroad to have Mr. Martin reappointed. Mr. Martin has conducted his own interesting campaign. He has reversed the Fed's tight-money policy of 196 to a policy of ease so as to make it easy for President Johnson to reappoint him as Chairman of the Board. But it is not Mr. Martin alone who has corrected the Fed's disastrous tight money policy of 1966, but the changing complexion of the members of the Board of Governors who have been appointed by Presidents Kennedy and Johnson.

In the future I hope that Mr. Martin's insistent record of inflationary fears should be changed in order that the proper perspective of all sectors of the economy be considered. We want no more of the tight-money policies that ruled the day under the Eisenhower administration.

Following my remarks I will place in the Record Professor Harris' letter and an editorial in the Washington Post of April 10, 1967, emphasizing that the Federal Reserve should be given credit for correcting their grievous errors of 1966 This editorial describes the results expected from the reduction of the discount rate from 4½ to 4 percent and emphasizes that the Board of Governors has finally signaled the end of the historic tight money and high interest rates.

The letter and editorial follows:

[From the Washington Post, Apr. 9, 1967]

On Martin's Reappointment

I regret the reappointment of Mr. Martin as Chairman of the Federal Reserve Board. This campaign to get Martin reappointed has been unique in its extent and coverage. Confronted with this kind of conspiracy of the conservative financial interests, the President, concerned over the dollar problem, must have found it very difficult not to reappoint Martin.

The last victory for Mr. Martin once more reflects his unusual talents. He spread far and wide the view that he had suddenly become an expansionist. He made sure that he received the credit for recent Federal Reserve policy of expansion—I mean since the debacle of the summer of 1966.

My view is that expansionist policy of recent months has been especially the product of three able new members—Mr. Mitchell, appointed by President Kennedy, and Messrs. Brimmer and Maisel, appointed by President Johnson.

It is well to consider Martin's contribution to monetary policy. His consistent record has been to be overimpressed by inflationary dangers and to sacrifice the domestic economy to *exaggerated* fears of the external value of the dollar. His record under Eisenhower was costly. He demanded independence but actually he gave President Eisenhower what he wanted: a restrictive monetary policy that stunted growth and pleased the President, who also was making political capital out of the exaggerated fears of inflation.

In the years 1961–67 Martin performed better than in the 1950's, the explanation being that once more he talked independence but actually largely followed the wishes of Presidents Kennedy and Johnson for an expansionist monetary policy. I say largely because, as you noted in the able editorial of March 15, he was not sufficiently expansionist at the outset; and he tended to overweigh the deficit of the balance of payments in determining how much money should be created.

But I would especially emphasize the point that in his only spectacular use of the independence theory—the rise of rates in December, 1965—he defied the President and abandoned the theory of a policy well-integrated with the Administration's policies.

Martin took credit for the hardening of rates in 1965–66. But he was not sure of himself. With the record rise of rates, he also gave the country a record expansion of money in the first half of 1966. Was this a dear- or a cheap-money policy? He lost control of the situation, with the unprecedented rise of rates.

It is no news that the country was close to a financial panic in the summer of 1966. The liberal treatment by the Reserve of the commercial banks under "Q" against the savings and loan associations over several years had contributed to the demoralization of the money markets.

It was the President who had to save the country from financial disaster. He reduced the pressure on the money market through withdrawals of Federal issues that were scheduled to be sold and asked for measures to reduce the excessive competition for money. Moreover, by providing a withdrawal of $9 billion through various measures earlier in 1966, the Executive had contributed to treating inflationary pressures, without at the same time creating chaos in the second half of 1966 by introducing a general tax rise on top of monetary restriction.

It was not until late in 1966 that genuine easing of the market occurred. In view of Martin's past record, one may well ask whether the easing would have occurred even by then if it had not been for the influence of three able new members of the Board. If the Board is more expansionist now than in the past, the explanation must lie in the make-up of the Board, not in the miraculous transformation of Mr. Martin from a lifetime contractionist to a 1967 expansionist.

At least we are fortunate in the addition of three able members of the Board who do not share Martin's excessive fears of expansionist policies. Martin and his school concentrate on the anti-inflationary policy of 1966; but they are silent on the $10 billion cost of that policy in 1966 estimated by the Council of Economic Advisers.

SEYMOUR E. HARRIS.

[From the Washington Post, Apr. 10, 1967]

Discount Rate Signal

Changes in the Federal Reserve Bank's discount rate—the charge for lending reserves to the private, member banks of the System—are signals by which the monetary authorities communicate their intentions. By approving reductions in the discount rates, from 4½ to 4 per cent for 10 of the 12 Federal Reserve Banks, the Board of Governors signaled the commercial banks that their demand for additional reserves will be supplied on easier terms.

Signals and substance should not be confused. Member banks will not come to the Federal Reserve Banks to borrow at the discount rate unless the demand for loans by their customers is brisk. And the demand for business loans will not increase so long as the economy remains in its present state of growthless uncertainty. But the monetary authorities can help set the stage for a resumption of growth by liberally supplying the banks with reserves. They are adding to bank reserves by purchasing Government securities in the open market, and the trimming of the discount rates is a sign that the policy of ease will continue.

Since November monetary policy has shifted from severe restraint to a position of ease. The transition was speeded by the economic slowdown, which in turn was largely induced by the monetary restraint. Nonetheless the Federal Reserve authorities deserve credit for correcting their error with greater dispatch than in the past.

TRIBUTE TO JUDGE LEO B. BLESSING

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. HÉBERT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HEBERT. Mr. Speaker, on the 19th day of this month, one of Louisiana's great jurists, the Honorable Leo B. Blessing, judge of the Juvenile Court of Orleans Parish, will be honored by the National Council on Crime and Delinquency when he receives its coveted "Scale of Justice" Award, at a tribute dinner in the Jung Hotel.

Judge Blessing occupies a high place in the hearts and minds of all of us who know him. My association with Judge Blessing has been both personal and professional and spans many years. Judge Blessing is a recipient of the F. Edward Hébert Award, made each year to the outstanding alumnus at Jesuit High School. As a fellow alumnus of Jesuit, it is understandable of my particular pleasure in the fact that Judge Blessing, among his many other honors, has been selected for this award.

Judge Blessing's primary concern is with people, knowing that only by helping the individual is it possible to benefit society itself. He has always recognized the institution of the American family as the basic ingredient to the successful development of the individual and the community, and the need to rehabilitate whenever possible the young people who are the victims of poor judgment or poor environment, or lack of parental supervision and advice. He backed legislation which not only contributed to their own welfare but to that of their families and society.

Judge Blessing has the unique combination of education and experience—as a social worker, a child welfare consultant, a Federal probation officer, and as a lawyer—which enables him to bring to Louisiana, and particularly, to Orleans Parish, a juvenile court, recognized as one of the Nation's most outstanding courts. He is considered an authority in the juvenile court movement, and whenever the National Council on Crime and Delinquency wants a judge who can most adequately explain the role of the juvenile court, it calls upon our own Judge Blessing. As a result, he has become greatly in demand everywhere as a living exponent of good juvenile court philosphy.

Judge Blessing is chairman of the Juvenile and Family Courts Section of the National Council on Crime and Delinquency's Advisory Council of Judges. This group of outstanding jurists, representing all levels of our judiciary, including Justice William J. Brennan, Jr., of the Supreme Court of the United States, has developed a series of manuals written by and for judges of criminal, juvenile, and family courts, including "Guides for Sentencing," "Guides for Juvenile Court Judges," and "Procedure and Evidence in the Juvenile Court."

He is being honored for his outstanding contribution to the development of our Nation's juvenile court system and for his leadership as chairman of the Juvenile and Family Courts Section of the Advisory Council of Judges. We of Louisiana, and particularly of Orleans Parish, are proud, indeed, that a judge in our midst has been selected for this honor.

Yes, Judge Blessing is, indeed, a great lawyer and a great jurist, but above all, he is a great humanitarian, a man of the big heart and the wise decision. He is a man of the firm resolve that the key to improved human behavior lies in human decisions for the right, and that in all things, divine guidance alone can enable man to attain a higher place in the esteem of his fellow men and his Creator.

This is the place Judge Blessing occupies today. In that high estate, I, together with New Orleans Attorney David L. Herman, general chairman of his tribute dinner, together with all of the people of the State of Louisiana, salute him, his faithful and beloved Nellanna.

Mr. Speaker, I am proud to pay this tribute to Judge Blessing in the House of Representatives, and to call to the attention of my colleagues the high regard in which he is held by the citizens of Orleans Parish and of Louisiana.

ADDRESS BY SECRETARY OF AGRICULTURE ORVILLE L. FREEMAN AND R. B. TOOTELL, GOVERNOR, FARM CREDIT ADMINISTRATION, AT THE FEDERAL LAND BANK 50TH ANNIVERSARY DINNER ON APRIL 3, 1967

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BRADEMAS. Mr Speaker, at the Federal land bank 50th anniversary dinner on April 3, 1967, at the Statler Hilton Hotel in Washington, D.C., Secretary of Agriculture Orville L. Freeman and Mr. R. B. Tootell, Governor of the Farm Credit Administration, delivered addresses that are of significant importance to the American farmer as well as the American consumer.

The theme of the golden anniversary of the Federal land bank was "Providers of Plenty," a fitting tribute to the American farmer and his continuing record of abundant production.

I call to the attention of my colleagues the following speeches of Secretary Freeman and Mr. Tootell:

ADDRESS BY SECRETARY FREEMAN

I'm honored to be with you this evening to help celebrate the Golden Anniversary of this great farmer-owned lending institution.

The remarkable success of the Farm Credit System has put a new phrase into the lexicon of agriculture. The Federal Farm Loan Act that authorized establishment of the 12 Federal land banks half a century ago has become deservedly known as the "Magna Carta of American farm finance."

Governor Tootell has described how this Act gave farmers an economic lever in the previously off-limits machinery of banking and finance . . . and how the application of cooperative principles to farm finance produced striking results.

A farmer or a rancher borrowing from the Farm Credit System has an immediate vested interest in its successful operation, and a voice in his association's management and policy-making. The borrower's awareness that this was his *own* credit system has been a very vital factor in the success of the System.

The very fact that borrowers can own their own credit system takes the sting out of Victor Hugo's remark that "a creditor is worse than a master; for a master owns only your person, while a creditor owns your dignity and can belabor that."

And the proved success of the Farm Credit System gives lie to John Ruskin's observation that "Borrowers are nearly always ill spenders."

As a matter of fact, most of the old Puritan ethic prejudices against borrowing have been refuted on a hundred fronts in modern times . . . and though we don't have to subscribe to Artemus Ward's contention that we should all live happily within our means—even if it means borrowing to do it—I think we're all agreed that judicious borrowing has a rightful, proper, and worthwhile place in our economy. The need for credit will continue to expand as the family farm grows larger.

In the case of the Farm Credit System, the argument for the legitimacy and value of wise borrowing can be made on institutional as well as individual grounds, for traditionally the system has been intimately—and successfully—concerned with elevating American agriculture to ever greater levels of achievement.

PROVIDERS OF PLENTY

As you pause for your Golden Anniversary celebration, you have chosen to pay tribute to the American farmers as the "Providers of Plenty" . . . a most appropriate theme.

America's "Providers of Plenty" have wrought the greatest productive miracle of modern times and are the agricultural envy of the world.

Never before have so many eaten so much of the abundance produced by so few. Today, in a world where two-thirds of humanity have inadequate diets, it is fitting and timely that we take this occasion to pay homage to the American farmers, the greatest "Providers of Plenty" in the history of man.

Earlier today, you heard the President describe many of the benefits of abundance provided by the American farmer. You heard him tell how only 6 percent of this population provides 197 million Americans with the best diet in the history of the world.

You heard him describe how American farm production per man-hour has nearly doubled in the past ten years, how productivity per acre by our farms has increased 76 percent, and output per breeding animal has doubled in the short span of only four and a half decades. And how one hour's farm labor today produces five times more than it produced in 1921.

He may have told you, too, how agriculture has contributed significantly to export earnings. If the volume of farm exports continues to increase at an annual rate of 4 to 5 percent, farm exports could reach $10 billion or more a year by 1980.

And you heard the President describe how the American farmer is helping to meet this nation's humanitarian responsibilities . . . helping to feed 60 million Indians a year, and 100 million other hungry people abroad.

Never has the world seen such an outpouring of bounty from one nation to others . . . but even this has not yet overstrained the productive capacity of American agriculture.

We are *not* short of food in the United States. And we will not be food-short in the foreseeable future . . . thanks to the productive genius of our farmers—those denim-clad entrepreneurs ever on the lookout for better ways to grow crops and animals.

THE FARMER AS CONSUMER

In order to improve production, the American farmer has become a heavy investor in the tools of modern technology. And this brings me to another in the long list of agriculture's contributions to the economic health of this nation—the farmer's role as consumer.

It is the farmer's gross income that is spent on Main Street and proliferates throughout the entire economy . . . and last year gross farm income set an all-time record—$49.5 billion. This is 10 percent greater than in 1965 . . . *and 31 percent higher than it was in 1960.*

This means farmers had $11.6 billion more to spend last year than they had the first year of this decade. And spend it they did. Investment in farm machinery alone increased from $22.3 billion in 1960 to $27.5 billion last year.

During the same period, total farm debt increased from $24.9 billion to $41.6 billion . . . but farm assets increased even more—rising from $204 billion to $256 billion.

The Main Street boom has spread across the country, creating jobs and spendable income—and thus more jobs—wherever it is felt. Employment at John Deere and Co. has increased by 11,000 workers in the past five years, and from 1965 to 1966 it jumped 2,600. Another of the major implement firms, J. I. Case Co., not too long ago began construction of a new million-square foot tractor parts plant to meet the booming farm demand.

All of this has contributed significantly to the healthiest, most vigorous national economy we've ever had—an economy which has seen: the gross national product grow by $256 billion from the start of 1961 to the close of 1965 . . . personal income increase nearly $200 billion in the same period . . . factory worker wages climb by 21 percent . . . and corporate profits after taxes almost double.

THE FARMER IN OUR HISTORY

The farmer's contributions to the national economy and to the health and comfort and well-being of our citizens are as old as the nation itself . . . but in our brief history we've seen his own prestige and influence and prosperity chart a roller coaster course.

Ironically, the "Provider of Plenty's" own fortune has been linked—not to abundance—but to shortage. When demand outstripped production, the farmer gained in income and importance. When production outstripped demand, his income and influence declined.

Throughout World War II and the Korean conflict, the farmer produced to intense demand and reaped fair returns and grateful recognition. But the technological advances that enabled him to meet war-time demands betrayed him once the emergencies were over.

By the beginning of this decade, peacetime overproduction had stolen much of his earning power and robbed him of much of his prestige. By the close of the 1960-61 crop marketing season, we had a stockpile of 1.4 billion bushels of wheat and 85 million tons of feed grains—and net farm income had plummeted $2.4 billion in eight short years.

The outlook could scarcely have been gloomier.

A NEW ERA

But—in six short but eventful years—American agriculture turned the corner from pessimism to promise. Playing a key role in this turn-about were the five major farm bills passed in the last six years.

The first four put agriculture well on the road to higher income and surplus reduction. The fifth, the Food and Agriculture Act of 1965, enabled us to continue toward these goals . . . and provided the flexibility needed to produce to specific need and to facilitate supply-demand balance.

The surpluses of the Fifties are gone. By the end of January, the Commodity Credit Corporation investment in farm commodities was down to $4.37 billion, a reduction of $2.47 billion from the previous year, and about $4 billion less than the peak investment years of 1956 and 1959.

The market is freer of Government than it has been for 30 years, and nearer supply-demand balance than it has been for half a century. And now—for the first time in years—our farmers are being asked to grow *more* . . . instead of *less*.

This combination of surplus reduction, increased demand, farm production and marketing efficiency under the new programs, and Government price support and incentive payments brought the American farmer one of his best income years in 1966.

While total gross farm income was setting an all-time record last year, net farm income was climbing to $16.3 billion, the second highest in history. This was 40 percent greater than it was in 1960, and 15 percent higher than in 1965. Realized net income per farm also set an all-time record at $5,024 . . . 19 percent higher than the year before and 70 percent higher than in 1960!

THE CHALLENGES AHEAD

On the face of it, this should constitute a record of reassuring progress. But instead there is much unrest, uneasiness and apprehension on the farm and throughout agriculture. No one is more aware of it than the Secretary of Agriculture. This being the case, it is timely I think for me to share with this audience of distinguished leaders in American agriculture, and through you to all our farmers, some of my thoughts and expectations and plans for the future.

There are tangible and intangible reasons for farmer concern today. Despite a 70 percent increase in net income per farm since 1960, the average farmer's income still lags a third behind that of nonfarm residents. Farmers averaged $1,731 per capita last year, while non-farmers averaged $2,618.

Then, too, farm production costs have risen . . . and farm prices have slumped some in recent months. The prices received by farmers were down 7 percent in March from a year ago, but the prices paid by farmers were up 3 percent in the same period.

We hope we've seen the low point for the year, and that prices will strengthen in the months to come. But the situation does point up the crucial need of convincing the consumer that farmers must have stronger farm prices . . . that this is justified as much by consumer self-interest as it is by fair play to the farmers. If prices aren't strengthened, the squeeze may cost us farmers, cost us production . . . and in the long run cost us much more for food in the future.

But there is an even deeper and more fundamental reason for today's farm unrest.

In this latter half of the 1960's, American agriculture has entered a new era where exploding technology is married with new public policy . . . where surpluses are gone . . . where farm income has climbed rapidly . . . where world demand promises to continue strong and the American farmer is in a position to compete aggressively for new markets.

This is ineed a new era, an era of substantial progress and promise. But in its newness, there is much that is strange . . . and strangeness causes anxiety and uncertainty.

In a single year—1966—the farmer saw his net income increase over $2 billion—or 15 percent. The farmer lives on a tidal wave of hope in an uncertain world, and the tidal wave of 1966 carried him further than he had gone in any one year of the past 20.

But now—to him, at least—the first months of 1967 with lower prices do not seem to be maintaining the economic thrust that will continue the gains of '66. To some, it appears that the farm economy has lost its forward thrust and is now receding from the income records it made.

I don't think we have lost our forward momentum but I do understand and share the anxiety of the moment.

Another reason for unrest is the change in philosophy and practice in some of our key commodity programs. The certainty of the old mandatory programs—inadequate as they were—is gone. They had one significant attribute—everyone knew that the market price would be at, and in practice it was usually below, the loan level. So, if you wanted to criticize market prices, you could take aim at the support level. But the producer could always depend on that relatively high fixed loan level. As we all know when controls were loosened, the high loan level programs for all practical purposes destroyed themselves as they built up the enormous costy surpluses of the 1950's. Nonetheless, under the old programs the farmer did know about where he would come out on price. He could depend on the loan level.

This is all changed now. The loan level in the *new era production payment programs* is geared to make today's farmer competitive in world markets without export subsidy—while additional direct payments are made to insure more adequate farm income. The loan rate on most commodities now is well below the market price.

This makes farmers more market-oriented . . . and more anxious. Take the market on wheat. It's jumping like the young people's coffee houses in my neighborhood. In the last six months, it has ranged from a high of $1.90 at the end of November to a low of $1.68 at the end of January. It raced back to $1.91 in March, and last Friday it dropped to $1.80.

That's enough to make anyone anxious. Unfortunately, anxiety sometimes translates into oversight.

Some farmers now write to me and demand that we increase the loan rate, apparently seeking to reinstate the old relationship where market prices seldom if ever exceeded the loan rate.

But they forget about direct payments—which for the 1966 crop—are bringing the average farm price for wheat to $2.14 a bushel, blend price. If anyone had predicted to me as late as 1965 that wheat farmers in the United States would get a blend price of $2.14 a bushel for the 1966 crop (while Canadian wheat farmers are estimated to be getting $1.60) I would have responded instantly—"Impossible!" Yet that is the situation today.

As a matter of fact, we now expect to see our wheat producers reap a record income from the 1967 crop because of record production, fair market prices and marketing certificates.

Yet some wheat farmers look at the $1.25 loan rate and write me worried letters.

This puts the Secretary of Agriculture in a very difficult position. How can he convince farmers that if they follow the course of action some are demanding—action based on our old traditional high support programs—they stand to lose millions of dollars in income?

This, I believe, is the *real* danger in this period of uncertainty and unrest, anxiety and uneasiness. It's all too easy to lose sight of the real promise of the new era. And if we lose sight of the reality of that promise and don't give our new programs a chance to work—the farmer can lose all he's gained in the past six years.

I appreciate the reasons for farmer uncertainty. I share it keenly. The programs of the new era—programs that insure more freedom and promise more income—are harder to administer, harder to explain, and harder to get agreement on. As I've said a number of times, with surpluses gone and the new programs in effect, we're in an entirely new ballgame . . . and it isn't easy.

The Secretary of Agriculture must make decisions on such things as acreage allotments, acreage diversion payments, and price support programs. And he must make these decisions in such a way as to assure *enough* production to meet our needs at home and around the world . . . but not so much as to adversely affect farm prices. On occasion I have described the Secretary of Agriculture as kind of a referee. It is his job to keep the teams of supply and demand on the playing field of the market. If he can do that it will be a fair contest and all will benefit. But if either supply or demand get out of bounds there will be chaos and everyone will suffer. It isn't easy to keep supply and demand in workable balance. Hence the uncertainty we all feel today as we try to adjust to this new era.

We harvest around 100 million acres (6 billion bushels) of feed grains a year. A 3-to-5 bushel variation per acre because of weather is not unusual. With such a variation, absolutely accurate estimates and perfect judgments every year are impossible.

Right now we face a serious drought threat in the Southwest. If rain doesn't come soon, wheat production will be sharply cut in a number of areas. Should that happen, our supply—though less than estimated—will still be comfortably adequate because we increased allotments an additional 15 percent last August.

But—if the rains come soon and plentifully, we can have a bumper crop of wheat. Then prices will be lower . . . (although I think well above the loan rate) and the Secretary of Agriculture will be accused by some of having depressed them on purpose. He's apt to be a hero or a bum, as I've said many times, depending upon whether it rains or shines.

What is true of wheat is true of feed grains. There's still time to alter this year's feed grain program to get more production. Many are urging that we do just that. But most of those doing the urging aren't really very much concerned about farm income. So here again, we've got to balance need against income for the farmer—most of which comes from the market—and try to make the right decision.

The Secretary of Agriculture as he administers these new programs is doing his very best to help farmers—to provide the marketing system with adequate supplies—but at the same time to avoid oversupplying available markets and depressing farm prices.

It is implicit in this new system that the trade and the farmers carry our food reserves. Government stocks are now held at a prudent minimum so market prices will not be depressed by the very existence of large stocks in Government hands.

This means the consumer will pay much of the cost of carrying the reserve that protects him and insures an adequate food supply. The alternative is having the Government lock up the reserves somewhere . . . in which case he also pays but as a taxpayer rather than a consumer.

We've got to have reasonable reserves to guard against a food shortage, but we also must pay the bill to hold them. We can pay it as taxpayers if the Government stores it. Or we can pay it as consumers if it's carried by farmers and the trade.

Under the new system, the market is being tested to see if it can and will carry the necessary reserves . . . and at the same time bring a fair return to the farmer.

I think it can. I think our producers can market their products skillfully and earn a fair reward in the confidence that: (1) In average crop years, the market will return them fair prices with minimal Government action. (It must be remembered, however, that even in such years Government purchases serve to bolster farm prices. Last year, for example, the Government, in effect, bought $1½ billion worth of farm products such as wheat and flour, rice, cotton, feed grains, fats and oils, livestock and poultry products and peanut butter for such programs as Food for Freedom, school lunch, school milk, and distribution to the needy.) (2) In years of large supply, the Government will increase its purchases to prevent depressing farm prices.

If—at the same time the Government is prudently using its buying powers—farmers join together in their cooperatives and farm organizations to develop new skills in marketing and new levels of cooperation, I'm sure we can continue the march we began in 1961 toward the goal of just and fair farm income.

As we consider our new era programs, and attempt to weigh their effectiveness, I think it's appropriate to consider the alternatives. Few things in this finite world of ours are perfect. What then are the alternatives to the *new era programs* which we have developed in the crucible of trial and error and political combat these last six years?

At one extreme we have the "no program at all" program. Only one of our major farm organizations advocates this. To me it is entirely unacceptable because it would cut farm income by a third. If that happens and land values topple with farm prices, our total economy—farm and nonfarm—will be shaken to the core.

At the other end of the scale, we have the high, rigid price support program. This means rigid controls based on bushels, pounds, and acres. This would appear to be impracticable. There are two parts to the test of any farm program. It must be *passable* in the Congress . . . and it must be *workable*. Both the Congress and the farmers have rejected mandatory controls before and in my judgment would do so again.

So it appears to me that we are left with the present programs mandated by Congress in the Food and Agriculture Act of 1965 . . . and the question of whether we can make them work. The Congress has given us four years to do this. We owe it to the Congress and the program to give it a full, fair test, adjusting and improving as we go along.

After all, the first year of our *New Era Programs* set new records for farm income when both gross farm income and net per farm income reached all time highs.

This means we shouldn't hit the panic button every time the market price varies with the weather. We shouldn't write off a program that gave us a bumper income year just because prices are down a little right now. Let's withhold judgment. Let's wait to see if the good in the system outweighs the bad in the next four years.

I'm confident it will. I'm heartened by the progress we've made so far. I believe we can continue that progress—*if* we have confidence and determination, *if* we are courageous and prudent, *if* we do our job as well in the future as we have in the past, and *if*—as the youngsters say—we all keep our cool.

Thank you and good night.

A Record of Accomplishment

(Address by R. B. Tootell, Governor, Farm Credit Administration)

Secretary Freeman, Dr. Harris, distinguished guests and my fellow Farm Creditors. I feel very privileged to have a part in this national observance, commemorating the 50th anniversary of the founding of the Federal land banks and what developed into the present complete Farm Credit system. This has special significance for me because almost precisely 33 years ago I started work for the Federal Land Bank of Spokane.

My assignment is to make a few remarks about the record of accomplishment of the land banks. I shall not just extol their success as business institutions, but rather emphasize their record of service to America's farmers, providers of plenty.

SPECIALIZED CREDIT FOR FARMERS

We are meeting here tonight because of the vision and persistence of certain farm leaders soon after the turn of this century. These men were aware of the growing need for credit in agriculture as the frontier disappeared, land prices rose, tenancy increased, and new items of farm equipment became available. For the most part, farmers had access only to credit institutions designed primarily to serve commerce and industry. In tight money periods, shortage of credit in rural areas was particularly acute. The greatest need at the time was for dependable long-term farm mortgage credit on reasonable terms. The typical farm mortgage for that period carried an interest rate of 8 or 10 percent. It was written for 5 years and, if renewed, usually called for a 5 percent commission.

The persisitence of these farm leaders paid off when in July 1916, Congress passed the Federal Farm Loan Act creating the 12 Federal land banks. Since making their first loan in April 1917, the land banks have made 2 million loans totaling $14 billion. Today the 12 banks have nearly 400,000 loans outstanding for an amount exceeding $5 billion. This is approximately 20 percent of all the farm mortgage business outstanding in the United States.

The Federal land banks served as a pattern for other parts of the cooperative Farm Credit system that Congress created later in response to the special needs of the times. Following the sharp agricultural depression of 1920–21, the 12 Federal intermediate credit banks were created to serve as banks of discount for agricultural credit corporations and certain other agricultural lenders. During the Great Depression the Congress in 1933 made provision for the production credit associations and for the 13 banks for cooperatives, as well as a new supervising agency, the Farm Credit Administration. This rounded out the system designed to render a complete, specialized lending service for United States farmers and their cooperatives.

Although the government initially capitalized these lending institutions, the Congress wisely provided that as farmers borrowed from them, they would invest in them and that the government capital would be retired. The Federal land banks have been completely farmer owned for 20 years. Other parts of the system are largely farmer owned as evidenced by the fact that less than 10 percent of the $1.8 billion net worth of the system is now represented by government capital. The system is highly decentralized with control largely with farmer elected boards of directors at the association and district bank level.

Loan funds for the Farm Credit banks come from sale of their own bonds to the investing public rather than from appropriations from Congress. Independent access to the money market is a basic strength of the system, and is the only way it can equate loan funds with the sound business needs of farmers.

Although the Congress created these banks and associations in times of emergency, it did not create them as emergency or gap-filling institutions. Rather it established them as permanent cooperative institutions—a part of the competitive, free enterprise system. They are comparable to farm supply cooperatives that make available necessary production inputs.

FIFTY YEARS OF ACCOMPLISHMENT

The greatest lasting contribution of the land banks, I am convinced, is the establishment of a mechanism by which farmers from all parts of the United States pool their collateral and market it efficiently. The land banks thus established a means for overcoming the traditional acute credit shortage in rural areas. Dependable credit for sound farm business undertakings became available for the first time.

The most spectacular service of the land banks was their refinancing of farm mortgages during the Great Depression, when tax delinquencies and farm foreclosures were rampant. In the three most active years of this program, 1933–36, the land banks received applications on nearly one-half of all the mortgaged farms in the United States. They made 760,000 loans totaling about $2 billion.

Innovations have been many. Pioneering of the long-term, amortized real estate loan and enlightened loan servicing policies have been some of the other outstanding contributions. Other successful lenders have adopted these innovations.

The Federal land banks and their sister institutions have made direct contributions by successfully lending farmers and their cooperatives nearly $87 billion in the last 50 years. I am convinced, however, that their indirect contributions have been even greater. Nearly every farmer in the country who has used credit since 1917 has benefitted by the presence of these specialized agricultural lending institutions that have a significant effect upon loan terms. The end result has been dependable credit suited to the needs of farmers. This has enabled the timely adoption of technical advances that made our farmers providers of plenty, and a real boon to consumers here and in foreign lands.

The availablity of dependable credit, suited to the needs of farmers, has been a very important factor in keeping control of farming in the hands of independent farmers. Only 17 percent of our farms today are tenant operated; and approximately 95 percent are still family farms in which the family has a substantial investment, makes the management decisions, and performs most of the labor.

I consider their part in keeping control of farming with independent farm families the outstanding accomplishment of the Federal land banks over the past 50 years. It is, in my judgment, their greatest challenge for the next 50 years.

CENTENNIAL OF CANADIAN CONFEDERATION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCormack] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I include in my remarks a letter received from the Honorable Lucien Lamoureux, Speaker of the House of Commons, Chamber of Deputies, Ottawa, Ontario, Canada:

House of Commons,
Chambre des Communes, Canada,
Ottawa, March 28, 1967.

Hon. John W. McCormack,
Speaker of the House of Representatives,
Washington, D.C.

My Dear Mr. Speaker: On March 22nd, just prior to our Easter adjournment, I had the great pleasure of informing my colleagues in the Canadian House of Commons of the unanimous adoption by the United States Congress of a Concurrent Resolution, extending congratulations on the occasion of the Centennial of Canadian Confederation. This thoughtful gesture, so characteristic of our good neighbor and closest friend, was received with warmth and gratitude by all Members of the House of Commons who have asked me, on their behalf, to write to you and, through your good offices, to express our deepest appreciation to all Members of the United States House of Representatives.

Also very much appreciated by our Members were the generous remarks made by our good friend, Congressman Neil Gallagher, in introducing the Resolution. His long association with the Canada-United States Interparliamentary Group has gained him the affection of the many Canadians who have had the privilege of meeting him and working with him during our annual visits. On the eve of the Tenth Meeting of the Canada-United States Interparliamentary Group, we are looking forward with much pleasure to welcoming Congressman Gallagher to Canada once again as a Co-Chairman of our sessions and expressing our thanks to him in person.

I am, my dear Mr. Speaker,
Sincerely yours,
Lucien Lamoureux.

THE 100TH ANNIVERSARY OF PARISH OF ST. MICHAEL'S, JERSEY CITY

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Daniels] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DANIELS. Mr. Speaker, last Sunday I had the high honor and great personal pleasure to be in attendance at ceremonies commemorating the 100th anniversary of the Parish of St. Michael's in downtown Jersey City. A large crowd turned out for this festive occasion, consisting both of present members of the congregation and those who have physically left that part of Jersey City, known as "horseshoe" but who can never forget their childhood days in that wonderful old neighborhood.

One hundred years ago, Rev. Januarias DeConcilio, a curate at St. Mary's Church, was assigned as the first pastor of St. Michael's Church. Father—later Monsignor—DeConcilio was a native of Naples who had arrived on these shores in the year 1860 as a newly ordained priest. Prior to his service at St. Mary's, Jersey City, he was assigned as a curate in the city of Hoboken.

Monsignor DeConcilio died on March 22, 1898, and was succeeded by Rt. Rev. Msgr. John A. Sheppard, who served St. Michael's with great distinction until 1925. His pastorate was a time of great growth for St. Michael's—both in things temporal as well as spiritual. Physically a giant among men, Monsignor Sheppard warred upon intemperance among his flock and he was instrumental in forming the Newark Diocesan Union of Holy Name Societies and the Diocesan Council of Catholic Women. His death on January 18, 1925, in the 27th year of pastorate, was mourned by all with whom he came in contact during his long career in God's service.

Monsignor Sheppard was succeeded by the beloved Father Michael P. Corcoran, a kindly man whose memory is forever enshrined in the hearts and minds of a generation of students at St. Michael's School, who attended the parish school during his pastorate. His interest in education spurred him to found St. Michael's High School in 1925. Despite the fact that his pastorate spanned only 4 short years, few spiritual leaders made such an indelible impression upon their congregation and the legacy he left to his flock will always be a part of St. Michael's and the community.

Father Corcoran was succeeded by Rev. Dr. William A. Griffin, a distinguished scholar and professor of philosophy at Seton Hall University, and it was under his leadership that the schoolchildren of St. Michael's participated in the Dialogue Mass, some three decades before Vatican II.

Monsignor Griffin left St. Michael's to assume the faculty of the Immaculate Conception Seminary and was raised by Pope Pius XI to the title of Bishop of Auxiliary Bishop of the Newark Diocese and in May 1938 he left St. Michael's Parish.

Bishop Griffin's successor as pastor, was an old friend of St. Michael's, Father LeRoy McWilliams, who had already served the parish previously for two decades as a curate and for many years as principal of St. Michael's High School. A patron of education, he revitalized the parish schools and it was through his efforts with the cooperation of Mayor John V. Kenny, a lifelong parishioner of St. Michael's that the parish obtained a building on Bright and Florence Streets in Jersey City for a new gymnasium. At this time, the State board of education was threatening to refuse accreditation for the school unless gym facilities were provided. The timely intercession of Mayor Kenny made a site available and Father McWilliams was able to save the accreditation of St. Michael's.

In 1962, the people of St. Michael's were saddened to learn that after 44 years at the historic old parish, Father McWilliams had been transferred to a suburban pastorate, Our Lady Queen of Peace in North Arlington.

In June 1962, Father James Carey, a native of Newark, became the sixth pastor of St. Michael's and he has lived up to the fine old tradition established a century ago by Monsignor DeConcilio. He has been a faithful shepherd to his flock which now consists of persons whose ancestors came from many lands. He has labored mightily in the service of the large Spanish-speaking segment of his pastorate and the Intercultural Center he has set up at Ninth and Erie Streets has been well received by the Spanish descended members of his congregation.

Mr. Speaker, I would like to include at this point in the Record a tribute which was given to Father Carey in the April 7, 1967, edition of the Jersey Journal, a leading newspaper in northern New Jersey. The article follows:

> As St. Michael's parish begins its second century of service to God and the community, it is only fitting that we ask God's blessing upon all who labor at St. Michael's for the greater glory of God.

UNITED STATES NEEDS PROGRAM TO EXTEND BORDERS INTO THE SEA

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Karth] may extend his remarks as this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. KARTH. Mr. Speaker, I read with interest comments made by my colleague, the Honorable Paul Rogers of Florida, calling for a national policy that would extend our national borders to the sea.

The occasion for Mr. Rogers' remarks came at the launching of the U.S. Coast and Geodetic Survey ship *Oceanographer* on a world cruise. The cruise is intended to extend our knowledge of the seas of the world and bring back to us information that will better enable the United States to explore and exploit the riches of the deep.

Mr. Rogers points out that at the same time we should formulate a national program to insure that the lands we develop under the seas in the future will be sovereign soil for the United States.

At this time I would like to include in the Record a copy of Mr. Rogers' speech and a list of those who participated in the ceremony. Mr. Rogers' speech follows:

Address by Congressman Paul Rogers at the Sailing of the Research Vessel Oceanographer, Jacksonville, Fla., March 31, 1967

Thank you. It is indeed an honor and a privilege to be here for this historic occasion.

I cannot help but think of the many parallels that this voyage has with other historic voyages down through the ages, those of men like Columbus, DeGama, Cabot, Balboa, Drake, Hudson, and Cook.

Each went down to the sea in ships. Some knew where they were going, some didn't. Some knew where they were when they got there and some didn't.

They were guided by the stars, by crude compasses and by intuition. Those were primitive times. Men had to be charged with adventure and devotion to dare tempt the fates in uncharted waters.

Indeed, Columbus thought the world round. But there is evidence that not all of his crew shared this feeling.

Even after his voyage this concept was not universally shared.

But then came a man named Magellan. He set out in 1519 and circumvented the earth in three years. We cannot fully realize the impact of this event now, when men can circle the earth faster than the speed of sound in a matter of hours, hundreds of miles above the surface of the earth.

We can only judge in part of the hardships of such a trip by the fact that Magellan lost his life, two of his three ships and all but 18 men on the Victoria, the only ship to survive the journey.

When the Oceanographer sails today, she is scheduled for a journey that will touch 11 nations and six of the seven continents. She carries aboard her the most sophisticated equipment available. She is the largest, most modern, and the most completely automated research ship built in the United States. Florida takes particular pride in the Oceanographer, as a Florida built ship. (Jacksonville Shipyards, Inc.)

But hers will not be a trip of survival. Hers is dedicated to the gathering of knowledge which will enable man to better understand the world around him and the world below him.

This information gleaned from the seas, from the earth under the seas, and from the atmosphere will be recorded automatically in most cases by a computer that monitors the ship's operations and at the same time, has a capacity to give forth 100,000 arithmetic calculations per second and store 16,384 function memory cores.

The ship's equipment also includes a newly developed marine type automatic picture transmission which enables the ship to receive signals direct from ESSA satellites as they pass overhead. This also reproduces a weather picture of the local areas as seen by the satellite.

This hookup between the Oceanographer and the satellite may well represent one of the milestones of the voyage. Using conventional methods now available, a ship far from land can be five to ten miles from its charted coordinates.

Using the satellite system, the margin of error can be cut to within hundreds of yards. Possibly within 100 yards.

The use this can play in the future of oceanography is exciting.

We are just beginnnig to map effectively, the bottom of the oceans. There exist, however, no accurate charts for more than 95 percent of the oceans.

But think for a second what the mapping of the oceanbottom will mean when men start placing oil wells out of sight of the mainland and down the slope of the continental shelf. The oil companies of the world are scrambling now to establish rights to rich fields around the world. And we are presently reaping millions of dollars from oil exploration.

We have established law that governs the rights of the state and federal domain. But we do not have the sophisticated maps which will be necessary in the future to stake out a claim where 100 yards could mean the difference between a big oil strike and a barrel of mud.

According to the law of the sea which came out of the Geneva Convention, the seas and subsoil belong to the adjacent nation which can actually occupy and recover the minerals and resources there.

If a nation—as our own—can sink wells, mine ore, or occupy lands 100 miles or more off shore, then that sea belongs to the nation. A positive program and plan must immediately be instituted by this government to extend the borders of this nation—seaward. Occupation of the oceans off our own borders will bring with it knowledge, riches, and development of the vast potentials existing in the oceans.

But we must be able to stake lawful claims. To insure that there will be no piracy because of inaccurate navigational and mapping systems, we must develop to its full potential, an accurate mapping operation of our sea borders. As it is perfected, it should be capable of fixing a precise location on the bottom of the sea from outer space.

Such a system would allow us to map the bottom for explorers and industry as well as we presently map our land by lot, block, and subdivision.

This may sound farfetched. But we all know that as the private sector of our economy discovers the potential of the ocean bottom, there is a greater need to insure industry that their rights will not be infringed upon by underwater pirates.

During her journey, the Oceanographer will have the most accurate readings of her position of any ship ever to circle the globe.

We can forecast that. We cannot, however, forecast the weather for the entire trip. One of the purposes of this trip is to study the effect of temperatures and currents on the inter-action of the sea with the atmosphere.

The results of this phase of the testing will help work we are now doing in a program designed to enable us to implement long-range weather forecasting. When we complete this study—if indeed we arrive at the point where we can discard the old bromide about nobody doing anything about the weather—then we will be able to see ocean voyages planned to escape storms.

And when we reach that day of long-range weather forecasting, we will see scientists accelerate their attack on the very inception of hurricanes, tornadoes, and typhoons. Hurricane damage alone caused annual damage of $140 million to the southern and eastern parts of the nation from 1940 to 1957.

Millions of dollars could be saved each year if farmers knew when best to plant and harvest, if contractors knew when to start projects and if areas like Florida knew what kind of season to expect because of long-range weather reports.

Each of the myriad of purposes that the Oceanographer has been charged with has a definite and relative bearing to the journey that man is taking now beneath the seas.

As she plows through the seas of the world fathering data, she will be amassing facts that one day will make it possible for us to live under the seas for prolonged periods.

These facts will eventually be worked into our plan of effectively using riches of the deep; to help feed the hungry of the world; to ease the population explosion; to understand that part of man's environment that has been lying unknown and untouched beneath the seas for centuries.

To the Captain, officers, and crew of the Oceanographer, a safe voyage and God Speed.

The following is a list of those who took part in the ceremonies launching the *Oceanographer:*

Invocation, Right Reverend Robert Parks.

Introduction of guests, Rear Adm. James C. Tison, Jr., Director, Coast and Geodetic Survey.

Remarks, Martin E. Kirwin, president, Jacksonville Shipyards, Inc.

Governor's proclamation, Hon. John J. Perry, Jr., chairman, Governor's Advisory Council on Marine Science and Technology.

President's message, Dr. J. Herbert Holloman, Acting Under Secretary of Commerce.

Principal address, Hon. PAUL G. ROGERS.

Remarks by commanding officer, Capt. A. Wardwell.

Remarks by expedition director, H. Arnold Karo, Vice Admiral, USESSA (Ret.).

Benediction, Right Reverend Robert Parks.

LIBERALIZING THE FEDERAL CREDIT FOR STATE DEATH TAXES

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. FOUNTAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, I have today introduced a bill—H.R. 8329—designed to increase State revenues and to improve Federal-State coordination in the inheritance and estate tax field so as to ease the burden of compliance for the taxpayer.

My bill would amend the Internal Revenue Code to provide an increase in the amount of credit against the Federal estate tax for estate taxes paid to States. The present credit provision was enacted by the Congress 41 years ago to safeguard the States' share of these revenues and to facilitate interstate tax uniformity. These objectives, however, have not been achieved. The inheritance and estate tax area is now characterized by tax overlapping and complexity, by a heavy compliance burden in time and money for the taxpayer, and by relatively high administrative costs. My bill would increase and stabilize State collections from this source and, at the same time, improve Federal-State coordination of taxation in this field.

The States would ultimately gain about $800 million a year from this legislation. North Carolina's share of the increased revenue, for example, would approximate $20 million annually.

My bill would also reduce the incredible variety of provisions in present State laws so troublesome to people with properties in more than one State and to tax attorneys, thereby easing the existing compliance burdens.

In order to give all States an equal start, the bill further provides that the date of the new tax credit would take effect in 3 years to allow for the enactment of the necessary State legislation.

Mr. Speaker, in these days when the Congress and the Nation are becoming increasingly aware of the growing revenue needs of our State and local governments, I think it most appropriate that we start by allowing the States a more equitable share of Federal estate tax collections—as was originally intended when the Federal Government entered this tax field. I hope that the Congress will give early consideration to this bill which is so important both to the States and to the unfortunate taxpayer who becomes the victim of the red-tape that now characterizes our death tax laws.

STOKELY CARMICHAEL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Alabama [Mr. NICHOLS] is recognized for 5 minutes.

Mr. NICHOLS. Mr. Speaker, I feel very strongly that the Members of Congress and, in fact, this whole country should know what is going on on the college campuses of my State and other States. I have here an Associated Press story of a speech made in Birmingham by black power advocate Stokely Carmichael. Carmichael no longer goes under the guise of civil rights, but openly advocates the overthrow of the U.S. Government. What is civil about statements like "To hell with the laws of the United States," and "We're going to tear the cities up?"

My colleagues from Tennessee should be well aware of what speakers like Stokely Carmichael can do to promote violence. Students rioted in Nashville after two of Carmichael's lieutenants stirred them up with a speech similar to this one. The Tennessee Legislature has even passed a resolution calling for the deportation of Carmichael back to his native Trinidad.

Mr. Speaker, Alabamians have long known that people such as Carmichael were using the civil rights movement as a front for subversive activities, but until recently they remained behind the scenes. Now, they have come out into the open, and responsible Negro leaders no longer associate with them. Young Negro men of my State and other States are dying in Vietnam, yet many of the so called civil rights leaders play footsie with the Vietcong, and call for Negroes to refuse to serve in the Armed Forces.

It is time the people of this country woke up to what Stokely Carmichael and others in his movement are dedicated to. They are not dedicated to Americanism, Mr. Speaker, but rather seek to destroy the very freedoms they so loudly demand.

Mr. Speaker, I ask unanimous consent that this news story be inserted in the RECORD.

"TO HELL WITH U.S. LAWS": STOKELY CARMICHAEL

BIRMINGHAM—Stokely Carmichael said Tuesday that Negroes are not bound to obey laws legislated by white people.

"To hell with the laws of the United States," he shouted during a talk at Miles College.

The leader of the Student Non-violent Coordinating Committee called for removal of the school's predominantly white faculty.

"You are a bunch of parrots, saying back what it said to you in classes," he told the students.

"You don't even question why there aren't books about black people in your libraries . . . you can't read books about black men because Miles College is dominated by white people."

Carmichael criticized the students for not taking part in racial demonstrations.

"If you don't wake up, man, your brothers in the gettos are going to wake up with matches," he said.

A student asked what should be done when Negroes are mistreated.

"If a white man tries to walk over you, kill him," Carmichael answered. "One match and you can retaliate. Burn, baby, burn."

Carmichael said that as long as there is no peace for Negroes SNCC will advocate peace for no one. "We're going to tear the cities up," he said.

He said racism exists in this country because of power, Referring to Gov. Lurleen Wallace and former Birmingham Police Commissioner Eugene (Bull) Connor, Carmichael said:

"If you think Lurleen is sitting up there where she is because she has love for you, you're crazy.

"If you think Bull Connor turned water hoses on you because he loves you, you're crazy.

"The hunkies (whites) do it to you because they have power," he said. "We must develop power. That is, black power."

Carmichael mentioned that two Negro churches burned recently in Lowndes County.

"And one white church burned to the ground," he said. "Now, we're all going to have churches or there will be no churches at all."

It was in Lowndes that Carmichael organized the Black Panther Party last year.

Carmichael was invited to speak at Miles by the sophomore class.

He told the students it appeared that only freshmen and sophomores were concerned for freedom for Negroes. Juniors and seniors, he said, are thinking only of graduating.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Garmatz (at the request of Mr. Albert), for today, on account of official business.

Mr. Gude (at the request of Mr. Gerald R. Ford), on account of illness.

Mrs. May (at the request of Mr. Gerald R. Ford), for April 11, 1967, on account of illness.

Mr. St. Onge (at the request of Mr. Addabbo), for an indefinite period on account of illness.

Mr. Hébert, for an indefinite period, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hechler of West Virginia, for 30 minutes, on April 13.

(The following Members (at the request of Mr. Williams of Pennsylvania) to revise and extend their remarks and to include extraneous matter:)

Mr. Brown of Ohio, for 20 minutes, today.

Mr. Goodell, for 1 hour, today.

Mr. Railsback, for 45 minutes, on April 17.

Mr. Cahill, for 30 minutes, on April 12.

Mr. Edwards of Alabama, for 30 minutes, today.

Mr. Curtis, for 1 hour, on April 13.

Mr. Nichols (at the request of Mr. Pryor), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Wolff (at the request of Mr. Pryor), 5 minutes, on April 12; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Horton and to include extraneous matter.

(The following Members (at the request of Mr. Williams of Pennsylvania) and to include extraneous matter:)

Mr. Fino.

Mr. Fulton of Pennsylvania.

Mr. Reinecke.

Mr. Collier.

(The following Members (at the request of Mr. Pryor) and to include extraneous matter:)

Mr. Tenzer.

Mr. Kee in two instances.

Mr. Murphy of New York.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 65. Joint resolution to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on April 10, 1967 present to the President, for his approval, a bill of the House of the following title:

H.R. 2536. An act to terminate the Indian Claims Commission, and for other purposes.

ADJOURNMENT

Mr. PRYOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 12, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

629. A letter from the Comptroller General of the United States, transmitting a report of review of excess military assistance ammunition and weapons in Turkey, Department of Defense, Department of State, to the Committee on Government Operations.

630. A communication from the President of the United States, transmitting amendments to the budget for the District of Columbia for the fiscal year 1968 (H. Doc. No. 105); to the Committee on Appropriations and ordered to be printed.

631. A letter from the Secretary of Defense, transmitting the annual report of the Office of Civil Defense for fiscal year 1966, pursuant to the provisions of section 406 of the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

632. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business for July 1966–February 1967, pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

633. A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to amend the District of Columbia Unemployment Compensation Act, as amended; to the Committee on the District of Columbia.

634. A letter from the Acting Secretary of State, transmitting the annual report on the activities of the Center for Cultural and Technical Interchange Between East and West, covering the period July 1, 1965 through June 30, 1966, pursuant to the provisions of Public Law 86–472; to the Committee on Foreign Affairs.

635. A letter from the Comptroller General of the United States, transmitting a report on audits of Government Services, Inc., and of its employee retirement and benefit trust fund and supplemental pension plan, year ended December 31, 1966; to the Committee on Government Operations.

636. A letter from the Comptroller General of the United States, transmitting a report of review of availability of selected stocks of the U.S. Army in Europe for requirements of other commands, Department of the Army; to the Committee on Government Operations.

637. A letter from the Executive Director, Federal Communications Commission, transmitting a report on backlog of pending applications and hearing cases as of February 28, 1967, pursuant to the provisions of section 5(e) of the Communications Act as amended by Public Law 82–554; to the Committee on Interstate and Foreign Commerce.

638. A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to amend section 14 of the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

639. A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to amend the Natural Gas Act to require a certificate of public convenience and necessity for the acquisition of a controlling interest, through the ownership of securities or in any other manner, of any person engaged in the transportation of natural gas, and for other purposes; to the Committee on Interstate and Foreign Commerce.

640. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to repeal the provisions of section 41 of the act of March 2, 1917, as amended, relating to the U.S. District Court for the District of Puerto Rico; to the Committee on the Judiciary.

641. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend, consolidate, and clarify certain criminal contempt statutes; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. House Joint Resolution 493. Joint resolution to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees (Rept. No. 182). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 6424. A bill to establish the John Fitzgerald Kennedy National Historic Site in the Commonwealth of Massachusetts; with amendment (Rept. No. 183). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 6629. A bill to provide for the distribution of judgment funds among members of the Confederated Bands of the Ute Indian tribes (Rept. No. 184). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 7345. A bill to provide for the disposition of a judgment against the United States recovered by the Confederated Salish and Kootenai tribes of Indians of the Flathead Reservation in Montana (Rept. No. 185). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 426. Resolution providing for the consideration of H.R. 743, a bill to amend the act of September 26, 1950, authorizing the Sacramento Valley irrigation canals, Central Valley project, California, in order to increase the capacity of certain project features for future irrigation of additional lands (Rept. No. 186). Referred to the House Calendar.

Mr. PHILBIN: Committee on Armed Services. H.R. 5786. A bill to authorize the disposal of nickel from the national stockpile (Rept. No. 187). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 7819. A bill to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes; with amendment (Rept. No. 188). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HERLONG:

H.R. 8320. A bill to amend the Railway Labor Act, as amended, so as to prevent interference with essential transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHLEY (by request):

H.R. 8321. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ASPINALL:

H.R. 8322. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BERRY:

H.R. 8323. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. BLATNIK:

H.R. 8324. A bill to provide an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operation, to expand summer camp opportunities for disadvantaged children, and for other purposes; to the Committee on Education and Labor.

By Mr. BROWN of California:

H.R. 8325. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

H.R. 8326. A bill to amend title 38 of the United States Code in order to promote the care and treatment of veterans in State veterans' homes; to the Committee on Veterans' Affairs.

By Mr. COLLIER:

H.R. 8327. A bill to establish a National Council for the Handicapped, and to declare a national policy for the adjustment, education, rehabilitation, and employment of the handicapped, with emphasis upon development of the handicapped in a manner calculated to enable them to take their rightful place in society, and for other purposes; to the Committee on Education and Labor.

By Mr. FLOOD:

H.R. 8328. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. FOUNTAIN:

H.R. 8329. A bill to amend the Internal Revenue Code of 1954 to provide an increase in the amount for which a credit may be allowed against the Federal estate tax for estate taxes paid to States; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 8330. A bill to amend the Internal Revenue Code of 1954 to provide an additional personal exemption for a taxpayer, spouse, or dependent who is a student; to the Committee on Ways and Means.

By Mr. GILBERT:

H.R. 8331. A bill to amend the tariff schedules of the United States with respect to the rate of duty on furniture parts made of nonmalleable cast iron; to the Committee on Ways and Means.

By Mr. GROVER:

H.R. 8332. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mr. LANDRUM:

H.R. 8333. A bill to amend the Internal Revenue Code of 1954 with respect to the estate and gift tax treatment of employees' survivors annuities under State and local retirement systems; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 8334. A bill to provide an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operation, to expand summer camp opportunities for disadvantaged children, and for other purposes; to the Committee on Education and Labor.

H.R. 8335. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

H.R. 8336. A bill to allow credit or refund of gift tax erroneously paid by reason of treating nontaxable divisions of community property as gifts; to the Committee on Ways and Means.

By Mr. MADDEN:

H.R. 8337. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MAHON:

H.R. 8338. A bill to create a new division for the western district of Texas, and for other purposes; to the Committee on the Judiciary.

By Mr. MORTON:

H.R. 8339. A bill to establish and develop the Chesapeake & Ohio Canal National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 8340. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means

By Mr. MURPHY of Illinois:

H.R. 8341. A bill to amend title II of the Social Security Act to permit States under Federal-State agreements, to provide for coverage for hospital insurance benefits for the aged for certain State and local employees whose services are not otherwise covered by the insurance system established by such title; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 8342. A bill to provide appropriations for sharing of Federal taxes with States out of funds derived from a cutback in projected new expansion of grant-in-aid programs and as a substitute for portions of existing grant-in-aid expenditures and to amend the Internal Revenue Code of 1954 to permit individuals to claim a credit against Federal income tax; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 8343. A bill to promote private U.S. participation in international organizations and movements, to provide for the establishment of an Institute of International Affairs, and for other purposes; to the Committee on Foreign Affairs.

By Mr. OTTINGER:

H.R. 8344. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8345. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. PRICE of Texas:

H.R. 8346. A bill to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health; to the Committee on Interstate and Foreign Commerce.

By Mr. REID of New York:

H.R. 8347. A bill to amend the Older Americans Act of 1965 so as to extend its provisions; to the Committee on Education and Labor.

By Mr. REUSS:

H.R. 8348. A bill to amend the act of October 4, 1961, relating to the acquisition of wetlands for conservation of migratory waterfowl, to extend for an additional 8 years the period during which funds may be appropriated under that act, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RODINO:

H.R. 8349. A bill to amend the Older Americans Act of 1965 so as to extend its provisions; to the Committee on Education and Labor.

By Mr. THOMPSON of Georgia:

H.R. 8350. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, and for other purposes; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 8351. A bill to amend the Internal Revenue Code of 1954 to provide an increase in the amount for which a credit may be allowed against the Federal estate tax for estate taxes paid to States; to the Committee on Ways and Means.

By Mr. WAGGONNER:

H.R. 8352. A bill to regulate imports of milk and dairy products and for other purposes; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:

H.R. 8353. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strikes at the sites of construction projects; to the Committee on Education and Labor.

By Mr. WINN:

H.R. 8354. A bill to amend title I of the Housing Act of 1949 to provide that the special rule for determining the acquisition price of property damaged by the subsidence of coal mines shall extend also to property damaged by subsidence of other mines; to the Committee on Banking and Currency.

By Mr. BELCHER:

H.R. 8355. A bill to name the authorized lock and dam No. 18 of the Verdigris River in Oklahoma and the lake created thereby for Newt Graham; to the Committee on Public Works.

By Mr. BINGHAM:

H.R. 8356. A bill to amend section 702 of the Housing and Urban Development Act of 1965 to permit grants after construction is commenced for basic water and sewer facilities which qualify for such grants but cannot receive them prior to construction because of the unavailability of funds; to the Committee on Banking and Currency.

H.R. 8357. A bill to amend the Housing and Urban Development Act of 1965 to increase from $200 million to $500 million the amount of the annual appropriations authorized thereunder for grants for basic water and sewer facilities; to the Committee on Banking and Currency.

H.R. 8358. A bill to reduce crime and improve criminal procedures in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BYRNES of Wisconsin:

H.R. 8359. A bill to extend the period for filing certain manufacturers' claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965; to the Committee on Ways and Means.

By Mr. COHELAN:

H.R. 8360. A bill to amend the Older Americans Act of 1965 so as to extend its provisions; to the Committee on Education and Labor.

By Mr. DONOHUE:

H.R 8361. A bill to provide for the orderly marketing of articles imported into the United States, to establish a flexible basis for the adjustment by the U.S. economy to expanded trade, and to afford foreign supplying nations a fair share of the growth or change in the U S. market; to the Committee on Ways and Means.

H R 8362. A bill to amend title V of the Social Security Act so as to extend and improve the Federal-State program of child welfare services; to the Committee on Ways and Means.

By Mr. FALLON:

H.R. 8363. A bill authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and other purposes; to the Committee on Public Works.

By Mr. WILLIAM D. FORD:

H.R. 8364. A bill to amend the joint resolution of March 24, 1937, to provide for the termination of the interest of the United States in certain real property in Allen Park, Mich.; to the Committee on Veterans' Affairs.

By Mr. HUNT:

H.R. 8365. A bill to amend the Agricultural Marketing Agreement Act of 1937; to the Committee on Agriculture.

H.R. 8366. A bill to give the President authority to alleviate or to remove the threat to navigation, safety, marine resources, or the coastal economy posed by certain releases of fluids or other substances carried in oceangoing vessels; to the Committee on Merchant Marine and Fisheries.

H.R. 8367. A bill to amend title 38 of the United States Code to increase to $30,000 the maximum servicemen's group life insurance which may be provided members of the uniformed services on active duty, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KUPFERMAN:

H.R. 8368. A bill to give the President authority to alleviate or to remove the threat to navigation, safety, marine resources, or the coastal economy posed by certain releases of fluids or other substances carried in oceangoing vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. MACHEN:

H.R. 8369. A bill to encourage exportation of agricultural commodities; to the Committee on Agriculture.

H.R. 8370. A bill to amend section 341 of the Immigration and Nationality Act to require the Attorney General to furnish a certificate of citizenship to a person holding certification of birth issued by the Secretary of State; to the Committee on the Judiciary.

H.R. 8371. A bill to amend the Civil Service Act of January 16, 1883, to eliminate the provisions of section 9 thereof concerning two or more members of a family in the competitive civil service; to the Committee on Post Office and Civil Service.

By Mr. MEEDS:

H.R. 8372. A bill to authorize the States of North Dakota, South Dakota, Montana, and Washington to use the income from certain lands for the construction of facilities for State charitable, education, penal and reformatory institutions; to the Committee on Interior and Insular Affairs.

By Mr. RARICK:

H.R. 8373. A bill to repeal the Civil Rights Act of 1964; to the Committee on the Judiciary.

H.R. 8374. A bill to repeal the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mr. RIVERS:

H.R. 8375. A bill to amend title 37, United States Code, to authorize a dislocation allowance under certain circumstances, certain reimbursements, transportation for dependents, and travel and transportation allowances under certain circumstances, and for other purposes; to the Committee on Armed Services.

By Mr. TENZER:

H.R. 8376. A bill to provide that the U.S. District Court for the Eastern District of New York shall be held at Brooklyn. N.Y., and Mineola, N.Y.; to the Committee on the Judiciary.

By Mr. WALKER:

H.R. 8377. A bill to declare and determine the policy by the Congress with respect to the primary authority of the several States to control, regulate, and manage fish and wildlife within their territorial boundaries; to confirm to the several States such primary authority and responsibility; to relinquish, disavow and disclaim any power of the United States with respect to the management, regulation, and control of fish and wildlife on lands owned by the United States and specifying the exceptions applicable thereto; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITTEN:

H.R. 8378. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 8379. A bill to amend section 112 of title 28, United States Code, relating to the U.S. District Court for the Eastern District of New York; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 8380. A bill to amend section 11 of the Federal Water Pollution Control Act relating to abatement of pollution from Federal installations; to the Committee on Public Works.

By Mrs. DWYER:

H.R. 8381. A bill to prohibit nepotism in employment in the legislative branch of the U.S. Government; to the Committee on House Administration.

By Mr. HAWKINS:

H.R. 8382. A bill to amend the Vocational Education Act of 1963; to the Committee on Education and Labor.

By Mr. HECHLER of West Virginia:

H.R. 8383. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

By Mr. HUNT:

H.R. 8384. A bill to authorize the establishment of the Redwood National Park and Seashore and the King Range National Conservation Area in the State of California, to provide for the acquisition of Point Reyes National Seashore, and to provide economic assistance to local governmental bodies affected thereby; to the Committee on Interior and Insular Affairs.

By Mr. LUKENS:

H.R. 8385. A bill to amend the Internal Revenue Code of 1954 to increase, for 1968 and 1969, the personal income tax exemptions of a taxpayer from $600 to $800, and to provide that for taxable years beginning after 1969 such exemptions shall be $1,000; to the Committee on Ways and Means.

By Mr. MACGREGOR:

H.R. 8386. A bill to improve the statistics of the United States by providing for a census in the years 1968, 1975, and every 10 years thereafter; to the Committee on Post Office and Civil Service.

By Mr. WYATT:

H.R. 8387. A bill to amend the Internal Revenue Code of 1954 to encourage the construction of facilities to control water and air pollution by allowing a 25-percent tax credit or a 36-month amortization deduction (at the option of the taxpayer) for expenditures incurred in such construction, and to allow a 20-percent tax credit for the operating expenses of such facilities in lieu of a portion of the normal business expense deduction; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 8388. A bill to provide assistance to students pursuing programs of higher education in the fields of law enforcement and of correctional treatment of law violators; to the Committee on Education and Labor.

By Mr. CHARLES H. WILSON:

H.R. 8389. A bill relating to taxation by States of the income of Members of Congress, members of their staffs, and certain officers of the United States; to the Committee on the Judiciary.

By Mr. COLLIER:

H.J. Res. 495. Joint resolution to authorize the President to proclaim the second Sunday in September of each year as Bataan Day; to the Committee on the Judiciary.

By Mr. RARICK:

H.J. Res. 496. Joint resolution to prevent the subversion of the United States and the American continents as proposed by the Communist Government of Cuba under Castro, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WIDNALL:

H.J. Res. 497. Joint resolution to authorize and request the President of the United States to issue annually a proclamation designating the fourth full week in May as National Municipal Clerk Week in recognition of the outstanding service performed for the public by the municipal clerks of the United States; to the Committee on the Judiciary.

By Mr. BARRETT:

H.J. Res. 498. Joint resolution to establish a National Advisory Commission on Fire Prevention and Control; to the Committee on Banking and Currency.

By Mr. CUNNINGHAM:

H.J. Res. 499. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. PELLY:

H. Con. Res. 308. Concurrent resolution expressing the sense of the Congress with respect to extending the time fixed as the goal for accomplishing a manned flight to the moon and safe return; to the Committee on Science and Astronautics.

By Mr. WILLIS:

H. Con. Res. 309. Concurrent resolution authorizing the printing of additional copies of "World Communist Movement—Selective Chronology 1818–1957 Prepared by the Legislative Reference Service of the Library of Congress—Volume 4, 1954–1955," 89th Congress, first session; to the Committee on House Administration.

H. Con. Res. 310. Concurrent resolution authorizing the printing of additional copies of "Hearings on H.R. 12047, H.R. 14295, H.R. 16175, H.R. 14170, and H.R. 17194—Bills To Make Punishable Assistance to Enemies of the United States in Time of Undeclared War, Parts 1 and 2," 89th Congress, second session; to the Committee on House Administration.

By Mr. FRASER:

H. Res. 424. Resolution to establish a standing committee to be known as the Committee on Standards of Official Conduct, and for other purposes; to the Committee on Rules.

By Mr. RIVERS:

H. Res. 425. Resolution providing for the printing of "Balance of Strategic Weapons" as a House document; to the Committee on House Administration.

By Mr. FRASER:

H. Res. 427. Resolution to establish a Select Committee on Standards and Conduct in the House of Representatives; to the Committee on Rules.

By Mrs. DWYER:

H. Res. 428. Resolution directing the Committee on House Administration to file annually a report of audit of certain expenditures; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

133. By Mrs. HECKLER of Massachusetts: Memorial of the general court of Massachusetts respectfully urging the Congress of the United States to enact legislation increasing the maximum monthly payments to persons under the Federal Social Security Act to $200; to the Committee on Ways and Means.

134. By the SPEAKER: Memorial of the Legislature of the State of Arkansas, relative to permitting a deduction for State income tax paid from the amount of income tax due the Federal Government; to the Committee on Ways and Means.

135. Also, memorial of the Legislature of the State of Idaho, relative to the continuance of the headquarters of the Northern Idaho Indian Agency in the State of Idaho; to the Committee on Interior and Insular Affairs.

136. Also, memorial of the Legislature of the State of Nebraska, relative to the illumination of railroad cars; to the Committee on Interstate and Foreign Commerce.

137. Also, memorial of the Legislature of the State of Nevada, relative to the construction of a multipurpose building for the Stewart Indian School, near Carson City, Nev.; to the Committee on Interior and Insular Affairs.

138. Also, memorial of the Legislature of the State of Washington, relative to the extension of navigation on the Upper Columbia River; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 8390. A bill for the relief of Konstantinos Kangles; to the Committee on the Judiciary.

By Mr. BELCHER:

H.R. 8391. A bill for the relief of Adel Lessert Bellmard, Clement Lessert, Josephine Gonvil Pappan, Julie Gonvil Pappan, Pelagie Gonvil Franceour de Aubri, Victore Gonvil Pappan, Marie Gonvil, Lafleche Gonvil, Louis Laventure, Elizabeth Carbonau Vertifelle, Pierre Carbonau, Louis Joncas, Basil Joncas, James Joncas, Elizabeth Datcherute, Joseph Butler, William Rodger, Joseph Cote, four children of Cicili Compare and Joseph James, or the heirs of any who may be deceased; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 8392. A bill for the relief of Chai Chang Kim; to the Committee on the Judiciary.

By Mr. DADDARIO:

H.R. 8393. A bill for the relief of Mrs. Teresa Iesce; to the Committee on the Judiciary.

H.R. 8394. A bill for the relief of Gee Ping Yee; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 8395. A bill for the relief of certain individuals; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 8396. A bill for the relief of Victoria Cohen; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 8397. A bill for the relief of Dr. Roberto E. Parajon and Maria C. Florin Parajon, his wife; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.R. 8398. A bill for the relief of Dr. Osias M. Villaflor; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.R. 8399. A bill for the relief of Maria E. Egea and her daughter, Maria T. Egea; to the Committee on the Judiciary.

H.R. 8400. A bill for the relief of Sofia Buitrago; to the Committee on the Judiciary.

By Mr. KAZEN:

H.R. 8401. A bill for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 8402. A bill for the relief of Araceli F. O'Campo; to the Committee on the Judiciary.

By Mr. KUPFERMAN (by request):

H.R. 8403. A bill for the relief of Mervin H. S. Bennett; to the Committee on the Judiciary.

By Mr. MACGREGOR:

H.R. 8404. A bill to provide for the sale of certain mineral rights to William Sima and Thelma L. Sima, in Minnesota; to the Committee on Interior and Insular Affairs.

By Mr. MACHEN:

H.R. 8405. A bill for the relief of Alice E. Ford; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 8406. A bill for the relief of Jose Oliveira; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 8407. A bill for the relief of Dr. Raquel Maria Cruz-Flores; to the Committee on the Judiciary.

H.R. 8408. A bill for the relief of Dr. Juliet Hananian; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 8409. A bill for the relief of Dr. Nader Afrooz; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 8410. A bill for the relief of Bernardita Dabuet Bencio; to the Committee on the Judiciary.

H.R. 8411. A bill for the relief of Mrs. Jeoung Sook Choe; to the Committee on the Judiciary.

H.R. 8412. A bill for the relief of Athanassios Djoganopoulos; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 8413. A bill for the relief of Anna Klimek; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 8414. A bill for the relief of Rafael Ching also known as Tong Kit Chat; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

62. By Mr. SHRIVER: Petition of Citizens of Wichita, Kans., who are owners of restaurants, taverns, family recreation centers, snack shops, ice cream parlors, etc., protesting section 116 of H.R. 2512 in its present form; to the Committee on the Judiciary.

63. By the SPEAKER: Petition of Milwaukee Metropolitan NCO Advisory Council, Milwaukee, Wis., relative to the retirement of Reserves and National Guardsmen on the same basis as Regular forces on a pro rata basis; to the Committee on Armed Services.

64. A petition of Montgomery County Council, Rockville, Md., relative to the establishment of Chesapeake & Ohio Canal National Historical Park; to the Committee on Interior and Insular Affairs.

65. Also, petition of California State Board of Education, Sacramento, Calif., relative to action on appropriations for federally funded educational programs; to the Committee on Rules.

EXTENSIONS OF REMARKS

Harold Howe Spills the Beans

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1967

Mr. FINO. Mr. Speaker, I would like to bring to the attention of the Members of this House another speech made by U.S. Commissioner of Education Harold Howe, given off-the-cuff before a meeting of Harvard and Yale lawyers at Washington's Peking Restaurant on Tuesday, March 28, 1967.

Choosing the topic of de facto school segregation and the need to fight it through federally encouraged school racial balance schemes, the reckless Commissioner talked on even as eyebrows edged ever higher throughout the length and breadth of the room. For one thing, Mr. Howe told the assembled lawyers that he was working with other Federal agencies, presumably HUD, to prepare "package" programs which would tie education in with other aid programs. Of equal or greater significance was the Commissioner's naive admission that the Office of Education is still considering the "Equal Educational Opportunity" proposal which I exposed last September. Journalists take note: the Department of HEW has never stated, pointblank, that it has been rejected, but merely insists that it was one of several "study drafts."

Mentioning me by name a half dozen times, Mr. Howe said that I was misguided in trying to block the Office of Education—or HUD in the demonstration cities program—from legally requiring Federal aid recipient communities to come up with school racial balance schemes. Let me tell the Commissioner that his memory is as faulty as his sociology: the Democrats trying to save his bacon were the ones who proposed amendments to prohibit the Office of Education from legally requiring racial balance schemes. I said that such amendments were a joke because Messrs. Howe and Weaver intended to use economic pressure: de facto and not de jure pressure, to give those phrases a new twist. So it is the Democrats who look silly in the light of Mr. Howe's self-congratulatory admission to the Harvard-Yale lawyers that it is economic and not legal pressure which he intends to use to coerce cities into "voluntarily" coming up with racial balance schemes.

When one alert member of the bar asked Mr. Howe how he could deal with racial imbalance in the District of Columbia and Chicago, he said "the suburbs." Furthermore, when asked about objections to school busing, the Commissioner showed either arrogance or a warped sense of humor by saying that he, personally, was not much concerned with buses because he had a chauffeur. Perhaps the mothers of America will soon convince Lyndon Johnson to put Mr. Howe back on the bus sans chauffeur.

Mr. Speaker, many Members of this House tend to doubt all these "wild" allegations because the Harold Howe who comes before their committees is an affable, wavy-haired, mild-mannered man who could hardly be the ogre some of us say. Let me suggest that Mr. Howe is a veritable Clark Kent: one moment, he is a bespectacled, mild-mannered bureaucrat, but let him step out of sight of the Congress, and he hops into an ivory tower, rubs his magic daguerrotype of John Brown's moldering body, says the magic words "racial balance" and becomes "superplanner." Let me suggest, Mr. Speaker, that the Members of this House make the acquaintance of "superplanner" before our schools become sociological laboratories and not educational institutions.

In speaking to the Harvard and Yale lawyers, Mr. Howe spoke informally and not from a text. No doubt he will claim, if questioned, that he has been misrepresented. Perhaps the thing to do is give Mr. Howe another chance to appear before a congressional committee and explain his controversial philosophies.

Teaching of Romance Languages

EXTENSION OF REMARKS

OF

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1967

Mr. COLLIER. Mr. Speaker, the other day I received a letter from Sister Mary Catha Stenzel, who teaches Latin at Trinity High School, River Forest, Ill., in my district. Sister Mary pointed out that Latin and other classical languages are omitted from titles III and XI of the National Defense Education Act of 1958, only modern languages being specified. She goes on to tell about a 60-percent drop in Latin enrollment at Trinity High School in 6 years and says:

> I feel that the roots of our culture are being undernourished and will wither because of our pragmatism.

While I am opposed to the spending of large sums of Federal money for any kind of local education, be it public, private, or parochial, it seems to me that such money as we do spend ought to be invested wisely.

Certainly there is a need for the study of modern, living languages; such as, for example, French, Spanish, German, and Russian. At the same time, would not a study of the Romance languages be made easier if the student has a background in Latin? Our own English language would be poor, indeed, if its Latin "borrowings" were suddenly buried in a cemetery for dead languages.

It is my understanding that one of my colleagues will try to amend the National Defense Education Act so that Federal funds would be available for the teaching of all languages, classical as well as modern. I hope that the Committee on Education and Labor will give careful consideration to this matter.

Department of Transportation

EXTENSION OF REMARKS

OF

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1967

Mr. KEE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include last week's public service television and radio newscast, "The Kee Report." The subject discussed is the "Department of Transportation and Its Many Functions."

The report follows:

> This is Jim Kee, bringing you the Kee Report.
>
> The Federal Government recently established a new Department of Transportation. The Chief Officer will serve as a member of the President's Cabinet. This new Department will supervise a number of activities which before this were scattered among other agencies of Government.
>
> Many thoughtful citizens may wonder why a new Department is necessary. The answer is that because of our country's rapid growth, both Government and private capital must cooperate to provide new modes of transportation to meet present-day needs.
>
> From the earliest times, American economic growth has gone hand in hand with improvement in transportation facilities. The ingenuity of our people has provided new and more efficient ways of moving goods and passengers. But in this development, there were certain parts of the transportation system which only the Federal Government could handle.
>
> Water transportation is a case in point. Since the United States became a nation, foreign trade has flourished because the Federal Government did the job of dredging harbors and providing other necessary aids to sea navigation. The improvement of channels to encourage barge and boat transportation on inland rivers is another Federal function. Although passage is slow, judged by modern standards, water carriage is the cheapest form of transportation ever devised by man.
>
> Some people assume that in this age of high speed planes, trains and motor cars, water transportation is a thing of the past. On the contrary, barge and boat traffic on inland rivers still forms a vital part in the nation's transportation system.
>
> The first transcontinental railroads, which made this country a united nation in fact as well as in name, were constructed by private industry. But the major financing was done by the Federal Government. In the same way, mail subsidies helped along the growth of passenger air lines which now provide fine service for all sections of the country.
>
> The automobile has been the greatest single factor in developing a prosperity of abundance for the American people. The motor car was brought to its present high state of efficiency by private capital. But motor transportation would be severely

handicapped without the road building programs authorized over the years by the Federal Government.

This is the story of the past. Why is Federal assistance needed now? Because this age has problems of a critical nature. Both city streets and connecting highways are badly overcrowded by the mass of daily commuters. Engineers predict that unless relief is provided, transportation, especially along the Eastern seaboard, will become a hopeless jumble in a few years.

The answer seems to lie in the development of new, highspeed trains. Private capital and the Government are now cooperating to get the job done. These new trains must pass the test of speed, carrying capacity, and safety. A couple of pilot trains are ready to begin test runs this spring, one running between New York and Canada, and the other between Boston and New York City. Much of the capital was provided by Uncle Sam.

The same is true for air travel. Nearly every country in the world now has its own air line. To help American aviation stay ahead, the Federal Government is helping in the development of bigger and better planes. This is a wise policy because transportation is the lifeblood of America.

Bicentennial Observance

EXTENSION OF REMARKS

OF

HON. JAMES KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1967

Mr. KEE. Mr. Speaker, under leave to extend my remarks in the Record, I include a recent public service television and radio newscast, "The Kee Report." The subject discussed is the "Bicentennial Observance of the American Revolution."

The report follows:

This is Jim Kee, bringing you the Kee Report.

A Federal commission is now drawing up plans to commemorate the most important political event in world history. This was the American Revolution and the proposed observance will mark the 200th anniversary of that great event.

We know from our school history that even though the actual fighting began earlier, the Revolution really dates from the adoption of the Declaration of Independence. Thomas Jefferson, the principal architect of that document, said this:

"The flames kindled on the Fourth of July, 1776, have spread over too much of the globe to be extinguished by the feeble engines of despotism."

Jefferson was right. The American Revolution brought freedom, justice, and equality to the inhabitants of our country. And it did something more than that. It taught the whole world that free men can run their own affairs without benefit of kings and emperors.

The success of the Revolution sparked something more besides political liberty. It unloosed the inventive and creative talent of our people so that today the majority of American citizens enjoy more comforts than any people on earth.

The Commission authorized by Congress and appointed by the President will take two years to work out a suitable program of observance. The great battles of the Revolution will be recalled from the first engagement at Lexington to the final surrender of the British forces at Yorktown. It is hoped that the re-enactment of these events will bring about a rebirth of national pride and patriotism.

There is another phase of the proposed celebration which is very important. The law directs the Commission to encourage the local observance of historical events which occurred during the Revolution. While the war took place before West Virginia obtained its statehood, the fact is that early settlers in our State are closely identified with some of the major battles of the Revolution.

One historian said that more veterans of the Revolution rest in West Virginia soil than in any state except the original thirteen. The war on the frontier was called the "back door" war and it was waged savagely by the British at the express command of King George III. In line with this policy every inducement was offered the Indian tribes to massacre the border settlers.

This British campaign to win the back-door war was defeated largely by the victorious march into Illinois territory by George Rogers Clark. This was a turning point in the border fighting and we may take pride in the fact that a majority of Clark's men came from the Mountain State. In addition, soldiers from West Virginia took part in most other Revolutionary battles including Cowpens and King's Mountain.

I hope our organization of war veterans will plan early to participate in the bicentennial observance of the Revolution. This will afford a good opportunity to tell the history of our State from its earliest beginnings. Our people have a proud birthright and they will be glad to hear about it once again.

Russian Fishing Fleet Challenges American

EXTENSION OF REMARKS

OF

HON. ED REINECKE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1967

Mr. REINECKE. Mr. Speaker, while attending the fourth annual National Defense Transportation Association conference in Berlin several days ago, I had the opportunity to visit a Russian fishing factory ship. This ship was in a shipbuilding yard in Western Europe.

My colleagues on the House Merchant Marine and Fisheries Committee have long been concerned with the general deterioration of our merchant marine and fishing fleets. Due to the lack of any national maritime policy, long ago promised by this administration, there has been no substantial advance in our maritime technology.

I regret that due to this lack of administration leadership, it appears that the Russians are forging ahead of American fishing fleets in technological developments. These factory ships contain complete fish processing plants. There are complete freezing units, fish concentrate plants, fileting operations, and canning lines. These factory ships will sail as a mother ship to a fleet of Russian fishing trawlers. With this arrangement no time is lost in transporting the fish to shore. The processed, canned, or frozen fish is transported right to its market.

I also observed, Mr. Speaker, that a very substantial part of the shipbuilding industry of Western Europe is occupied with construction of ships for the Soviet Union. It is obvious that the Russians intend to challenge the free world for control of the high seas. This increase in Russian maritime and fishing activity should provide an impetus to the Johnson administration to stop sitting on its hands, and establish the long overdue maritime policies and guidelines needed to keep America's fleets afloat.

Congressman Horton Praises Career of Wayne County's Dr. Walter S. Thomas

EXTENSION OF REMARKS

OF

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1967

Mr. HORTON. Mr. Speaker, on Sunday, April 16, about 200 members of my constituency in Wayne County, N.Y., will gather to honor a man who has given much of his life to his fellow man. He is Dr. Walter S. Thomas, chief and director of the department of laboratories and pathology at the Newark-Wayne Community Hospital in Newark, N.Y.

He is a man about whom Robert Louis Stevenson wrote in the last century—the physician—"He is the flower of our civilization."

For more than 60 years, Dr. Thomas has served his fellow man as physician, pathologist, and bacteriologist. His work has earned for him the gratitude and affection of thousands of people.

In the true sense of the word, he is a professional.

Since he graduated from the University of Texas in 1906, he has pursued his science with a diligence typical of the men of medicine. He served as a fellow and instructor in pathology at Johns Hopkins University from 1908 to 1910, and as an instructor and associate pathologist at Washington University School of Medicine at St. Louis, Mo.

In 1917, he heeded his country's call to war, serving with the rank of major in the U.S. Army as chief laboratory officer in Bordeaux, France.

Returning from Europe, he went to Clifton Springs, N.Y., and became chief of the department of pathology at the Clifton Springs Sanitarium, serving in that capacity through 1938.

From 1938 to 1956, he was Monroe County pathologist, director of Rochester's blood bank and served as a consulting pathologist to several hospitals in the area.

Since 1957, he has served in his present post at the Newark-Wayne Community Hospital. His work is known well in western New York, and his fellow medical society members will gather on the 16th to pay him lasting tribute.

He has been recognized for his skill many times before. In 1943–44, he served as the first president of the American Society of Clinical Pathologists.

He is a fellow of the American College of Physicians; a member of the American Association of Pathologists and Bacteriologists; a fellow of the College of American Pathologists; a member of the American Society of Clinical Pathologists and a member of the Society for Experimental Biology in Medicine.

He has held the presidencies of nearly every State organization in his field. Friends from all corners of the Nation will be present Sunday when the Wayne County Medical Society, led by its able president, Dr. Joseph J. Kaufman, will honor Dr. Thomas.

Dr. Thomas is a past president of the Ontario County Medical Society and a recipient of the Medal Award Fellowship of the Rochester Academy of Medicine.

And certainly his sparkling career has been enhanced and broadened by his devoted wife and helpmate, Mrs. Betty Carter Thomas.

His work has been his life. His zeal and zest for his work have never flagged. I am proud to be able to join with my constituents in Wayne County in honoring this distinguished physician and citizen, Dr. Walter S. Thomas.

Address by Senator Robert F. Kennedy at Opening Session of New York State Constitutional Convention

EXTENSION OF REMARKS

OF

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1967

Mr. MURPHY of New York. Mr. Speaker, for the first time in 29 years New York State embarks on the task of evaluating and rewriting its constitution.

At noon on April 4, 1967, in Albany, the delegates to the convention were addressed by the Honorable Earl Warren, Chief Justice of the United States; Governor Rockefeller, of New York; Senator JAVITS, of New York; and Senator ROBERT F KENNEDY, of New York. Senator KENNEDY's remarks were so well received by all of the delegates and so well reported by the press throughout New York State, that I feel they are worthy of recommendation to all Members of this body who may wish to reiterate these sentiments to those in their own States charged with the responsibility of updating their own constitutions. His address follows:

This Convention assembles in the instructive shadow of great predecessors.

In 1754 delegates from six colonies arrived in Albany and, guided by Chairman Benjamin Franklin, drafted the first permanent n of union for the American colonies. In less than 1000 words they set forth a comprehensive structure of government which ultimately unfolded in the Articles of Confederation and then in the Constitution of the United States.

We can find guidance in that momentous chronicle of political creation which began in Albany and culminated in the glory of Philadelphia. Looking back through the two splendid centuries they began, it seems pretentious to compare ourselves with those who made a nation. Yet they fashioned a government for three million people; while the welfare of seventeen million is in your hands. The grand and general principles of their Constitution did not immediately alter the ordinary pursuits of a scattered population; while yours will instantly touch the most urgent concerns of daily life. Theirs was expected by many, including Thomas Jefferson, to endure for only a few decades before revision; while you can reasonably expect yours to govern the citizens of the first half of the twenty-first century. They crafted for a New World separated by an ocean from the old; yet you write for a time which is divided from 1894 by 70 years of change more stormy and remote than any sea. And although we cannot hope to recapture the mysterious genius of those who hurled a new country into the uncertain centuries, we have the advantage of their example, and two centuries of experience under the government they established.

A constitution is that rarest of political acts: the conscious and purposeful creation of history; "not the act of government," as Paine told us, "but of a people constituting a government." Most historic moments are so obscured by immediate fears and crowded decisions that they have passed long before we realize their immensity. You, however, are already certain to be judged, not by today's crowds or tomorrow's newspapers, but by the still silent future.

A Constitution is not a law or an action, not the resolution of a dispute or the instrument of a particular program. It is a guiding charter, designed to liberate the abilities of succeeding generations in their distinct and personal search for an enlarged existence. Its achievement is gauged by the extent to which, in George Washington's words, it unites "security with energy"; security of private liberty and public order, with the energy of imagination and action necessary to the beneficent conduct of public affairs.

You must resolve many particular problems, but let me suggest four general principles which, infusing your deliberations, may help meet this standard.

First, the constitution should be a document of trust—relying on the skill of our officials and the wisdom of our people in their selection; refusing either to encumber the present or foreclose the future with a multitude of restrictions and commands. John Marshall explained that the nature of a Constitution "requires that only its great outlines be marked, (and) its important ingredients designated." If we ignore this wise admonition, and allow our Constitution to again become a code of laws, embodying the concerns and projects of the moment, or the apprehensions and greeds of special interests, that document will also reflect an insolent suspicion of our democratic institutions, cripple our ability to meet human needs with new instruments of policy, and impose the defects of the present on the future. Most importantly, by unnecessarily diffusing authority, it will obscure the responsibility for decision which is the necessary condition to the sound judgment of the people on their leaders. Legislatures and executives must have ample scope to organize themselves and meet their general responsibilities. Their inadequacies and abuses can be corrected at the voting booth.

Second, the constitution should be a document of humility—modest in awareness that the future will swiftly bring new problems, as well as new answers. Those who wrote our present constitution did not foresee our swollen cities and poisoned air. They could provide for a technological revolution and for racial turmoil only by leaving to us the freedom of action to devise our own solutions. Our successors will also look upon a scene far different than the troubling present. They should not then be trapped and constrained by our limited vision or our defective knowledge. In only a few years our entire concept of education may change, revolutionary transportation may obliterate old divisions, economies may prosper or collapse. We are entitled to some confidence that we will still seek the general good: to educate our children, give justice to the oppressed, and bring health to the sick; but it would be destructive and prideful folly to enshrine the particular ideas, projects and conflicts which now surround these purposes in a constitution designed to rule the future. As Marshall warned of the Federal Constitution: "It would have been an unwise attempt to provide, by immutable rules, for exigencies which, if foreseen at all, must have been seen dimly, and which can best be provided for as they occur."

Third, the constitution should be a document of principle—protecting the process of democracy itself; distributing general powers among institutions; and placing the rights and liberties of the minority—even the minority of one—behind an implacable constitutional barrier to official power and private assault. It is principle and process, not program and policy, which is the concern of constitutions.

Fourth, the constitution should be a document of liberation releasing the immense repressed energies of local governments and private citizens in every locality of the state. By trying to run our towns and cities from Albany, often in unreasoning detail, we deprive ourselves of the diverse imagination, experiment and effort which surely would emerge from local institutions free to order their own affairs. Many of our problems cannot be solved from the top; thus if we are unwilling to let them be solved from the bottom, they will never be solved at all. There will be some general restrictions, but the burden of justification must be on those who propose to limit freedom of action, not on those who wish to enlarge it. In this way, too, we can strike at a dominant cause for mounting disaffection and discontent: the feeling of the individual citizen that he is impotent to overcome private degradations, public dangers, and official indifference. From the beginning the American citizen has believed he was part of a great enterprise. That conviction is rapidly fading as control over much which influences his life slips away, leaving a helplessness which must contribute to personal despair and social turmoil. Strengthening local government will also help enhance the opportunity for thousands more to seek personal fulfillment by sharing in the burdens and adventures of their society.

Faithfulness to these four principles will require this assembly to renounce particular interests and party advantage; that no man seek merely to advance his personal standing, win acceptance of his favored projects, or find an outlet for his private feelings and beliefs. There is an honorable place for the clash of party and interest, but that place is not here. For your work must endure long after present passions and divisions have passed into memory. Such detachment is not easy for public men, but it has been done before, and it can be done again, in Albany.

Your challenge is the same as that which New York's revolutionary hero, Henry Knox, proposed to the Philadelphia Convention. He wrote "Should they possess the hardihood to be unpopular and propose an efficient . . . government, free from the entanglement of the present defective systems, we may yet be a happy and great nation . . . but should the Convention be desirous of acquiring present popularity; should they possess local and not general views; should they propose a patchwork to the present wretchedly defective thing . . . supplicate Heaven! for you will have need of its protection."

If we can ignore the temptation of present advantage or applause, and put aside our present constraining charter to fashion a wholly new fundamental law, whose enduring force rests on the simplicity of its directions and the justice of its restraints, then, whatever brief angers or frustrations may assault us, we will have won the gratitude of the future. There is no rarer prize or more noble ambition for a public man. And even though we act in Albany we may instruct the efforts of those in other states who also seek a structure of government adequate to withstand the swift torrent of change, danger and demand which is engulfing every state in this country.

None of us will agree with all that is done here. But if our Constitution rests on right principles, then I am confident we will all put aside smaller doubts, and ask the people of New York to applaud and affirm your work.

Jet Noise: The Fight Has Just Begun

EXTENSION OF REMARKS

OF

HON. HERBERT TENZER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1967

Mr. TENZER. Mr. Speaker, on March 22, 1967, Dr. Donald F. Hornig, the President's Science Advisor and Chairman of the White House Task Force on Aircraft Noise Abatement, testified before the House Science and Astronautics Subcommittee on Advanced Research and Technology.

The White House Jet Noise Task Force has coordinated the efforts of all Federal agencies in the fight against jet noise and I am proud that the appointment of the Task Force came in February 1966, following my request of August 31, 1965, to the President for the appointment of such a Commission and the first White House Conference on Jet Noise held in October 1965.

Dr. Hornig's report outlined efforts in several different areas to reduce aircraft noise. Among these efforts were the following:

First. Establishment of an Office of Noise Abatement within the Department of Transportation.

Second. A 5-year project by NASA to construct a prototype of a wholly new quiet jet engine—25 percent less noisy than present jet engines at an estimated cost of $50 million.

Third. FAA and HUD studies of noise exposure at Kennedy, O'Hare—Chicago—and Los Angeles Airports projected through 1975.

Fourth. FAA and NASA studies of new landing and climb-out procedures to reduce aircraft noise levels.

Fifth. HUD studies on land use, zoning, and home insulation near airports to reduce jet noise.

Sixth. FAA studies to improve noise measurement techniques.

Seventh. Possible Federal assistance to local governments to ensure effective implementation of these noise abatement programs.

Mr. Speaker, much has been accomplished to date, but perhaps the greatest single accomplishment was achieving the recognition by the Federal Government that jet noise is a national problem.

This recognition by the White House and by Federal agencies that there is a Federal responsibility to find the answer to jet noise was my primary objective during the 89th Congress. During both sessions of the 89th Congress, I sponsored three bills dealing with noise abatement and made more than 12 statements in the House urging my colleagues to support legislative action.

Now the recognition has come—through numerous lawsuits by citizens who have been deprived of the use and enjoyment of their property as a result of jet aircraft noise; through complaints to Federal agencies; through congressional debate on this subject; through the first White House Jet Noise Conference; through the appointment of the President's Task Force on Noise Abatement; through the President's transportation message to Congress calling for action at the executive and legislative levels to reduce jet noise; through the debate on the supersonic transport which took place last year and which will take place again; and through every effort to focus attention on this subject.

But what good is the recognition and the studies if we fail to follow through and implement the findings which our research and development programs have and will continue to produce.

I warn my constituents and the millions of Americans who live near the Nation's airports—those in existence and those planned during the next 5 years—and my colleagues in the House, not to relax their efforts to combat jet noise. If we relax our efforts now, then the progress we have made to date will be rendered meaningless.

Mr. Speaker, during the 89th Congress, I made the following statements on aspects of this serious problem:

CONGRESSIONAL RECORD:	*Page*
May 6, 1965: "Aircraft Noise Abatement" (vol. 111, pt. 7)	9701
May 13, 1965: "Jet Noise—Opens the Floodgates of Litigation" (daily)	A2377
May 20, 1965: "More on Jet Noise: NASA Conference" (daily)	A2533
May 27, 1965: "More on Jet Noise—Part IV—NASA Research Program (daily)	A2718
June 10, 1965: "More on Jet Noise—Part V—FAA Aircraft Noise Symposium" (daily)	A3037
July 8, 1965: "Jet Noise—Part VI—Hazard to the Nation's Health (daily)	A3630
August 12, 1965: "More on Jet Noise—Part VII—Report on Noise Forum" (vol. 111, pt. 15,)	20398
August 30, 1965: "More on Jet Noise—Part VIII—Novel Test Over Long Island and Correspondence With the President" (vol. 111, pt. 16,)	22277
September 15, 1965: "The Latest on Jet Noise—Part IX" (vol. 111, pt. 18)	24020
March 3, 1966: "President Recognizes Jet Noise Problem" (vol. 112, pt. 1)	810–811
March 21, 1966: "President Johnson Acts on Congressman Tenzer's Jet Noise Plea" (vol. 112, pt. 5)	6420–6421
May 3, 1966: "Debate on NASA Appropriation" (vol. 112, pt. 8)	9679–9686
July 12, 1966: "Jet Noise: A Plea for Bipartisan Support" (vol. 112, pt. 12)	15392
August 8, 1966: "Jet Noise" (delay the supersonic transport) (daily)	A4163
August 24, 1966: "Debate on Department of Transportation" (vol. 112, pt. 15)	20396
August 30, 1966: "Debate on Office of Noise Control" (vol. 112, pt. 16)	21241
October 3, 1966: "Supersonic Transport" (vol. 112, pt. 18)	24853

If NASA is successful in developing a wholly new quiet jet engine, how will we insure the public against industry rejection of such a modification to the aircraft?

We must take steps now to follow through on the findings of research and development programs in the months ahead. The administration has requested legislation to authorize the Secretary of Transportation to set minimum noise standards in issuing flight certificates. I propose we go further and impose upon the aircraft industry the same rigid standards which we have authorized in connection with auto safety.

My bill, H.R. 1398, would authorize the Secretary of Transportation to promulgate regulations requiring modifications to aircraft and airports to reduce jet noise. In addition, H.R. 1398 would provide Federal reimbursement for up to 30 percent of the cost of these noise abatement modifications. In the case of local governments acquiring land for buffer zones near airports, 90 percent Federal reimbursement would be authorized.

When congressional hearings on noise abatement legislation resume, I urge my colleagues to join with me in supporting amendments to the administration bill to strengthen the role of the Department of Transportation in attacking this national problem.

Now is the time for those concerned with jet noise to redouble their efforts to bring about a strong, meaningful noise abatement bill. We have not yet found the answer to jet noise. We will not find it overnight, and the public must not be misled or deceived in this respect.

Samuel A. Schreiner: Outstanding Pennsylvania Citizen and Community Leader

EXTENSION OF REMARKS

OF

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 11, 1967

Mr. FULTON of Pennsylvania. Mr. Speaker, local government in the United States has always and will always depend upon the willingness of citizens to sacrifice their time, energy, and resources to its cause. In a day when the very validity of local government is being seriously questioned, it is well to remember the careers of men like Attorney Samuel A. Schreiner, of 42 St. Clair Drive, Mount Lebanon, Allegheny County, Pa. Now 85 years old, "Sam" Schreiner was one of the prime movers in the development of a section of hilly farmland south of Pittsburgh into one of the top suburban communities in the State of Pennsylvania. His integrity, high abilities, and long success as a community and church leader have caused all our western Pennsylvania citizens to admire and respect him.

Born on June 10, 1881, Sam Schreiner was the second child and oldest son of Dr. Cyrus Bryson Schreiner, a country doctor who lived on a small farm on the corner of what is now Bower Hill Road and Washington Road, Mount Lebanon Township. Young Sam attended a local school and went on to study at the Pittsburgh Academy from which he graduated with honors in 1897. He continued his education at the Western University of Pennsylvania—now the University of Pittsburgh—where he earned an A.B. degree as valedictorian of the class of 1900. After a brief period of working for an engineering firm, Sam studied law under the late prominent Pittsburgh attorney, Alexander Gilfillan, reviewed for his bar examinations at the University of Pittsburgh Law School and was admitted to practice in Allegheny County on July 15, 1905. In 1910 he married Mary Cort, a woman whose own outstanding contributions to the civic life of western Pennsylvania were memorialized in the CONGRESSIONAL RECORD on September 15, 1961.

The South Hills of Pittsburgh in which Sam Schreiner grew up and to which he brought his bride were open farmlands. As a boy, he hoed corn in the fields that covered the Mission Hills area, now a section of fine suburban homes. To get to school, he drove a horse and buggy to the top of Mount Washington, a high eminence near the city, rode an inclined plane car down to the Monongahela River and took a streetcar to the city.

But by 1912 it was apparent that an increasing number of people were willing to make the effort to live outside the city limits. At that point a group of citizens met in the living room of the Schreiner home on Bower Hill Road to organize Mount Lebanon as a township of the first class.

For the next 42 years, with the exception of 1 year, Mr. Schreiner served as solicitor of Mount Lebanon Township. During that period the community grew from a population of 1,705 to more than 30,000; by 1954 the taxable valuation of the township had soared to $87,500,000. Mr. Schreiner also served as solicitor of Union Township, Castle Shannon Borough, the Pennsylvania State Association of Township Commissioners, and the Allegheny County Association of First Class Township Commissioners. In the process, he became an expert on municipal law and, through the cases he argued in court and the legislation he helped to sponsor in the State legislature, influenced the development of local government throughout Pennsylvania. Although Sam never ran for elective office, he was influential throughout the years in seeking out and helping to elect the men he thought would best serve the community. Sam and Mary Schreiner were my family's friends, to whom my parents always pointed as examples for us children as good citizens and civic minded workers for the public and community in so many good causes.

As the township grew, it demanded more services, and Sam Schreiner was one of the people who worked unfailingly over the years to see that they were provided. Mount Lebanon today is noted for having one of the finest public school systems in the United States. Certainly a great deal of the credit must go to Mr. Schreiner, who served as solicitor for the Mount Lebanon schools from their inception in 1912 until 1963. He was then elected solicitor emeritus, and his service has been immortalized on a bronze plaque in Mount Lebanon's Washington School. Thousands of students have benefited by Sam Schreiner's devotion to good education.

In addition, Sam Schreiner helped to form the Mount Lebanon Bank, now the Mount Lebanon Branch of the Union National Bank, and the Mount Lebanon Federal Savings & Loan Association, where he served as a director until 1966.

As secretary for the South Hills Board of Trade, Mr. Schreiner was instrumental in promoting construction of the Liberty Tubes, the first double mile-long traffic tunnels carrying automobile traffic under Mount Washington—and one of the most significant contributions to the growth of the entire South Hills area.

Along with the community, the country church in which Sam Schreiner had been baptized, began to grow. Formed in 1804, the Mount Lebanon United Presbyterian Church had 176 members in 1904 when Mr. Schreiner was elected as chairman of the congregation, and then a member of the board of trustees in 1908. By the time he retired 48 years later, the church counted 2,900 members and had a half million dollar plant. It is growing yet.

A believer in the old axiom that "all work and no play makes Jack a dull boy," Sam Schreiner was also a founder of the Mount Lebanon Country Club and a charter member and active participant in the life of its successor, the St. Clair Country Club.

A man who can carry the responsibility of one job for 50 years is to be praised; a man who can carry on his shoulders the weight of half a dozen jobs for half a century, as Sam Schreiner did, is a marvel. Yet he is the first to tell you that he has done no more than what he considered his normal duty.

In fact, through all those years of community service, he felt that his prime responsibility lay in earning his living at the general practice of law and providing a good home and education for his two sons and his daughter.

This Nation owes an unpayable debt to the unsung service of countless devoted career men like Samuel A. Schreiner who have taken upon themselves the job of leaving their favorite community in America a better place, and in this case building a top community through intelligent and productive service. This pioneer spirit and sterling quality still exists in America for future generations to build upon for our good country.

As U.S. Congressman for our South Hills area, I value the long friendship and am proud of the goodly heritage of Sam and Mary Schreiner to their family and friends, their community, church, schools, State, and Nation.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 12, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My presence shall go with thee, and I will give thee rest.—Exodus 33: 14.

O God and Father of us all, beyond whose enduring love we cannot drift, in the glory of a new day we lift our hearts unto Thee ere we devote ourselves to the duties that demand our attention. We would be still in Thy presence and rest in the assurance of Thy sustaining strength.

Bless Thou these Representatives of our people as they think together, plan together, and work together for the good of our country. Help them to take the tensions and the trials of their tasks, the stress and strain of modern life in their stride, and to overcome them by learning to relax both body and mind; by continuing to think wise and wholesome thoughts and by taking time to keep Thy spirit real in their hearts.

Thus may they and we discover the secret of power; thus may we be led in right paths and thus may our days be filled with faith and hope and love. In Thy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3. An act to provide effective procedures for the enforcement of the establishment and free exercise clauses of the first amendment to the Constitution; and

S. 1216. An act to authorize appropriations during fiscal year 1967 for use by the Secretary of Defense for acquisition of properties pursuant to section 1013 of Public Law 89-754, and for other purposes.

PERMISSION GRANTED TO THE COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON THE DISTRICT OF COLUMBIA APPROPRIATION BILL FOR FISCAL YEAR 1968

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Thursday, April 13, 1967, to file a privileged report on the District of Columbia appropriation bill for fiscal year 1968.

The SPEAKER. Is there objection to

the request of the gentleman from Kentucky?

There was no objection.

Mr. DAVIS of Wisconsin. Mr. Speaker, on that bill I reserve all points of order.

SECURITY IN THE MINISTERIAL RETIREMENT YEARS

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, I have today introduced a bill which I hope will help ease the financial plight of ministers and enable them to provide some security for themselves in their retirement years.

This bill is identical to one introduced in the 89th Congress by my colleague, Mr. McVicker, who unhappily is not with us at this session. In essence, it would permit ministers to elect, with the concurrence of their churches, to be classified as employees under the Social Security Act. Presently they are eligible for coverage only as self-employed persons, thus requiring higher contributions from themselves and none from their churches.

The bill is entirely permissive. It actually would increase payments into the social security fund, while reducing the financial strain on the minister, inasmuch as the churches would make up the difference.

I am informed that a good many ministers throughout the country evinced interest in this measure at the last session. I would hope the Congress would be disposed to grant this small measure of relief to those unselfish men and women who labor in the vineyard of the Lord.

A MESSAGE TO MARCIA

Mr. SCHADEBERG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHADEBERG. Mr. Speaker, we have all heard about the letter to Garcia. I would like to inform my colleagues of a letter written to Marcia. In all the adverse news that comes to our attention daily about the Vietnam war and our servicemen's participation in it, we forget the many fine thoughtful things our men in uniform do for the Vietnamese people and the love they have for their country and their families back home.

In the Janesville Gazette, one of the outstanding dailies in the Midwest, was included a letter—a very brief letter with a very full meaning—prepared by Sp4c. Al Baake, Jr., and sent through the media of a full page ad to his wife Marcia Baake. The ad simply says:

> Anniversary greetings from the other side of the world.
>
> To my darling wife, Marcia.
>
> Happy First Anniversary from South Vietnam.
>
> All my love,
>
> YOUR HUSBAND, AL.
>
> P.S. See you in June.

I might add that the Janesville Gazette did not bill the serviceman for the ad.

PERMISSION FOR SUBCOMMITTEE NO. 5 OF COMMITTEE ON SMALL BUSINESS TO SIT DURING GENERAL DEBATE TODAY

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on Small Business may have permission to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SUSPENSION OF DUTIES ON CERTAIN FORMS OF NICKEL

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill H.R. 3349, to amend the Tariff Act of 1930 to provide that certain forms of nickel be admitted free of duty, which was unanimously reported to the House by the Committee on Ways and Means, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, and I shall not object, I do so only so that the chairman of the Committee on Ways and Means might give us a brief explanation of the bill.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 3349, as reported, is to continue through September 30, 1967, the existing suspension of duties on ferronickel, unwrought nickel, and nickel powder.

Under Public Law 89-204, effective September 27, 1965, the duties on imports of ferronickel, unwrought nickel, and nickel powders were suspended through June 30, 1967. Section 2(b) of Public Law 89-204 provides, in effect, that the temporary duty-free treatment provided by the act shall be considered permanent duty-free treatment for purposes of the President's authority under section 201 of the Trade Expansion Act of 1962. Therefore, the President is presently authorized, to grant an extension of the duty-free treatment beyond June 30, 1967, in a trade agreement, such as the one which is being negotiated in Geneva.

H.R. 3349, as reported by the Committee on Ways and Means, provides for a 3-month extension of the temporary suspension of duties beyond June 30, 1967. In the absence of a trade agreement with respect to the nickel products concerned entered into prior to July 1, 1967, the present U.S. duty on these products will be reinstated on that date.

The continuation of the duty-free treatment is under active consideration in the Kennedy round where it is hoped that the United States will be able to obtain from the rest of the world benefits comparable to those which this country is willing to extend through trade agreement concessions on these products. The bill, as amended, would continue the temporary suspension for a period of time sufficient to allow the President to proclaim the permanent duty-free treatment of these products without a break in such treatment or if these products are not included in the trade agreement, to permit the Congress to consider the matter again.

Favorable reports have been received from the interested Federal agencies on the bill, which was introduced by our colleague on the Committee on Ways and Means, the gentleman from Massachusetts, the Honorable JAMES A. BURKE. An informative report was received from the U.S. Tariff Commission.

The Committee on Ways and Means is unanimous in recommending enactment of this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. This is apparently the first of three bills on the subject of suspension of tariffs.

Mr. MILLS. That is correct; three temporary suspensions.

Mr. GROSS. I would like to have assurance from the chairman of the House Committee on Ways and Means, the distinguished gentleman from Arkansas, that the minerals or metals covered in these bills have not been in the past commonly imported from Rhodesia.

Mr. MILLS. To the best of my knowledge—and I do not want to be too positive or all-inclusive about it—nickel primarily comes into this country from Canada and New Caledonia. Manganese, which is the subject of the second bill, comes to this country primarily from Brazil, certain other South American countries, India, and two or three of the African countries, none of which includes Rhodesia.

The other bill relates to a matter of waste metal scrap that comes to us, not from Rhodesia, but from various sources, primarily from Canada.

Mr. GROSS. If the gentleman will yield further very briefly, it would not set well with this Member of the House if Congress proposed to suspend tariffs on imports from other countries on products that have been supplied in the past by Rhodesia, which is now being economically boycotted by the United States in one of the most disgraceful attempts ever perpetrated by this country to destroy a friendly government

I thank the gentleman for yielding

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. **BYRNES** of Wisconsin. Mr. Speaker, I rise in support of H.R. 3349, a bill to amend the Tariff Act of 1930 to provide that certain forms of nickel be admitted free of duty.

In 1965, Congress passed legislation suspending the duty on imports of ferronickel, unwrought nickel, and nickel powders through June 30, 1967. In connection with this action, Congress provided that the temporary duty-free treatment should be considered a permanent duty-free treatment for purposes of the President's negotiating authority pursuant to the Trade Expansion Act of 1962. This provision authorized our negotiators to grant an extension of the duty-free treatment beyond June 30, 1967 pursuant to any trade agreement that is reached in Geneva.

The present bill, H.R. 3349, extends the temporary suspension of duty for a 3-month period beyond June 30, 1967. This legislation will assist our negotiators in obtaining from our trading partners concessions comparable to those this country is willing to extend through trade agreements. It will continue the temporary suspension for a period sufficient to enable our negotiators to conclude a favorable agreement and permit the President to proclaim permanent duty-free treatment without any break in the present rules relating to nickel. If no agreement is reached in Geneva, the Congress can reconsider the treatment of nickel at the end of this 3-month extension.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and it is so ordered.

There was no objection.

The Clerk read the bill, as follows:

H.R. 3349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part I of the appendix to title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, Aug. 17, 1963) is amended by inserting immediately below item 911.12 the following new terms:

"911.13	Ferronickel (provided for in item 607.25, part I, schedule 6)	Free	3¢ per lb.	On or before 12/31/68
911.14	Unwrought nickel (provided for in item 620.02, part I, schedule 6)	Free	3¢ per lb.	On or before 12/31/68
911.15	Nickel powders (provided for in item 620.32, part I, schedule 6)	Free	3¢ per lb.	On or before 12/31/68".

SEC. 2. The suspension of duty provided for in section 1 of this Act shall be considered existing duty-free treatment for purposes of section 201(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(2)).

SEC. 3. The suspension of duty provided for in section 1 of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of enactment of this Act, but shall not so apply after December 31, 1968, unless the continuance of such duty-free treatment is provided for in a trade agreement which is entered into on or before that date.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That (a) items 911.21 (relating to ferronickel), 911.22 (relating to unwrought nickel), and 911.23 (relating to nickel powders) of the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "6/30/67" and inserting in lieu thereof "9/30/67".

"(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1967."

Mr. **MILLS** (interrupting the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed at this point in the RECORD.

The **SPEAKER.** Without objection, it is so ordered.

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to continue until the close of September 30, 1967, the existing suspension of duties on certain forms of nickel."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. **MILLS.** Mr. Speaker, I ask unanimous consent that all Members be given permission to extend their remarks on the bills under consideration today.

The **SPEAKER.** Without objection, it is so ordered.

There was no objection.

SUSPENSION OF DUTY ON MANGANESE ORE

Mr. **MILLS.** Mr. Speaker, I ask unanimous consent that the Committee on the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 3652) to suspend for a temporary period the import duty on manganese ore—including ferruginous ore—and related products, which was reported unanimously by the Committee on Ways and Means, and ask for its immediate consideration.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

Mr. **BYRNES** of Wisconsin. Mr. Speaker, reserving the right to object—and I shall not object—I do so in order to ask the chairman of the Ways and Means Committee, the gentleman from Arkansas [Mr. MILLS], to explain the bill briefly. I yield to him for that purpose.

Mr. **MILLS.** Mr. Speaker, the purpose of H.R. 3652, as reported, is to continue for 3 years—through June 30, 1970—the existing suspension of duties on certain manganese ores.

The principal use of manganese ore is for metallurgical purposes in the production of steel. Much smaller amounts are consumed in the production of dry cell batteries and in the manufacture of manganese chemicals. Consumers of manganese ore in the United States are principally producers of manganese ferroalloys, primarily ferromanganese, and to a lesser extent silicomanganese.

During 1965, domestic ore accounted for less than 1 percent of the manganese ore consumed in the United States for metallurgical purposes; only about 14 percent of consumption in the manufacture of dry cell batteries; and about 5 percent of the ore used in producing chemicals and for miscellaneous applications. The balance of domestic consumption of manganese ore is supplied by imports, principally from Brazil, Gabon, Congo, Ghana, India, and the Union of South Africa.

In addition to the fact that there is little production of manganese ore in the United States, in many respects the characteristics of the ore that is mined domestically render it noncompetitive with imported ore.

Enactment of H.R. 3652, which was introduced by our colleague on the Committee on Ways and Means, the gentleman from Illinois, the Honorable DAN ROSTENKOWSKI, is also desirable from the standpoint of domestic producers of ferromanganese and other manganese alloys Continued suspension of the duty on the basic raw materials will aid in reducing costs to these processors and enhancing the competitive position of domestically produced alloys in the market.

Favorable reports on H.R. 3652 have been received from the interested Federal departments and agencies, as well as an informative report from the U.S. Tariff Commission. The Committee on Ways and Means has received no information which would indicate any opposition to the legislation.

The Committee on Ways and Means is unanimous in recommending the enactment of this legislation.

Mr. **BYRNES** of Wisconsin. Mr Speaker, I withdraw my reservation of objection.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. **BYRNES** of Wisconsin. Mr Speaker, I rise in support of H.R. 3652, a bill to continue for 3 years—through June 30, 1970—the existing suspension of duties on certain manganese ores.

The domestic consumption of manganese ore is primarily for metallurgical purposes in the production of steel, but is also used in the production of dry cell batteries. The present suspension is based on the fact that very little manganese is produced domestically. While the suspension does not hurt domestic manufacturers, it does place United States processors in a better competitive position with other countries.

The committee has been informed by the various interested agencies that the situation upon which the present suspension was based still prevails. The committee was unanimous in reporting this measure.

Mr. ROSTENKOWSKI. Mr. Speaker, the purpose of H.R. 3652, which I introduced in Congress on January 24, 1967, is to continue for 3 years the existing suspension of duties on certain manganese ores. It extends the present suspension of the import duty on manganese ore until June 30, 1967.

The principal use of manganese ore is for metallurgical purposes in the production of steel, with much smaller amounts consumed in the production of dry cell batteries and in the manufacture of manganese chemicals.

In 1965, domestic ore accounted for less than 1 percent of the manganese ore consumed in the United States for metallurgical purposes; only 14 percent of consumption in the manufacture of dry cell batteries; and about 5 percent of the ore used in producing chemicals and for miscellaneous application. The balance of domestic consumption of manganese ore is supplied by imports, principally from Brazil, Gabon, Congo, Ghana, India, and the Union of South Africa. The situation today remains unchanged.

A report submitted to the Ways and Means Committee by the General Counsel of the Department of Commerce called attention to Public Law 88-338, which suspended until June 30, 1967, the duty of one-fourth of a cent per pound on manganese ore and manganiferous iron ore. This suspension does not apply to imports from the Communist countries, and it will not under the provisions of H.R. 3652.

The report stated:

> There is very little domestic production of manganese ores. Imports account for over 95 percent of the total new supply in this country. The United States consumers of manganese ores, for the most part ferromanganese producers, are facing increased competition from imports of ferromanganese. Further extension of the duty-free treatment of manganese ores would mean a continued saving of $5 to $6 per ton to domestic ferromanganese producers and would assist them in maintaining their current competitive position with respect to the foreign product.

The Labor Department has stated that the enactment of H.R. 3652 would not appear to pose any problems in terms of domestic labor impact.

The State Department supports this legislation because the continuation of the duty suspension would contribute to the international competitive position of U.S. industry by holding down raw material costs.

It is in the public interest that we continue the suspension of import duty on certain manganese ores. The Committee on Ways and Means is convinced that continued suspension of duty is fully justified and warranted. I urge the adoption of H.R. 3652, as reported by the committee.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There being no objection, the Clerk read the bill, as follows:

H.R. 3652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart B of part 1 of the appendix to title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, August 17, 1963) is amended by inserting immediately below item 911.05 the following new item:

" 911.07	Manganese ore, including ferruginous manganese ore, and manganiferous iron ore, all the foregoing containing over 10 percent by weight of manganese (provided for in item 601.27, part 1, schedule 6)	Free	1¢ per lb. on manganese content	On or before 6/30/70 "

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That (a) item 911.07 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "6/30/67" and inserting in lieu thereof "6/30/70".

"(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1967."

Mr. MILLS (interrupting the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to continue until the close of June 30, 1970, the existing suspension of duties on manganese ore (including ferruginous ore) and related products."

A motion to reconsider was laid on the table.

TEMPORARY SUSPENSION OF DUTIES ON METAL SCRAP

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 5615) to continue until the close of June 30, 1969, the existing suspension of duties for metal scrap, which was unanimously reported by the Committee on Ways and Means, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Reserving the right to object—and I shall not object—I do so only in order to ask the gentleman from Arkansas, the chairman of the Ways and Means Committee, to explain briefly the legislation to the Members. I yield to him for that purpose.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 5615, which was introduced by our colleague on the Committee on Ways and Means, the gentlewoman from Michigan, the Honorable MARTHA GRIFFITHS, is to continue until June 30, 1969, the existing suspension of duties on certain metal waste and scrap.

Legislation for the temporary suspension of duties on various metal scrap was first enacted in 1942. With some changes, the suspension has been continued from time to time depending upon the scarcity of the particular metal.

This bill would continue for 2 years the temporary suspension of duties on certain metal waste and scrap, principally iron and steel, aluminum, magnesium, nickel, and nickel alloys. The bill would also extend for 1 year—from June 30, 1968, to June 30, 1969—the present tariff exemption on copper waste and scrap and copper articles to be used in remanufacture by melting.

Favorable comments on the bill have been received from the interested Federal agencies. The U.S. Tariff Commission, in its informative report, advised the Committee on Ways and Means that the conditions which prompted the initial suspension of duty on metal scrap and the continuation thereof to the present time have not materially changed. The committee is unanimous in recommending enactment of this legislation.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation of objection.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 5615. This bill continues for 2 years—until July 1, 1969—the temporary suspension of duties on certain metal waste and scrap, consisting primarily of metal scrap such as iron and steel, aluminum, magnesium, nickel, and nickel alloys. The bill also extends for 1 year—from June 30, 1968, to June 30, 1969—the present exemption on copper waste and scrap and copper articles, imported to be used in remanufacture by melting.

The committee has been advised that scrap of nonferrous metals constitutes a relatively small part of U.S. supply of these products. Scrap of ferrous metal—iron and steel—are required for economical production of steel by the open-hearth process.

The U.S. Tariff Commission advised the committee that the conditions upon which the initial suspension of duty and the continuation thereof was based have not materially changed. The suspension does not of course apply to Communist countries.

This legislation was unanimously reported by the Ways and Means Committee and I recommend its passage.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 911.12 (relating to articles other than copper waste and scrap and articles of copper) of the Tariff Schedules of the United States (19 U.S.C., sec. 1202) is amended by striking out "6/30/67" and inserting in lieu thereof "6/30/69".

(b) Items 911.10 (relating to copper waste and scrap) and 911.11 (relating to articles of copper to be used in remanufacture by melting) of such Schedules are each amended by striking out "6/30/68" and inserting in lieu thereof "6/30/69".

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1967.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. **HALL.** Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. **ALBERT.** Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 64]

Ashley
Barrett
Burton, Utah
Cowger
Edwards, Ala.
Edwards, Calif.
Ford, William D.
Gude
Hébert
Holifield
Jones, Mo.
Kuykendall
Long, La.
McMillan
Pool
Resnick
Ruppe
St. Onge
Smith, Iowa
Williams, Miss.

The **SPEAKER.** On this rollcall, 414 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SUBCOMMITTEE ON GENERAL EDUCATION OF COMMITTEE ON EDUCATION AND LABOR—PERMISSION TO SIT TODAY DURING GENERAL DEBATE

Mr. **PUCINSKI.** Mr. Speaker, I ask unanimous consent that the Subcommittee on General Education of the Committee on Education and Labor be permitted to sit this afternoon for the purpose of taking testimony.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois? The Chair hears none and it is so ordered.

There was no objection.

AMENDING THE NATIONAL SCIENCE FOUNDATION ACT

Mr. **PEPPER.** Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 411 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 411

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5404) to amend the National Science Foundation Act of 1950 to make changes and improvements in the organization and operation of the Foundation, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The **SPEAKER.** The gentleman from Florida is recognized for 1 hour.

Mr. **PEPPER.** Mr. Speaker, I yield 30 minutes to the able gentleman from Tennessee [Mr. QUILLEN] and to myself such time as I may consume.

Mr. Speaker, House Resolution 411 provides an open rule, waiving points of order, with 1 hour of general debate for consideration of H.R. 5404, a bill to amend the National Science Foundation Act of 1950 to make changes and improvements in the organization and operation of the Foundation, and for other purposes.

The purpose of H.R. 5404 is to facilitate the mission of the National Science Foundation by creating much-needed reforms in the organization and operation of the Foundation and its governing National Science Board.

The bill is directed to four major goals:

First, giving new emphasis to the Foundation's basic missions and effect to the several reorganization plans in regard thereto;

Second, strengthening and adding to the functions of the National Science Board;

Third, unifying and augmenting the operational authority of the Foundation's Director; and

Fourth, modifying and streamlining the Foundation's organization and structure.

In order to facilitate information on where Federal research money goes, one of the new tasks given National Science Foundation is that of keeping tabs on the peregrinations of such funds. This requirement is intended to make it possible for Congress or the executive branch to find out quickly how much Federal research money finds its way to what educational institution, nonprofit organization, or private contractor—and from what agencies. The task is a complicated one and the program will take time to set up and become operative.

The enactment of H.R. 5404 will result in some budgetary increase. This comes about through the addition of certain new responsibilities and functions assigned to the Foundation. It is possible only to estimate additional costs and the best present estimate suggests an additional minimum annual cost of $3.1 million.

Mr. Speaker, this matter brings back to me stimulating memories of the time during the war when we first set up a research facility in the Government of the United States for the purpose of carrying forward more successfully the war in which we were then engaged. Then I recall the splendid contribution made to our country's cause by Dr. Vannevar Bush, who was the head of that research institution which was set up by the Government during the war days.

The institution proved so valuable that at the end of the war Dr. Bush was requested to make recommendation as to our country's setting up a permanent science foundation or science institution or science agency of some sort, which could advance the scientific interests of our country and our people. There were many bills introduced on the subject. One was introduced in July 1945 by the able chairman of the Ways and Means Committee, the distinguished gentleman from Arkansas [Mr. MILLS], with the able Senator from the State of Washington [Mr. MAGNUSON].

Four days later Senator Johnson, of Colorado, Senator Kilgore, of West Virginia, and I introduced another bill to initiate such an institution into the structure of our Government. Over the years, many proposals have been made and hearings have been conducted, and much time has been given by both Houses to this vital subject.

Finally, the institution which has become known as the National Science Foundation, and its governing National Science Board, came into being.

One of the most valuable contributions made to our country has been made by the National Science Board and the National Science Foundation. H.R. 5404 is a revision of the older law in order to make more effective the National Science Board and the National Science Foundation. There is a great deal of interest in this reorganization proposal.

As the Members will hear from the distinguished gentleman from Connecticut [Mr. DADDARIO], is the author of and will be in charge of this bill in a little while, on this bill a great deal of emphasis has been put upon increasing the policymaking authority of the National Science Board, and the manner in which the Board operates has been improved so that the Board can more effectively carry out its important functions.

I hope our Government, both the executive and legislative branches, may call upon this distinguished Board more in the future than we have in the past to advise and assist our country in meeting the scientific challenges of this technological age. I believe this bill will make it possible for this eminent Board to render even greater service to the Nation in the future than it has in the past.

On last Friday evening, in Miami, I had the pleasure of being a guest at a dinner given by the able President of the University of Miami, Dr. Henry King Stanford, and his lovely wife, in honor of the members of the National Science Board and their beautiful wives, where I met many of these eminent gentlemen, some of whom are Nobel Prize winners. It was really a stimulating experience. Fortunate is our country that we have such eminent men so completely dedicated to the service of our national interest as are the members of the National Science Board.

I hope House Resolution 411 will be adopted in order that H.R. 5404 may be considered, and I hope speedily enacted by this House.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the able gentleman from Missouri.

Mr. HALL. Mr. Speaker, I thank the gentleman for yielding. I appreciate his opening statement.

I wonder if the gentleman can explain to the House why in line 7, page 1, House Resolution 411, all points of order against the bill are waived in the wisdom of the committee?

Mr. PEPPER. I will ask the distinguished author of the bill, the gentleman from Connecticut [Mr. DADDARIO], if he will make the response to the able gentleman from Missouri, and I yield to him for that purpose.

Mr. DADDARIO. Mr. Speaker, I thank the gentleman for yielding. I would advise the gentleman from Missouri that on page 17, line 12, section (g), there is reference to the transfer of funds from one department to another.

This is the language of the original legislation. It is existing law. It is not language with which we have tampered, or amended, in any way. We were advised by the Parliamentarian that even though such was the case, although we had not amended that particular section, this same section would be subject to a point of order. Therefore, since we have not, in fact, amended it, since the Congress some 17 years back acted on the subject, we have asked this provision of the rule so that we need not have that point raised.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement. Certainly the paragraph is clear, and certainly it would be subject to a point of order were it not waived in the "rule," in this particular body of the Congress.

If the gentleman would explain further, has it been the practice of the National Science Foundation to transfer such funds from other agencies for its own use? I am particularly interested in paragraph (g) starting on line 12, page 17 of the bill, vis-a-vis the development under an amendment to an appropriation act by the Department of Defense, wherein we have seen superstructures of the Defense Supply Agency, the Defense Intelligence Agency, the Defense Communications Agency, and others evolve, over and above the three constitutionally authorized military services.

Would the distinguished gentleman from Connecticut please advise as to whether there has been in the past or whether there is any intention at this time to make allowable under this paragraph the transfer of funds to build any "superagencies" over and above those authorized by the Congress?

Mr. DADDARIO. If the gentleman will yield further, I would advise the gentleman that the transfers have been minimal and routine, the normal exchanges which have gone on between agencies. There has been no such development. It is not my understanding that there would be. It would be one of the intentions of our committee, which does have legislative jurisdiction over the National Science Foundation, to watch carefully to see that that does not occur.

Mr. HALL. Again I appreciate the gentleman's statement. Have those transfers of funds without reference back to the committee or to the Congress, been primarily for the purpose of research, in the opinion of the gentleman?

Mr. DADDARIO. They have been for the purposes of carrying out the fundamental objectives of the National Science Foundation as properly constituted under the legislation, as worded in the first instance.

Mr. HALL. Mr. Speaker, would the gentleman answer positively or negatively my question?

Mr. DADDARIO. I would say the answer is "Yes."

Mr. HALL. They are primarily for research investigations under the overall mission and objectives of the National Science Foundation?

Mr. DADDARIO. If the gentleman will yield further, the answer is "Yes."

Mr. HALL. I thank the gentleman.

Mr. Speaker, I have a final question. Does either the distinguished gentleman from Florida [Mr. PEPPER], or the distinguished gentleman from Connecticut [Mr. DADDARIO], who is handling the bill for the subcommittee, agree with me that, as in the case of reprograming in the Department of Defense, this transfer of funds within inner agencies without coming bark to the Congress does in fact relegate to the executive branch some of the authority constitutionally provided to the elected Members of the legislative body?

Mr. DADDARIO. If the gentleman will yield, I answer that question by saying I agree that this is a possibility. I would, however, like to call to the gentleman's attention that the jurisdiction of the Committee on Science and Astronautics over the National Science Foundation is a legislative jurisdiction. The question, it would seem to me, would be more appropriate at the time this matter comes up for appropriation, because at that time the funds for other purposes would then be under review.

This piece of legislation is aimed, through its amendments, to strengthen the structure and management procedures and administrative procedures of the National Science Foundation and does not in fact involve any funding at all.

Mr. HALL. Mr. Speaker, I thank the gentleman.

I know well the difference between a legislative committee and an operational committee of the House.

Mr. DADDARIO. I understand.

Mr. HALL. I also know well that—I get a like statement when the appropriation bill is before this body—that the Committee on Appropriations considers only those things "authorized" by the will of the House in response to the legislative committee. To me this is the "old refrain."

Mr. DADDARIO. If the gentleman will yield to me further on that point?

Mr. HALL. I am sure the gentleman from Florida will.

Mr. DADDARIO. I would like to advise the gentleman that the Committee on Science and Astronautics does not have authorization control over the National Science Foundation and it has never had. Therefore, the entire proceedings each year on the budget, involving the items which the National Science Foundation comes before the Congress to support, is argued out in the Committee on Appropriations. We do not have and we never have had such authorization authority.

Mr. HALL. Mr. Speaker, I am not at all sure but that your distinguished committee should have on a line item basis an analysis each year, but that is another subject, and the gentleman has been most generous in yielding to me. I want to say I am most strongly opposed to this paragraph (g). The waiver of all points of order makes such consideration out of order regarding the individual prerogatives of the Members, and without application of the rules of the House in such a procedure. But I shall not proceed further at this time, having established the record. I do understand from the distinguished gentleman from Florida and the erudite replies of the gentleman from Connecticut, the chairman of the subcommittee, that this was a rule waiving points of order at the suggestion of the Parliamentarian in order to protect clause (g) of this particular bill and it was for that purpose.

Mr. DADDARIO. It was for that purpose only.

Mr. HALL. I thank the gentleman.

Mr. PEPPER. Before yielding, Mr Speaker, I want to commend in the warmest way the distinguished gentleman from Connecticut [Mr. DADDARIO] for what he has contributed to our country in the long and diligent research that he has done with respect to this bill and to congratulate him on bringing this bill as its author to the floor of the House.

I now yield to the able gentleman from Tennessee [Mr. QUILLEN].

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may consume and ask unanimous consent to revise and extend my remarks.

Mr. Speaker, House Resolution 411 provides an open rule, waiving points of order, with 1 hour of general debate for the consideration of H.R. 5404.

The purpose of H.R. 5404 is to amend the National Science Foundation Act to modernize its organizational structure and its operation. The committee reported the bill unanimously and without amendment.

The committee report explains the long hearings and investigation of this matter conducted by its subcommittee beginning in 1965. The results of this work were embodied in H.R. 14838 which passed the House last year but did not pass the Senate prior to adjournment. H.R. 5404 is all but identical to the House-passed bill.

The aim of the legislation is to tighten up the operation of the Foundation by, first, increasing the authority of the Director; second, streamlining its organizational structure; and third, giving renewed emphasis to its prime purpose of basic scientific research.

The committee report indicates that while the bill will necessarily result in some budgetary increases for the Foundation, it cannot do more than roughly estimate such costs at this time. Its estimate is $3.1 million more annually. Departmental support for the bill is indicated in the report.

Mr. Speaker, I have no further requests for time and I reserve the balance of my time.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON of Pennsylvania. Mr. Speaker, while we are in this discussion I might as well follow up my points on those particular factors. The point of this bill is it is a continuing authorization which then eliminates any legislative committee looking annually into the budget of the National Science Foundation. The National Science Foundation simply gets appropriations so that there is no annual review and balancing of the science and research programs, nor of the grants nor of the proposals. I have long opposed this and feel that there should be an annual authorization of the National Science Foundation.

Mr. Speaker, my recollection is that while the National Science Foundation was commenced upon a budget request of $475,000 in fiscal year 1951, it received $225,000 for that fiscal year in annual appropriations.

Now, Mr. Speaker, in fiscal year 1967 the budget request for the National Science Foundation was $525 million and the appropriation was $479,999,000.

Mr. Speaker, again, in fiscal year 1968, there is another request for the National Science Foundation for the budget in fiscal year 1968 of $525 million.

The fiscal record is as follows:

Fiscal year	Budget requests	Appropriations
1951	$475,000	$225,000
1952	14,000,000	3,500,000
1953	15,000,000	4,750,000
1954	15,000,000	8,000,000
1955	14,000,000	12,250,000
1956	20,000,000	16,000,000
1957	41,300,000	40,000,000
1958	65,000,000	40,000,000
1959	140,000,000	130,000,000
1960	160,300,000	152,773,000
1961	190,000,000	175,800,000
1962	275,000,000	263,250,000
1963	358,000,000	322,500,000
1964	589,000,000	353,200,000
1965	487,700,000	420,400,000
1966	530,000,000	479,999,000
1967	525,000,000	479,999,000

Mr. Speaker, this half billion dollars is too large not to have these programs looked at annually by a legislative committee of the House of Representatives. That legislative committee would be, of course, the House Committee on Science and Astronautics, of which I am a member.

Mr. Speaker, one other point is the fact that I do not like the emphasis contained in this bill upon the social sciences. I say this because in my opinion this emphasis does not represent the physical sciences.

Mr. Speaker, in my estimation and opinion, the National Science Foundation should emphasize basic research in the physical sciences and should stay out of these fields of the social sciences, because of the fact that there is so much contemporary dispute involved therein.

Mr. Speaker, when I say "basic research in the physical sciences," I mean basic research, and it should not go into applied research due to the fact that that venture gets into various programs and missions otherwise involved. Of course, Mr. Speaker, that endeavor also represents a pretty good barrel of worms. Those programs should come under the various legislative committees of the House of Representatives and their respective jurisdictions.

One other point, Mr. Speaker, is I believe that this bill, if adopted, would grant too much authority to the Director of the National Science Foundation. I know the gentleman, and he is a very fine person. However, I do not believe this type of authority should be given to any one person.

Mr. Speaker, I say this and I refer the Members of the House to the provision providing for the power of the Director. These provisions appear under section 5(e) of the bill wherein there is stated:

> The Director shall not make any contract, grant, or other arrangement pursuant to section 11(c) without the prior approval of the Board if such contract, grant, or other arrangement involves a new type of program, or involves a total commitment of over $2,000,000, or over $500,000 in any one year, * * *

Mr. Speaker, putting that in the converse, it means that the Director can make total commitments, on his own, without prior Board approval, of up to $2 million. Likewise, he can make prior commitments of $500,000 in any one year without prior Board approval. That means without even their consent, but based upon the fact that they may find out about it later.

Mr. Speaker, there is another point that is not clear to me which appears on line 5, page 10, wherein there is stated:

> * * * or a commitment of such other amount or amounts and subject to such other conditions as the Board in its discretion may determine and publish in the Federal Register.

Mr. DADDARIO. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Pennsylvania. I shall be happy to yield to the gentleman when I complete this statement.

Mr. Speaker, that language represents an indefinite statement, and represents the enactment of authority, upon which I see no limitation, so long as the Board determines and publishes the information in the Federal Register.

Mr. Speaker, I do like the provision to the effect that the Foundation itself shall not operate any laboratories or pilot plants. However, I am amazed when I see the grants of the National Science Foundation and to see certain colleges and universities, all of a sudden have dropped into their aprons and receiving a $2 million commitment for a building—based upon the choice of the Director himself. In my opinion that is wrong.

Mr. DADDARIO. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Pennsylvania. If the gentleman will let me finish I will be glad to yield to the gentleman.

Mr. Speaker, I must say I favor the legislation as bringing up to date the National Science Foundation, because I do agree with the Committee on Science and Astronautics, and likewise the previous subcommittee that had felt NSF needed to be brought up into the current level of scientific activity. There had been a previous report that was critical by the subcommittee of the House Committee on Science and Astronautics, and I agree with it also.

But I must say that unless we look to see that there is no overlapping we are wasting money.

For example, on moving into the field of the social sciences I would like to ask how that fits in with the Foundation on the Arts and Humanities. Are they not moving into that field also? Likewise, the great agencies, the National Aeronautics and Space Administration, are helping universities; they are building scientific buildings. The question is, is there correlation and should this all be put under one agency rather than divided up under two?

One other thing is we have the present Science Advisor. We also have the Vice President, who has charge of the National Space Council. And there is the Office of Science and Technology; also there is the Federal Council on Science and Technology. How do these things all fit in? Are we getting overlapping? Are we getting many layers of scientific approach from many directions? Then when we see the Department of Defense and the Secretary of State likewise calling on the National Science Foundation for projects within their fields—not only in this country, but abroad, not only in security, but in cooperation in foreign policy, are we there getting overlapping?

When we find that the U.S. foreign aid program has similar projects along these lines, even helping schools abroad, are we there competing with the U.S. agency called AID?

I would like these questions answered.

I finish by saying I certainly think the bill should be passed. Although it does amount to $3.1 million in additional expenditures, nevertheless they are budgeted. And when we have over a half billion dollars in expenditures under the National Science Foundation annually we certainly can afford the $3.1 million, in order to revise the structure and organization of the National Science Foundation.

Mr. Speaker, I now yield to my friend from Connecticut [Mr. DADDARIO].

Mr. DADDARIO. Mr. Speaker, I appreciate the words of my good friend, the gentleman from Pennsylvania [Mr. FULTON], who is a senior member of the Committee on Science and Astronautics, and who has attended the subcommittee hearings on occasion.

I believe that he already—even though he has put out some of these questions—is satisfied that our recommendations are proper.

Mr. FULTON of Pennsylvania. I favor the recommendations, but I put more emphasis on them.

Mr. DADDARIO. Mr. Speaker, I would like to touch on one point that was made at the time I rose and asked the gentleman to yield. That was when the gentleman was referring to the limitations on the Director of $2 million, or where total commitments are over $500,000 for any one year.

On that particular point, the Science Board has over the years already authorized and delegated to the Director this authority.

One of the things we are doing is to allow the Director to be a proper manager or a proper administrator and to put into legislation those things that already exist. This is normal evolution or process in the development of an agency. Rather than allow him excess latitude this restricts the authority already given from being more elastic and more flexible upward so that in years to come we will not be talking about figures in greater amounts than $2 million. These are proper limitations.

Mr. FULTON of Pennsylvania. When I see National Science Foundation grants for a $2 million building for a particular college or university, I wonder whether there has been adequate correlation with other programs and other agencies. Or is this being given on a basis that is casual by the director? What kind of a backup does he have for this? Because I just read about it. I look over the National Science grants and contracts here and I find, I think, in the recent past several $2 million laboratory buildings.

I am not sure what the social science building was for one college in amount. That raises to me the question whether this Congress and this House should not have these brought up and authorized in legislation before the commitment is made. Then, of course, the Committee on Appropriations has to live up to it—because we have the provisions here that NSF is relieved of section 3709 of the Revised Statutes and also, I believe, of section 3648 of the Revised Statutes—first, they do not have to advertise for bids for these buildings and, second, they can pay out of the U.S. Treasury before the performance. You see when payment is made before performance and on top of it there is waived performance or other bonds, you do not even have any of these protections when you are building any building.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman.

Mr. HALL. I appreciate the gentleman taking the additional minute of time to yield to me. I simply want to compliment the gentleman for a delving and well-portrayed statement of some of the problems in this bill and in this committee report.

I am only sorry that the gentleman ruined it all, in the end in my opinion, by saying that he is still for the bill—but again portraying well why it is so.

But does the gentleman not also agree with me that if the Secretary of State so requests, the National Science Foundation is directed and authorized to support scientific activities on an international basis based on the Secretary of State's foreign policy? This not only relegates the authority of Congress for line item review—and not only instructs—I believe the word is "enjoins"—the Director without reference to the board of trustees, to support social sciences up to $2 million in any one area, but it becomes an agency of foreign aid as well.

Mr. FULTON of Pennsylvania. May I say in answer to that, the Director himself can go up to $2 million on any one project and up to $500,000 in 1 year without the Board acting. Before they act, if the Secretary of State asks for cooperation on foreign policy, the National Science Foundation shall give it, and there is no limit of authorization. So that really the limits we see in authorizations are simply those on the Director and not on the Board. So you are exactly correct on that end of it, that the authorization is general when the Secretary of the Department of Defense or the Secretary of State of the United States calls on the National Science Foundation for work or for projects or for cooperation on foreign projects, which may either be for security and defense of the United States or for our cooperation on international U.S. policy abroad.

Mr. HALL. Again, Mr. Speaker, I commend the gentleman and I hope in line with what he has said amends the bill accordingly.

The SPEAKER. The time of the gentleman has expired.

Mr. QUILLEN. Mr. Speaker, I urge the adoption of the rule.

I have no further requests for time.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, and if the gentleman from Tennessee has no further requests for time, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DADDARIO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5404) to amend the National Science Foundation Act of 1950 to make changes and improvements in the organization and operation of the Foundation, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Connecticut.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5404, with Mr. HANNA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Connecticut [Mr. DADDARIO] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. FULTON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, I yield myself as much time as I may require.

The legislation before us, as has already been said, is comparable, with minor exceptions, to the bill which this House passed under suspension of the rules on July 18 of last year, a bill by the designation of H.R. 14838.

At this time I would like to yield as much time, Mr. Chairman, as he may require to my distinguished friend, the chairman of the House Committee on Science and Astronautics, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, the bill before us is one designed to strengthen and streamline what I believe to be one of the most important and critical agencies of the Government of the United States.

I refer, of course, to the National Science Foundation.

Just a few days ago President Johnson forwarded to this body the 16th annual report of the Foundation. As he did so the President made this comment:

> The National Science Foundation is entrusted, more than any other single national institution, with the responsibility to expand our reservoir of basic knowledge through research, and to promote excellence in our scientific education. It is doing this job admirably, as the attached report shows. It must—and will—do even better.

Mr. Chairman, I can scarcely overemphasize the value of basic research to the security and well-being of our Nation. It is all encompassing and totally necessary. Without it, we would be just another sovereignty listed on the roster of nations. With it, we are paramount.

I recognize and appreciate the natural penchant of all of us laymen to ask the question—whenever we embark upon a research project—what good is it? What is in it for me? What is in it for the taxpayer?

And these are good questions. We should ask them.

By this time, however, it must be clear to all of us that we cannot stop or slow down our efforts always to acquire more fundamental knowledge—whether or not we can foresee precisely the use to which this knowledge can be put.

For without basic understanding and a continuing accumulation of natural truth—we cannot have applied science, we cannot have development, we cannot have progress.

If we are to improve the welfare of our people—their health, their education, their standard of living, their usefulness, their security—we must have the tools to work with. Basic research gives us these tools. And, to a great extent, the quality of basic research in America has come to depend upon the support given it by the National Science Foundation.

We all want—and we constantly cry for—the benefits of new technology. But we must never forget that without fundamental knowledge of nature—there is no technology.

Mr. Chairman, the Foundation does not operate any laboratories or research projects of its own. All of its funds are put to use through nongovernment institutions—universities, colleges, schools, nonprofit institutions, and occasionally parts of industry. It is no great bureaucracy with a long Government payroll. It is a relatively small undertaking in the present scheme of Federal affairs. But it is crucial to the well-being of our academic and scientific communities.

We should do whatever is necessary to keep the Foundation functioning smoothly and efficiently—and that is the purpose of the legislation before us today.

In closing, Mr. Chairman, let me express my conviction that the United States is indeed fortunate to have the services of Dr. Leland Haworth as Director of the Foundation and Dr. Philip Handler as Chairman of the National Science Board. The contributions of these talented men and their staffs merits the warm thanks of Congress and the entire country.

Mr. DADDARIO. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I thank the gentleman from California [Mr. MILLER] for the remarks he has made in pointing out the importance he attaches to the recommendations made here.

I do believe it is important we recognize here in the House that the changes which are being offered are changes which emanate and initiate here in the House. The impetus comes from us, and the recommendations are not those which are summarily sent to us by the executive branch. The recommendations initiating in that way have entailed on the part of the Committee on Science and Astronautics, and especially its Subcommittee on Science, Research, and Development, a long period of activity. The committee informed itself first of all by asking the Science Policy Research Division of the Legislative Reference Service of the Library of Congress to prepare an intensive history on the National Science Foundation. This was used as the basis upon which we could prepare ourselves for the testimony which would be offered. Having done that, we proceeded over a long period of time with some 40 witnesses from inside and outside the Government, who appeared before us and gave us the benefit of their wisdom, advice, and experience.

I believe that the House last year, when it acted without dissent on this particular legislation, did, in fact, recognize the need to bring the National Science Foundation up to date. I would like then to review as quickly as I can some of the important points which may concern us and which need to be and deserve to be touched upon.

The bill is directed to four major goals. First, giving new emphasis to the Foundation's basic missions and effect to the several reorganization plans in regard thereto, especially the reorganization plans Nos. 2 and 5, which are already in effect and which this legislation incorporates so that there will be no misunderstanding as to the effect of those plans—and so there can be located in one place all of the legislation which affects the National Science Foundation.

Second, strengthening and adding to the functions of the National Science Board. I believe it is important here, since the gentleman from Pennsylvania [Mr. FULTON] has raised this point, to point out that the Board is not a board in the sense we ordinarily understand—full-time, supervising, overseeing kinds of boards—but rather a part-time policy board which meets only on occasion, once a month or so. Nor is it a board which should be involved on a continuous basis with administrative and operational matters, but, rather that it should give its advice from a policy point of view.

Over the course of time the history of the activities of the National Science Foundation has proved beyond a doubt that that Board must delegate its authority to the Director so that he can properly, as an agency head, do his job.

It is for that purpose, recognizing what has happened over the course of time, that this recommendation was made.

Third, unifying and augmenting the operational authority of the Foundation's Director. This ties in with the above point.

Fourth, modifying and streamlining the Foundation's organization and structure.

The changes in existing law which we have made in order to carry out these objectives are outlined beginning on page 17 of the report, House Report No. 34. I should like to highlight some of these changes.

First, support for applied research is authorized, but it is important that this is made permissive and it is at the discretion of the Director.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DADDARIO. Mr. Chairman, I yield myself an additional 5 minutes.

This gives the Director an opportunity to take advantage of those areas of opportunity which sometimes show themselves during the course of basic research. This is important to refer to, because he does not at this time have such authority.

Second, the National Science Foundation is presently required to collect and collate data on national scientific technical resources. The bill would have the Foundation analyze and interpret that data as well. This is most important, in my opinion. It is an essential input to the decisionmaking process of the Congress and of the Scientific Offices of the President, particularly as science and technology more and more become critical links in the chain of national well-being.

Third, in order to facilitate information on where Federal research money goes—and I believe the gentleman from Pennsylvania should pay particular attention to this—the National Science Foundation is to be given a new task of keeping tabs on such funds. This requirement is intended to make it possible for the Congress or the executive branch to find out quickly how much Federal research money finds its way to what educational institutions, nonprofit organizations, or private contractors, and from what agencies.

Fourth, if the Secretary of State requests it, the National Science Foundation is to be authorized to undertake the support of scientific activities relating to international cooperation on foreign policy. National objectives abroad may thus be supported at the discretion of the Director but with the concurrence of the State Department and utilizing funds available to either. By this we do not mean that the National Science Foundation should involve itself in a whole multitude of foreign activities. What we were trying to do here is to bridge a gap which presently exists, which does not allow the State Department to come to the National Science Foundation to use some highly qualified people who could for a period of time serve as science advisors in some of our foreign posts.

We have found that there is a great deal of difficulty in getting the best qualified men for these purposes, and it was felt that there could be worked out an arrangement so that a man's career would not be interrupted, that he could from time to time go from the National Science Foundation to serve as a science advisor and then come back to the National Science Foundation. We believe this would be to the betterment of both, allowing greater flexibility and allowing an opportunity to use young, active, aggressive men in these important positions.

The Foundation is enjoined in this bill to give support to the social as well as the physical sciences. The authority for such support—and this is extremely important—already exists in the present language of the bill under the term "other sciences," but the bill spells it out more specifically by way of emphasis. The fact remains that during the appropriation processes over the course of time the Congress itself has found it necessary to advise the National Science Foundation to support work in the social sciences. There has been some work going on in the social sciences now since 1963. All that this does is to accent a presently existing situation and to recognize that the social sciences and research in them is an important facet of development in the sciences.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I will give the gentleman an opportunity as soon as I have had a chance to go through these points.

Sixth, requirements for an annual report of the Foundation have been altered to place this responsibility with the Director rather than the Board. The fact again is that we found this is what was happening and that the Board has already delegated this authority.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DADDARIO. Mr. Chairman, I yield myself an additional 5 minutes.

We found that this was a proper delegation of authority and was supported by the evidence, so we incorporated it in the bill to bring the situation up to the real position.

The bill also would remove one of the Foundation's functions. This is section 14 of the National Science Foundation's current act which was amended in 1958 to give the Foundation responsibility for research, basic and applied, on weather modification. This bill repeals section 14 for a number of reasons. The fundamental reason is that we believe once the National Science Foundation gets to the point where there is applied feasibility in a program and where there is an opportunity to use it, this should normally be transferred out of the Foundation. Its job is basic research and we should place development works in one of the operating agencies.

We ask that qualifications for members of the Board be given wider latitude.

We also felt the Board should be made primarily responsible for establishing and overseeing the policies of the Foundation and as a result relieve it of operational duties. This gets us into that point of the limitations of what the director can and cannot do, that being a management procedure already in existence and one which we believe was well founded and should be supported by legislation.

I have already touched on the fact that this eliminates the problems which might exist through the development of Reorganization Plans No. 2 and 5.

Another important point and one which has been floating around the Congress for a long period of time is the need for us to know better what the situation is insofar as scientific accomplishments and needs in this country are concerned. This is a major responsibility we give to the Board. The Board will render an annual report to the Congress on the status and health of the sciences and its various disciplines. The committee believes such a report would be of inestimable value to the Congress in its deliberations on policy matters which depend or impinge upon science or technology.

To assist the Board in its new task the bill provides for a small professional staff to be made available to the Board at its discretion.

All authority relegated to the management and operation of the Foundation is vested in the Director. This proposal is intended to increase the administrative stature of the Director and give him the authority and flexibility which he needs for fast and efficient decisions and cut down on redtape. He is given specific statutory authority to delegate such of his duties and powers as he deems appropriate. Such authority in fact has already been extended to the Director through Reorganization Plan No. 5, and this legislation merely incorporates it.

While the Director is given operational authority over the affairs of the Foundation as distinguished from the policymaking function of the Board, it is recognized that the formulation of the programs of the Foundation, and the relative magnitude of the resources to be assigned thereto, transcends the boundary between operations and policy, and involves an element of each. Consequently, the bill provides that:

> The formulation of programs in conformance with the policies of the Foundation shall be carried out by the Director in consultation with the Board.

The bill also places a limitation upon the Director with regard to making grants, contracts, et cetera, with other organizations or persons. If the grant or contract in question involves a new type of program or an annual commitment of over $500,000 or a total commitment over $2 million, prior apporval of the Board must be obtained—subject, of course, to such waiver as the Board may promulgate, from time to time.

In keeping with the committee's view that the Foundation deserves, and should be accorded, a top-level role in the Federal scientific structure, the bill elevates the Director from level III to level II of the executive schedule pay rates.

For the same reasons as set out in the preceding paragraph the bill elevates the NSF Deputy Director from level V to level III.

The bill further provides the Director with four Assistant Directors who are deemed essential if the Foundation is going to have the supply and caliber of help necessary to do its job in the future.

Rather than stipulate the Foundation's internal structure around particular branches of science as does present law, the bill leaves such organization to the Director. This is necessary in the modern fluid world of science and technology where an important prerogative of chief executives is flexibility of operation.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. DADDARIO. Mr. Chairman, I yield myself 3 additional minutes.

The CHAIRMAN. The gentleman is recognized for 3 additional minutes.

Mr. DADDARIO. The law has always provided authority for the Board to operate, at its option, through a subgroup known as the executive committee. In 1962 the executive committee was set up on a permanent basis, composed of five voting members with the Director as chairman. The Board could delegate such of its powers and functions to the committee as it saw fit—policymaking functions excepted.

This bill incorporates the provisions of the reorganization plan. It also removes the restriction against the delegation of policy functions to the executive committee if the Board wishes to delegate these.

That, Mr. Chairman, represents the highlights of the recommendations which we have made and represents the changes which we believe are structurally necessary in order that the National Science Foundation may meet its present-day requirements.

Mr. Chairman, this legislation was born and raised in the House of Representatives. It is my opinion that it represents the ability of the House of Representatives of the United States to meet the challenge of adaptation to the present needs of our society, a society in which science and technology are broadened and a society wherein information and knowledge is being developed at a rapid pace.

Mr. Chairman, we have seen and recognized this requirement and the need for fulfilling it.

Mr. Chairman, it is my opinion that this legislation is of extreme importance and that it represents a piece of legislation which can be of great benefit to all of us as it seeks to fill a void, under proper control, and as it seeks to administer control over the wide range of activities which are going on in the world today in the field of science and technology.

Mr. Chairman, those are the salient facets with reference to this program, facets with reference to who is doing it, where the money is going, and why.

Mr. Chairman, I yield back the balance of my time.

Mr. BELL. Mr. Chairman, I yield myself 5 minutes.

Essentially the same bill, H.R. 5404, was passed by the House last year, and we have sincere hope it will be passed this time.

During our hearings in 1965 and 1966 which reviewed the current and future roles of the National Science Foundation, without exception the witnesses were strong in their support of the Foundation. However, the hearings disclosed that the basic problem was one of it keeping pace with the demands of a modern society.

The bill H.R. 5404 modifies the functions and operations of the National Science Foundation Act in numerous ways.

In my view, one of the more significant aspects is the emphasis given to support of social sciences.

Support of the social sciences is increasingly important because, while man has been pretty successful in the past in understanding his physical world and his own biology, he has never very well understood himself as a social being.

Since this understanding may be imperative to man's survival, as well as to his success in utilizing the fruits of past science and technology, I believe additional support of the social sciences is warranted.

The Foundation is urged in H.R. 5404 to support the social as well as the natural sciences.

The authority for such support already exists, but this bill emphasizes the function.

Witnesses in hearings before both our subcommittee and a Senate subcommittee have presented wide support for expansion of the Foundation's support in social sciences research.

In 1960, the Social Science Division was established, placing the social sciences on the same administrative level as all the other programs of the Foundation.

Today the Board is increasing its support for basic research in the social sciences at a rapid pace.

Importantly, the Foundation does not plan to duplicate projects carried out by mission-oriented agencies, but it plans to provide a broad base of knowledge which these agencies may well be able to apply to their problems.

There is much promise for future progress in attacking such problems as pollution, transportation and population pressure by interdisciplinary collaborative research between social science, engineering and natural science, all of which are the responsibility of the National Science Foundation.

The time to act is now because we have not yet learned to recognize and appreciate the depth and extent of social changes that are taking place.

Our society in many ways is the envy of the world, but we have not yet correlated all the scientific, technical, political, social, and humanistic resources needed to attack, in a fundamental and purposeful manner, the problems facing us.

Passage of the bill will help the country in its efforts to find a solution for these and other serious problems.

Just because it is very important I will reemphasize what the gentleman from Connecticut [Mr. DADDARIO] stated about the direction in which the bill would go. It was directed toward four major goals. First, giving new emphasis to the Foundation's basic missions. Second, strengthening and adding to the functions of the National Science Board. Third, unifying and augmenting the operational authority of the Foundation's Director and, fourth, modifying and streamlining the Foundation's organization and structure.

I believe that essentially, Mr. Chairman, is basically what this bill does. It is a reorganization act. There is no money involved in this bill. I believe it should be passed.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, this Foundation has certainly taken flight financially, from $225,000 in 1951 to $479,999,000 in 1967. Somewhere along the line it accumulated a lot of financial sex appeal. What has it accomplished in recent years?

Mr. BELL. Mr. Chairman, the gentleman, I am sure, knows, the background of the National Science Foundation and this bill was debated and passed in our last session, and this is essentially the same bill. There is no actual money involved in this particular bill we are talking about right now.

Mr. GROSS. I understand that, but the figures are accurate, are they not, as to the climb in expenditures from 1951 to 1967, and the gentleman anticipates that the Foundation is going to get another $479,999,000, plus $3,100,000? The gentleman hopes it will receive that amount, does he not?

Mr. BELL. Yes. I would hope that a proper appropriation will be made when the appropriation bill comes before the House. This bill does not involve any appropriation.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, I thank the gentleman for yielding.

I would like to advise the gentleman from Iowa that, as I am sure he already knows—because the gentleman has the respect of all the Members of the Congress for reading reports and being up to date on all legislation—that the National Science Foundation's 16th annual report has just this last few days come out. It is, I believe, an important document on the accomplishments of the National Science Foundation during this last year.

I believe we should recognize that none of the National Science Foundation funds are spent by the Foundation in-house except administratively. Almost all of it goes to institutions, colleges, nonprofit organizations throughout the country. It is my opinion that one of the basic strengths of this country has been that we have had the wisdom over the course of the years to develop institutions through which basic knowledge can be acquired. It is this basic knowledge the National Science Foundation is uniquely qualified to develop, and as a result this country has maintained its technical, scientific, and political strength.

Mr. BELL. Mr. Chairman, I thank the gentleman for his statement.

Mr. Chairman, I yield back the balance of my time.

Mr. DADDARIO. Mr. Chairman, I yield to the gentleman from Indiana [Mr. ROUSH] such time as he may consume.

Mr. ROUSH. Mr. Chairman, from time to time Members of Congress have expressed concern over the apparent imbalance of geographical distribution of Federal research and development funds. This concern is justified since the Federal research dollar affects regional economies, the availability of trained manpower, the quality or quantity of educational facilities for all ages of students, and the overall scientific and technological progress of our Nation.

Today, our Government is spending almost $2 billion per year on basic research which is carried out mostly by educational institutions. A relatively small number of these institutions receive a major portion of the basic research dollar. Hearings by our subcommittee in 1964 clearly pointed up the geographical distribution problem. It also determined that the National Science Foundation is to be commended upon its distribution of research dollars to every State in the Union plus Puerto Rico and the District of Columbia.

The National Science Foundation provides funds to educational institutions under various programs such as research grants to individual scientists, improvement of graduate science facilities, teacher training, and fellowships. Statistics furnished by the Foundation in 1964 showed that there is some regional imbalance in NSF's support for such institutions, but this imbalance is far less pronounced for NSF support than for other agencies.

Nonetheless, our subcommittee has recommended channeling additional effort for the development and refinement of institutes as such, with an eye toward special help for those geographical areas presently at the low end of the academic spectrum.

The National Science Foundation Act, in section 3(b), states:

> It shall be one of the objectives of the Foundation to strengthen basic research and education in the sciences, including independent research by individuals, throughout the United States, including its Territories and possessions, and to avoid undue concentration of such research and education.

H.R. 5404 contains this same requirement. And, as a matter of fact, NSF has worked diligently toward this end since its founding—as a study of its annual reports clearly discloses.

It was not until 1965, however, that the Foundation was able to inaugurate its developmental grant program.

These grants are significant because they are devoted to developing colleges and universities which show promise of maturing into first rate centers of scientific research and education—but lack sufficient funds. The grants are designed to help alleviate some of the concentration of Federal research funds. This technique used by the Foundation in creating new centers of excellence has been copied to an extent by the Department of Defense, in its Project Themis, as an answer to President Johnson's memo of September 14, 1965, which requested each Federal agency to help in the development of new centers of excellence in scientific areas relevant to agency goals.

The National Science Foundation is to be commended for being in the forefront of this effort which can have a significant impact on the well-being of all parts of our Nation.

Mr. Chairman, I should like to include in the RECORD at this point a description of the Foundation's institutional and developmental grants programs, both of which are so important to our total geographic needs:

INSTITUTIONAL GRANTS FOR SCIENCE

Institutional Grants for Science have been awarded annually since 1961. They go to institutions of higher education and are used for direct costs in strengthening their scientific activities. In the six years, 1961–1966, a total of $50,144,516 in Institutional Grants has been awarded to 551 different institutions of higher education.

There are several distinctive aspects of the program. It has established guidelines and helped set the pattern for formula programs in other agencies. More important, it expresses the growing concern that responsibility and decision-making for strengthening science programs be vested in the institution. The funds are uniquely flexible, allowing institutions a maximum degree of autonomy in their use, and the evidence of six years is that this freedom has been met with integrity and imagination. Although the grants are not large (one-half of the 1966 recipients received less than $16,900), their flexibility appears to have enhanced their value several times over. A number of institutions have indicated that these are the most valuable Federal funds they receive.

The nature of the formula and the 100 percent matching feature at the lower end have favored those institutions and geographic areas participating relatively less in Foundation research programs. Thus, for example, the South Atlantic region received

9 percent of the Foundation's research funds and 12 percent of the Institutional Grant funds awarded in 1966.

The funds have been used for equipment, faculty salaries, research projects, computer facilities and operations, library resources, student stipends, etc., in that order. This gives an indication of major needs among educational institutions but overlooks the primary value of the funds—they enable an institution to move freely and quickly in meeting needs pertaining uniquely to it. One institution used all of its Institutional Grant funds over a five-year period to build up its science library, having been unable to get much state support for this purpose. Another institution faced with a sudden increase in master's and doctoral candidates in science education was able to employ urgently needed junior science faculty members to train these candidates. The availability of the funds permits institutions to meet needs or take advantage of opportunities that have significant bearing on their development, at the same time increasing the role of the administration in setting priorities and making decisions for the institution as a whole.

UNIVERSITY SCIENCE DEVELOPMENT PROGRAM

The University Science Development Program (formerly known as the Science Development Program) was announced in March 1964. The objective of the program is to increase the number of institutions of recognized excellence in research and education in the sciences through the provision of substantial funds to be expended in accordance with carefully developed, long-range, master plans, designed to produce significant upgrading in the quality of the institutions' science activities. Support under this program, although involving a small number of grants each year, is intended to materially assist those academic institutions judged to have visible strength among ongoing science programs, and obvious potential—including adequate resources—for moving upward to a higher level of scientific quality.

To date, 20 grants have been made to universities, totaling $75,082,000. One-half of the grantee institutions are State-supported (total of awards, $43,256,000) and the other half are private institutions (total of awards, $31,826,000). These three-year grants have ranged from $2,390,000 to $5,000,000. The total funds granted have included $29,129,100 (38.8%) for personnel, $24,061,400 (32.0%) for equipment supplies and other expenditures, and $21,891,500 (29.2%) for facilities. A list of grantee institutions is attached.

The response to this type of institutional support program has been very gratifying. It has stimulated universities to be explicit in plans for development of the sciences. University officials have the responsibility for developing the plans and carrying them to completion after a grant is made. Further, the experiences of the past three years have assisted the NSF in recognizing the need for additional institutional development programs; e.g., there are many graduate institutions where it is appropriate to provide science development funds for the upgrading of one science department at a time. As a result, in Fiscal Year 1967, the Foundation launched the Departmental Science Development Program. Also, based on the early experiences in the evaluation of science development proposals, it became clear that the four-year liberal arts colleges were not well-suited to compete in the program. For this reason, the College Science Improvement Program was initiated.

Although the University Science Development Program has been in operation only a short time, the approach seems well received. Both private and public graduate institutions in widely dispersed geographic locations are supported.

University science development grants to date

University of Arizona	$4,045,000
Case Institute of Technology	3,500,000
University of Colorado	3,755,000
Duke University	2,527,000
University of Florida	4,240,000
Indiana University	3,786,000
Louisiana State University	3,787,000
North Carolina State University at Raleigh	3,555,000
University of Oregon	4,000,000
Polytechnic Institute of Brooklyn	3,332,000
Purdue University	3,600,000
Rice University	2,390,000
University of Rochester	4,500,000
Rutgers, the State university	3,708,000
University of Southern California	4,473,000
University of Texas	5,000,000
Tulane University	3,685,000
University of Virginia	3,780,000
Washington University	3,919,000
Western Reserve University	3,500,000
Total	$75,082,000

Mr. BELL. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON of Pennsylvania. Mr. Chairman, if I could have the attention of the chairman of the subcommittee, the gentleman from Connecticut, I would like to have it.

Mr. DADDARIO. The gentleman always has my attention.

Mr. FULTON of Pennsylvania. The problem has come up on social sciences. If I could point out that there is a difference on the social sciences because previously it had simply had the words "other sciences" and now by emphasizing the development of social sciences, we are really increasing the size of the appropriation in those fields.

Then in addition, under section 3(a) there has been added that the grants, loans, and other forms of assistance to support such scientific activities and to appraise the impact of research upon industrial development and upon the general welfare.

Using that new language in connection with the words "social sciences" it would then read and I would quote:

> The social sciences are to be appraised in connection with the impact of research upon industrial development and upon the general welfare of the country.

That is a pretty broad provision. You get the social sciences affecting the general welfare. Without wanting to, it might get you into something like civil rights or whether there is discrimination and segregation or it might get you into industrial union practices—because these are the humanities—and social sciences and of course everything under the Committee on Education and Labor of the House is a social science.

Let me go further and say that on the request by the Foundation, at one point to broaden the authority of the director, I find that particular subsection (e) is not included.

The director was not given the power to decide, when he wanted to cancel research, that he could then decide whether it should be under the board with their approval, or under himself alone; is that correct? I think that is section 5(e) and I would like to read the language of that section.

Mr. DADDARIO. Mr. Chairman, if the gentleman will yield, I do not understand what you mean by your last statement, but if we might get to that——

Mr. FULTON of Pennsylvania. Just a moment, and I will read to you this particular provision as referred to in the letter signed by Philip Handler, Chairman of the National Science Board, and Leland J. Haworth, Director of the National Science Foundation, on page 36 of the report.

But first let me read this sentence from that letter which is found on page 35 of the report, and which is as follows:

> Specific transactions and implementing measures undertaken within each program approved by the Board should be the sole responsibility of the Director, regardless of dollar amount, unless such transaction or measure raises a policy question of the nature reserved to the Board.

I understand that is not really part of the legislation, that sentence, because that is the letter of intent that is in the report.

Thus the following recommendation—and that is the next paragraph—is not in the bill. It is as follows:

> For this reason, the Foundation recommends that section 5(e) be amended to read as follows:
>
> "(e) The Director shall not make or revoke any contract, grant, or other arrangement pursuant to section 11(c) without the prior approval of the Board if, in his opinion, such action involves a policy determination of the nature reserved to the Board."

That, I might add, would be the Director deciding which is the Board's field and which is his. That would be a very peculiar position for the Director to be able to say that in his opinion such action does or does not involve a policy determination of a nature reserved to the Board.

I would imagine this matter should be either in the statute or it should be by joint action of your Board and the Director, and not for the Director alone to determine what the jurisdiction is. So I would oppose that section.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Connecticut.

Mr. DADDARIO. I should like to advise the gentleman from Pennsylvania that what he is talking about involves the legislative process. During the course of our discussions involving this legislation the National Science Foundation, and sometimes its Board, were in disagreement with us during the formation of the legislation at certain points. We argued out such questions as this. We felt that our language, our recommendation for amendment, was better than theirs. This was their position at that time. We argued it out. We came to a determination. The committee felt that this provision was a better way to handle the matter.

What you have here is a congressional conclusion, not one of the Board or the Foundation. We believe we could look at it more objectively than they could, because they were the ones who were enmeshed in the policy, organization, and administration itself. They are looking at it from a personal viewpoint acquired over the course of time. We felt that their language should not be adhered to, and we recommended this, and we still recommend it.

Mr. BELL. Mr. Chairman, I yield 5 additional minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON of Pennsylvania. Mr. Chairman, in reply to the gentleman from Connecticut, he has correctly stated what the history of the legislation was, and I am glad to say that I agree with him because I did not like the proposal of the Foundation to give the Director vast power to determine what was within the policy of the Board and what was his own policy. Therefore I am asking that we make sure that whatever language the committee adopted and is presently in the bill does not include this proposal or the meaning of the National Science Foundation in its letter when they refer to the powers of the Director in section 5(e). I want that out, and I hope we have it out.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Connecticut.

Mr. DADDARIO. I believe the gentleman raises an important point, and I compliment him for raising it. However, it is a matter of great importance to us that we spell out all sides of this question in the report. We have all that in there so that the House may see what we recommended and so that we might be able to show our concern—and finally that we are making recommendation about it from our point of view rather than from theirs.

Mr. FULTON of Pennsylvania. We are making the legislative history, and in that particular the proposal of the Foundation is not intended to be within the language written by the committee and now contained in the bill.

May I go further, however? When we give the Director—and he is a very fine Director, Dr. Haworth, as well as Dr. Philip Handler, the Chairman of the National Science Foundation Board—vast powers, we should look to see what these powers are relative to the powers given to other individuals in the Government. As this is an individual power in the Director, I might say to the gentleman that to be able to spend a half billion dollars prior to any approval of the National Science Board and with no limitation on the operations, so that he can make distributions in any amounts up to $2 million for any one project and up to $500,000 in any one year, without any approval of anyone else, he has more power than the President of the United States does in this respect.

Under the U.S. foreign aid program we limit the President of the United States on the funds that he may give out on his own motion—the emergency fund, we call it—to $150 million. I believe the gentleman from Iowa [Mr. GROSS] will now confirm with me that the House has cut that down to between $50 million and $75 million. So here is one individual, the Director of the National Science Foundation, who can put out by grant, loan, scholarship, fellowship, or anything for the promotion of science, even social science, and who can give buildings to colleges and universities up to $2 million on his own for one project, or a half million dollars a year.

I might say to the gentleman, that man ought to be well received in any college or university he ever goes to, really, with that kind of power.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I am glad to yield to the gentleman now.

Mr. DADDARIO. I believe, Mr. Chairman, that the House should know this legislation—and this particular point to which the gentleman from Pennsylvania refers—is legislative advice to the Science Foundation, its Board and its Director, after the House has made determination as to what it will allow the National Science Foundation to do.

There is no other Federal organization which has a board of this kind. In every other agency, once the Congress has taken its action and appropriated the funds, that agency then is in complete control. When the National Science Foundation was established in the first instance, because of the attitude which existed at the time, because of the nature of the scientific community, the National Science Board was effectively worked into the organization. It does not, however, have the controlling functions which the gentleman gives to it. Neither do we give the Director authority which other agency heads do not have. The fact is that other agency heads do not have a board of this kind overlooking their operations, because no such other boards exist.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DADDARIO. I yield to the gentleman 1 additional minute and ask him to yield.

The CHAIRMAN. For the purpose of yielding, the gentleman yields 1 additional minute.

Mr. DADDARIO. Does the gentleman yield?

Mr. FULTON of Pennsylvania. Yes; in a moment. Will the gentleman yield on this?

There is no doubt we have the appropriations under this agency running at the rate of $480 million a year for the last 2 fiscal years, including the current one. They have asked for $525 million in the next fiscal year, 1968. To me it is incredible that there is no legislative committee of this House which examines into the proposals, balances the scientific programs as to their value, and their operation, and which goes over every year what the programs are, so that there is an annual authorization before a legislative committee, and so they must come up and justify the programs. The Director of this particular agency, the National Science Foundation, now will have it in his power to do almost anything he wants.

Let me tell you, anybody who runs into this gentleman and rubs elbows with him, who has half a billion dollars in his power, is not looking after his own interests if he does not receive the Director well.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DADDARIO. Mr. Chairman, I yield myself 2 additional minutes at this time for the purpose of replying to my good friend, the gentleman from Pennsylvania.

We have had a discussion here, a great deal of which has been extremely helpful. The gentleman has now raised another point. The question of authorization is a matter for Congress to determine. It has not at this point made a determination so far as the National Science Foundation is concerned. We are looking at the situation as it presently exists. We recognize that the funding of the National Science Foundation is up to a half a billion dollars. We recognize the organic act putting it together has not been overhauled since it was enacted, 17 years ago. Taking present conditions into consideration, we have in our committee come to some determinations. Those determinations have resulted in this legislation which we have brought before the committee today, because we believe it to be imperative at this time to do so.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

I would like to point out that, according to the explanation of this gentleman, for the first time under this measure, the Congress will be given a full, detailed report with respect to those scientific projects authorized and approved by the National Science Foundation and Board, so we will have greatly improved information as to what scientific research and development progress is occurring in basic and applied science.

There should be recognition by this Congress of the leadership of the gentleman from Connecticut and his committee, which is such that it enables our country to continue its stride forward.

It is a recognition which also exists in industry, that emphasis upon science is extremely important to economic and social development.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Connecticut has 1 minute remaining.

Mr. McCLORY. Mr. Chairman, will the gentleman from California yield me some time.

Mr. BELL. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I should like to point out further the extreme value of this subject to improved international understanding. There is a close relationship between our Nation's scientists and those from other lands. There appears to be a bond of understanding and a common language which exists among scientists. Our emphasis upon science and our support of the National Science Foundation helps to improve our posture and our relationship in the world.

As I stated, private industry recognizes the importance of devoting substantial amounts to scientific research and development. This has also been the policy of our Nation as reflected in the views and acts of both the executive and the Congress.

The National Science Foundation helps give substance to this part of our national science policy. The amendments set forth in this bill, H.R. 5404, appear also to be consistent with this policy.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Connecticut.

Mr. DADDARIO. I appreciate that the gentleman from Illinois has reaffirmed and reemphasized the report which the National Science Board would make available to the Congress. This is an important part of the legislation, because it will help to get at some of the problems we are touching on today, so that we can in fact know what is going on, locate the sources of good and bad activity, and more intelligently than we have in the past act as a legislative body on that activity.

I thank the gentleman for bringing this to the attention of the House.

Mr. MOSHER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MOSHER. Mr. Chairman, I am in strong support of H.R. 5404, to make strengthening amendments to the National Science Foundation Act.

Occasionally, I hear or read criticism of the National Science Foundation and the way it distributes its funds, criticism which makes it obvious that many people do not understand the basic mission of the Foundation.

I want to reemphasize, as others have here today, that the NSF's principal reason for being is to foster basic research, and I underline that word "basic."

The mission of the NSF is to acquire new scientific knowledge, without necessarily any immediate known reason for the use of that knowledge.

I am very firmly of the belief that almost all new knowledge is worth its weight in gold. I believe that is a very pragmatic truth. I believe that generations and centuries of practical human experience have proved over and over again many thousands of times the intrinsic value and wisdom of the investment of time and money and energy in the search for new knowledge. I believe that a large part of such investment inevitably pays off in practical uses, to the advantage and evolving benefit of man's life here on earth.

Therefore, Mr. Chairman, I assert that the National Science Foundation is a very practical institution, and we do well to attempt to strengthen it, to make it more efficient, and to invest generously in its support. I am confident it is in the national interest for us to do so.

Now, Mr. Chairman, even though I have emphasized the fact that NSF's primary roll is basic research, I do want also to emphasize that there are innumerable examples every year in NSF's history to prove the immediate, practical applications of its research.

I will cite here six examples of recent research that is already proving of practical value. And these are bits of research from which no one could have been very sure in advance that the practical results would follow.

These also are examples of research at which on superficial examination, critics might have sneered and laughed and questioned whether the taxpayers' funds should be invested in such effort.

Personally, I very strongly urge that all of us resist the temptation, which so often overcomes reporters, editors—and, yes, politicians—to evaluate a piece of scientific research merely on the superficial fact that it may have a curious or silly sounding title.

Mr. Chairman, the valuable practical examples of NSF research to which I call your attention today, are as follows, and I submit that these are typical of many, many other such examples that might be cited:

First, one of the major areas of organic chemistry which the Foundation has supported over the years is the synthesis of compounds with new and unusual structures. Usually the reason for such studies is to learn more about what chemical bonds are really like, but sometimes the results have implications and practical value far beyond what was originally thought.

One particularly striking example of this was the synthesis, in 1964, of cubane by a young Foundation grantee, Dr. Philip Eaton, of the University of Chicago. Cubane has six carbon atoms hooked together to form a cube, and a hydrogen atom attached to each corner. This is an arrangement which had never been seen before, although many chemists had tried to make it and failed.

It is easy to understand that other chemists were excited by this success, and besieged Dr. Eaton for samples of cubane for experiments on its chemical properties.

But much to everyone's surprise, so did representatives from the chemical industry. It turned out that other recent discoveries had made it quite likely that derivatives of cubane, in which one or more of the hydrogens were replaced with other chemical groups, might be useful in treating virus infections and in combating various agricultural pests.

Second, an example of important, practical engineering research, Mr. Chairman. During the past year, NSF has launched a systematic program of support for research in earthquake engineering. This is an area of national importance which has up to now received wholly inadequate attention.

Ten grants, totaling more than $1.25 million, have been made to universities, including the California Institute of Technology, Purdue University, and the Universities of California, Illinois, Michigan, West Virginia, and Hawaii. These grants and others to follow will permit a broad-scale attack on such topics as engineering seismology, soil problems, stability of coastal structures, structural dynamics and behavior, and the potential effects of earthquakes on utilities, transportation, and communications.

In recent years a major earthquake has occurred somewhere in the world nearly once each year with property damage resulting in the range of $500 million to $1 billion per year. In addition, numerous lives have been lost as a result of the collapse of manmade structures during these earthquakes.

As the population of the world increases and as modern technological civilization spreads, the number of structures in highly seismic zones will continue to increase. The seismic hazard thus becomes greater even though the basic seismicity of the world remains essentially the same.

The 1964 Alaskan earthquake is a fine example of this—a decade or so ago the earthquake would have done little damage since there would have been little to be damaged.

It is estimated that we must build as much housing in the next 50 years as man has built in all of his previous existence. Thus, we must mount a serious effort to relieve mankind as much as possible from the physical and economic hazards associated with natural earthquakes by learning how to build quake-resistant structures.

Third, I call attention to a unique photographic process, holography, which has been extended by NSF grantee, Dr. George Stroke of the University of Michigan, from the visible light range to the X-ray range, heralding a possible fundamental advance in the optical aspects of photography. As a result of this new technique, it may be possible to obtain three dimensional micrographs of opaque, solid materials with magnification of the order of one million diameters and resolution approaching one angstrom—100 millionths of a centimeter.

Through the new technique it may be possible to see objects which normally would be partially hidden by another object if the viewer were restricted to a single or unique perspective.

Fourth, I am told that two Stanford University investigators have developed a theory of production control which promises to reduce the amount of money the petroleum industry must tie up in storage facilities—a major problem in the oil and other industries.

And what is equally as important, their automatic control system is expected to permit plant managers to plan production schedules further into the future. Their automatic control system may be adjusted to work for various industries.

Dr. Ury Passy, a former Israel graduate student, worked on the idea while earning his doctorate under chemical engineering Prof. Douglass J. Wilde, at Stanford, supported by a grant from the National Science Foundation.

BIOMEDICAL RESEARCH

Fifth, I point to discovery of a previously unsuspected biological mechanism which is important in controlling the flow of oxygen from human red blood cells to body tissues, a discovery made by a husband and wife team at Columbia University.

The finding, made by Professors Reinhold and Ruth E. Benesch, of the department of biochemistry at Columbia's College of Physicians and Surgeons, may well help solve medical questions concerning oxygen supply to the tissues, especially in conditions in which disease is involved. The mechanism also suggests an answer to the old problem of how oxygen is transferred from the blood of a mother to that of her unborn child, and explains how certain chemicals help preserve the viability of stored blood.

The research is supported by grants from the National Science Foundation and the National Institutes of Health.

PSYCHOBIOLOGY

Sixth, I call your attention to a behavioral biology area, the examination of the brain and the role it plays in behavior. One investigation in this field, supported by the psychobiology program, and which holds much promise for a better understanding of man's behavior is the work of Rosenzweig, Krech, Bennett, and Diamond, from the University of California. This program is an interdisciplinary one since it involves the work of psychologists, chemists, and neuroanatomists.

In an early grant provided by NSF, these investigators found that enriched environmental experience given to animals improves their problem solving ability. More specifically, animals which lived under impoverished environmental conditions were not able to solve simple learning problems as those reared in an enriched or stimulating environment.

In the work which has been just described, one can ask whether it is the enrichment that improves performance, or the impoverishment that impairs it. Work under this grant appears to demonstrate that it is the enriched experience that is primarily responsible for producing the differences in learning ability since animals living under normal laboratory conditions do not learn any better than those living under impoverished conditions.

The findings outlined present important behavorial evidence of the influence of an enriched environment.

As for physiological evidence, these same investigators have found that the brain changes in a number of ways as a consequence of giving animals an enriched environment.

In analyzing the visual cortex of a rat's brain, it has been found that weight, total protein and depth all agree in demonstrating that the enriched experience rats develop more cortical tissue than do their deprived littermates. Chemically, differential effects are also found in the activities of various enzymes.

Mr. Chairman, I repeat, these six examples of NSF work in varied fields, typify the reasons I feel so strongly that the Foundation merits our effort here today to strengthen it structurally and our continuing support in every possible way.

Mr. BELL. Mr. Chairman, I have no further requests for time.

Mr. DADDARIO. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the National Science Foundation Act of 1950 is amended to read as follows:

"FUNCTIONS OF THE FOUNDATION

"SEC. 3. (a) The Foundation is authorized and directed—

"(1) to initiate and support basic scientific research and programs to strengthen scientific research potential in the mathematical, physical, medical, biological, engineering, social, and other sciences, by making contracts or other arrangements (including grants, loans, and other forms or assistance) to support such scientific activities and to appraise the impact of research upon industrial development and upon the general welfare;

"(2) to award, as provided in section 10, scholarships and graduate fellowships in the mathematical, physical, medical, biological, engineering, social, and other sciences;

"(3) to foster the interchange of scientific information among scientists in the United States and foreign countries;

"(4) to evaluate the status and needs of the various sciences as evidenced by programs, projects, and studies undertaken by agencies of the Federal Government, by individuals, and by public and private research groups, employing by grant or contract such consulting services as it may deem necessary for the purpose of such evaluations; and to take into consideration the results of such evaluations in correlating the research and educational programs undertaken or supported by the Foundation with programs, projects, and studies undertaken by agencies of the Federal Government, by individuals, and by public and private research groups;

"(5) to maintain a current register of scientific and technical personnel, and in other ways to provide a central clearinghouse for the collection, interpretation, and analysis of data on the availability of, and the current and projected need for, scientific and technical resources in the United States, and to provide a source of information for policy formulation by other agencies of the Federal Government; and

"(6) to initiate and maintain a program for the determination of the total amount of money for scientific research, including money allocated for the construction of the facilities wherein such research is conducted, received by each educational institution, nonprofit organization and private contractor in the United States, by grant, contract, or other arrangement from agencies of the Federal Government, and to report annually thereon to the President and the Congress.

"(b) When requested by the Secretary of State or the Secretary of Defense, the Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation or national security by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such scientific activities.

"(c) In addition to the authority contained in subsections (a) and (b), the Foundation is authorized to initiate and support scientific research, including applied research, at academic and other nonprofit institutions. When so directed by the President, the Foundation is further authorized to support, through other appropriate organizations, applied scientific research relevant to national problems involving the public interest. In exercising the authority contained in this subsection, the Foundation may employ by grant or contract such consulting services as it deems necessary, and shall coordinate and correlate its activities with respect to any such problem with other agencies of the Federal Government undertaking similar programs in that field.

"(d) The Board shall recommend and encourage the pursuit of national policies for the promotion of basic research and education in the sciences.

"(e) In exercising the authority and discharging the functions referred to in the foregoing subsections, it shall be one of the objectives of the Foundation to strengthen research and education in the sciences, including independent research by individuals, throughout the United States, and to avoid undue concentration of such research and education.

"(f) The Foundation shall render an annual report to the President for submission on or before the 15th day of January of each year to the Congress, summarizing the activities of the Foundation and making such recommendations as it may deem appropriate. Such report shall include information as to the acquisition and disposition by the Foundation of any patents and patent rights."

Mr. DADDARIO (interrupting the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. GROSS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk concluded the reading of the section.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the gentleman from Connecticut how many research outfits there are in operation in this Government today? Do you have any idea?

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes. I am glad to yield.

Mr. DADDARIO. I cannot give the full number, but the AEC, the NASA, the DOD, HEW, the National Science Foundation, Department of Agriculture——

Mr. GROSS. I do not care at the moment about the identity of them, but I ask how many. I am told there are probably about 50 various departments and agencies of the Government conducting research. Is that right?

Mr. DADDARIO. I would say that all the major departments of the Government are involved in research. I do not know whether they amount to 50 in number.

Mr. GROSS. Probably there are half a hundred of them and we are spending a total of about $16 billion a year. Is that a fair figure for what we are spending on research?

Mr. DADDARIO. If the gentleman will yield, we are spending some $16 billion a year on research of all kinds, plus development, test, and evaluation.

Mr. GROSS. Yes.

Mr. DADDARIO. Basic research takes a sum in the vicinity of $2 billion.

Mr. GROSS. We are even spending several million on research in the Disarmament Agency which has an appropriation of $10 million a year. We are spending some $10 million a year allegedly on disarmament, and yet this Government is peddling $2 billion worth of arms around the world each year. How many other contradictory research agencies do we have going in the Government? I take it under the terms of this bill that this outfit could finance research in international organizations. Is that not true?

Mr. DADDARIO. *If the gentleman* will yield further, it is not my interpretation of this bill that it would allow research in support of international organizations.

Mr. GROSS. Take page 3 of the bill under (b):

> (b) When requested by the Secretary of State or the Secretary of Defense, the Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation or national security by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such scientific activities.

Mr. DADDARIO. If the gentleman will yield?

Mr. GROSS. Yes. Of course I yield.

Mr. DADDARIO. The National Science Foundation could not possibly engage in any activities at all for which the Congress did not appropriate funds.

This is not a secret organization. It would be up to the——

Mr. GROSS. I do not say it is.

Mr. DADDARIO. It would be up to the Congress as to what it would support and as to what it would not support.

Mr. GROSS. But in this bill you provide the machinery for spreading this operation all over the world through every international organization which one could conjure up.

Mr. DADDARIO. I would say the answer to that is "No." Of course each of us must have his own feelings about these things. That is quite apparent. However, it seems to me that in this case, and in this day and age in which we do not understand many of the world's problems, one method of getting to the solution of these problems is through better understanding, through better exchange of thoughts and through better research into all these problems which bother us. We may decide that this is necessary or unnecessary. But it seems to me it is necessary and that my statement reflects a true statement of facts.

Mr. GROSS. Well, I will say to the gentleman that I have been around here a few years and I heard that story back in the fifties—back in the early 1950's—the story of how necessary it was to expend more aid around the globe in order to "have peace in the world."

Mr. Chairman, we have spent billions of dollars, as the gentleman from Connecticut knows, billions which have been spewed out around the world, and where is the peace about which there has been so much talk?

Now, Mr. Chairman, the gentleman from Connecticut tells us that we should spend about one-half billion dollars on this outfit and somehow or other it will be the final answer to all humanity's problems.

Mr. Chairman, when are we going to stop spending money upon every conceivable project around the world?

Mr. DADDARIO. Mr. Chairman, will the gentleman yield further to me?

Mr. GROSS. Yes.

Mr. DADDARIO. This is not—despite what the gentleman from Iowa says, this is not an international program. It would function with a very small percentage expended for domestic reasons *and those expenditures would be made* for the purpose of supporting basic knowledge on behalf of the United States of America.

Mr. GROSS. The gentleman from Connecticut is operating upon my time. I tried to get a little time awhile ago.

Mr. DADDARIO. I did not realize that the gentleman had asked for time and if I cut off the gentleman, I am thoroughly prepared to ask unanimous consent of the Chairman of the Committee of the Whole House on the State of the Union that the gentleman may proceed for any additional time which he desires.

The **CHAIRMAN.** The time of the gentleman from Iowa has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

The **CHAIRMAN.** The gentleman from Iowa is recognized for 5 additional minutes.

Mr. GROSS. Mr. Chairman, the committee has a built-in pay increase and additional staffing in this bill, or proposed to be incorporated into this bill, is that not true?

Mr. DADDARIO. No, Mr. Chairman, it is not true.

Mr. Chairman, if I may advise the gentleman from Iowa——

Mr. GROSS. You increase the levels and the number of employees in the various levels.

Mr. DADDARIO. The recommended salary increase for the Director would come to only $1,600 a year. The increase for the Deputy Director would be $2,675 and the Assistant Director salaries, taking into consideration the restructuring of presently existing salaries, would represent an additional $30,000.

Mr. Chairman, the important part of this, if I may advise the gentleman from Iowa, is that we have recognized that NSF is such and its operations are so varied, that it needs to have better management and that it needs to be able to attract the most competent people into its operations.

Mr. GROSS. How much has this Foundation already spent? If my rough mathematics are anywhere near correct, about $2 billion has already been expended upon this program since 1951? And, how much information has been collated and what have you really accomplished as a result of this expenditure?

Mr. DADDARIO. Mr. Chairman, the gentleman's mathematics are probably pretty good. The fact remains, however, that despite its record of accomplishments, NSF must be managed, as it were, in the most efficient manner, possible in the future. Its responsibilities are immense, and will become more so.

As I said earlier, I believe that the members of the Committee of the Whole House on the State of the Union are aware and do know just how valuable this agency has become.

Mr. Chairman, the gentleman from Iowa and I may disagree, but it is my *opinion that the Foundation has* a remarkable record of achievement and accomplishment.

Mr. GROSS. You will be doing a pretty good job of providing pay increases and providing for increased employment in this organization, if I read *your report and bill correctly.*

Are you not creating four new deputies in this organization? Is it not true that the Director can appoint on his own volition, and the Board, or whatever it is, can assign, is this not true?

Mr. DADDARIO. We have asked the House to support the work of this Foundation, we believe, for valid reasons. We have asked for these four additional places so that the National Science Foundation can be more efficiently administered and operated than has been possible under existing law. This is one of the basic recommendations to be sure.

Mr. GROSS. But what has the Foundation accomplished up to this time? When the Foundation was set up we were told it would cut down the bill for research with an overall organization; that the information could be brought together in one place, and that it would represent a savings in money.

Has this happened, or has it not happened if there are 50 departments and agencies of the Government running research projects all over the place? Some of us are trying to save a little bit of money, to keep this country from going broke eventually. We are trying to save a little money to wage the war we are fighting over in Vietnam—a most costly war, both in terms of money and blood. I ask you to help us, not by increasing this bill, but help us when the appropriation bill comes in by cutting this down to size.

Mr. DADDARIO. Will the gentleman yield?

Mr. GROSS. No, I prefer to yield the floor. The gentleman can get time if the gentleman wants to answer. I have said all I want to say about it.

Mr. Chairman, I am opposed to the bill.

The **CHAIRMAN.** The time of the gentleman has expired.

Mr. DADDARIO. Mr. Chairman, I rise to strike out the last word.

Mr. Chairman, I will not take the full time. I would simply like to say that I have heard on the floor of this House on many occasions that we ought to be spending more of our money at home rather than abroad. The funds being spent by the National Science Foundation, as I have said earlier, do go for domestic purposes, and there is no place in this country, no area, where there is an institution and a university which is not stronger today because of the support it has received from the National Science Foundation. It has lifted up and refurbished academic processes in many places throughout this country.

The gentleman from Indiana earlier mentioned a most valid point on this question. It is something which the gentleman is concerned about insofar as the geographical distribution is concerned, that we must see to it that we create and help support centers of academic knowledge in greater numbers and all parts of this country.

This piece of legislation is in support of the premise that this should be an ever-increasing and perfected kind of activity. It is for domestic purposes. It is to develop knowledge in our country. It does help all institutions from the graduate college to the elementary areas, and we are all for the better because of it.

Mr. Chairman, I recognize there are problems in that we do spend a lot of money, but this is a great country. It has great problems and it must meet these problems. We cannot shy away from them. This is one of the best expenditures of funds which I, as a Member of the Congress, could support.

The **CHAIRMAN**. The Clerk will continue the reading of the bill.

The Clerk read as follows:

SEC. 2. Section 4 of the National Science Foundation Act of 1950 is amended to read as follows:

"NATIONAL SCIENCE BOARD

"SEC. 4. (a) The Board shall consist of twenty-four members to be appointed by the President, by and with the advice and consent of the Senate, and of the Director ex officio. In addition to any powers and functions otherwise granted to it by this Act, the Board shall establish and be responsible for the policies of the Foundation.

"(b) The Board shall have an Executive Committee as provided in section 7, and may delegate to it or to the Director or both such of the powers and functions granted to the Board by this Act as it deems appropriate.

"(c) The persons nominated for appointment as members of the Board (1) shall be eminent in the fields of the basic, medical, or social sciences, engineering, agriculture, education, or public affairs; (2) shall be selected solely on the basis of established records of distinguished service; and (3) shall be so selected as to provide representation of the views of scientific leaders in all areas of the Nation. The President is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by the National Academy of Sciences, the National Association of State Universities and Land Grant Colleges, the Association of American Universities, the Association of American Colleges, or by other scientific or educational organizations.

"(d) The term of office of each member of the Board shall be six years; except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Any person, other than the Director, who has been a member of the Board for twelve consecutive years shall thereafter be ineligible for appointment during the two-year period following the expiration of such twelfth year.

"(e) The Board shall meet annually on the third Monday in May unless, prior to May 10 in any year, the Chairman has set the annual meeting for a day in May other than the third Monday, and at such other times as the Chairman may determine, but he shall also call a meeting whenever one-third of the members so request in writing. A majority of the members of the Board shall constitute a quorum. Each member shall be given notice, by registered mail or certified mail mailed to his last known address of record not less than fifteen days prior to any meeting, of the call of such meeting.

"(f) The election of the Chairman and Vice Chairman of the Board shall take place at each annual meeting occurring in an even-numbered year. The Vice Chairman shall *perform* the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect a member to fill such vacancy.

"(g) The Board shall render an annual report to the President, for submission on or before the 31st day of January of each year to the Congress, on the status and health of science and its various disciplines. Such report shall include an assessment of such matters as national scientific resources and trained manpower, progress in selected areas of basic scientific research, and an indication of those aspects of such progress which might be applied to the needs of American society. The report may include such recommendations as the Board may deem timely and appropriate.

"(h) The Board may, with the concurrence of a majority of its members, permit the appointment of a staff consisting of not more than five professional staff members and such clerical staff members as may be necessary. Such staff shall be appointed by the Director and assigned at the direction of the Board. The professional members of such staff may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 of such title relating to classification, and compensated at a rate not exceeding the appropriate rate provided for individuals in grade GS–15 of the General Schedule under section 5332 of such title, as may be necessary to provide for the performance of such duties as may be prescribed by the Board in connection with the exercise of its powers and functions under this Act. Each appointment under this subsection shall be subject to the same security requirements as those required for personnel of the Foundation appointed under section 14(a).

"(i) The Board is authorized to establish such special commissions as it may from time to time deem necessary for the purposes of this Act.

"(j) The Board is also authorized to appoint from among its members such committees as it deems necessary, and to assign to committees so appointed such survey and advisory functions as the Board deems appropriate to assist it in exercising its powers and functions under this Act."

SEC. 3. Section 5 of the National Science Foundation Act of 1950 is amended to read as follows:

"DIRECTOR OF THE FOUNDATION

"SEC. 5. (a) The Director of the Foundation (referred to in this Act as the 'Director') shall be appointed by the President, by and with the advice and consent of the Senate. Before any person is appointed as Director, the President shall afford the Board an opportunity to make recommendations to him with respect to such appointment. The Director shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, and shall serve for a term of six years unless sooner removed by the President.

"(b) Except as otherwise specifically provided in this Act (1) the Director shall exercise all of the authority granted to the Foundation by this Act (including any powers and functions which may be delegated to him by the Board), and (2) all actions taken by the Director pursuant to the provisions of this Act (or pursuant to the terms of a delegation from the Board) shall be final and binding upon the Foundation.

"(c) The Director may from time to time make such provisions as he deems appropriate authorizing the performance by any other officer, agency, or employee of the Foundation of any of his functions under this Act, including functions delegated to him by the Board; except that the Director may not redelegate policymaking functions delegated to him by the Board.

"(d) The formulation of programs in conformance with the policies of the Foundation shall be carried out by the Director in consultation with the Board.

"(e) The Director shall not make any contract, grant, or other arrangement pursuant to section 11(c) without the prior approval of the Board if such contract, grant, or other arrangement involves a new type of program, or involves a total commitment of over $2,000,000, or over $500,000 in any one year, or a commitment of such other amount or amounts and subject to such other conditions as the Board in its discretion may determine and publish in the Federal Register.

"(f) The Director, in his capacity as ex officio member of the Board, shall, except with respect to compensation and tenure, be coordinate with the other members of the Board. He shall be a voting member of the Board and shall be eligible for election by the Board as Chairman or Vice Chairman of the Board."

SEC. 4. The National Science Foundation Act of 1950 is further amended by striking out section 8, by redesignating sections 6 and 7 as sections 7 and 8, respectively, and by inserting after section 5 the following new section:

"DEPUTY DIRECTOR AND ASSISTANT DIRECTORS

"SEC. 6. (a) There shall be a Deputy Director of the Foundation (referred to in this Act as the 'Deputy Director'), who shall be appointed by the President, by and with the advice and consent of the Senate. Before any person is appointed as Deputy Director, the President shall afford the Board and the Director an opportunity to make recommendations to him with respect to such appointment. The Deputy Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code, and shall perform such duties and exercise such powers as the Director may prescribe. The Deputy Director shall act for, and exercise the powers of, the Director during the absence of disability of the Director or in the event of a vacancy in the office of Director.

"(b) There shall be four Assistant Directors of the Foundation (each referred to in this Act as an 'Assistant Director'), who shall be appointed by the President, by and with the advice and consent of the Senate. Before any person is appointed as an Assistant Director, the President shall afford the Board and the Director an opportunity to make recommendations to him with respect to such appointment. Each Assistant Director shall receive basic pay at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code, and shall perform such duties and exercise such powers as the Director may prescribe."

SEC. 5. The section of the National Science Foundation Act of 1950 redesignated as section 7 by section 4 of this Act is amended to read as follows:

"EXECUTIVE COMMITTEE

"SEC. 7. (a) There shall be an Executive Committee of the Board (referred to in this Act as the 'Executive Committee'), which shall be composed of five members and shall exercise such powers and functions as may be delegated to it by the Board. Four of the members shall be elected as provided in subsection (b), and the Director ex officio shall be the fifth member and the chairman of the Executive Committee.

"(b) At each of its annual meetings the Board shall elect two of its members as members of the Executive Committee, and the Executive Committee members so elected shall hold office for two years from the date of their election. Any person, other than the Director, who has been a member of the

Executive Committee for six consecutive years shall thereafter be ineligible for service as a member thereof during the two-year period following the expiration of such sixth year. For the purposes of this subsection, the period between any two consecutive annual meetings of the Board shall be deemed to be one year.

"(c) Any person elected as a member of the Executive Committee to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected for the remainder of such term.

"(d) The Executive Committee shall render an annual report to the Board, and such other reports as it may deem necessary, summarizing its activities and making such recommendations as it may deem appropriate. Minority views and recommendations, if any, of members of the Executive Committee shall be included in such reports."

SEC. 6. The section of the National Science Foundation Act of 1950 redesignated as section 8 by section 4 of this Act is amended to read as follows:

"DIVISIONS WITHIN THE FOUNDATION

"SEC. 8. There shall be within the Foundation such Divisions as the Director, in consultation with the Board, may from time to time determine."

SEC. 7. Section 9(a) of the National Science Foundation Act of 1950 is amended by striking out "section 3(a)(7)" and inserting in lieu thereof "section 4(1)".

SEC. 8. Section 10 of the National Science Foundation Act of 1950 is amended—

(1) by striking out "section 17" and inserting in lieu thereof "section 16";

(2) by inserting "social," after "engineering,"; and

(3) by striking out "among the States, Territories, possessions, and the District of Columbia" and inserting in lieu thereof "throughout the United States".

SEC. 9. (a) Section 11(c) of the National Science Foundation Act of 1950 is amended—

(1) by striking out "basic";

(2) by striking out "research" each place it appears;

(3) by inserting "Secretary of State or" before "Secretary of Defense"; and

(4) by striking out "the national defense" and inserting in lieu thereof "international cooperation or national security".

(b) Section 11(d) of such Act is amended by striking out "research" and inserting in lieu thereof "activities".

(c) Section 11(h) of such Act is amended by striking out "section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2)" and inserting in lieu thereof "section 5703 of title 5, United States Code,".

SEC. 10. Section 13(a) of the National Science Foundation Act of 1950 is amended—

(1) by striking out ", with the approval of the Board,"; and

(2) by striking out "section 16(d)(2)" and inserting lieu thereof "section 15(d)(2)".

SEC. 11. Section 14 of the National Science Foundation Act of 1950 is repealed.

SEC. 12. (a) Section 15 of the National Science Foundation Act of 1950 is redesignated as section 14 and is amended to read as follows:

"MISCELLANEOUS PROVISIONS

"SEC. 14. (a) The Director shall, in accordance with such policies as the Board shall from time to time prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act. Except as provided in section 4(h), such appointments shall be made and such compensation shall be fixed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates: *Provided*, That the Director may, in accordance with such policies as the Board shall from time to time prescribe, employ such technical and professional personnel and fix their compensation, without regard to such provisions, as he may deem necessary for the discharge of the responsibilities of the Foundation under this Act. The members of the special commissions shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(b) Neither the Director, the Deputy Director, nor any Assistant Director shall engage in any other business, vocation, or employment while serving in such position; nor shall the Director, the Deputy Director, or any Assistant Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any grant, contract, or other arrangement under this Act.

"(c) The Foundation shall not, itself, operate any laboratories or pilot plants.

"(d) The members of the Board and the members of each special commission shall receive compensation at the rate of $100 for each day engaged in the business of the Foundation pursuant to authorization of the Foundation and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

"(e) Persons holding other offices in the executive branch of the Federal Government may serve as members of special commissions, but they shall not receive remuneration for their services as such members during any period for which they receive compensation for their services in such other offices.

"(f) In making contracts or other arrangements for scientific research, the Foundation shall utilize appropriations available therefor in such manner as will in its discretion best realize the objectives of (1) having the work performed by organizations, agencies, and institutions, or individuals in the United States or foreign countries, including Government agencies of the United States and of foreign countries, qualified by training and experience to achieve the results desired, (2) strengthening the research staff of organizations, particularly nonprofit organizations, in the United States, (3) aiding institutions, agencies, or organizations which, if aided, will advance scientific research, and (4) encouraging independent scientific research by individuals.

"(g) Funds available to any department or agency of the Government for scientific or technical research, or the provision of facilities therefor, shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Foundation for such use as is consistent with the purposes for which such funds were provided, and funds so transferred shall be expendable by the Foundation for the purposes for which the transfer was made.

"(h) For purposes of this Act, the term 'United States' when used in a geographical sense means the States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States."

SEC. 13. Sections 16 and 17 of the National Science Foundation Act of 1950 are redesignated as sections 15 and 16, respectively. Subsection (a) of the section redesignated as section 15 is amended by striking out "1946" each place it appears and inserting in lieu thereof "1954". Subsection (b) of the section redesignated as section 15 as amended by striking out "section 15(h)" in paragraph (1) and inserting in lieu thereof "section 14(g)".

SEC. 14. (a)(1) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following now paragraph:

"(19) Director of the National Science Foundation."

(2) Section 5314 of such title is amended by striking out paragraph 40, and by inserting in lieu thereof the following new paragraph:

"(40) Deputy Director, National Science Foundation."

(3) Section 5316 of such title is amended by striking out paragraph (66), and by inserting in lieu thereof the following new paragraph:

"(66) Assistant Directors, National Science Foundation (4)."

(4) The amendments made by this subsection (and the amendments made by sections 3 and 4 of this Act insofar as they relate to rates of basic pay) shall take effect on the first day of the first calendar month which begins on or after the date of the enactment of this Act.

(b) Section 902(c) of the National Defense Education Act of 1958 is amended by striking out "$50" and inserting in lieu thereof "$100".

SEC. 15. Except as otherwise specifically provided therein, the amendments made by this Act are intended to continue in effect under the National Science Foundation Act of 1950 the existing offices, procedures, and organization of the National Science Foundation as provided by such Act, part II of Reorganization Plan Numbered 2 of 1962, and Reorganization Plan Numbered 5 of 1965. From and after the date of the enactment of this Act, part II of Reorganization Plan Numbered 2 of 1962, and Reorganization Plan Numbered 5 of 1965, shall be of no force or effect; but nothing in this Act shall alter or affect any transfers of functions made by part I of such Reorganization Plan Numbered 2 of 1962.

Mr. DADDARIO (during the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. HALL. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I believe this is one of the most interesting bills, and that the dialog has been one of the most productive we could possibly have. I want it understood thoroughly in the beginning that I am in strong support of the principles of the National Science Foundation.

Indeed, Mr. Chairman, I was a member of the original National Research Council as a consultant when it was formed during World War II—out of which this is an outgrowth.

As one of the scientists of the House of Representatives, I could be nothing but in favor of the National Science Foundation.

However, I fear we are overstepping basic principles. I have read in great detail the last year hearings on this bill we have before us and which indeed, did pass under suspension of the rules last year, only to die in the other body.

More particularly, I have read the annual report of the National Science Foundation which was brought to us the other day in a Presidential message.

In that connection I would call the attention of the House particularly to the fact that it is from this report that many of the actions in the bill ensue;

namely, the enjoinment of the Director of the Foundation to embrace the social sciences, although primarily this is by definition and precept a foundation of the physical sciences.

Second, in this report I would call your particular attention to the language in pages 10 through 17 as to some of the so-called prideful things, which are reported; namely, "the analysis of international trade"—I am sure this is socioeconomic but beneficial; and "the playing of laboratory games;" or "child rearing in different cultures;" and finally, "committee decisionmaking—how it derives."

Then the report shows how much of the money is allowed under the social and political sciences.

I would like to refer particularly to research grants referred to on page 15: "Food gathering in a primitive society." This shows the study of the Harvard anthropologists on how African bushmen are gaining sustenance from the discovery or robbery of ostrich eggs from their nests.

I fail to see how this by any stretch of the imagination could evolve in making a higher culture and a greater productive society than we now have.

Mr. Chairman, I shall oppose this bill today because I think it has gone too far as I pointed out in the debate on the rule, in the power to the Director; in collating data, which is a good but duplicating function. I recognize that the per diem allowance and expenses is simply in comity with other per diems we are allowing, but they are all too high and a simple device for Government procurement of personnel in competition with private enterprise. But Mr. Chairman, when it comes to the plain question that we can support the United Nations and some of its extended technical assistance and science programs through this agency without an accounting to the Congress, that is going too far.

And when the Foundation is "enjoined" to support the National Foundation for the Arts and Humanities, of which I have had much to say recently—and I am still in support of the arts and culture and the humanities—but not to the extent of misappropriation and the lack of legislative surveillance and oversight and control of the funds and the grants.

Mr. Chairman, this Nation has become involved in a game of "grantsmanship," and I fear that this very Foundation in aiding and abetting same, and therein weakening those it claims to strengthen wherein universities with a little "grantsmanship" has evolved to the place where it is taking away from pedagogy. If indeed, this has happened, then there are too many areas in which we are making research grants when 82 percent either directly or indirectly of all researchers and technologists are controlled directly by the Federal Government. This is true particularly when the 18 percent remaining, who are developing research on a horizontal basis rather than a vertical building block basis, evolve more good technological and scientific breakthroughs than the 82 percent who are directly controlled.

It is time that we gave serious consideration to a basic thing, that regardless of intentions and motives and objectives, in which we all concur; regardless of the sacred cows; we cannot by simply piling on more money and by piling on more personnel have the desirable scientific breakthrough, or accomplish what either these reorganization acts involve or what the excellent intent of the committee may have been.

The function has been beclouded. It has been oversubscribed. There is not in being a technical breakthrough that demands this additional work money and personnel, and I question seriously whether or not it will do that which the committee intends—give better administrative control because here also the control invested in one person removes the power of diffusion among people of that control, and their right to comment and their right to a nonelected official's removal, or the staff thereof.

I think this is a bad bill and I recommend its defeat.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HANNA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5404) to amend the National Science Foundation Act of 1950 to make changes and improvements in the organization and operation of the Foundation, and for other purposes, pursuant to House Resolution 411, he reported the bill back to the House.

The SPEAKER. Under the rule the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 391, nays 22, not voting 19, as follows:

[Roll No. 65]

YEAS—391

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Ashmore
Aspinall
Ayres
Baring
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bolton
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burleson
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Carter
Casey
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Colmer
Conable
Conte
Conyers
Corbett
Corman
Cowger
Cramer
Culver
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Farbstein
Fascell
Feighan
Findley
Fino
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gurney
Hagan
Haley
Halleck
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Hardy
Harrison
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Herlong
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyros
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lukens
McCarthy
McClory
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Monagan
Montgomery
Moore
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Price, Ill.
Pryor
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scheuer
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.

Tenzer
Thompson, Ga.
Thompson, N.J.
Tuck
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Wilson,
Charles H.
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—22

Ashbrook
Bow
Buchanan
Burke, Fla.
Cederberg
Collier
Davis, Wis.
Gross
Hall
Hutchinson
Jonas
King, N.Y.
Kyl
McClure
Price, Tex.
Reid, Ill.
Rhodes, Ariz.
Scherle
Thomson, Wis.
Utt
Winn
Younger

NOT VOTING—19

Barrett
Blanton
Burton, Utah
Celler
Edwards, Calif.
Edwards, La.
Fallon
Ford,
William D.
Gray
Gude
Halpern
Hansen, Idaho
Hébert
Jones, Mo.
Nix
Pool
St. Onge
Sisk
Williams, Miss.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Hansen of Idaho.

Mr. Fallon with Mr. Gude.

Mr. St. Onge with Mr. Halpern.

Mr. Williams of Mississippi with Mr. Barrett.

Mr. Pool with Mr. Burton of Utah.

Mr. Blanton with Mr. Gray.

Mr. William D. Ford with Mr. Edwards of California.

Mr. Nix with Mr. Celler.

Mr. Edwards of Louisiana with Mr. Sisk.

Mrs. REID of Illinois changed her vote from "yea" to "nay."

Mr. BARING changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

COAST GUARD AUTHORIZATION

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 412) providing for consideration of H.R. 5424, a bill to authorize appropriations for procurement of vessels and aircraft, and construction of shore and offshore establishments for the Coast Guard, and ask for its present consideration.

The Clerk read the resolution, as follows:

H. Res. 412

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5424) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts [Mr. O'NEILL] is recognized for 1 hour.

Mr. O'NEIL of Massachusetts. Mr. Speaker, I yield myself such time as I may need and at the conclusion of my remarks yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN].

Mr. Speaker, House Resolution 412 provides an open rule with 2 hours of general debate for consideration of H.R. 5424 to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

The total authorization in the legislation is $163,913,000: $98,776,000 for procurement, extension of service life, and increasing capability of vessels; $25,475,000 for procurement of aircraft; $39,662,000 for establishment or development of installation and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment.

The duties of the Coast Guard are ever broadening. Over the past 2 years the Coast Guard has been called upon to render its services in ever-expanding fields. At present 26 of its 82-foot patrol boats are operating off the coast of Vietnam. Only recently the papers took note of another of its many services in connection with the arrest of a Russian vessel fishing within a mile of our coast. Recently, administrative functions formerly handled by the Bureau of the Customs were transferred to the Coast Guard, as was the responsibility for alterations of bridges to permit free navigation.

While the responsibilities of the service are growing, its equipment is not being replaced, which presents the danger: first, that at some time in the future it may be called upon for extraordinary service and be unable to perform; and, second, the failure of aging equipment may result in a disaster.

Mr. Speaker, the details of this legislation will be gone into during debate and I urge the adoption of House Resolution 412 in order that H.R. 5424 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, we are considering House Resolution 412, which would grant a 2-hour open rule for H.R. 5424, a bill to authorize funds for the Coast Guard in three areas: procurement of ships, procurement of airplanes and helicopters, and repair, rehabilitation and expansion of shore facilities.

The total authorization is for $167,713,000.

The departmental request was for about $103,000,000. Almost all the increased authorization is carried by the first section of the bill authorizing ship procurement. The committee increased the number of high-endurance cutters from one to five, noting that this increase is really the bare minimum, bearing in mind the age of existing ships. The Coast Guard has indicated that by 1974 it will need 24 new cutters. The committee also added $1 million for the design of a new icebreaker; unless it was added to the $1.5 million already authorized the icebreaker could not be available until 1973. The current vessels in use date back to World War II. Three of these older ships are to be rehabilitated at a cost of some $2.7 million. The bill also authorizes the first two of a new class of patrol cutters.

The sum of $25,475,000 is authorized for airplanes and helicopter procurement. The committee notes that this figure is inadequate as 50 of the Coast Guard's 168 aircraft will be overage by 1970 and provisions for replacement must be stepped up.

The bill authorizes $39,662,000 for refitting shore facilities as bases across the country as well as numerous lighthouses.

Finally $3.8 million is authorized for payments to bridge owners for the cost of alterations of railroad and highway bridges to permit free navigation of navigable waters in the United States. This area of responsibility, previously assigned to the Corps of Engineers, has been transferred to the Coast Guard.

The committee reported the bill unanimously. The Treasury supports the bill in its introduced form. No other agency opinion is included in the report.

Mr. Speaker, I have no further requests for time and I reserve the balance of my time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I have no further requests for time.

I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GARMATZ. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5424), to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE HOUSE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5424, with Mr. GILBERT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Maryland [Mr. GARMATZ] will be recognized for 1 hour, and the gentleman from California [Mr. MAILLIARD] will be recognized for 1 hour.

The Chair recognizes the gentleman from Maryland.

Mr. GARMATZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill, H.R. 5424, provides authorization for expenditures for ships, planes, shore facilities, navigation aids, and housing for the Coast Guard for the coming fiscal year.

The report on the bill is in error in that it stated that the total cost of the legislation was $163,913,000.

The figure omitted an amount of $3,800,000 for the Federal Government's annual share of the cost of alteration for railroad and highway bridges to remove obstruction to free navigation of navigable waters.

This item was formerly handled by the Corps of Engineers but recently the function has been transferred to the Coast Guard.

Thus the total amount of the bill should be $167,713,000.

The bill as presented to the committee provided for $107,014,000.

The committee made three necessary amendments to the bill to provide for four additional high-endurance cutters, additional money for development of icebreaker design and for housing.

The bill as submitted to the Congress provided $103,214,000 for its usual functions which was approximately the same as the amount appropriated last year.

The preceding year a total of $115,510,000 was appropriated.

Thus the Coast Guard is losing ground in its continuing fight to secure adequate equipment to meet its needs, and the committee is greatly concerned over this.

I do not believe that I need emphasize the importance of the Coast Guard to all of us.

Virtually, every Member of Congress has had an opportunity to observe its operations in his own district.

Its functions range from providing weather information to planes and ships on the oceans safeguarding our over 6 million small boat owners, providing aids to navigation for not only our ocean commerce but also that of our inland waterways, participating in rescue work in the event of disaster not only at sea but within our own country and recently to active participation in the war in southeast Asia.

Its enthusiasm and ability cannot be called into question but, unfortunately, the state of the tools which we provide to perform all of these functions are not of the best.

For example, the backbone of its fleet are the high-endurance cutters of which over 30 are required for its operations.

Of the present fleet, six were constructed in 1936 and 17 are ex-seaplane tenders of World War II vintage.

The former class are such sturdy vessels that we annually spend funds to update them since their prospect of replacement in the near future is dim.

The seaplane tender type is considerably less desirable having been originally constructed for service in relatively sheltered waters during war time.

At present, they are being utilized for weather stations in the North Atlantic and Pacific where they serve 12 months of the year, and for long-range rescue operations where they are called upon to proceed to distressed vessels in emergencies.

As stated, the vessels were never constructed for this vigorous type of service and the committee is seriously concerned over the extent of their remaining life.

I call your attention to the fact that for the past year the marine insurance underwriters whose function it is to insure merchant vessels have drastically increased premiums on war-built merchant ships because of the greatly increased frequency of casualties.

They are attempting to drive them from the ocean because of the danger of their continued operation.

The committee is greatly concerned over the continued operation of the war-built cutters because it feels that by reason of age and general deterioration, similar casualties can result.

About 5 years ago, the Coast Guard issued a report of its vessel requirements for the foreseeable future in which it proposed to construct 37 of these cutters between fiscal years 1964 and 1974.

By reason of the fact that to date but eight of these vessels have been authorized and appropriated for, it has been necessary for the Coast Guard to revise its plans and recently it submitted a new estimate which provided for the construction of 25 of these vessels between fiscal years 1968 and 1974.

The bill as originally introduced would have authorized but one for the coming year.

Quite aside from the fact that the committee is convinced of the urgent need for the vessels of this type right now, the possible demands of other agencies for services of this type of equipment may further weaken the fleet available for the normal and usual duties of the agency.

If this occurs, it will be necessary to place further burdens upon the remaining vessels and there is just so much that these 25-year-old vessels can stand.

I call your attention to the fact that construction of replacement vessels takes 3 years and the first of the eight new ones referred to above will not come into service until the latter part of this year.

Each of these cost $14,500,000 which accounts for most of the money increase in this bill.

With respect to the item covering design for new icebreakers, which was increased by the committee from $1.5 million to $2.5 million, the entire fleet of large icebreakers is now concentrated in the Coast Guard, the Navy having turned over its vessels during the past 2 years.

This fleet of eight vessels consists of seven built over 20 years ago, and one built in 1954.

During the intervening years, our interest in the Arctic and Antarctic has greatly expanded and these vessels are being called upon for greatly increased service in these areas.

It is the Coast Guard's estimate that in its present rate of progress for a new design, the first vessel would not be available until 1973.

The committee believed that this rate of progress was too slow and accordingly increased the fund for design in order to speed up the process.

It is not anticipated that this increased expenditure will cost the Government anything in view of the fact that it will not affect the overall cost of the completed vessels but will merely reduce the time required for their completion.

The other significant item in the bill that was increased by the committee was an item of $1,699,000 which was restored to the original Coast Guard request for new housing.

It should be pointed out that as of last year, but 54 percent of Coast Guard families were adequately housed as compared with the other Armed Forces record of better than 75 percent.

Aside from our normal desire to supply decent housing for our Armed Forces, the failure to do so can prove to be very expensive in that it contributes to a lowering of morale, which in turn decreases the number of reenlistments.

In view of the fact that the Government has a substantial investment in men that it has trained, the failure to supply proper living conditions, thereby inducing them to abandon the service, requires additional training of new men and additional facilities for such training, both of which are extremely expensive.

The major shortages in housing are in the New York and San Francisco areas, and men stationed in these areas are compelled to pay high rents and to travel fairly long distances to their work, both of which are undesirable.

The continued shortage of proper equipment that the committee has observed over the years can be very dangerous.

About 15 months ago, the Coast Guard was called upon to supply 26 of its 82-foot vessels with their crews for use in the war in Vietnam.

Subsequently, authorization and appropriation was made for the replacements of 17 of these vessels but no provision has been made for the remaining nine.

Coast Guard, with its usual efficiency, has managed to close this gap very successfully but the fact remains that nine vessels at $500,000 apiece had been provided for its use but they are no longer available.

I have some direct experience with respect to inadequacies of Coast Guard equipment to do the job for which it is responsible.

About 10 years ago, I was in Hawaii at the time a plane from the mainland disappeared over the ocean.

The Coast Guard proceeded to coordinate the search but was unable to contribute materially to its effectiveness because the total number of long-range planes available for use by the district commander was three, all of them veterans of the Berlin airlift.

Their range was such that after reaching the search area, they could remain on station for only about an hour since at the end of that period they must of necessity return for refueling.

As a matter of fact, I felt somewhat embarrassed because as a part of the overall effort, the British furnished four of its bombers from the Fiji Islands and these planes, because of their greater range, were able to participate to a much greater extent than the Coast Guard's own equipment.

At that time I reflected that were I on a disabled vessel or plane in the middle of the ocean, I would get cold comfort from the fact that the failure to rescue me promptly would be occasioned by the fact that we in the Congress had stinted the Coast Guard in its equipment needs.

The agency has a proud record since its establishment in 1790, but even the best workmen can only go so far without adequate tools.

Over the years its responsibilities have been increased until today it not only provides navigation and weather information to overseas planes and ships, protects our small boat population, provides inspection service for our merchant fleet, provides aids to navigation for our inland waterways with their vast fleets of barges, provides the means for enforcing our fishing laws as witnessed by the recent apprehension of two Soviet trawlers in the Pacific, and last, but far from least, is an active participant in our efforts in southeast Asia.

During the past 2 years, its responsibilities have been increased by the transfer of documentation and admeasurement functions formerly exercised by the Bureau of Customs and the responsibility for reconstruction of bridges constituting menaces to navigation formerly under the control of the Corps of Engineers.

This unique organization, the only one of its kind in the world, is daily called upon by other agencies of the Government to aid in law enforcement and other diverse duties, and it is essential that we meet our obligation to provide it with adequate equipment to perform its many and varied functions.

I do not feel that I need defend the Coast Guard to anyone who has been the beneficiary of any of its services, but I do believe that we must continue to keep before us its needs for proper equipment and it is my feeling that this bill, as amended by the committee, represents an irreducible minimum.

I am fully conscious of the fact that the President is striving to keep expenditures within reasonable limits and I heartily endorse his efforts, but I do not feel that we should save a few dollars at the possible cost of many lives.

The Coast Guard is one of our greatest safety organizations and furnishes protection to all of us and I believe that the expenditure of considerably less than $1 per capita of the population of the United States is a very modest price to pay for the services rendered.

I urge favorable action on the bill.

Mr. GERALD R. FORD. Mr. Chairman, would the gentleman from Maryland yield to me at this point?

Mr. GARMATZ. Yes, I am happy to yield to the distinguished minority leader, the gentleman from Michigan [Mr. Gerald R. Ford].

Mr. GERALD R. FORD. Mr. Chairman, it is my understanding that the Committee on Merchant Marine and Fisheries is recommending $60,699,000 for vessel procurement, construction of housing facilities, and so forth, over and above what the Department and the administration has recommended.

Would the distinguished gentleman from Maryland please explain the need and necessity which existed apparently in the mind of the Committee on Merchant Marine and Fisheries for this $60 million-plus in authorization over the budget figure?

Mr. GARMATZ. Mr. Chairman, I shall respond to the distinguished gentleman from Michigan by saying that this involves housing.

Mr. Chairman, as I previously mentioned, there is a housing shortage in the State of California and also in the State of New York, resulting from the taking over of Governors Island from the Army. So, Mr. Chairman, that is where most of the extra money will go in connection with housing, money over and above the regular budget request.

Mr. GERALD R. FORD. Mr. Chairman, if the gentleman from Maryland will yield further, as I understand it, there is the sum of $58 million contained in the committee's recommendation for four high-endurance cutters, but that these four cutters were not recommended by the administration.

Mr. Chairman, I am wondering just what the justification is for this committee action.

Mr. GARMATZ. Mr. Chairman, in response to the gentleman from Michigan, the request was originally for five cutters.

However, Mr. Chairman, the Bureau of the Budget and the Department of the Treasury cut the request back to one.

I might say here to the gentleman from Michigan that it is no secret that five of this type cutters are now on their way to Vietnam. It was supposed to have been a secret here, but was exposed by the revelation of these facts several weeks ago in the press, facts with which I am sure the minority leader is familiar. However, five of those cutters are now on their way to Vietnam.

Mr. GERALD R. FORD. Mr. Chairman, if the gentleman from Maryland will yield further, in other words, the circumstances which have taken place since the budget has been submitted, in the estimation of the committee, justify this additional authorization for four new high-endurance cutters for the Coast Guard?

Mr. GARMATZ. I might say that upon a previous occasion I was queried about when the cutters would be coming back. I responded at that time to the inquiry to the effect that I was worried about them even getting there. They are about 25 years of age and one of our great problems is getting them there and not so much as making sure when they would get back.

Mr. RIVERS. Mr. Chairman, will the distinguished chairman of the Committee on Merchant Marine and Fisheries yield to me at this point?

Mr. GARMATZ. I am happy to yield to the distinguished chairman of the Committee on Armed Services, the gentleman from South Carolina [Mr. Rivers].

Mr. RIVERS. Mr. Chairman, I want to associate myself with the statement of the distinguished chairman of this great Committee on Merchant Marine and Fisheries of the House of Representatives.

Mr. Chairman, the Coast Guard is the most underrated and undersupported branch of our Military Establishment. It has more and varied requests for services of every kind, class, and description for assistance than any other American element or auxiliary of the other military services involved.

Mr. Chairman, I recall very well that during World War II that on the convoys to Murmansk and to Archangel, Russia, the Coast Guard was there.

Now, Mr. Chairman, we have taken the best crafts which the Coast Guard possesses, and have sent them to Vietnam. We must watch closely this great arm of our Military Establishment.

Mr. Chairman, I commend the distinguished gentleman from Maryland [Mr. Garmatz] for his efforts to restore this magnificent and great service to its proper place in the defense posture of this country.

Mr. Chairman, I wish to further commend the gentleman from Maryland [Mr. Garmatz] for bringing before the Congress the necessity for meeting these requirements. And, whenever and wherever I may be of assistance, I wish to render that assistance.

Mr. Chairman, we need the Coast Guard. The Coast Guard is not properly appreciated by America.

Mr. Chairman, I commend the gentleman from Maryland [Mr. Garmatz] for his efforts to take care of this vital arm of our defense picture.

Mr. GARMATZ. Mr. Chairman, I thank the distinguished gentleman from South Carolina [Mr. Rivers], the chairman of the Committee on Armed Services, for his fine contribution.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the distinguished chairman yielding to me. I would like to associate myself with the remarks made about the needs for the Coast Guard in this bill, and I particularly compliment the chairman on the legislative part in undertaking the responsibility that the committee has.

I would also like to associate myself, after thoroughly studying the hearings and the report in this bill, with the remarks just made by the Chairman of the Committee on Armed Services.

Mr. Chairman, I do have a question I would like to direct to the chairman.

Will the surveillance of the U.S. Coast Guard still be under the committee chaired by the distinguished gentleman from Maryland after the transfer is completed to the new Cabinet branch known as the Department of Transportation, or is it envisaged that there will be some transfer of jurisdiction as far as legislative control and oversight is concerned?

Mr. GARMATZ. No. We will still have the authorizing authority.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I want to associate myself with the very fine statement that was just made by the chairman of the committee. I believe I speak the sentiments of the people of the Pacific Northwest in saying the Coast Guard certainly has justified this increase if alone on the basis of the fact that now at long last they are beginning to apprehend some of these foreign fishing vessels that are coming into our territorial waters and taking our fish.

The two recent seizures of Russian fishing boats in Alaskan waters certainly have made the people of my district in the Pacific Northwest very proud of the Coast Guard, and we are strongly back of it. I know I speak their sentiments when I commend the chairman of the committee for his very fine statement.

Mr. GARMATZ. I thank the gentleman.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I am happy to yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Chairman, I want to join with my chairman of the full committee in commending him and the rest of the committee in passing this bill unanimously to give the Coast Guard the vessels it needs, and the housing it needs, and to recognize the great work it has done.

Mr. Chairman, I represent a city that is on the great Mississippi River, and we have seen at firsthand what the Coast Guard can do in our inland waterways. I want to say that I fully appreciate their great work, and that I back this legislation.

As a resident of St. Louis, Mo., I have ample opportunity to observe the operations of the Coast Guard in my own area. It not only provides aids to navigation for the benefit of our vast commercial barge fleets used in the Mississippi, but acts as the guardian of our many small boat owners in the area.

Its services are vital to the welfare of our people, and I feel that the request for authorization for appropriations as contained in the bill, H.R. 5424, is extremely modest in the light of the needs and achievements of the Coast Guard.

Mr. GARMATZ. Mr. Chairman, I thank the gentlewoman from Missouri, a member of the committee.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I wish to commend the gentleman for his statement and the committee for its support of the Coast Guard.

May I ask the gentleman whether the five new high endurance cutters can be retained by the Coast Guard, or will they, too, be turned over, as the other cutters have been, for war duties in some area?

Mr. GARMATZ. Does the gentleman mean the new ones?

Mr. GROSS. I mean the new ones, when they are constructed.

Mr. GARMATZ. I hope they will replace the others.

Mr. GROSS. And I hope the war in Vietnam will be over long before that time, and that we are not fighting another war in the Middle East, or in Africa.

What I am trying to say is that I hope the Coast Guard, in being provided with these new cutters, will be able to retain them for the uses for which they are intended.

I am surprised that the Navy of the United States does not have vessels which are counterparts of these cutters.

Now, what about this icebreaker? Is this to be a conventionally powered icebreaker, or a nuclear-powered icebreaker?

Mr. GARMATZ. Probably a nuclear-powered icebreaker.

Mr. GROSS. Nuclear powered?

Mr. GARMATZ. Yes.

Mr. GROSS. The gentleman will recall that some years ago we did not go along with a nuclear-powered icebreaker. The experts have changed their minds, is that correct?

Mr. GARMATZ. Yes, they have. They plan to go forward, and I feel very confident that they will come up with some plans to proceed with the nuclear-powered icebreaker.

Mr. GROSS. What will be the cost of a nuclear-powered icebreaker?

Mr. GARMATZ. I am not sure of that, since it is in the planning stages.

Mr. GROSS. If the gentleman will recall, we were given some rather fantastic figures as to the difference in cost between nuclear power and conventional power for icebreakers a few years ago. But perhaps nuclear construction has gone down in cost.

Mr. GARMATZ. I would think so. I predict they have made some progress.

Mr. GROSS. I hope so, in behalf of the taxpayers.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman.

Mr. HOSMER. As I have read the report and some of the testimony, it seems that the Coast Guard has hired Nuclear Utility Services, Inc., to make a study of the three optimized types of powerplants that might be used for icebreakers. One is a nuclear powerplant, another is the oil-fired turbine plant and the third is a diesel plant.

These studies are not yet completed.

I want to ask the gentleman, if I heard him correctly, assert that this would be a nuclear-powered icebreaker, period.

Mr. GARMATZ. Yes, this is for icebreaking purposes.

Mr. HOSMER. I am sure the gentleman is aware that the cost of a nuclear plant would be at least three and one-half times that of a conventional plant, as a minimum figure.

If you could take a Navy nuclear plant and adapt it to the Coast Guard icebreaker that might be one thing. You could take it substantially off the shelf. But if the shaft horsepower—and I understand that at the present time there has never been a decision on the size of this icebreaker—requirement does not happen to coincide with what the Navy is producing for its own vessels, that means the design of a whole new nuclear powerplant, which could get into something like $20 million or $30 million expenditure for research and development. Buying the hardware and putting it together for the cutter would run another $20 to $25 million. That is only part of the cost.

You have in connection with a nuclear powerplant, when you put it on board ship, the problem of training somebody who can run it. That means the Coast Guard is either going to have to go into the business of producing officers with nuclear qualifications and capabilities or hire them from the Navy. That is a costly business either way you take it.

Then you have other problems like the derogation of the characteristics of the ship. We all know the nature of these icebreakers, and I am sure the Russians have found that out to their own disappointment, that when they get them jammed in the ice and want to crack loose, an effective method is to shift ballast and shift fuel. You can pump a lot of oil from tank to tank and rock her out of the ice. But there is no way in the world you can do that in a nuclear reactor. You cannot unbolt it from the ship and push it from starboard to port and back and forward again to rock the ship out of the clutches of the ice.

I am rather alarmed that the promise here is of a nuclear icebreaker with so many unsolved problems and so many unsaid things about them absent from both the report, the testimony and the hearings, as I read them.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman.

Mr. PELLY. As always, the gentleman from California is extremely well informed when it comes to matters having to do with atomic power.

I think my understanding, however, is that the studies, as reported to our committee, were not completed but the general opinion as given to us was that the overall cost over the life of a ship of an atomic-powered icebreaker would be less than one powered by other conventional means, and that includes the cost of training the crew and various efficiencies and economies that can be made by each type of propulsion. But I did not gather that these studies were completed. But I want to tell the gentleman from California, I am glad he has injected this matter of whether or not we are going to have a nuclear-powered icebreaker, because I did not think that decision had been finally made. But I do think we were told, as it looked at the time the testimony was given to our committee, that over the life of a ship it would be cheaper for a nuclear-powered icebreaker.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman.

Mr. HOSMER. Over the life of a ship, nuclear power is cheaper, but this truism has to be applied to some specific ship of some specific size for some designated mission.

That is not true here. It also has to take into consideration whether you are already in the nuclear ship propulsion business and are buying in quantity for an existing establishment or whether you are going to have to put up all the cost to get into the business—R. & D., training of personnel, logistic support, and so forth.

Another thing that bothers me, Mr. Chairman, is that a number of the smaller navies of the world are talking about nuclear ships. They are just too small a type of organization to get into an expensive business like nuclear power. The U.S. Coast Guard is comparable in many ways to some of these smaller navies around the world. If we establish a precedent of putting nuclear power into three or four or five of its ships, then we create a precedent that prevents us from discouraging other navies around the world to try to duplicate the same wastefulness. Rather should we be trying to get these allied navies to get top-dollar value out of their effort and contribution to the joint, allied free world defense. We do not wish to encourage them to squander money on prestige items like unnecessary nuclear ships.

So there are further implications to the debate today than we see on the surface. That was the underpinning of my remarks. Many of these things were left barren in the hearings as I read them.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman from California a member of the committee.

Mr. MAILLIARD. I presume that the gentleman from California, whom we all recognize as an expert in this field, has read page 72 of the hearings dealing with this question. I will agree that the opinions that are given here are probably not entirely researched, but we were told by the Coast Guard that their estimate of the difference in cost was in the neighborhood of $75 million for a nuclear-powered icebreaker against an amount in the neighborhood of $55 million for a diesel icebreaker. They showed us graphs—but I agree that we are not technical experts in this field—with which they expressed their beliefs with the thought that they would be borne out by further research. They said that if they took the plan of operation of the vessel over its normal life, these costs would end up by being roughly comparable, and probably they might end up with a nuclear ship being slightly less expensive.

Also I would like to point out that the Coast Guard made the point that they were not talking in terms of the type of reactor that we have used in naval vessels. What they believe would meet their requirements would be something much more similar to a nuclear land-based plant that is now used for power generation. They talked about low-enriched fuels as against the Navy's high-enriched fuels. I am in the gentleman's field, not my own. But certainly I would presume the Joint Committee would have an interest in this and would help us to make a good decision when the time comes. Incidentally, the decision has not been made. They merely want to look into the possibilities.

Mr. HOSMER. If the gentleman will yield 1 minute further. If, indeed, the Coast Guard is thinking in terms of low-enriched fuels, it is not talking in terms of an off-the-shelf plant from the Navy. It is talking in terms of a new design, and that means that the AEC is going to have to get an appropriation for its design. I cannot see anything less than $20 or $30 million expenditure for design and development of this new type maritime nuclear propulsion plant, which is not included in the $75 million which the gentleman from California has mentioned. That gets us into $105 million for the first of a kind. After that you get back down to your $75 million again for carbon copy engine rooms for additional icebreakers.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield further?

Mr. GARMATZ. I yield to the gentleman from California.

Mr. MAILLIARD. The gentleman may be absolutely correct. I do not claim to have his knowledge about this subject. But if I correctly understood the Coast Guard's statement, they were hopeful that with relatively minor adaptation, existing plants could be useful for this purpose. At least they indicated that they did not think they had to go into any radical design.

Mr. HOSMER. We have only one other existing non-Navy surface ship which is nuclear powered, and that is the one that the Merchant Marine Committee insisted on building and which is now laid up.

Mr. MAILLIARD. It is not yet laid up.

Mr. HOSMER. Or it is about to be laid up—the *Savannah*. Obviously her reactor is not going to fit into this icebreaker.

I warn again that if the icebreaker is to be nuclear, that there is going to have to be a whole new drawing board R. & D. exercise that is going to cost $20 million to $30 million, to put a nuclear powerplant in the icebreaker. I believe we should think this over very carefully from all standpoints before we rush down that pathway.

Mr. GARMATZ. The committee's feeling is not to lay up the *Savannah*, I can assure the gentleman.

Mr. LENNON. If the gentleman will yield further, I would like to ask our colleague, the gentleman from California [Mr. HOSMER] if he has in front of him the hearings that were conducted by the Coast Guard Subcommittee on February 23 of this year. He will note there the testimony of the Commandant of the Coast Guard, the assistant commandant, the chief of staff, but more particularly of the man who is project officer of the icebreaker program, Commander Rinehart. That is on page 52 of the hearings.

Then, if the gentleman will turn to page 60, I believe he will get the answer to the question he raised a few minutes ago of the distinguished chairman of this committee. There I have asked a question, after some serious questions of the project officer of the icebreaker program, Commander Rinehart. I will quote:

> Mr. LENNON. Who will make the final determination and recommendation with respect to whether or not this vessel which is now being funded for design will be a nuclear or non-nuclear-powered icebreaker?
>
> Commander RINEHART. I would say that the Coast Guard would make the recommendation and that this committee would have a great deal to say about whether that recommendation would be accepted.
>
> Mr. LENNON. You mean if you get beyond the Secretary of Transportation and the Bureau of the Budget?
>
> Commander RINEHART. I will defer to Admiral Trimble.

The reference to Admiral Trimble, of course, means the vice commandant.

I believe if the gentleman will read the colloquy there, the sequence of questions and answers, it will become clear there has been no determination yet by the Coast Guard as to whether or not there will be a nuclear-powered or turbine-powered or diesel-powered vessel. They will have to come back, as the gentleman has so well indicated, I will say to the gentleman from California. If we were going into the question now of authorizing a preconstruction contract for a nuclear vessel, we would not have a couple million dollars for vessel design. It would have to be $16 to $30 million. We all recognize that.

Mr. HOSMER. I would hope the committee, with all due respect to Admiral Trimble and Commander Rinehart, will realize that they are not nuclear people. I would hope they would ask in Admiral Rickover and some other nuclear experts to talk over this.

Mr. LENNON. I would hope the gentleman appreciates what we are authorizing the Coast Guard to do now is to have those, who now have the responsibility—keeping in mind that the Navy turned over to the Coast Guard a few months ago its participation in our ice patrol duty—this small amount of money would authorize them to proceed with construction design, not related to the powerplants, but to the configuration of the vessel itself. Then they will have to come back to the committee, and I assume possibly even to the committee that the distinguished gentleman serves on, for authorization with respect to the nuclear powerplant.

Mr. HOSMER. I recall in some testimony they had to decide first what type ship to build before they could go into design, because they were two different breeds of cats, the nuclear and the conventional.

Mr. LENNON. We will, of course, consult with the competent witnesses. I thank the gentleman for yielding.

Mr. GARMATZ. I feel sure that the Coast Guard will talk to Admiral Rickover, for whom I have a great deal of respect, and also to the Joint Committee. However, the gentleman from California has requested some time and I assume he will go into some detail.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Chairman, I should like to inquire of the gentleman whether these ships, when they are constructed, will be constructed in American yards?

Mr. GARMATZ. I hope so.

Mr. BOW. Is it more than a hope? Would the gentleman accept an amendment requiring these to be built in American yards?

Mr. GARMATZ. To my knowledge, there has never, up to now, been a Coast Guard ship built outside the United States.

Mr. BOW. There have been other areas where ships have not been so built up to now, but last year I saw where a ship was going to be built in Poland, in an authorization of this kind. I believe the gentleman knows my affection for the Coast Guard and my feeling about their not really being taken care of the way they should be.

Mr. GARMATZ. I believe the gentleman refers to two fishing trawlers.

Mr. BOW. Yes. It seems to me it might be well if this bill carried a provision that these ships be built in American yards. I wonder if the gentleman would object to such an amendment.

Mr. GARMATZ. No.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman from Iowa.

Mr. GROSS. It would be my hope that the committee would go extremely slow on the design for a new icebreaker. As others have suggested, it is almost mandatory to know what kind of powerplant is going to be put into an icebreaker before starting to design the hull. I hope the committee will go slow.

I recall the testimony of a few years ago on this subject. I, for one, was not convinced that we should go into nuclear-powered icebreakers at that time. I am still not convinced.

Mr. GARMATZ. I agree with the gentleman. I assure him that the committee will keep in close touch with Coast Guard officials and keep a close watch on it.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I should like to express my gratification for the manner in which the committee has approached this matter of the Coast Guard, and for the diligent attention the committee has given to the needs of the Coast Guard. It seems to me the committee has attached a reasonable priority to their needs. It would be bad judgment on the part of Congress not to follow the desires of the committee in the legislation before us today.

Mr. GARMATZ. I thank the gentleman.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. Clark], the chairman of the Coast Guard subcommittee.

Mr. CLARK. Mr. Chairman, as chairman of the Coast Guard Subcommittee of the Merchant Marine and Fisheries Committee, I do not believe that it is necessary to defend the activities of the Coast Guard to this body.

Their exploits over the year are known to all of us, and repetition of their achievements is unnecessary.

However, from time to time, it is interesting to note that they are called upon by other agencies of Government to perform rather odd functions.

For example, the Treasury Department has called upon them upon a number of occasions, to lend helicopters and crews, for the purpose of locating illicit stills, and rumrunning.

At the other end of the spectrum, they are called upon to enforce fishery treaties and, as we have noted recently, they have caught two Russian trawlers fishing within our 12-mile limit.

In another activity, they maintain loran and other navigation aid systems virtually all around the world, for the benefit, not only of our Armed Forces, but any commercial user possessing the necessary equipment to utilize them.

Right now, the agency is preparing for a meeting of the Intergovernmental Maritime Consultive Organization in London, to discuss measures to avoid or minimize another situation, such as that arising from the recent grounding of the *Torrey Canyon* off Great Britain.

Their activities on behalf of small boatowners under the Federal Boating Act of 1958, are too well known to require mention, but I do believe, that it is notable, that the casualty rate among these people, is infinitely less than that on the highways, and I attribute a great deal of this to the fact, that the Coast Guard is continually on the job.

The chairman of our committee has ably presented the need for additional expenditures, to prevent the Coast Guard from falling further behind in its equipment needs.

Needless to say, I heartily concur in his views and I call attention to the fact that this committee unanimously reported this bill as amended.

While I fully realize the necessity for maintaining a degree of economy in the budget because of the situation in Vietnam, I should also call attention to the fact, that the Coast Guard is an active and growing participant, in that unfortunate situation, and at least a part of its expenditures for men and equipment is spent in that area.

We who have been interested in, and entrusted with, the responsibility to provide the proper tools for the job are greatly concerned over the general deterioration in its equipment because of inadequate replacement funds for existing ships, planes, and facilities.

It is vital that this organization be kept at its highest efficiency, because it probably has a greater responsibility in lifesaving than any other Federal department, and we cannot afford to permit it to fall behind, for our own selfish interests.

I urge the House to vote favorably on this bill as amended, and I am hopeful, that the record compiled by the committee with reference to Coast Guard activities over the years, will be carefully considered, by those charged with the responsibility of providing sufficient money for its needs.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. CLARK. I yield to the gentleman.

Mr. LENNON. I want to commend the distinguished chairman of the Subcommittee on the Coast Guard for the leadership he has provided in the 4 years we have had this authorization in process. I was particularly impressed, I will say to my distinguished chairman of the subcommittee, by the statement made by the distinguished gentleman from Ohio [Mr. Bow], a very prominent and influential member of the Committee on Appropriations. I hope that the members of the Committee on Appropriations who are here today, when they may be confronted at some time in the reasonably near future with a request not to appropriate funds authorized here today, will keep in mind what was said by your distinguished member of the Committee on Appropriations, the gentleman from Ohio [Mr. Bow], where he said that all these funds requested here are needed.

Mr. MAILLIARD. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I wish to join the distinguished chairman of our committee in urging the passage of H.R. 5424 authorizing appropriations for certain capital expenditures for the Coast Guard.

The total amount authorized by this legislation is $167,713,000, representing an increase of $60,699,000, made by three committee amendments. Slightly more than 95 percent of this increase—$59 million—is accounted for by two of the amendments and is allocated for the procurement of vessels—$58 million for four additional high endurance cutters and an additional $1 million for the design of an icebreaker.

These increases were not undertaken lightly by our committee, since we are well aware of the current pressing demands for Federal funds needed both at home and abroad. Rather, the increases reflect an awareness of our committee of the primary statutory duties of the Coast Guard and the limitations imposed upon the performance of those duties by the current condition of Coast Guard vessels. The increases simply reflect our continuing concern with the deterioration in Coast Guard vessels and its probable impact upon the ability of the service to discharge its functions which are so vital to our Nation's security. Section 2 of title 14 of the United States Code cites the following among the primary duties of the Coast Guard:

> The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws upon the high seas and waters subject to the jurisdiction of the United States; * * * shall develop, establish, maintain, and operate, with due regard to the requirements of national defense, * * * ice-breaking facilities, * * * and shall maintain a state of readiness to function as a specialized service in the Navy in time of war.

Against this background of the principal statutory missions of the Coast Guard, our committee took cognizance of the following facts concerning the current condition of Coast Guard vessels:

First. The present fleet of 35 major cutters has an average service life of almost 24 years.

Second. The time required to construct a large cutter is approximately 3 years, which means that some of these vessels will be almost 30 years old before they are replaced.

Third. The cumulative slippage to date in the Coast Guard's vessel replacement program amounts to $161.2 million. In terms of vessels, this means the program is 20 ships behind schedule, half of which are of major types such as high and medium endurance cutters and icebreakers needed by the Coast Guard to properly carry out its duties.

Fourth. The Coast Guard icebreakers, including the five transferred from the Navy last year, are of World War II vintage and are now over 20 years old. Only one, the *Glacier*, constructed in 1955 is of a lesser age. By the time the first of these vessels are replaced, they will be over 30 years old. Their equipment is obsolete, hulls are deteriorating after years of severe usage, and habitability is poor.

Fifth. The result of slippage in the vessel replacement program, coupled with the impact of the acquisition of the five Navy icebreakers, has been to require the Coast Guard to spend increasing amounts of money for the extension of the life of existing vessels. The request for funds for the extension of the service life of vessels in the present bill is indicative of this trend, representing an increase of more than 50 percent over the funds requested for this item last year. The continued pursuit of this type of stopgap action would be utter folly, since it is impossible to make a silk purse out of a sow's ear.

I believe I need only remind the Members of the House of two recent examples of the role of the Coast Guard in the enforcement of our maritime laws and in our national security.

As for the enforcement of our maritime laws, it was only last month that the cutter *Storis* was involved in two separate seizures of Soviet fishing vessels violating first our 3-mile territorial sea, and secondly our recently established 9-mile contiguous fisheries zone. The cutter *Storis*, originally designed as an icebreaker, is now 25 years old. She has a maximum speed of 12½ knots. She can hardly be considered a Greyhound of the seas, let alone a suitable vessel to be engaged in high-speed pursuit of vessels violating waters over which we maintain jurisdiction. It certainly points up, however, the limitations of certain equipment furnished to the Coast Guard to carry out its law enforcement functions.

If affirmative action is not taken to place the Coast Guard vessel replacement program at a reasonable level, then I have even graver reservations about the service's state of readiness to function as a specialized service in the Navy in time of war. This is especially important at this time when the Coast Guard is being called upon to provide support to the Navy in its role in the conflict in southeast Asia. The Coast Guard already has furnished 26 of its 82-foot patrol craft and their crews to support our effort in Vietnam. We cannot ignore the possibility that the Coast Guard may be called upon to render further support to our Naval missions engaged in that area of conflict.

What is especially significant about the present contribution by the Coast Guard in Vietnam is that it is being called upon to accomplish this and at the same time to discharge its peacetime missions as an oceangoing police force. Generally, when the Coast Guard has been called upon to perform military functions, it has been withdrawn from the Department under which it was operating and transferred to the Department of the Navy to serve as an auxiliary. Vietnam is a unique situation where the Coast Guard is required to perform both a peacetime role and a portion of a wartime role without any expansion of its facilities. Further demands upon the Coast Guard to perform such wartime missions cannot help but have an adverse effect upon its ability to perform its peacetime functions. The end result could be to impair our national security in the enforcement of our maritime laws, in the performance of military functions, or both.

We have been generous in our demands upon the services of the U.S. Coast Guard. We should be no less liberal in funding necessary capital acquisition so as to insure that the men of the U.S. Coast Guard are properly equipped to carry out the ever-increasing demands placed upon them. I, therefore, urge all Members of the House to face the budgetary and operational realities by supporting H.R. 5424.

Mr. Chairman, what I am attempting to point out to the members of the Committee of the Whole House on the State of the Union is the fact that if we keep putting this off, the replacement of these vessels, coupled with the continuing demand upon the Coast Guard performance as we are experiencing today, we are going to have very rapid increases in maintenance costs in the necessary updating of these vessels, if they are to carry out their job.

Mr. Chairman, in summary, permit me simply to say that we are very generous with our demands upon the Coast Guard. It seems to me that we should be equally liberal in facing up to what the Coast Guard must have if it is going to be able to perform the job which we by statute have placed upon them.

Mr. SAYLOR. Mr. Chairman, will the distinguished gentleman from California yield?

Mr. MAILLIARD. I am delighted to yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I am delighted, Mr. Chairman, to join in the statement which the distinguished gentleman from California [Mr. MAILLIARD] has made in commending the adoption of this legislation to the House of Representatives.

However, Mr. Chairman, I have not heard anyone comment as yet upon the extent of the amount of work to be given to the Coast Guard for the maintenance of navigational aids, aids which are now worldwide. These responsibilities are by virtue of an act of Congress the responsibility of our Coast Guard.

Certainly, Mr. Chairman, it seems to me that this represents a very meager bill when one considers the expense which we are calling upon the Coast Guard to assume.

Mr. MAILLIARD. I thank the distinguished gentleman from Pennsylvania.

Further, Mr. Chairman, I thoroughly agree with the gentleman. As a matter of fact, in an effort to save the time of the Committee of the Whole House on the State of the Union, I did not delineate all of the matters which I have encompassed in my prepared statement and which shall be placed in full in the RECORD.

However, Mr. Chairman, there are very few people—and the distinguished gentleman from Pennsylvania is not one of them—the distinguished gentleman from Pennsylvania is one who really understands the tremendous widespread responsibilities which we have given to the Coast Guard, from every small river and lake in the middle of this great country, to the far reaches of the Pacific, as well as the tremendous part of the job which we have placed upon them to perform in Vietnam at the present time.

Mr. GARMATZ. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, the first thing I want to say is that I recognize the worth of the Coast Guard.

Mr. Chairman, the next thing I want to say is that I feel we ought to have some new Coast Guard vessels constructed and I wish to announce at this time that I shall support such a request.

Mr. Chairman, the third item which I wish to mention is the fact that I intend to vote for this bill.

But now, Mr. Chairman, I am going to get to the point, a point which is not quite as pleasant as the other three points which I have previously mentioned to the members of the Committee

Mr. Chairman, I do this with some reluctance because every member of the Committee on Merchant Marine and Fisheries of the House of Representatives is a friend of mine. I do not wish to be destructive whenever I come into the well of the House of Representatives. I wish to be constructive.

Last year, Mr. Chairman, when this bill authorizing funds for the continued operations of the Coast Guard was pending before the House of Representatives, the question of nuclear propulsion for icebreakers came up.

At that time, I suggested, Mr. Chairman, that the Committee on Merchant Marine and Fisheries should carefully consider the justification for the installation of nuclear propulsion prior to going ahead with such a project.

Mr. Chairman, I said that this project, in my opinion, had to be based upon economics or upon some other national objective.

Mr. Chairman, I then stated I would be in favor of undertaking such a project, if it were justified upon an economical basis, or justified upon the basis of some specific national need. I made it clear though that I did not wish to see a nuclear project go ahead which was not justified, since I did not want to see a white elephant hung around the neck of the Coast Guard or around the neck of the nuclear industry.

Also, Mr. Chairman, I said that the Atomic Energy Commission had a great deal of information on the subject of nuclear energy.

Mr. Chairman, I suggested that the Committee on Merchant Marine and Fisheries seek the testimony of the knowledgeable people in the Atomic Energy Commission and in the Reactor Division especially, before a decision was made on the use of nuclear propulsion for icebreakers.

I was told by a member of the committee [Mr. MAILLIARD] that this would most certainly be done, and that is found in the CONGRESSIONAL RECORD, volume 112, part 4, page 5028.

The records of the committee's recent hearings do not contain testimony by the AEC on this matter. I would hope that prior to any further money being spent by the Coast Guard in consideration of nuclear propulsion in the design of the icebreaker that advice and concurrence of the AEC be obtained.

I understand that the Coast Guard has some feasibility studies which were performed by an outside contractor. These studies were recently made available to the Atomic Energy Commission. I would hope that Admiral Trimble, who said he will make his recommendations to the committee when the evaluation is complete, would consider whatever comments he receives from the Atomic Energy Commission in making his recommendations to the committee because there is a compendium of knowledge there which Admiral Trimble and Commander Rinehart and CHET HOLIFIELD and ED GARMATZ do not have.

According to the testimony of the Coast Guard, the Coast Guard is now making an in-house evaluation of the contractor's study, and very shortly the contractor will submit the last phase of his study which will compare optimized design of nuclear, diesel, and conventional steam plants. I would hope that the results of this evaluation will also be made available to the Joint Committee on Atomic Energy.

As we all know, nuclear energy has a very important advantage related to its unparalleled concentrated fuel form. In other words, a little nuclear fuel goes a long way. This advantage has been proven in the Navy, but there you are, of course, concerned with the national defense and are not concerned just with economics. But more incomprehensible yet again, the Department of Defense has not requested nuclear power for two first-line surface warships—the escort ships which will be used with our nuclear-powered carriers—for which they seek authorization.

And I want to pay tribute to the chairman of the Committee on Armed Services [Mr. RIVERS] because he is pressing that these two escort ships be made nuclear. They should be made nuclear to accompany the *Enterprise*, the *Bainbridge*, and the *Long Beach*.

Now, clearly, if the logistic advantage of nuclear power has value anywhere, it has value to the maximum degree in propulsion of first-line warships for national defense. I would suggest when the Department of Defense authorization bill comes before this body that all of us will support a change in the authorization to make these warships nuclear.

I have a few more suggestions concerning evaluation of nuclear propulsion for an icebreaker by the Coast Guard, and the AEC.

I believe these suggestions can best be stated in the form of points which should be considered. These points are as follows:

First, the cost estimates, performance characteristics of manufacturing and installation schedules should be reviewed directly with the potential suppliers of the equipment, not with some group of study people, but with the people who are going to have to charge us for the work they do, and people who have had experience. So these items should be gone over with the potential suppliers of the equipment. Based upon the present state of affairs in the water reactor business these items should be gone over with Westinghouse, General Electric, Babcock & Wilcox, and Combustion Engineering Co. Those are the companies that know how to make reactors. A great deal of current economic data on nuclear plants was developed by the joint committee during extensive reviews of civilian reactor projects in the AEC authorization hearings last year, and this year which can also be used for reference.

Second, the hearing record makes reference to a cost crossover point in the neighborhood of five ships. The evaluation should include the number of ships which must be built before economic advantages can be realized, and realistic costs for the construction of this number of ships should be stated.

I have read the hearings. They do not have any significant cost data.

Nobody who testified before your committee put it on the line, because they do not know how to put it on the line. Now those are the facts of the business. Why not call for testimony of Admiral Rickover, who has already built over a hundred naval vessels with nuclear propulsion powerplants?

Third, since the nuclear advantages in ship propulsion are strongly a function of the size of the powerplant, the plant capacity factor and overall mission endurance, the basis of any mission decisions should be clearly stated and justified.

Fourth, evaluation supporting the propulsion plant recommendation should contain specific data upon which the recommendation has been made. I was amazed at the lack of specific data in the hearings and the report. The Congress should have definite facts before it is asked to authorize millions of dollars.

By this I do not mean just the inclusion of a contractor's study or their unsupported conclusions. I mean an informed independent Government agency's evaluation and refinement of that data and its reduction to dollars and cents by a group of people who are deep in experience in this atomic reactor field.

I dislike coming into the well of this House to say this because of my friends on the committee. I am as much interested in nuclear propulsion as any man in the world. I have spent 20 years trying to bring about peacetime use of nuclear power station plants and nuclear power in 100 submarines and our present three great nuclear surface ships.

I have supported nuclear naval ships because it makes sense and because it is economically justified, if you consider the defense need. But not economic if you compare it just to the cost of diesel engines.

I am not going into the technology of this thing. I think we authorized a million dollars last year for design and your committee is authorizing another $2,500,000 in this bill for additional design support.

Let me plead with this committee to be sure that they spend the $2,500,000 wisely with people who can come back and really give you the kind of information that is available and that you should have before you embark upon it.

Because I have seen a design of reactors going into millions of dollars, tens of millions of dollars, and hundreds of millions of dollars, no money should be spent without AEC advice and concurrence on nuclear design.

I recognize that the steps you are taking here are not final and irrevocable but you are pressing along the line toward it and what I am afraid of at this point is that it is going to be an unjustified expenditure, unless expert advice is obtained.

I will support more vessels for the Coast Guard. I agree with everything that has been said about the Coast Guard. I think the Coast Guard is an operation whose people and whose work have not been supported adequately. I think their service to this Nation is a valuable service not only from the commercial standpoint and the work that it does for the safety of ships and so forth, but also for the work they do in time of national need. But we are not helping the Coast Guard if we spend their limited appropriations unwisely.

I want to see the day come when we can have a nuclear icebreaker and we can have a nuclear tanker to make trips of 8,000 miles and more and come back without refueling, if necessary.

I want to see that day come. But I will never stand in the well of this House and advocate this unless I can give you some very sound economic figures based on the most knowledgeable sources that the Joint Committee on Atomic Energy, the Atomic Energy Commission, and other committees can find.

Mr. MAILLIARD. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. MORTON].

Mr. MORTON. Mr. Chairman, I do not think we need repeat the things that have been said here in the well of this House about the value of the Coast Guard, or the service that the Coast Guard performs for the Nation.

The thing that does concern me is this. The Coast Guard is a valuable part of the infrastructure of our way of life and of our civilization. Each year the Coast Guard has been knocked down, so far as its requests are concerned, to replace the tools with which it does the job. At the same time, this Congress and this administration have escalated appropriations for adventures into all kinds of new avenues.

We have never stinted on the space program. We have not stinted on our national poverty program. We have never failed in our investments abroad to help other nations. But when it comes to sharpening our own tools, we seem somehow to adopt a make-do philosophy.

We have the icebreaker *Glacier*. It is on the icebreaker *Glacier* and on wind class breakers in the Antarctic. We can engage in a debate ad infinitum as to what kind of powerplant a new icebreaker is going to have. Perhaps if we got into the Antarctic and lived on this icebreaker under crowded conditions and banged around on it awhile, this debate would terminate sooner than it would if we should drag on and on and finally in some distant future when the new century comes along, we replace that old wind class icebreaker. I do not know whether the icebreaking mission is military, defensive, or what. It must have been at one point in time or the Navy would not have had icebreakers.

The point is that the Coast Guard needs some new ships and we need some new icebreakers if we are going to maintain ship channels in both the Arctic and the Antarctic Oceans. It would seem to me that we should bring to bear all the talents of the Atomic Energy Commission, all the advice and counsel we can from the joint committee that deals with this subject, and that the Coast Guard should actively seek advice and counsel in this area.

But, for goodness sake, let us come up with a design for a new icebreaker so that we can continue our programs in frozen waters.

I am convinced that there is a defense mission as far as icebreaking is concerned, but it is not for me to make that judgment. I am speaking of some of the high-endurance cutters on weather station in the Atlantic. And this is a question of high endurance for the men on the cutter, not just for the cutter. The living conditions on our Coast Guard cutters, both medium and high endurance, is substandard to anything that you and I would want for our sons or the sons of our friends. We are not doing the kind of job of housing our people at sea that we should. We are hampering the mission of these ships by not replacing them in an orderly, sequential manner.

The same thing goes for other areas of our physical environment. In many instances we have allowed the railroads to become obsolete. We have not done the job on our physical environment that we have to have to support a civilization which constantly is more dense. We have gone from 70 people per square mile in my district to about 90, and we are looking pretty hard at 100 people per square mile. As people become more densely populated, the value and the mission of the infrastructure, whether it be for livesaving, whether it be for transportation, whether it be for sewage disposal or what have you, has to be sharpened up. I hope this Congress, and this House particularly, will not let this authorization for an appropriation go the way many have, that is, to be drastically reduced on a make-do philosophy that the Coast Guard can run its old ships for another year, that the old stations will suffice, and that we are going to cut down the cost of our tools with which we have to work in order to go into some new sociological venture. Therefore, I hope with all my heart that this bill passes and that this authorization holds good when it gets before the Appropriation Committee.

Mr. MATHIAS of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MORTON. I am happy to yield to my colleague from Maryland.

Mr. MATHIAS of Maryland. I wish to thank the gentleman from Maryland for the statement he has made and to associate myself with the sentiments he has expressed. I think the range of his comments, the thrust of the points that he has made, is so important that, as he has suggested, we must follow the authorization process through to the final execution of these programs, because that really is the end product of legislation. It does not just end with printer's ink on the bills.

While I have the floor, I would just like to say how proud I am, as a member of the Maryland delegation, of the leadership that is being given to this committee both by the gentleman from Maryland who is in the well, and by the very distinguished gentleman from the city of Baltimore, who is the chairman of the committee.

I believe Maryland is making its mark felt in this particular area of legislation. I thank both the chairman of the committee and the gentleman in the well for what they are doing.

Mr. MORTON. Mr. Chairman, before I leave the well, I would also like to take this opportunity to compliment not only the gentleman from Pennsylvania, the chairman of our Subcommittee on Coast Guard, but the distinguished chairman of our Committee on Merchant Marine and Fisheries.

Curtis Bay, one of the most important Coast Guard yards we have, is in his district. He is very knowledgeable about the problems of the Coast Guard and has lent tremendous leadership to the work of our subcommittee. I feel it is a distinct privilege and honor to serve on this committee with him.

Mr. MAILLIARD. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. SCHADEBERG].

Mr. SCHADEBERG. Mr. Chairman, I would like to add my comments to the many which are being made here today on the fine job which is being done by the U.S. Coast Guard, on our own shores as well as off the coast of Vietnam. As a member of the Merchant Marine and Fisheries Committee, I can vouch for the commendable manner in which this arm of our Nation's defense system has met its increasing responsibilities. As a resident of the First District of Wisconsin which contains many miles of shoreline protected by the U.S. Coast Guard, I can assert from firsthand knowledge that the Coast Guard has earned the respect of all.

My particular concern today, Mr. Chairman, is the administrative proposal by the Coast Guard to close down its operations at the Racine, Wis., Coast Guard station except for a skeleton staff and one outboard motorboat. To be sure, no action is to be taken on the closing until next year. The Coast Guard has justified this action on the basis of the plans authorized in this bill today for construction of a large, helicopter-equipped station at Glen View, Ill. Let me say that I wholeheartedly support the Glen View installation and I recognize fully the need for it. However, our own Committee on Merchant Marine and Fisheries, in its report on this legislation, has applauded the Coast Guard's success in protecting the operators of small watercraft and in serving our constantly expanding boating population. I quote from page 6 of this report:

> In many cases the original type of small shore stations are most effective in performing inshore and search rescue operations.

This is precisely the job which the Racine station has been doing so well. It is ready and able to move immediately to trouble spots on Lake Michigan and its fine record of assistance provides our water sportsmen with a very necessary sense of security.

Furthermore, closing down the Racine operation is a very shortsighted move in view of the projected expansion of activities on Lake Michigan because of the St. Lawrence Seaway. There is every reason to believe that the demands on the Coast Guard will increase, not lessen, in the years to come. We will need a large station at Glen View, Ill., but we will also need our station at Racine.

Some may ask, "but why do you feel that the station at Racine should be kept in operation in view of the suggestion by the Coast Guard that the proposed helicopter service to be stationed at Glen View, Ill., would give coverage to the Racine area within at least the same timespan as a boat from Racine?"

There is no doubt that under circumstances the helicopter from Glen View under favorable circumstances will give at least as good if not better service than the boat from the Racine station. However, it seems to me that in the case of inclement weather the helicopters may not even get off the ground and it is these very conditions that a small 16-foot outboard would be inadequate for the job.

Mr. Chairman, I want my colleagues in this body to be fully assessed of the problem that will be created in the First District, Wisconsin, and I want them to know of my efforts to prevent the problem from being created. I have requested the Coast Guard to reconsider their proposed plan to reduce the Racine Station to a skeleton crew. I have requested that the Racine Station remain at least at its present level of personnel and craft. In view of the increase in population in this section of Wisconsin, which means an increase in activity on the water we ought to be improving protection for our citizens and not finding ways and means to substitute a good service with a better service but which is limited in effectiveness under adverse weather conditions.

Mr. MAILLIARD. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DON H. CLAUSEN].

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of this legislation and also to commend the committee for their diligent effort to provide for vessels, aircraft, and facility establishments for the Coast Guard.

I would hope the passage of this legislation by an overwhelming vote might serve notice to the American people that we, in the Congress, recognize the great work of the Coast Guard in serving our domestic shores and in other areas of the world.

Also, we should recognize the need to strengthen and modernize our Coast Guard when technological advances make it advisable to do so. Circumstances and conditions are changing rapidly in the world and I, for one, am convinced the Coast Guard will have increasing responsibilities to perform. We must do everything possible to provide them with the finest in facilities and equipment.

Mr. MAILLIARD. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GROVER].

Mr. GROVER. Mr. Chairman, I wish to extend my compliments to our distinguished chairman and to the ranking Republican on the committee, the gentleman from California [Mr. MAILLIARD], and to all the other members of the committee who have, during the past 4 years in which I have been a member of this committee, worried through the problems of the Coast Guard.

When we tell you that we worry through them, we do indeed, because the Coast Guard comes to us after having presented its program to the Treasury Department and after having it substantially sliced, and then after having presented it to the Bureau of the Budget and having it substantially cut down. So they come to us usually with a bare bones request, and when we add to it one can be sure it is needed.

Let me underscore what the gentleman from California [Mr. MAILLIARD], said. When these five ships are added, we still will be 20 ships behind the long-range program, still leaving the Coast Guard with 24-year-old "rust buckets" to do the job.

The Coast Guard has been the Cinderella of the armed services, doing daily its heroic chores, most of the time unpraised and unheralded.

It seems to me that the acceptance of this bill today, pleasing as it is to all of us, is somewhat of a milestone. We have not only a worry about the deterioration of the Coast Guard but also about the deterioration of the merchant marine, which indeed may present a bigger problem to the Congress.

I heartily support his bill, and I compliment all of the gentlemen here today who have done so.

Mr. MAILLIARD. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. EDWARDS].

Mr. EDWARDS of Alabama. Mr. Chairman, I believe that I need add little to what has already been said by my colleagues on our Committee on Merchant Marine and Fisheries in support of the bill, H.R. 5424.

However, to point up the urgency of the need to get on with an adequate vessel replacement program for the Coast Guard, I would like to quote the following from an article which appeared in the Houston Post of March 6:

> Most of the ships of the U.S. Coast Guard fleet may be old and wearing out—but officials said Sunday they are seaworthy.
>
> * * * * *
>
> Several Coast Guard officials conceded, however, that certain classes of ships had developed cracks in the hulls—notably the 311-foot vessels that are used mostly as ocean weather ships.
>
> * * * * *
>
> Officials said the cracks were discovered in the forward part of the ships but they are not considered serious.
>
> * * * * *
>
> But he added that wherever the cracks had been found the *rate of leakage* into the ships had been very small. "Nobody is concerned about the possibility of losing one of these ships," one officer said, "there is nothing there we've been alarmed about."

Well, I am sure that this lack of concern over leaking hulls will be of little consolation to either the men who have to man these ships, or to their next of kin should—God forbid—these vessels be involved in a marine tragedy.

We may not have progressed completely out of the age of "wooden ships and iron men," but I had at least hoped that we had advanced to a state where we furnished our service personnel proper and seaworthy ships to serve on.

Accordingly, I strongly urge that the bill H.R. 5424 be passed.

Mr. MAILLIARD. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, we have been discussing procurement of vessels for the Coast Guard, and I certainly support that program, but we have not discussed the disposition of the older vessels which are no longer needed by the Coast Guard, which are out of date.

It was not long ago that I was pretty shocked when a message came in from an American tunafish boat saying that a former U.S. Coast Guard cutter, which had been transferred to Ecuador, had seized this particular American tunafish boat and two others and was taking them into port. This seizure occurred in international waters.

I found out that during the past year or two there have been nine seizures by vessels by that particular country, and of course by many other Latin American countries.

These American fishing boats are taken into custody in international waters by former American naval and Coast Guard vessels, although I am assured by the State Department that when they are transferred we have some assurance they will not be used for this purpose.

I asked for a list of all the Coast Guard vessels which had been turned over to Ecuador, and I was told the information was not available. Later I learned there was a very lengthy list, and it included patrol craft.

I wish to say for the RECORD, and I hope for the ears of the Coast Guard, that they should tighten up on these procedures, and I hope we will have some assurance from any nation which accepts these vessels in the form of foreign aid or military aid that they will not be used for this purpose.

I believe everyone here knows that our fishermen are fined, and then the State Department pays the fine. We put in a claim for reimbursement from those countries, and that is the last we ever hear of it.

We have asked these nations to negotiate. We have asked them to settle this matter by arbitration, or even by turning it over to the International Court of Justice, but they absolutely ignore our claims.

So, Mr. Chairman, I believe the matter of the disposition of unneeded Coast Guard vessels should have the attention of the committee, as well as the procurement of new ones.

Mr. GARMATZ. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, this is meritorious legislation which I support. The great work of the Coast Guard is known and appreciated in the House of Representatives. It provides ample justification for the proposals that are made here in the bill which is offered by the distinguished gentleman from Maryland [Mr. GARMATZ], and the Committee on Merchant Marine and Fisheries.

The necessity for the Coast Guard and the scope of its work are constantly increasing. These responsibilities cannot be met without adequate facilities and proper vessels and aircraft. I support the proposals that are set forth in the bill.

I wish to call attention, as a part of this program, to an expanded Coast Guard requirement in Panama City, Fla. It is included in the list of new authorizations contained in the bill.

The rapid population growth and economic development of the northwest Florida area has resulted in a requirement for additional Coast Guard service to the area. It is planned to center these new Coast Guard activities in Panama City which is in my district. The project will consist of dredging to deepen the channel, construction of moorings, buoy maintenance work area, station and ship buildings, and in addition provide communications equipment, utilities, and paving. The administration, with the concurrence of the Bureau of the Budget, has requested that Congress appropriate $1,125,000 to initiate construction of the new Coast Guard station.

I respectfully urge that the House give favorable consideration to this project which is vitally important and necessary for the improved operation of the Coast Guard on the upper gulf coast.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for fiscal year 1968 for the use of the Coast Guard as follows:

Vessels

For procurement, extension of service life, and increasing capability of vessels, $39,776,000.

A. Procurement:

(1) one high-endurance cutter;

(2) one oceanographic cutter;

(3) two large patrol craft;

(4) two river tenders; and

(5) design of icebreaker.

B. Increasing capability:

(1) install balloon tracking radar on four high-endurance cutters;

(2) obtain precision navigational equipment for high-endurance cutters; and

(3) increase fuel capacity and improve habitability on six high-endurance cutters.

C. Extension of service life:

(1) improve icebreakers.

Aircraft

For procurement of aircraft, $25,475,000.

(1) nine medium-range helicopters;

(2) twelve short-range helicopters;

(3) one transport aircraft; and

(4) search and rescue reconfiguration of medium-range aircraft.

Construction

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, $37,963,000.

(1) Base, Mobile, Alabama: Industrial facility;

(2) Base, Ketchikan, Alaska: Sewage disposal system;

(3) Training center, Alameda, California: Recruit barracks;

(4) Radio station, San Francisco, California: Operations and receiver building and receiving antennas at Fort Cronkhite; transmitters and transmitting antennas at San Bruno;

(5) Academy, New London, Connecticut: Auditorium; recreation hall; rehabilitation of existing Chase Hall barracks;

(6) Base, New London, Connecticut: Bulkheads; wharf; dredging;

(7) Station, Panama City, Florida: Barracks, messing, and operations building; industrial facilities; mooring facilities;

(8) Air station, Barbers Point, Honolulu, Hawaii: Helicopter hangar; nose-dock facility;

(9) Air station, Chicago, Illinois: Modifying existing Navy building at Naval Station, Glenview, Illinois, for Coast Guard use;

(10) Station, Jonesport Maine: Barracks, messing, and operations buildings; mooring facilities; public family quarters;

(11) Yard, Curtis Bay, Maryland: Barracks; sewage disposal system; fabricating shop;

(12) Station, Sassafras River, Kennedyville, Maryland: Barracks, messing, and operations building; mooring facilities; public family quarters;

(13) Moorings, Vicksburg, Mississippi: Establish moorings for aids to navigation tender;

(14) Station, Wellesley Island, Alexander Bay, New York: Barracks, messing, and operations building; public family quarters;

(15) Station, Fire Island, New York: Barracks, messing, and operations building; public family quarters;

(16) Base, Governors Island, New York: Industrial facilities; barracks;

(17) Training center, Cape May, New Jersey: Water tank and system;

(18) Station, Wrightsville Beach, North Carolina: Barracks, messing, and operations building; mooring facilities; public family quarters.

(19) Moorings, Fort Sallisaw, Oklahoma: Establish moorings for aids to navigation tender;

(20) Reserve Training Center, Yorktown, Virginia: Student barracks;

(21) Base, Milwaukee, Wisconsin: Barracks, messing, and recreation building;

(22) Loran Station, Gagil-Tomil Island, YAP, Western Caroline Islands, Pacific Ocean: Fuel-oil system;

(23) Various locations: Aids to navigation projects including, where necessary, advance planning and acquisition of sites;

(24) Various locations: Automation of manned light stations;

(25) Various locations: Advance planning, construction design, architectural services, and acquisition of sites in connection with public works projects not otherwise authorized by law; and

(26) Various locations: Public family quarters.

SEC. 2. Funds are hereby authorized to be appropriated for fiscal year 1968 for payment to bridge owners for the cost of alteration of railroad and public highway bridges to permit free navigation of navigable waters of the United States in the amount of $3,800,000.

Mr. GROSS (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with and that it be printed at this point in the RECORD and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

On page 1, line 7, delete "$39,776,000.", and insert in lieu thereof "$98,776,000.".

On page 1, line 9, delete "one", and insert in lieu thereof "five".

On page 1, line 9, delete "cutter;", and insert in lieu thereof "cutters;".

On page 3, line 9, delete "$37,963,000.", and insert in lieu thereof "$39,662,000.".

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. BOW

Mr. BOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 2, after line 3, insert the following: "None of the vessels authorized herein shall be procured from other than shipyards and facilities within the United States."

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes on his amendment.

Mr. GARMATZ. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am glad to yield to the chairman of the committee.

Mr. GARMATZ. Mr. Chairman, we have no objection to the amendment and accept it.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from California.

Mr. MAILLIARD. I want to say to the gentleman I think our committee felt sure that none would be procured other than in the United States, but I think it is a fine thing to have it in the bill.

Mr. BOW. I thank the gentleman and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. Bow].

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GILBERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5424) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, pursuant to House Resolution 412, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendments? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

CHICAGO AREA'S FIRST URBAN JOB CORPS CENTER

Mr. YATES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Speaker, I had the opportunity recently to visit the Chicago area's first urban Job Corps center. It was an interesting and encouraging experience. This is an important phase of the Nation's strategy against poverty and I can report to the House that my impression of the Chicago center was quite good.

As Members of this House know, the function of Job Corps centers is to take young men and women, 16 to 21, out of an environment that threatens to bind them in poverty for life. They are given education and training, counseling, and health, and other services in an effort to prepare them for the economic opportunity they need and deserve.

The focus of the Job Corps is on those young people not yet ready for such programs as on-the-job training. Because of their environment and lack of education, their motivation is often weak and their abilities limited. At the Job Corps centers they are given guidance, encouragement, and trained to perform the kind of jobs where help is sorely needed in our economy.

At the Chicago center I visited, the training emphasis is designed to develop nurses' aides. I know that Members of this House are aware of the great need for such help in our crowded hospitals. Under permission to extend my remarks I would like to include at this point in the RECORD an article written for the Chicago Sun-Times by Reporter Lillian Calhoun on this important Office of Economic Opportunity program:

FIRST JOB CORPS CENTER HERE GETS OFF TO SMOOTH START

(By Lillian Calhoun)

The Chicago area's first poverty war Urban Job Corps Center has been in operation since September and is running smoothly.

U.S. Rep. Sidney R. Yates (D-Ill.), in whose 9th Congressional District the center operates, said after a tour of the new center this week: "My initial impression is good."

The residence center at 4141 N. Clarendon is training 54 young women from low income families as nurse's aides. Its quarters are rented from the U.S. Public Health Service, which is co-sponsor of the federally financed project, along with the Community Resources Division of Brunswick Corp.

Because in other areas, disciplinary problems among some Job Corps trainees has brought unwanted, bad publicity, officials here frankly admit they did not seek publicity until they felt the program was "a success."

There have been no such problems here, officials said.

The Chicago project got under way Sept. 12 with a class of 50 girls. They graduated in December after a three-month training program as nurses' aides.

OEO PICKS UP TAB

Brunswick entered the project—one of 114 Job Corps centers in the nation—because it manufactures hospital supplies and is aware of the need for more help in paramedical careers. Training thus was limited here to the health field although other centers offer training in a number of vocations.

The Office of Economic Opportunity picks up the tab for the centers and supervises them.

During his tour, Rep. Yates turned to Ray Hartstein, director of Brunswick's community resources division, and asked how many members of the first class had landed jobs. Thirty of the 50 have been hired as hospital aides, Hartstein replied, while three others continued their training and became licensed practical nurses.

NO DEAD END

In the present class of 54—most of them Negroes—30 are from Chicago, 12 from California and the rest from the metropolitan area.

Hartstein said the training as nurses' aides was not designed to be a "dead end," but that the girls were encouraged to continue their training and become practical and registered nurses.

Corps Director Burton O. Parks estimated that the training costs $2,000 to $2,500 for each girl for the three-month program. On-the-job training is provided at eight hospitals cooperating in the project.

According to Hartstein: "The Job Corps upgrades a girl's health and educational skills. Many of these girls have never been to a doctor or dentist. We had one girl with no front teeth. Imagine the aesthetic value of a toothless, 17-year-old applying for a job!"

The girls, bunking two to a room, observe a week night curfew of 10:30 p.m. and, on weekends, of 12:30 a.m. Dances usually are held on weekends. Trips to plays and concerts also provide a welcome break.

HOPE FOR 250

Yates commented: "What we have is a sort of a controlled experiment, rather than have the girls travel back and forth to their homes from a training site."

Added Hartstein, "We are providing something the public schools failed at."

Brunswick officials hope to expand the program so that 250 girls may be trained per class, thereby reducing the fixed costs per girl.

Yates observed: "The costs are a tangible but yet an intangible point. The important point is that this is the first major experience in human relations our country has undertaken. Compare it perhaps with the defense program in which an experimental airplane may be washed out after months of work at a cost of $500,000,000."

Agreed Hartstein: "It doesn't cost much to run a school for vocational skills but training in the social skills—how to live with each other—that's something else."

RULES COMMITTEE HEARINGS ON ORGANIZATION OF CONGRESS LEGISLATION

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MADDEN. Mr. Speaker, yesterday the House Rules Committee held its first meeting to take testimony on S. 355 which is the legislation recommended by the Joint Committee on the Organization of the Congress. A great number of Members have contacted my office who are interested in the legislation recommended by the joint committee in its report. This report has been available for the Members to study since last August. Owing to the great rush of business pending adjournment last fall it was impossible to dispose of this legislation during the 89th Congress.

I do hope that the Rules Committee can complete its hearings at an early date so that the Members can consider this important legislation on the floor of the House in the near future.

The following is an opening statement which I made before the Rules Committee at its hearings yesterday:

STATEMENT OF HON. RAY J. MADDEN, CO-CHAIRMAN, JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS BEFORE THE COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, ON S. 355

Mr. Chairman, as Co-Chairman of the Joint Committee on the Organization of Congress, I am glad to appear before you and my colleagues of the Rules Committee to urge favorable consideration of S. 355, the Legislative Reorganization Act of 1967.

As you know, S. 355 passed the Senate March 7, 1967 after extensive debate in which more than 100 amendments to the bill were considered. The vote for the bill was 75 to 9.

The Joint Committee on the Organization of Congress is a bipartisan group of 12 members who spent more than two years studying and evaluating various proposals to improve and modernize the Congress.

We held public hearings over a period of five months, and at their conclusion we debated and adopted our recommendations in more than 50 executive sessions. For almost 10 months, since July 28, 1966, Members of Congress have had our final report before them for study.

S. 355, as passed by the Senate, although amended, was not changed substantially from the original bill as introduced by Senator Monroney and a companion House bill, H.R. 2594, which I introduced in the House on January 17, 1967, and which has been pending before this committee since that time.

Mr. Chairman, at this point I wish to assure you and other members of the Rules Committee and its staff that our staff of the Joint Committee on the Organization of Congress is fully available to you to assist in any way your consideration of S. 355.

Our former colleague, George Meader, Counsel; Dr. Nicholas Masters; Mr. Melvin Sneed; and Mary McInnis; and our secretaries have lived with this legislation from the beginning.

Our staff office is located, and available for your use, right here in the Capitol, S–146. The telephone extension is 2245.

Basically, the aim of the Joint Committee on the Organization of the Congress was to provide new procedures and new facilities and services that would (a) enable Congress to function more democratically and effectively by according all members an opportunity to participate fully, particularly in committee deliberations; (b) assist Congress in evaluating the budget and the carrying out of the various policy programs it enacts and by simplifying and streamlining fiscal procedures saving millions of dollars of taxpayers' money; and (c) save the time of congressmen who, as all of us know, are under increasing burdens and conflicting demands on their time as our society becomes more complex.

We think we have taken a major step in this direction; and I am happy to say, on the whole, public reaction and the reaction of the press are favorable. The public awaits our action on this important measure.

I thought it might be useful, however, for the Members of the Committee on Rules if I were to highlight the major provisions of the Reorganization Act of 1967. It is a lengthy bill of 134 pages and it is impossible for me in this short time to discuss all recommendations for reform, which total well over 100.

TITLE I

Title I of the bill deals with committee procedures and seeks to make them:

1. More democratic, in providing committee members, including the minority members, more control over committee action than at present.

2. More responsible by requiring personal attention by committee members and restricting the use of proxies.

3. Preserve the right of dissent and opposition by according opponents of action by the majority an opportunity to express their additional views.

4. Making committee action more visible to the general public by authorizing committees to permit telecasting of public hearings.

5. Review actions taken by the Executive Branch in exercising authority and expanding funds pursuant to law.

TITLE II

Title II of the Reorganization Act entitled "Fiscal Controls" breaks new ground in the area of budgetary and fiscal analysis. Of all of our recommendations those contained in this title, I think, will have the most far-reaching effect, and if properly implemented, can lead to millions of dollars savings of the taxpayers' money. Section 202, for example, was designed to create a standardized information and data processing system for all budgetary and fiscal data used by Federal agencies. The Comptroller General, the Secretary of the Treasury, and the Director of the Bureau of the Budget are directed to develop, establish and maintain standard classification expenditure items (programs). Under this section, which broadens the scope of the Accounting and Auditing Act of 1950, it will be possible for Members of Congress to utilize automatic data processing techniques for their studies. Section 205 of the bill gives broad authority to the General Accounting Office to maintain a cost effectiveness division which will include experts to assist the Congress in evaluating results of programs in view of their cost. We have in mind here something more than a mere audit. Our purpose here is to evaluate programs in terms of their objectives to see if the dollar is being spent for what it was supposed to be spent and to determine if the end product is any good. The bill also amends Section 201 of the Budget and Accounting Act of 1921 so that beginning with 1968, supplemental budget information will be made available no later than June 1 of each year. Also the bill directs the President to transmit to the Congress (1) summaries of estimated expenditures, for the four fiscal years following the fiscal year for which the budget was transmitted in January, which will be required under continuing programs which have a legal commitment for future years or are considered mandatory under existing law, and (2) summaries of estimated expenditures in future years of balances carried over from the fiscal year for which the budget was transmitted in January.

Finally, although this title involves more than I have said here, the Comptroller General is directed to assist Congressional committees and report to them periodically at their request.

TITLE III

Title III deals with our sources of information, an area that is of immediate and intimate concern to every Member and committee of Congress. Turning first to the committees, the bill increases the basic number of professional staff members for standing committees from 4 to 6. Minority members of a committee would be given the option of appointing 2 of those 6 professionals plus 1 of the 6 clerical people if they wished to do so. Minority staff, moreover, are to be accorded equitable treatment on salaries and so forth. The Appropriations Committees are, of course, necessarily exempted from these staff provisions as they were in the 1946 Act, and as is the proposed Standards and Conduct Committee since it is to be bipartisan.

To supplement the permanent staffs of the committees, the bill authorizes committees, subject to approval by the House Administration Committee, and the House by resolution, to employ outside consultants when these may be necessary or desirable to advise committees and to provide supplemental training or education for the professional staffs of committees.

One of the most significant sources of information for any Member is his constituency. Our Joint Committee therefore felt justified in recommending that Members be given more opportunity to consult with their constituents. That recommendation is implemented in section 322 by increasing from 4 to 7 the number of round trips between Washington and his district authorized each Representative, and also by increasing from 2 to 4 the aggregate number of round trips for his personal staff.

Also, we seek to modernize telephone communication on the Hill, which has been archaic and unsatisfactory, by instructing the Senate Sergeant at Arms and the Clerk of the House to make a study of the telecommunications requirements of Congress with a view toward providing a more economical and efficient system of telephone communications.

Part 3 of this Title sets forth a comprehensive revision of existing law dealing with the Legislative Reference Service in the Library of Congress. This organization has been of great assistance to Members, their staffs, and to committees, especially since the 1946 Act put it on a firm statutory basis. It was our intention by the revision of that statute to bring about a reorganization of the Service that would make it an even more effective and efficient tool of research for Congress. To emphasize this point, the bill first renames the organization the Legislative Research Service. In addition, the bill expands the language setting forth the Service's duties, makes it clear that the Service shall be directly responsive and responsible to Congress, raises the position of the Director to one commensurate with his important duties, and gives the Service greater flexibility in hiring top personnel. The new language now makes clear that the Service is to provide assistance to Members as well as to committees.

A new duty is imposed by section 203(d) (4), that of preparing on request concise memoranda with respect to legislative matters upon which hearings by any committee of Congress have been announced. Also, the bill provides that the Service may hire temporary outside expert consultants to supplement its permanent staff, in areas of knowledge for which it requires short-term assistance. Another aid to the Service, and therefore to Congress is provided in the section authorizing the organization to acquire and use automatic data processing equipment.

The bill also requires the Director of the Legislative Research Service to file an annual special report describing all phases of the Service's activities with the Joint Committee on the Library, which in turn is provided staff with which to supervise those activities and other matters within the Joint Committee's jurisdiction. Also, the bill abolishes the Office of the Coordinator of Information and transfers its functions and staff to the Legislative Research Service.

TITLE IV

Title IV provides Congress with a vehicle for a continuing examination of its organization and operations and surveillance over the implementation of this Act. The Joint Committee on Congressional Operations is to be composed of members of both Houses and both parties. This Joint Committee would also be charged with studying and recommending the most efficient ways of utilizing automatic data processing techniques for Congressional use, identifying litigation of interest to Congress and arranging for appropriate representation of Congress with respect to court proceedings, subject to the approval of the leaders of both Houses, and generally to study housekeeping functions lending themselves to centralized supervision and concerning itself with Congress as an institution. This would include the establishment of an office of Placement and Office Management to aid Members, committees and officers of both Houses, on request, in filling their personnel and office management requirements.

Other provisions of Title IV are designed to clarify the authority of elected officers of Congress in supervising their employees, to eliminate the basic rate pay system in the House, gradually to build up a professional Capitol Police Force, limit page appointments to high school graduates, improve the Capitol guide system by making their services free to the public, and eliminate congressional appointment and confirmation of postmasters and recommendations for appointment of rural mail carriers.

Section 433 meets a long-felt need and desire of all Members for a regular summer recess. It provides that Congress shall adjourn not later than July 31 and return not earlier than September 1, except when a state of war exists.

TITLE V

Title V consists entirely of amendments to the Federal Regulation of Lobbying Act, which was enacted as Title I of the Legislative Reorganization Act of 1946.

Neither existing law nor the amendments proposed in this bill in any way prohibit lobbying. What the 1946 Act required was registration of those who represent for pay those so-called "special interest" groups who comprise the less conspicuous constituency of Congress, so that Congress and the public could be aware of the nature of their stake in pending legislation. The existing registration requirement applies to any person who solicits or receives money or other consideration "to be used principally to aid, or the principal purpose of which is to aid" the influencing of the passage or defeat of legislation.

The "principal purpose" test has been interpreted by the Supreme Court in such a manner as to exempt many major organizations from the provisions of the Act. This bill would substitute a "substantial purpose" test for "principal purpose." The term "substantial" has been interpreted by the courts in the context of internal revenue decisions. It would unquestionably widen the threshold of the act, and this was the committee's intent.

Section 502 gives a registrant the option of filing only the amounts attributable to lobbying activities or, if he alleges that he cannot ascertain those amounts with reasonable certainty, to file his total receipts and expenditures with an estimate of the part allocable for lobbying activities.

Section 505 requires full disclosure of contingent fee arrangements. It also places broadcasting on a parity with the press in regard to both exemptions and reporting requirements.

Under Section 506, the Comptroller General, instead of the Secretary of the Senate and the Clerk of the House, who do not have adequate facilities for this purpose, will administer registrations, make them available for public inspection as provided under the act, notify persons within the purview of the act who have failed to file, and refer to the Department of Justice complaints for failure to register or the filing of false and improper information. This is a logical activity for the General Accounting Office as the Congressional watchdog over spending practices.

Section 507 amends the penalty section of the Lobbying Act to make the violation of the regulations of the Comptroller under the Act a misdemeanor punishable by a fine not exceeding $5,000 or imprisonment not exceeding 12 months or both.

Mr. Chairman, I want to commend my House colleagues on the Joint Committee, Congressmen Brooks, Hechler, Curtis, Hall and Cleveland for their diligence and for their valuable contributions to congressional reform. I also desire to mention the valuable work of our former colleague, Robert Griffin, who served on the Joint Committee until he was appointed to the Senate. Similarly, great credit is due the six Senate Members of the Joint Committee: Senators Monroney, Sparkman, Metcalf, Mundt, Case, and Boggs.

Co-Chairman Monroney did a masterful job in shepherding S. 355 through the Senate.

Mr. Chairman, I am sorry that this statement is long but it is an unusually long bill and even at that I have not been able to comment on all of the recommendations. I urge all of you to read, if you have not already done so, the final report of the Joint Committee and the section-by-section analysis of the bill by the very able Senate Legislative Counsel. I am sure I am joined by all House Members of the Joint Committee when I say that I am hopeful of early, favorable action on this legislation.

WHAT HAS BECOME OF THE TREASON LAWS?

Mr. **ABERNETHY**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. **ABERNETHY**. Mr. Speaker, what has become of the treason laws?

In these days when our men are bleeding and dying in Vietnam, when others are enduring the deprivations of military service in stations all over this globe, when our system of government is the target of the Communist world, when the topmost leaders of our Nation are insulted and made the objects of rock throwing mobs in foreign lands, when our flag is often torn apart, spat upon, and desecrated in foreign capitals, we find many of our own citizens parading through the streets of our own cities, preaching treason, sedition, and downright rebellion among our own citizens.

Last night at Tougaloo College near Jackson, Miss., one Stokely Carmichael screechingly exhorted young Americans to turn on their Government and their country and to resist, violate, and rebel against our Selective Service laws. This morning news quotes Carmichael as saying:

> We ain't going to respond to no draft. Hell no, we ain't going.

It is reported that for almost an hour he preached rebellion and treason and moved more than 600 shouting Negro youths to a state of chanting defiance against their Government—"Hell no, we ain't going, hell no, we ain't going" and on it went.

This was a repeat performance of a few nights before among college students in Nashville, Tenn., which city Carmichael brought to a state of stampede and riot.

It was also a repeat of the defiance he shouted at his Government and the Selective Service System last October when he said he would refuse to be drafted and, if forced into the service, he would not serve.

Carmichael is really not an American but a native of the island of Trinidad. America has given him the privilege of a great and good life, one that is yearned for by millions of would-be immigrants from throughout the world.

The time has long since passed to do something about his treasonous conduct.

Congress may make laws but it does not have the power to enforce them. Enforcement is vested in the President. He has at his command the entire Department of Justice, the FBI and in instances he has even used the military to enforce the law. The time has come for action against this sort of treason. It is to be hoped that action will be forthcoming from the executive branch, the law enforcement branch of this Government.

If Carmichael is allowed to continue his campaign of treason and rebellion, it will be nothing short of abject surrender of our National Government to this carpetbagger of hate, violence, and insurrection. Creeps from Trinidad, or any other place from within or without the United States, should not be allowed to undermine the morale of this Nation by such dangerous, inflammatory, and treasonous conduct.

Free speech is one thing. But the speeches of this man are something else. Even Martin Luther King, who was favored with the first pen handed out by the President during the stage-set scene of his signing of the 1964 civil rights bill, has been emulating Carmichael of late. While King's statements have not been so vicious and so fused with exhortions to violence, they are nevertheless designed to provoke the same conduct on the part of our youth—a defiance of the Federal Selective Service.

Last October on the occasion of a similar defiant statement from Carmichael, I was among those who called on the Department of Justice to get on the job and do something toward trimming Carmichael down to size. The Department feebly replied that they could find no law that had been violated. Well, maybe they could not find the law but there are men in Selective Service who say that the law was violated. Members of Congress are of the opinion that such conduct is in violation of the Selective Service and other laws, and I firmly believe that such statements as were made by Carmichael are acts of treason.

Our President has taken a strong position against the efforts of the Communists to overrun South Vietnam. Our men are dying there everyday. Numerous others are suffering severe wounds and deprivations.

I now respectfully suggest to our President, the chief law enforcement officer of our nation, to call on the strong arm of his Office, the Department of Justice, to get on the ball and bring indictments and court actions against those who would and do go about our land making treasonous statements and advocating militant defiance of our Selective Service laws. If, indeed, there are no laws that will mete out appropriate punishment and make proper examples of these people, I suggest that the President might send a message over to the Congress recommending the kind of law that is needed. I believe—in fact, I know—the Congress will respond.

The men in Vietnam, their loved ones and almost all Americans everywhere are awaiting some action.

THAT AIN'T HAY

Mr. HALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, on the continuing subject of how to reduce Federal spending I insert in the Record, at this point, the following article from the Richmond, Va., News Leader of April 10.

The article follows:

That Ain't Hay

Congressman Durward G. Hall, who also is a physician, has been highly critical in recent weeks about the questionable value of research projects for which grants are approved.

He specifically derided some grants made by the National Foundation on Arts and the Humanities, including one for a study of comic strips, which he said wasn't exactly funny. For his pains, Dr. Hall became a target of abuse from several of his colleagues and from liberal editorial writers who defend the grants as necessary to the national welfare, and who suspect that Dr. Hall isn't couth for questioning their value.

Last week, Dr. Hall came across a dispatch from East Lansing, Michigan, which reported that a Federal grant of $121,500 had been received by Roger Shuy of Michigan State University. Mr. Shuy is going to use the money to "find out exactly what it is about the way people speak that makes other people approve or disapprove of them." The news story said that he doesn't intend to try to eliminate "ain't" and other colloquialisms from everyday speech, but merely to prove than an informal way of speaking can alienate people. He advocates the development of two different vocabularies, one to use at home like a pair of comfortable old slippers, and another more formal one to use to win friends and influence people.

The news story did not explain from which Federal agency or program the grant had come, so Dr. Hall could not attribute the grant to the correct Federal source. Whatever the value of such a project as Mr. Shuy's may be, Dr. Hall is not convinced that it qualifies as necessary spending at a time when Vietnam war costs are soaring. A closer look at some of the disbursements of Federal funds, especially through many of the government's research programs, may be just what the doctor ordered.

THE TIGHTENING SQUEEZE ON OUR NATION'S AGRICULTURAL ECONOMY

Mr. KLEPPE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. KLEPPE. Mr. Speaker, the auctioneer's hammer is beating out a powerful and moving account of the tightening and deadly squeeze on this Nation's agricultural economy. Here are more than three solid pages of auction sales advertised in the Fargo, N. Dak., Farmers Forum of March 31, 1967. Here are announced the individual decisions of dozens of farm operators to get out of business during a single week.

Virtually all of the auction sales listed here were held in the fertile Red River Valley of eastern North Dakota and western Minnesota. This is among the most productive and highly diversified farming areas in the world. If its producers are in trouble—and obviously they are—the plight of farmers in less favored regions is even more serious. There is a storm warning here for those who will see.

It was the Prophet Elijah, knowing of a coming storm, who on 7 consecutive days sent his servant out to scan the horizon for a sign of its approach. During the first 6 days, he saw nothing. On the seventh day, he reported:

> There ariseth a little cloud out of the sea, like a man's hand.

The Scriptures continue:

> And it came to pass in the meanwhile that the heaven was black with clouds and wind, and there was a great rain.

For American agriculture, this is at least the sixth day and it may be the morning of the seventh. When dairymen dump milk on the ground, when wheat growers plow under a part of their planted acreage in protest against low prices, when farmer after farmer goes out of business, as about 100,000 have been doing each year, it is obvious that agriculture is in deep trouble.

"Having decided to quit farming" or "having rented out the farm" are recurring phrases in this long list of auction sales. Several herds of dairy and beef cattle are offered for sale. I do not wish to leave the impression that these are mortgage foreclosure sales. They are not. They represent instead decisions by farm families to get out of agriculture. And it seems a fair assumption that in most cases the move is prompted by economic factors. There just is not a fair profit in farming any more. And, looking ahead, farmers see the prospect of higher and higher production costs and continuing low farm prices.

Today the huge surpluses of wheat, feed grains, and dairy products which used to overhang the market are gone. Worldwide food demands are at an all-time high, and the need for more production will increase rapidly in the years ahead. Our country is involved in a full-scale war which has generated a boom for much of the economy. If farmers cannot get a fair price for their products under such conditions, when will they?

In a recent statement, the Independent Bankers Association of America declared that:

> Since 1951 farmers have been using credit as a substitute for earned income because of depressed agricultural raw material prices.

The IBAA went on to say that:

> Banks cannot much longer supply this credit to take the place of farm income.

Total farm debt rose from $41.6 billion in 1965 to $45.8 billion in 1966—an increase of $4.2 billion. This figures out to an average increase of $1,220 per farm. It represents nearly four times as much as the increase in net income per farm from 1965 to 1966. This comparison shows conclusively that farmers are being forced to use credit as a substitute for income.

It also explains the many auction sales which are taking place across the heartland of America today.

AIR SAFETY

Mr. THOMPSON of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. THOMPSON of Georgia. Mr. Speaker, this morning the House Interstate and Foreign Commerce Committee initiated closed hearings on the broad subject of air safety. This is an extremely complex and technical subject to be covered in a brief two day hearing and I urge my colleagues on this committee to give their every attention to the statements made and every consideration for further hearings by the appropriate committee or subcommittee into some of the details of the whole picture, about which they are hearing part of now.

I am most interested in all facets of air safety, Mr. Speaker, but my attention has been directed to two specific areas that have given me great concern. First, are the training programs of the various air transport companies, under the auspices of the FAA, adequate for the production of the highly qualified pilot needed; and, second, are the air traffic control procedures and systems adequate to handle today's massive air transit load?

Let me address my first area of concern, the training programs.

It was most interesting and significant to me that in 1966, after the rash of Boeing 727 accidents, many of the companies operating this equipment changed their training procedures, as well as, landing configuration for this aircraft, and there has not been a single tragedy since that time, in this equipment. My question is, if this aircraft, which was certificated by the Federal Aviation Agency, had some shortcomings which could be overcome by training procedures and different flap settings, and so forth, why did the agency not insist on such requirements prior to the introduction of this equipment into service? I would hate to think that the people in this Agency are not sufficiently knowledgeable in this area or, worse yet, lack the proper interest.

I further believe it significant, Mr. Speaker, that there have been six fatal accidents, in which the aircraft was destroyed, in this country, involving crew training flights. This includes the latest accident which occurred recently in New Orleans, La. I am somewhat familiar with the ground training simulators now in use today by the airlines, and wonder if it is not possible to utilize this equipment more extensively to give the necessary training, thus precluding the possible deaths of high school students on an educational trip, as well as innocent mothers and children living in the area surrounding the airports of this country. I also think it necessary to delve deeply into the question as to whether or not the emergency conditions brought about in these training flights are necessary to produce the qualified pilot. Certainly, my colleagues on the Interstate and Foreign Commerce Committee are interested in the true answers to these questions, which can only be obtained through open public hearings.

As to my second areas of concern, Mr. Speaker, let me say that I was shocked and dismayed by the statement of the National Association of Government Employees, recently made on behalf of the air traffic controllers, employed by the FAA. The observations of these people, as well as, the impartial publications that are quoted in this statement indicate to me that there is very serious question as to the adequacy of our present air traffic control system.

In addition to the above statement, I have been made aware that the airline pilots for many years have observed serious deficiencies in our air traffic control system. These same people have long been advocating the installation of a collision warning device in the cockpit to supplement the present system.

I would also point out, Mr. Speaker, that in this past year, the Government has been found liable in two different Federal court actions involving death and injuries to airline passengers, due to faulty air traffic control.

For the above reasons, Mr. Speaker, I again urge open—and let me stress open—and public hearings into the details of our air safety policies in this country today, for a determination as to whether or not the same are truly in the public interest. The hearings conducted this morning were in executive session and even I, as a Member of Congress, am barred from attending. I realize the need for executive sessions. However I would like to again emphasize that this matter is deserving and requires, open public hearings.

POVERTY PROGRAM ADMINISTRATION ENGAGES IN PARTISAN POLITICS

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SNYDER. Mr. Speaker, on April 3 the Kentucky Post and Times-Star gave a very vivid account of a political speech made by Mr. Al Whitehouse, director of the State of Kentucky Office of Economic Opportunity.

This vivid account written by a very able reporter, John Murphy, was delivered the preceding Saturday night to the Kenton County Democratic Women's Club Jackson Day dinner in the Hofbrau Haus, in Kenton County, Ky. Mr. Murphy reports that more than 400 ranking Democrats of the area attended the Democratic rally, including a dozen candidates for State and district offices. Mr. Murphy describes Mr. Whitehouse's speech as "one of the most profound government-political addresses made here in many years." Mr. Murphy reports that the speaker "saluted the Democratic Party for its leadership nationally and in Kentucky."

The poverty war director's speech followed an introduction by the Kenton County Democratic chairman who introduced the poverty chief with these words:

> Don't allow the primary of May 23 to become so heated that all members of the party cannot become united in November. We must not kid ourselves, November will be difficult, but we need the Democratic Party to keep Kentucky moving forward.

Some of the more choice quotes from Mr. Whitehouse's speech which indicate the partisan nature thereof are as follows:

> And this is why we (the Democratic Party) are currently dedicated to building a great society with its chief planks the elimination of poverty and full civil rights for all people.

At another point, Mr. Whitehouse is reported to have said that:

> Democratic leadership was not always popular, but was always in the best interests of our great nation and the peoples of the world. Let us Democrats of Kenton County, Kentucky, give some real responsible leadership and constructive community action in this land where we do have a government of, for and by the people.

Mr. Murphy writes that:

> On a strictly political party note, Director Whitehouse commented: "We just cannot afford the luxury of prima donnas who after the primary feel they are right and the Democrats of our commonwealth are wrong." Mr. Murphy referred to the Kentucky Office of Economic Opportunity as the "new-line governmental and political party agency in the revolutionary mold."

I think this was a fair observation. My investigation reveals that Mr. Whitehouse is an employee of the State of Kentucky, was appointed by the Governor sometime in January 1966 as the director of the Kentucky State Office of Economic Opportunity.

Federal law pertaining to the political activity of State and local agency employees prohibits such employees, whose principal employment is in connection with a federally financed activity from taking an active part in partisan political management or partisan political campaigns. Accordingly, Mr. Whitehouse is subject to the law, commonly referred to as the Hatch Act, as an employee of the State of Kentucky if his principal employment is in connection with an activity financed in whole or part by loans or grants made by the United States.

Can it be said that being director of the State of Kentucky Office of Economic Opportunity is not an activity financed in whole or in part by loans or grants made by the United States?

For a more brief synopsis of the political activities and restrictions reference is made to the U.S. Civil Service Commission pamphlet No. 20 issued May 1966. Under section VI, page 18, the definition of an officer or employee of the State subject to the act is set forth and reference is made to section IV of the same pamphlet, beginning on page 10, for a full description of the activities prohibited by such employees of a State or local agency which is financed in whole or in part by Federal funds.

It seems to me that there are several sections which are apropos to the political activities of Mr. Whitehouse as reported by Mr. Murphy, but the section in regard to "clubs and organizations" is very explicit and I quote:

> Employees may be members of political clubs, but they may not be active in organizing such a club, be officers of the club or members or officers of any of its committees, or act as such, *or address a political club on any partisan political matter.* (Emphasis supplied.)

I have referred the newspaper article in question to the U.S. Civil Service Commission in the hope that they will do their duty in what appears to me to be an obvious and flagrant violation of the law.

One of the main complaints of many in regard to the poverty program administration, in addition to the waste, has been the partisan political activity of some of its people.

I assume the Government will find some excuse to write around the rules and regulations promulgated under the Hatch Act so as to exonerate Mr. Whitehouse's activities, but I do not believe that the people are going to continue to be satisfied with excuses.

DOWNGRADING OF CONGRESS

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SNYDER. Mr. Speaker, the effects of the administration spending $425 million of the taxpayers' money for self-propaganda are apparent as against the $353 million spent annually to support the entire operation of Congress and the Judiciary.

One of the principal effects has been the deliberate downgrading of the Congress. The Executive gets the publicity in a massive brainwashing operation whereas the Congress, spending something over $9 million annually so that Senators and Members of the House can keep the people informed of what they are doing has been accused of "turning out reams of handouts."

The record shows that a considerable part of the Executive's expenditure is spent in breaking down the Congress opposition to resistance, or even criticism of the Executive proposals. Congress is repeatedly sideswiped and held up to public ridicule by this monster Executive publicity campaign.

When administration personalities travel high, wide, and handsome abroad and at home, it is necessary public business. When Congressmen travel to look into situations perhaps involving savings to the taxpayers, better protection or for any one of a score of reasons it is "junketing." When the administration names the son of a Supreme Court Justice Attorney General it is shrewd politics. When a Congressman gives a part-time job to an intimate friend of ability or a trusted member of his family it is "nepotism." When the Defense Department switches contracts to effect the election, or to please a member of the President's Club, it is vital national security. When a Member of Congress writes to get a defense contract important to his State or district for a constituent, that is "a conflict of interest."

May I add that when the Department of Agriculture spends as much to tell the people that they are lucky to have Orville Freeman presiding over them as the Congress spends to keep the constituents of 535 Members informed, I suggest it is not only a laughing matter, it is ridiculous. I suggest the media start attacking this administration spending for self-glorification and spend less time dissecting a Congress that spends less than the 6,858 Federal employees involved in trying to brainwash the American people with their own hard-earned money.

CONGRESSMAN HORTON SPEAKS TO THE HOUSE IN TRIBUTE TO ROCHESTER'S VICE MAYOR HYMAN B. FREEMAN

Mr. HORTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, I want to take a few minutes of my colleague's time to talk briefly about a man whose career of public service stands as an example of the strength and responsibility which all key men in community government should emulate.

Rochester, New York's vice mayor, Hyman B. Freeman, is now serving his 12th year as a member of the Rochester City Council. Last year he was paid the unusual tribute of election to the position of vice mayor as a minority member of the council. It was my privilege to serve with Hy Freeman for the first 6 years of his tenure on the council before I was elected to the 88th Congress. As his former colleague, I can say from firsthand knowledge that he works tirelessly for the people of our city. Because he is an outstanding real estate lawyer, Hy Freeman has shared the fruits of his expertise with the city whenever it has entered into important real estate transactions or developments. The results are plainly visible to any visitor to Rochester, which boasts one of the most modern and successful downtown areas in the Nation. Due in part to his foresight, Rochester has one of the finest networks of municipal parking garages and an up-to-date system of inner and outer loops and expressways.

As my constituent, Hy Freeman has written to me on many occasions seeking my assistance in the Federal sector for both the city of Rochester and many of its citizens.

It was also my privilege to serve concurrently with Hy as an officer of the Monroe County Bar Association, which he served as president in the mid-1950's. He continues a role of leadership in the legal community as a senior partner in one of the city's most respected law firms, Wiser, Shaw, Freeman, Van Graafeiland, Harter & Secrest.

As if leadership of city government and the legal community were not sufficient to round out the vice mayor's career as a public servant, Hy Freeman wears a third hat of community service—he has for over two decades been among the most prominent leaders of Rochester's large and active Jewish community. He served as president of the city's larger reform congregation, Temple B'rith Kodesh, during a period when it was planning a move to a new structure. Hy has been instrumental in the repeated successes of Rochester fundraising drives for the benefit of the young State of Israel. In fact, he is presently visiting Israel and intends to report on his trip before a large gathering of Rochesterians at a dinner to be given in his honor this Sunday, April 16, at Temple B'rith Kodesh.

While the testimonial dinner in his honor will demonstrate to Vice Mayor Freeman his community's appreciation for his long career of service in its behalf, too frequently men of his stature go unsung outside the localities in which they serve. It is for this reason, Mr. Speaker, that I am highlighting Hy Freeman's career for my colleagues from all across the Nation. While there may be no single accomplishment of such a man that would bring his record to the attention of the Nation through the national news media, men like Hy Freeman whose daily bread is public duty and community service deserve national acclaim. They are the fiber of each of the thousands of communities we represent, and thus, the real fiber of American life.

Perhaps these few minutes I have devoted to this tribute will serve notice on all Americans that we are indeed fortunate to have men like Rochester's Vice Mayor Hyman B. Freeman in our midst.

NATIONAL SCHOOL SAFETY PATROL WEEK

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. GUDE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GUDE. Mr. Speaker, today I am privileged to sponsor a joint resolution providing for the designation of the second week of May of each year as "National School Safety Patrol Week."

I believe this honor is richly deserved by our students, who come to school a bit early, stay a little later, and give their time so they can contribute to the protection of their fellow students.

This resolution honors the members of the school safety patrols throughout the Nation, but I would like to note that I am particularly proud of the members of my district, who do such a wonderful job for their schools and cities.

Their love and devotion to duty will long be remembered, and a special tribute is in order to each and every one.

The American Automobile Association, a joint sponsor of these programs along with the schools and local police forces, awards the young patrol members who have actually saved a life, with gold lifesaver medals; and I feel that we, too, should recognize the great contribution that all of these fine young boys and girls unselfishly make to our society by designating this week as "National School Safety Patrol Week."

The selfless consideration of their fellow man, which these students exemplify, is a quality which we strive to instill in our young citizens, and the Safety Patrol offers one avenue to achieve this objective.

I am hopeful my colleagues will join with me in sponsoring this resolution so that it will be passed in the near future. Each year as part of the ceremonies surrounding National School Safety Patrol Week, there is a parade here in Washington—this year on May 13 at which time more than 20,000 boys and girls from 22 or more States are expected to participate.

I hope my colleagues will join with me in requesting that this recognition be given to the members of our school safety patrols.

In closing, I would like to include the full text of the resolution I have introduced:

H.J. RES. 500

Joint resolution to provide for the designation of the second week of May of each year as "National School Safety Patrol Week"

Whereas more than an estimated fifty-two thousand Americans died in traffic accidents on the Nation's highways during the year 1966 and the prevention of such accidents has become a problem of major concern; and

Whereas the school safety patrols, since their organization on a national scale in the early 1920's, have played an important role in the reduction of highway accidents involving school-age children; and

Whereas more than nine hundred thousand safety patrol members are now serving forty thousand schools in all fifty States, protecting nineteen million children; and

Whereas the school safety patrols are a cooperative program sponsored jointly by American Automobile Association motor clubs, local schools, and police; and

Whereas more than sixteen million Americans have served as safety patrol members during the more than forty years since the program was established; and

Whereas the traffic death rate of school-age children since 1922 has dropped nearly one-half while the death rate of all other age groups has doubled and the efforts of the school safety patrols have been a contributing factor in this reduction; and

Whereas the lifesaving efforts of the school safety patrols play an increasingly important role in the nationwide campaign to reduce traffic accidents and this program should receive public attention and citizen support; and

Whereas the second week of May of each year provides an opportunity for due recognition of the foregoing achievements, accomplishments, and needs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second week of May of each year is hereby designated as "National School Safety Patrol Week" and the President is requested to issue a proclamation calling upon all people of the United States for the observance of such a week with appropriate proceedings and ceremonies.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BOB WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, I rise today in support of House Resolution 418 which would establish a 12-member Committee on Standards of Official Conduct. Indeed, it is not to our credit to need such a committee, for every Member elected to this body should be of conduct above public reproach. But we know there have been cases of improper conduct by Members over the years, which points to the need for an ethics committee to establish and enforce a reasonable guideline of standards by which we should conduct ourselves in office.

Most groups in our society have found it advisable to adopt some written standard of conduct. The medical profession has the Hippocratic oath. Even the Boy Scouts have the oath of honor. Why should not the House of Representatives require its Members to abide by a code of ethics? It has never been more important than it is today to restore public confidence in our Government and to strengthen the moral fiber of our Nation. Even though abuses are infrequent, the danger from low ethical standards in Congress has never been more serious.

Many of us have been proposing the creation of an ethics committee for some years. Unfortunately, these proposals failed to attract any attention until recently. In the 88th Congress, I sponsored legislation to establish and enforce a code of ethics in the House. But the proposal was put on the back shelf by the majority which argued that the code was not needed because the democratic process allows the voters to pass judgment on our activities every 2 years. If constituents are unhappy with our work or conduct they can throw us out of office at the next election. But why should they have to wait for the next election if a Member has conducted himself improperly. I believe the public is entitled to safeguards against that Member continuing his improper conduct until the next election. The committee provided for in this resolution would be a great step toward achieving these safeguards. It has taken a sensational, headline-making investigation of a Member to stir us into action. Let us not forsake the public now when it is demanding, and rightfully so, the establishment of an ethics committee.

If Congress is really sincere about restoring the public's trust, it should also look to the correction of several other practices, such as the tendency to hold committee hearings in executive session and the continuing prohibition against telecast and broadcast coverage of committee proceedings. I could enumerate other legislative proposals, such as the Election Reform Act of 1967 which would do much to improve the House's image, but the first important step should be the passage of this resolution.

POSITIONS IN THE POSTAL FIELD SERVICE

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. McDONALD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McDONALD of Michigan. Mr. Speaker, I have long felt that the postal employees of this Nation are inadequately compensated in relation to the essential services they perform for our communities. With this in mind, I am pleased to introduce today a bill which would provide an increased pay scale for those postal employees now classified in the postal field service. It is as follows:

H.R. 8432

A bill to reclassify certain positions in the postal field service, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3512 of title 39, United States Code, is amended by changing the title to read:

"§ 3512. Positions in salary level 2"

(b) Section 3513 of title 39, United States Code, is amended by changing the title to read:

"§ 3513. Positions in salary level 3"

(c) Section 3514 of title 39, United States Code, is amended by changing the title to read:

"§ 3514. Positions in salary level 4"

(d) Section 3515 of title 39, United States Code, is amended by changing the title to read:

"§ 3515. Positions in salary level 5"

(e) Section 3516 of title 39, United States Code, is amended by striking out the paragraph designation and the heading and by redesignating paragraphs (a), (b), (c), (d), and (e) as paragraphs (e), (f), (g), (h), and (i), respectively.

(e) Amend section 3515, paragraph (a) (2) (A) of title 39, United States Code, to read:

"(A) Picks up and delivers bulk quantities of mail at stations, branch offices, and terminal points."

(f) Amend section 3515, paragraph (b) (2) of title 39, United States Code, by striking out paragraph (J) and changing present paragraph (K) to (J); (L) to (K); (M) to (L).

SEC. 2. (a) Section 3542(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation schedule for positions in the postal field service which shall be known as the Postal Field Service Schedule and for which the symbol shall be 'PFS'. Except as provided in sections 3543 and 3544 of this title, basic compensation shall be paid to all employees in accordance with such schedule.

"POSTAL FIELD SERVICE SCHEDULE

"PFS	Per annum rates and steps									
	1	2	3	4	5	6	7	8	9	10
1	$4,482	$4,621	$4,760	$4,899	$5,038	$5,177	$5,316	$5,455	$5,594	$5,733
2	4,850	4,999	5,148	5,297	5,446	5,595	5,744	5,893	6,042	6,191
3	5,251	5,417	5,583	5,749	5,915	6,081	6,247	6,413	6,579	6,745
4	5,683	5,859	6,035	6,211	6,387	6,563	6,739	6,915	7,091	7,267
5	6,079	6,270	6,461	6,652	6,843	7,034	7,225	7,416	7,607	7,798
6	6,519	6,722	6,925	7,128	7,331	7,534	7,737	7,940	8,143	8,346
7	6,763	6,981	7,199	7,417	7,635	7,853	8,071	8,289	8,507	8,725
8	7,088	7,323	7,558	7,793	8,028	8,263	8,498	8,733	8,968	9,203
9	7,665	7,920	8,175	8,430	8,685	8,940	9,195	9,450	9,705	9,960
10	8,345	8,628	8,911	9,194	9,477	9,760	10,043	10,326	10,609	10,892
11	9,221	9,536	9,851	10,166	10,481	10,796	11,111	11,426	11,741	12,056
12	10,202	10,549	10,896	11,243	11,590	11,937	12,284	12,631	12,978	13,325
13	11,274	11,663	12,052	12,441	12,830	13,219	13,608	13,997	14,386	14,775
14	12,427	12,859	13,291	13,723	14,155	14,587	15,019	15,451	15,883	16,315
15	13,736	14,210	14,684	15,158	15,632	16,106	16,580	17,054	17,528	18,002
16	15,179	15,707	16,235	16,763	17,291	17,819	18,347	18,875	19,403	19,931
17	16,793	17,380	17,967	18,554	19,141	19,728	20,315	20,902	21,489	22,076
18	18,530	19,145	19,760	20,375	20,990	21,605	22,220	22,835	23,450	24,065
19	20,525	21,210	21,895	22,580	23,265	23,950	24,635	25,320		
20	22,760	23,520	24,280	25,040	25,800					".

(b) Section 3543(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation schedule which shall be known as the Rural Carrier Schedule and for which the symbol shall be 'RCS'. Compensation shall be paid to rural carriers in accordance with this schedule.

"RURAL CARRIER SCHEDULE

	Per annum rates and steps									
	1	2	3	4	5	6	7	8	9	10
Carrier in rural delivery service:										
Fixed compensation per annum	$2,899	$3,030	$3,161	$3,292	$3,423	$3,554	$3,685	$3,816	$3,947	$4,078
Compensation per mile per annum for each mile up to 30 miles of route	96	98	100	102	104	106	108	110	112	114
For each mile of route over 30 miles	25	25	25	25	25	25	25	25	25	25".

CONVERSION AS OF THE FIRST PAY PERIOD BEGINNING ON OR AFTER THE DATE OF ENACTMENT OF THIS ACT

SEC. 3. The basic compensation of each employee subject to the Postal Field Service Schedule or Rural Carrier Schedule, as the case may be, on the effective date of such schedule, shall be determined as follows:

(1) Each employee shall be assigned to the same numerical step he was in prior to the effective date of such schedule, except those presently in steps 11 and 12; employees in steps 11 and 12 shall be assigned to step 10.

(2) Provided further and in addition thereto: In assigning employees to steps, each employee shall be given full credit for all prior service based on his actual years of service; thus an employee who has had one full year of service shall be placed in step 2; an employee who has had two full years of service shall be placed in step 3; an employee with three years of service in step 4; an employee with four years of service in step 5; an employee with five years of service in step 6; an employee with six years of service in step 7; an employee with nine years of service in step 8; an employee with twelve years of service in step 9; and an employee with fifteen years of service in step 10.

(3) Provided further: That in securing future automatic advancement by step increases above step 7, all employees presently on the rolls who are covered by this section shall be granted full credit for each fifty-two weeks of prior service.

SEC. 4. The foregoing provisions of this Act shall become effective on the first day of the first pay period which begins on or after the date of enactment of this Act.

FARMING FUTURE

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. BERRY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BERRY. Mr. Speaker, I received a letter his week from Roger Boesel, of the Farmers & Merchants Bank, Huron, S. Dak., which gives a graphic picture of the agricultural situation existing in the Middle West today and makes us from the Middle West worry about the future of agriculture and the future of food production generally.

Under unanimous consent, Mr. Speaker, I insert his letter in the RECORD, in the hope that it will possibly—just possibly—make someone else begin to worry about the future of agriculture in this Nation. The farmer is no longer a voice in the wilderness begging for help for his industry. He stands at the crossroads and if he is forced off of the farm and out of production, it is the Federal Government and the consumer who will be worrying in the years to come.

The letter from Roger Boesel is as follows:

I am Assistant Cashier and Agricultural Representative at the Farmers & Merchants Bank in Huron, South Dakota. We are one of the larger banks in South Dakota with footings of over 20 million and farm loans of 4 million. I am writing because I am concerned over the woefully low farm prices my customers are receiving for the products they sell.

It is hard to counsel a good customer who has some wet corn to feed and asks if he should feed some cattle with it. The replacements will cost between 22c and 24c per pound at six hundred pounds. His cost of gain will be between 21c and 23c per pound and with fat cattle bringing 22c to 23.5c per pound, this makes the venture a very high risk situation and perhaps he would be better off to let the corn rot rather than feed it.

I have just visited with a good customer who a year ago sold his fat cattle on the dressed beef market for $44.00 per hundred. This year he sold them for $37.00 per hundred. This is a difference of $42.00 per head on a six hundred pound carcass. His operation cannot stand this type of variation if he is to continue to prosper. Hogs are another example of a tremendous variation in a short time. A year ago they were selling for about $27.00 or $28.00 per hundred and now they are about $10.00 per hundred less. Can you advise as to why in ten or twelve months almost all segments of the farm economy show such a tremendous drop in prices paid?

I am enclosing a copy of an article in the March 20, 1967 issue of the U.S. News and World Report, "Why Farmers Are Grumbling," which shows a serious decline in farm prices paid. It is hard to understand with an expanding population and expanding foreign trade why the American farmer has to suffer with such low and unprofitable prices. Do you feel that additional control of imports of farm products would help our market? In your estimation how big influence does the import trade exert on our prices paid to our producers?

I cannot offer any solution to the problem, but do feel that it is time that we do become concerned about the people who live in the United States and less concerned about the balance of the world population. When I have to loan money to a fifty-five year old farmer who hasn't borrowed for ten or fifteen years, it brings the problem of rising costs and lower profits home to me in a hurry. Also, when we check the farm sale of a good young farmer who just couldn't compete with the price squeeze, it points out the fact that something is seriously wrong with our farm economy.

I would like your comments concerning this situation and your opinion as to why it is progressing in the direction it is. It seems to me the true strength the United States has been its successful and efficient farmer and cannot help but feel that we are jeopardizing our entire way of life by not giving him a fair shake.

A BILL TO INCREASE PERSONAL INCOME TAX EXEMPTIONS

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Alaska [Mr. POLLOCK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. POLLOCK. Mr. Speaker, I have today introduced a bill designed to grant individual taxpayers increased tax exemptions based on the cost of living in the State in which they reside.

It has long been recognized that the $600 exemption per taxpayer is out of date. That figure has no relation to the monetary needs of individuals in the seventh decade of the 20th century. Many bills have been introduced to raise this exemption. I agree that an increase is necessary and my bill provides for a $1,000 exemption per taxpayer.

Even with such an increase there remains an inequity in the tax system. Any flat exemption ignores the fact that the dollar has a different value in different parts of the country. The cost of living varies from State to State. Actual figures are not available but I estimate that the difference in dollar value may be as high as 50 percent from State to State. Thus a taxpayer in a State with a low cost of living and high dollar value per unit would in effect receive more for his tax exemption than the taxpayers residing in States with high costs of living and low dollar values per unit. If one State had a cost of living 50 percent higher than another, its exemptions would effectively be approximately $670 instead of the $1,000 enjoyed by the residents of the latter State.

To correct this inequity my bill proposes a unique feature designed to adjust the personal exemption to reflect the cost of living within the State. The taxpayer would receive an additional personal exemption based on the proportion the cost of living in his State bears to the cost of living in the lowest State as determined by the Department of Labor. For example, if State X is determined to have the lowest cost of living in the United States, taxpayers residing in that State would claim the basic $1,000 exemption and nothing more. Taxpayers in State Y where the cost of living is 50 percent higher than State X would be entitled to claim an additional exemption of $500. Thus, the total exemption for residents of State Y would be $1,500 or 50 percent more than State X. While this is an apparent discrimination, it is actually an equalization of the exemption based on real dollar values.

This approach is, of course, more complex than a flat exemption. It is no more complex, however, than other provisions of the Internal Revenue Code. I believe that some attempt should be made to equalize the impact of the income tax on our citizens. I hope that this approach will receive a hearing. I would naturally appreciate any comments my colleagues might have on this bill.

The text of the bill follows:

H.R. 8435

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That this Act may be cited as the "Personal Exemption Amendments of 1967."

SEC. 2. (a) The following provisions of the Internal Revenue Code of 1954 are amended by striking out "$600" wherever appearing therein and inserting in lieu thereof "$1,000":

(1) Section 151 (relating to allowance of deductions for personal exemptions);

(2) Section 642(b) (relating to allowance of deductions for estates);

(3) Section 6012(a) (relating to persons required to make returns of income); and

(4) Section 6013(b)(3)(A) (relating to assessment and collection in the case of certain returns of husband and wife).

(b) The following provisions of such Code are amended by striking out "$1,200" wherever appearing therein and inserting in lieu thereof "$2,000":

(1) Section 6012(a)(1) (relating to persons required to make returns of income); and

(2) Section 6013(b)(3)(A) (relating to assessment and collection in the case of certain returns of husband and wife).

SEC. 3. (a) Section 3(b) of the Internal Revenue Code of 1954 (relating to optional tax if adjusted gross income is less than $5,000, in the case of taxable years beginning after December 31, 1964) is amended—

(1) by inserting after "After December 31, 1964" in the heading the following: "and on or before enactment of Personal Exemption Amendments of 1967";

(2) by inserting "and on or before the date of enactment of the Personal Exemption Amendments of 1967" after "beginning after December 31, 1964,"; and

(3) by inserting after "After December 31, 1964" each place it appears in the tables the following: "and on or before the date of enactment of the Personal Exemption Amendments of 1967".

(b) Section 3 of such Code is further amended by adding at the end thereof the following new subsection:

"(c) TAXABLE YEARS BEGINNING AFTER ENACTMENT OF PERSONAL EXEMPTION AMENDMENTS OF 1967.—In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning after the date of enactment of the Personal Exemption Amendments of 1967 on the taxable income of every individual whose adjusted gross income for such year is less than $5,000 and who has elected for such year to pay the tax imposed by this section, a tax determined under tables which shall be prescribed by the Secretary or his delegate. The tables prescribed under this subsection shall correspond in form to the tables in subsection (b) and shall provide for amounts of tax in the various adjusted gross income brackets approximately equal to the amounts which would be determined under section 1 if the taxable income were computed by taking the standard deduction."

(c) Section 4(a) of such Code (relating to number of exemptions) is amended by striking out "the tables in section 3" and inserting in lieu thereof "the tables in section 3(a) and 3(b) and the tables prescribed under section 3(c)".

(d) Paragraphs (2) and (3) of section 4(c) of such Code (relating to husband or wife filing separate return) are amended to read as follows:

"(2) Except as otherwise provided in this subsection, in the case of a husband or wife filing a separate return, the tax imposed by section 3 shall be—

"(A) for taxable years beginning in 1964, the lesser of the tax shown in Table IV or Table V of section 3(a),

"(B) for taxable years beginning after December 31, 1964, and on or before the date of enactment of the Personal Exemption Amendments of 1967, the lesser of the tax shown in Table IV or Table V of section 3(b), and

"(C) for taxable years beginning after the date of enactment of the Personal Exemption Amendments of 1967, the lesser of the taxes shown in the corresponding tables prescribed under section 3(c).

"(3) Table V of section 3(a), Table V of section 3(b), and the corresponding table prescribed under section 3(c) shall not apply in the case of a husband or wife filing a separate return if the tax of the other spouse is determined with regard to the 10-percent standard deduction; except that an individual described in section 141(d)(2) may elect (under regulations prescribed by the Secretary or his deleagte) to pay the tax shown in Table V of section 3(a), Table V of section 3(b), or the corresponding table prescribed under section 3(c) in lieu of the tax shown in Table IV of section 3(a), Table IV of section 3(b), or the corresponding table prescribed under section 3(c), as the case may be. For purposes of this title, an election made under the preceding sentence shall be treated as an election made under section 141(d)(2)."

(e) Section 4(f)(4) of such Code (cross references) is amended by striking out "and Table V in section 3(b)" and inserting in lieu thereof ", Table V in section 3(b), and the corresponding table prescribed under section 3(c)".

(f) The last sentence of section 6014(a) of such Code (relating to election by taxpayer) is amended to read as follows: "In the case of a married individual filing a separate return and electing the benefits of this subsection, Table V of section 3(a), Table V of section 3(b), and the corresponding table prescribed under section 3(c) shall not apply."

SEC. 4. (a) Section 3402(b)(1) of the Internal Revenue Code of 1954 (relating to percentage method of withholding income tax at source) is amended by striking out the table and inserting in lieu thereof the following:

"Percentage method withholding table

"Payroll period	Amount of one withholding exemption
Weekly	$21.20
Biweekly	42.30
Semimonthly	45.80
Monthly	91.70
Quarterly	275.00
Semiannual	550.00
Annual	1,100.00
Daily or miscellaneous (per day of such period)	3.00".

(b) Section 3402(c)(1) of such Code (relating to wage bracket withholding) is amended to read as follows:

"(1) At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax determined in accordance with tables prescribed by the Secretary or his delegate, which shall be in lieu of the tax required to be deducted and withheld under subsection (a). The tables prescribed under this subparagraph shall correspond in form to the wage bracket withholding tables which appeared in this paragraph before the enactment of the Personal Exemption Amendments of 1967, and shall provide for amounts of tax in the various wage brackets approximately equal to the amounts which would be determined if the deductions were made under subsection (a)."

(c) Section 3402(m)(1) of such Code (relating to withholding allowances based on itemized deductions) is amended by striking out "$700" and inserting in lieu thereof "$1,100".

Sec. 5. (a)(1) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 218 as section 219, and by inserting after section 217 the following new section:

"Sec. 218. Adjustment in Personal Exemption To Reflect Cost of Living in State

"(a) Deduction allowed.—If the taxpayer resides in a State at the end of the taxable year, there shall be allowed as a deduction for the taxable year an amount equal to—

"(1) the number of exemptions the taxpayer is allowed under section 151 for the taxable year, multiplied by

"(2) the amount (determined by the Secretary or his delegate) which bears the same ratio to $1,000 as—

"(A) the excess of the cost-of-living for such State over the cost-of-living for the State having the lowest cost-of-living, bears to

"(B) the cost-of-living for the State having the lowest cost-of-living.

"(b) Definitions.—For purposes of subsection (a)—

"(1) The term 'cost-of-living' with respect to a State means an index of consumer prices in such State which the Secretary of Labor shall determine for such State in the same manner (insofar as practicable) as he determines the annual average of the Consumer Price Index (all items—United States city average) for the United States. Cost-of-living for a taxable year shall be determined on the basis of the calendar year ending in such taxable year.

"(2) The term 'State' includes the District of Columbia."

(2) The table of sections for such part VII is amended by striking out the last item thereof and inserting in lieu of such item the following:

"Sec. 218. Adjustment in personal exemption to reflect cost of living in State.

"Sec. 219. Cross references."

(d) Section 63(b) of the Internal Revenue Code of 1954 (relating to taxable income of individuals electing standard deduction) is amended by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting in lieu thereof ", and", and by adding at the end of such subsection the following new paragraph:

"(3) the deduction provided in section 218 (relating to adjustment in personal exemption to reflect cost of living in State)."

(c) Section 4(a) of such Code (relating to number of exemptions) is amended to read as follows:

"(a) Definitions.—For purposes of section 3 (including the tables therein)—

"(1) the term 'number of exemptions' means the number of exemptions allowed under section 151 as deductions in computing taxable income, and

"(2) the term 'adjusted gross income' means adjusted gross income as defined in section 62, minus the deduction allowed by section 218 (relating to adjustment of personal exemption to reflect cost of living in State)."

Sec. 6. The amendments made by sections 2, 3, and 5 of this Act shall apply only with respect to taxable years beginning after the date of enactment of this Act. The amendments made by section 4 of this Act shall apply only with respect to remuneration paid on and after January 1, 1968.

"RAMPARTS" AND ITS ASSOCIATES

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and included extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, on April 3 of this year I pointed out in the Congressional Record, page 8173, that a report of the House Committee on Un-American Activities has found that the Vietnam week program of April 8 to 15 was organized principally by members of the Communist Party. The impetus for these demonstrations was provided by two groups, the Student Mobilization Committee and the Spring Mobilization Committee, in which "Communists are playing dominant roles."

The west coast chairman of the Spring Mobilization Committee operation is Edward Keating, the founder, publisher, and editor-in-chief of Ramparts, the magazine which did much damage by revealing that the CIA had been channeling money to the U.S. National Student Association and other groups. Although not a Communist Party member himself, Keating has traveled widely and made numerous speeches drumming up attendance for the demonstration against the United States in San Francisco on April 15. Of Keating, the House committee stated:

> At a New York City demonstration against the war in Vietnam held last November, Keating called for the impeachment of President Johnson. He was one of the speakers at the teach-in on Vietnam held at the University of California, Berkeley, campus on May 22, 1965.

Who are Keating's associates at Ramparts?

Are they essentially in agreement with the stated policies of such national organizations as the American Legion, the Veterans of Foreign Wars, the Jaycees?

Would J. Edgar Hoover welcome them as applicants for the FBI?

Would you have them teaching an American Government course to your children?

Could industry groom them for sensitive jobs in defense work?

The answers are, for the most part, a matter of individual judgment.

Exclusive, the Washington newsletter published by Fulton Lewis III has provided background information on the various people associated with Ramparts. According to the Exclusive rundown, the best interests of the United States does not appear to be one of their criteria for judgments. Granting their sincerity of belief, one must not deny them the right to disagree, but we must be reserved the same right to disagree—with them.

The following are the March 29 and April 5 issues of Exclusive, edited and published by Fulton Lewis III:

[From Exclusive, Mar. 29, 1967]

The article in the February 1967 issue of "Ramparts" magazine, breaking the sensational story concerning Central Intelligence Agency subsidies of private student, labor, and educational organizations, has already prompted action by President Johnson to forbid future channeling of CIA funds into groups like the National Student Association. Still another outcome of the controversy may well be closer Congressional supervision of the CIA activities in the future.

An analysis of the backgrounds of those associated with "Ramparts" suggests that the motivation for the magazine's February disclosures was to destroy, or at least weaken, CIA, rendering it incapable of acting as a deterrent to communism abroad.

Founded in 1962 as "the Catholic journal of independent opinion", "Ramparts" magazine has no official ties with the Catholic Church. It is published monthly in San Francisco and, particularly in recent years, has been advocating a consistently leftist philosophy with primary emphasis being placed on a bitter denunciation of American involvement in the war in Vietnam.

"Ramparts" magazine's Editor in Chief, Edward Michael Keating, has made numerous speeches throughout the country criticizing U.S. "intervention" in both Vietnam and the Dominican Republic. In addition, he has been an outspoken critic of the Federal Bureau of Investigation, frequently making baseless charges or allegations concerning the work of that Bureau. In October, 1964, Keating publicly indicated that he was willing to turn over to the Justice Department information he had obtained concerning the murder of three civil rights workers in Mississippi. In making the offer, he charged that the FBI had "not done its job" in locating the guilty parties, implying that FBI officials in Mississippi were sympathetic to the racist slayers. When contacted, however, Keating stated he had never been in Mississippi, and that he had not personally obtained any evidence whatsoever concerning the crime.

The Foreign Editor of "Ramparts" is 31-year-old Robert Scheer, a familiar face in west coast left-wing circles. In 1960, while a graduate student of Economics at the Berkeley campus of the University of California, Scheer was the Research Director for the local chapter of the Fair Play for Cuba Committee. During the summer of 1964, he visited communist Cuba "in defiance of U.S. State Department travel restrictions". More recently, he has become extremely active in denouncing U.S. policy toward Vietnam at demonstrations sponsored by the Vietnam Day Committee.

The March 4, 1966 issue of the Berkeley campus newspaper, The Daily California", reported that Scheer had visited Cambodia as a reporter for "Ramparts" and had talked personally with representatives of communist North Vietnam and the Viet Cong. Scheer was quoted as saying that Cambodia was not being used in any significant way by the Viet Cong in its war with the South Vietnamese.

Washington columnist Carl Rowan, the former head of the U.S. Information Agency, reported on February 24, 1967, that Scheer recently made a secret trip to Prague, Czechoslovakia for the purpose of meeting with officers of the communist-controlled International Union of Students. According to Rowan, the visit raised the question in high quarters of Washington as to just where "Ramparts" is getting its financial backing.

In the spring of 1966, Scheer was an unsuccessful "peace" candidate in the California primaries. He ran against liberal Democrat Congressman Jeffrey Cohelan, who represents the Berkeley area, but had given limited support to the U.S. war effort in Vietnam. Scheer's campaign literature boasted that he had been an activist and leader in (San Francisco) Bay Area protests over the past eight years—the demonstrations against the House Committee on Un-American Activities, the Sheraton Palace and Auto Row civil rights sit-ins, and the recent marches and rallies against American intervention in Vietnam."

The campaign leaflets also boasted that the Scheer for Congress Committee had successfully united in its ranks socialists, liberal Democrats, radicals, communists, reformers and people who have never before participated in politics."

Stanley K. Sheinbaum, an economist at the Center for the Study of Democratic Institutions and a former Campus Director at Michigan State University's Vietnam Advisory Group, is a Consulting Editor of "Ramparts".

Like Scheer, Sheinbaum has been extremely active in west coast leftist activities and has spoken at several protest meetings in California during May and November, 1965, and in March 1966. Sheinbaum's name appeared on a leaflet distributed by the November 8 Mobilization Committee in October 1966, protesting American involvement in the Vietnam conflict.

G. M. Feigen is listed as a member of the Board of Directors of "Ramparts" magazine. Now a San Francisco proctologist, Feigen is reported to have received a medical discharge in 1943 from the U.S. Army Medical Corps when he was declared unfit for general service. A medical board had found him to have "hallucinatory experiences, most of which had a sexual background, that is, desires and thoughts for abnormal sexual relationships." This condition was not judged to be service connected inasmuch as Feigen had been receiving treatment for it prior to his entrance into the Army in June, 1941.

Joseph Ippolito is listed as another member of "Ramparts" magazine's Board of Directors. A former resident of Lackawanna, New York, Ippolito was an active member of the Socialist Workers Party in 1962. This organization, self-described as "Trotskyist-Communist," has been cited as "subversive" and placed on the Attorney General's list.

Robert McAfee Brown, listed as an Associate Editor of "Ramparts", signed an editorial which appeared in the June, 1965, issue of "Christianity in Crisis" assailing United States policy and military action in Vietnam. He was also, in 1964, one of the sponsors of the National Committee to Abolish the House Committee on Un-American Activities. That organization was cited by the HCUA as communist inspired and controlled.

Jessica Mitford Treuhaft, another Associate Editor of "Ramparts", was identified as a member of the Communist Party, USA, in testimony made before the House Committee on Un-American Activities on December 2, 1953, and in June of 1957. When called as a witness before a similar state committee in California, Mrs. Treuhaft repeatedly invoked the protection of the 5th Amendment in refusing to answer questions concerning Communist Party membership and activities.

The official Communist publication, THE WORKER, of January 31, 1967, reported that "Jessica Mitford" had been selected to introduce the Party's General Secretary, Gus Hall, at a gathering of 900 in New York to pay tribute to William L. Patterson—an admitted Communist. She is the author of the controversial book, "The American Way of Death".

Donald Duncan is listed as a Contributing Editor to "Ramparts". A former U.S. Army Sergeant who has served in Vietnam, Duncan has since his return lashed out at U.S. involvement in the war there, saying on one occasion that the South Vietnamese would be better off under the control of Hanoi's communist boss, Ho Chi Minh.

Saul Landau, a Staff Writer for "Ramparts" magazine, traveled to communist Cuba in 1960, in violation of State Department restrictions. While there, he prepared propaganda films for the Castro government, and following his return to the United States in 1961, Landau has lectured throughout the nation in defense of Castro. His wife, Nina Serrano Landau, was a member of the U.S. delegation to the communist-sponsored World Youth Festival in Moscow in 1957. Following the Festival, she joined several others in the U.S. group on an unauthorized visit to communist China.

The February, 1967, issue of "Ramparts" lists Bob Avakian as one of its Staff Writers. He has actively spoken in behalf of the leftist Students for a Democratic Society, and the Vietnam Day Committee at rallies protesting U.S. involvement in Vietnam. On one occasion, Avakian told his audience that the war in Vietnam is a "racist" war because it is being waged by white Americans against the "yellow people" of South Vietnam.

James F. Colaianni, Managing Editor of "Ramparts", was instrumental in the early part of 1966 in starting the Redwood City Committee Against Napalm—a group set up to protest the establishment of a napalm production facility by the United Technology Center in the Port of Redwood City, California. Initial efforts of the organization were aimed at blocking the establishment of the plant through legal means, but local courts ruled in favor of the Center.

As chairman of the protest group, Colaianni called several public meetings to protest the new napalm facility. One of these was a "silent protest vigil" in May, 1966, during which several demonstrators were arrested for civil disobedience.

"Ramparts" Staff Writer Peter Collier, in August, 1966, was introduced as a representative of the Californians for Liberal Representation when he lectured at a meeting of the Los Angeles Chapter of the W. E. B. DuBois Clubs. The CLR is a political group whose purpose is to recruit support for leftist and "peace" candidates, while the DuBois group has been described by FBI Director J. Edgar Hoover as a "communist front."

Maxwell Geismar, currently a Consulting Editor for "Ramparts" magazine, was listed, in October, 1960, as a member of the Fair Play for Cuba Committee.

The April 23, 1961 issue of the Communist Party's The Worker named Geismar as one of a group protesting the invasion of Cuba (the Bay of Pigs) and he was later listed as a sponsor of a Carl Braden clemency petition in a communication dated August 18, 1961, distributed by the Southern Conference Educational Fund, Inc. Braden, identified on at least five occasions as a member of the Communist Party in testimony before the House Committee on Un-American Activities, had been convicted of contempt of Congress in connection with his refusal to answer questions during an HCUA hearing investigating his Communist membership and activities. The Southern Conference Educational Fund, Inc., with which Braden is associated, was formerly known as the Southern Conference for Human Welfare which was cited as a communist front by the HCUA in June, 1947.

Maxwell Geismar's name has also appeared as an honorary sponsor of the Committee for Morton Sobell (convicted with Ethel and Julius Rosenberg, and sentenced to 30 years imprisonment on charges of conspiring to commit espionage on behalf of the Soviet Union).

The October 2, 1961, issue of the "National Guardian" newspaper identified Geismar as one of 54 sponsors of the Monroe Defense Committee, formed to aid Robert F. Williams and four others who were indicted in Monroe, North Carolina in August, 1961, on a charge of kidnapping. Williams fled the country to take up residence in communist Cuba and has been making anti-American broadcasts from Havana for the past six years.

More recently, Geismar was identified in the December 8, 1964 issue of "Challenge", the weekly newspaper of the militantly communist Progressive Labor Party, as a supporter of the newly formed Committee to Defend Resistance to Ghetto Life—a PLP front organization.

The list of communists, socialists, and radicals associated with "Ramparts" magazine will be continued in the next issue of Exclusive.

[From Exclusive, Apr. 5, 1967]

Continuing with an analysis of the persons associated with "Ramparts" magazine (see Exclusive, March 29), it becomes increasingly apparent that that publication's attacks on the Central Intelligence Agency have been part and parcel of a leftist campaign to destroy that federal spy group completely, and to render it totally incapable of combating the international communist movement.

In addition to the "Ramparts" associates mentioned in my last newsletter, there are the following:

Daniel J. Bernstein, listed in the February, 1967 issue of "Ramparts" as a member of the magazine's Board of Directors. In 1960, Bernstein, and his wife, then residents of Scarsdale, New York, were identified as being among those persons invited to a reception sponsored by the pro-communist Fair Play for Cuba Committee. In 1962, the Bernsteins were extremely active in numerous peace groups, ban-the-bomb clubs and organizations involved with leftist African nations. In 1964, Bernstein was listed as a contributor to the Southern Conference Educational Fund, Inc.—formerly known as the Southern Conference for Human Welfare, which was cited as a communist front by the House Committee on Un-American Activities as early as June, 1947.

Eldridge Cleaver, listed as a Staff Writer for "Ramparts" magazine, was also known as Eldridge X when he led the Nation of Islam movement in San Quentin Prison, San Quentin, California, while he was an inmate there in 1963.

In the past, officials and members of the Nation of Islam have refused to register with local draft boards under the provisions of the Selective Service Act, having declared that members owe no allegiance to the United States.

In January, 1967, Eldridge moderated a "Ramparts" forum on Black Power, a forum which forwarded the suggestion that militant socialism is the best avenue to pursue in achieving "civil rights" for Negro minorities in the United States.

Dr. Carlton B. Goodlett currently serves on the Board of Directors of "Ramparts" magazine. He is also a publisher of the *Sun-Reporter,* a weekly newspaper published in San Francisco and directed toward the Negro population in that area.

According to a report issued by the California Committee on UnAmerican Activities in 1949, the name Carleton Goodlett was set forth on a list of instructors and lecturers for the summer and fall terms of 1946 for the California Labor School (CLS), found to be a "Communist-front organization" and ordered to register as such with the U.S. Attorney General. A report from the Subversive Activities Control Board on May 21, 1957, stated, concerning the CLS, ". . . continuously from the outset the School has been under the domination and control of active (Communist) Party members and functionaries, who occupy key positions on its Administrative and Teaching Staffs, and . . . these key personnel are subject to Party discipline in the performance of their duties in the California Labor School."

Dr. Goodlett was listed as a member of the Board of Directors of the CLS, in 1953, and four years later, when the School was ordered to register with the U.S. Attorney General as a Communist-front group. Dr. Goodlett was one of those present at a meeting held concerning the future of the CLS when it was decided to discontinue the school.

The letterhead of the American Peace Crusade in March, 1951, listed Dr. Goodlett as a sponsor of that group. It, too, has been found a "Communist-front" organization and was ordered to register as such with the Attorney General.

In addition, Dr. Goodlett, in recent years, attended the first preparatory meeting for the World Congress for General Disarmament and Peace, held at Eskilstuna, Sweden, May 19–20, 1962. He chaired the American delegation to a similar meeting in Moscow in July of that year. The November 14, 1964, issue of the west coast Communist publication "People's World" listed Dr. Goodlett as a speaker at a meeting celebrating the American Russian Institute's annual observance of the anniversary of the Soviet revolution.

Paul Krassner, another Contributing Editor of "Ramparts" magazine, is employed as the editor and publisher of "The Realist" magazine as of May, 1966. "The Realist", aside from advocating "free sex", has carried numerous articles, signed by Krassner, in which he indicated his continuing support and sympathy for the Castro government in Cuba. In 1960, Krassner participated in a tour of Cuba sponsored by the pro-Communist Fair Play for Cuba Committee. More recently, however, he has participated almost exclusively in demonstrations protesting American involvement in the war in Vietnam.

Mrs. Susan Griffin Levy, also known as Mrs. John Fligelman Levy, an Editorial Assistant on the staff of "Ramparts" magazine, was very active in the Fair Play for Cuba Committee during 1961. A 24-year-old native of Los Angeles, Mrs. Levy was also active in a leftist campus organization, "Slate," at Berkeley.

Gene Marine, a News Editor for "Ramparts" magazine, was listed on a Carl Braden and Frank Wilkinson Clemency Petition in March, 1962. Both Braden and Wilkinson had been identified in sworn testimony before the House Committee on Un-American Activities as members of the Communist Party. Both were cited, and later convicted and sentenced to prison for contempt of Congress in connection with their refusal to answer questions before the HCUA concerning Communist membership and activities.

The January 13, 1962 issue of "People's World", the official west coast Communist Party newspaper, lists Gene Marine, "a frequent contributor to the country's liberal journals," as one of a group of "specially" invited guests to the testimonial commemorating that Communist publication's 25th anniversary.

Mrs. Eleanor Jackson Piel, a member of the Board of Directors of "Ramparts" magazine, served as the attorney representing Myron E. Sharpe in 1962, when he invoked the protection of the 5th amendment over 100 times in refusing to answer questions before the HCUA concerning Communist Party membership and activities.

Since 1956, she has been a member of the New York City Chapter of the National Lawyers Guild, an organization cited as a Communist front by the HCUA, and as of September, 1963, she was an attorney for Morton Sobell, who was convicted of conspiracy to commit espionage on behalf of the Soviet Union (March 29, 1951) and was sentenced to 30 years imprisonment.

Martin Peretz, a Director of "Ramparts" magazine, in May 1961, was active in the Cuba Protest Committee at Harvard University. The Committee was established to protest American anti-Castro involvement in the Bay of Pigs invasion attempt. In 1965, Peretz, a teaching fellow at Harvard, served as the faculty adviser to the local chapter of Students for a Democratic Society, an extreme leftist campus organization.

Don Rothenberg serves as the Assistant to the Publisher of "Ramparts" magazine. In 1955, he was subpoenaed to appear before hearings of the House Committee on Un-American Activities, where he invoked the protection of the 5th amendment when questioned about Communist Party membership and activities.

In 1958, Rothenberg was head of the Cleveland Branch of the Committee to Secure Justice for Morton Sobell.

Sol Stern, the Assistant Managing Editor of "Ramparts" magazine, was the treasurer of the Socialist Discussion Group at the University of Iowa in 1959. His name was also listed as being a member of the Young Socialist League in 1956, and the Fair Play for Cuba Committee in 1961.

In light of the leftist backgrounds of many of the guiding lights of "Ramparts" magazine, it is not unusual that this publication would have adopted a consistent line of anti-anti communism. Nor is it unusual that "Ramparts" would have featured the article in February, 1967, attacking the Central Intelligence Agency for having supported private groups and organizations in an effort to combat communism. Ironically, perhaps, one group which suffered almost as severely as the CIA as a result of the "Ramparts" magazine disclosures was the National Students Association, whose policies over the past 20 years have been equally as leftist as those espoused by persons currently associated with "Ramparts".

AN ANSWER TO MR. PALMER FROM THE RHODESIANS

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I have consistently and almost constantly been at odds with the policies of the present administration regarding the Government of Rhodesia. There is no justification for alienating a free, strong, stable, conscientious, friendly government which is doing an excellent job of improving the economic, educational, and political conditions under which its citizens live.

I would like to include in the CONGRESSIONAL RECORD a statement prepared by the Rhodesian Information Office which not only explains the conditions which exist in Rhodesia, but which also answers an attack made on the Rhodesian Government by the Assistant Secretary of State for African Affairs, Joseph Palmer II.

The seriousness of the decision by U.S. policymakers to be forced into United Nations sanctions against Rhodesia, and the ultimate outcome, is hinted at through recent wire service reports.

A UPI report from London states:

> The Times of London today reported that the powerful Afro-Asian bloc in the United Nations may put pressure on Britain to tighten sanctions against the runaway regime in white-ruled Rhodesia.

And where would this powerful bloc like to push the United Nations—with the United States right out front when it comes to financing and supplying any effort of these powerful Afro-Asians? Another story, this one from AP and published in the Baltimore Sun of April 7, 1967, states:

> African leaders meeting in a little summit tonight condemned Britain for its policy in Rhodesia and asserted that *force is the only way* to end the white minority regime of Ian Smith, the Prime Minister. (Italics added.)
>
> The presidents (attending) condemn th British Government's policy which is fully responsible for the situation in Rhodesia—

The communique said—

> They reaffirm that the use of force is the only effective means to end the racist regime in Rhodesia.

This meeting included the Presidents of Egypt, Algeria, Tanzania, Mauritania and a representative of the Guinean President.

This same group also "demanded an end to U.S. bombing of North Vietnam, withdrawal from Vietnam of 'imperialist forces.' and the recognition of the National Liberation Front of South Vietnam as the only valid representative of the South Vietnamese people in any effort to make peace."

Mr. Speaker, I believe it is about time that we take a stand in favor of the Government of Rhodesia and against the ludicrous "demands" of leaders who would be better off diverting their time to helping their own people rather than meddling in the affairs of other nations.

Now that the administration has embroiled the American people in the internal affairs of Rhodesia, I think it is valid to ask, how do we get out? Assuming that Britain and Rhodesia come to some equitable settlement, and assuming that the United Nations Security Council attempts to rescind the call for sanctions by the member nations, what happens if the U.S.S.R., or France, vetoes an attempt to rescind the mandatory sanctions to which we are bound?

In addition to the list of newspapers in the comments from the Rhodesian Information Office, I would like to add a list which I have compiled. These papers have seen fit to criticize either the stand of the United States or the root of the problem, the mandatory United Nations sanctions:

Wall Street Journal; the Journal, of Commerce, New York: Oelwein, Iowa Daily Register; Columbus, Ohio, Dispatch; Greenville, S.C., News; Oakland, Calif., Tribune; Tulsa, Okla., World; Dallas, Tex., News; Shreveport, La., Journal; Phoenix, Ariz., Republic; Lima, Ohio, News; St. Louis Globe-Democrat; Milwaukee Sentinel; Indianapolis News; Canton, Ohio, Repository; Portland, Oregonian; Los Angeles Times; Spokane

Spokesman-Review; Bismarck, N. Dak., Tribune; Arizona Sun, Flagstaff, Ariz.; San Angelo, Tex., Standard-Times; Fort Lauderdale, Fla., News; Richmond, Va., Times-Dispatch; Kennebec Journal, Augusta, Maine; Detroit Free Press; Richmond Paladium-Item, Portland Press Herald; Tucson Star; Manchester, N.H., Union Leader; San Diego Union; Miami Herald; Washington, D.C., News; Washington Post; Petersburg, Va., Progress-Index; Philadelphia Bulletin; Baton Rouge State-Times; Little Rock, Ark., Democrat; Chicago Tribune; Paris, Tex., News; Jackson, Miss., Daily News; Charleston News Courier; Tucson Citizen; El Paso Times; Nashville Banner; Chicago News; Altoona Mirror; Tyler, Tex., Courier-Times; and the U.S. News & World Report.

This is a formidable list from throughout the Nation. To show the diversity of sources which are standing together against the U.S. position, here are quotes from Mr. Walter Lippmann, the Washington Post, and the Chicago Tribune.

From Walter Lippmann:

> The plea to the United Nations to use force against Rhodesia is a disservice to the United Nations. Mr. Wilson is asking the U.N. to do what it was never meant to do, what it is not organized to do and what it cannot do.

From the Washington Post:

> There is no reason to believe they (sanctions) will be effective. They set a questionable precedent. They amount to interference in the domestic affairs of another country merely because of the form of government practiced there. Moreover, the effort to impose them ignores the purpose and injures the prestige of the U.N.

And from the Chicago Times:

> The United Nations is plunging toward a new and pointless crisis by the minute, and the United States and Britain are letting it plunge. . . You'd think that Viet Nam would have taught us not to pick up any more hot potatoes that we can't let go of. For a year, at Britain's behest, we have led the Africans to think we are willing to do whatever is necessaary to knock out the white government of Rhodesia and replace it with the usual chaos. It is time to draw the line. The longer we postpone doing so, the more inevitably we will have to choose between an embarrassing retreat and a ridiculous war.

I believe that this list and these comments show that not only the editorial writers but the majority of the people across the Nation are also at odds with the policies which condemn a longtime friend and ally.

Let me add that I am pleased that the Rhodesian Information Office saw fit to include some of my previous remarks in this rebuttal which I include at this point:

Rhodesian Viewpoint: An Answer to Mr. Palmer

On February 28 Mr. Joseph Palmer II, Assistant Secretary of State for African Affairs, spoke about Rhodesia to the California Institute of Technology. Although Rhodesia is a staunch friend of the United States, and has offered her material assistance in Vietnam, Mr. Palmer took the broadcast license in castigating the Rhodesian Government, imputing to it motives of racial domination, disparaging its record of domestic jurisdiction and accusing it of being a threat to stability in Africa. For these and other reasons laid out in terms of high moral indignation, Mr. Palmer concluded that the U.S. Government was more than amply justified in offering Rhodesia a stern confrontation "because it is right in terms of principle, because it strengthens our position in the world and because it helps promote our objectives of stability and orderly development in Africa."

It is perhaps worth noting at this stage that Mr. Palmer's conclusions are not endorsed by a considerable body of congressmen, a number of nationally syndicated political columnists, the great preponderance of American citizens who have taken the trouble to express themselves on this subject and the editorial writers of the Washington Post, the Washington Star, the Chicago Tribune, the Wall Street Journal, the Journal of Commerce, the Milwaukee Sentinel, the Nashville Banner, the Portland Oregonian, the Columbus Dispatch, the Indianapolis Star, the Phoenix Republic, the Arizona Republic, the St. Louis Globe-Democrat, the Cincinnati Enquirer, and a host of other newspapers throughout the length and breadth of the United States. Former Secretary of State Dean Acheson has been prominent in disputing the moral and legal validity of Mr. Palmer's case. Representative John Ashbrook of Ohio, who went on a fact-finding visit to Rhodesia slightly over a year ago, described Mr. Palmer's thesis as "the triumph of ideology over actuality." Representative J. Arthur Younger of California, recently returned from a visit to South Africa, visited with consular offices there and with the Embassy in Pretoria. He found only one U.S. Government employee who was in sympathy with the action taken against Rhodesia.

Mr. Frank Johnson, foreign editor of the American Security Council's Washington Report, had a similar experience on a recent visit to South Africa and Rhodesia. He found that "many U.S. representatives in South Africa and Rhodesia who were willing to speak frankly disagreed with much of Washington's policy. At the least they seemed to have a much more realistic and appreciative outlook on the problems of the area and the feelings of the people than did their colleagues in Washington. All were opposed to U.N. intervention." Mr. Palmer has not visited Rhodesia since he assumed office as Assistant Secretary of State for African Affairs. None of the subordinate officials in the area office responsible for advising him on Rhodesian affairs has had foreign service in Rhodesia and very few, if any, of them have ever visited Rhodesia.

It is surprising in these circumstances that Mr. Palmer felt able to be so dogmatic about conditions in Rhodesia. Since the United States Government and people are so heavily involved in supporting unprecedented U.N. actions against Rhodesia, and since they will shortly be exposed to Communist and racial pressures to intensify their hostility, it is felt to be in the American public interest to offer some correctives to a number of Mr. Palmer's assertions and judgments.

To dispose first of matters of fact, Mr. Palmer says that "the Rhodesian Front spokesmen assert their right to independence on the basis of self-government, which Southern Rhodesia first acquired in 1923. But they overlook one important fact; that Britain always reserved constitutionally the right to veto any discriminatory legislation directed at the indigenous population, and that Britain never yielded these rights." Mr. Palmer is badly misinformed on a question of basic importance to Rhodesia's case. Britain's right of veto over Rhodesian legislation was totally abdicated by the British Government in 1961 and eliminated from the new constitution which came into force in that year. Substituted for the foreign veto power was a domestic Bill of Rights and a predominantly non-white Constitutional Council as its watchdog. It is astonishing that Mr. Palmer is unaware of this elementary but significant constitutional fact.

Mr. Palmer says also that, "in terms of the U.N. Charter, Southern Rhodesia is a non-self-governing territory and Great Britain is the administering authority." This suggestion has been specifically denied by British officials at the U.N. on many occasions, and the British position (i.e., that Rhodesia has been a self-governing territory since 1923) has in the past been acknowledged by U.S. officials at the U.N. The contrary position now taken by Mr. Palmer seems to be explicable only as a desperate attempt to bolster a poor case for U.N. intervention in the Rhodesian affair.

Mr. Palmer utters some vigorous invective against the system of land tenure in Rhodesia and what he implies is the inequality of land distribution between the races. He quotes statistics from the Rhodesian Ministry of Information about land distribution and then informs his audience that "the Ministry does not add, incidentally, that the acreage reserved for the white minority consists of the best land, much of which lies unused." Mr. Palmer is right about what the Ministry does not say. It does not say it because it is not true. What the Ministry does say—and Mr. Palmer apparently has not noticed—is that there is a slightly higher percentage of high fertility soils in the African area than in the white area, nearly twice the percentage of medium fertility soils and, while only 37 percent of Rhodesia has a rainfall above 28 inches, half the African areas fall within this zone.

Mr. Palmer points out with an air of righteous condemnation that 44 million acres are occupied by 2,400,000 Africans and 36 million acres by 220,000 whites. What this equation conveniently omits are the 1,600,000 (minimum figure) other Africans who derive their livelihood from the "white" area as wage-earners in the industrial or white agricultural economy. Mr. Palmer also omits to point out that land in the African area (almost half the total land area of Rhodesia) is constitutionally reserved in perpetuity for the sole and exclusive occupation of tribal Africans free of purchase price or rental. No such special considerations apply to land in the "white" area, which progressively over the years has become the base of a sophisticated economy that provides employment opportunities for all races and yields the wealth that sustains economic growth and rising living standards. It is the development of this prosperous industrialized base on Western free enterprise principles that has enabled Rhodesia in three-quarters of a century to show a per capita gross national product of $219 compared with $74 in Uganda, $48 in Ethiopia, $45 in Somalia and $40 in Burundi. To the extent that sanctions are reducing Rhodesia's economic growth they are, of course, depressing individual living standards. Since there are eighteen black Rhodesians for every white, it is the blacks who stand to suffer most.

Mr. Palmer then turns his attention to education and complains that, "although it is true that a higher proportion of Africans receives education in Southern Rhodesia than in African-ruled countries, the fact remains that relatively few Rhodesian Africans are permitted the facilities to complete the highest secondary grade or go to college." Clearly Mr. Palmer is unwilling to put the evolution of education facilities in Rhodesia into the perspective either of history or of contemporary conditions in the rest of Africa. The extension of education facilities in an undeveloped country is governed by a number of factors, including the availability of resources, traditional patterns of social behaviour and access to employment opportunities. Comment here is taken from the report of a team of three Americans headed by Representative John Ashbrook who visited Rhodesia early in 1966.

"Has the Rhodesian Government, for one thing, really tried to bring education to the African? The answer lies in economic statistics and an analysis of the school population. At present Rhodesia's ratio of children in school to total population is comparable to Britain's—even though there is a wide disparity (in favor of Britain) in the national incomes of the two countries. The following table of ratios tells a story which goes far to contradict those who reject the sincerity of the Rhodesian whites:

Great Britain	1 in 5
Rhodesia	1 in 6
Malagasy	1 in 11
Tanzania	1 in 18
Dahomey	1 in 20
Mali	1 in 43
Ethiopia	1 in 80

"African education is the single largest expenditure of the Rhodesian Government, and it has trebled in the last 7 years. It is significant in this context that 98 percent of all direct taxation is paid by whites. Despite this financial inequity, the Rhodesian Government has been able to meet the demands of an African school population of some 2 million children under 17 for a primary education. As this demand is met, the Government has moved ahead to provide secondary school education for those who desire it.

"But here the Government has run into several problems. First, the 10 percent of the primary school population which is female has been kept out of the secondary schools by parents who take their daughters out of school when they become nubile and sell them into marriage. Secondly, the demand for the admittedly few but steadily increasing places in secondary schools has yet to equal the supply.

"As a matter of educational philosophy, moreover, the Rhodesian Government has subscribed to the Western idea of providing as much education as possible for all, rather than to the practice prevalent in former French and British colonies of training a small, elite group and ignoring the rest of the African population. The Rhodesian school system, moreover, is relatively young. (After all, the country has been under settlement for less than 75 years.) Rhodesians note that in Britain, with its ancient traditions, only 34 percent continue to go to school after age 15—and in the United States, which boasts of its public education, there are today some 23 million adults who never went beyond elementary school.

"The opposition has criticized the Government for not providing more vocational schools. But the Rhodesian experience has been one of apathy among Africans toward this kind of training; and what demand there was has tended to fall off in the past year. The Government nevertheless has pressed for longer periods of education, particularly in the secondary schools. It has organized correspondence courses and night schools. There are, again, no discriminatory practices against Africans, and all African students at the university are eligible for Government support. At the present time, those African students at the University of Rhodesia receiving scholarships, grants, and loans would not have qualified had purely academic standards been imposed. Instead, the school authorities have discriminated in their favor—hardly a sign that there is official reluctance to raise educational opportunities for Africans. Nor is it a sign of foot dragging that the amount spent for African education doubled between 1963 and 1964—with the figure still rising—and that African pupil enrollment has tripled in the past 10 years, with approximately 700,000 students now attending school."

Since this report was written, and notwithstanding the impact of sanctions, the Rhodesian Government has launched an ambitious new programme which will provide secondary school facilities for 50 percent of black Rhodesian primary school leavers and supervised correspondence courses for the remainder.

No other country in Africa can match this objective. So far as primary schooling is concerned, Rhodesia has already far outstripped targets set by UNESCO for Africa as a whole. At its conference in Addis Ababa in 1961 UNESCO expressed the hope universal primary schooling for Africans would be an attained goal by 1980. Rhodesia will achieve this target in 1969.

Rhodesians have no wish to make invidious comparisons that put the performance of other countries in a poor light, but the kind of attack made by Mr. Palmer forces them to do so. Thus it is to be noted that only 15 percent of the children of Liberia reach the sixth grade and only 7 percent graduate from the eighth. An Ethiopian student has pointed out that the "typical" Ethiopian child receives no education at all, while the vast majority of the atypical children receive very little. (In 1960/1961 the chances of an Ethiopian girl reaching grade twelve were 1 in 5,643.) Do these countries with inferior education performance to Rhodesia's, attract the public opprobrium of U.S. officials and the imposition of mandatory sanctions to correct the errors of their ways? On the contrary, they enjoy specially favored treatment from the U.S. Government, including grants-in-aid. Rhodesia outperforms them without laying a penny burden on the American taxpayer and finds itself subjected to American hostility only marginally short of warfare.

Mr. Palmer justifies American hostility toward Rhodesia on the grounds that the situation there constitutes a threat to the stability of the area. This is a stark assertion evidently motivated by intuitive wisdom since there is no evidence to support it beyond a suggestion that neighboring countries do not like the way Rhodesians run their domestic affairs and are determined to act in the role of reformers. Mr. Palmer evidently feels that they are justified in these ambitions, notwithstanding the explicit provisions of the U.N. Charter enjoining members to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state; notwithstanding also that in December, 1965 the U.S. voted in favor of a resolution in the General Assembly (which passed almost unanimously) determining that "no state has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any state." Mr. Palmer suggested at one stage in his address that, unless the United States Government acted to bring down the Government of Rhodesia, "reasoned counsels of restraint on the part of responsible African leaders will spell their political suicide, and proponents of moderation outside Africa will be discredited in the eyes of Africans." Thus international law and principle are apparently to be subordinated to the necessity of protecting African potentates from the immoderate instincts of their people.

As to the question of stability, it is surely one of the greatest ironies of our time to lay a charge of instability, or even the danger of it, against Rhodesia, which is an island of placid calm in a continent that has been racked with turbulence over the past several years. No government in Rhodesia has ever changed hands except by due electoral process. There has been no strife in Rhodesia this century, and fewer deaths in civil disturbances than in a single weekend in Watts in the summer of 1965.

Those who are disposed to take Mr. Palmer seriously might be well advised to look at the record of stability in black-ruled Africa in 1966. Mr. Donald Louchheim, Africa correspondent of the Washington Post—a journal not conspicuously oriented in favor of Southern Africa—recorded that military coups had occurred in seven countries. "A series of tribal massacres in Nigeria transformed almost overnight what was long hailed as Africa's greatest success into its most striking and most ominous failure. Since independence, heads of state in five other nations have been toppled by force and three additional governments were saved from collapse only by military aid from their former colonial rulers. Continuing tribal and political warfare have etched deep scars across the face of the continent. More than 100,000 civilian dead can be conservatively counted in the Sudan, Congo, Nigeria, Ruanda, and Burundi alone. Oppression and violence during the past five years have scattered more than a million refugees around the continent." Mr. Palmer may have special reasons for advocating that Rhodesia should more rapidly espouse the political institutions that have created these chaotic conditions but let us not, if only in the interest of the sanctity of language, pretend that it is a quest for stability. Representative Younger could not find one person in his travels "who believed that the stability of Africa was involved in the Rhodesian affair, especially if the Rhodesian Government was allowed to work out its own internal problems unhampered by outside interference."

Mr. Davenport, American journalist and author who has recently visited Southern Africa, has reported: "if our objective is to promote stability in Africa, then we must avoid pulling down the whole structure of going societies, leaving nothing but disorder and turmoil in their place. More fundamentally, I submit that the problems of Africa cannot be solved simply by trying to export from the West certain glittering generalities which we take all too much for granted at home."

Mr. Frank Johnson found that the problem seemed to be that "many of the men chiefly responsible for U.S. policy toward Africa have little or no experience with the continent itself. Their thinking is dominated by ideological clichés which may be relevant to Western democracies but violently contradict the everyday facts of life in Africa. The Western policy toward Africa has been a record of one tragic error compounded upon another. Before the final peak of madness is reached, before we may find ourselves plunging headlong into an insane war against people who are among the best friends we have in the world, there should still be time for men of good will to address a last appeal to the leaders of the West in London, and above all in Washington, and to say: "Gentlemen, think again!"

OUR NORTH ATLANTIC ALLIANCE

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. FRELINGHUYSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, it is becoming increasingly evident that a serious communications gap exists between the United States and its Western European allies on the subject of NATO and that a comprehensive review of our entire European policy is overdue. Not only is the NATO machinery in a current state of disrepair, but more significantly, the alliance itself has lost much of its former vitality and needs a renewed sense of direction which American leadership could well provide.

Many have argued—with some justification—that recent developments in Europe have been largely inevitable as the threat of imminent military aggression appears to have receded. Even with the wisdom of hindsight, the United States might not have been able to do much to alter the nationalistic policies of General de Gaulle. It is, however, misleading and inaccurate to attribute all failures of our European policy to the apparent intransigence of the general. Certainly, the answer to our current dilemma will not be derived from a policy of neglect.

Mr. Speaker, I am inserting in the Record at this time a statement on "Our North Atlantic Alliance," which was adopted on April 3, 1967, by the Republican coordinating committee's task force on foreign relations. It is my hope that this statement will provoke the type of constructive debate on this vital issue which is clearly indicated by present circumstances. It is in this spirit that I commend the task force's findings and recommendations to the attention of my colleagues. They follow:

Our North Atlantic Alliance

(Statement adopted April 3, 1967, by the Republican coordinating committee task force on the conduct of foreign relations)

Those charged with the conduct of American foreign policy have shown little leadership, imagination, energy, or initiative in our recent relationships with Europe.

Preoccupied with Asia, the Administration has inexcusably neglected the North Atlantic Treaty Organization (NATO). Thus, our national interest has been adversely affected. We have lost many opportunities to take constructive actions in Europe—an area of vital importance to the United States, politically and economically, as well as militarily.

Now the United States faces an ever-worsening crisis in the Atlantic Alliance.

To resolve it, the Administration must reassign a high priority to the Atlantic Alliance—a priority which has been clearly lacking since Democratic Administrations have been charged with the direction of our Government.

Only thus can the Alliance be given once again the vitality it had during the Eisenhower command and stewardship.

The Republican Party calls upon the President to act urgently and creatively in regard to NATO before it is too late.

I. REPUBLICAN RECOMMENDATIONS

The Republican Party, therefore, recommends that:

(1) The United States Senate should continue to follow the wise course it embarked upon when it established a special subcommittee to review problems of our Alliances.[1] Although the conduct of foreign policy is clearly the responsibility of the Executive Branch, the repeated failure of Democratic Administrations to take the initiative makes major constructive Congressional discusson and debate an essential prerequisite to the formulation of U.S. policies for the revitalization of NATO.

(2) The Executive Branch should rigorously analyze the factors and developments which bear importantly on revitalization of NATO, seeking fresh judgments, rather than relying exclusively on the views of officials who might be disposed to justify their own inaction and mistakes.

(3) All NATO nations, including France, should be asked to prepare their own comprehensive programs and recommendations, both military and political, for the revitalization of NATO.

(4) Agreement should be sought at the May 1967 meeting of the NATO Ministers on the need for this comprehensive rehabilitation program and on its implementation at the December meeting.

II. UNITED STATES ACTIONS WHICH HAVE LED TO A DETERIORATION OF NATO

In connection with a review of our relationships with our Allies, the United States should be aware of past actions which have definitely *not* strengthened the ties which bind us to our friends—and seek to avoid such actions in the future. In an effort to make us aware of our problems, we cite the following instances:

(1) The Berlin Wall, established in violation of quadripartite covenants governing the status of the former German capital, and a most serious set-back for the Free World, which gave rise to misgivings among Europeans concerning American resolve. (August 13, 1961)

(2) Unilateral U.S. withdrawal of missiles from Greece and Turkey. (1962)

(3) The imposition of conventional defense policy on our NATO Allies when we unilaterally moved to the new strategy of "flexible response." (1962)[2]

(4) The abrupt U.S. cancellation of the Skybolt project and antagonizing other major allies in the ill-considered attempt at Nassau to mitigate British hard feelings by giving them special advantages in atomic submarines. (December 1962)

(5) The priority given to the Washington-Moscow "Hot Line" which caused Europeans to be concerned both that the decision-making process might bypass them in time of emergency and that they were not considered of sufficient importance to have their own "Hot Lines" with the White House. (June 1963)

(6) Pushing the Multi-Lateral Force long after it ceased to have any appeal to our Allies. (to 1966)

(7) The U.S. troop withdrawal of 15,000 men from NATO without prior consultation with our Allies. (April 1966)

(8) The Administration's inability to obtain effective European support for our policies in other parts of the world, particularly Southeast Asia.

Clearly, the U.S. actions and the U.S. role in Europe need redefinition.[3]

III. CONSIDERATION OF NATO IN THE UNITED STATES CONGRESS AND EXECUTIVE

In anticipation of the ministerial meetings of NATO in 1967, it could be most helpful to the Administration, as well as to our Allies, were the following problems to be discussed within both the Executive and Legislative Branches of our Government:

(1) *NATO's Military Arrangements.* The disrepair in NATO's military arrangements, not only from a combat strength viewpoint, but especially from a viewpoint of the staff, command, and logistics situation. It is seriously affected by the following facts:

(a) The withdrawal of France from this phase of NATO's activities,

(b) the likelihood of a substantial British reduction in troop strength, and

(c) the token participation by other Allies.

This leaves the initial combat burden almost entirely on the United States and the Federal Republic of Germany—while the staff, command and logistics arrangements remain on a multi-nation basis.

(2) *Review of Military Plans.* A review of tactical and strategic planning, including the duration of the "Conventional Pause", in the light of the new communications and logistics situation required by the withdrawal of France. (The "Conventional Pause" is defined as the estimated time after war breaks out during which exclusive reliance would be placed on conventional weapons.)

(3) *The Balance of Payments.* The United States', British and others' balance of payments problems as seriously affected by NATO. This matter should be considered in light of the Federal Republic of Germany's internal budgeting problems. In this connection, the recently concluded agreement, in which the Federal Republic of Germany expressed a willingness to buy U.S. Treasury bonds, may temporarily ease balance of payments problems, but does not in any way provide for sharing the gold and dollar cost of keeping U.S. troops in Europe.

(4) *Allocating the Financial Burdens.* A new allocation of the financial burdens of defense, arising as a result of the responsibility of each Ally to live up to Article 3 of the Treaty for "continuous and efficient self-help and mutual aid."

(5) *Overall European Problems.* The need for constant interchange of views as to developing constructive relationships with the Eastern European nations without impairing the cohesion of NATO.

(6) *Non-European Problems.* The reasonable extent of collaboration among NATO members on problems arising outside Europe, particularly in underdeveloped areas.

(7) *U.S. Troop Strength.* The nature, strength and types of U.S. troops necessary for the Alliance—both for garrison and for contingency. The Republican Leadership of the Congress has expressed the Republican position as follows:

"In the light of present world conditions, an objective reappraisal of the size and character of America's world-wide military and economic commitments. This recommendation is neither new nor partisan. It is urged by military experts and leaders of both parties. Its urgency is underscored by the sharp disagreement over it among the leaders of the President's party."

---

[1] A special subcommittee, known as the Subcommittee to Meet Jointly for Consideration of Senate Resolution 83 and Senate Resolution 48, will consider some aspects of the NATO problem.

[2] In a paper entitled, *The Atlantic Alliance—Basic Issue,* the Democratic-controlled Senate Subcommittee on National Security and International Operations chaired by Senator Henry M. Jackson, reported on February 18, 1966:

"In 1962 the United States abruptly shifted to a strategy of 'flexible response.' *There was little or no consultation with our allies, and the shift was explained in terms which, to say the least, caused doubt and confusion* about what kind of counterblows the United States might be planning in the event of a Soviet attack on Europe. To some in Europe it looked as though the United States would rather switch than fight. The change in American doctrine forced modifications in Allied military doctrine as well, *thus painfully underlining for the Allies how little influence they had on American policies of life and death importance to them. The difficulties thereby created have not yet been overcome, especially perhaps in relations with France,* whose President, like most Chiefs of States, does not accept short shrift easily." (Emphasis added)

[3] West German Chancellor Kiesinger expressed doubts about the U.S. role in Europe in a press interview on February 27, 1967: "The task is to establish to what extent American interests coincide with our, German and European interests, and to what extent they do not or do not any longer." He added that he had told recent American visitors that "things cannot go on like this. *We are only discussing disputes with one another. We are no longer discussing a common policy.*" (Emphasis added)

We hope that all of these problems will be explored by the United States Congress and that they will be reflected in the May NATO agenda and in the eventual ministerial discussions in December 1967.

IV. CLOSING REMARKS

In 1959, former Democratic Secretary of State Dean Acheson, a principal architect of NATO, said:

"The indispensable collaborator of the United States in providing security and opportunity for the free world is Western Europe. Geography, history, population, resources and technology all combine to make this so. Working together these two areas have made twice the population and three times the productive capacity of the Soviet Union, an ample base for military defense and economic development. But if the Soviet Union should be able to control the production of Europe, our problems would soon be beyond our capacity to deal with them."

The importance of maintaining close ties with Europe for military, economic and political reasons has been reiterated by many American leaders over the years, and our established policy of attaching primacy to European problems was clearly restated by President Lyndon Johnson on May 2, 1966 when he said:

"It remains our conviction that an integrated Atlantic defense is the first necessity—not the last result—of the building of unity in Western Europe—for expanding partnership across the Atlantic—for reconciling differences with the East."

It is high time that the Johnson-Humphrey Administration puts the President's words into action.

THE POLICE CHAPLAIN

Mr. **WATKINS**. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Kupferman] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. **KUPFERMAN**. Mr. Speaker, you and my collegues had the privilege of commencing our proceedings on Tuesday, April 11, with a prayer and invocation by the Reverend William G. Kalaidjian—see Congressional Record, page 8986.

Among his other attainments, Reverend Kalaidjian is police chaplain—Protestant—of the New York City Police Department.

At a recent meeting with a number of New York City policemen, Chaplain Kalaidjian outlined the work of a police chaplain.

He stated that, as a result of his articles in Law and Order magazine, a nationwide publication for police officials, on the subject of the responsibilities of police chaplains, he had received mail from many chaplains who read the articles.

The volume of the inquiries and correspondence led Chaplain William G. Kalaidjian to organize and found the National Association of Police Chaplains on an interfaith basis so that the quality of spirit, the sacred values of religion and the confidence of faith may be brought to bear in training and service where policemen face the most difficult experiences that challenge the mind and test a man's faith.

Chaplain Kalaidjian maintains that being a policeman is not only a very dangerous profession; it brings the officer to the scene of greatest inhumanity to man, from the murder victim to the suicide, from brutal crimes against children to brutal crimes against defenseless senior citizens. Being a police officer requires not only technical skill and training in the best methods of crime detection, it also requires that the men be serviced in the spiritual elements of religion just as military forces are serviced. Police, being semimilitary, work all kinds of hours and they are the victims of knifings, gunshot wounds, and targets for many acts of criminal brutality. The wives and families of policemen, as well as policemen, need understanding and dedicated clergymen of all faiths to stand ready to serve our Nation's police forces.

While the position of police chaplain is not new in our major cities, it is coming into its own in the police departments of many States, counties, and cities. It is an aid in community relations, a great help in personnel relations, and one of the most valuable assets in helping the police officer, with all his daily problems, to feel that he and his family have someone they can count upon for deep-level understanding.

Assisting Protestant Chaplain William G. Kalaidjian in the dialog with other police chaplains will be fellow chaplains of Jewish and Roman Catholic faiths. It is planned that the National Association of Police Chaplains will meet annually for the purposes of sharing workable methods of approach in meeting the numerous and complex daily problems of servicing policemen.

Also assisting Chaplain Kalaidjian with the National Association of police chaplains, will be a much-decorated New York City detective and Episcopal layman and past president of the St. George Association, Detective Edward W. LeHane, and Mr. Lee Lawder, editor of the national publication, Law and Order magazine.

And now I would like to pay tribute to my friend William G. Kalaidjian, the noted Protestant minister, past president of the Bronx Division of the Protestant Council of New York, pastor of the Bedford Park Congregational Church, United Church of Christ, and police chaplain for the past 10 years with the New York City Police Department, known as New York's finest. For the record, I would like to share with my colleagues of the House of Representatives his general outline of what a New York City police chaplain does, based on his actual experience.

I know that my colleagues will want to help the course of law and order by supporting this approach to strength in the inner life and faith of America's police.

The outline follows:

POLICE CHAPLAIN POSITION

POLICE CHAPLAIN

A Police Chaplain has the assimilated rank of Inspector. He is authorized to visit station houses and department offices and to converse with any member of the department. He shall:

(a) Visit the sick members of the department. Visit the injured, responding to emergencies and when a man is killed, make proper notification to the family and help in any way possible regarding funeral arrangements and the tribute extended by the department, arranging pallbearers, etc.

(b) Do all in his power to strengthen the spiritual welfare of the members of the department, working with the men individually and in groups. Many departments have religious organizations with specific programs and opportunities for religious and social contact.

(c) The Chaplain may be attired in the prescribed uniform of his department or in his public clerical garb of the church to which he belongs, and wear the insignia of his office when appearing in his official capacity upon any public occasion. Policemen prefer to meet with the Chaplain in a non-departmental posture where rank and position are played down.

(d) The Chaplain may perform such other duties as may be assigned by the Police Commissioner or the Police Board of Commissioners or Department Chief, depending upon the organizational structure of the particular department involved.

I. DUTIES AND RESPONSIBILITIES

1. Visit the sick, injured, and the dying.

2. Minister to the spiritual welfare of the members of the department and their families.

3. Counsel the men with job difficulties, marital or other family difficulties.

4. Instruct and interview the recruits.

5. Give formal lectures at the Police Academy. Give instruction in moral and ethic responsibilities, the image of a policeman and his motives and basis for service to the community.

6. Help make Police-Community relations a reality in various areas of the community; the home, the Church, the Public, Parochial and Private School student bodies, the various Civic and public groups—meeting with them, speaking, discussing and bringing knowledge not otherwise understood. This also helps recruitment in a natural manner.

7. Interview and counsel men who have received departmental discipline for infraction of the department rules and regulations. In some cases when an officer is placed on probation for *one* year as part of the penalty for wrong doing, the officer reports monthly to the Chaplain of his particular faith and the Chaplain acts in the capacity of Probation Officer.

8. The Chaplain takes active participation in the spiritual and social activities of the Department. He offers Invocations and Benedictions at affairs, often is called upon to speak and helps to keep the outlook one of positive faith and high-mindedness.

9. The Chaplain can, if one does not exist, organize and develop a spiritual organization for the purposes of a Communion Breakfast, a Police Memorial Service, a Scholarship Program for Policemen's Children, a Welfare and Sick Committee to aid the ill. In the New York City Police Department, religious organizations are as follows:

Holy Name Society (Roman Catholic)
St. George Association (Protestant of all denominations)
Shomrim Society (Jewish)
St. Pauls Society (Greek Orthodox)

II. AVAILABILITY (HOURS OF WORK)

1. Indefinite, as may be seen from the list of duties as stated: a great deal of time is consumed in these duties and responsibilities.

2. The Chaplain is on call twenty-four hours a day, seven days a week. This is necessary to answer emergencies such as members of the force injured, wounded or killed. The Chaplain is called upon any hour night or day in such emergencies.

3. A Chaplain in the Police Department should be prepared to answer a call at any

time and never can call any time his own. It is advisable that he have a two-way radio in his car and that he leave a phone number where he can be reached when not in his car.

4. Police funerals may be in the morning, afternoon or evening as requested by the family, their wish is always upper most in consideration. Interviewing the men with domestic and spiritual troubles as schedules allow and meeting with Police Officials upon request are all part of the available services rendered.

III. SALARY AND INCREMENTS

1. Salary and increments are to be set according to professional standards of other comparable professional men in the department such as Police Surgeons etc.

SOME THOUGHTS ON THREE RESOURCES: LAND, AIR, AND WATER—HOW DO WE EXPLAIN?

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, last fall an address presented earlier by the Honorable William Burnett on land, water, and air resources was printed in Colorado Outdoors. I have read and reread this most interesting analysis, and I have decided that my colleagues should be given the opportunity of sharing it with me.

Like everyone who is alarmed at the shabby treatment inflicted upon the country's natural resources through either thoughtlessness or selfishness, the author, who is presiding judge of the Denver municipal court, knows that through proper planning the national environment not yet victimized by increased industrial activity and a spreading populace can remain as beautiful as it is in its natural state. He recognizes also that errors of the past can be compensated only if national effort is applied.

Judge Burnett offers a definite approach to encouraging both communities and individuals to improve the appearances of neighborhoods and entire urban areas. He also explains how the unnecessary pollution of air and water should be attacked if these resources are to be preserved for tomorrow.

If there is anything we need more than anything else today, Judge Burnett explains, it is to appreciate the full significance of the philosophy that we can affirmatively plan, that we need not merely drift and deplore. As demonstrated by the laws on conservation that have been enacted in the past several years, Congress has caught on to this philosophy. The battle is far from over, but we have now taken giant strides that were years late in coming. By giving wide circulation to the positive expression of conservationists such as Judge Burnett, we can quicken the return to an environment neglected and abused; at the same time we can help design the pattern that will have no place for ruination of natural resources in the Nation's expansion program.

Mr. Speaker, under unanimous consent I include the remarks of Judge Burnett below:

SOME THOUGHTS ON THREE RESOURCES: LAND, AIR, AND WATER—HOW DO WE EXPLAIN?

(By Judge William Burnett)

(NOTE.—The author is Presiding Judge of the Denver Municipal Court. This article was presented as the keynote address at the Colorado Open Space Conference at Vail, Colorado, last year.)

I firmly hold to a simple belief. I think it unnecessary that civilization banish nature from its midst; nor need communities develop as junk heaps. To the contrary, I believe man was given dominion over the earth for good or ill and lives in the environment for which he asks and is neither bound to perpetuate nor repeat past mistakes.

In an environment such as this; of natural beauty unexcelled on our globe; of this fresh, crisp autumn air, we can scarcely refrain from breathing a prayer of praise and thanksgiving. Here we feel a part of the throb of nature—closer to the ultimate truth and ground of our being. It seems not strange that God has chosen to speak to man from mountains. Yet, we meet here in urgency and distress; we fear this heritage will pass away; that a measure of it has already been lost; that lest we act wisely and effectively our generation may be cursed as the one which sold its birthright for a mess of pottage.

If the Founding Fathers should return to this country today, they would be surprised by many things; but I would guess nothing would surprise and disappoint them more than the desecration of the face of their beloved land. This they could have never dreamed! That wholesale esthetic deterioration could be happening to the only country in the world founded by an architect; which arose under the guidance of men looking out from the majestic views of Mt. Vernon and Monticello; whose capital city was originally planned with the greatest of detail for grandeur and beauty and which was blessed by nature with unexcelled natural beauty has caused many keen observers to ascribe this esthetic failure as the greatest single failure of American civilization.

How could we possibly explain that every river in the land is polluted; that the Potomac, the Shenandoah, the Missouri and the Mississippi and all the others have become cesspools? How could we explain that even the Great Lakes, nature's greatest accumulation of fresh water, containing perhaps one-half of all fresh water in the world, are polluted? So that some say Lake Erie is already nearly a dead sea and that the process cannot be reversed. How could we explain that even our air is polluted to the point that it has become a health hazard to man and a destroyer of vegetation? So that one scientist projects that within 100 years it will not support life. How could we explain the ugliness of our cities? How could we possibly explain the West Colfaxes of our nation—those horrible, gaudy road entrance strips to our cities? How could we explain that literally millions of our citizens are almost totally deprived of nature to the point of riot and revolt? How could we possibly explain the complete prostitution of nature for commercialization? How would we explain that we fine one person fifty dollars for throwing litter along the highway because it destroys the landscape; and, yet, richly reward the billboard advertiser who accomplishes even a worse desecration of the landscape? How could we explain architectural standards which place a premium on only the cheapest method and way of accomplishment? How can we explain the destruction of the monumental achievements of the past?

In the last analysis, there is probably no good explanation except that we have just paid attention to other things and have given little thought to the *true resources of land and water and air.*

"The Economist" of London, in commenting on the recent Los Angeles rioting, stated: "Outbreaks like this are part of the price we are going to pay for a society in which more and more people live in cities and do deadly, dull work and waste their leisure."

There are many predictions of disaster. Almost any trend of the past quarter century related to land use, air pollution, water pollution, crime and lawlessness and depletion of resources, if projected into the future, would pretty well destroy our heritage within the next three decades. The significant thought, however, is that these trends need not be projected into the future. *History is a guide to the future only of things which man cannot control.* All of these things are within the control of man. There is no major problem in any of these fields for which we do not have the solution. Moreover, we have reason for encouragement. At long last our nation is beginning to awake and conserving, restoring and creating beauty is becoming our national purpose; and, as in the past, when we have adopted an ideal as a national purpose, great things have been accomplished. Persons present here today will, in many instances, be the instrumentalities for accomplishing this purpose in Colorado.

Where do we start? Well, why not start with our water? Water is basic to life; a fact we in the west recognize possibly more than others. Yet, all of our streams are polluted too, especially as they traverse populated areas. The *greater the population,* the *greater the pollution.* So much so that in traversing major cities, such as Denver and Pueblo, they become the very essence of ugliness, stench and unpleasantness.

This is all very tragic because the river and stream should be the first areas in which nature may be brought to the people. With the exception of the community at the headwaters, everybody is downstream from someone else. Few of us drink water that is not secondhand and many of us drink water that has been used many times. As water is polluted, it becomes more costly to purify. Also, it precludes the use of the river, stream and lake for recreational purposes. So that in Denver, for example, the South Platte River, a beautiful mountain stream approaching Littleton, becomes a festering cesspool part and parcel of the worst slums and most degraded area of the city.

What would it take to clean up our streams? Not really very much, but a different approach. We have tried imposing criminal sanctions but without any great success. There is no stronger law on the statute books than that which prevents polluting the South Platte in the vicinity of Denver; and, yet, the lack of results are apparent. A part of the problem is the difficulty in setting up standards. If a certain standard is set up, it, in effect, becomes a minimum rather than a maximum. Moreover, criminal prosecutions are long and costly and difficult to prove. *I doubt seriously if this route will clean up our streams.*

A useful lesson in pollution control is to be found in the Ruhr River Basin in West Germany. This is one of the most densely populated and highly industrial areas of the world, containing 40 per cent of West Germany's industrial capacity. Moreover, it has a most puny stream flow. As we are used to saying that it takes 65,000 gallons of water to make a ton of steel, and as we are used to assuming that high population density and polluted waters go hand-in-hand, we would rather expect the Ruhr to be a septic, smelly, open sewer. But, no! It is clean enough to be used for recreation and to provide drinking water with only moderate treatment. The interesting thing is that it is not a criminal offense to dump effluent into a stream but rather a person is merely charged for it.

A charge is based upon the biochemical oxygen demand. The theory is that streams have a self-purifying process carried out by bacteria that utilize oxygen dissolved in the water. When the pollution load is too heavy, the oxygen in that stretch of the stream is temporarily depleted and the organic matter putrefies. Therefore, it is only just to require those putting effluent in the stream to pay in proportion to the oxygen required for purification. It is assumed to be the public's responsibility to keep the stream pure, and this is a method to place the charge proportionately on those who cause the pollution in direct proportion to the pollution cost. *I have never heard of a law with greater equity.* If plant "A" imposes twice as much pollution load as plant "B," plant "A" pays twice as much as plant "B." If plant "C" installs treatment facilities that reduce pollution load 90 per cent plant "C's" charges are reduced 90 per cent. The system also optimizes freedom and economic efficiency: each community or company is at liberty to distribute its cost, in its own way, anywhere along a spectrum that ranges from no waste treatment and full effluent charges to full treatment and no charges. The arrangement does not prevent discharge of pollutants into streams, but it does assure that funds for collective abatement measures are available and that the costs are borne by the polluters rather than by other communities and companies downstream; and, if the effluent charges are set high enough, they can prod polluters into pushing toward complete waste treatment. One Ruhr steel mill, for example, has adopted the use of a recirculating system and, therefore, places no effluent into the stream and consequently, avoids the charge.

It seems to me that this is the measure that should be adopted in Colorado. It should be applied to individuals, to communities and to business. If we do it, our streams will be clear within a year.

Next, let us consider the air. We always make a mistake in assuming that the quantity of air is unlimited. Actually, that is not true. The air forms only a thin envelope around our earth, reaching only slightly higher than the highest mountains. It moves freely from one part of the globe to the other. It knows no boundaries.

No two of us here today have not breathed the same molecules of air many times. As you take a breath of air now, chances are you are inhaling molecules which were also inhaled by William Shakespeare and Julius Caesar. Poisoning of the air, as much as any other single thing, will make our planet inhospitable, for this is the substance in which we must live just as a fish must live in water.

But this also is a matter very much within our control. Scientific advancements have already made much air pollution unnecessary. Many cities have taken vigorous action with great success. We find, now, that the major source of air pollution is the motor vehicle with an increasing contamination from jet aircraft. Already, legislation in Colorado and other states has been directed to the problem of motor vehicle air pollution but no complete solution is in sight. In the last analysis, it would appear that we are going to have to give up the internal combustion engine as the vehicle propellant. Surely technology could produce an electrical power plant just as efficient. There is little excuse in this day and age to burn trash in the open and the City of Pittsburgh has proven that it is pretty well possible to control industrial air pollutants. Now in fact the "smoky city" has less dust fall than some of her nonindustrial sister cities.

Thirdly, and most important, we are going to find it necessary to take a closer look at our general philosophy of land use. This is probably going to require a more drastic revision of our tax structure than we have heretofore contemplated. If I may quote from Robert M. Hutchins, former President of the University of Chicago: "The real property tax . . . reflects and promotes almost every unsound public policy imaginable.

"It encourages urban blight, urban sprawl and land speculation. It thwarts urban rehabilitation, construction, investment in building and improving homes for orderly development.

"The remedy is absurdly simple. It is to take the tax off the improvements and put it on the land. *The owner would then be taxed on what the community had done for him in raising the value of his land. He would not be punished for what he had done to build up the community by using his land.*"

Robert Hutchins couldn't have been more right. *As long as we have a tax structure that increases the tax bill for the person who paints his house, or puts in a new bathroom, we will have a most unhealthy policy promoted by government.* It is a fact of life today that the *man who lets his property run down will pay lower taxes than the man who keeps his up.* This is one of the causes for urban blight. In fact *urban deterioration* is subsidized. This system of putting the tax burden on the land itself would do away with land speculation, would encourage improvements of the best type and could be the *real beginning of the end of many of our urban problems.* **It is a system which has** been used for many years in Denmark and Australia. It has been put into effect, in part, in Pittsburgh, Pennsylvania. It does not mean the collection of less taxes, but it does change the method and the method is equally important as the amount. There are, of course, problems, but with proper constitutional revision, the system could be imposed gradually by each year placing a little less burden on the improvements and a little more on the land.

Along this same line, we might well wish to consider it possible to grant special tax advantages for certain types of landscaping and open space development, particularly in high density areas. Realizing the social consequences that inevitably come from separating large masses of people from nature, it seems to me this could be well justified.

Next, I would hope we could gain new confidence in the accomplishments made possible through planning and zoning. My own City of Denver, which with all its faults is still probably the most uniformly attractive major city in the nation, has achieved its elements of greatness through planning. The public plazas, the Civic Center, the landscaped boulevards and the parks were not improvements necessitated by "natural commercial development"; rather they were the manifestations of the highest type of leadership and public resolve; of people willing to overcome all obstacles, legal, political and financial, to accomplish the desired results, and strangely these results were from prior generations whose means were less than ours. We, today, throughout the state must recapture this spirit. There are still some who contend that a free people do not have the basic legal authority or right to regulate for esthetics. With that position, *I could not disagree more,* and I will quote from Mr. Justice Douglas' monumental opinion in the case of Berman vs. Parker, decided in 1954, which represented the unanimous opinion of the Supreme Court: "Miserable and disreputable housing conditions may do more than spread disease and crime and immorality. They may also suffocate the spirit by reducing people who live there to the status of cattle. They may, indeed, make living an almost insufferable burden. They may also be an ugly sore, a blight on the community, which robs it of its charm, which makes it a place from which men turn. . . . *The concept of public welfare is broad and inclusive.* The values it represents are *spiritual* as well as *physical, esthetic* as well as *monetary.* It is within the power of the legislature to determine that the community should be *beautiful* as well as *healthy, spacious* as well as *clean, well balanced* as well as *careful patrolled.*"

If there is anything we need more than anything else today, it is to appreciate the full significance of the philosophy that we can affirmatively plan; that we need not merely drift and deplore. Planning involves management of streams, not alone for floods but for years of drouth as well; for beauty and recreation as well as run off; it means determination of the shape and size of metropolitan areas. It means encouraging those designs which increase the permanent charm of an area and discouraging those which do not; it means *never letting people become separated from nature;* it means a *deliberate search for beauty.*

Which brings me to the final point I should like to make: Man, himself, his works and his accomplishments need not be the enemy of nature and of beauty. To the contrary, man, himself, is a part of nature and the only beholder of beauty, and he has exactly the same potential for making the face of the world beautiful as making it ugly, and far more reason. There is sometimes a tendency among conservationists to dream about land completely without man; but, upon reflection, this is an absurdity. We tell the story of the old homesteader who moved out onto the desert; he drilled wells and commenced irrigation and made the desert bloom. A visiting clergyman was so impressed upon looking over the man's property that he said, "Brother isn't it wonderful what God and man working together can accomplish;" to which the farmer replied, "I don't want to seem ungrateful, but you should have seen this place when just the Lord, himself, had it."

I sometimes ride a bicycle from my home in south Denver through Washington Park, down through beautiful residential areas, into the downtown area, and I sometimes think how wonderful it is that all this could have been accomplished from a bald, treeless plain. Man can and does improve nature. We are enjoying this magnificent view today because of the investments of man. We need not fear orderly population growth; we should welcome it. There are fewer persons living now in most areas of our state than there were four-score years ago. Moreover, any casual observer, going between Breckenridge and Fairplay, through the old placer workings, would realize that man of yesteryear was no less greedy and no more appreciative of nature than man today.

What we seek is a new man who is fully aware that his *only ultimate nonhuman wealth consists of the land and the water and the air.* This new man can develop to new cultural and spiritual heights. And, thanks goodness, as in the past, we will still be able to say: "The Lord is my shepherd. I shall not want. He maketh me to lie down in the green pastures. He leadeth me beside stilll waters. He restoreth my soul."

ANTIWAR RALLY IN CENTRAL PARK OF NEW YORK CITY

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. DUNCAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DUNCAN. Mr. Speaker, this Saturday in Central Park of New York City a big antiwar rally is to take place. Already the streets of our largest city are bearing the signs of invitation to young people to join the rally and to form a massive march to the United Nations headquarters.

Personally, I believe this really speaks for itself; it is its own bad reflection and it is offensive to loyal Americans. It is not hiding behind a cloak of religion, or anything else, but is displaying in great evidence the backing of the Communists.

Certainly, I believe in freedom of speech, and of assembly, but such a staging as this is completely alien to Americanism. In the first place, the House Committee on Un-American Activities says that the Student Mobilization Committee is organizing the rally. In fact, they are chartering buses from various areas and running special trains from Chicago. They want all roads to lead to the Red-led rally in Central Park.

Already, this Vietnam week of April 8–15 has become a great propaganda weapon for the Communists. Through this special protest week and through the rally they are bringing together many elements in a united movement. There is no doubt in my mind that the Communists will make every effort to stage the biggest, most monstrous rally so that it, too, will be another weapon in their propaganda arsenal.

To me it is shameful and disgraceful to see many of our young people being led away by enticing propaganda of Communist-backed movements and organizations. Every day now the list of wounded, died of wounds, missing, killed in action, and captured by the enemy grows longer. Just in my Second Congressional District of Tennessee we lose as many as three young men a week to the gunfire and war in Vietnam.

If we are to win in Vietnam we must win elsewhere, too. We must win at home and we must win the respect of other countries. But who will believe us, who will respect us when rallies are held such as the one planned for April 15?

The results could be a major propaganda victory for communism around the world. It would give aid and comfort to Communists everywhere. It would give Communist propaganda machinery a field day around the world. It would make it more difficult for the United States to convince our allies of the correctness of our stand in Vietnam.

The Reds have already indicated that such rallies are bolstering North Vietnam's determination to extend the war. By presenting these Red-led rallies as spontaneous outpourings of majority U.S. sentiment, instead of carefully organized demonstrations, they have given Hanoi new hope of victory—if not on the battlefield, then here at home in creating chaos and "get out now" sentiment.

TO PROVIDE ALTERATION, RECONSTRUCTION, OR RELOCATION BY TVA OF CERTAIN HIGHWAY AND RAILROAD BRIDGES

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Brock] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BROCK. Mr. Speaker, I am today reintroducing my bill to amend the Tennessee Valley Authority Bridge Act to provide for the alteration, reconstruction, or relocation by the TVA of certain highway and railroad bridges.

This amendment is necessary to give the TVA authority to use appropriated funds to alter bridges which have become obstructions to navigation on the Tennessee River and its tributaries.

I feel the passage of this legislation is long overdue. A substantial portion of the industrial capacity of the Tennessee Valley area is dependent upon development of this vital waterway, and there are several areas where bridge alterations are imperative to permit maximum usage.

Especially important is the Tennessee State Highway 58 bridge over the Hiwassee River, near Charleston and Calhoun, Tenn. When this bridge was originally constructed, the volume of water traffic was minimal. Now, however, the Hiwassee services a tremendous industrial complex, including a giant Bowaters papermill and an Olin Mathieson plant. The TVA has deepened the present channel to accommodate present and potential traffic, but the full benefits of this important waterway cannot be fully realized until the bottlenecks have been removed.

I urge my colleagues in the House to take immediate action on this legislation.

WRITER RAPS YOUNG "PROTESTORS"

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Brock] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BROCK. Mr. Speaker, the March 29 issue of the Miami Herald carried a most effective rebuttal to the constant complaints and protest movements of our growing lunatic fringe of professional rebels and malcontents. The article, written by Edwin A. Lahey, chief correspondent for Knight Newspapers, puts things in their proper perspective and I feel that it will be of interest to my colleagues. I ask that it be inserted in the Congressional Record.

Thirty Years Ago They Might Have Been Raking Leaves

(By Edwin A. Lahey)

Washington.—Maybe a scrupulous older person should feel a sense of guilt when young people explode with hostility toward the world we've made for them.

Excuse me if I say "nuts." This world is a lot better than the one we found. These tiresome young creeps mugging for the TV cameras with their protests are asking for egg in their beer.

This goes for the middle-class boy tipping over a pie wagon in Fort Lauderdale, for the Howard University students driving the director of Selective Service off a platform where he had been invited to speak, for the gummy and unwashed broads whose protest against conformity has a more slavish devotion to conformity than you find in a country club.

Does any youngster want to argue whether he lives in a better world than his parents or grandparents grew up in?

A generation or two ago, many of the young people fighting police today would not have survived. They would have died of diseases you never hear of, such as scarlet fever or diphtheria.

It is 22 years since the end of World War II. We do have peacetime conscription. We do have a Vietnam. But the U.S. is still breathing. It is still an even money bet that we can avoid the big nuclear war.

In 1939, which was 22 years after World War I, the League of Nations was dead. Hitler, Mussolini, and the Japanese war lords were riding the Fascist wave of the future, and the parents of today's young people were being sucked into the vortex of war.

Students in campus demonstrations today might not have been able to get close to a college campus in their father's or grandfather's day. It was common in working class families for boys to go to work right out of eighth grade.

Today if a boy is college material, whatever his background, he can get a college education.

Millions of middle-aged people remember the great depression of the early 1930s. Men trained for engineering and other professions wound up raking leaves for the WPA or working in filling stations. Today the agents of the great corporations comb the college campuses, looking for people to accept fabulous job offers.

A few weeks ago the editor of a big newspaper asked me where he could find some young men who wanted to be sports writers. I thought he was pulling my leg, but he was serious.

A young Negro still has a legitimate beef today about job discrimination and other injustices. But we have taken tremendous strides in interracial justice in this generation. And it is unforgivable that a Negro would be afraid to concede this, lest he be called an "Uncle Tom."

It is of little comfort to recall that the young people engaged in protest, with foul language and rowdy conduct, are in the minority. Gunmen on the heist also are a small minority.

The most terrifying thing about youngsters is that they are people. Each of them is endowed with a vote, now or pretty soon. There are about 19 million in the age group from 12 to 16, another 17 million who range from 17 to 21, and still another 14 million in the 22 to 26 bracket.

All I can say is God help us, and please find me a slow freighter to the Caribbean.

THE "SAVANNAH" TO THE FAR EAST

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. Edwards] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. EDWARDS of Alabama. Mr. Speaker, I want to call attention to the need for rescuing the nuclear ship *Savannah* from the premature retirement that has been proposed by the Johnson administration.

The ship will be laid up for good in August according to plans of the administration. The wisdom of L.B.J.'s decision is highly questionable, and this is a point of wide bipartisan agreement among members of the House Committee on Merchant Marine and Fisheries.

The NS *Savannah* represents a pioneering experiment by the U.S. Government and by merchant shipping industry and labor. It is perhaps the one bright spot in the overall dismal picture of U.S. merchant shipping strength.

Adaptation of nuclear energy to merchant shipping is today an American success story as demonstrated by the *Savannah*. The ship has visited some 40 ports and traveled 130,000 miles in showing that a nuclear-powered cargo ship can operate over long distances and long periods of time successfully.

It is a tragic embarrassment to the United States that our Government proposes to cut short the life of this dramatic evidence of American peaceful use of nuclear energy.

The decision has been made even before the *Savannah* has visited many important areas of the world. The ship has never been to the Far East, for example.

SEND HER

Plans should be devised now for sending the NS *Savannah* on a good-will journey to the Far East, starting with Japan and moving southward to Australia visiting as many ports as is appropriate.

The ship should carry cargoes of good will and messages of peace. For example, it might carry books to help stock the libraries of Asian nations. It might carry emergency food commodities to be set aside for use at times of disaster such as earthquakes, fire, or famine.

It might also carry messages of friendship from American schoolchildren to their counterparts in Asian countries.

There is virtually no limit to the constructive use of a voyage of this kind using the resources we have. The Voice of America and other sections of the U.S. Information Agency should be of extensive help in making the ship's journey known to the whole world.

MARITIME INNOVATION

The NS *Savannah* is the world's first and only nuclear-powered cargo ship. It was planned in the late 1950's as part of President Eisenhower's "Atoms for peace" project. It was commissioned in 1962 and has been in operation since 1963.

In a day when the U.S. merchant fleet is suffering from a shortage of modern ships we should not be retiring the only nuclear-powered cargo ship we have but should instead be drawing up plans for more.

The President gives economy as his reason for laying up the *Savannah*.

But in the words of Senator MAGNUSON, speaking in the other body on February 6:

> The budget proposal to retire the *Savannah* from service in our already over-extended and inadequate fleet is an indication that the United States has buried its head in the sand so far as realizing the importance of the peaceful development of nuclear energy and its specific application to the maritime field.

My understanding is that the cost of laying up the ship as a total deactivation would be about $9 million, or about three times the cost of operating the ship for 1 year.

Any net savings realized in the laying up of the ship would be a hollow savings indeed. It would be one of the greatest examples of false economy ever known in the U.S. Government.

While the administration proposes to abort this dramatic venture into maritime innovation, other nations are beginning now to experiment themselves in the same endeavor.

Communist China, Germany, Japan, and Russia are all building nuclear-powered merchant ships, and chances are very good that in a few years there will be several such ships on the world's sealanes.

We are in real danger of putting ourselves in the position of a baseball team which leads the league on Memorial Day but then puts down all its equipment and quits for the season, leaving the competition to the rest of the league, in order to save the costs of a few more baseballs.

We have the capacity and the experience to build nuclear cargo ships. We have the know-how and the eagerness to operate them. We understand the need to revitalize our merchant fleet through innovation.

We should be under no illusion that nuclear energy by itself will solve our serious merchant fleet problems. But we should also know that part of any overall answer must be nuclear power.

We need to build more nuclear cargo ships and get them into business. The costs will be repaid over and over again.

The *Savannah* is an experiment which wil prove to be priceless if we only use it as it was intended. To lay up the ship now would be a mistake of the greatest magnitude.

Let us send the *Savannah* to the Far East as a means of showing the world, and indeed, showing our own people, what we have done with nuclear power in the peaceful effort of merchant shipping.

ENACTMENT OF ANTIRIOT BILL ESSENTIAL

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRAMER. Mr. Speaker, although it is only April, it would appear that a long, hot, riot-scarred summer is being forecast for many of the major cities of America. The outbreak of riots in the Fisk area of Nashville, Tenn., is the most accurate barometer to date and it appears that, as in past summers, Stokely Carmichael will be one of the principal agitators.

That the Nashville riots follow the typical pattern of outside instigators coming into the city to inflame the people to riot is best evidenced by the statements of Nashville city officials, educators, and responsible civil rights leaders who have charged that Carmichael directly or indirectly triggered the rioting. As recently as April 5, Carmichael, who, incidentally, is the leader of the so-called Student Nonviolent Coordinating Committee, told a group of students at Miles College in Alabama that Negroes are not bound to obey laws legislated by white people.

> To hell with the laws of the United States—

He shouted—

> If a white man tries to walk over you, kill him. Burn, baby, burn.

"Burn, baby, burn." These are the words which have been associated with the riots that ravaged parts of the cities of Chicago, Brooklyn, Cleveland, Baltimore, San Francisco, Los Angeles, and Jacksonville last year. And Stokely Carmichael has been the man most often associated with these riots.

Mr. Speaker, all of this is by way of saying that unless this Congress enacts effective laws to deal with professional agitators such as Stokely Carmichael, this Nation will witness more deaths, injuries, and destruction of property in the months ahead.

Last year, this body approved by an overwhelming vote of 389 to 25 my amendment to the 1966 civil rights bill which would have made it a Federal offense to travel in interstate commerce or use interstate facilities with the intent of inciting a riot or any other form of riot or disobedience. The civil rights bill died in the Senate and the Cramer antiriot amendment died with it. Subsequently, I introduced a separate antiriot bill which was in substance identical to the antiriot amendment to the 1966 civil rights bill which passed this body. Upon introducing that measure in the last Congress, I called upon the distinguished chairman of the House Judiciary Committee, EMANUEL CELLER, to hold immediate hearings on this measure. Although he refused to do so, he did give me his personal assurance that consideration of antiriot legislation would be among the first orders of Judiciary Committee business in the 90th Congress. The 90th Congress has been in session 3 months and to date, despite the fact that I reintroduced my antiriot bill and have been joined by 40 of my colleagues, the chairman of the House Judiciary Committee has refused to honor his pledge to me, and in a broader sense, to an anxious and fearful Nation which is today living under the threat of further racial outbreaks this summer.

I urge the gentleman from New York [Mr. CELLER] to seriously reconsider and reevaluate whatever reasons he may harbor for refusing to schedule hearings on antiriot legislation.

I have never suggested that a Federal antiriot law is the total answer to the riots that threaten to scorch the cities of America this summer. I do believe, however, that Federal antiriot legislation patterned after my antiriot bill would get at the instigators of these riots who travel from one city to another preaching anarchy and hate with the intent of inciting their listeners and followers to civil disturbance and in fact succeed.

I would hope that this Nation is too civilized to allow purveyors of hate, distrust, and violence to roam its highways and byways without taking affirmative and meaningful steps to stop them.

The need for this legislation is best evidenced by the fact that people like Stokely Carmichael are not in jail. Clearly, were local ordinances sufficient to cope with these situations, Carmichael and others of his ilk would be behind bars. But, as we know, local authorities cannot cross State lines to apprehend instigators not captured at the scene of the riot. And this, I submit, is the tactic used by Carmichael and others. To avoid local arrest they can inflame the people to violence and then leave the city before the riot begins. This contention is supported by individuals who are in the best possible position to know. Mr. Avon Williams, a civil rights leader and lawyer in the city of Nashville is quoted as saying:

> Stokely Carmichael didn't have to be present in this town when this started. His bully boys were here and they knew what he wanted.

A similar position was taken by Dr. James S. Lawson, acting president of Fisk University, and Dr. W. S. Davis, president of Tennessee State University.

My bill would accomplish what local law-enforcement agencies and local ordinances cannot. My bill would allow the FBI to apprehend the Carmichaels who leave the city before the riot they incited takes place if it can be shown that they traveled in interstate commerce or used a facility of interstate commerce with the intent of inciting the riot. There is no requirement in my bill that the wrongdoer be present when the riot occurs so long as it can be shown that he intended to incite the riot and in fact did so. My bill would, if enacted into law, put Carmichael and other professional agitators such as George Lincoln Rockwell of the American Nazi Party, and Ku Klux Klan members who instigate violent civil disturbances in jail where they belong.

Mr. Speaker, the central thesis of our form of government is that freemen can solve the problems of a changing society under process of law and without resort to anarchy. Hopefully, the chairman of the House Judiciary Committee will schedule immediate hearings on my bill as he promised and allow the Congress to act its will on this pressing matter of grave national concern so that laws can be enacted to prevent the type of activity that, if not stopped now, could lead to anarchy.

For the information of the House, I am herewith inserting in the Record a number of recent newspaper articles which should be of concern to all:

[From the Wall Street Journal]

Racial Powder Keg—Negro-White Hostility Mounting in Cleveland as City's Efforts Fail—Armed Youth Gangs Growing; Mayor Blamed by Business, Established Negro Leaders—CORE, Reds, Klan Eye City

(By Monroe W. Karmin and David Vienna)

Cleveland.—To Ahmed, the high priest of Negro militancy here, the white man is a "beast" to be overcome. He predicts May 9 will be the "terrible day" that the anger of this city's black ghetto erupts into violence—partly because, by his calculations, that will be the day when an eclipse of the sun darkens the sky.

Because of his devotion to astrology, Ahmed is dismissed by many white Clevelanders who doubt that astrology has any value. Besides, Ahmed, whose real name is Fred Evans, was arrested last week on charges of assaulting a police officer; he has been released on $5,000 bond.

Nevertheless, Ahmed's warnings that "blood must flow" and "some must die" are gospel to a small but growing number of followers, who gather every other Thursday night to hear him or other Negro radicals conduct what they call "dialogues in black." And though these sessions may be a muddle of mysticism and menace, they are all too symptomatic of the tensions that make this city one of the nation's leading racial trouble spots. Even to some city officials, Cleveland's inability to make a significant start toward coping with racial discontent seems to foreshadow a sequel, when the weather warms, to last summer's five-day riot in the "tough Hough" slum that left four dead.

FEARS IN WASHINGTON

That also is the feeling of those in Washington who keep watch on racial developments. John A. Hannah, chairman of the U.S. Civil Rights Commission, which held hearings here last year, says "the accounting of (Cleveland's) accomplishments is very short, and the agenda of its unfinished business is very long." Another civil rights specialist asserts that "what makes Cleveland different from other cities" in its potentiality for a racial explosion "is its complete lack of effective leadership" on the part of City Hall, the business community and the responsible Negro organizations.

This leadership vacuum and its effects are apparent to anyone who peers behind the "positive image" that Cleveland officialdom seeks to project. Outside organizations ranging from national civil rights groups to white-supremacy groups, are marking Cleveland as an arena for action this spring. Within the city, for every anti-white Negro group there is an equally hate-filled anti-Negro white group.

For instance, while Ahmed rants, "Adolph Hitler" roams. He is the bearded, long-haired white youth who commands the Deuces, a local motorcycle club that is patterned on California's Hell's Angels and vows allegiance to George Lincoln Rockwell's American Nazi Party. During last summer's Hough riot the Deuces, decked out in Levis, animal-skin vests and chromed Nazi helmets, roared through the ghetto flailing with chains at Negroes. "This is probably the group around which other white gangs will rally should an outbreak occur," declares a social worker.

Both Ahmed and Adolph, and the circumstances that charge their activities with danger, are known to the police and presumably to the man who sits atop the Cleveland powder keg—Mayor Ralph Locher. Yet conversation with city officials turns up little hope of preventing new racial violence. Rather, discussion centers on when, where and how it will occur.

Mayor Locher, a Democrat, up for reelection next fall, tries hard to accentuate the positive. "We're progressing nicely on many fronts," he says. But his optimism evaporates when he is questioned about the possibility of riots this summer. "No mayor can guarantee peace," he replies.

Others in the Locher administration and private-welfare agency officials come close to predicting conflict. Mrs. Lolette Hanserd, a director of the Welfare Federation, an organization coordinating the activities of the city's social service agencies, has been receiving increasing reports of black and white gangs not only organizing but arming. "If the Negroes don't stir up trouble, then some whites may be trigger-happy," she says forlornly.

AN SOS TO WASHINGTON

Most pessimistic of all is the director of Mr. Locher's human relations board, Bertram Gardner. He fears an outbreak this summer larger than last summer's. "I suspect that it won't be confined to the Negro community," he says. "I'm afraid it will extend to the white communities and downtown—not a massive movement but guerrilla warfare."

White neighborhoods next to Negro ghettos share these fears. The Justice Department in Washington already has received an appeal for help from a social worker in Murray Hill, known as "Little Italy," which has been selected by some Negroes as a target for demonstrations this summer. If this happens, warns the social worker, "violence could erupt." He adds plaintively: "Our experience with local law-enforcing agencies has not been as comforting as we would like."

Underlying such pessimism is the feeling that much of Cleveland's attempt to deal with its racial problems has failed, and that those groups that might be expected to join in a leadership effort are alienated from one another.

City Hall and the Federal Government are at odds.

During the past 15 years or so, the city, eighth largest in the U.S. with a 1960 population of 876,050, has drawn up plans for a dozen urban renewal projects; it now surpasses all other metropolises in acreage tabbed for renewal. Yet Cleveland has been able to close the books on only one project, a pace so slow that Housing and Urban Development Secretary Weaver has begun cutting off the city's urban-renewal money. His reason: The "long history of negotiations with, and broken promises from, the local government." Mayor Locher accuses Mr. Weaver of unfairness.

City Hall and the Cleveland business community are at odds.

The Inner City Action Committee, led by Chairman Ralph Besse of Cleveland Electric Illuminating Co., was created after the 1966 Hough riots, to help the city cope with its racial problems. But after six months it severed relations with the mayor because "the city administration will not accept meaningful assistance and coordination." Mr. Locher accuses the businessmen of "playing politics with the well-being of the people of Cleveland."

City Hall and the responsible Negro leadership are at odds.

"Frequently when it's most needed, the Negro leadership just isn't there," the mayor charges. Leo Jackson, a Negro city councilman, replies with equal intensity: "Locher's a decent, honest, sincere gentleman, but you can't be a gentleman and cope with the problems of this town. You've got to a hard-fisted, practical guy who'll take risks."

Established Negro leadership and the Negro community are at odds.

A training program sponsored by the National Association for the Advancement of Colored People and the Urban League has flopped badly in its aim of getting Negroes into building trade jobs. Ernest C. Cooper, the Urban League director, says: "We were in the position of preparing people to be put on shelves." With this failure, the NAACP and Urban League dropped another notch in the esteem of Cleveland's Negroes. According to one civil rights specialist, "The NAACP couldn't mobilize a picket line of 10 people now."

The Negro community and the police are at odds.

Harlell Jones, a slender Negro identified by a grand jury as a leading figure in last summer's riots, but never indicted, and who now works as a building maintenance man in Hough, assesses the current mood of the ghetto as worse than a year ago. The reason? "Police brutality," he says. Police Chief Richard Wagner replies: "We have no critics west of the Cuyahoga; we cannot appease those east of the Cuyahoga." Most whites live on the west side of the Cuyahoga River, which runs through the middle of Cleveland; most Negroes live on the east side.

MOVEMENT IN THE SCHOOLS

Still, Mr. Wagner has established a new community relations unit in the department and has opened eight new police athletic centers for slum youths. Also, there has been some movement in education. A new school board has initiated the construction of some new schools, the opening of more kindergartens, libraries and vocational classrooms, and the creation of a supplementary education center to draw white and Negro pupils for specialized instruction.

"The only bright spot I can think of is our schools," says Alan Kandel of the Jewish Community Federation.

There are other activists at work, but without much visible result. The Businessmen's Interracial Committee on Community Affairs is conscientious but, says Mr. Cooper, a member, "they're involved mostly in long-range planning, not immediate action." Two wood-products trade associations have announced plans to rehabilitate a section of Hough, but the project is said to be stymied by slum landlords who have jacked up prices. Other public and private rehabilitation projects amount to a drop in the bucket.

Mayor Locher, for his part, has some plans he expects to reveal as election time approaches. He already has repaved some slum streets, installed new street lights, and hauled off the streets hundreds of junked cars. Soon he hopes to start a citywide rat control program, collect ghetto trash weekly instead of monthly, let some contracts for play areas and "vest-pocket" parks, and augment the city's supply of housing inspectors, policemen and medical personnel.

MONEY PROBLEMS

But all this costs money, and the mayor is having his troubles on that score. Voters defeated a city income tax in 1965. Last year the city council enacted a tax to be effective this past Jan. 1, but disgruntled citizens have forced the levy to another ballot box test, to be held in May or June. "If the tax is defeated," says Mr. Locher, "then there will have to be a severe cutback," in his plans.

Anyway, the mayor is willing to move only so far. To him some specific recommendations for easing racial tension in Cleveland advanced by the Civil Rights Commission are "poppycock," and he is steadfastly loyal to his city officials. The Inner City Action Committee, in offering to supply the city with dollar-a-year men to unsnarl the urban renewal tangle, insisted on the removal of the city's urban renewal chief. The mayor refused.

Mr. Locher is looking to Washington for some new help. The White House is expected to announce soon a crash program to provide jobs for unemployed Negroes in 19 cities, and the mayor believes Cleveland will be one. But Mr. Kandel of the Jewish Community Federation, who has been in on some of the local planning, is not enthusiastic. "It's too late," he says. "They're talking about placing 2,000 people by June, and that's only three months away."

Less than two months away is the "doomsday" pinpointed by Ahmed. He is quite correct in predicting an eclipse of the sun on May 9, but authorities say the eclipse will be partial and won't turn the Cleveland sky dark. And Ahmed's forecast of revolt may be wildly exaggerated. But other events scheduled for Cleveland soon are likely to arouse racial tempers.

ENTER MARTIN LUTHER KING

The Rev. Martin Luther King Jr. will visit Cleveland soon to help prepare for simultaneous demonstrations this summer here and in other cities. The militant Congress of Racial Equality, (CORE) has narrowed its search for a summer "demonstration city" to Cleveland, Oakland, Calif., and Newark, N.J. A spokesman here says it is "quite possible" that Cleveland will be the final choice.

"If CORE makes Cleveland its target city," says J. B. Stoner, vice chairman of the white-supremacist National States Rights Party, "we'll come to Cleveland to stage peaceful counter-demonstrations." Last summer, after a States Rights Party rally in Baltimore, the 1966 CORE demonstration city, whites and Negroes tangled in the streets.

The Ku Klux Klan is preparing for an organizational meeting in this city in a few weeks. There are reports that the American Nazi Party intends activity here this spring. At the other end of the political spectrum, some authorities expect Communist operatives to be active here this year; the grand jury investigating last summer's Hough riots found evidence of Communist Party participation.

Local organization is proceeding on both sides of the color line. The United Black Brotherhood (UBB), formed last fall and regarded by Police Chief Wagner as "militantly racial," is actively involved in the "dialogues in black" that present Ahmed and others to the Negro community. The supposed aim of the "dialogues" is to steer militants away from violence and toward peaceful protest.

But police say the effect is to unite Negroes under the UBB banner.

Lewis Robinson, identified by a grand jury as a leader in last summer's riots but never indicted, and now a participant in the "dialogues," says of them: "We've had factionalism. Now we want to pull all these things together." He views rioting as "productive and good, a warning that drastic measures must be taken."

Harlell Jones also believes Negroes should crowd into a single group for "political" purposes. He plans to strike out on his own this month to organize such a group.

WHITE ORGANIZING

An organizing drive among whites is being planned by Robert Annable, chairman of the Cleveland-based National Christian Conservative Society and also head of the North American Alliance of White People. Mr. Annable, who believes that Negroes are "culturally and intellectually inferior," will begin holding rallies in May. William Murphree, vice president of the White Citizens Council of Ohio, subscribes to many of Mr. Annable's beliefs and also plans rallies.

The special targets of all these racial organizers, whether they admit it or not, are the youngsters of this "city of nations," most of whom live in neighborhoods that are sharply segregated along nationality as well as racial lines. Murray Hill is largely Italian, Sowinski Park largely Polish, Hough largely Negro, and so on.

As the pressures of social change have mounted, what once were youth clubs have become gangs and now, say social workers and police alike, they are turning more viciously racist. "We know that white and Negro youth gangs now are clashing," says Mr. Kandel, "and we didn't have that before."

In Collinwood, a white neighborhood next to the Negro Glenville section, a young fellow in his twenties says: "When the civil rights groups said they were going to march this summer in our neighborhood, a bunch of the guys in our club decided to form vigilante groups." The "club" he refers to is a neighborhood social club. Mrs. Hanserd of the Welfare Federation says, "We keep hearing there's a buildup of guns in the Collinwood area."

"CHAIN GANG" TARGET PRACTICE

In Sowinski Park, members of the white Chain Gang recently have acquired shotguns. "They're practicing with the guns in the basement of one member's home, shooting at paper targets they call 'niggers,'" a social worker says. "The purpose for the guns, they say, is to defend themselves against the Negroes when the riots come again this summer."

In another white section, on the western fringe of Hough, signs tacked on telephone poles and painted on buildings warn "Nigger, this is Alley Rat territory, keep your ass out," or urge "Wallace for President." This is the work of the Alley Rats gang whose members, social workers say, have attended meetings of the American Nazi Party in Detroit and Pittsburgh. The Outlaws, a Cleveland motorcycle club, is reported laying plans to attack the Checkered Cherubs, a Negro motorcycle club.

The United Black Brotherhood, whose strongholds have been found by police to contain fire bombs, has begun within the past few weeks to instruct some Negro youth gangs in "guerrilla warfare." Police Chief Wagner says the UBB has made contact with the Ponderosas, a 200-member group preoccupied until recently with vandalism but now turning increasingly anti-white.

A similar turn, says the police chief, has been detected among other Negro gangs, such as the Delamores, the Devil's Disciples and the Marquis. "They're getting away from gang activity and are forming militant racial organizations," Mr. Wagner declares.

[From the Washington (D.C.) Post, Dec. 4, 1966]

KING WARNS OF RIOTS IF AID IS CUT BACK

Dr. Martin Luther King warned last night that "more ruinous riots will develop" in this country unless the "human rights movement" accelerates.

"Any cutback in the poverty program will be tragic," King said, "and will be an open invitation to violence." As long as intolerable conditions exist in the cities, he added, we are creating the atmosphere for the kind of riots seen in the last few years.

The civil rights leader made the remarks at a press conference before he attended a banquet at the Washington Hilton Hotel marking the 60th anniversary of the Alpha Phi Alpha Fraternity. The group, founded at Cornell University, is predominantly Negro. King is a member.

Answering a question about his view of last month's Republican election victories, King said he has not come to the conclusion "that the new Congress will be as reactionary as many think. The victory was more for the progressive element in the party, than for the conservatives," he said.

At another point amid clicking cameras and hot lights, King defended Rep. Adam Clayton Powell's right to continue in Congress. The New York Democrat recently has come under fire from some colleagues for alleged improper practices.

"Mr. Powell should not only serve in Congress," King said, "but should continue to head the Education and Labor Committee." If all Congressional committees are revamped, King said, Powell's would be one of them. But, he added, Powell should not be singled out for punishment.

"Eastland and Stennis and some other Southern Congressmen have done more to injure America than Congressman Powell," King added. He referred to Sen. James O. Eastland and Sen. John C. Stennis, both Mississippi Democrats.

Discussing the black power issue, King said he doubted whether most Negroes ever accepted the slogan, but added that they accept the concept.

King took pains to emphasize that the civil rights movement has passed from a legal to a human phase.

"Now we're dealing with rights that are not always in the Constitution," he said.

What lies ahead, he declared, "will be much harder than public accommodations because that didn't cost anything—in fact, it helped business. We must take the profit out of slums. It will be much harder, but I know we'll do it," he said.

[From the Jacksonville (Fla.) Times-Union, Apr. 5, 1967]

Carmichael: Kill Whites

Birmingham, Ala., April 4.—Stokely Carmichael said today that Negroes, are not bound to obey laws legislated by white people.

"To hell with the laws of the United States," he shouted during a talk at Miles College.

A student asked what should be done when Negroes are mistreated.

"*If a white man tries to walk over you, kill him,*" Carmichael answered. "One match and you can retaliate. Burn, baby, burn."

The leader of the Student Nonviolent Coordinating Committee called for removal of the school's predominantly white faculty.

"You are a bunch of parrots, saying back what is said to you in classes," he told the students.

"You don't even question why there aren't books about black people in your libraries . . . You can't read books about black men because Miles College is dominated by white people."

Carmichael criticized the students for not taking part in racial demonstrations.

"If you don't wake up, man, your brothers in the ghettos are going to wake up with matches," he said.

[From the Washington (D.C.) Evening Star, Apr. 11, 1967]

Nashville Peace Talks Due as Race Disorder Declines

Nashville, Tenn.—Students and city officials made their first moves toward the conference table today after three nights of racial violence around the city's Negro college campuses.

A mediator said tentative agreement was reached last night after a day of separate talks to bring together student leaders, members of the Student Nonviolent Coordinating Committee and representatives of Nashville metropolitan government.

As the talks shaped up, violence diminished under a spring rain in the North Nashville area where Tennessee State University and Fisk University, both predominantly Negro, are situated.

Crowds of Negro youths took to the streets at dusk yesterday, but violence was limited to a few small fires and sporadic gunfire, mostly aimed at street lights.

MORE ARRESTS MADE

Police continued to make arrests at checkpoints cutting off the riot area, and about 300 students confronted police at Tennessee State, but the crowd scattered when police fired a shotgun warning and four rounds of tear gas.

Nearly 100 persons were arrested during the three days of unrest. Nine of them were charged with inciting to riot, among them two aides of Stokely Carmichael, "black power" advocate.

Carmichael, head of SNCC, spoke to three college groups here last week. The Tennessee House of Representatives adopted a resolution last night blaming Carmichael for the rioting.

MANY BLAME CARMICHAEL

City officials, educators and civil rights leaders also charged that Carmichael, directly or indirectly, triggered the rioting.

But some insisted that Carmichael's role was that of a catalyst for forces already existing within the community.

"The malignancy has been here," said Baxton Bryant, director of the Tennessee Council on Human Relations. "Carmichael only opened the window so that young Negroes could see it."

Carmichael told students at Dillard University in New Orleans last night the violence was caused by "two white cops" who came on one of the college campuses and "started to beat up the students."

Avon Williams, a civil rights leader, lawyer, said the rioting was brought on by Carmichael and by "the blindness of white people who have refused for months to see trouble coming."

"Stokely Carmichael didn't have to be present in this town when this started," Williams said. "His bully boys were here and they knew what he wanted."

A similar position was taken by Dr. James S. Lawson, acting president of Fisk University, and Dr. W. S. Davis, president of Tennessee State University.

Lawson commended Nashville police for what he termed the "splendid handling" of the situation. He said most of the rioters at Fisk were "outside agitators" brought into Nashville by SNCC.

Carmichael was in Nashville for four days prior to the first student uprising Saturday night, speaking to groups at Fisk, Tennessee State and predominantly-white Vanderbilt University.

EARLIER VISIT RECALLED

Officials said events leading to the unrest began with another Carmichael visit a week earlier—when he addressed groups over the protests of university officials.

Carmichael told Fisk students Thursday he was in Nashville to "stir up trouble. . . ."

At Tennessee State Friday night, he said: "You need power to counteract power used against you. Victims (of injustices) should never, ever, apologize for the use of violence."

But at Vanderbilt Saturday, Carmichael opposed the use of violence and termed the rioting in the Watts section of Los Angeles two years ago as "rebellion."

WE'RE BEING LEFT BEHIND

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Keith] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KEITH. Mr. Speaker, at a time when an expanded American merchant marine is critically necessary to insure continuous supply of military material to our forces in Vietnam, we find that 80 percent of our merchant fleet will reach the end of its economic life within the next 5 years. With Soviet competition vigorously challenging the West for control of the seas, action is long past due to close this alarming gap in our national maritime capability.

Presently, Mr. Speaker, a very large proportion of our reserve fleet vessels—some of them barely seaworthy—is being used for transport of supplies to Vietnam. All of these vessels are over 20 years old, and many are only days away from the scrap heap. Newer ships from the private merchant fleet cannot be called into service without facing permanent loss of commercial routes to foreign competitors and the resultant loss to our balance of payments. It is clear that another Lebanon-sized crisis, occurring while we are still engaged in Vietnam, would push our ocean transport capabilities beyond the breaking point.

A recent editorial in the New Bedford Standard-Times, Mr. Speaker, points out the alarming contrast between the Soviet Union's rapid buildup of a world-spanning merchant fleet and our own lagging progress. I am entering this editorial into the Record to alert the House further to the growing crisis we face:

[From the New Bedford (Mass.) Standard-Times, Apr. 4, 1967]

We're Being Left Behind

There are two ways of looking at the fact that the Soviet Union is preparing to open its sea route along the north coast of Siberia, linking Europe and Asia, to vessels of all countries.

The first is emphasized by the fact that less than two years ago, the U.S. Coast Guard icebreaker North Wind abandoned an attempt to navigate the Arctic route when it was challenged by Soviet warships and military aircraft.

Thus, opening of the sea route, which significantly shortens shipping time between northern Europe and northern Asia—it can save as much as 8,500 miles—could be interpreted as a Soviet attempt at "bridge-building" to the West. Japanese vessels already are using part of the so-called Northern Sea Route.

Less encouraging, however, is the meaning of this move in terms of U.S.-U.S.S.R. merchant marine advancement, for every factor indicates they are advancing and we aren't.

Nuclear-powered Soviet icebreakers in less than seven years have lengthened the period during which this Arctic route is navigable from 90 to 140 days of the year. Russian use of the route has risen in recent years in direct proportion to its merchant marine growth and economic development of the Arctic coastal territory.

The first of these factors is the most important to us. In 1960, the Soviets were in 11th place among the fleets of the world; by 1965, they were in sixth place and challenging Japan for fifth. By 1971, with a projected 10 million tons added to their merchant fleet, Soviet superiority over the U.S. may be as much as 2-to-1.

The contrast between our two countries is cause for deep concern. During the last 20 years, while the Russians were forging ahead, our active fleet declined from 2,332 vessels to approximately 900. What is more, 80 per cent of the Soviet fleet is less than 10 years old, while 70 per cent of all U.S.-flag cargo ships are more than 20 years old.

There is another point of comparison. By the end of 1966, the Soviets were carrying 75 per cent of their ocean-going trade in Red-flag bottoms; the U.S. merchant fleet carries only 7.7 per cent of our trade.

Since 1962, the Soviets have built 502 merchant ships, while we were building 87. As of October 1966, the Soviets had 516 vessels on order, compared with only 49 in this country.

In 1965, the Soviets spent more than $600 million on shipbuilding and last year, they spent approximately $1 billion. In this country, which used to fancy itself a major maritime power, we spent less than $150 million in 1965 and $106 million last year.

Thus, Soviet investment in this vital area is nearly 600 per cent of our investment.

It is something to think about.

CONGRESS SHOULD REASSERT ITS CONTROL OF THE PURSE STRINGS

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. Zion] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ZION. Mr. Speaker, revelation of the fact that the administration is spending $75 million more annually than it costs for the Congress and the judiciary on propaganda directed, not at the Communists fighting our American boys in Vietnam, but at the American people, would be funny if it were not so dangerous.

Yes, dangerous. Here you have the executive spending $425 million a year in an attempt not only to manage the news output but to create and control the thinking of almost 200 million free Americans. This spoon-feeding of our people about what they should think makes the propaganda machines of Hitler and Mussolini, not to mention that of the Soviets, fade to relative insignificance.

The use of this slush fund—with the best brains that money can buy—fits naturally if you look closely at what is being pounded out daily under the Defense Department's "truth juggling" doctrine to make the stalemate in Vietnam appear as a success.

A phony truce, a pullback, a "phased withdrawal," a phony Soviet "thaw" at the very moment when the Soviets are escalating the war in Vietnam with ground-to-ground missiles and higher U.S. casualties is intended to tranquilize the American people. We are all to smile, relax, and cheer a potential sellout of human freedom, unnecessary waste of American lives and resources. We may even be persuaded to sanction the effective surrender of all of southeast Asia to communism.

Right now it is being made plausible to trade with the enemy while Americans die from Soviet bullets and munitions. The administration sidesteps the fact that Americans die daily because we do not close the ports of North Vietnam into which Soviet ships carry Soviet-made weapons.

I submit, Mr. Speaker, that the time has come when Congress should reassert its control of the purse strings and prevent this executive department's brainwashing.

PROGRESS AND PROSPECTS ON THE C. & O. CANAL

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. MATHIAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MATHIAS of Maryland. Mr. Speaker, one of the traditional harbingers of spring in the Potomac Basin is the migration of large numbers of people to the C. & O. Canal. From Washington to Cumberland, individuals and families this month are being drawn to the canal, and to its unparalleled opportunities for hiking, bicycling, canoeing, fishing, horseback riding, picnicking, camping, and other forms of outdoor recreation.

I know that many of my colleagues are familiar with the canal in Georgetown and along the shore of the Potomac to Great Falls. I trust that this year they will have a chance to visit other portions of this historic waterway, to enjoy the calm and beauty of western Maryland and to become acquainted with the tremendously varied recreational possibilities waiting there.

Both the canal's longtime neighbors and its new-found friends are quite familiar with its great natural and historic assets. They also know what must be done to fully develop this important resource, so that it may continue to serve both the residents of the Potomac Valley, and the increasing numbers of visitors drawn to the basin every year.

I am very pleased to report, therefore, that I have received a very favorable initial response to my new bill, H.R. 7201, the Chesapeake and Ohio Canal Development Act. The bill has been endorsed by the Boards of County Commissioners of Allegany and Washington Counties, by the County Council of Montgomery County, by a number of interested civic and conservation groups, and by many concerned individuals. In the House, an identical bill—H.R. 7284—has been introduced by my good friend, Congressman GILBERT GUDE, who represents the portion of the canal in Montgomery County. I am especially pleased that an identical bill—H.R. 7941—has also been introduced by the distinguished gentleman from Pennsylvania [Mr. SAYLOR], who is second to none in his understanding of the challenges of sensible conservation.

Mr. Speaker, this bill would provide the means and establish the policies for immediate improvement of the canal, in an atmosphere of cooperation with all of the governmental agencies and citizens involved. As such, it would enable us to build upon the progress which has already been made, but which has been very limited and restricted to date, primarily because of inadequate commitments of funds by the Interior Department.

To acquaint the Congress with the work which has been done along the canal during the past calendar year, I would like to include in the RECORD today two statements, provided by the National Park Service, which describe the current status of development along the C. & O. Canal National Monument, from Cumberland to Seneca Creek, and along the lower portion of the canal from Seneca Creek to Georgetown. I would also like to include three additional summaries, dealing with the related National Park Service projects at the Antietam National Battlefield, the Harpers Ferry National Historical Park, and Catoctin Mountain Park. These summaries add additional perspective to an overview of what is now being done to increase recreational assets in the Potomac Basin.

Finally, I would like to call to the attention of the Congress an article by Liva Baker from the Washington Post of Sunday, April 2, describing the plans for the C. & O. Canal Association's annual spring hike, to be held on April 29, this year, between Oldtown and Paw Paw. Throughout the past 13 years this energetic group has dramatized the need to preserve the canal. I trust that their hike this year will provide an additional spur to immediate congressional action to make the development of the canal a pilot project for the Potomac Basin, and an example for the entire Nation.

CHESAPEAKE AND OHIO CANAL NATIONAL MONUMENT, MARYLAND AND WEST VIRGINIA

Development. The Paw Paw Tunnel complex has been selected as the first segment of the Canal to undergo major restoration. Work accomplished during 1966 included restoration of the tunnel, restoration of the canal and the wooden towpath through the adjacent North Cut, and reconstruction and resurfacing of approximately five miles of towpath immediately down stream. Allegany County Historical Society has indicated an interest in constructing a full-scale replica of a canal boat for mooring in the canal at the tunnel to complete the cultural exhibit.

Public use potential of the Canal for inspirational and recreational purposes has been further developed through constuction of parking facilities at Dam No. 4, completion of two additional Hiker-Biker overnight camp units, an amphitheater development at Antietam Camp Area, and repairs to various sections of the towpath and facilitating footbridges.

Cooperative Activities. The proposal for a Potomac Valley Park drew extensive public interest throughout the Basin this year. This proposal is envisioned as the keystone to the Potomac Basin Plan for a model in conservation and land uses as requested by the President of the United States. Monument personnel and facilities were made available to the Project Study Teams to complete the reconnaissance and planning phase. The Superintendent, as Project Keyman, worked closely with this team in finalizing alternate proposals and in promoting the concept throughout the Potomac Valley by formal and informal discussions with numerous individuals and organizations, state, county, and municipal authorities, and congressional representatives. The alternate plans have been cleared through the Secretary of the Interior and will be reviewed by and coordinated with the interests of congressional delegates of states involved and with interests of state, county, and municipal officials before being finalized and presented to Congress through the President.

Visitation. Public use of this national monument continues to increase steadily despite lack of adequate accommodations. No visitor use statistics are available.

General. Emphasis has been placed upon those programs that would facilitate visitor use. Weekly outdoor interpretive programs were conducted through the summer months at Antietam Camp Area, and a public contact and information station was operated on summer weekends at the historic Winch House at Dam No. 4. Contacts through schools, youth groups, and many other organizations were intensified and expanded. Particular effort was made toward facilitating use of the area by organization and group use such as Boy Scouts, Douglas Hikers, and participants in the Annual Oldtown Fishing Rodeo. Area services were likewise directed toward more intensive maintenance of campgrounds, picnic areas, trials, and footbridges and other facilities. These programs will be intensified as programed developments are realized; weekly outdoor programs are to be inaugurated at Fifteen Mile Creek Camp Area; the Washington County's Outdoor School Program expanded to include on-site study of the C&O Canal by students at the fifth grade level;

and the Boy Scouts of America are to designate the canal and towpath as an Historic Trail.

CHESAPEAKE AND OHIO CANAL AND GEORGE WASHINGTON MEMORIAL PARKWAY (MARYLAND)

DEVELOPMENT

Pedestrian Overpass at Brookmont. Construction work is well underway on this walkway of historic design, which will provide for safe pedestrian travel over the parkway at a site about a half mile from Chain Bridge where traffic likely will be heavy and where hiking visitors will want to travel to and from the Chesapeake and Ohio Canal towpath.

Lockhouse 6. Restoration of this house was completed during the year. Pending the time when the ultimate plans for making the house a museum and visitor information center can be implemented, the structure is being protected against vandalism by having a Service employee occupy it.

Lockhouse 24. Work was undertaken during 1966 toward historic rehabilitation and preparation for public and administrative use of this structure.

Abner Cloud House. Work was begun on restoration in 1966. Historical and architectural research to implement an accurate restoration is nearly complete.

Great Falls Tavern. This historic building has been used as a museum for years. Lately one of the rooms has been made into the "Lockhouse Theater" where a 1916 film is continuously available to visitors. Air-conditioning of the small theater was also added.

Seneca. After several years of negotiations, arrangements were completed to remove the private houses and cabins which were located on Federal land. The area is receiving a restorative landscape treatment and picnic tables and fireplaces are being placed there.

Land Acquisition. Gold Mine Tract near Great Falls, Maryland—This 340-acre area has significant geologic, mineral and historic values, as well as the potential for recreational use as a natural area. Acquired by condemnation order in July 1965, final settlement was arranged in the last part of the year. A simple trail was developed on the property in 1966 between Girl Scouts nature camp at Rockwood to the Great Falls Tavern, obviating the potentially unsafe travel by the scouts along the public roadway formerly used when the Gold Mine Tract was in private ownership. This simple but useful trail was prepared by a group of volunteer boy scouts under Service direction and supervision.

Cooperative Activities. Although there are no formal campground facilities which match the usual standards of the National Park Service along the C&O Canal, there is much interest on the part of youth groups in arranging a camping experience in some of the relatively wild settings along the canal, where they find exactly the kind of natural camping they want. On a formal request and permit basis we cooperate with the various youth groups in designating suitables times and locations.

Two interesting water events—a canoe slalom and a white water race—were held on the Potomac River by canoe associations.

Visitation. For the first time, the museum at the Great Falls Tavern was staffed for a full year by a National Park Service Historian and was open daily to receive the public. Estimation procedures used indicate that about 387,000 visitors came to this site during the year.

General. The regular barge trip schedule which offers excursions up the Chesapeake and Ohio Canal had just been initiated in 1966 when a landslide in the Georgetown area closed the canal to boats and the towpath to hikers. Because the landslide seemed not to have occurred because of any act of the National Park Service, prudence dictated that the slide not be disturbed until the question of responsibility for the cost of financing repairs had been resolved. Accordingly, the popular barge trips had their beginning above the landslide at a temporary barge landing near 34th Street. Visitors generally respected the need for the change in a trip which has become traditional. At the end of the summer, after much negotiation, responsibility for financing the cost of repairs was accepted by the owner of the land which fronts on the canal. It is expected that repairs will be made prior to May 1967.

ANTIETAM NATIONAL BATTLEFIELD SITE AND CEMETERY, MARYLAND

Development: The park underwent major physical improvements in 1966, particularly in the roads and trails category. Most important was the completion of the Burnside Bridge and State Highway 65 (Hagerstown Pike) bypasses. The former enabled the park to close the bridge to vehicular traffic, thus guaranteeing preservation of this significant landmark. As a result of the latter bypass, the heavy volume of through traffic which formerly bisected the northern sector of the Battlefield now skirts it. In addition, the bypass projects resulted in the acquisition of historic portions of two old roads and their incorporation in our tour route system. The Mumma Lane was widened and surfaced; the park road which paralleled the old Bloody Lane relocated; and Richardson and Rodman Avenues repaved.

Another prime development was the 11,000-foot trail along the right bank of Antietam Creek from the Burnside Bridge to Snavely's Ford. This facility traverses a remote, picturesque, unspoiled sector of the Battlefield.

Cooperative Activities: The State Highway 65 bypass involved agreements with the State of Maryland; the Burnside Bridge bypass required cooperation with Washington County.

Visitation: The slow, steady increase in visitation continued in 1966. Travel statistics reveal a 5 percent increase over park attendance for 1965.

HARPERS FERRY NATIONAL HISTORICAL PARK, MD. AND W. VA.

Development. During the year the Master Armorer's House was restored to its appearance in 1859. It will be used as a museum dealing with the manufacture and storing of arms (muskets, rifles, etc.) at Harpers Ferry. The museum exhibits are expected to be installed early in 1967 and the house will be open to the public during the summer. The new museum will reroute the visitor from the congested Visitor Center and ease heavy concentration in that area.

The non-period building No. 26 on Shenandoah Street is being demolished in order to afford the visitor a clear view of the arsenal site and improve visitor traffic patterns in this area.

The Lockwood House will be restored during the next fiscal year and plans are developing to interpret the building as a "look-in" exhibit. The building will not be manned, but the visitor will be able to view the restored first floor through the front windows.

Job Corps Activities. The 200-man Harpers Ferry Job Corps Center was formally dedicated on November 12, 1966. The Hon. Hulett Smith, Governor of West Virginia, made the dedication address.

Cooperative Activities. The Job Corps Center was built on state-owned lands. By a cooperative agreement between the Federal Government and the State of West Virginia, the National Park Service was authorized to use this land for the Job Corps Center Site.

Research Findings. Virginius Island, located in the Shenandoah River, was the setting for a large industrial complex which included many buildings, dwellings, factories and Hall Rifle Works, where John H. Hall designed and manufactured rifles early in the 19th century. Other industries appeared on the island such as flour mills, saw mills, etc. Most of the island's industry was demolished during the Civil War and by disastrous floods in 1870 and 1887. An archeological program of ruins stabilization has been in progress since July 1966. At present, the Old Cotton Mill structure is being excavated and stabilized. This archeological program is an extensive one. Many other structures on the island will be stabilized and will be interpreted for the visitor by appropriate signs, markers and illustrations.

Visitation. Visitation to the park was 898,015 as compared to 789,835 for 1965, an increase of 13.7 percent. The restored and refurnished Harper House was a significant factor.

CATOCTIN MOUNTAIN PARK, MD.

Development. A warehouse and laundry building was completed under contract at the Catoctin Job Corps Center.

A gymnasium building was also completed under contract to provide space for year-round recreation and social activities of the Job Corps.

The maintenance crew constructed a new storage building in the utility area. Much of the material was obtained from surplus.

The fifty-site Owens Creek Campground was completed and opened to the public in the spring of 1966.

Corpsmen from the Job Corps Center constructed the new 50-site Chestnut Picnic Area which will be opened next spring.

Three new wells were drilled within the park; all produced a large quantity of water which will relieve the critical water shortage which has developed during the dry summers of recent years.

Land Acquisition. The National Park Service has an option to purchase a small inholding at Catoctin owned by Mrs. Fern Fox. Funds for its purchase will be made available by the Nature Conservancy soon after the beginning of the new year.

Cooperative Activities. The Job Corps Center has participated in a number of cooperative projects with nearby communities.

The Thurmont Community Park was rehabilitated; an entrance sign was constructed, and grading, filling and seeding were done on the grounds. This work will continue next year.

Several sandboxes were built for the playgrounds used by children of migrant workers in Frederick and Thurmont. The Corpsmen participated in the Thurmont High School Fair with exhibitions of their art and sign work.

Visitation. Visits totalled 525,204, a 29.11 percent increase over the 372,309 visitors of 1965. Some of the increase can be attributed to the opening of the new campground and the new picnic facilities.

[From the Washington Post, Apr. 2, 1967]

ALMOST TIME FOR HIKE ALONG C. & O. CANAL

(By Liva Baker)

As sure a sign of spring in Washington as the cherry blossoms is the flowering of plans for the Chesapeake and Ohio Canal Association's annual tramp along that historic waterway.

This year's hike, the 13th of its kind, will take place on April 29. The now familiar figure of 69-year-old William O. Douglas, Associate Justice of the United States Supreme Court, in ten-gallon hat and hiking pants, is expected once again to lead the march. The hikers will trek from Oldtown, Md., to Paw Paw, W. Va., a distance of about ten miles. The Spartans among the hikers will be invited to add an extra four miles by following a trail over the ridge at Paw Paw Mountain, then returning through the newly restored Paw Paw Tunnel.

The Canal Association welcomes the public on the day-long march. Last year a crowd of more than 500 turned out—high society, Government clerks, mothers with infants strapped papoose-like to their backs, cabinet members, lawyers, doctors, conservationists, and serious hikers.

These annual walks along the C&O Canal, which parallels the Potomac River from Washington to Cumberland, Md., are part of a campaign to preserve the canal as a sanctuary for outdoorsmen and nature lovers. In 1954 there was a movement to turn the old canal into a highway. Conservationist Douglas challenged a group of fellow conservationists and newspapermen to walk the entire 185-mile length of the waterway, and see for themselves why it should be preserved.

"It is a refuge, a place of retreat . . . a wilderness area where we can commune with God and with nature, a place not yet marred by the roar of wheels and the sound of horns," he had written.

This first hike, which took eight days, called national attention to the canal and helped defeat the parkway proposal. The marchers enjoyed themselves so much they formed the C&O Canal Association. Every spring the group, which has grown to more than 200 members, retraces a section of the 1954 walk. Each march is a crusade for conservation. After the parkway was killed, proposals for Potomac River dams threatened the canal; these, too, were defeated. This year the hikers are marching for support for legislation to turn the canal into a national park. Such legislation has been before Congress since 1957, but has never been approved. Interior Secretary Stewart L. Udall, who has in the past joined the annual spring hikes, has made the canal part of long-range plans for Potomac Valley parks. The Canal Association is seeking more immediate action.

Abandoned and idle since 1924, the towpath along the canal was rocky and overgrown when Justice Douglas tramped its length 13 years ago. Weeds choked the waterway. Lockhouses had decayed; locks were in ruins.

Today the towpath is a hiker's paradise. The canal became a national monument in 1959, and some of the lower sections have been restored, repaired, and rewatered by the National Park Service. A serious hiker can now trek from Georgetown to canal's end at Cumberland without even tripping.

The C&O Canal today is 185 miles of scenic trails, rippling waters, waterfalls and woodland beauty in the backyard of megalopolis. Even in winter visitors swarm over it as skaters turn frozen sections into rinks. Birdwatchers, cyclists, horsemen, and campers enjoy nature's bounty year round.

All along the waterway chapters of the Nation's history are there for the reading. It is a typical American canal story of building, boom, and bust.

At Great Falls, Va., across the Potomac from today's canal, hikers see huge handhewn stone blocks still in perfect alignment, the ruins of the first attempt in 1785 to bypass the cataract. It is not difficult to turn back time to summer days nearly two centuries ago and hear the chants of indentured servants as they swung their axes and tried to buy their freedom with their sweat, forgetting the soreness in their arms at night with rum. George Washington was president of the first canal company to try to dig its way west. The Virginia planter realized that if Potomac ports were to cash in on the trade from newly settled country beyond the Alleghenies, they would have to build a highway over which goods could flow. Washington's Potowmack Company failed. But the idea of a water turnpike to the west remained alive. In 1828, a coatless President John Quincy Adams turned the first shovel of earth to start the newly formed Chesapeake and Ohio Company's canal on a 360-mile journey to Pittsburgh and the Ohio River. In 1850, the project halted about halfway to its goal, at Cumberland. Mired in financial difficulties, legal disputes and labor troubles, the company could not summon the energy to make the last and hardest part of the trip, through the tortuous Allegheníes.

Still, trade along the completed eastern section turned sleepy Potomac hamlets into boom towns. Warehouses and shops burgeoned; stagecoach stopovers became canalside hotels. Seven hundred mule-powered boats glided at two miles per hour up and down the water highway, hauling grain, flour, coal, and lumber from Allegheny foothills to tidewater.

Today hikers read the bustle of those days in the lift locks that hoisted the old barges from near sea level at Washington to the western mountains. It takes only a little imagination to envision the traffic jams as boats lined up to be put through the locks and to hear the boatmen singing lustily while they waited of one Johnny Howard's murder of his captain. Visitors to the recently opened Paw Paw Tunnel, handcut through Paw Paw Mountain to save canalers seven miles, see the guard rail worn smooth by the slipping and burning of towropes that pulled as much as a million tons of freight in a single year.

But the boom did not last. Competition from the railroad turned it to bust, and floods finished off the dying canal business. The last freighter passed through C&O locks in 1924.

Today parts of the canal are as busy as they were in its heyday—but the cargo is visitors, not grain or coal. Besides clearing the path for hikers and cyclists, the National Parks Service has established campsites, picnic areas, and boat launching ramps into the Potomac. Great Falls Tavern, built in 1830 as a rest stop for canal visitors and at one time a lockkeeper's home, has been refurbished as a C&O Canal museum. There are plans for a second sightseeing barge to be launched this summer in the Great Falls area.

For more sightseeing or camping information, write either to the Superintendent, Chesapeake and Ohio Canal, 1100 Ohio dr., Washington, D.C. 20024, or to American Youth Hostel Association, 1400 L st. nw., Washington, D.C. The hostel association maintains hostelries at intervals along the canal and offers for $1.50 a set of 21 detailed maps of the canal.

PRESIDENT ZALESKI'S SPEECH

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, the truly legitimate aspirations of the people of Poland are reflected by the Polish Government-in-exile in London rather than the Soviet-imposed Warsaw dictatorship.

On April 8, 1967, at Caxton Hall in London, the president of the Polish Republic-in-exile, His Excellency August Zaleski, addressed the opening session of the new Council of the Republic of Poland, a body which functions as a parliament in exile.

Mr. Speaker, I insert in the RECORD at this point as part of my remarks the text of President Zaleski's speech:

It must again be stated that Poland's situation has not changed for the better since I addressed this Council in October last year. There has been some, very slight improvement in the country's economy as far as agricultural output is concerned. But this is the obvious result of the fact that the introduction of the collective-farm system by the Communist regime imposed upon Poland by Russia was resisted by the farmers thus making it possible for the development of some measure of private initiative in agriculture, is also happened to some extent in certain divisions of the handicrafts and of small-scale retail trade.

However, Poland remains within the sphere of interests of Soviet Russia who exploits this state of affairs with her usual imperialism. It should always be borne in mind, after all, that Russia is the largest and even, it can be stated, the only country with enormous colonial possessions in Asia. The mere fact that these territories are not separated from Russia by stretches of sea does not make them any less colonial possessions of that country. It is this territorial aggrandizement, coupled with possession of nuclear weapons, which enables Russia to rule over a great part of central and even of western Europe—regions where the population is not and has never been Russian whilst the nations which inhabit them are, in point of history and culture, bound up with western civilization.

Unfortunately, public opinion in many of the western countries does not realize that Russian imperialism still seeks expansion whenever the possibility arises—either with the help of propaganda, as in the French elections held immediately after the Soviet prime minister visited Paris, or by providing aid wherever armed strife can be launched by Communists, as for instance, now in Vietnam.

It can be stated without fear of exaggeration that wherever governments encounter difficulties, Russia can be expected to exploit these in some way in order to gain direct advantage or at least to worsen the situation of countries opposed to an expansion of Russian influence.

One of the tasks before the Poles in exile is to warn western public opinion as also to demonstrate that this purpose of Russia's can be blocked primarily by a consolidation of Western Europe and by restoring independence to the countries which lost it after the last war. All these countries have the indubitable moral right to freedom and independence. Poland, in addition, has the formal right bestowed by the Constitution of 1935. But, where the defense of Europe against further Russian encroachement is concerned, this defense may be impossible without American help. For that matter, the same holds good today wherever Russian imperialism may extend its clutches. The United States of America is the only power which possesses adequate economic and military strength to stand up to Russia.

All this is realized by Russia and the Communist regime imposed by her upon Poland. Hence, it is obvious why that regime has launched a large-scale campaign designed to transform the Polish political exile community, which bases its activities on unshaken Polish legality, into a community engrossed solely in earning a living. With this end in view, Communist agents are striving to establish an association of Poles in Great Britain with the main purpose of depriving these of all hope that Poland will ever be liberated from the Russian yoke and of reconciling them to the extant state of affairs—even to the extent of

> securing their collaboration with the régime imposed upon Poland. The so-called "Combatants Committee of the Polish Armed Forces in Great Britain" is being organized with the same object. I am convinced that the Polish community in exile realizes the real aims of this action and will not allow itself to be drawn into this subversive work.

Mr. Speaker, I believe the words of President Zaleski deserve very special consideration at this time. I especially emphasize the need for American citizens to keep in mind the continual pressure of the international Communist apparatus, directed from Moscow. We should not yield to the siren call of President Johnson's State Department aides who are preaching the misguided policy of bridges to Eastern European Communist dictatorships.

MANDATORY SANCTIONS AGAINST RHODESIA

The **SPEAKER.** Under previous order of the House the gentleman from California [Mr. YOUNGER] is recognized for 60 minutes.

Mr. YOUNGER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

Mr. YOUNGER. Mr. Speaker, it seems to me that it is about time to review the Rhodesian affair, bringing to the file any new material available, as well as expressions from additional Congressmen. I say this because the Security Council of the U.N. is meeting on April 22 to review the effect of the mandatory sanctions imposed on Rhodesia.

To go back—on November 20, 1965, the Security Council passed Resolution No. 217. This document called upon all member states not to recognize the Rhodesian regime and to refrain from any action to assist or encourage it. Also, to desist from providing it with arms and military equipment and do their utmost to break all economic relations with Southern Rhodesia.

On April 9, 1966, the second resolution, No. 221, was passed, which called on all member states to divert any of their vessels carrying oil to the port of Beira, Mozambique, which was destined for Southern Rhodesia.

Then on December 16, 1966, when it became clear to the Security Council that their two previous resolutions were not effective and that the Smith regime was actually gaining in influence, and after finding that the present situation in Southern Rhodesia constitutes "a threat to international peace and security," the Council, in desperation, passed the mandatory sanctions resolution, no. 232. This resolution provided that all states members of the United Nations shall prevent the importation into their territories of asbestos, iron ore, chrome, pig iron, sugar, tobacco, copper, meat and meat products, and hides, skins, and leather originating in Southern Rhodesia. All three of these resolutions are set forth in detail as exhibit A.

It is not difficult to discover what the Security Council will be confronted with when they meet on April 22. Germany has notified them that they have 5-year contracts with Rhodesia which cannot be broken. Switzerland, according to the press, has said that their trade with Rhodesia is so large and important that they cannot close it out readily. All of which means they are going to continue to trade with Rhodesia. And, both Germany and Switzerland would be insanely stupid to do otherwise for they are not members of the U.N. Neither France nor Russia voted for the sanctions, so it is anyone's guess as through which channel they might continue their trade. Portugal has not consented to carry out the sanctions, and has filed a claim in excess of $9 million for damages on behalf of the Province of Mozambique. This exchange of correspondence is filed as exhibit B. Of course, South Africa is continuing her help to Rhodesia, knowing full well they will be next on the guillotine if Rhodesia dies. So, when the Council finds that despite their "huffing and puffing" the Smith regime still stands with perhaps more friends than before, what will their next resolution say?

In response to my seventh question which I inserted in the CONGRESSIONAL RECORD of February 1, 1967, the State Department justified their position against Rhodesia by saying the action was taken to "assure to the population of Southern Rhodesia its fundamental right to self-determination."

Recently, a guntoting group of self-declared patriots took over the Government of Sierra Leone in Africa, jailed the Prime Minister and other officers. Did you hear or see any protest by our Government on behalf of the poor people of Sierra Leone? Perhaps England was not concerned.

Prime Minister Wilson will probably be in a greater panic on April 22 than he was at the conference on the HMS *Tiger*, as reported to Parliament by the Minister of Information, J. H. Haroman, and I quote—Wilson speaking to Smith:

> You will sign these documents. I will not have Britain humiliated. You will sign before you leave the ship.

Smith's answer:

> I have told you I will take this back to Salisbury. I will give it a fair run. If you want an answer now, it is No, it is No, it is No, it is No, it is No.

Does it not do your heart good to see a courageous Prime Minister of a small country stand its ground against John Bull? It takes us back to George Washington's day.

This reminds me that our State Department has published yet another version of the U.S. position on Southern Rhodesia and the United Nations. This is the March 1967 version and I think the latest. It is inserted in full as exhibit C. In this position paper the U.S. representative to the United Nations calls the unilateral declaration of independence by Southern Rhodesia "shocking" and "fraught with gravest consequences." This is the first Government document which, by inference, condemns the signers of our Declaration of Independence, which was also a unilateral action. I am sure that our Declaration of Independence in its day "constituted a threat to international peace and security," and we can be thankful there was no United Nations then to thwart the Revolution.

I hope all the Members of Congress will carefully read this latest position paper, for, to me, it is a very lame, illogical document, leaving me with the impression that the administration is sorry they allowed themselves to be trapped by England to oppose a good, strong, anti-Communist friend of ours.

Also, in the paper they have brought South Africa in as an important factor in the success or failure of the sanctions, so when the sanctions fail to serve the purpose of England, then they can start on South Africa and Portugal as the culprits.

It will not take much prodding to start a war in Africa, as illustrated by Roger Ricklefs' article in the March 31 issue of the Wall Street Journal, entitled "Africa Tinderbox." The entire article is attached as exhibit D. Also, a personal letter from Mr. and Mrs. Douglas Reed of Rhodesia, shown as exhibit E, gives the local point of view.

And so, the Security Council comes to the April 22 meeting facing the failure of their compulsory sanctions. What will be their next step? Invasion of Rhodesia, as predicted by so many? If so, by whom? Will our meddling in another country's internal affairs cause us to take on another war? Are we going to be called upon to further attack a country which we ought to be helping? This could develop into another situation where we again will be asking, "How did we get into this mess?" So, look well at April 22.

EXHIBIT A

RESOLUTION 217 (1965)

(Adopted by the Security Council at its 1265th meeting, on November 20, 1965)

The Security Council,

Deeply concerned about the situation in Southern Rhodesia,

Considering that the illegal authorities in Southern Rhodesia have proclaimed independence and that the Government of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, looks upon this as an act of rebellion,

Noting that the Government of the United Kingdom has taken certain measures to meet the situation and that to be effective these measures should correspond to the gravity of the situation,

1. *Determines* that the situation resulting from the proclamation of independence by the illegal authorities in Southern Rhodesia is extremely grave, that the Government of the United Kingdom of Great Britain and Northern Ireland should put an end to it and that its continuance in time constitutes a threat to international peace and security;

2. *Reaffirms* its resolution 216 (1965) of 12 November 1965 and General Assembly resolution 1514 (XV) of 14 December 1960;

3. *Condemns* the usurpation of power by a racist settler minority in Southern Rhodesia and regards the declaration of independence by it as having no legal validity;

4. *Calls upon* the Government of the United Kingdom to quell this rebellion of the racist minority;

5. *Further calls upon* the Government of the United Kingdom to take all other appro-

priate measures which would prove effective in eliminating the authority of the usurpers and in bringing the minority régime in Southern Rhodesia to an immediate end;

6. *Calls upon* all States not to recognize this illegal authority and not to entertain any diplomatic or other relations with this illegal authority;

7. *Calls upon* the Government of the United Kingdom, as the working of the Constitution of 1961 has broken down, to take immediate measures in order to allow the people of Southern Rhodesia to determine their own future consistent with the objectives of General Assembly resolution 1514 (XV);

8. *Calls upon* all States to refrain from any action which would assist and encourage the illegal régime and, in particular, to desist from providing it with arms, equipment and military material, and to do their utmost in order to break all economic relations with Southern Rhodesia, including an embargo on oil and petroleum products;

9. *Calls upon* the Government of the United Kingdom to enforce urgently and with vigour all the measures it has announced, as well as those mentioned in paragraph 8 above;

10. *Calls upon* the Organization of African Unity to do all in its power to assist in the implementation of the present resolution, in conformity with Chapter VIII of the Charter of the United Nations;

11. *Decides* to keep the question under review in order to examine what other measures it may deem necessary to take.

Resolution 216 (1965)

(Adopted by the Security Council at its 1,258th meeting, on November 12, 1965)

The Security Council,

1. *Decides to condemn* the unilateral declaration of independence made by a racist minority in Southern Rhodesia;

2. *Decides to call* upon all States not to recognize this illegal racist minority regime in Southern Rhodesia and to refrain from rendering any assistance to this illegal regime.

Resolution 221 (1966)

(Adopted by the Security Council at its 1,277th meeting on April 9, 1966)

The Security Council,

Recalling its resolutions Nos. 216 of 12 November 1965 and 217 of 20 November 1965 and in particular its call to all States to do their utmost to break off economic relations with Southern Rhodesia, including an oil embargo on oil and petroleum products,

Gravely concerned at reports that substantial supplies of oil may reach Rhodesia as the result of an oil tanker having arrived at Beira and the approach of a further tanker which may lead to the resumption of pumping through the CPMR pipeline with the acquiescence of the Portuguese authorities,

Considering that such supplies will afford great assistance and encouragement to the illegal regime in Southern Rhodesia, thereby enabling it to remain longer in being,

1. *Determines* that the resulting situation constitutes a threat to the peace;

2. *Calls upon* the Portuguese Government not to permit oil to be pumped through the pipeline from Beira to Rhodesia;

3. *Calls upon* the Portuguese Government not to receive at Beira oil destined for Rhodesia;

4. *Calls upon* all States to ensure the diversion of any of their vessels reasonably believed to be carrying oil destined for Rhodesia which may be en route for Beira;

5. *Calls upon* the Government of the United Kingdom to prevent by the use of force if necessary the arrival at Beira of vessels reasonably believed to be carrying oil destined for Rhodesia, and empowers the United Kingdom to arrest and detain the tanker known as the Joanna V upon her departure from Beira in the event her oil cargo is discharged there.

Resolution 232 (1966)

QUESTION OF SOUTHERN RHODESIA

The Security Council,

Reaffirming its resolution 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965 and 221 (1966) of 9 April 1966, and in particular its appeal to all States to do their utmost in order to break off economic relations with Southern Rhodesia.

Deeply concerned that the Council's efforts so far and the measures taken by the administering Power have failed to bring the rebellion in Southern Rhodesia to an end,

Reaffirming that to the extent not superseded in this resolution, the measures provided for in resolution 217 (1965) of 20 November 1965, as well as those initiated by Member States in implementation of that resolution, shall continue in effect.

Acting in accordance with Articles 39 and 41 of the United Nations Charter,

1. *Determines* that the present situation in Southern Rhodesia constitutes a threat to international peace and security;

2. *Decides* that all States Members of the United Nations shall prevent:

(*a*) the import into their territories of asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat products and hides, skins and leather originating in Southern Rhodesia and exported therefrom after the date of this resolution;

(*b*) any activities by their nationals or in their territories which promote or are calculated to promote the export of these commodities from Southern Rhodesia and any dealings by their nationals or in their territories in any of these commodities originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

(*c*) shipment in vessels or aircraft of their registration of any of these commodities originating in Southern Rhodesia and exported therefrom after the date of this resolution;

(*d*) any activities by their nationals or in their territories which promote or are calculated to promote the sale or shipment to Southern Rhodesia of arms, ammunition of all types, military aircraft, military vehicles, and equipment and materials for the manufacture and maintenance of arms and ammunition in Southern Rhodesia;

(*e*) any activities by their nationals or in their territories which promote or are calculated to promote the supply to Southern Rhodesia of all other aircraft and motor vehicles and of equipment and materials for the manufacture, assembly or maintenance of aircraft and motor vehicles in Southern Rhodesia: the shipment in vessels and aircraft of their registration of any such goods destined for Southern Rhodesia: and any activities by their nationals or in their territories which promote or are calculated to promote the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia;

(*f*) participation in their territories or territories under their administration or in land or air transport facilities or by their nationals or vessels of their registration in the supply of oil or oil products to Southern Rhodesia; notwithstanding any contracts entered into or licenses granted before the date of this resolution;

3. *Reminds* Member States that the failure or refusal by any of them to implement the present resolution shall constitute a violation of Article 25 of the Charter;

4. *Reaffirms* the inalienable rights of the people of Southern Rhodesia to freedom and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV); and recognizes the legitimacy of their struggle to secure the enjoyment of their rights as set forth in the Charter of the United Nations;

5. *Calls upon* all States not to render financial or other economic aid to the illegal racist regime in Southern Rhodesia;

6. *Calls upon* all States Members of the United Nations to carry out this decision of the Security Council in accordance with Article 25 of the United Nations Charter;

7. *Urges,* having regard to the principles stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of paragraph 2 of the present resolution;

8. *Calls upon* States Members of the United Nations or of the specialized agencies to report to the Secretary-General the measures each has taken in accordance with the provisions of paragraph 2 of the present resolution;

9. *Requests* the Secretary-General to report to the Council on the progress of the implementation of the present resolution, the first report to be submitted not later than 1 March 1967;

10. *Decides* to keep this item on its agenda for further action as appropriate in the light of developments.

Exhibit B

Letter Dated February 17, 1967, From the Secretary General Addressed to the Minister for Foreign Affairs of Portugal

I have the honour to acknowledge the receipt of your two letters of 3 February 1967, which have been circulated by me to the Security Council in document S/7735/Rev.1.

In paragraph 5 of the first of the foregoing letters, you have referred to certain issues previously raised by the Government of Portugal in your communications of 27 April and 29 July 1966, the former being addressed to me, and the latter to the President of the Security Council. You will recall that, in my reply to you of 21 June 1966, I indicated that I did not consider that it was appropriate for the Secretariat, without a request from the organ concerned, to establish the practice of responding in substance to an enquiry from a Member State for advice regarding the validity and interpretation of decisions of principal organs of the United Nations. On that occasion I also pointed out that only the Security Council is in a position to give an authoritative interpretation of its decisions, of the Charter Articles on which they are based, and of the procedures followed in adopting them. As I remain of this view, I regret that I can add nothing further to the observations I made in my letter of 21 June 1966.

In response to the request contained in your second letter of 3 February 1967, and as indicated at the outset of the present reply, I have placed the full text of that letter before the Security Council in document S/7735/Rev.1.

Accept, etc.

U Thant,
Secretary General.

Letter Dated March 6, 1967, From the Chargé d'Affaires a.i. of Portugal Addressed to the Secretary General

I have the honour to transmit, under instructions from my Government, the text of a letter addressed to Your Excellency by the Minister for Foreign Affairs of Portugal, dated 4 March 1967, which is duly accompanied by an English translation:

"Mr. Secretary-General: I have the honour to acknowledge receipt of and to thank for Your Excellency's letter of 17 February 1967, in reply to those which I addressed to you on the 3rd of the same month. I take note of the view which you reiterate considering that it is the Security Council that is competent to state a position concerning the politico-legal questions raised by the Portuguese Government in its prior notes and concerning the indemnification, which, in terms of Article 50 of the Charter, is due because of losses suffered in 1966 by the Province of Mozambique as the result of the decisions taken by that organ of the United Nations against Rhodesia.

"I wish to inform you that the Portuguese Government understands and respects the position taken by you in this matter and declares that in consequence it will await the meetings of the Security Council concerning the problem of Rhodesia in the conviction that, as is also the opinion of Your Excellency, that organ will not fail to debate and resolve the important questions raised.

"I will thank you very much to direct that this letter be circulated among the Members of the Security Council as a document of the Council on the usual terms.

"I avail myself of this opportunity to convey to you, Mr. Secretary-General, the assurances of my highest consideration.

"FRANÇO NOGUEIRA,
*"Minister for Foreign Affairs
of Portugal."*

I avail myself, etc.

ANTÓNIO PATRICIO,
Chargé d'Affairs a.i.

EXHIBIT C

SOUTHERN RHODESIA AND THE UNITED NATIONS: THE U.S. POSITION

("... the reasons behind strong U.S. support of U.N. actions against Southern Rhodesia are several and profound." The background paper, prepared in the Bureau of International Organization Affairs, outlines the crisis in Southern Rhodesia and defines the moral and legal imperatives and practical considerations which are the basis of U.S. support for the U.N. actions against Southern Rhodesia.)

Southern Rhodesia is a landlocked territory in south-central Africa, bounded by Zambia on the north, Portuguese Mozambique on the east, South Africa on the south, and newly independent Botswana on the west. It is 150,333 square miles in area, about the size of California. Southern Rhodesia's altitude—most of its territory is between 3,000 and 5,000 feet above sea level—gives it a pleasant, even climate despite its tropical location. Its population includes about 4,105,000 Africans, 224,000 whites, and 21,000 of other ethnic groups.

The principal agricultural products of Southern Rhodesia are tobacco, sugar, cotton, and citrus fruits; and cattle raising is an important industry. It is rich in asbestos, gold, chrome ore, coal, and manganese.

Southern Rhodesia is surprisingly new. It was founded by British empire builder Cecil Rhodes, who in 1889 obtained a charter conferring commercial privileges and administrative responsibilities in the territory on his British South Africa Company. White settlement began the following year. Rhodes' company ran the colony until 1922, when the British Government offered the white settlers a choice of becoming a self-governing colony or forming a union with South Africa. They chose the former, and in 1923 Southern Rhodesia was formally annexed by Great Britain.

The 1923 constitution provided for a Governor to represent the British Crown and a single house of Parliament with 30 members. The franchise was open to adult British subjects having an annual income of over £200, regardless of race. Although the British Government retained certain reserve powers over any legislation which discriminated against Africans or amended the constitution and could disallow any act of the legislature within a year of enactment, it never exercised these powers directly during the 38 years in which the constitution remained in effect.

THE PEOPLE

The first white settlers beckoned to Southern Rhodesia by Rhodes were Boers and British of varying trades and background who founded Salisbury and other small communities.

As their descendants proved insufficient in number to supply the skilled manpower required to support the territory's growing economy, especially the rapid expansion brought about by the two World Wars, the Southern Rhodesian Government offered strong incentives to encourage immigration. The new immigrants, mostly skilled blue-collar workers, were able to earn high wages and live in a fine climate with many comforts and amenities. The white population has quadrupled since 1936, when it was only 55,000. Thus, most of the whites now in Southern Rhodesia are fairly recent arrivals, and the economic stake for most of them is a job in an urban center rather than land or property.

The Africans in Southern Rhodesia belong to the great family of Bantu-speaking peoples who inhabit central and southern Africa and whose many languages are related. The two principal groupings are the Mashona and the Matabele, who at one time warred on each other. Differences between the two groups have diminished over the years, and the main split among Africans now is between the urban dweller and the tribally oriented rural native.

Only about half of Southern Rhodesia's Africans live in the rural reserves set up under the Land Apportionment Act, which designated special areas to be used by whites and Africans. The rural reserves are populated largely by women, children, and elderly persons, who are usually assisted by their wage-earning kinsmen in the towns. Detribalized Africans are migrating in increasing numbers to the African townships in and around urban areas, which are reserved primarily for whites. The urban African population, though predominately Rhodesian-born, includes many Africans from Malawi, Zambia, and Mozambique.

Until recent years the mass of the African population was politically inert, partly because of the traditions of the Mashona tribe, which placed great value on moderation and patience. The increasing regulation introduced by the whites and their technological society disrupted the African's traditional patterns and beliefs and upset his social relationships without offering usable substitutes. White values made the African eager for increased political rights and economic advancement, but white restrictions denied them, resulting in frustration and bitterness.

FEDERATION OF RHODESIA AND NYASALAND

In 1953 the Federation of Rhodesia and Nyasaland was formed out of Southern Rhodesia and the British protectorates of Northern Rhodesia and Nyasaland, with powers divided among the central government and the three territorial governments. The Federal Government consisted of a Governor General representing the Crown, a Prime Minister, an Executive Council, and a 59-member Federal Assembly which included 12 Africans and 3 Europeans representing African interests.

The Federation, promoted by Southern Rhodesian whites hoping to benefit from the exploitation of Northern Rhodesian copper while at the same time heading off the drive for independence by Africans in the two protectorates, proved an outstanding economic success. But the Federation's political prospects foundered on the rocks of heightened African political awareness and desire for independence. Rioting broke out in Nyasaland in 1959, and African territorial governments came to power in both Northern Rhodesia and Nyasaland within the next 2 years. Britain accepted the right of individual territories to secede from the Federation,and in December 1963 the Federation was formally dissolved. Nyasaland became the independent state of Malawi in July 1964; and Northern Rhodesia, the independent state of Zambia in October 1964.

ZAMBIA

The breakup of the Federation ended hopes for political union of the three territories, but it left the economies of Malawi and Zambia closely entwined with Southern Rhodesia's. Zambia, a nation rich in natural resources and with the potential for healthy economic development, remained especially dependent on Southern Rhodesia. Its thriving copper industry, the mainstay of its economy, looks to Southern Rhodesia for skilled white labor and its essential supplies of coal, petroleum, and electric power as well as railway access to southern African ports. In 1964 one-fourth of total Southern Rhodesian exports went to Zambia, including two-thirds of its exports of manufactured goods. Many Rhodesian private businesses service Zambia, and international corporations selling in both countries generally operate out of Salisbury.

Negotiations for a new Southern Rhodesian constitution began well before the formal breakup of the Federation. A conference in February 1961 drafted its provisions, and it was approved in a referendum of enfranchised (largely white) Rhodesians in December 1961. The Crown's powers to reject constitutional amendments were limited to acts affecting the position of the sovereign or the governor, international obligations, and obligations taken under certain Southern Rhodesian Government loans. In addition, the Crown could reject under certain procedures any changes in the several "entrenched" provisions of the constitution, which were designed primarily to protect the rights of Africans. They included a lengthy Declaration of Rights and a Constitutional Council to safeguard those rights.

NEGOTIATIONS FOR INDEPENDENCE

Soon after the fall of the Federation, white Rhodesians began to pressure Great Britain for complete independence. Long and strenuous negotiations took place over a period of 2 years, with the Conservative government headed by Sir Alec Douglas-Home insisting that independence could come only with firm guarantees of progress toward majority rule.

Within 2 weeks of coming to power at the head of a new Labor government, Prime Minister Harold Wilson made clear that Britain's position remained unchanged. In a statement to Parliament on October 27, 1964, Wilson said:

"The decision to grant independence rests entirely with the British Government and Parliament and they have a solemn duty to be satisfied that before granting independence it would be acceptable to the people of the country as a whole.

"The only way Southern Rhodesia can become a sovereign state is by an act of the British Parliament. A declaration of independence would be an open act of defiance and rebellion and it would be treasonable to take steps to give effect to it."

The British set forth five principles in their negotiations with the Rhodesians which "would need to be satisfied before we were able to contemplate the grant of independence." A sixth principle was added by Prime Minister Wilson in a statement to Parliament on January 26, 1966. The principles are:

1. The principle and intention of unimpeded progress to majority rule, already enshrined in the 1961 constitution, would have to be maintained and guaranteed.

2. Guarantees against retrogressive amendment of the constitution.

3. Immediate improvement in the political status of the African population.

4. Progress toward ending racial discrimination.

5. The British Government would need to be satisfied that any basis proposed for independence was acceptable to the people of Rhodesia as a whole.

6. The need to insure that, regardless of race, there is no oppression of majority by minority or of minority by majority.

The negotiations finally broke down in October 1965, after Southern Rhodesia's Prime Minister, Ian Smith, had gone to London for talks and Prime Minister Wilson had paid a visit to Salisbury. Mr. Smith demanded that the Southern Rhodesian white regime have the right to determine and control the pace of transition to majority rule. He insisted, at the same time, that Rhodesia's 1961 constitution already incorporated the essence of the five principles.

UNILATERAL DECLARATION OF INDEPENDENCE

During this time the United States repeatedly asserted its determination to oppose vigorously a unilateral declaration of independence (UDI) by Southern Rhodesia. On October 5, President Johnson asked Prime Minister Wilson to inform the Rhodesian Prime Minister of the American position. Three days later the U.S. Chargé d'Affaires in London delivered a message to Mr. Smith stating that the United States could not condone any settlement unresponsive to the interests and rights of the vast majority of the Rhodesian population.

On October 29, President Johnson sent a personal message to Prime Minister Smith in Salisbury once again stressing American support for a solution satisfactory to the entire population. The President said that while grave and difficult issues remained to be worked out, a unilateral declaration of independence would be a "tragic mistake" serving no one's true interests.

The position of Southern Rhodesia's government had, however, hardened following Prime Minister Wilson's return to London. On November 11, 1965, in defiance of strong feelings and opinions in most of the world, the Smith government unilaterally declared Southern Rhodesia independent. It was, as U.S. Representative to the United Nations Arthur Goldberg told an emergency meeting of the Security Council the following day, a "shocking" event "fraught with the gravest of consequences." [1]

THE U.N. RESPONSE

Shocking though it was, Southern Rhodesia's unilateral declaration of independence hardly came as a surprise to the United Nations. U.N. bodies had been calling for a solution to the Rhodesian problem since 1962. In the months preceding the unilateral declaration of independence both the General Assembly and the Security Council had explicitly asked the British to take all necessary action to prevent it. As late as November 5, 1965, the General Assembly adopted a resolution calling on Great Britain to suspend the 1961 constitution and convene a new constitutional convention to arrange independence based on universal suffrage.[2]

With the unilateral declaration of independence now a reality, the General Assembly on November 11 [3] and the Security Council on November 12 [4] passed resolutions condemning the action. On November 20, the Security Council—all members voting affirmatively except France, which abstained—followed up its condemnation with more important action. Terming the declaration "an act of rebellion" the continuance of which "constitutes a threat to international peace and security" the Council called on all states to refrain from recognizing the illegal regime, to avoid any action assisting and encouraging it, and "in particular, to desist from providing it with arms, equipment and military material, and to do their utmost in order to break all economic relations with Southern Rhodesia, including an embargo on oil and petroleum products." [5]

The action taken against Southern Rhodesia and its support by the United States and other nations rested on a continuing recognition of British sovereignty and legal authority over the territory. In seeking U.N. assistance in dealing with the rebellion, the United Kingdom stressed its intention to retain special responsibility for Southern Rhodesian affairs. It has maintained this position consistently throughout the rebellion. Southern Rhodesia has not become an independent state and has not been recognized as such by a single government. The measures directed against it were thus not measures against an independent nation but against an illegal regime which had usurped power. As Ambassador Goldberg told the Security Council on November 12: [6]

"A small, stubborn, and sadly mistaken minority has seized sole power in an effort to dominate the lives of the vast and unwilling majority of the population of Southern Rhodesia. Defying the stern warnings of the sovereign authority, the United Kingdom, this white minority regime, in a desperate and what will certainly prove to be a futile gesture, has unilaterally declared the independence of Southern Rhodesia, not in the interests of a majority of the people upon which a genuine declaration of independence might depend but in the interests of a privileged minority, making this a spurious declaration of independence."

U.S. MEASURES

The United States, feeling keenly that the Southern Rhodesian rebellion could result in a serious threat to peace on the African Continent and to its own interests, moved quickly in support of the British action. The following measures were instituted the day after the independence declaration:

—The U.S. consul general in Salisbury was recalled, and the consulate staff was reduced.

—Diplomatic status was withdrawn from the Minister for Southern Rhodesian Affairs in the British Embassy in Washington and from his staff.

—A comprehensive embargo was placed on the shipment of all arms and military equipment to Southern Rhodesia.

—American private travel to Southern Rhodesia was discouraged. Americans were advised they could no longer be assured of normal protective services and that they must have British, not Southern Rhodesian, visas.

—U.S. sugar quotas for the importation of Southern Rhodesian sugar for 1965 and 1966 were suspended.

—Action on all applications for U.S. Government loans and credit and investment guarantees to Southern Rhodesia was suspended.

Further action followed those initial steps:

—The United States recognized the British action appointing a new board of directors in London for the Reserve Bank of Rhodesia.[7] The new board was recognized as the legal authority over official Southern Rhodesian accounts in the United States.

—American importers of Southern Rhodesian asbestos and lithium agreed to find other sources.

—American companies were informed that the United States recognized the legal authority of the British Order-in-Council prohibiting the export of tobacco and chromite from Southern Rhodesia and were requested to comply.[8]

—Controls were instituted on exports to Southern Rhodesia, cutting off all exports of significance to its economy.[9]

—With the cooperation of American oil companies, a total embargo was placed on shipment of all U.S. petroleum and petroleum products to Southern Rhodesia.

In addition to these direct measures the United States joined the British and Canadians in airlifting oil to Zambia.[10] Cut off from its supply of refined oil products, which had been supplied largely by the Southern Rhodesian refinery at Umtali, Zambia desperately needed petroleum to maintain its economy. The American contribution to the airlift, which began on January 4 and ended on April 30, 1966, carried over 3.6 million gallons of petroleum products. The American airlift ended as other supply routes, by road, rail, and lake, plus a continuing British airlift, were sufficiently developed to meet Zambia's emergency needs. The United States also assisted in emergency repairs and maintenance of the Great North Road from Tanzania to Zambia.

As a result of the economic sanctions against Southern Rhodesia, major U.S. exports to Rhodesia (mainly foodstuffs, petroleum products, chemicals, manufactured goods, machinery, and transport equipment) were reduced from a total of $23 million in 1965 to $6.51 million in the first 10 months of 1966. American imports from Rhodesia also suffered.

REPRESSION AND CENSORSHIP

At the time of the illegal declaration of independence, the British officially dismissed the Smith government and announced that Governor Sir Humphrey Gibbs was the sole representative of the Queen in Salisbury. The British High Commissioner was withdrawn, and Rhodesian passports were not recognized as valid by the United Kingdom. Great Britain, however, made clear that it would not use force to end the rebellion.

For their part, the Rhodesians placed Governor Gibbs under restrictions and promulgated a new constitution. Although generally following the lines of the 1961 constitution, it deleted references to Rhodesia's colonial status and made several other important changes. On the theory that the governorship was vacant, a Rhodesian was illegally appointed Officer Administering the Government and Commander in Chief of the Armed Forces. The amendment of "entrenched" clauses protecting the rights of Africans was also made easier.

Shortly before its unilateral declaration of independence, the Smith government had declared a "state of emergency" as a means of instituting various repressive measures against African opponents of the regime.

Censorship powers, affecting printing, publishing, radio broadcasts, and cable traffic, were invoked on the day of the unilateral declaration of independence. Regulations instituted on December 7, 1965, also provided fines for persons permitting "subversive and seditious" broadcasts from other countries to be heard in public. Newspapers reacted by leaving blank spaces to show where they had been censored. On February 8, 1966, the press was further curtailed with regulations making it an offense for newspapers to indicate when they are being subjected to censorship. Censors were given power to order any printed material removed or altered.

Until 1959, when the original black nationalist group in Southern Rhodesia, the African National Congress (ANC), was banned by the government and its leaders placed in detention, there had been little specifically antiwhite feeling in the territory. Few Africans thought of getting the white man out of Southern Rhodesia or challenged his right to be there. With the outlawing of African political organizations and the enactment of increasingly drastic security laws, African grievances against the white man mounted rapidly.

---

[1] Bulletin, Dec. 6, 1965, p. 912.

[2] *Ibid.*, p. 910.

[3] *Ibid.*, p. 912.

[4] *Ibid.*, p. 915.

[5] For text of Security Council Resolution 217, see *ibid.*, p. 916.

[6] *Ibid.*, p. 912.

[7] For an announcement, see *ibid.*, Dec. 27, 1965, p. 1028.

[8] For a Department statement, see *ibid.*, Feb. 21, 1966, p. 267.

[9] For a Department of Commerce announcement, see *ibid.*, Mar. 21, 1966, p. 466.

[10] For background, see *ibid.*, Jan. 31, 1966, p. 157.

The system of land allocation and control has been another source of bitterness. Almost as much acreage is owned by whites as is allocated for Tribal Trust Lands. In addition, the land allocated to African use is relatively poor while much land owned by whites lies rich and unused.

African nationalists have vowed to overthrow the government by force if necessary. The two major nationalist organizations, both of which evolved from the ANC, are now based in exile. They are the Zimbabwe African Peoples Union (ZAPU), led by Joshua Nkomo, and the rival Zimbabwe African National Union (ZANU), led by Rev. Ndabaningi Sithole. ZAPU was banned in 1962 and ZANU, formed by ZAPU members dissatisfied with Mr. Nkomo's leadership, was banned the year following. The leaders of both organizations have been in detention in Rhodesia since before the independence declaration.

In an attempt to counter the African nationalist groups, the regime has made a major effort to bolster the position of the tribal chiefs. The chiefs' traditional position has eroded, but successive white-controlled governments and the present regime have attempted to use them as a bridge between the African and white communities. They often act as local administrators on behalf of the government. The Africans expect the chiefs to resist measures against their interests, and the chiefs are often squeezed between opposing sides. Recently the regime has sought to build up the prestige of the chiefs by increasing their salaries and allowances and providing technical training and overseas tours. The nationalists regard the chiefs paid by the regime as dupes or stooges.

HALTING OF TANKERS AT BEIRA

A new crisis arose in early April 1966. A tanker arriving in the Portuguese Mozambique port of Beira with crude oil for Southern Rhodesia and another heading in that direction threatened to breach the U.N.-approved oil sanctions. The British immediately requested a meeting of the Security Council to empower them to halt the vessels.

On April 9 the Security Council adopted a resolution[11] which, expressing concern "that substantial supplies of oil may reach Rhodesia" and determining "that the resulting situation constitutes a threat to the peace," called upon Britain "to prevent by the use of force if necessary the arrival at Beira of vessels reasonably believed to be carrying oil destined for Rhodesia."

With the backing of this resolution the British were able to prevent any other such vessels from entering Beira. The tanker already in the port subsequently left without being permitted to discharge its cargo. However, petroleum continued to flow to Southern Rhodesia from neighboring countries, the bulk of it passing through Mozambique by rail from South Africa.

THE AFRICAN ATTITUDE

With voluntary economic sanctions showing no signs of bringing an early end to the rebel regime, impatience mounted in most of the independent African countries. Even the more moderate African governments, contending that Great Britain's refusal to use force to end the rebellion weakened its capacity to deal effectively with the problem, exhibited an increasing distrust of its policy.

The Smith regime's success in defying legality and international opinion also threatened to stimulate latent racial tensions in Zambia's copperbelt. Zambia's position was especially difficult. Southern Rhodesia's political philosophy was inimical to its most basic beliefs, yet Zambia remained extremely vulnerable to economic measures directed against the rebel regime of its neighbor. The moderate Zambian leadership, frustrated by this dilemma, came under great pressure to join in further action against the Southern Rhodesian regime.

In early May 1966, Mali, Nigeria, and Uganda introduced a resolution in the Security Council which, among other things, called upon "the United Kingdom government to take all necessary measures including the use of force, to abolish the racist minority regime in Southern Rhodesia." The United States and Britain, believing the move premature and the use of force, in any case, too extreme, refrained from supporting the resolution. In the vote, which came on May 23, the resolution failed to get the required majority of nine votes. The vote was 6 in favor (Bulgaria, Jordan, Mali, Nigeria, Uganda, U.S.S.R.) and 1 opposed (New Zealand), with 8 abstentions (United States, United Kingdom, Argentina, China, France, Japan, Netherlands, Uruguay).

During May, talks resumed in London between Great Britain and the Smith government and were continued there the following month, and again in August in Salisbury. The summer also brought disturbances, dissident activity, and the continuing infiltration of militant nationalists who had previously been forced to leave the country. On July 16, Africans demonstrating at Salisbury's university clashed wtih police, resulting in the arrest 10 days later of 10 students, the deportation of 9 lecturers, and the temporary closing of the university.

COMMONWEALTH CONFERENCE

In September the Commonwealth Prime Ministers Conference in London added to the mounting pressures on Great Britain to end the Southern Rhodesian rebellion. Most of the heads of government in attendance, according to the official communique issued on September 14, "expressed their firm opinion that force was the only sure means of bringing down the illegal regime in Rhodesia." Faced by these intense feelings, the British agreed that if the illegal regime did not take steps to restore executive authority to the Governor the following related consequences would ensue:

"(a) The British Government will withdraw all previous proposals for a constitutional settlement which have been made; in particular they will not thereafter be prepared to submit to the British Parliament any settlement which involves independence before majority rule.

"(b) Given the full support of Commonwealth representatives at the United Nations, the British Government will be prepared to join in sponsoring in the Security Council of the United Nations before the end of this year a resolution providing for effective and selective mandatory economic sanctions against Rhodesia."

A LOST OPPORTUNITY

British Commonwealth Secretary Herbert Bowden visited Salisbury in September, beginning another round of negotiations between the two Governments. On October 13, Britain sent "final proposals" for a settlement to Mr. Smith.

Southern Rhodesia was, of course, a major issue before the General Assembly as it convened in September. The Assembly adopted two resolutions, on October 22 and November 17, the United States abstaining on both. The earlier resolution condemned "any arrangement reached between the administering Power and the illegal racist minority régime which will not recognize the inalienable rights of the people of Zimbabwe [the African name for Southern Rhodesia] to self-determination and independence." The other resolution again called on Britain to "take all necessary measures, including in particular the use of force" to end the illegal regime.

The United States did not support these resolutions because of their immoderate language and because they impugned Great Britain's motives in holding talks with the Smith regime. The resolution of November 17, in calling for the use of force, also exceeded the carefully measured response to the rebellion regarded as desirable.

Mr. Bowden traveled to Salisbury again in November. The intensive negotiations reached a climax on December 2 in a face-to-face meeting between Prime Minister Wilson and Mr. Smith aboard the British cruiser *Tiger* in the Mediterranean. During the 2-day encounter, the leaders worked out a draft document which they agreed to submit to their respective Cabinets. It called for measures which would give the African majority and moderate whites at least some representation in a broadened government under Mr. Smith as Prime Minister. It also called for constitutional changes which, though preserving white rule for a number of years, would assure progress to majority rule. The Rhodesian Parliament would be dissolved, with the British Governor exercising authority with Mr. Smith and his broadened interim government until a new election was held within a period of 4 months.

The British Cabinet quickly approved the draft document. In Salisbury, however, as in November of the previous year, opinions had hardened. On December 5 Mr. Smith's Cabinet, under the influence of its extreme right wing, rejected the document.

"Never in my lifetime" Prime Minister Wilson told the British people over television, "has Britain been prepared to offer independence to a country before it had reached the stage of majority rule. In the long history of lost opportunities, I find it hard to discover one more tragic than that which Mr. Smith rejected."

MANDATORY SANCTIONS

After the Smith regime's final rejection of a settlement, the United Kingdom found no alternative but to press for yet harder measures to end illegal minority rule. On December 8 Foreign Secretary George Brown asked the Security Council to invoke mandatory economic sanctions. The Security Council complied on December 16, by a margin of 11 to 0 (the Soviet Union, France, Bulgaria, and Mali abstaining).[12] It was the first vote for such mandatory sanctions in United Nations history.

The resolution, after determining that "the present situation in Southern Rhodesia constitutes a threat to international peace and security," says that all states shall prevent the following:

"(*a*) the import into their territories of asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat products and hides, skins and leather originating in Southern Rhodesia and exported therefrom after the date of this resolution;

"(*b*) any activities by their nationals or in their territories which promote or are calculated to promote the export of these commodities from Southern Rhodesia and any dealings by their nationals or in their territories in any of these commodities originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

---

[11] For text, see *ibid.*, May 2, 1966, p. 718.

[12] For a U.S. statement and text of Security Council Resolution 232, see *ibid.*, Jan. 9, 1967, p. 73.

"(*c*) shipment in vessels or aircraft of their registration of any of these commodities originating in Southern Rhodesia and exported therefrom after the date of this resolution;

"(*d*) any activities by their nationals or in their territories which promote or are calculated to promote the sale or shipment to Southern Rhodesia of arms, ammunition of all types, military aircraft, military vehicles, and equipment and materials for the manufacture and maintenance of arms and ammunition in Southern Rhodesia;

"(*e*) any activities by their nationals or in their territories which promote or are calculated to promote the supply to Southern Rhodesia of all other aircraft and motor vehicles and of equipment and materials for the manufacture, assembly or maintenance of aircraft and motor vehicles in Southern Rhodesia: the shipment in vessels and aircraft of their registration of any such goods destined for Southern Rhodesia: and any activities by their nationals or in their territories which promote or are calculated to promote the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia;

"(*f*) participation in their territories or territories under their administration or in land or air transport facilities or by their nationals or vessels of their registration in the supply of oil or oil products to Southern Rhodesia;"

notwithstanding any contracts entered into or licenses granted before the date of this resolution.

A MEASURED RESPONSE

The language of the resolution follows very closely the draft Britain presented to the Security Council. The only significant changes, made by the Council with British agreement, were the addition of oil, motor vehicles, and aircraft to the list of embargoed items.

Great Britain cautioned the Council against allowing the situation to develop into an economic or military confrontation with the whole of southern Africa. Accepting the British appeal for a moderate approach, the Council turned down proposals for more radical solutions. Amendments proposed by African states and rejected by the Council included a call for Great Britain to use all means, including force, to end the rebellion, as well as a condemnation of South Africa and Portugal for their support of the illegal regime.

The Soviet Union backed these amendments and abstained on the final resolution on the ground that it did not go far enough. Having few responsibilities on the African Continent, the Soviet Union risks little in pushing for radical measures on Southern Rhodesia. The course adopted by the Security Council, however, reflects an admirable effort to assure a response appropriately tailored to the threat.

SOUTH AFRICA AND PORTUGAL

Because of the geographical location of South Africa and Portuguese Mozambique, the success of the sanctions program will, to an important degree, depend on the future willingness of Portugal and South Africa to comply.

South Africa has thus far represented a major obstacle to the success of the voluntary sanctions program. Its Government has consistently declared the official neutrality of South Africa in the controversy.

Portugal's role is also important to the outcome of U.N. action. Contrary to the views of the bulk of the international community, its Government contends that the Security Council's resolution of December 16 is invalid.

ECONOMIC PROBLEMS OF SANCTIONS

The application of sanctions against Southern Rhodesia could result in serious economic repercussions for its neighbors, notably Zambia. Although the Security Council resolution of December 16 was carefully worded to avoid affecting trade in commodities essential to Zambia's economy, there remains the possibility of damage through Rhodesian retaliation. Article 50 of the U.N. Charter provides that any state facing special economic problems that stem from measures instituted by the Security Council shall have the right to consult with the Council about a solution.

The failure of member states to comply with the Security Council's decision to apply mandatory sanctions would not only violate solemn treaty obligations; it would jeopardize the success of the sanctions program. And if the sanctions are not successful, the result could be a situation of increasing violence, more costly and difficult to deal with. It was in the hope of avoiding such a tragic outcome that the Security Council limited its action to moderate though firm measures which all members could accept and observe.

LEGAL CONSIDERATIONS

In ordering mandatory economic sanctions against Southern Rhodesia, the Security Council acted on solid legal grounds. Because a number of attacks have been launched against the action, however, its legal foundations are reviewed here.

1. It is argued that the situation in Southern Rhodesia poses no threat to international peace, as is required before mandatory sanctions can be applied, or that if there is a threat it is posed not by the actions of the Smith regime but by the possibility of action against that regime by African states.

Under the U.N. Charter, the members have entrusted to the Security Council the power to "determine the existence of any threat to the peace" and to "decide what measures shall be taken . . . to maintain or restore international peace and security." This is what the Council has done in the Rhodesian case, and under article 25 of the charter all U.N. members are obligated to accept and carry out the Council's decisions.

The Council had ample basis on which to make a finding of a threat to the peace. The illegal rebellion of the Smith regime in Rhodesia has obstructed political development in that territory toward independence on the basis of majority rule, in defiance of the principles and obligations of the U.N. Charter. In the political context of the African Continent, such action could lead to civil strife that might involve other parties on one or both sides of the conflict. This does not necessarily presuppose deliberate forcible action by other African states against Rhodesia, although some states might very well become involved in such conflict eventually whether they wished to or not.

The Council thus concluded that the Smith regime's rebellion posed a threat to stability, security, and peace in the area, with which it must seek to deal effectively.

2. It is argued that the Security Council's action violates article 2, paragraph 7, of the charter, which prohibits U.N. intervention in "matters which are essentially within the domestic jurisdiction of any state."

There is no basis for this contention. First of all, Southern Rhodesia is not a "state" and has not been recognized as such by a single government or international organization.

Secondly, the Security Council's move cannot be considered "intervention" since the Council acted at the specific request of the legitimate sovereign, the United Kingdom.

Third, the situation in Southern Rhodesia can in no way be considered a matter of "domestic jurisdiction." The U.N. has consistently recognized that Southern Rhodesia falls under the provisions of article 73. This article calls on members administering a territory "whose peoples have not yet attained a full measure of self-government . . . . to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions. . . ." Therefore, Rhodesia is the subject of international responsibilities owed by Great Britain on behalf of the peoples of Rhodesia to the international community. It is the discharge of these responsibilities which the Smith regime is trying to frustrate and obstruct.

Fourth, article 2, paragraph 7 specifically provides that the principle of nonintervention shall not prejudice enforcement measures under chapter VII. Economic sanctions are such measures.

AMERICAN SUPPORT FOR U.N. ACTION

Beyond the legal grounds, the reasons behind strong U.S. support of U.N. actions against Southern Rhodesia are several and profound. Any other policy would deny our own democratic heritage and the struggle for equal rights both at home and abroad. President Johnson expressed this thought in his address on May 26, 1966, marking the third anniversary of the Organization of African Unity, when he said: [12]

"As a basic part of our national tradition we support self-determination and an orderly transition to majority rule in every quarter of the globe. These principles . . . guide our policy today toward Rhodesia . . .

"The foreign policy of the United States is rooted in its life at home. We will not permit human rights to be restricted in our own country. And we will not support policies abroad which are based on the rule of minorities or the discredited notion that men are unequal before the law. We will not live by a double standard—professing abroad what we do not practice at home or venerating at home what we ignore abroad."

Other reasons for U.S. support of firm measures against Southern Rhodesia are equally compelling. The birth of our own nation gives us a natural sympathy for peoples seeking self-determination—*true* self-determination, not self-determination for a small ruling clique. As a founding member of the United Nations and a principal architect of the U.N. Charter, we also have a special obligation to see its purposes upheld. Article 1 names as a purpose of the U.N. the development of friendly relations among nations "based on respect for the principle of equal rights and self-determination of peoples."

U.S. support for U.N. action is not based solely on moral and legal imperatives, however. It is equally grounded in practical considerations. The American national interest is furthered if we can maintain friendly relations with the world's newly independent countries, for whom the Rhodesian issue is of the greatest emotional and symbolic significance.

The great majority of newly independent African states have sought to achieve multiracial societies and to protect the rights of minorities. The success of a rebellion based on white supremacy would seriously undermine their efforts. It would etch deeper the lines of political conflict and strengthen the hand of extremism and racism throughout the continent. In so doing it could pave the way for catastrophic racial violence. Pressures in other African countries to support violent measures against the white regime in Southern Rhodesia would grow and "armies of liberation" might be formed. Developments of this kind would open a world of opportunity to powers who believe their interests are best served by international unrest.

Such events would hardly be in the interest of peaceful development and certainly not in the interest of the United States.

American policy of support for a measured

---

[12] *Ibid.*, June 13, 1966, p. 914.

U.N. response to end the rebellion and bring about majority rule in Southern Rhodesia steers a course between those who advocate the use of force and those who advocate a hands-off policy. It is a narrow course, and not without perils, but the only one which offers promise. To use force now would bring immediately the disruption and chaos we seek to avoid. To do nothing would end in the same result.

As 1966 drew to a close, the possibilities for a negotiated compromise seemed to narrow. Until the Rhodesian rejection of the agreement worked out on the *Tiger*, the British had never insisted on majority rule as a precondition for a transition. On December 20, however, Prime Minister Wilson told the House of Commons that he would adhere to the policy expressed in the Commonwealth communique of September; namely, that he would not again submit to Parliament a settlement with Southern Rhodesia involving independence before majority rule.

On January 5, 1967, President Johnson signed Executive Order No. 11322, officially implementing mandatory economic sanctions.[14] Violation of the Executive order is a criminal offense. The President acted under the United Nations Participation Act, passed by Congress on December 20, 1945, and amended in 1949 and 1965, which authorizes the President to apply sanctions voted by the Security Council.

Section 5(a) of the act says:

"Notwithstanding the provisions of any other law, whenever the United States is called upon by the Security Council to apply measures which said Council has decided, pursuant to Article 41 of said Chapter, are to be employed to give effect to its decisions under said Charter, the President may, to the extent necessary to apply such measures, through any agency which he may designate, and under such orders, rules, and regulations as may be prescribed by him, investigate, regulate, or prohibit, in whole or in part, economic relations of rail, sea, air, postal, telegraphic, radio, and other means of communication between any foreign country or any national thereof, or any person therein and the United States or any person subject to the jurisdiction thereof, or involving any property subject to the jurisdiction of the United States."

The problem of Southern Rhodesia thus remains to be solved. Failure on the part of the international community to assist in resolving it in a just and peaceful manner would not only endanger the principles of the United Nations Charter; it would entail grave consequences, both for the United Nations and for our own interest in the stability of Africa.

EXHIBIT D

AFRICAN TINDERBOX: CIVIL WAR THREATENS IN NIGERIA, CONTINENT'S MOST POPULOUS LAND—INTENSITY OF TRIBAL HATREDS IN PROSPEROUS NATION BODES ILL FOR THE POORER COUNTRIES—SECESSION DEADLINE IS TODAY

(By Roger Ricklefs)

ENUGU, NIGERIA.—The ability of new African nations to hold together in the face of bitter tribal feuds is facing one of its toughest tests here.

Nigeria, whose 55 million citizens make it by far the most populous African country, seemed to have a lot going for it after independence came in 1960. It appeared to be developing a stable government. Efforts to develop its rich natural resources were moving ahead impressively.

But now the outlook has turned gloomy. The government of the country's eastern region, which is dominated by the Ibo tribe, has issued an ultimatum from its headquarters here in Enugu demanding vastly increased autonomy. If the federal government, which is dominated by non-Ibos, refuses to loosen its control, the eastern region may try to secede. Besides producing political chaos, such a move would play havoc with the economy, for Nigeria's economic strength depends heavily on the survival of a unified country.

The eastern region has set today as a deadline for a response from the federal government in Lagos. There is now some feeling that the deadline may be postponed, but this will only temporarily delay bringing the current crisis to a head.

CIVIL WAR POSSIBLE

At worst, the rift between the Ibos and the rest of Nigeria could lead to a savage civil war akin to the fighting that has occurred in the past in the Congo. At best, there could be a patchwork compromise that will avert immediate trouble but leave the basic problem smoldering. Either prospect is discouraging, and still more discouraging, say observers, is the thought that if Nigeria can't make it, the chances that weaker African states can evolve into stable nations look even slimmer.

The confrontation now shaping up in Nigeria stems from fierce tribal fighting between the Ibos and tribes in the huge northern region. During the past year thousands of Ibos living in the northern region were killed.

"It will be generations before the east can forgive these massacres," says an Ibo hotel clerk in Enugu who lost two brothers in the northern bloodshed.

Outside the eastern region, feelings run high against the Ibos, who are more advanced than other tribes and have tended to hold many of the best jobs in government and business throughout Nigeria. In Lagos a plump housewife of northern origin, dressed in a bright orange cotton-print robe and balancing a tray of groceries on her head, declares: "We would like a united Nigeria—but not if the Ibos dominate it." Both Ibo and non-Ibo fear the other wants to dominate the country.

A MILITARY COUP

Similar divisions plague many African lands. Only last week in the small West African nation of Sierra Leone a bloodless military coup overthrew the government after a disputed election. One of the announced causes of the coup was a belief that the premier favored his own tribe over others and that tribal strife might result.

In French Somaliland the balloting this month in which the people voted to retain ties to France divided mainly along tribal lines. Tribal feuds led to bloodshed last year in Uganda and always simmer just below the surface in Kenya. In the Sudan religious differences have produced violence and many deaths recently.

Nowhere is the conflict between tribal loyalties and yearnings for national unity stronger than in Nigeria. At first glance, Nigeria, a bit bigger than Texas and Oklahoma combined, seems to have the makings of a strong, prosperous nation. Lagos, a bustling city of 700,000 people, already boasts a 26-story office building and traffic jams.

OIL INDUSTRY GROWS

With the help of heavy investment from abroad, Nigeria has developed one of the fastest growing petroleum industries in the world. The country ranks as the tenth largest oil exporter. Oil exports in 1966 were worth $257 million, up from $34 million in 1960, and shipments currently are running 50% ahead of a year ago. "They are just scratching the surface," says one expert.

But it quickly becomes evident to the visitor that all is not well. The tension in the eastern region, which has about 12 million inhabitants, is felt the instant the airliner touches down at Enugu. Passengers remain nervously in their seats while two helmeted soldiers carrying submachine guns walk down the aisle and search everywhere for smuggled arms.

Posters in Enugu warn residents to report any "strange face" to the police. Other posters show an injured Ibo and carry this message: "Help any wounded fellow Easterner. Your turn may be next."

Though formal secession hasn't come and may not, the east in some ways acts like a separate state. It has cut its rail link to the rest of the country and sent non-easterners living in the region back to their home regions. It has secretly brought in arms from Europe and it threatens to shoot down any federal plane that flies over its territory without permission.

Since last July the east has increased its army from 800 men to 5,000 or 6,000—not too uneven a match, numerically anyway, for the federal government's 7,000-man force. Technically the eastern soldiers are still in the federal army, and the Lagos regime is in the weird position of paying salaries today to men it may be fighting tomorrow.

The present explosive situation grows out of squabbling that was troubling Nigeria long before it achieved independence from Britain seven years ago. For many years before then Ibos had clashed with other Nigerians, particularly northerners. (Besides the eastern and northern regions, there is a western region, where Lagos is located, and a midwestern region.)

Religious as well as tribal differences play a part in the divisions in Nigeria. The north is two-thirds Moslem, while the Ibos are mainly Christian or pagan.

The fear of non-Ibos that the aggressive better educated easterners will dominate the nation's economic and political life reinforces their tribal and religious antagonisms against the Ibos. For their part, the Ibos bridle at the thought of control by the 29 million northerners, whom they often despise.

"The north was developed by the east," says the Enugu hotel clerk whose brothers were killed. "The northerners are so lazy they can't even stay at their workbenches for an hour, but we Ibos work straight through."

The split between Ibos and other Nigerians exploded into violence in January last year. Five young Ibo army majors killed the federal prime minister and the northern and western regional premiers. Another Ibo officer, Gen. Johnson Aguyi Ironsi, emerged as the head of an interim military regime in Lagos.

He lasted until July, when northerners killed him and installed one of their own, Lt. Col. Yakuba Gowon, now 32 years old, as top man in the federal government. In the fall came the orgy of violence by northerners against Ibos living in their area.

The eastern region charges that northerners killed between 10,000 and 30,000 Ibos, though some sources think these figures are greatly exaggerated. Many Ibos fled home from the north—some, according to the eastern government, after having been tortured and mutilated. Among other horrors, an eastern pamphlet pictures a refugee whose hand was said to have been axed off.

"Most Ibos will never go back to the north—those people are just too dangerous," says Paul Nwosu, a young Ibo airline office worker who wears European clothes but rides barefoot on a flight from Lagos to Enugu.

The east is headed by its military governor, Lt. Col. Chukwuemeka Odumegwu Ojukwu, a brilliant, bearded 33-year-old army officer who, like Lt. Col. Gowon of the federal regime, is a graduate of Sandhurst, Britain's West Point. Under his leadership, the east is demanding what amounts to a regional veto over federal decisions. The federal government declares the national law takes precedence over regional law. The east has said that if it doesn't get what it wants by today, it will take unilateral action, but it hasn't explained just what the action might be.

---

[14] For text, see *ibid.*, Jan. 23, 1967, p. 146.

Besides more autonomy, the east is insisting on receiving a bigger share of federal funds. Today is the last day of the federal fiscal year, and the east says it must know what funds it can count on in the coming year. In arguing for an increase, it says that it currently contributes 35% of the federal tax revenue and gets back only 14% of the benefits. It is believed the east is trying to bring about an arrangement whereby the regions would collect revenues and pass on a share to the federal government, reversing the system that now prevails.

One of the east's motives in seeking such a change is to obtain a bigger chunk of oil revenues for itself. It accounts for almost two-thirds of Nigeria's oil production, but its share of government oil income is far less than that.

Some observers think such a go-it-alone attitude could deal a severe blow to Nigeria's economy. As a united country, Nigeria can market a wide variety of exports—eastern oil and palm products, western cocoa and northern cotton and groundnuts (which are like peanuts), among others. In sharp contrast to the situation in underdeveloped countries that depend heavily on one commodity, hard times for one industry in Nigeria do not mean disaster.

When world cocoa prices slid in 1965, for example, the government was able to lend money to bolster the cocoa industry with revenues from high exports of groundnuts and other products. While per capita income in Nigeria is still only $104 a year, the gross national product in recent years has jumped 4% to 6% annually.

Without unity, such progress might be possible. Instead, say economic analysts, each part of a divided Nigeria would be a "banana republic," entirely at the mercy of fluctuations in the price of one or two commodities.

EXHIBIT E

FAIRBRIDGE PARK,
UMTALI, RHODESIA,
March 29, 1967.

Congressman A. YOUNGER,
House of Representatives,
Washington, D.C., U.S.A.

DEAR SIR: May I take this opportunity of conveying to you my and my families appreciation of your stand for the rights of our Rhodesians of all races.

Contrary to general belief there are many thousands of White Rhodesians of second and third generations living here who have no other home and consider the Country which our fathers fought and died for to be as much ours as our fellow Black Rhodesians.

Also contrary to general belief there are many hundreds of thousands of Black Rhodesians who have less claim, having entered Rhodesia from the surrounding Territories to obtain the benefits of excellent Medical Services and employment, which are not available in their own Country.

In Rhodesia there has never been any bar to Black Rhodesians rising to the highest position, the only criterion is merit and this can be proved by anyone who wishes to take the trouble to interpret our Constitution correctly (not like our enemies try).

This Country has been and still is the most peaceful in Africa, and all races are living together in peaceful harmony especially now that the Communist trained Nationalist so called "Leaders" are kept in order. These "Leaders" only had a following while their thugs were on the loose to intimidate the superstitious and ignorant peasants of this land.

If Rhodesia had received a tenth of the Aid which has been ploughed into some of our African Territories to the North, and squandered, this Country would have been on a level with the most developed Western Countries. Instead, we have governed ourselves for 44 years and asked no one for anything other than to leave us to run our own affairs.

We have with our own resources and ingenuity managed to bring this Country, and its people of all races, to hold the second position in Africa for literacy, education, Medical services, and all other civilised amenities. This year six million pounds are being spent on Education for the African people; they have a higher standard of living here than many of the European Peasants in Europe, and if we were left alone we would have surpassed anything the Black States can do on all their borrowed money.

The only thing that our enemies can point at us for are the so-called discrimination on colour, and this only occurs as far as residential areas are concerned. All public places, Parks, etc., are open to all races, and what a mess is made of them, however, in our homes we insist on standards and the only way to maintain these is to let each race live in its own areas with its own people. Throwing people of completely different standards, and customs, together and forcing them to live in each others pockets will never bring peace.

Until such time as the Black people have attained our standards, not only of Education but of maturity and civilisation, and some integrity, they will never be accepted in home life.

The Black people themselves, with the exception of the few trouble-makers, are far happier living their own lives and would not thank you for the White man's ways.

We are repeatedly told of the subjugation of four million Africans, this is arrant nonsense as it has been proved that more than 50% of these are under 21 years of age, and of those left there are the very old who have no interests in politics. The figure left is more like one million who are, but for the Nationalists numbering 10,000 or so, extremely happy to have the fair and just ways of the White man compared with the tyranny and death of Nationalist Rule.

If this were not so there would be no peace in Rhodesia.

Time will tell and Rhodesia will prosper because we are fighting for our Homeland and survival. We all know, Black and White, what our fate will be if we give in now. After all who helped the White Congolese when they were kicked out, children slain, women raped, and all because they gave in to World Opinion.

If we are going to die we will do it fighting for our homes just as our fathers have done in two world wars.

Yours faithfully,
DOUGLAS and ROSEMARY REED.

(Both second generation Rhodesians born here in 1926 and 1935, and proud Father and Mother of four young White Rhodesians.)

Mr. SELDEN. Mr. Speaker, will the gentleman yield?

Mr. YOUNGER. I am glad to yield to my colleague.

Mr. SELDEN. Mr. Speaker, I, first, would like to commend the gentleman from California [Mr. YOUNGER] for taking this time today to discuss the Rhodesian situation.

The gentleman has spoken on this subject on the House floor several times within the last 18 months, and he has inserted other materials in the RECORD. In addition, Mr. Speaker, I understand that the gentleman made a trip to South Africa at his own expense personally to investigate conditions there.

I therefore commend the gentleman from California for the thoroughness with which he has gone into this matter, and I am certain that his efforts in this connection have not gone unnoticed.

Mr. Speaker, it is apparent that, with regard to our policy concerning Rhodesia, U.S. foreign policy operates on a double standard.

Young Americans at this very moment are fighting and dying to defend the tiny nation of South Vietnam 10,000 miles away because its neighbors to the north will not leave it alone. Except for Australia, New Zealand, South Korea, and the Philippines, we have virtually no allies at our side in this struggle. Our Vice President was almost stoned in the streets last week when he visited nations of Europe with whom we have been allied for more than 20 years. This was the result of our defense of a small nation whose territory is being invaded by hordes of Communists from its neighbors to the north. This Communist cancer threatens to stretch its tentacles across the Pacific Ocean to our own hemisphere if we falter in our determination to halt its spread.

Meanwhile, across the other ocean we have joined with Great Britain in an effort to strangle economically a small nation whose only crime is a government with internal policies with which some may disagree.

Yes, we have joined Great Britain in an attempt to choke Rhodesia to its knees. But what international crime has Rhodesia committed? Whose borders has Rhodesia invaded? What section of the charter of the United Nations has this small African nation violated? On what basis does Great Britain argue that Rhodesia has become a threat to the peace?

Mr. Speaker, the Washington Post, with which I frequently disagree, presented a sound editorial argument on December 14, 1966:

> There is no reason to believe they [sanctions] will be effective. They set a questionable precedent. They amount to interference in the domestic affairs of another country merely because of the form of government practiced there. Moreover, the effort to impose them ignores the purpose and injures the prestige of the U.N.

Former Secretary of State Dean Acheson correctly assessed the situation. In a letter to the editor of the Washington Post on December 11, 1966, Mr. Acheson said:

> You quite rightly observed that this system operates entirely within the boundaries of Rhodesia and affects no one else. In such a situation the U.N. Charter is plain. Chapter I, Article 2, paragraph 7 provides unequivocally that the United Nations shall not intervene in matters which are within the internal jurisdiction of any state.

Rhodesia, which we are attempting to strangle economically, is anti-Communist and, contrary to the actions of some of our allies, has offered us moral and material support in South Vietnam.

But let us look at the other side of the coin. We are supporting Great Britain in an economic boycott of Rhodesia. Yet, not only have the British not given us material aid in southeast Asia, but they have continued to trade with an aggressor with whom we fight. Also, they have continued their trade with a nation that advocates the overthrow of every government in the Western Hemisphere.

Mr. Speaker, if the U.S. Government insists on continuing its support of Great Britain in its Rhodesian policy, then I would suggest to the executive branch that we insist that Great Britain at least refrain from supplying materials to an aggressor who is killing young Americans on the other side of the world. It is time to call a halt to our double standard, self-defeating policy with regard to Rhodesia.

Mr. YOUNGER. I thank the gentleman for his contribution. Moreover, as a member of the Foreign Affairs Committee of the House, the gentleman from Alabama comes to us with knowledge on this subject; so we appreciate his contribution particularly for that reason.

Mr. THOMSON of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. YOUNGER. I am happy to yield to the gentleman from Wisconsin.

Mr. THOMSON of Wisconsin. Mr. Speaker, I rise to commend the gentleman from California for bringing this matter to the attention of the American public. I am afraid that the American people are not aware of the consequences involved in our actions in agreeing to sanctions against Rhodesia. That is only the first step. We are really on the threshold or the doorstep of a major war in Africa. I think the American people will revolt at the idea of sending American boys to fight against our friends in Rhodesia and South Africa. Such action could only lead to catastrophe in America. We are being dragged in the back door, and by our long friendship with Great Britain.

I believe it is well today that the gentleman from California has raised this warning flag, because I do not think the people of America, or even this Congress, are going to be dragged into a conflict which can only be carried on by American Armed Forces.

The British are withdrawing from east of Suez. The British no longer have a navy that could be effective in patrolling the vast reaches around the subcontinent of South Africa. They do not have any military force. The French do not have any military force. No one in the world has a force that could be effective in carrying out the designs of those who want to implement the sanctions against our friends in Africa.

I believe it would be well if the American people can be alerted—and I hope this little colloquy and special order today will call to the attention of the American people the grave problem that we are faced with if we do not, with some degree of resolution, tell Great Britain and tell others of the world that we are going no further, that we will not supply the logistics, we will not supply the navy, we will not supply the army, and we will not supply the money even if somebody else is able to come up with these things.

The sooner we let that word go out to the world, the better off will be the people in this country and in Africa. I have great confidence that the people there, who know their problems best, who are anti-Communists, will work out their destiny for the best interests of everybody in those lands and in this world.

Again I commend the gentleman from California.

Mr. YOUNGER. I thank the gentleman from Wisconsin [Mr. THOMSON] very much. He is a member of the House Foreign Affairs Committee. I appreciate his comments.

Mr. WATSON. Mr. Speaker, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Speaker, I join with our colleagues in commending the gentleman from California [Mr. YOUNGER], for his foresight in taking this special order to call to the attention, not only of the Members of this House, but also of the American people this most serious problem confronting us with respect to Rhodesia.

It is quite tragic that we do not have more Members on the floor to hear the discussion that is taking place—the very intelligent, persuasive arguments that the gentleman from California has given in his usual fine fashion, and the comments of the gentleman from Alabama, who is a member of the Foreign Affairs Committee, and also the comments of the distinguished gentleman from Wisconsin. However, I hope all the Members will take advantage of the opportunity to read what has been said and what will be said here this afternoon when it is printed in the CONGRESSIONAL RECORD.

I have heard this concern from many people. I believe there are more American people who are disturbed about these sanctions against Rhodesia and our blind support of these U.N. sanctions than perhaps a lot of us would realize.

As has been alluded to earlier, this is only the beginning. We do not know what is going to be reported as far as the effectiveness of these sanctions. If they are not effective—and we have every reason to believe they will not be effective—then what will be the next step? As the gentleman from Wisconsin has said, it has been unfortunately true in the past that America has had to bear the responsibility both as to money and men in trying to implement and trying to enforce some of these sanctions.

It is quite ironic, and I believe tragic, that here we in the United States are caught in support of these U.N. sanctions against the little government of Rhodesia, in joining with the British as they have appealed for this particular action in order to try to topple the government of Smith, when we for many months now have been pleading with our friends the British to stop trading with our Communist enemies. But apparently they have turned a deaf ear against us. Yet, when they would ask us to join with them in their efforts through the United Nations to try to starve to death the little government of Rhodesia, we fall all over ourselves in order to try to cooperate with them.

I believe the American people—and indeed clear-thinking people all over the world—are asking what is wrong with America as far as foreign policy is concerned.

We befriend our enemies and we do harm to our friends, and apparently we are unconcerned about those who are uncommitted in the world.

I remember speaking not long ago in Florida. On that occasion one of the leaders of the Cuban exiles—and they have a number of the leaders there—told me:

> Congressman, you folks up here in the United States are rich and are powerful and are affluent. You think we Latins are a bunch of hot-headed, emotional people, and perhaps we are.

But this is the statement he made further to me:

> We want you to know there are a lot of Latin Americans and there are a lot of other people in the world who think you Americans are rather dumb people at times. You have a lot of power, but you are not using it to the best of advantage of your own country and, for that matter, to the best advantage of the free world.

Mr. Speaker, it has become increasingly more difficult for the State Department to pull the wool over the eyes of the American public in respect to this Nation's foolish, ill-advised, and I believe extremely dangerous policy toward the Government of Rhodesia.

American journalists are visiting this African nation, and they are returning with words of great praise for the Government of Prime Minister Ian Smith, who, despite the imposition of unfortunate and illegal economic sanctions by the United Nations, fully supported by this country, still manages one of the most stable—indeed, one of the most mature—governments in the entire world. This is all the more remarkable since, in the past 2 years, no less than 10 African countries have been taken over by a military coup.

These same governments, which constitute an all-too-powerful voice in the United Nations, are now sanctimoniously crying for an armed invasion of the peaceful regime of Rhodesia on the grounds that this nation practices certain policies that are inimical to the best interest of citizens of the world. This plea is rubbish, and the American people know it to be just that.

An examination of the facts shows that the Rhodesian Government has provided the finest standard of living for its citizens, black and white, of any nation in Africa. While most African nations still have not resolved the problem of cannibalism, Rhodesia is providing all of its citizens with the advantages of an education in order to prepare them for future participation in the affairs of government in that little country.

Of course, while many of these African nations are screaming racism at Rhodesia, they are in fact themselves, Mr. Speaker, practicing slavery. That is right. There is no doubt that slavery, the most despicable and unholy institution in the world, is still being practiced by a large percentage of the newly emerging African nations. What do these countries have to say about slavery in the United Nations? They resent vehemently any discussion of slavery, because bringing this issue to the light might discredit them in the eyes of the world. Yet they would bring the full military force of the United Nations upon Rhodesia to make certain that the black man would completely control that nation. This hypocritical double standard is just too preposterous for anyone who remotely believes in justice and fair play to accept.

Mr. Speaker, on numerous occasions I have called upon this Government to desist and to cease its illegal role in the Rhodesian affair. Unless this Nation withdraws its support of the economic sanctions by the United Nations against Rhodesia we will find ourselves in the middle of an African war which indeed will make the southeast Asian conflict look like a Sunday school picnic.

Not long ago a leading member of the British Parliament made this same observation about the matter, urging Great Britain to cease its vociferous objections to the independence of Rhodesia.

We may gain momentary esteem and appreciation from some of the African states by taking part in this illegal act, but in the final analysis I believe this Nation will rue the day it stood with the mob and attempted to crush a peaceful, independent, and legitimate government in Rhodesia.

Have we lost sight of our own struggle for independence less than 200 years ago? God forbid. Then let us not lose sight of Rhodesia's struggle to become also free, as we fought to become free.

In the very near future, Mr. Speaker, I hope to join with the gentleman in the well and others who have had the privilege of observing firsthand some of the activities and some of the functions that are now occurring in the independent Republic of Rhodesia. It is my understanding a trip to that nation will reveal a condition which is unknown to the major cities of this Nation. There is at least one condition, may I say to the gentleman from California, that would be in that class, that is, you can actually walk down the streets of Rhodesia at any time of the day or night and not be afraid of being attacked by a vicious criminal. Unfortunately, we cannot say as much for some of the cities of America, namely, right here in the Nation's Capital, Washington, D.C.

So again I want to commend the gentleman from California and others who have taken this special order trying to alert the American people and this Congress to some of the dangerous positions we are taking and which we face in the future.

Mr. YOUNGER. I thank the gentleman for his contribution.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. YOUNGER. I gladly yield to the gentleman from Indiana, a member of the Committee on Armed Services.

Mr. BRAY. Mr. Speaker, I wish to thank the gentleman from California for bringing the question of Rhodesia before us at this time.

Mr. Speaker, one of the major errors in U.S. foreign policy has been the administration's willingness to go along with those who proclaim that Rhodesia is a threat to world peace. Rhodesia's internal policy is no affair of the United States.

Let us take a close look at those who shriek the loudest for action against Rhodesia.

Rhodesia "is a threat to world peace," says the British Labor Government, as it sells scrap iron to Red China—which not even the Soviet Union will do—and allows British merchant ships to carry supplies to North Vietnam.

Rhodesia "is a threat to world peace," declares the African dictator, who rules only by virtue of survival of the latest coup d'etat that may have seen hundreds of his countrymen butchered.

Rhodesia "is a threat to world peace," says the Secretary General of the United Nations, who consistently implies that the United States is less than sincere in wanting to end the war in Vietnam.

The cry is then taken up in the corridors of the U.S. State Department and time is taken from encouraging trade with Communist countries supplying Hanoi to impose sanctions against Rhodesian exports to this country.

Just what has Rhodesia done? It has not supported a worldwide conspiracy of espionage and subversion. Its armies are not poised for an attack on its neighbors. It has not given support to or encouraged guerrilla warfare in Africa or anywhere else. It has threatened no one, and wants nothing more than acceptance into the community of nations as an independent state, ready and willing to live in peace and honor its international obligations.

Completely obscured by all the frenzied attacks on Rhodesia is the simple fact that its present Government is not willing to run the risk of seeing the indescribable chaos and horror of the Congo repeated in Rhodesia. The sudden Belgian withdrawal from the Congo led to near destruction of that country as a sound, viable unit and did cause the deaths of thousands, both black and white.

Establishment of a nation and continuance of a sound, functioning governmental structure demands much more than good intentions and pious resolutions. No one gains, and everyone suffers, if power passes too quickly into the hands of those who are not ready to exercise it skillfully and wisely.

We hurried to support the British Labor Government, which is not exactly cooperative with us when it comes to Cuba and North Vietnam, and to help extricate it from troubles of its own making.

We hastened to gratify the egotism of a few African despots, who hold uncertain sway over geographical monstrosities that can be dignified with the term "country" only by wildly stretching the meaning of the word.

We acted before we thought. We have allowed ourselves to be pushed into a major foreign policy position by those who have held back from supporting us in major international crises where the term "threat to world peace" is real, and not the result of demagogic bombast.

The United States is not in a position to judge the racial internal problem of Rhodesia. Unless we use care and restraint we can soon find ourselves in the position of being a cats paw for selfish and designing governments, who will have American soldiers fighting in the jungles of Africa. This might be an exalted time for the United States to mind her own business.

Mr. YOUNGER. I thank the gentleman for a very fine contribution to the discussion of this subject.

Mr. UTT. Mr. Speaker, will the gentleman yield?

Mr. YOUNGER. I gladly yield to my colleague from California.

Mr. UTT. Mr. Speaker, I am very happy for the opportunity to take part in this discussion, as I have before, because today it is probably one of the most important things facing our country as well as the world. I want to go back and review for a moment the signing of the Executive order on January 5 by the administration and call your attention to the fact that the Executive order made it a crime, subject to fine and imprisonment, for trading with Rhodesia, dating that back to the 15th of December. Now, that is either an ex post facto law, because it has the effect of law, or else that Executive order was signed under the Charter of the United Nations. If it is not an ex post facto law, it would be an admission that that Executive order was signed under the authority of the United Nations Charter and not under the Constitution of the United States, which forbids any ex post facto law. I have not seen this fact pointed out before, and I think it is a very important factor.

Another item I wanted to discuss was the point that the gentleman from Alabama [Mr. SELDEN] mentioned about what has Rhodesia done. Then the gentleman proceeded to outline the things that she had not done to threaten world peace. However, she has done something which has upset the entire world; that is, the entire Communist world. They are the one country that stopped the international Communist conspiracy at the Zambesi River. This is an insult not only to the United Nations but to the entire international Communist conspiracy. They are the only country in concert with South Africa and with Mozambique and Angola who have stopped the infiltration of the international Communist conspiracy. This was really an insult, because we have never been able to stop them. We compromised in Cuba. This great country compromised there. It is compromising in America today and it compromised in Hungary. It compromised everywhere where there has been a threat of the international Communist conspiracy. But this little country, Rhodesia, had the nerve to say to the international Communists, "Do not move beyond the Zambesi River." They stopped it there. And, Mr. Speaker, it has upset the timetable in establishing world government by way of the United Nations.

Now, Mr. Speaker, a day in international dictatorship is no better in that building in New York than it would be if it were in Moscow or any other country in the world that would represent an international dictatorship based on our own policies, because of our disarmament program, in which we are supposed to disarm and build up the peace force in the United Nations.

And, Mr. Speaker, I want to go back again to the United Nations for just a moment. The only reason for going into the Congo by the United Nations, it was not because they wanted the great mines, the great copper and uranium mines—and there were great mines located there which produced a great amount of copper—but since the U.N. turned them back to the government of the Congo, these mining operations have been losing money every day and will probably go out of existence because of the fact that the U.N., with its peacekeeping forces, paid for by the United States of America, saw to it that Mr. Tshombe, who was a pro-Western anti-Communist and at least a foe of the Mobuto government and its Communist control, took the Congo and took the control thereof. However, the Congo is now back in the hands of the Communists.

So, Mr. Speaker, wherever you find a nation that is going to stop this movement of international communism, you will find therein the "no-win" philosophy which exists within the State Department and within the Department of Defense, because they do not want to win against the international Communist conspiracy, whether it be in South Vietnam or Cuba or South Africa.

But, Mr. Speaker, in this country we should say, "You shall go no further, and this is it."

But, Mr. Speaker, when the people say that they want to destroy or control the Rhodesian Government and the South African Government, Mozambique and other Portuguese colonies, they say this based upon presumed segregation and that there is a racial problem involved.

Mr. Speaker, let us look at the problem. There is no racial problem whatsoever in Rhodesia. That country is fully and completely integrated and without any segregation. The native Africans are represented in Parliament. Thirteen of the Parliament Members are native Africans. And, Mr. Speaker, just a few weeks ago one of the provinces in Rhodesia elected a white man when that province is constituted by a percentage of 90 percent black people. At least, the registration and voting reflected that there was 90-percent black participation. However, they said, "We want you in the Parliament representing us, because we know what you stand for." These colored people are represented in the civil service. There is not a segregated park, there is not a segregated public building, there are no segregated schools and, incidentally, one out of ever six in the entire Rhodesian country is attending school—some 700,000 of them—and 98 percent of that is being paid for by the Europeans and other white Rhodesians.

Mr. Speaker, with reference to still another country in Africa, I refer to Ghana, where the ratio of population is 1 to 8; Ethiopia only has 1 in 80, and Great Britain has only 1 in 5.

So, Mr. Speaker, why are we worried about the education of the native Africans? They are being educated. They are being taken care of in hospital beds by doctors, nurses, and other professional medical technicians.

Mr. Speaker, within another 10 or 12 years, if they are not disturbed, the entire Parliament of the country of Rhodesia can be composed of native Africans, because their voting registration is increasing every year.

As far as health is concerned in Rhodesia they have a hospital bed for every 250 people. In Kenya they have only a hospital bed for every 660 people. In Ghana, the showcase, they have only one bed for every 1,100 inhabitants. In Ethiopia there is only one hospital bed for every 3,000 inhabitants. And in Liberia there is only one hospital bed for every 4,000 people.

I believe this is a terrific record as far as health and welfare is concerned in that country. I want to look at the doctors, the idea of doctors.

In Rhodesia there is a doctor for every 73 people. In Ghana there is a doctor for every 18,000 people, and in Liberia there is only one doctor for every 29,000 people.

So we are not looking at what Rhodesia has not done to its native population, but we should look to what they have done for them, and what they have done for them is to stop international communism at the Zambezi River. And that is what has lifted the ire of the United Nations and of every country in the world that is not opposed to international communism.

Mr. Speaker, I want to take a moment and direct the attention of the House to the fact that the State Departmen is spending millions and millions of the taxpayers' money sending out emissaries from the State Department to give lectures on why we should destroy the Smith regime in Rhodesia. They are doing that in practically every State in the Union wherever they can get an invitation to go, and they are not telling the truth. They are telling lies, and it is paid for by taxpayers' money.

I have here an answer to Mr. Palmer, who is from the State Department, who is going out on a speaking tour, and analyzing what he says and what is wrong with it, what is untruthful about it, and that is that it is hiding the facts; that the real issue is whether international communism shall take over.

Mr. Speaker, I ask unanimous consent that this analysis of Mr. Palmer from the State Department be included in the Record at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The article referred to follows:

RHODESIAN VIEWPOINT—AN ANSWER TO MR. PALMER

On February 28 Mr. Joseph Palmer II, Assistant Secretary of State for African Affairs, spoke about Rhodesia to the California Institute of Technology. Although Rhodesia is a staunch friend of the United States, and has offered her material assistance in Vietnam, Mr. Palmer took the broadest licence in castigating the Rhodesian Government, imputing to it motive of racial domination, disparaging its record of domestic jurisdiction and accusing it of being a threat to stability in Africa. For these and other reasons laid out in terms of high moral indignation, Mr. Palmer concluded that the U.S. Government was more than amply justified in offering Rhodesia a stern confrontation "because it is right in terms of principle, because it strengthens our position in the world and because it helps to promote our objectives of stability and orderly development in Africa."

It is perhaps worth noting at this stage that Mr. Palmer's conclusions are not endorsed by a considerable body of congressmen, a number of nationally syndicated political columnists, the great preponderance of American citizens who have taken the trouble to express themselves on this subject and the editorial writers of the Washington Post, the Washington Star, the Chicago Tribune, the Wall Street Journal, the Journal of Commerce, the Milwaukee Sentinel, the Nashville Banner, the Portland Oregonian, the Columbus Dispatch, the Indianapolis Star, the Phoenix Republic, the Arizona Republic, the St. Louis Globe-Democrat, the Cincinnati Enquirer, and a host of other newspapers throughout the length and breadth of the United States. Former Secretary of State Dean Acheson has been prominent in disputing the moral and legal validity of Mr. Palmer's case. Representative John Ashbrook of Ohio, who went on a fact-finding visit to Rhodesia slightly over a year ago, described Mr. Palmer's thesis as "the triumph of ideology over actuality." Representative J. Arthur Younger of California, recently returned from a visit to South Africa, visited with consular offices there and with the Embassy in Pretoria. He found only one U.S. Government employee who was in sympathy with the action taken against Rhodesia. Mr. Frank Johnson, foreign editor of the American Security Council's Washington Report, had a similar experience on a recent visit to South Africa and Rhodesia. He found that "many U.S. representatives in South Africa and Rhodesia who were willing to speak frankly disagreed with much of Washington's policy. At least they seemed to have a much more realistic and appreciative outlook on the problems of the area and the feelings of the people than did their colleagues in Washington. All were opposed to U.N. intervention." Mr. Palmer has not visited Rhodesia since he assumed office as Assistant Secretary of State for African Affairs. None of the subordinate officials in the area office responsible for advising him on Rhodesian affairs has had foreign service in Rhodesia and very few, if any, of them have ever visited Rhodesia.

It is surprising in these circumstances that Mr. Palmer felt able to be so dogmatic about conditions in Rhodesia. Since the United States Government and people are so heavily involved in supporting unprecedented U.N. actions against Rhodesia, and since they will shortly be exposed to Communist and racial pressures to intensify their hostility, it is felt to be in the American public interest to offer some correctives to a number of Mr. Palmer's assertions and judgments.

To dispose first of matters of fact, Mr. Palmer says that "the Rhodesian Front spokesmen assert their right to independence on the basis of self-government, which Southern Rhodesia first acquired in 1923. But they overlook one important fact; that Britain always reserved constitutionally the right to veto any discriminatory legislation directed at the indigenous population, and that Britain never yielded these rights." Mr. Palmer is badly misinformed on a question of basic importance to Rhodesia's case. Britain's right of veto over Rhodesian legislation was totally abdicated by the British Government in 1961 and eliminated from the new constitution which came into force in that year. Substituted for the foreign veto power was a domestic Bill of Rights and a predominantly non-white Constitutional Council as its watchdog. It is astonishing that Mr. Palmer is unaware of this elementary but significant constitutional fact.

Mr. Palmer says also that, "in terms of the U.N. Charter, Southern Rhodesia is a non-self-governing territory and Great Britain is the administering authority." This suggestion has been specifically denied by British officials at the U.N. on many occasions, and the British position (i.e., that Rhodesia has been a self-governing territory since 1923) has in the past been acknowledged by U.S. officials at the U.N. The contrary position now taken by Mr. Palmer seems to be explicable only as a desperate attempt to bolster a poor case for U.N. intervention in the Rhodesian affair.

Mr. Palmer utters some vigorous invective against the system of land tenure in Rhodesia and what he implies is the inequality of land distribution between the races. He quotes statistics from the Rhodesian Ministry of Information about land distribution and then informs his audience that "the Ministry does not add, incidentally, that the acreage reserved for the white minority consists of the best land, much of which lies unused." Mr. Palmer is right about what the Ministry does not say. It does not say it because it is not true. What the Ministry does say—and Mr. Palmer apparently has not noticed—is that there is a slightly higher percentage of high fertility soils in the African area than in the white area, nearly twice the percentage of medium fertility soils and, while only 37 percent of Rhodesia has a rainfall above 28 inches, half the African areas fall within this zone.

Mr. Palmer points out with an air of righteous condemnation that 44 million acres are occupied by 2,400,000 Africans and 36 million acres by 220,000 whites. What this equation conveniently omits are the 1,600,000 (minimum figure) other Africans who derive their livelihood from the "white" area as wage-earners in the industrial or white agricultural economy. Mr. Palmer also omits to point out that land in the African area (almost half the total land area of Rhodesia) is constitutionally reserved in perpetuity for the sole and exclusive occupation of tribal Africans free of purchase price or rental. No such special considerations apply to land in the "white" area, which progressively over the years has become the base of a sophisticated economy that provides employment opportunities for all races and yields the wealth that sustains economic growth and rising living standards. It is the development of this prosperous industrialised base on Western free enterprise principles that has enabled Rhodesia in three quarters of a century to show a per capita gross national product of $219 compared with $74 in Uganda, $48 in Ethiopia, $45 in Somalia and $40 in Burundi. To the extent that sanctions are reducing Rhodesia's economic growth they are, of course, depressing individual living standards. Since there are eighteen black Rhodesians for every white, it is the blacks who stand to suffer most.

Mr. Palmer then turns his attention to education and complains that, "although it is true that a higher proportion of Africans receives education in Southern Rhodesia than in African-ruled countries, the fact remains that relatively few Rhodesian Africans are permitted the facilities to complete the highest secondary grade or go to college." Clearly Mr. Palmer is unwilling to put the evolution of education facilities in Rhodesia into the perspective either of history or of contemporary conditions in the rest of Africa. The extension of education facilities in an undeveloped country is governed by a number of factors, including the availability of resources, traditional patterns of social behaviour and access to employment opportunities. Comment here is taken from the report of a team of three Americans headed by Representative John Ashbrook who visited Rhodesia early in 1966.

"Has the Rhodesian Government, for one thing, really tried to bring education to the African? The answer lies in economic statistics and an analysis of the school population. As present Rhodesia's ratio of children in school to total population is comparable to Britain's—even though there is a wide disparity (in favor of Britain) in the national incomes of the two countries. The following table of ratios tells a story which goes far to contradict those who reject the sincerity of the Rhodesian whites:

"Great Britain: 1 in 5.

"Rhodesia: 1 in 6.

"Malagasy: 1 in 11.

"Tanzania: 1 in 18.

"Dahomey: 1 in 20.

"Mali: 1 in 43.

"Ethiopia: 1 in 80.

"African education is the single largest expenditure of the Rhodesian Government, and it has trebled in the last 7 years. It is significant in this context that 98 percent of all direct taxation is paid by whites. Despite this financial inequity, the Rhodesian Government has been able to meet the demands of an African school population of some 2 million children under 17 for a primary education. As this demand is met, the Government has moved ahead to provide secondary school education for those who desire it.

"But here the Government has run into several problems. First, the 10 percent of the primary school population which is female has been kept out of the secondary schools by parents who take their daughters out of school when they become nubile and sell them into marriage. Secondly, the demand for the admittedly few but steadily increasing places in secondary schools has yet to equal the supply.

"As a matter of educational philosophy, moreover, the Rhodesian Government has subscribed to the Western idea of providing as much education as possible for all, rather than to the practice prevalent in former French and British colonies of training a small, elite group and ignoring the rest of the African population. The Rhodesian school system, moreover, is relatively young. (After all, the country has been under settlement for less than 75 years.) Rhodesians note that in Britain, with its ancient traditions, only 34 percent continue to go to school after age 15—and in the United States, which boasts of its public education, there are today some 23 million adults who never went beyond elementary school.

"The opposition has criticized the Government for not providing more vocational schools. But the Rhodesian experience has been one of apathy among Africans toward this kind of training; and what demand there was has tended to fall off in the past year. The Government nevertheless has pressed for longer periods of education, particularly in the secondary schools. It has organized correspondence courses and night schools. There are, again, no discriminatory practices against Africans, and all African students at the university are eligible for Government support. At the present time, those African students at the University of Rhodesia receiving scholarships, grants, and loans would not have qualified had purely academic standards been imposed. Instead, the school authorities have discriminated in their favor—hardly a sign that there is official reluctance to raise educational opportunities for Africans. Nor is it a sign of foot dragging that the amount spent for African education doubled between 1963 and 1964—with the figure still rising—and that African pupil enrollment has tripled in the past 10 years, with approximately 700,000 students now attending school."

Since this report was written, and notwithstanding the impact of sanctions, the Rhodesian Government has launched an ambitious new programme which will provide secondary school facilities for 50 percent of black Rhodesian primary school leavers and supervised correspondence courses for the remainder.

No other country in Africa can match this objective. So far as primary schooling is concerned, Rhodesia has already far outstripped targets set by UNESCO for Africa as a whole. At its conference in Addis Ababa in 1961 UNESCO expressed the hope that universal primary schooling for Africans would be an attained goal by 1980. Rhodesia will achieve this target in 1969.

Rhodesians have no wish to make invidious comparisons that put the performance of other countries in a poor light, but the kind of attack made by Mr. Palmer forces them to do so. Thus it is to be noted that only 15 percent of the children of Liberia reach the sixth grade and only 7 percent graduate from the eighth. An Ethiopian student has pointed out that the "typical" Ethiopian child receives no education at all, while the vast majority of the atypical children receive very little. (In 1960/1961 the chances of an Ethiopian girl reaching grade twelve were 1 in 5,643.) Do these countries, with inferior education performance to Rhodesia's attract the public opprobrium of U.S. officials and the imposition of mandatory sanctions to correct the errors of their ways? On the contrary, they enjoy specially favored treatment from the U.S. Government, including grants-in-aid. Rhodesia outperforms them without laying a penny burden on the American taxpayer and finds itself subjected to American hostility only marginally short of warfare.

Mr. Palmer justifies American hostility toward Rhodesia on the grounds that the situation there constitutes a threat to the stability of the area. This is a stark assertion evidently motivated by intuitive wisdom since there is no evidence to support it beyond a suggestion that neighboring countries do not like the way Rhodesians run their domestic affairs and are determined to act in the role of reformers. Mr. Palmer evidently feels that they are justified in these ambitions, notwithstanding the explicit provisions of the U.N. Charter enjoining members to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state; notwithstanding also that in December, 1965 the U.S. voted in favor of a resolution in the General Assembly (which passed almost unanimously) determining that "no state has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any state." Mr. Palmer suggested at one stage in his address that, unless the United States Government acted to bring down the Government of Rhodesia, "reasoned counsels of restraint on the part of responsible African leaders will spell their political suicide, and proponents of modernization outside Africa will be discredited in the eyes of Africans." Thus international law and principle are apparently to be subordinated to the necessity of protecting African potentates from the immoderate instincts of their people.

As to the question of stability itself, it is surely one of the greatest ironies of our time to lay a charge of instability, or even the danger of it, against Rhodesia, which is an island of placid calm in a continent that has been racked with turbulence over the past several years. No government in Rhodesia has ever changed hands except by due electoral process. There has been no strife in Rhodesia this century, and fewer deaths in civil disturbances than in a single weekend in Watts in the summer of 1965.

Those who are disposed to take Mr. Palmer seriously might be well advised to look at the record of stability in black-ruled Africa in 1966. Mr. Donald Louchheim, Africa correspondent of the Washington Post—a journal not conspicuously oriented in favor of

Southern Africa—recorded that military coups had occurred in seven countries. "A series of tribal massacres in Nigeria transformed almost overnight what was long hailed as Africa's greatest success into its most striking and most ominous failure. Since independence, heads of state in five other nations have been toppled by force and three additional governments were saved from collapse only by military aid from their former colonial rulers. Continuing tribal and political warfare have etched deep scars across the face of the continent. More than 100,000 civilian dead can be conservatively counted in the Sudan, Congo, Nigeria, Ruanda, and Burundi alone. Oppression and violence during the past five years have scattered more than a million refugees around the continent." Mr. Palmer may have special reasons for advocating that Rhodesia should more rapidly espouse the political institutions that have created these chaotic conditions but let us not, if only in the interest of the sanctity of language, pretend that it is a quest for stability. Representative Younger could not find one person in his travels "who believed that the stability of Africa was involved in the Rhodesian affair, especially if the Rhodesian Government was allowed to work out its own internal problems unhampered by outside interference."

Mr. John Davenport, American journalist and author who has recently visited Southern Africa, has reported: "if our objective is to promote stability in Africa, then we must avoid pulling down the whole structure of going societies, leaving nothing but disorder and turmoil in their place. More fundamentally, I submit that the problems of Africa cannot be solved simply by trying to export from the West certain glittering generalities which we take all too much for granted at home."

Mr. Frank Johnson found that the problem seemed to be that "many of the men chiefly responsible for U.S. policy toward Africa have little or no experience with the continent itself. Their thinking is dominated by ideological clichés which may be relevant to Western democracies but violently contradict the everyday facts of life in Africa. The Western policy toward Africa has been a record of one tragic error compounded upon another. Before the final peak of madness is reached, before we may find ourselves plunging headlong into an insane war against people who are among the best friends we have in the world, there should still be time for men of good will to address a last appeal to the leaders of the West in London, and above all in Washington, and to say: "Gentlemen, think again!"

Mr. UTT. Mr. Speaker, I want to congratulate the gentleman from California on bringing this to the attention of the American people, and to issue a warning that, as the gentleman from South Carolina [Mr. Watson] said, there is a blueprint for war in South Africa, a complete program, and a blueprint has been given not only by the Carnegie Foundation to the United Nations, but the Council on Foreign Relations has written a book in which they have a complete program, a battle line, and it is entitled "African Battlefront," and it starts at the Zambezi River and includes all of the countries south of the Zambezi River.

Also, Mr. Speaker, I want to make an additional point here as to what respect the United Nations has or does not have for the World Court. I agree with them; that I have no respect for the World Court. I do not believe there is any nation in the world that can enforce their decisions, and that is being proven right today when the World Court sat and heard the case of South-West Africa and South Africa, as to whether South Africa could retain the trusteeship of South-West Africa. And the World Court in its opinion said that legally under The Hague, the League of Nations, South Africa is entitled to that trusteeship, and shall continue that way. But that decision did not suit the United Nations, so they took it out of the Court and placed it on the floor of the United Nations Assembly, put it into the political forum. They themselves do not recognize their own stepchild, and never will so do if the decisions go against them.

So, Mr. Speaker, I just want to bring to the attention of the House that that will be resolved probably some time in April or May, and we can rest assured that the United Nations will take over the trusteeship of South-West Africa, taking it away from South Africa where it legally and properly belongs.

Mr. Speaker, I want to continue with one more item. I want to call the attention of the House again to the question that has been asked: Why did Great Britain do this?

The main thing that inspired Great Britain was the fact that the British Empire is made up of 22 nations or commonwealths such as Canada, New Zealand, Australia, and several more. Nineteen of these 22 are either Asian or African provinces or commonwealths which belong to the British nation. So when you have odds of 19 to 3 or 18 to 4 possibly, you are certainly going to give in.

The countries, the so-called emergent countries in Africa were clamoring for sanctions and clamoring for the destruction of South Africa and also Rhodesia. What did Britain do? They were either going to dissolve the British Empire—and I think it is going down for the third time already—or they were going to face the ire of these 18 nonwhite provinces which may up the British Empire. They felt it was the easy way out to listen to their clamor and ask for sanctions, to go to the United Nations and also to go to the United States urging us to join with them.

So I think we have seen today a great empire like Great Britain going down the drain and will cease to be a power within the next 10 years.

Mr. YOUNGER. I thank my colleague, the gentleman from California.

Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. Pelly], the gentleman from Florida [Mr. Gurney] and the gentlewoman from Ohio [Mrs. Bolton] may extend their remarks at this point in the Record.

The SPEAKER pro tempore (Mr. Edmondson). Without objection, it is so ordered.

There was no objection.

Mr. PELLY. Mr. Speaker, like most Americans I get unhappy at times with United Nations policies and actions, and one example was the U.N. Security Council's resolution calling upon all member states to refrain from assisting or encouraging the Ian D. Smith regime of Rhodesia.

I have considered the resolution in contravention of chapter 1 of the United Nations Charter, which prohibits interference in the domestic affairs of sovereign nations, and secondly, if such action were legal, it would only seem consistent that a similar sanction should be called for by the United Nations against nations doing business with North Vietnam—and this would include Great Britain. In contrast to England, I understand that Rhodesia has refrained from engaging in trade with our enemies in North Vietnam.

The U.S. policy in support of U.N. sanctions against Rhodesia lacks merit and is inconsistent, but regardless of that there is one matter which should not be overlooked. The Constitution of the United States specifically grants the power to regulate commerce with foreign nations to the Congress. And our Government, to justify, or in an attempt to justify, its position did so on the absurd premise that if the present Rhodesian regime continues, it will encourage a Communist takeover. That is their basis for imposing export controls.

In other words, the State Department, with twisted logic, argues that the provisions of the Export Control Act apply.

Congress, to combat world communism, delegated its constitutional power to regulate foreign commerce to the President, so now the State Department decides its sanction on Rhodesia is combatting communism. Meanwhile, our Government has been dropping other anti-Communist restrictions to the Soviet Union and Communist bloc countries while pursuing this one sanction to suit itself—against a strongly anti-Communist Rhodesian Government.

Mr. Speaker, I have been outraged, and I think the American people are outraged at the inconsistent and arbitrary attitude and action of the Department of State in connection with Rhodesia.

Mr. GURNEY. Mr. Speaker, I want to compliment the gentleman from California [Mr. Younger] on the fine presentation he has made pointing out the sheer folly of our policy toward Rhodesia.

The matter is simply none of our business, and by making it our concern, we are not only betraying a friend, but getting ourselves involved needlessly in a very explosive area.

Not only do I question the legality of the move under the charter of the United Nations and under our own laws, but beyond that, I believe that we have no place in the internal struggles of Great Britain to retain her empire. We have enough troubles of our own—troubles I might add, which Britain has not shown any willingness to help us with.

Rhodesia is not at war, is not an aggressor, and is not interfering with us. Why then should we interfere with her?

And why should the United Nations? Their "reasoning" in this, which our State Department seems to be echoing, is so farfetched that, were it not such a grave matter, it would be laughable.

The U.N. Charter is clear in article 2 of chapter 1, where it states that the U.N. shall not interfere with matters which are within the internal jurisdiction of any state. In order to circumvent this basic tenet of the United Nations, the notion was conceived that Rhodesia, in doing what the U.N. has no power to prevent, might annoy the African members to the point where they might violate their agreement under the U.N. Charter not to use force against another state. Therefore, their warped logic continues, if another African country enters into aggression against Rhodesia and in so doing breaks their agreement under the charter, it would be Rhodesia's fault. Conclusion: we can take action against peaceful Rhodesia to stop her from inciting her not-so-peaceful neighbors into acting against her.

Mr. Speaker, this is ridiculous. And yet the administration has compounded this folly by agreeing to it. The President did not bring this matter of commerce to the Congress nor did he seek out the will of the people. Instead he took the back door route of instructing the U.N. delegation to vote for the sanctions and give him section 5 of the U.N. Participation Act to hide behind. This section authorizes the President to implement the mandatory decisions of the Security Council taken under article 41 of the U.N. Charter.

This brings us back where we began, at article 41, which can only be employed to prevent a breach of the peace or act of aggression. Whose peace is Rhodesia breaching besides Harold Wilson's?

The little nation of Rhodesia is a friendly anti-Communist state which wishes only to be allowed to live in peace with her neighbors. For us to take action against her while Russia, who did not even agree to the U.N. sanctions, sits back and smiles, is certainly not consistent with our foreign policy of protecting our anti-Communist allies and encouraging developing nations. Can the administration have forgotten that American boys are dying in the jungles to defend that foreign policy?

This brings up another interesting point. While we refuse to trade with peaceful Rhodesia to help Britain out of her imperial dilemma, Britain continues to supply the Vietcong and Castro's Cuba.

The State Department blandly tells us that this is all right, because Britain is not supplying them with strategic materials. Can this group of diplomatic wizards who are leading us in the treacherous paths of foreign relations possibly be so naive as to believe that there are any nonstrategic materials if they are in short supply in a nation that is waging war? Anything is strategic if the country needs it, and you may be sure they would not be bothering to import anything they do not need.

At the same time Britain has just invested $38 million to build a fertilizer plant in Cuba. What could be more useful to Castro in his efforts to strengthen his Communist government than adding to the productivity of the land? And yet we help to strangle little Rhodesia and conspire to twist the purposes of the U.N. to force other nations to join us.

Mr. Speaker, I have received hundreds of letters from my constituents expressing every emotion and opinion from disbelief to shame at our actions in this Rhodesia matter, and they are unanimous in their complete disapproval of U.S. foreign policy in this matter. I think these letters are representative of the feelings of the American people.

It is inconceivable that the administration can carry on this policy in the face of such overwhelming opposition. They cry that one of Rhodesia's greatest crimes is her unrepresented majorities. But the State Department of the Johnson administration is certainly not representing the majority of the people of the United States in this matter.

Mrs. **BOLTON**. Mr. Speaker, the crisis precipitated when Southern Rhodesia declared its independence from the United Kingdom on November 11, 1965, has caused a worldwide stir. Many individuals and nations rushed to condemn this action without careful examination of its significance. In December, after more than a year of reprisal talk, the United Nations voted to impose economic sanctions against Rhodesia by all its member nations.

The United States fell in line, early in January, when the President issued an Executive order to forbid the importation of many Rhodesian products and to place an embargo on exports of certain supposedly vital U.S. products to Rhodesia. This action by the President was clearly in violation of the U.S. Constitution, which states—article 1, section 8, paragraph 3—that it vests all authority over the regulation of trade solely in the Congress. The President failed to request prior approval from the Congress. If there were no other issue involved, this alone would be reason to reverse recent U.S. policy toward Rhodesia. Too long the Congress has been abdicating its authority to an over-eager administration. By so doing the Congress is shirking its responsibility to this Nation.

But there are other issues involved that make me question the wisdom of this policy.

In 1923 Southern Rhodesia first acquired self-government from the British. While Britain reserved constitutionally the right to veto discriminatory legislation directed at the indigenous citizens of this colony, it also failed to exercise these rights adequately until 1965.

At present Rhodesia seems to be getting along economically determined to hold firm, even though some people are feeling the pinch. Sanctions so far have not had their desired effect.

Politically, the leaders are determined to be free from Britain. They did, however, meet with British leaders a few months ago in an effort to ease the strains. The British came with no constructive suggestions and would accept no compromise from Rhodesian leaders. This served only to rally support around the Smith regime.

Under present circumstances, it is difficult to determine exactly how Rhodesia is doing. There is literature available in support of the Rhodesian position—but it is difficult to sift the facts from the right and left wing propaganda put out by both sides and by other observers. Too few knowledgeable, understanding individuals have been there long enough or frequently enough to provide us all the information we should like at present.

When Rhodesia first declared its independence, and Britain appealed to the U.N., black Africans expected very decisive action against Rhodesia. Not until December 1966 did the U.N. vote for sanctions, and even these have failed to bring Rhodesian leaders to their knees. Radicals have demanded force for months, and now appear convinced it will have to be black African force and applied on African soil. Moderates, however, are beginning to recognize that many Rhodesians of the majority group are not ready for independence and self-determination, and are recognizing that changing circumstances are leading to modifications in the political views and practices of white Africans, including those in Rhodesia. Therefore they are urging caution and greater understanding.

Many observers of the African scene have expressed the view that the fate of South Africa is tied up with that of Rhodesia and that South Africa has influence over Rhodesia's political aspirations. Within the past year South Africa has given some economic support to Rhodesia but has shown a number of encouraging trends within its own borders suggesting the easing of apartheid policies. South Africa has been reaching out diplomatically and economically to its black African neighbors and seeking to strengthen its relations with them as well as with white Africans—setting an example for Rhodesia.

Recently Mr. Robert Gardiner, the Executive Secretary of the Economic Commission for Africa—ECA—warned African states that any action alienating the peoples of the southern African countries might endanger the interests of the entire continent.

At the U.N. the black African nations have been joined by many others in condemning Rhodesia. All have failed to come up with any constructive measures to aid in resolving the dilemma. There has been much bitter, impassioned talk—little progress. The U.S. representative at the U.N., Arthur Goldberg, has been very clearly and loudly vocal in condemning the Smith regime and demanding "equal rights" for all Rhodesians, whether they are ready for this responsibility or not. Surely the many coups that have occurred recently in newly independent African countries should make us realize that responsibility for nationhood has been thrust upon some of them too hastily.

In the final analysis, it seems to me that this was a United Kingdom problem. It had not spilled over its borders, disturbing neighboring nations. All who love freedom fear and fight oppression, but recognize that oppression is no worse when done by one group of people than by any other. Have we a right to condemn Rhodesians when we have not yet ended similar discrimination within our own country, when we make so little protest about Kenyans persecuting Indian businessmen or Nigerians from the north persecuting Nigerians from the east, about slavery in Communist countries and in some Moslem countries, about oppression of women in many areas?

As a United Kingdom internal problem, the United States should never have gotten involved in it. The fact that the United Kingdom asked for sanctions does not make it right or wise to agree. Let us remember that the British are still supplying war materials to North Vietnam. One report I have indicates that "they have more supply ships in North Vietnam, Haiphong Harbor, than even the Russians." They are still helping Castro in Cuba, thereby jeopardizing the security of the entire Western Hemisphere as well as other parts of the world. I am even told that "the United Kingdom is still receiving badly needed, profitable, and strategic material from Rhodesia in spite of the sanctions."

In view of all this, have we not a solemn responsibility to await further development before we condemn Rhodesia and before we or others push too hard and thrust chaos upon Rhodesia? Perhaps time will prove that we will have to reverse our policies of last December and January or revise them considerably.

Mr. UTT. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. GROSS] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GROSS. Mr. Speaker, I join with my colleagues in commending the gentleman from California [Mr. YOUNGER], for taking this time to protest the action of President Johnson and the State Department in attempting to destroy the friendly Government of Rhodesia.

More than a year ago, I made several speeches on the House floor denouncing the disgraceful action of the President and Secretary Rusk in joining with the British Government in the original boycott and attempt to economically strangle the Rhodesians because they declared their independence from British dominion just as our forefathers did so many years ago.

In joining British Prime Minister Wilson in this perfidious act, President Johnson and Secretary Rusk have embarked the United States on a course which may lead the United States into another sanguinary war—this time on the continent of Africa for the Governments of South Africa and Portugal have refused to join in the boycott of neighboring Rhodesia and it seems apparent that the sturdy Government of Rhodesia cannot be destroyed by the process of economic boycott.

It is a sad and sordid day in the history of this Republic when a President, without further recourse to Congress, arbitrarily uses the power of the U.S. Government in an effort to destroy a friendly, anti-Communist government such as Rhodesia. This is the tactic of those who promote the Communist conspiracy to rule the world.

It is a tactic to be condemned by reasonable men everywhere and I join with other Members of Congress in urging the Rhodesians and their friends, the South Africans and Portuguese, to stand fast against this unwarranted and disgraceful intervention on the part of President Johnson and his puppets in the State Department and the United Nations.

THE CRY IS "PEACE"—THE MEANING IS "SURRENDER"

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Indiana [Mr. BRAY] is recognized for 30 minutes.

Mr. BRAY. Mr. Speaker, from all parts of the United States, they will gather in New York on Saturday, April 15, 1967. A weirdly conglomerate crowd, they will be the sheep and the goats of the American radical left.

They will range from veteran hard-core Communists, who planned the demonstration, to well-meaning pacifists who have been duped into taking part in it. There will be those who advocate violence in the name of peace, and there will be those who close their eyes to violence in the forlorn and futile hope that this will mean peace. There will be the disoriented and malcontent beatniks who degrade their society one moment and claim its protection the next, and there will be those who have let their normal desires for a better world lead them into the path of destruction of all they seek.

And they will all be marching side by side, toward one goal and one objective: the immediate withdrawal or defeat of the United States in Vietnam.

In the name of free speech, they will praise systems of government where free speech is not tolerated, but they will attack their own country, whose leaders go to all lengths to guarantee them the right to do so. In the name of peace, they will condone armed aggression. In the name of freedom, they will approve patterns of slavery. They will proclaim their love for mankind but will deliberately ignore half a century of Communist atrocities and brutality.

Two other groups, absent in body but present in spirit, will perhaps in some ways be the most important participants of all. On one hand, smiling in approval at what they see as disintegration of American unity, weakening of American fiber and prelude to American defeat, will be the head of every government that works toward and wishes for our destruction.

And on the other hand will be every American soldier who has died in Vietnam, viewing the obscene spectacle of his own countrymen mocking the blood he has shed in their defense.

ANTI-VIETNAM WEEK COMMUNIST CONTROLLED

Saturday's demonstrations, planned as the climax to Anti-Vietnam Week, April 8 to 15, will make a pretense of being spontaneous. In fact, it is the peak of a series of anti-U.S. demonstrations against the American war effort in Vietnam and they have been well planned and engineered during the past year.

The leading architect is a well-known Communist of Berkeley fame, Miss Bettina Aptheker, the daughter of the main American Communist theoretician. Her plan was discussed in the spring 1966 issue of Dimension: The Discussion Journal of the W. E. B. Dubois Clubs. Miss Aptheker's article, "Perspectives for the Peace Movement," called for "a nationwide student-faculty strike in September—1966—when hundreds of thousands walk-out for several hours one fine day, and say get out of Vietnam."

She warns against allowing it to be known that the "Left" is pushing the movement, and advocates bringing ever larger numbers of people into the movement, with the greatest degree of unity possible and avoidance at all costs of the isolation of the left.

At the second National Convention of the Dubois Clubs of America, held in Chicago on June 17 to 19, 1966, Bettina Aptheker made a speech entitled "The Peace Movement and the International Scene," in which she stressed increasing the militancy of the movement and the need to use military tactics. She also boasted:

> We will, if necessary, take over the college campus in this country . . . like the students at the University of Mexico . . . if our demands are not met.

Later, at the Dubois Clubs' National Assembly of Youth for Jobs, held in Washington on August 27 and 28, 1966, Miss Aptheker called for the "national student strike." The final item on the agenda for this meeting called for a national student strike to demand an end to the war in Vietnam. The target date had been advanced, however, as it had been impossible to make adequate preparations for a demonstration of such magnitude for September. The new date was to be November 4, 1966.

One of the purposes of a major anti-Vietnam war demonstration just before election day was to injure the reputation of the United States among foreign nations. In a July 1966 paper on the strike proposal, distributed at the Washington meeting, Miss Aptheker said:

> A strike on November 4, three days before the national elections, will have international significance, and it will illustrate to the nation and the world that many thousands of U.S. students refuse to associate themselves with the war effort.
>
> Who should strike?
>
> Students in high schools, junior colleges, and colleges should call on their teachers and professors to join them on November 4 in some form of anti-war action.

Miss Aptheker's long-range goals, however, were spelled out clearly in an interview appearing in the Contra Costa, Calif., Times, for October 2, 1966; in part:

> This school year, for example, she has it in mind to spearhead a student revolution which will hopefully lead to what she calls the 'erosion of the democratic form of government' and eventual establishment of Kremlinlike leadership in the United States.
>
> "It's coming," she insists, "The nation is disgusted. One day the people will go to the polls and throw both the Democrats and Republicans out of office."
>
> And elect whom?
>
> "Communists! Who else?"

Final plans setting the date for the anti-Vietnam demonstrations as the week of April 8 to 15, 1967, were made at a meeting at the University of Chicago on December 28 to 30, 1966. One of the sponsors for this meeting was Miss Aptheker. Representatives attended from the Communist Party of the USA, the DuBois Clubs of America, the Progressive Labor Party—Peking-oriented Communists—and the Socialist Workers Party—Trotsky Communists. Four members of the National Committee of the American Communist Party were sponsors of this convention and eight other sponsors were members of the party.

The Chicago conference issued a "Call to Vietnam Week." The call, among other things, said that the war in Vietnam is a "racist war, a murderous war against a colored people, an illegal war but one symptom of a diseased society."

It is interesting to note that there was sufficient coordination between these organizations so that they selected the same dates for the demonstrations, although they were supposedly separate committees. The dates selected in Chicago are the same dates selected for "Vietnam Week" by the "Spring Mobilization Committee To End the War in Vietnam."

The "Spring Mobilization Committee" was founded in Cleveland, Ohio, on November 26, 1966, to stage massive antiwar demonstrations in New York and San Francisco on April 15, 1967. Among the officers of this committee is David Dellinger, vice president, a supporter of the Fair Play for Cuba Committee and a defender of Castro, who last year made a world tour including visits to Moscow, Peking, and Hanoi. Sponsors of the committee included Miss Aptheker as well as other American Communists such as Arnold Johnson, the party's public relations director; Albert J. Lima, and Ben Dobbs, officers in the California Communist organization, and Peter Camejo, a leader of the Vietnam Day Committee.

Miss Aptheker and others active in the Chicago meeting were acquainted with the plans for the Spring Mobilization Committee and planned the student strike as a buildup for this demonstration.

The Chicago conference organized a group, the Student Mobilization Committee, to publicize the national student strike, and established offices in large cities across the United States. Letters were sent out to students and faculty members throughout the country to promote the April 8 to 15 "Vietnam Week." A copy of a letter sent to a faculty member at a large midwestern university is as follows:

> I further believe that we as intellectuals must not remain silent in the face of this brutal war on a small underdeveloped country halfway around the world.
>
> If you are opposed to our present policy, I urge you to participate in a "Spring Mobilization" to protest the war in Vietnam. As the high point of this Mobilization demonstrations will be held on April 15 in New York (at the United Nations) and in San Francisco (at the site of the founding of the United Nations).
>
> A number of students here at ( ) University intend to participate in the mobilization. They plan to attend a rally in( ) on April 8 sponsored by people from ( ) and ( ) to invite prominent speakers. . . . Probably many more will volunteer in the weeks ahead.
>
> I urge you to consider going to New York yourself, but if you cannot, to give your support for a "Send a Student" program. Some of the students are paying their own way, but not all can afford to. The student who goes to New York gives three days of his time for peace. I hope we on the faculty can be as generous with our money.

DEMONSTRATIONS INTENDED TO BREAK THE WILL OF THE UNITED STATES

What is the purpose of this massive demonstration? It was clearly expressed by the late president of the "spring mobilization committee," A. J. Muste, in the first issue of the committee's publication Mobilizer, now called Mobilizer To End Mass Murder in Vietnam. Referring to President Johnson and his "war machine," Mr. Muste said, "Our task is to disarm them." A strikingly similar statement was made by Khrushchev at the 22d Communist Party Congress, when he said:

> By an active and determined effort the peoples (Communists) can and must force the imperialists into disarmament.

It is, in essence, the purpose of this demonstration to leave us helpless before our enemies and unable or unwilling to oppose present or future aggression against us or our allies. The cry is "peace," but the meaning is "surrender."

COMMUNISTS KNOW THEY FACE DEFEAT IN VIETNAM, UNLESS

The only hope for Moscow, Hanoi, and Peking is to see American determination weakened to the point where we will pull out voluntarily and leave South Vietnam defenseless. This tactic of coercing an opponent into abandoning the fight has been used—and has succeeded—in Communist countries since the time of Lenin, and it existed in both Russia and China centuries before Lenin or Marx were born.

We therefore find our enemies laboring under a delusion that is no less dangerous to us, and no less costly in American lives, merely because it is wrong. The Communist press continually—and hopefully—cites these demonstrations as evidence of weakening of American resolve. A recent article in North Vietnam's official Government newspaper, Nhan Dan, said the North Vietnamese "hailed the mounting struggle of the entire people of the United States of America against Johnson's aggression in Vietnam." Citing recent demonstrations, the paper went on to say that—

> Justice and the Vietnamese people will certainly triumph and the United States aggressors will certainly be defeated.

If these views were merely intended for home consumption there would be little cause for concern. But there is every reason to believe that this misreading of U.S. sentiment prevails in the highest Government councils of Hanoi, Moscow, and Peking. The manner in which the Communists act upon it is of great concern indeed, for it means nothing less than Communist prolongation of the war.

We know Hanoi will not negotiate and it is getting monotonous to hear the constant cry for negotiations. It is a clear matter of public international record that 25 separate attempts have been made by the United States and other governments, including the United Nations, have been turned down by Hanoi. In addition, captured North Vietnamese documents have spelled out beyond any doubt that Hanoi's statements about negotiations are only for world consumption and have no ground whatsoever in sincerity.

UNITED STATES IS WINNING IN VIETNAM

I have no doubt that American public opinion overwhelmingly supports our efforts in Vietnam, and any major dissension is based on the feeling that we should take more decisive steps than we have to date to bring the war to an end. Americans are frustrated, but I do not believe their will is breaking or their determination is weakening.

In spite of the limitations placed on American military forces by the Secretary of Defense, in spite of many errors of Pentagon judgment in tactics, logistics, preparation, and training, despite the widespread feeling that the administration has been less than candid about the situation in Vietnam—all of which have contributed to this feeling of frustration—the United States is winning.

BUT WAR EFFORT IS BEING SUBVERTED AT HOME

One cold, harsh fact remains: The Communists will continue to fight as long as they think they have a chance of winning in one way or another. Every demonstration, march, protest, sit-in, call for a halt to the bombing, or request for unilateral withdrawal is seen by the Communists as an indication of American weakening and gives them that hope without which, I believe, they would have ceased fighting long ago.

It does not matter from which sources such demands or statements come. Sincere but misguided private groups and individuals; self-seeking public figures more intent upon advancing their own future than protecting their country's present; demagogic rhetoric from civil rights leaders, or, as with Anti-Vietnam Week, a major production planned, engineered, guided, and controlled by those whose primary allegiance is to communism itself—all is noted by our enemies; and from it they take aid and comfort.

There are two kinds of people engaged in Saturday's demonstration, and Anti-Vietnam Week, about which the American public should be well aware. The first, the hard-core and admitted Communists who have planned and are controlling it all, know full well the consequences of what they are doing. A Communist has never shrunk from the thought of having blood on his hands, not even that of his own countrymen, if those who died met their death while opposing communism.

The other kind of demonstrator, though, who has been duped and deceived into becoming a participant, would be the first to recoil in horror from the thought that he, too, is guilty. Deaf to President Lincoln's warning that we cannot escape history, he will continue to cling stubbornly and blindly to his delusions and his dreams, even though they should have been destroyed long ago in the Katyn Forest, on the streets of Budapest, or by unbridled Vietcong terror in the hamlets and villages of Vietnam.

Under our system of government and its right of free speech, we will tolerate such ignorance. But we cannot ignore it, nor be blind to its potential for damage. Neither can we forget; to forget would mean betrayal of the mute ranks of American dead in Vietnam. These dead will stand in silent witness on Saturday—as citizens of the country they died to defend, attack that for which they died, and express support for those who killed them.

AUTOMOBILE LIABILITY INSURANCE

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from New Jersey [Mr. CAHILL], is recognized for 30 minutes.

Mr. CAHILL. Mr. Speaker, I have taken this time to discuss briefly with the House today, and I hope in the days ahead, a problem that has given me a great personal concern. That is the problem confronting the American public in relation to automobile liability insurance. For some time, as a result of my personal experiences, I have been deeply concerned about this problem, but a series of articles that appeared in the Camden, N.J., Courier-Post newspaper, a member of the Gannett newspaper group, prepared and written by Robert W. Lucas, of the Washington Bureau, as well as a conference that I came upon coincidentally with the gentleman from Pennsylvania [Mr. GREEN], confirmed my belief that the need is indeed present for Federal intervention in relation to the operation of insurance companies that are writing automobile liability policies.

I would recommend to the House—and I shall see to it that a series of articles prepared by Mr. Lucas is inserted in the CONGRESSIONAL RECORD within the next few days—a reading of the series to which I have referred.

These articles are objective. They are penetrating. They are well researched, and I think they put into proper focus the problem that confronts us as a people in relation to this problem.

I merely point out that the social pressures that are generated by 83 million automobiles and over 8 million personal injury and property claims annually call for a solution that transcends politics and party lines. It was for this reason, therefore, that when I had the good fortune to come coincidentally upon the gentleman from Pennsylvania and to learn of our mutual interest in this problem that I suggested to him that since our areas are geographically close to each other and that our people living in the entire Delaware Valley metropolitan area do have similar problems, that he and I might join together in a bipartisan effort to bring this problem to the attention not only of the people in our area but the people of America.

I have read, and it may be a fact, that the insurance companies can no longer successfully operate in the field of automobile liability.

If these facts are true—if indeed the insurance companies of this Nation can no longer service the public, no longer give the automobile driver the protection he needs and make a profit, and if this is a fact—then obviously it is time for the Federal Government to assume a role in automobile insurance in the public interest.

I am equally disturbed by the mounting evidence that the public is also seriously and adversely affected by practices of some—not all, but some—insurance companies. It seems clear to me at least—and my opinion seems to be fortified by the articles referred to which were written by Mr. Lucas and articles that have been written by other outstanding journalists—that high-risk practices by the insurance companies are causing substantial problems for those under 25 and those over 60, who are unable to get adequate coverage or find themselves, as in most instances, paying inordinately high premiums. Numerous instances have been brought to my attention, and I suspect to the attention of most of the Members of this House, concerning the failure of policies to spell out the precise areas of coverage.

Sometimes the bold black print on the front of the policy says one thing, and then on the third page, in subparagraph 4, in fine print, there is negated what was said in the bold print, and the policyholder is left not only confused but in many instances regrettably uninsured. Arbitrary cancellations apparently for little or no reason have become common practice. I have received from my constituents—and I suspect that a score of Members would confirm this—information that the increasing attention devoted to this problem by the press points up the questionable risk classifications the companies are currently making. It seems under present insurance industry conditions that social class, race, nationality, residence, occupation, and even personal appearance are determining factors in procuring automobile insurance.

In short, the companies are making it easy for themselves by competing only for the preferred risk driver, who works in the right place, and lives in the right community, and even maybe combs his hair in the approved manner. In this country today, there are darkened areas, there are occupations that are unacceptable, there are age groups, regardless of the personal integrity or qualification of the applicant, that are nonacceptable.

I do not propose—and I do not believe my colleague from Pennsylvania proposes—to say that we know all of the answers, or that we know any of the answers perhaps. But we are going to take time during the next month or two to discuss in greater depth some of these problems in detail, citing cases that will illustrate more graphically and dramatically than any words of ours just how acute this problem is.

It may not be all the responsibility of the insurance companies. It may be the responsibility of the commissioners of insurance in the States. The lawyers may play a role in it. Insurance agents may play a role in it, but our interest is not for or against any one area or cause. Our interest is trying to correct the evil and to correct the abuse and to give the American public at a reasonable cost a reasonable policy that reasonably protects the shareholder, his family, and other members of the traveling public.

I hope some attention will be paid to this problem by the Members of the House and by the press, so that the American public, and, hopefully, the insurance companies themselves will realize the problem, and that the insurance companies will start doing something on their own before it becomes necessary—as I suspect it already has—for the Federal Government to get into this very important sphere of social legislation.

Mr. GREEN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. I am happy to yield to the gentleman from Pennsylvania [Mr. GREEN].

Mr. GREEN of Pennsylvania. I thank my distinguished colleague from New Jersey. I am happy to rise with him today to urge Congress to conduct a broad examination of insurance policies in this country.

The automobile is no longer a luxury in American life. With the registrations standing at 83 million today, and increasing daily, it is clear that the car is a necessity to practically every family.

It is clear that the automobile has created many problems which the Congress is now tackling.

Foremost among these is the crisis in automobile insurance and the increase in the number of accidents, the steady rise in insurance rates has been the focus of numerous magazine and newspaper articles and is fast becoming the source of considerable public attention.

Early in this term a bill was introduced in Congress to establish a Federal Motor Vehicle Insurance Guaranty Corporation, which in effect, would assure fulfillment of the claims made by accident victims.

The bill is a step in the right direction. It protects policyholders against interstate fly-by-night companies. Ultimately it will guarantee that companies must have the financial stability to meet their commitments. Nowhere is such legislation more necessary than in my own State of Pennsylvania. Of the 83 auto insurance companies that folded in the United States between 1961 and 1966, 17 were in Pennsylvania, 14 of them went under in the last 2 years. These insolvencies had created considerable hardship for the 4,000 accident victims in the State who will collect only 1 cent for every $1 they claim in injuries. The corporation will go far to prevent such abuses.

However, the proposed legislation does not go far enough. The problem does not rest completely with unscrupulous operators. This bill does not address itself to arbitrary cancellation, rejections, and nonrenewal of policies. It is not concerned with the differences in rates from city to suburb to rural community. Nor does it really attack the problem of intrastate companies, since its provisions will only apply to those companies operating in interstate commerce.

The problem, as I see it, is posed by respectable companies which were paid $8.5 billion by the American public for automobile insurance. They are in a position to select, and discriminate. They compete heavily for the preferred risk drivers at the expense of the so-called high-risk driver—who frequently lives on the wrong side of the tracks, who is over 60, under 25, and whose skin is the wrong color. Because the high-risk driver is often turned away by the established insurance underwriters, he turns to high premium companies which often offer him little protection.

In the last decade there has been a meteoric rise in insurance premium costs. Liability coverage for $50,000 for death or injury to one person, $100,000 for death or injury of several has skyrocketed in Boston from $289 annually in 1957 to $657 today. In Los Angeles it jumped from $137 to $220. All across the country rates have been on the rise. In Pennsylvania a 20-percent increase less than 2 years ago jumped payment in some sections of Philadelphia by 29 percent.

We are beginning to see the rumblings of an angry public. There is talk not only of the Corporation, but of other stronger Federal action. I have read proposals to apply the group insurance principle to automobile coverage. Others urge spreading the risk by abolishing the existing rate structure which discriminates strongly against the 70 percent of our population that now lives in the metropolitan centers. Still others would require all companies to offer and accept high risk insurance at a stated extra premium.

The problem has grown to such proportions that clearly a Federal solution is needed. Thus far the insurance companies have failed to police themselves effectively. And all too frequently State regulatory agencies have been unable or unwilling to take the necessary action.

This is a subject about which there is considerable confusion. The gentleman from New Jersey, Congressman CAHILL and I expect that our continuing investigation into the automobile insurance field will lead to an effective remedy in the form of legislation on the Federal level, or compel the industry to clean its own house.

I thank the gentleman for yielding.

Mr. CAHILL. Would not the gentleman agree with me that in this modern day and age, considering the numbers of automobiles on the highways, this is basically an interstate problem?

Mr. GREEN of Pennsylvania. There is no question about it. The automobile itself is basically an interstate problem, and automobile insurance follows its lines. It is a terribly important problem, as I believe has been indicated by the gentleman, for so many people who own so many cars who need this protection.

They have no choice but to get it from the companies that are in existence, and the policies that they receive from those companies are often confusing and many times their rates are outrageous.

Mr. CAHILL. I think one of the principal objections I have heard to this entire problem is the fact that the criteria for the establishment of a company differ from State to State but the policyholders who purchase the policies travel in all of these States. Thus there is no real protection under some of these policies because they are written by companies that my colleague referred to as "fly by nights." They eliminate a great deal of coverage that should be in a policy. It seems to me this is a problem that should be fully discussed. Perhaps out of this discussion will come reason and out of the reason will come legislation that will be helpful.

I thank my colleague from Pennsylvania for his contribution.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. I am happy to yield to the gentleman from Kentucky.

Mr. SNYDER. I want to commend the gentleman for bringing this matter to the attention of the House. I have done some research on this myself, and if I had known about the special order this evening, I would have come a little bit better prepared to involve myself in the discussion.

However, I would say from what I have determined in looking into the matter thus far one big problem, although certainly not the sole problem, is the underwriting practices of these companies that do not tend to look toward the driving experience of an individual but, rather, attempt to categorize people in these categories which the gentleman discussed based on a given dozen or two occupations such as whether they are a waitress or a bartender or some other occupation that the insurance companies do not like. They may say that there is some entire given area of a State, for instance, the eastern section of Kentucky, which they do not like. I do not happen to represent that part of the State, but these people are blacklisted if they come from that portion of the State or if they come from certain parts of certain towns. Also the issue of age enters into the problem.

I think if the insurance companies and their agents, be they independent or representing a company, depending on the operation, would tend to look to what the driving experience of the individuals as individual people is, rather than as classes of people, a good deal of this problem would probably work itself out. Early in this session of the Congress I introduced a House resolution which would, if adopted, authorize the Committee on Interstate and Foreign Commerce to delve into this matter from an investigation standpoint. Should the gentleman in the well and our colleague from Pennsylvania be interested in that resolution, I would certainly appreciate some support on it.

Mr. CAHILL. I thank the gentleman. I say to the gentleman that all things being equal, the gentleman from Pennsylvania and I hope to have another special order a week from today, and I will see to it that the gentleman from Kentucky gets notice of it. We certainly would like to have his contribution on it.

May I ask the gentleman one question?

Mr. SNYDER. Surely.

Mr. CAHILL. Does the gentleman believe and share with me the concern for the methods by which these prices are fixed? Do you question in your own mind, as I do in mine, whether there is any overall agreement between these companies that might cause some problems, if they exist, which ought to come under scrutiny of the Congress?

Mr. SNYDER. Well, yes; I would certainly share that concern with you. I have not reached a conclusion one way or the other, as I think the gentleman is saying here, that there is a fixed agreement or an understanding on it. I think certainly this is an area that needs to be explored and that the Congress has the right to explore the underwriting practices of these companies.

Mr. CAHILL. But the gentleman does agree wholeheartedly that the problem is present and that the time has come to examine it and that this is as good a forum to discuss it as we could have?

Mr. SNYDER. I most assuredly agree, and I would say that we certainly have the jurisdiction in the Congress to delve into this under the interstate commerce clause of the Constitution. I have looked into this matter. Under one of the McCarran Acts—and I do not recall which one—we have delegated this to the States, but appropriate legislation is certainly in order.

I would think if the Congress would get itself involved somewhat in an investigation of the various aspects that the gentleman has brought out today, that it might well be the Congress need not legislate in the area at all. And, I would hope that the Federal Government would not have to legislate in this field.

Mr. CAHILL. Mr. Speaker, I share the hope of the gentleman.

Mr. SNYDER. Mr. Speaker, if the gentleman from New Jersey will yield further, I would hope that we could leave this at the State level. However, I would say that I am convinced that the automobile liability carriers need the needle put to them just a little bit so that, perhaps, they will clean up their own house.

Mr. CAHILL. I thank the gentleman from Kentucky for his contribution.

Mr. SNYDER. I thank the gentleman from New Jersey for yielding.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. I am happy to yield to the gentleman from New York.

Mr. WOLFF. Mr. Speaker, I wish to commend the gentleman in the well, the gentleman from New Jersey [Mr. CAHILL], for bringing this matter to the attention of the Congress, as well as the efforts which have been made by my colleague, the gentleman from Pennsylvania [Mr. GREEN].

Mr. Speaker, there is, however, one further question which I have in my mind.

Will the gentleman investigate some

of the collusive practices which seem to exist between the adjusters and the repair facilities throughout the country?

Mr. CAHILL. I beg the pardon of the gentleman? Did the gentleman say "justice"?

Mr. WOLFF. Between the adjusters and the insurance examiners. The repair facilities throughout the country which tend to raise the rates of insurance to the general public.

Mr. CAHILL. Well, Mr. Speaker, I would say to the gentleman from New York [Mr. WOLFF] that I would not contemplate at the present time that approach, because of my limited knowledge. However, I assume and believe that there are real adequate reasons and certainly there exists already many methods by which any such practice which I recognize does exist, can be stopped.

Certainly, Mr. Speaker, the companies themselves should be the first to recognize the fact that this abuse is taking place and certainly they should be in a position to eliminate that type of adjusters' misconduct doing business with that type of repairman.

Of course, Mr. Speaker, one is dealing, as one always does, with human nature and there are, I am sure, problems that we cannot solve by legislation.

However, it is my opinion that basically—and it is my thought—in this field that there is a possibility of determining what the solution, legislatively, is to this overwhelming problem that is confronting the American public by reason of the arbitrary actions of the various insurance companies.

Mr. WOLFF. I thank the gentleman from New Jersey for yielding.

Mr. CAHILL. I thank the distinguished gentleman from New York for his contribution.

I would, of course, say to the gentleman that what he suggests has merit and I feel that if there is a basis for Federal intervention and if it is necessary to do so, certainly I would be happy to join with the gentleman in his efforts.

Mr. WOLFF. These practices do have an effect upon the rate structure and that is why I was concerned with reference thereto.

Mr. CAHILL. That is something which, of course, should be considered.

Mr. GREEN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. I am delighted to yield further to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. Mr. Speaker, I wish to thank the gentleman from Kentucky [Mr. SNYDER] and the gentleman from New York [Mr. WOLFF] for joining in this special order.

Mr. Speaker, it is my opinion that the point which was made by the distinguished gentleman from Kentucky, to the effect that regardless of the driving records of the various participants who are covered by the insurance, but who are arbitrarily classified by various companies resulting in the upgrading and increased cost of their policies, is an arbitrary action and one act which we would like to look into.

Mr. Speaker, in my opinion this certainly represents a significant part of this entire area.

Mr. CAHILL. I thank the gentleman from Pennsylvania for his further contribution.

Mr. SNYDER. Mr. Speaker, will the gentleman yield further?

Mr. CAHILL. Yes, I am delighted to yield further to the gentleman from Kentucky.

Mr. SNYDER. Mr. Speaker, I would say, along that line, that Sylvia Porter did a very good article on this subject, an article which I placed in the RECORD in connection with some remarks upon this subject several weeks back. I shall be happy to make copies of this article available to any Members of the House and particularly to these gentlemen who are so interested in this subject, if they will only come by my office and pick up such copy.

However, Mr. Speaker, Sylvia Porter pointed out the fact that many of these older people, people over 65 years of age, leave their car parked in their garage virtually all week. But, perhaps, Wednesday morning or on Friday morning, they pull it out of the garage in order to drive about four blocks to the grocery store and do their grocery shopping, and on Sunday morning they perhaps take it out of the garage and drive 6 or 7 miles in order to go to church and back.

The balance of the time, Mr. Speaker, that automobile sits in the garage. However, just because of the fact of this situation, even though they may not drive the car more than 20 miles a week, and they may have a perfect driving record, they have difficulty in obtaining standard insurance at standard rates.

Mr. GREEN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. Mr. Speaker, I think another problem in connection with that is that the person may have paid for insurance for many years, and has had an excellent record, and he has one accident and finds his insurance agent coming to him and saying "You had better not turn that claim in, because if you turn it in they are liable to raise your premium, or double your rate, or cancel your insurance," and I believe it is this arbitrariness that we should look into. Clearly there must be a broad examination by the Congress of this whole area.

Mr. SNYDER. Yes; I would say to the gentleman, if the gentleman will yield further?

Mr. CAHILL. I yield to the gentleman.

Mr. SNYDER. I would say that after I inserted my remarks a few weeks ago in introducing the resolution to which I have made reference that I received quite a bit of mail, particularly from the State of Tennessee, I might say, pointing up individual cases that people have, some of which I am sure are justified, and some of which I am sure are unjustified, in their complaints. I would imagine also that if the gentleman's colloquy today makes the wires, that the gentleman will be receiving a lot of examples which can be referred to in the days ahead.

Mr. CAHILL. I will say to the gentleman from Kentucky that I recommend that he read the series of articles by Robert W. Lucas that I put in the RECORD, because these series of articles apparently have been very thoroughly investigated, and are amazing, I think, to all of us in relation to the capriciousness exercised by some of these companies in canceling policies, or failing to renew policies.

If what the gentleman says is true I think we are going to find out through this little discussion that perhaps there is a great deal more to this than even we suspect.

Mr. SNYDER. Yes; and I would tell the gentleman that I certainly will read the RECORD tomorrow, and the articles which the gentleman has inserted in this connection.

Until I read them, however, I will not admit that he has done any better job than some of our Kentucky writers who have written on the same subject.

Mr. CAHILL. I will read with great interest the Kentucky writers, and then compare notes.

Mr. SNYDER. That will be a great idea.

OCEANOGRAPHIC RESEARCH AND DEVELOPMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. WOLFF], is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, science has brought us to the threshold of a new frontier. We are about to explore the only unknown geographic territory on this planet—the environment under the sea. We are going to explore it because men have gone under the sea, and come back and told us of its riches. It is sometimes hard to believe that the answer to many of the problems of the earth will be found in the ocean's depths; that the main problem which has always afflicted man, that of scarcity, might be terminated. But evidence has been adduced of rich deposits of food and minerals in the sea.

In the next decade, the exploration of the sea will be as important as was the exploration of space in this generation. It is essential that we prepare for it, and that we not enter the next decade in the second place under the sea.

I have introduced today an amendment to the Marine Resources Engineering Development Act of 1966—Public Law 89-454—which would make recommendations to the Congress with respect to the feasibility of establishing a quasi-public corporation for oceanographic research and development. This corporation would be similar to the Communications Satellite Corp., and would differ from NASA.

Mr. Speaker, I think in our long-range planning for ocean research, the type of institution on which we depend for development of that area is most important. And in selecting the institution we must naturally look to the objective which we are pursuing, and the job to be done. A wholly public institution may be appropriate for the exploration of space, because the space program activities are primarily devoted to public purposes, and wholly supported by Federal funds.

However the development of the sea is for a purpose which is in the interest of both the public and private sector. There will be a very basic role for private capital in the exploration of the sea. The private consumer will be interested in and will benefit from the transfer of these resources from the sea to land. On March 21, 1967, Dr. Edward Wenk, Jr., Executive Secretary of the National Council on Marine Resources and Engineering Development expressed very nearly the same idea:

> The NASA analogy may not apply. . . . because in the space program the activities are primarily devoted to public purpose and primarily supported with Federal funds. In the oceans, the purpose embraces both the public and private sector. Offshore public lands must be developed with private incentive if we are to follow the present pattern of free enterprise. Where the risks are high or the profits long deferred, interests may be combined. It is here that an alternative arises in, for example a COMSAT-type organization.

The reason I am recommending a quasi-public corporation is that, unlike the space program where there is nothing that we can bring back from the moon, there are commercial aspects and profits to be made in the exploration of the sea. In this and the next generation the exploration of the sea will open up a treasure chest which will pale into insignificance the exploration of space. I do not want the Federal Government competing with private industry in the exploitation of these resources.

In recommending that the sea be developed in this way, I am suggesting a course of action which we have followed before. We developed the West in this way. Government's support of the railway opened up new areas and opportunities for everyone then living on the continent. The Government has had a similar role in fostering the growth of the agricultural, steel, and space industries.

The magnitude of the task before us is tremendous, is every bit as dangerous and uncertain as the exploration of space. The area to be explored covers what lays beneath the entire water surface of the earth. To understand the phenomena of the sea, to develop techniques and instruments for dealing with the physical problems we shall encounter, to convert her riches to economic products which man can enjoy—this is the task of the explorers of the sea. It is a task we should be thinking of getting underway now, since it promises a solution to so many of our problems. Moreover, we are assured of being involved in intensive competition with other nations. But because of the great amount of capital and resources available to us, we ought to be a great distance in the lead in exploiting the ocean. The technologies which we have developed for other industries will be useful to us in our search of the sea.

However soon we venture forth, we may be sure of success. Previous activities to the ocean's depths have already yielded information and indicated that there is much to be gained by these explorations.

I believe that we should accelerate our activities now, and to go forward in this new area. When resources are released by the termination of the conflict in Vietnam, we should accelerate more. For there is an answer under the sea to many of the world's problems; and we should seek that answer, and seek it now.

I include in the Record at this point a copy of Dr. Edward Wenk's speech given before the IEEE Internation Convention in New York on March 21, 1967:

Marine Sciences—Its Present and Future

(Keynote address by Edward Wenk, Jr., executive secretary, National Council on Marine Resources and Engineering Development, before the IEEE International Convention, New York City, Mar. 1967)

I am honored by this platform and by this distinguished audience. I am also grateful for the opportunity to discuss marine sciences with a group that so well understands its relationship to our national welfare. I want to examine with you some of the sea's new dimensions that will assure our continued leadership for world order, and the attainment of scientific, technological, social and economic progress.

A FRESH IMPETUS TO UNDERSTAND AND USE THE OCEANS

The United States has embarked on a demanding new venture to explore our last geographic unknown territory on this planet, the marine environment. This venture was inaugurated not by a Magellan, or a Columbus, nor a Lewis and Clark, but by the passage of PL 89–454[1] by the Congress. It was approved by the President in June, 1966, and has been implemented vigorously and promptly. A high pace of program decisions has been sustained by the National Council on Marine Resources and Engineering Development created by the Act and chaired by Vice President Humphrey. As Executive Secretary to the Council, I assure you that the Cabinet members and agency heads who make up the Council are dedicated to translating this new mandate into a program for action—to meet today's problems and tomorrow's challenges. We are embarked on one phase of planning for Century 21.

Our mission is: To understand our marine environment, and to use that understanding in effective action for national security, for economic growth, for enhancement of the quality of life. In this context, understanding the marine environment means perceiving the principles of its physical characteristics and of the life that it bears. The geographic exploration is itself a great task in sheer magnitude, extending over the water surface of the Earth, and in its depth and seabed. The technical problems of understanding physical phenomena of the oceans and life supported by the oceans comprehend most of the scientific disciplines. They call increasingly on instrumentation and other technologies from the frontier fields of engineering development. As knowledge matures and economic applications proliferate, the engineering and managerial skills of numerous additional industries will be needed to join those now engaged in ocean-related activities.

This new venture is based on the recognition that our previous scientific activities in the ocean sciences have borne fruit. The time is now ready for the transition to an emphasis on development and on economic sustainable production from the oceans to serve national purposes. The time perspective of our activities thus is 3-fold. We must simultaneously:

a. continue our research in fundamental sciences of the ocean processes in keeping with our tradition;

b. apply the technologies which our economy has developed in such great measure to the development of feasible ocean-based industries;

c. look ahead to the needs of the next generation as we plan the use of ocean-related resources.

OUR PURPOSES

This new emphasis on the oceans, which we have explored and measured and used to some degree for a long time, must be considered in terms of investment. This program has emerged as the result of an orderly development of interest, sparked by demonstrations of potential benefits, based solidly on the work of the past in fishing, oil development, weather forecasting and other ocean-related activity. The decision to focus our efforts and accelerate them was not haphazard. Nor was it a response to narrow special interests of the businesses or industries already active in the oceans, or to the interests of the ocean science community.

To the contrary, our purposes are to serve the Nation's objectives, in pursuit of mankind's shared human concerns. The President emphasized some of the key opportunities in transmitting the first report to the Congress on marine resources and engineering development[2] a few days ago:

> The resources of the oceans can help us meet many of the challenges that face our Nation and the world today.
>
> The vast food reserves of the sea must be developed to help end the tragic cycle of famine and despair.
>
> The continuing pollution and erosion of our seashores, bays, estuaries, and Great Lakes must be arrested and reversed to safeguard the health of our people and to protect the resources of the sea.
>
> The influence of oceans on the environment must be understood so that we may improve the long-term forecasting of storms, weather, and sea conditions; protect life and property in coastal areas; and improve the prediction of rainfall in the interior.
>
> The wealth of the ocean floor must be freed for the benefit of all people.
>
> Finally, the seas must be used as pathways to improved international understanding and cooperation.

The President envisions new solutions to the pervasive problems of famine, hazards to health, degradation of irreplaceable resources, and threats to national security. He sees potentials for economic gains by protection against extreme weather conditions through further improvements in our ability to forecast, and by economically feasible increases in the harvests of marine resources: fish and minerals. These tangible "second-stage" activities require the imaginative focus of many professional skills, including adapting techniques and equipments developed for other recent fields of intensive application—the space program being a striking illustration.

Complementing the search for understanding of the oceans and the development of utilitarian applications of such knowledge, we seek ways to advance these programs through international cooperation.

---

[1] The Marine Resources and Engineering Development Act of 1966.

[2] "Marine Science Affairs—A Year of Transition," March 1967, U.S. Govt Print. Office, Washington, D.C.

The Marine Sciences Act specifically calls for the Council to "coordinate a program of international cooperation in work done" pursuant to the Act. That provision is consistent with the spirit of fundamental scientific work in oceanography as long practiced by our academic and research institutions and the civilian agencies of the Federal Government.

APPROACH

These objectives markedly expand the main concerns we have recognized in the oceans in the past. A transition is under way. The size of the challenge and the rate of change demanded by the opportunity shape our approach. Basically, the strategy is a) to use fully the resources engaged in various facets of the oceanography field, b) to secure policy-program coordination to attain maximum effectiveness without sacrificing the distinctive imagination and initiative and ideas of each, c) to welcome into the field fresh ideas from all sectors of our society, and d) to encourage private investment and public private cooperation.

The Marine Resources and Engineering Development Act has three main provisions. One established the new national policy to intensify study of the marine environment and to develop its unrealized potentials in the national interest. A second created the National Council on Marine Resources and Engineering Development, chaired by the Vice President, to advise and assist the President in implementing the policy and carrying out its objects. Finally, a national advisory commission, appointed by the President, was provided for to recommend a national plan in marine sciences.

The Council, through membership by the Department Secretaries and the heads of agencies which have marine science responsibilities, is a new means for exchange of information and mutual alignment of policy orientation at the Executive branch level, and for development of new policy. It has met five times since August. The Commission, appointed in January, has already met twice, and fifteen members from industry, universities, and State and Federal Government, together with four Congressional advisory members, are under way in their assignment. The Council and the Commission have established a pattern of cooperative, but independent, endeavor.

To achieve the arduous objectives established by the Marine Sciences Act will call for application of the finest skills and technical resources the country can muster. We have a fine record of invention and innovation in translating science into useful technology. It is our considered judgment that the Nation has the technical readiness to solve these problems for the marine environment. To apply this technological expertise we look to the pattern of Government and industry partnership, well proven in military development and again in the space program. In the marine sciences, there has been lively participation by universities and private laboratories, which we hope will be increasingly fruitful. A number of coastal States have active programs in marine sciences, which have a vital role to play in this cooperative venture. Professional societies, like your own, share in various degrees in developing the field. All of these inputs are valued resources; all are essential to accomplishing our ambitions for the Nation—more effective use of the oceans.

THE PROGRAM

For Fiscal Year 1968, the President has recommended to the Congress a Government-wide budget of $462 million for marine science activities, up 13% from the $409 million for FY 67. The scope embraced by this program is somewhat broader than the "national oceanographic program" that for many years has spelled out budgets of the eleven Federal agencies concerned. Within that part of the total program, however, budgetary proposals amount to $278 million, up 21% from the $229 million for FY 1967.

Of the increase, approximately $41 million represents program areas selected by the Marine Sciences Council for priority emphasis. These were chosen after a careful review of well over 100 recommendations by the President's Science Advisory Committee, National Academy of Sciences and the Federal agencies. The nine concern:

a new "food-from-the-sea" program, especially through oversea demonstration projects utilizing fish protein concentrate;

implementation of the sea grant program to strengthen education, applied research and information transfer;

a new study for improved collection and utilization of oceanographic data;

use of the Chesapeake Bay as a model to study the effects of estuarine pollution and remedial measures;

a pilot plan for offshore minerals exploration;

an expanded ocean observation system to improve nearshore weather prediction and accuracy of long range forecasting;

a strengthened program of deep ocean technology especially to develop a future capability to recover lost equipment;

a new ship to accelerate research in sub-Arctic waters; and

programs for international cooperation to promote peaceful use of the oceans.

Over half the $462 million is devoted to defense. The seas conceal the critically important POLARIS component of our deterrent forces. In the future, such systems may operate in a much wider range of ocean environment and require a far greater understanding of those qualities of the seas that make it transparent for our own purposes while maintaining our ability to operate free from detection.

The military search and recovery mission is a clear ocean engineering function related to national defense. The loss of unarmed nuclear weapon off the coast of Spain is related to our national security, and the capability to find and retrieve such objects is one purpose of the Navy's deep submergence program.

National security, however, depends on more than military strength. Implicit in our concept are the non-defense activities focused on the vast untapped resources that have the potential to meet broader national goals.

For the longer term future, it is premature to chart with definitiveness specific lines of frontier development. Some of the areas of concern almost certainly will include:

Development of increasingly sophisticated systems for detection and measurement of resources in the sea water and on and beneath the ocean floor;

Gradual national elaboration of an ocean observation and prediction network to the degree justifiable by improvements reasonably attainable in forecast capabilities. This will involve sensors, transmissions, and analytic capabilities not now available;

Data systems evolution, based on the interim study now being initiated;

Expansion by orders of magnitude of our capabilities for operations—beneath the ocean surface;

Creation of institutions to protect the ocean heritage: to encourage development and exploitation of replenishable resources at sustainable levels, and to protect irreplaceable resources from uneconomic degradation.

The Council report, in reciting nine areas for priority emphasis, coincidentally identifies the problems that would conspicuously benefit by application of high technology. The first of these concerned a new program to increase the harvesting of food from the sea. Its purpose is to help meet protein deficiencies throughout the world. Since this topic has received a fair amount of good news coverage, I would refer you to press comments, or the report itself, for more details.

A second area where marine activities are becoming increasingly significant concerns the preservation of the nearshore environment and utilization of resources on the Continental Shelf.

The United States has some 13,000 miles of coastline. Nearly 75 percent of our population live in the states bordering the oceans and Great Lakes. This concentration may well increase, for people always have been attracted to seaside locations. So have commercial interests. Paradoxically, while we find increasing populations seeking to utilize our seashore, the resource itself is being degraded, often by man's own actions. The by-products of technological progress continue to detract from the value of coastal areas. In all too many instances, oil-covered beaches, polluted harbors and bays, and eroded shorelines have accompanied economic developments along our coasts.

Intensive, well-founded programs of marine research can help alleviate this problem: first, by better understanding the effects of pollution; second, by seeking alternatives or treatment measures; and third, by defining positive ways in which the nearshore environment can be *used* but not *abused*. Urban planning no longer can end at the water's edge. Pilot studies for pollution control are one of our immediate goals.

WHAT STEPS MUST WE TAKE TO REALIZE OUR GOALS?

We must first understand better the role of the oceans in our national thinking. Sea power considerations, in the broadest sense possible, must become inherent in our formation of national policy. This applies not only to the military and maritime activities of our national life, but to research and development as well.

We gain some perspective on our present status when we consider that only three percent of our national research and development effort, as reflected in budgets, contribute to marine interests. A gain of just one percent in national R&D expenditures, both Federal and private, would effectively increase the intensity of our effort by one-third.

Second, we must meet the technical challenges that confront us. These involve the engineering and development of protective devices, new underwater equipment, and shore facilities for advanced research and development. We must solve ways of improving communications and devise techniques for assuring man's safety in the hostile environment of the sea's depths.

Third, we must attract more talent into the ocean sciences. Admittedly, ours is a young profession. The first degree in oceanography was granted only 35 years ago. Even today, of 2,650 persons employed in the marine sciences and technologies, only 630 have oceanographic degrees.

The fourth step to achieve the goals of this new legislation concerns the study of institutional arrangements to obtain maximum effect. The legislation assigns directly to the Commission the primary task of recommending an organizational plan for the future. This may be one of the most important elements of current study. I would suggest that the broadest possible variety of options be considered that include complete innovation in Government structure. I am sure that the Commission will do more than consider the reshuffling of existing elements.

There have been proposals to reorganize or consolidate the present array of Federal agencies. Some have characterized that development as the birth of a "wet NASA." The NASA analogy may not apply, however, because in the space program the activities are primarily devoted to public purpose and primarily supported with Federal funds. In the oceans, the purpose embraces both the public and the private sector. Offshore public lands must be developed with private incentive if we are to follow the present pattern of free enterprise. Where the risks are high or the profits long deferred, interests may be combined. It is here that an alternative arises in, for example, a COMSAT-type organization.

In short, when we consider the future, we must recognize that progress may critically depend upon a wise selection of the institutional envelope. To that end, we must recognize that growth and achievement involve a genuine partnership with the private sector.

A scant ten years ago we did not have a national space program. Today, the Moon is within our reach. We have launched hundreds of satellites for communications, meteorological, warning, exploration and other purposes. Our astronauts have traveled in space. We have rocketed instruments past Venus and Mars.

Three things have made these feats possible. One is the national leadership of the program at the executive level and the support of the people through the Congress. The other is entrepreneurship as demonstrated by American industries. The third is the creative contributions by our universities. This triad of independent institutions is our strength; we must focus this capability on new challenges.

These substantial resources, I submit, are available today for oceanographic research and development. Congress has passed legislation, supported by both parties, and the President has soundly endorsed it. The Vice President, as Chairman of the Marine Sciences Council, has spoken widely and worked tirelessly in the cause of marine progress. Twenty-three bureaus in eleven Federal departments or agencies are engaged in the activities encompassed by the national program and their efforts are being coordinated by this Council.

May I conclude with further comment by the President:

"The depth of the sea is a new environment for man's exploration and development, just as crossing the West was a challenge in centuries past.

"We shall encounter that environment with the same conviction and pioneering spirit that propelled ships from the Old to the New World.

"We shall bring to the challenge of the ocean depths—as we have brought to the challenge of outer space—a determination to work with all nations to develop the seas for the benefit of mankind."

RESOLUTION OF NEW YORK LEGISLATURE URGES DEVELOPMENT OF WORLDWIDE CODE FOR SAFETY AT SEA

Mr. MULTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, on April 1, 1967, the Senate and the Assembly of the State of New York adopted a concurrent resolution urging the Congress to encourage the development of a worldwide code of safety regulations for shipping.

I heartily concur in this recommendation and I hope that the Merchant Marine and Fisheries Committee will study this matter in depth.

The text of the resolution follows:

RESOLUTION 85

(In Senate, State of New York, Apr. 1, 1967)

Concurrent resolution of the Legislature of the State of New York memorializing Congress to take such action as it deems necessary to develop a worldwide code of safety regulations

Whereas, A short time ago, a tragedy occurred at sea when the S.S. Yarmouth Castle burned and sank with a great loss of life; and

Whereas, Investigations concerning this tragedy revealed the lack of many precautions applicable to ships of United States registry; and

Whereas, These investigations further revealed that the S.S. Yarmouth Castle, of Panamania Registry and all other ships of foreign registry, have little or no enforceable safety requirements and are not subject to regulations promulgated by this nation and enforced by the United States Coast Guard service; and

Whereas, This recent tragedy at sea might well have been averted if this tragic ship had been subjected to standards required of ships of United States registry; now, therefore be it

Resolved (if the Assembly concur), That the Congress of the United States be and it hereby is memorialized to take such action as it deems necessary to encourage development of a world-wide code of safety regulations designed for the safety of life at sea that will be at least equal to the safety regulations established by the United States Coast Guard Service; and be it further

Resolved (if the Assembly concur), That copies of this concurrent resolution be transmitted to the Secretary of the Senate and the Clerk of the House of Representatives of the United States and to each member of the Congress elected from the State of New York.

By order of the Senate:

ALBERT J. ABRAMS,
Secretary of the Senate.

In assembly April 1, 1967, concurred in without amendment.

By order of Assembly:

JOHN T. MCKENNA,
Clerk.

RESPONSE TO QUESTIONNAIRE

Mr. FULTON of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, recently, in an effort to gage the thinking and to sample public opinion among my constituents at home, I sent out a questionnaire seeking views on a variety of issues facing our Nation.

The response has been impressive. Even more impressive has been the number of questionnaires returned with a letter expanding on answers.

A letter written by Mr. Charles L. Fontenay, a highly respected reporter with the Nashville Tennessean newspaper, and a noted author in his own right, who is currently on a leave of absence from his newspaper for a year's study at Vanderbilt University under a Mark Ethridge fellowship, is an outstanding example of the type of thoughtful, provocative and well-reasoned letters that have been received by my office as a result of the questionnaire.

Mr. Fontenay's letter is also an excellent example of the type of information a Congressman wants and needs when he calls upon his constituency for their views on issues of great concern to all of us and to our Nation. It is a letter that needs to be read and considered for it contains thoughts and views that merit study. Under unanimous consent I include Mr. Fontenay's letter in the Record at this point:

NASHVILLE, TENN.,
April 3, 1967.

Representative RICHARD FULTON,
Cannon House Office Building,
Washington, D.C.

DEAR DICK: I received your box-holder questionnaire, which I think is rather a good idea. It impels me to express myself to you on several of the questions, as I otherwise would not have done. I am not sure that I would want to let the major "yes" answers I have marked go without some qualification or explanation.

With reference to withdrawal of U.S. forces from Vietnam and continuing to supply them with arms, it would seem that we ought to do the latter as long as the Communist powers are supplying arms to North Vietnam. However, to do so without some inspection would invite a possibly corrupt South Vietnam regime to use them against its own people, or even to sell them to the Communists under certain circumstances. Such things have been known to happen.

Several lines of reasoning underlie my recommendation for withdrawal of American troops from Vietnam, all of which I consider better, at least, than the reasons the Administration has deigned to communicate to the public for their being there. I do not pretend to have all the facts at my command, and I may be fuzzy in my understanding of some of those I do; but it would seem that the basic disagreement here is not one of the actual circumstances, but of their significance.

First, whereas there might be some argument as to the use of a professional military force as an instrument of national policy in any particular instance, it is against the American historical tradition to use *drafted* servicemen for an action in which we ourselves were not attacked, but chose administratively to interfere. Except for the general European mobilization of World War I, which was rather a special case, I am not sure that any nation has so used non-volunteers, except those under control of a tyrant—e.g., Napoleonic France or Nazi Germany.

I think there is a good case for labelling the American action in this case "tyranny." This is not a war which has been declared, in the constitutional manner, by Congress; Congress has, on occasion and in effect, been asked to stamp approval on a *fait accompli*. Men, often unwillingly, are being sent to a foreign land to die, when neither they nor their families have had an opportunity to vote even indirectly on the issue. Taxation without representation is a minor violation of liberty in comparison to death without representation.

Second, we are to a considerable degree interfering forcibly in the affairs of a small nation, when there is some doubt that the people of that nation themselves want us there. Without reference to any feelings of the Viet Cong that we are invaders, in that we may say with some justification they are misled by Communist propaganda, there have been some indications that a large portion of the South Vietnamese feel we are intruding. Even Ky, whose power probably rests solely on our support, is reported to have said the other day that talks should be between his government and Hanoi, rather than between the United States and

Hanoi. We act in the name of "democracy," which theoretically is what the people themselves want; but I entertain some personal doubt that the people of South Vietnam themselves, in general, want the kind of democracy we are propping up, at the price they are having to pay.

Third, this brings up the question of our "commitment" to South Vietnam. Even were this commitment to a regime still in power—which it was not—there is question as to how far that regime represented the South Vietnamese people. On our side, the commitment was hardly made with the general consent of the American people, and it certainly was not a commitment to become involved to the extent we now are.

Fourth, the principle of collective security; in this case, against Communist aggression. Communist aggression when the opportunity presents itself is, of course, a matter of record and of fact. But we ourselves led the way in creating the United Nations as an instrument of collective security, so that unilateral action by nations would be unnecessary. We should either abide by our choice, with its limitations—as dissenters have to do in this country—or admit we were wrong in principle and withdraw from the UN. This Vietnamese adventure is not actually a United Nations action, but an American action, as the discomfort of the UN over it demonstrates.

Fifth, there is the question of our losing "face," and thus influence in the courts of the world. I heard part of Senator Brooke's explanation of his changed position and, while it was highly rational, I think it is wrong. If this nation is not secure enough in its power, and *moral* enough, to admit when it has made a mistake, I am afraid that the other nations which have supported us in general are going to look upon us as a bully which insists it is always right merely by virtue of the power it wields. We already have gained too much of such a reputation. Soviet Russia right now is gaining more of a name as a reasonable, peace-promoting nation than we: they lost "face" in backing down on Cuba, but at the same time they demonstrated their active willingness to avoid an atomic war by taking a step which is very humiliating to a powerful nation. More than any nation in the world today, we are guilty of the classical Greek sin of hubris.

I do not wish to go into my personal convictions at any length, as to the politico-economic situation in this country, as they are rather strong. Suffice it to say that I disagree with both the extreme right and the extreme left, and there doesn't seem to be any liberal "centre" left any more. But I do think that Eisenhower's farewell warning against a military-industrial combine in this country has proved valid to the point that the situation bears strong parallels to the alliance of the military caste with heavy industry in pre-war (and pro-war) Germany.

Under such an aegis, the government of this country is moving perilously close to fascism: and such an eventuality is made even more possible by the federally-centralized, welfare-oriented form of government which increasing population and technological complexity have made almost imperative. I realize that democratic (or "republican," if you choose) principles have never been realized perfectly in this or any other country, and possibly should not be. But their validity in comparison to the unilateral assumption of power by a self-appointed elite can hardly be questioned. At this time, we have an administration which is so anxious to lead the people, rather than representing them, that it will admit certain unpopular acts and occurrences only when caught in the act of lying about them; and I do not think the people can or should have much confidence in the good sense of a regime which has none in their own.

I served this country with honor, if without distinction, for four and a half years during World War II. But I don't like what's happening to what I fought for, and this Vietnamese adventure is one of the symptoms of it.

Now, as for east-west relations and the anti-missile missile, I think we should be reasonable. I do not think we should trust the Russians' good faith to the point of naivete or stupidity, nor that of any other nation. But if we are to have a world of peace—and that is our only hope for *our* survival—we must do absolutely everything to live and let live, despite all the paranoid shouting of the modern McCarthyites.

Some of the "State of the Union" proposals I did not mark because I am not familiar enough with their implications. As for the draft, I think it is a move against the principles of democracy to take jurisdiction of selective service away from the local citizens who are more familiar with individual cases and put it in more impersonal, if more efficient, hands. The principle here is basically the same as that in English common law, from which we have also departed to a considerable degree in jurisprudence: there often is some discrimination when a man is judged by his peers (i.e., originally, those who knew him and were his equals), but such discrimination tempers justice with mercy more often than the other way around. If the federal government cannot trust the good sense and good intentions of the local citizens who make up the backbone of this country, it may as well give up any pretense of being democratic. I am not sure we should have a draft at all in peacetime—it is essentially a violation of personal liberty and choice—but, if we do, it should be limited to training a reserve against national emergencies.

As for taxes, they are too high at all levels of income, and particularly at the low levels. No government should tax an income below the level of subsistence. But I do not believe that any domestic spending need be cut (however much it perhaps should be in certain cases) for an actual reduction in taxes, if military adventures are eschewed.

This is longer than I intended it to be, but I didn't realize I had that much to say about it. Let me conclude by saying that, whether or not I always agree with the stands you take (as I probably don't), I think you have been doing an excellent job in Congress, and if you don't improve any, you're still very much the kind of man I can vote for gladly.

Regards,

CHARLES L. FONTENAY.

NEED TO REVISE SELECTIVE SERVICE LAW—XLV

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, in formulating an equation of various elements designed to have the widest appeal for the recruiting of a voluntary armed force, the compensation element is, of course, one of crucial importance. As Defense Secretary McNamara says:

> It can provide the minimum financial incentive required to attract individuals to employment inherently desirable to them and it can offset or compensate for unattractive charactistics of a particular job.

The rate of pay for initial service, obviously, must be raised substantially before voluntary enlistments will be sufficient to permit the draft to lapse and before men of the caliber desired can be attracted.

Along with an adequate pay scale, there are other incentives which can be used to make military service more attractive. For example, a man entering the service incurs serious financial problems should he be married or marry while serving, for an enlisted man with the rank of corporal or below with less than 4 years' service is presumed to be single and does not receive any off-base quarters allowance. In addition, such an enlisted man is not eligible for Government transportation of his dependents or household goods. All of these conditions can be made more attractive. Better housing and advanced educational programs can be introduced for the serviceman and the educational system for his children can be improved. Scholarships can be given to military dependents. Special pay can be awarded to those with advanced education. Adlai Stevenson proposed a plan in 1956 whereby, in return for a wholly financed college education, the young man who would participate in such a program would guarantee service in the military for a specific number of years.

These are but a few examples of what can be done to attract volunteers into the armed forces. It is imperative, however, that our military personnel should receive sufficient compensation so as to enable them to maintain a decent standard of living which will allow them to discharge their responsibilities to their country and, at the same time, to their families.

NOTICE TO HOUSE MEMBERS ON REPRINTING OF 1967 UKRAINIAN INDEPENDENCE DAY PROGRAM

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, with respect to the 49th anniversary of Ukrainian independence, a private order is being submitted for reprint publication of all statements and other insertions made by Members of the House of Representatives prior, during, and after the January 22, 1967, event, which was observed in the House on January 25, 1967.

If there is no objection from any such Member, his or her statement or insertion will be incorporated in the reprint brochure, which has been requested by the Ukrainian Congress Committee of America.

BETHLEHEM, PA.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, the city of Bethlehem, Pa., has played a prominent role in the molding of our Nation. The founding of Bethlehem predated by almost 35 years the American Colonies' Declaration of Independence from England. During the War of Independence and the early days of our new Nation, many of the great leaders of our country passed along the paths and cartways of this community.

George Washington, the Father of our Country, other Revolutionary War generals including Lafayette, Von Steuben, and DeKalf, and Members of the Continental Congress visited Bethlehem.

Hundreds of Continental Army wounded were cared for in a building, still standing, which was taken over as a general hospital. The remains of hundreds of these original freedom fighters lie buried today in the Continental Soldier Burying Grounds in Bethlehem.

The city is the home of many firsts—the first drugstore, the first girls' boarding school and the first waterworks in America. This wealth of historic structures and facilities is being preserved and restored today in the very heart of this vibrant American city.

The year 1967 marks two milestones in the history of Bethlehem, Pa.—the 225th anniversary year of the community's founding on Christmas Eve, 1741, and the 50th anniversary of its incorporation as a city. To commemorate these milestones, I ask that my colleagues in the House of Representatives join with me in supporting the resolution I am introducing today. Mr. Speaker, I request that the text of this resolution, as follows, be included in the Record:

> Whereas, the City of Bethlehem, Pennsylvania, was founded on Christmas Eve of 1741 during religious services in a stable on the north bank of the Lehigh River, and
>
> Whereas, Bethlehem was incorporated as a city upon the merger of the original Boroughs of Bethlehem, West Bethlehem and South Bethlehem on July 17, 1917, and
>
> Whereas, 1967 has been designated as the period to commemorate these dual anniversaries—the 225th year of Bethlehem's founding and the 50th year of its incorporation, and
>
> Whereas, throughout this year these milestones in Bethlehem's rich history will be observed with public ceremonies, parades, concerts, and other activities recalling the historic, religious, educational and cultural heritage and achievements of the community; Now, therefore be it
>
> Resolved, that the House of Representatives of the United States extend its greetings and felicitations to the citizens of Bethlehem, Pennsylvania, on the occasion of the 225th anniversary of the community's founding and the 50th anniversary of its incorporation as a city, and the House of Representatives further expresses its appreciation for the distinctive services rendered to the Nation by the citizens of Bethlehem during these many years.

SAMUEL W. MILLER

Mr. ROONEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROONEY of Pennsylvania. Mr. Speaker, the Lehigh Valley of Pennsylvania was stunned this morning by the death of one of its most distinguished citizens, Mr. Samuel W. Miller, president and copublisher of the Call-Chronicle newspaper, Allentown.

The Miller name long has been synonymous with newspapering in Pennsylvania. Samuel Miller succeeded his father as president of the Call-Chronicle newspapers in 1958. A brother, Donald P. Miller, has served with him as executive vice president and copublisher.

Samuel Miller died at 10 a.m. today in Allentown Hospital where he had been a patient since March 29. His death climaxed a fine career as a dedicated newspaperman, businessman, and civic leader. Only recently he had seen completed a $5 million expansion of his newspaper plant including the installation of a $1.5 million Hoe 10-unit color press, a project he supervised in detail.

He was not a newspaperman of the variety whose name merely appears in the masthead. He was a working newspaperman who served as managing editor and later as editor of the Evening Chronicle, continuing in the latter position until 1965. Many of his editorials and articles were the result of his own factfinding tours to far corners of the world.

He served his community and his Nation in a great variety of ways. In 1960 he was president of the Pennsylvania Associated Press Association. Early in World War II he was a member of the Advisory Council of the Press Division, U.S. Office of Wartime Censorship. As a member of the American Association of Newspaper Editors, and in his own right as a copublisher of the Call-Chronicle newspapers, he was a White House guest of every President from Franklin D. Roosevelt to Lyndon B. Johnson.

Samuel Miller entered the U.S. Navy in World War II, seeing duty as administrative officer of Carrier Group Nine in Adm. William Halsey's Pacific fleet. He was awarded the Bronze Star for meritorious service and discharged with the rank of lieutenant commander.

As chairman of three Allentown Community Chest fund campaigns he helped raise $1.5 million for charitable agencies. He went on to serve as president of the Community Chest board and to help organize the Lehigh County United Fund.

During his career he served on the board of education of the Allentown School District, and on the boards of directors of the Allentown Free Library, the chamber of commerce, and other civic and service organizations.

Mr. Speaker, the death of Samuel Miller is a tremendous loss to his fine family, his newspapers, and his community. He has served all of them with distinction. I extend my heartfelt sympathy to his wife, Katharine, his son, Peter, and other members of his family.

HOUSE CODE OF CONDUCT

Mr. ROSENTHAL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, the need for a code of conduct to guide Members of the House of Representatives has never been more obvious. Recent cases have presented us with some examples of conduct which is clearly wrong. However, it has become obvious that we lack adequate standards for judging the rightness or wrongness of certain kinds of behavior. A well-formulated code of conduct would make it easier for Members to be more certain of the propriety of that kind of conduct which now lies in a kind of ethical "gray area." Moreover, the existence of an acceptable code would allow the House to act with a clear conscience in considering disciplinary action against Members. The House would no longer be open to charges that it was punishing Members for acts which were not defined as improper until after they had been committed.

The need for some sort of "ethics" committee has been recognized by Members from both parties, by the Joint Committee on the Organization of Congress, and by a large segment of the Nation's press. Moreover, public opinion polls and constituent mail reveal that there is widespread support among members of the general public for congressional action in the field of standards and conduct. To acknowledge the existence of outside pressure for action in the field of congressional conduct, is not to say that we must act primarily out of concern for the "image" of the House. For we should act not just for the sake of that image. We should act because it is proper that the conduct of Members as it relates to their official role should be subject to some sort of scrutiny. Certainly nothing could do more damage to a democratic institution than adoption of the view that such an institution is the private preserve of its Members and that those Members should not be held accountable to some publicly stated standards of conduct.

The Rules Committee's proposal for a Committee on Standards of Official Conduct must be considered a step in the right direction. It provides for the creation of a permanent standing committee having some jurisdiction in the field of congressional conduct. In addition, the provision for a membership consisting of an equal number of members from each party seems to me to be a good one.

While I support House Resolution 418, I think it important that the Committee on Standards of Official Conduct make every effort to formulate its recommendations at the earliest possible date. The resolution before us charges the committee with recommending "such changes in laws, rules, and regulations as the committee deems necessary to establish and enforce standards of official conduct." I hope that the committee will recommend that it be given adequate powers to investigate possible violations of established standards of conduct and to recommend disciplinary action to the House. I also think it important that the committee give close attention to the question of providing procedural safeguards for the protection of those whose conduct is to be investigated.

Beyond this, I hope that the committee will recommend that its jurisdiction include not only an enforcement role but an advisory one. It seems to me that Members of the House would find it very useful to be able to turn to a committee for advisory opinions on questions relating to conduct. Furthermore, a system for advisory opinions would be a means for interpreting a code of conduct and building up precedents for the future guidance of Members.

I think it important that House Resolution 418 be regarded as only the beginning of our efforts to deal effectively with problems falling within the field of congressional ethics. When the committee is established and the House eventually adopts its recommendations for standards of conduct and an effective enforcement system, the need for House action will not necessarily have ended. For example, there is a need for the House to adopt a financial disclosure measure so that voters can be made aware of the private financial interests of Members and candidates. There is also the very difficult problem of the regulation of campaign finance. We should not allow problems such as these to go unheeded.

LOWERING VOTING AGE TO 18

Mr. PATTEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PATTEN. Mr. Speaker, there are several practical and philosophical reasons to extend the right to vote to 18-year-olds.

A basic revolution in education, communications, and technology has changed the composition of society to such an extent that we would be deceiving ourselves if we did not think that an 18-, 19-, or 20-year-old was capable of a thoughtful analysis of our political processes. As advanced education becomes more a part of a citizen's heritage, we must recognize that a fuller knowledge of government, issues, and candidates, is a national byproduct.

It is ironic that over 8 million Americans are being discriminated against because of their age, especially in an era when strong and persistent efforts are being made to achieve civil liberties for all Americans.

I believe there is an inherent injustice involved when young men can "fight and die" for their country and for national policies, but cannot express their views and preferences in the voting booth.

The Peace Corps, VISTA, and other national service organizations are largely staffed by young people and to deprive them of voting is equally unjust.

It was interesting and encouraging to read on April 1, 1967, that a Gallup poll showed that 64 percent of the public favored lowering the voting age requirement to 18. This is further proof that the time for change—for the better—is now, particularly when we realize that only 17 percent supported lowering the voting age to 18 in 1939, when the first Gallup survey was conducted on the issue.

Mr. Speaker, in the 89th Congress, I was one of the many cosponsors of a resolution for a constitutional amendment that would enable 18-year-old persons to vote, but the House Judiciary Committee failed to take favorable action.

I hope that the committee will approve this proposal, followed by passage on the floor in the 90th Congress, for it is a measure that would not only benefit those who are 18, 19, or 20, but our Nation and democratic process as well.

U.S. AID OFFERS A PEACE "AGENDA"

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHEUER. Mr. Speaker, several months ago McGraw-Hill published "Blueprint for Peace: Being the Proposals of Prominent Americans to the White House Conference on International Cooperation," a thoughtful book that deserves consideration not only by Members of this body but by all Americans. The introduction to the book was written by Richard N. Gardner, professor of law and international relations at Columbia University and senior adviser to the U.S. delegation to the United Nations General Assembly.

I request permission to insert in the RECORD an article that appeared in the New York Times of October 24, 1966, headlined, "U.S. Aid Offers a Peace 'Agenda'."

U.S. AID OFFERS A PEACE "AGENDA"—GARDNER, AS PRIVATE CITIZEN, URGES WORLD COOPERATION

An "agenda for peace" was offered yesterday by a United States diplomat speaking as a private citizen. He also proposed that the United States and the Soviet Union sponsor meetings of their leading citizens to identify and develop areas of common interest.

The diplomat, Richard N. Gardner, senior adviser to the United States delegation to the United Nations General Assembly, suggested that United States military aid be used to help less developed countries prepare units for United Nations peacekeeping operations.

He suggested that military bases in the United States and American bases abroad, such as the Wheelus base in Libya, might be made available to the world organization.

Mr. Gardner's suggestions were in an introduction to a book, "Blueprint for Peace: Being the Proposals of Prominent Americans to the White House Conference on International Cooperation," published by McGraw-Hill today, and in an interview.

He emphasized in the introduction that in making the proposals he did not speak either for the United States Government or for other Americans whose reports were included in the book.

With the world's gold supply "growing too slowly" to finance growing trade, Mr. Gardner said, a new international reserve unit might be created. "The national currencies paid in exchange for it by the developed countries," he said, "could be used for long-term lending in the less developed world."

Mr. Gardner, 39 years old, was formerly Deputy Assistant Secretary of State for International Organization Affairs from March 1961, to June 1965. He is now professor of law and international relations at Columbia University, and has been adviser to both the 1965 and 1966 General Assembly delegations.

The book contains the 30 reports submitted to the White House conference Nov. 29 to Dec. 1, 1965. Mr. Gardner said yesterday that the conference had already had important effects on United States policy.

Thus, he observed, $10-million in foreign aid has been earmarked since then by the Administration for family planning programs. A recommendation for a three-year United States-Soviet moratorium on construction of anti-ballistic missile systems, he said, "helped the Administration resist Congressional pressures to build one."

Mr. Gardner said his agenda for peace was aimed at "peaceful cooperation," not just "peaceful coexistence."

Urging greater efforts toward the achievement of a treaty against the spread of nuclear weapons, he said yesterday that such a treaty could prohibit the Germans from sharing in the ownership or control of such weapons but could permit German "participation in nuclear consultations."

Mr. Gardner's proposed agenda included:

Gradual elimination of tariffs over 20 or 25 years, with advance cuts to benefit less developed areas.

Increasing the soft loans of the International Development Association to $1-billion a year, and the pre-investment aid efforts of the United Nations Development Program to $300-million a year.

Joint United States-Soviet orbital or moon laboratories operated in the name of the United Nations.

Use of communications satellites to transmit United Nations activities.

Sharing of responsibility for family planning through international organizations.

Creation of a United Nations High Commissioner for Human Rights "to mobilize the conscience of mankind where basic human liberties are denied."

International conservation of minerals, wildlife and natural areas, along with programs against air and water pollution and for desalting seawater and controlling toxic drugs and pesticides.

COMMUNITY ACTION PROGRAM

Mr. WILLIAM D. FORD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WILLIAM D. FORD. Mr. Speaker, the community action program is the core of the concerted effort to banish poverty from this Nation. If community action fails—or if it is scrapped or if it is broken apart—we will be face to face with the consequences of a monstrous national failure. If, on the other hand, it is strengthened, we will be well on our way toward ridding America of the poverty which manifests itself in despair, destruction, disease, and crime.

Mr. Speaker, the proposed Economic Opportunity Act of 1967 is the means by which the community action program can be so strengthened, and I strongly urge that the Members of this House give it their wholehearted support. The new amendments are many and detailed. Some of them would merely enact into law major administrative practices that the Office of Economic Opportunity has regularly followed. Others build upon the lessons of the last 2 years in sharpening the focus of major types of community action programs so that the poor will be more effectively and speedily helped to help themselves. Still others strengthen the very foundations of community action by promoting increasingly broad participation of the private sector as well as of local and State governments.

Mr. Speaker, we know that the community action program has had its failures, which have been given instant, full, and often feverish, publicity. We also know that these failures, which were predictable with any program so new, so unique in its approach and so comprehensive in its scope, have been more than counterbalanced by its often quite literally astounding success.

It is highly important, Mr. Speaker, that this House give the most serious and thoughtful consideration to the proposed Economic Opportunity Act of 1967, and particularly to the community action program. I am confident that this consideration will lead to an increased understanding that the community action program represents a crucial national alternative: an alternative of individual initiative and self-help to the debilitation of welfarism and the dole, and an alternative of community development to community disintegration, with all the horrors that would attend it.

With this understanding, Mr. Speaker, the Members of this House will, I am sure, give the community action program their support.

A NEW START FOR THE POST OFFICE DEPARTMENT

Mr. WOLFF. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OTTINGER. Mr. Speaker, our outstanding Postmaster General Lawrence F. O'Brien has made a constructive, thought-provoking suggestion to take the Post Office Department out of the Cabinet and convert it into a nonprofit Government corporation. A number of my colleagues in this House as well as those in the other body have commended the Postmaster General for his initiative and I want to add my voice to theirs.

Mr. O'Brien's approach to the problems of effectiveness, efficiency, and economy in the Post Office Department is a radical one, and, of course, must be subject to close and careful scrutiny. But I think it is clear that a radical solution is needed to these problems and I think the Postmaster General's proposal points us in the right direction.

The problems which beset the Post Office Department today are virtually as old as the Department itself, although they have been greatly aggravated in recent years. Many suggestions to improve the Department have been made, but the basic fault with all of them is that they have been piecemeal. I hail, for example, the proposal in the Legislative Reorganization Act of 1967 to remove from political influence all postal appointments, but while this would be a fine step and one having my wholehearted support, it does not go to the root of the Post Office Department's problems.

The Postmaster General, in his remarks before the Magazine Publishers Association and the American Society of Magazine Editors, pointed out quite correctly that woefully slow progress made by our postal service "is rooted . . . in the restrictive jungle of legislation and customs that has grown up around the Post Office Department in the 138 years since it joined Andrew Jackson's Cabinet."

I agree that we can no longer afford to add to this patchwork quilt. As Mr. O'Brien stated:

> The time for props is past. We must stop tinkering and begin constructing.

Not a single day goes by without my office receiving several complaints from constituents about poor mail service, and I know my experience is typical. No amount of new post office construction, no increase in salaries for postal workers, no innovations such as the ZIP code and automation will entirely do the job that must be done. The underlying structure of the Post Office Department is a relic, an antique that is entirely out of pace with the times. That structure must be abandoned. We must rebuild our postal service anew and the time to start is now.

I am pleased that the President is reported to view seriously the Postmaster General's proposal and I trust that Congress will do no less. Mr. O'Brien deserves high praise for his imagination and boldness, and I urge my colleagues to join me in supporting an immediate and comprehensive study of his plan.

ETHICS COMMITTEE IS FIRST STEP IN CONGRESSIONAL HOUSE CLEANING

Mr. WOLFF. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OTTINGER. Mr. Speaker, I am pleased to give my full support to the resolution before us today, creating a standing Committee on Standards and Official Conduct. But I want to make it clear that I consider our action today to be only a first step toward reestablishing public confidence in this House and its Members.

To show how far this undermining of confidence has gone, a Gallup poll taken just 2 months ago showed that 60 percent of the people asked, thought the misuse of Government funds by Congressmen is common. This, of course, is completely unjustified. The vast majority of Congressmen are men of unusual character and greatest integrity. But even one breach of ethics by someone with the responsibility and high public trust of a U.S. Congressman is one too many.

The committee we are establishing today will be faced with a vital but difficult task. Where should the line be drawn in the gray areas of conflict of interest? Neither law nor custom provides many answers. The search for an effective mechanism to protect Congress from undue harassment and the public from misconduct is a complicated one.

Whatever standards of official conduct the new committee recommends and the House adopts, the greatest hope for improvement lies in establishing objective procedures to prohibit particularly undesirable practices by law and to provide full disclosure of financial business, and professional relationships that could lead to conflicts of interest. For example, a bill I have introduced would prohibit tender or receipt of gifts over $200. All business associations between Members of Congress and lobbyists or firms seeking Government contracts would be prohibited.

Full disclosure, however, is the best remedy for potential conflicts of interest and I hope the Committee on Standards and Official Conduct will give early and full consideration to my proposal to require full disclosure of the finances of Members, their spouses, and their principal staff members, and establishing penalties for fraudulent statements or omissions.

This kind of full disclosure should reveal conflicts of interest to the public, and more important, should nip many a conflict in the bud.

But no measure for ethical reform is likely to be really effective, however, unless some of the financial pressures are removed from officeholders and candidates. Relief from both the horrendous financial pressures of modern-day campaigns and the unreimbursed expenses of holding congressional office is vital if we are to enable those lacking personal wealth to steer clear of compromising situations.

CONGRESSMAN CLAUDE PEPPER'S PROPOSAL FOR AMENDING THE SOCIAL SECURITY SYSTEM

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, yesterday

I was honored to appear before the House Ways and Means Committee in reference to my bill H.R. 7378, the Social Security Amendments of 1967.

Mr. Speaker, because of the great amount of interest in this legislation and that proposed by our President I would like at this time to insert into the CONGRESSIONAL RECORD a copy of my testimony before that Committee:

STATEMENT OF HON. CLAUDE PEPPER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. PEPPER. Mr. Chairman and members of this distinguished Committee, I thank you for the privilege of being here with you this morning and commend what this distinguished Committee has done in the past in the cause of our senior citizens and what you will do in the years ahead.

If one respects life, treasures health, and appreciates happiness, he will call the name of this great Committee blessed for what you have done in the resolution of all those essential values of life.

However, we know, Mr. Chairman, that there is still much to be done to help those who are still being treated as second class citizens. I commend you and fully support these amendments that will broaden child health and welfare programs that are encompassed in the President's proposal.

Mr. Chairman, I know that your Committee has spent many hours studying these problems of our senior citizens. Many more countless hours will be spent in executive session on this legislation.

To help you and to save time I would like to go over briefly the proposals in my bill, H.R. 7378, the Social Security Amendments of 1967.

I will, with the Committee's permission, submit a detailed statement hereafter on each proposal and section of this bill for your consideration.

When introducing this legislation regarding amendments to the social security system, I felt I was concerning myself with the more than 17 million Americans over 65, who as I said before, are being treated in many respects as second class citizens in the terms of job opportunities and in housing and in the health and welfare of the "good life". I also have concerned myself with the many millions who are disabled or widowed and orphaned.

Our senior citizens face serious and continuing problems in employment, housing, medical care, education, pension and in the meaningful use of their retirement years. We in the Congress should give special attention I believe to these problems, and this is why I offer H.R. 7378, especially in view of the fact that our senior citizen population will grow to more than 20 million persons by 1970.

Mr. Chairman, we the Congress have an obligation to discover new means of dealing with the problem of our senior citizens. We have a responsibility for finding new avenues of approach to their problems and to finding new ways to bring their needs to the attention of the Congress and the country.

So this is why I feel, Mr. Chairman, the greatest challenge facing this Congress is how to construct a sane and rational social security program. We all too often talk about the need for improving the standards of living of our older people, of our disabled, of our orphaned and of our widowed; how-often, though, do we do something constructive?

Not as often as we ought to. You will recall Mr. Chairman, that when I was in the other body I was honored in 1943 to become the Subcommittee Chairman on Wartime Health and Education of the Senate Committee on Education and Labor. It was this Committee that recommended a national program of hospital and medical care insurance and I indeed remind you that I was pilloried and attacked for it.

So you can see that I have for a rather long time been connected with and interested in this type of legislation and felt we passed a historic milestone in the progress of America when President Johnson signed this bill into law on July 30, 1965, a bill which was primarily the child and the progeny of the labor and the genius of this great Committee and its distinguished Chairman.

It seems, as I have often said, and I have been around here long enough now to note that the period of gestation of a significant piece of legislation is about a quarter of a century, so it has taken about that long for this Medicare program to materialize out of the efforts and suggestions of the past.

Now, Mr. Chairman, I have assembled into one bill, H.R. 7378, 20 proposals that I have advocated throughout the years. These 20 proposals are each designed to promote and improve the welfare of some of our disadvantaged citizens. Each proposal can stand by itself and if enacted would provide a better life for a citizen who through no fault of his own is less fortunate than some of us.

And, while each proposal can be meshed with the others, I offer this bill not as a single program that has to be enacted as a unit, rather I offer it as a series of changes that are needed to improve the welfare of the American people.

Mr. Chairman, if I may just tell a little story, I know that all these programs are not going to be enacted overnight, just as Medicare came only after a long struggle, public agitation and Congressional effort, but it rather reminds me of the story of the fellow who put a big ostrich egg in front of a little bantam hen, and another man observed it and said, "Why in the world do you want to put a big ostrich egg in front of a little bantam hen?"

He said, "Just to give him something to shoot at."

So I believe it is in line with what I hope will be the achievements of the future. The proposals which I have advocated for 20 years and have sponsored in this Congress are as follows:

First: An across the board increase in all social security benefits of 20 percent with the minimum benefit for the worker being increased from $44 to $75. That is a little above the President's recommendation.

Second: An automatic increase in benefits whenever the cost of living rises by three percent or more. When the cost of living goes up three percent or more, social security benefits would be increased by the same percentage as the rise in the cost of living, or by $3 if the percentage increase is less than $4.

Third: Whenever social security benefits are increased, the increase would not cause any veteran to lose any part of any pension being paid to him by the Veterans Administration.

Fourth: A person who works would not have his social security benefits reduced because of his earnings.

If I may interpolate, Mr. Chairman, I have been introducing this bill for a number of years. As I understand it, that is the law now when a person reaches 72 years of age.

I think that principle should be extended to those who have reached 65, because the cost of living is so high, and the amount of the social security benefits not adequate to provide reasonably the standard of living that an American should enjoy. I think the American citizen should be able to have social security compensation assured, and then make as much above that as he can and will.

Fifth: Benefits for men would be based on the number of years a man works before age 62, just as benefits for women are under the present law.

Sixth: People who become disabled before age 31 could qualify for disability insurance benefits if they worked one-half the time from age 21 up to the time they became disabled. Under existing law, as I understand it, a young worker must work five years before he has disability protection.

Mr. Chairman, twenty years ago I began introducing bills that all of the social security benefits which would become available to a worker who reached 65 years of age should become available to that worker if he hadn't worked but two days if he were covered by social security and was totally and permanently disabled.

Just let me give you a hypothetical case. Suppose there is a young worker who begins work at 21. At 23 years of age, when he has been working two years, his back is broken in an automobile accident, and a family has already come into being as a part of his marriage. He has a wife and let us say two children. Who is going to take care of that man the rest of his life? He can't work if he is lying in bed with a broken back. He is going to need constant, expensive medical assistance; but who is going to provide the income for that family? It has to come from somewhere.

The chances are that he hadn't accumulated enough in that early part of his working life to have enough to live on for any appreciable length of time. His living expenses would have to be provided from family contributions and I doubt if the family could contribute very much.

The man's entire living would have to come out of the charity given by private sources or public contribution. I think the social security laws should state that when a worker covered by social security, who has worked at least one year becomes totally and permanently disabled, that person should get the same benefits.

Now, Mr. Chairman, you have seen the age go down. How long ago was it that that provision went into the social security legislation? Does the able Chairman recall?

The CHAIRMAN. In 1956 we enacted it.

Mr. PEPPER. And at that time how long did a man have to work before he became totally disabled and could receive the social security benefits?

The CHAIRMAN. He had to be 50 years of age.

Mr. PEPPER. He had to be 50 years of age, and yet we were battering against that years ago trying to get that age down. Now you have it down to the present law where he works five years and he is eligible, but he may not work but three years. I think if he is once covered, that it is just like an insurance policy. Once you take it out when you meet the conditions of it you can receive the payments if you haven't had it but one day, and I think that same principle should apply to the disabled.

Seventh: The special benefits paid to people age 72 and over who are not insured would not be reduced because of the payment of any other public pension or benefit.

Eighth: Benefits would be paid to a widow while her child is between the ages of 18 and 22, if he is attending school.

Ninth: Benefits would be paid to disabled widows at any age.

Tenth: Benefits would be paid to people at age 55 who have a disability that prevents them from working at their regular jobs even though they are not totally disabled.

Eleventh: The benefits due a person who has died could be paid, without any red tape to his family, when the amount is less than $1000.

Twelfth: Medicare benefits would be paid to people who get disability insurance benefits.

Thirteenth: Transportation of a person to receive needed health care could be paid for under Medicare.

Fourteenth: State and local government employees who are not covered under social security could get Medicare if they want it.

Fifteenth: Federal grants would be provided to the states to help pay the costs of the state general assistance program.

Sixteenth: Disability insurance benefits would be payable to a person who worked for one year just before he became disabled.

Seventeenth: A disabled person would be paid an additional $100 a month for any month in which he needed a person to provide him with regular care and attendance.

Eighteenth: Social security benefits would be paid to the aged dependent parents of retired or disabled workers just as they are now paid to the dependent parents of workers who have died.

Nineteenth: The services of any person licensed by a state to practice a healing art, for example a chiropractor or podiatrist, could be paid for his services under the Medicare program. That is in line with the principle of giving the patient the option to employ the personal physician and the kind of physician he would like to employ.

Twentieth: Medicines prescribed by a doctor would be paid for under Medicare.

Adoption of these proposals would be a big step toward a better way of living for many, many underprivileged people. We, as a nation and as individuals, have the duty and the ability to make these changes. These are changes that I believe we can afford.

And, in this connection I would point out that a nation as wealthy as this has no need to tax the benefits it pays to the aged, the disabled, the widowed, and the orphaned.

While I have applauded and strongly supported nearly all the recommendations that our great President Lyndon B. Johnson has made, there is one proposal to which I must object.

I strongly disagree with the proposal to tax social security benefits and to do away with the special income tax provisions that relate to the income of aged people. A proposal of this kind has no place in any social security program and I hope that it will not be in the Social Security Amendments of 1967 when the Congress sends them back to the President for his signature.

In fairness, I must also point out that there is a provision in the President's program that ought to be in my program. I am referring, of course, to his proposal to set up a comprehensive program of dental care for children and I strongly support it.

The CHAIRMAN. We thank you, Mr. Pepper, for coming to the Committee from what we know is a busy schedule. Mrs. Griffiths.

Mrs. GRIFFITHS. I would like to ask you, Mr. Pepper, would you support the right of a woman to draw on social security in exactly the same manner as a man now draws?

Mr. PEPPER. Yes.

Mrs. GRIFFITHS. Would you support the right of a disabled woman to draw as a man now draws?

Mr. PEPPER. Yes.

Mrs. GRIFFITHS. She would not have to be in the work force, but if she were covered she could draw.

Mr. PEPPER. That is right.

Mrs. GRIFFITHS. Would you support the combination of a husband's and wife's credits so that they could draw the top amount of social security?

Mr. PEPPER. I would. I think they are both highly desirable proposals.

Mrs. GRIFFITHS. Thank you very much.

The CHAIRMAN. Any further questions? Mr. Battin.

Mr. BATTIN. I am glad to see you with us, Mr. Pepper.

Mr. LANDRUM. Would the gentleman yield to me for a moment?

Mr. BATTIN. Yes.

Mr. LANDRUM. I would like to offer the comment that the distinguished gentleman from Florida's response to the very distinguished gentlewoman from Michigan indicates that he will stay with the women even if it beats him. Is that right?

Mr. PEPPER. That's right. An old Senator is supposed to have said there is a time when a man must rise above principle.

Mr. LANDRUM. So will I.

Mr. PEPPER. I think these are deserving proposals. I commend the lady for her suggestions.

Mr. WATTS. Mr. Battin.

Mr. BATTIN. In outlining your proposals two basic thoughts came to mind. Have you had a chance yet to work with the Department of HEW, Bob Myers, the actuary for Social Security, to give us any idea of what the cost would be in what you recommend so we have some idea of computing what the tax increase perhaps would be to cover it?

Mr. PEPPER. I will say to the able gentleman that we are working on that now and we hope to deal with that in the supplemental statement, with respect to each one of these proposals that we obtained from the Chair permission to file in this record.

Mr. BATTIN. Fine.

Mr. PEPPER. But let me just say this, Mr. Chairman. You know, the cost of poverty, the cost of disease, the cost of disability, has always been paid by somebody, and we get frightened sometimes when we talk about distributing that cost over the whole people, and we sometimes assume that if we don't distribute it over the whole people in public authority, somehow or another we don't have to meet the cost.

It is just a question of whether we recognize that a larger number of people should share these costs of disability, and poverty, and other deprivations that I mentioned.

Mr. BATTIN. Of course that is the whole theory of the insurance type program.

Mr. PEPPER. Yes.

Mr. BATTIN. One other thing. You mentioned that you felt a person, once he was retired and had gone on social security, should be able to keep drawing his benefit and work.

Mr. PEPPER. Yes.

Mr. BATTIN. In addition to that. Would your answer be the same as applies to the self-employed?

Mr. PEPPER. Yes. That is right.

Mr. BATTIN. So that self-employed could continue on after 65.

Mr. PEPPER. That's right. I see no reason why there should be one principle applicable to one and another to another. If the social security amounts are available to a recipient were not to maintain anybody according to a decent minimum standard of American life, it might not be necessary to do that, but the most anybody can get is $170 a month, isn't it, for an individual?

Mr. BATTIN. That is under the present law.

Mr. PEPPER. About $170 a month under the present law, and with husband and wife, $200 and some odd dollars. What husband and wife can live on that? We in Florida see so much of it and many others of you see it in your own states. A man will, let's say, work in an automobile factory in Detroit, earn perhaps $6000–$10,000 a year. He comes to the time of compulsory retirement from his job.

Well, he has gotten to be 65 years of age. He would like to spend as relatively a pleasant a time as he can in the later years of his life. What is going to happen to that man? If he hasn't money saved up to supplement his social security benefits that he will receive every month that man is going to have to drop his standard of living from $6,000–$10,000 a year down to $2,500 or $3,000 a year, and what kind of a house can he live in? How much rent can he pay? How much recreation can he enjoy? What clothes, what other things, can he provide for himself and his family? Very little.

Furthermore, we are learning now that a person at 65 years of age is still capable of rendering a valuable contribution to his society. I don't like to emphasize it in public disclosure, but I am 66 years old, and just everybody can't whip me, and I still think that there is something I can contribute to my country in the way that I have chosen to spend my effort. The reservoir of competence and responsibility in the senior citizens of this country is a vast natural asset which is not fully employed today.

Khrushchev used to boast that he was going to catch up with us by 1970. Of course we know he won't, but there are a lot of competitors that are clawing at our heels, as it were, and trying to catch up with us economically.

We are living in a sharply competitive world. We need the productivity and the skill of all the people.

Now, I am not saying that a man who becomes 65 years of age should have to work. I think we should make it possible through private insurance, and annuities, and public security for him not to have to work the later years of his life if he doesn't want to, but if he wants to, wants to live a little better, enjoy a little more, help his children or grandchildren perhaps, or his community or something else, and he has the capacity to earn—why should he lose any part of his social security benefits because he earns a decent livelihood, because he gets a decent salary, has to work part-time or take a lower paying job to keep from losing his social security?

I just don't think we ought to have that limitation.

Now, if it is applicable at 72, why shouldn't it also be applicable at 65? I don't say to start at 25, we don't make benefit payments available until 62 for a lady and 65 for a man, but it ought to be available to a man 65 as it is to a man 72.

Mr. BATTIN. Thank you.

Mr. WATTS. Any further questions?

I have one that the gentleman from Montana suggested to me, and your answer. You mean that in the line of personal work he should not have to retire from his present job, but just could continue on, say a doctor, or a lawyer, or somebody?

Mr. PEPPER. When we passed the Full Employment Act in 1946, and I had a little bit to do with it in the other body, we didn't make any distinctions in the language of that law and at that time certainly as one of the authors I had no distinctions in my mind that it applied to younger people and it didn't apply to older people.

That law says in substance that it is the duty of the Government of the United States to provide an economic climate where everybody ready, willing, and able to work can get a decent job. That is not guaranteeing everybody a job the way somebody said they do in Russia. It says it is the duty of the government to provide an economic climate where everybody ready, willing, and able to work—a man capable of rendering an honest day's work for the compensation he gets—should have the opportunity to do it.

Now, we do not open these doors of opportunity that I think that Act contemplated to people in the upper age brackets. There are many of us in Congress whom we like to think are rendering valuable contributions to our country. If we went out to get a private job they would hardly let us in the door of the personnel office. They would say, "How old are you?"

"I am 50." They would cut it down to 35 or less than 40 in a lot of places.

Do you mean to tell me that the people of this country over that age are not capable of doing something that is valuable to this country? And yet private employment practices are getting more and more to the point of excluding from an offer of opportunity the person who gets even to 40 or 50, let alone 60, so I think in government employment and in the policies of social security and the other legislation that we promulgate here, we ought to recognize, if not encourage, the person who has gotten up even above 60. Ability, and physical and mental endeavors should determine employability and not the calendar. We know that age is not a criterion of capacity.

The CHAIRMAN. If I follow your theory correctly, a person when he reaches either 62 or 65 would merely file for social security and continue the way he is going.

Mr. PEPPER. That is right.

The CHAIRMAN. The same job, the same occupation, whatever it might be.

Mr. PEPPER. Yes. He could do anything he wanted to. It would give him a nest egg. It would give him a little cushion and maybe he wouldn't want to earn a great deal. Maybe he would have enough. Maybe he would want to live more simply, but if he wants to live a little better, that little $200 or $300 a month that is the maximum that he and his wife can get should not be taken away from him, and if I jeopardized my political career by associating myself with the cause of the women I hope my friend M.G. will help me.

The CHAIRMAN. Any further questions of the gentleman?

Thank you very much for your fine statement.

Mr. PEPPER. Thank you very much.

The CHAIRMAN. We are glad to have you.

Mr. PEPPER. Thank you very much.

VIETNAM

Mr. BARING. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. BARING. Mr. Speaker, it is with the utmost pride and privilege I present to the House today a joint resolution of the Nevada State Assembly urging for an early military victory in Vietnam. This joint resolution by my State's assembly voices not only my personal feelings but that of the citizens of the great State of Nevada.

The resolution follows:

ASSEMBLY JOINT RESOLUTION 7

Assembly joint resolution urging an early military victory in Vietnam

Whereas, The air, ground and naval power of the Armed Forces of the United States are wrecking havoc on the enemy in Vietnam by disrupting communications, transportation and industry; and

Whereas, Successful military operations cannot be carried out by imposing artificial political restraints on the military commanders of such operations; and

Whereas, There is a widespread political and psychological campaign in the United States and other parts of the world for the Government of the United States to renounce military victory in favor of the dubious values to be gained at the negotiating table; and

Whereas, There is reason to believe that the premature negotiation of a cease-fire in the Korean War has led to the loss of strategic political and military position in Asia; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That the legislature of the State of Nevada urges the Government of the United States of America to prosecute the Vietnam conflict with every conventional military means at its disposal, in order to bring the conflict to a successful military conclusion as early as possible; and be it further

Resolved, That copies of this resolution be prepared and transmitted by the legislative counsel to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to the members of the Nevada congressional delegation.

IN SUPPORT OF CONGRESSIONAL ETHICS RESOLUTION

Mr. FRASER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FRASER. Mr. Speaker, I hope that this resolution is approved by a large majority. As a cosponsor, I want to add my expression of support to those made by other Members.

While the Rules Committee resolution is not so detailed or so rigid as many others considered by the committee, it offers a flexible framework for an effective Committee on Standards of Official Conduct.

The bipartisan, 12-member standing committee would be charged with recommending "laws, rules, and regulations to establish and enforce standards of official conduct for Members, officers, and employees of the House." And to carry out these purposes—"The committee may hold such hearings and take such testimony as may be necessary."

Thus, Mr. Speaker, the new committee would be able to establish a workable set of standards for all Members. Never in recent memory has there been such a demand for standards. Never in recent memory, if public opinion polls are to be taken seriously, has the Congress been held in low esteem by so many Americans.

One Member has been punished harshly this session for his alleged violations of ethical conduct. There has been a considerable outcry from some segments of the press for similar action against some other Members. The mail of every Member of Congress reflects, I am sure, the concern of our constituents for a congressional housecleaning.

The wording of the resolution before us leaves the establishing of standards up to the standing committee. In due time, if the resolution is adopted, the committee's recommendations will be considered by the House.

Although this is not the appropriate time to make specific suggestions, Mr. Speaker, I would like to make a few general suggestions. The recommendations made by the committee should be strict, but they should be enforceable. In their enforcement, they should be applied evenly to all Members. What applies to one should apply to all.

As Members of the highest elected legislative body in the land, we can hardly do less than pass this resolution. Passage would, I think, do much to improve the public confidence in the Congress, a confidence which has been impaired by events of the last few months.

COLUMBUS DAY

Mr. HANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HANLEY. Mr. Speaker, this afternoon, I am joining with the more than 20 Members of this Congress who have introduced legislation to declare October 12, Columbus Day, a national holiday.

On March 22 of this year, the New York State Legislature adopted a concurrent resolution memorializing the Congress of the United States to enact legislation making Columbus Day a national holiday.

I know that this legislative goal has long been sought by the Grand Lodge of the State of New York, Order Sons of Italy in America. I want to pay tribute at this time to the fine efforts being made by this organization, especially to the grand venerable, Mr. Salvatore H. Migliaccio of White Plains, N.Y., and to the State legislative, charter, and recognition chairman, Mr. John Nave, a resident of my congressional district.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS—STATUS OF RECOMMENDATIONS TO THE FEDERAL GOVERNMENT

Mr. WOLFF. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. FOUNTAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, the Advisory Commission on Intergovernmental Relations was established by an Act of Congress in 1959 to provide a much needed permanent center in our federal system for bringing the viewpoints of Federal, State, and local officials, and of the general public, to bear on the problems affecting all levels of government.

While the Commission's efforts to help strengthen our State and local governments have been quite widely reported, its recommendations directed to the Federal Government are less well known. Consequently, I am pleased to be able to bring to the attention of my colleagues a summary of the action taken on each of 78 recommendations submitted by the Commission to the Congress, the President, or to agencies of the executive branch.

As shown in the tabulation prepared by the Advisory Commission staff, 31 of the 78 recommendations made to date have been enacted into law or implemented by Presidential memorandum or by other action in the executive branch.

Six recommendations have been unfavorably received—four by the Congress and two by the executive branch. No implementing steps have been taken yet on 13 recommendations. And 19 recommendations are pending in the Congress in various bills introduced so far this session.

Mr. Speaker, I had the great honor of authoring the legislation that established the Commission. My bill was developed to implement a recommendation by the Committee on Government Operations, which resulted from extensive hearings and studies by the Intergovernmental Relations Subcommittee.

I remember saying at the time this legislation was being considered that I expected the Commission to function with the assistance of a relatively small but outstanding staff and to avoid becoming another big bureaucracy. I am very pleased to report that it has remained true to our original intent—a small but productive organization staffed by highly qualified professionals. In fact, I have heard knowledgeable people say that on the basis of the quality and number of its reports, the Commission has been far more productive than many much larger Washington agencies. Moreover, as indicated by the following progress report, the Commission has been very effective in bringing its recommendations before the Congress and the executive branch for appropriate consideration.

I am privileged to serve on the Commission together with our colleagues, the gentlewoman from New Jersey [Mrs. DWYER] and the gentleman from Oregon [Mr. ULLMAN]. The other body is represented on the Commission by the junior Senator from Maine, Mr. MUSKIE, the senior Senator from North Carolina, Mr. ERVIN, and the senior Senator from South Dakota, Mr. MUNDT.

The status report on the Commission's recommendations to the Federal Government follows:

Summary—Status of ACIR recommendations to the Federal Government

	For administrative action	For congressional action	Total
Enacted or otherwise carried out	6	25	31
Partially but not completely implemented	1	1	2
Bill or amendment introduced or Executive order prepared	1	[1] 19	20
Other implementation underway	5	1	6
Implementing steps yet to be initiated	[2] 12	1	13
Rejected	2	4	6
Total	27	51	78

[1] Of this number, 9 are contained in H.R. 5522 (Fountain), S. 698 (Muskie), and companion bills—the proposed Intergovernmental Cooperation Act of 1967.

[2] Of this number, 6 relate to proposed Budget Bureau action on equalization aspects of Federal grants-in-aid, which are being held in abeyance pending completion of Bureau studies on other aspects of Federal grants.

STATUS OF ACIR RECOMMENDATIONS TO THE FEDERAL GOVERNMENT [1]

A. PUBLIC ASSISTANCE

1. Amendment of Social Security Act to provide for judicial review of decisions by HEW Secretary concerning conformity of State plans—Implemented by PL 89-97.

2. To give HEW Secretary discretionary authority to declare *parts* rather than *whole* of State plans out of conformity—Amendment submitted to Ways and Means Committee in 1965; not adopted. Will be submitted again.

3. To establish a permanent Public Assistance Advisory Council—Objectives of recommendation achieved by issuance of Presidential Memorandum of November 11, 1966, regarding agency consultation with State and local officials upon contemplated changes in grant-in-aid regulations.

4. Removal of prohibition in Social Security Act against OAA payments to patients in mental and tubercular institutions—Implemented by PL 89-97.

5. Liberalize single State agency requirement of Social Security Act—Contained in section 204 of the Intergovernmental Cooperation bills—H.R. 5522 (Fountain); S. 698 (Muskie)—pending in the Congress.

B. METROPOLITAN AREA COORDINATION

1. Federal financial support on a continuing—in contrast to a project—basis to metropolitan planning agencies—Implemented by administrative action of the Commissioner, Urban Renewal Administration, August 1963.

2. Expanded Federal technical assistance to State and metropolitan planning agencies—Implemented by the Housing Act of 1961, PL 87-60 and the Demonstration Cities and Metropolitan Development Act of 1966, PL 89-754.

3. Congressional consent in advance to interstate compacts created by planning agencies in those metropolitan areas crossing State lines—Implemented by the Housing Act of 1961, PL 87-60.

4. Review by a metropolitan planning agency of applications for Federal grants-in-aid within the area with respect to airport, highway, waste treatment, hospital construction and certain other urban development projects—Implemented by Demonstration Cities and Metropolitan Development Act of 1966, PL 89-754.

C. MASS TRANSPORTATION

Provision of Federal financial assistance in the form of loans and demonstration and planning grants to metropolitan areas for mass transportation facilities and services—Implemented by the Housing Act of 1961, PL 87-60.

D. METROPOLITAN WATER SUPPLY AND SEWAGE TREATMENT

1. Recommends against Federal grant assistance for local water works comparable to Federal grants for sewage treatment construction—Rejected by Congress; water system grants now available.

2. Amendment of Water Pollution Control Act of 1956 to provide matching incentives for regional facilities and an increased dollar ceiling for projects in larger cities—Implemented by Water Quality Act of 1965, PL 89-234.

3. Amendment of Housing statute to permit communities of 50,000 or more to qualify for water and sewer loans—Implemented by the Housing Act of 1965, PL 89-117.

4. Amendment of Housing statute to permit joining together of communities with an aggregate population of over 50,000 for purposes of sewer and water loan assistance—Implemented by the Housing Act of 1964, PL 88-560.

5. Amendment of Housing Act to tighten FHA and VA mortgage insurance requirements regarding well and septic tank installations—Implemented by the Housing Act of 1965, PL 89-117.

6. Amendment of Housing Act to include water and sewer utilities as insurable site preparation and development costs—Implemented by Housing Act of 1965, PL 89-117.

7. Evaluation by Federal Executive Branch of Federal enforcement powers and financial incentives relative to industrial pollution—Implemented by Act of Surgeon General in chartering study "Industrial Incentives for Water Pollution Abatement." Report made February 1965.

8. Consideration of urban needs in future Federal water resources planning equivalent to consideration given navigation, power, and agriculture—Implemented by the Water Resources Planning Act of 1965 and Senate Document No. 97, 87th Congress, 2nd Session.

E. FEDERAL GRANTS FOR URBAN DEVELOPMENT

1. Favoring of general purpose units of government as Federal aid recipients other factors being equal—Contained in section 402, Intergovernmental Cooperation bills (H.R. 5522; S. 698) now pending in Congress.

2. Congressional action to require special purpose units of government to coordinate their Federal aid activities with general purpose governments—Implemented by Demonstration Cities and Metropolitan Development Act of 1966, PL 89-754.

3. Authorization and encouragement by Congress and executive agencies for joint participation by local governmental units having common program objectives affecting development of urban areas overlapping existing political boundaries—Contained in section 401, Intergovernmental Cooperation bills (H.R. 5522; S. 698) now pending in Congress.

4. Congressional requirement that Federal aid for urban development purposes be consistent with and promote effective planning at local level—Contained in section 401, Intergovernmental Cooperation bills (H.R. 5522; S. 698) pending in the Congress.

5. Broadening of section 701 assistance to include municipalities and counties over 50,000 population—Implemented in part (for counties) by Housing Act of 1964, PL 88-560.

6. Enactment of legislation to establish principle of Federal interagency coordination and declaration of a unified urban development policy—Contained in section 401, Intergovernmental Cooperation bills (H.R. 5522; S. 698) now pending in Congress.

F. METROPOLITAN SOCIAL AND ECONOMIC DISPARITIES

1. Authorization of economic and social planning assistance by Federal government on same basis as physical planning—Implementation being pursued with HUD; preparatory study underway as a basis for an administrative order to effect foregoing recommendation.

2. Amendment of Federal housing legislation to facilitate use of Federal private housing, authorize rent subsidies and permit financial assistance to private nonprofit housing organizations—Implemented by the Housing Act of 1965, PL 89-117.

3. Federal and State agencies adopt cooperative agreements for enforcement of Federal and State laws and regulations forbidding discrimination in housing—Commission staff has not yet pursued implementation of this recommendation.

4. Removal by the Congress of existing limitations on nonresidential renewal from the Federal urban renewal programs—Amendments submitted to Housing subcommittees in last Congress not adopted. Will be proposed again.

5. Provision for interstate agreements between Secretary of Labor and governors to provide public employment services on an areawide basis in metropolitan areas regardless of State lines—Implemented by Administrative Order of the Secretary of Labor, February 1967 and 1966, Resolution of Governors' Conference Committee on Federal-State Relations.

6. Development by Federal Government of standards of measurement of costs and benefits for areawide services being supported by

---

[1] In all cases, the legislative or administrative action taken was subsequent to the submission of the recommendation. However, this summary is not intended to imply that in all cases the ACIR recommendation was the sole motivating force for the later action.

grant and loan programs in metropolitan areas—No significant implementation action as yet. Will be pursued with Bureau of the Budget and Department of Housing and Urban Development.

G. RELOCATION OF PERSONS AND BUSINESSES DISPLACED BY FEDERAL AND FEDERALLY AIDED PROGRAMS

1. Establishment by Congress of a uniform relocation policy—Contained in Title VIII, Intergovernmental Cooperation bills (H.R. 5522, S. 698) and separate bill, H.R. 5528, now pending in Congress.

2. Congressional requirement to assure supply of housing prior to displacement in federally aided programs—Contained in Title VIII, Intergovernmental Cooperation bills (H.R. 5522, S. 698) now pending in Congress.

3. Provision of uniform and equitable Federal payment of relocation expenses for families and businesses under Federal and federally aided programs—Contained in Title VIII of the Intergovernmental Cooperation bills (H.R. 5522, S. 698) now pending in Congress.

4. Broadening of Small Business Act to authorize disaster loans to small business concerns adversely affected by Federal or federally aided Federal works programs—Contained in Title VIII, Intergovernmental Cooperation bills (H.R. 5522, S. 698) now pending in Congress.

5. Amendment of Manpower Development and Training Act to permit widow and widower owners of displaced firms to be eligible for manpower retraining allowances—Implemention by PL 89–15.

6. Provision for centralized relocation services and programs in a single agency at the metropolitan or urban level—Contained in Title VIII, Intergovernmental Cooperation bills (H.R. 5522, S. 698) now pending in the Congress.

7. Requirement for advance notice by Federal agencies to local units of government of construction program which will displace persons and businesses—Contained in Title VIII, Intergovernmental Cooperation bills (H.R. 5522, S. 698) now pending in Congress.

H. BUILDING CODES

1. Authorization and financing by the Congress of a public-private program to develop national performance criteria for building construction—Supported by Administration but no specific legislation yet developed by HUD or ACIR.

2. Establishment of a continuing national program of building research—Implemented by section 1010 of Demonstration Cities and Metropolitan Development Act of 1966, PL 89–754.

3. Designation by President of a drafting group representing all levels of government to develop a national voluntary model building code—Presented to and is under consideration by Douglas Commission on Building Codes, Zoning and Taxation.

4. Development and use of a common set of standards by all Federal departments and agencies with responsibility for building construction—Draft Executive Order developed and submitted to Bureau of the Budget February 1967.

I. ADMINISTRATION OF POVERTY PROGRAM

1. Preference by OEO to units of general government rather than private groups in establishment of CAAs—Submitted to OEO; Trend of policy is in this direction but no formal requirement as yet.

2. Continuation of maximum feasible participation of the poor in the community action program—1966 amendments strengthened provision by specifying criteria as to percentage of representation, residence, selection and approval.

3. Requirement that CAAs initiate comprehensive plans as a basis for local anti-poverty programs—1967 amendments proposed by OEO give more emphasis to community action agencies' planning function, but still do not make planning a requirement.

4. Increased encouragement by OEO of cooperation among separate CAAs in metropolitan areas—Concept is not working well in a number of metropolitan areas.

5. Use by Federal agencies of geographic bases for multi-county planning as established by State law or regulation—Implemented by Presidential Memorandum, September 1966.

6. Acceleration of efforts by OEO Director to implement section 612 "preference provision"—This approach rejected in OEO's amendments being introduced in the Congress.

7. Establishment of machinery by Economic Opportunity Council to insure integrated planning for job creation and job training programs—No specific implementation as yet.

8. Acceleration by OEO of collection of data on incidence of poverty and application of anti-poverty resources—General agreement in OEO; considerable progress being made.

9. Retention of gubernatorial veto regarding certain OEO programs—Veto requirement not changed by the Congress as yet.

10. Establishment of uniform procedures for informing governors of status of applications in connection with exercise of veto—No specific implementation progress as yet.

11. Acceleration of efforts by OEO to interest States to act as contractors for Job Corps facilities—No specific implementation as yet.

12. Continuation of 10 percent non-Federal matching provision for community action, Neighborhood Youth Corps and adult basic education programs—This recommendation rejected by the Congress. 1966 legislation increased non-Federal share to 20 percent for the community action program and Neighborhood Youth Corps and to 50 percent for adult basic education, all effective July 1, 1967.

J. ESTATE AND GIFT TAXES

Amendment of Internal Revenue Code to increase the credit against the Federal estate tax for inheritance and estate taxes paid to the States—contained in H.R. 8329 (Fountain) pending in the Congress.

K. INVESTMENT OF IDLE CASH BALANCES

Cooperative action by the U.S. Treasury Department and State and local finance officers designed to provide full and current information regarding investment opportunities in short-term Treasury obligations—Implemented by action of the U.S. Treasury Department in issuing of brochure entitled "Interest Bearing U.S. Government Securities Available for Investment of Short-Term Cash Balances of Local and State Governments" September 1963.

L. PUBLIC HEALTH GRANTS

1. Provision of transferability of funds among public health categorical grants—Implemented by PL 89–749.

2. Standardization of matching ratios among public health categorical grants—Implemented by PL 89–749.

M. REVIEW OF FEDERAL GRANTS-IN-AID

1. Provision by the Congress of periodic review of future grants-in-aid. This is contained in Title V of the Intergovernmental Cooperation bills (H.R. 5522, S. 698) pending in the Congress.

2. Periodic review by congressional committees and executive agencies of the status of Federal grants-in-aid now in existence. Legislation has not been introduced to implement this recommendation.

N. TAXATION OF PRIVATE PROPERTY ON FEDERAL AREAS

1. Federal legislation to grant congressional consent to the imposition of taxes on privately owned real and personal property in Federal areas provided certain conditions regarding rights and privileges to Federal employees are granted by the State or local government. Contained in H.R. 3892 (Aspinall) pending in the Congress.

2. The Commission recommended that the President and Governors support implementation of the legislation. Action cannot be taken on this recommendation pending the outcome of efforts in the Congress.

O. COOPERATIVE TAX ADMINISTRATION

1. Joint action by the Treasury Department and the States to identify State and local records and types of information that are potentially useful for the administration of Federal income and other taxes. Largely completed by administrative action at Federal and State levels.

2. Authorization to Internal Revenue Service to admit State and local tax personnel to IRS training programs on a reimbursable basis. Implemented by P.L. 87–70.

3. Authorization to Internal Revenue Service to perform statistical and related services for State tax agencies on a reimbursable basis—Implemented by PL 87–870.

P. INDUSTRIAL DEVELOPMENT BONDS

Amendment of the Internal Revenue Code to deny rental deduction to businesses renting publicly constructed industrial plants where the corporation itself has bought up the issue of tax exempt securities involved. Contained in H.R. 7979 (Dwyer) and H.R. 7984 (Fountain) pending in the Congress.

Q. ROLE OF EQUALIZATION IN FEDERAL GRANTS

1. Enunciation of a national policy—This has been discussed with Bureau of the Budget and other Federal officials; no specific progress as yet.

2. Limitation of equalization to functions and services specifically related to national objectives—This recommendation has been discussed; no Executive Order or Budget circular drafted as yet.

3. Removal of equalization factors from certain categories of Federal grants (e.g., planning and demonstration)—No specific implementation as yet.

4. Provision for uniformity and the mechanism of equalization provision in Federal grants—No specific implementation as yet.

5. Requirement by the President that Federal agencies review adequacy of need indexes and appropriateness of equalization provisions in their grant programs—No specific implementation steps as yet.

6. Presidential requirement for the development of plans and procedures to improve measures of State fiscal capacity and tax effort for use in grant administration—No specific implementation as yet.

R. CIGARETTE TAXES

Joint exploration by the Treasury Department and States for placing of cigarette taxes at the manufacturers' level rather than retail level—Proposal submitted to the Governors' Conference and the Internal Revenue Service; no specific implementation results as yet.

S. DOCUMENTARY STAMP TAXES

Repeal of Federal stamp taxes on conveyances, such repeal to be effective 3 years after enactment—Implemented by PL 89–44.

T. INCOME TAX CREDIT

1. Amendment of Internal Revenue Code to provide a Federal tax credit against State and local income taxes paid—Contained in H.R. 1415 (Ullman) pending in the Congress.

2. Authorization to the Internal Revenue Service to enter into agreements with States

for Federal collection of State income taxes—Contained in H.R. 1414 (Ullman) pending in the Congress.

U. NATIONAL TIME UNIFORMITY

Enactment by the Congress of a uniform time bill—Implemented by PL 89-387.

V. STATE TAXATION OF INTERSTATE COMMERCE

1. Enactment of legislation by the Congress to clarify jurisdictional areas regarding sales and use taxes—Bill drafted and ready for introduction.

2. Enactment of legislation by the Congress to govern apportionment of income of multi-State businesses for purposes of State corporate income taxes—Bill drafted and ready for introduction.

FEDERAL FINANCIAL ASSISTANCE FOR FAMILY PLANNING PROGRAMS

Mr. WOLFF. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Friedel] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, today, I am introducing legislation for the purpose of providing Federal financial assistance to public and private agencies for comprehensive family planning programs.

My bill would authorize the Secretary of Health, Education, and Welfare to make Federal grants to State, local, and private nonprofit organizations to enable them to provide family planning information and related medical assistance to those who desire these services but cannot afford them.

There is a population crisis now in many parts of the world—and in some parts of this country. Unless drastic measures are taken promptly, hunger, misery, and social tensions will affect peace on a global basis. If not arrested, the population explosion will lead to strife at home and abroad—to civil disturbances, revolutions, and wars the dimensions of which it would be hard to predict.

The 89th Congress recognized the need for family planning by taking historic steps involving the Federal Government, both at home and abroad, to sponsor family planning programs. The Economic Opportunity Act was amended to provide family planning services to unmarried women. The Foreign Assistance Act of 1966 was amended to provide the use of counterpart funds for voluntary family planning services and the food-for-peace bill also permitted the use of currencies received for our agricultural commodities to be used for voluntary family planning programs abroad.

As John D. Rockefeller III said recently:

> So rapid is the growth of population, and so serious are its consequences, that ours may be the last generation to have a chance to cope with the problem on the basis of free choice.

Pope Paul in his encyclical published last month urged public authorities to intervene in favor of providing appropriate information and by adopting suitable measures to make family planning assistance available.

No one, or course, should be coerced to limit the size of their family. My bill provides ample safeguards against coercion or interference with moral convictions.

The need for such information has been established. Apparently the lack of programs at the State level has been due to the fact that funds are not available for such programs. My bill would earmark funds to insure that the intent of Congress will be carried out and used for such programs.

I believe the time has come when it is imperative that Congress act on this legislation this year.

COMMITTEE ON OFFICIAL CONDUCT

Mr. WOLFF. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Randall] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANDALL. Mr. Speaker, House Resolution 418 was to have been considered by the House today. At the last minute it was put over for action on Thursday, April 13.

Because of a longstanding commitment in the district, I am prevented from being present. If I were present, I would support House Resolution 418.

It is important machinery for standards of official conduct should be established now because of the incentive which has resulted from the Powell case. If we were to do nothing at this time it is quite likely there would be no motivation to act until some other serious case of misconduct would rise to the surface in the future. With the Powell case still very much before the House, now is the time to move ahead not only with the establishment of a standing committee but with the hope that the new committee will promptly formulate rules governing the conduct of Members, officers, and employees of the House.

No outside observers should jump to the conclusion that the creation of this committee will, through some magic, solve all problems of conduct of the entire membership. The effectiveness of this committee will depend on what rules they establish and, of equal importance, effective enforcement machinery.

Mr. Speaker, I wish to pay tribute to my fellow Missourian, Dick Bolling, who consented to serve as a chairman of the subcommittee of the Rules Committee. It was a thankless job but one he assumed, knowing that it would not increase his popularity rating. He deserves the praise of his fellow Members for a job well done. As a colleague whose district adjoins our own on the west I am proud to salute Dick Bolling for his good work.

It is with regret I cannot be present to support House Resolution 418. But this is only the first step. A much more important decision by the House will come later when the committee, after its selection, formulates the rules and regulations to establish and enforce standards of official conduct. That will be the important time for decision.

SPEAKER McCORMACK, RECIPIENT OF AMVETS' CONGRESSIONAL AWARD

Mr. WOLFF. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Rodino] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RODINO. Mr. Speaker, I wish to offer my sincere and enthusiastic congratulations to Speaker McCormack for having been honored by AMVETS with its annual Congressional Award. The presentation was made on April 1. The members of AMVETS had unanimously resolved upon giving the award to the Speaker when they met at their 22d annual convention in Columbus, Ohio, last August.

The citation accompanying the award stated:

> Every man who has served in Congress during the last four decades has been inspired by the example, guided by the counsel, or warmed by the humanity, friendship, and unfailing consideration of John W. McCormack.

I can attest to this in my own case. My friendship with the Speaker is something in which I take great pride, and I am glad to have this opportunity of publicly acknowledging the respect and admiration I have for him.

The Speaker's distinguished public career was lauded by the AMVETS citation which noted that he had "profoundly influenced the entire course of government through his personal impact in the consideration of literally thousands of bills, resolutions, and subjects passed upon or enacted into law by Congress." AMVETS also recognized the Speaker's legislative accomplishments in the field of national security, and his efforts throughout a lifetime in behalf of labor, the underprivileged, the elderly, and the veterans of all our wars.

One of the Speaker's constituents gave eloquent testimony to those efforts when he was quoted a few years ago in a Saturday Evening Post article:

> Knowing what it is to be poor, John has never moved away from his people. His birthplace is now the site of a public housing project he arranged. He's always helping some guy who's down on his luck. There'll never be another like him.

The AMVETS award was granted to him "in recognition of his 38 years of continuous distinguished congressional service and his outstanding national legislative leadership in an era of unending challenge to our national security, our domestic institutions, and our national ideals of human rights, justice, freedom, and peace for all."

He has always been a deeply conscientious Representative of the district that he loves so well, he has been an able and resourceful majority leader, and he is a very great Speaker.

THE NATIONAL TEACHING CORPS—MEETING THE SHORTAGE OF TEACHERS

Mr. WOLFF. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FASCELL. Mr. Speaker, Mr. Floyd Christian, superintendent of public education in the State of Florida, recently called attention to Florida's critical shortage of, and growing need for, qualified teachers.

> In ten years—

He noted—

> we have more than doubled our school population—from 500,000 to 1.3 million.

Further, he pointed out that Florida's out-of-State supply sources for teachers are drying up.

Florida's acute shortage of teachers is no different than that faced by other States; indeed, in recent months we have *read of teacher shortages from coast to* coast. The annual national shortage of teachers is estimated at 170,000. Where are we to find new sources of badly needed teachers? Where, especially, can we find teachers willing to teach in slum schools?

Florida has found a glimmer of an answer in its own Teacher Corps program, based at the University of Miami and operating in 10 schools in Dade and Broward Counties. This year we are fortunate in having 30 Teacher Corps members *teaching in these 10 schools.*

The Dade County Public Schools supervisor of Corps teams, Dr. Terence O'Connor, has stated:

> The Corps members have been most useful in implementing school curricula designed especially for the culturally deprived pupils in Dade County.

Mr. Speaker, the Teacher Corps has been successful not only in Florida but elsewhere; during the First Lady's recent trip through Tennessee, West Virginia, and North Carolina, we saw several of these Corps projects at work. Buttressed by the knowledge of the successful accomplishments of the pilot programs of the Teacher Corps, I am hopeful that the overall program will be augmented and expanded in the coming year.

I think it is appropriate at this time to call to the attention of our colleagues an article from the Miami Herald which details some of the achievements of the 10 schools in Florida that are fortunate enough to be participating in the Teachers Corps program:

EXPERIMENT IN LEARNING—SPECIAL TEACHING TEAMS ARE "GETTING THROUGH" TO DADE'S SLOW LEARNERS

(By Jo Werne)

Howard Hummel draped his big frame across a little kiddie chair in the special classroom at Tucker Elementary School and held a microphone up to a tiny smiling face.

"I ain't got none of these," chirped the little face.

A frown from the big face caused an instant change in the vocabulary.

"I don't have any of these," came the corrected sentence out of grinning lips. The youngster's "school talk," replacing her "home talk," brought a compliment from Hummel who is so excited about teaching, you'd think he invented it.

In a way he has.

A 23-year-old graduate student in education at the University of Miami, Hummel is part of a three-person teaching team working with disadvantaged children under an experiment called the National Teaching Corps.

Florida has but 10 of the special NTC teams—seven in Dade County, three in Broward County—working in conjunction with the School of Education at the University of Miami.

Each team is composed of a master teacher and two interns. Mrs. Lucy Horne, a teacher with 10 years' experience in Dade County schools, is the master teacher in the Tucker Elementary (3500 Douglas Rd., Coconut Grove) team. Hummel and Mrs. Polly Hubbell are the interns.

NTC interns work toward their master's degrees in education while teaching three days a week. They receive the same salary as a beginning teacher in Dade County schools, plus their tuition for graduate work.

The team's class is made up of several little groups of children who leave their regular classrooms for the special instruction. The children are low achievers, *unsuccessful in a regular class where too many* pupils hinder a teacher from spending time with the poorer students.

"That's where we come in," said Mrs. Hubbell, a pert brown-eyed mother of a four-year-old who goes to nursery school while mama learns to be a teacher.

"These children can learn but they must *experience some success before learning can* take place," she said. "After they spend some time in this special class they can return to their regular classes and hopefully compete with the other children."

"Success begets success," added Hummel. "It's amazing to us what these children can accomplish once they realize someone is interested in them and cares whether they learn."

Because the prime problem at Tucker Elementary is the non-reader and slow reader, the team uses a multi-sensory approach so that the child learns to read by using eyes, ears, and fingers.

Drawing letters on a piece of lined paper is just too "abstract" for some slow learners. So they make their letters out of strips of clay, write their names in sand, cut out their P's and Q's from brightly colored paper.

Eventually, they move into reading and writing classes along with the average student.

Hummel, a speech and drama major during his undergraduate days, uses his background in teaching the children to verbalize about their experiences. Using a tape recorder, Hummel encourages the children to tell stories while using their "school language" (i.e. proper grammar as compared to the language the youngster uses at home).

Many other teaching aids and methods are employed, but the goal is always the same—to help the youngsters learn at their own level and speed.

A major problem the team faced at the beginning of the year was "getting the children motivated," explained Mrs. Horne, who has the kind of "teacher's voice" that demands instant respect from students.

Many of the youngsters come from homes in which there is no father, a working mother, several children, and no one to give them the attention they crave, she said. The children get little help with their school work. No one asks, "What did you do in school today?"

"Once these children realize that we care about them they became very responsive to instruction and very affectionate," said Hummel. "The kids sometimes call us mommy and daddy . . . it kind of gets you."

Difficulty in learning to read is just one part of the complex problem a teacher faces when working with a disadvantaged child, Mrs. Hubbell pointed out.

"The children don't know they are important . . . that they have an identity. They don't know who they are."

To help the children "value themselves" the interns have helped each youngster create a scrap book picturing the child in his own neighborhood, with his family and friends.

"I am Theresa," declares a carefully lettered page. "I has a coat . . . I has shoes." The grammar lapses into the child's "home language" which is allowed in this instance because the youngsters need this type of language in order to identify with the little person in the photographs.

The interns also visit the children's homes in the evenings to talk with the parents about their youngsters' progress. For some parents it's the first time they've chatted with a teacher.

"We've never been rebuffed," said Mrs. Hubbell. "All the parents seem so grateful that we are interested in their children."

The NTC team also takes the children on field trips to a farm, the zoo, a department store and other places most of them have never seen before. Some of the children have never been out of their neighborhoods *and have none of the background a middle* class child brings to class with him, the teachers explained.

When the children returned from their trips they wrote about what they saw. (The highlight of the trip to the farm was that a little girl got car sick. It was dutifully reported on a large poster—"Annie got sick *again"—along with a description of the* cows, chickens and pigs.)

The interns say they are getting superb training they claim isn't available in schools of education.

"Student teachers always learn how to teach the middle class child," said Hummel. "Even the teaching manuals and materials deal with the average, middle class student.

"No teacher is ever prepared for what he'll find in teaching the disadvantaged youngster. The training I'm getting is so stimulating I don't think I could ever be challenged teaching average students."

But the current fear is that the NTC program may not be refunded for the second year. The last Congress gave the NTC only $7.5 million, just enough to see it through the current academic year, although contracts were signed for two years. The program has paid teams totaling 1,227 persons—262 master teachers and 965 corpsmen—in the nation.

(President Johnson recently stated he would propose legislation to "extend and enlarge the Teacher Corps." Refunding would permit a total of 3,700 corpsmen to enter classrooms in September.)

Other teams besides the Tucker Elementary team, have been involved in a variety of projects. For example.

At Dorsey Junior High, master teacher Judy Reeder, a writer in a Ford Foundation project which produced Miami Linguistic readers, agreed to work with the "hard-core" cases.

She went to Juvenile Court with delinquent children—the first time someone from the school had gone to represent a child. (Even the parents don't always go with the child.) Mrs. Reeder discovered that while children are required to attend school at Juvenile Hall, they are marked absent at their regular school. All these school absences are counted in a child's record and also counted in relation to state aid to schools. Mrs. Reeder was successful in getting this policy changed.

At Carver Junior High, the principal and administrators pinpointed 20 youngsters with serious problems in attendance, learning and juvenile delinquency. The NTC team formed a "20 Teens Club," gave group counseling and took the children on field trips. Attendance and behavior improved substantially.

The NTC teams also work with gifted pupils and good achievers. At Dorsey Junior High 14 exceptionally bright students receive language arts enrichment and take field trips.

Other Dade schools with NTC teams are Holmes Elementary, North County Elementary, and Mays Junior-Senior High School. In Broward NTC teams are working at Chester A. Moore Elementary, Everglades Junior High and Collins Elementary. The schools must have a large concentration of children from low income families in order to qualify for a NTC team.

But the real test of success is not what happens in the special classes, but what happens when the children return to their regular classroom. At Tucker, second grade teacher Mrs. Erving Gardner, sent 14 of her pupils to the NTC classes.

"When they returned 10 were able to continue with the regular studies while four continue to need special attention," she said. "But the biggest change has been in the children's attitude.

"They're much more interested in learning."

As for the children, they leave no doubt that they like their trio of teachers and the special classes.

"I like to be here," confided one little boy to his team teachers. "I'm smart in here."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Hicks, for Thursday, April 13, and the balance of the week, on account of Armed Services Committee business out of the city.

Mr. Carey (at the request of Mr. Daniels), for Thursday, April 13, on account of official business.

Mr. Randall, for Thursday, April 13, 1967, on account of official business in district.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Roush to include tables in the remarks he made in Committee today.

(The following Members (at the request of Mr. Watkins) and to include extraneous matter:)

Mr. Bell.
Mr. Fino.
Mr. Kuykendall.
Mr. Schwengel.
Mr. Cramer.
Mr. Schadeberg.

(The following Member (at the request of Mr. Wolff) and to include extraneous matter:)

Mr. Vanik.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3. An act to provide effective procedures for the enforcement of the establishment and free exercise clauses of the first amendment to the Constitution; to the Committee on the Judiciary.

S. 1216. An act to authorize appropriations during fiscal year 1967 for use by the Secretary of Defense for acquisition of properties pursuant to section 1013 of Public Law 89-754, and for other purposes; to the Committee on Banking and Currency.

ADJOURNMENT

Mr. WOLFF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p.m.) the House adjourned until tomorrow, Thursday, April 13, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

642. A letter from the Deputy Secretary of Defense (Properties and Installations), transmitting a notification of the location, nature, and estimated cost of two facilities projects proposed to be undertaken for the Army National Guard, pursuant to the provisions *of 10 U.S.C. 2233a(1); to the Committee on* Armed Services.

643. A letter from the Secretary of the Army, transmitting the semiannual report of Department of the Army contracts for military construction awarded without formal advertisement, pursuant to the provisions of Public Law 89-568; to the Com*mittee on Armed Services.*

644. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize suits in the courts of the District of Columbia for collection of taxes owed to States, territories, or possessions, or political subdivisions *thereof*, when the reciprocal right is accorded to the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

645. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioners of the District of Columbia to establish, or cooperate in the establishment of, a laboratory for the testing of materials, and for other purposes; to the Committee on the District of Columbia.

646. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioners of the District of Columbia to enter into joint contracts for supplies and services on behalf of the District of Columbia and for other political divisions and subdivisions in the National Capital region; to the Committee on the District of Columbia.

647. A letter from the Attorney General, transmitting the report of the activities of the Department of Justice for the fiscal year ended June 30, 1966, pursuant to law; to the Committee on the Judiciary.

648. A letter from the Deputy Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend sections 40c(1) and 52a of the Bankruptcy Act so as to reallocate part of the filing fee from the clerk's earnings to the referees' salary and expense fund; to the Committee on the Judiciary.

649. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend the act of July 4, 1966 (Public Law 89-491); to the Committee on the Judiciary.

650. A letter from the Secretary of State, transmitting a draft of proposed legislation to complement the Vienna Convention on Diplomatic Relations; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 1318. A bill to amend the Food Stamp Act of 1964 for the purpose of authorizing appropriations for fiscal years subsequent to the fiscal year ending June 30, 1967; with amendment (Rept. No. 189). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 8415. A bill to provide that certain highways extending from Laredo, Tex., to the point where U.S. Highway 81 crosses the border between North Dakota and Canada shall be known collectively as the Pan American Highway; to the Committee on Public Works.

By Mr. ASPINALL:

H.R. 8416. A bill to provide for a national scenic rivers system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURTON of California:

H.R. 8417. A bill to amend the Immigra*tion and Nationality Act to* authorize the Attorney General to waive the exclusionary provisions of section 212(a)(19) with respect to certain additional alien relatives of U.S. citizens and permanent resident aliens; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 8418. A bill to repeal the authority for the current wheat and feed grain programs and to authorize programs that will permit the market system to work more effectively for wheat and feed grains, and for other purposes; to the Committee on Agriculture.

By Mr. CORMAN:

H.R. 8419. A bill to reduce crime and improve criminal procedures in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FINO:

H.R. 8420. A bill to establish within the Housing and Urban Development Department a new program of mortgage insurance to assist in financing the construction, improvement, expansion, and rehabilitation of harbor facilities for boating and commercial craft; to the Committee on Banking and Currency.

H.R. 8421. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

H.R. 8422. A bill to amend the Urban Mass Transportation Act of 1964 to increase the amounts authorized for grants thereunder, to increase the amounts available for major metropolitan areas, and for other purposes; to the Committee on Banking and Currency.

H.R. 8423. A bill to amend the Clean Air Act in order to authorize an investigation and study to determine means of propeling vehicles so as not to contribute to air pollution; to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER:

H.R. 8424. A bill to strengthen State and local governments, by sharing Federal taxes with the States and their political subdivisions out of funds derived from a cutback in projected new expansion of grant-in-aid programs and as a substitute for portions of existing grant-in-aid expenditures; to the Committee on Ways and Means.

By Mrs. GRIFFITHS:

H.R. 8425. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GURNEY:

H.R. 8426. A bill to amend the Federal Power Act, as amended, in respect of the jurisdiction of the Federal Power Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT:

H.R. 8427. A bill to amend the Internal Revenue Code of 1954 to increase, for 1968 and 1969, the personal income tax exemptions of a taxpayer from $600 to $800, and to provide that for taxable years beginning after 1969 such exemptions shall be $1,000; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 8428. A bill to increase the membership of the Board of Visitors to the Naval Academy, and for other purposes; to the Committee on Armed Services.

H.R. 8429. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 8430. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

By Mr. LANDRUM:

H.R. 8431. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McDONALD of Michigan:

H.R. 8432. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MEEDS:

H.R. 8433. A bill to amend the Vocational Education Act of 1963; to the Committee on Education and Labor.

By Mr. MOSS:

H.R. 8434. A bill to amend the Public Health Service Act in order to authorize quality grants for schools of veterinary medicine and scholarships for students of veterinary medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. POLLOCK:

H.R. 8435. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness), and to allow an additional deduction, on account of each such exemption, based on the cost of living in the State in which the taxpayer resides; to the Committee on Ways and Means.

By Mr. ROGERS of Colorado:

H.R. 8436. A bill to provide that a church and its minister may elect to have such minister treated, for social security coverage and tax purposes, as an employee of such church regardless of his coverage as a self-employed individual (or his lack of coverage) under the provisions of law otherwise governing his coverage status; to the Committee on Ways and Means.

By Mr. TEAGUE of California:

H.R. 8437. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. TENZER:

H.R. 8438. A bill to amend the Internal Revenue Code of 1954 to increase the present dollar limits on the amount allowable as a child-care deduction, to increase income limits on eligibility for such deduction, and to increase the maximum age of a dependent child with respect to whom such deduction may be allowed; to the Committee on Ways and Means.

By Mr. BROCK:

H.R. 8439. A bill to amend the act of November 21, 1941 (55 Stat. 772), providing for the alteration, reconstruction, or relocation of certain highway and railroad bridges by the Tennessee Valley Authority; to the Committee on Public Works.

By Mr. CAHILL:

H.R. 8440. A bill to provide for a national program of flood insurance; to the Committee on Banking and Currency.

H.R. 8441. A bill to give the President authority to alleviate or to remove the threat to navigation, safety, marine resources, or the coastal economy posed by certain releases of fluids or other substances carried in ocean-going vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. FINO:

H.R. 8442. A bill to authorize a program of research, development, and demonstration projects for electrically powered vehicles; to the Committee on Interstate and Foreign Commerce.

By Mr. HANLEY:

H.R. 8443. A bill declaring October 12 to be a legal holiday; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 8444. A bill to amend the public health laws relating to mental health to extend, expand, and improve them, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 8445. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 8446. A bill relating to the appointment of the Director of the Federal Bureau of Investigation; to the Committee on the Judiciary.

By Mr. KYL:

H.R. 8447. A bill to restrict imports of dairy products; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 8448. A bill to encourage exportation of agricultural commodities; to the Committee on Agriculture.

By Mr. MESKILL:

H.R. 8449. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in benefits with a minimum primary benefit of $75, plus subsequent cost-of-living increases in such benefits, with the cost of these changes being financed out of the general revenues; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 8450. A bill to amend the Service Contract Act of 1965 to exclude from such act contracts with the Post Office Department the principal purpose of which is the transportation, handling, or delivery of the mails; to the Committee on Education and Labor.

H.R. 8451. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. TENZER:

H.R. 8452. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him in connection with his education, or the education of his spouse or any of his dependents at an institution of higher learning, with the right to postpone such deduction and claim it in subsequent taxable years to the extent necessary to obtain the full benefit thereof; to the Committee on Ways and Means.

By Mr. BEVILL:

H.R. 8453. A bill to increase to 5 years the maximum term for which broadcasting station licenses may be granted; to the Committee on Interstate and Foreign Commerce.

H.R. 8454. A bill to amend title VI of the Civil Rights Act of 1964 to require that hearings on the discontinuation of Federal assistance be held in the State affected; to the Committee on the Judiciary.

H.R. 8455. A bill to amend the Appalachian Regional Development Act of 1965; to the Committee on Public Works.

By Mr. BRADEMAS:

H.R. 8456. A bill to amend the Vocational Education Act of 1963 to provide Federal assistance for exemplary and innovative programs and projects, to provide for fellowship and exchange programs for vocational education teachers and educators, and for other purposes; to the Committee on Education and Labor.

By Mr. BROWN of Michigan:

H.R. 8457. A bill to amend the National Traffic Motor Vehicle Safety Act of 1966 relating to the application of certain standards to vehicles produced by small manufacturers; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAMER:

H.R. 8458. A bill to provide for the best care, welfare, and safeguards against suffering for certain animals used for scientific purposes without impeding necessary research; to the Committee on Interstate and Foreign Commerce.

By Mr. CUNNINGHAM:

H.R. 8459. A bill to amend title 39, United States Code, to provide for the issuance of postage stamps solely pursuant to special act of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FINO:

H.R. 8460. A bill to authorize a program of research, development, and demonstration projects for hydrofoil watercraft; to the Committee on Merchant Marine and Fisheries.

By Mr. FRIEDEL:

H.R. 8461. A bill to provide Federal financial assistance to public agencies and institutions and to hospitals and other private, nonprofit organizations to enable them to carry on comprehensive family planning programs; to the Committee on Interstate and Foreign Commerce.

By Mrs. GREEN of Oregon:

H.R. 8462. A bill to establish in the Department of Health, Education, and Welfare a program of grants and fellowships to improve the education of students attending institutions of higher education in preparation for entrance into the service of State, local, or Federal governments, and to attract such students to the public service, and for other purposes; to the Committee on Education and Labor.

By Mr. McCARTHY:

H.R. 8463. A bill to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:

H.R. 8464. A bill to amend title 5, United States Code, to provide additional group life insurance and accidental death and dismemberment insurance for Federal employees and additional life insurance for retired Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8465. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 8466. A bill to amend title 5, United States Code, to provide for the immediate retirement of Federal civilian personnel on oceangoing vessels upon separation from the service after attaining 50 years of age and completing 20 years of service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RYAN:

H.R. 8467. A bill to amend the Clean Air Act to improve and expand the authority to conduct or assist research relating to air pollutants, to assist in the establishment of regional air quality commissions, to authorize establishment of standards applicable to emissions from establishments engaged in certain types of industry, to assist in establishment and maintenance of State programs for annual inspections of automobile emission control devices, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALKER:

H.R. 8468. A bill to authorize the Secretary of the Interior to carry out a program of restoration and development of migratory waterfowl habitat in the Middle Rio Grande Valley, N. Mex., in furtherance of the purposes of the Migratory Bird Treaties with Canada and Mexico; to the Committee on Merchant Marine and Fisheries.

By Mr. WAMPLER:

H.R. 8469. A bill to provide for the sharing with the State and local governments of a portion of the tax revenues received by the United States; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 8470. A bill to provide for a study of the feasibility of the establishment of a quasi-public corporation for oceanographic research and development; to the Committee on Merchant Marine and Fisheries.

By Mr. MOSS:

H.R. 8471. A bill to reduce crime and improve criminal procedures in the District of Columbia; to the Committee on the District of Columbia.

H.R. 8472. A bill to amend title 38 of the United States Code to increase to $30,000 the maximum servicemen's group life insurance which may be provided members of the uniformed services on active duty, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. OLSEN:

H.R. 8473. A bill to provide for an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operation, to expand summer camp opportunities for disadvantaged children, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER:

H.R. 8474. A bill to amend title 5, United States Code, to provide for the excused absence from duty, without loss of pay or reduction in annual or sick leave, of Federal employees in areas covered by official warnings of imminent danger of hurricanes or other inherently dangerous weather conditions, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GUDE:

H.J. Res. 500. Joint resolution to designate the second week of May of each year as National School Safety Patrol Week; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.J. Res. 501. Joint resolution to provide for the designation of the third week in May of each year as National Credit Week; to the Committee on the Judiciary.

By Mr. PATTEN:

H.J. Res. 502. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.J. Res. 503. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BROWN of California:

H. Res. 429. Resolution creating a select committee to conduct an investigation of attempts to interfere with free competition in the sale of certain insurance coverage; to the Committee on Rules.

By Mr. HANNA:

H. Res. 430. Resolution creating a select committee to conduct an investigation of attempts to interfere with free competition in the sale of certain insurance coverage; to the Committee on Rules.

By Mr. SELDEN:

H. Res. 431. Resolution relative to the anniversary of the founding of the Pan American Union; to the Committee on Foreign Affairs.

By Mr. BATES:

H. Res. 432. Resolution to print as a House document the eulogy proceedings on the late Christian Archibald Herter; to the Committee on House Administration.

By Mr. ROONEY of Pennsylvania:

H. Res. 433. Resolution extending the greetings and felicitations of the House of Representatives to the citizens of Bethlehem, Pa., on the occasion of its dual anniversaries; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 8475. A bill for the relief of Lorenzo Sciortino; to the Committee on the Judiciary.

By Mr. CAHILL:

H.R. 8476. A bill to confer U.S. citizenship posthumously upon Pfc. Alfred Sevenski; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 8477. A bill for the relief of Gregorios Cantaris; to the Committee on the Judiciary.

H.R. 8478. A bill for the relief of Genovefa Coulafakis; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.R. 8479. A bill for the relief of Joeck Kuncek; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 8480. A bill for the relief of Bock Corp. of Madison, Wis.; to the Committee on the Judiciary.

By Mr. O'NEAL of Georgia:

H.R. 8481. A bill for the relief of Richard Belk; to the Committee on the Judiciary.

By Mr. PASSMAN:

H.R. 8482. A bill to direct the Secretary of the Interior to adjudicate a claim to certain land in Union, Jackson, and Winn Parishes, La.; to the Committee on Interior and Insular Affairs.

By Mr. PUCINSKI:

H.R. 8483. A bill for the relief of Mrs. Czeslawa Niewiarowska; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 8484. A bill for the relief of Carmela Fontana; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.R. 8485. A bill for the relief of Eddie Garman; to the Committee on the Judiciary.

SENATE

WEDNESDAY, APRIL 12, 1967

The Senate met at 11 o'clock a.m., and was called to order by Hon. HOWARD H. BAKER, JR., a Senator from the State of Tennessee.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, our Father—for this sacramental moment, closing the doors to a noisy world full of terror and alarm, we enter this pavilion of quietness and peace, to acknowledge our utter dependence upon Thee—Thou who hast made us in Thy image.

Forgive us for smug satisfaction with ourselves and for our cynical contempt of others. Purge our minds of prejudices out of which we make walls separating us from our fellow man. Cleanse our hearts of the uncleanness which blinds our eyes to the splendor of spiritual verities.

As work, and worry, and hopes deferred take their constant toll of our human strength, grant us as laborers together with Thee a sense of untapped spiritual resources and restore our souls with the joyous strength of Thy salvation.

As here we face the questions which confront us, and almost confound us, give us to know clearly the things that belong to our peace and to the peace of the world in righteousness and justice.

"That we may tell our sons who see the light
High in the heavens, their heritage to take,
I saw the powers of darkness put to flight,
I saw the morning break."

We ask it in the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 12, 1967.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HOWARD H. BAKER, JR., a Senator from the State of Tennessee, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. BAKER thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 11, 1967, was dispensed with.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED JOINT RESOLUTION SIGNED

Under authority of the order of the Senate of April 11, 1967,

The Secretary of the Senate, on April 11, 1967, received a message from the House of Representatives, which announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 65) to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees, and it was signed by the Vice President.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on April 11, 1967, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 65) to extend the period for making no change of conditions under section 10 of the Railway Labor Act applicable in the current dispute between the railroad carriers represented by the National Railway Labor Conference and certain of their employees.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 2512) for the general revision of the copyright law, title 17 of the United States Code, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 2512) for the general revision of the copyright law, title 17 of the United States Code, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

RECOGNITION OF SENATOR HATFIELD

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished junior Senator from Oregon [Mr. HATFIELD], is to be recognized before 11:30 if the morning business is concluded prior to that time, or, if not, at 11:30. Is my understanding correct?

The ACTING PRESIDENT pro tempore. The Senator's understanding is correct.

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the following subcommittees were authorized to meet during the session of the Senate today:

The Subcommittee on Improvements in the Judiciary Committee of the Committee on the Judiciary.

The Subcommittee on Investigations of the Committee on Government Operations.

The Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary.

On request of Mr. SPARKMAN, and by unanimous consent, the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare was authorized to meet during the session of the Senate today.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF MARKETING QUOTA PROVISIONS OF AGRICULTURAL ADJUSTMENT ACT OF 1938

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT ON MILITARY PROCUREMENT ACTIONS FOR EXPERIMENTAL, DEVELOPMENTAL, TEST, OR RESEARCH WORK

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on military procurement actions for experimental, developmental, test, or research work, for the 6-month period ended December 31, 1966 (with an accompanying report); to the Committee on Armed Services.

AMENDMENT OF SECTION 14 OF NATURAL GAS ACT

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting a draft of proposed legislation to amend section 14 of the Natural Gas Act (with an accompanying paper); to the Committee on Commerce.

AMENDMENT OF NATURAL GAS ACT, TO REQUIRE A CERTIFICATE IN CERTAIN CASES

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the Natural Gas Act to require a certificate of public convenience and necessity for the acquisition of a controlling interest, through the ownership of securities or in any other manner, of any person engaged in the transportation of natural gas, and for other purposes (with an accompanying paper); to the Committee on Commerce.

AMENDMENT OF ACT TO IMPROVE AND EXTEND THE ENFORCEMENT OF DUTIES OF SUPPORT (71 STAT. 285, D.C. CODE 30–308)

A letter from the president, the Bar Association of the District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to amend section 8 of the act approved July 10, 1957, to improve and extend through reciprocal legislation the enforcement of duties of support (71 Stat. 285, D.C. Code 30–308) (with an accompanying paper); to the Committee on the District of Columbia.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on excess military assistance ammunition and weapons in Turkey (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on materiel readiness of Hawk missile systems in the 32d Artillery Brigade of the 7th U.S. Army in Germany (with an accompanying report); to the Committee on Government Operations.

INTERGOVERNMENTAL MANPOWER ACT OF 1967

A letter from the Chairman, U.S. Civil Service Commission, Washington, D.C., transmitting a draft of proposed legislation to improve intergovernmental cooperation and grant-in-aid program administration; to assist State and local governments in strengthening their staffs by improving personnel administration and extending merit principles and by providing support for training of public employees; to permit temporary assignments of personnel between Federal and State and local governments; and for other purposes (with accompanying papers); to the Committee on Government Operations.

REPORT OF DIVISION OF COAL MINE INSPECTION, BUREAU OF MINES

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the Division of Coal Mine Inspection, Bureau of Mines, for the calendar year 1966 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPEAL OF CERTAIN PROVISIONS OF SECTION 41 OF THE ACT OF MARCH 2, 1917

A letter from the Director, Administrative Office of the U.S. Courts, Washington, D.C., transmitting a draft of proposed legislation to repeal the provisions of section 41 of the act of March 2, 1917, as amended, relating to the U.S. District Court for the District of Puerto Rico (with an accompanying paper); to the Committee on the Judiciary.

APPOINTMENT OF ADDITIONAL CIRCUIT JUDGES

A letter from the Director, Administrative Office of the U.S. Courts, Washington, D.C., transmitting a draft of proposed legislation to provide for the appointment of additional circuit judges (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON ADMINISTRATION OF PUBLIC LAWS 874 AND 815

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of the Commissioner of Education on the administration of Public Laws 874 and 815, 81st Congress, for the fiscal year ended June 30, 1966 (with an accompanying report); to the Committee on Labor and Public Welfare.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1967

A letter from the Director, Office of Economic Opportunity, transmitting a draft of proposed legislation to provide an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operation, to expand summer camp opportunities for disadvantaged children, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

EXPRESSION OF APPRECIATION OF CANADIAN HOUSE OF COMMONS

A letter from the Speaker, House of Commons, Canada, expressing the appreciation of that House, for the enactment of the concurrent resolution extending the congratulations of the Congress on the occasion of the Centennial of Canadian Confederation; which was ordered to lie on the table and to be printed in the RECORD, as follows:

HOUSE OF COMMONS,
CHAMBRE DES COMMUNES,
Ottawa, Canada, March 28, 1967.

Hon. HUBERT H. HUMPHREY,
President of the U.S. Senate,
Washington, D.C.

MY DEAR MR. PRESIDENT: My colleagues in the Canadian House of Commons have requested me, on their behalf, to write to you and convey through your kind offices to all members of the United States Senate, their deepest appreciation for the Concurrent Resolution adopted on March 21st last. This Resolution, extending the congratulations of the United States Congress on the occasion of the Centennial of Canadian Confederation was received with warmth and gratitude by all Members of the House of Commons, characterizing as it did the closest friendship and affection that is always present in relations between our two countries.

Equally appreciated by our Members were the thoughtful remarks made by Senator George Aiken in introducing the Resolution. As a charter member of the Canada-United States Interparliamentary Group, Senator Aiken has won the friendship and affection of all Canadians who have participated in our annual visits. We look forward with much pleasure to welcoming him to Canada once again as a Co-Chairman of our Tenth Meeting in a few weeks' time and expressing our gratitude to him in a more personal way.

I am, my dear Mr. President,

Sincerely yours,

Lucien Lamoureux,
Speaker.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Armed Services:

"House Concurrent Resolution

"Whereas, the United States of America exercises administrative control of the Government of the Ryukyu Islands under the terms and provisions of the Japan-American peace treaty of World War II; and

"Whereas, there appears to be growing political unrest in the Ryukyu Islands and other areas of the Far East because of the military commitment of the United States in the Far East; and

"Whereas, such political unrest may be prevented through improved diplomatic, economic and social relations between the United States and the governments of the countries of the Far East, and specifically with the Government of the Ryukyu Islands; and

"Whereas, the United States has been providing economic assistance to the Government of the Ryukyu Islands under the Price Act (PL-86-629), as amended; and

"Whereas, there has been a long standing ceiling of $12 million on the amount of economic assistance which could be rendered to the Government of the Ryukyu Islands under the Price Act; and

"Whereas, there exists a Long-Range Plan for the Economic and Social Development of the Ryukyu Islands jointly developed by the United States Civil Administration of the Ryukyu Islands, and arm of the United States Government, and the Government of the Ryukyu Islands; and

"Whereas, increased American economic aid is urgently needed now to assist in the economic, educational and social growth of the Ryukyu Islands as provided in the Long-Range Plan for the Economic and Social Development of Ryukyus; and

"Whereas, Chief Executive Seiho Matsuoka of the Ryukyu Islands is speeding to Washington, D.C., to officially request the Congress of the United States to amend the Price Act to provide for increased United States economic aid to the Government of the Ryukyu Islands; now, therefore,

"Be it resolved by the House of Representatives of the Fourth Legislature of the State of Hawaii, General Session of 1967, the Senate concurring, that the Congress of the United States is respectfully requested to amend the Price Act (PL-86-629), as amended, to provide for increased economic assistance to the Government of the Ryukyu Islands, thereby enhancing the economic, educational and social growth of the people of these islands; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, Senator Hiram L. Fong, Senator Daniel K. Inouye, Congressman Spark M. Matsunaga and Congresswoman Patsy T. Mink."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Armed Services:

"Assembly Joint Resolution 7

"Assembly joint resolution—Urging an early military victory in Vietnam

"Whereas, The air, ground and naval power of the Armed Forces of the United States are wreaking havoc on the enemy in Vietnam by disrupting communications, transportation and industry; and

"Whereas, Successful military operations cannot be carried out by imposing artificial political restraints on the military commanders of such operations; and

"Whereas, There is a widespread political and psychological campaign in the United States and other parts of the world for the Government of the United States to renounce military victory in favor of the dubious values to be gained at the negotiating table; and

"Whereas, There is reason to believe that the premature negotiation of a cease-fire in the Korean War has led to the loss of strategic political and military position in Asia; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the legislature of the State of Nevada urges the Government of the United States of America to prosecute the Vietnam conflict with every conventional military means at its disposal, in order to bring the conflict to a successful military conclusion as early as possible; and be it further

"*Resolved,* That copies of this resolution be prepared and transmitted by the legislative counsel to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to the members of the Nevada congressional delegation."

A joint resolution of the Legislature of the State of Minnesota; to the Committee on Finance:

"S.F. No. 783

"A resolution memorializing the Congress of the United States to return to the States a portion of the income taxes collected in each such State

"Whereas, the federal income tax is imposed upon the salaries and wages of employees of the states and local governments, and, therefore, require the states and local governments to increase employees salaries in an amount sufficient to permit their employees to pay such federal income tax, which increase is actually obtained by levying increased taxes at the state and local level; and

"Whereas, the federal government is not permitted to levy taxes directly against any state or local government and the principles of good government should not permit the federal government to indirectly levy taxes upon the operation of state or loval government and thereby increase their costs; and

"Whereas, there are expanded demands in health, welfare, education, transportation, air pollution, water pollution, crime prevention, highway safety, and other areas; and

"Whereas, services in these areas are in the jurisdiction and concern of the states and can be rendered more efficiently, economically and expeditiously by state government and its political subdivisions; and

"Whereas, many federal grant-in-aid programs which require matching funds to be provided by the states tend to restrict the states in their efforts to develop budgets which are consonant with the needs of the states; and

"Whereas, limitation of tax sources seriously handicaps the states in properly carrying forward its function in these areas; and

"Whereas, the present federal income taxes seriously inhibit the imposition of additional taxes by state governments and the political subdivisions; and

"Whereas, the federal government could, without adversely affecting the economic or military power of the United States, contribute some share of the revenues derived from the taxation of income toward enabling the several states to meet their responsibilities to their citizens; now, therefore,

"Be it resolved by the Legislature of the State of Minnesota that the Congress of the United States be requested to enact legislation providing that the several District Directors of the Internal Revenue Service remit to each of the several states on or before October 1 of each year, five percent of the total of all income taxes paid by the individuals domiciled in each of the several states, for the fiscal year ended June 30 next preceding; that the total of income taxes paid by individuals in any year ending on June 30 shall be the total income taxes collected from individuals in such fiscal year less refunds of income taxes made to individuals; and that no restrictions, with respect to the disposition of the amounts so remitted, be imposed by the Congress of the United States upon the several states; and

"Be it further resolved that the Secretary of State furnish copies of this Resolution to the President of the United States, Vice President of the United States, Speaker of the United States House of Representatives and to all members of the Minnesota Congressional Delegation in Washington, D.C."

A concurrent resolution of the Legislature of the State of Arkansas; to the Committee on Finance:

"House Concurrent Resolution 59

"Resolution requesting the Congress of the United States to amend the Federal income tax law to permit a deduction for State income tax paid from the amount of income tax due the Federal Government

"Whereas, the federal income tax law permits the deduction of state income taxes paid in arriving at net taxable income; and

"Whereas, it has been advocated that the federal government establish a system of returning to the states a portion of the federal taxes; and

"Whereas, it is believed that the most equitable way of returning to the states taxes otherwise accruing to the federal government would be to permit the taxpayers to deduct the amount of their state income tax from the amount of taxes due the federal government, Now, therefore

"*Be it resolved by the House of Representatives of the sixty-sixth General Assembly of the State of Arkansas, the Senate concurring therein:*

"That the Congress of the United States is respectfully requested to amend the federal income tax law to permit a taxpayer to deduct from the amount of federal income taxes due the amount of any state income taxes paid by such taxpayer.

"*Be it further resolved* that upon adoption hereof a copy of this Resolution shall be furnished, by the Secretary of State, to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States, and to each member of the Arkansas Congressional Delegation."

A resolution of the General Court of the

Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION INCREASING THE MONTHLY PAYMENTS UNDER THE FEDERAL SOCIAL SECURITY ACT TO $200

"*Whereas,* The cost of the necessities of life in this country has risen to an all time high; and

"*Whereas,* A substantial portion of the people of this nation depend to a large extent if not entirely upon the monthly payments received by them under the Social Security program; and

"*Whereas,* The current monthly payments under said program have now become grossly inadequate for their needs; and

"*Whereas,* An increase of such maximum payments to two hundred dollars per month would tend to relieve such conditions; therefore be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation increasing the maximum monthly payments to persons under the federal Social Security Act to two hundred dollars; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress, and to the members thereof from this Commonwealth.

"House of Representatives, adopted, March 21, 1967.

"WILLIAM C. MAIERS,
"*Clerk.*

"Senate, adopted in concurrence, March 23, 1967.

"NORMAN L. PIDGEON,
"*Clerk.*

"[SEAL]
"Attest:

"KEVIN H. WHITE,
"*Secretary of the Commonwealth.*"

A resolution of the Senate of the State of Arizona; to the Committee on Interior and Insular Affairs:

"SENATE MEMORIAL NO. 3

"A memorial relating to the Enabling Act and urging the Congress of the United States to amend the Enabling Act to permit each township to allocate four additional sections of land for common school, high school and junior college purposes

"*To the Congress of the United States of America:*

"Your memorialist respectfully represents:

"Section 24 of the Enabling Act, which enabled the people of the Territory of Arizona to form a Constitution and State Government, provides in part "That in addition to sections sixteen and thirty-six heretofore reserved for the Territory of Arizona, sections two and thirty-two in every township in said proposed State not otherwise appropriated at the date of the passage of this Act are hereby granted to said State for the support of common schools; * * *."

"During the past half-century the State of Arizona has grown at a rapid rate and its problems relating to education have grown proportionately. The allocation of four sections of land in each township for common school education, although adequate at the commencement of Statehood, is at this time inadequate.

"With the influx of population and the commensurate requirements of education, the need for additional land for common schools, high schools and junior colleges becomes a necessity.

"Wherefore your memorialist, the Senate of the State of Arizona prays:

"1. That the Congress of the United States of America enact legislation amending section 24 of the Enabling Act of June 20, 1910, for the purpose of permitting the State of Arizona to allocate an additional four sections of land in each township, or if unavailable the selection of other lands in lieu thereof, for common school, high school and junior college purposes.

"2. That the Secretary of State of Arizona is directed to transmit a copy of this Memorial to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and to each member of the Arizona Congressional delegation."

A joint resolution of the Legislature of the State of Colorado; to the Committee on Interior and Insular Affairs:

"HOUSE JOINT MEMORIAL 1012

"Memorializing the Congress of the United States to enact legislation to provide Federal financial assistance for domestic gold producers

"Whereas, Since 1934, domestic gold producers have been required to sell their product only to the federal government at the established price of thirty-five dollars per ounce; and

"Whereas, Costs of producing this precious metal have continued to increase at an alarming rate, reflecting the impact of inflation upon the economics of gold mining and milling operations, with the result that virtually all gold producers in the United States have closed down their properties; and

"Whereas, Domestic gold production, which amounted to approximately 5,000,000 ounces in 1940, has now dropped to an annual rate slightly in excess of 1,300,000 ounces, while current domestic gold consumption for defense and space needs, industrial requirements, the arts and crafts, and dental use has rapidly risen to a significant rate of approximately 6,000,000 ounces per annum, over three times the production rate in the United States; and

"Whereas, The continuing outflow of gold and failure to solve our balance of payments deficit continues to be of ever greater national concern; and

"Whereas, The disparity between domestic consumption and production imposes an additional substantial drain upon the monetary gold reserves of the United States; and

"Whereas, Federal relief legislation revitalizing the gold mining industry in the United States could well end continuing substantial depletion of our monetary gold reserves to supply internal domestic gold consumption in the United States, which should alleviate to some extent concern in foreign circles over our monetary policies; and

"Whereas, Such legislation to stimulate domestic gold production is definitely in the national interest; now, therefore,

"*Be It Resolved by the House of Representatives of the Forty-sixth General Assembly of the State of Colorado, the Senate concurring herein:*

"That the Congress of the United States is hereby memorialized to enact necessary legislation to provide federal financial assistance payments to domestic gold producers, in order to aid in stabilizing the few existing United States gold properties, to reopen dormant gold mines, and to encourage aggressive exploration for new gold ore reserves in this country; and

"*Be It Further Resolved,* That a copy of this Memorial be transmitted to the President of the United States, the President of the Senate, the Speaker of the House of Representatives of the Congress of the United States, and to the members of the Congress from the State of Colorado.

"JOHN D. VANDERHOOF,
"*Speaker of the House of Representatives.*

"HENRY C. KIMBROUGH,
"*Chief Clerk of the House, of Representatives.*

"MARK A. HOGAN,
"*President of the Senate.*

"COMFORT W. SHAW,
"*Secretary of the Senate.*"

A joint resolution of the Legislature of the State of Colorado; to the Committee on Interior and Insular Affairs:

"HOUSE JOINT MEMORIAL 1011

"(A joint resolution memorializing the Congress of the United States to provide Federal financial assistance for domestic lead and zinc producers)

"Whereas, The development and utilization of Colorado's abundant mineral resources has always been and must continue to be one of the major components of the state's economic structure, providing not only a source of employment and income, but also a sound base for tax revenues and a substantial market outlet of agricultural and manufactured products in mining areas; and

"Whereas, This basic and essential mining industry has for many years been struggling under adverse economic conditions so severe that many major metal mining enterprises in the state, involving the production of antimony, tungsten, cobalt, mercury and other strategic metals, as well as most of our small lead and zinc producers, have been forced out of business, and even our large, nationally-important lead and zinc mines were reduced to the status of marginal operations prior to the 1965–1966 period of improved business conditions; and

"Whereas, This serious predicament of our mining industry is directly attributable to policies of the federal government which and exploitation of foreign mineral re· encourage and stimulate the development sources, and, through tariff concessions, permit the resultant low-cost foreign production relatively free access to United States markets; and

"Whereas, These policies, if continued, will not only threaten the economic survival of Colorado's metal mining industry, but will also impose a serious handicap on our nation's capacity to provide from domestic sources the basic requirements for national defense; and

"Whereas, The executive department of the federal government and both major political parties, as well as the Conference of Western Governors, as officially recognized the necessity for maining a domestic mining industry that is sufficiently vigorous and proficient to assure a minerals mobilization base adequate to national preparedness and security; and

"Whereas, Past efforts by the federal government to alleviate the depressed conditions which prevail in various segments of the domestic mining industry by means of short-range programs and temporary expedients, such as stockpiling, subsidies, and inflexible quota limitations, have not only proven ineffective and inadequate but have also resulted in the accumulation of substantial government stockpiles of some metals, including lead and zinc; and

"Whereas, Some of these stockpiles, including lead and zinc, now loom as an additional market threat to producers, because, under revised government stockpile objectives, they have been declared to be excessive and it is the intent and purpose of the responsible executive officials to dispose of the surpluses through market channels to obtain funds for use in balancing the national budget, contrary to all legislative intent; now, therefore, be it

"*Resolved by the House of Representatives of the Forty-sixth General Assembly of the State of Colorado, the Senate Concurring herein* That this General Assembly respectfully urges the Congress of the United States and the executive department of the federal government to formulate and put into effect with all deliberate haste a national minerals policy that will assure the preservation of a sound and stable domestic mining industry by reserving to domestic producers a fair and equitable share of domestic metal markets.

"We recommend that the implementation of this policy include as a minimum:

"1. Retention of Congressional control over national stockpiles so as to minimize, if not completely avoid, the adverse market impact of surplus disposal.

"2. Provision for adequate limitations on ore and metal imports when required, with import quotas to be applied when metal stocks of domestic producers exceed normal inventories needed to service domestic consumers, and the stabilization of these inventories at reasonable levels, thereby encouraging the maintenance of a strong and healthy mining industry.

"3. Provision for effective enforcement of anti-dumping and countervailing duty rules and regulations; and be it further

"*Resolved*, That a copy of this Memorial be transmitted to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to the members of Congress from the State of Colorado.

"JOHN D. VANDERHOOF,
"*Speaker of the House of Representatives.*
"HENRY C. KIMBROUGH,
"*Chief Clerk of the House of Representatives.*
"MARK A. HOGAN,
"*President of the Senate.*
"COMFORT W. SHAW,
"*Secretary of the Senate.*"

A joint resolution of the Legislature of the State of Washington; to the Committee on Interior and Insular Affairs:

"SENATE JOINT MEMORIAL 6

"*To the Honorable Lyndon B. Johnson, President of the United States, and to the Senate and House of Representatives of the United States of America, in Congress Assembled:*

"We, Your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, The principles of a democratic society include the right of people to cooperate and organize for promotion of their common interests; and

"Whereas, There is an increasing concern for the civil and political rights of all citizens of the country; and

"Whereas, The Indians of our republic have for many years been subjected to the control and direction of government agencies with a minimum of representation by the general members of the various tribes; and

"Whereas, It is essential that members of the various tribes have access to their tribal rolls and mailing lists in order to communicate and promote more readily political and social programs for the benefit of Indians; and

"Whereas, In order that all enrolled members of Indian tribes have the right to vote, it is necessary that provision be made by Congress that the secret ballot and absentee voting be required in Indian tribal elections;

"Now, therefore, Your Memorialists respectfully pray that the Congress enact legislation making the tribal rolls and mailing lists of the various tribes available to the enrolled members of the particular tribe; be it

"*Resolved*, That copies of this memorial be immediately transmitted to the Honorable Lyndon B. Johnson, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

"Passed the Senate March 14, 1967.

"JOHN A. CHERBERG,
"*President of the Senate.*

"Passed the House March 17, 1967.

"DON ELDRIDGE,
"*Speaker of the House.*"

A joint resolution of the Legislature of the State of Colorado; to the Committee on Interior and Insular Affairs:

"HOUSE JOINT MEMORIAL 1010

"(A joint resolution memorializing the Congress of the United States to enact laws necessary to implement and execute the oil shale development program of the Department of the Interior)

"Whereas, On January 27, 1967, the Secretary of the Interior of the United States announced a five-point action program to promote economic recovery of shale oil and associated minerals from the rich oil shale resources of the Green River Formation in Colorado, Wyoming, and Utah; and

"Whereas, The welfare of the nation requires that this vast dormant energy reserve be developed to contribute to the energy and raw material demands of the United States; and

"Whereas, The well-being of the people of the State of Colorado and the economy of many communities and counties in the State will be directly and substantially affected by development of the oil shale reserves of this State; and

"Whereas, Many technological, legal, and economic problems remain to be resolved between the date of the announced development policy and its fruition; and

"Whereas, The development of oil shale reserves will be expedited by cooperation between the United States government, local government, and private industry; now, therefore, be it

"*Resolved by the House of Representatives of the Forty-sixth General Assembly of the State of Colorado, the Senate concurring herein*:

"1. That this General Assembly petitions the members of Congress of the United States to enact promptly such laws as will promote and enable the immediate and orderly development of the oil shale reserves of the Green River Formation, including specifically the leasing of the reserves and the change of the point of application for purposes of depletion under the federal tax laws;

"2. That this General Assembly commends the Secretary of the Interior of the United States for the announced action program of the Department of the Interior to promote the development of the oil shale reserves of the Green River Formation;

"3. That this General Assembly petitions the Department of the Interior to adopt promptly such regulations as may be necessary to permit the orderly and equitable leasing of the said oil shale reserves and to clarify the existing oil imports quotas rules so as not to discriminate against oil shale producers; and be it further

"*Resolved*, That copies of this Memorial be sent to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the members of Congress from the State of Colorado, the Chairmen of the Senate Committee on Interior and Insular Affairs and the House Committee on Interior and Insular Affairs, and the Secretary of the Interior of the United States.

"JOHN D. VANDERHOOF,
"*Speaker of the House of Representatives.*
"HENRY C. KIMBROUGH,
"*Chief Clerk of the House of Representatives.*
"MARK A. HOGAN,
"*President of the Senate.*
"COMFORT W. SHAW,
"*Secretary of the Senate.*"

A law enacted by the Legislature of the State of North Carolina; to the Committee on the Judiciary:

"H.B. 22.

"An act ratifying a proposed amendment to the Constitution of the United States of America, relating to succession to the presidency and vice presidency and to cases where the President is unable to discharge the powers and duties of his office

"Whereas, the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), propose the following amendment to the Constitution of the United States of America, to become valid as part of the said Constitution when ratified by the legislatures of the several states, in words as follows, to-wit:

"'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled* (*two-thirds of each House concurring therein*), That the following Article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several states within seven years from the date of its submission by the Congress:

"'"ARTICLE

"'"SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"'"SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"'"SEC. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

"'"SEC. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"'"Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as the Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as acting President; otherwise, the President shall resume the powers and duties of his office."': Now, therefore,

"The General Assembly of North Carolina do enact:

"'SECTION 1. That the said proposed amendment to the Constitution of the

United States of America set out in the preamble to this Act be, and the same is, hereby ratified by the General Assembly of the State of North Carolina.

"'SEC. 2. That certified copies of this preamble and Act be forwarded by the Governor of this State to the Secretary of State at Washington, to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

"'SEC. 3. That this Act shall be in full force and effect from and after its ratification.'

"In the General Assembly read three times and ratified, this the 22nd day of March, 1967.

"ROBERT W. SCOTT,
"President of the Senate.
"D. M. BRITT,
"Speaker of the House of Representatives.

"Examined and found correct,

"HUGH L. MERRITT,
"For Committee."

A resolution of the Senate of the State of Arizona; to the Committee on the Judiciary:

"SENATE MEMORIAL 6

"A memorial urging the Congress of the United States to oppose the Dodd bill or any other Federal legislation relating to regulation and registration of mail order firearms sales

"To the Congress of the United States:

"Your memorialist respectfully represents:

"Whereas, since the unfortunate and untimely death of President John F. Kennedy, considerable impetus has occurred for the passage of the Dodd Bill relating to regulation and registration of mail order firearms sales; and

"Whereas, the Dodd Bill (S. 1), if enacted, will prohibit citizens from purchasing firearms by mail, and give the United States Treasury Department such broad regulatory powers it could subject such citizens to police investigation and harassment and lead to registration of said firearms; and

"Whereas, such requirements will cause an inconvenience, and an undue burden on, law abiding people of this Country, particularly in rural areas, and such legislation will open the door for the Treasury Department to regulate who may buy firearms; and

"Whereas, the Bill of Rights of the Constitution of the United States and Article 2, Section 26 of the Constitution of the State of Arizona guarantee to its citizens the right to keep and bear arms, and the Dodd Bill, if enacted, will be in direct violation of such guaranteed rights; and

"Whereas, responsible organizations such as the National Rifle Association, National Wildlife Federation and others have no objection to workable laws that will prevent the misuse of firearms by increasing penalties for crimes committed with firearms; and

"Whereas, responsible organizations, such as the National Rifle Association, National Wildlife Federation and others, strongly urge laws to prohibit the sale by the Federal government and distribution to the public of military ordnance, such as bombs, handgrenades, bazookas and all types of crewserved machine guns; and

"Whereas, the Dodd Bill, if enacted, will seriously hamper small industries that build fine custom rifles for mail order trade throughout the Nation; and

"Whereas, any restrictive legislation should be directed to merely requiring that shipments of firearms in interstate commerce be made in compliance with the laws of the State of destination; and

"Whereas, since practically all States have laws regulating sale of firearms to juveniles, convicted felons, and incompetents and against carrying concealed weapons, and since there are already Federal laws which make it a crime for a convicted felon to transport firearms across State lines, no Federal law for regulation and registration of mail order sales of firearms is necessary.

"Wherefore your memorialist, the Senate of the State of Arizona, prays:

"1. That the Congress of the United States take positive action leading to the defeat of the Dodd Bill (S 1).

"2. That the Congress of the United States carefully examine and oppose any other Federal legislation relating to registration and regulation of firearms which restricts the rights of law abiding citizens and usurps the police power of the States to control firearms, and that it urge the State Department to exercise more control under the Munitions Control Act of imports of cheap foreign pistols and military surplus.

"3. That the Honorable Wesley Bolin, Secretary of State of the State of Arizona, is directed to transmit copies of this Memorial to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each member of the Arizona Congressional delegation.

"Passed the Senate March 8, 1967 by the following vote: 28 Ayes, 1 Nay, 1 Not Voting.

"Approved by the Governor, March 9, 1967.

"Filed in the Office of the Secretary of State, March 9, 1967."

A joint resolution of the Legislature of the State of Alabama; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION 6

"Joint resolution ratifying the proposed amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency; disability of the President

"Whereas the Eighty-ninth Congress of the United States of America in both houses by a constitutional majority of two-thirds thereof, has made the following proposal to amend the Constitution of the United States:

Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency; disability of the President.

"'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"'"ARTICLE —

"'"SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"'"SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"'"SEC. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

"'"SEC. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"'"Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office."

"'Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That (1) The proposed amendment to the Constitution of the United States of America as herein shown be and the same is hereby ratified; (2) Duly authenticated copies of this resolution shall be forwarded by the Secretary of State to the Secretary of State of the United States, to the presiding officer of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.'

"______ ______,
"President and Presiding Officer of the Senate.
"______ ______,
"Speaker of the House of Representatives."

A concurrent resolution of the Legislature of the State of Missouri; to the Committee on Post Office and Civil Service:

"SENATE CONCURRENT RESOLUTION 8

"Resolution memorializing the Postmaster General of the United States for issuance of a commemorative postage stamp

"Whereas, Phoebe Apperson Hearst was a great American woman humanitarian and philanthropist who is noted as the cofounder of the Parent Teachers Association and the organizer of the Travelers Aid Society and as being instrumental in the restoring of Mount Vernon; and

"Whereas, by her generosity and consciousness of the tremendous requirements of education today, Mrs. Hearst gave millions of dollars to education and has properly become known as the greatest single benefactor of the University of California; and

"Whereas, it is only fitting and proper that recognition in the form of a commemorative postage stamp be given to Phoebe Apperson Hearst for her multitudinous projects and activities;

"Now, therefore, be it resolved by the Senate, the House of Representatives concurring therein that the General Assembly of the State of Missouri memorialize the Postmaster General of the United States to provide for the issuance of a commemorative postage stamp honoring Phoebe Apperson Hearst; and

"Be it further resolved that copies of this resolution be forwarded to the President and Vice President of the United States, to the Postmaster General of the United States, to the Speaker of the House of Representatives of the United States and to each Senator and Representative from Missouri in the Congress of the United States.

"Offered by Senator Owens.

"JOSEPH A. BAUER,
"Secretary of the Senate,
"Seventy-fourth General Assembly."

A resolution of the Senate of the State of Washington; to the Committee on Public Works:

"Senate Resolution 1967-Ex. 30

"Whereas, The Committee on Public Works of the United States Senate adopted on September 9, 1963, a resolution requesting the board of engineers for rivers and harbors to review the report of the chief of engineers on the Columbia River and tributaries, published as House Document No. 403, 76th Congress, 2nd session; and

"Whereas, The above-mentioned resolution requests the corps of engineers to determine whether the extension of navigation from the pool of McNary Dam through Rock Island Dam on the Columbia River, Washington is feasible; and

"Whereas, The proposed extension of navigation on the upper Columbia River above McNary pool is essential to the economic and industrial growth and prosperity of the immediate area affected and to the Pacific Northwest in general, and to the full and comprehensive development of our water resources; and

"Whereas, This extension would have great benefit in providing a comprehensive system of transportation where all forms of transport are available to the shipping public for the movement of its commodities;

"Now, therefore, be it resolved, By the Senate of the Washington State Legislature, that it support extension of navigation on the upper Columbia River as an important link in providing the state with full and complete transportation service.

"Be it further resolved, That copies of this resolution be sent by the Secretary of the Senate to the Honorable Lyndon B. Johnson, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

"Ward Bowden,
"Secretary of the Senate."

A resolution of the House of Representatives of the State of Washington; to the Committee on Public Works:

"House Resolution 67-59

"Whereas, The Committee on Public Works of the United States Senate adopted on September 9, 1963, a resolution requesting the Board of Engineers for Rivers and Harbors to review the report of the Chief of Engineers on the Columbia River and tributaries, published as House Document No. 403, 76th Congress, 2nd Session; and

"Whereas, The above-mentioned resolution requests the Corps of Engineers to determine whether the extension of navigation from the pool of McNary Dam through Rock Island Dam on the Columbia River, Washington is feasible; and

"Whereas, The proposed extension of navigation on the upper Columbia River above McNary pool is essential to the economic and industrial growth and prosperity of the immediate area affected and to the Pacific Northwest in general, and to the full and comprehensive development of our water resources; and

"Whereas, This extension would have great benefit in providing a comprehensive system of transportation where all forms of transport are available to the shipping public for the movement of its commodities;

"Now, therefore, be it resolved, By the House of Representatives, That we do hereby support the extension of navigation on the upper Columbia River as an important link in providing the state with full and complete transportation service:

"And be it further resolved, That copies of this resolution be immediately transmitted to the Honorable Lyndon B. Johnson, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives; and to each member of Congress from the State of Washington.

"Malcolm McBeath,
"Chief Clerk,
"House of Representatives."

A joint resolution of the Legislature of the State of Maine; to the Committee on Public Works:

"H.P. 1080

"Joint resolution memorializing Congress recommending full development of electric power potential of Passamaquoddy Bay and Upper Saint John River

"We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Third Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

" 'Whereas, the people of Maine throughout the years have supported the concept of developing Passamaquoddy Bay for electric power purposes as indicated by a great number of favorable and sometimes unanimous Acts of the State Legislature, and earlier by a state-wide referendum that favored Quoddy by nearly ten to one; and

" 'Whereas, the need for vast quantities of reasonably priced power to satisfy the future needs of Maine, the Northeastern States and the Eastern Provinces of Canada has been established without question; and

" 'Whereas, development of electric power from the Upper Saint John River and Passamaquoddy Bay can be very valuable as peaking power and for base load power; and

" 'Whereas, other substantial benefits such as increased numbers of tourists, increased recreational uses of the Bay and River, down stream power benefits on the Saint John River, flood control benefits and much needed construction job opportunities in the site areas will result; and

" 'Whereas, the platforms of both the Republican and Democratic Parties of Maine advocate the development of the electric power potential of Passamaquoddy Bay and Upper Saint John River, now therefore, be it

" 'Resolved: That the 103rd Legislature recommends the full development of the electric power potential of Passamaquoddy Bay and such supplemental development of the electric power potential of the Upper Saint John River as may be recommended as economically feasible by studies now under way by the Department of the Interior without substantial destruction of the recreational and industrial advantages now recognized as existing in the Saint John River area, and that necessary interconnecting transmission facilities be provided between the projects and the load centers of the Northeast to provide the optimum benefits to the United States and Canada; and be it further

" 'Resolved: That this 103rd Legislature respectfully asks that required action be taken to start the projects at the earliest possible time in the most economic and practical sequence of development; and be it further

" 'Resolved: That a copy of this Memorial, duly authenticated by the Secretary of State be immediately transmitted by the Secretary of State to the Senate and House of Representatives in Congress and to the members of the said Senate and House of Representatives from this State.'

"Jerrold B. Speers,
"Secretary of the Senate.
"Bertha W. Johnson,
"Clerk, House of Representatives.
"[seal] Joseph T. Edgar,
"Secretary of State."

A resolution adopted by the Board of County Commissioners of Lane County, Oreg., favoring appropriations for the port of Portland project and the port of Siuslaw project; to the Committee on Appropriations.

A resolution adopted by the Beltrami County Welfare Board, of Bemidji, Minn., relating to the extension and improvement of the Federal-State program of child welfare service; to the Committee on Finance.

A resolution adopted by the Federal Bar Association, Washington, D.C., endorsing the recommendations on aviation law and space law; to the Committee on Foreign Relations.

RESOLUTION OF THE MASSACHUSETTS GENERAL COURT

Mr. KENNEDY of Massachusetts. Mr. President, on behalf of the junior Senator from Massachusetts [Mr. Brooke] and myself, I send to the desk a certified copy of a resolution from the Massachusetts House of Representatives memorializing the Congress of the United States to take such action as may be necessary to limit the quantity of cotton-rayon textile imports and to increase the tariffs thereon.

I ask that this resolution be appropriately referred.

There being no objection, the resolution was referred to the Committee on Finance, as follows:

Resolutions Memorializing the Congress of the United States To Take Such Action as May Be Necessary To Limit the Quantity of Cotton-Rayon Textile Imports and To Increase the Tariffs Thereon

Whereas, In recent years there has been a tremendous increase in the quantity of cotton-rayon textile imports, which, if allowed to continue, will result in the unemployment of thousands of skilled workers; and

Whereas, This resulting unemployment will seriously affect the economy of the commonwealth; and

Whereas, The continued existence of the textile industry, with its thousands of skilled workers, will be of vital importance in maintaining the position of the United States in the world market during the years ahead; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to take such action as may be necessary to limit the quantity of cotton-rayon textile imports and to increase the tariffs thereon; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the Secretary of Commerce, to the presiding officer of each branch of the Congress, and to the members thereof from the Commonwealth.

House of Representatives, adopted, February 27, 1967.

[seal] William C. Maiers,
Clerk.

Attest:

Kevin H. White,
Secretary of the Commonwealth.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking and Currency, without amendment:

S. 965. A bill to amend the Federal Reserve Act to enable Federal Reserve banks to invest in certain obligations of foreign governments (Rept. No. 163); and

S. 966. A bill to amend the Federal Reserve Act in order to enable the Federal Reserve banks to extend credit to member banks and others in accordance with current economic conditions, and for other purposes (Rept. No. 164).

By Mr. PROXMIRE, from the Committee on Banking and Currency, with amendments:

S. 714. A bill to amend section 22(g) of the Federal Reserve Act relating to loans to executive officers by member banks of the Federal Reserve system, and to amend the Federal Credit Union Act to modify the loan provisions relating to directors, members of the supervisory committee, and members of the credit committee of Federal credit unions (Rept. No. 165).

REPORT ENTITLED "CRIMINAL LAWS AND PROCEDURES"—REPORT OF A COMMITTEE (S. REPT. NO. 166)

Mr. McCLELLAN. Mr. President, from the Committee on the Judiciary I submit a report entitled "Criminal Laws and Procedures" pursuant to Senate Resolution 195, 89th Congress, and ask that it be printed.

The PRESIDING OFFICER (Mr. CHURCH in the chair). The report will be received and printed, as requested by the Senator from Arkansas.

REPORT ENTITLED "PATENTS, TRADEMARKS, AND COPYRIGHTS"—REPORT OF A COMMITTEE (S. REPT. NO. 167)

Mr. McCLELLAN. Mr. President, from the Committee on the Judiciary I submit a report entitled "Patents, Trademarks, and Copyrights," pursuant to Senate Resolution 201, 89th Congress, and ask that it be printed.

The PRESIDING OFFICER. The report will be received and printed, as requested by the Senator from Arkansas.

REPORT ENTITLED "IMMIGRATION AND NATURALIZATION"—REPORT OF A COMMITTEE (S. REPT. NO. 168)

Mr. EASTLAND. Mr. President, from the Committee on the Judiciary I submit a report entitled "Immigration and Naturalization" pursuant to Senate Resolution 196, 89th Congress, and ask that it be printed.

The PRESIDING OFFICER. The report will be received and printed, as requested by the Senator from Mississippi.

REPORT ENTITLED "DEVELOPMENTS IN AGING, 1966"—REPORT OF A COMMITTEE (S. REPT. NO. 169)

Mr. WILLIAMS of New Jersey. Mr. President, pursuant to the requirement of Senate Resolution 189, adopted February 17, 1966, I submit a report from the Special Committee on Aging entitled "Developments in Aging, 1966." I ask unanimous consent that the report be printed, together with minority views.

The PRESIDING OFFICER. The report will be received and printed, as requested by the Senator from New Jersey.

Mr. WILLIAMS of New Jersey. Mr. President, the Senate Special Committee on Aging today submitted to the Senate its latest report, "Developments in Aging, 1966." As chairman of that committee, I am taking this opportunity to make a few observations about the contents of the report and also to comment briefly on several of the statements made by Senators DIRKSEN, CARLSON, PROUTY, FONG, MILLER, MORTON, and HANSEN in their minority views.

First I would like to direct your attention to President Johnson's statement, given in his message about older Americans on January 23, that "one of the challenges of a great civilization is the compassion and respect shown to its elders."

Judging by that standard, the committee report this year has much encouraging news to give, but it must also report that far more must yet be done.

Its chapter on health reports that implementation of medicare has been surprisingly smooth, thanks to the "patient and tolerant understanding of the Nation's elderly, along with the active cooperation and participation of physicians, hospitals, home health agencies, and other interested persons." But the Subcommittee on Health warns once again, as it did in 1965, "that continued attention should be given to the maintenance of high standards in the certification of provider agencies," such as hospital and home health agencies.

This is a timely warning. As more older Americans seek medicare coverage, more demands may arise for lowering of standards to give instant service to greater numbers of individuals. But substandard institutions will never provide quality care, and too often our "emergency solutions" linger on and on as painful reminders of hasty shortsightedness.

The full committee has also put into its report the recommendations made by the Subcommittee on Health of the Elderly in its report on December 30, 1966, in connection with "Detection and Prevention of Chronic Diseases Utilizing Multiphasic Health Screening Techniques." The subcommittee recommendations—calling for Federal legislation to establish a multiphasic screening program on a large-scale basis with eventual application on a national scale—are given in full. In my opinion, the subcommittee findings and recommendations provide splendid arguments for passage of S. 153, the Adult Health Protection Act of 1967, which I introduced on January 18.

Senator GEORGE SMATHERS, chairman of the Subcommittee on Health, is planning several major inquiries within coming months. The subcommittee will have expert help in its planning. Dr. Austin B. Chinn, retiring this month as chief of the Adult Health Protection and Aging Branch of the Public Health Service, has agreed to give some of his time for consultation with the subcommittee this year.

The chapter on employment and retirement incomes reports on last year's steps toward the 1967 administration bill on age discrimination, and it also describes attempts to improve employment services for older workers. Work opportunities for men and women past 45—the so-called older workers—certainly deserve intensive study by the Congress, and I am happy to report that the subject will receive careful attention this year by more than one subcommittee in the Committee on Aging. Senator JENNINGS RANDOLPH, chairman of the Subcommittee on Employment and Retirement Incomes, has already announced plans for an inquiry April 24 and 25 on whether new social security increases would again result automatically in reductions in old-age assistance and other retirement income. The subcommittee's deliberations should be of great assistance in congressional consideration of the administration program and other proposals to increase social security.

The chapter on housing for the elderly issues a timely observation on the demonstration, or model city program. I would like to read two paragraphs to pinpoint the areas of committee concern:

> It is too early to tell to what extent the interests of the urban elderly may be represented in the planning and execution of these demonstration programs. The subcommittee notes that in the Department's recently issued "Program Guide" no mention is made of the stake elderly residents of cities have in model neighborhood demonstrations or of measures to reflect the interests of this population group in such plans.

On the other hand, the President stated in a recent message to Congress:

> I am directing the Secretary of Housing and Urban Development to make certain that the model cities program gives special attention to the needs of older people in poor housing and decaying neighborhoods.
>
> This is heartening reassurance. It is to be hoped that in urban areas where substantial numbers of elderly people make their homes a conscious effort will be made at all levels to realize the possibilities of this program for improvement of the housing and neighborhood environment of elderly urban residents of modest means.

Senator FRANK MOSS, chairman of the Housing Subcommittee, has informed me that he will give close attention to the model city program and also to the rent supplement program. He also intends to continue his study of retirement communities, probably in conjunction with the Subcommittee on Consumer Interests of the Elderly.

Mr. President, the chapter on services provided for older Americans reminds us once again that the Administration on Aging—created unanimously by Congress in 1965—has been given a critical role in the development of community-level programs for the elderly. Senator EDWARD M. KENNEDY, chairman of the Subcommittee on Federal, State, and Community Services, is planning to conduct an intensive study into many service programs offered not only by the AOA but by other Federal agencies. His subcommittee can do a real service by putting proper perspective on philosophy and actions on service programs for aging and aged Americans.

A chapter on consumer interests of the elderly reports on gratifying efforts made by several Federal agencies. Much of the new activity was encouraged directly by the subcommittee created in 1963 to look into frauds and misrepresentation affecting the elderly. Now that the subcommittee has broadened its mission and is studying consumer problems of special concern to older Americans, we can expect even more attention from Government agencies and private organizations. Our 1967 hearings, begun in January, will continue at the earliest possible date.

The entire committee will also continue its study of the war on poverty and its programs for the elderly. I am very pleased, of course, that Congress acted promptly on a major recommendation made by the committee last year—that the Office of Economic Opportunity establish a high-level position for a director of programs for older Americans. Miss Genevieve Blatt, named as the Assistant OEO Director in charge of directing programs for the elderly poor, will certainly be a vigorous and effective director. I am encouraged by her appointment, and I am encouraged by the affirmative statements made in our annual report by the OEO about intentions to broaden present efforts on behalf of the elderly. The full committee will, of course, maintain a direct interest in the progress of the OEO within this area, as well as the progress of other Federal agencies concerned in one way or another with the war on poverty.

Mr. President, I will not discuss other proposed studies within the committee this year, except to mention that a newly established Subcommittee on Retirement and the Individual should do much to help us understand the present and future dimensions and nature of retirement as an institution. Senator Mondale, who recommended establishment of the subcommittee will—I am sure—do effective work as the subcommittee chairman.

I would also like to point out that this year's committee report has, for the first time, reports from several Government agencies that are conducting programs or research projects related to aging. This appendix material should be invaluable to Government officials and private organizations concerned about the elderly.

Mr. President, I feel that a brief comment on the minority views submitted for the committee report may be in order.

Many observations are made in the report by our valued minority members on programs under active consideration by legislative committees, and I am sure that these committees will find the observations interesting and perhaps useful.

I think that the minority statements on increased social security benefits—although the financing is discussed only in very sketchy terms—will be particularly worthy of interest.

My major regret with respect to the minority views deals with the criticism of the Administration on Aging, created by the Older Americans Act of 1965. It is ironic that the minority report implies that the administration of the act may have cut back State efforts on behalf of their older citizens. Actually, 51 of the 55 States and Territories in our Nation have designated single agencies and given them responsibility for overall planning for their older citizens. Forty-four jurisdictions have approved plans under the Older American Act, and the AOA has funded more than 400 community projects.

On the whole, I think it can be demonstrated that the Older Americans Act has strengthened the position of State commissions on aging and other State agencies on aging. For example, as a direct stimulus of this legislation, new State commissions on aging in Montana, Nebraska, New Hampshire, North Carolina, South Carolina, Vermont, and West Virginia have been formed for overall planning and stimulation of facilities, services, and opportunities. Most important, all States administering the Older Americans Act now have a basic financial resource to support a wide range of State and local programs to develop the best possible programs and opportunities for their older citizens.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Executive C, 90th Congress, first session. A Convention on the Service Abroad of Judicial and Extrajudicial Documents (Ex. Rept. No. 6).

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MONDALE:

S. 1490. A bill for the relief of Yang Ok Yoo (Maria Margurita); to the Committee on the Judiciary.

By Mr. LONG of Missouri:

S. 1491. A bill for the relief of Henry D. Espy, James A. Espy, Naomi A. Espy, Rosella E. Rhodes, and Theodore R. Espy; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. Tower) (by request):

S. 1492. A bill to provide for the further development of the Federal National Mortgage Association as a secondary market facility, to enable it to deal in conventional mortgages, and for other purposes; and

S. 1493. A bill to reconstitute the Federal National Mortgage Association as an independent corporate instrumentality of the United States, to enable it to deal in conventional mortgages, and to provide otherwise for its further development as a secondary market facility; to the Committee on Banking and Currency.

(See the remarks of Mr. Sparkman when he introduced the above bills, which appear under separate headings.)

By Mr. MUSKIE:

S. 1494. A bill to authorize and direct the Secretary of Transportation to cause the vessel *Cap'n Frank*, owned by Ernest R. Darling of South Portland, Maine, to be documented as a vessel of the United States with full coastwise privileges; to the Committee on Commerce.

By Mr. HRUSKA:

S. 1495. A bill for the relief of Alfio Narzisi; and

S. 1496. A bill for the relief of Salvatore Narzisi; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 1497. A bill for the relief of Dr. Vicente Sievert Verzosa, and his wife, Liny A. Verzosa; to the Committee on the Judiciary.

S. 1498. A bill to amend the Public Buildings Act of 1959 to require separate contracts to be entered into for the performance of mechanical specialty work required in certain construction and alteration of public buildings; to the Committee on Public Works.

By Mr. COTTON:

S. 1499. A bill to require the Secretary of the Treasury to designate airports owned by a State or political subdivision thereof as international airports of entry if the State or political subdivision requests such designation and agrees to provide the facilities and funds necessary for the administration of the customs laws at such airports; to the Committee on Finance.

By Mr. HOLLAND:

S. 1500. A bill for the relief of Dr. Adela Aurora Rubio Madariaga; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 1501. A bill for the relief of Gyorgy Sebok; to the Committee on the Judiciary.

By Mr. RIBICOFF (for himself, Mr. Cannon, Mr. Carlson, Mr. Clark, Mr. Hartke, Mr. Inouye, and Mr. McGee):

S. 1502. A bill to provide assistance to students pursuing programs of higher education in the field of law enforcement; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Ribicoff when he introduced the above bill, which appear under a separate heading.)

By Mr. TYDINGS (for himself, Mr. Brewster, Mr. Clark, Mr. Cooper, Mr. Fulbright, Mr. Gruening, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Hickenlooper, Mr. Inouye, Mr. Mondale, Mr. Moss, Mr. Percy, Mr. Randolph, Mr. Yarborough, and Mr. Byrd of West Virginia):

S. 1503. A bill to provide Federal financial assistance to public agencies and institutions and to hospitals and other private, nonprofit organizations to enable them to carry on comprehensive family planning programs; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Tydings when he introduced the above bill, which appear under a separate heading.)

By Mr. PEARSON:

S.J. Res. 67. Joint resolution to establish the U.S. Track and Field Commission, and for other purposes; and

S.J. Res. 68. Joint resolution to provide for an equitable settlement in the dispute between the Amateur Athletic Union of the United States and the National Collegiate Athletic Association; to the Committee on Commerce.

(See the remarks by Mr. Pearson when he introduced the above joint resolutions, which appear under a separate heading.)

By Mr. SPARKMAN (for himself and Mr. Bennett):

S.J. Res. 69. Joint resolution requesting the President to proclaim the month of May 1967, as National Home Improvement Month; to the Committee on the Judiciary.

(See the remarks of Mr. Sparkman when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTIONS

REFERENCE OF SENATE BILL 1491 TO COURT OF CLAIMS

Mr. LONG of Missouri submitted the following resolution (S. Res. 107); which was referred to the Committee on the Judiciary:

S. Res. 107

Resolved, That the bill (S. 1491) entitled "A Bill for the relief of Henry D. Espy, James

A. Espy, Naomi A. Espy, Rosella E. Rhodes, and Theodore R. Espy", now pending in the Senate, together with all the accompanying papers, is hereby referred to the chief commissioner of the Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code, as amended by the Act of October 15, 1966 (80 Stat. 958), and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

TO PRINT ADDITIONAL COPIES OF HEARINGS ENTITLED "FEDERAL ROLE IN URBAN AFFAIRS"

Mr. RIBICOFF submitted the following resolution (S. Res. 108); which was referred to the Committee on Rules and Administration:

S. Res. 108

Resolved, That there be printed for the use of the Senate Committee on Government Operations 2,000 additional copies each of Parts 1 through 6, inclusive, of the hearings entitled "Federal Role in Urban Affairs," which were held by that committee during the Eighty-ninth Congress, second session.

AMENDMENT OF ACT CONTROLLING THE FEDERAL NATIONAL MORTGAGE ASSOCIATION

Mr. SPARKMAN. Mr. President, I introduce, for the Senator from Texas [Mr. Tower] and myself, a bill seeking to amend the act controlling the Federal National Mortgage Association.

I ask unanimous consent that the bill and a section-by-section summary of the bill be printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and the section-by-section summary of the bill will be printed in the Record.

The bill (S. 1492) to provide for the further development of the Federal National Mortgage Association as a secondary market facility, to enable it to deal in conventional mortgages and for other purposes introduced by Mr. Sparkman (for himself and Mr. Tower), by request, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 1492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CONVENTIONAL MORTGAGES

Section 1. (a) Section 302(b) of the Federal National Mortgage Association Charter Act is amended—

(1) By striking out everything preceding the proviso and inserting in lieu thereof the following:

"(b) For the purposes set forth in paragraph (a) of section 301 and subject to the limitations and restrictions of this title, the Association is authorized under section 304, pursuant to commitments or otherwise, to purchase, lend on the security of, service, sell, or otherwise deal in any mortgages which are insured or guaranteed as provided in the last sentence of this subsection, or which are of a quality, and made pursuant to lending standards deemed by the Association to be, generally acceptable to private institutional mortgage investors; except that any such mortgage not so insured or guaranteed shall not be purchased if the outstanding principal obligation thereof exceeds, as determined by the Association, either (1) the comparable maximum amount insurable under section 203(b) or section 207 of the National Housing Act dependent upon the number of living units covered by the mortgage, or (2) 80 per centum of the appraised value of the property securing such mortgage. For the purposes set forth in paragraph (b) of section 301 and subject to the limitations and restrictions of this title, the Association is authorized under section 305, pursuant to commitments or otherwise, to purchase, service, sell, or otherwise deal in any mortgages which are insured or guaranteed as provided in the last sentence of this subsection:";

(2) By striking out in clause (1) of the proviso "purchased at" and inserting in lieu thereof "purchased under section 305 at";

(3) By striking out in clause (2) of the proviso "purchase any" and inserting in lieu thereof "purchase under section 305 any"; and

(4) By striking out the last sentence and inserting in lieu thereof the following:

"For the purposes of this title, the terms 'mortgages' and 'home mortgages' shall be inclusive of but not limited to any mortgages or other obligations insured or guaranteed under the National Housing Act, chapter 37 of title 38, United States Code, or other Federal law."

(b) Section 304(a)(1) of such Act is amended by inserting immediately after the second sentence the following: "The prices to be paid by the Association for mortgages not insured or guaranteed as provided in the last sentence of section 302(b) shall reflect differentials in the quality and marketability thereof when compared to insured or guaranteed mortgages bearing the same interest rate, as determined by the Association. The Association may establish a special reserve for losses with respect to mortgages which are not insured or guaranteed as provided in the last sentence of section 302(b)."

SECURITIES

Sec. 2. Section 304 of the Federal National Mortgage Association Charter Act is amended by inserting at the end thereof the following new subsection:

"(d) To provide a greater degree of liquidity to the mortgage investment market and an additional means for effecting sales of mortgages held in the portfolio of its secondary market operations, the Association is authorized to set aside a part or all of any mortgages held by it under this section and subject them to a trust or trusts, and to act as trustee of any such trust or trusts. As such trustee, the Association is authorized to issue and sell beneficial interests in the mortgages subjected to such trusts in the form of trust certificates or other comparable securities. Securities issued by the Association pursuant to this subsection shall to the same extent as securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission. Section 302(c)(4) shall have no application to the issuance or sale of such securities under this subsection. The Association, in its corporate capacity, is authorized to guarantee the timely payment of the principal of and interest on the securities issued and sold pursuant to this subsection. Appropriate language shall be inserted in all securities issued under this subsection clearly indicating that such securities together with the interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or of any agency or instrumentality thereof other than the Association. Mortgages set aside and subjected to a trust or trusts pursuant to this subsection shall at all times be adequate in outstanding principal balances, interest rates, and maturities to enable the Association to make timely principal and interest payments on the securities issued and sold pursuant to this subsection. The effect of the sale of beneficial interests in mortgages subjected to a trust or trusts under this subsection shall be the same as a direct sale of the mortgages to the extent of the principal amounts of such securities sold."

ORGANIZATION

Sec. 3. (a) Section 308 of the Federal National Mortgage Association Charter Act is amended to read as follows:

"PRESIDENT, BOARD OF DIRECTORS, AND ADVISORY BOARD

"Sec. 308. (a) The Association shall have a Board of Directors consisting of the Secretary of Housing and Urban Development as Chairman of the Board; the Secretary of the Treasury or his designee from among the Presidential appointees within the Treasury Department; the President of the Association; the Chairman of the Board of Governors of the Federal Reserve System or a member of such Board designated by the Chairman; the Chairman of the Federal Home Loan Bank Board or a member of such Board designated by the Chairman; the Chairman of the Council of Economic Advisers or a member of such Council designated by the Chairman; and the Assistant Secretary of Housing and Urban Development responsible for credit and financial policy. The Board of Directors shall meet at the call of its Chairman at least once in each quarter, and otherwise as needed by the affairs of the Association. The Board shall determine the policies which govern the operations of the Association. The President of the Association shall be appointed by the President of the United States by and with the advice and consent of the Senate, and the Association shall be administered under his supervision and direction as its chief executive officer. The President of the Association shall select and appoint qualified persons to fill the office of Vice President and such other offices as may be provided for in the by-laws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors. The members of the Board, as such, shall not receive compensation for their services.

"(b) The Association shall have an Advisory Board consisting of seven persons experienced in and familiar with the problems of the national mortgage market. Members of the Advisory Board shall be appointed annually by the President of the Association. The Advisory Board shall meet at least semiannually with members of the Board of Directors of the Association. Other meetings of the Advisory Board shall be held at the call of the President of the Association as needed by the affairs of the Association. The members of the Advisory Board shall not be deemed to be officers or employees of the Association, and they shall be compensated on a per diem basis and reimbursed for all necessary travel in connection with attendance at meetings of the Advisory Board and any other work therefor which is authorized by the President of the Association. Compensation for Advisory Board members as set forth in the preceding sentence shall be at such rates as may be determined by the Board of Directors. The Advisory Board may select its Chairman and adopt methods of procedure. It shall have power to confer with the Board of Directors of the Association on general conditions in the mortgage and housing markets, and on special conditions affecting the operation and functions of the Association. It may also request information and make recommendations with respect to matters within the jurisdiction of the Board of Directors and the authority of the Association."

(b) Section 309(d) of the Federal National Mortgage Association Charter Act is amended by striking out "Chairman of the Board" and inserting in lieu thereof "President of the Association".

(c) Title 5, U.S.C., § 5315 is amended by adding thereto: "(90) President of the Federal National Mortgage Association.".

(d) Any other provision of law to the contrary notwithstanding, the board of directors of the Federal National Mortgage Association may fix the compensation for not more than four of the corporate executive offices of such Association at the annual rate applicable to positions in level V of the Executive Schedule as established in 5 U.S.C., § 5316.

REPORT TO CONGRESS

SEC. 4. Section 309(b) of the Federal National Mortgage Association Charter Act is amended by inserting at the end thereof the following sentence: "The President of the Association shall, within thirty days after the first day of each session of the Congress, make a report to the President of the United States for submission to the Congress. This report shall contain a projection of the mortgage market needs and prospects during the coming year, including an estimate of the requirements with respect to availability, need, and flow of mortgage funds together with recommendations to counteract or remedy any disparity which may be indicated between the requirements and availability of mortgage funds."

OPEN MARKET OPERATIONS—PURCHASE OF FNMA OBLIGATIONS

SEC. 5. Section 309(g) of the Federal National Mortgage Association Charter Act is amended by adding at the end thereof "Every Federal Reserve Bank shall have power to buy and sell in the open market, under the direction and regulation of the Federal Open Market Committee, any obligations, participations, or other instruments issued by the Association.".

ASSISTANT SECRETARY FOR CREDIT AND FINANCIAL POLICY

SEC. 6. (a) Section 4 of the Department of Housing and Urban Development Act is amended—

(1) by striking out "four" in the first sentence and inserting in lieu thereof "five"; and

(2) by adding at the end thereof the following sentence: "There shall be in the Department an Assistant Secretary for credit and financial policy, who shall be one of the five Assistant Secretaries authorized under this section and who shall have the responsibility for advising the Secretary and recommending appropriate policies and action by the Department, other branches of Government, and the Congress, with respect to the flow of mortgage funds, estimated and projected financial requirements of the housing industry, and expected or probable results of monetary and fiscal policies, as these may affect housing and mortgage finance."

(b) Paragraph (8) of 5 U.S.C., § 5315 is amended by striking out "(4)" and inserting in lieu thereof "(5)"

The section-by-section summary presented by Mr. SPARKMAN is as follows:

SECTION-BY-SECTION SUMMARY

A bill to reconstitute the Federal National Mortgage Association as an independent corporate instrumentality of the United States, to enable it to deal in conventional mortgages, and to provide otherwise for its further development as a secondary market facility

Section 1. This section would repeal the provision making the Federal National Mortgage Association a constituent agency of the Housing and Home Finance Agency (now the Department of Housing and Urban Development) and would constitute it an independent corporate instrumentality of the United States. The section would further provide that the principal office of the corporation in Washington, D.C., may be located in HUD office space.

Section 2. Subsection (a) of this section would rewrite section 308 of the FNMA Charter Act, to change the method of appointment of FNMA's president and the composition of the board of directors, and to increase the number of board members from five to nine. At the present time the HUD Secretary is the chairman of the board and also appoints the other four board members; as chairman of the board, he also appoints the president of the corporation and the other executive officers. The foregoing would be changed to provide for appointment of FNMA's president by the President of the United States, by and with the advice and consent of the Senate, for a term of 15 years. The president of the corporation ex-officio would be chairman of the board, and four other board members ex-officio would be the Secretary of the Treasury, the Secretary of Housing and Urban Development, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Federal Home Loan Bank Board; to serve in their stead, Secretaries could designate Under Secretaries or Assistant Secretaries and Board Chairmen could designate other Board Members. The remaining four members would be elected annually by the holders of outstanding common stock. The board of directors of the corporation would meet at least quarterly, and could provide for an interim three-member executive committee. The board would have authority to appoint the executive officers (other than the president), and would have sole responsibility to make policy decisions for FNMA with respect to all of its secondary market operations and all of its fiduciary activities. (See also summary of section 6.)

The conforming amendment made by subsection (c) would substitute the FNMA president for the Housing and Home Finance Administrator (now the Secretary of Housing and Urban Development) as the officer who at the time of the retirement of the last of the corporation's preferred stock will initiate recommendations for appropriate legislation.

Subsection (d) would place the position of president of FNMA at level III of the Executive Schedule for pay purposes ($28,500 per annum). This is the level of the Chairman of the Federal Home Loan Bank Board, and is one level below that of the Chairman of the Board of Governors of the Federal Reserve System. Other comparable positions at level III include the President of the Export-Import Bank, the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation, and the Administrator of the Small Business Administration. The subsection also provides four positions at level V ($26,000) of the Executive Schedule for other corporate executive officers.

Section 3. This section would restrict retirement of FNMA common stock to such stock, in excess of $100,000,000 outstanding, as may be held by the corporation as corporate treasury stock. Toward achievement of the goal of retirement of the Government's investment, the section would also provide for automatic annual reductions in the amount of authorized preferred stock equal to outstanding common stock in excess of $200,000,000.

Section 4. The purpose of subsection (a) of this section is to enable FNMA to deal in conventional and other mortgages and to provide otherwise for its further development as a secondary market facility. That purpose would be accomplished by revising section 302(b) of the FNMA Charter Act to permit an expansion of the scope of FNMA's operations. As so revised, section 302(b) would effect the changes indicated below.

Section 302(b)(1) would authorize FNMA, under its regular secondary market operations which are almost entirely privately financed, to purchase, lend on the security of, and otherwise deal in conventional mortgages which do not exceed 80 percent of the appraised value of the security. The corporation would also be authorized to deal in all types of loans that are Federally insured or guaranteed—in addition to those insured by the Federal Housing Administration, those insured under title V of the Housing Act of 1949 by the Farmers Home Administration of the Department of Agriculture, and those guaranteed by the Veterans Administration—for example, such loans insured by the Farmers Home Administration under the Consolidated Farmers Home Administration Act of 1961. If a mortgage is not Government underwritten and the loan-value ratio exceeds 80 percent, it would be required that the excess amount be covered by suitable mortgage insurance written by an acceptable private insurer to qualify the mortgage for purchase. Otherwise, a privately insured mortgage would be eligible for purchase if the same mortgage without mortgage insurance would be qualified for consideration. Also, as to the corporation's secondary market operations only, two existing operating restrictions would be eliminated as not being appropriately applicable to a privately financed activity designed to meet and satisfy the financial requirements of the broad general secondary market for mortgages. These present restrictions are the prohibition against purchasing mortgages at a price (without regard to yield) exceeding par (100), and the prohibition against purchasing mortgages offered by, or covering property held by, States and their instrumentalities.

Under section 302(b)(2), conventional and privately insured mortgages would *not* be included in FNMA's special assistance functions authority; but otherwise, if and to the extent approved by the President of the United States, the Association could deal in the types of obligations permitted under the secondary market operations. Because purchases under the special assistance functions are Treasury financed, section 302(b)(2) would retain the restriction in existing law against acquisition of mortgages from States and their instrumentalities, the prohibition against purchasing mortgages at a price exceeding par (100), and the $17,500 per family residence or dwelling-unit ceiling on mortgages eligible for purchase, the last restriction remaining subject to the same several exceptions provided by existing law.

Uniformity of FNMA's operations as to Federally underwritten mortgages and loans would be furthered by section 302(b)(3), which defines the scope to include, as noted above, not only those which are FHA-insured and VA-guaranteed but also those which are insured or guaranteed under other Federal law.

Subsection (b) is a technical amendment.

Section 5. Subsection (a) would provide an additional means for the corporation to effect sales of mortgages held in the portfolio of its secondary market operations. It would authorize FNMA to create and administer trusts consisting of pools of such mortgages; against such trusts FNMA, as trustee, could sell participation certificates, which could be guaranteed by FNMA in its corporate capacity under section 304 of the FNMA Charter Act. Any Government guaranty would be expressly negatived. There would be a requirement that the mortgages subjected to the trust "shall at all times be adequate in outstanding principal balances, interest rates, and maturities to enable the

Association to make timely interest and principal payments on the participations." The participations would be exempt securities within the meaning of laws administered by the Securities and Exchange Commission.

Subsection (b) is a technical amendment.

Section 6. Excepting its financing activities carried on in a fiduciary capacity under its management and liquidating functions, this section would change FNMA's operations with respect to its special assistance functions and management and liquidating functions so that commencing July 1, 1968, they would be conducted by the corporation consistent with general policy determinations made by the Secretary of Housing and Urban Development. Such operations under these two headings would thereafter be conducted at the expense of and for the ultimate account of the Secretary of Housing and Urban Development. Under the provisions of subsections (c) and (d), the Secretary would be required to reimburse FNMA for its related administrative expenses. As a consequence of this change, it would become the responsibility of the HUD Secretary to request and justify any future related program dollar authorizations, and also necessary appropriations to cover any losses and the administrative expenses of these functions. The guaranty by FNMA in its corporate (nonfiduciary) capacity of participations issued and sold under its management and liquidating functions would be for the ultimate account of the Secretary because such financing is for the benefit of the Government.

Section 7. This section would make all of the foregoing amendments effective on the first day of the second month beginning after the date of enactment of the bill to allow time to make arrangements for necessary changes, except that it would also further postpone the effectiveness of the section 6 amendments until July 1, 1968, because the 1968 fiscal year budget requests are already being processed.

Section 8. This section would provide express permanent authority for the Federal Reserve open market purchase and sale of FNMA obligations and other securities, including participations. The potential flexibility of open market transactions would be increased, which could serve to make FNMA securities somewhat more attractive to private investors.

EXPANSION AND STRENGTHENING OF FNMA

Mr. SPARKMAN. Mr. President, for myself and the Senator from Texas [Mr. TOWER], by request, I introduce, for appropriate reference, a bill which contains a series of amendments to the Federal National Mortgage Association Charter Act and other acts—a bill which is designed to expand and strengthen the secondary market functions of FNMA.

This bill is designed to provide for the further development of the Federal National Mortgage Association as a secondary market facility and will enable it to deal in conventional mortgages.

I introduce this bill at this time so that it may be given thorough study by all concerned with these matters.

This bill is the product of several months of research and meetings of experts in housing and mortgage finance called together for this purpose by the officers and directors of the National Association of Home Builders.

The bill stems from the events of the past 2 years in which the country and the private housing industry have experienced a drastic curtailment in mortgage money supplies. It seems clear that this experience, coupled with the previous times in which a similar sequence of events has taken place, warrants every effort to improve and prepare our secondary mortgage market system for the future. We cannot as a nation undergo sharp downturns in mortgage supplies and housing production without seriously and adversely affecting our efforts to house adequately our present population and meet impending future housing needs that are almost upon us.

This bill, and other similar measures which may also be offered for consideration this year, is an attempt to provide an expanded means of attracting funds into the secondary mortgage market through issuance of securities by FNMA that will be purchased by large pools of investment funds which do not now flow into the mortgage market.

It also provides authority for FNMA to purchase and otherwise deal in conventional mortgages on a conservative basis and thus provide an assurance of a secondary market for this segment of mortgage finance.

The bill also provides a new structure for the FNMA Board of Directors, which would be continued under the Secretary of Housing and Urban Development as its chairman. The new Board, however, would be provided in the bill with an advisory board, and the bill would require the President of FNMA to make a report to Congress within 30 days after the start of each regular session containing a projection of mortgage market needs and prospects for the coming year. The bill would also provide that the office of the President of FNMA be elevated to that of a Presidential appointee to be confirmed by the Senate. In addition, the bill would provide the Department of Housing and Urban Development with a new Assistant Secretary responsible for mortgage finance and credit policies.

I ask unanimous consent that a section-by-section summary of the bill explaining its provisions and purposes be printed in the RECORD immediately following my remarks. I also ask that the text of the bill be printed in full in the RECORD following the section-by-section summary.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 1493) to reconstitute the Federal National Mortgage Association as an independent corporate instrumentality of the United States, to enable it to deal in conventional mortgages, and to provide otherwise for its further development as a secondary market facility, introduced by Mr. SPARKMAN (for himself and Mr. TOWER), by request, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD.

The section-by-section summary presented by Mr. SPARKMAN is as follows:

SECTION-BY-SECTION SUMMARY OF PROPOSAL FOR THE DEVELOPMENT OF FNMA AS A SECONDARY MARKET FACILITY, AND TO ENABLE FNMA TO DEAL IN CONVENTIONAL MORTGAGES

AUTHORITY TO PURCHASE CONVENTIONAL MORTGAGES

Section 1 would rewrite section 302(b) of the Federal National Mortgage Association Charter Act to empower FNMA in its regular secondary market operations to deal in conventional mortgages meeting certain requirements.

Under existing law, section 302(b) authorizes FNMA to deal in FHA-insured and VA-guaranteed mortgages and certain rural housing loans insured by the Farmers Home Administration. The Association is prohibited from purchasing mortgages at a price (without regard to yield) exceeding par, and mortgages offered by, or covering property held by, States and their instrumentalities.

The new first sentence of section 302(b) would authorize FNMA in its secondary market operations to deal in FHA-insured, VA-guaranteed, and insured farm housing loans, and also conventional mortgages of a quality, and made pursuant to lending standards deemed by the Association to be, generally acceptable to private institutional mortgage investors. The following statutory restrictions would be applicable to conventional mortgages eligible for purchase—

(a) FNMA could not purchase a mortgage if the outstanding principal obligation exceeds the maximum amount of a comparable mortgage insurable by FHA.

(b) FNMA could not purchase a mortgage if the loan-to-value ratio exceeds 80 percent. This proposed bill would make *no changes* in the present provisions of law covering the special assistance dealings of the Association, including the existing prohibitions against buying at a price above par and buying mortgages from States and their instrumentalities. It would, however, eliminate both of these restrictions from application to the secondary market operations.

The language of the proposed bill would provide that mortgages insured or guaranteed under any Federal law would be eligible for FNMA purchase. This simplifies and updates present wording of the law.

Section 1(b) of the proposed bill would amend the secondary market operations provisions to authorize FNMA to set prices on mortgages which will appropriately reflect differentials between conventional and insured mortgages bearing the same interest rates. In addition, FNMA would be expressly authorized to establish a special reserve for losses with respect to conventional mortgages.

SECURITIES

Section 2 would add a new subsection 304(d) to the FNMA Charter Act to provide an additional method for financing FNMA's secondary market operations.

It would authorize FNMA to set aside mortgages held in its secondary market portfolio, subject them to a trust or trusts, and act as trustee of such trusts. FNMA would issue and sell trust certificates or beneficial interests in the mortgages subject to the trusts in the same manner as is now done under its management and liquidation functions. The securities would be exempt securities within the meaning of the SEC laws. FNMA could guarantee the timely payment of the principal of and interest on the securities issued, but it would be required to make clear that the securities are not guaranteed by the United States.

Mortgages subjected to trusts would be required at all times to be adequate in outstanding principal balances, interest rates, and maturities to meet principal and interest payments on the securities. The effect of the sale of trust certificates would be the same as a direct sale of the mortgages to the extent of the principal amounts of the beneficial interests sold.

PRESIDENT, BOARD OF DIRECTORS, AND ADVISORY BOARD

Section 3 would rewrite section 308 of the FNMA Charter Act. The first change is in the composition of FNMA's Board of Directors.

Under existing law, the Secretary of HUD is Chairman of the Board and is authorized to appoint four other Board members from among FNMA's officers or employees, from the immediate office of the Secretary of HUD, or from any other Federal department or agency.

The bill would keep the HUD Secretary as Chairman of the Board and would name six other members. These would be the Secretary of the Treasury, the Chairman of the Federal Reserve Board, the Chairman of the Home Loan Bank Board, the Chairman of the Council of Economic Advisers, the President of FNMA, and the Assistant Secretary of HUD for Mortgage Credit. The Secretary of the Treasury would have the option of designating one of the other Presidential appointees in the Treasury Department. The Chairman of the FRB, the FHLBB, and the CEA could designate other members of their boards.

The Board would meet at the call of its Chairman at least quarterly. Under existing law, the Board is required to meet at least monthly.

The President of FNMA would become a Presidential appointee to be confirmed by the Senate under the proposed bill. At present, the Secretary of HUD appoints FNMA's President. The President of FNMA would select and appoint other officers of the Association. At present, this is done by the Secretary of HUD as Chairman of the Board.

Section 3 would also add a new subsection (b) to section 308 of the Act. This would provide for a seven-man Advisory Board to FNMA. At present, there is an informal advisory committee which is not established by statute.

Members of the proposed statutory Advisory Board would be appointed by the President of FNMA.

The Advisory Board would meet with FNMA's Board of Directors at least semiannually. Other meetings would be held at the call of the President of FNMA. Members would be paid on a per diem basis and reimbursed for travel.

Following the example of the Federal Savings and Loan Advisory Council (set up in 1935), the Advisory Board would be given power (1) to select its own Chairman and methods of procedure; (2) to confer with the Board of Directors; and (3) to request information and make recommendations to the Board of Directors.

This section would also amend section 309(d) to give authority to the President of FNMA to select, and appoint or employ subordinate officers and employees. The present law places this power in the Chairman of the Board, who is also the Secretary of HUD.

This section would also raise the pay of the President of FNMA from $26,000 to $27,000, and put him at a level with the Assistant Secretaries. In addition, it would provide four positions at a level of $26,000 for other corporate officers of FNMA, who are currently at pay levels below that amount. (The FNMA bylaws provide for one or more Vice Presidents, a General Counsel, a Treasurer, a Secretary, and a Controller.)

REPORT TO CONGRESS

Section 4 of the bill would amend section 309 of the Act to provide that the President of FNMA shall make a report to Congress within 30 days after the start of each regular session of Congress.

Under existing law, the Secretary of HUD is required to make a report to the President and Congress after the end of each calendar year on the activities of the Department for the preceding calendar year.

The FNMA report is to contain a projection of mortgage market needs and prospects during the coming year. This is to include an estimate of the requirements with respect to the need, availability and flow of mortgage funds, and recommendations for meeting any disparity between supply and demand.

OPEN MARKET OPERATIONS—PURCHASE OF FNMA OBLIGATIONS

Section 5 provides express permanent authority for the Federal Reserve open market purchase and sale of FNMA obligations and other securities, including participations. The potential flexibility of open market transactions would be increased, which could serve to make FNMA securities somewhat more attractive to private investors.

Under existing laws, the obligations of "any agency of the United States" (including FNMA) may be purchased. However, this permissive authority expires September 21, 1967.

AN ASSISTANT SECRETARY FOR CREDIT AND FINANCIAL POLICY

Section 6 would provide a means of enhancing the future capacity of the Government to anticipate and cope with severe mortgage money problems as experienced during the past two years and with financial policy generally.

The Department of Housing and Urban Development Act calls for four Assistant Secretaries, one of whom must also be the Federal Housing Commissioner. The proposed amendment would add one additional Assistant Secretary who is given specific responsibility for financial policy. This would *not* affect the present Assistant Secretary for Mortgage Credit (Phil Brownstein) who is also the Federal Housing Commissioner.

S. 1493

A bill to reconstitute the Federal National Mortgage Association as an independent corporate instrumentality of the United States, to enable it to deal in conventional mortgages, and to provide otherwise for its further development as a secondary market facility

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302(a) of the Federal National Mortgage Association Charter Act is amended—

(a) by striking out "a constituent agency of the Housing and Home Finance Agency" and inserting in lieu thereof "an independent corporate instrumentality of the United States"; and

(b) by inserting at the end thereof: "At the discretion of the board of directors, conditioned upon the availability of space and the payment by the corporation of economic rent therefor, the principal office of the corporation may be located in space which otherwise would be available to the Department of Housing and Urban Development."

SEC. 2. (a) Section 308 of the Federal National Mortgage Association Charter Act is amended to read as follows:

"PRESIDENT AND BOARD OF DIRECTORS

"SEC. 308. (a) The Association shall have a president who shall be the chief executive officer of the corporation, and such other executive officers as may be provided for in the bylaws. The president of the corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for a term of fifteen years from the date of his appointment and qualification and until his successor is appointed and has qualified, except that at any time he may be removed by the President of the United States for inefficiency, neglect of duty, or malfeasance in office.

"(b) The Association shall have a board of directors consisting of nine persons, one of whom shall be the president of the corporation ex officio, as chairman of the board. Another member of the board shall be the Secretary of the Treasury ex officio, except that he may designate an Under Secretary or Assistant Secretary of the Department of the Treasury to serve as such member in his stead. Another member of the board shall be the Secretary of Housing and Urban Development ex officio, except that he may designate an Under Secretary or Assistant Secretary of the Department of Housing and Urban Development to serve as such member in his stead. Another member of the board shall be the Chairman of the Board of Governors of the Federal Reserve System ex officio, except that he may designate another Member of the Board of Governors of the Federal Reserve System to serve as such member in his stead. Another member of the board shall be the Chairman of the Federal Home Loan Bank Board ex officio, except that he may designate another Member of the Federal Home Loan Bank Board to serve as such member in his stead. The other four members of the board shall be persons elected annually, in the manner provided in subsection (c) of this section, by the holders of the common stock of the Association outstanding from time to time. Such elective members shall hold office until the close of the next succeeding annual meeting of the stockholders. The ex officio members of the board, as such (or as members of the executive committee), shall not receive compensation for their services. Each elective member shall receive compensation at the rate of $150 for each day he is in attendance at meetings of the board (or of the executive committee), and shall be reimbursed for his actual expenses incurred in traveling to and from such meetings. No such elective member shall be deemed to have a conflict of interest by reason of his ownership of corporate common stock or other securities issued by the Association, nor by reason of his ownership of or employment by any organization doing business with the Association.

"(c) One meeting of the holders of the common stock of the Association outstanding from time to time shall be held in each year during the month of May for the sole purpose of electing the elective members of the board of directors. Each share of such common stock shall entitle the holder thereof to one vote for each vacancy to be filled, and cumulative voting shall not be allowed. Such meetings shall be held at such times and places, and shall be subject to such rules and procedures as may be provided for in the corporate bylaws. The bylaws shall provide for the manner of filling vacancies among elective members of the board of directors occurring between the annual meetings of the common stockholders. The executive and other officers, attorneys, employees, and agents of the Association shall not be ineligible to become elective members of the board but, as such (or as members of the executive committee), shall not receive compensation for their services.

"(d) The board of directors of the corporation shall meet at the call of its chairman, who shall require it to meet not less often than once each quarter; or a meeting may be called by any four other members. Within the limitations of law and subject to the provisions of section 302(d) hereof, the board shall determine the general policies which shall govern the operations of the Association. The board of directors shall select and effect the appointment of qualified persons to fill the usual and customary corporate executive offices (other than the office of president of the corporation), as may be expressly provided for in the bylaws, and the president of the corporation and such persons shall have such executive functions, powers, and duties as may be prescribed by the bylaws or by the board of directors, and shall be the executive officers of the Association and shall discharge all such executive functions, powers, and duties.

"(e) The corporate bylaws may provide for the establishment of an executive committee of the board of directors. Any such executive committee shall consist of three members of the board, one of whom shall be the chairman of the board ex officio, as chairman of the executive committee, another of whom shall be elected by a majority vote of the whole board from among the other ex officio members of the board, and the third of whom shall be elected by a majority vote of the whole board from among the elective members of the board. Each member of the executive committee shall hold office until he ceases to be a member of the board of directors or, except as to the chairman, until his successor has been elected by a majority vote of the whole board, whichever occurs sooner. The executive committee shall meet at the call of its chairman; or a meeting may be called by the other two members. The executive committee may be authorized to act between meetings of the board of directors with the full power of the board, except that any policy determinations or actions shall not be inconsistent with general policies determined by the board or which would govern such determinations."

(b) Section 303(a) of such Act is amended by striking out "non-voting common stock" and inserting in lieu thereof "common stock which, except as provided in section 308(c), shall be nonvoting".

(c) Section 303(g) of such Act is amended by striking out "Housing and Home Finance Administrator" and inserting in lieu thereof "president of the Association".

(d)(1) Section 5314 of title 5, United States Code, is amended by adding thereto: "(48) President of the Federal National Mortgage Association."

(2) Any other provision of law to the contrary notwithstanding, the board of directors of the Federal National Mortgage Association may fix the compensation for not more than four of the corporate executive offices of such Association at the annual rate applicable to positions in level V of the Executive Schedule (5 U.S.C. 5316).

(e) The first elected members of the board of directors of the Federal National Mortgage Association shall be elected at a meeting of the holders of the Association's common stock, to be called by the chairman of the board as soon as is practicable after the enactment of this Act.

(f) The incumbent of the office of president of the Federal National Mortgage Association immediately prior to the effective date of this section shall be deemed to be the president of such Association as described in section 308a) of the Federal National Mortgage Association Charter Act, as amended by subsection (a) of this section until his successor is appointed as provided in said section 308(a), and has qualified. The incumbents of the other executive offices of the Association immediately prior to such effective date shall continue in their respective offices until their successors are selected and appointed as provided in section 308(d) of such Act, as amended by subsection (a) of this section.

SEC. 3. Section 303(a) of the Federal National Mortgage Association Charter Act is amended by striking out the third sentence and inserting in lieu thereof: "At the option of the Association, all of the preferred stock shall be retirable at par value at any time, and any common stock acquired by the corporation and held by it as corporate treasury stock shall be retirable so long as not less than $100,000,000 of such common stock will thereafter remain outstanding. The amount of preferred stock authorized to be outstanding during any fiscal year shall be the amount otherwise provided for in this section reduced by an amount equal to the par value of the outstanding common stock in excess of $200,000,000 determined as of the close of the preceding fiscal year."

SEC. 4. (a) Section 302(b) of the Federal National Mortgage Association Charter Act is amended to read as follows:

"(b)(1) For the purposes set forth in paragraph (a) of section 301 and subject to the limitations and restrictions of this title, the Association is authorized under section 304, pursuant to commitments or otherwise, to purchase, lend on the security of, service, sell, or otherwise deal in any mortgages which are insured or guaranteed as provided in paragraph (3) of this subsection, or which are insured or guaranteed by an underwriter under a contract determined by the Association to be generally acceptable to private institutional mortgage investors, or which, although neither insured nor guaranteed, are of a quality generally acceptable to private institutional mortgage investors and otherwise generally the standards of the Association in its other operations under section 304. The Association shall not purchase any mortgage which is not insured or guaranteed as provided in paragraph (3) of this subsection and as to which the outstanding principal balance exceeds 80 per centum of the appraised value of the property covered thereby unless payment of such excess amount is insured or guaranteed by an underwriter under a contract determined by the Association to be generally acceptable to private institutional mortgage investors.

"(2) For the purposes set forth in paragraph (b) of section 301 and subject to the limitations and restrictions of this title, the Association is authorized under section 305, pursuant to commitments or otherwise, to purchase, service, sell, or otherwise deal in any mortgages which are insured or guaranteed as provided in paragraph (3) of this subsection. The Association shall not purchase under section 305 any mortgage (i) offered by, or covering property held by, a State or municipality or instrumentalities thereof; (ii) at a price which exceeds 100 per centum of the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items; or (iii) if the original principal obligation exceeds $17,500 for each family residence or dwelling unit covered thereby plus an additional $2,500 for each such family residence or dwelling unit which has four or more bedrooms. Clause (iii) of the preceding sentence shall not apply to any mortgage with an original principal balance that exceeds the applicable dollar limitation per dwelling unit if it is one of the following: (i) a below-market interest rate mortgage insured under section 221(d)(3) of the National Housing Act, covering property which has the benefit of local tax abatement in an amount determined by the Secretary of Housing and Urban Development to be sufficient to make possible rentals not in excess of those that would be approved by the Secretary if the mortgage amount did not exceed the applicable dollar limitation per dwelling unit and if local tax abatement were not provided; (ii) a mortgage insured under section 220 or title VIII of such Act; (iii) a mortgage insured under section 213 of such Act and covering property located in an urban renewal area; (iv) a mortgage insured under title X of such Act with respect to a new community approved under section 1004 thereof; (v) a mortgage covering property located in Alaska, Guam, or Hawaii.

"(3) For the purposes of this title, the terms 'mortgages,' 'home mortgages,' and 'first mortgages' shall be inclusive of any mortgages or other obligations insured or guaranteed under the National Housing Act, the Servicemen's Readjustment Act of 1944, chapter 37 of title 38, United States Code, or other Federal law."

(b) Section 305(h) of such Act is amended by striking out "clause (2) of section 302(b)" and inserting in lieu thereof "clause (i) of the second sentence of section 302(b)(2)".

SEC. 5. (a) Section 304 of the Federal National Mortgage Association Charter Act is amended by inserting at the end thereof the following new subsection:

"(d) To provide an additional means for effecting sales of mortgages held in the portfolio of its secondary market operations, and for financing purposes, the Association is authorized to set aside a part or all of any mortgages held by it under this section and subject them to a trust or trusts, and in connection therewith, the Association shall act as trustee of any such trusts. As such trustee, the Association is authorized to issue and sell beneficial interests or participations in the mortgages subjected to such trusts. Participations or other instruments issued under this subsection shall to the same extent as securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission. Section 302(c)(4) hereof shall have no application to the issuance of participation certificates under this subsection. The Association, in its corporate capacity, is authorized to guarantee the timely payment of the principal of and interest on the participations or other instruments issued and sold pursuant hereto; however, appropriate language shall be inserted in all participations or other instruments issued under this subsection clearly indicating that such participations or other instruments, together with the interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or of any agency or instrumentality thereof other than the Association. Mortgages set aside and subjected to a trust or trusts pursuant to this subsection shall at all times be adequate in outstanding principal balances, interest rates, and maturities to enable the Association to make timely interest and principal payments on the participations or other instruments issued and sold pursuant hereto. The effect of the sale of any participation certificates hereunder shall be the same, to the extent of the principal of such issue, as the direct sale of the mortgages subject to the trust."

(b) Section 302(c)(2) of such Act is amended—

(1) by striking out "by each" and inserting in lieu thereof "by the Federal National Mortgage Association (except with respect to its secondary market operations) and each"; and

(2) by striking out ", except that such authority may not be used with respect to secondary market operations of the Federal National Mortgage Association".

SEC. 6 (a) Section 301 of the Federal National Mortgage Association Charter Act is amended—

(1) by inserting in paragraph (b) immediately after "(when, and to the extent that, the President has determined that it is in the public interest)" the following: ", at the expense of and for the ultimate account of the Secretary of Housing and Urban Development,"; and

(2) by inserting in paragraph (c) immediately after "in an orderly manner," the following: "at the expense of and for the ulti-

mate account of the Secretary of Housing and Urban Development,".

(b) Section 302 of such Act is amended by inserting at the end thereof the following new subsection:

"(d) Excepting its activities carried on in a fiduciary capacity pursuant to subsection (c) of this section and under section 306, the operations of the Association under the special assistance functions (section 305) and the management and liquidating functions (section 306) shall be conducted by the Association at the expense of and for the ultimate account of the Secretary of Housing and Urban Development; and in connection therewith and subject to the same exception determinations by the board of directors with respect to such functions shall be consistent with any written statements of general policy formally transmitted by the Secretary of Housing and Urban Development to the chairman of the board."

(c) Section 305(b) of such Act is amended by inserting at the end thereof: "All operations of the Association under this section shall be at the expense of and for the ultimate account of the Secretary of Housing and Urban Development, and such Secretary shall reimburse the Association for the amount of its administrative expenses allocable to such operations, on a fairly prorated basis."

(d) Section 306(a) of such Act is amended by inserting at the end thereof: "Excepting its activities carried on in a fiduciary capacity pursuant to section 302(c), all operations of the Association under this section shall be at the expense of and for the ultimate account of the Secretary of Housing and Urban Development, and such Secretary shall reimburse the Association for the amount of its administrative expenses allocable to such operations, on a fairly prorated basis."

(e) Section 307(c) of such Act is amended by striking out everything following "related obligations of the Association," and by inserting in lieu thereof: "its prorated and unreimbursed expenses, and the like, including amounts required for the establishment of such reserves as are determined to be prudent, shall inure to the Secretary of Housing and Urban Development, and such related earnings or other amounts as become available shall be paid annually by the Association to the Secretary of the Treasury for the account of the Secretary of Housing and Urban Development, for covering into miscellaneous receipts. As of the close of June 30 and December 31 of each year the Association shall render an accounting to the Secretary of Housing and Urban Development with respect to its operations conducted at his expense and for his ultimate account."

SEC. 7. The amendment made by sections 1 through 5 of this Act shall become effective on the first day of the second month beginning after the date of its enactment, and shall operate prospectively only; and the amendments made by section 6 of this Act shall become effective on July 1, 1968.

SEC. 8. Section 309(g) of the Federal National Mortgage Association Charter Act is amended by adding at the end thereof "Every Federal Reserve Bank shall have power to buy and sell in the open market, under the direction and regulations of the Federal Open Market Committee, any obligations, participations, or other instruments issued by the Association.".

POLICE OFFICERS HIGHER EDUCATION ACT OF 1967

Mr. RIBICOFF. Mr. President, I introduce for appropriate reference, the Police Officers Higher Education Act of 1967.

Our first line of defense against the mounting crime rate is the local police force. Yet a 1966 survey showed that 64.5 percent of the police departments polled were understaffed and consequently unable to promise full protection for the populace. Equally alarming is a 1964 survey which found that only 6.4 percent of the Nation's policemen had a college degree of any kind. In this era of modern technology the police must be able to understand and apply the latest scientific advances in crime prevention and detection. The police officer cannot do so if he does not possess the requisite education and training to fit him for the task.

These statistics demonstrate that there is a national need for more and better qualified police officers. The National Crime Commission reached the same conclusion. This need can best be met by a national program to assist law enforcement agencies to recruit college-trained men and to upgrade present officers to the college education level.

We have neglected our police for too long and blamed them far too often when something went wrong in our society. We can no longer ask the police to be supermen and then treat them as scapegoats. While the cry of police brutality often rings in our ears, the vast majority of Americans, no matter where they live, have made it clear that they want more—not less—police protection. Our police want to provide their communities with better services. But they are handicapped by low salaries that discourage new recruits and by a lack of educational programs.

We cannot continue to ask our local police officers to perform their very difficult job unless we provide them with the training and the security that our Federal law-enforcement officials have. Our local police departments deserve the training, the salary, and the status of FBI agents. Although the FBI is expanding its training programs for local police—both by inviting police to the Washington area for courses and by sending instructors to local communities—a great need still exists for additional and more permanent training programs in the States and communities where the police work.

My bill will accomplish this. It is patterned after the National Defense Education Act of 1958 so that procedural requirements will be kept to a minimum. This will also insure that colleges and universities participating in the program will be familiar with its administration.

Administration of the entire program will be handled by existing agencies in the Office of Education because it deals chiefly with educational matters and because that Office has a long and successful experience in administering education programs.

Title I would establish a student loan fund at institutions of higher education—including junior and community colleges to assist those pursuing 2- or 4-year undergraduate degrees or certificates in police science. These loan funds total $3 million for fiscal year 1968 and $5 million for 1969, 1970, and 1971. A maximum student loan under the program would be $1,200 for 1 academic year with selection of recipients being determined by the individual institutions. Selection criteria would be based upon excellence of achievement and need, with special consideration given experienced law-force personnel on academic leave. Loans would bear a low interest rate, be repayable over a 10-year period after graduation, and up to half of the debt may be canceled for service on a public funded law-enforcement agency.

Federal contributions to the student loan funds would be matched by participating colleges and universities at a ratio of at least 1 institutional to 9 Federal dollars. Funds are provided in title I for loans to institutions to cover their required share. The total 4-year cost of this program is $19,800,000 plus administrative costs. A substantial percentage of these funds would be recovered by the Government as the loans and interest are paid off. An estimated 18,000 to 36,000 student-academic years of study could be supported under this title, depending on the amount and number of loans.

Title II would establish 4,000 2-year scholarships for outstanding students wishing to pursue careers in law enforcement. Stipends for such fellowships would amount to $2,300 yearly, plus $400 for each dependent of the student. In addition to the student stipend, the Government would provide grants of up to $2,500 per fellowship student each year to the institution providing him a new or improved program in police science. The intent of this provision is to create an inducement for colleges and universities to establish new or expanded programs in this field. There are presently 26 States in which no college or university provides a degree program in police science; in 12 of these there is some planning for such programs. Competition for fellowship awards would be based upon evidence of mental and moral excellence and leadership potential, with some preference being given applicants who are law enforcement professionals on academic leave. The cost of this program is $40 million plus administrative expenses over a 4-year period.

Title III will provide $40 million in grants for tuition aid of up to $300 a semester to those who have been employed for a minimum of 2 consecutive years by a public law enforcement agency. This aid would enable a police officer to attend a community college or other local educational institution part time and pursue a course of study leading to a degree in police science. To encourage police officers to remain on the force for a period of 18 months following the completion of their courses, the bill provides that if an officer leaves the force prior to the expiration of this time the grants he has received must be repaid on terms prescribed by the Commissioner of Education. It is estimated that the $40 million authorized by this title will provide up to 66,000 student academic years. This would permit one of every 12 police officer in the Nation to avail himself of its benefits.

One of the special advantages of title III is that it would promote the formation of a partnership between the community college and local law enforcement agencies to raise police education and training standards. Because of its location and economic position the community college is well suited to offering an employed police officer the education he may not have been able to obtain in his earlier years. By so doing it will bring the academic and occupational aspects of career development together so that they combine to produce a better quality of police officer. In the end, we can expect a more effective police force and consequently, a reduction in crime.

My bill complements the proposed Safe Streets and Crime Control Act of 1967. That bill contemplates that a portion of the grants to States and local governments will be used for education and training of law enforcement personnel. My bill gives this provision concrete form through a specific program of grants and loans to assist in recruitment and in-service training of police officers.

Mr. President, in these times the police service cannot be content with officers who have a low educational attainment. Policemen today face a wide range of technical and social problems. They must be equipped to handle them well. Such competence can be instilled in police officers through the college degree program I have outlined here. My bill is an important step toward making the training, salary, and status of local police commensurate with that of FBI agents. Its enactment and implementation will bring new levels of professionalism to the police throughout the Nation. I am confident that this, in turn, will lead to a reduction in the crime rate throughout the country.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1502) to provide assistance to students pursuing programs of higher education in the field of law enforcement, introduced by Mr. RIBICOFF (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 1502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Police Officers Higher Education Act of 1967".

TITLE I—STUDENT LOANS

LOANS TO STUDENTS OF POLICE SCIENCE IN INSTITUTIONS OF HIGHER EDUCATION

SEC. 101. (a) For the purpose of enabling the Commissioner to stimulate and assist in the establishment at institutions of higher education of funds for the making of low-interest loans to students of police science in need thereof to pursue their courses of study in such institutions, there are hereby authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1968, $5,000,000 for the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, and such sums for the fiscal year ending June 30, 1972, as may be necessary to enable students who have received a loan for any school year ending prior to July 1, 1971, to complete a two-year course in police science. Sums appropriated under this section for any fiscal year shall be available, in accordance with the agreements between the Commissioner and institutions of higher education, for payment of Federal capital contributions which, together with contributions from the institutions, shall be used for establishment and maintenance of a student loan fund.

(b) From the sums appropriated pursuant to subsection (a) for any fiscal year ending prior to July 1, 1971, the Commissioner shall allot to each State an amount which bears the same ratio to the amount so appropriated as the population of such State bears to the population of all the States combined. The Secretary of Commerce shall be the source of all population figures for the purposes of this section.

(c) Sums appropriated pursuant to subsection (a) for the fiscal year ending June 30, 1972, shall be allotted among the States in such manner as the Commissioner determines to be necessary to carry out the purpose for which such amounts are appropriated.

FEDERAL CAPITAL CONTRIBUTIONS

SEC. 102. The Commissioner shall periodically set dates by which institutions of higher education in a State must file applications for Federal capital contributions from the allotment of such State. In the event the total requested in such applications, which are made by institutions with which he has agreements under this title and which meet the requirements established in regulations of the Commissioner, exceeds the amount of the allotment of such State available for such purpose, the Federal capital contribution from such allotment to each such institution shall bear the same ratio to the amount requested in its application as the amount of allotment available for such purposes bears to the total requested in all such applications. In the event the total requested in such applications which are made by institutions in a State is less than the amount of the allotment of such State available for such purpose, the Commissioner may reallot the remaining amount from time to time, on such date or dates as the Commissioner may fix, to other States in proportion to the original allotments to such States under section 101(b) for such year. The Federal capital contribution to an institution shall be paid to it from time to time in such installments as the Commissioner determines will not result in unnecessary accumulations in the law enforcement and correctional student loan fund established under its agreement under this title.

LOAN FUND AGREEMENTS

SEC. 103. An agreement with any institution of higher education for Federal capital contributions by the Commissioner under this title shall—

(1) provide for establishment of a loan fund for students pursuing programs leading to either a two- or a four-year degree in police science offered by such institution;

(2) provide for deposit in such fund of (a) the Federal capital contributions, (b) an amount, equal to not less than one-ninth of such Federal contributions, contributed by such institution, (c) collections of principal and interest on student loans made from such fund, and (d) any other earnings of the fund;

(3) provide that such student loan fund shall be used only for loans to students in accordance with such agreement, for capital distributions as provided in this title, and for costs of litigation arising in connection with the collection of any loan from the fund or interest on such loan;

(4) provide that in the selection of students to receive loans from this student loan fund, special consideration shall be given to (a) men and women serving on the staffs of public funded law enforcement agencies who are on academic leave to earn either the two- or four-year degree in police or correctional science, and (b) students in good health with a superior academic background;

(5) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this title and as are agreed to by the Commissioner and the institution.

TERMS OF STUDENT LOANS

SEC. 104. (a) The total of the loans for any fiscal year to any student made by institutions of higher education from loan funds established pursuant to agreements under this title may not exceed $1,200 and the total for all years to any student from such funds may not exceed $4,800.

(b) Loans from any such loan fund to any student by any institution of higher education shall be made on such terms and conditions as the institution may determine; subject, however, to such conditions, limitations, and requirements as the Commissioner may prescribe (by regulation or in the agreement with the institution) with a view to preventing impairment of the capital of the student loan fund to the maximum extent practicable in the light of the objective of enabling the student to complete his course of study; and except that—

(1) such a loan shall be made only to a student who (A) is in need of the amount of the loan to pursue the course of study at such institution, and (B) is capable, in the opinion of the institution, of maintaining good standing in such course of study, and (C) has been accepted for enrollment as a full-time student at such institution, and (D) signs a declaration of intention to join the staff of a public funded law enforcement agency in the State wherein the institution of higher education is located or in the District of Columbia, after completion of the two- or four-year course of study, and (E) manifests no obvious physical or other handicap which, in the judgment of the institution, would render him clearly incapable of effective service on a public funded law enforcement agency;

(2) such a loan shall be evidenced by a note or other written agreement which provides for repayment of the principal amount, together with interest thereon, in equal annual installments, or, if the borrower so requests, in graduated periodic installments (determined in accordance with such schedules as may be approved by the Commissioner), over a period beginning one year after the date on which the borrower ceases to pursue a full-time course of study at an institution of higher education and ending eleven years after such date, except that (A) interest shall not accrue on any such loan, and periodic installments need not be paid, during any period (i) during which the borrower is pursuing a full-time course of study at an institution of higher education, or (ii) not in excess of three years, during which the borrower is a member of the Armed Forces of the United States, (B) any such period shall not be included in determining the ten-year period during which the repayment must be completed, (C) such ten-year period may also be extended for good cause determined in accordance with regulations of the Commissioner, and (D) the borrower may at his option accelerate repayment of the whole or any part of such loan;

(3) not to exceed 50 per centum of any such loan (plus interest) shall be canceled for service as a full-time law enforcement officer on a public funded law enforcement agency, such police force being within the same State as the institution of higher education granting the student loan, at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete year of such service;

(4) such a loan shall bear interest, on the unpaid balance of the loan, at the rate of 3 per centum per annum except that no

interest shall accrue before the date on which repayment of the loan is to begin;

(5) such a loan shall be made without security and without endorsement, except that if the borrower is a minor and the note or other evidence of obligation executed by him would not, under the applicable law, create a binding obligation, either security or endorsement may be required;

(6) the liability to repay any such loan shall be canceled upon the death of the borrower, or if he becomes permanently and totally disabled as determined in accordance with regulations of the Commissioner;

(7) such a loan by an institution for any year shall be made in such installments as may be provided in regulations of the Commissioner or the agreement with the institution under this title and, upon notice to the Commissioner by the institution that any recipient of a loan is failing to maintain satisfactory standing, any or all further installments of his loan shall be withheld, as may be appropriate; and

(8) no note or other evidence of such a loan may be transferred or assigned by the institution of higher education making the loan except, upon the transfer of the borrower to another institution of higher education participating in the program under this title (or if not participating, is eligible to do so and is approved by the Commissioner for such purpose), to such institution.

(c) An agreement under this title for payment of Federal capital contributions shall include provisions designed to make loans from the student loan fund established pursuant to such agreement reasonably available (to the extent of the available funds in such fund) to all eligible students in such institution in need thereof.

DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS

SEC. 105. (a) After June 30, 1974, and not later than September 30, 1974, there shall be a capital distribution of the balance of the student loan fund established under this title by each institution of higher education as follows:

(1) The Commissioner shall first be paid an amount which bears the same ratio to the balance in such fund at the close of June 30, 1974, as the total amount of the Federal capital contributions to such fund by the Commissioner under this title bears to the sum of such Federal capital contributions and the institution's capital contributions to such fund.

(2) The remainder of such balance shall be paid to the institution.

(b) After September 30, 1974, each institution with which the Commissioner has made an agreement under this title shall pay to the Commissioner, not less often than quarterly, the same proportionate share of amounts received by the institution after June 30, 1974, in payment of principal or interest on student loans made from the student loan fund established pursuant to such agreement (which amount shall be determined after deduction of any costs of litigation incurred in collection of the principal or interest on loans from the fund and not already reimbursed from the student loan fund or such payments of principal or interest) as was determined for the Commissioner under subsection (a).

(c) Upon a finding by the institution or the Commissioner prior to July 1, 1974, that the liquid assets of a student loan fund established pursuant to an agreement under this title exceed the amount required for loans or otherwise in the foreseeable future, and upon notice to such institution or to the Commissioner, as the case may be, there shall be, subject to such limitations as may be included in regulations of the Commissioner or in such agreement, a capital distribution from such fund. Such capital distribution shall be made as follows:

(1) The Commissioner shall first be paid an amount which bears the same ratio to the total to be distributed as the Federal capital contributions by the Commissioner to the student loan fund prior to such distribution bear to the sum of such Federal capital contributions and the capital contributions to the fund made by the institution.

(2) The remainder of the capital distribution shall be paid to the institution.

LOANS TO INSTITUTIONS

SEC. 106. (a) Upon application by any institution of higher education with which he has made an agreement under this title, the Commissioner may make a loan to such institution for the purpose of helping to finance the institution's capital contributions to a student loan fund established pursuant to such agreement. Any such loan may be made only if such institution shows it is unable to secure such funds from non-Federal sources upon terms and conditions which the Commissioner determines to be reasonable and consistent with the purposes of this title. Loans made to institutions under this section shall bear interest at a rate which the Commissioner determines to be adequate to cover (1) the cost of the funds to the Treasury as determined by the Secretary of the Treasury, taking into consideration the current average yields of outstanding marketable obligations of the United States having maturities comparable to the maturities of loans made by the Commissioner under this section, (2) the cost of administering this section, and (3) probable losses.

(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section, but not to exceed a total of $1,800,000.

(c) Loans made by the Commissioner under this section shall mature within such period as may be determined by the Commissioner to be appropriate in each case, but not exceeding ten years.

PAYMENTS TO COVER REDUCTIONS IN AMOUNTS OF LOANS

SEC. 107. In addition to the payments otherwise authorized to be made pursuant to this title, the Commissioner shall pay to the appropriate institution, at such time or times as he determines, an amount which bears the same ratio to the interest which has been prevented from accruing and the portion of the principal which has been canceled on student loans pursuant to paragraph (3) of section 104(b) (and not previously paid pursuant to this subsection) as the total amount of the institution's capital contributions to such fund under this title bears to the sum of such institution's capital contributions and the Federal capital contributions to such fund.

ADMINISTRATIVE PROVISIONS

SEC. 108. (a) The Commissioner, in addition to the other powers conferred upon him by this title, shall have power to agree to modifications of agreements or loans made under this title and to compromise, waive, or release any right, title, claim, or demand, however arising or acquired under this title.

(b) Financial transactions of the Commissioner pursuant to this title, and vouchers approved by him in connection with such financial transactions, shall be final and conclusive upon all officers of the Government; except that all such transactions shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may by regulation prescribe.

TITLE II—NATIONAL LAW ENFORCEMENT EDUCATION FELLOWSHIPS

APPROPRIATIONS AUTHORIZED

SEC. 201. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title, but not to exceed a total of $40,000,000.

AWARD OF FELLOWSHIPS

SEC. 202. The Commissioner is authorized to award, under the provisions of this title, not to exceed 400 fellowships for the fiscal year ending June 30, 1968, and 1,200 fellowships for each of the three succeeding fiscal years. Such fellowships shall be for periods of study not in excess of two consecutive academic years. No one applicant shall receive fellowship stipends under this title for a total of more than three academic years.

FELLOWSHIP AND PROGRAM APPROVAL

SEC. 203. (a) The Commissioner shall award fellowships under this title to individuals accepted for study in undergraduate programs in police science approved by him under this section. The Commissioner shall approve an undergraduate program of an institution of higher education for purposes of this title only upon application by the institution and only upon his finding:

(1) that such program is a new program or an existing program which has been expanded.

(2) that such new program or expansion of an existing program will substantially further the objective of increasing the facilities available in the Nation for the undergraduate training of effective police personnel and of promoting a wider geographical distribution of such facilities throughout the Nation, and

(3) that in the acceptance of persons for study in such programs preference will be given to persons interested in personally contributing to more effective law enforcement under this Nation's system of laws.

(4) that such program lead to a two- or four-year degree or certificate in police science.

(b) Fellowships under this title shall be awarded only to applicants who—

(1) sign a declaration of intention to join the staff of a public funded law enforcement agency in the applicant's State of residence or in the District of Columbia upon completion of the two- or four-year course of study,

(2) manifest no obvious physical or personality handicap which, in the judgment of the institution, would render him clearly incapable of effective service on a public-funded law enforcement agency, and

(3) are pursuing or agree to pursue, the program of study specified by the institution for fulfillment of the requirements of the two- or four-year degrees or certificates described in subsection (a)(4).

(c) In the selection of students to receive fellowships under this title, primary consideration should be given academic excellence, evidence of moral reliability and leadership potential. In addition consideration should be given to years of creditable professional service by applicants who are law enforcement officers on academic leave to pursue the degrees described in subsection (a)(4).

(d) The total of the fellowships awarded under this title for pursuing a course of study in an undergraduate program at any one institution of higher education may not exceed a limit established by the Commissioner in the light of the objective referred to in subsection (a)(2).

FELLOWSHIP STIPENDS

SEC. 204. (a) Each person awarded a fellowship under the provisions of this title shall receive a stipend of $2,300 for any academic year of such undergraduate, college level study, plus an additional amount of $400 for each such year on account of each of his dependents.

(b) In addition to the amounts paid to persons pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study such amount, not more than $2,500 per academic year, as is determined by the Commissioner to constitute that portion of the cost of the new undergraduate program or of the expansion in an existing undergraduate program in which such person is pursuing his course of study, which is reasonably attributable to him.

FELLOWSHIP CONDITIONS

Sec. 205. A person awarded a fellowship under the provisions of this title shall continue to receive the payments provided in section 204 only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency in, and devoting essentially full time to study in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment with a Federal, State, or local law enforcement agency.

TITLE III—TUITION AID FOR HIGHER EDUCATION OF LAW ENFORCEMENT PERSONNEL

APPROPRIATIONS AUTHORIZED

Sec. 301. There are hereby authorized to be appropriated such funds as may be necessary to enable the Commissioner of Education to carry out the provisions of this title, but not to exceed $40,000,000.

ELIGIBILITY REQUIREMENTS

Sec. 302. (a) Tuition aid under this title may be granted only in behalf of applicants who—

(1) are in the employ of a public-funded law enforcement agency, and

(2) have been employed by any such agency for a minimum of two consecutive years at the time of application for benefits under this title, and

(3) sign an agreement to remain in the service of the law enforcement agency employing any such applicant for a period, following completion of any course for which payments are provided under this title, of eighteen months; and in the event such service is not completed, to repay the full amount of any payments received by him under this title on such terms and in such manner as prescribed by the Commissioner.

(b) A person shall continue to receive payments under this title only during such periods as the Commissioner finds that he is maintaining satisfactory academic performance.

COURSE REQUIREMENTS ESTABLISHED

Sec. 303. The Commissioner shall by regulation designate such degree programs as he determines will significantly improve the performance of an applicant in a public funded law enforcement agency. Tuition aid under this title may be granted on behalf of an applicant who is enrolled in courses within such programs.

PAYMENTS AUTHORIZED

Sec. 304. (a) The Commissioner is authorized to make payments under this title to institutions of higher education, approved by him for the purposes of this title, for the tuition and fees of eligible law enforcement agency personnel who apply therefor in taking college level courses meeting the requirements stipulated in section 303.

(b) The maximum Federal payment that may be made for the tuition and fees of one applicant under subsection (a) is $200 per academic quarter or $300 per semester.

(c) Tuition aid under this title may be granted in behalf of applicants pursuing their studies either part time or full time.

(d) No tuition payment may be made under this title for an academic unit of study beginning after June 30, 1972;

(e) No tuition payment shall be made under this title for any program or course of study paid for by the United States under any provision of law other than this title, where such payment would constitute a duplication of benefits paid to the person from the Federal Treasury.

ADMINISTRATIVE PROVISIONS

Sec. 305. (a) The Commissioner of Education shall prescribe the form, content and submission deadlines of the written applications and reports to be made by persons requesting educational benefits under this title. The Commissioner may require such persons to furnish such information as he deems necessary for full and fair administration of the provisions of this title.

(b) The Commissioner shall make such arrangements with institutions of higher education receiving tuition and fees payments under this title as are necessary to receive from them reports on the enrollment, termination and level of performance of persons receiving educational benefits under this title at said institutions. The Commissioner of Education is authorized to reimburse institutions of higher education rendering these reports for the costs of preparing and submitting such reports.

TITLE IV—MISCELLANEOUS PROVISIONS

DEFINITIONS

Sec. 401. As used in this Act—

(a) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(b) The term "institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. For purposes of this Act, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training afforded.

(c) The term "Commissioner" means the Commissioner of Education.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) The term "nonprofit," as applied to a school or institution, means a school or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(f) The term "law enforcement agency" means the police force of any State, county or other general governmental unit but does not include any Federal agency.

FEDERAL CONTROL OF EDUCATION PROHIBITED

Sec. 402. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

FEDERAL CONTROLS ON STATE AND LOCAL POLICE PROHIBITED

Sec. 403. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the organization, administration, or personnel of any Public funded law enforcement agency.

ADMINISTRATION

Sec. 404. (a) The Commissioner is authorized to delegate any of his functions under this Act, except the making of regulations, to any officer of the Office of Education.

(b) The Commissioner shall include in his annual report to the Congress a full report of the activities of the Office of Education under this Act, including recommendations for needed revisions in the provisions thereof.

(c) Any agency of the Federal Government shall exercise its functions under any other law in such manner as will assist in carrying out the objectives of this Act. Nothing in this Act shall be construed as superseding or limiting the authority of any such agency under any other law.

ADVISORY COMMITTEE

Sec. 405. (a) The Commissioner, with the approval of the Secretary, may appoint an advisory committee, or advisory committees, to advise and consult with him with respect to the administration of the provisions of this Act for which he is responsible. Any such committee shall have 12 members as follows:

(1) Two members who are recognized authorities in the fields of law enforcement manpower needs;

(2) Four members who are distinguished, practicing professionals in law enforcement agencies;

(3) Three members who are recognized authorities in education for law enforcement personnel; and

(4) Three members from such fields of endeavor as the Commissioner deems appropriate.

(b) Members of an advisory committee appointed under this section, while attending conferences or meetings of the committee, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding $100 per diem, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

ADMINISTRATIVE APPROPRIATIONS

Sec. 406. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1968, and for each fiscal year thereafter, such sums as may be necessary for the cost of administering the provisions of this Act.

SETTLEMENT OF TRACK AND FIELD DISPUTE

Mr. PEARSON. Mr. President, on April 3, I introduced Senate Joint Resolution 59 to authorize the incorporation, under a Federal charter, of the U.S. Track and Field Association. This association, a private corporation, would assume the responsibility as the supreme governing body of track and field in the United States.

At that time I announced my intention also to introduce legislation embodying other suggestions of how to settle the longstanding controversy between the AAU and the NCAA and its associates. Today I am sending to the desk two more joint resolutions which I hope, together with Senate Joint Resolution 59, will provide the committee with several alternatives with which to work in their consideration of this matter.

Mr. President, the two joint resolutions which I introduce today are as follows:

The first would create a Federal Agency, the U.S. Track and Field Commission, to rule the sport of track and field in this country.

The second joint resolution would establish an arbitration board to consider and settle the present dispute between the AAU and the NCAA. However, unlike the board which was appointed in 1965 pursuant to Senate Resolution 147, this board would have the power to make a decision which would be binding on all parties to the dispute. The order of the arbitration board could be appealed to the courts, but if affirmed, would be final.

Mr. President, I personally favor legislation in some form of the proposal I made on April 3. Such an association would be directed by men already associated with track and field. It would be Government controlled no more than is the U.S. Olympic Committee, which is also incorporated as a private corporation under the Federal charter. The association would not be dependent upon Government funds for survival.

There are still other possibilities for a solution. A Federal Commissioner might be appointed to govern track and field. Some have suggested that the controversy could be settled by a redistribution of the voting strength on the U.S. Olympic Committee. These are concepts which may be considered.

Mr. President, I send these two joint resolutions to the desk for appropriate reference, and I ask unanimous consent that they be printed in the RECORD at this point.

The PRESIDING OFFICER. The joint resolutions will be received and appropriately referred; and, without objection, the joint resolutions will be printed in the RECORD.

The joint resolutions, introduced by Mr. PEARSON, were received, read twice by their titles, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S.J. RES. 67

A joint resolution to establish the United States Track and Field Commission, and for other purposes

Whereas disputes have existed for many years between the Amateur Athletic Union of the United States, the National Collegiate Athletic Association, other amateur athletic organizations, and their affiliates or associates; and

Whereas these disputes have discouraged the full development of amateur athletics in the United States and the maximum performance by athletes representing the United States in international competition; and

Whereas the parties have not been able to resolve their differences through their own efforts or through previous arbitration efforts; and

Whereas it is necessary and desirable for the United States to maintain a vigorous amateur athletic program that will field the best possible teams in domestic and international competition, will protect and provide for the welfare of the individual amateur athlete, will achieve the broadest possible participation by amateur athletes in competitive sports, and will maintain a harmonious and cooperative relationship among all amateur athletic organizations; and

Whereas the independent board of arbitration appointed pursuant to Senate Resolution 147, agreed to September 20, 1965, was unable to resolve the disputes; and

Whereas amateur athletics have a substantial effect upon interstate commerce; and

Whereas it is essential that means be provided whereby such disputes can be equitably and finally solved; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established in the executive branch of the Government an independent agency to be known as the United States Track and Field Commission (hereinafter referred to as the "Commission"). The Commission shall consist of an Executive Committee and a Director.

FUNCTIONS OF THE COMMISSION

SEC. 2. (a) The Commission, either directly or through such amateur athletic associations or organizations as it chooses, shall—

(1) exercise exclusive jurisdiction over all policy matters pertaining to track and field operations in the United States, including the sanctioning of open track and field events;

(2) arbitrate a binding decision for such disputes between regional or national organizations engaged in sponsoring or encouraging track and field events as are shown to be harmful to the best interests of amateur track and field in the United States;

(3) act as the sole track and field representatives of the United States to the International Amateur Athletic Federation;

(4) exercise exclusive jurisdiction over all matters pertaining to the participation of the United States in any international competition in track and field events, except for the Olympic Games and the Pan American Games, including the representation of the United States in such competition and over the organization of such competition when held in the United States;

(5) select and obtain for the United States the most competent amateur representation possible in such competition;

(6) represent and protect the individual right to compete of amateur track and field athletes in any case in which such athletes are unfairly restricted or restrained from participating.

(b) The Commission shall prepare and submit annually to the President and to the Congress a report summarizing the activities of the Commission and such recommendations as it may deem appropriate.

EXECUTIVE COMMITTEE

SEC. 3. (a) The Executive Committee of the Commission shall consist of the Director, ex officio, and 11 members appointed by the President, by and with the advise and consent of the Senate, as follows:

(1) two from among coaches at any institutions of higher education which are members of the National Collegiate Athletic Association;

(2) two from among representatives of the membership of the Amateur Athletic Union;

(3) one from among coaches at institutions of higher education which are members of the National Association of Intercollegiate Athletics;

(4) one from among coaches at junior or community colleges which are members of the National Junior College Athletic Association;

(5) one from among coaches at secondary schools which are members of the National Federation of State High School Athletic Associations;

(6) one from among members of the Armed Forces engaged in track and field activities;

(7) one from among representatives of the general public;

(8) one amateur track and field athlete; and

(9) one from among members of the Advisory Board appointed pursuant to section 7 of this Joint Resolution.

(b) The term of each voting member of the Executive Committee shall be six years, except that (1) the members first taking office shall serve, as designated by the President, four for terms of two years, four for terms of four years, and three for terms of six years, and (2) any members appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any member who has been a member of the Executive Committee for a full six-year term of office shall not be eligible for reappointment.

(c) The Executive Committee shall, except as otherwise provided in this Joint Resolution, exercise the authority granted in this Joint Resolution.

(d) The President shall call the first meeting of the Executive Committee and designate an acting chairman, at which meeting the first order of business shall be election of a chairman and vice chairman.

(e) The chairman and vice chairman shall be elected from members of the Executive Committee while serving on the Executive Committee. The term of office for each chairman and vice chairman shall be two years. The first chairman and vice chairman shall assume office immediately upon election. Thereafter, the election of the chairman and vice chairman shall be held at the semiannual meeting (as herein provided) immediately preceding the expiration of each two-year term. The vice chairman shall perform the duties of the chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Executive Committee shall elect a member to fill such vacancy for the balance of the term of office remaining.

(f) The Executive Committee shall meet at the call of the chairman but not less than once every four months. Six members of the Executive Committee shall constitute a quorum.

(g) Each member of the Executive Committee who is appointed from private life shall receive $100 per diem for each day (including travel time) during which he is engaged in the actual performance of his duties as a member of the Executive Committee. A member of the Executive Committee who is in the executive branch of the United States Government shall serve without additional compensation. All members of the Executive Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties in accordance with the provisions of section 5703 of title 5, United States Code.

DIRECTORS AND STAFF OF THE COMMISSION

SEC. 4. (a) The Director of the Commission (hereinafter referred to as the "Director") shall be appointed by the President, by and with the advise and consent of the Senate, on the basis of fitness to perform the duties of the office and without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Director shall serve as the chief executive officer of the Commission and shall receive compensation at the rate prescribed for level 4 of the Executive Schedule under section 5315 of title 5, United States Code. The Director shall serve for a term of six years, unless sooner removed by the President.

(b) In addition to the powers and duties specifically vested in him by this Act, the Director shall, in accordance with policies and procedures established by the Executive Committee, exercise such other powers and duties as may be delegated to him by the Executive Committee.

(c) The Director, with the approval of the Executive Committee, may employ and fix the compensation of such personnel as may be necessary to carry out the functions of the Commission.

POWERS OF THE COMMISSION

SEC. 5. (a) In order to carry out its functions under this joint resolution, the Commission is authorized to—

(1) establish such rules and regulations as may be necessary;

(2) hold such hearings, sit and act at such times and places, administer such oaths and take such testimony as the Executive Committee deems necessary;

(3) provide for the making of such reports (including funds accounting reports) and the filing of such applications in such form and containing such information as the Executive Committee may reasonably require;

(4) enter into such contracts or other arrangements as may be advisable without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(5) accept and use with their consent, with reimbursement, such services, equipment and facilities of other Federal agencies as are necessary to carry out such functions efficiently and such agencies are authorized to loan, with reimbursement, such services, equipment, and facilities to the Commission;

(6) acquire by lease, loan, or gift, and to hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for the exercise of such functions;

(7) make advance, progress, and other payments which the Executive Committee deems necessary without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(8) receive money and other property donated, bequeathed, or devised to the Commission, without condition or restriction other than that it be used for the purposes of the Commission;

(9) accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

(10) delegate to any office or employees of the Commission any of the powers granted to the Commission under this Joint Resolution.

(b) The Commission shall have such powers of subpena and compulsion of attendance of witnesses and production of documents as are conferred upon the Securities and Exchange Commission by section 18(c) of the Act of August 26, 1935 (15 U.S.C. 79r) and the provisions of subsections (d) and (e) of such section shall be applicable to all persons summoned by subpena or otherwise to attend or testify or produce such documents as are described therein before the Executive Committee or their designee; except that application to any court for aid in enforcing any such subpena may be made only by the Executive Committee. Subpenas may be served by any person designated by the Director.

JURISDICTION

Sec. 6. (a) The United States District Court shall have jurisdiction, for cause shown, to restrain violations of this Act, including violations of the rules and regulations prescribed by the Commission in conformance with the provisions of this Act.

(b) Actions under subsection (a) of this section may be brought in the district wherein any act or occurrence constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

ADVISORY BOARD ON AMATEUR TRACK AND FIELD COMPETITION

Sec. 7. (a) The President shall appoint a National Advisory Board on Amateur Track and Field Competition consisting of the Director who shall be chairman and nine other members appointed without regard to the civil service laws on the basis of their fitness to perform the duties of the Board under this joint resolution.

(b) The Council shall (1) advise the Commission with respect to the development of policies designed to achieve the purposes of this Joint Resolution, (2) review the administration of this Joint Resolution, and (3) make such recommendations as it deems advisable.

(c) Members of the Board who are not regular full-time employees of the United States shall, while serving on business of the Board, be entitled to receive compensation at rates fixed by the President, but not exceeding $75 per day, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

APPROPRIATIONS AUTHORIZED

Sec. 8. There are hereby authorized to be appropriated to the Commission such sums as may be required to carry out the provisions of this Joint Resolution.

EFFECTIVE DATE

Sec. 9. This Joint Resolution shall take effect on the date of its enactment except that section 6 shall take effect ninety days following the date of enactment of this Joint Resolution.

S.J. Res. 68

A joint resolution to provide for an equitable settlement in the dispute between the Amateur Athletic Union of the United States and the National Collegiate Athletic Association

Whereas a dispute has existed for many years between the Amateur Athletic Union of the United States, the National Collegiate Athletic Association, other amateur athletic organizations, and their affiliates or associates; and

Whereas the dispute has discouraged the full development of amateur athletics in the United States and the maximum performance by athletes representing the United States in international competition; and

Whereas the parties have not been able to resolve their differences through their own efforts or through previous arbitration efforts; and

Whereas it is necessary and desirable for the United States to maintain a vigorous amateur athletic program that will field the best possible teams in domestic and international competition, will protect and provide for the welfare of the individual amateur athlete, will achieve the broadest possible participation by amateur athletes in competitive sports, and will maintain a harmonious and cooperative relationship among all amateur athletic organizations; and

Whereas the independent board of arbitration appointed pursuant to Senate Resolution 147, agreed to September 20, 1965, was unable to resolve the disputes; and

Whereas amateur athletics have a substantial effect upon interstate commerce; and

Whereas it is essential that means be provided whereby the dispute can be equitably and finally resolved: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Amateur Athletic Union of the United States and the National Collegiate Association, and all affiliates, shall—

(1) grant a general amnesty to all individuals, institutions, and organizations affected by the dispute between the Amateur Athletic Union of the United States and the National Collegiate Association, and their associates, in any amateur sport;

(2) vacate any disciplinary action proposed or pending against individuals, institutions, and organizations by reason of such dispute;

(3) discontinue any discrimination against the full use of all available facilities for scheduled meets and tournaments; and

(4) discontinue any restraints against participation by any amateur athlete in scheduled meets and tournaments pending a decision by the arbitration board pursuant to this joint resolution. Any action heretofore taken which would be prohibited by the preceding sentence shall be rescinded and the status existing immediately prior to such action restored.

ARBITRATION BOARD

Sec. 2. (a) There is hereby established an arbitration board to consist of seven members. The representatives of the Amateur Athletic Union of the United States and the National Collegiate Athletic Association are hereby directed respectively within ten days after the enactment of this joint resolution, each to name two persons to serve as members of such arbitration board. The President shall appoint three additional members solely on the basis of their fitness to perform the functions of the board under this joint resolution. The seven members shall elect a chairman. If either party fails to name a member or members to the arbitration board within the ten days provided, the President shall name such member or members in lieu of such party within twenty days after the date of enactment of this joint resolution.

(b) Notwithstanding any other provision of law the Secretary of Commerce is authorized and directed—

(1) to compensate each member of the board at a rate to be fixed by him not to exceed $100 a day for each day during which he is engaged in the performance of his duties as a member of the board, together with necessary travel and subsistence expenses; and

(2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this joint resolution.

PROCEDURE OF ARBITRATION BOARD

Sec. 3. (a) The arbitration board appointed under this joint resolution shall have power to sit and act at any place within the United States and to conduct such hearings as it may deem necessary or proper to ascertain the facts with respect to the causes and circumstances of the current dispute between the Amateur Athletic Union of the United States and the National Collegiate Athletic Association. For the purpose of any hearing or inquiry conducted by any such board, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the powers and duties of such board.

(b) The arbitration board appointed under this joint resolution shall promptly hold hearings at which the parties to the dispute shall have an opportunity to be present, either personally or by counsel, and to present such oral and documentary evidence as the arbitration board shall deem relevant to the issue or issues in controversy. The arbitration board shall make written findings of fact and, within six months following the date of its appoinment, shall promulgate an order adjudicating the issue or issues in dispute. The order shall be binding on both parties to the dispute and shall constitute a complete and final disposition of the issues covered by the order.

(c) For the purpose of such findings and order the arbitration board shall consider (1) the extent to which such order contributes to the attainment of the goals set forth in the preamble to this joint resolution, and (2) the evidence submitted on the record.

APPEAL FROM ARBITRATION ORDERS

Sec. 4. Either party to the dispute with respect to which an order of the arbitration board has been issued under this joint resolution may, within 30 days from the date of such order, petition the United States district court for any district in which the party adversely affected by the order of the arbitration board has its principal office, for a review of the order on the ground (A) that the parties were not given reasonable opportunity to be heard, (B) that the arbitration board exceeded its powers, (C) that the order is unreasonable in that it is not supported by the evidence, or (D) that the order was procured by fraud, collusion, or other unlawful means or methods. Such court, without the intervention of a jury, shall hear the evidence adduced by the parties with respect to the issue raised by the petition and may reverse the order only if it finds that (i) one of the parties was not given reasonable opportunity to be heard, (ii) that the board of arbitration exceeded its powers, (iii) that the order is unreasonable in that it is not supported by the evidence, or (iv) that the order was procured by fraud, collusion, or other unlawful means or methods. The decision of the district court shall be final unless within ten days either party shall apply to the appropriate United States court of appeals for a review of such decision. If the district court reverses the order for one of the reasons stated in this paragraph and no appeal is taken, or the reversal of such order is affirmed on appeal, or if an order of the district court affirming an order is reversed on appeal, the President may reconvene the arbitration board or may appoint a new arbitration board and such reconvened or newly appointed arbitration board shall proceed to take such action as may be required by the court's decision.

ENFORCEMENT

SEC. 5. (a) The district courts of the United States shall have power, upon application of the Attorney General, to enjoin any violation of the first section of this joint resolution.

(b) The district courts of the United States shall have power, upon application of the Attorney General or of any person adversely affected by a refusal by any party to the dispute to abide by an order of a board of arbitration under this joint resolution, to issue injunctions, restraining orders or other appropriate process to compel compliance with such order.

TERMINATION

SEC. 6. On the one hundred twentieth day after the date of its order pursuant to section 3, the board shall cease to exist.

DESIGNATION OF MONTH OF MAY 1967 AS NATIONAL HOME IMPROVEMENT MONTH

Mr. SPARKMAN. Mr. President, I introduce for myself and my colleague [Mr. BENNETT], a Senate joint resolution to proclaim the month of May 1967 as National Home Improvement Month.

In 1949 the Congress adopted a national housing policy, which has as its goal a decent home and suitable living environment for every American citizen. Since that time, we have, through many housing and urban development programs, been working to accomplish this goal. While we have improved housing conditions since 1949, we still have an inventory of some 9 million substandard housing units in this Nation. It would be an impossible feat to demolish all of these units and replace them with new housing. In this connection, we have constantly looked for methods to rehabilitate and improve these substandard units to bring them up to the level our national housing policy prescribes. If homeowners and landlords realize that their property is substandard, and if they do something about it, they will be taking a major step toward helping to accomplish this goal.

Perhaps the declaration of the month of May as National Home Improvement Month will reemphasize the need for improvement and rehabilitation, and will make our entire Nation cognizant of the job that must be done.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 69) requesting the President to proclaim the month of May 1967 as National Home Improvement Month, introduced by Mr. SPARKMAN (for himself and Mr. BENNETT), was received, read twice by its title, and referred to the Committee on the Judiciary.

INCREASES IN ANNUITIES PAYABLE FROM FOREIGN SERVICE RETIREMENT AND DISABILITY FUND—AMENDMENTS

AMENDMENTS NOS. 155 AND 156

Mr. PELL submitted two amendments, intended to be proposed by him, to the bill (S. 624) to provide certain increases in annuities payable from the Foreign Service retirement and disability fund, and for other purposes, which were referred to the Committee on Foreign Relations and ordered to be printed.

INVESTMENT TAX CREDIT—AMENDMENTS

AMENDMENT NO. 157

Mr. INOUYE submitted an amendment, intended to be proposed by him, to the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 158

Mr. LONG of Louisiana submitted an amendment, intended to be proposed by him to House bill 6950, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 159

Mr. NELSON submitted an amendment, intended to be proposed by him to House bill 6950, supra, which was ordered to lie on the table and to be printed.

AMENDMENTS NO. 160 THROUGH 162

Mr. LONG of Louisiana submitted amendments, intended to be proposed by him to House bill 6950, supra, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTION

Mr. MUSKIE. Mr. President, I ask unanimous consent that the name of the Senator from New York [Mr. JAVITS] be added as a cosponsor of the bill (S. 699), the Intergovernmental Personnel Act of 1967, at the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the name of the senior Senator from Massachusetts [Mr. KENNEDY] be added as a cosponsor on the following pieces of legislation when next printed: Senate Resolution 68, a resolution to establish a Select Committee on Technology and the Human Environment; S. 698, known as the Intergovernmental Cooperation Act of 1967; and S. 699, known as the Intergovernmental Personnel Act of 1967.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRUENING. Mr. President, at the next printing of S. 876, my bill relating to Federal support of education of Indian students in sectarian institutions of higher education, I ask unanimous consent that the name of the junior Senator from Wyoming [Mr. HANSEN] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I ask unanimous consent that at the next printing of S. 1359, to extend the life of the Civil Rights Commission, the names of Senators BAYH, METCALF, MILLER, NELSON, PELL, and WILLIAMS of New Jersey be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I ask unanimous consent that at the next printing of S. 1362, to protect against interference with certain rights, the names of Senators BAYH, KUCHEL, METCALF, NELSON, PELL, and WILLIAMS of New Jersey be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Connecticut [Mr. DODD], I ask unanimous consent that at the next printing of S. 1425, a bill to amend title 18 of the United States Code in order to proscribe the mailing of certain matter not desired by addresses, the name of the distinguished junior Senator from Maryland [Mr. TYDINGS] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARING ON PENDING WATER RESOURCE LEGISLATION

Mr. YOUNG of Ohio. Mr. President, on behalf of the Committee on Public Works, I desire to give notice that the Subcommittee on Flood Control, Rivers and Harbors, has scheduled a public hearing for 10 a.m., Thursday, April 20, 1967, in room 4200, New Senate Office Building, on the following:

Corps of Engineers:

River Basin monetary authorizations.

Nominations: Mississippi River Commission, two. California Debris Commission, one.

Miscellaneous bills:

S. 78, to designate a navigation lock and flood control structure of the C. & S. Florida flood control project, in honor of Mr. W. P. Franklin.

S. 423 and S. 831, authorizing the use of additional funds to defray certain increased costs associated with the construction of the small-boat harbor at Manele Bay, Lanai, Hawaii.

S. 601, to designate a pumping plant on the St. Francis River, Ark., as the W. G. Huxtable pumping plant.

S. 988, to designate Garrison Reservoir as "Lake Sakakawea."

S. 1340, to designate a portion of the San Francisco-Stockton ship channel as the "John F. Baldwin ship channel."

Soil Conservation Service: Watershed project, Neshaming Creek, Pa.

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

James Patrick Rielly, of Iowa, to be U.S. attorney, southern district of Iowa, term of 4 years, vice Donald M. Statton, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, April 19, 1967, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF PUBLIC HEARINGS BY THE JUDICIARY SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, for the information of the Senate and other interested persons, I announce the beginning of the second series of hearings by the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary. Attorney General Ramsey Clark will resume his testimony on Tuesday, April 18, 1967, at 10 a.m., in room 2228, New Senate Office Building. The hearings will continue through Thursday, April 20.

The testimony will be directed primarily to the following bills which are now pending in the subcommittee:

S. 674, to amend title 18, United States Code, with respect to the admissibility of confessions—Senator McCLELLAN.

S. 675, to prohibit wiretapping by persons other than duly authorized law enforcement officers engaged in the investigation or prevention of specified categories of criminal offenses, and for other purposes—Senator McCLELLAN.

S. 798, to provide compensation to survivors of local law enforcement officials killed while apprehending persons for committing Federal crimes—Senator McCLELLAN and Senator SCOTT.

S. 917, to assist State and local governments in reducing the incidence of crime, and for other purposes—"Safe Streets and Crime Control Act of 1967"—Senator McCLELLAN, by request.

S. 1194, to define the jurisdiction of the Supreme Court and the inferior courts ordained and established by the Congress under article III of the Constitution in criminal prosecutions involving admissions or confessions of the accused—Senator ERVIN.

S. 1333, relating to the admissibility in State courts of certain evidence—Senator RIBICOFF.

NOTICE OF PUBLIC HEARING ON COPYRIGHT REVISION BILL

Mr. McCLELLAN. Mr. President, as chairman of the standing Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary, I wish to announce that the subcommittee will hold on Thursday, April 27, in room 3302, New Senate Office Building, a final day of hearings on S. 597, for the general revision of the copyright law.

The entire session will be devoted to receiving rebuttal testimony on certain contested issues presented during the current series of hearings. Anyone who wishes to appear should contact Mr. Thomas C. Brennan, chief counsel of the subcommittee.

The session on April 27 will conclude the subcommittee's hearings on copyright revision. The record, however, will remain open until May 10.

NEED FOR INCREASED SOCIAL SECURITY BENEFITS

Mr. DIRKSEN. Mr. President, this year's report of the Senate Special Committee on Aging, being transmitted to the Senate today, includes minority views signed by Senators FRANK CARLSON, WINSTON L. PROUTY, HIRAM L. FONG, JACK MILLER, THRUSTON B. MORTON, CLIFFORD P. HANSEN, and myself. I invite your attention to them.

Every minority report of the Committee on Aging since its inception in 1961 has commented on the special injury suffered by older Americans as a result of inflation.

We still insist that inflation is the No. 1 problem of the aging.

While losses in purchasing power endured by persons on fixed incomes probably can never be fully recovered through improvements in social security, such changes do afford one way in which Government can and should act to give older people fairer treatment.

Changes in social security should aim at: general increases in benefits schedules; higher minimum payments; removal of current inequities; greater flexibility in the system; and, its removal, so far as possible from the realm of political expediency.

No amendment is more necessary to an equitable social security system than enactment of automatic cost-of-living increases.

Arguments in favor are so clear, and possible arguments against it are so slight, that we are amazed it has not received universal acceptance.

The present administration's failure to endorse it is especially regrettable. Coupled with overwhelming minority support, such endorsement would assure enactment of the proposal at once.

Minority support of cost-of-living automatic increases is attested by the fact that over 100 minority Members in the House cosponsored such legislation during the 89th Congress. Many others, including all minority members of the Senate Committee on Aging, endorsed it.

We believe correction of other inequities in social security should be made as soon as possible.

In this regard there are three groups to which I invite special attention:

First, older widows;

Second, employed older Americans who lose social security benefits because of employment; and

Third, married couples both of whom are employed.

One of the most serious inequities in social security is the provision that widows shall receive only 82½ percent of the primary benefit payable to their husbands. We urge that these benefits be increased to 100 percent.

Another amendment which we have long believed to be important would eliminate or liberalize the present $1,500 limitation on unpenalized earnings of social security beneficiaries.

A third situation to which I particularly call attention relates to treatment of working couples who pay dual social security taxes, but receive no additional benefits on retirement as a result of their higher contributions.

We believe this discrimination is contrary to the original spirit of social security and we recommend its correction.

In addition to eight social security recommendations, the minority views contain seven on other matters of importance to the aging. Of these, two are especially pressing.

We strongly oppose the President's proposals to:

First, repeal the double income tax exemption afforded people over 65, and,

Second, treat social security benefits as taxable income.

We believe, on the contrary, that any special tax legislation affecting older people should give them additional relief—especially since they are so clearly victims of the hidden tax, inflation.

We are disturbed, also, by signs that implementation of the Older Americans Act, passed unanimously in 1965, is falling short of congressional hopes and intent.

It is reported that some States with excellent commissions on aging and well-directed programs are considering termination of such commissions and their activities. This is regrettable.

A modest sum was made available by Congress to encourage practical programs at State and community levels. The Older Americans Act provided that when funds were not used by a particular State, they might be reallotted to other States.

The administration has taken a position which results in freezing such funds.

We believe that States with desirable programs should have such frozen funds made available to them for the benefit of all their older citizens.

The administration also seems to prefer emphasis on activities, such as the so-called war on poverty which involve tighter Federal controls than apply to the Older Americans Act.

We believe there should be a thorough examination of the way the Older Americans Act is being approached by the administration. Particular attention should be given to possibly undesirable emphasis on other Federal programs which may interfere with orderly development and progress of State commissions on aging.

The following, in summary, is a complete list of the minority's 15 recommendations:

First. Automatic increases in social security benefits equal to rising living costs.

Second. Across-the-board increases to all OASDI beneficiaries.

Third. Higher minimum OASDI payments.

Fourth. One hundred percent of primary benefits to older widows instead of current 82½ percent.

Fifth. More equitable benefits for working couples who pay dual social security taxes.

Sixth. Higher OASDI benefits for persons who do not retire at 65, but now receive no recognition for added years of contribution to social security and to society.

Seventh. Permit OASDI beneficiaries to earn at least $2,100 a year without any loss of benefits.

Eighth. Extend social security to more people.

Ninth. Expand and improve America's private pension system.

Tenth. Give more tax relief, not less, to older Americans at all levels of government.

Eleventh. Offer more liberal tax concessions to persons supporting needy elderly relatives.

Twelfth. Develop adequate old-age assistance programs.

Thirteenth. Expand job opportunities, full time and part time, for older people.

Fourteenth. Provide effective sheltered care programs for the aged who need such services.

Fifteenth. Develop better State and local programs for the aging under the Older Americans Act of 1965.

ROLAND MICHENER APPOINTED GOVERNOR GENERAL OF CANADA

Mr. AIKEN. Mr. President, the appointment of the Honorable Roland Michener as Governor General of Canada should be happily received by all Americans.

We have known "Roly" Michener for a long time.

As Speaker of the House of Commons in 1958, he served as cochairman of the first Canadian-United States Interparliamentary Conference held since World War II, and was highly instrumental in planning and participating in subsequent conferences.

Thus, it happens that many Members of the U.S. Congress know him well and favorably.

More recently, he has served his country as High Commissioner to India—a post which he has filled with much distinction.

In assuming the office of Governor General of Canada, he will carry on the work of his distinguished predecessors with great dignity and ability.

To Roland Michener and his lovely wife, Norah, I extend the congratulations and best wishes of their many friends in this Senate.

May God speed them in their new responsibility.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Mr. President, I join in the remarks of the distinguished senior Senator from Vermont, the chairman of the Canadian-United States Interparliamentary Delegation from the United States, the senior Republican in this body, and in my opinion the counterpart of Roland Michener, in Canada, in being responsible in large part for getting the interparliamentary meetings between our two countries underway.

As the distinguished Senator from Vermont knows, Roland Michener, Prime Minister Lester Pearson's choice to the Queen to be Governor General of Canada, served for many years as Speaker of the Canadian House of Commons. Mr. Michener has often displayed his initiative, his integrity, and his understanding. He has contributed immensely to the improvement of relations between our two countries. We feel that this is an especially felicitous choice; and, speaking as one who comes from the western part of the United States, may I say that the Governor General of Canada to be Roland Michener, comes from the western part of his great country. I believe that Alberta, which borders on Montana, is the Province which gave to the Canadian Parliament Roland Michener. He has made a splendid record for himself, not only as a Member of Parliament, as the Speaker of the House of Commons, and as the leader of the Canadian delegation to the Canadian-United States parliamentary meetings, but also as his nation's High Commissioner to India.

We believe that, while the late Gen. George Vanier, his predecessor, contributed in an outstanding fashion to a better understanding of Canada throughout the world and represented his country with great distinction and dignity, his successor, Roland Michener, will make just as great a contribution. We of the United States are confident that this fine man—who, incidentally, happens to be a Conservative—with his outstanding abilities, his unempeachable integrity, and his deep understanding will do much not only for his own country, Canada, which with him always comes first and foremost, as it should, but also will continue to pursue a course toward the improvement of relations between our two countries and toward the betterment of Canadian relations with the other nations of the world.

Mr. AIKEN. Mr. President, I appreciate the remarks which have been made by the majority leader, and I am certain that the new Governor General of Canada will also appreciate them.

However, in order to give full credit where credit is due, I believe I should add this fact: When the Canadian-United States Parliamentary Conference was being established in 1958 for the first time after World War II, one of the leading exponents was the Honorable John Diefenbaker, who at that time was Prime Minister of Canada and who as a young man had participated significantly in the conference which was held during the world war.

I also would like to pay tribute to the Speaker of the Senate at that time who enthusiastically joined in planning these conferences, the Honorable Mark Drouin, who has since passed away.

Mr. MANSFIELD. Mr. President, will the Senator yield further?

Mr. AIKEN. I yield.

Mr. MANSFIELD. I join with the Senator in his commendations of these outstanding gentlemen: Mark Drouin, who was the Speaker of the Canadian Senate, and as the Senator pointed out, Mr. Diefenbaker, now a Member of Parliament and a former Prime Minister. And, of course, the present Prime Minister, Lester Pearson, must be included. They have all made great contributions and we in the United States are the beneficiaries of what they have done down through the years.

SENATOR RIBICOFF ADDRESSES CONNECTICUT CREDIT UNION LEAGUE

Mr. SPARKMAN. Mr. President, at the 32d annual convention of the Connecticut Credit Union League, our colleague, the very able Senator from Connecticut [Mr. RIBICOFF], delivered the principal address. It is a fine and thought-provoking address and contains much interesting matter which Senators and the public generally will be interested to read.

I ask unanimous consent that the address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR ABRAHAM RIBICOFF BEFORE THE CONNECTICUT CREDIT UNION LEAGUE

Here before an organization whose motto is "Not for profit, not for charity, but for service";

Here in our state of Connecticut where the early American settlers struggled to establish a free society;

Here I want to talk about a basic trend which runs through the history of our country and its application for you members of the Connecticut Credit Union League today.

This trend was written in the Mayflower Compact and was part of the thinking of every group that started out in this land. This trend can be called humanitarianism or just neighborliness.

Whatever you call it, it means that Americans have always had a deep concern for the other fellow. When a man's crop failed, his neighbors shared with him. Oh, they might complain and growl, but they shared. Something deep inside compelled them to.

When a man's barn burned down, his neighbors helped him raise a new one. They might have called him careless, shiftless, but they helped him build a new barn.

This sort of thing is part of us. It underlies every measure we enact to promote the general welfare. It underlies the credit union movement with its emphasis on service—on helping its owner-members to conquer their problems and achieve their dreams.

The credit union movement has come a long way since the Federal Credit Union Act was passed in 1934. In all this 33 years time Congress has maintained a healthy interest in credit unions. Law after law has increased their scope, their efficiency, and therefore what they are able to do for the low and middle income groups who are the backbone of this nation.

In 1959, the Congress rewrote the Federal Credit Union Act of 1934. It increased the maximum maturity of loans from three to five years and raised the unsecured loan limit from $400 to $750. What's more, Federal credit unions were authorized to cash and sell checks. And borrowing restrictions on Federal credit union officials were liberalized.

In the past, Federal credit unions could invest their funds only 1) in loans to members, 2) in obligations of the United States or securities fully guaranteed by the United States, 3) in loans to other credit unions or 4) in shares of accounts of insured savings and loan associations.

Then, in 1964, Congress enacted legislation geared to give Federal credit unions greater flexibility in their organization and operation, and made new investments possible. Federal credit unions can now invest in securities with higher yields, and United States Government agencies now have a wider market for their securities.

What's more, the law allowed larger supervisory committees, with greater flexibility. Interest refunds could be paid at the close of any dividend period, and insurance obtained under Title I of the National Housing Act could be recognized as adequate security. This Title I home improvement plan has been useful to the homeowners throughout the nation. It has helped people finance repairs, alterations and minor improvements in their homes. It has helped them too, to increase equities in heir homes and build up the national stock of housing.

Another change in the law made it a federal offense for anyone knowingly to make a false statement or report—or willfully overvalue any land, property, or security to influence the action of a Federal credit union in connection with any application, loan, or the like. This gives further protection to the money which you have put in your credit union.

The two most recent pieces of legislation place credit unions on equal footing with most other types of banking and lending institutions. A 1965 law clarified and simplified certain legislation relating to Government disbursing procedures.

And, in 1966, Congress passed a law which allowed credit unions to invest their funds in Federal National Mortgage Association participations.

So the Congress has acted to welcome credit unions into the family of major financial institutions. I support such legislation. For I believe in credit unions and their efforts to help people help themselves through joint action. These efforts have been in the American tradition of self-help and neighborliness. And they have already helped untold numbers of people in the lower and middle income groups.

It would have been simple for credit union leadership to organize credit unions only where it is easy to do so. They might have organized only among those who work for great corporations, or the state or Federal governments.

Instead, the credit union leaders have tried to organize credit unions to serve those who need them most. They have organized in public housing projects and among very low income groups. Sometimes they have failed the first time, and they had to try again. Such persistent efforts have paid off.

They taught men and women who have been exploited by loan sharks for many years how they could get financing at a much lower cost. They encouraged people who had never had any sort of savings before to put away a few dollars out of their pay checks.

Men and women gain experience in democratic voting procedures when they have the chance to organize and operate their own credit union. They learn to work together to help each other. They learn to solve their problems. They learn to work today for their well-being tomorrow. This experience and training is invaluable and needed in other community programs.

These have been constructive efforts. They have been successful—as far as they have gone. Now the time has come to expand and develop them.

When the Federal Credit Union Act was passed in 1934, this nation was in the depths of a depression. The national credit union movement played a basic part in facing that depression crisis.

Today we face another crisis—the crisis in our cities. And you members of the credit union movement must move with vigor to help deal with it.

You know we are living in a new era. It is the era of the megalopolis and the computer. Already, a full 70 percent of our people live in urban areas. Another 55 million will live there by 1980. At that time, some of our urban centers will be so huge that two-thirds of our population will be living on 10 per cent of our land.

This urban era—this era of the big city—has brought us many blessings, it is true. But it has brought us vast, complex difficulties. Whether it be tangled, inadequate transportation, unhealthy smog, or decrepit slum housing, many present day urban facts complicate and disturb our lives, sometimes even threaten to destroy them.

By the year 2000, which is only 33 years away, we will have to rebuild urban America completely. We shall have to build as many housing units as we built in our first 200 years as a nation.

Our nation has faced great challenges before. But this is one of the greatest we have ever faced. In fact, the cost of rebuilding our cities has been estimated at one trillion dollars. This means the total of all public and private actions which would provide for the continuous sound maintenance and development of our cities. All slums would be cleared, all existing structures replaced, renovated or repaired, all new structures maintained in standard condition. All of us would have safety and comfort in housing, highways, and public places. We would have enough community services—like police, fire and health protection.

Mind you—this would not mean spending a trillion dollars of Federal money alone. Testifying before our subcommittee, David Rockefeller stated that for every government dollar there should be five private dollars involved.

So what we must do is approach the task of building the city of tomorrow systematically. We must approach it as a question of assembling capital investment to deal with a host of urban problems—problems of employment, housing, transportation, education, land use, poverty, race, health, public and social services, design and new towns. This the United States has done many times. We have taken public actions to generate response in the private sector—in time of war, in the assault on space, in the construction of a supersonic transport. Now we must take public actions to generate a private response and so aid our cities—where most Americans live. Just as our $20 billion commitment to conquer space created the aerospace industry, so the $50 billion used to end substandard housing could be the first step in creating the "cities industry."

Consider the history of our space program.

A little more than five years ago, we declared our intention to put a man on the moon in this decade. We are going to succeed in this fantastic adventure because we committed the resources—the men, the money, and the time—to make it happen.

We trained space scientists through research grants and fellowships. We set the best talent in universities and industry to work. They not only came up with new hardware, they came up with new ideas, new concepts, whole new approaches to problem-solving.

And, with government support, we put together an aerospace industry to meet the tremendous market demand created by this commitment to go to the moon.

But in the last analysis we are more of an urban nation than a space nation. And it is time to apply the lessons and the concepts of technology to problems closer to home.

Our cities both need and deserve a commitment like the one we have made in space—a commitment of time, money, and talent. The needs are there, and they must be filled. We must shape the future by taking constructive and selective actions today.

Clearly this enormous task is far too large for government—or any other single institution—to handle alone. The solution must come from many, many groups and from many, many people. There is a role for the Federal government. There is a role for the state government, and for the local government. There is a role for industry, and a role for business. There is a role for the individual. There is a role for you members of this audience both as individuals and as members of the credit union movement.

As you know, the Senate Subcommittee I chair held extensive hearings on our cities' problems last year. In six weeks of hearings we heard from many people about our cities and their problems. One of our witnesses was the Reverend Leon Sullivan, who directs the Opportunities Industrialization Center in Philadelphia. He told us: "Begin to rehabilitate a people and you begin to rehabilitate a city. Structures do not make democracies or civilizations, only attitudes and the spirits and desires of men to promote a change for their own betterment can do this."

Combine this statement with that of the perceptive Daniel Moynihan—"We seem somehow unable to recognize that what it means to be poor is not to have enough money"—and you have your mission cut out for you.

The purpose of the credit union is to reduce the cost of personal credit to the people named in its charter. What the poor need to escape the shadow of the slum is money. What the middle income group needs to improve the chances of its children and better the character of our cities, is money. You have the money that is needed. you have the power to make available to more people.

You estimate that to the extent that you follow the national pattern, some 270,000 persons—eligible to belong to Connecticut's 497 chartered credit unions—do not belong. This shows the potential growth for your industry.

I know you will continue to modernize and improve your services and methods of operation. You can provide exciting leadership to others. You can provide the know-how and leadership for neighborhood credit unions.

Fortunately, as that perceptive student of America, Gunnar Myrdal, has pointed out, "Never in the history of America has there been a greater and more complete identity between the goals of social justice and the requirements of economic progress"—between what is right and what is practical. The improvement and expansion of your credit union services would be the right thing to do. But it would also result—as you yourself have put it—in a spectacular increase in financial power.

I spoke at the start of the great American tradition. That is the tradition of helping a neighbor out when his barn burned down. Today we have many many neighbors in a more modern kind of trouble. We must help them so that the national barn will not burn down—and because it is right to do so.

EXTENSION OF MINIMUM WAGE COVERAGE TO AGRICULTURAL WORKERS

Mr. McCLELLAN. Mr. President, last year, as part of the Fair Labor Standards Act Amendments of 1966, minimum wage coverage was extended to approximately 390,000 agricultural workers. With solid support from Senators in whose State agriculture is a substantial contributor to the economy, an attempt was made to delete this provision of the bill. During debate on this amendment it was pointed out that, contrary to the opinions of the proponents of the bill, not only would this extension of coverage not help the economy of the agricultural community, but it would also have an adverse effect thereon. Apparently, this argument was not accepted since the amendment was defeated by a 37 to 51 rollcall vote. Recently, I received copies of memorandums prepared by the administrator of the employment security division in Arkansas, the Arkansas State welfare director, the vice president of the Arkansas Farm Bureau Federation, the director of the Arkansas Office of Economic Opportunity, and a letter from the Governor of Arkansas to Secretary of Agriculture Freeman, all of which support the proposition that the inclusion of certain agricultural workers has had a crippling effect on the economy of areas which are primarily dependent on agriculture.

Mr. President, I ask unanimous consent that this material be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, it is conservatively estimated that 800 to 1,000 family heads have been permanently displaced with the Arkansas Delta region as a direct result of last year's congressional action. It is my opinion that this displacement will be generally true in virtually all of the major agricultural areas throughout the country.

Today, I have written the Secretary of Agriculture requesting his immediate attention to this most critical problem. I welcome the support of any Senator who has found that the same type of problem exists in his State.

EXHIBIT 1

STATE OF ARKANSAS,
Little Rock, March 31, 1967.

Hon. JOHN McCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR JOHN: Enclosed herein please find a copy of a letter which I have written to the Secretary of Agriculture concerning a situation which exists in the Delta Region of Arkansas. Any assistance which you may be able to give us in this matter will be appreciated.

With all good wishes,
Sincerely,
WINTHROP ROCKEFELLER,
Governor.

STATE OF ARKANSAS,
Little Rock, March 30, 1967.

Hon. ORVILLE FREEMAN,
Secretary of Agriculture,
U.S. Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Attached to my letter you will find a memorandum which reflects the opinion of various members of my administration concerning a situation which has arisen in the Delta Region of our State. These opinions were submitted at my request because I felt that we were facing a situation which was rapidly deteriorating.

In view of the comments which have been made to me, I feel that immediate action should be taken to alleviate the situation. There is no simple solution, however, I am sure that with the cooperation of the Labor Department; the Health, Education and Welfare Department and your Department, a solution can be found. Commissioner Moss has made several suggestions which will give temporary immediate relief.

I hope that you can prevail upon the Department of Labor to clarify our problems with the federal wage and hour legislation in order to provide the maximum possible employment to the families involved. Because of the urgency of the situation, I am contacting Senators McClellan and Fulbright, and Congressmen Mills, Gathings and Pryor.

Any assistance you can give will be appreciated.

With all good wishes,
Sincerely,
WINTHROP ROCKEFELLER,
Governor.

MEMORANDUM, MARCH 29, 1967

Fred D. McKinney, Administrator of the Employment Security Division: "During the period of February 24 through March 6, 1967, an agricultural survey was made in Phillips County to determine the number and characteristics of the agricultural workers who are losing their jobs this season because of the application of the Federal Wage and Hour Law. This survey revealed that there will be approximtaely 400 hand laborers used in previous years that will be unemployed this year. No personal data was obtained on these individuals because they could not be identified. However, it is logical to assume that most of these are older people, women and children used only during the chopping season. Of eight large farmers who were contacted, it was determined that 60 workers (family heads) would be displaced. It is estimated that there will be 800 to 1,000 family heads permanently displaced in the Delta Region. According to the survey, the immediate problem is providing food. A long range program should be developed to train them for some other type of work. Due to the fact that the majority of the displaced workers are age 46 and over with education of less than four grades, the long range program of training should begin immediately to be of any material benefit. The only figures we have available are the ones that were obtained in the survey of Phillips County. However, the problem exists in all counties of the Arkansas Delta Region. Additional funds are urgently needed to conduct a comprehensive study of the whole region. We have notified the Regional Administrator of the Bureau of Employment Security of this problem, and have requested assistance through the Department of Labor."

Mr. A. J. Moss, Arkansas State Welfare Director: "This is the fifth time we have called attention to the critical condition concerning the needs of farm workers in Eastern Arkansas. Ashley, Desha, Chicot and Drew Counties have raw commodities distribution programs, and the situation is less critical in these counties than in the others I will enumerate. In Phillips, Lee, St. Francis, Poinsett, Mississippi and Craighead Counties the department operates the food stamp program. Up to the present time, we have not been allowed to permit free food stamps to be distributed to those farm workers who are so critically in need of food, although to the best of my knowledge there is no law to prevent free distribution of stamps. If this is not possible, or if there is a reluctance to set a precedent by issuing free food stamps to those workers who so desperately need food, then there is another alternative. The State Department of Welfare could be authorized to establish a dual program in each of these food stamp counties by permitting raw commodities as well as food stamps and limit the issuance of raw commodities to those farm workers who are in a distressed group. Either one of these two measures would be an emergency measure, and would not represent a final solution to the problem.

"Requests have been made to take one of these two courses of action twice through the Regional Office at Dallas and twice through Congressman Gathings. I cannot really understand the reluctance to recognize the need for food which exists among 1,000 farm families in this area, who cannot receive advances from landlords due to the restrictions of the Federal Wage and Hour Act and failure of the Labor Department to provide adequate guidelines to the planters.

"We request that an exception be made in this case by providing either for the free issuance of food stamps to these people or to authorize us to set up a dual commodities program in the counties I have previously enumerated. In the interest of humanity, I know that our request will be granted."

Mr. Waldo Frazier, Vice President, Arkansas Farm Bureau Federation: "The minimum wage act has had, and is having, a great impact on the labor force on commercial farmers in this state and more particularly in the Delta of the Mississippi, Arkansas, Black and White Rivers. Sound farm management dictates to the commercial farmer that he can pay minimum wages and above only to workers who have the physical and mental ability to do work commensurate with the pay. He is no longer able to hire and pay wages to people who are physically and mentally unable to do a fully acceptable job.

"The farm labor force is further disrupted by the Wage and Hour Act because of the definition of hazardous occupations that prevent many boys and young men from being employed as machine operators on the increasingly mechanized farms in these areas. All of this means that there will be many people living in these rural areas during this crop season who in the past have had some employment that will be completely without employment.

"Farmers are without ability to give assistance to these people because there is no way for them to be repaid for any advances that they may make. Even though farmers are greatly interested in the welfare of these unemployed farm people, to ask them to support them would be to ask them to contribute to charity far beyond their ability."

Glen Jermstad, Director of Arkansas Office of Economic Opportunity: "The problem came to my attention when I was contacted by the Community Action Directors of Mississippi, St. Francis, Phillips, and Cross Counties. Unfortunately, of the twelve counties involved in the problem, only four are covered under OEO Community Action Agencies. In the discussion with the Community Action Agency Directors, they felt that the problem was critical and needed immediate attention, and from their comments, I am sure that the problem is also critical in the other eight counties.

"Future plans are to attempt as funds are available to cover the remaining eight counties, but this will take time. To give an example, only one-third of the counties affected have a Head Start Program in operation. I feel that in time we will be able to increase NYC and OJT funds to the affected areas, but this again will take time and is no immediate answer to the problem. I concur that the food problem is the most critical, and requires immediate action."

WATER RESOURCES

Mr. McCLELLAN. Mr. President, at the recent annual meeting of the Arkansas Basin Development Association in Tulsa, Okla., Maj. Gen. Frederick J. Clarke was one of the distinguished speakers. His topic was "Good Stewardship of Our Water Resources."

As one who has been a lifetime advocate of the proper development of our Nation's water resources, I was particularly impressed with his speech.

We are finding today the reality of the very urgent and pressing need for making the fullest use from the potential which our water resources offer. I recall that not so long ago water resource development was called pork barrel or boondoggle. The people who hurled these ridiculous phrases are now becoming embarrassingly aware of the shortsightedness and lack of vision which they displayed.

Seldom have our national water problems been better described and the potential solutions more aptly discussed than in General Clark's speech. He points out that water is now a source of overwhelming demand by industry, the most integral element in the conservation of fish and wildlife, and the primary factor around which expanding opportunities for healthful outdoor recreation can be developed.

I commend General Clarke for his outstanding presentation, and I urge every Senator who has an interest in the comprehensive development of our Nation's water resources to read and study General Clarke's speech.

Mr. President, I ask unanimous consent to have the speech printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

GOOD STEWARDSHIP OF OUR WATER RESOURCES

(Remarks by Maj. Gen. Frederick J. Clarke, Deputy Chief of Engineers, U.S. Army, Arkansas Basin Development Association, Tulsa, Okla., Mar. 17, 1967)

It is a double pleasure to visit the impressive Arkansas project and to meet with this fine Association. What is being accomplished on the Arkansas today is due in large measure to vigorous, conscientious, and future-minded civic leadership. A conspicuous share of the credit belongs to you, and you have every right to be proud.

This is a happy occasion for all of us. With the project already almost two-thirds finished, and budgeted to keep it on schedule during the coming fiscal year, the green light is shining bright. As Colonel Bane and Colonel Rebh indicated this morning in their progress reports, there is good reason to anticipate with confidence that the navigation features of the project will be completed by 1970, according to plan.

You have almost within your grasp a real "handle" on your future, but, as I know you are well aware, a great deal remains to be done before you will be able to take full advantage of it. Progress has already been made toward the development of ports and industrial parks. It is imperative that you continue to put your full weight behind the push to insure that the non-Federal facilities needed to attract and sustain large-scale commercial and industrial enterprise are actually ready for business by the time navigation is opened. Your canalized Arkansas can—and certainly should—become one of the Nation's "showcase" navigation projects, fully demonstrating the outstanding value of a modern improved waterway in benefits to the area it serves and the Nation-at-large.

Throughout the United States an accelerated water resources development effort is being made to support the phenomenal growth rate of our country. The Arkansas Basin project is an integral element of that overall effort. The foresight, enthusiasm, energy, and unity of purpose displayed by the people of this basin furnish a splendid example to those in other parts of the country faced with critical water problems and big development jobs.

Although our country has a potential supply of water large enough to meet our essential needs for a long time to come, it is unevenly distributed by nature. More and more often we find that water is unavailable in sufficient quantity, or of acceptable quality, at the times we need it, or at the places we would like to use it. At other times and places there is too much of it. Floods destroy lives and property.

Our national water problems are rapidly growing in magnitude and complexity as overall demands upon our water resources are expanding at an unprecedented rate. The accelerating upswing of our population is only one reason. Another is the phenomenal growth of congested megalopoli, or super cities, where the per capita demand for water is greatest and hardest to meet. Present trends indicate that by the turn of the century about a third of all the people in the United States will be living in such cities. We are becoming more and more dependent upon industrial production, which requires immense quantities of water. Within the next four decades, total U.S. water needs—already straining present facilities in many places—will perhaps triple.

The prosperity, safety, comfort, and convenience of today's 200 million Americans are founded on engineering development. Such development will be equally essential to the well-being of the 400 million Americans of the next generation, and perhaps a billion a century hence, if the current growth rate continues. We cannot progress—probably we cannot even survive as a Nation—unless we accelerate development efforts along all lines to meet our material requirements. This is particularly true with respect to water resources.

Providing for the material needs of our people is the major purpose of water resources development, but it is not the only purpose. In recent years, other objectives have become increasingly important and competitive. Heavy emphasis is being placed on good stewardship of the natural environment, the conservation of fish and wildlife, the provision of expanding opportunities for healthful outdoor recreation, and other measures contributing to a better and happier life.

The rapid and massive expansion of our urban-industrial society keeps pushing the countryside—the open spaces—further and further back. Many people are deeply concerned that we may be sacrificing too much of the natural environment in order to fulfill our material requirements. This is particularly relevant in the more thickly populated portions of our country, where the tensions of modern life are generally greatest, and the need for relaxation and recreation most pressing.

Urban dwellers want to be able to emerge from their high-rise apartments, get off their paved streets, and find beautiful landscapes, green fields, wooded hillsides, and clear, free-running streams somewhere nearby. They deplore what has happened to the air they breathe, the open spaces of yesterday, the woodlands, and the rivers. The fact that there is still plenty of wild country in comparatively remote regions is no answer to their immediate need for easily accessible opportunities for esthetic and recreational enjoyment.

Environmental factors are typically qualitative. Hence they are difficult and sometimes impossible to express in quantitative terms. They can be evaluated only through judgment. Nevertheless, these qualitative factors must be given full weight in all future water resources planning. And they must be considered from the very start of the planning process. The public demands this, and we recognize it.

The Corps of Engineers has employed environmental specialists of various kinds on its staffs for many years, and has consistently sought the expertise of other agencies. We are now strengthening our capability, both in-house and by contract, to respond to the growing need to preserve environmental resources while meeting the essential development needs of our expanding economy.

We are seeking improved working relationships with conservation groups and organizations, and progress made has been encouraging, though sometimes the road is rough. Our purpose is not just to explain our activities to them, but also to acquire a better understanding of their needs and views, and to enlist their full cooperation in planning for tomorrow.

No rational answer to our nationwide water problems can be found in an atmosphere of conflict between groups—for example, between those whose interests are largely commercial, and those who are primarily concerned with esthetic and related values. If all concerned fail to get together, and work effectively together now, toward the fulfillment of our future water-related needs, not many years hence there will be a frantic scramble for enough available good water just to meet our most pressing basic utilitarian requirements. Such a scramble could—and probably would—result in the wholesale destruction of precious environmental values which ought to be preserved.

Practical solutions to highly complex problems must be found. Clear alternatives in the use of water resources must be presented in such a manner that wise public decisions can be made. We *can* both meet our economic needs and preserve and even enhance environmental values. But we can only do so through true endeavor on everybody's part to understand the other fellow's point of view, and to comprehend the nature and full magnitude of competing demands upon our limited water resources—and then we must have a real willingness to cooperate realistically toward the achievement of the greatest good of the greatest number of people.

Waterway development presents many special environmental problems. We often hear concern expressed as to whether an efficient navigation project can be compatible with the preservation of ecological and esthetic values and the proper conservation of fish and wildlife. Your Arkansas project will provide a particularly good answer to this concern. A variety of measures are being taken by the Corps, State and local agencies, and private interests to make it beautiful, enjoyable, and a great contribution to the cause of nature conservation as well as a tremendous economic asset.

As elsewhere throughout the country, we are making every effort in construction on the Arkansas to be good stewards of the natural environment. In the section of the waterway traversing the Little Rock District, many millions of cubic yards of dredged silt and sand will be placed to fill swampy reaches between dikes. This will have the happy incidental effect of eliminating large mosquito-breeding areas. This material will be shaped, reforested, and planted with grasses or other vegetation to blend with the countryside. In the Tulsa District, where some of the channel is largely a land cut, construction areas will be dressed and replanted to heal the scars of construction, and help to make your waterway throughout its length a scenic resource of outstanding value.

Future maintenance dredging will be required to keep channels open and navigation moving. We are seeking ways to dispose of the soil dredged from the channel without adverse effect on esthetic and ecological values. Timely and effective planning, and the cooperative effort of all interests will be required to assure the availability of suitable spoil disposal sites when and as they are needed. This involves a very important responsibility of civic leadership.

Supplying the pressing need for greatly increased outdoor recreational opportunities of all kinds, especially for the many millions who live and work in our crowded cities, is a function of water resources development which is of increasing national importance. During recent years there has been a phenomenal rise in public recreational enjoyment of water resource projects—particularly reservoirs. During 1966, we had 190 million visitors at our Corps of Engineers reservoirs.

The growing demand for more and more water-related recreation is reflected in fundamental changes in Federal water programs. In plan formulation, economic evaluation, and cost allocation, recreation is now treated as a full partner with other purposes of water resources development. Recent legislation has provided strong incentives for greater participation by State and local agencies in recreation planning and development. Where one feature of a multiple-purpose project serves recreation and all other authorized purposes across the board, the Federal government bears the full cost. It also bears up to half of the added cost of features which serve recreation exclusively—as well as of fish and wildlife enhancement measures—when they are sponsored by, and cooperatively planned by, State and local governments.

The many steps which are being taken to develop the tremendous recreational potential of the Arkansas Valley promise to pay handsome dividends. They will benefit not only this region, but people living far beyond its boundaries. The two beautiful lodges at Lake Eufaula sponsored by the State of Oklahoma, together with other recreational development going forward at Keystone, Dardanelle, and elsewhere in the headwater areas and along the river, will help to make the valley a playground of wide renown. Webbers Falls and Robert S. Kerr Reservoirs on the main stem have an excellent potential for the establishment of major parks. We expect these reservoirs to attract more than 2½ million visitors annually.

Fish and wildlife resources are being greatly enhanced by the Arkansas project. Migrating ducks are already stopping at project reservoirs in increasing numbers. Fish will benefit from reduced turbidity, stabilized banks and channels, controlled flows, and deeper pools. The Fish and Game Commissions of Oklahoma and Arkansas are cooperating fully in the conservation of these resources. The stocking of Dardanelle reservoir with large-mouth bass, bream, crappie, and catfish is a good example. The experimental introduction of half a million highly prized striped bass—which we call rock fish on the Atlantic Coast—is an innovation I know sport fishermen will welcome.

Water pollution is a national problem which has a major impact on all our water resources planning and development today. We Americans have compounded our water troubles by disregard for good water management. A substantial part of the water available to us is limited for general use because once beautiful streams have been turned into open sewers to flush away the wastes of our cities and industries. Good stewardship of our water resources demands that to the maximum practicable extent pollutants be kept out of them, and we are seeking to do so through intensified State and Federal waste treatment programs. But despite the best we can hope to accomplish through treatment at the source, the menace of pollution will have to be combatted also—and to an increasingly large extent—through the substantial augmentation of stream flows during low-flow periods. This means that, nationwide, much more reservoir capacity must be constructed and earmarked for this purpose.

The salt content of the Arkansas River presents a serious problem which is being attacked vigorously both by the Federal government and the States involved. The Corps of Engineers has devised and recommended a $270 million program to minimize brine pollution from natural sources. That resulting from petroleum and natural gas operations is being dealt with through State action. Otherwise, your Valley is in a particularly advantageous position with respect to pollution. Your great upstream reservoirs impound plentiful water for low-flow regulation. By comparison with many of our other major river basins, you have little contamination from municipal or industrial wastes to contend with. Your slate is relatively clean. Keep it that way. Make it a matter of high priority as new population centers and industry develop along the waterway to see that adequate regulatory safeguards are provided—and strictly enforced.

It has been a real pleasure to be with you, and to discuss some of the problems with which you and people throughout the United States are deeply concerned these days. No matter how much is accomplished, there is always another beckoning horizon just beyond. I am confident that you will continue in the vanguard of leadership toward new goals. We of the Corps of Engineers are proud to work with you, and with all the people of the Arkansas Basin dedicated to the good stewardship of the water resources of this great part of our Nation.

SEIZURES OF U.S. TUNA VESSELS BY PERU AND ECUADOR

Mr. MURPHY. Mr. President, I have long been a firm advocate of inter-American cooperation and brotherhood; consequently, my hopes and prayers are with our President as he meets with officials of our Latin American neighbors in Punta del Este. I know that every effort will be made on our part to insure a long and productive future for the Alliance for Progress.

At the same time, I sincerely hope that the nations of Latin America will remember that cooperation is a two-way street, and I address this comment particularly to the representatives of Peru and Ecuador, each of which countries now has an extraordinary opportunity to exhibit good will by offering positive, realistic solutions to the problems which have arisen from their seizures of United States tuna vessels. These problems are not new, and proper attention to them is long overdue. Now is the time for such attention. Indicative of the sentiment which surrounds this issue is a resolution passed recently by the Board of Harbor Commissioners of the City of Los Angeles and I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

"Whereas, the Port of Los Angeles serves as the home base port for the largest commercial fishing fleet in the United States; and

"Whereas, the owners of the fishing vessels operating from this Port pioneered and developed the long-range fishing capabilities of this fleet, which enabled such fleet to fish in international waters off the South American Coast; and

"Whereas, the economic advantages that flow from the prosperity of the fishing fleet inure to the benefit of the business and individuals throughout the entire United States, from the transportation industry to food processors, distributors, wholesalers and retailers, to the ultimate housewife consumer; and

"Whereas, the Board of Harbor Commissioners of the City of Los Angeles is vitally interested and concerned in the welfare and safety of the crews manning such vessels and in the prosperity of the commercial fishing fleet;

"Now, therefore, be it resolved, That the Board of Harbor Commissioners of the City of Los Angeles hereby expresses its growing concern to the State Department of the United States of America for the welfare, safety and prosperity of the crews and vessels of the commercial fishing fleet operating from the Port in view of the antagonistic acts recently perpetrated by a certain South American country, and urges that the matter be given careful study and resolved in a manner satisfactory to the economic interests of the affected businesses and individuals in the United States; and

"Be it further resolved, That the Secretary of the board be, and he is hereby authorized and directed to transmit a copy of this Resolution to the State Department of the United States and to interested Senators and Representatives serving in the Congress of the United States."

I hereby certify that the foregoing Resolution was adopted by the Board of Harbor Commissioners at its meeting held Mar. 8, 1967.

J. F. PARKINSON,
Secretary.

Approved as to form March 6, 1967.

ROGER ARNEBERGH,
City Attorney.
E. C. FAUELL,
Assistant.

NATIONAL TEACHER CORPS

Mr. MONDALE. Mr. President, one of the most valuable of the Great Society programs has been the National Teacher Corps, which has done much to break down the resistance to education in poverty-stricken areas, in spite of inadequate funding by Congress.

This program has been well accepted in the educational community. Not only does it provide additional help to strengthen present programs of the schools which employ Teacher Corps interns, but also the program looks to the future by developing young, dedicated teachers to continue to work in the schools where the task is most difficult.

Last week the Minneapolis Tribune published an article concerning the Teacher Corps program at Harrison Elementary and Franklin Junior High School in Minneapolis. It is an excellent article which both describes the operation of the Teacher Corps program in general and documents its effectiveness in Minneapolis.

Mr. President, I ask unanimous consent that the article entitled "Teacher Corps Wins Friends in City," published in the Minneapolis Tribune of Thursday, April 6, 1967, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Tribune, Apr. 6, 1967]

Teacher Corps Wins Friends in City—15 Learning Centers Aid Poor Pupils

(By Fred Johnson)

Nestled in nooks and crannies around Harrison School in Minneapolis are 15 unconventional classrooms that teaching professionals call "learning centers."

One of their purposes is to teach youngsters in small groups. They provide both "remedial" and "enrichment" instruction.

The idea is to break down the resistance to education offered by children from poverty-stricken families.

Most of the 1,100 children at Harrison have participated in a learning center at one time or another.

According to Mrs. Edna A. Anderson, Harrison's principal, the centers have revolutionized the school's curriculum this year.

They were made possible, she said, by a National Teacher Corps (NTC) team at Harrison.

Two NTC teams came to Minneapolis last fall. Each consists of six persons—a leader and five interns.

The other team is at Franklin Junior High, another school where many of the children are considered disadvantaged.

The Minneapolis schools requested 46 NTC workers for the current school year, but only 12 were available.

Donald Bevis, director of special federal projects for the schools, said Minneapolis could use 50 NTC members next year.

"It's a very effective program in my judgment," said Supt. John B. Davis Jr.

School officials in many cities are reported to feel the same way about the federally sponsored program, which aims to develop teachers with special expertise in dealing with disadvantaged children.

The NTC, in fact, seems to have plenty of friends except where it counts most—in Congress.

Though the 89th Congress was extraordinarily generous to education, it almost left the NTC out in the cold.

Congress reluctantly established the program, supported by President Johnson, in 1965. Since then the NTC has had a difficult time getting money to operate, and the program is said to be in serious trouble in the present Congress.

Through the program, interns, or trainees, work in poverty-area schools under the guidance of team leaders, who are experienced teachers.

In addition to receiving on-the-job training, an intern is expected to enroll in a nearby university to work toward a master's degree and to seek teacher certification, if he doesn't have it.

Besides this, said David Ferrens, NTC member at Harrison, interns do "community work aimed at bringing the people of the community in closer contact with the school."

The federal government pays 90 per cent of the salaries of NTC members, the local school district 10 per cent.

The local interns are receiving salaries equivalent to those of other beginning teachers in Minneapolis. Their leaders are paid according to their professional status.

Ferrens, 29, Philadelphia, Pa., said that interns expected to serve two years.

Implicit in the program is the idea that teachers need special training to do an effective job with poverty children.

At Harrison, Ferren said, NTC members have devoted much effort to improving children's reading skills.

"In all disadvantaged schools," he said, "it appears that reading is the big deficiency."

NTC members at Harrison and Franklin have helped develop programs to distribute paperback books among children. (Both schools have received substantial donations of paperbacks.)

The result, officials said, is that pupils have been doing a lot more reading.

THE USE OF BATTLESHIPS IN VIETNAM

Mr. McINTYRE. Mr. President, I would like to associate myself with the remarks made last Monday on the floor of the Senate by my distinguished colleague, the chairman of the Committee on Armed Services, stressing the need and desirability for deploying battleships off the coast of Vietnam.

As Senator Russell pointed out so well, many of the arguments which the Department of Defense has used in objecting to the proposal originated by Senator Russell are "unconvincing at best."

I personally see no reason why one or two battleships should not be reactivated and made part of our fleet.

But one of the most important points that the distinguished chairman made in his remarks yesterday was that he intends to discuss this matter on every available opportunity until some good reason is given by the Department of Defense for its failure to reactivate a battleship.

I applaud Senator Russell for his determination and his intention to speak out until his proposal is either accepted or some excellent reason is given for not accepting it.

I, too, have spoken on the floor of the Senate many times about the need to reactivate battleships for use in the Vietnam theater of operations.

And I, too, plan to use every opportunity to join Senator Russell in support of this proposal.

F.D.R. AND L.B.J.: A LEGACY CONTINUES

Mr. MONDALE. Mr. President, 22 years ago today, Franklin Roosevelt passed into history.

He died in the midst of a terrible war that tested anew mankind's resolve to defend liberty against aggression and enslavement. America was never the same again because of Franklin Roosevelt.

He was the wise teacher who led us through difficult and perilous years. He taught us to be self-confident; he revived our Nation's spirit; and he reaffirmed our faith in democracy.

But most of all he taught us a mighty truth: That freedom is only as meaningful as the number who share in its blessings.

President Roosevelt helped us to face the inequities of life with boldness and courage. From him, we learned that poverty, illiteracy, and disease are conditions that result when a society becomes complacent or indifferent.

Above all, he proved that human destiny is shaped by man's willingness to push against those forces which hold him down.

That lesson guides us yet. We see today, in America in the 1960's, that a people responsive to the political and social needs of their time can create a new era of opportunity and progress.

President Johnson is committed to this task. Through his leadership the Roosevelt legacy is as meaningful and challenging today as it was a generation ago.

Both of these great Presidents shared a vision of America that seeks to restore the full potential of our human and material resources.

Like Roosevelt, President Johnson sees America not in terms of what we are, but of what we are capable of becoming. This is the real meaning of the Great Society: That every man, in every place, can know the joys and satisfactions of realizing his skills and talents and ambitions.

One year before his death, President Roosevelt addressed Congress and articulated a second Bill of Rights for all Americans.

Among these rights were the right to a useful job; the right to earn enough to provide adequate food, clothing, and shelter; the right of every family to a decent home; the right to adequate medical care and the opportunity to achieve good health; the right to adequate protection from the economic fears of old ags, sickness, and unemployment; and the right to a good education.

These are the basic rights of a free and enlightened people. And today, more Americans have secured these rights than ever before.

We are working today, in unity, to invest the benefits of our vast wealth and technology for human needs. Our goal is a quality of life—quality in education, in medical care, in our social and political institutions, in our great cities and in our rural communities. And we are striving for such qualities at a time of unprecedented prosperity and economic growth.

President Roosevelt awakened the Nation's social conscience during the difficult days of the great depression. President Johnson has prodded our conscience during these golden years of prosperity. For he knows, indeed, history has proven, that a democratic government is worthy of popular support only when it meets its obligations to all of its people.

I believe that the American people, regardless of party affiliation, can be proud of what we have accomplished in the past 5 years.

President Roosevelt was the great inspiration for much that we are doing today. His place in history is assured. And President Johnson's place is assured through his dedication to civil rights, education, and eliminating poverty.

And so, as we sadly acknowledge the passing of a beloved President 22 years ago, we are also comforted by the fact that all that he stood for and, all that he taught us, is alive and vital and significant today.

I think we can be hopeful about the future. As President Roosevelt observed, in a speech he was to have delivered on April 13, 1945:

> The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith.

President Johnson has made this commitment to our American tomorrow. And so have the American people.

OUR FOOD

Mr. McGOVERN. Mr. President, the National Limestone Institute has recently put out a press release on "Our Food" which compresses many unappreciated facts about our food supply into a comparatively few words; the misapprehensions about grocery bills, the true cost of food, inadequate farm income, and a few other things.

Without adding more words, I ask unanimous consent to put the release in the RECORD to speak for itself.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

[A National Limestone Institute, Inc., Washington, D.C., news release]

OUR FOOD

Frequently one hears complaints about the cost of food in the marketplace. When the housewife goes to the supermarket, she can get an assortment of items which cannot be classified as groceries or food. These items include: alcoholic beverages, auto accessories, clothes, electrical appliances, fertilizer (including lime), furniture, pesticides, photographic equipment and supplies, power tools, seeds, shrubbery and many other items too numerous to mention. Despite the items in the shoppers' basket, every item is fixed in the shoppers' mind as groceries.

The following figures show that the percent of disposable income spent for food is at an all-time low:

Year	Disposable income	Total expenditures	Expenditures for food	Percent of personal disposable income
1947	$1, 179	$1, 115	$303	25. 7
1957	1, 801	1, 643	373	20. 7
1966	2, 568	2, 363	464	18. 1

In the last issue of "National Food Situation" published by the USDA, there is a table comparing "Expenditures for food as a proportion of private consumption figures by countries in 1964." The five lowest and five highest are:

Country:	*Percent*
United States	19. 8
Canada	21. 5
Denmark	22. 0
Australia	22. 4
Puerto Rico	25. 2
Ghana	58. 7
Korea, Republic of	58. 5
China, (Taiwan)	50. 8
Ceylon	50. 0
Vietnam	48. 2

These figures show that the consumer in this country was paying less for food in 1964 in comparison to total expenditures than in any other nation, and we, undoubtedly, have more built in *main service charges* in the prices than any other nation. On the other hand, prices received by farmers are only 74% of parity. In 1947, corn sold for $2.16 a bushel, wheat sold for $2.29 a bushel, beef cattle sold for $22.20 per cwt. Now corn is $1.26 per bushel. Last year wheat averaged $2.14 and beef cattle $21.60. The farmer gets ½ cent for the wheat in a loaf of bread, 24 cents for the cotton in a $4.38 shirt and only 25 cents a lb. on beef that sells at 85 cents at the market.

Although per capita disposable personal income of the farm population reached a high of $1,731 in 1966, this is only 66% of the $2,618 average for the non-farm people.

Since the consumer is being subsidized by the farmer, it behooves everyone to take a personal interest in conserving the soil for future generations. One of the programs meriting the support of all is the Agricultural Conservation Program which stimulates the carrying out of conservation practices on the farms by sharing in the cost of specified and approved practices. And yet, the Bureau of the Budget has recommended that this program be cut from $220 million to $100 million exclusive of administrative expenses of $30 million. In view of these facts, isn't this proposed reduction shortsighted to our future growth and needs?

DEATH OF JOHN C. O'BRIEN, CHIEF OF WASHINGTON BUREAU, PHILADELPHIA INQUIRER

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "John C. O'Brien Dies; Chief of Inquirer's Washington Bureau," published in the Philadelphia Inquirer of Tuesday, April 11, 1967.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOHN C. O'BRIEN DIES—CHIEF OF INQUIRER'S WASHINGTON BUREAU

WASHINGTON, April 10.—John C. O'Brien, chief of the Washington bureau of the Philadelphia Inquirer, died Monday at Georgetown University Hospital here after a brief illness. He was 72.

Mr. O'Brien covered the news fronts of Washington as correspondent and columnist for more than three decades. His byline appeared in The Inquirer over the top government and political stories of an era that spanned war and peace, boom and bust.

SAW CAPITAL CHANGE

Arriving here in 1935 as White House correspondent, he saw Washington change from a small town astir with the ferment of the New Deal to the capital of a great world Power, and he reported many of the stories of that transition.

Mr. O'Brien covered the Administrations of five Presidents and enjoyed the distinction of having had the longest association of any Washington newsman with Franklin D. Roosevelt.

He began covering Mr. Roosevelt when he was Governor of New York.

Mr. O'Brien was with the New York Herald Tribune when first assigned to Washington, and in 1939 he joined the staff of the Washington bureau of The Inquirer. He continued as The Inquirer's man at the White House after becoming bureau chief in 1944.

LAUNCHED COLUMN

"Washington Background," a regular column, made its first appearance under Mr. O'Brien's byline in 1941. He wrote the column on a daily and, later, on a thrice weekly basis until his final illness.

Mr. O'Brien covered every political convention of both political parties since 1932 and was on a first-name basis with many of the best-known political figures of the period.

PROLIFIC WRITER

Shortly before America's entry into the Second World War he went to Great Britain to write about the Battle of Britain. The British Embassy here never forgot. His name appeared regularly on the guest list of embassy functions.

A prolific writer, Mr. O'Brien contributed articles to magazines and wrote a regular column for the News Service of the National Catholic Welfare Conference. The column was carried by a number of Catholic weeklies around the country.

In 1944, the year he became Inquirer bureau chief, Mr. O'Brien was elected to membership in the Gridiron Club, an association of 50 of Washington's leading newspapermen, famous for their annual "roasting" of public figures at a private dinner. He became president of the Gridiron Club in 1960.

Mr. O'Brien also was a veteran member and past president of the National Press Club and was chairman of the board of directors of the National Press Building Corp.

BORN IN HARTFORD

He was a member of the Overseas Writers Club of Washington, the White House Correspondents Association, Sigma Delta Chi, Lambda Chi Alpha and the Silurian Club of New York. He was a commander of the Order of the Southern Cross of Brazil.

Mr. O'Brien was born Aug. 5, 1894, in Hartford, Conn., and received a bachelor's degree from Clark University, of Worcester, Mass., in 1914, and a master's degree from the same institution the following year.

After a year of advanced study at the School of Fine Arts of Yale University, Mr. O'Brien enlisted in the Navy, serving as a hospital apprentice in the First World War.

A teaching career beckoned briefly, but after several semesters of lecturing high school botany classes in Denver, Colo., Mr. O'Brien gave up what seemed, in his words, a fruitless effort of "trying to keep three days ahead of my students." In 1920 he went to work for the Rocky Mountain News as a $15 a week reporter on the "hotel" beat.

WORKED IN DENVER

Mr. O'Brien worked on the News and the Denver Post before joining the New York World in 1925 for a four-year stint that included coverage of Jimmy Walker, the flamboyant Mayor of New York in the Roaring Twenties.

Mr. O'Brien went over to the New York Herald Tribune in 1929 as that newspaper's legislative correspondent in Albany, and it was then that his association with Mr. Roosevelt began.

Survivors include his wife, the former Eveline Rydell; two sons, John Dennis, a public relations executive in Chicago, and Dr. Hugh R., of Miami, Fla.; a daughter, Mrs. Rene E. Laurencot, of La Canada, Calif.; a brother, Dr. George O'Brien, of Chicago, and 11 grandchildren.

RITES THURSDAY

A Requiem Mass will be sung at 10 A.M. Thursday in the Shrine of the Most Blessed Sacrament, 6001 Western ave., N.W., Washington, and burial will be in Gate of Heaven Cemetery, Silver Spring, Md.

The body will be in state on Wednesday from 2 to 4 P.M. and from 7 to 9 P.M. at the funeral home of Joseph Gawler and Sons, Wisconsin ave. and Harrison st., N.W., Washington.

Contributions in Mr. O'Brien's memory may be sent to Children's Hospital, Washington.

THE BOMBING OF VIETNAM

Mr. McGOVERN. Mr. President, a reminder of the very high cost we are paying in pilots and planes for the bombing of Vietnam is provided by a news story in the Washington Post of April 5.

From the very beginning, I have had grave reservations about our use of bombers in this guerrilla war. I think it has helped us very little militarily while damaging our political and moral position in the world. In my judgment, it has triggered a greater war effort on the part of the North Vietnamese and has greatly increased the risk of involving the Soviet Union and China in what began as a localized conflict.

I believe that each day we continue the bombing pushes the possibility of a peace settlement further away, while inviting greater reprisals on the ground against our soldiers in the field.

Today's news tells us that we have now lost our 500th airplane over North

Vietnam since the air campaign began on February 7, 1965. We have also lost 390 pilots in North Vietnam. The estimated cost of the downed aircraft is $1 billion, and the financial cost of training and equipping the lost pilots is over $300 million.

In South Vietnam, we have lost 162 airplanes and over 300 helicopters.

Thus, our combined plane and helicopter loss in North and South Vietnam now stands at approximately 1,000 aircraft.

This is an enormous expenditure of costly military equipment, plus the incalculably greater loss of our finest pilots. Many of our most knowledgeable observers are reported to be strenuously arguing that the loss to us is much greater than any damage we have done to the other side by our bombardment.

I ask unanimous consent that the article on this subject in the Washington Post of April 5 be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. Air Raids on North Heaviest in 5 Months

Saigon, April 4.—U.S. officials announced today that Monday's air raids on North Vietnam were the heaviest since last November. They hinted that clearing weather would see even more planes flying north.

In bombing missions against bridges, storage areas, trucks and barges, an estimated 400 planes flew in 174 missions. A mission includes one or more planes.

FIVE HUNDREDTH PLANE LOST

The record number of missions was on Oct. 14 of last year with 175. On Nov. 4 there were 155.

Another statistic was also announced—loss of the 500th plane to North Vietnamese fire since the air campaign began Feb. 7, 1965. The pilot was lost to ground fire Sunday. Up to 390 are now killed, captured or missing, according to statistics quoted by Associated Press.

AP estimated the cost of the downed aircraft at $1 billion and the cost of training and equipping the pilots at over $300 million.

Of the 500 planes downed in combat in the North, 10 were destroyed by Mig interceptors and 30 to 40 by Soviet-supplied SAM missiles, AP said. The rest were lost to conventional groundfire.

Most of the planes carry one or two crew members. About 500 of them have been rescued.

AP reported renewed debate in Saigon over the worthiness of the targets in relation to losses. In addition to the plane and pilot costs, bombs, rockets and missiles are expended at a monthly average of 50,000 tons, it said.

Official figures say the bombs destroyed or damaged 5000 bridges, 3000 railroad cars, 7000 trucks, and 5000 barges.

The critics say damage is quickly repaired and trucks are replaced.

Over South Vietnam, 162 planes and over 300 helicopters have been lost.

Today planes based in Thailand and aboard aircraft carriers launched dive-bomb attacks on targets just north of the Demilitarized Zone and near the Mugia Pass. Both are used to send men and supplies into South Vietnam.

Meanwhile, today in South Vietnam, Marine jets were reported to have bombed a Vietcong mountain sanctuary with "burrowing blockbusters"—that penetrated 50 feet underground, fused to explode up to 12 hours after impact.

TUNNELED MOUNTAIN

Intelligence reports say the mountain, not specifically located, is honeycombed with tunnels.

One fighter-bomber strike, about 150 miles south of Danang, was off target, and a U.S. Army advisor, four South Vietnamese soldiers and 30 civilians in a sampan were reported hurt. An investigation was underway.

COUNCIL OF GOVERNMENTS ADDS ACTION TO 10 YEARS OF TALK

Mr. SPONG. Mr. President, yesterday, on the occasion of the 10th anniversary of the Metropolitan Washington Council of Governments, I called attention to several of the group's notable achievements during the past decade. An informative article in yesterday's Washington Post, "COG Adds Action to 10 Years of Talk," by a reporter who has followed the council's activities since its inception, gives an interesting and more detailed account of the organization's history and development. I ask unanimous consent to have this article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"Perhaps to break the ice," the District of Columbia Commissioner began, "it would be well for all of us to know who the other people are . . . Would you rise and state your name and connection?"

This is a normal way to start a meeting of people who don't know each other. But the wonder, at this particular meeting on April 11, 1957—10 years ago tonight—was that Commissioner Robert E. McLaughlin had to ask for such self-introductions.

For one would have assumed that the county board members, city councilmen, legislators, Congressmen and officials of Maryland, Virginia and the District who governed the complex metropolitan area of the Nation's Capital would at least have been on speaking terms.

A few specialists did know each other, of course, such as highway officials who had to make sure their roads joined at the boundaries, and delegates to that noble but ineffectual experiment in metropolitanism, the National Capital Regional Planning Council.

Though it may not have seemed so at the time, the meeting convened by McLaughlin in 1957 was historic. For, a month later, the group reconvened and decided to formalize its existence under the name of Washington Metropolitan Regional Conference.

After that second meeting, I described the new organization as a "communications system . . . lacking any overtones of a supergovernment.

"Its purpose is to disentangle, through roundtable discussions and special studies, some snarled situations of mutual concern."

Today, the most widely heard criticism of the organization, now renamed the Metropolitan Washington Council of Governments and familiarly called by its acronym, COG, is that it is too much a talking society and not enough of an action agency.

Actually, on the metropolitan scene, COG is where the action is, or may soon be expected.

Its members are 13 Metropolitan Washington jurisdictions including Montgomery County, which for a time pulled out (but prudently continued to send an observer). It is officially recognized by the Federal Government, which adds to the money provided by the member localities. Its staff, nonexistent the first year, has grown to about 50.

COG has deep official involvement in planning as the inheritor of some functions of the now-abolished Regional Planning Council. An affiliate has control of the area's all-important transportation planning program.

The Council also has taken an increasingly active and strong part in such other vital fields as air and water pollution, water supply, regional police cooperation, health and welfare programs and conservation in the Potomac River Basin.

Looking back at 1957, however, the statement of limited purposes reflected the realities of the day. Suburban politicians were unwilling to join any group that seemed to threaten a surrender of local authority to the central city.

As things developed, the rewards to the suburbs for participation in COG have been great and no politicians have paid penalties for their lack of parochialism. For example, former Montgomery County State Senator Edward S. Northrop and ex-Maryland Congressman DeWitt S. Hyde, who were active members, in COG's early years, have gone on to distinguished careers on the bench.

Nonpartisanship has always prevailed within the regional organization. An example was the strong support given McLaughlin, a Republican appointee of President Eisenhower, by Charles K. Fenwick, Arlington's Democratic State Senator.

Fenwick, incidentally, is the sole remaining member of the original active members, and the COG board adopted a resolution last year lauding him as an outstanding metropolitan citizen.

The other day, in his law office on 15th Street nw., McLaughlin reflected on the growth of his decade-old offspring.

"It developed just about as we had anticipated," he said. "There were disappointments along the way. But if we had moved too fast, it would have torn itself apart at the seams. We moved slowly and we got somewhere. I'm very well pleased."

IS WIRETAPPING NECESSARY TO LAW ENFORCEMENT?

Mr. LONG of Missouri. Mr. President, an excellent column in the New York Times recently raised a most important question: Is wiretapping necessary to law enforcement?

The column, written by Tom Wicker, points out that wiretapping is a repugnant invasion of privacy and suggests that its use cannot be justified simply on the basis of its convenience.

I heartily concur with Mr. Wicker and ask unanimous consent that his column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 26, 1967]

The Burden on the Tappers

(By Tom Wicker)

Washington, March 25.—Attorney General Ramsey Clark went to the heart of an important matter in his recent Congressional testimony in favor of the Johnson Administration's antiwiretapping legislation.

"Where," he asked a Senate Judiciary subcommittee, "is the evidence that [wiretapping] is an efficient police technique?"

Where is it, indeed, when the facts suggest, for instance, that there is an organized crime problem in New York City, where wiretapping can be authorized, but that there is no such problem in San Francisco, where wiretapping cannot legally be done?

Those who demand authorization of wiretapping in order to help prevent crime, Mr. Clark was saying, must come forward and make the indisputable case that "bugging" really is so necessary to efficient law enforcement that its obvious evils are justified.

WHERE THE PROOF LIES

This is a crucial point. In the general national concern about crime, it is all too easy to make the assumption that wiretapping obviously is an effective deterrent to crime, and that, therefore, those who believe it is an unwarranted invasion of privacy should bear the burden of proof.

As Mr. Clark pointed out, this puts the case backward. Without question, wiretapping and electronic eavesdropping are large-scale, scatter-shot invasions of privacy. They may or may not in some circumstances be necessary tools of law enforcement. Therefore, it is not the defenders of privacy who ought to have to prove their case; instead, those who would invade privacy for what they consider a useful social purpose must bear what Mr. Clark rightly called "the heavy burden of proof our values require."

As the Congressional hearings go along, wiretap proponents—like District Attorney Frank Hogan of Manhattan—will have the opportunity to prove the need and to suggest methods of control for authorized wiretapping. The committee and, later, the whole of Congress ought to be adamant in demanding specific evidence, not general statements of opinion.

"Public safety will not be found in wiretapping," Mr. Clark testified.

"Security is to be found in excellence in law enforcement, in courts and in corrections. That excellence has not been demonstrated to include wiretapping."

LACK OF CONVICTIONS NOTED

Senator Howard Cannon of Nevada, concurring, pointed out that when Federal agents "undertook a program of massive wiretapping" in Las Vegas, "not a single conviction" followed. "As far as I am aware," Mr. Cannon said, "no great social good has been accomplished."

Wiretapping proponents, however, can and should point out that whatever evidence might have been obtained in Las Vegas by such means was not admissible in court. How many convictions, what effect on organized crime, might have been had if the findings had been admissible? Only this kind of information can make it clear whether there really is a need for authorized wiretapping and eavesdropping.

That, of course, is a different question entirely from such obvious outrages as the "Infinity Transmitter," an advertisement for which Mr. Cannon read to the committee:

"Would you believe [the ad stated] you can hear whole happenings in a room in Los Angeles when you are in New York? And without anyone being the wiser? You can. It's true, incredible as it sounds." It is true and it is incredible.

The Johnson bill that Mr. Clark and Senator Cannon support not only would provide a comprehensive ban on such vicious eavesdropping devices but also on wiretapping (except in rigidly defined national security cases). It also would clear up the major deficiency in the present law governing wiretapping.

DEFECT IN THE STATUTE

This statute already prohibits "interception and divulgence" of wire communications and provides penalties. The trouble is that in practice an accused person is guilty only if it can be proved that he both intercepted *and* divulged a wire communication. Thus, an eavesdropper can bug telephone lines with virtual impunity so long as it cannot be proved that he has disclosed what he learned. This leaves the way open for businessmen, gamblers, private detectives, government officials—almost anyone—who want to obtain others' secrets solely for their own guidance or benefit.

Under the proposed law, interception alone or divulgence alone would be a crime, thus erecting a real hindrance to some of the most insidious and invisible wiretap practices.

It seems clear that this portion of the proposed statute ought to be enacted, whatever proponents of wiretapping for law enforcement purposes may say. There can be no excuse whatever for bugging not done by authorized law officers under the strictest control and for the most specific purposes.

The only real question is whether crime has become such a menace to society that combating it outweighs the obvious right of the individual to assured privacy. It will not be good enough for those who believe this proposition to show only that authorized wiretapping makes it easier to catch criminals; that could be achieved by abolishing most of the Bill of Rights, too.

The burden that lies on those who advocate authorized wiretapping, rather, is to prove that this repugnant weapon is *necessary*, but merely convenient, to law enforcement.

PROTEST OF ARMS RACE—RESOLUTIONS OF NATIONAL ASSEMBLY OF REPUBLIC OF PANAMA

Mr. KENNEDY of New York. Mr. President, as the Presidents of the American Republics meet in Punta del Este, to consider the further development of the hemisphere under the Alliance for Progress, we should all hope that at the head of their agenda will be a limit to the arms race in Latin America.

The acquisition of superfluous military armaments by the Latin American republics, as the Senate has many times said, can only impede development and unnecessarily strengthen military establishments which are readily overpredominant.

In January, the National Assembly of the Republic of Panama passed resolutions protesting and deploring this arms race. I ask unanimous consent that the resolutions be printed at this point in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

[A translation from its original in Spanish]

PANAMA NATIONAL ASSEMBLY,
30th January, 1967.

Considering:

That during the course of the last two years, approximately, various American States have plunged into an armament race;

That lately some American States have acquired more armament than necessary;

That this Assembly recognizes the necessity of each Nation to maintain internal and external security;

That newspaper "El Mundo", of the city of Panama has protested in its editorial, the armament race of the American States;

That it is imperative that this Chamber, utmost expression of the popular feeling of the Republic of Panama, which according to its Constitution and Laws has no army, repudiates the armament spiral of the American States,

Resolves:

To protest the armament race.

To deplore the acquisition by the American States of more armament than necessary.

To reaffirm the pacific devotion of the Republic of Panama,

To send copy of this Resolution, with the customary formal Note, to all Parliaments of the American States.

Given in Panama City, on the 30th day of January, 1967.

(sgd) RAÚL ARANGO, JR.,
The President.
(sgd) ALBERTO ARANGO N.,
The Secretary General.

NEED FOR FOREIGN FARM WORKERS IN CALIFORNIA

Mr. MURPHY. Mr. President, on March 23, the distinguished junior Senator from New Jersey [Mr. WILLIAMS] indicated in remarks to this body that a spokesman for the Council of California Growers "has declared, there will be hardly any requests for foreign farmworkers in California this year," thereby possibly giving the impression that there will be no need for supplemental workers.

Apparently this misconception has arisen in several places, particularly in an edition of the Los Angeles Times; consequently, I am sure that the Senator accepted the statement of the alleged spokesman in good faith. However, I am just as sure that the Senator is primarily interested in the actual facts; therefore, I shall ask unanimous consent that a portion of the March 20 Newsletter, which is the official organ of the Council of California Growers, be printed in the RECORD to clarify the matter.

In this excerpt, it is clear that the Council of California Growers does, indeed, expect that there will be another critical farm labor shortage in my State this year and, by implication, that foreign laborers will be needed. Under such circumstances, it is only logical for the growers to seek the foreign farmworkers they need and if they do not do so as readily as they have in the past, it is only because their efforts along these lines have been discouraged by the burdensome, unrealistic regulations which the Secretary of Labor has imposed on the seeking of such foreign assistance. Once again, therefore, I invite attention to the unfair and discriminatory wage rates which the Secretary of Labor has inflicted on an already badly harassed farmer.

I ask unanimous consent that the Newsletter item be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

[From the Council of California Growers Newsletter, Issue No. 240, Mar. 20, 1967]

COUNCIL PROTESTS EFFORT TO CREATE DISAGREEMENT BETWEEN AGRICULTURE AND GOVERNOR

A completely unjustified conclusion by a Los Angeles Times reporter . . . later copied by a wire service . . . was flatly rejected by the Council in telegrams to Governor Reagan . . . and to the editor of the Times.

Using a telephone conversation as a base . . . the reporter claimed there was disagreement between growers and the Governor over the need for farm workers . . . although nothing in the conversation justified such conclusions. Because of some inquiries from members concerning the circumstances surrounding the story . . . we are reproducing the text of the telegram which went to the editor of the paper concerned. That message was as follows:

"NICK B. WILLIAMS,
"Editor, Los Angeles Times

"We were shocked and deeply disturbed by the headline and lead paragraph of a story by Harry Bernstein in the Thursday, March 9, issue of the Times. There is absolutely no disagreement between the Council of California growers and Governor Reagan over the possibility of a critical farm labor shortage in California this year. The headline, and the lead paragraph, has caused us deep embarrassment and required that the following telegram be sent to Governor Reagan. We would appreciate the Times publishing this telegram to clarify our position for your readers who may have been misled:

"'The Council of California growers was shocked by the attempt of a Los Angeles Times writer to place California growers in direct conflict with your position on possible farm labor shortages and the recent discriminatory wage criteria proposal issued by Secretary Wirtz. The conclusions drawn in the news article written by Harry Bernstein of the Los Angeles Times on Thursday, March 9, 1967, indicating that growers are in disagreement with your statement on the possibility of a shortage of farm labor were entirely the writer's conclusions. You may be assured that we are in support of your position and fully intend to demand a retraction from the Los Angeles Times. California growers endorse and applaud your support on this vital issue.'"

The telegram to Mr. Williams concluded: "Should you desire additional details, I will be most happy to discuss this problem . . ." and it was signed by O. W. Fillerup, Executive Vice President, Council of California Growers.

LAND CONDEMNATION CASES UNDER TENNESSEE VALLEY AUTHORITY ACT

Mr. GORE. Mr. President, for some years there has been a great deal of discussion throughout the State of Tennessee about appropriate procedures in land condemnation cases, particularly when land is taken under provisions of the Tennessee Valley Authority Act. Many persons feel that either party should have the right to demand a jury to determine issues of just compensation.

In this regard, the 85th General Assembly of the State of Tennessee has adopted a resolution, House Joint Resolution 29, and that resolution has been approved by the Governor.

In order that the resolution may be brought to the attention of all Senators, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE JOINT RESOLUTION 29

A resolution petitioning and memorializing the United States Congress to amend Tennessee Valley Authority Act of 1933 to provide that either party, in cases involving the condemnation of land by the TVA, may demand a jury to try the issue of just compensation

A resolution petitioning and memorializing the Congress of the United States to enact legislation amending the Tennessee Valley Authority Act of 1933 to provide that the issue of just compensation may be tried by a jury in any case involving the condemnation of the real property, by the Tennessee Valley Authority, and that the Congress give consideration to the passage of H.R. 4846, on this subject.

Whereas, The principle of trial by jury is a cherished part of the system of jurisprudence of the American people and has, since the birth of the Republic, been considered as the individual's greatest bulwark of freedom and;

Whereas, In practically every statute providing for the condemnation of private property under the laws of eminent domain, the land owner is entitled to have a jury trial for the determination of the compensation to which the property owner may be entitled for the taking of the land by condemnation proceedings and;

Whereas, The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831x), is unique in that it provides for the taking of land under the powers of eminent domain by the Tennessee Valley Authority without granting to the property owner the safeguard of a jury trial, and in fact prohibits the use of a jury in such cases, and;

Whereas, Under the procedure now in effect under the TVA Act the only appeal is to a three Judge Federal court, or upon waiver to a one Judge federal court, where the case is tried upon the written testimony adduced before the Commissioners appointed under the Act to award damages and;

Whereas, This procedure is expensive and cumbersome and may impose undue hardship and expense upon the property owner, who in many instances may not be able to withstand such expense and;

Whereas, Legislation has been introduced in the Congress of the United States by H.R. 4846, proposing to amend said Tennessee Valley Authority Act to provide that either party to such condemnation suits may demand a jury; Now, therefore, be it

Resolved by the House of Representatives of the eighty-fifth General Assembly of the State of Tennessee, the Senate concurring, That we reiterate our belief in the principle of trial by jury, and that we memorialize and petition the Congress of the United States to give consideration to H.R. 4846, being a bill to amend the Tennessee Valley Authority Act of 1933 to provide that the issue of just compensation may be tried by a jury in any case involving the condemnation of real property by the Tennessee Valley Authority and; be it further

Resolved, That the Congress of the United States is hereby petitioned to enact into legislation a law which will guarantee to the property owner whose land is being taken by condemnation proceedings by the Tennessee Valley Authority the right to trial de novo before a jury, when the demand for a jury is made within the time and in the manner provided by law and; be it further

Resolved, That a copy of this Resolution be furnished to each member of the Senate and the House of Representatives of the United States.

Adopted: March 29, 1967.

——— ———,
Speaker of the House of Representatives.

——— ———,
Speaker of the Senate.

Approved, March 30, 1967.

——— ———,
Governor.

NELLIE TAYLOE ROSS, FIRST WOMAN GOVERNOR

Mr. McGEE. Mr. President, my State is known far and wide as the Equality State because of its action, when still a territory, of giving women the franchise. But Wyoming proved itself equal to the task of recognizing the talents and ability of its ladies in a more direct, personal way when, in 1924, it elected a woman as Governor. She was Nellie Tayloe Ross, who resides among us in the District of Columbia today, having retired as Director of the U.S. Mint. She was the first woman Governor, by 5 days, in U.S. history.

Mr. President, the Women's Bar Association of the District of Columbia, in its publication News and Views, has paid tribute to Mrs. Ross, calling her "one of America's most remarkable women." We in Wyoming, and we of the Democratic Party in Wyoming, most especially, agree with that assessment. I ask unanimous consent that the article published in News and Views be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From News and Views, February 1967]

The first woman to be elected Governor of a sovereign state . . . to be appointed Director of the United States Mint . . . to have her likeness on a mint medal . . . to have her name appear on the cornerstone of a federal government building was . . . Mrs. Nellie Tayloe Ross.

Nellie Tayloe Ross was born in St. Joseph, Missouri. Her father, James Tayloe, was a merchant by profession and a gentleman farmer by avocation.

Only months after the turn of the century, while visiting friends in Paris, Tennessee, Miss Nellie Tayloe met a young lawyer named William Bradford Ross, and a year and a half later married him. A year prior to their marriage young lawyer Ross decided to "go West" and carve a career in the colorful capital of Wyoming. Mrs. Ross's arrival in Wyoming was the beginning of her lifetime love for that state and for the city of Cheyenne. She has been quoted as saying, "I am devoted to Wyoming. I love its mountains, forests and plains, its beautiful blue sky—and more than all, the interesting, fine people with whom my fate was so closely linked." The Ross marriage was blessed with four sons, one of whom died in infancy. For some two decades after her marriage, Mrs. Ross's time and energies were devoted to her home, husband, and the raising of their sons. These were probably the happiest years of her life. Despite her significant achievements, she says, "My most important career has been that of wife, mother, and homemaker. No career is as glorious or as satisfying as wifehood and motherhood. It is here woman fulfills her highest destiny."

William Ross became a successful attorney and leader in Democratic politics at a time and in a state where the Democratic party was so hopelessly in the minority. For this reason not many qualified persons were willing to fill its tickets and face probable defeat at the polls. "This fact," Mrs. Ross reflects, "doubtless stimulated my husband's zeal to proclaim emphatically and widely his support of his party's principles and its candidates." Mr. Ross was elected governor of Wyoming in 1922 and served as such until October 4, 1924, when he passed away after a short illness. It was not until after her husband was elected governor that Mrs. Ross became vitally interested in politics and public affairs. During these two years after her husband's election she said, "I behind the scenes aided him in every way I could. On his official trips I often accompanied him over the State which widened my acquaintance. I listened to his speeches with great interest and sanctioned the policies for which he stood." It is not surprising that after the governor's death, the Democrats in a special convention nominated his wife to fill his unexpired term of office. On November 4, 1924, she was elected, and on January 5, 1925, she was inaugurated as the first woman governor.[1] Concerning the facts leading up to her nomination Mrs. Ross today simply says, "My husband's death occurred the 4th of October, in the middle of his four-year term. The November election was only weeks off. Who first thought of my succeeding him in office and proposed it, I shall never know. It certainly was not I. The Democrats held a special convention. They nominated me. They seemed to realize that he had made me the repository of his confidences, that he had familiarized me with his purposes; also where strength and weakness lay in his official family and who were his most trusted advisors—and I was elected."

Mrs. Ross served as governor until January 3, 1927. A woman and a Democrat in the heart of a masculine Republican stronghold, she fought for two years a courageous uphill fight against all kinds of political pressure, and finally lost the 1926 election to heavily-backed Republican Frank C. Emerson by a slim 1,300 votes in a strong Republican year.

After leaving the governorship she traveled over the United States for several years lecturing on "The Experiences of a Woman Governor." In 1928 she was elected National Vice Chairman of the Democratic Party Organization and took an active part in the campaign of that year. From 1929 to 1932 she was in charge of women's activities for the Democratic Party with offices in Washington, D.C.

On May 1, 1933, Franklin Roosevelt broke precedent by appointing Mrs. Ross as Director of the United States Mint—the first woman ever to hold this position.[2] Running the Mint is truly a "man-sized" job. Manufacturing coins (bills are made by the Bureau of Engraving and Printing) is its biggest function. However, the Mint also buys silver and gold, melts, assays and refines it, stores and protects it (as much as 24 billion dollars at one time), makes coins for foreign countries; produces military and commemorative medals; licenses commercial users of gold and keeps a sharp eye out for gold smugglers. Under her regime as Director many technical improvements took place by long-time employees in the Mint, due in large part to the encouragement she gave to her employees to make utmost use of their brains and skills and imaginations. For instance, two men in the San Francisco plant invented equipment that just about doubled coinage output while utilizing the same machinery. She saved the taxpayers many times her salary with an airwashing system, perfected under her supervision, that reclaimed gold and silver dust from the air of her mints. This and other reclamation measures (like the processing of worn-out clothes, shower-bath drain water and wall and floor sweepings) every year retrieves about $100,000 worth of precious particles that otherwise would vanish in thin air or down the drain.

Typical of the Wyomingite and her approach to her job was the way she handled the first really big inter-mint shipment of gold—five and a half billion dollars worth. Faced with a like responsibility, many a government bureau chief would have loaded the shipment with insurance, used a heavily guarded special train and taken precautions rivaling those of a cross-country presidential tour. Mrs. Ross decided not to spend thousands of taxpayers' dollars. She merely turned to an assistant, said with womanly simplicity, "Oh, let's just mail it parcel post—but don't forget to register it." All mint shipments during her tenure as Director went parcel post, registered, and all without mishap!

Mrs. Ross's tenure as Director of the Mint was completed in May, 1953, after having been appointed for four five-year terms. She is proud that under her regime several women were elevated to positions of high responsibility. She says she votes the Democratic ticket every four years, but every day votes "for the release of the genius and ambition of the individual woman." But she warns, "It behooves a woman to watch her step. We are on probation. It is only by making an example of any of us who may slip that our success can be challenged."

Mrs. Ross is the first woman whose name was engraved on the cornerstone of a federal building. This was the U. S. Gold Depository at Ft. Knox, Ky. which was completed during the early part of April 1936. Her name also appears on the cornerstone of the San Francisco Mint, the Denver Mint, and the U. S. Silver Depository at West Point.

An employee of the Mint who was also there when Mrs. Ross was Director describes her as being proficient to the point of perfection and who was impatient with inefficiency. Her credo was, "We mustn't waste the taxpayers' time or money." He never recalls seeing her lose her temper—any displeasure was voiced in her eyes, which he describes as "haunting" and "Madonnalike." He says that she has always been possessed of an extremely alert mind, and had the ability to grasp the thoughts and expressions of others remarkably quickly. He also noticed that when people first met her they would be awed, probably because she was a rather reserved person and very feminine. However, when she became better acquainted with a person her friendliness and warmth came through. She was a popular Director with the employees because she was always interested in them as individuals rather than just as employees. She is a good conversationalist and is a favorite in the social life of Washington. One of the most delightful of her traits is her wonderful sense of humor, which became evident shortly after becoming Director of the Mint. It seems that many men throughout the country could not accept the fact that a woman had been appointed and before long many, many letters came pouring in requesting her to send them her recipe for mint juleps. Mrs. Ross was amused and in fact secured a good recipe and sent them out.

Mrs. Ross has resided in Washington, D. C. since her retirement, and is still very active in church, charity, and philanthropic activities. Two of her sons are still living. Bradford Ross is an attorney practicing in the District of Columbia, and her son, George, has a real estate business in Warrenton, Virginia. Bradford Ross says his mother is the most tenacious person he has ever known. She is a self-educated person who all her life has been a voracious reader and a devotee of classical music.

WBA is proud indeed to pay tribute to Mrs. Ross, one of America's most remarkable women.

---

[1] Mrs. Miriam Amanda ("Ma") Ferguson of Texas was elected governor of Texas on the same election day, but was not inaugurated until January 10, 1925, because Texas law provided for a later inauguration than Wyoming law did.

[2] WBA is very proud that the second woman to hold this position is one of our members, Miss Eva B. Adams, who became Director in October 1961 and is still serving.

THE OAHE IRRIGATION PROJECT

Mr. McGOVERN. Mr. President, South Dakota's good neighbors on the north, the citizens of North Dakota, have recently expressed their support of the Oahe irrigation project in my State through their State water commission.

I have thanked Governor Guy of North Dakota, chairman of the commission, and all of its members, for this thoughtful action. It is typical of the great neighborliness of prairie citizens who have, since they settled the semiarid and arid plains area, cooperated closely with each other to overcome the handicaps of aridity and make the Great Plains a productive area and source of national strength.

The great Garrison project in North Dakota, and the Oahe project in South Dakota, are going to go a long way toward realizing the hopes of three or four generations of Dakota plainsmen.

I ask unanimous consent, Mr. President, to put the North Dakota State Water Commission resolution on the Oahe project in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 67-3-235

(Adopted by the North Dakota State Water Commission, First Stage, Oahe Unit, James Division, Missouri River Basin Project)

Whereas, construction by the Federal Government of the four dams on Missouri River in South Dakota—Gavins Point, Fort Randall, Big Bend, and Oahe—has resulted in the loss to the State of over half a million acres of valuable agricultural land required for the projects, which loss can be partially mitigated through the irrigation development authorized by the Congress as a part of the Missouri River Basin Project in the Flood Control Act of 1944; and

Whereas, proposed legislation pending in Congress—H.R. 27 and 1163, and S. 6—would authorize the Secretary of the Interior "to construct, operate and maintain . . . the first stage of the Oahe unit, James division, Missouri River Basin project, South Dakota, for the principal purposes of furnishing a surface irrigation water supply for approximately 190,000 acres of land, furnishing water for municipal and industrial uses, controlling floods, enhancing the generation of power, conserving and developing fish and wildlife resources, and enhancing outdoor recreation opportunities, and other purposes"; and

Whereas, the unit report and legislative measures have been developed through exhaustive studies and investigations by the Bureau of Reclamation, South Dakota's congressional delegation, and affected local interests, and all have determined the unit to be engineeringly sound and economically feasible, and a development that will bring many benefits to South Dakota, the region, and the Nation through the balanced and stabilized economy in the area and other benefits which it will provide; and

Whereas, North Dakota as the upstream border state has a common interest with its sister state in the regional economy of the two-state area; Now, therefore, be it

Resolved by the North Dakota State Water Commission, meeting in regular session in its office in the State Capitol, Bismarck, North Dakota, March 23, 1967, That it strongly favors and supports the proposed Oahe unit, initial stage, development and does hereby most respectfully urge the Congress to consider and take favorable action upon the aforesaid legislative bills at the earliest practicable date; and be it further

Resolved, That the Secretary be and he is hereby directed to transmit a copy of this Resolution to the Honorable Nils A. Boe, Governor of South Dakota; U.S. Senators Karl E. Mundt, George McGovern, Milton R. Young, and Quentin N. Burdick, and U.S. Representatives E. Y. Berry, Ben Reifel, Mark Andrews, and Thomas S. Kleppe; Honorable Stewart L. Udall, Secretary, Honorable Kenneth Holum, Assistant Secretary for Water and Power, and Honorable Floyd E. Dominy, Commissioner, Bureau of Reclamation, Department of the Interior.

For the North Dakota State Water Commission:

William L. Guy,
Governor, Chairman.

Attest:

Milo W. Hoisveen,
Chief Engineer-Secretary, State Engineer.

UNFORTUNATE INJECTION OF VIETNAM ISSUE INTO CIVIL RIGHTS MOVEMENT

Mr. McGEE. Mr. President, the attempts to inject the Vietnam issue into the civil rights movement in America is unfortunate. It confuses issues that should not be related. It splits the Negro people. And it causes others who support the fight for increased civil rights grave problems, as well. Indeed, as columnist William S. White has written, the recent resounding victory of Mayor Richard Daley, or Chicago, is living proof that the civil rights movement can be carried too far.

One way in which it can be carried too far is by its injecting Vietnam into it, for Vietnam is, as the distinguished Senator from Massachusetts has said, a national obligation which could know no color line. Mr. White's column, published in yesterday's Washington Post, strongly illuminates this issue. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 11, 1967]

Rebuff to Dr. King—Daley Landslide Rebukes Extremism

(By William S. White)

Profound shifts in the centers of power within the civil rights movement are occurring in the wake of Dr. Martin Luther King's decision to go all the way in his bid for the favor of Negro extremism.

Dr. King's savage denunciation of American motives in Vietnam has done more than to transport him finally and fatefully into the far left wing of the civil rights struggle. It has caused an instinctive rallying of moderate Negro forces toward such men as Sen. Edward Brooke, Republican of Massachusetts, a recent convert to the necessity of the American position in Vietnam, and Roy Wilkins, the veteran and highly responsible chief of the National Association for the Advancement of Colored People.

Perhaps more importantly in the long run, the King manifesto—which proposed a boycott of the war stopping just sort of sedition—has caused a great fallout in purely political terms.

For he spoke just as the election returns in Chicago were giving to the country's last old-time boss, Mayor Richard J. Daley, the greatest victory of his long political life. Mayor Daley's obvious liberalism on race matters for two decades had been a byword until the King wing set out to attempt his destruction because he had refused impossible Negro demands. In the face of this form of attack Daley won 73 per cent of Chicago's vote for his fourth term.

That this was an instance of a white backlash was obvious. For example Dick Gregory, a Negro anti-Vietnam war extremist, received about one per cent of the city's vote. Less obvious than the white backlash is the accompanying fact that what happened in Chicago has stirred and frightened the reasonable Negro spokesmen. They are aware that it is the handwriting on the wall, a grave warning that even the most liberal of white politicians can be pushed too far and abused too often by all-or-nothing Negro pressures.

Most of all, the message of Chicago is that the injection of anti-Vietnam war propaganda into the campaign for civil rights is not only inflaming the white community but is harshly dividing American Negroes as well.

A recognition of this reality undoubtedly was one of the motivating forces in the recent and moving public reversal of position on Vietnam by Edward Brooke, the first Negro Senator since Reconstruction. Brooke, in fact, anticipated Dr. King's bitter attack upon the United States by saying simply that the war of resistance in Vietnam was a national obligation which could know no color line.

The attempted perversion of the civil rights movement by pro-Communists, Communist sympathizers, and honest but deluded pacifists alike has already brought legislative reformers to a dead stop in Congress.

Indeed, as matters now stand it is as good as certain that regardless of the outcome of the 1968 presidential or congressional elections, there is hardly a ghost of a chance for any additional civil rights legislation either in the present Congress or in the Congress to be elected in November, 1968.

In this frame of reference, Mayor Daley's victory in Chicago has implications running far beyond that city. For Daley, as a Democratic politician heavily dependent in the end upon minority group support, has clearly shown that the great bulk of the minority groups—and specifically the Negro group—simply will not follow excessively violent Negro leadership.

In a word, this ostensibly local election established beyond further doubt that there is no future in this country for politicians or ideological leaders who attempt to divide the races for doctrinal ends.

Dr. King has now destroyed the capacity he once clearly had for national leadership of the Negro movement. He has isolated himself within a small hard core of Negro extremism which the great majority of the Negroes themselves are rejecting.

PRIVACY AND INFORMATION

Mr. LONG of Missouri. Mr. President, recently, the Federal Aviation Agency informed me of certain changes in their policies dealing with the release of information from the Agency's airman records. The FAA informed me that although they are still releasing information pertaining to name and address, current certificates and ratings, class of medical certificate, date of certificates and ratings, and date of medical examination, they will no longer release information on sex and date of birth. I have been informed that the medical certificate contains no medical information which might invade the privacy of the airman.

This new policy appears to draw a proper balance between the protection of individual privacy and the release of information which the public has a need and a right to know. The FAA is to be commended for this policy.

I ask unanimous consent to have printed at this point in the Record a letter and supporting material from Mr. D. D. Thomas, Acting Administrator of the Federal Aviation Agency, explaining this policy.

There being no objection, the item was ordered to be printed in the Record, as follows:

Federal Aviation Agency,
Washington, D.C., March 22, 1967.

Hon. Edward V. Long,
Chairman, Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: The review of Federal Aviation Agency policy and practice on the release of information from the Agency's airman records, referred to in our letter of February 6, 1967, has been completed.

The Federal Aviation Agency and its predecessor, the Civil Aeronautics Administration, have long considered it permissible to release information about licensees or certificate holders. These licenses or certificates attest to the ability of airmen and others to meet safety standards. Since their issuance is the product of the regulatory process, the Agency has considered them properly to be in the category of public records.

An exception has always been made, however, in that information is not released concerning medical examinations, allegations of violations while they are being investigated, and scores attained on written examinations. Similarly, information contained on applications is not released, since we believe that certain information that applicants are required to submit for the Agency's use in determining qualifications for certification is personal in character. We have always considered it exempt from disclosure, and this position now proves to be consistent with the exemption prescribed in Section 3(e)(6) of the amendment to the Administrative Procedure Act of last year (PL 89–487).

As a result of our review in accordance with your request, we will discontinue release of information on sex and date of birth and will limit information which can be released to: name and address, current certificates and ratings, class of medical certificate, date of certificates and ratings, class of medical certificate, date of medical examination (which determines the expiration date of the medical certificate), and the numbers of the certificates. We should explain that the medical certificate contains no medical information other than the class of medical certificate which relates to the airmen's rating and level of qualification, and attests that his qualification is current since medical reexaminations are required periodically.

Further, copies of applications, certificates and other documents will be released only when individual airmen expressly request their release.

We hope to have these changes effective operationally by April 1.

We believe the modification of these release policies as a result of our recent review is consistent with the purposes of the Federal Aviation Act. We will also, of course, continue to withhold release of information described in Section 1104, which contains the only prohibition against release found in the Act. No information will be released which is covered by any exemption in the recent amendment to the Administrative Procedure Act.

The Agency is not in the business of "selling" lists, as such. It merely makes a charge for the service involved in providing information available in its public records, when there is no statutory or other basis for withholding the release of such information. This charge is required by law, 65 Stat. 290, formerly 5 U.S.C. 140, and Bureau of the Budget Circulars.

We believe our amended policies represent a sound balance between the public's right of access to information found in public records with the individual's right to be secure from a clearly unwarranted invasion of personal privacy.

Thank you for calling this matter to our attention. The specific information you requested is enclosed.

Sincerely,

D. D. Thomas,
Acting Administrator.

Release of Airman Lists From FAA Records

(Activity from July through December 1966)

1. *State Listings.* These are computer printout lists of all airmen within a state.

a. Number of lists distributed: 170.

b. Number of organizations obtaining state lists: 56.

c. Representative organizations obtaining lists:

(1) State and Federal Government agencies. (6)
(2) Oklahoma University Research Institute.
(3) Russell White Products.
(4) Avion Aids Company.
(5) Richmond Aviation, Incorporated.
(6) Private Pilot Magazine.
(7) Air Transport Specialists, Incorporated.

2. *Airmen Certificates Processed Listings.* These are computer printout lists of all airmen certificate actions processed during the previous week.

a. Number of lists distributed each week: 9.

b. Organizations obtaining lists:

(1) Cessna Aircraft Company.
(2) Hooper Holmes Bureau, Incorporated.
(3) Insured Aircraft Title Service.
(4) Pilots International Association.
(5) Retail Credit Corporation.
(6) American Service Bureau.
(7) Aircraft Owners' and Pilots Association.
(8) Charles O. Finley and Company, Incorporated.
(9) W. A. Storing and Company.

3. *Complete U.S. Airmen Listings.* This is a listing of all airmen in the United States furnished on magnetic tape.

a. Number of lists distributed: 5.

b. Organizations obtaining lists:

(1) Aircraft Owners' and Pilots Association.
(2) Pilots International Association.
(3) Encyclopedia Brittanica.
(4) Charles O. Finley and Company, Incorporated.
(5) Hank Smith Associates.

4. *Charges for lists.* There were $10,727.99 collected in user charges for the cost of preparing the above lists. All receipts were returned to the Treasury Department general fund.

FURTHER EDITORIAL SUPPORT FOR A FEDERAL LAW PROHIBITING AGE DISCRIMINATION IN EMPLOYMENT

Mr. JAVITS. Mr. President, the Subcommittee on Labor of the Committee on Labor and Public Welfare has completed its open hearings on the bills to prohibit arbitrary age discrimination in employment introduced by myself and the Senator from Texas [Mr. Yarborough]. It is my hope that an effective bill will soon be reported by the committee.

Mr. William M. Freeman has written an interesting and informative article for the New York Times on the subject of age discrimination. I ask unanimous consent that it be printed in the Record.

In addition, Mr. George A. Whittington, the editor of Research/Development magazine, in an editorial published in the February 1967 issue, has clearly, succinctly and forcefully stated the case for legislation prohibiting age discrimination in employment. I ask unanimous consent that Mr. Whittington's editorial be printed in the Record.

There being no objection, the article and editorial were ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 12, 1967]

Paradox in Jobs: Age Holds a Key—Worker Oversupply Is Noted Despite Many Openings

(By William M. Freeman)

There is a great shortage of men and women to fill a large number of job vacancies.

There is a large oversupply of men and women available to fill the vacant positions.

Both statements are true.

Scores of mergers and acquisitions every day combine two companies into one, and a president is out of a job, since only one president is needed. Or if the president continues to direct the acquired company as a subsidiary, a controller is out of a job, since only one controller is needed.

A company automates an operation, and a plant superintendent is out of a job.

A top executive dies, and a confidential assistant is out on the street.

AGE IS THE KEY

It is men and women like these who are looking for jobs, and it is precisely these jobs that are vacant in other companies.

The big reason the paradox exists—jobs looking for workers, and workers looking for jobs—is one of age.

Companies want youth (at a lower salary and lower fringe-benefit costs such as insurance) at the expense of experience, while the workers seeking jobs have greater responsibilities, in general, and therefore require a larger salary than the newcomers.

It is a paradox to which President Johnson has addressed himself. In two recent messages on the State of the Union and the annual message to Congress he called attention to discrimination in hiring on account of age and urged that employers avoid this pitfall.

While there are laws in some states forbidding such discrimination, there are many ways of declining to hire a specific individual without giving the true reason.

It is not correct to say that all employers want the younger man or man with relatively less experience. Such an important advertising agency as Deutsch & Shea, Inc., which regularly assesses employment trends in the nation, recently placed a full-page advertisement headed with these words:

"Over 45? Don't Call Us. We'll Call You!"

EXPERIENCE WANTED

The text of the advertisement said that experienced men and women were wanted. There have been many other ads in which business concerns pleaded for experienced and skilled help, but when the showdown comes the employer more often than not chooses the younger man at a lower salary.

Deutsch & Shea reported last week that its engineer-scientist demand index stood at 170.7 on a seasonally adjusted basis (190.0 on an unadjusted basis), a rise of 17.0, or 11.1 per cent, from the December level. While this increase is normal for the December-to-January change, it still is far above the base figure of 100, the 1961 level.

The agency commented that while the data confirmed earlier predictions that demand for technical personnel would remain at a fairly high level in 1967, it might not reach the high levels recorded in 1966.

Weterrings & Agnew, Inc., a professional placement specialist organization in Rochester, took full-page space to detail the advantages of living in Rochester, with high income, close-in suburban living, fine schools and shopping and other inducements.

With this went a long list of concerns—from Bausch & Lomb through Eastman Kodak Company to Xerox—interested in seeking workers.

No mention was made of an age requirement and, in fact, the copy went on to say that jobs were open "at all levels, from junior positions for recent college graduates to senior professional and management levels."

RECRUITERS COMING

Career Center, a New York employment organization, took large space to say that "41 major employers are on their way to New York to find the men they desperately need"—chiefly engineers, scientists and computer programers.

Recruiting will reach a new peak at the coming convention of the Institute of Electrical and Electronic Engineers at the New York Coliseum. In an effort, presumably, to get a jump on competitors for talent, Warner, Bicking & Fenwick, Inc., of this city is using a humorous approach, poking fun at what it calls the "the great résumé hoax."

It asks engineers to fill in a résumé data sheet for "a technical man of your choosing—a failure or a genius, famous or unrecognized, dead or alive." Certain facts, chiefly the name and the age, are omitted to avoid giving away the show. The organization asks if Thomas A. Edison or the young Albert Einstein would be considered misfits, or would "big industry recognize their genius from the start?"

[From Research/Development February 1967]

Editor's Notebook

Myths to miss by—Scientific management has been with us more than 50 years, to date from the organization of the first professional society dedicated to advancing management as a field. In that half century, the arts of "getting things done through others" have been greatly enriched by the work of many outstandingly competent men and women. Today's literature of the field contains useful information on organization, administration, control, economics and, as well, systems concepts and applications, computerology, interpersonal relationships at all levels of the organizational hierarchy, many other key subjects. But I do think that at least one other important subject has been neglected: *mythology*. Myths held in positions of power—misconceptions, false premises, unsound reasoning on any basis—are more influential and cruel, of course, than those honored in error by people in general. And managerial mythology can be nationally wasteful, costly, and socially destructive.

Official attitudes toward age are a great example. Our national foolishness about the calendar and the rights of the individual was dramatized last month by an advertising agency, which bought advertising space in *The New York Times* and the Saturday Review for the purpose. Perhaps you passed over one of the ads in reading. Perhaps you noticed the headline: *Over 45? Don't call us. We'll call you.* Behind the "brush off" phrases is a situation that should concern even those of us who are comfortably wired-into a good pension plan: one million unemployed job seekers are unable to find employment *primarily* because they are more than 45 years old.

Opportunity for obsolescence. Department of Labor studies provide information that can easily be termed more than informative; even persons under 45, even scientists and engineers in a bullish employment market, might feel amazement, dismay, fright, fury, or all those emotions at the revealing statistics. More than half (almost 3 out of every 5) employers have age limitations in hiring, which are applied wtihout consideration of any other qualifications; 40% of all Americans who work are 45 or over, but only 8.6% of new hires last year were in that age group.

Facts and fictions in this case clearly illustrate that modern managers are behaving illogically—even unintelligently—toward older working persons. Middle-aged employed individuals are said to be particularly valuable because of their experience, maturity, and stability; the same individuals, when applying for employment, are turned away because of their age alone. The one million over-45 unemployed mentioned above *remained that way,* out-of-work, *all year!* Supposedly, it costs more to hire older workers, they are more often absent, they "can't keep up the pace," they are "old dogs who can't learn new tricks." Not so, according to the Department of Labor, as quoted in the advertisement. Its studies show that there is no higher cost involved in adding an older person to payroll, the number of working days lost decreases with age, older persons compare favorably with their juniors in adaptability and in stamina.

This foolishness is expensive, too. In unemployment compensation and lost production, Secretary of Labor W. Willard Wirtz has estimated, the country "spends" at least $4 billion annually. Worse—far worse—we could follow such policies to the great detriment of our technological future; while we waste experienced minds, the nature of jobs is changing toward increasing emphasis on mental, not physical performance. Perhaps it's time to question a general management attitude as poor judgment, deeply though it is enshrined in red tape. Perhaps staggering national wastes in productive power and human values is too high a price to pay for medical, hospital, and retirement plans based on outdated actuarial tables. One thing is certain, the soundness of today's personnel policies for the over-45 is a *Myth to Miss By*.

George A. Whittington,
Editor.

THE CONTINUING APPEAL OF THE PEACE CORPS

Mr. TYDINGS. Mr. President, in our current preoccupation with the war in Vietnam, we sometimes tend to forget that we are quietly balancing the ledger in many other parts of the world. I am speaking about the Peace Corps, which is deep in the business of peace in 52 developing countries overseas.

Peace Corps volunteers—and today more than 13,000 are serving in schools and on farms in southeast Asia and India, in city slums in Latin America, on desert wastelands in Africa—are winning small daily battles against poverty, ignorance, disease, and other elements that nurture war.

We should not lose sight of the fact that we are waging peace. It is a slow process, sometimes too slow to be comfortable in our world of action. But more than 27,000 Americans have found deep satisfaction in pausing for 2 years to make their individual contribution to the cause. My own State of Maryland has contributed more than 400 volunteers to this magnificent effort.

Peace Corps Director Jack Vaughn, when questioned in a recent television interview about the continuing appeal of the Peace Corps, pointed out that applications are running at a rate perhaps seven times that of 1962, the initial period of excitement and glamor and emotion over the idea of the Peace Corps. Mr. Vaughn also pointed out that the Peace Corps is looking for a steady growth in the percentage of talented, sensitive Americans who will enter the Peace Corps. Peace Corps also anticipates continuing requests for help from other developing countries.

I am sure that Mr. Vaughn's remarks about the goals of the Peace Corps will interest all Senators. I therefore ask for unanimous consent that the transcript be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

[From "Opinion: Washington," WTTG, Channel 5, Mar. 12, 1967]

Opinion: Washington—A Metromedia-WTTG Presentation

Executive producer, Mark Evans.

Producer, Florence Lowe.

Director, Charles Horich.

Guest: Jack Hood Vaughn, director, Peace Corps.

Interviewed by: Pye Chamberlayne, Metromedia News (guest host in the absence of Mark Evans), Marianne Means, King Features.

This program is broadcast on all Metromedia radio and television stations and the Eastern Educational Television network. It is also broadcast by the Armed Forces radio network.

Pye Chamberlayne. Mr. Vaughn, has the war in Viet Nam hurt the efforts of the Peace Corps?

Jack Vaughn. I don't believe so. I believe just the opposite. I think the war in Viet Nam dramatizes the need for more Peace Corps-type efforts, for more preventive medicine of the type that the Peace Corps specializes in.

Marianne Means. Mr. Vaughn, if as you say there's no question that the war could have hurt the Peace Corps. What would prompt such a charge then? There must be some feeling among some Peace Corps members?

Jack Vaughn. There is indeed . . . but you must remember that we stress to Peace Corps volunteers the need to communicate better with each other and with their hosts abroad. And this isn't the first petition letter we've had. I receive them almost weekly on all topics. And the fact that 800 former Peace Corp volunteers, which would be 6 or 7 percent of those who have come back from Peace Corps service, would take this position responsibly, soberly on Viet Nam is not surprising. We encourage them to stand up and be counted responsibly. They do this all the time. So this is just one segment of the former Peace Corps volunteers expressing themselves.

Marianne Means. Did you have a feeling that this was a spontaneous expression, and that some Peace Corps members just started circulating a petition? Or did you feel that there were some outside influence, maybe some anti-Vietnam group that started it.

Jack Vaughn. I would say at best it was only partly spontaneous. I think it's clear that there was a small group, or perhaps one individual who started the campaign and tried to collect as many signatures as possible.

Marianne Means. You do not feel that it hurts the Peace Corps domestically in this country to get involved in, well, Viet Nam is among other things a political question? To express views on something like this? Don't you think that sort of involves the Peace Corps in politics in a way that maybe it should not be?

Jack Vaughn. I don't believe so. I view the issue there as broader than just a U.S. domestic political issue. I think it's the issue of war and peace. It brings into stark relief the need to find better ways of seeking peace and avoiding war. And this is what the Peace Corps is all about. It's a long range strategic effort to help eliminate the causes of war.

Pye Chamberlayne. What about the effect of the war on countries where the government is distinctly opposed to the American efforts? For example, in Guinea, you recently had trouble there, when asked to leave. Could that not be related to the Viet Nam war in part?

Jack Vaughn. As I read what happened there it was in no way related to the war in Viet Nam. It was a series of domestic political issues and crises in Guinea, a certain misunderstanding and, in my interpretation, the Peace Corps was caught in a political crossfire of misunderstandings and we were asked to leave. This is not the first time this has happened, either, and we left with tears and gratitude for having had a great experience there. We hope to be invited back.

Pye Chamberlayne. The draft, I would think, is taking some of your best Peace Corps prospects. I think you commented that sometimes they even take Peacecorpsmen who are on assignments overseas.

Jack Vaughn. Yes, we have had six volunteers returned to the United States to be drafted. One flunked his physical and was sent back to his country. You see, we take physically handicapped people, and we have blind volunteers, and they are some of our best. But there has been a problem, especially in regard to the volunteer applicant who faces two years of military service. When he adds this to two years of Peace Corps service that four year slice out of his life seems a long time to some. In other cases they give four years willingly.

Marianne Means. One of the proposals that was being discussed when they were talking about changing the draft was that perhaps two years in the Peace Corps might be substituted. Would you think that this would be a good idea? Would you favor that?

Jack Vaughn. I selfishly am rather intrigued by this idea, although I recall that President Kennedy at the outset commented that he thought perhaps three years of Peace Corps work should be equated with two years of military service. I like that idea very much.

Marianne Means. The President's new draft proposals however should hurt the Peace Corps, should it not? There's no exception in it for graduate students or Peacecorpsmen as there was under the old provision, is there?

Jack Vaughn. I feel that in the existing and previous draft arrangements the Peace Corps was not really hurt. We missed getting a few of the fine people we wanted. But I would say the Peace Corps was relatively unaffected by the draft. And is, today, under the new proposal where the draftee in the main will be nineteen year olds. I don't believe that this would hurt the Peace Corps because we in fact take very few nineteen year olds. They are eligible for Peace Corps service but usually they do not have the experience, the skills, the educational background that we seek.

Marianne Means. Are the kids losing interests in the Peace Corps? Is the rate of applicants as high as they were in the beginning in the first early days when it was so romantic for the students to apply?

Jack Vaughn. It's still romantic. And one of the big successes, perhaps the biggest, is the fact that today applications are running at a rate perhaps seven times the rate of 1962, during th period of excitement and glamor and emotion and President Kennedy. We expect to have 60,000 applications this year out of which we will take perhaps 13,000.

Pye Chamberlayne. In the final analysis, how many do you take for training?

Jack Vaughn. We take about one out of five applications and approximately three out of four successfully complete training and go overseas. About seven percent return early.

Pye Chamberlayne. We think of the Peace

Corps as being something for extremely young people. We were talking about 19, 20, and 22 year olds. That is not really true, is it?

Jack Vaughn. We have many older people, we have a lady in Ethiopia who has gone back for her second two year tour. She is incidentally writing a thesis to get her Ph.D. on the Role of Women in Ethiopia. She is 75 years old and looks 50 . . . she is really a great gal and we seek older people . . . older retired people . . . retired teachers especially. Retired married couples. In 1962 only 4% of the volunteers were married. And today, over 15% of the volunteers are married couples. We like this, they seem to do better.

Pye Chamberlayne. Do you have a need for people who are successful in ordinary high level management positions? You talk about retired people, but do you need other people? Ordinary management types?

Jack Vaughn. We find that in so many cases in early middle age there are so many commitments, involvements in our own society that it is very hard to break free. There are children to educate and children under 18 years of age, so they just are not available for Peace Corps service. In case they are fed up with suburbia and that second sports car and want to do something really important, some of these people break away and take two years of Peace Corps service. We like that.

Marianne Means. Mr. Vaughn, the domestic version of the Peace Corps, the VISTA is generally considered not to be a very big success. The applications have been at a low rate. Can the Peace Corps somehow encourage the people that you are not able to take, to do the work in VISTA. Could you help them more?

Jack Vaughn. We can help them more. I think that VISTA has been highly successful. I still think they are number two. But they have been very successful. We are collaborating with them more and more. As an example, we have just announced a new program for this summer which is being done in conjunction with the VISTA associates program. This is a program where volunteers work for ten weeks during the summer. We are taking five hundred Peace Corps volunteer applicants and placing them as VISTA associates for ten weeks to work in Appalachia, our slum areas, and Indian reservations. We will look at them, help train them, let them see if they are good enough and tough enough to be Peace Corps volunteers. For those who are successful this will be part of their Peace Corps training, and after they graduate next year, they will go overseas as Peace Corps volunteers.

Marianne Means. It is not true then that VISTA is unsuccessful and will be dropped?

Jack Vaughn. On the contrary, the number of VISTA volunteers increases yearly. I've had reports from places such as the Virgin Islands, Indian reservations, all over the United States where they are doing spectacularly well.

Pye Chamberlayne. How about the report that you might merge with VISTA?

Jack Vaughn. I think this would be a spectacular event. It would add to the Peace Corps credibility. I think that we could do a better job world-wide. I think that we could save some money. I think that we could teach them something, and I'm sure that we could learn something from them.

Pye Chamberlayne. Credibility, why would it help the Peace Corps credibility? I didn't know it needed any help.

Jack Vaughn. There are still charges that the Peace Corps is not as stated, that is, nonpolitical and there to serve the volunteers' fellow man. We recognize openly now that we have serious problems in our own society, in slum areas and in Appalachia and elsewhere. Volunteer service is needed everywhere, even in the affluent nations. That being the case, the objective being volunteer service, I see no reason why one agency of volunteers could not serve the United States as well as around the world.

Marianne Means. Speaking of credibility, has the revelation that the CIA has been funding various student groups in foreign countries, don't they suspect that there might be some sort of spying involved, or something?

Jack Vaughn. I'm afraid there are some suspicions, but they are groundless. As far as I know, the Peace Corps is the only Federal agency that, from the beginning, has taken the position, through Presidential directive, that there will be no involvement of any kind with intelligence agencies. And this has continued since 1961. To give you an idea of how thorough and complete this is, a former Peace Corps volunteer cannot join a U.S. intelligence agency until he has been out of the Peace Corps for five years. That has not happened yet. If a former Peace Corps volunteer has been drafted, he cannot be assigned to military intelligence. It's just hands off and we monitor this very carefully, investigate all rumors and allegations, and to my knowledge and to the knowledge of my colleagues there has been no violation of this prohibition.

Marianne Means. Mr. Vaughn, I had a feeling you didn't quite answer my question. In spite of all precautions you have taken to avoid this sort of charge, has the airing of all this now hurt the work of the Peace Corps abroad?

Jack Vaughn. I can't detect any damage at this point. It will be remembered that from the first day of the Peace Corps the Communist international radio has claimed that Peace Corps volunteers were CIA spys, and this lie has been told now for six years. It's a big lie, often told, and there are many people around the world who believe this. So that the kind of exposé we have recently on CIA activities and penetration may give some credence to this charge. But my point is that it's unfounded totally. It has never been the case, and we have been the most vigorous agency in the United States in making sure that this does not happen.

Marianne Means. Senator McCarthy did say the other day that he felt that it had hurt the Peace Corps badly. He was just talking in a general sense. Had he no specifics in mind?

Jack Vaughn. We've had no specific report from abroad that this has been detrimental to the Peace Corps or has caused suspicion about our activities.

Marianne Means. Do you ever conduct surveys, like the polls abroad or something to show whether this would hurt or not?

Jack Vaughn. We do not have funds for polls. We do certain evaluation and research on our own activities to determine how we can function more effectively. We took a poll last year concerning why college seniors were interested in the Peace Corps, and why some were not. We found a very encouraging thing. Two-thirds of all college seniors in the United States at least give some consideration to joining the Peace Corps.

Marianne Means. Why were those who were not interested, not interested?

Jack Vaughn. I think in some cases, it's the parents, especially mothers. They don't feel that they will be making enough money, although after being abroad for two years that $75.00 a month before taxes adds up to about $1500.

Pye Chamberlayne. Mr. Vaughn, this is sort of a birthday. The sixth anniversary of the Peace Corps founding. Where is it going from here? What do you see in the future of the Peace Corps?

Jack Vaughn. I think the fact that the Peace Corps has been able to maintain this freshness and non-bureaucratic approach to solving problems indicates that we can stay fresh and keep our eye on the target of peace. I suspect that we are going to be able to grow gradually. Last year the Peace Corps grew about 12 per cent. And next year, in June '68 there will be 145,000 more college graduates than this year, and we hope to get 3 to 4 per cent of that group. I look for a steady growth, perhaps ten, twelve, or fifteen per cent a year. I look to see the Peace Corps in another four or five countries this year and, perhaps, five or six countries next year. The large increase will be in Africa. We expect to send volunteers for the first time to Gambia and to Lesotho, to Upper Volta, to Dahomey, and we expect to go to two or three more countries. There's a good possibility of going back to Ceylon this year. We were there for two years and we have been in five countries in all. We hope to return to all five.

Pye Chamberlayne. In the six years, what have you really done?

Jack Vaughn. It's such a broad accomplishment, and so important, and so much of the spirit of the individual that it's hard really to summarize. We can talk about technical accomplishments, and very convincingly. For example, looking at the Colombian ETV project, this was a major effort. We have had some four hundred volunteers go through this process, building an educational television program, nationwide, in Colombia, South America. They started from scratch, working from the studio with teachers in the classrooms throughout the country, and today more than a half-million Colombian youngsters are getting educational material, the new math, the new science, at a level that they couldn't have hoped to achieve in fifty years under the normal procedures in growth of their educational system. And in India, where four years ago there were seventy-five or eighty volunteers doing teaching and health work, today there are 1400 volunteers. The large majority are working on food production at the insistence of the Indian Government.

Pye Chamberlayne. You are working on the opposite problem too, aren't you? For the first time, family planning?

Jack Vaughn. Yes, we are. I can't tell at this point how large this effort will grow in family planning. The volunteers there now will be joined by another group this summer in family planning, working only in the informational and educational aspects, not in the clinical part. But this could well be one of the major efforts of the Peace Corps in the next ten years. But back to what we have done. I think we are sophisticated and confident enough now to admit that, in virtually every case, the Peace Corps volunteer gets more out of it than he puts into it. What he becomes as a citizen, what he becomes as a professional, we have all sorts of statistics to bear this out. For example, we have a very high percentage of return volunteers who are teachers now who would not have been teachers had they not had the Peace Corps experience. And they are the best teachers you can find.

Marianne Means. Do many of them go into the government?

Jack Vaughn. Yes, they go into the Foreign Service. They go into the Peace Corps. And 40% of our overseas staff are former volunteers. It's a very lively input. They keep us on our toes, challenging us for our jobs.

Marianne Means. I've heard about a reentry problem. Do you think that there might be a problem, an adjustment to coming back?

Jack Vaughn. Not at all, it's a cliche, and you know the government specializes in cliches. I'm sure there is a kind of disillusion felt when a volunteer comes back after spending two years in a country, in a village where his interest is still focused. He comes back to find that the people in the United States are concerned with business as usual and materialistic kinds of objectives. They have never heard of where he served and they really don't care who is the mayor of the village in which he served. This is quite a letdown, because the volunteer has lived it so deeply, so fully, and thinks that what is going on there is important. And yet he comes back home and finds that to most of his friends, it's not important; it's not even worth listening to.

Pye Chamberlayne. Mr. Vaughn, one thing that fascinates me is the fact that you have been a boxer of some skill and success. You did fight 26 professional bouts. One thing I've wondered, how many did you win?

Jack Vaughn. I won 25. On the 26th, I had a very serious injury to my eye. I decided I was not going to be a champion and I was not going to be wealthy. I still have this conviction. I will not do either thing. I have a better chance in other fields of endeavor than boxing.

Marianne Means. Mr. Vaughn, I remember when President Kennedy was in Germany, we watched him participate in some sort of a ceremony inaugurating a German peace corps. Is there some kind of program helping them to do it?

Jack Vaughn. Yes, if you ask me what is the greatest success of the Peace Corps, I would say it is the stimulation that we have provided and the example that we have set for other nations to do similar projects. There are now 21 other nations who have volunteers abroad. We have encouraged them, we have helped them, have shown them what we have done and taught them the lessons that we have learned.

And it's big business, in some countries there are 7 or 8 other nations providing volunteers who work along side ours, and they date and occasionally get married to German, Swiss, Dutch and other volunteers. We seem to do better with this competition and rivalry that occurs when we have other nations sending volunteers to countries.

COHOES, N.Y.—A WINNER

Mr. JAVITS. Mr. President, Cohoes, N.Y., is one of 11 cities to win the 1966 All America City Award sponsored by the National Municipal League and Look magazine. I congratulate Mayor McDonald and other members of the Citizens Party who, in a few short years of government, have brought this award to Cohoes. In 1963, the Citizens Party set out to clean up the municipal government, institute needed reforms, and arouse the community from the lethargy which had claimed its public life for the previous years.

The Citizens Party campaigned on a platform of reform, and once in office proceeded to activate its campaign promises by creating, among other things, a new industrial commission, a recreation commission, and an economic opportunity commission. Under the guidance of Mayor McDonald and other dedicated leaders, Cohoes has experienced a reawakening which has resulted in an enhanced sense of civic pride for many of its residents.

The enthusiasm and success of the Cohoes experiment should serve as inspiration to others elsewhere to fight for and demand good government in their own communities.

I ask unanimous consent that a New York Times article which further describes Cohoes' progress be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Upstate City in Revolt—Reformers in Cohoes Demonstrate That City Hall Can Be Fought and Captured

(By McCandlish Phillips)

Cohoes, N.Y.—The parade that came throbbing down the main street of this turn-of-the-century mill city Saturday would not have looked thin on Fifth Avenue.

In the narrow passage of Remsen Street it looked mammoth and oddly mixed—as though a circus parade had stumbled amiably into an army embarkation march.

The parade lasted almost three hours. It had 17 bands and 20 floats in [illegible] divisions. Thirty-three palomino horses—"the largest group of palomino horses ever assembled in one place in the state," according to the parade chief, Larry Favreau—clopped elegantly down Columbia, Oneida, Mohawk and Remsen Streets to the reviewing stand at City Hall.

Some 35,000 spectators watched, quite a crowd for Cohoes (pronounced Coh-HOSE, an Indian word believed to mean "something is falling"). Cohoes, which is near a waterfall, is a drowsy city at the confluence of the Mohawk and Hudson Rivers, nine miles north of Albany. Its population is 20,000.

The city had turned out to help celebrate a spectacular citizens' revolt against a political machine. In that sense, Cohoes, like many towns in this country, was demonstrating its faith in an old principle: that you can fight City Hall—and not only win but also take over City Hall.

In the fall the battle will be fought all over again. There is a new city election then, and the Democrats, will be making a determined effort to get back in control.

The main street here is lined with old red-brick and frame storefronts built from 1870 to 1920. But it was freshly decked in red, white and blue bunting for the two-day civic jubilee. Banners were flying everywhere—on all the storefronts, across railroad bridges, at all the entrances to the city.

Several years ago a college professor and a general medical practitioner rose up to lead the citizens' revolt. The celebration over the weekend of the "rebirth" of the city was a classic bit of Americana—with fireworks splashing in the night, the parade, a ball at the State Armory and the singing of a new municipal anthem.

The amateurs of the Cohoes Citizens party overthrew a Democratic machine that had ruled the city almost without interruption, and with only token opposition, since 1922.

Their victory in 1963 was considered fabulous, since the Democratic leaders had enjoyed a feeling of absolute security in an enormously lopsided voter registration—7,000 Democrats and 800 Republicans.

Yet the Citizens party ticket, headed by Dr. James E. McDonald—a physician whose popularity rested in part on a long record of treating the poor for little or no money—got 5,837 votes to 4,443 for the Democrats and 404 for the Republicans.

The man who headed the Democratic machine William J. Dawson, was convicted last year of Federal income-tax evasion. Court testimony showed that Dawson kept the party's financial records in Japanese, a language he apparently had picked up in World War II.

Dawson ran the party from the local Elks Club, until he retired following his conviction last June. He is free on bail pending an appeal.

The Citizens party suffered a damaging blow on April 1, when the State Supreme Court ordered Paul R. Coughlin not to sit as the police judge in Cohoes. Mr. Coughlin has been a leader among the reformers.

The courts upheld a taxpayers' suit brought against him by a Republican committeeman and a Democratic committeeman, charging that Judge Coughlin lived in Colonie, not Cohoes, and was therefore sitting in violation of the City Charter. Mr. Coughlin is appealing. He says he has residences in both Colonie and Cohoes.

Before the parade, in the garage beside the Golden Krust Bakery's home plant here, the finishing touches were being put on a gingerbread house float.

"I think I'm crazy out here, making a float, but you've never seen this city like this," said John J. Jarosz, an owner of the 10-store bakery chain.

"Everybody thought that Cohoes was dying, was on its way out. . . . Now we're so proud of it we're ending all our radio commercials with 'Cohoes, the All-American City, the home of Golden Krust Bakery.' "

Mr. Jarosz was referring to the selection of Cohoes as one of 11 cities to win a 1966 All-America City Award in a competition jointly sponsored by the National Municipal League and Look magazine. The award was announced last week.

Last month the new administration proudly opened the H. Grogan Memorial Fire Station on Central Avenue for $365,000 a supermodern facility that replaced a firehouse built in 1869.

When the Citizens party took office, the salaries of city firemen were raised from $3,550 to $4,700 a year.

In the new fire station, Lloyd (Butch) Flavin, president of the Firemen's Association, showed how the control panel could throw on red traffic lights to clear a path for the engines.

"You know, we used to give $50 back to the party a year to hold our jobs," he said. "They'd come in and tell you, 'Have it tomorrow morning or you're done.' And I've seen guys get done for not giving it."

At the Dawson trial last year, a deputy county clerk testified that he had made contributions of $100 to the party chairman for three years, and a tavern operator said he had paid $100 in cash to Dawson at the Elks Club. Of the first 12 witnesses called by the defense on behalf of Dawson, most testified that they had handed cash to the party chairman.

One of the major campaign promises of the Citizens party was aimed at city employees in two words: "No kickbacks."

Dr. McDonald, a thin sharp-featured man of 57 years with wavy, white hair, works evenings and weekends as Mayor for $4,000 a year. He said he had cut his medical practice down from a "come one, come all" system to one "by appointment only." His father, a Republican and also a physician, had been the last non-Democratic Mayor of Cohoes—in 1920 and 1921.

Paul Van Buskirk, a 32-year-old former junior college professor, is the party's founder, chairman and chief tactician. He is now the full-time executive assistant to the Mayor at $9,600 a year. The Democrats call him "Boss" Van Buskirk.

The Citizens party began its campaign by sending out 500 letters to residents protesting alleged misappropriation of city money and asking recipients to pass the letters on to their friends.

An early problem was getting publicity for the reform cause. Mr. Van Buskirk scored a coup when he discovered that "you could pick out an over-appropriation a mile away" on the city budget and decided to challenge it publicly.

"They're required by law to hold an annual hearing on the budget, but in all the years I've lived in Cohoes they never did, and I was born here," Mr. Van Buskirk said. He forced a public hearing.

"The machine got scared and ordered all the city workers to be there for a show of force," he recalls. "There were three of us against the budget, and that wouldn't have amounted to much, but they absolutely packed the place; so the next day the paper had a big story on 'Capacity Crowd at Budget

Hearing.' I felt I should have thanked them."

In an attempt to "move the city from the 19th to the 20th century," the Mayor said, the new party added an Industrial Commission, a Recreation Commission and an Economic Opportunity Commission to the local government. Cohoes is now working on a Model City application for Federal aid. It is building a new high school.

Dewey Mulcahy, a former truck driver with the Cohoes Department of Public Works, is the new Democratic chairman. He sits at a table in the new storefront headquarters at 26 White Street, a large American flag on the wall behind him. Nearby is a stenciled sign that advises: "What you do here, what you see here, what you say here, what you hear here; Let it stay here, when you leave here."

"We're going to win this fall, because I don't think they've accomplished anything—only on paper," Mr. Mulcahy says, referring to the "holier than thou bunch" in the other party.

"When the new bunch came in, they ordered an independent audit of the city's books for $25,000. They found nothing wrong," Mr. Mulcahy asserts.

At City Hall, Mayor McDonald laughs. He pulls the auditors' report out and says, "Well, here it is."

The report, by Urbach, Kahn & Werlin of Albany, charges "a serious deficiency" and "lack of internal control" in the keeping of the city's accounting records.

Such practices as preferential buying, duplicate expenditures and improper purchasing, the report asserts, have "resulted in violations of the City Charter and state regulations, as well as causing funds to be expended far in excess of the amounts that would have been necessary to obtain the same results."

Folks here are looking for a spirited election battle this fall.

THE RESULTS OF FAILURE TO RESIST AGGRESSION

Mr. McGEE. Mr. President, in a column entitled "The New Isolationists," Roscoe Drummond this morning has given us a lesson in rather recent history. It is recent, that is, for most of us, if not all, in this Chamber. Unfortunately, there are those who have forgotten, not to mention a new generation on the campuses of this Nation whose first-hand experience does not encompass the results of failure to resist aggression when it rears its head. Mr. Drummond's column is an apt reminder, Mr. President, and I ask unanimous consent that it be printed in the RECORD

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 12, 1967]

THE NEW ISOLATIONISTS—RESISTING AGGRESSION ALSO PLAGUED F.D.R.

(By Roscoe Drummond)

There is no reason President Johnson should be surprised that he is losing the support of quite a number of the liberal intellectuals—particularly on the college campuses—over Vietnam.

Franklin Roosevelt had the same experience—and the parallel is revealing.

When the war clouds began to rise in Western Europe and FDR began to show that he saw it as vital for the United States to help resist the Nazi aggression, that was when the academic liberals, who had been devoted allies of the New Deal, began to abandon the President.

As today, their warning was that, if Roosevelt allowed himself to get involved in holding back Hitler, he would be deserting the social reforms that we needed at home.

Reform America First was their slogan and their plea to the Roosevelt Administration and to the American people was that what happend to Ethiopia or to the Rhineland or to Czechoslovakia or to Poland was no important concern to the United States.

And now the liberal intellectuals are deserting LBJ on the same issue. Like their counterparts in the 1930's, they are becoming the isolationists of the 1960's.

President Roosevelt did not take their advice when he concluded that America had to join in resisting aggression in Europe and President Johnson is not following their advice today in his conviction that America must arrest the tide of aggression in Southeast Asia.

A Harvard professor reports that in his experience on the campuses across the country most of the "alienated" groups are students and teachers of a generation whose lifetime gives them no first-hand awareness of how the failure to resist aggression at its inception in Europe led to more aggression and to World War II.

Perhaps this lack of perspective and experience tempts them to abandon objectivity in the harsh and onesided judgments they so easily pronounce on the President.

When the liberal critics berate Mr. Johnson for apparently neglecting to take peace initiatives, their assumption automatically is that the President is either too dull-witted to act or really prefers war over peace.

Then, when it develops that Mr. Johnson has been doing exactly what the critics said he should be doing—but keeping his five different letters and direct contacts with Ho Chi Minh unpublicized in order that the approaches may have the best chance of acceptance—do the liberal intellectuals give the President any credit at all.

FDR had his critics on resisting aggression but he proved to be right. Mr. Johnson has his critics on resisting aggression but, I believe, he, too, will prove to be right.

THE PRESIDENT, THE NATIONAL INTEREST, AND THE RAILROAD STRIKE

Mr. JORDAN of North Carolina. Mr. President, President Johnson has acted firmly and thoughtfully in the face of a threatened nationwide railroad strike.

The President's request for a joint congressional resolution to extend rail service and collective bargaining another 20 days deserved and received prompt action by Congress and had the support of the American people.

This threatened strike can and should be averted. Negotiations have been conducted for almost a year. We must hope that a settlement of differences can be managed within the 20-day extension period. The alternative is a walkout that would have severe consequences for our economy, our welfare, and our national security.

But I believe that reason, good will, and the responsibility of the two sides engaged in this dispute will find the way to a satisfactory settlement with this extension.

We simply cannot afford the consequences of such a strike. It would cause terrible burdens on many industries, disrupt passenger and commuter service, and endanger the job security of many thousands of workers whose jobs are dependent upon railroad service. I commend President Johnson and Congress for taking this action and hope that it will lead to a quick settlement of this serious dispute.

THE PUNTA DEL ESTE CONFERENCE

Mr. DODD. Mr. President, today President Johnson begins the 3 days of meetings with the Latin American heads of state.

I hope that he will feel able to express, in reasonably explicit terms, our support for and sympathy with the immediate objectives of our sister republics.

The President can do this, I feel, without doing violence to our constitutional principles, to our doctrine of the separation of powers.

He can give the Latin American leaders the support and the encouragement and the understanding that they need, to undertake the gigantic task that faces them, individually and collectively.

At a later date, we in Congress will have ample opportunity to consider and put our own imprint on any understandings that grow out of the Punta del Este meeting.

The President may assure the Latin American heads of state of our support without exceeding the bounds of his authority.

And Congress, without challenging the fundamentals of the President's position, may hold hearings, discuss, clarify, modify, weaken or strengthen, the decisions reached at Punta del Este.

There is ample scope, within the framework of cooperation with the administration—and cooperate we both must, on a matter as serious in import as this—for difference of emphasis, and for differences in the details.

But we must remember this overriding fact, that the countries of the Americas expect and need leadership from us.

And they expect and need our assistance in the efforts they are now making to break out of their age-old poverty and backwardness, through the development of a common market and for other measures designed to expand trade, increase industrial production, and raise their standard of living.

I hope we will give this to them.

U.S. AID AND THE CRISIS OF THE AMERICAS

The aid we have given to the countries of Latin America and to other countries around the world has been motivated in great part by humanitarian considerations. But it has also been motivated by enlightened self-interest.

For this we do not have to apologize. Indeed, there is every reason to be proud of the fact that we accept the dependency of our own prosperity on the prosperity of other nations, and the dependency of our own security on the security of the free world in general.

Not even the most ardent isolationist today believes that we could long retain our own freedom if the rest of the world went Communist, or for that matter, if the rest of the hemisphere went Communist.

The existence of Castro Cuba makes the danger of communism in the Americas an actuality we cannot ignore.

The Castro government has on countless occasions committed itself to the goal of a Communist Latin America.

It maintains some 30 guerrilla training camps, in which Latin American cadres are trained in the arts of subversion and terrorism and guerrilla warfare, and then reinfiltrated into their homelands with arms and equipment.

It provides a home and logistical support for the international apparatus of subversion which was set up at the Tricontinental Conference in Havana in January 1966.

It is primarily responsible for the epidemic of guerrilla and terrorist actions which threaten the stability and security of so many American states.

It has made chaos and violence an epidemic condition throughout the Americas; and it has produced an outpouring of frightened capital that thus far exceeds the intake of new capital through the Alliance for Progress and private investments.

I have in repeated statements made the point that the problem of Latin America will never be solved and we will have no security in this hemisphere unless the American states collectively take measures to put an end to the menace of Castroism. I still stand by this position.

But those who believe that all of our Latin American troubles would disappear overnight if we simply sent in the marines to unseat Castro, have woefully oversimplified the situation.

For the fact is that, with only a few countries excepted, the masses of the people in the Latin American countries are abysmally poor and abysmally lacking in education, and their social structure remains untouched by the vast reforms that have swept through most of the civilized world in recent decades.

If Castro were removed by the marines tomorrow and if nothing were done to improve social and economic conditions in the Americas, then, as surely as night follows day, it could be predicted that we would be confronted with another half dozen Castros in various parts of the hemisphere over the coming decade.

That is why the Alliance for Progress and the Punta del Este Conference are matters that demand our most vital concern.

THE ALLIANCE FOR PROGRESS: THE RECORD AND THE CHALLENGE

Progress, not spectacular but steady and workmanlike, has been made during the past decade, especially since 1961 and the inception of the Alliance for Progress.

Many thousands of housing units have been constructed.

Over a million acres of land have been irrigated or reclaimed.

Thousands of schoolrooms have been built, and millions of textbooks distributed.

Roads have been built, the incidence of some serious diseases has been dramatically cut.

And I could go on and on, listing accomplishment after accomplishment.

The record of progress is clear, solid, even impressive.

But we have barely scratched the surface.

Farm production has to increase at double the present rate.

A million homes have to be built each year, not just 75,000 or 100,000.

Hundreds of thousands of classrooms are needed, not just thousands.

Millions of new jobs have to be created.

Hundreds of thousands of doctors and teachers must be trained, to meet even minimum requirements.

As President Johnson has stated:

> New sights must be set, . . . new directions and renewed drive must be found if we are to meet the challenge, if we are to move forward.
>
> It is with these sober problems confronting us that the leaders of the American states will meet at Punta del Este.

The main burden of this task, of course, rests with our sister countries.

It is they who must make the basic decisions take the initiative, and somehow provide most of the funds.

But our country can and should support them, to the very maximum extent that it is practicable for us to do so.

Our sympathy, our understanding, our financial and other assistance, our discreet prodding, and our insistence on their own initiative and efforts at self-help, can play a role of incalculable importance to what is done in Latin America during the next decade.

And the mere fact, the knowledge that the United States is standing by them, ready to contribute and work with them, will strengthen the Latin resolve to forge ahead.

The Punta del Este meeting could be the catalyst, the all-important first step toward a new and better era in hemispheric relations and development.

It could be the meeting from which the leaders of the Latin nations and the United States disperse and go back to their own countries full of high purpose, firm resolve, and practical ideas and agreements for carrying out the peaceful and progressive revolution that can truly transform Latin America.

Let us hope that it will prove to be so.

THE VICE PRESIDENT'S TRIP TO EUROPE

Mr. McGEE. Mr. President, with other Members of this body, I am pleased by the recent trip abroad of Vice President HUMPHREY, whose winning ways and skilled statesmanship served American interests well in Europe. It is certain that Europe is better informed about our Government's policies and that we are better informed about the temper of our European friends as the result of this trip.

The Washington Post commented wisely about our Vice President's trip in an editorial printed yesterday. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 11, 1967]

HUMPHREY'S TRIP

Vice President Humphrey very clearly accomplished the two foremost purposes of his European visit: the governments he visited know more about American policy and the Government of the United States is better informed on European attitudes. It is doubtful if the President could have sent a better ambassador on such a dual mission. Vice President Humphrey is a persuasive and amiable advocate and he is, as well, a quick and perceptive observer.

Time will tell how many results he achieved both as advocate and as reporter. Subsequent events will show if things go more smoothly in the Kennedy round and in the maneuvers for a nonproliferation treaty. Later developments will indicate if he made any progress in reconciling European leaders to the American role in Southeast Asia. Our own policies no doubt will reflect the information which he acquired.

The limitations of such a mission, of course, arise from the narrow scope of the enterprise. If differences exist because of genuine misunderstanding and misconstruction as to European and American policies, a gifted emissary can accomplish a great deal. If they spring inherently, not from misunderstanding, but from real differences over policies that are well understood on both sides, there are strict limits to what an interpreting visit can achieve.

The Vice President's personal charm obviously had its impact on European leaders and his success at this level suggests that he should be utilized as an ambassador more frequently. These affirmative reactions cannot eclipse entirely the dismay created in the United States by some of the hostile demonstrations he encountered. News photographs of Paris demonstrators burning an American flag made a painful impression on American newspaper readers. Fortunately they are sophisticated enough to know such disorders do not reflect governmental opinion, or even general French opinion.

The general reaction to the Vice President's trip suggests that it would be useful and helpful in maintaining historic friendships in Europe if the excursion were to be repeated at frequent intervals.

CRITICISM OF ADMINISTRATION'S VIETNAM POLICY

Mr. FULBRIGHT. Mr. President, Mr. William L. Shirer, author of "The Rise and Fall of the Third Reich," and one of America's most distinguished historians, has written a very thoughtful letter to the editor of the New York Times concerning the President's recent complaint about the "moral double bookkeeping" by critics of the administration's Vietnam policy. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 11, 1967]

PROTEST AGAINST WAR

To the EDITOR:

In his speech to the Tennessee Legislature March 15 President Johnson complained about the "moral double bookkeeping" of Americans who criticize our bombing of North Vietnam, accusing them of remaining silent about the Vietcong atrocities while loudly protesting the slaughter of civilians by our bombing.

Is it not rather the President and our Government which indulge in "moral double bookkeeping"? Have we not in fact for some time insisted on a double standard of conduct in world affairs—one for ourselves and quite another for others, not only in Vietnam but elsewhere?

It is all right, we hold, for us to send troops and guns to help one side in a civil war, but wrong for another country to do the same, though its intervention is far more feeble than our own and deals with its own kindred people.

FOREIGN INTERVENTION

We are punishing North Vietnam by bombing, the President said at Nashville, because "of her flagrant violations of the Geneva accords" (which we refused to sign). But Mr. Johnson is silent about our own violations of those accords, which forbade foreign intervention in Vietnam, and the violations by South Vietnam, under our pressure, including the refusal to carry out the Geneva stipulations for a plebiscite on reunification of the two Vietnams.

It was right to subject North Vietnam to bombing, the President has also said, because she sought to "subvert" South Vietnam and overthrow its government. But would we not have resented such punishment for ourselves when we, in our turn, "subverted" Guatemala and Iran and there succeeded in overthrowing governments which we did not approve?

In our minds it was right for the United States to send in 20,000 troops, in violation of solemn treaties and of our obligations under the U.N. Charter, to occupy Lebanon (under President Eisenhower) and the Dominican Republic (under President Johnson), but we hold it wrong for another power to so act. We feel ourselves perfectly justified in regarding the Caribbean as our sphere of influence, but we oppose China taking a similar attitude toward the area near her borders.

UNDECLARED WAR

Finally, we consider it right for us to bomb a country which never attacked us, never declared war on us, and on which we have never declared war—a point on which Mr. Johnson and Mr. Rusk are extremely silent. But we condemned Hitler's Germany, Stalin's Russia and Tojo's Japan for just such unprovoked acts of violence and undeclared war.

As Athens, before the attack on Syracuse, as imperial Germany before 1914 and Nazi Germany and imperial Japan before 1939, the United States, it seems to me, is today displaying the arrogance and the irresponsibility of power. We have held great power for so short a time and we have come so quickly to abuse it.

That we are following in the well-trod footsteps of history is small consolation.

WILLIAM L. SHIRER.

TORRINGTON, CONN., *March 30, 1967.*

A NEW REVOLUTION IN LATIN AMERICA?

Mr. GRUENING. Mr. President, interesting information of worldwide importance is being developed by persons attending the International Family Planning Conference in Santiago, Chile. The New York Times of April 12, 1967, in an article written by correspondent Juan de Onis, discusses a new type of revolution in Latin America, one which concerns the use of more than 1.5 million Latin American women of birth control bills. This revolution, according to Reporter de Onis, is occurring among women in the upper and middle classes.

The need for birth control information, of course, applies equally to all women in all economic strata. The need for the economically depressed to have family planning information, if they wish, is surely even greater than among families which have the knowledge and financial means necessary to purchase pills or other information.

According to the New York Times news story, the cost of contraceptive pills in Latin America ranges from $1.25 to $2.50 for a month's supply.

In my remarks on the Senate floor yesterday, when I discussed the conferences in Punta del Este and Santiago, I placed in the RECORD a table which included the per capita income in the nations of Latin America and the Caribbean. The table appears on page 8944 of the CONGRESSIONAL RECORD of April 11. The figures in that table explain better than a thousand words why low cost is so important to the families of Latin America who might, if they could afford it, buy birth control information.

We must not forget that more than one-half of the world's population lives either at a poverty level or very close to it. I would hope that the men and women meeting in Santiago, Chile, will find ways in which this great barrier to the development of human happiness can be solved, and that their purpose will evoke a response at the other conference at Punta del Este.

I ask unanimous consent that the New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 11, 1967]

A LATIN REVOLUTION: BIRTH-CONTROL PILLS

(By Juan de Onis)

SANTIAGO, CHILE, April 11.—At least 1.5 million Latin-American women are using contraceptive pills, which have become the largest selling pharmaceutical product in this region, medical delegates to the world Planned Parenthood assembly said today.

This revolution has taken place in the last two years, mostly among the upper-class and middle-class women in this predominantly Roman Catholic continent.

The changes wrought by the pill can be measured by the experience of a 27-year-old Chilean woman who returned here after several years abroad. She recently attended a class reunion at the Sacred Heart College, which is run by Roman Catholic nuns.

"There were about 30 members of my class there," she said, "nearly all married and attractive, but none was pregnant. Five years ago many of them had a baby on the way or just home from the hospital. It suddenly dawned on me that they were all on the pill."

CHURCH IS CAUTIOUS

The sharply increasing use of the pill and to a lesser extent of intrauterine contraceptive devices has made the Roman Catholic hierarchy cautious about taking a public stand. Both the pill and the intrauterine devices represent a striking departure from church teaching, which limits Catholic couples who want to space children to use of the rhythm method, in which a woman's infertile period is ascertained through charting of body temperature.

Government officials and legislators are almost as gingerly about dealing with the legal aspects of contraception and abortion, or providing public funds for birth-control programs.

But medical delegates to the eighth conference of the International Planned Parenthood Federation said that demands from Latin-American women for help in limiting the size of their families had broken through taboos, through the almost complete lack of sex education, and through even the reluctance of many family physicians to advise their patients.

A doctor from Colombia, where 300,000 pills are sold monthly, said:

"The ignorance about the pill was so great, along with the eagerness to get protection against unwanted pregnancy, that there were cases in which the wives made their husbands take the daily pill."

The relatively high price of contraceptive pills, which in Latin America cost $1.25 to $2.50 for a month's supply, creates a new social inequality. A great number of poorer women cannot afford them and can least afford the children.

The present users of the pill are estimated to represent only 5 per cent of the women of reproductive age.

Dr. Fernando Tamoyo of Colombia, who provides assistance in birth control through two clinics in Bogota, said he hoped to be able to provide pills at 40 cents a month.

DISTURBED BY INEQUALITY

The economic limitation disturbs many of the medical leaders of the 16 Latin-American national family planning programs now affiliated with the International Planned Parenthood Federation.

Dr. Octavio Rodriguez Lima, head of the maternity service of the University of Rio de Janeiro, said:

"The religious barrier to family planning is not the main obstacle. Those who can afford it get protection against unwanted pregnancies by their private means. It is the poor who can't afford it who need the help the most, but there is not yet enough money for these programs."

Dr. Rodriguez Lima is chairman of Brazil's private Family Planning Association, which runs 22 clinics providing gynecological and maternity checkups and, on request, contraceptives, including intrauterine devices.

ABORTION RATE HIGH

Among poorer women, abortion is so often sought that medical surveys in some Latin-American countries show that one out of every two pregnancies ends in abortion, compared with estimates of one in five in the United States.

The conference's scientific and medical panels debated conflicting reports on the effectiveness of intrauterine devices, and the outlook for population control based on inducing male infertility through "immunization," or formation of "antibodies" that would incapacitate sperm cells.

CHANGE IN ASPHALT IMPORT PROGRAM

Mr. PELL. Mr. President, the Secretary of the Interior, Hon. Stewart L. Udall, announced today a decision by the administration to provide a means by which import controls on asphalt can be eased if required by the supply-demand situation.

I congratulate the administration, especially Secretary Udall, for making this decision, which should provide relief for asphalt firms in the Rhode Island-New England area.

During the past 6 months, I have been particularly concerned about the John J. Hudson Co., of Providence, R.I. Because of the asphalt shortage in the New England area, and the lack of competitive prices, this firm's financial stability was at stake and, equally important so were the jobs of its 88 Rhode Island employees.

On several occasions I have communicated with the Department of the Interior and high administration officials, and expressed my dismay at the plight of the John J. Hudson Co., and the necessity of having an adequate supply of asphalt in order that the Interstate Highway construction program might continue in full swing.

I have personal knowledge of the many representations made before the Department of Interior's Oil Import Appeals Board of the Hudson Co.'s situation by their able and persuasive attorney, Anthony J. Bucci, of Providence, for whom I have a very high regard.

Therefore, because of my intimate knowledge of this matter, I do hope that the Department of Interior and Office of Emergency Planning will move with celerity in order to provide immediate relief for the John J. Hudson Co.

Mr. President, I ask unanimous consent that the text of Secretary Udall's decision on this matter be printed in the RECORD.

There being no objection, the decison was ordered to be printed in the RECORD, as follows:

[Release of the U.S. Department of the Interior, Apr. 12, 1967]

UDALL ANNOUNCES DECISION TO CHANGE ASPHALT IMPORT PROGRAM

Secretary of the Interior Stewart L. Udall announced today a decision by the Administration to provide a means by which import controls on asphalt can be eased if required by the supply-demand situation.

Decision to alter the existing oil import program was made after full consultation with all interested federal agencies, Udall said.

Under the amendment to the 1959 proclamation the Secretary of the Interior will have discretion to allow increased imports of finished asphalt. The Secretary stated that he intends to have a "thorough, expeditious consultation" with the asphalt industry and other interested parties before deciding upon how and to what extent he would exercise this discretion.

Secretary Udall related that asphalt shortages have been threatened in areas of the country over the past six months. "We must maintain ample supplies of asphalt as the inter-state road construction program is moved into high gear." Without authority to relax controls of asphalt imports, we would be helpless to deal with a serious shortage at an early stage," he continued.

Other factors influencing the decision, he said, were:

Technological changes making possible recovery of increasing quantities of light products from crude oil, leaving less residual oil for asphalt production.

Increasing concentration of asphalt production facilities.

Recent price increases on East Coast asphalt, some of which were attributed to import controls by the producers involved.

Other government bodies involved in the decision to seek the amendment were the Departments of State, Defense, Commerce, the Office of Emergency Planning, the Bureau of the Budget and the Council of Economic Advisers.

Secretary Udall also announced that the Director of the Office of Emergency Planning, Governor Farris Bryant, had been requested to begin an immediate inquiry as to the national security implications of relaxing import restrictions on asphalt-bearing crude and unfinished oils to the extent they produce asphalt.

Not all crude and unfinished oils are suitable for the production of asphalt. Those which are suitable can also be refined to produce a variety of lighter petroleum products, such as gasoline, in addition to asphalt.

The Secretary emphasized that the request to OEP was limited to consideration of easing import controls on only the asphaltic component of imported oils, and not upon the other components.

"It may be," the Secretary said, "that we should relax somewhat the present controls on asphaltic crudes and unfinished oils to assure that we have ample supplies of finished asphalt, and to protect domestic asphalt refineries from temporary economic hardship and market dislocations."

The Secretary said that Governor Bryant believes that his study can be completed in two or three months. This "will give us the answers by the time we need them," the Secretary added.

THE APOLLO SPACECRAFT ACCIDENT REPORT

Mr. FULBRIGHT. Mr. President, the NASA Board of Review has released its report of the tragic accident which killed three brave Apollo astronauts last January 27. It is not a report in which NASA or Congress can take pride. The report is a grave indictment of the management of the space program from top to bottom, and indirectly of Congress, which has voted vast billions for the program without adequate consideration or supervision.

The real culprit in this tragedy is not the workman who did a sloppy job of electrical wiring in the Apollo capsule, or the bureaucrat who permitted such conditions to exist. The inflexible, but meaningless, goal of putting an American on the moon by 1970 is the root cause of the tragedy. Any goal which so glorifies haste generates waste, inefficiency, and errors as a natural byproduct. Accidents are built into such a system. Any dramatic failure in a governmental program brings on a spate of investigations and expurgatory reports, but the finger of blame has yet to be pointed at this race with ourselves to the moon as the real killer of Astronauts Grissom, Chaffee, and White. It is time for Congress and the NASA officials to be honest with themselves.

If the loss of these three lives is to have real meaning, there must be a full reappraisal of the space program and the system of priorities which permits $20 billion-plus to be poured into a project to put a man on the moon in this decade, while social problems here on earth multiply.

The first step should be abandonment of the goal which caused the haste that led to the grief. If this is not done, the mistakes of the past are likely to be compounded in the double-up-to-catch-up effort required to get back on schedule. Let us hope that both NASA officials and Congress learn the proper lesson from this tragic accident and that the present crash program will now be placed on a sound, practical, and deadline-free basis. If this is the result, the lives of these young men will not have been in vain.

Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Howard Simons, published in the Washington Post of April 10 and an article written by William Hines, published in the Washington Evening Star of the same date.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 10, 1967]

NASA FACES HARD DECISIONS, PROBLEM OF CONFIDENCE—SPACE AGENCY AMBITIONS FOR 1967 ARE DASHED

(By Howard Simons)

The thrust of yesterday's Apollo accident report is to say that the National Aeronautics and Space Administration has failed in many ways but not so badly as to cause abandonment of the Apollo manned lunar landing effort.

An immediate effect of the report will be to provide some psychological lift to the flagging Apollo effort. But, in reality, NASA still has to recapture Congressional and public confidence in its ability to do the job.

FACES HARD DECISIONS

NASA also has all its hardest decisions still to make. It must determine which of the Review Board's technical and management recommendations to accept. It must implement those accepted. And it must decide when astronauts can fly for the first time in an Apollo spacecraft.

None of these decisions has been made. They are expected within the next two or three weeks.

At best, yesterday's report seems to mark the beginning of the end of a two and one-half months period since the disaster during which NASA's manned space flight activities have been idling—subject to painful flagellation from within and conjecture and criticism from without.

What is clear as of yesterday is this:

The Review Board, primarily a NASA board, submitted a harsh report to NASA Administrator James E. Webb. The report is exceptionally critical about those things Webb and NASA hitherto have prided themselves on most—tight, efficient, effective management and painstaking attention to detail.

Apollo astronauts probably will not orbit the earth this year. As a result of the disaster, NASA has lost a year of manned space flight attempts. This has lessened but not foreclosed American chances for landing astronauts on the moon in this decade. The year's loss of space activity also has postponed the start of NASA's ambitious post-Apollo program to explore and exploit the space between the earth and the moon.

No matter what NASA does as a result of the Review Board's findings and recommendations future fatal space accidents cannot be ruled out. There still is a statistical possibility that American astronauts or Soviet cosmonauts will be lost in space or on the ground. The Apollo disaster of late January occurred when least anticipated.

The total cost of the disaster and the changes it will bring has not been computed. Much will depend on the changes made in the Apollo spacecraft and the rigorous testing recommended by the Review Board. To be sure, there will be added costs. Though NASA might be able to fund the added costs from its "austere" $5 billion budget, there is some apprehension that the space agency might have to rob science to pay Apollo.

What remains largely unsaid in the report, because it was not in the Board's purview, is the impact of the disaster on the national commitment to reach the moon's surface by 1970.

Had there been no disaster, NASA planned to launch its first manned Apollo spacecraft—the one destroyed in the fire—this spring. It was to have been a two-week earth orbital test flight.

EARLIER PLANS

A second Apollo spacecraft was to have been launched around mid-year this year and depending upon the success of these two manned test missions, NASA had some optional manned flights on its schedule. All of these first Apollo missions were to be sent aloft atop the Saturn IB rocket, which develops a thrust of 1.6 million pounds.

By late this year or early next, NASA had planned to begin using the gargantuan 7.6 million-pound thrust Saturn V for placing the three-man Apollo into orbit around the earth. This is the combination that is appointed to thrust the first Americans to the lunar surface.

Before the accident, NASA had estimated that 13 of the 15 Saturn V's being built could be flown in this decade. And, hopefully, one of the 13—possibly even in late 1968—could have been the American booster to propel the astronauts to their historic lunar rendezvous.

POST-APOLLO PLANS

Moreover, NASA also hoped that if its every effort were a success it could begin using Saturn rockets and Apollo spacecraft for post-Apollo or Apollo applications missions.

This program, NASA's George E. Mueller told the Congress recently, "will begin to investigate man's role in the effective exploitation of the environment of space to meet the needs of mankind on the earth and, in the long term, to determine man's contribution to the exploration of the universe."

Though tagged "post-Apollo," the ambitious manned effort was scheduled to get off the ground late this year.

Now, NASA's 1967 ambitions have been dashed. It is evident that NASA can launch far less than 13 Saturn V's before 1970. How many fewer is undetermined. Accordingly, the chances for getting to the moon by 1970 are also lessened.

And, similarly, the post-Apollo effort now will have to wait for NASA's primary effort—landing Americans on the moon—to extract success out of disaster.

[From the Washington Evening Star,
Apr. 10, 1967]

Accidents Don't Just Happen

(By William Hines)

If there is a single truth to be distilled from the 3,000-page, 15-pound Apollo report, it is that accidents don't happen, they are caused.

The Apollo accident of Jan. 27, which killed three good men, ruined a $40 million spacecraft and set America's moon program back at least a year, was no exception to this rule.

As the report issued yesterday clearly shows, it was caused by carelessness—carelessness in workmanship, in engineering, in design, in management.

It is no secret that these conditions existed on the Apollo job. "Gus" Grissom knew it, though he probably did not know that slackness and poor management would cost him his life.

The greatest service the Thompson Board (named after its chairman, Dr. Floyd L. Thompson of the National Aeronautics and Space Administration's Langley Research Center) has done is to bring the facts out into the open in a carefully documented official report.

As long as the charges like those of dismissed quality control man Thomas R. Baron were being made in newspapers by outsiders, space officials could largely ignore them and take comfort from the sound of their own voices.

Thus it was that Vice President Hubert H. Humphrey—by law America's No. 1 space offical—could say on March 15, I know of no field that so insistently inspires and demands the practice of excellence as space."

Thus, too, Kurt H. Debus, director of the Kennedy Space Center in Florida, where the Apollo disaster happened, could say on Feb. 6, We have always adhered to the highest standards of safety . . . and yet, in spite of meticulous attention to the smallest detail, this tragedy has occurred."

The sound of these words may ring a little hollow against the language of the Thompson Board report: The Apollo team failed to give adequate attention to . . . vital questions of crew safety. The board's investigation revealed many deficiencies in design and engineering, manufacture and quality control. . . ."

In the 10 weeks since the Apollo disaster, the board has swept a great deal of dirt—though probably not all—out from musty corners of the space program. Under the circumstances, with a House investigation starting today and a Senate inquiry to follow in a week or so, the dirt can never be swept under the rug.

Reporting as it did on all discernible aspects of the Jan. 27 accident, the Thompson Board went as far as it could—and further than many skeptics believed it would. It fixed a probable proximate cause and rather bluntly specified the conditions that made the accident possible.

What the board did not do was explain how things ever got into such a state in the space program over-all. The laxity of men on the pad, of engineers supervising them, and of NASA officials monitoring them is not a cause but a symptom. This is no secret, either.

It was not within the board's competence to fix responsibility for this state of affairs. Relationships between contractors and the agency they do business with are a matter of high policy, and policy is made and executed in Washington, not on Pad 34. The responsibility for how policy is developed and carried out rests at NASA headquarters.

For 8½ years—since its creation in October 1958—NASA has been going its free-wheeling way with little supervision from the executive and legislative branches of government. The way to find out how NASA was doing, it seemed, was to ask NASA.

The National Aeronautics and Space Council, a presidential-level board activated under the late President Kennedy supposedly to keep tabs on the space program, has never functioned effectively. Its officials make speeches and it publishes a periodic report; this is about the extent of its activities.

The cognizant committees of Congress likewise in the past have carried laissez faire to an extreme. It may be that the corner is being turned with the issuance of the Thompson Board report and the opening of the first of the series of hearings on both sides of Capitol Hill.

The committees probably will find little to investigate as far as the Apollo accident itself is concerned. But as Rep. Olin E. Teague, D-Tex., who heads the House inquiry, put it last week, "We'll have to look beyond the accident itself; it didn't happen in a vacuum."

In looking beyond the accident, the legislators undoubtedly will go into the question of top management—of the organizational structure of NASA itself, of its Office of Manned Space Flight, and of the Houston and Cape Kennedy space centers. Top officials from all these organizations will testify in the coming days.

The question of moment on Capital Hill is where the fault for the Apollo tragedy really lies. As Vice Admiral Hyman G. Rickover said after the Thresher disaster in April 1963:

"If I have a job to do and it doesn't get done well, I am not going to blame the workmen."

THE FOREIGN SERVICE

Mr. PELL. Mr. President, the Foreign Service, being without a constituency among our voters, tends to absorb more than its share of public criticism. As an alumnus of this service, I have a good deal of respect for it and believe that it is more sinned against than sinning. The eminent journalist, Mr. Stewart Alsop, has written an excellent defense of this vital service in the Saturday Evening Post. His eloquent editorial does much to set the record straight. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Let the Poor Old Foreign Service Alone

(By Stewart Alsop)

Washington.—This country's professional diplomats—the State Department's 3,500 Foreign Service Officers, or FSO's—used to constitute an elite body of proud men. Now they are more like a collection of exhausted guinea pigs.

This is sad, and it is also serious. For as the morale of the professionals in the Foreign Service has decayed, the conduct of American foreign policy has become increasingly sludgy and zombie-like. According to many Foreign Service Officers, morale in the service has never been lower, not even in the McCarthy era. The service has been reorganized and reformed and reported on and experimented with for so long that the professionals who are supposed to be responsible for the conduct of American foreign policy are in a kind of collective catatonic state.

The Foreign Service has never been beloved by the politicians or the public—"striped-pants boys" and "cookie pushers" are the traditional epithets. But the service has respected itself—and with good reason, for it has produced some of this country's ablest public servants. Now that self-respect is oozing away.

The Foreign Service has been exposed to a whole series of traumatic shocks. In the McCarthy era, an FSO had to get used to being regarded as a traitor or homosexual, and more probably both.

Then there was the Wriston Commission "reform" of 1954, the most disastrous of an endless series of reforms. "Wristonization" transformed hordes of unhappy and unqualified State Department bureaucrats into Foreign Service Officers overnight, more than doubling the size of the Foreign Service and destroying its *esprit de corps*. The result today is the "Wriston bulge." There are too many high-level FSO's and not enough serious jobs for them to do, so that able men in their 40's and 50's are doing jobs hardly more meaningful than pushing cookies.

But the most traumatic shock of all has been the triumph of the Administrators over the Foreign Service. Until rather recently the Foreign Service used to run the affairs of the Foreign Service and the clerkish types involved in the Administration of the State Department were dismissed as mere "pants pressers" by the policymaking FSO's. Now the pants pressers are having their revenge.

By a mysterious process which is going on in many areas of American life, the Administrators have seized control of the Foreign Service—especially since 1963, when William Crockett, a brilliant bureaucratic operator, became Deputy Under Secretary of State for Administration. Nowadays, FSO's who want to get ahead have learned to be polite to the formerly despised "pants pressers."

The Administrators can get a senior FSO an embassy—or they can condemn him to outer darkness as Deputy Chief of Mission in Chad or the Central African Republic. In many other ways they can make the life of an FSO tolerable—or miserable.

Most of the programs introduced by the Administrators seem designed to increase the misery quotient. For example, there is FAPS—Foreign Affairs Programming System. The idea of FAPS is to feed voluminous reports on all the activities of U.S. missions abroad into computers, and thus measure statistically the effectiveness of American foreign policy. The notion that diplomacy can be measured by a computer is enough to make any professional Foreign Service Officer froth at the mouth.

But the final humiliation, in the view of many self-respecting FSO's, is the "T-Group" program ("T" stands, rather mysteriously, for "training"). In this program, 10 or 15 FSO's and other State Department people (a "T-Group") are sequestered in a country mansion for a week at a time. In the manner of the "Socialist self-criticism" sessions, as practiced in the Communist countries, the members of the T-Group are supposed to bare their souls, confessing their own sins and weaknesses, and ruthlessly exposing the sins and weaknesses of the other members of the group.

"Behavioral scientists" hired by the Administrators run these affairs. If the suspicions of several FSO's are correct, *agents provocateurs* are inserted into the groups by the "behavioral scientists" to "unfreeze" the FSO's. During one recent T-Group session, a pretty girl from the administrative section accused several FSO's present of snobbery, timidity, and the like. Tempers flared, and the session "unfroze" in an orgy of confessions, accusations and counteraccusations.

This reporter asked one of the "behavioral scientists," Dr. Chris Argyris of Yale, what was the purpose of this curious exercise. His answer (more or less, for it is difficult to take accurate notes in a foreign language) was as follows: "To achieve internal common commitments by neutralizing aggressions and creating a problem-solving environment, in order to achieve credibility among groups."

An Administrator, obligingly attempting to translate, suggested that the purpose was to achieve, among people with different jobs and backgrounds, "a common language." He was not amused when asked the obvious question: "Why not try English?"

Some FSO's, soul-barers by nature, have rather enjoyed the T-groups, but most FSO's regard them as monstrous invasions of privacy. And the entire Foreign Service was infuriated when Under Secretary Crockett, on the eve of his departure for greener pastures, authorized the public release of a report by Dr. Argyris which included long tape-recorded quotes from FSO's, baring their souls in "T-groups." These quotes ("I think one reason I have succeeded is that I have learned not to be open, not to be candid") made the Foreign Service look like a collection of groveling milksops.

The T-Group program is squarely based on the notion (which has also spread to many areas of American life) that whoever pays a man's salary owns his immortal soul. The Foreign Service is criticized for being too cautious. An FSO can hardly be blamed for being cautious if his professional competence is constantly being measured by computers, and his emotional reactions tape-recorded and then published by "behavioral scientists."

It is true that, for professional reasons, FSO's do tend to be cautious, which is why a leavening of outsiders in the foreign-policy process is always needed. But is caution always a bad thing?

There were no FSO's involved in the Bay of Pigs disaster. And after the second Cuban crisis President Kennedy confided that his soundest advice came from Llewellyn Thompson, now Ambassador to the Soviet Union for the second time. Thompson was the only FSO in the inner circle of Kennedy advisers during the crisis. It even seems possible that if the Foreign Service had been deeply involved in the making of policy on Vietnam—which it was not—the mess there might at least be more manageable.

In any case, it might be a good idea to make one more bold experiment with the Foreign Service. Just let the poor old Foreign Service alone, and let it get on with the day-to-day business of conducting the foreign affairs of the United States.

POLISH SCIENCE AND TECHNOLOGICAL EXHIBIT IN DETROIT

Mr. HART. Mr. President, the Polish Government delayed the return of a major science and technological exhibit commemorating Poland's millennium so that the people of Detroit—particularly the many Polish-American families living here—could have the opportunity of viewing it.

Clearly, one of the better ways to learn about the history, the culture, the art, the innovations, and the people of another land is through an exhibit.

Many Detroiters took advantage of this rare opportunity to see for themselves the original manuscript of Copernicus proving that the earth was indeed mobile—to see the beautiful bronze pieces created by the masterful Polish casting artists—to see the ancient coinage, the tools, the 17th century rocket designs—to see, in fact, the magnificent historical accomplishments of the people who inhabited Polish territories.

Those who saw this excellent exhibit are grateful to the Museum of Technology at Warsaw and the Polish Museum of America for providing them with a most enjoyable lesson in the history of an industrious people.

I ask unanimous consent that a newspaper article about this exhibit, published in the Detroit News of April 7, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Detroit News, Apr. 7, 1967]

Exhibit at Cobo Hall: Detroit Salutes Poles

(By James K. Anderson)

"Witamy Was" is a Polish greeting that was placed in Cobo Hall a few years ago among other foreign-language expressions of welcome.

Yesterday was one time when the phrase was appropriate.

Poland, science and America all converged for a 10-day exhibit in Cobo Hall's Hall A of "Science and Technology Throughout Poland's Millennium" and "History of Poles in America."

Mayor Cavanagh, Willis F. Woods, Detroit Institute of Arts director; Mayor Joseph Grzecki, of Hamtramck; Zdislaw Szewczyk, Poland's acting ambassador to the United States; Alfred Ulman, president of the Central Citizens Committee, a federation of 180 Polish organizations; and several other civic leaders joined in opening the two exhibits.

Theme of the exhibits is the 1,000 years since Poland's emergence as a state and its conversion to Christianity in 966.

The science and technology exhibit is sponsored by the Polish government and is from the Museum of Technology in Warsaw, while the historical display is from the Polish Roman Catholic Union's Polish Museum of America in Chicago.

Cavanagh recalled that last summer during his visit to Poland he met several Polish governmental officials in hopes of obtaining another Polish exhibit for Detroit.

"We are indebted to the officials of the Polish government for delaying the return to Poland of this exhibit so that it would be available for Detroiters," Cavanagh said.

The exhibit was brought to Detroit from Chicago, where it attracted more than 200,000 visitors.

Szewczyk traced Polish history from its earliest days to the present and said that throughout long periods of foreign occupation the Poles remained loyal to their national culture and ideals.

At the entrance to the exhibit are two massive statues of Nickolaus Copernicus, regarded as the founder of modern astronomy, and Maria Sklodowska-Curie, twice a Nobel Prize winner and discoverer of radium. They are regarded as Poland's most renowned scientists.

The scientific exhibits range from displays of Polish Bronze and Stone Age artifacts to modern shipbuilding, with large photographs of Polish scientific figures alongside examples of their work.

In addition, there are examples of Polish folk arts and color photographs of Polish scenes.

The "History of Poles in America" begins with the settlement of Polish glassmakers in the Jamestown colony in Virginia in 1608 and continues through Ignace Jan Paderewski, the world famous pianist who became Poland's first president after the country was reestablished at the end of World War I.

PRESIDENT JOHNSON SUPPORTS THE NEW SCIENCE FOR OUR SCHOOLS THROUGH THE NATIONAL SCIENCE FOUNDATION

Mr. PELL. Mr. President, the National Science Foundation—whose 16th annual report was recently sent to Congress by President Johnson—has had a revolutionary impact on our national development over the past years. The science that our children are learning in high school is the science of today, not the science of 30 years ago.

The Foundation has accomplished this through a many-pronged attack aimed at improving high school education. The program was geared to the appropriate Federal role—encouragement of excellence in research and development through local initiative and responsibility, a true Federal-local partnership in science education.

Through this program, high school science teachers have attended special institutes conducted by colleges and universities. The teachers can pick the institute most suitable, and if accepted, can learn what they feel they need to improve local instruction. In 1966, some 21,000 teachers of high school science gave up part of their summer vacations to attend such institutes. An additional 13,000 attended in-service institutes during the academic year, and 1,600 enrolled in full-time institutes covering the entire academic year.

In addition to supporting teacher training, the National Science Foundation has also supported the development of modern courses for science instruction.

About 1,200,000 students are now using at least one of many biology courses developed by the biological science curriculum study. About 410,000 students are using one of the two courses developed with National Science Foundation support. The physics course developed by the Physical Science Study Committee is now estimated to have been used by 230,000 high school students.

The educational programs of National Science Foundation will improve American science in the future just as its research programs have improved our scientific advances today. We must continue to lead the world in this vital area.

All this is indicative of a new relationship between Government and American schools. President Johnson is to be commended for his strong support of these worthwhile endeavors. Our children, our citizens, and our institutions will all benefit from this new revolution in scientific learning.

THE FEDERAL AID HIGHWAY PROGRAM

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the General Assembly of the State of Rhode Island and Providence Plantations, dated April 10, 1967, memorializing Congress to take all action necessary, including a resolution expressing the sense of that body, in order that the Federal aid highway program be restored to a regular and fully financed program, as was the intent of Congress in 1956.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

H. 1552

Resolution memorializing the Congress of the United States to take all action necessary including a resolution expressing the sense of that body, in order that the Federal aid highway program be restored to a regular and fully financed program as was the intent of Congress in 1956

Whereas, It was the intent of Congress that the Highway Trust fund to which all highway users contribute their taxes shall be used for a well planned highway system;

Whereas, The President himself said in August 13, 1964, that "Interstate Highway System—is the most ambitious program since the days of ancient Rome," that it was his "privilege to guide this program to passage as Senate Majority leader, and the program is not costing the General Fund of the U.S. Treasury a single cent;"

Whereas, This program has provided over one million Americans with work, is the largest public works project known to man;

Whereas, Contractor and construction workers have responded to the challenge of this enormous program leading all industries in productivity gains.

Whereas, If this program is slowed down by the 25% cut asked by the President many of these contractors and workers will reconsider their part in the highway program, should the Administration try to place the program back on schedule;

Whereas, The construction industry has had to bear the heaviest burden of the Administration's anti-inflationary policies, with over 275,000 workers unemployed now and reduction in the highway program will result in further unemployment;

Whereas, Any slowdown in finishing the highway program will only cost the taxpayer more money;

Whereas, Over 52,000 were killed on our highways in 1964, and it is estimated that with the completion of the Interstate system at least 8,000 lives will be saved annually;

Now Therefore, Be It Resolved by the General Assembly of the State of Rhode Island that the members of this body do hereby respectfully request the Congress of the United States to take all action necessary to have the Federal-Aid highway program restored to the amount authorized by Congress.

Be It Further resolved that the Secretary of State is hereby authorized and directed to forward a copy of this resolution to each member of the Congress of the United States from the State of Rhode Island and to the Governor and Secretary of each of the other 49 States.

A WAY OUT OF THE VIETNAM WAR

Mr. PELL. Mr. President, I have recently read a provocative and interesting article entitled "Is There a Way Out of the Vietnam War?" written by Harrison Salisbury, the experienced New York journalist and editor who recently visited Vietnam.

It is an excellent article, full of ideas and really probing to find areas of agreement rather than areas of disagreement.

I believe that Senators might be interested in reading Mr. Salisbury's observations; therefore, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS THERE A WAY OUT OF THE VIETNAM WAR?

(By Harrison Salisbury)

I strongly suspected before I arrived in Hanoi that the North Vietnamese authorities would not have taken what was for them the giant step of authorizing my visa unless they had decided that the time had come for active exploration of the possibility of peace-by-negotiation in Southeast Asia. I departed from Hanoi with that suspicion transformed into positive conviction. No other sensible interpretation could be placed on the conversations which I had with the Premier and other North Vietnamese officials.

It was apparent that the war was approaching one more of those crossroads which had marked its development over the years. It could proceed in one of two totally opposed directions: down the arduous but productive path of negotiation toward settlement and peace; or it might be precipitously escalated and carried far beyond Vietnam, suddenly to embrace vast areas of Asia or the world. This evaluation was not contained in what anyone in Hanoi was prepared to say publicly. In fact, even in private there was a tendency to fall away from declaring explicitly what was expressed implicitly. But that North Vietnam was prepared to explore actively and seriously the possibility of bringing hostilities to an end was no longer a matter of doubt.

What had produced this attitude in Hanoi? Certainly I had not found that our bombing had achieved this result. I thought that a circumstance far more dangerous to Hanoi, and quite probably to the world, lay in the background of the changed thinking. That circumstance was the chaos in China. In Hanoi one felt the hot breath of the Peking crisis like a fiery draft from a suddenly opened furnace. The events in China were like some terrible charade. Everyone's attention was riveted on them. Everyone knew the fateful consequences which might flow from them. But no one knew how to influence them.

A year earlier I did not believe Hanoi had been especially eager for negotiations with the United States. At least I did not think that North Vietnam was then prepared to talk in terms of a settlement which would have been acceptable to the United States. Earlier than that, I believed, negotiations would have been even less productive.

Going back over the course of events from 1945—the struggle against the French, the vistory at Dienbienphu, the Geneva settlement, and the gradual transition from political struggle to warfare—it seemed to me that Hanoi's ambition had undergone great changes. In the early period, and probably as late as 1958 or 1959, I thought that the North Vietnamese and other Asian Communists, with Chinese encouragement had been thinking in grandiose terms. They had dreamed of the creation of a great Asian Communist movement which would have the sympathetic guardianship of Peking. Peking would help with ideological support, material means, and possibly even the kind of logistic and tactical support which had helped General Giap to succeed at Dienbienphu. The fulcrum of the movement would be Vietnam. There was every reason for Hanoi to think that political evolution in Vietnam favored the North and specifically favored Ho Chi Minh, who then (and now) was the only national leader which the country possessed. Communism or quasi-Communism might then readily spread from Vietnam and possibly from Indonesia to Malaya and to Vietnam's companion successor states of French Indochina, Cambodia and Laos.

This had been a dream and possibly more than a dream in those years. But with the steady rise of conflict within the Communist world this goal had begun to appear less and less realistic. By the early 1960s, I believed, it must have seemed quite impossible. By this time the polemics between the Soviet Union and China had begun to affect the world Communist movement radically, and no Communist regime was more caught in the middle than that of North Vietnam.

During this period, however, it was still possible for Hanoi to dream of political domination of Vietnam or at least a close working partnership with the South under National Liberation Front leadership. There had not been demonstrated up to that time (nor to the present) any political vitality in the Saigon Government which was likely to last once the war ended or the United States removed its props. The inauguration of the American bombing offensive had not changed Hanoi's evaluation of the probable outcome in Vietnam. It still seemed that Hanoi and the Front would survive long after Marshal Ky or his successors had vanished.

The bombing would make it harder for Hanoi and the Front. It would prolong the struggle. It would cost North Vietnam most, if not all, of the restricted socioeconomic gains achieved since establishment of the regime. But the gains were not essential, and the losses would not be decisive. The country was still too primitive, too poorly developed. Even if all the industries, all the improvements were destroyed, even if all the towns and cities were wiped out, the country, its essential peasant life and rice culture, would endure. There was nothing about the bombing of the North which, in the long run, was likely to add to the political viability of Saigon. On the contrary, in the end the results would be the same except that the North Vietnamese would suffer more, the casualties would be higher, the losses greater.

On the other hand, the United States would also suffer. It would begin to cost America a great deal to maintain its war effort. Those members of the Hanoi Government who took ideological guidance from Peking did not think this was at all bad. They shared the view of the Peking Marxists, who held that the more places in the world in which the United States could be mired down in grinding, endless, expensive, frustrating conflict in formerly colonial areas, the more the United States would be bled, the more its resources would be expended, the greater the burden on its social and political structure, the more intense the strain on its relations with other nations, and the greater the political defeat for the United States through loss of world support, particularly among the former colonial peoples, who possessed the majority of global population, who dominated the United Nations, and who in the future would have to be reckoned with.

China was playing the long game. It was counting on the Vietnam war as the first in a series of skirmishes in which the United States would be entrapped. When enough United States forces had been tied down in Asia, in Africa, and in Latin America, Peking would come out on top. It was an attractive theory. It would require decades to work out. But Asia had more time than anything else. Eventually this strategy might involve the United States in war with China. But that, too, would be endured. Indeed, the Chinese had already worked out the tactics whereby they believed they could survive American nuclear attack.

Here the strategy of Peking and that of Hanoi showed a remarkable concordance. Ho Chi Minh talked about the inevitable escalation of the United States war effort. He and his associates noted how we had first bombed only a little way above the 17th parallel, then gradually widened out until the whole country was attacked. At first we did not hit Hanoi and Haiphong. Then gradually we moved on the two big cities. Eventually, Ho contended, the worst would happen—Hanoi and Haiphong would be attacked in a systematic and sustained fashion. But, he insisted, this would not mean the end. North Vietnam would retire to its caves and its jungles and struggle on for ten, twenty, fifty years and finally the United States would be defeated. Long before that another thing would have happened. The volunteers would have come into the war—the manpower of China and possibly of the Soviet Union and of Eastern Europe which stood ready to come at Hanoi's call.

Did Ho really think that events would take this course—that the destruction of his country, the involvement of all the Communist world, was virtually certain? Possibly not. Quite possibly he thought that the prospect of total involvement would, in time, bring the United States to discuss terms acceptable to the Communists. But now history had taken a turn which not even the least sanguine North Vietnamese had anticipated. The brooding quarrel between the Soviet Union and China had boiled over. The consequences already were disastrous for the orderly conduct of North Vietnam's defense. Month by month and week by week the problem grew more grave. North Vietnam was spending more effort now trying to maintain relations with its two great neighbors, trying to keep the flow of supplies coming through, than on any other aspect of the war. And the possibility daily heightened that graver disaster lay ahead.

China could at any moment erupt into civil war, which would mean the diminution or cutoff of the supply route. The intraparty conflict in China might reach such bitterness that one faction would halt supplies or close the roads. The Chinese already were hampering the movement of Soviet goods. They might stop them entirely. The conflict between Moscow and Peking might move into the open warfare. This would make deliveries impossible.

Any one of these combinations might produce the worst of consequences for North Vietnam. The country and its leadership might be drawn into the intra-China dispute through the simple fact that so many of Ho's associates had intimate relations with the Chinese. Many in his entourage had connections as close with Peking as they had with Ho. Suppose Peking thought that Soviet influence was coming to the fore in Hanoi—might it not instruct its friends in Hanoi to intervene? Might Peking already have intervened through third parties to try to affect Hanoi's policies?

It was possible the Chinese would try to confront Ho with a *fait accompli* and subvert his government if they thought he was beginning to side with the Soviet Union. In their present hysteria almost any act of Hanoi's could be interpreted in Peking as hostile to China or pro-Soviet. Hanoi had stated flatly that it would not receive "volunteers" from China or any other Communist state except in certain specified instances and only when it called for them. But could Ho be certain that Chinese "volunteers" would not suddenly pour over the frontier in response to a demand from a member of the North Vietnamese Government acting on the instruction of Peking?

There was not a diplomat with whom I talked in Hanoi who was not sensitive to these potentials. They had changed the whole aspect of Hanoi's attitude toward peace and negotiations. There was not a diplomat from Eastern Europe with whom I talked who did not strongly favor negotiations at the earliest possible moment. Not all of them favored this course because of fear of China. Many had strongly favored it before the Chinese crisis. But the Chinese crisis strengthened their feeling that the war represented a grave fissure in the world political structure, that it created a situation which under the stress of events in Peking might lead the world to nuclear catastrophe.

A nuclear war, they pointed out, was regarded with horror by all the world—except Peking, which had prepared a strategy for dealing with the nuclear devastation of China. Peking, they noted, was talking about the inevitability of American nuclear assault, the wiping out of Chinese nuclear centers, the destruction by nuclear weapons of all China's large cities. Peking thought this would merely create a trap (killing, incidentally, possibly 300 million Chinese) into which the United States would fall. Because, said Peking, after the bombs had done their work the Americans would still have to enter the nuclear-poisoned countryside and seize the land, and there they would find the Chinese, 400 million strong, emerging from caves and bunkers, ready to fight with primitive bombs and grenades at a range of 200 yards or so—closer than America's technology could be effectively employed.

The European Communists were familiar with this Chinese thinking. They were chilled by it and by the consequences it might bring to themselves and to Southeast Asia. I could not find many North Vietnamese who relished the idea, but they were so accustomed to talking of protracted war, of retreating into the hills, of fighting through decades while the Americans exhausted themselves, that the prospects did not fill them with so much horror. But I do not believe that Ho wished to lead his country down that avenue. I thought that he and his leaders had taken the measure of what the next year was likely to bring. And the year after that. It must look to them that the chances for bringing more strength into a negotiation in 1968 were less than the chances in 1967. Beyond 1968 lay more and more grave question marks.

I did not know whether Moscow, in seeking to free its hands of the China crisis and in its hopes of uniting the West in a common front against Peking, had sought to persuade Hanoi of the desirability of negotiation. Perhaps not. The Russians had found themselves in a delicate position vis-a-vis Hanoi and the Communist world. Every Communist knew Moscow had no deep interest in Vietnam. Everyone knew Moscow wanted the war settled. But that made it difficult for the Soviet Union to take a direct hand. Possibly, with the rapid deterioration in Peking, Moscow had finally spoken more directly.

Whatever the event, now, at this late hour, Hanoi was interested in talking terms. But even so there was a grave impediment. It could not talk openly or directly lest this provoke the very intervention and reprisals by the Chinese of which it was most fearful. At a hint that Hanoi was ready to talk peace Peking was apt to intervene forcibly—by closing the frontier and cutting off supplies, by bringing political pressure to bear within the North Vietnamese Government, or by sending in the "volunteers" to shift the balance back toward war.

I had felt before going to Hanoi that the only effective method of exploring the possibilities of negotiation was by private, completely secret talks, far from the spotlight of world opinion. It was not hard to see the futility of publicized techniques. Some efforts occurred while I was in Hanoi. The British Foreign Secretary, George Brown, made a public appeal for talks, putting the weight of his stress on Hanoi. He added for good measure the suggestion that the talks be held in Hong Kong, oblivious of the fact that the Chinese two days earlier had charged that Hong Kong was a base for the aircraft carriers whose planes were bombing North Vietnam. It was incredible bumbling. Or possibly it was not intended seriously except to ease the pressure on the Labor party at home to take some action toward ending the war.

The Pope made appeals and U Thant made appeals. None of these received a very enthusiastic welcome in Hanoi. There had been suggestions that General de Gaulle might make a good mediator. There was no doubt in my mind that de Gaulle was well regarded in Hanoi. But the attitude of the North Vietnamese officials suggested that they much preferred such a delicate business to be carried on without the intervention of third parties. They had had considerable experience in the past—a bit more than I was aware of when I was in Hanoi—of the difficulty of making and maintaining contacts with the United States. Publicity was the one thing they did not want. The intervention of a third party merely increased the possibility of a leak, with the unpleasant consequences which might follow.

The talks could not stand publicity. Of this I was certain. The North Vietnamese had to see the light at the end of the tunnel before they started down the passageway. Until they could feel, privately, that there was a real possibility of an agreement they could not afford public negotiations. Because the moment they entered public negotiations they could expect the China route to be cut and they could expect active Chinese efforts to upset the talks. This would be fatal unless they knew that they were going to be able to reach a peace agreement. If they started out on negotiations and failed, they would find themselves in a critical situation, compelled to renew the war against the United States but with their principal source of supply cut and the possibility that their government might have been severely weakened internally.

They had other fears, which paralleled the fears with which the United States approached the idea of negotiation. They feared that if they started to talk, their people would be convinced that peace would inevitably follow. If the talks stalled and war was resumed, it would not be possible to restore the remarkable fighting morale which they now had and which constituted their chief resource against the powerful United States. They did not have many assets and they did not feel they could jeopardize this one. They also feared that if they entered talks without a clear notion of the agreement which lay at the end, the United States might utilize the period of negotiations to increase its force levels in the South and prepare for resumption of hostilities when the talks came to an inconclusive end. This fear paralleled two great fears of the United States—that if bombing once halted it would not be possible (because of public opinion) to resume it and that the North might enter into talks simply to utilize the period for reinforcement and regrouping, which would then enable it to emerge from a deadlocked negotiation in a far stronger position.

These were the dangers which lay in the minds of the North Vietnamese and the Americans as they gingerly approached the idea of negotiations. The only way in which they might be removed was for each side to attempt an exploration in complete secrecy. They would have to see what each side was prepared to do; whether the ingredients of a deal existed. This was by no means certain. But the possibilities could be assessed through this process. I recommended it strongly to Hanoi, speaking as an interested observer. I had no diplomatic role. Anything I said was said just as an American newspaperman who happened to be in Hanoi. Therefore I could talk with a freedom which a diplomat would not possess. The same held true on the other side. When I returned to the United States, it was possible for me to talk to Washington with the same frankness and lack of reserve that had marked my conversations in Hanoi.

It seemed obvious both in Hanoi and in Washington that each side was aware of the critical moment which had arrived. If the turn toward negotiation were not taken, what was the alternative? On Hanoi's side, the deterioration of the situation in its rear would bring an inevitable turn toward radical expedients. On the American side, the pattern surely would follow the channel of escalation to higher and higher force levels. What specifically would we do? I was in no position to guess. But the speculation in military quarters had been fairly precise: intensification of bombing, sustained air attacks on Hanoi, blockade or bombing of Haiphong, land operations north of the 17th parallel, amphibious landings in the Gulf of Tonkin—all of the ominous developments which would produce the entry into the war of the "volunteers." Chinese volunteers.

The options were epochal. Peace or a land war, very possibly a nuclear war, with China. Possible Soviet intervention. To say that events had arrived at a turning point was an understatement.

I returned from Hanoi convinced that a settlement of the Vietnam war by negotiation lay within our grasp. I was convinced it would not be easy to negotiate, and I was by no means convinced that we were prepared to understand or undertake this difficult and complex task. But that the ingredients of a settlement—one which would be viable, enduring, and relatively favorable to our objectives in Asia, at least as I understood them—now had come within reach I had no doubt.

This, I must say, came as something of a surprise to me. I had explored the ground in Southeast Asia with some care only a few months earlier, in the late spring and early summer in 1966, in a trip which led me all around the periphery of China. I had gotten the impression then that the establishment of a secure and comparatively stable Southeast Asia might be impossible on terms which Washington would consider acceptable. As I understood our objectives in Southeast Asia, they comprised the following:

We had no desire to overthrow the Communist regime of North Vietnam. We accepted the continuance of Ho and his successor in that country.

We had no territorial aspirations in Vietnam and none in Southeast Asia. We had no desire to remain in South Vietnam or any part of Vietnam.

We desired the establishment in South Vietnam of a viable regime which would not be Communist-dominated, Communist-oriented, or Communist-threatened, but we did not insist that this regime be necessarily that which now held power in Saigon.

We desired to reduce the Communist threat to all Southeast Asia and to increase the security of the area, particularly that of Laos, but we had not spelled out specific aims so far as this point was concerned.

We were prepared, once peace and stability had been restored, to withdraw our armed forces and to offer economic and technical assistance on a massive scale, which would help to create the material foundations for a rapid advance in standards of living and development.

We were prepared to assist in cooperative multi-nation projects such as the Mekong River development.

If these were, in fact, our objectives in Southeast Asia it seemed to me, on the basis of my conversations with representatives of the Hanoi Government and of the National Liberation Front, that with hard bargaining we could come reasonably close to fulfilling them.

So far as the public record went, the chief difficulty concerned the future status and regime of South Vietnam. The problem centered on Hanoi's support of the Front as the appropriate spokesman for the South. We did not recognize the Front, although we had said cryptically that there would be "no difficulty" about a place for the Front at the negotiating table. The existing Saigon Government of Marshal Ky was our ally-of-record, and while we had not committed ourselves to perpetuating his regime, our inclinations naturally went toward the Saigon Government, with all its faults, rather than the Front, with which we had done mortal combat.

Was there room for maneuver on this point? I suspected there was, although I did not expect the Front or Hanoi to put this on public record or even to agree to it in the first round of private discussion. But both sides had publicly agreed that they would back a "coalition" government. The Front had spelled this out to include members of South Vietnam's Constituent Assembly and some members of the Ky Government (but not Ky). We had not gone so far, but the Saigon Government had at least intimated that it looked toward a coalition. The sentiment for a coalition certainly was strong among members of the Constituent Assembly.

The problem here was balance. Who would have the majority? Was there some nonaligned or moderate figure around whom a coalition government might be constructed? Would a coalition government possess durability or would it, even if headed by a non-Communist, quickly fall apart or succumb to Communist intrigue? We did not wish to see repeated in Southeast Asia the history of Eastern Europe's postwar coalition governments, which quickly fell under Communist pressure.

I believed that the vital ingredients of the Liberation Front program (at least as described in Hanoi)—a mixed economy, free rights for all parties, neutral foreign policy, no alliances—would permit construction of such a government. Its stability could be insured by United States economic aid, guarantees by Asian powers and the Great Powers, and guarantees by Hanoi. There was an armory of factors which could be utilized to give the structure strength if it possessed the vital ingredient of political virility.

What about the North? It seemed clear that the moment was appropriate to restore the North to the situation which had been envisaged by the Geneva agreements, to try to cut its military links to Peking and to Moscow. The divisions within the Communist world favored such neutrality. It would ease the pressures on Hanoi enormously. Of course, Hanoi, even more than Saigon, would require guarantees. Not only of support (against Chinese intervention) but of economic aid and assistance in rehabilitation. The situation had developed in an appropriate manner for the achievement of aims which had been far beyond the horizon of possible diplomacy a year earlier. It was an unequaled opportunity for the United States, one which might not recur and which might slip away in certain eventualities, such as the reduction of political tensions in Peking or a rapprochement between Peking and Moscow, both of which might occur.

But establishment of neutralized regimes in Saigon and Hanoi would be only the start. It seemed to me that Laos represented an equally dangerous problem. Laos had become a mere fiction—a land which was in the hands of an uncertain number of guerrilla operations, some sponsored by the United States, some by the Communists, and some of purely Laotian origin.

Unless Laos could be quieted and sanitized, the whole theater of struggle might simply shift westward from Vietnam, with the warriors of the CIA and the Chinese International going at it hammer and tongs (or hammer and sickle). This would undermine the area dangerously. Cambodia had managed to stay out of the war, but it needed economic and probably political support as well. Thailand would be in trouble if it lost its burgeoning war-boom prosperity. Many considerations dictated the creation of a strengthened International Control Commission with a broader mandate and genuine powers not merely to police these countries but to aid and guide development. What political form this might take I did not know, but it should not lie beyond the competence of American diplomacy to establish a structure in Southeast Asia which would make the region a going concern.

This would create what the United States had so long hoped for—a strong and viable Southeast Asia, resistant to the spread of Chinese influence and Chinese Communism. Certainly China was going to be a power in the area. It always had been. It was unrealistic to suppose it could be shut out. But if we built on the strong factors of nationalist sentiment such as had been invoked in North Vietnam, such as would surely develop in South Vietnam—the same force which had caused Indonesia to throw off the Chinese and the Communists—we would see emerging not a series of poor, weak client countries, not a region dependent into infinity upon a huge American military garrison and the expenditure of United States funds, but a progressive group of countries, internally strong and resolutely independent. Independent of us. Independent of China. A healthy Asia, it seemed to me, must be an independent Asia.

This was the chance which had been created by the unexpected developments in Peking and their repercussions in Hanoi. It might well be the chance of a century. But I was not certain that Washington could grasp the opportunity. Washington was tired and Washington was stale. Washington, I feared, was filled with too many men who had committed themselves to so many past mistakes that they lived only for some crowning disaster which would bury all the smaller errors of the past. Washington was filled with politicians who were concerned with what would bring in votes in the next election or what would discomfit a possible election opponent. In that atmosphere it was difficult to get men to indulge in imaginative statesmanship. Too many were afraid to take a chance. The old policy might be a mistake. It might lead to catastrophe. But change was dangerous and uncertain. And there were competing counsels.

For instance, there was the military. The military, not unlike the French who had been there before, had not had a good time in Vietnam. Their record was poor, partly because it was not a situation which yielded readily to the application of military power and partly because the politicians were always trying a teaspoonful of this, a teaspoonful of that. When a general finally got the dose increased to a tablespoonful this was not enough and he should have recommended a swig. No general won glory by telling his President to turn the job over to the diplomats. So they called for more of whatever it was and hoped for the best. If the Vietcong were stubborn this year, maybe double the force next year would do the job.

I was told when I was still in Hanoi by someone who had been very recently in Saigon that the American military establishment there would not accept negotiations at this time, no matter what Hanoi said. "They think they have Hanoi on the run," said this man. "They are not going to quit now. They want to pour it on. If it is poured on hard enough, there won't be any Hanoi to bother with."

I didn't know if that accurately reflected the thinking of the American military establishment in Saigon, but I encountered this line in some quarters in Washington on my return. The reasoning was simple. If Hanoi was in trouble, if China was about to blow up, if the North Vietnamese were about to lose their supply line—why talk to them? They will have to crawl to us later on. Let's hit them with all we've got.

From the standpoint of total military victory I found a grim honesty in this argument. But—and this was a large "but" to my way of thinking—this policy led straight to the confrontation which was most dangerous of all—confrontation with China's land forces, and quite possibly involvement with the Russians. We might crush Hanoi only to find ourselves locked in a fatal nuclear embrace which would eliminate all problems in Vietnam by eliminating the world of which Vietnam was a part. I thought this to be a counsel of utmost recklessness. But, of course, its advocates never mentioned the cataclysmic potentials. They limited themselves to talk about clobbering Hanoi. But, curiously, Hanoi could have been clobbered at any time in the last two years. And it had not been. Why do it now when Hanoi was ready to talk peace? A strange way to reason. Or so I thought.

But perhaps there lay behind this reasoning a hidden factor which governed our whole Southeast Asian strategy. Or a half-hidden factor, one which was often discussed by the Pentagon strategists and the ideologists of war-game theory, the men who created the logical structure against which much of our strategic air policy was elaborated. This was the line that the real enemy in Southeast Asia was not North Vietnam: It was China. We were there not because we worried much about the regime in Saigon or that in Hanoi but to draw a line against China. This was what much of Asia thought.

I had heard this thesis advanced in Asian capitals in the summer of 1966. The Asians simply did not believe that the United States was investing the sums we were putting into Vietnam, or the manpower we were stationing there, or the enormous bases we were building in South Vietnam and Thailand simply to fight Ho Chi Minh. No. China was the objective. That was the way they calculated it. Some thought we were trying to provoke China so that we would have an excuse to bomb it, to destroy its nuclear facilities. After all, had not some of our generals proposed that line? Did it not possess a certain grim sense? If we were going to fight China ultimately, would this not be a good time to do it—before China got too strong, when we could still be sure of knocking out its atomic production centers?

If this was, indeed, our basic, secret, unstated strategy, if Vietnam was a holding operation or a maneuver to try to draw in China, if we were going through the motions of fighting North Vietnam but really were preparing for an assault on China, then, of course, the question of peace in Vietnam became moot. What was the point of it? It would run counter to our genuine intentions and would make it more difficult to cope with China.

For those who believed along these lines—and I had no doubt that many thoughtful men in the Pentagon and perhaps some not-so-thoughtful men in the Senate shared these ideas—there was nothing more strongly to be resisted than talk of peace or of ending the conflict in Vietnam. Each time peace talk arose it must be strongly rebuffed. We must not take yes for an answer. We might indulge in a little rhetoric to soothe the ruffled feelings of the world. But we must not let it interfere with the war. This must be remorselessly pressed and escalated to the limit. China must be compelled to intervene. According to this thinking, the very thing which Hanoi most feared—the possibility of Peking's moving volunteers over the frontier—was devoutly to be hoped for since this would enable us to trigger the nuclear offensive which would eliminate China from the map.

It seemed preposterous to suppose that men like President Johnson, Secretary Rusk, or Secretary McNamara considered the war in such terms. I had no doubt that they were as eager as anyone to find a solution. But they were also determined that it would be a solution which would stand the test of time and trouble. They did not wish, having made so major a commitment of American treasure and manpower, having so deeply staked their prestige and reputation, to enter a cul-de-sac which would lead to another Panmunjom nor to embark upon a negotiation which would create a ramshackle settlement from which would emerge the next world crisis.

Skepticism was natural. Outright antagonism was another thing. There seemed to me to be one great difficulty about getting talks going. Both the United States and North Vietnam were still in the ring. Neither side was staggering toward collapse. The dangers which Hanoi envisaged were dangers of the future, not the present. In such a situation it was difficult for either side to give the ground which would make compromise possible.

Yet it was plain that the situation had reached precisely the point of development at which the most effective kind of solution could be achieved. It was not easy to end a war, and it was remarkably difficult to end one without laying the trail for a new war only a few years in the future. This we had done in our settlement of World War I. It was the ruthless terms ruthlessly imposed on the Central Powers which set the stage for World War II. I was not convinced that the unconditional surrender imposed upon Germany and Japan at the end of World War II did not contain the seeds of World War III, although this might have been averted by the extraordinary aid rendered by the United States. Yet in Europe many observers felt that if World War III came, Germany would again be the instigator and that the cause would lie in the World War II settlement.

We now were at a striking point in history in Southeast Asia. Hanoi had not been defeated. The United States had not been defeated. Each was conscious of the strength of the other. Each had suffered. But not irretrievably. We could, therefore, if we utilized our instincts for statesmanship, construct a settlement which would have the elements of equity, honor, and reasonableness and which might endure.

Were we to follow the course of obliterating Hanoi, of hitting it with everything in the book, of driving North Vietnam back to the caves, would we not create a vacuum—even if we escaped nuclear war with China and/or the Soviet Union? Might we not then find ourselves with nothing but a vast gray land in which not even Marshal Ky would manage to reign supreme? What of neighboring Laos and Cambodia? Would not total defeat in Vietnam, even if obtainable, create a situation in which for a hundred years we would be committed to maintain costly and numerous garrisons to police the marshes of the devastation which we had created, the vast and ever-growing jungles, uninhabited by man, beast, or bird, which would be our inheritance? These speculations arose inevitably as one pondered the alternatives.

To my way of thinking the arguments ran strongly toward an effort at negotiation. The task of negotiating a durable Southeast Asian settlement was difficult. But it was a fascinating one, the kind to evoke a challenge to any diplomat, the kind which would be a monument to the statesmanship of the man who accomplished it, something far beyond the transient triviality of so many postwar diplomatic settlements. This could be the foundation for a whole new epoch in Asia, one which would contribute to the strength and stability of a world which would endure whatever passing crises might come to China or even to India.

I hardly needed to think about the consequences which would flow from it: the release of American energies and resources to cope with the problems of Latin America and Africa, to turn once again to the raveled threads of Europe, to the critical negotiations over the atom, to the détente with Russia, to the world population explosion, and, finally, to the problem of China itself.

Perhaps those generals were right who believed the only way to deal with China was to atomize it. But I thought that there must be another way. China was the world's most talented nation, the reservoir of more human skills than any other existent, a people of infinite capabilities, possessor of the world's longest history and most complex culture, inventor of so many of the great technologies of the human era. Was it true that we could not find a way to live with China? Must the globe be turned into a poisonous desert because of China? I did not believe so. Surely America's heritage, Yankee ingenuity, and the democratic imagination of our great people could devise a better course.

EXTEND COLLECTIVE BARGAINING LAWS TO FARMWORKERS

Mr. WILLIAMS of New Jersey. Mr. President, the union movement on the farms is accelerating at a pace which can leave no doubt as to its strength or the determination of those engaged in this effort.

The events of the past 2 years, first in California and later in other States, indicate that farmworkers are ripe for unionization.

Moreover, the desperate economic plight of farmworkers and their efforts to raise themselves by their own bootstraps has engaged the sympathy and support of many elements in our society.

Recently, for instance, it has become clear that organized labor is going to devote large amounts of money and manpower to this effort.

Inevitably, there will be some farm operators who will resist unionization.

Within this impending conflict, lie the seeds of trouble.

At present, the collective bargaining provisions of the National Labor Relations Act do not cover the agricultural industry.

There are no established rules of procedure to cover the organizing and bargaining processes.

The result is predictable—disputes which will flare into strikes, picketing, bad feeling on both sides and, perhaps, violence.

The residue may well be years of mutual distrust and distaste.

Over a period of many years, we have established and codified rules to govern both sides in these situations. They may not always work perfectly, but they are far better than simply relying on the law of the jungle to settle disputes between employees and employers.

Indeed, it was the bitter economic warfare of the thirties which brought these rules into being and resulted in their being written into law.

In a very real sense, we are faced today in the farm industry with many of the same conditions that we faced in the factories in the thirties.

There are fewer people involved. But

the economic and social issues involved are every bit as grave as those which resulted in sitdown strikes and picket line warfare 30 years ago.

If any doubt the deep determination of farmworkers, once embarked on a campaign to win union representation and the right to bargain collectively, to see that campaign through, let him look at the 18-month struggle involving the DiGiorgio Corp. in California which has just been successfully concluded.

If any doubt the deep determination of some farm operators to resist unionization, let him look again at that same example.

Mr. President, there can be no doubt in anyone's mind on which side of this issue I stand. I believe that industrial unions have been good for employees, good for employers, and good for this country.

I believe that the same will be true in the farm industry.

Moreover, the appalling poverty in which migrant farm families spend their lives is arousing the conscience of America.

The churches are taking the lead in this movement. Most recently, every Catholic bishop in the State of Texas joined in issuing a statement supporting the right of farmworkers to form unions and urging national legislation to protect this right.

But, no matter whether your sympathy and your economic or political interest lies with the workers or the farm operators, the reality of the situation facing us calls for enactment of this legislation.

Already this year we have had serious labor disputes in California, Florida, and Texas. This is only April. What will August be like?

There is also a purely economic argument for the passage of this legislation.

Without uniform laws governing all the States, the labor movement on the farms will fall unevenly on different parts of the country.

While some farmers will be paying union wages, others will be operating under the old system of paying as little as possible to obtain workers.

And while some farmers will have to deal with a union movement without the benefit of established procedures and laws, others will be left alone for the time being.

Mr. President, unless we abolish the law of the jungle and enact a rule of law in the farm labor field, it may well be a long, hot summer of strife and economic inequality on the farms of America.

ELECTRONIC EAVESDROPPING DEVICES

Mr. **CANNON**. Mr. President, any observer of American society in 1967 should be aware of the threat to our freedom posed by the unbridled use of electronic eavesdropping devices.

This danger, and the opportunity for its abatement contained in the Right of Privacy Act, was clearly stated in an editorial published in the Washington Post on Monday, April 10.

I believe most observers will agree with the statements of this editorial, although I would not go so far as the Post suggests in proposing to deny a closely supervised electronic surveillance in cases involving national security.

Nevertheless, the editorial constitutes a thoughtful exposition of a grave problem which confronts the whole country and which this year Congress is being called upon to solve.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 10, 1967]

PRIVACY ACT

The ugly excesses of official eavesdropping are being exposed anew by the current hearings of Senator Edward Long's Judiciary Subcommittee on Administrative Practice and Procedure. Bugs and taps have been employed with reckless disregard of rights of privacy by the Internal Revenue Service as well as by the Federal Bureau of Investigation; and one can hardly help surmising that other Federal agencies as well have resorted to this sort of surveillance when it suited their interest or curiosity. We do not, however, share Senator Philip Hart's disheartened conclusion that the disclosures demonstrate the "absolute uncontrollability" of such eavesdropping. We believe that Internal Revenue Commissioner Sheldon S. Cohen has brought the practice under control by resolute administrative measures in his own agency. And we are hopeful that the Attorney General's proposed "Right of Privacy Act" will put an end to much of the indiscriminate, intrusive, un-American snooping that is now so prevalent.

President Johnson and Attorney General Clark deserve high praise for their courage in grasping this nettle and seeking to protect cherished concepts of privacy. For three decades a succession of Attorneys General have subscribed to a strained and silly gloss upon Section 605 of the Federal Communications Act. They have persisted in pretending that Congress, when it forbade any use or divulgence of the content of any intercepted telephone conversation, did not intend to forbid the interception itself. Happily, Attorney General Clark has abandoned this subterfuge.

The privacy bill proposed by the Department of Justice would flatly forbid telephone interception without the consent of one of the parties to the communication. And it would do the same with regard to the use of electronic, mechanical or other devices to eavesdrop on a private conversation. In addition, it would put severe restrictions on the manufacture, shipment or advertisement of devices useful for wire interception or eavesdropping. It seems to us that these proposals embody the very essence and purpose of the Founding Fathers when they composed the Fourth Amendment to the Constitution prohibiting unreasonable searches for the sake of protecting privacy.

The Justice Department bill contains one large loophole. It would allow the President to authorize wiretapping or bugging whenever he thinks the national security is at stake. In our judgment, the arguments against eavesdropping apply with equal force in all situations. They are, in brief, that the injury done to freedom of communication by official snooping outweighs the benefits to public safety. And the dragnet character of the process inevitably involves all sorts of innocent people and all sorts of noncriminal conversations. It is true that some criminals may be caught and some spies thwarted by letting law-enforcement authorities listen in on private conversations; but it is also true that a dangerous damper will be put on private conversation.

The Justice Department proposal, apart from this loophole, goes a long and splendid way toward bringing the twin values of order and liberty into harmony. It recognizes that the role of law enforcement is not alone to protect the community from crime but to preserve the kind of community in which free men can live and find fulfillment.

WALTER REUTHER'S PLEA TO SAVE OUR CITIES

Mr. **PERCY**. Mr. President, the March issue of Agenda, the magazine of the Industrial Union Department of the AFL–CIO, contains excerpts from the testimony of IUD President Walter P. Reuther before the Senate Subcommittee on Executive Reorganization last December 5, along with portions of the colloquies between Mr. Reuther and the subcommittee chairman, the Senator from Connecticut [Mr. RIBICOFF]. Since the printed hearings of the subcommittee have not yet appeared, I ask unanimous consent that these important extracts from Mr. Reuther's appearance be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **PERCY**. Mr. President, no amount of paraphrasing on my part could substitute for the eloquent testimony of Mr. Reuther. Nonetheless, I would like to note several of what I believe to be the most salient points Mr. Reuther makes.

First, Mr. Reuther advocates a private national nonprofit housing and development authority to serve as the mechanism for rebuilding our cities on a massive scale.

Second, he recognizes that providing decent housing is itself not enough. We must move simultaneously to develop aspiring neighborhood communities in which people work together to overcome their common problems.

Third, he emphasizes the value of homeownership for poor people, who have or can develop the capacity to accept its responsibilities.

Fourth, he calls for a dynamic new role for the American labor movement, in cooperation with government, business, and other groups, in meeting and overcoming the challenges of our cities.

I commend this brief but stimulating article to Members of the Senate:

SAVE OUR CITIES

The following pages contain excerpts of both the prepared testimony and the question-and-answer discussion when Walter P. Reuther appeared before the Ribicoff Committee of the U.S. Senate.

The date was December 5, 1966. The technical name of the Senate group is the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations. Under the leadership of Senator Abraham Ribicoff (D. Conn.), it has been conducting a searching and thoughtful examination of the many problems that confront the American city.

Reuther appeared on behalf of three organizations: as president of the Industrial Union Department, AFL–CIO; as president of the UAW; and as chairman of the Citizens' Crusade Against Poverty.

EXHIBIT 1

Cities have two basic resources—people and land. Everything is built by the people—on, over, or under the land.

It is outrageous and maddening, then, that land use decisions which affect the lives of millions—and determine the destiny of the city, itself—are usually made either by a handful of speculators or by local zoning boards whose thinking so often bears little relationship to the total, long-range, human and physical needs of the community.

Real estate speculation artificially inflates land values to a point where it becomes impossible to construct reasonably-priced housing. Huge profits for a few becomes the yardstick they use to dole out to us our allotment of parks, playgrounds, greenbelts and open spaces.

Almost every day one of our thousands of local zoning boards makes a decision about population density, industrial activity, or transportation facilities which conflicts with or paralyzes the plans of a neighboring community. And all too frequently we read about spot zoning which can change the face of a community almost overnight.

Before we can begin to plan and build the urban areas of the future, our cities must obtain firm control of that most precious substance—the land under and around them. . . .

MODERN HOME BUILDING TECHNIQUES

Senator Ribicoff. Mr. Reuther, your statement that you could reduce by modern techniques the cost of the average unit from $16,000 to $8,000 has been repeated time and time again by many people who have studied the problems of the cost of housing.

It has been said that the most outmoded method of production in our society is building. How should society go about it—government, industry, finance and labor—to get the most modern tools and techniques, and the most modern materials? How does society, which is apparently helpless now, go about producing an $8,000 unit instead of a $16,000 unit?

Reuther. To begin with, I suggest we create a mechanism that can tackle the total problem. This is what I would hope a national nonprofit housing and development authority or corporation would take upon itself. It would get people to work on research and development in the housing field on the question of design.

Senator Ribicoff. Do you conceive of this corporation as being completely free of government?

Reuther. That is correct. I think that this corporation, if it were supported by government but free and independent of government, would have maximum latitude.

Senator Ribicoff. How would it be supported by government and still be free of government?

Reuther. Suppose the corporation said: "One of the first things we want to do is to take upon ourselves the responsibility of finding a way to design and engineer a $16,000 dwelling for $8,000."

I think that is the kind of a thing that the government can give a grant to. The government does this in private industry all the time. Do you think the North American Company would spend their money to make the new rocket engine they are making? No, the government gives them a grant. I propose that the government give this corporation a grant for the purpose of study and research to develop an $8,000 house which will have the value of a $16,000 house.

WHAT KIND OF CORPORATION?

Senator Ribicoff. You would rather see this corporation than the Comsat* approach? You think it is more practical than the Comsat approach?

Reuther. I think it has more operational flexibility.

Senator Ribicoff. David Rockefeller of the Chase-Manhattan Bank was here as the opening witness last week, and there was some hesitance on his part about a Comsat approach. He did not reject it.

Reuther. I do not reject it. I just think this is the better way to do it.

Senator Ribicoff. None of us knows. We are just trying to determine where we stand. Now, he indicated that he thought there ought to be more private investment in the rebuilding of the city, and he put a figure of $1 government to $5 private. Does that figure sound like a pretty good balance to you?

Reuther. Yes, I would agree with Mr. Rockefeller on that. That is the approach I favor.

I would hope that Mr. David Rockefeller would be one of the allies in the implementation of this concept. I have talked to him about this problem. I believe that if we structured this kind of a private instrument properly we could draw into the total effort very substantial private investments. I think a five-to-one ratio would be a minimum. We might even go beyond the five-to-one ratio in terms of the private contribution.

But private investment is not going to go into troubled and uncharted waters, unless it knows where it's coming out on the other end. We have no right to take other people's money and speculate with it.

In the task of totally rebuilding our cities, we know the market for decent housing is there. It is not like building something nobody is going to buy. If we plan it so that it is within the reach of millions of people who need low-cost housing, it is a guaranteed market. That kind of market will attract private funds, because the private funds will be secure.

Senator Ribicoff. Do you look at this corporation as a brick and mortar operation? What is this corporation sociologically and psychologically? For example, you have someone moving off the farm. He never lived in a big city. Who teaches him how to live in a city?

Reuther. Not the corporation.

REBUILDING THE SLUMS

Senator Ribicoff. Basically, the private investor is not going to build a group of new homes, if within one year after they are built, they are destroyed and become a slum. Now, who manages the housing that is being built?

Reuther. This is an area in which a great deal of very careful work must be done.

To begin with, I think we have to accept the fact that a slum is not just a bad house. It is a part of the total living environment which has destroyed the will that is essential for a group of people to maintain a decent neighborhood. We have to regenerate that will.

We have to start at the community level by creating groups, by organizing people, by developing leadership. This is one of the things that the Citizens' Crusade Against Poverty is working at—to develop leaders from the slums who will go back into the slum areas. We have to organize neighborhood groups. We have to give the people pride.

We also, I believe, have to try to make a large proportion of these new housing units privately owned, so that these people will have a direct economic incentive to maintain their own house in good repair, in a total neighborhood that is attractive. It seems to me that we can create this. . . .

The practical facts are that unless we start with the proposition that we can elevate the attitude of people who live in the slums, unless we can stimulate motivation relating to building and creating and maintaining a decent neighborhood—unless we do this, the problem is hopeless.

Senator Ribicoff. Now, you would recommend, I assume, that everyone who occupies a unit should be an owner, whether he owns a single house, whether it is a condominium, whether it is a co-op. You would prefer to see owner occupancy?

Reuther. I would put as much emphasis upon that as possible, while recognizing that in the transition period we will not be able to move people from the lowest economic level into that status. But I would hope that in the long range planning we do, we would be moving towards the time when the number of nonownership units would be relatively small, in terms of the total.

Senator Ribicoff. You say you have talked to David Rockefeller. Did he evince an interest?

Reuther. I do not want to violate a confidence, but I feel reasonably hopeful.

IT'S A BIG COUNTRY

Senator Ribicoff. We have big labor, big finance and big foundations, and you are going to have to involve all three.

Reuther. I quite agree.

Senator Ribicoff. Big money, big industry, big foundations.

Reuther. Big problems.

Senator Ribicoff. The problems are big . . . Are the techniques known for better building on a mass basis?

Reuther. There is no question about it. The technology, the know-how, is no problem. It is the problem of the will. Are we prepared to use it?

Senator Ribicoff. How do you get the will of labor? There has been much criticism concerning the unwillingness of the building trades to use modern techniques. How do we involve the building trades to go along with this concept?

Reuther. . . . The building trades in the past have had a great deal of insecurity, and it is a perfectly natural human response for people to try to defend themselves against insecurity. I think we have to say to them: First, no group in society can stop the forward march of technology; and second, they ought to enlist in the effort to modernize the industry, because they have a great deal more to gain. . . . Every building trade union will be a bigger union in terms of membership, and their membership will have fuller and more secure employment.

LABOR'S ROLE IN THE CITIES

Senator Ribicoff. What role do you envision for the American labor movement in the regeneration of the cities of America?

Reuther. I believe that if the American labor movement operates exclusively in the narrow circle of collective bargaining and is interested in just getting a few more nickels for its members, it will fail in its historic responsibility.

American labor cannot find answers to its problems in a vacuum. Automobile workers' children go to unsatisfactory schools. They buck the traffic. Their children are breathing polluted air.

Therefore, if we are going to solve the problems of our members, we have to work with the other people in the community to find answers to the problems of the whole community. . . .

Senator Ribicoff. You talked about some of the union pension funds being used for seed money in the Detroit project. One of the largest sources of capital today is union pension funds. Would you advocate the use of union pension funds in either a corporation that had many interests, or union pension funds in different methods and different approaches in rebuilding the cities?

Reuther. I make a very sharp distinction between seed money—development money—and mortgage money. Pension funds are in the field of mortgage money. First of all, the law would not permit it to be used as seed money or development money. I think it would be very unwise if the law did permit it.

---

* The Communications Satellite Corporation—established by Congress as a mixed corporation, representing government, communications corporations and individuals who purchase stock.

We are talking about pension funds as they relate to mortgage money, which is secured and would meet legal requirements. Any pension funds so invested would be secure as far as the pension trust funds were concerned.

COMMUNITY DEVELOPMENT

Senator RIBICOFF. Senator Kennedy asked me to relate to you how sorry he is that he could not be here this afternoon. He was very anxious to ask a few questions, but he had another engagement that he had to keep. He has left with me a series of questions and I will ask these questions of you on behalf of Senator Kennedy:

"As you probably know, I have advocated the formation of community development corporations at the local level, using the leadership of labor and the people in the neighborhoods together with private enterprise capital and federal funds to undertake an interrelated attack on the problems of the ghetto. What is your reaction to a proposal of that kind?"

REUTHER. As I said earlier, I very much favor that approach. We would pull together the broad resources of the community on a private nonprofit basis and create an instrument so that we can work together. This is precisely what we are going to do in Detroit. I am very much in favor of this idea, and I hope that what we are doing in Detroit can be repeated in many other communities throughout the country.

Senator RIBICOFF. But I assumed that what you are talking about was a national corporation.

REUTHER. Both. In Detroit we are doing this at a local level. It is a six-county area. I am in favor of having a national nonprofit corporation to deal with the total, the overall, and have them back up, support and work with, provide technical assistance, et cetera, to the local nonprofit groups.

Senator RIBICOFF. The local nonprofit groups would then be composed of community leaders, funds, private industry, labor, finance and interested citizens. But somewhere along the line you are going to have the motivation and drive of the private enterprise system working for a profit. Not everybody is going to work in every community on a nonprifit basis, are they?

REUTHER. The nonprofit authority is the instrument that gets the thing moving.

Suppose we are planning a thousand units. Well, some private developer will get access to that land. He will submit plans which have to be in harmony with the total plan. He gets the opportunity then to acquire that land and to build those thousand units.

There is the profit motive. The free enterprise system motive takes over in the building of those houses.

In another situation we may want to build a community facility. That will be up for bids. Some private contractor is going to build that. The profit motive is going to drive him, but the overall thing is the total community effort, and the reward there is not the profit motive. The reward there is to build together a good community.

That is sufficient in Detroit to get us working together. We have the Big Three (GM, Ford, Chrysler). We have Detroit Edison, Michigan Consolidated Gas, the banks, the J. L. Hudson Company department store, the UAW. We are working together.

I think it is good for the souls of people to be a part of a nonprofit corporation.

A PRESIDENTIAL ASSEMBLY

REUTHER. As a practical matter, you could not assemble this kind of broad community group encompassing these diverse groups, except around the concept of a nonprofit corporation.

Senator RIBICOFF. You know, your suggestion has a lot of value, and I think it is a very important one.

There is only one man, in my opinion, who could assemble such a group on a national basis and have the confidence of all the American people, and that is the President of the United States. I would respectfully suggest that this is something to be considered as a very practical matter by the President of the United States.

REUTHER. I think you are right. If the President did extend an invitation to a representative group of people to jointly launch and create such a corporation, I believe he would find their response overwhelmingly favorable.

DAIRY SITUATION DESPERATE IN THE MIDWEST

Mr. HARTKE. Mr. President, Marquis Childs, the noted syndicated columnist, in a recent article accurately assesses the plight of our Midwest farmers, particularly our dairy farmers, who are faced with a desperate situation: falling prices, high cost of farm machinery, a shortage of labor, and, the depressing effects of increasing dairy imports of butter fat-sugar mixtures and cheeses—milk equivalents—coming into the United States from Western Europe.

In his article appearing in the Louisville Times of April 4, Marquis Childs recounts the battle of the junior Senator from Wisconsin [Mr. NELSON] with Secretary Freeman on behalf of the farmers. Senator NELSON has found that Wisconsin dairy farmers are leaving their dairy farms at the rate of 84 a week because they cannot support their families. Like Senator NELSON, I am gravely concerned about the rapid increase of milk-equivalents imports, which in 1965 were at 2.7 billion pounds—three times the amount imported in 1964. This year's total may exceed 4 billion pounds.

This is a bitter situation to our dairy farmers, and as Marquis Childs states:

> As the farmer sees it, he alone among all other producers is getting less for his toil than he did 20 years ago.

Mr. President, I ask unanimous consent that the article be printed in the RECORD. I hope that Congress will act in fairness to the dairy farmers by passing Mr. PROXMIRE's bill, S. 612, of which I am a cosponsor, in order that we may limit dairy imports before we lose all our dairy farmers.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A PRAIRIE FIRE THAT IS SINGEING THE DEMOCRATS

(By Marquis Childs)

MADISON, WIS.—The prairies are on fire. That trumpet call out of the Populist past is heard in a new context today.

Politicians of every persuasion agree that the farmers have rarely been angrier than they are today. That goes not only for dairy farmers, members of the National Farmers Organization who are dumping their milk, but pretty much across the rural spectrum.

Nothing quite like this has been seen since the early 'thirties when embattled sons of the soil, armed with shotguns, stood off sheriffs' foreclosures. Today, however, these are not farmers on the ragged edge of poverty. They are younger men out of World War II and the Korean War who chose to go back to farming as a way of life. They invested anywhere from $50,000 to $100,000 or more in the machinery essential to an efficient dairy operation.

With falling prices for milk during the past year they say they are going broke. Wisconsin farmers are leaving dairying at the rate of 84 a week, according to a current estimate. This decline is reflected on the main streets of small towns across the state as feed stores and processing plants close down.

It is reflected, too, in the growing revolt against the Johnson administration. A poll taken by The Wisconsin Agriculturist last fall showed that Gov. George Romney of Michigan would get the farm vote by a margin of more than two to one over President Johnson. While the president did better with 29 per cent in a trial heat with Richard M. Nixon as the Republican candidate, the latter got 40 per cent with 31 per cent undecided.

Even more striking was the result when Johnson was pitted against Sen. Robert F. Kennedy of New York in a presidential primary. Farmers and farm wives in Wisconsin gave Johnson 15 per cent to 47 for Kennedy, with 38 per cent undecided; of those who voted for Johnson in 1964 roughly 55 per cent preferred Kennedy as the candidate in 1968. The belief is that a similar poll taken today would go more heavily against the president.

While farmers are about 14 per cent of Wisconsin's population, more than twice the national average, in a state in which elections are normally decided by three per cent or less of the total vote cast a massive farm protest could determine the result next year. Johnson carried the state in 1964 by a majority of 400,000 out of 1,600,000 votes cast. In neighboring Minnesota, Iowa and the Dakotas the signs are that this same rebellion is blowing up a political storm.

The farmer, and particularly the dairy farmer who gets up at 5 a.m. to milk 50 or 60 cows, has a lot of time to think and a long memory. Over the past 18 months statements have come out of Washington leading the farmer to believe that the Johnson administration had come down on the side of the city consumer and the devil take the farmer.

Secretary of Agriculture Orville L. Freeman, whose name is a dirty word in these parts, pointed to low-cost food and declining farm prices as a boon to the city consumer. The president in a speech advised consumers that if pork chops were too high they should not buy pork chops. As an embittered farmer put it, "What if when the price of a Ford car went up $50 or $75 he told folks not to buy Fords? Why, he'd have been damned to hell and back as a socialist."

In a letter to Freeman, Sen. Gaylord Nelson, a Democrat who is up for reelection next year, cited the milk dumping in 25 states and the campaign of the National Farmers Union to stop buying new farm equipment and autos as a dramatic demonstration of the farm unrest throughout the country and particularly in dairying. What really hurts, as Nelson underscored in his letter, is the record-high imports of dairy products. In 1965 some 900,000,000 pounds of milk equivalent were shipped to the United States. This went up to 2.7 billion pounds last year, with the total for the current year estimated to be four billion.

That 2.7 billion pounds, Nelson noted, was the same as 300,000 additional dairy cows producing milk in the United States or 6,000 more dairy farms. But instead the nation lost twice that number of cows and more than seven times the number of dairy farms.

The bitter truth, as the farmer sees it, is that he alone among all other producers is getting less for his toil than he did 20 years ago. Today's farm prices are nine per cent lower than they were in 1947. And while the dairy farmer still gets only eight to 10 cents for a quart of milk the housewife pays three times that much in the cities.

The rumor is that the administration intends to cut back the quota on dairy imports. This would have happened before if it did not seem to be in response to the campaign of dumping which in a world with so much hunger has an evil look. But anxious Democrats are wondering whether it will not be too little and certainly too late for 1968.

MAINTAINING STABILITY AT HIGH EMPLOYMENT

Mr. PERCY. Mr. President, the Center for Strategic Studies, at Georgetown University, has made an important contribution to better economic policy for the coming year.

Its report, entitled "Maintaining Stability at High Employment; U.S. Economic Policy in 1967," is particularly timely. Deep divisions exist on the economic outlook and on the appropriate policy response.

A distinguished panel of economists, led by Prof. Henry C. Wallich, of Yale University, produced the report, which covers a wide range of economic problems. Perhaps its most important conclusion is that the economic outlook is not sufficiently strong to justify a tax increase to take effect at midyear. Two members of the panel, John T. Dunlop, of Harvard University, and former Treasury Under Secretary Robert V. Roosa, favor the enactment of the President's tax increase proposal, largely because of a more optimistic appraisal of the economic outlook.

The report makes an important contribution to improved economic policymaking. I ask unanimous consent that it be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

[Special report series No. 4 from the Center for Strategic Studies, Georgetown University, Washington, D.C., March 1967]

Maintaining Stability at High Employment: U.S. Economic Policy in 1967

PREFACE

The security of the United States clearly rests on the strength of its economy. This strength must be measured not only by the economy's ability to provide ever-expanding domestic prosperity and ever-rising levels of private well-being. It must also be gauged by its ability to sustain international burdens and responsibilities that are truly awesome.

Most of the world's finance and trade depends on the integrity of the dollar, which, in turn, depends on the health of the U.S. economy. Beyond maintaining a worldwide, highly sophisticated defense establishment, the U.S. has undertaken commitments to preserve the independence of scores of nations. These far-ranging promises, full of unforeseeable contingencies, can be kept only by preserving the balance of the economy, so that a safe margin of available resources can be maintained. This is particularly important in view of the heavy claims being made on the economy by the conflict in Vietnam.

As the means of pursuing goals and fulfilling commitments, the state of the economy obviously deserves close consideration by those concerned with U.S. strategy. An informed reading of the prospects for the economy is especially needed now, when the longest expansion in U.S. history is visibly slowing down and perhaps drawing to an end. There are disquieting signs of continuing inflation and pessimistic forecasts of recession. Should the economy indeed be faltering, the effects will be felt at home, to be sure, but the most serious consequences may occur abroad, in the global arena of U.S. strategy.

To assess the present economic situation and immediate prospects, the Center has called upon a panel of distinguished experts, whose widely varied experience embraces the top levels of policymaking in the government and private sectors of the economy. The Report is the outgrowth of vigorous and prolonged discussion by the panel members, and it is solely the expression of their independent views and judgments. On behalf of the Center, I wish to thank Chairman Henry C. Wallich and those who participated so constructively in the panel's deliberations.

Arleigh Burke, *Director*.

MEMBERS OF THE PANEL

Henry C. Wallich, *Chairman;* Professor of Economics, Yale University; former member Council of Economic Advisers.

Edward M. Bernstein, EMB (Ltd.) Research Economist.

Henry W. Briefs, Associate Professor of Economics, and Chairman, Department of Economics, Georgetown University.

John T. Dunlop, David A. Wells Professor of Political Economy, Harvard University.

Robert Ellsworth, Attorney at Law; former United States Congressman from Kansas and member of the Joint Economic Committee.

Robert V. Roosa, Partner, Brown Brothers Harriman & Company, N.Y.; former Under Secretary of the Treasury for Monetary Affairs.

Murray L. Weidenbaum, Professor of Economics, and Chairman, Department of Economics, Washington University, St. Louis.

INTRODUCTION

As economic prospects for 1967 unfold, the stable and growing prosperity of recent years can no longer be taken for granted. Crucial questions must be answered, difficult decisions must be made. Is there a danger of recession? Does inflation continue to be a threat, perhaps combined with a slowdown in the economy? Will a tax increase be needed to maintain stability, or would its enactment possibly provoke the downturn we must seek to avoid? Will the dollar be under further pressure from the gold drain?

The President has given his answers to these questions in two major economic messages: the Budget, and the Economic Report. He foresees continued strength in the economy, so much so that he believes a tax increase to be necessary by midyear. He anticipates rising war expenditures and proposes a large increase in Social Security and a small one in Great Society programs. He hopes to reduce inflation without expecting to end it. On the crucial question of the gold drain, his expectations are not spelled out.

Economic planning inevitably becomes more difficult as the economy reaches full employment. Since 1961, the American economy has enjoyed a virtually uninterrupted uptrend, which has raised our total output by almost one-third. Living standards have been raised dramatically. Policy making during most of this period was facilitated by the evident need for expansion.

In 1966, however, the economy lost the balance that it had enjoyed throughout the long upswing and that until then had assured stable progress. Overheating manifested itself in rapidly rising prices and a worsening of our international trade position. The Federal Government failed to use appropriate fiscal policy to counteract this threat. Hence, the Federal Reserve System had to tighten monetary policy drastically. in the words of the President's Economic Report, ". . . Monetary policy was probably as tight as it could get without risking financial disorder. Any further increase in overall demand could not have been effectively countered by general monetary policy. In such a situation, the flexibility of overall stabilization policy is impaired." (p. 60)

One result of this imbalance in our economy and our policies was a collapse of the housing industry. Another was a 3.3 percent rise over the year in the cost of living. A third is the uncertain outlook for the economy in 1967.

THE OUTLOOK

In contrast to what has become the rule in recent years, economic forecasts for 1967 differ markedly. They range from continued expansion to a slowdown ending in recession. The forecast made by the President and his advisers, upon which the Budget and all other publicly available Federal Government economic planning rests, is one of the more optimistic.

We believe that fears of recession are exaggerated. It would be the first time that national policies had led us into a recession in the middle of a war, and we do not believe that this is ahead now. Yet we do feel compelled to raise questions with respect to important parts of the President's forecast.

The President's Report sees as one of the principal elements of weakness the top-heavy inventories that business accumulated during 1966. A reduction in inventories, relative to sales and perhaps in absolute amount, surely is ahead. Residential construction is already depressed and consumer expenditures on durable goods are no longer rising. Business spending for plant and equipment may level off, while Federal spending will soon slow its recent rapid rise. Profits declined in the fourth quarter of last year and margins are likely to be under sustained pressure from costs. These factors plausibly suggest that the first half of 1967 will not exhibit great strength.

For the second half of the year, the President's Report foresees a resurgence sparked by the ending of the inventory correction, a revival of housing, and a rise in consumer spending thanks to the proposed 20 percent boost in Social Security benefits. Here the uncertainties are greater. The predicted rapid correction of the inventory imbalance would be a remarkable achievement; at a minimum, it would imply very drastic inventory cuts in the first half of the year. Whether the housing industry can recover quickly and substantially depends mainly on whether credit can be eased greatly. A substantial lowering of interest rates might cause a reversal of the inflow of foreign capital that occurred last year in response to high rates. The delicate state of the balance of payments therefore leaves uncertain how far credit can be eased. Some doubt also remains whether the housing industry, after a period of near-paralysis, can resume expansion with little delay. Finally, the gain in consumer spending out of increasing Social Security benefits depends on whether, and on what scale, such legislation will be passed, as well as on the effective date of the added benefits.

TAX POLICY

In view of these uncertainties, most of us believe that the outlook is not sufficiently strong to justify Congress now voting a tax increase to take effect even as late as midyear. This view implies recognition that the prospective budget deficit will be substantially larger than now shown in the budget, a consequence that we do not consider adverse in its economic impact. Enactment of the increase, in this view, would heighten the danger, if not of a recession, at least of excessive unemployment. This possibility would be increased if the balance of payments should impede substantial easing of monetary policy.

Two members of our group,[1] however, favor enactment of the tax increase proposed by the President. They base their view on a more optimistic appraisal of the economic outlook, on the need to strengthen our international trade balance, and also on the moral value of financial sacrifice in wartime. They believe that given the realities of the political process, a tax increase is necessary to preserve in the budget a number of essential social programs and foreign aid.

---

[1] *John T. Dunlop and Robert V. Roosa.*

Nevertheless, we all recognize the need for flexibility in fiscal policy. If the Congressional review of Federal spending programs should lead to major cuts, such as proposed later in this document, or if for other reasons the economy should show unexpected weakness, countervailing stimulus will be in order. This could take the form of an easier monetary policy, if the balance of payments permits, or else some mild form of tax action. The President has taken one action of this type by proposing reinstatement of the investment tax credit and accelerated depreciation allowances. We regard this action as desirable, not only in view of present trends in the economy, but also because the existing deadline can be expected to have an adverse effect upon placement of capital goods orders.

BALANCE OF PAYMENTS

Although it is not generally recognized in the United States, the balance of payments position is serious. The gold reserve fell by $570 million in 1966. This was somewhat less than in the preceding year, but it followed upon a large and uninterrupted decline that began in 1958. With the gold reserve dwindling, further losses must be a matter of grave concern.

Last year's $1.4 billion payments deficit, on a liquidity basis, was nearly the same as that of 1965. The payments deficit measured in this way was held down by the acquisition of large amounts of dollar claims by foreigners which are in fact liquid but are not technically defined as such. The balance of payments on a reserve transactions basis was in surplus by $270 million in 1966 compared with a deficit of $1.3 billion in 1965. The decline in the reserve transactions deficit is attributable to the inflow of about $2 billion in foreign banking funds, drawn to this country by the high interest rates that accompanied the tighter credit policy. Foreign official holdings of dollars have been declining for more than two years, so that the U.S. payments deficit on a reserve transactions basis has actually been settled fully (and even more than fully) by gold sales and by drawing on the International Monetary Fund. This in itself is an indication of the danger to the dollar in a continuation of the U.S. payments deficit.

We would deceive ourselves if we regard such decline in the payments deficit as has taken place over the past two years as reflecting an improvement in the U.S. payments position, particularly because the degree of success attained required the imposition of added controls. The inflow of foreign banking funds to this country cannot be expected to continue and there is a real danger that this hot money will leave when domestic interest rates decline relative to those abroad. The important aspect of the U.S. balance of payments that must be emphasized is the serious deterioration in the surplus on goods and services. This surplus has fallen from $8.5 billion in 1964 to $7 billion in 1965 and $4.8 billion in 1966. The surplus on goods and services is the only source from which the United States can, in the long run, finance the net outflow of private capital and U.S. economic aid. By allowing prices—especially wholesale prices of industrial goods—to rise over the past two years, this country has dissipated the fruits of fiscal and monetary restraint and the accompanying price stability of the period from 1958 to 1964.

The current need to keep foreign banking funds from leaving would limit a movement toward substantial credit ease, if that should become appropriate for domestic reasons. There is evidence that the lowering of interest rates in the United States will be accompanied by a decline of interest rates in other countries. Central bank discount rates have already been lowered in the United Kingdom, Germany, Belgium, Sweden and Canada and Eurodollar rates in London have followed the decline in money market rates in the United States. Nevertheless, now that U.S. banks are better provided with reserves as a consequence of an easier credit policy, they will be more reluctant to pay high interest rates to retain foreign banking funds.

The most important action we can take to improve our long-run balance of payments prospect is to halt inflation. The great danger is that inflation will be allowed to continue while we enmesh ourselves deeper and deeper in controls. The proliferation of "voluntary" controls over U.S. capital movements—controls that are in fact semicompulsory—must be resisted. Impediments to tourism and to the free flow of goods must likewise be avoided. If a case can still be made today for a tax increase, it is principally on balance of payments grounds. Recent developments within the domestic economy tilt the scale against this action in the near future.[3] But the payments deficit greatly limits the leeway that exists on the inflation front and the possibility must be kept in mind that the economy may have to be restrained further to protect the dollar.

The anguished payments position should not distract attention from the immediate need to renew the reciprocal trade legislation in some form this year. Due largely to special conditions in the European Economic Community, the effect of the Trade Expansion Act of 1962 and the probable results of the Kennedy round on increasing U.S. exports are less promising than had been hoped. Protectionist pressures are mounting throughout the world. It is, therefore, all the more important to demonstrate that the United States is not disposed to retreat from the goal of freer trade.

Recent discussions of international monetary reform have brought a wide measure of agreement that the creation of a new reserve asset will be necessary in the near future, and that it should be in the form of a Reserve Unit backed by the leading currencies. Reform should involve a minimum change from the present reserve system based on gold, dollars and other foreign exchange, and the International Monetary Fund. Needless to say, a new reserve asset would have to be fully equivalent to gold and it should facilitate the modernization of the gold standard.

Although the proper functioning of the international monetary system requires the creation of a new reserve asset to supplement gold and foreign exchange, it would be a serious mistake to assume that this could in any way diminish the obligation on the United States and the United Kingdom to restore their balance of payments. Indeed, the best way to assure the early implementation of the proposal for a new reserve asset is to strengthen the dollar and sterling by eliminating the deficit in the balance of payments of these countries.

The continued decline in U.S. gold reserves together with domestic monetary expansion has brought closer the day when the free gold reserve, over and above the minimum required by law as backing for the currency, will have been exhausted. At the height of the 1966 Christmas shopping season, with its peak demand for currency, these free gold reserves were well below $3 billion. Because the United States can no longer use its gold reserve as an objective measure of the appropriate quantity of money, it would be more realistic to face this fact now and to terminate the legal gold requirement against currency. This should not, however, affect the basic principle that monetary policy must take account of our balance of payments as shown by changes in our gold and other reserves.

MEASURES TO DEAL WITH UNEMPLOYMENT

The President's Economic Report expects a continuation of the present low level of unemployment at 3.8 percent. The Report does not propose to reduce this level by measures that would increase aggregate demand. We regard this as a wise decision. Last year, an unemployment level of about 4 percent was associated with substantial price increases. In part, these increases may have been attributable to the sudden burst of speed with which the 4 percent level was approached and to the rapid shift of resources from civilian to military uses. But the level of unemployment probably was another factor.

Quite likely the President's Report is too optimistic in its unemployment forecast. *An unemployment rate of 4.5 perecnt during at least part of 1967 seems a distinct possibility.* This could happen despite a continued rise in the Gross National Product. In that case, proposals very likely will be made to regard such a condition as a recession, or a quasi-recession. *We regard as unwise efforts to redefine recession in terms of an upturn of the unemployment rate unaccompanied by a downturn in real GNP, unless the rise in unemployment were substantial.* Fluctuations in unemployment are likely to be shorter than those in GNP. An unemployment criterion of recession would call for expansionary action more frequently than a GNP criterion, thus generating an inflationary bias. Moreover, the lags in monetary and fiscal policy would probably be too long to catch such ups and downs. Minor fluctuations in the rate of unemployment should not trigger major policy reversals.

The prospect that unemployment will not soon be reduced to its purely frictional level of perhaps 2–2.5 percent calls for *structural action to combat and alleviate other forms of unemployment. The unemployment insurance system* needs to be improved. This should be done by deliberate planning and not, as often in the past, by hasty action improvised in the face of rising unemployment.

As the President's Report observes, prolonged unemployment in an economy enjoying high and rising employment is almost necessarily a sign of need for retraining of individuals who do not find work. We must strengthen and expand the programs that help increase the employability of the long-term unemployed, including education, training, retraining, improved job information, and aids to mobility. In the year ahead, an important task is to consolidate the many well intentioned but ill coordinated manpower programs now scattered through numerous government departments and agencies.

We should reject as fallacious the idea that a still lower rate of unemployment could permanently be obtained by tolerating a higher rate of inflation. Even if inflation were regarded as entirely costless, this proposal would be unworkable. The proposal can be made only on the assumption that people are money-blind, i.e. unaware of inflation. In that case they would not realize that a 5 percent wage increase with 2 percent inflation is no better, in real terms, than a 3 percent increase with stable prices. If such money-blindness ever existed in the days before price indexes and financial journalism, it cannot exist today. Even if it were to exist on a small scale, to exploit it would be no more moral than to exploit ignorance in any other way.

Nominal wage increases in excess of productivity gains are possible for a limited time and to a limited extent. But they will also raise prices, except as profits can be squeezed. Rising prices cut real wage increases back to the level of productivity gains. *Over many years it has been documented that real wage increases do not exceed productivity gains.* If they had done so for any length of time, the share of profits would have shrunk, which has been the case only to a very minor extent. This approximate stability in income shares has been made possible by a relatively high rate of unemployment. Lower unemployment would have caused labor to ask for higher real wage increases. Since the productivity gains that were achieved did not permit these, unemployment over the years has had to fluctuate around a level at which available wage gains were consistent with labor's demands. Price inflation, with lagging wage increases, might temporarily permit lower unemployment. But as soon as labor sheds its money illusion, the supply of labor is bound to shrink enough to restore the equilibrium rate of unemployment. The possibility of trading more inflation for less unemployment exists only transitorily, and the effort to exploit it is bound to generate instability.

---

[3] *John T. Dunlop and Robert V. Roosa: We would qualify these two sentences because we find the case for a tax increase persuasive on domestic grounds as well.*

The proper conclusion to be extracted from the fact that a larger supply of labor would be forthcoming at a higher real rate of wage increase is not that some higher nominal rate should be offered and then nullified by inflation. It is that labor and business should bargain in such a way as to increase the amount of labor forthcoming at noninflationary wage increases.

GUIDEPOSTS

To reduce labor's real wage demands and to discourage employers from bidding for labor at inflationary rates so that unemployment can be reduced, is a major task. The present attitude of labor and business confronts the nation with the prospect of a choice between an intolerably high level of unemployment or periodic inflation.[3] As this is increasingly understood, there will be growing public impatience with the institutions and processes that produce this dilemma. The present behavior of labor and business is a threat to their own freedom to determine wages and prices.

The U.S. must learn to live with full employment. What needs to be learned is that full employment is not the exception, but, with good management, can be the rule. Business and labor then will have to learn that the high demand and labor scarcity accompanying full employment should not be regarded as the fleeting golden moment that must be snatched to raise prices and exact maximum wage bargains. By acting on the presumption that the moment, unseized, will vanish, business and labor in fact are driving it away.

The guideposts on wages and prices have been the Administration's chief instrument for dealing with this problem. The future of the guideposts, as a policy instrument, is obscure. Their demise in this role will not alter the economic fact, however, that labor cannot get more than its productivity gains if the share of profits is not to be reduced and investment seriously restricted.

At a minimum, an effort should be made to salvage the economic truths underlying the guideposts. There is little point in raising the guideposts to what seems to be the currently fashionable rate of wage increases, whether 5 percent or some other figure, and then claiming that this is noninflationary. Neither should the principle be compromised that nationwide productivity gains are the proper wage guide in most conditions. There is no basis for reverting to industry productivity as a standard. The President's Report is to be commended on the position it takes in these respects.

Meanwhile, monetary and fiscal policy will have to be brought to bear against the cost push inflation that seems ahead. They are not ideal instruments. But neither is it true that they are helpless. The size of the forthcoming wage increases will depend to some extent on whether they are negotiated in an environment of slightly rising or falling unemployment. The same observation holds true for the response of prices to whatever wage increases are negotiated. Because price increases in 1967 will influence wage increases once more in 1968, there is an evident need to stop this reciprocal levering early.

One use that could be made of the guideposts is to apply them to the incomes of Social Security pensioners and, in some categories, government employees. It seems undesirable to escalate these incomes by the price index, although cost of living adjustments will have to be made from time to time. Price escalation would undermine resistance to inflation. To escalate such incomes in terms of productivity gains means to let these pensioners and employees share in the overall advance of the economy.

EXPENDITURE CUTS

Quite aside from the effects of public spending on the level of economic activity, there are good reasons for taking a critical look at government programs. Both defense and civilian expenditures have been rising very sharply. Administrative Budget expenditures, which as late as fiscal year 1965 were held well below $100 billion, are now budgeted at $135 billion. The Cash Budget shows outlays are rising from $99.5 billion in fiscal year 1961 to $172 billion in fiscal year 1968. This is a more rapid increase in the size of the public sector than seems desirable in present circumstances. While part of the increase is due to war, experience shows that the postwar public sector share does not revert to its prewar proportion. Restraint therefore is needed even now.

It would be a tragic mistake, nonetheless, to let this restraint fall exclusively upon the Great Society programs. Some of these are the programs most in tune with our present needs. Insofar as they are intrinsically well conceived, these are among the best expenditures we can make. To be sure, organizational and management improvement seem necessary to increase the return on the taxpayer expenditure in these areas.

The majority of the panel believes that the same applies to the space and supersonic transport programs. These may be the great, forward looking investments in the future of our nation for which our age will be remembered. Twenty years from now, few will care how much the American people consumed in food, liquor, and cigarettes, nor perhaps even whether the rate of unemployment was 3.8 or 4.5 percent. But if, to gratify our desire for present consumption, we now default on the great technological challenges and yield world leadership to others, the effects will be felt for generations.

The budget-paring knife can be applied over a wide area. The Federal budget is permeated with accepted spending programs that will not stand the most lenient cost/benefit test. Subsidies to high-income farmers, to the inefficient ship-building and ship-operating industries, to fishing vessel owners and operators, to veterans without service-connected disabilities; irrigation and reclamation expenditures increasing the amount of farm land on which surplus crops are grown, payments to keep down output of wanted food stuff—there are areas where several billion dollars could be cut if the political will can be rallied. Such *a reallocation of public resources from low-benefit subsidies to high-benefit investment areas* could be a major improvement in the fundamental efficiency of government spending.

BUDGET REFORM

The textual presentation of the fiscal year 1968 budget gives heavy emphasis to the so-called National Income Accounts (NIA) Budget. This presentation has advantages compared with the traditional Administrative Budget. It is not the best form of budget statement, however, and the shift from one budget form to another at this time raises questions. We welcome the President's recommendation for a bipartisan review of the budget presentation.

The traditional Administrative Budget suffers from important defects. A principal one is that it omits the receipts and expenditures of the Federal Trust Funds, such as the Social Security and the Unemployment Trust Funds. Thus the expenditures in the Administrative Budget for fiscal year 1968 are only $135 billion, against $169.2 billion in the NIA Budget.

The Cash Budget, which includes the Trust Funds, is a third presentation of the Government's accounts that remedies this defect of the Administrative Budget. It includes the Trust Funds and arrives at total expenditures close to those of the NIA Budget, with a 1968 total of $172.4 billion. The Cash Budget differs from the NIA Budget by its greater comprehensiveness—it includes certain financial transactions of the Government—and by recording all receipts and expenditures at the time they occur, i.e. on a "cash" rather than accrual basis. The NIA Budget excludes these financial transactions and "accrues" revenues and, with certain qualifications, expenditures. Tax receipts, for instance, appear in the NIA Budget at the time taxpayers earn the taxable income, instead of some months or quarters later when the actual payment to the government is made. Thus the NIA Budget records more accurately, in this respect, the economic impact of Federal finances.

In recent years, as individual and particularly corporate tax payments have been speeded up, the difference between the cash and accrual basis and hence between the Cash Budget and the NIA Budget has shrunk. Thus, the NIA Budget no longer has important advantages over the Cash Budget in this respect.

The NIA Budget, however, has serious defects of its own. It records Federal purchases of long lead items, such as heavy defense equipment, not while they are being produced, but when they are delivered to the Government. In the meantime, these "goods in process" appear as part of business inventories, even though substantial amounts of Federal expenditures are being made in the form of "progress payments" to defense contractors. In 1965 and early 1966, therefore, the NIA Budget failed to signal the great impact that accelerated defense spending was having on the economy. If defense spending should slow down suddenly, the NIA Budget would again fail to catch promptly the fading away of governmental support to the economy. The Cash Budget is superior in these respects, because it does record the progress payments that the Defense Department makes to its contractors before the equipment is delivered and entered in the NIA accounts as a Federal purchase.

A second defect of the NIA Budget is that, in technical terms, it is not a budget record of actual receipts and payments but an economic projection, i.e. an exercise in statistical analysis. No government department can be run by the NIA Budget, no purchase authorization signed, no audit of expenditures made. It thus fails to perform one of the basic functions of a government budget.

---

[3] *Henry Briefs: This way of putting the issue points the fingers somewhat unfairly at the manufacturing sector. Recent price history and income increases in the services imply that the service sector contributed the major share to the inflation so far. As matters stand, the guideposts for wages and prices do not apply to services. I believe that the guideposts themselves stand in need of reform.*

Compared with the Cash Budget, therefore, the NIA Budget has few advantages and several major disadvantages. In the January 1963 Budget Message, it was stated that the emphasis was being placed on the Cash Budget because it is the most comprehensive measure of Federal finance. We strongly believe, for these reasons, that if the Administrative Budget is to be replaced by another, which we agree is desirable, it should be the Cash Budget and not the NIA Budget.

The Cash Budget should be supplemented by a statement of the Government's financial transactions as a borrower and lender. (This would be true also of the NIA Budget, if it were chosen as the basic form of the budget.) Although the Cash Budget covers these transactions more completely than the NIA Budget, it tends to show only the net flow rather than the total of loan disbursements and repayments. The Federal Government makes a variety of loans, which means that it acquires financial assets. It also insures and guarantees private loans. At the same time the Government is a heavy borrower, under its own name and in the name of its agencies. Without passing judgment on how far the Government ought to go into the banking business, we believe that today the Government plays the role of a tremendously large bank. These finanical transactions ought to be brought together and presented in a form that permits appraisal of the impact of government financial transactions upon the economy. It should be clear that this proposal has nothing to do with what has been called a "capital budget." The latter implies a segregation of the Government's current and investment expenditures, regardless of whether they are financed by taxes or borrowing. Our proposal is for a financial statement that would disclose the totality of the government's lending and borrowing transactions, showing whether they finance public or private investment. No such distinction is made at present.

The emphasis of the NIA Budget in the President's recent Budget Message calls for another comment. The estimated $2.1 billion deficit in the NIA Budget for fiscal 1968 is somewhat smaller than the $4.3 billion deficit in the Cash Budget and very much smaller than the deficit in the Administrative Budget of $8.1 billion. This is due in part to the way in which the NIA Budget records the continuing buildup in defense expenditures. Even so, the Administrative deficit is held down primarily by various financial devices as the sale of participation certificates in Federal holdings of mortgages and other loans and the speedups in tax collections, which have so little impact on the economy that the NIA Budget does not reflect them at all. It goes without saying that efforts to minimize the apparent deficit should not influence the Government's budget presentation. Even the semblance of such motivation should be avoided. For this reason we regret that an otherwise desirable de-emphasis of the Administrative Budget exposes this year's Budget Message to possible misinterpretation.

Budget reform along the lines proposed need not disturb the principles of income distribution built into the present budgetary structure. The earmarking of payroll taxes for Social Security and unemployment is one of these principles. A clear line must be drawn between an accounting reform and a budgetary decision to redistribute income, such as would be involved in shifting Social Security to financing by the progressive income tax. The Cash Budget would show, of course, which receipts are recorded in the Trust Funds accounts and which in the administrative (General Fund) accounts.

FLEXIBLE TAX CHANGES

The experience of 1966 shows that it would be very useful to have a method whereby anticyclical tax changes could be made expeditiously. The experience of the year also shows, insofar as unique incidents can demonstrate anything, that if this power is placed in the hands of a Chief Executive, he may not see fit to use it in an election year. Conversely, if a tax cut instead of an increase were at issue, the opposite contingency would have to be contemplated.

As an alternative to Presidential discretion, the Congress might decide in principle the kind of tax increase or cut that should be instituted when the need arose. The legislation could be prepared to the point where only the magnitude and the timing, as well, of course, as the direction, remained to be decided. Action in case of need could then be as prompt as under a system of Presidential discretion. The danger of error or political motivation is always present, to be sure, but the way of democracy is to face up to these risks where a worthwhile cause is at stake. A subcommittee of the Congressional Joint Economics Committee has made constructive proposals in this direction.

REVENUE SHARING

The proposals for revenue sharing with the States will probably have to be postponed until the occasion for a "fiscal dividend" again presents itself. But further exploration could go on now.[4] The many attractive aspects of these proposals are well known: greater decentralization, matching of the great Federal revenue sources with the great state and local expenditure functions, improvement in the allocation of resources by allowing the states freely to allocate the money to the areas they consider of greatest local priority.

The proposal may also bring about a redistribution of incomes, both geographically and among income brackets. The decision to set tax rates and the allocation to states in a manner designed to redistribute funds should be taken deliberately. It should not be allowed to come about fortuitously or as the concealed result of decisions ostensibly aiming at other purposes. Better and more lasting decisions will be arrived at if these issues are faced clearly and openly.

If no tax increase should be enacted, a very large Administrative Budget deficit will have to be met. It will be necessary to face it realistically. A large deficit as such does not demand a tax increase, if the state of the economy does not require it. If strong inflationary pressures are present, taxes should ordinarily be raised, or government spending reduced, whether or not there is a deficit to be covered.

What is important is that the deficit, whatever its magnitude, be soundly financed. It should be financed by borrowing from the banking system only to the extent that an increase in the money supply, not forthcoming from credit to the private sector, is called for. The rest should be financed from genuine savings.

The deficit should be honestly stated. The rise in spending should not be concealed by treating as a reduction in expenditures the receipts from sales of Federal assets. Such transactions may be desirable, but the revenues should be clearly identified on the receipts side. When these operations take the form of sales of certificates of participation in Federal assets, moreover, they should not be made to appear as sales of the assets themselves. Many persons who favor asset sales because, rightly or wrongly, they want to get the Federal Government out of the banking business, would not approve of sales of participation certificates at higher interest rates, which are an expensive way of mortgaging assets that continue to be held by the Government. Furthermore, the sale of Federal agency securities should be discontinued when these sales increase the cost of borrowing to the Government or threaten to disrupt financial markets.

CONCLUSION

The year ahead poses unusually delicate problems. An economy at high employment may turn down, or it may tend to inflation, particularly in war economy setting. This suggests caution in all actions to be proposed. It does not mean inaction, and it should not mean resignation. It would be unwise to conclude that nothing can be done about inflation on the grounds that this year's inflation is the inevitable response to last year's. It would be unwise to yield control of the budget to the forces of inertia and conclude that nothing can be done about taxes, or spending, or the size of the deficit. All policy variables are in some measure amenable to guidance, and there is none that we can afford not to guide.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the junior Senator from Oregon [Mr. HATFIELD].

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. HATFIELD. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROBLEMS FACING THE FOREST INDUSTRY IN OREGON AND THE WEST

Mr. HATFIELD. Mr. President, when I came to the Senate early this year, I did so with the thought that I would begin my term by listening and observing for some time before speaking—but recent events make it necessary that I speak now.

I am addressing myself to the Senate, as I believe this body should be apprised of one of the most significant problems facing my State and other Western States in which the economy is inextricably tied to land and natural resources.

Most of the lumber, plywood, and other wood products manufacturing plants in the West, now depend, for the most part, upon federally owned timber for logs—the raw material necessary to sustain their operations.

---

[4] *Robert Ellsworth: I believe that the need for starting on a new future for Federalism is so great that action ought not to be delayed on budgetary or economic grounds.*

The ever-increasing demands for logs from Federal lands for domestic and foreign use has caused abnormally high prices for this log supply.

The health of the forest industry in Oregon, which has one-fifth of the timber resources of this Nation, has a direct bearing not only on the economy of my State and the prosperity of its citizens—it also has a direct bearing on the economy and prosperity of this entire Nation.

The tree is the source of many things. Logs are the raw material that provide the lumber for homes, schools, churches—for paper, containers, and more than 4,000 items which contribute so much to the pleasure and well-being of our citizens wherever they work and live—whether in the crowded cities here in the East, on rural farms and ranches, or in small communities throughout this Nation.

I am bringing this situation facing the timber industry to the attention of the Senate for another reason. The executive branch of Government has apparently refused to accept the responsibility for actions required to solve some of these problems and has demonstrated its indifference to its economic impact.

Failure on the part of the administration to act, its tendency to postpone, to drift, and to settle for consensus rather for specific solutions, is at the root of the problems facing Oregon's forest industry.

For many months the forest and homebuilding industries have had to bear more than their fair share of the results of the fiscal policies and manipulations of the present administration. As the log supply and price problem become more aggravated, there will be more lumber and plywood mills forced out of business in Oregon and the West unless definite corrective measures are soon applied.

The time for action to solve the problems facing the forest industry in Oregon and the West is past due.

The existing high cost of logs from Federal lands in Oregon has, in itself, become a serious problem, and these high prices do not stem from a physical lack of log resources as much as from Government practices which unduly limit their availability to the market.

Even as high interest rates and lack of mortgage moneys this past year drove the cost of home financing beyond the reach of the average family—a situation which I am happy to report is beginning to change for the better—the administration continued programs which drove still higher the price of Government-controlled timber in Oregon and the West.

While I was Governor of Oregon, I became seriously concerned with the situation facing the State's forest industry, as well as the inequity in Federal Government administration of the same resource as between the several States, and I engrossed this concern directly to the President.

In that letter written last October, I pointed out that the most serious problems facing Oregon's forest industry related to:

First. An alltime high cost of logs from Federal lands in Oregon;

Second. Policies concerning allowable cut which are inconsistent and inadequate;

Third. The need for faster development of primary access roads in the 13 national forests in Oregon; and

Fourth. The need for some concrete action at the Federal level to relieve the high cost of the Federal log supply in Oregon resulting from the impact of log exports to Japan.

In that same letter to the President, I offered four specific recommendations to ease the timber problems just outlined. These were:

First. That the President direct a review, at the executive level, of the philosophies and policies of Federal agencies as they affect the control and administration of the same types of federally owned timberlands in different States;

Second. That the President request the Secretaries of Agriculture and Interior to speed up reviews now underway within their agencies aimed at increasing the regulated annual allowable cuts from Forest Service and Bureau of Land Management timberlands in Oregon—also that these agencies put up for sale, without delay, the additional 469 million board feet of unregulated cut in thinnings and mortality salvage the agencies were then capable of selling last year over and above their regulated annual allowable cuts;

Third. That the President direct that the Federal budget for fiscal 1968 include funds enough to complete, with the least possible delay, the underdeveloped primary access roads in the national forests in Oregon; and

Fourth. That the President arrange for the earliest possible high-level, decisionmaking conference on log exports between the appropriate representatives of the Governments of Japan and the United States, along with the Governors of Oregon, Washington, and Alaska, to discuss candidly—and in a spirit of cooperation—the problems for some and the benefits to others from log exports to Japan and to work toward solutions which will satisfy all involved or affected without decreasing the balance of trade between countries, and without imposing any Government interference on private industry trading.

My letter to the President of October 1966 was never acknowledged. Therefore, after arriving in Washington, and when the situation had worsened and more men had lost their jobs, I again called this problem to his attention. I received a letter dated February 7 from Mr. Gardner Ackley, Chairman of the Council of Economic Advisers, replying for the President and answering both of my letters, the one in 1966 and the one in 1967.

Mr. Ackley's letter acknowledged the number and complexity of issues involved with regard to log supply and indicated that a review of alternative plans is underway to increase the volume of timber for sale from national forests. He also advised that discussions are underway in the Bureau of the Budget between the Forest Service and Bureau of Land Management with a view toward achieving closer harmony between policies of the two agencies.

It appears that the administration is beginning to recognize at least this part of the problem. However, the reply to my recommendation for a high-level decisionmaking conference on log exports was that the proper course at the present time was to keep the situation under constant and careful review, and that any international conference would be premature.

Log exports, one of the most serious problems facing the timber industry in Oregon and the Northwest, was simply brushed aside by the Johnson administration.

I stated in my October letter to the President that this issue is one that transcends political party lines, and one that requires prompt attention. I urged the President to intercede personally and forcefully to move the subjects outlined from discussion to solution.

The evasive and negative answers to my specific recommendations for action to alleviate the distressing situation facing the forest industry in my State and the West leads to the obvious conclusion that there will be little action at this time by the executive branch of Government. I am, therefore, alerting you to a serious situation that has been ignored by the President and Federal agencies.

The subject of log exports to Japan requires immediate attention.

During the time of my letters to the President, the Japanese were announcing an expected doubling of their log imports. According to figures compiled by the Pacific Northwest Forest Range and Experiment Station, the research arm of the U.S. Forest Service, log exports for 1966 from Oregon and Washington to Japan were 32 percent greater than in the preceding year of 1965. Softwood log exports from the two States reached 1.1 billion board feet in 1956. The doubling of log exports to Japan will not only add to the existing problem of inadequate and high-priced log supply now facing most of the lumber milling industries in the Northwest, but which will also add to other problems as well.

It cannot and should not be assumed, however, that the log export issue is the sole issue in creating the present critical situation now facing the Northwest's timber industry. It is an important factor and should be dealt with as such.

At this time, I question the proposing or placing of legal restrictions on log exports. It seems that this would be attacking a symptom rather than the cause of the ailment. But I do believe that a frank evaluation of our problems and those of Japan in a conference of the two nations would be mutually beneficial in avoiding a severe crisis which will inevitably come unless we act and act now.

The most serious threat in the rapidly developing timber crisis in the Northwest is not so much to the large organizations which have their own timber resources, but it is to the small and middle-sized milling operators having no timber supply of their own and who depend entirely upon the Government-controlled log supply. These are the mills that, while providing thousands of jobs, encourage full participation of the small businessman in the economic mainstream in communities throughout the Northwest. The threat of a further decline in these types of operations is far more than to just the individuals and their mills. The threat is to the competitive system that has given strength to the growth of this Nation.

The crisis in timber supply in the Northwest has been developing over a number of years. The demands upon the forests of Oregon and Washington during World War II were enormous, when some 45 billion board feet of lumber were cut in these two States alone during that war period. Of the 45 billion board feet cut, less than 3 billion board feet came from national forests due to the inaccessibility of forest timber. The result was that the readily accessible privately owned timber was harvested first thereby turning the industries' present demands to the Government timberlands for raw material supply.

To illustrate recent trends, approximately 9 billion board feet of timber was harvested each year in 1964 and 1965, of which 5 billion board feet came from public timber lands and 4 billion board-feet from privately owned timberlands. It is now estimated that the commercial timber reserves in private ownership in Oregon will shortly be able to produce less than 3 billion feet per year.

The further reduction in timber supply from private lands in Oregon, coupled to an increase in log exports to Japan, presents the probability of a staggering imbalance between timber demands and supply in Oregon unless the supply from Federal lands is increased.

Permit me to emphasize, and reemphasize, the point that Federal policy in management of timber is the key to the health of the timber economy, and, therefore, the entire economy of Oregon, for one very basic and very simple reason—the Federal Government owns well over 80 percent of the existing commercial timber in our State, and over 51 percent of our geographic area. The large scale of Federal ownership in Oregon makes it obvious that the solutions to forest industry problems of demand and supply must come from the Federal Government. There are solutions to these problems and one part of a possible two-pronged solution is to find a way to increase the available supply of logs. The other part is to develop a policy on log exports within the framework of free trade and existing treaties between this country and other nations.

The first part of the solution—finding a way to increase the available supply of logs—bears serious consideration on the basis that the two Federal agencies controlling most of the commercial timber in Oregon have annual allowable cuts which vary, as between the two agencies, as much as 100 percent.

A study completed last fall for the Oregon Department of Commerce showed that in Oregon the annual allowable cut of the Bureau of Land Management is well above that of the Forest Service for similar lands in similar geographical parts of the State.

In a letter written to me while I was Governor, the top Forest Service official in Oregon commented on the specific amount of difference in the allowable cut of the Bureau of Land Management and of the Forest Service in western Oregon.

He stated that this was difficult to determine because of the differences in measurement systems, differences in growing sites and productivity of lands, differences in allocation of acreages for experimental purposes, and the differences in marketability of species.

Forestry experts and others tell me that no matter what the extent of the percent of difference in annual allowable cuts may be, the Bureau of Land Management is still well above that of the national forests in getting its lands into high production.

The basic question is: What is the factual justification for the wide difference in allowable cuts from comparable lands administered by different agencies of the Federal Government?

Regardless of the exact amount of percentage difference, and this is the important point when considered in terms of volume, this percentage difference could be measured in billions of board feet, and could conceivably go a long way in providing a log supply which could begin to meet the needs of both the domestic market and the log exports to Japan.

I must emphasize that I am in full accord with a properly coordinated and balanced sustained-yield program for our natural resources that insures the maximum continued renewal of these natural resources. This is the highest concept of conservation.

I have noted that the Forest Service revealed just recently it expects to sell an additional 217 million board feet of thinnings and salvage timber in the Northwest by June of this year. These will be selective cuttings to allow better growth or to remove diseased or fallen trees.

I have asked for funds to permit the sale of an additional 252 million board feet of thinnings and salvage timber which is available now over and above the annual allowable cut.

I am also in accord with a program whereby Congress will provide funds to allow the fullest and fastest development of its access road system in all national forests in the country. Access roads are urgently needed to harvest overripe timber in Western States. During the past several years, Senators from other Western States have testified to this urgent need.

Recent congressional action increased the authorization for the development of forest roads. Since the Federal Government receives 75 percent of the revenue from the sale of Forest Service timber, a speedup in road construction will increase returns to the Federal Treasury and at the same time provide access to the needed timber. I emphasize at this point the need is to extend the access road system, not necessarily merely to improve existing roads.

It must be remembered also that such roads not only open the forest for harvest operations, but are used for recreational purposes and as access routes to protect the forest from insects, disease, and fire.

The second part of a possible two-pronged solution to the problems facing the forest industry in the Northwest is to undertake steps now that will provide the most practicable and equitable settlement of the issue of log exports to Japan.

Two of Oregon's leading newspapers, the Oregonian and the Eugene Register-Guard, in recent editorials very clearly brought the subject of log exports into sharp focus. I ask that the editorial entitled "Persistent Problem," from the Oregonian of February 20, 1967, and the editorial entitled "It Is Time To Talk Turkey With Japan," from the Eugene Register-Guard of February 24, 1967, be included in the RECORD with my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. While the damaging impact of log exports to some in the forest industry has been the subject of almost continuous dialog between industry and Government for a number of years now, a new wood product—woodchips—is now being exported to Japan to the advantage of others in the forest industry. Woodchips are manufactured from the portions of the log that were formerly waste and are used in the manufacture of pulpwood.

According to figures compiled by the Forest Service, the volume of woodchips to Japan from Oregon in 1966 totaled more than 180,000 cords. This is double the 1965 volume and is expected to continue to rise. Woodchips and logs must, therefore, be viewed in the context of the total forest products exports to Japan.

Another subject related to the log export issue is the difference in Federal rules as they apply to the different States. The Federal Government controls over 80 percent of the commercial timber in Oregon and places no restrictions on where this timber may be marketed. Yet under the provisions of a Federal law enacted 40 years ago, the Secretaries of Agriculture and Interior have imposed certain restrictions on the exporting of timber cut on any public lands in Alaska—even to the extent of prohibiting the export of logs from the State of Alaska to the States of Oregon or Washington.

The restrictions on log exports from Alaska to Japan mean that the bulk of Japanese demand for export logs must come from the States of Oregon and Washington, and some contend that the spiraling price of logs from Government-controlled timberlands in these two States results, in part, from this restriction on log exports from Alaska.

I realize that the law prohibiting log exports from Alaska was designed to protect a timber supply for the development of Alaskan industry—and I am in full accord with the buildup of industry in Alaska. It seems, however, that this 40-year-old law designed for this particular purpose might now be detrimental to competitive and full utilization of our natural resources, as it is my understanding that a sizable amount of the annual allowable cut from the public lands in Alaska has been unsold each year and is, in effect, wasted. Such being the case, it could be argued that inconsistent Federal policies have inequitably prohibited the export of logs from public lands in a State where logs have been plentiful and contributed an artificial log shortage, and abnormally high prices for these logs, in neighboring States.

As the Governor of one State, I realized at the time that an attempt to resolve what appeared to be an inconsistent administration of the same type of federally owned lands in another State was certain to be a sensitive matter. For this reason, and since Congress had by law delegated authority to the Federal agencies for the handling of the matter of log exports from national forests, I recommended to the President last October that he take whatever steps were required to review an inconsistent Federal policy by the States as it related to the same natural resource.

Since the administration has virtually turned its back on the log export issue, I call upon my Senate colleagues to join me in requesting an early meeting between appropriate representatives of the U.S. wood products industry, Federal and State officials of the United States, Japanese business interests, and Japanese Government officials to review all aspects of the log export issue with a view to uniting the effort needed for remedial action.

This type of conference, I believe, can point the way for resolution of this vexing problem.

The crisis confronting the timber industry in my State illustrates the tremendous impact of Federal policies upon the State and the need for the State's voice to be heard in the shaping of policies relating to one of its great natural resources. The situation that I describe in Oregon can well illustrate what can happen in other States and to other natural resources.

Mr. President, in conclusion, let me remind you and all the Members of this body that the forest lands in Oregon and the West are a source of richness for all of America. From these lands flow an abundance of benefits granted no other nation on earth. The custody of these benefits demands no less than the combined national efforts in assuring their maximum and equitable use forever.

EXHIBIT 1

[From the Portland (Oreg.) Oregonian, Feb. 20, 1967]

PERSISTENT PROBLEM

The Pacific Northwest Forest and Range Experiment Station has revealed that log exports to Japan from Oregon and Washington last year were 32 per cent greater than in 1965. Japan took 1,023 million board feet of logs, accounting for nearly all the exports. Canada got 59 million board feet, not quite half as much as in 1965.

Japan also more than doubled its imports of pulpwood chips from Oregon to a total of 182,651 cords.

Log exports provide jobs for loggers and longshoremen. The good prices the Japanese are willing to pay bring profits to both private timber owners and the federal government, which has the largest supply of timber.

But Japanese competition for logs raises the price American industry must pay for its raw material. Export of raw logs also cuts wages and profits running into millions of dollars which would go to U.S. workers and mill owners if lumber were exported instead.

The log-export issue, which has boiled and simmered for years, is about to boil over again. Recent low prices for lumber and plywood have placed the Pacific Northwest industry in a serious squeeze. Much of this can be blamed on the slump in home building. But the ever-increasing export of logs is a factor which makes a large segment of the domestic industry see red.

Those who profit from the log trade naturally have a different perspective. They contend that the Japanese mainly buy logs which are too small for the domestic market or are of species not in great demand here. Douglas fir accounted for only 11.5 per cent of last year's exports and Port Orford cedar 3.1 per cent. The remainder was made up primarily of hemlock and true firs.

That the export trade is valuable is shown by the $91.9 million price tag the experiment station placed on last year's business. This was 30.5 per cent greater than that for 1965.

Some foresee a doubling of Japan's demands on this region's principal raw material. This, they fear, would tighten insufferably the price squeeze on U.S. wood processors and would make even more ridiculous the position of a region fully able to manufacture finished products which, nevertheless, is sending out much of its resource in a raw state.

How can log exports be controlled within a free-trade framework and without endangering other highly valuable trade with a friendly nation? Many suggestions have been made but as yet none has proved effective when adopted.

Oregon law (ORS 523.805 to 526.835) provides that all timber, except Port Orford cedar, sold by the State of Oregon or any of its subdivisions shall be "primarily processed" in the United States unless the State Forestry Department has issued a permit for processing elsewhere. Issuing of a permit depends on a finding that there is no reasonable local market for the logs. A similar proposal is before the Washington Legislature. British Columbia has strict controls on export of raw timber and Alaska forbids it.

State timber is a small part of the supply in Oregon and Washington. To have much effect on log exports, the Forest Service and the federal Bureau of Land Management would have to establish primary processing or other controls. Such proposals have been rejected in Washington. Export quotas and distribution of export purchases over a wide region so that no locality takes the major brunt have been suggested.

Sen. Mark Hatfield has again asked President Johnson to call a conference of high-level United States and Japanese officials to consider the problem. As he did last fall as governor of Oregon, Sen. Hatfield requested that policies affecting government timber be made consistent, i.e., that export of Alaska logs be permitted on the same basis as those from Oregon and Washington.

Whether U.S. and Japanese cabinet-level negotiators could arrive at a solution acceptable to both sides and to interests within the U.S. industry is problematic. However, it is worth a try and Mr. Johnson should get such a meeting under way.

[From the Eugene (Oreg.) Register-Guard, Feb. 24, 1967]

IT IS TIME TO TALK TURKEY WITH JAPAN

Eventually, so why not now?

That familiar line has become the keynote in arguments by Oregon and Washington lumbermen for federal action to limit log exports from these states to Japan.

Citing constantly increasing Japanese purchases of logs taken from Oregon and Washington forests, the lumbermen are proving a point that sooner or later reasonable controls must be adopted. Otherwise, the forest products industries of these two states will be drastically affected. To an impractical and unreasonable degree, Oregon and Washington will lose economically if they become too much raw material suppliers for Japan and mills in these states are forced to close down because they can't match prices the Japanese are willing to pay for logs.

A Seattle publication predicts that Japanese log purchases in Oregon and Washington will be "well over 1 billion (board) feet" a year by 1970. That volume is greater than Lane County's annual log harvest ran prior to the close of World War II and not significantly larger than the greatest log harvest made in Lane County since the war.

Next to Douglas County, Lane is the largest log-producing county in the United States. So, in this perspective, Oregon and Washington lumbermen cannot be accused of exaggerating their claims that controls must be worked out to keep log exports to Japan within bounds.

British Columbia, whose mills export large quantities of finished lumber and plywood to the United States, permits hardly any exporting of logs to Japan. And Alaska, where timber growth easily exceeds mill demands, enjoys federally imposed prohibition of raw log exports. Consequently, Alaskan mills—some partly capitalized with Japanese money—sell practically their entire lumber output to Japan.

Why Oregon and Washington lumbermen ask, shouldn't the Japanese be required to buy more finished lumber and plywood from these states—in return for negotiated rights to continue making controlled-rate log purchases?

The Japanese are reasonable, wise in the ways of business. It should not be hard to convince their government that a quid pro quo agreement involving Oregon-Washington logs and lumber would be to the long-range advantage of both Japan and the United States.

Eventually, something will have to be done to prevent ruination of Oregon and Washington forest products industries. Even if regulations are changed to permit Japan to import some Alaskan-grown logs, as Oregon's Senator Mark Hatfield has suggested, policies governing exports from Oregon and Washington must be thoroughly reviewed. It is senseless for the United States to import Canadian manufactured lumber and plywood on the one hand, while, on the other, Oregon-Washington mills are going broke and releasing workmen because they can't afford logs grown virtually within sight of them.

Again, the Japanese are realists. They would not sacrifice their own best economic interests as the United States is doing in this instance. Nor, honestly and fairly dealt with, would they believe they were being discriminated against if their log-buying opportunities were sensibly controlled.

Senator Hatfield has asked President Johnson to call a high-level conference of U.S. and Japanese officials on questions in this area of the two nations' trade relations. Delay of such negotiations can only lead to aggravation of the questions involved and make their sensible solution more difficult.

Mr. PERCY. Mr. President, I am privileged to commend the junior Senator from Oregon on his maiden speech. I know how he feels in not wanting to rush into this endeavor, but I think when he has a problem as vexing as this is, affecting a great State and a great industry, and he sees that action must be taken and is not being taken, he has an obligation and a responsibility to speak as he has.

I think that in the junior Senator from Oregon we have a degree of expertise in a complex field that is unique. He was Governor of his State for 8 years. He has a profound understanding of the interrelationship that must exist between States and the Federal Government. With the Federal Government controlling 80 percent of Oregon timber, it is not possible for the people of that State or the industry to solve the problem unless the Federal Government is responsive to the wishes of the people.

Second, the Senator from Oregon has with great foresight looked ahead to the problem that we will be facing and that will be much more critical in the years ahead. Too frequently the Federal Government deals with immediate problems and does not concern itself with ultimate problems. I think that we in the Senate should look ahead and solve problems that are not yet crises, with the thought of warding off crises by timely action.

Third, in indicating that it will be necessary to work with our friends in Japan, I would hope the Senator would find a responsive audience. I would be pleased indeed if I could be of assistance in this regard. My own relationship with the Government of Japan goes back many years. I felt the camera industry should be encouraged in that country following World War II. I worked, in the reciprocal trade agreements, to reduce tariffs on cameras into this country, so that Japan and Germany could have an equal opportunity to compete with the domestic camera industry. I saw the expertise of the competition result in the "heat getting hotter in the kitchen." I stood firm on the idea that we should allow our friends to compete with the domestic industry, and that we should develop our own research and development and expertise. I stood firm for that principle rather than the principle of withholding their access to our markets.

I think the Japanese people are cognizant of the fact that we have been firm friends and ought to think of being amenable to helping us work out the problems that we find in the great lumber industry.

Lastly, I should like to commend the Senator from Oregon for his contribution to a better understanding on the part of all of us a very complex subject which I, from the Midwest, did not fully understand or comprehend. The quality of his analysis provides understanding of an effort toward solution. It will enable us to look ahead to a solution that will be of aid not only to the people of Oregon and the industry, but to the entire Nation as well.

Mr. HATFIELD. I wish to express my appreciation to the Senator from Illinois [Mr. PERCY]. I would add one further thought concerning this particular problem, which goes far beyond even the borders of this country.

About 2½ years ago, it was my privilege to join with a group of business leaders of my State in what is commonly referred to as a trade mission to Japan. We had the privilege of visiting one of the largest pulp paper mills in the country of Japan, the Oji Paper Mill at Tomakomai, in northern Hokkaido.

While going through the mill with the plant manager, we fell into a discussion about the need for the natural resource to continue their paper production. He readily and frankly acknowledged that they had to find the resource somewhere. They were hopeful that they could continue to obtain it from the Pacific Northwest of the United States, but he stated that if they were forced to do so, they would have to turn to the Soviet Union.

He then commented, I think very profoundly, in a rather facetious tone and manner, but yet communicating a very important idea. He said:

> I have long believed that red pulp tends to lead to red newsprint.

I think it is of major importance us that we seek to have friends throughout the world. We cannot isolate ourselves with trade barriers and obstacles that prevent the flow of goods and services. At the same time, we have a responsibility to our own domestic producers and to the people who depend upon prosperous domestic companies for their employment. But I believe all these things can be accomplished beneficially both to our neighbors in the world and to our own people, as we work together to solve these problems, which are not insoluble. That is why I feel strongly about such an avenue of approach to this problem as a conference. We found a warm response to such suggestions when we were in Japan, talking with its business and political leaders.

Japan is our friend, and wants to continue to be our friend; but the Japanese must also produce jobs for their people and must seek natural resources to provide such jobs. That is why the Pacific Northwest States—and I believe we are unanimous in this—are deeply concerned, and invite the interest and support of other States as well.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. HANSEN. I add my congratulations to those expressed by the junior Senator from Illinois for the excellent presentation of a complicated and certainly widely misunderstood subject, with which the junior Senator from Oregon is so intimately familiar.

The Senator has contributed mightily to a better understanding of the problems that confront the Nation in the presentation he has made this morning. I say that because, coming from the West as does the distinguished Senator, I believe the Pacific Northwest has an important role to play in the strengthening and the full development of the country. Certainly if we do not use all of our natural resources, particularly our renewable natural resources, of which timber is a most important one, we cannot hope to make the contribution that otherwise would be within our power.

I shall not add much to what the distinguished Senator from Illinois has already stated about the importance of strengthening the ties between the United States and Japan. I was in Japan about a year and a half ago, and I, too, appreciate the tremendous contribution which that country is making toward the extension of a democratic way of life in Asia, and the added strength that is thus given to our determination and our convictions in all of the Orient.

Certainly newsprint is an important commodity, one that is becoming more important as time goes on. I, too, come from a State which has some timber stands. Because I do, I would say to those from the East who are not as aware of the fact as some of us are that with the ravages of insect disease, the problem with timber is not simply a matter of storing or keeping a resource for use at some future time. Timber has a lifespan; it has a life cycle; it grows up. If it is not used at the time when it becomes ripe, it is often felled by insect diseases, and it can be scourged by the ravages of fire.

That fact lends a special importance to the wise observations made by the junior Senator from Oregon as to taking advantage now of the opportunity to institute a national program that will contemplate the use of these resources on a sustained yield basis, and which would permit the great capability of the State of Oregon and other States in the Pacific Northwest to utilize better this important renewable resource.

As we do that, as we make more jobs available, and as we add to the income, to the industry, to the prosperity, and to the tax base of the States in the Pacific Northwest, we will contribute to the strength of America and make possible places for Americans to find homes where the air is clear and the streams are clean, and we do not have all of the problems that exist in some of our metropolitan areas.

What the Senator from Oregon has said this morning is of great importance. I compliment him for his keen understanding of the many ramifications of the problem, and I urge that the Senate heed and consider carefully the important message he has given us.

Mr. HATFIELD. Mr. President, I wish to express my appreciation to the Senator from Wyoming [Mr. HANSEN] for his comments and observations. I had the privilege to serve with him as a fellow Governor and am completely aware of his great leadership in the area of natural resource development. I am proud to sit with him now in the back row of the U.S. Senate.

Mr. FANNIN. Mr. President, I join my fellow Senators in commending the junior Senator from Oregon. Although I did not have the privilege of being present when he made his remarks, I did hear the statements by the junior Senator from Illinois and the junior Senator from Wyoming in relationship to his remarks. I know of his great ability, how articulate he is in expressing himself, and how dedicated he is to his State of Oregon. My State, too, is vitally interested in the problem to which he referred; so I shall be eager to read his statement. I again congratulate him for his outstanding services to his State and to the Nation.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. HATFIELD. I am happy to yield.

Mr. BROOKE. Mr. President, I am pleased to commend the distinguished junior Senator from Oregon for his timely and informative remarks concerning the crisis confronting the timber industry in the State of Oregon and in the western part of our Nation.

I sincerely trust that we in the Senate will join with Senator HATFIELD in requesting an early meeting of United States and Japanese Governments and industry officials to review all aspects of the log export issue with a view to uniting the effort needed for remedial action.

Senator HATFIELD is to be congratulated for bringing this important matter to the attention of the Senate.

Mr. HATFIELD. I thank the Senator.

THE ABM—LET US BEGIN

Mr. FANNIN. Mr. President, years from now when historians sit down to write a treatise on the 90th Congress they doubtless will emphasize its concern with foreign policy and military affairs. For this Congress, more so than most other Congresses, it seems to me, has focused its attention on efforts to secure and construst a meaningful peace in the world.

Admittedly, our efforts to secure man's oldest dream, his natural right to be his own master, have been strikingly dissimilar. On one hand, we have substantially increased military aid to South Vietnam, a small Asian nation struggling for the right to determine its own destiny. And at the same time, we have entered into another agreement with the nation that, by deed no less than word, is our principle adversary; and we have done so in the hope that it might somehow be a step toward peace.

Needless to say, these were not easy decisions to make, either for the President or for Congress. Nor were they unanimously made. They involved complex and interrelated problems and men of good will supported each side of both issues, as they do even today.

Some years ago Yale classicist Richmond Lattimore observed that the essence of Greek tragedy is not that it is between good and bad, but that it is between good and good—an observation that applies equally well to the present situation. No one knows with certainty that his choice is necessarily correct, for wisdom and truth and right are rarely 100 percent on one side. But the decisions have to be made, and—differ though we do—we make them.

It is important, Mr. President, that we remind the world that our differences never reflect a fundamental disagreement on the basic issue of peace. That matter is never contested. There is no one among us who does not desire the cessation of hostilities, not only in Vietnam, but also throughout the world. There is no one in this Chamber who does not pray for better relations among all nations. Nor is there a responsible American who does not long to curb the worldwide aggressiveness of what Edmund Burke, in another age, described as an armed doctrine.

But, as Professor Lattimore suggested, the choice open to us is not clear, neither black nor white. And those who view these decisions in terms of "war or peace" or "Red or dead" or "hawk or dove" do a great disservice to the Nation.

But still the euphemisms are hurled about carelessly, often maliciously.

This dilemma can best be illustrated in the present controversy of whether the United States should proceed to install an antiballistic missile—ABM—system. To some, principally spokesmen for the administration, the deployment of such a network, even though it is purely defensive in design, is viewed as a needless escalation of the nuclear arms race. To others, including many military experts, some of whom are Members of this body, the ABM system is viewed as the best deterrent to a nuclear war. Surely, no one can say with assurance that those who support the second proposition are less concerned with peace than those who support the first; neither can one logically argue that those who endorse the initial proposition are less concerned with national defense than are those who support the second. The issue is not that deducible.

Personally, although I am neither a military expert nor a scientist, I am convinced of the superiority of the second argument: that the United States must undertake immediately to develop and deploy an effective antiballistic missile system.

I take this position for two reasons. First, according to intelligence reports, Soviet Russia is already beginning to deploy a defense system designed to protect its major cities against attack by intercontinental ballistic missiles. And, second, increasing amounts of reliable evidence suggest apparent advances in the Soviet's offensive capacity, notably in the area of multiple warhead technology.

Since the beginning of the nuclear age, approximately two decades ago, the United States has preserved an uneasy world peace by its unquestioned superiority in strategic offensive weapons. We have made it clear to would-be aggressors that any sneak attack they might initiate, however damaging to the free world, would invite an automatic response so terrible as to be intolerable to them. And our strategy has worked. Nuclear peace has been maintained. But we are faced now with a different set of circumstances. We are confronted with the realization that a potential enemy—convinced his scientists and engineers have built a practically perfect defense against retaliatory attack—need no longer restrain his belligerence and might in fact be encouraged to unleash a nuclear attack that would rain fire and death and destruction across the length and breadth of our land.

Clearly, the decision to develop and deploy an antiballistic missile system is a painful one for the administration to make, but it is a decision which must nevertheless be made, and made now. We stand once again at a crossroads in our efforts to deter a major nuclear war, and the decision to act cannot be held any longer in suspension.

So far the administration has resisted every attempt to speed up the deployment of an antimissile defense network, arguing that to do so would touch off the biggest and most expensive arms race the world has ever known. And, according to this argument, when the balance of military strength is again stabilized, on the new plane so expensively purchased, the world will be less secure than ever. Consequently, the administration has sought to end the arms and defense spiral through diplomatic efforts, through negotiation. It has attempted to persuade the Russians to enter into an agreement banning the deployment of antiballistic missiles by both the United States and the Soviets. But its efforts so far have been in vain. In fact, only 7 weeks ago in London, Soviet Premier Alexei Kosygin apparently ruled out a ban on antiballistic missiles.

> I believe that defense systems, which prevent attack—

Said the Premier—

> are not the cause of the arms race, but constitute a factor preventing the death of people.

Yet even if the Soviet Union were to express interest in such an agreement, the agreement itself must be suspect. Surely, the Soviet Union will not enter into an accord that provides for verification and inspection, particularly when verification in this field would involve disclosures even more sensitive than those involved in inspection of thermonuclear explosions. And, from the standpoint of the security of the free world, an agreement without verification is totally unacceptable. Also, there is the important point that my knowledgeable colleague, the Senator from South Carolina [Mr. THURMOND] raised when he said:

> A piece of paper with the name of the Soviet Union on it is not an acceptable alternative to an effective ballistic missile system.

It is not that the distinguished Senator, or myself or the majority of American people would not like to believe the Russians and to take these agreements at face value. It is not that at all. It is rather that history has proven, by example after example, that Soviet officials will honor agreements only as long as they serve their sinister purposes to rule the world.

But even if we share the administration's opinion and optimism that Russia is interested in halting the arms race, that it will open its country to inspection and verification, and that it can be trusted to abide by the terms of the treaty, even if we grant all these improbabilities, where does that leave the United States in the face of Red China's growing nuclear threat? What could be more foolish than to agree with the Soviet Union on a treaty banning ABM's if it meant eventually facing a Communist China armed with sophisticated nuclear weapons and protected by an ABM system of its own? And Red China's threat as a nuclear power must not be dismissed lightly. Indeed, Defense Secretary Robert McNamara has conceded that the Chinese probably will launch a long-range, nuclear-tipped ballistic missile before the start of a new year.

Therefore, any agreement between the United States and the U.S.S.R. not to deploy a ballistic missile defense system would be of questionable value. To be truly effective, such an agreement must bind all nuclear nations; and there is little likelihood that China, given its present bellicose nature, is in any way interested in it.

I am not suggesting the United States abandon its efforts to reach an acceptable agreement. These negotiations should continue. Yet the fact remains that while we agonize over what to do, and while the administration speaks hopefully of an effective anti-ABM system treaty, the Soviets are deploying an ABM system throughout the U.S.S.R. and, at the same time, are enlarging their offensive arsenal.

Reliable intelligence information proves that the Soviets' missile defense system is not limited to the Moscow area, as spokesmen for the administration have thus far insisted. Rather, the Soviet system reportedly rings several large cities and is stretched throughout the northeastern regions of the country, the corridor which U.S. land-launched missiles must travel to hit vital Russian targets. In fact, less than a month ago leading Soviet military leaders, including Gen. Pavel F. Batitsky, a deputy defense minister, boasted unqualifiedly that missiles fired at the Soviet Union would never reach their targets. While that claim doubtless is an exaggeration, it nevertheless indicates, or certainly implies, that some Soviet officials are convinced they could protect the most vital parts of their farflung territory from attack.

I need not remind anyone, Mr. President, that the Soviets never stopped to consult with American authorities before beginning to deploy their missile defense network. Unquestionably, they had previously concluded that the antimissile missile would in some way enhance their overall strategic military posture. Authorities are of the opinion that the Soviets' decision to start production on an ABM system was made in 1964, after they had time to analyze the results of their A-bomb tests of 1961–62.

It is worthwhile to remember that with those tests, which were designed in part to gage the effectiveness of antimissiles at various altitudes, the Soviets broke a pledge to the United States by ignoring a moratorium on nuclear explosions.

But, however, the Soviets arrived at the decision to proceed, by doing so they clearly rejected the assumption that U.S. reaction to such deployment would negate its strategic importance, whether that value is viewed in political, psychological, or military terms.

However, it is in terms of the U.S. strategic requirements—not the Soviets'—that the issue must finally be resolved. It is useful, therefore, to examine the question of an antimissile defense system—Nike X—from the following three viewpoints: First. Would it save lives? Second. Would it strengthen our deterrent force? Third. Would it enhance our overall strategic position in a meaningful way?

As for saving lives, it must be acknowledged that the very best defense system man can ever hope to devise probably will be inadequate against a nuclear attack. And in this regard the ABM is no exception. But in light of the unavailability of a better defense network, and with full recognition of the fact that many millions more would die if left unprotected, the Nike X system offers Americans an element of hope—at least until such time as we can effect a change in the international situation or, better yet, in human nature. An adequate defense system is necessary because all men have not accepted the teachings of the prophet Isaiah, who warned that lasting peace will come only when men "beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation neither shall they learn war any more."

In the United States alone, it is estimated that an ABM system could cut deaths from 130 million—the estimated number who would die in a surprise attack if no such system were in force—to 60 million—thus a saving of 70 million American lives. Such an estimate cannot be dismissed lightly. James Burnham, a highly respected military analyst with whom I mostly agree, argues against an antimissile defense by writing that there is no significant strategic difference between 130 million and 60 million casualties. And perhaps he is right—strategically. But Americans by and large have been conditioned by Hawthorne's belief that each and every individual is important in some respect, whether or not he is important strategically. Fortunately, the Nation's value system is not so disjointed that it will carelessly write off the lives of 70 Americans—to say nothing of 70 million.

No, we can never hope to save the lives of all Americans, or perhaps even the majority of Americans; but that does not mean that we should not safeguard however many lives as possible, within our capacity to do so.

As to whether the ABM system would strengthen our deterrent force, the answer is again an unqualified "Yes." No matter how good its own defense, no nation would be so foolish as to unleash an attack against another nation whose defense it could not hope to penetrate and whose retaliatory capacity it could not hope to immobilize. To do so, would be, at best, to fight a nuclear stalemate; at worst, to commit nuclear suicide. Conversely, if one assumes a relative balance in strategic offensive forces, and then introduces a defensive component on only one side, it is entirely conceivable that the defensive capacity might, in a given situation, swing the balance to such a degree that the favored nation would initiate a nuclear exchange, knowing that the damage it would inflict would be far greater than it would sustain. Thus, possessing the same approximate offensive weapons as the Soviets, the United States is benefited by the ABM deterrent factor in two situations: either when we alone have such an operational system, or when we have as effective a system as they have. It is only when we lack the protection that another nuclear nations has, or thinks it has, that the true danger of nuclear war is maximized.

More significantly, U.S. military policy relies heavily on what has been characterized "extended deterrence"; that is, our strategic capabilities have a restraining influence on Soviet foreign policy generally. This vital role could be seriously, perhaps irrevocably, impaired by an effective, comprehensive Soviet ABM system. In the final analysis, deterrence is a state of mind, a euphoric condition that could lead a would-be aggressor, who is himself protected by antimissile missiles, to conclude he could support a more aggressive foreign policy at an acceptable level of risk. If he were correct in his assumption, the U.S. strategic position would be eroded; if he were wrong, a confrontation of fateful consequences could follow. But in either case, U.S. security—in fact, the free world's security—would be impaired. It seems to me that this possibility could best be avoided by deploying the ABM as one element of a comprehensive defense network.

This leads, then, to an analysis of the third proposition, whether a missile defense system would materially strengthen the overall strategic position of the United States. And here the answer also is "Yes"—it would. In this instance, the question is not simply whether an ABM system would save lives or preserve what one news magazine called the "balance of terror" in the world. Rather, the question is whether the Nike X would strengthen the U.S. strategic position to a degree that would enhance our foreign policy generally.

However distasteful the thought might be, the fact nevertheless is that America's greatest foreign policy successes have occurred during periods when the balance of strategic forces—geography, economic strength, psychological considerations, military strength, et cetera—clearly favored the United States. For, beyond their function as a deterrent to nuclear attack, the forces serve also to limit a would-be aggressor's freedom of action by posing an ultimate threat. And the true measure of superiority is the degree to which they limit or support other courses of action, military and political alike.

As I previously indicated, the United States has enjoyed a strategic superiority by reason of its massive offensive capability. And while this capability remains of continuing importance, its significance may come increasingly to depend upon our capacity to protect the Nation from nuclear attack, if for no other reason than to reduce the potential for nuclear blackmail. Conversely, the Soviet deployment of a high-confidence anti-missile-missile system might lead them to conclude, however, erroneously, that the balance of power had been altered in ways to justify foreign adventures, an illusion which could produce decisions damaging to our foreign policy interests and threatening to the nuclear peace.

Both Secretary McNamara and James

Burnham, to cite two ideologies, argue that the best way to meet the threat of a Soviet missile defense system is to increase the Nation's offensive capacity, its deterrent force. Their argument is persuasive. Without question, our offensive forces must be strengthened, particularly our ability to penetrate a sophisticated missile defense. But we should no more increase our offensive punch at the expense of an adequate defense than we should build that defense system without concomitantly increasing our offensive capacity. It is not a "one-or-the-other" proposition. A strong nation, like a good football team, depends on a relatively balanced attack, offensively and defensively.

It would appear almost axiomatic that the United States must maintain a position of strategic superiority vis-a-vis the Soviet Union. And while a potent offense is important, the defensive component of strategic forces will become increasingly important, not only as a means of neutralizing the Soviet ABM system, but also because a missile defense would strengthen U.S. position generally. In many situations, this defensive capability could provide the crucially important margin of strategic superiority necessary to the attainment of U.S. foreign policy objectives and to the maintenance of world peace.

It is for these reasons, then, that our Nation should proceed without delay to deploy the Nike X system and to undertake related damage-limiting programs—particularly fallout shelters. Such a move will strengthen our overall strategic position, contribute to our national security and save lives if the deterrent fails. It is the only prudent course.

No one can deny that the nuclear defense program, of which the Nike X is a major component, is very costly, or that the money could not be put to better use. But national defense was willed by our forefathers to succeeding generations of Americans as their first and foremost responsibility. And it is. I doubt very much that anyone who favors deploying the Nike X system would suggest that the Nation commit itself at this time to the entire missile defense program, whether it costs $10 billion or $40 billion.

Certainly, I do not take that position. I merely suggest that—while searching all avenues to ban defensive missiles through a negotiated treaty, as the administration is doing—the administration spend the money Congress has already appropriated as the first step toward a comprehensive missile defense program, should one be necessary. We cannot afford, either militarily or monetarily, to delay further the decision to begin. Secondly, I suggest that the President set a deadline for negotiating the treaty ban, and in that way provide the Nation some measure of assurance that the Soviets, who as I said are presently deploying their own missile defense network, will not use the period of good will to our disadvantage.

Undoubtedly, there will always be a basis for rationalizing the deferral of the ABM system—if for no other reason than to admit its need is to acknowledge, in effect, that nuclear war is possible. But failure to deploy the ABM, failure to take the first step, risks a shift in the balance of nuclear power with potentially fateful consequences. Yes, we should begin, leaving the question of "how big a missile defense program is enough" for subsequent determination. At the very least, we should begin by providing the only possible insurance against the failure of deterrence and by strengthening the overall strategic position of the Nation.

It is an agonizing decision for the President. But it is one that he can no longer afford not to make.

DMZ DEFENSE LINE

Mr. MANSFIELD. Mr. President, I have just read the first clearcut, detailed article on the possibilities of a mile-wide, fortified barrier across the demilitarized zone and extending into Laos with its terminal point either at Savannakhet or Thakhet, both on the Laotian-Thai frontier.

This proposal has been suggested many times as a means to really confine the war to South Vietnam and to accomplish the stated objective of air raids on North Vietnam, to wit: to stop the infiltration of men and supplies from North Vietnam to South Vietnam along the Ho Chi Minh Trail. This objective, as we know, has not been accomplished because infiltration of men into the south has continued along the canopied Ho Chi Minh Trail, and I believe I am correct when I say that Secretary of Defense McNamara has stated that infiltration has increased.

In my opinion, a defense line along the DMZ extending into Laos would not only have the effect of shortening the war but I believe it could be done at less cost than what was originally anticipated. Furthermore, when we consider that at the present time there is a total of 1,200,000 allied troops in South Vietnam alone, it would appear to me that South Vietnamese divisions should take on a far greater share there, a greater degree of responsibility in defending their own country and should be the ones in large part on the defense line in that area.

While I am not at all certain, I am assuming that the Pentagon has given this proposal consideration.

Not only would such a defense line cut drastically, if not eliminate entirely, the infiltration of men and supplies from North Vietnam, it would also isolate the conflict to South Vietnam. It would be of great assistance in the maintenance of the neutrality of Cambodia, and it would place us in a more understandable position in the eyes of our own people and the nations of the world.

May I say, Mr. President, that this is not a proposal which originated with me, but I do think it is a suggestion worthy of consideration and to that end I ask unanimous consent that an article by John Randolph entitled "A Fresh Concept: Clear Jungle Zone, Seal Out Hanoi Support" which was carried in the Los Angeles Times of Sunday, April 2, 1967, as well as in other newspapers, be incorporated at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FRESH CONCEPT: CLEAR JUNGLE ZONE, SEAL OUT HANOI SUPPORT—MILEWIDE FORTIFIED BARRIER ENVISIONED

(By John Randolph)

SAIGON.—There is little disagreement that if direct support from North Vietnam could be cut off completely, the Viet Cong revolt in South Vietnam would collapse—not immediately, of course, but inevitably.

There are still some occasional arguments to the contrary, but they are not convincing. Whatever may have been the case in previous years, it is a fact today that most weapons, ammunition, critical supplies, senior officers and overall direction come to the Viet Cong from the north. It is hard to see how the Viet Cong could long continue against a reviving South Vietnamese government and the now really powerful American presence without this help.

Moreover, the Viet Cong now require direct troop support from North Vietnam. American estimates say that out of the total of 280,000 armed Viet Cong, about 160,000 are informally organized, full- or part-time neighborhood guerrillas, and 120,000 are well-trained and highly organized "main force" or "local force" fighting companies and battalions. Of this 120,000 hard core, the Americans estimate that 36% of 43,000 are North Vietnamese regular army soldiers, and that about 7,000 more of these enter South Vietnam every month to shore up the Viet Cong. It is true these are only estimates, but cut them in half and it is still a lot of North Vietnamese soldiers for what is presented as a local, popular revolt.

NORTH'S SUPPORT ESSENTIAL

Historically, also, the evidence indicates that North Vietnamese support is essential to the Viet Cong. The record of all significant "peoples' wars" for the past 200 years shows a revolt can hardly fail when it has sustained, significant outside help, and can hardly win without it.

There seem to be no exceptions to this rule, and it applies with equal rigor to Communist revolts as to any other kind.

Why, then, do the allies—the Republic of Vietnam, the United States, Korea, Australia and New Zealand—not concentrate on cutting off this support with their huge army of 1,200,000 men—most of it infantry—instead of bombing North Vietnam and increasingly chasing Viet Cong bands around the jungle like a man fighting bees?

This is a legitimate question because cutting off North Vietnamese support would seem to be the most simple, straightforward and certain way to win the war—and in the long run perhaps the quickest, too.

Up to now the allies, that is, principally the American military and political strategists, have hoped to win the war more quickly and economically and possibly with less bloodshed. This is by trying to stop North Vietnamese support by air bombing, to reduce Viet Cong fighting power by short, sharp search-and-destroy missions and to rally the South Vietnamese villagers by pacification, which means restoring government control and winning the villagers' active cooperation by improving their welfare with material aid.

Unfortunately, this strategy has done little more than arrest and partly restore the alarming declines of 1964 and 1965.

BOMBING HASN'T HALTED FLOW

Bombing has not been any more effective in stopping the flow of essential supplies to the Communist fighting forces in South Vietnam than it was in stopping the flow of essential supplies to the Communist front line army in the Korean War. Search-and-destroy missions became less profitable after the Viet Cong tested American firepower and have since avoided battle except when trapped or when the odds are right.

As for pacification, it turns out that the basic ingredient is ironclad protection so a cooperating villager will not get his throat cut at night by a Viet Cong murder and vengeance squad. Since this degree of security requires complete military superiority and occupation of the area, pacification has not moved ahead quickly.

So it is a good time to consider a new strategy, especially with all these 1,200,000 troops on hand and relatively little fighting going on. Sealing off South Vietnam from all Communist contact and support seems like a worthy project and one that offers the greatest assurance of success for the lowest possible degree of risk.

It might also appeal to President Johnson, who must feel very keenly the political need to get the war moving along toward victory more quickly than it is moving. This not only a reference to his own problem in the approaching 1968 election, but to a sensitive stateman's knowledge that the longer a war drags on, the more risk the stronger power runs of losing friends and adding enemies. If protracted war is good for guerrillas, as Mao Tse-tung maintains, then it is surely poison for the other side. America's problem and the President's problem go hand in hand.

The extension of a defensive position across the northern part of South Vietnam and into or across Laos has been proposed by Senate majority leader Mike Mansfield of Montana, who views it as a better way to stop infiltration from the north than bombing.

To clarify what sealing South Vietnam means, we can quickly throw out some distracting ideas and side issues.

1—If this were a simple old-fashioned war, a quick invasion of North Vietnam from the sea would be the simplest and easiest way to settle the matter—like Gen. Douglas MacArthur's landing at Inchon in the Korean War. But in this war, an invasion of Communist home territory would probably bring Communist China into the war directly and provoke the Soviet Union into some unpredictable but probably unpleasant reaction.

Instead of settling one war, you would wind up with two, or perhaps three. Invading North Vietnam seems quite out of the question unless there are some really major changes.

2—As for South Vietnam's 1,000-mile sea frontier, much work has been done to control it, but it is still somewhat open to gunrunning. But this problem will be solved automatically when the allied navies summon up enough excitement, energy, equipment and ingenuity to break down the remaining self-imposed restraints and treat the problem as a vital war measure to be pushed through ruthlessly, even if some fishermen have to be ordered around a bit. On this frontier, the enemy is not communism, but an excess of restraint.

3—The 500-mile frontier with Cambodia, half of it through delta plain, half through mountain jungle, is a genuinely troublesome Communist sanctuary and supply source. But it is secondary to the much more dangerous infiltration route through Laos. In any case, Cambodia is a political weather vane, and it may be that if the allies really start to win, Prince Sihanouk will start to be friendly again and clean up his neutrality. Even at the worst, this is still the second border to seal, not the first.

This clears the way for a discussion of the real problem—stopping the heavy Communist infiltration and supply across the northern 250 miles of South Vietnam's land frontier with Laos, and the 50-mile demilitarized but partly Communist-occupied zone separating North from South Vietnam.

INTENDED FOR LOCAL ACTION

North Vietnamese troops and supplies that cross the narrow demilitarized zone between Laos and the South China Sea are primarily intended for local action. The long-range support leaves North Vietnam at a point farther north, makes an end run around the west of the zone through the illegally Communist-occupied parts of the southern panhandle of supposedly neutral Laos, continues on south and then turns back and crosses the South Vietnamese border at various points in the very rugged mountain jungle along the northern 250 miles of frontier. This is the famous Ho Chi Minh Trail.

This frontier can be closed by two different tactics—by actually putting infantry along the border to intercept, fight, destroy and discourage the Communists or by clearing part of the jungle and building a fortified barrier zone that would let a much smaller number of soldiers do the job, with backing by mobile reserves for emergencies.

It can also be closed in two different places. One would be directly along the actual demilitarized zone and the northern 250 miles of the South Vietnamese land frontier—a formidable task in view of the length and the terrain, but not completely impossible. The other location, much to be preferred, would start at the sea just south of the zone, and generally follow former Colonial Route 9 westward to the Laotian border and continue on through Laos (directly cutting the Ho Chi Minh Trail) to the town of Tchepone, part way through the panhandle. From here, the remainder of the line could continue on to either of two Laotian towns on the Mekong River boundary with friendly Thailand, either Savannakhet at the end of Route 9, or Thakhek, 60 miles north. Either way, the line would be about 180 miles long—much shorter than the actual frontier line.

However—and this is the key point—to go into Laos on the ground would require an important modification of American policy, and very likely there would be some consequences that would have to be foreseen and prepared for.

GUARANTEED LAOS' NEUTRALITY

In 1962 the United States signed an idealistic treaty with 12 other nations guaranteeing the neutrality of the Kingdom of Laos. North Vietnam violated the treaty on its first day, and has been violating it ever since by illegally occupying parts of Laos. The treaty foolishly did not provide for any clear-cut positive action (only consultation) in case of such a violation. However, under basic international law, the North Vietnamese violation automatically gives both South Vietnam and the United States an unassailable right to take equivalent counteraction. That is, if the Laotian government can't throw the North Vietnamese out and close the Ho Chi Minh Trail, the United States and South Vietnam have a perfect right to enter Laos, drive out the North Vietnamese, and close the trail themselves. This of course is common sense—a breach of contract either voids the contract or entitles the injured party to reasonable damages.

So far, the United States has not used this privilege except to bomb the Ho Chi Minh Trail without much result. But the allies can use ground forces legally whenever they want to. The Communists would put up a howl of violation since they have never acknowledged their own violations, even though the International Control Commission, the inspector under the treaty, has confirmed them.

More seriously, there is the possibility of more North Vietnamese intervention, and possibly even Chinese intervention, since China shares some of Laos' northern border. At the least, North Vietnam might make its existing occupation in the eastern provinces of Laos more open.

Diplomatically, it is possible that the Laotian government of Prince Souvanna Phouma could be induced to ask the United States to intervene to protect Laos. Or perhaps there is an even simpler way. What if landlocked Laos should ask for American aid to build a modern road or railroad from, say, the capital of Vientiane, across the panhandle, to some point on the South Vietnamese coastline? What could be more wholesome and peaceful? If the road were built without incident, the Ho Chi Minh Trail would be automatically cut.

Some years ago a Pentagon survey estimated that to hold a line through Tchepone with only troops, not field fortifications, would call for six divisions. This is not an impossibly large number, but it is more than desirable.

FORTIFIED ZONE PRACTICAL

The only practical solution is a fortified zone wide enough to be comfortably defended again guerrilla forces by a relatively small garrison or against major forces by quickly arriving reserves. Such a zone would have to be at least a mile wide, with excellent heavy field fortifications—not a Maginot Line or a Chinese Wall, but something more like the present front line in Korea, which is almost as long—155 miles.

To build it, the jungle would have to be ripped out, the trees burned, the ground graded, ditches, barbed wire and minefields installed, mutually supporting blockhouses built and night illumination provided. On the south side of the line would have to be an all-weather, heavy-duty military road, suitable for tanks and convoys, with landing strips and helicopter pads at suitable intervals.

This would be a big project and not cheap, but it is nothing exceptional by modern engineering standards, and once built it would be a simple and economical military project to man and defend it. Like all fortifications, it would be useless unless it was defended vigorously, but like good fortifications, it would greatly increase the defender's power of defense. It is hard to see how a small force could attack or cross it successfully, while a large force would have to concentrate to attack and thereby expose itself in the open to devastating allied air and artillery attack.

The advantages of such a barrier zone would go far beyond its immediate purpose of isolating South Vietnam from Communist penetration.

On the world front, after the first Communist yowls of violation, it would be recognized as a truly defensive, absolutely nonaggressive project in the great tradition of imaginative American engineering—like the Panama Canal, Grand Coulee Dam and the Alcan Highway. Since it would actually isolate North Vietnam from South Vietnam, the bombing of North Vietnam—except in local reprisal for attacks on the line—would be totally unnecessary and could be stopped immediately. This would not only relieve a great deal of world tension, but it would end a costly drain. By the end of 1966 the United States had lost nearly 450 aircraft over North Vietnam, representing a financial loss of almost $700 million—almost what it would cost to build the barrier zone.

ISOLATE CAMBODIA FROM REDS

The zone would also isolate Cambodia from the Communists except by sea, with a probable improvement of relations. The zone's highway would provide a valuable military and commercial link between the South China Sea and South Vietnam and Thailand and Laos. It would go a long way to stabilize the extremely soft Southeast Asia frontiers between the Communist and non-Communist worlds.

Militarily, such a line should be easily defendable by a permanent garrison force equivalent to three light divisions against anything up to a battalion attack. A multibattalion or larger attack would require support from mobile ground units and air. The line would not have to be an absolute barrier, because even if it were occasionally penetrated the enemy would have revealed his position and exposed himself to devastating counter-attack.

As for a major war offensive, such a barrier zone would be an ideal front line for the defending army that would be required.

To the Viet Cong, it would be a shattering blow to their actual support, their hopes and their morale.

For the South Vietnamese, it would symbolize a tragic division of their country, but it would also be a shield to provide their first real security in a generation and let them rebuild their nation in peace.

INFANTRY DIVISIONS NEEDED

During construction, one or two infantry divisions would be needed to screen and protect the big construction crew required. As the completed zone extended behind, this part could be held by fewer troops. It is possible that the North Vietnamese, recognizing the deadly threat of such a move, might choose to fight it out quickly in the zone area. This would be a major battle of the kind long sought by American commanders. As for the immediate effect in the south, and project would probably make itself felt quickly by absorbing North Vietnamese effort and reducing supplies to the south. But a vigorous Viet Cong diversionary campaign could naturally be expected and would have to be beaten down.

The prospect of such a barrier zone is so intriguing that this writer consulted one of the several top American engineering firms now working on huge engineering projects in South Vietnam and asked for an estimate of feasibility and cost. The firm's response, summarized below, is interesting and encouraging reading:

"It would be a large but relatively simple and straightforward engineering project. If it should ever be approved by the government we would like to do it. We have the big land clearing and other equipment this project would need.

"On costs, we estimate—probably fairly accurately—that the total would require not less than $720 million and probably not more than $1 billion. This is about the cost of 1,000 miles of average four-lane highway in the United States. From date of contract, it would take us six months to get organized, and from one to two years after that to complete it. We would need a large troop screen to protect our work crews, and we would like to use some men from the Army Corps of Engineers and the Navy's Seabees.

"The only unusual technical problem we can see would be disposing of the jungle trees after they were cleared off. Clearing them would be no problem. We would bring in 300 to 400 horsepower land-clearing machines such as are used in the deep southern swamps. These would just rip the jungle out—it is not as hard as it looks. But the trees would not dry naturally enough to burn. We would have to bring in some kind of cheap oil to burn them.

"We would go at it in this order: First defoliate or napalm the trees to simplify clearing. Then use the big machines to rip them out. Then burn the cleared trees with oil.

"Simultaneously, we would be building a four-lane highway along the south edge of the zone for our own use during construction and for support later. Such a highway could be used for medium landing strips for aircraft.

"The total work force would have to be about 5,000 men. If the project could start from the Thailand side at the same time, it would go almost but not quite twice as fast. It would probably be a good idea to build a small deep-water port at Cua Viet where the zone would meet the sea below the military zone. Then we could bring ocean ships right up to a wharf and off-load equipment and supplies. This port would have military and commercial value later as an ocean terminus for the road. The cost of the port is included in the estimate, and so are all engineering-type fortifications, such as blockhouses and barbed wire, less military items such as mines.

"To repeat, there's nothing particularly hard about it. It can certainly be done. The main job would be coordinating procurement and logistics."

If the concept is right, if the estimate of risk is right and the engineering forecast is right, then this is a bold, big project to sweep the Vietnam war along to a certain and not too long delayed defensive victory.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that an article which appeared in this morning's Washington Post illustrating the military position along the DMZ and the five northern provinces comprising the First Corps area be inserted also.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE OUTLOOK FROM VIETNAM: MARINES STRETCHED TOO FAR

(By Ward Just)

DANANG, SOUTH VIETNAM, April 11.—The military situation in the First Corps of Vietnam is deteriorating, with no sure formula for reversal in sight. Military and civilian officials here expect a renewed Communist military and propaganda offensive in the wake of the bold and successful attacks on Quangtri City and two Vietnamese regimental outposts last week.

There appears to be no question of an American military defeat, or of actual Vietcong occupation of any of the five northernmost provinces. The effort, in any case, appears to be directed against Vietnamese troops and the Ky government.

Aside from the known deficiencies of the Vietnamese, the central military reason for the slippage in the First Corps is the fact that the 3d Marine Amphibious Force is undermanned and underequipped in the face of the relentless build-up of enemy forces.

Lt. Gen. Lewis W. Walt, the Marine commander, told Gen. William C. Westmoreland on Saturday that he needed more troops. Westmoreland, Walt's boss as commander of American forces in Vietnam, has agreed and requested them. But neither man knows what President Johnson will do.

Estimates vary on precisely what Walt wants, but most observers here think he wants a full Marine division, or some 24,000 men. That would augment the 75,000 Marines—two divisions, one regiment, an air wing, and sundry armor and support elements—already on line in the First Corps.

The military situation here is extremely subtle and complicated, and "deteriorating" is a judgment that will be hotly—and maybe rightly—denied by the Marine command. But as matters stand today, the Marines—supported by one Korean brigade, and two Vietnamese divisions of no better than average tenacity—are strung as taut as a piano wire over an area bristling with well-armed main forces from the North and the provinces themselves, and a rock-hard political infrastructure.

OPPOSITION TO SAIGON

The First Corps, unlike the other corps areas, is thoroughly unfriendly. Even Thuathien Province, whose capital is Hue, which has talented province chief, and the most efficient government administration in the entire country, is riddled with eccentric politics and a posture of opposition to Saigon. This stands apart from the Communist threat, an increase in main forces which has brought Thauthien to a dangerously low level of security—low enough so that Vietcong freely infiltrate Hue at night.

The First Corps is to extremist politics in Vietnam what California is to extremist politics in America. It is a center of opposition—from the rightwing Vietnam Quoc Dan Dang (Vietnamese Kuomintang) in Quangngai Province in the south to the left-wing militant Buddhists in Hue to the north.

Because of a bureaucracy and an army that are riddled with politics, favoritism and inertia—let alone the sheer lack of ability—the Marines have become, in fact, the main force for stability in the First Corps. In many places, the Marines are the government—a vulnerable position that has more than once opened Gen. Walt to criticism.

But, as one of the most open-minded civilians in the Corps has said, "What else can the Marines do?"

BATTALIONS SHIFTED

A thorough understanding of the Marine position requires a province-by-province rundown of the Marine order of battle. Because Walt's 18 maneuver battalions are shifted without regard to divisional tactical area, there is no firm and unswerving order of battle. But give or take a battalion, the position is roughly the following:

Quangtri. Ever since the heavy enemy infiltration—Walt now calls it an invasion—through the Demilitarized Zone last fall, the Marines have been obliged to keep four battalions on security duty, strung from Dongha west to the Laotian border. With the heavy influx of North Vietnamese, province security—in the district towns, the villages and in the capital itself—has steadily deteriorated.

Thuathien. Knowledgeable sources here say that the troubles in Quangtri have heavily and adversely affected Thuathien, never a government stronghold to begin with. Repeated attempts to clear the area called "the street without joy" north of Hue, the province capital, have been unavailing—except when the Marines clear and hold. So, typically four—sometimes only three—battalions are in place in Thuathien, at least one of them on security duty at the air base and the 3d Marine Division command post at Phubai.

Quangnam. Marine headquarters is at Danang, and it is the point of greatest progress. Walt decided last year to mount a truly concentrated surge against the so-called "twelve-village priority area" from the Danang airfield 30 miles south of the province capital, Hoaian. There are now an estimated five battalions in place in Quangnam, but critics contend that progress is too slow, and the pacification itself too uneven.

Quangtin. This province vies with Quangngai as "the worst province in the country" in terms of security. The province capital, Tamky, and the Marine base at Chulai are frequently shelled with mortars. Normally, three battalions would be in place in Quangtin, plus some of the Korean forces.

Quangnai. One Marine battalion is located at the southern outpost of Ducpho, and it is—to Walt—an indication of the potential of this rice-rich area that about 10,000 refugees have quit the Vietcong-dominated countryside and rallied to the Security" of Ducpho. Quangngai City, like Tamky, Hoaian. The Danang air base, and Quangtri City, is occasionally under mortar attack. Security in much of the province is nil.

EFFECT ON VILLAGERS

The primary impact of an attack such as the Vietcong launched in Quantri is psychological—not in terms of world headlines, but in terms of rumors among the Villagers themselves. When the Vietcong hit a province capital, it indicates to the countryside that the government is incapable of even holding on to its home base, and the blow to prestige is considerable.

It is a madman's exercise to attempt to list a precise enemy order of battle. It is sufficient to note there are three North Vietnamese divisions above, in, or under the demilitarized zone, and a provincial regiment south in Quangtri. There are five battalions in Thuathien, and probably close to an equal number in Quangnum and Quangtin. Quangngai is so insecure that when American military authorities in Quangngai City give briefings on the enemy order of battle they call it "the horror hour."

The main-force confrontations—the last large one was in March when an estimated six battalions attempted to infiltrate across the DMZ—have resulted in appalling enemy losses, something on the order of 8700 dead since the start of the year. In the six-week period between Feb. 12 and March 25, the Marines alone killed more than 5000.

WE CAN STOP THEM

"We are not worried about the main forces," Walt says. "We have shown that when we can find them, we can stop them. We did it last summer and we did it last month. We can do it anywhere in the Corps."

This is not Marine bravado, but an accurate reflection of what has happened. But there is a corollary, which is not often mentioned in the First Corps: as the bodies have piled up, very little has changed; if there has been any change, it has been negative. The North Vietnamese have met escalation with escalation (or vice versa, depending on the viewpoint) and therefore as the fighting has grown more vicious it has also grown increasingly irrelevant as an index of change.

"They can't take this," senior officials in Danang say. "They've got to quit sooner or later." But there is no evidence they are about to quit, either sooner or later, and no evidence that the hurt has become painful enough to pull back.

Walt knows this, although he puts it into a slightly different context: "We could kill main-force units from now on and we wouldn't be a step closer to winning the war."

MARINE STRATEGY

This is a reflection of the Marine strategy in the First Corps, a strategy that has sought to confront the enemy at all three "phases" of the celebrated three-phase theory of guerrilla war as enunciated by the North Vietnamese Clausewitz, Gen. Vo Nguyen Giap. At root it is a strategy designed to wear down the enemy in all his military and political postures, to force a return to small-unit actions and thus a "withering away" of insurgency.

None of this has been prosecuted without cost. The Marines have lost 522 men killed, 4486 wounded since Jan. 1, an average of six per day. Total American combat deaths in the Vietnam war in the first four months of the year are 2110. Marine casualty percentages are far higher than their numbers would indicate, and no one who has even watched them fight would declare it is because they are poor soldiers. It is because they are fighting all the time, on all three fronts.

And they appear to be fighting under difficult conditions.

It has long been a prideful piece of Marine reverse-snobbery that they were "always at the end of the supply line" (and always on the front pages of newspapers), but in Vietnam the complaint appears to have some truth. Helicopters are a case in point.

COMPARISON MADE

The 75,000 Marines have only about 200 helicopters, of which about 70 are Korean War-vintage Sikorsky H-34s, the workhorses of the Vietnam war. The rest are heavy-duty troop carriers capable of lifting 30 or more men.

By contrast, the 1st Cavalry Division (air mobile), a 15,000-man division, has some 435 helicopters, the bulk of them Hueys. According to sources here, Walt intends to ask for two more squadrons, or about 50 new helicopters.

Walt could not assemble the support for an operation like Junction City, which began in War Zone C with about 32,000 American infantrymen, according to the publicity releases, even if he had the troops, which he does not. And in any case, the Junction City way is not the Marine way.

The questions the critics are asking now, with what appears to be a renewed enemy offensive in the First Corps, is whether the Marine strategy, given the nature of the area, is the right strategy. The critics, some of them military and some of them civilian and all of them in Saigon, have grave doubts.

Mr. MANSFIELD. Mr. President, I would suggest to my colleagues in the Senate that they read these two articles if they have not already done so because there is much food for thought in both of them and they present to us a realistic assessment of the situation which confronts this Nation and its allies in Vietnam. Neither article makes pleasant reading but I think it is in our best interests not to delude ourselves about what confronts us in Vietnam and to disabuse any ideas one may have that there is a quick, a cheap, or an easy way out of the difficulties in which we find ourselves in that struggle.

THE USE OF BATTLESHIPS IN THE VIETNAM WAR

Mr. HANSEN. Mr. President, one of the paradoxes of the war in Vietnam is that the more we employ our sophisticated weaponry, the more aware we become of the role of more conventional armaments. I think the expanding role of naval gunfire supports this premise.

Despite our arsenal of supersophisticated and largely untried weapons, we are finding in Vietnam a naval war more suitable to the gunnery and tactics of World War II and Korea.

Beginning on a small scale in May of 1965, the employment of naval gunfire for support, interdiction, and destruction has gradually expanded.

According to the U.S. Chief of Naval Operations, over 41,000 rounds—3-inch, 5-inch, 6-inch, and 8-inch—of projectiles and rockets were fired by U.S. ships during the month of November 1966 alone.

There have been a number of excellent statements made on the Senate floor and in committees, particularly by the distinguished chairman of the Senate Armed Services Committee, Mr. RUSSELL, and by my colleague from New Hampshire, Mr. McINTYRE, with respect to the employment of naval gunfire.

It would appear that these Senate statements and the incisive questioning of Secretary McNamara by Senator RUSSELL during Armed Services Committee hearings, led to the recent decision to employ the long rifles of our naval ships for the bombardment of targets in North Vietnam. This initial effort is apparently directed principally at interdiction targets, although there are clearly other potential targets that could be brought under attack by ship-based guns of all sizes.

I should like the indulgence of the Senate for a few minutes to discuss briefly the possible expansion of the use of our immense naval artillery capability and to suggest that the Pentagon ought to consider taking out of mothballs at least two of our largest ships of war—the battleship.

I want to make clear at the outset that I am not speaking as an authority on naval affairs, but as a Senator who had access to the same information and research facilities available to other Members of this body.

Most of what I shall say is taken from the public record.

I think it fair in view of the extent to which naval gunfire is now being employed in Vietnam, and in consideration of the acknowledged operational advantages of this type of fire support, to inquire—

First, whether the capability of U.S. naval forces to provide this type of support is sufficient for prospective tasks; and

Second, what steps might be taken to rectify any inadequacies?

When I visited Vietnam as Governor of Wyoming, it occurred to me that in our enchantment with the glamour of supersophisticated weapons in this nuclear age, we have tended to downgrade the importance of the more traditional weapons of war.

We have concentrated on sophisticating the atomic bomb when our actual need has been reinstating the iron bomb. We have concentrated on refined missile development on the sea, in the ground and in the air. This emphasis has been at the expense of conventional artillery, both land- and ship-based.

I am not prepared, Mr. President, to discuss the overall question of naval weaponry now and in the decades ahead. But there is one particular area of concern in the field of naval gunfire which is appropriate for discussion at this time.

In exploring this particular problem, it is useful to analyze the Korean experience, and the role of naval gunfire there. Over and above its primary role of attacking targets at sea and supporting amphibious operations, naval gunfire performed three important roles during the Korean conflict.

It was employed against fixed targets along the battlefield. It was used to secure the flanks of the United Nations battle line, and it was committed to the interdiction campaign, especially the rail lines and roads along the northeast coast of Korea. I am informed that in one 10-month period during 1951–52, naval guns carried out almost 25,000 fire missions.

Naval gunfire proved its worth in the Korean war. And yet upon the conclusion of that war, we resumed the process of deemphasizing naval gunfire. This deemphasis reached the point of a true gun gap, an often-heard term in naval circles. Had it not been for congressional and other concern over the deficiencies, we would probably be in an even worse position today than we actually are. The question is, have we done enough?

I think in our present preoccupation with operations in Vietnam, there has been an understandable tendency to examine our defense questions entirely in terms of that particular situation.

Certainly new requirements for naval gunfire support of operations in southeast Asia are an important consideration in determining the level for naval forces in various categories. But they are by no means, however, the sole determinant, if for no other reason than the continuing character of these operations cannot be forecast with any degree of certainty. And there is always the possibility of contingency operations in other areas, even if peace were to break out in Vietnam.

Historical experience and the logic of our strategic position would argue that we have not assigned sufficient propriety to naval gunfire generally. It would suggest further that we have elected not to exploit opportunities for augmenting our presently limited capability through the recommissioning of ships from the reserve fleet.

We presently have four battleships in mothballs—the *Iowa,* the *Missouri,* the *New Jersey,* and the *Wisconsin*—and in my judgment, at least two of these ships ought to be brought to operational status in the shortest possible time and at least one of them employed in Vietnam.

There are at least four sound reasons for this recommendation.

First. Many young airmen now dead would have been home safe, and many millions of dollars worth of aircraft production and pilot training would not have been wasted had appropriate targets in North Vietnam been brought under naval gunfire, rather than aerial attack. Certainly, 8-inch guns could have reached some of these targets. But even if our smaller ships had been employed they could not have packed the wallop of a battleship projectile.

Second. There is also the question of the soldier on the ground. I contend that not only could naval gunfire have saved the lives of aircrews but we could have driven the Vietcong from areas of infantry conflict and saved many of the lives lost in ground fighting. In no respect is this more important than in support of amphibious landing.

Third. Further, if we do not soon employ capital ships with their 16-inch guns and heavy armor, we may soon be losing our cruisers and destroyers to coastal gunfire.

Fourth. There are other military considerations of all-weather reliability and staying power, and psychological impact.

AIR STRIKES

First, to elaborate on the question of air strikes: I think it particularly tragic, Mr. President, that many of the 500 aircraft and crews we have lost over North Vietnam became casualties in attacks against targets that were within range of the 16-inch guns on American battleships. The exact number of such losses is classified. We have lost enough aircraft and had enough men killed in strikes against targets within battleship range to have justified the commissioning and manning of at least three battleships.

Statistics make rather cold reading, in comparison to bloodshed, and lives lost, but I feel that a few facts are in order to put the battleship question in proper perspective.

Depending on the aircraft for which he is being prepared, it can cost nearly $400,000 to train a jet pilot. The attack jet he will fly in Vietnam will cost about $2 million.

Best estimates are that it would cost between $16 and $27 million to recommission a battleship—the maximum equivalent of six to 10 planes and their air crews.

Annual operating costs would vary between $13 and $17½ million, depending upon the manning level and the degree of automation that might be employed in a newly recommissioned ship. This sounds like a great deal of money, and of course, it is. But it is a relative figure.

It is estimated that we are spending in the neighborhood of $70 to $75 million a day to control Communist aggression in Vietnam. On that basis, the activation of a battleship and its operation off the coast of Vietnam for a full year would carry a price tag equal to about one-half day of the war at its present level.

Mr. President, pilots flying over North Vietnam have told of the excellence of Hanoi's air defenses. In a truly remarkable speech that received surprisingly little national attention, Representative MELVIN LAIRD, of Wisconsin, told the House something of the state of these air defenses. Speaking on March 23, Congressman LAIRD said:

> There are about 120 Mig fighter planes in the North Vietnamese Air Force. Of these, about 20 are the latest version Mig 21 supersonic aircraft. Roughly comparable to our A-4, these Mig 21's would cost a minimum of around $1 million each. The less sophisticated Mig 19's would cost well over a half million dollars each.
>
> Let us consider the surface to air missiles supplied by the Soviet Union. The SA-2, which is largely the type presently deployed in North Vietnam—though some more sophisticated SAM's are beginning to come in—would probably cost $3 million for each SAM battery emplacement.

Mr. LAIRD went on to point out that:

> Public sources indicate conservatively that the surface to air missiles in North Vietnam are controlled by 20 to 25 radar units and are launched from 120 to 150 SAM launchers. A recent newspaper account—Washington Evening Star, December 18, 1966—told of 100 of these missiles having been fired during one raid. Estimates are that there have been more than 1,500 such missiles fired during the last year.
>
> On top of this, there are a minimum of 5,000 to 7,000 anti-aircraft guns in place in North Vietnam. Of these, some 3,000 represent the most modern Soviet installations of this type.
>
> Shells for these guns are not particularly expensive but they are used in very large quantities as our combat pilots can testify.
>
> In addition to the gun units themselves, there are more than 1,200 of these guns—ranging from 37 millimeter to 100 millimeter in size.

So spoke Representative LAIRD. Given the state of Hanoi's air defenses, it seems only elementary that in the words of Marine Col. Robert D. Heinl, Jr., writing in the September 1965 issue of U.S. Naval Institute Proceedings:

> The principle of economy of force, even that of cost-effectiveness, demands that air should be reserved for targets of high priority which cannot be attacked by any other means.

THE INFANTRYMAN

As I mentioned, there is a potential for a great saving of lives on the ground through naval gunfire. I quote now from the U.S. Naval Institute Proceedings of September 1966, and an article by Lt. Col. James B. Sopper, U.S. Marine Corps:

> It was disturbing to read the news reports of February and March, 1966 which referred to the central and northern coastal valley of South Vietnam that had been occupied by the Viet Cong with impunity for several years; a map clearly shows that most of these areas are within the effective range of the main batteries of the Iowa-class battleship. Undoubtedly, many casualties among the members of the First Cavalry Division and the III Marine Amphibious Force could have been prevented if these valleys had been subjected to months of steady, unremitting around-the-clock bombardment by the battleships prior to the actual assault of these areas by the ground force.

HANOI'S COASTAL GUNS

I mentioned also that several American ships have been hit by North Vietnamese coastal gunfire: The New York Times of March 27 carried the headline, "U.S. Destroyer Is Shelled by Foe." The story went on to describe the fire under which the destroyer *Osbourn* was brought on the 25th day of March. A Sunday's Times headline reported that "Shore Batteries in North Tear Hole in Main Deck of a U.S. Destroyer." The story stated:

> Shore batteries, scoring their second hit on a United States warship in two days, tore a one-and-a-half foot hole in the main deck of the destroyer *Turner Joy,* wounding at least one crewman. The destroyer *Waddel* was damaged Thursday in a similar attack.

Other American ships struck by Communist shore fire include the carrier *Canberra* and the destroyers *Keppler* and *O'Brien*.

American intelligence know the size and capacity of North Vietnamese coastal batteries. It is known that Hanoi's larger guns approximate the fire power of our cruisers and destroyers. But there is no artillery rifle in Hanoi's arsenal at the present time that could approach the maximum firing range of an American battleship. I say "at the present time" because the Chicago Tribune of March 26 carried the disturbing report that Chinese Communists are supplying North Vietnam with heavy coastal guns to counter American naval bombardment.

If North Vietnam achieves the artillery capacity to outslug the medium-weight weapons on our ships of destroyer and cruiser size, we may find the naval war in Vietnam escalating in a bloody and costly manner that we had hardly intended.

PSYCHOLOGICAL IMPACT

There are additional reasons for the recommissioning of a naval vessel of battleship size. Chief among these is the psychological impact that such action would have in Hanoi. Not since the Korean war have battleships sailed with our fleets.

Hanoi doubts America's resolve to continue a costly and indecisive war. Certainly she predicates her intransiency in part upon the supposition that the Johnson administration will tire of the war and sue for peace. The recommissioning of a battleship, which is a long-range and substantial commitment to a protracted war, would be a signal not easily misread in Hanoi or other capitals.

MILITARY ADVANCES

Heavy naval gunfire has a wealth of purely military advantages denied to Air Force and Naval planes. Once naval gunfire is locked in on the target it can deliver fire day and night, in fair weather or foul, with a degree of accuracy equaling or exceeding aerial bombardment. A naval projectile hurtling out of the skies onto a Communist target cannot be shot down, as can an aircraft.

Unlike an aircraft which takes off for a strike at a target, the artillery projectile is expended the moment it is fired. Economies are not predicated on its return and reuse. No lives are lost in carrying it to its target.

Naval bombardment, in terms of blood and dollars, continues to be the most economical means for delivering explosives onto a target, but it is a form to which we are giving the least attention in our military activity in Vietnam.

FACTORS AGAINST THE BATTLESHIP

There are factors militating against use of battleships. As has been pointed out by Senators and by the Pentagon, there is the problem of locating personnel with special skills required to man the battleship The active naval establishment no longer includes all the gunner's mates and turret captains required. There are difficulties in connection with the necessary support facilities, such as gun tube manufacture and repair. There seems little doubt, however, that ways could be found to overcome these problems, were it decided to recommission one or more battleships. As acknowledged by Secretary McNamara in questioning by Senator RUSSELL last year:

> Activating a battleship presents problems but they are not insurmountable.

The question of personnel to man the ships came up also in another hearing on a defense appropriations bill during which this colloquy with the Chief of Naval Operations took place:

> Chairman RUSSELL. Do you have any personnel left in the Navy that would know anything about naval guns?
>
> Admiral McDONALD. Yes, sir. Even 16-inch men I think, Mr. Chairman.

TIME ELEMENT AND CONTINGENCIES

There is also the question of the time element for recommissioning a battleship as compared to the possibility that peace might break out in Vietnam. I think the argument favors the battleship, regardless of the course of the Vietnam war, because of the other contingencies which could easily arise. Authorities on Asian affairs have pointed out that a second or third Vietnam might occur before southeast Asia is stabilized.

One may hope the conflict in Vietnam might be resolved prior to the recommissioning of a battleship. Prudence demands, however, that we prepare for all possibilities. Moreover, simply by proceeding with the program to reinstate the battleship in our fleet, we are reaffirming our solemn resolve to undertake whatever steps might be required to bring the conflict to a satisfactory settlement, no matter how long this might take.

As we look to future contingencies, and to possible second and third Vietnams, the argument for recommissioning the battleship appears not to be predicated on the present war alone. We should proceed on the basis that heavy naval gunfire is likely to be a standing requirement for the foreseeable future, until such time as other types of ship-based systems are able to perform these essential tasks.

Mr. President, I will yield to no man in my earnest hope that we might someday be able to beat our swords into plowshares and live always at peace with our fellow man. But that day is not at hand. If we look about us at what is probable rather than what is possible, I think we shall see the indices of more so-called wars of national liberation choregraphed by Hanoi, Moscow, or Peking. The so-called underdeveloped world, particularly in Asia, seems to be the breeding ground for this type of conflict. Unless Vietnam should turn out to be the epical war that will end all wars, the rimlands of Eurasia will continue to be an area of principal concern to our military planners.

And it is this area that we should secure, defend and protect by powerful, deep-penetrating naval gunfire. These areas are subject to the influence of maritime power generally, and naval gunfire in particular. First Korea, and now Vietnam illustrate this geo-strategic situation.

One can look at a map of Vietnam and see that the principal highway which connects both halves of the wartorn country, National Route One, could come under naval gunfire for almost its entire length. Indeed there are places where almost half of North Vietnam on a north-south axis could come under the main batteries of battleships.

If a decision is made that we will move against the Communist harbor sanctuary at Haiphong, heavy naval gunfire operating in the Gulf of Tonkin would be one way of closing that harbor. The enormous advantage in range and projectile weight enjoyed by battleships could be crucial if our Navy were ordered to close Haiphong.

As Senator RUSSELL told the Senate on February 23, there are between 500 and 600 targets that could be effectively reached by naval gunfire. Under the present conditions there, this could be done without the loss of a single airplane, a single pilot, or a single American boy. The Senator's remarks were delivered, I might note, prior to the decision by the administration that naval bombardment on a limited basis would be initiated against targets in North Vietnam.

TWO OR ONE

We could contribute greatly to our naval strength in Vietnam through the recommissioning of only one battleship. But I suggest that two be recommissioned for Vietnam now, and for postwar operations with the Atlantic and Pacific fleets. As a first step, I believe a decision ought to be made with the least possible delay to bring at least one battleship to a state of readiness that would permit recommissioning in 30 to 45 days. This could create an option for later determination whether to proceed with activation. The cost of taking this first step seems more than justified based on Vietnam considerations alone.

MISSILES

Mr. President, I have mentioned nothing about the role of the ship-based surface-to-surface missile as a substitute for naval gunfire and I don't think this is the proper place for the full development of this topic. It has been estimated that at certain ranges, it would cost about 50 times as much to neutralize a given area with missiles as with naval guns and bombardment rockets. At such time as missiles are developed to the point where they truly represent an appropriate replacement of ship's guns, this entire matter would take examination. However, this day has not yet arrived and our error in the past has been to eliminate the heavy gun from the active fleet before the successor weapons were at hand.

In contrast, the battleship is available at the end of a recommissioning procedure. The stores of ammunition for the biggest of its guns are available now, although this ammunition would require some reworking. The stocks are ample. A decision now to proceed with recommissioning of the battleship would provide a much-needed military capability over the long haul and at a cost far below surface-to-surface missiles or air strikes.

SUMMATION

In summation, then, Mr. President, I feel that the war in Vietnam and the very likely possibility that there will be future wars of a similar type, indicates the necessity for the recommissioning of at least one and possibly two battleships to join our active fleets. The lives lost in airstrikes against targets within the range of battleship guns and the tremendous cost of such strikes in dollars and cents would more than equal the cost of recommissioning and manning the ships—three such ships, in fact.

The vulnerability of enemy targets in coastal areas would permit naval gunfire to substitute for airstrikes and save both lives and dollars in the air. This, in time, would free our aircraft from jobs suitable for naval rifles and permit their utilization on the proper targets—those unsuitable for a ship's gun.

Heavy naval rifles in our active fleets could save lives on the ground by providing landing support and softening up areas adjacent to the sea which are planned for infantry action.

The presence of battleships and their long, heavy guns in our active fleet could well save our cruisers and destroyers and the lives of naval personnel aboard by providing a match for the heavy coastal batteries which, in all likelihood, will be constructed or perhaps are being constructed along the coast of North Vietnam.

Powerful naval gunfire would provide an all-weather, around-the-clock interdiction and destruction capability which is now beyond the scope of air power. And it could provide continuous, disruptive fire to prevent the reconstruction of targets previously destroyed by air or naval bombardment.

The presence of battleships in our fleet, and the ever-present possibility of heavy naval bombardment along the communication centers of coastal Vietnam and other lesser developed countries could provide a powerful psychological impact for the benefit of friend and the intimidation of foe.

Some of these points seem to be supported in an article by the reputable military affairs writer for the New York Times, Mr. Hanson Baldwin, who wrote in an article published Sunday:

> Many naval officers say privately that the Navy went too far too fast in converting its gunned ships to missiles and that Vietnam demonstrated conclusively that more guns were needed in a balanced fleet.

Mr. Baldwin states also that "the long range would permit a battleship to stand well off the coast, beyond the range of North Vietnamese shore batteries"; a fact that carries considerable weight as our cruisers and destroyers receive hits from counter battery fire with ever increasing frequency.

I ask, Mr. President, that Mr. Baldwin's article be printed in its entirety at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **HANSEN**. Mr. President, we have the finest men and machines of any military establishment in the world. Our military accomplishments in Vietnam, viewed in the context of our political limitations, speak for themselves.

Until recently, the principal orientation of our Navy under Secretary McNamara, was toward the deterrence of total war.

A navy unprepared to cope with the middle ground between peace and total war can as readily be a magnet for Armageddon as a deterrent to it. A navy designed for nothing less than total destruction is of little value in support of a limited war fought largely on the territory of an ally.

The war in Vietnam makes one fact clear: We need a more flexible and intermediary naval capability. The battleship provides such a capability.

The Pentagon has now taken cognizance of the gun gap which has limited the Navy's role. Now is the time for an extension of this policy by the recommissioning of battleships to deliver the heavy, deeper penetrating firepower presently denied us.

In my judgment, the employment in Vietnam of battleships and their 16-inch rifles would save many lives and in the long run, many dollars.

EXHIBIT 1

BATTLESHIP USE IN VIETNAM CONSIDERED BY McNAMARA

(By Hanson W. Baldwin)

WASHINGTON, April 7.—Warships from another age of sea power may join United States naval forces off Vietnam after a new study of gunfire support requirements has been completed in the Pentagon.

The new study, just ordered by Secretary of Defense Robert S. McNamara, is considering the recommissioning of one of two of the four 16-inch-gun battleships in the Navy's reserve fleet.

A prior Navy study, which was sent back to the Secretary of the Navy for reconsideration recently, had recommended the recommissioning of two more 8-inch-gun cruisers—instead of the battleships—to assist in shore bombardment operations in Vietnam.

The Navy is split on the battleship issue. And the chief of naval operations, a naval aviator, Adm. David L. McDonald, has opposed recommissioning a battleship in the past.

MANPOWER A FACTOR

Various suggestions that some battleships be recommissioned to bring the heavy firepower and long range of their big guns to bear in Vietnam have foundered on the basis of targets, costs and manpower.

One high-ranking naval officer is being quoted in Washington as describing battleships as "antediluvian monsters out of the dark age of naval power."

But other officers, notably Vice Adm. John S. McCain, commander of the Eastern sea frontier, have long urged the recommissioning of one or more battleships for shore bombardment and as commando-type ships.

These would be equipped with helicopters, a small Marine landing force and a command and control communications system—a kind of amphibious landing threat compressed into one ship. The Marines have solidly supported the relatively few naval officers who have urged the recommissioning of a battleship.

However, it was not until the White House gave the Navy permission to use its guns against coastal targets in North Vietnam that the arguments for a 16-inch gun, as compared to the 5-inch, 6-inch and 8-inch naval guns now available, won some support at high levels in the Defense Department.

Proponents of the battleship are encouraged by Mr. McNamara's action in ordering a new study of naval gunfire requirements. Many naval officers say privately that the Navy went too far too fast in converting its gunned ships to missiles and that Vietnam demonstrated conclusively that more guns were needed in a balanced fleet.

However, the yardsticks against which the utility of the battleship will be judged are its targets.

Gunfire can be directed against map targets or fixed grid coordinates, such as crossroads and bridges; or against coastal targets that can be "seen" by radar without the need of spotting aircraft. But against targets well inland—particularly against so-called "targets of opportunity" such as a truck convoy—spotting planes would be necessary to insure accuracy.

SHORE GUNS NEUTRALIZED

The bigger the gun and the longer the range the more targets that can be brought under fire. (The long range, moreover, would permit a battleship to stand well off the coast, beyond the range of North Vietnamese shore batteries.)

The United States has retained four battleships of the Iowa class of World War II in its reserve fleet, each with nine 16-inch guns. The Missouri is laid up in the Bremerton Navy Yard on the west coast; the Iowa, Wisconsin and New Jersey are in the Philadelphia Navy Yard.

Navy sources say there is an ample supply of 16-inch, high capacity, 2,400-pound shells in storage. The powder, which is old, would have to be reworked, but at slight cost. Eight-inch gun ammunition, on the other hand, is still in production, so that the costs of the ammunition would be added to the costs of recommissioning the 8-inch gun cruisers.

Recommissioned battleships would have to be furnished with new electronic equipment, and thoroughly overhauled; the cost for a ship is estimated at $11-million to $25-million.

They would require crews, if fully manned, of about 3,500 men, but suggestions to secure one boiler room and to leave undermanned some secondary battery guns are under study. Some observers believe that the ships could be operated safely with as few as 1,100 men each.

The time required to take battleships or cruisers out of "mothballs"—the Navy's name for the plastic cocoons, the cosmoline and other preservatives that protect inactive ships—to modernize them and to assemble and train their crews would be measured in months, probably more for a battleship than a cruiser.

Navy spokesmen said nine to 16 months might elapse before a battleship could be in action off Vietnam after being recommissioned.

Because of this time element, the Navy is pressing for a quick decision.

CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the bill (S. 303) to amend the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, and for other purposes, which was to strike out all after the enacting clause and insert:

> That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended (76 Stat. 171), is hereby amended to read as follows:
>
> "SEC. 2. There are authorized to be appropriated not to exceed $25,000,000 for fiscal year 1967 and $35,000,000 for each of the fiscal years 1968 and 1969, to remain available until expended, to carry out the provisions of this Act and to provide for a program of necessary capital improvements and public works related to health, education, utilities, highways, transportation facilities, communications, and public buildings: *Provided*, That except for funds appropriated for the activities of the Peace Corps no funds appropriated by any Act shall be used for administration of the Trust Territory of the Pacific Islands except as may be specifically authorized by law."

Mr. **MUSKIE**. Mr. President, I move that the Senate disagree to the House amendment, and request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. BURDICK, and Mr. KUCHEL conferees on the part of the Senate.

INVESTMENT TAX CREDIT

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The **PRESIDING OFFICER**. Without objection, the Chair lays before the Senate the unfinished business, which is H.R. 6950.

The Senate resumed the consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **LONG** of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

MY POSITION ON THE GORE AMENDMENT AND ON THE INVESTMENT CREDIT BILL AND THE GORE AMENDMENT

Mr. **LONG** of Louisiana. Mr. President, it is well that everyone, both inside and outside the Senate Chamber, should understand that the effort to hang the Gore amendment on the investment tax credit bill is seriously jeopardizing that bill's chances to become law.

As chairman of the Committee on Finance, I have stated repeatedly to Senators that I am ready to give assurances that the committee will hold hearings in the legislative area of the Presidential Election Campaign Fund Act, as well as proposals to amend or repeal it, and that the committee will report its recommendations to the Senate, provided that the Senate shows the committee and its chairman the courtesy of according us such time as we require to do a responsible and thorough job of considering every Senator's suggestions, as well as the recommendations which can be expected to come from the President.

If no such courtesy is to be shown to me and my committee, then I do not care to make any such commitments as I have mentioned above, nor do I feel inclined to accord to other committee chairmen courtesies which they decline to show me.

By "other committee chairmen," I mean those who are presently chairmen or those who would in the future become chairmen should the Republican side of the aisle provide chairmen to add to the next election.

Should the Senate see fit to run roughshod over this Senator and his committee, then I shall urge the House to decline to accept the Senate version of the bill, and should the House do so, in spite of his efforts, I shall ask the President to veto the bill.

Failure to enact a bill restoring the investment tax credit would indeed be a signal victory for the Senator from Tennessee [Mr. GORE], who has steadfastly opposed the investment tax credit every step of the way since it was first proposed. The Senator from Tennessee [Mr. GORE], having opposed the investment tax credit, having opposed efforts to liberalize it, having supported the effort to suspend it, now has before us an amendment which could kill the bill.

Should the Gore amendment be accepted by the Senate, I would deem it my duty to nominate the Senator from Tennessee as a conferee, together with enough Senators to assure that the Gore amendment could not be dropped so long as the Senator from Tennessee remained adamant in his position.

Thus far, the Senator from Tennessee has participated in two major conferences on Finance Committee matters between the Senate and the House of Representatives. One was on a big social security bill; the other on an unemployment insurance bill. In both cases, the bills died in conference. Should the same result occur in this instance, the Senator from Tennessee could, in good conscience, feel that he has accomplished a great national service, having contended for almost 6 years that the investment tax credit was a very bad idea, that it should never have been enacted, and that it should be killed at the earliest moment. From the point of view of the Senator from Tennessee, he would have achieved at least half of his principal objective.

If American business wants the investment tax credit, it would do well to decide whether its chances are better following GORE, who has steadfastly opposed it, or following LONG, who has managed the previous investment tax credit bills. Should the Gore amendment be accepted, it opens the gate to a bevy of other amendments which could provide the final nails for the bill's coffin.

I for one, am going to hold this bill to the limited objective of restoring the investment tax credit, if that is what the Senate wants to do. I am willing to assure Senators the chance to offer extraneous amendments to other bills at a later date, if that is what they want. I challenge any Senator to stand on this floor and say that I have not kept my word when I have offered assurances of this kind. If this good-faith offer finds less than a majority of the Senate willing to accept it, then I shall chart my course to fit the conduct of the majority and open the bill to any other extraneous amendments.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. LAUSCHE. The Senator seems to object to the act of the Senator from Tennessee and the Senator from Delaware in offering an amendment to what is supposedly a proposal that meets with general acceptance. Perhaps his condemnation of the effort of the Senator from Tennessee and the Senator from Delaware is sound, but I ask the Senator from Louisiana on what theory he offered the "Christmas tree" amendments to the bill a few months ago that started on a sound base and ended by granting a lot of plums to a lot of privileged taxpayers.

Mr. LONG of Louisiana. The base for the "Christmas tree" bill was started in just this type of situation: A Senator would come to me with an amendment which he felt was a good amendment. I would say to him, "If you offer the amendment now, it might cause the bill to be delayed. It might imperil the fate of that bill. Please hold off for a while. I promise that at a subsequent date we will find a bill which I am sure the President will sign and to which you can offer an amendment in committee, or we will not object to your offering an amendment to the bill on the floor of the Senate."

Having done that, having asked Senators to keep amendments off the bill to continue the debt ceiling, having asked them to keep amendments off the excise tax bill, or off a number of other major bills, which the President would have to sign, which he believed the national interest required him to sign, and which he would be loath to veto, it was then felt that the foreign investments bill would be an appropriate bill to which to offer amendments. If the President had thought that the Long amendment at that time was a bad proposal, he could have vetoed his own recommendation, the foreign investors bill, and killed the Long amendment with it. It was felt that it was a fair proposal to offer an amendment to a bill which the President recommended, one which he wanted to sign, but one which he could veto if worse came to worse.

Mr. LAUSCHE. Did not the Senator from Louisiana offer amendments, which were accepted, providing tax relief to harvesters of clamshells and oystershells and also providing $30 million to each of the two major parties in an election year?

Mr. LONG of Louisiana. After the committee considered the proposal. There were hearings on it before the committee. Everyone who wanted to testify on my proposal had a right to testify before the committee, be heard, explain his argument, and have the other side of the argument debated and understood. Having conducted hearings, having studied the proposal, and having recommended it, the committee reported what it thought the Senate should do.

Please understand that we were attaching to that bill amendments which we well understood might kill the bill. I did not explain that bill in any other way. In fact, it was not the amendment which the Senator from Ohio has in mind that most threatened that bill; it was H.R. 10, because that was the measure the administration had been fighting for years. At the same time, it was an appropriate bill to which a Senator could offer an amendment which might get a majority of votes in the Senate.

As far as I am concerned, I would prefer that the pending amendment not be attached to this bill, but that we be given the opportunity to have hearings on it. I do not remember when we have denied a committee chairman the right to undertake hearings. I have never undertaken to deny a chairman that opportunity. I have never attempted to downgrade or chain a committee chairman or deny the right of a chairman of a committee to conduct a hearing and bring before the Senate what a majority of his committee recommended—not necessarily what he wanted to do, but what a majority of the committee wanted to do. That is the principle the Senate has usually proceeded on.

Mr. LAUSCHE. Mr. President, will the Senator further yield?

Mr. LONG of Louisiana. I yield.

Mr. LAUSCHE. The principle involved is attaching to a much needed bill amendments which are of a doubtful character. The President needed greatly the lifting of the debt ceiling. He had to have it; otherwise, there would have been a default on about $50 billion worth of obligations. But the Senator from Louisiana attached to that much desired bill certain amendments that were of a doubtful or challengeable character. So the President either had to reject his much needed proposal or accept his good proposal with a bad proposal.

Mr. LONG of Louisiana. The Senator is in error. I hope he will follow me carefully, because I thought I had explained the situation previously.

I persuaded Senators not to offer their controversial amendments——

Mr. LAUSCHE. On the floor of the Senate.

Mr. LONG of Louisiana. On the floor of the Senate.

Mr. LAUSCHE. What about in committee?

Mr. LONG of Louisiana. In some instances, in the committee, too. Let me try to explain. For a year I steadfastly persuaded Senators not to offer their pet amendments to bills which I felt the President would almost have to sign, such as the bill to continue or to extend the debt ceiling, or the excise tax bill. Having persuaded them not to offer those amendments to bills which the President had recommended and which I felt he would almost necessarily have to sign, I told them I would accord them the opportunity, if they cooperated with me, to offer their amendments to a bill which the President would like to have, but which would not do a great deal of harm to the national interest if the President found it necessary to veto.

Having done that, we then proceeded to say, "All right, here is the Foreign Investment Tax Act. If it never becomes law, it will not do a great deal of harm. The President thinks it is a good bill, the majority of the Senate will think it is a good bill, the majority of the House thinks it is a good bill, but if it should become bogged down with some amendment we think is a terrible or impossible amendment, fine, we can just go ahead and junk the whole thing and forget about it until next year. Or, in the last analysis, if it was a very bad bill, the President could say, "I'm sorry, I cannot sign this bill," and veto it.

What happened on that bill? The amendment to which the Senator refers, with which he disagrees—I hope to amend the bill to make the Senator happy about it, but the campaign fund amendment we are discussing——

Mr. LAUSCHE. May I ask the Senator a question? The amendment providing for the $30 million for each political party to conduct presidential campaigns was offered and accepted in committee, was it not?

Mr. LONG of Louisiana. After hearings and testimony, and very considerable discussion, we offered it on the foreign investors' bill, with other amendments. We know the foreign investors' bill would be in trouble with that amendment on it, because there is at least one Senator on the committee who could be expected to oppose the bill and do all in his power to impede its passage if that Long amendment were agreed to. But we felt that if the bill never became law, no great harm would be done.

So we brought the bill to the floor with that amendment, and the Senate passed it. When the President signed the bill, he said he thought the Long amendment was a very good amendment as far as it went. I would like to see it improved upon; I would like to see it studied; I would like to see it expanded. That is what I am trying to do. The President said it was good as far as it went, and appointed some political scientists to study the matter and make suggestions to him as to how it might be improved to meet this national problem. Having done that, he then pointed out a number of amendments that he thought were bad amendments, that he regretted having to sign into law. Those were not the amendments I offered. The one he most objected to was one I opposed as strongly as I knew how to oppose it, but it was nevertheless agreed to in the House and in the Senate. The Secretary of the Treasury, who was against that amendment, having fought it through the years, nevertheless urged the President to sign the bill, because he felt the good that was in the bill—which incidentally included my amendment—so far outweighed the mischief of that H.R. 10 proposition that he urged the President to go ahead and sign the bill, stating that he thought, on balance, it was a good law.

From the point of view of the President, the Secretary of the Treasury, and a majority of the members of the Committee on Finance, it was not the Senator from Louisiana who was forcing the President to sign a bad bill into law; it was those who managed to obtain a majority of the votes for that H.R. 10 proposition with regard to self-employed people, who we thought were already treated fairly well, but who wanted better tax treatment than they were getting.

All I am asking for is that the committee having jurisdiction to study the matter be given an opportunity to look into it and recommend to the Senate whatever a majority of the committee thinks should be done. That is fine as far as the Senator from Louisiana is concerned. If the Senator sees fit to accept my good-faith assurance that if the Senator will accord me that courtesy, which I would accord any other committee chairman, I promise him that if I can bring it about, we will bring a bill out here that represents the best judgment of the men who have studied this matter. That is how the committee system is supposed to work. If we are not to be shown that consideration; if the committee chairman, standing here speaking for himself and a majority of his committee, is to be denied the right to conduct a hearing before someone says, "We will defeat a proposal your committee felt was a good proposal and the President felt was a good proposal, and we will not even show you the courtesy and the dignity of letting you conduct a hearing on the matter," my reaction is that that is going to imperil this bill, because this Senator somewhat resents being subjected to indignities to which he would not subject other Senators. I believe the Senator from Ohio, under the same circumstances, would feel the same way.

Mr. LAUSCHE. I recognize the absolute sincerity of the Senator from Louisiana in the views he expresses; but I must point out, Mr. President, that the bill to which the $60 million gift—$30 million to each of the political parties—was attached was a must bill. It had to be passed, and the President could not have vetoed it regardless how bad the amendments which were added to it.

The defense is that the Senator's amendment which gave $30 million to each of the political parties to be used in presidential election years was added in the committee. The moment the Senator from Louisiana added that in the committee, other Senators who had particular objectives began offering their amendments on the floor. They were motivated by the belief that the President had to sign this main bill, regardless of the badness and the weakness of the amendments that were attached to it.

Mr. LONG of Louisiana. Well, Mr. President——

Mr. LAUSCHE. What did we come up with?

Mr. LONG of Louisiana. Mr. President, I believe I have the floor.

The **PRESIDING OFFICER.** The Senator from Louisiana has the floor.

Mr. LONG of Louisiana. I have the floor, and I should like the Senator from Ohio to hear my response to what he has had to say.

Mr. LAUSCHE. I listened to the Senator from Louisiana in his lengthy answer to my question.

Mr. LONG of Louisiana. But I thought I had the floor.

Mr. LAUSCHE. I agree that the Senator has the floor.

Mr. LONG of Louisiana. Before the Senator gets carried away with accusing me of doing something, I say that he is of the impression I did something which I did not do, and I wish he would hear my response to what he has already said, which is that it was not my idea to put my campaign financing plan on a bill that the President would have to sign, in the absence of which the country might come to an end. My plan was to study the matter and put it on a bill which the President need not necessarily sign. The Senator from Delaware [Mr. WILLIAMS] found that the President had recommended to us the $100 deduction plan, so he added it to a major bill, I think it was a bill to continue and extend the debt limit. Without that bill, the country could not have paid its debts.

Mr. LAUSCHE. That is correct.

Mr. LONG of Louisiana. The Senator came out here on that bill and offered his amendment to see that everybody gets a $100 deduction if he makes a political contribution.

I opposed it. I said at that time, "If you will give the committee an opportunity to conduct hearings, we will conduct hearings on the $100 deduction plan; we will conduct hearings on everybody else's plan. While we are at it, I would like to have the committee take a look at my plan to permit everybody to pay $1 into a campaign fund—one person, $1. Why not look at my plan while you are looking at everybody else's plan?" So I submitted my plan and made a speech explaining it.

The Senate voted with me to reject the Williams amendment, so that the President would not be forced to sign a campaign fund rider on a debt-extension bill. Otherwise, the Government could not pay its bills.

Mr. LAUSCHE. That defeated the Williams amendment?

Mr. LONG of Louisiana. Yes. I kept my word. I conducted hearings on the Williams amendment. The Senator from Kentucky [Mr. MORTON] testified for the Morton amendment.

We said we would invite organized labor and everyone else who thought he had something to offer to come before the Committee on Finance to testify. I am sorry there were not more witnesses to testify. Apparently, they did not realize that I meant business.

Mr. LAUSCHE. What matter was that?

Mr. LONG of Louisiana. The campaign-financing plan.

Mr. LAUSCHE. The $1 a year plan?

Mr. LONG of Louisiana. Whether it was to be $1 or $100. We were going to consider every one of them, so that everybody would have a chance to have his plan voted on. So the committee conducted hearings.

Keep in mind that these amendments had to be attached to a revenue bill, otherwise the Committee on Finance would not have had jurisdiction. The amendments had to relate either to cutting or to raising taxes, otherwise the committee would not have had jurisdiction.

So having conducted the hearings and having studied the matter in great depth, the committee proceeded to discuss the proposal and to vote on it, not as a separate piece of legislation, but as an amendment because, under the Constitution, revenue bills must originate in the House. So it was necessary to find a revenue bill to amend, because we could not originate a separate revenue bill ourselves. Under the Constitution, the Senate is forbidden to do that.

We then looked around and said, "Here is a bill which will carry such an amendment. Amendments will be offered to the foreign investors tax bill, so I will offer the amendment to that bill." I chose that bill as the one which would be the carrier, we might say, of whatever amendment the Senate saw fit to vote for in this area. So we offered the amendment to that bill.

Other Senators had ideas. It was late in the session. As I once put it, this was "the last train through the station." I had been asking Senators to hold their amendments for this bill. If the Senator from Ohio had an amendment that he might have thought was the finest piece of tax legislation that the mind of man could devise, and if he had been waiting for the proper time to offer it, this bill was "the last train through the station." If he did not offer his amendment then, I had nevertheless kept my word to him.

So, I did exactly that and told everyone: "Offer your amendment, if that is what you want to do."

One of the first amendments offered to the bill was that of the Senator from Delaware [Mr. WILLIAMS]. The Senator from Delaware offered an amendment that had been known as the Saltonstall amendment for years. Former Senator Saltonstall wanted an accurate accounting of all contingent liabilities of the Government. That was one of the first things we voted on in the committee.

So, on the motion of the Senator from Delaware we added the Saltonstall amendment. We then added another amendment and then another and then others. Each amendment that was added was one that could command a majority vote of the committee.

After they had been voted on, we then reported the bill and the Senate voted time and again on the parts of the bill that it wanted to keep and the parts that it wanted to reject.

After the Senate had done its will, we then took that measure to conference and asked the Members of the House what parts could we agree on. They told us and we agreed to those parts.

We then came back and discussed the matter on the Senate floor and agreed to our own handiwork, the parts that the House was willing to agree to.

At least one Senator was of the opinion that the conference report ought to be filibustered because there were two things in the bill that he found very objectionable. However, we did succeed in bringing the matter to a vote. Everything in the bill was something that could command the majority vote of the Senate, or else a motion to strike it out would have been successful.

Everything in the bill could muster on balance a majority vote in the House, and it did.

Mr. LAUSCHE. Mr. President, may I ask the Senator how many amendments were offered to the bill in addition to the $60 million gift to the two political parties. There were about 10, were there not?

Mr. LONG of Louisiana. I have no idea. However, there were a great many of them—probably more than a hundred.

In the Revenue Act of 1964, of which I was privileged to be floor manager, there were more than 100 substantive amendments agreed to, and we rejected approximately 100. There were a lot more amendments to that bill than there are to this bill.

In the Social Security Act of 1965, the one that included the medicare amendment, we had 502 Senate amendments. Many of them were technical, but there were at least 100 important substantive amendments to the social security bill when it was passed.

There is nothing unusual about the Senate amending a bill.

Mr. LAUSCHE. Mr. President, will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. LAUSCHE. Mr. President, I think the Senator from Louisiana cannot escape the weakness of his position. I point out to him that he admits that in the pending bill the provision relating to the $60 million gift, $30 million to each of the two political parties, is weak in its structure, because he is now proposing to amend that provision.

The Senator indicates by his confession that it should be amended; that what was done was done hastily and without adequate consideration.

I pointed out on the floor of the Senate that the Democratic and Republican political parties, after they had received $30 million each from the public Treasury, would still have the unlimited right to solicit contributions from every imaginable source. They would begin with that nest egg.

Mr. LONG of Louisiana. Mr. President, I believe I have the floor.

Mr. LAUSCHE. Mr. President, if the Senator will not permit me to finish my statement, I will wait until he yields the floor.

Mr. LONG of Louisiana. Mr. President, I should appreciate that. I want to respond to what the Senator has said. He stated that this sum would constitute a $60 million gift to the two political parties.

The law at present provides that every taxpayer may mark on his tax return whether he would like to contribute $1 of his tax money to finance the two major political parties campaign for President or, for that matter, to help to finance a third party if that party can muster more than 5 million votes.

All we have is a mere authorization. An appropriation would still be required. After the taxpayer requested of Congress that $1 of his tax money be paid to help finance the campaigns, Congress would then have to appropriate the money to fulfill the request of the American taxpayers who, after all, own the Government and would pay for it.

Having done that and having said that this is the way to help finance both sides, everything is then spelled out. Every nickel would be accounted for to the utmost detail. We are providing the additional safeguard suggested by the Senator from Connecticut [Mr. RIBICOFF]. I am pleased to support his amendment; I think it is a fine idea.

The Senator from Ohio said that this action was taken hastily. The approach taken in this matter is something that I have been studying for 3 or 4 years.

Mr. LAUSCHE. Why is the Senator now proposing major amendments to what he suggested when the bill was passed?

Mr. LONG of Louisiana. Mr. President, I shall explain that. I should like to respond to the questions one at a time. The Senator from Ohio makes so many statements that it is almost impossible for me to keep them all in mind or to respond to them unless he will show me the courtesy of allowing me to answer his questions as they are asked.

What was the Senator's last question?

Mr. LAUSCHE. The last question concerned why the Senator from Louisiana is now proposing major amendments to the amendment which he offered 2 years ago.

Mr. LONG of Louisiana. Mr. President, I am pleased to respond to the question.

At the time we worked on this measure, we did the best we could.

I spent about 4 years thinking about the matter. We had the benefit of testimony and suggestions, and we had the assistance of intelligent people like former Senator Douglas of Illinois, who said: "It seems to me that it would be better to do it this way."

The committee, working together, agreed to amendments that it thought were appropriate.

When the President signed the bill he said that in his judgment the bill could be improved upon. He said: "It is good as far as it goes, but I would like to see it improved upon." He wanted recommendations on how to improve upon it, and he would then make recommendations.

Mr. LAUSCHE. He has not yet made them.

Mr. LONG of Louisiana. He has not made them yet. He appointed an outstanding man, Dr. Neustadt, who is the man that was hired by the Kennedy Foundation to advise the Kennedys.

Dr. Neustadt has been making a study of this matter along with other outstanding political scientists.

I talked to Dr. Neustadt to see what he thinks about the matter.

The two most significant amendments that Dr. Neustadt will recommend—if he thinks when he talks to the President the way he was thinking when he talked to me—will be that it would be a good idea to provide that a candidate would elect whether he wants to accept these private contributions, and if he elects to accept them, he would not have available to him the so-called $30 million gift to which the Senator refers.

So he could not have it both ways. If that is something I have proposed in my bill, S. 1407. I would anticipate that that would be one of the Neustadt recommendations, because that is the impression I gained by talking to Mr. Neustadt informally.

Another recommendation would be that if these parties are going to take $30 million and have no more available to them, then they should know that the $30 million is really going to be there. That is why it has been suggested by some that instead of having this checkoff on the income tax return, it might be well for Congress to provide an appropriation every fourth year and to say that this money will be available. I do not know whether the Senate will wish to do that.

If I were the Republican Party, I would think a long time before I would agree to that method, because in the average presidential campaign year the Republican Party has had about four times as much money to spend as the Democratic Party; and the Republican Party might well be foregoing a very important advantage that it has historically possessed, were it to agree to that amendment.

But that is a suggestion that has been made, and I have suggested it in the Senate. So, here is what we have. We have done the best we could, with 3 or 4 months to study and work on the matter, and it has been studied for 6 months more by some of the ablest people in the country.

With regard to the other improvements that might be made, I believe that one of the recommendations might parallel what the Senator from Connecticut [Mr. RIBICOFF] has suggested. Most of the other amendments that would be suggested to the basic legislation would be merely clarifying and technical amendments.

For example, someone asked, "What does this have to do with the $3 million limitation on what a party can spend?"

Nobody is limiting himself to $3 million now. That law is a dead letter, and that law does not affect this act. We have carefully analyzed that law, and our lawyers tell us that it has nothing to do with this legislation. If it will make somebody happy to have in this legislation the statement that the $3 million provision has nothing to do with it, we will do so.

Then they say: "Suppose somebody should steal that money? How would you know that the man couldn't steal it and get away with it—steal his own campaign funds?"

We say: "Here's the law, a statute, that says that you go to jail for 5 years and pay a $10,000 fine if you steal some of that money, in addition to having to restore that money. We put the law in the record for you, but in the event that you still are not satisfied, we will write a similar penalty and put the amendment in the law. If you can't see it and you really don't realize that this present penalty is applicable by reference, we will put one in this legislation. We will write it down three, four, five, or six times, if that is what it takes for you to be satisfied about that particular matter."

Then the question is asked, "Does this act apply to the Vice President as well as to the President?" The answer is, "Yes. We believed that this would be crystal clear from a reading of the act; but since it doesn't say so, we'll write it down here, if that will satisfy you."

At least three important amendments should be considered in connection with this legislation. They should be considered by the committee studying this matter as a responsible committee of the Senate, and then the committee should put forth its best recommendations.

Mr. LAUSCHE. I believe that the Senator from Louisiana has rather accurately related the chronological happening of the facts, but he has clearly demonstrated that when the measure was passed, inadequate consideration was given to its far-reaching ramifications.

The Senator concedes that three important amendments are necessary. That concession demonstrates that when the committee adopted the proposal to grant $30 million to each party, it did not search through the labyrinth of difficulties that would arise. He concedes that if a party accepts the $30 million, it should not accept any other money. That provision is not now in the law. One may wonder why it was not included in the bill when it was passed.

In my judgment, the law as it now stands, giving a nest egg of $30 million in presidential election years to each of the parties and allowing them to solicit contributions without limitation from every conceivable source, will make elections corrupt, dirty, and indefensible, and will constitute the worst type of stain upon the American electoral system. Each party will have $30 million to begin with and then the unlimited right to go out and shake down every lobbyist, every industry, and every other segment of the economy having interest in the passage of specific types of legislation.

Mr. LONG of Louisiana. Mr. President, I did not yield for a speech. I yielded for a question.

The law provides:

> The Secretary of the Treasury shall, with respect to each presidential campaign, pay out of the Fund, as authorized by appropriation Acts, into the treasury of each political party which has complied with the provisions of paragraph (3) an amount (subject to the limitation in paragraph (3)(B)) determined under paragraph (2).

To make the matter crystal clear, section 305 of the act repeats the authorization. It provides:

> There are authorized to be appropriated, out of the Presidential Election Campaign Fund, such sums as may be necessary to enable the Secretary of the Treasury to make payments under section 303 of this Act.

This act does not give anybody anything. It is a mere authorization. At such time as the appropriation bill comes before the Senate, if the Senator wishes to do so, he can propose limits on the appropriation—that nothing, for example, will be paid to anyone who has received any private contributions. All sorts of amendments can be proposed.

All we have now is an authorization which would make it possible to go forward and to see if the American people would like to put up $1 each in order to pay the campaign expenses of both major parties, so that neither party may be obligated to those to whom the Senator was referring.

Why was no provision put in the law to prohibit private contributions at the same time that the parties might conceivably have accepted some help from the public money that would be made available? Well, the former Senator from Illinois, Mr. Douglas, suggested such an amendment. The Senator from Louisiana, in the committee, said to the Senator from Illinois, Mr. Douglas:

> I wish you would not offer that now. If we can make this the law, where we can finance the presidential campaign on the basis of one-man, one-dollar, instead of one-man, one million dollars and one-man, zero, if we can put it so that this election can be honestly financed, without any special influence, so that a man has no requirement and no necessity of accepting money from lobbyists, we can then seek to amend it to say that all you can get and all you can spend is what is provided on the basis of one-man, one-dollar.

I am frank to say that inasmuch as the Republican Party has traditionally had available to it about four times as much money as the Democratic Party, that can very well prevent us from passing any bill at all.

While we had the votes to pass a bill in the Senate, we did not have the votes to break a filibuster if the Republican side believed that they were being treated unfairly and were prejudiced and decided that they were not going to put up with it. They would have enough people to mount a filibuster in the late days of the session and defeat the bill.

So we would have to see how much we could do. When you try to get to heaven in one leap, you sometimes find that somebody does not agree with you; and if he has some way of frustrating you, even if it be one man speaking for a week, when the Senate is trying to adjourn, you would fail in what you were trying to accomplish.

Mr. President, I shall read from an article which was published in yesterday's Christian Science Monitor, suggesting some of the things mentioned here. The article states:

> The Long amendment, now under fire, might not help candidates below the presidential level at all, except to the degree it freed other funds for them to tap. The national leaders, however, could trickle some of the money down to favorites at the local level. That is why Sen. Robert F. Kennedy, for example, described the provision as a monstrosity like to destroy local political party independence. It is obvious that he is trying to keep a $30,000,000 fund out of President Johnson's hands. And equally obvious that the President is trying to hang on to it.

Mr. President, I think the Senator is entirely in error about that. I believe that this measure is drafted so that if one thinks that he is being prejudiced he would have a remedy. Suppose the Senator is running for Governor of Ohio and some of the money is being used in connection with the outcome of his election. The Senator protests to the Election Board that this is being used to defeat FRANK LAUSCHE or BOBBY KENNEDY. The Board would say that it should not be paid out. The vouchers would indicate it is being spent by people to see FRANK LAUSCHE defeated.

If the Senator from New York [Mr. KENNEDY] can draw up some other way that this money might be handled, we would be glad to study that. I wish he would. If the Senator from Ohio finds something evil in this measure that he thinks needs to be corrected, I would urge him to present an amendment. We have a proposal whereby a man does not have to accept the big campaign contribution or be one of the robber barons. He can be as completely consistent with his conscience as any person on earth and still finance his campaign if he is the nominee of one of the major parties. My proposal would take care of this. A third party could get similar help to finance its campaigns. In effect, it is provided that one man can put up $1 to help finance the campaign in a way to make it unnecessary for anyone in public life to make any commitment that does not clear with his own conscience in order to be elected to office.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. LAUSCHE. I recognize that the Senator from Louisiana desires, with deep sincerity, to reform the election laws of our country. I concur with him in that objective. I believe, however, that if it is to be done, it should not be done on the floor of the Senate, but should be done in committee, with adequate preparation, adequate consideration, and finally a recommendation of what the remedy should be. Objectively, we are both on the same grounds. From the standpoint of the implement to be used, we differ. I want the Senator to understand that.

Mr. LONG of Louisiana. I deeply appreciate the remarks of the Senator. I did not misunderstand his position, but I deeply appreciate his assurance.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. RIBICOFF. Mr. President, yesterday, I noted the introduction of a proposal by the Senator from Delaware [Mr. WILLIAMS], which he spelled out in detail, to make sure that there would be a listing of all expenditures made in national elections by any committee.

I want to take this opportunity to commend the Senator from Delaware for his proposal. It is my opinion that he has made a significant contribution toward clean elections, because if each and every committee had to spell out how it spent its funds, we could be assured that there would be no abuses, because there is no substitute for public opinion or for the press, TV, and radio to know how every dollar is spent for national elections.

Let me tell the Senator from Delaware that his proposal will certainly have my support. I shall be more than pleased to vote and work for his amendment.

I think, too, that it should be pointed out the proposal, now the pending business—the Ribicoff amendment—provides for certain, specified ways to spend 75 percent of the funds accumulated.

With the Williams amendment added to the Ribicoff proposal, then each and every dollar which would be spent would be spent in such a way that the public and the candidates for public office would know how the money was being spent.

I should like to mention one thing that is troubling me in this debate. There is constant use of the figure "$60 million." I have tried to figure out where the $60 million comes. For the life of me I cannot imagine, for the 1968 elections, that 60 million Americans would check a box on their income tax form indicating that they want $1 of their money to be used for the 1968 presidential elections.

It is my feeling that both parties would be most fortunate if they were able to share a fund of $10 million. It is difficult for me to see how more than 10 million Americans would check off $1 to be used for this purpose. I can imagine that in the year 1972, we could accumulate that amount, set aside on 4 years' tax returns, but I cannot understand and I do not feel, practically speaking, that 60 million Americans would check off $1 for the 1968 elections.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I yield.

Mr. WILLIAMS of Delaware. I think that there is some merit in what the Senator has just said. As I recall it, the Treasury Department, in making its estimate of the amount of money that would be available—and, of course, they are moving into an uncharted area—asserted that it could run between $15 million to $25 million per year. As the Senator has pointed out, this fund could accumulate over a 4-year period. The excess over the $60 million would go back into the Treasury.

I agree with the Senator from Connecticut that it is highly doubtful that 60 million of the 70 million taxpayers would check off $1 for the first year. Especially if their opinion is like mine, there would be relatively few check marks. Nevertheless, I think we would all agree that there will be less in the first year.

If the Senator will yield further, I wish to make this additional comment. First, I thank the Senator for his support of my amendments to the Corrupt Practices Act which are now pending. I think they are a necessary part in any clean election program.

Also I want to express my support of the pending Ribicoff amendment. As he knows, I was very concerned, particularly about the 25 percent. Overnight, however, my staff and I examined the question, and we decided that with the full and complete disclosure that will be required under the modifying amendments adopted yesterday, potential abuses will be eliminated with respect to the 25 percent. Together, they make a stronger proposal of the Williams amendment.

I shall support the amendment of the Senator from Connecticut.

I again restate my position. I think this whole question could be worked out better in committee after holding hearings and then arrive at the best formula for governing elections. For that reason I shall support the Gore-Williams amendment, which will repeal the existing $1 tax deduction law and start with a clean slate.

Mr. RIBICOFF. Mr. President, as I said at the beginning of the debate, I have a great deal of confidence that once we had a base, the Finance Committee, after it started hearings, would come forward with constructive amendments that would finally straighten out the mare's nest that we are operating under. I would feel that the distinguished Senator from Delaware, the distinguished Senator from Tennessee, and I would be on the same side on proposals that would come before that committee for a vote.

My feeling is that the constructive suggestions of the Senator from Delaware need not wait until 1972. I think they should be part and parcel of the 1968 elections, because there should be an accounting, and the proposal of the Senator from Delaware I think is most constructive. I hope to have an opportunity to cast my vote in favor of the proposal of the Senator from Delaware.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, I am happy to support the Ribicoff amendment. I think it is a very fine amendment, and it is the kind of safeguard that I personally think should be in the bill which I sponsored last year.

I think that some of the best evidence to support the Ribicoff amendment is to be found in the effort made by the Senator from Tennessee when he studied this matter in the 1956 general election. He gave the Senate the best estimate he could of where the money came from and where it went in financing the campaigns of both parties. I think he did a real service to the Nation in doing so.

I note that the kind of expenditures that would be in the 75 percent to be accounted for were detailed by the Senator as to both Republican and Democratic expenditures. For example, he listed radio expenditures, $568,000 for the Republicans and $452,000 for the Democrats. As to television expenditures, the Senator found that the Republicans had spent $2,100,000, and the Democrats $2,039,000. For newspaper and periodical advertising, $954,000 for the Republicans, and $611,000 for the

Democrats. For printing, purchase and distribution of literature, $1,430,000 for the Republicans, and $1,500,000 for the Democrats. Outdoor billboards, $299,000 for the Republicans, and $185,000 for the Democrats.

Mr. President, I ask unanimous consent that a chart from the report prepared by the Senator from Tennessee [Mr. GORE], regarding the 1956 election, appear at this point in the RECORD, and that it include item A, all campaign committees; B, national campaign committees; and C, State campaign committees.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

EXHIBIT 2

GENERAL ELECTION, 1956, TOTAL DISBURSEMENTS BY CAMPAIGN COMMITTEES SEPTEMBER 1–NOVEMBER 30

The following tables show in detail the information summarized in exhibit 1 about the direct expenditures of campaign committees during the period September 1 to November 30 (excepting "special cases," for which complete information is not available).

Shown in addition are funds transferred to other organizations and individual candidates. The sum of these two types of disbursements, direct expenditures and transfers, constitute the total disbursements of the campaign committees involved.

Money that is transferred from one campaign group to another shows up as a receipt and as a disbursement each time it is passed on. The significant index, therefore, to the financial resources of a political party or other group is the total of direct expenditures made by its campaign committees rather than the total of the receipts of those committees or the sum of their total disbursements.

A. ALL CAMPAIGN COMMITTEES

	Republican			Democratic		Labor	Miscellaneous	Total
	Regular [1]	Finance	Volunteer	Regular [1]	Volunteer			
Disbursed to other committees, associations, organizations, and individual candidates	$2,800,374	$8,071,711	$767,552	$1,294,337	$404,403	$1,354,451	$68,183	$14,761,011
Direct expenditures:								
Radio	568,006	185,212	124,012	452,116	107,863	41,606	1,736	1,480,551
Television	2,100,710	245,135	660,567	2,089,580	252,648	89,421	47,311	5,435,372
Radio-television (when not separable)						8,901		8,901
Newspaper and periodical advertising	954,612	124,059	295,273	611,887	83,086	48,074	30,268	2,147,209
Printing, purchase, and distribution of literature	1,431,556	360,716	394,927	1,526,913	373,163	246,486	66,453	4,400,214
Outdoor billboards	299,912	70,618	23,375	185,809	9,698	24,382	26	613,820
Other	4,895,922	1,046,731	1,392,318	3,627,093	802,086	349,016	115,672	12,228,838
Unaccounted for [2]	61,575			1,581	10			63,166
Total direct expenditures	10,312,293	2,032,471	2,890,472	8,444,979	1,628,504	807,886	261,466	26,378,071
Total of all disbursements	13,112,667	10,104,182	3,658,024	9,739,316	2,032,907	2,162,337	329,649	41,139,082
Unaccounted for [2]				−1,499				−1,499
Total by party and group	26,874,873			11,770,724		2,162,337	329,649	41,137,583

B. NATIONAL CAMPAIGN COMMITTEES

Disbursed to other committees, associations, organizations, and individual candidates	$280,457		$168,206	$244,132	$28,303	$924,643	$67,645	$1,713,386
Direct expenditures:								
Radio	54,352		583	167,506	53,703	28,369	1,411	305,924
Television	838,155		512,355	1,217,890	163,676	53,463	47,155	2,832,694
Newspaper and periodical advertising	58,169		13,940	24,100	17,379	129,44	29,849	156,381
Printing, purchase, and distribution of literature	233,839		89,189	489,187	132,495	106,952	66,305	1,117,967
Outdoor billboards			1,989			12,385		14,374
Other	1,157,840		421,566	790,407	194,642	193,237	115,340	2,873,032
Total direct expenditures	2,342,355		1,039,622	2,689,090	561,895	407,350	260,060	7,300,372
Total of all disbursements	2,622,812		1,207,828	2,933,222	590,198	1,331,993	327,705	9,013,758
Total by party and group	3,830,640			3,523,420		1,331,993	327,705	9,013,758

C. STATE CAMPAIGN COMMITTEES

Disbursed to other committees, associations, organizations, and individual candidates	$1,626,857	$6,170,724	$516,474	$646,144	$345,260	$372,144	$198	$9,677,771
Direct expenditures:								
Radio	379,391	171,820	83,816	129,012	51,670	5,796	325	821,830
Television	994,790	157,500	75,453	363,429	82,653	27,046		1,700,871
Radio-television (when not separable)						1,000		1,000
Newspaper and periodical advertising	471,462	58,854	221,527	175,365	59,542	17,569	419	1,004,738
Printing, purchase, and distribution of literature	456,947	180,228	204,853	388,380	213,982	57,334	37	1,501,761
Outdoor billboards	156,879	47,046	15,887	57,044	8,311	2,471		287,628
Other	1,744,461	743,589	757,651	1,037,855	568,049	50,340	10	4,901,955
Unaccounted for [2]	61,573				10			61,583
Total direct expenditures	4,265,503	1,359,037	1,359,187	2,151,085	984,267	161,556	791	10,281,366
Total of all disbursements	5,892,360	7,529,761	1,875,661	2,797,229	1,329,437	533,700	989	19,959,137
Unaccounted for [2]				1				1
Total, by party and group	15,297,782			4,126,667		533,700	989	19,959,138

D. LOCAL CAMPAIGN COMMITTEES

Disbursed to other committees, associations, organizations, and individual candidates	$775,150	$1,900,987	$82,872	$289,085	$30,870	$57,664	$340	$3,136,968
Direct expenditures:								
Radio	54,678	13,392	39,613	56,310	2,400	7,441		173,924
Television	110,184	87,635	72,759	157,880	6,309	8,912	156	443,845
Radio and television (when not separable)						7,901		7,901
Newspaper and periodical advertising	265,316	65,205	59,806	190,187	6,115	17,561		604,190
Printing, purchases, and distribution of literature	556,377	180,488	100,885	409,308	26,686	82,200	111	1,356,055
Outdoor billboards	95,843	23,572	5,499	59,313	1,397	9,526	26	195,176
Other	1,607,282	303,142	213,101	1,459,790	39,395	105,439	322	3,728,471
Unaccounted for [2]	2							2
Total direct expenditures	2,689,682	673,434	491,663	2,332,788	82,402	238,980	615	6,509,564
Total of all disbursements	3,464,832	2,574,421	574,535	2,621,873	113,272	296,644	955	9,646,532
Totals by party and group	6,613,788			2,735,145		296,644	955	9,646,532

See footnotes at end of table.

E. SENATORIAL CAMPAIGN COMMITTEES

	Republican	Democratic	Total
Disbursed to other committees, associations, organizations, and individual candidates	$117,910	$114,976	$232,886
Direct expenditures:			
Radio	79,585	99,288	178,873
Television	157,581	300,381	457,962
Newspaper and periodical advertising	159,665	222,235	38,900
Printing, purchase, and distribution of literature	184,393	240,038	424,431
Direct expenditures—Continued			
Outdoor billboards	$47,190	$69,452	$116,642
Unaccounted for [3]		1,581	1,581
Other	386,339	339,041	725,380
Total direct expenditures	1,014,753	1,272,016	2,286,769
Unaccounted for [2]		−1,500	−1,500
Total of all disbursements	1,132,063	1,385,492	2,518,155

[1] Senatorial committees included under "regular" in this table.

[2] Differences resulting from failure of some committees to report detailed expenditures in full and from errors in reports and computations.

EXHIBIT 3

GENERAL ELECTION, 1956, TOTAL RECEIPTS BY CAMPAIGN COMMITTEE WITH CLOSING BALANCE AND UNPAID BILLS, SEPTEMBER 1 TO NOVEMBER 30

The following tables show in detail the information summarized in exhibit 1–A about the total receipts of campaign committees during the period September 1 to November 30 (excepting "special cases," for which complete information is not available).

Shown in addition are the balance of funds on hand on November 30 (or on the date the committee closed) and the amount of bills unpaid on November 30. Information about unpaid bills was not available from some committees, including the Republican and Democratic congressional campaign committees. For this reason, and because of differences in the accounting procedures used by campaign committees, the volume of unpaid bills can be interpreted as only a very general indication of the extent of financial obligations existing at the end of the campaign.

A. ALL CAMPAIGN COMMITTEES

	Republican			Democratic		Labor	Miscellaneous	Total
	Regular	Finance	Volunteer	Regular	Volunteer			
Receipts—								
From contributions by individuals	$4,944,481	$7,762,689	$2,325,364	$5,140,277	$1,287,035	$833,647	$277,462	$22,570,955
From sale of tickets to dinners, luncheons, and similar fundraising events (net proceeds)	455,644	438,113	207,089	778,339	343,514	34,867		2,257,566
From other committees, associations, and organizations	5,816,644	1,361,081	1,016,863	2,994,460	471,522	648,658	9,385	12,318,613
From other sources	555,746	329,541	296,749	453,047	59,006	103,783	6,709	1,804,581
Unaccounted for	−30			4,034		1		4,005
Total receipts	11,772,485	9,891,424	3,846,065	9,370,157	2,161,077	1,620,956	293,556	38,955,720
Total by party and group	25,509,974			11,531,234		1,620,956	293,556	38,955,720
Balance on hand Nov. 30 (or close of committee)	1,482,313	1,222,895	315,157	884,818	167,695	478,160	67,410	4,618,448
Total balance, by party and group	3,020,365			1,052,513		478,160	67,410	4,618,448
Unpaid bills at end of period	484,969	105,256	65,273	1,090,893	34,982	28,498	14,453	1,824,324
Total unpaid bills, by party and group	655,498			1,125,875		28,498	14,453	1,824,324

B. NATIONAL CAMPAIGN COMMITTEES

	Republican			Democratic		Labor	Miscellaneous	Total
	Regular	Finance	Volunteer	Regular	Volunteer			
Receipts—								
From contributions by individuals	$1,390,173		$856,286	$1,545,712	$337,319	$673,605	$276,040	$5,079,135
From sale of tickets to dinners, luncheons, and similar fund-raising events (net proceeds)	2,597			35,900	120	619		39,236
From other committees, associations, and organizations	397,128		363,379	1,348,080	293,866	228,483	9,235	2,740,171
From other sources	3,695		8,295	1,092	2,090	53,057	6,512	74,741
Unaccounted for						1		1
Total receipts	1,793,593		1,327,960	2,930,784	633,395	955,765	291,787	7,983,284
Total by party and group	3,121,553			3,564,179		955,765	291,787	7,933,284
Balance on hand Nov. 30 (or close of committee)	565,523		181,380	59,458	76,895	314,000	66,468	1,263,724
Total balance, by party and group	746,903			136,353		314,000	66,468	1,263,724
Unpaid bills at end of period	88,327		40,256	691,737	5,081	400	14,019	839,820
Total unpaid bills, by party and group	128,583			696,818		400	14,019	839,820

C. STATE CAMPAIGN COMMITTEES

	Republican			Democratic		Labor	Miscellaneous	Total
	Regular	Finance	Volunteer	Regular	Volunteer			
Receipts—								
From contributions by individuals	$1,547,497	$5,733,880	$1,123,050	$1,476,740	$875,060	$109,818	$527	$10,866,581
From sale of tickets to dinners, luncheons, and similar fund-raising events (net proceeds)	203,106	247,502	197,327	370,428	331,600	6,525		1,356,488

Mr. LONG of Louisiana. These are the kind of items that each party would have to account for. Then, in his report, the Senator from Tennessee has the item "Other": $4.895 million for the Republicans, and $365,000 for the Democrats. So this item that is referred to as "Other", accounted for approximately one-half of all Republican expenditures.

Furthermore, Mr. President, it is well to keep in mind that in his investigation, the Senator was only able to find perhaps one-half of the money that was raised and spent by the two sides. In fact, I have heard it estimated that the Republicans that year spent $40 million, and this is only $10 million out of the $40 million.

So the Ribicoff amendment proposes to take the kind of items which the Senator from Tennessee was able to uncover, and itemize and say that those particular items can be paid. Then he proceeds to say that there are certain other kinds of expenditures that cannot be paid, even though listed among the 25 percent items. In that respect, his amendment provides as follows:

> No payment made under paragraph (1) into the treasury of a political party with respect to a presidential campaign may be used to defray any expenses incurred for services or products on the day of the presi-

dential election other than services or products falling within one of the categories described in the preceding sentence.

That means that a party cannot pay any of this money out for poll watchers; it cannot pay any of this money out for the transportation of voters to the polls; it cannot pay any of this money out for buying someone a Coca-Cola, a meal, a bottle of whisky, or anything else of that sort. These election day expenditures—which incidentally have been very high in many elections—are prohibited; they cannot be paid. It is intended that this would be a move toward prohibiting altogether such election day expenditures, which in many instances amount to a sometimes subtle and sometimes crude way of buying votes. If a man's car is hired for $50 to drive voters to the polls, it is presumed that he and his family would vote for the people who hired it.

So the Senator's amendment is a very good amendment—certainly one which deserves the best consideration of the Senate. As far as I am concerned, I would be pleased to see it become a part of the presidential campaign fund election law.

Mr. GORE. Mr. President, I find no reason to oppose the Ribicoff amendment. I find no substantial reason to support it. Indeed, I find the amendment makes no significant change in the law.

As the distinguished junior Senator from Louisiana has just pointed out, all of the categories of the expenditures which were reported after an investigation of campaign expenditures are incorporated in the amendment of the distinguished senior Senator from Connecticut [Mr. RIBICOFF], for which 75 percent of the campaign subsidy authorized by the Campaign Fund Act can be expended.

I asked the able senior Senator from Connecticut to suggest some type of political expenditure that he could imagine other than those incorporated in his amendment. After some consideration for a period of time, the able Senator suggested that perhaps one of the Goldwater films would not be included in the categories listed in his amendment.

I am not sure whether that is the case. The able Senator from Louisiana has stated that no money could be spent for campaign workers on an election day. The amendment does not provide that at all.

Expenditures are allowed, for example, for: "Expenses for the preparation, printing, and distribution of campaign literature."

As I understand the function of a poll worker on election day, it is the distribution of literature, pamphlets, cards, fly sheets, or what-not.

The amendment also provides that expenditures shall be made for: "Reasonable salaries for campaign personnel."

If one can make expenditures for campaign personnel and if one can make expenditures for the preparation, printing, and distribution of campaign literature, that would surely include election-day workers. However, just in case some political activity has not been envisioned, in case there is some activity which nobody has been able to think about, the amendment provides that 25 percent or up to $7.5 million, could be expended for those unidentified purposes, and if such unspecified expenses are not enough to consume the amount, then the remainder of the $7.5 million could be expended for the purpose specified in the amendment.

So, I do not know just what is foreclosed by the amendment. I do not know what safeguards are provided. The money can still be expended for everything that everybody has been able to think about, and it can still be expended in one State or in a few States. It can be used so as to punish or reward candidates at the local level.

I do not know what material difference it makes whether the amendment is agreed to or rejected. However, out of love and affection and respect and honor and esteem for the distinguished senior Senator from Connecticut, I shall vote for the amendment. I cannot think of any other reason for supporting it, but that is sufficient.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. LONG of Louisiana. Mr. President, the Senator said that the amendment would permit the paying of expenses for the printing of literature and even for the distribution of literature.

Does not the Senator understand that the amendment would clearly prohibit payment for the distribution of literature on election day?

Mr. GORE. I do not so understand. The amendment does not so provide.

Mr. LONG of Louisiana. The bill disallows election day expenses falling in the 25-percent category. If somebody is paid to stand at the polls and hand out literature on election day, his pay would be an election day expense.

Mr. GORE. Mr. President, I yield to the Senator to explain the meaning of the term "expense of printing and distribution of campaign literature."

The amendment does not say that it may be printed and may be distributed on every day except election day. The amendment provides for the expense of printing and distribution of campaign literature.

I do not think this a very important point.

Mr. LONG of Louisiana. Mr. President, the Senator states categorically that all 1964 campaign expenditures reported by the Republican Party were described in the enumerated items covered in the 75-percent category of the amendment offered by the Senator from Connecticut and suggested that it should go on up to 100 percent.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. GORE. I did not suggest that. I just asked if there would be any objection, and I see no objection.

The Senator has just said something about election day.

If the Senator will look on page 3 of the amendment he will find that expenditures are specifically allowed on election day for all the purposes specified in the amendment, including salaries of campaign personnel and the printing and distribution of campaign literature.

I suggest to the able Senator that a little more study of the amendments hastily proposed here on the floor is indicated, just as more study of the bill passed last year should have received more study before it was enacted.

Mr. LONG of Louisiana. Mr. President, I should like the Senator to hear my statement just as I would like to hear his.

I read the entire list of Republican expenses into the RECORD on April 5, and had the Senate not adjourned on short notice, I would have challenged the statement of the Senator.

Today, I want to read from that list again and describe those items which are not encompassed by the 75-percent category. The following items are not encompassed by the 75-percent category:

National Committee Fellowships.

Contributions to committees.

Security.

Automobile maintenance.

Outdoor productions, such as political rallies.

Executive expenses.

Meetings and conferences.

Miscellaneous expenses.

Motion pictures.

Insurance and bonds.

Supplies.

With reference to the security item which I mentioned, if a man is elected President, we had better plan to keep him alive until after the election.

There are a lot of other expenses that a party might incur which would not be on this list and did not appear on the statement by the Republican Party. A candidate might go to Alaska, rent a dogsled, and take part in winter snow races. He might go to Hawaii and purchase leis with his campaign slogan on them to pass out at rallies.

He might buy straw hat skimmers and striped jackets for all his campaign workers to wear. Or it might be 10-gallon hats and cowboy boots. He might hire floats for a political parade, or even rent the local fire truck for that purpose.

He might bottle and pass out "Gold Water" to potential voters. He could hire a band, or a donkey, or an elephant. Sound trucks could be provided. He might pass out "I Like Ike" buttons or similar campaign souvenirs. He might produce a campaign song or record album which he could give to his faithful voluntary workers as mementoes of the hard work they did for him in the campaign. The record might be "Gallant Men" or perhaps "Keep the Faith, Baby" or even "Hello, Lyndon."

He might go to a war zone like Korea or Vietnam for the purpose of better informing himself of conditions there so that he might more effectively wage his campaign.

Voter registration expenses could be an important item in his party's campaign budget.

There are a whole host of other expenses that do not fit in the enumerated list of items for which 75 percent of the fund payments must be spent. I refer to such things as legal and accounting fees connected with the campaign or with the contesting of an election, a tremendous amount of photography, the employment of advertising or public relations agencies when these agencies are contracted on a fixed fee basis, and interest paid on loans secured to meet obligations of a party prior to the receipt of campaign funds. None of these is provided for in the 75-percent list and all of them might be legitimate expenses of a presidential campaign. Therefore, they would have to be paid for from the remaining 25 percent of the fund payments.

But, even more important, it is necessary and wise to leave room in the law for expenses of a new character that may arise in future campaigns. The types of expenditures of which we have spoken are those that have been reported by national committees in previous elections. They do not cover expenditures by State and local committees. We are all aware that not all expenditures have been reported. Political campaign expenses are like an iceberg. What is reported is just a small part of the total activity. Expenses that have not been reported because there is no law requiring them to be reported may be legitimate expenditures that do not fall within any of the categories for which 75 percent of the payments are to be made. And so it is that flexibility must be permitted in the statute to allow payment of such previously unreported or unknown—but nevertheless perfectly legal and proper—expenses and of the new types of campaign techniques that may develop in the future.

As for permitting 25 percent of the payments to be used for purposes other than the specific items listed, the Senator from Tennessee should be reminded that in the report of his Subcommittee on Privileges and Elections in 1956, campaign expenditures were listed for the Republican, Democratic, and other campaign committees; and in each of those listings, in addition to particular categories of expenditures, there is a line for "Other direct expenditures." I have with me a copy of that voluminous report of the Senator from Tennessee. The report is so thick that the numbering of the pages stops with 91, and there are hundreds and hundreds of pages thereafter delving into the subject of campaign contributions and expenditures.

On page 39 of that report, the total disbursements for campaign committees from September 1 to November 30 in the 1956 general election are listed. Senator GORE has broken down the direct expenditures into several categories, such as radio, television, newspaper, and periodical advertising; printing, purchase and distribution of literature—categories not unlike the ones listed in the Ribicoff amendment for which 75 percent of the fund money must be used. In addition, Senator GORE has a line item merely called "Other." This "Other" classification accounts for up to 50 percent of the direct expenditures by the national campaign committees. For example, of the Republican National Campaign Committee's total direct expenditures of $3,400,000, $1,600,000 was spent for "Other."

Of the $3,300,000 in direct expenditures by the Democratic National Campaign Committees, about $1 million was spent in the category simply labeled "other." The Senator from Tennessee has criticized the Ribicoff amendment for permitting too much of the fund payment to be used in what could be called the "other" category—that is, the 25 percent which need not be spent for the specific items for which the 75 percent must be spent. Yet, in his own report, he was not able to categorize expenditures by the national committees which amounted to not just 25 percent but 30 to 50 percent of the outlays of those committees. If he feels that all campaign expenditures can be listed in specific categories, can he tell me why such a large share of the spending by the national campaign committees in 1956 was listed in his report—not mine—under the unilluminating classification of "other," rather than having been spelled out in specific terms? The only real difference in the categorizing of campaign expenditures in Senator RIBICOFF's amendment and in Senator GORE's report in 1956 is that Senator RIBICOFF's amendment reduces the money that can be spent for miscellaneous or other types of expenditures. Whereas Senator GORE's report accounted for a little over 50 percent of the national campaign committee expenditures in specific categories, Senator RIBICOFF would require that at least 75 percent of fund payments be accounted for in specific categories.

While we are on the subject of the report of the 1956 Senate Subcommittee on Privileges and Elections, chaired by the distinguished Senator from Tennessee, let me read one of the conclusions and observations of that report:

> 10. The need for remedial legislation in the field of Federal elections is imperative and immediate. It is the hope of the subcommittee that this study will serve to expedite the preparation of such legislation and to arouse an enlightened public opinion behind it. Few, if any, reforms are more direly needed in our democratic society.

I am not saying that. That was said by the Senator from Tennessee.

Although the Senator from Tennessee found an imperative and immediate need for legislation and hoped that the study he had conducted would expedite the preparation of such legislation, there was no legislation. There was no legislation for 10 years thereafter, not until the Senate Finance Committee amended the Foreign Investors Tax Act with the Presidential Election Campaign Fund Act last year. If we were to repeal last year's act, I am sure there would be another study of a size comparable to that of the Gore subcommittee of 1956; and I am sure that the study would conclude with a suggestion for legislation, but I wonder whether such a suggestion would not meet with the same fate that the Gore subcommittee's suggestion met in 1956—absolute failure.

The basic difference between the sponsors of the amendment to repeal the Presidential Election Campaign Fund Act of 1966 and those of us who oppose such an amendment is over procedure. We both want to enact legislation governing political campaigning and Federal elections. I believe that we enacted a good law last year, and we should use it as a basis on which to build an even better law on Federal elections and campaign financing. The Senator from Tennessee and his supporters feel that we should repeal last year's law and begin again to find ways of revising our laws on the subject.

But if we proceed along the way that the Senator from Tennessee suggests, we will have eliminated the only step taken in the area in over 30 years. We will have retreated to where we have been for much too long. If we take such a backward step, the chances are great there will be no forward steps for many more years to come.

The Senator from Tennessee cannot deny that absolutely nothing was enacted into law as a result of his excellent investigation into campaign financing 11 years ago. There is strong reason to believe that exactly the same thing would happen if we were to repeal last year's law and start from scratch. There would be no urgent need to enact new legislation. On the other hand, if we keep last year's law on the books, just as it is evoking much concern and controversy in the Senate these days, it will stimulate us to enact further reforms in our election processes and in the manner in which we finance political campaigns. It has prompted the introduction of what I consider to be the good amendments of Senator WILLIAMS and Senator RIBICOFF, the interesting suggestions embodied in the bill of Senator METCALF, and my own bill, S. 1407, which even those critical of last year's law find an excellent measure, worthy of passage by Congress. To use the metaphor being employed in this debate, I feel that we have given the carrot to the political parties and they cannot prevent us from supplying the stick. But if we now withdraw that carrot, it will be an impossible task to go forward with a combination carrot and stick before the 1968 election is upon us.

Let me return to the report of the Gore subcommittee in 1956. Let me read another of its conclusions and observations:

> 7. For years thoughtful statesmen on the American scene have pleaded for greater participation on the part of the electorate in the making of campaign contributions so that the base may be broadened and opportunities of candidates and parties to present themselves to the electorate equalized. The findings of the subcommittee as set out in this report poignantly demonstrate the need for effective limitations upon the amount of individual contributions and the desirability of providing incentives for mass contributions, or perhaps governmental assumption of the cost and responsibility for the conduct of Federal election campaigns and the curtailment of private subsidization of election campaigns.

Yes, the Senator from Tennessee in 1956 suggested what in great part was done in the Presidential Election Campaign Fund Act of 1966, that is, a governmental assumption of the cost and responsibility for the conduct of presidential campaigns and his call in 1956 for the curtailment of private subsidization of election campaigns would be carried out if S. 1407, the bill I have had introduced this year, to amend last year's act were enacted because that bill calls for the prohibition of private contributions to the major political parties for presidential campaigns if those parties receive payment from the presidential election campaign fund.

I am happy that Senator Gore suggested these things back in 1956. I regret that he apparently has changed his mind now and does not approve of that part of his own suggestion which was enacted into law in 1966 nor does he seem to approve of that other part of his suggestion which I am advocating be put into the law this year.

Mr. President, the question of tax deductions and credits keeps coming up in this debate. I would like to lay that matter to rest by stating first that we tried to pass a tax deduction in 1964 and we fell flat on our face. The House refused to agree to it then, and they would refuse to agree to it now.

Secondly, it would not stimulate new contributions—it would only give a tax windfall to people who are giving today, and who will continue to give, whether they get a tax deduction or not.

Thirdly, a tax deduction or credit would bring the tax collector into the political arena with all the nasty implications of a political purge if he should zealously demand verification of the contribution from both the donor and the party. The party out of power would forever charge "foul" against the party in power, even where the tax collector is making only routine audits of their contributor's tax returns.

None of these issues is raised by the $1 formula in today's law. But they were all considerations which convinced the Committee on Finance that tax credits or deductions were not proper ways to finance political campaigns. If Senators want a "party of his choice" approach to campaign financing and feel that equal division of the money in the presidential election campaign fund is unfair to either party, we can change it in committee. Last year, when I offered my original bill, it was based on the "party of his choice" principle, but the committee wanted it changed to make a greater amount available to the minority party. I was perfectly agreeable. Now, Senators are holding that out as a defect in the law.

If they want to change it now, I am equally agreeable—the Democrats will gain at the expense of the Republicans—but, once again, we can do it in committee.

By rejecting the Gore repealer, we will have the chance.

Mr. President, I am ready to vote.

The PRESIDING OFFICER (Mr. Bayh in the chair). The question is on agreeing to the amendment (No. 153) offered by the Senator from Connecticut [Mr. Ribicoff] to the amendment proposed by Mr. Williams of Delaware. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote, I have a pair with the senior Senator from Oregon [Mr. Morse]. If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." I withdraw my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Virginia [Mr. Byrd], the Senator from Washington, [Mr. Magnuson], the Senator from Oregon [Mr. Morse], and the Senator from New Jersey [Mr. Williams] are absent on official business.

I also announce that the Senator from North Carolina [Mr. Ervin], the Senator from South Carolina [Mr. Hollings], the Senator from Montana [Mr. Metcalf], the Senator from Georgia [Mr. Russell], and the Senator from Florida [Mr. Smathers] are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia [Mr. Byrd], the Senator from North Carolina [Mr. Ervin], the Senator from Washington [Mr. Magnuson], the Senator from Montana [Mr. Metcalf], the Senator from Florida [Mr. Smathers], and the Senator from New Jersey [Mr. Williams] would each vote "yea."

On this vote, the Senator from South Carolina [Mr. Hollings] is paired with the Senator from Illinois [Mr. Percy]. If present and voting, the Senator from South Carolina would vote "yea," and the Senator from Illinois would vote "nay."

Mr. DIRKSEN. I announce that the Senator from California [Mr. Kuchel] and the Senator from Illinois [Mr. Percy] are necessarily absent.

On this vote, the Senator from Illinois [Mr. Percy] is paired with the Senator from South Carolina [Mr. Hollings]. If present and voting, the Senator from Illinois would vote "nay," and the Senator from South Carolina would vote "yea."

The result was announced—yeas 76, nays 12, as follows:

[No. 70 Leg.]

YEAS—76

Aiken
Anderson
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Case
Church
Clark
Cooper
Curtis
Dodd
Eastland
Ellender
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Harris
Hart
Hartke
Hayden
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Lausche
Long, Mo.
Long, La.
McCarthy
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Monroney
Montoya
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Scott
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—12

Allott
Baker
Brooke
Carlson
Cotton
Dirksen
Dominick
Hansen
Hatfield
Hickenlooper
Pearson
Smith

NOT VOTING—12

Byrd, Va.
Ervin
Hollings
Kuchel
Magnuson
Mansfield
Metcalf
Morse
Percy
Russell
Smathers
Williams, N.J.

So Mr. Ribicoff's amendment (No. 153) was agreed to.

Mr. LONG of Louisiana. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RIBICOFF. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I offer an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Will the Senator withhold his request until after the amendment is read?

The legislative clerk read Mr. Proxmire's amendment to the Williams amendment, as follows:

On page 1, after line 4, insert the following:

"(c) Section 303(c)(2) of the Presidential Election Campaign Fund Act of 1966 is amended by redesignating subparagraph (C) as (D), and by inserting after subparagraph (B) the following new subparagraph:

"'(C) Each political party whose candidate for President in any presidential election receives more than 2,000,000 popular votes as the candidate of such political party shall be entitled to payments under paragraph (1) with respect to the presidential campaign conducted for such presidential election equal to $1 multiplied by the number of popular votes in excess of 2,000,000 received by such candidate as the candidate of such political party in such presidential election, except that such payments shall not exceed the amount determined under subparagraph (A) for a political party entitled to payments determined under such subparagraph. Any such political party whose candidate for President at the preceding presidential election received more than 2,000,000, but less than 15,000,000, popular votes as the candidates of such political party shall be entitled to payments determined under this subparagraph or subparagraph (B), whichever is the larger, but shall not be entitled to payments determined under both subparagraphs. Any political party entitled to payments determined under subparagraph (A) shall not be entitled to payments determined under this subparagraph'."

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. HICKENLOOPER. Is a copy of this amendment on the desks of Senators?

Mr. PROXMIRE. No; this is not a printed amendment. It was sent to the desk just a few moments ago. I will explain it. It is very simple.

Mr. HICKENLOOPER. It did not sound simple when it was being read.

Mr. PROXMIRE. If the Senator will listen, I will explain it in a moment or two.

This amendment is designed to recognize more properly the emergence of a strong third party and to provide rules for reimbursing these minor parties on the basis of their showing in the current election. The Presidential Election Campaign Fund Act limits its reimbursements to parties which received more than 5 million votes in the preceding presidential election. In 1964, there were only two parties which derived more than 5 million votes—the Democratic Party and the Republican Party. It has been argued that, because only these two parties will be eligible for reimbursement in 1968, the Presidential Election Campaign Fund Act discriminates against other parties and their candidates.

It has been a long time since a third party candidate received 5 million votes.

I might say that one of the reasons for my offering the amendment to the amendment of the Senator from Tennessee is that the last third party candidate who received close to 5 million votes was Bob La Follette, who occupied the seat I now hold. I believe it will be a long time before another third party candidate will receive that many votes.

However, Senator WILLIAMS' amendment reduces this 5 million to 2 million for minor parties, and I have no objection to this. In addition, in order to soothe the objections and fears of those who still criticise the act, I am offering an amendment to provide reimbursement for minor parties on the basis of the current election results. Major parties—those whose candidates receives 15 million or more votes—would continue to be reimbursed only on the basis of the prior election results.

Under this amendment, these minor parties would be entitled to receive the greater of first, an amount computed on the basis of the preceding election; or, second, an amount computed under the same formula but based on the current election. Obviously, this will mean the minor party will get no advance payments but it will be entitled to a post-election payment provided the combination of private contributions plus the Federal payment does not exceed the expenses it incurred in presenting its candidate.

I said to the Senator from Iowa that it was a comparatively simple amendment, and I think it is.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. LONG of Louisiana. What the Senator is proposing is what I offered last year in the Finance Committee when we voted on the same matter. As I recall it, when we passed the presidential campaign fund proposal in the Senate, we provided for a distribution to a third party only if it received more than 1.5 million votes, but only in the prior election.

Mr. PROXMIRE. May I say that that is my understanding. That is what the Senator from Louisiana proposed.

Mr. LONG of Louisiana. What the Senator is saying is that a third party should be permitted to receive help, not in the next election, but the current election in which it for the first time is running a candidate.

Mr. PROXMIRE. The Senator is correct. The reason for it is that a third party would have to wait 4 years to receive a distribution, and it would be sorely put to finance the current campaign. On the other hand, it could finance its present campaign on the reasonable assumption that it would receive 2 million votes, if it would receive financial support from the Federal Government to help finance its campaign.

Mr. LONG of Louisiana. Suppose a candidate did the best he could, devoting to the campaign what he could afford, and he spent $5 million, and he was $3 million in debt. He had the same kind of expenses that the two major parties were reimbursed for. Do I understand that when the election is over and the votes are counted and somebody has spent $5 million, he will be reimbursed substantially in the same manner as the two major parties would be, and would get $1 per vote for the 3 million votes to reimburse him for what he had paid to wage his campaign?

Mr. PROXMIRE. That is correct. The formula subtracts 2 million from the number of votes received to arrive at the number of dollars the third party would receive as compensation.

Mr. LONG of Louisiana. The idea of the 2 million figure, as I understand it, is that the Senator does not care to encourage anyone to make a mere nuisance campaign; a person would have to be a serious candidate to receive more than the 2 million votes. That is what the Williams amendment itself seeks to do, to make the figure more realistic by reducing it from 5 million to 2 million, so that if a man received 5 million votes, instead of having nothing available to help him in paying off his expenses, he could hope to receive $3 million to help repay his out-of-pocket expenses in running for office.

Mr. PROXMIRE. Yes. I might add that there is no question that some third party candidates who go on the ballot for advertising, for publicity, for propaganda, or for various such purposes obtain relatively small support; and I think it would not be desirable to subsidize such parties. Obviously, however, when a candidate receives more than 2 million votes, it is a different kind of situation; he is obviously trying to as a candidate for office, if not in the immediate campaign, for another a few years hence. The amendment offers an opportunity to build a following on some kind of parity with the major parties.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. Suppose the Senator's amendment is agreed to, and the former Governor of Alabama, Mr. Wallace, should be a candidate for President and receive 15 million votes. Under the Senator's formula, how much would be paid to him out of the Public Treasury?

Mr. PROXMIRE. $13 million. The difference between 2 million and 15 million.

Mr. LONG of Louisiana. If he spent that much.

Mr. PROXMIRE. May I add, for the Senator from Nebraska, just one further thing: If he spends that much, over the amount paid for by contributions.

Mr. CURTIS. Yes. How does that compare with what the major parties reported spending in the last presidential campaign?

Mr. PROXMIRE. As the Senator knows, estimates of the amount that the major parties spent in the last campaign have varied widely, but most people feel that they spent close to $30 million.

It is very hard to document that amount, as the Senator knows, because the reporting requirements vary so much State by State, and the national reporting requirements are not treated seriously by anybody. But the estimates, and I think they are pretty reliable, are that the spending was close to $25 million or $30 million.

Mr. CURTIS. For each party?

Mr. PROXMIRE. It is my understanding that the estimates of expenditures by each of the two parties was in the area of $25 million or $30 million.

Mr. CURTIS. Of course, the existing parties have a sizable expense in maintaining the bureaucracy of their organizations.

Mr. PROXMIRE. As the distinguished Senator from Nebraska knows, the Wallace party, if it is to be a serious effort, will also have to have its bureaucracy, as any party will if it is to receive anything like 15 million votes.

Governor Wallace ran in my State in 1964, and had a great deal of support. He had a respectable campaign, and a lot of money was spent in his behalf. He had many people working for him, comparable to other candidates running in past presidential primaries we have had in Wisconsin. I think he might very well mount the same kind of a national campaign this time. To get 13 or 15 million votes, he would have to.

Mr. CURTIS. When the Senator referred to the fact that Senator La Follette came near getting 5 million votes, what was the total vote at that time?

Mr. PROXMIRE. The total vote then was a great deal less than it is now, of course. That was 1924. Women had just lately been permitted to vote. Participation by them was far less than it is now. It is my understanding that about 28 million would be close to the total vote at that time; so his proportion of the vote was most respectable, and would be equivalent today to three or four times that number.

Mr. CURTIS. While it is true that we go through the motions of a checkoff on the tax return, this money, of course, would be a direct payment out of the Treasury?

Mr. PROXMIRE. Yes, it is my understanding that this would be a direct appropriation from the Treasury.

Mr. CURTIS. Yes.

Mr. PROXMIRE. It would not be a checkoff, alone.

Mr. CURTIS. Except that the individual taxpayers make the appropriation, rather than some committee of Congress?

Mr. PROXMIRE. No, in this case Congress makes the appropriation. The law on the books now provides for appropriation by Congress in addition to the checkoff.

Mr. CURTIS. I thank the Senator.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. As I understand it, the mechanics of it would be as follows: The existing law would still use the taxpayer checkoff. Taxpayers would check whether they want a dollar to go into the presidential campaign fund. If they want a dollar to go into the presidential campaign fund, then Congress would have to appropriate that much money to respect the wishes of the taxpayers who marked on their returns that they wanted this money to go into the presidential campaign funds. That being the case, the law then spells out how the presidential campaign funds can be spent. The Senator is seeking to amend that section that states how that money can be paid out, so that a third party, if its candidate receives more than 2 million votes, rather than having to wait 4 years, will be able to have some of the money from that presidential campaign fund to pay its current expenses. The big difference is that the minor party could not receive any help out of the fund until after the election, because it would not be known until that time whether its candidate would receive 2 million votes or not.

Mr. PROXMIRE. That is substantially the situation.

Mr. LONG of Louisiana. So they would have to be reimbursed for expenses that they have incurred, while the candidates of the major parties have been paid as the campaign progressed for their expenses.

Mr. PROXMIRE. That is correct. It is my understanding that the Senator from Louisiana has an amendment pending that would eliminate the checkoff feature and provide for direct appropriation.

Mr. LONG of Louisiana. But it is immaterial whether they use the checkoff or not. One way or another, you get money into the presidential campaign funds.

Mr. PROXMIRE. That is correct.

Mr. LONG of Louisiana. And the Senator is trying now to do justice to third parties by permitting third parties to get some of the money out of that presidential campaign fund for the next election, on the basis that it could perhaps borrow money or be extended credit for television time and that sort of thing, in anticipation that if it received 2 million votes, some money would be available for it to defray those obligations.

Mr. PROXMIRE. That is correct. It would seem to me to be a serious inequity if such a party could not expect to share in the disbursement the first time it went over 2 million votes. If they are a serious third party, they could obtain their money promptly, pay their debts, and be in a position to conduct a respectable campaign for the next election.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Texas.

Mr. TOWER. The third party would be at the disadvantage of having to campaign against the two major parties which were subsidized during the campaign, would it not?

Mr. PROXMIRE. Yes, but it would receive a distribution immediately after the election.

Mr. TOWER. Having perhaps the hope of achieving 2 million votes, but no assurance that they would?

Mr. PROXMIRE. The Senator is correct. But what this amendment would do would be to improve the bill over what it would otherwise be, because the third party would not have to wait for 4 years, or until it could become a major party. Therefore it would be better than what we have now. The Senator from Texas is correct in saying that it does not place third parties at perfect parity. I do not see any way that we could do so, without providing encouragement for people simply to run for propaganda or advertising, or something of that kind.

Mr. TOWER. I abhor third-party movements myself, but nevertheless, they have a right to exist and prosper, if they can secure the support.

Mr. PROXMIRE. They do indeed.

Mr. TOWER. And it seems to me that they would have to start out with that disadvantage.

Mr. PROXMIRE. I think the proposed amendment overcomes the disadvantage as much as we can.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. PROXMIRE. I yield.

Mr. LONG of Louisiana. Mr. President, as I understand the amendment of the Senator, it would work in this fashion—the Williams amendment would provide that a third party could get some help in 1972 if it received more than 2 million votes in 1968.

Mr PROXMIRE. The Senator is correct.

Mr. LONG of Louisiana. The amendment of the Senator from Wisconsin would provide that the third party could get some help in 1968 in the event it received more than 2 million votes in 1968.

Mr. PROXMIRE. The Senator is correct. That is the difference. It is true, of course, that under my amendment they would not receive the help until after the election, but they would get the help in 1968 when it would be meaningful and when they could conduct a better campaign.

Mr. LONG of Louisiana. Mr. President, there are two major parties. A major party can be helped as the campaign goes along. Those parties presently are the Democratic and Republican Parties. They are the major parties because they received more than 15 million votes in the last presidential election, in 1964.

So, the major parties have available an amount of money that might be as much as $30 million with which to carry their campaign to the American people in 1968, assuming the taxpayers approve of this.

We then have the matter of the minor parties. At this moment we have no minor parties because none received more than 2 million votes for a minor party candidate. However, assume that at the next election, a party does receive more than 2 million votes.

That party would then be regarded as a minor party, and that minor party could be helped by the reimbursement of some expenses after the election as a result of the votes that the party's candidates received in 1968.

The minor party could be reimbursed in November of 1968 for expenses incurred in October 1968.

Mr. PROXMIRE. I agree. I think that clarifies it very well. However, they can even anticipate this. People would rely to some extent on the kind of widespread support a candidate might have.

Governor Wallace might be a good example. The polls might show that he would receive over 2 million votes. That would put him in a position to receive financing for his campaign.

A candidate from another section of the country might also develop support, as La Follette did in Wisconsin in 1924. He would also be in a position to anticipate receiving a vote actually completely far more than he could receive without the benefit of this amendment.

Mr. LONG of Louisiana. There is another type of party that we could talk about under this law. That is the type of party that we would refer to, for lack of a better word, as a nuisance party, a party that would make some noise and do some advertising and receive not more than one-tenth of 1 percent of the votes. It would receive less than 2 million votes.

Such a party would continue to be a threat, but it would not be eligible for any help. We must wait until after the election to find out whether the Wallace party turns out to be a nuisance party or a minor party. In the event that the Wallace Party turns out to be a minor party, it would then receive reimbursement after the election.

Mr. PROXMIRE. The Senator is correct. Unless we wait until after the election, I do not see any way in which we could do it.

Mr. WILLIAMS of Delaware. Mr. President, I want to comment upon the statement made by the chairman of the Finance Committee earlier this afternoon when he implied the threat of a veto of this bill if the American businessmen did not support his position.

I have great respect for the Senator from Louisiana, but in my opinion his remarks were not in the best tradition of the U.S. Senate.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I will yield in a moment. The implied threat that the administration may veto one of its own bills, the restoration of the 7-percent investment tax credit, if an amendment were agreed to that it did not like was in my opinion a reflection on the character of this administration. I am sure that the Senator from Louisiana did not intend that, but this is the impression he gave.

I do not think this administration is that low. I do not think this administration would stoop so low as to support a threat to the American businessman that if he does not put pressure on his

Senator to vote against the Gore-Williams proposal to repeal this campaign slush fund the bill itself may be vetoed. I do not say that was so intended, but the statement certainly could be so interpreted.

Mr. LONG of Louisiana. The Senator misquoted me.

Will the Senator yield?

Mr. WILLIAMS of Delaware. I will yield in a moment. I am not misquoting anybody.

I will yield in a moment.

I tried to get the floor earlier, but the Senator had left.

I say again, as one who has great respect for the Senator from Louisiana, that I do not think his remarks were in the best tradition of the U.S. Senate.

As I interpret the remarks of the Senator from Louisiana they would be a reflection on the administration. I cannot conceive of the Senator from Louisiana intending it that way.

Another point was made that all the Senator from Louisiana wants is hearings on the bill. Who ever heard of having hearings on a bill after the bill has been enacted into law? We are supposed to hold hearings before a bill is enacted into law. Our suggestion here is to repeal a law that was passed last year.

The Record shows that while the Senate Finance Committee had a series of hearings on various proposals, the proposal for the $1 checkoff, on each tax return was not one of those proposals. That idea was developed in the Finance Committee by the Senator from Louisiana. He had a perfect right to develop it.

The proposal was approved by the majority of the Finance Committee. That committee had a perfect right to approve it, whether I objected to it or not. This was all done in the best traditions of the Senate, and then it was attached as a nongermane rider on the Foreign Investors Tax Act. It was no more germane at that time than it is to the proposal to repeal it now.

Let us face it. We are dealing with a similar situation here. In the first case we had a bastard child of the administration attached to the Foreign Investors Tax Act. We are now trying to make it legitimate by repealing it. There is no question about the procedure.

One more point and then I shall yield to the Senator from Louisiana.

I am sure the Senator from Louisiana did not intend to convey the meaning that he was criticizing the Senator from Tennessee when he said:

> The Senator from Tennessee participated in two major conferences on financial matters between the Senate and the House of Representatives. One was a big social security bill, and the other the unemployment insurance bill. And in both cases the bills died in conference.

I am sure the Senator from Louisiana did not intend to convey that this was the fault of the Senator from Tennessee.

I happened to be one of the conferees and can state that the reason that the social security bill died in conference was because the conferees would not agree to accept the medicare proposal. The administration had sent word down that if they could not get their medicare proposal they wanted no bill.

Many of us on the minority side thought that was a callous position on the part of this administration, to deprive the elderly citizens of their promised increase in social security benefits, which had been agreed upon by both Houses of Congress, solely because the administration could not get its medicare bill.

That social security bill died, not because the Senator from Tennessee objected but because the administration objected to it.

The bill dealing with unemployment died in conference because the Senate, in acting on the bill, wrote in a measure dealing with Federal standards. The House rejected it because of the Federal standards.

The Senator from Tennessee was one who stood by the Senate position and tried to have the Senate version accepted.

I am sure the Senator from Louisiana did not intend to misrepresent the position of the Senator from Tennessee, or to leave that impression.

I think the Senator from Tennessee is entitled to have his position made clear.

Now, I get back again——

Mr. LONG of Louisiana. Mr. President, will the Senator let me defend myself for a moment?

Mr. WILLIAMS of Delaware. I yield to the Senator from Louisiana without losing my right to the floor.

Mr. LONG of Louisiana. I thank the Senator.

The Senator said that the administration made a threat. They did not say anything.

I said that if the amendment to the bill is agreed to, I will be against the bill. I am sincere in that. That is no threat. That is an old-fashioned political promise—"If you do that to me, I will do this to you."

I am not threatening anything. I simply leave the Senator under no misapprehension of where I stand.

I said that I will be against the bill, and that if it is passed, I will ask the President to veto it.

The only way I can fail to do that, after having made that statement, is if the President will not talk to me. I hope that I can communicate to him and say: "Mr. President, I hope you will veto the bill."

I said it, and I mean it.

The aspersions cast by the Senator from Delaware on my statement is unfounded.

If the Senator will permit me to respond further, he can then go ahead with his statement.

The Senator said that I had questioned the sincerity of the Senator from Tennessee. Not for a moment. I said the Senator from Tennessee is against this bill. Here are his minority views, and I ask unanimous consent that they be printed in the Record. Here are the minority views of the Senator from Tennessee [Mr. Gore]. He is against the bill. He believes it should be defeated.

The PRESIDING OFFICER. Without objection, the minority views of the Senator from Tennessee will be printed in the Record.

Minority Views of Senator Albert Gore

The "nervous Nellies" in the White House and the Treasury Department have evidently decided that a threatened slowdown in the economy requires a disorderly retreat from a previously adopted plan of fiscal policy action. It is disquieting to note that all too many currently in the tax policy kitchen cannot stand the slightest suggestion of heat from the business community, particularly big business.

Early in 1966, after it became clear to everyone that there would be an increase in capital outlays of some 17 percent over 1965, and with the knowledge that 1965 had shown an increase of some 16 percent over 1964, the administration stoutly and successfully resisted efforts by me and others to suspend the investment tax credit for a cooling-off period.

Later in the year, after most economic indicators were suggesting the beginning of an economic slowdown, or at least a leveling off, but during a money panic triggered in part by the administration's dumping of participation certificates on the market, it was insisted by the administration that national salvation lay in a suspension of the investment credit.

Now we are told that the investment credit should be restored because the latest surveys show that business plans only a modest 4-percent increase over 1966 for the current year. Clearly the 16- and 17-percent advances were unsustainable. Is a further increase of 4 percent on top of these too-rapid advances disastrous? It would seem that if a cooling-off period is desirable, such a modest advance, but still an advance from a very high level, would be a healthy factor and the cooling-off period might well be allowed to continue in effect for a few more months.

Chairman Martin of the Federal Reserve Board put the dollar figures in good perspective in testifying before the Finance Committee. He stated that special surveys conducted by the Commerce Department, and by the Securities and Exchange Commission indicated that "businessmen reported that the tax law changes induced them to reduce their capital spending plans for 1967 by $2.3 billion below what otherwise would have been spent." He was referring to last fall's suspension of the investment tax credit and accelerated depreciation for certain buildings. He went on to say that "the amounts of actual and planned spending reductions involved are small, relative to the $60 billion annual rate at which capital outlays are running."

One must conclude, then, that either the administration fears a recession, based on factors other than the slowdown in plant and equipment expenditures, and now seeks to pump money into the corporate sector, or that the administration has merely seized this moment of apparent economic slowdown as an excuse to fatten the coffers of the large corporations by an unconscionable tax cut.

I prefer to think that the administration fears a recession, and now seeks pellmell to pump funds into the corporate sector by way of this tax cut, primarily for the benefit of big business.

I do not subscribe to this recession theory, I am very much concerned about the burgeoning deficit. But if we can afford to forgo revenue, and if we do, in fact, need to pump up the economy, the consumer sector is more in need of stimulation.

It appears to me that we face three inescapable facts in considering this bill:

Fact No. 1: By enacting this bill we will be cutting taxes for corporations when there is no demonstrated need.

As pointed out above, there is no collapse in plant and equipment expenditures. This year will see a still further advance, although not a large one, over the too-rapid advances we experienced in 1965 and 1966.

On the other hand, although a recession is not now predictable, there has been an increasing wariness on the part of consumers. Consumer expenditures have slowed and the saving rate has jumped up markedly. Although there is no shortage in productive capacity, there is a shortage of purchasing power and if any segment of the economy needs encouragement, it is consumers.

The slowdown in the automobile industry is characterized by an excess in inventory of unsold automobiles. Would this indicate a need for a tax incentive for more automobile productive capacity or for more consumer demand for the automobiles already manufactured and for the production of which idle capacity already exists?

Fact No. 2: Cutting taxes for corporations at this time is an indication of a decision to use fiscal policy to pump up the economy. But the administration, at the same time, is inconsistently pursuing restraint in expenditures where such expenditures might be more useful. Highway funds have been impounded, and although it was recently announced that they would be released, the final release will not take place until after July 1. But we are urged to give corporations a tax break now. The Bureau of the Budget is sitting on some $94 million badly needed for farm loans. We cannot afford to make these good loans, but we can afford to give away millions immediately to a relatively few large corporations. We must defer action to boost social security benefits for the elderly who are in dire straits. But we cannot afford to wait another month to cut corporate taxes.

One wonders whether administration spokesmen are being candid, consistent, or neither.

Fact No. 3: The enactment of this measure will kill any chance of adopting the President's proposed tax surcharge. As a result, the deficit may well approach $20 billion for fiscal year 1968. I, for one, cannot face such a prospect with equanimity, particularly since we have continued to run deficits through the past few years of unprecedented prosperity.

In view of these facts, it seems to me that we need to look beyond this particular bill. We need to reexamine, in the light of the practicalities of political life, some of the tenets of the "new" economics.

We are all Keynesians to some degree, and I am sure that every Member of the Senate believes in the active use of the powers of government to help regulate the economy under certain circumstances. But are we capable of intelligently juggling our tax patterns and tax rates? Are we not doing more harm than good with an on-again-off-again tax policy, the only constant being continuous and increasing deficits?

To begin with, forecasting is not sufficiently precise to allow policy to be pinpointed. And, second, timing will always be questionable when political activists must be counted on to arrive at decisions, and additional political forces must be called into play to transform decisions into action.

As a matter of fact, many of our current problems can be directly traced to the massive tax cut of 1964. I am a firm believer in the active use of the powers of government to promote socially and economically worthwhile goals. But I seriously question whether we are now on the right track. Given the present state of the science of economics and the art of forecasting economic trends, and the reluctance of political forces to take the hard decisions, I think we might be well advised to set up an equitable tax system which would bring in ample revenues during normal or average times. Fiscal policy could then be implemented largely through variations in the pattern of Government expenditures.

As for this bill, it should be defeated. It does not seem to me to be wise to cut any taxes at this time, particularly for corporations. But if the decision has been made that we can and should cut taxes, and the choice is between types of taxes, it is preferable that we start in the consumer sector.

The Congress has already acted to phase out the automobile excise tax, with the exception of 1 percent. It has also decided that the excise tax on telephone service should be removed. I would propose, then, that these taxes be taken off now, rather than restore the investment credit now. I shall offer an amendment to accomplish this when the bill is debated in the Senate. But I do want to make it clear that, in my best judgment, our fiscal plight will not permit a large loss of revenue now. Defeat of the bill altogether, therefore, would be preferable.

ALBERT GORE.

Mr. LONG of Louisiana. I did not disparage the sincerity of the Senator from Tennessee. I applaud the Senator's sincerity. He is sincere in being against the bill, as he was sincere in being against the initial bill and any act to improve on it. I said before that if the Senator from Tennessee prevails, I would deem it my duty to send his name to the desk to be a conferee on this bill. May I say, Mr. President, that I have done it before and I will do it again. I believe it to be my obligation, under the Senate rules, to respect the author of a major amendment. I will send his name to the desk, and the only way he could fail in that respect would be if the House would not sit with us or if he declined the appointment.

In two similar situations involving the Senator from Tennessee, he was equally as sincere as he is now. One situation was when the Senator added a medicare amendment on a social security bill. I went to conference with him and stood by his side until Congress adjourned. I stood in this chamber and demanded that we not adjourn, in the hope that I could get the House to agree to some part of the amendment of the Senator from Tennessee. Although I did not vote for it and I was the leader against it, I believed it my duty to uphold his position in conference. Nothing happened. The House proved that it could be just as sincere, and dedicated as the Senator from Tennessee, and so nothing happened. That was the end of medicare for that year.

In addition, that was the end of the across-the-board pay raise the elderly people were supposed to get.

It was my honor to name the Senator from Tennessee to the conference on the unemployment insurance bill. That bill died in the last Congress, in conference between the Senate and the House. I do not cast any aspersions on the Senator from Tennessee. I voted the same way he did in that conference, to make the House accept some part of the bill.

As a result of the amendments we placed in the bill—those were germane amendments, but this one is not—the bill did not become law, because it died in conference.

I applaud the Senator from Tennessee for his sincerity, his consistency, and his conscience in fighting for what he believes to be right.

I say to businessmen that if they want this bill to pass, they should give the committee a chance to study the matter and to report what the committee believes should be done; because if that is not done, the bill may die in conference. It might take until January to resolve this matter, and by that time the tax credit would automatically be in effect, under existing law.

Mr. WILLIAMS of Delaware. Mr. President, I suggest to the American businessman that this bill will pass; and if the President saw fit to veto it upon the suggestions of the Senator from Louisiana I venture to say that he would be skunked when the bill came back and the Senate and the House overrode his veto.

Mr. LONG of Louisiana. We will see. I hope the Senator is not saying that I am not sincere in what I said.

Mr. WILLIAMS of Delaware. I am not questioning the sincerity of the Senator from Louisiana. The Senator misunderstood. I tried to defend the Senator from Louisiana. I said I did not believe he intended to cast reflection on the administration, and if he wishes to say that these are his own threats to the American businessmen, I will accept that. I did not believe it should be allowed to stand as a reflection on the administration.

I am trying to defend his administration, because as I have said before, I do not believe that President Johnson would stoop that low. I am trying to defend him. I ask the Senator not to get me in trouble because I defend his President. I do not believe that the President would be a part of this veto threat, and that is why I am trying to reassure the American businessmen.

The social security bill did die in conference, but that bill died in conference because the administration representatives who were in the conference told the conferees they would prefer no bill if they could not get medicare, and the Senator from Louisiana and the Senator from Tennessee supported the administration, as they had a right to do. This callous position of the administration should not be blamed on the Senator from Tennessee.

Similarly, the administration wanted the unemployment bill killed if it could not get the Federal standards which were in the Senate bill. The House conferees would not accept those standards. Therefore, the administration said, "All right. Let it die." So Congress adjourned without a bill.

I am trying to point out to the Senator from Louisiana that the administration asked for the defeat of both of those proposals.

I yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, before I participate in this family fight—and it looks as though it is going to be such, and I trust that no Senator will raise the question of the rule, since he can only yield to me for a question—I ask the distinguished Senator from Wisconsin why he puts all the emphasis on third parties and does not include fourth parties or fifth parties. Is there anything in the Senator's amendment to exclude them?

Mr. PROXMIRE. Absolutely not. The amendment applies to all political parties.

Mr. DIRKSEN. I need no explanation. That, of course, would make it possible for the Communist Party, if it could get over 2 million votes, to get a subsidy out of the Federal Treasury. Am I right or wrong?

Mr. PROXMIRE. That may be correct.

Mr. DIRKSEN. That is all I want to know. Now, the Senator can see the mischief he will create with a multiplicity of parties, and these elections will all be decided over at the other end of the Capitol. That is where they will have to go. Confusion will be compounded, and it will be done by means of a subsidy out of the U.S. Treasury. That is what this amounts to.

If they get over 2 million votes, you have to pay them a dollar a vote for over 2 million votes. That is what the Proxmire amendment would do. And it would create no end of consternation before we get through.

I am not going to take a chance on having a Socialist Party of a Communist Party come up to the Federal trough and get money by my vote to subsidize their elections. That is what this is going to amount to.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. PROXMIRE. In the first place, the Communist Party has never come within a mile of 2 million votes, the limit set by Senator WILLIAMS.

Mr. DIRKSEN. What makes the Senator think that they might not?

Mr. PROXMIRE. In the second place, it has to be declared a constitutionally legal party.

Mr. DIRKSEN. The Communist Party is not outlawed.

Mr. PROXMIRE. We are not sure of its status.

Mr. DIRKSEN. The Senator should ask the Department of Justice.

Mr. PROXMIRE. I have enough faith in the American people to believe that they will not give 2 million votes to the Communist Party.

Mr. DIRKSEN. There sits the distinguished former Attorney General of the United States. I suggest that the Senator ask him whether the Communist Party is outlawed.

I am waiting for an answer, Mr. President.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. PROXMIRE. The Senator from Illinois has the floor.

Mr. DIRKSEN. I have the floor. The Senator from Delaware yielded to me.

I am waiting for an answer.

Mr. PROXMIRE. The Senator from Wisconsin has not asked anybody a question.

Mr. DIRKSEN. I said that the Communist Party has not been outlawed; and if that is not a statement of fact, let somebody stand and say that I am wrong.

Mr. PROXMIRE. I am informed that the courts have not finally decided the issue as to whether or not the Communist Party would be declared a constitutionally legal party.

Mr. DIRKSEN. That is begging the question. It has not been outlawed. Any lawyer can give the Senator that answer.

But that is enough. I just wanted the Senate to know what the result would be. We would be subsidizing all the cats and dogs and we would confuse our election process before we got through.

Mr. PROXMIRE. It cannot be a cat or a dog. It has to get 2 million votes, the limit set by the Williams amendment.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DIRKSEN. I cannot yield to the Senator from Louisiana. No, I shall not yield.

Mr. PROXMIRE. Mr. President, will the Senator yield briefly to me?

Mr. DIRKSEN. I yield.

Mr. PROXMIRE. The last time the Communist Party received any votes for the Presidency was in 1940, when they received 46,000 votes. That is a long way from 2 million votes.

Mr. DIRKSEN. How does the Senator know?

Mr. PROXMIRE. It is ridiculous to say that a Communist candidate for President in this country would get 1 million votes, or 2 million votes.

Mr. DIRKSEN. It was not thought that the La Follette-Wheeler ticket would get a hatful of votes either.

Mr. PROXMIRE. The Senator would agree that Bob La Follette had an enormous following, and is certainly in a far different category.

Mr. DIRKSEN. I was around at that time, and I know what was happening.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the distinguished majority leader.

Mr. MANSFIELD. What has been going on this afternoon indicates once again how difficult it is and how ridiculous it is to try to write a bill on the floor of the Senate especially on a matter which is not germane to the main subject of the bill in this case having to do with the 7-percent investment tax credit.

I would hope that in some way, somehow, it would be possible to take this effort away from the floor, and restore it to the appropriate committee—the proper forum to write a bill. There action could be taken dealing with minor parties, dealing with a possible expansion of the present law to Congressmen and Senators, and dealing with the possible manipulation of funds which might be applied against a recalcitrant Member of the House of Representatives or the Senate; the longer we consider it here the more we will get into difficulty. The committee is the proper place to consider a proposal of this far-reaching nature—sometimes referred to as the $60 million Christmas tree bill; however I believe the present law will not produce $5 million in its first year of operation.

All of these matters should be sent back to committee and considered where there is time, where witnesses can be called, and away from the rush and the haste of the present atmosphere.

Mr. DIRKSEN. The distinguished majority leader makes an eminently sensible suggestion.

As a member of the Committee on Finance I am prepared now to take this bill back and consider it; the entire bill in connection with investment tax credit, the Gore amendment, and everything else, and perhaps we can work it out there.

I do not remember exactly what happened at the time, but I believe that our distinguished chairman was out of town when this matter came up. The Senator will have to refresh me on it, but I believe that we did not have an opportunity to consider the matter. Is that correct?

Mr. GORE. In response to the question of the Senator, I proposed in committee an amendment to repeal the Presidential Election Campaign Fund Act. The distinguished chairman of the committee was absent that day, and out of respect for him, and out of consideration of the fact that he was the author of the law, I withheld the amendment.

The acting chairman of the committee, the Senator from Florida [Mr. SMATHERS] said in the committee that he was confident that a majority of the committee would vote to adopt an amendment to repeal the Presidential Election Campaign Fund Act. He made that statement not only to the Committee on Finance in executive session but he made it also to a press conference following the committee meeting, and he had some generous remarks to make about my respect and regard for the distinguished Senator from Louisiana and my action in not pressing the amendment in his absence. Moreover, the Senator from Florida [Mr. SMATHERS], I believe, made a similar statement on the floor of the Senate. I do not believe there was any question that the majority of the committee did favor an amendment to repeal this law which I regard as an unfortunate mistake.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DIRKSEN. I shall yield, but first I wish to make a comment.

My affection for my friend from Louisiana [Mr. LONG] is as high as the highest star and as deep as Mohole, and one cannot get deeper than that.

However, if we can get the parliamentary situation cleared, he, as the very responsible and eminent chairman of the Committee on Finance, should move to send this bill back to his committee. If the Senator wants any instruction we can put an instruction on to have it brought back here in 5 days. But we could wrestle this proposal out, let the Senate go to other needed business, such as the Appalachia bill, the leasing bill, and other matters on the calendar.

Now, why not, out of the grace of your heart, and I know that there is much grace in your heart, do that this afternoon?

Let us get a consensus of the distinguished Senator from Louisiana [Mr. LONG], the distinguished Senator from Tennessee [Mr. GORE], the distinguished Senator from Delaware [Mr. WILLIAMS], and me. I am sure we can have a telephone cubicle meeting here somewhere. We can sit down and work this matter out.

Mr. LONG of Louisiana. Mr. President, first, with respect to the fact that this amendment would have been agreed to in the absence of the Senator from Louisiana, I wish to state that I was present at the meetings of the Committee on Finance as much as any member of the committee.

Mr. DIRKSEN. I agree.

Mr. LONG of Louisiana. It might be embarrassing to some Senators, but it is not embarrassing to me because I have kept records which indicate how much time all members spent there. The Senator from Delaware [Mr. WILLIAMS] and I were at the top of the list. He may have attended another meeting and he may be ahead of me now, because on one occasion I was unable to be there.

I am told that had there been a vote in my absence I would have been defeated. It is easy to defeat the proposal of a Senator when he is not there to make his argument. It is much more difficult if the Senator is there to explain why he disagrees with what is being done. I feel that I cannot support this bill with the Gore amendment on it.

That leaves me two courses of action. First, if the Gore amendment is agreed to I must do what I stated. I would be glad to recommit the bill if it is agreed to. If the Gore amendment is not agreed to I will give assurance to the Senate that I will call the committee together, bring this matter up, as well as the ideas of everybody as to how the campaign election law could be improved—including the Gore amendment to repeal it. I am willing to consider all amendments. I am willing to bring to the floor of the Senate whatever the majority of the committee wishes to recommend after we have hearings and consideration of the suggestions of every Senator and the suggestions of the President. With respect to attacking the measure as a rider, everybody knows that we will have to extend the national debt limit bill in a few months. The President must sign that.

From the point of view of this Senator I am willing to cooperate on any reasonable basis provided that the Senate shows the same respect for my committee and me as the chairman that I have shown for every other committee and its chairman.

If that can be done, I am willing to agree to any honorable arrangement. This bill is needed and it should be passed. The bill was regarded as something of an emergency nature when it came down and it should be passed immediately. In the event this body does not vote to repeal the Long Act, I am willing to call a hearing, call witnesses whom Senators wish called and I urge each member of the committee to try to improve on my handiwork. It has already been improved on by other members of the committee who made fine suggestions. I was happy to work with them. I would be happy to follow that approach. Business could get this investment tax credit and anyone who wants to offer this as a rider on the next bill from the Committee on Finance could do so. In the meantime, we could recommend what we think could be done.

I was willing to amend the bill. I sent to the desk nine suggestions myself, some of which were merely clarifying amendments to meet the doubts that someone conjured up. However, three of them were major suggestions, some generated by the fine political scientist that the President appointed to study the matter and make suggestions. However, we are being asked to legislate without knowing what the President will be advised by the best political scientist in the United States after he reports on the act. Here is one man, Mr. Neustadt, employed by the Kennedy Institute of Public Affairs to study just how much better government can be achieved. He was also named by the President to study the matter and make recommendations to the President. I must say that when a political scientist has the complete confidence of a Kennedy and a Johnson, he must be pretty good. Yet, we are asked to vote without even knowing what this man would recommend, or how much of his recommendation the President would think wise.

All I am saying is that if the Senate will consider legislation in an orderly fashion, it can pass the investment tax credit bill and then do justice to the American people on this one.

The Senator has pointed out what he regards as a flaw in the pending amendment. That should be explored in the committee. That would be the best place to explore it. But if we are not permitted to do business that way, then we must legislate on the floor and let the chips fall where they may.

Mr. DIRKSEN. Let me point out to my very distinguished friend, the Senator from Louisiana, where lies the weakness in his case.

If this job were to be done and done right, we would have to explore every method of campaigning. But when we get beyond taxes, then we are beyond the jurisdiction of the Finance Committee. If I were going to do this job, I would ask for the designation of a very high-level select special committee to take a look at the Hatch Act, to take a look at the Federal Corrupt Practices Act, to take a look at corporate contributions, and to take a look at labor union contributions. I would go into the whole "ball of wax."

I want to say further, to the distinguished Senator from Tennessee [Mr. GORE], that he was the chairman of the Subcommittee on Privileges and Elections, as I recall, for a good many years. I know that he took a look at my campaign statement and fortified himself with many lawyers who took a good look also, because there was an item in there that had not been there before; namely, I transferred a great, big "gob" of money from the primary campaign to the election campaign because I did not spend it. I do not know where I got it, except that there were a variety of people all over who made contributions. As I recall, the amount was $98,000.

I have no secrets in this business. The Senator from Tennessee investigated me from hell to breakfast and when he got through, he came over to my office like a gentleman—like a member of the club—[laughter]—and he simply said, "Well, I have looked at you from all directions. I also got a whole lot of good legal talent to look at you, and we could not find that you had violated the law."

I said, "Certainly not."

I am a lawyer myself, but I do not always depend upon my own legal lore or lack of it. I go around and get a little help myself from those whom I know to be better lawyers than I.

Of course, I knew that I had not violated the law. I had nothing to cover up. There was nothing to indicate that I had done wrong to transfer this money.

Suppose I had kept it and spent it? Then I would have been in trouble, I am sure, with the Internal Revenue Service.

But it was a transfer of funds so that they might be continued to be used for purely campaigning political purposes.

Those are some of the facets of this problem which are not within the jurisdiction of the Finance Committee. Therefore, the Senator cannot very well assure anyone about hearings on all these points because he has not got the jurisdiction to do it. A point of order could be made on the ground that if the Senator did so and brought in a bill, it might be said that the Senator did not have jurisdiction and the point of order would be valid.

Mr. LONG of Louisiana. Well, let me say, with regard to what is at the desk now, that the amendments to the amendment offered by the Senator from Delaware [Mr. WILLIAMS] are not properly within the jurisdiction of the Finance Committee. With regard to everything else that we are voting on here, they are within the jurisdiction of the Finance Committee. The Senate can, if it wants to, give us jurisdiction in this whole field. But, let me say to the distinguished Senator, the Finance Committee, in recent years, has been a fertile committee and has brought forth legislation. It has not been a burial ground for problems. If someone says, "Here is a problem that the Finance Committee could handle because it is within its jurisdiction," we can help there. The Senator from Illinois remembers the problem connected with professional football. I recall an amendment of his——

Mr. DIRKSEN. Very definitely.

Mr. LONG of Louisiana. To solve a problem which was plaguing professional football, and it was adopted by the Senate by a unanimous vote.

Mr. DIRKSEN. Yes. The Senator and I should shake hands on that, because we saved many of these football clubs from going into bankruptcy.

Mr. LONG of Louisiana. Not a single member of the Senate Judiciary Committee objected on jurisdictional grounds to the amendment of the Senator from Illinois being added to a Finance Committee-reported revenue bill.

Mr. DIRKSEN. That shows my influence on the Judiciary Committee.

Mr. LONG of Louisiana. While there was strong objection by the chairman of the Judiciary Committee on the other side, the bill passed by a large vote. My understanding is that professional football clubs, and New Orleans in particular, are extremely grateful to the Senator from Illinois that he managed finally to obtain action on a proposal which had twice passed the Senate by a unanimous vote only to be buried on the other side.

Mr. **DIRKSEN**. Now New Orleans gets its team.

Mr. President, I wonder whether we could not come to the end of this furrow and let us have an agreement on a time limit, say, 20 minutes, 10 minutes to a side, and then vote on the Long amendment and on the Gore amendment.

Mr. **LONG** of Louisiana. Mr. President——

Mr. **DIRKSEN**. That is ample, it seems to me.

Mr. **LONG** of Louisiana. I am not prepared to ask for it. If the Senator makes the suggestion, I shall object. However, do plan to do some voting tomorrow—perhaps today.

Mr. **DIRKSEN**. I will not ask, if it will embarrass my good friend from Louisiana. I would never do anything to embarrass him.

Mr. **LONG** of Louisiana. Mr. President, I have long admired the Senator from Illinois, for whom I have warm and everlasting affection. I am grateful for his cooperation and for his friendship. However, many times I have gone to the distinguished minority leader and asked him for a consent agreement to vote at a given time and he has told me that he would ask for a vote when he was ready to do so.

Therefore, I propose to operate in his tradition, to give consent to vote when I think I am ready to vote. I think I am ready with regard to amendments, and I am hopeful that we might vote on the pending amendment sometime this afternoon.

Mr. **DIRKSEN**. The Senator is speaking now about the Proxmire amendment—the amendment to the Williams amendment?

Mr. **LONG** of Louisiana. Yes.

Mr. **DIRKSEN**. I shall not inquire if there is reason, or lack of reason, for not voting on the Gore amendment; but, is there any likelihood that we will vote on it today, or is there any likelihood that we will vote tomorrow?

Mr. **LONG** of Louisiana. I would say that it would be more likely that we would vote on the Gore amendment tomorrow.

Mr. **DIRKSEN**. Tomorrow.

Mr. **LONG** of Louisiana. More likely

Mr. **DIRKSEN**. Well, does the Senator think we can count on that?

Mr. **LONG** of Louisiana. No; you cannot count on that. [Laughter.]

But the answer to the question is that it is more likely we will vote on it tomorrow than today.

Mr. **MANSFIELD**. Mr. President, will the Senator from Louisiana yield further?

Mr. **DIRKSEN**. Of course, that is like the expression, "Now you see it and now you don't."

Mr. **LONG** of Louisiana. I yield.

Mr. **MANSFIELD**. If the distinguished Senator from Louisiana, the deputy leader and the chairman of the committee handling this bill, would find it possible to make some sort of unanimous-consent request today, it would be in the best interests of all Senators, so that we could notify absent Members to be here at a certain time.

Mr. **DIRKSEN**. Right.

Mr. **MANSFIELD**. If we say, "yes," "no," "maybe," "but," or "perhaps," with respect to what will happen tomorrow, no one will know where we stand. I would recommend that, perhaps beginning tomorrow, we could commence operating under some consent agreement on this matter. I know that the distinguished Senator from Louisiana has that in mind and will make himself a little more definite.

UNANIMOUS-CONSENT AGREEMENT

Mr. **LONG** of Louisiana. Mr. President, I ask unanimous consent that beginning after the morning hour tomorrow, debate on all amendments to the Williams amendment be limited to 1 hour, to be equally divided by the sponsor of the amendment and the Senator from Delaware [Mr. WILLIAMS], if he does not agree with the amendment, or, if he agrees with the amendment, by the Senator from Louisiana [Mr. LONG]; that debate on the Gore amendment thereafter be limited to 2 hours, to be equally divided by the Senator from Tennessee [Mr. GORE] and the Senator from Louisiana [Mr. LONG], and that amendments must be germane in order to be considered at the desk.

Mr. **HOLLAND**. Mr. President, reserving the right to object, I want to ask the distinguished Senator from Louisiana if he intends to have a vote on the merits of the Gore amendment or on a motion to lay on the table?

Mr. **LONG** of Louisiana. Any Senator has a right to make motions. I do not foreclose myself from doing so. Any Senator has the right to offer an amendment. Neither do I foreclose any other Senator from making a motion to table, which of course is not debatable, or from making any other motions which are within his right as a Senator to make.

Mr. **HOLLAND**. If the matter were left thus open, of course there would not be any assurance of a vote at any particular time. In the effort to accomplish what I am sure every Senator hopes, that we can get rid of this matter at an early time, I would suggest a motion to lay on the table the Gore amendment at such time as the Senator from Louisiana cares to make it; and if he loses that amendment, then I suggest he has a really more serious problem on his hands, as to whether he wants to recommit the bill with all amendments attached, as suggested by the Senator from Illinois; but I think that method would bring about an early termination of the debate on the Senate floor.

Mr. **LONG** of Louisiana. I will consider what the Senator has in mind, but I would prefer not to phrase the request that way at this time. I want Senators to know that they should be here and that we will be voting perhaps every hour.

Mr. **HOLLAND**. Still reserving the right to object, I think we have all enjoyed the political undertones and overtones that have been filling the air the last half hour.

I want to comment on one point with respect to the pending amendment which I understand was characterized by one of the distinguished Senators on the other side of the aisle as the Governor Wallace amendment, but which was not so intended by the Senator from Wisconsin.

There has been great argument among the learned columnists, who seem to know more about politics than anyone who has run for office and been elected to it, as to whether the running of the former Governor of Alabama for President would help the Democrats or the Republicans. I have been in doubt on this subject myself until today. The fervid argument advanced by the Senator from Illinois has given me an answer to that question. I do not now believe the Senator from Illinois or his fellow Republicans want Governor Wallace to run for President. So I am hoping we may have an expression on the amendment of the Senator from Wisconsin, which bears a name which does not reflect its paternity. I hope we will get to a vote on it this afternoon.

Mr. **DIRKSEN**. Mr. President, I think a comment is in order. I have not the slightest care what George Wallace runs for, and, in fact, I do not care what Lurleen runs for. They may even call me down there to campaign. Who knows? I am sure we would have a good time. Let them run for anything. This is, after all, a free country, and I would not interdict that for anything under the sun.

Referring now to the unanimous-consent request, when the Senator from Louisiana referred to the germaneness provision, that related only to amendments to the Williams amendment, and not to the other amendments. Is that correct?

Mr. **LONG** of Louisiana. Yes; what I had in mind was amendments relating to financing campaigns or to the Corrupt Practices Act.

Mr. **DIRKSEN**. Insofar as the Williams amendment is concerned?

Mr. **LONG** of Louisiana. Yes.

Mr. **DIRKSEN**. But there is a variety of other amendments.

Mr. **LONG** of Louisiana. This request is directed only to the Williams amendments and the Gore substitute to the Williams amendment and amendments to the Williams amendment.

If we can dispose of them, my hope is that we may proceed expeditiously with the bill, and I would hope to request a unanimous-consent agreement.

Mr. **DIRKSEN**. So it would be 2 hours on the Williams amendment and 2 hours on the Gore amendment, equally divided?

Mr. **LONG** of Louisiana. I do not want to mislead the Senator. I might very well offer an amendment to the Williams amendment. It would be subject to the limitation I am proposing of 1 hour to be equally divided, and the debate on the Gore amendment would be 2 hours, equally divided.

The **PRESIDING OFFICER**. The

Senator from Louisiana, in his original request, asked that the limitation start at the end of the morning hour. Did he really mean at the end of morning business?

Mr. LONG of Louisiana. Yes.

Mr. WILLIAMS of Delaware. Mr. President, do I correctly understand the Senator from Louisiana, when he refers to the request that amendments must be germane that they must be amendments to either the Presidential Election Campaign Fund Act, the Corrupt Practices Act, or the Hatch Act—in other words, to laws pertaining to elections?

Mr. LONG of Louisiana. It is intended that they relate to presidential campaign financing or the Corrupt Practices Act.

Mr. JAVITS. Mr. President, the request does not apply to other than this amendment. Is that correct?

Mr. LONG of Louisiana. There is no limitation on the others. I said we might later ask for a limitation on other amendments.

Mr. GORE. Mr. President, reserving the right to object, I should like to call to the attention of the Senate the reason why my amendment is offered to a revenue measure. It is only as an amendment to a revenue measure that originated in the House of Representatives that the U.S. Senate can repeal the Presidential Election Campaign Fund Act. This is true because that act makes changes in the revenue laws. The only way measures affecting revenue laws can be constitutionally initiated by the Senate is by amendment of a revenue measure originating in the House of Representatives.

So, lest someone think that the amendment which the Senator from Delaware [Mr. WILLIAMS] and I have advanced is offered in a cavalier way and should be subjected to cavalier treatment such as a tabling motion, let the Senate ponder how else it could work its will with respect to this act, which every Senator who has spoken, including its author, has now acknowledged to be defective in many respects.

I sought to offer my amendment in committee, and did, but, out of respect for the chairman, who was absent, and who was the author of the law, we decided that we would not act upon it in the committee.

Had the committee written it in the pending bill, it would not be subject to a motion to lay on the table.

I would not, however, deny any Senator the right to make such a motion.

A great many suggestions have been made here this afternoon about the desirability of committee consideration of a matter which affects the most vital function of our democratic process, the election of public officials. I agree the subject matter should have had adequate consideration before it was offered as a rider to a revenue measure in the Senate when the Act was enacted last year; but this mistake of the committee and of the Senate in the closing hours of a session became part of the "Christmas tree bill."

Senator WILLIAMS and I propose that we erase that mistake. It is only by the correction of the mistake that the committees having adequate jurisdiction can seize themselves of the subject matter. The Committee on Rules and Administration cannot report a bill to repeal the Presidential Election Campaign Fund Act, because the Senate can initiate such action, I repeat, only in the form of an amendment to a revenue measure that has originated in the House of Representatives.

So I suggest, Mr. President, that this is the only manner in which the Senate can approach this matter, to work its will. We have followed the only course available to us, in conformity with the Senate's legislative jurisdiction, to initiate legislative action to repeal this unsound act.

And now what do we have before us? A pending amendment dealing with third, fourth, fifth parties. It is a subject with which we need to deal, but can we do so adequately, here on the floor, with only 30 minutes of debate for each side? This is a measure dealing with fundamental and basic principles under our Constitution—civil rights and equality of opportunity to seek public office. Can we act upon it wisely in so short a time? Can we do so with such inadequate consideration?

Mr. President, I am not prepared to vote for the amendment offered by the distinguished Senator from Wisconsin, which I have had no opportunity to study. I for one do not wish, without full consideration, to act on a proposal which might possibly offer a reward to irresponsible political parties, whether they be based upon political ideology, racial bias, religious bigotry, or provincial narrowness.

That is not to say that the subject does not deserve and require careful consideration and action. It does. I am saying that I am unprepared to vote for the amendment after 30 minutes of debate on either side, without committee consideration. I do not rise for the purpose of objecting to the unanimous-consent request, but I remind the Senate that it places a severe limitation upon debate upon such fundamental questions and issues as are raised by the pending amendment and others we cannot foresee.

What, then, is the proper and advisable course of action? I see on the floor my distinguished friend, the senior Senator from Illinois [Mr. DIRKSEN]. I appreciate his reference to the role that I played as chairman of the Subcommittee on Privileges and Elections. It was my duty to investigate what at first appeared to be a questionable transaction, what appeared to be a lack of identification of the source of a large sum of money.

When I discovered, after investigation, that no wrong had been committed, no law had been violated, I, as a member of the club, as a fellow Senator, went to him and so told him. But, Mr. President, had the facts revealed otherwise, I would likewise have gone to him and so told him. That happens to be the responsibility of a Senator to himself, to his fellow Senators, and to the country.

I call to the Senate's attention that this question of committee jurisdiction, the ability of committees to deal with this subject, is hampered by the existence of the law enacted last year. Repeal of this law will facilitate action by the committees with proper and adequate jurisdiction to take up the entire subject in a comprehensive way. That is an additional reason why it must be repealed. That is the first step for adequate consideration and responsible action, and I suggest that as we approach the vote, we examine ways in which to deal with this important subject in its many facets, which will involve overlapping jurisdictions of at least three committees. The only way we can properly handle the subject, in my opinion, from a jurisdictional standpoint, is to repeal the present law.

Moreover, for reasons I have stated heretofore, the first step necessary in order to deal with this subject without prejudice is repeal.

Let us erase the mistake we have made. I am glad to join in this unanimous-consent request, not that I believe it will provide adequate consideration—it cannot—but it will facilitate the reaching of a vote on an amendment to erase this mistake and pass the pending bill and send it to the House of Representatives.

A great deal has been said about what that body will do. I happen to know that a group of Members of the House of Representatives is awaiting arrival of this bill with my amendment, to move to instruct the conferees to accept the amendment for repeal. I believe we will achieve repeal, and the quicker the better.

Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, I have just now been conferring with the distinguished acting majority leader. If I remember the unanimous-consent request correctly, the time limit applies to the Gore amendment and to amendments to the Williams amendment, but does not apply to the Williams amendment as amended. I thought perhaps my friend from Louisiana should include that, to make it clear that that is included also under the time limitation.

Mr. LONG of Louisiana. Mr. President, I intended to ask in my unanimous-consent request that that be the case. But after having heard the Senator from Tennessee make his speech, I am very much concerned about making any such request as that. The Senator has explained here that we might well adopt an amendment, after 1 hour's debate, that might bring an end to the Republic. If that be the case, I think we might do well to be a little bit more careful about these unanimous-consent requests.

So if the Proxmire amendment and some of the other amendments should have some harm in them that none of us could foresee, at such time as the Williams amendment comes down to final passage, some Senator might yet save the Republic by rising to his feet and saying, "Wait, fellows, it is not too late to save the country, even at this late date. With nothing but the Williams amendment before us, we can save the country yet."

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. WILLIAMS of Delaware. I think that the problem of the Senator from Louisiana might be solved, because if I understand the parliamentary situation correctly, after we have voted on the Proxmire amendment, assuming there are no other amendments offered, the next vote would be on the Gore-Williams substitute. If that carries it takes all with it, but if it does not carry we revert to the Williams amendment, which, as I understand, would be open to amendments under this unanimous-consent agreement with the 1-hour limitation. Is that correct?

The PRESIDING OFFICER. That is the way the Chair understands the situation.

Mr. WILLIAMS of Delaware. They would have a chance to offer perfecting amendments afterward if they wanted to. After the vote on the Gore-Williams substitute, we would know whether we were going to amend the act in committee or on the floor.

Mr. LONG of Louisiana. Mr. President, I would think that by 6 o'clock tomorrow afternoon we would know where we stand one way or the other. However, it is now well understood that the Williams amendment is subject to amendment on the 1-hour limitation. The Gore amendment is subject to 2 hours' limitation.

That would not preclude Senators from making motions, some of which would be debatable and some of which would not be.

If the Gore amendment should fail to displace the Williams amendment, the Williams amendment would still be subject to discussion. I have asked for no time limitation on that, and I do not think that I should because it is not within my power, unless I get unanimous consent to keep the Senator from modifying his own amendment, which we cannot do as long as the Gore amendment is pending and his amendment is pending.

Mr. WILLIAMS of Delaware. Mr. President, I thought the Senator understood the parliamentary situation.

We can ask for the yeas and nays on that amendment as it may be modified, and that would stop all modifications. If that is what is disturbing the Senator I would ask for the yeas and nays on my amendment as it may be modified and solve that problem. Would that remove the objection so that we may get the consent of the Senator to move on?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that at this particular moment it would take unanimous consent to make it in order to ask for the yeas and nays on the Williams amendment.

Mr. MANSFIELD. Mr. President, I think that we can take the word of the Senator from Delaware on what will be done.

Mr. WILLIAMS of Delaware. I can assure the Senator that if he wants to agree to a limitation of debate we can get the yeas and nays at the appropriate time.

Mr. LONG of Louisiana. If we can have a gentleman's agreement that the Senator will not change his amendment by sending amendments to the desk, he would be in the same parliamentary situation as I would be if I wanted to amend the Williams amendment. I would have to send the amendments to the desk. If the Senator will reduce his power over his amendment to that of every other Senator, then I think we could have an agreement as to the time allowed for debate before we vote on the Williams amendment.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Delaware, having achieved his objective yesterday, would now be more than delighted to make that promise.

Mr. LONG of Louisiana. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG of Louisiana. Mr. President, would the Williams amendment remain subject to amendment at that point?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. WILLIAMS of Delaware. I will assure the Senator that I will first ask for the yeas and nays on this amendment if there is any request to modify the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAMS of Delaware. As I understand it, we are now limiting debate on the Williams amendment, along with the other unanimous-consent agreement and with the gentlemen's understanding we just made that my amendment will not be further modified.

The PRESIDING OFFICER. The Chair would like to make one request of the Senator from Louisiana. In which category of time does the Williams amendment fall—the 2-hour request or the 1-hour request?

Mr. LONG of Louisiana. Mr. President, I will ask, assuming the Gore amendment does not displace the Williams amendment, that the Williams amendment be subject to 2 hours, the time to be equally divided, 1 hour under the control of the Senator from Delaware [Mr. Williams], and 1 hour under the control of the Senator in charge of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Unanimous-Consent Agreement

Ordered, That, effective on Thursday, April 13, 1967, at the conclusion of routine morning business, during the further consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property, debate on any amendment, motion, or appeal, except a motion to lay on the table, to the amendment of the Senator from Delaware [Mr. Williams] (No. 152) shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion, and the Senator from Delaware [Mr. Williams]: *Provided*, That in the event the Senator from Delaware is in favor of any such amendment or motion the time in opposition thereto shall be controlled by the Senator from Louisiana [Mr. Long]; *Provided further*, That no amendment that is not germane to the provisions of the amendment (No. 152) shall be received.

Ordered further, That debate on the amendment of the Senator from Tennessee [Mr. Gore] (No. 136), shall be limited to 2 hours, to be equally divided and controlled by Mr. Gore and the Senator from Louisiana [Mr. Long]; debate on the amendment of the Senator from Delaware (No. 152, as modified and amended) shall be limited to 2 hours, to be equally divided and controlled by the Senator from Delaware [Mr. Williams] and the Senator from Louisiana [Mr. Long].

Mr. LONG of Louisiana. Mr. President, erroneous statements were made so profusely about this matter that I find it necessary to continue to correct them.

We have been led to believe that if the Gore amendment had been written into the pending bill as a committee amendment, it would not be subject to a motion to table.

Mr. President, that statement is in error. Any committee amendment is subject to a motion to table when the committee amendment comes before the Senate.

Further, the Senator is upset that the amendment was placed on the Christmas tree bill.

Mr. President, I have heard that Christmas tree thing over and over and over until it is well that the Senate understands how the so-called Christmas tree name came to be brought in here. If the Senator wants to explain it again, I will also explain it again.

I have been in the great State of Maine and I have seen the great Christmas trees in that State.

The Christmas tree bill came before us because of the parliamentary situation we had. During the year, as various bills reported by the Finance Committee were taken up on the Senate floor, a Senator would have an amendment which he would think was a very good amendment and which he would want to propose to the bill on the floor. The Senator in charge of the bill—me—would say: "Don't offer your amendment now. This bill must be signed by midnight tomorrow night. We will offer you an opportunity to present the amendment to some other bill, and we will assure you that you will get a fair break."

When time began to run out on us, we looked for a bill which would be an important bill and one which the President would like to sign and one where he would be willing to go an extra mile to go along with the amendment in the event the Senate and House concurred in it.

So, we said: "Let's put the amendments in this foreign investors tax bill and keep our faith with those Senators that we had previously told to delay the offering of amendments."

Likewise, we could perhaps come to the end of this session and ask the Senator from Tennessee, with reference to the Gore amendment: "Wait and let us look into the amendment and act on it at the end of the session on a revenue bill."

This type of amendment will have to go on a revenue bill, or otherwise the House will not consider the matter. The Senate would have no right to initiate such a revenue proposal as a Senate bill, under the Constitution.

We would say: "Here is a House-passed bill that you can offer your amendment to. We will make no procedural objection. Offer the amendment and we will vote on it. If the Senate agrees to the amendment, we will do the best we can to urge the House to agree and to urge the President to sign the bill."

The Gore amendment could well be the beginning of a new Christmas tree where one Senator has his own pet amendment and wants to have it agreed to and the manager of the bill says: "Please don't put the amendment in this bill."

Finally, the Senator in charge of the bill is accused of bringing a Christmas tree bill before the Senate simply because finally we have a bill in which we could conscientiously agree to accept the Gore amendment. When we do that, another Senator comes up with another amendment. He then says:

> I want my amendment included in this bill.

We say:

> We did it for the Senator from Tennessee. We cannot refuse to do it for another Senator.

Some other Senator comes up with an amendment and we accept his amendment. Perhaps the Senator from Maine [Mr. Muskie] could come up—and the State of Maine has some real Christmas trees—and could say:

> My Christmas tree industry is running into trouble. I want to offer an amendment to this bill.

So we could agree to a real Christmas tree amendment.

We then have a number of measures, none of which can originate here. They must originate in the House. However, one by one we agree to amendments of various Senators.

We are then accused of having a Christmas tree bill containing all sorts of proposals. We are trying to keep faith with the Senate and with the assurances we have made.

That is the reason that the bill was referred to in a somewhat uncomplimentary fashion as having been a Christmas tree bill that was brought before the Senate.

That is the only way that the Senate can get a revenue bill considered.

Mr. DIRKSEN. Mr. President, the 4th of July comes along and we will then shoot them all down and it will not be a Christmas tree.

Mr. LONG of Louisiana. It will be all right with me, either way.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Louisiana need not be concerned about this measure being characterized as a Christmas tree bill because of the Gore-Williams amendment being agreed to. The situation would be different. This time the presents will be given to the American people.

Mr. LONG of Louisiana. I say to the Senator that he of course can contend that, but it is my judgment that what he saves by letting a handful of millionaires and billionaires and corporations and lobbyists finance the campaign rather than letting the people finance it with $1 campaign contributions would cost the public 1,000 times more than would this proposal.

When we get down to it, the money that the Senator would save by repealing the one-man, one-vote, one-dollar proposal would make the American people pay back 1,000 fold for monopoly rights and matters of that sort.

Mr. President, I have expressed myself on this matter, and if no one else cares to discuss the Proxmire amendment, I would suggest that we vote on it.

Mr. DIRKSEN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. GORE. Mr. President, I wish to take a moment to question the advisability of voting upon an amendment of such far-reaching nature after such limited debate and limited consideration. I must confess that I am not prepared to discuss the amendment in an intelligent manner, because I have not had an opportunity to study it. Indeed, what Senator has a copy on his desk? The only copy I have been able to find is the one that was sent to the desk. I tried to read it in company with other people who were also trying to read it.

The amendment has not been printed; yet it deals with a fundamental constitutional question. It deals with the disposition of public moneys, in vast sums, affecting our whole elective process.

Under these circumstances, I am not prepared to condemn the amendment. I do not. It merits consideration. It deals with a subject matter with which the existing law deals in a discriminatory way. But I surely am not prepared to vote on an amendment of such great import, which I have not yet had an adequate opportunity to read.

Under these circumstances, Mr. President, I have no choice but to vote "nay."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Virginia [Mr. Byrd], the Senator from Washington [Mr. Magnuson], and the Senator from Georgia [Mr. Russell] are absent on official business.

I also announce that the Senator from North Carolina [Mr. Ervin], the Senator from Oklahoma [Mr. Harris], the Senator from South Carolina [Mr. Hollings], the Senator from Ohio [Mr. Lausche], the Senator from Montana [Mr. Metcalf], and the Senator from Florida [Mr. Smathers] are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia [Mr. Byrd], the Senator from North Carolina [Mr. Ervin], the Senator from Oklahoma [Mr. Harris], the Senator from Montana [Mr. Metcalf], and the Senator from Florida [Mr. Smathers] would each vote "yea."

On this vote, the Senator from South Carolina [Mr. Hollings] is paired with the Senator from Illinois [Mr. Percy]. If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Illinois would vote "nay."

Mr. DIRKSEN. I announce that the Senator from California [Mr. Kuchel] and the Senator from Illinois [Mr. Percy] are necessarily absent.

The Senator from Kentucky [Mr. Morton] is detained on official business.

If present and voting, the Senator would vote "nay."

On this vote the Senator from South Carolina [Mr. Hollings] is paired with the Senator from Illinois [Mr. Percy]. If present and voting, the Senator from South Carolina [Mr. Hollings] would vote "yea" and the Senator from Illinois [Mr. Percy] would vote "nay."

The result was announced—yeas 29, nays 59, as follows:

[No. 71 Leg.]

YEAS—29

Bartlett
Brewster
Burdick
Byrd, W. Va.
Clark
Dodd
Ellender
Gruening
Hart
Hartke
Hill
Holland
Jordan, N.C.
Long, Mo.
Long, La.
McGovern
Mondale
Muskie
Nelson
Pell
Proxmire
Randolph
Spong
Stennis
Symington
Talmadge
Thurmond
Tydings
Yarborough

NAYS—59

Aiken
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brooke
Cannon
Carlson
Case
Church
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Fannin
Fong
Fulbright
Gore
Griffin
Hansen
Hatfield
Hayden
Hickenlooper
Hruska
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Mansfield
McCarthy
McClellan
McGee
McIntyre
Miller
Monroney
Montoya
Morse
Moss
Mundt
Murphy
Pastore
Pearson
Prouty
Ribicoff
Scott
Smith
Sparkman
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NOT VOTING—12

Byrd, Va.
Ervin
Harris
Hollings
Kuchel
Lausche
Magnuson
Metcalf
Morton
Percy
Russell
Smathers

So Mr. Proxmire's amendment to the amendment of Mr. Williams of Delaware was rejected.

ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate, when it finishes its business today, stand in adjournment until 11:30 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 10 A.M. ON FRIDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 10 o'clock Friday morning next.

The PRESIDING OFFICER (Mr.

Kennedy in the chair). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ELLENDER ON FRIDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Friday, at the conclusion of the reading of the Journal, the distinguished Senator from Louisiana [Mr. Ellender] be recognized for not to exceed 2 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I wish to announce that on Friday next, beginning at 10 o'clock a.m., I shall present to the Senate my report on our Government's operations in South and Central America, including Mexico, Panama, and the islands of the Caribbean.

Senators will be furnished with a copy of that report, entitled "Review of U.S. Government Operations in Latin America," so that they can look into it and ask such questions as they may wish.

I believe this document will contribute to helping the administration and the Congress to devise programs and policies to bring the United States and our neighbors to the south closer together, for the benefit of all the people of the Western Hemisphere.

Mr. MANSFIELD. Mr. President, may I urge the Senate, or as many Members as possible, to be in the Chamber at that time because, based on previous experience, we know that the distinguished Senator from Louisiana [Mr. Ellender] goes into great detail, that when he goes to these countries he really works diligently and digs out vital information and always has worthwhile recommendations to make. I hope, therefore, that as large an attendance as possible will be in the Chamber on Friday to listen to the Senator from Louisiana.

ORDER FOR RECOGNITION OF SENATOR DOMINICK TOMORROW

Mr. MANSFIELD. Mr. President, immediately after the conclusion of the prayer tomorrow, I ask unanimous consent that the distinguished Senator from Colorado [Mr. Dominick] may be recognized not to exceed one-half hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McCLELLAN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that prior to the unfinished business being laid down tomorrow, the distinguished senior Senator from Arkansas [Mr. McClellan] be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TV COMMENTS OF JOSEPH McCAFFERY, OF WMAL-TV, RESPECTING PRESIDENTIAL CAMPAIGN FINANCING ACT

Mr. LONG of Louisiana. Mr. President, yesterday evening during his commentary on the news, Joseph McCaffery of WMAL-TV, channel 7, discussed the current attempts to repeal the Presidential Campaign Financing Act.

I ask unanimous consent that his remarks may be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

> The Senate is now involved, and deeply involved, in Senator Russell Long's tax check-off plan, which allows a taxpayer to check-off on his Federal income tax return a dollar for the Presidential campaign of the two major parties.
>
> Senator Long attached this plan to last year's tax bill and since then it has been under fire. Now with the reinstatement of the Investment Tax Credit on the floor, Senator Albert Gore is trying to tie a rider to it which would kill off the campaign plan, and he has, strangely enough, drawn some strong editorial support from around the country.
>
> The words, *"strangely enough,"* are used because these are the same pious editorial writers who decry the Dodd case and the Baker case and who talk about the dangers of conflict of interest in the solicitation of campaign funds.
>
> Now here is the first big step ever taken to solve the problem of raising funds for political candidates, and it is being flayed and pilloried from coast to coast.
>
> If this plan is scuttled this year, then the initial step toward the reform of campaign fund raising will have been killed for the life time of every member of the Senate.
>
> Certainly, the plan as it is now drawn has many flaws, most of them major.
>
> But the remedy is not to throw the entire plan out.
>
> Rather it is to correct the flaws, perfecting the plan.
>
> We should extend its coverage to help pay for Senate and House campaigns, allow other than the two major parties to participate under some clearly defined limitations.
>
> The very same critics who deplore the Long Plan, are those who also say, from their velvet padded cells, that every voter should be encouraged to contribute to political campaigns, and that a small contribution is as essential to making democracy work as the act of voting.
>
> Now the frame work for the individual contributor, the frame work for developing some intelligent system for financing our elections is on the block in the Senate.
>
> If there is ever to be a sensible system of campaign funding, during the next decade, the Long Plan provides the vehicle for it—scrapping the Long Plan kills the first and most important step toward bringing order out of chaos in campaign funding.

VOLUNTARY FAMILY PLANNING PROGRAMS

Mr. TYDINGS. Mr. President, on behalf of Senators Brewster, Byrd of West Virginia, Clark, Cooper, Fulbright, Gruening, Harris, Hart, Hatfield, Hickenlooper, Inouye, Mondale, Moss, Percy, Randolph, Yarborough, and myself, I introduce, for appropriate reference, a bill to provide Federal financial assistance to public and private agencies for comprehensive family planning programs. This bill would authorize the Secretary of Health, Education, and Welfare to make Federal grants to State, local, and private nonprofit organizations to enable them to provide family planning information and related medical assistance to individuals who desire these services but cannot afford to obtain them. I ask unanimous consent that the full text of this bill be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, the need for the services provided by this bill cannot be overstated. The health hazards of unwanted children, the deleterious social and economic consequences of unwanted children, the unhappiness of the family and the unwanted children themselves, demonstrate beyond doubt the need for this bill. A host of expert studies support this conclusion. To cite two recent reports, an August 1966 study conducted by the Chief of the Bureau of Health Services of the U.S. Public Health Services, regarding means to combat the serious domestic problem of rising infant mortality rates, concluded that the most cost-effective means to meet this problem would be an extensive program of family planning services. In its report, in February 1967, the President's National Crime Commission concluded that insuring the availability of family planning assistance was one vital means of combating crime, by insuring against economic and emotional deprivation which are both the legacy of unwanted children and a root cause of crime.

No one, of course, should be coerced in any way to plan family size. This bill provides ample safeguards against coercion or interference with personal moral convictions. But no one in this country should be deprived of free choice to plan family size. Yet according to estimates endorsed by the Secretary of Health, Education, and Welfare—HEW—approximately 5 million women presently desire family planning assistance but are denied access to it because of inadequate incomes. This need has been eloquently documented by the pioneering work of Senators Ernest Gruening and Joseph Clark, both of whom, I am proud to say, are among the cosponsors of this bill, and encouraged me to introduce this legislation.

There is no longer any question that family planning assistance is a pressing governmental responsibility. President Johnson stated, in his 1966 health message to the Congress:

> We have a growing concern to foster the integrity of the family, and the opportunity for each child. It is essential that all families have access to information and services that will allow freedom to choose the number and spacing of their children within the dictates of individual conscience.

Secretary General U Thant stated, in December 1966:

> We must accord parents' right to determine the numbers of their children a place of importance at this moment in man's history.

Pope Paul, in an encyclical published last month, stated:

> It is certain that public authorities can intervene, within the limits of their competence, by favoring the availability of appropriate information and by adopting suitable measures, provided that these be in conformity with the moral law and that they respect the rightful freedom of married couples.

Both the need for family planning assistance and the overwhelming consensus that government should act to provide such assistance are clear. The 89th Congress recognized this by taking historic steps mandating action by the Federal Government, both in this country and abroad, to sponsor family planning programs. Committee reports accompanying the Comprehensive Health Services Act, and legislation creating neighborhood health centers under the Economic Opportunity Act made clear that family planning services should be provided. The Economic Opportunity Act was also amended to provide that local community action programs could make family planning services available to unmarried women.

The Foreign Assistance Act of 1966 incorporated an amendment, which I offered, to authorize the use of counterpart funds for voluntary family planning services by foreign countries. The food-for-peace bill also permitted the use of currencies received for U.S. agricultural commodities to be used for voluntary family planning programs abroad. In my view, however, we can never hope to offer meaningful assistance to meet the worldwide problems of burgeoning populations unless we develop and demonstrate in our own country effective means to provide family planning assistance to those who now cannot obtain it.

But the action taken to date by the executive branch, in implementing its promises and the mandate of the Congress, has been hesitant and manifestly inadequate. In the domestic field, neither present nor planned family planning program assistance comes close to being adequate. A research effort regarding population planning has been launched by the executive branch. But, although research should continue, we need not await its results to initiate immediate, far-reaching programs to make family planning available to those who now cannot afford to obtain it. As a report recently published by the Ford Foundation concluded:

> The women presently denied access to [family planning] service can be identified. In general, it is known how to design services in respect to optimum location, auspices, budget, and staffing. Innovations in extending the service into the community are proving successful. Continuing program evaluation can be expected to reveal additional operational guidelines. Costs are modest compared to other social and medical programs. Adequate technology exists and improvements are forthcoming. Short-run results are likely to be significant, and long-run consequences may be even more so if the revelant professions, public agencies, and hospitals accept the challenge to implement and broaden existing policies. (Perkins & Radel, *Current Status of Family Planning Programs in the United States,* Ford Foundation, August 1966.)

There is thus no need to wait before implementing extensive family planning programs. The time for action is now. It is generally accepted that the annual cost of providing family planning assistance in this country to any particular woman is approximately $20. To reach the 5 million women who want and need such assistance would cost approximately $100 million. The bill I propose today would provide $20 million in its first year and would rise in stages to $75 million in 5 years. The rest of the necessary funds would come from State or local matching sources.

The present family planning efforts of the Federal Government fall far short of these necessary expenditures. In 1966 funds made available under maternal and child health programs amounted to approximately $3 million, and an additional $2.4 million for family planning was spent by community action agencies under the antipoverty program. During the 89th Congress, administration spokesmen clearly acknowledged the inadequacy of the present level of expenditures. Mr. Wilbur Cohen, Under Secretary of HEW stated, in a letter to me dated October 20, 1966, that plans under the administration's comprehensive health services bill called for family planning program expenditures of $20 million in fiscal year 1968, $25 million in fiscal year 1969, and $30 million in fiscal year 1970.

A copy of that letter is exhibit 1 to these remarks, which I ask unanimous consent be printed at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **TYDINGS**. At the time that letter was written, the administration's health bill had been reported out by the House Committee with funds authorized at a level close to the final authorization approved by the Congress. Thus, Under Secretary Cohen's statement appeared to be based on a realistic appraisal of the funds which would be available.

I had introduced legislation, in the 89th Congress, essentially identical to the bill I introduce today, to provide specifically earmarked funds for a significant expansion of Federal family planning assistance. But in view of the Under Secretary's commitment of significantly increased funds for family planning assistance, I concluded that passage of my legislation was not necessary. Indeed, at the request of the administration, I did not press it.

It is now evident, however, that specific earmarking of funds for family planning programs was and is now vitally necessary. Notwithstanding the President's recognition of the importance of family planning programs, notwithstanding the clear mandate of the 89th Congress that both domestic and foreign family programs should be assisted by Federal expenditures, notwithstanding Under Secretary Cohen's letter, the promise of significantly increased funds for domestic family planning programs has proven illusory.

The detailed budget justification recently submitted by HEW to the Congress for fiscal year 1968 reveals that the few family planning programs already funded will, at most, be expanded only marginally. State and local officers attending recent HEW regional conferences on family planning programs have indicated that HEW departmental spokesmen advised that no new Federal funds would be available. In January 1967, Dr. Milo Leavitt, Deputy Assistant Secretary for Science and Population, was quoted in the press as stating:

> I am genuinely concerned that the Public Health Service has not developed plans to provide family planning services which we are telling the states are available.

A March 1967 newspaper article quotes Dr. Eugene Guthrie, associate surgeon general, as stating "We just couldn't get the money" for family planning programs. In fact, even the limited family planning services offered in antipoverty programs are struggling to remain at present funding levels. The prospects that the Office of Economic Opportunity would expand these services and institute new services—which appeared likely a year ago—have now virtually vanished.

The present situation regarding Federal funding of family planning programs is hard for me to believe. The bold rhetoric of the executive branch during the last 2 years has evaporated into silence and inaction. Why has this happened? Why has the proven need for expanded family planning programs, and the clear congressional mandate to provide those programs, been ignored. The basic fault, in my judgment, was the absence of specifically earmarked funds for family planning programs. In the competition for funds appropriated generally for health programs, family planning programs are at a considerable disadvantage. They are relatively new and involve only a few staff people.

By contrast, the older, firmly established health programs have batteries of bureaucrats who are committed advocates. Family planning programs are thus ignored because they lack advocates within the bureaucracy of the Federal Government. The congressional mandate for family planning programs will be carried out only if the Congress appropriates funds which can be used solely for such programs. We tried the other way in the 89th Congress, and we have found that the executive branch has completely let us down.

Last year, testifying before a Senate subcommittee in opposition to earmarked funds for family planning programs, Dr. Philip Lee, Assistant Secretary of HEW for Health and Scientific Affairs, stated:

> If in a year or two, we found through existing authorities adequate numbers of programs and services did not develop, then we would certainly not be opposed to a categorical program in family planning.

It is now clear that "adequate numbers of programs and services" are not developing. The time has come to earmark funds for family planning programs to mandate the executive branch to develop such programs.

The time has come for action. That is the purpose of the bill I introduce today.

EXHIBIT 1

OCTOBER 20, 1966.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: Thank you for your letter of October 10 and for your interest in S. 3008 which would enable the Department to develop programs in family planning.

We have indicated in testimony in both the Senate and the House of Representatives that family planning programs can be developed as an integral part of comprehensive health services within the States. S. 3008 assures that comprehensive public health services, in which family planning would be included, can be developed through a flexible State grant program administered by the Public Health Service. This would be accomplished in two ways: first, by providing non-categorical formula grant support to localities and States for utilizing Federal assistance to meet their most important health problems; and secondly, by means of project grants for health services, development which would enable the Public Health Service to award "grants to any public or non-profit agency, institution, or organization to cover part of the cost of (1) providing services to meet health needs of limited geographic scope or of specialized regional or national significance, (2) stimulating and supporting for an initial period new programs of health service, or (3) undertaking studies, demonstrations, or training designed to develop new methods or improve existing methods of providing health services." Project grant awards may be made to public agencies such as State, county or metropolitan health departments, universities, hospitals, and to non-profit private voluntary organizations such as universities, hospitals, and voluntary agencies.

In his recent testimony before the House Committee on Interstate and Foreign Commerce, the Surgeon General, Dr. William H. Stewart, in response to specific questions by Representative Samuel N. Friedel, indicated that both the formula grant to States for comprehensive public health services and the project grant for health services development can be used to support family planning activities. For the purposes of supporting programs under S. 3008 in the field of family planning, our present plans contemplate $20 million in fiscal year 1968, $25 million in fiscal year 1969, and $30 million in fiscal year 1970. We will review these figures in connection with our next year's program. In addition, funds are also being made available for family planning through Title XIX of the Social Security Act, Medical Assistance Program; Maternity and Infant Care project grants; and formula grants to the States for Maternal and Child Health Services.

In view of your deep and continuing interest in family planning, I am enclosing a copy of the Departmental Report which summarizes the current activities of our operating agencies in this important field.

Sincerely yours,

WILBUR J. COHEN,
Under Secretary.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, will be printed in the RECORD, as requested.

The bill (S. 1503) to provide Federal financial assistance to public agencies and institutions and to hospitals and other private, nonprofit organizations to enable them to carry on comprehensive family planning programs, introduced by Mr. TYDINGS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 1503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to make grants to State, local, or other public agencies and institutions, and to hospitals and other private, nonprofit organizations for the purpose of assisting them in carrying on necessary programs in the field of voluntary family planning. Such programs may include the dissemination of family planning information, medical supervision and supplies to individuals who desire such information, assistance, or supplies.

SEC. 2. (a) Grants under this Act shall be made only under regulations promulgated by the Secretary. No grant shall be approved unless it contains and is supported by reasonable assurances that in carrying out any program assisted by any such grant, the applicant will establish and follow procedures designed to insure that—

(1) no individual will be provided with any medical supervision or supplies which such individual states to be inconsistent with his or her moral, philosophical, or religious beliefs; and

(2) no individual will be provided any medical supervision or supplies unless such individual has voluntarily requested such medical supervision or supplies.

(b) The use of family planning services provided by the applicant under such grant shall not be a prerequisite to the receipt of services from or participation in any other programs of financial or medical assistance.

(c) The Secretary shall make grants to carry out programs for the dissemination of family planning information, medical supervision, and supplies only to applicants who—

(1) serve areas where there are substantial concentrations of low-income families; or

(2) will otherwise utilize such grants primarily to serve low-income families.

SEC. 3. The Secretary shall not deny a grant under this Act to any applicant which is otherwise eligible therefor on the grounds that—

(a) such applicant will provide family planning assistance which is limited in scope to one or more methods or aspects of family planning;

(b) the area to be served by the programs to be carried on by such applicant is already served by other family planning programs; or

(c) the applicant, under standards it prescribes, provides assistance to unmarried individuals.

SEC. 4. For the purposes of this Act the term "nonprofit," when applied to any agency or organization, means a private agency or organization no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private owner or shareholder thereof, or any other private person.

SEC. 5. It shall be the duty of the Secretary and the Director of the Office of Economic Opportunity to coordinate, and insure full exchange of information upon, all family planning programs within their respective jurisdictions in order to provide maximum availability of services and in order best to meet the varying needs of different communities.

SEC. 6. (a) Grants under this Act shall provide such part of the total of the expenses required to carry on the program with respect to which the grant is made, as the Secretary shall by regulations prescribe.

(b) For the purposes of carrying out the provisions of this Act, there are hereby authorized to be appropriated not more than $20,000,000, for the fiscal year ending June 30, 1968; $30,000,000, for the fiscal year ending June 30, 1969; $45,000,000, for the fiscal year ending June 30, 1970; $60,000,000, for the fiscal year ending June 30, 1971; and $75,000,000, for the fiscal year ending June 30, 1972.

Mr. GRUENING. Mr. President, I wish to join in enthusiastically supporting the legislation which the distinguished Senator from Maryland has introduced. He is attacking one of the most vital and pressing issues of our time, a subject which lamentably, despite the President's repeated utterances, has not been followed by the naturally expected cooperation of the administration's own agencies.

On another occasion today, I had the opportunity to discuss the desirability of making family planning information available to persons who wish to have it. To do this, it is necessary for people to know that it is available, and it is essential that the birth control method they may select, in addition to being the method of their free and uncoerced choice, be not priced beyond their means. So I am happy and proud to join again as a cosponsor of the bill proposed by the Senator from Maryland [Mr. TYDINGS], which would provide Federal financial assistance to public agencies as well as private nonprofit organizations, to enable them to carry on comprehensive family planning programs in the United States.

Senator TYDINGS has been a leader in Congress in this vital field. This is important and proper legislation, because the population explosion exists in our own country as well as others. The right of parents to plan their families as they wish must be respected. My good friend, the distinguished Senator from Maryland, is concerned about the quality of man's life on earth. He seeks means to correct some of the ills which plague so many—poverty, delinquency, and the terrible thought that no one seems to care.

I hope that the 90th Congress will enact this excellent proposed legislation promptly, and thereby let the President know that it supports his 31 public mandates to find new ways to solve the multiplying problems of multiplying populations. It is no less important that Congress act as Senator TYDINGS' bill provides, in order that the regrettable inaction of the Federal agencies which Senator TYDINGS has so clearly pointed out cease and that we may move forward in accordance with the repeated utterances of President Johnson. It is a mystery why when the President has spoken so emphatically and so repeatedly, that his agencies have not gotten the message. So this is one of the things it is now necessary for Congress to try to correct. Senator TYDINGS' bill is a very constructive move in that direction.

Mr. TYDINGS. I thank the distinguished Senator from Alaska.

Mr. President, last fall a subcommittee of the Committee on Government Operations held hearings on the problems of the city for some 3 or 4 months before national television cameras and the national press. I submit that nothing will really be accomplished toward rebuilding our great cities in this country until we provide the poor in the cities with the same opportunity to plan their families that the affluent and the rich have.

There is not a city in this country that does not have a major crime program, where a substantial portion of the juvenile delinquencies cannot be traced to unwanted children, who came into this world, for at least one of the reasons, because their mothers never had the opportunity to plan their families.

I further submit, Mr. President, that $1 spent in the cities of this country to give the poor the same right to responsibly plan the size of their families will be equivalent to $20 spent on almost any other type of program, whether it is urban renewal, expressways, colleges, housing, or whatever it may be.

Mr. GRUENING. Mr. President, will the Senator yield at that point?

Mr. TYDINGS. I am happy to yield.

Mr. GRUENING. It is an interesting coincidence that the Senator uses the formula of 1 to 20, because it echoes and coincides with the statement made by the President at the United Nations conference last July, when he said that $5 spent in population control was worth more than $100 in economic aid.

I would have assumed that that statement was the equivalent of a mandate to his foreign aid administrators and other agencies. But as the Senator from Maryland has so well pointed out, there has been no action. It is really time we moved on this burning problem. It is not only late, it may be too late. The question is, how can we possibly meet this tremendous, burgeoning growth of population, which is impairing our resources in this country and is eroding our foreign aid program? We have overwhelming evidence that as we pour billions of dollars into aid for foreign countries, their population explosion is nullifying our aid as well as their own efforts.

Mr. TYDINGS. Mr. President, I should like to tell the Senate about the program that Baltimore adopted approximately 2 or 3 years ago. The Baltimore Department of Public Health provided a program in the city hospitals whereby they provided family planning assistance and devices for those mothers, particularly in the ghetto neighborhoods, the poorer sections of the Baltimore City, whereby the mothers could have the same benefits, the same advantages of family planning devices and techniques that the richer inhabitants of Baltimore City enjoyed.

After the first full year that the program was in operation, the number of new babies born in Baltimore City decreased by approximately 7,000. These were primarily children who would have been born in the ghetto sections, many of them illegitimate children, without parents who wanted them or could take care of them.

Do you know what that means in dollars and cents, 7,000 children? It means, in the cost of classroom construction for new classrooms alone, which would otherwise have had to have been built for those children, approximately $10 million less that the taxpayers have to carry in Baltimore City, not to mention the great cost of supporting the unwanted child who develops into a delinquent, or never has an opportunity to make a contribution in life. I only hope that Congress realizes that the executive branch will not move to meet this challenge. They have gone back on their promises, and the only way we will get any action is for Congress to mandate the action, and say, "Here are the dollars, and they must be spent." We can no longer rely on the promises and assurances of the Department of Health, Education, and Welfare.

Mr. President, I yield the floor.

DEATH OF WILLIAM B. WHITLEY

Mr. SPARKMAN. Mr. President, it was with great sadness that I learned of the sudden death of William B. Whitley, who served so ably as assistant to the Senator from North Carolina [Mr. JORDAN].

I knew Bill Whitley personally. As a member of the Joint Inaugural Committee, I had occasion to work very closely with Bill who served as staff director for the committee. He was an able, competent, and loyal Senate employee, and his services will be sorely missed.

I know that I speak for each Member of this body in expressing sincere sympathy to his widow and children.

FLOOD PROTECTION FOR TUG VALLEY, W. VA.

Mr. BYRD of West Virginia. Mr. President, for years I have been working to secure sorely needed flood protection measures in imperiled areas of West Virginia.

One of these areas, the Tug River Basin, has suffered repeated flood damage. I recall all too vividly the appearance of the area following the heavy flood of 1963, when in March of that year I flew to the State with officials concerned with aiding flood areas.

We traveled over points such as the Tug River Basin in a helicopter, so that we might gain firsthand knowledge of the flooding. Subsequently, I returned to Washington to renew efforts to secure U.S. Army Corps of Engineers construction, but these resulted unsuccessfully due to failure of the Tug Valley area to meet existing eligibility requirements.

Earlier this year, Tug Valley suffered another flood, endangering life and property, and again the citizens of the area and their representatives in the Congress are attempting to secure appropriate construction by the U.S. Army Corps of Engineers. My distinguished colleague, Senator RANDOLPH, and I heard the pleas and urgings of a large group of citizens from Tug Valley just last week when a delegation came to Washington to testify at a congressional hearing, over which Representative JAMES KEE, of West Virginia, presided, as to the dangers and hazards of repeated flooding of their homes, businesses, and property.

Among the most eloquent of these statements was that presented by Mr. William F. Tolbert, editor, the Williamson Daily News.

This veteran newspaperman's assessment of the need for flood control measures is a cogent argument for effective action by the Army Engineers. It is my hope that some formula can be devised to permit approval of a project to provide flood control measures at an early date.

I ask unanimous consent that this statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF WILLIAM F. TOLBERT, AT A HEARING BEFORE THE U.S. ARMY CORPS OF ENGINEERS CONCERNING FLOOD CONTROL FOR TUG RIVER, APRIL 6, 1967

My name is William F. Tolbert. For forty years I have been associated in various capacities with the Editorial staff of the Williamson Daily News and since 1953 I have been serving as its Editor and Managing Editor.

In my professional role, I have been privileged to be in close contact with the many factors—economic and otherwise—which control the well-being of our Tug Valley and the lives of our men, women and children.

Over a long period of years, flooding was no major concern to our area. Our Valley was a booming coal mining area with production centered largely on underground mining. Whatever concern we had with the Tug River was centered largely with the possibility of canalization, which at one time was accorded a favorable ratio of feasibility in a report by the U.S. Engineers but which was fought with intensity and bitterness by the Norfolk & Western Railroad.

During the mid-forties a boom developed in strip-mining and auger mining of coal which devastated many of the mountain tops and peeled trees from large areas, causing top-soil, clay, rocks, mining debris to cascade into our river and its tributaries. This only compounded the accumulations in our river's bed. Man-made implementation of the flood plains to personal economic advantage only added to our plight.

As I have said, prior to this time Spring rises of the Tug River were to be expected and they were considered more or less of nuisances but did in fact inflict considerable losses and inconvenience to the low-lying areas. In the city of Williamson, most of the inconvenience came from back-water flooding and the area concerned was comparatively limited.

It was to curb and contain this back-water flooding that engineers proposed a flap-gate installation for the business district of Williamson. Before this proposal could be put into effect, what was regarded as the granddaddy of all floods descended upon Tug Valley in 1957. It brought a record all-time high flood crest at Williamson of 43.7 feet and for the first time, Tug River actually came out of its banks and ran down the business streets of the city. A new survey aimed at flood protection for Tug Valley was initiated. Results of that survey finally resulted in provision for a floodwall for the main business district of Williamson, leaving all other areas to the mercy of the elements and those elements were not long in striking with vengeance.

In 1963, after the engineers had assured us that floods such as the 1957 inundation were occurrences which could be expected once in 100 years, the flood waters cascaded over our Valley to a stage of 44.4 feet at Williamson and which actually lapped over the floodwall which required sandbagging in many sectors to prevent total annihilation of the city itself.

Four major floodings have occurred in our Valley in ten years and it is little wonder that none can sleep in Williamson at nights when it is raining for fear that this flood wall protection will prove inadequate to the occasion.

In my research and in discussions with experts, I have been told that flood protection has given way to flood control. Catching the raindrops where they fall and storing them for future use by man offer the greatest economic justification as our nation faces a growing peril in the rapidly declining water levels.

Apparently these new principles are applicable to every section but the Tug River

Valley. We have long since been relegated to the role of a state-fed pauperism and of continued economic blight without hope for any recovery.

To be sure, our area is not totally neglected. We have the food stamp program, the ADCU, Head-Start and the OEO, projects sponsored by the Appalachian Recovery and the War on Poverty. Even in times of distress caused by the rampaging Tug River, the OEP is quick with funds for repair to public facilities and the SBA moves in with low-interest loans to private business concerns while the Red Cross assists individuals with disaster relief and the Salvation Army and other such organizations assist in alleviating misery and hastening recovery.

This is all good, but mind you, how many times can small businesses make loans to continue with flood disasters recurring more frequently than loans can be repaid. There was an independent merchant at Matewan who was washed out in 1957. He secured a SBA loan. Before he could repay this loan, another devastation struck and he secured his second loan. This worry and anxiety induced a fatal heart attack. His widow gamely took up the struggle and now, for the third time in 10 years, their business has been destroyed by the wrath of the elements. How do you measure this in reckoning the so-called criteria of feasibility? There are countless other examples.

Business establishments can measure their losses in dollars and cents, but how do you compute the losses of husband and wife, father and mother who have toiled a life time in purchasing a home and then in the matter of a few hours, through no fault of their own, see their efforts floating down the river with the debris of their neighbor's belongings? Our citizens have a rich heritage of intestinal fortitude, but believe you me, it takes plenty of "guts" to suffer the personal havoc, the anxiety and the economic disaster wreaked by an uncontrolled Tug River which could be corrected with a mere fraction of the money which is being shipped to strange foreign lands to nurture even our mortal enemies? In our zeal to be the benefactor of the world, why is it necesasry to close our eyes to the plight of our own loyal patriots who stand ready to defend this nation with their lives if necessary?

Recently, a subcommittee from the House of Representatives and other high officials toured our area and viewed the damages wrought by the March flooding. One Congressman, the Hon. Robert Denney, was quoted by the Omaha World-Herald in his home state of Nebraska as saying:

"Any money spent in Appalachia should be in permanent not temporary improvements. Reservoirs and other structures to control and store water would be better investment than various anti-poverty programs in the area.

"There is not much sense in urban renewal for towns which are flooded out by a two or three-inch rain."

Congressman Denney's remarks are most appropriate and summarizes our situation. We are most gratified with the sympathetic understanding which is accorded us with every flood crisis. But these promises float down Tug River as the flood waters recede and once again we are left with the confusions of feasibility and criteria as we prayerfully watch for the next flood which is bound to come with the first unusual precipitation over our Valley.

Gentlemen, I thank you for your kind indulgence. I can assure you that others will present documented facts and figures which we fervently pray will convince you and other officials of this great government that our cause is meritorious and that new hope will come to the people of our Valley through flood control brought about by the construction of the Lower Knox Creek dam and reservoir.

TEXTBOOKS FOR DISTRICT OF COLUMBIA SCHOOLCHILDREN

Mr. BYRD of West Virginia. Mr. President, the Washington Post this morning carried an article entitled "Neglect of District of Columbia Schools Assailed by McNamara." The Post article reported that Defense Secretary McNamara, in effect, told Representative H. R. Gross, of Iowa, on April 11, that he, Representative Gross, would do better to worry about textbooks for schoolchildren in Washington than about furnishing a plane for Ambassador Ellsworth Bunker to visit his bride. I quote from the Post article as follows:

> "I think the real disgrace," MacNamara retorted, "is for you to sit here in the Nation's Capitol not two miles away from school children who lack textbooks because Congress won't appropriate the funds for them."

Mr. President, I have always admired Secretary McNamara's grasp of the facts with regard to Defense Department appropriations. However, apparently the Secretary's same unerring grasp of the facts does not extend to all other areas of the Government. Perhaps he was misquoted, or perhaps he has been misinformed.

I wish to set the record straight with regard to the District of Columbia's provision of textbooks for schoolchildren. As chairman of the Senate Subcommittee on Appropriations for the District of Columbia, I sent a telegram to Dr. Carl F. Hansen this morning, in which I said, and asked, the following:

> Washington Post this date quotes Defense Secretary Robert McNamara, responding to statements by Representative H. R. Gross (Iowa), as follows:
>
> "I think the real disgrace is for you to sit here in the Nation's Capitol not two miles away from school children who lack textbooks because Congress won't appropriate the funds for them."
>
> Please provide information as follows:
>
> 1. Do District of Columbia school children lack textbooks?
>
> 2. If answer is affirmative, does the lack result from failure of Congress to appropriate funds for textbooks?
>
> 3. Summary of budgetary requests of Congress for textbooks and facts regarding appropriations in response to these requests over the past five years.

In response to that telegram, Dr. Hansen replied in a letter dated April 12, excerpts from which I read as follows:

> Dear Senator Byrd: In response to your request for information concerning the current textbook situation in the D.C. Public Schools, I am submitting answers to specific questions as follows:
>
> *1. Do D.C. school children currently lack textbooks?*
>
> The answer then to the question, "Do we lack textbooks?" is this: "In summary, we know of no instances of shortages. If any do exist, this may be mismanagement on the part of local school officers or the result of an unexpected increase in school enrollment or a shift in emphasis in curriculum.
>
> "Under current funding conditions the emergency needs for textbooks can be met immediately upon request of the school principal. Textbook obsolescence does not exist in the school system, except for those occasions resulting from oversight or bad management. If such cases do exist, Congress is not at fault."

To the second question, "If the answer is affirmative, does the lack result from failure of Congress to appropriate funds for textbooks?" Dr. Hansen answered:

> From Fiscal Year 1961 to Fiscal Year 1967, inclusive, Congress has appropriated $868,681 for textbooks, an amount 17.1% greater than requested by the Board of Education and 32.5% greater than approved by the Commissioners.
>
> In addition, the schools have applied $787,933 from other Federal funds, including impact aid, to the meeting of textbook needs.

In answer to the third item, "Prepare a summary of budgetary requests of Congress for textbooks and facts regarding appropriations and response to those requests over the past 5 years," Dr. Hansen presented a table which showed that the total funds requested for textbooks by the board of education during the past 8 fiscal years, including fiscal year 1968 for which we have not yet acted on appropriation requests, amounted to $742,419; that the President's budget requests, in totality, during those 8 fiscal years came to $656,255; and that the amounts approved by Congress over the same period—and we have not yet acted on appropriations for fiscal year 1968—was $869,686.

(At this point Mr. Tydings assumed the chair.)

Mr. BYRD of West Virginia. So, to repeat the figures, for textbooks, the Board during the 8 fiscal years requested $742,419. The President's budget requests for the same period totaled $656,255, and the amounts approved by Congress totaled $869,686. Additionally, $787,933 came from Federal funds which were used for the purpose of textbooks.

Dr. Hansen closed his letter by saying:

> I am greatly pleased with the advances made in the textbook funding through the efforts of Congress, either through direct appropriations or through special Federal programs.
>
> I am pleased to submit this information to you as an indication of the considerable improvement in the textbook situation over the years.
>
> Very sincerely yours,
>
> Carl F. Hansen,
> *Superintendent of Schools.*

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. KENNEDY of New York. Mr. President, I share with the Senator from West Virginia a great respect for the Secretary of Defense. I also serve on the District of Columbia Committee, and I have visited some of the schools in the District of Columbia. My own experience and my own observation is that there is a good deal of obsolescence in the textbooks of some of our students in the District of Columbia. There is a shortage of school books.

I do not report to the Senator from West Virginia merely on the basis of my own inspection and investigation, but also on the basis of what others have told me.

I am interested in what Mr. Hansen says. I do not know whether he has visited some of the schools that I have visited or heard some of the complaints that I have heard. But I would like to follow the matter up with Mr. Hansen and possibly over the next few days we might place some other facts in the RECORD.

My experience has been—and the information I have bears out the findings of the Secretary of Defense—that there is a shortage of schoolbooks in the District of Columbia, and there are books that are being used by a number of students in the District of Columbia that are obsolescent books.

Mr. BYRD of West Virginia. I would be glad for the Senator to do that. Let me say that in the 7 years in which I have acted as chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations, I have sought to respond as well as I possibly could to the needs of the schools in the District of Columbia as those needs were presented by the District of Columbia Commissioners, the Superintendent of Schools, and his associates.

I feel that the Superintendent of Schools is correct in what he has said in his letter, and certainly his figures which I have quoted today would indicate that Congress has not been remiss. It has not been niggardly in responding to the appropriation requests submitted to it.

Mr. KENNEDY of New York. Mr. President, will the Senator yield further?

Mr. BYRD of West Virginia. I yield.

Mr. KENNEDY of New York. Perhaps, if the Senator from West Virginia is free on Monday morning, the two of us, and perhaps other Senators, might go around to the schools of the District of Columbia and look at the books so that we could have firsthand information.

Mr. BYRD of West Virginia. Let me say to the Senator from New York that I have visited the schools.

Mr. KENNEDY of New York. I know that the Senator has visited the schools. I know that the Senator from West Virginia takes a great deal of interest in the District of Columbia and has visited the schools. However, since the question is raised by the Secretary of Defense, and Mr. Hansen has responded in the way in which he has, perhaps if the Senator has a few free hours on Monday morning, or at any other time, the two of us could go to some of the schools and see for ourselves.

Mr. BYRD of West Virginia. Let me again say to the Senator from New York that I have visited the schools of the District of Columbia. I intend to do so again.

My subcommittee is presently conducting hearings on appropriation requests, and it will certainly give every proper consideration to any requests presented by school officials for textbooks, whether I visit the schools on Monday or whether I do not.

I intend to visit the schools at a time that is convenient to me, as I have done before, and I shall continue to give, as I say, the most careful consideration to requests that are submitted by the appropriate officials.

I do not gainsay the fact that one might be able to go through the schools and find an obsolescent book here or a book that is perhaps overly used there. But Secretary McNamara is reported to have stated that there is a "lack" of textbooks and that such a lack exists because of the failure of Congress to appropriate the necessary moneys.

I am simply trying to point out to the Senate, on the basis of the information supplied to me by Dr Hansen, that Secretary McNamara's statement—if indeed he was quoted properly—to the effect that: "School children lack textbooks because Congress won't appropriate the funds for them" is just simply not a fact. That just simply is not the case, and such a statement should not go unchallenged.

Mr. KENNEDY of New York. Does the Senator from West Virginia contest the statement that a number of school children of the District of Columbia, for whatever reason—I do not mean a handful, but a number of them—are using poor or obsolescent textbooks?

Is the only question raised by the Senator whether Congress or somebody else is responsible for it?

Mr. BYRD of West Virginia. The question to which I am attempting to address myself is that which appears in the paper, that schoolchildren "not 2 miles away"—and I assume that that has reference to the District of Columbia—"lack textbooks because Congress won't appropriate the funds for them."

Mr. KENNEDY of New York. Specifically on the question, does the Senator raise any question about the fact that the children of the District of Columbia do lack adequate schoolbooks?

Mr. BYRD of West Virginia. I am not saying that there may not be one here or one there.

Mr. KENNEDY of New York. I am not talking about a handful. I am talking about a sizable number in some of the schools.

Mr. BYRD of West Virginia. I am saying that the children of the District of Columbia do not "lack" textbooks as a result of the failure of Congress to appropriate funds. This was the charge reportedly made by Secretary McNamara. I say the Secretary, if he was correctly quoted, misstated the facts.

Mr. KENNEDY of New York. But they might be lacking textbooks for another reason.

Mr. BYRD of West Virginia. I am addressing myself——

Mr. KENNEDY of New York. May I ask the Senator, based on his own experience, whether it is his finding or his judgment that the children in the District of Columbia, whatever the reason, lack adequate textbooks—not just one or two, but a number of the children.

Mr. BYRD of West Virginia. If they do, it certainly would conflict with the testimony that has been provided to the subcommittee of which I am chairman, and it would certainly conflict with the statement that I have just read, which was provided to me today by Dr. Carl Hansen.

Mr. KENNEDY of New York. I believe that I could produce evidence and information quite rapidly that the schoolchildren in the District of Columbia lack adequate textbooks, or a considerable number of the schoolchildren in the District of Columbia lack adequate textbooks.

I did not know about Dr. Hansen's letter, but I could refer Dr. Hansen to some of the schools and some of the schoolchildren where they lack adequate textbooks. I have not read his letter, but if his letter says that the schoolchildren in the District of Columbia all have adequate textbooks, I would be very surprised about such a statement coming from him.

As I have said to the Senator from West Virginia, I believe that the schoolchildren in the District of Columbia do lack adequate textbooks. Without trying to lay the blame on anybody's shoulders, the fact is that the schoolchildren in the District of Columbia lack adequate textbooks; and all of us in public life, whether in Congress, in the executive branch of Government, or in some public position in the District of Columbia, have some responsibility for that.

Mr. BYRD of West Virginia. I am attempting to conscientiously assume my responsibility, and I base my actions and judgments on the testimony of those who are responsible for administering the public school system in the District of Columbia and on my own observations, limited though they may have been.

Certainly, I have had some opportunity to become familiar with this matter in the 6 years I have held hearings on this budget, and insofar as I have been able to conduct hearings in the present fiscal year, I have had some further opportunity to explore the situation; and I have certainly attempted to do everything I could to meet the request as submitted to me and as justified by the people in the District of Columbia whose responsibility it is to administer the school program.

When the Vice President was a Senator, he led the fight to provide adequate textbooks and to replace those books that were obsolescent and becoming obsolete. I, as chairman of the subcommittee at that time, joined with him and provided moneys over and above the budget requests, over and above the resquest of the Board of Education, in order that we might replace textbooks that were obsolete and obsolescent.

So, if indeed textbooks in some exceptional cases ought to be replaced, I do not believe that this is the fault of Congress, as Mr. McNamara charged, because we have certainly responded in a way which I believe is commendable.

To repeat, I do not gainsay that possibly the Senator from New York or I or any other Senator might find here and there a book which in our judgment, as laymen, would be ready for replacement. I do not believe we can ever reach the point where we will not find some book somewhere in the District of Columbia school system which, perhaps because of inadequate care on the part of the student using that book, should not be replaced. However, we must address ourselves, in my judgment, to the over-all situation and attempt to do what we can to provide, in a general way, textbooks that are current and usable by the students in the school system.

Since the Senator from New York has raised the question, let me read additional portions of the letter from the Superintendent of Schools which I intend to place in the RECORD later.

(At this point Mr. KENNEDY of New York assumed the chair.)

Mr. BYRD of West Virginia. The Superintendent of Schools wrote as follows:

> On November 9, 1964, the Superintendent issued a circular to all school principals advising them to submit requisitions to provide adequate up-to-date textbooks for each child enrolled in the schools. Upon the response of principals, $605,591 of Impact Aid money was spent on textbooks, maps and globes.
>
> On September 13, 1966, the Superintendent sent the following memorandum to the Assistant Superintendents in charge of Elementary and Model School Division Schools and Secondary and Vocational High Schools. The memorandum is as follows:
>
> "I have received several complaints in recent weeks regarding the issuance of obsolete and out-worn textbooks to students. It may be justifiable in some instances to use textbooks with old copyrights if the material is of pertinence today. On the other hand, there may be some merit to the charges that textbooks of questionable educational value are being distributed to pupils by principals.
>
> "Please look into this situation immediately and furnish me with a report."
>
> Reports received in response to the memorandum indicated that in the case of the Junior-Senior High Schools that when all textbooks ordered have been received, except for Backus and Hart Junior High Schools, there should be no problem of obsolete and wornout textbooks.

I call the attention of the distinguished Senator from New York [Mr. KENNEDY], who is presently presiding over the Senate, to the exceptional instances referred to in the superintendent's letter in which perhaps there may have been some problem of obsolete and worn out textbooks but which problem has since been corrected, apparently.

I quote from the Superintendent's letter as follows:

> A check with the Junior-Senior High School office on April 5, 1967 brought this response from the Assistant Superintendent in charge: "To the best of my knowledge no students are using obsolete textbooks at the present time." The report was to the effect that deficiencies had been corrected.

That was as late as April 5, 1967, which was a week ago today.

> In the case of the Vocational High Schools, the Assistant Superintendent in charge responded to the October, 1966, memorandum to the effect that except for M. M. Washington Vocational High School, where thirty old textbooks in business were being used, the vocational high school principals reported that they have no obsolete and wornout textbooks.

Here is another exception where a few old textbooks were being used. I quote again:

> . . . except for the M. M. Washington Vocational High School, where thirty old textbooks in business were being used, the vocational high school principals reported that they have no obsolete and worn out textbooks.

I quote further:

> In response to the April, 1967, inquiry, the Assistant Superintendent stated that no textbook shortage existed, indicating that any earlier shortages had been eliminated.
>
> In the case of the Elementary Schools, the Assistant Superintendent in charge stated in October, 1966, that the elementary school principals reported a few obsolete textbooks; that the general problem is replacement of worn-out books. For the most part the books used in the elementary schools have a copyright date 1960–1965.
>
> The elementary school Assistant Superintendent stated on April 5, 1967 that "To the best of my knowledge there are no books which are being used by elementary children which are more than eight years old. Readers in daily use with children are 1 to 4 years of age." In effect, earlier deficiencies had been corrected.
>
> In the case of the Model School Division, the Assistant Superintendent reported in October, 1966, that two schools, Cardozo and Banneker, were using certain books with 1955–56 and later copyright dates running through to 1960.
>
> On April 5, 1967, the Assistant Superintendent in charge of the Model School Division reported the correction of these deficiencies. His statement was: "To the best of my knowledge the secondary level has few books being used over eight years old. In most instances where such books are being used, they are being used as classical literature, which does not change substantially." Thus earlier deficiencies had been corrected.
>
> The answer then to the question, "Do we lack textbooks?" is this: "In summary, we know of no instances of shortages. If any do exist, this may be mismanagement on the part of local school officers or the result of an unexpected increase in school enrollment or a shift in emphasis in curriculum.
>
> Under current funding conditions the emergency needs for textbooks can be met immediately upon request of the school principal. Textbook obsolescence does not exist in the school system, except for those cases resulting from oversight and bad management. If such cases do exist, Congress is not at fault.

Mr. President, I ask unanimous consent that the Washington Post article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD of West Virginia. Mr. President, I also ask unanimous consent to have printed in the RECORD the telegram which I sent to Dr. Hansen this morning, and his letter in response thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 2 and 3.)

Mr. BYRD of West Virginia. Mr. President, I wish to emphasize that no one can say that there may not be a book here or there or a few books here or there that should not be replaced, because of overwear or otherwise. Indeed, Dr. Hansen, in his letter, has indicated that there have been some instances of shortages and he states explicitly, categorically, and unequivocally, that if textbook obsolescence exists now it results from oversight and bad management. But, even so, he says Congress is not at fault.

I wish to say to the distinguished and able Senator from New York [Mr. KENNEDY] that, if, indeed, books can be found in District of Columbia schools which should be replaced, the same can probably be said with regard to the schools of New York, the schools of West Virginia, or any other State and as much so, perhaps, as in the case of the District of Columbia.

The thing I want to be sure of is that the Congress, in the case of the District of Columbia, is not at fault for any lack of textbooks which may be presently suffered by children in the Nation's Capital. In this regard, I believe Congress has met its responsibility. I believe children generally do not lack textbooks and, certainly, if they do, in an exceptional instance, it is not, as Secretary McNamara was quoted as saying—rightly or wrongly—because Congress "won't appropriate the funds for them."

I wish to emphasize that the facts are that the Congress for several fiscal years, 1961–67, has appropriated an amount substantially greater than requested by the District of Columbia Board of Education, and greater than that approved by the District of Columbia Commissioners, for textbooks. In addition, the schools have been enabled from other Federal funds, including impact aid, to make additional progress in meeting textbook needs.

The facts are that constant and continuing efforts have been made to avoid shortages and to meet emergency needs for textbooks.

I again call attention to efforts on the part of Vice President HUMPHREY at the time he was acting as a Senator in this body. He joined with other responsible Members of Congress in attacking the problem of obsolescence and wornout textbooks.

The facts are that under current funding conditions, in which responsible Members of Congress have interested themselves, the emergency needs for textbooks can be met on discovery of needs. The facts are that Congress listens with a sympathetic ear to requests for funds for adequate provision of up-to-date textbooks for each child enrolled in the District of Columbia schools, and that the Congress has voted progressively to increase textbook funding on its own initiative, beyond that requested by authorities on at least two occasions.

EXHIBIT 1

[From the Washington Post, Apr. 12, 1967]

SHARP EXCHANGE WITH REPRESENTATIVE GROSS—NEGLECT OF DISTRICT OF COLUMBIA SCHOOLS ASSAILED BY MCNAMARA

Defense Secretary Robert S. McNamara told Rep. H. R. Gross (R-Iowa) yesterday that he would do better to worry about ill-equipped school children in Washington than about furnishing a plane for Ambassador Ellsworth Bunker to visit his bride.

A sharp exchange between McNamara and the irascible Gross took place during House Foreign Affairs Committee hearings on foreign aid.

In his farewell to Bunker, new ambassador to Vietnam, President Johnson Monday promised him that a jet plane would be made available to him "from time to time" so he could visit his bride of three months, U.S. Ambassador to Nepal Carol Laise.

In yesterday's committee hearing, Gross deplored the "gigantic" national debt and asked McNamara how he could justify furnishing a plane to "this 72-year-old bridegroom to further his romance."

"I think the real disgrace," McNamara retorted, "is for you to sit here in the Nation's Capitol not two miles away from school children who lack textbooks because Congress won't appropriate the funds for them."

As for Bunker, he said, "We are not short of pilots and planes, and we can surely allow the use of a plane to transfer Ambassador Bunker once in a while out of the combat environment in which he will be working 20 hours a day, seven days a week, to visit his family."

"We do it for others," he added, "and we should certainly do it for him."

Reminded of the national debt, which now exceeds $330 billion, McNamara said: "I don't plan to retire the national debt."

"You certainly don't," Gross retorted.

McNamara said the U.S. economy is strong and healthy, and "we are the most affluent country in the history of the world."

"But our math students know less than the math students of other countries," he added. "I think it's disgraceful."

EXHIBIT 2

APRIL 12, 1967.

DR. CARL F. HANSEN,
Superintendent of Schools, District of Columbia, Franklin Administration Building, 13th and K Streets NW., Washington, D.C.:

Washington Post this date quotes Defense Secretary Robert McNamara, responding to statements by Representative H. R. Gross (Iowa), as follows:

"I think the real disgrace is for you to sit here in the Nation's Capitol not two miles away from school children who lack textbooks because Congress won't appropriate the funds for them."

Please provide information as follows:

1. Do District of Columbia school children lack textbooks?

2. If answer is affirmative, does the lack result from failure of Congress to appropriate funds for textbooks?

3. Summary of budgetary requests of Congress for textbooks and facts regarding appropriations in response to these requests over the past five years.

ROBERT C. BYRD,
U.S. Senator.

EXHIBIT 3

SUPERINTENDENT OF SCHOOLS,
Washington, D.C., April 12, 1967.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: In response to your request for information concerning the current textbook situation in the D.C. Public Schools, I am submitting answers to specific questions as follows:

1. *Do D.C. school children currently lack textbooks?*

On November 9, 1964, the Superintendent issued a circular to all school principals advising them to submit requisitions to provide adequate up-to-date textbooks for each child enrolled in the schools. Upon the response of principals, $605,591 of Impact Aid money was spent on textbooks, maps and globes.

On September 13, 1966, the Superintendent sent the following memorandum to the Assistant Superintendents in charge of Elementary and Model School Division Schools and Secondary and Vocational High Schools. The memorandum is as follows:

"I have received several complaints in recent weeks regarding the issuance of obsolete and out-worn textbooks to students. It may be justifiable in some instances to use textbooks with old copyrights if the material is of pertinence today. On the other hand, there may be some merit to the charges that textbooks of questionable educational value are being distributed to pupils by principals.

"Please look into this situation immediately and furnish me with a report."

Reports received in response to the memorandum indicated that in the case of the Junior-Senior High Schools that when all textbooks ordered have been received, except for Backus and Hart Junior High Schools, there should be no problem of obsolete and worn-out textbooks.

A check with the Junior-Senior High School office on April 5, 1967 brought this response from the Assistant Superintendent in charge: "To the best of my knowledge no students are using obsolete textbooks at the present time." The report was to the effect that deficiencies had been corrected.

In the case of the Vocational High Schools, the Assistant Superintendent in charge responded to the October, 1966, memorandum to the effect that except for M. M. Washington Vocational High School, where thirty old textbooks in business were being used, the vocational high school principals reported that they have no obsolete and worn-out textbooks.

In response to the April, 1967, inquiry, the Assistant Superintendent stated no textbook shortage existed, indicating that any earlier shortages had been eliminated.

In the case of the Elementary Schools, the Assistant Superintendent in charge stated in October, 1966, that the elementary school principals reported a few obsolete textbooks; that the general problem is replacement of worn-out books. For the most part the books used in the elementary schools have a copyright date 1960–1965.

The elementary school Assistant Superintendent stated on April 5, 1967 that "To the best of my knowledge there are no books which are being used by elementary children which are more than eight years old. Readers in daily use with children are 1 to 4 years of age." In effect, earlier deficiencies had been corrected.

In the case of the Model School Division, the Assistant Superintendent reported in October, 1966, that two schools, Cardozo and Banneker, were using certain books with 1955–56 and later copyright dates running through to 1960.

On April 5, 1967, the Assistant Superintendent in charge of the Model School Division reported the correction of these deficiencies. His statement was: "To the best of my knowledge the secondary level has few books being used over eight years old. In most instances where such books are being used, they are being used as classical literature, which does not change substantially." Thus earlier deficiencies had been corrected.

The answer then to the question, "Do we lack textbooks?" is this: "In summary, we know of no instances of shortages. If any do exist, this may be mismanagement on the part of local school officers or the result of an unexpected increase in school enrollment or a shift in emphasis in curriculum.

"Under current funding conditions the emergency needs for textbooks can be met immediately upon request of the school principal. Textbook obsolescence does not exist in the school system, except for those cases resulting from oversight and bad management. If such cases do exist, Congress is not at fault."

2. *If the answer is affirmative does the lack result from failure of Congress to appropriate funds for textbooks?*

From Fiscal Year 1961 to Fiscal Year 1967, inclusive, Congress has appropriated $869,681 for textbooks, an amount 17.1% greater than requested by the Board of Education and 32.5% greater than approved by the Commissioners.

In addition, the schools have applied $787,933 from other Federal funds, including impact aid, to the meeting of textbook needs.

3. *Prepare a summary of budgetary requests of Congress for textbooks and facts regarding appropriations and response to those requests over the last five years.*

Our budget information from Fiscal Year 1962 to the Fiscal Year 1967 shows (1) The Congress significantly increased textbook funding over the request of the Board of Education on two occasions. (2) Supplemental support was achieved from Impact Aid and other Federal funds. The result is that the Public School textbook condition is currently more satisfactory than at any known time in the history of the school system.

The summary report attached herewith shows from Fiscal Year 1961 to Fiscal Year 1967, inclusive, Board of Education requests for textbook funds amounting to $742,419, District Board of Commissioners' approval of $656,755, and actual Congressional appropriations of $896,686.

Public schools of the District of Columbia—Funds requested and received for textbooks in elementary schools and junior, senior, and vocational high schools

Fiscal year	Board request	President's budget	Amount approved by Congress	Federal funds used for textbooks
1961	$61,741	$61,741	$21,249	
1962	41,655	32,273	[1] 172,354	
1963	27,050	27,050	[2] 176,109	
1964	229,016	[3] 176,594	154,794	
1965	86,871	86,871	81,588	$605,591
1966	110,008	85,648	77,514	182,342
1967	186,078	186,078	186,078	
1968	56,785	56,785		
Total	742,419	656,255	869,686	787,933

[1] Includes $128,400 received in appropriation for extension of "Amidon" program.

[2] Includes $135,400 received in appropriation for obsolescence.

[3] New formula introduced which accounts for larger increase this year.

I am greatly pleased with the advances made in the textbook funding through the efforts of Congress, either through direct appropriations or through special Federal programs.

I am pleased to submit this information to you as an indication of the considerable improvement in the textbook situation over the years.

Very sincerely yours,

CARL F. HANSEN,
Superintendent of Schools.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 14 minutes p.m.) the Senate adjourned until Thursday, April 13, 1967, at 11:30 o'clock a.m.

EXTENSIONS OF REMARKS

Harmony Week

EXTENSION OF REMARKS
OF
HON. DAN KUYKENDALL
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 12, 1967

Mr. KUYKENDALL. Mr. Speaker, this week is being celebrated all over the Nation as Harmony Week.

Harmony Week is sponsored by the largest organized all-male singing fraternity in the world today, the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, Inc.

Founded in Tulsa, Okla., on April 11, 1938, SPEBSQSA commences its 30th year with nearly 700 chapters and over 30,000 members in every State of the United States and most Canadian Provinces.

These "gentlemen of song" are dedicated to their motto "Keep America Singing," to preserving the native American male talent for four-part harmony singing, and to using their hobby for community service and diverse good causes, as well as sheer enjoyment for themselves and their millions of fans.

The society, its individual units and members, have an international service project—The Institute of Logopedics in Wichita, Kans. The institute, often called "Speech Town, U.S.A.," deals with afflictions which inhibit normal speech in adults and children; provides training people to carry on this work throughout the world; and assembles research material and facilities which will lead to new techniques and breakthroughs in the field of speech defects.

Many thousands of dollars are raised by the society each year for the institute under the motto: "We sing—that they shall speak."

My constituents in Memphis are among the finest singers in the society. Tennesseans are very proud of the colorful Memphis barbershop quartet, the Confederates, winners of the international championship in 1956. Two years later, under the leadership of Buz Busby of the Confederates, the Memphis Chorus captured the international championship.

I am sure that most of my colleagues have been entertained by their local barbershoppers on many delightful occasions. Some of the Members have been endowed with golden voices and a sense of harmony accuracy to perform, and I have especially in mind, the gentleman from Illinois, the minority whip [Mr. ARENDS], a member for a quarter century of the Bloomington, Ill., chapter of the society.

During the 80th Congress, the gentleman from Illinois organized and sang tenor in a House Republican quartet, which included Mr. Towe of New Jersey at lead, Mr. Tibbott of Pennsylvania at baritone, and Mr. Fellows of Maine at bass, which turned down many flattering invitations because of the conscientious attention to their congressional duties.

In 1952, when the international quartet contest was held in Kansas City, Mo., there was considerable discussion in the Senate Chamber about the feasibility of being represented by a quartet including Vice President Barkley to sing his favorite song "Wagon Wheels." Mr. Tobey of New Hampshire strongly advocated that the Senate enter a quartet in the competition, which actually was won by four airmen from Scott Air Force Base, known as the Four Teens.

For many years the society assisted the Armed Forces with its soldier singing program, and my good friend, Ed Place, of the District of Columbia chapter, twice served as chairman of the society's international Armed Forces committee. In 1948, he arranged and managed the "Battle of Music" between House Republican and Democratic barbership quartets at the Washington Statler Hilton Hotel.

It is not generally known that a Senate committee staff member, Mr. Wilbur Sparks, serves as the president of the mid-Atlantic association of the society, the largest district of the society with some 4,800 members.

Despite assertions sometimes made to the contrary, there is, as I have indicated, "harmony in Congress" that brings us together recreationally in song occasionally when opportunity permits.

Would it not be a wonderful accomplishment to possess the wisdom to bring to pass "world harmony and peace."

Let us resolve this Harmony Week to try.

Fino Introduces 1967 Transportation Legislation

EXTENSION OF REMARKS
OF
HON. PAUL A. FINO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 12, 1967

Mr. FINO. Mr. Speaker, I have today introduced a package of legislation to improve urban transportation and transportation facilities.

The bills I have introduced are:

First. To amend the Mass Transportation Act to authorize grants under that program to provide the wherewithal for local public agencies to assist local mass transportation companies which maintain commuter service, in effect providing Federal funds to keep commuter services running. Senator HARRISON WILLIAMS, of New Jersey, introduced this bill in the 89th Congress, and I introduced it as H.R. 12470.

Second. To amend the Mass Transportation Act to increase the funds available to major metropolitan areas and to allow mass transit funds to be used to pay the interest on State or local bonds issued to finance a mass transit program. I introduced a substantially similar bill in the 89th Congress as H.R. 14458.

Third. To amend the Clean Air Act to authorize an investigation and study to determine means of propelling vehicles so as not to contribute to air pollution.

Fourth. To authorize a program of research, development, and demonstration projects for electrically powered vehicles. Senators MAGNUSON and MUSKIE have introduced these bills in the 90th Congress as S. 451 and S. 453.

Fifth. To establish a program of mortgage insurance to assist in financing the construction, improvement, expansion, and rehabilitation of harbor facilities for boating and commercial craft. Chairman FALLON, of the Public Works Committee, introduced this bill in the 89th Congress as H.R. 990.

Sixth. To authorize a program of research, development, and demonstration projects for hydrofoil watercraft, a new bill.

Improved transportation facilities is a pressing need of the sixties. Today, I am introducing six bills which I believe could help American transportation to meet the challenges of this and coming decades.

Three of my bills relate to experimental transportation schemes; that is, electric-powered cars and hydrofoil watercraft. The Senate has already held hearings on electric-powered cars and seemingly dismissed the idea, but I hope the House will take up the slack. My own State of New York, under the leadership of State Senator Edward Speno, of Long Island, has embarked on an electric car study. I think that electrically powered cars are a partial answer to the smog problems of our cities because of their lack of fuel consumption and exhaust. Unfortunately, the oil company lobby is at work to block electric car research.

In addition to my two electric car research bills, I am introducing a bill to establish a hydrofoil watercraft research program. A few hydrofoil boats are presently plying their way between downtown New York City and some of the commuter suburbs, but hydrofoil watercraft are not yet used widely in the United States, as I believe they could be in light of their success in Europe. Hydrofoil traffic gets heavier each year in the Black Sea, in the Baltic, on the Danube River, and in the Mediterranean.

My fourth bill would also help metropolitan area and other water transportation by establishing a program of mortgage insurance to assist in financing the construction, improvement, expansion, and rehabilitation of harbor facilities for boating and commercial craft. A program like this could help stimulate the development of a New York City water transportation system and boat marina network centered in maritime and commercial boating areas like City Island in my own congressional district.

My fifth bill, which I first introduced in 1966, would amend the Mass Transportation Act program to allow mass transit funds to be used by public agencies to subsidize the operating deficits of transportation companies providing commuter services. More than most Americans, commuters pay whopping taxes, few of which dollars are returned to them as Federal services. I think that we ought to use Federal dollars to subsidize commuter service in the same way Federal subsidies and land grants were used to subsidize western railroads in the last century.

Finally, my sixth bill would amend the Mass Transportation Act to change the program's ability to help our major metropolitan areas by first, eliminating the 12½-percent limitation on the amount of mass transit funds which can go to any one State in favor of a general directive that the Secretary give priority to the needs of America's larger cities; second, changing the Federal contribution to projects aided under the act to as much as 90 percent, depending on local tax burdens—the range would be two-thirds to nine-tenths; third, putting the program on a permanent $200 million a year rather than year-to-year basis; fourth, providing that the Secretary may approve grants on a reimbursable basis; and fifth, providing that mass transportation program funds may be used to underwrite the interest costs of State and local bond issues floated to finance mass transit projects which meet the noncost requirements of a Mass Transportation Act grant under present law. As restructured by my bill, the Mass Transportation Act would be a greater assist to Governor Rockefeller's bold, new metropolitan New York City transportation development scheme.

The Late Mrs. Mary English Feighan

EXTENSION OF REMARKS

OF

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1967

Mr. VANIK. Mr. Speaker, on Thursday, April 6, the beloved mother of our colleague, the Honorable MICHAEL A. FEIGHAN, passed away. Mrs. Mary English Feighan was one of Cleveland's fine distinguished citizens who all her life was active in community and cultural affairs.

She was the wife of John T. Feighan, who was vice president of the Cleveland Trust Co., before his death in 1962 and who received the high personal honor of the pontifical award of the Knight of St. Gregory. But his greatest honor was shared with the late Mrs. Mary Feighan in the raising of seven outstanding children. Their two daughters, Mrs. Ann O'Brien and Sister Ann Cecile, teacher of French at Lourdes Academy, reside in Cleveland. Their five sons, Joseph, John, MICHAEL, Edward, and Francis X., have all become lawyers; and Edward Feighan is one of Cleveland's outstanding municipal court judges. The Honorable MICHAEL FEIGHAN, of course, has been a most distinguished Member of this Chamber since 1943, and is currently chairman of the House Judiciary Committee's Immigration and Nationality Subcommittee.

Mrs. Mary Feighan was noted for her constant and devoted work in behalf of underprivileged children. Her work for children through church and charities was so outstanding that she was deservedly honored by President Kennedy at a White House reception in October of 1962.

Her presence will truly be deeply missed.

I extend my profound sympathy to our colleague and his entire family in this sad hour.

Humane Treatment and Care of Animals

EXTENSION OF REMARKS

OF

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1967

Mr. CRAMER. Mr. Speaker, I am today introducing legislation to provide humane standards of care for animals used in scientific research. My bill, identical to H.R. 14130 which I introduced in the 89th Congress, would establish an authoritative agency to administer and enforce regulations designed to prevent unnecessary discomfort, pain, fear, and other distresses, and would increase the degree of reliability of scientific information obtained through the use of animals in experimental laboratories.

It is not my intention to restrict or impede necessary research and medical progress. However, the unnecessary cruelty, abuse, and waste of animals which all too often occurs in some of our Nation's research and experimental laboratories is intolerable and should no longer be condoned. In recent years, considerable evidence has been brought to light by many people, including doctors and scientists who have witnessed it firsthand, of thoughtless, callous, and sometimes deliberately cruel methods used in laboratories. In the interest of human decency, it is time to put a stop to the disgraceful conditions which exist and have been permitted to go unchecked.

Specifically, my bill would create an Office of Laboratory Animal Welfare within the Department of Health, Education, and Welfare, headed by a coordinator whose duties would include formulating and implementing general directives which would establish standards and instructions for promoting the best care, handling and use of laboratory animals. In addition, the coordinator and his staff would advise on facilities for laboratory animals, gather and disseminate information concerned with the adoption of more humane techniques to reduce the pain and discomfort of animals used in experiments, seek to improve the skills of laboratory personnel through training programs and teaching aids, and improve methods aimed at reducing the number of animals needed and eliminating duplication of experiments.

All laboratories operated by any U.S. department or agency, as well as those using Federal grants or funds, and those engaged in interstate commerce, would be subject to the provisions of this bill. Licenses or certificates of approval would be issued to heads of laboratories who qualify under regulations issued by the coordinator. Periodic inspections of laboratories would be made, and penalties for failure to comply with the act and directives could mean revocation of the license, ineligibility to use animals in research and experiments, and withdrawals of Federal funds.

In all such efforts to establish the highest standards of humane care and use of research animals, the coordinator and the staff of the Office of Laboratory Animal Welfare would work closely with humanitarians and those engaged in research and experiments using animals.

Mr. Speaker, legislation which I supported was enacted in the 89th Congress regulating the transportation and sale of dogs and cats for research purposes, because it was considered absolutely essential that the Federal Government assume some responsibility for reforming the deplorable conditions found in the supply trade of animals to laboratories. This was a step in the right direction. But, it is just as essential that we now follow up by taking the additional steps necessary to provide for the protection of animals while in the laboratories and during the research and experiments. I am hopeful that legislation will be enacted in this Congress which will provide an effective means of dealing with this problem.

Walter Scratch Retires

EXTENSION OF REMARKS

OF

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1967

Mr. BELL. Mr. Speaker, in this era of instant communications we sometimes lose sight of the importance of responsible journalism in enhancing good government. Members of the news profession are frequently the eyes and ears of the public, and it is their integrity which gives meaning to our constitutional guarantee of freedom of the press.

With this in mind, I wish today to call the attention of my colleagues to an outstanding journalist, Walter Scratch, on the occasion of his retirement as political editor of the Santa Monica Evening Outlook.

Walter has served his fellow citizens for 40 years with insight, enthusiasm and a straightforward respect for truth in journalism. After being graduated magna cum laude from the University of Michigan in 1926, Walter began his career as a young reporter covering the Los Angeles City Hall. A short time later he moved to Hawaii where he served as political reporter and city editor of the Honolulu Star-Bulletin. After returning to California with his lovely wife, Patty, Walter served for 8 years as Sunday editor of the Oakland Tribune. Moving back to southern California, he became managing editor of the Hollywood Citizen-News and, later, assistant to the editor.

For the past 5 years, residents of my congressional district have known Walter through the pages of the Santa Monica Evening Outlook. We will miss his perceptive news analyses of the political scene. But we will look forward to the further benefit of the writing he plans during his retirement.

Girls To Go-Go to Saigon

EXTENSION OF REMARKS
OF
HON. HENRY C. SCHADEBERG
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 12, 1967

Mr. SCHADEBERG. Mr. Speaker, no doubt many of us were rather shocked by the announcement reported by AP dateline Washington, D.C., that a businessman had revealed plans to "bring America to our boys overseas" by opening a topless discotheque in Vietnam. The following is the article in question:

GIRLS TO GO-GO TO SAIGON

WASHINGTON, D.C.—A businessman revealed plans Wednesday to "bring America to our boys overseas" by opening a topless go-go discotheque in Vietnam.

"We think this will be fun for the GI's," said Richard L. Bast of Washington. "This will be the sort of club servicemen are used to at home, but can't find in Saigon."

He said the firm of Redex-Vietnam, Inc., is selecting 10 to 25 American girls "of high caliber" to open in the club in about eight weeks.

"We feel this entertainment will be well received," said Bast, a frequent visitor in Asia. "The topless idea originally came from the military itself. An army colonel friend pointed out that servicemen are shipped from San Francisco and are used to topless girls.

"Then they go to Vietnam and find nothing like home. This can be a morale problem," Bast said. "We want our girls to contribute to the war effort. During the day they may visit hospitals."

Bast said his associate in the night club is Nguyen Ba Hung of Saigon. He said a license to operate the club has been approved and a site chosen.

Prospective recruits are to be given lie detector tests, he said. "We'd be out of business fast if we shipped some Communists over there. These are going to be nice, wholesome American girls."

Newspaper ads require applicants to be between 21 and 26, single, and willing to sign a six month contract which stipulates they remain unmarried, "We don't want any hard bitten strippers," Bast said.

"They'll be topless on stage, which I'm sure will appeal to the GI. When they mix with patrons, they will be covered."

Prices are steep compared with stateside standards: $5 admission and a minimum of $10 worth of beer or whisky. "For $15 the GI will have rock 'n' roll to listen to and American girls to observe," he said. "A bargain."

I share the disgust of Mr. R. Johnson of Racine, Wis., as well as that of others who have written about it; and I am sure thousands of parents whose young boys are fighting in Vietnam. If this is what is permitted, it is no wonder that our image in the world is suffering. On March 22, I sent the following letter to the Department of the Army, the Pentagon, Washington, D.C.

DEAR SIR: Enclosed is a copy of a newspaper article of which I am sure you are aware. I am interested in knowing—

(1) if this is the official policy of the United States Army;

(2) whether they would place such a club off limits in Saigon; and

(3) the name of the Army Colonel who "allegedly", according to the article, gave his blessing to this project.

The following is a copy of the reply I received to my inquiry along with a fact sheet prepared to state the position of the Department of Defense on this matter:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., April 11, 1967.

Hon. HENRY C. SCHADEBERG,
House of Representatives,
Washington, D.C.

DEAR MR. SCHADEBERG: This is in reply to your letter of March 22, 1967, enclosing a newspaper clipping indicating that Mr. Richard L. Bast and a firm known as Redex-Vietnam, Inc. plan to open a discotheque in Saigon featuring "topless" dancers.

Enclosed is a Department of Defense Fact Sheet prepared in response to the large volume of correspondence we have received concerning Mr. Bast's planned undertaking.

Mr. Bast, the sole source of the information contained in the news account, has not disclosed the identity of the Army Colonel who, he alleges, suggested the project. However if such a suggestion was made, the Army Colonel was without authority to approve the project. The admission of U.S. citizens to the Republic of Vietnam and the licensing and control of their employment in a private business enterprise while in that country are exclusively within the authority of the Government of the Republic of Vietnam.

I trust the enclosed information satisfactorily responds to your other questions. Thank you for giving us the opportunity to clarify the Department of Defense position in this matter.

Sincerely,

WILLIAM W. BERG,
Brigadier General, USAF, Deputy Assistant Secretary of Defense.

FACT SHEET

(Department of Defense position on reported plans of a private business concern to open a "topless" discotheque in Vietnam)

Recent stories in newspapers throughout the Nation reported plans of a Mr. Richard L. Bast and a firm known as Redex-Vietnam, Inc. to open a discotheque in Saigon featuring "topless" dancers.

The Department of Defense knows nothing of Mr. Bast's proposed business operation other than what has been learned from newspaper accounts. This department has not given assistance or encouragement to anyone in the planning of the proposed discotheque. In fact, the department shares the alarm of those many citizens who have protested concerning the possible effect such a business activity might have on the moral climate to which our servicemen are exposed. However, this department has no authority to prevent the establishment and operation of private businesses in Vietnam no matter how strongly we may oppose the objectives of the business. Such matters are within the jurisdiction of Vietnamese authorities. Nevertheless, the Department of Defense has continuing and unrelenting concern in all matters that may affect the morals and welfare of persons in the Military Service.

The moral behavior of service personnel and factors which influence such behavior are problems which should and do receive continuing attention by military commanders. Irresponsible and immoral behavior on the part of servicemen is never condoned, nor do we condone conditions which tend to induce or encourage immoral behavior.

Military commanders are acutely aware of the special problems which stem from the separation of servicemen from the restraining influence of home and family. Consequently, intensive efforts are made to compensate for the loss of moral restraints by use of affirmative measures such as character guidance programs, advice and assistance of chaplains, and the provision of facilities for wholesome recreation, entertainment and relaxation to provide healthy outlets for the energies of servicemen during their off-duty hours. However, service personnel are, in general, neither more nor less moral than when they entered the service; unfortunately some persist in engaging in immoral conduct despite counselling and advice to the contrary. Thus, where warranted, military commanders may also establish curfews, curtail liberty privileges and take disciplinary action against offenders.

As a further measure, areas and individual establishments can be and are placed off limits by commanders concerned when such action is warranted to protect the interests and welfare of our servicemen.

If the promoters are successful in opening their proposed discotheque in Saigon, the military commanders concerned will examine the operation of the establishment with extreme care in keeping with the principles outlined herein.

Among the letters which prompted my request to the Army is one written to me by Mr. R. H. Johnson, of Racine, Wis. I am enclosing it so that my colleagues may become more aware of what the people back there think.

RACINE, WIS.,
March 2, 1967.

Hon. HENRY C. SCHADEBERG,
House Office Building,
Washington, D.C.

DEAR MR. SCHADEBERG: This Viet Nam war is a disgrace and a drain beyond comprehension; political gains and monetary gains of every conceivable kind have interwoven into the fabric of this conflict. The worst part of it all is that men are being slaughtered and our country is being fleeced of money wholesale while more taxes are being levied and planned.

But this morning a new wrinkle is being added as you can see by the front page story I have included. First of all, if this club opens under sanction as intended (so more people can drain off more money while corruption of our youth increases), there will be a string of these clubs set up all over Viet Nam. I was in the service for over three years, and you have been in off and on often yourself, so we know all about vice and such in the service, but there should be a cutoff when it becomes too open and all inclusive. As you and I know, any military officer could put this sort of club "off limits" to military personnel and it would wither on the vine. We have seen what "off limits" can do to businesses in our own country, and if enforced there would be no problem of these proposed nude American clubs. Also, it begins with topless and if they follow as San Francisco goes, they must be bottomless too. Incidentally, as long as Congress is bent on killing the American people with socialism and taxes, why don't they stop this topless-bottomless thing in our country, by national verdict—and it can be done right now. Anyway, don't you think Congress should speak at least in protest to all this immorality, now to be heaped on all the other disgracefulness of this Viet Nam war. Our image in Asia is so low now that it is in the dust of the street; why let it go still lower. Why is it that you men in Congress are never heard on such things as this Mr. Bast of Washington proposes (and he is right near you in the District if you care to contact him). I think it is a sign of acceptance by you all in Congress and the country if no one opposes this sort of proposed immorality for the morale corrupting of our men. It is also strange to read in this article that an army colonel in a way suggested these topless treats for the boys (now are you going to be heard in Congress and stop some of this or will you too just let things go from bad to worse). The very least you can do and others too is to make a speech in Congress condemning this sort of thing, and maybe the press will aid in arousing the American public to put down some of this corruption.

R. JOHNSON.

I suggest that it is unfortunate that the Defense Department is forced into a position of spending its time and effort answering the many requests such as mine prompted by those who are willing to make a fast buck out of a tragic situation in which our men are fighting and dying. It is an offense to the moral sensitivities of parents who have their sons in Vietnam subjected to such crass indifference to feelings of those whose hopes and prayers are their men will return home whole—morally as well as physically.

The Agriculture Producers Marketing Act of 1967

EXTENSION OF REMARKS

OF

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1967

Mr. SCHWENGEL. Mr. Speaker, American farmers and ranchers have a need for greater marketing power.

Widespread use of marketing contracts has intensified the need for producers to strengthen their bargaining position. Contract marketing is now in effect for many commodities. And its use will be more widespread in the future.

The wider use and acceptance of contract marketing—and the growing concentration of power in the hands of fewer and larger buyers—have created the need for stronger and more effective marketing and bargaining associations of farmers. Producers voluntarily join these marketing associations as a means of uniting to market their commodities.

If farmers and ranchers are to have the opportunity to develop these sound marketing programs in order to improve their net farm income, they must be assured of their marketing rights. Legislation designed to assure the marketing rights of farmers by prohibiting unfair trade practices has been introduced in the Congress—the Agricultural Producers Marketing Act of 1967. My bill is H.R. 5900.

Question No. 1: What is the basic purpose of the Agricultural Producers Marketing Act of 1967?

Answer: The basic objective of this legislation is to assist in the development of voluntary agricultural marketing programs by prohibiting unfair practices against producers solely because of their membership in a marketing association.

Question No. 2: What practices of the purchasers of agricultural products—processors, canners, freezers, integrators, and other handlers—would be prohibited by the legislation?

Answers: First. To interfere with or restrain, or threaten to interfere with or restrain, by boycott, coercion, or any unfair or deceptive act or practice, any producer in the exercise of his right to join and belong to an association of producers; or

Second. To discriminate or threaten to discriminate against any producer with respect to price, quantity, quality, or other terms of purchase or acquisition of agricultural commodities because of his membership in or contract with an association of producers; or

Third. To coerce or intimidate any producer or other person to breach, cancel, or otherwise terminate a membership agreement or marketing contract with an association of producers; or

Fourth. To pay or loan money, give anything of value in excess of the true market value of any agricultural commodity which is being purchased, or offer any other inducement or reward to a producer for refusing to or ceasing to belong to an association of producers; or

Fifth. To make false reports about the finances, management, or activities of associations of producers or interfere by any unfair or deceptive act or practice with the efforts of such associations in carrying out the legitimate objects thereof; or

Sixth. To conspire, combine, agree, or arrange with any other person to do, or abet the doing of, any act made unlawful by this act.

Question No. 3: Would this act force purchasers to deal with marketing associations of producers?

Answer: No; there is no such requirement in the legislation. It would only protect a producer's right to join such a marketing association without fear of being unfairly treated because of his membership.

Question No. 4: Would the bill in any way prevent a purchaser from choosing the producers with whom he deals?

Answer: No; the bill only prohibits the purchaser from using a producer's membership in a marketing association as the sole basis for his decision.

Question No. 5: Would this bill put an end to competition by preventing other purchasers from offering a producer a better price or contract than is available through his marketing association?

Answer: Not if such an offer represented open fair competition. Only if the purchaser, be he a representative of a private or cooperative firm, used coercion, intimidation, or bribery, would this legislation apply.

Question No. 6: Are the unfair acts covered by this bill already prohibited by existing law?

Answer: Experience has indicated a need for a clearer definition of these unfair practices as well as a more rapid procedure to obtain relief. This need is especially dramatic in relation to perishable agricultural commodities. For example, a Federal Trade Commissioner has cited an Ohio case involving tomato processors which was brought in 1951 and not finally resolved under existing law until 1958.

Question No. 7: Are the unfair practices the bill prohibits actually used by purchasers of agricultural commodities?

Answer: Substantial evidence was presented by witnesses during the 1966 hearings held by the Senate Agriculture Committee on a similar bill that such practices have been used by purchasers.

Question No. 8: Would the bill's prohibition against discrimination force purchasers to deal with inferior producers?

Answer: No; a producer would be required not only to prove discrimination, but also that the discrimination was intended to discourage his membership in a marketing association.

Question No. 9: Are the rights of purchasers adequately protected?

Answer: Yes; their rights are protected by two principal factors: First, producer membership in a marketing association remains voluntary, and, second, purchasers are free to deal with whomever they choose. This includes the right to refuse to deal with a marketing association.

Question No. 10: Who has the final responsibility for making the determination of unfair practices under the act?

Answer: While it is the producer's responsibility to initiate action and bear the burden of proof, the final responsibility rests with the U.S. courts, the impartial forum designed to settle disputes under our system of Government. The jurisdiction of the State courts also is protected.

Question No. 11: Has a formal position been expressed by the executive branch of the Federal Government on the Agricultural Producers Marketing Act of 1967?

Answer: No; not as of April 1, 1967. Unfortunately, a misunderstanding has been encouraged by opponents of this legislation who have circulated comments from certain government agencies on a bill introduced on January 6, 1965, to amend the Capper-Volstead Act. The Agricultural Producers Marketing Act of 1967 was designed to eliminate the provisions which had been criticized in the 1965 bill.

Question No. 12: Who supports the Agricultural Producers Marketing Act of 1967?

Answer: This legislation is supported by the Farm Bureau, the National Council of Farmer Cooperatives, the National

Milk Producers Federation, and many other agricultural groups.

Question No. 13: Why does the Farm Bureau support this legislation?

Answer: The Farm Bureau has a long history of being active in the field of agricultural marketing. Its support of this type of legislation is consistent with Farm Bureau's objectives to develop an agriculture that is free of Government controls with farmers developing their own strong marketing associations.

So far in this session of Congress, many members of both parties have introduced and indicated enthusiastic and vigorous support for the Agricultural Producers Marketing Act of 1967. Since the law would create a climate that would facilitate the development and strengthening of agricultural producers marketing associations, opposition has been indicated by certain processor interests.

I believe farmers can improve their market power through the development of stronger marketing and bargaining associations, and thereby improve their net income.

SENATE

Thursday, April 13, 1967

The Senate met at 11:30 o'clock a.m., and was called to order by Hon. Carl Hayden, the President pro tempore.

Bishop W. Earl Ledden, bishop of the Methodist Church, Wesley Theological Seminary, Washington, D.C., offered the following prayer:

O Thou God of our fathers and our God: We lift our prayer for Thy honored servants in this Chamber who now must bear the heat and burden of yet another demanding day. Be Thou their strength and sure defense. In such an hour, O Lord, grant them a sense of Thy sustaining presence. Give strength of body and clarity of mind. Bless them with a sense of historical perspective, with freshened sensitivity to human values, an appreciation of what is really important, a commitment to what is right in Thy sight. When duties are so many and tasks so heavy, when demands are beyond reason and burden beyond endurance, then, by Thy mercy, grant renewal of strength to run and not be weary, to walk and not faint. Thus refresh and renew Thy servants standing before Thee, and empower them this day, we pray, for the faithful discharge of their high duty before men and history and Thy divine judgment. In the name of Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 12, 1967, was dispensed with.

COMMITTEE MEETINGS DURING SENATE DEBATE

On request of Mr. Mansfield, and by unanimous consent, all committees were authorized to meet during the session of the Senate today.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS — RECOGNITION OF SENATOR DOMINICK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to routine morning business be limited to 3 minutes, starting at the conclusion of the speech of the distinguished Senator from Colorado [Mr. Dominick].

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Colorado [Mr. Dominick].

Mr. DOMINICK. Mr. President, I yield to the distinguished Senator from Vermont [Mr. Aiken].

AMENDMENT OF CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Mr. AIKEN. Mr. President, in 1965, when Senator Mansfield and I first offered a bill to authorize Federal grants for rural water supply systems, I pointed out that the greatest obstacle to the development of our rural communities was their inability to provide modern facilities to attract new residents to the country and keep established residents in rural areas.

One of these handicaps was the lack of modern water systems.

The bill was subsequently enacted virtually without opposition, with the sponsorship of 93 Senators, with an additional House provision authorizing grants for rural sewer systems as well.

It was the rural electrification system, through our REA cooperatives, that brought about the almost total electrification of our rural areas.

With electrification came growth that exceeded the most optimistic dreams of 30 years ago.

Rural water and sewer systems are beginning to open up opportunities for development, and will permit thousands of new residents to come into our rural communities.

Many of them will bring with them industries and payrolls for workers who will be gainfully employed far from the big cities.

Water and sewer systems are only a beginning.

We also need additional facilities to make small towns more attractive to more people.

We are therefore offering additional amendments today to the Consolidated Farmers Home Administration Act of 1961.

These amendments would authorize loans and grants for improving or constructing community centers in rural areas.

A number of my colleagues have talked to me about this need and the importance of providing legislative authority to make loans and grants for such facilities.

The bill we are offering would also permit loans to farmers to establish nonfarm enterprises on their farms; provide for comprehensive planning of water and waste disposal systems; increase the amount of loans that might be made from and held by the agricultural credit insurance fund at any one time; provide a flexible interest rate for loans; increase the water and sewer grant authorization from $50 million to $150 million; and increase water and sewer planning funds from $5 million to $25 million.

Another very important provision is one recommended by the President earlier this year, for which I wish to commend him; namely, eliminate the $450 million ceiling on the annual insured loan authorizations for loans to individual farmers and rural groups.

This is an especially important provision, if we are to make credit available to realize the growth needs of our rural areas.

One final pont, Mr. President. There have been efforts recently to advance new programs for rural areas on the excuse that our rural areas are poverty-ridden and need the so-called poverty money.

Our recommendations are based on no such premise, Mr. President.

Our rural communities suffer primarily from underdevelopment, rather than poverty.

Our farmers and the residents of small farm towns are justly proud of their communities.

They have many modern improvements, but they deserve parity of modern necessities with those who live in the cities.

It is for the purpose of encouraging and assisting rural development rather than dealing with the bugaboo of rural poverty that this bill is offered on behalf of the senior Senator from Montana, the majority leader [Mr. Mansfield] and myself.

I offer this bill for appropriate reference and ask unanimous consent that a copy of the bill, as well as an analysis, be printed in the Record.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and analysis will be printed in the Record.

The bill (S. 1504) to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for loans to supplement farm income, authorize loans and grants for community centers, remove the annual ceiling on insured loans, increase the amount of unsold insured loans that may be made out of the fund, raise the aggregate annual limits on grants, establish a flexible loan interest rate, and for other purposes, introduced by Mr. Aiken (for himself and Mr. Mansfield), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 1504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consolidated Farmers Home Administration Act of 1961, as amended, is further amended as follows:

The first sentence of section 303 is amended to read as follows: "Loans may be made or insured under this subtitle for (1) acquiring, enlarging, or improving farms, including farm buildings, land and water development, use and conservation, (2) recreational uses and facilities, (3) enterprises needed to supplement farm income, (4) refinancing existing indebtedness, and (5) loan closing costs."

Sec. 2. Amend section 306(a)(1) by striking the word "and" after the words "disposal facilities", and adding after the words "recreational development", the words "and to provide in rural areas community centers necessary for community programs of health, recreation and similar services and activities,"; by amending section 306(a)(2) by striking the word "or" after the word "water" and inserting in lieu thereof a comma and inserting after the word "waste" a comma and the following: "or for community centers"; and by amending section 306(a)(7) by inserting after the word "projects" the words "and community centers".

Sec. 3. Section 306(a)(2) is amended by changing "$50,000,000" to "$150,000,000."

Sec. 4. Section 306(a)(6) is amended by changing "$5,000,000" to "$25,000,000."

Sec. 5. Section 307(a) is amended by striking the second sentence and inserting in lieu thereof: "Loans made or insured under this subtitle, except loans to public bodies whose obligations bear interest not subject to Federal income tax, shall bear interest at a rate established by the Secretary equal to the sum of the annually estimated average yield to maturity, on the basis of closing market quotations or prices, as of January 1 preceding establishment of the rate by the Secretary, on all outstanding maketable public obligations of the United States which are neither due nor callable for redemption for 10 years or more, adjusted to the nearest one-eighth or 1 per centum, plus an additional rate not exceeding 1 per centum per annum, provided that such interest rate shall not exceed 5½ per centum per annum. Such loans to such public bodies shall bear interest at the average rate, as determined by the Secretary of the Treasury, payable by the Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which the loan is made, which are neither due nor callable for redemption for 15 years from date of issue."

Sec. 6. Section 308 is amended by striking out the commas and the phrase ", aggregating not more than $450,000,000 in any one year,".

Sec. 7. Section 309(f) is amended by changing the figure "$50,000,000" to "$100,000,000."

Sec. 8. Section 312 is amended by (a) revising subsection (4) to read as follows: "(4) financing land and water development, use, and conservation;" (b) inserting new items (5) and (6) to read as follows: "(5) recreational uses and facilities; (6) enterprises needed to supplement farm income;" and (c) by renumbering the present items "(5), (6) and (7)" to "(7), (8) and (9)."

Sec. 9. Section 316 is amended by (a) striking from the first sentence "at an interest rate not to exceed 5 per centum per annum," and (b) adding at the end of the section the following: "Such loans shall bear interest at a rate established by the Secretary equal to the sum of the annually estimated average yield to maturity, on the basis of closing market quotations or prices, as of January 1 preceding establishment of the rate by the Secretary, on all outstanding marketable public obligations of the United States which are neither due nor callable for redemption for ten years or more, adjusted to the nearest one-eighth of 1 per centum, plus an additional rate not exceeding 1 per centum per annum, provided that such interest rate shall not exceed 5½ per centum per annum."

The section-by-section analysis presented by Mr. Aiken is as follows:

SECTION-BY-SECTION ANALYSIS OF PROPOSED BILL TO AMEND THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Section 1. Section 303 *Farm Ownership Loans—Nonfarm Enterprises.* This amendment will broaden this section by authorizing loans to farm families for establishing nonfarm enterprises, such as providing buildings needed for repair shops or for marketing of locally produced products. The enterprise will be established on the applicant's farm. Such a loan will be made when the applicant cannot reasonably increase his farm income by development or purchase of additional land or through off-farm employment.

Section 2. Section 306(a) (1), (2), and (7). *Loans and Grants for Community Centers.*

This bill will amend Section 306(a) (1) to authorize direct and insured loans to associations, including corporations not operated for profit, and to public and quasi-public agencies to provide community centers in low-income rural areas. The community centers may be acquired or constructed.

The bill will amend Section 306(a) (2) to provide for grants not to exceed 50 percent of the development cost of such projects. Such community centers include structures and related facilities, as well as the land necessary for the site, needed to enable the community to carry out or participate in programs of health, recreational, social, and other necessary community services and activities. Such services and facilities financed under this Section would meet a pressing need in the area that cannot be met from other sources.

The bill will amend Section 306(a)(7) to permit the making of loans and grants for community centers in any town having a population of 5,500 or less.

Sections 3 and 4. Section 306(a)(2) and (6). *Association Grant Authorizations.* The amendment to Section 306(a)(2) would increase the amount of development grants that could be made in a fiscal year for water and waste disposal projects from the present limit of $50 million to $150 million. Until very recently there has been no place for many rural communities to turn for assistance in the development of public facilities for water and waste disposal. The economic base of many rural communities is so limited that provisions for the most basic urban-type facilities are not possible without some grant assistance.

The amendment to Section 306(a)(6) would increase from $5 million to $25 million the maximum amount of grants that could be made annually for the preparation of comprehensive plans for the development of water and sewer systems.

Sections 5 and 9. Section 307(a) and 316. *Flexible Interest Rate to Borrowers.* Direct and insured soil and water loans to individuals and nonprofit corporations, as well as direct operating loans and direct and insured farm ownership loans would, in lieu of the present maximum rate of 5 percent, have a flexible interest rate tied to current yields on long-term Treasury borrowings.

The rate for borrowers whose interest payments are subject to Federal income taxes would be equal to the prevailing average market yield on Government obligations with remaining noncall periods of at least 10 years, estimated annually as of January 1, plus not more than one percent per annum, subject to an overall ceiling of 5.5 percent per annum. Under this formula, interest rates would be determined largely by market conditions prevailing at the beginning of the year in which loans are approved.

The interest rate on loans to public agencies whose interest payments are not subject to Federal income tax would be flexible. It would be based on the average rate payable by the Treasury upon its marketable public obligations which are not due or callable for 15 years from the date of issue. This flexible interest rate is similar to that provided for loans to public bodies in small watershed projects under the Watershed Protection and Flood Prevention Act.

Section 6. Section 308. *Elimination of Annual Limit on Insurance Authority.*

This amendment will remove the $450,000,000 aggregate annual ceiling so as to permit the making of insured loans to eligible applicants commensurate with the demand. Insured loans are made under this authority for farm ownership, individual soil and water, and association purposes. Because of the extremely high demand for loans in rural communities for water and waste disposal projects and for farm ownership loans, the authorization has been exhausted during the first nine months of each of the past three years.

Section 7. Section 309(f). *Increase in Amount of Loans Initially Held in the Agricultural Credit Insurance Fund.*

This amendment will increase from $50 million to $100 million the amount of loans that can be made from and held at any one time in the Agricultural Credit Insurance Fund pending initial sale. This change will permit a smoother flow of loans through the fund and eliminate delays in issuing loan checks. It will permit accumulation of blocks of loans to be sold to lenders interested only in large investments. It will also permit holding loans in the fund during short periods of higher than normal interest rates. The purpose is to enable the Government to meet the credit needs of rural families more effectively and expeditiously.

Section 8. Section 312 (5) *Operating Loans—Nonfarm Enterprises.* The new item 212 (5) will enable qualified applicants to receive operating loans for small nonfarm enterprises, such as providing equipment for repair shops, processing, and transportation facilities where needed to supplement farm income. This will help farm families toward full employment and a chance to achieve economic stability in situations where farming alone will not produce adequate income for a reasonable standard of living.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. AIKEN. I yield.

Mr. MANSFIELD. I wish to second the remarks made by the distinguished senior Senator from Vermont and to say that I thoroughly approve of what he is advocating and am honored to be a cosponsor of the bill.

I think that, while we have been placing so much stress on the urbanized areas of this country, we have not given sufficient attention to and have indeed neglected the needs of the rural segments of our economy.

The type of legislation which was introduced by the distinguished Senator from Vermont over a year ago has proved its applicability and highly efficient effect as far as water systems are concerned. At the same time, its success is only a recognition of the fact that much more needs to be done—and on a legitimate basis, not on a poverty basis. The needs of our rapidly dwindling rural population simply must be met. The farmers of the Nation must be enabled to continue to farm, and those who have left the farm hopefully may be brought back, all in the interest of our country. I thank the Senator for his interest in this and other matters affecting our rural economy.

Mr. AIKEN. I thank the Senator. The results of the rural sewer and water systems bill, approved about 2 years ago, has far exceeded expectations. I think about one thousand communities have taken advantage of it. It is my recollection that about 4,000 are awaiting to derive benefits from the service which that bill will provide. This bill makes it possible to more fully, and sooner, develop the rural communities, rather than see them go into the role of poverty dependencies.

ORDER OF BUSINESS

Mr. DOMINICK. Mr. President, the order of yesterday provided that I be recognized for a half hour. If the majority leader does not object, I ask that I take my half hour starting now.

Mr. MANSFIELD. Yes, indeed; that was understood.

The **PRESIDING OFFICER** (Mr. BYRD of West Virginia in the chair). Is there objection? The Chair hears none, and it is so ordered. The Senator from Colorado is recognized for 30 minutes.

Mr. DOMINICK. Mr. President, I wish to express my appreciation to the Senator from Montana, who is, as usual, most cooperative in providing time for those of us who want to discuss subjects which we think are of real importance.

PUNTA DEL ESTE: ANOTHER OPPORTUNITY

Mr. DOMINICK. Mr. President, the war in Vietnam, where our men are fighting and dying for the cause of freedom, constitutes the major concern of our people and our Government. I support a strong American stand there.

But this week the eyes of our Nation focus on Latin America. There, at Punta del Este, Uruguay, the Presidents of the nations of the Western Hemisphere are meeting to consider the state of the nations represented in the Organization of American States.

As the Conference convenes, however, we find that four nations—Venezuela, Colombia, Guatemala, and Bolivia—are being ruled by martial law. This is the first time in the history of the OAS that four nations simultaneously have been forced to suspend constitutional guarantees because of the terrorist and guerrilla attacks mounted by the Communists. Costa Rica, Panama, Honduras, Peru, Ecuador, El Salvador, and other nations in that area are threatened by similar situations at the present time.

When we seek the reason, we find it in the Soviet power in Cuba. From Cuba, the Soviet Union is directing wars of subversion—not only against the Western Hemisphere but, indeed, against the free nations of Africa and Asia as well. Not only are the Russians behind this subversion; they brag openly about it.

The boasting is prevalent in the speeches of some of the highest officials in the Kremlin. In organizing the Tricontinental Conference on Subversion held in Havana last year, no less a functionary than Soviet Foreign Minister Andrei A. Gromyko rose in the chambers of the Supreme Soviet and told its members what Russia had in mind. He said:

> The Soviet Union, in taking part in the Havana Conference will do everything to help consolidate the front of the struggle against imperialist aggression.

In plain Communist language, this means the Soviets are committed to a policy of worldwide subversion. The final target is, of course, the United States.

This is perfectly evident in the hostile anti-American message sent to the Tricontinental Conference in Havana by Soviet leaders Alexei N. Kosygin and Leonid I. Brezhnev. It reads, in part:

> Today, Havana attracts the attention of all fighters against the forces of aggression and colonialism, and for the national and social liberation of all peoples . . . U.S. imperialists are challenging all progressive forces.

The message stresses that the United States is "binding the Latin American nations with imperialistic rope."

Sharaf R. Rashidov headed the 40-man Soviet delegation to Havana. As a candidate member of the Presidium of the Central Committee of the Communist Party of the Soviet Union, and First Secretary of the Party Central Committee of Uzbekistan, Rashidov's position at the Havana conference carried the full weight of Soviet policy. He endorsed "wars of national liberation," saying that the "common enemy is international imperialism, headed by the United States." The Soviet delegate then stated, "imperialism must be wiped off the face of the earth, once and for all."

Mr. President, these few words uttered by the Russian functionary describe better than several pages of text the goal of the Soviet policy. The aggression which we are witnessing in Vietnam is a concrete expression of Soviet policy—a policy of worldwide subversion.

Vietnam is no isolated brush-fire war, nor is it a civil war, as many would have us believe. It is only one confrontation among many. Indeed, the vital relationship of Vietnam to other wars of subversion was brought to light by Nguyen Van Tien, the chief Havana delegate of the so-called Vietnamese National Liberation Front—the Vietcong. He demanded world Communist support—parades, sit-ins and demonstrations—to undermine the moral basis for our defense of South Vietnam. And Tran Danh Tuyen, the official North Vietnamese delegate to the Havana Conference, warned that victory in South Vietnam, or alternatively, the neutralization of U.S. military forces there, was prerequisite to the success of projected so-called wars of national liberation on other continents—the purpose for which the Havana conference actually was called.

I have quoted his words as evidence that what is happening in Latin America, as the Presidents meet in Punta del Este, is part and parcel of overall Communist strategy—specifically, Soviet strategy. The North Vietnamese delegate referred to "the vital bearing of the Vietnam question on our three continents and on the present situation of the entire world." What he means, I think, is if the will of the United States to win in Vietnam is sapped or undermined, there will be little disposition in this country to stand fast in other parts of the world.

Hanoi's delegate to Havana laid down conditions for "peace" in Vietnam that have no meaning other than the capitulation of the United States. One is that the United States recognize the Communist puppet, the National Liberation Front of South Vietnam. With this precedent established—and I see alarming evidence that there are powerful voices for establishing that precedent—the Communist aggressors would achieve a key victory and the free world a stunning loss. We would undercut ourselves in Latin America where the majority of countries have been battling so-called national liberation fronts for years.

There is little or no doubt in my mind that the voices virtually pleading for peace at any price, pleading for recognition of the Vietcong and, in general, giving the impression that the United States is not firm in its commitments to stop aggression, have had the effect of escalating guerrilla wars in Latin America. In fact, just last March 13, Fidel Castro was encouraged to brag that he could explode "a dozen Vietnams in Latin America."

Let us take the case of Colombia, considered by many among the brightest hopes for the Alliance for Progress. It boasts a popularly elected President, the distinguished Professor Carlos Lleras Restrepo, and a program of development which is unequaled in this hemisphere. Colombia, however, recently has been forced into a martial law situation. Why?

I shall quote a few of the alarms set off by President Lleras Restrepo himself. He made it clear that if the Cuban Communists remain unchallenged, as they have for so many years, the future of his country is indeed bleak.

> It is a fact—

Said the Colombian President—

> that a foreign country is intervening in Colombia's internal affairs touching off guerrilla wars.

It has been found that subversives actually have been manufacturing arms clandestinely in Colombia's Ministry of Public Works. Cuban-trained guerrillas have penetrated the nortorious bandit gangs of Colombia and have extorted more than a million dollars in ransom from relatives of 148 Colombian kidnapped civilians. Castorite guerrillas have even published maps dividing Colombia into five so-called independent Socialist republics. In one such "republic," Marquetalia, the guerrillas have managed to assert considerable pressure on the population. As in Vietnam, the populace there sometimes lives alternately under government and guerrilla control.

The Colombian Army has fought hard and well to eradicate the guerrilla bands. But those of us who are familiar with the topography of Colombia—its towering Andes and jungle hinterland—know how difficult it is to fight a defensive battle in such terrain. Cuban-trained Communist guerrilla leaders—among them Manuel Marulanda Velez, Ciro Castano and Fabio Vasquez—have full military support of a predatory Cuba. The Communists have created two huge war zones in Colombia—one in the mountains, another in the plains.

There is still another guerrilla force operating in Colombia: urban guerrillas who have infiltrated the universities, cultural institutions, and labor unions. What I regard as unimpeachable sources have informed me that these urban guerrillas number more than 20,000 and are organized into small action cells throughout the country. All receive material and moral support from the Russian base, Cuba. Nearly 20,000 soldiers are operating in the states of Santander, Santander del Norte, Magdalena, Valle and Huila. Four full Colombian battalions, comprising 8,000 men, are operating in only two of these States, trying to beat back constant assaults launched against the small towns and settlements in the interior of the country.

President Lleras Restrepo sketched some dimensions of the undeclared war against Colombia by Cuba. He said:

> Guerrilla activities directed from abroad (meaning Cuba) entail a high cost . . . to preserve public order . . . that could be better spent for the direct benefit of the needy classes of our country.

Last November, Colombia was forced to impose drastic currency controls, but despite those controls over $100 million have fled the country—some sent to the United States and the balance resting in unnumbered accounts in Swiss banks.

Two weeks ago Colombian President Lleras Restrepo admitted that the roots of Communist subversion have yet to be destroyed when he told his nation:

> The marauding bands have never been completely destroyed, though they suffer setbacks at the hands of our Army units . . .

Then, alluding to the constant resupply of men and war materials from Cuba, the President added:

> The machinery which trains and instructs the guerrillas remains intact and unchallenged.

Venezuela, Colombia's neighbor which also has been forced to rule through martial law, has 15,000 Regular Army troops committed to the battle against Cuban-trained rural and urban guerrillas. Bolivia, the third country suffering from Cuban-exported subversion and ruling by martial law, has 4,000 troops fighting guerrillas on the lofty plateaus of that Andean country. Mr. President, a graphic description of what is going on in Bolivia appeared in the Washington Post on April 11.

This article is entitled "Newsman Describes Guerrilla Base Established Deep in Bolivian Jungle." It was written by Murray Sayle, distinguished correspondent for the London Times.

In this article he shows the equipment they have: Field hospitals, caves, ovens, surgical supplies, other supplies, and weapons—all found deep in the jungles of southeast Bolivia.

An article entitled "Brazil Rated Top Power Militarily Among Latins," under the dateline London, appeared in today's Washington Post.

Another article entitled "Martial Law Is Declared in Bolivia Zone," under the dateline La Paz, was published in today's Washington Post.

These two articles deal with the problems in Latin America which concern the military supplies and equipment that must be used by the Latin American countries.

It is reported that Cuba alone has more military people than does any other country of Latin America.

If I may be permitted to inject a personal item, I have a son operating in the Peace Corps in Bolivia who has recently written me saying that reports of the Communist-oriented guerrilla activities in Bolivia are constantly sweeping through the country and creating problems almost daily.

Mr. President, I ask unanimous consent to have the articles to which I have referred printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 11, 1967]

NEWSMAN DESCRIBES GUERRILLA BASE ESTABLISHED DEEP IN BOLIVIAN JUNGLE

(By Murray Sayle)

NACHABHUAZU, BOLIVIA, April 10.—I have just returned from a four-day jungle patrol with the Bolivian Army, which discovered a strongly fortified base of Castro-type guerrillas deep in the Bolivian jungle.

The guerrilla activity first came to light when a Bolivian army patrol of six men was ambushed and wiped out on March 23 in the foothills of the Andes.

Two days later another patrol of 14 men and two officers, sent to look for the missing men, was captured, stripped of weapons and clothing, and released.

Our patrol inspected the expertly placed weapons pit in the cliffs from which the bloody ambush was sprung on March 23 and I began to doubt that this was the work of marijuana smugglers, as many Bolivians believe.

Farther along we found a fully equipped field kitchen with a big oven capable of baking bread for at least 100 men. Near it were vegetable gardens and a butcher shop where mules had been cut up. From the condition of the meat I judged that the camp had been evacuated no more than three days ago.

A little farther along the trail, under the dense canopy of trees and creepers, was a well-equipped field hospital with empty packets of antibiotics, surgical dressings and instruments manufactured in Italy, Britain, West Germany and the United States.

The canvas covering of the big hospital tent had been taken away, but I saw an operating table and seats for patients to wait outside, all made of jungle timbers.

In a pile of rubbish near the hospital I found files of patients identified by their first names, and receipts from La Paz medical suppliers for $5000 worth of medical equipment bought between Nov. 3 and Nov. 20 through a fictitious firm.

A hundred yards farther on was the dormitory area with latrines dug in proper military style and crude showers made of mule skins.

In this area were more than 50 homemade hand grenades. Grenades had been used to wipe out the earlier patrol.

Among the rubbish neatly raked from the dormitory area I found a picture of Che Guevara (the former lieutenant of Fidel Castro) taken in the jungle, and a copy of a speech by Gen. Vo Nguyen Giap, of North Vietnam, translated into Spanish, calling for an "armed struggle for national liberation of long duration with prolonged resistance leading to the eventual triumph of the people."

It was impossible that these could have been "planted" as I found them myself in the rubbish and the Bolivian patrol with me had never heard of Giap. The Guevara picture looked like an old one from the Cuban revolution.

[From the Washington Post, Apr. 13, 1967]

BRAZIL RATED TOP POWER MILITARILY AMONG LATINS

LONDON, April 12.—Brazil, Cuba and Argentina are the major Latin American military powers, according to an independent survey published here today.

The Institute of Strategic Studies, a London-based organization which analyzes military facilities, said Brazil's 194,000-man armed forces and $485-million defense budget were easily the largest in the area in 1965, the year used for the study.

But, it said Cuba has a "well-trained militia" of 200,000 men in addition to its standing armed forces of 121,000 men. It said Cuba's 1965 defense budget of $214 million, about 7.2 per cent of its gross national product, was the largest percentage spent by any of the three. Argentina spent 2.1 per cent, Brazil 3.2 per cent.

Argentina spent $258 million on 132,000 men at arms.

The report noted that Haiti spent 25 per cent of the total government outlay in 1965, compared to Brazil's 16.2 per cent, Argentina's 15.3 and Cuba's 10.8.

Russian forces in Cuba have been cut to less than 3000 men, mostly advisers, the report said.

U.S. estimates put the total Soviet strength in Cuba at the time of the 1962 missile crisis at as many as 22,000 men. The report said Cuba's air force has 270 planes, including 45 Mig 21s.

MARTIAL LAW IS DECLARED IN BOLIVIA ZONE

LA PAZ, April 12.—Martial law went into effect in the guerrilla zone of southeastern Bolivia today following a clash Monday that left a reported 13 dead.

In authorizing the martial law in the area, the Cabinet of President Rene Barrientos last night also outlawed the Bolivian Communist Party and the pro-Communist Workers' Revolutionary Party. Both had been harassed by the government previously.

The decree said "armed irregular groups constituted by elements of different nationalities, obeying the orders of international Communism, have organized a base of operations which affects four provinces of the southeast of the nation."

A communique said that on Monday, nine soldiers and four guerrillas were killed in the jungle 20 miles north of Nancahuazu, where a guerrilla training camp was located following a clash March 24.

Estimates on the number of guerrillas vary, the army saying 400 and a newsman who visited the zone saying 100.

Mr. DOMINICK. Mr. President, the fourth country, Guatemala, has been in a state of siege for nearly 9 months, with no end of martial law in sight. Nothing could be more expressive of the situation in Guatemala than an article written by Vice President Clemente Marroquin Rojas, and published in the newspaper, La Hora. He wrote:

> It looks as though Guatemala will be the next American nation to fall to Marxism.

Adding:

> At the rate things are going, everything points to this eventuality.

Mr. President, the situation in Latin America cannot be described merely as serious or alarming. I venture to say that the military and governmental posture of our allies south of us is extremely critical.

Let us take the case of oil-rich Venezuela, a prime target of Russian-Cuban intervention since 1961. Hundreds of Venezuelan soldiers and airmen have died fighting guerrillas, and hundreds of millions of dollars have fled that country as a direct result of urban terrorism and forays by rural bands of Communists.

But the people of Venezuela have continued to support their Government. Although so-called student demonstrators there are vocal, and they receive support from pacifist politicians and intellectuals here, they are in a very small, almost insignificant minority. This was proved when, despite threats from Cuba that those who voted in the elections would be shot, the people turned out and elected Raul Leoni as President. It was also proved last June 30 in the Dominican Republic when the people went to the polls and overwhelmingly elected Balaguer, at the same time rejecting Juan Bosch, who had strong leftist ties.

The people do not want communism and have steadfastly rejected it whenever they have been given the opportunity to express their will. Small, vocal, disciplined, well trained and well supplied, the Communists and their political and intellectual dupes now try to come to power in Latin America, just as they try to come to power in South Vietnam—through violence and terror. Because of this, the Communist Party is no longer recognized in Venezuela. Yet its militants manage to keep the country in a state of political turbulence through the use of student agitators, intellectual collaborators, political opportunists, saboteurs, terrorists, and rural guerrilla bands.

President Raul Leoni in commenting on his problems has called upon the Organization of American States to do something about "the subversive machinery installed in Cuba, well financed by outside powers." The more recent acts of violence in Venezuela prompted Interior Minister Reinaldo Mora to say:

> We have specific evidence that the acts of subversion spring directly from the Tricontinental Solidarity Conference held in Havana.

Members will recall my earlier words that it was this Russian-sponsored conference in Havana last year that has resulted in worldwide coordination in carrying out the subversion of the free world.

What has shocked Venezuela more than any single event is the assassination just last month of Julio Iribarren, former Director of Venezuela's social security and brother of the Foreign Minister Ignacio Iribarren. Julio Iribarren was cruelly tortured by the Castro-Communists before being shot, and when the police found his body it was covered with posters and pamphlets from the National Liberation Front of Venezuela, the political arm of its so-called army of national liberation. Does that not sound familiar? The torture and coldblooded murder of this prominent social reformer are reminiscent of the atrocities being committed 10,000 miles away by the Vietcong. There is obviously a link between the National Fronts of Vietnam and Venezuela: they are united in a common purpose—the assumption of power through unbridled acts of terriorism. Indeed, Maj. Elias Manuitt Camero, head of Venezuela's National Liberation Front, bragged in a broadcast over Radio Havana that it was his Liberation Front that had tortured and murdered Julio Iribarren.

An all-out guerrilla and terriorist war has been declared against Venezuela by Manuitt Camero. Within hours of that declaration, guerrillas unleashed terrorist attacks and a group of 30 guerrillas, dressed in the khaki uniforms and green-and-red berets of the Castro-directed armed forces of national liberation, seized the town of Sabana Grande.

Venezuela has been forced to throw helicopters and planes into antiguerrilla campaigns that deplete the national treasury. President Leoni moved troops into the University of Caracas, a hotbed of Communist activities. There they found the Communist fully entrenched and supplied. A Colombian guerrilla leader had been hidden on the campus for nearly a year, where he carried out liaison duties between the National Liberation Fronts of Venezuela and Colombia. Tunnels had been dug into the surrounding hills, and under the university buildings, where arms and ammunition were found. The Communists even had their own graveyard, where they buried their victims.

While these facts may shock those who have not heard them, they are not news to those who have been following events in Cuba and Latin America over the years. For example, Radio Havana has openly bragged that its National Liberation Fronts have eliminated 11 of 13 major political enemies in Venezuela and Colombia alone.

This, then is only a capsule picture of what is going on in Latin America while the Presidents are meeting at Punta del Este. The American people will be watching to see if the United States, its allies or both, own up to the state of the nations of this hemisphere.

More evidence that Cuba now is Russia's principal base for subversion has recently come to light. I have learned that the Cuban merchant ship, *Cerro Pelado*, left the northern Cuban port of Mariel last December and carried Cuban troops, arms, and ammunitions to North Vietnam. Now, four SAM mobile units with Cuban crews are operating in North Vietnam. Also in December a 10,000-ton Russian ship left that same port of Mariel, carrying mortars, light artillery, medium tanks, rifles, and ammunition to Hanoi. The fact is that Russia not only has turned Cuba into a potent base for subversion—with at least 43 guerrilla training camps turning out more than 10,000 guerrillas a year—but also into a vast ammunition depot by which its wars of national liberation are supplied—90 miles from the United States.

The Soviet Union has reinforced its political "investment" in Cuba and Latin America by manipulating the United Nations. It has striven constantly to divert complaints against Cuban subversion lodged by members of the Organization of American States from the OAS to the U.N. Security Council. For example, when in July 1964 the OAS found Cuba guilty of subversive aggression against Venezuela, Soviet U.N. delegate P. Morozov immediately objected to the findings, claiming that only the U.N. Security Council is competent to define aggression. Morozov's hope, to bring the matter of aggression to the U.N. where the Soviet veto could block any punitive measure, failed because the United Nations Charter recognizes the competence of regional organizations to deal with matters affecting their own members.

Nevertheless, I want to stress the fact that the Soviet Union continues to seek world recognition that Communist subversion, in the words of Soviet Delegate Morozov, merely "represents the struggle which the peoples of Latin American countries are waging for national liberation."

I refer once again to the 1966 Tricontinental Conference of Havana. I do so because it is one of the most significant international conferences to be held by the Communists since the close of World War II. One finds in the resolutions which came out of that Conference the declarations of intent and clues to the strategy which will be followed in undermining the governments of the free world, including the United States.

For this reason, Mr. President, I ask unanimous consent that the agenda of the Conference, the general declaration of the Conference, and the resolutions adopted by the Conference—all of which appeared in a study of June 1966 prepared by the staff of the Internal Security Subcommittee of the Senate Judiciary Committee—be inserted in the RECORD at this point in my remarks.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

4. THE AGENDA OF THE CONFERENCE

On January 8, the four committees of the Conference discussed the provisional agenda drafted in Cairo by the Committee on the Preparations at its meeting during the previous September. The agenda finally adopted was the following:

1. The struggle against imperialism, colonialism, and neocolonialism.

A. Support to the Vietnamese people in its heroic struggle against the imperialist aggression of the United States and for the liberation of South Vietnam and unification of the entire country.

B. Struggle for complete national liberation, for the right of peoples to self-determination, and consolidation of independence and national sovereignty in the three continents; struggle against imperialist aggression, subversive conspiracies, and foreign intervention in independent states; and against the imperialist policy of isolating peoples struggling for their national independence.

C. Intensification of all forms of struggle, including armed struggle, by the peoples of the three continents against imperialism, colonialism, and neocolonialism, headed by U.S. imperialism.

D. Support to the Cuban people in its just struggle against U.S. imperialism and in defense of national sovereignty. Support to the patriotic struggle of the Latin American peoples against the imperialism of the United States and its instruments, such as the OAS.

E. Elimination of foreign military bases in the three continents and action against the policy of military pacts.

F. Struggle to prohibit the use, production, testing, and storage of nuclear weapons, and for complete destruction of all present nuclear weapons and all instruments for producing them; and struggle for disarmament and world peace.

G. Action against apartheid and racial segregation; support to the peoples of Africa and of the United States in defending their rights to equality and freedom; struggle against discrimination and racism in all their forms.

H. Ways and means of aiding the liberation movements in Africa, Asia, and Latin America, in general, and armed struggle for independence, in particular.

2. Burning issues of the struggle against imperialism in the countries of the three continents, particularly in Vietnam, the Dominican Republic, the Congo, the Portuguese colonies, Rhodesia, southern Arabia and Palestine, Laos, Cambodia, South Africa, Korea, Venezuela, Guatemala, Peru, Colombia, Cyprus, Panama, Southwest Africa, and North Kalimantan.

3. Anti-imperialist solidarity among the African, Asian, and Latin American peoples in economic, social, and cultural fields.

A. For the economic emancipation and social and cultural liberation of the peoples of the three continents.

1. Principles on joint struggle to obtain and consolidate the economic emancipation of the peoples of the three continents and the struggle against the economic exploitation and aggression of imperialism, colonialism, and neocolonialism.

2. Measures to eliminate the consequences of colonial domination in the economic, social, and cultural fields.

3. Action against the policy of blockade and boycott imposed by imperialism in the case of countries that are fighting for freedom and that have already achieved independence.

4. Economic planning and mobilization of natural and manpower resources for economic development and to obtain true economic independence, based chiefly on the country's own natural resources.

5. Agrarian reform in the continents.

6. Problems of national training of personnel.

B. For the development of economic, social, and cultural relations.

1. Aid and cooperation among the peoples of Africa, Asia, and Latin America in the economic, social, and cultural fields.

2. Fundamental principles of economic and technical cooperation among the countries of the three continents, based on the principles of equality and mutual interest.

3. Establishment of a new economic policy between countries of the three continents and the rest of the world. Establishment of trade, economic, and financial relations with the developed countries on a basis that makes possible the development of the others.

4. Formulation of a joint definition for the countries of Africa, Asia, and Latin America of the concept of a peaceful coexistence.

C. For coordinating the action of workers', students', and women's organizations in the three continents.

4. Political and institutional unification of the efforts of the peoples of Asia, Africa, and Latin America in their joint struggle for national liberation, reconstruction, prosperity, and peace.

Summarizing the agenda and purpose of the Tricontinental Conference, the official Cuban newspaper Granma, in its issue of January 6, 1966, said:

"The strategy of the revolutionary movements in their struggle against imperialism, colonialism, and neocolonialism and, especially against Yankee imperialism—principal enemy of peoples—calls for closer military ties and solidarity between the peoples of Asia, Africa, and Latin America, the working class, the progressive forces of the capitalistic countries of Europe and the United States, and the Socialist camp."

Appendix V—General Declaration

Text of the general declaration of the first Conference of Solidarity of the Peoples of Asia, Africa, and Latin America:

The first Conference of Solidarity of the Peoples of Asia, Africa, and Latin America has taken place in Havana, the capital of Cuba, from 3 to 14 January 1966. The work that has been done is of great significance. For the first time in history a very broad representation of the revolutionary forces of 83 countries of the 3 continents have exchanged experiences and initiatives, have brought closer the bonds of revolutionary and anti-imperialist solidarity and have adopted basic agreements in the battle against the system of imperialist, colonialist, and neocolonialist exploitation, against which they have declared war until death. The debates at the conference have brought out that imperialists are carrying out a policy of systematic intervention and military aggression against the nations of the three continents.

The Conference takes place at a time when the peoples of Asia, Africa, and Latin America and from other parts of the world are waging a violent struggle against all forms of imperialist, colonialist, and neocolonialist domination, with Yankee imperialism at the lead. The world situation favors the development of the revolutionary and anti-imperialist struggle of the oppressed peoples. The rising march of national liberation movements in Asia, Africa, and Latin America is an event of tremendous importance and significance.

Imperialism will never renounce voluntarily its policy of exploitation, oppression, plunder, aggression and intervention.

The peoples of Asia, Africa, and Latin America know by their own experience that Yankee imperialism, the implacable enemy of all peoples of the world, is the main redoubt of colonial oppression and international reaction. The elimination of Yankee imperialism's domination is a decisive factor for the total, and final victory of the anti-imperialist struggle in the three continents and the efforts of their people must be aimed at that objective.

The reality of imperialism, colonialism and neocolonialism have been unveiled with dramatic force in the conference's debates. While comparing the benefits, profits, and wealth which the imperialist monopolies extract from the miserable living conditions of the peoples of the three continents, the sharpness of one of the greatest contradictions of our times becomes evident: The contradiction between imperialism and the oppressed nations and peoples. Yankee imperialism constitutes the basis for oppression; it directs, provides, and upholds the worldwide system of exploitation.

The monopolies of the imperialist powers extract for their benefit enormous resources of the peoples of Asia, Africa, and Latin America. For centuries, they have been plundering through many means. They take over the natural resources of the soil, subsoil, and sea bottom, control the most important industries and utility services through investments, dominate foreign trade, and impose conditions which damage international exchange relations and subject, under their yoke, the national banking institutions and finances.

This general situation gives the imperialist, colonialist, and neocolonialist powers the economic control of the subjected nations and permits them to systematically rob our peoples who are forced to contribute to the monopolies' treasuries.

The average per capita income of the exploited nations of the three continents is incredibly lower than that of the exploiting powers. The huge figures which reveal the profits of the monopolies contrast with the extremely high rate of infantile mortality, the high percentage of illiteracy, the nearly complete absence of schools, medical and hospital and services and, in sum, the poverty, unemployment, hunger and misery suffered by our peoples.

This injustice is underscored even more if one takes into account the tremendous contrast between the promising future offered to humanity by the present state of science, technology, and culture and the sad reality of the exploited masses of Asia, Africa, and Latin America which are deprived of the enormous material and spiritual wealth which the human mind and work have been accumulating for centuries. Our peoples cannot take advantage of the strides made by science and technology because opportunities are denied them by the system of oppression and exploitation.

Consequently, they find themselves in a disadvantageous position because the gap in the standard of living of the victims and the exploiters becomes wider. The impossibility of reaching this better level of material and spiritual lives by the peoples of Asia, Africa, and Latin America under the present social and economic structures to which they are subjected becomes quite evident, and so does the desperate conditions of poverty, hunger, and ignorance being faced by the exploited masses of the three continents. These reasons suffice to condemn in an irrevocable manner the imperialist, colonialist, and neocolonialist oppression and exploitation.

In its efforts to further the system which it heads against the people's resistance, Yankee imperialism maintains and feeds tensions throughout the world, threatening peace and security. It encircles the world with aggressive military bases, concludes military pacts in open violations of the principles of national sovereignty and proclaims, with strong cynicism, its alleged right to intervene in the internal affairs of other countries and to occupy by force all, or part of their territories, thereby assuming the shameful role of gendarme at large.

Yankee imperialism foots expenditures and supplies arms so that declining colonialist nations might continue to rule over their prey and share with the imperialists their benefits. Imperialism insolently and arrogantly insists upon imposing its ideology. For this purpose it employs a world-round network for defusion and propaganda. It tries to infiltrate into all countries with decadent demonstrations of its culture.

Yankee imperialism corrupts history, warps facts, and uses calumny as a weapon. It sets up economic blockades, in a fruitless effort to subjugate the people by starving them to death. In its impotence, imperialism insists upon extending that turbulent and criminal conduct to trade policies among its allies. It conspires on a worldwide scale to sponsor and maintain unpopular and antinational regimes in power which support systems of oppression and exploitation.

Yankee imperialism covers the map with its capital, extracting millions of dollars yearly for its monopolies. It commits all sorts of abominable crimes against the peoples and actively prepares attacks agains socialist countries and against world peace. By the very nature of their systems of oppression and exploitation, imperialism, colonialism, and neocolonialism strongly oppose independence, sovereignty, and the national and social liberation of the peoples.

To counteract their action, the oppressed peoples of the world fight for the principles of self-determination, sovereignty, and independence of the nations. The liberation movement among the peoples of the three continents has become one of the most important forces in the world struggle against imperialism, colonialism, and neocolonialism. Together with the socialist countries and the international proletarian class, these people play a decisive role in the history of mankind.

The imperialists become isolated and grow weaker. The crisis of its system becomes more acute by the day. The interest of national liberation is closely linked with the social revolution needs. The national liberation movement, the peasants' demand for land, the struggle of the working class for the achievement of their great social and political conquests, the decided action of youths and students, the demands of the workers, intellectuals, and other segments of the population for their rights, trampled and scorned in the past the battle against the oligarchical classes and the military dictatorships at the service of the dominant classes, the fight against racial discrimination, and other social inequalities make up a gushing torrent and constitute a movement that will carry a tremendous role in the progress of mankind.

The people who have been able to eradicate oppression and exploitation, of man by man, and have established socialism constitute by their example and their aid a valuable thrust forward in the struggle of the oppressed peoples against imperialism. To the degree that the people's liberation movement in Asia, Africa, and Latin America advances, the working class and the progressive segments in the capitalistic nations will be able to help effectively and directly in the movement.

This premise is unequivocally attested to by the progress of the civic protest movement in the United States with respect to the war which the U. S. Government is waging against the Vietnamese people. The effective revolutionary action of the South Vietnamese National Liberation Front and the heroic resistance of the DRV are contributing to raise the level of the struggle and to improve the political awareness of the United States people who express each time more vigorously and strongly their opposition to the war.

This demonstrates that the liberation of Asia, Africa, and Latin America will step up the struggle of the working class, and of other oppressed populations segments in the United States and other developed capitalistic countries in Europe, against control of monopolistic capital, against oppression and exploitation, and in favor of social progress.

Meanwhile, the progress of this class struggle of the proletarian class and of all the workers in the capitalistic countries will aid in the advancement of the struggle for national liberation in Asia, Africa, and Latin America. In this manner, our common efforts will defeat the common enemy of all of the people, namely, imperialism, and particularly, Yankee imperialism, which is the most fierce and the most oppressive.

A group of countries from the three continents have achieved political independence. Many more countries are fighting to get it. Those who have obtained their independence and those who are working to obtain it interlock their alliance in the conference of solidarity of the Asia, Africa, and Latin American people, and are studying means to meet their international duties with the common cause of the peoples; namely, the liquidation of colonialism's, neocolonialism's and imperialism's system of oppression and exploitation.

There are still territories which are subjugated by the cruelest forms of colonial systems. Representatives from many of these countries are attending this conference, to study means to solve grave problems involving economic and social development. For the complete liberation of countries in Asia, Africa, and Latin America, it is indispensable to maintain the principles of self-determination of the states, of national sovereignty, and of political independence.

The Conference proclaims the inalienable right of the peoples to complete political independence and to resort to all necessary kinds of struggle, including armed combat, to gain this right. There is no task more important than this for the subjugated peoples of Asia, Africa, and Latin America.

The nations of Asia, Africa, and Latin America which have won their political independence are aware that the legal status of a formal sovereignty does not suffice to assure full liberation. To achieve full liberation, all means of imperialist oppression and exploitation must be eliminated. Profound changes must be made in the socioeconomic structure, and the material and technical bases must be set, bases on which to build a society of freemen. Political emancipation must go hand in hand with economic liberation. Only in this manner can social equality of men and the true independence of states be secured.

The peoples of the independent nations of Asia, Africa, and Latin America must oppose all types of infiltration, subversion, oppression, exploitation, and plunder by imperialism. They must develop to the maximum their initiatives and resources, strengthen the mutual aid and cooperation with friendly nations, liquidate the imperialist and colonialist forces, oppose neocolonialist aggression and infiltration, and construct and promote their national economies and culture.

The Conference proclaims as common ideal the struggle of the peoples of Asia, Africa, and Latin America to extirpate every trace of imperialist economic domination and to build their own economies and as program for those still fighting to obtain their liberation the right to the national control of the basic resources, to the nationalization of banks and vital enterprises, to the state control of foreign trade and exchange, to the reconsideration and rejection of spurious and anti-national debts which have been imposed on their economy, to the realization of real agrarian reform to eliminate feudal and semi-feudal ownership to give impetus to agriculture and livestock raising, raise the standard of living of the peasants and other farm workers and contribute to the growth of the national economy and exports.

The application of those principles will permit full development of the natural resources and their industrialization in accordance with the conditions prevailing in each country, thus completing their economic emancipation.

The imperialists are making efforts to suffocate the nations which have gained their independence by obstructing their trade through the monopolistic control of transportation means, by resorting to criminal blockade and ruining their economies by the forced reduction of basic products' prices and the constant fluctuation of these prices.

The Conference proclaims the right of all liberated peoples to trade with the other countries of the world on equal basis, the need for putting an end to the permanent fluctuations of prices of industrial products the urgent need for the common struggle of the peoples of the three continents, in cooperation with the progressive forces of the rest of the world, to break the imperialist blockade against the trade and transportation means of liberated nations.

Imperialist, colonialist, and neocolonialist domination leaves the peoples of Asia, Africa, and Latin America in a dramatic technological backwardness which prevents the workers of the fields and the cities, whose efforts form the basis for national progress, from increasing the productivity of their work through the use of more advanced technical means in agriculture and industry.

The Conference proclaims the right of the peoples to technical means and the need of the liberated nations to conduct mass training of technical cadres, implying an educational revolution which begins with the eradication of illiteracy and leads to technical revolution.

Countries liberating themselves from imperialism find themselves terrifyingly lacking in health systems, with no hospitals, no medical service centers, and no experts to man them. The Conference hereby proclaims the right of all peoples of the three continents to enjoy a healthy life and to have adequate medical and preventive medical services; and the Conference also recognizes a need for liberated countries to receive all possible aid from more developed countries in Asia, Africa, and Latin America to organize a system of medical and hospital services.

The Conference likewise recognizes a need for special attention in the preparation of professional and auxiliary cadres who are to carry out this massive task under the guidance of the state and with the fullest participation of the people.

Racial discrimination is practiced by imperialists, colonialists, and neocolonialists in large regions of the world. This practice acquires its most repugnant, brutal, and diabolical proportions in the policy of apartheid which oppresses and abuses the people of South Africa and threatens the people of Zimbabwe, reducing them to a perpetual condition of servitude. It is an instrument for exploitation and one of the most unjust and barbarous forms of inequality.

The conference hereby proclaims the full equality of all men and the people's duty to fight against demonstrations of racism and discrimination, and hence, absolute support for the people of Zimbabwe against Ian Smith's racist government and also support for the international solidarity movement against the South African regime. The Conference wishes to call upon all countries represented at the conference to impose their political and trade blockade against South Africa, as well as a boycott on the dispatch of petroleum and weapons.

Military pacts, the existence of military bases, and the presence of imperialist or mercenary troops on foreign soil constitute a violation of national sovereignty and is a danger to peaceful coexistence among states. Imperialism maintains an atmosphere to stifle national liberation movements, to intimidate neighboring countries, and to commit aggressions against recently liberated countries.

The Conference hereby proclaims the right of peoples to liberate themselves from foreign military bases, and appeals for an intensification of the struggle to attain that objective and to oppose military pacts and the presence of imperialist or mercenary troops. The peoples of Asia, Africa, and Latin America fight to defeat local reactionary segments which, in serving foreign interests, help to maintain neocolonial system of oppression and exploitation. In this struggle, reactionary classes offer fierce resistance, and they will not easily release the power which they use to exploit and oppress the people.

The revolutionary and patriotic struggle of each nation is a contribution to the liberation of other countries. The Conference hereby proclaims the right of the peoples to obtain their political, economic, and social liberation by means which they deem necessary, including armed struggle, to reach this objective.

Imperialism and the reactionary classes of every nation confront the people's liberation movement by employing all military, political, and pseudolegal resources at their disposal. They operate outside of international commitments. They try to disguise their crimes by inventing all sorts of fallacious arguments to infringe upon the principles of self-determination, national sovereignty, and the rights of people to carry out revolutionary changes in their economic and social structures.

To achieve their ends, they employ all sorts of crimes and abuses—subversion, espionage, and the infiltration of saboteurs—the introduction of criminal elements and direct aggression to drown the just aspirations of the people. They resort to violence and use armed force to obtain the objectives which they pursue.

The Conference hereby proclaims the right of the people to meet imperialist violence with revolutionary violence, to protect, in those circumstances, national sovereignty and independence. The struggle which the peoples of Asia, Africa, and Latin America are waging in this respect is a decisive contribution to the anti-imperialist battle in the three continents and an effective aid to the liberation of their peoples, and to the assurance of world peace. Each popular victory stmulates new victories.

The Conference hereby proclaims the right and the duty of all peoples of Asia, Africa, and Latin America and of the progressive states and governments in the world to supply material and moral aid to the people who fight for their liberation or are assailed directly or indirectly by imperialist powers. U.S. forces currently occupy the Dominican Republic. Imperialism, in violation of the will of the Dominican people, intervened in the Dominican popular revolution to uphold its puppets. It violated Dominican national sovereignty, tread over the principle of nonintervention, and assassinated not only fighters, but women and children.

The Conference consequently hereby proclaims the right of the Dominican people to fight U.S. occupation forces with all means at their reach, particularly through a people's revolutionary war, and to demand support from all peoples and governments throughout the world. The heroic resistance of the Vietnamese people against imperialist aggressors is not only a response to justly defend Vietnamese independence, but it is a safeguard of the right to self-determination and to the sovereignty of all peoples.

The Conference vigorously condemns the Yankee imperialists' aggressive war in South Vietnam and their bombing strikes against the Democratic Republic of Vietnam and sentences them as war criminals because of their barbaric actions against the Vietnamese people. The Conference denounces the deceitful peace declarations of the Johnson administration and supports, without reservation, the points set forth by the DRV government and the NFLSV for the solution of the Vietnamese problem. The Conference proclaims that the NFLSV is the only authentic representative of the South Vietnamese people and expresses its firm belief that under its leadership the South Vietnamese people will undoubtedly achieve final victory.

The Conference proclaims its solidarity with the armed struggle of the peoples of Venezuela, Guatemala, Peru, Colombia, the so-called Portuguese Guinea, Mozambique, Angola, Congo Leopoldville and with the determination of the peoples of the isles of Cape Verde, Santo Tomas and Principe islands to liquidate colonial domination.

It supports the peoples of French Somalia, of the Spanish possessions in Africa, and the people of Zimbabwe, Basutoland, Bechuanaland and Swaziland in their right to self-determination and independence, the colonial peoples of Latin America, Puerto Rico, the Guineas, Martinique, Guadaloupe, and others, in their struggle for national independence without restrictions and complete self-determination. It supports the peoples of Malaysia (including Singapore—Prensa Latina) and North Kalimantan in their struggle for national liberation and the removal of foreign bases and the withdrawal of foreign troops.

It also demands the immediate independence of South Yemen (occupied—Prensa Latina) as well as the removal of the British military base in Aden and of the U.S. bases in Saudi Arabia. It calls for the solidarity of all the peoples with the Arab people in Palestine in their just struggle for the liberation of their country from Zionist imperialism and aggression.

It condemns the aggressive policy of the U.S. Government and its Asian agents against peaceful and neutral Cambodia and calls for the rejection of all political, economic, diplomatic, and cooperation with the Yankee imperialists and with all puppet governments which help the U.S. Government in their aggressive policy against the Indochinese peoples.

It supports the heroic struggle of the Laotian people against the North American imperialists and their puppets. It denounces the aggressive manuever of the Yankee imperialists which, allied with the Japanese militarists and in connivance with their South Korean puppets, are trying to create a northeast Asia military alliance as a shock force against the Korean people and the Asian peoples, in order to bring about a serious situation in that part of the world. It also supports the struggle of the Korean people for the unification of their country and for the expulsion of the Yankee troops from South Korea and it expresses solidarity with the battle of the Korean and Japanese people for the elimination of the Japanese-South Korean Treaty.

The Conference condemns the North American imperialists' blockade on Cuba. The imperialists have even forbidden the sales of medicines and food as an act of aggression against the Cuban people. The Conference urges the peoples of the three continents to increase their trade with the attacked sister nation to break the blockade which the imperialists have intended to impose upon them.

In the face of the attacks of the reactionary forces directed by Yankee imperialism, the conference appeals to militant, active, and dynamic solidarity of the peoples of Asia, Africa, and Latin America, and urges them, under the banner of anti-imperialism, to intensify the national liberation movement and to develop it with even greater force and to rally all progressive mankind to this struggle.

Imperialism tries to stifle the nationalist spirit of all peoples through the introduction of its decadent culture. It uses massive means of communications to this end, thereby destroying the scientific, technical, and cultural heritage of the peoples when imperialism exploits. The Conference hereby proclaims the right of the peoples to maintain and develop their cultural heritage, supplementing it with the contributions which emerge from exchanges with other genuine cultures and from other countries. The Conference also proclaims a need of the peoples of the three continents to wage an active struggle to extirpate from the cultural life of their respective countries and evidences of imperialistic tendencies and to enrich with aid real art and culture in the lives of the people.

The Conference hereby extends a warm salute to the working classes and the progressive movements in capitalistic countries in western Europe in the United States, and invite them to tighten even more the fraternal bonds of solidarity with the peoples of the three continents to jointly combat imperialist monopolies and the policy of intervention and aggression, inasmuch as they are victims also of the system of exploitation and oppression.

The first Conference of solidarity of the peoples of Asia, Africa, and Latin America and the organization emerging therefrom, proclaim themselves genuine representatives of the will of the peoples and the decision for an anti-imperialist, anticolonialist, and antineocolonialist struggle—a patriotic and nationalist struggle of the people from the three continents.

The Conference hereby proclaims that a primary task of the peoples of Asia, Africa, and Latin America is to intensify the struggle against imperialism, colonialism, and neocolonialism and to conquer and consolidate national independence, democracy and social progress and peace. The peoples of the three continents determined to sweep away all obstacles in its path and to continue the unceasing struggle for a new Asia, a new Africa, and a new Latin America—definitely emancipated from imperialism, colonialism, and neocolonialism—will work jointly until total and definite victory is obtained. They are fully confident in their future.

The merging of efforts of the peoples of Asia, Africa, and Latin America attained at this conference and the future tasks and the basic plans which have been laid will turn active solidarity of our continents into a new historical force of colossal dimensions which will demolish the bastions of imperialism, colonialism, and neocolonialism already bruised by the triumphant liberation movements in recent years and fractured at their base by the inexorable course of history. This great human race has shouted "enough" and has risen on the march. Its giant steps toward the attainment of its definitive liberation will never be contained.

5. Resolutions Adopted by Conference

The general resolution adopted by the Tricontinental Conference represented a major victory for the philosophy of Maoism, in the sense that it rejected all possibility of peaceful reform and declared revolutionary violence to be the only road to the future. These were the words of the resolution:

"One cannot accept the first small step as an alternative to those that follow. * * * We cannot permit ourselves to be deceived or frightened. * * * The struggle is to the death. * * * The peoples of the three continents must reply to imperialist violence with revolutionary violence to safeguard hard-won national independence, as well as to achieve the liberation of the peoples who are fighting to shake off the colonialist noose."

The general declaration of the Tricontinental Conference covered the following significant points:

1. Condemned Yankee imperialism for allegedly "carrying out a policy of systematic intervention and military aggression against the nations of the three continents."
2. Referred to Yankee imperialism as the "implacable enemy of all peoples in the world."
3. Referred again to Yankee imperialism as constituting "the basis for oppression; it directs, provides, and upholds the worldwide system of exploitation."
4. Proclaimed "the right of the peoples to meet imperialist violence with revolutionary violence."
5. Vigorously condemned "the Yankee imperialists' aggressive war in South Vietnam."
6. Proclaimed "its solidarity with the armed struggle of the peoples of Venezuela, Guatemala, Peru, Colombia."
7. Condemned "the aggressive policy of the U.S. Government and its Asian agents against peaceful and neutral Cambodia and calls for the rejection of all political, economic, diplomatic, and cooperation with the Yankee imperialists and with all puppet

governments which help the U.S. Government in their aggressive policy against the Indochinese peoples."

8. Condemned "the North American imperialists' blockade on Cuba." Another resolution read in part:

"North American imperialism is at the fore of the imperialists' aggressive policy. The most desperate actions against peoples, as in Vietnam and the Dominican Republic, lie at the door of the Yankee imperialists. North American states girdle the globe. Aggressive pacts in which the United States is the leading power cover every continent and sea. The United States is found behind every aggressive action committed by the other imperialists."

Another resolution read:

"This conference is convinced that, in view of the imperialists' violence, the peoples of the three continents must reply with revolutionary violence. The latter (people's) must make use of all the most vigorous forms of struggle, among which armed battle is one of the higher forms to obtain final victory."

The resolution dealing with Vietnam said:

"The conference sets forth clearly that to the imperialist tactic of limited wars the effective reply is the development of liberation wars in every region where conditions are ripe. The best example is Vietnam, where the United States by stepping up its intervention is creating the conditions for a more complete defeat later."

Again Vietnam was dealt with in these terms:

"It is necessary to multiply solidarity with the Vietnamese people throughout the world and support their heroic battle in every manner, even by sending armed volunteers if that be necessary. * * * The conference supports the four points laid down by the Government of the Democratic Republic of Vietnam and the five points stated by the South Vietnam National Liberation Front, and calls on all peoples to struggle to see this applied as the sole settlement for the Vietnam case. Defense of the Vietnamese people's just cause has become a central task for the revolutionary strategy of the peoples of Africa, Asia, and Latin America."

A resolution on Puerto Rico said in part:

"Puerto Rico remains occupied by U.S. imperialism, which not only denies her the right to independence, but has converted her into an enormous military base that includes atomic weapons."

Another resolution stressed the importance of Cuba:

"Special mention is due solidarity with Cuba, whose people are defending and carrying forward a revolution only ninety miles from the United States. Her choice as the site of the first solidarity conference of the peoples of Africa, Asia, and Latin America is the highest recognition of the importance of her revolution and the significance it has for the peoples of the three continents. Cuba, because of her relatively small size, her geographical position near the United States and in a zone surrounded by Governments which are puppets of the Yankee imperialists * * * proves with her revolution, triumphing over all aggressions perpetrated or fomented by the United States, that * * * revolution is possible and invincible."

A resolution on the Panama Canal Zone said:

"The Panama Canal Zone is being used as a base for attack on peoples fighting for their liberation, it forms the Caribbean triangle with the military bases at Guantanamo and on Puerto Rico. This is done against the will of the Panamanian people."

The resolution on the United Nations denounced it as being manipulated by the United States.

The Conference's "Declaration on the OAS" said:

"That the Organization of American States has no legal or moral authority to represent the Latin American nations. That the only organization that will be able to represent Latin America will be the one composed of the democratic and anti-imperialist governments that are the genuine product of the sovereign will of the Latin American peoples."

The Conference proposed:

"That the revolutionary movements of Colombia, Venezuela, Peru, Panama, Ecuador, and others in the Caribbean area and southern part of the hemisphere take prompt steps to make a joint study of this military situation, with a view to finding means to counteract the effects of this aggressive attitude of imperialism."

* * * * *

The Conference resolved:

"To give the most determined support to the revolutionary movements of Colombia, Venezuela, Peru, Panama, Ecuador, and other countries of the Caribbean area and the southern part of the hemisphere in order to respond to the overall aggressive policy of U.S. imperialism with the most effective measures to counteract its effects.

"To denounce before all the countries of the three continents the Yankee intervention in the armed struggles of Colombia, Venezuela, and Peru, and to promote the militant solidarity of the combatants of those countries with each other and with the peoples of the continents in the great battle for national liberation.

"To give decisive support, in all forms, to the armed struggle undertaken in Peru, the path valiantly chosen by the Peruvian people to achieve its definitive and total economic and political independence."

Such was the atmosphere and the general political character of the Tricontinental Conference in Havana.

Mr. DOMINICK. I point to the references in these statements to the internal affairs of the United States. Today there is maintained what is called a free Puerto Rico Embassy in Havana. On February 10 of last year, that Embassy signed a pact of solidarity with the National Liberation Front of Vietnam at its Havana headquarters. It plans to collaborate on Communist subversive movements in this country and elsewhere.

The degree of Communist subversive activities in Puerto Rico is greater than is generally recognized. To this end, Russia is broadcasting inflammatory programs to that island. One deserves repeating. It says, in part:

> By using force, the Yankees have dominated the island. They have turned it into their colony, and against the will of the Puerto Ricans, are using the territory of the island for their criminal imperialistic goals.

Russian aggression is exceeded only by Russian impudence—if it can be called that. Radio Moscow says that—

> Together with the Canal Zone of Panama, Puerto Rico is being used by the Yankees to carry out their subversive activities against the Latin American countries.

That it is Russia which is carrying out subversion in our backyard needs little in the way of elaboration here. I have already talked about it. Soviet designs are perfectly obvious. They want to force the retirement of American military might from the Caribbean, the better to convert it into a Red lake. They have already made long strides with their capture of Cuba.

I regret to say that little is being reported in the United States on the Vietnam-type wars in Latin America. One of the few stories—the story by Murray Sayle *I have already mentioned*—deals with Bolivia.

But little is being said about the subversion of Puerto Rico and the open and impudent call to violence there by Soviet Russia.

In closing, Mr. President, I should like to leave a few thoughts with my distinguished colleagues. I do not believe that the present state of affairs in Latin America can begin to be solved merely through economic programs. The Alliance for Progress is directing efforts toward increasing the national product over the population growth of countries in Latin America by at least 2.5 percent a year. Because of the flight of capital—in major part caused by Cuban-based subversion by Russia—economic growth last year was little better than 1 percent. Unless something is done to eliminate subversion at its source—Cuba—we can expect another drop in growth rate in Latin American economies again next year, and the year after that. As stated by Dr. Bernardo Benes, Latin American economic expert, following just one terroristic incident—the torture and murder of Julio Iribarren, to which I referred earlier—millions of dollars fled Venezuela.

We read considerably about the present administration's social welfare attitude toward Russia and the Eastern bloc countries as, for example, the cliche, "We are building bridges to the East, over which better understanding can flow."

I should like to say this: We fully understand the kind of bridges the Soviets are building in Latin America—pontoon bridges over which war materials and Cuban-trained guerrillas move. Congress, in September 1962, recognized the Russian inroads in a joint resolution. Our stand against these types of military bridges was clearly expressed. To refresh our memories, Mr. President, I ask unanimous consent that the resolution be inserted in the RECORD at this point in my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 230

Joint resolution expressing the determination of the United States with respect to the situation in Cuba

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present

Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States: and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

Mr. DOMINICK. Mr. President, I should like to draw attention to a simple explanation of the effect of a joint resolution such as the one above. There is little practical difference between a bill and a joint resolution. Both become the law of the land when signed by the President. And Senate Joint Resolution 230 was signed into law on October 3, 1962. In further support of U.S. intent, the late President Kennedy accepted the flag of the Cuban Invasion Brigade on December 29, 1962 in Miami and said:

> I can assure you that this flag will be returned to this brigade in a free Havana . . . I bring you my Nation's respect for your courage and for your cause . . . And by helping to free you, the United States has been given the opportunity to demonstrate once again that all men who fight for freedom are our brothers, and shall be until your country and others are free.

Thus, our support of a free Cuba was firmly and clearly enunciated several times in 1962. But we seem to have given up the ghost since then. Now, in Punta del Este, we have another opportunity to express our policies toward Cuba and Latin America.

I must be unalterably opposed to the "bridges to the East" concept unless and until—I emphasize this—the United States and the free world receive significant concessions in return, at least one of which should be the ending of subversion in this hemisphere from the Soviet-supported Cuba. I hope this is the position President Johnson and Secretary of State Rusk will take at Punta del Este. If they do, I am confident they may count on the most enthusiastic support not only from the American people but also from our allies in Latin America.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3349. An act to continue until the close of September 30, 1967, the existing suspension of duties on certain forms of nickel;

H.R. 3652. An act to continue until the close of June 30, 1970, the existing suspension of duties on manganese ore (including ferruginous ore) and related products;

H.R. 5404. An act to amend the National Science Foundation Act of 1950 to make changes and improvements in the organization and operation of the Foundation, and for other purposes;

H.R. 5424. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; and

H.R. 5615. An act to continue until the close of June 30, 1969, the existing suspension of duties for metal scrap.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 3349. An act to continue until the close of September 30, 1967, the existing suspension of duties on certain forms of nickel;

H.R. 3652. An act to continue until the close of June 30, 1970, the existing suspension of duties on manganese ore (including ferruginous ore) and related products; and

H.R. 5615. An act to continue until the close of June 30, 1969, the existing suspension of duties for metal scrap; to the Committee on Finance.

H.R. 5404. An act to amend the National Science Foundation Act of 1950 to make changes and improvements in the organization and operation of the Foundation, and for other purposes; to the Committee on Labor and Public Welfare.

H.R. 5424. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; to the Committee on Commerce.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Contracts for Military Construction Awarded Without Formal Advertisement

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on contracts for military construction awarded without formal advertisement, for the 6-month period ended December 31, 1966 (with an accompanying report); to the Committee on Armed Services.

Report on Projects Proposed for Army National Guard

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting, pursuant to law, on the proposed construction for the Army National Guard at the Morrisville, N.C. (Raleigh-Durham Airport); to the Committee on Armed Services.

Adjustments of Retired Pay and Retainer Pay of Members and Former Members of the Armed Forces

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend section 1401a of title 10, United States Code, relating to adjustments of retired pay and retainer pay of members and former members of the Armed Forces to reflect changes in the consumer price index (with accompanying papers); to the Committee on Armed Services.

Report on Defense Procurement From Small and Other Business Firms

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on defense procurement from small and other business firms, for the period July 1966–February 1967 (with an accompanying report); to the Committee on Banking and Currency.

Amendment of District of Columbia Unemployment Compensation Act

A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to amend the District of Columbia Unemployment Compensation Act, as amended (with an accompanying paper); to the Committee on the District of Columbia.

Proposed Legislation Relating to the District of Columbia

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioners of the District of Columbia to enter into joint contracts for supplies and services on behalf of the District of Columbia and for other political divisions and subdivisions in the National Capital region (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize suits in the courts of the District of Columbia for collection of taxes owed to States, territories, or possessions, or political subdivisions thereof, when the reciprocal right is accorded to the District of Columbia, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioners of the District of Columbia to establish, or cooperate in the establishment of, a laboratory for the testing of materials, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

Diplomatic Relations Act of 1967

A letter from the Secretary of State, transmitting a draft of proposed legislation to complement the Vienna Convention on Diplomatic Relations (with accompanying papers); to the Committee on Foreign Relations.

Report of Center for Cultural and Technical Interchange Between East and West

A letter from the Acting Secretary of State, transmitting, pursuant to law, a report on the activities of the Center for Cultural and Technical Interchange Between East and West, for the period July 1, 1965, through June 30, 1966 (with an accompanying report); to the Committee on Foreign Relations.

Contribution by the United States for the Support of the International Union for the Publication of Customs Tariffs

A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to authorize the appropriation for the contribution by the United States for the support of the International Union for the Publication of Customs Tariffs (with an accompanying paper); to the Committee on Foreign Relations.

Amendment of International Claims Settlement Act of 1949

A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Washington, D.C., transmitting a draft of proposed legislation to amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals, and for other purposes (with an accompanying paper); to the Committee on Foreign Relations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on audits of Government Services, Inc., and of its employee retirement and benefit trust fund and supplemental pension plan, for the year ended December 31, 1966 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of availability of selected stocks of the U.S. Army in Europe for requirements of other commands, Department of the Army, dated March, 1967 (with an accompanying report); to the Committee on Government Operations.

Report of Attorney General

A letter from the Attorney General, transmitting, pursuant to law, his report for the fiscal year ended June 30, 1966 (with an accompanying report); to the Committee on the Judiciary.

Assistance in Safeguarding the Balance-of-Payments Position of the United States

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to extend the authority for exemptions from the antitrust laws to assist in safeguarding the balance-of-payments position of the United States (with an accompanying paper); to the Committee on the Judiciary.

Amendment of Public Law 89–491

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend the act of July 4, 1966 (Public Law 89–491) (with an accompanying paper); to the Committee on the Judiciary.

Clarification of Certain Criminal Contempt Statutes

A letter from the Director, Administrative Office of the U.S. Courts, Washington, D.C., transmitting a draft of proposed legislation to amend, consolidate, and clarify certain criminal contempt statutes (with accompanying papers); to the Committee on the Judiciary.

Amendment of Bankruptcy Act

A letter from the Deputy Director, Administrative Office of the U.S. Courts, Washington, D.C., transmitting a draft of proposed legislation to amend sections 40c(1) and 52a of the Bankruptcy Act so as to reallocate part of the filing fee from the clerk's earnings to the Referees' Salary and Expense Fund (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Legislature of the State of Nebraska; to the Committee on Commerce:

"Legislative Resolution 25

"Whereas, the Legislature of the State of Nebraska recognizes the danger to the motoring public at night of unlighted caboose cars, freight cars, passenger cars or any other type of railway cars at railroad crossings; and

"Whereas, Legislative Bill 786 relating to the illumination of railroad cars was introduced at the Seventy-seventh Session, Nebraska State Legislature, 1967; and

"Whereas, the constitutionality of Legislative Bill 786, Seventy-seventh Session, Nebraska State Legislature, 1967, if passed, would be questionable as to whether or not it creates an undue burden on interstate commerce in violation of the Commerce Clause of the Constitution of the United States; and

"Wheras, H. R. 2885 relating to the illumination of railroad cars has been introduced in the 1st Session of the 90th Congress of the United States of America: Now, therefore, be it

"*Resolved by the members of the Nebraska Legislature in seventy-seventh session assembled:*

"1. That the Nebraska State Legislature urges that H. R. 2885 relating to the illumination of railroad cars be adopted by the 90th Congress of the United States of America.

"2. That copies of this resolution be promptly transmitted to the President and Vice President of the United States, Speaker of the House of Representatives of the United States, and to the members of Congress from Nebraska.

"John E. Everrood,
"*President of the Legislature.*

"I, Hugo F. Srb, hereby certify that the foregoing is a true and correct copy of Legislative Resolution 25, which was passed by the Legislature of Nebraska in Seventy-seventh regular session on the third day of April, 1967.

"Hugo F. Srb,
"*Clerk of the Legislature.*"

A resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"Resolution Memorializing the Congress of the United States To Enact Legislation Increasing the Monthly Payments Under the Federal Social Security Act to $200

"Whereas, the cost of the necessities of life in this country has risen to an all time high; and

"Whereas, A substantial portion of the people of this nation depend to a large extent if not entirely upon the monthly payments received by them under the Social Security program; and

"Whereas, The current monthly payments under said program have now become grossly inadequate for their needs; and

"Whereas, An increase of such maximum payments to two hundred dollars per month would tend to relieve such conditions; therefore be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation increasing the maximum monthly payments to persons under the federal Social Security Act to two hundred dollars; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress, and to the members thereof from this Commonwealth.

"House of Representatives, adopted, March 21, 1967.

"William C. Maiers,
"*Clerk.*

"Senate, adopted in concurrence, March 23, 1967.

"Norman L. Pidgeon,
"*Clerk.*

"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth.*"

A joint resolution of the Legislature of the State of Idaho; to the Committee on Interior and Insular Affairs:

"H.J.M. 7

"A joint memorial to the Honorable President of the United States, the Secretary of the Interior, the Commissioner of Indian Affairs, and the Senate and House of Representatives of the United States in Congress assembled:

"We, your Memorialists, the Legislature of the State of Idaho, assembled in the Thirty-ninth Session thereof, respectfully request that:

"Whereas, the present headquarters of the Northern Idaho Indian Agency, Bureau of Indian Affairs, Department of Interior, is at Lapwai, Idaho, which agency serves administratively the Nez Perce, Coeur d'Alene, Kootenai and Kalispel tribes; and

"Whereas, the Confederated Tribes of the Colville Reservation, with headquarters at Coulee Dam, in the state of Washington, has requested permission from the Bureau of Indian Affairs at Washington, D.C., to terminate federal supervision of the Tribes, and legislation to that effect is now pending in Congress; and

"Whereas, the Spokane Tribe of Indians, which is also under the jurisdiction of the Colville Indian Agency, located at Coulee Dam, Washington, does not desire to terminate its relationship with the federal government; and

"Whereas, it is being considered that if and when the Confederated Tribes of the Colville Reservation is removed from federal supervision, that the Spokane Tribe, by reason of proximity, will be placed within the jurisdiction of the Northern Idaho Indian Agency, and that in such event the headquarters should then be transferred from Lapwai, Idaho to Spokane, Washington; and

"Whereas, the Northern Idaho Indian Agency has been located in Idaho for many years, is well established, has a payroll that ranges from seventy to sometimes eighty persons, and some of its member-employees, namely, some of the soil conservation and forestry branches are already residing and located at Coeur d'Alene, Idaho; and

"Whereas, Coeur d'Alene, Idaho, would be much more centrally located than would Spokane, Washington, to the five tribes which would include the Spokane Tribe: Now, therefore, be it

"*Resolved by the Thirty-ninth Session of the Legislature, now in session, the House of Representatives and Senate concurring,* That we most respectfully urge the President, the Secretary of the Interior, the Commissioner of Indian Affairs, and the Congress of the United States of America, to continue the headquarters, of the Northern Idaho Indian Agency in the State of Idaho, and that if it is advisable for such agency to be moved farther north than Lapwai, Idaho, that it be moved to Coeur d'Alene, Idaho; be it further

"*Resolved,* That the Chief Clerk of the House of Representatives be, and he is hereby authorized and directed to forward certified copies of this Memorial to the President and the Vice President of the United States, the Secretary of the Interior, the Commissioner of Indian Affairs, the Speaker of the House of Representatives of the United States, and the Senators and Representatives representing this state in the Congress of the United States."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Interior and Insular Affairs:

"Assembly Joint Resolution 19

"Assembly joint resolution—memorializing the Congress of the United States to approve and fund a new multipurpose building at the Stewart Indian School

"Whereas, There are approximately 600 students enrolled at the Stewart Indian School, which is operated by the Federal Government and located near Carson City, Nevada; and

"Whereas, The Stewart Indian School lacks a proper building for holding physical education activities, assemblies, concerts, stage productions and public presentations; and

"Whereas, A multipurpose building would enable existing programs of the school to be expanded and new programs to be created; and

"Whereas, A multipurpose building would enable the surrounding community to participate in certain activities and programs; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the legislature of the State of Nevada hereby memorializes the Congress of the United States to authorize and thereafter to appropriate a sum of money for the construction of a multipurpose building for the Stewart Indian School, near Carson City, Nevada; and be it further

"*Resolved,* That copies of this resolution be prepared by the legislative counsel and transmitted forthwith to the Speaker of the House of Representatives and the President of the Senate of the United States of America, and to each member of the Nevada congressional delegation."

A joint resolution of the Legislature of the State of Washington; to the Committee on Interior and Insular Affairs:

"Senate Joint Memorial 21

"To the Honorable Lyndon B. Johnson, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States, in Congress assembled:

"We, Your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition as follows:

"Whereas, The future management of the North Cascades national resource has been amply studied by many groups with diverse interests; and

"Whereas, The Congress now has the findings, conclusions and recommendations of responsible groups, agencies and individuals;

"Now, therefore, Your Memorialists respectfully petition the Congress to enact legislation in accord with the concept of multiple use and in accord with the State of Washington North Cascade Study Committee's recommendations wherein an Advisory Board would be established to serve as policy counsel, and wherein outdoor recreation and natural preservation would be established as prime uses of the area; be it further

"*Resolved,* That the Congress follow the specific recommendations of the State of Washington North Cascades Study Group in the allocation, promotion and development of multiple purpose recreation areas and wilderness areas under the management of the U.S. Forest Service, subject to the qualification that if, in the judgment of the Congress the national interest will not be preserved by the establishment of a wilderness preserve in the Picket Range Area, then we respectfully petition the Congress to establish a national park of not to exceed three hundred twenty thousand acres in said area; and be it further

"*Resolved,* That copies of this memorial be transmitted by the Secretary of State to the Honorable Lyndon B. Johnson, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Committee chairmen of the Senate and House Standing Committees on Interior and Insular Affairs, and to each member of Congress from the State of Washington.

"Passed the Senate March 22, 1967.

"John A. Cherberg,
"*President of the Senate.*

"Passed the House March 29, 1967.

"Don Eldridge,
"*Speaker of the House.*"

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 327. A bill for the relief of Dr. Carlos Victor De La Concepcion Garcia (Rept. No. 172);

S. 499. A bill for the relief of Dr. Manuel A. Zuniga (Rept. No. 173); and

S. 534. A bill for the relief of Setsuko Wilson (nee Hiranaka) (Rept. No. 174).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 191. A bill for the relief of Eileen Iris Punnett (Rept. No. 175).

By Mr. FONG, from the Committee on the Judiciary, without amendment:

S. 608. A bill for the relief of Koon Chew Ho (Rept. No. 171).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

S. 95. A bill for the relief of Capt. Rey D. Baldwin (Rept. No. 176);

S. 233. A bill for the relief of Chester E. Davis (Rept. No. 177);

S. 324. A bill for the relief of Jesse C. Johnson (Rept. No. 178);

S. 819. A bill for the relief of Charles H. Thurston (Rept. No. 180); and

S. 1045. A bill for the relief of Alton R. Conner (Rept. No. 181).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

S. 650. A bill for the relief of T. Sgt. Anthony J. Corso, U.S. Air Force (retired) (Rept. No. 182).

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

S. 636. A bill for the relief of Mrs. Chin Shee Shiu (Rept. No. 183);

S.J. Res. 49. Joint resolution to designate April 28–29, 1967, as "Rush-Bagot Agreement Days" (Rept. No. 185);

S.J. Res. 56. Joint resolution to authorize the President to designate October 31 of each year as National UNICEF Day (Rept. No. 186);

S.J. Res. 57. Joint resolution authorizing and requesting the President to extend through 1967 his proclamation of a period to "See the United States", and for other purposes (Rept. No. 187); and

S. Con. Res. 20. Concurrent resolution to declare the week of June 18 "National Coal Week" (Rept. No. 179).

By Mr. DIRKSEN, from the Committee on the Judiciary, with an amendment.

S.J. Res. 10. Joint resolution to establish the Golden Spike Centennial Celebration Commission (Rept. No. 184).

REPORT ENTITLED "THE FEDERAL JUDICIAL SYSTEM"—REPORT OF A COMMITTEE (S. REPT. NO. 170)

Mr. TYDINGS. Mr. President, from the Committee on the Judiciary I submit a report entitled "The Federal Judicial System" pursuant to Senate Resolution 198, 89th Congress, and ask that it be printed.

The PRESIDING OFFICER (Mr. Hollings in the chair). Without objection, it is so ordered.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Jack B. Weinstein, of New York, to be U.S. district judge for the eastern district of New York.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. AIKEN (for himself and Mr. Mansfield):

S. 1504. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for loans to supplement farm income, authorize loans and grants for community centers, remove the annual ceiling on insured loans, increase the amount of unsold insured loans that may be made out of the fund, raise the aggregate annual limits on grants, establish a flexible loan interest rate, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. Aiken when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG (for himself , Mr. Gruening, Mr. Inouye, Mr. Jordan of Idaho, Mr. Hickenlooper, Mr. Cooper, Mr. Long of Missouri, Mr. Hatfield, Mr. Mundt, Mr. Bennett, and Mr. Moss):

S. 1505. A bill to provide loan assistance to students pursuing programs of higher education in the fields of law enforcement and of correctional treatment of law violators; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Fong when he introduced the above bill, which appear under a separate heading.)

By Mr. KUCHEL:

S. 1506. A bill for the relief of Ernesto Alunday; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 1507. A bill to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Hollings when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself, Mr. Moss, Mr. Bayh, Mr. Bible, Mr. Brooke, Mr. Burdick, Mr. Cannon, Mr. Church, Mr. Clark, Mr. Cooper, Mr. Dodd, Mr. Ervin, Mr. Fannin, Mr. Fong, Mr. Hart, Mr. Hatfield, Mr. Inouye, Mr. Long of Missouri, Mr. Magnuson, Mr. McCarthy, Mr. McGee, Mr. Miller, Mr. Mondale, Mr. Morse, Mr. Murphy, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Prouty, Mr. Randolph, Mr. Scott, Mr. Thurmond, Mr. Tydings, Mr. Williams of New Jersey, Mr. Yarborough, and Mr. Young of North Dakota):

S. 1508. A bill to provide for a comprehensive program for the care and control of alcoholism; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. BIBLE (for himself and Mr. Dominick) (by request):

S. 1509. A bill relating to the use of citations by the Metropolitan Police Force of the District of Columbia, in lieu of formal arrest, and for other purposes;

S. 1510. A bill relating to the obstruction of the administration of justice in the District of Columbia by threats or force, and for other purposes;

S. 1511. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salary rates and provide certain benefits for purposes of recruitment and retention of privates in the Metropolitan Police force, to establish the rank of master patrolman, to change the titles of certain Metropolitan Police officials, and for other purposes;

S. 1512. A bill relating to material witnesses in the District of Columbia;

S. 1513. A bill to establish the Commission on Revision of the Criminal Laws of the District of Columbia;

S. 1514. A bill relating to the rehabilitation of narcotic addicts in the District of Columbia;

S. 1515. A bill relating to intoxicated persons in the District of Columbia; and

S. 1516. A bill authorizing the Commissioners of the District of Columbia to supervise persons released into their custody in accordance with judicial orders issued pursuant to section 3146 or 3148 of title 18, United States Code; to authorize the District of Columbia Bail Agency to provide reports to the Commissioners of the District of Columbia with respect to any person released into the custody of the Commissioners pursuant to section 3146 or 3148 of title 18, United States Code; and for other purposes; to the Committee on the District of Columbia.

(See the remarks of Mr. Bible when he introduced the above bills, which appear under a separate heading.)

By Mr. BIBLE (for himself and Mr. Dominick):

S. 1517. A bill relating to material witnesses in the District of Columbia;

S. 1518. A bill relating to the admissibility of evidence, including statements and confessions, in the courts of the District of Columbia;

S. 1519. A bill designating robbery in the District of Columbia as a crime of violence;

S. 1520. A bill to amend section 823 of the act entitled "An act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1323; D.C. Code, sec. 22-1801), relating to burglary;

S. 1521. A bill relating to the making of false or fictitious reports of the commission of criminal offenses in the District of Columbia, and for other purposes;

S. 1522. A bill to amend section 872 of the act entitled "An act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22-2001); and

S. 1523. A bill to amend the act of March 3, 1901, as amended, regarding the defense of insanity in the District of Columbia; to the Committee on the District of Columbia.

(See the remarks of Mr. Bible when he introduced the above bills, which appear under a separate heading.)

By Mr. BIBLE (by request):

S. 1524. A bill authorizing arrests without a warrant in the District of Columbia in connection with certain misdemeanors, and for other purposes; to the Committee on the District of Columbia.

(See the remarks of Mr. Bible when he introduced the above bill, which appear under a separate heading.)

By Mr. HOLLAND:

S. 1525. A bill for the relief of Dr. Mario R. Garcini; to the Committee on the Judiciary.

By Mr. MURPHY (for himself and Mr. Fannin) (by request):

S. 1526. A bill to authorize the establishment of the Redwood National Park and Seashore and the King Range National Conservation Area in the State of California, to provide for the acquisition of Point Reyes National Seashore, and to provide economic assistance to local governmental bodies affected thereby; to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 1527. A bill to designate the College of Guam library a public depository for Government publications; to the Committee on Rules and Administration.

By Mr. JAVITS:

S. 1528. A bill to make certain expenditures made by the village of Fairport, N.Y., eligible as local grants-in-aid for the purpose of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

S. 1529. A bill to provide for the conveyance of certain real property of the United States underlying Lake Erie to the city of Buffalo, N.Y.; to the Committee on Public Works.

(See the remarks of Mr. Javits when he introduced the above bills, which appear under separate headings.)

By Mr. DODD:

S. 1530. A bill for the relief of Rear Adm. William D. Wright, U.S. Navy, retired; to the Committee on the Judiciary.

By Mr. FONG:

S. 1531. A bill for the relief of Jin Sook Simpson and her two minor children, Eleanor Ra and Julie Ra; to the Committee on the Judiciary.

By Mr. BIBLE (by request):

S. 1532. A bill to require that contracts for construction, alteration, or repair of any public building or public work of the District of Columbia be accompanied by a performance bond protecting the District of Columbia and by an additional bond for the protection of persons furnishing material and labor, and for other purposes;

S. 1533. A bill to provide for the settlement of claims against the District of Columbia by officers and employees of the District of Columbia for damage to, or loss of, personal property incident to their service, and for other purposes;

S. 1534. A bill to amend the Street Readjustment Act of the District of Columbia so as to authorize the Commissioners of the District of Columbia to close all or part of a street, road, highway, or alley in accordance with the requirements of an approved redevelopment or urban renewal plan, without regard to the notice provisions of such act, and for other purposes; and

S. 1535. A bill to revise and modernize procedures relating to the licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes; to the Committee on the District of Columbia.

(See the remarks of Mr. Bible when he introduced the above bills, which appear under a separate heading.)

By Mr. MAGNUSON:

S. 1536. A bill to provide additional protection for the owners of private vessels of the United States from costs incurred incident to the seizure of such vessels by foreign countries; and

S. 1537. A bill to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise and conveyances moving into, through, and out of the United States, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above bills, which appear under separate headings.)

By Mr. HART:

S. 1538. A bill to amend section 5(a) of the Clayton Act with respect to the evidentiary effect of judgments and decrees entered in proceedings instituted by the United States under the antitrust laws; to the Committee on the Judiciary.

(See the remarks of Mr. Hart when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE:

S. 1539. A bill for the relief of Terez Zackarian; to the Committee on the Judiciary.

By Mr. HRUSKA (for himself and Mr. Tydings):

S. 1540. A bill to amend chapter 235 of title 18, United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States; to the Committee on the Judiciary.

(See the remarks of Mr. Hruska when he introduced the above bill, which appear under a separate heading.)

By Mr. CARLSON:

S.J. Res. 70. Joint resolution designating the 11th day of April of each year as "National Traveler's Day"; to the Committee on the Judiciary.

(See the remarks of Mr. Carlson when he introduced the above joint resolution, which appear under a separate heading.)

LAW ENFORCEMENT EDUCATION ACT OF 1967

Mr. FONG. Mr. President, the preliminary release of the FBI Uniform Crime Report for 1966 reveals some alarming statistics. During 1966, the commission rate of serious crimes throughout the country rose 11 percent over 1965. There was a substantial increase in the following major crime classifications: murder, 9 percent; forcible rape, 10 percent; robbery, 14 percent; aggravated assault, 10 percent; burglary, 9 percent; larceny—$50 and over in value—12 percent; and auto theft, 11 percent.

Of significance, too, is the fact that during 1966 the police in our country were able to solve only 25 percent of the serious offenses which were reported to them. This percentage is a slight decrease from the national police solution rate in 1965.

Economically, the incidence of crime has a tremendous impact. In 1965, the crimes against property—robbery, burglary, larcency of $50 and over, and auto theft—cost the American citizen $600 million; the crimes against person—homicide, assault and the like—cost $815 million. A total of $1,415,000,000 was lost through the commission of these crimes. Since the crime rate is increasing, the American taxpayer can be assured that an even larger sum will be lost in the coming years.

These statistics on crime underscore the need for action in this area. The Federal Government must take steps to carry out one of its basic duties—to maintain an orderly society through the enforcement of the laws. It must protect the law-abiding citizen physically, mentally, and economically from the ravages of crime.

One modest step toward this goal would be the improvement of our police forces throughout the country as recommended by the President's Commission on Law Enforcement and Administration of Justice. In its recent report, the Crime Commission specified that additional personnel are needed to staff our police forces and that the quality of such personnel must be the highest kind available. Underlying this proposal is the hope that with more and better trained officers on the police force, the national police solution rate would improve significantly.

In response to this declared need, my cosponsors and I are introducing a bill entitled "Law Enforcement Education Act of 1967."

Specifically, the act would establish a special loan fund to assist college students who are pursuing courses under a 2- or 4-year program in police or correctional science. It would provide a maximum loan of $1,200 per year and a total of $4,800 to each eligible student.

The student would have 10 years after completion of his education to repay the loan. If he has in fact chosen a career in police or correctional science, the act would give him a 50 percent forgiveness on the amount borrowed.

Under this act, the administrative system would be similar to that established by the National Defense Education Act. The Office of Education would be responsible for the dissemination and administration of the moneys in the special fund.

Currently, 25 States having institutions of higher education offer a 2- or 4-year program in police or correctional science. Eleven other States, including the State of Hawaii, have colleges or universities which are developing such a program. All of these States would be eligible to receive a share of the Federal loan fund based on the ratio of its population to the total population of the United States. The institutions within the States would be limited to such allotment, but they could receive a greater share if there are any unused portions in the fund.

Mr. President, the concept of earmarking funds for loans to students pursuing a particular career field is not novel. Federal funds for loans specifically for education and nursing students alone have been available since 1958 and 1964, respectively, when Congress realized the critical shortage of personnel in these fields and provided for them under the National Defense Education Act and the Nurse Training Act. These acts also give teachers and nurses a 50-percent remission on their loans.

My colleagues and I hope that this special fund for loan assistance and its liberal repayment features will, first, entice high-quality students into law enforcement careers, and, second, enable qualified persons who would otherwise be financially unable to go to college to further their education and select a profession in the law enforcement field.

Mr. President, I strongly urge the passage of this measure.

I ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1505) to provide loan assistance to students pursuing programs of higher education in the fields of law enforcement and of correctional treatment of law violators, introduced by Mr. FONG (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 1505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Law Enforcement Education Act of 1967".

STATEMENT OF PURPOSE

SEC. 2. The Congress hereby finds and declares that maintenance of public law and order within the Nation requires the fullest development of the mental resources and professional skills of its law enforcement officers and the staff personnel of its correctional institutions and agencies. The public order of the Nation depends heavily upon mature and enlightened police services and upon humanely effective correctional treatment of citizens convicted of law violations such that individual patterns of recurrent criminality do not develop. Orderly social progress further requires that the law enforcement and correctional professions have the trust and respect of the citizenry, an attitude more certain to prevail where the membership of these vital professions is of marked technical and educational excellence. The readily apparent needs of the present and immediate future make it imperative that increased and more adequate educational opportunities be made available. It is the purpose of this Act to provide loan assistance to individuals in order to insure trained manpower of sufficient quality and quantity to meet more adequately the police and correctional needs of the United States.

FEDERAL CONTROL OF EDUCATION PROHIBITED

SEC. 3. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

FEDERAL CONTROLS ON STATE AND LOCAL POLICE PROHIBITED

SEC. 4. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision or control over the organization, administration, or personnel of any State or local police force or other law enforcement agency.

LIMITATION REGARDING FEDERAL CONTROL OF PENAL AND CORRECTIONAL INSTITUTIONS

SEC. 5. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the organization, administration, or personnel of any State or local penal or correctional institution.

DEFINITIONS

SEC. 6. As used in this Act—

(a) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(b) The term "institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. For purposes of this Act, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training afforded.

(c) The term "Commissioner" means the Commissioner of Education.

(d) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(e) The term "nonprofit", as applied to a school or institution, means a school or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

LOANS TO STUDENTS OF POLICE OR CORRECTIONAL SCIENCE IN INSTITUTIONS OF HIGHER EDUCATION

SEC. 7. (a) For the purpose of enabling the Commissioner to stimulate and assist in the establishment at institutions of higher education of funds for the making of low-interest loans to students of police or correctional science in need thereof to pursue their courses of study in such institutions, there are hereby authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1968, $5,000,000 for the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, and such sums for the fiscal year ending June 30, 1972, as may be necessary to enable students who have received a loan for any school year ending prior to July 1, 1971, to complete their course in police or correctional science. Sums appropriated under this section for any fiscal year shall be available, in accordance with the agreements between the Commissioner and institutions of higher education, for payment of Federal capital contributions which, together with contributions from the institutions, shall be used for establishment and maintenance of a student loan fund.

(b) From the sums appropriated pursuant to subsection (a) for any fiscal year ending prior to July 1, 1971, the Commissioner shall allot to each State an amount which bears the same ratio to the amount so appropriated as the population of such State bears to the population of all the States combined. The Secretary of Commerce shall be the source of all population figures for the purposes of this section.

(c) Sums appropriated pursuant to subsection (a) for the fiscal year ending June 30, 1972, shall be allotted among the States in such manner as the Commissioner determines to be necessary to carry out the purpose for which such amounts are appropriated.

FEDERAL CAPITAL CONTRIBUTIONS

SEC. 8. The Commissioner shall periodically set dates by which institutions of higher education in a State must file applications for Federal capital contributions from the allotment of such State. In the event the total requested in such applications, which are made by institutions with which he has agreements under this Act and which meet the requirements established in regulations of the Commissioner, exceeds the amount of the allotment of such State available for such purpose, the Federal capital contribution for such allotment to each such institution shall bear the same ratio to the amount requested in its application as the amount of allotment available for such purposes bears to the total requested in all such applications. In the event the total requested in such applications which are made by institutions in a State is less than the amount of the allotment of such State available for such purpose, the Commissioner may reallot the remaining amount from time to time, on such date or dates as the Commissioner may fix, to other States in proportion to the original allotments to such States under section 7(b) for such year. The Federal capital contribution to an institution shall be paid to it from time to time in such installments as the Commissioner determines will not result in unnecessary accumulations in the law enforcement and correctional student loan fund established under its agreement under this Act.

LOAN FUND AGREEMENTS

SEC. 9. An agreement with any institution of higher education for Federal capital contributions by the Commissioner under this Act shall—

(1) provide for establishment of a loan fund for students pursuing programs (a) which lead to either a two- or a four-year degree in police or correctional science offered by such institution, and (b) which have been approved for the purposes of this Act by the Attorney General;

(2) provide for deposit in such fund of (a) the Federal capital contributions, (b) an amount, equal to not less than one-ninth of such Federal contributions, contributed by such institution, (c) collections of principal and interest on student loans made from such fund, and (d) any other earnings of the fund;

(3) provide that such student loan fund shall be used only for loans to students in accordance with such agreement, for capital distributions as provided in this Act, and for costs of litigation arising in connection with the collection of any loan from the fund or interest on such loan;

(4) provide that in the selection of students to receive loans from this student loan fund, special consideration shall be given to (a) men and women serving on the staffs of public funded law enforcement or correctional agencies who are on academic leave to earn either the two- or four-year degree in police or correctional science, and (b) students in good health with a superior academic background;

(5) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this Act and as are agreed to by the Commissioner and the institution.

TERMS OF STUDENT LOANS

SEC. 10. (a) The total of the loans for any fiscal year to any student made by institutions of higher education from loan funds established pursuant to agreements under this Act may not exceed $1,200 and the total for all years to any student from such funds may not exceed $4,800.

(b) Loans from any such loan fund to any student by any institution of higher education shall be made on such terms and conditions as the institutions may determine; subject, however, to such conditions, limitations, and requirements as the Commissioner may prescribe (by regulation or in the agreement with the institution) with a view to preventing impairment of the capital of the student loan fund to the maximum extent practicable in the light of the objective of enabling the student to complete his course of study; except that—

(1) such a loan shall be made only to a student who (A) is in need of the amount of the loan to pursue the course of study at such institution, and (B) is capable, in the opinion of the institution, of maintaining good standing in such course of study, and (C) has been accepted for enrollment as a full-time student at such institution, and (D) signs a declaration of intention to join the staff of a public funded law enforcement agency or correctional institution in the State wherein the institution of higher education is located, after completion of the two- or four-year course of study, and (E) manifests no obvious physical or other handicap which, in the judgment of the institution, would render him clearly incapable of effective service on a police force or correctional staff.

(2) such a loan shall be evidenced by a note or other written agreement which provides for repayment of the principal amount, together with interest thereon, in equal annual installments, or, if the borrower so requests, in graduated periodic installments (determined in accordance with such schedules as may be approved by the Commissioner), over a period beginning one year after the date on which the borrower ceases to pursue a full-time course of study at an institution of higher education and ending eleven years after such date, except that (A) interest shall not accrue on any such loan, and periodic installments need not be paid, during any period (i) during which the borrower is pursuing a full-time course of study at an institution of higher education, or (ii) not in excess of three years, during which the borrower is a member of the Armed Forces of the United States, (B) any such period shall not be included in determining the ten-year period during which the repayment must be completed, (C) such ten-year period may also be extended for good cause determined in accordance with regulations of the Commissioner, and (D) the borrower may at his option accelerate repayment of the whole or any part of such loan.

(3) not to exceed 50 per centum of any such loan (plus interest) shall be canceled for service as a full-time law enforcement officer on a public funded State, city, or county police force, or as a full-time staff employee in a Federal, State, or county correctional agency, such police force or correctional agency being within the same State as the institution of higher education granting the student loan, at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete year of such service;

(4) such a loan shall bear interest, on the unpaid balance of the loan, at the rate of 3 per centum per annum except that no interest shall accrue before the date on which repayment of the loan is to begin;

(5) such a loan shall be made without security and without endorsement, except that if the borrower is a minor and the note or other evidence of obligation executed by him would not, under the applicable law, create a binding obligation, either security or endorsement may be required;

(6) the liability to repay any such loan shall be canceled upon the death of the borrower, or if he becomes permanently and totally disabled as determined in accordance with regulations of the Commissioner;

(7) such a loan by an institution for any year shall be made in such installments as may be provided in regulations of the Commissioner or the agreement with the institution under this Act and, upon notice to the Commissioner by the institution that any recipient of a loan is failing to maintain satisfactory standing, any or all further installments of his loan shall be withheld, as may be appropriate; and

(8) no note or other evidence of such a loan may be transferred or assigned by the institution of higher education making the loan except, upon the transfer of the borrower to another institution of higher education participating in the program under this Act (or if not participating, is eligible to do so and is approved by the Commissioner for such purpose), to such institution.

(c) An agreement under this Act for payment of Federal capital contributions shall include provisions designed to make loans from the student loan fund established pursuant to such agreement reasonably available (to the extent of the available funds in such fund) to all eligible students in such institution in need thereof.

DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS

SEC. 11. (a) After June 30, 1974, and not later than September 30, 1974, there shall be a capital distribution of the balance of the student loan fund established under this Act by each institution of higher education as follows:

(1) The Commissioner shall first be paid an amount which bears the same ratio to the balance in such fund at the close of June 30, 1974, as the total amount of the Federal capital contributions to such fund by the Commissioner under this Act bears to the sum of such Federal capital contributions and the institution's capital contributions to such fund.

(2) The remainder of such balance shall be paid to the institution.

(b) After September 30, 1974, each institution with which the Commissioner has made an agreement under this Act shall pay to the Commissioner, not less often than quarterly, the same proportionate share of amounts received by the institution after June 30, 1974, in payment of principal or interest on student loans made from the student loan fund established pursuant to such agreement (which amount shall be determined after deduction of any costs of litigation incurred in collection of the principal or interest on loans from the fund and not already reimbursed from the student loan fund or such payments of principal or interest) as was determined for the Commissioner under subsection (a).

(c) Upon a finding by the institution or the Commissioner prior to July 1, 1974, that the liquid assets of a student loan fund established pursuant to an agreement under this Act exceed the amount required for loans or otherwise in the foreseeable future, and upon notice to such institution or to the Commissioner, as the case may be, there shall be, subject to such limitations as may be included in regulations of the Commissioner or in such agreement, a capital distribution from such fund. Such capital distribution shall be made as follows:

(1) The Commissioner shall first be paid an amount which bears the same ratio to the total to be distributed as the Federal capital contributions by the Commissioner to the student loan fund prior to such distribution bear to the sum of such Federal capital contributions and the capital contributions to the fund made by the institution.

(2) The remainder of the capital distribution shall be paid to the institution.

LOANS TO INSTITUTIONS

SEC. 12. (a) Upon application by any institution of higher education with which he has made an agreement under this Act, the Commissioner may make a loan to such institution for the purpose of helping to finance the institution's capital contributions. Any such loan may be made only if such institution shows it is unable to secure such funds from non-Federal sources upon terms and conditions which the Commissioner determines to be reasonable and consistent with the purposes of this Act. Loans made to institutions under this section shall bear interest at a rate which the Commissioner determines to be adequate to cover (1) the cost of the funds to the Treasury as determined by the Secretary of the Treasury, taking into consideration the current average yields of outstanding marketable obligations of the United States having maturities comparable to the maturities of loans made by the Commissioner under this section, (2) the cost of administering this section, and (3) probable losses.

(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section, but not to exceed a total of $1,800,000.

(c) Loans made by the Commissioner under this section shall mature within such period as may be determined by the Commissioner to be appropriate in each case, but not exceeding ten years.

PAYMENTS TO COVER REDUCTIONS IN AMOUNTS OF LOANS

SEC. 13. In addition to the payments otherwise authorized to be made pursuant to this Act, the Commissioner shall pay to the appropriate institution, at such time or times as he determines, an amount which bears the same ratio to the interest which has been prevented from accruing and the portion of the principal which has been canceled on student loans pursuant to clause (3) of section 10(b) (and not previously paid pursuant to this subsection) as the total amount of the institution's capital contributions to such fund under this Act bears to the sum of such institution's capital contributions and the Federal capital contributions to such fund.

ADMINISTRATIVE PROVISIONS

SEC. 14. (a) The Commissioner, in addition to the other powers conferred upon him by this Act, shall have power to agree to modifications of agreements or loans made under this Act and to compromise, waive, or release any right, title, claim, or demand, however arising or acquired under this Act.

(b) Financial transactions of the Commissioner pursuant to this Act, and vouchers approved by him in connection with such financial transactions, shall be final and conclusive upon all officers of the Government; except that all such transactions shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may by regulation prescribe.

ADMINISTRATION

SEC. 15. (a) The Commissioner is authorized to delegate any of his functions under this Act, except the making of regulations, to any officer of the Office of Education.

(b) The Commissioner shall include in his annual report to the Congress a full report of the activities of the Office of Education under this Act, including recommendations for needed revisions in the provisions thereof.

(c) Any agency of the Federal Government shall exercise its functions under any other law in such manner as will assist in carrying out the objectives of this Act. Nothing in this Act shall be construed as superseding or limiting the authority of any such agency under any other law.

(d) No part of any funds appropriated or otherwise made available for expenditure under authority of this Act shall be used to make payments or loans to any individual unless such individual (1) has executed and filed with the Commissioner an affidavit that he does not believe in, and is not a member of and does not support any organization that believes in or teaches the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods, and (2) has taken and subscribed to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic." The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to such affidavits.

ADVISORY COMMITTEE

SEC. 16. (a) The Commissioner, with the approval of the Secretary, may appoint an advisory committee to advise and consult with him with respect to the administration of the provisions of this Act. Any such committee shall have 12 members as follows:

(1) Two members who are recognized authorities in the fields of law enforcement and correctional manpower needs;

(2) Four members who are distinguished, practicing professionals in law enforcement and correctional agencies;

(3) Three members who are recognized authorities in education for law enforcement and correctional personnel, and

(4) Three members from such fields of endeavor as the Commissioner deems appropriate.

(b) Members of an advisory committee appointed under this section, while attending conferences or meetings of the committee, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding $100 per diem, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

ADMINISTRATIVE APPROPRIATIONS

SEC. 17. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1968, and for each fiscal year thereafter, such sums as may be necessary for the cost of administering the provisions of this Act.

INCLUSION OF FIREMEN WITHIN THE PROVISIONS OF SECTION 8336(c) OF TITLE 5, UNITED STATES CODE

Mr. HOLLINGS. Mr. President, from time to time Congress has seen fit to enact legislation modifying the retirement provisions for certain Federal employees when a need for such change became apparent.

It is my belief that the time for such a change is at hand.

Under section 8336(c) of title 5 of the United States Code, the Congress has rightfully provided for retirement and an annuity, at age 50 and after 20 years' service for America's public servants who daily risk their lives in the performance of their duties.

However, there is one glaring omission from this dedicated group. Although the law covers 795 U.S. marshals, 2,254 policemen, and 13,125 guards, there are over 11,000 Federal firemen who are not accorded these same benefits.

While these firemen are not called upon to deal with desperate criminals or to risk their lives to apprehend those who threaten the security of our citizens, they are called upon daily to face a foe that is just as deadly and just as treacherous—a raging fire.

In the last fiscal year, two of these Federal firemen gave their lives fighting this fiery enemy. An additional 130 were disabled. I think this is proof positive that these men are indeed engaged in a "hazardous occupation."

Mr. President, I am sending to the desk, for appropriate reference, a bill to amend section 8336(c) of title 5 of the United States Code to include these individuals. It is my hope that Congress will express its gratitude to these firemen by speedy consideration and passage of this measure.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1507) to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations, introduced by Mr. HOLLINGS, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

THE ALCOHOLISM CARE AND CONTROL ACT

Mr. MOSS. Mr. President, I have a matter here in common with my good friend, the Senator from New York [Mr. JAVITS], and at this time I should like to yield to him to speak on it.

Mr. JAVITS. Mr. President, I have some other matters with which to deal, including a speech on the action of various State legislatures regarding a constitutional convention, but in deference to my colleague the Senator from Utah, I will deal now with the matter of the Alcoholism Care and Control Act.

Mr. President, I introduce, for appropriate reference, the Alcoholism Care and Control Act of 1967 for myself, the Senator from Utah [Mr. MOSS], and Mr. BAYH, Mr. BIBLE, Mr. BROOKE, Mr. BURDICK, Mr. CANNON, Mr. CHURCH, Mr. CLARK, Mr. COOPER, Mr. DODD, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. HART, Mr. HATFIELD, Mr. INOUYE, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE, Mr. MILLER, Mr. MONDALE, Mr. MORSE, Mr. MURPHY, Mr. NELSON, Mr. PELL, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SCOTT, Mr. THURMOND, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of North Dakota.

It is the intent of this measure, sponsored by 36 Senators from both parties, to begin a concerted nationwide drive against the country's fourth most serious health problem, alcoholism.

The measure would implement recommendations of the President's Crime Commission concerning alcoholism as well as the recommendations of the National Conference on Alcoholism sponsored by the Department of Health, Education, and Welfare in 1963. It is also designed to help the States and local communities meet their new responsibilities under recent court decisions which have held that chronic alcoholics must be treated medically and socially and not as criminals.

The legislation would:

First. Establish a Bureau of Alcoholism Care and Control within the Office of the Surgeon General to coordinate and direct Federal alcoholism programs.

Second. Provide grants for demonstration projects for detoxification centers, court-supervised programs for alcoholics, programs in correctional institutions and aftercare for alcoholics, as recommended by the Crime Commission. The bill authorizes $20 million for this purpose in fiscal year 1968.

Third. Provide a special study project on personnel practices and current and projected needs in the field of alcoholism. The bill authorizes $500,000 in fiscal year 1968 for the study.

Fourth. Establish a National Advisory Committee on Alcoholism Care and Control.

Another feature of the bill provides that no individual may be made the subject of research unless he specifically gives his consent.

The bill has the active support of the North American Association of Alcoholism Programs, the organization representing State and local government groups dealing with alcoholism, and independent authorities on alcoholism.

This legislation is designed to launch a concerted attack upon what the U.S. Public Health Service and the Crime Commission have described as the Nation's fourth most serious health problem, ranking behind only heart disease, mental illness, and cancer. Alcoholism afflicts an estimated 5 to 6 million Americans, and roughly 250,000 persons join the ranks of alcoholics each year.

The 89th Congress enacted comprehensive legislation to deal with narcotic addiction. This 90th Congress should take the next step and deal with alcoholism, indeed a far more extensive problem in terms of the people directly involved.

The costs of alcoholism are high. It has been estimated that the cost to business and industry from absenteeism, inefficiency, and accidents due to alcoholism runs to some $2 billion annually. Taxpayers, too, bear a burden. The Crime Commission reports that in 1965 1 out of every 3 arrests—some 2 million—were for public drunkenness, placing a heavy burden on the courts, the police, and the penal system. And, according to Assistant Secretary of Health, Education, and Welfare, Philip R. Lee, half of all fatal auto accidents have some association with alcohol. But incapable of measurement by cold statistics is the cost of alcoholism to the family of the afflicted individual.

The Alcoholism Care and Control Act of 1967 declares alcoholism to be a major national health problem requiring action by and cooperation among Federal, State, and local governments. Alcoholism is defined as "any condition of abnormal behavior or illness resulting directly or indirectly from the chronic and habitual use of or dependence upon alcoholic beverages to the extent of the loss of power of self-control over their use."

The Bureau of Alcoholism Care and Control, which would be established under the Surgeon General, in addition to administering the act, would serve as a clearinghouse on alcoholism, coordinate Federal alcoholism activities, and render technical assistance to States and communities in their alcoholism programs.

Recognizing that the impact of recent court decisions places new responsibilities and burdens upon State and local authorities, the bill authorizes grants for demonstration projects for detoxification centers, court-supervised programs for alcoholics and alcohol-related offenses, programs in correctional institutions for alcoholics, and aftercare for alcoholics. Such activities have been recommended by both the Crime Commission and the National Conference on Alcoholism. Public and private nonprofit institutions would be eligible to receive grants.

St. Louis, for example, is one of the very few cities in the Nation with a detoxification center and New York City is undertaking a program for alcoholics, helped in great part by funds from the Smithers Foundation. These and other communities would be aided under the bill. This section of the bill authorizes an appropriation of $20 million for fiscal year 1968, $35 million for fiscal year 1970, and $45 million for fiscal year 1971.

A special study project calls for a coordinated program of research and study of personnel practices and current and projected needs in the field of alcoholism, the treatment and rehabilitation of alcoholics and the prevention of alcoholism, and also the availability and adequacy of education and training resources of persons entering such fields and of individuals, such as physicians and law enforcement officials, who deal with alcoholics. It must be completed within 2 years and is funded at $500,000 for fiscal year 1968 and $800,000 for fiscal year 1969. This provision is patterned after the Correctional Rehabilitation Study Act enacted by the 89th Congress.

An 18-member National Advisory Committee on Alcoholism Care and Control is provided to review and approve grant programs, to advise on alcoholism programs and to submit its findings and recommendations to the President and the Congress at least annually.

Finally, I wish to point out that the only way the States can act, in view of the mandate by the Supreme Court with respect to the fact that alcoholics are not criminals, but patients, is by our giving them some help to deal with this activity. The Senator from Utah [Mr. Moss] and 34 others of our colleagues have submitted a balanced program based fully on the recommendations of the Public Health Service and the President's Crime Commission on this critical subject. The Senator from Utah, my other colleagues who have sponsored it, and I have the honor today to stand in a historic moment with respect to this great problem.

Mr. MOSS. Mr. President, alcoholism is the Nation's fourth largest health menace, and one of our great social problems. It is an illness affecting some 5 million Americans. Its impact on the families of those so afflicted, and its drain on the communities in which they live, is incalculable.

It has long been evident that a comprehensive national program to help our States and communities deal with the alcoholic and the problems which he creates is one of our most urgent needs.

I find it satisfying therefore to join today with my colleague, the distinguished senior Senator from New York, in introducing legislation to develop a plan to combat chronic alcoholism. Some 35 of our colleagues, from both sides of the aisle, are joining with us in this bipartisan effort.

Last session both Senator JAVITS and I introduced individual bills. Although they were similar in thrust, they differed in some details. This session we decided to combine our efforts in one bill—which has been improved and refined through several draftings—and to seek the strongest sort of Senate support back of it. I feel that we have such support here today.

Since my colleague explained in some detail the provisions of our joint bill, I will not take the time here to go over them again. I would prefer to discuss briefly the impetus which has been given to solving the alcoholism problem by the report of the President's Commission on Law Enforcement and the Administration of Justice, and by recent court decisions.

The Crime Commission pointed out that two million arrests in 1965—one of every three arrests in America—were for the offense of public drunkenness. Let us look first at the governmental side and pass over the human tragedy aspects. The great volume of these arrests places an extremely heavy load on the operation of our criminal justice system. It burdens the police, ties up lower criminal courts, and crowds penal institutions all over America. The sheer size of the problem makes it imperative that we examine the efficacy of our system of handling and treating drunkenness within the system of criminal justice.

Recent court decisions have recognized what many of us have been saying over the years and have cast doubt on our methods of handling alcoholics. The Driver against Hinnant and Easter against District of Columbia decisions established the principle that an alcoholic is a person suffering from a disease and that he should be treated, not as a criminal, but as a sick man who should properly be the responsibility of the health officials, not law enforcement authorities.

The Crime Commission took cognizance of these decisions and endorsed the principle that intoxication cases should be handled medically and socially.

The bill Senator JAVITS and I are introducing today has been drafted to take into consideration both the findings of the Crime Commission on drunkenness and the recent court decisions holding that the alcoholic is not a criminal, but a sick person who needs help and treatment. Our bill would help our communities face in the new direction and put into operation the new principles which are evolving.

For too long now our States and communities, along with various private organizations, have borne the brunt of carrying on programs for alcoholism care and control.

In a country that has almost eliminated tuberculosis and infantile paralysis from its national scene—a country that spends over $380 annually to treat one tuberculosis patient—we spend only 16 cents on treating and rehabilitating persons suffering from our fourth major health problem, chronic alcoholism.

Without detracting in the slightest degree from the need for continued efforts to combat tuberculosis, I nevertheless am compelled to state that more—much more—need be done in the way of committing our resources to alleviating the human suffering and despair brought on by chronic alcoholism.

From my experience as a city judge in my home State of Utah, I can testify to the human tragedy and drain on community life produced by this disease. From a legal standpoint, alcoholism has in the past been treated as an antisocial behavior problem. Thus, although many of us realized that the chronic alcoholic suffers from an illness, we also were cognizant of the fact that we had no machinery and no facilities for treating these chronic alcoholics who daily came before us for sentencing.

It was, while sitting on that bench, sentencing over and over the same destitute, hopeless chronic inebriates, that I became vitally interested in doing something about this problem. These men who appeared before me were not criminals—they were ill. They needed treatment, care and guidance, yet no facilities or machinery were available. It was a frustrating experience—an exercise in judicial and sociological futility.

The legislation which we introduce today will, if enacted into law, help provide needed facilities and machinery to conduct research into the causes of chronic alcoholism—to extend State and community efforts to prevent and cure alcoholism and rehabilitate the chronic alcoholic—to transfer this problem from law enforcement to public health administration—and finally, to bring hope into the lives of those afflicted with this disease, and their families, where now only hopelessness and despair exist.

Should any of my colleagues have any reservations about moving on the problem of alcoholism on a national scale, I call to their attention a statement made recently by M. K. Horwitt, director of the L. B. Mendell Research Laboratory at the Elgin State Hospital in Illinois on the TV program, "Alcoholics Are People." Mr. Horwitt said:

> Alcohol is a drug. If it were discovered today, it would probably not be passed by the Food and Drug Administration for over-the-counter purchase: it would be most likely banned without a doctor's prescription.

I sincerely hope, Mr. President, that early hearings can be held on the bill which Senator JAVITS and I are introducing today, and which is supported by one-third of the Members of the U.S. Senate.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1508) to provide for a comprehensive program for the care and control of alcoholism, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

PROPOSED ANTICRIME LEGISLATION

Mr. BIBLE. Mr. President, more Americans are worried today about getting murdered, raped, yoked, or robbed than ever before in our history. The rising tide of crime stands as the country's foremost domestic problem.

This alarming fact, underscored by spiraling crime statistics, strikes fear into the heart of the ordinary citizen across this land as he reads his newspaper, listens to his radio, or watches his television, or learns about an acquaintance who has been victimized.

In an article appearing in the January 23, 1967, issue of U.S. News & World Report, Bishop Fulton J. Sheen put the problem into horrifying perspective:

> There is a robbery in the United States every 30 seconds. There is an auto stolen every minute. A rape is committed every three minutes. A murder is perpetrated in the United States every 60 minutes.

As a people and as a nation, we simply cannot tolerate lawlessness. We cannot be permissive about violence. We cannot accept excuses for looting and killing. Those who destroy and kill must be punished under the laws they violate. The punishment must fit the crime, regardless of the announced or underlying purpose of that lawlessness.

Mr. President, the temper of the vast majority of Americans today demands action here and now by all branches of their government—legislative, executive, and judicial—and on all levels—local, State, and Federal. I firmly believe most Americans are fed up with the pampering and the mollycoddling of lawbreakers.

Our survival as a nation depends upon our ability to maintain effective law and order, and especially so in our rapidly expanding urban communities. Unless protection of the individual and of property rights prevails, we will no longer be a nation of laws. Without law, there is no government, but only chaos and anarchy.

Possibly, in our zealous efforts to guard individual liberties, we have watched the pendulum of equal justice under law swing too far. The fundamental rights to the safety of our homes, our streets, and our places of business cannot continue to be eroded. The sophisticated criminal, the hoodlum, the thrill thug, and the juvenile delinquent must be stopped. Our Nation must remain a nation of laws, and all our countrymen must be respecters of those laws. The time has come to stop bemoaning the rising crime rate and to start doing something about it.

Nationwide crime statistics are frightening indeed. The Federal Bureau of Investigation's Uniform Crime Reports disclose that crime in the United States rose 11 percent in 1966 over 1965. Violent crimes increased 11 percent.

Crime in the Nation's Capital City reached an alltime record high in 1966. Washington, D.C., ranked second in the rate of crime index offenses per 1,000 population of the 16 cities in the one-half to 1 million population. San Francisco was first, Baltimore third, and Houston fourth.

For 1966, the District of Columbia, among the 16 similarly populated cities, stood first in robbery offenses, first in aggravated assault, third in murder, fourth in housebreaking—burglary—fifth in larceny, and sixth in auto theft.

Almost 1,000 more robberies, 500 more aggravated assaults, 600 more larcenies, and almost 1,000 more auto thefts were committed in the District of Columbia in 1966 than in 1965. Crime clearances dropped to 26.3 percent compared to 31.8 percent for 1965.

Serious crimes in the District jumped nearly 15 percent in 1966, while the national crime rate increased 11 percent, according to Federal Bureau of Investigation statistics. Crimes of violence increased by 23 percent in Washington, more than double the national rate.

And to make these statistics more realistic, during 1966 there were 15 robberies of banks and savings and loan institutions in the District, in which losses totaled $33,000. There were 53 liquor store holdups, causing nine assaults on the person and one murder. One of the large drugstore chains in the District reported 33 burglaries and 14 robberies in 1966, with losses approaching $50,000. During the course of these robberies, several employees were injured, whether or not they resisted.

Mr. President, the surging crime wave in the District of Columbia demands more affirmative results than our past efforts have achieved. Therefore, I am today introducing 16 bills which, if enacted into positive law, should help curb the unprecedented crime spree here in Washington, D.C.

I make no claim that these legislative proposals alone are a panacea for crime here in the Nation's Capital. But, immediate help is imperative and these are a good beginning.

In lieu of the omnibus crime bill approach used previously, I am introducing this crime legislation—both the President's District of Columbia Crime Commission recommendations and my own proposals—as individual bills. I believe such will permit easier identification of the many areas covered, and hopefully more adequate consideration of each subject at least for hearing purposes.

Therefore, Mr. President, for myself and the distinguished junior Senator from Colorado [Mr. DOMINICK] I introduce seven bills. These are substantially identical with various titles of the District of Columbia omnibus crime bill reported by my District Committee and passed by the Senate in the last Congress, revised in some areas in conference with the other body, and subsequently vetoed by the President.

The eighth bill I introduce for myself and the junior Senator from Colorado [Mr. DOMINICK], would increase salaries and other benefits for the Metropolitan Police Force, thereby providing incentives to recruit new officers and retain officers already on the force. This bill was advocated by the President in his District budget message last January.

Entrance salaries would be increased from $6,700 to $7,500 annually, placing the District as third in the Nation. Today the Metropolitan Police Department is 300 men below its authorized strength of 3,100 men. Meanwhile the District has more police per 1,000 population than any major city in the country.

Mr. President, the final eight bills I introduce are direct outgrowths of the recommendations of the President's Commission on Crime in the District of Columbia and advocated by the President in his February 27, 1967, message to Congress. The source of each is an individual title of the proposed District of Columbia Crime Reduction Act of 1967, submitted to the Congress by the Attorney General and the District Commissioners. Joining me as cosponsor on seven of these last eight request bills is the distinguished junior Senator from Colorado [Mr. DOMINICK], who was a tower of strength in consideration by my committee, before the Senate and at the long conference sessions on the District of Columbia omnibus crime bill 1 year ago, which the President chose to veto.

Other Senators, over the past several years, have complained increasingly to me about the local crime situation. I would welcome any cosponsors on any of these bills. If an interested Senator would communicate his desires to the

District of Columbia Committee offices on any of these 16 bills, I would be pleased to seek unanimous consent subsequently that their names be added as cosponsors of any of these bills at their next printing.

Mr. President, in the last Congress, the distinguished junior Senator from Maryland [Mr. Tydings] sponsored gun control legislation for the District as S. 1632. Again in this Congress, he has expressed a desire to sponsor such legislation, a Crime Commission recommendation also.

I ask unanimous consent that the letter of transmittal requesting introduction of these proposals and explaining their purpose be printed in the Record immediately following my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered. The bills will be received and appropriately referred.

The bills, introduced by Mr. Bible, (for himself and Mr. Dominick) (by request) were received, read twice by their titles, and referred to the Committee on the District of Columbia, as follows:

S. 1509. A bill relating to the use of citations by the Metropolitan Police Force of the District of Columbia, in lieu of formal arrests, and for other purposes;

S. 1510. A bill relating to the obstruction of the administration of justice in the District of Columbia by threats or force, and for other purposes;

S. 1511. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salary rates and provide certain benefits for purposes of recruitment and retention of privates in the Metropolitan Police Force, to establish the rank of master patrolman, to change the titles of certain Metropolitan Police officials, and for other purposes;

S. 1512. A bill relating to material witnesses in the District of Columbia;

S. 1513. A bill to establish the Commission on Revision of the Criminal Laws of the District of Columbia;

S. 1514. A bill relating to the rehabilitation of narcotic addicts in the District of Columbia;

S. 1515. A bill relating to intoxicated persons in the District of Columbia; and

S. 1516. A bill authorizing the Commissioners of the District of Columbia to supervise persons released into their custody in accordance with judicial orders issued pursuant to section 3146 or 3148 of title 18, United States Code; to authorize the District of Columbia Bail Agency to provide reports to the Commissioners of the District of Columbia with respect to any person released into the custody of the Commissioners pursuant to section 3146 to 3148 of title 18, United States Code.

By Mr. BIBLE (for himself and Mr. Dominick):

S. 1517. A bill relating to material witnesses in the District of Columbia;

S. 1518. A bill relating to the admissibility of evidence, including statements and confessions, in the Courts of the District of Columbia;

S. 1519. A bill designating robbery in the District of Columbia as a crime of violence;

S. 1520. A bill to amend section 823 of the act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901 (31 Stat. 1323; District of Columbia Code, sec. 22–1801), relating to burglary;

S. 1521. A bill relating to the making of false or fictitious reports of the commission of criminal offenses in the District of Columbia, and for other purposes;

S. 1522. A bill to amend section 872 of the act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901 (District of Columbia Code, sec. 22–2001); and

S. 1523. A bill to amend the act of March 3, 1901, as amended, regarding the defense of insanity in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BIBLE (by request):

S. 1524. A bill authorizing arrests without a warrant in the District of Columbia in connection with certain misdemeanors, and for other purposes; to the Committee on the District of Columbia.

(See exhibit 1.)

Mr. **BIBLE**. Actually, the portion of the transmittal letter dealing with the gun control legislation has purposely been deleted because the desire of the junior Senator from Maryland is that he cover this area in his intended sponsorship of this subject.

In brief, the seven bills, as outgrowths of the District of Columbia omnibus crime bill of the 89th Congress would—

First. Amend the Mallory rule by requiring an accused's confession not to be ruled inadmissible solely because of delay in taking an arrested person before a committing magistrate in those instances where the accused is accorded the right to counsel, as well as the right against self-incrimination, as defined in the *Miranda* case, decided by the Supreme Court on June 13, 1966; and the delay, prior to the accused's being taken before a magistrate in any case where he has waived the assistance of counsel, does not exceed an aggregate period of 4 hours, exclusive of interruptions.

Second. Correct some of the weaknesses of the present District of Columbia insanity law by requiring an accused to give notice of his intention to plead an insanity defense and to further require a defendant to establish his insanity defense by a showing of substantial evidence in lieu of the present "some evidence" rule.

Third. Strengthen the material witness law by authorizing detention of a material and necessary witness with procedural safeguards insured for the benefit of the witness.

Fourth. Delineate the crime of robbery as a crime of violence, a deficiency of long standing in the District Criminal Code.

Fifth. Establish the crimes of burglary in the first and second degree, in lieu of the crime of housebreaking, and providing stiffer penalties for the breaking and entering of a dwelling or sleeping room, where the intention is to commit a criminal offense.

Sixth. Codify police department regulations relating to false or fictitious reports about criminal offenses, and to provide penalties.

Seventh. Strengthen the District indecent publications law.

Mr. President, the recommendations of the President's District of Columbia Crime Commission, introduced as eight separate legislative proposals, would—

First. Authorize the police to arrest without a warrant when they have probable cause to believe any of certain misdemeanors has been committed and that the accused, if not immediately arrested, will flee or cause injury to others, damage to property, or destruction of evidence.

Second. Make it unlawful to obstruct, delay, or prevent a criminal investigation prior to formal criminal court proceedings.

Third. Permit policemen to devote more time to crime prevention by permitting issuances of citations for later appearance under rules sanctioned by the court of general sessions.

Fourth. Strengthen the material witness law.

Fifth. Establish a Commission to review, modernize, and clarify existing provisions of the District Criminal Code.

Sixth. Eliminate an ambiguity in the Narcotic Addict Rehabilitation Act of 1966 making it specifically applicable to the District of Columbia Court of General Sessions.

Seventh. Provide that intoxicated persons are subject to arrest only if their conduct endangers the safety of other persons or property, permitting an alternative to current law treating all drunks as criminals.

Eighth. Pertain to five miscellaneous areas and facilitate effective supervision of persons conditionally released by the courts, transfer to the District Commissioners authority over treatment, rehabilitation and conditional release of Federal youth offenders, improve the work industries program to teach inmates of District penal institutions about jobs oriented to the outside market, require defendants intending to rely on insanity as a defense to provide notice of such intent, and increase witness fees for criminal trials in the Court of General Sessions.

Mr. President, the 16 bills I offer today then stand as the opening salvo in a renewed campaign against crime in the District of Columbia. More legislation, designed to combat not only crime but also its causes, is on the horizon. As has been said many times, a trip of a thousand miles begins with a single step, and I look upon this legislation as the first step forward of an advance that cannot and must not be stopped.

In conclusion, I ask unanimous consent to have printed as a part of my remarks a summary dealing with anticrime activities of the Senate Committee on the District of Columbia over the years and more detailed explanations of the bills introduced today.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 2.)

Exhibit 1

Government of the
District of Columbia,
Executive Office,
Washington, D.C., March 1, 1967.

The Vice President,
U.S. Senate,
Washington, D.C.

Dear Mr. Vice President: The Acting Attorney General and the Board of Commissioners of the District of Columbia enclose for appropriate reference and Congressional consideration the proposed "District of Columbia Crime Reduction Act of 1967."

On February 27 the President pledged himself to take every possible step to make the Nation's Capital a "city in which our citizens and our friends from abroad can live and work, visit our great National monuments, and enjoy our parks and walk our streets without fear."

Earlier, in July of 1965, he established the Commission on Crime in the District of Columbia to inquire into the causes of crime and recommend corrective measures. In December of 1966, after an exhaustive study, the Commission submitted a comprehensive analysis of the problem and recommended courses of action.

The enclosed measure embraces some of the recommendations of the President's Commission and the additional legislation to which the President referred in his message of February 27.

The bill has nine titles: I—Gun Control, II—Arrest Without Warrant, III—Obstruction of Criminal Investigations, IV—Citations, V—Material Witnesses, VI—Commission on Revision of Criminal Laws, VII—Narcotic Addict Rehabilitation, VIII—Intoxicated Persons and IX—Miscellaneous. The last title deals with the supervision of persons released pending trial or appeal, the treatment and parole of youthful offenders, Federal Prison Industries, the insanity defense and witness fees.

TITLE II—ARREST WITHOUT WARRANT

Title II of this proposal would authorize the police to arrest without a warrant when they have probable cause to believe that any of certain misdemeanors has been committed and that the accused, if not immediately arrested will flee or cause injury to others, damage to property, or destruction of evidence.

Under existing law, a police officer may arrest a person without a warrant when he has probable cause to believe such person has committed a felony or when such person has committed a felony or a misdemeanor in the officer's presence. The authority to arrest without a warrant also extends to cases in which there is probable cause to believe that one of a limited number of misdemeanors is being committed (section 23-306, D.C. Code). These misdemeanors include: possession of the implements of crime (section 22-3601), unlawful possession of a pistol (section 22-3203), carrying concealed weapons (section 22-3204), possession of prohibited weapons (section 22-3214), possession of lottery slips (section 22-1502), and certain offenses involving narcotics (sections 33-402(b) and 416a(c)).

This title would authorize a police officer to arrest a person without a warrant if he has probable cause to believe that the person has committed a simple assault, unlawful entry, receiving stolen goods, attempted housebreaking, attempted grand larceny, or attempted unauthorized use of a motor vehicle. In addition, the officer must have probable cause to believe that unless the suspect is arrested immediately he will not be apprehended or he may cause injury to others or damage to property or may destroy evidence.

Although the title speaks of conferring arrest authority only on officers and members of the Metropolitan Police force, it actually confers similar authority on officers and members of the Park Police (see section 4-201, D.C. Code) and the White House Police (see 3 U.S.C. 202).

TITLE III—OBSTRUCTION OF CRIMINAL INVESTIGATIONS

The existing law relating to obstruction of justice in the District of Columbia makes no provision with respect to the obstruction of an investigation prior to the institution of criminal court proceedings. Title III would make it unlawful to obstruct, delay, or prevent the communication by any person to an investigator of the District of Columbia government, including officers and members of the Metropolitan Police force, of information relating to a criminal offense even if proceedings are not pending in court.

TITLE IV—CITATIONS

At present the police are required to bring to the precinct for booking, all persons who are arrested and, except where collateral or bond is allowed to take them to a judicial officer. Title IV would authorize members of the Metropolitan Police Department to release a person, either without formally arresting him or after an arrest without a warrant, by issuing him a citation for later appearance. The citation could be issued either at the precinct after arrest or on the street without taking the accused into custody. The proposed release procedures would be governed by rules to be issued by the District of Columbia Court of General Sessions and would have judicial sanction. These rules would relate to the offenses for which citations may issue, as well as the circumstances and procedures pertaining to their use. Persons who fail to respond to citations would be subject to prescribed penalties.

To assist the police in implementing the proposed citation authority, the District of Columbia Bail Agency Act would be amended to authorize the agency to furnish them information concerning persons being considered for release on citation.

This proposal will permit policemen to devote a greater portion of their time to the most important tasks of crime prevention and detection, and less to feeding, housing, transporting and attending in court with arrested persons. Also, accused persons released on citation will no longer suffer the obvious disadvantages flowing from unnecessary incarceration in the time between their arrest and bail hearing.

TITLE V—MATERIAL WITNESSES

Present law fails to spell out directions for the police in taking material witnesses into custody. The only statutory provision on the subject is found in section 4-144 of the District of Columbia Code, which speaks only of the provision of suitable accommodations for the detention of witnesses who are unable to furnish security for their appearances in criminal proceedings.

Title V would amend this statute to authorize the police to take a person into custody pursuant to a warrant if there is probable cause to believe that the person witnessed the commission of a felony, his testimony will be material at the trial of a person charged with the crime, and he will not be available to testify if not taken into custody. The policeman may act without a warrant on the same grounds, if his action is taken at the scene of the crime. The officer would be required to bring the witness before a judicial officer immediately and the judicial officer is to treat the witness as required by the Bail Reform Act of 1966. That Act established procedures for judicial officers to determine whether persons taken into custody actually witnessed the commission of a felony and whether their testimony will be material. The Bail Reform Act provides for the release of such persons pending trial or detention pending depositions, as well as for penalties for wilful failure to appear after release.

The title also provides compensation for material witnesses equivalent to that for witnesses attending before the United States District Court for the District of Columbia.

TITLE VI—COMMISSION ON REVISION OF THE CRIMINAL LAWS OF THE DISTRICT OF COLUMBIA

The President's Comission on Crime in the District of Columbia strongly urged that the Congress establish and actively support a Commission to review, modernize, and clarify existing provisions of the District's criminal code.

To illustrate the substantial deficiencies in existing criminal statutes in the District of Columbia, the Crime Commission pointed out that the code now in effect dates back to 1901, that many provisions are archaic, and that it often lacks clarity. Many provisions were found to be confusing and inconsistent.

The President, recognizing that the District requires "a coherent and consistent framework for the arrest and punishment of offenders and control of crime", has proposed an eleven-man Commission to do what is necessary. Two of the members would be Senators appointed by the President of the Senate and two would be Representatives appointed by the Speaker of the House of Representatives. Four members would be appointed by the Board of Commissioners of the District of Columbia, one of whom the Board would designate as Chairman. The chief judges of the United States Court of Appeals, the United States District Court, and the Court of General Sessions would appoint one judge each from among the judges of their respective courts. An Advisory Committee would assist the new Commission in the performance of its duties.

The Commision's functions, generally stated, will be to review case and statutory law and to recommend to the Congress a revised code of criminal law and procedure for the District, including such changes in the penalty structure as will better serve the ends of justice.

The measure provides for the Commission to submit a final report to the Congress and to the Commissioners in three years, with at least one interim report within two years.

TITLE VII—NARCOTIC ADDICT REHABILITATION

The 89th Congress, in enacting the Narcotic Addict Rehabilitation Act of 1966, declared it to be the policy of the Congress that certain persons charged with or convicted of criminal activity, who are determined to be narcotic drug addicts and likely to be rehabilitated should, in place of prosecution or sentencing, be committed for confinement and treatment designed to effect their return to society as useful members.

Unfortunately, the 1966 enactment is not clear on the question of whether it may be applied in the Court of General Sessions. Title VII of the enclosed proposal will eliminate this ambiguity, making it clear that the 1966 Act applies to all offenders prosecuted by the United States Attorney, whether in the Court of General Sessions or the District Court.

VIII—INTOXICATED PERSONS

Title VIII would amend the District of Columbia Alcoholic Beverage Control Act to provide that intoxicated persons are subject to arrest only if they conduct themselves in a manner which endangers the safety of other persons or property. Intoxicated persons who do not act in such a manner may be taken into custody by law enforcement officers or public health officials and detained until sober in a facility staffed and equipped to provide appropriate medical services. Records will be maintained concerning each person taken into protective custody but such custody will not be recorded or regarded as an arrest.

This title offers a meaningful alternative to the present law which treats all drunks as criminals and burdens our police and our courts without benefit to the public or the drunks.

TITLE IX—MISCELLANEOUS PROVISIONS

SUPERVISED RELEASE

Section 901 is designed to facilitate effective supervision of persons conditionally released by the courts. At present there is a substantial void with respect to the supervision of persons released by the courts either in advance of their trials or pending appeal. This section will allow the Commissioners to designate the Department of Corrections to supervise such persons. It will also authorize the District of Columbia Bail Agency to make available to the Commissioners or their representatives investigative reports with respect to persons to be released under their supervision.

SUPERVISED RELEASE OF YOUTH OFFENDERS

Section 902 would transfer the authority to provide for the treatment, rehabilitation, and conditional release of Federal youth offenders who are in institutions of the District of Columbia from the United States Bureau of Prisons and the Youth Corrections Division of the United States Board of Parole to the Board of Commissioners of the District of Columbia. The Board of Commissioners under the authority vested in it by Reorganization Plan No. 5 of 1952 (66 Stat. 824) would delegate responsibility for administering the youth correction program to the Director of the Department of Corrections, and responsibility for release or discharge to the District of Columbia Board of Parole, in accordance with the recommendation of the District of Columbia Crime Commission.

Under existing law, an offender who is sentenced under the provisions of the Federal Youth Corrections Act and committed to a District of Columbia institution, is under the supervision of District authorities while in the institution but under the supervision of the Youth Corrections Division of the United States Board of Parole for purposes of conditional release. After release, he is supervised by the United States Probation Service. Section 902 will place such youth offenders under the supervision of the Department of Corrections while committed and after release. Hence, local authorities will have a continuing jurisdiction over such offenders, permitting of the maintenance of a continuity of treatment which should bring about more effective results.

FEDERAL PRISON INDUSTRIES

The Crime Commission reported that the work program in the District is currently directed towards providing inmates with a job inside the institution, rather than preparing him for opportunities which will be available to him on release. To rectify this, the Commission recommended that the District of Columbia contract with Federal Prison Industries for the reorganization and future operation of its industries program.

This government corporation, organized in 1934, provides training and employment oriented to the outside market. Its operations involve, among others, electronic repair; the manufacture of clothing, furniture, textiles, tools and machinery; furniture repair; and printing. Training is also available in business, management, and clerical skills. Various Federal departments and agencies purchase the goods produced. Federal Prison Industries has the technical competence, the financial resources, and the established relationship with industry and government to assist in the development of a model industries system for the District of Columbia. Section 903 would effectuate this recommendation.

PLEADING INSANITY—ESCAPE OF MENTALLY ILL

Section 904 would require defendants in the District of Columbia who intend to rely on insanity as a defense to provide adequate notice of such intent to the court and the prosecution. Usually the prosecution becomes aware that a defendant intends to rely on the insanity defense when he files a pretrial motion for a psychiatric examination. In some instances, however, there is no advance notice—as in the case of the defendant who is on bail and is examined by his own psychiatrist. When this happens, the prosecution may be unprepared to meet its burden and must seek a continuance in mid-trial. Since it is generally impossible to obtain a continuance of sufficient length to permit adequate psychiatric diagnosis, the prosecution can be left without any psychiatric evidence. If a continuance is granted, further court congestion results and witnesses and others involved in the matter are seriously inconvenienced.

Section 904 also contains a provision which would enable courts in the District of Columbia to order the return of persons who escape from District mental institutional after confinement in connection with the prosecution of criminal charges. At present there is some doubt as to the authority of the Court of General Sessions to order such a return, and there is considerable doubt as to the authority of any court to order a return when the escapee has been acquitted by reason of insanity and no charges against him remain outstanding. Both provisions of this section are in accord with recommendations of the District of Columbia Crime Commission.

WITNESS FEES AND TRAVEL ALLOWANCES

Section 905 would amend section 15–714(a) of the District of Columbia Code to increase the present daily witness fee for attendance at criminal cases in the District of Columbia Court of General Sessions and to provide travel allowances for such witnesses. The existing witness fee of 75 cents per day in criminal cases in the District of Columbia Court of General Sessions is too low. The section provides for the payment of fees and travel allowances equivalent to those paid to witnesses who appear before the United States District Court for the District of Columbia, which is presently four dollars a day.

CONCLUSION

There should be no illusions about the significance of enacting these legislative proposals. They are important and necessary. However, as the report of the President's Commission makes clear, and as the President himself detailed in his Message, if the streets and homes in the District of Columbia are to be made more secure there must be a greater commitment of our resources to the improvement of our police, courts, and correctional agencies. The President has restated his view that "public order is the first business of government". He has urged the Congress to provide the funds and necessary legislation. He has urged the courts, the executive agencies and the administrators to improve their procedures. As he stated, "failure on any front in this war weakens the efforts on all the others. Every course must be pursued. We must not fail."

Sincerely yours,

RAMSEY CLARK,
Acting Attorney General.
WALTER N. TOBRINER,
President, Board of Commissioners, District of Columbia.

EXHIBIT 2

SUMMARY OF ANTI-CRIME ACTIVITY AND EXPLANATION OF 16 DISTRICT OF COLUMBIA CRIME BILLS

(Placed in CONGRESSIONAL RECORD by Senator ALAN BIBLE, Democrat of Nevada, chairman of Senate Committee on District of Columbia, upon introduction of 16 District of Columbia anticrime bills)

During the 87th, 88th and 89th Congresses, the upsurge in crime in the District of Columbia was the foremost problem considered by the Senate Committee on the District of Columbia. An in-depth examination of the need for strengthening the District of Columbia Criminal Justice Code was made by the Committee, spanning the three Congresses. In that time, the Committee conducted 29 days of hearings and received testimony from 122 witnesses. This activity culminated in Congressional passage last year of the omnibus crime bill (H.R. 5688) subsequently vetoed by the President.

That crime bill, as it passed the 89th Congress, would have amended the Mallory rule relating to the admissibility of confessions; and the Durham rule concerning insanity defenses. It would have rewritten the material witness statute. Other provisions would have allowed for a period of 4 hours the detention of persons by the police on the grounds of probable cause. At the end of such period, the police would either have to release or charge the person so detained.

In addition, that crime bill would have increased minimum penalties for crimes of violence and also where guns and other dangerous weapons are used in the commission of a crime. Finally, the bill would have made several other desirable modifications in the Indecent Publications Law of the District of Columbia.

Although the omnibus crime bill was important legislation enacted by the 89th Congress to help curb crime, it was by no means the only action taken by the Congress during the last several years toward improving law enforcement in the District of Columbia. Congress enacted legislation increasing the number of judges in the Court of General Sessions from 15 to 20, and the number of Juvenile Court judges from 1 to 3. This additional judicial manpower was critically needed to bring about some semblance of orderliness to their greatly congested criminal and civil calendars. Implicit in this authorization for more judges was the recognition by Congress that a strong deterrent to crime is nurtured by facilities that provide speedy trials and mete out firm and fair punishment to defendants upon conviction.

In searching for ways to improve law enforcement in the District, our District Committee gave careful study to the organization and problems of the Metropolitan Police Department. It was concluded that the police force was undermanned and, for this reason, as far back as the 87th Congress, legislation was authorized increasing the minimum force of the Metropolitan Police Department from 2,500 officers and members to 3,000.

As part of the legislation to upgrade the Police Department and to man the force with well qualified and competent personnel, the Congress has acted to provide the officers and members of the Metropolitan Police Force with liberal pay and retirement benefits. Since 1962, officers and members of the police force have received three salary increases totaling about 30 percent. Incoming policemen now receive a starting salary of $6,700 per year. This is the highest in the Washington metropolitan area and ranks ninth among the largest 21 cities in the country for the highest salary schedules paid today.

Even with these liberal benefits, the District as of this date has been unable to recruit sufficient qualified police officers to maintain the minimum authorized strength of 3,000 members. As of February 1, 1967, the Department was approximately 300 members short of the 3,100 authorized minimum level.

To correct this deficiency, the President has recommended an increase in the salaries of the Police Department, to be applied principally in the lowest ranks as an aid to recruitment of policemen of high quality. In line with this recommendation, Committee consideration is anticipated this session on proposals of the District Commissioners that would raise starting salaries for police privates from $6,700 to $7,500, and provide other recruiting inducements.

Congress has moved additionally to strengthen law enforcement in the District of Columbia. It has authorized a 200-member Tactical Squad that is employed during periods and areas where crimes of violence are at their peak. Premium pay for holidays and overtime has been approved. The number of police cars has been increased from 44 to a total of 108 since 1965, and foot patrolmen have been equipped with two-way radios.

To make the Police Department more efficient, money has been appropriated for a computer system and for a police television network. Money has been appropriated for preliminary studies and plans for police training facilities; and funds are being sought in the 1968 budget for completion of plans and construction money. In addition, as part of the streamlining of the Metropolitan Police, assignments of police officers to clerical, administrative, and technical duties are being reviewed with a view to their possible reassignment.

To aid District police in combatting crime, legislation was enacted to make it mandatory for physicians and hospitals to report gunshot wounds and instances of child abuse and, as an aid to rehabilitation of persons convicted, legislation was passed to authorize the Board of Parole to discharge parolees from supervision prior to expiration of the maximum terms where there is no further need for supervision.

As another aid in the fight against crime, Congress last year amended the minimum wage laws of the District to include men for the first time, and to increase the general wage level, thereby providing decent wages as an alternative to a life of crime.

Mr. President, the first of the 16 bills offered today endeavors to modify the Mallory rule. Lengthy crime hearings held by the District Committee in connection with law enforcement problems points up that the existing Mallory rule is frustrating and most troublesome for police officers in discharging their day-to-day duties. On the basis of the Mallory holding, voluntary and uncoerced admissions and confessions are ruled inadmissible at trial.

The United States Attorney for the District of Columbia provided cases to the Committee showing that voluntary and uncoerced confessions have been ruled inadmissible where there has been delay of less than 15 minutes in bringing an accused before a committing magistrate. Other examples were presented to the Committee showing that lesser pleas of guilty are condoned continually by the prosecuting arm of the District because of the legal interpretation of the Mallory decision. Furthermore, of even greater concern are those cases where defendants involved in the commission of the most heinous type of crimes escape prosecution altogether, due to voluntary and uncoerced statements being ruled inadmissible.

I know that many of us are confused and troubled by such procedure. As a legislator, I find it difficult to comprehend this system of justice. I can assure you that it is equally disturbing for our many citizens who are very much concerned and troubled by the fact that hardened criminals escape prosecution and punishment on the basis of such frivolous legal principles.

It seems to me that we have become so obsessed with uncovering new rights and safeguards for the criminal that we have unbalanced the scales of justice, and find ourselves in the unenviable position of losing control of the crime and violence that are running rampant in our cities.

It seems reasonable to me, before the situation deteriorates further, that we must seek out new procedures and techniques that will deny immunity to the criminal on frivolous and essentially non-prejudicial grounds, but still provide him with the basic rights guaranteed him under the Constitution. I think it is high time that Congress again accepts its responsibility to deal with this problem in a forthright manner. Experience to date has taught us, if nothing else, that the decisions of the courts are too inexact to deal with this problem. What is needed is statutory language that will set forth in clear and positive terms the guidelines that will control and assist police officers once they have taken a defendant into custody. It is only through such precise legislation that we are going to remove the great aura of uncertainty that now exists in connection with police and the procedures they are expected to follow up to the time the defendant is presented before a committing magistrate.

This legislation that I propose today strives to deal forthrightly with the admissibility of confessions in criminal proceedings.

Under this bill, an accused's confession will not be ruled inadmissible solely because of delay in taking an arrested person before a committing magistrate in those instances where

(1) the accused is accorded the right to counsel, as well as the right against self-incrimination, as defined in the Miranda case decided by the Supreme Court on June 13, 1966, and

(2) the delay, prior to the accused's being taken before a magistrate in any case where he has waived the assistance of counsel, does not exceed an aggregate period of 4 hours, exclusive of interruptions.

In my view, this bill establishes clear and positive guidelines that will clearly identify for police officers the procedures that they can legally utilize once a person is arrested or taken into police custody.

The procedure that I have outlined will accomplish what Attorney General Ramsey Clark, then Deputy Attorney General of the United States, had in mind when he testified before the Senate District Committee with regard to crime legislation during the 89th Congress. At that time, he stated:

"I am convinced that our system of government can devise procedures which will at once permit reasonable police interrogation of suspects while fully protecting their constitutional rights. Moreover, if this committee develops rules which meet the practicalities of modern-day, big city law enforcement, and which are clear and understandable, the police can fairly be expected to assume responsibility for their observance. Where they fail the courts will review."

I am gratified that the report of the President's Commission on Crime in the District of Columbia proposed a change in the Mallory rule. Such change would be bottomed on a reasonable time period concept for specific police activities, including questioning, prior to presenting an accused before a committing magistrate. In addition, the Commission's proposal would require strict conformity with the Miranda decision.

From the extensive study that the Senate District Committee has made of crime in the District over the span of the past three Congresses, I am not at all surprised that the Commission would recommend some change in post-arrest procedures to be followed by police officers. However, I view with some misgivings the Commission's recommendation of a "reasonable time" period for delay in lieu of a fixed time period, i.e., 4 hours, or some other definite period of time.

The test based on reasonableness could lead to problems similar possibly to those that the District has experienced in interpreting unnecessary delay as set forth in existing Rule 5(a) of the Federal Rules of Criminal Procedure. A reasonable time period is incapable of being given an exact definition. A police officer on the scene might construe a reasonable period as one thing, while a court of law, working from a cold record, might find it entirely different. It would appear to me that if police officers are to do their job in an effective manner, it is incumbent upon the Congress to provide procedures which are in large measure exact and leave little, if any, doubt as to the activities which may legally be pursued by law enforcement officers. In my opinion, the legislation to deal with the Mallory problem, as I have proposed it today, would appear to meet this requirement.

The legislation is essentially identical to the final version that passed both Houses in the 89th Congress as part of the omnibus crime bill, except that it would permit 4 hours rather than 6 hours of questioning of those persons who elect to waive their rights to counsel. It should be made clear at this point in my remarks that my legislative proposal of today follows the dictates of the Miranda decision. In fact, this bill accords an accused the right to counsel as well as the right against self-incrimination. For this reason, this particular bill will provide greater safeguards to an accused than the proposed amendment to the Mallory rule that was included in H.R. 5688 as the Senate initially approved it in the 89th Congress.

In this originally-approved version, the Mallory amendment was contained in Title I, under which police officers would have been authorized an interrogation period up to 3 hours. Such period would not have been defined as "unnecessary delay" within the meaning of Rule 5(a) of the Federal Rules of Criminal Procedure, and the interpretation of such rule under the Mallory decision. Further, Title I provided for suspects to be advised regarding their right to remain silent and their right to talk to counsel or relatives or friends; but nothing was said as to the actual assignment of counsel. Questioning was, when possible, to be witnessed by someone other than a law enforcement official or transcribed or recorded.

It should be borne in mind that the omnibus crime bill, as it was finally enacted in the 89th Congress, was criticized by many individuals and organizations in the District because of Title III which was included as a part of the same measure. That particular title would have permitted police officers to detain a person who is taken into custody for a period of 4 hours and at the conclusion thereof either to release or to charge him with a crime. Title III had the effect of broadening the law of arrest in the District of Columbia, particularly as it related to misdemeanor offenses.

It is my view that the inclusion of such language as Title III only complicates the problem associated with the enactment of corrective crime legislation for the District of Columbia. In large measure, such a provision is duplicitous of legislative procedures designated to deal with the Mallory rule.

I believe persons who are conversant with law enforcement, and particularly with the procedures of arrest and detention, would agree generally that there should be only one procedure for detaining a person when an arrest or custody has been maintained by police officers. Any attempt to do otherwise could cause confusion among the officers who utilize the procedure. Such would tend to defeat the basic purpose of delineating specific and well-defined guidelines for police officers. With this in mind, I would hope the Congress could enact remedial Mallory legislation without concurrently approving a confusing provision similar to that set forth in Title III of the omnibus crime bill, 89th Congress.

A second bill I am introducing will correct weaknesses in our present criminal insanity law.

During hearings that the Senate District Committee held on the insanity problem, it was well established that a requirement exists to eliminate insanity pleas that are frivolous and without merit. For this reason, and in order to improve criminal justice in the District, I am proposing to require an accused to give notice of his intention to plead an insanity defense and, in addition, to require a defendant to establish his insanity defense by showing of substantial evidence, in lieu of the "some evidence" rule as it now exists in the District of Columbia.

A third bill I am introducing would strengthen the material witness statute for the District of Columbia. Under this proposal, members of the Metropolitan Police force would be authorized to detain a material and necessary witness to the commission of a crime punishable by imprisonment for one year or more, where there is reasonable ground to believe that such person will not be available to testify at the trial of the person charged with the criminal offense. Included are various procedural safeguards for the witness, and a provision to insure such witness will be available at time of trial.

The fourth bill offered today delineates the crime of robbery as a crime of violence within the meaning of section 22–3201 of the D.C. Code. Once enacted into law, a deficiency of long standing in the District Criminal Code will be corrected.

In the hope of deterring nighttime housebreaking, my fifth bill would establish the crime of burglary in the first and second degrees, in lieu of the crime of housebreaking. Under this amendatory proposal, burglary in the first degree would be defined as the breaking and entering, or entering without breaking, of any dwelling or room used as a sleeping apartment, with the intent to take property or commit a criminal offense. The punishment for burglary in the first degree would be not less than 2 years nor more than 20 years.

Burglary in the second degree would be defined as the breaking and entering, or entering without breaking, into other premises. The penalty for this offense would be imprisonment for not less than 1 nor more than 15 years.

The sixth bill would codify provisions of Metropolitan Police Department regulations relating to the offense of making or causing to be made, false or fictitious reports regarding criminal offenses or other matters within the purview of the Metropolitan Police Department, with knowledge that such report is false or fictitious. Penalties provide a fine not exceeding $300 or imprisonment not exceeding 30 days. The District Code presently makes it a criminal offense to make a false report to the District fire department.

My seventh bill would amend the Indecent Publications law in the District of Columbia. It would enlarge the substantive obscenity law by making it a criminal offense for a person to produce or participate in the production of indecent publications and other materials with knowledge that the same is to be sold, exhibited, or given away.

This bill does not contain civil, injunctive powers similar to those that were contained in the omnibus crime bill of the 89th Congress. These particular injunctive powers were criticized in the presidential veto message for the reason that they would restrain the production and dissemination of publications without the persons involved having a hearing on the merits.

The bill to increase salaries for recruits and veteran privates in the Metropolitan Police Department is designed to help alleviate the serious manpower shortage. Entrance salaries would be increased from $6,700 to $7,500, with proportionate increases for the other service steps for private. A pay increase for police privates, as the President pointed out in his message, should aid in recruiting policemen of high quality. Recruiting inducements are provided for new men such as payment of transportation expenses to the District for interviews, a resettlement cash allowance and a 90-day per diem allowance. A rank of master patrolman is suggested with salary incentives for policemen who complete certain college work. This was a recommendation of the International Association of Chiefs of Police.

The President, in his message of February 27, 1967, to the Congress, pledged himself to take every possible step to make the Nation's Capital a "city in which our citizens and our friends from abroad can live and work, visit our great national monuments, and enjoy our parks and walk our streets without fear." In his message to the Congress, the President presented a comprehensive program for war on crime that included many recommended corrective measures that had been submitted to the President by the D.C. Crime Commission following the Commission's extended study and analysis of the causes of crime in the District of Columbia.

I am pleased that the President has again pledged his best efforts in this fight against crime. If we are to control the evils of crime, the Congress, the Executive and the Judicial branches must work together closely.

There was released in December, 1966 the eagerly awaited Report of the District of Columbia Crime Commission appointed by President Johnson. The Commission's comprehensive, in-depth study of crime in the Nation's Capital contains many proposals for attacking crime and the sociological background that nurtures crime in Washington. The Commission's proposals will require detailed study and analysis, which the Committee will undertake during this Congress with a view toward providing long-range remedies for these ills.

Detailed explanations of the eight separate bills, originating from the recommendations of the President's District of Columbia Crime Commission, follow:

First: The "arrest without warrant" bill would authorize the police to arrest without a warrant when they have probable cause to believe that any of certain misdemeanors has been committed and that the accused, if not immediately arrested will flee or cause injury to others, damage to property, or destruction of evidence.

Under existing law, a police officer may arrest a person without a warrant when he has probable cause to believe such person has committed a felony or when such person has committed a felony or a misdemeanor in the officer's presence. The authority to arrest without a warrant also extends to cases in which there is probable cause to believe that one of a limited number of misdemeanors is being committed (section 23–306, D.C. Code). These misdemeanors include: possession of the implements of crime (section 22–3601), unlawful possession of a pistol (section 22–3203), carrying concealed weapons (section 22–3204), possession of prohibited weapons (section 22–3214), possession of lottery slips (section 22–1502), and certain offenses involving narcotics (sections 33–402(b) and 416a(c)).

This bill would authorize a police officer to arrest a person without a warrant if he has probable cause to believe that the person has committed a simple assault, unlawful entry, receiving stolen goods, attempted housebreaking, attempted grand larceny, or attempted unauthorized use of a motor vehicle. In addition, the officer must have probable cause to believe that unless the suspect is arrested immediately he will not be apprehended or he may cause injury to others or damage to property or may destroy evidence.

Although the bill speaks of conferring arrest authority only on officers and members of the Metropolitan Police force, it actually confers similar authority on officers and members of the Park Police (see section 4–201, D.C. Code) and the White House Police (see 3 U.S.C. 202).

Second: The "obstruction of criminal investigations" bill would amend existing law relating to obstruction of justice in the District of Columbia. Present law makes no provision with respect to the obstruction of an investigation prior to the institution of criminal court proceedings. The bill would make it unlawful to obstruct, delay, or prevent the communication by any person to an investigator of the District of Columbia government, including officers and members of the Metropolitan Police force, of information relating to a criminal offense, even if proceedings are not pending in court.

Third: This bill would authorize members of the Metropolitan Police Department to release a person, either without formally arresting him or after an arrest without a warrant, by issuing him a citation for later appearance. At present the police are required to bring to the precinct for booking all persons who are arrested and, except where collateral or bond is allowed, to take them to a judicial officer. The citation could be issued either at the precinct after arrest or on the street without taking the accused into custody. The proposed release procedures would be governed by rules to be issued by the District of Columbia Court of General Sessions and would have judicial sanction. These rules would relate to the offenses for which citations may issue as well as the circumstances and procedures pertaining to their use. Persons who fail to respond to citations would be subject to prescribed penalties.

To assist the police in implementing the proposed citation authority, the District of Columbia Bail Agency Act would be amended to authorize the agency to furnish them information concerning persons being considered for release on citation.

This proposal will permit policemen to devote a greater portion of their time to the most important tasks of crime prevention and detection, and less to feeding, housing, transporting, and attending in court with arrested persons. Also, accused persons released on citation will no longer suffer the obvious disadvantages flowing from unnecessary incarceration in the time between their arrest and bail hearing.

Fourth: This bill deals with the problem of material witnesses. Present law fails to spell out directions for the police in taking material witnesses into custody. The only statutory provision on the subject is found in section 4–144 of the District of Columbia Code, which speaks only of the provision of suitable accommodations for the detention of witnesses who are unable to furnish security for their appearances in criminal proceedings.

This bill would amend this statute to authorize the police to take a person into custody pursuant to a warrant if there is probable cause to believe that the person witnessed the commission of a felony, his testimony will be material at the trial of a person charged with the crime, and he will not be available to testify if not taken into custody. The policeman may act without a warrant on the same grounds, if his action is taken at the scene of the crime. The officer would be required to bring the witness before a judicial officer immediately and the judicial officer is to treat the witness as required by the Bail Reform Act of 1966. That Act established procedures for judicial officers to determine whether persons taken into custody actually witnessed the commission of a felony and whether their testimony will be material. The Bail Reform Act provides for the release of such persons pending trial or detention pending depositions, as well as for penalties for willful failure to appear after release.

The bill also provides compensation for material witnesses equivalent to that for witnesses attending before the United States District Court for the District of Columbia.

Fifth: A Commission on Revision of the Criminal Laws of the District of Columbia would be established by this bill. The President's Commission on Crime in the District of Columbia strongly urged that the Congress establish and actively support a Commission to review, modernize, and clarify existing provisions of the District's criminal code.

To illustrate the substantial deficiencies in existing criminal statutes in the District of Columbia, the Crime Commission pointed out that the code now in effect dates back to 1901, that many provisions are archaic, and that it often lacks clarity. Many provisions were found to be confusing and inconsistent.

The President, recognizing that the District requires "a coherent and consistent framework for the arrest and punishment of offenders and control of crime", has proposed an eleven-man Commission to do what is necessary. Two of the members would be Senators appointed by the President of the Senate, and two would be Representatives appointed by the Speaker of the House of Representatives. Four members would be appointed by the Board of Commissioners of the District of Columbia, one of whom the

Board would designate as Chairman. The chief judges of the United States District Court, and the Court of General Sessions would appoint one judge each from among the judges of their respective courts. An Advisory Committee would assist the new Commission in the performance of its duties.

The Commission's functions, generally stated, will be to review case and statutory law and to recommend to the Congress a revised code of criminal law and procedure for the District, including such changes in the penalty structure as will better serve the ends of justice.

The measure provides for the Commission to submit a final report to the Congress and to the Commissioners in three years, with at least one interim report within two years.

Sixth: This bill would treat the subject of narcotic addict rehabilitation in the District. The 89th Congress, in enacting the Narcotic Addict Rehabilitation Act of 1966, declared it to be the policy of the Congress that certain persons charged with or convicted of criminal activity, who are determined to be narcotic drug addicts and likely to be rehabilitated should, in place of prosecution or sentencing, be committed for confinement and treatment designed to effect their return to society as useful members.

Unfortunately, the 1966 enactment is not clear on the question of whether it may be applied in the Court of General Sessions. This bill will eliminate this ambiguity, making it clear that the 1966 Act applies to all offenders prosecuted by the United States Attorney, whether in the Court of General Sessions or the U.S. District Court.

Seventh: This bill would amend the District of Columbia Alcoholic Beverage Control Act to provide that intoxicated persons are subject to arrest only if they conduct themselves in a manner which endangers the safety of other persons or property. Intoxicated persons who do not act in such a manner may be taken into custody by law enforcement officers or public health officials and detained until sober in a facility staffed and equipped to provide appropriate medical services. Records will be maintained concerning each person taken into protective custody, but such custody will not be recorded or regarded as an arrest.

Such bill offers a meaningful alternative to the present law which treats all drunks as criminals and burdens our police and our courts without benefit to the public or the drunks.

Eighth: The final bill deals with five miscellaneous anti-crime provisions.

Supervised Release: The Supervised Release provision of this bill is designed to facilitate effective supervision of persons conditionally released by the courts. At present there is a substantial void with respect to the supervision of persons released by the courts either in advance of their trials or pending appeal. This provision will allow the Commissioners to designate the Department of Corrections to supervise such persons. It will also authorize the District of Columbia Bail Agency to make available to the Commissioners or their representatives investigative reports with respect to persons to be released under their supervision.

Supervised Release of Youth Offenders: This Youth Offenders provision of the bill would transfer the authority tc provide for the treatment, rehabilitation, and conditional release of Federal youth offenders who are in institutions of the District of Columbia from the United States Bureau of Prisons and the Youth Corrections Division of the United States Board of Parole to the Board of Commissioners of the District of Columbia. The Board of Commissioners under the authority vested in it by Reorganization Plan No. 5 of 1952 (66 Stat. 824) would delegate responsibility for administering the youth correction program to the Director of the Department of Corrections, and responsibility for release or discharge to the District of Columbia Board of Parole, in accordance with the recommendation of the District of Columbia Crime Commission.

Under existing law, an offender who is sentenced under the provisions of the Federal Youth Corrections Act and committed to a District of Columbia institution, is under the supervision of District authorities while in the institution, but under the supervision of the Youth Corrections Division of the United States Board of Parole for purposes of conditional release. After release, he is supervised by the United States Probation Service. This provision will place such youth offenders under the supervision of the Department of Corrections while committed and after release. Hence, local authorities will have a continuing jurisdiction over such offenders, permitting of the maintenance of a continuity of treatment which should bring about more effective results.

Federal Prison Industries: The Crime Commission reported that the work program in the District is currently directed toward providing inmates with a job inside the institution, rather than preparing him for opportunities which will be available to him on release. To rectify this, the Commission recommended that the District of Columbia contract with Federal Prison Industries for the reorganization and future operation of its industries program.

This government corporation, organized in 1934, provides training and employment oriented to the outside market. Its operations involve, among others, electronic repair; the manufacture of clothing, furniture, textiles, tools and machinery; furniture repair, and printing. Training is also available in business, management, and clerical skills. Various Federal departments and agencies purchase the goods produced. Federal Prison Industries has the technical competence, the financial resources, and the established relationship with industry and government to assist in the development of a model industries system for the District of Columbia. The bill would effectuate this recommendation.

Pleading Insanity—Escape of Mentally Ill: This provision would require defendants in the District of Columbia who intend to rely on insanity as a defense to provide adequate notice of such intent to the court and the prosecution. Usually, the prosecution becomes aware that a defendant intends to rely on the insanity defense when he files a pretrial motion for a psychiatric examination. In some instances, however, there is no advance notice—as in the case of the defendant who is on bail and is examined by his own psychiatrist. When this happens, the prosecution may be unprepared to meet its burden and must seek a continuance in midtrial. Since it is generally impossible to obtain a continuance of sufficient length to permit adequate psychiatric diagnosis, the prosecution can be left without any psychiatric evidence. If a continuance is granted, further court congestion results and witnesses and others involved in the matter are seriously inconvenienced.

This proposal would enable courts in the District of Columbia to order the return of persons who escape from District mental institutions after confinement in connection with the prosecution of criminal charges. At present there is some doubt as to the authority of the Court of General Sessions to order such a return. Consequently, there is considerable doubt as to the authority of any court to order a return when the escapee has been acquitted by reason of insanity and no charges against him remain outstanding.

Witness Fees and Travel Allowances: This provision would amend section 15-714(a) of the District of Columbia Code to increase the present daily witness fee for attendance at criminal cases in the District of Columbia Court of General Sessions and to provide travel allowances for such witnesses. The existing witness fee of 75 cents per day in criminal cases in the District of Columbia Court of General Sessions is too low. This provision provides for the payment of fees and travel allowances equivalent to those paid to witnesses who appear before the United States District Court for the District of Columbia, which is presently four dollars a day.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BIBLE. I yield to the majority leader.

SENATOR BIBLE—CONGRESS' MOST EFFECTIVE CRIME FIGHTER

Mr. MANSFIELD. Mr. President, Senator BIBLE has one of the Senate's most illustrious records as a crime fighter, both during his 13 years in the Senate and his earlier public life. He began that career as a young prosecuting attorney in Virginia City, Nev. His capabilities were recognized when he was appointed deputy attorney general and elected attorney general of the State of Nevada, serving in the latter post for 8 years. His stature as a crime fighter was recognized across the Nation in 1949 when he became the youngest attorney general in the United States ever elected as president of the National Association of Attorneys General.

Since coming to the Senate 13 years ago, Senator BIBLE has been in the forefront in his quiet but effective actions to curb the onslaught of crime both nationally and locally. As chairman of the Senate District of Columbia Committee, a position which he has never sought but to which he has unanimously been asked by his colleagues to assume, he has worked against tremendous odds to curb crime. During the 87th, 88th, and 89th Congresses, no single subject received greater attention by his committee than crime and its root causes. He conducted more than 30 full days of hearings, and listened to more than 125 witnesses on various pieces of legislation.

Legislation to curb crime in the Nation's Capital which Senator BIBLE's committee handled in the Senate in the 87th Congress included: First, an increase in the number of juvenile court judges; second, a boost in the authorized strength of the Metropolitan Police Department to 3,000 men, with Washington today having more policemen per 1,000 population than any other city in the country; and third, an increase in salary, retirement, and disability benefits for policemen. In the 88th Congress, his committee hearings resulted in an eight-point anticrime program to improve police facilities; overtime and holiday pay increases for policemen; and work on an overall improvement of the District of Columbia criminal justice code. In the 89th Congress, his committee: First, cleared the District of Columbia omnibus crime bill, the most ambitious effort to update District of Columbia criminal laws in a quarter of a century; second, increased from 15 to 20 the number of judges in the District of Columbia general sessions court; third, again increased pay benefits, bringing about a 30½-percent salary increase for policemen in 6 years; fourth, cleared an improved minimum wage law to strike at one of the roots of crime; and fifth, passed improved laws concerning child abuse, parolee discharges and gunshot wound reporting.

Mr. President, the Senate and the Nation owe to the distinguished senior Senator from Nevada a debt of gratitude.

Mr. BIBLE. I thank the distinguished majority leader. I now yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I join with the distinguished Senator from Montana in complimenting the chairman of our committee on his efforts to do something about the crime problem in the District of Columbia. I know of the tremendous effort Senator BIBLE put in on the omnibus crime bill which passed the Senate last year, and the long hours he and many of the rest of us spent in conference, trying to work out an acceptable bill with the House conferees.

We finally, after a long effort, obtained the first bill in history, or in a very long time, dealing with crime in the District of Columbia. Then the President vetoed it apparently on the suspicion that the bill might have some unconstitutional features, instead of letting it be tested in the courts. Not only was the veto a great disappointment, but I do not believe that veto on such a basis is a proper function of the President.

Today, I join as cosponsor of 15 of the 16 measures introduced by the distinguished Senator from Nevada. All of us in this Chamber are increasingly aware of the public concern with rising crime rates throughout the United States. The increasing rates complicated by enforcement problems flowing from recent Supreme Court decisions are causing more and more citizens to inquire, and justly so, "What is Congress doing to stem rising crime and protect the rights of individuals and society in a balanced and orderly manner?"

The distinguished Senator from Nevada has ably presented current statistics on the subject; more detailed historical figures are available in the appropriate Senate, House and conference reports to the omnibus crime bill of the 89th Congress. I wish only to state at this point my alarm that the District of Columbia's crime rate increase in 1966 again surpassed that of the Nation, the District's rate increase being 15 percent as compared to 11 percent for the Nation. Of even more significance is the fact that crimes of violence in the District soared upward 23 percent over 1965. In fact, the crime rate in the District has been steadily climbing since 1957.

As the Nation's Capital, this should be a showplace of law and order, a city to which others may proudly point as an example not of the highest crime rates in the country, not of the unsafe streets at night, but of the objectives they seek to attain. Let those who speak of model cities in our great States first be able to present a model city as the Nation's Capital. As you know, Mr. President, I favor home rule for the District. However, until such time as we have home rule, Congress has the responsibility to do everything in its power to stem crime in this area. To be sure the answer does not lie solely in legislation, but I urge this Congress to strive to fulfill the mandate of article I, section 8 of the U.S. Constitution providing us with the power to "exercise exclusive legislation in all cases whatsoever" for the District of Columbia.

The basic substance of each of the bills introduced today has already been stated. However, I would call to your attention, Mr. President, the bill providing for higher salaries and certain additional measures directed primarily to the recruitment of qualified officers for the Metropolitan Police force. Although there has been a raise in pay of approximately 30 percent since 1962 for such officers, placing the District among the higher ranking cities, our latest information is that difficulty is still encountered in recruiting, and sufficient manpower still has not been acquired to meet the minimum authorized level of 3,000.

It is apparent to me that additional incentives are necessary. For this reason I introduced S. 749 on January 31, 1967, a bill providing for draft deferments for police officers and firemen while employed on a regular full-time basis or while pursuing a course of education or training in law enforcement or firefighting which is Government conducted. It is my firm belief that S. 749 will encourage many of the young men of our land to enter upon law enforcement careers; embarking on a war against crime, a war no less important than the many other wars in which we are now engaged.

I have today joined as cosponsor on all of the bills introduced by the distinguished Senator from Nevada except for the bill providing for arrest without a warrant. The conspicuous absence of my name from this bill demands an explanation. The proposed bill would seem to offer a substantial change in existing law both with respect to the time relationship between the commission of an offense and the arrest, and the substance of the misdemeanor for which the arrest is made.

As I read the present District of Columbia Code, section 4–140, which this bill would amend, arrests may now be made without a warrant for "any" offense prohibited by Congress provided commission takes place "in the presence" or within the "view" of the arresting authority. True, District of Columbia Code, section 23–306 allows arrest without a warrant for certain named misdemeanors, but it must be noted that arrests based on probable cause for the listed misdemeanors are limited to those where the person arrested "is violating the section involved at the time of the arrest." This, I submit, is already in accord with the general rule across the country.

Actually District of Columbia Code section 23–306 is one example of the ambiguities found in the outdated criminal laws of the District, for this section apparently lumps together as one, arrest on probable cause and arrest for perpetration in the presence of the arresting authority. My understanding is that traditionally these have formed the basis for two differing types of arrest and are based upon factors peculiar to each.

The proposed bill would alter this situation by permitting arrests for named misdemeanors where there is probable cause to believe the defendant "has committed" the offense. Thus the arrest might be made some time after the violation.

Moreover, the misdemeanors now listed in District of Columbia Code section 23–306 seem to have the common characteristic of possession of an item at the time of arrest. This differs markedly from the misdemeanors in the proposed bill. Though my initial impressions preclude me from cosponsoring the measure, I wish to make it clear that I do not object to its introduction.

With respect to the bill dealing with the provision commonly referred to as the Mallory rule, I would like to state for the record that I cosponsor this bill with some reservation. Legislation of a similar nature was the subject of considerable debate in the last Congress. I have not yet put at rest in my own mind possible constitutional objections which may arise as a consequence of any such legislation. However, the Mallory issue of such a complex and controversial nature that efforts should be made to bring it to the forefront in this Congress at an early date. Therefore, I join in cosponsoring it in the belief that, even though it may not contain the answer, it will serve to focus attention on the problem and hopefully aid us in arriving at a just solution.

Mr. President, legislation on crime has been under study in the 78th, 88th, 89th, and now the 90th Congresses. The report of the District of Columbia Crime Commission was issued in December 1966, containing a detailed survey of the critical problems with which we are confronted in our Capital city. The report by the President's Commission on Law Enforcement and Administration of Justice entitled "The Challenge of Crime in a Free Society" was made public in February of this year.

A third commission would be created under the provisions of one of the bills introduced today with the object in mind of revision of the District of Columbia criminal laws, many of which date back 66 years to 1901.

I enthusiastically endorse the creation of such a commission.

At the same time I stress that adequate information is at hand for this Congress to complete some legislation prior to receipt of anticipated revision reports. We must not flounder in discouragement over the administration's veto of the omnibus crime bill of the 89th Congress; rather it must serve to bind even tighter our steady resolve to meet the crime wave with renewed and persisting efforts. We must strive to protect the rights of the individual in our society, but these rights must be developed and protected in their proper prospective.

We must not lose sight of the fact that the rights of one individual end where they infringe upon the rights of another.

Mr. President, at this point I again congratulate the distinguished Senator from Nevada for the fine work he has done, and assure him of my support in working in whatever way we can—and I say this as a defense attorney, not a prosecuting attorney—to strengthen our laws in order that crime can be controlled in this area.

Mr. BIBLE. Mr. President, I certainly appreciate the sentiments expressed by the Senator from Colorado.

As I said in my speech while introducing these various bills, no one has been of more help to me and to the committee in attempting to come forth with a workable and constitutional crime bill than the Senator from Colorado.

I salute him. I am happy that he is joining me in fighting side by side in this matter.

I share his view of consternation over the veto of this legislation. I think it was wrong. Even though lawyers can honestly differ in the constitutional area involved, I believe that was a matter, in view of the crisis facing us, that should have been determined by a court and not summarily dismissed.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BIBLE. I will yield to the Senator from West Virginia, if I have any time remaining.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Nevada have an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I congratulate the Senator from Nevada on his continuing, close surveillance and vigilance with regard to the need for legislation to deal with the growing crime rate in the District of Columbia.

I associate myself with his remarks concerning the veto last year of the bill that had been passed by Congress after long years of study.

I think the veto was a serious mistake. I join with the Senator in his expression of concern with regard to that veto, and I trust that if legislation is passed by this Congress to deal with the crime situation it will not be summarily vetoed at the other end of the city.

I think that such legislation should be afforded an opportunity to be ruled on in the courts, because something needs to be done in this matter.

I congratulate the senior Senator from Nevada on the action that he is taking in introducing these bills today. I intend to support them.

Mr. BIBLE. I thank the Senator from West Virginia. He has been a strong ally. I share the views he has expressed.

FAIRPORT, N.Y., URBAN RENEWAL

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to allow the village of Fairport, N.Y., to apply certain moneys which it expended for construction of a municipal facility complex as the village's local contribution for a new urban renewal project—Perrin Plaza. This community has seen fit to spend a great deal of its resources upon the construction of a new municipal complex which will certainly enhance the urban renewal project it seeks to begin.

It is my hope that this body will see fit to extend to this village the availability of a credit for funds expended. The technicalities of the existing law would preclude Fairport's receiving a credit since some aspects of the municipal facility do not directly benefit the urban renewal area.

Mr. President, I ask unanimous consent that the bill may be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1528) to make certain expenditures made by the village of Fairport, N.Y., eligible as local grant-in-aid for the purpose of title I of the Housing Act of 1949 introduced by Mr. Javits, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 1528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the extent to which the village and town hall complex proposed to be located within the Perrin Plaza urban renewal project, New York R–216, in Fairport, New York, may benefit areas other than the urban renewal area, expenses incurred by the village of Fairport for the rehabilitation or construction of buildings comprising such municipal facility shall, to the extent otherwise eligible, be counted as grant-in-aid toward such project.

CONVEYANCE OF CERTAIN UNDERWATER LAND TO CITY OF BUFFALO, N.Y.

Mr. JAVITS. Mr. President, it has come to my attention that 51 acres of underwater lands in the Times Beach section of Buffalo, N.Y., have inadvertently become vested in the United States due to a title irregularity which occurred in 1904. The city of Buffalo and the U.S. Corps of Engineers both now agree that the passing of time—some 63 years—has satisfied the local rule of law that title to property cannot be disputed if it remains on record undisturbed for 60 years. If the land now is to come into the hands of the city of Buffalo, as was intended, so that the entire area may be developed for recreation, then the Congress must pass legislation to effectuate this purpose.

My bill would convey this underwater land which the Secretary of the Army has approved as excess to the needs of the Army on January 31, 1967. I hope it receives prompt attention so that the city of Buffalo may get on with its recreational development project.

I ask unanimous consent that the bill may be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1529) to provide for the conveyance of certain real property of the United States underlying Lake Erie to the city of Buffalo, N.Y., introduced by Mr. Javits, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 1529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army shall convey, without monetary consideration, to the city of Buffalo, New York, all right, title, and interest of the United States in and to certain real property underlying Lake Erie containing approximately 51 acres and more particularly described in section 2 of this Act, on condition that such real property be used for recreational development purposes and if such property shall ever cease to be used for such purposes, title thereto shall revert to the United States.

Sec. 2. The real property referred to in the first section of this Act is more particularly described as follows:

(1) Parcel E.—Beginning at the point of intersection of the south line of outer lot 39 prolonged and the shoreline of Lake Erie at mean lake level;

thence westerly in a prolongation of said south line of lot 39 140 feet, more or less, to the shoreline of Lake Erie in 1846;

thence southwesterly at right angles with the established harbor line 1,140 feet, more or less, to the said harbor line;

thence northwesterly along said harbor line 1,310 feet, more or less, to the point of intersection of said harbor line and a line at right angles thereto passing through the point of intersection of the shoreline of Lake Erie in 1846 and a line 330 feet northerly at right angles from and parallel with the south line of outer lot 36;

thence northeasterly at right angles with said harbor line 1,115 feet, more or less, to the shoreline of Lake Erie in 1846;

thence easterly parallel with and 330 feet northerly at right angles from the south line of lot 36 and along the north line of lands deeded to the United States Government September 25, 1847, 147 feet, more or less, to the shoreline of Lake Erie;

thence southeasterly along said shoreline of Lake Erie at mean lake level 1,320 feet, more or less, to the point of beginning containing 37.50 acres, more or less.

(2) Parcel C–B–.—Beginning at the point of intersection of the shoreline of Lake Erie at mean lake level with the northerly line of lands deeded to the United States Government, October 21, 1846, said line also extending in a due east and west direction and passing through the northwest corner of outer lot 36, said point of beginning being also 260 feet, more or less, west of the said northwest corner of outer lot 36;

thence southeasterly along said shoreline of Lake Erie at mean lake level 370 feet, more or less, to a line 330 feet northerly at right angles from and parallel with the south line of lot 36, said line being also the north line of lands deeded to the United States Government, September 25, 1847;

thence westerly along said last described line 140 feet, more or less, to the shoreline of Lake Erie in 1846;

thence southwesterly at right angles to established harbor line 1,115 feet, more or less, to the established harbor line;

thence northwesterly along said harbor line 465 feet, more or less, to the point of intersection of said harbor line and a line at right angles thereto passing through the point of intersection of the shoreline of Lake Erie in 1846 and the line extending in a due east and west direction and passing through the northwest corner of outer lot 36;

thence easterly at right angles to established harbor line 1,115 feet, more or less, to the shoreline of Lake Erie in 1846;

thence east on the line extending in a due east and west direction and passing through the northwest corner of outer lot

36 220 feet, more or less, to the point of beginning, containing 13.50 acres, more or less.

PROVISION OF ADDITIONAL PROTECTION FOR THE OWNERS OF PRIVATE VESSELS

Mr. MAGNUSON. Mr. President, the legislation which I am about to introduce is designed to alleviate the economic losses which have been, and continue to be, sustained by American citizens on the high seas off South America and in other areas.

Mr. President, the world presently recognizes 12 miles as the maximum jurisdiction which any nation may claim exclusively for either territorial or fishery rights. Despite this, the American tuna and shrimp fleets continue to be harassed by foreign nations in waters which this Nation, and the rest of the world, for that matter, recognizes as the high seas.

I am particularly concerned today with the plight of the American tuna fleet which ranges off South and Central America, primarily from ports in southern California. This is not, however, a problem of concern only to Californians, for a number of people from the Pacific Northwest are builders, owners, and/or operators of tuna vessels.

Since the early part of this century, the American fishing fleets have been carefully developing the tuna fisheries in this area. In 1966 alone, 14 U.S. tuna vessel seizure incidents occurred in the Eastern Pacific, owners of nine such vessels have paid nearly $85,000 in fines to foreign governments for the purpose of securing the release of their vessels and crews. Although the Department of State has been unable to prevent these seizures, which, I might note, are continuing in 1967, Public Law 680 of the 83d Congress, commonly referred to as the U.S. Vessel Protective Act, provides for reimbursement to the amount of the fine actually paid to the foreign country in order to secure the prompt release of the vessel and crew. This is, of course, necessary, but it does not provide for any reimbursement for damage or destruction of the vessel, loss or damage of fishing gear or other equipment, dockage fees, utilities or seized fish. Nor is there any provision for lost fishing time.

Mr. President, earlier I mentioned some of the seizures which have occurred. I have here a memorandum, prepared by Mr. August Felando, general manager of the American Tunaboat Association of San Diego, Calif., which not only sets forth in detail some of the more recent incidents, but provides a summary of the seizures, detentions, and harassments which occurred in 1966, noting the countries involved. I ask unanimous consent that this memorandum be inserted in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

AMERICAN TUNABOAT ASSOCIATION,
San Diego, Calif.

MEMORANDUM

On January 7, 1967, the Ecuadorean Naval Vessel, *Gayambe*, Number R-51, intercepted and seized three (3) United States Flag tuna fishing vessels on the high seas.

The seizure of the U.S. vessel, *New Era*, Official Number 250 382 occurred at about 1900 hours, EST, at a location 40 miles off the coast of Ecuador. The Captain of the Ecuadorean vessel gave the position 02 degrees, 40 minutes South, 81 degrees, 20 minutes West. Two armed guards were placed aboard the *New Era* and the vessel was directed to the port of Salinas, Ecuador.

The seizure of the U.S. vessel *Victoria*, official Number 249 539, occurred at about 2000 hours, EST, at a location 50 miles off the coast of Ecuador. The Captain of the naval ship gave the position 02 degrees, 38 minutes South, 81 degrees, 26 minutes West. After interception, two armed guards were placed aboard the *Victoria* and the vessel was directed to Salinas, Ecuador.

The seizure of the U.S. vessel *Endeavor*, Official Number 248 022, occurred at about 2300 hours, EST, at a location 60 miles off the coast of Ecuador. The Captain of the naval ship gave the position 02 degrees, 40 minutes South, 81 degrees, 42 minutes West. Because of rough weather, guards were not placed aboard the *Endeavor;* the ship was escorted into Salinas, Ecuador.

The Ecudorean naval vessel is a former U.S. Navy sea-going tug. The *New Era* is a 113.9 foot registered length, of 283 gross tons, 150 net tons. The *Victoria* is of 128.3 feet registered length, of 384 gross tons, 176 net tons. The *Endeavor* is of 132.0 feet registered length, 427 gross tons, 168 net tons. There are 12 men aboard the *New Era*, which operates from Coischo, Peru. There are 13 men aboard the *Victoria* and the same number aboard the *Endeavor*.

At the time of the interceptions, no U.S. vessel was fishing for tuna. All of the vessels were traveling towards Peru at the time of the seizure incidents.

At the time of each of the seizures, the arresting officer charged the American vessels with violating the Ecuadorean law, namely of fishing within 200 miles of the coastline without an Ecuadorean fishing license.

Hearings were conducted and completed by the Captain in the Port of Salinas on Monday, January 9, 1966. Fines were imposed as follows: *New Era* fined $7200 plus the requirement to purchase a license and matricula: *Victoria* fined $8,448 plus requirement to purchase a license and matricula; *Endeavor* fined $8,064.

On January 20, 1967, the *Sea Preme* was seized 60 miles off Ecuador and fined $12,528 plus purchase of a license and matricula.

On January 26, 1967, there were two seizures off Peru: the *Caribbean*, fined $10,888, seized 14 to 15 miles off Peru; and the *Hornet*, fined $10,072 and seized 19 to 20 miles off Peru.

A Canadian vessel, the *Pom Pom*, on January 14 was seized 35 miles off Ecuador. It was released January 26 and it is reported that the fine was $5,550.

Five of the six U.S. seizures occurred after 6:00 p.m., after dark.

With respect to Ecuador, we estimate that in addition to payment of the fines, the vessels were obligated to pay $8,878 for license and matriculas in order to permit them to be released and to avoid further seizures. In addition, other vessels operating on the high seas have felt compelled to purchase licenses to avoid seizure. Some vessels, even though they had purchased licenses, were boarded (the *Pilgram* was boarded 4 times). Others have been stopped and intercepted. It is hard to record the number, but it has been extensive, especially off Ecuador.

There would have been many more seizures if all vessel owners off Ecuador and Peru had followed the advice of the State Department and not bought licenses.

Fines are determined as follows: In Ecuador they fine the vessel 4 times the cost of a license, i.e. $48 times the net tonnage of the vessel as indicated in the vessel's marine document issued by the Bureau of Customs, Treasury Department. In addition, the Ecuadoreans also require the purchase of a license and matricula, which is an additional $12 times net tonnage of the vessel, plus $200. Based on our experience in Ecuador, port fees amount to approximately 2% of the total amount of money paid out for fines and licenses.

In Peru the fine is determined on the basis of $23 times the net tonnage of the vessel. In the Port of Talura the Captain of the Port, who is also in charge of the Naval Zone of North Peru, has not required purchase of licenses and matricula as a further condition for release of the vessel. The Port Captain of Chimbote has imposed a fine and also required the purchase of a license and matricula. In other words, he has duplicated the action taken by Ecuadorean authorities.

The License is a fishing permit for a period of time—for 85 or 100 days, depending on location where the license is purchased.

The Matricula is registration for a calendar year. Every boat must pay this requirement to obtain a license in Ecuador. In Peru, however, they require the purchase of a license to obtain a matricula; the purchase of a license is conditional to the possession of a matricula. In other words, the procedure is exactly the opposite in Peru from that in Ecuador. In Ecuador a matricula is $200 a year; in Peru, $500 a year.

Under the U.S. Vessel Protective Act, the owners may file a claim for reimbursement for the amount of the fine paid. No reimbursement is made for the other costs involved in actually releasing the vessel, e.g. the license fee that must be paid for the release of the vessel, the other port charges incurred to enter and clear port, and loss resulting from the forced idleness of the vessel.

Following is a list of seizures, detentions and harassments which occurred in 1966:

Vessel name, date, country

Day Island, February 1966, Colombia.
Sun Europa, March 1966, Panama.
Mauritania, April 1966, Peru.
Day Island, May 1966, Panama.
Chicken of the Sea, May 1966, Peru.
Day Island, May 1966, Peru.
San Juan, May 1966, Peru.
Pilgrim, May 1966, Peru.
Concho, May 1966, Peru.
Sea Preme, May 1966, Peru.
Elsinore, May 1966, Ecuador.
City of Tacoma, June 1966, Ecuador.
Clipperton, June 1966, Ecuador.
Sun Europa, October 1966, Peru.
Ronnie S., October 1966, Peru.
Eastern Pacific, October 1966, Peru.
Shamrock, October 1966, Mexico.

Mr. MAGNUSON. Mr. President, from the foregoing, I think it is fairly obvious that there is urgent need for further legislation in this area to assure protection of our American fishermen on the high seas in their lawful harvest.

I ask unanimous consent that the text of the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1536) to provide additional protection for the owners of private vessels of the United States from costs incurred incident to the seizure of such vessels by foreign countries, introduced by Mr. MAGNUSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971–1976), is amended by adding at the end thereof a new section to read as follows:

"SEC. 7. (a) In any case where a vessel of the United States, which is documented or certified as a fishing vessel, is seized by a foreign country and detained under the conditions of section 2 of this Act, the Secretary of the Treasury shall pay such sums as the Secretary of the Interior determines to be equitable—

"(1) to reimburse the owners of such vessel for all costs directly resulting from such seizure and detention, including, but not limited to, the damage or destruction of the vessel, the loss or damage of fishing gear or other equipment, dockage fees, utilities, and seized fish;

"(2) to compensate the owners of such vessel and its crew for the fish that were not caught as a direct result of such seizure and detention based on the value of the average catch per day at sea during the three most recent calendar years immediately preceding such seizure and detention either (A) of all fishing vessels of the United States engaged in the same fishery as that of the type and size of the seized vessel, or (B) of the vessel seized, whichever, as determined by the Secretary of the Interior, is the most reasonable and equitable: *Provided,* That such compensation shall be distributed by the Secretary in accordance with the usual practices and procedures of the particular segment of the United States commercial fishing industry to which the seized vessel belongs relative to the sale of fish caught and the distribution of the proceeds of such sale;

"(b) All determinations made under this section shall be final. Persons receiving payments made under this section for such seizure and detention shall not be eligible to receive any compensation, reimbursement, or other payments for such seizure and detention under any other provision of Federal law. The United States shall be subrogated to all rights or benefits accruing under any other provision of Federal or State law or policy of insurance to any person eligible for payments under this section. The Secretary of the Interior, in consultation with the Secretary of State and the Secretary of the Treasury, shall issue such rules and regulations as he deems advisable to carry out the provisions of this section."

SEC. 2. Section 3 of the Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1973) is amended by inserting "or license fees, or both," after the word "fine" wherever it appears.

PROMOTION OF DOMESTIC AND FOREIGN COMMERCE BY MODERNIZING CERTAIN PRACTICES

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise, and conveyances moving into, through, and out of the United States, and for other purposes.

This measure is identical, except for the date when it becomes effective, to a bill—an amendment in the nature of a substitute to S. 1596, 89th Congress—which was reported unanimously by the Senate Commerce Committee on August 17, 1966, and which passed the Senate on August 22, 1966. Because of the lateness of the session, the House was unable to act on the bill. The bill would accomplish two principal objectives. First, under existing law, it is mandatory, except in certain limited instances, that operators of aircraft, railroads, pipelines, and vessels reimburse the Government for any inspection services—such as provided by the Bureau of Customs, the Public Health Service, and the Department of Agriculture and so forth—performed during Sundays and holidays. The bill would permit the inspection agencies to perform free service on Sundays and holidays if justified by demand in the same manner as they now provide free service during the weekdays. Second, the bill would permit the Secretary of the Treasury to prescribe a uniform flat fee, applicable to operators of private aircraft and private vessels, sufficient to cover any cost which the inspection agencies might incur in providing special inspection services to such operators during other than regularly established hours. The act becomes effective on July 1, 1968, or such earlier date as the Secretary of the Treasury may prescribe.

Overtime and reimbursement practices of the various inspection agencies differ substantially, and the lack of uniformity of the laws governing such practices contributes to further aggravate the problem. Some of these laws are particularly antiquated, having been designed to meet the needs of international commerce over 50 years ago. For example, at present, a customs inspector is entitled to overtime compensation at rates set by statute and varying in degree dependent upon the day and hour the work is performed.

A customs inspector is entitled to 2 full days' salary for duty performed on Sundays and holidays, irrespective of the amount of time that he is required to remain at his post. However, the law requires that the Government be reimbursed for any costs which it incurs in connection with Sunday or holiday overtime compensation.

The present practice of Customs is to collect the maximum amount from aircraft or pleasure boat operators which would be due absent the arrival of subsequent aircraft or boats. Consequently, the first private aircraft or pleasure boat operator to arrive at a port or airport on a Sunday or holiday would be charged the full 2 days' salary of the inspecting officer. If the officer was a GS–9 step 5 inspector, he would collect $63.36. The second arrival would be prorated with the first and charged one-half the full overtime rate or $31.68. The third arrival would be similarly prorated and would pay one-third of the total or $21.12. The fourth arrival would pay one-fourth; the fifth, one-fifth and so on. When the day is concluded and the final arrival has been cleared, the customs officer then prorates the total overtime among all of the day's arrivals.

The appropriate customs office in the area then issues refund checks to all but the last arrival. Refunds often take several weeks to a month or longer. Clearly, such a system is archaic, cumbersome, and entails needless and time-consuming paperwork. The uncertainties and the inability to anticipate inspection charges discourage travel into this country.

These uncertainties and the attendant confusion of the aircraft and pleasure boat operator are compounded even further as a consequence of the varying rates of overtime which inspectors of the different services receive and the varying requirements for reimbursement. This is true not only of Sundays and holidays but on weekdays during other than normal hours. For example, an immigration inspector is entitled to the same rate of holiday overtime as a customs inspector, but reimbursement is frequently not required. An agriculture inspector would not charge for services, for example on a holiday, if it was a part of his regular administrative workweek. The Public Health Service charges for services in certain instances and waives reimbursement in others. As a result an aircraft or vessel operator, entering the country at a given port would be required to pay overtime if a customs inspector was on duty but frequently would be charged nothing if an immigration inspector was on duty.

Mr. President, I believe enactment of this bill will help materially in resolving many of the objectionable reimbursement problems to which the public is subjected and will represent a substantial step forward in improving and updating the practices and services of the inspection agencies.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1537) to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise, and conveyances moving into, through, and out of the United States, and for other purposes, introduced by Mr. MAGNUSON, was received, read twice by its title, and referred to the Committee on Commerce.

AMENDMENT OF SECTION 5(a) OF CLAYTON ACT WITH RESPECT TO EVIDENTIARY EFFECT OF CERTAIN JUDGMENTS AND DECREES

Mr. HART. Mr. President, a basic premise of the antitrust laws is that when toes are stepped on the first one to yell will be the man who owns the toes.

Granted, the antitrust laws provide Government agencies with authority to move against business practices which tilt the free enterprise system out of kilter. But Congress made it clear it counted on—and with the "carrot" of treble damages, encouraged—private enforcement.

To smooth out some of the bumps in the always-rocky road of private enforcement, Congress, in 1914 in the Clayton Act, assured private litigants they would not have to re-prove violations—but only that they had been damaged—if the Government already had won a criminal case on the same facts.

Section 5 spelled out that final judgments or decrees in Federal criminal prosecutions were prima facie evidence in private civil antitrust cases.

But no mention was made in the Clayton Act about whether nolo contendere—no contest—pleas could be used in the same way. Frankly, I suspect this may have been because in 1914 Congress tended to think of antitrust cases as we today think of murder cases: two pleas can be expected—"guilty" or "not guilty."

Defendants in Government antitrust cases were quick to take advantage of what may have been congressional oversight and the nolo contendere plea became exceedingly popular.

In fact, of the 235 cases the Department of Justice brought from 1957 to March 1966, 66.8 percent—or 157—ended in nolo pleas. This despite the fact that Justice opposed 108 of the 157 allowed by the court.

Of course, there are many reasons why a defendant may choose to plead no contest and take the full criminal penalty rather than fight the case in court. The distinguished antitrust defendant's lawyer, Judge G. Bruce Bromley, spelled several out for the Senate Antitrust and Monopoly Subcommittee last year. But still the fact stands: once that plea has been accepted by the court and despite the fact that the defendant is handed a piece of paper called a judgment of conviction, fined, and may even go to jail, no mention of the Government's case may be made in any private case.

This, I submit, was not the intent of Congress when it enacted the Clayton Act. However, a line of court decisions since 1939 have established it the law. Today, I reintroduce a bill which would alter the law—putting it back in touch with the general spirit of the antitrust laws.

As President Wilson told Congress when he sent up the Clayton Act in 1914:

> It is not fair that the private litigant should be obliged to set out and establish again the facts which the government has proved. He cannot afford, he has not the power, to make use of such processes of inquiry as the government has command of.

Many today complain that we are in the era of big brotherism—when Government does all for its citizens and lets them do nothing for themselves. This bill seeks just the opposite: an opportunity for each man to help himself.

Mr. President, critics of the bill last year protested that its passage may lead to thousands of "harassment" suits for American corporations. Statistics developed during hearings on the bill, I think, put that fear to rest.

To put it in perspective, let me remind you that the Department of Justice brought only 40 antitrust actions in 1965. If the pattern should be followed that some 66 percent of those end in nolo pleas, we could expect 27 of those cases to be affected by this bill.

Such a number might seem minute in these halls where we talk normally of millions and billions. But to a businessman faced with bankruptcy because of the unfair competition spelled out in those cases, it is a case of economic life and death.

Then, as is spelled out in last year's testimony, being able to use that nolo plea as prima facie evidence in a case could cut the cost of the suit to one-tenth. To many businessmen injured by uncompetitive practices, that 1-to-10 ratio is the difference between fighting back or going under.

Or, it is the difference between just yelling when your toes are stepped on or responding with an effective law suit to the one who did the stomping.

The antitrust laws count on individual businessmen fighting back.

Mr. President, I introduce today and ask appropriate reference for a bill designed to let them do just that.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1538) to amend section 5(a) of the Clayton Act with respect to the evidentiary effect of judgments and decrees entered in proceedings instituted by the United States under the antitrust laws, introduced by Mr. HART, was received, read twice by its title, and referred to the Committee on the Judiciary.

APPELLATE REVIEW OF SENTENCES

Mr. HRUSKA. Mr. President, I send to the desk a bill which has for its objective the amendment of chapter 235 of title 18 of the United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States, and I ask that it be appropriately referred.

Mr. President, the recent report of the National Crime Commission, "The Challenge of Crime in a Free Society," directs attention to the problem of sentencing disparity. It states the problem as follows:

> That different judges sentence differently is, and always has been, a major and justified complaint against the courts.

One of the devices the report recommends for dealing with sentence disparity is appellate review of sentences. The report comments:

> Appellate review of sentences affords the occasion for a systematic and continuous examination of sentencing policy by an appellate court. Authority for appellate review of legally imposed sentences has been expressly granted by the legislatures of 12 States and by Congress for the military courts. In addition, the appellate courts of a few States have construed their laws to grant such authority. However, in at least 31 States and the Federal system sentencing power is vested solely with the trial judge.
>
> Appellate review would encourage the development of uniform and considered sentencing policies within a jurisdiction. It leads both the trial court and the appellate court to give sustained and explicit consideration to the justification for particular sentences. It provides a workable means of correcting unjust and ill-considered sentences, particularly those in which the punishment imposed is grossly inappropriate.

As these words so clearly state, we need to improve our judicial system by providing for this review. Accordingly, I introduce for appropriate reference a bill to provide for appellate review of sentences imposed in criminal cases arising in the district courts of the United States.

Under existing Federal law, the determination of sentences in criminal cases is left to the unsupervised discretion of the district judge before whom the case is brought. It is not reviewable by appeal if the sentence imposed is within statutory limits. Regardless of the excessiveness or unjustness of the term imposed, an appellate court is powerless to modify it in any way.

This basic shortcoming in criminal procedure has produced serious and needless inequities and disparities. While steps taken by the judiciary, such as sentencing institutes, have provided substantial progress toward better sentencing practices, such procedures are not enough.

This is not to suggest that the right of appellate review will solve all of the difficult problems in the determination of proper sentences. It will provide an additional significant tool for improving the sentencing process. The judicial process would have the means of reaching and reviewing undeniable mistakes. It would facilitate the development of proper sentencing practices and standards. In other words, an important gap in the present system would be closed.

Valid reasons exist for variations in sentences for the same crime. Certainly, a sentence which may be quite proper in a case involving one defendant and a set of circumstances may be grossly inadequate in dealing with the same offense committed by a different type of individual or under aggravated circumstances. But where the same crime has been committed by similar offenders under similar circumstances, the punishment should be reasonably uniform. Disparities based solely upon the personality of the judge passing sentence are unjust.

Other phases of the work of trial judges are subject to appellate review and supervision. Only sentencing errors are immune to correction on appeal. The reasons for such a gap are for the most part historical. Such reasons are becoming irreconcilable with the standards of due process and are not in step with the need for a fair and just sentencing system.

The determination of a proper sentence involves many considerations. Sentencing is not nor can it be reduced to an exact science. The exercise of sound judgment is an indispensable part of the process but that does not justify arbitrary determinations. When judgments cannot be reconciled with reason, it is incredible that the appellate courts should be denied the opportunity to prevent a miscarriage of justice.

This legislation is patterned after bills I have introduced in previous sessions of Congress. It has benefited from discussions in the Judicial Conference, the academic community and in the hearings, which were held last year. Those hearings provided an excellent base for the enactment of this legislation. For example, Judge Stanley Weigel, judge of the U.S. District Court for the Northern District of California, in referring to S. 2722, the bill last year, said:

> The enactment of S. 2722 is bound to be of salutary service in the elimination of severe and unjustified disparity in sentencing. In this, it will serve the cause of justice in many ways. It will right serious wrongs to individuals. It will promote public respect for and confidence in the law and the judiciary. It will free the great majority of trial judges from that species of guilt by association engendered by the very few judges who are far too heavyhanded in laying long terms of imprisonment upon most defendants they sentence. It will ease the problems of discipline in prison (penal authorities will tell

you that the prisoner who has been "oversentenced" is nearly always a problem prisoner). It will help to make possible the rehabilitation of those prisoners who otherwise might be permanently alienated from society by the knowledge that a cruel wrong imposed on them has not been righted. Overall, enactment of S. 2722 will bring needed improvement in an important aspect of the administration of criminal justice.

During the consideration of the subject, two questions were of primary concern. They stem from the fear that adoption of the concept would provide a burden which the appellate courts could not bear. The first is the length of sentence which could be reviewed. The second is whether a right of appeal should be granted or discretionary power to appeal should be given to the courts of appeal.

These questions have been resolved by providing that leave to appeal may be granted in felony cases only. Therefore, we avoid the question whether sentences of 1 year, 3 years, or 5 years are serious enough to merit review. Certainly, a conviction of a felony warrants the most careful study of how punishment shall be meted out. In this manner the most difficult criminal cases will be dealt with fairly. By this means, the courts of appeals can prevent frivolous appeals which might create a burden by refusing to grant leave.

Subsection (a) sets out the leave to appeal in felony cases. It enumerates the situations in which the request can be made.

Subsection (b) spells out the scope of review. If the application is denied, the decision is not further reviewable by the Supreme Court. This will head off successive appeals on a limited issue. On the other hand, if leave is granted, the Supreme Court could exercise its discretionary power to review the decision of the appeals court.

Subsection (c) is the sine qua non of the bill. It differs from S. 2722 by not allowing the court on appeal to increase the sentence imposed. Putting aside constitutional questions on the point, a sense of fairplay dictated this decision. In the final analysis, the power to increase would work to penalize the taking of an appeal—especially when the action is discretionary in the first instance—and probably would become a self-defeating practice. England has come to recognize that it is unfair, it does not exist in our military courts, and no State court with appellate review procedures provides for it.

Subsection (d) provides that the appeal procedure is to be synchronized with the appeal rules generally and if an appeal is taken from an order of conviction as well, it allows the matter to be heard at the same time.

In subsection (e) the bill provides that the defendant shall have the same access to presentence reports on appeal as he had at the lower court. The sentencing judge is required to state for the record his reasons for selecting the particular sentence imposed in every felony case. Every defendant ought to have a right to know why the sentence imposed was selected. By doing so, it might head off a lot of applications as well as contribute to a more rational sentence decision. It would also help the court of appeals to decide whether to grant leave.

The remaining subsections insure that appellate review does not complicate other phases of the sentencing laws or procedures. Subsection (f), requested by the Justice Department, modifies subsection (a) whenever a diagnostic study was ordered prior to imposing sentence. Subsection (g) makes certain that credit for time served is given when the sentence may be changed. Subsection (h) avoids a misinterpretation of the new bail procedures. Subsection (i) avoids any question about retroactivity and affords the courts time to prepare for the new procedure.

I ask unanimous consent that the bill be printed in the RECORD.

The Subcommittee on Improvements in Judicial Machinery, chaired by our distinguished colleague, the Senator from Maryland [Mr. TYDINGS], has considered this proposal over the past year. In addition the American Bar Association has been studying this concept of appellate review. The Judicial Conference of the United States indorsed such a measure in principle in its midwinter meeting this past month.

It is my hope that early action will be taken on this long-needed action which affords a second look at sentences.

The Senator from Maryland is a cosponsor with me on the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1540) to amend chapter 235 of title 18, United States Code, to provide for the appellate review of sentences imposed in criminal cases arising in the district courts of the United States, introduced by Mr. HRUSKA (for himself and Mr. TYDINGS), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 235 of title 18, United States Code, is amended by inserting immediately after section 3741 thereof the following new section:

§ 3742. Appeal from Sentence

"(a) An application for leave to appeal from the district court to the court of appeals the sentence of imprisonment imposed may be filed by a defendant with the clerk of the district court in any felony case in the following instances:

"(i) after a finding of guilt by a judge or jury, whether following a trial or the acceptance of a plea:

"(ii) after the revocation or modification of an order suspending the imposition or execution of a sentence or placing the defendant on probation:

"(iii) after a resentence under any other applicable provision of law.

"(b) Upon granting leave to appeal, the court of appeals may review the merits of the sentence to determine whether it is excessive and may review the procedure whereby the sentence was imposed. If the application for leave to appeal is denied by the court of appeals and the sentence is lawful, the decision shall be final and not subject to further judicial review.

"(c) Upon consideration of the appeal, the court of appeals may dismiss the appeal, affirm, reduce, modify, vacate or set aside the sentence imposed, remand the cause and direct the entry of an appropriate sentence or order or direct such further proceedings to be had as may be required under the circumstances. If, after considering the sentence the court of appeals does not affirm the district court's exercise of discretion in imposing the sentence, the court of appeals shall state the reasons for its action. The defendant shall not receive an increased sentence as a result of an appeal granted under this section.

"(d) Except as otherwise provided in this section, the procedure for taking an appeal under this section shall follow the rules of procedure for an appeal from a judgment or order of conviction and, where an appeal from a judgment or order of conviction is taken in the same case in which the court of appeals has granted leave to appeal the sentence, the appeal from judgment and sentence shall be heard together.

"(e) When an application for leave to appeal is filed, the clerk of the district court shall certify to the court of appeals such transcripts of the proceedings, records, documents and other information relating to the offense or offenses of the defendant and to the sentence imposed upon him as the court of appeals by rule or order may require. Any report or document contained in the record on appeal shall be available to the defendant only to the extent that it was in the district court. In each felony case in which sentence is imposed the judge shall state for the record his reasons for selecting that particular sentence.

"(f) When a judge has adopted the sentencing procedure set forth in Section 4208(b) of title 18, United States Code, an application for leave to appeal may only be filed after a judgment or order is entered by the judge following the completion of the study provided by such section.

"(g) The provisions of Section 3568 of title 18, United States Code, shall be applicable to any defendant filing an application for leave to appeal or appealing under this section.

"(h) This section shall not be construed to confer or enlarge any right of a defendant to be released following his conviction pending a determination of his application for leave to appeal or pending an appeal under this section.

"(i) This Act shall become effective six months after its approval and shall apply only to sentences imposed thereafter."

(b) The analysis of chapter 235 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"3742. Appeal from sentence."

ADDITIONAL COSPONSORS OF BILLS, JOINT RESOLUTION, AND CONCURRENT RESOLUTION

Mr. KUCHEL. Mr. President, I ask unanimous consent that, at the next printing of the bill (S. 1370) to authorize the establishment of the Redwood National Park in the State of California, to provide economic assistance to local governmental bodies affected thereby, and for other purposes, the name of the distinguished Senator from Missouri [Mr. LONG] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Texas [Mr. YARBOROUGH] be added as a cosponsor of the bill (S. 1429) to provide for an investigation and study to recommend a general plan to meet the future water needs of the western United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, I ask unanimous consent that, at its next printing, the names of Senator Javits, of New York, and Senator Proxmire, of Wisconsin, be added as cosponsors of S. 1104, a bill to promote public confidence in the integrity of Congress and the executive branch by requiring regular disclosure of financial interests and activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that at the next printing of S. 917, the Safe Streets and Crime Control Act, the name of the Senator from Indiana [Mr. Hartke] be added as cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing of the bill (S. 1209) to exempt certain schoolbus drivers from the application of the Fair Labor Standards Act of 1938, the name of the distinguished junior Senator from Wyoming [Mr. Hansen] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Wyoming [Mr. McGee], the Senator from Nevada [Mr. Bible], and the Senator from Iowa [Mr. Hickenlooper] be added as additional cosponsors of the bill (S. 612) to regulate imports of milk and dairy products, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, at its next printing, I ask unanimous consent that the name of the senior Senator from Michigan [Mr. Hart] be added as a cosponsor of the bill (S. 858) to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transportation of property.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that at the next printing of S. 1353, a bill to establish a U.S. Labor Court, the name of the distinguished Senator from Delaware [Mr. Williams] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I also ask unanimous consent that at the next printing of Senate Joint Resolution 66, a joint resolution to establish a bipartisan joint congressional committee to study and report on problems relating to industrywide bargaining, strikes, and lockouts, the name of the distinguished Senator from Illinois [Mr. Percy] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from New York [Mr. Kennedy], the Senator from Maryland [Mr. Brewster], the Senator from Pennsylvania [Mr. Clark], the Senator from Wisconsin [Mr. Nelson], and the Senator from New Mexico [Mr. Anderson] be added as cosponsors of the concurrent resolution (S. Con. Res. 12) to declare the sense of the Congress relative to certain aspects of the administration of the Universal Military Training and Service Act, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization of the Committee on Government Operations will continue its inquiry into the organization of Federal agencies in community and urban development in room 1114 New Senate Office Building on April 18, 19, 20, and 21. The hearings will be held in room 3302 New Senate Office Building on April 26. The hearings will begin at 10 a.m. except on Wednesday, April 19, when they will begin at 9:30.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, despite this being the morning hour and we are proceeding under a time limitation, I may be permitted to speak for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REDUCTION OF TROOPS IN EUROPE—HEARINGS BEFORE SPECIAL COMMITTEE OF FOREIGN RELATIONS AND ARMED SERVICES

Mr. MANSFIELD. Mr. President, in the hearings which began today for organizational purposes the special Committee of Foreign Relations and Armed Services will be considering certain resolutions which have been referred by unanimous consent of the Senate. The resolutions deal with the question of the level of deployment of U.S. troops in Europe, and related questions of foreign policy.

There are before the committee the following specific matters:

First. Amendment No. 89 offered by the senior Senator from Connecticut [Mr. Dodd] to Senate Resolution 49.

Second. Amendment No. 5 to Senate Resolution 49, offered by the senior Senator from Pennsylvania [Mr. Clark].

Third. Senate Resolution 83, which was introduced by the senior Senator from New York [Mr. Javits] for himself and 11 other Senators.

Fourth. Senate Resolution 49, which is cosponsored by 44 Members of the Senate.

The resolution of the 44 Senators is in the nature of a modification of Senate Resolution 99, 82d Congress, which the Senate adopted in 1951. In the latter case, it will be recalled, the Senate advised the President of its opinion that the number of U.S. divisions in Europe should be raised from two to six.

Many years ago, the executive branch incorporated the advice of this Senate Resolution of 1951 into a specific military commitment to the North Atlantic Treaty Organization. Other Western European nations also made commitments of forces and military resources to the then forming organization. The United States moved promptly to fulfill its pledge by raising the deployment of its forces in Europe from the two that were there in 1951 to six divisions. In so doing, this Nation, alone, of all the members of NATO, met its commitment and we still continue to do so. Other NATO members provide only a fractional part of their various commitments and France, of course, has canceled its commitment entirely.

Whatever adjustments of commitment there have been on the part of NATO members, it is of some significance to note that while there has been consultation or advance notice to other members, these adjustments have been, for all practical purposes, unilateral adjustments; and there have been no apologies for the unilateralism.

I am a cosponsor with 43 other Senators of Senate Resolution 49. I wish to make clear at the outset, therefore, that I am predisposed toward the position, which the resolution represents, even as the sponsors of alternate proposals or advocates of the status quo are predisposed toward their positions. I have reached this position neither suddenly nor lightly. I have believed that the need of a substantial reduction in the United States deployment in Europe has existed for many years. Indeed, I have urged consideration of a reduction for many years. Most recently, I have taken the personal position that a reduction from six to about two divisions would be an appropriate one on the basis of foreign and military considerations as well as changes in the overall situation on the European Continent.

My advocacy of this course predates the development of an acute problem in the realm of foreign exchange and gold reserves. It predates the problem of the military drain of the Vietnamese conflict.

Insofar as I am concerned, my support of a reduction in U.S. forces in Europe is based not on the competing military demands of Vietnam. It is not based on the cost or exchange problem, nor even on the indisposition of the Western Europeans to meet their mutual commitments to NATO, except as it is evidence of a change for the better in the situation in all Europe. Rather, I have urged a reduction in the deployment of U.S. forces on the basis of the realities of the current European situation and my belief that there is a need for this adjustment if our European policy is to continue to be effective.

In my judgment neither the proposed resolution of the 44 or the Javits resolution, or the Dodd, or Clark amendments—all of which will be considered by the committee—signifies in any way, shape, or form a return to prewar isolationism on the part of the United States or the Senate. I would suggest rather that these resolutions are all expressive of an effort on the part of the Senate to halt a long inertia in policy during which this Nation has been drifting into a position of isolated internationalism in Europe.

It is obvious that the economic progress of Western Europe has been very great over the past decade and that the European members of NATO are better able today to meet their military commitments to that organization than when these commitments were made, if they were to choose to meet them. The fact is that they have chosen not to meet them. It is obvious, too, that trade and other cordial relations have grown between the two parts of Europe in recent years and that these ties have replaced to a very considerable degree the earlier fears and hostilities in attitudes as between the Western European nations and Eastern Europe. Indeed, this thaw in the East-West political climate has extended from Western Europe as far as China. It is highly indicative of the extent of the change, that diplomatic relations are being reestablished by the Federal Republic of West Germany with Eastern European countries and that West German trade with Eastern Europe leads all other non-Communist trade with that region.

Having made my personal position clear, let me add that as chairman of this special committee of the Senate, it is my intention to hear, with the concurrence of the committee, relevant testimony on any and all sides of the matter. Speaking for myself and, I know, for all my colleagues, I wish to state that our personal views will be subordinated or held in abeyance in order that we may carry out our responsibilities to the Senate. We will explore fully the resolutions and amendments which are before us. We will try to arrive at a reasonable position on U.S. troop deployment in Europe which can be recommended with confidence to the Senate. It is the obligation of this special committee to assist the Senate in discharging its share of the responsibility for finding an answer to this most serious question of policy. We will fulfill that obligation.

THE NEED FOR INVESTOR PROTECTION

Mr. KUCHEL. Mr. President, a recent news article appearing in the Wall Street Journal, of April 5, 1967, began with these words:

> A mystery group has made a public offer to buy up to 250,000 Metro-Goldwyn-Mayer Inc. shares at $43 apiece, a total of $10,750,000.

A few pages later, the same Wall Street Journal carried a large public advertisement of the cash tender offer referred to in the article. The offer began with these words:

> To the Holders of Common Stock of Metro-Goldwyn-Mayer Inc. Manufacturers Hanover Trust Company (herein called the "Depository"), acting as authorized agent for undisclosed principals (herein called the "Purchasers"), and not on its own behalf, hereby offers to purchase up to 250,000 shares of Common Stock of Metro-Goldwyn-Mayer, Inc.

This article and cash tender offer are glaring examples of how unidentified persons may secretly attempt to gain control of a major American corporation. Individuals making a cash tender offer are free to operate in almost complete mystery concerning their intentions, their commitments and even their identities. Such secrecy in this essential area is totally inconsistent with the disclosure pattern generally prevailing in the American securities market.

The "undisclosed principals" seeking to purchase the 250,000 Metro-Goldwyn-Mayer shares may indeed have the best interests of the corporation at heart. Their identities and their intentions may further be acceptable to the MGM stockholders who desire to accept the offer and sell their shares. But such vital information regarding the competence and integrity of the purchasers is not available. The investment decision must be based solely on rumor, conjecture, and a market price; a decision which may preserve or doom the corporation itself.

It can be argued that a cash tender offer is a straightforward business proposition which may be rejected by a stockholder or accepted by him, usually at a price in excess of the market price. But where no information is known about the prospective purchasers or their plans, the shareholder may be ignorantly participating in the rape of the corporation. Control and liquidation are often attempted under the secretive guise of the cash tender offer. If this be the case, the shareholders can be deprived of their rightful participation in the liquidation. Indeed, the stock of a major American corporation can be purchased, and the corporation controlled and liquidated without any knowledge on the part of the shareholders to whom the cash tender offer was addressed.

These facts point to the seriousness of the lag in laws protecting the American investor. In Canada, the Ontario Securities Act was revised last year to provide for greater disclosure in this area. Similar legislation has also been enacted in England, South Africa, Australia, and other nations.

S. 510, a bill which is authored by the junior Senator from New Jersey [Mr. WILLIAMS] and by me, is an effort to provide the American shareholder with the information he needs to make a sound investment decision. Secretive and mysterious transactions, such as those emphasized by the MGM situation, must not be allowed to guide the future of any corporation. The Securities Act of 1933 and the Securities Exchange Act of 1934 are impressive testimonials that full disclosure is not an impediment, but an aid to legitimate business transactions.

This proposal, which is now being considered by the Securities Subcommittee of the Senate, will allow all to stand on an equal footing with respect to the availability of significant facts about a tender offer or a corporate stock purchase program. It is legislation which I believe will protect the investor and the public interest, and will encourage honest and fair transactions in this Nation's securities markets.

I ask unanimous consent that the Wall Street Journal article and advertisement regarding the MGM situation be printed in the RECORD at this point.

There being no objection, the article and advertisement were ordered to be printed in the RECORD, as follows:

MGM, INC., STOCK IS BEING SOUGHT BY SECRET GROUP—OFFICIAL OF DISTILLERS CORP. SAID TO BE BEHIND $43 BID FOR EACH OF 250,000 SHARES—LEVIN DENIES HE'S INVOLVED

(By Stanley Penn)

NEW YORK.—A mystery group has made a public offer to buy up to 250,000 Metro-Goldwyn-Mayer Inc. shares at $43 apiece, a total of $10,750,000.

MGM stock closed yesterday on the New York Stock Exchange at $43.625, up $2 on volume of 45,900 shares.

Edgar Bronfman, whose family controls Canada's Distillers Corp.-Seagrams Ltd., was rumored to be heading the private group that is seeking the MGM stock. Efforts made yesterday to reach Mr. Bronfman at his offices here in the Seagram Building were unsuccessful. Mr. Bronfman, a vice president of Distillers Corp., is the head of its U.S. affiliate, Joseph E. Seagram & Sons Inc.

Philip J. Levin, MGM's largest individual shareholder, who recently lost a proxy fight for control of the big motion picture producing company, said he didn't belong to the group offering to buy the stock. Asked if he knew the identity of those making the offer, the Plainfield, N.J., real estate operator declined comment.

Robert H. O'Brien, MGM president, treated the tender offer as an hostile act. "Anyone offering to purchase this amount of MGM stock at current market prices must be satisfied that the stock is worth considerably more," he said.

Mr. O'Brien recalled that MGM's earnings in the first quarter of the current fiscal year rose 50% from the year-earlier period.

LINK TO 2D QUARTER SEEN

"It's interesting to note" that the tender offer is being made less than a week before the release of the second quarter results, which will be "substantially above those" for the similar period last year, he said. The second fiscal quarter ended March 16.

Manufacturers Hanover Trust Co., acting as agent for the group making the tender offer, said the shares will be accepted on a "first-come, first-serve" basis. The offer expires April 14 at 5 p.m. EST. If more than 250,000 shares are tendered, the group may buy the surplus.

Mr. Bronfman's name kept popping up during the recent MGM proxy fight. It was learned last December that Mr. Bronfman had purchased some MGM stock strictly, it was said, for investment purposes.

Apparently, the Bronfmans have long been interested in taking over a movie company. In 1966, the Bronfman family bought into Paramount Pictures Corp. Eventually, they sold their Paramount stock to Gulf & Western Industries Inc., which acquired Paramount last year.

SPECULATION INVOLVES LEVIN

Last December, Leo Kolber, who heads Cemp Investments Ltd. a private, Montreal-based company owned by the Bronfmans, said in a telephone interview that the family was still looking for control of a good-sized company, but hadn't found one yet.

Mr. Kolber couldn't be reached for comment yesterday.

Mr. Levin, who owns 552,000 MGM shares, equal to 11% of the outstanding stock, began his proxy fight for control last Dec. 7. At that time, there were unconfirmed reports that Mr. Levin launched the battle after efforts to reach a compromise with the MGM management failed. It was said at the time—though never confirmed—that the Bronfman and Levin groups had asked for some of the seats on the MGM board, but had been turned down.

The speculation yesterday was that Mr. Levin and Mr. Bronfman would again seek seats. If rebuffed, they could start a proxy fight to try to win control of the board at the annual meeting next February.

An MGM spokesman said yesterday, when asked, that the only way a special shareholders meeting could be called is if the MGM president or the board decides to call one. The board is solidly behind Mr. O'Brien. Mr. Levin, who had been a director, lost his seat in the last election.

In the past there had been rumors that U.S. Smelting & Refining Co. might make a tender offer for MGM stock. Martin Horwitz, chairman of U.S. Smelting, and Jack Wilder, president, were losing candidates on Mr. Levin's slate in the MGM proxy contest. Mr. Horwitz said yesterday that U.S. Smelting hasn't made any tender offer, nor intends one.

In the MGM proxy fighting, management won with 57.8% of the votes to 42.2% for Mr. Levin. Management got roughly 2,500,000 votes to 1,800,000 for the dissidents. MGM has 5,043,000 shares outstanding.

OFFER TO PURCHASE 250,000 SHARES OF COMMON STOCK OF METRO-GOLDWYN-MAYER, INC., AT $43 PER SHARE

To the Holders of Common Stock of Metro-Goldwyn-Mayer, Inc.

Manufacturers Hanover Trust Company (herein called the "Depositary"), acting as authorized agent for undisclosed principals (herein called the "Purchasers"), and not on its own behalf, hereby offers to purchase up to 250,000 shares of Common Stock of Metro-Goldwyn-Mayer, Inc., a Delaware corporation (the "Corporation"), at $43 per share net to tendering stockholders, payable in cash, all upon and subject to the terms and conditions set forth in this Offer Letter and in the Letter of Transmittal which may be obtained from the Depositary or from your broker. The Depositary will pay transfer taxes with respect to such purchases and will also pay a commission to soliciting dealers.

This offer terminates at 5:00 P.M., New York City time, on April 14, 1967.

Holders of record of the Corporation's Common Stock on any record date fixed by the Corporation before or during the period of the offer for the determination of stockholders to whom any cash dividend on such stock is to be made shall be entitled to receive such cash dividend. If any stock dividend shall be paid or payable to the holders of Common Stock of record on any date or dates between the date of this Offer Letter and the date on which accepted shares are registered as directed by the Purchasers, all such stock dividends with respect to such shares shall belong to and be assigned to the Purchasers.

The Depositary will purchase all shares up to 250,000 shares tendered pursuant to this offer before this offer expires. No minimum number of shares need be tendered in order to obligate the Depositary to make such purchase. If more than 250,000 shares are tendered, the Depository shall not be obligated to purchase the excess shares but may elect to purchase all or a portion of the excess shares tendered. The Purchasers reserve the right to assign to others tenders of all or a portion of such excess shares not purchased. If less than all shares tendered during the period of the offer are purchased, such shares will be purchased in the order in which they are received by the Depositary, i.e., on a "first come—first served basis". The stock certificates representing shares tendered which are not accepted will be returned without expense to the tendering stockholders. Payment for all shares purchased pursuant to the offer will be made as soon as practicable after the expiration of the tender offer. The funds required to purchase the shares required to be purchased hereunder are on deposit with the Depositary.

All tenders are irrevocable until the shares are purchased or returned. *To be eligible for consideration, all tenders must be received by the Depositary before the expiration of this offer.* If you wish to accept the offer, you should either:

(1) send your stock certificate(s) in proper form for transfer and the Letter of Transmittal properly filled out to Manufacturers Hanover Trust Company, Corporate Trust Department, 40 Wall Street, New York, New York 10015, Depositary; or

(2) request your broker or bank to effect the transaction for you.

In the event that you elect to send in your Letter of Transmittal and certificate(s) directly, the use of insured registered mail, return receipt requested, is recommended as a precaution against the loss of stock certificates, the risk of which remains on you until the certificates are received by the Depositary. If you live at any distance from New York City the use of air mail is also recommended. All questions as to the validity, form, eligibility (including time and order of receipt) and acceptability of any tender of shares will be determined by the Depositary whose decision shall be final and binding. The Depositary reserves the right to waive defects in any tender.

If it should be impossible to deposit stock certificates immediately, tenders may be accepted if the Letters of Transmittal received by the Depositary prior to the expiration of this offer are executed with proper signatures and contain a guarantee by a member firm of the New York or American Stock Exchange or a commercial bank or trust company having an office or correspondent in The City of New York that certificates for the shares being tendered will be deposited within 8 business days after dispatch of notice by the Depositary to such member, bank or trust company that your tender has been accepted.

A fee of 50¢ per share purchased in accordance with the terms of this offer will be paid to any member of a national securities exchange or of the National Association of Securities Dealers, Inc. (or any foreign dealer not eligible for membership in such Association who has agreed to conform to the Rules of Fair Practice of such Association) who solicits tenders and whose name appears in the appropriate space provided in the Letter of Transmittal accompanying a tender. No dealer is required to charge his principal an additional commission.

If prior to the purchase of any of the tendered shares by the Depositary in accordance with this offer there is, in the opinion of the Purchasers, any significant increase in the aggregate number of outstanding shares of Common Stock of the Corporation or options or warrants relating thereto or securities convertible into such Common Stock, or any material change in the capitalization of the Corporation, or any material adverse change in the properties or condition (financial or otherwise) of the Corporation, or any other material adverse occurrence affecting the Corporation, the Purchasers or this offer, or the Corporation shall enter into any transaction, agreement or commitment not in the ordinary course of business or dispose of any substantial part of its assets, or any action or proceedings shall be brought or threatened against the Purchasers or the Depositary arising out of this offer, the Purchasers may, at their election by notice in writing to the Depositary, withdraw this offer and terminate all obligations of the Depositary and the Purchasers to purchase shares hereunder. The Purchasers, entirely at their election, may waive any of the specified terms and conditions of this offer, in the case of any share or shares tendered or purported to be tendered. The Depositary and the Purchasers may purchase Common Stock of the Corporation in the open market during the entire tender period at a cost not in excess of the cost under this offer.

Additional copies of this Offer Letter and the Letter of Transmittal can be obtained by stockholders of the Corporation and by brokers for distribution to their customers from the Depositary at the address given above.

MANUFACTURERS HANOVER TRUST CO.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. KUCHEL. Mr. President, I yield to the distinguished Senator from New Jersey, the author of the bill which I coauthored.

Mr. WILLIAMS of New Jersey. Mr. President, I had been informed in advance that my distinguished colleague from California was going to speak on S. 510 today. I had therefore prepared a statement in tandem. We are cosponsors of the bill.

I realize that much of the logic, the reasoning, and the theory of my statement has been covered in the statement made by the Senator from California. Therefore, I ask unanimous consent that my statement be printed in the RECORD at this point.

There being no objection, the statement of Mr. WILLIAMS of New Jersey was ordered to be printed in the RECORD, as follows:

FULL DISCLOSURE IN CORPORATE TAKEOVER BIDS

The corporate takeover bid or cash tender offer has, over the last six years, become an increasingly favored method of acquiring corporate control. It is generally cheaper and faster than the proxy solicitation. Also, filings which disclose all pertinent facts to the investing public are not required under the Securities Acts in cash tender offers, as they are in proxy contests or where one company offers to exchange its shares for those of another. Evidence of the increased use of cash tender offers is shown by the fact that in 1960 there were only 8 such offers involving listed companies as compared to 107 in 1966.

Under current law, an individual or group can seek control of a publicly held corporation by simply taking an ad in the newspaper stating a willingness to buy a certain number of shares of stock. The purchase price is usually set at a premium of about 20 per cent above that at which the stock is being sold. This fact alone may well be attractive to the investor seeking a quick profit.

By use of a cash tender offer the person seeking control can operate in almost complete secrecy. He need not state the source of his funds; who his associates are; why he wants to acquire control of the corporation; and what he intends to do with it if he gains control.

In order to fill this gap in our securities laws—an area where, in my opinion, full disclosure is necessary for investor protection but not required—I introduce, together with the senior Senator from California (Mr. Kuchel) S. 510, a bill amending the Securities and Exchange to require full disclosure in cash tender offers where the objective is to secure 10% of the equity shares.

Under this bill all pertinent facts concerning the identity and background of the person or group making the tender offer must be disclosed. Stockholders must also be informed as to—

The size of the holdings of the person or group involved.

The source of the funds to be used to acquire the shares except where the funds are acquired from a bank in the ordinary course of business.

Any financing arrangements made for these funds and how these arrangements will be liquidated.

The purpose of the tender offer.

The plans of the offeror—if he wins control of the company—whether to liquidate it, sell its assets, merge it with another company, or to make major changes in its business or corporate structure.

All persons soliciting tenders will be required to answer these questions. Indeed, anyone acquiring more than 10 percent of a class of an equity security registered under the Securities and Exchange Act will be required to disclose similar information. This is the only way that corporations, their shareholders and potential investors can adequately evaluate a tender offer or the possible effects of a change in substantial shareholdings.

The Subcommittee on Securities, of which I am Chairman, recently concluded three days of extensive hearings on this proposed legislation. The testimony received at these hearings was indeed gratifying. Statements made by witnesses were most constructive and showed a widespread appreciation of the need for such legislation.

Representatives of the New York Stock Exchange, the American Stock Exchange, the National Association of Securities Dealers, the Investment Bankers Association, and Chairman Cohen of the Securities and Exchange Commission, all of whom work daily with the problems which we are attempting to solve with this bill, endorsed the legislation in principle.

All have recognized the need to fill this existing gap in the disclosure pattern of our securities laws.

With such unanimity of opinion, I am confident that a bill protecting the investing public can shortly be passed by the Senate. Such legislation will benefit the interests of America's more than 20 million shareholders. It will provide them with all of the facts on which to base a decision as to whether or not to accept a tender offer without placing undue burdens on attempts to oust inefficient management via a legitimate takeover bid.

The full disclosure principle was thought to be revolutionary when it was first introduced into the securities marketplace more than 30 years ago. Many predicted that it would hamper or even strangle the operations of our free enterprise system. The facts have proven otherwise. Full disclosure has given the investing public confidence in our free enterprise system. Following this premise, our nation's securities markets have thrived and prospered over the years. Now is the time to eliminate the last remaining areas where full disclosure is necessary but not yet available.

Mr. WILLIAMS of New Jersey. Mr. President, what we are trying to accomplish with this legislation is to bring to an area which is not presently covered the proved disclosure principles which are applied to proxy fights and other corporate matters.

Mr. KUCHEL. The Senator is correct.

Mr. WILLIAMS of New Jersey. This is an area which has been overlooked. All we are asking here is that where there is a cash tender offer, those who are making the offer disclose who they are, where their money is coming from—unless it happens to come from a commercial bank—and what their intentions are if they gain management control of the company. We wish to do this in order to protect shareholders and give them the information necessary to make an intelligent decision. That is the thrust and the purpose of our proposed legislation.

Mr. KUCHEL. I want to say to my good friend from New Jersey that I am honored to join him in this proposed legislation because I believe that what we are sponsoring is completely in the public interest.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. KUCHEL. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. Mr. President, hearings have been held before the Subcommittee on Securities of the Committee on Banking and Currency, I happen to be chairman of that subcommittee. We have had almost unanimity of witness opinion that this is the fair thing to do—to make full disclosure to shareholders when a cash tender offer is being made. There were very few who spoke in opposition to this principle. All of the national securities exchanges spoke in favor of it. Commissioner Cohen of the SEC, who came before us twice, supported S. 510. In my opinion this is the sort of legislation in view of the history of 30-plus years of disclosure in our equity markets, that should be passed by the Senate.

Mr. KUCHEL. I agree with the distinguished Senator and thank him for his comments.

UNITED STATES THREATENS TO FORECLOSE AN HONEST FARMER WHILE CRIMINALS GO FREE

Mr. LAUSCHE. Mr. President, the New London Record, a smalltown newspaper in Ohio, has published an article entitled "United States Threatens To Take Donaldson Farm for 1958 Wheat Quota Penalty Fine."

Among other things, the article states that in 1958 the Government filed an action against Mr. Donaldson, claiming that he planted 23 acres of wheat when he was allotted the right to plant only 14.

Mr. Donaldson states that Government agents came out to his land, looked at it, and said that 23 acres had been planted. Mr. Donaldson contended that there were only 14. The Government then certified a fine against him and finally obtained a judgment in the amount of $322 as a penalty for overplanting the allotted quota.

On March 29, 1967, the Government filed suit to sell Donaldson's farm. It wants the $322 penalty plus 6 percent interest since 1958, and court costs.

In the editorial of the New London Record on March 30, entitled "The Final Curtain," the editorial states:

> In a day when the rights of criminals are held above the rights of society, the rights of a small farmer to at least defend himself should be self evident.
>
> Have we, the people of this nation, by not caring and not acting, let our servants in government stoop so low as to persecute honest men who ask no favor?
>
> Are we willing to deny them justice under law while we grant it to habitual criminals?

Mr. President, stories of this kind do not help to build confidence in the minds of the people of this country in the justice of its Government.

Rather, stories of this kind tend to destroy trust in Government. It is quite apparent that day after day in this country criminals abound everywhere and go unpunished.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. LAUSCHE. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. Mr. Donaldson, however, has this judgment pending against him and now the Government wants to sell his farm to satisfy the judgment of the U.S. Government.

Mr. President, I contemplate contacting the Department of Justice to let them know the views I have just expressed on the floor of the Senate.

Comparative justice cries out and demands that in the administration of justice an impact be left upon the people that there be a semblance of equality of treatment.

I cry out in indignation over what has happened to this innocent, honest man who is trying to make a living.

This kind of action by our Government should be condemned. I condemn it on the floor of the Senate today.

Mr. President, I ask unanimous consent to have the article and editorial to which I have referred printed in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the New London (Ohio) Record, Mar. 30, 1967]

U.S. THREATENS TO TAKE DONALDSON FARM FOR 1958 WHEAT QUOTA PENALTY FINE

John Donaldson, a local farmer who has resisted government agricultural controls for the past fifteen years and who has fought against Federal wheat control through United States Courts since 1958, was served with a civil action for foreclosure of his farm by the United States Government to satisfy a $322 penalty plus six percent interest, amounting to $533.53, Tuesday afternoon.

The action was filed by the U.S. District Attorney for the Western Division, U.S. District Court in Toledo, presided over by Federal Judge Don Young, formerly Huron County Juvenile Judge.

Judgment was entered in 1958 as a penalty for allegedly overplanting eight acres of wheat on the Donaldson farm which measures 389 acres and is valued by Donaldson at about $30,000.

Donaldson contends he planted 14 acres of wheat, or one acre less than his allotment.

He contends that the government didn't bother to measure his wheat and that they guessed he had 23 acres.

Donaldson says he called in the Huron County Engineer to measure the wheat three times and he sent him a certified letter stating the wheat measured 14 acres, possibly plus or minus a half acre.

He contends he was not allowed to present this evidence in court and that in 1958 the Federal District Court took the word of the local ASC on the size of his acreage.

Donaldson states that the U.S. Government can sell his farm and take $533.53 out of the proceeds and give him the balance.

He does not know if he can even avoid this by paying the fine at this point.

Donaldson says that to his knowledge this has never been done to any farmer around here. He remembers reading about this being done to a farmer in Arkansas but he never found out the end result.

He plans to confer with the U.S. District Attorney in Toledo before deciding on his next move but said for publication, "This is the third act of the play—it's over—I guess justice and freedom can't win."

"The Final Curtain"

It dropped Tuesday afternoon.

After fighting hopelessly for fifteen years against artificial and economically impossible bureaucratic regulations based on completely socialistically inspired law (The Agricultural Readjustment Act of 1938), John Donaldson has lost.

Under provisions of this collectivist piece of legislation the United States proposes to take John's farm away from him.

He has never, in U.S. District Courts or U.S. Courts of Appeal, been given the right to present evidence or witnesses in his own defense.

Under this vicious Act of Congress he has been tried, prosecuted and judged by the United States Department of Agriculture.

Federal Courts and Attorneys have been permitted to participate only to see that the will of the Department of Agriculture has been carried out.

In a day of food shortages, of wheat and everything else in this country and throughout the world, this is an action that should ring loud and clear to every thinking man.

In a day when the rights of criminals are held above the rights of society, the rights of a small farmer to at least defend himself should be self evident.

Have we, the people of this nation, by not caring and not acting, let our servants in government stoop so low as to persecute honest men who ask no favor?

Are we willing to deny them justice under law while we grant it to habitual criminals?

Are we willing to convict them by administrative procedures which deny them the rights to trial by the recognized laws of this land?

Can we let the Department of Agriculture say you are guilty and you have no right to prove yourself innocent?

If we continue to swallow this brand of tyranny, God help the millions of John Donaldsons in this country who are farmers.

And, my friend, God help you and me.

The final curtain lowers slowly on freedom but when the lights on the stage go out there is only one place for us to go, and that is back where we came from . . .

. . . To a society where all men enjoy the same protection from the same laws and are not considered unequal by administrative decision and judged and punished separately for the convenience of the United States Department of Agriculture.

Letters to the Editor

Dear Sir:

To collect a judgment of $322 and 10 years interest, a total of $533.53, Uncle Sam plans to sell John Donaldson's 389 acre farm in Hartland Township, Huron county, Ohio. While most of us farmers were signing on the dotted line for our government dole, John Donaldson refused. Instead of collecting a government check for $2,000 or $3,000 for his yearly share for "cooperating" in Uncle Sam's "poverty program" for farmers, John said "No Thanks." This was in 1957 and wheat quotas were in effect. John's quota, cooperate or not, was 15 acres. John stayed within his allotment. I know he did, because he told me he did, and John is not a liar.

Uncle Sam's local agents weren't so sure. They wanted to go on to John's farm to measure his wheat field. John said, "No." This made the agents very angry. One of them later bragged to John's neighbors that he had entered on the sly, thus abrogating the 4th Amendment to the Constitution which protects us from unreasonable search and seizure.

A penalty of $322 was forthwith assessed against John and this was upheld by a judgment given Oct. 1, 1958 in Federal District Court in Toledo, which was in turn upheld in 6th Circuit Court of Appeals in Cincinnati. In neither of these so-called trials was John allowed to present evidence nor witnesses in his own defense. This judgment has never been paid. Now Uncle Sam is after his pound of flesh, by threatening foreclosure on these ancestral acres.

How will a proud father convey this news to his son Jack? Outside Vietnam on the aircraft carrier Enterprise, Jack will have to hear of it. By helicopter he was plucked last fall to attend his mother's funeral. Now this!

John and the girls at home, God give them faith; a faith like that which sustained John through those five years when he served the cause of freedom in World War II under that Grand Old Flag, the Red, White and Blue. God give them faith that this black night will break on a new dawn when Americans will again be freed; when we may live by our own initiative; when we are paid in a free market for what we grow, not for what we don't grow; when we are paid for working and not for loafing. God give us faith. Amen!

Winthrop French.

Ohio Farmer Is Faced With Difficult Decision Concerning His Land—Government Acts To Foreclose on $30,000 Farm To Satisfy $533 Claim Dating From 1957

New London, Ohio.—John R. Donaldson, who operates a 389-acre farm near here, faces a decision—whether to pay a penalty he has resisted for 10 years for allegedly overplanting his wheat acreage allotment or permit the Government to sell his farm to collect $533 the Government claims he owes.

Mr. Donaldson in 1957 was accused by the local agricultural committee with planting 23 acres of wheat when his allotment was only 15 acres. Mr. Donaldson said he had planted only 14 acres, but refused to let the committeemen charged with enforcing the Government program to measure the field.

Mr. Donaldson says he has spent "close to $1,000" defending his action, which he began to test farmers' rights under the Acreage Control Law. "We knew things were wrong under the law, and we found that a farmer couldn't get a jury trial and that even if he was innocent he couldn't exonerate himself," he says. The acreage control program was voted out back in 1963.

However, a U.S. District Court ruling that Mr. Donaldson must pay penalty and interest totaling $533 still stands, and the Government is asking the court to foreclose on his $30,000 farm if he doesn't pay up. Mr. Donaldson says he has a bank account large enough to satisfy the claim had the Government wished to seize it, and that the foreclosure action is being taken "just to make it tough on me."

Mr. Donaldson, who lost an appeal in U.S. Circuit Court and decided not to carry it to the Supreme Court when the High Court decided a similar case against a farmer, says he has no choice now but to pay or face foreclosure.

"This is my home, and for sentimental reasons for myself and my children I don't want to see it sold," says Mr. Donaldson. But on principle and "because it would create a furor" he's likely to resist payment and force the Government to sell his farm, taking the chance that he could bid on it himself.

The embattled farmer has until April 16 to make his decision.

[From the Chicago Tribune, Apr. 8, 1967]

Faces Loss of Farm Over U.S. Quota Row

New London, O., April 7—[Special]—John R. Donaldson, 57, a prominent Ohio farmer, has 13 days left, after a 10-year battle, to decide whether to submit to the government's move to sell his 389-acre farm thru foreclosure to satisfy a fine of $322 for growing wheat he says never existed.

For a decade Donaldson has refused to pay the penalty because, he said, he never planted, grew, harvested or marketed the grain he was fined for producing under the old New Deal's wheat quota control, and was never given a chance to defend himself in court.

"I just don't know what I will do," Donaldson said wearily. "It isn't fair, it isn't the American way. I don't plant that wheat and they never let me present my evidence to prove it."

SERVED WITH NOTICE

Late last month Donaldson was served with a foreclosure notice from the United States attorney's office in Toledo, where the federal court judgment against him was returned. The farmer said he was given 20 days to pay the assessment, now increased to $533 by 10 years' interest, before a deadline of April 19.

"This is the first time such a method has been used in this area to collect excess crop penalties," Donaldson said. "They have seized tractors, autos, and bank accounts. They could have taken the money from my bank account, but they chose to do it this way."

Donaldson estimated the value of his farm, which he said includes a number of acres of "rough land," at about $30,000. He said he understood that if the farm is sold at auction by the government, he would be given the residue after deduction of the fine and court costs.

HAS SPENT THOUSANDS

The farmer has spent thousands of dollars in legal fees in fighting the fine he considers unjust. A conservative, he has spoken before and conferred with farm groups in many states, including appearances in Chicago, in the years since his trouble over the wheat quota began.

It dates back to 1957 when he was charged with planting more wheat than the quota set for his farm under the agricultural adjustment act, which applied to all farmers who planted more than 15 acres of wheat. Altho Donaldson didn't join the restriction program and accept a compensating government check, he was subject to the law.

JUDGMENT FOR UNITED STATES

Donaldson said that after he had grown less than 15 acres of wheat and had harvested it in 1957, he was charged with planting 23 acres and harvesting 552 bushels.

He said the federal District court at Toledo granted the government a summary judgment gainst him without trial and without consideration of evidence, on Oct. 1, 1959. This was upheld by the United States 6th District Court of Appeals at Cincinnati. The procedure folllowed provisions of the agricultural act.

"The act denied the federal court the right to rule on questions of fact," Donaldson said. "I was denied due process of law. . . ."

The farmer said that not only did he not overplant, but his crop was not subject to the quota act, which was applicable to acreage in excess of 15. He said all of his 1957 wheat was planted in a field of less than 15 acres and that this was verified by the county engineer, who measured it at 14.5 acres.

"But no one would listen to my proof," Donaldson said.

The veteran farmer said that "they stirred this all up again after my wife died last October." Ownership of the farm, in her name and his, was raised in settling her estate.

While the farmer is beset at home by what he considers encroachment on his rights by the government, his son is serving in the Viet Nam war. The son, Jack, who once helped on the farm, is a navy crew member of the aircraft carrier U.S.S. Enterprise, the nuclear powered pride of the United States, now on combat patrol off Viet Nam.

VOCATIONAL AND TECHNICAL TRAINING FOR OUR YOUTH NECESSARY

Mr. LAUSCHE. Mr. President, I ask unanimous consent to proceed for 3 additional minutes on another subject.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. LAUSCHE. Mr. President, in the Tuesday, April 4, issue of the Columbus Dispatch, an article was published entitled "All Not College Bound—Vocational And Technical Training For Youth Lacking" written by Alice Widener.

Among other things, she states:

> The main trouble lies, in my opinion, in a public school education system set up on the basis that most children are college bound, whereas only 20 per cent are. Instead of being geared to the educational needs of the 80 per cent who are not college bound, the public school system aims at enabling children to pass college board exams.
>
> Thus eight out of ten pupils attend classes not furnishing them with what they urgently need in early teenage life, and not preparing them for a real life situation after the age of 18.

She further states:

> If New York City were equipped with an outstanding vocational and technical education system, it is most likely that during 1966 there would have been a decreased not increased juvenile crime rate . . .

Mr. President, I thoroughly agree with her views that our elementary schools should be teaching trades and other usable occupations so that boys and girls who do not go to college will be equipped for a livelihood.

Mr. President, I ask unanimous consent to have this excellent article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALL NOT COLLEGE BOUND—VOCATIONAL AND TECHNICAL TRAINING FOR YOUTH LACKING

(By Alice Widener)

In releasing official 1966 figures on the ethnic composition of pupils in public schools, the New York City Board of Education inadvertently divulged the main reason why our big city school systems have so many drop-outs and problems of discipline. I say "inadvertently" because there is not the slightest indication in New York City that the top educational hierarchy recognizes where the trouble lies. It seems many top educators today have a vested academic interest in not recognizing the facts about youth and our society.

The main trouble lies, in my opinion, in a public school education system set up on the basis that most children are college bound, whereas only 20 per cent are. Instead of being geared to the educational needs of the 80 per cent who are not college bound, the public school system aims at enabling children to pass college board exams.

Thus eight out of ten pupils attend classes not furnishing them with what they urgently need in early teenage life, and not preparing them for a real life situation after the age of 18.

In 1966, there were 226,614 Puerto Ricans in the systemwide New York City public schools; 317,613 Negroes; and 540,591 others. In the academic high schools there were 28,167 Puerto Ricans; 48,776 Negroes, and 147,096 others. In the vocational high schools in 1966, there were only 11,804 Puerto Ricans, 12,394 Negroes, and 17,265 others.

The very low vocational high school figures tell the story of the main trouble. In the total Puerto Rican academic school pupils in 1966, only 20 per cent (at most) or approximately 5600 will go to college and the remaining 22,500 will go out to try to earn a living in this cold, cold world without having learned a trade or any particular skill.

Among the Negroes in academic high school last year, only 9600 will go to college, and 39,000 will be left without any job training or special skill. Among the others, approximately 28,000 (at most) will go to college, and 119,000 will be left to set out as best they can to earn a living at 18 years of age, minus job training or particular skills.

If New York City were equipped with an outstanding vocational and technical education system, it is most likely that during 1966 there would have been a decreased not increased juvenile crime rate because approximately 33,000 Puerto Rican pupils, 51,000 Negroes, and 136,000 others would have been receiving basic academic instruction along with vocational or technical instruction adapted to their needs, likes, and abilities.

The slogan "Every boy and girl should have a college education" is a main cause of youthful unemployment, juvenile crime and teenage narcotics addiction. What is the Job Corps? A multi-billion dollar vocational and technical education program offered to young people years too late in their young lives. Had they received such education earlier, they wouldn't be in the Job Corps.

Our wrong-way public school system is ruining big city life and greatly injuring family life in America. Sixty per cent of all available jobs in our technological society are now in the service areas.

Machines don't repair themselves; they must be repaired; hotels and motels don't service guests, they must be serviced. Are we going to continue to mis-educate 80 per cent of our young people so they are unequipped to fill 60 per cent of jobs avaiable?

Isn't there anyone in our big cities willing to see the youth picture as it really is and to lead a movement to revamp our big city public school education system so that it suits modern conditions as they really are?

CONSTITUTIONAL CONVENTION: DANGER TO BASIC RIGHTS

Mr. JAVITS. Mr. President, for 2 years a movement has been quietly gathering force, which is apparently about to burst full blown on the American scene with the impact and suddenness of a long festering volcano. I refer to an effort to convene a Federal constitutional convention—the first since the adoption of our national charter—and I speak today to alert this body to the urgency of this potentially dangerous situation.

The movement is based on Article V of the Constitution which requires Congress—and I use the word "requires" advisedly—to call such a convention "on the application of the legislatures of two-thirds of the several States." The requisite number of resolutions is therefore 34, and it may surprise many to learn that 32 such resolutions have already been passed. Many have apparently gone through State legislatures with very little discussion or consideration of the cumulative impact of such measures. It is clear that some State legislators thought they were merely voting to express their disagreement with the Supreme Court's reapportionment decision and were not fully aware of the legal implications of their vote. A well-financed lobbying organization is behind this effort and has been successful to this extent partly because they have been operating quietly. It is absolutely critical now that the movement receive full exposure and that opponents of a wide-open convention organize, too.

There is nothing illegal about that. It is time that this question have full exposure and the opponents should speak up.

Briefly, this is the situation today. The following States have already passed resolutions: Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New Hampshire, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, Wyoming.

In addition, resolutions have been passed by at least one house in four other States: Alaska, Iowa, Pennsylvania, and Wisconsin. Alaska's upper house defeated the proposal last week, but it appears that the Wisconsin senate may pass it today. All of these State legislatures have unlimited adjournment dates and this issue will be considered in some of these States in the next few weeks. Passage by one house in any two of these States will place the issue squarely before the Congress.

Efforts to rescind resolutions are underway in three States: Illinois, Missouri, and Washington. The recent effort in Maryland failed for lack of time—the legislature was constitutionally required to adjourn before action could be completed—but there seemed to be a clear majority in favor of recision.

Why should this effort be stopped? Ostensibly started to reverse the reapportionment decision, I believe such a convention would have a much broader scope and indeed that is the apparent motive of its sponsors. It is not unjustified to say that a much more sinister threat may loom—a broad-scale attack on the Bill of Rights—in view of some of the things we know already about the situation.

This threat may loom not by design or unwittingly, but it is likely to loom, and it would constitute a broad scale attack on the Bill of Rights.

Let us face it, reapportionment is a dead horse. It is already just about an accomplished fact in every State, and it is not even a political issue, as Republican candidates learned last November. The figures indeed refute the myth that Republicans lose when legislatures are fairly apportioned.

The fact is that in the 1966 election, the first since reapportionment has been completed, Republicans made a net gain of 153 seats in State senates and 387 seats in State lower houses. The party now holds 40.9 percent of all seats in State legislatures, in contrast to only 33 percent in 1964. Last year Republicans made a net gain of eight governorships, and significantly won or retained control of the government in five of the Nation's seven most populous States: California, New York, Pennsylvania, Ohio, and

Michigan, Democrats retaining control in Illinois and Texas.

Perhaps the most interesting figures are the raw data on the populations of States having Republican Governors, as a result of last year's elections, the combined population of Republican-governed States was 108,489,000, while Democrats governed only 80,170,000. This means that 17 Republican Governors represented almost 60 percent of the population while 33 Democratic Governors represent only 40 percent of the population. Perhaps the Governor's conference should adopt a one-man, one-vote rule, it would certainly be to the advantage of the Republicans.

Surely reapportionment is not a sufficiently critical issue as to require the convening of a national convention to rewrite our basic charter of Government. But there are organized and vocal groups in this country which seek to overturn other recent decisions of the Supreme Court—like the prayer decision designed to preserve the separation between church and state and more recent decisions on the admissability of confessions in criminal trials. If a convention is called, I predict that basic Bill of Rights guarantees, those cornerstones of our freedom and liberty will be under attack, and I appeal especially to those State legislatures which have not already acted to weigh this possibility most carefully before making their decision.

Mr. President, nobody knows and no legislature knows whether we can confine this convention to one question, though 26 of these resolutions seek to confine it to one question.

I believe, as a lawyer, that it is likely to be a wide open convention. It could be a runaway convention. This would be a tremendous danger to the American people.

What will happen if 34 State legislatures pass these resolutions? Undoubtedly, the validity of some will be questioned by the Congress. The Constitution, for example, makes no provision for requesting a convention for the specific purpose of adopting a single amendment, and yet 29 of these resolutions are so limited.

Further, as Senators PROXMIRE and TYDINGS pointed out in recent Senate speeches, only six of the legislatures which passed resolutions—Indiana, Illinois, Colorado, North Dakota, Oklahoma, and Kentucky—were validly apportioned when the action was taken. There is therefore, some question as to the validity of 26 resolutions. Other questions can be raised as well. For example, is the 90th Congress required to recognize resolutions sent to the 89th Congress? Are State resolutions passed more than 2 years ago, for example, still valid? What is the effect of resolutions which were apparently passed, but never received by the Congress? Do memorials have the same legal effect as resolutions? What about simple petitions? Can voters in States which have been reapportioned sue for recision? Can the courts compel Congress to call a convention, if Congress refuses to recognize the validity of some of the resolutions?

A group of Senators and representatives of interested civic organizations has been meeting in recent weeks to discuss these questions, and we have asked a few prominent constitutional lawyers to prepare briefs for us on the subject. In my view, a very dangerous situation would be created if two more legislatures act, but even if that unfortunate event occurs, I for one do not intend to acquiesce in an assault on the Constitution without fully informing the public of the inherent dangers, without seriously questioning the validity of every single resolution, and without extensive, full, and fair discussion of the real issues.

Mr. CASE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE. Mr. President, I associate myself with the statement just made by the Senator. It is a most useful and provocative statement and one that I am sure will sink into the public consciousness. I hope that it does.

Mr. JAVITS. Mr. President, I thank the Senator. I consider the Senator from New Jersey [Mr. CASE] to be one of the best constitutional lawyers in Congress. I value enormously his support.

This is but the opening gun.

In many cases there has been an unwitting overshooting of the target and this is a very critical matter and involves the Constitution and the Bill of Rights itself. It is far more critical than many of the legislatures realize.

I repeat: This may be a wide-open convention, as a matter of law, if it is called. Therefore, it could be a runaway convention. So the country had better ponder it very carefully, as it is a first, and it can be an extremely dangerous and damaging one.

TFX—F-111 AIRCRAFT—PROCUREMENT PROGRAM

Mr. McCLELLAN. Mr. President, it has been more than 4 years since the Secretary of Defense made his decision to award the TFX contract to the General Dynamics Corp.—overruling the unanimous recommendations of his highest ranking military officers and technical experts. This aircraft program is now so far along that all of the 18 test aircraft of the F-111A, the TFX Air Force version, have been delivered to the Government. In spite of the fact that it has not yet been fully tested for operational capability, the F-111A is now being manufactured by General Dynamics on a production basis.

All of the five test aircraft of the Navy TFX, the F-111B, also have been delivered by the contractors, and additional appropriations are being sought this year to produce operational Navy aircraft, although not even the preliminary low-speed testing of the Navy plane has yet been completed. The more advanced high-speed testing and evaluation cannot start until the preliminary testing is finished. None of these planes has yet landed on an aircraft carrier, and, under the present schedule, will not be able to do so until mid-1968, or later.

In the past I have expressed concern about the excessive costs of the program, the performance deficiencies of the aircraft, which have not been corrected, and its ultimate value to the armed services. Notwithstanding, the Defense Department has made many optimistic predictions about the aircraft. It is now clearly evident, however, that the F-111 which is being produced in quantity in 1967 will fall short of the performance characteristics which the Defense Department sought and which the General Dynamics Corp. undertook to provide in the research and development program.

In August of 1966, the Senate Permanent Subcommittee on Investigations resumed its TFX inquiry, which had been suspended after lengthy hearings during 1963. At the same time, the subcommittee requested the Comptroller General of the United States to undertake a cost analysis of the program and to report the results thereof.

Mr. President, members of the subcommittee are not alone in their apprehensions about the costs and capabilities of this airplane. The F-111 aircraft was a subject of testimony during hearings of the Committee on Appropriations earlier this year relating to the budget request of the Defense Department for fiscal year 1968.

The F-111 program also has been examined extensively in the Nation's press and commented upon in radio and television broadcasts. Many of the recent articles and broadcasts have posed serious questions about the admitted deficiencies, delays, and inadequacies of the F-111 and about its exorbitant increases in costs insofar as they have been made known to the public. I believe that Congress should be informed about certain of the disturbing reports about this program which have appeared in recent publications and on the air.

It would not be appropriate, nor is it necessary, for me to attest the accuracy of specific statements which have been made in the Nation's press about the TFX. The printed and broadcast information to which I refer was not obtained from the subcommittee, but was ascertained by enterprising reporters in spite of the cloak of secrecy which the Department of Defense has undertaken to impose relative to the F-111 research and development program.

The 1963 hearings of the subcommittee were conducted in closed session because at the time it was suggested that this should be done for security reasons. Subsequently, however, for some reason, much of the classified information has been released to the public press by the Pentagon.

These articles and broadcasts present the story of ever-increasing costs and continuing unresolved problems and deficiencies in the plane's performance, and they contain information in which Congress has every reason to be interested and about which it should be kept fully advised. We are asked to appropriate hundreds of millions of dollars this year for the continuing development and procurement of the plane, and we will be asked to appropriate billions of dollars as the program continues. It is time for Congress to be told the cold facts about both the costs and the performance deficiencies of this plane.

The Department of Defense has repeatedly demonstrated its reluctance to explain fully the gravity and extent of the problems in the development program. The Department also has refused to disclose to the Committee on Appropriations its cost estimates for the total program. It is the duty of Congress to obtain this information before appropriating enormous sums for a weapon system which has been put into production before it has been adequately tested and before its known deficiencies have been corrected.

Mr. President, at this point I ask unanimous consent that three of these reports which have come to my attention in recent days be printed in the RECORD at the conclusion of my remarks. The first is an article from the New York Times magazine for April 2, 1967, titled "Why the Flak Around the F-111." The article was written by Richard Witkin, a staff member of the newspaper, who was for many years its aerospace news editor.

The PRESIDING OFFICER. Without objection, the article will be printed in the RECORD.

(See exhibit 1.)

Mr. McCLELLAN. The second report that I ask be printed in the RECORD is a transcript of a television broadcast by Jules Bergman, science editor of the American Broadcasting Co., which was presented on the network's evening news broadcast of March 30, 1967.

The PRESIDING OFFICER. Without objection, the transcript will be printed in the RECORD.

(See exhibit 2.)

Mr. McCLELLAN. The third is an article on the TFX by the well-known columnist, Richard Wilson, which appeared in the Washington Star on April 7, 1967.

The PRESIDING OFFICER. Without objection, the article will be printed in the RECORD.

(See exhibit 3.)

Mr. McCLELLAN. Mr. Witkin's article is a thought-provoking, careful, and comprehensive analysis, covering the TFX from its inception to the present.

> Every indication—

He writes—

> is that the nation will wind up with a product that is significantly short on projected performance and less than a bargain on cost.

Mr. Witkin has indicated his belief, and I fully agree with him, that many of the TFX troubles were caused by the insistence upon commonality of parts between the two versions of the F-111, a factor which was dictated by the Secretary of Defense upon the assumption that one plane to perform the different missions of both Air Force and Navy would somehow save a billion dollars. Instead of saving a billion dollars, it now appears that the vaunted commonality concept has proven to be grossly extravagant and will cost the Government additional billions of dollars, and that it also has comprised the weaponry and performance capabilities of the plane.

> Some of the nation's most experienced engineers—

Mr. Witkin states—

> warned from the start that McNamara was deluding himself. Subsequent events—a swarm of technical troubles and soaring costs—indicate that the doubts were well-founded, though it is hard to guage precisely what portion of the F-111's shortcomings is due to commonality. Many other mistakes along the way impeded its development. Nevertheless, a majority of experts I have talked to are convinced that commonality accounts for much of the technical trouble, particularly on the Navy plane, and the increased costs.

Mr. Witkin concludes:

> The F-111 is not turning out to be nearly as agile as McNamara boasted it would be. Nor will it be bought at anything like the billion-dollar savings he counted on when he ordered development of a single two-service plane.

Although Mr. Bergman's broadcast is much shorter, it also is critical of current developments in the F-111 program. I will quote Mr. Bergman's conclusion, which also speaks of commonality and costs.

> The great dream of commonality and cost saving didn't quite work out—

Mr. Bergman said.

> Instead of one plane for both services . . . two separate planes are being built. They do use the same nuts and bolts.
>
> What kind of a plane will the nation get? We will, the Pentagon declares, get an "acceptable" plane. But even the Pentagon admits that it is not the plane it wanted or set out to build.

Each of these capable reporters has indicated that the serious technical problems which were encountered during the development phase of the F-111 program have not been solved, in spite of Pentagon pronouncements that difficulties were minor or that solutions were at hand. Each reporter reaches the conclusion that the performance of the F-111 leaves much to be desired and that the plane is notably inferior to the weapons system which the armed services asked for and which the General Dynamics Corp. contracted to supply.

The subcommittee still has the responsibility to ascertain the extent and seriousness of the technical problems which have hampered the aircraft's development and delayed its delivery schedule. The Navy version will be at least 2 years late in reaching the fleet, even if all of its deficiencies are corrected and no further problems arise. The Air Force version, which is now in production, is, by admission of the Department of Defense, not militarily acceptable at this time. It is difficult to understand how the Defense Department could justify the production for combat use of a plane which is still unacceptable.

Mr. President, why is the aircraft not yet acceptable as a military weapon? The answer is simple, although it may seem incredible. After more than 4 years of research and development and after all original 18 Air Force and five Navy test planes have been delivered by the contractor, neither the F-111A nor the F-111B have been sufficiently or thoroughly tested. Apparently one main reason why the contractor has limited the flight testing is because of difficulties encountered in matching the aircraft's inlets with the propulsion system. Major elements of the testing program have been delayed for about 2 years, and the problem is still not solved. The failure of both versions to attain the performance capabilities which General Dynamics proposed for them and which the Armed Forces required also calls for examination by the subcommittee in its future hearings.

Four years after the decision was made to award the contract to General Dynamics, I interrogated Dr. John S. Foster, Jr., who is Director of Defense Research and Engineering under Secretary McNamara, during hearings of the Committee on Appropriations on January 30, 1967. I asked him about estimates on the cost of production of this weapons system—page 478 of the printed record:

> Senator MCCLELLAN. If we can tell the estimates of the R&D, what it's going to be, is there any reason why we couldn't have some firm estimate, reasonably reliable estimate on the cost of production? . . . I will take out reasonably firm and reliable and just say comparable estimates for production. Take out the reasonably firm and reliable.
>
> Dr. FOSTER. No, Senator, because we haven't completed the R&D. *We don't know in fact what the airplane will look like, and as a consequence we then have to negotiate with the contractor about an airplane configuration which is not yet decided.* I don't know what our agreement will be with that contractor.

Mr. President, that statement was made by Dr. Foster more than 4 years after the letter contract was signed. And further, when Dr. Foster gave that answer, all Air Force and Navy test planes had been delivered by the contractor, and the Air Force version of the plane was already in production by the General Dynamics Corp. for combat use by the Air Force. It seems reasonable to ask what kind of aircraft they are building—what is the configuration of the operational planes which are now rolling off the assembly line? Dr. Foster says they do not know what the airplane will look like and what its configuration will be, and thus he cannot estimate the costs at this time.

I quote the following sentence from the production letter contract of April 12, 1965, between the Air Force and the General Dynamics Corp., paragraph 4(c):

> The target date for definitization of this contract is 15 October 1965.

Mr. President, I point out that 1½ years have gone by since the date when we should have known the total program cost of this aircraft in all its versions, and since the date when the specifications for its operational use—its range, ceiling, weight, maneuverability, and combat performance, among other characteristics—should have been contractually guaranteed.

The original research and development letter contract was signed on December 21, 1962. Now, in April of 1967, 4⅓ years later, there is not yet a definitized contract, and the aircraft's configuration, according to Dr. Foster, is not yet known. Dr. Foster, it will be remembered, is the Director of Research and Engineering in the Defense Department. The time and date this contract will be signed are still indefinite and uncertain.

I think it is significant also that the

F-111B, the Navy plane, proved to be so deficient in performance that it will require a new engine different from the engine which was originally specified for the aircraft. The contract to develop the new engine was not entered into until November of 1965, even though the research and development program which started in December of 1962 had shown much earlier that the engine originally contemplated for use in the Navy plane would not be satisfactory. Because of the delay, the Navy must wait at least until May of 1968, more than 1 year from now, for the delivery of the first production models of the new engine. Is it wise, Mr. President, for the Congress to make huge appropriations for the production of this Navy plane before it has a demonstrated and tested engine that is required to make the aircraft meet performance specifications?

During the appropriations hearings, I also asked Secretary of Defense McNamara a number of questions about the cost estimates which have been made by the Department of Defense for the F-111 program as it is now planned. He declined to furnish the Senate Appropriations Committee any of his Department's cost estimates for the total program. His testimony was as follows—page 381:

> Secretary McNamara. I don't think we can do so beforehand. We are in the midst of contract negotiations with the contractors. The costs are quite fluid, and it would only confuse rather than clarify the issue at the present time, and it conceivably could prejudice our negotiations.

Mr. President, I call attention to the fact that this testimony was given in executive session. The colloquy between us was continued and I again asked the Secretary for the cost estimates—page 385:

> Senator McClellan. Didn't you say you kept them current? "There are continuing estimates and periodic reappraisals of the figures, but there is no completed study." So I ask for the current figures.
>
> Secretary McNamara. And I said that the current figures are not complete. They are tentative.

Mr. President, 4½ years later they are tentative.

> They haven't been discussed with the contractor. We are involved in current negotiations, and I don't believe under these circumstances, until we complete our analysis, that it should be released. When the analysis is completed, we will be very happy to release it to the Committee.

Mr. President, is the real reason for the refusal to furnish current cost estimates for the total program due to the fact that the research and development effort has been so unsatisfactory, requiring so many changes to the aircraft, that the Defense Department honestly cannot, after more than 4 years of research and development and after the plane is in production, furnish to the Congress reasonably reliable and firm estimates of the total cost? We do know that the definitized production contract specifying these costs should have been signed on October 15, 1965. So, I questioned Secretary McNamara further—page 386:

> Senator McClellan. Let me ask you this. You have testified here before this committee in executive session and in confidence in the last 3 or 4 days to many things that you do not want the Russians, the Chinese, or the Communists to know, have you not?
>
> Secretary McNamara. Yes indeed.
>
> Senator McClellan. You did so because you had confidence in this committee, and because you felt that the committee had a right to ask you information of that character and nature that is pertinent to the huge appropriations being asked here, did you not?
>
> Secretary McNamara. Yes indeed.
>
> Senator McClellan. Now you are saying that you trust the committee for that, but you cannot trust the committee to give it estimates, your estimates of the cost of one of the largest weapons systems we have ever acquired?

The Secretary's reply to that question was essentially the same as that which he gave previously:

> Secretary McNamara. . . . They are not my estimates. They are not completed. They haven't been analyzed. We are in the midst of a delicate negotiation.

Over 4 years, Mr. President. How could he negotiate unless he had some estimates? They had not been completed; they had not been analyzed—but he is in the process of delicate negotiations.

> I think it would be quite contrary to the Government interest to pass around incomplete figures of this kind . . .

Pass around to whom? He was in executive session dealing with an appropriation for hundreds of millions of dollars. He can testify with confidence before the committee to things he does not want the Russians or the Chinese Communists to know, but he cannot give the committee these estimates. Why?

Mr. President, I did not succeed in my effort to have the Secretary furnish the current cost estimates for the total F-111 program. However, I did receive a promise from the Secretary that the current cost estimates will be furnished—ultimately.

> Secretary McNamara. I will be quite happy to give the committee the estimates before the definitive contract is signed (p. 386).

I point out that is quite an indefinite answer.

When will that contract be signed, Mr. President? The Secretary of Defense did not estimate a date, but the Secretary of the Air Force, Dr. Harold Brown, gave the committee a very equivocal and uncertain target date, in a colloquy with me—page 921:

> Senator McClellan. Now we are buying these planes without a definitized contract. Now can you tell me how soon you expect to get a definitized contract?
>
> Secretary Brown. We expect to get one before using any of the fiscal 1968 appropriations, which couldn't be before July of this year.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, how long must the Congress wait before it obtains reasonably firm estimates on the costs of this airplane and accurate information about its operational characteristics?

We have been asked to appropriate large sums of money this year for the production of a weapons system that is now admittedly unsuitable for combat use by the Armed Forces. Why is this plane, although still unsatisfactory, now rolling off the assembly line? Why has the Secretary of Defense refused to furnish appropriate cost estimates of this program? These are serious questions which should be examined closely before we appropriate billions of dollars to produce the F-111 in quantity.

Mr. President, the Congress should not be expected to speculate upon the validity of requests for appropriations. They should be substantiated and justified. Reliable estimates of the costs of this weapons system should be supplied by the Secretary of Defense.

This aircraft has not been thoroughly or adequately tested, yet we are asked to appropriate the money to purchase it in large numbers for operational use.

Development of the engine for the Navy plane is underway, but it will not soon be ready for testing. There will be no prototype of it, according to testimony, until May of next year. The Navy version has not even finished its preliminary testing, yet the Defense Department plans, if we give it the money, to place it in production even before the new engine, which the Navy hopes will improve its performance, has been developed, produced, and satisfactorily tested.

I believe that the Congress should require complete and accurate information about all the costs and the operational characteristics of the F-111 weapons system in all its versions. I do not accept—nor do I believe that the Congress should countenance—any suggestion that the Defense Department has the right to request appropriations for an admittedly unsatisfactory aircraft while withholding information about its costs and about its performance capabilities.

We have a responsibility to know what we are doing—to know what we are getting—and what it is costing, when we appropriate money to purchase these planes. Some day, Mr. President, notwithstanding the withholding of this vital information by the Defense Department, we will get and disseminate much more of the truth about this weapons procurement program. The day of reckoning surely cannot be postponed indefinitely.

EXHIBIT 1

WHY THE FLAK AROUND THE F-111

(By Richard Witkin)

(NOTE.—Richard Witkin, of The New York Times staff, was for many years aerospace news editor.)

The revolutionary fighter-bomber rolls down the runway for take-off, a rather graceless shape spewing power from twin turbofan engines. The canopy over the two-man cockpit gives it a hump-backed look. The heavy tail droops. The wings defy the sweep-back trend of contemporary supersonic design, stretching sideways almost at right angles to the fuselage, but there is good reason for the unfashionability. It enables the plane to lift off the ground after a remarkably short run of 3,000 feet or less.

Minutes later, pointed on course, one of the pilots moves a "trombone-slide" device, and the wings—as on no other plane—begin to pivot backward. They go so far back that they move almost flush against the horizontal triangular tail and, as the craft races across the sky, all grace and streamlining, it looks from the ground like a kid's paper plane turned into the real thing. Now, with the wings tucked back beyond even fashionable angles, the drag, or air resistance, has been slashed and the speed can be pushed to 1,650 miles an hour.

Yet, despite the success of the unique "swing wing," this is a plane with troubles, technical and political. This is the TFX (since renamed the F–111), the Air Force-Navy fighter-bomber that provoked 3,000 pages of strident Congressional hearings long before it was built and has been buffeted by controversy ever since.

The man at the center of the debate is Defense Secretary Robert S. McNamara. It was he who gave the go-ahead to develop the plane, which was—and still is—intended to be the most important addition to the U.S. tactical air arm for the next 10 to 15 years. It was he who precipitated the bitter quarreling over the plane by the ground rules he set for the design and by the way he chose the company to build it.

During the six years since he left the presidency of Ford to become Defense Secretary, McNamara has built a reputation as a manager with few peers. Whatever else the public might think of him—his policies on Vietnam, the Reserves, NATO—it applauds the way he has adapted the efficiency standards of private industry to the conduct of the Pentagon's $75-billion-a-year business. By closing obsolete bases, merging overlapping bureaus and decreeing the strictest cost-accounting systems, he has projected the image of a man relentlessly bent on cutting waste.

Nevertheless, it seems plain that the F–111 is not going to add to McNamara's luster. More than 20 test versions have logged more than 2,700 hours in the air but not all the tests have been completed and not all the possible fixes have been made. Every indication is that the nation will wind up with a product that is significantly short on projected performance and less than a bargain on cost. Unless these shortcomings can be largely mitigated, which seems unlikely, the blow to McNamara will be considerable, whatever the overall reading on his talents as a manager.

The F–111, after all, is being produced under what he has reckoned to be "the largest single airplane contract in the history of this or any other country." Production is expected to run well above 1,000 planes at a cost that could reach $10-billion or more. Figures of such magnitude help explain the long and intense controversy over the F–111. And to make sure that the public does not miss the full import of what has happened, Senator John L. McClellan's Permanent Investigations Subcommittee plans to resume in June or July hearings on the F–111 which were suspended in the fall of 1963.

McNamara's intial misstep, most experts agree, was to try to stretch a concept that must have looked like a first-rate idea to a transplanted automotive executive. The concept, "commonality," called for producing a single weapon system that could be used by different services for different missions. The purpose was to save money hitherto misspent by turning out too many weapons tailored for one service's missions alone.

When McNamara came to the Pentagon the concept of commonality was already employed, but only fitfully. For example, several helicopters were being produced that were multiservice machines. McNamara decided that to ease his budget burdens commonality should be pursued much more energetically and it was this idea that impelled him, in the fall of 1961, to apply the concept to the first major new weapon system to be developed under his auspices—the F–111.

The idea for the plane originated with some imaginative research undertaken after World War II by researchers in this country and in Britain to develop a plane with wings that could pivot back and forth. With the wings extended sideways the plane would be able to take off and land at slow speed in a very small space. In midflight, the wings would be pivoted far back to minimize air resistance and make possible high speeds. Thus, supersonic planes could operate from modest runways previously reserved for craft not much hotter than the old DC–3 airliner.

Experimental swing-wing planes incorporating the idea were test flown in this country in the nineteen-fifties. The technology finally was perfected through use of wind-tunnel models by a design team under John Stack, a dynamic engineer who formerly directed the national space agency's Langley Research Center laboratory and now is a vice president of the Fairchild-Hiller Corporation.

The Air Force greeted the new Defense Secretary in 1961 with proposals to produce a swing-wing fighter-bomber that would be ready by the late sixties to take over attack missions from its F–105 Thunderchiefs. The Navy also wanted a variable wing fighter to carry a projected new missile, the Phoenix, and take over fleet-defense missions being performed by F–4B Phantoms.

McNamara agreed that the plane should be built and envisaged a huge force of 1,400 to 1,700 (the exact figure has never been pinned down) of which all but about 300 were destined for the Air Force.

But he insisted that a common basic design be developed to meet the requirements of both the Air Force and the Navy, which caused both services to set up a howl. Automatically, the stricture meant compromising the performance each plane might otherwise have attained. The Air Force version would have to be shorter than desired because commonality dictated that the plane had to fit the elevators of Navy aircraft carriers and meet other criteria for being moved around in confined shipboard areas. The foreshortening would also increase the plane's drag. The drag, in turn, would cut the plane's range or require more fuel to fly the originally contemplated distances.

As for the Navy plane, commonality burdened it with a good deal of superfluous ruggedness to withstand the terrific buffeting that would be encountered in what was strictly an Air Force mission: flying supersonically in the thicker air of very low altitudes in order to slip under enemy radar. The Air Force also required extra ruggedness to withstand sharp maneuvers with higher fuel loads than the Navy demanded.

McNamara did not dispute that commonality would impose performance sacrifices. He did contend that the sacrifices would be "marginal" and justified by the dollars saved—savings, the Secretary was later to testify, that would amount to $1-billion in his "rough judgment."

Some of the nation's most experienced engineers warned from the start that McNamara was deluding himself. Subsequent events—a swarm of technical troubles and soaring costs—indicate that the doubts were well-founded, though it is hard to gauge precisely what portion of the F–111's shortcomings is due to commonality. Many other mistakes along the way impeded its smooth development. Nevertheless, a majority of experts I have talked to are convinced that commonality accounts for much of the technical trouble, particularly on the Navy plane, and the increased costs.

The penalty is most clearly evident in the excess weight of the Navy version. The Navy initially wanted a fighter weighing, fully loaded, no more than 55,000 pounds. It later agreed to compromise on 63,500 pounds. The plane today weighs over 70,000 pounds. As weight increases, so do take-off and landing speeds. And as these speeds increase, a carrier deck—small at best—becomes a more and more restricted area from which to operate.

A vigorous program known as SWIP (Super Weight Improvement Program) was undertaken to trim every ounce of fat from the Navy plane, at the risk that some muscle would be trimmed too. Several thousand pounds of fat were taken off, often ounce by ounce, but the plane still is four tons overweight. Of course, while SWIP slenderized the F–111, it inflated development costs.

Development costs were further boosted by a companion effort to design "high-lift" devices for the wings—devices that would compensate for the excess weight and prevent higher take-off and landing speeds. This caused another problem. The "high-lift" devices increased the nose-up angle at which the plane would glide toward the carrier deck, making it more difficult for the pilot to see where he was going. Result: more design changes to restore good visibility. And more development costs.

More painful than all the increases in development costs will be the higher costs of aircraft eventually produced for combat. The appalling overweight will account for much of the increase since, as one highly placed official put it, "Airplanes are like bananas. You buy them by the pound."

Estimates on the eventual cost of each Air Force attack plane have soared from an original figure of about $3-million to more than $5-million. The Navy plane will cost more than $8-million unless—and this is unlikely—a decision is made not to produce the Navy version in volume. The difference in price lies primarily in the cost of the six Phoenix missiles each Navy plane is to carry.

McNamara answers critics who keep reminding him how costs have been skyrocketing by recalling testimony he gave in 1963 which characterized initial price estimates as unreliable. It is unlikely, however, that he ever imagined the estimates could be as remote from reality as they have proved to be.

Apart from the question of costs, the Defense Secretary might still have avoided serious embarrassment had he not followed the commonality doctrine with a succession of egregious blunders in political judgment, public relations and program management. The public's first real news about the plane came in November, 1962, when the Pentagon announced that the prize multi-billion-dollar construction contract would go to the General Dynamics Corporation, thus ending a hotly contested, year-long competition. Production was assigned to the company's Fort Worth, Tex., plant.

Not long after the announcement political rumblings began. It turned out that, in awarding the contract to General Dynamics, McNamara had overturned a unanimous recommendation in favor of the Boeing Company made by the Joint Chiefs of Staff on the basis of previous recommendations by a team of military and civilian experts which had spent hundreds of hours examining each company's proposals. It was the first time anyone could recall that the advice of the Joint Chiefs or the expert Source Selection Board had been overturned on a major program.

Demands were made that Congress look into the matter to learn why the Pentagon had overturned the Joint Chiefs. The only explanation that made much sense to experts who had followed the design competition was political, that the decision was dictated by the White House. John F. Kennedy's possible role in the selection was brought out in subsequent testimony before the McClellan committee by Eugene M. Zuckert, Secretary of the Air Force at the time. He read a memorandum McNamara had sent both to him and to Fred Korth, who was Navy Secretary, early in the contest over the plane. It contained a single sentence: "I have told the President that we propose to discuss with him our recommendations regarding the final award of the TFX contract before the contract is let."

Zuckert also revealed that, even before evaluating the final proposals, McNamara had told the President "that it looks as if General Dynamics would be chosen." Zuckert insisted that the President "did not suggest" which company should get the contract.

Speculation—and that is all it is—on why President Kennedy might have favored General Dynamics runs along at least two lines. One, he preferred to give the business to Democratic Texas rather than to Republican Kansas. (Boeing has headquarters in Seattle but intended to build the plane at its Wichita plant). Two, the President might have been concerned less with politics than with economics.

The Fort Worth plant of General Dynamics was ending production of the B–58 bomber; unemployment threatened and there was danger that the company would be forced to get rid of the plant. Furthermore, the company had taken a jolting $425-million loss in producing an abortive series of commercial jet airliners. The President may have been moved by a desire to prevent a local economic setback in Fort Worth and by the broader aim of shoring up a corporation valuable for defense production.

Whether the choice was political or not, the Pentagon almost certainly could have minimized the controversy if it had behaved differently. There is every reason to believe that the McClellan inquiry would have been brief and unspectacular had officials dispassionately explained that both proposals had met the criteria and that General Dynamics had a higher over-all point score in the competition though Boeing led in "combat performance." The Administration might even have done well to suggest that, since the competing designs left little to choose between, economic consideration had tipped the balance.

Instead, soon after the McClellan hearings opened in late February, 1963, the McNamara team began to assail the committee with charges of bias and improper motives. The opening volley came from Arthur Sylvester, McNamara's public-relations chief from the start of the Kennedy Administration until he resigned early this year. The hearings were just 10 days old when Sylvester suggested at an off-the-record briefing that no one on the Senate committee except Edmund S. Muskie of Maine could fairly conduct an inquiry because manufacturers in the other Senators' home states would be competing for valuable F–111 subcontracts. The source of an off-the-record briefing makes the rounds of Washington quickly and Sylvester promptly got a blistering dressing-down from Senator McClellan, He apologized.

A few days later, Secretary McNamara proceeded to express *his* displeasure, on the record, at the way the hearings were going. He asked that his representative be called to the stand promptly to give the Administration's side of the case and McClellan agreed to have a long affidavit from McNamara read into the record. Apparently dissatisfied, McNamara promptly charged, in a letter released by his public relations office, that the committee inquiry was reflecting adversely on his integrity.

The third volley come from Roswell Gilpatric, a handsome, urbane Ivy Leaguer who was Deputy Secretary of Defense. Gilpatric held an off-the-record briefing in which he complained that the Pentagon had been misled into thinking that the inquiry would be perfunctory. That Gilpatric should be maneuvering to whip up public sentiment against anything but a brief inquiry struck an especially sour note because his own role in the selection of General Dynamics had begun to look less than objective. Gilpatric had been a partner in the New York law firm of Cravath, Swaine and Moore before coming to the Pentagon and had worked on several important legal matters for General Dynamics. Since his switch to the Pentagon, the law firm had become general counsel to the aerospace company.

Later in the inquiry, McClellan offered his opinion that Gilpatric should have disqualified himself as a judge in the F–111 competition. Three committee members agreed while three others supported the view of the Justice Department, then under Robert F. Kennedy, that Gilpatric had no obligation to disqualify himself. About a year after the commotion, Gilpatric returned to Cravath, Swaine and Moore.

It would be hard to conceive more self-defeating tactics in dealing with a Congressional committee than the three Pentagon broadsides. They counteracted any inclination McClellan, for one, might have had to limit the scope of the hearings. On the contrary, they made it certain that the committee would now pursue every lead to the end. And it insured that the plane's technical development would proceed in a goldfish bowl of publicity.

The guarantee of unceasing publicity was one of the worst things that every happened to the F–111. It led McNamara to try to manage day-to-day work on the plane directly from the Pentagon and in doing so he flouted some fundmental managerial rules for so vast and important a program.

The initial McClellan hearings went on for nine months and piled up almost 3,000 pages of testimony. McNamara defended his choice of General Dynamics on three main grounds: The company's designs incorporated fewer technical risks; estimates on development costs were more realistic than Boeing's; and, perhaps most important, its proposals for the Air Force and Navy versions incorporated a greater degree of commonality.

The Secretary's critics low-rated the degree of added technical risk in the Boeing design. The critics also emphasized the superior promise of the Boeing plane in combat performance and the likelihood that it would weigh less. Finally, they argued that the greater commonality of the General Dynamics design was a minimal factor and likely to save very little money.

It was impossible for the committee to reach any solid verdict because the airplane still was only a paper project. Then, when President Kennedy was assassinated and all attention was taken up with the consequences of the tragedy, McClellan seized the opportunity to suspend the hearings indefinitely.

Almost a year later, on Oct. 14, 1964, the first F–111 test plane was rolled out of the factory door at the edge of Carswell Air Force Base in Texas. Defense Secretaries do not often turn up for such events, but in view of public interest in the controversy and since the entire aviation press was on hand, McNamara flew from Washington to put the occasion into what he considered proper perspective.

Addressing an audience that also included squads of generals and admirals, company presidents, Government officials and most of the General Dynamics work force, the Secretary noted candidly that the plane had had "a stormy birth which has been very much on my mind for many months." He went on to declare that the F–111 was "now recognized for what it is: a truly enormous advance in the art of military aircraft." Adding a crowning superlative, he said: "The plane is the greatest single step forward in combat aircraft in several decades."

In light of the fact that the combat jet was only introduced in 1944, the claim was extravagant, or at least premature. The Secretary could not have been unaware that engineers were struggling with the weight problem. He must have known, too, of warnings that the plane's drag would be worse than the original calculations. He simply chose to put the best face on the project—perhaps because he realized how much he personally had riding on it, or because he was susceptible to overconfidence.

Test flights of the F–111 began in early 1965. The most revolutionary feature of the plane—the pivoting wing system—worked perfectly. (It worked so well that adaptation of the concept recently helped Boeing win the competition to build the supersonic airliner). But that technical triumph was offset by a host of setbacks that have proved to be much more stubborn than the usual troubles which beset new planes. The most persistent problem—after more than 2,700 hours of flight tests in the 22 test planes—remains in the propulsion system, which includes both the turbofan engines and the air-inlet ducts under the wings. It is through the ducts that the engines breathe the air necessary to support combustion.

Starting early in the flight program, the engine afterburners, which are fired up to push a plane to top speeds or high altitudes, suffered frequent premature shutdowns. At the same time, the air flow through the ducts was prone to disturbances under a variety of conditions. The result was frequent stalling, or surging, of engine power. Coupled with all these troubles was the discovery that the engines had a higher rate of fuel consumption than had been counted on.

Congressional pessimism during this period focused almost exclusively on prospects for the Navy plane, which always had been a more doubtful project than its Air Force counterpart. While the Pentagon placed an initial order for 431 Air Force F–111's little more than a year after flight tests began, it has carefully refrained from committing itself to volume production of the Navy plane. The decision has been postponed time and again.

One reason was the weight. Another equally important issue was whether the Hughes Aircraft Company could perfect in time the radically advanced Phoenix missile system, which is intended to aim, fire and guide the plane's six missiles simultaneously at six different targets flying at different altitudes. Without the Phoenix the F–111 would be of no real use to the Navy, and though the system had some serious early problems, at last word they were diminishing.

A third set of difficulties was outlined about a year ago when Secretary of the Navy Paul H. Nitze noted that flights with the first Navy test planes "have indicated a desirability of improvement in the areas of acceleration, loiter ceiling, time on station, maneuverability and balance." (Loiter ceiling means the maximum altitude at which the plane can patrol at subsonic speed. Time on station means the hours the plane can circle at its assigned loiter station.)

Last July, Nitze spoke up again, saying the Navy F–111 was a plane "we must make work."

"Why? Why?" asked Senator McClellan during a Senate speech in which he resumed his long-suspended attack on the F–111 program. "If a weapon will not work, why must we try to make it work if there is another alternative?" If it were up to the Navy, he added, "they would not accept the airplane."

There are signs that Navy opposition, at least among the top brass, may have slackened recently. The outlook for the propulsion system is a little brighter. And the admirals are reported to be increasingly worried that, if they do not get the F–111, they may get nothing. They are the men who will be responsible for protecting the nation long after McNamara has left the Pentagon.

Whatever the defects of the commonality decision and the technical troubles that followed, most observers agree that the Secretary of Defense aggravated the difficulties by the way he directed that the program be managed.

Accepted management doctrine for a major military development today calls for delegating authority over operations. In other words, a single strong manager should be assigned at the level where the day-to-day work is done to catch deviations from best design early in the game and to order timely improvements. Company executives, accustomed to walking through the most forbidding Washington doors, should be prevented from undercutting the program manager's authority. The manager should be judged by progress measured at decent intervals against scheduled target goals. If he does not meet the tests he should be replaced. The wisdom of this approach has been amply proved in the atomic submarine and ballistic missile programs.

The lesson has not been applied to the F–111. McNamara has been so conscious of public attention that Pentagon involvement reached the point last fall where the presidents of the major contracting firms were summoned to Washington for a series of Saturday morning trouble-shooting sessions chaired by McNamara himself or his Deputy Secretary, Cyrus Vance.

"With a program under that kind of spotlight," one high-ranking Washington insider said privately, "management at the appropriate level was impossible. Working-level officers spent much of their time gathering data for Congressional hearings and having investigations and getting second-guessed at the top. All this produced delays and confusion and an upward spiral in costs."

In one case, a program manager is reported to have decided on an important technical change (details are classified) that could be incorporated in the 57th airplane off the production line. But the way the Pentagon was running the show, the proposal had to be bucked up to the top level in the Defense Department, and the improvement will not be incorporated before the 130th plane. If the Air Force wants to go back and "retrofit" the earlier planes, it will cost a great deal of money.

Similar price increases are blamed on a contract innovation which McNamara introduced several years ago and which has been used in the F–111 program. Before the McNamara era, the stock contract was a so-called "cost plus fixed fee" agreement; the contractor was assured that the Government would cover his costs and pay him a fee—his profit—on top of that.

An important weakness in "cost plus" contracts was the absence of a strong incentive for the contractor to limit costs. McNamara gradually altered the system, and current standard practice is to operate under what is known as a "fixed price incentive" contract; the basic price the company is to be paid is negotiated ahead of time, with loopholes allowing the Government to make later design changes and pay extra for them. The contractor's profit is affected by an incentive clause under which he will earn a higher or lower fee depending on whether the product meets performance criteria and does so within a prescribed time.

Almost everyone favors such contracts for the production phase of weapons programs. However, many procurement experts question whether they are suitable in the research and development phase. How, they ask, is it possible to negotiate a realistic fixed price for research and development on a project that combines so many technical advances as, say, the F–111?

One danger in the "fixed price" approach is that it may prompt a contractor to hold back an extra final effort to improve a product design because the attempt would cut too heavily into profit. Another danger is illustrated by what happened with some electronic "black boxes" for the F–111.

General Dynamics decided to use already developed equipment with standard prices rather than gamble on advanced equipment still under development—equipment whose ultimate cost it had no way of knowing. Eventually, when the advanced items had been put into production and the price nailed down, the Pentagon decided they should be installed in the F-111 and the Government had to pay for a costly change-over.

The final verdict in the emotional F-111 dispute cannot be given until the test program is complete; until a decision is made on full or token Navy production; or perhaps until the plane is put to the ultimate test of combat—never, one hopes.

It is certainly a great credit to the program that the most radical innovation, the pivoting wing, works magnificently. As the first mass-produced plane to incorporate the concept, the F-111 unquestionably is a big technological advance over anything now on the flight line. That is, after all, why a nation designs new planes. On the other hand, the F-111's over-all performance is not what it might have been.

The main penalty paid by the Air Force fighter-bomber is a reduced combat range for its primary mission—low-level penetration to the target and high-altitude return. It also may fall short in the distance it can be ferried from a U.S. base to an overseas trouble zone without refueling.

The Navy fighter cannot patrol at altitudes as high as desired. It requires a higher-than-desirable "wind over deck" speed for take-off and landing (the carrier must make up the difference by moving faster through the water). It also is deficient in ability to climb with one of its two engines not working, a critical factor when a plane gliding to a carrier deck with one engine shut off gets a "wave off" or has to slow its rate of descent.

In short, the F-111 is not turning out to be nearly as agile as McNamara boasted it would be. Nor will it be bought at anything like the billion-dollar saving he counted on when he ordered development of a single two-service plane. The McClellan committee, when it resumes probable hearings in June or July, will want to know in detail what went wrong.

As for McNamara, despite all his brilliance he is emerging in the F-111 dispute as a merely human, fallible policy-maker who compounded what appears to have been an initial mistake—commonality—by tactlessness and a presumptuous flouting of sound managerial doctrine.

EXHIBIT 2

Transcript of a Filmed Television News Report by Jules Bergman, Science Editor of the American Broadcasting Co., on the ABC Network News Broadcast, "Peter Jennings and the News," March 30, 1967

Defense Secretary Robert McNamara, called the F–111 the "Greatest single advance in combat planes in several decades." That was before it had ever flown. It is an old adage that you don't boast about a new plane until it has been tested and you have seen what it can do. It is now clear that the nation will not get the plane that McNamara promised or the Air Force and Navy wanted.

After more than 1,500 flights, engineers are still trying to cure the 111's problems. The plane costs too much, weighs too much, and lacks the range promised.

Worst of all, its radical fanjet engine—the first with after-burners built in for extra power—still stalls or quits in mid-air. The critical problem has been the inlets—where the air is sucked into the engines. Unless the air is aimed in just right, the engines misfire. Major changes are being tested. No one knows if they will work. And a new engine, with more power—because the plane is five tons overweight—is on the way.

But the engine isn't the only problem: the 111's fuselage is too thick, its tail section too wide, it has too much drag and the engines have to burn more fuel to push it through the air. Result: fuel consumption that is too high, and range that is too short.

It was supposed to fly non-stop more than 4,000 miles—a record in itself, but now, even with a thousand gallons of extra fuel squeezed aboard it has to be refueled in mid-air for long transoceanic missions. The 111 has flown faster than sound at low level for sustained time—a major goal to attack under enemy radar. It has done nearly 1,700 miles an hour up high—but burning too much fuel. Originally, there were to have been 1,700 of these swing-wing planes, costing three million dollars each—it was the biggest single military contract in history. It totaled nearly Ten Billion Dollars.

A new word—commonality—came into being at the Pentagon—meaning both Air Force and Navy would use the same plane, and a Billion Dollars would be saved. The name of the game—the slogan went—is the plane is the same.

What seemed toughest—the 111's folding wings—has proven the easiest. The wings sweep exactly the way they are supposed to, enabling the 111 to take off and land more slowly. But, it can't maneuver in dog fights, pilots report. It can't shoot down Migs unless it gets them with its missiles first. It won't be the greatest advance in combat planes in decades. Far from it. And it will be years late for Vietnamese type wars.

The cost has skyrocketed: the Air Force model costs twice as much as the Pentagon declared it would; the Navy version nearly three times as much.

But, major cockpit changes will be needed to make it safe for carrier landings. The visibility is so bad that Navy pilots cannot see the deck when touching down. And, the Navy version won't be ready until 1970—two years late.

The great dream of commonality and cost saving didn't quite work out. Instead of one plane for both services . . . two separate planes are being built. They do use the same nuts and bolts.

What kind of a plane will the nation get? We will, the Pentagon declares, get an "acceptable" plane. But even the Pentagon admits that it is not the plane it wanted or set out to build.

It is as if you started out to buy a Volkswagen and ended up with a Cadillac.

EXHIBIT 3

[From the Washington (D.C.) Evening Star, Apr. 7, 1967]

THE TFX—A SORRY MONUMENT TO MCNAMARA

(By Richard Wilson)

Our $10 billion airplane, the TFX, does not operate as planned. It does not meet the requirements of either the Air Force or the Navy. It costs two to three times the original estimate.

The TFX program is a sorry monument to the strong mindedness of a secretary of defense who was trying to prove his intuitive brain power was superior to the collective judgment of the Joint Chiefs of Staff and a board of civilian experts.

Richard Witkin, for many years an aerospace news editor, concludes in an exhaustive article in the New York Times magazine:

"As for (secretary of defense) McNamara, despite all his brilliance, he is emerging in the F111 (TFX) dispute as a merely human, fallible policy-maker who compounded what appears to have been an initial mistake—commonality—by tactlessness and a presumptuous flouting of sound managerial doctrine."

Commonality is a term used to describe the purpose of the TFX fighter-bomber as a plane that would be jointly used by the Air Force and the Navy, a short-cut in plane procurement that would save taxpayers $1 billion, according to McNamara.

The program is not saving $1 billion. Each F111 is being produced at a cost of about $8 million, two to three times original estimates. Instead of being a $5 billion procurement program, the total cost would be at least $10 billion if fulfilled as originally planned.

The plane is not suitable for use by the Navy from carriers. It weighs far too much and has numerous other technical shortcomings that may prevent it ever being used by the Navy.

Penalties are also being paid in the Air Force version of the plane, although taken separately the aircraft is considered to be a radical advance in design.

But very little in the program is working the way NcNamara planned it. His judgment, or whatever it was, giving the contract to the financially floundering General Dynamics Co. instead of the Boeing Co., as the Joint Chiefs of Staff and the civilian experts recommended, has not been confirmed.

These developments are a sharp disappointment to the McNamara-admirers, who have built him into a superman incapable of error and with a towering command of technical details beyond the scope of the mind.

When this mess at the Pentagon is looked at from a little distance, one point compels attention. In the early days of the Kennedy administration it became a fetish that the civilian will had to be imposed on the military.

Otherwise the generals and admirals, acting in concert with the managers of the munitions industry and like-minded people in Congress, would so influence events by the allocation and spending of huge sums of money as to virtually run the country. Gen. Dwight D. Eisenhower, leaving the presidency, warned against the potential for evil of the military-industrial complex.

McNamara was picked by President Kennedy as a man capable of imposing his will on the military. But he could not have chosen a worse way to do so than in overriding the Joint Chiefs of Staff in a highly complicated and technical matter, particularly now that his action has boomeranged so badly.

This is not the only way in which the Joint Chiefs of Staff have been overridden. They have been overridden on the scope and nature of bombing in North Vietnam.

Many times the joint chiefs have recommended hitting North Vietnam airbases from which Russian MIGS rise to thwart American bombing attacks. To the response that this will only drive the MIGs to Chinese bases, the joint chiefs can reply that those Chinese bases already are being used.

But there are apparently no more general officers in the high command who have the audacity to take their careers in their hands and argue for their point of view—no more Admiral Andersons, or Gen. LeMay, who opposed McNamara and were punished for it. The Joint Chiefs of Staff has been downgraded, not to say intimidated, by overpowering civilian control represented by McNamara, backed up by the commander-in-chief.

While it may be readily conceded that there are real dangers in the unrestrained exercise of military discretion, it can also be said that there are risks in the imposition of the civilian will on the military judgment of trained commanders. This may be the case with the present restraints on bombing, as it was in the critical decisions on the TFX airplane contract.

As the successful allied commander in Europe of World War II, Eisenhower did not hesitate to argue with and prevail over Winston Churchill. But that spirit seems to be lacking in the present military command set-up.

Mr. JACKSON. Mr. President, I would like to commend the able chairman of the Government Operations Committee for his informative statement. He has raised fundamental questions regarding the costs and performance characteristics of the F-111—both the Air Force and Navy versions.

The Senate needs to be fully informed on these and other points in this long and continuing controversy. The Senator from Arkansas has rendered an outstanding service in having followed this matter in great detail. I hope that every Member of the Senate will read his remarks with great care.

VICE PRESIDENT HUMPHREY

Mr. BYRD of West Virginia. Mr. President, our energetic and able Vice President, Hubert H. Humphrey, is safely back in the United States after an eventful trip to Europe.

His efforts have been lauded in press reports. One of the reports which I read summed up the problems which he encountered, and generally outlined the hopeful results of his contacts with the European community in an especially effective manner.

I wish to echo the statement within this editorial, published in the April 11 issue of the Washington Post, which said that the Vice President's personal charm obviously had its impact on European leaders, and his success at this level suggests that he should be utilized as an ambassador more frequently.

The Vice President is certainly an ideal representative of our Nation abroad, both in his more pleasant contacts with representatives of foreign nations under friendly auspices and in his excellent demeanor when faced with hostility.

I ask unanimous consent to have the editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Humphrey's Trip

Vice President Humphrey very clearly accomplished the two foremost purposes of his European visit: the governments he visited know more about American policy and the Government of the United States is better informed on European attitudes. It is doubtful if the President could have sent a better ambassador on such a dual mission. Vice President Humphrey is a persuasive and amiable advocate and he is, as well, a quick and perceptive observer.

Time will tell how many results he achieved both as advocate and as reporter. Subsequent events will show if things go more smoothly in the Kennedy round and in the maneuvers for a nonproliferation treaty. Later developments will indicate if he made any progress in reconciling European leaders to the American role in Southeast Asia. Our own policies no doubt will reflect the information which he acquired.

The limitations of such a mission, of course, arise from the narrow scope of the enterprise. If differences exist because of genuine misunderstanding and misconstruction as to European and American policies, a gifted emissary can accomplish a great deal. If they spring inherently, not from misunderstanding, but from real differences over policies that are well understood on both sides, there are strict limits to what an interpreting visit can achieve.

The Vice President's personal charm obviously had its impact on European leaders and his success at this level suggests that he should be utilized as an ambassador more frequently. These affirmative reactions cannot eclipse entirely the dismay created in the United States by some of the hostile demonstrations he encountered. News photographs of Paris demonstrators burning an American flag made a painful impression on American newspaper readers. Fortunately they are sophisticated enough to know such disorders do not reflect governmental opinion, or even general French opinion.

The general reaction to the Vice President's trip suggests that it would be useful and helpful in maintaining historic friendships in Europe if the excursion were to be repeated at frequent intervals.

THE DAIRY IMPORT ACT OF 1967

Mr. BYRD of West Virginia. Mr. President, I am proud to be a cosponsor of Senate bill 612, 90th Congress, first session, a bill to regulate imports of milk and dairy products, and for other purposes.

The dairy farmers of America are urgently in need of effective protection against the increasing flood of imports of dairy products into the United States.

Imports of dairy products average slightly more than 0.8 billion pounds, whole milk equivalent basis, during the 5-year period 1961–65, ranging from 0.7 billion pounds to 0.9 billion pounds. During 1966 imports of dairy products increased to 2.7 billion pounds, whole milk equivalent, an increase of 200 percent over 1965. This is a phenomenal rate of increase in imports. The addition of such a volume of dairy products to our domestically produced supply has had the effect of depressing prices received by our farmers for their dairy products.

Mr. President, current estimates indicate that imports of dairy products into the United States during 1967 may total about 3.5 billion pounds, whole milk equivalent, an increase of about 30 percent over 1966 and an increase of 289 percent over 1965. Current world dairy conditions will encourage increased U.S. imports of these products during 1967. World milk production, which rose about 2 percent in 1966 above 1965, likely will increase again because of generally favorable factors in Western Europe and Oceania.

Relatively favorable prices to producers in the European Common Market countries, together with plentiful pastures and increasing cow population, brought about an increase in production of about 3 percent last year. Milk production also increased in the East European countries and the Soviet Union, with some of the increase moving into export markets as butter at relatively low prices.

New Zealand produced a record 13.7 billion pounds of milk in 1966, up 4 percent from 1965, and Australian production turned upward after a sharp decline in 1965 resulting from severe drought.

As a result of increased output in these major exporting areas, their output of butter, cheese, and nonfat dry milk rose substantially. European butter stocks at the beginning of 1967 were near a record level—over 500 million pounds. This accumulation of butter prompted common market countries to adopt various schemes in an effort to reduce stocks. Among such schemes were reductions of domestic prices for cold storage butter to enourage increased consumption and the payment of export subsidies. Currently under regulations in the common market countries, export subsidies differ among countries. As an example, Holland may subsidize butter exports to the extent of 43 cents per pound. The subsidies actually paid depend on export prices of other countries and world market conditions.

Also, because of these surplus stocks and export subsidies, shipments of butterfat-sugar mixtures and Colby cheese from European countries to the United States rose sharply in 1966.

The unprecedented rate of increase in dairy products this past year clearly indicates the urgent need for effective control of such imports. This rising rate of imports also offers proof that the provisions of section 22 of the Agricultural Adjustment Act are ineffective in limiting these imports. As mentioned earlier in my remarks, imports in 1966 totaled an estimated 2.7 billion pounds, milk equivalent, up from 0.9 billion pounds in 1965. The major factor in the increase was the rise in imports of nonquota products—butter/sugar mixtures, Colby cheese, and frozen cream.

Imports of butterfat-sugar mixtures totaled 105.6 million pounds, up from 3.4 million pounds in 1965; Colby cheese imports totaled 46 million pounds compared with 15 million the previous year. Imports of frozen cream also increased about 50 percent to 1.6 million gallons. Imports of quota products—milk equivalent—primarily cheese, rose 27 percent from 1965 levels.

Under the Sugar Act, the Department of Agriculture limited imports of sugar mixtures beginning in August 1966, and according to provisions of the Sugar Act established quotas for calendar year 1967. Under these quotas, approximately 46 million pounds of butterfat-sugar mixture will be allowed to enter during the year, compared with 105.6 million this past year. The quota is based on the average of the previous 3 years. It should be noted, however, that the limitation applies only to butterfat-sugar mixtures containing 25 percent or more sucrose.

This quota limitation can easily be circumvented by simply changing the product mixture. This has been taking place with a number of products placed under quotas under section 22 ever since quotas were invoked under that authority in 1953.

On March 30, the Secretary of Agriculture, in discussing this increasingly critical situation, said that the present rate of imports of dairy products represents a 300-percent increase, an increase largely accomplished through evasion of the current law, and deplored the adverse effect upon our price support program and the manner in which the income of American dairy farmers was being held down.

It hardly seems necessary for anyone to emphasize the importance of the dairy industry to our national economy, the farm sector of our economy, and to the health of our people. This past year farm cash receipts from the sale of dairy products totaled $5.6 billion, approximately 13 percent of total cash receipts from all farm marketings. In the North Atlantic States, cash receipts from the sale of dairy products accounted for more than 39 percent of total cash receipts from the sale of all farm products.

Per capita consumption of dairy products, milk equivalent, this past year totaled 605 pounds.

These data clearly indicate the importance of dairy production to our economy and to the health of the people of the United States.

A few statistics will serve to illustrate why we should be concerned with what is happening in the dairy industry. Milk cows on farms have decreased from 23.9 million head on January 1, 1950, to 15.2 million head as of January 1, 1967. Farms reporting milk cows decreased from 3.7 million in 1950 to 1.1 million in 1964, the latest year for which complete data are available. The number of commercial dairy farms decreased from 602,000 in 1950 to 367,000 in 1964.

Milk production has decreased from a high of 127 billion pounds in 1964 to 121.5 billion pounds in 1966.

Returns to dairy farmers have been shockingly low for a number of years while production costs have continued to rise sharply. Prices received by farmers for milk and butterfat last reached the parity level in 1952. Since that time these prices have been well below parity. In 4 of the past 5 years, the average prices received by farmers for all milk wholesale have been only slightly above 75 percent of parity, the minimum support level under existing law. As of March 15, 1967, farmers were receiving prices for all milk wholesale which reflected only 85 percent of parity. In other words, average prices received by farmers currently for all milk wholesale are 15 percent below parity, the price which is considered a fair price.

These developments tend to threaten our future dairy production. The rate at which farmers leave dairying depends largely on the attractiveness of dairying relative to other economic opportunities, both on and off the farm. It is also influenced by the mobility of milk producers—their ability or willingness to take advantage of more remunerative alternatives. Some farmers who formerly produced milk have been attracted to beef production because these livestock enterprises use about the same farm resources, and because consumption of beef has risen sharply in recent years. In addition, beef production is less confining than milk production. Other dairymen have found better economic opportunities in other endeavors, including nonfarm employment.

In the last 3 weeks, the Secretary of Agriculture has announced that he is recommending to the President that action be taken to reduce the volume of dairy products being imported into the United States. He is furthermore urging the Tariff Commission to begin hearings as quickly as possible, in an effort to bring about prompt action to relieve pressure on the income of our dairy farmers.

However, I do not believe that this task—the determination of means and methods of rectifying the situation which is working this acute economic hardship on American dairymen and farmers—should have to wait for others to come to Congress to urge initiation of effective action. This is a task which we should undertake under our own impetus.

Mr. President, in view of the development in the dairy industry in recent years and the phenomenal increase in dairy imports, I urge the appropriate committee to hold hearings on the bill as promptly as possible. I am confident that the facts developed in testimony before that body will be overwhelmingly in favor of prompt passage of legislation limiting imports of dairy products.

THE MISSION OF THE NATIONAL PARKS

Mr. MAGNUSON. Mr. President, Americans, understandably, are very proud of their national park system.

However, few can describe the mission of the national parks today and for the future better than did George B. Hartzog, Jr., Director of the National Park Service, at the Conservation Congress for the Pacific Northwest in Wenatchee, Wash., March 7, 1967.

One can better understand why Director Hartzog is doing such an outstanding job in this key assignment in the Department of the Interior when he reviews the text of Director Hartzog's address.

While reading the words will be a poor substitute for hearing Director Hartzog deliver the speech in person, I nevertheless ask unanimous consent that the address be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY GEORGE B. HARTZOG, JR., DIRECTOR OF THE NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, AT THE CONSERVATION CONGRESS FOR THE PACIFIC NORTHWEST, WENATCHEE, WASH., MARCH 7, 1967

I am reminded, in coming to Wenatchee, of a poem by Stephen Vincent Benet called "American Names," in which he begins:

> "I have fallen in love with American names,
> The sharp-thought names that never get fat,
> The snakeskin title of mining claims,
> The plumed war bonnets of Medicine Hat,
> Tucson and Deadwood, and Lost Mule Flat."

Then he goes on to talk about some famous American names—not Wenatchee, I guess—but I think it could well be added to the roster, for it is one of those evocative Indian names which reminds us of our inheritance from the original Americans.

I am privileged to be with you again here in Wenatchee, to participate in this annual Conservation Congress for the Pacific Northwest. It is most appropriate for us to meet here at the gateway to the recreation lands of the great Cascade Range.

It is also a great personal satisfaction to be here because I believe that—perhaps better than in any other region of the United States—you people in the Pacific Northwest have cause to know the true meaning of "recreation." And I don't mean simply in terms of its strong impact on the regional economy—but in a deeper sense the expresses a genuine and lasting concern for the integrity of a magnificent natural resource.

I commend the "Wenatchee Daily World" for its creative leadership in sponsoring this

Conservation Congress for the Pacific Northwest. Conferences such as this are important elements of the national effort to define—and support—a conservation ethic for our day. It was to this cause Secretary Udall spoke in his book "The Quiet Crisis," when he declared: "Each generation has its own rendezvous with the land."

No citizen today can escape the wide reaching influences of environmental problems. Each has a personal stake in finding solutions to the nation's problems of air pollution, water pollution, urban blight, highway litter, and the ruthless competition for open space. In short, we are all involved in this total environment in which we live and of which we are a part.

Insofar as our environment is concerned we are not Washingtonians—even Americans—we are citizens of the world environment. The pintail duck we shall soon see heading north wintered in Mexico and now heads for his summering grounds in Canada.

Joe Foss, who survived his fighter pilot days at Guadalcanal—as well as his battles while serving as Governor and Commissioner of the American Football League—almost became an environmental casualty recently.

His habit—which many of us share—of chewing a blade of grass or straw while hunting seemed harmless—until he was laid low by a dose of arsenic picked up in a country where growing things are protected by pesticides.

The experience of Joe Foss would, I think, suggest that we would be ill-advised to think that our home, our city, even our state, is secure from environmental problems. Pollution of the air we breathe and the water we drink is an evil which often the local community—or region—is powerless to control.

America's original strength, its emergence as the most powerful Nation in this century, had its source in the people who were attracted to its promise of freedom and opportunity. They were the people who dared to challenge the wilderness or to have an unknown future in a new society. Their hard labor, their idealism, their ingenuity created the wealth and the institutions which made us a great nation. Whether they arrived at Plymouth Rock or Ellis Island, the real creators of national being were pioneers intent upon carving their own foothold in a land of promise.

And they found a land rich beyond belief. Its natural resources seemed planned by a Beneficent Being intent upon creating the richest and most beautiful country on earth.

Now, we are well aware, only a small portion of our land is still rich and fair. And the lives of the American people have changed. We live in a highly technical age which threatens to submerge the individual, and to destroy the beauty of the land.

What does this mean for the face of America? This is an issue which may well prove the fateful one for our generation. The question is not merely one of safeguarding our landscape—although that is part of it. The real problem is—how much of our resource wealth are we willing to reinvest in saving our places of history and beauty, and in healing the scars that development imprints upon our landscape?

It was to this problem that President Johnson spoke in his recent message to the Congress on "Protecting our Natural Heritage."

"We must not only resist the spread of pollution in our enviroment—but we must also preserve what remains of the natural beauty and tranquility that was here long before man came. We must create new occasions for people to encounter that beauty, and to experience the re-creation of the heart that occurs in the natural universe."

In this same message, the President recommended that the 90th Congress establish a Redwood National Park in northern California; a Potomac Valley Park in Maryland, Virginia, West Virginia, and the District of Columbia; an Apostle Islands National Lakeshore in Wisconsin; and a North Cascades National Park here in the State of Washington. Each of these areas would contribute unique recreational opportunities for the entire nation and, at the same time, each would preserve irreplaceable examples of our natural heritage.

It is a matter of historical record that, from the establishment of Yellowstone, the first National Park, in 1872, it has been the unchanging purpose of Congress that the very best examples of America's natural heritage should be preserved in the National Parks.

On the superlative scenic qualities of the North Cascades, there is no argument. Here is a unique, unsurpassed example of primitive America.

There exists, I believe, an instructive similarity between the establishment of many National Parks—Grand Canyon, for example, and the history of the North Cascades National Park proposal.

The first bill to designate the Grand Canyon as a National Park was introduced in Congress in 1887. The bill met stern opposition from both public and private interests, and failed to pass. In 1893, the Grand Canyon was established as a Forest Preserve, with mining and lumbering of its resources permitted.

But the fight to establish a National Park continued. On the occasion of his visit in 1903, President Theodore Roosevelt made one of the most eloquent of all pleas for its preservation as a National Park when he declared:

"Do nothing to mar its grandeur—keep it for your children, and all who come after you, as the one great sight which every American should see."

Roosevelt established the adjoining area as Grand Canyon National Monument in 1908. Finally, in 1919, Congress passed the bill which set aside Grand Canyon National Park—32 years after the first bill was introduced.

The effort to set aside the North Cascades has an even longer history. The first National Park proposal was made in 1906, before most of us were born. The first bill to establish a North Cascade National Park was introduced in Congress in 1916, fifty-one years ago. A bill to establish a North Cascades National Park will be introduced again this year. I share your hope that it will also be enacted this year.

Our National Parks are national treasures set aside for a single purpose—the benefit and enjoyment of the American people, and, indeed, of the world.

Many of the special attributes of a National Park were summarized clearly and concisely by the young officer, Lt. Gustavus C. Doane, who commanded the U.S. Army escort for the Washburn-Langford-Doane Yellowstone expedition in 1870. "As a country for sightseers," Lt. Doane wrote of the Yellowstone, "it is without parallel; as a field for scientific research, it promises great results; in the branches of geology, mineralogy, botany, zoology, and ornithology it is probably the greatest laboratory that nature furnishes on the surface of the globe."

The Congress established the Yellowstone as a National Park in 1872 as "* * * a public park or pleasuring-ground for the benefit and enjoyment of the people; * * *." By enunciating this new public land policy, Congress deliberately drew a sharp contrast with the baronial, feudal, aristocratic preserves of Europe which the common man could enjoy only if he were willing to risk the punishment of the convicted poacher.

The National Park idea is a unique contribution of this nation to world culture. It is a source of pride to growing millions of Americans that this idea has inspired more than 80 nations throughout the world to establish National Parks or similar preserves.

National Parks have only one purpose, as do many noble institutions. They nevertheless provide a full spectrum of values—scientific, cultural, esthetic, educational, inspirational, recreational, and—yes, even economic.

All of us will remember the provocative title of a recent book—and film—"Love is a Many Splendored Thing." Since I am not sufficiently imaginative with language to match this phrase, I will borrow it and say that National Parks are "many splendored things."

For all the diversity of their resources, they have a single and abiding purpose—to bring man and his environment into closer harmony. But from this one purpose, many splendid values accrue to the society of mankind.

Where in our country today is it possible to study the causes and effects of weather formation in a region untouched by the influence of civilization? Such a place is Yellowstone National Park, which scientists have found has the purest air in the United States. A skilled team of scientists from the State University of New York has been at work for the past several years in the Old Faithful thermal area of Yellowstone National Park, carrying out research which is expected to contribute new information on the science of weather.

A major new industry was created in 1950 with the discovery of the pink shrimp beds in the Gulf of Mexico. This $16,000,000 a year industry, with its fleets of shrimp boats and processing plants, is dependent for its survival upon the mangrove estuaries of Everglades National Park, which serve as the nurseries for the young shrimp.

National Parks also serve as magnificent outdoor classrooms for our young people. The numbers of educational programs presented by our rangers reach tens of thousands of young Americans. Whether the subject is history, ecology, wildlife, or anthropology, the motivation for learning in these great outdoor laboratories is unsurpassed.

And I look forward to the parks providing year-round classroom experience affording the young people of our country up to several weeks of field work, with low-cost transportation provided by air, rail, and bus systems, and low-cost food and lodging provided on a self-help, share-the-work plan.

The history of National Parks across the Nation has made it abundantly evident that the preservation of these outstanding resources also has the subsidiary effect of contributing handsomely to the nation's economy. As non-diminishing resources, their production of revenue actually increases with age. It is worthy of note that Mount Rainier National Park receives seven times greater visitor use than any other comparable area in the North Cascades. Yet, its many faceted splendor remains unimpaired, continuing to inspire hundreds of thousands of our citizens who are drawn each year by its majesty and its mystery.

It is no longer academic that expenditures by tourists and vacationers represent a sizable chunk of new and primary money that is pumped into the economic blood stream of the nation at an increasing rate each year.

I would like to share with you the results of two economic surveys, now being completed, of the economic impact of tourism upon Dare County, North Carolina, in which Cape Hatteras National Seashore is located, and Teton County, Wyoming, home of Grand Teton National Park. Both studies reveal the enormous economic gains from recreation and tourism upon the region surrounding a National Park.

Since the establishment of Cape Hatteras National Seashore in 1953, nearly 56 percent of the total employment of Dare County is directly or indirectly associated with recreation and tourism. The study notes that because establishment of the National Seashore is relatively recent, "this percentage could be considered phenomenal." The study concludes that "a once almost impoverished area is regaining its economic health."

In 1966, there were 2.7 million visits to Grand Teton National Park. Tourist and recreation spending in Teton County rose from $6,000,000 in 1958 to $13,000,000 in 1964, generated by Grand Teton National Park within the County. There is a bonus of an additional dollar turnover from induced business of $1,500,000 in 1964. Pointing out that the largest dollar turnover in the years ahead will be realized from services catering directly to tourist needs, the study concludes. "the future of the County is tied closely to the increased demand for outdoor recreation." Both of these studies will be released soon.

The Greeks once defined happiness as the full use of one's powers along lines of excellence. I think this philosophy is admirably suited to the theme of your Conference. Those who are concerned with recreation as an industry and source of livelihood, and those who are concerned with the providing of recreation through intelligent land management, are partners. Both serve an even greater cause in protecting the American environment for the benefit of our children.

THE PROBLEMS OF THE MIDDLE EAST

Mr. PERCY. Mr. President, with so much of our national attention concentrated on the problems of southeast Asia, it is unfortunate that trouble spots in other parts of the world fail to receive adequate consideration. The purpose of my remarks today is to mention in this context some aspects of the situation in the Middle East.

Looming on the horizon is the British withdrawal from Aden and the South Arabian Federation. It would be inappropriate at this time to go into all aspects of this complex problem. The basic question there is whether the people of the area concerned are to get real independence or whether they will see one form of foreign rule replaced by another. It is sufficient to mention the struggle which has been going on in Yemen during the past 4 years to make the point that it is not only European powers that are involved in foreign domination. On the contrary, the European powers have been only too eager to bring colonial rule to an end. The source of danger threatening the independence of states in the Middle East as elsewhere is not the old colonial powers, but new ones.

The Yemeni struggle of the past 4 years has been one of the most curiously unpublicized wars in modern history. According to some reports it has already involved over 100,000 casualties on the part of the Yemenis themselves, and some 30,000 Egyptian casualties. At this moment more than 35,000 Egyptian troops are said to be in Yemen.

In another area of the Middle East, there is serious trouble on the Israel-Syria border. Only this week the Syrians opened fire on a kibbutz near Tiberias even as 200 American tourists were visiting the kibbutz. Fortunately, none of the Americans were hurt, but this unprovoked violence is unpardonable.

We recall that on January 15 of this year, Secretary General U Thant addressed an urgent appeal to the Governments of Israel and Syria to accept without delay or preconditions the proposal for an immediate emergency or extraordinary meeting of the Israel-Syria Mixed Armistice Commission on the basis of an agreed agenda, with a view to reaching an understanding on the problem of cultivation on the armistice demarcation line to secure a peaceful atmosphere in the area.

The Governments of Israel and Syria responded affirmatively to that appeal and on January 25 the first session took place, under the chairmanship of Gen. Odd Bull, the Chief of Staff of the United Nations Truce Supervision Organization. At that session both parties reaffirmed their commitment to refrain from all kinds of hostile or aggressive actions as provided for in the Charter of the United Nations and in the General Armistice Agreement.

Since then the Syrian Government has refused to discuss without any preconditions the single point on the agenda to which it had agreed. At every stage Israel has reiterated its readiness to discuss the point immediately.

The Government of Syria has fomented many acts of violence from its territory against Israel. The Syrian Government is making no effort to conceal its responsibility for such activities, as appears from the letter dated January 24, 1967, as well as from other communications, including that of February 23, 1967, to the United Nations. In the letter of January 24 to the Secretary General of the United Nations, it is stated:

> We do not accept to be guardians of Israel for the protection of its security.

And in the letter of February 23 there is an ominous reference to the possibility of aggressive and hostile acts over all the demarcation lines. In adopting this attitude the Syrian Government is reneging on the clear obligations undertaken by it in the Charter of the United Nations and in the General Armistice Agreement, as well as on the commitment "to refrain from all kinds of hostile or aggressive actions," made on January 25, 1967, at the first session of the extraordinary meeting of the Mixed Armistice Commission.

On February 22, 1967, President Attasi said:

> Duty calls all of us to change from defensive to offensive positions and wage the liberation battle of the usurped territory and obliterate this disgrace from Arab history.

Due note should be taken of the fact that statements such as this, and others like them, have been accorded full publicity by the Government-controlled radio station of Damascus.

I ask unanimous consent to have printed in the RECORD an article published in U.S. News & World Report of March 27, which deals with Soviet penetration in the Middle East in general and in Syria in particular, which Senators may conclude, as I did, is not unrelated to the Syrian truculence of which I have just spoken.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHERE RUSSIA IS GETTING A TOEHOLD IN THE MIDEAST

(Raids along the Israeli border—sabotage and subversion in Jordan and Saudi Arabia—Little Syria, helped along by big Russia, is keeping tensions near the breaking point in a vital area of the world. Moscow is pleased with the trouble its Arabian ally has been giving the West. But Soviet opposition to a big war may keep flare-ups from spreading.)

DAMASCUS, SYRIA.—This little country, aided and encouraged by the big and powerful Soviet Union, is keeping the Middle East on the brink of turmoil.

Border tension between Israel and its Arab neighbors continues high, despite temporary respites, and it is Syria which does most to keep it that way.

The Middle East oil industry, in which Western companies have a big interest, has been hit by troublemaking in Syria, which produces no oil. The Syrians have just demanded—and won—higher fees to permit oil to flow across that country in pipelines.

Arab rulers, including the kings of Jordan and Saudi Arabia, are victims of sabotage and subversion that is planned, plotted and financed in Syria.

In the past year, Russia has sharply stepped up its military and economic aid to Syria, and has made plain that it looks upon this country as a key bridgehead for spreading Soviet influence throughout the entire Middle East.

No other country in the region, including Egypt, gives any stronger public backing to Soviet policies, and no other country is so friendly to Communists or so hostile to the U.S.

The President of Syria, Nureddine al-Atassi, condemned movements of the U.S. Sixth Fleet in the Mediterranean Sea recently by saying: "Let the Americans send their sailors to Arab seas, and we will watch the fish feed on their rotten imperialist bodies."

The economy of Syria has been turned almost entirely Communist. Just about all Syrian industry, all of the utilities, banks, insurance companies and import and export operations have been nationalized by the Government. A land-reform law has been tightened in a way that very nearly deprives former large landholders of compensation. Only small landholding, building construction and retail trade remain in private hands.

Hundreds of former business owners and managers have been jailed. Thousands of others have left the country, taking with them their skills and capital. The peasants and workers have gotten the upper hand and are making the most of it.

"NOT COMMUNISTS," BUT—

Leaders of this new regime are 16 Army officers and civilians, mainly of peasant background, who call themselves the "National Command of the Baath Party." They are actually an extreme "leftist" faction of the party, which came into power in Syria in March, 1963.

Syria's present leaders like to emphasize that they are not Communists, but a Westerner finds it hard to discover the difference. A full-fledged Communist is Minister of Communications. Although all political parties other than the Baathist are technically banned, the Communist Party is allowed unofficially to operate quite freely.

One thing that most of Syria's new leaders have in common is a village background. These leaders, including Maj. Gen. Salah el-Jadid, who is believed to have more power than any other individual, also belong to a minority Moslem religious sect, the Alawites, who in earlier days were victims of discrimination by those then in power.

One of the few ways in which peasants and Alawites might find opportunities was by entering the Army, which many of them did. The people who ran Syria in former times, mostly city Arabs of the Sunni religious sect—scorned the Army as a career and were content to let the peasants and Alawites take over what they considered a lowly kind of work.

The result is that most of the Syrian Army is now made up of peasants, and more than 40 per cent are Alawites, even though Alawites number only 10 per cent of the general population. With their own men now at the top, the Alawite officers are wreaking vengeance on the city Arabs, the rich merchants and others whom they consider to have been their "oppressors."

Despite the dictatorial nature of the regime, discipline in the labor force is almost nonexistent. If a worker loafs, there is little his employer can do about it. He cannot fire the worker. If he protests too strongly, the employer stands a good chance of being haled into the local Baath Party political office and denounced as an "enemy of the people."

SYRIAN "RED GUARDS"

There was a while last autumn when workers went on a rampage similar to those carried out by Chinese "Red Guards." Armed gangs of laborers and teen-agers, under orders from the president of the Syrian Confederation of Labor, burst into company offices, dragged out executives they considered to be "reactionary," beat them up and barred them from returning to their jobs.

This went on for several days, while the Government security forces stood by doing nothing. Eventually, it stopped. But none of the purged managers and executives were allowed to return to work.

The Syria of today is a police state, closer to the old, Stalin-type regime than the modern Soviet state. More than 1,000 political prisoners are being held in jails around the country.

Syria is a country where a police knock on the door can come at any time of day or night. Once a person is taken away, or simply disappears, his family has a difficult time finding out where he has been taken. There are so many different—and rival—intelligence and security agencies that the family doesn't even know where to ask questions.

Government officials live in constant fear that they may do the wrong thing and find themselves behind bars. As a result, they tend to do as little as possible, rather than run the risk of making a mistake.

NO CONTACTS

Anyone who has anything to do with Westerners, particularly Americans, becomes an object of suspicion. Syrians who visit American homes are sure to be questioned afterward by the police.

On the official level, the Syrian Government puts difficult obstacles in the way of any Western official who seeks to get to know anyone in the Government. Since practically everyone from a university professor to a gas-station attendant now works for the Government, this blocks almost all contacts.

If the American Ambassador gives an official reception, he is lucky if one of 10 invited Syrians attends. The Soviet Ambassador finds that his big problem is to keep out uninvited guests.

FROM RUSSIA, AID

Russians are popular in Syria these days, not just because of their ideology, but because they are pouring in a great deal of aid. Moscow has equipped the Syrian armed forces with everything from rifles to MIG–21 jets. Several hundred technicians are here to train the Syrians in use of this equipment.

The Russians also are in deep on the economic side. A contract has been signed pledging Moscow to finance the foreign-exchange costs and provide engineers and technicians to build a huge dam on the Euphrates River. Although construction has not yet begun, Russia has committed 120 million dollars for the project.

Russians also are engaged in drilling wells in a newly discovered oil field, and helping to build roads and railways.

There is a strong East European presence, as well: Poles are building a steelrod plant; Bulgarians are constructing tunnels and bridges; Czechs are expanding an oil refinery, and Hungarians have built a plant to make concrete ties.

Red Chinese influence was strong in Syria at one time, but has been on the wane recently. This is because the Chinese have been unable to provide the hard goods that the Syrians needed.

TROUBLES PILING UP

Despite all this aid, the Syrian economy appears to be in deeper trouble than ever before. With nationalization has come inefficient operations, caused partly by the departure of so many industrial managers and technicians. Production is down. There is a continuing shortage of capital.

Even the traditional agricultural economy is in bad shape. The two major crops, wheat and cotton, were so short last year that exports plummeted and wheat had to be imported.

The poor condition of the economy is thought by observers to be one of the reasons why the Government has been so extremist in its foreign policies. It is traditional in this part of the world to try to distract attention from internal troubles by launching foreign adventures.

So, the terror attacks along the Israeli border continue. Several thousand Palestinians are being trained here into a "Palestine Liberation Army." Only Soviet influence and opposition to being drawn into a war in this area are believed to be keeping the Syrians from getting more belligerent.

As long as the Syrians, don't go too far, however, there is litle doubt that Russia is pleased with the trouble that its little Arab ally is giving the West in this strategically important part of the world.

VIETNAM REST AND RECREATION PROGRAM IN HAWAII

Mr. INOUYE. Mr. President, as one who had a role in the final approval of a Vietnam R. & R.—rest and recreation—program in Hawaii, I am pleased to present this latest report on the progress of this success story.

Faced with the opportunity of showing their appreciation to members of our Armed Forces who are serving in Vietnam, I am pleased to report that the people of Hawaii have responded in full measure.

Despite a tremendous increase in our normal tourist business, the hotel people of Hawaii have gone to extra lengths to make room for our service personnel on R. & R. leave.

Special discounts are offered servicemen by our hotels, restaurants, cabarets, taxicab operators, and other business operations.

Some 400 servicemen are landing daily in Honolulu to take advantage of this hospitality.

A typical report on the Hawaii R. & R. program is contained in an article written by Barbara J. Fox and published in the April 11 issue of the Christian Science Monitor. If there are no objections, I respectfully request that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Five Days "at Home" in Hawaii

(By Barbara J. Fox)

Honolulu.—"This has been the most wonderful time I ever had," said a young Army wife, smiling through her tears, as she boarded a San Francisco-bound jet. At the other end of the Honolulu airport, her husband and 159 other servicemen were taking off for Saigon by charter flight, after five days' leave in Hawaii.

During each serviceman's year of noise, dirt, fighting, and loneliness in Vietnam, he is eligible for a rest-and-recreation leave, familiarly known as "R & R." Along with mail call and the guaranteed yearly rotation, it is one of the contributing factors to the high morale of servicemen in Vietnam, says Col. J. M. Farnell, R & R coordinator here. "It gives the serviceman something to look forward to halfway through his tour of duty."

SO FAR A SUCCESS

Until recently, only such Far Eastern cities as Hong Kong, Bangkok, Manila and Tokyo had been considered official R & R destinations. Hawaii has been added and is now on a trial basis. It was felt that the increased transportation costs would be outweighed by the superb vacation facilities here, and the fact that Hawaii was already "home" to many service families. Also, the balance of payments would be improved with vacation dollars spent in the United States.

Spearheading the drive to designate Hawaii an R & R area were Mrs. Nanette Fields at the Kaneohe Marine Air Corps Station and Mrs. Carl Miller at Schofield Barracks. The women circulated petitions and bombarded Rep. L. Mendel Rivers (D) chairman of the House Armed Services Committee, and Sen. Richard B. Russell (D) chairman of the Senate Armed Services Committee, with mail.

The initial success of R & R in Hawaii has now prompted the Pentagon to increase the number of flights from one a week to two a day, beginning this month.

Each morning almost 400 servicemen land at the Honolulu Airport, to be whisked by bus to the R & R reception center at Fort DeRussy, a 72-acre military recreation area in the heart of Waikiki. A brief processing—and the men are off.

"BACK IN THE STATES"

These days most commercial flights from the mainland bring half a dozen starry-eyed service wives, some with children, including tiny babies born since the husband went overseas. Many wives are young enough to travel via the youth standby plan.

For young couples, expenses are a serious consideration. The government provides a serviceman with transportation to his R & R destination, but he must pay all the other costs. (Many Hawaiian merchants offer helpful discounts to such men.)

Many wives could not afford the high fares to the Far East. Besides, the servicemen like the feeling of "being back in the States." And Hawaii meets other requirements for a successful leave, as drawn up by the GI's in this order:

Reunion with family if possible.
50 gallons of fresh milk.
10 green salads with lots of dressing.
Relaxed fun around Waikiki and Hawaii.

An early attempt by the services to provide organized entertainment was abandoned when servicemen convinced the sponsors that "nobody on R & R wants anyone to make any plans for him after months of regimentation." (One R & R wife said, "The very best thing we did was to drive around the island to a lovely quiet deserted beach where we could be alone together."

An Army wife summed up her reaction to R & R with her husband here, "Somehow, after this, the final four months my husband has in Vietnam won't be so hard to take."

An enthusiastic soldier added, "I suppose everybody who comes here says this, but for me it has been five days in Paradise."

THE PRESIDENT'S MESSAGE ON URBAN AND RURAL POVERTY

Mr. BREWSTER. Mr. President, the reaction to President Johnson's message on urban and rural poverty has been most heartening to those of us who have supported the economic opportunity program since its inception. An excellent editorial published in the Baltimore Sun, of March 20, 1967, exemplifies the reaction of most Americans to the President's message. As the editorial points out, the President's modest and realistic "strategy against poverty" in fiscal 1968 would cost about $67 per poor American, while the war in Vietnam is costing us about $1,000 per South Vietnamese a year.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FIGHTING POVERTY

President Johnson's requests for the War on Poverty are modest, $2 billion. Considering the magnitude of this problem in the United States—there are some 30 million people living below the "poverty line"—it is inappropriate to call this effort a "war." The President recognizes this. In his latest message to Congress, he refers only to a "strategy against poverty." Two billion dollars spent in behalf of 30 million people figures out to $67 apiece. The other war, in Vietnam, is costing well over $1,000 per South Vietnamese per year.

The President says this country is fighting in Vietnam because it is right and because it is in the national interest. The same is true of the fight against poverty. It is right to help people trapped in a desperate poverty that destroys their health, their pride and often even their lives, as Americans' national and religious traditions teach. It is in the national interest, because a community of poverty within a larger community of the nonpoor is destrucitve of the social arrangements and amenities that make modern life livable for both groups.

The President's request for $2 billion, modest as it is, is realistic. As long as the war in Vietnam continues, funds for domestic programs are going to be hard to come by. There is already talk in Washington that Congress won't provide even the $2 billion. That would be the worst sort of false economy. The "savings" would delay effectiveness. The longer the "strategy" against poverty takes to pay off, the greater the cost will be for all governments—Federal, state, local—because of crime, unemployment, decaying real property, disease, social stress, and on through the whole list of what is making metropolitan areas such expensive and unsatisfying places to live.

DEATH OF JOHN CHAPMAN BELL, OF AUGUSTA, GA.

Mr. TALMADGE. Mr. President, citizens of Augusta and throughout the State of Georgia were grieved by the passing last Saturday of one of my State's most outstanding men, John Chapman Bell.

John C. Bell had a distinguished career as lawyer, soldier, legislator, and Christian layman. His contributions to his city, State, and country were many and varied. He was my warm personal friend, and I mourn his death.

The Augusta, Ga., Chronicle of Monday, April 10, published an editorial commenting on the loss of John C. Bell. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JOHN CHAPMAN BELL

If any Augusta layman in recent years was completely dedicated to the principles of Christianity in their purest form it was John Chapman Bell. To him, the Golden Rule was a way of life, and the admonition that "Tis more blessed to give than to receive" a command to serve his fellow man.

Even a cursory review of his life reveals the deep sense of service that was such a notable facet of John Bell's character. It was manifest in his every endeavor, as a leader in World War II, as an exceptional citizen in his community, as a distinguished legislator and attorney, and as a devoted servant in his church.

To him, every person was a friend, someone to be treated thoughtfully and courteously; every request of him became an obligation to be fulfilled.

Those who knew him were quick to recognize—and to admire—the many sterling attributes which he possessed not the least of which were the warmth and tenderness with which he regarded every creature of God.

While his contributions to his community, his state and his nation were legion, one of his last and most notable was that he provided just a year ago when, under his chairmanship, Augusta was adjudged the outstanding city of its size in the Stay & See Georgia Program.

Mr. Bell, moreover, will be remembered for many things, for his ability as an attorney, for his service as an unflagging civic worker, for his humaneness and deep sincerity, and for his unfailing courtesy.

His untimely death is, to Augusta, a grievous loss. The entire community however, is a better place in that, for 51 years, John Chapman Bell, walked this way, demonstrating in so many ways his devotion to his city and to his friends, and serving as a witness for his God to both.

CAB'S DECISION IN PACIFIC NORTHWEST-SOUTHWEST SERVICE INVESTIGATION

Mr. MOSS. Mr. President, few, if any, cities in the United States have the inadequate air service of Salt Lake City. It has been overflown and overlooked in the jet age despite reequipment programs which have seen the trunkline carriers, serving Salt Lake City, providing good jet service to virtually all other cities on their respective systems.

Just yesterday the CAB awarded new route authority to five airlines in total disregard of Salt Lake's requirements. The Board excuses this omission by citing a legal doctrine which had been urged before the Board and the examiner more than 2 years ago when this proceeding began. Now, after that protracted period and the expenditure of substantial time and money, the CAB belatedly recognizes the doctrine and proposes to reopen the proceeding to determine the air service requirements of Salt Lake City for competitive service to the Pacific Northwest and through-plane service to Missouri, Oklahoma, Texas, Louisiana, and Florida.

Even more surprising is the Board's failure to insist that the reopened proceeding be speedily determined.

I cannot appropriately take issue with the legal prohibitions referred to by the CAB as they involve the cities between Seattle-Portland and Denver, including Salt Lake City and others. But I do question the judgment of the Board in rejecting valid legal opposition raised at the outset of the case only to embrace the same 30 months later.

The Salt Lake City Municipal Airport, which serves 80 percent of Utah's population, is now only provided near-monopoly air service by two trunkline carriers. This Northwest-Southwest proceeding was the first in many years offering an opportunity, not only for competitive service on an east-west route, but through-plane service to important areas with a community of interest in the Southwest and the Southeast. The CAB has unfairly deferred its decision insofar as Salt Lake and Denver are concerned for further hearings and subsequent determination.

The record in this case demonstrates without question the need for service through Salt Lake to all of the points certified as a result of the proceeding. It is shameful that the Board did not include Salt Lake City and Denver on these new routes. If the legal considerations do, in fact, prohibit such certification, then the CAB should reopen the proceeding with unprecedented expedition, take further evidence if necessary, and include Salt Lake City as an intermediate point, not only on all routes recommended for certification, but provide for turnaround service to cities in Missouri, Oklahoma, Texas, and Louisiana.

Salt Lake City, generating more traffic per capita than virtually any other area in the proceeding, has been too long a stepchild. Legal considerations must include equitable determination of need; and of public convenience and necessity.

THE FAILURE TO TRAIN EFFECTIVE TRIAL ATTORNEYS

Mr. BREWSTER. Mr. President, I have repeatedly stressed in the Senate what I feel is a major shortcoming of our law schools: the failure to train effective trial attorneys.

This failure is painfully apparent in criminal proceedings, and it will become more acute as the Miranda and Gideon decisions are fully implemented. I intend to introduce legislation to help remedy this problem.

But there is also an important need for trial attorneys in other branches of the law. A recent article by Prof. Sherman L. Cohn, of the Georgetown Law Center, published in Trial magazine, explores this situation.

Professor Cohn speaks from experience. He served with distinction in the Department of Justice for a number of years, and he has effectively argued cases at all levels. His careful study of a pressing problem—the need for trial lawyers in disability cases—deserves the attention of the Senate.

Mr. President, I ask unanimous consent that Professor Cohn's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN SOCIAL SERVICE: THOUSANDS OF DISABILITY CASES NEED COMPETENT TRIAL LAWYERS

(By Sherman L. Cohn, associate professor of law, Georgetown University Law School)

Despite rapid expansion of the workmen's compensation bar and increased legal services to recipients of welfare payments, only slightly more than five per cent of claimants for Social Security disability benefits are represented by counsel during the administrative stages.

Yet the administrative decision will be conclusive for most of the applicants. Even where there is court review, the record reviewed is that made during the administrative process. It is this author's position that attorneys who reject Social Security practice harm themselves, their clients, and the profession.

A misunderstanding of the Administration's policy and practice regarding legal fees may partially account for the apparent disinterest in representing disability claimants. Many members of the profession have the impression that fees are limited to ridiculously low figures such as $20, $30, or $50.

The regulations do impose such ceilings, but only on attorneys who do not submit their fees for approval by the Administration. Fees running into hundreds of dollars and some substantially above $1000 have been approved.

Once a disability claim gets into court, the rules change. The District Court approves the fee, which may be as high as 25% of the initial checks. Since claims which get into court have been pending from between two to four years, it is not unusual for the first check to amount to several thousands of dollars.

The Department of Health, Education, and Welfare has taken the position that the 25% extends only to benefits which would be payable to a single wage earner, thus excluding additional amounts awarded because of his dependents.

While this has not been litigated, it seems unjustified by the statute and its legislation history. The Department's argument is weakened by another provision of the Act which allows it to suspend family benefits, as well as those of the worker, in cases where the disabled individual refuses vocational rehabilitation services.

RANGE OF RECOVERY

Recovery levels for the disabled worker range from $44 to $168 per month for a single worker, and from $66 to $368 for a family, following the same scale as Social Security old-age benefits.

To collect, the disabled worker must prove disability, defined by the Act as "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months."

The claimant must have "insured status"—*i.e.*, be covered by Social Security for five out of the ten years preceding his disability.

Before delving into the questions of substantive law surrounding "disability" and "substantial gainful activity," the administrative procedure will be surveyed to demonstrate the critical importance of legal representation during this phase of the claim.

CLAIMS DECENTRALIZED

The Social Security Administration has decentralized the claims procedure for disability benefits, utilizing the 616 local district offices. A claimant obtains and files his application in the district office where he receives information on his eligibility, his insured status, and the evidence necessary to establish his claim.

In carrying out the disability program, the Secretary of Health, Education, and Welfare has statutory power to make agreements with states, whereby their agencies, preferably those administering the Vocational Rehabilitation Act, make initial decision on each claim.

Without review the local office forwards the application to the state agency which assigns a two-man unit—composed of a physician and a non-medical expert (usually in rehabilitation)—to investigate the claim.

Evidence must be submitted to support the medical finding of disability and the correlative finding that the worker cannot engage in "substantial gainful activity."

In addition, the unit may require other physical examinations (at government expense). During this stage the applicant is referred to a rehabilitation agency. His refusal to cooperate without good cause can result in forfeiting his benefits.

The state decision, together with the evidence, is forwarded to the Administration's Division of Disability Operations, which notifies the applicant of the initial determination. If the claim has been disallowed, the reasons must be specified, and the applicant has six months from mailing of notice to request reconsideration from the Administration. If granted, the Administration can reconsider the state decision and rule out the claim.

After the revised determination, the claimant has six months to request a hearing. Hearings are conducted by 225 hearing examiners located in 60 cities. There are full scale proceedings at which new evidence may be presented, testimony offered, witnesses cross-examined, and oral argument presented.

The hearing examiner has the discretion to approve the applicant's requests for subpoenas. If issued, the government pays the cost of process and witness fees. A full record of the hearing is taken. Evidence need not meet judicial admissibility standards and, until the hearing examiner renders his decision, new evidence may be submitted and the hearing reopened.

The final administrative review is discretionary. When notice of the examiner's decision is mailed, the claimant has 60 days to request consideration by the Appeals Council in Washington. Within 90 days, on its own motion, the Council may schedule a review. Good cause must be demonstrated to produce additional evidence at this stage.

COURT REVIEW

Action by the Appeals Council, standing as the final decision of the Secretary, exhausts the applicant's administrative remedy. It is reviewable upon appeal within 60 days by the district court. This action goes off on cross motions for summary judgment. While the court takes no evidence, it reviews the entire record and applies the "substantial evidence" test of *Universal Camera Corp. v. NLRB*.

Thus, in theory, by the *Universal Camera* rule, the Secretary's finding will be overturned only when the record clearly precludes it "from being justified by a fair worth of the testimony of witnesses or its informed judgment on matters within its special competence or both."

Surprisingly, a recent survey showed that 63% of the court cases overturned the Secretary and awarded benefits. However, less than 2% of the applicants whose claims are denied by the Administration get into court.

Among the pitfalls in the administrative process is the requirement that the applicant submit competent medical evidence to establish disability, together with evidence showing that in light of his age, training, education, and experience, he is prevented by the impairment from engaging in "substantial gainful activity."

While I believe that substantially all Social Security personnel honestly try to assist a claimant to obtain benefits where deserved, claimants without counsel are lacking in the ability to present effectively a complete and persuasive record on which the application may be judged, and overly-busy administrative personnel do not have the opportunity to build such a record for the claimant.

SUBSTANTIVE LEGAL QUESTIONS

The scope of this article prevents a detailed exposition of the substantive legal questions involved in disability claims. It seems useful, however, to sketch some of the salient problems that emerge from the body of case law which has put a tremendous gloss on the statutory definition of disability.

The burden is fully on the applicant to show an impairment which satisfies the statutory test. But what is an impairment? The condition may be either physical or mental, so long as it can be established by medical evidence. A range of problems is presented: What if it is remediable? What standard is applied in judging if it disables? Is pain an impairment?

The case law is well settled that the standard to be applied is subjective, thus the mental capacity, training, age, and experience of the claimant become critical in determining if this smashed hand or heart condition prevents this man from engaging in gainful activity.

The question of remediability proves more complex. Theoretical remedial treatment will not suffice. The courts have ruled, for example, that a dangerous operation must have an optimistic chance of success. A few cases have said you cannot force a person to go through even an ordinary operation if he has in inordinate fear of surgery.

Some courts have required that the remedy not only exist but that it be within the claimant's reach. Thus his ability to pay for the treatment becomes relevant. What of religious objections to the treatment? No case in point has been decided but in light of the Act's provision that religious beliefs constitute good cause to refuse vocational rehabilitation, a refusal to submit to an operation upon such grounds would most probably succeed.

In the early days, Health, Education, and Welfare took the position that pain alone did not constitute impairment. In the circuits that have considered the issue, with the notable exception of the 5th, this position has been emphatically rejected. The prevailing trend gives great consideration to pain as a factor in applying the subjective test of whether the claimant is disabled.

The second point of debate revolves around statutory language—"inability to engage in any substantial gainful activity."

The subjective test is again applied. Certain threshold problems have been eliminated. For example, a man is engaged in "substantial gainful activity," even though he receives no pay, if the job is one which ordinarily would draw a salary. "Substantial" does not equal full-time, so part-time work can be sufficient. How much part-time work is a question to be decided on the facts of each case. The cases are clear, however, that intermittent or occasional work is not "substantial."

Originally, the claimant had the full burden of showing himself unable to engage in substantial work but the courts have shifted this, recognizing the unfairness and absurdity of requiring him to negate his ability to perform each job in the national economy.

Some courts hold that by proving disability, plus the impossibility of continuing in his former work the wage earner has made out a *prima facie* case. While they carefully avoid saying that the Secretary has the burden of going forward with evidence to show the claimant is capable of some gainful activity, they are quick to reverse their position in the absence of such evidence.

Must the job he could do merely exist or must it be available in his area? The Department and the early cases held that disability had not been shown if somewhere in the country work existed which the individual could do, regardless of whether employers would hire him. The 3rd, 4th and 6th Circuits have rejected this argument, ruling that the job must be within practical commuting distance. Some courts have gone further and require that the practicability of a job opening in the area be demonstrated.

Even such a brief survey of the substantive legal problems involved in Social Security disability cases underscores the importance of competent legal representation to the claimant. The area of practice has been broadened in the past year by amending the Act to provide that disability only need last for a continuous 12-month period.

An average of 150,000 applications were filed annually when the Act required that the disability either result in death or in the suspension of employability for an "indefinite" term.

Before adopting the 1965 amendment, Congress heard testimony that 60,000 additional claimants would be immediately eligible. How their claims will fare will increasingly depend on whether they are represented by counsel in the administrative stages.

WHAT IS SEAPOWER TODAY?

Mr. MAGNUSON. Mr. President, Secretary of the Navy Paul H. Nitze posed this question to our Seattle Navy League Council April 8:

What is Seapower today?

Then he answered:

It is aircraft carriers of the Seventh Fleet . . .

It is River Patrol Boats . . .

It is the deterrent forces of the Polaris fleet . . .

It is the ability to keep conflict away from our shores . . .

It is a growing anti-submarine capability . . .

It is the ability to supply and prosecute a war 10,000 miles from this coast and move 98 percent of the supplies by sea in merchant ships.

It is the formidable amphibious warfare capability of the Navy and the Marine Corps.

It is research and scientific knowledge in the ocean environment.

It is not just the Navy, but also the Merchant Marine.

Seapower is not simply ships and weapons, but also a state of mind and a spirit quite incompatible with a spirit of isolationism.

I ask unanimous consent that Secretary Nitze's Seattle remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by the Honorable Paul H. Nitze, Secretary of the Navy, at the Seattle Navy League Council Annual Banquet, Seattle, Wash., April 8, 1967

Admiral Russell, President Banks, Mayor Braman, members and distinguished guests.

This has been quite a day. I had a fast ride aboard *High Point* from Bremerton to Seattle this afternoon, and then spoke at the commissioning of the Navy's newest guided missile frigate, *Sterett* (DLG–31), whose sponsor, incidentally, is Mrs. Nitze. That, of course, brought back memories of the time three years ago when Phyllis christened the ship with a spray of champagne that not only drenched *Sterett*, but also christened Rear Admiral Schultz pretty well, too. There is also the pleasure of seeing again a former associate on the Strategic Bombing Survey—Admiral Russell.

I like this part of the country. Seattle is one of the beautiful city sites of the world. I wish I could come more often. Times have changed, though, since the days of one of my predecessors, Charles Joseph Bonaparte, who used to spend only one hour a day in his office, arriving from Baltimore at noon, and leaving again at one o'clock.

Secretary Bonaparte, who served under Teddy Roosevelt, had a gift for making short speeches. His acceptance speech upon taking office consisted of these remarks to his staff:

"I hope we will all get along well together, but if we don't, since you can't discharge me, I suppose I will have to discharge you."

I will not try to be as terse as he was, but still will be brief.

One of the tasks before both the Navy and the Navy League is making the concept of sea power better understood. We hear and use the phrase all the time; but, having given some thought to it since I became Secretary of the Navy, I thought it might be interesting to explore with you the words and see what they have meant to the United States over the years.

It is significant that it was the gradual westward extension of the Pacific sea frontier toward the end of the 19th century and the establishment of American influence in places far removed from the North American continent, that brought to Americans a sharpened awareness of what "sea power" was and could mean to them. Earlier, sea power was the almost exclusive domain of the Royal Navy. Particularly, in the Pacific, American naval power and diplomacy interacted expanding naval forces making possible a more ambitious foreign policy, and that, in turn, requiring a still more powerful Navy.

In the early days of American history, there was no such awareness. The United States used naval vessels mainly to raid commerce and to engage in isolated, mostly inconclusive, battles with enemy warships. The first "fleet" of the Continental Navy at first consisted of eight ships and two battalions of Marines. The squadron made only one cruise in the whole war. The rest of the naval engagements of the war were fought by individual vessels. They gave rise to some colorful traditions. John Paul Jones' victory in 1779 over *Serapis* in *Bon Homme Richard*, and his famous reply to the British captain who asked him if he had struck his colors, "I have not yet begun to fight," is noble but in spite of individual victories the Continental Navy had little influence on the war.

French sea power, not American, led to the surrender of General Cornwallis and 7600 men at Yorktown in 1781. He had to surrender because, isolated on the York peninsula at the mouth of Chesapeake Bay, the only way he could escape or successfully resist the American forces was with assistance or reinforcements from a British fleet. Admiral Hood tried to come to Cornwallis's aid, but was prevented by French naval forces under Admirals de Grasse and de Barras. The British capitulation practically ended the war in the colonies and strengthened elements in England opposed to further prosecution of the war.

The War of 1812 was, again, one in which Americans were severely hampered by their lack of sea power, and tried to improvise a Navy when the need for it arose. The British had plenty of warships and were able to control the Atlantic sea lanes, blockade the American coast, and conduct amphibious raids. The British Admiral Cockburn even penetrated Chesapeake Bay and shot up traffic on the main highway between Philadelphia and Baltimore in the spring of 1813. In 1814, a combined force of troops and warships swept up the Potomac and burned the Capitol and the White House in Washington. The British blockade of the American coast was so effective that in 1814 American merchant traffic was only 11 per cent of what it had been in 1811.

The United States, for its part, conceived of sea power in limited terms as the capability to raid enemy merchant shipping and harass enemy warships. There were 25 engagements between British and American men-of-war. The Americans won 13 of those and the British, 12. Those victories—notably *Constitution's* victory over *Guerriere* in 1812—were good for morale, but they didn't loosen Britain's stranglehold on the Atlantic shipping lanes.

Yet, by establishing control over Lake Erie, as a result of Oliver Hazard Perry's victory over British forces in September 1813 (where the phrase "We have met the enemy and they are ours" originated), the Americans secured control of the Northwest, and the British had to abandon their plans to establish an Indian buffer state between the United States and Canada.

Little changed in the American concept of sea power before Alfred Thayer Mahan's book *The Influence of Sea Power Upon History* appeared in 1890. Though methods of propulsion began to change in the 1840s from wind-driven sail to steam-driven side-wheelers and finally to the Ericsson propeller, and during the Civil War, both sides experimented with Armored ships, sea power meant little to the North or South beyond a capacity to raid commerce at sea, or blockade and control shipping movements along the Atlantic coast and navigate rivers. The Union developed a variety of vessels which slowly but effectively blockaded the Southern ports and, joined with Grant's army, gained control of the Mississippi and split the Confederacy. This form of sea power, while effective in the Civil War, was not suited to protection of far-flung sea lanes.

In the twenty years following the Civil War, both the Merchant Marine and the Navy went to the dogs. The emphasis in those years was on domestic industrial and rail development. At the end of the war, the Merchant Marine was virtually in pieces. The Navy list included nearly 700 vessels mounting 5,000 guns, at the very end of the war, but by 1880 there were not more than 48 vessels capable of firing a gun, and those were mostly obsolete. The story is told of a French naval officer who visited an American wooden cruiser in 1883 and saw its guns. "Ah yes, on the old system," he said. "Why, I can remember when we had those in our Navy!!" The leadership of the Navy resisted technological change, and, as the saying goes, "while those behind cried, 'Forward!', those before cried, 'Back!' "

In the 1880's the situation changed, as Americans' ideas about themselves and about their place in the world changed. As the country's industrial and commercial power grew in the years following the Civil War and its influence extended to many areas beyond its shores, so too the importance of control and protection of the sea lanes that were vital to that trade, and vital to the country's defense, became more evident.

The change from a passive to an active idea of the role of sea power came gradually. Congress began in 1883 by authorizing construction of 4 new steel vessels. Thirty more were built between 1885 and 1889.

Captain Mahan's writings in the 1890's gave currency to the idea that a strong Navy and strategic bases in the Caribbean and on Hawaii, linked together by a canal through Panama, were necessary for the protection of commerce. More important, Mahan's doctrine, mixing strategic considerations with expansionist doctrines, influenced key people like Teddy Roosevelt, later Assistant Secretary of the Navy, and Henry Cabot Lodge.

Finally, the case for sea power was proved in the Pacific in the Spanish-American War, when Commodore George Dewey, Commander in Chief of the U.S. Asiatic Squadron (backed up and urged on by Teddy Roosevelt in Washington), destroyed the Spanish fleet at anchor in Manila Bay with four cruisers, two gunboats and a cutter. With the subsequent cession of the Philippines by the Spanish, the United States became permanently involved in the affairs of the Far East.

The defeat of the Spanish fleet in Cuba assured the capture of Cuba by invasion. Theodore Roosevelt got tired of sitting at his desk at the Navy Department and joined General Wood's Rough Riders expedition in mid-June of 1898.

In the years afterward, the United States continued to develop its Navy and its influence. For nearly 40 years, the heavy gunnery vessel—the battleship—was the backbone of the fleet. The great British battleship, *Dreadnought*, commissioned in 1906, touched off an arms race among the powers. *Dreadnought* carried ten 12-inch guns in five turrets, and an anti-torpedo boat battery of 24 guns, and displaced 17,900 tons. At once, other naval powers began building similar vessels, and the golden age of the battleship began. One of the American *Dreadnought* types, *Pennsylvania*, a 31,000-ton ship launched in 1915, remained an effective fighting ship in World War II. Destroyers and battle cruisers and a new weapon—the U-Boat—became important weapons in the naval arsenal.

The end of the war, in spite of the resurgence of the country's traditional isolationism, saw the United States emerge as one of the principal powers of the world. The postwar treaties, designed to reduce the threat of war by limiting naval tonnage, proved ineffective; and by 1936 this country began to embark on a limited program of ship construction to make up for its lack of preparedness in the years before. Fortunately, aircraft carrier development had not been neglected—*Saratoga* and *Lexington*, built on battle cruiser hulls, joined the fleet in 1928—and as a result of the Roosevelt Administration's emphasis on new carrier construction, five others were commissioned before Pearl Harbor.

In World War II the age of the battleship ended and that of the aircraft carrier and the submarine came of age. The Battle of the Coral Sea in May 1942 was the first in naval history in which the opposing ships never came in sight of each other: it was an air battle, fought with planes launched from carriers. Air power, rather than the gun, had become the long-range cutting edge of sea power.

Submarines were critical in both the Atlantic and the Pacific. While the German surface fleet never sailed during the war, German submarines wreaked havoc in the North Atlantic until methods were devised to fight them; American and allied submarines became increasingly effective and sank 1,113 Japanese merchant vessels of over 500 tons and at least 201 naval ships, at a loss of 52 boats.

These capabilities, together with the shore bombardment and amphibious techniques used against the Germans first in the Mediterranean and then in Normandy, and by the Marines throughout the Pacific, constituted sea power on a grand scale. The U.S. Navy became the unchallenged mistress of the seas, a far cry from its commerce-raiding capability in the 19th century.

With the end of the Second World War, the United States was thrust into its present role of leadership, with all the responsibilities and commitments that are attendant upon that role. To fulfill them or even to assure others that they could be fulfilled would be impossible without a strong Navy, a large merchant marine fleet, and strong support and understanding of the responsibilities of leadership by the American people. In the 1950's when the doctrine of "massive retaliation" was foremost, the Navy had a hard time getting its case across to the public and the policymakers.

As the need for balanced forces and measured responses became recognized, the Navy's role again assumed its proper place. The Cuban missile crisis, more than anything else, brought this home to the American people (and, I might add, to the Soviets, who have been expanding their Navy and improving their techniques since Khrushchev was forced to back down in 1962).

Without understanding of the Navy's role by the American people, a strong Navy and Merchant Marine may flounder. To that end, the work of groups like the Navy League is important, and I want to emphasize that truth to you in this Council this evening.

What constitutes "sea power" today? All that it has been in the past, and much that was not dreamed of in the past. It is aircraft carriers of the Seventh Fleet sending destructive power from their flight decks in the South China Sea to North Vietnam. It is River Patrol Boats making secure from Viet Cong influence the rivers of South Vietnam. It is the deterrent forces of the Polaris submarine fleet, soon, with the installation of Poseidon, to include more than half of the ballistic missile re-entry vehicles in the country's arsenal. It is the ability to keep conflict away from our shores and on grounds of our own choosing by using sea-based forces where we have an advantage in using them. It is a growing anti-submarine capability to detect and destroy an undersea threat to shipping in time of war. It is the ability to supply and prosecute a war 10,000 miles from this coast and to move 98% of the supplies by sea in merchant ships. It is the formidable amphibious warfare capability of the Navy and the Marine Corps. It is research and scientific knowledge in the ocean environment.

It is not simply any one of these things, but all taken together. It is not just the Navy, but also the Merchant Marine. Mahan's observation that a purely military sea power is "like a growth which, having no root, soon withers away," is true today, and one of the great lessons of the past is that the United States did not have sea power until it had both a strong Navy and a strong merchant fleet. Finally, seapower is not simply ships and weapons, but also a state of mind and a spirit quite incompatible with a spirit of isolationism.

As the United States grew from a small Eastern seaboard country to a continental nation facing on both the Atlantic and the Pacific, its concept of sea power grew with it. Last year at the National Convention in Los Angeles, I charged the Navy League with the task of keeping informed about sea power and informing the general public about it.

I would direct your attention to the need to support the Merchant Marine and to support measures the Navy is trying to take—in new procurement policies involving the "total package" approach, as in the FDL, to help the shipbuilding industry modernize itself—to strengthen all elements of the Merchant Marine. Knowing what sea power has been in the past and drawing conclusions from that knowledge is important. The Navy League has established a Seapower Committee to make a clearer formulation of the concept and to make its importance better known by the general public. And I hope you will all try to learn all you can about it.

MILWAUKEE JOURNAL COUNSELS SLOWER PACE FOR NASA

Mr. PROXMIRE. Mr. President, the Milwaukee Journal recently evaluated the significance of the NASA fire that caused the death of three astronauts, and the report of the causes of that tragedy.

The Journal concluded:

> In view of the Apollo accident and the findings of the investigators, it is clear that safety, not arbitrary deadlines, should determine the pace of our progress toward the moon.

The implications for this Congress when we consider the appropriations of the space agency should be obvious.

I ask unanimous consent that the editorial, entitled "Slower to the Moon," be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SLOWER TO THE MOON

When an inquiry board dominated by national aeronautics and space administration (NASA) personnel was chosen to investigate the Apollo fire that killed three astronauts, one critic complained that it was like turning the investigation of the Kennedy assassination over to the Dallas Chamber of Commerce. Any fears that the NASA inquiry would turn into a whitewash was proved unfounded by the board's final report.

The sharply critical report charged that there were "many deficiencies in design and engineering, manufacture and quality control." Wiring was careless and piping joints were insecure. A wrench part had been carelessly left near wiring. The fatal test had not been designated as hazardous, so there had been no preparations for emergency fire or rescue operations. The spacecraft had no fire fighting or quick escape systems.

The report stopped short of blaming the defects on haste. Yet, even before the tragedy, some NASA personnel had complained that the pressure of meeting project deadlines was a temptation to shortcuts. To what extent shortcuts were a factor in the accident is a troubling question that may never be answered.

The goal of the space program was set six years ago by President Kennedy. He declared it to be this nation's objective to land a man on the moon and return him safely by the end of the decade. No technological endeavor of such magnitude has ever been undertaken with a publicly declared goal and deadline as specific as the moon landing program. In view of the Apollo accident and the findings of the investigators, it is clear that safety, not arbitrary deadlines, should determine the pace of our progress toward the moon.

CULTIVATING VIET GOOD WILL

Mr. BREWSTER. Mr. President, two members of the Hearst newspapers' task force which recently toured a number of Asian countries have returned with a penetrating report on our total effort in South Vietnam.

Not only are we battling the military aggressor; we are also fighting poverty, disease, terror, and a traditional suspicion of foreigners.

Bob Considine and Milton L. Kaplan, the Hearst correspondents, tell of the progress our civilian and military men are making in the second battle. From the United States, they conclude, the people of South Vietnam are receiving a lesson in democracy from the first Western nation in history that has sought nothing in Asia except peace and friendship.

This is an extremely interesting and informative report, which I found in the Baltimore News-American. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the Record, as follows:

[From the Baltimore (Md.) News-American, Jan. 19, 1967]

Asia: The Turning Point—U.S. Cultivates Viet Good Will With Success

(By Bob Considine and Milton L. Kaplan)

The United States is waging two wars in South Vietnam. We are fighting a tough and determined Communist foe who has permeated the entire country like a case of terminal cancer. In addition, we are fighting poverty, disease, terror, and ages-old suspicion of foreigners.

We could win the shooting war, yet lose the people of South Vietnam.

We propose to win both wars, tangible and intangible. Both may take a long time.

The war to win the trust of the Vietnamese people is in some ways more complex than the task of killing Vietcong, North Vietnamese infiltrators and indigenous guerrillas. The kill ratio has been running as high as 5-to-1 in our favor, a fearsome range which would cause almost any Occidental foe to sue for peace quickly. But there are no signs visible that the VC and-or Hanoi are running short of what once was bleakly called cannon fodder. Sir Robert Thompson, who was in over-all command of Britain's campaign that pacified Malaya and consolidated the commonwealth of Malaysia, said recently:

"It took us 12 years to settle matters in Malaya and our enemy had no help from anybody. Most of the years were devoted to cleaning up, tidying, after the shooting ended. In your case, I believe that your shooting war will end in another two years. But you'll be in Vietnam for another 15 to 20 years before she'll be able to function on her own."

The U.S. still maintains 50,000 troops in South Korea. Shooting ended in 1953.

The job of enabling South Vietnam to function on its own has been escalated at a rate at least equal to or even surpassing that of our military step-up. Never in any war in which the U.S. has engaged has it devoted more time, talent and money to the job of winning friends and influencing the people around whom the war is swirling.

To combat both urgent need and the threat of ceiling-cracking inflation, the U.S. has increased its non-military aid to South Vietnam from $283,000,000 for fiscal 1965 to $728,000,000 for fiscal '66 and it will as much or more during fiscal '67.

Some 3,750 U.S. and Viet experts and semi-skilled "third country" laborers and technicians oversee the distribution and use of the mountains of goods pouring into Saigon and other ports.

Ships unload huge supplies of food, medicine, building materials, petroleum products, *automobile parts, machinery, farming equipment*, fertilizer and other needs.

Harder to tabulate is the knowhow provided by American engineers, doctors, administrators, teachers, transportation wizards and hosts of others who have joined the ranks of a courageous and generally unsung band. They reach right down into the "rice roots" of South Vietnam, to the village level. They go in, and stay in, unarmed.

Provincial representatives of the Agency for International Development never tell a village chieftain or his people what they are going to get in the way of largesse from the U.S. They ask what is most needed. It encourages dialogue, engenders trust, allays misgiving about pale faces in general.

The French treated these people badly for a century. The scars are still there. To many of them in the back country, we must be motivated by the same desire to exploit the land and its people as the French were, because—to them—we look like the French.

The Vietnamese supply most of the labor that follows the delivery of U.S. goods. They dig the needed hamlet well, plant the needed second crop to forestall disaster if the first crop, rice, fails. They string electric wires into places that never saw the miracle of such illumination, build hospitals, nurseries, schools.

In some places, this work goes on in the face of dire threats of reprisal from the Vietcong. A number of mayors and chieftains have been murdered by the VC for cooperating with AID.

On more than one occasion the VC have permitted a badly needed school to be built, and then killed or frightened away the assigned Vietnamese teacher. There is not much doubt, also, that some of the U.S. shipments—principally food and medicine—have fallen into VC hands.

But the men and women of this headlineless war are every bit as hard to discourage as the warriors who bear arms and shoot to kill. And slowly, surely, they are winning the respect, sometimes even reverence, of the people.

Nobody is likely to steal the two big tugboats which are now in tow from New York Harbor, where they once worked, to Saigon. But smaller goods will continue to be stolen upon arrival in Vietnam. This has been true of every war in history. It will be true of every war that follows the one in Vietnam.

But AID officials in Washington are outraged by reports of vast pillaging by the very people we're trying to help. The officials have assured President Johnson that losses through theft are less than in the Port of New York, specifically between two and five percent. Insurance claims presented to demand payment for lost or stolen goods amount to only one percent of the total imports.

None of the luxury items found on the Saigon black market—cigarets, candy, whisky, cosmetics, etc.—entered Vietnam under an AID stamp. All these items came from U.S. PX's, either stolen by or sold to the black marketeers by troops and U.S. civilians.

It's a comparatively honest war, as wars go. And nobody in it is more honest than the average U.S. serviceman. He has made a tremendous contribution to the cause of understanding between the Vietnamese and visiting forces.

The Green Berets of the Army's Special Services have become part of the folklore of the simple mountain folk, the Montagnards, who don't particularly respect any Vietnamese, North or South. As for the U.S. Marines . . . Well, they make a special point of friendship with the locals.

The Marines' Combined Action Companies work with, fight with, eat with, sleep with Vietnamese militiamen, and together these ethnically integrated forces protect remote villages and hamlets that have been cleansed of the leech-like VC. *The VC don't come back to such places after* dark, as they once could and did.

Marines who volunteer for such tough work must have had six months' fighting with an infantry unit. Thereafter, they stay with their new buddies, share the dangers and *discomforts, get to know the language* and the people, and the people get to know them.

"This program has worked out just great," Gen. Lewis W. Walt, the top Marine in Vietnam, told us. "This area here around Danang, for example, was hard-core VC country for years. But it had an 87 percent turnout in the voting for the constituent assembly. The people of the hamlets knew we'd be there to protect them if the VC tried to punish them for voting."

The Marines have three other programs aimed at winning the people as well as the war: Golden Fleece, Kit Carson and County Fair.

Golden Fleece sees the Marines protect a rice-producing area at Harvest time—when the VC is prone to strike in search of its staple food. The farmers can reap in peace and transport their crops to market down Marine-guarded paths and roads.

Kit Carson concerns defectors. The Marines have had interesting success in coaxing enemy guerrillas, usually superably knowledgeable as to the location of VC, into serving as Marine guides and listening posts.

County Fair rims a suspected village at night with a ring of Marine firepower. Whoever tries to enter that place in the dead of night is stopped, arrested and questioned. More often than not, he is a VC or a guerrilla. Anyone who tries to break out through the cordon is also suspect.

At dawn, Vietnamese troops go into the village (never the Marines) and take a census of heads and goods. In the meantime, the Marines set up a tent (a la county fair) and open it to all those who are waiting to be questioned or counted by the Vietnamese. In the tent there will be something to eat, sometimes a movie, a doctor, nurse, dentist, and printed material pertaining to Vietnam, the nature of the enemy, the aid being supplied by the U.S. and related material.

It's propaganda, certainly. But it is working. It is helping not only to rid the smaller population centers of the VC but telling the peoples something about their country, and about ours.

The eventual democratic government of South Vietnam may not be the reader's notion of Jeffersonian Democracy. There will be overtones of Mandarin rule.

"There are different types of democracy," Premier Nguyen Cao Ky said with a shrug during his interview with the Hearst Task Force. "There is, for example, the democracy of France, and of Australia. Neither quite resembles the democracy of the United States. But they are democracies. It will take us time . . ."

He and his people have a diligent and patient instructor, the first Western nation in history that wanted nothing in Asia except peace and friendship.

DEVELOPMENT OF A SUPERSONIC TRANSPORT

Mr. **MAGNUSON**. Mr. President, during the last several months the administration has been grappling with the problem of whether this Nation should go ahead with the development of a supersonic transport.

While much has been said by myself and by some of my colleagues about why this Nation cannot delay this vital program, I am pleased to note that the Air Force Association, in its 1967 national convention, has unanimously adopted a resolution supporting the supersonic *transport program*.

In its resolution, the association has reiterated many of the vital points that we have been stressing, but more importantly I think the adoption of the resolution implicitly but unmistakably *points to the association's belief that the* SST program will eventually reach far beyond the realm of civil aviation to provide a new instrument of national security.

Therefore, I ask unanimous consent *that the Air Force Association's policy* resolution No. 5 be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

[Air Force Association Statement of Policy, 1967]

Resolution 5

Whereas, A Soviet prototype supersonic transport has been flying secretly for more than a year; and

Whereas, the British-French supersonic

transport is scheduled to undergo flight testing a year from now; and

Whereas, the U.S. supersonic transport program represents the most advanced effort in aeronautical technology launched in this decade; and

Whereas, its success or failure will have profound effect on future U.S. preeminence in aviation, on the balance of payments, on the U.S. defense posture, on U.S. standing in world affairs, and on the national interest over a broad range; and

Whereas, the United States airlines by a substantial underwriting of the program have affirmed their belief in the American SST and its economic viability; and

Whereas, foreign supersonic development programs now lead the United States by at least three years: Now, therefore, be it

Resolved, That the Air Force Association urge the Administration and the Congress to institute, without delay, a full-scale American SST program in such a manner to assure that the foreign time lead be held to a minimum.

EDUCATIONAL GRANT TO WISCONSIN IMPROVES ENGLISH CURRICULUM

Mr. **PROXMIRE**. Mr. President, in 1963 the Office of Education granted the Wisconsin Department of Public Instruction $200,000 for a curriculum development project. This project, for the improvement of teaching English, was scheduled to terminate after 4 years. However, to permit further use of experimental materials, the program has been extended to June 30, 1968.

Although the English curriculum has been reported very good in Wisconsin, there has been a definite need for improvement. This program seeks to eliminate two defects in the current system. First, there is unnecessary repetition of material throughout various grade levels. Second, there is a lack of apparent application of grammar to speaking and writing. Responses from teachers give evidence that this project will overcome these defects. Because growth in language arts is sequential, the aim of the curriculum is to develop a new pattern of teaching which will enable the student to form increasingly mature sentences.

Knowledge is worthless if it cannot be communicated. The ability to express oneself is as essential to the educated man as it is to his society. If this generation is to meet the challenge of the information explosion we need to enhance our communication techniques greatly.

Mr. Robert C. Pooley, director of the English-Language-Arts Curriculum Center of the Wisconsin Department of Public Instruction, and more than 6,000 Wisconsin teachers contributed to the success of this project. The Congress and the Office of Education deserves credit for making the project possible. This grant of $200,000 has been wisely used. I am proud of the leadership of my State in this important field.

INSURANCE INDUSTRY SPOKESMEN SEE NO PROBLEMS IN PROPOSED PENSION PLAN REFORMS

Mr. **JAVITS**. Mr. President, on February 28, I introduced S. 1103, a bill which is designed to deal as comprehensively as possible with the various problems which have so far manifested themselves in connection with our system of private pension plans. It is my expectation that the Subcommittee on Labor of the Committee on Labor and Public Welfare will begin hearings soon on my bill, as well as the bill introduced by Senators McCLELLAN and YARBOROUGH concerning this subject.

Mr. President, since I introduced S. 1103, my office has received a flood of letters from employees or ex-employees all over the country detailing the problems which they have encountered in connection with the pension plans of their employers. Virtually all of the letters my office has so far received have been in favor of my bill.

I have previously had printed in the RECORD an editorial from the New York Times supporting the objectives of my bill. I am pleased to report that the bill also has met with the approval of important segments of the insurance industry. Thus, the MDRT newscast, a publication prepared by the Research and Review Service of America, Inc., devoted the lead article of its March 1967 issue to my bill. The article concluded by stating that it is "apparent that a positive position toward such legislation is the only sound course from the insurance industry to follow" and that "from the standpoint of the insurance industry, most of the bill's provisions are palatable solutions to the existing problems in the pension field."

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR JAVITS INTRODUCES COMPREHENSIVE PENSION PLANS BILL

Senator Jacob Javits of New York recently introduced a comprehensive bill—S. 1103—calling for the regulation of private pension plans. This bill may well set the stage for future legislation in the private pension field. Senator Javits stated that "The bill is not perfect, but it represents several years' work in consultation with representatives of the business community, organized labor, and the banking and insurance industries. * * * The bill now needs the wider scrutiny that comes with introduction, publication, hearing, and the rest of the legislative process."

Senator Javits noted that this is the first comprehensive bill introduced since the President's Committee Report on Corporate Pension Funds was published two years ago. (This report was reviewed in Vol. I, No. 1 of the MDRT Newscast.) The President's Committee Report called for an extensive study of the private pension field. The report expressed the opinion that retired employees were under unwarranted risk against loss of pension benefits after long years of employment with a company. It called for revised vesting requirements, minimum funding requirements, portable pension credits, and a method of reinsuring pension funds as a possible remedy for the situation. No single bill thus far introduced covers each of these points; the Javits bill covers each, plus a few other areas in which he feels there are major defects in the private pension plan system.

PROVISIONS OF THE BILL

The proposed bill includes the following changes:

1. It would establish minimum vesting requirement for pension plans, in order to prevent the loss of pension benefits by employees who have served a substantial number of years with a company.
2. It would establish minimum funding standards for pension plans, thereby assuring sufficient funds to enable a plan to pay the benefits which have been promised.
3. It would establish a reinsurance program which would enable pension plans to insure themselves against the loss of funds when an employer goes out of business before the plan is fully funded.
4. It would establish a special central portability fund in which a plan could voluntarily participate, thus providing a central clearing house of pension credits for employees changing from one employer to another.
5. It would establish minimum standards of conduct, restrictions on conflict of interest, and other ethical criteria for administrators of pension plans.
6. It would establish a "U.S. Pension and Employee Benefit Plan Commission" to administer the requirement of this bill. The Commission would have enforcement powers, but would be subject to judicial review.
7. It would consolidate most existing Federal regulatory standards relating to pension and welfare plans under the proposed Commissioner. The Commissioner would issue certificates of qualification, which would be sufficient to satisfy most Federal regulatory requirements.

THE ACTUARY'S ROLE

In his explanatory remarks, Javits noted that other bills on the regulation of pension plans call for more disclosure requirements for plan administrators. He presumes these requirements are based on the theory that greater disclosure by the plan administrator means easier detection by the beneficiaries of the plan when something is wrong. Javits feels this is unrealistic on the basis that the average pensioner has neither the interest nor ability to understand a complex pension plan.

He cites the actuary as the key figure in pension analysis—"* * * [He] can tell you, not just how much cash you have, but how much you will need 10 years from now to meet the benefits which will accrue in the meantime," Javits also sees the need for audits by accountants, but feels such reports are not enough by themselves.

A COMMISSIONER OF PENSIONS

The bill, as noted, proposes a single authority to regulate the creation and operation of pension plans. Present regulations which fall under the authority of state agencies, the Treasury Department, Labor Department, Securities and Exchange Commission and others, would be centralized under a single Pension Commissioner. Javits referred to a recent bill introduced in Congress that would give the primary power for the regulation of pension plans to the Secretary of Labor. Javits reacted to this proposal by stating that . . . "pension plans, in my judgment, are highly technical financial arrangements, every bit as complex as stocks and bonds, and what we need here is an independent commission—like the SEC—to administer this highly complex field. My bill would establish a U.S. Pension Commissioner—patterned after the SEC—to do just that."

OTHER PROVISIONS

The bill calls for full vesting of benefits at age 45 if an employee has 15 years of service, or an alternative vesting schedule of 50% vesting after 10 years of service, with 100% vested rights in 20 years. In the area of funding requirements, an existing plan could amortize its unfunded liability over 40 years, and a new plan could spread such payments over 30 years.

The bill also would make provision for the portability of pension credits from one employer to another on a voluntary basis. A central clearing house would be established for plans of similar benefit and funding structure which would permit voluntary transferability of pension credits.

The bill also calls for reinsurance of benefits against one contingency only: termination of the employer's business before the unfunded liability of the pension plan is funded. The premium for the coverage would not exceed 1% of the unfunded liability.

The reinsurance feature would be geared to protect against situations such as the Studebaker shutdown, in which—to cite one example—one employee with 43 years of service lost 85% of his benefits. The principal shortcoming of the Studebaker plan, in Javits' opinion, was its vulnerability to the hazards of employer shutdown. Losses arising from this hazard, he pointed out, should be insured against.

A BASIS FOR DISCUSSION AND REACTION

Senator Javits submitted his bill with the purpose that it would serve as a basis for further discussion and action. He cited the complex and awesome problems of protecting the rights of each employee, while still providing the necessary incentives for an employer to install a pension plan. He feels that his bill does not provide all the answers, but does provide a comprehensive starting point.

There can be little doubt that pension legislation will be enacted. Only the what, when and how remain as questions. It seems to be equally apparent that a positive position toward such legislation is the only sound course for the insurance industry to follow. This position was voiced by Victor A. Lutnicki, Executive Vice President of John Hancock Life Insurance Company, when he said, "It is clear to me that new federal regulation in the pension area is inevitable. The only questions are those of detail and timing. Under such conditions, a negative 'resisting everything' attitude will be disastrous."

The Javits bill represents a comprehensive blueprint of the type of legislation that may be anticipated. However, from the standpoint of the insurance industry, most of the bill's provisions are palatable solutions to the existing problems in the pension field. In fact, many of the bill's provisions—particularly those relating to funding requirements—are common practice under insured pension plans today. Thus, we may expect that any sweeping pension legislation probably will have less impact on insured plans than on other plans.

TRUTH IN LENDING

Mr. BREWSTER. Mr. President, the Credit Union magazine for April 1967 contains an interview with the Senator from Wisconsin [Mr. Proxmire] on S. 5, the truth-in-lending bill. The same issue also contains a report on the Massachusetts truth-in-lending bill, which recently went into effect. The report makes clear that many of the arguments concerning the workability of truth in lending have not materialized. I compliment the State of Massachusetts for enacting this landmark protection for the consumer. I know that the able and distinguished Senator from Massachusetts [Mr. Brooke] played a substantial role in securing this much needed reform. I supported similar legislation in the State of Maryland. Unfortunately, the pressures of the credit industry were able to defeat truth in lending for Maryland.

I am hopeful that under the magnificent leadership shown by Senator Proxmire we can enact a Federal truth-in-lending law, which will provide consumers in every State with the full cost of credit.

Mr. President, I ask unanimous consent that the two articles from the Credit Union magazine be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Truth in Lending

Credit unions are the best example in existence of the soundness and workability of the truth-in-lending concept, Sen. William Proxmire of Wisconsin said in a recent Credit Union Magazine interview.

Sen. Proxmire is sponsor of the Proxmire Truth-In-Lending Bill (S.5), a modified version of the Douglas Bill, introduced in the last four Congresses, and which the organized credit union movement supported.

"Credit unions are an excellent example of the fact that full disclosure of the cost of credit is workable," Sen. Proxmire said. He referred to the fact that credit unions never have been reluctant to tell their borrowers that interest of 1 per cent per month on the unpaid balance is 12 per cent true annual interest.

Credit unions have always told their members they were paying 12 per cent a year for borrowing money, he said. If the fears of opponents of truth-in-lending legislation had any basis, "if people would really react against paying 12 per cent interest, then credit unions would have gone out of business long ago.

"Instead, credit unions have grown and are growing every day." And this despite the fact, Sen. Proxmire added, that banks, for example, have persisted in quoting an interest rate of 6 per cent when their true annual interest rate is about the same as the credit union's, or 12 per cent.

Sen. Proxmire said he has had a deep interest in full disclosure of the cost of credit for a long time. His personal interest in truth-in-lending has come partially from his experience as a member of the Senate Banking and Currency committee and his close association and friendship with former Sen. Paul Douglas of Illinois. As a member of the Douglas subcommittee of the Banking and Currency committee, Proxmire took part in a number of truth-in-lending hearings around the country over the past six years and heard first-hand reports, often from the victims themselves, of credit abuses and exploitation by creditors of people who were uneducated, uninformed, or unwary.

When Sen. Douglas lost in his bid for re-election last November, Proxmire became the second ranking member of the Banking and Currency committee, and announced shortly afterward that he intended to carry on the truth-in-lending battle that Douglas had fought so long. He remains a personal friend of former Sen. Douglas.

Sen. Proxmire is a firm believer in the good sense and judgment of the American people, if they have all the information they need to make a decision. The Proxmire Bill, he believes, will give full information in a vital area of current life—consumer credit, which has increased in volume from about $45 billion in 1957 to more than $90 billion today.

"I am convinced that people don't know the interest rates they are paying," Proxmire said, "and they need this information before they can make important decisions. Provided with full disclosure of interest rates, they can shop around for credit as they do for merchandise. They can decide whether they would be better off paying cash than buying on credit.

"It seems to me that this is the best kind of free enterprise—decisions based on full information. There is a lot of deception in the credit industry today. Not all of it is intentional deception—much of it is simply traditional."

Sen. Proxmire was asked what he thought the reaction of bankers and other lenders would be when they're suddenly ordered to tell people the annual interest rate charged is not 6 per cent (in the case of banks) but 12 per cent. "I think the banks and the public will adjust rapidly," he said. "I don't believe they'll seriously resist the change.

"I can't for the life of me see why any financial institution with any regard for itself would object to stating clearly its way of doing business."

The Proxmire Bill, while generally similar to the Douglas Bill, differs in at least two areas. The Proxmire bill calls for "approximate" quoting of interest rates charged rather than precise rates, but Proxmire does not think this results in "watered down" legislation. By approximate rates, he means "we are not concerned about whether the rate is, for example, 12.2 per cent or 12.3 per cent." What is being sought here is the 12, or 18, or 24 per cent figure, or whatever it proves to be, with less importance placed on exact fractions or decimal places.

This change was included in the bill to make it simpler for all credit extenders to compute the rate, and to eliminate objections that it is too difficult to figure exact rates.

Secondly, the Proxmire Bill does not require the quotation of true annual interest rates, as the Douglas Bill did. Instead, it requires disclosure of an "annual percentage rate," which is arrived at by multiplying the percentage rate per period (per month, for example) by the number of periods in a year. Sen. Proxmire said the change was made to avoid confusion over definitions and interpretations of such terms as "simple annual interest," "true annual interest," etc.

In addition, the "annual percentage rate" is to include *all* credit costs—examination fees, insurance charges, and any and all other fees and charges. Credit unions, of course, will not be affected by this, since their 1 per cent per month, or 12 per cent per year, includes all credit costs. Other lenders, if they have such added fees and costs, will be required to add them to the interest rate they charge in figuring the "annual percentage rate."

Proxmire does not believe opponents of truth-in-lending who claim it's unworkable in cases of department store revolving accounts have much of an argument. One of their chief complaints has been that many stores charge no interest at all for a certain period—30 days being common—and that interest is charged only after that "free ride" period has passed.

Under the new bill, the customer would be told when he signs a contract that the interest charged for the first 30 days, or whatever is applicable, would be zero, but that it would be (for example) 1½ per cent per month after that, or 18 per cent per year.

The "free ride" given customers who pay for merchandise within 30 days, or other stated period, is built into the cost of doing business, the Senator believes, and is paid for by all the store's customers, whether they pay cash for an item or charge it.

He does not believe that if stores are ordered to reveal to customers that credit is costing them 18 per cent a year, any great resistance will result, or that sales volume will be greatly affected. The attractiveness of revolving and other credit plans is in their convenience, he said, and the cost of credit, when known, is not likely to change that.

However, he added, it would not be surprising if a lot of people, provided with full credit cost information, would pay their bills faster.

Besides the requirement for providing borrowers or other credit users with an annual percentage rate, the Proxmire Bill requires lenders to provide an itemized statement of all finance charges and the total finance charge in dollars and cents. The bill in no way attempts to regulate credit or set interest ceilings. Its sole aim is full disclosure of the cost of credit as an aid to intelligent consumer choice, Proxmire said. "It is not a restrictive bill in any way."

The legislation will cover virtually all types of consumer credit, including home mortgages, consumer loans, installment purchases, and "revolving" credit. It covers all extensions of credit to individuals by firms, associations, governments, or other organizations regularly engaged in the extension of credit. It does not cover extensions of credit to business firms or governments.

Proxmire believes the bill has a "very good chance" for favorable committee action soon. "The makeup of the Banking and Currency committee is very favorable," he said, "although we miss Sen. Douglas very much."

The Proxmire Bill has been cosponsored by 22 other senators, and has been endorsed by the Johnson administration. Mr. Johnson himself recommended passage of the Proxmire Bill in his Consumer Message. Since the bill has White House endorsement, highest support ever given a specific truth-in-lending proposal, Washington observers feel such legislation has the best chance it has ever had for being enacted by Congress.

Co-sponsors of the bill include Sens. Bartlett, Alaska; Brewster, Maryland; Case, New Jersey; Clark, Pennsylvania; Dodd, Connecticut; Gruening, Alaska; Hart, Michigan; Inouye, Hawaii; Kennedy, Massachusetts; Kennedy, New York; Lausche, Ohio; Magnuson, Washington; McGee, Wyoming; Mondale, Minnesota; Morse, Oregon; Moss, Utah; Nelson, Wisconsin; Pell, Rhode Island; Randolph, West Virginia; Tydings, Maryland; Yarborough, Texas; and Young, Ohio.

Truth in Lending at Work in Massachusetts

Truth-in-lending, requiring disclosure of the true annual interest rate and the dollar cost of credit, *is* workable.

Recently enacted truth-in-lending laws in Massachusetts are being complied with by banks, small loan companies, credit unions, retail outlets, and others. The dire predictions that such laws would destroy credit have not yet come to pass. Of course the laws are only a few months old, but there is little likelihood that anything so drastic will occur.

As with any new laws there are some problems and bugs to be worked out. But all indications are that full disclosure of interest rates and cost of credit is having little effect on the business of the organizations concerned.

However, the typical consumer in Massachusetts is not really knowledgeable about the new legislation or its intent, and little is being done to educate him. The purpose of truth-in-lending is to let the consumer know the cost of credit and to give him a constant for comparison shopping. But people are still interested in two things. Will you give me the loan, and how much are the payments?

The state legislature actually passed two truth-in-lending laws. The one which effects retail installment sales and services went into effect November 1, 1966. The other effects the lending of money and went into effect on January 1 of this year.

Rep. Paul C. Menton, who did most of the work on these laws, feels it will take time for them to be felt in the marketplace but that the consumer will eventually learn to use this new tool and benefit from it. Rep. Menton has already contacted the department of education about teaching interest rates and their use in the state's schools.

A few borrowers have questioned the higher interest rates when applying for loans, but both the banks and credit unions are using the same approach in answering these questions. The actual cost is the same as it was last year, only the way of quoting interest has changed.

"We sell dollar cost," said a branch manager with one of the Commonwealth's largest banks. "We point out that a thousand dollars last year cost you $60, and it costs you $60 this year. We've had no trouble at all."

The huge billboards advertising new car loans at "$4.50 per $100" or "4½ per cent" have disappeared because the law requires the true annual interest rate to be given in any ad stating rates or monthly payments. Instead, most bank advertising, such as in newspapers and billboards, has been stressing service, convenience, and the rate on saving.

Newspapers have been quiet on the new laws and how they can benefit the people in Massachusetts. But at least one credit union made an attempt to educate the general public through newspaper advertising. St. Anne's Credit Union took almost a full page in the Fall River paper to explain the new law and urged people "to shop around." It said in part, "Now, no matter where you buy in this Commonwealth, you have a legal right to know the FULL COST of borrowing money, or buying merchandise on time payments."

The National Shawmut Bank of Boston and Noddle Island Credit Union of East Boston both put out 8-page pamphlets explaining interest, why rates vary, the formula for simple annual interest, and a warning to "use your credit wisely."

Some extenders of credit have encountered genuine problems in trying to work with the new laws; others are looking for ways to circumvent the laws.

"Everybody for the most part is complying with the law," said Robert S. Leadbetter, assistant supervisor and rate analyst with the state's bureau of loan agencies. "Basically the law is working. There are problems with it and it will take a long time to iron them out. As with any new law you have problems."

For example, to aid home mortgage lenders, loans in which the finance charge is computed on the outstanding balance are exempted from stating the dollar amount of the loan. Some small loan companies now figure their loans this way. Even though they charge the same dollar amount as their competitors who use precomputed loans, they can quote a lower true annual interest rate. And they do not have to divulge the dollar amount of the loan. "This is something that has to be corrected," said Leadbetter.

If an additional charge in the form of "points" discounted is made on mortgage loans, they are then subject to the main part of the truth-in-lending law which requires computation according to the formula and total cost in dollars. Financial Publishing Company points out, however, that "2 points on a 6% 30-year mortgage increase the rate from 6% to 6.19%; under the formula it is necessary to disclose the rate is 7.8% and on a $10,000 mortgage to disclose $11,783.82 as the total interest." The reason for the higher percentage is that the formula was not intended to cover long-term loans and actually breaks down after about five and a half years.

The law also permits a 1 per cent error in computation of the true annual interest rate. Some lenders, however, tried to circumvent the intent of the law by figuring the rate and then reducing it by 1 per cent. For example, if the rate were 13.46 per cent, they would quote 12.46 per cent.

Credit unions serving teachers have come up against the problem of computing a true annual interest rate when borrowers are excused from making both interest and principal payments during the summer months.

And then there is the retail store which complied with the letter of the law, but certainly confused its charge customers. The revolving credit agreement stated in part:

"The simple interest per annum rate that approximates most closely the rate of the finance charge, if more than seventy cents, is eighteen as to so much of the outstanding unpaid balance as does not exceed five hundred dollars and twelve as to any excess over five hundred dollars."

Translated, it means that the true annual interest rate is 18 percent on the first $500 of credit and 12 per cent on that portion over $500, with a minimum charge of 70¢ per month permitted. These are also the maximum rates allowed under the law.

The laws require the creditor to give the debtor a written statement which sets forth in 12 point, bold face type such things as the basic amount being borrowed or purchased, all extra charges, the downpayment (if any), the total amount to be financed, the number and amount of instalment payments, the total finance charge in dollars and cents, and the true annual interest rate as computed by the formula in the laws.

$$R=\frac{2\,PC}{A\,(N+1)}$$

R is the percentage rate
P is the number of payments in a year
C is the finance charge in dollars
A is the original principal
N is the number of instalment payments

To assist credit unions in complying with the new law, Massachusetts CUNA Credit Union Association held a special educational session in December which was attended by more than half of the affiliated credit unions. Participants totaled 384 and represented 231 credit unions. The association also filled 400 orders from credit unions for the new note forms, rate charts and lightning loan computers.

Tom Lowe, managing director of the association, explained how Mass. CUNA's legal counsel, Elliott Stone, and other attorneys worked on the new forms. "We had a great head start by having CUNA Supply's form 1344.7, developed from the Department of Defense directive, to work with in coming up with our form." (The DoD directive made truth-in-lending mandatory for anyone extending credit to U.S. military personnel.) This plus the information required by the Massachusetts law were incorporated into a new form for credit unions.

The first form was too large (11¾ x 8½) and cumbersome, so Mass. CUNA then came up with a compact, easy to use 5 x 8 form.

For the most part federal credit unions had little trouble complying with the new law.

Thurston Robinson, treasurer-manager of the M&C Federal Credit Union in Attleboro, summed it up this way: "It's one more thing for the girls to type up, it's one more thing for the borrower to sign, it's one more thing to file and use up space. But I think it's worth it if the borrower will start using truth-in-lending for what it's meant."

Robinson said his "members are shocked when our girls tell them that this is a true annual interest rate of 12 percent. They thought it had been 6½ per cent." But when the 1 per cent a month and 12 per cent a year rates are explained to them, the members are satisfied, said the manager of the nearly $3 million credit union serving 4,000 employees of the Attleboro plant of Texas Instruments.

State chartered credit unions, however, have experienced a few more problems than the federals. Most had been expressing their rates in add-on or discount terms because their competitors were doing it and it looked good.

The true annual rate of a discounted loan varies with the length of the loan and the repayment schedule. For example, if a loan discounted at 5 per cent is paid off in 12 monthly instalments, the true annual interest rate is 9.72 per cent. If the same loan is paid off weekly, the rate is 10.33; and if it is paid off in 60 monthly installments, the rate is 13.11.

Although the laws set forth the formula for computing the true annual interest rate, Financial Publishing Company of Boston has compiled a 101-page booklet, *Annual Percentage Disclosure Table,* containing tables which give the true annual interest rates. Anyone using the add-on method, for example, can turn to pages 5 through 14 for the tables converting this to a true annual interest rate depending upon the rate charged and the repayment schedule. This is also true for discount rates (monthly, semimonthly, weekly, and bi-weekly), FHA Title 1 Improvement Loans, precomputed Massachusetts small loans at maximum rates, charge per $100, single payment discount loans, extension of first payment, and mortgages with "points." It also gives the formulae for computing each of these as well as for computing balloon notes and irregular payment loans.

"Lenders are surprised how cheaply they can get charts or a booklet to convert to a true annual interest rate," Elliott Stone said of the booklet. "Financial Publishing Company did most of the work on their actuarial problem."

Fall River Municipal Employees Credit Union is typical of the state chartered organizations in this respect. It had been charging 5 per cent discount with a level payment plan for all personal loans. But treasurer-manager Ed Sullivan, like his counterpart at M&C Federal Credit Union, reported no disgruntled members as a result of the switch to a true annual interest rate.

Any members who ask about the seemingly high rates are "perfectly satisfied after we explain it to them," Sullivan said. "The only thing that has changed is our method of expressing our rates to our members."

The new law has actually had a very good effect on the credit union and its members.

"People are now more aware of what we're doing," Sullivan explained. "We've had a couple of people come in from retail outlets who were bowled over by their carrying charge. When we showed them our figures, they were pleased. I look for an upswing in business because of this."

Sullivan ably summed up the effect of the Commonwealth's new truth-in-lending laws by commenting, "This has brought to the attention of people what we've been trying to tell them for years. The credit union is the cheapest place to borrow."

The two laws trace their history back to 1964 when Governor Peabody created a special Blue Ribbon Consumers Recess Commission.

"The leading expert on the Commission was Professor Bob Willier of Boston College Law School," recalled Rep. Menton, who was then vice-chairman of the Joint Legislative Committee on Banks and Banking. "This commission reported out the original Retail Sales Finance Act and Truth-In-Lending Act."

Opponents of the bills, said the Representative, put forth the usual arguments of "impossibility, curtailment of consumer credit, red tape, customer irritation, additional expense, higher prices and additional cost, and that simple annual interest disclosure was of no value to the consumer. Their final main argument was that there was pending legislation on the national level and that truth-in-lending should be solved on the national level."

Aware that these bills were imperfect, Rep. Menton explained that the committee sought technical assistance from the affected industries. When these requests were rebuffed, the committee favorably reported out the two bills.

"In effect, we were calling the bluff of the industry," Rep. Menton said. "We were right. The industry panicked and pleaded with us to have the bills recommitted to our committee so that they could be made workable."

The committee concentrated on the retail installment sales bill and had representatives from that industry make recommendations in rewriting the bill. Their suggestions were confined to the mechanics of the bill and the effects on their business, not the philosophy of the bill, Rep. Menton explained. "We realized our own responsibility to protect our consumer-oriented economy and not report out a bill which would interfere or harm this operation."

By the time the bill reached the floor of the House, 85 per cent of it had been written or rewritten by the affected industries, Menton said. "No one could argue that it was poorly drafted or that it was unworkable. . . Industry had to agree that it was a workable bill."

Unfortunately, the bill died in the Senate in 1965. But it was reintroduced in 1966, passed the House early in the session, "and Senate President Donahue ably carried the fight on the floor of the Senate," Menton related.

The bill passed and was signed by the governor.

"With the concept of truth-in-lending applicable on the retail level, it became an obvious extension to have it apply on consumer small loans," Menton explained. "Who could deny the logic that where a retail establishment must disclose the interest in a transaction and next door a small loans outfit could lend the same amount of money and disclose an interest rate not consistent with truth-in-lending and, in fact, completely uncompetitive."

This concept was accepted by both the House and Senate and the truth-in-lending bill passed without any real difficulty. "The fact is," Rep. Menton concluded, "the unworkable has been proven to be workable."

DEVELOPMENT OF COASTAL AND INLAND MARINE RESOURCES

Mr. MAGNUSON. Mr. President, the Seattle-based publication the Marine Digest, published by John M. Haydon, recently contained some editorial comment in Mr. Haydon's column "The View From Duwamish Head" which seems to me to sum up some thinking I and others have had in relation to the development of our coastal and inland water marine resources.

Mr. Haydon, a member of the Seattle Port Commission, has served long and well on numerous oceanographic committees and speaks from authority in outlining the potentials of the Puget Sound region in my home State for such things as "Aquiculture," as outlined in the President's Science Advisory Committee report, "Effective Use of the Sea."

A portion of Mr. Haydon's column is devoted to a tribute to the excellent and world-renowned work of Dr. Lauren Donaldson at the University of Washington's College of Fisheries. Dr. Donaldson has accomplished some major objectives in the field of hybrid development of the salmonoids over his nearly 30 years of service, and I suspect has not yet achieved his just due of consideration for some of his unique efforts.

As Mr. Haydon notes, the business of aquiculture, or "fish farming," has been going on for nearly 4,000 years in China, and its true potential is just now being recognized.

I ask unanimous consent that an excerpt from the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The View From Duwamish Head

The achievements of Dr. Lauren Donaldson, the Pacific Northwest's leading aquiculturist, are featured in the current issue of Panel, a handsome quarterly published by the American Plywood Assn. Professor Donaldson of the University of Washington School of Fisheries, is known throughout the world for the amazing work he has done over the past 29 years with trout, salmon and, more currently, hybrid steelhead.

In condensed terms, through research and the use of genetic selection methods, Donaldson has learned to produce artificial runs of salmon on the campus where his laboratory is connected to salt water by a fresh water lake and canal. Like a horse breeder, he wanted to improve the breed of salmon. "He wanted to develop a new strain of Chinooks that would be healthy and free of disease and that would return to an artificial birthplace earlier than the customary four years."

It took years, but Donaldson's salmon now return earlier and they are far larger and heavier than normal salmon. His trout are immense brutes compared to other fish. Three-year-olds weigh up to 18 pounds. His hybrid steelhead, a product of cross breeding with the giant trout strains, make their ordinary brothers look like tired midgets.

Donaldson does not feel that "farming of the sea" will answer all the problems of feeding the world's hungry. But he does feel that it could make immeasurable contributions in conjunction with increased agricultural production of fish other than salmon through artificial breeding and controlled feeding which could help supply food for the hungry."

What Donaldson has been doing, in simplest terms, is to increase the crop from the sea, much as farmers have learned through technology to increase production from an acre of land. He has been developing ocean farming methods on a pilot scale, methods that will produce larger, earlier, healthier crops.

"Effective Use of the Sea," published last year by the President's Science Advisory Committee, uses the term "aquiculture" to describe the artificial production of fish and states flatly, "In view of the obvious need for more protein to feed the world population, it is recommended that attempts be made to augment the food supply through marine aquiculture. This recommendation is made with full realization that little of the necessary technological knowledge is currently available, but the dire need for increased protein production in the world, nevertheless, argues strongly that we should encourage the development of the strong research program that will be needed for effective aquiculture. At this time the U.S. effort in marine aquicultural research is essentially nonexistent except for limited studies on oysters, clams and shrimp."

The PSAC study also points out that Japan is the current world leader in marine aquiculture. This Spring, we intend to inspect their activities and report on them in this column.

"Some of the most appealing opportunities for aquiculture exist in our estuaries and coastal waters, regions which are most accessible and amenable to control and management," the report continues.

In Battelle Northwest's report for the Puget Sound Oceanography Committee, these comments will be found: "The waters of the western Continental Shelf are highly productive of many forms of marine life. Largely unpolluted, these waters are ideal for marine biological studies, experiments in fish farming and pollution control studies.

"The adjacent waters are abundant with fish, and fishing fleets based in Puget Sound range from Oregon to Alaska. Therefore, it appears logical that new federal programs for locating and harvesting fish should be centered in and around Puget Sound.

"Puget Sound itself, being the largest salt water harbor in the world and still largely in its natural and unpolluted state, is a candidate for several new programs. Its estuaries and bays could be used to develop the potential of fish farms and aquatic agriculture." * * *

There is nothing new about the theory of aquiculture. It has been going on for almost 4,000 years in China. The Japanese farm oysters, shrimp and squid, and several types of fish. The Portuguese farm mussels. The British are learning to farm plaice. The Norwegians farm salmon. Prawns are grown artificially throughout Asia. The experiments with the artificial production of lobsters is going on in British Columbia. Fertilized, brackish ponds in Israel are producing up to 4,000 pounds an acre annually of carp. Throughout the southwest, tons of edible catfish are produced through farming, and in the Pacific Northwest are numerous successful commercial trout farms. * * *

OBSERVATIONS ON VIETNAM

Mr. McGOVERN. Mr. President, three separate interpretations of the Vietnam situation have come to my attention recently that I believe offer helpful insights on that confusing and complex problem.

The first is on illustrated piece in the April 7 issue of Life magazine by photographer Lee Lockwood. It is regrettable that only his text and not his moving color photos can be reproduced in the RECORD.

The second is a report by Sanford Gottlieb following a recent trip to Paris and Algiers during which this experienced observer and writer conducted discussions with officials of North Vietnam and the National Liberation Front of South Vietnam.

The third item is an excellent memorandum summarizing an oral presentation by Prof. George Kahin of Cornell University and author of "The U.S. in Vietnam."

I ask unanimous consent that these three items be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH VIETNAM UNDER SIEGE

(By Lee Lockwood)

The delicate soundings for peace in Vietnam conducted over the past three years seem to have become—for the moment at least—what the French call a dialogue of the deaf. Meanwhile, the war gets bloodier. In the south, the casualty figures released March 23 showed the highest single weekly toll of the war for both sides: 2,675 Communists killed; 211 Americans killed, 1,874 more Americans wounded and seven missing. In the north, U.S. planes have stepped up their raids and hit new targets. Within a few weeks B–52s, hitherto based at Guam, will begin flying from a new air base in Thailand, which will cut the flying time to targets in North Vietnam from six to two hours and permit more missions.

On the following pages is an exclusive report on North Vietnam by Lee Lockwood, a free-lance photographer. He is the first and so far the only American photographer to be permitted inside the country since 1954. Lockwood was given this privilege by Hanoi because his visa application was supported by the Cuban government, an ally of North Vietnam. Lockwood has written a book on Fidel Castro and Cuba which will be published shortly.

Lockwood spent 28 days and traveled about 1,000 miles. He is candid about the limitations he worked under. What he was allowed to see and photograph was circumscribed by the foreign ministry. At no time could he take pictures without an official at his side. He was not permitted to photograph military installations—except for isolated antiaircraft guns. He was not allowed to go into the Demilitarized Zone at the 17th Parallel where elements of an estimated three North Vietnamese divisions have infiltrated into South Vietnam. He could not photograph the antiaircraft guns and Russian-built SAM missiles that have downed 479 planes by U.S. count or more than 1,700 by Hanoi's count; or the harbor at Haiphong where Russian, Chinese, Polish and other ships bring in supplies. He was not permitted—except for one shocking public encounter—to see any U.S. prisoners.

In short, Lockwood was given an extraordinary but carefully limited tour. He came back convinced that Ho Chi Minh believes he can hold out; that the North Vietnamese people, though obviously hurting from the bombing, are disciplined and resilient. Lockwood's photographic report is not presented as the whole truth about North Vietnam at war, but it is a unique and valuable glimpse of a world rarely seen.

The first sound is the thunderous "BLAH-RUMP" of a SAM missile firing, followed immediately by the strident whine of a siren. The street, filled with pedestrians and cyclists, is suddenly empty as people hurry to their shelters, while on the rooftops militia man antiaircraft guns. Minutes pass, the all-clear sounds and 60 seconds later all is as it was before. Photographer Lockwood, who witnessed such a scene in Hanoi, was struck by its jagged rhythm—"as though I had been watching a movie," he said, "which stopped momentarily, then started up again."

In one way or another the coming of the *máy-bay-my* (Vietnamese for U.S. aircraft), which began in February 1965, has affected the life of nearly every North Vietnamese. South of Hanoi, Lockwood saw bomb devastation everywhere he was permitted to go—deserted and ruined towns, evacuated factories, crushed bridges, roads and railroad tracks deeply pitted. Once, on a major road, he saw 200 people working on a 40-foot-deep crater in the road. It had been bombed at 8 p.m. By 2 a.m. it was filled. Temporary bridges rise at dusk, to be dismantled again in the morning. Foxhole shelters line the roadsides and dot the dikes amid paddies. At one school the students had trenches dug into the earth floor beneath their desks, "Women were chattering gaily in the rice fields," say Lockwood. "Some were planting shoots in even rows while others rhythmically ladled water out of a canal. When the bombs started to fall two miles away, making the ground shudder, they worked on, seemingly unconcerned."

Hanoi at war is a city of contrasts. During the daily three-hour lunch and siesta break—decreed by President Ho Chi Minh as necessary for the welfare of body and mind—people nap, read, stroll along the lakes. North Vietnam's busy premier found time at the end of a three-hour interview to pluck spring flowers and give them to Lockwood. But beneath this surface serenity daily life is geared to Hanoi's conviction that U.S. bombers could come in at any hour. Along almost every downtown street, at six-foot intervals, are one-man concrete bomb shelters. Every effort is made to avoid large concentrations of people in a city whose 1965 population was 500,000. Tens of thousands of children have reportedly been sent away to rural areas to live. The main department store is open only two hours a day, from 5:30 to 7:30 a.m. The central market has been vacated, replaced by small markets that move around the city from day to day. Even such things as weddings have been affected. "On one Sunday," Lockwood reports, "two friends of a Vietnamese acquaintance of mine got married. Only close family attended the ceremony, and afterward they held a celebration in their home. But because no more than 12 people are permitted in a home at any one time, each guest was allotted two hours at the festivities. The party lasted all day long."

U.S. PRISONERS AND AN EERIE PUPPET SHOW

(The U.S. Defense Department listed 143 Americans as captives of either the North Vietnamese army or the Vietcong as of March 11. The pictures were taken by a North Vietnamese photographer, using Lockwood's camera and film. Lockwood himself was repeatedly denied permission to see the prisoners, except at one chilling press conference which he describes below.)

I was seated, along with several other newsmen, in a long room with a curtained doorway at one end. A short, bald North Vietnamese officer announced that we were going to hear the "confession" of an American pilot shot down over North Vietnam. A loudspeaker shrieked briefly and was followed immediately by a voice unmistakably American. In calm, flat tones the speaker identified himself as Lt. Cmdr. Richard A. Stratton. As he spoke, a five-page mimeographed statement detailing his "confession" was passed out to newsmen, who followed it silently. When it was over photographers formed an expectant semicircle around the doorway.

A noncom appeared, marched to the officer and saluted. The officer pointed sternly at the doorway. The noncom saluted again and went through the curtain. A moment later the curtain was yanked back and the tall, husky Stratton appeared, flanked by two soldiers. He wore striped pajamas, socks and sandals. Except for a red, swollen-looking nose, he appeared healthy. His eyes were empty. He stood stiffly at attention while movie lights were turned on and photographers took pictures. His expression never changed.

This continued for about a minute. Then an officer snapped out a command in Vietnamese. Like a puppet, the prisoner bowed deeply from the waist toward the audience without changing expression. He straightened up, made a quarter-turn left and then bowed again, slowly and deeply. He turned to the right and bowed once more. After four or five bows he stopped. The officer shouted another command and the whole process began again—the prisoner bowing in all directions, his expression blank. After the cycle was completed one more time, the officer gave another command. The whole tableau took only about four minutes. Then the pilot did an about-face and padded silently through the curtain.

Ambassador-at-Large Averell Harriman, one of whose responsibilities is to follow all prisoner-of-war matters, made this statement to Life:

"From the photographs, video tapes and descriptions by eyewitnesses that I have seen of the so-called 'news' conference at which Commander Stratton was exhibited, it would appear that the North Vietnamese authorities are using mental or physical pressure on American prisoners of war. We all remember the ugly record of 'brainwashing' during the Korean war. It would be a matter of the gravest concern if North Vietnam were using similar means against the prisoners.

"Hanoi has said its policy is to treat the prisoners humanely. However, it has refused to allow the International Committee of the Red Cross or any other neutral intermediary to visit the prisoners, a right required by the Geneva Convention to which Hanoi has adhered. Without such independent verification, North Vietnam's professions of 'humane treatment' cannot be accepted."

RECOLLECTIONS OF 4 WEEKS WITH THE ENEMY

Since Havana is the only capital in the Western hemisphere with a North Vietnam embassy, I went there for my visa. If the Tropic of Cancer were a railroad track, you could board a train just north of Havana and ride it halfway around the world to a point not far north of Hanoi. My route was more circuitous: Mexico City, San Francisco, Tokyo, Hong Kong, Phnom Penh, Hanoi. At Phnom Penh, the capital of Cambodia, I picked up the International Control Commission plane, which flies every Friday and every other Tuesday to Hanoi. This was the only way into North Vietnam for me. There is a Chinese plane twice a week from Peking, Canton and Nanning, but scarcely available to U.S. travelers. The ICC plane, piloted by three Frenchmen, was an ancient four-engine Boeing 307. We put down en route at Vientiane, Laos. From here the plane had to leave—and arrive in Hanoi—exactly on schedule, flying within a 20-mile corridor. Clearance for any deviation in flight plan must be obtained several days in advance—from the North Vietnamese, the U.S. Air Force, the U.S. Navy, the Royal Laotian military and the commands of the Pathet Lao guerrila forces, any of which is quite likely to open fire on any stray airplane.

At exactly 7:05 p.m., as scheduled, we cut down through a heavy cloud cover and sighted Hanoi, surprisingly brightly lighted. A moment after we hit the runway at Gia Lam airport, a giant arc light flashed at our plane and was snuffed out immediately. We rolled to the apron in nearly total darkness. At the terminal a two-engine Chinese plane from Nanning was disgorging passengers. Unlike our plane, it had been fully loaded.

I was met by a short Vietnamese in a blue suit and steel-rimmed glasses. "Mr. Lee Lockwood? Welcome to our country," he said and astonishingly thrust a huge bouquet into my loaded arms. He introduced himself as Mr. Lang from the foreign ministry press department and helped me through the health immigration and customs procedures. I was informed that color film was forbidden but that, as a "gesture of friendship," I would be allowed to take it to my hotel so long as I promised not to use it. I could apply for special permission to photograph in color, but it was unlikely it would be granted. All exposed film must be processed and inspected by the Vietnamese; there are no facilities in North Vietnam for processing color. This was dismaying news: I had been assured by the embassy in Havana that I could shoot color.

I was the last one to leave the terminal. We rode into the city in a black Moskvich sedan across the antiquated Doumer Bridge (now called Long Bein), which spans the Red River and links Hanoi with its principal port, Haiphong. A single narrow-gauge railroad track ran down the middle, with one narrow lane on either side, both jammed with a bewildering clutter of traffic.

Hanoi residents still call the French-built Thong Nhat ("Reunification") Hotel by its original name, the Metropole. It could be the setting for any international spy movie. The dining room offers Vietnamese and European menus, and the small bar—run by a pretty Viet barmaid who speaks three languages—has French Cointreau, Beefeater gin, Johnnie Walker Scotch and Havana cigars. On any given evening the lobby hums with Poles, Cubans, French, East Germans, Russians, English, Canadians, Romanians, Mongolians, Koreans, Africans, Vietnamese military officers, Indians, even occasionally, a few Chinese. That evening I arrived, it seemed preposterous that a war was going on. Instead of the heavy thudding of bombs, there was the popping of firecrackers—for Tet (Buddhist New Year) was under way.

At 6:30 a.m. city life was in full swing, complete with rush-hour bike traffic. The Bach Hoa Tong Hop general department store had been open for an hour, its interior clogged with people waiting to purchase sandals, clothes, toys and candy, which the regime had made available especially for the Tet celebration. Among the people thronging the streets, perhaps one person in six was in uniform.

Of the four weeks I stayed in North Vietnam, as it turned out, about two were wasted to bureaucracy and ceremony—delays in planning my itinerary and in providing interpreters, interminable formal briefings and greetings, and always that three-hour recess for lunch. I was not unique in this torment; the same thing happens to all foreign journalists, Communists included. Considering I was an American behind enemy lines, the strictures on my operations were not surprising. Besides being kept away from military installations, I was not allowed to photograph any bridges (with only one exception), railroads, evacuated factories or scenes reflecting extreme poverty I might see. There was an interpreter with me when I took pictures in Hanoi, and in the countryside I usually had two or more local officials along. In the first 10 days, all my film was developed and examined by the authorities. This ended when I finally received permission to shoot color. In Hanoi, I was free to wander, without camera, at any hour.

Although I had read the reports of other journalists—including those of Harrison Salisbury of the New York *Times* and William Baggs of the Miami *News*—I was not prepared for the amount of U.S. bomb damage that I saw.

In Hanoi itself, the wreckage from the raids of last Dec. 13 and 14 was relatively sparse, but it is there. Aside from the oil storage depots (which I didn't see) and a truck park, the other sectors hit, whatever the intention, were primarily civilian. I saw five such areas in different parts of the city, the worst along Nguyen Thiap Street, only three minutes' drive from my hotel, in the heart of Hanoi. The street parallels a railroad overpass, part of the line linking Hanoi with Haiphong. Assuming this was the target, the bombs were off by only about 30 feet. But they had destroyed more than 50 houses.

Route 1, at best barely is wide as the aver-south all the way to Saigon, is an endless series of filled-up bomb craters and makeshift bridges. The heaviest damage begins at the outskirts of Hanoi; then, for perhaps 15 miles, nearly every house along the road lies in ruins. Heaps of smashed rock for repairs are piled every few hundred feet, for the road is bombed repeatedly. Every bridge, even the tiniest, has been taken out at least once; the larger ones have been replaced by pontoon bridges or by ferries. Along the main railroad south, piles of new track, ties and other materials are seen at frequent intervals, as are gangs of young men and women at work putting the track back in order. Every so often I passed bombed-out trains, lying like dead animals in the fields where they had been pushed out of the way.

At night, when most traveling is done, the road is clogged in both directions with heavy Russian and Chinese trucks, Russian Jeep-type vehicles and an unending stream of heavily laden bicycles (some carry up to 150 pounds of cargo) being pedaled or pushed.

Route 1, at best barely as wide as the average U.S. country road, frequently narrows to one chocked lane or a bumpy detour in places where holes are still being filled. But the worst bottlenecks are the ferries and bridges. One night as I was driving from Nam Dinh south to Thanh Hoa, we passed a line of 47 heavy trucks, all loaded, waiting to cross a pontoon bridge. The driver of the lead truck had been waiting two hours. Because we had priority, our little Russian car—akin to a Jeep—crossed the bridge right away. On the other bank, waiting to go north, were 52 heavy trucks, all empty.

As other U.S. journalists have reported, the small city of Phu Ly has been almost wiped from the map by heavy bombing. It is the first important rail and road junction south of Hanoi. Most of its 7,700 inhabitants are long since evacuated. It had been attacked, according to local officials, more than 40 times, the latest four days before my arrival. Its streets had the desolation of a cemetery. Hundreds of homes were demolished, as well as schools, churches and dispensaries. Except for several stragglers, there was no life left.

Nam Dinh, North Vietnam's erstwhile third largest city, stands half in ruins from repeated air strikes by planes of the Seventh Fleet based in the Gulf of Tonkin. Across the Black River to the south, the mud huts of Phong Lac, a Catholic village, were also heavily damaged from an attack which officials said had occurred on last Dec. 31, killing 11 and wounding 16. Its textile mill, North Vietnam's largest, has been bombed several times. Part is still operating. Trains were shunting back and forth in the railroad yards, presumably an important target.

The night I arrived in the Nam Dinh sector, I stayed in an evacuated hotel in a hamlet in the middle of rice fields. Just before 10 p.m., I was almost sucked out of bed by the implosion of bombs falling nearby. There were five more attacks before noon the next day, each near enough to shake the walls or the ground. I asked to visit one of these sites but was told there was too little time to get the necessary authorization.

That evening as we were traveling south under a bright moon, a two-engine jet swept down out of the light cloud cover, screamed across at treetop level about 50 feet in front of our vehicle and let loose with cannons, one rocket and a string of six bombs which burst thunderously in the fields to our right. Thoroughly terrified, I leaped and ran for a roadside foxhole. My interpreter was already in it. The intended target was not apparent. All I could make out in the area was a small group of mud huts, and these were not hit.

In Thanh Hoa, another large city, several neighborhoods near the center of town had been completely razed. The most recent bombing of the city, I was told, had been Jan. 29. Most of the homes still standing were locked, the occupants gone. "We consider that our city has ceased to exist," Thanh Hoa's mayor said to me sadly, kicking rubble with his toe. During the first full day I was in this area, the weather was good and there were 19 separate attacks on nearby targets, several of which I was able to observe. I saw one American plane go down, an orange ball of flames descending at a 45° angle across a vista of incredibly green rice fields. The pilot bailed out and was captured, but I was not allowed to see him.

Phat Diem is an agricultural community of 5,500, five miles inland from the Gulf of Tonkin. I was told the town had been attacked more than 60 times. Of its six Catholic churches, five had been heavily damaged by bombs. The rest of the city, mostly mud and thatch huts or one-story concrete dwellings, was ruins.

I visited the hamlet of Antiem in the heart of the Red River delta, North Vietnam's richest rice-producing area. There is no road; I had to walk nearly two miles across narrow dikes to reach the village. Antiem is something of a symbol to the North Vietnamese. Here, the villagers say, at 10:30 a.m. one day last October, two U.S. planes, for reasons still unexplained, had dropped two bombs each. Two fell harmlessly in the fields at the edge of the hamlet. Another fell on the local secondary school, killing, I was told, 30 children and a teacher. The fourth had caved in a shelter trench, killing nine. I asked if there had been any anti-aircraft emplacements thereabouts. "Anti-aircraft!" one grizzled peasant cried indignantly. "We don't have rifles!"

Much of the outrage against U.S. bombing is directed at the use of anti-personnel bombs—particularly the CBU's (cluster bomb units), cannisters which burst in the air, each scattering 300 baseball-sized explosives which detonate on impact, each spraying hundreds of pea-sized steel pellets at high velocity over a wide area. The pellets are coated with napalm and stick when they hit.

The most convincing evidence of CBUs I saw was near Viet Tri, northwest of Hanoi. Here factory walls were scarred with characteristic symmetrical patterns of pockmarks. Later, I visited the Viet Tri hospital, which recently had been moved from the city to a rural village several miles away. On Jan. 18, according to Dr. Le Hau Suu, even this village had been bombed with CBUs. Pellet marks scarred the doctor's desk, chair, cabinet, sterilizer and other instruments. Outside, the crumpled half-shell of a cannister lay across a narrow dike in a field stippled with cup-sized craters. The doctor rounded up several patients he said had been wounded by the pellets. One 18-year-old girl had taken a pellet through her left arm, one in her intestine, one through her finger and lower lip and one, which I could feel with my fingers, embedded in the heel of her hand.

To the people of North Vietnam with whom I came in contact, the war is bombing, the bombing is the war. They believe the U.S. has attacked their nation unilaterally for imperialistic ends. Any attempt to explain that we are bombing them in order to slow the infiltration of men and supplies into South Vietnam is met with either bewilderment or scorn.

The bombing assuredly has necessitated significant adjustments in the North Vietnamese economy. Factories are dispersed to the countryside in small units. The residents of the cities have had the most serious dislocations. Children and elders, and others not working at essential jobs, have for the most part been evacuated to rural areas. Thousands of teachers have been sent with the children.

I saw no sign of severe shortages anywhere. Such things as meat, fish and rice are heavily rationed in the cities, according to the seasonal supply. There is no rationing in the countryside.

The astonishing thing is the way the North Vietnamese seem to take all this in stride. The people seem patient as ants. If something isn't done today or tomorrow, then the next day. If there is an endless line of trucks on the way south, it follows that there is an unending line of trucks arriving at the destination, and it doesn't really matter how slowly they travel en route. The people seem neither angry nor pugnacious—just calm, as though they could go on like this forever. Strangely, every person with whom I talked, whether in country or city, seemed to separate me as an individual American from what was being done to them by our planes. They spoke with ingenuous optimism of the "great peace movement" rising in the U.S., and how it was only a question of time until the Johnson administration yielded to this surging public opinion. Obviously their intelligence of the U.S. is highly selective. A Hanoi street, for example, has been renamed for Norman Morrison. How many Americans can identify Morrison as the man who immolated himself in front of the Pentagon in protest against the war? In Haiphong, a local official offered a toast. "Please thank the American people," he said without a trace of irony, "for their heroic struggle against the imperialistic policies of the Johnson administration." It was a sentiment I was to hear constantly, wherever I traveled.

As I was leaving Hanoi to go to the airport for my return trip home, my car passed by one of the city's several factories which manufacture the cement liners for "manhole" bomb shelters. They had run out of space on the factory grounds, and in the thickening dusk I could see hundreds upon hundreds of them lined up on the sidewalk along an entire city block, waiting to be carted away and put into place along other streets. As we drove away, I thought about how long it would take to dig all the holes for that many shelters, and all the others being turned out every day. From what I had seen in four weeks, the North Vietnamese seem more than willing to dig the holes, whatever time and effort it takes, and to stand in them whenever necessary.

REVEALING HIGHLIGHTS FROM TWO INTERVIEWS WITH ENEMY LEADERS

Phan Van Dong

(Lockwood's interviews with Premier Dong and Mr. Tien, Hanoi representative for the National Liberation Front (Vietcong), are excerpted below. Lockwood was not aware of the exchange of letters several days earlier between President Johnson and Ho Chi Minh. Significantly, Dong and Tien expressed different ideas about Vietnam's political future and about the presence of North Vietnamese troops in the south.)

There has been no war so heinous in history, as this one. . . . We have a 4,000-year history. We are a very civilized people, you know, with a very high cultural standard. The U.S., by waging this total colonial war, has mobilized all the Vietnamese people, without exception, against it.

The U.S. air war has met with defeat. . . . They can't intimidate us; they can't rescue the situation in the south. They get bogged deeper in the mud!

The U.S. should definitely and unconditionally stop all bombings and all other warlike acts against the D.R.V. It must withdraw all U.S. and satellite troops from South Vietnam. It must recognize the National Liberation Front. . . . And also recognize that all problems concerning Vietnam must be dealt with through them. . . . With who else? With us? It cannot be. With Nguyen Cao Ky? Ky doesn't even represent himself!

At bottom, the Democrats and the Republicans in the U.S. and *bonnet blanc, blanc bonnet* [no difference]. I don't think that there is much hope for a change of policy because of any change in government in 1968.

Communism has nothing to do with this war. We are entirely masters of our destiny, masters of our policy. You see things through a prism when you speak of the "Communist conspiracy." It will take much time to change that misconception.

We want a reunified Vietnam. This is the principal point. Throughout history, we have always been close to one another.

Are there presently North Vietnamese troops in South Vietnam, you ask? Vietnam is *one*. All Vietnamese people, like one man, must fight against U.S. aggression for our liberation, with all possible means, *Voila!*

The question of "volunteers" is becoming more and more practical and real. Not only volunteers from socialist countries; other countries, too. When will such help be needed? It depends completely on the extent of the American intervention.

President Johnson says he is prepared to go more than halfway in the interest of peace. What is "halfway"? He comes from the other side of the Pacific to wage war against us. We are already here!

Nguyen Van Tien

You say that the belief persists in the West that the National Liberation Front is an instrument created and controlled by Hanoi. The Johnson administration is the only Western government which persists in this belief. If we were "dominated," we couldn't continue, because we would not have the support of the people.

We want and will accept economic aid from both socialist and capitalist countries in the reconstruction of South Vietnam as an independent country. From the United States? Yes. But all aid must be given without any political conditions.

There are over 10 million South Vietnamese under our direct political control at this moment. These are mainly in the cities and towns. We also have thousands in the countryside who are our sympathizers.

Ky—he is a puppet. He's really not even worth talking about.

Be assured that South Vietnam will not, in the foreseeable future, be Communist. You must believe that.

After independence, South Vietnam will be *neutral*. It will be nonaligned.

There are many problems [concerning reunification]. Eventually we will have a kind of light federation. But each part [of Vietnam] will administer its own internal and foreign affairs.

Our position is really completely different from that of North Vietnam, as regards reunification. . . . The north must be willing to accept an over-all government that is non-Communist. Communism is impossible for South Vietnam, which has a much different tradition and situation than the north. . . . Even the Communists in our Front believe that Communism in the south is impossible.

If President Johnson wants to discuss negotiations, he has to treat with the N.L.F. If not, negotiations are impossible. The Hanoi government has no right to negotiate in our name.

If Johnson recognizes the Vietcong as the true leaders of the war, he will lose face. We know it will be difficult. But he must do it.

[After Tien's assertion that the south was controlled completely by Vietcong, Lockwood asked about the capture and identification of North Vietnamese soldiers and documents in the south. Tien replied emphatically.] I do not want to hide anything. There has been much talk on this subject. I tell you frankly that as of now there are no North Vietnamese troops in the south. We have sufficient forces to resist the U.S. aggression. At one time we sent many units to the north for training, and we have the right to recall these units as they are needed. We are beginning to recall these units now.

THE DEATHS IN VIETNAM SINCE FEBRUARY HAVE BEEN UNNECESSARY

(Statement by Sanford Gottlieb, political action director, National Committee for a Sane Nuclear Policy)

("A conscientious man would be cautious how he dealt in blood"—Edmund Burke, Letter to the Sheriffs of Bristol.)

I have just returned from a trip to Algiers and Paris where I spent a total of six hours speaking with officials of North Vietnam and the National Liberation Front of South Vietnam. In addition, I had an opportunity to spend many additional hours in Paris in conversation with those, in and out of government, who are extremely well informed about Vietnamese affairs. This was my third visit to Algiers and Paris to meet with North Vietnamese and NLF officials. The others took place in July, 1965, and January, 1966. All of these visits were fact-finding missions made on behalf of the National Committee for a Sane Nuclear Policy. After each visit I shared my impressions with the State Department.

I wish today to share with the press my

impressions of the current situation in Vietnam in the light of my most recent conversations. If we really hope to negotiate a peaceful settlement to this war, with its special psychological factors, we must try to understand what the other side thinks and feels. It is my hope to make a small contribution to that understanding. I shall deal first with the diplomatic situation, second with the views of the National Liberation Front.

THE DIPLOMATIC SITUATION

Both North Vietnam and the NLF were apparently ready to negotiate during the Tet (lunar new year) truce in February if the U.S. had been willing unconditionally to halt the bombing of North Vietnam. They consider that they clearly signaled their intentions. They refer repeatedly to the interview given by North Vietnamese Foreign Minister Nguyen Duy Trinh to Wilfred Burchett. They consider this interview as concrete evidence of good will on their part. The NLF considers its support of an extended truce during the lunar new year period as an additional sign of good will. Without evidence of good will, they say, talks cannot take place.

On January 28, North Vietnam gave unusual prominence to its Foreign Minister's interview with Wilfred Burchett. The key section of that interview quoted the Foreign Minister as saying: "It is only after the unconditional ending of the bombing and the other acts of war being carried out by the U.S. against North Vietnam that there can be talks between the countries." The Foreign Minister also clearly failed to insist on Hanoi's **Four Points** as a condition for negotiations.

Yet, at his news conference of February 2, President Johnson had this exchange with the press:

> Q. Are you prepared . . . to tell us what kind of other steps the other side should take for this suspension of bombing?
>
> A. Just almost any step. As far as we can see, they have not taken any yet . . .
>
> Q Would you consider a mere willingness to talk peace to be enough of a step on their part to halt bombing or would some military move be necessary?
>
> A. I have seen nothing that any of them have said which indicates any seriousness on their part. I am awaiting any offer they might care to make.

Thus, President Johnson refused to accept an official statement by the North Vietnamese Foreign Minister as a sign of "seriousness". Had there been on the part of the Johnson Administration any serious doubt about the meaning of Foreign Minister Trinh's words, the President could have chosen the more favorable interpretation and responded to that with an extension of the bombing pause. A similar approach by the Kennedy Administration helped bring the Cuban missile crisis to a peaceful conclusion.

Asked by the Associated Press for a clarification of Hanoi's intentions, Wilfred Burchett responded with an article from Phnom Penh which was published in The Washington Star of February 8. The AP said the article "gives a Communist view and should be read in that light." In other words, it was a faithful report of Hanoi's attitude. Burchett wrote:

"In talks to the Vietnamese following the Trinh interview and seeking clarification I was told:

"'. . . If bombings cease completely, good and favorable conditions will be created for the talks. Halt the bombings, come and talk. Let's see what can be done next. President Johnson said he was only awaiting a sign. Well, he's had the sign. We've shown our good will, the U.S. must do the same.'"

On the basis of my recent talks, I believe the North Vietnamese attitude toward starting negotiations may be summed up in this way: "We will not negotiate under bombing or the threat of bombing. We will negotiate when the U.S. stops using the bombings as a form of pressure." *As far as one can tell, the offer is still on the table.* Hanoi is *not* asking for the withdrawal of U.S. troops from South Vietnam or even a complete halt to hostilities in the South before talks begin. It *is* asking that the U.S. renounce the bombing of the North.

Even if the U.S. had continued the bombing pause after the deadline of the Tet truce *without* indicating whether the pause was permanent or temporary, it is probable that a dialogue could have begun which would have led to negotiations. This is the view shared by all of the knowledgeable third-party observers with whom I spoke during my recent trip.

For its part, during the recent Tet truce the Johnson Administration insisted upon a reciprocal *military* response by Hanoi before talks could begin. This represented an "upping of the ante" by comparison with 1966, when Administration spokesmen asked merely that Hanoi come to the conference table if the U.S. stopped the bombing.

On February 16, 1966, Secretary of State Dean Rusk declared: "Some governments said Hanoi would talk if we would stop bombing North Vietnam. We tried that twice, briefly last spring, and, recently, for 37 days but it made no difference. Hanoi would not come to the conference table."

Yet, at his press conference of March 9, 1967, President Johnson made unmistakably clear that his Administration is now demanding something more than a promise to negotiate. He said:

> ". . . I thought I said it in my last press conference. Just almost any reciprocal action on their part. We have said that we would be glad to stop our invasion of North Vietnam if they would stop their invasion of South Vietnam. That we would be glad to halt our bombing if they would halt their aggression and their infiltration. We are prepared to discuss anything that they're willing to discuss. But they're not willing to discuss anything as of now."

When Hanoi failed to accept the notion of a reciprocal military response, the U.S. again escalated the war by mining the rivers of southern North Vietnam, bombarding the North Vietnamese coast, and firing artillery across the Demilitarized Zone. In Hanoi's eyes, this escalation is proof that the U.S. interpreted the North Vietnamese gestures of good will as signs of weakness. Hanoi also seems to suspect that the U.S. is using this moment of disarray in China to strike hard at North Vietnam without fear of Chinese intervention. In the face of increased escalation by the U.S., North Vietnam believes that it has no alternative but to resist. One can assume that it will do so with additional help from its allies.

Under the present circumstances, Hanoi and the NLF believe there can be no peace talks until the U.S. approach changes. Escalation can never bring negotiations in their view. If their gestures of good will are to be interpreted as signs of weakness, they will make no further gestures. The next move, they told me, is up to the U.S.

In view of what I have been able to learn, it seems to me that the fighting and the deaths in Vietnam since February have been unnecessary. Had the U.S. been willing to extend the bombing pause indefinitely after the lunar new year truce, I believe there would have been peace talks. Even if the extension of the bombing pause had not been characterized as permanent by the Administration, there might have been preliminary conversations leading to full-scale negotiations. This was a risk worth taking because it might have ended the war.

Administration spokesmen are likely to reply that the North Vietnamese used the Tet truce vastly to increase their movement of supplies. There are several answers to this. First, the U.S. also used the Tet truce to increase its movement of men and supplies, using this period to prepare for the massive "Operation Junction City" according to Agence France Presse (*La Monde*, February 25). Second, not one official U.S. statement nor any press report indicated that the North Vietnamese moved these supplies *beyond* the 17th Parallel during this period. If so, Hanoi used the truce for military movements within its own borders. If the proximity of this build-up to the 17th Parallel then appeared ominous to the U.S., how did the "long files" of U.S. trucks reported at that time on the road from Saigon to Tay Ninh appear to the other side? Finally, if both sides are to interpret the other's intentions only by its military movements and actions, there will be enough mutual suspicion to keep the war going for a very long time indeed.

Administration spokesmen have also pointed to Hanoi's refusal to accept the principle of a reciprocal military response as proof that the North Vietnamese are not interested in negotiations. I think it would be more accurate to say that the North Vietnamese are not interested in Washington's idea of symmetry. They consider that U.S. bombings of their territory constitutes a flagrant violation of the sovereignty of an independent state. No peace talks can take place, they say, until these attacks stop. As for their help to the Viet Cong, they see this as aid to fellow Vietnamese who, like themselves, are fighting for their independence but who are bearing the brunt of the battle. The North Vietnamese simply fail to see the validity of comparing U.S. air attacks on their territory with their aid to the Viet Cong. This does not mean that, if the bombings were stopped, the North would automatically go on supplying the Viet Cong. That would no doubt depend on other factors. It does mean that they see their "quo" for the American "quid" as a commitment to talk. Isn't that what the Administration says it has been seeking?

It should be remembered that, not so long ago, the Johnson Administration was not asking for reciprocal military response as a condition for halting the bombing and starting negotiations. Why this hardening of position? It represents, I believe, a calculated effort by the Administration to avoid negotiations in the first half of 1967—except on terms which would humiliate Hanoi—so that a position of military strength can be pursued until later this year. At that time, following the presidential elections in South Vietnam, the Administration will probably make renewed efforts to negotiate. The 1968 election campaign in the U.S. does impose a deadline on this pursuit which passes for a policy. Meanwhile, however, the Administration will do its best to avoid negotiations, unless Hanoi and the NLF come crawling to the conference table. Everyone with whom I spoke during my recent trip—Vietnamese and third-party observers of many different backgrounds—agreed with this analysis. (See excerpts from *Le Neuvel Observateur*, attached).

The Vietnamese have known war for a whole generation. In their long history, they have fought as nationalists against the Chinese, the Japanese, and the French. Many of them today are engaged in what they consider a nationalist struggle against the Americans. We can flatten North Vietnam and they won't come crawling. We can launch ever more massive search-and-destroy missions in the South and they won't come crawling. We can use all the awesome arsenal of the most powerful nation on earth and they won't come crawling. The men I met in Paris and Algiers are calm. They know what the next steps of American escalation mean for their country. But they seem resigned to take it. They will talk as equals, but they will not come crawling to the conference table.

THE VIEWS OF THE NATIONAL LIBERATION FRONT

The following summary is based on statements by the chief of the NLF Mission in Algiers, a member of the NLF Central Committee.

1. Negotiations

American "aggression" is the sole obstacle to peace in Vietnam. When it stops, there can be negotiations. Hanoi cannot speak for the South in such negotiations, so the NLF will have to meet separately with the U.S. to discuss problems relating to the South. Among the problems which can be discussed are means of withdrawing U.S. troops from South Vietnam, but internal political questions can only be discussed among Vietnamese.

2. Elections conducted by the Saigon regime

As long as U.S. troops are in South Vietnam, no government in Saigon can escape American influence and no elections can be free. If a government came to power in Saigon which asked for the withdrawal of U.S. troops we would support it.

3. Future status of South Vietnam

There are many different groups in South Vietnam, especially religious groups. There are many more religions in the South than in the North, and they all participate in the struggle for independence. In the South, there have also been landlords and members of the bourgeoisie in the Resistance, which makes for another difference from the North. What unites all these groups in the NLF is the struggle for independence from foreign influence. It is not socialism or communism which unites them. Therefore, the NLF seeks a coalition government in Saigon which represents all groups except the "fascists" and which is neutral, neither pro-American nor pro-Communist.

4. Foreign aid

South Vietnam is a poor country. We shall need and shall accept aid from all countries, including the U.S., if it is given without strings attached. The development of the Mekong could help South Vietnam generate power, create industries and mechanize its agriculture. American know-how could be very important.

5. Reunification

Must be accomplished over a period of time (The previous NLF mission chief in Algiers told me that it could require up to 20 years—S.G.) on a step-by-step basis, taking account of the differences between North and South. In the first stage there should be a restoration of postal, economic and cultural exchanges, and freedom of travel. During the process of reunification, there would be two separate governments in Hanoi and Saigon and some form of joint assembly to work out common problems.

MAIL FOR U.S. PRISONERS OF THE VIETCONG

The NLF had previously agreed to use its mission in Algiers as a mail drop for American troops captured in South Vietnam. When this information was released by us in the U.S. in January, 1966, the mission in Algiers received more mail than it could handle, including large packages. At our request, the NLF has renewed its agreement to forward letters to prisoners captured in the South with the understanding that, due to extremely difficult circumstances, there can be no certainty of delivery or of reply. Their new address is: National Liberation Front, 4 Rue Viviani-El Biar, Algiers, Algeria.

Excerpts From "How Johnson Let Himself Be Convinced"

(By Olivier Todd, Le Nouvel Observateur, Paris, Mar. 8–15, 1967)

General Wheeler is competent. He let the Tet truce and the Wilson-Kosygin effort pass without intervening. When the latter failed, he told himself that his moment had come and he spent hours alone with President Johnson . . . To convince the President, General Wheeler proposed a plan whose appearances are military but whose goal is political: a five-month plan which should bring results before next fall.

According to Wheeler, without completely winning the war on the ground, this plan can force Hanoi and the National Liberation Front to make peace—separately. General Wheeler has no desire to get bogged down in Vietnam for 10 or 20 years. . . .

With a great deal of ability, knowing that Johnson has for a long time been skeptical of purely military thinking, General Wheeler systematically defended the bombing of North Vietnam, beginning with the political advantages: These bombings, he said, have greatly strengthened the morale of the South Vietnamese and the authority of Marshall Ky . . . General Wheeler said was "very impressed by Ky's political progress." Starting from there, he sketched the two sides of his military strategy. With the President—much more than before the Congressional committees—General Wheeler admitted that the bombings of the North have only been 20% effective in stopping the flow of men and materiel toward the South. But, he explained, the bombings are necessary to fix in North Vietnam the largest possible number of soldiers.

With 450,000 men already under arms, North Vietnam cannot mobilize more than a total of 700,000. The best way of preventing more reinforcements to the South is to keep all of Hanoi's soldiers in a "state of permanent alert." This is the basic goal of the latest escalation against North Vietnam . . .

Wheeler believes that the North Vietnamese should be given the impression that an American landing in the North is possible in order to make them keep a heavy cover of troops along their coasts. This was one of the main objectives of the overly spectacular amphibious operations of the Marines between Quangtri and Quang Nhai. Johnson and Wheeler agree that, in any case, no landing should be made in the North . . .

The second side of the Wheeler plan: the South. The General maintained that the Viet Cong troops and the North Vietnamese regulars infiltrated into the South are beginning to lack automatic and semi-automatic weapons, most of which come from China. "The 'cultural revolution' has provoked an industrial revolution—a slowdown in deliveries," the Americans say. Now is the time to profit by launching massive "search-and-destroy" missions.

Memorandum

(By George McTurnan Kahin, professor of government at Cornell University and coauthor of "The United States in Vietnam," incorporating notes on his oral presentation and the subsequent discussion of Mar. 20, 1967. The reflections here described are based upon a month's stay in Vietnam, December, 1966–January, 1967, involving visits to Danang, Hue, Hoi An, Quang Ngai, and Long An province as well as Saigon.)

My chief objects of interest were:

I. The Pacification Program.

II. Views of the Saigon Military Leadership.

III. The Constituent Assembly.

IV. The Buddhist Opposition and its Current Political View.

I. THE PACIFICATION PROGRAM

Among the most important reasons for this program's failure are:

(a) The destructive and disruptive impact of American and Korean search and destroy operations upon the civilian population;

(b) the ineffectiveness of the South Vietnamese army in meeting its responsibility for clear and hold operations;

(c) lack of attention to land reform and the frequent (though inadvertent) restoration of landlords to their old positions;

(d) Premier Ky's destruction of much of the non-communist (Buddhist) administrative infrastructure in the First Corps area.

(a) American and Korean *search and destroy operations tear down the structure of rural Vietnamese society much more rapidly than the pacification effort is building it up.* The rapid massing and projection of superior American and Korean firepower which has been so important a factor in successes against large Vietcong and North Vietnamese units has been heavily destructive of villages and peasant society in general. Not only are many civilians maimed and killed, their villages destroyed and crops ruined, but also *these search and destroy operations generate a tremendous and steadily accelerating number of refugees.*

1. Refugees

By the most conservative estimate[1] the total number of refugees had reached 1,616,663 by the end of November 1966, not including an additional 150–200,000 refugees in the Saigon area and a major influx of more than 100,000 refugees into Danang. By the end of 1966, then, the total number of refugees was in the neighborhood of 2 million, with the Director General of the Government Refugee Office expecting an accelerating increase as a consequence of new American operations in the Delta (a minimum of 400,000 more from this area alone.)

Given the fact that almost one-quarter of South Vietnam's 16 million people live in cities and towns, approximately one out of six peasants has now become a refugee, with the proportion clearly destined to increase as search and destroy operations continue. Moreover, because these military operations are generally concentrated in particular areas of the country, the proportion of refugees is even higher in certain provinces. Thus, the Director General of the Refugee Office describes Binh Dinh province as "one great refugee camp"—its total number of refugees at the end of November 1966 having reached more than 275,000 out of a population of 784,000 (36% of the total). Although some of the refugees find temporary work in the cities and around major American bases, the vast majority remain unintegrated into Vietnamese society and life in semisqualor in overcrowded refugee camps.

2. Civilian casualties

Inasmuch as in the discussion several Senators indicated their interest in the nature of civilian injuries, it would be pertinent for me to indicate that the source of my impressions were not confined to hospital records and interviews with hospital personnel. In several of the hospitals I visited (in Saigon, Hue and Quangngai) I was able to see any ward I wished, inspect the records attached to the beds of patients and talk to medical internees and nurses as well as doctors. A report compiled by medical staff in November 1966 at Hue hospital indicated that almost 90% of the war casualties were occasioned by American and South Vietnamese army air bombardment and artillery; at Quangngai, where I visited every ward of the hospital, an American who worked these estimated that about 70% of all civilian war casualties had been inflicted by American, South Korean and South Vietnamese aerial bombardment and artillery, with the remaining 30% stemming from Vietcong and North Vietnamese action (mostly from land mines).

The only information which I was able to secure at the central hospital in Saigon were that "most of the civilian casualties" were caused by aerial and artillery bombardment.

---

[1] Provided me by the Vietnamese government's central Refugee Office in Saigon (Previously known as Commissariat for Refugees).

As of December 25, 1966, when I visited this hospital, I found that in its back wards were many victims of napalm (at least thirty-five in the six wards I visited). It was not merely their appearance (features literally melted together) that indicated this, or that the internees and nurses stated that this was the case; in addition, each patient had fastened to his bed a record indicating napalm as the cause of the burning and bloating wherever it had been so diagnosed. A large portion of these napalm casualties were children. On the same day I visited the Saigon Children's hospital and found only three such cases there—all very recent. Upon asking the reason for this I was informed by medical students that it is government policy to disperse as widely as possible napalm casualties that are brought to hospitals so that visitors will not conclude that there are so many of them. Since Dr. Howard Rusk in his recent report states that he saw little evidence of napalm injuries in the hospitals he visited, I can only surmise that he must have been given the sort of prepared and guided tour that often makes it so difficult for official visitors to see much that is significant.

(b) Among the American officers with whom I talked (marine and army), there was unanimity as to *the incapacity of the ARVN (Army of South Vietnam) to fulfill the major role assigned to it under the pacification program—that of clear and hold,* and more specifically of providing sufficient security for the pacification cadre teams.

One reason they gave is that a large number of ARVN units are not effective fighting forces and avoid battle with VC forces that return subsequent to the search and destroy operations that have temporarily pushed them out. Combat ineffectiveness is often increased by the continuing high desertion rate. When I visited Long An province immediately to the south of Saigon I found that with the 25th ARVN division there, the desertion rate is more than 1,000 men per month, this number including a significant number of officers as well as enlisted men. (This may help explain why out of some 600 villages in the province only 90 are controlled by the Saigon government.)

Secondly, these U.S. marine and army officers were in solid agreement that the South Vietnamese army as a whole is not psychologically attunded to effective clear and hold operations among the peasantry, and that it acts much more like an alien occupying force than a friendly defender. The incidence of chicken and pig stealing and rape of peasant women are alone so high and so widespread, they said, as to ensure this.

(c) In those rural areas where it exercises control, *Saigon's land policy inevitably alienates a major part of the peasantry.* Premier Ky's administration, despite many well publicized statements, has not been willing to carry through agrarian reform even to the limited and grossly inadequate extent that Diem did.[2] Pacification has usually meant the return of the landlord and his repossession of lands which the Vietcong previously distributed to landless peasants. When the Vietcong reasserts control over villages recently pacified by the U.S. and Saigon,[3] it usually quickly returns ownership of landlord holdings to the peasant tenants. If one seeks to understand why most of the cultivated land in South Vietnam is NLF controlled[4] one has to reckon with the persisting attraction of the NLF's land policy for rural Vietnamese and the fact that the peasants who revolted against Diem still see Saigon as a symbol of the landlord.

Moreover, in the pacification program it is usually impossible to select villages as candidates for the effort on the basis of a healthy land ownership pattern. (In one recently pacified village which I visited only three out of 61 families owned the land they tilled; most of the land being owned by absentee landlords living in the district capital or Saigon.[5]

(d) *In the First Corps area efforts at pacification have been severely disadvantaged because of Premier Ky's suppression of the Buddhists there in the spring of 1966.* In putting down the "Buddhist Struggle Movement" the Ky government destroyed much of the noncommunist administrative infrastructure in the northern provinces of South Vietnam. This being an area of particularly strong support for Tri Quang and his group, it was necessary in crushing their popularly backed movement to root out much of the noncommunist civilian administration as well as purge the two army divisions that supported them.

Thus in their pacification efforts U.S. Marines have suffered a major handicap and have won back only a small part of the area that was lost to the Vietcong because of Ky's suppression of the Buddhists.[6] In Quang Nam province, the principal area of marine activity pacification efforts have in fact restored Saigon's authority to only a few villages. Marine officers informed me that as of December 31, 1966, only 18 hamlets (with a total population of 19,967) had been secured out of a total of 549 hamlets with a total population estimated at 568,288. Out of this rural population they estimated that approximately 150,000 had become refugees.[7]

II. VIEWPOINT OF THE SAIGON MILITARY LEADERSHIP

Pacification is a process which the military junta in Saigon views as taking place behind an American military shield that will remain in Vietnam for a full generation. This was made clear to me in a long discussion which I had with one of the top generals in the junta, a man regarded by U.S. officials as politically the most sophisticated of the group. What struck me in talking with him and other Vietnamese military leaders was their confident taking-for-granted that American troops would remain on in Vietnam to provide them such a shield, bearing the brunt of the fighting against the Vietcong for as long as a generation. This was matched by their candor in disclosing an appalling lack of confidence in their own ability to compete politically with NLF even behind such an American shield. The point of view can, I think, best be conveyed to you by quoting to you from the statements made to me by the above mentioned general:

"To defeat the communists we must win against them both politically and militarily. But we are very weak politically and without the strong political support of the population which the NLF have. Thus now even if we defeat them militarily, they can come to power because of their greater political strength. We now have (thanks to the support of our Allies) a strong military instrument. But we are without a political instrument that can compete with the communists in the south. Such a political instrument we must now begin to create, a process that will take a generation. It is unrealistic to speak of a cease fire until after we have built up our political strength to a point where we can compete with communists successfully—a decade from now at least. Thus your President's statement at Manila that U.S. troops would begin withdrawal within 6 months of a settlement makes no sense. We must have military victory *plus* political superiority first. To secure military victory it will be necessary to carry the war into North Vietnam and defeat the Communists there as well.

"It is a matter of endurance and patience—this struggle. Napoleon said, he who can maintain his forces that extra quarter of an hour on the battlefield will win. In this case, it is the side that can maintain itself that extra decade on the battlefield that will win."

When I speculated that any effective invasion of the North would probably necessitate something like a million American troops in Vietnam, he readily concurred. When I inquired whether such action might not ultimately induce North Vietnamese forces to seek base areas in southern China as well as in Laos, his answer was that in any case it would be necessary ultimately to carry the war into China and that to this end it would be advisable to encourage Chiang Kai Shek to attack the mainland and to utilize some of his troops in South Vietnam. He went on to argue that the United States was wrong in assuming that China and Russia were not still close military allies and that it might be necessary to move on to World War III so as to insure that communist power was fully removed from Vietnam.

---

[2] Although each pacification cadre team has on it members who are charged with seeing that agrarian laws are respected, the laws in question are those of Ngo Dinh Diem, and where actually enforced apply to maximum rent and not redistribution. (Diem never countenanced a program of land redistribution except where French estates and Vietnamese holdings of more than 284 acres of rice lands were concerned, and even this program was only partially carried out.)

[3] "Depacification" is the term used by local officials for this process.

[4] The actual extent of government control over rural areas is even less than appears on the surface. For instance, it is usual for the CVT (Farmers Union)—run by the government-sponsored Vietnamese confederation of labor—to pay taxes to the NLF even in the limited rural areas where the Farmer's Union operates.

[5] Although some American officials with whom I talked were quick to agree as to the desirability of selecting villages for pacification which have a healthy land tenure pattern, they said that this was usually made quite impossible by the reluctance of local Vietnamese officials to give them the necessary cooperation. As they pointed out, the majority of district and provincial officials either are landowners themselves or have close family or other ties with large landowners. Thus, most Vietnamese officials in the provinces (as well as many in Saigon) have a vested interest in the agrarian status quo and are usually not inclined to be cooperative in providing even reliable cadastral date necessary for an effective approach to pacification.

[6] In January 1967 the road from Danang south to Hoi An (the capital of Quang Nam province) was reasonably safe for travel until only late afternoon, while a little over a year ago one could drive the road at night. In driving down the road to Hoi An, I came across a Marine unit conducting a security operation only seven miles south of Danang.

Directly across the river to the south of Hoi An is a "Harassment and Interdiction Zone" into which U.S. artillery pumps intermittent salvos of shells to keep the VC from using the territory as a staging area for an assault on Hoi An. The consequent devastation of villages in the area helps account for the fact that approximately half of Hoi An's population is made up of refugees.

When I visited Hue I discovered that one of the city's major suburbs was unsafe to visit at night because of VC penetration; that even during the day time it was unsafe to visit the royal tombs, less than two miles to the south of the city; that the VC had attacked a major military barracks on the edge of the city only two weeks before; and that the city central police station had been mortared at least seven times during the previous six months. Hue and its immediate surroundings had been reasonably secure prior to the suppression of the Buddhists last spring.

[7] The government's central Refuge Office gave a figure of 88,511 refugees for November 30, 1966, apart from those who had moved into the city of Danang (that city's population has approximately tripled in the last year, reading almost 300,000).

III. THE CONSTITUENT ASSEMBLY

The political future for South Vietnam which the military junta has agreed to is rather different from what we are now being assured the Constituent Assembly will secure. Despite the courage and forthrightness of a minority of its members, *the Assembly as a whole has backed down in the face of the pressure which the military leadership has been applying ever since last fall* when the Assembly began its deliberations.

The strategy of the military junta has been to avoid any final confrontation with the Constituent Assembly at the conclusion of its sessions. Instead, there have been a series of informal, largely unpublicized confrontations during the past six months between representatives of the junta and Assembly leaders, wherein the military have exacted the concessions most important to them. Thus, although a few generals remain dissatisfied with some provisions in the draft submitted by the Constituent Assembly, they had already secured the essential concessions and have little reason to be dissatisfied with the final result.

Leading civilian members of the Constituent Assembly now argue that "political realism" dictates that they be prepared to accept the junta's choice as President under the constitution. They have yielded to the military's insistence that during the election period it will control the government and, as is generally expected in Saigon, the electoral process as well. The junta is insisting that it have at least as much say about framing the new election law as the Constituent Assembly (with negotiations between military and civilian leaders apparently proceeding informally, in much the same way as during the drafting of the constitution.)

Another signally important retreat by members of the Constituent Assembly concerns the election of province chiefs, currently all appointed by the junta, with more than 90% of them military officers. The Assembly agreed that their election could be deferred up to four years (article 114). Thus, whoever becomes the first President will be able to continue the current practice of appointing military officers acceptable to the junta to these important posts.

Probably of greater importance is article 64 endowing the President with the power to decree "in special situations" a state of emergency subject to subsequent agreement by the National Assembly. The vagueness of phraseology in this article could (especially in the over-all Vietnamese political context) easily lead to a much more authoritarian political system than other features of the constitution might suggest.

Why has the Constituent Assembly backed down so drastically in the face of military pressure?

Clearly, despite courageous statements of some deputies, *intimidation has been one factor*. The assassination attempts against two of the most forceful and outspoken of the Assembly's leaders are regarded by all elements in the Saigon political spectrum as emanating from Premier Ky's chief of police rather than from the Vietcong. Tran Van Van, whose widow herself asserted this publicly after he was killed, was probably the most forceful and articulate leader of the southern bloc, and was the man who introduced the avowedly anti-Ky measure that any future President be at least 40 years of age (Ky is 37). Dr. Phan Quang Dan, who escaped with only minor injuries, remains one of the most outspoken members of the Assembly; but the fact that he himself does not appear to have been intimidated did not keep other members from being cowed.

But possibly much more important in explaining the actions of the Assembly is *its lack of representative character*, an outcome which the election law assured. Thus, not merely the fact that in terms of per capita representation, Catholics are represented in a ratio of at least 6:1 against Buddhists, and Northerners in a ratio of 5:1 against Southerners.[8]

More important were the severely discriminatory features of the election law which served to screen out those elements in the population most likely to champion any significant departure from the economic and political status quo. The election law excluded any candidate regarded as either pro-communist or pro-neutralist. Moreover, it discriminated severely against those arrested in the past for political crimes, this applying to anyone so charged prior to November 1963 whether by the French or Diem; such persons were unable to run unless able to obtain clearance from special courts appointed by Marshal Ky.[9] Moreover, the extremely brief time for submission and clearance of papers required for candidature insured that only those acceptable to the government stood a reasonable chance of the bureaucratic cooperation necessary to meet the complicated requirements before the deadline.[10]

The anti-negotiation bias in the election law insured that the Constituent Assembly would not be well suited to serve as a bridge to negotiations with the NLF even if the junta had been willing to permit this. It is also likely that the provisions in the election law which so vigorously screened out anyone who advocated a peaceful settlement and negotiations with the NLF, at the same time diminish prospects that those elected be advocates of serious social and economic reform. For it was especially among the politically active Buddhists that neutralism and advocacy of negotiations were combined with dedication to such measures. Almost all of those elected were either government employees or non-government individuals of privileged economic status. Thus, Dr. Dan stated to me: "The group elected to the Constituent Assembly are predominantly too afraid of social change. Unless we can give the people land and justice we will not win them. We cannot afford parasitical landowners." His concern had been heightened a short time before when he attempted to introduce into the Assembly a measure whereby those who farmed the land would be given title to it, a provision which he felt might serve to relate the Assembly in a positive sense to the peasantry and pave the way for agrarian legislation calculated to undercut the appeal of the NLF. His measure secured exactly 3 votes from the Assembly's membership of 117.

Thus whether or not the actual balloting for the Constituent Assembly was reasonably fair (in some districts it may have been) the people whom the government permitted to run in these elections were for the most part representatives of a distinct minority of the population.

The forthcoming elections

It is abundantly clear that unless a disinterested outside international referee effectively supervises the electioneering process as well as the balloting in the forthcoming election, it will be no more representative of actual South Vietnamese opinion than were the controlled elections for the Constituent Assembly of last September. As with the latter, the most important matter will not be the balloting, but rather the pre-election period of electioneering and an election law that is reasonably fair and non-discriminatory.

If effective arrangements are to be set in train it is incumbent that this matter be addressed promptly, because already Premier Ky's government is setting the stage in an artificial way. Thus, up until the time that I left on January 19 all efforts of the Buddhists to establish a legal political organization had been frustrated, and a report which I recently received from Hue indicates that in a final effort to establish such a party its leaders were promptly arrested. (Mention of this can also be found in the Saigon press.) *Unless such action is taken the elections will provide for little more than a specious legitimation of the present Vietnamese military leadership.*

IV. THE BUDDHIST OPPOSITION AND ITS CURRENT POLITICAL VIEW

1. Background (1963–1965)

Buddhism as a political force in South Vietnam is a recent phenomenon. It made its first significant appearance only in mid-1963 where the Buddhist activists constituted the major political force in the overthrow of Diem. Although relatively quiescent for some months thereafter, they became very active within a year, developing an increasingly widespread popular following as a consequence of their stand against what was termed "Americanization of the war" and the American Embassy's involvement in Saigon politics. Their major political appeal, however, stemmed from their growing advocacy of a call for peace and a negotiated settlement of the war, including direct talks with the NLF. It was this position which led to a direct clash with American officials in Saigon and brought the U.S. to support Vietnamese military leaders against them.

This dispute came to a climax in mid-February 1965 in the period between the retaliatory phase of American bombing (3 raids on February 7, 8 and 11) and the opening of sustained bombing on March 2, 1965, the period during which, as the *New York Times* put it "A guarantee by the Quat Government that the war would continue was considered here to be a necessity for a United States decision to proceed with further air strikes against the north."

On February 16, 1965 the day on which Quat's government was installed and before it had indicated its position concerning prosecution of the war, influential leaders of *the Buddhists launched a major peace offensive which registered strong support from a wide spectrum of influential South Vietnamese* but which, given its importance, received surprisingly little prominence in the American news media.[11] In this appeal 358 of the most prominent Vietnamese writers, professors, doctors, lawyers, engineers, and former high ranking civil servants, (including people as far right in the political spectrum as Bao Dai's former Minister of Justice), signed an appeal to "the two belligerants, the Government of the Republic of Vietnam and the NLF . . . to stop the war and make peace for the country." More than three thousand additional signatures were then secured before the Quat government, or more accurately the Armed Forces Council, arrested 60 of the most prominent of the signatories with jail terms of from 2 to 10 years, and hustled three members of the group across the 17th parallel into North Vietnam.[12]

---

[8] Of the 85 of the 117 members of the Assembly whose religious affiliation has been disclosed (a number indicating that they had no religious affiliation), 30 are Catholics and 30 are Buddhists, even though in South Vietnam there are generally estimated to be at least 6 million practicing Buddhists as against a million Catholics. The total number of Northern refugees was about 900,000, while the present population is more than 16 million; yet these Northerners hold 29 seats in the Assembly. It is also pertinent to note that 19 members of the Assembly are military officers.

[9] Article 10 of the Election Law. For a fuller discussion of the law see *The United States in Vietnam* (by G. McT. Kahin & John W. Lewis, pp. 257–260) Marshal Ky's government has, of course, been notoriously loose in its labeling of individuals as procommunist. (Ky went so far as to label Thich Tri Quang a communist). Even more sweeping in its effect was the term "neutralist", in the Vietnamese political setting this encompassing anyone willing merely to explore the possibility for negotiations with the NLF.

[10] See especially Articles 12, 13 and 14. The law incorporated other features (most important of which was a complicated system of proportional representation specifically designed to disadvantage the Buddhists). See the reports of J. W. Apple in the *New York Times*, June 12 and 25, 1966.

By the end of February 1965 it was clear that the civilian government of Premier Quat which Buddhist leaders had worked so hard to establish had become completely overshadowed by the Armed Forces Council headed by General Thieu, (who served concurrently as Quat's Vice-Premier). Air Vice Marshal Ky, as spokesman of the Armed Forces Council, declared that it controlled the direction of South Vietnamese politics and would replace any government "that threatened to betray the country." Thus it was made clear to the Buddhists that the military leadership would neither countenance talk of negotiations and a peaceful settlement, nor permit the Buddhists a significant voice in government.

2. Resurgence of Buddhists as a Political Force and their suppression—February–June, 1965

The next major confrontation between the Buddhists and Premier Ky came in the spring of 1966 when the Buddhist activists entered into a marriage of convenience with General Thi, the popular and effective commander of the 1st Corps area, whom Marshal Ky and General Thieu were endeavoring to oust. Let by Tri Quang and many other prominent monks, the Buddhists attracted an impressive amount of popular support, not only in the five northern provinces of South Vietnam (the 1st Corps area) but in Saigon and other parts of the south as well.[13] They were sufficiently strong to exact two important promises from Premier Ky: first, that free elections would be held for a Constituent Assembly which would in effect be a bridge to representative civilian government, and second, that no political reprisals would be visited upon the Buddhists or on the non-Buddhists who supported them. *It was only, the Buddhist leaders insist, because they had firm assurances from Ambassador Lodge that the United States would see to it that Ky would carry out these promises, that Tri Quang and his lieutenants called off the Buddhist Struggle Movement* and agreed to give up the de facto political autonomy they had secured in the 1st Corps area and to cooperate with Ky's government.

To the surprise of the Buddhists, the United States instead gave its full backing to Premier Ky, providing him with support which was essential to his suppression of both the Buddhists and General Thi. Few Americans are, I am sure, aware of the extent of this U.S. intervention against the Buddhists—an intervention that was military as well as political and which decisively tipped the scales in favor of Ky, leaving the Buddhist leaders and their adherents feeling betrayed and bitter. Their bitterness is the greater because at first American marine commanders in the North (before being overruled by Saigon) indicated considerable sympathy for the Buddhists. But after having been assured that American military forces would not intervene, the Buddhists found that the 1st Corps troops who supported them were kept out of Danang and out of the air bases at Danang and Hue by a ring of American armed forces. This permitted Premier Ky to airlift in his elite troops from Saigon to air bases outside Danang and Hue. As a consequence, he was able eventually to build up overwhelming forces which the U.S. then permitted him to move against the Vietnamese troops supporting the Buddhists and against the Buddhists themselves. Premier Ky moved swiftly and decisively against the Buddhists, smashing their political organization and arresting many of their key leaders. The Rector of Hue University and some of his principal faculty members were merely confined to Saigon, where they are still obliged to report to the police once a week, but some faculty and many of the student leaders from both Hue and Saigon universities remain under arrest, either in jail, concentration camp or forced labor camps. It is impossible to know how many students have joined the NLF as a consequence of this repression. It is reported to be a small minority, but its numbers are apparently not inconsequential.[14]

Since then, efforts of the Buddhist leaders to organize a legal political party have been continuously suppressed. As recently as last month, arrests of such political Buddhist leaders were carried out.

3. The current viewpoint of the activist Buddhist leaders

For many Americans the position of the activist Buddhists has seemed confusing, and the U.S. officials in Saigon have done much to reinforce this view, representing them as politically naive and impractical. Recognizing that in face of determined American opposition they can never have a major voice in government, Buddhist leaders have been reluctant to be explicit concerning their actual dedication to a negotiated settlement involving political compromise—a course which Ambassador Lodge has convinced them the U.S. would never countenance.

At present, even more than in the spring of 1966, the political thinking of the Buddhist leaders is dominated by their recognition of the unchallengeable power of the United States in influencing and controlling the course of Saigon politics. Particularly after their bruising experience of April–June 1966 they feel the necessity of adapting their political approach to the overshadowing reality of American power. At the same time they are poignantly aware that any Saigon government which expects to win significant popular support to compete at all effectively with the NLF and to stand up to it in negotiations must both give evidence that is *free from American control,* and clear indication that it is *dedicated to a negotiated settlement resulting in a lasting peace.*

To establish for you that the ideas of the Buddhist leadership are indeed reasonably clear, let me quote to you what one of the principal Buddhist leaders stated to me in mid-January—a view consistent with what was told me by other leading Buddhist monks opposed to Premier Ky's government:

"Present government is completely dependent on support of the U.S. On basis of Vietnamese support it could not function. It acts without legality and completely arbitrarily against anyone it wishes. Only the Americans can oust it. We are deeply discouraged, and a great many Vietnamese say why try to improve the situation since the Americans control everything absolutely.

"Continuation of the warfare is politically counter-productive for the US—turning the Vietnamese more and more against the US and against Saigon, and making the NLF more acceptable to them. The present government is able neither to secure sufficient popular backing to wage war or peace. We can't negotiate peace through the present government—for it is weak and without popular support and not recognized by Hanoi as representing the people here—which is in fact true. (Two other senior Buddhist leaders made this point even more strongly; stating: 'The VC and Hanoi would not negotiate with the Ky government for they know it does not represent the people and that it depends on US and is a government doing what the US wants'.) We do not want to negotiate from weakness. The Saigon government must be changed so as to be representative.

"If the US is sincere about a negotiated settlement it must first stop its bombing of the north, and then: reshuffle the Saigon leadership sufficiently so that there is a government which the people will trust to carry out reasonably honest elections. Elections carried out under auspices of Ky-Thieu leadership would not be so regarded. The new elected leaders would form a government sufficiently representative to undertake negotiations with the NLF. Coincident with negotiations, or as soon as possible after they are underway, there should be a cease-fire. (This will enhance the popular backing and appeal of the newly elected government.) An object of the negotiations would be to prepare for subsequent country-wide elections in the South wherein the elected Saigon government and the NLF would yield place to a government more representative than either. But there must be sufficient time following cease-fire and before these elections for Buddhists and other noncommunists to build up cadres and prepare for elections."

These Buddhist leaders also agree that it would be advantageous to try to secure a cease-fire during the period of the initial first-stage elections in the Saigon controlled areas; they would welcome a non-partisan international authority to supervise the cease-fire.

Whether one finds these ideas reasonable or not, it would be unrealistic to dismiss them as inconsequential, for they do represent the view of what is by far the most effective non-communist political force yet to have developed in South Vietnam.

In closing, permit me to emphasize that if we are serious about having a Saigon government that can effectively negotiate with either the NLF or Hanoi—particularly from a position of some political strength—it is incumbent that the nature of the present Saigon government be drastically altered and made much more representative—not the mere legitimation of military rule in which the Constituent Assembly is currently being obliged to acquiesce.

IMPLEMENTATION OF THE NARCOTIC ADDICT REHABILITATION ACT OF 1966

Mr. DODD. Mr. President, there is a case currently before the U.S. District Court for the District of Columbia which involves a new law the Congress passed last year, the Narcotic Addict Rehabilitation Act of 1966.

---

[11] Insofar as I have been able to determine, this was unreported in the English language Saigon press but was given substantial coverage in the Vietnamese language paper *Chinh Luan*.

[12] These three, Professor Don That Duong Ky, Dr. Pham Van Huyen, and Dr. Cao Minh Chiem, asked the Hanoi government for permission to go to Switzerland rather than remain in North Vietnam and were allowed to do so.

[13] Although some delta-area Buddhist leaders who are opposed to Buddhist involvement in political matters and some Buddhist leaders who had come south as refugees in 1954 refused to support the movement, much of the membership of their groups did.

[14] This judgment is based upon interviews with government officials, faculty members and students in Hue and Saigon.

In this case, aside from a jurisdictional question relating to the effective date of the act, there has been a certification from the Surgeon General that adequate facilities or personnel are not available to handle the case under its provisions.

I am concerned with this certification because the Narcotic Addict Rehabilitation Act became effective on February 8 of this year and today, 2 months later, we still cannot handle one single case, the first one in the District of Columbia, that is being considered for treatment under the act.

I do not know how the act is being implemented in other parts of the country. But, I intend to find out.

Is there a shortage of funds for the application of the law?

Is there a shortage of personnel?

Are the facilities inadequate or unavailable?

To obtain answers for these questions, I sent letters yesterday to the Surgeon General and to the incumbent Attorney General of the United States requesting a progress report on the implementation of the Narcotic Addict Rehabilitation Act.

Last year both the Surgeon General and Attorney General Clark's predecessor testified before my subcommittee when we held lengthy hearings on this forward looking, administration-backed proposal.

In spite of a wealth of testimony to the contrary, they both insisted that existing programs and facilities could provide treatment and services for narcotic addicts under this new law. They insisted, no new additional programs or facilities were needed anywhere in the country.

We now find that the first addict to apply for consideration under the act in the city where the law was passed and where the Surgeon General lives is denied treatment because there are no facilities available.

Particularly in view of the fact that neither the Justice Department nor the Surgeon General's Office objected to the effective date of the new law, I find it difficult to accept that no treatment can be supplied for this one addict in the Nation's Capital 2 months after the law should have been in operation.

NEW YORK TIMES CALLS UPON THE PRESIDENT TO SUBMIT RECOMMENDATIONS FOR EMERGENCY STRIKE LEGISLATION

Mr. JAVITS. Mr. President, on Tuesday, in connection with the Senate Joint Resolution 65, extending the freeze under the Railway Labor Act in the current labor dispute until May 3, 1967, I called attention to the fact that the administration had not redeemed its promises to propose legislation dealing with strikes threatening the national health and safety. My Republican colleagues on the Committee on Labor and Public Welfare as well as a number of the Democratic Senators who were in the Chamber at the time joined me in calling upon the administration to recommend appropriate legislation promptly. Yesterday, the New York Times added its editorial voice to the demand that the administration act promptly. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FUMBLING ON STRIKES

Time and again President Johnson has been driven to improvisation—as in the current railroad and trucking disputes—to spur bargaining and to overcome crisis. Because present legislation is inadequate, however, the crisis stage is often reached before real bargaining begins. Settlements arrived at under the gun are invariably more costly to the public than they should be.

There is some hope that the President's stratagem of getting Congress to extend the cooling-off period will bring both sides together in the railroad dispute. But a mere study of the trucking situation, which he suggests, is unlikely to induce realistic discussions between the teamsters and Trucking Employers, Inc. A Taft-Hartley injunction can be imposed for a lockout as well as a strike, and the Administration is not gaining anything by failing to ask for it.

The trucking picture has been scrambled by the absence of James R. Hoffa, who managed to pressure the industry without resort to strikes. Now, the employes sense weakness and division in teamster leadership, which was unable to control some of the wildcat work stoppages that provoked the lockout. An injunction may not inspire true collective bargaining but without it the public will be subject to needless and expensive inconvenience.

President Johnson has promised to recommend legislation to deal with "strikes which threaten irreparable damage to the national interest." It is high time to come up with a plan that can make collective bargaining work or provide the public with insurance against breakdown when it does not.

JUDGE HART CONSTRAINED TO DO THE WORK OF THE CONGRESS

Mr. HARTKE. Mr. President, John P. MacKenzie, staff writer for the Washington Post, wrote an article last week in which he analyzed the then pending suit of Mr. Adam Clayton Powell against the Speaker of the House and other officers of that body. I do not feel that it is proper for me to go into the merits of that case, even though it has been decided at one judicial level. Rather, I address myself to a specific word in Mr. MacKenzie's title for the article. He calls it: "Powell's Suit Stirs Ironic Legal Issue." Indeed, I agree that this situation is ironic not only in the specific legal point that the article refers to, but in several even more basic areas.

The first point of irony is that the Congress, the maker of the law, had to go out into the legal market and solicit an attorney's representational services. In order not only to defend a very basic and constitutionally granted right of judgment of a Member's qualifications, but to interpret whether the House resolution in question was an act of Congress requiring the three-member "court of honor," the House of Representatives had to rely on a private citizen.

The second point of irony, Mr. President, I alluded to above; namely, the interpretation of what legislative weight the House of Representatives granted to its expulsion resolution was left up to a private lawyer to then be decided in court.

I maintain, Mr. President, that the Congress should have been able to declare before litigation what it meant by its resolution and whether it was an act of Congress requiring the three member court. This point need not even have been raised in the courts. Why was it raised, Mr. President? Because the Congress does not have a single voice to declare the intent of Congress in legislating, much less to express what legislative weight a House resolution of expulsion enjoyed.

This single voice also would have been the logical advocate for the Speaker and the House before the court. He would have been their own lawyer, knowing the intent of the House and representing that intent and the rights of the House. He would have been their man, the one best equipped to represent the Speaker and other Members who are parties to the suit.

Mr. President, I have offered a bill, S. 1384, that would provide the Congress with just such a lawyer, just such a voice to express the intent of Congress. This legislative attorney general could have provided the court with an advisory on the legislative weight of the House resolution. He also could have represented the Speaker and the other parties as their own official attorney. The executive branch has its own lawyer defending it when called into litigation; are we of the legislative branch in less need of our own lawyer? I think not, Mr. President. Rather, it seems to me that the time has come when providing ourselves with this lawyer and this voice of our intent is absolutely imperative. If there is to be no further erosion of the lawmaking and oversight functions of the Congress, we must provide ourselves with our own lawyer, who will speak for us clearly and unequivocally with the full power of the Congress behind him.

This article, Mr. President, underlines this need by reporting on a current situation. I hope that there will never again be an opportunity for a journalist to refer to the appearance of the Congress of the United States in court as "ironic."

I ask unanimous consent that the article, be inserted in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POWELL'S SUIT STIRS IRONIC LEGAL ISSUE

(By John P. MacKenzie)

The House of Representatives finds itself in the odd position of arguing that its resolution ousting Adam Clayton Powell does not have the dignity of an "Act of Congress."

For reasons of their own, lawyers for Powell must argue that the resolution was such an important legislative act that a special panel of three judges, rather than a single judge, is needed to pass on its constitutionality.

This irony is expected to surface today as lawyers for House leaders make their expected move to dismiss the suit for Powell's reinstatement and to oppose empaneling of a 3-judge court.

Attorneys for both sides declined to discuss the papers they will file, but Federal Judge George L. Hart Jr., the first judge to get a crack at the case, told counsel two weeks ago that he questioned whether House Resolution 1 was an "Act of Congress" for the purposes of setting up a special court.

Judge Hart must decide whether he alone can decide the case and, if he can, whether it should be dismissed for any of the reasons the House lawyers offer. His initial decision will determine key questions of the suit's timing, because review of a 3-judge Federal panel is handled by the Supreme Court on direct appeal—the route Powell's lawyers seek.

The judges has called for filings today from the defendants, leaders and top staff members of the House, a response by Monday from Powell's side and oral arguments on Tuesday. He has promised a ruling by April 10—the day before Powell seeks another mandate from his Harlem constituents in a special election.

The applicable law governing 3-judge courts, one of the few surviving features of the 1937 Roosevelt "court-packing" plan, says that injunctions "restraining the enforcement, operation or execution of any Act of Congress for repugnance to the Constitution" must be issued by the court of special dignity.

Powell wants the resolution struck down and enjoined on grounds that the House, in excluding him from the 90th Congress, exceeded the qualification standards of age, citizenship and residence set by the Constitution itself.

Neither side is expected to contend that Congress addressed itself specifically to one-chamber resolutions in the 1937 law. It was concerned rather with the rash of single-judge injunctions that had been blocking key New Deal programs, including securities regulation and the Tennessee Valley Authority.

There are few solid precedents to guide Judge Hart. Special courts have been convened in separate suits here and in Chicago challenging the powers of the House Un-American Activities Committee, but the final judicial word has not been said in those cases.

NATIONAL TRAVELER'S DAY

Mr. CARLSON. Mr. President, last November the General Assembly of the United Nations—with the full support and complete accord of the United States—acted to designate 1967 as the first International Tourist Year in history. In so doing, the United Nations called upon its members to help facilitate the worldwide movement of pleasure travelers.

Appropriately, a private organization, Discover America, Inc., with the blessing and full cooperation of the U.S. Travel Service, is actively encouraging all Americans—as well as visitors from other countries—to plan their vacation travel in the United States. This is a most laudable effort. It merits the support of the Congress, and the encouragement of all Government agencies, particularly the Departments of Commerce and Transportation.

Through travel in the United States—whether as individuals or in family groups—our own citizens will gain knowledge and a greater appreciation of our great Nation's heritage; citizens of other countries will acquire a better understanding of the United States and its people; and the domestic economy will be stimulated by increased sales for the many business enterprises which provide products and services for the traveler.

The significant contribution to the economy made by the pleasure traveler deserves wider recognition. By recognizing this class of traveler, we might stimulate everyone who benefits from the travel dollar to improve the quality of their services and the standards of their hospitality.

Mr. President, I introduce, for appropriate referral, a joint resolution to declare the 11th day of April as National Traveler's Day, or the first day of Discover America Week, whichever comes first. The 1967 dates for Discover America Week have been set for April 16 to 22. I ask unanimous consent that the joint resolution be printed at the close of my remarks.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 70) designating the 11th day of April of each year as "National Traveler's Day," introduced by Mr. CARLSON, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 70

Resolved by the Senate and House of Representatives in Congress assembled, That the President is authorized and requested to issue a proclamation designating the 11th day of April of each year as "National Traveler's Day," immediately preceding Discover America Week, and inviting the Governors of the several States and the chief officials of local governments and the people of the United States to observe such day with appropriate activities.

CHAIRMAN BAILEY ANSWERS GOP ATTACK ON JOHNSON FISCAL POLICIES

Mr. BREWSTER. Mr. President, the distinguished chairman of the Democratic National Committee has responded to the Republican coordinating committee's attack on the administration's economic and fiscal policies with a potent political weapon—the truth.

Chairman John M. Bailey has rightly called this attack, "another empty, cynical attempt to mislead the American people on the economic and fiscal health of this country."

He specifically attacks the Republicans' call for cuts in the President's 1968 budget, challenging the Republicans to produce their long-promised list of nonessential items which they said could be cut. He asks:

> Do they want cuts in national defense and Vietnam funds?
>
> Or Medicare . . . or programs for water and air pollution . . . or anti-crime measures?

And as Chairman Bailey notes, the Republicans talk grandiosely about budget cuts, but conveniently forget to tell the public that President Johnson cut $27 billion from his own budget before he submitted it to Congress.

I ask unanimous consent that Chairman Bailey's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REPUBLICAN PESSIMISTS OBSCURE DEMOCRATIC PROSPERITY

(Text of statement by John M. Bailey, chairman, Democratic National Committee, Apr. 5, 1967)

The report issued Monday by the Republican Coordinating Committee is another empty cynical attempt to mislead the American people on the economic and fiscal health of this country.

This kind of report is to be expected. This is the very party which left office with the economy in a recession following years of sluggish growth and high unemployment. Republicans have been issuing misleading statements about the American economy for the last fifty years. Their basic problem is that never once have they ever succeeded in building a truly prosperous America. This is a job for Democrats, as the sad history of ruinous Republican depression and recession amply illustrates.

In late March the Republicans issued a call for reduction in President Johnson's 1968 budget. They never indicated, officially, where specific cuts could be made. Earlier this year there was much Republican oratory about an item-by-item list of millions of dollars in non-essential items which could be cut. But no list was ever produced.

Do they want cuts in national defense and Vietnam funds?

Do they want to reduce Medicare and aid to the older citizen?

Will they cut programs for water and air pollution?

Will they hold back on money to help States fight crime?

In calling for budget cuts the Republicans conveniently forgot to tell the American people that President Johnson reduced government agency requests by $27 billion before he submitted his 1968 budget to the Congress. He said at that time:

"The Congress through the appropriations process will . . . subject these programs to a searching examination. I welcome that examination. But it is my judgment that major cuts cannot be made without serious impairment to *vital national objectives* (emphasis supplied)—in defense, in education, in health, in the rebuilding of our cities, and in the attack on poverty."

As for the most recent Republican smokescreen that this year could produce a budget deficit of $25–30 billion, rather than the 8.1 billion estimated in the President's budget, this is another instance of gloomy Republican political wishfulfillment. They must have been relying on past Republican history. In fiscal 1959, during the Republican Administration, the budget deficit did indeed turn out to be some $13 billion worse than predicted. But we see no reason to believe that this kind of Republican history will be repeated.

In 1958 again under a Republican President, when a budget was submitted after cuts had allegedly been made, expenditures turned out to be $200 million *higher* than originally proposed. President Eisenhower's own Secretary of the Treasury attacked the President's budget as too high, and said that unless government finances were brought under control the nation would experience a "hair-curling depression." Republicans are good at predicting economic disaster. The very next year there was a Republican recession—a recession which took two Democratic Presidents years of constructive effort to reverse.

In March the Republicans issued a policy statement which talked about a "new direction" in economic policy for the nation. In April they are warning against making "excessive promises" to the public. We were never told what the Republican "new direction" is. We are not enlightened on what "excessive promises" mean.

The Republican Report complains about the increase in social security, Medicare benefits, and other nondefense spending from

1960 to 1968. These benefit payments increased by $20 billion between 1960 and 1968. The Democrats are proud of this record of concern for our aged.

What about the Republicans? Are they still against Medicare? Do they still want—despite the rising cost of living—to hold payments to our older or infirm citizens to the meager levels of 1960? Do they want to remove aged citizens from the Social Security rolls? The Republicans complain bitterly, but it is interesting to note that nondefense spending—on the same basis of calculating—increased about 85% during the last Republican Administration.

If past history is any guide, the American people could do well to think twice before buying any Republican new directions or promises. The only new economic direction the Republicans have been able to promote has been downward—in a ruinous depression and a series of Republican recessions. As for making promises, the Republicans ought to know about that one. They never make any promises except "cut-back and hold."

We ought to look at the Democratic record of prosperity from 1960 through 1966—72 months of continuous high prosperity—as compared with the earlier Republican record.

There were three recessions under the Republicans from 1954 through 1960.

Under the Democratic Administrations of Kennedy and Johnson there were no serious recessions. Unemployment fell steadily from 6.6 per cent—where Republicans left it—to 3.7 per cent in February 1967.

Under the Republicans from 1954–1960, the average yearly gain in payroll jobs was 860,000.

Under Kennedy and Johnson the nation gained 1.6 million new jobs every year—almost double that under the Republicans.

The nation's annual rate of growth of the Gross National Product was 2.4 per cent under the Republicans from 1953–1960.

Under succeeding Democratic Administrations, Gross National Product growth rate was 5.4 per cent a year.

The amount of money available for private spending per person (after adjusting for taxes and price increases) rose by 1.3 per cent a year from 1953–1960; between 1961 and 1966, the increase was 3.7 per cent annually.

The record shows clearly that more Americans are gainfully employed today than ever before in our history. Corporate profits in 1966 hit a record high. Total personal income was up significantly. Farmers enjoyed one of their best years in cash incomes in recent times.

Facts will not deter the Republican Party from making wild charges. They will talk about deficits. They will talk about a gold drain. They will talk about cutting back. They will talk about economizing when President Johnson is perhaps the most economy-minded President ever to sit in the White House. They will talk about prices, when the nation enjoyed a remarkable period of price stability from 1961 through 1965 while the economy was booming. Nevertheless, in 1966 prices did increase more rapidly than was desirable, and that is one reason the Administration took action last fall to dampen inflationary pressures. Even so, the record shows that a 4.2 per cent increase in consumer prices during the 18 months after the buildup of American troops in Vietnam began, compares with a 4.6 percent price rise in 1956–1957 under a Republican Administration.

The things the Republicans will not talk about, the people are talking about. There are more than eight million school children who are now getting a better education than ever before through Federal aid. There are more veterans getting increased benefits under Democratic sponsored programs. Twenty million older citizens are eligible to enjoy the benefits of Medicare and will receive added Social Security benefits under President Johnson's new proposals when approved. There are more cities going to have cleaner water and purer air because of President Johnson's air and water pollution control programs. Millions of Americans will, for the first time, enjoy their rights as Americans, because Democrats made it a matter of conscience to adopt the most far-reaching civil rights acts since the Emancipation Proclamation. There are eight million more workers and farm laborers now protected by the Minimum Wage and Hour Act. There is tremendous growth and government-aided research in the private economy.

These are the facts Republicans won't discuss because their politics are based on narrow interests rather than on people and hopes.

The Democratic Party under President Johnson has achieved more in a few short years than the Republican Party in centuries. Every new Democratic program is stamped: For The People. The record speaks for itself. I am content to leave the decision to the people.

UNITED STATES IN SAME BOAT WITH U.S.S.R. AND IRON CURTAIN COUNTRIES ON FAILURE TO RATIFY CONVENTION ON FORCED LABOR—LI

Mr. PROXMIRE. Mr. President, of all the human rights conventions which I have daily urged the Senate to ratify, the Convention on Forced Labor has the largest number of nations which have already ratified it.

Seventy-five nations have ratified the Convention on Forced Labor since its adoption by the International Labor Organization at Geneva in 1957.

As I have pointed out on numerous occasions, this convention which had its initial push from the free American labor movement, has not been ratified by the United States.

But perhaps even more interesting, Mr. President, than our own failure to ratify the Convention on Forced Labor is a look at some of the other nations which have failed to ratify this same treaty: Albania, Byelorussian S.S.R., Bulgaria, Czechoslovakia, Hungary, Rumania, Ukrainian S.S.R., U.S.S.R., and Yugoslavia.

Why have not any of these countries ratified the Convention on Forced Labor?

The answer is completely obvious to every American old enough to read a newspaper or understand a newcast: These nations do not want to give anybody the chance to blow the whistle on their forced labor practices.

But why has the United States refused to ratify this same Convention on Forced Labor?

Certainly we have nothing to be ashamed of, nothing to hide from probing eyes.

Our failure to ratify this convention has put us in some very peculiar company relative to the practice of forced labor.

What are the other nations—not firmly committed to either camp—to surmise from our membership in this group of nonratifying nations?

Let the Senate dispel any lingering doubts on the question of forced labor. Let the Senate allow no demagog to point an accusing finger at the United States. The Senate can do both of these very, very simply by ratifying the Convention on Forced Labor.

TRADE NEGOTIATIONS

Mr. TALMADGE. Mr. President, as a member of the Senate Finance Committee and as a Senate delegate to the Kennedy round, I am vitally interested in the Kennedy round negotiations and our trade policy in general. I am particularly concerned with the role of Congress in setting trade policy. The power to lay duties, to weigh the merits of tariff reductions and concessions, is constitutionally vested solely with the Congress.

Today, at a luncheon meeting of the Synthetic Organic Chemical Manufacturers Association in New York City, Senator ABRAHAM RIBICOFF spoke on the Kennedy round and where we stand today. He points out that the negotiations have reached a critical stage and must not be allowed to fail, either because of no agreement or a bad agreement. But more important to the members of this body, he discusses the role of Congress in setting trade policy. He points out that our negotiators at Geneva, under the Trade Expansion Act of 1962, have been delegated by the Congress the broadest authority to grant tariff concessions ever given in our history. The concept of the Kennedy round was to use the entire leverage of the whole American market to get concessions from our trading partners abroad. Thus, it is extremely important that our negotiators stay within the authority they were granted under the Trade Expansion Act. There should be no side agreements or separate packages to be sent to the Congress after the round is over.

I was a sponsor with the junior Senator from Connecticut last year of a resolution expressing the sense of Congress that our negotiators at the Kennedy round stay within the authority granted to them by Congress. That resolution was approved by the Senate Finance Committee and passed by the Senate. If the Congress is to retain its role in the setting of trade policy, it must stand by its resolution.

The junior Senator from Connecticut has expressed himself very well on this point. His excellent remarks further discuss why the Special Representative for Tariff and Trade, established by Congress as our chief negotiator, should play the chief role in U.S. trade negotiations.

I ask unanimous consent that this address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE KENNEDY ROUND: WHERE DO WE STAND?

(By Senator ABRAHAM RIBICOFF)

The United States was born in the eighteenth century, grew up in the 1800's and came to maturity less than half a century ago. We have changed from a Nation concerned with the protection of its infant industries and a nation importing its capital requirements—to a country with a trade volume of more than $50 billion a year, and a nation determined to expand world markets for all—developed and developing countries as well.

The great English jurist, Maitland, once termed the law "a seamless web." So too is trade a web—formed of interlocking strands of commerce between Nations. Men have found that the network of trade—far from constricting nations—tends to promote the common good of all. And so in this country for the past thirty-three years, we have consciously devoted ourselves to an expansionist policy of foreign trade.

Nearly five years ago, we carried that policy forward again through the enactment of the Trade Expansion Act of 1962. In signing the law, President Kennedy called it "the most important piece of legislation . . . affecting economics since the Marshall Plan. It marks a decisive point for the future of our economy, for our relations with our friends and allies, and for the prospects of free institutions and free societies everywhere."

Today we stand very nearly at the end of the road that began with the enactment of the law. The bargaining sessions in Geneva—the Kennedy Round—are almost over. Since the President's authority to sign an agreement expires on June 30th, the participants must complete their substantive bargaining by the end of April—less than three weeks from today.

Where, then, do we stand?

To determine where we are, let us first examine what the Trade Expansion Act is all about. Under the Constitution, the Congress is empowered to set duties and tariffs. Since 1934, however, the Congress has—in a series of laws—delegated authority to the President to negotiate with other nations and establish new rates of duty on imports within the authority given. The Trade Expansion Act of 1962 continued this pattern. The Act differs from previous laws only in degree. It empowered the President with the broadest authority ever extended. In simplest terms, the Trade Expansion Act gave the President the authority to negotiate across the board with nations of the Free world and cut U.S. tariffs by at least 50 percent in return for concessions by our trading partners.

Our negotiators will return from Geneva with a Trade Agreement already authorized by the Congress. No ratification will be necessary—no implementing legislation needed. A stroke of the President's pen, and the tariff walls will be lowered.

So the negotiations in Geneva are crucial. The authority Congress gave to the President under the Act will expire on June 30, 1967. And let there be no mistake—the authority will not be renewed without long and careful consideration by the Congress.

The next few weeks are the critical time—and a brief, quick survey of the status of negotiations indicates that much—perhaps too much—remains to be done.

In both steel and aluminum, major adjustments remain to be made. The offers of some countries fall short of the offers of others, and a great deal more must be accomplished before agreement is reached.

In agriculture, the offers of the Common Market are simply not good enough. We must reach a worldwide grain agreement that includes not only definite commitments to allow our exports into other markets at satisfactory prices, but—and perhaps most important—commitments by the wealthy nations to a program of food aid for the less developed nations.

For many years, the United States has served as the granary of the world. Our P.L. 480 food sales have fed significant portions of the population of famine-ridden nations. But now the tide has changed. Now our surpluses are disappearing—while the cries of starving infants are growing louder around the world. We must stabilize commercial trade in the cereals, and, in cooperation with the rest of the well-fed world, make sure that surplus production is channeled into help for the hungry.

And then we come to chemicals. In view of the special concern of many of you in the audience—and because I believe there is a broader significance to the chemical situation at Geneva—I want to discuss the matter in some detail.

Simply put, there is still no agreement in the chemical section of the Kennedy Round negotiations. Frankly, the prospect is now that there may not even be any agreement on chemicals brought back from Geneva.

The particular stumbling block to agreement is a term with which most of you are intimately familiar: ASP—American Selling Price. Under existing law, certain imported chemicals are valued for duty purposes on the basis of the selling price in America of similar competitive products. This situation has prevailed in our law for years—long before the Kennedy Round was even contemplated. And Congress did not grant any authority to our negotiators in Geneva to bargain away the American Selling Price system in the Kennedy Round. In fact, my resolution that passed the Senate last year specifically put the negotiators on notice that no agreements should be negotiated at Geneva outside the bounds of the Trade Expansion Act Authority.

Unfortunately, our negotiators have indicated their willingness to bargain separately on ASP. But any agreement reached on ASP, they say, will be concluded with the clear understanding that Congress must approve the agreement after the fact.

Proposals have been made by Sir Wyndham White and others that the chemical negotiations in Geneva end up with two agreements—one within the purview of the Kennedy Round, the other representing a package containing a conversion of ASP to a lower method of valuation in return for some quid pro quo by our bargaining partners.

Such proposals fly in the face of the facts. It should be crystal clear by now to all: American Selling Price cannot be—should not be—and has no business—in the Kennedy Round negotiations.

Setting apart the problems Congress would face in assessing a side agreement on American Selling Price reached within the context of the Kennedy Round, any extraneous agreements brought back from Geneva threaten a far graver danger.

Since 1934, our trade agreements have been reached in the context of Congressional grants of authority made in advance of negotiation to the Executive Branch. Congress has had the opportunity to carefully consider the ends to be achieved and to lay out the guidelines for bargaining. We have seldom been presented with an international trade agreement and asked to act after the fact.

The Kennedy Round negotiations continue that philosophy. The concept of the Kennedy Round was to use the great leverage of the American market to achieve broad reductions in trade barriers in industrial and agricultural products.

If we are presented with a side agreement—a separate "package"—the pattern will have been broken, and the great concept of the Kennedy Round significantly reduced. The prospects of future Congressional-Executive cooperation in the field of trade would be gravely threatened.

Our negotiators at Geneva have extensive authority—wider authority than has been delegated before in history. To assure that all elements of American society—labor, industry, agriculture, and the consumer—were represented in our positions, our negotiations were placed under the specific direction of the President. A special Representative for Trade Negotiations was designated to bear the principal responsibility for bargaining on behalf of the United States.

It is worth noting that the responsibility for arriving at United States bargaining positions was not delegated to the State Department. That Department has the primary responsibility of carrying out the foreign policy of the Nation. While trade policy and trade relations are important parts of foreign policy, the negotiation of trade agreements is a different matter.

The Department of State is, in many ways, a two-way street. It not only executes American foreign policy—it receives, considers, and recommends action on matters brought to its attention by foreign governments. It is the State Department's proper function to convey foreign governments' concerns within the Executive Branch. When the Department recommends an action, it does so on the basis of an assessment of foreign reactions as well as domestic concerns.

The Special Representative for Trade Negotiations, on the other hand, has a clear and primary responsibility. It is to bargain—and bargain hard—for the best possible deal for American interests.

I think there is legitimate reason for concern, therefore, when evidence begins to accumulate that our trade posture is being determined by the State Department. And there is evidence that the role of the Special Representative is being downgraded.

The U.S. Canadian Automotive Agreement is a good example. The Canadian government acted to subsidize her automotive parts exports—in clear violation of trade agreements with our Nation. In this situation, our law was also clear—it required the Treasury Department to impose countervailing duties.

But the State Department stepped in, ignored the Special Representative for Trade Negotiations, and negotiated an agreement with Canada—without notice, without advance authority and without coming to the Congress until after the fact.

The agreement was in violation of our GATT commitments and bypassed the Trade Expansion Act of 1962. It was a bad agreement—it still is a bad agreement.

Sold as free trade, it is the very antithesis of free trade, a restrictive bi-lateral arrangement for the benefit of Canadian industrial expansion and several U.S. auto companies. Any Canadian who tries to buy a car in the U.S. and take it back to Canada will find out it is not free trade. Just recently, several auto companies were told by the Canadian government that they owed $7 million in import duties for failing to meet their commitments in the first year of the agreement.

As was stated by the Financial Times of Canada for October 17, 1966, the agreement is "an ingenious device for increasing Canadian manufacturing and rationalizing the Canadian industry to serve a continental market."

In summary, American industry and thousands of American jobs were sacrified for State Department policy.

Or take the iron and steel talks now underway in Paris, outside the Kennedy Round. Although the Trade Expansion Act established the Special Representative as our chief negotiator, that Office doesn't even have a representative at the talks.

Nor was the Special Representative involved in the Coffee Agreement discussions or the Sugar Agreement. It is not expected that they will participate in the contemplated Cocoa or Tin Agreements.

Again, at the height of the Kennedy Round the State Department succeeded in getting, through a change in rules without benefit of legislation, a unilateral cut of 35 percent in the duty on rubber-soled footwear, a domestic industry already in deep trouble.

I believe the intent of Congress should prevail. The Special Representative for Trade Negotiations must have the authority and the resources commensurate with his responsibility within the Federal government.

The agreements I have referred to were and are important. It is the Kennedy Round that occupies center stage today. The Kennedy Round was conceived in the spirit of world trade cooperation. It must not fail—either because of no agreement—or a bad agreement.

Let there be no mistake in the capitals of

Western Europe. We demand reciprocity—no more, no less. And we expect reciprocity for we recognize that the nations of Western Europe are no longer weak economically. They are strong nations economically. They are full-fledged partners in the world community.

The United States entered the Kennedy Round with negotiating authority of unprecedented scope and magnitude. If for no other reason, the Geneva negotiations have offered the greatest opportunity for the liberalization of international trade in the 20th century. If this opportunity is lost, it is unlikely that such authority will be granted by any Congress for many years to come.

The Kennedy Round could be the culmination of President Kennedy's hopes expressed five years ago, for the prospects of free institutions and free trade. Its failure would mark the triumph of isolationism and the resurgence of protectionist forces throughout the world. For twenty years, we have moved to liberalize and expand world trade. If the momentum is checked, we face a darker era of retaliation and aggressive economic nationalism.

Europe holds the key to success or failure in the Kennedy Round. The failure of Europe and North America to reduce their mutual trade barriers will inevitably encourage further regional arrangements within Europe—arrangements introverted in philosophy and protectionist in action.

The United States does not want a trade world divided into exclusive marketing areas. We do not wish to be excluded from any sphere of international commerce—nor do we want to exclude others through special arrangements of our own. We seek rather a partnership with Western Europe—founded on the principles of free competition and equal access to markets.

We share with Europe a common history and a common purpose. Our futures are inextricably intertwined. It would be tragic if we fail to strengthen our ties of commerce and trade—tragic not only for us, but for the world.

THE GROWING SPECTER OF THE SOVIET UNION ON THE HIGH SEAS

Mr. DODD. Mr. President, I wish to call to my colleagues' attention a recently published statement by Mr. Edwin M. Hood, president of the Shipbuilders Council of America. I consider this statement to be of the utmost importance because it documents the tragic and dangerous decline of the American merchant marine, while a massive and uninterrupted Soviet shipbuilding program is rapidly moving that country toward the position of the world's number one maritime power.

Mr. Hood points out:

> In the period 1950–1966 the Soviet fleet grew from 432 ships, of 1.8 million deadweight tons, to 1422 ships of 10.4 million tons —a net gain of nearly 1000 ships and 8.6 million tons. During the same period the U.S. active fleet contracted from 1900 ships, totaling 22 million tons, to less than 1100 ships of 14.8 million tons—a net loss of more than 800 ships and 7 million tons."

Mr. Hood further points out that this year the United States will spend only $106 million for merchant ship construction while the Soviet Union will spend almost $1 billion for such construction; that as of November 1966 the United States had only 641,000 tons of merchant shipping under construction while the Soviet Union had 4,520,000 tons under construction; that 80 percent of the Soviet shipping fleet is less than 10 years of age, while more than 80 percent of the American merchant marine is 20 years of age or older.

Mr. President, a proper concern for our commerce, and for our continued prosperity as a nation, would alone suggest the need for an emergency program to reverse the trend of postwar years and to give our country a maritime primacy commensurate with its wealth, its power, and its commitments.

But perhaps more important is the threat posed to our national security by the dwindling status of our merchant marine. Our international commitments are greater than they have ever been before. Even in dealing with the limited emergency in Vietnam we have had to rely heavily on foreign shipping to carry our supplies. On many occasions there have been difficulties with foreign crewmen under Communist influence.

If there were a major emergency in Europe, or if a rash action by Red China led to a major expansion of the conflict in the Far East, the lack of a national merchant marine adequate to meet our military requirements might well result in national disaster.

Mr. President, I recommend Mr. Hood's thoughtful study for the consideration of all my colleagues, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GROWING SPECTER OF THE SOVIET UNION ON THE HIGH SEAS

(By Edwin M. Hood, president, Shipbuilders Council of America)

If one were to assess world-wide maritime developments of recent years, the phenomenal growth of Russia's merchant fleet would take top honors as the most notable achievement. And, if one were to designate the greatest maritime calamity of the same period, the dubious award would have to go to the United States—in accurate recognition of the steady decline of the American merchant marine to a third-rate status.

The Soviet Union with a dedication of purpose so typical of avowed communists, with huge outlays of funds, and with priorities equivalent to, or surpassing, its outer space programs, has transformed itself from a maritime nonentity to a major power on the high seas in the span of a few short years.

In sharp contrast, the United States, which emerged from World War II as the supreme maritime power, in terms of merchant ships, shipyards, skilled manpower—seagoing and shoreside—has sunk to an ignominious position. From a fleet of some 5,000 ships, totaling more than 50 million deadweight tons, nearly all of which were less than 3 years old, the American merchant marine has, over the last two decades, contracted to 1,095 active vessels aggregating 14.8 million tons—four-fifths of which are 20 or more years of age!

The quantitative and qualitative decline of the American merchant marine is all the more implausible and alarming when one considers that the United States—being the leader in world trade and the key barrier to further military, political or economic conquests by the forces of communism—has a greater and more urgent need for self-sufficiency in maritime requirements than any Free World nation.

Russia's ambitious fleet expansion program from its inception has been, and is, unwavering and sustained. The decline of the U.S. flag merchant marine has also been of a continuing nature—but in an opposite direction to that of the Soviet Union.

Back in 1950, the Russian merchant fleet comprised only 432 ships, of 1,000 tons or over, aggregating 1.8 million deadweight tons. The great majority of these vessels were relatively small, slow-speed ships of ancient vintage. In fact, the best vessels in the fleet were the 100 or so Liberty's, tankers and other types of ships the United States turned over to the U.S.S.R. during the days of the World War II Lend-Lease program. By 1953, the year Stalin died, the fleet numbered only 487 vessels totaling about 2 million deadweight tons.

After Stalin's death, the Soviet Union became more engrossed in maritime development, and by 1958 had a fleet aggregating 3.6 million tons. However, in that year, Russia formulated an ambitious, long-range fleet expansion program with shipbuilding tonnage priorities detailed by a Seven-Year Plan (1959–1965). The basic goal of this plan was to double the 1960 fleet tonnage amounting to 4,949,000 deadweight tons. Therefore, Russia's objective was a 9.8 million ton total by the end of 1965.

Early in the Seven-Year Plan, some difficulties in meeting prescribed tonnage goals were encountered. But, by 1963, the "hammer and sickle" fleet was expanding at a rate of 100 or more ships and 1 million deadweight tons annually. This growth rate was maintained in each subsequent year.

The Maritime Administration's most recent tabulation of "Merchant Fleets of the World," revealed that as of June 30, 1966, the Russian merchant marine consisted of 1,360 ships totaling 9,811,000 deadweight tons. It is apparent, then, that Russia's target of 9.8 million tons by the end of 1965 was met only a few months off schedule. We estimate that during the last six months of 1966 Russia took delivery of 62 additional vessels totaling 590,000 deadweight tons. These additions would have increased the fleet to 1,422 vessels, totaling 10.4 million deadweight tons, as of December 31, 1966.

Currently, Russia's fleet expansion program is governed by a Five-Year Plan (1966–1970) which is programmed to provide a fleet of 15 million deadweight tons by the end of 1970. There seems to be little doubt that this goal will be achieved on schedule, since it requires 4.6 million tons total or annual additions of 1.2 million deadweight tons over the next four-year period.

As will be seen from the following tabulation, in November, 1966, Russia had 556 large merchant vessels, totaling 4.5 million deadweight tons under construction or on order. It seems reasonable to conclude that all of these vessels will be in operation well in advance of 1970. There have been subsequent reports of a year-end surge of shipbuilding orders which increase Russia's backlog to more than 600 ships.

Merchant ships under construction or on order for the U.S.S.R. and United States of America (1,000 tons and over)

	Russia		United States of America	
	Ships	Deadweight tons	Ships	Deadweight tons
March 1962	225	2,263,000	61	878,000
May 1963	236	3,032,000	47	698,000
May 1964	441	3,462,000	47	725,000
October 1965	464	4,268,000	39	545,000
January 1966	500	4,553,000	45	560,000
November 1966	556	4,520,000	48	641,000

In 1965, the U.S.S.R. spent more than $600 million for merchant ship construction while the United States spent less than $150 million. Even worse, this year the U.S. is expected to spend about $106 million, while Russian expenditures according to one report will be nearly $1 billion—just for merchant ship construction. Another statistic is also alarming. About 80 percent of the Soviet shipping fleet is less than 10 years of age, while more than 80 percent of the American merchant marine is 20 years of age or older.

The following points put in clear perspective the differing priorities which the Soviet Union and the United States have assigned to their maritime programs:

Russia's merchant fleet today outnumbers the active U.S.-flag fleet. There were more than 1,400 large merchant ships, totaling 10.4 million deadweight tons, in the Russian fleet as of the first of 1967, whereas our active fleet—even though bolstered by reactivated reserve fleet ships for Vietnam service—numbered only 1,095 ships aggregating 14.8 million deadweight tons.

For the past several years, new ship deliveries to the Soviet fleet have outpaced U.S. deliveries by a ratio of 8 to 1. (Thus, in 1965, 129 new ships were delivered to the Russian fleet while only 16 were added to the American fleet.)

Russia's November, 1966 backlog of ships under construction or on order exceeded the U.S. total by a ratio of 11.5 to 1 in numbers of ships and 7 to 1 in terms of tonnage.

In the period 1950–1966, the Soviet fleet grew from 432 ships of 1.8 million deadweight tons, to 1,422 ships of 10.4 million tons—a net gain of nearly 1,000 ships and 8.6 million tons. During the same period the U.S. active fleet contracted from 1,900 ships, totaling 22 million tons, to less than 1,100 ships of 14.8 million tons—a net loss of more than 800 ships and 7 million tons.

The "hammer and sickle" fleet today transports 75% of the Soviet Union's foreign commerce. Although the United States is the leader in world trade, only 7.7% of the nation's foreign commerce moves in American flag ships.

Russian shipyards—and those of most of her satellite nations—are operating at close to 100% capacity. (This is one of the chief reasons why Soviet shipbuilding orders have been placed with satellite and free world shipyards.)

The Soviet Union's merchant shipbuilding program has required annual expenditures of between $600 million to $750 million. The U.S. merchant shipbuilding program, on the other hand, in recent years has been geared to Federal expenditures of about $100 million annually.

These foregoing figures demonstrate that the Soviet Union is well on the way to becoming a dominant—if not the world's leading—maritime power. All of this aggressive, precisely planned activity is 100% subsidized by the Kremlin. It requires heavy commitments of hard pressed foreign exchange and domestic resources.

As the Russian fleet expands and is able to dominate the sealanes of the oceans, there are those who believe that shipping fleets of other nations will be squeezed out. As other fleets vanish or are unable to compete with freight rates, which the Soviets can easily manipulate, the Russians would be in a position to force many countries to seek the services of communist-bloc shipping. The potential danger of such dependency would be that the communists could withhold ocean freight services from any nation out of favor with Soviet policies or could increase the rates to make them prohibitive.

Here, it needs to be emphasized that the industrial and military might of the United States is dependent on 77 strategic materials, 66 of which must be imported. Of those 66, at this moment, more than 96 percent of the tonnage involved is brought to our shores by foreign-flag carriers—the ships of other nations.

It takes little imagination to conclude that if the Russians should eventually control the trade routes by which these critical materials come to us, we would be dependent on those who have sworn to "bury" us—and then, do you think they will bring those materials to us? The answer should be obvious—we would be under their thumb without a missile having been fired—and ocean shipping would be the medium by which that domination was achieved.

Like the free air that surrounds all mankind, every action of the international communist conspiracy touches our daily lives. This insatiable octopus thrives on the indifference and apathy of peoples. It thrives on the confusion and pusillanimity of governments. It proceeds with unyielding purpose. It can be deceivingly still or move with strategic swiftness—as in the case of the maritime situation. I have already described the merchant marine situation. But that is only a part of the story. In truth, Soviet Russia's naval strength today is second only to that of the United States.

Russian naval vessels are steadily expanding their scope for operations. The Soviet submarine fleet outnumbers the U.S. fleet, and it possesses a formidable and expanding ballistic missile capability, though not yet as well perfected as ours. Russian fishing vessels serve as electronic listening posts throughout the world, and the probabilities for greater strength on the seas through oceanographic research are being furiously pursued.

These are all visible evidences of how the Soviet Union has been able to advance on a frontier vital to our capacity for national survival through the "indifference and apathy of people" and the "confusion and pusillanimity of governments." All of this happens as the Red Navy and the Soviet merchant marine, tentacles of the communist octopus, envelop more and more of the watery real estate which occupies 70% of the earth's surface.

Free people unfortunately are sometimes unwisely extravagant in thought and deed, and many times indifferent and apathetic to things essential. It should be the task of Americans everywhere—collectively and individually—to convince those who are indifferent—and this should be the paramount task before us.

SST: AN ESSENTIAL INVESTMENT IN THE U.S. ECONOMY

Mr. MAGNUSON. Mr. President, I invite the attention of Senators to a a speech delivered on March 28, 1967, before the Aero Club of Washington by Stuart G. Tipton, president of the Air Transport Association of America. His topic was: "The SST: An Essential Investment in the U.S. Economy."

It was helpful to have Mr. Tipton call our attention to many of the economic benefits to be derived from the development of a supersonic transport. We are at the point in the consideration of the development of this aircraft when it is necessary to consider all factors involved in the development. Before carrying the program through the next step, it is important that all of us analyze fully the long-range implications of the entire SST project.

Mr. Tipton calls attention to a number of benefits in the program. Among them is the creation of 250,000 new jobs and a stimulation of $20 to $50 billion to the gross national product.

I ask unanimous consent that Mr. Tipton's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE SST: AN ESSENTIAL INVESTMENT IN THE U.S. ECONOMY

(Remarks by Stuart G. Tipton, President, Air Transport Association of America, Before the Aero Club of Washington, D.C., March 28, 1967)

I was pleased to be invited to speak today on the supersonic transport. A public discussion of this subject, with statements pro or con or in the middle, is a very valuable thing, and I am glad we are having one on the supersonic transport. Since a dialogue is going on, I want to participate in it on behalf of the scheduled airlines of the United States. That is the purpose of this statement.

As is the case with many public dialogues, since the debaters are not governed by a set of formal procedural rules, the discussion gets a little bit confused. That being the case, it is necessary that we try to seek out the basic considerations on which this important decision should turn. I propose to struggle with that problem for a few moments right now.

A good job has been done by government and industry in bringing the plans for a U.S. supersonic transport to their present advanced stage. A number of technical problems that seemed terribly difficult when this program was started back in 1958 no longer seem so difficult. When Pete Quesada began the original studies of the supersonic, and Jeeb Halaby so effectively carried forward the early work on the supersonic, it did seem like a rather far-out project. There is nothing far out about it now. Under Bozo McKee and Bill Maxwell, it has become a clearly realizable step in the technological progress of aviation.

No one really doubts any more that the age of supersonic operations will begin in the early seventies. The fundamental issues once discussed, which arose out of doubts as to whether supersonic travel was wise or necessary, have all been settled, and they need not be debated any more. The Concorde will fly next year, and the world's airlines will buy and operate it in the early 70's. A Russian supersonic transport will also fly during this time period, but of course, we know considerably less about it. Thus, if the United States and its industry ever had an opportunity to postpone or slow down the arrival of the supersonic age, that opportunity has long since been lost.

Recognition of these facts tends to clarify, and to provide a firm base for, current public discussion of the U.S. supersonic transport.

Starting from this base, we need to be careful to recognize the supersonic project for what it is, and also for what it is not. It was not undertaken to provide a glittering triumph for U.S. industry and Government. It was not undertaken merely for the purpose of maintaining the prestige of the U.S. It was not undertaken to provide the airlines of the U.S. with a fascinating new vehicle. It was undertaken to achieve a very cold and very hard economic objective on behalf of the people of the U.S. The judgment as to whether the project should continue has to be based upon these same cold hard realities. The question that constantly must be before us is whether this investment in the economic future of the U.S. is a good one or is not.

We must keep in mind that the supersonic project, as a Government-supported effort to provide for economic growth through technology, is not new or unusual. The history of the U.S. economy over the last 30 years emphasizes dramatically the importance of R and D to the achievement of high levels of output and employment.

The gross national product of the U.S. today is at the annual rate of 740 billion dollars. Our industrial power is at the core of our national security and economic well being. And the importance of research innovation and continually advancing technology to this power is crucial.

From the beginning of World War II to 1953 the annual R and D expenditures in the United States—both industry and government—rose from several hundred million to approximately five billion dollars. This was significant enough for the Federal government to begin accounting for R and D expenditures in a formalized manner and the task was assigned to the National Science Foundation. The NSF figures now show that from 1953 to 1966 the level of R and D expenditures in the United States rose from five billion to about twenty-three billion. Business and government have learned that to stay competitive they must invest in R and D.

I am certain each of you is aware of many of the research developments which have played an important part in the economic growth of the United States. In the field of agricultural research the Morrill Act, which created the land grant colleges, established a pattern of research which was largely responsible for the extraordinary advances in agricultural productivity. These advances were for the most part a result of successful research efforts in soil chemistry and farm mechanization. If you move off of the farm and into industry, you can observe developments such as the mining machine in the coal industry, or the continuous annealing process in the steel industry, or even the electrostatic imaging process which provides the average office with rapid and clear reproductions.

As this trend continues, it is inevitable that some undertakings must surpass the capability of the private sector because of risk, complexity, or the sheer magnitude of the funding requirement. This has happened in the past and it will happen more frequently in the future.

Consider the important oceanographic program upon which the Federal government next year will spend 462 million dollars. Ultimately, of course, this will inspire among other commercial ventures, the production of new foods and minerals from the sea.

Consider the efforts to foster commercial development of nuclear power. Here, millions of dollars of government R and D have been invested for the specific purpose of developing a new and important phase of industrial activity to the point where it will be commercially feasible.

Consider the communications satellite program. Much of the technological know-how utilized by Comsat has come from the billions invested in government R and D programs concerned with space. Millions more were invested directly into the satellite program by the government.

Federal government R and D and then commercial operation—that is the pattern for these programs. That is also the pattern to be expected from SST.

The payoff to the U.S. economy consists of a sizable boost right now, and an even more significant boost five and ten years from now. Depending on the number of SST's built, 20 to 50 billion dollars of economic growth will result. And, to build these new aircraft, 250,000 new jobs will be created—the equivalent of all the jobs in the airline industry today.

One of the most important economic facts about the SST investment is that the jobs are being created not only this year and next year but five, seven, ten years from today.

Here's how the job numbers break down. Development and long-term production of the SST will create an average level of 50,000 jobs for the prime contractors. Another 100,000 jobs will be created for subcontractors.

It is estimated that these 150,000 jobs will create another 100,000 nonmanufacturing jobs in such industries as wholesale and retail trade, professional services; business services; finance, insurance and real estate; transportation; communication and other public utilities; and agriculture. That's 250,000 new jobs and an estimated annual payroll of two and one-half billion dollars.

The total employed civilian labor force has been forecast to reach 87 million by 1975 compared to 74 million in 1966. Two hundred and fifty thousand jobs created by the SST would amount to about 2 per cent of 13 million additional civilian jobs created by 1975, or one of every 50 new jobs. Few programs can claim that large a share of future new employment.

The other research and development projects to which I have referred are well justified by their future favorable effect upon the economy of the United States. The SST program will have an effect at least as favorable. But in the case of the SST the government proposes one further major step to support its economic soundness. Unlike the other programs, it proposes in this case to assure the return of the research and development expenditure, with interest.

The total government investment to bring the SST through test flight will be approximately 1.3 billion dollars. If it is necessary for the government to share in the certification phase—for which there is no present government commitment—then the added investment would be about 625 million dollars for a total government investment of about 2 billion dollars. Since even this investment will be spread over a ten-year period, the government assistance program will have averaged possibly 130 million dollars and no more than 200 million dollars a year.

The government investment is to be paid back with the 300th delivery. The manufacturer will thus pay royalties of 4.3 to 6.7 million dollars for each aircraft delivered. There is some flexibility in these arrangements for the manufacturers to meet cash flow problems. In any event the government investment is to be repaid from the first 300 sales.

Since these royalty payments are to continue for a 15-year period, they will go on well beyond the 300th delivery, and this phase of royalty payment will produce a return on the government investment comparable to levels normally received by industry.

It should be noted here that even a 500 aircraft market estimate is a very conservative one, assuming minimal traffic growth of 8.6 per cent a year, minimal market penetration, and no SST operation over inhabited land areas because of sonic boom limitations. The sonic boom may well result in operational restrictions. However, between now and 1975, when the U.S. SST is introduced into scheduled airline service, the great technical competence of our aerospace industry and NASA research facilities can do much to mitigate the problem.

If these efforts are attended with reasonable success, the market for the SST's will be much larger than 500—perhaps 1200 by 1990. These additional 700 aircraft would result in additional royalty payments to the government.

Taking into account all of the considerations, the supersonic development project has been and is a good investment for the government. But even government resources are not endless and this investment must be measured against others.

There is a priority problem which continually faces this government and any government which is committed to investing its resources as wisely as possible. On the one hand, there is the need to finance current, important governmental objectives. On the other hand, there is the need to further the long-range programs which will accelerate the economy, stabilize the trade balance and thus help establish that strong central economic core which is needed to sustain governmental objectives of the future. Although today's needs are certainly pressing, preparations must be made to meet tomorrow's even more extensive requirements.

The U.S. SST is a good example of the type of R and D which has dramatically stimulated the economy of the last 20 years. It is a program which will help insure our well-being domestically and internationally today and in the decades ahead. It will offer a clear return in terms of employment and in recovery of the investment with interest to the U.S. government. It meets every test of an essential national undertaking.

GOVERNOR ROMNEY'S SPEECH ON VIETNAM

Mr. SCOTT. Mr. President, the widespread approval accorded by the press to Gov. George Romney's Hartford speech of April 7 on Vietnam is noteworthy. An editorial published in the Pittsburgh Press of April 10 and today's comments by the distinguished syndicated columnist William S. White are further evidence of this favorable reaction to Governor Romney's forthright statement. I ask unanimous consent that the editorial and column be printed in the RECORD.

There being no objection, the editorial and article was ordered to be printed in the RECORD, as follows:

[From the Pittsburgh Press, Apr. 10, 1967]

GOVERNOR ROMNEY ON VIETNAM

Earlier this year, on a political sounding-out tour in some western states, Gov. George Romney of Michigan answered questions about his Vietnam views with a repeated "Wait a while. I'll speak when I'm ready." The other day in Hartford, Conn., he did.

Compared to what some Democratic senators have been saying, Governor Romney kept his criticism of the President's Vietnam policies to a courteous minimum.

The main points he made contain no let's-win-quick gimmicks. His points are:

No withdrawal. No massive escalation. Let's keep trying for negotiations, but let's not accept peace at any price. Let's give our troops all they need. Let's use our arms—and bombing raids—to establish military dominance.

Let's encourage the South Vietnamese on two points: to go faster on pacification, and consider amnesty for ex-Viet Cong who abandon Viet Cong aims, methods and organizations.

It's a sound, well-balanced, fair-minded position. And it is exactly the course the Government now is following.

[From the Philadelphia Inquirer, Apr. 13, 1967]

ROMNEY'S "AYE" REMOVES WAR FROM CAMPAIGN ISSUES IN 1968

(By William S. White)

WASHINGTON.—The best news about Vietnam is coming not from the battlefronts, though the situation there is progressively improving, but rather from within the American political community.

The bipartisan policy of determined United States military resistance to the Communist invasion of South Vietnam has now reached a point of bipartisan support so massive as all but to guarantee that the 1968 Presidential campaign will be free of divisive infighting here at home on that policy.

The public conversion of Gov. George Romney of Michigan to the hard necessity of going on to the end in Vietnam has brought a national unity in wartime unparalleled since the Republican Presidential candidate of 1944, Thomas E. Dewey of New York, refused to seek partisan advantage as the Second World War approached its crisis after the Allied landings in Normandy.

Gov. Romney's belated but strong defense of the American position in Vietnam has thus had consequences almost transcendental in meaning. The fact, of course, is that he came out loud and plain only after prolonged and urgent pressure from other Republicans, who told him that he could not remain unclear and possibly be nominated next year without a repudiation of the party's foreign policy record of the last 20 years.

Over and over, visitors to Communist North Vietnam—including men who disagree with the war as well as those who do not—have been unanimous upon one point. This is that the Communists in Hanoi are gambling upon a belief that the clamor of a tiny minority in this country can at last force this Government out of Vietnam and thus that honest negotiations will never be necessary.

To this Communist notion Romney has hit a powerful if not in fact a destructive blow; and it is at least possible that this long miscalculation will now be abandoned by the Communists themselves.

Though he began as a front-runner, he had been steadily losing ground among GOP voters while he remained fuzzy on Vietnam, and specifically to former Vice President Richard Nixon. He was slowly but surely reading himself out of the contest. Now, he is very much back in it and the new Romney will be very hard to stop in the Republican National Convention of next summer.

FROM VIETNAM: "I WANT TO SEE STAMFORD AGAIN"

Mr. DODD. Mr. President, those who participate in demonstrations and protests against our commitment in Vietnam often do not consider the effect of such public displays of lack of faith in our Government upon the servicemen in the field.

Those who are fighting for us in Vietnam are subjected to every kind of risk. Many have been killed or wounded. Many more have had their lives forever marred as a result of their experience against a brutal enemy.

A young serviceman from Stamford, Conn., expressed his views of the antiwar protest movement in a letter to the editor of the New Haven Register.

He asked a number of questions of the spokesman for 462 Yale faculty members who signed a petition calling for an unconditional halt to the bombing of North Vietnam.

Among the questions were these:

> I'd like to know if he's ever seen innocent Vietnamese civilians beaten to death by Communist terrorists.
>
> I'd like to know if he's ever been shot at and couldn't shoot back because civilians were in the area.
>
> I'd like to know if he's ever seen his buddy's guts spread out in front of him because a grenade from the North blew him apart.
>
> I'd like to know if he's ever seen a man blown completely in half by a North Vietnamese booby trap and live just long enough to yell, "Oh God, help me."

Lance Cpl. William Romannello stated that—

> I want to see Stamford again, but if the bombings of North Vietnam are stopped, chances are I never will.

It is important for us to think of these young men and the sacrifice they are making for us. How would we feel if we were fighting for our country, but thought that our country had let us down, and did not care about doing anything to assist us, and see to it that we would once again come home?

These are hard questions. And though critics of the war have every right to express their criticism as vocally as they wish, some of us must also be concerned with our fighting men who do so much and ask nothing more than the moral support of those for whom they fight.

I wish to share this moving letter with my colleagues, and request consent for its insertion into the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

[From the New Haven Register, Feb. 19, 1967]

Queries From Viet Front

To the Editor:

Recently I read an article in the Stamford Advocate concerning a petition from 462 faculty members from Yale University to President Johnson urging an unconditional halt to the bombing of North Vietnam.

The spokesman for the group of petitioners was Professor of Psychology William Kessen.

I'd like to know more about Mr. Kessen.

I'd like to know if he has ever been in a rice paddy fighting for his life while Viet Cong, supplied from the north, laid down a base of fire on him and his friends.

I'd like to know if he's ever met a very elusive enemy on his own terms, in his own territory, in 130 degree heat.

I'd like to know if he's ever uttered the words, "Please, God, bring me back from this patrol."

I'd like to know if he's ever seen innocent Vietnamese civilians beaten to death by Communist terrorists.

I'd like to know if he's ever been shot at and couldn't shoot back because civilians were in the area.

I'd like to know if he's ever been mortared by Communist troops supplied from the north.

I'd like to know if he's ever seen his buddy's guts spread out in front of him because a grenade from the north blew him apart.

I'd like to know if he's ever heard his buddy yell, "Oh my God, I've been hit."

I'd like to know if he's ever seen a man blown completely in half by a North Vietnamese booby trap and live just long enough to yell, "Oh God, help me."

If Mr. Kessen can answer yes to these questions and still ask for a halt to the bombing, then I, too, will sign his petition.

I live in Stamford, which is just a few miles from Yale, Mr. Kessen, and it makes me sick to think that a citizen of Connecticut could sign such a petition.

I want to see Stamford again, but if the bombings of North Vietnam are stopped, chances are I never will.

I am 21 years old and have lived in Stamford all my life. At present I'm serving with the First Marine Division, Headquarters Battalion in Da Nang.

Lance Cpl. William T. Romannello.
South Vietnam.

COMMUNIST INSURGENCY IN THAILAND

Mr. PERCY. Mr. President, until recently our Government's massive commitment in Vietnam grew gradually and almost imperceptibly. If there is one point of agreement on our southeast Asian policy, it is that the United States should do all in its power to create conditions which would make a similar U.S. commitment elsewhere unnecessary.

Yet our current preoccupation with the Vietnam war means that potentially troublesome developments in other countries and areas may escape adequate attention. What is happening in Thailand today may be a case in point.

If we want to avoid another Vietnam, policy must control events, not be overtaken by them. This requires that the American public and responsible officials in the Congress and the executive branch be fully and candidly informed in order that U.S. policy be timely, appropriate and backed by widespread public support.

An article in the April 1 edition of the London Economist makes an important contribution to better understanding of events in Thailand. The Economist's special correspondent reports that the Communist insurgency in Thailand has set people talking about that country as the next Vietnam.

The present upsurge in guerrilla activity began in mid-1965, and it is now believed 600 to 1,000 hard-core terrorists are operating in the northeast part of the country. Many of these have been trained in Hanoi. Peking and Hanoi also are thought to be supplying aid and leadership cadres.

Recent activity has included the first armed propaganda meeting held by Communist guerrillas in the border province of Nongkhai. In another province, the Economist reports that large bands of terrorists have been carrying out daily raids on numerous villages. Local observers apparently feel that before long the insurgency will have advanced from the stage of recruitment and harassment to more direct attacks on military units.

With substantial American financial and advisory support, the Thai Government is mounting a major counterinsurgency effort which involves strengthening local police forces, administrative reorganization, and an agricultural development program. The Economist says that as often as not, the impetus for local action comes from the American adviser on the scene. The counterinsurgency effort sometimes takes on an alien image which, the Economist says, "has been reinforced by the carousing and price-inflating American troops who have settled in and near insurgent centers throughout the northeast."

Some progress has been made by the Government's program. New acres of farmland have gone under cultivation; new roads have been constructed; and thousands of peasants are having their first positive contact with a representative of the Government in Bangkok. The question now is, Will the Government's efforts be enough to contain the Communist rebels?

I ask unanimous consent that the article from the Economist of April 1, 1967, be included in the Record at the conclusion of these remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Hearts-and-Minds Contest Comes to Field of Lions

On December 16th a large band of armed strangers appeared at Field of Lions, a small village in a remote mountainous corner of north-east Thailand. They herded the 800 adult inhabitants into the temple courtyard, where they lectured them about the evils of the Thai government which was selling out the country to the American imperialists. Four hours later the marauders left without inflicting any violence but taking with them the village supply of rice and vegetables. This was the first armed propaganda meeting held by communist guerrillas in the border province of Nongkhai.

One month later, a counter-insurgency headquarters was opened up a few kilometres away from Field of Lions. 340 men moved in: 40 in a road-building and construction unit and 300 in a joint military and police security force. Two months after the December incident, a 97-kilometre dirt road had been bulldozed out of the jungle around the Phu Singh mountain where some 200 guerrillas are presumed to have a base and training camp. 22 isolated villages were linked together for the first time by the new road, and in each of them a village council had been elected and a new 12-man armed village defence corps was standing guard.

This is how the Thai government is combating the communist insurgency which has set people talking about Thailand as the next Vietnam. It has worked so far in Nongkhai, where the guerrillas have been out-fought by the village defence teams and out-propagandised by a barnstorming provincial governor. But although Nongkhai is the province with the longest frontier—246 miles along the Mekong, where it is exposed to easy infiltration from Laos and Vietnam—insurgency there is still at a much lower level than in neighbouring areas.

Just south of Phu Singh mountain in Sakon Nakhon province, bands of between 70 and 100 terrorists have, in the last few weeks, been carrying out daily raids, ambushing village defence forces, killing village heads and school teachers, and stealing weapons and two-way radios. As one of the two most active insurgency zones, Sakon Nakhon has a more extensive counter-insurgency programme than Nongkhai. But despite the beefed-up police force, new helicopters, roads, irrigation ditches and farmer credit associations, local observers are predicting that within six months the insurgency in Sakon Nakhon will have advanced from the first to the second stage—that is, from the stage of recruitment and harassment to direct attacks on military units.

While a certain amount of rebel activity has been going on in north-east Thailand for years, the present upsurge in guerrilla militancy began in mid-1965. Peking and Hanoi heralded the change and are thought to be supplying aid and leadership cadres. But the vast majority of the 600 to 1,000 hard-core terrorists operating in north-east Thailand today are ethnic Thai, some 300 of whom have been trained in Hanoi and others in Laos. They are supplied with food and supported, with varying degrees of commitment, by villagers scattered in some 200 to 300 hamlets. Casualty figures are not published, but current estimates point to a total of between 20 and 30 a month on both sides.

The insurgents are playing on the long years of government neglect and on local disaffection in Thailand's poorest and most isolated region. Nearer to Hanoi than to Bangkok, the north-east alternates between drought and flood and the farmers there average a quarter of the net farm income in the south. The Thai government is now mounting a great campaign to reduce the poverty and to overcome the isolation of the north-east by extending a government presence into remote areas and down to the village level.

If the Thais are losing ground in their struggle to contain the insurgency, it is not for want of funds. In the year ended June 1966, the Americans gave Thailand $45 million in economic aid, 85 per cent for the counter-insurgency effort and over half of the whole for the north-east. The largest portion, $14 million, was for the training of the Thai police force which, following the Malayan pattern, is meant to be the backbone of the anti-communist drive. Another $60 million was given in military aid. The Thais themselves budgeted $183 million for security in 1966, of which $56 million went to the police. They spent $92 million on agricultural development.

Together the Thais and the Americans have worked out an elaborate administrative structure for a combined military and economic assault on the problem areas in the north-east. The civil side is under the umbrella of an Accelerated Rural Development programme which is supposed to map out a master plan for public works and agricultural aid, based on the expressed needs of the villagers. The military side is controlled by a counter-subversion operations centre in Bangkok with a field headquarters at Sakon Nakhon and bases in seven provinces. Both civilian and military elements of the counter-insurgency drive are meant to be a means of decentralising power into the hands of the provincial governors. And both programmes are united at the top under the command of General Praphas, the strongman of Thailand, who is minister of the interior and commander of the armed forces.

Theoretically the table of organisation is clear. But in fact, the new agencies which were intended to simplify administrative procedures and eliminate departmental jealousies have tended to complicate and compound them. Thais who speak no English have become adept at handling the profusion of initialled agencies which the Americans have contributed to the mix; but both Americans and Thais are often hard put to it to explain the actual divisions of function.

Decentralisation has not really worked. The provincial governors have limited funds to dispense, and little real power. And just as Bangkok is reluctant to delegate to the provinces, so the governors have failed to turn over responsibility to their local officials. So the impetus for local action comes, as often as not, from the American adviser on the scene. Every American official in Thailand is ready with a catechism about the Thainess of the counter-insurgency programme. Clearly they protest too much. But clearly, too, the success of the programme will depend in the last resort on the Thai official and his relationship with the villager.

Traditionally Thai officials looked upon the rural people as an inferior breed, there to be taxed and told what to do. For the villagers, officialdom was synonymous with trouble and so was to be avoided whenever possible. In public pronouncements, at least, these attitudes have now changed; talk is all of the "people's needs." Village chiefs are sent to seminars in Bangkok to stimulate the expression of village opinion. Village councils draw up petitions to present to touring governors. But officials continue to think that they know best. Governors, for instance, tend to like eight-lane highways. And, all too often, projects that are designed to fight the insurgency turn out to lack the vital ingredient of popular involvement.

Scores of newly trained community developers and agricultural advisers are going out from Bangkok to the countryside every day. But experts are still reluctant to get out and stay out in the villages. The villagers' immediate contact with government is still largely restricted to the incursions of police. The police have a new mission but many of them are carrying it out with the old methods of intimidation by beatings and mass arrests. This image of alien authority has been reinforced by the carousing and price-inflating American troops who have settled in and near insurgent centres throughout the north-east.

So Thailand's counter-insurgency programme is hamstringing itself with outworn attitudes and an overgrown bureaucracy. Certainly all Uncle Sam's money and King Bhumibol's men have not been wasted: thousands of new acres of farmland have gone under cultivation along the thousands of kilometres of new roads; more products are going to market faster. Thousands of peasants have had their first positive contact with a representative of Bangkok. But is this enough to contain the communists in the hills? General Saiyud, Bangkok's chief of counter-subversion operations, predicts that the insurgency should be under control by the end of this year. But at the same time he advocates a frugal allotment of resources so that the government can keep up the fight for another ten years if necessary.

RIGHT TO PRIVACY MUST BE PROTECTED

Mr. PROXMIRE. Mr. President, the debate continues over whether electronic surveillance should be used by authorities in fighting crime, but we have been given a refreshing insight into the subject by Attorney General Ramsey Clark.

He said the hope for eradicating crime lies in excellence of law enforcement—not in wiretapping and other comparable practices. It is a timely reminder.

No amount of gadgetry can solve the complex and growing crime problem. We need concerted action by all citizens. We need intelligent plans and full partnership among local, State, and Federal governments. We need the programs proposed by President Johnson that will both combat the criminal now and begin to erase some of crime's major causes.

As the Milwaukee Journal pointed out recently in an editorial, there also is the great need to protect our precious right of privacy. The editorial is an excellent assessment. I ask unanimous consent that it be printed in the RECORD as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Milwaukee (Wis.) Journal, Apr. 3, 1967]

NOT THE ANSWER TO CRIME

Ramsey Clark, the new United States attorney general, has some thoughts on wiretapping, bugging and law enforcement which bear repeating. Public safety, he told a senate subcommittee, will not be found in wiretapping. "Security is to be found in excellence in law enforcement, in courts and in corrections. That excellence has not been demonstrated to include wiretapping."

His views are timely in view of the recent statement of the House Republican task force on crime, which urges legalized wiretapping and electronic eavesdropping to combat organized crime.

"Might not more crime be prevented and detected by other uses of the same manpower without the large scale, unfocused intrusions on personal privacy that electronic surveillance involves?" Clark asked.

Electronic snooping might indeed make police work easier and communication among criminals more difficult, at least until the underworld developed channels less subject to interception, as it would. But this approach inevitably risks police intrusion, intentional or otherwise, into the private lives and personal problems of law abiding citizens. If society sanctions electronic snooping, the privacy it forfeits may be our own.

THE DODD CASE

Mr. DODD. Mr. President, a few weeks ago, I appeared before the Senate Ethics Committee to answer certain allegations that had been made against me.

On Friday, March 10, shortly before the Ethics Committee hearing, I took the floor of the Senate for the purpose of presenting the essential facts about my case. Among other things, I pointed out in my speech that a number of newspapers and editorials had seen fit to find me guilty even in advance of the hearing, and I said that a U.S. Senator defending his reputation before a committee of his peers should be entitled to at least the same protection against trial by press as an accused criminal now enjoys.

My remarks were directed primarily against a small, if influential, minority in the American press. On the whole, I believe the members of the press have tried to be fair to me.

Like every person who believes himself to be unjustly accused, I have looked eagerly for articles in the press which seek to understand my defense, which rise above sensationalism, which refuse to be misled by surface details, and succeed in looking at the whole structure.

I am happy to say that I have been able to find many such articles and columns and editorials. For the information of my colleagues, I ask unanimous consent to insert in the RECORD the following items that have appeared in recent weeks:

First. A nationally syndicated column by Mr. David Lawrence which appeared on April 6.

Second. A column by Mr. William Buckley, Jr., captioned "Hang DODD?" which appeared in newspapers around the country on April 1, 1967.

Third. A nationally syndicated column by Mr. John Chamberlain which appeared on March 22, 1967.

Fourth. A nationally syndicated column by Mr. James J. Kilpatrick captioned "DODD and Powell: A Study in Contrasts," which appeared in many newspapers on March 19.

Fifth. An article entitled "Senator DODD's Tribulations," written by syndicated columnist Russell Kirk, which appeared in various newspapers on March 20.

Sixth. An editorial captioned "DODD versus Powell," which appeared in Roll Call on March 16, 1967.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DODD CASE IS ONLY A SYMPTOM; ENTIRE SYSTEM NEEDS REVAMPING

(By David Lawrence)

WASHINGTON.—Congress is at last face to face with the fact that rich men can win public office by utilizing their own funds, and that persons who have no fortunes are tempted to depend upon big contributions from wealthy individuals, many of whom have an axe to grind in public affairs.

There are some strange inconsistencies in the situation. Sen. Thomas J. Dodd, Democrat of Connecticut, for instance, is being criticized because he used money raised at testimonial dinners to help him pay personal expenses incurred because of the cost of maintaining political strength between campaigns. If he had been a wealthy man, he would have had no problem.

Now the whole emphasis is on how to shift the burden of campaign expenses from the backs of individuals to the government itself. When Sen. Russell B. Long, Democrat of Louisiana, proposed last year a bill that would permit citizens to indicate a willingness to have some of their income tax payments used by the federal government for campaign expenses of either of the two national parties, Congress promptly approved. But already there are many signs of a change of heart.

OPENING LOOPHOLES

The new law was obviously the result of haste, and it opened up more loopholes than it closed. Curiously enough, President Johnson is supporting a retention of the existing measure. Sen. Robert F. Kennedy, Democrat of New York, on the other hand, who is a rich man himself, wants to see the law repealed and a new law passed which would provide a public subsidy for candidates during political campaigns. Congress is this week considering a revision of the measure.

The truth is that both sides are up against a simple fact—elections are, in effect, being bought not only on the national but on the state and local levels. Political committees are formed which circumvent existing limitations on campaign expenditures. The whole thing has been in a mess for several years, and if the Senate of the United States takes a "holier than thou" attitude in the case of Senator Dodd, it will open itself to criticism unless it also cleans up the entire system of financing political campaigns.

Money is much more important in politics nowadays than it has been. For publicity cannot be obtained without heavy expenses for paid advertising or paid radio and television programs. Members of rich families have available huge financial resources which are used to help elect their relatives.

The answer is not to be found in preventing rich men from holding office. On the contrary, many of them are far more independent-minded, because they are free from financial pressures, than are others who feel they must curry favor with heavy contributors to their campaigns. Many capable men without financial means cannot always get the support they need to run for office, though they would really be successful in the service of their government.

WIDE SUPPORT

Out of the many suggestions being made, one idea widely supported is that the government should grant a tax deduction or credit to individuals who contribute to political campaigns of candidates for office in federal, state or local governments. This is regarded as a far better system than to allow individuals to indicate to the U.S. Treasury that a portion of their income tax money be given to the national political party of their choice, while ignoring the state and local campaigns.

Certainly, since campaign expenses have risen to such great heights, the limits in existing laws are too low, and it would be more effective if the loopholes were closed and a higher ceiling placed on the amounts that could be contributed by individuals. Similarly, present laws ignore the ways by which labor unions as well as corporations indirectly supply campaign funds in large quantities, though direct contributions are forbidden by statute.

American politics needs to be cleaned up and better ways devised for financing campaigns. But very little will be accomplished unless public opinion is insistent upon an obvious reform—that no individual or organization should be permitted to use any funds whatsoever to buy votes.

HANG DODD?

(By William F. Buckley, Jr.)

"The judges have retired to their chambers. The suspense is very great, and nobody can be sure what their findings will be. On an ascending scale of severity, they might free Ebenezer Jones, flog him, imprison him for life, or send him to the gallows. Few if any observers anticipate the most severe punishment." Anyone reading that sentence who has been coaxed in the ways of moderation and the virtues of the middle of the road will tend to think that the likeliest fate for Ebenezer is a goodish stretch in prison. Exoneration and the gallows are dismissed as extremist. Few if any readers of that passage would give Ebenezer much of a character reference.

Consider the same technique as used in a national newsmagazine concerning Senator Thomas J. Dodd after the Senate Committee retired to formulate its recommendations. "On an ascending scale of severity, the recommendation could be for exoneration, rebuke, censure, or expulsion. Few if any observers anticipate the most severe punishment." If not any observers anticipate "expulsion," why even mention it as a possibility, considering that its rhetorical presence in that sentence has the psychological effect of escalating the gravity of the Senator's alleged misdeeds?

And to the same effect the constant juxtaposition of Senator Dodd and Adam Clayton Powell Jr. It is a rhetorical device as old as contumely, to stress the similarities, which are superficial, in order to obscure the dissimilarities, which are profound. What purpose is to be served in such a sentence as "Adolf Hitler and Harry Truman both had military backgrounds"?

And yet the comparison between Dodd and Powell is constantly put forward. It would be bad enough if that comparison had the effect of causing Congress to be over-lenient with Adam Clayton Powell Jr. It would be tragic if it had the effect of causing the Senate to commit an act of injustice to Thomas Dodd.

At this point of suspense it is worth meditating the history of the Dodd situation. A vindictive columnist persuaded members of Dodd's staff to steal the Senator's personal records, and there followed an interminable series of accusations focusing, at the beginning, on alleged misdeeds by the Senator in behalf of a West German lobbyist. These charges were investigated, and collapsed.

On to other charges, involving petty extractions from Connecticut merchants in return for petty favors. On even a superficial explanation, they too collapsed. On to another charge, which the Committee is now considering: that Senator Dodd unethically commingled funds given to him for political purposes, and spent in part on personal expenses.

The relevant questions: 1) Was the commingling illegal? We can only assume that the answer is No, since Internal Revenue, with all the facts before it for all these months, has not asked for an indictment of Senator Dodd. 2) Very well then, was it unethical? The answer to that, surely, is given by asking two subsidiary questions: a) Has anyone who subscribed to those funds risen to protest their use by Senator Dodd? The answer is No. And b) Did the commingling shatter the prescriptive canons observed by all other legislators? The answer to that cannot be statistically given, inasmuch as other legislators do not give out their personal records, and do not have thieves for secretaries and bookkeepers who make them available to public scavengers. But an intelligent guess is that such commingling is by no means unusual, that the economic facts of public life make it a practical necessity.

Maybe there ought to be a law. My own guess is that there should be, requiring periodic full disclosure, by public servants, of the traffic in money and favors.

Meanwhile the New York Times, which in its news columns has done a great deal to sensationalize the charges, makes the relevant point: "No sophisticated observer of politics believes that Senator Dodd is the only member of Congress who has ever commingled political and personal funds. The public does not want him made a scapegoat for the sins of all; it wants Congress to make thorough and long-overdue reforms."

Dodd Fundraising Dinner a "Testimonial"

(By John Chamberlain)

New Haven, Conn.—The most mystified man in the whole brouhaha over Senator Tom Dodd's expenses is Arthur T. Barbieri, the Democratic town chairman of New Haven who got up the big dinner in 1965 which raised some $80,000 for the senator. Barbieri, a large, affable and capable political pro, has had a lot to do with dinners, and it has always been his understanding (which goes for the political trade as a whole) that any time an affair is billed as a "testimonial" to a man, it means that he is being honored with a gift. And, since a gift is, by definition, something one receives without performing a service for it, it does not figure as taxable income.

So, if the affair that Barbieri staged for Tom Dodd at the Hotel Statler in Hartford, Conn., was indeed a "testimonial," and not something arranged to build up a war chest for specific political purposes, the way that Dodd spent tne money is immaterial. He could have bet it all on a single horse, or kicked it into the Potomac river, or used it as a fund for providing cream for stray cats, without any legal questions being raised about it.

"TESTIMONIAL" INVITATION

The case, then, hinges on the motivation behind the dinner. And, since Barbieri was himself a chief instigator of the affair, he claims that the motivation is his to know.

The proof that it was a "testimonial" is contained in the original invitation letter set out by Barbieri, where the word is adjectively used to describe the forthcoming affair. True enough, the letter referred to the 1964 campaign deficit incurred by Dodd out of his own pocket. Barbieri wrote: "He spared himself no personal efforts . . . and undertook every financial expense necessary . . ." This tied the occasion for the dinner to a specific campaign. But as a "testimonial" that was sure to raise a sum far in excess of what Dodd might need to erase the 1964 personal deficit, the balance could have been to bail the Senator out of troubles caused by his other office-connected expenses. How does a man bail himself out? Common sense says it is by paying for ordinary bills that have been skipped because politics has left the cupboard bare. The estimate is that most senators need $15,000 a year more than salary and allowances to reimburse themselves for the skipping.

GIFTS FOR THE SENATOR

Congressman John V. Tunney of California, who spoke to the diners in the absence of his father Gene, clearly understood the testimonial nature of the gathering. He said it "is a distinct pleasure for me to have the opportunity to be here tonight at the testimonial dinner honoring Senator Dodd." If Tunney knew what the dinner was for, others must have known, too. So Barbieri isn't stretching things when he contends that he has not asked anybody to perjure himself in the affidavits he has collected from the 400 and more people who have said they intended their Dodd donations "as a personal gift" for use "in any way" the senator "saw fit." As this column is being written, Barbieri has affidavits to prove that "far more than $40,000" of the testimonial money was clearly understood by the donors to be in the gift category.

Arithmetically, $40,000 is twice what witnesses at the senatorial investigation hearings contend that Dodd spent on personal expenses, including country club charges, liquor bills, presents, and travel. So, even if Barbieri can't collect affidavits covering one hundred per cent of the money he raised for Dodd, it makes no difference at this point. Dodd still spent less on his personal accounts than the sum that was clearly ticketed for "use in any way he saw fit."

NEED FOR NEW RULES

It would have been better public relations procedure if Tom Dodd had kept his testimonial funds and his personal funds compartmentalized, saving the unspent testimony money for future political expenses and reimbursing himself out of his future salary for past expenses connected with such things as maintaining a second Washington home. This would have prevented misunderstandings. But the Senate Committee on Standards isn't passing judgment on public relations. It is hard to see how the committee can condemn Dodd if the money he spent on personal items was clearly gift money. What is undoubtedly needed is a whole new set of rules governing campaign expenditures, but they can't be framed to catch Tom Dodd—and a hundred other congressmen—on an ex post facto basis.

Dodd and Powell: A Study in Contrasts

(By James J. Kilpatrick)

Connecticut's Senator Thomas J. Dodd edged his way into the arena of the Ethics Committee on Monday morning like an old lion emerging from the tunnels of the Colosseum, and blinked at the TV lights and held up his head for the pending slaughter. For a variety of reasons—the nature of the man, the nature of news, the nature of the Roman mob—his ordeal has proved a private agony and a public spectacle.

It is inevitable, and it is cruelly unfair, that the tribulations of Senator Dodd should be coupled with the tribulations of Adam Clayton Powell. The two men could not be farther apart, nor the facts more disparate. They are strong personalities, both of them; they may be equally vain, though in wholly different ways; but there the parallels stop. To imagine a Tom Dodd lushing it up in Bimini is to imagine an Anglican archbishop shooting craps.

The Senator is a proud man, aloof, austere, tightly contained. The images of Rome will not go away. More than any Senator since Tom Connally of Texas, he presents the senatorial look—the fine nose, the orator's mouth, the deep chest, the mane of silver hair. The air of the toga is always about him. He views Communists as Cato viewed the Carthaginians; the walks of Capitol Hill are his Forum. When the House stripped Powell of the Labor-Education chairmanship Powell came from the caucus a shattered man—but not for long. "Keep the faith, baby!" he cried to his fans. And off to the Bimini sands with Corrine. Nothing of the sort is possible for Dodd. He was dying by inches all week.

It is part of the nature of news that news feeds on gladiatorial combat. This is in essence an adversary proceeding: Dodd stands accused; and the curious mob, which always will prefer a good flaying to a fair trial, will not pause to analyze the charges nor to remember the tainted origin of the evidence against him.

The charges stem largely from certain testimonial dinners and campaign contributions between 1961 and 1965. Except for a handful of trivial allegations, having to do with duplicated reimbursements on seven travel expense accounts, the charges have nothing to do with public funds. These were private contributions that Dodd was expending; and if he spent some of the proceeds on personal bills, and some on campaign expenses, the tax-paying public was never defrauded. Were the individual donors deceived, aggrieved, bamboozled? Did they think they were swindled? Not one has come forward to say so. In Dodd's view (and who among us who has sent a check to a candidate for public office will deny the interpretation?), the contributions were outright gifts, not taxable income, to be spent at his discretion.

The casual reader, sunning himself in the Colosseum bleachers, is not likely to make distinctions. This week he has read that Dodd spent some kind of money on parties, club dues, traffic tags, personal bills, and even $21 to fly his dog from Washington to Hartford, and the assumption will take root—the fairest and clearest reporting will not put it down—that this was like old Adam's bilking the taxpayers with an air travel card. What is sauce for the Harlem goose is sauce for a Hartford gander. String him up! But no such judgment is valid.

The unhappy conjunction of Dodd and Powell is only one of the ironies in this whole affair. Dodd finds himself in this mess because three of his former office employees, James Boyd, Marjorie Carpenter, and Michael O'Hare, raided his office files. They were a bunch of beauties, this gang. They came on tiptoe on Sunday afternoon, using a duplicate key, and hauled away thousands of letters and documents to a photo-copying machine. In a speech to the Senate a week ago, Dodd called it "burglary." As a matter of law, it may not be so; there was no breaking, no entering, no theft for personal gain. What did they take of value? Only a man's reputation. Only his personal life. But because of what they did, Dodd is on trial before an ethics committee; and Boyd, O'Hare and Carpenter are free. Lovely, is it not?

This correspondent holds no particular brief for Senator Dodd. I know him only slightly. His position on a number of domestic issues seems to me wrong. By his own admission, he is a poor judge of character. He manifestly can be pompous, stuffy, full of conceit. And it has to be said that any Senator who pays $8,000 to a hired writer to ghost up a book for his byline is something less than a pillar of absolute virtue.

All the same, I know—and every Senator knows—of some of the remarkable bills that everywhere are paid with "campaign contributions." I know of Dodd's tough, knowledgeable, and dogged fight against communism. He may be a cold fish, but he is a dedicated man who has served his country well. To watch him tried on purloined letters is to gaze in shame on a shabby affair.

To the Point: Senator Dodd's Tribulations

(By Russell Kirk)

Senator Thomas J. Dodd, one of the ablest men in the Senate, apparently owes the federal government something better than $300—because of wretched bookkeeping by a member of his staff who later joined in a vendetta against Dodd.

That is the gist of a speech that Mr. Dodd made in the Senate the other day. The only other great charges against his honesty are that he once accepted a small rug—worth less than $50—from a lobbyist-friend of his, and that his campaign expenses and a portion of his personal expenses were repaid through testimonial banquets.

So it seems to this columnist that the whole Dodd "scandal" has been a tempest in a teapot, stirred up by a pair of columnists on the basis of documents stolen by burglars from Dodd's office (the burglars being former staff members dismissed by Dodd).

The assault on Senator Dodd reminds me of Arthur Machen's remark that journalism is "a damnable vile business." (It doesn't have to be, but some sensational columnists make it such.)

As Senator Dodd remarked, it is curious that the Department of Justice has not prosecuted the burglars. The private papers of a member of Congress are not fair game for every disgruntled employe with an opportunity to sell them to scandal-mongers.

As for raising funds by testimonial dinners, this is a frequent practice for covering the expenses of those numerous public men who lack private income sufficient to finance statewide campaigns and pay the large costs of prolonged residence in Washington. If nothing of the sort were permitted, all our senators would have to be millionaires.

Senator Dodd might have enriched himself, as some others have done over the years, by taking advantage of his political influence. (Mr. Lyndon Johnson—to mention no more unsavory example—entered the Senate a poor man, and left it a rich one.) But Dodd has done nothing of the sort: he is worth little more than $50,000, and (like this commentator) owns no stocks or bonds at all.

Although a Senate committee has yet to report on the charges against Dodd, the evidence available just now suggests that the Senator from Connecticut has been the victim of a smear. Bobby Baker's gang tried to smear Senator John J. Williams, with the tacit assent of some of William's senatorial colleagues, because Senator Williams had been bold enough to expose Baker's frauds.

Senator Dodd's real offense, in the eyes of some journalistic detractors, is that he was bold enough to take a stand against the feebleness of American policy where the communist powers are concerned—including American policy in the Congo.

Doubtless Congress requires a clearer code of ethics; but Washington journalism may be more greatly in need.

DODD VERSUS POWELL

Newsmen continue to draw a parallel between the Powell Case and the Dodd Hearings despite the fact that little similarity actually exists. Although the veteran Harlem legislator's flamboyant flouting of House decorum for years was embarrassing that body both here and abroad, the House did not move against Powell until pressure from constituents became so insistent that a special committee was set up. Powell then arrogantly thumbed his nose at the committee, which was determined at first to bend over backwards to most painlessly dispose of the unpleasant predicament.

(Within Congress it is said that Sen. Dodd's most unforgivable mistake was to assemble a staff of top aides whose behaviour would not have been tolerated by a less trusting executive. Whatever the merits of the case, few within the Capitol community champion the disloyalty of staff members who removed Congressional and personal files of the Senator and turned them over to a syndicated newspaper columnist for publication.)

Where Powell refused to cooperate with the House committee, Sen. Dodd, himself, instigated the Senate committee inquiry of his affairs. Ironically, it now appears as though the Senate committee, rather than engaging in fact-finding, at times appears to be prosecuting. Still, the white-maned Senator neither repudiates nor rebuffs the committee of his peers. He chose, instead, to engage in a dignified yet wholehearted defense of his career and his honor. In doing this he displays his respect for the august body of which he has long been an important member.

Senator Dodd has not indicted his fellow Senators, he has made no cries of persecution, has instigated no demonstrations, nor hinted at recriminations. Regardless of the final committee finding Senator Dodd's performance in these difficult days of investigation dramatizes a Congressman's respect for the honor and prestige of the legislative body.

LIMITATION ON ARMS SUPPLIED TO INDIA AND PAKISTAN

Mr. HARTKE. Mr. President, a little more than a year ago—in December of 1965—I had occasion to visit the Governments of India and Pakistan on an interparliamentary mission of the Senate. While on the borders of those countries, it was my opportunity to appraise at firsthand the destruction wrought by U.S. armaments supplied by the United States for their defense—and used by both sides against each other.

As an official of our Government—and as an American taxpayer—I was appalled to see rows of U.S. Patton tanks destroyed or damaged by U.S.-supplied antitank weapons in the abortive Indo-Pakistan war. In concert with other Members of this body, I resolved to oppose this misuse and misapplication of our military foreign aid program.

I am moved today to commend the President of the United States for his decision to enforce a limitation on supplying American weaponry to Pakistan and to India, and to withdraw our military assistance advisory groups. It is a concession to realism that we recognize that when we indiscriminately bestow arms, we may expect them to be employed by the recipients.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

INVESTMENT TAX CREDIT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which is H.R. 6950.

The Senate resumed the consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that there be a quorum call, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection?

Mr. GORE. Mr. President, I am ready to proceed.

Mr. WILLIAMS of Delaware. Mr. President, what was the request?

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent that a quorum call be had without the time being charged to either side.

Mr. WILLIAMS of Delaware. Mr. President, I think we might just as well proceed with the bill.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum and ask that the time be charged to both sides.

Mr. WILLIAMS of Delaware. Mr. President, I object to my time being used.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The pending question is on the adoption of the amendment of the Senator from Tennessee [Mr. GORE] as a substitute for the amendment of the Senator from Delaware [Mr. WILLIAMS]. Under the unanimous-consent agreement, the time is limited to 2 hours.

Mr. LONG of Louisiana. Mr. President, I call up my amendment No. 160, to the Williams amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read the amendment (No. 160), as follows:

At the end of the amendment (numbered 152) proposed by Mr. WILLIAMS of Delaware, insert the following:

"SEC. 15. (a) The Presidential Election Campaign Fund Act of 1966 is amended by adding at the end thereof the following new section:

" "SEC. 307. MISUSE OF FUNDS, EXPENDITURES BY POLITICAL PARTIES

" "(a) (1) It shall be unlawful for any person who has custody, or control of the use, of any funds paid into the Treasury of a political party under section 303(c) of this Act knowingly and willfully to use, or authorize the use of, such funds for any personal purpose or for any purpose other than to defray expenses incurrred in carrying on the presidential campaign with respect to which such funds are paid and in conformity with paragraph (6) of such section, to repay loans the proceeds of which were used to defray such expenses, or to restore its funds used to defray such expenses.

" "(2) Any person who violates paragraph (1) shall be fined not more than $10,000 or imprisoned not more than five years, or both. No person shall be subject to any penalty under paragraph (1) for the commission of any act prohibited thereby if such person, for the commission of that act, has been convicted under section 1001 of title 18 of the United States Code, or any other provision of such title.

" "(b) For purposes of applying section 609 of title 18 of the United States Code, payments received by a political party under section 303(c) of this Act shall not be considered to be contributions, and expenditures made by a political party with respect to which a payment is received under such section shall not be taken into account." "

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senator from Louisiana is limited to a half hour; the Senator from Delaware is limited to a half hour.

The Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, the amendment which I am offering to the Williams amendment provides a fine of $10,000 or imprisonment for up to 5 years or both for willful misuse of funds received under the Presidential Election Campaign Fund Act.

There, of course, are penalties in existing law for willfully falsifying material facts or for making fraudulent statements or representations in areas involving Federal funds. I refer specifically to section 1001 of title 18 of the United States Code.

However, I think it is important that there be a specific criminal penalty in the Presidential Election Campaign

Fund Act so there could be no question as to the penalties applied to anyone who willfully misuses funds distributed under this act.

My amendment provides that it is to be unlawful for any person who has custody or control of the use of any disbursements made by the Comptroller General to a political party under the Presidential Election Campaign Fund Act to knowingly or willfully use or authorize the use of these funds for any personal purpose or any purpose other than to defray expenses incurred in carrying on a presidential campaign. In addition specific reference is made making it unlawful to pay any funds for any purpose except those specifically provided in the Ribicoff amendment this body approved yesterday.

Let me summarize by saying that this means that it will be unlawful to pay any of the disbursements under this act for any personal, as distinguished from a political purpose; it will be unlawful to pay funds for expenses incurred for any purpose except a presidential campaign—thus, for example, it would be unlawful to pay funds for use in a campaign for or against a congressional or senatorial candidate—and it will be unlawful to pay funds for any purpose except those specifically authorized by the Ribicoff amendment yesterday.

In this latter category I am, of course, referring to the fact that 75 percent of the funds may only be spent for the specific listed purposes and the remaining 25 percent may not be used on election day for any purpose such as poll watchers and so forth. The limitation to the use of these funds for presidential campaign purposes will, of course, deny the use of these funds for kickbacks or bribes or any other illegal purpose.

The penalty provided under my amendment for anyone who violates this provision is a fine of up to $10,000, imprisonment for up to 5 years, or both. I have added a proviso making it clear that no one shall be subject to a penalty both under the amendment I have offered and also under section 1001 of title 18 of the United States Code—the provision I referred to in the forepart of my amendment.

Mr. President, a criticism which has been made of the Presidential Election Campaign Fund Act by some is the contention that this act is contrary to the limitation in present law limiting contributions to political parties to $3,000,000 in any one year. As I have indicated previously—in fact, last year during the debate on the act, present law refers to contributions to political committees. The Campaign Fund Act has nothing to do with contributions. The term "contribution" means to give or supply in common with others; to share in a joint venture.

The financing by the Government, since the passage of this act, is not a voluntary effort to give funds. Rather, it is an appropriation of funds to which the parties have a right. It is not a contribution and therefore, in my estimation, does not come under the limitation of present law. However, because some still believe that this $3,000,000 limitation in existing law is contrary to the appropriation of perhaps $30,000,000 to each of the political parties, I have included in this amendment a proviso specifying that for purposes of the $3,000,000 limit the distributions made under this act are not to be considered as contributions, and that expenditures made by a political party with respect to which a payment is received under the Presidential Elections Campaign Fund Act is not to be taken into account for purposes of the $3,000,000 limit.

This amendment is an important one, and if we are to act now or subsequently on the Presidential Election Campaign Fund Act I believe that this is a needed improvement that will deserve support. I urge the adoption of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LONG of Louisiana. Mr. President, I would hope those in opposition might state their views.

Mr. WILLIAMS of Delaware. Mr. President, I shall be happy to yield to any Senator who cares to speak on the amendment. I have examined this amendment personally, and while I do not see that it accomplishes anything, I do not see that it does any harm. It does remove the limit.

Mr. GORE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, the amendment provides penalties for use of funds for purposes other than those permitted by the Ribicoff amendment. I point out to the Senator that, according to the author of the Ribicoff amendment, any type of political activity that he or anyone else had been able to think of was specifically listed. The Ribicoff amendment further provides that if there were others which had not been envisioned, 25 percent of the funds could be expended for such activities.

This amendment would provide penalties for activities not encompassed within the Ribicoff amendment. I can think of none that would not be encompassed; therefore, the proposed amendment would have little effect.

The amendment, however, does have some substance in one respect. It provides that expenditures of funds received in consequence of the Presidential Campaign Fund Act shall not be treated or regarded as expenditures or contributions under the Corrupt Practices Act, which means that the legal $3 million limit on expenditures of political committees would not apply to funds collected and expended under the Presidential Election Campaign Fund Act. So, lest someone be misled to believe that this amendment provides protection, some safeguard, or some limit, there are no safeguards, there is no protection, and there are no limits.

Mr. WILLIAMS of Delaware. The Senator is correct. It is wide open as far as this $30 million to be provided each party from the so-called slush fund is concerned. The protection of which the Senator speaks can only be accomplished by repeal of the act itself.

Mr. President, I am ready to vote on the amendment if the Senator from Louisiana is ready.

Mr. LONG of Louisiana. Mr. President, I would like to have the yeas and nays ordered on my amendment. I do not see enough Senators present for a sufficient second. Will the Senator join me in asking for a brief quorum call?

Mr. WILLIAMS of Delaware. Yes; that is all right.

Mr. GORE. It can be done by unanimous consent.

Mr. LONG of Louisiana. Then I ask unanimous consent, Mr. President, that the yeas and nays be ordered on my amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The yeas and nays were ordered.

Mr. LONG of Louisiana. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG of Louisiana. This amendment would provide criminal sanctions if a person who receives money out of the campaign fund provided under the act uses any of that money for his own personal purposes.

The amendment would also provide criminal sanctions in the event that a person were to use this money for any of the prohibited purposes, such as poll watchers or hauling voters to the polls, or other election day expenses.

The amendment would also provide criminal sanctions if the money, instead of being used for a presidential campaign, were to be used for a senatorial or congressional campaign.

So, all of those various fears that people have dreamed up would not come to pass because such actions would be made illegal in the event the amendment were agreed to.

I believe the amendment would guarantee beyond any peradventure of doubt that the mischief which some people have feared would be subjected to criminal penalty in the event any such action were engaged in.

It is to be recognized that the expenditures of these funds would be audited by the Comptroller General and would be checked into before the expenditures were made.

The expenditures are subject to review by a bipartisan board. This Senator does not know of any additional safeguard that we might put in the measure.

I do not agree with the Senator from Tennessee. I have answered him several times already regarding the 75-percent category. I have spelled it out in the RECORD three or four times. It would be useless to do it again. The other activities fall in the so-called 25-percent category.

In any event the amendment would assure criminal sanctions as well as an accounting for all the money and funds involved here.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG of Louisiana. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 additional minute.

Mr. LONG of Louisiana. Mr. President, if other Senators desire to discuss the matter, I will be glad to yield to them. Otherwise, I would be happy to yield back the remainder of my time.

Mr. WILLIAMS of Delaware. Mr. President, I yield 1 minute to the Senator from Tennessee.

The **PRESIDING OFFICER.** The Senator from Tennessee is recognized for 1 minute.

Mr. GORE. Mr. President, so long as the distinguished Senator from Louisiana wishes to move in the direction—even by verbal discussion—of limitation and safeguards, I shall not oppose him.

This provision, in my opinion, would have little effect, but I do not see that it does any harm. Therefore, I shall be pleased to vote for the amendment.

Mr. LONG of Louisiana. Mr. President, if the Senator from Tennessee, with his great legal talent, can conceive of some measures that would more completely achieve what the amendment seeks to accomplish, I invite him to devote his talents to it.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, is the Senator from Delaware ready to yield back the remainder of his time?

Mr. WILLIAMS of Delaware. Mr. President, I yield back the remainder of my time.

Mr. LONG of Louisiana. I yield back the remainder of my time.

The **PRESIDING OFFICER.** All remaining time has been yielded back. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. Long] to the amendment of the Senator from Delaware [Mr. Williams]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Pennsylvania [Mr. Clark] and the Senator from Arizona [Mr. Hayden] are absent on official business.

I also announce that the Senator from Montana [Mr. Metcalf], the Senator from Connecticut [Mr. Ribicoff], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. Clark], the Senator from Arizona [Mr. Hayden], the Senator from Montana [Mr. Metcalf], the Senator from Connecticut [Mr. Ribicoff], and the Senator from Texas [Mr. Yarborough] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken] is absent on official business.

The Senator from Texas [Mr. Tower] is necessarily absent.

The Senator from Illinois [Mr. Percy] is detained on official business.

If present and voting, the Senator from Vermont [Mr. Aiken], the Senator from Illinois [Mr. Percy], and the Senator from Texas [Mr. Tower] would each vote "yea."

The result was announced—yeas 89, nays 3, as follows:

[No. 72 Leg.]

YEAS—89

Allott
Anderson
Baker
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Hansen
Harris
Hart
Hartke
Hickenlooper
Hill
Holland
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Russell
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—3

Brooke
Hatfield
Scott

NOT VOTING—8

Aiken
Clark
Hayden
Metcalf
Percy
Ribicoff
Tower
Yarborough

So the amendment of Mr. Long of Louisiana was agreed to.

Mr. TYDINGS, Mr. GORE, and **Mr. WILLIAMS** of Delaware addressed the Chair.

The **PRESIDING OFFICER** (Mr. Mondale in the chair). The Senator from Maryland is recognized.

Mr. TYDINGS. Mr. President, I send to the desk an amendment to the Presidential Election Campaign Fund Act and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The Legislative Clerk. Mr. Tydings proposes an amendment to the amendment proposed by Mr. Williams of Delaware to H.R. 6950, as follows:

At the end of the amendment insert the following:

"Sec. —. (a) *Tax check-off.* Section 6096 of the Internal Revenue Code of 1954 is amended by striking '$1' wherever it appears and inserting in lieu thereof 'one-half dollar for taxable year 1967 and thereafter $1.'

"(b) *Payment formula.* Section 303 of the Presidential Election Campaign Fund Act of 1966 is amended by striking '$1' wherever it appears and inserting in lieu thereof 'one-half dollar for expenses incurred in the 1968 presidential campaign and thereafter $1.'

"(c) *Restrictions on use and source of payments.*

"Section 303(c) of the Presidential Election Campaign Fund Act of 1966 is amended by inserting at the end thereof the following new paragraph:

"'(7) *Restrictions on use and source of payments for 1968 presidential campaign.* (A) Notwithstanding the provisions of paragraph (6), payments with respect to the presidential campaign of 1968 made under paragraph (1) into the treasury of a political party shall be used only to defray the following expenses incurred in carrying on such campaign:

"'(i) Radio, television, and motion picture production time and expenses;

"'(ii) Newspaper and periodical advertising expenses;

"'(iii) Expenses for the preparation, printing, and distribution of campaign literature, including posters and billboards.

"'(B) No payment may be made under this Act into the treasury of any political party with respect to any presidential campaign unless the treasurer of such party has certified to the Comptroller General that no contributions, direct or indirect, to defray expenses described in this paragraph incurred or to be incurred in carrying on such presidential campaign have been accepted or expended prior to the date of the certification by such party or the candidates of such party for the offices of President and Vice President, or by any organization controlled directly or indirectly by such party or either of such candidates, and that no such contributions will be accepted or expended to defray such expenses on or after the date of the certification'."

The **PRESIDING OFFICER.** Who yields time?

Mr. TYDINGS. Mr. President, I yield myself 10 minutes.

The **PRESIDING OFFICER.** The Senator will suspend. The Senate will be in order.

The Senator from Maryland is recognized for 10 minutes.

Mr. TYDINGS. Mr. President, I propose an amendment to the Presidential Campaign Fund Act which will limit the application of that act in the case of the presidential election of 1968. I do so because I believe that, despite any perfecting amendments already made to the act, we should gain meaningful but carefully limited experience with it in the 1968 presidential campaign, before the act's provisions are allowed to become fully effective.

Everyone knows that the cost of modern campaigning has skyrocketed, especially in the case of presidential elections, where the candidates must campaign coast to coast and border to border. Particularly, the enormous cost of television, radio, newspaper, and other forms of political advertising are well known to every participant in and student of the political process. The critical importance of extremely expensive television in campaigning, for example, was vividly demonstrated in the Nixon-Kennedy prime-time debates of 1960. Many students of that election maintain that those television debates provided the critical margin of victory to Kennedy.

The question is: How shall these advertising and other campaign expenses be met? Traditionally, before enactment of the Presidential Election Campaign Fund Act last fall, the many millions of dollars necessary to pay for a presidential campaign had to be begged and borrowed from private sources, many of which understandably felt that a major contribution to a presidential campaign bought a bit of "influence" with a successful candidate. Thus, political parties not only had to depend upon many "big money interests" but also became beholden to them.

Prior to enactment of the Presidential Election Campaign Fund Act, Congress had long considered proposals for freeing political parties from financial dependence on special interest. Countless proposals to broaden public participation in the financing of political campaigns, principally by providing tax deductions or credits, had died on the vine of congressional inaction.

Not until the distinguished junior Senator from Louisiana, Senator LONG, originated, developed, argued for, and practically singlehanded secured enactment of the Presidential Election Campaign Fund Act did Congress act to cut the financial tie between presidential candidates and special interest by providing a basis for massive but reasonable public participation in the funding of presidential campaigns.

The time was long overdue for congressional action to cut the tie that bound presidential candidates to the big money interests in national politics. The Presidential Election Campaign Fund Act has at long last given us the means to make candidates for the Presidency of our Nation dependent for financial support on the people, not on special interest.

Yet many, while acknowledging the need for public subsidy of presidential campaigning, fear that some of the provisions of the Presidential Election Campaign Fund Act could lead to impairment of the American political system. This concern has been voiced by a number of Senators on the floor of the Senate, and I believe with some justification.

Specifically, the critics contend that the act, by providing the national committees with all the money necessary for presidential campaigning, not only frees national committees from a salutary financial dependence on the State political organizations whose views they should represent and coalesce, but also provides so much money that the national committees can dictate to the State committees, name candidates for State and local office, and even set up rival political organizations in the States.

I think time could show there is merit to this objection, but I also believe that this objection can be met by a simple amendment to the act which, until we gain experience under the act, reduces and stringently limits the use of the public funds provided by the act to the advertising expenses of presidential campaigns. If experience shows further amendments are necessary, then we can make them.

The limiting amendment I propose would apply only to the 1968 presidential campaign, and is intended to provide one campaign's experience under the act. Based on that experience, we can then judge what functions amendments to the act, if any, are necessary.

My amendment, applicable only to the 1968 campaign, would retain the checkoff feature of the present act, but would reduce by one-half the amount available to political parties under the act for the 1968 campaign. This amendment is accomplished simply by reducing the figure "$1" wherever it appears in the act, to "one-half dollar," until after the 1968 campaign. Under my amendment, each major party would receive $12.5 million for the 1968 campaign, rather than the $30 million the act now would provide.

Secondly, my amendment would limit, for the 1968 campaign, the use of the funds the act makes available. The use of those funds would be limited to presidential campaign advertising expenses—specifically radio and television production time and related expenses, such as preparation for such programs; newspaper and periodical advertising expenses; and expenses for the preparation, printing, and distribution of campaign literature, including posters and billboards. These expenses, to which use of the Campaign Fund Act subsidies would be limited, are among those enumerated in the Ribicoff amendment the Senate approved yesterday by a vote of 76 to 12. My amendment, however, goes much further in limiting the use of Campaign Act funds for the 1968 election than did yesterday's amendment. It not only specifically restricts the use of all the funds provided by the act, rather than only 75 percent as yesterday's amendment does, but also restricts the use of those funds to advertising media expenses, whereas yesterday's amendment would allow a number of other categories of expense. My amendment, in short, would limit the Campaign Fund Act assistance to the 1968 campaign to a public subsidy for the public presentation of candidates for the Presidency of the United States.

To further this principle of public subsidy for public presentation of candidates, my amendment will equalize the amounts the major parties can spend for television by providing that, if the public funds authorized by this act are used in 1968, no private contributions may be solicited or spent directly or indirectly for the same purposes.

Thus, the amendment I propose provides ample funds for advertising expenses for the 1968 campaign, but limits the amount each major party may spend for advertising to the amounts made available by the bill. Each party will have the funds for "equal time" in advertising and will neither have to or be able to solicit outside funds for advertising, if it elects to take advantage of the public subsidy.

Mr. President, the amendment I propose will eliminate the principal objection to the Campaign Fund Act by providing a full campaign's experience under limited operation of the act before the provisions of the act become fully effective. Then we will have 4 years before the 1972 campaign in which to make such amendments as the 1968 experience indicates are necessary. My amendment will provide public funds for the major cost of political campaigning—advertising in 1968, but will not give the national committees any additional public funds to use as leverage against State and local committees. It will allow a public subsidy for presentation of presidential candidates in 1968, but prevent misuse of the funds provided by specifically limiting their use to the advertising expenses spelled out in the Ribicoff amendment the Senate adopted overwhelmingly yesterday.

My amendment is a rational refinement of the experiment in providing for better government Senator LONG of Louisiana launched last fall, and will provide a firm basis of experience for future amendments of the program to meet our Nation's political needs.

The PRESIDING OFFICER. The 10 minutes of the Senator have expired.

Mr. TYDINGS. Mr. President, I yield 2 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG of Louisiana. I thank the Senator. Has the Senator asked for the yeas and nays on his amendment?

Mr. TYDINGS. I have not.

Mr. LONG of Louisiana. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LONG of Louisiana. Mr. President, the Senator has given much thought to his amendment. I feel that he has really worked diligently and hard to study the objections which were made by the Senator from New York [Mr. KENNEDY] the other day.

While I personally do not agree with the Senator from New York on this subject, I can understand how the Senator from Maryland could well feel that those objections may be very well taken.

If the amendment is agreed to, it would be in conference between the Senate and the House. I personally think that the effort of the Senator to make it possible that none of the so-called mistakes or errors which the Senator from New York fears could take place, as well as those which I understand the Senator from Maryland thought might conceivably happen, is a laudable one.

Accordingly, Mr. President, I am constrained to vote for the Senator's amendment and I applaud his devoted study of the various problems involved.

Mr. TYDINGS. I thank the distinguished Senator. As I told the Senator, when he holds hearings in his committee, I reserve the right to come in and argue these amendments, as well as other amendments to any problem. My purpose in offering the amendment is to try to tighten up the laws which exist today and to answer the argument and the points raised by the Senator from Missouri, the Senator from New York, and the Senator from Tennessee.

Mr. WILLIAMS of Delaware. Mr. President, I yield such time as the Senator from Tennessee may desire.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, I am sure that the able Senator from Maryland has offered the pending amendment in good faith and after much study.

However, I invite attention to the fact that his amendment would reduce the amount of each taxpayer's tax dollar to go to the fund to "two bits" to each party.

I do not wish to characterize this as the "two bit amendment," but that is the amount by which each party could benefit per taxpayer.

Mr. President, how much would it cost the U.S. Government to audit the tax return of each taxpayer in this country, in order to provide a 25-cent contribution to the Republican candidate and the Democratic candidate?

In order for that "two-bit" piece to flow to each party, according to officials of the U.S. Treasury in private statements to Members of this body, it would require the auditing of the returns of the U.S. taxpayers.

There are other reasons why the Senate should not adopt this amendment. If Senators will examine the amendment—and I have a copy in my hand, which was mimeographed—it says that these contributions of 25 cents to each party can be used only for three purposes. I see nothing wrong with that. But if anyone thinks that this provides some protection, then look at the other part of the amendment. It provides that—

> No payment may be made under this Act into the treasury of any political party with respect to any presidential campaign unless the treasurer of such party has certified to the Comptroller General that no contributions, direct or indirect, to defray expenses described in this paragraph incurred or to be incurred in carrying on such presidential campaign have been accepted or expended prior to the date of the certification by such party or the candidates of such party for the offices of President and Vice President, or by any organization—

Listen to this—

> controlled directly or indirectly by such party.

This would leave from even this limited application, any committee or any organization which the candidate or the party did not control. We could have "Barbers for GORE." It would not be controlled by the political party. We could have "Teachers for GORE." We could have "Bartenders for——"

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. TYDINGS. Does the Senator take the position that, in his campaign for the U.S. Senate, the Senator could not persuade these citizens committees which organize to support him not to violate the law?

Mr. GORE. The question is not——

Mr. TYDINGS. That is the question. The Senator makes the point that this opens a loophole. This is intended to close a loophole.

Mr. GORE. It is not a question of whether one could persuade them. This provides the amendment does not cover such committees unless the candidate or party controls them.

Mr. TYDINGS. I do not think——

Mr. GORE. Let me reply. The Senator's amendment does not use the word "persuade." It uses the word "controlled." I say, quite frankly, a candidate may not control these independent committees, and there are frequently many of them. There is no limit in the present law on the amount of money they can collect or spend. There is no limit provided by the pending amendment. The amendment submitted by my distinguished colleague is unworkable. It does not include individuals at all. It could not, because of the constitutional provision against limitation on freedom of speech.

Mr. TYDINGS. If the Senator will just read the language—and I think any reasonable man would read it this way:

> No payment may be made under this Act into the treasury of any political party with respect to any presidential campaign unless the treasurer of such party has certified to the Comptroller General that no contributions, direct or indirect, to defray expenses described in this paragraph—

Namely, the needed advertising expenses of the candidate—

> incurred or to be incurred in carrying on such presidential campaign have been accepted or expended.

The responsibility would be on the treasurer of the candidate's campaign. If he could not certify that these sources had not been supplying money for television, for example, he could not accept the money. The purpose is to increase the ability of the candidate to appear on television, in newspapers, and over the radio. This is the area in which people have the greatest interest in seeing the candidate—on television, in newspapers, on billboards, where they can see the candidate and the candidate's position. This amendment tightens up the law considerably. The Senator's criticisms are not fair.

Mr. GORE. I would like to proceed for a moment.

The Senator argues that this amendment seeks to close a loophole. I suggest it does not effectively do so. The Corrupt Practices Act now contains many loopholes. This amendment would write into the Long Act a loophole similar to one of those in the Corrupt Practices Act.

First, it provides no test of control. Neither the candidate nor the party is charged with the responsibility of knowing the amount of money collected or the amount of money expended by any other committee, organization, or person.

I am sure the Senator has the best of intentions, but I feel that this amendment would but confuse the issue. It might lead some people to think that the Senate was acting here to close loopholes in the Corrupt Practices Act, which would not be the case, with the adoption into law of this amendment.

It would not only leave in existence the present loophole in the Corrupt Practices Act, but it would write a similar loophole into the Presidential Election Campaign Fund Act.

So I suggest that, in the haste in which we are attempting to rewrite the law, it would be inadvisable to adopt an amendment purporting to be far reaching, which might lead some people into believing some loopholes were closed and some safeguards were being provided, when, as a matter of fact, this amendment would not be effective for those purposes.

Mr. LONG of Louisiana. Mr. President, will the Senator yield me 5 or 6 minutes?

Mr. TYDINGS. Let me answer the Senator first. I do not believe the Senator from Tennessee is being fair in his reading of the amendment. First of all, the amendment provides that before the Comptroller General can distribute any money to the presidential campaign party, that party must certify to the Comptroller General that no contributions, direct or indirect, had been received or expended for these purposes in its candidate's behalf.

The Senator from Delaware yesterday offered a perfecting amendment to his original amendment. It reads:

> SEC. 306. Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating $50 or more within a calendar year for the purpose of influencing the election of candidates, shall file with the Clerk and itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 305.

Certainly that is an excellent amendment. The Senator from Delaware spoke with me about it.

I do not see how the Senator from Tennessee can fairly say that either he as a candidate or his campaign treasurer cannot know whether any funds have been use for television and newspaper media expenses for his election.

I now yield 6 minutes to the distinguished Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, I regret that the Senator from Tennessee cannot be more helpful to us who have worked in this field in which the Senator from Tennessee himself labored so long and so hard.

Ten years ago, the senior Senator from Tennessee investigated this problem in depth. He concluded that corruption existed and that there was a need for an amendment of the laws dealing with corrupt practices. His conclusion was correct. He also concluded that Congress should consider doing something to control private financing that resulted in corruption and improper commitments in government.

Ten years ago the senior Senator from Tennessee served as chairman of the Subcommittee on Privileges and Elections. He undertook the most massive investigation of the source of campaign contributions and the manner in which they were expended that has ever been attempted. After his investigation was completed, he published his findings, and in them he stated:

> 10. The need for remedial legislation in the field of federal elections is imperative and immediate.

That was 10 years ago. The Senator from Tennessee continued:

> It is the hope of the subcommittee that this study will serve to expedite the preparation of such legislation and to arouse an enlightened public opinion behind it. Few, if any, reforms are more direly needed in our democratic society.

Despite his plea for reforms he felt were direly needed, 10 years have passed and he can look back on the record of accomplishment. It amounts to nothing.

The Presidential Election Campaign Fund Act last year is the first step Congress has taken since the Corrupt Practices Act of 1937 to try and get clean honest election into our political system. If we follow the lead of the Senator from Tennessee, we will find ourselves returning to the political middle ages. We will be back in the morass of corruption, commitments, and charges and countercharges that the candidates have sold their souls to the moneylenders or other vested interests.

The Senator from Tennessee also published another finding in his 1956 report. It reads:

> 7. For years thoughtful statesmen on the American scene have pleaded for greater participation on the part of the electorate in the making of campaign contributions so that the base may be broadened and opportunities of candidates and parties to present themselves to the electorate equalized. The findings of the subcommittee as set out in this report poignantly demonstrate the need for effective limitations upon the amount of individual contributions and the desirability of providing incentives for mass contributions—

That is not my language, Mr. President; that is the recommendation of the Senator from Tennessee. I regret that he does not have time to listen, but he knows this. He wrote it, and he has heard it before—

> or perhaps governmental assumption of the cost and responsibility for the conduct of Federal election campaigns and the curtailment of private subsidization of election campaigns.

That is what the Senator recommended to fund the campaigns. In 10 years, nothing came of it.

Mr. President, that is exactly what the Presidential Election Campaign Fund Act of 1966 provides—Government assumption of the cost and responsibility for the conduct of the highest Federal election campaign in our land, the campaign for the Presidency. And, Mr. President, that is not the Senator from Louisiana speaking. That is the Senator from Tennessee. The bill that we passed last year accomplished much of what the Senator from Tennessee failed to accomplish in the 10 years preceding it. This year I would hope we could accomplish another objective he was unable to achieve. I would hope that we could bar private subsidization of the election campaigns for our Presidential and Vice-Presidential candidates. I have an amendment that would seek to accomplish that objective, and I would hope the Committee on Finance would be given a chance to consider it free of the pressure of legislating on the floor.

I would like to recite another of the famous quotations from the Senator from Tennessee's 1956 report:

> 4. Examination of the facts developed by the subcommittee discloses, as is revealed by the exhibits included herewith, heavy campaign expenditures by persons affiliated with big business, and large vested interests, and by wealthy individuals, on the one hand, and organized labor, on the other, the contributions of the former being largly to Republican committees and candidates, and of the latter almost entirely to Democratic committees and candidates.
>
> The subcommittee views this with deep concern, feeling that it is an unhealthy state of political affairs that may grow worse instead of better unless remedial action is taken by the Congress.

It is true that this state of political affairs would grow worse instead of better in the absence of remedial action by Congress. Remedial action was taken in the Presidential Election Campaign Fund Act when for the first time Congress approved the principle of one man-one vote in the financing of campaigns for the Presidency. The prohibition of private contributions for this purpose would bring Senator GORE's unfulfilled observation to fruition.

Mr. President, the Senator is an able lawyer. I would hope that instead of opposing everything done in the direction he has been recommending for 10 years, he would just once lend his sage advice as to how we could accomplish that which he worked so hard over and recommended so diligently 10 years ago, instead of making himself the principal roadblock, quarreling, arguing, standing in the way, and throwing sand in the eyes of every honest man who would help clean up corruption in government.

The PRESIDING OFFICER. The Senator's 6 minutes have expired.

Mr. LONG of Louisiana. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. HATFIELD in the chair). The Senator has 22 minutes.

Mr. WILLIAMS of Delaware. I yield the Senator from Illinois [Mr. DIRKSEN] such time as he may require.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I do not know whether we will have a campaign or not. We started out with a dollar, and now it is to be reduced to 50 cents. The Treasury cannot even do the paperwork for 50 cents, because there will be 100 million tax returns to be checked. They cannot sample them as they do now, 1 out of every 100.

The Internal Revenue Service wishes to have a check on a larger sample, and they are over here before the Appropriations Committee right now, asking for $11 million, so that the sample can be increased from one return per 100 to 1.4 per 100. I wonder, when we get this thing, how much their request will be.

There are some fancy ideas here as to what this will yield, as if everybody is going to make a little mark in that square and say, "Here is a dollar for the campaign." But they may be lucky to get $5 million, instead of $60 million. And there is a curious little something in this amendment which puts quite a damper on how you are going to run a campaign.

You can spend what you take in from that half dollar for radio, television, newspapers, periodicals, printing and distribution, and posters and billboards.

Suppose you run a sound truck. You cannot spend anything for a sound truck under this provision. Suppose you organize a chowder and marching club, and they go around the State?

Mr. COOPER. What about a bull horn?

Mr. DIRKSEN. A bull horn? You could not use a bull horn if it cost any money, because under the proposed amendment, you could not spend any money for it.

Mr. COTTON. Or a quartet?

Mr. DIRKSEN. Or a quartet, certainly, like Pappy O'Daniel had, long ago, down in Texas, when they used to say, "Pass the biscuits, Pappy." Remember? He took them all over the State.

But under this amendment, you cannot have a quartet. This is very restrictive.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MURPHY. What about a fountain pen?

Mr. DIRKSEN. A fountain pen?

Mr. MURPHY. I have found them very effective.

Mr. DIRKSEN. I do not see anything in here on fountain pens, unless that comes under the heading of "campaign literature."

Now take a look at subparagraph (B):

> No payment may be made under this Act into the treasury of any political party with respect to any presidential campaign unless the treasurer of such party has certified to the Comptroller General that no contributions, direct or indirect—

I do not know what an indirect contribution is, unless somebody wants to give you 50 billboards instead of giving you money. That would be an indirect contribution, perhaps—

> to defray expenses described in this paragraph incurred or to be incurred—

You guess when something might be incurred. That makes it quite speculative—

> in carrying on such presidential campaign.

The treasurer has got to certify that he has not "accepted or expended prior to the date of the certification by such party or the candidates of such party for the offices of President and Vice President, or by any organization controlled directly or indirectly by such party or either of such candidates."

Now, who is controlled "directly or indirectly," either by the national committee or the national treasury? Is it a county committee? Is it a precinct committee? Is it one of these collateral committees they set up that, instead of operating in two or more States, operates in just one State for its particular benefit?

Do they come to the candidate? The last time I ran they had "The Bankers for DIRKSEN." They had "The Lawyers for DIRKSEN." They had "The Farmers for DIRKSEN." They had "The Dairymen for DIRKSEN." They had "Labor for DIRKSEN."

I do not know what those committees were doing. It was 2 years after the campaign that I found out what one of those committees did. The chairman walked in my office and said, "Whether you like it or not, I am going to tell you how much money we raised and spent in your campaign." I said, "I do not want to know." I never did know.

Mr. GORE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. GORE. Mr. President, I suggest to the Senator that the pending amendment, although offered in utter good faith, would in fact open loopholes wider than those in the present Corrupt Practices Act. The Senator has cited the fact that he did not have knowledge and did not want to have kowledge of what the dairymen for DIRKSEN did. Let me read the present Corrupt Practices Act. It reads in part as follows:

> Every candidate for Senator shall file with the Secretary of the Senate a correct and itemized account of "each expenditure made by him or by any person for him with his knowledge or consent."

That is far more specific than the terms of the present amendment, but it is completely ineffective.

This merely refers to an organization controlled directly or indirectly. "Controlled" is certainly harder to prove than the fact that the candidate had some knowledge that the barbers had an organization supporting him. Does the Senator not agree that the pending amendment is an even wider loophole?

Mr. DIRKSEN. Certainly. What this governs is if any organization is controlled, directly or indirectly, by such party or either of such candidates. It does not say committee. It says organization.

What kind of an organization? Who is going to determine this matter? Who is going to determine whether there is direct or indirect control?

Do we have to go to the courts before we can resolve some of these matters?

Just looking at this thing and taking it at face value, it would appear that maybe we are not supposed to have a campaign. Just have their pictures taken and shoot them on television and let them talk a little on radio. Put their faces upon billboards and a nice fancy ad in the newspaper, maybe in the rotogravure section, done in lovely color.

That will be about the end of the campaign.

Doing the paperwork for 50 cents a throw, of course, just seems to me to be absolutely outlandish because we have some reason to believe, from people in authority at the other end of the avenue, that they are absolutely bewildered by this whole business, and they are just about frightened that the Empire State Building is going to fall on them.

I have talked to some of them. The Senator from Delaware [Mr. WILLIAMS] has talked to others, and we know pretty well, I think, what we are talking about.

This is a great big chunk of confusion, and it shows what happens when we try to rewrite a bill like this on the floor of the Senate.

The pending amendment and the other amendments ought to be voted down by a resounding vote before we get into deeper trouble than we are in at the present time.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. TYDINGS. Mr. President, insofar as the description of subparagraph (b) is concerned, the distinguished Senator from Illinois and I have both described it and the type of organization it would attempt to limit.

The purpose of that subparagraph is to limit the uses for which campaign contributions could be made. In other words, if the chairman or the treasurer of either party were to elect to receive 50-cent citizen contributions, those contributions would all have to be spent for one purpose only, for advertising media.

We know that the greatest single cost of campaigning today is advertising media, particularly television. The use of these media enables a candidate to present his story and argument before the people.

I think the 50-cent contributions, or the two-bit contributions as the Senator from Tennessee derides them, are important. I would much rather have 10,000 50-cent contributions than one $5,000 cash contribution, because it would mean that the individual citizen is interested in the campaign.

The reason why we limit the use of other funds raised by the various campaign committees is that if each of two committees elected to receive these funds—and I assume they would—that would put the same expenditure ceiling, on both major parties for putting their candidates before the public and letting the public see them on television.

We would not have the case of a candidate whose party was able to raise the most money and so was able to put him on television two or three times more than the other candidate.

Mr. MURPHY. Mr. President, what about the candidate who is born rich and who does not have to raise money? Does it not give him the advantage?

Mr. TYDINGS. Quite the contrary. This would give the same right and the same opportunity to the poor man who happens to be nominee for President as it would the rich man.

Mr. MURPHY. I am speaking about the candidate who is a rich man and could use his own funds.

Mr. TYDINGS. If the rich nominee elected not to use the funds from the 50-cent contributions, at least the other candidate, the poor candidate, would have the opportunity to use the funds and make an adequate showing on television which he would not be able to do otherwise. He would otherwise be left completely out in the wilderness.

Mr. MURPHY. What happened to the suggestion made some time ago by the junior Senator from California to the effect that television is not part of advertising, but is part of the use of the air that belongs to the people and is leased to advertising media by the FCC? What about making time available to each party?

Mr. TYDINGS. I think the point of the Senator from California is well taken. I reserve the right not to limit myself to this amendment. I think the Senator makes a good point.

If the suggestion of the Senator from California were possible and feasible, I think it would be worth following up at once. However, we are working on this measure together with legislation already enacted. We are trying, or at least I am trying, by the best amendment I can draft, to limit the use of funds to those areas which I think are most important and most subject to control, so that the funds this act provides cannot be used to influence or control the local parties or control the local State organizations I am trying to tighten up the procedures and do the best job we can do with the measure we have before us.

Mr. DIRKSEN. Mr. President, another little interesting gimmick is contained in here.

It says at the end that:

> No such contributions will be accepted or expended to defray such expenses on or after the date of the certification.

I remember a campaign some years back when I was chairman of the Senatoral Campaign Committee. The National Committee had its tongue out a mile looking for some money to go on the network.

I said: "How much money do you need?"

They said: "Well, we need $97,000."

I said: "I have it in the Senatorial Campaign, and I will stake you to $97,000." And I did.

Show me anything in here which would provide that we could pay money out of the senatorial fund into the national fund.

There would be an interdiction under this provision, as I read it. They could not accept it.

The treasurer of the national committee, looking after the affairs of a presidential candidate, may need funds so badly that he can taste it, but he has to certify that contributions will not be accepted.

Now, how impractical can you get in a campaign, when the heat is on and the stakes are high?

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. SCOTT. It occurs to me to ask what happens if a candidate has a deficit. Does that mean the people to whom he owes the money go without payment?

Mr. DIRKSEN. I do not know what you would do. Maybe you would be in the fix of the U.S. Government, with its great, big public debt. I do not know what you would want to do after the campaign is over. And can you get restitution to make up the deficit? If there is not enough money in the fund, then what?

Mr. SCOTT. I wonder about the constitutionality of a provision that would excuse the payment of a just debt.

Mr. DIRKSEN. Mr. President, this confusion can be multiplied until it becomes confounded. It seems to me that this is just going to confuse this picture no end—not only for ourselves, but for the Treasury and the Comptroller General as well. This amendment and others like it ought to be voted down most resoundingly.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. LONG of Louisiana. Mr. President, the Senator has said that we should not legislate in this fashion on the floor. That is what I said. But the Senator from Delaware brought his amendment out, and the Senator from Tennessee offered his amendment to the amendment. I would be happy to move to table the Williams amendment right now, if it will make the Senator happy, and we would brush them both aside.

Mr. DIRKSEN. But the Senator from Tennessee did not bring us any confusion. He just said the Long act ought to be repealed. Everybody can understand that. You do not have to be a Philadelphia lawyer to understand what you are about when you say, "Sponge it off the statute books."

Mr. LONG of Louisiana. Some people say, "There are some good things in the Long act. We would like to keep that and improve on it."

We say, "That being the case, if you want to legislate in that area, we'll legislate. You find what's wrong with it, and we'll find you an amendment to take care of it and invite you to correct your own criticism."

Mr. DIRKSEN. I am the best little helper the Senator has. But that has no bearing on the issue about repealing the Long act. Yes or no. One need not have a book of logarithms and know the fourth dimension and advanced algebra in order to know what he is voting on.

Mr. LONG of Louisiana. All that need be done in connection with perfecting amendments is to vote yes or no.

Mr. DIRKSEN. No; we are going to confuse the issue more and more.

Why not go back and just vote on the repealer? It would be very simple. We can get it all done this afternoon. If the Senator from Louisiana wins, he wins. If the Senator from Tennessee wins, he wins. But the issue would be resolved.

Mr. LONG of Louisiana. The Senator knows the rules. It is necessary to vote on perfecting amendments before voting on the bill itself.

Mr. DIRKSEN. I know something about the rules.

Mr. LONG of Louisiana. If the Senator wishes to legislate in this area, we will see what we can do. We will legislate on the floor, and when Senators present amendments to see what they can do to perfect their handiwork, we will see what we can do.

The Senator from Delaware was a part of the original combine to arrange a parliamentary situation where the Gore amendment would not be subject to amendment, and he exercised his right under the rules and added amendments to his own amendment, to perfect his amendment. The Senator from Delaware has that right, and so does every other Senator, and we are exercising the same rights that the ranking Republican member on the committee claims for himself.

I hope the Senator will not be too upset——

Mr. DIRKSEN. I am never upset.

Mr. LONG of Louisiana. Or that the Senator will not be resentful of Senators using the same rights he has under the rules to amend a bill, an amendment which they believe would improve a bill.

Mr. DIRKSEN. I am exercising a perfectly justifiable legislative prerogative. I am pointing out that this is bad stuff, this is bad medicine.

I am like the person who went down to the Mellon Galleries and criticized a painting down there. The artist happened to be there at the time and listened to this carping, sharp criticism, and said:

> How dare you criticize my painting: What do you know about art?

Well, the citizen said:

> I'm no chicken, but I know when an egg is rotten.

And I know when something is bad, and this is bad. You do not have to be an expert to see it. It still ought to be voted down.

All I do, Mr. President, is to exercise a perfectly proper prerogative, to point out that what we are going to do will compound the error that we are already in.

Mr. TYDINGS. Mr. President, I shall go over once again what the amendment would do, and I shall then be prepared to yield back the remainder of my time.

My amendment would restrict the Long bill as amended. For the 1968 campaign, it would reduce the campaign check-off figure from $1 to 50 cents, the theory being that we should start a little smaller, see how it works in the first election, and then go up. For the 1968 campaign my amendment would limit the use of funds to campaign advertising media—specifically, radio, television, and motion picture production time and expenses; newspaper and periodical expenses; expenses for the preparation of printing and distribution of campaign literature, including posters and billboards. The purpose of that would be to take care of the criticism made by the Senator from Missouri and the Senator from New York that if you had other allowable expenditures, the money could be used by the national chairman to influence a State organization.

Finally, for the 1968 campaign, the amendment would provide that where a national committee accepted check-off funds, for these advertising purposes, they could not then use their other campaign contributions for those purposes. They would have to use them for other purposes, such as campaign headquarters expenses or State campaign expenses, and so forth. It is a tightening amendment. I hope that the Senate adopts it.

I am prepared to yield back the remainder of my time.

Mr. WILLIAMS of Delaware. I yield to the Senator from Kentucky [Mr. Morton], and then I shall be prepared to yield back the remainder of my time.

Mr. MORTON. Mr. President, I should like to propound a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MORTON. Are we not considering a bill which has to do with the restoration of investment credit and accelerated depreciation?

The VICE PRESIDENT. That is the bill, H.R. 6950.

Mr. MORTON. I find myself confused about the debate of the last 2 hours.

The VICE PRESIDENT. The Chair is happy to clarify the situation.

Mr. WILLIAMS of Delaware. I am prepared to yield back the remainder of my time.

Mr. TYDINGS. I yield 1 minute to the Senator from Kentucky [Mr. Cooper].

Mr. COOPER. Mr. President, I intend to vote for the Gore amendment. I do not believe that the Long amendment enacted last year if kept in the law will ever reach the real problem—the necessary correction of the Corrupt Practices Act. But if the Long amendment remains in the law, I should like to see time given for some experience in its operation, as is proposed by the amendment of the distinguished Senator from Maryland.

I have heard my distinguished colleague, the Senator from Illinois [Mr. Dirksen]; but I call to attention that if the Long amendment is kept in the law, there still will be other campaign committees that will collect money for other uses.

For the reason that I should like to see some protection provided, and—I believe that is the purpose of the Senator from Maryland—I intend to vote for his amendment.

Mr. TYDINGS. I thank the distinguished Senator from Kentucky.

I yield back the remainder of my time.

Mr. WILLIAMS of Delaware. I yield back the remainder of my time.

The VICE PRESIDENT. All remaining time has been yielded back. The question is on agreeing to the amendment of the Senator from Maryland. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Vermont [Mr. Aiken]. If he were present and voting he would vote "nay." If I were permitted to vote I would vote "yea." I withdraw my vote.

Mr. LONG of Louisiana. I announce that the Senator from Pennsylvania [Mr. Clark], and the Senator from Oklahoma [Mr. Harris], are absent on official business.

I also announce that the Senator from Minnesota [Mr. McCarthy], the Senator from Montana [Mr. Metcalf], and the Senator from Texas [Mr. Yarborough], are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. Clark], the Senator from Oklahoma [Mr. Harris], the Senator from Montana [Mr. Metcalf], and the Senator from Texas [Mr. Yarborough], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken] is absent on official business, and his pair has been previously announced.

The Senator from Texas [Mr. Tower] is necessarily absent, and, if present and voting, would vote "nay."

The result was announced—yeas 47, nays 45, as follows:

[No. 73 Leg.]

YEAS—47

Bartlett
Bayh
Bible
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Dodd
Eastland
Ervin
Fong
Fulbright
Gruening
Hart
Hartke
Hayden
Holland
Hollings
Inouye

Jackson
Jordan, N.C.
Long, Mo.
Long, La.
Magnuson
McGee
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Pastore
Pell
Proxmire
Randolph
Ribicoff
Russell
Smathers
Stennis
Symington
Talmadge
Tydings
Williams, N.J.
Young, Ohio

NAYS—45

Allott
Anderson
Baker
Bennett
Boggs
Brooke
Carlson
Case
Church
Cotton
Curtis
Dirksen
Dominick
Ellender
Fannin
Gore
Griffin
Hansen
Hatfield
Hickenlooper
Hill
Hruska
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
McClellan
Monroney
Morse
Morton
Mundt
Murphy
Nelson
Pearson
Percy
Prouty
Scott
Smith
Sparkman
Spong
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—8

Aiken
Clark
Harris
Mansfield
McCarthy
Metcalf
Tower
Yarborough

So Mr. TYDINGS' amendment, to the amendment of Mr. WILLIAMS of Delaware, was agreed to.

Mr. INOUYE. Mr. President——

The VICE PRESIDENT. The Senator from Hawaii is recognized.

Mr. WILLIAMS of Delaware. Mr. President——

Mr. INOUYE. Mr. President, I call up my amendment——

Mr. WILLIAMS of Delaware. Mr. President, would the Senator yield? Are we to switch seats whenever we have an amendment to offer? The Senator from Maryland was also recognized when he came down to a certain seat. We, too, have an amendment to offer.

The VICE PRESIDENT. The Chair recognized the Senator who asked for recognition first. He was in the majority leader's chair, which happened to be occupied by the Senator from Hawaii.

Mr. WILLIAMS of Delaware. Mr. President, I hope that each time those who wish to offer amendments do not have to go to the majority leader's seat.

The Senator from Tennessee [Mr. GORE] and myself had been planning to offer an amendment earlier, and I did think that we could move around in the Chamber. I realize we can offer an amendment on any side, but it seems to me that we could make better progress if those on the minority side could be recognized also. I thought we had that understanding from the Chair.

The VICE PRESIDENT. Let me say to the Senator that it was the intention of the Chair to recognize either the Senator from Tennessee or the Senator from Delaware——

Mr. WILLIAMS of Delaware. That was my understanding——

The VICE PRESIDENT (continuing). After the Chair had recognized the Senator who had asked for recognition first.

Mr. INOUYE. Mr. President——

THE VICE PRESIDENT. I do not know for what purpose the Senator from Hawaii is asking recognition.

Mr. INOUYE. Mr. President, in order to preserve tranquility in the Senate, may I suggest that the Chair recognize the Senator from Delaware.

Mr. WILLIAMS of Delaware. I yield to the Senator from Tennessee.

The VICE PRESIDENT. The Senator from Tennessee will be recognized if the Senator from Delaware will permit me first to make the following two announcements:

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, pursuant to Public Law 84–1028, appoints Senator JACOB JAVITS as a member of the Board of Visitors to the U.S. Military Academy to replace Senator ALLOTT, resigned.

The Chair, pursuant to Public Law 80–843, appoints Senator JACOB JAVITS as a member of the delegation to the International Labor Conference to be held June 7–29, 1967, in Geneva, Switzerland, to replace Senator DOMINICK, resigned.

INVESTMENT TAX CREDIT

The Senate resumed the consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

Now the Chair recognizes the Senator from Tennessee.

Mr. GORE. Mr. President, I offer an amendment to the Williams amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The clerk will state the amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 1, beginning on line 1, strike out all down through line 4, and insert the following:

SEC. 5. (a) The Presidential Election Campaign Fund Act of 1966 is repealed effective July 1, 1967.

(b) (1) Subchapter A of chapter 61 of the Internal Revenue Code of 1954 is amended by striking out part VIII (relating to designation of income tax payments to presidential election campaign fund).

(2) The table of parts for such subchapter is amended by striking out the item relating to part VIII.

The VICE PRESIDENT. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President——

The VICE PRESIDENT. How much time does the Senator yield himself?

Mr. GORE. Ten minutes.

The VICE PRESIDENT. The Senator from Tennessee is recognized for 10 minutes.

Mr. GORE. Mr. President, the pending issue has been debated now for 2 weeks. A number of Senators have engagements tonight and tomorrow and have requested, if at all possible, that this issue be brought to a vote, that we not have to be faced with the continuing process which we have witnessed in the Chamber.

Therefore, I have offered on behalf of myself and the Senator from Delaware [Mr. WILLIAMS], and also at the request of a number of Senators who have engagements later today, an amendment to repeal the Presidential Campaign Fund Act of 1966 as of July 1, 1967.

In my view, the offering of this amendment has the virtue of bringing the issue to a head before a number of Senators must depart this Chamber.

I believe that it has an additional virtue, in that it would repeal the act as of July 1, 1967, which would accord to those who wish to write amendments and give committee study immediately an opportunity so to do, but without the burden of the Presidential Campaign Fund Act being in the law and unacted upon.

I do not desire to detain the Senate. This amendment will provide an immediate test. The issue has been hard fought. It is so close that the issue—as many of them are—will likely be determined, unless we bring it to a test now while Senators are here, by absentees and pairs. Therefore, when there is the fullest possible membership of the Senate in the Chamber right now, I offer the amendment and reserve the remainder of my time.

Mr. LONG of Louisiana. Mr. President, who has time?

Mr. President, may I inquire what the present parliamentary situation is?

The VICE PRESIDENT. The parliamentary situation is the amendment of the Senator from Tennessee as a perfecting amendment to the amendment of the Senator from Delaware, which is in the second degree.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. On whose time?

Mr. LONG of Louisiana. On my time.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Hearing no objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, as I have said, I am firmly convinced that the Presidential Election Campaign Fund Act, or the Long Act as it is known, is a major step in solving the all-important problem of financing presidential campaigns.

The cost of financing campaigns at all levels, including presidential campaigns, has risen astronomically in recent years with the advent of television and generally increased costs. To illustrate the present grandiose scale of campaign expenditures, I wish to refer to the expenditures of two recent candidates in New York State. I am, of course, referring to the 1966 campaign of Governor Rockefeller for reelection and the 1965 campaign of Mayor Lindsay, the total of both campaigns costing approximately $7.6 million. This total is based on reported campaign expenditures in compliance with New York political expenditure laws, and we all know that actual campaign expenditures by necessity far exceed those expenditures which are reported by law.

On close analysis, it becomes apparent that the total expenditures by Governor Rockefeller and Mayor Lindsay—$7.6 million—is nearly one-half of what the Republican presidential candidate in 1968 will probably receive under the Long act, with the amendment of the Senator from Maryland [Mr. TYDINGS].

It is estimated that, under the Long act, as amended by the Tydings amendment, both parties would receive twelve and a half million dollars each.

It is recognized that the campaigns of Governor Rockefeller and Mayor Lindsay represent the campaigns of a Governor and a mayor on the largest possible scale for their respective offices in the United States.

However, New York State is only one of 50 States and New York City is only one of hundreds of cities where expensive political campaigns are waged. And, it need not be pointed out that the total $7.6 million was only the reported expenditure of the Republican candidates in New York State and New York City, respectively. It would be difficult to estimate what the total amount spent by the candidates of one particular party would be in all of the States in the Union and in all of the major cities, not to mention all of the county, township, and school board races in the Nation in which campaign expenditures are made. Certainly, the sum total of campaign expenditures by the thousands of candidates sponsored by the Republican Party would be many times greater than the projected $12.5 million which the Republican presidential candidate and the $12.5 million which the Democratic candidate will have at his disposal in 1968 by virtue of the Long act. When placed in the context of the entire body politic of the United States, and when contrasted to the total $7.6 million reportedly spent by only two candidates in one State, $12.5 million is not an excessive sum of money for waging a nationwide campaign, from Maine to Hawaii and from Florida to Alaska.

The substantial distances which a Presidential candidate must travel, usually in great haste in a chartered jet aircraft, indicate that the sum of $12.5 million can be put to good use with little chance of waste.

The total expenditures made in behalf of Governor Rockefeller for his campaign for reelection in 1966 were reported to have been $5,230,982. Some of these itemized expenditures included millions of dollars for television and other items.

The 1966 Rockefeller campaign raises another important issue which the political campaign fund created by the Long act will help solve. It is a well known fact that candidates of great wealth are better able to finance campaigns than candidates, who might be extremely qualified but are not blessed with large private fortunes. As I pointed out before, Governor Rockefeller reported expenditures of $5.2 million. On the other hand, his unsuccessful opponent, Frank D. O'Connor, the Democratic nominee, reported expenditures of only $576,000. Governor Rockefeller's campaign organization spent nearly 10 times as much as Mr. O'Connor.

In these days when effective use of news media is all-important in waging an effective campaign, Mr. O'Connor was obviously faced with an insurmountable obstacle. One-half million dollars simply will not buy as much prime TV time as $5 million. The end result is that the O'Connors and other candidates are discouraged from running for public office either because they cannot personally raise sufficient funds or because they do not have sufficient contacts to adequately finance a campaign.

The Long act will solve this very problem and help to put the two major parties on an equal footing.

Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator has used about 8 minutes.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. Not at this time.

The practical financial realities of Presidential campaign financing in the context of contemporary American political and economic life are changing to a startling degree. In the future, a child must be born of a very wealthy sire to have a serious chance of being nominated and elected President unless he should so shape his existence that he becomes the darling of the money barons to the extent that they favor him over one of their like financial condition.

No longer can a Jackson or a Lincoln from a frontier cabin grow straight like an oak and march in undeviating course of great national service to become the nominee of his party and the President of his country.

Nowadays, one born of a billionaire great grandfather is tabbed as being well on his way to the Presidency from the day he is elected to the State legislature. The power of great wealth can clear his way until he is confronted by another of his kind in the race for the Presidency itself. I commend young men of wealthy background for their public mindedness in aspiring to public office—even the highest in the land. But that opportunity must not be confined to them or their limited class or privileged background.

The ancient American dream that every humble mother's son could be President has been clouded by the power of big money. That cloud must be removed. It results in a great waste of potential leadership from the millions of able young men who do not spring from a multimillionaire father or grandfather.

As it stands today, the chance of a child to become President belongs to those of great wealth, not to those born in the cottage.

If I had my way, the chance to lead our people would exist even for a foundling abandoned in the bulrushes, or for a baby born in a manger. The progress that we have made toward clean, honest Federal elections demands that we move forward, not backward, Mr. President.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. KENNEDY of New York. Could I ask the Senator a question about the point where he talked about Mr. Frank O'Connor, up in the city of New York, running for Governor of New York? How would the Long amendment help Frank O'Connor?

Mr. LONG of Louisiana. It just moves in the direction of providing a candidate for President need not be in the position of Frank O'Connor, where the other candidate had great resources at his disposal.

Mr. KENNEDY of New York. The fact remains that the Long amendment is not going to help anybody running for Governor or any other State office.

Mr. LONG of Louisiana. It might help somebody like the present occupant of the chair [the Vice President]. He had a try, one time, at running for the nomination for the Presidency in West Virginia, and he signed checks for his household money, according to a book written about the election that year, and still could not afford the money it took to run in a State like West Virginia.

Mr. KENNEDY of New York. Will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. KENNEDY of New York. Could the Senator tell how the Long amendment would help anybody running in a primary in the State of West Virginia, or anywhere else?

Mr. LONG of Louisiana. It is a move in the right direction.

Mr. KENNEDY of New York. But it does not help anybody running in a primary in West Virginia, and it does not help Frank O'Connor, running for Governor of New York.

Mr. LONG of Louisiana. If the Senator will let me speak on my time, he can speak on his.

Mr. KENNEDY of New York. I thought the Senator said he yielded.

Mr. LONG of Louisiana. I yielded for a question.

If that man got the nomination, it would help him. It would help somebody like Harry Truman, who could not find the money to leave Boston after he made a speech up there. If some fellow who had no help from special interests managed to obtain the nomination, it would help him finance his campaign.

Besides that, it is a step in the right direction because it could help the poor boy compete with the millionaire, if it were extended to apply to primaries. Perhaps that is what some people fear.

Mr. KENNEDY of New York. I point out to the Senator that I am in favor of all that. As I stated last week, I am in favor of assistance to those running Statewide, those who run in primaries, and those who are involved in elections. I think the way to do it is to let every individual check off on his tax return to whom he wishes to make his contribution, and not have some authority here in the city of Washington, the head of the Republican Party or the head of the Democratic Party, make that decision for everybody across the United States.

Mr. LONG of Louisiana. I decline to yield further, except on the Senator's time.

Mr. KENNEDY of New York. I am going to ask a question at the end of my speech.

Mr. LONG of Louisiana. How much time do I have remaining, Mr. President?

The VICE PRESIDENT. The Senator has about 16 minutes left of his time.

Mr. LONG of Louisiana. I yield for a question.

Mr. KENNEDY of New York. Let me say before asking my question, if I may——

Mr. LONG of Louisiana. Am I yielding on the Senator's time, or my own?

The VICE PRESIDENT. Who is going to speak?

Mr. LONG of Louisiana. Is the Senator speaking on the time for the amendment?

Mr. KENNEDY of New York. I thought the Senator yielded to me for a question.

Mr. LONG of Louisiana. But the Senator is making a speech.

Mr. KENNEDY of New York. I was just laying the foundation to ask the Senator a question.

Mr. LONG of Louisiana. I have only 16 minutes remaining before I will be compelled to vote. I shall be happy to listen to the Senator, but he ought to speak on Senator GORE's time.

Mr. KENNEDY of New York. I thought the Senator yielded to hear some more about it. If he does not wish to hear my question——

Mr. LONG of Louisiana. If the Senator has a question, I will listen to it.

Mr. KENNEDY of New York. All right. The question I have, after I state what I am interested in, is that everybody have enough money to run at the local level, without tight restrictions, and that this legislation should not be restricted to just those who receive the presidential nomination, that it should be for everybody, and therefore I wanted to ask the Senator from Louisiana how this legislation would help anybody who was going to run in a primary, nationwide, a presidential primary; how he could run in a statewide primary; or, as to anybody running for Governor, or for the U.S. Senate, or for Congress, how the Long amendment would help any of those.

Mr. LONG of Louisiana. It would help them if they got the nomination.

Mr. KENNEDY of New York. If they got the nomination for what?

Mr. LONG of Louisiana. For the Presidency of the United States.

Mr. KENNEDY of New York. Does the Senator mean it would help Frank O'Connor, if he ultimately got the nomination for President of the United States?

Mr. LONG of Louisiana. That is right. And it would also help in this respect: If a poor boy is trying to obtain that nomination for the Presidency, it would help him, in seeking the nomination to be assured that he will be able to finance a campaign if he received the nomination, and it would also help in that it charts a course in the direction of saying that even in a presidential primary, money for television and radio expenditures might be made available. Finally it will help by freeing up to $60 million in contributions for primaries and other elections which today must be raised for presidential elections.

I do not know how the Senator voted on the Tydings amendment, but the Tydings amendment was drawn to meet the speech the Senator made the other day, and to remove objections made by the Senator from New York to the so-called Long Act. I do not know whether the Senator voted for or against it.

Mr. KENNEDY of New York. The Senator from New York voted against it, because I do not think the reporting features of the Tydings bill were practical. Second, although there are some features of the Tydings bill which represent an improvement, yet the fact remains that somebody here in Washington is going to make decisions affecting such matters as how much television time may be purchased in California, or Wisconsin, or New York, or how many placards are to be purchased, and all of those major decisions which so vitally affect a candidate for local office or State office. Those decisions would be made by somebody in Washington, and not by the local Democratic or Republican Party, or by the candidate himself. I think that is a very dangerous precedent, and that is why I am against it.

Mr. LONG of Louisiana. May I say that when the Senator finds fault with an amendment that would make it possible for any mother's son to run, he never shows us just how the amendment, be it one-man, one-ballot, or one-man 50 cents, could be corrected to meet his objections.

Mr. KENNEDY of New York. May I tell the Senator from Louisiana? I will tell him right now how it could be corrected. We should not just have a checkoff system. We should have a system where everybody could give up to $50 to any candidate of his choice, or any political party of his choice. He could make a contribution to Frank O'Connor, running for Governor of New York, or he could give to the local Democratic Party or the local Republican Party.

Mr. LONG of Louisiana. Then why not offer us the opportunity to put this matter back in committee, and bring out, perhaps, what the Senator would recommend?

Mr. KENNEDY of New York. That is exactly what the amendment of the Senator from Tennessee would do.

Mr. LONG of Louisiana. But the Senator from Tennessee wishes to remove the law from the statute books.

Let me say this: There are some who are interested in preserving the power of great wealth in this country, and not yielding one iota. Those people would be in a position to kill any proposed new law which might help make democracy more realistic merely by a filibuster, if they wished to, or by delaying tactics, which would be available to them if this Gore amendment carries.

Mr. SMATHERS. Mr. President, will the Senator yield for 4 minutes?

Mr. LONG of Louisiana. I yield to the Senator from Florida.

The VICE PRESIDENT. The Senator from Florida is recognized for 4 minutes.

Mr. SMATHERS. Mr. President, it seems evident to me, and I am sure to every other Senator, that we need to amend the act. I think the questions asked by the distinguished Senator from New York, and others, are evidence of the fact that everybody wants to finally work out a better way of providing money for campaigns, not only for the Presidency but for men who run for the Senate or for the House.

This subject has been talked about for years. I know from my personal knowledge that it has been talked about for 22 years; and I know that for 20 years previous it had been discussed pro and con, and nothing happened.

The first realistic action that was taken was when the Senator from Louisiana secured the adoption of his amendment to a tax bill last year. He said at that time that his proposal was not perfect. He said then that it probably needed to be amended. Everyone agrees that it will have to be amended, broadened, expanded, and refined.

The Senator from Louisiana, who is chairman of the Committee on Finance, has said that he will hold hearings on such a proposal this year. The Senator from New York [Mr. KENNEDY], the Senator from Tennessee [Mr. GORE], who is a member of the committee, and the Senator from Delaware [Mr. WILLIAMS], who also is a member of the committee, will then have an opportunity in committee to make their wishes known, to make their recommendations felt, and possibly to win. As a matter of fact, they probably could have won some of the changes that they wanted, had we had a vote in committee before this time, and the members of the committee know that. But the fact is that they will have such an opportunity. The Senator from Louisiana has promised to give us that opportunity, and to give it to us this year.

The other fact is that the amendment offered by the distinguished Senator from Tennessee is not relevant to the bill before the Senate today. We are trying to pass a 7-percent investment credit bill, so as to spur the economy of the country. Every Member of this body favors that.

We also know that the House will not take the tax incentive credit bill with the Gore amendment attached. So the bill will be back in the Senate in a couple of weeks without the Gore amendment, if it should be adopted today. We shall be right back where we are at this moment; so why not be sensible and reject the Gore amendment? Then the committee can hold the hearings which have been promised by the Senator from Louisiana. I can assure Senators that we will then have an opportunity to change, revise, and expand the proposal, so that it will not be limited to presidential campaigns, but will include campaigns for the Senate and House, primaries, and other kinds of campaigns.

If the Long amendment is rejected, we shall be placed in the position we were in a year ago; and again, for the next 20 years, probably nothing will be done.

At least, the Long amendment is a spur; it is an incentive for us to do something. Therefore, I hope that the Senate will not vote for the Gore amendment, but will give the Committee on Finance an opportunity to do its work as it should do it—in a sensible and an affirmative way.

Mr. ERVIN. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield to the Senator from North Carolina.

Mr. ERVIN. I should like to ask the Senator from Florida how he happens to know that a majority of the 435 Members of the House will not accept the bill if the Gore amendment is attached. Does the Senator from Florida have such portentous powers as to foresee that that will happen?

Mr. SMATHERS. There is one thing that the Senator from Florida does, and the Senator from North Carolina can do it too. The Senator from Florida reads the newspapers. If the Senator from North Carolina will read the newspapers, he will see that the distinguished chairman of the House Committee on Ways and Means has said that he wants a 7-percent investment credit bill.

The VICE PRESIDENT. The 4 minutes yielded to the Senator from Florida have expired.

Mr. SMATHERS. I ask for an additional minute.

Mr. LONG of Louisiana. I yield an additional minute to the Senator from Florida.

Mr. SMATHERS. The chairman of the House Committee on Ways and Means does not want any amendments attached to the 7-percent investment credit bill. He intends to stand fast. He has made such a statement.

The Senator from North Carolina asks me how I know. I read it in the newspapers.

Mr. ERVIN. Mr. President, the Senator from North Carolina finds the House vote in the CONGRESSIONAL RECORD and not in the newspapers.

Mr. SMATHERS. Mr. President, the Senator is entitled to arrive at his information in any way he can get it. I read the figures and I am sure that is right.

I urge that we not tilt at windmills here. The Senator will have his day in court. So will the Senator from Tennessee. So will the Senator from Delaware.

We can do this in an orderly fashion. We can bring in the academicians and experts, and we can come out with something that is really meaningful and prudent.

Mr. NELSON. Mr. President, I would like to ask the Senator from Louisiana a question.

The VICE PRESIDENT. Does the Senator from Louisiana yield for a question on his time?

Mr. LONG of Louisiana. I yield.

Mr. NELSON. Mr. President, do I correctly understand that, if the Gore amendment does not prevail, the Finance Committee will conduct hearings and give consideration to all aspects of this problem?

Mr. LONG of Louisiana. I promise that I will do that.

Mr. NELSON. Mr. President, I am drafting a bill that aims at approaching another aspect of the problem. It does respond to the issue raised by the Senator from New York concerning the financing of campaigns for members of Congress and Governors.

My proposal will aim at allowing a tax deduction. Will the Finance Committee consider that kind of legislation at the same time it consider the other proposal?

Mr. LONG of Louisiana. If it is within my power, I certainly will.

Mr. NELSON. The Senator says he will do so if it is within his power.

Mr. LONG of Louisiana. The answer is "Yes."

Mr. NELSON. It is within the chairman's power.

Mr. LONG of Louisiana. The Senator is correct.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MAGNUSON. Mr. President, I am pleased to hear the report of the Senator from Louisiana that he will hold hearings on other facets of this subject.

The Senator from Kentucky and I have long been advocates of a tax deduction. We have introduced bills and have talked with other Senators.

We have had some experience with campaign committees on this matter, and although many others have talked about tax exemptions and tax credits in some cases, I think the tax deduction is one of the most potent alternatives, if there is an alternative to the plan of the Senator.

I am glad for these assurances. The Senator from Kentucky and I will be glad to support such public contributions—whether they be in the amount of $50 or any other amount—made to the party of an individual's choice just as any individual would contribute to a community enterprise.

Mr. President, I must agree with the unassailable logic of the Senator from Florida [Mr. SMATHERS].

Mr. LONG of Louisiana. Mr. President, make no mistake about it. Taking the Long Act off the statute book will not be to improve it. Instead, it will be an effort to maintain the power and control exercised by great wealth in the country.

That is what we are talking about, and that is why the courtesy afforded to a chairman to conduct a hearing seems no longer to apply here.

We are talking about something that is a very important issue.

I promise the Senate that, if I am accorded the courtesy of handling this matter that other committee chairmen would be accorded, I will conduct hearings.

I do not make the promise otherwise. However, if I am shown the courtesy that committee chairmen have been shown as far back as I can remember, I will help to bring forth a bill. I will consider everybody's view and try to make democracy meaningful.

If I am voted down and shown the discourtesy that has been shown me to this moment, I do not see why I should bother, because the reason for doing this would be to help those who do not want any reform, those who do not want a Corrupt Practices Act and do not want to have such a provision as this, but would rather want to find an excuse for having nothing happen.

The way to have something happen is to leave the Long Act on the statute book until we find something better.

Mr. President, I reserve the remainder of my time.

Mr. GORE. Mr. President, I yield 5 minutes to the senior Senator from Illinois.

The VICE PRESIDENT. The senior Senator from Illinois is recognized for 5 minutes.

Mr. DIRKSEN. Mr. President, let me say to the Senator that he has no monopoly on the desire for clean, fair, and impartial elections.

The idea of saying that certain people do not want this. There may be certain people that do not want it, but I cannot imagine a U.S. Senator who does not want to have fair and impartial elections, properly conducted, where there is not the shadow of a doubt cast upon the election result.

After all is said about the wealth in politics and how wealthy people can succeed and others cannot, I want to say that I had to borrow $800 when I first went to Congress.

If the Senator wants to use such a statement as an example, let me illustrate how his argument falls of its own weight.

I will summon Harry Truman as the first witness. Nobody ever saw Truman wallowing in $10 bills or $100 bills. He has retained his humility and station in life to this very hour. He deserves credit for it.

If it comes to a Governor, nobody would say that the hotdog man who was running a restaurant in Georgia and subsequently became Governor of the State was rolling in a great big bank account.

I can name some Senators who are present in the Chamber this afternoon who had a hard time making ends meet in their campaigns.

The talk about great wealth is a lot of nonsense. There was talk about spending $7,700,000 in the New York campaign for Mayor Lindsay and Governor Rockefeller. How many people are in New York? There are 16 million, maybe more. There were two elections.

Divide the amount up and see how much is left and how much was spent. We started with a $1 contribution in the original Long bill. It would probably average out about the same before we got through.

The amount is now down to 50 cent contributions. Someone wanted to reduce it to a quarter. Since we injected a little copper into the quarter instead of silver, we will have a bargain rate here and a bargain campaign.

Make no mistake about it. Leave this on the book and watch the Treasury come up here and ask for a hat full of money in order to get out of the trouble they are in. They must check 100 million tax returns.

They could not guess or spot check them. I do not know whether they have computers that could do this work or not. However, the fact of the matter is that we cannot take a dollar out of a man's income tax payment until we look and see whether there is a check marked in that box.

The representatives of the Department are up here now asking for 1,000 extra people. How much money do they want? Eleven million dollars. They want this money so that they can make a little better check than they do now. They are checking 1 return in 100. They want now to make it 1.4 returns in 100.

That is not gaining very much on checking tax returns. But for that four-tenths of 1 percent, it is going to cost $11 million. You figure out what it is going to cost before we get through. And all the money that you get from those tax returns will probably be licked in expenditures by the Treasury and the General Accounting Office in trying to administer this matter. And then you will not have much, either.

The best thing to do is to wipe this legislation off now, and then let us start fresh, and then let us take the whole ball of wax.

The Committee on Finance does not have any jurisdiction over the Hatch Act. It does not have any jurisdiction over the Federal Corrupt Practices Act. It does not have any jurisdiction over corporate contributions or labor union contributions. Such matters do not go to that committee. They go elsewhere. So all these assurances should be taken with a grain of salt before we get through.

Mind you, before long it will be the first of May. Already there is talk about when Congress will adjourn. What are you going to do from that time until adjournment? Do you think you are going to get that kind of job done? Not by a jugfull. Look at the time we frittered away on this thing, when we should have had a straight-cut vote on the Gore amendment and voted it up or down.

If we want to avoid further trouble, confusion, and expense, the thing to do is to vote for the Gore amendment. Let us have it over with, and let us start fresh, and then perhaps we will get somewhere.

Mr. GORE. Mr. President, so long as the Presidential Campaign Fund Act of 1966 remains a law, it stands as an obstacle to true election law reform. It stands as an obstacle to an honest election law. It stands as an invitation, as a legalized formula, for the commingling of great wealth, from whatever sources, however questionable, with public funds.

This law is wrong in principle. It is administratively unworkable. Just talk to responsible officials of the U.S. Treasury confidentially, and they will so state.

I do not wish to recapitulate the arguments which we have made here for 2 weeks. I appreciate the attention that the Senate has given. I realize that unless we vote right away, many Members will have to depart this Chamber.

Mr. President, I am ready to yield back the remainder of my time—the issue is squarely put—if the distinguished junior Senator from Louisiana is ready so to do.

Mr. LONG of Louisiana. Mr. President, I have additional requests for time. I have used almost all of my time. I believe I have yielded rather liberally. I should like to ask that both sides be permitted 6 additional minutes.

Mr. WILLIAMS of Delaware. I object.

The VICE PRESIDENT. Objection is heard.

Mr. LONG of Louisiana. I yield my remaining time to the Senator from Connecticut.

Mr. DODD. I thank the Senator from Louisiana.

Mr. WILLIAMS of Delaware. Mr. President, what time are we yielding on?

The VICE PRESIDENT. The Senator from Louisiana has 4 minutes remaining.

Mr. DODD. Mr. President, I rise to speak in support of the Long Act—as I call it—as an instrument for removing the inequities and reducing the abuses in our electoral system.

Our Nation prides itself on being a land of equal opportunity where the lowliest of her sons can rise to the highest of positions.

Mr. President, may we have order? If the Senator from Delaware wishes to laugh while I am speaking, that is his privilege.

Mr. WILLIAMS of Delaware. I was not laughing at the Senator. I shall be happy to listen to him.

Mr. PASTORE. May we have order, Mr. President?

The VICE PRESIDENT. The Senate can have order if it wishes.

Mr. DODD. Mr. President, more and more in recent years, the United States has been moving away from this cherished ideal because of the high cost of public office. We are, in fact, gradually arriving at the point where only the rich can aspire to high elective posts in our Government.

The costs of campaigning are mounting higher and higher every year. Ronald Reagan's campaign for Governor of California cost close to $5 million. Several recent campaigns for seats in the Senate cost well over a million dollars. Pierre Salinger's losing campaign for the Senate cost $1,600,000. Campaigns for the Presidency of the United States exceed all others by a wide margin and their cost is estimated to vary between $14 and $50 million.

This is not the kind of a base on which a true democracy can be constructed. Nor is it the kind of government Thomas Jefferson was speaking of when he proclaimed that any man, no matter how humble his origin, could rise to the heights of political honor in this country.

On Thursday, April 6, David Lawrence, in his always interesting column, wrote of "The Battle On Campaign Financing," which is currently taking place in the Senate. I would like to read the first three paragraphs of that column as it appeared in the Washington Evening Star that day:

> Congress is at last face to face with the fact that rich men can win public office by utilizing their own funds, and that persons who have no fortunes are tempted to depend upon big contributions from wealthy individuals, many of whom have an ax to grind in public affairs.
>
> There are some strange inconsistencies in the situation. Senator Thomas J. Dodd, D-Conn., for instance, is being criticized because he used money raised at testimonial dinners to help him pay personal expenses incurred because of the cost of maintaining political strength between campaigns. If he had been a wealthy man, he would have had no problem.
>
> Now the whole emphasis is on how to shift the burden of campaign expense from the backs of individuals to the government itself. When Senator Russell B. Long, D-La., proposed last year a bill that would permit citizens to indicate a willingness to have some of their income-tax payments used by the federal government for campaign expenses of either of the two national parties, Congress promptly approved. But already there are many signs of a change of heart.

Mr. Lawrence is right in stating that I would not have been subjected to the criticism I have received, had I been a wealthy man.

But much more important than his comment about my own case, is his observation that there are signs of "a change of heart" on the legislation enacted last year. To me this is distressing. Such a change would be a retreat from a real attempt to cure the ills affecting the electoral process.

The lack of personal wealth and the unwillingness to sacrifice principles for campaign contributions frequently combine to discourage some of our finest citizens from running for public office. If they do run, the odds are heavily against their election. And if they do succeed in getting elected, they are sometimes so encumbered by debt—as I have been—that they suffer years of anguish before they extricate themselves.

But it is not the potential or actual officeholder alone who is injured. It is the people as a whole who suffer when lack of personal resources prevents the best qualified individuals from being elected or, if they are elected, brings them to office debt ridden.

If the American democracy is not to degenerate into a plutocracy, we must make it possible for every man to achieve elective office—as President of the United States, as a U.S. Senator or Representative, or as a State or municipal official. And that opportunity must be based on the candidate's merit and what he has to offer to the people, rather than on his financial resources or on what he has to offer to a special few.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senator be permitted to proceed for 2 additional minutes.

Mr. WILLIAMS of Delaware. I object. Senators are planning to catch planes, and I must object at this time.

The VICE PRESIDENT. Objection is heard.

Mr. LONG of Louisiana. The Senator well knows that we have a considerable number of absent Senators at this moment. I suppose that is why the objection is heard.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Tennessee.

Mr. DODD. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. DODD. May I make a parliamentary inquiry?

The VICE PRESIDENT. The Senator may make a parliamentary inquiry.

Mr. DODD. I have prepared a speech on this subject, Mr. President, and I had not known about the time limitation.

Mr. GORE. Mr. President, I should like to yield 5 minutes to the Senator.

The VICE PRESIDENT The Senator from Tennessee yields 5 minutes to the Senator from Connecticut.

Mr. WILLIAMS of Delaware. Reserving the right to object, I call the attention of the Senator from Tennessee——

Mr. GORE. Mr. President——

Mr. WILLIAMS of Delaware. I would be glad to yield time to the Senator from Connecticut after this vote.

Mr. GORE. Mr. President, this procedure was in response to the request of several Senators who have urgency to depart.

I ask unanimous consent that the Senator's speech may be inserted at this point in the RECORD as though read, and I yield back the remainder of my time.

Mr. DODD. I am grateful to the Senator from Tennessee.

The VICE PRESIDENT. Without objection, the speech of the Senator from Connecticut will be printed at this point in the RECORD as though delivered by him.

Mr. DODD. Mr. President, the means of achieving this new day in America are at hand. They are at hand in the form of the bill passed just last October by Congress and signed into law by the President last November. It is the Presidential Election Campaign Fund Act of 1966 which, thanks to the herculean efforts of the majority whip, has come to be known as the Long Act.

The Long Act, for the first time in the history of this country, provides Government funds obtained from the Nation's taxpayers to pay for the many and ever-mounting expenses of presidential campaigns.

It provides funds on an equitable basis without regard for the personal wealth or personal property of the candidates.

Under this act, moreover, a candidate for President will have available to him a campaign fund without a single special interest string attached to it.

The money is the candidate's to use as efficiently and effectively as he can, as long as he spends the money for the proper expenses of a presidential campaign as determined by the Comptroller General.

I am confident that this legislation, if given a chance, will demonstrate its effectiveness and its advantages. And after its virtues have been proven to everyone's satisfaction, I am hopeful that it will be extended to cover congressional campaigns as well.

For the sake of all future congressional candidates, I hope this will come to pass in the not too distant future. I suppose I can speak as an "expert" on this particular topic, because of the very trying ordeal I am currently undergoing. I would like to say a few words about this ordeal, because I think it has a direct bearing on the matter.

I am one of the many Congressmen who have come from the Main Street of America, climbing up the hard way to become the people's representative in this most illustrious body.

Some of my critics will now say my remarks are "self-serving."

I cannot control what they say.

But, I know that most of my colleagues and most of those who aspire to the office of U.S. Senator, and come from "Main Street, America," will have to pass through much the same experience as I did. Like me, they will have to depend on the little people to make it possible to finance both a successful campaign for the nomination and a successful campaign for office.

The dream of every American boy is that he can become a U.S. Senator or Congressman—yes, even President.

As a young boy, I remember that candidates for a public office only had to appear at political meetings in front of the city hall, or Federal building, or court building.

But times have changed. Television, radio, newspaper advertising, brochures, research aids, have changed the entire system of American electioneering.

This is a serious problem that must be faced by all those who do not have the personal means of financing their campaigns.

I am proud to be a U.S. Senator. In order to repay the costs of achieving office and the costs of maintaining office, I have been obliged to accept the assistance of my friends and supporters, through a series of testimonials they organized in my behalf. I have done nothing of which I am ashamed. My conscience is clear, but the record has unfortunately been distorted by two unscrupulous journalists, aided by a few ex-employees who burglarized my office in conspiracy with the journalists.

As a result of these distortions I have been vilified both here and abroad. The Communist propaganda apparatus has, in fact, had a field day with the so-called Dodd case, on the one hand using it to argue that anticommunism is evil, on the other hand using it to smear the image of the U.S. Senate.

These attacks and disortions have also penalized many of the respected citizens who had given me their support by contributing either to my campaign fund or to my testimonial fund. I say that it does not help the democratic process but discourages it when good friends and patriotic citizens who help us to be nominated and then help us to be elected, have their names and reputations smeared, as has happened in the case of my friends.

After one unsuccessful campaign and a second campaign which ended successfully, I entered the Senate heavily laden with political debts. My friends were good enough to organize several testimonial dinners in order to free me from this constant harassment of debt and in order to help me meet my recurring costs of political office.

I am sure that other Senators have also taken office with a heavy burden of political debts. Elected officials must have some way of discharging such obligations. As matters now stand, the problem that confronts them is how to raise the necessary money. They have the option of turning to their wealthy friends or to big businessmen in their constituency—or else of raising the necessary funds through testimonials. It is probably easier to raise funds by accepting a small number of large contributions. But testimonials, by their very nature, have the advantage of limiting the size of the maximum contribution and broadening the base of political support.

If the Long Act is ever extended to congressional campaigns and if some means can be found to help Members of Congress to meet the annual costs of office, the testimonial function could become a thing of the past—and that would be all for the better.

I would be pleased to see the testimonials fall into disuse, though they are not the evil some sections of the press make them out to be. But before the testimonials can be abandoned, we must devise other ways to broaden the base of political contributions and encourage more Americans to share the cost of electing our Government officials.

I can think of no better way to achieve this than to continue the Long Act as law and to work to improve it, as the majority whip has promised he will do.

Last week the Long Act was criticized on the grounds that a presidential candidate with large sums at his disposal would be able to bypass State organizations if he so chose and set up his own local organization.

This may or may not become a problem; only time and experience can tell us for sure. But every plan or system devised by human beings, no matter how meritorious, has its flaws and shortcomings. The Long Act is no exception. The real point is that the good which will flow from this measure will far outweigh the total of all its weaknesses. The good is something which we simply cannot afford to be without any longer; we have been without it much too long already.

The Long Act will broaden the base of campaign funding so that it embraces the great majority of our citizens.

By its simplicity, it will eliminate some of the worst abuses of campaign fundraising.

It will free both the officeholder and the contender from the burden of soliciting funds, so that they can focus more attention on the major issues of domestic and foreign policy.

It will eliminate the inequity that at present exists between the wealthy candidate and the candidate of limited means, so that the public will be able to make its choice on the basis of merit alone.

It will reverse the growing trend toward a government of the wealthy and bring us back to the Jeffersonian ideal of a government of the people.

For all of these reasons, I urge my colleagues to oppose the repeal of the Long Act. If they find it imperfect in certain respects, my reply is that it is only a beginning—but a beginning which must not be abandoned. Our problem is to amend the act in a manner designed to make it an even more effective protector of the principle of political equality.

If my own case has helped to bring this important issue into the proper perspective, then I at least will have the one consolation, that all the abuse and sensational exploitation was worthwhile—and I am glad to have paid the price—and, for the time being, to be the "scapegoat."

But, I believe that the final jury in my matter will be the people of my State, which I have tried to serve to the best of my ability with honor and self-respect.

Finally, I must say I think it is a sad day for the Senate when a Member cannot be given a few additional minutes to complete his speech.

In the entire history of the Senate there are not many examples of this kind of discourtesy and unkindness.

I want particularly to thank the Senator from Tennessee for his courteous and generous offer to allow me a few minutes of his time to conclude my remarks.

Mr. SPONG. Mr. President, the Senate has been debating for a number of days an amendment to repeal the Presidential Election Campaign Fund Act of 1966. It has been an illuminating debate. Senators of long political experience, and those with great knowledge of national campaigns have discussed with concern the problem of the mounting costs of running for public office. While there have been conflicts about how this serious problem should be solved and about the particular solution set forth by the Presidential Election Campaign Fund Act of 1966, there has been universal agreement that the current practices surrounding the financing of campaigns, presidential and otherwise, are a serious defect in our political system. Everyone seems to agree that something must be done to insure that capable men can be elected to office without the prerequisite of independent wealth or without being forced to seek large sums from those who will have a special interest in decisions to be made by a candidate when he becomes an officeholder.

Being newly elected, mine is a fresh recollection of the difficulties, embarrassments and potential temptations involved in raising funds to finance political campaigns. In campaign speeches I have stated my belief that the laws covering campaign financing should be reformed and that additional private as well as public sources of campaign financing should be developed.

I stated then, as I believe now, that one of the best guarantees against special interest domination of a candidate is disclosure. The voters should know before they vote on election day as much as is practicable about the amounts and sources of contributions to a candidate's campaign. The voters should also know whether any candidate is beholden exclusively or largely to an individual or group.

Congress should encourage the development of a broad base of financial support for political campaigns through an indirect Federal subsidy in the form of a deduction up to a certain amount for income tax purposes for political contributions. The legislation before Congress last year which allowed a deduction up to $100 was worthy of passage. I believe this is a logical way to provide funds for political campaigns, with the donor having a choice of making his contribution, or contributions, to a local, State or national committee, to a candidate, or to any political party.

Another alternative to political financing by a few large contributors is that of direct Federal grants for political campaigns. This is the approach taken by the Presidential Election Campaign Fund Act of 1966. Last year, during the fall campaign when this plan was before the 89th Congress, I expressed reservations about the act, as adopted. The debate on the floor of the Senate in recent days has confirmed my doubts about the Presidential Election Campaign Fund Act of 1966 and I intend to vote to repeal this legislation.

My objections to the Presidential Election Campaign Fund Act of 1966 as enacted do not relate to its purposes, for I agree that we must find a means to take the financing of our presidential campaigns, and others as well, out of the hands of the relatively small groups of wealthy and interested individuals and organizations that are now meeting this responsibility. I agree also that we should develop a system of campaign financing that will allow a man of ordinary means to run for high office, without facing the problem of making commitments that run counter to his conscience in order to obtain financial backing.

My concern with this legislation lies with its specific provisions, or lack of them, its narrow approach to election law reform, and its potential impact on our political system.

First, the legislation as it stands on the books is vague and loosely drawn. It proposes to give $30 million to the chairman of each major political party while setting forth almost no regulation and limitation on the manner in which the money can be spent. Amendments have been offered in the Senate which will, to a degree, cure some of these faults and I have supported some of these. Nevertheless, legislation of this importance should not be enacted piecemeal on the floor of the Senate. Thorough study by the proper committee is the proven method.

Second, I am opposed to the Presidential Election Campaign Fund Act of 1966 because it takes a narrow approach to election law reform. It provides tremendous amounts of money for presidential campaigns without touching the many problems existing under our current election laws. For example, it does not deal with the inadequate provisions providing for limitations on campaign spending or for reporting of campaign fundraising and expenditure which exist in our current election laws. Also it does not deal in any way with the more pressing problem of financing elections at levels other than national.

Some have called the act a first step in the reform of our election laws. However, I fear that this may be the last rather than the first step in the effort to enact a comprehensive reform of our election laws. I am afraid, as other Senators have suggested, that if public funds are made available for campaign expenses before basic reforms are enacted there will simply be no basic reforms.

Third, I am opposed to the Presidential Election Campaign Fund Act of 1966 because of its potential impact on our political system. Our national political parties are, and always have been, confederations of our State and local parties. The national parties have always had to be responsive to the interests, concerns and leadership of our local and State parties, and because of this, our whole political system has been more alive to the needs and wishes of our people.

By giving massive and unregulated amounts of Federal funds to the chairmen of our national parties, the Presidential Election Campaign Fund Act of 1966 would insulate our national parties from local control and influence. It would allow the national political leadership to intervene in a massive and effective way in local campaigns. It would eventually bring us to a system of strong national parties having the power to influence elections across the country and the ability to exercise discipline against those in their ranks who are in opposition. I do not believe that these are developments to be desired.

The Senate should repeal the Presidential Election Campaign Fund Act of 1966 and then proceed to develop comprehensive election law reform legislation as quickly as possible. Thorough and extensive committee hearings should be held to consider all of the possibilities for providing public campaign financing and for broadening the base of private contributions. Ways also should be explored to tighten our current laws to provide for more effective reporting and preelection disclosure of campaign financing.

Mr. WILLIAMS of Delaware. I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Tennessee. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia (when his name was called). On this vote the junior Senator from Montana [Mr. METCALF] is in the hospital but was prepared to come here against doctors' orders. Under the circumstances I pair with the junior Senator from Montana. If he were present and voting he would vote "nay." If I were permitted to vote I would vote "yea." I withhold my vote.

Mr. MORTON (when his name was called). On this vote I have a live pair with the Senator from Texas [Mr. TOWER]. If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Vermont [Mr. AIKEN]. If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I withdraw my vote.

Mr. LONG of Louisiana. I announce that the Senator from Arizona [Mr. HAYDEN], and the Senator from Georgia [Mr. RUSSELL], are absent on official business.

I also announce that the Senator from Minnesota [Mr. MCCARTHY], the Senator from Montana [Mr. METCALF], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Texas [Mr. YARBOROUGH] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent on official business, and his pair has been previously announced.

The Senator from Texas [Mr. TOWER] is necessarily absent, and his pair has been previously announced.

The result was announced—yeas 48, nays 42, as follows:

[No. 74 Leg.]

YEAS—48

Allott
Baker
Bennett
Boggs
Brooke
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Hansen
Hatfield
Hickenlooper
Hill
Hruska
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
McClellan
Miller
Monroney
Morse
Mundt
Murphy
Pearson
Percy
Prouty
Scott
Smith
Sparkman
Spong
Symington
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—42

Anderson
Bartlett
Bayh
Bible
Brewster
Burdick
Byrd, W. Va.
Cannon
Dodd
Eastland
Ellender
Gruening
Harris
Hart
Hartke
Holland
Hollings
Inouye
Jackson
Jordan, N.C.
Long, Mo.
Long, La.
Magnuson
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Smathers
Stennis
Talmadge
Tydings
Williams, N.J.
Young, Ohio

NOT VOTING—10

Aiken
Byrd, Va.
Hayden
Mansfield
McCarthy
Metcalf
Morton
Russell
Tower
Yarborough

So the Gore-Williams amendment, to the amendment of Mr. WILLIAMS of Delaware, was agreed to.

Mr. DIRKSEN. Mr. President, I move that the vote by which the amendment was adopted be reconsidered.

Mr. GORE. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Mr. President——

The VICE PRESIDENT. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent to withdraw——

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The Senate will please be in order. Attachés will please find seats or leave the Chamber. Attachés not having business on the floor will please depart from the Chamber. The Senate will not proceed until attachés have found seats or have left the Chamber.

The Senator from Tennessee may proceed.

Mr. GORE. Yes, Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, the issue of repeal now having been finally decided decisively by the Senate, the issue reverts upon the substitute amendment which I had earlier offered. After conferring with the distinguished chairman of the committee, and with his assent, I ask unanimous consent that the substitute amendment offered by myself and the Senator from Delaware be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. Would the Senator from Tennessee kindly indicate where that leaves us, parliamentarywise?

Mr. GORE. It leaves the Williams amendment, as amended, the business now before the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the substitute amendment is withdrawn.

Mr. SMATHERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. SMATHERS. What is the Williams amendment now, as amended?

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield, I shall be glad to explain what the amendment provides.

Mr. SMATHERS. I yield.

Mr. WILLIAMS of Delaware. The Senate has now voted to repeal the Presidential Campaign Fund Act of 1966 as of July 1, 1967. In addition to that, there are certain other amendments such as amendments to the Corrupt Practices Act, which is and which will remain permanent law. Of course, the Ribicoff amendment and the Tydings amendment have been accepted, to amend the Presidential Campaign Fund Act. These amendments would be effective in the act until July 1, of this year, at which time it would all be repealed.

Thus, I feel that the issue has been settled, as the Senator from Tennessee just pointed out. Therefore, we could go ahead and adopt the proposal, inasmuch as the Senate has indicated its will. So far as I am concerned we could approve the Williams amendment as modified now by the Gore amendment, recently adopted, and do it by a voice vote, and then proceed to other amendments today and tomorrow and get the bill on the road.

Mr. LONG of Louisiana. Mr. President, let me make it clear that I have no objection to the Senator's withdrawing his amendment. The Senator can, of course, reoffer it if he withdraws it, as I understand, in any event. I have no objection to that, if that should be the case.

However, I wish it to be understood that I do not feel that I prejudice my rights or that the Senator prejudices his. I am frank to say that there were a number of absentees who did not vote on the last vote, and also a number of Senators who did not quite understand what they were voting on.

Of course, I accept the verdict of that vote as being the will of the Senate at this time. But this is a big issue, Mr. President, and I would like to have it understood that I do not intend for the Senator to prejudice himself and, likewise, I do not intend to prejudice myself. If the Senator withdraws his amendment, he can always reoffer it, if he wants to.

In other words, Mr. President, there is no deal. I want that understood.

The PRESIDING OFFICER. The question is on agreeing to the Williams amendment as modified and amended.

Mr. WILLIAMS of Delaware. Mr. President, I yield back——

The PRESIDING OFFICER. Who yields back time?

Mr. WILLIAMS of Delaware. Mr. President, I have no objection. We can vote by a voice vote now or have a rollcall vote, either way.

Mr. LONG of Louisiana. Mr. President, I am willing to agree to have a voice vote on this matter. I know what my parliamentary rights are.

Mr. WILLIAMS of Delaware. I know. They will not be jeopardized. I ask this merely to save time and vote on agreeing to the Williams amendment as modified and amended and then proceed, if that is all right with the Senator from Louisiana. I would be willing to yield back the remainder of my time.

Mr. LONG of Louisiana. Mr. President, I am willing to vote now by a voice vote——

Mr. WILLIAMS of Delaware. All right.

Mr. LONG of Louisiana. Mr. President, I yield back the remainder of my time.

Mr. WILLIAMS of Delaware. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on the Williams amendment as modified and amended.

The amendment, as modified and amended, was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN and Mr. GORE made a motion to lay on the table the motion to reconsider the vote.

The motion to lay on the table was agreed to.

Mr. LONG of Louisiana. Mr. President, let me make it clear that, so far as I am concerned, I reserve my rights under the parliamentary situation, and I know what they are. After I reach absent Senators and talk to them, I reserve the right to fight this battle over again. It is a right that any Senator has.

All Senators have their rights under the rules, and I do not foreclose them from exercising them. They have the right to change their minds, if they want to, or they have the right not to change their minds, if they do not want to. At any rate, I reserve my rights. This is a big issue. It is something we will all hear more about before the bill is passed. As far as I am concerned, we will go on to the next matter now.

I would like to ask if there are other amendments that Senators have to offer to the bill.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WILLIAMS of Delaware. Mr. President, the Senator who wanted to offer an amendment is not present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded; and before the Chair recognizes the distinguished Senator from Wisconsin [Mr. PROXMIRE] to offer an amendment, I would like to have the attention of the Senate.

The PRESIDING OFFICER. Is there objection to rescinding the order for the quorum call? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding that there will be one or two amendments offered this afternoon. Whether or not there will be rollcalls on them, I am not prepared to say; but, to the best of my knowledge, it would appear that there could be further votes today. In any event, votes are anticipated tomorrow. We do not intend to stay in session much longer tonight and only will consider these one or two amendments. I would just like to put the Senate on notice of the vote possibility for the remainder of today, and of that very strong possibility for tomorrow.

The Senate will convene at 10 o'clock tomorrow morning, at which time the distinguished senior Senator from Louisiana [Mr. ELLENDER] is to be recognized for not to exceed 2 hours. Then there will be a period for routine morning business, followed by consideration of the unfinished business.

Mr. PROXMIRE. Mr. President, I call up my amendment. I ask unanimous consent that the reading of the amendment be dispensed with. This is an amendment which I think can properly be classified as a technical amendment.

The PRESIDING OFFICER. Without objection, the reading of the amendment is dispensed with.

Mr. PROXMIRE's amendment (No. 147) is as follows:

Renumber section 4 of the bill as section 5 and insert after section 3 thereof the following new section:

"SEC. 4. (a) section 46(b)(3) of the Internal Revenue Code of 1954 (relating to the effect of net operating loss carryback) is repealed.

"(b) The second sentence of section 6411 (a) of such Code (relating to tentative carryback adjustments) is amended by striking out "12 months from the end of such taxable year," and inserting in lieu thereof "12 months from the end of such taxable year (or in the case of a portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback from a subsequent taxable year, within a period of 12 months from the end of such subsequent taxable year),".

"(c) Section 6501(j) of such Code (relating to limitations on assessment in the case of investment credit carrybacks) is amended by striking out "assessed." and inserting in lieu thereof "assessed, or, with respect to the portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback from a subsequent year, at any time before the expiration of the period within which a deficiency for such subsequent year may be assessed."

"(d) The first sentence of section 6511(d) (4)(A) of such Code (relating to special period of limitations on refunds with respect to investment credit carrybacks) is amended by striking out "such carryback," and inserting in lieu thereof "such carryback (or, in the case of a portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback from a subsequent taxable year, the period shall be that period which ends with the expiration of the 15th day of the 40th month, or 39th month in the case of a corporation, following the end of the such subsequent taxable year),".

"(e) Section 6611(f)(2) of such Code (relating to interest on refund overpayments) is amended by striking out "arises." and inserting in lieu thereof "arises, or in the case of a portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback from a subsequent taxable year, such overpayment shall be deemed not to have been made prior to the close of such subsequent taxable year."

"(f) The amendments made by this section shall be effective with respect to net operating losses occurring in taxable years ending after the date of enactment."

Mr. PROXMIRE. Mr. President, this is an amendment which corrects what I think is an inequity in the law, due to the interaction of the carryback of the net operating loss and the carryback of the investment credit.

This amendment provides, in effect, that the investment for a firm—which subsequently lost a substantial amount of money and, therefore, had a net operating loss carryback—will not have its investment credit, in the year to which the loss is carried, be wiped out. Under the present law it would be wiped out because an investment credit carryback is not available now for an investment which cannot be used in a year because of a net operating loss to that year.

To give an example, if a firm had taken its investment credit in 1965, and in 1967 it suffers a substantial loss, it then carries the loss back to 1965, and that loss wipes out the investment credit for 1965 and under present law in such a case the investment cannot be carried back and used in an earlier year. Had there been no income in 1965 in the first place the investment credit could have been carried back to 1962. This amendment permits the investment credit to be carried back to 1962 where its disallowance in 1965 results from a net operating loss carryback. Frankly, for firms which are in difficulty and need help to invest and expand in order to stay alive, this particular provision will be enormously helpful.

It is my understanding that there is no opposition by the Treasury to this amendment in principle although I do not know the Treasury position as to its addition on this bill. The amendment has been carefully studied by the staff available to the Committee on Finance, and I hope that the distinguished Senator from Louisiana can accept the amendment.

Mr. LONG of Louisiana. Mr. President, I have no objection to the amendment. The Senator discussed it with me. I have not had an opportunity to discuss it with the other members of the committee, however, and cannot speak for them.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. WILLIAMS of Delaware. I cannot speak for the other members on our side, but I have examined the amendment and have no objection to it myself. I understand likewise that the Treasury Department does not object to the principle involved in the amendment. It does correct a technical inequity in the law, and I have no objection to its being accepted.

Mr. PROXMIRE. I thank the distinguished Senator from Delaware and the distinguished chairman of the Committee on Finance.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

THE RAILROAD INDUSTRY NEGOTIATIONS

Mr. MORSE. Mr. President, the threat of one national catastrophe has been averted by the action of Truck Employers, Inc., in calling off its lockout and bargaining out a contract with the Teamsters. Much of the credit in this story of successful collective bargaining lies with Teamster Vice President Fitzsimmons. He refused to be panicked into calling a nationwide strike or taking retaliatory action when provoked. Truck Employers, Inc., also deserve credit for their willingness to bargain even when they hoped—and had reason to expect—that governmental action would take them off the hook. Most of all, the President, the Secretary of Labor, the Attorney General, and their staffs deserve great credit for restraint, and for allowing the parties to solve their own problems. This is collective bargaining at its best.

The railroad industry and its six shopcraft unions are faced with a similar opportunity. It would be well for them to look to the trucking industry and follow its lead. Bargaining is possible if men of good will sit down together. The 20-day period which we have given to the railroad industry should be utilized by the parties to solve their problems.

As I indicated on the floor on Tuesday when we took up Senate Joint Resolution 65, the parties have assured us that they will bargain together. They have the benefit of the report of the Emergency Board No. 169 as a starting point and the President has appointed as special mediators Judge Fahy and Professors Taylor and Dunlop. These three men with their vast knowledge and experience in collective bargaining and the problems of both labor and the industry should be able to help the parties to solve their differences.

A week from Monday, the Committee on Labor and Public Welfare expects to hear from the parties. If necessary, we shall ask them what progress they have made toward resolving their differences. But better yet would be the news from them that they have reached an agreement and will sign a contract.

It should be obvious to the parties to the dispute that the fact that the carriers have negotiated a settlement with unions representing a large percentage of railroad labor does not in and of itself justify applying the same settlement on a percentage basis to the six craft unions that did not participate in negotiating settlements already agreed to by other unions in the railroad industry. Any such contention denies in fact true collective bargaining to the six craft unions involved in this dispute. The merits of the issues in dispute related to the evidence involved in connection with each issue should be the basis of any collective bargaining agreement settling this dispute rather than the contention that because other unions have agreed to a given percentage increase of their previous rates of pay and other benefits, therefore these six craft unions should accept the same percentage increase.

Mr. President, I am surprised at the degree to which this case has been tried in the newspapers. The newspaper editors have handed down their decision, obviously, without any knowledge of the facts that are involved in this complicated case. Editorial after editorial and commentator after commentator have taken the position that because there has been a 5-percent settlement by unions representing some 70 percent of the workers in the railroad industry, therefore it just stands to reason that the 5 percent ought to be applied to the six craft unions.

Maybe so. But only if the evidence supports it, Mr. President. In the Committee on Labor and Public Welfare the other day, when we had the representatives of the carriers and the representatives of the union there, this very point was made.

The question was raised as to whether there has been a lag or gap between these six craft unions and the other unions. If, as is alleged to be true, there has been a long prevailing gap which has been narrowing from collective bargaining period to collective bargaining period, then the issue has to be faced up to as to whether or not the evidence will support a further narrowing of that gap.

Mr. President, if that be true, then this assumption the editors and the commentators are making, that because there has been a 5-percent settlement for some 70 percent of the workers in the railway industry, 5 percent should be laid down for the six crafts, is unwarranted.

Furthermore, I repeat that if we ever start on that major premise for the settlement of labor disputes within a nationwide industry, such as the railway industry is, then those unions which are not involved in the original collective bargaining negotiation settlements have their bargaining done for them by parties that do not represent them. They will be bound by a settlement in regard to which they had no voice whatsoever. That is not within the meaning of normal collective bargaining.

So I raise this word of caution this afternoon to those who have been taking the position that these six craft unions, in fact, have nothing to bargain about, because there has been a 5-percent settlement for 70 percent of the workers and therefore they ought to go along with the 5 percent. I have arbitrated and mediated too many cases, running into the scores, in my 32 years of experience in settling labor disputes, not to raise this warning on the floor of the Senate today.

I do not know what the facts will show, but I know that they will be considered by a mediation board which, in my judgment, could not have a peer by way of appointment in this country, and I commend the President of the United States for appointing Judge Fahy, George Taylor, and John Dunlap to be the Special Mediation Board to bring these parties around a collective bargaining table for good faith collective bargaining.

RAIL SETTLEMENT SHOULD BE BARGAINED, NOT IMPOSED

Mr. President, I am aware that the railroad industry feels that compulsory arbitration is the answer to their problems. Their chief spokesman has been saying so for quite some time. There is no question about the fact that that is what they would like to have if they could not get a settlement in this case. But I do not believe that they are correct in their assumptions. Collective bargaining is the basis upon which this great country has avoided the class struggles which have plagued most of the rest of the world. If we are to embrace the system of bargaining by governmental fiat, and I for one believe that that would be a disaster, let us not do it in haste and crisis, but after long and careful deliberation.

The railroad industry is already regulated in its rates and service. If it becomes regulated in its wages and other working conditions, little will remain that can be called private industry at work in rail transportation.

The Teamsters and the trucking industry have proven the value and worth of true collective bargaining. It is now up to the railroad industry and its unions to demonstrate that they, too, are capable of solving their problems together. If they fail, and we pray they will not, we must all be aware that their failure is their own and not that of the system of collective bargaining as it is practiced in the United States. Collective bargaining in the railroad industry lies in their hands—and it should remain there.

I make a plea this afternoon to the carriers and to the major unions to sit down at a collective bargaining and mediation table and work out, in the period of time that the resolution has allowed them to work out, a collective bargaining agreement that will help preserve true collective bargaining in this country that is vital to the preservation of economic freedom for both management and labor.

Mr. President, I ask unanimous consent to have printed in the RECORD articles from the New York Times and the Washington Post of today which discuss the success in the trucking industry and the dangers ahead for the railroad industry, its employees, and the country.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 13, 1967]

CONGRESS AND STRIKES: RAIL DISPUTE HEIGHTENS THE PRESSURE FOR LEGISLATION TO CHECK WALKOUTS

(By David R. Jones)

WASHINGTON, April 12.—No one familiar with the facts believes that President Johnson's decision today to delay a nationwide rail strike for 20 days has done anything more than postpone a tough decision until he returns from Uruguay.

Observers of the contract deadlock between six shopcraft unions and the nation's railroads are convinced that the President and Congress will have another strike crisis in their laps by May 3 despite the efforts of a three-member special mediation panel named today.

Mr. Johnson, hailing Congressional passage of his bill to delay the strike, warned yesterday that Congress would have to act again if no settlement was negotiated. This indicated that the President has no intention of tolerating a railroad walkout and removed any pressure the companies might have felt to raise their offer to avoid one.

The implications of the railroad controversy go far beyond the issues of this case. Congress has been called upon twice in the last year to bail the nation out of a major transportation snarl.

This has generated calls for a new antistrike law, and the pressure may become overwhelming if Congress faces the issue once more in less than a month.

Congress is getting tired of assuming the responsibility for resolving labor disputes and all the political liabilities that go with it. What many Congressmen want is a general antistrike law that will resolve these disputes before they reach Capitol Hill.

President Johnson promised 15 months ago to propose a bill to block emergency strikes, but he has not done so. Late last year he quietly set up a study group to make suggestions, but he has never made them public.

With the rail strike threat hovering, Mr. Johnson is being harassed more than ever before to act. Congress nearly passed a bill last year to end the airline strike, and there is reason to believe that the more conservative 90th Congress would need little provocation to pass a broad antistrike law this year even if the President did not suggest one.

Some Johnson detractors say he has refused to propose a bill because he wants to avoid antagonizing organized labor. Others believe he cannot face the issue unless there is a crisis, and then the pressure for a law is so great that a broader measure cannot be considered calmly.

The President's closest advisers say he would like to propose legislation and bury the controversy if he could find something palatable.

"As soon as we have the right answer, we will send it up," one key aide said. "But it's very difficult to find the right answer."

"If you talk to eight different guys on this, you get eight different answers," says one ranking official. "Nobody has a solution."

For all the furor over emergency strikes, Congress has been asked to step into disputes relatively few times. Most industrial disputes are settled successfully under the 80-day "cooling off" period under the Taft-Hartley Act. The severest problems arise in transportation, particularly the maritime industry, the airlines and the railroads.

The airlines and railroads are regulated by the Railway Labor Act, which can delay a strike for 60 days but cannot prevent one indefinitely. Transportation is so important to the nation's lifestream, however, that Congress has increasingly found itself burdened with blocking a work stoppage when the Railway Act expires, as it did this week in the rail case.

There already are bills on Capitol Hill that would arm the Government with compulsory arbitration to end critical disputes. But the Administration and most labor experts believe that such a law would freeze the disputants in their positions, kill collective bargaining and sow so much frustration that it eventually would cause more strife than it prevented.

Most labor authorities express hopes that new machinery—with mediation, fact finding and a flexible variety of Government weapons—might help prevent these strikes. But the central fact remains that unions and companies sometimes are hell-bent for trouble no matter how much talking and cajoling are done.

Dr. John T. Dunlop, the Harvard University labor expert named to the three-man panel in the rail dispute, believes the time is coming when Congress must face the responsibility for settling each labor dispute that threatens the public interest.

Dr. Dunlop is likely to press that view in his study of the current controversy, and there is evidence that some Administration officials would favor the idea.

The nation seems to be moving into a critical period for the future of free collective bargaining. It must decide between the preservation of the right to strike in these key industries and a broad-gauge law so that Congress will be saddled with solving future labor crises. The choice will not be easy.

[From the Washington Post, Apr. 13, 1967]

Trucking Accord Gives Bargaining a Boost

(By Frank C. Porter)

Tenative settlement of the Nation-wide trucking dispute yesterday gave free collective bargaining a boost just at the time it needed it the most.

It also cleared a major obstacle to industrial peace in a year widely anticipated as the most combative and tempestuous in the recent history of labor-management relations.

It helped improve the tarnished image of the International Brotherhood of Teamsters, the country's largest union.

It dispelled the popular conception of Teamsters Acting President Frank E. Fitzsimmons as a stooge for the imprisoned Jimmy Hoffa and gave him status as a labor leader to be reckoned with in his own right.

It won points for President Johnson and Labor Secretary W. Willard Wirtz, who helped speed the settlement by coolly refusing to hit the panic button and to intervene in the dispute. (This was in marked contrast to last year's 42-day airline strike when machinist union members rebuffed their own leaders and Mr. Johnson by voting down a White House-mediated settlement, prolonging the walkout another three weeks.)

And it added to the stature of the Federal Mediation and Conciliation Service, the hard-working and little-recognized agency that often stands as the last bulwark against the legislated compulsion that would put free bargaining in a straitjacket.

BLEARY-EYED BUT BEAMING

William E. Simkin, director of the independent FMCS, and Walter A. Maggiolo, the Service's disputes director, who had been mediating the discussions for days, were bleary-eyed but beaming when agreement came at 1 a.m. yesterday.

Simkin said he had nothing but "the highest praise and admiration for the kind of negotiations by the Teamsters and Trucking Employers, Inc. (TEI). . . . There was no Government domination. The parties reached their own agreement."

The settlement is not final. It must be ratified by policy committees of both sides meeting Thursday and Friday and then approved by the 450,000 Teamster members affected weekend after next. But Fitzsimmons said yesterday that he foresees little difficulty on ratification.

Meanwhile, trucks idled by TEI's Sunday morning lockout of its employees in response to earlier and scattered Teamster strikes, began rolling shortly after TEI's board of directors gave a preliminary okay to the agreement in a three-hour meeting at 4:15 a.m.

The impact of the three-day shutdown—which TEI claimed halted 65 per cent of the country's licensed over-the-road traffic but which the Teamsters insist probably affected less than 15 per cent of the Nation's total freight—was spotty.

Among the worst hit was the automobile industry, where lack of truck-transported parts idled an estimated 24,000 workers. Other industries shifted to railroad service and there were a few reports of food stores running out of some items.

Such dislocations, however, were expected yesterday to disappear within a few days as the trucks get back into service except in Chicago where an unrelated trucking dispute still tied up much of the area's commerce.

LOCKOUT QUESTION

One unanswered—and perhaps unanswerable—question is what the employers hoped to gain from their lockout, which many neutrals considered unjustified by the minor, localized strikes that preceded it.

The companies openly invited the Administration to seek a Taft-Hartley injunction to forestall the national emergency they said their lockout would create. This would have given them another 80 days in which to wear down the Teamster negotiators, who desperately wanted a contract without a strike, and to get a favorable settlement.

Lacking this at the end of the cooling-off period, when the temper of rank-and-file Teamsters might have forced their leadership into a strike, TEI could then have branded the dispute as insoluble and asked the Administration and Congress for a compulsory arbitration law, which many segments of the transport industry favor.

But what would have been the disposition of Congress since management, not the union, had shut down the industry? And if a congressional settlement was TEI's objective, why did it continue bargaining so conscientiously with the Teamsters?

Whatever the answers to these questions, the private settlement reached yesterday takes some of the pressure off Capitol Hill to pass one or more of the many pending bills that would severely circumscribe labor and management's rights to settle their own disputes.

The best guess is that the 20-day moratorium in the threatened railroad strike will expire on May 3 with the dispute tossed right back in Congress's lap. Had the trucking fight wound up there too, it would have made it that much more difficult for the House and Senate to resist the emotionally charged cry for compulsory arbitration, which is anathema to all of labor and most of business.

INVESTMENT TAX CREDIT

The Senate resumed the consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

Mr. MORSE. Mr. President, if I may have the attention of the chairman of the committee who is in charge of the pending bill, I wish to ask him a question about a problem that has been raised with me by two constituent firms.

It may be, because I have been engaged in committee hearings, that the issue I raise has already been discussed by the chairman of the committee. If it has, he can tell me so.

The Senate committee report states that one reason it did not allow the same retroactivity as in the House bill on the investment credit was that it would be unfair to those who postponed construction during the suspension period.

I have had representations made to me by the Northwest Natural Gas Co. set forth in a wire which I shall use in a moment, which points out that not allowing it would be unfair to those whose construction could not be postponed.

They had no choice in the matter. They had to go ahead with the construction.

In answering this constituent I said that I would take up the problem with the chairman of the committee during the course of the debate and get an answer from the Senator from Louisiana. However, before I do that, I want to read the wire I received.

This is the telegram I received under date of March 31, 1967, from Francis F. Hill, president of the Northwest Natural Gas Co. of Portland, Oreg.

It reads as follows:

Hon. WAYNE MORSE:

Re: H.R. 6950—restoration of investment tax credit and allowance of accelerated depreciation. We are advised that H.R. 6950, previously passed by House of Representatives, was reported out by the Senate Committee on Finance on March 21, 1967, with an amendment. We believe the bill as amended by the Senate Committee would discriminate against taxpayers who were not in a position to postpone projects started prior to or scheduled to commence after suspension of the investment tax credit. Such taxpayers would be deprived of the benefits of the credit on investments made in such projects during the period of suspension, and also on the investments required to complete such projects following restoration of the credit.

On the other hand, taxpayers who were able to postpone projects may proceed therewith following restoration of the credit and obtain the full benefit thereof.

Northwest Natural Gas Company presently is constructing a $3.5 million liquefied natural gas plant in Portland, Oregon. Planning for this project began more than a year prior to suspension of the credit when the company determined that in order to fulfill its responsibilities to its firm gas customers in Oregon and Washington, additional facilities were necessary to meet the increasing peak requirement of such customers during the winter heating season. Engineering consultants were employed and feasibility studies made. Such studies contemplated the availability of the credit. Plans and specifications for the plant were prepared, clearing of the site commenced and proposals for construction put out for bids, all prior to suspension of the credit in October, 1966. To be of value for the purpose intended, it was essential that the plant be completed by May, 1968, for use during the 1968–69 heating season. The project therefore could not be postponed and construction of the plant was started on November 1, 1966. During the period October 10, 1966, to March 9, 1967, the company expended approximately $300,000 on this project. It will be required to expend approximately $3.2 million in completing the project subsequent to March 9, 1967.

You can readily see the inequitable results that would impose on our company and other taxpayers similarly situated. We respectfully urge your support of the bill as passed by the House of Representatives.

Francis F. Hill,
President,
Northwest Natural Gas Co.

Portland, Oreg.

I have one other request. This comes from the Northwest Airlines, a major firm doing business in a regulated industry.

Northwest Airlines is committed to supply certain planes. In order to meet the requirements of adequate service to the public it entered into contracts for planes to be constructed and delivered in the future. However, the denial of the tax benefit, in its judgment, works a great hardship upon the company. And it certainly does as far as Northwest's financial outlay is concerned.

Mr. President, I ask unanimous consent to have printed in the Record a statement of Northwest Airlines outlining its situation on the suspension of the investment tax credit.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Northwest Airlines Situation re Suspension of Investment Tax Credit

In December 1966, it became clear Northwest was confronted with the necessity of obtaining additional jet equipment for use in the last half of 1968 and 1969, without which it could not hope to continue to provide adequate service to the public. Because of the long lead time required for aircraft, Northwest could not wait until after January 1, 1968, to order aircraft and hope for delivery in 1968 or early 1969.

At the time Northwest clearly could not anticipate the termination of the suspension period as early as March 1967 only *five* months after it began. Northwest, therefore, had no practical alternative but to order the minimum number of planes clearly necessary to meet its requirements. Therefore, it ordered from Boeing five 707–320C jets at a total cost of approximately $36,240,000. It paid down advance payments of $1,268,428.

The first of these planes was scheduled to be delivered by June 1968 (a year and a half later), and construction of even the first such plane thereof could not be expected to commence until the middle of 1967. No part of the construction of these planes by Boeing was in fact commenced during the abbreviated suspension period and will not start for many months.

The Senate Committee's proposal would result in Northwest losing its entire credit on these planes when delivered from months to over a year beyond even the original date for termination of the suspension. Competing carriers will be in a position from March 10 (months before they could reasonably have expected to) to order like planes for delivery in 1968 and 1969, and to obtain the benefit of the full credit thereon. This discrimination is not needed to accomplish the declared purpose of the suspension of dampening the inflationary pressures.

Northwest, therefore, urges that the House bill be accepted. Northwest would, however, be perfectly prepared to accept a modified provision, which denied the credit to any investment in equipment made pursuant to orders placed in the abbreviated suspension period. This would mean loss of the credit on the $1,268,000 in advance payments to Boeing. But to deny it the entire credit of $507,000 on each plane as the Senate bill would do, imposes an unfair discrimination compared with competing airlines which from March 10, 1967 on can order for delivery in 1968.

Mr. MORSE. In addition, Northwest Airlines supplied an excellent statement in support of its position favoring the retroactivity feature of the House bill on investment credit. I ask unanimous consent that this statement be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement re Position That Suspension Period Orders Should Not Receive Investment Tax Credit if Items Acquired After March 9, 1967

The suspension period will have lasted only five months. It is the Administration position that the suspension law has fully served its purpose and that it was not a revenue measure. Accordingly, there is no basis in equity or any other reasons for keeping the suspension period alive for items acquired in later months or years. The Investment Tax Credit should be restored as fully and effectively as possible as the permanent legislation it was intended to be, now that the suspension period has served its purpose. Since the suspension law was not a revenue measure and the Treasury has stated that early repeal was always intended, it is now the Treasury, not the taxpayer, that is seeking a windfall.

Any other approach would put a disproportionate and expensive administrative burden on the Treasury to police starting and termination dates for the suspension period, a burden for which there is no public policy justification. To date the Treasury has not even issued the regulations for the beginning of the suspension period—some indication of the difficulties that one date alone has caused so far. Moreover, prolonging the effect of the suspension period as the Treasury desires is an open invitation to tax avoidance and evasion. Legislation should not be drafted to encourage needlessly such practices, and the Treasury should not be in the position of shouldering the heavy and expensive burden of policing them when there is a simple and reasonable way of eliminating the problem entirely.

The point has been made that to allow the credit for items ordered but not delivered during the suspension period would discriminate against those who did not order during that time. Overlooked is the fact that those who did order during the suspension period had no idea that it would be so short and that they would be competing against others who could order as soon as March 1967 and still obtain the credit. This intent to have a very short suspension period—which the Administration now admits it had all along—was carefully concealed. It is unfair discrimination to deny the credit to those who ordered during the five month suspension period span, believing it would last at least until later this year, while granting credit to others who now may order much sooner than they had any right to expect.

The further argument is made that it would be wrong to discriminate against those who ordered and acquired property during the suspension period ban. If this is believed to be a sufficiently serious discrimination, it should be solved by allowing the credit in these cases, too, rather than by escalating the discrimination.

Finally, it is said that the effectiveness of future temporary tax measures might be impaired. This tax law is in a special category, in that it was not a revenue measure. The creditability of the Government with respect to the law is already greatly impaired, first by the suspension itself of a law stated to be permanent when it was first enacted, and then by the concealment of a real intent to end it after a matter of months. It is not responsible Government action to make a virtue of moves that amount to entrapment.

Mr. MORSE. In view of the foregoing, my question to the Senator from Louisiana [Mr. Long] is this: Has there been any consideration by the Senate of restoring the retroactivity provision contained in the House bill? Is it contemplated that the consideration of an amendment will be forthcoming? If not, the senior Senator from Oregon wants to draft an amendment for the consideration of the Senate. The credit is available to those who made these investments prior to its suspension. It is about to be restored many months before the law of last year contemplated its restoration. It strikes me as a severe inequity to deny retroactivity to those who found it impossible to delay construction, especially those in regulated industries who have responsibilities to customers that cannot be postponed.

Mr. LONG of Louisiana. There is an amendment pending which would accomplish what the Senator seeks.

I would say further that the matter would be in conference in any event.

It was the judgment of the Senate committee that inasmuch as a company knew that it would not get the investment credit when it signed the contract, it would be a windfall to the company to extend the investment credit, since they made the contract or began the construction—no matter how much preliminary work was done before that time—knowing they would not get the investment credit during that period.

Mr. MORSE. That is not my understanding. The gas company put out bids for a contract relying upon the tax benefit, and subsequent thereto legislation was passed which denies them the benefit of it.

Mr. LONG of Louisiana. If they made a binding contract or began construction before October 10, they would get the investment credit. If it were not a binding contract or construction had not begun until October 10, they would not get the investment credit under existing law or under the Finance Committee amendments.

Mr. MORSE. How does that protect a company that has to enter into a contract after the law is passed in order to carry out regulations in regard to supplying, in a regulated industry, certain equipment that they will have to supply? We are assuming now that we repeal the tax benefits. They nevertheless are going to have to lose because of the fact that they did not get the tax benefit, as they were not in a position to forego entering into the contract for some period of years.

Mr. LONG of Louisiana. I think the best thing we could do under the circumstances would be to ask the staff of the Joint Committee on Internal Revenue and Taxation—the chief of which is standing beside me at this moment—to make a study of the individual case. Perhaps he could advise us much better about it. There will be time since the bill will not pass tonight.

Mr. MORSE. I will not offer the amendment tonight.

Mr. LONG of Louisiana. He could advise the Senator better and with better judgment and perhaps if a change appears desirable we could help the Senator work out an amendment to meet his problem.

Mr. MORSE. That would be very fair. I appreciate that very much.

I will have a memorandum made available at the earliest possible time to counsel and see if he can give me a memorandum in reply on the basis of my understanding of my constituents' need for equity that ought to be done to them.

I wish to do all that is possible.

Does the Senator from Delaware wish to make a comment on the point I raised?

Mr. WILLIAMS of Delaware. No; I do not.

Mr. MORSE. I thank the Senator from Louisiana.

Mr. LAUSCHE. Mr. President, I wish to pay tribute to Senator Long for his tenacity and unwillingness to abandon what he believed to be his honest judgment. He lost in this battle, but I marvel and admire him for the manner in which he stuck by his cause and presented it to the Senate.

Mr. LONG of Louisiana. Mr. President, I appreciate the Senator's comment. However, I wish he would not use the past tense. From my point of view, I lost only a battle today. That is neither the beginning nor the end of the matter.

AUTHORIZATION FOR COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

One request of Mr. Mansfield, and by unanimous consent, all committees were authorized to meet during the session of the Senate tomorrow, April 14, 1967.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the convention on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVENTION ON THE SERVICE ABROAD OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive C, 90th Congress, first session. I do this so that it may become the pending business.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of Executive C, 90th Congress, on the Executive Calendar.

The Senate, as in Committee of the Whole, proceeded to consider Executive C, 90th Congress, first session, which was read the second time, as follows:

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters

The States signatory to the present Convention,

Desiring to create appropriate means to ensure that judicial and extrajudicial documents to be served abroad shall be brought to the notice of the addressee in sufficient time,

Desiring to improve the organisation of mutual judicial assistance for that purpose by simplifying and expediting the procedure,

Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

Article 1

The present Convention shall apply in all cases, in civil or commercial matters, where there is occasion to transmit a judicial or extrajudicial document for service abroad.

This Convention shall not apply where the address of the person to be served with the document is not known.

CHAPTER I. JUDICIAL DOCUMENTS

Article 2

Each contracting State shall designate a Central Authority which will undertake to receive requests for service coming from other contracting States and to proceed in conformity with the provisions of articles 3 to 6.

Each State shall organise the Central Authority in conformity with its own law.

Article 3

The authority or judicial officer competent under the law of the State in which the documents originate shall forward to the Central Authority of the State addressed a request conforming to the model annexed to the present Convention, without any requirement of legislation or other equivalent formality.

The document to be served or a copy thereof shall be annexed to the request. The request and the document shall both be furnished in duplicate.

Article 4

If the Central Authority considers that the request does not comply with the provisions of the present Convention it shall promptly inform the applicant and specify its objections to the request.

Article 5

The Central Authority of the State addressed shall itself serve the document or shall arrange to have it served by an appropriate agency, either—

(a) by a method prescribed by its internal law for the service of documents in domestic actions upon persons who are within its territory, or

(b) by a particular method requested by the applicant, unless such a method is incompatible with the law of the State addressed.

Subject to sub-paragraph (b) of the first paragraph of this article, the document may always be served by delivery to an addressee who accepts it voluntarily.

If the document is to be served under the first paragraph above, the Central Authority may require the document to be written in, or translated into, the official language or one of the official languages of the State addressed.

That part of the request, in the form attached to the present Convention, which contains a summary of the document to be served, shall be served with the document.

Article 6

The Central Authority of the State addressed or any authority which it may have designated for that purpose, shall complete a certificate in the form of the model annexed to the present Convention.

The certificate shall state that the document has been served and shall include the method, the place and the date of service and the person to whom the document was delivered. If the document has not been served, the certificate shall set out the reasons which have prevented service.

The applicant may require that a certificate not completed by a Central Authority or by a judicial authority shall be countersigned by one of these authorities.

The certificate shall be forwarded directly to the applicant.

Article 7

The standard terms in the model annexed to the present Convention shall in all cases be written either in French or in English. They may also be written in the official language, or in one of the official languages, of the State in which the documents originate.

The corresponding blanks shall be completed either in the language of the State addressed or in French or in English.

Article 8

Each contracting State shall be free to effect service of judicial documents upon persons abroad, without application of any compulsion, directly through its diplomatic or consular agents.

Any State may declare that it is opposed to such service within its territory, unless the document is to be served upon a national of the State in which the documents originate.

Article 9

Each contracting State shall be free, in addition, to use consular channels to forward documents, for the purpose of service, to those authorities of another contracting State which are designated by the latter for this purpose.

Each contracting State may, if exceptional circumstances so require, use diplomatic channels for the same purpose.

Article 10

Provided the State of destination does not object, the present Convention shall not interfere with—

(a) the freedom to send judicial documents, by postal channels, directly to persons abroad,

(b) the freedom of judicial officers, officials or other competent persons of the State of origin to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination,

(c) the freedom of any person interested in a judicial proceeding to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination.

Article 11

The present Convention shall not prevent two or more contracting States from agreeing to permit, for the purpose of service of judicial documents, channels of transmission other than those provided for in the preceding articles and, in particular, direct communication between their respective authorities.

Article 12

The service of judicial documents coming from a contracting State shall not give rise to any payment or reimbursement of taxes or costs for the services rendered by the State addressed.

The applicant shall pay or reimburse the costs occasioned by—

(a) the employment of a judicial officer or of a person competent under the law of the State of destination,

(b) the use of a particular method of service.

Article 13

Where a request for service complies with the terms of the present Convention, the State addressed may refuse to comply therewith only if it deems that compliance would infringe its sovereignty or security.

It may not refuse to comply solely on the ground that, under its internal law, it claims exclusive jurisdiction over the subject-matter of the action or that its internal law would not permit the action upon which the application is based.

The Central Authority shall, in case of refusal, promptly inform the applicant and state the reasons for the refusal.

Article 14

Difficulties which may arise in connection with the transmission of judicial documents for service shall be settled through diplomatic channels.

Article 15

Where a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and the defendant has not appeared, judgment shall not be given until it is established that—

(a) the document was served by a method prescribed by the internal law of the State addressed for the service of documents in domestic actions upon persons who are within its territory, or

(b) the document was actually delivered to the defendant or to his residence by another method provided for by this Convention,

and that in either of these cases the service or the delivery was effected in sufficient time to enable the defendant to defend.

Each contracting State shall be free to declare that the judge, notwithstanding the provisions of the first paragraph of this article, may give judgment even if no certificate of service or delivery has been received, if all the following conditions are fulfilled—

(a) the document was transmitted by one of the methods provided for in this Convention,

(b) a period of time of not less than six months, considered adequate by the judge in the particular case, has elapsed since the date of the transmission of the document.

(c) no certificate of any kind has been received, even though every reasonable effort has been made to obtain it through the competent authorities of the State addressed.

Notwithstanding the provisions of the preceding paragraphs the judge may order, in case of urgency, any provisional or protective measures.

Article 16

When a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and a judgment has been entered against a defendant who has not appeared, the judge shall have the power to relieve the defendant from the effects of the expiration of the time for appeal from the judgment if the following conditions are fulfilled—

(a) the defendant, without any fault on his part, did not have knowledge of the document in sufficient time to defend, or knowledge of the judgment in sufficient time to appeal, and

(b) the defendant has disclosed a *prima facie* defence to the action on the merits.

An application for relief may be filed only within a reasonable time after the defendant has knowledge of the judgment.

Each contracting State may declare that the application will not be entertained if it is filed after the expiration of a time to be stated in the declaration, but which shall in no case be less than one year following the date of the judgment.

This article shall not apply to judgments concerning status or capacity of persons.

CHAPTER II. EXTRAJUDICIAL DOCUMENTS

Article 17

Extrajudicial documents emanating from authorities and judicial officers of a contracting State may be transmitted for the purpose of service in another contracting State by the methods and under the provisions of the present Convention.

CHAPTER III. GENERAL CLAUSES

Article 18

Each contracting State may designate other authorities in addition to the Central Authority and shall determine the extent of their competence.

The applicant shall, however, in all cases, have the right to address a request directly to the Central Authority.

Federal States shall be free to designate more than one Central Authority.

Article 19

To the extent that the internal law of a contracting State permits methods of transmission, other than those provided for in the preceding articles, of documents coming from abroad, for service within its territory, the present Convention shall not affect such provisions.

Article 20

The present Convention shall not prevent an agreement between any two or more contracting States to dispense with—

(a) the neccessity for duplicate copies of transmitted documents as required by the second paragraph of article 3,

(b) the language requirements of the third paragraph of article 5 and article 7,

(c) the provisions of the fourth paragraph of article 5,

(d) the provisions of the second paragraph of article 12.

Article 21

Each contracting State shall, at the time of the deposit of its instrument of ratification or accession, or at a later date, inform the Ministry of Foreign Affairs of the Netherlands of the following—

(a) the designation of authorities, pursuant to articles 2 and 18,

(b) the designation of the authority competent to complete the certificate pursuant to article 6,

(c) the designation of the authority competent to receive documents transmitted by consular channels, pursuant to article 9.

Each contracting State shall similarly inform the Ministry, where appropriate, of—

(a) opposition to the use of methods of transmission pursuant to articles 8 and 10,

(b) declarations pursuant to the second paragraph of article 15 and the third paragraph of article 16,

(c) all modifications of the above designations, oppositions and declarations.

Article 22

Where Parties to the present Convention are also Parties to one or both of the Conventions on civil procedure signed at The Hague on the 17th July 1905, and on 1st March 1954, this Convention shall replace as between them articles 1 to 7 of the earlier Conventions.

Article 23

The present Convention shall not affect the application of article 23 of the Convention on civil procedure signed at The Hague on 17th July 1905, or of article 24 of the Convention on civil procedure signed at the Hague on 1st March 1954.

These articles shall, however, apply only if methods of communication, identical to those provided for in these Conventions, are used.

Article 24

Supplementary agreements between parties to the Convention 1905 and 1954 shall be considered as equally applicable to the present Convention, unless the Parties have otherwise agreed.

Article 25

Without prejudice to the provisions of articles 22 and 24, the present Convention shall not derogate from Conventions containing provisions on the matters governed by this Convention to which the contracting States are, or shall become, Parties.

Article 26

The present Convention shall be open for signature by the States represented at the Tenth Session of the Hague Conference on Private International Law.

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

Article 27

The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of article 26.

The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification.

Article 28

Any State not represented at the Tenth Session of the Hague Conference on Private International Law may accede to the present Convention after it has entered into force in accordance with the first paragraph of article 27. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for such a State in the absence of any objection from a State, which has ratified the Convention before such deposit, notified to the Ministry of Foreign Affairs of the Netherlands within a period of six months after the date on which the said Ministry has notified it of such accession.

In the absence of any such objection, the Convention shall enter into force for the acceding State on the first day of the month following the expiration of the last of the periods referred to in the preceding paragraph.

Article 29

Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

At any time thereafter, such extension shall be notified to the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for the territories mentioned in such an extension on the sixtieth day after the notification referred to in the preceding paragraph.

Article 30

The present Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of article 27, even for States which have ratified it or acceded to it subsequently.

If there has been no denunciation, it shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period.

It may be limited to certain of the territories to which the Convention applies.

The denunciation shall have effect only as regards the State which has notified it. The Convention shall remain in force for the other contracting States.

Article 31

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in article 26, and to the States which have acceded in accordance with article 28, of the following—

(a) the signatures and ratifications referred to in article 26;

(b) the date on which the present Convention enters into force in accordance with the first paragraph of article 27;

(c) the accessions referred to in article 28 and the dates on which they take effect;

(d) the extensions referred to in article 29 and the dates on which they take effect;

(e) the designations, oppositions and declarations referred to in article 21;

(f) the denunciations referred to in the third paragraph of article 30.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed the present Convention.

DONE at The Hague, on the 15th day of November, 1965, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Tenth Session of the Hague Conference on Private International Law.

For the Federal Republic of Germany, sous réserve de ratification:
[SEAL] KARL HERMANN KNOKE.
For Austria:
———— ————.
For Belgium:
[SEAL] VAN DER STRATEN.
January 21, 1966.
For Denmark:
———— ————.
For Spain:
———— ————.
For the United States of America:
[SEAL] WILLIAM ROYALL TYLER.
For Finland:
[SEAL] SIGURD VON NUMERS.
For France:
———— ————.
For Greece:
———— ————.
For Ireland:
———— ————.
For Israel:
[SEAL] DAVID SHALTIEL.
November 25, 1965.
For Italy:
———— ————.
For Japan:
———— ————.
For Luxembourg:
———— ————.
For Norway:
———— ————.
For the Netherlands:
[SEAL] J. LUNS.
For Portugal:
———— ————.
For the United Arab Republic:
[SEAL] SAYED FAHMI.
March 1, 1966.
For the United Kingdom of Great Britain and Northern Ireland:
[SEAL] PETER GARRAN.
December 10, 1965.
For Sweden:
———— ————.
For Switzerland:
———— ————.
For Turkey:
———— ————.
For Yugoslavia:
———— ————.

Mr. MANSFIELD. Mr. President, the Committee on Foreign Relations reported this convention unanimously. It applies to the service abroad of judicial and extrajudicial documents in all civil and commercial cases. It was formulated and approved by representatives of 23 member countries at the 10th session of the Hague Conference on Private International Law which was held from October 7 to 28, 1964. It was signed on behalf of the United States on November 16, 1965.

I ask unanimous consent that an excerpt from the report, containing an explanation of this convention, be printed in the RECORD at this point.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

The convention consists of a preamble, 31 articles, and an annex which contains several forms relating to the service of documents. It is designed to insure that parties involved in a suit be given timely notice with respect to judicial and extrajudicial documents served abroad and to facilitate international judicial assistance by simplifying and expediting the procedures for that purpose. Some of the more important provisions of the convention are discussed below.

PROVISIONS OF CONVENTION

Article 2 requires each State to designate a central authority to receive requests for service of documents coming from other countries. Although this central authority is always to be available, its use is not compulsory. In this connection, articles 8 through 11 provide for channels of service outside the central authority, including service by diplomatic or consular officers.

Article 5 requires the central authority to serve the document or to have it served "by an appropriate agency * * * (a) by a method prescribed by its internal law for the service of documents in domestic actions upon persons who are within its territory, or (b) by a particular method requested by the applicant, unless such a method is incompatible with the law of the state addressed." The state addressed may require the document to be translated into its "official language or one of [its] official languages," e.g., English in the United States or German, French, or Italian in Switzerland. The Department of State at present requires an English translation with respect to documents sent to it.

Articles 15 and 16 provide substantial "due process" protection for the addressee. Under article 15, judgment by default without notice to the defendant is sharply restricted and cannot be entered until after certain conditions have been fulfilled. Moreover, article 16 gives broad powers to open a judgment entered by default within reasonable time limits, upon proof by the defendant of no actual knowledge of the proceedings and showing of a *prima facie* defense on the merits, even though the time to do this has expired under the normal procedures of the forum.

Article 17 brings extrajudicial documents "emanating from authorities and judicial officers" within the scope of application of the convention. This is intended to include documents emanating from notaries under the continental system, or emanating from administrative agencies and commissions or other quasi-judicial tribunals in our own system.

Article 19 was inserted in the convention at the request of the U.S. delegation. It provides:

"To the extent that the internal law of a contracting State permits methods of transmission, other than those provided for in the preceding articles, of documents coming from abroad, for service within its territory, the present Convention shall not affect such provisions."

This article was included to make certain that there will be no change internally in the philosophy, policy, and procedures of the law currently in effect in the United States which deals with the service of documents in this country in connection with proceedings before foreign and international tribunals (Public Law 88-619). In other words, nothing now authorized by our law will be repealed or modified in the event of ratification of this convention by the United States.

Pursuant to the provisions of article 27, the convention will enter into force 60 days after the deposit of the third instrument of ratification. Although the convention has been signed by representatives of nine countries, it is not presently in force. In this connection, however, it should be noted that, in addition to the United States, three other countries (Belgium, the Netherlands, and France) are now going through their ratification process.

COMMITTEE ACTION AND RECOMMENDATION

The Convention on the Service Abroad of Judicial and Extrajudicial Documents was the subject of a public hearing before the Committee on Foreign Relations on April 11, 1967. At that time, testimony in support of the convention was received from Mr. Richard D. Kearney, Deputy Legal Adviser, Department of State, Mr. Joe C. Barrett, attorney at law, Jonesboro, Ark., and Mr. Philip W. Amram, U.S. representative to the 10th session of the Hague Conference on Private International Law. The statements which they submitted to the committee are incorporated in the appendix to this report. It should be added that the committee is not aware of any opposition to this convention. On the contrary, it is supported by major legal organizations, including the American Bar Association, the American Society of International Law, the National Conference of Commissioners on Uniform State Laws, and the Judicial Conference of the United States.

This convention is an important step toward the international codification of a uniform law governing the service of judicial and extrajudicial documents abroad. It is in keeping with the spirit and purpose of the law on this subject which is presently in effect in the United States and it will provide increased protection (due process) for American citizens who are involved in litigation abroad. The Committee on Foreign Relations recommends, therefore, that the Senate give its advice and consent to ratification of the convention.

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be a yea and nay vote on this matter at the conclusion of the morning business tomorrow.

The PRESIDING OFFICER. Without objection, the convention will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read.

The resolution of ratification was read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the convention on the service abroad of judicial and extrajudicial documents in civil or commerical matters, unanimously approved at the 10th session of the Hague Conference on Private International Law, October 7-28, 1964, and signed on behalf of the United

States of America at The Hague on November 15, 1965. (Executive C, Ninetieth Congress, first Session.)

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

TAX DELINQUENCIES

Mr. WILLIAMS of Delaware. Mr. President, today I am filing the 13th annual delinquent tax report. This report covers the calendar year 1966 and shows tax delinquencies as totaling $1,416,193,000, representing an increase of $149,010,000 or 12 percent above 1965.

Nor is this a good report in other respects. It is particularly disturbing when we examine the employment tax delinquencies.

In 1966 these delinquencies jumped from $222,296,000 the year before to $312,636,000. This is an alltime high for delinquent employment taxes since the release of the first annual report in 1954.

Twenty-five offices reported delinquent employment taxes at an alltime high since these statistics were first compiled. These 25 offices are:

Albany, N.Y.; Brooklyn, N.Y.; Portsmouth, Maine; Richmond, Va.; Atlanta, Ga.; Birmingham, Ala.; Columbia, S.C.; Greensboro, N.C.; Jackson, Miss.; Jacksonville, Fla.; Nashville, Tenn.; Cincinnati, Ohio; Indianapolis, Ind.; Louisville, Ky.; Des Moines, Iowa; Omaha, Nebr.; St. Louis, Mo.; Austin, Tex.; Dallas, Tex.; Denver, Colo.; Little Rock, Ark.; New Orleans, La.; Wichita, Kans.; Boise, Idaho; and Puerto Rico.

Three offices—Helena, Mont.; Portland, Oreg.; and San Francisco, Calif.—reported new lows in total tax delinquencies, but not a single office reported a new low in delinquent employment taxes.

Nine offices—Buffalo, N.Y.; Jackson, Miss.; Nashville, Tenn.; Omaha, Nebr.; Albuquerque, N. Mex.; Austin, Tex.; Little Rock, Ark.; Los Angeles, Calif.; and Puerto Rico—reported their total tax delinquencies at an alltime high.

This report is most disturbing when we consider that employment taxes represent income taxes, social security taxes, and so forth, withheld by the employers from the paychecks of their employees. Money withheld from the employees' pay envelopes does not belong to the employer, and under no circumstances does the employer have the right to divert these funds to his own personal use; these are in effect trust funds.

This $1,416,193,000, representing the amount of delinquent taxes as of December 31, 1966, does not tell the full story. During calendar year 1966 taxes totaling $219,656,000 were abated.

In addition, taxes totaling $253,006,000 were classified as uncollectible during 1966.

A detailed report for each of the various collection districts will be incorporated in the RECORD as a part of my remarks. I shall cite the more glaring changes.

Albany, N.Y., reports a startling increase in delinquent accounts. Delinquent employment taxes jumped 178 percent or to $4,265,000 as compared with $1,533,000 in 1965. This is a new high. Total tax delinquencies in Albany jumped 51 percent over the previous year or to $9,801,000 as compared with $6,462,000 the year previous.

Augusta, Maine: Employment tax delinquencies jumped 113 percent over the previous year or to $679,000 as compared to $318,000 in 1965. Total tax delinquencies during the same period jumped 65 percent or from $1,518,000 to $2,507,000 in 1966.

Boston, Mass.: Employment tax delinquencies jumped 83 percent or from $4,966,000 to $9,106,000 in 1966. During the same period total tax delinquencies in this office jumped 11 percent, from $29,414,000 to $32,849,000.

Brooklyn, N.Y.: Employment tax delinquencies show only a slight rise of less than 1 percent or from $26,713,000 to $26,896,000, but this still represents a new high. Its total taxes were reduced 13 percent or from $108,485,000 to $93,868,000.

Buffalo, N.Y., which now includes the former Syracuse district, showed employment tax delinquencies as having risen from $3,387,000 to $4,743,000 or an increase of 40 percent. Total tax delinquencies during the same period established a new high, rising from $16,029,000 in 1965 to $19,344,000 in 1966 or an increase of 20 percent.

Burlington, Vt.: Employment tax delinquencies in this office show a startling increase, rising from $98,000 to $381,000 in 1966, an increase of 288 percent, while during this same period the total tax delinquencies rose 72 percent from $576,000 in 1965 to $995,000 in 1966.

Hartford, Conn.: Employment tax delinquencies jumped 132 percent or from $1,666,000 to $3,870,000. During the same period the tax delinquencies in Hartford dropped 14 percent or from $13,215,000 to $11,295,000.

Manhattan, N.Y.: Employment tax delinquencies in this office rose from $32,527,000 at the end of 1965 to $40,104,000 in December 1966, representing an increase of 23 percent. During the same calendar year the total tax delinquencies in this office jumped 60 percent or from $147,058,000 to $235,442,000.

Portsmouth, N.H.: In this office employment tax delinquencies jumped 126 percent to a new high or from $338,000 in 1965 to $767,000 in 1966. During the same period the total tax delinquencies rose 13 percent, from $1,353,000 in 1965 to $1,530,000 in 1966.

Providence, R.I.: Employment tax delinquencies rose from $748,000 in 1965 to $1,561,000 in 1966, representing an increase of 108 percent. During the same period the total tax delinquencies rose 42 percent or from $2,116,000 in 1965 to $3,010,000 in 1966.

Baltimore,. Md.: Employment tax delinquencies rose 18 percent, from $5,271,000 to $6,261,000, while during the same period total tax delinquencies rose from $21,938,000 to $33,370,000 or 52 percent.

Newark, N.J., shows slight increases in both delinquent employment taxes and in delinquent total taxes. The employment taxes in this office rose 4 percent or from $13,268,000 in 1965 to $13,843,000 in 1966. Its total taxes rose 5 percent or from $59,407,000 to $62,662,000.

Philadelphia, Pa.: Employment tax delinquencies rose in this office from $8,133,000 to $10,437,000, or 28 percent. The total tax delinquencies rose 11 percent, or from $38,316,000 to $42,777,000.

Pittsburgh, Pa.: Employment tax delinquencies rose from $3,542,000 to $6,288,000, an increase of 75 percent; however, during the same period the total tax delinquencies dropped 14 percent, or from $23,346,000 in 1965 to $19,966,000 in 1966.

Richmond, Va.: Employment tax delinquencies rose 44 percent from $2,672,000 to $3,856,000 establishing a new high for this office. Total tax delinquencies during this same period jumped from $13,328,000 to $19,076,000, an increase of 43 percent.

Wilmington, Del.: I take pride in making this report on my home State. Employment tax delinquencies in Wilmington dropped 26 percent, or from $594,000 to $436,000. During the same period the total tax delinquencies dropped about 7 percent, or from $4,326,000 to $3,984,000.

Atlanta, Ga.: Employment tax delinquencies reached a new high, jumping 51 percent, from $2,943,000 to $4,446,000 in 1966. There was very little change in the total tax delinquencies, less than 1 percent, which rose from $18,497,000 to $18,610,000.

Birmingham, Ala.: Delinquent employment taxes rose 33 percent, or from $2,579,000 in 1965 to $3,440,000 in 1966, thereby establishing a new high. During the same 12-month period, total tax delinquencies rose from $9,375,000 to $11,758,000, representing a 25-percent increase.

Columbia, S.C.: Employment taxes in this office reached a new high, rising 77 percent, from $1,283,000 to 1965 to $2,277,000 in 1966; however, the overall report of this office is good in that its total tax delinquencies dropped from $25,729,000 to $8,794,000, a 65-percent change.

Greensboro, N.C.: Employment tax delinquencies rose 43 percent to a new high, from $2,206,000 to $3,163,000. Total tax delinquencies rose 2 percent, $15,199,000 in 1965 as compared to $15,632,000 in 1966.

Jackson, Miss.: Delinquent employment taxes rose from $1,218,000 to $1,736,000 in 1966, an increase of 42 percent. Total tax delinquencies rose from $5,045,000 to $5,891,000 in 1966, an increase of 16 percent. Both items are at a new high.

Jacksonville, Fla.: Employment tax delinquencies rose to a new high, from $10,412,000 in 1965 to $14,119,000 in 1966, an increase of 35 percent. Total tax delinquencies in this office dropped 5 percent or $92,420,000 in 1966 as compared to $98,275,000 in 1965.

Nashville, Tenn.: Employment tax delinquencies in this office rose 60 percent, from $2,332,000 in 1965 to $3,750,000 in 1966. During the same period total tax delinquencies rose 43 percent, from $11,923,000 to $17,093,000 in 1966.

This is a new high for this office on both accounts.

Cincinnati, Ohio: Employment tax delinquencies reached a new high through a 77-percent increase, or from $3,002,000 in 1965 to $5,326,000 in 1966. Total tax delinquencies rose 15 percent, from $14,989,000 in 1965 to $17,311,000 in 1966.

Cleveland, Ohio: Employment tax delinquencies rose 76 percent, from $3,288,000 to $5,788,000 in 1966. During the same period total tax delinquencies rose slightly less than 4 percent or $34,790,000 in 1965 as compared to $36,106,000 in 1966.

Detroit, Mich.: Employment tax delinquencies in this office rose 69 percent, from $7,452,000 in 1965 to $12,595,000 in 1966. During the same period total tax delinquencies rose 23 percent or from $32,078,000 to $39,469,000.

Indianapolis, Ind.: Employment taxes in this office jumped 171 percent, to a new high from $2,908,000 to $7,884,000 in 1966. During the same period total tax delinquencies rose 36 percent, from $18,213,000 to $24,838,000 in 1966.

Louisville, Ky.: Employment tax delinquencies rose 54 percent to a new high, from $1,528,000 in 1965 to $2,356,000 in 1966; however, total tax delinquencies in this office dropped 12 percent or from $11,795,000 in 1965 to $10,306,000 in 1966.

Parkersburg, W. Va.: Delinquent employment taxes rose 60 percent, from $854,000 to $1,369,000. Total tax delinquencies rose 57 percent or from $2,974,000 in 1965 to $4,690,000 in 1966.

Aberdeen, S. Dak.: Employment tax delinquencies jumped 62 percent or from $151,000 in 1965 to $245,000 in 1966; however, total tax delinquencies in Aberdeen droped 12 percent in 1966, from $1,214,000 to $1,067,000.

Chicago, Ill.: Delinquent employment taxes rose 20 percent, from $10,073,000 in 1965 to $12,138,000 in 1966; however, total tax delinquencies in Chicago dropped 15 percent in 1966, from $51,012,000 in 1965 to $43,300,000 in 1966.

Des Moines, Iowa: Delinquent employment taxes rose nearly 65 percent, from $861,000 in 1965 to $1,428,000 in 1966. This is a new high. Total tax delinquencies dropped 12 percent, from $5,112,000 in 1965 to $4,500,000.

Fargo, N. Dak.: Employment tax delinquencies jumped 153 percent, from $97,000 in 1965 to $246,000 in 1966, while total tax delinquencies rose 17 percent, from $517,000 to $608,000 in 1966.

Milwaukee, Wis.: Employment tax delinquencies rose 70 percent, from $1,733,000 to $2,952,000. During the same period total tax delinquencies rose 18 percent, from $10,758,000 in 1965 to $12,771,000 in 1966.

Omaha, Nebr.: The report on delinquent employment taxes in this district is shocking. During 1966 delinquent employment taxes in this office rose 620 percent or from $426,000 to $3,067,000. During the same 12-month period total tax delinquencies rose nearly 36 percent, from $5,943,000 in 1965 to $8,079,000 in 1966. Both employment tax and total tax delinquencies in this office are at a new high.

St. Louis, Mo.: Employment tax delinquencies in this office increased 92 percent, from $2,792,000 to $5,363,000 in 1966. During the same year total tax delinquencies rose 18 percent, from $15,114,000 to $17,893,000.

St. Paul, Minn., reports a 10-percent increase in employment tax delinquencies or $2,272,000 in 1966 as compared to $2,049,000 in 1965. During the same period total tax delinquencies dropped 4 percent, from $9,332,000 in 1965 to $8,937,000.

Springfield, Ill.: Delinquent employment taxes jumped 119 percent or from $803,000 in 1965 to $1,764,000 in 1966. During the same year total tax delinquencies, however, declined 30 percent, from $9,112,000 to $6,306,000 in 1966.

Albuquerque, N. Mex.: Employment tax delinquencies rose from $658,000 to $1,347,000 in 1966, an increase of 104 percent. Total tax delinquencies rose from $4,000,000 to $5,606,000, an increase of 40 percent, thereby establishing a new high.

Austin, Tex., reports an increase in employment tax delinquencies of 30 percent rising from $4,368,000 to $5,703,000 in 1966. Total tax delinquencies during the same 12-month period rose 47 percent, from $41,385,000 in 1965 to $61,104,000 in 1966. This represents an all-time high on both accounts.

Cheyenne, Wyo.: Delinquent employment taxes rose 36 percent, from $279,000 in 1965 to $381,000 in 1966; however, there was very little change in the total tax delinquencies, which rose from $1,098,000 in 1965 to $1,102,000 in 1966.

Dallas, Tex.: Employment tax delinquencies in this office reached a new high, rising 63 percent in 1966 or an increase from $4,051,000 in 1965 to $6,602,000 in 1966. During the same period total tax delinquencies rose 13 percent, from $20,446,000 in 1965 to $23,126,000 in 1966.

Denver, Colo., joined the parade in establishing a new high in delinquent employment taxes which rose 65 percent in this office or from $2,004,000 to $3,317,000 in 1966. During the same period total tax delinquencies dropped 24 percent, from $16,025,000 in 1965 to $12,118,000 in 1966.

Little Rock, Ark.: Delinquent employment taxes rose 91 percent, from $594,000 in 1965 to $1,140,000 in 1966. Total tax delinquencies during the same period rose from $9,981,000 to $10,390,000, an increase of 4 percent, the highest in 13 years for both items.

New Orleans, La.: Delinquent employment taxes rose nearly 75 percent or from $2,752,000 in 1965 to $4,813,000 in 1966 thereby establishing a new high. During the same period total tax delinquencies rose 37 percent from $10,425,000 in 1965 to $14,342,000 in 1966.

Oklahoma City, Okla.: Delinquent employment taxes rose nearly 21 percent, from $1,979,000 in 1965 to $2,393,000 in 1966. Total tax delinquencies rose 31 percent, from $6,614,000 to $8,693,000 in 1966.

Wichita, Kans.: Employment tax delinquencies rose 75 percent, from $1,009,000 to $1,771,000 in 1966, a new high. At the same time the total tax delinquencies rose 34 percent, from $5,414,000 in 1965 to $7,283,000 in 1966.

Anchorage, Alaska: Employment tax delinquencies rose 53 percent, from $520,000 in 1965 to $800,000 in 1966. Total tax delinquencies rose 28 percent or from $1,500,000 in 1965 to $1,930,000 in 1966.

Boise, Idaho: Delinquent employment taxes rose nearly 48 percent to a new high or from $637,000 in 1965 to $942,000 in 1966; however, total tax delinquencies in this office dropped 18 percent, from $2,321,000 in 1965 to $1,895,000 in 1966.

Helena, Mont., has a better report. While employment taxes rose from $424,000 in 1965 to $440,000 in 1966, or about 3 percent, total tax delinquencies dropped over 11 percent to a new low or from $1,655,000 to $1,466,000 in 1966.

Honolulu, Hawaii: Delinquent employment taxes rose 62 percent or to $764,000 in 1966 as compared with $471,000 the year before. Total tax delinquencies in this office rose 7 percent during this same period, from $3,915,000 to $4,194,000.

Los Angeles, Calif.: Taxes in this district rose $9 million or from $19,003,000 in 1965 to $28,175,000 in 1966, an increase of 48 percent. Total tax delinquencies rose from $97,186,000 in 1965 to $116,753,000 in 1966 or an increase of 20 percent. This is a new high in total tax delinquencies.

Phoenix, Ariz.: Delinquent employment taxes in this office rose 72 percent while total tax delinquencies rose 18 percent. Delinquent employment taxes in 1966 totaled $1,996,000 as compared to $1,156,000 the year before while total tax delinquencies rose from $6,372,000 in 1965 to $7,555,000 in 1966.

Portland, Oreg.: Employment tax delinquencies rose 13 percent or from $1,420,000 in 1965 to $1,616,000 in 1966; however, during the same 12-month period total tax delinquencies in this office dropped 48 percent, from $13,424,000 in 1965 to $6,972,000. This is the lowest level in 13 years for total tax delinquencies for this office.

Reno, Nev.: The report of this office is better. While employment taxes did rise 2 percent, from $2,480,000 to $2,539,000 in 1966, the total tax delinquencies dropped 21 percent, from $8,348,000 to $6,594,000.

Salt Lake City, Utah: This office shows an increase of 7 percent in employment tax delinquencies or $1,102,000 in 1966 and $1,023,000 in 1965; however, again the total tax delinquencies decreased, this time by 12 percent or from $3,790,000 in 1965 to $3,333,000 in 1966.

San Francisco, Calif.: Delinquent employment taxes in this office rose 47 percent or from $7,349,000 in 1965 to $10,806,000 in 1966 although the total tax delinquencies decreased 9 percent, from $44,915,000 in 1965 to $40,604,000 in 1966, a 13-year low for total delinquencies.

Seattle, Wash.: This office reports a 103-percent increase in delinquent employment taxes, rising from $1,374,000 in 1965 to $2,798,000 in 1966. Total tax delinquencies during the same period rose from $8,803,000 in 1965 to $9,470,000 in 1966, an increase of 7 percent.

Puerto Rico: Delinquent employment

taxes rose 19 percent or from $1,470,000 to $1,752,000. Total tax delinquencies rose 42 percent or from $1,772,000 in 1965 to $2,524,000 in 1966. These represent new highs in both.

Other international operations show a 44-percent reduction in delinquent employment taxes, dropping from $511,000 in 1965 to $282,000 in 1966, while the total tax delinquencies increased 10 percent, rising from $63,911,000 in 1965 to $70,324,000 in 1966.

I ask unanimous consent that there be incorporated in the RECORD at this point the letter from the Treasury Department signed by Mr. William H. Smith, Acting Commissioner, and dated March 15, 1967, along with the charts showing the inventory of taxpayer delinquent accounts for December 1966 and 1965 and the delinquent accounts classified as uncollectible and abated for those years.

There being no objection, the letter and the charts were ordered to be printed in the RECORD, as follows:

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., March 15, 1967.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This is in response to your letter of December 22, 1966, requesting a report on the inventory of delinquent tax accounts as of December 31, 1966.

I am glad to furnish this information and am attaching a tabulation showing our year-end inventory broken down by the various tax groups and showing the inactive accounts in the columns to the right. The figures in the inactive category are included in the figures in the columns under the variout tax groups. All offices were current in their issuances as of December 31, and therefore all accounts in a delinquent status as of that date are included in the tabulation.

The following table summarizes as of December 31, 1965 and 1966, the taxpayer delinquent accounts broken down as to active and inactive status. Accounts in the inactive category are those on which collection has been deferred pending the outcome of audit examinations, court cases, or other contingent actions. Since these accounts are not subject to closure action until after the outcome of audit, court proceedings, etc., is determined, the Service has little opportunity to do anything that would help hold this part of our delinquent account inventory at a low level.

TDA inventory

[Dollar amounts in thousands]

	Active	Inactive	Total
Dec 31, 1965	$693, 192	$573, 991	$1, 267, 183
Dec. 31, 1966	792, 751	623, 442	1, 416, 193
Change from Dec. 31, 1965, to 1966	+99, 559	+49, 451	+149, 010
Percent change	+14	+9	+12
		Number	
Dec. 31, 1965	877, 146	138, 928	1, 016, 074
Dec. 31, 1966	923, 905	147, 543	1, 071, 448
Change from Dec. 31, 1965, to 1966	+46, 759	+8, 615	+55, 374
Percent change	+5	+6	+5

Calendar year 1966 was one of continued high activity in the issuance and closure of delinquent accounts. Issuances totaled 2.8 million in number, up 3% over the previous year, and $1.9 billion in amount, up 12% over 1965. For the same period, closures totaled 2.77 million in number and $1.75 billion in amount. While both of these figures reflected increases of 8% over those for 1965, they did not keep pace with the high issuances during 1966, which meant that the upward trends in our year-end figures for the previous year were not reversed.

Variation in our delinquent account issuance pattern and urgent training requirements also contributed to our continued rise in inventory. Delinquent account issuances in December 1966 were much higher than in December 1965. Moreover, the bulk of the additional accounts came out too late in December to permit our working any considerable part of them out of our inventory before the end of the year.

As you know, the Federal Tax Lien Act, approved November 2, 1966, and made effective November 3, 1966, was the first comprehensive revision of the lien and levy statutes in 50 years. The Congress gave us a new set of rules for this phase of our collection work. Changes were so far reaching that our delinquent account closures necessarily slowed down while our people became acquainted with the new requirements, and, in fact, on some phases we had to tell our districts to discontinue action until we could issue procedural guidance for them to follow.

Although of somewhat lesser impact, extensive training of people assigned to delinquent accounts work was occasioned by the transfer of jurisdiction over substantially all offers in compromise from Audit to our Collection function. This training also had to be accomplished during the latter half of the 1966 calendar year as the transfer was made on January 3, 1967.

There has been no letup in our efforts to conduct a vigorous and firm collection program. We continue to stress taxpayer education and other measures designed to obtain and improve the voluntary compliance of the taxpaying public, followed by prompt enforcement action in the case of those who do not respond. Because of the "trust fund" nature of the withheld taxes involved, we are continuing our accelerated collection program in the case of employers who file their employment tax returns without the required payment.

We are attaching a district-by-district tabulation of uncollectible accounts and abatements for 1966. This will give you the information you seek on accounts written off as uncollectible and abated in our various offices. In your letter you also appear to be suggesting that we keep in our inventory accounts written off as uncollectible on which the statute has not tolled. While I believe that my previous letter to you of July 28, 1966, and perhaps our conversations may have led you to believe that this would be a simple matter for us to accomplish, I should like to make clear that we do not keep this information in a readily reportable form. This is not to say—as I have pointed out elsewhere—that we do not keep an eye on accounts declared uncollectible but we do not keep our records in such a way as to keep a running tally of these accounts in our inventory. I must tell you that to attempt to compile this information now would require going through several hundred thousand case files involving a very substantial expenditure of manpower.

As you know, our "uncollectible" classification procedure is a device to enable management to use its manpower resources to the maximum extent. Stated otherwise, we classify as uncollectible those accounts on which the likelihood of collection is so remote that we cannot afford to devote manpower to them that could better be used on more productive work. Typical of these are no asset cases, taxpayers that cannot be located and those where collection would cause undue hardship to the taxpayer or his family.

I should also point out that after classification as uncollectible, periodic reviews are made by management and also by our Internal Auditors. Needless to say, in event of improvement in the taxpayer's financial situation or location of reachable assets, the account is reactivated and collection effort resumed.

We were able to use our Data Processing equipment in a two-region test last year to collect accounts classified as uncollectible. This involved associating delinquent liabilities with the prospective refunding record and enabled us to offset more than $1.7 million against delinquent accounts of which about 81% were in the uncollectible classification. This procedure was expended servicewide and is now in effect.

Abatements are, of course, entirely different from uncollectibles. Except in the case of offers in compromise, an assessment is abated only if it is in excess of the tax amount actually due and owing at the time. The following types of assessment qualify for abatement:

1. Assessments in excess of the amount legally due as determined by audit examination.

2. Assessments in excess of the amount accepted on an offer in compromise.

3. Jeopardy assessments later determined by court ruling to be excessive.

4. Jeopardy assessments where it is administratively determined that jeopardy does not exist.

5. Transferee assessments in excess of the basic transferor assessment.

6. 100 percent penalty assessments in excess of the basic corporate assessment.

Assessments made in transferee cases always duplicate an amount already assessed against the transferor, and in cases involving the 100 percent penalty, assessments made against officers or employes of the taxpayer always constitute a duplication of an amount already assessed against the taxpayer himself. In fact, transferee assessments, all representing the same basic transferor liability, may be made against several transferees, and the 100 percent penalty may be assessed against more than one person in respect of the same offense. However, no more is actually collected than is actually due, of course, and all assessments over and above the basic one must ultimately be abated.

In jeopardy cases, the situation differs in that the assessments made are usually against the taxpayer and the taxpayer only. However, the amounts involved are determined on the basis of such information, sometimes rather limited, as is immediately available to the Service. Jeopardy assessments may, therefore, be in excess of the true liability as subsequently determined when all the facts are disclosed. In such cases, the amount of the jeopardy assessment is adjusted to the true liability.

Your interest in this matter is appreciated.

With kind regards,

Sincerely,

WILLIAM H. SMITH,
Acting Commissioner.

Inventory of taxpayer delinquent accounts, December 1966 and 1965

	Tax groups																Inactive			
	Income				Employment				Other				Total							
	Number		Amount (thousands)		Number		Amount (thousands)		Number		Amount (thousands)		Number		Amount (thousands)		Number		Amount (thousands)	
	1966	1965	1966	1965	1966	1965	1966	1965	1966	1965	1966	1965	1966	1965	1966	1965	1966	1965	1966	1965
Total	744,066	767,611	$919,738	$901,852	289,552	212,006	$312,636	$222,296	37,830	36,457	$183,822	$143,035	1,071,448	1,016,074	$1,416,193	$1,267,183	147,543	138,928	$623,442	$573,991
North Atlantic	157,463	144,301	283,884	216,795	60,051	44,449	92,372	72,294	7,109	6,390	34,386	37,136	224,623	195,140	410,641	326,226	34,637	29,828	210,354	135,188
Mid-Atlantic	133,845	156,847	116,483	107,315	42,639	31,940	41,061	33,480	5,639	5,083	24,252	19,868	182,123	193,870	181,795	160,662	28,733	26,366	65,023	74,317
Southeast	92,227	111,960	120,659	148,270	48,562	36,411	32,931	22,973	8,246	6,790	16,618	12,801	149,035	155,161	170,198	184,043	22,044	22,579	79,923	109,365
Central	102,942	88,022	81,143	75,106	36,143	23,116	35,318	19,032	3,835	4,779	16,258	20,698	142,920	115,917	132,720	114,838	19,911	16,449	58,960	47,673
Midwest	70,940	66,717	59,579	76,850	23,215	17,261	29,475	18,985	2,983	3,458	14,406	12,279	97,138	87,436	103,461	108,113	12,269	12,612	38,423	48,668
Southwest	71,020	66,021	91,066	83,046	34,234	23,701	27,467	17,694	4,212	3,750	25,232	14,648	109,466	93,472	143,764	115,388	10,032	11,099	72,871	62,514
Western	110,258	128,337	100,451	132,962	41,119	31,581	51,978	35,857	5,604	6,038	48,336	23,411	156,981	165,956	200,766	192,229	18,206	18,143	71,600	69,672
International operations	5,371	5,406	66,473	61,508	3,580	3,547	2,034	1,981	202	169	4,339	2,194	9,162	9,122	72,848	65,684	1,711	1,852	26,288	26,594
North Atlantic region:																				
Albany	8,687	8,491	4,517	3,316	2,612	1,519	4,265	1,533	346	300	1,018	1,613	11,645	10,310	9,801	6,462	1,636	1,643	2,321	1,905
Augusta	1,491	1,105	1,787	1,149	730	326	679	318	41	36	41	50	2,262	1,467	2,507	1,518	469	260	1,167	966
Boston	24,054	20,002	22,217	22,988	9,633	5,625	9,106	4,966	760	743	1,527	1,460	34,447	26,370	32,849	29,414	5,294	5,005	11,108	13,136
Brooklyn	51,091	40,840	51,831	64,722	15,704	11,765	26,896	26,713	1,389	2,026	15,142	17,050	68,184	54,631	93,868	108,485	7,299	6,644	34,453	38,833
Buffalo	10,839	9,205	12,646	10,226	4,405	3,061	4,743	3,387	527	463	1,955	2,416	15,771	12,729	19,344	16,029	2,210	1,394	7,311	5,650
Burlington	717	533	573	441	639	217	381	98	32	47	41	38	1,388	797	995	576	204	189	350	389
Hartford	8,905	9,433	6,086	9,774	3,506	1,959	3,870	1,666	365	363	1,339	1,776	12,776	11,755	11,295	13,215	1,717	1,123	3,667	3,039
Manhattan	48,960	52,098	182,268	101,897	20,742	28,889	40,104	32,527	3,512	2,273	13,071	12,633	73,214	73,260	235,442	147,058	14.834	12,828	148,317	69,743
Portsmouth	1,033	1,089	719	1,011	753	296	767	338	36	22	43	4	1,822	1,407	1,530	1,353	378	244	685	822
Providence	1,686	1,505	1,240	1,271	1,327	792	1,561	748	101	117	209	97	3,114	2,414	3,010	2,116	596	498	975	705
Mid-Atlantic region:																				
Baltimore	29,044	35,373	24,559	14,446	6,198	4,263	6,261	5,271	716	500	2,550	2,222	35,958	40,136	33,370	21,938	4,767	4,063	5,275	5,738
Newark	38,019	43,775	39,465	38,751	13,491	11,784	13,843	13,268	1,997	1,951	9,324	7,389	53,507	57,510	62,622	59,407	8,083	7,856	26,734	32,805
Philadelphia	33,409	38,433	25,223	23,956	10,710	7,282	10,437	8,133	1,224	1,104	7,117	6,227	45,343	46,819	42,777	38,316	8,839	7,643	14,498	17,372
Pittsburgh	13,159	14,434	11,891	19,182	5,667	4,098	6,228	3,542	928	891	1,846	623	19,754	19,423	19,966	23,346	3,358	4,062	5,882	10,027
Richmond	17,305	21,744	13,978	9,764	5,759	3,750	3,856	2,672	617	399	1,243	892	23,681	25,893	19,076	13,328	3,061	2,048	10,709	6,336
Wilmington	2,909	3,088	1,376	1,216	814	763	436	594	157	238	2,172	2,516	3,880	4,089	3,984	4,326	625	694	1,925	2,039
Southeast region:																				
Atlanta	13,128	18,570	10,460	12,574	6,679	6,013	4,446	2,943	1,704	1,196	3,705	2,979	21,511	25,781	18,610	18,497	3,164	3,322	5,871	6,203
Birmingham	9,454	12,848	6,633	5,534	5,634	4,554	3,440	2,579	998	1,024	1,686	1,263	16,086	18,426	11,758	9,375	2,870	3,104	3,263	3,708
Columbia	8,021	8,710	5,790	23,303	4,063	2,021	2,277	1,283	679	611	728	1,143	12,763	11,342	8,794	25,729	2,041	2,134	3,275	21,502
Greensboro	13,245	18,692	11,447	11,943	6,185	4,264	3,163	2,206	866	1,024	1,022	1,051	20,296	23,960	15,632	15,199	3,869	3,506	7,383	7,685
Jackson	5,452	7,745	3,497	3,417	3,392	2,402	1,736	1,218	519	361	659	410	9,363	10,508	5,891	5,045	1,405	1,618	1,943	2,153
Jacksonville	30,345	30,557	72,254	83,569	16,833	13,201	14,119	10,412	2,196	1,689	6,047	4,294	49,374	45,427	92,420	98,275	5,839	6,247	54,378	63,405
Nashville	12,582	14,838	10,578	7,930	5,776	3,956	3,750	2,332	1,284	903	2,766	1,661	19,642	19,697	17,093	11,923	2,856	2,648	3,810	4,709
Central region:																				
Cincinnati	17,526	16,655	10,816	9,298	6,693	3,982	5,326	3,002	471	576	1,169	2,689	24,690	21,213	17,311	14,989	3,110	2,578	5,459	6,154
Cleveland	20,655	22,549	25,654	27,548	6,340	5,002	5,788	3,288	907	1,221	4,664	3,953	27,902	28,772	36,106	34,790	4,337	4,535	20,303	11,968
Detroit	35,798	22,373	20,596	18,258	12,535	6,562	12,595	7,452	1,196	1,640	6,277	6,368	49,529	30,575	39,469	32,078	5,884	3,586	15,888	12,688
Indianapolis	16,687	12,991	15,560	12,143	5,340	3,641	7,884	2,908	802	518	1,394	3,161	22,829	17,150	24,838	18,213	3,651	3,521	12,843	9,501
Louisville	8,700	9,485	5,920	5,873	3,477	2,703	2,356	1,528	318	655	2,030	4,393	12,495	12,843	10,306	11,795	2,113	1,645	3,463	6,361
Parkersburg	3,576	3,969	2,597	1,986	1,758	1,226	1,369	854	141	169	724	133	5,475	5,364	4,690	2,974	816	584	1,004	981
Midwest region:																				
Aberdeen	1,175	801	665	699	484	278	245	151	63	58	158	364	1,722	1,137	1,067	1,214	117	139	181	685
Chicago	32,293	30,219	25,138	37,606	8,663	7,324	12,138	10,073	1,013	1,264	6,024	3,333	41,969	38,807	43,300	51,012	4,819	4,905	12,833	22,501
Des Moines	4,510	4,218	2,654	2,086	1,738	1,081	1,428	861	254	448	418	2,165	6,502	5,747	4,500	5,112	1,009	1,333	1,865	1,830
Fargo	811	644	303	331	417	249	246	97	58	65	58	89	1,286	958	608	517	169	148	228	294
Milwaukee	7,246	5,637	6,660	8,114	2,788	1,850	2,952	1,733	282	271	3,159	911	10,316	7,758	12,771	10,758	1,205	1,075	3,892	5,378
Omaha	1,762	1,393	4,497	5,019	850	497	3,067	426	105	83	515	498	2,717	1,973	8,079	5,943	614	589	6,445	4,770
St. Louis	13,843	12,661	10,184	8,498	4,268	3,304	5,363	2,792	589	676	2,345	3,823	18,700	16,641	17,893	15,114	2,292	2,532	6,236	6,528
St. Paul	4,829	5,688	5,478	6,695	2,147	1,597	2,272	2,049	385	361	1,188	588	7,361	7,646	8,937	9,332	1,230	1,086	4,141	5,084
Springfield	4,471	5,456	4,000	7,802	1,860	1,081	1,764	803	234	232	541	507	6,565	6,769	6,306	9,112	814	805	2,602	1,598
Southwest region:																				
Albuquerque	2,494	2,181	3,750	2,893	1,840	1,142	1,347	658	280	212	509	450	4,614	3,535	5,606	4,000	650	500	1,613	1,451
Austin	19,042	18,678	38,623	34,891	7,248	5,460	5,703	4,368	1,196	991	16,778	2,125	27,486	25,129	61,104	41,385	1,748	1,956	39,075	27,630
Cheyenne	1,226	1,101	598	695	674	443	381	279	53	79	124	124	1,953	1,625	1,102	1,098	324	231	395	267
Dallas	15,798	14,921	14,588	15,390	7,191	5,178	6,602	4,051	779	696	1,935	1,006	23,768	20,795	23,126	20,446	2,064	2,225	11,099	10,967
Denver	6,321	6,191	7,749	7,473	3,318	1,980	3,317	2,004	438	371	1,052	6,548	10,077	8,542	12,118	16,025	1,035	1,546	4,186	4,737
Little Rock	3,254	2,680	9,036	9,252	2,111	1,360	1,140	594	257	179	214	134	5,622	4,219	10,390	9,981	867	921	8,267	8,387
New Orleans	9,842	8,542	7,870	6,520	5,524	3,553	4,813	2,752	425	491	1,660	1,153	15,791	12,586	14,342	10,425	1,304	1,717	3,634	5,359
Oklahoma City	7,449	6,597	4,894	3,381	3,744	3,273	2,393	1,979	492	460	1,406	1,254	11,685	10,330	8,693	6,614	992	1,064	2,252	900
Wichita	5,594	5,130	3,958	2,551	2,584	1,312	1,771	1,009	292	271	1,554	1,854	8,470	6,713	7,283	5,414	1,048	939	2,350	2,826

Western region:																				
Anchorage	1,505	1,763	1,110	947	596	870	800	520	24	56	20	33	2,125	2,689	1,930	1,500	200	137	441	267
Boise	1,134	1,759	706	1,463	869	620	942	637	172	253	247	221	2,175	2,632	1,895	2,321	437	384	789	802
Helena	1,377	2,060	675	984	574	787	440	424	146	299	351	247	2,097	3,146	1,466	1,655	415	468	556	612
Honolulu	1,185	1,546	3,374	3,357	698	410	764	471	42	83	56	87	1,925	2,039	4,194	3,915	332	484	2,726	2,798
Los Angeles	47,737	53,600	51,053	63,257	16,827	13,158	28,175	19,003	2,040	2,155	37,525	14,927	66,604	68,913	116,753	97,186	6,840	7,746	42,977	41,920
Phoenix	3,915	4,884	4,732	4,649	1,894	1,266	1,996	1,156	278	195	827	567	6,087	6,345	7,555	6,372	748	778	2,091	1,887
Portland	5,959	9,920	4,956	11,385	1,975	2,119	1,616	1,420	341	472	399	619	8,275	12,511	6,972	13,424	1,172	1,249	2,941	2,436
Reno	2,790	3,400	2,928	4,925	1,455	1,162	2,539	2,480	95	133	1,127	942	4,340	4,695	6,594	8,348	488	469	2,424	2,805
Salt Lake City	2,383	2,906	2,012	2,327	1,302	1,141	1,102	1,023	286	201	219	440	3,971	4,248	3,333	3,790	590	367	1,453	1,434
San Francisco	35,135	37,275	23,144	32,894	11,533	7,913	10,806	7,349	1,823	1,807	6,654	4,672	48,491	46,995	40,604	44,915	5,362	4,594	12,542	12,015
Seattle	7,138	9,224	5,761	6,774	3,396	2,135	2,798	1,374	357	384	911	655	10,801	11,743	9,470	8,803	1,622	1,467	2,060	2,696
International operations:																				
Puerto Rico	1,209	1,178	731	260	3,200	3,183	1,752	1,470	7	7	40	41	4,416	4,368	2,524	1,772	923	772	586	443
All other	4,162	4,228	65,742	61,248	389	364	282	511	195	162	4,299	2,152	4,746	4,754	70,824	63,911	788	1,080	25,702	26,151

NOTE.—Rounded figures may not add to the totals which are based on unrounded figures.

Taxpayer delinquent accounts classified as uncollectible and abated, calendar years 1966 and 1965

Region and district	Uncollectible				Abated			
	Number		Amount (thousands)		Number		Amount (thousands)	
	1966	1965	1966	1965	1966	1965	1966	1965
Total	309,752	274,892	$253,006	$328,275	157,758	146,334	$219,656	$299,629
North Atlantic	61,022	49,321	70,034	130,014	34,083	32,121	49,209	54,201
Mid-Atlantic	38,936	46,221	21,154	50,906	28,973	22,838	28,397	47,407
Southeast	43,230	39,031	34,696	24,774	21,113	19,773	41,763	18,338
Central	26,710	25,142	18,930	15,933	16,453	17,959	23,466	21,672
Midwest	35,622	33,206	23,492	33,525	23,791	19,521	36,042	17,351
Southwest	30,949	31,426	18,594	20,713	14,785	16,284	14,008	13,530
Western	70,838	47,651	63,300	49,058	16,403	15,733	24,063	86,439
International operations	2,445	2,894	2,804	3,350	2,157	2,105	2,707	40,693
North Atlantic region:								
Albany	1,666	1,556	2,145	1,374	1,582	1,499	1,103	766
Augusta	784	813	282	218	392	390	411	124
Boston	5,124	7,993	3,281	6,840	7,026	6,222	5,910	6,695
Brooklyn	20,337	12,810	32,449	18,094	8,295	6,854	9,031	20,585
Buffalo	5,221	5,470	1,475	3,444	3,266	2,973	4,336	2,425
Burlington	216	331	88	74	322	303	116	140
Hartford	3,006	2,556	960	887	1,552	2,258	2,442	1,732
Manhattan	23,042	15,854	28,030	97,916	10,798	10,505	25,240	21,025
Portsmouth	894	927	687	253	420	332	291	323
Providence	732	1,011	615	916	430	785	328	384
Mid-Atlantic region:								
Baltimore	10,887	11,084	5,565	10,804	4,663	3,999	4,158	5,409
Newark	9,887	12,958	6,035	18,273	7,741	8,131	9,777	19,344
Philadelphia	7,422	12,213	4,473	17,126	8,900	5,228	5,767	7,552
Pittsburgh	3,398	3,787	2,989	1,891	3,545	3,104	5,045	8,902
Richmond	6,536	5,349	1,595	1,766	3,538	1,953	2,724	4,765
Wilmington	806	830	499	1,044	586	423	927	1,437
Southeast region:								
Atlanta	8,370	7,152	3,521	4,342	3,421	3,204	4,007	3,520
Birmingham	4,752	4,450	2,433	1,943	2,297	2,572	2,016	1,848
Columbia	2,536	2,593	835	1,142	1,959	1,107	17,472	932
Greensboro	7,949	6,947	3,997	2,415	4,219	3,369	2,145	2,851
Jackson	2,399	1,964	1,208	1,982	1,501	1,745	840	1,144
Jacksonville	11,631	12,315	20,360	11,529	5,353	5,793	12,134	5,766
Nashville	5,593	3,610	2,432	1,422	2,363	1,983	3,148	2,278
Central region:								
Cincinnati	4,930	5,293	2,465	4,017	2,241	1,873	7,184	5,328
Cleveland	6,276	5,389	5,280	3,926	4,418	4,763	6,116	4,703
Detroit	6,758	6,398	4,040	3,637	3,639	4,685	3,999	3,891
Indianapolis	4,231	3,434	4,538	1,983	3,580	3,708	3,133	4,419
Louisville	2,956	3,118	1,720	1,366	1,715	2,147	2,518	2,925
Parkersburg	1,559	1,510	887	1,002	860	783	517	404
Midwest region:								
Aberdeen	469	597	158	539	411	271	446	362
Chicago	15,650	12,508	12,314	20,733	8,726	7,233	17,573	6,583
Des Moines	1,645	1,826	1,210	685	1,964	1,228	1,632	969
Fargo	400	340	121	98	368	312	166	203
Milwaukee	3,483	3,735	1,512	3,588	2,496	2,096	2,132	2,149
Omaha	939	1,139	328	435	953	894	4,966	455
St. Louis	7,103	7,682	3,458	3,020	4,787	4,623	5,516	4,924
St. Paul	3,742	3,595	2,245	2,038	2,144	1,694	1,787	700
Springfield	2,191	1,784	2,147	2,389	1,942	1,170	1,825	1,005
Southwest region:								
Albuquerque	1,135	1,291	437	787	663	814	1,727	1,582
Austin	7,162	6,066	4,967	4,938	3,841	3,972	2,590	2,972
Cheyenne	427	615	130	326	197	232	70	147
Dallas	9,046	10,279	4,361	8,294	2,460	3,425	3,020	2,692
Denver	2,219	2,157	1,586	1,069	1,961	1,377	2,219	1,331
Little Rock	1,645	1,887	958	483	1,543	1,286	1,052	907
New Orleans	3,568	3,849	2,579	2,457	900	1,675	1,141	1,211
Oklahoma City	4,057	3,528	3,032	1,833	1,952	2,426	1,586	2,032
Wichita	1,690	1,754	545	527	1,268	1,077	602	655
Western region:								
Anchorage	1,526	455	720	876	245	254	219	362
Boise	969	550	258	195	764	480	1,034	368
Helena	1,349	974	683	322	638	527	392	204
Honolulu	995	524	893	330	638	500	294	415
Los Angeles	26,036	20,830	37,023	31,415	605	963	687	8,012
Phoenix	3,048	2,606	2,033	1,781	968	1,302	1,853	1,415
Portland	6,358	3,049	2,883	1,444	2,022	2,206	1,993	2,055
Reno	1,937	1,649	1,615	1,916	501	791	1,572	891
Salt Lake City	1,624	1,416	1,018	1,307	716	708	967	243
San Francisco	22,427	12,809	13,889	8,475	7,031	6,368	11,637	70,745
Seattle	4,569	2,789	2,284	999	2,275	1,634	3,415	1,730
International operations:								
Puerto Rico	781	917	106	209	881	783	694	447
All other	1,664	1,977	2,698	3,142	1,276	1,322	2,013	40,246

OUR RELATIONS WITH EUROPE "EAST OF THE ELBE"

Mr. CLARK. Mr. President, on January 23 I submitted to the Committee on Foreign Relations a report of a study mission last fall to Warsaw, Moscow, Belgrade, and Prague. The report, entitled "East of the Elbe," contained a number of recommendations concerning our relations with Eastern Europe.

Mr. President, these recommendations were not made carelessly or hastily or with any partisan interest in mind. They represented several months of hard work both in Eastern Europe and here in Washington. I believe that these recommendations are sound, that they are in the national interest, and that they should be acted on by the executive branch.

Several of the recommendations in "East of the Elbe" were largely hortatory in nature and require no specific action. For example, I recommended that our relations with West Germany not have priority over our relations with the Soviet Union and Eastern Europe, that the two policies be pursued hand in hand, and that we urge the Germans to normalize their relations with Eastern Europe, and be alert to any possibilities to help them to do so. I am happy to say that the leaders of the new German Government seem to be moving in this direction, and I wish them well. Were I visiting Eastern Europe today, instead of 5 months ago before the new German Government took power, this particular recommendation would certainly have read differently.

I also recommended that the United States move with the utmost possible speed to sign a nonproliferation agreement with the Soviet Union, that the

President appoint the Vice President to be American Disarmament Coordinator to resolve the interagency disputes that so constantly inhibit our disarmament policy, that the United States enter into negotiations with the Soviet Government at the highest possible level with the aim of reaching agreement on a moratorium on deployment of ABM systems, and that we lend every support to any Eastern European country expressing an interest in joining the International Bank for Reconstruction and Development and the International Monetary Fund.

The recommendations I have just reviewed need no specific action. They speak for themselves. I will say nothing further about them today except to note that I believe that they are still valid and that we should continue to press for their adoption.

Mr. President, I will turn now to the specific recommendations in my report.

First, I recommended that the United States propose to the 18-Nation Disarmament Conference in Geneva that it organize a special, official, public conference on seismic detection which would publish a document setting forth the arguments for and against the need for onsite inspection of underground explosions. There have been a number of private conferences held on this question which have concluded that onsite inspection is not necessary. The Soviet Union and many other countries claim that seismic detection has advanced to the point where onsite inspection is no longer called for. We dispute this claim and have invited Soviet scientists to discuss it. They have refused and the United States and Soviet seismologists have therefore not met to discuss this question since 1960.

I believe that the time has come for both sides to present their arguments publicly, for a double "credibility gap" is beginning to open—a gap between the United States and our allies and a gap between the American Government and the American public. I think that we must do what we can to see that neither gap is sustained. Accordingly, I have written the Honorable William C. Foster, Director of the Arms Control and Disarmament Agency, suggesting that the United States now propose to the 18-Nation Disarmament Conference that a special conference on seismic detection be held as soon as work on a nonproliferation agreement has been completed.

Such a proposal would surely be regarded by the nonnuclear powers as an earnest of our intentions to do what we, as one of the major nuclear powers, can prudently do to accelerate disarmament and decelerate the arms race. It would thus be doubly useful. In the first place, it should help achieve wider acceptance by nonnuclear powers of a nonproliferation treaty. In the second place, it should speed progress toward a comprehensive test ban treaty which should surely be the next task of the 18-Nation Disarmament Conference. I will include in the RECORD, at the conclusion of my remarks, a copy of my letter to Mr. Foster.

Second. I recommended in my report that the Senate consider appointing a small group to visit the parliaments of Europe "east of the Elbe" on an informal basis. I said in my report:

> Another point of contact is parliamentary exchanges. The time is past for being inhibited by the fact that the parliaments of Eastern Europe are not equivalent in many ways to ours. The fact remains that many important people sit in these parliaments; that these bodies, generally speaking, represent geographical areas and economic interests in the country, and that this is another channel for exchanging views and discussing differences. Many Western countries, including a number of our NATO allies, have found these parliamentary contacts fruitful. The Eastern Europeans and Soviets seem well disposed to have such contacts with us.

I have written the Vice President, in his capacity as President of the Senate, suggesting that informal parliamentary exchanges could be initiated in connection with the Interparliamentary Union Conference which is to be held in Moscow this coming September. I have suggested that he appoint some of the members of the delegation to the Interparliamentary Union Conference to visit the Eastern European countries on their way back from Moscow. I will include a copy of my letter to the Vice President in the RECORD at the conclusion of my remarks.

Third, I recommended that the Senate Foreign Relations Committee and the Senate Finance Committee schedule a full series of open hearings on East-West trade in order to meet what appears to be primarily a problem of public education. Since East-West trade obviously involves commercial, as well as financial and foreign policy questions, the Commerce Committee also has a most important part to play. The task for the Senate is, purely and simply, to determine whether increased East-West trade is or is not in our national interest. I can think of no better way of laying the groundwork for such a judgment than open hearings.

Hence, on April 7 I wrote the distinguished chairman of the Committee on Foreign Relations requesting that he explore with the committee and with the chairmen of the Commerce and Finance Committees the question of holding public hearings of an educational nature. I would hope that my colleagues who are members of the Finance and Commerce Committees will follow suit and support my initiative. I will include a copy of my letter to the distinguished chairman of the Foreign Relations Committee in the RECORD at the conclusion of my remarks.

Fourth, I recommended rescinding the absolute ban on shipping food for peace to countries trading with North Vietnam or Cuba. I noted in my report:

> The intent of the law may be admirable. On close analysis, however, it seems clear that Cuba and North Vietnam would hardly notice the difference in trade even if potential food-for-peace recipients were to cut off all their trade with these two countries. The few countries trading with North Vietnam and Cuba which are affected by the ban will, of course, suffer by not receiving food for peace. But so will our relations with the countries against whom we have imposed this punitive measure. Thus, in terms of our long-range national interests, the ban appears to do us more harm than good.

In any case, Mr. President, I believe that the President should be given sufficient flexibility in such matters to act in this Nation's interest. I do not believe that such blanket prohibitions by the Congress are either wise or necessary. Accordingly, I will submit legislation at an appropriate time giving the President discretion to determine when it is in the national interest that food-for-peace shipments be made to countries trading with North Vietnam and Cuba but requiring that such a determination be communicated to the Congress.

Fifth, I recommended in my report that we lift the travel restrictions we have imposed on the members of Eastern European diplomatic missions in the United States. The Eastern Europeans have reciprocated and, as a result, some diplomats of the countries concerned are not permitted to travel in certain areas of the countries in which they are stationed while other diplomats from the same countries are allowed to enter these so-called closed areas. These provisions strike me as unnecessary because they do not seem to serve any useful security purpose. I noted in my report:

> Travel restrictions generally seem to be of dubious value from a security point of view not only because of the nature of our free society but also because of the gaps that remain open in the system of restrictions. Thus, for example, while officers of the Soviet Embassy in Washington cannot visit closed areas in the United States, Soviet exchange visitors, Soviet tourists visiting relatives or even Soviet United Nations Secretariat employees can enter these closed zones. The same situation is true in reverse. Americans attached to our Embassy in Warsaw, to take a particular case, cannot enter closed zones but American tourists or even officers attached to American Embassies in other countries can.

I have therefore written the distinguished chairman of the Foreign Relations Committee respectfully requesting him to ask the Secretaries of State and Defense and the Attorney General to meet with the committee in executive session, and perhaps in open session as well, to discuss the justification for continuing such restrictions. I do not believe that these restrictions are justified and I understand that many members of the executive branch agree. A copy of my letter to the chairman of the Foreign Relations Committee will also be included in the RECORD at the conclusion of my remarks.

Finally, Mr. President, I recommended in my report that the administration consider proposing an amendment to the Immigration and Nationality Act of 1952 liberalizing the provisions regarding the granting of tourist visas. As the act now reads, an applicant for a tourist visa must swear that he is not a member of a foreign Communist Party or front organization. If he is a member, he may not be granted a tourist visa unless a waiver is obtained from the Attorney General. As a matter of fact, however, such a waiver is almost always granted when requested. This procedure strikes me as undignified and unbefitting. I do not see why a great and powerful nation need tremble at the prospect of admitting tourists who happen to be members of foreign Communist parties. They do not fear American tourists and the effect we might have on their societies. Why should we fear them, especially when there are so few who visit this country. Accordingly, Mr. President, I intend to submit appropriate legislation to remove what strikes me as an antiquated and unnecessary visa requirement for foreign tourists.

Mr. President, this concludes the catalog of actions I intend to take to pursue the recommendations made in my report on relations with Europe "East of the Elbe." These recommendations are based on my firm conviction that we must learn to live in the world as it is today if there is to be a world of tomorrow. As I said in the concluding paragraph of my report:

> We may not approve of what we see in the European communist world. We may wish that this world were different. We may not want to emulate it in any respect. But we must realize that we are going to have to be able to reach understandings with Europe "East of the Elbe" in order to live in peace—or, in this nuclear age, even to live at all.

Mr. President, I have directed letters to the Honorable William C. Foster, Director of the U.S. Arms Control and Disarmament Agency; the Honorable Hubert H. Humphrey, Vice President of the United States and President of the Senate; and two letters to the Honorable J. W. Fulbright, chairman of the Committee on Foreign Relations. Each of these letters is dated April 7, 1967. I ask unanimous consent to have these letters printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Foreign Relations,
April 7,1967.

Hon. William C. Foster,
Director, U.S. Arms Control and Disarmament Agency, Washington, D.C.

Dear Mr. Foster: I have been concerned for some time about what seems to me to be a growing "credibility gap" regarding the question of on-site inspection of underground nuclear tests. It seems to me that the continued insistence of the United States that on-site inspections are necessary to detect underground nuclear explosions of any significant importance has had the effect of virtually isolating us not only from the Soviets, and the other countries sympathetic to Soviet views, but also from our allies. Furthermore, I gather that there is much difference of opinion on this question within our own scientific community. As a result, I believe that grave doubts have been put into the minds of millions of people not only abroad but in the United States as well—doubt that it is certainly not in our national interest to see sustained. As I said in a recent report to the Committee on Foreign Relations:

"It seems to be the general consensus among foreign scientists, and even many American scientists, that the only underground explosions not now susceptible to seismic detection, as distinct from on-site inspection, are so insignificant as to be unimportant. This is the Soviet view. But if this position is scientifically demonstrable, why do Soviet scientists refuse to meet with our experts to discuss the issue?"

In the same report I recommended, and I would like to repeat the suggestion to you in this letter, that the United States now propose to the 18-Nation Disarmament Conference that a special official public conference on seimic detection be organized, after the ENDC has finished its work on a non-proliferation agreement, which would bring together the leading experts in the field of seismic detection. The conference could then publish a document setting forth the arguments for and against the need for on-site inspection.

I know that there have been a number of private conferences which have discussed this question and have concluded that on-site inspection is not necessary. I would think that the time has come to confirm or refute this conclusion. I am aware that the Soviets, and many others, claim that seismic detection has advanced to the point where on-site inspection is no longer necessary and that we dispute this claim and have invited Soviet scientists to discuss it. I understand that they have refused and that United States and Soviet seimologists have therefore not met to discuss this question since 1960. Surely, the time has come for both sides to present their arguments publicly.

I would think that a United States proposal that such a conference be held after work on a non-proliferation agreement is concluded would also help bring negotiations on non-proliferation to a successful conclusion. Such a proposal should appeal to non-nuclear powers as an earnest of our good intentions, as one of the two major nuclear powers, to proceed with other disarmament measures.

Sincerely yours,
Joseph S. Clark.

U.S. Senate,
Committee on Foreign Relations,
April 7, 1967.

Hon. Hubert H. Humphrey,
President of the Senate,
The Capitol,
Washington, D.C.

Dear Mr. President: I am writing you in your capacity as President of the Senate to suggest that you consider appointing a small group of Senators to visit Eastern European parliaments on an informal basis. I believe that the establishment of such parliamentary contacts would be beneficial to all parties as a means of increasing understanding between the European communist countries and the United States. As you know, most of our NATO allies have established such parliamentary contacts. We, however, have lagged behind.

It occurred to me that the next conference of the Interparliamentary Union at Moscow in September of this year might provide a convenient opportunity for the United States to take such an action. When the delegation to the Interparliamentary Union conference is appointed, perhaps some members of the delegation could also be asked to undertake this task. It occurred to me that two small working groups, each composed of two or three Senators, could be found to visit Eastern European countries on their way back from Moscow. One group could visit Poland, Hungary and Czechoslovakia and the other could visit Yugoslavia, Rumania and Bulgaria.

Some contacts would, of course, be made at the Interparliamentary Union conference. The visits thereafter could build on these contacts in light of the President's declared policy of improving relations with the European communist world.

I would like to add, in closing, that I think that it would be a dramatic proof of the President's announced desire to move forward "step by step" with the Soviet Union and the nations of Eastern Europe "as far as they are willing to advance" if you were to find yourself able to lead the American delegation to the Moscow Interparliamentary Union conference.

Sincerely yours,
Joseph S. Clark.

U.S. Senate,
Committee of Foreign Relations,
April 7, 1967.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: In my report to the Committee on Foreign Relations following my study mission to Eastern Europe last fall, I noted:

"There is considerable resistance to the East-West trade bill both in the Congress and among the American public. In order to meet what appears to be primarily a problem of public education, the Senate Foreign Relations Committee and the Senate Finance Committee should schedule a full series of open joint hearings on East-West trade. These hearings could bring up to date the excellent hearings held by the Foreign Relations Committee in 1964–65."

I have since realized that East-West trade obviously involves not only financial and foreign policy questions but commercial questions as well so that the Commerce Committee also has an important part to play.

I believe that it is essential for the Senate to determine whether increased East-West trade is or is not in our national interest. I can think of no better way of laying the groundwork for such a judgment than open hearings of an educational nature.

I am writing you, therefore, respectfully to request that you explore with the Committee, and with the Chairmen of the Finance and Commerce Committees, the question of holding such open hearings. It occurred to me that a special subcommittee could be formed drawn from all three Committees to hold such hearings.

Sincerely yours,
Joseph S. Clark.

U.S. Senate,
Committee on Foreign Relations,
April 7, 1967.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: In 1963, the United States imposed travel restrictions on Eastern European diplomats. The Eastern European countries concerned then reciprocated. These travel restrictions, as you know, prohibit diplomats from traveling in certain areas and in some cases also require them to give advance notice before any travel.

In my report to the Committee, following my trip to Eastern Europe last fall, I remarked:

"Travel restrictions generally seem to be of dubious value from a security point of view not only because of the nature of our free society but also because of the gaps that remain open in the system of restrictions. Thus, for example, while officers of the Soviet Embassy in Washington cannot visit closed areas in the United States, Soviet exchange visitors, Soviet tourists visiting relatives or even Soviet United Nations Secretariat employees can enter these closed zones. The same situation is true in reverse. Americans attached to our Embassy in Warsaw, to take a particular case, cannot enter closed zones but American tourists or even officers attached to American Embassies in other countries can."

It seems to me that the time has come to reduce these restrictions drastically, if not abolish them entirely. I understand that there is considerable sentiment within the Executive Branch for doing so but that, inevitably, some in the Executive Branch are opposed to any such action which would reduce the scope of their own authority.

I have concluded that the only possible way of correcting this situation is by bringing it out into the open. Accordingly, I would like respectfully to request that the

Secretaries of State and Defense and the Attorney General be asked to meet with the Committee in executive session, or perhaps in public session, to discuss this question.

Sincerely yours,

JOSEPH S. CLARK.

CHANGE OF REFERENCE—S. 58

Mr. BYRD of West Virginia. Mr. President, on January 11, 1967, S. 58, a bill to remove a cloud on the title to certain real property in the State of Oregon owned by John Johnson, was referred to the Senate Committee on the Judiciary. The committee is of the opinion that the subject matter of the bill is more properly within the jurisdiction of the Committee on Interior and Insular Affairs.

On behalf of the committee, I therefore ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill and that the bill be referred to the Committee on Interior and Insular Affairs.

The **PRESIDING OFFICER** (Mr. SPONG in the chair). Without objection, it is so ordered.

THE AMERICAN INDIAN EXPOSITION

Mr. HARRIS. Mr. President, the April 1967 issue of American Motorist carries a cover story on the American Indian Exposition at Anakarko, Okla., held in August of each year.

This exposition, which this year will be from August 14 to 19, is one of the outstanding festivals held anywhere in the United States. I am very pleased that American Motorist, the publication of the American Automobile Association, has highlighted it, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANADARKO POWWOW

(By Jim Mills)

A sea of color moves rhythmically over the packed, sandy earth. A small swirl of dust rises as each moccasined foot hits the ground. Almost drowning out the jangling bells on the costumed dancers is the pulsating beat of a huge drum and the chanting of the singers.

A slight breeze wafts across the arena, stirring the smoke from hundreds of campfires, dying down after cooking the evening meal.

In the grandstand, thousands watch in studied silence, realizing that they are witnessing a spectacle of American Indian traditions and customs hundreds of years old.

This is the American Indian Exposition, held each summer in Anadarko, Okla. Thousands of Indians from across the Southwest gather for a week of dancing, pageantry, tribal ceremonies, contests, games and horse racing. Now in its 36th year, the show is created, managed and produced entirely by the Indians of Oklahoma and the Southwest.

The forerunner of the present day American Indian Exposition was the Fourth of July festival held during the 1890's at the Anadarko Indian Agency grounds, under the auspices of four nearby trading posts. In those days, Indians would come to the grounds in their finest garb, participate in pompous parades, race by pony and afoot, and join in tribal dances.

It was not until much later, however, that the Exposition became the organized event that it is today. In 1937 a bill passed the Oklahoma Legislature giving the state's sanction and financial support to the Exposition. Each year since, the event has grown until some 40,000 persons now come to view the week-long show.

This year's program will be held August 14–19.

Anadarko, located 65 miles southwest of Oklahoma City in the rugged, hilly, Blackjack Country, is known as the Indian Capital of the Nation. It sprang into being on August 6, 1901, when the area was opened to white settlement through drawing of land claims by lottery. Kiowa, Apache or Comanche are still spoken on the streets of the quiet town of 7,000. It is not uncommon to be greeted with "A-Ho!" which is Kiowa for "everything's all right!"

Delawares, Caddoes, Wichitas, and Cheyenne—these are some of the 12 Plains Indian tribes who congregate each year at the Exposition. They pitch their tents, tepees and brush arbors on the outskirts of the city, cooking over open fires as their ancestors did years ago when they trailed the buffalo across the plains.

Transistor radios, portable ice boxes, aluminum cots and chairs are part of the camp, but it is an Indian camp. A grass arbor protects the Indians from the hot Sooner sun. Large brass kettles hang from triangular stands over the cooking fires. Here and there women dry meat on lines while children run about playing "cowboy and Indian."

For the Indians, the Exposition is a time for social gathering, a reunion with seldom-seen relatives, and an opportunity to relive the traditions of the old days. For the white man, it is a chance to witness a colorful and unusual spectacle.

The Exposition "comes alive" each day shortly after noon, when the grandstand opens for an afternoon of Indian games and dances. This year's program will feature archery contests, stickball games, tepee building and kickball.

In the evening, dancers take their place in front of a backdrop of tepees and brush arbors for the war dance, snake dance, buffalo dance and two-step. Soon the drummers begin to beat the dried-skin drums and singers begin to chant. The years roll back and the days of the great chiefs, war parties and buffalo hunts are once more.

Each year a different pageant is written especially for the event, depicting a portion of Indian history.

For most spectators, the highlight of the Exposition is the National War Dance contest. Dozens of pairs of feet pound the ground in a blurred spectacle of motion. The spinning and weaving dancers, to the *ONE-two-three-four* beat of the drum, seem to disappear in a cloud of dust. A panel of tribal elders, including some former dance champions, serve as judges. The field is narrowed until finally, only one—the champion, receives the cheers of the crowd and the silent but proud approval of the elders.

The presentation of the Outstanding Indian of the Year is another feature of the Exposition. Chosen by a committee of tribal leaders, previous winners have included athlete Jim Thorpe, actor Will Rogers, Jr., artist Asa Blue Eagle and ballet star Maria Tallchief.

Two parades are held during the Exposition featuring costumed Indians, the elected princess of each tribe, colorful floats and of course, the muddaubers—Indians coated with wet mud. The significance of the muddaubers is lost in the dust of history but their popularity with the crowd is always evident.

The annual Exposition, however, is not Anadarko's only claim to the title of Indian Capital of the Nation. The city is also the home of Indian City, U.S.A., a vast outdoor museum of seven American Indian villages.

Located in the Tonkawa Hills two miles south of the city on a site which was once a portion of a huge Kiowa, Comanche and Apache reservation, Indian City is a 160-acre privately-owned enterprise situated on a high bluff overlooking the surrounding Washita Valley.

Indian City's full-size tepees, earth lodges, wickiups and grass council houses are the only authentic restorations of American Indian dwellings in America. The villages were reconstructed by Indians from literature on Indian ways with the advice of the University of Oklahoma anthropology department.

Gathering the genuine materials to use in their construction posed some problems when Indian City was built several years ago. For each Wichita grass house, cedar and pine poles, tons of swamp grass and dozens of buffalo and elk hides were needed. Two years were required to harvest the tall swamp grass needed to cover the 40-foot council house. All structures were built by the Indians themselves just as in the old days, with not a nail in sight.

The city is open year-round. Indians guide visitors through the seven villages, perform various styles of dances and exhibit beadwork.

Throughout the summer, Indian ceremonial dances are presented in the valley below where once fled remnants of the Tonkawa tribe in a running massacre by a band of Shawnees.

Anadarko is also the home of the Southern Plains Indian Museum and Crafts Center. Here, the graphic story of the Indians' fight for survival on the plains is vividly presented in diorama and in displays of items left from the days of the running battles with the U.S. Cavalry.

Authentic paintings and pieces of Indian jewelry can be purchased. There are no "Made in Japan" souvenirs sold here. Most of the work for sale has been done by some of the more than 4,000 Indians who live in the area.

Near the Museum is the National Hall of Fame for Famous American Indians, an outdoor shrine containing the busts of 15 famed Indian leaders. Each year during the Exposition, more are added.

Riverside Indian School, established in 1871, is located two miles north of the city. Near the school on the site of the old Kiowa Indian Agency are the remains of the old stone jail where the notorious Apache Chief Geronimo was once held as prisoner.

Historic Fort Sill, home of the U.S. Army Artillery and Missile Center, and the Wichita Mountains Wildlife Refuge, where herds of buffalo amble along the highway, are located 45 miles to the southwest. At Fort Sill, such famous Indian chiefs as Geronimo, Satanta, Sitting Bear, Wild Horse and Quanan Parker are buried.

For the visitor, the area of southwestern Oklahoma offers an exciting lesson in history and unlimited photographic possibilities.

MORE SMOKE FROM "GUNSMOKE"

Mr. BYRD of West Virginia. Mr. President, there has been more smoke from "Gunsmoke." Some days ago I reported to my senatorial colleagues that there had been a decision to discontinue the television program, "Gunsmoke," and reported also my hope that some way would be found to continue the program next fall. Subsequently, I was advised by a CBS official that the program would be shown again next fall, being moved to a Monday night spot.

Unfortunately, some of America's television fans did not see eye to eye with me in my viewing tastes. I am greatly encouraged, however, to believe that they are in the minority, because evidence has now been brought to my attention to indicate that there is a special segment of Americans who are watching "Gunsmoke" and enjoying it under unusual circumstances.

I have here a copy of a news sheet prepared by GI's in an Army unit in the eastern area of South Vietnam which indicates that members of our Armed Forces are watching "Gunsmoke" programs on AFN–TV on television channel 11, atop Monkey Mountain, in South Vietnam, and enjoying the programs. Furthermore, it appears from the news sheet that the soldiers are now apprised of the continuation of the programs so that they can continue to view Dodge City's weekly activities, as depicted by some of its leading citizens in "Gunsmoke"—Marshal Dillon, Kitty, Doc, and Festus—if they so desire on their return to the United States.

And speaking of the characters so vividly portrayed in "Gunsmoke," recently I heard from Mr. Ken Curtis, who acts the part of "Festus" in the Dodge City lineup, and I found his letter as warm and friendly as the role which he plays on television.

Mr. President, I shall read an extract from the newsletter which comes from Da Nang entitled "Log Outpost."

"GUNSMOKE!"—CBS–TV RELENTS

WASHINGTON.—Marshal Dillon will ride again in Dodge City's famous TV Gunsmoke Soap Opera next season! This all seems to be the result of a recent speech made by Senator Robert C. Byrd of West Virginia in the United States Senate.

Senator Byrd lamented the demise of Gunsmoke as announced by CBS–TV because the so-called rating polls indicated the general public no longer watched the show. The senator thought that was inaccurate and said so.

The Senator further revealed that he thought the loss of Gunsmoke from the TV screens would be a downgrading of television entertainment. He even introduced an editorial from the *Fairmont* (W. Va.) *Times* into the congressional record to back up his statements.

His words evoked wide response and CBS relented and said that Marshal Dillon would ride again . . . but not on Saturdays. Instead, when most of us return to the states, Gunsmoke will be seen on Monday nights at 7:30 P.M., Eastern Standard Time.

I guess it won't affect us too much here in Danang. Gunsmoke is one of the most watched programs on AFN–TV here on Channel 11 from atop Monkey Mountain.

So, Kitty, Chester, Doc and Mat will still be around when we get back home, if you care to tune Gunsmoke in on your "Boob Tube."

Mr. President, responding to my efforts in behalf of "Gunsmoke," "Festus" wrote to me as follows:

APRIL 4, 1967.

DEAR SENATOR BYRD: Miss Mary Ford was kind enough to send me an excerpt from the Congressional Record in which you came to the very staunch defense of our program Gunsmoke.

As one member of the cast, I want to thank you most sincerely for speaking out in our behalf—we all feel greatly honored and delighted to know that we have the support and friendship of a gentleman such as yourself.

Because of your efforts, and the protests of thousands of fans, Gunsmoke will return for the fall season on Monday nights.

We all hope that you will continue to enjoy our weekly offering from Dodge City, and find therein a recollection of the great Old Frontier America that used to be.

Thank you again Sir, for your great support, and I wish you the very best in all of your endeavors.

With appreciation
Sincerely,
KEN "FESTUS" CURTIS.

I must say that "Festus," in this instance, proved to be Dodge City's fastest draw, including the town's chief law enforcement officer, Marshal Matt Dillon, because this was the first I heard from any of the Dodge City people. This is one instance in which Matt was not first on the draw. As a matter of fact, there is no evidence that he has yet drawn.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter in response to the letter from "Festus."

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 6, 1967.

Mr. KEN "FESTUS" CURTIS,
c/o Gunsmoke,
C.B.S. Studio Center,
Studio City, Calif.

DEAR "FESTUS": I use this salutation in replying to your letter in recognition of our shared interest in a mutual enterprise, the continued opportunity for television viewers to enjoy the "Gunsmoke" program.

I wish to thank you for the many past months of viewing pleasure to which you contributed a substantial part through your unique portrayal of Dodge City's most colorful character. And I must say, "Festus", that you have proved to be Dodge City's "fastest draw," including the town's chief law enforcement officer, Marshal Matt Dillon, as this is the first I have heard from any of the Dodge City people.

I appreciate your kind remarks and assure you that I am happy that my efforts have contributed a share toward the return of the "Gunsmoke" program to television next year.

With best wishes.
Sincerely yours,
ROBERT C. BYRD,
U.S. Senator.

THE PETERSBERG CONFERENCE

Mr. HARRIS. Mr. President, I was pleased to be a member, together with the distinguished Senator from Colorado [Mr. ALLOTT], and Representative JOHN BUCHANAN, of Alabama, of the American delegation to the Petersberg Conference in Bonn, Germany, April 4–7, 1967.

At this conference, 40 parliamentarians from 14 industrialized nations met to discuss current and basic problems of cooperation with the developing countries of the world.

The conference called attention to the fact that the gap between the developed and developing nations is widening alarmingly and that the world is faced with a serious hunger crisis.

In the communique adopted at the conclusion of the conference, it was stated that:

> The economic and social situation in the less-developed countries of Asia, Africa and Latin America demands rapid and vigorous action, if the ever-widening gap between industrialized and developing nations is to be reduced.

After calling for more concerted action among the industrialized nations in meeting this problem, the communique stated in regard to the world food problem:

> The world food problem has reached a critical stage. To put an end to famine, greater efforts should be made to help increase agricultural production in the developing countries, in addition to food deliveries in the face of the present hunger crisis. A closer co-ordination of aid measures through the international institutions involved is considered desirable. In view of the world food shortage, each industrialized nation shares in the responsibility to increase its efforts to meet this challenge.

Mr. President, this was a very worthwhile conference, the first ever held for parliamentarians of the OECD donor countries. I feel very strongly that it should be continued. It was the hope of the conferees that a similar conference might be held next year in the United States. I certainly hope this can be done.

I ask unanimous consent that a copy of the communique be printed at this point in the RECORD.

There being no objection, the communique was ordered to be printed in the RECORD, as follows:

COMMUNIQUÉ OF THE PETERSBERG CONFERENCE, APRIL 4–7, 1967

Some 40 parliamentarians from 14 industrialized nations met at the Petersberg Conference to discuss current and basic problems of co-operation with the developing countries.

Although close permanent relations already exist among the governments of the OECD donor countries, as part of international co-operation in the field of development aid, this was the first time that parliamentarians of that group had met at a major conference to discuss development aid.

The economic and social situation in the less-developed countries of Asia, Africa and Latin America demands rapid and vigorous action, if the ever-widening gap between industrialized and developing nations is to be reduced.

The discrepancy between industrialized and developing countries will prove, in the long run, to be one of the most important political problems in the world. Every industrialized nation is in a similar situation in view of this challenge. They are all called upon to contribute to its solution. For this reason, development assistance should not be a point of rivalry, but of cooperation, between East and West.

Foreign aid can only supplement the efforts made by the beneficiary countries themselves. Otherwise, all aid is bound to end in failure. In particular, they should consider action to raise their internal revenue by means, for instance, of tax reforms and to effect structural changes necessary for modern development.

Development aid policy, by its very nature, is a long-term undertaking. It is not an instrument for dealing with day-to-day political problems. The Conference emphasized that the campaign for education throughout the developing countries is as important as the increase in agricultural and industrial production. The funds needed to carry it out must be a regular item in public expenditure. The best use of human resources is another highly important aspect of development aid. A study should be made of providing central, international training facilities for development aid experts and of more coordinated and concerted efforts, notably in the fields of cultural assistance and technical cooperation.

The world food problem has reached a critical stage. To put an end to famine,

> greater efforts should be made to help increase agricultural production in the developing countries, in addition to food deliveries in the face of the present hunger crisis. A closer co-ordination of aid measures through the international institutions involved is considered desirable. In view of the world food shortage, each industrialized nation shares in the responsibility to increase its efforts to meet this challenge.
>
> In preparing for the World Conference on Trade and Development in 1968, the industrialized nations should work closely together in examining those questions which affect the developing countries' receipts of foreign currency, such as better credit terms, the liberalization of trade, the stabilization of commodity prices, etc.
>
> The scale of development aid tasks makes a concentration of efforts imperative. The OECD has organised an efficient system of co-operation among the industrialized nations. This should be expanded, and coordinated with other multilateral institutions.
>
> The participants at the conference opted for a continuation and further intensification of these contacts, as a sequence to this exchange of ideas. Co-ordinated action in the political sphere should be aimed at in this way. The American delegation intends to put forward the idea of a similar conference in the United States to the leaders of both Houses of Congress.

RESISTING AGGRESSION ALSO PLAGUED F.D.R.

Mr. LAUSCHE. Mr. President, the Washington Post of April 12, 1967, published a column written by Roscoe Drummond under the heading "The New Isolationists."

Among other things, Mr. Drummond states:

> There is no reason President Johnson should be surprised that he is losing the support of quite a number of the liberal intellectuals—particularly on the college campuses—over Vietnam.
>
> Franklin Roosevelt had the same experience—and the parallel is revealing.

Mr. Drummond further states:

> As today, their warning was that, if Roosevelt allowed himself to get involved in holding back Hitler, he would be deserting the social reforms that we needed at home.
>
> Reform America First was their slogan and their plea to the Roosevelt Administration and to the American people was that what happened to Ethiopia or to the Rhineland or to Czechoslovakia or to Poland was no important concern to the United States.

Mr. President, in substance this same argument is being repeated today in the Senate and on the public platform.

Mr. Drummond continues as follows:

> When the liberal critics berate Mr. Johnson for apparently neglecting to take peace initiatives, their assumption automatically is that the President is either too dull-witted to act or really prefers war over peace.

Mr. Drummond's interpretation of the attacks upon the President, in my opinion, is sound. The President does not want war. He would want Ho Chi Minh to come to the negotiating table and he has done everything within his power to bring him there.

Mr. Drummond concludes:

> FDR had his critics on resisting aggression but he proved to be right. Mr. Johnson has his critics on resisting aggression but, I believe, he, too, will prove to be right.

ANTIWAR ADVERTISEMENTS

Mr. LAUSCHE. Mr. President, I wish to discuss a brief paragraph appearing in the Catholic Register of Sunday, April 2, 1967. This paragraph, under the heading "200 Listed Erroneously," states as follows:

> Names of some 200 persons were mistakenly listed among 1,271 signers of antiwar advertisements that appeared in the New York Times, according to the sponsors of the ad. Included erroneously in this list was the name of Father Gerard J. Campbell, president of Georgetown university, Washington.

Interpreting this paragraph appearing in the Catholic Register, it appears that 1,271 individuals signed an advertisement urging the people of the United States to protest our participation in South Vietnam. Of the 1,271 signatures to the advertisement there were 200 improperly listed signatures.

Included among the 200 who did not subscribe to the advertisement was the name of Father Gerard J. Campbell, president of Georgetown University here in Washington.

This corrected the misinformation which had been given to the public.

How base can people become, to attach the names of 200 persons to an advertisement who never subscribed to it?

Mr. President, I think it is simply deplorable and unpardonable.

MORE HARASSMENT OF THE POLICE IN WASHINGTON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Way, Way Out," which was published in yesterday's Evening Star.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Apr. 12, 1967]

WAY, WAY OUT

> The most recent project for harassment of the police in Washington is so irrational that the thinking behind it, if any, is beyond comprehension.
>
> This project has grown out of the arrest on March 30 of Marion Barry, civil rights activist, for crossing the street against a red light at 12:15 a.m. Barry was arrested when, according to the police, he refused to identify himself. There was a scuffle while getting him into the patrol wagon, and Barry accused the police of "brutality."
>
> The next step was the prompt formation of the "Citizens' Committee for Equal Justice," a group headed by the Rev. Walter E. Fauntroy and the Rev. David Eaton. This committee called upon the District Commissioners for the immediate suspension of two white officers involved in the arrest, Thomas Tague and Albert Catalano. The Commissioners, after an investigation in which they received testimony from witnesses to the incident, refused to suspend the policemen.
>
> So now the CCEJ proposes to take its own disciplinary, or harassing, action. The details of the plan are a bit fuzzy. But the effort will be aimed at Private Tague, and, tentatively, will include the use next week of loud speakers "to alert the public that Officer Tague is armed and considered dangerous.
>
> Presumably, the courts in due course will decide whether Barry violated the law on the night of March 30. And if there is any valid question of "brutality" involved, the proper way to dispose of that would be for Barry to file a formal complaint against the policemen. It certainly cannot be disposed of by using a loud speaker to warn the community that Officer Tague is on duty. This is an attempt to absolve Barry before trial and to condemn Tague without trial. It also is a challenge to duly constituted authority in the city—a challenge which, if it develops, will have to be squarely met.
>
> According to the Rev. Fauntroy, his committee's ultimate goal is the formation of a new agency directly under the commissioners which would supersede the Police Trial Board and the Complaint Review Board in dealing with allegations of police brutality.
>
> On the basis of the committee's performance in this instance it is difficult to think of anything that would be worse for this city. But perhaps one should not be unduly alarmed. The harass-Tague proposal was the product of a meeting Monday night attended by some 150 people. And 150 people are a small proportion of the residents of Washington. We assume the vast majority of Washingtonians, both Negro and white, will want no part of this harebrained undertaking.

DEATH OF GEN. KENNETH BUCHANAN

Mr. DODD. Mr. President, with great sadness I note the passing of a great American, Gen. Kenneth Buchanan.

I was privileged to know General Buchanan for many years. He was my friend and on many occasions I solicited and obtained his good advice.

I wish to call to the attention of my colleagues a particularly touching tribute to this great American written by another great American, Maj. Gen. Julius Klein. I ask unanimous consent that the tribute be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

CHICAGO, ILL.,
April 12, 1967.

TAPS FOR GEN. KENNETH BUCHANAN

> It is with great sorrow that I report to you that Illinois' great citizen-soldier, General Kenneth Buchanan has answered his last roll call. He passed away April 12 at Walter Reed Hospital, and will be laid to rest Friday, April 14, with military honors at the sacred grounds of the Arlington National Cemetery.
>
> When I visited our buddy and friend shortly before his death he was in full control of all his faculties, but knowing that he was suffering from an incurable disease. He said to me smiling, "Julius, this is the end of the long march."
>
> During World War II, Buck went overseas as General Bradley's assistant commander, returning after combat to his chief, General George C. Marshall.
>
> "Buck," as he was known to all of us, has been associated with me for more than 40 years in military and business life. I have lost in him not only a devoted comrade and associate but my dearest and closest friend. All our sympathies go to his beloved wife, Thistle, whose address is: 955 S. Columbus St., Arlington, Va. 22204.
>
> Now Buck rests in glory not far from his World War I Chief, General Pershing and the late General George C. Marshall, his closest military associate with whom he served in most of his military career. He earned this honor during his lifetime.
>
> We shall always cherish and honor his memory. Illinois military history can never be written without recognizing the great contribution made by General Buchanan.

God rest his soul. Sleep in peace and glory, Buck.

May the Good Lord help Thistle in her bereavement to sustain her great loss.

JULIUS KLEIN,
Major General, Ret.

THE DREW PEARSON STORY

Mr. DODD. Mr. President, I wish to call to the attention of my colleagues a review of the book entitled "The Drew Pearson Story," by Frank Kluckhohn and Jay Franklin. The review, written by Luther A. Huston, appears in the April 1 issue of Editor and Publisher magazine.

Mr. Huston is a prominent journalist, former correspondent for the New York Times, former director of Public Information for the Department of Justice, an officer of the National Press Club, and a dedicated public servant. He is one of the most respected newspapermen in this country, and certainly in Washington.

I not only commend this review to the attention of my colleagues, but I also commend the book itself to their attention. I ask unanimous consent that the review be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNFLATTERING BOOK ABOUT DREW, JACK

(By Luther A. Huston)

WASHINGTON.—In "The Drew Pearson Story" (Charles Halberg & Co. Chicago), Frank Kluckhohn and Jay Franklin, Washington authors and newspapermen, present a decidedly unflattering story of Drew Pearson's rise to journalistic fame and fortune.

In the process they pay no homage to Jack Anderson, Pearson's associate whom they describe as the "heir-apparent."

Of Pearson, they say: "The man himself is a colorful enigma, a showman with a snowwhite mustache, a human cash register entranced with the sound of dropping coins, a man willing to use under-the-table methods to get news but one who cannot forget he is a Quaker who recognizes social conscience. He is in one word—fascinating—whether you hate him, despise him, abominate him, like him or admire him. For he is a unique phenomenon."

The book tells of Pearson's feuds with his mother-in-law, the late "Cissy" Patterson, and charges that he manipulated the affairs of his daughter, Ellen, of whose estate he was trustee, to get title to a million-dollar 285-acre farm in Maryland, which Cissy had bequeathed her granddaughter, for $100,000; describes his "betrayal" of his partner, Robert S. Allen, co-author of the book, "The Washington Merry-Go-Round" and former associate in writing the column of that name; relates the story of his attacks on the late James V. Forrestal, and his present campaign to discredit Senator Thomas J. Dodd, of Connecticut.

Concerning Pearson's relations with President Lyndon Johnson, the authors write:—"Next to sex, the most fascinating indoor sport in Washington is to watch the fast action between that wily Texas politician, Lyndon B. Johnson, and Drew Pearson, the hard-shell Pennsylvanian who invented the 'new journalism'. It may become even more amusing than adultery because a relationship that began with Drew clobbering LBJ unmercifully at a time when it was hard for the Texan to hit back, then changed to a strange and unexpected stage of limitless admiration and is now finally reverting to the old familiar mayhem at a moment when, as President, LBJ seems to be holding all the cards."

Pearson, the authors say, could have used his "undeniable courage, ingenuity and persistence" to become a "real force for the good of our country and the peace of the world."

But, they write, "Pearson has not used his strength like a giant but rather like a gnome, sometimes mischievously, sometimes maliciously, but rarely with magnanimity, humility, and almost never with restraint. Drew has accumulated a fortune but dug the grave of his reputation with his own typewriter."

The "heir-apparent", Jack Anderson, according to the book, "possesses Drew's expertise and nose for scandal but lacks Drew's finesse, social grace and flashes of humane awareness."

"Many in the Washington Press Corps who watched the Pearson column become more unrestrained after Bob Allen went off to war, are now asking: When Jack Anderson takes over, will the lid blow entirely off, scattering fire and brimstone everywhere? Whatever the answer, a little cloud no bigger than a hammer-and-sickle hangs over the future of The Merry-Go-Round".

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, in accordance with the order entered on yesterday, I move that the Senate stand in adjournment until 10 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 21 minutes p.m.) the Senate adjourned until tomorrow, Friday, April 14, 1967, at 10 o'clock a.m.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 13, 1967

The House met at 12 o'clock noon.

Rev. Father Joseph F. Thorning, Ph. D., D.D., pastor of St. Joseph's Church, Carrollton Manor, Md., and associate editor of World Affairs, offered the following prayer:

Heavenly Father, Author of life and of love, let the light of Thy countenance shine brightly upon the Speaker of this House and upon all the Members of the U.S. Congress and their colleagues in the lawmaking bodies of the New World.

Impart, we beseech Thee, Thy choicest blessings to the President of the United States of America and to Chief Executives of the other American Republics who are devoting themselves to the security, happiness, and progress of their peoples at Punta del Este, Uruguay.

God grant that these leaders, their counselors and coworkers, in harmony with their National Legislatures, may find ways and means to promote wise, far-reaching programs of socioeconomic development.

Accept our heartfelt thankfulness, Almighty God, for sound achievements in cooperative effort during the past year and the election of new Republics to the Organization of American States.

In Thy presence, dear Saviour, we implore Divine Grace to understand that "a brother helped by a brother is a strong city," on the national and international scene.

We seek these celestial favors in the name of our most Holy Redeemer, the Christ of the Andes. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington one of its clerks, announced that the Senate disagrees to the amendment of the House to the bill (S. 303) entitled "An act to amend the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BURDICK, and Mr. KUCHEL to be the conferees on the part of the Senate.

CERTIFICATE OF ELECTION OF REPRESENTATIVE-ELECT ROBERT O. TIERNAN

The SPEAKER laid before the House the following communication which was read by the Clerk:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 12, 1967.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: A Certificate of Election in due form of law showing the election of Robert O. Tiernan as a Representative-elect to the Ninetieth Congress from the Second Congressional District of the State of Rhode Island, to fill the vacancy caused by the death of the Honorable John E. Fogarty, is on file in this office.

Respectfully yours,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

The SPEAKER. The Representative-elect will present himself in the well of the House for the purpose of having the oath administered to him.

Mr. TIERNAN presented himself at the bar of the House and took the oath of office.

ADJOURNMENT OF CONGRESS IN THE SUMMER VACATION PERIOD

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, I am today introducing legislation, along with some of my colleagues, which, if enacted, would improve the operation of the legislative branch of the Federal Government. My bill, H.R. 8555, to provide for the adjournment of Congress in the summer vacation period, and for other purposes, incorporates the exact language of part 3, section 433, of S. 355, the Legislative Reorganization Act of 1967, as passed by the other body on

March 7, 1967. This amends section 132 of the Legislative Reorganization Act of 1946—2 U.S.C. 198.

During the course of the debate on S. 355 in the other body, this section was deemed noncontroversial. However, because of this very reason, it deserves to be fully discussed on its own merits. This is my reason for removing this section from this bill.

I trust that this legislation, if passed, would be an incentive for those in this body who because of distance from their homes are unable to travel back and forth during the course of a session of Congress. Since enactment of the Legislative Reorganization Act of 1946, two States of Hawaii and Alaska have been admitted to our ranks. Not only would Members of Congress from those States benefit, but numerous others.

Why did I introduce this bill. Because I feel—

It is just.

It is needed.

It will improve the operation of the legislative branch of the Federal Government.

Why is it just?

It is just because I feel no one should work 12 months of the year, practically 7 days a week and, in many instances, 18 hours a day.

It is just because it will permit more time with family, friends, neighbors, and constituents back home. It will help Congressmen with children to plan a vacation period with their families. Any Congressman will tell you that the problem of bringing up their children is left totally to the wife.

Why is it needed?

It is needed because, with few exceptions in the past 20 years, Congress has been in session between 9 and 12 months of the year. The record shows this. For instance:

First. The 80th Congress, first session, was in session from January 3, 1947, to December 19, 1947, a total of 351 days.

Second. The 80th Congress, second session, was in session from January 6, 1948, to December 31, 1948, a total of 361 days.

Third. The 81st Congress, second session, was in session from January 3, 1950, to January 2, 1951, a total of 365 days.

Fourth. The 88th Congress, first session, was in session from January 9, 1963, to December 30, 1963, a total of 356 days.

Congressmen, too, need a planned rest in order to return at a definite time to their districts to be with their constituents.

How will it improve the work of the legislative branch of our Government?

It will give Congress more time to meditate and review the legislation of the first 7 months and they will come back rested and better informed—by having spent time with their constituents—to wind up the session with constructive legislation.

I hope this bill will be acted upon promptly, reported favorably, and given ample debate on the floor of the House on its merits.

SUMMER VACATION FOR CONGRESS

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, when all of the women Members of the House join in a legislative objective, you can be sure it is neither partisan nor self-serving. In this instance, we are all motivated by the importance of a summer recess for Members who are the parents of young children, and, of course, this would mean in nearly all instances male Members of the Congress. I cannot begin to count all of the men in this body who have mentioned to me sadly, summer after summer, that their children were growing up and going their own way without the father having had any real opportunity to spend leisure time with them and derive the pleasure a father deserves from this precious relationship.

When the children are out of school, the congressional parent is here in Washington working all day long and into the evenings and on weekends, too. When Congress finally quits for the year—when it does—the youngsters are back in school. I do not think service in the Congress of the United States should require a father to resign from the joys of family life with his children. That is too high a price to exact from anyone for public service.

There are enough months in the year for full-time, unremitting, effective work on legislation to enable the Congress to take an August vacation. By the very nature of our work and our responsibilities, this would not mean less total output. It would, however, mean better work, for it would enable the Members with young children to refresh their spirits and rekindle their zeal, in the joyful change of pace of having fun for a few weeks with their youngsters, before coming back to Washington to tackle the crunching burden of session-end legislative chores.

I first came to Washington as the wife of a Congressman in 1941, 11 years before my own election. In all of those 26 years, there were few years when Congress adjourned until fall or later. I remember so many instances of Members whose young children grew to marriage and began having their own families and, in nearly all of that time, the Member had never had a chance really to enjoy his role as father, because the vacation times never coincided. And how much the parent missed that lost opportunity.

The women Members of the House, Mr. Speaker, are united in urging that the Congress take this long-overdue step—a very modest one, really. We do not propose to return the Congress to the lackadaisical days when it met perhaps half a year, but rather to give to the Members a choice of vacation time fringe benefit almost every industrial worker in the country now enjoys, and every Government employee. And I guarantee it would not mean less work output.

I hope all the Members will get behind this proposal and urge passage of this legislation.

AUGUST A VACATION MONTH FOR MEMBERS OF CONGRESS

Mrs. GRIFFITHS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, I join with the gentlewomen from New York [Mrs. KELLY] and with other women Members of the House today in introducing a bill that would set aside the month of August as a recess for Congress. I believe it is time that we admit to ourselves that being a Congressman is a full year's job.

Second, we should take some notice of the fact that many Congressmen come from the extreme northern part of the country. They have large districts and they are permitted to go home during those months in which it is almost impossible to traverse their districts. Being a Congressman is in reality a two-way street. We should have an opportunity not only to be here in this Capitol and to make laws but to go home and talk with our constituents. We should give the northern Members and those Members with large districts the same opportunity that the southern Members and the city Members have been given.

In addition to this, we should admit to reality, that at the present time we are working 1 year. We should have a vacation period during that year which refreshes the spirit, which gives us an opportunity to talk again with our constituents, and which brings us back to the job in a much better frame of mind.

Mr. Speaker, I urge the speedy passage of this bill.

AUGUST A VACATION MONTH FOR MEMBERS OF CONGRESS

Mrs. MINK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Mrs. MINK. Mr. Speaker, I also rise with the other women Members of this House in very strong support of the measure which has been introduced by our most distinguished colleague, the gentlewoman from New York. I believe that it is imperative that Members of the House be given time not only to be back with our constituents and be in our home communities, but more particularly that the time be in the summer when our families can be together in our homes.

I am in full support of this concept of an August month off, and I urge that this House adopt this resolution now in order that we may all plan well in advance, not only the use of this summer month, but also the legislative calendar with the view of clearing the most urgent business before August 1.

We, the women Members of this House, have offered this bill with the most urgent plea on behalf of all the wives and children of the Members of this House, whom we feel deserve this consideration and for whom, in large measure, only a summer month can allow sufficient time to be united as families in their home communities.

I urge all of the Members to join with us in asking for the speedy consideration and passage of this bill.

COMMITTEE ON THE JUDICIARY—PERMISSION TO FILE REPORT ON H.R. 2508, CONGRESSIONAL REDISTRICTING

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until midnight tonight to file a report on the bill, H.R. 2508, to require the establishment on the basis of the 18th and subsequent decennial censuses of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST THAT DEFENSE DEPARTMENT RESUME PURCHASES OF BUTTER

Mr. RESNICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RESNICK. Mr. Speaker, the American people have always demanded that the men and women who are serving our country in the Armed Forces, have the best that is available in equipment, clothing, medical attention, and food, whenever it is humanly possible. Consequently, the members of our Armed Forces have always found butter on the menu. However, in February of 1966, due to an extreme shortage of dairy products and to rapidly increasing costs, Secretary McNamara decreed that henceforth butter would be replaced by margarine, exclusively.

Now, this situation has drastically changed. Dairy products once more are in plentiful supply and our hard-pressed dairy farmers are faced with depressed prices. The recent milk dumpings have underscored this problem. Surpluses are starting to build up and the Department of Agriculture has surplus butter in the amount of approximately 50 million pounds, in addition to powdered milk.

Last year's shortage is now over, and I think it is imperative for Secretary McNamara to issue a new order once again permitting the Armed Forces to purchase butter.

I have today written to Secretary of Defense McNamara and Secretary of Agriculture Freeman asking that steps be instituted immediately to see that the men and women who are serving our country have butter made available to them once more. Further, I have today introduced a resolution which would call upon the House of Representatives to request that the Department of Defense begin purchasing butter again. I call upon all of my colleagues to support this resolution.

COMMITTEE ON PUBLIC WORKS—PERMISSION TO FILE REPORT ON H.R. 8363, AUTHORIZING APPROPRIATIONS FOR PROJECTS IN CERTAIN COMPREHENSIVE RIVER BASIN PLANS

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works have until midnight Saturday, April 15, 1967, to file the report on the bill H.R. 8363, authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SUMMER VACATION NEEDED FOR HARD-WORKING CONGRESSMEN AND CAPITOL HILL EMPLOYEES

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, I think that we male Members of the House should feel ashamed that it has been necessary for the lady Members of the House today to take the initiative in the matter of vacations of which we and our families would be the beneficiaries. But as is so often the case, it takes the ladies to point out where the truth lies and where the necessity for action is.

I must say that the various gentlewomen who have spoken have expressed more eloquently than I could exactly what I feel about this matter and, perhaps more importantly, what my wife and family feel about it. I should like to say that I enthusiastically support their position. We know that a similar provision is in the legislation that has been recommended by the Joint Committee on Reorganization of Congress, but it does not appear that that is going to come out at least this week. So perhaps we can all get together behind this resolution. I support it enthusiastically.

BIRTHDAY ANNIVERSARY OF ONE OF VIRGINIA'S SONS AND ONE OF AMERICA'S FOUNDING FATHERS, THOMAS JEFFERSON

Mr. POFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. POFF. Mr. Speaker, today is the birthday anniversary of one of Virginia's greatest sons and one of America's Founding Fathers, Thomas Jefferson. Although he can be said to be the parent of our two-party system, and was in the days of yore claimed as a patron saint of the Democratic Party, it is in no mean spirit of partisanship that modern Americans honor his memory. Like Abraham Lincoln, who declared that "the principles of Jefferson are the definitions and axioms of a free society," we can truly say that his heritage belongs to all Americans.

This being the week in which most Americans are struggling to complete their income tax returns, it seems appropriate to recall what Thomas Jefferson thought about taxation and Government spending. Jefferson wrote, in 1816:

> I am not among those who fear the people. They, and not the rich, are our dependence for continued freedom. And to preserve their independence, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.
>
> If we run into such debts, as that we must be taxed in our meat and in our drink, in our necessaries and our comforts, in our labors and our amusements, for our callings and our creeds—as the people of England are—our people, like them, must come to labor 16 hours in the 24, give the earnings of 15 of these to the government for their debts and daily expenses; and the 16th being insufficient to afford us bread, we must live, as they now do, on oatmeal and potatoes; have no time to think, no means of calling the mismanagers to account; but be glad to obtain subsistence by hiring ourselves to rivet their chains on the necks of our fellow sufferers. And this—

Thomas Jefferson warned—

> is the tendency of all human governments.

Mr. GERALD R. FORD Mr. Speaker, will the distinguished gentleman from Virginia yield to me?

Mr. POFF. I am delighted to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I would like to compliment the gentleman from Virginia for reminding us of Thomas Jefferson's birthday and, even more, for reminding us of Thomas Jefferson's views on the perils of public extravagance and excessive taxation—that debt and inflationary spending strike hardest, not at the rich, but at the great majority of the people who are the bulwark of our freedom and independence.

Were we to quote even a fraction the wise counsels of the author of the Declaration of Independence and our third President, we would accomplish little else today. But I would just like to pursue for a moment Mr. Jefferson's grim forecast, which my distinguished colleague has just cited, that the tax-ridden slaves of an improvident government "have no time to think, no means of calling the mismanagers to account."

It would be of timely interest to Members of this body, I believe, to review Jefferson's comments on the Constitution—which was framed while he was absent as Minister to Paris—particularly his endorsement of the principle of separation of powers. He had some misgivings about the popular election of the Federal House of Representatives but he concluded it was imperative to give the people, every 2 years, that essential "means of calling the mismanagers to account."

Thus he wrote James Madison, his friend and future successor in the Presidency, when the new Constitution was published:

> I like the organization of the government into legislative, judiciary and executive. I like the power given the legislature to levy taxes, and for that reason solely, I approve of the greater House being chosen by the people directly . . . preserving inviolate the fundamental principle that the people are not to be taxed but by representatives chosen immediately by themselves.

Mr. Speaker, I concur in the gentleman from Virginia's view that Thomas Jefferson's legacy is above partisanship, and in this nonpartisan spirit I offer Mr. Jefferson's timely thoughts on taxation and the people's power to call their mismanagers to account. I commend them not only to my colleagues on both sides of the aisle but also to President Johnson and his administration, which continues to tell us that higher taxes, higher deficits and higher nonessential spending are somehow in the public interest. I believe most Americans, when they finish their tax returns this week, will find "time to think" how truly Thomas Jefferson forewarned us.

DEMOCRACY—THE RELIGION OF THOMAS JEFFERSON

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, the addresses we have heard from two of the most distinguished Members of the minority party in the House is America in action. All of us on both sides of the aisle appreciate the great men who have presided over the executive branch of this Nation—Thomas Jefferson, Abraham Lincoln, and many others. I sincerely hope that this acquiescence in the views of Thomas Jefferson by these two illustrious sons of the party of Alexander Hamilton will lead them henceforth to be disciples of democracy, which was the political religion of Thomas Jefferson.

ADAM CLAYTON POWELL

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, several weeks ago the House Administration Committee and a select committee of the House made available to the U.S. Department of Justice an accumulation of evidence showing beyond the shadow of doubt that Adam Clayton Powell illegally converted thousands of dollars of Government funds to his own use.

Later, on March 14, a month ago, some 150 Members of the House of Representatives signed and dispatched a letter to Attorney General Ramsey Clark asking him to take action on the committee findings with due diligence and dispatch.

If some obscure citizen had illegally cashed just one Government check for $1,400 he would be brought to heel by the Justice Department in the shortest possible time.

Mr. Speaker, what alibi does Attorney General Clark offer for his failure to prosecute this case, especially when the culprit, Adam Clayton Powell, continues to figuratively thumb his nose and otherwise defy the courts of this country?

PAN AMERICAN DAY

The **SPEAKER.** Pursuant to House Resolution 370, this day has been designated as Pan American Day.

The Chair recognizes the gentleman from Alabama [Mr. SELDEN].

Mr. SELDEN. Mr. Speaker, I call up the resolution (H. Res. 431) relative to the anniversary of the founding of the Pan American Union and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 431

Whereas April 14, 1967, marks the seventy-seventh anniversary of the Union of American Republics, now known as the Organization of American States;

Whereas the meeting of the Chiefs of State of the American Republics at Punta del Este, Uruguay, affords an opportunity to reemphasize that the historic, economic, political, and geographic relationships among the American Republics are unique and of special significance;

Whereas the keynote being sounded in regional relations in Latin America is aimed at attaining economic cooperation and in furthering economic progress through the maximum utilization of public and private resources;

Whereas these expanded goals should provide greater impetus in strengthening democratic ideals and perfecting political and social structures in the hemisphere;

Whereas the dedication of the Latin American Republics to achieving the goals of the Alliance for Progress, including the principle of self-help, is essential to political, economic, and social progress in the hemisphere: Now, therefore, be it

Resolved, That, in honor of the founding of the Pan American Union, the House of Representatives of the United States of America extends to the other Republics of the Western Hemisphere and the citizens of those Republics its sincere felicitations and best wishes that the year ahead will mark the beginning of an historic era of growth, prosperity, social progress, and justice for all.

The **SPEAKER.** The gentleman from Alabama [Mr. SELDEN] is recognized for 1 hour.

CALL OF THE HOUSE

Mr. THOMSON of Wisconsin. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 66]

Ashley
Barrett
Burton, Utah
Button
Carey
Cohelan
Daniels
Dawson
Dingell
Dorn
Downing
Flood
Ford,
 William D.
Halleck
Hays
Hébert
Hicks
Holifield
Hosmer
Jones, Mo.
Jones, N.C.
Kee
Miller, Calif.
O'Hara, Mich.
Pike
Pool
Pucinski
Randall
St Germain
St. Onge
Shipley
Shriver
Tiernan
Whalen
Williams, Miss.

The **SPEAKER** pro tempore (Mr. MILLS). On this rollcall 397 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PAN AMERICAN DAY

The **SPEAKER** pro tempore (Mr. MILLS). The Chair recognizes the gentleman from Alabama [Mr. SELDEN].

Mr. SELDEN. Mr. Speaker, today marks the 77th anniversary of the founding of our inter-American system.

Established in 1890, although under a different name, the Pan American Union in its earliest form provided for customs, postal and tariff agreements among its members, in addition to a pledge that the nations of the Americas would live together in hemispheric peace.

It is significant that our inter-American system, today known as the Organization of American States, is the oldest and most enduring of the U.S. multilateral international commitments. From the earliest days of our Republic, we have recognized the importance of Latin America to our own national security and welfare.

And in the dangerous years of the 20th century since the Pan American Union was formed—especially during the past half century, from the time of World War I—our concern and interest in the affairs of Latin America have vastly increased.

On this day, therefore, it might be well to review briefly the history of our hemispheric relations during these turbulent and dangerous recent decades.

With the advent of World War I, the eyes of our Nation's policymakers were fixed on Europe, not Latin America, as the area of paramount concern for our national security. This attitude did not change appreciably during the 1920's, nor until the formulation of President Franklin D. Roosevelt good-neighbor policy in the 1930's.

The outbreak of World War II found most of the nations of Latin America joining us in the war against Nazi Germany, Fascist Italy and militarist Japan, despite the efforts of our enemies to subvert the countries of Latin America.

Our experience during World War II made obvious the need for a united, coordinated hemispheric effort against Communist aggression. Out of this need emerged the Rio Pact of 1947. One of our strongest treaties, the Rio agreement is our only alliance providing for an automatic response by member nations should there be an act of aggression against any individual member.

After World War II, in the 12 years between 1946 and 1958, our country sent over $2 billion to the 21 nations south of the Rio Grande. We should note, however, that this amount compares to some $17 billion granted to the countries of Western Europe during the same period.

Indeed, our Nation has been slow to realize that stopgap aid and only intermittent concern for the problems of Latin America cannot answer the long-range needs of hemispheric stability. If we did not know this before the end of the 1950's, we should have learned it at the time Castro established Cuba as a Communist bastion in the Caribbean.

The advent of Castro and Castroism was a rude awakening to those who had given Latin America secondary status among the priorities of United States foreign policy.

It was, therefore, in 1961, at Punta del Este, Uruguay, that we entered into a major commitment designed to rectify past neglect of Latin America. At that conference, a continentwide economic and social development program was launched by the United States and the other nations of the Americas.

This was our hemisphere's first comprehensive blueprint to meet the deep-rooted problems of Latin America by action across the whole spectrum of human activity. This was a program aimed at ridding the hemisphere of those social and economic ills from which communism finds fertile breeding ground.

Nevertheless, while such a program can provide a long-term answer to our hemisphere's needs, we must recognize the existence of a continuing threat to the security of our hemisphere from Communist aggression and subversion. Ultimately, it is the Organization of American States which must respond to this threat if life and meaning are to be given to the agreements and obligations upon which the inter-American system is based.

From our own country's standpoint, however, it makes no strategic sense if we were to draw a line against Communist aggression in Asia and Europe, yet ignore this threat in Central and South America.

We might take comfort in the fact that the Marshall plan saved Europe from communism during the 1940's. But it would prove small comfort, indeed, if that same Communist threat were to erode and overthrow our inter-American system in the 1960's.

For just as Europe was saved from communism by a combination of Marshall plan economics and Truman doctrine firmness in the face of direct Communist aggression, similar policies are needed to do the job in this hemisphere.

The inter-American system which is being honored today provides the only sound basis for such policies.

Thus it is fitting that on this Pan American Day, the President of the United States is meeting with the heads of states of other American nations to seek ways to strengthen our hemispheric alliance and to broaden our avenues of cooperation.

Once again, therefore, it has been my privilege, as chairman of the House Subcommittee on Inter-American Affairs, to introduce a resolution recognizing the creation of the inter-American system and extending our felicitations on behalf of continued cooperation to our good neighbors of the American republics.

Mr. McCORMACK. Will the gentleman from Alabama yield?

Mr. SELDEN. I yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, on April 14, the anniversary of the founding of the Pan American Union, we citizens of the United States have special cause to salute our neighbors to the south, for this year marks the beginning of a new spirit of vitality in Latin American cooperation which is bursting forth on the world scene. In commemorating this date last year, I reported that progress in the inter-American system had been remarkable. Five months earlier, the member nations of the OAS had met to discuss revision of their charter, with an eye toward revitalizing the inter-American system and making the OAS a more effective tool in promoting the common interests of the hemisphere. This year, I am pleased to note that the progressive steps which were initiated at that conference are today on the road to reality.

We are all well aware of the historic assemblage in Buenos Aires in February of this year. Representatives of 19 Central and South American nations attended the Third Special Inter-American Conference of Ministers of the OAS. Giant steps toward progress for the Latin American community were taken here. The proposed amendments to the OAS Charter were approved, and at the same time, delegates to the 11th meeting of Consultation of Foreign Ministers drew up preliminary plans for the hemispheric summit meeting to be attended by the heads of state of the Latin American Republics and President Johnson.

The events of the Buenos Aires meetings prove to the United States and to all the world that the peoples of Latin America are keenly aware that their nations are growing and changing rapidly, and that they are determined to advance their economic, social and political structures in order to keep pace with their needs as sovereign nations. These peoples have turned to the inter-American system, the OAS and the Alliance for Progress as a means toward bringing about the maturity of the Latin American States. Thus, the inter-American system is taking on a new form, more suited to political and economic realities of our times and more vital to the world scene.

The accomplishments in Buenos Aires demonstrate that a new spirit of hemispheric solidarity is emerging. In revising the OAS Charter and in making plans for the proposed summit meeting, representatives of the Latin American nations demonstrated a promising sense of cooperation. James Nelson Goodsell, of the Christian Science Monitor, reported in a February 20 news article that:

> Delegates to two separate OAS meetings in Buenos Aires are clearly making progress in evolving a blueprint for common action on hemispheric problems and issues in the decade ahead.

He reported further that this atmosphere of unity had produced forthright and concrete action on issues discussed.

The revised OAS Charter is the basis for the new inter-American spirit. The language of the charter places heavy emphasis on the economic and social development of the hemisphere, expressing basic principles and desirable goals to implement a dynamic economic development and expanded educational and social opportunities. It stresses that the member states will give priority to the preparation and carrying out of multinational projects, and specific areas are cited for large-scale improvement. Development goals include a self-sustained increase in per capita national product, expansion of exports and the promotion of private initiative and investment; accelerated and expanded industrialization; exchange and utilization of the scientific and technical knowledge; agrarian and tax reform; development of closer communication among the Latin American Republics through improvement in transportation and telecommunication links, roads and river development; reduction of illiteracy, adequate housing, and improved health and nutrition standards. Most significant, the charter voices a solid commitment by each of the Latin American nations to cooperate with one another "in the broadest spirit of inter-American solidarity," pursuant to the laws and resources of the sovereign republics.

Mr. Speaker, on this 77th anniversary of the founding of the inter-American system, we of the United States salute the peoples of Latin America. We respect and admire them for what they themselves have set about to accomplish and we voice our confidence that they can and will achieve their goals. We join with them in acclaiming the new spirit of inter-American alliance. To the peoples of Latin America, our warmest greetings.

I am happy to again note that the Acting Chaplain of the House today is my valued friend, Rev. Joseph F. Thorning, pastor of St. Joseph's Church, Carrollton Manor, Md., a great friend of the countries and people of Central and South America, and whose friends in South America are legion.

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from California.

Mr. MAILLIARD. Mr. Speaker, I want to join with my friend from Alabama [Mr. SELDEN] in supporting this resolution and commemorating Pan American Day.

Mr. Speaker, the 77th anniversary of the founding of the Pan American Union on April 14, 1967, is of special significance this year because, concurrently in Punta del Este, a summit conference is being held which may very well be an important turning point in the affairs of the hemisphere. The long-awaited and much-debated meeting of the chiefs of the American Republics hopefully will instill new vigor and faith in an Alliance for Progress which sometimes seems to be showing signs of running down.

The problems to be considered and the decisions to be taken belong basically to the leaders of Latin America. How to create a common market, how to break the cycle of increased arms spending; how to achieve the Alliance goal of affording all the people of the Americas a better break in life, depend to a very great extent on what is commonly called self-help—how much our friends in the Latin American Republics are willing to do for themselves.

It is wise to look far ahead in the accomplishment of these aims. In the past, too much was made of the fact that the Alliance did not produce a certain number of new schools in a given period, that too few countries had land reform laws by a certain time, that the gross national product did not make the prescribed increase, and so on. The results of what is taking place these 3 days at Punta del Este need to be measured in terms of future generations. A common market, for example, promises great benefits for Latin America—but given the amount of hard work on which its success depends, it may not come to full fruition for decades. What is needed for it not to fail is the zeal and the patience to see it through long years of toil, and probable setbacks preceding its fulfillment.

Our goals—for peace and stability—in the hemisphere have always been bipartisan. President Eisenhower met with Latin heads of State in Panama in 1956 in the only such hemispherewide gathering until now. In 1961, with President Kennedy's call for the massive development efforts envisioned in the Alliance for Progress, great hope was expressed for the future. Today, with doubt expressed in many quarters that maybe our aims have been too far reaching, President Johnson is exploring with the Chiefs of State of the other Latin American Republics what now needs to be done and how best to accomplish it.

Seventy-seven years ago the Pan American Union was founded for the limited purpose of promoting trade among the nations of the hemisphere. We are gathered together again, at Punta del Este, with vastly extended common interests. It is with the fervent hope that we will never permit our differences to overshadow these common interests, that I express sincere greetings to all the people of the Latin American Republics, and my confidence that in the end we will achieve our collective goals.

Mr. MAILLIARD. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MORSE of Massachusetts. Mr. Speaker, I am pleased to join with my colleagues in commemorating this, the 77th anniversary of the founding of what we now know as the Pan American Union.

It is particularly appropriate that the anniversary this year comes at a time when the spirit of Pan Americanism is receiving new impetus at Punta del Este. The bonds that link the United States with our sister Republics to the south have always been strong. Originally forged out of common revolutionary tradition and cultural ties, they are now a complex set of economic, social, and political relationships.

As we begin the fourth quarter of a century of Pan American cooperation, we are on the threshhold of several new departures in hemispheric development. The proposed Latin American common market can bring the benefits of scale and economic integration; the new emphasis in our foreign assistance efforts on multinational projects can help create stronger links between the Latin American nations; and the concentration of aid on agriculture, education, and health will provide a new attack on the most glaring obstacles to development.

But these three programs, whether taken together or separately, will not in themselves cure the age old structural problems in Latin America. We must do these things, but we must do a number of other things as well. We must help improve the capacity of government to absorb economic and technical assistance. This can best be done by strengthening the public and private institutions at the local level. Here there is room for a greater spirit of Pan Americanism on the part of our own public and private institutions. The Partners of the Alliance and other programs do much to encourage this, but far more can be done.

What is most heartening about the President's message to the Chief Executives of the other American Republics at Punta del Este, is his willingness to examine some of our traditional notions about trade and aid. This greater openmindedness to change augurs well for the fourth quarter century.

It would not be difficult to recite in great detail that the problems that remain to be tackled in Latin America are the technology gap, the instability of world agricultural markets, the geographical problems of transportation and communication that inhibit development. Our own communications revolution has made the people of the United States far more aware of the needs and opportunities in the hemisphere.

But our marking of Pan American Day is less a recitation of problems than a tribute to one of our most durable alliances and to the warmth and cultural richness of the neighbors who have made it possible.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Speaker, I want to state my support of this resolution, not only because of the structure of the resolution itself, but also because of the sentiment that it expresses with reference to our brother republics of Latin America. It is an expression of the Congress of the United States—an expression of friendship and the desire to cooperate and the determination to assist these various countries in their problems of development.

Certainly, there never was a time when it was more vitally important for us as a nation to be aware of these problems and as a nation to do something about them.

At the present time the President of the United States is in Punta del Este and in a very quiet and unostentatious but, we hope, effective way attempting to set out a basis for future growth and for the future progress of these countries, an enterprise in which the United States will be happy to assist them as they seek to help themselves. This resolution to some extent may constitute a statement of support for his efforts.

This is a time when growth and development are so necessary in Latin America. Unless we appreciate the opportunity we have to assist our Latin American neighbors and act upon it, and unless these neighbors take steps to help themselves, instead of there being a steady improvement, the danger is that we may have an overturn of governments with all the revolutionary consequences that we have already seen on the island of Cuba.

Already we have seen encouraging examples of progress as with the Frei government in Chile and the Betancourt government in Venezuela. Peru and Brazil are beginning to take progressive steps. One purpose of the current Uruguay meeting is to stimulate and encourage such progress.

Mr. Speaker, we have been priviliged today to have as our guest chaplain to offer prayer at the opening of today's session of the House of Representatives, a distinguished clergyman who for 23 years has offered the opening prayer on Pan American Day and who, together with our distinguished Speaker of the House, in 1944, was responsible for the initiation of this observance of Pan American Day.

May I conclude my remarks in support of this resolution by welcoming Father Joseph N. Thorning again to our House and wishing him well and thanking him for the support that he has given to the cause of inter-American solidarity.

Mr. SELDEN. I thank the distinguished gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman.

Mr. GROSS. I recall Wednesday, before the Easter recess, when the House of Representatives labored mightily until almost midnight to produce a resolution that promptly went down the drain in the other body. I rise now only to note that this resolution, for whatever it is worth, is bound to meet a different fate because it is a House resolution.

Mr. SELDEN. I thank the gentleman.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I join in support of this resolution and take this time to commend the gentleman from Alabama and the gentleman from California who is the ranking minority member of the subcommittee, and to commend them for their personal efforts and the leadership that they have provided through the contacts that they have established with our Latin American neighbors.

The Members of the House should know that the gentleman from Alabama works very diligently in various international meetings to cement Pan American relations that he so energetically supports.

I should also like to take one moment to direct the attention of the House to the presence of our distinguished colleague, the gentleman from Illinois, my neighbor [Mr. O'HARA], who contributed personally to a great chapter in history by storming San Juan Hill with Teddy Roosevelt 68 years ago.

Mr. Speaker, I am pleased to join in support of this resolution.

Mr. ROYBAL. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from California.

Mr. ROYBAL. Mr. Speaker, I rise to join my colleagues in supporting the resolution commemorating Pan American Day, the 77th anniversary of the founding of the inter-American system.

The bonds of friendship and respect which have united all the sister republics of the Western Hemisphere are particularly important this year as the Presidents of the American nations are gathered in historic meeting at Punta del Este, Uruguay.

It is my personal hope and belief that this summit meeting at Punta del Este will be the beginning of a new era of improved relationships and more active participation, especially by the United States, in promoting the twin goals of economic progress and social justice that lie at the very heart of the Alliance for Progress.

As President Kennedy said in 1961:

> Our unfulfilled task is to demonstrate to the entire world that man's unsatisfied aspiration for economic progress and social justice can best be achieved by free men working within a framework of democratic institutions.

Being a member of the House Foreign Affairs Committee, as well as its Subcommittee on Latin American Affairs, I am intensely interested in the subject of closer and more productive cooperation among the peoples of the American republics.

While we in the United States should not attempt to dominate and control these mutual efforts, we must be prepared to lend our full support and assistance to the leadership and growing initiative provided by our Latin neighbors.

In this way, a true partnership in progress will develop in our hemisphere—a fulfillment of the 150-year-old Pan American dream—and an assurance of a better way of life for the more than 230 million fellow citizens living in the countries to the south.

Mr. SELDEN. I thank the gentleman from California.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Speaker, this is a happy day, the 77th birthday of an organization that has wedded in a happy union the republics of this hemisphere.

Mr. Speaker, I wish to join with my colleagues in praising the chairman of the great Subcommittee on Inter-American Affairs. I know of no man who has done a better and more dedicated, a more thoroughly efficient job in any area than has the gentleman from Alabama. He has given of his days, of his nights, and weeks during which he might have enjoyed a well-earned vacation with his family, in a fruitful service to his country and to the hemisphere of which our country is a part.

Mr. Speaker, on a number of occasions I have made immodest mention of my small experience in Latin America. When one is a boy growing up in a foreign land, sentiment grows that remains a sweetly perfumed part of older years. In the mind and heart of the boy growing up, who was I, the first love of course, was for my own country, the United States; next, the land of my boyhood, Nicaragua, and third, the land in which I played a humble part in the attainment of its freedom, Cuba.

Mr. Speaker, this union of the Republics on this hemisphere was formed 77 years ago. Some 5 or 6 years after that time Grover Cleveland was President of the United States, and Great Britain was claiming a great part of Venezuela and insisted upon arbitration, with all the arbitrators to be British. This sister Republic of ours was threatened with the loss of a large part of its territory by device of arbiters that were rigged. Grover Cleveland called the Congress of the United States into extraordinary session and the ultimatum was sent to Great Britain that unless she backed off and accorded a square deal in the appointment of impartial arbitrators, she would have to fight a war with the United States.

If you have doubts, go to the public library and dig up the newspapers of that day. There were great headlines proclaiming that the war was all but on, and a photograph, I remember of Grover Cleveland on his horse, the Commander in Chief leading us into war with Great Britain. It was not funny then, it was dead serious, and Great Britain backed up, gave in completely to Cleveland's demands, and the territorial integrity of Venezeula was saved.

Then there were other periods when things were done that offended. Yes, Central America played a part in the maneuvers before the Civil War. Walker, the filibusterer went down, became president of Nicaragua, and tried to form a Republic of Central America later to be annexed to the United States as a large slave State, thus helping the Southern cause.

All of this is in the yesterdays. Now we look forward to the tomorrows. Unless we have in this hemisphere a happy and a prosperous family, we have failed in our destiny. Unless the United States can show the way to prosperity, happiness, and contentment to all the people of this hemisphere, we have failed.

I am looking ahead, Mr. Speaker. All of these things we are doing are good. All the things we are planning, including the common market, are good. But in addition to all that we must find a way of stabilizing the market in our country for the products of our Latin neighbors. Here in our Latin sister republics, the economy goes up and down as the buying market in the United States rises and falls. I realize it is a difficult problem, but we must master it if this hemisphere is the home of prosperity and contentment for all. Our own agricultural problem was difficult, but we were not afraid to experiment with CCC. Now it is imperative that we find, and quickly, the road to market stabilization for the products of our neighbors to the south some way at least to approach an understanding.

Again, from the bottom of my heart I send the salute of affection to our sister republics in this hemisphere and to every man, woman, and child who has had the great fortune to have been born in the Western Hemisphere.

Mr. SELDEN. Mr. Speaker, I thank the gentleman from Illinois [Mr. O'HARA] for his remarks. I might add that his long experience in the Latin American area has proved very valuable to the committee and the subcommittees on which he has served.

Mr. RYAN. Mr. Speaker, April 14, Pan American Day, commemorates the 77th anniversary of the founding of the inter-American system. It is significant that on this day President Johnson will return from his historic trip to Punta del Este. Once again the United States has shown its interest in and commitment to the development of Latin America. It is appropriate to take a long look at that vast continent to the south. This is a time when each citizen of the United States should make an effort to learn about his southern neighbors.

Many Americans view the continent as a massive land area, heavily populated, poorly developed, containing dark jungles, beautiful coastal vacation spots, and the Amazon River. Too few think about the people there, about their hopes and dreams, their sorrows, and their cryings out for a better way of life. More specifically, the average American knows little of the inter-American system, the OAS, the Alliance for Progress, and their objectives, commitments and accomplishments.

The Organization of American States is the world's oldest international organization. It unites 19 Latin American Republics and the United States in a community of nations dedicated to the achievement of peace, security and prosperity for all the Americas. The idea of hemispheric unity was first conceived by Simón Bolivar, the great and far-seeing Latin American statesman who was responsible for the Treaty of Union, signed in 1826 at the Congress of Panama. Bolivar's fondest dream was an alliance of hemisphere countries, of which he said:

> It is time the interests and ties uniting the American Republics possess a fundamental basis to perpetuate . . . [the Latin American] governments. To initiate that system and to concentrate the power of this great political body calls for the exercise of sublime authority, one capable of directing the policy of our governments, whose influence should maintain a uniformity of principles and whose very name alone should put an end to our quarrels.

It was his plan that this supreme and respected authority consist of an assembly of diplomatic representatives from each of the independent nations of the hemisphere:

> A hundred centuries hence, posterity searching for the origin of our public law and recalling the compacts that solidified its destiny, will finger with respect the protocols of the Isthmus.

Bolivar's Congress of Panama produced the concept of inter-American cooperation.

In 1890, 64 years after Bolivar conceived his dream, the nations of this hemisphere created the International Union of American Republics, thus making the first concrete effort toward hemispheric solidarity in Latin American history. After this act, inter-American conferences were held periodically to settle differences and to lay the groundwork for mutual security and progress. In 1933, President Roosevelt's good neighbor policy introduced a spirit of mutual friendship, respect, and cooperation between the United States and the Latin American peoples which endured until after World War II. In 1948, the Ninth International Conference of American States convened in Bogotá, Colombia. Delegates to this conference adopted a charter reorganizing the inter-American system and incorporating the principles and policies that had been taking shape in United States-Latin American relations for over a century. This historic charter created the OAS and named the Pan American Union as its permanent secretariat in Washington. To implement the far-reaching goals of the new organization, executive committees and specialized agencies were created to promote social and economic welfare, scientific and technical cooperation, cultural exchange, education, and health. Thus the inter-American system became a well-organized body with a definite purpose before it—the economic and social advancement of the individual and the hemisphere.

By the end of the 1950's, the rapid pace of political, economic and social developments in Latin America made it imperative that the inter-American Union take new directions and develop specific growth programs to channel the forces seething in the hemisphere. Toward this end, the Alliance for Progress was proclaimed in March 1961. President Kennedy termed the Alliance "a vast cooperative effort, unparalleled in magnitude and nobility of purpose, to satisfy the basic needs of the American people for homes, work and land, health and schools." The Alliance for Progress is regarded as the most ambitious program of regional development ever undertaken in this hemisphere, and indeed, in all the world. The aim of the Alliance is to build new societies geared to the needs of the 20th century, and to create in them foundations for prosperous economic systems and social advancement. Its method is to build them democratically, through a partnership of all the hemisphere nations.

The men who drew up the structure and laid the groundwork for Alliance programs did not have their heads in the clouds. It is true that they had a monumental dream. Through a vibrant and effective Alliance they could see a bright future for Latin America. They envisioned a strong union of hemisphere republics cooperating to achieve common goals—social, agrarian, health, educational, and economic reforms. They believed that through these reforms, the countries of Latin America could take their place on the world scene as powerful, prosperous, and self-supporting nations. But these men expected setbacks and they knew that the road to realization of this dream might be more trying than they hoped. The Alliance for Progress was never conceived as a prescription for instant utopia. However, the course they charted, though extremely ambitious and difficult, was right, and the hemisphere began moving forward.

Since its inception, 6 years ago, the Alliance has fostered a revolution in the outlook and thinking of millions of the Latin American peoples. They see that their individual efforts, combined with those of their neighbors, their governments and their friends abroad, can change their lives for the better. The Alliance has shattered the myth that ancient traditions will not yield to progressive changes. It has proved that the separate nations of the hemisphere can join with each other in the search for concrete solutions to their common problems. The commitment and dedication of the people themselves has been the keystone of the successful programs of the Alliance. On the fifth anniversary of its chartering, President Johnson summed up its true significance:

> The Alliance for Progress has fused old dreams and fired new hopes. With its commitment of mutual assistance and self-help programs, it attacks evils as old as the condition of man—hunger, ignorance, and disease.

I call the attention of the Members of this Chamber to a report in the CONGRESSIONAL RECORD of February 16, 1967, inserted by our colleague, the gentleman from Texas [Mr. GONZALEZ], the 1966 yearend report of the Alliance for Progress. I urge each of you to study this report to gain a better understanding of the momentous programs which the Alliance has initiated and the great work it is doing in attacking basic problems blocking hemispheric progress.

On March 31 of this year, President Johnson issued his Pan American Day proclamation. In it he states that by the end of 1967, our Latin American neighbors will have invested 95 percent of the total capital investment required to sustain the Alliance. This is perhaps the greatest evidence of the sincerity of the Latin Americans and their faith in the future of the program. The people possess the determination to save and to invest in a better future and are willing and able to mobilize the resources needed for hemispheric development. The President points out that through the Alliance, per-capita economic growth rates are climbing steadily, fatalities from disease have dropped, and new hospitals and health centers are being constructed in all parts of the continent.

In the area of agricultural development, a million acres have been irrigated and 106,000 more have been reclaimed. In transportation, 15,000 miles of road have been built and improved. As a source of better living conditions, 350,000 housing units are under construction, and new water supply systems have been developed to benefit 20 million people. In the vital area of education, school enrollment has increased at a rate more than twice the increase in total population; 28,000 new classrooms have been built, 160,000 teachers have been trained, and 14 million textbooks have been distributed. And, as President Johnson so wisely stated:

> What statistics cannot adequately relay is the emergence of a generation of vigorous, confident, responsible leaders throughout Latin America—leaders who are ready to help their countries help themselves.

In 1967, the Alliance is a revolution at work—creating, building, transforming, and ever reaching forward. In Latin America today, teachers are moving into modern classrooms; laborers are carving roads through the Andes and completing the Pan American Highway, which will thread its way through the entire continent. Farmers are tilling their own land rather than fields owned by others; workers and managers are building modern industries; families are resettling from slums into new, modern housing projects. Today, new cooperatives and development banks, and unions are unlocking the energies and resources of thousands of Latin Americans who are learning the strength of common effort and endeavor.

Of course, the present conditions in Latin America are far from perfect, and there is still a vast amount of work to be done. Thousands of acres of tillable land still lie fallow or yield far less than their potential. Experience has taught us that national prosperity is closely linked to the land and to those who cultivate it. Over half of the population of Latin America lives in rural areas, yet these people receive less than one quarter of the national income. Future projects of the Alliance should be aimed at achieving greater land reform, providing modernized farm equipment, introducing advanced agricultural techniques such as crop diversification, advanced irrigation systems, and creation of larger markets and better ways to transport the produce to market. As a result of agricultural development, the hemisphere republics will one day be able to support their own growing millions as well as help alleviate the world hunger problem.

Many factories still stand idle because of inefficient production, insufficient markets, and lack of funds to finance a step-up in production. A great amount of human resources remain unused due to job shortages, the absence of skills, and the lack of educational opportunities to train skilled labor. Vast areas in the interior of the continent remain inaccessible because of communication and transportation barriers. Areas such as the eastern slopes of the Andes Mountains and underdeveloped river basins are slated for improvement.

In February of this year, five Latin American Republics, Argentina, Bolivia, Brazil, Paraguay, and Uruguay, agreed to coordinate their efforts to develop the huge Rio de la Plata Basin, which covers an area of 1.2 million square miles and contains a population of 50 million people. The project is already being supported by the Inter-American Development Bank. This is but one example of new multinational projects now being planned in areas of telecommunications, interconnecting road systems, river transportation, and electric power facilities and grids—all designed to open up the interior of Latin America for settlement and to build closer ties among the hemisphere nations.

There is still widespread illiteracy in Latin America. The need for improvements in education cannot be overstressed. If a country is to be stable and sound, if it is to make the most of its human and natural resources, if it is to grow economically, it must build an advancing system of education which will train its leaders in management techniques and technical and administrative skills, both in government and in industry, to meet the ever more complex needs of a progressive society.

The challenges to the Alliance which I have outlined here are momentous, but the tasks that face it are far from impossible. We have seen the statistics that point to the sizable gains made in Latin American development through the Alliance. We are aware of the new spirit of hemispheric cooperation and the rededication of the peoples of Latin America and their leaders to the goals of the Alliance. This spirit has made itself known through the successful and highly productive meeting of the OAS foreign ministers in Buenos Aires in February, and through the overwhelming support given by the representatives of the republics to the proposed summit meeting now taking place in Punta del Este. We know that the citizens of the hemisphere republics are sincere in their determination to face the gigantic problems of underdevelopment, and we have seen that their leaders are rededicating themselves to work together diligently on specific goals of economic and social reform to alleviate the misery of their people. These goals can be accomplished by joint effort through the inter-American system, the OAS, and the Alliance for Progress.

Nineteen hundred and sixty-seven is a time for the Alliance to rededicate itself to the people of Latin America. It must present them with a dynamic image; it must reach the individual and encourage and stimulate the faith which has been placed in it. Today, the hemisphere is in ferment. The entire continent is undergoing sweeping transformations. A dramatic sense of evolution, change, and vitality can be felt everywhere—in the halls of government, in the universities, in business and financial centers, in the homes and places of employment. Increasing numbers of Latin Americans are realizing the need for fundamental improvements in the basic structure of their nations. These people are restive, impatient to find solutions to their economic and social frustrations, to the conditions of poverty and backwardness which they will no longer endure. The need is voiced in platforms of political parties and in the creation of more intense development programs sponsored by the governments of every hemisphere country. Development, stabilization, and reform are becoming key issues in public life with an emphasis on self-help. Each citizen is encouraged to participate to promote a better way of life for himself and his neighbor. Apathy, despair, and resignation are giving way to a new infusion of energy throughout Latin America.

The Alliance for Progress will play a key role in encouraging and channeling this energy. The Alliance can inspire faith and hope by identifying itself with the interests, the dreams, and the thinking of every Latin American citizen—the poor farmer, toiling endlessly to eke out a living from his barren soil; the laborer, putting in long hours to reach industrial goals, although he is not certain how they will help his lot; the student, constantly under pressure from those who urge violent revolution as a means of easing the condition of his people; the poor, their world confined to the squalor in which they live, seeing no hope for a better life in their bleak futures. The Alliance can encourage the people's interest and support for community organizations, for workers federations, civic groups, political parties, cooperatives, business organizations. It can stimulate the individual mind and help it attain farsightedness. It can liberate the forces of freedom, personal dignity, resourcefulness, and community spirit which dwell in every human being regardless of nationality. The Alliance can offer these people promising alternatives to their frustrations and show them tremendous improvements benefitting their individual and common welfare.

Mr. Speaker, if men are not truly free, if individuals are not protected from economic and political exploitation, they seek relief from their misery through violence, bloody revolution, and massive political upheaval. In a recent speech, Secretary of State Dean Rusk stated that:

> Even the soundest social traditions are vulnerable to the threat of material want. Poverty is no friend of justice; hunger is no ally of democracy. It was out of our keen awareness of the inevitable interaction between social and material conditions that the Alliance for Progress was forged six years ago.

The President's trip and this 77th Pan American Day mark the beginning of a new era of vitality in the history of Latin America. Today, we salute our neighbors to the south. We look forward to the day when, through their effort and ours, the hemisphere republics emerge victorious over want and stand together in a peaceful world community, confidently looking forward to a prosperous future.

Mr. PATTEN. Mr. Speaker, I believe it is imperative for the Members of this distinguished Congress to endorse and render our active support and assistance to President Johnson in his attendance at the Inter-American Presidential Summit Meeting now being held in Punta del Este, Uruguay. In order to achieve the legitimate expectations of this conference, U.S. cooperation is necessary, but it is also mandatory for the Latin American nations to initiate means and methods in solving their own internal problems. We should let it be shown that "no external aid can replace their own internal effort."

Our commitment to Latin America was very well stated by President Kennedy on March 13, 1961, in his Alliance for Progress message when he said:

> Our unfilled task is to demonstrate to the entire world that man's unsatisfied aspiration for economic progress and social justice can best be achieved by free men working within a framework of democratic institutions.

Let us continue to work within the framework of this objective.

Only by cooperation on a regional basis—with the more advanced nations providing the necessary assistance and guidance—can the underdeveloped nations alleviate and overcome the problems which they are confronted with.

Mr. FASCELL. Mr. Speaker, 77 years ago, on April 14 in Washington, D.C., the International Union of American Republics was established, marking the beginning of a new era in Latin American-United States friendship. As a member of the Foreign Affairs Committee of this Chamber, I take special pleasure in saluting our southern neighbors today and in commending the new spirit of progress which has taken hold in that vast region we know as Latin America. Pan American Day 1967 is a time for rejoicing, for saluting a new era in Latin American development.

We in the United States are watching a peaceful revolution generating in the hemisphere republics. What is happening is a fundamental change in the thinking of the Latin Americans and their leaders. A new spirit of advancement has been inaugurated because these men recognize and understand the tremendous problems which their respective countries face as underdeveloped nations, and they have gained a feeling for the economic, social, political, and geographic factors which make up a nation of people. Hon. Sol Linowitz, U.S. Ambassador to the OAS, recently stated that Latin America is at a crossroads:

> It is a seething continent, as we know. The so-called revolution of rising expectations has taken hold there, and this is the moment for a major thrust forward.

At the Consultation of Foreign Ministers Conference, held in Buenos Aires in February of this year, such a major thrust was initiated. Representatives of 19 Latin American Republics and the United States scheduled the summit meeting of heads of state now being held in Punta del Este, Uruguay. They drew up a preliminary agenda which concerns itself with problems so fundamental that the decisions made here could chart the political and economic future of the hemisphere republics for years to come and change the course of Latin American history. The topics being discussed at the summit cover a wide range of projects necessary for the economic development of the hemisphere, including economic integration and industrial development; cooperative projects in areas of telecommunications, interconnecting road systems, river transportation and river basin development, connection of electric power facilities and other projects designed to strengthen the ties of communication among Latin American nations.

Also on the agenda is the improvement of international trade conditions so that hemisphere markets may expand their trade with each other and throughout the rest of the world. Plans for accelerated educational systems and exchange of technological and scientific knowledge will be discussed and modern health programs will be inaugurated. As each of these goals are analyzed, the emphasis will be on establishing concrete and specific proposals to implement them. Feasibility studies will be inaugurated and methods of financing projects will be planned.

Mr. Speaker, in considering the significance of the meeting at Punta del Este and its possible impact on the future of our southern neighbors, the most important factor is that these proposals for hemispheric cooperation toward common goals are the desire of the Latin American people themselves. Actual ideas for the summit and for the Latin American Common Market originated with the Latin peoples. To the Latin Americans, the idea of singleness of purpose and constructive cooperation among nations to reach determined goals is not a pipedream, nor is it unrealistic, regardless of the hemisphere's wide diversity of political, economic, and social structure. Latin Americans have demonstrated their faith in the OAS and the Alliance for Progress and are planning definite action to strengthen the inter-American system as the main source of help for hemispheric development problems. Self-help has been the basis for progress under Alliance programs, and the commitment and dedication of the Latin American republics has been the keystone of success.

Juan de Onis of the New York Times has stated in a news article that Latin America is a hemisphere of 240,000,000 people. By 1982, the population is expected to reach 385,000,000. This rapid growth poses awesome, new social problems. If the economies of the Latin American Republics do not surge into a new rhythm of expansion, the pressure for jobs, food, housing, and public facilities might well erupt in massive political upheavals.

Mr. Speaker, I feel that we in the United States have a responsibility to encourage the new spirit of determination and cooperation evidenced by our Latin American neighbors, a responsibility engendered by our own deep commitment to progress for mankind, our own dedication to the percept that men of all societies should enjoy economic and social prosperity and growth, educational opportunities, and freedom from hunger and want. We can do this through our support to the OAS and the programs of the Alliance for Progress. It is imperative that the United States demonstrate its resolve to cooperate with the hemispheric chiefs of state and with all the peoples of the hemisphere republics in their concerted efforts to develop and strengthen their nations. We must inspire confidence in the Latin Americans and in their leaders that they may have the courage and resolution to continue their progressive efforts toward achieving the goals for a better hemisphere.

Mrs. BOLTON. Mr. Speaker, tomorrow, April 14, is Pan American Day. This week a conference is being held at Punte del Este, Uruguay, to promote greater understanding and prosperity among the nations of the Pan American Union.

All too few of us are well acquainted with our neighbors to the South. We have been too occupied with other matters and have taken our friendship for granted. In many respects we are almost strangers. Yet we have much in common. They share our hopes and dreams, for this hemisphere, our doubts and our fears. Their needs are identical with those of all mankind.

On this anniversary occasion we extend our congratulations to all who have helped design and strengthen the Pan American Union. We express our best wishes for continued growth and friendship. And we pledge renewed efforts to foster understanding and cooperation with our Latin American neighbors.

Mr. MATHIAS of Maryland. Mr. Speaker, it is most fitting that we are observing Pan American Day while the President is at Punta del Este meeting with the chief executives of the Latin American Republics to shape an historic economic partnership. I trust that through our proceedings today, we can reemphasize our support for the President's mission and our commitment to developing the most appropriate diplomatic and economic structure to preserve peace and foster development in all the nations of this hemisphere.

It is also fitting that today the opening prayer in this House has been offered by my good friend and distinguished constituent, the Reverend Dr. Joseph F. Thorning, the pastor of St. Joseph's-on-Carrollton Manor in Frederick County, Md. Father Thorning has led the House in prayer on Pan American Day for 23 consecutive years. For many seasons he has been a student and friend of Latin America, a dedicated and humane leader, and a teacher of countless men and women who have come to share his deep commitment to inter-American cooperation and understanding.

Described as the "Padre of the Americas," Father Thorning has been cited in the National Directory of Latin Americanists for his many articles and books about the American Republics. Last month he was honored by the Inter-American Defense Board at its silver anniversary celebration on March 28, when he was chosen to serve as honorary chaplain and offer the invocation in the Hall of the Americas of the Organization of American States.

Mr. Speaker, it is a real honor and pleasure for me to welcome Father Thorning again to this body. I trust that his career of dedicated service will stand as an example to us all of the individual commitment and achievements which each of us should strive to give to advance not simply agreements among governments, but real accord among the peoples of the Western Hemisphere.

Mr. SELDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SELDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on Pan American Day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 418 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 418

Resolved, That there is hereby established a standing committee of the House of Representatives to be known as the Committee on Standards of Official Conduct (hereafter referred to as the "committee"). The committee shall be composed of twelve Members of the House of Representatives. Six members of the committee shall be members of the majority party and six shall be members of the minority party.

SEC. 2. The jurisdiction of the committee shall be to recommend as soon as practicable to the House of Representatives such changes in laws, rules, and regulations as the committee deems necessary to establish and enforce standards of official conduct for Members, officers, and employees of the House.

SEC. 3. The committee may hold such hearings and take such testimony as may be necessary to carry out the purposes of this resolution.

The SPEAKER pro tempore. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes for debate to the gentleman from California [Mr. SMITH].

CALL OF THE HOUSE

Mr. HARDY. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

Mr. SISK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 67]

Ashley
Barrett
Bray
Brown, Calif.
Broyhill, Va.
Burton, Utah
Button
Carey
Celler
Clark
Cohelan
Cowger
Daddario
Daniels
Dawson
Dingell
Downing
Everett
Feighan
Fisher
Flood
Ford, William D.
Frelinghuysen
Friedel
Garmatz
Gray
Griffiths
Grover
Halleck
Hanna
Hansen, Wash.
Hathaway
Hays
Hébert
Hicks
Holifield
Hosmer
Irwin
Jones, Mo.
Jones, N.C.
Kee
McMillan
Mathias, Calif.
Miller, Calif.
Multer
Nedzi
Pool
Randall
Rooney, Pa.
St. Onge
Shriver
Sikes
Steed
Steiger, Ariz.
Teague, Tex.
Thompson, N.J.
Whalen
Widnall
Williams, Miss.
Willis

The SPEAKER pro tempore (Mr. MILLS). On this rollcall, 371 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. COLMER. Mr. Speaker, House Resolution 418 is the so-called resolution setting up a Committee on Standards, Conduct, and Ethics as they would apply to the membership of this House and to the employees of this House.

I have now served in this House for more than three decades. I have lived in this world inhabited by human beings for a much longer time than that. I have had occasion to associate with various groups of humanity throughout my lifetime. I can frankly and truthfully say to you that in all of those years I have never associated with or known a more honorable group of men and women on the whole than I have found in my service in this House.

Members of Congress are composed of a cross section of the country. It is true that occasionally the people back home are misguided—"misled" might be a better word—and that occasionally a "bad apple," as it were, may get elected to the Congress. Members of Congress, on the other hand, live as it were in a fish bowl. Their every act is exposed to the electorate, to the country, and to the press. Congress has historically been the butt of the criticism of some elements of the press, and the 89th and 90th Congresses are no exceptions.

But, I repeat, on the whole, they are members of the human race, subject to the fallibility of the human race, but they are honorable people.

But occasionally some Member is guilty of, perhaps, rank indiscretion or outright violation of law, violation of the legal law, or of moral turpitude.

Recently there has been great demand made for the setting up of a code of ethics and a standard of conduct for Members of the Congress and employees. As a matter of fact to this end, there have been over 100 resolutions introduced and referred to the Committee on Rules. Your committee considered these resolutions, which ran a wide range. Some of them were pretty far-reaching, some of them were more or less innocuous.

The Committee on Rules did not set themselves up as a group of Solomons who had all the answers to the problems, but, recognizing the demand and possibly the necessity for setting up a committee and a standard of conduct and ethics, it first appointed a subcommittee to look into these various resolutions. After hearing a great number of the Members of this body, that subcommittee came to the full committee with certain recommendations.

In this connection, I want to pay my compliments and my respects to that subcommittee, which was headed by the very able and knowledgeable gentleman, the very honorable gentleman from Missouri [Mr. BOLLING].

The subcommittee recommended certain things, and the full committee after considerable discussion and amendments adopted this resolution. That resolution is very brief. It is not all-comprehensive by any means. It could not very well be under the circumstances. But it would set in motion the machinery to meet the demand for a Committee on Standards of Conduct and Ethics and possibly a committee in the nature of a watchdog.

There are so many things that I can go on about with respect to the details of this, but let me just say this.

What the resolution does that we bring today for your approval, is to authorize the setting up of a standing committee of this House—and I emphasize "standing"—which, if adopted and if included in the 91st Congress, will become a permanent committee. In other words, to all intents and purposes, it is a standing permanent committee.

The resolution authorizes that standing committee to consist of 12 members, six from the majority side and six from the minority side. Why was that done? It was done because the committee in its wisdom recognized that this aisle here, separating the minority from the majority, does not apply in the matter of honor and integrity and ethics. The subject matter is not political. For the same reason, it was made a standing committee rather than a select committee on the theory that there is no reason to suspect or to believe that the 91st Congress and its successors will be more ethical or more honorable than the 90th Congress.

This committee, being a standing committee, will not be appointed, as a select committee would be, by the Speaker of the House, but will be named by the committees on committees. On the Democratic side that will be the Ways and Means Committee, headed by the able and distinguished gentleman from Arkansas [Mr. MILLS]. The six members on the Republican side will be selected by its counterpart, the committee on committees.

After this committee is selected, it will come back to the House with its recommendations for its jurisdiction in handling this very delicate matter. I say "delicate matter" again. I repeat because Members of Congress do have to live in a so-called fish bowl with their every act subject to public scrutiny.

There is no idea—our committee had no such idea, nor do I know anyone else who does—of setting up any "witch hunting" committee to bring about political or personal recriminations or anything of that sort. This is to be a committee to observe and to study, and I hope to police the recommendations that it makes.

In this connection, Mr. Speaker, I should like also to compliment all of the gentlemen who introduced these resolutions which were referred to our committee.

I should like particularly to extend my compliments to the distinguished, able, likable—yes, lovable—colleague of ours, the gentleman from Florida [Mr. BENNETT], who I believe introduced the first resolution in the last Congress, and who served briefly as chairman of the select committee during the 89th Congress. He has ever been most diligent in this matter and has made a great contribution, in an unselfish manner, to the action that is being taken here today.

Mr. BURLESON. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to my distinguished and good friend from Texas.

Mr. BURLESON. Mr. Speaker, seemingly there have been some impressions that since the Rules Committee has decided to create a separate standing Committee on Standards, Conduct, and Ethics, that this reflects on the House Administration Committee. Some press reports indicate this attitude and infer that there is a lack of confidence that the House Administration Committee would do the job.

Let me say, as chairman of that committee, I have no such impression. When I twice appeared before your distinguished committee every indication was given that this was no consideration and the records of those hearings are clear on that score.

However, I ask the gentleman if he so felt or if the Rules Committee as a whole had any such lack of confidence in the House Administration Committee, that it did not wish to entrust this job to it?

Let me further say, Mr. Speaker, that as the gentleman will recall and the other members of the committee also, I appeared before the committee and expressed what I thought was an objective view. Members of your committee will recall that I stated in effect that if it were decided that this should come to the House Administration Committee, since it already has some jurisdiction insofar as handling the contingent fund of the House is concerned, then we should accept that responsibility. On the other hand I made it perfectly clear that I was not asking for the assignment and that furthermore, I would want a clear understanding of responsibility. One of the present difficulties is the vagueness of authority of the House Administration Committee in meeting needs such as is being attempted by the resolution. In fact there is no authority to reach the sort of problems alleged to exist to some degree or other at this time or in the past or future, hence no direct responsibility on any committee. Actions previously taken, which I believe everyone will agree were effective in particular instances, were taken somewhat in the manner of "the bull by the horns."

Now Mr. Speaker, I am very pleased that the Committee on Rules had decided on the proposed approach. I think it the best course and support this resolution enthusiastically.

I shall appreciate the comment of the distinguished chairman of the Rules Committee and thank him for yielding.

Mr. COLMER. I thank the gentleman for his statement. I thank him, also, for raising the question. I had intended going into this matter, but the time is so limited I did not want to usurp all of the time myself. I wish to underwrite the statement made by the gentleman from Texas [Mr. BURLESON], the chairman of the Committee on House Administration. I want to state that frankly I would have preferred personally to have seen the matter go to his committee where the machinery at least in part was already set up and where it could be appropriately handled after enlarging the jurisdiction of the committee. However, I come back to what I said a moment ago in order to emphasize it. There was so much interest created in this particular matter that the committee felt rather than being referred to an existing committee where it would be handled by a subcommittee, it should have the prestige and the standing of a standing committee.

I assure the gentleman and I assure his committee that this is certainly no aspersion on his committee. I also want in this connection to compliment the work that was done on your own in your committee with its limited jurisdiction, Mr. Chairman, with regard to the matter that arose here in the last few months in exposing some of the things that had been going on, particularly in the Powell case, and certainly no such inference as that to which my friend from Texas referred is justified.

I wish to compliment the distinguished gentleman from Ohio [Mr. HAYS], who is always frank and forthright, who was chairman of that subcommittee and who I think made a valuable contribution in the matter of exposing certain important facts in the Powell case.

Mr. BURLESON. Mr. Speaker, will the gentleman yield for just one more comment?

Mr. COLMER. I yield to the gentleman from Texas.

Mr. BURLESON. I understand that next Sunday in one of the inserts to many papers around the country the gentleman from Ohio and I will be on the receiving end of another one of Mr. Jack Anderson's articles. He is the right-hand man of Drew Pearson. I hope whatever is said here may be some evidence that there is a difference of opinion as to what I think these articles are going to represent. I am not advertising the fact that this article is going to be published nor suggest it be read, but at the same time I wish to point out we will be on the receiving end of it in another attack of half-truths and untruths. As Lincoln once said of scurrilous attacks on him, "The truth never catches up with a lie."

Mr. COLMER. Mr. Speaker, I again thank the gentleman from Texas for raising this question; and I hope that this colloquy has served, as it should, to dispel any thought that the action of your Committee on Rules, in setting up a standing committee, in anywise reflected on the highly respected gentleman from Texas, one of the most dedicated Members of this body, or upon the Committee on House Administration of which he has the honor to be chairman.

Mr. SMITH of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, particularly for the benefit of the new Members on procedure, this is a little different than the bills we have considered in the past from the standpoint of bills like the one we had on the Copyright Act. That came out of the Committee on the Judiciary and then to the Committee on Rules. We sent out a resolution on it setting forth that it would have 3 hours of debate. With regard to this particular measure, House Resolution 418, primary jurisdiction for it is in the Committee on Rules, so there is simply 1 hour on debate or discussion of the measure, with 30 minutes having been yielded to our side. In view of that and in view of the number of Members who have asked me to yield to them for the purpose of inserting their remarks, Mr. Speaker, at this time may I ask unanimous consent that all Members desiring to extend their remarks in the RECORD be permitted to do so in the body of the RECORD immediately following the conclusion of my remarks, and to include extraneous matter.

The SPEAKER pro tempore (Mr. MILLS). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SMITH of California. Now, what happened was this: Something over 100 resolutions were submitted on the subject of ethics. I believe there were around 110. The Committee on Rules held very extensive hearings on it. Some of these resolutions called for a select committee, some called for reference to the Committee on House Administration, and some to a standing committee. As far as I am concerned, if a select committee had been decided upon, I think they would do a very fine job. I think a standing committee is preferable, however. So far as the Committee on House Administration is concerned, there is no question in my mind but that they would do a fine job if this additional responsibility were placed on them. They have already evidenced that fact. I commend the gentleman from Texas [Mr. BURLESON] on the very fine and honest statements he made before the Committee on Rules. So I have no criticism whatsoever of any Member, had it gone to a select committee or to the Committee on House Administration. We just felt unanimously, I believe, that the best approach to a subject like this would be to start out with a standing committee.

So, Mr. Speaker, after everyone was heard and after the hearings were completed, hearings that are now printed and are available to the Members of the House for their edification, if the Members desire to read them, a subcommittee of the full Committee on Rules, consisting of six members, was appointed to consider the matter. We met the following day. We agreed quite rapidly as to the basic procedure which we would undertake to follow with reference to the general problem and the time involved therein. We further agreed, then, to work up the language and, there, again, there were certain objections to certain parts of the language. So we re-drew the language again and went back again to the subcommittee.

Mr. Speaker, there were still some objections to certain parts of the language and we had at it again.

Mr. Speaker, on the third effort we agreed upon the language and then we reported to the full Committee on Rules of the House of Representatives. There, Mr. Speaker, some further questions were raised.

Mr. Speaker, we members of the subcommittee of the Committee on Rules could very readily see that the questions which were raised were perfectly normal. So. Mr. Speaker, we re-drew the language again, went back again to the full committee.

Mr. Speaker, on the last occasion—and I would just like to remind the Members of the House of this fact—and unless one has had experience with this process, one would wonder about it, and this involved certain language as contained in the resolution.

Mr. Speaker, I mention this because of the fact that in drawing up the language and in attempting to state what we wanted to accomplish, it took considerable time and effort to properly resolve the questions. Therefore, this results in the presentation of the language here today—language changes here today—for your consideration.

Now, Mr. Speaker, on the basis of this particular measure, I believe Members will be appointed by the democratic process as members of this proposed committee. I assume that one of these members will be selected as chairman of the committee or the No. 1 man so selected may serve as chairman but, in any event, the majority party will have the chairmanship of the committee.

Mr. Speaker, according to my understanding of this particular committee, six members will be appointed by the Republican Committee on Committees, and in that way those desiring or seeking appointment to this committee can submit their names in the Democratic process and the Republican process and the selection of those six members will take place.

So, Mr. Speaker, after the appointment of the 12 members, I assume they will meet and organize based upon the prerogatives vested in them and, in order to comply with this resolution, recommend, as soon as practicable, to the House of Representatives such changes in the laws, rules, and regulations as the committee deems necessary to establish and enforce standards of official conduct for Members of the House of Representatives and for the employees of the House of Representatives.

Mr. Speaker, when they have completed this responsibility, a responsibility upon which they may hold hearings and receive testimony from the various Members of the House, then it is their duty to determine the recommendations.

The SPEAKER pro tempore (Mr. Mills). The time of the distinguished gentleman from California has expired.

Mr. SMITH of California. Mr. Speaker, I yield myself 3 additional minutes.

The SPEAKER pro tempore. The distinguished gentleman from California is recognized for 3 additional minutes.

Mr. SMITH of California. Mr. Speaker, then they will report back to the full Committee on Rules and we shall consider at that time what we wish to do with reference to any proposed changes in the present proceedings and what we wish to do upon any changes in these procedures, and eventually that recommendation will be brought, by resolution, to the floor of the House, a resolution providing time during which to consider that measure and at which time every Member will have an opportunity to participate, and there will be opportunity for a full-type hearing upon the final plans, or before the committee starts listening to any possible complaints or the like.

Mr. Speaker, the distinguished gentleman from Mississippi [Mr. Colmer] has previously explained the reason for the six-to-six membership of this proposed committee and has explained to the Members of the House the fact that the majority side will control the chairmanship.

Mr. Speaker, some suggestions have been made during the past few days to the effect that this particular resolution should be open for amendment. One suggestion was to the effect with reference to the timing of the appointment of members of the committee. That, of course, would not be a factor involved here.

Mr. Speaker, based upon my past experience and observance of the operations of the House of Representatives, the appointing of members will be performed at a very early date and very rapidly. Therefore, Mr. Speaker, I do not expect any delay whatsoever as to the appointment of the membership of this committee.

A number have suggested they would like to change the dates, and asked for various dates in the Committee on Rules. We did not feel it would be up to us to tell these 12 men when they would have to report back in considering the responsibility they will have in determining these rules and regulations. So we have asked them to do it as soon as is practicable.

A particular example of it is that these members will be busy working. Today in the Committee on Rules we took up the elementary and secondary education bill which was reported out of the committee Tuesday, and started hearings, and had we set hearings on the reorganization bill for today in the Committee on Rules we could not have heard it. We would have had to set them aside to consider the education bill.

In any event, Mr. Speaker, I have a number of requests for time. I believe this resolution is drawn the very best we possibly could draw it, and I urge its adoption and your support of the resolution, House Resolution 418.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. Sisk].

Mr. SISK. Mr. Speaker, I rise to commend the distinguished chairman of the Committee on Rules, the gentleman from Mississippi [Mr. Colmer], for his patience and the work he has done, and the work that has been done, particularly by the gentleman from Missouri [Mr. Bolling], and every member of the Committee on Rules in this matter.

I believe we have something here that will give the House an opportunity to truly work its will, and set up the kind and type of code of official conduct which we can live under and with.

Mr. Speaker, I wish to take time at this point to yield briefly to the gentleman from California [Mr. Hawkins].

Mr. HAWKINS. Mr. Speaker, I thank the gentleman for yielding, and I wish to commend the committee for this resolution it has produced.

Mr. Speaker, I rise to add my voice to the adoption of the strongest possible standards of official conduct for Members of Congress in keeping with the dignity and importance of this branch of our Federal Government.

For the past several months people throughout our country have focused their attention on how we conduct ourselves as their Representatives. It is clearly evident—they demand basic reforms and will not accept the symbol of an ethical code that leaves questionable conduct discretionary with individual Members.

And it equally follows that they will not tolerate dual standards of political behavior—whether based on sectionalism, political, affiliation, or race. The rules must apply equally to every Member, for ours is a government of responsibilities and rights based on equality; and where one is denied equal treatment, he cannot feel fully bound by constraints. Inequality breeds contempt for authority and discipline, and makes a mockery of our pretensions in legislating high standards of official conduct.

It must also follow that since our legislature is bicameral, our concept of ethics cannot differ as we walk through the corridors of our Capitol from south to north. It is hoped that what we do may also serve as an inspiration to the other body, for the public will not understand political misconduct punished in one House but excused in the other.

Mr. Speaker, I am reminded of the reaction attributed to a Georgia mule drowsing under a mulberry tree: "It will twitch," it is said, "where the fly bites, now here, now there, and then to sleep again."

It should now be clearly evident to all of us that we have been stung by the public clamor for basic reforms and more ethical standards of conduct; and we cannot merely twitch a few times and then go back to sleep again.

Mr. SISK. Mr. Speaker, I yield briefly to the gentleman from Florida [Mr. Bennett].

Mr. BENNETT. Mr. Speaker, I want to congratulate the committee for coming forth with this proposal. I believe it is a good proposal. I was one of those who very strongly urged that we have a separate committee, and in doing so never felt this was any criticism of the Committee on House Administration. In fact, I congratulated them on the fine work they did in the Powell matter, and in other matters before them.

I do believe this is a constructive measure.

Mr. Speaker, I support House Resolution 418, legislation to establish a standing committee of the House of Representatives to be known as the Committee on Standards of Official Conduct.

The purpose of this committee will be to recommend to the House changes in laws, rules, and regulations to establish and enforce standards of official conduct for Members, officers, and employees of the House.

This is an important first step that the House of Representatives must take in the 90th Congress in the field of congressional ethics. I am hopeful that the committee's study in this very important field of activity will result in a permanent Committee on Standards of Official Conduct in the House, a standing committee like those major committees listed in the House rules. As parliamentarians have explained this resolution to me, it does not amend the House rules to make the committee immediately a permanent committee under the rules of the House; but that is the apparent intent of the legislation. I favor a full, standing and permanent committee in the field of standards and official conduct. Without that degree of permanence it will be difficult to secure, economically, a competent staff.

I would like to see this committee ultimately provided with investigative power and power to recommend disciplinary action to the full House in proper cases of violations of existing laws and rules of the House. It is hoped that the committee would make a careful study to see if additional statutes and rules are needed to guide the performance of a Member's official duties.

For the first time in its history, the House of Representatives established a Select Committee on Standards and Conduct in the closing days of the 89th Congress. The committee had a short life, from October 19, 1966, to January 3, 1967.

The House Select Committee on Standards and Conduct was directed by Congress to recommend to the House "such additional rules or regulations as the select committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the House and by officers or employees of the House."

In its report to Congress—House Report No. 2338, 89th Congress, second session—the committee reported on existing statutory standards and asked that the committee be reconstituted because there was not sufficient time in the closing months of 1966 to make additional recommendations and because such efforts should be made while Congress is in session so that the full membership of the House could be available for comments, recommendations, and hearings.

The only new power asked in the committee approved resolution, House Resolution 18, over what the committee had in 1966, was the power, in its discretion, to make an investigation and recommend censure on a violation, by a Member, officer or employee of the House, of a standard of conduct which had been established by the House by law or resolution previous to the act complained of. The committee approved the policy of the chairman not to indulge in witch hunts or snooping into the private lives of Members; and guidelines were set up to protect against abuse of Members.

The comparable Senate committee now operating has, incidentally, much broader powers than were requested, as it is not restricted to recommending resolutions of censure, but is authorized in broad terms to recommend "disciplinary action to be taken." It is believed that the ability to at least recommend resolutions of censure in a proper case is highly desirable for three reasons: First, to effectively handle any such matter that may arise; second, to help the committee in getting the attention and assistance of the whole membership of the House in drafting workable and practical rules; and third, to reassure the public that any improper conduct that may arise will be adequately and promptly looked into.

The House Rules Committee had extensive hearings on over 100 resolutions to establish a House Ethics Committee. The Rules Committee and its very able chairman, Representative COLMER, are to be congratulated for their careful attention to this matter.

I am certain that an improved code of standards could be adopted to safeguard the integrity of the House of Representatives, thus reassuring the public of our interest in good government. The main purposes of this committee are to help improve the standards of the U.S. House of Representatives and also the public confidence therein.

The public image of Congress demands that the House establish a full, working, thoughtful committee working solely in the field of standards and conduct. Sixty percent of those answering a recent gallup poll said they believe the misuse of Government funds by Congressmen is fairly common. Of course, we know that such abuses are in fact not common but we have seen a number of such damaging polls showing the people's lack of faith in the integrity of Congress.

There is a need for a vehicle in the House to achieve and maintain the highest possible standards by statute and enforcement thereof. This can only be done after thorough study by a committee whose primary interests are in this field.

The committee has wide support and adequate precedent for its reestablishment in the 90th Congress. Last year was the first time in history that the House of Representatives ever had such a committee. Prior to that the Senate Select Committee on Standards and Conduct was established. A House committee has been recommended by the Joint Committee on the Organization of Congress and the bill which passed the Senate March 7, 1967, includes a provision for a Standing Committee on Standards and Conduct.

The recent House select committee which looked into the matter of seating Adam C. Powell recommended in its report—House Report No. 27, 90th Congress, first session:

> The House make a study in depth to determine whether or not existing procedural and substantive rules are adequate in cases involving charges of breach of public trust which have been lodged against any Member.

I firmly believe that had the House of Representatives had a committee over the last few years similar to the one I am supporting today, we would not have had an Adam C. Powell case.

In conclusion, there is a need for the new Committee on Standards of Official Conduct to be established, a broadly based committee, but one devoted solely to the problems of raising and maintaining the highest possible standards in the House of Representatives. The House should come to grips with this need in an effective manner and in an important manner, and not just sweep the problems under the carpet. We can do no less for our country.

Mr. SISK. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. VAN DEERLIN] may extend his remarks at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VAN DEERLIN. Mr. Speaker, I join my California colleague, Mr. HAWKINS, in support of House Resolution 418, a long overdue proposal to establish a permanent Committee on Standards of Official Conduct for the House of Representatives.

I personally regret that the formation of this committee has become necessary, but events have shown that existing controls do not work.

Adverse publicity surrounding the behavior of certain Members and employees of Congress has tarnished the image of both bodies. Congressional morality has become a major public issue—evidenced by any day's mail in our offices.

Initially, Members, officers, and employees of the House should at least be required to observe the same regulations that now govern the conduct of Federal employees generally. The existing statutes deal primarily with financial conflicts of interest.

The new committee, of course, would be directed to recommend new rules that would apply to House Members and staff only. This provision is, in my opinion, essential. Comportment in the legislative branch should be a model—not merely a pale imitation of the standards required of personnel in the other branches of Government.

In closing, I should like to reinforce my colleague's expression of hope that the other body will deal as forcefully as the House with its erring Members. House Resolution 418, is a long step in the right direction toward a permanent ethics code, deserves the overwhelming approval of the House.

Mr. SISK. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. KORNEGAY].

Mr. KORNEGAY. Mr. Speaker, I rise in support of House Resolution 418 and say that in my opinion this is one of the most important subjects faced by those of us in the 90th Congress; the public image and the character of the Congress and the self-respect of those of us privileged to serve in the Congress.

The reputation and the respect for the Congress and its Members have suffered a reversal in the court of last resort, public opinion, and we are all now on probation in the eyes of the American public.

A much celebrated case of one particular elected Member of Congress has reflected to the discredit of every single Member of the House of Representatives—and to every good public servant, everywhere. The public opinion polls—and certainly the correspondence that you and I receive—bear out the low esteem now held for individual Members and the great body we have the honor to serve in.

The American public has been shocked by public revelations concerning the apparent lack of ethics and morality in some areas of our Government, including the Congress.

The American public wants and deserves a Congress composed of individuals whose conduct is both ethically and morally proper. I also subscribe to that philosophy for it is my opinion that those of us in the Congress who are responsible for passing upon laws that we all must follow should be as clean in our own personal conduct as Caesar's wife.

Passage of this resolution would help restore the confidence of the American public in the Congress. Establishment of a standing Committee on Standards and Conduct in the House of Representatives is the very minimum the public expects of its elected representatives. The Congress enacted a code of ethics in 1958, but the code needs enforcement authority. The 89th Congress enacted legislation setting up such a committee, but gave it a short span of life, which died with the formation of the current Congress. It is my fervent hope and my humble plea to you that this Congress will make this committee permanent and give it the tools it needs to do the job that is long behind schedule.

Mr. SISK. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR. Mr. Speaker, I rise in support of House Resolution 418, establishing a standing committee to be known as the Committee on Standards of Official Conduct. I believe that the people of this Nation see a need for such a committee and strongly favor the passage of this legislation.

Last February I introduced House Resolution 277, providing for a Select Committee on Standards and Conduct which is stronger and goes further than the resolution which is before us today. It is imperative that citizens have confidence in the integrity of those who represent them in Congress. Such is the foundation of responsible government.

Congress has shown courage in facing the unpleasant duty of disciplining one of its Members. Rules, standards, and codes of ethics should be prescribed and should apply equally to all Members of this body.

Passing this legislation is only a first step, but it is an important one which we should take today.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Illinois [Mr. ANDERSON].

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my remarks following the gentleman from Illinois and to include extraneous matter therein.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. CURTIS. Mr. Speaker, I wish to state I am strongly behind this resolution.

As a member of the committee, I might point out that the Joint Committee on the Organization of the Congress has recommended and has in its bill a provision for a permanent Ethics Committee.

I think the Committee on Rules has done an excellent job on this resolution. I would like to submit for the RECORD my statement before the Rules Committee during their hearings on this matter:

STATEMENT OF HON. THOMAS B. CURTIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Mr. CURTIS. Thank you, Mr. Chairman, and let me say that I am here as the ranking House Republican of the Joint Committee on Organization of Congress, which I emphasize is one of these bipartisan committees that someone suggested never produce any results.

It is composed of six Members of the House, three Republicans and three Democrats, and six Members of the Senate, three Democrats and three Republicans.

This committee has, as you know, issued a unanimous report and we have what I would like to call the Monroney-Madden-Curtis bill. It includes every member of the committee. We have all introduced this bill.

In this bill one of the features, of course, is the establishment of an ethics committee, and this was the subject of considerable study of this committee over a period of a couple of years. I am very happy to see Mr. Madden is in judgment on our own handiwork here, and I am happy to be here to support his position on it, or, rather, the committee's position and the position in the bill that this should be a new, independent, and permanent committee.

We talked about, of course, the possibility of using some of our existing structure, whether it be the House Administration Committee or whatever, although I will say the House Administration Committee was the most logical if we were to use any of our structure.

I would like to say this, that this committee would immediately have the function of establishing a code of ethics. This is one of our great needs because, indeed, who can say what the ethics are, and on these questions of ethics, what is ethical and what is not, we need some certainty.

I would suggest, too, that any code of ethics over a period of years needs changing, no matter how well it is conceived when it is first set up. Experience shows in certain areas it needs to be changed.

Second, and I was pleased to be present during some of the testimony to hear the questioning of Mr. Bolling and his statement, there is need to have the mechanism, practical mechanism, to enforce the code once it is established.

Then let me interject a third thing, which is part of this mechanism, and also calls attention to one of the great weaknesses in the present congressional structure on ethics and a whole lot of other things.

It is the fact that we do not have an independent audit of the congressional books. GAO does not audit the congressional expenditures. The GAO should audit the congressional books. They are an arm of the Congress, but nonetheless they are an independent organization by structure, inasmuch as the Comptroller General is appointed for 14 years.

This would serve the function of an independent audit. I think whatever is done that this ought to be done just as quickly as possible. Why it has not been done over the years is just inconceivable. It is the only large institution in the country, Congress, that does not have independent audit of its books.

The executive department, of course, does.

This has led, I think, to a great deal of, let us say the misunderstanding, perhaps, of how money is spent in the Congress, whether it is spent by the individual Congressman as part of his office allowances or part of the money that is allotted him, the stationery fund, or the manner in which the committees spend their money, or the manner in which counterpart funds are spent, and so on.

So I would urge that this third aspect be incorporated into this. Now, we could wait, of course, but I would not urge that we wait, for the Monroney bill, the Monroney-Madden-Curtis bill, to reach the floor. That bill has been referred, of course, to this Committee on Rules and in my judgment rightly so, if I may comment.

We had hoped that originally that bill would go directly to the floor of the House under a rule granted by the Rules Committee, but there were so many amendments put on that bill in the Senate which our committee, of course, did not consider and the House has never had an opportunity to consider, that I think very properly the Parliamentarian sent it here, to this committee.

This is not true, of course, of this specific area on ethics; here I would think it would be very wise under the circumstances for this committee to report out the bill, and I would urge the bill that would create a permanent committee—not a select committee that the gentleman from Florida, Mr. Bennett, is talking about. I would hope the rule for debate would be broad enough, of course, so that amendments to this could be considered on the floor and that we move as promptly as we can on this.

I think this is exceedingly serious. The integrity of the Congress under the present climate is very much involved.

Mr. MADDEN. Would the gentleman yield?

Mr. CURTIS. Yes.

Mr. MADDEN. You referred to the amendments offered on this in the Senate. I think that 99 percent of those amendments were pertaining to the Senate's procedures.

Mr. CURTIS. I think a great deal of them are. I do not know that it is 99 percent, but some of them were. According to the Parliamentarian some bore on House matters.

At least that is the basis for his ruling, and I have always felt that this was a proper thing, when a bill came over from the Senate with nongermane material or material that a House legislative committee had never had an opportunity to zero in on, that proper procedure did indicate that it should come into the Rules Committee for the Rules Committee to determine whether this material was of such a nature that it should be referred back to the legislative committee for study.

In this instance, of course, the Rules Committee is the legislative committee to look into this.

I would hope, though, that the Rules Committee would tend to limit themselves to the area of these kinds of amendments rather than to reduplicate the work that we tried to do and hopefully we did do over a period of 2 years. Because, if the Rules Committee attempted to do that, I am afraid we would never have seen the Monroney-Madden-Curtis bill this year.

Mr. MADDEN. I think the procedure over there in the Senate, although it was on the floor for 3 weeks, about, was interrupted constantly, and the major part of the amendments adopted over there were from one Senator, who had about 50 amendments, and I do not think there were more than one or two of his amendments adopted.

Mr. CURTIS. Yes. Now, if I could discuss some of the substance of this issue as I see it, and why, at least I as a member of this committee felt that you needed a separate and permanent committee.

First, I have jotted down five areas that bear on this question of ethics. One is elections themselves. Here, very clearly, the House Administration Committee has a lot of expertise and has been in this area for some time, but notably they have never really developed a code of ethics in respect to elections.

I think they could as far as elections are concerned, the ethics part of elections could be handled by the House Administration Committee.

But it then moves into the area of financing of elections, and this gets somewhat out of the normal jurisdiction of the House Administration Committee. It moves on over into a second item that we have to establish a code of ethics on; namely, ethics in relation to lobbyists, and how Congressmen relate themselves to them. This involves this question of how do lobbyist groups—and this is a proper thing in my judgment—how do they contribute campaign funds in a proper way, and what would be improper.

This is one of the areas where we need the ethics spelled out, because a lot of us know there is a gray area here. We would like to conform to what is a considered judgment of the correct ethics, but no one really knows what these ethics should be.

So when we get into this lobbying relationship, I think we move out of the area of the House Administration's expertise in the past. They have had little dealing with this aspect.

Note what we have in the Monroney-Madden-Curtis bill respecting tightening up procedures as far as the lobbyists themselves are concerned. To my regret, we did not zero in on the question of relationships of Congressmen to procedures of lobbyists, particularly in this financing thing, but in our studies and discussions we certainly did contemplate and did discuss the fact that an ethics committee would be concerned about this. This would be one of the areas that there would be developing ethics.

Now, a third area, the use of Government money, whether it be the committees of Congress using money, or whether it is the use of money of the Congressman's personal staff.

Here, again, I think the House Administration Committee, of course, has developed some expertise and to a large degree can handle this, and yet here is the area where you get into things like counterpart funds which I think has been so loose over a period of years that it is just a very, very bad situation and needs a new and deep looksee.

The House Administration Committee has had the opportunity to have developed some codes of ethics here and has not. This is not to say that I am trying to cast any personal blame. It is only comment on a fact, and an area that needs considerable study to again find out, well, what should the proper standards be.

Then I come to an area which is one of our most serious areas of ethics for Congressmen, which the House Administration Committee does not deal with, and really to get them into this kind of business I think would really divert their efforts from what are the big areas that they presently have jurisdiction over.

I am referring to conflict of interest, the relationship of a Congressman who, in my judgment ought to be part of his community—if he is a lawyer, I think that it is perfectly proper that he do practice law. If he is an insurance salesman, or whatever, but there is no question of the areas of possible conflict of interest that arise, whether a man is in the real estate business or whatever.

Again, here is an area where most all Congressmen would like to abide by a good code of ethics if one had been developed. We have none, no way to guide us to say what should we be doing and what should we not be doing.

This is an area that I think would require an independent committee, and is a subject matter with which the House Administration Committee has not dealt in the past.

The fifth area, the House Administration Committee itself refused to go further in it last year. This is the area of party financing, political party financing, apart from the financing the individual Congressmen's campaigns. The presidential fund, or as has been properly raised here, as I heard, the method of the Republican congressional campaign committee having these dinners to raise funds.

This, as we all know, ties into lobbying. There is not any question this is one of the major areas where you go to try to raise funds. It tends to be from those people who have an interest in what Congress is doing down here. But the House Administration Committee at the time last year when the presidential fund campaign issue rightly came into their jurisdiction, or the subject was brought in through a different kind of investigation. Then the House Administration Committee refused to go into the subject matter and to develop it further, or to broaden it, and I think they probably were right.

I would have liked to have seen them really zero in and come out with what kind of standards should be established in this area, but I am only pointing up arguments that I think indicate the need for an independent committee.

Now let me go to the permanency aspect. Once this committee has done this great work, which I think is going to take them a couple of years, to develop these codes of ethics, and I hope you will put guidelines in, the mechanisms to enforce the code of ethics, and I would hope we would include in here the independent audit of the GAO.

Once it has done this, it still is going to have a function which will require not a large staff—in fact, it would require a pretty small staff—but it would be needed constantly. I think the best comparison that comes to my mind and the one that I am familiar with is the grievance committee of the bar association. I served on our St. Louis Bar Grievance Committee for many years. Incidentally, I was also a member of the Missouri Board of Law Examiners, where we got into this area of ethics constantly.

The need for every profession to have a grievance committee or the technique to handle grievances is just basic. There are only two professions that I know of that do not have permanent grievance committees. We in politics are in one of the professions. The other profession is the news media.

I have been urging for years that the news media start getting a grievance committee so that people who think that they have received unfair or unprofessional treatment have a place to record their grievance.

My experience of years in the St. Louis bar is this: it turns out that well over 90 percent of the complaints that are received by a grievance committee prove to be unfounded, or really are misunderstandings on the part of the complainant, and sometimes on the part of the professional person who is involved.

This function of a grievance committee is all plus. It helps the profession, it helps the public that thinks that it has a grievance. There are less than 10 percent of the cases, again drawing on my experience in the grievance committee, that turn out to have something that is a little more than a misunderstanding.

But even of those, I would say 9 percent of those turn out not to be serious matters; but just talking-them-over kind of thing sets whoever was in error back on the right track.

It is less than 1 percent that get into the area where I think that possibly other actions are required, either where we had to issue a warning, which we would do. That would be the penalty in this 1 percent I am talking about.

Only in the unusual cases would you resort to disbarment. They are most unusual. But the fact that you have a permanent committee whose sole purpose is to handle these matters actually cuts down on the number of complaints. Really the committee was run by a small staff under the direction of lawyers. This serves an amazing function of keeping the reputation of the profession high in the eyes of the people. I think this is why I basically argue the need to make this committee separate and permanent.

The first 2 years of its operation probably you would have to give them a rather larger staff because they are going to be in the business, the difficult business of trying to spell out the codes of ethics in these various areas, build up the mechanisms to enforce the codes and then when that is done I think that you probably would contemplate something that would be a relatively small operation that would find that the bulk of its work was clearing up misunderstandings.

The public would know where they could register a grievance. We in Congress who felt one of our colleagues was in error and we did not want to make "a Federal case" out of it could pass the word around over to the grievance committee and maybe, again, it would be a misunderstanding, but these kinds of things could be clarified.

Well, I think those are the points I wanted to make, and I want to thank the committee for the opportunity to present these views.

The CHAIRMAN. Thank you, Mr. Curtis.

You have been articulate and you have done your homework. I just want to make this observation before we go into the questioning. Bearing in mind that we want to hear every Member of Congress who wants to be heard on this bill and all other bills for that matter, we had hoped that we could wind up this hearing today.

Now, we are going to have to give Mr. Aspinall some time today. There is an urgent request that we hear him on a matter out of his committee, and therefore this may continue on at the will of the committee.

Ask as many questions as you like, but bear in mind if we are going to wind this thing up today—well, use your own judgment. I am going to take some of my own medicine, but I want to ask Mr. Curtis, had you given any thought—you are recommending a permanent standing committee—have you given any thought to two things, bearing in mind that you and I share certain views about economy and running the Government as economically as possible and the Congress, of course, being part of the Government, the cost of setting up a standing committee?

That is No. 1, and No. 2, Where are we going to find space around here? We have got so many committees and so many subcommittees and subdivisions of committees. Where will we find room for a standing committee?

Mr. CURTIS. My response to that is this. Indeed I have thought about it. Let me suggest that whatever you spent, a hundred times over, merely to get on top of the misuse of counterpart funds would save considerable sums of money. And in an indirect way there would be further vast savings to the Government. I am not unaware that some of the loosenesses of handling the counterpart funds has been deliberate; I say deliberate, intentional on the part of some in the State Department—because it is through this kind of operation that I would suggest that some of the votes are obtained which results in Congress failing to look at foreign aid with an objective eye.

I am one who has favored the theory of foreign aid, but have argued for years that we ought to be at a level of below a billion dollars instead of around three to four.

I am just giving a big figure in here, in sizes of billions, in order to illustrate that I am probably understating the case when I say that money properly spent to look into the use of counterpart funds—and I do not think this would require much—would produce great savings. This would be part of putting the GAO accounting system over the congressional books, just to have an independent audit, but GAO would have to have a place to report, and this committee could be one place to report.

The cost of that is infinitesimal. Likewise, cleaning up a lot of things around here would make them more efficient, which a committee of this nature could do. This would again be a moneysaver. It is the clean house that is the efficient house.

I am not one who objects to spending money if I know how it is being spent.

The CHAIRMAN. I gave the demonstration of that to start with. The other thing is the space thing, and I should give you an opportunity to answer that if you want to take the time, but I just wanted to point out that this is a physical situation.

Mr. CURTIS. Someone said when they built the Pentagon Building how were they going to fill it, and some of the comments were the same when Congress built the Rayburn Building. How is Congress going to fill it.

That is the trouble with bureaucracy, and of ourselves with the bureaucratic habit. We can always fill it, but believe me, there are plenty of areas where space is available.

I know in my own committee, Ways and Means—I hate to confess on it, but I know areas that we have that are not fully used. I have no worry about space——

The CHAIRMAN. I do not want to burden the record with repetition, but this committee has been trying to find a little additional space and had to go to the basement.

Mr. CURTIS. Well, let me suggest that we need to establish some priorities on this, and I would be glad to appear before the House Administration Committee some time and go into this, but let me go into the real guts of it.

This is not a lecture. This grievance committee or this ethics committee is an absolute essential, and the longer the Congress goes without establishing one and understanding the essentiality of it, the more trouble we are going to be in. So my answer is, this is number one priority, and I would even say let the great Ways and Means Committee make room for them if that is what is necessary.

But the public would rightly laugh in our faces if we said the reason we did not want to establish an ethics committee was because we could not figure out where the space was after we spend—what was it, a hundred million or so on this stone monument, the Rayburn Building.

The CHAIRMAN. I hope the gentleman is not putting words in my mouth that we should not establish one. It was the approach to it.

Mr. CURTIS. We must always consider cost, but costs are an infinitesimal problem here.

The CHAIRMAN. The Madden-Curtis-Monroney bill, you have considered this matter?

Mr. CURTIS. Yes; and we have a unanimous recommendation.

The CHAIRMAN. And you think this committee should act on the present situation?

Mr. CURTIS. Yes; I do.

The CHAIRMAN. I just wanted to get that straight.

Mr. CURTIS. Yes; I do.

The CHAIRMAN. Mr. Smith?

Mr. SMITH. Mr. Chairman, I do not want to violate your request for brevity. Inasmuch as we have had hearings that have been transcribed, and I have not been here because of a heart attack, I would not want them to be completed without making some comments, lest my constituents feel I am not sufficiently interested in the subject.

I got back yesterday, and I would like to make a couple of observations, having read the printed hearings and reached some conclusions.

The CHAIRMAN. All right.

Mr. SMITH. I read all the resolutions and the hearings, and I read the other types of resolutions and heard comments regarding granting new authority to House Administration and the Monroney-Madden-Curtis bills, S-355, Mr. Madden's bill, 2594, I believe it was, and I think yours is 2595, Mr. Curtis.

I have talked to a number of Members and a number have called me during this time. I have come to a few conclusions that I would like to place in the record.

I think the least desirable and the least efficient way to handle this problem would be to set up a select committee. I can see a number of objections to that, and I will set those forth when we get into executive session.

I think that if we give authority to House Administration, they will do a good job. There is some criticism heard from Members that it has not had any authority or directions in this area. I believe this is true as the rules now stand.

I am inclined to think, by the same token, that it has a lot of business now and might be policing themselves. So I have come to the conclusion that we should set up a standing committee. I think we should take our time.

I have heard some criticism that our committee has been slow in acting. I do not think that is true. I commend each and every one of you for the time you have put in in following the usual course of letting every Member come up and have his complete say.

I do not think this is something that had to be done last week. It is something we have to work out and insure that it works out fairly for every Member.

I believe on the basis of a standing committee, the staff itself could be thoroughly investigated; they will have to be investigated so that we will not have a staff member who will steal records and give them to the press, which might include a completely false accusation made by a fictitious individual with a fictitious address 3 weeks before election. This could be damaging to all of us; we must prevent it.

I do not think we are a bunch of crooks. Some of these resolutions I have read seem to say we have a bunch of crooks here. I do feel that if we tentatively decide in an executive session that we should appoint a subcommittee to sit down with the Speaker, the majority leader and the minority leader, and get the advice of the Parliamentarian on the language, let this committee study what is drafted and come up with a resolution, we would have control of the language creating the standing committee.

Tentatively, my conclusions are that if we have a standing committee on professional conduct and standards with the Democratic Party as the majority party, their senior man would be the chairman, elected by their committee on committees and their membership, and on the minority side, our committee on committees would be able to get together and every State where there is a Republican Member would have a say on whom they felt were the most qualified Members to sit on this committee.

I apologize for taking the time, but as I say, Mr. Chairman, I have been gone and I wanted the record to show that I am interested in this important subject, and I am going to try to do everything I can do to work it out and on a bipartisan basis.

I do not think this should be partisan where we go to the floor of the House.

As you mentioned yesterday, the responsibility is here, and I think everybody on this committee will do the best he can to work it out fairly and equitably, so that we can have standards for the Members, known to them and to the public.

With that, I will stop and be quiet until the hearings are over.

The CHAIRMAN. The Chair would like to observe, in spite of the gentleman's modesty and his apparent, as far as the record is concerned, inability to participate in all of these hearings, that the Chair happens to know that the gentleman is very much interested, and has kept in touch with the Chair about developments as they went along.

Mr. Madden, any questions?

Mr. MADDEN. Well, in a followup to the suggestion of our distinguished chairman on brevity and terminating the meetings, I think that our good friend from California stated some very outstanding facts that I think the committee should give real consideration to, and to carry out the chairman's recommendation of brevity I think, on account of the absence of the distinguished gentleman from California on account of sickness, that I will yield my time to him if he wants to say something further.

Mr. SMITH. Nothing further. Thank you, Mr. Madden.

Mr. MADDEN. I have no questions.

The CHAIRMAN. Mr. Anderson?

Mr. ANDERSON. I, too, shall be brief.

I take it, in the recommendations of the Monroney-Madden-Curtis bill and the recommendations that you are making here today, Mr. Curtis, that you are not proposing that this standing committee would erode or eat away the existing jurisdiction of the House Administration Committee.

You do think that there is plenty of work for them still in the area of auditing the contingent fund of the House with respect to payroll matters and other matters under its jurisdiction, and this standing committee, which you recommend, would take on new responsibilities which are alien to the present jurisdiction of the House Administration Committee and would go into areas, such as conflict of interest and the creation of a professional code of conduct and related matters.

Is that substantially it?

Mr. CURTIS. Yes; the gentleman has stated it accurately. I want the House Administration Committee to continue on. This is work that would have to be—they would be using a lot of the work that the House Administration Committee did. They might even refer back a case to the House Administration Committee for further information and so on.

But the gentleman has stated quite accurately. I would not look upon this as taking anything from House Administration.

Mr. ANDERSON. That is all.

The CHAIRMAN. Do you have any questions, Mr. Martin?

Mr. MARTIN. No questions.

The CHAIRMAN. Mr. Sisk?

Mr. SISK. I was intrigued by your comments, Mr. Curtis, in reference to calling the committee a grievance committee, and I might say I can see some real benefit in considering that aspect of such a committee.

I want to join my good friend from California, Mr. Smith, in some of the comments he made, because I think they were very excellent. I, too, want to say that I have had some indication—I was called by some member of the press a day or so ago who wanted to know who was holding up this resolution. Nobody is holding up this resolution.

This particular member apparently did not know anything about what was going on. He seemed to think that the 110 resolutions we had here were all identical. Well, of course there are resolutions of a broad variety of approaches.

One, for example, calls for the creation of a 15-member committee in which you would have seven public members appointed by the President, and then of course there are a number of them calling for a joint committee of House and Senate, as I am sure my friend from Missouri knows.

There are others which go in the direction of having a committee that would hold hearings and develop a code of ethics and report back to the House, some within 90 days, some within 1 year, et cetera, and then go out of existence and the House would approve the recommendations.

Others are similar to the Bennett resolution, which go to the point of being the committee that would be the so-called watchdog of Congress.

So this thing is a serious matter, and I do not think that anyone is holding it up. I think we have a serious responsibility, and I particularly appreciated the comments by the gentleman from California on this.

Getting back to your comments on the grievance angle, and I simply wanted to, because the gentleman mentioned that there are only two professions that apparently have gotten by so far without them, and that is those of us in political life and the press——

Mr. CURTIS. News media.

Mr. SISK. News media, let us put it that way.

I agree with you, because that covers the whole scope. Let me ask the gentleman if he would visualize a situation in the way of a grievance committee such as may exist in the legal profession or others, where, for example, a Member of Congress was being maligned, let us say.

Unfortunately, the news media have among its members a few muckrakers who seem to have not much else to do except to attempt to destroy some individual, apparently in some cases because of some personal dislikes.

Would the gentleman visualize that some Member of Congress might at some time find himself in a position, because of some wild accusations made against him, that he might want to come to the committee and request consideration?

Mr. CURTIS. The gentleman has made a very fine point. Taking it affirmatively, a good grievance committee, and this is true in the bar, where you have a client who for one reason or another does not like what you have done and you say, "Well, why don't you take this to a grievance committee?"

It is a proper way of handling something like that. Someone who has been accused of something, if there is a standing grievance committee that has a fine reputation, can refer the matter to it, this is an immediate way to get the thing clarified, and from the affirmative standpoint. This is the way I look at it. This is a great thing, and I point up again that 90 percent of the complaints that we used to receive in the St. Louis Bar Grievance Committee turned out to be misunderstandings.

Let me say in behalf of the news media: I think 90 percent of the complaints we constantly hear, and I make them, against the news media turn out to be misunderstandings.

Mr. Sisk. I agree.

Mr. Curtis. It is an advantageous thing to have this kind of thing. I think any profession, and I regard the news media as a high and fine and a very difficult profession, has to have something like this if it is really going to move and perform its functions in a responsible and professional manner.

Mr. Sisk. As I said, the gentleman brought out what I feel is a rather intriguing aside here which I admit I had not given much attention to, and I do not think it has been discussed in committee, that actually this could be a two-way street in which a member, because of, let us say, the unusual incident of being maligned rather in a malicious way, might find it convenient to appeal to the committee to set the record straight, because all of us, and I agree with the gentleman, I think a very substantial percentage, 90-plus percent, of the press is clean.

Unfortunately, we have got some lemons in there, as you have everywhere else, and they let personalities get away with their judgment.

As I say, I think this is an intriguing thought to examine as we dig in this further, but I did cite the differences in these resolutions to indicate that this committee does have a very heavy obligation here as to what we finally bring to the floor.

Mr. Curtis. May I comment on this?

I would certainly urge this committee to take the time necessary to do a workmanlike job, and I will do everything I can to help. Of course, I do think this is urgent; but on the other hand I felt this has been urgent for at least the past 10 years, and I have seen the mistakes made when a committee, any committee or any group, acts under the whip of emergency.

It is much more important, and I do not need to say it to this group of distinguished men, that you should take your time to do a thorough job.

Mr. Sisk. That is all.

The Chairman. Mr. Quillen?

Mr. Quillen. No questions.

The Chairman. Mr. Young?

Mr. Young. I have no questions.

The Chairman. Mr. Pepper?

Mr. Pepper. No questions.

The Chairman. Mr. Matsunaga?

Mr. Matsunaga. I have one question. Did the joint committee consider the establishment of committees based purely on party lines? We have had some comments here that maybe we ought to make it bipartisan, or the other political party might take it out on the member of the other political party.

What about the creation of a committee strictly on party lines? Let the Republicans take care of their rats and the Democrats take care of our rats.

Mr. Curtis. We did not consider that. We did recommend it be a bipartisan committee because in discussing our point, ethics should never be a matter of partisan differences.

This is something that all of us in public life should share, and it gains this advantage. I heard Mr. Young's comment about bipartisan outfits never getting anything done, and I was going to comment, the Madden-Monroney committee is completely bipartisan, in other words six Democrats and six Republicans.

I think we did produce something; maybe not as much as I would have liked. I thought your points were well taken Mr. Young, but this is an area that I would argue with you that serves well to be on a bipartisan basis to get this element.

Mr. Young. If the gentleman will yield, the committee has not reached the final finish line yet. Maybe it will be the exception.

Mr. Matsunaga. The only reason I bring this point up is that during the hearings we have had overtones of some apprehension that this might develop into an instrument for partisanship.

Mr. Curtis. Let me say I think it will not, particularly if it is a bipartisan approach. I think the only way one party can take the partisan approach is if the other party refuses to move forward.

If both the Republican and Democratic parties' leadership moves forward to meet the problems in the field of ethics, then there is no issue, but if one lags——

Mr. Matsunaga. You do not think this idea is a good one, to have two separate committees?

Mr. Curtis. No, because I do not think ethics in politics should be a partisan issue, and it can only become one if one of the parties lets it be by inaction on its part. I again emphasize, it can be such, but shouldn't be. I am really worried about this: If neither of the political parties moves forward in this area.

This is a very serious time in our history, in my judgment, where neither of the two political parties might move forward in this important area.

I am very serious about this, and we had better start thinking a bit whether the leadership in both the Democratic and Republican parties fail to move forward in an adequate way to meet this problem.

If they do not, I do not know what is going to occur. All I know is that somebbody has got to grab the ball here, but this could not——

Mr. Matsunaga. Then we will be at the mercy of an even greater ethics committee, our constituents.

Mr. Curtis. And this goes back to the news media. If the news media do not adequately report, and they have not reported the debate which occurred in the Powell case, and have permitted the word to get back to Harlem that this was a racial issue and that the debate was the result of panic and not deliberation, yes, we can have a constituency respond in an inadequate way.

The responsibility in representative government in reporting to the people is twofold: On our shoulders first, we are the people's representatives, but it is also on the news media.

If the Congressmen fail to talk and speak up, of course we cannot blame the news media for not reporting, but when they do speak up, then the news media—and as I look at you here, you people may report, but who on the cutting desk, the editor's desk, cuts it out? When you get onto television and they cut it on the floor and it is not viewed? And when you report it for the wire services and it never goes out on the wires? The net result is there. And the net result is there on this issue, the Powell case.

I have seen a shameful example of news reporting here. And if the constituency, mine and elsewhere, does not get the true message, what happened—not drawing your conclusions, but what happened then the constituency cannot judge well. For example, the New York Times had a full page and a long part on a back page, reporting the debate in the Powell case and not one word that I said in the 4 minutes that was granted to me to debate the position on the floor was reported. Yet I was the one who offered the resolution which was adopted.

The Washington Post, and so on, not one word. Plenty was said about Mr. Celler's expressed views, and other points of view. Not one word, though, by, or about, the arguments advanced by the person who offered the resolution that prevailed. When you have this kind of inadequate reporting, believe me we are in serious difficulty, and we are in serious difficulty in my judgment, very, very serious.

If anyone reviewing the record of that debate thought that there were racial tones in it, let them say so. Anyone reviewing that debate and thinking that it was not conducted on a high level of discussing issues, let them say so.

Regrettably we have had Members of Congress make statements to the effect that this was a hysterical kind of debate, and that this had racial overtones, and I have got the news clippings of their statements, too. This was a considered debate and racism was not in evidence.

The Chairman. Anything further?

Mr. Matsunaga. No.

The Chairman. Thank you, Mr. Curtis.

Mr. ANDERSON of Illinois. Mr. Speaker, it was a distinguished American political scientist, Prof. David Truman, who wrote that in general the history of the 20th century has not dealt kindly with parliamentary institutions.

Some of us from time to time are wont to stand in the well of this House and deplore the declining influence and initiative of the legislative branch of Government. But I think all of us recognize that in recent weeks and months something far more menacing and something far more sinister in its implications to parliamentary government in this country has emerged in the form of criticism of the behavior and conduct of the Members of the Congress.

Whether we like it or not, there has opened up what has come to be referred to as a "integrity gap"—a gap between the people of this country and their alerted representatives who sit in this House of Representatives.

We may deplore this and we may say that a few sensational cases have been allowed to carry this beyond reasonable bounds and beyond all reasonable proportions. Yet, the fact remains, and this was brought out in testimony before the Committee on Rules, that in a poll something like two-thirds of the American people thought that certain financial malpractices and abuses were fairly widespread on Capitol Hill. This is not so. I am convinced yet, we are required to deal with the fact that this type of opinion does in fact exist.

So I therefore, if no other reason than my personal desire to see this gap closed in the minds of the American people, I am delighted to support this resolution today.

As one of those who served on the subcommittee which drafted this resolution, I would be frank to admit some of my own ideas that I originally held were changed with respect to the format that this resolution ought to take.

I think what we have come up with today deserves the unanimous support of every Member of this body.

Tribute has rightfully been paid to many Members in this Chamber for their attention to this issue and for their testimony and for the help that they have given. I would like to add something to that list and say, that I find the united support that this resolution received from some 46 freshmen Members on the Republican side of the aisle was particularly inspiring. To know that men and women who had recently taken the oath of office to serve in this great legislative body hold this great heritage in such high regard that they were united—literally united—in support of a strong, effective committee on professional conduct or standards of official conduct was to me something that augers very well for the future.

I would also like at this point to commend the House Republican policy committee and the Republican leadership for without their push and without the added impetus that they have given to this effort, I do not think we would be at the point where we are today.

This is not just a topical issue. It was the first thing that greeted us when we returned to the 90th Congress just 3 months ago on the 10th of January. I think we have all come to realize in recent weeks that this is something that transcends mere topical interest. This is not going to go away tomorrow or the day after tomorrow with the settlement or solution of the two or more sensational cases that have faced us in recent times. It is something that ought to be, and is of continuing concern, and that is exactly why I recommend today that we take this action to create a permanent and a standing committee to proceed logically, first, to set up the standards and then to recommend appropriate enforcement machinery. It is to be sure only the first step. But it is a tremendously important first step to achieve the goal of an effective, standing Committee on Standards of Official Conduct which can and will help maintain the faith of the American people in Congress as an institution of representative democracy.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, today—at last—the U.S. House of Representatives has the opportunity to reestablish in the minds of the American people full faith and confidence in this great, historic body.

Positive and affirmative action on House Resolution 418, to establish a Standing Committee on Standards of Official Conduct for the House of Representatives, is one of the most important accomplishments we can make in this 90th Congress.

Having introduced legislation in the 89th Congress to establish such a committee, and having served on the temporary Select Committee on Standards and Conduct which was created last fall, I strongly support the intent of this resolution. I might add that, on the opening day of this Congress, I again introduced legislation on this proposal.

I am pleased to see that, as reported by the Rules Committee, this resolution provides the mechanics for both establishing rules and regulations relating to the official conduct and the enforcement of such standards once they are approved by the House as a whole. It is good, too, that officers and employees of the House are included as well as the Members.

Not only will the creation of such a standing committee help insure the confidence of the American public in the integrity of the House of Representatives, but it will be extremely helpful to Members and employees of this legislative branch to have the guidance of a code of standards reasonably expected of them.

It is my hope that, if the House approves this resolution today, the then appointed Committee on Standards of Official Conduct will bring its recommendations back to the House for adoption during the present session of the 90th Congress. Every effort should be made to accomplish this, for the American public has waited long enough for us to say we are willing to make sure our own House is in order.

Let us put this House in order by overwhelming adoption of this resolution so that we may then with clear hearts and minds get on with the work of meeting the pressing problems which face the people of our Nation.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. REID].

Mr. REID of New York. Mr. Speaker, I rise in strong support of the basic concepts which underscore House Resolution 418.

In testimony before the Committee on Rules, as well as in bills which I have introduced, I have long endorsed the establishment of a separate, standing committee charged with responsibilities in the broad area of ethics and standards of proper congressional conduct. Further, I am delighted that the distinguished Rules Committee has seen fit to report to this House a resolution embodying the concept of bipartisanship with regard to ethics, for, in my judgment, this is one arena in which politics must play no part.

Nevertheless, Mr. Speaker, I shall feel constrained to vote in the negative on the previous question.

In my judgment, public confidence and respect for the integrity of this body has been shaken to its roots. If we are to regain that confidence we must deal effectively with the entire problem. The establishment of a committee empowered to recommend changes to the House is not enough. We must approve substantive action—today—if we are to meet fully our responsibilities.

If the previous question is not ordered, I am prepared to offer a substitute resolution which will accomplish the following:

First. Require full disclosure by every Member, officer, and employee of the House of all income, gifts, assets, and liabilities;

Second. Direct the committee to recommend to the House, by a date certain, the provisions of a comprehensive code of ethics applicable to all Members and staff, including rigorous conflict-of-interest and criminal provisions if necessary; and

Third. Empower the committee to enforce such standards of conduct and to recommend appropriate disciplinary action to the House, where it is deemed necessary and advisable.

Full disclosure is the most effective vehicle for guarding against potential conflicts of interest in government service. The American people have the right to ask of their representatives that they subject to public scrutiny the sources and amounts of their income and gifts. In light of recent events we are obliged to lay at rest any suspicion that any of us has betrayed his sacred public trust.

Further, it is my view that the Committee on Standards of Official Conduct be mandated explicitly to formulate a code of ethics and be required to report back to the full House within a reaonable period of time. Finally, it would seem basic to any scheme of congressional ethics that the machinery for their enforcement be set forth clearly lest anyone question the sincerity with which we enter—so belatedly—into this field.

Mr. Speaker, I urge my fellow Members to defeat the previous question and permit us to deal with this problem in all of its implications, and to show a sense of urgency and a capacity to act.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DELLENBACK].

Mr. DELLENBACK. Mr. Speaker, I regret that the measure which we have before us today for action in the field of standards and ethics merely creates another study group. The challenge was thrown to our Rules Committee. It labored mightily and brought forth a tiger, the size and quality of whose teeth we do not really know.

At a time when a majority of this House—I believe—stands ready to back strong affirmative action in the way of creation of an effective committee, authorized to investigate the facts and make recommendations thereon, and not merely to study and report, the committee's recommendations unfortunately fall short of that.

The creation of a new committee is proposed, however. There is recognition of the need. The challenge to pass this resolution is all of ours here today. The next challenge will be the leaderships' on both sides of the aisle. Who will be appointed to committee membership? I had the privilege of representing some 46 Republican freshmen in appearing before the Rules Committee in favor of the creation of a meaningful Committee on Standards and Ethics. We freshmen will watch carefully our seniors in service as they make these committee appointments. We will watch carefully the nature and the length of the committee's deliberations.

The people of this Nation are unfortunately—but perhaps rightfully—not yet convinced that this Congress really means business, at this time. The issue of whether we really do is still in doubt.

In spite of its shortcomings, I urge passage of House Resolution 418.

I urge that these committee appointments be carefully and swiftly made. I urge that the committee commence and proceed with its assigned duties with all possible speed. We of the Congress owe such action to the people of the Nation, whose Congress this is.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Speaker, I rise, today, in support of the House resolution (H. Res. 418) which creates the House Committee on Standards of Official Conduct. The creation of this committee is vital to restore the confidence of the American people in this Congress and to insure that the present and future Congresses will warrant such confidence and respect.

Although this action is meritorious, it is only a step in the right direction. On February 27, 1967, I introduced a resolution (H. Res. 291) which goes much further than the one being considered today. My resolution not only includes provision for the establishment of a special Ethics Committee, but it sets out certain standards of conduct which would take effect without further delay. It would make all Members disclose their principal assets and liabilities, their sources of income, and their relationships with business which have dealings with the Federal Government. In addition, it calls for a full disclosure of relatives on the payroll, and it requires the spelling out of any relationships—financial or personal, with any lobbyist. Overall, my resolution would make explicit the requirements and responsibilities of the Members.

In my judgment, this whole area involves integrity, congressional integrity. It is the foundation of representative government. It colors everything Congress does. It determines the confidence which people have in their Government, the respect they may hold for the laws, the effectiveness with which the Government can function.

I strongly urge the Members to take favorable action on the resolution now before the House. But, I also look forward to the day when more explicit and objective standards are set by the House of Representatives.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. RIEGLE].

Mr. RIEGLE. Mr. Speaker, I rise in support of H.R. 418.

There was a time some weeks ago when I was worried that the House might fail to establish a permanent ethics committee. But with this proposal now before the House for a vote, I believe the American people have won a victory—and those in this body who have fought to establish this committee share that victory with them.

But one man stands apart from the others—one man who has for years led the fight to establish this committee on ethics—and that man, of course, is Congressman BENNETT from Florida. Today his leadership and patient vision is the heart and soul of this ethics bill. As a freshman member of this body I salute his years of outstanding work on this vital issue—and I am honored to have been able to join with him to help make this ethics committee a reality.

But the job isn't over. The establishment of objective standards of conduct and the means of enforcement are yet to be worked out. The success of this committee depends entirely on getting that job done—done well and soon. The people of the country expect us to complete this job of ethics reform with all possible speed. I am hopeful that the committee will—if authorized—organize immediately and report back to us before this session ends.

So while I am pleased to support this resolution—I stand with that group of concerned Americans who will judge the committee not by its presence—but by its performance.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Virginia, [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I speak in favor of the committee's recommendations for the establishment of a Standing Committee on Standards and Conduct.

I believe it is much better for us not to try to detail the matters which should be considered at this time. I feel that when we write legislation in times of passion or in haste we do not have legislation which is as good as we achieve when we give general authority to a committee to study the various proposals and to report back to the House at a later date for action.

I am pleased to associate myself with the views of the Committee on Rules and urge the passage of this legislation.

Mr. COLMER. Mr. Speaker, I yield 3 mintues to the gentleman from Florida [Mr. PEPPER], a member of the committee.

Mr. PEPPER. Mr. Speaker, as a Member of the subcommittee which handled this measure in the Rules Committee, and as a member of the Rules Committee, I have had an opportunity to observe firsthand the excellence and the dedication to the interest of this House and to the public exhibited by the able gentleman from Missouri, the chairman of the subcommittee [Mr. BOLLING], and by the able gentleman from Mississippi, the chairman of the Rules Committee [Mr. COLMER], in the preparation and presentation of this meaningful measure, and I warmly commend both.

I also want to associate myself with the able chairman of the Rules Committee in extending the highest commendation to my beloved and distinguished colleague, the gentleman from Florida [Mr. BENNETT], for the long and now happily successful fight which he has waged for the establishment of this protecting measure for this House.

Mr. Speaker, Members may recall that only a short while ago the Gallup Poll showed that 60 percent of the people of this country thought that most of the Members of this House were guilty of offenses comparable to those of a Member condemned by this House. Mr. Speaker, you and I know that is not true, but the passage of this resolution today providing for the establishment of the committee that will have jurisdiction to hear proper and legitimate complaints, to make proper and legitimate recommendations to this House, and to enable this House to act properly in any case brought to its attention involving the moral official misconduct of Members, officers, and employees of this House, will give a new assurance to the people of this country that we cherish above everything else here our honor and our integrity. Therefore, Mr. Speaker, this is a great step forward in the establishment of democracy as the supreme form of government on the face of the earth and confidence in the hearts of ours, the greatest people on earth.

Mr. COLMER. Mr. Speaker, I yield the remainder of the time to the gentleman from Missouri, the chairman of the subcommittee [Mr. BOLLING].

Mr. BOLLING. Mr. Speaker, ordinarily I do not speak on the floor of the House when I am confident of the results. It is clear from the debate that this House is virtually unanimous in its support of House Resolution 418. I speak, therefore, only to say that in my own opinion this is a fine first step. The American people will judge the House on the final results. It is my hope that, as others have said, the members of the committee will be selected promptly and will include among their membership the most judicious and the ablest of our Members and that they will promptly hold adequate hearings. I say that because there is a vast amount of literature and a vast amount of recommendations and actions in other places on this subject. I hope that they will hold these hearings and promptly report back through the usual channels to the House of Representatives not only recommendations but recommendations that are so fair and so sound that they will equally promptly be adopted by the House of Representatives and at that point, when all of this is done, then the American people will have had their will.

Mr. Speaker, I urge adoption of this resolution.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the distinguished minority leader, the gentleman from Michigan [Mr. FORD].

Mr. GERALD R. FORD. Mr. Speaker, I wish to commend the Committee on Rules for bringing this resolution to the floor of the House. It is the culmination of a great deal of public interest in congressional activities. I know in some respects it may not entirely satisfy everyone in this regard, but the mechanics have been developed. The committee will be promptly selected. I am certain that the people who are selected on both sides of the aisle will do a thorough, constructive job of promulgating for submission to the House the kinds of regulations and standards that are needed and necessary in the current situation. I have faith in what was recommended by the committee. I have equal faith in what will subsequently be submitted to all of us for our consideration and approval in the very near future.

Mr. LUKENS. Mr. Speaker, ethics has long been talked about, and standards of ethics have long been promoted; but there is no easy solution to the problem of the lack of standards and the lack of evaluating just what ethics is.

I sincerely believe that one of the major causes for misunderstanding is the absence of any guideline for actions regarding morality, the ethics and integrity of the office of U.S. Representative. The step we take today, and I believe this

Congress should take such a step, is to establish a system which can assist in guiding individual members through areas which have not been sufficiently explored and have basically remained uncharted through the history of the U.S. Congress.

I firmly believe that the establishment of a permanent Committee on Ethics for the U.S. Congress is a desirable step. The American people are entitled and must receive above average performance from their representatives, not just mediocre and lacklustre actions aimed at "existing" politically. I firmly believe that such a committee can effectively interpret more general provisions and rules of the House to insure each individual Member now and in the future of a source of standards never before available to such Members.

The average voter has lost faith in the good name and integrity of this body; and to promote an absolute restoration of belief and a rejuvenation of real faith in the collective and individual honesty and ethics of this body so long respected, I add my unequivocal support to the establishment of a committee of this type.

People trust us blindly, and this trust cannot be misplaced. I know that no one here wants that trust misplaced. A Member of Congress represents America—all 50 States—not just his own district. This is the beginning; then let us do the best we can with the credibility of Congress riding on the outcome.

Mr. ROTH. Mr. Speaker, I rise in support of House Resolution 418. On February 27 a number of us stood here on the floor of the House and expressed a deep concern of recent acts that have cast shadows of doubt over the entire Congress and the minds of the people of the United States.

On that day, I joined with many colleagues in introducing a resolution creating a committee on standards and conduct.

I am pleased that the distinguished members of the Rules Committee have acted so expeditiously in bringing this matter to the floor, and I urge prompt action by Members of this body in passing this resolution establishing a standing Committee on Standards and Official Conduct.

Passage of this resolution is an important first step in the establishment of an effective body in the House to establish and enforce standards of official conduct for Members, officers, and employees of the House.

It is my hope that this committee, when created, will act as expeditiously as possible so that no American will continue to have reservations regarding the integrity of this body and reservations regarding its willingness to condone actions of any Member or staff member who might be guilty of misconduct.

Justice for Members accused, as well as public demand for the highest standards of conduct by Members and their staffs, makes imperative the immediate establishment of this committee.

I urge prompt passage of the resolution.

Mr. TENZER. Mr. Speaker, I rise in support of House Resolution 418 to establish a standing committee of the House on Standards of Official Conduct. I commend the House Committee on Rules for bringing this important legislation to the House floor for debate.

On January 17, 1967, I introduced H.R. 2585 to establish a Joint Committee on Ethics. I was scheduled to appear before the House Committee on Rules on February 21, 1967, to testify in support of this legislation, but due to a conflicting committee engagement, I submitted my testimony. In reviewing the hearings on this legislation, I noticed that my statement did not appear. I therefore insert the full text of my testimony at this point in the debate on House Resolution 418:

Statement of Hon. Herbert Tenzer Before the House Committee on Rules in Support of H.R. 2825, February 21, 1967

Mr. Chairman, I appreciate this opportunity to present to the Members of this Committee my views on the need for a meaningful Code of Ethics in the legislative branch and for the establishment of a permanent Joint Committee on Ethics to enforce the code and to sit throughout each Session of Congress as an advisory body rendering advisory opinions to guide Members of Congress in defining what constitutes a proper course of conduct.

I am concerned about the results of recent public opinion polls which reveal a "confidence gap" in the public view of Congress. These polls disclose that less than a majority of the American people have confidence in the manner in which the legislative branch of government is conducting itself. My constituent mail relating to the hearings now being conducted by the special nine-man House committee on the conduct of a Member-elect questions the conduct of other House Members—in fact of all Members of Congress.

The mere appearance or public image of improper conduct by Members of the legislative branch is a threat to our legislative process and this appearance or image should be changed by actions of the 90th Congress.

As a Member of the New York State Bar for more than 36 years, I have been privileged to serve as a Member of the Board of Directors of the New York County Lawyers Association during the past 8 years. I have also served as Chairman of a Special Committee to examine problems dealing with professional ethics.

I have been impressed throughout the years with the effectiveness of the self-policing procedures relating to professional ethics and conduct by Bar Associations. I have incorporated many of these procedures in my bill, H.R. 2585.

The bill which I have introduced differs from most ethics bills previously introduced in three major respects:

First, the joint committee, composed of seven Senators and seven House Members, would be permanent, not merely an interim committee authorized to draft a proposed code of ethics and then cease to function. The committee would continue for the purpose of investigating complaints, recommending changes in the code of ethics, and acting as an advisory body to Members and employees of the legislative branch.

Second, the bill requires the disclosure of any and all financial interests—direct or indirect—in activities under the jurisdiction of a regulatory agency. Most other bills on this subject require only the reporting of financial interests in excess of a given figure such as $10,000.

Third, the bill establishes a guidance and advisory opinion procedure by authorizing the joint committee to render advisory opinions on possible conflicts of interest or a future course of conduct contemplated by a Member of Congress. The opinions would be rendered without identifying the parties involved and would serve to establish precedents for the guidance of all Members. This practice is followed by our bar associations and has proved invaluable to members of the legal profession.

The committee would be expected to research and compile all precedents since the first Congress and to review, revise and supplement these precedents and to write a new set of rules and regulations for the conduct of congressional offices and for the conduct of Members of Congress.

We have a constitutional responsibility to police ourselves and we have a moral responsibility to set an example for the American public. There are only 537 elected Federal officials and every one must follow a course of conduct which is beyond reproach.

Mr. Chairman, I urge the distinguished Members of this Committee to lead the way and to report to the House a meaningful ethics bill—a bill which will provide the necessary machinery for enforcing a Code of Ethics and a bill which will raise the standard of conduct for Members of the legislative branch to a level beyond reproach.

Mr. LATTA. Mr. Speaker, I intend to vote for House Resolution 418 even though it is not all I would have hoped for in the creation of a Committee on Standards of Official Conduct. In fact, it is only a step in that direction, but since it is in the right direction, I feel it merits my support. It does create a permanent committee composed of six members of the majority party and six of the minority party and this is for the good. Its jurisdiction is limited to recommending standards of official conduct for Members, officers, and employees of the House. In addition to this jurisdiction, I would have liked to have seen the committee invested with investigatory powers so that it could operate as a committee in the proper sense. This power, however, can be given to it at a later date by action of the House and I am hopeful that it will not be too long until the House bestows this necessary power on the committee.

Mrs. MAY. Mr. Speaker, I rise in support of House Resolution 418 to establish a Standing Committee on Standards of Official Conduct.

On January 10, the opening day of the current session of Congress, I introduced House Resolution 71 to establish a select committee of the House of Representatives to be known as the Select Committee on Standards and Conduct. It was my privilege, Mr. Speaker, to be appointed by the Speaker, late in the 89th Congress, to serve on the similar committee created by this body. As we all realized at the time, the lack of sufficient time during the closing hours of the 89th Congress prevented more than a very general outline of the need for action.

I wish to commend the Committee on Rules for its diligent attention to this need during the recent weeks for rules of good conduct for Members of this body to be applied equally to all.

Public office is a public trust, and most Members of Congress recognize this by maintaining the highest standards of personal conduct. They recognize that the office a public servant holds belongs not to that individual but to the Nation or State, as the case may be. And all public officeholders should be reminded of this from time to time lest they forget.

I believe the public demands favorable action on the legislation before us, Mr. Speaker, and I am giving it my wholehearted support.

Mr. PETTIS. Mr. Speaker, my distinguished colleagues have set forth the need and purpose of a Select Committee on Standards and Ethics. I would like to support reasons for such a committee by stating that the American people have become indignant because of flagrant violations of commonsense standards for the conduct of their national legislators. No Member of this House, regardless of his political orientation can feel anything but shame and sorrow in view of recent findings.

Public confidence in the integrity of Federal lawmakers will never be restored until a select, bipartisan committee, with clearly defined responsibilities, be empowered by this House to do a job that has not been done and will not be done by a subcommittee of the House Administration Committee.

Americans in my district are disappointed and weary of flagrant and repetitive breaches of faith in the conduct of certain Members. They need to know that their Representatives mean what they say about morality and integrity. We must, before they become cynical, demonstrate our own sincerity by establishing a Select Standing Committee on Standards and Ethics.

Mr. BIESTER. Mr. Speaker, I am pleased to support House Resolution 418. It is similar to the first section of the resolution on ethics I offered several weeks ago. But, Mr. Speaker, this resolution must be only a step along the way to a renewal of complete confidence in the ethics of this Congress on the part of the American people.

I hope the committee will hold early hearings and report its recommendations as promptly as good legislative practice may permit. We must use this moment to really do something about the reputation of this House and not satisfy ourselves with appearances only. I hope that we will pass this resolution in the former spirit and not in the latter.

Mr. McCLORY. I rise in support of House Resolution 418 to establish a standing House Committee on Standards of Official Conduct. I have long supported this type of proposal as a means of insuring proper standards of conduct by Members and officers of this Chamber. I wish to congratulate the Select Committee on Standards and Conduct which during its very short period of jurisdiction was responsible for the resolution which we have before us today.

Although House Resolution 418 is a somewhat attentuated version of the resolution unanimously reported by the select committee, I feel that the present resolution will nonetheless adequately serve the purposes envisioned by the prior proposal. The opprobrium reflected upon this House by the conduct of Adam Clayton Powell as documented by the irregularities disclosed by the select committee has put this body into undeserved public disrepute. Certainly the American public, as well as the vast majority of this membership—hardworking and dedicated public servants—stand to benefit by the resolution before us today. I am hopeful that this resolution will serve to reinstill public confidence in this body as well as reflect the personal pride which all Members feel in the Congress of the United States.

The resolution which we consider today represents not only the unanimous views of the members of the select committee, but was also a recommendation of the Joint Committee on the Organization of Congress. After extensive testimony with regard to the official duties and conduct of Members of the House, the joint committee, as did the select committee, concluded that the creation of a standing committee concerned with the official conduct of the Members of the House should be provided.

Since 1964 the Senate has had a Select Committee on Standards and Ethics. I believe the fair and impartial conduct of this committee stands as ample precedent for the need for a similar committee in the House. With the passage of this resolution, I would hope that a code of official conduct for Members of both the House and the Senate could be jointly drafted by these committees.

Let me point out that the purpose of the committee proposed by House Resolution 418, as I understand it, is primarily to prevent incidents such as that which recently occurred with respect to the seating of Adam Clayton Powell. The committee would not be one which would pry into the private affairs of the Members, but rather one which would investigate fully substantiated charges which reflect on the dignity and duties of the House of Representatives. To this extent the purpose of the committee is cautionary. A second purpose of this committee, as I understand it, is to upgrade the standards of the U.S. House of Representatives and to restore the public confidence which this House has enjoyed for so many years. I can think of no better vehicle to accomplish this purpose than by the bipartisan committee to be created by the resolution. I urge my colleagues to lend their support to House Resolution 418.

Mr. LLOYD. Mr. Speaker, it is my privilege today, on behalf of the citizens of the Second Congressional District of Utah, to support the resolution establishing a Standing Committee on Standards of Official Conduct. This will further affirm statements which I made on February 27 of this year on the floor of this House in submitting a similar resolution in cooperation with the gentleman from Texas [Mr. BUSH] and others.

The findings of the inquiry into standards and conduct of the Congressman-elect from New York, Mr. Adam Clayton Powell, have illustrated the inadequacy of the authority and facilities of the House Administration Committee and the necessity for the creation of this select committee, to properly discharge responsibilities which are now demanded.

The citizens of Utah's Second Congressional District, in harmony, I believe, with citizens throughout the country, demand that we move forward on a much broader front than that confined to our action in the case of Mr. Powell, and that we now establish more tangible criteria for conduct.

In my opinion, we can make progress. The first step is the establishment of this committee. I have confidence that those selected as members of the committee will be faithful to their trust in establishing workable criteria.

The duty of full disclosure of the interests of Members and their families so that the citizens may determine for themselves where there may be a conflict of interest, it seems to me to be clearcut. Where there is disclosure there is a sound basis for trust. Where there is no disclosure, then there may always be suspicion whether justified or not. To my mind, the basic rule of conduct should be disclosure. Since we are in the business of politics, I believe this requirement of disclosure is basic to faith both in elected Representatives to the Congress of the United States, and to those who work in political organizations as well. It is true this is a requirement not expected of others, but it is a requirement to which I am convinced we should adhere, if we seek public favor in public office.

Mr. Speaker, this can be a milestone in the progress of better government. In supporting this resolution I discharge a personal conviction and place my congressional district in support of a principle in which they have strong conviction as well as strong emotion.

Mr. KARTH. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Mississippi [Mr. COLMER], chairman of the Rules Committee, and particularly as it applies in reference to our colleagues. On the whole, I too have never met a more honorable, conscientious, and dedicated group than are the Members of this House.

Unfortunately, and because we do live in a fishbowl as he has said, whenever a bad apple does appear, it has the unpleasant habit of causing the whole barrel to smell. This, of course, has been amplified and in one way or another lent credence to by a few irresponsible members of the press. I oftentimes have thought that the behavior of a few of them would in turn pass few if any ethical conduct standards. But do not ever worry about having those citizens publicly exposed. It will not be done.

I am somewhat disappointed that the resolution does not go beyond its present language. While the right to subpena witnesses may be inherent or implied, I think it should be specifically stated in the resolution. However, the fact that it establishes a full, new, and permanent committee of Congress does in itself take a great step forward.

I am pleased to be one of those who has long advocated the establishment of this permanent committee. I trust it will get unanimous approval and we can go about establishing standards of conduct and ethics to accomplish its purpose.

Mr. McCLURE. Mr. Speaker, the very fact that we have before us a bill to create a Committee on Standards of Official Conduct must be considered a legislative victory of sorts for those of us who feel that our election to the Congress was in no small part attributable to a general lack of confidence in public officials.

Having said that, I find it difficult to pay further tribute to this measure. We have here a committee that is to do nothing but submit a report. What is to become of the report? Do we take action on its contents or refer it to another committee that has legislative authority?

We have proposed here a standing committee. But once the report is submitted, what will be the committee's function?

If what this resolution purports to do is confusing, what it ignores is alarming.

This resolution contains no provision for the disclosure of personal assets.

This resolution makes no provision for judging the behavior of individual Members, nor does it provide subsequent penalties in disciplining misconduct.

This resolution does not even authorize the committee to issue advisory opinions to a Member who is uncertain that some course of action open to him falls within the realm of high ethical standards.

These problems will continue to plague us. Whether Congress likes it or not, eventually we are going to have to act.

Since it appears that all we can hope for at this time is the bland, but confusing, resolution before us, I had hoped to offer an amendment that would assure that what little progress the proposed committee is able to make, will at least be made. Unfortunately, it has been determined in advance that no amendments should be proposed at this time.

My amendment would have instructed the Speaker to appoint the initial membership of this committee within 2 weeks and would have required the committee to issue its first report by July 15 of this year. Remembering the experience of the other body where appointment of members to the Committee on Standards and Conduct was made 1 year after the committee was authorized, I felt that we should "have it in writing," so to speak, that the same situation will not occur over here.

The American people have made it clear that they are going to judge us by how we respond to this problem. It is quite possible that, should a strong ethics bill be passed, some Members will not be returned to the Congress by their constituents because of their personal behavior. On the other hand, it is also quite possible that some Members will not be returned should we hesitate to come to grips with this matter. It would seem far preferable for the wrongdoers to be the ones to suffer the consequences.

Mr. BROTZMAN. Mr. Speaker, the American people have the right to demand the highest conduct from their public servants. Recent events have shaken the public confidence in the Congress. The publicity of the Dodd investigations in the Senate, the entire matter of the Bobby Baker investigations and his subsequent conviction on several counts, including income tax evasion and fraud, and the investigation into the affairs of Adam Clayton Powell—all have contributed to a failing confidence in the conduct and behavior of Members of the U.S. Congress.

The Congress has demanded high standards of conduct from other Government officials, particularly members of the Cabinet. It is time that those Members who are concerned, those Members who make up the vast majority of honest and hard-working Congressmen, those Members who are striving to serve their constituents in an effective and meaningful way—it is time that these Members not only ask but demand that this House be put in order.

The unfortunate publicity attracted to this body by the unworthy actions of a few Members reflects upon us all. We cannot wait, we cannot put it aside, we cannot sweep it under the carpet. We must take strong steps to correct any situation which may stain the reputation of this body.

Under the Constitution, the House of Representatives has the responsibility of overseeing the conduct of its Members. Article I, section 5, clearly indicates that responsibility. It states in part:

> Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.

House Resolution 418 represents an important step in restoring the shaken public confidence in the Congress in general, and the House of Representatives in particular. Mr. Speaker, I am pleased to support this measure.

We cannot afford to drag our feet, or put aside charges, or bury them in some subcommittee. The public has seen too much of this kind of operation. It is important that we go to the heart of the matter of standards and conduct. House Resolution 418 does just that because it will provide the means to recommend legislation and investigate charges of conflict of interest.

Mr. Speaker, the public confidence in Congress needs to be bolstered. We owe it to the public as well as to ourselves to restore that confidence and to demonstrate that we, too, are concerned; that we, too, recognize our responsibilities. House Resolution 418 meets that responsibility.

Mr. Speaker, I urge the House to give favorable consideration to House Resolution 418.

Mr. KYL. Mr. Speaker, the House of Representatives is a symbol of free government. In many respects it is the heart of our federal system and our Republic. Freedom, and its institutions, are always on trial. The charge this time concerns conduct and ethics of those who serve in the Congress.

This is important business. If Americans lose faith in the House, there is a corresponding loss of faith in other governmental institutions and even in the philosophies of liberty. And it is true now, as in the day of Plutarch, that "moral habits, induced by public practices, are far quicker in making their way into men's private lives, than the failings and faults of individuals are in infecting the city at large."

It then follows that the charge of the committee established today is a positive one: to preserve and strengthen the House of Representatives and government of the people. Its procedures, its policies, its recommendations, its general conduct, must be dedicated to that constructive purpose. Its major drive must be in selection of rules and procedures which prevent, so far as possible, the discrediting of the Congress and the Nation by violations of discretion, ethic or morals.

The task will be difficult, for it must deal not only with that which is clearly right or clearly wrong, but also with those things which seem wrong to large segments of our citizenry. It must therefore also provide some education. And here I plead with those who carry the news to the citizenry from the Nation's Capital. Publicity is still a great germicide, but false and misleading publicity can provide a virulent infection.

The information media have a tremendous obligation in our Nation, and I would hope they might be dedicated to the same constructive goal, which in essence is truth.

Many fine distinctions must be drawn. Because some travel by Members of Congress is onerous, too many conclude that all such travel is bad and that all travelers are guilty of wrongdoing. As a practical fact, Congress cannot write good law without firsthand observation in very many instances. Some discriminations become impossible. For instance, it is obvious that two Members, making the same justified journey for observation and informational purposes will not profit equally from the experience. It would seem that honest reporting and publication of information concerning such trips is the logical protective device, inadequate though it might be. A proper perusal of the purpose and prospect of such trips on a prior basis is another appropriate device.

It is widely assumed that all nepotism is bad but it need not always be so. How far removed must a relative be to avoid difficulties? If a Member employs a relative on his staff or in a committee over which he has jurisdiction, and publishes the fact, is this more ethical or less ethical than the situation which finds him employing a relative of another Member while the second Member reciprocates in kind?

There is no easy answer to questions concerning conflict of interest, but reasonable guidelines can certainly be established. The task of the committee becomes monumental when one considers the intricacies of that question, and adds other broad areas involving campaigns and elections.

There is no doubt in my mind that creation of the committee will stimulate a flood of charges against individual Members, some true, some partly true, and many malicious or mischievous. Proper safeguards must insure that the innocent are not tarred by the brush which blackens the wrongdoer. And what shall be the punishments? Even now there is deliberation in the Congress and the courts to determine how much prerogative the House has in punishing its Members.

In summation it must be said again that the prime purpose of this committee will be the constructive design of policies and the procedures which obviate the undesirable behavior. The job will be made simpler if every Member regards his seat as a means of service to 190 million citizens of this Nation, and not as a gaudy prize to be won in a biennial political carnival.

The fact that the Rules Committee has taken this extraordinary step—the fact that the membership is universally desirous of establishing proper formal codes of conduct and ethics, bodes well for the future of this House.

Mr. KUYKENDALL. Mr. Speaker, I support House Resolution 418. As Congress is a bulwark for the protection of freedom under our form of government, it follows that respect for Congress by the people is vital.

Under the deliberate pressures of those who would destroy our democratic government, respect for Congress has steadily declined as has respect for law, respect for life and property, respect for a decent concern for the rights of others. If America is to meet the challenges it faces, we must regain for Congress the respect which makes it possible for us to offer effective leadership.

For this reason it is necessary that we maintain, as individuals and as a body, the highest standards of moral conduct. Members of Congress dare not compromise with honorable conduct with the excuse that questionable practices are now acceptable. Nor can we leave to liberal interpretation how each individual should conduct himself. We must take a united stand on what constitutes the proper conduct in public office for Members of this body. Then, as individuals, we must subscribe, without reservation, to such a code, and by example show to the Nation we wholeheartedly support it.

The establishment of a permanent Committee on Standards of Conduct offers orderly procedure in investigating charges of misconduct. It removes the doubt which exists in the minds of many citizens that Congress has no rules of morality for its own members. It offers those falsely accused of misconduct a fair and impartial opportunity to refute the charges.

I support a strict code of ethics for Members of Congress and the establishment of a committee to enforce that code.

Mr. BUSH. Mr. Speaker, I commend the chairman from Mississippi for his presentation of House Resolution 418. This resolution is a new approach to the solution of providing a code of ethics for the House of Representatives and is the first step toward telling the people of this country that we will keep our own House in order and live by the laws observed by all decent citizens.

Forty-four freshmen Republicans joined together Februray 27, on this floor, to support the need for a special committee to investigate a code of ethical conduct. We felt the citizens of our great Nation had spoken last November, and that ethical conduct was part of what the 1966 elections were all about.

People want to have faith in their elected Representatives. They want to know that their vote was cast for a man whose personal standards are so high that his vote is cast without regard to any special interest.

House Resolution 418 sets the wheels in motion for a bipartisan effort to set and enforce a code of ethics. I think the people will be proud of this 90th Congress for its courage in facing a problem of national concern and providing a positive solution for this problem. This is a beginning—just a beginning. It is important that the committee move promptly to set up a meaningful code of ethical behavior.

Mr. WYATT. Mr. Speaker, the action of the House today in passing this ethics bill marks a historic and significant milestone for the U.S. Congress. We will no longer be one of the few unpoliced professions in the United States.

It is, however, incumbent upon each of us as implementing agents of this legislation to see that there is meaningful enforcement, and that this enforcement is uniform. Personally I would have preferred a legislative statement of standards, standards about which most of us could readily agree. I hope that high standards will quickly be established, and that they will be universally observed. If this is not the case, the respect for our body will continue to disintegrate. This shakes the very basis of our legislative government. How can people be expected to observe a high standard of conduct, if their representatives fail to do so, and how can the people have faith in their government unless congressional conduct is above reproach?

Mr. RHODES of Arizona. Mr. Speaker, I rise in support of House Resolution 418. This resolution is an important first step in restoring the public's confidence in the honesty and integrity of the House of Representatives. Certainly, the overwhelming majority of the Members of the House are honest, conscientious, and hard working. However, due to recent unfavorable publicity, the impression has been left in the minds of many citizens that there has been a lowering of moral standards in Congress and that the Members are either unable or unwilling to face up to the problem.

I would like to note, Mr. Speaker, that for some time the Republican Members in the House of Representatives have urged the creation of a Committee on Standards and Conduct. In the 89th Congress, the House Republican policy committee adopted a statement which urged the immediate creation of a House Committee on Standards and Conduct. Unfortunately, no action was taken on this recommendation by the Democratic majority.

At the outset of this Congress, the policy committee once again adopted a statement which urged the establishment of a Committee on Standards and Conduct. In the policy committee statement, it was noted that:

> As long as this House does not have an effective body that can investigate and resolve allegations of misconduct, the American people will continue to have serious questions regarding the integrity of the Members and their ability or willingness to ferret out those who are guilty of misconduct.

In this same statement, the policy committee also noted that the Committee on Standards and Conduct "should be empowered to recommend rules and regulations that it deems necessary to insure proper standards of conduct by Members and by officers and employees of the House. It should have the authority to investigate alleged breaches of conduct, recommend appropriate action and report violations of law to the proper Federal and State authorities."

The resolution that we are considering today does not equip the proposed committee with the power and authority that it will need if it is to be effective in this most difficult field. Instead, the resolution directs the committee to recommend as soon as practicable such changes in laws, rules, and regulations as the committee deems necessary to establish an enforced standard of official conduct for Members, officers, and employees of the House. I hope that as soon as possible after its establishment, the committee will come back to the House with its recommendations so that it can be given the authority that it will need to perform the duties that are contemplated by the adoption of this resolution.

Mr. Speaker, as chairman of the House Republican policy committee, I would like to include at this point, the policy committee statement which was adopted on February 8, 1967, and which urged the establishment of a Committee on Standards and Conduct:

HOUSE REPUBLICAN POLICY COMMITTEE URGES ESTABLISHMENT OF SELECT COMMITTEE ON STANDARDS AND CONDUCT

> The House Republican Policy Committee urges the immediate establishment of a select Committee on Standards and Conduct.
>
> This Committee should be composed of twelve Members divided evenly between the Majority and Minority parties. It should be empowered to recommend rules and regulations that it deems necessary to ensure proper standards of conduct by Members and by officers and employees of the House. It should have the authority to investigate alleged breaches of conduct, recommend appropriate action and report violations of law to the proper Federal and State authorities.
>
> In the closing hours of the 89th Congress, a select Committee on Standards and Conduct was established. This was an important first step. Now, without further delay, this Committee should be reestablished.
>
> Over the past few years, a handful of highly publicized allegations of misconduct against a few Members of Congress and a few employees have cast a dark cloud of doubt over the entire Congress. As long as this House does not have an effective body that can investigate and resolve allegations of misconduct, the American people will continue to have serious questions regarding the integrity of the Members and their ability or willingness to ferret out those who are guilty of misconduct. Moreover, until such time as a Committee on Standards and Conduct is created and a code of ethics and standards of conduct are established, proceedings that are brought against an individual or a Member may be subject to attack on the basis that they are "witch hunts" or politically inspired.
>
> Justice for those accused as well as the ever mounting public demand for the highest standards of personal conduct makes imperative the immediate establishment of an effective Committee on Standards and Conduct. We urge the Democratic Leadership to schedule this legislation without further delay.

Mr. POLLOCK. Mr. Speaker, I rise in support of House Resolution 418 for the establishment of a standing committee on ethics to be known as the Committee on Standards of Official Conduct.

It is my considered opinion that there is not one member of Congress who would oppose the establishment of this or a similar committee, although I am sure there are a number of approaches as to how the committee should be constituted and as to the jurisdiction of the body.

I am particularly pleased that virtually every new member of Congress participated early in this session to force consideration of one of the many, many measures on the subject, so that the citizens of this Nation might clearly realize we of the Congress are determined to restore the public respect and esteem to this august body that it enjoyed for much of its previous history.

I consider this legislation to be vital to our American system of Government. Members of Congress must be subject to the highest standards of conduct. Only in this way will the public confidence be fully restored. We have been given the responsibility by the electorate to formulate the laws under which we will all live. Our integrity must be above reproach.

House Resolution 418 contains the essential provisions contained in my own House Resolution 326, and I urge my colleagues to give the measure overwhelming approval.

Mr. ROSENTHAL. Mr. Speaker, the need for a code of conduct to guide Members of the House of Representatives has never been more obvious. Recent cases have presented us with some examples of conduct which are clearly wrong. However, it has become obvious that we lack adequate standards for judging the rightness or wrongness of certain kinds of behavior. A well-formulated code of conduct would make it easier for Members to be more certain of the propriety of that kind of conduct which now lies in a kind of ethical "gray area." Moreover, the existence of an acceptable code would allow the House to act with a clear conscience in considering disciplinary action against Members. The House would no longer be open to charges that it was punishing Members for acts which were not defined as improper until after they had been committed.

The need for some sort of "ethics" committee has been recognized by Members from both parties, by the Joint Committee on the Organization of Congress, and by a large segment of the Nation's press. Moreover, public opinion polls and constituent mail reveal that there is widespread support among members of the general public for congressional action in the field of standards and conduct. To acknowledge the existence of outside pressure for action in the field of congressional conduct, is not to say that we must act primarily out of concern for the "image" of the House. For we should act not just for the sake of that image. We should act because it is proper that the conduct of Members as it relates to their official role should be subject to some sort of scrutiny. Certainly nothing could do more damage to a democratic institution than adoption of the view that such an institution is the private preserve of its Members and that those Members should not be held accountable to some publicly stated standards of conduct.

The Rules Committee's proposal for a Committee on Standards of Official Conduct must be considered a step in the right direction. It provides for the creation of a permanent standing committee having some jurisdiction in the field of congressional conduct. In addition, the provision for a memberhip consisting of an equal number of members from each party seems to me to be a good one.

While I support House Resolution 418, I think it important that the Committee on Standards of Official Conduct make every effort to formulate its recommendations at the earliest possible date. The resolution before us charges the committee with recommending "such changes in laws, rules, and regulations as the committee deems necessary to establish and enforce standards of official conduct." I hope that the committee will recommend that it be given adequate powers to investigate possible violations of established standards of conduct and to recommend disciplinary action to the House. I also think it important that the committee give close attention to the question of providing procedural safeguards for the protection of those whose conduct is to be investigated.

Beyond this, I hope that the committee will recommend that its jurisdiction include not only an enforcement role but an advisory one. It seems to me that Members of the House would find it very useful to be able to turn to a committee for advisory opinions on questions relating to conduct. Furthermore, a system for advisory opinions would be a means for interpreting a code of conduct and building up precedents for the future guidance of Members.

I think it important that House Resolution 418 be regarded as only the beginning of our efforts to deal effectively with problems falling within the field of congressional ethics. When the committee is established and the House eventually adopts its recommendations for standards of conduct and an effective enforcement system, the need for House action will not necessarily have ended. For example, there is a need for the House to adopt a financial disclosure measure so that voters can be made aware of the private financial interests of Members and candidates. There is also the very difficult problem of the regulation of campaign finance. We should not allow problems such as these to go unheeded.

Mrs. REID of Illinois. Mr. Speaker, I rise in support of House Resolution 418 and wish to commend the members of the Committee on Rules for the prompt consideration they have given to this needed legislation.

As the sponsor of a similar resolution which would establish a Select Committee on Standards and Conduct, I have on previous occasions spoken of the obvious need for such a standing committee in the House of Representatives. My bill, House Resolution 162, introduced on January 19, 1967, seeks in effect to accomplish the same objectives and goals, although it differs somewhat in approach. For example, my proposal, like House Resolution 418, provides for a bipartisan membership of six majority and six minority members. Just as the bill before us, also, my proposal specifies that such committee shall have the duty to recommend rules and regulations as to proper standards of conduct for members, officers, and employees of the House. My bill goes somewhat further, however, in prescribing additional investigatory powers for the select committee and in outlining procedures for appropriate resolutions of censure when applicable.

I fully recognize that there are varying viewpoints on this question, and I would be the first to concede that my bill may not provide the perfect solution to the problem of congressional ethics. It was not intended as such, but I feel that the many bills which have been introduced thus far, even though they may differ in content and approach, have one thing in common. They propose immediate action—and this is what I feel is urgently needed.

In my judgment, therefore, House Resolution 418, as reported by the Committee on Rules, is a positive step in the right direction. It will establish a standing Committee on Standards of Official Conduct which so many of us in this body feel is essential. It will be a bipartisan committee, and its duty will be to recommend as soon as practicable such changes in laws, rules, and regulations necessary to establish and enforce standards of official conduct for Members, officers, and employees of the House. Through the establishment of this standing committee and its subsequent hearings and report, all Members of the House will thus have an opportunity to express their views and insure that any code of conduct ultimately adopted is equitable and just.

Although I personally feel that the great majority of legislators observe standards of personal and professional conduct beyond reproach, the establishment of this new committee will serve to reaffirm public confidence in the integrity of the Congress. Therefore, I respectfully urge favorable consideration of the resolution before us today.

Mr. BUTTON. Mr. Speaker, today, I hope we will take responsible action on the resolution from the House Rules subcommittee that would create a House committee to write and enforce standards of "official" conduct for Members of this body.

Two months ago, I introduced similar legislation, House Resolution 223, and later testified before the House Rules Committee in its behalf. I would like to include those remarks in the RECORD at a later point.

I know, Mr. Speaker, I speak for all my colleagues, who have supported similar legislation, when I say, I am extremely pleased that the question of meeting our responsibility in this area has finally come to a head.

I hope we can leave this Chamber today with the knowledge that the 90th Congress is well on its way to adopting a viable code of ethics by which all Members of the House can be judged and which can be impartially and equitably administered by an appropriate committee. Such fairness and impartiality has not been the case until now.

Passing this measure today would set up a permanent bipartisan committee of 12 Members of the House whose first assignment would be to define its job, and draft precise and comprehensive standords of official conduct for approval of the House. This provision is identical to the legislation suggested by my bill and others.

While I applaud the unanimous action of the House Rules Subcommittee for quickly reporting out this legislation to the House for consideration, I regret, however, its failure to include any enforcement powers or investigative guidelines, which were spelled out in my bill.

My bill, and similar provisions in a number of other bills, would authorize the committee to recommend censure or expulsion of those found guilty, and would give power to investigate complaints of violation. It also specifies that the committee be required to report violations of law to appropriate Federal and State authorities. It is my hope these provisions will be included in the new committee's recommendations. Without these teeth built in the committee's authority, the present form of the legislation goes only halfway, and halfway obviously is not far enough.

Mr. Speaker, at this point, I would like to read in the RECORD my statement before the House Rules Committee in support of House Resolution 223 and other companion bills:

STATEMENT OF CONGRESSMAN DANIEL E. BUTTON BEFORE THE HOUSE RULES COMMITTEE ON H. RES. 18, FEBRUARY 21, 1967

The much and overly publicized case of a single Congressman whose conduct has been so overt as to attract public scrutiny and to obligate his Colleagues to inquire into it, naturally has raised innumerable questions in the minds of almost all Americans. These questions, and their implications, are reflected in many letters from my own constituents, who have been asking about the Congressional basis for disciplining Mr. Powell and also about the suspicions and rumors of misbehavior elsewhere, perhaps widespread.

I believe that the public deserves reasonable answers to such inquiries. I believe that the time has come when further delays in enacting a realistic and workable code of ethics will have several adverse and undesirable effects.

First, to discipline Representative Powell (in fact, even to consider the question of disciplining him) without providing the rationale for doing so, and prospectively doing so in the case of allegations against any other Member, will unmistakably leave many people of good will with the distinct impression that he was improperly and unfairly singled out for punishment, perhaps because of his race. To permit this thought to take shape would be to do a grave disservice to the credibility and honor of the Congress. I cannot believe that it is the will of Congress that such an unjustified and discreditable policy or practice could prevail in this House.

Second, such failure would seem to be avoiding the very well-intentioned questions put to individual Members by their constituents who somewhat fearfully seem to be asking for a forthright and believable refutation of scandalous rumors about misconduct of some or even many Members.

None of this is new to any Member of the House, even to those newly seated Members such as I who find ourselves appalled at the prospect of having this House needlessly and sadly compromised in actuality or in a general impression.

The House of Representatives can do justice to itself, its Members, Congressman Powell, and not least to all Americans, by adopting forthwith a viable Code by which we can all be judged and which can be impartially and equitably administered by an appropriate committee.

I have introduced H. Res. 223 which deals with this need, and I speak on behalf of it and similar legislation to accomplish the purpose.

Mr. PELLY. Mr. Speaker, I rise in strong support of House Resolution 418 to establish a standing Committee of the House of Representatives on Standards of Official Conduct.

It is hardly necessary for me to state that the U.S. Congress is the greatest legislative body in the world, and how important it is that Congress retain the confidence of the American people in the integrity of our legislative system.

Unfortunately, recent scandals in both the House and the Senate have seriously damaged public confidence in the legislative branch of their Government. In this connection, I support the establishment of a nonpartisan ethics committee in the House. I do not think this resolution goes far enough, but at least it would provide for a standing committee to recommend to the House a clear-cut set of rules and regulations as to proper ethics of Members. It is certainly to be hoped, and indeed expected, that when a code of proper conduct is eventually adopted by the House, the guideline will serve to remove any doubt about grounds for any future actions under the Constitution and under the rules of the House in connection with censure or punishment for misconduct.

Nine years ago, on February 10, 1958, I introduced a bill to amend the Administrative Procedure Act and the Legislative Reorganization Act of 1946 by setting up codes of official conduct for the executive and legislative branches of Government. That measure would have covered and restrained employment offers, divulging confidential information, accepting entertainment and direct or indirect attempts to influence decisions, including gifts or gratuities.

In 1958, when I first introduced this ethics bill and finally now in 1967 when Congress faces up to this issue, as I have for many years, I recognize that no law can assure individual morality, but a code of ethics can, and I hope will, call for mandatory public disclosures which if not complied with will subject offenders to legal penalties, or where complied with, if improper actions or conflict of interest are revealed, public scrutiny would bring public disgrace.

There are Federal statutes that forbid Members of Congress to divert funds from their office payroll and their committee travel expense. I trust that any pending or future charges on this account against a Member will bring criminal prosecution, if warranted. However, I emphasize that a committee of Congress is not the right place to air criminal charges because congressional procedures do not provide the protection of a court of law, but a code of ethics spelling out in unmistakable language what is and is not permissible conduct will help in the court of public opinion.

The New York Times once suggested that Congress might create a panel of retired judges to which charges of misconduct against a Member of the House or Senate would be automatically referred. Instead, I think Congress by its own standing committee could evaluate any improprieties and where justified refer them to the Justice Department for criminal action, or otherwise the committee could recommend censure or expulsion.

This resolution, as I said, does not go that far, or at least far enough to cover enforcing any code of conduct. But, it goes in the right direction, and I fully support it.

Mr. STEIGER of Wisconsin. Mr. Speaker, I join my colleagues today in urging this body to concur with the work done by the Rules Committee and adopt the resolution creating a Committee on Standards of Official Conduct.

The resolution is not the ideal, but it is certainly a beginning. Once this committee is created we will have taken important action in handling this matter.

This action will not stand alone, however. It will take additional action by this body to insure that we arrive at a system that is workable, enforceable, and equitable. Yesterday morning's Washington Post said it so well in an editorial which stated:

> But let no one suppose that the creation of a committee with a reassuring name will put the congressional house in order.

Let us not forget, Mr. Speaker, that this is a first step. Yes, let us enact this important resolution today. But, in enacting it, let us not forget that it is a first step and we should approach it in that manner.

Many of us have introduced additional legislation that is necessary if we are to arrive at our goal of restoring the electorate's faith in its Congress. I woud hope that both the newly created committee and the Members of this body will press for early enactment of such legislation. I would like to call the attention of my colleagues to the April 12 editorial in the Washington Post and include that editorial as part of my remarks:

SO FAR AS IT GOES

The House Rules Committee has taken an admirable step toward the policing of official conduct by Congressmen—so far as it goes. We hope that the House will approve the Committee's action without dissent. But there should be no illusions about the action to date. It is still in the realm of promise, with the biggest hurdles remaining for future clearance.

By adopting the Committee's stripped-down resolution the House will create a permanent, 12-member Committee on Standards of Official Conduct. But the new policeman will not be ready to go into action against members who may be bringing disgrace upon the House. Rather, its first task will be to recommend changes in the law and the rules governing the official conduct of Congressmen and their employes. At the same time the Committee is expected to recommend enforcement powers for itself. Without both tightened rules and enforcement powers, the proposed new watchdog would be merely a deceptive gesture.

The best hope seems to lie in the naming of a vigorous and conscientious chairman. If the post goes to Representative Richard Bolling, who led the fight for higher standards in the House in recent weeks, the chance for follow-through action will be greatly enhanced. But let no one suppose that the creation of a committee with a reassuring name will put the congressional house in order. The fight against conflicts of interest, misuse of funds and other forms of corruption has only just begun. And the chance for effective accomplishment will be very meager unless the new standards can be set up, along with sound enforcement machinery, while the incentive growing out of the Powell case is still strong.

Mr. SHRIVER. Mr. Speaker, I intend to support House Resolution 418 which establishes in the House a Standing Committee on Standards of Official Conduct. This action is long overdue. Recent events have demonstrated the need for such a standing committee. It is imperative that such a committee have appropriate authority to draw up a code of conduct for House members and employees; and it should also have sufficient authority to investigate specific complaints of any violations of any code of conduct; and to recommend censure or expulsion where deemed necessary and proper.

Last month I introduced House Resolution 408 which called for the creation of a 12-member Committee on Standards and Conduct. It is encouraging to find that the House is moving in the right direction today to implement the intent of my resolution.

As elected Representatives of the people, we have the responsibility of keeping our house in order. It is incumbent upon the Congress to be its own watchdog.

Adoption of a code of ethics should be but one aspect of a comprehensive program of congressional reform. I am hopeful that very soon the House will have the opportunity of considering the Legislative Reorganization Act of 1967. It already has passed the other body. It should be the next step in a necessary effort to enable Congress to do a better job of conducting the Nation's business.

Mr. Speaker, as we consider this resolution to create a Committee on Standards of Official Conduct, the eyes of the people are upon this House. The mail which I have been receiving reflects a genuine concern among the taxpayers of this Nation regarding the ethics and conduct of their elected representatives. Last Sunday, Rev. James Fulton Clark, minister of the First United Presbyterian Church in El Dorado, Kans., delivered a timely and thought-provoking sermon from his pulpit which eloquently dealt with this subject of a code of ethics. Reverend Clark's message presented the concerns of the public and suggested the kind of ethical code needed in government. It seems appropriate to include his sermon as part of our consideration today of this necessary and important resolution. The sermon follows:

HONEST TO GOD

(By James Fulton Clark, minister, First United Presbyterian Church, El Dorado, Kans.)

Text: "How is it that you have contrived this deed in your heart? You have not lied to men but to God." (Acts 5: 4.)

In the early days of the American Republic, that great statesman, Thomas Jefferson, declared in one of his essays that "the whole of government consists in the art of being honest."[1] It is, I think, a genuine sign of moral reawakening in our day that the two great legislative bodies of our nation are now taking steps to insure this kind of integrity in high places. At about the same time in history, however, a Jeffersonian contemporary in France also said, "Every country has the government it deserves."[2] If I understand the meaning of this statement aright, it is an extension of that old adage, "Give the people what they deserve; if they're not satisfied, they'll demand something better." The purpose of this sermon today is to suggest that you do just that!

THE DILEMMA OF DISHONESTY IN GOVERNMENT

Certainly no one who reads the newspapers at all can be unaware of the problem. It began in 1960 when a Harlem widow sued Rep. Adam Clayton Powell for slander and won a judgment of $46,000 which has now increased to $169,000. Because Congressman Powell refused to pay and fell under a criminal contempt charge, his whole legislative career was brought under investigation which disclosed a sordid record of ethical indiscretions including payroll padding, nepotism, fraud, and a yet-unprosecuted charge of income tax evasion. Shortly after the House voted to bar him from his seat, stripping him of his seniority and chairmanship, a similar investigation was begun by the Senate Ethics Committee into equally-contemptible conduct on the part of Senator Thomas J. Dodd of Connecticut. Senator Dodd, it was determined, had used a major part of $173,000 derived from testimonial dinners to pay personal bills including delinquent taxes, repairs to his Connecticut home, and a variety of entertainment sprees including a junket to the dog races. The Senate judgment against him for this is still pending; but I for one find it hard to see how any fair-minded citizen could possibly ask any less severe penalty than that imposed on Representative Powell.

Having read a whole series of articles on the two investigations, though, one thing caught my eye and gave rise to this sermon. It was the response of the two defendants to the accusations. Powell, who was the first to protest the injustices of such an investigation, said, "I do not do any more than any other member of Congress, and by the grace of God I'll not do less." This, of course, is the oldest dodge in the world—"Everybody's doing it! Why pick on me?" Dodd, with equal impenitence, said to Chairman Stennis, "My conscience is clear. I don't believe there is anyone who can look me in the eye and say I did wrong." This is the second, most common form of evasion—"I don't feel guilty! Why should I when no one can look me in the eye without recognizing that he is just as bad or worse?"

RELATIVISM—THE HEART OF THE DILEMMA

These two declarations, it seems to me, say something rather disturbing about the entire framework of American integrity today. They suggest that these two men are appealing to the American public for clemency on the ground of a relative standard of honesty.

Powell, for example, is saying, "You can't condemn me without condemning virtually every other public office holder; the only difference between my offenses and theirs is a matter of degree." In some measure, Powell has a pretty good case by this standard. He has cited several instances of congressional excursions at public expense far in excess of his own. He has pointed out numerous cases of nepotism and payroll padding—including one by the chairman of the investigating committee—which seem no more justifiable than the salary paid his wife as his Spanish correspondent. It was even shown that good, old "Honest Abe" once billed the government for travel expenses almost double the distance actually traveled—an obvious case of fraud which nobody seemingly disapproved.

Dodd, on the other hand, is saying, "Why should I have a guilty conscience? Can anyone really look me in the eye and say my behavior is any more dishonest than that of countless others among my fellow-countrymen?" Judging from President Johnson's recent address on "Our National Disgrace", Dodd has a reasonably valid argument. Indeed, the Chief Executive—after speaking at length about the current rise in crimes of violence—then went on to say:[3]

"In economic terms, white collar crimes—although it is much less visible—is considerably greater. The economic cost of crimes such as petty theft, consumer fraud, antitrust violations, and embezzlement dwarf all crimes of violence."

What President Johnson was referring to, of course, was that mild form of larceny in which the vast majority of citizens are engaged—pilfering from hotel rooms, shoplifting, padding of expenses accounts, and the like. Dodd's appeal, then—to borrow a good, biblical dictum—is this: "Let him who is without sin cast the first stone."

Tragically, though, both of these appeals are based on a relative standard of honesty. They suggest that these men should be judged, not by the rightness or wrongness of what they have done, but rather by weighing it against what everyone else is doing. It presupposes that right or wrong are simply a matter of common practice—a fallacy which is far from true, especially when the responsibility of governing an entire nation is at stake.

THE TWO FACETS OF OUR LEGISLATOR'S PROBLEM

Looking, then, at the problem facing our federal legislature, it seems to me that there are two issues which must be squarely confronted.

First of all, the two Houses of Congress must be prepared to live by the same code of ethics they mete out to Rep. Powell and Sen. Dodd. This, I believe, is imperative if they are to command the respect of the nation as men of honor and justice. Unfortunately, though, it poses many practical problems. Employing someone from one's own family, for example, is not always an evil to be avoided since there have been numerous instances of this where the relative seemed to be the best qualified person for the job. Investigation of expense accounts and the publishing of them also poses problems at election time since, said one congressman, it gives one's opponent "ammunition for the campaign." Nevertheless, whatever rules are applied to one must certainly be made to apply to all the others as well.

And secondly, the two House of Congress must be prepared to establish a code of ethics which is far more absolute and demanding than that of the society they serve. This may seem monstrously unjust; but congressmen, because of the nature of the responsibility they hold in their hands, should be willing to live on the higher side of an inevitable double standard. Grover Cleveland's campaign slogan—"Public office is a public trust"—may seem to impose unfair demands upon those who seek positions in the congress; but it should certainly be obvious to them that the integrity of the nation as a whole will never rise a bit higher than that of the men who make its laws. Consequently, as they set about the business of establishing ethical practices committees and rules, they should be expected to reach for a higher level of integrity than the common-denominator morality of the nation at present.

---

[1] Thomas Jefferson, *Writings*, Vol. VI, p. 186

[2] Joseph de Mistre, *Letter*, August, 1811

[3] President Lyndon Johnson, *Speech*, March, 1967.

This requires courage; but it apparently is a courage to which a man like Congressman Shriver is equal. Most of you know, I am sure, that he has introduced a resolution providing for the creation of a select committee on standards and conduct in the House of Representatives similar to that fledgling committee in the Senate. Consequently—with full awareness that I lay myself wide open to indictment for injecting politics into the pulpit—I appeal to you all to write to him and support his efforts. In fact, because I believe the matter of national ethics IS a proper matter for the church to promote, I urge you to go one step further and recommend to both our senators and representatives that they put aside their fears and set up a code of ethics which will have the ultimate effect of raising the entire moral fibre of the nation.

THE KIND OF ETHICAL CODE NEEDED IN GOVERNMENT

What kind of ethical code is needed? My friends, I believe it must be a code of ethics which moves beyond the relative level of honesty which exists when right is judged by common practice; it must indeed be a code of ethics inspired by the absolute and unwavering standards of right and wrong which arise when people strive to be honest to God.

I think there is no better story in scripture to illustrate this than that of Ananias and Sapphira in the fifth chapter of *The Acts*. Here we see two people, caught as some of our congressmen seem to be in a web of mounting greed, who purposely defraud the early church by giving only a part of the proceeds of their estate to the disciples. Quite plainly, so the story reveals, the issue was not about how much they gave; the issue centered about the fact that they falsified their benevolence and broke faith with those who trusted them. When this happened, Peter immediately rebuked each of them in turn, saying, "How is it that you have contrived this deed in your heart? You have not lied to men but to God." And both were struck dead for their dishonesty.

This story, it appears to me, makes it quite clear that honesty before God is not the great fluctuating variable that the new moralists are insisting. Granted that there are varying degrees of honesty among men and that the truth in one situation might not be identical to the truth in another, still this story suggests that honesty is a duty to God and that honesty to God is far from a relative matter. Indeed, when God said, "Thou shalt not bear false witness", I am convinced that He meant what He said. He interjected no "sometimes" or any "now and thens." He proposed as a firm rule of life that honesty, because it is a duty both to God as well as to man, should be practiced consistently.

This says to our congressmen, I think, that they are under a burden of conscience to frame their code of ethics for the legislature in terms of the law of God. I realize, of course, that Article Six of our *Constitution* says, "No religious Test shall ever be required as a Qualification to any Office or public Trust under the United States." This, however, is not proposing a religious test; it is rather proposing a code of ethics which, if you will, is a part of the natural law upon which God framed the universe. The Ten Commandments and their summary by Jesus are among the best expressions of that law; but the law is well nigh universal among men of good will today. Consequently, in asking that standards be set on God's terms rather than upon the level of common practice, one is only asking for a restoration of moral values which are fairly universal among men even though seldom practiced by them.

If you agree with me in this issue, let me then ask you to say so to our various congressional representatives in the House and Senate. If you scorn the corporate action of the church as a pressure group bear in mind that I am appealing to you as individuals. However, before you write a letter, I ask you to sift the whole matter over in your mind. Remember this! Even though it might well be expected that a congressman would maintain a deportment superior to that of society in general, you ought not to expect him to be more honest than you yourself—as a professing Christian—are willing to be. Check yourself, therefore, and be sure that you are not asking of him something which, if circumstances were such, you would be unwilling to live by yourself. Then appeal to him for a standard which you think—honest to God—is right for the legislature as well as, hopefully, for the nation as a whole.

Mr. MACHEN. Mr. Speaker, public confidence in the integrity of Congress has been severely shaken in recent months and it will be a long and difficult rebuilding job to restore it. The formation of an ethics committee with the proper degree of authority to investigate and carry out its recommendations would be a strong foundation. Not only would it serve the purpose of providing the machinery for handling offenses but it would be a powerful deterrent to future deviations from acceptable ethical standards. Such a committee would allow the House to concentrate on legislative business without taking time off to worry about infractions.

The 90th Congress was placed in the unhappy position of having to discipline one of its Members-elect. However, this moralistic act in and of itself does not restore the reputation of the House. We must be consistent, just, and firm. We only play into the hands of those who opposed our action of January 10 unless we make some provision for handling such cases in the future.

The legislation that we are considering today is the necessary first step. The Committee on Standards of Official Conduct will recommend to the House such changes as it thinks necessary to establish and enforce standards of official conduct.

I am in favor of this approach because such standards should not be set down in haste and it is unfair to expect our present, heavily burdened committees to set aside their regular business in order to give this subject the attention it deserves. I am sure that we would all be more confident that justice would be served if we know that a thorough study has been made.

For these reasons, I am pleased to be able to cast my vote in favor of this resolution.

Mr. FASCELL. Mr. Speaker, it is imperative that the House pass the Rules Committee's resolution—House Resolution 418—to create a Standing Committee on Standards of Official Conduct.

The brouhaha concerning congressional ethics resounds across this entire Nation. We all experienced its fury during our considerations early in the session concerning seating Mr. Powell, the longtime Representative from New York's 18th Congressional District. At that time, and since then, and even before then, Members spoke on the floor or introduced resolutions urging the creation of some sort of House ethics committee. By my count more than 100 resolutions have been introduced to this effect since January 10 of this year.

Now the Rules Committee, after thorough hearings, has reported a measure which would create a 12-member standing committee empowered, for the moment, with considering and recommending to the House rules and regulations establishing and enforcing standards of official conduct.

I think the great importance which the Rules Committee attaches to this matter is reflected in its call for a standing committee rather than a select committee. The resolutions which I introduced on this question, House Resolution 997 in the last session and House Resolution 55 this year, would have created a Select Committee on Standards and Conduct. I am, however, extremely pleased with the product of the committee's labors. It is obvious that the members of the committee are convinced that the issue of congressional ethics is of sufficient import to merit the creation of a standing committee. I concur in this conclusion and urge overwhelming adoption of House Resolution 418.

On October 19 of last year I urged adoption of House Resolution 1013, which established the short-lived Select Committee on Standards and Conduct, chaired by the excellent gentleman from Florida [Mr. BENNETT]. At that time, I noted that creating this select committee would demonstrate the House's willingness to "meet a difficult problem head on" and would show the public that "we in Congress are taking action to set up uniform standards and guidelines on conduct and ethics of all Members and punishment for violations."

Those sentiments pertain now with as equal force as they did last fall.

On the opening day of the 90th Congress I urged adoption of my resolution to create a Select Committee on Standards and Conduct. I spoke then of the disturbing loss of confidence in the House manifest in the populace. I pointed out that the Constitution clearly charges the House with supervising the conduct of its own Members; that we had been, in the past, reluctant to assume fully that task; and that we had best assume it now with due speed in order "to dispel the miasma of suspicion which has arisen from charges of misconduct too long ignored."

Those sentiments also pertain here today in our consideration of House Resolution 418.

On February 21 of this year I sent a letter to the distinguished chairman of the Rules Committee stressing the need for continuing the life of the Select Committee on Standards and Conduct and noting that "the people deserve every assurance that their representatives are doing their jobs honestly and Congress should immediately take firm and positive steps to insure that the public's trust is not violated."

And those sentiments pertain here.

Finally, I appeared before the Rules Committee on February 28 and recommended the establishment of a permanent Standing Committee on Ethics and Conduct. I felt then, as I do now,

that the primary and initial task for that committee must be the drafting of a code of official conduct.

All these criteria are met by House Resolution 418. With this resolution we stand at the threshold of a new era in Congressional ethics, an era of responsibility. Having sponsored resolutions to create an ethics committee, having spoken on several occasions in different forums urging its creation, I can do no other today than cast a resounding "yea" for the committee's resolution. I beseech my excellent colleagues on both sides of the aisle to join with me in taking this giant stride forward.

Mr. SMITH of Oklahoma. Mr. Speaker, I strongly urge the passage of the ethics resolution before the House of Representatives. Conditions which have been called to the attention of the House during this session indicate the need for a standing committee to maintain a permanent position of surveillance with investigative powers over Members of Congress.

To suggest such a resolution does not necessarily indicate that there exists a significant number of Members who would be affected by such action, but there is a widespread need to do something to restore the faith of the people in their elected Representatives. The recent Adam Clayton Powell case, to say the least, would indicate the need for a permanent committee to guard against such flagrant opposition to law and order in the Congress.

Such a committee could recommend whatever changes in law, rules and regulations as are deemed necessary to establish and enforce standards of official conduct for Members, officers, and employees of the House.

Mr. ROGERS of Florida. Mr. Speaker, we in the House have acknowledged the need for establishing a standing committee on ethics. The desire of the House to draw up an effective method of policing itself and at the same time insure the confidence of the American public was evident in the support an ethics committee has engendered.

I would like at this time to commend the man who was the champion of the move for such an effective ethics committee—my good friend and colleague, the gentleman from Florida, Charles Bennett.

Congressman Bennett took the challenge last year and championed the cause with steadfastness and untiring efforts. There were many of us who agreed with him and cosponsored his bill calling for an ethics committee.

The House and the American public owe Congressman Bennett their gratitude for his leadership and efforts in establishing this committee.

Mr. BINGHAM. Mr. Speaker, I rise today in support of House Resolution 418 to create a bipartisan standing committee to recommend changes in laws, rules, and regulations to establish and enforce standards of official conduct for Members, officers, and employees of the House of Representatives. This resolution represents a good first step in an effort to deal with a very grave problem, but it is only a first step.

In recent months we have seen an unfortunate wave of public distrust and doubt about the integrity of Congressmen, and the manner in which they conduct their duties, sweep over the country. The public has been made uneasy by reports of misappropriation of committee funds, diversion of campaign moneys for personal needs, conflicts of interest, especially arising out of private law practice, and personal indiscretions of grave character. Many of the questions raised—questions as to the propriety of the actions, as well as to the appropriateness of punishment—have been unsatisfactorily answered.

Once the public begins to lose faith in its Representatives, all our legislative decisions become subject to question. All Congressmen become suspect in the public eye. In order to restore public confidence in the integrity both of the legislative process and of the individual Congressman, as well as to prevent the recurrence of real abuses, it is essential that Congress take vigorous action.

I have long felt that we need a new mechanism to deal with what is really a double-barrelled problem; first, to define proper standards of conduct for House Members, officers, and employees; and second, to police, judge, and punish deviations from those standards.

During the last Congress, I introduced a comprehensive bill to reform our election procedures and to require complete disclosure of all sources of income, gifts, and assets. During this session, I have been supporting a comprehensive and effective code of ethics for Congressmen and the creation of a separate, bipartisan committee to enforce that code.

By setting up this 12-member bipartisan committee, as called for in House Resolution 418, which will be charged with the task of recommending minimal standards for the guidance of all who participate in the legislative process, we will be taking the first step in creating the necessary institutional mechanism for dealing with the complexities of this problem.

But creation of this Committee on Standards of Official Conduct is only a beginning. I think that most of us are agreed, at this point, on the necessity for some measure of this type. The real test will come in the followup to today's actions.

Mr. MONAGAN. Mr. Speaker, I support House Resolution 418.

Earlier this session, I filed a bill, House Resolution 373, to set up an ethics committee. At that time I stated my belief that neither the Congress nor the public would be satisfied with the continuation of the old jurisdiction by the Committee on House Administration. Some new body was clearly required.

Today's resolution provides a logical way to proceed. Under the proposed plan, a set of ground rules will be prepared. These will then be returned to the House for scrutiny and for acceptance or rejection. Included in the rules will be the jurisdiction and form of procedure of the committee.

This is wholly appropriate since the area of ethics is a delicate and difficult one. The committee will be able to study the matter thoroughly and report in due time with rules which will have received careful examination and have experienced broad consultation.

I believe that in passing this resolution we shall be taking a very substantial step in the right direction and I wish the members of the committee every success in their important work.

Mr. BUCHANAN. Mr. Speaker, it should be made manifestly clear that the passage of this resolution, which I fully support, does not constitute the beginning of morality in the U.S. House of Representatives, but is rather an expression of the present and continuing morality of this body.

It is my conviction that there is as much character and integrity in the Congress of the United States as in any other body in the world. It is highly regrettable that in the course of human events the actions of one Member or of a few can cast a cloud of suspicion over the whole in the public mind. Such suspicion is unjustified and it is my hope that this act will help to dispel it.

When the lines are drawn clear and the truth is made plain, I for one am confident that this House shall stand stronger and purer than our countrymen have heretofore recognized it to be.

Mr. MEEDS. Mr. Speaker, I rise in support of House Resolution 418, a bill to establish a House Select Committee on Standards of Official Conduct. Approval of this legislation will help us to develop a meaningful approach to congressional ethics.

No bill could ever guarantee that those who hold public office will never abuse their position. The most effective mechanism we have developed thus far to watch over elected officials is the Constitution of the United States. Every 2 years and every 6 years, Representatives and Senators must renew their contracts. The Constitution, by embodying the principle of accountability, puts all of us on notice that our actions are always subject to popular review.

But, we must be more than simply accountable. We must also be responsible. House Resolution 418 would authorize the committee to draw up rules, regulations, and standards of official conduct. Having these regulations would help the House to deal effectively with cases of misbehavior.

While supporting House Resolution 418, I must point out that I have introduced legislation which is somewhat more comprehensive. My bill, House Resolution 361, would also empower the committee to investigate individual Members and employees of the House, to recommend disciplinary action, and to report violations of law to Federal and State authorities.

The bill before us, however, is a good start, and can help the House of Representatives to fully assume its responsibility to assure that the highest standards of official conduct are effectively maintained.

Mr. CLEVELAND. Mr. Speaker, I support House Resolution 418. It is my hope that the new Committee on Standards of Official Conduct will act with dispatch because the problem is an important one.

As a member of the Joint Committee on the Organization of Congress, I call my colleagues' attention to the fact that, on page 48 of our report—No. 1414, 89th Congress, second session, dated July 28, 1966—we did recommend that the House of Representatives shall create a Committee on Standards and Conduct. The committee further stated:

> The joint committee heard considerable testimony with respect to the problem of the ethical conduct of Members of Congress. It is the opinion of the Joint Committee that the House of Representatives should create a committee to be concerned with the standards and conduct of Members of the House. The Senate has already created a committee to examine problems in this area and the House might explore profitably the organization and procedures of the Senate Committee prior to implementing this recommendation.

In addition, the gentleman from Missouri [Mr. CURTIS] and myself concurred in the supplemental views of the senior Senator from New Jersey [Mr. CASE] on this subject in his supplemental views in the same report—page 82.

It should also be pointed out that, in the supplemental views to that same report submitted by my distinguished colleagues, the gentlemen from Missouri [Mr. HALL and Mr. CURTIS] we urged that the House committee be evenly divided between the two political parties. This is done in House Resolution 418 and I compliment the Rules Committee in this regard.

As chairman of the House Republican task force on congressional reform and minority staffing, I have a particular interest in this subject. I commend to my colleagues' attention the chapter on congressional ethics in the book written by the task force, "We Propose: A Modern Congress," the chapter having been written by our esteemed colleague, the gentleman from California [Mr. WILSON].

Mr. BOLAND. Mr. Speaker, I rise to strongly support this resolution to create a Standing Committee on Standards of Official Conduct in this House, empowered to consider and recommend to the House official standards of conduct.

As the sponsor of one of the resolutions, House Resolution 271, considered by the Rules Committee, I believe the Members should overwhelmingly approve this resolution because the reputation and integrity of the House and the confidence of the American people in their elected Representatives is at stake.

For more than a decade the House has been sharply criticized by the press and public for failing to police itself. This criticism is pertinent and justified because there is no other arm of the Government to oversee the activities and behavior of the Members of this body. The courts have wisely held that they have no power to intervene in the decisions reached by Congress concerning the conduct of its Members. This leaves the matter squarely up to each House. The Senate has acted upon this question. It now has a committee to oversee the conduct of its Members. The House must act today or lose public confidence.

Mr. Speaker, recent events point to the necessity of both established standards of conduct and established methods of investigating irregularities. Granted this is a complex matter; granted there are no simple solutions; nevertheless, something must be done. The action recommended by the Rules Committee is a judicious beginning. It is acceptable, I believe, to everyone with an opinion on just what the House should do with respect to policing itself.

Let us, therefore, invest the Committee on Standards of Official Conduct with the authority to hold hearings on ethical standards. Let us begin to grapple with this problem, and, hopefully, adopt some guidelines in these areas so that we no longer operate in an official vacuum when they face us.

We have imposed strict standards of conduct on officers of the executive branch. If we do not begin to do the same for ourselves, the public is going to lose complete confidence in the House. The reputation and integrity of the House is at stake here.

In urging affirmative action on this resolution, I am by no means intimating that the conduct of the Members of this House is unethical. Indeed, I believe the opposite to be true. Still, public suspicions linger and the need for an official code of conduct remains.

By establishing a Standing Committee on Standards of Official Conduct in the House, these matters can be processed in a way that will not impugn the integrity of Members wrongly accused, but at the same time will deal effectively with violations that are clearly not in keeping with standards that should be adhered to by Members of the House.

Again, I strongly urge unanimous adoption of the resolution, and request permission to include with my remarks editorials on this subject taken from the Springfield, Mass., Union of March 3, 1967, and the Springfield, Mass., Daily News of March 9, 1967:

[From the Springfield (Mass.) Union, Mar. 3, 1967]

CUE FOR HOUSE CLEANING

The House's surprisingly harsh punishment of Adam Clayton Powell—exclusion instead of the recommended censure, fine, and loss of seniority—can't be the last word.

Once Pandora's Box is opened, the evil therefrom must be dealt with. For one thing, the racial and civil-rights considerations are obvious.

Equally important, the House has opened, not closed, the broader issue of conduct in public office. After the lesser penalty was narrowly rejected, the margin favoring ouster was almost 3-to-1. That means most congressmen, once freed of technicalities, have a healthy respect for how voters feel about members who play lightly with the public trust.

The implications of that are obvious, too—for every public office holder.

If the 307 House members who voted to bar Mr. Powell think they can satisfy the public with this one sweeping gesture, they may very well be wrong. The suggestion is that, by making Mr. Powell a scapegoat, they can sit back and assume that the congressional image is scrubbed, scoured and shiny bright.

But is it? There are signs all over the country nowadays that the cynicism is too deep to be cut out with one expedient slice.

Mr. Powell is primarily a House problem. But the Senate can't sit idly by either. It has Bobby Baker smeared on its escutcheon. And it has failed to come to grips convincingly with the questions posed by Sen. Dodd's fund-raising dinners.

The blow might have fallen less heavily. Mr. Powell unfortunately forced the issue by declining to show repentance. His former House colleagues won't thank him for that—now or if he runs for election and comes back, as Rep. Celler said, "to haunt the House."

Attorneys for Mr. Powell (who is uncharacteristically silent himself) might do everybody a favor by getting a court decision on whether the House has constitutional power to bar a representative duly elected by his district, whatever his other failings.

But meantime, three-fourths of the House has just said it thinks the country wants tough judgment against a conspicuously errant member. If that same kind of response to public disgust produced a full Housecleaning and some sternly policed rules of conduct henceforth, something good might come of the whole mess after all.

[From the Springfield (Mass.) Daily News, Mar. 9, 1967]

ETHICS ON CAPITOL HILL

"How can you formalize integrity?"—This question was asked yesterday on Capitol Hill as the House of Representatives debated proposals for committees which would delve into the delicate area of congressional ethics.

The Adam Clayton Powell case has posed the challenge of equality of ethical standards. Since Mr. Powell was punished for violating behavior standards, other violators should also be sought out and punished.

Rep. Omar Burleson of Texas, chairman of the House Administration Committee, asking how integrity can be formalized, opined that ethics is a "barrel of worms," difficult to define and control.

The comparison is apt. It is obvious that creation of a code of ethics for Congress will not completely eliminate unethical conduct. In the same fashion that morality cannot be legislated, integrity must be dictated by individual conscience. It cannot suddenly be imposed from without by a set of rules saying this can be done, but that is forbidden.

Nonetheless, an ethics code would be a good beginning point in Congress. A start is being made in that direction. There is a proposal to create a select committee on ethics and the House voted funds yesterday to help finance an enlarged committee on contracts and ethics.

Ethics cannot be pinned down on a piece of paper. But Congress, which has been extremely reluctant in the past to police its own, must face up to this important challenge by defining a code which establishes guidelines for congressional conduct.

Mr. WIDNALL. Mr. Speaker, passage of House Resolution 418, which provides for a permanent Committee on Standards and Conduct for the House, deserves the full support of every Member of this body. It has become clear to me that respect for Congress as an institution is at stake. I consider the establishment of this committee to be a positive reassurance to the American people that their representatives do and will conduct the Nation's legislative business with integrity.

The resolution being considered today is similar to one that I introduced on February 16 of this year. At that time, I noted that this was only one of several steps that needed to be taken. The committee should begin immediately to hold hearings and propose a congressional code of ethics. It should, as a committee, be available to consider any charge brought against a Member or employee of the House, to seek out the guilty and protect the innocent from loose charges.

Nor can any House Member not serving on the committee consider his responsibility finished by merely voting to create the committee. The committee will need our continued support and counsel as it attempts to perform its tasks.

Establishment of the committee is certainly a more reasonable alternative that to continue to deal with allegations of misconduct on an ad hoc, piecemeal basis. I am proud of the role that my party, the Republican Party, and its Members in the House have played in sponsoring and generating support for, and obtaining action on, this proposal. Last month I stated my conviction that there was no reason why this action could not be taken immediately. The prompt and conscientious work by the members of both parties on the House Rules Committee have vindicated that belief. It is now up to the whole House to complete the work by voting passage of House Resolution 418.

Mr. MATHIAS of Maryland. Mr. Speaker, I am very pleased to join in support of House Resolution 418, which is an important step forward for this House. In adopting this resolution today, we are accepting our responsibility, as a body, to insure integrity in our deliberations, and to promote collective and individual self-discipline. In so doing, I trust that we will clearly tell the American people that their elected representatives intend to establish and observe only the highest standards of official conduct.

I would like to emphasize, however, that our job is not finished today. Establishing this committee has not been an easy task, but now we face the more difficult task of putting this panel to work and following through on the recommendations the committee will make. If we fail to implement today's action comprehensively and consistently, we will have failed the American people and ourselves.

Mr. Speaker, House Resolution 418 is somewhat different from House Resolution 204, which I introduced earlier this year and supported before the Rules Committee on March 7. One difference is a vast improvement: where my resolution, identical to that introduced by the gentleman from Florida [Mr. BENNETT], would have established a Select Committee on Standards and Conduct, the measure before us today sets up a standing committee, a body which will be permanent and not restricted to the duration of this single Congress. I welcome this step, since it recognizes that the maintenance of standards is a continuing job which should be supervised by a continuing panel.

In another sense, however, this resolution is regrettably more narrow than the one I introduced. The committee proposed under House Resolution 204 would have had authority to investigate specific allegations of misconduct, when referred to the committee by a Member of the House, and would have had the complementary power to recommend remedial or disciplinary action to the House. These powers are not contained in the pending resolution, which restricts the new committee's assignment to the development of a comprehensive code or overall standards of official conduct. Certainly the shaping of such a code is an essential first step, but I hope that, when that step has been taken, this body will continue further along this path by giving the standing committee adequate powers to enforce those standards, through equitable and objective means, and to review any cases in which misconduct has been charged.

Mr. Speaker, to summarize my thoughts on this subject, I would like to include in the Record at this point the text of my testimony before the House Rules Committee on March 7:

Statement of Congressman Charles McC. Mathias, Jr., of Maryland, Sixth, Before the House Rules Committee, Tuesday, March 7, 1967, on House Resolution 204, To Create a Select Committee on Standards and Conduct

Mr. Chairman, when you opened these hearings two weeks ago, you observed that the question of Congressional ethics had particular topical interest. I trust that this interest has not waned now that the immediate topic is behind us. Rather, I think that our difficult experience last week emphasized the urgent need for us to establish a Select Committee on Standards and Conduct, such as would be created under my resolution, H. Res. 204. I hope that in time this panel would become a standing Committee of the House.

This House has two important responsibilities which, in my judgment, are not now being met. First, we should encourage public confidence in the integrity of the Congress, by exercising that degree of self-control and self-discipline which the people expect from their elected representatives. Second, we should insure that, when questions are raised or allegations of misconduct are made, all Members of the House will receive fair and equal treatment. Neither of these objectives can be reached by delay and hesitation, by dodging the issues, or by improvising procedures when public outcries occasionally make some dramatic action unavoidable.

Our present concern with Congressional conduct is a product of this century and the conditions which now prevail. The public's expectations have risen tremendously since the days in 1833 when Daniel Webster reminded Nicholas Biddle, the Philadelphia banker, that "my retainer has not been renewed, or refreshed as usual." Where such tangible ties between legislators and special interests were once accepted as a matter of course, they are now cause for public speculation, suspicion and mistrust.

Second, the business of Congress has expanded to embrace nearly every field of American activity. There are unlimited temptations—not simply for blatant corruption, but for subtle exertions of influence in countless grey areas. Our legislative business has become so complex that the press and the public can no longer keep up with everything we do. Of course a few flagrant and spectacular cases of misconduct do come to the attention of the electorate. But generally our conduct is insulated from public scrutiny. *We* know that most of us are honest all the time, and that all of us are honest most of the time. But the confidence of the public may diminish, unless we give clear, visible evidence that we, individually and as a body, intend to discipline ourselves.

Our previous efforts to define and enforce ethical standards have not been consistent or energetic enough. Although the Congress did enact a Code of Ethics for Government Service on July 11, 1958, without House debate or a dissenting vote, some Members of Congress and most of our constituents have never heard of it. Yet many of its provisions are extremely relevant to last week's experience—such as item 3, that any person in government service should "give a full day's labor for a full day's pay," and item 9, that he should "expose corruption wherever discovered."

Mr. Chairman, we have applied this Code of Ethics to every Federal employee, including the most humble and least privileged. We should be willing to conform to it ourselves. Yesterday I went back to the Congressional Record to see whether, in passing the resolution establishing this Code, the Congress gave clear indications that it was intended to apply to Members as well as to everyone else in public service. I found, unfortunately, that the Code was passed by the 85th Congress by unanimous consent, and that it was sandwiched between action on a bill to benefit Council Bluffs, Iowa, and a bill to authorize a program of research in fish farming. My question was answered only by the resolution itself, which states:

"It is the sense of the Congress that the following code of ethics should be adhered to by all Government employees, including officeholders."

Mr. Chairman, we should do better than this. It is time—and past time—for us to establish a bipartisan Committee, not only to develop language and enforcement procedures for a comprehensive, more detailed code of ethics and conduct, but also to investigate—according to regular rules—any complaints, accusations or grievances brought to the Committee's attention. My bill would set up such a Committee, with meaningful powers and sufficient safeguards, including the proviso that the Committee could look into charges against any Member, officer or employee of the House only when such charges had been made or referred to the Committee by a Member of the House.

I would hope that the Members appointed to this Committee would represent a broad range of standing committees, and would include eminent Members well informed about House salary and travel regulations, and about questions of law and constitutionality. I hope that this panel would be a vigorous one, and would recommend to the House such definite and progressive steps as requiring each Member and certain employees to file with the Committee or another appropriate office a copy of their annual Federal income tax returns and an annual statement of assets. I am prepared to recommend such an advance as soon as the Select Committee has been created and chosen.

In conclusion, I would note that being a Member of Congress has been transformed from a seasonal occupation to a full-time job—the primary assignment of all of us and the only active position held by most of us. Just as medical associations and bar associations have grievance committees, so should we police ourselves, and take all appropriate steps to guarantee the integrity of our branch of the public service. I do not fear or anticipate recklessness, self-righteousness or invasions of personal privacy by a Select Committee—but I do fear the loss of public trust which has already begun, because we have so long delayed meeting our obligations to ourselves and to the nation.

Mrs. DWYER. Mr. Speaker, I do not know whether to be delighted or depressed by the pending House resolution. And until the Committee on Standards of Official Conduct, which it proposes to establish, actually is constituted, meets, studies, recommends to the House what it believes is needed, and until the House approves those recommendations, we shall not really be in a position to judge.

But once again the House appears to be postponing effective action on what by now should be universally recognized as its principal problem—the restoration of public confidence in the integrity of the legislative branch of government. For this reason at least, the proposed resolution is a cause for disappointment. It takes us just about up to the point we reached last October 19, hardly a milestone of progress in view of all that has happened since.

The subject of congressional ethics, Mr. Speaker, like many other subjects for which the House has responsibility, requires continuing study. But why is it that with ethics, unlike the other subjects, we never get beyond the study phase?

It is exactly 3 months and 17 days since the Select Committee on Standards and Conduct filed its report. During this period, dozens of bills and resolutions proposing a variety of means of enforcing ethical conduct in the performance of congressional duty have been introduced. The House has voted to exclude one of its former members on the basis of violations of ethical standards long accepted by the membership of the House. And in the other body, increasing evidence has been developed during this time which demonstrates anew the need for enforceable ethics legislation.

Yet, the pending resolution merely creates a new committee with much the same mandate given the old select committee. Is this progress, Mr. Speaker? On paper, at least, it represents retreat. The new standing committee will have only part of the authority we gave to the select committee last fall—even though many of us recognized at the time how completely inadequate that authority was. Our colleagues will recall that the select committee was empowered to "report violations, by a majority vote of the select committee, of any law to the proper Federal and State authorities," as well as to recommend changes in the rules and regulations governing the conduct of Members, officers and employees of the House. The standing committee's jurisdiction, however, is limited to the latter.

Moreover, the pending resolution does not even follow the recommendations of the select committee, which among other things proposed that its successor committee be authorized to investigate complaints of violations.

In brief, Mr. Speaker, the resolution before us represents the very least the House can do in the area of ethics and not, unfortunately, what many of us had hoped we would do. The Committee on Rules has seen fit to send us back to the beginning of the process of study and recommendation, and we have no alternative—under the procedures now in force—but to comply.

On the other hand, we may yet have occasion to delight in the step we shall take today—if the members appointed to serve on the Committee on Standards of Conduct are committed to the objective of reform, if the committee approaches its work expeditiously and with determination, if it receives the cooperation of its colleagues in the House, and if the House in turn acts with reasonable speed on the committee's recommendations.

So long as it does any good, Mr. Speaker, I shall remain hopeful.

Mr. WIGGINS. Mr. Speaker, I have been privileged to sit as a Member of this Congress since January 10 of this year. On that day, and it seems on each day since, I have been reading and listening to critics malign this Congress and the people in it. It is not my intention, Mr. Speaker, to whitewash anything or anybody, but it is clearly time for someone to say a few kind words in defense of the Congress of the United States.

To be fair, any defense of the conduct of Members of Congress must recognize that there have been abuses committed by individual Congressmen. Human beings are fallible, and so long as men serve in Congress, abuses will continue with or without an Ethics Committee. The "fishbowl" atmosphere in which all of us serve, however, has limited these abuses to but a few Members whose constituents are either too indifferent or too callous to care.

The plain unvarnished truth is that this body is composed of a fine group of men and women. Indeed, it is a tribute to the democratic process that men and women—Republicans and Democrats—with such a high sense of purpose and dedication to the job of bringing representative government to America should be elected to this body.

But the charges of misconduct persist. Some charges have been well documented—as in the case of Adam Clayton Powell—and others are but unsupported rumors. Misdeeds and rumors of misdeeds seriously erode the confidence of Americans in their elected Representatives, and hence the Government itself. It is the challenge of this Congress to do something about it.

Direct violations of the law are easily dealt with. Swift and sure prosecution of the offender is the obvious answer.

But conduct which does not constitute a violation of the law and yet casts a shadow of suspicion over the Congress poses a more difficult problem.

For example: Some Members employ relatives on their staffs, although most Members do not as a matter of personal conscience. Since the suspicion of wrongdoing in the hiring of relatives hurts the Congress and hence the country, this is a matter which should be dealt with.

Also, some Members have sources of supplemental income and outside investments. This, too, is a matter which must be dealt with since the suspicion that Members abuse their positions for personal profit is apparently widely held.

I am personally convinced that in nearly all cases the hiring of relatives, or outside business interests, do not involve subjective misconduct on the part of the Members involved. But the heart of the problem involves objective factors. The issue is not entirely the true character of Congress but rather its reputation. In short, the problem with which we must deal is one of "image."

We must not underestimate the gravity of this problem. Our Government functions with the consent of the governed. Submission to the law is a free choice made in America and if respect for the lawmaker deteriorates—with or without justifiable cause—the entire framework of representative government is in jeopardy. And so, Mr. Speaker, we must approach this problem of improving the image of the Congress with dead seriousness.

The first step has been taken. House Resolution 418 created a Standing Committee on Standards and Conduct with instructions to report to the Congress as soon as practical a code of conduct for all Members of the House of Representatives and their employees. It is hoped that the code will not be phrased in meaningless generalities such as "all Members should be honest," or "all Members should conduct themselves so as not to bring discredit upon the House of Representatives." Rather, any code to be of value must deal with specifics.

The selection of a guiding principle by the new committee is of first importance because each act or omission of a Member or employee must be tested against some objective and meaningful standard. I recommend for consideration by the committee that the conduct of each Member of the House of Representatives and his employees be subject to the fundamental principle that the people have a right to know the truth. The truth, if disclosed, should result in prosecution for the law violator and in most cases punishment at the polls for acts falling short of violations of the law which cannot satisfactorily be explained to the people.

Disclosure of the truth is a simple and workable standard.

In the case of relatives on the payroll of Congressmen, I have been told that some are valued employees. Personally, I am of the view that the potential evil involved in hiring relatives exceeds any benefit derived therefrom and would support an outright prohibition against their employment. Until such prohibition might be enacted into law, however, the committee should tell the truth to the American people about this much discussed practice.

Similarly, the income, assets and business affiliations of a Member should be a matter of public knowledge.

In fairness to all Members, the public should also know of the heavy financial demands upon Congressmen. Some personal examples are perhaps typical:

It is expected and necessary that I maintain a close personal relationship with the citizens I represent. It is desirous in the interest of representative government that I speak frequently to schools, service clubs, business groups, and the like in my district. My cost to travel to California and return is approximately $400 per trip. I expect to make at least 12 such trips this year, and only four of them are at Government expense.

I am expected to mail newsletters to my constituents, and in the interest of an informed electorate, it is desirable that I do so. The printing costs alone of such newsletters will amount to approximately $10,000 in 1967. None of this is at Government expense.

To serve the needs of my constituents,

it is necessary to maintain an office in my district. The activities there are wholly devoted to my official duties as a Congressman, and yet there is an insufficient allowance to operate that office. The difference is unreimbursable expense.

The three illustrations cited are only the major items. We all know that the minor expenses related to our official duties are, in the aggregate, substantial.

A broad public disclosure policy, if practiced by the new committee, should not imply that connections with organizations or the ownership of certain assets, or the receipt of supplemental income is wrong per se. But the people should have the right to know and to make a judgment concerning the propriety of such matters. If a Member can adequately explain any questionable transaction to his constituents, he need not fear; but if he cannot, it is proper to suggest that he must choose between service in the Congress and ownership of such holdings.

My suggestion that the newly formed committee should follow a policy of full disclosure does not, in itself, require any legislation. A complete solution, however, will require changes in the present law. Until the Congress considers the heart of the problem, namely, financial demands upon Members, various devices will continue to be used by Members and their supporters to meet these demands.

I believe that the House Committee on Administration should undertake studies leading to: First, the prohibition of hiring of relatives by Members of the House of Representatives; second, expanded travel allowances for Congressmen to and from their district; third, increased allowances for the operation of district offices devoted solely to official business; fourth, use of Government printing facilities for bona fide newsletters to constituents; and fifth, the classification of staff employees by job descriptions and duties and the creation of pay ranges for such employees.

Recognizing that many proposals have been made on the subject of standards and conduct for Members, it is my hope, Mr. Speaker, that these observations, when taken together with other suggestions made, will be of value to the new committee in performing its most important mission.

Mr. **COLMER**. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on the adoption of the resolution.

Mr. **COLMER**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 400, nays 0, not voting 33, as follows:

[Roll No. 68]

YEAS—400

Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashmore
Aspinall
Ayres
Baring
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bolton
Bow
Brademas
Brasco
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson
Burton, Calif.
Bush
Byrne, Pa.
Cabell
Cahill
Carter
Casey
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conte
Conyers
Corbett
Corman
Cowger
Cramer
Culver
Cunningham
Curtis
Daddario
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dorn
Dow
Dowdy
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fino
Fisher
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodell
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Gurney
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Hardy
Harrison
Harsha
Harvey
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Herlong
Holifield
Holland
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kazen
Kee
Keith
Kelly
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyros
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lukens
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Macdonald, Mass.
MacGregor
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Ohio
Mills
Mirish
Mink
Minshall
Mize
Monagan
Montgomery
Moore
Moorhead
Morgan
Morris, N. Mex.
Morse, Mass.
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Price, Ill.
Price, Tex.
Pryor
Pucinski
Quie
Quillen
Railsback
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
Ryan
Sandman
Satterfield
St Germain
Schadeberg
Scherle
Scheuer
Schneebeli
Schweiker
Schwengel
Scott
Selden
Shipley
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Walker
Wampler
Watkins
Watson
Watts
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Younger
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—33

Abbitt
Ashley
Barrett
Bray
Broyhill, Va.
Burton, Utah
Button
Byrnes, Wis.
Carey
Celler
Cohelan
Daniels
Dawson
Downing
Flood
Halleck
Hathaway
Hays
Hébert
Hicks
Jones, Mo.
Kyl
Miller, Calif.
Pollock
Pool
Purcell
Randall
St. Onge
Saylor
Shriver
Snyder
Whalen
Williams, Miss.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bray.

Mr. St. Onge with Mr. Shriver.

Mr. Williams of Mississippi with Mr. Broyhill of Virginia.

Mr. Cohelan with Mr. Whalen.

Mr. Daniels with Mr. Burton of Utah.

Mr. Barrett with Mr. Byrnes of Wisconsin.

Mr. Miller of California with Mr. Kyl.

Mr. Hays with Mr. Snyder.

Mr. Flood with Mr. Saylor.

Mr. Carey with Mr. Pollock.

Mr. Celler with Mr. Halleck.

Mr. Downing with Mr. Ashley.

Mr. Purcell with Mr. Randall.

Mr. Hicks with Mr. Pool.

Mr. Hathaway with Mr. Abbitt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUBCOMMITTEE ON GENERAL EDUCATION OF THE COMMITTEE ON EDUCATION AND LABOR—PERMISSION TO SIT DURING GENERAL DEBATE

Mr. **PUCINSKI**. Mr. Speaker, I ask unanimous consent that the Subcommittee on General Education of the Committee on Education and Labor be permitted to sit during general debate this afternoon.

The **SPEAKER**. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROTEST OF SLUR DIRECTED AGAINST ITALIANS AND ITALIAN-AMERICANS BY COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE

Mr. **ROONEY** of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROONEY of New York. Mr. Speaker, I regret that I find it necessary to take issue with some of the findings of the President's Commission on Law Enforcement and Administration of Justice. I take even a stronger exception to the manner in which some of its findings have been stated.

In its section devoted to organized crime, the Commission's presentation at page 192 thereof unfortunately tends to brand all Italian-Americans as criminally inclined, or at least the report conveys the impression that Italians and Americans of Italian heritage have a monopoly on crime.

In spite of prefacing its findings relative to organized crime with statements to the effect that organized criminal groups are known to operate in all sections of the country, the Commission devotes a disproportionate amount of attention to that single phase of organized crime whose membership is alleged to be entirely Italian.

The manner in which this report is presented casts a stigma on one important segment of our population. It casts a stigma as well upon this noble Nation and all its people.

I have no sympathy for gangsters or racketeers of whatever nationality background. I feel just as strongly as any other law-abiding citizen that crime must be controlled and criminals must be apprehended and punished. I shall continue to support every move possible to make this country and every community in it safe from the depredations of those who flout our laws. But, Mr. Chairman, to brand all people of one derivation as criminal is a grave injustice. I protest such unwarranted and prejudicial passages because I know from lifelong experience that our Italian-American citizens are among our most loyal and law-abiding people.

I grew up in a community largely made up of Italian-Americans. I played in an Italian-American band as a youth, I went to school with boys and girls of Italian-born parents. I visited in the homes of these first- and second-generation Italian people. I came to know them and admire them. I have witnessed personally the fine family discipline maintained by Italian parents over their children. I have seen with my own eyes the degree with which their children respond with obedience and respect. I know personally the characteristic of these people to be God-fearing, loyal, and law-abiding citizens. To be sure, some fail to measure up, as in any other segment of our population, but they are the exception—not the rule.

I am sure that those of you in this body who have had a similar firsthand acquaintanceship with these fine Americans feel just as strongly as I do in protesting any action or any statements which would diminish one iota the magnificence of the contribution which the sons and grandsons of Italy have made to this country.

How can we sit idly by and condone a report which casts a stigma upon such public servants as are represented here in this body and in the Senate? Are we to remain silent when some of our Nation's leading jurists—such dedicated men as my friends, Judge Juvenal Marchisio, Mr. Justice Samuel S. Di Falco, Mr. Justice Anthony J. DiGiovanna, Mr. Justice Ferdinand Peccora, and other Federal, State and municipal judges, are daily demonstrating in our sacred halls of justice their opposition to crime and to those who perpetrate it? These devoted public servants and the even greater number of public prosecutors, all proud of their Italian lineage, are not entitled to be belittled because of the unfortunate manner in which a Presidential Commission reports its conclusions.

In the war against crime which this Nation is waging at the Federal level, at the State level, and in every local community, men of Italian ancestry are in the vanguard. Whether risking their lives in apprehending criminals or in preserving the peace, these men serve equally valiantly with their blood brothers who devote themselves to the prosecution of lawbreakers and who sit in judgment of those found guilty.

It is indeed appropriate for us to remember that our own Federal Bureau of Investigation, of which we are all justly proud, came into being in 1908 largely through the efforts of the then Attorney General Charles Bonaparte, an Italian-American.

Calling undue attention to the Italian background of a sector of the criminal world places in jeopardy the rightful recognition which this country should continue to give to those Italian-Americans for the significant part they have played in our total cultural, economic, political, religious, and scientific life.

We should permit nothing to diminish our gratitude to the Italians and sons of Italians who have meant so much to us in guiding our ship of state from the days of William Paca, one of the original signers of the Declaration of Independence, to present-day statesmen like our Ambassador to Morocco, the Honorable Henry J. Tasca.

We must not let any commission statement take from us our pride in the achievements of premier navigators and dauntless explorers such as Christopher Columbus, Amerigo Vespucci, and Giovanni Verazzano.

Let us permit no such unfortunate utterance to allow us to forget such great deeds and the men who performed them as Enrico Fermi, who pioneered our development of the atomic bomb; Giannini, that great captain of American banking; Fiorello LaGuardia, that colorful aviator, mayor, Member of Congress, and all-round American. I could mention hundreds more of men who served us well over the years in government, in business, and in new industrial development.

Let no such commission statement permit our memory to lapse in the glorious heritage we have received from those gifted artists such as Enrico Caruso, Arturo Toscanini, Cleofanti Campanini, Luigi Mancinelli, Anna Moffo, Mario Lanza, Guy Lombardo, Perry Como, and a host of others who have given us rich hours of entertainment. This historic edifice in which we are now meeting reflects the glory of Italian art. Ninety percent of the art work, the frescoes, the sculptures, and the paintings are those of Italian artists.

Our whole education process has been made richer by the gifts of such master teachers as Angelo Patri, Francis Verdi, and Edward Mortola. Anthony Celebrezze, as Secretary of the Department of Health, Education, and Welfare, made his contribution to the expansion and improvement of one of our most priceless assets—our schools.

It would be presumptuous on my part to try to remind this body of the significant number of devoted public servants of Italian descent who today serve their country so well and so diligently. I could list scores of men like G. Joseph Minetti, member of the Civil Aeronautics Board; Dr. Edward Re, Chairman of the Foreign Claims Settlement Commission; Mario Noto, Associate Commissioner of the Immigration and Naturalization Service; and Joseph A. Califano, Jr., Special Assistant to the President. You know them as I know them, and they appear to you as they do to me—a living denial of the regrettable inference.

Mr. Speaker, how must those brave and courageous Italian-American veterans—almost a million strong—who survived the last world war and the later fighting in Korea, feel if we permit to go unchallenged a public report which does them great injustice? Are we keeping faith with the 20 Medal of Honor heroes of Italian extraction and with their proud families by remaining mute? How will those sons of Italian parentage now fighting our battles in the jungles of South Vietnam react to such an unjust and distorted statement?

Mr. Speaker, I hope that the appropriate committees of this body will urge the reconsideration of this report to remove and revise those sections which are biased and do grave injustice to an important group of this country's finest citizens. I urge all my colleagues to join me in this protest and do their utmost to see that our Italian-American citizens know that we recognize, and that we continue to be thankful for, the gifts and valuable contributions which they and their forebears have given, not only to all Americans, but to the peoples of the world throughout the ages.

SACRAMENTO VALLEY IRRIGATION CANALS, CENTRAL VALLEY PROJECT, CALIFORNIA

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 426

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 743) to amend the Act of September 26, 1950, authorizing the Sacramento Valley irrigation canals, Central Valley project, California, in order to increase the capacity of certain project features for future irrigation of additional lands. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH], pending which I yield myself such time as I may consume.

Mr. Speaker, this is a resolution providing for an open rule, with 1 hour of general debate, on the bill to authorize some changes in the Sacramento Valley irrigation canals, Central Valley project, California. So far as I know, there is no opposition to the rule and no opposition to the bill. I, therefore, reserve the remainder of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the bill is to authorize an enlargement of the last 50 miles of the Tehama-Colusa Canal, a part of the potential West Sacramento Canal unit. This additional capacity thus gained will be needed only after the West Sacramento Canal is constructed; it is not yet authorized. When authorized, the enlargement would be needed and it is estimated that construction of it now will save some $5,700,000.

Currently the feasibility study on the West Sacramento Valley Canal is nearing completion; early reports indicate a favorable finding, with a benefit ratio of better than 3 to 1. Such a report will almost certainly result in its authorization; this will necessitate an enlargement of the Tehama-Colusa Canal. By doing so now, costs will be lower and construction delays lessened.

The estimated cost of enlarging the canal is $17,400,000. If it is built as now planned and later enlarged, the final cost is estimated at $33,400,000, some $5,700,000 more than total estimates if the work is done now.

The bill was reported unanimously. The Department of the Interior recommends passage. The Bureau of the Budget supports it.

I urge the adoption of House Resolution 426.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 743) to amend the act of September 26, 1950, authorizing the Sacramento Valley irrigation canals, Central Valley project, California, in order to increase the capacity of certain project features for future irrigation of additional lands.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 743, with Mr. MACDONALD of Massachusetts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. JOHNSON] will be recognized for 30 minutes, and the gentleman from California [Mr. HOSMER] will be recognized for 30 minutes.

The Chair now recognizes the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL].

PERSONAL ANNOUNCEMENT

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from New York [Mr. CELLER].

(By unanimous consent, Mr. CELLER was allowed to speak out of order.)

Mr. CELLER. I thank the gentleman.

Mr. Chairman, unfortunately I missed the rollcall just completed, rollcall No. 68. I was addressing a group of the American Bar Association and I hastened here from the Shoreham Hotel but missed the vote by a hair's breadth.

Had I been present I would have voted for the resolution setting up the Committee on Standards of Official Conduct.

I thank the gentleman.

Mr. ASPINALL. Mr. Chairman, the purpose of the legislation which the Committee on Interior and Insular Affairs brings to the floor today is to authorize major modification of a large irrigation canal in California which was initially authorized back in 1950 and is under construction at the present time. The modification is needed to provide the most economical means of bringing water to an area proposed to be served in the future by authorization of an additional unit of the project.

The committee has given its unanimous support to this legislation in behalf of long-range economy and good engineering practice. By authorizing the expenditure of an additional $17.4 million at this time for enlargement and realinement of the canal rather than authorize a parallel canal as part of the future unit, the Federal Government will save about $5.7 million in construction costs and $65,000 annually in operating expenses.

The canal to be modified is the Tehama-Colusa Canal of the Sacramento Valley Canals unit, Central Valley project, authorized in 1950. The future project that would be served is the West Sacramento Canal unit of the Central Valley project which is in the final planning phase and which will be before the Congress for authorization in the near future. However, since the Tehama-Colusa Canal is already under construction, the decision with respect to enlargement and realinement of the last 50 miles thereof cannot await congressional consideration of the West Sacramento Canal unit. The alternative to authorizing modification of the canal at this time is to authorize a new parallel canal at such time as the future unit is before the Congress. Not only will failure to authorize this additional capacity at this time result in higher construction and operating costs, but it would raise serious right-of-way problems due to piecemeal construction of parallel canals resulting in additional loss of the good farmland and requirements for dual crossings of distribution systems, drainage canals, utilities, and roads.

The feasibility report on the West Sacramento Canal unit has already been completed at field level and the findings are so favorable that the committee is convinced that there is no question but that this potential unit eventually will be constructed. The committee believes that the granting of additional authority at this time makes good business sense and we commend H.R. 743 to you and urge its approval.

Mr. Chairman, I want to be sure that the language in the bill authorizing the cost of providing this additional capacity in the canal to be treated as a deferred obligation is fully understood. This cost of approximately $17.4 million is to be fully repaid and the language in the bill relates to the manner in which this is to be accomplished. This does not affect normal appropriating procedures in any way. The additional capacity in the canal is actually a part of the potential West Sacramento Canal unit and the cost of this additional capacity is a part of the cost of that unit. Thus, it is to be treated as a deferred obligation until the West Sacramento Canal unit is authorized. At that time, repayment arrangements would be made for that entire unit, including the additional capacity. Congress has authorized a basin account for the Central Valley project. In other words, all project revenues from all sources are pooled for the repayment of all project obligations. If for some reason the West Sacramento Canal unit is not authorized and repayment arrangements for that unit including the additional capacity in the Tehama-Colusa Canal are not made, then the $17.4 million authorized by this bill would be repaid from other revenues in the basin account. The financial analysis of the Central Valley project as presently authorized indicates that there would be sufficient revenues in the basin account to repay this deferred obligation in accordance with present repayment policy.

Mr. JOHNSON of California, chairman of the subcommittee handling the legislation, will discuss in more detail what is involved.

Mr. HOSMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 743, a bill to amend the act of September 26, 1950, and authorizing an increase in the capacity of the Tehama-Colusa Canal unit of the Sacramento Valley irrigation canals of the Central Valley project in California for the irrigation of additional lands.

H.R. 743 is designed to improve the efficiency of the Central Valley project water supply facilities now under construction by the Bureau of Reclamation to irrigate lands on the west side of the Sacramento River Valley.

Continuing studies by the Bureau of Reclamation of the water resource needs in this area indicate a need for water from the Sacramento River for irrigating lands in Yolo and Solano Counties. Present construction plans for the Tehama-Colusa Canal terminate the canal at the Colusa-Yolo County line. The most feasible plan to deliver water to Yolo and Solano Counties would be through the Tehama-Colusa Canal and then through a potential West Sacramento Canal unit.

In addition, present construction plans of the Tehama-Colusa Canal provide an insufficient terminal capacity to complement the future requirements by subsequent authorization of the West Sacramento Canal unit. The purpose and need for the increased capacity, as proposed in this legislation, clearly merits support of this bill.

Under this legislation, the terminal capacity of the Tehama-Colusa Canal would be increased from 65 cubic feet per second, as presently authorized, to 1,700 cubic feet per second. The location of the enlarged capacity canal would be essentially the same, but at a higher elevation.

Physically, the uncompleted portion of the canal can be redesigned to serve the entire area more efficiently, and at a lesser cost than by completing the canal as now authorized, and later building a parallel canal to serve Yolo and Solano Counties with all the problems resulting from the piece-meal construction of parallel canals.

The provisions of H.R. 743, if enacted, will result in a cost savings to the taxpayer. The estimated cost for enlargement and realignment of the canal now under construction is about $27,700,000, or an increase of $17,400,000 over the original estimate. This will result in a savings of $5.7 million in construction costs and an additional annual savings in operating expense of $65,000 per year over the life of the project.

It is important to note that H.R. 743 provides only for extra capacity to be built into the presently authorized canal, with the associated costs to be deferred and not for the authorization of new works to serve new lands.

Mr. ASPINALL. Mr. Chairman, will the distinguished gentleman from California yield to me at that point?

Mr. HOSMER. I am delighted to yield to the distinguished chairman of the Committee on Interior and Insular Affairs.

Mr. ASPINALL. If early authorization and construction of the West Sacramento Canal took place, it would also save the Federal Government a great amount of interest by following the program proposed in this legislation, would it not? Such savings could mean about $5 million.

Mr. HOSMER. Mr. Chairman, I thank the distinguished chairman of the committee for his contribution, and that is exactly the case.

Mr. Chairman, the cost involved as well as the interest represent factors which should be considered in the approval or disapproval of this proposed legislation.

Mr. JOHNSON of California. Mr. Chairman, I now yield to my colleague, the gentleman from California [Mr. Leggett], such time as he may consume. The gentleman is one of the co-authors of the pending legislation.

Mr. LEGGETT. Mr. Chairman, I thank the distinguished gentleman from California.

Mr. Chairman, it is my distinguished pleasure this afternoon to support and coauthor the enactment of H.R. 743 with Reclamation Subcommittee chairman, my colleague, Bizz Johnson of California. Particularly is this significant since this is the first measure authorized by my colleague in his new capacity, and I look forward to his long and distinguished career in this important new post for the West and the Nation.

The pending bill as has been explained does not involve any new expenditure of money but in the alternative is intended to save money. There was no objection to this bill in subcommittee or before the Rules Committee. The pending bill is really intended as a clarification of a 1950 enactment by the Congress, Public Law 839—64 Stat. 1036. Under authority of that act, the Bureau of Reclamation is authorized to construct the Tehama-Colusa Canal of the Central Valley project in the congressional districts of my colleague, Bizz Johnson and myself.

Construction contracts have been awarded for the upstream—northern—reaches of the canal and detailed designs and plans are being prepared on the downstream reaches, preliminary to issuing specifications and invitations to contractors to bid.

The existing authorization specifically limits the Tehama-Colusa Canal service area to the counties of Tehama, Glenn, and Colusa. Therefore, the canal must terminate at the southern boundary of Colusa County. To provide water to the authorized service area in Colusa County, the canal capacity is designed to diminish gradually from about 745 cubic feet per second at Funks Creek to 65 cubic feet per second at the county line.

About 250,000 acres of very rich lands in Yolo, Solano, Lake, and Napa Counties lying immediately to the south of the three referenced counties are in need of a water supply to realize their productive capacity. Such a water supply could be furnished to those lands through the development of the potential West Sacramento Canal unit, Central Valley project, which involves the extension of the Tehama-Colusa Canal. A feasibility report on this potential unit is in preparation by the Bureau and will be submitted to the Congress as soon as it clears the several reviews and clearances required of such reports, hopefully later this year.

However, service to the Yolo and Solano County areas will require storage at Funks Creek in Colusa County and continuation of the Tehama-Colusa Canal at 2,100 cubic feet per second from Funks Creek southward to 1,700 cubic feet per second at the South Colusa County line. The enlarged canal would also be at a higher elevation than the present alinement in order to carry water by gravity into the Oat Creek-Cache Creek basins in Yolo County. Construction of the enlarged canal in the Colusa County area should be undertaken forthwith to avoid delay in the Tehama-Colusa service.

The forthcoming report on the feasibility of the West Sacramento Canal unit will propose the extension of the Tehama-Colusa Canal into Yolo and Solano Counties, including the addition of regulatory storage at Funks and Sites Creeks and at Oat Creek. Thus the upper reaches of the canal would be used year round, to deliver water for storage during the nonirrigation season.

Construction of the Colusa County portion of the Tehama-Colusa Canal as presently authorized will cost about $10,300,000. Construction of an enlarged canal at this time will cost about $27,700,000, or an increase of $17,400,000. On the other hand, if the small canal were built now and a parallel canal of 1,400 cubic feet per second added when the West Sacramento Canal unit is authorized for construction, the cost of the dual canals would be about $33,400,000—$10,300,000 plus $23,100,000. This indicates a construction cost saving of $5,700,000 by building the enlarged canal initially. Moreover, current construction cost trends and increasing costs of lands and improvements may be expected to result in significantly higher costs for the large canal in future years.

The incremental increase in the cost of operating and maintaining two canals in lieu of a single large canal in this reach is estimated at $65,000 annually. The capitalized equivalent of $65,000 annually is about $2,000,000.

The alternative of parallel canals is undesirable because of the increased cost, removal of additional land from production for right-of-way of a second canal, and construction difficulties, including interference experienced in crossings for the newly constructed distribution system, as well as drainage and highway crossings.

The quarter-million acres of land in Yolo and Solano Counties requiring supplemental water supplies are organized in three districts, each of which has expressed a desire and willingness to enter into a repayment contract for water service from the West Sacramento Canal unit. It is anticipated that contracts could be negotiated soon after authorization for at least 250,000 acre-feet.

Yolo-Zamora Water District and Yolo County Flood Control and Water Conservation District have already requested general information or draft form of contract, and the third district, Solano County Flood Control and Water Conservation District, already has a contract for part of its needs from the Bureau's Solano project, which is rapidly approaching full development.

That in summary is the sum and substance of the pending bill—to allow for a slight modification to an existing authorization saving $10 million anticipating that the total project now proceeding in increments will be authorized by the Congress to proceed by gravity flow south to Lake Solano in Solano County, a distance of 50 miles over the next several years. Ultimately, the Tehama-Colusa Canal will service better than 400,000 acre-feet of water. The extended West Sacramento Valley Canal would deliver an additional 450,000 acre-feet.

This dependable supply would permit the expansion of agricultural development, allow a change from dry-farmed crops to higher income crops, provide increased yields per acre, expand the livestock enterprise and allow growth in urban areas. In addition, the project would provide recreation, fishery and wildlife enhancement.

Favorable congressional action on H.R. 798 at this time would permit orderly progress on the current construction schedule for service to Colusa County areas and avoid the increased costs and construction difficulties which would be associated with the alternative of a parallel canal to be constructed whenever Congress authorized the West Sacramento Canal unit.

It is important to note that the bill provides only for extra capacity to be built in the presently authorized canal, with the associated costs to be deferred; not for authorization of additional works to serve new lands. That is not embodied in this legislation. Such additional works and deferred costs will be subject to further consideration upon completion and presentation of our feasibility report on the West Sacramento Canal unit within the next year.

The total estimated cost of the complete Tehama-Colusa Canal if enlarged as proposed is $66,575,000. I think this expenditure is more than warranted. Not only are the bulk of the expenditures reimbursable by the users, but there is another beneficial side effect of increased production, which means increased profits and, therefore, increased tax revenues.

If you are doubtful of the real wisdom of reclamation expenditures in the West, take a look at the Monticello Dam project by the Bureau of Reclamation in my district, built and completed in the fifties with the assistance of my predecessor, the late Congressman Baldwin. The total cost of the project was $38,739,468. There are now power features and most of the costs are reimbursable. In a report just published on the project, agriculture production jumped $7 million to $35 million the first year of operation and totaled $50,470,000 last year. Nearly all of the increase was in irrigated field and truck crop categories. Additional tax revenues from this production is obvious and should approximate $5 million per year. As a practical matter, the Treasury has been totally repaid in the past 10 years for the original investment. We have not considered either, first, the fact that this increased production, directly as a result of Bureau of Reclamation action, indirectly stimulated in equal proportion other satellite consumer and processing industries. We have neither considered that increased water utilization has had a salutary effect on assessed property values for local taxation. The report referred to estimates that values have increased from 50 to 100 percent because of this effect.

In summary, I think we have made a case for water development in the West. It is good business for California and it is good business for Uncle Sam. California agriculture grossed and netted more dollars than any State in the Union last year. We were assisted by the Government only slightly by way of price support, but in a major way through water development—fortunately, the latter item is nonrecurring.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I am happy to yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, I rise to commend the gentleman for his most descriptive and incisive and convincing statement. I wish the gentleman to know that I support this measure.

Mr. LEGGETT. I thank the gentleman.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DON H. CLAUSEN].

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of H.R. 743, to authorize an increased capacity for the already authorized Tehama-Colusa Canal of the Central Valley project. I commend my distinguished colleagues from California [Mr. JOHNSON and Mr. LEGGETT] for their fine work in advancing this legislation and I wholeheartedly support their efforts.

This project will be an important development in northern California's plans to tap its water resources for its own benefit as well as that of the rest of the State. This project will provide vital agricultural water to Napa County in my congressional district—many parts of which have suffered a lack of water on several occasions over the past several years.

California is now involved in the gigantic undertaking of developing water resources and transporting them where they are needed. The Central water project, in conjunction with proposed works on the streams and rivers of the north coast, is a most important aspect of our efforts to plan for the future. The bill under consideration today will help this effort through a reduction in cost and by removing the need to construct another, parallel canal.

Agricultural water in sufficient quantities is greatly needed. We all recognize the contributions agriculture makes to the economy. Authorization of this project will assist in making certain that the production of our vineyards, farms, and ranches will not be jeopardized.

Mr. JOHNSON of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the distinguished chairman of the full Committee on Interior and Insular Affairs has told you briefly why this legislation is needed at this time and cannot await consideration by the Congress of the potential West Sacramento Canal unit. I shall fill in with a little more detail as to what is involved.

The Sacramento Valley Canals unit of the Central Valley project was authorized by the act of September 26, 1950. One of the canals included in that authorization is the 120-mile Tehama-Colusa Canal to deliver water to 216,000 acres lying along the western foothills of the Sacramento Valley in the Tehama, Glenn, and Colusa Counties. The Tehama-Colusa Canal is presently under construction. Its capacity through the first 70 miles will range between 2,500 and 2,100 cubic feet per second, and, under the existing authorization, would be reduced to 745 cubic feet per second south of Funks Creek—the 70-mile point on the canal—and would gradually decrease from this to a terminal capacity of only 65 cubic feet per second.

On the basis of investigations and planning subsequent to the authorization of the Sacramento Valley Canals unit, there is now in the final stages of preparation a project feasibility report on the West Sacramento Canal unit. This unit, if authorized, will provide water service in Yolo and Solano Counties for irrigation as well as for municipal and industrial purposes. The planning studies indicate that the West Sacramento Canal unit will be a meritorious and desirable addition to the Central Valley project and produce benefits exceeding its costs in a ratio of better than 3 to 1. In other words, it is highly likely that the West Sacramento Canal unit will be authorized and constructed in the very near future.

The planning studies in connection with the West Sacramento Canal unit indicate that the most economical way to bring water from the Sacramento River to the area to be served will be by a 1,400-cubic-foot-per-second enlargement and realinement of the last 50 miles of the Tehama-Colusa Canal. If this plan is to be implemented, it is necessary that modification of the Tehama-Colusa Canal be authorized at this time in order to avoid delay in construction of the canal and water service in Tehama, Glenn, and Colusa Counties. The alternative to enlargement of the presently authorized canal now would be to build a parallel canal later. This not only would be more expensive but would be objectionable for other reasons. Among these other reasons, which have not been economically evaluated, are the right-of-way problems resulting from the piecemeal construction of parallel canals, loss of good farmland, and requirements for dual crossings of distribution systems, drainage canals, utilities, and roads.

The incremental cost of enlarging the authorized canal will be assigned to the West Sacramento Canal unit as a part of the cost of that unit. If for some reason the West Sacramento Canal unit is not authorized and constructed, this deferred obligation will be repaid, pursuant to language in H.R. 743, from other revenues of the Central Valley project.

The estimated cost for that portion of the Tehama-Colusa Canal which is proposed to be enlarged is about $10.3 million. The estimated cost of an enlarged canal at this time would be about $27.7 million or an increase of $17.4 million. On the other hand, if the Tehama-Colusa Canal is built now as authorized and a parallel canal of 1,400 cubic feet per second is added when the West Sacramento Canal unit is authorized, the cost of the two parallel canals would be about $33.4 million, or $5.7 million more than a single canal with capacity for future use. Thus the inclusion of future-use capacity in the last 50 miles of the Tehama-Colusa Canal from Funks Creek to Oat Creek at an incremental cost of $17.4 million would result in savings of $5.7 million in construction costs and additional annual savings of $65,000 in operating expenses over the life of the project.

The Subcommittee on Irrigation and Reclamation held complete hearings on this legislation prior to its approval. The committee received no testimony in opposition to the legislation. The committee concluded that the authorization of this future-use capacity in the Tehama-Colusa Canal is fully justified and unanimously approved it without amendment.

Mr. JOHNSON of California. Mr. Chairman, I have no further requests for time.

Mr. HOSMER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. If there are no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 743

A bill to amend the Act of September 26, 1950, authorizing the Sacramento Valley irrigation canals, Central Valley project, California, in order to increase the capacity of certain project features for future irrigation of additional lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to authorize Sacramento Valley irrigation canals, Central Valley project, California," approved September 26, 1950 (64 Stat. 1036) is amended by adding to the first paragraph of that section the following: "Notwithstanding the provisions of section 5 of this Act, the Secretary of the Interior is authorized to provide sufficient extra capacity and elevation in the Tehama-Colusa Canal to enable future water service to Yolo, Solano, Lake, and Napa Counties for irrigation and other purposes, and to treat the cost of providing such extra capacity as a deferred obligation. The deferred obligation is to be paid under arrangements to be made at such time as the works to serve the additional areas may be authorized as an extension of the Central Valley project. In the event such works are not authorized, the deferred obligation is to be paid from other revenues of the Central Valley project.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. MACDONALD, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee having had under consideration the bill (H.R. 743) to amend the act of September 26, 1950, authorizing the Sacramento Valley irrigation canals, Central Valley project, California, in order to increase the capacity of certain project features for future irrigation of additional lands, pursuant to House Resolution 426, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON CONTINUANCE OF CIVIL GOVERNMENT FOR TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 303) to amend the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, CAREY, HALEY, SAYLOR, and MORTON.

THE INTERNATIONAL TRADE DILEMMA—ADDRESS BY HALBERT M. JONES

Mr. LENNON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include an address by Mr. Halbert M. Jones.)

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. LENNON. Mr. Speaker, most Members of this body are aware of the dilemma in the international textile trade picture. One of North Carolina's most distinguished citizens, and a constituent of mine, Mr. Halbert M. Jones, president of Waverly Mills, Laurinburg, N.C., recently put this entire matter in its proper perspective.

Mr. Jones serves as chairman of the American Textile Manufacturers Institute's International Trade Committee. His remarks were made at the recent ATMI annual meeting.

Mr. Jones not only discusses the problems involved with respect to the growing volume of textile imports but offers sound and constructive solutions to it. I include the text of his remarks at this point in the RECORD and I commend its careful reading to my colleagues:

ADDRESS BY MR. JONES

I

The title which has been assigned to my remarks this morning may be a little perplexing. Webster's dictionary defines a dilemma as a "situation involving choice between equally unsatisfactory alternatives." This is, perhaps, a sophisticated way of saying that a dilemma is a predicament where you are "damned if you do and damned if you don't."

This is about where the textile industry and the nation have found themselves in recent years in international trade matters. Over these years we have seen our international trade in textiles move from a substantial export surplus to a very large and increasing trade deficit. The textile industry of the United States has been subjected to the disruptive effects of rapidly rising imports during a time when additional barriers have been erected against export of textiles from the United States. Our nation, the largest and most efficient producer of textiles in the world, is by far the largest importer of textiles and a substantial exporter, and herein lie the seeds of our dilemma.

How do we develop and implement international trade policies which are sound from both importing and exporting viewpoints and which in addition are valid for textile industry growth in the United States and responsible in the discharge of our international responsibilities as a nation? The purpose of these remarks will be to set forth the fundamentals of the trade policies of the textile industry and the reasons therefor.

II

As a point of departure, let us note that the textile industry of the United States has made substantial progress during the five years since 1961. There are many reasons for this, including progressive industry leadership and actions by government to restore one-price cotton, the negotiation of international agreements relating to cotton textile trade, and more favorable depreciation and investment credit allowances. To these and other significant developments the textile industry has responded quickly and positively. Millions of dollars have been invested in new plants and equipment as the industry launched a huge modernization program. Both employment and wages have risen significantly. Cotton and total fiber consumption are up. Spindle hours operated have increased and industry earnings have risen. The textile industry has once again become a dynamic, growing industry making its vital contribution to our economy.

During this period, and especially during the past two years, there has been developing an increasingly acute situation in the international textile trade of the United States, the dire effects of which have been camouflaged by the textile cycle, the high level of economic activity in the United States, and the greatly increased military requirements for textiles. Imports have reached entirely new and damaging dimensions while exports have faced increasing barriers around the world.

Since 1961, cotton textile imports have risen dramatically, from 720,000,000 square yards equivalent to 1,823,000,000 in 1966, with most of the increases coming in 1962, 1965, and 1966. Instead of a growth rate of approximately 5% per year which was contemplated with the negotiation of the long term textile agreement, we have seen a growth of 24% in 1965, and an astounding 39% in 1966. Certainly the administration of the Long Term Arrangement has not been effective in the restraint of these imports during the past two years.

Man-made fiber textile imports, on which there are no quantitative restraints, have risen from approximately 121,000,000 square yards in 1961 to nearly 800,000,000 in 1966, about seven times greater, and showing a growth factor of 70% in 1965 and 40% in 1966. Such growth, if continued, can only be disastrous for the United States industry and its employees.

Wool textiles increased from 85,000,000 square yards in 1961 to 175,000,000 in 1966, more than doubling.

It is obvious that the textile import problem is an all-fiber one. Total textile imports rose from 926,000,000 square yards equivalent in 1961 to 2,796,000,000 in 1966, a level three times that of five years earlier. Imports which in 1961 took less than 5% are now taking well over 10% of the United States market. Is it any wonder that the textile industry views with great distress these trends which show no signs of declining?

Ten per cent may sound like a modest figure, but how much are 2,800,000,000 square yards of textiles? The quantity staggers our imagination, nearly 1,600,000 miles of textiles 36 inches wide. If you just had a way to hang them up and keep them there, our imports of textiles in 1966 would provide a road 20 feet wide from the earth to the moon for our astronauts, and, with the current conditions in the textile market, this would be an excellent use for them.

How much employment do imports of 2,800,000,000 yards of textiles represent? Because these imports cover relatively simple yarns as well as highly fabricated apparel items and all between, it is difficult to be sure of an accurate figure for labor content—but representing well over 10% of our U.S. production it seems reasonable to believe that these imports replace jobs for 200,000–250,000 persons directly in textiles plus another 100–150,000 indirectly in those industries which supply materials and services to textiles. Surely this kind of displacement is serious even for a great nation like the United States.

The quantities are staggering, but even these would not concern us greatly if we had reason to believe that such continuous growth in imports could be absorbed in the United States markets without damage to the U.S. textile industry and nation. It is now clear that these imports have been the major factor cutting short the recent rise of the textile cycle, and forcing the industry once again into a situation where operating schedules are being curtailed, markets are disrupted, prices depressed, and hours of employment and profits declining. The gains of the past five years are, therefore, already seriously impaired by the high level of imports of textiles made from all fibers. This damage is occurring at a time when the general level of the business cycle remains high in the United States. How much more serious it will be when our general prosperity abates!

It is of course true that a pine tree never grows to the sky, but it seems certain that, given the expansion of textile fiber and processing capacity already in progress abroad and the relative openness of the United States markets to all who have low-wage textile industries, the rapid growth of imports of textiles will continue until our nation has an effective program to limit the growth of imports of all textiles and to keep such expansion orderly and reasonable.

Let us not be deceived by any month-to-month or short term declines in imports. These declines reflect the condition of the United States market and do not imply any basic change in the long term trend. These declines are temporary only and will surely turn to increases again, as soon as the domestic market stabilizes. In a weak market, such as we have today, even smaller quantities of imports magnify their disruptive impact.

While imports have been growing dramatically, exports have remained relatively static or declining. In terms of dollars, exports declined from $718,000,000 in 1964 to $671,000,000 in 1965, and recovered only modestly in 1966. The result has been that the balance of trade deficit on textiles has now reached $800,000,000, equal to 60% of the total balance of payments deficit of the United States. Clearly it is time to put into effect a program to prevent disaster in our balance of payment accounts.

III

In seeking to develop sound international trade policies, the textile industry proceeds from certain fundamental beliefs regarding itself, its position in the economy of the United States, and its relation to the textile industries and markets of the rest of the world.

The first of these, which needs no defense before this audience, is that the textile fiber and manufacturing industries of the United States are indispensable and basic for the United States in providing one of the prime necessities for our people and our industries in employing directly well over 2,000,000 persons and indirectly another 2,000,000 on farms, in chemicals, machinery production, and others, and in its essentiality to our military security. No major nation which values its stability and safety can be dependent on foreign sources for any significant portion of its requirements for such a prime necessity as textiles. We have had experience in the past which confirms that when at any time our domestically produced supplies of fiber and textiles cannot provide substantially all of our requirements, the prices on imports rise dramatically. Dependence on foreign sources for any material portion of our textile needs, therefore, would constitute a serious threat to the stability of our economy.

Without grave damage to our nation, this textile industry is not expendable either in our foreign policy decisions or in our concern to aid developing countries. If this industry declines, where will the 4,000,000 employees dependent upon it be put to work? Certainly at a time when we are expending millions of dollars to meet the problems of poverty, we can ill afford to cripple an industry which makes such a substantial contribution to our nation's employment and economy and supplies such essential materials for our people.

The second conviction follows from the first. If our domestic textile needs are to be met from stable, domestic, and dependable sources, if this industry is to increase its employment opportunities and make its needed contributions to the economy of the nation, it must be a growing and dynamic one. It seems reasonably certain that the total market for textiles in the United States will grow at an average rate of 3% to 4% a year, and so the industry will have the opportunity to continue its vigorous expansion provided that growth is not usurped by low priced imports produced by low wage industries. We have learned, to our sorrow, the problems of a contracting industry over the nearly forty years from the early twenties to the early sixties, and the industry must not be forced back to this pattern of stagnation. Not just stability but the continued *growth* of the industry, to serve both our domestic markets and the enlarging textile markets abroad, are thus necessary to our industrial health and prosperity. Both individual companies and the industry as a whole must grow to survive in our highly competitive economy.

A third certainty affirms that because the new technology of the textile industry is so widely known and used both in the United States and abroad, and because of the wide disparity in wage levels between the United States and the lower wage nations, it is impossible for the United States industry, which is without question the most efficient and productive in the world, to compete effectively with the costs and prices of countries like Japan, Hong Kong, Portugal, Mexico, India, and others. Wage scales in the United States textile industry average in excess of $2.00 per hour compared with 36¢ in Japan, 25¢ in Hong Kong, and 18¢ in Portugal. We often hear the argument that what the textile industry needs is greater capital investment to counterbalance these differentials, but let me affirm that unlimited capital expenditures by the United States industry—and there have been and will be billions of dollars expended by the industry to improve its efficiency—unlimited capital expenditures cannot offset by increased efficiency and productivity these wide differences in wages, which constitute a large portion of textile costs. It is manifestly unfair to ask the highly efficient U.S. employee to compete for the growth of our domestic markets with the products of wage levels which are only a minor fraction of our own and which are so far below the legal standards in our country. Therefore, United States industry and its employees are, and will continue to be, sitting ducks for the low wage exporting countries until a means is found to exercise effective restraint over the imports of all types of textiles and fibers.

The competitive position of the United States textile industry is further jeopardized by the fact that a substantial portion of the exports of textiles to the United States are subsidized either directly or indirectly. Because so many devices are used to accomplish this result, no exact quantities have been determined, but it is reasonable to believe that a significant portion of our imports are so subsidized. We do know that many textile items exported to the United States are sold at higher prices in their countries of origin, tending to confirm this belief. We also can be pretty sure that often the earning of dollar exchange is the principal objective of the export to the United States, with the margin for the exporter being earned not on the textile, on which he may take a sizable loss, but on the purchases made with the exchange so obtained. Thus the low wage advantage of the foreign producer is often further magnified by subsidy or by other considerations which are outside normal competitive practices and the U.S. textile manufacturer is thus subjected to a grossly unfair competitive situation. Studies are now underway to determine the extent of the subsidies on exports of textiles to the United States and we await this information with great interest.

IV

Having stated these convictions which the U.S. textile industry holds about its position in both this country and the world, let us move on to point out that as an industry we recognize the heavy responsibilities which the United States carries as the leader of the Free World, and we strongly concur with the point of view that growing international trade is desirable to strengthen the economy of our own nation and that of our trading partners. In particular we support the U.S. position that the strengthening of the economies of the underdeveloped nations represents one of the greatest bulwarks against the spread of unsound ideologies believing that nations with strong growing economies and with improving standards of living provide strength for the free world.

But let us hasten to point out that growth of trade "per se" is not necessarily good, as so many of the free trade fraternity would have us believe. Today, trade policy has become a vital instrument of political policy. This often produces trade policies which contradict the belief that international trade should not mean the displacement of established and efficient home production and trade of one country by another. Certainly it should not be permissible for low wage scales in one country to provide the instrument for the destruction of established and efficient industries in another.

In recent years, it would appear that our international trade polices have been much more influenced by international political considerations and that therefore in this dilemma a comprehensive reappraisal of our foreign trade policies is called for if we are to achieve a realistic balance in emphasis between our desires for a healthy and growing level of world trade and for a strong, secure and expanding American economy.

Let me hasten to say that in support of our government's policy to expand trade and to assist the developing countries in enlarging their markets for exportable products, *the United States textile industry is willing to share the growth of our markets with our friends abroad. Note that the emphasis is* *placed upon sharing the growth of our markets,* and this share of growth by the foreign supplier should not exceed the approximate proportion of the market currently supplied by the foreign producers. *But let me emphasize that the United States industry is completely unwilling to have the growth of our markets usurped by imports or to have present productive capacity and employment displaced by imports.* There should be a rollback from the extraordinarily high levels of imports reached in 1966 when the U.S. industry had committed itself to meet our military needs, but given the present U.S. responsibility in the Free World and our desire to aid the developing countries, the industry recognizes the probability of long-term increases in imports of textiles. Its concern is to keep these increases within reasonable and supportable levels and from sources which make the most substantial contribution to the implementation of U.S. international economic development policy.

Let us note at this point that if our trade policies are being designed to assist the developing countries, it makes little sense to permit Japan, with its highly developed industrial economy, nor Hong Kong, with its relatively small population of less than 5 million persons, to supply such a tremendous yardage and such a large proportion of our textile imports. In 1966 Japan shipped 33% and Hong Kong 15% of all textiles exported to the U.S.—a shipment from these two nations of 1,328,000,000 equivalent square yards, or 48% of the total. Quantities from these sources, which are among the very low wage producers, should be restricted and reduced.

In the area of exports, the policies of the United States textile industry emphasize that the United States should be given equal opportunities with other exporting nations in access to the markets of the world. There are approximately fifty countries in the world which limit or prohibit the importation of textiles from the United States. Some of these such as Mexico, Brazil, Pakistan, are substantial exporters to the United States markets. We are told that last year 80% of all United States exports entered markets in which our strongest competitor faced lower trade barriers than do we on identical items. Surely with our markets the most open in the world to those who would export to us, we are entitled to equal treatment in the foreign markets. The most-favored-nation principle seems to be one which we observe rather scrupulously while the rest of the world observes it in its breach. Maybe it is time for us to give a good hard look at the most-favored-nation concept and determine whether or not it does support our nation's objectives of economic growth at home and abroad.

V

These two basic positions: a willingness to share the growth, but only the growth, of our markets with our friends abroad, and the claim to equal access to markets abroad, constitute the foundations of our specific objectives in international textile trade matters. There are many facets of these objectives, but I shall outline briefly only the four which we stress currently as most urgent.

1. We believe that there should be no reduction in tariffs on textiles and textile fibers in the Kennedy Round. Let me make it clear that we refer to cotton, man-made, and wool textiles in this position. One of the most important instruments used in the regulation of international trade is, of course, tariff policy. We have learned that, with the present wide disparity in wage levels between the United States and the rest of the world, particularly the countries of Asia, Latin America and Southern Europe, with the extensive subsidization of exports by other countries, and with the concentration of much trading in the hands of large trading companies and state trading agencies, present tariffs on textiles constitute no barrier to the growth of imports nor do they prevent extensive price disruption. Tariff levels, of course, affect the relative attractiveness of United States markets to the foreign producer and the price level at which he will sell in the United States. It is obvious that the reduction of tariffs under these circumstances will only serve to make United States markets more attractive, will increase import pressures, and will make possible more extensive price disruption, adding to an already intolerable situation.

Let me make clear that the industry does not support tariff levels as walls behind which inefficiency of production nor overpricing of products may hide. But tariffs are vital instruments to protect the higher standards of living of employees who themselves are skillfull and engaged in the most efficient textile production of the world, and to prevent their displacement by wage standards which are illegal in the U.S. This industry, whose prices have been relatively stable and which is highly efficient, therefore, must always seek reasonable tariff levels and vigorously oppose reduction of tariffs so long as present disparities exist in world wage levels. Certainly it is patently absurd to apply to a long established industry with world-wide productive facilities such as textiles and with tens of billions of dollars already invested the same tariff and free-trade philosophies that could apply to new and highly sophisticated technological industries with only limited world-wide production potentials and competition.

2. A second objective of the industry has been the extension of the Long Term Cotton Textile Arrangement for a period of five years from September 30, 1967, without change and the return to firm administration of the LTA and the Bilateral Agreements under it, so as to assure an orderly pattern of cotton textile imports in line with the expectations of growth which were contemplated in the original negotiations. As an industry we are pleased that extension of the LTA has been assured, but we are greatly disappointed that the term is apparently to be three years rather than five. It has been our view that the liberalization of our bilateral agreements and of the LTA administration already in effect would more than justify extension for a five year period—which is a very short time in international trade patterns. Cotton textile imports are still the major textile item in our international trade and the LTA continues to be a vital instrument for attaining an orderly trade. The question may well be asked, "How much value is the LTA when we can have such an explosion of cotton textile imports as occurred in 1965 and in 1966?" Just let us note first that we have no way of estimating accurately how large these imports would be without the LTA. They surely would be substantially larger from those countries which are shipping up to their full agreement level, such as Japan and Hong Kong. It also must be pointed out that the LTA does provide the mechanism for effective reasonable restraints and that it is the administration of the LTA rather than the instrument itself which has permitted such rapid growth.

3. A third objective is the development and establishment of effective procedures for placing quantitative restraints on the growth of imports of man-made fiber and man-made fiber and wool textile products. As of today there are no restraints, other than very inadequate tariffs, to unlimited export of man-made fiber and textiles to the United States. With the already confirmed increases in man-made fiber and textile producing capacity in other areas of the world, it is certain that we shall continue to witness an increasingly damaging acceleration of such exports to the United States market. Without effective restraints it is only a question of time before man-made textile imports exceed those of cotton textiles.

The doubling of wool textile imports in the United States since 1961 has already resulted in substantial liquidation of the wool textile industry, and such will no doubt continue unless quantitative restraints can be made effective. It is interesting to note that the highly industrialized and low wage nation of Japan is by far the largest supplier of both man-made fiber and wool textiles to the United States, and these are under no quantitative restraints.

Provision for orderly patterns in only the cotton portion of the textile trade can but result in chaos in the U.S. textile markets. The need to move on man-made and wool textiles is, therefore, most urgent. The methods to obtain such control are not yet clear and we must leave the channels to be pursued to our government. Possible approaches include: (1) Multilateral agreements such as the LTA; (2) Bilateral agreements such as the Japanese agreement and (3) Unilateral action taken by the U.S. alone. If satisfactory results cannot be achieved by negotiations, then unilateral action will be necessary.

In the past, textile trade problems have had to reach a state of acute crisis before the government became concerned with solutions which only it could produce. It would appear that the wise and statesmanlike approach would be to deal with these man-made and wool textile import problems before they become completely unmanageable and before they destroy the accomplishments of the past five years.

4. A fourth objective, relating to our export goals, would urge our government through negotiations to seek to obtain equal treatment for U.S. textiles in the countries of the world which now discriminate against us. We recognize that each country has problems which are peculiar to itself, but we do feel strongly that trade barriers should not protect inefficiency on any long term basis and that our textiles should have parity of treatment. It would appear that the Kennedy Round will make little progress in the non-tariff barrier areas of discrimination and direct negotiations with the discriminating countries would seem to be indicated.

VI

Would the implementation of these policies and the achievement of these objectives solve our dilemma in international trade? Would they constitute the actions of responsible textile industry citizenship both for the United States and the world? Now obviously the achievement of these objectives will not be approved by the free traders who believe in rapid removal of barriers and reductions of tariffs regardless of the damage done to the U.S. economy and employment, but let us examine what such a program could be expected to achieve for the industry, for our people as a whole, and for our nation in its responsibilities to the Free World.

First of all, such a program would reassure the textile industry regarding the intentions of the government concerning the future of textile manufacturing in the United States. This restoration of confidence in the future would, without question, produce increasing capital investment and employment in the industry. The dynamic growth of the industry which has characterized the past three years would be magnified and extended, and the U.S. would be assured of stable, dependable, and indispensable domestic sources for its growing and vital textile needs. The pressures to move production capacity abroad to serve this market from low wage areas would be largely removed and this great industry could proceed to enlarge its contributions to our economy in general and to the war on poverty and unemployment in particular.

These would seem to be reasons enough to warrant the implementation of these objectives, but, in addition, such a program would permit an increasing level of international trade in textiles and would make available growing markets in the U.S. for the textile products of developing countries in accordance with our international commitments.

This would indeed be a very large and growing market which in 1966 reached nearly 2 billion 800 million square yards for the exporters to the United States. Let us note that a strong United States textile industry devoted to the creative enlarging of the total market for textiles in the United States will also make major contributions to the growth of these markets for imports. The foreign producer does little creative market development and is almost entirely dependent in the U.S. on the market created by the aggressive merchandising and promotion of textiles, by the domestic industry. The program which we propose would provide assurances of stability for the developing nations, and they could proceed with confidence in their economic planning and thus minimize the costly errors which temporarily unlimited exports of textiles to the U.S. would encourage. This program would also stimulate these countries to give precedence to the internal development of their productive capabilities and living standards which alone can provide the foundation for a nation's prosperity.

For the U.S. consumer a vigorous, highly competitive domestic industry is his best guarantee of adequate supply and of sound and economical pricing of textile products. The record of the industry in recent years in maintaining stable prices to the consumer through a period of peak demand has been outstanding and this program would assure the continuance of the kind of strong competition which supports the best interests of the public.

These are all results which are reasonable to expect and sound in the interest of the nation both in its domestic economy and in relation to its responsibilities abroad. It is our view that the objectives represent a program of responsible textile industry citizenship in our complex world today.

Let me conclude on a personal note if you will. This year marks my thirty-sixth in the textile industry. The industry is far stronger today than ever before in its history, in its financial resources, in its management and merchandising effectiveness, in the efficiency of its plants, and in the skills of its employees. The future before it is the brightest ever, provided only that we bring the import levels of all textiles under reasonable and orderly control. Such is not only in the best interest of our own industry and nation but also in the long-run interest of our friends throughout the Free World.

AUBURN UNIVERSITY SETS NEW RECORD FOR BLOOD DONATIONS

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, within the last few days prominent space and location in our daily newspapers were given to a report of a group of protestors who have just returned from a trip to North Vietnam. During this trip, they supposedly visited hospitals and distributed medical supplies.

While nationwide press coverage was being given to these protestors whose acts were giving aid and support to our enemies, an event of patriotism that took place in my State of Alabama went largely unnoticed by our Nation's press.

Mr. Speaker, on Wednesday and Thursday of last week—April 5 and 6—the faculty, students, employees, and their families at Auburn University donated 4,812 pints of blood for American fighting men in Vietnam. This 2-day total set a new world record and thereby surpassed the old mark of 3,507 pints—which, incidentally, was set by Auburn University in April 1966.

Some of these collegians, Mr. Speaker, stood in line for 3 hours to make their donations, and others had to be turned away when they could not be accommodated before the end of the day. Over 3,000 of the donors were under 21 years of age, so they had to obtain special permission from their parents before they could donate.

The people of Alabama are proud that no draft cards have been burned and no antiwar, sit-in demonstrations have been held in our State. We fully support the young Americans who are fighting communism in southeast Asia, and this support was plainly evident last week at Auburn University.

Mr. Speaker, the following article from the April 7, 1967, issue of the Birmingham, Ala., Post Herald gives additional details of this unusual and highly commendable event:

AU Sets World Blood Record

Auburn, April 6.—Auburn University students, backed by piped-in music and school tradition, turned out in record numbers today to break two of their own world blood drive marks.

The single day total of 2553 pints broke the 2254-pint record set yesterday and the two-day total of 4812 pints broke the 3507-pint mark set at Auburn in April 1966.

In addition to those donating, 600 other prospective donors were rejected for medical reasons.

Throughout the hot, dry day students filed continuously through the blood donation lines in the Students Activities Building. A total of 400 additional bottles were brought in from Birmingham to handle the overflow crowds.

Both days, students had to be turned away when afternoon registration lines closed. Many who were turned away will have an opportunity to donate when a Red Cross bloodmobile visits Auburn in May.

Blood collected from students at that time will be added to the two-day drive total.

SHOUTS GREET NEW RECORD

When the record-breaking pint was collected, workers and donors in the building joined in yelling a loud "War Eagle."

About 250 staff and volunteer Red Cross personnel and 275 student volnteers worked in registering donors and collecting blood.

After the final tally was in, President Harry M. Philpott said, "This drive is a wonderful demonstration of the enthusiasm and loyalty of Auburn students.

"I am as proud of them as I can be."

TRIBUTE TO STUDENTS

James E. Foy, dean of student affairs, also praised the Auburn student body. "You can't call this turnout anything but heroism," Foy said. "It took a lot for these students to come out the way they did. I know they will look in the mirror now and see a different person. They should all be proud of the job that has been done."

The blood will be sent to the Birmingham Regional Blood Center for testing and typing. It will then go to military, veteran and civilian hospitals throughout the world.

The Birmingham Region was fifth in amount of donations among the 56 blood regions throughout the country last year.

Auburn University leads all donors in the region and Mississippi State University is second.

POSTMASTER OF CHICAGO TALKS ON EQUALITY AND RESPONSIBILITY

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include an address by the Postmaster of Chicago.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, by unanimous consent, I am extending my remarks to include an address at the Pilgrim Baptist Church of Chicago by Henry W. McGee, postmaster of Chicago, as published in the March 1967 issue of the University of Chicago magazine. Mr. McGee, the first Negro postmaster of Chicago and an active civic and community leader, received his master's degree at the University of Chicago in 1961. The address follows:

Negro Freedom, Equality, and Responsibility

(By Henry W. McGee)

But God has so adjusted the body, giving greater honor to the inferior part, that there may be no discord in the body, but that the members may have the same care for one another. If one member suffers, all suffer together; if one member is honored, all rejoice together.—I Corinthians, XII, 24–26.

What Paul said to the Corinthians nearly 2,000 years ago is just as appropriate today. The Civil Rights Revolution has clearly demonstrated that freedom and equality are not divisible, and cannot be extended to some and withheld from others. Either we are all free or none of us are free.

The failure of the U.S. Congress to pass the Civil Rights bill of 1966, coupled with the recent decision by the U.S. Supreme Court which upheld the arrest and conviction of civil rights demonstrators on state property, sounds an alarm which needs close attention.

Whether we belong to the powerful majority or the struggling minority makes little difference. The alarm sounds a challenge for all of us, even if the majority of both groups fail to even hear the alarm.

The turbulent sixties bear a striking resemblance to another period in the history of our country. In order to understand and correctly evaluate our present situation, we must examine the past. Most of the failures experienced by people or nations result from an inability to correctly read and interpret history. We cannot avoid future mistakes unless we recognize the errors of the past.

Most people agree that we are at the crossroads in the struggle for full and complete freedom for the Negro. But freedom for the Negro is inextricably entwined with freedom for all people, both at home and abroad. As long as we have poverty and ignorance rampant in America and the World, we cannot enjoy the fruits of freedom.

Since poverty and ignorance are at the root of our problem, and since there are more poor and ignorant white people than there are Negroes, the problem cannot be labeled a Negro problem. It is a national problem and it must be tackled by all people with all resources.

In order to more clearly understand the similarities between the present and the past, I would like to look for a moment at the period immediately after the emancipation and the Civil War. However, in order to put the reconstruction period in proper perspective, we should briefly look at the period prior to the war and the situation which led to the War of Rebellion.

First, because of the great dichotomy between violent and non-violent wings of the Civil Rights struggle, I would like to deal quite briefly with the myth of the servile Negro.

This reminds me of the story of the colored man who boarded a bus somewhere in the South shortly after the Montgomery bus boycott. He had taken a seat near the front of the bus and when the driver noticed, he said, "Boy, move to the back of the bus." When the Negro failed to respond, the driver in a louder and more caustic tone said, "Boy, I said move to the back of the bus." At this point, the Negro drew himself up out of the seat to a towering height of six and a half feet, looked down at the white bus driver and said, "Mister, you done made three mistakes: first, I am not a boy; second, I ain't about to move to the back of the bus; and furthermore, I am not one of those non-violent Negroes."

The impression given by white historians that the slave was a docile, scarey, happy-go-lucky singing and dancing Negro is one of the greatest myths of all time. The fact that many slaves committed suicide by jumping overboard the slave ships, and the fact that history records over 300 slave rebellions, denies this image.

One only needs to read about such Negro heroes as Nat Turner and Denmark Vesey to understand the true feeling of the Negro toward chattel slavery. One should also be aware of many attempts to escape to freedom and remember the heroic efforts of Harriett Tubman—known as the Negro Moses of that era—and many others who conducted the underground railroad, which was neither a railroad nor underground in the literal sense but a dangerous and frightening endeavor, participated in by both Negroes and whites, to help thousands of slaves to escape to freedom in the northern United States and Canada.

If one has any doubts about the bravery of the Negro, he needs only to examine the record of the Negro soldier in the Civil War, where nearly 200,000 Negroes, free men and ex-slaves, fought in the Union Army to put down the rebellion by the South. There is nothing more important to the young Negro of today than to be aware of the fact that he has a great heritage of which he can be justly proud.

In the period after the Civil War we can begin to recognize some significant parallels between what happened to the Negro's quest for freedom of that period and what might possibly happen to the present day thrust for complete integration.

As a result of the influence of the liberal wing of the Republican Party led by Senator Charles Sumner of Massachusetts and Congressman Thaddeous Stephens of Pennsylvania, the Congress passed the 13th, 14th, and 15th Amendments to the Constitution shortly after the Civil War.

The 13th Amendment abolished involuntary servitude and gave the Negro slave physical freedom. The 14th Amendment defined citizenship and extended it to the former slaves, set up certain guarantees against abridgement of their rights by the several states, and enacted the so-called equal protection of the laws clause and the due process clause on which so much legislation, beneficial to both Negroes and underprivileged whites, has been based. The 15th Amendment was intended to give the Negro the right to vote, but after nearly a hundred years this amendment has been partially implemented in the South. Even before the ink was dry, steps were being taken to nullify the effects of these amendments.

Even before the withdrawal of federal troops from the South, the return of the state legislatures to the former slave owners resulted in the passage of the infamous black codes which were designed to strip the former slaves of all dignity and self-respect. Jim Crow laws were passed which were designed to perpetuate the complete separation of the races. Poll tax laws and the so-called Grandfather Clause (which stated that if your grandfather was a slave, you could not vote) were passed by these southern legislatures. It is significant to note that the struggling freedman had lost the support and help of the Executive Branch of the government. Hayes had agreed to let the South handle its own problems in return for the presidency.

The Congress had become weary and Southern white congressmen had regained their former power and influence over legislation, and with *Plessy vs. Ferguson*, the Supreme Court abdicated to the southern racists.

The Northern white liberals who had done so much to help the Negro before and after the Civil War, began to get weary and their numbers dwindled to the point of little or no influence on the conscience of the nation.

With the loss of all these forces, the hapless Negro was at the mercy of the nightriders and the Ku Klux Klan. We had here another manifestation of the white backlash.

The famous *Plessy vs. Ferguson* decision of 1896 was really the *coup de grâce* to the Negro's hope for freedom and equality. This decision made segregation legal and established the evil philosophy of "separate but equal." For more than half a century, the Negro was doomed to inferior schools, barred from public places, and forced to ride in segregated railroad cars and buses because of this decision by the Supreme Court.

FORCED TO HELP HIMSELF

The period of reconstruction was not without its heroes, however. And as the Negro never reconciled himself to slavery, the post Civil War Negro was not going to settle for second-class citizenship.

With only a few white allies, the Negro was forced to help himself. The greatest heroes of this period were Frederick Douglass and Booker T. Washington, both of whom were great advocates of self help. The work of these leaders is well known to all enlightened Negroes. They both made great contributions to the Negroes' struggle for economic independence. Washington, against great odds, added dignity to labor for a people who had looked upon manual labor as a badge of inferiority.

The struggle between 1900 and 1954 could best be described as a holding action and a constant fight to stay even with the game. This period saw the emergence of the first Civil Rights organizations: the N.A.A.C.P. and Urban League. Both were made possible because of support from white liberals who, though limited in numbers, had unlimited zeal and enthusiasm for the cause of freedom.

This period saw futile efforts to pass anti-lynch legislation, but did see a decline in the number of lynchings until they became practically non-existent—thanks to the untiring efforts of Walter White and James Weldon Johnson.

Even though there was no Civil Rights legislation passed after the Civil Rights Act of 1875—which later was declared unconstitutional by the same court that gave us *Plessy vs. Ferguson*—the Supreme Court did outlaw the Grandfather Clause and abolished the white primary. Successive Courts whittled away at the separate-but-equal philosophy in education and interstate travel until, finally in 1954, the Court in a unanimous decision reversed the *Plessy vs. Ferguson* decision and decreed, in *Brown vs. Topeka*, that separate but equal is a fiction, that separate facilities are inherently unequal.

This was the beginning of a new era for the Negro but the injunction of the Court to "proceed with all deliberate speed" has resulted in very little integration of school children in the South. It should, also, be noted that although the Court was not dealing with de facto segregation as exists in the North, more Negroes go to segregated schools now than before the 1954 decision.

The Negroes' struggle for equality was waged on many fronts: education, jobs, housing, and public accommodations, to name some of the more important ones. It should be noted, therefore, that in 1948 the Supreme Court outlawed the enforcement of restrictive covenants as a device to perpetuate residential segregation. Like other such decisions and enactments by Congress, the end sought was not achieved because more devious and subtle methods were found to thwart the efforts of the Negro for equality in housing.

It was not until Negroes themselves became fired with the desire for freedom and equality that the struggle was resumed with full force. Negroes like Rosa Parks of Montgomery bus boycott fame simply became tired of moving to the back of the bus and decided literally to sit it out.

The greatest credit for the revival of the Civil Rights struggle must go to the young Negro college students who started the sit-ins in the late 1950's. But we must not forget the courage of Daisy Bates and the gallant young Negro students of Little Rock, Arkansas, in 1957.

Youth was the order of the day. For the most part, the leadership of the Civil Rights Movement were young Negroes. Dr. Martin Luther King and others of the Southern Christian Leadership Conference were projected into the limelight as a result of the Montgomery bus boycott, which more than any single effort, gave real impetus to the struggle and was the first real Civil Rights victory planned and executed solely by Negroes.

The election of the young and dynamic John Fitzgerald Kennedy as President in 1960 gave even greater vigor to the Civil Rights Revolution. New hope sprang from the hearts of all Negroes and the watchword became "We Shall Overcome."

The March on Washington in 1963, which saw close to 200,000 people, a third of whom were white, was to climax smaller but highly significant marches and demonstrations throughout the nation. Unless one was part of this moving mass of humanity—which gathered at the base of Washington Monument and proceeded, with quiet dignity, up Constitution Avenue to the Lincoln Memorial—it is not possible to understand and appreciate the impact of one of the greatest of all marches.

STIRS CONSCIENCE OF AMERICA

Despite the impetus given to the Civil Rights Movement by the March on Washington, it remained for the bigots of Birmingham—who bombed children in church and turned fire hoses and dogs loose on women—and the sadists of Selma to arouse the conscience of America and make possible the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. As significant as these laws are, all the tools necessary to win the battle of full integration had not yet been forged.

Negroes were still being forced to go to inferior segregated schools. They were still being denied the right to register and vote. They were still not being given jobs commensurate with their skills and ability, and not just in the South.

Here again is a similarity between this period in history and the post Civil War period. Just as changes resulting from the enactment of the 13th, 14th, and 15th amendments were more symbolic than real, so has the passage of Civil Rights legislation in 1964 and 1965 been more symbolic than actual. This is not to imply that there is anything wrong with symbols, especially good symbols like Civil Rights legislation. After all, we are a Nation of symbols. But despite the passage of these important acts, the impact on the great mass of slum dwelling Negroes in northern cities has been relatively small. These people pay more for inferior housing, buy low quality foods at higher prices, and pay more than twice the regular price for household furnishings to unscrupulous merchants and finance companies.

Until steps are taken to correct these inequities, frustrations will continue to build up and the slightest provocative incident can lead to the kind of destructive violence we have witnessed in many cities all across the country.

RIOTING CANNOT BE CONDONED

Such wanton and senseless rioting serves no useful purpose, and cannot be condoned for any reason. Undoubtedly, such irresponsible acts have contributed to the white "backlash" which we have experienced. And if anybody doubts that there was a backlash, he has but to examine the November 8 election returns. He will find that candidates who had succesfully sponsored legislation which improved the lot of all citizens, went down to defeat.

But to deplore the riots and do nothing about the conditions which lead to frustration and end in violence is useless. While responsible citizens of all races decry violence, we must look deeper under the surface to find the contributing causes of the riots. When we do this, we will find that there has been a lack of effective communication between the economic classes of Negroes. The alienation between the upper and middle class Negro and his lower socioeconomic brethern has its roots deep in slavery and is too involved to discuss here. Nevertheless, failure of the middle class Negro to identify with his less fortunate brother has created a schism which will be difficult to heal.

While touring the Watts area of Los Angeles immediately following the riots during the summer of 1965, I was struck by the bitterness expressed by some of the people in that area toward their colored brothers who lived in middle and upper class *neighborhoods. Some of the antagonism in* that riot was directed toward those people. It is also very important to understand that this riot was more a revolt against economic exploitation than against white people per se.

It is incumbent upon the middle class Negro to recognize all these factors and to work to keep the lines of communication open. Only in this way can we find solutions to our problems. Only in this way can we prevent the irresponsible demonstrations and riots which retard us in our march toward freedom.

While the Negro is not responsible for creating these conditions, he does have a stake in seeing that they are corrected. The social diseases of our slums spill over into other neighborhoods just as epidemics of physical diseases spread into other areas. Witness the havoc being created in all neighborhoods by teenage gangs. Few neighborhoods are safe. Grade school children are being forced to pay tribute to these gangs in order to go to and from school.

Responsible Negro citizens must become involved in constructive programs to correct these inequities. We must prove to our less fortunate brothers that we are concerned about their plight. We must not assume that he is totally responsible for what is happening to him, and expect him to pull himself up by his bootstraps. We must help provide the straps. We must identify more closely with him in our day-to-day association and help promote programs enabling him to move into the mainstream of American life.

All our people, regardless of economic class, must work together to keep this fight on such a lofty plane that the justice of our struggle is not clouded by irresponsible acts which lead to nothing but tragedy and alienate those people of good will with whom Negroes must work. Every step that we take must be calculated to advance our march to freedom.

In this hour of America's great crisis, we must become faithful stewards of God. We must be leaders in this struggle. The finger of destiny points to us. Our actions and protest movements over the years have awakened the conscience of our nation. We must keep the flame alive. And as President Johnson said in his 1965 speech at Howard University, "The real hero of this struggle is the American Negro." Continuing, he said, "We intend to fight this battle where it should be fought—in the courts, in the Congress, and the hearts of men. And We Shall Overcome."

TEXTILE IMPORTS THREATEN SECURITY

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, this morning it was my great honor and privilege to present the Honorable Robert T. Stevens to the General Subcommittee on Labor of the Committee on Education and Labor of the House of Representatives.

Mr. Stevens made a truly outstanding statement to the subcommittee, headed by our distinguished, able and beloved colleague, the gentleman from Pennsylvania, the Honorable John Dent.

Mr. Speaker, I commend to every Member of the Congress and to the people of our country Mr. Stevens' timely *and superb statement:*

Statement by Robert T. Stevens, President, J. P. Stevens & Co., Inc.

Mr. Chairman and Members of the Subcommittee: My name is Robert T. Stevens. I am President of J. P. Stevens & Co., Inc., manufacturers and distributors of textiles made from cotton, wool, man-made fibers and blends of various fibers. We have 43,500 employees in 72 manufacturing facilities located primarily in New England and the Southeast. My prepared statement is not long. I am aware that others from the American Textile Manufacturers Institute, the National Association of Wool Manufacturers, and the Northern Textile Association have already made presentations here representing their memberships. While I heartily endorse their statements I appear before you as an individual businessman representing only the Stevens Company and our 43,500 fine employees.

The American textile industry is under severe attack from imported textiles and apparel. American textile workers are feeling the pinch and the survival of a strong industry, a vital sinew of national defense, is a most serious matter. The future of this industry and the jobs it provides will depend, in part, upon the deliberations of this Committee, the legislation which this Congress may enact and the proper administration of such laws by the Executive Branch.

I understand the bills before you, H.R. 478 and H.R. 479, are both designed to amend the Fair Labor Standards Act of 1938 and, in the process, to take initial steps looking toward the prohibition of the importation of goods made abroad under conditions inimicable to American high labor standards. On behalf of our 43,500 employees, I would like to have the record show that we support these bills, both introduced by Congressman Dent. I would also like to thank the Chairman for arranging these hearings and providing a forum to explore the ruinous effect of cheap labor imports.

Based upon my experience, I go even beyond this. What happens to America when we can no longer supply our Armed Forces with clothing and equipment made in America in the event of an all-out emergency? Shall we depend upon foreign sources for military textiles and apparel? I don't think that is what the American people or the Congress would want.

In September, I completed my 45th year in the textile industry except for seven years in public service, mostly in the Army. I served briefly during World War I, and throughout World War II, I was associated with the Quartermaster Corps most of the time as a Colonel in charge of textile and apparel purchases. During the latter stages of the Korean War, I had the honor of serving as Secretary of the Army. I state these facts to this Subcommittee because they indicate that I may be qualified by experience to speak on textiles from the standpoint of our national security.

The Stevens Company has been in business a long time—154 years. We know what hard and uncompromising competition is. Through all those years and through wars, the ravages of nature and the other vicissitudes of doing business in our highly competitive society, the Stevens Company has progressed. We are a true product of the American system of free enterprise. We are thankful to be where we are today but anything we may have contributed to a better America is being seriously threatened from overseas.

In 1964, total textile imports from yarn through apparel and other made up goods into the United States equalled 1,516,000,000 square yards. In 1965, the total stood at 2,000,000,000. Last year, the total skyrocketed to 2,796,000,000 square yards. In 1966, total United States textile and apparel imports *exceeded our exports by $902 million.* With a total balance of payments deficit of $1.4 billion last year, it is an interesting but unwelcome fact that roughly two-thirds of our balance of payments deficit is represented in the form of textile product imports.

The health of the American textile and apparel industries directly affects the economic condition of some two million workers and their families. Additionally, another two million workers produce wool, raise cotton, manufacture man-made fibers and supply the other raw materials and equipment used by the American textile industry. In Appalachia, one out of four manufacturing employees depends on textiles, in one form or another, for his livelihood. A massive government program for Appalachia is devoted to increasing job opportunities. Yet, because of a lack of action on textile product imports, jobs in Appalachia are being exported. Does this make sense? Surely, four million people and their families throughout America deserve better treatment as regards foreign trade in textile products than they are now getting.

As a result of President Kennedy's textile program of May 2, 1961, an international long-term arrangement on cotton products was formulated. In 1961, the first year of the arrangement, the United States imported 720 million square yards of cotton textile and apparel. From 1961 to 1966 these imports rose quite steadily and last year cotton textile product imports stood at 1,823,000,000 square yards, an increase of more than two and one-half times over the 1961 rate. There seem to have been some leaks in the international arrangement.

Wool textile imports in 1961 were 93,000,000 yards and in 1966 increased to 175,000,000 yards, almost double the 1961 imports. In 1961 man-made fiber textile imports were 121,000,000 yards and by 1966 they had increased to 798,000,000 square yards, a more than six-fold increase over 1961. Neither man-made fiber products nor wool products are covered by any long-term arrangement despite President Kennedy's intention in 1961 that all segments of the textile and apparel industries would be covered by the seven-point textile program. This happened despite assurances otherwise.

Man-made fiber product imports are burgeoning to the critical stage, but, in my opinion, wool textile imports have already passed the crisis point. It is my belief that the American woolen and worsted industry, in its increasing state of decimation, is incapable right now of producing the huge requirements of fabric that would be needed for military, medical and essential civilian use during any all-out emergency. Mills are closing, combs, spindles, and looms are being scrapped and imports continue their inexorable rise. Before it is too late, and before our national security vis-a-vis the American worsted textile industry is completely stunted, we must put some rule of reason into effect now on products made of wool. The wool growers of America have a tremendous stake in this problem since the domestic industry is their only customer.

More than 50% of the wool textile industry has gone down the drain since the close of World War II and, if the American people realized how vital this industry is during national emergencies, I think they would be demanding action. The Defense Department has termed the textile industry second only to steel in defense essentiality. Furthermore, during the Senate Commerce Subcommittee Hearings headed by Senator Pastore, the Director of the Office of Civil and Defense Mobilization, now OEP, said, "The OCDM regards the textile industry as an essential industry and considers it an essential part of the nation's mobilization base." Are we going to continue to do nothing about this crucial situation?

I can illustrate this point with the following example involving two large worsted military contracts, one in 1951 during the Korean War and the other about a year ago. In 1951, the government invited bids on 9 million yards of worsted serge uniform fabric. Fifty-four producers bid on that contract. Of those fifty-four, thirty-nine are now, sixteen years later, completely out of of the worsted business. This is a shocking fact but of added significance is the fact that among the fifty-four bidders, 80% of the total yardage awarded went to the thirty-nine companies no longer in the picture.

As to the second contract, early last year, the government called for bids on three million yards of worsted or worsted blend tropical fabrics. It is a sad statement of fact that just two firms responded with bids. The American worsted industry, once ready, able and willing to bid on large government worsted contracts, had been so tragically reduced in capacity, size and numbers, that only two companies, including Stevens, responded to that bid last year.

What are the facts behind the deterioration of this once massive industry? The blame must be placed on the doorstep of our government. Since the cessation of hostilities in Korea and continuing to the present, our industry has been pleading with succeeding administrations to institute a well-constructed, realistic policy to hold within reasonable bounds the flow of unneeded and unnecessary law wage wool product imports into the United States. But tragically, nothing of a truly significant nature has been accomplished.

At this point, I would like to assure the members of this subcommittee that the management of the Stevens Company does not believe in carrying water on both shoulders. We believe we have an obligation to our employees generally equal to the obligation we have to the owners of our Company—our shareowners.

It is for this reason that we do not import any textiles or textile products whatever. How can we help our employees save their jobs from the inroads of excessive cheap imports on the one hand, yet, at the same time, import goods for further processing and profit on the other hand? Our profit and loss sheet might look better if we imported cheap labor textiles and shifted some of our manufacturing processes overseas. But our management has never been willing, and does not now, accept the proposition that our obligations are limited only to making money. Preserving American jobs is part of our responsibility.

I worry about the future of this industry. Are we going to become importers of textiles, manufactured under conditions outlawed under America's high standards of decency—decent wages and—decent health and safety standards? Or shall we, through neglect, succumb to get rich quick schemes while losing our perspective regarding the destiny of America?

I have a very graphic example of what I mean here with me today. The example involves two bath towels and I would like to explain their significance to you. The significance to American textile workers is so great, I need not tell you that their jobs, their future and their economic well-being are involved. This example is concerned with cotton textiles but the problem is symptomatic of the problems the combined textile and apparel industries face.

Our Company has had a brochure prepared to explain the situation I have in mind and because it is self-explanatory, I would like to read extracts from it.

"Inside the brochure, two towels are pictured. The one at the top is our famous Louvre bath towel from our Fine Arts Collection. It is the end product of long and costly styling, manufacturing, promotion and advertising. A substantial number of Americans are gainfully employed because Louvre exists. It's made in America.

"The other towel is a 'knock-off.' It's design piracy! The one on the bottom is slightly smaller but clearly it would not have been manufactured without the Stevens design. And we never gave our consent. It's not called Louvre and the quality is not up to our high standards. We had it tested. But does that matter to the consumer? She doesn't go around from store to store measuring towels and weighing them.

"Yet we wanted to protect as many of our customers as possible. Thus we placed an ad in the New York Times regarding the real Louvre towel and the imitation, made in Japan, where textile wages are as little as one-fifth of what American textile employees are paid. Our legislation regarding wages and hours, safety and industrial health laws were designed to protect American workers. Workers in foreign mills are not covered by comparable law, thus American textile jobs are highly vulnerable to foreign producers.

"The imitation has been selling in America well below the price we must charge for our authentic Louvre towel. It may sound like a bargain, but is it? American jobs and fair play are at stake. We're concerned and we hope you are too."

I wrote to the State Department on February 15, 1967 about this flagrant violation of ethical business practice. Thus far, my letter has not even been acknowledged. But this is the type of competition the American textile industry, their employees, and their families have been facing, and now face, from unscrupulous foreign textile manufacturers and the United States textile importers who are reaping a harvest at the expense of our higher living standards and American jobs.

I am not a lawyer but from a reading of the legislation under consideration here, I believe this type of get rich quick practice at the expense of American workers and industry, could be curbed. The success of any legislation such as that which you have under consideration will, of course, depend upon effective enforcement. I would hope that officials in the Executive Branch realize that without this legislation and other reasonable actions by our government, hundreds of thousands of jobs are at stake in the combined textile and apparel industries and their suppliers. And their families, and the number of Americans affected becomes colossal.

Additionally, there are countless thousands of employees in the steel industry, in pottery, glassmaking, electronics, watchmaking, and many other industries all across America who have a deep interest in the adoption of this legislation.

I hope it passes and I hope it is signed into law.

On behalf of the Stevens Company and our people, I want to thank you for your kind indulgence.

AMBASSADOR ARTHUR GARDNER—DISTINGUISHED AMERICAN

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, the death of Ambassador Arthur Gardner, of Palm Beach and Washington, came as a shock to his many friends in both cities, and a deep loss to them as well as his family.

Ambassador Gardner demonstrated during his 78 years of life that special talent, which has greatly benefited our Nation, throughout its history, of achieving outstanding business success and then devoting himself to the services of the Government.

A veteran of the First World War, and as a member of the War Production Board during World War II, Ambassador Gardner served the Nation as a soldier and as a civilian official during times of war. As an Assistant Secretary of the Treasury during the Truman administration, and Ambassador to Cuba during the first Eisenhower administration, he served in high positions of Government under Presidents of both political parties.

Serving in Cuba from 1953 to 1957, Ambassador Gardner was one of the first to warn the United States of the growing trouble on that island. He struggled against State Department policies which enabled Castro to take over the country a few years later, and after returning home he called to public attention the fallacies of U.S. policy which was even then leading up to Castro's takeover. Future events proved him to be correct and to point up the tragic failure of the State Department to heed the advice of its own ambassadors on the scene in Cuba.

Of particular concern to the Ambassador was the State Department blocking of a shipment of arms, already on the dock in New York destined for the constituted Government in Cuba. He linked the withdrawal of U.S. support for the existing Cuba Government directly to the success of Castro, and he warned the Nation of the upcoming struggle.

Ambassador Gardner will long be remembered by all who knew of his efforts in behalf of the free people of Cuba, and in the service of his own country.

I am sure all Members of Congress join with Becky and me in expressing our sorrow to Mrs. Gardner, his son Arthur and his daughters Mrs. Joan Browne and Mrs. Suzanne MacLear, and their families.

CHANGES IN SOCIAL SECURITY SYSTEM

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, I am supporting changes in the social security system in this session of the 90th Congress because I believe our senior citizens must be assured of a more adequate return on their retirement investments and greater opportunity for continued employment.

I would like to see an average increase of 50 percent in benefits. In addition, I recommend that we allow full retirement at the age of 60 with no limit on the amount of additional earnings.

We need the abilities and talents of our experienced men and women, particularly in time of maximum employment. These older folks should be encouraged to lead useful, productive lives. It is discriminatory and inconsistent with national policy to force older citizens to decide between their present "poverty line" retirement incomes and further employment.

We do not require our Federal, our military, or the vast number of citizens on private retirement plans to forgo their benefits if they continue to work after retirement. In fairness, we should not impose stricter limitations on persons receiving social security benefits.

Recent findings indicate that future retirees will not receive benefits commensurate with their contributions over a normal working span under our present social security system.

Industry is becoming more and more mindful of the usefulness of persons over the age of 50. I am hopeful that leaders in government, too, will recognize the benefits which would certainly result from tapping this reservoir of experience. I know recognition of this fact would lead to a balancing of the inequities which have been neglected for too long.

Benefits of $84 a month for individuals and $142 a month for married couples are totally inadequate. I believe a minimum benefit of $100 a month is necessary to provide protection of retirement with dignity for our older citizens.

My bill provides, for the first time, that general revenue funds be used for financing the social security system. In addition, it provides for automatic adjustment of benefits geared to the cost of living. It should not be possible for inflation to affect the buying power of our senior citizens during their retirement. The Congress should not be asked to enact benefit increases which do nothing more than make up for ground lost to rises in the cost of living. Increases in the cost of living should be reflected automatically in payments to persons receiving social security assistance.

TARGET 1970—LUXURY OR NECESSITY?

Mr. WYMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. WYMAN. Mr. Speaker, the problem of establishing priorities in appropriations is still very much with us. There is not enough money coming in to the Government from taxes to pay the costs of government, the costs of the war in Vietnam, and the costs of all the new programs everybody wants. Something has to yield, at least for the time being, or by increasing the already monstrous deficit we will invite wild inflation and mountains of printing press paper money.

It is the job of Congress and particularly those who are on the Appropriations Committees to take a good hard look at competing attractions, to eliminate the waste and the frills and to seek fiscal responsibility.

Nowhere is the problem better illustrated than in the space program. Our continuing effort to place a man on the moon continues to have a target date of 1970. This requires greater appropriations than would otherwise be the case for a normal progression in space. How much more we are trying to find out at this hour, but the answers are difficult to assess.

It seems to me that there is no need for a target date to reach the moon, particularly with the staggering costs of the Vietnam war. As the following editorial from the New York Times points out so well, it is hard to see what difference it makes whether a man landing on the moon takes place in the 1960's or the 1970's.

Because this continuing problem is very much with us at this hour it will involve the need for a major policy decision by this House when the Independent Offices Appropriations bill is before it later on this spring. In this connection I commend the following editorial appearing in the New York Times of March 27, 1967, to the attention of all Members:

PAUSE IN THE MOON RACE

A slowdown in the frenzied race to put a man on the moon seems to be taking place. No Soviet astronaut has gone into space for more than two years, while no Americans are to be sent into orbit until early next year, or even later.

Public statements suggest that National Aeronautics and Space Administration officials are still determined to achieve the original goal of a manned round trip to the moon by 1970. They are now seeking to find the reasons for the Apollo tragedy and to take measures to prevent a repetition; but neither NASA nor the Johnson Administration has shown any sign of using the present pause for a fundamental rethinking of the nation's space program. Their basic assumptions have apparently not been shaken.

Yet it is clearer than ever that few things are more irrelevant to the national security and national prosperity of both the United States and the Soviet Union than a forced draft effort to land on the moon by 1970. The space age is almost a decade old. Its record shows that past space prestige and propaganda gains have been ephemeral for both sides.

Who cares now that it was Soviet vehicles that first photographed the dark side of the moon or that it was American instruments that sent back to the earth the first data ever obtained from the neighborhoods of both Venus and Mars? The chief contributions of the space effort to human knowledge of the universe and to the practical needs of this planet have all come from unmanned rockets, by far the cheapest and safest means of probing beyond the atmosphere.

We fail to see that it makes any great difference who reaches the moon first or whether the landing takes place in the 1960's or the mid-1970's. Moreover, we see large, unsatisfied needs here on earth—in this country and elsewhere—that could very usefully employ some of the vast resources now being devoted to the Apollo program and its Soviet analogue. A cutback in those resources and their diversion to more pressing needs would make more sense.

The moon is not going away, and it can wait a little longer for visitors.

AUTOMOBILE LIABILITY INSURANCE PROBLEMS

Mr. CAHILL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CAHILL. Mr. Speaker, yesterday I had occasion to address the House and to express my deep concern about automobile liability insurance policies and the practices of some of the liability companies. I hope, as the weeks go by, I can bring to the attention of the membership of this House and to the American public the need for remedial action on the part of the Congress.

To illustrate the problem, I am pleased to insert in the RECORD the first of a series of articles by Mr. Robert W. Lucas, chief of Washington bureau, Gannett Newspapers, Inc. I shall insert on following days the other installments of this series by Mr. Lucas covering this important problem. I am sure the readers will find the articles informative, educational, and of deep concern in that the practices described therein have a very vital effect on American citizens who drive automobiles.

The first article follows:

INSURANCE GIMMICKS—SORRY, SHORTY, NO POLICY FOR YOU

(By Robert W. Lucas)

WASHINGTON.—In Baltimore, not long ago, a resident of that city was surprised to learn that his automobile insurance had been canceled.

Inquiry developed that the man had been reported by an insurance investigator to have been living with a woman to whom he was not married, and who in addition had given birth to two children.

There were only two errors in the investigator's report: The man had been married to this woman for 15 years, and the two children were his. His insurance policy was restored.

An attractive young woman of 22, with a character as spotless as her driving record, found that insurance on her car had been canceled.

Investigation revealed that the girl's father, with whom she lived, was known as a "spree drinker," a blithe spirit who went out on a toot now and then. The insurance company felt the father might borrow the girl's car, and explained it would consider insuring her if she were to "live someplace else."

In Kentucky, a woman married to a man with a drinking problem got a divorce. She had owned her own car, which was insured, but the insurance was canceled after the divorce became final.

The reason given was that a divorced woman might start dating again, and her boyfriend might drive her car. Or, in case of an accident followed by a court action, the woman's credibility as a witness would have been lowered in the eyes of jurors who have strong feelings about divorce.

A special legislative committee investigating insurance in Washington State found that a "leading insurance company" doing business there had cautioned its agents against insuring men nicknamed "Shorty" or "Scotty."

The company's manual said such nicknames might "denote a type of fellow whose attitude towards life is not as conservative as we like to see in the average risk."

The same manual frowned upon insuring "lower laboring classes, aircraft employes, longshoring classes." It warned against writing insurance for "beauty operators" or applicants whose children have certain hair styles.

A woman told a state insurance commissioner that seven companies had canceled her insurance in 10 years. She began to worry that the companies wouldn't have her because she was "foreign born."

She was eventually insured, at regular rates, after it was explained that she was actually eligible. But for a decade one insurance company after another had canceled her insurance when it learned that she had been canceled earlier by another company—and solely for that reason.

Some insurance companies are providing agents with guidebooks of "prohibited risks" based on occupation, age or some other factor. One such list of persons not permitted to buy standard auto insurance policies includes:

> Armed forces personnel, employes of race tracks, taxicab companies, saloon keepers, night club operators, liquor salesmen, bartenders, gamblers, slot machine operators, billiard and pool room operators.
>
> Employes of theaters, restaurants and hotels (except management personnel and owners).
>
> Professional musicians and entertainers.
>
> Professional athletes, promoters, jockeys, stable hands and so forth.
>
> Automobile salesmen; new and used car dealers.
>
> Principal operators of a vehicle, if male, under 25 and single; male or female, principal operator, under 21; students under 25, single; persons over 70; persons between 65 and 70, minimum limits only.
>
> Anyone physically or mentally impaired; any "poor moral" risks; excessive users of intoxicants or drugs; aliens or illiterates.
>
> Unemployed persons.

Reports and experiences such as these are undermining the public's confidence in the whole U.S. automobile insurance system.

They are resulting in demands for new state laws and regulations against arbitrary and discriminatory policy cancellations, nonrenewals and rejections. They are also resulting in calls for a congressional investigation to assemble and expose all the true and rumored practices of the insurance industry.

The growing controversy touches to some extent the lives of each of the 102 million Americans who drive the 86 million registered vehicles in the U.S.

For although only three states—New York Massachusetts and North Carolina—impose compulsory insurance on the drivers of their nine million vehicles, the 47 other states have some requirement of "financial responsibility"—and that is usually met with insurance.

The problem goes beyond the public's filled and unfilled needs for auto insurance, or the insurance industry's right to a profit on the business.

As the business becomes ever more competitive and the companies "tighten" the market by ever-narrowing classifications of acceptable risks, more and more people are being "investigated" for insurance.

The question arises: What happens when this mountain of private information on individuals contains errors? How is the information used? What can it do to an individual's reputation?

Insurance industry spokesmen reply that they are only doing what they must to meet insurance demands in the age of the automobile, the urban crisis and inflated costs for everything—from fractured noses to broken grilles.

Their system is so complex, so structured that a farmer in Nebraska can buy a standard package of liability, collision and comprehensive car insurance for $75 a year. The same protection costs a young, unmarried man in San Francisco $725 a year.

So if, in view of recent public complaints about insurance, there is a gigantic credibility gap, there is also a wide information gap as to how the system works.

MAKING GOD POPULAR IN SCHOOLS

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, it is indeed ironic that at a time when the United States of America confronts the greatest threat to its security and survival from a brutal and militantly atheistic philosophy, the name of God and the practice of paying Him homage through the prayers of schoolchildren has faced unprecedented opposition in this decade—at least in some Government circles and in the leadership of some religious denominations. Take the case of legislation which was introduced several years ago by the gentleman from South Carolina, Congressman Robert Ashmore, to place the inscription, "In God We Trust," in the courtroom of the U.S. Supreme Court. When asked his position on the proposal, Chief Justice Warren stated:

> After consulting with all the members of the Court, I advise you that I would not approve the bills or the inscription referred to therein.
>
> The Supreme Court Building and particularly the courtroom were designed by outstanding architects and were decorated with an eye to beauty and symmetry consistent with the purpose for which the building was to be devoted. It is believed that ornamentation other than that provided in the original plans would detract from the total concept of the building. On other occasions, people have suggested patriotic and religious inscriptions for the courtroom, but it has always been the view of the members of our Court then sitting that no changes in the decor of the courtroom should be made. This has been true regardless of the significance of the language or its relevance to patriotic or religious sentiment. I believe that the suggestion contained in these bills should be no exception to our previous views.

What a sad, sorry, sickening departure from this Nation's religious heritage.

What a slap in the face of the God of our Founding Fathers—that "an eye to beauty and symmetry" is to be preferred to a public avowal that God is our Father and Protector. It is true that the Court opens each session with this prayer: "God save the United States and this honorable Court." But who could blame Him for withholding His assistance from a court that holds that the display of His very Name would "detract from the total concept of the building." What a distorted sense of priorities.

Of course, the subject of prayer in the schools is more complex than the abovementioned case. That sincere people differ on this issue is to be expected. At a press conference in Atlantic City, N.J., in May 1964, the then Senator Hubert Humphrey was quoted by Caspar Nannes in the Washington Star of May 21, 1964, as stating regarding the subject of prayers and Bible reading in the public schools:

> If some people were as interested in good schools as in making God popular in the school, I think this country would be better off.

In contrast, another high-level Government official apparently much interested "in making God popular in the school" held a different view. Director J. Edgar Hoover of the FBI, in a speech in New York City on November 16, 1963, when commenting on the fact that, in the 2 preceding years, nearly 100 campuses from coast to coast had invited Communist Party spokesmen to speak, stated:

> If their constitutional right to free speech allows them to use the public school forum to promote the secular creed of Marxism-Leninism which *openly and avowedly denies God*, does their constitutional freedom of religion also *prohibit* the rest of us from using the same public school forum to express our faith that God does exist?

How does the average American citizen stand on this issue? Perhaps no other issue in recent memory has engendered the amount of mail received by Members of Congress since legislation was introduced several years ago, and all indications are that the voters have been overwhelmingly in favor of a prayer amendment. For instance, in early 1964 in an article from the Washington Daily News of April 23, 1964, entitled, "Public Is Pleading for School Prayers," expressions of support for an amendment far surpassed concern for any other piece of legislation. One Member from Maryland received a petition with 40,000 signatures; another from a smaller district, 15,000; in another district 1,500 letters a week running 9 to 1 for the prayer amendment. Another news item from the same Washington Daily News of April 1, 1964, stated:

> One rather typical House office gets about 300 such letters a week, and the movement is picking up steam. The pro-Amendment mail outweighs the anti-Amendment mail by better than 50 to 1.

In 1966, the pro-prayer mail again picked up, after having subsided for a time. A statement from the CONGRESSIONAL RECORD of March 22, 1966, by Senator EVERETT DIRKSEN reads:

> Since the Court decisions referred to earlier have been handed down, millions upon millions of words have been written on this subject. Polls have been taken. Insofar as I can determine, more than 81% of the people disagree with the Courts. Two years ago, one man came to Washington and dumped 52,000 original letters of protest on my desk.

As far as can be ascertained, the American public has a very deep interest in this issue and has taken the trouble to express it, with an overwhelming support for an amendment. Perhaps the best summation of the public's reaction to the prayer legislation was stated by columnist Bruce Biossat in the Washington Daily News of June 23, 1964:

> By contrast with all this, 93 of the 98 congressmen who appeared were in support of constitutional change. They and many of their fellows have been buried in the greatest avalanche of mail in congressional history.

The amendments in general seek to clarify the First Amendment to the Constitution and not to repeal it. The "establishment of religion" phrase in the first amendment would be clarified and returned to its original meaning that the Government of the United States cannot relate itself to any one church or denomination, or afford special favors or recognition to any one church to the exclusion or detriment of other churches or nonbelievers in general.

Amendment proposals would settle once and for all that the offering of a prayer on the floor of the House of Representatives before each session by a Protestant, Catholic, or Jewish clergyman is not "an establishment of religion," is not unconstitutional, and is not a matter for the Supreme Court to decide.

Amendments under consideration would clearly establish that the name of God in our Pledge of Allegiance or on our coins is not unconstitutional and that:

> Nothing in this Constitution shall be deemed to prohibit making reference to belief in, reliance upon, or involving the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school, institution, or place, or upon any coinage, currency, or obligation of the United States.

During the present Congress amendments will again be proposed, and as in past years I will again submit a prayer amendment measure. It is hoped that the Members of the House will, in light of the vast interest in this issue, get an opportunity to vote on a prayer amendment. Contrary to the public call for action, no legislation has as yet been submitted to the full House for approval or rejection. In the Senate the Dirksen amendment on two occasions narrowly missed garnering the two-thirds vote necessary for passage.

The recent disclosure that 32 States have called for a national constitutional convention to rectify the Supreme Court one man, one vote decision on apportionment might well indicate that both the Court and Congress are at odds with the American public on at least one count. If two more States join the call for such a convention, a goodly number of the American people through their State legislatures will have gone to an unprecedented constitutional action to express their displeasure with the Court's decision and the Congress' lack of sensitivity to their wishes.

Although it remains to be seen whether such a convention comes to pass, the question is already being entertained regarding the consideration of other amendments at the convention. Perhaps the mere threat of bypassing Congress with a prayer amendment submitted to such a convention might possibly result in the extensive consideration given the civil rights issue in 1964 by the House.

The year 1968 will present to the American people another opportunity to act on the prayer issue. In addition to the offices of President and Vice President, every Member of the House plus approximately one-third of the Senate will be up for reelection. If the prayer amendment issue is as important as the mail to Congress indicates, then, in the American tradition, those for and those opposed to a prayer amendment should give a high priority to this issue in evaluating the 1968 candidates for national elective offices.

At his first inaugural address, April 30, 1789, George Washington observed that:

> No people can be bound to acknowledge and adore the Invisible Hand, which conducts the affairs of men, more than the people of the United States.

Now compare this expression of indebtedness to the Divine Being with the situation in Whitestone, N.Y., where, in the morning, kindergarten classes were forbidden to recite this ancient prayer with their morning milk and cookies:

> God is great, God is good,
> And we thank Him for this food.

Also forbidden was the recital of this afternoon prayer, also of ancient origin:

> Thank You for the world so sweet,
> Thank You for the food we eat,
> Thank You for the birds that sing,
> Thank You God for everything.

Primarily on trial in the prayer issue are the American people—more so than their servants in Congress and the Supreme Court. They can supinely view the prayer issue as a lost cause or to their elected officials they can say: "There is something dangerously wrong when a child in school cannot thank God for his food. We have waited entirely too long for corrective action. Return our religious heritage to our schools—or we will elect those who will."

EXTENDING CAR SAFETY STANDARDS DEADLINE FOR SMALL MANUFACTURERS

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BROWN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BROWN of Michigan. Mr. Speaker, I am deeply concerned about the future of those small American companies that manufacture only a limited quantity of special-built or custom automobiles each year. I believe the car safety law passed last year, requiring adoption of initial Federal standards by January 31, 1968, would result in severe hardship for these companies.

Therefore, I introduced yesterday an amendment to the National Traffic and Motor Vehicle Safety Act of 1966. This amendment, H.R. 8457, would grant automakers who produce fewer than 10,000 cars a year, a 1-year extension to conform to standards and testing requirements. In a 1966 total market of over 9 million vehicles, the half dozen companies involved represent a very small, specialized segment of the industry.

I fully recognize the very urgent need for traffic safety and proper safety standards. There are over 90 million cars on the road today; and more than 100 million licensed operators. Nearly 52,000 people die every year in automobile accidents, and estimates show this figure will probably rise to 100,000 by 1975, unless a concerted national safety effort is made. However, I believe the law could spell disaster and perhaps the end of the road for these specialized automotive manufacturers unless it is amended to give them more time to conform. Endangered by the proposed standards are:

Avanti Corp., South Bend, Ind.; Checker Motors Corp., Kalamazo, Mich.; Dusenberg Corp., Indianapolis, Ind; John Fitch & Co., Limerock, Conn.; Glassic Industries, West Palm Beach, Fla.; S. S. Automobiles, Inc., Milwaukee, Wis.; and Shelby-American Corp., Los Angeles, Calif.

The competition provided by smaller businesses and firms, such as these, is the backbone of our free enterprise system, and I believe strongly that we should make every effort to see to it that they are permitted to survive. The problem of these small firms is simply that they are not self-sufficient and cannot affect the immediate, major changes in design and testing within the time limit of the law. They do not have expensive and sophisticated testing equipment required by the standards; they have small engineering staffs; they buy special parts in small volume at higher prices; and because of their limited production, they do not have yearly model changes. Many of these cars are purchased as collector's items, and others are used for very specialized purposes, such as taxicabs.

This proposed modification of the law will not eliminate the safety standards, but will give these small firms the time to make the necessary adjustments so that they, and their thousands of employees, can continue to make a significant contribution to the automobile industry and the economy.

Furthermore, I would like to point out, Mr. Speaker, that the original legislation submitted by the President to the Congress called for a 2-year period to study the problems involved in setting standards and the formulation of the initial standards. I am, therefore, hopeful my colleagues in the Congress will act promptly to grant this needed 1-year extension.

COMMITTEE ON CONDUCT IS ONLY THE FIRST STEP IN EFFECTIVELY HANDLING CONGRESSIONAL ETHICS

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Brown] may extend his remarks at this point in the Record and include extraneous matters.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BROWN of Michigan. Mr. Speaker, I was most gratified by the action of my colleagues in unanimously passing House Resolution 418, which will establish a 12-member committee on standards of official conduct. I only hope now that the committee will make every effort to formulate its recommendations at the earliest possible date. For, I think it important that this action be regarded as only the beginning of our efforts to deal effectively with problems falling within the field of congressional ethics. When the committee is established, and the House eventually adopts its recommendations for standards of conduct and an effective enforcement system, the need for House action will not necessarily have ended. For example, if the Congress is really sincere about restoring the public trust, it should adopt a financial disclosure measure so that the electorate can be made aware of the private financial interests and business relationships of Members and candidates which might create a conflict of interest. It should also consider proposals to disclose relationships with lobbyists as well as all nepotic relationships. Certainly, the action taken today is an important first step, but it encompasses a great deal more than the establishment of an ethics committee. There is an equation that says, "the whole is equal to the sum of its parts," and that equation speaks also to the public image of our National House of Representatives.

TAX FREEDOM HOLIDAY GETS LATER EVERY YEAR

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Gurney] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GURNEY. Mr. Speaker, last year about this time I introduced a resolution which would have proclaimed May 1, 1966, as National Tax Freedom Holiday. This was the day last year when the average taxpayer had earned enough to pay his 1966 taxes.

Today I am again introducing a similar resolution with but one change. The freedom day is 4 days later this year, on May 5. In 1 year, taxes have grown to eat up 4 more days of work for the average American.

Mr. Speaker, we ought to hurry up and pass this bill before the date of the holiday begins to interfere with our preparations for the Christmas season.

The 5th of May this year is indeed an occasion for celebration, since it is the first day of 1967 that a taxpayer will be able to call a dollar his own. Until then, the wages he earns belong to Uncle Sam. This is just another way of saying that the tax burden is over one-third of the taxpayer's income. Certainly the day of relief should be marked appropriately by giving it the status of a holiday.

Along with the celebration, it is a time for reflection—a time to consider this Government that has grown so big that it takes one-third of the taxpayers' income to support it for a year. What sort of monster have we built that takes $4,281 to feed it every second? The man earning $20,000 pays just about enough in taxes each year to keep the Government going for this 1 second. Why it took 70 times that amount just to print the $135 billion budget for this year's installment of the Great Society.

Tax Freedom Holiday is a good time for the taxpayer to look at the accomplishments of the Government he has supported at such great cost. It is a time to assess the multitude of programs that were poorly conceived and are badly managed—many of the programs he did not favor in the first place.

As I remember from my history books, the Boston Tea Party was in protest against the excessive tax levied on tea. Taxation—and especially when it was levied without representation—was one of the prime factors in the beginning of the Revolutionary War. The Crown in England had been arbitrary and unwilling to listen to the protests from across the sea.

Today, Mr. Speaker, the same protests are arising from across the land. Last November's elections showed that the American people are tired of supporting a government that is run by people who do not represent them. They are tired of having expensive programs, many purely political in purpose pressed upon them and paid for by their tax money.

It was this sense of indignation across the land that resulted in the last election. This weekend, an even more painful wave of indignation is filling the hearts of Americans as they pay their 1966 taxes. But as they pay up for last year, they can remember that they still have not worked long enough in 1967 to pay for this year's.

LEGISLATION TO AMEND TITLE II OF THE SOCIAL SECURITY ACT

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Bob Wilson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BOB WILSON. Mr. Speaker, I am today introducing legislation to amend title II of the Social Security Act to provide that a woman need not have been married to a man for any particular period of time prior to his death in order to qualify as his widow for benefit purposes if he was a member of the Armed Forces drawing combat pay when he died.

Under present social security laws, a surviving widow receives a small, lump-sum death gratuity regardless of the length of her marriage. If she and her husband were married for at least 1 year and have dependent children, she may receive benefits for those children until they reach age 18. Then when the widow reaches age 60 she is eligible for benefits herself. However, if her husband died before their first wedding anniversary, she is not entitled to any survivors benefits unless a child was born to them before his death, or she conceived his child before his death.

I submit today that this 1-year marriage requirement, written into our law nearly 30 years ago, has worked an unfair hardship on the widows of our military men who may have been killed in combat in World War II, Korea, and now Vietnam before their marriages were 1 year old. These were men, married only a few days or a few months, before our country sent them off to war to defend freedom here and at farflung points on the globe. Their shortcoming consisted of being killed 1 day, 10 days, or 3 months before their marriages were a year old, thus shutting their widows out of the social security benefit program.

Last week I encountered one such case. A young marine, S. Sgt. Guy M. Hodgkins, was killed in Vietnam in an act of valor—5 days before his first wedding anniversary. He later received posthumously the Navy Cross, the Nation's second highest military honor, for singlehandedly knocking out a Vietcong stronghold. His widow and her 8-year-old daughter by a previous marriage were advised they were not eligible for social security benefits because the marriage was not exactly 1 year. This young marine had contributed to social security for 13 years and gave his life in the defense of freedom. How very tragic that his widow and daughter now cannot receive the full benefits of his labors.

I am certain that the war in Vietnam has created many similarly poignant examples of this inequity in our social security law. It is for this reason, I urge Congress to exempt the widows of servicemen drawing combat pay at the time of their deaths from this 1-year marriage requirement for social security purposes. This requirement was enacted in 1939 and the record will show that no consideration was given as to how it would affect the survivors of newly married men killed in war. The requirement was intended to prevent unscrupulous persons from taking advantage of social security benefits. For example, it was aimed at prohibiting young women with children from marrying men with terminal sicknesses for the purpose of collecting social security benefits.

We at home ask a great deal of our military men in combat zones. They are asked daily to put their lives on the line. This is something very special we ask for these men. It is only just that in return they receive special consideration under the social security laws.

Mr. Speaker, I am hopeful Congress will take rapid and favorable action on this bill in the months ahead.

At this point, I would like to insert the following newspaper article that describes the courageous deeds of S. Sgt. Guy M. Hodgkins:

WIDOW TO RECEIVE S.D. HERO'S MEDAL

(EDITER'S NOTE.—The Navy Cross, second only to the Medal of Honor, will be presented here Friday afternoon to the widow of a former drill instructor at the Marine Corps Recruit Depot. This is the story of SSgt. Guy M. Hodgkins, a man who went on to Vietnam to practice what he had been preaching.)

(By Lee Dye)

SSgt. Guy Hodgkins had to go to Vietnam. Not because of all the cliches about patriotism, but because he was a Marine. It was what he had been trained to do.

"Suppose you were a waitress," he told his wife one day last year, "and you had spent 12 years, setting tables, folding napkins, and filling water glasses. But you never got any customers. Wouldn't you feel left out?"

TAUGHT 3 YEARS

Mrs. Hodgkins didn't argue. She knew her husband too well.

Guy Hodgkins had spent three years telling new Marines what war was all about, although he had never been in combat himself. It was time to test his own skills.

He put in a letter to Marine Corps Headquarters, requesting assignment to Vietnam. Last June he bid goodby to his wife and daughter, Toni Lynn, 8.

"Guy didn't write much about Vietnam," Mrs. Hodgkins said in an interview. "I guess he didn't want me to worry."

As a platoon sergeant, Hodgkins managed to keep busy. He worked with men he had introduced to the Marine Corps back home in San Diego.

No doubt he often recalled the way he had grumbled and muttered to his wife about some of the recruits who thought it was all a big joke.

PROVES WRONG

On Sept. 3 the Viet Cong proved that the recruits had been wrong.

Hodgkins was leading a squad of Marines who had flushed out 15 Viet Cong. The enemy troops fled to a small concrete building near An Hoa.

The Marines were advancing toward the building when they came under heavy enemy fire. Three Leathernecks dropped in their tracks.

CARRIED GRENADES

Hodgkins picked up the rifle of a fallen comrade and moved forward through heavy fire. He soon ran out of ammunition, but he continued crawling toward the building, armed with a grenade in each hand.

He dragged himself to within point-blank range of the structure and tossed the two grenades.

The explosion killed three Viet Cong and knocked out their stronghold. But other enemy troops around the area turned their full attention on Hodgkins, still fully exposed.

It was all over in a matter of seconds. Hodgkins was killed.

His daring maneuver electrified the men he had been leading. They opened fire on the weakened Viet Cong and routed the entire force.

A LONG WAY

Vietnam may seem like a long ways from San Diego. But on that day, as a small platoon of Leathernecks stood over the body of a man who had taught hundreds of new Marines about war, the distance suddenly grew shorter.

SSgt. Guy Hodgkins had proved it was no joke.

Maj. Gen. Lowell E. English, commanding general of MCRD, will present the Navy Cross to Hodgkins' widow during a depot parade and review at 3 p.m. Friday.

"Sometimes it's hard to believe he's gone," Mrs. Hodgkins said. "Two days after I received the official telegram telling me about Guy's death, I got his last letter."

The letter didn't have a lot of news, she said. But there was one phrase she will never forget. On the eve of his death, her husband had written:

"Everything is dull and routine."

WARSAW GHETTO UPRISING ANNIVERSARY

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KUPFERMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, next Wednesday, April 19, marks the 24th anniversary of the beginning of the Warsaw ghetto uprising. It is a chapter in world history which serves as an outstanding example of the degree to which man, against insuperable odds, can and will fight for his dignity and freedom.

On April 19, 1943, the Jewish combat organization—ZOB—commanded by Mordecai Anzelewicz, began armed resistance against the Nazi troops in the ghetto of Warsaw, Poland. Outnumbered and outarmed, on May 8, 1943, with capture of their last outpost certain, the leaders of the uprising committed suicide. Over 800 acres of the ghetto were completely devastated and during the fighting 56,000 Jews were captured or killed by the Nazis. Many others were burned during the holocaust of the ghetto.

The 6 million European Jews and the many European peoples of other denominations who died as a result of the Nazis terror in World War II have not died in vain if we have learned that such inhumanity must not be allowed ever to exist again.

Throughout the world, this day will be observed at meetings and rallies and by special commemorative prayers in houses of worship.

On Sunday, May 7, 1967, at 2 p.m., in New York City's Times Square in my district, there will be a public rally, sponsored by the Warsaw Ghetto Uprising Anniversary Committee, chaired by Mr. Abram Salomon and assisted, among others, by Mr. Peter Krausz, the committee's secretary.

Last year some 15,000 persons attended the rally.

Again this year, I have been invited to participate. I urge my colleagues to acknowledge and to communicate to their constituents, as I will to mine, the important message to be remembered from the holocaust and heroism of that day 24 years ago, so that a message of recent history will not be lost, but will remain a timeless lesson of dignity and courage for all Americans as well as for the rest of the world.

If any of my colleagues will be in New York on May 7, I hope they will personally appear at the rally and join in paying tribute to this important anniversary and that for which it stands.

VITAL NEED FOR PAN AMERICAN HIGHWAY

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. DENNEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENNEY. Mr. Speaker, today I am introducing a bill, H.R. 8512, which designates certain U.S. highways as a part of the Pan American Highway. These highways are the most direct route from Laredo, Tex., to the point where U.S. Highway No. 81 crosses the border between North Dakota and Canada.

This highway is already named the Pan American Highway through Mexico, Central American Countries, and South America. Recently, to publicize the route, the Pan American Highway Association sponsored a large caravan of automobiles which left Winnipeg, Canada, and traveled from there to Buenos Aires, Agentina. The results of this trip show the good neighbor and tourism possibilities of this approach.

With the high cost of the Vietnam war, it seems to me that we have to find economic ways of implementing hemispheric good will.

Mr. Speaker, as my colleagues know, by House Resolution 370 we have designated April 13, 1967, as Pan American Day. It also is appropriate that this bill be introduced today, because the President is speaking in Punta del Este, Uruguay to promote Latin-American friendships and trade. I subscribe to the approach that travel between the United States and our neighbors to the south is a good way to bring the countries in this hemisphere closer together. I urge all colleagues that agree with me to introduce similar legislation.

INTRODUCING BILL CALLING FOR 1 MONTH'S VACATION IN AUGUST FOR MEMBERS OF CONGRESS

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentlewoman from Washington [Mrs. May] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. MAY. Mr. Speaker, today I joined with other of my colleagues in this House to introduce a measure that would provide an annual 1-month vacation leave for all Members of Congress in the month of August. I do this in the interest of better legislating on the part of all Members.

It has certainly become clear to me in my 8 years in Congress that we are virtually on a year-round schedule in this body. Therefore, I think it is high time we organized ourselves in recognition of this fact. I sincerely feel that better timetable planning for appropriations bills and the whole spectrum of important legislation could be achieved if Members of Congress knew that they had an established 30-day breathing spell ahead of them.

It is my hope that this would lead to better and fuller use of the other work weeks of the congressional year. And, my impression of "full use of congressional work weeks" includes more expeditious committee action in bills followed by full 5-day House calendars. Furthermore, we can certainly agree that giving Members a chance to have a rest break and the opportunity to spend some time with their families and their people at home could lead to more energetic and objective handling of congressional duties by each Member. I expect it was with these reasons in mind, as well as others, that the proposal was included in the legislative reorganization bill which is still pending in the House Committee on Rules. I certainly urge the support of this measure by my colleagues in the House.

WE SHOULD NOT FORGET

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Steiger] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. STEIGER of Wisconsin. Mr. Speaker, although it is customary for this Congress and the Nation to mark the termination dates of wars this country has been involved in, we hold no such observance for our entering those same wars. Last week, April 6th passed with not so much as an utterance in reference to that historic date—the 50th anniversary of the U.S. entrance into World War I.

Mr. Speaker, I am as guilty as anyone in allowing this date to go unmentioned. I will not make the same mistake in the future. We should mark that date as a day when a determined nation set out to retain World freedom and independence just as that same determined nation today fights to retain dignity and freedom in South Vietnam.

I include as part of my remarks an editorial concerning April 6 from the Stars and Stripes-The National Tribune, as well as an article from the April 14 issue of Time:

[From the Stars and Stripes-The National Tribune, Apr. 13, 1967]

SOON FORGOTTEN

A page-by-page survey of the Congressional Record of April 6, the date of the 50th anniversary of the entry of the United States into World War I, fails to find one single reference to that historic date in all of the contents of that particular issue.

There were 71 pages devoted to the proceedings of the United States Senate and 120 covering the activities of the House of Representatives. Forty-six additional pages were devoted to the appendix.

There are some 10 veterans of World War I who are Members of Congress. One Senator, Carl Hayden, was a Member of Congress when war was declared in 1917. It is strange indeed that on that particular day there was no mention made in the Congress of an event that affected the lives of millions of Americans and changed the course of world history.

Some 126,000 American boys lost their lives in the 22 months that the conflict raged. Several hundred thousand more suffered wounds of greater or lesser degree. Yet, apparently, in the minds of our legislators it is ancient history.

In all of the wars which America has fought, men have given of themselves in defense of their country seeking not honors or glory but just doing their duty as they saw it. They did not expect adulation or flattery. They simply wanted to do a job that had to be done and then return home.

Today in Viet Nam 400,000 Americans are engaged in a bitter and desperate conflict. Once it is over they may be heroes for a brief interlude, but as the years roll on their heroic actions will be forgotten and unremembered by new generations of Americans.

This is a sad commentary on the attitude of our people who owe their very lives and their existence to the men who have fought in defense of this Nation over a period of nearly 100 years.

It is our sincere hope that the exploits of our fighting men will ever remain as an inspiration to the people of America.

[From Time, Apr. 14, 1967]

MUFFLED DRUM

"It is a fearful thing to lead this great peaceful people into war, into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance. But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, everything we are and everything that we have."

Woodrow Wilson's words to Congress, as quietly dramatic and eloquent as the man who spoke them, still ring with sharp urgency, still speak directly to the national conscience. But in a capital preoccupied with another war, there was no official observance last week to mark the day, 50 years ago, on which the United States entered World War I.

GOVERNMENT OF POLAND RELIEVED OF NEED TO PAY DEBT

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Findley] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FINDLEY. Mr. Speaker yesterday our State Department announced that it had completed a deal which relieved the Government of Poland of the need to pay in dollars about $17 million in debt to our Government. The debt was incurred under Public Law 480 agreements.

The very same day that our Government granted this substantial economic aid to the Communist regime in Warsaw, a Polish merchant ship was in Haiphong Harbor in North Vietnam unloading supplies for our enemy.

Aid in any form to a government whose shipments to Haiphong nourish and equip the forces killing American boys is unconscionable. I am therefore demanding that it be thoroughly investigated by the Europe Subcommittee of the House Foreign Affairs Committee.

By relieving Poland of the need to pay the $17 million in debt in dollars our Government has thus enabled Poland to aid the enemy at a level it otherwise could not afford.

RESOLUTION REGARDING THE NEED FOR A U.S. COAST GUARD STATION IN RACINE COUNTY, WIS.

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Schadeberg] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHADEBERG. Mr. Speaker, pursuant to my remarks on the floor of this House yesterday concerning the proposed closing of the Coast Guard Station in Racine, Wis., I am presenting to the Congress of the United States the formal resolution of the Racine County Board of Supervisors expressing its opposition to this action.

With permission granted I place at this point in the Congressional Record the communication which I have received from Mr. James A. Fay, county clerk, Racine County, Wis., and the resolution of the Racine County Board of Supervisors:

County of Racine,
Racine, Wis., March 29, 1967.

To Whom It May Concern:

I James A. Fay, County Clerk for Racine County, Wisconsin, hereby certify that the attached is a true and correct copy of a resolution adopted by the Racine County Board of Supervisors on March 28, 1967.

[seal]
James A. Fay,
County Clerk.

March 25, 1967.

Resolution No. 66–202

Resolution by individual supervisors regarding the need for a U.S. Coast Guard Station in Racine County

To the Honorable Members of the Racine County Board of Supervisors:

Whereas, repeated comments are being received by Individual Supervisors on the subject of the need for a United States Coast Guard Station in Racine County; and

Whereas, notice has been posted that it is the present intent to close the United States Coast Guard Station in Racine County; and

Whereas, commercial shipping, fishing, pleasure boating and other usage of the Lake Michigan and inland waters in and adjoining Racine County are increasing yearly and the need for continued policing and safety surveillance is necessary; and

Whereas, the United States Coast Guard stationed at Racine has, because of its close proximity to the scene of mishaps, saved many lives and property of untold value; and

Whereas, the closing of this United States Coast Guard Station will adversely affect the citizens of Racine County;

Now, Therefore, Be It Resolved by the Racine County Board of Supervisors, Racine County, Wisconsin, that it convey its opposition to the closing of the United States Coast Guard Station in Racine County.

Be It Further Resolved, upon the adoption of this resolution, the County Clerk be instructed to forward copies of this resolution to the Secretary of the Treasury of the United States of America; the United States Senators from Wisconsin; the United States Representative from the First Congressional District of Wisconsin; to the Commander of the Ninth Coast Guard District; and to the Commandant of the United States Coast Guard.

Respectfully submitted,

Individual Supervisors,
James Rooney.

IS COMPULSION NECESSARY?

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Rumsfeld] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, under leave to extend my remarks in the Record, I am inserting a statement prepared for presentation to the Senate Armed Services Committee on April 13, 1967, on the subject of the Selective Service Act and the case for a volunteer military.

My statement follows:

Mr. Chairman, Members of the Committee, I appreciate the opportunity to appear before your Committee to present my views on the issue of military manpower recruitment.

In assessing the United States military manpower procurement system, I am handicapped by the lack of a comprehensive and accurate assessment of the cost of the present draft, and of such alternative systems as an all-volunteer system.

An extensive manpower study by the Department of Defense, requested by the President in response to growing criticism of the draft, was withheld upon its completion, then revised in light of the escalation in Viet Nam, and finally reported to the Congress in 1966 by Assistant Secretary of Defense Thomas D. Morris in brief summary form only. The study and working papers on which the conclusions were based have never been made public. Later in my presentation, however, I will comment on an evaluation of the DOD study, based on the opinions of an investigator who apparently has read the entire study and who is able to quote from portions of it.

More recently, the National Advisory Commission on Selective Service, also initiated by the President and headed by Burke Marshall, issued a 219 page evaluation of the draft and its alternatives. The Commission, in its own words, "spent more than 100 hours in meetings in Washington alone, which are recorded in more than 3,500 pages of transcript; and the members read, considered, and discussed in detail hundreds of pages of staff memoranda." However, none of these working papers has been made public.

On March 24, 1967, I joined with the Honorable Thomas B. Curtis in urging the President to release the information necessary to make an adequate evaluation of his draft proposals. Our letter concluded: "Without supporting data and working papers, the strength of your proposals are seriously diminished. Thus we respectfully request that working papers of your National Commission on the points discussed be made available to us in the Congress." Thus far, the only response has been a brief acknowledgement of our letter by an aide.

Because of this information gap I am pleased that your Committee and the House Committee on Armed Services are holding hearings on the draft and possible alternatives.

AREAS OF AGREEMENT

I appear today in a dual role—as both an advocate and an inquirer. Before I embark on either role, I would like to set before you what seem to be certain premises on which most can agree:

Military conscription is repugnant and antithetical to a free society except in time of demonstrated need. President Johnson in his recent Message on Selective Service underscored this point when he said: "The volunteer tradition is strong in our Armed Forces, as it is in our national heritage. Except for the periods of major war in this century, it has been the chief source of our military manpower since the earliest days of the Republic."

Any system of involuntary military service is inherently inequitable when not all qualified men are required to serve. President Johnson in the same message declared: "For the unavoidable truth is that complete equity can never be achieved when only some must be selected and only some must serve."

Given the basic undesirability as well as the inherent inequity in military conscription, every effort must be made to make the rewards for military service commensurate with the rewards in civilian employment. No one would argue, I believe, that, in addition to the other sacrifices that Armed Forces personnel must make, they should also be obliged to subsidize their own service.

There is a point at which—given a combination of pay increases, liberalized fringe benefits, improved recruitment and retention policies, extension of education opportunities in and through the Armed Services, and/or greater utilization of civilian personnel, male and female, in noncombatant posts—that conscription would no longer be necessary to fill military requirements. There may be differences of opinion as to exactly where that point is, but it is there nonetheless.

The Viet Nam conflict has both focused attention on and beclouded the issue of the draft and its alternatives. Selective Service was extended in 1963 with scarce attention from the Congress and the public. With the extension of the war effort and increased involuntary induction, the draft became more directly important to more families.

I accept the obvious fact that the United States, during this period of its history, requires a sizable military capability. The question to be answered is what is the best mechanism to recruit the range of manpower required, not only during the present situation in Southeast Asia, but also, hopefully, in the not too distant future when a settlement is reached. We must investigate, plan, and take action for the anticipated range of the military manpower needs of the foreseeable future.

A MODERATE PROPOSAL

In the full realization that the time is short between now and June 30, when the Selective Service Act expires, I would suggest consideration of a moderate course of action which this Committee and the Congress might follow.

That the Selective Service Act should be extended for a maximum of two years.

That conscription procedures should be modified, in so far as possible, to remove the most serious inequities.

That Congress should declare its intention to establish a volunteer military force and conduct the necessary investigation and study to determine the best means to establish such a force. At the end of the two-year extension of Selective Service, and to the extent that the study so indicates, the Congress should either terminate conscription or set a definite termination date for conscription.

That Congress should raise immediately the pay scales and fringe benefits for military personnel, with the goal of providing the increases necessary to bring military rewards up to a competitive posture with respect to civilian rewards.

That the Department of Defense should intensify its efforts in the recruitment and retention of military personnel and continue to expand its utilization of civilian manpower in noncombatant posts.

There are three principal questions which must be answered regarding such a course of action and, particularly, in relation to the establishment of a volunteer military.

IS IT FEASIBLE?

The question of the feasibility of attracting and maintaining an adequate voluntary armed force centers primarily on the issue of cost. Cost estimates have ranged from $4 to $20 billion for maintaining a volunteer force of approximately 2.7 million men.

The Department of Defense seems to be in the position of both estimating the cost of a voluntary army and of judging whether that cost is justified, even though it has stressed that as a "user" of personnel it is concerned *only* with the attraction of sufficient quantity and quality of manpower. Thomas D. Morris, Asst. Secretary of Defense (Manpower), testifying before the House Armed Services Committee in 1966, had the following colloquy with Congressman Otis Pike:

Mr. Pike: ". . . So long as there aren't any Federal guidelines, aren't you going to have this same inequality which is the basic objection to the draft in this country today?"

Mr. Morris: "Sir, again, I should limit my comments to our responsibilities as to the user of manpower and the setter of physical, mental, and moral standards."

Mr. Pike: "So, as the user of manpower, you are not concerned about the inequalities in the draft system which is the basic complaint which I receive in my mail regarding the draft?"

Mr. Morris: "We think these are matters beyond our responsibility, sir."

Notwithstanding the above, Mr. Morris, in the same 1966 hearings, concluded categorically: "Increases in military compensation sufficient to attract an all-volunteer force cannot be justified." I disagree.

DOD claims that a volunteer army is impractical because it is too costly. However, whether a program can be financed and should be financed—given known Federal revenues and spending priorities—is a determination which must be made by the Congress and the people. DOD, and other departments and agencies, must supply facts; Congress must evaluate those facts and translate them into policy.

If DOD studies the feasibility of developing a necessary new weapons system, they would not conclude that it is impractical *only* because it cost between $4 and $20 billion. One would suspect that other considerations entered into their judgment on the draft.

Or, to put it another way, if the Department of Agriculture or the Post Office Department discovered basic needs which demanded the recruitment of thousands of additional personnel, neither Department would recommend conscription of that manpower. Rather, they would present proposals for attracting the needed manpower based on the competitive market rate and on modern personnel recruitment and retention practices.

The point is this—We can afford to attract a volunteer army if we want to. And the costs very likely will not be prohibitive as the Department of Defense suggests.

Dr. Walter Y. Oi, a manpower expert who was with the Department of Defense in the early stages of the manpower study and is now Professor of Economics at the University of Washington, has conducted a comprehensive study of the costs of an all-volunteer force. Dr. Oi's conclusion:

"An all-volunteer force offers a polar alternative to the draft. With its lower personnel turnover, a voluntary force of the same size could be sustained by recruiting only 27.5 per cent of qualified males. The budgetary payroll cost would, however, have to be raised by $4 billion per year."

I will submit for the record, following my remarks, the complete analytic text of Dr. Oi's study which was submitted at the University of Chicago Conference on the Draft in December, 1966. (Appears in the CONGRESSIONAL RECORD, Mar. 9, 1967, pages 6087–6098.)

The "secret" DOD report on which Assistant Secretary Morris' 1966 testimony is based tends to refute the public DOD position that a draft is necessary even in peacetime:

"In the event that active duty military force requirements revert in the closing years of this decade to the levels originally planned for the current year and remain at or below this level in the early 1970's, it is possible that these measures [more pay and better personnel policies] may result in the elimination of the need for draft calls for substantial periods as we move into the 1970's. . . . It is desirable to study the implications of these trends even at a time, such as the present, when draft calls are in fact greater than at any time in the past decade."

Further, from the same DOD report:

"An estimated $4.2 to $6.2 billion [would be needed] to rely exclusively on volunteers if military strengths were to be maintained at pre-Vietnam levels."

Author Jean Carper, who quotes the preceding passages of the suppressed Pentagon study in her forthcoming book, *Bitter Greetings: The Scandal of the Military Draft*, scheduled for publication by Grossman later this month, gives the following commentary:

"There is no *real* $17 billion cost barrier to abolishing the draft, as we shall see. This figure is the reddest of red herrings, thrown to the Congress and the American people to stifle an investigation into ending the draft. By raising the pay of our soldiers to a living wage, we can be well on the way to ending the draft with the end of the Vietnam crisis."

I have focused exclusively on the payroll cost necessary to attract a volunteer force. However, considerable savings might accrue from such factors as a lower turnover rate, more skilled personnel and a reduction in basic training needs.

But, most important, whether we turn to volunteerism or retain the draft with substantial pay boosts, military personnel would no longer be forced to subsidize their own service by accepting compensation less than they could draw in open job competition. Bruce Chapman, author of the *Wrong Man in Uniform*, put it well with these words:

"The $96 a month paid an American private is about the same as the pay of a collective farm worker in Communist Eastern Europe and less than half what unemployment compensation pays . . . Even if some draft were necessary, financial relief and bettered living conditions for the draftee would be essential for maintaining any pretense of justice in the draft's rationale."

IS IT FLEXIBLE?

I now turn to an examination of the second basic question concerning the voluntary approach. Would such an approach provide sufficient flexibility to meet the anticipated range of military manpower requirements?

To answer this question I should like to stress that I certainly am not opposed to conscription under all circumstances. Sudden and/or massive military build-ups, such as those required in World War II, undoubtedly could not be accomplished without compulsion.

Therefore, even if we accept a voluntary system as our goal, we must keep a workable draft system ready to be superimposed on the voluntary system when a clear need is demonstrated for greater manpower than the volunteer system can reasonably provide. We should undoubtedly retain some semblance of a Selective Service System, even to the point of registering, examining and classifying young men as they come of military age. Our national security and leadership in the free world calls for no less.

A strengthening of the ready reserve and national guard to make these forces truly ready for immediate response would also contribute to U.S. military flexibility.

In addition, the voluntary concept can have a built-in flexibility of its own. If military service is made attractive enough, we might very well have excess numbers of volunteers. Dr. Milton Friedman explained this flexibility concept at the Chicago Conference:

"Recruitment by voluntary means could provide considerable flexibility—at a cost. The way to do so would be to make pay and conditions of service more attractive than is required to recruit the number of men than it is anticipated will be needed. There would then be an excess of volunteers—queues. If the number of men required increased, the queues could be shortened and conversely."

Obviously, the flexibility here is not as great as with the draft, but such an approach could easily accommodate moderate increases in military demand. For a fuller explanation of this concept, and of other arguments for volunteerism, I will submit for the record Dr. Friedman's full text at the conclusion of my remarks. (Appears in the CONGRESSIONAL RECORD, Mar. 9, 1967, pages 6098–6100.)

In short, the statement by the President in his message to Congress suggesting that a voluntary system might be gambling with the nation's security is absolutely without foundation.

IS IT A THREAT?

A third basic question concerning volunteerism is whether or not it presents a threat to existing political institutions.

Certainly, any fear of threat to our political institutions merits careful attention. Such a threat, however, has historically come from the officer corps, rather than enlisted personnel, and in the United States, officers of all services have always been career or voluntary. Further, our proper tradition of civil control over the military has thus far been sufficiently strong so that there has been no serious threat of military takeover.

Further, history seems to show in other nations that military threats to political institutions have come from conscript armies as well as from volunteer armies, and that many nations have *not* had such threats regardless of whether they had conscript or volunteer armies.

I believe that such a threat is a serious matter—to be watched and prevented—but that with attention and care, it can be as readily avoided in a volunteer system as in a conscript army, by building in some turnover in the system.

ADVANTAGES OF A VOLUNTARY SYSTEM

A volunteer system, assuming it to be feasible, offers the following advantages:

Preservation of the freedom of the individual to serve or not to serve, or conversely, avoidance of the compulsion inherent in either the present system, a lottery, or universal military training.

Greater efficiency in the military services resulting from a lower turnover rate, and, thus, dollar savings in man-hours currently spent in training.

Avoidance of the arbitrary discrimination and inherent inequities of the present system.

Elimination of the difficult Constitutional questions relating to conscientious objectors.

Military personnel would be fairly compensated for their services.

DISCUSSION AND CONCLUSIONS

Mr. Chairman and Members of the Committee, I am deeply concerned that the alternatives to the draft have not been sufficiently explored by the several Presidential commissions and other manpower study groups. The Marshall Commission, for example, dismisses the possibility of moving to volunteerism in two pages of loose arguments, backed by two graphs. A report to the House Committee on Armed Services, prepared by a civilian advisory panel headed by General Mark Clark, disposes of a volunteer army in one paragraph, without even one graph.

To conclude: A voluntary system is wholly compatible with the principles of a free society and offers numerous advantages over a compulsory system. It appears that a volunteer military force is feasible and, at the minimum, we do not know conclusively that it is not feasible, that the necessary flexibility can be maintained, and that no serious threat would be posed to our political institutions. Therefore, Congress should declare its intention to establish a voluntary system and take the necessary steps toward that goal.

Opposition to volunteerism, it would seem, must stem from one of two views. First, that one has all the information necessary and is fully convinced that a voluntary system is not feasible. This position, I submit, is not supported by the information available to me. Or, second, one may hold the view that whether or not a voluntary system is feasible, it should be opposed in favor of a compulsory system. Such a position is inconsistent with the fundamental opposition to compulsion in a free society.

I recognize the difficulty of the task charged to your Committee. Military manpower requirements and the recommendations to meet them pose broad and complex questions. Based upon the information available thus far, the case for a volunteer military force seems to me to be overwhelming.

THE SENATE HEARINGS ON THE PROPOSALS TO AMEND THE SELECTIVE SERVICE SYSTEM

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CURTIS. Mr. Speaker, I was originally very pleased to hear that two committees of the Senate—the Senate Armed Services Committee and the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare—had scheduled hearings on proposed changes in our selective service laws. However, I have become very disappointed by the lack of depth undertaken by these committees into some of the basic issues of our military manpower procurement problems. The Subcommittee on Employment, Manpower, and Poverty indefinitely terminated their hearings before reaching any witnesses on the feasibility of a volunteer army. The Senate Armed Services Committee have held hearings for a short span of 3 days to be completed tomorrow.

Certainly it must be recognized that these committees are laboring under the deadline of June 30 when the present Selective Service Act expires, and therefore responsibility for this cursory appraisal does not entirely rest with these committee members. Yet, it is becoming all too clear that the Congress will be faced again with the decision of extending the draft without the benefit of a full and open study of the very attractive alternative of a volunteer system of manpower procurement. Several of my colleagues and I pointed out when the draft was last extended in 1963, and again last summer, that Congress should begin immediately to establish the machinery necessary for a thorough study of our basic military manpower procurement policies. Our standing committees have not fulfilled this responsibility. We have seen time and again that this cannot be left to an executive commission. I would like to call attention again to my proposal to establish a joint congressional Committee on American Manpower and National Security (H.R. 422) composed of Members whose committee assignments reflect the breadth of the manpower problems they hopefully will be considering. Also, I would like at this time to submit for the RECORD testimony which I had prepared for the Senate committees, but due to scheduling, had no opportunity to deliver:

STATEMENT OF HON. THOMAS B. CURTIS BEFORE THE SENATE ARMED SERVICES COMMITTEE, APRIL 13, 1967

I appreciate the opportunity to testify before this Committee on the issues involved in manpower utilization by the federal military establishment. I was one of the few persons to testify before the House Armed Services Committee on this subject when the draft was last extended in 1963 in a perfunctory manner. I also testified during their hearings in June of 1966. In addition, I even followed the matter over in the Senate and testified before this Committee at the time of a previous extension of the Act in 1959. I was very active in opposing the Universal Military Training Act when it was first proposed in the Congress in 1951, and, along with some other World War II veterans in the Congress, was able to defeat UMT in the House. By reference I would like to incorporate my previous testimony on this subject into the record here being made.

As many of you may know, I organized a Congressional study group in 1964 to present papers and discussions of the problems common to both the military establishment in developing and maintaining an efficient manpower procurement system, and to the civilian society in adjusting its manpower requirements to meet military needs. These papers and discussions appear in the CONGRESSIONAL RECORD, volume 110, part 7, pages 8573–8587.

On the basis of these studies, I introduced —along with other members of Congress— a resolution in 1964, in 1966, and again this year (H.R. 422) to create a select committee to (1) make a thorough study of the draft system to discover whether or not it indeed is the most efficient system for obtaining manpower for our military needs and (2) to discover how the draft or any alternative system of providing the necessary military manpower could fit into the civilian structure of our society most advantageously. This select committee would be composed of members of the Armed Services Committees of both Houses, members of the Education and Labor Committee and Senate Labor and Public Welfare Committee, and other members of the Congress at the discretion of the Speaker and President Pro Tem of the Senate.

As a result of the pressure which built up to create the special Congressional study in 1964, President Johnson interposed in the matter and directed that a Department of Defense study of the draft laws and military manpower programs be made forthwith, and that a report be made by April, 1965. The report was not submitted in April 1965; in fact it hasn't been made public to this day. Instead a "report on the report" was submitted during the final days of the hearings of the House Armed Services Committee last July, after all witnesses had testified before the committee, thereby precluding any public comment on it at that time. Immediately following the submission of this "report on the report" the President again moved to smother any public dialogue by announcing that he had appointed a "blue ribbon" Commission to study the draft. This, of course, is the National Advisory Commission on Selective Service headed by Burke Marshall. As we all know, the Marshall Commission was two months late in releasing its report. In addition, the Commission held no public hearings and offered no data or working papers to back up many of its conclusions.

I hope that this committee will be given access to the working papers of the Commission. Congressman Donald Rumsfeld and I have written the President requesting that he release the Commission's working papers. For the interest of the Committee, I would like to submit for the record the text of that letter to the President. As of this date we have received no more than a perfunctory acknowledgment. I certainly hope that he will make his studies public. If not, I feel it would be a tragic misuse of "executive privilege" as it denies to the Congress and the American public the opportunity to study vital information crucial to a thorough examination of our Selective Service System.

Now I would like to make a few basic points which I feel should guide our consideration of our present draft policies.

First of all, I do not believe that either the Congress or the President is presently in a position to determine whether or not the draft law is an efficient method of procuring military manpower or to discover the problem it creates for efficient manpower utilization in the private or civilian sector of our society. We cannot discuss questions of efficiency without also considering questions of equity and purpose which go to the heart of the meaning of American society. For example, General Hershey said before the House Armed Services Committee in 1966 that he favors the use of the Armed Forces to "upgrade mentally, physically and morally" the youth of our nation. The gentleman from Massachusetts, the ranking minority member of that committee, emphatically disagreed with that view. This is a genuine question which must be faced before we can consider the questions of draft inequities or possible alternative means of manpower procurement for the military. If we have insufficient knowledge with which to make these judgments on questions of equity and ultimate social purposes, we are in no position to rationally consider questions of efficiency or utility.

If this point is sound, then we must draw the obvious conclusion that a thorough study of the equities, purposes and the means to achieve them is necessary if we are to come up with intelligent answers on the efficiency of military manpower programs. The last such study was made in 1951 when the ill-fated National Security Training Commission, headed by ex-Senator James W. Wadsworth, presented its program for Universal Military Training, which the Congress in its wisdom rejected. Since that time, the Congress has merely extended the 1951 law without Congress going into the purposes for which the law was enacted or the success or failure that the law has produced in meeting our military and civilian manpower needs in any great depth.

It is to be regretted that the Marshall Commission gave little or no thought to coordination of manpower needs or the development of the alternative of a voluntary system of manpower procurement. Their attention was circumscribed entirely by the system in its present form and therefore their recommendations amount to, as I have said, mere "rearranging the tea cups." I would like to incorporate in the record my statement on the floor of the House on March 6 commenting on the work of the Marshall Commission. In addition, I would like to refer the Committee to pages 6086–6106 of the CONGRESSIONAL RECORD of March 9, where papers can be found by Prof. Milton Friedman and Dr. Walter Oi and others which contradict the unexamined assumptions of the Marshall Commission regarding the feasibility of a volunteer army.

The Civilian Panel, established by the House Armed Services Committee Chairman L. Mendel Rivers and headed by General Mark W. Clark, faired no better in this area. The report of the Civilian Advisory Panel mouthed the same unexamined assumptions regarding cost and flexibility, and referred to unnamed "experts" as authority for their conclusions. In fact, that report even went so far as to urge that more efforts be made, not to study the issue, but to propagandize the public regarding the virtues of the Selective Service System and "thereby counteract the vocal minority, which is making a continually stronger effort to discredit the Selective Service Act and effect its repeal." However, it should be noted that the Civilian Panel themselves balked at taking even the simplest first step in this direction by opening up their hearings to the public.

It should be obvious that we cannot now evaluate our present draft system with any degree of accuracy.

It has been said that the present state of the war in Vietnam precludes any reopening of the problem of draft policies because this would discourage volunteering and encourage our enemies. However, it seems more logical to assume that when the United States is engaged in militarily defending the concept of democracy overseas, questions of efficient utilization of manpower and the establishment of concrete guidelines for carrying out the purposes of the draft laws are of paramount importance. These hearings demonstrate the soundness of this argument. This is a good beginning, but I feel that we must go further. I will explain shortly my reasons.

I would first argue that an executive committee, such as the National Security Training Commission or the 1965 Department of Defense Study Group or Blue Ribbon Marshall Commission, is not well suited to make studies of this profound nature for our society. This was the fundamental error in the unfruitful efforts made in 1951 to grapple with this problem. The Wadsworth Commission made their study, as did the Defense Department last year or the Marshall Commission this year, behind closed doors, hearing testimony in secret session. The record of their hearings were not published and no record was made available to the Congress or to the public. As I have indicated, I have requested in a letter to the President that their study papers be submitted. As a new member of Congress in 1951, I was shocked, not so much by the illogic and dangerousness of this concept because the world's history is replete with examples of this secret decision-making, but by the equanimity with which this concept was accepted in a republic like ours with our traditions and beliefs which are exactly to the contrary.

So I was pleased that this Committee is attempting to avoid the seemingly easy route of accepting a secret study by the executive as a substitute for the open study that only a Congressional committee can provide, a study where witnesses come to testify in public, under cross-examination, and with an opportunity to present rebuttal testimony. While there may be some areas of defense policy which may have to be discussed in executive session, these areas are small in relation to the basic question. Certainly, a discussion of basic goals, purposes and needs of our military establishment in manpower procurement should be open and public.

Secondly, if it seems logical that a study should be made and that it should be conducted by the Congress and not by the executive, then it should be obvious that such a study can be best undertaken by a broadly based group. In modern warfare, the military operations are only one phase of the total confrontation between societies. The economic and social aspects of war can be just as important as the results from the battlefields. As General Hershey himself stated, "Congress recognized in the law that a sound national defense requires more than uniformed forces." Furthermore, the very values a society seeks to preserve are at stake in the making of military decisions; they may be lost or compromised by inadequate or inappropriate structures for the defense of these values. Therefore, military goals must be related to the basic goals of our society, and this relationship must be across-the-board.

In this regard, the Senate Subcommittee on Employment, Manpower and Poverty is to be commended for their recent hearings probing into some of the important effects that military manpower procurement will have on the rest of our society beyond the military sector. During the hearing before the House Armed Services Committee last summer I urged that they not attempt to make a study of manpower policies by themselves. Because of the scope of the problems of manpower procurement, I have urged the establishment of a select committee composed of members of the Education and Labor Committees, as well as members of the Armed Services Committees. I think it would also be wise if a few members whose assignments gave them an even broader scan of our total goals were included in the study.

This second point can be more clearly understood when it is taken in conjunction with my third point: that is, that this select study committee must have before it certain guidelines so as to produce discipline in its study and so that concrete proposals may result. I would like to suggest briefly what these guidelines should be.

(1) Modern war conducted by the more economically advanced societies requires the utilization of skills by the military which have counterpart or identical usage in the civilian society. The ratio of comparability of skills between military and civilian endeavors is a constantly changing one, but the change is always upward as warfare and economics continue to move toward specialization. I have estimated that the ratio in the United States today is close to 90%. Certain studies I have seen put the ratio somewhere between 70% and 80%. I have seen no studies that suggest it is below 70%. This means that civilian as well as military needs must be considered in training our young men in these skills. We must consider ways to utilize civilian-trained skills in military positions—this was successfully done in World War II in the Seabees—and concurrently, utilize military trained skills in the civilian sector.

Here we should be concerned with preventing duplication of training by the military and civilian sectors and also with coordinating the needs of both sectors so that a war with its sudden expansion of military effort does not cripple the civilian society. To cite one example of this problem, at Lambert Airport serving metropolitan St. Louis, in my district, many of the key employees operating the Airport belong to reserve units. In the event of an emergency reserve call-up, this airport would lose many of its skilled personnel which would render it virtually useless to the military or to the civilian population. Thus we need to look at skills all along the line, not just the advanced scientific degrees in determining who is vitally needed in our civilian society. We must correlate civilian and military activities across the board to meet any sizeable military endeavor with efficiency and the least amount of strain on the civilian sector. While the present Selective Service laws call for special deferments "to insure that vital activities and scarce skills are protected," we don't know today what these vital activities and skills are.

The fact that we don't know what they are didn't inhibit the Marshall Commission from advocating their elimination, whatever they are. The Clark Committee recognized this problem to an extent in their recommendation to establish "a national manpower resources board, reporting to the National Security Council, to determine and promulgate lists of highly essential and critically needed categories of occupations and professions." I definitely agree that such a study should be made, not by another Commission, but by a broadly based select congressional committee.

(2) The high cost of specialized training in our modern armed forces requires us to examine not just the ways to preserve existing skills, and prevent, as much as possible, costly retraining of new personnel every few years, but also to discover how much of this training could be done advantageously by the civilian sector and how much by the military. Present figures indicate that only about 8% of the inductees eligible to reenlist do so. This means that about 92% of the specialized skills which took two years and many thousands of dollars to train are lost in the case of the inductees. A thorough appraisal of the military manpower system must necessarily include an examination of ways to prevent this "skill drain", a consideration of the types of *incentives* needed to raise the re-enlistment rate for enlisted personnel. Also, we must discover ways to improve our reserve forces so that these skills will be readily available in times of need. During the hearings before the House Armed Services Committee last June, General Hershey said that we have 50,000 reservists in "control groups" who do not even receive training. Because of this kind of neglect of the reserves by the Department of Defense, our armed forces depend on draftees and new enlistments to enlarge the military establishment in an emergency situation such as we have today in Vietnam. This means costly training and costly delay in getting the troops in the field and less efficient skills. I agree with General Hershey that we need a large and well-trained reserve. If we had such a reserve, and used it in times of military expansion, we might not need so many fresh inductees every time trouble strikes. This aspect of the manpower problem should be more thoroughly explored in a Congressional study which is broad enough to cover the civilian sector.

(3) We should also look at manpower utilization by physical requirements. During World War II, the German society had nine or ten categories of physical requirements for "military" service. They even had a category for the one-legged man, who, of course, was perfectly competent to issue GI clothing and many other duties. We have not yet considered ways to use more efficiently our "special duty" category within our armed forces. This has been up to now largely a repository for personnel already in the armed forces who became injured or otherwise impaired while on active duty. However, most of the military jobs in today's armed forces are non-combat jobs which do not require perfect physical specimens. General Hershey stated last year and Secretary McNamara's recent directives have manifested his agreement that physical standards for service in the armed forces could be lowered so as to equalize the burden of military service among all our young men. But the standards for combat duty cannot be lowered. What needs to be done is to establish physical standards commensurate with the jobs to be performed. I believe we should study our overall military manpower needs to discover just what jobs and skills can be filled by such *non-combat-qualified* men. The Department of Defense says it cannot use such people, but the members of this Committee know from their experience in this subject that many of the non-combat jobs in the military could utilize the services of men now deferred for physical reasons. Therefore, we should look to develop a better understanding of the physical requirements of the various kinds of military jobs with a view towards better utilization of *all* our potential manpower.

(4) We cannot even begin to consider the question of efficiency in manpower utilization until we have studied the different needs of front-line military forces and military "back-up" or support forces. Support forces may be further broken down into direct support activities under the control of front-line commanders and indirect support activities which have military priorities but are not subject to direct front-line control. These three types of activities involve different manpower needs in terms of the type and range of skills required for each to play its part in the overall mission of the armed forces. To adequately perform its functions, each area of military force requires a different degree of coordination with the civilian sector of the society. At one extreme, the front-line forces in the field must operate independently from the civilian sector and thus must be able to control all its manpower and materiel directly. At the other extreme, those supply activities which serve the military by priority and not by direct control are actually under the control of the civilian sector, and a high degree of co-ordination is needed to insure that military and civilian needs are both met. During World War II, we had a War Man-

power Commission which had the responsibility to allocate resources between the needs of war production and the needs of essentially civilian activities. The growing dependence of modern warfare beginning in the late 18th century on what used to be called the "home front" means that today such co-ordination is even more necessary. The Department of Labor and the Department of Commerce now purport to fulfill this function, but we should discover just how these agencies are structured to carry out this responsibility. Are their recommendations for deferment applied on a scientific basis to insure the continued performance of our national economy in a time of heavy military build-up such as we have today? It is evident that we need in our civilian economy more than medical doctors and other scientifically-trained persons. We need nurses, hospital corpsmen, lathe operators, draftsmen, engineers of all types and a whole host of other skills. Are we making provisions for these skills? We need to know what we are doing in this area—an area which is presently largely under the surveillance of the Education and Labor Committees of the House and Senate. It may well be that the discontinuance of the War Manpower Commission and the loss of this co-ordination between the military and civilian sectors has produced a manpower "gap" in our national security planning. We need some research in this area to study ways of re-establishing this co-operation between military and civilian sectors in manpower utilization.

I had undertaken, by way of correspondence, to determine the extent of the Commerce Department's list of Currently Essential Activities and the Labor Department's list of Currently Critical Occupations. I was very disturbed to find that list prepared by this interagency advisory committee has not been effectively updated since 1963—before Vietnam. Other shortcomings were revealed in the correspondence and I am offering that correspondence for the record at this time.

(5) In our examination of the different types of skills required, different degrees of control over and co-ordination with the civilian sector, and different physical requirements of the three major areas of military activities which I mentioned, we should also be looking at the different types of military law which should apply to each area. The Uniform Code of Military Justice cannot be uniformly applied since the necessities of the battlefield justify and demand a more strict and speedy application of "law" than the present UCMJ affords, while support activities under direct military control require the type of law presently embodied in the UCMJ and indirect support activities are subject to a type of civilian law which I call—in order to make a distinction—martial law. That is essentially civilian law with military priorities. This system was established in the Defense Production Act. Thus we need to study the utilization of all three types of law in wartime and peacetime and discover the effects of a war situation on the application of justice in each area.

(6) Any manpower procurement system which we might adopt after a careful scrutiny of all the facets of the problem must, of course, be equitable. This committee has heard, and will continue to hear, from many of our colleagues concerning alleged inequities in the present draft laws. Some of these are probably justified. I have discovered such inequities myself, and I am sure the members of this committee have heard of similar cases from their constituents. We are here engaged in search for possible remedies to some of these inequities. But I do not think that we can decide on remedies until we have first examined the purposes and means of our manpower procurement programs through the kind of searching study by a select committee such as I have proposed.

This committee and these hearings are valuable in that they open up to public scrutiny the subject of the draft and our overall manpower procurement goals and needs. But we need to know more—much more—about the total manpower picture before we can form any definitive viewpoint on the draft or on military procurement in general. Congress is the agency which should be undertaking this study. We have relied on the executive and especially the Department of Defense too long in this area without questioning their statements. To discover all the ramifications we need to include in our study members of other committees, especially the Education and Labor Committees, who have specialized knowledge in the area of manpower procurement. Therefore, these hearings only open up the subject at issue. In order to find the answers, we must have a more complete study, and we must begin the examination now.

Just as we should not allow the executive branch to replace our study, we should not allow them, through their delays to subvert it. Many will argue that there is too little time before the Selective Service Act comes up for extension this June to undertake a study of this magnitude. Perhaps their fears are justified. This will not be the first time this excuse is heard and if we allow to to prevail it certainly won't be the last. Whether we finish, or even effectively begin, by the end of June is really immaterial for the task before us is too important to be subjected to artificial deadlines. Therefore, I urge this Committee to support my bill H.R. 422 to establish a joint Congressional Committee to study manpower procurement for the military.

GASOLINE PRICES: USURPATION OF POWER BY THE PRESIDENT

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CURTIS. Mr. Speaker, I am placing in the RECORD a letter I have sent to Under Secretary of the Interior Charles F. Luce in response to his reply to my recent inquiry about the actions taken in his Department in respect to the recent increase in gasoline prices.

Under Secretary Luce's reply follows my letter. I shall be happy to place in the RECORD any response Secretary Luce may care to make:

APRIL 4, 1967.

Hon. CHARLES F. LUCE,
Under Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. LUCE: Thank you very much for your letter of March 10, 1967, explaining the Administration's actions taken in respect to the current movements in gasoline prices and some of the Administration's reasoning.

It is shocking to read, but I do admire the candor which is sometimes lacking on the part of the Administration in respect to actions taken by it which raise serious questions of authority and legality.

The Congress has not to my knowledge given to the Executive the power to interpropose in market place operations in this fashion.

When the President first propounded the concept of wage-price guidelines in his Economic Report of 1962 to the Congress, I along with other members of the Joint Economic Committee applauded this as a very useful general economic concept which both management and labor should (and undoubtedly were to a large degree) keeping in mind when (a) management was considering price rises and (b) when labor was considering wage increases. However, at the time those of us who approved of the matter as a beneficial advancement of economic dialogues warned that it should be no more than the basis for a dialogue; inasmuch as productivity measurements are still so crude that nothing definitive for specific situations can be developed. The other economic forces that bear on both prices and wages are multitudinous and varied. They likewise, with the limited advancement of science of economic statistics, are incapable of reduction to meaningful definitive figures. We warned that the concept of wage-price guidelines could be dangerous because those who were not familiar with the limitations in the field of economics might assume that this economic concept could be turned into an economic tool for immediate and practical use.

To my great regret the subsequent economic reports of the President revealed that this great fear had been realized. During 1965 and 1966 attempts were made by the President's Council of Economic Advisers to reduce the wage-price guidelines to actual figures. The President's Council of Economic Advisers was moved from its legal function of a professional study and advisory body into an extra-legal administrative tribunal with the purpose of "jawboning" both labor and management in respect to specific instances of potential raises in both prices and wages. Nor was the action limited to "jawboning". In instance after instance threats of use of other governmental powers of a variety of sorts not given for the purpose of wage and price control were made. In some instances these threats were actually carried out to force labor or management to conform to the conclusions the Administration had reached as to what were proper price or wage raises in specific instances.

Happily in the 1967 Economic Report the Executive has brought the concept of wage-price guidelines back to the modest place it had when it was originally presented, namely a factor to be considered in economic dialogues. Now the action by your Department indicates that the Executive has not fully changed its policy on the treatment of wage-price guidelines.

Aside from the usurpation of authority by the Executive, I am concerned about what are clearly extra-legal procedures in utilizing the power. What protections have been given to the parties concerned to full hearings to present their side of the argument? The right of appeal? What protections have been accorded to assure that all the rights which have been so carefully developed over centuries of Anglo American jurisprudence are accorded so that all sides are heard on an equal and fair basis?

The previous uses of stockpiles by the Administration to effect prices not only were extra-legal but were clearly contrary to the laws written to limit the use of the stockpiles to the purposes spelled out in the first instance. The use of the Export Control Act by the Secretary of Commerce in respect to export of hides was not only procedurally defective, but it too went beyond the defined powers that the Congress had given to the Executive.

In the present instance, as I understand it, the Secretary of the Interior threatened to alter the "import" quotas on residual oil to force the oil companies to not raise their prices. This is an instance of altering the use of a power assumed by the Executive which in its inception was of questionable legality. The so-called voluntary oil restriction agreement is in my judgment extra-legal *ab initio*. It raises questions of whether or not it in itself constitutes a serious violation of our antitrust laws, being in effect market manipulation by agreement of the larger oil companies under the aegis of the federal government. Indeed the entire operation of the Executive in seeking to gain adherence to the price guideline is "price fixing" of the sort clearly outlawed by our antitrust laws. What legality there may be in the voluntary oil quota agreement stemmed from the avowed efforts of the government to protect the domestic oil industry from "dumping" oil from abroad into the domestic market. If oil is not being "dumped" or threatened to be "dumped" from abroad what new theory has the Executive developed to justify its imposition of the "voluntary" oil quota system? In this instance it seems that the Administration is saying we will permit oil to be "dumped" if our decisions on gasoline pricing are not followed.

Now if the Department of the Interior feels that there is price fixing, or other antitrust violation involved in the recent rise in gasoline prices the matter should be referred to the Justice Department for immediate actions. May I ask if such steps have been taken?

Or perhaps the Secretary of the Interior feels that the antitrust laws are inadequate to prevent what some economists seek to identify as "administered prices". If this is so and the Department of the Interior adheres to the questionable theory of "administered prices", does the Department of the Interior have any recommendations of remedial legislation in our antitrust laws to correct such alleged abuse?

The Administration has no power to fix either wages or prices. It can request that power from the Congress if it feels this is necessary. When wage and price controls are imposed by law there are carefully spelled out procedures which must be followed to assure that all interested parties have an opportunity to present their side of the issue and to be certain that the laws and regulations issued thereunder are enforced equitably and evenly across the board. Certain rights of judicial review are spelled out.

This is government by law, in contrast to what is going on under the action you have taken and under the previous actions in price fixing taken by the Administration.

The market place, properly maintained with honest weights and measures with requirements for full disclosures to protect against the cynical doctrine of caveat emptor, and with devices to assure fair and strong competition, is the mechanism established by law in our society to reach sound economic judgments particularly in the area of pricing. If another system is to be established it must be done by law, not by usurpation of power by those tentatively entrusted with the authority to faithfully execute the laws.

I have sought to point out to Administration witnesses appearing before both the Joint Economic Committee and the Ways and Means Committee that the forces pushing up prices in 1965 and 1966 were across the board and not confined to specific areas. These forces had their origin in misconceived governmental fiscal policies primarily in the expenditure side.

I argued that monetary policy by itself was going to prove to be inadequate to control these forces and that if it were utilized to too great an extent it would create economic damage of its own in high interest rates.

I sought to point out in 1966 to the President's Council of Economic Advisers that prices had continued to rise in spite of the extra-legal attempts to impose the Administration's conclusions in respect to wages and prices. What would have been the price rise without these questionable actions? In other words, what were these inflationary forces which this "jawboning" was seeking to dampen?

I recall the Administration spokesmen in early 1966 dismissing the inflationary forces showing up in the increases in the consumer price index as being primarily in food costs. What dangerous nonsense!

And now we see no fiscal reform on the part of the Administration. Higher expenditures are projected, financed by larger not smaller deficits. We do see an abandonment, thank goodness, by the Council of Economic Advisers at least, of utilizing wage-price guidelines to fight inflation, but no abandonment on the part of other Departments such as exhibited in the action of your Department in the instance case of gasoline price fixing.

We see the Secretary of Treasury boasting, in rebuttal to the charge that he has administered during a period when interest rates reached their highest level since World War I days, causing serious economic damage: "Well, no other Secretary had to fight a major war without price and wage controls." But the Administration has attempted to impose wage and price controls without the authority of law. So even this is no defense.

In all seriousness, I observe that the action you have taken in this instance and other actions taken by executive officials in the recent past in respect to enforcing wage price guidelines are extra-legal and in many instances directly contrary to law. This authority has been administered with little respect for the rights of the individual citizens involved. It obtains its sanction from raw political power, government by men not government by law.

These are actions which are properly the basis for impeachment of the officials involved. The only reason impeachment proceedings have not been brought in the Congress before now lies not in the failure of grounds for this action to exist, but rather in the political protection which exists in the present composition of the Congress controlled as it is by members of the same political party.

This is, I suggest, a very tenuous protection. Furthermore, it should never be used by men who take seriously their oath of office to defend and uphold the Constitution. Surely the pragmatic philosophy has not taken such complete charge of political and social thinking in our society that oaths of office have become merely pagan utterances of idle rote?

Sincerely,

THOMAS B. CURTIS.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 10, 1967.

Hon. THOMAS B. CURTIS,
House of Representatives,
Washington, D.C.

DEAR MR. CURTIS: We appreciate this opportunity to comment on the recent increase in gasoline prices, as requested by your letter of February 21.

We have had thorough discussions of the problem with representatives of most of the companies which have increased prices, and with the National Oil Jobbers Council, and the National Congress of Petroleum Retailers. These discussions have shed considerable light on the impact of the price increase.

The National Congress expressed the view that most of the one-cent increase finds its way back to the major oil companies in the form of increased rents and adjustments in retail margins and commissions. Our own analysis indicates that in Districts I–IV, one-half or more of the increase would accrue to the large companies which had record earnings in 1966 and whose earnings per share have increased steadily each of the past five years.

Further, the price increase does not appear to be justified by the statistical position of the market. In the middle of the season of lowest consumption, stocks are the highest they have ever been at this time of year except for 1965. The high stocks in early 1965 generated a series of price reductions at retail.

It is regrettable that companies which have increased their prices have forced us, in our efforts to fight inflation and protect the consumer, to consider steps that might adversely affect other segments of the petroleum industry. We have been watching for evidence of price restoration that would make unnecessary actions on our part to increase the gasoline supply. Fortunately, Humble and Standard of Ohio have held the line, and Continental and Mobil have announced partial rollbacks. Additional price reductions have been reported in some areas, without public announcements.

Sincerely yours,

CHARLES F. LUCE,
Under Secretary of the Interior.

BROOKINGS STUDY SUPPORTS PROPERTY TAX

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CURTIS. Mr. Speaker, I have long believed that the property tax offered great promise for meeting the fiscal needs of State and local governments. That position has now received professional economic support from Prof. George F. Break at the University of California in a book entitled "Intergovernmental Fiscal Relations in the United States," published by the Brookings Institution. Professor Break says that States could substantially increase their tax revenues with better administration of the property tax. If it were administered more equitably and professionally, he said, it could be made a fairer and even more valuable tax than it already is.

His suggestions include putting property assessment responsibilities in more expert hands, possibly by establishing State agencies, and by reviewing exemptions on local property taxes.

Under unanimous consent, I include in the RECORD an article from the New York Times of January 3, 1967, which provides a brief description of Professor Break's book:

BROOKINGS SURVEY ADVISES CITIES TO LEVY INTANGIBLE-PROPERTY TAX

(By Eileen Shanahan)

WASHINGTON, January 2.—Cities could advance some distance toward solving their urgent need for more tax revenues with better administration of the real estate tax and imposition of an intangible-property tax, which was once thought impossible to administer but is so no longer.

This was among the main conclusions reached in a study of Federal, state and local tax problems, published today by the Brookings Institution. Its author is Prof. George F. Break of the University of California and the volume is entitled "Intergovernmental Fiscal Relations in the United States."

"For some years, the early decline and fall of the property tax has been widely prophesied," Professor Break said, and yet local governments rely on it for 87 percent of their total tax receipts.

It could be made a fairer and even more valuable tax if it were administered more equitably and professionally, he said.

FOR STATE ASSESSING

He proposed that property valuation, or assessment, be put in more expert hands, perhaps by abolishing small assessment districts and establishing state agencies to do the work. The agencies would then certify the results to local governments, which would apply their own tax rates to the assessed values.

Exemptions on local property taxes also need reviewing, Professor Break suggested. He proposed that one means of bringing public pressure against unwarranted exemptions would be publication of the assessed value of exempt properties and of the amount of revenue lost through the exemptions.

As for taxes on intangible property such as securities, he argued that the requirement of the Federal tax laws that interest and dividend payments be reported to the Government by the beneficiary at last makes such a tax possible to administer.

DATA EXTENSION URGED

He said, "As the use of data processing becomes more widespread, it should be a relatively simple matter to extend this [Federal] system of information returns to cover stock on which no dividends are paid and demand deposits in banks."

He suggested that individuals holding mortgages could also be checked on, for intangible-property tax purposes, through the mortgage interest deductions reported on the tax returns of mortgagees.

Professor Break said that more vigorous attempts by the cities to finance their services, with more widespread sales and income taxes and municipal service charges as well as property tax improvements, should make the state and Federal governments more willing to increase grants in aid for the poorest cities.

ADDRESS BY MR. JUSTICE WHITTAKER

Mr. WILLIAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Mathias] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MATHIAS of Maryland. Mr. Speaker, too often these days, important and complex national issues are being presented to the public in terms of slogans, mottoes, and cliches. Too often the use of these terms tends to distort and oversimplify the real questions involved, and misdirects our thinking away from the meat of the problems we face. One area in which a new precision of thought and argument is especially essential is the field of civil rights, where we must meet increasingly subtle and difficult challenges to our laws and our society.

In an interesting and provocative address at the University of Kansas, the Honorable Charles E. Whittaker, Associate Justice of the Supreme Court from 1957 to 1962, discussed many of the terms prominent in our current deliberations over individual rights and the advancement of law. Mr. Justice Whittaker's comments deserve wide consideration, and I include in the Record his address, as reprinted in Pageant magazine in March, at the suggestion of my constituent, David R. Julian, of Frederick, Md.:

Either We All Obey the Law or We All Face Anarchy

(By Charles E. Whittaker, Associate Justice of the U.S. Supreme Court from 1957 to 1962)

It seems clear that most of our people have now come to understand that we are all involved in unusual ferment, and many of us are confused and bewildered. Many are asking the reasons for this, what it means and where it leads and ends. Seldom is any effort made responsibly to answer. Possibly because no one really can.

But it seems reasonable to believe that, until we are able to isolate and define the underlying causes, we will not be able intelligently to grapple with them.

I cannot assume to delineate all of the underlying causes, but my rather extensive readings, observations, and meditations have convinced me that a major one is that in some way our anchors have been torn from their moorings to unchangeable fundamental principles—among others, a decent respect for truth and honesty, for the teachings of history, for the Ten Commandments, and for the Golden Rule—and, without those anchors, we lost our way.

In that distress we tended to divide into ideological groups, and the none group began to blame another for our plight. And this brought retaliatory responses in kind. That conduct continued to accelerate in pace and tempo until the pitch of tensions ran so high as to produce a running, acrimonious, and recriminatory dialogue that has dissipated mutual respect, engendered hatreds, and made nearly impossible any calm and conciliatory discussion of differences, and hence has precluded return to the fundamentals.

As we have seen, that dialogue has largely sacrificed honest appeals to reason for other techniques. One has been the intentional and repeated misuse and distortion of generic words and phrases in our language with the obvious design of giving them a gloss of meaning that casts their inherent odious implications from themselves to their opponents.

Another has been to use catchwords of dubious meaning and sometimes of odious implications. And still another has been the use of meaningless but often aspersionistic clichés.

When we realize that such preachments have been nearly endlessly made, printed, and circulated as matters of truth, we can hardly wonder that the people, who must largely rely upon what they hear and read for their information, have been misled and are now confused and bewildered.

Illustrative of the technique used in glossing and distorting generic words and phrases, let me give you an example or two: Frequently in this dialogue some participants, while advocating—sometimes quite covertly—"changes" in our forms of government, refer to their opposing "conservatives" as "mossbacks" and often in the same breath as "radicals" or "extremists." Although Webster says that a "conservative" means one who "favors retentions of existing institutions and forms of government," the term has been, by intentional misuse, glossed to mean not one who would "retain," but one who would *change* our "existing institutions and forms of government"—just the opposite of the dictionary sense of the term.

Again, Webster says that the term "leftist" means "a member of the radical or revolutionary party, a radical," and that the term "rightist" means a "conservative." Yet by the intentional and repeated misuse of those terms, a "leftist" has been glossed to mean a "conservative," one who would "retain," not change our existing institution and forms of government, and that a "rightist" is a "radical," one who would change, not "retain" our existing institutions and forms of government—again just the opposite of the dictionary sense.

These two simple examples are enough to reveal the technique, doubtless already familiar to most of you—that is being commonly used not to inform the people but to confuse and bewilder them.

I turn now to the technique of arguing by catchwords. Some of those that are commonly heard are of fairly definite meaning, but even they are often used with little fidelity to their true meanings. Others are advanced as terms of definite meaning or of art when, in fact, as often used, they are meaningless.

We hear much confused argument revolving around the terms "discrimination," "segregation," "desegregation," and "integration." So I think it may be well briefly to consider what they really mean.

The dictionary sense of the term "discrimination" is also, in the abstract, its legal sense. In its constitutional sense it is one of the things prohibited to the states by the Fourteenth Amendment's guarantee of "the equal protection of the laws."

The term "segregation" is, in legal effect, only a synonym for constitutionally prohibited "discrimination." The term "desegregation" is a coined one of awkward and dubious meaning.

But the term "integration," a term of no constitutional significance, though commonly used as a synonym of "antidiscrimination" or "antisegregation," literally has a very different meaning and embraces the concept of amalgamation, well-illustrated by the transfer of schoolchildren from their home district to a distant district for the purpose not of avoiding unconstitutional "discrimination" but of affirmatively "mixing" or "integrating" the races when indeed no provision of the Constitution so requires.

Yet in recent times we have seen obvious attempts—largely through the repeated use of the coined and meaningless phrase *"de facto segregation"*—to torture the word "integration" into a meaning synonymous with constitutionally prohibited "segregation," when in truth they speak entirely different concepts. There is, of course, a clear basis in the fundamental law of our land, particularly in the Fourteenth Amendment, for striking down state acts of "discrimination," and hence also of "segregation," in all public institutions, including state public schools, as violative of that Amendment's guarantee of the equal protection of the laws.

But, as stated, there is no provision in the Constitution which in terms of intendment compels "integration" of the races.

We also hear much confused argument about "civil rights." What does the term mean in the abstract? It is often used as one definite meaning or of art. But the truth is, the term "civil rights" is not a term of art, and, when abstractly used, really has no concrete meaning. Webster says that "civil rights" are "nonpolitical rights," and that in the United States the term means "rights secured by the Thirteenth and Fourteenth Amendments to the Constitution, and by certain acts of Congress abolishing the incidence of involuntary servitude."

Thus, the only meaning of the term in the abstract that even approaches concreteness is that civil rights are the rights of all men in the United States to be free from the "incidence of involuntary servitude."

Similarly, we hear much discussion on the subject of "public accommodations." Most of us appear to be confused in our understanding, and hence unclear in our use of the phrase. Just what does the phrase mean? Surely the term "public" accommodation does not include "private" accommodation. "Public" things are those that are owned or controlled by government—state or federal—

and in which every citizen has the same right of use and enjoyment.

But by the same token, property that is privately owned and operated is "private" property, to which only those who are expressly or impliedly invited by the owner may of right come and enter, and surely this implies that any such invitation may be revoked by the owner at any time for any reason satisfactory to him. Yet almost daily we see efforts, some of them successful, to expand the concept of "public" to include that which is "private"—such as a citizen's privately owned and operated store, shop, restaurant, motel, farm, medical or law office—and to make those "private" facilities subject, as of right, to use and enjoyment by the public.

I do not readily think of a better example of what is happening to our language and to our ability to communicate with certainty than is illustrated by our difficulties in maintaining the generic and basic distinction between what is "public," and therefore subject to use by the public, and what is "private," and therefore subject to use only by the owner or with the owner's consent.

Another facet of current discussions revolves around the word "equality." We proudly say that our government is founded upon the concept that "all men are created equal." But we seem to be unclear as to whether that phrase means that all men must be accepted by all other men as social equals and as to whether it means that all men must be made and kept "economically equal" as an obligation of government.

Some doubtless well-intentioned people have been arguing that it should be made the legal obligation of every man to socially accept every other man. However laudable may be the underlying objective, it is abundantly clear from experience and the nature of man that this cannot be done by law and that such an attempt is not a proper function of government. Such an attempt can only agitate prejudices and impede and delay social acceptance.

Social acceptance is a matter of developmental mutual respect and liking, and this cannot be brought about by force. These are matters of the heart, and it cannot be controlled by force. No minority group that has settled in our land has obtained, or likely ever will obtain, general acceptance and amalgamation here until, by long years of exemplary conduct, a majority of its members have earned the respect and liking of the people generally. Any effort to compel social acceptance would be a step in the wrong direction—and self-defeating.

There are also well-meaning persons among us who argue that the proper concept of "equality" is that all men are entitled to be assured, by and at the expense of the government, which means by their brothers, of permanent economic equality. To argue that all men are entitled at the expense of their brothers to permanent economic equality is to argue for the adoption of communism.

Do those who so advocate understand this? I doubt that they do, and for obvious reasons I prefer to believe that they do not. But the government established here by our forefathers, and said to be the finest government ever conceived by the minds of men, is not of that kind. It is instead a democratic republic guaranteeing free enterprise and the right to earn and possess private capital. It is not, and was never intended to be, a leveler of men.

Under our government, the term "equality" must mean essentially that government, state and federal, cannot and must not deny to any citizen: (a) the right to obtain equal learning, (b) the right to equal governmental treatment, (c) the right to equal justice, (d) the equal right of suffrage, and (e) the consequent right to equal opportunity.

But the right to equal opportunity, if indeed it is to be equal, must include the opportunity to develop and prove unequal talents. Any other concept would destroy the natural incentive of every man to improve his lot by holding him down to the unambitious level of the mediocre or below, which inevitably would result in the society's decadence.

In the same connection we hear much discussion of "public welfare." Some seem to feel that it is the legal obligation of the government to finance the needs of every citizen. Some even suggest that our Constitution so contemplates, but nothing could be further from the truth.

In the Preamble to our Constitution, our Founding Fathers, in describing one of the purposes of their efforts, used the term "to promote the general welfare." But this was to be done, as they said, in the ways and by the means set forth in the body of the document, and one will search it in vain for any evidence of any delegation by the states or the people of any power to the government to dip into the federal treasury for the support of private citizens.

Thus, the privilege and the moral obligation, to determine when and how much aid should be given to the deserving needy among them was like all other privileges and powers that were not delegated to the government by the Constitution, reserved to the states and to the people.

I now turn to the misleading, and therefore dangerous, technique of some current argument by clichés. Some would-be leaders have been voicing slogans and clichés which, in instances, appear on the surface to be logical, and some even religious, but which, in truth, are dangerously deceptive.

One is, "Government owes every citizen a living." This is the false cry of the prideless lazy, inasmuch as the food, shelter, and clothing necessary for his "living" can only be produced by the labors of someone. This is a cry for support by the sweat of another man's brow.

A second is, "Human rights, not property rights." Are these rights in any way inconsistent or mutually destructive? Is not the right to have and be protected in property a valuable "human right"? Are not those rights mutually consistent and even dependent? Any thoughtful observation of history will reveal that, where private-property rights have not been respected and protected, there has not been what we call "human rights." Private-property rights are the soil in which our concept of human rights grows and matures. As long as private-property rights are secure, human rights will be respected and will endure.

A third is the Russian-coined phrase, "Production is for use, not for profits." Must it be wholly for the one or the other? Is it not truly for both? Is there any inconsistency or immorality in producing useful things at a profit? If production is not to yield a profit, there will be no incentive to produce. And if there is no incentive to produce, there will be no production for use. It is the incentive of profits that has produced the plentiful blessings of our nation and that has enabled it to grow, progress, and develop as it has. Reasonable profits are essential to the survival of free enterprise and, hence, of our society. If the state were to take over under the slogan of "use, not profits," initiative would be destroyed, progress would be halted, and soon stagnation would destroy our society.

A fourth, and of which we hear much these days, is, "Obey the good laws but not the bad ones."

And a fifth one that should be considered with the fourth is "Action now, not the delays of the law."

Is not each of these clichés a call for anarchy? Does not the fourth invite men to violate the laws they do not like? And does not the fifth invite men to spurn the courts and all constituted authority and to take the law into their own hands?

If we allow men to disobey with impunity the laws they do not like, or to spurn the courts in all constituted authority by taking the law, or what they think ought to be the law, into their own hands, will we not be inviting anarchy and chaos? Yet this is precisely what some self-appointed racial leaders, and more recently many others, have been advocating, and it is precisely what their followers have been doing. Aroused by these techniques, those followers frequently have assembled from far and wide, often, unfortunately, with the encouragement and even at the expense of well-meaning but legally uninformed and misguided church organizations, into large and loosely assembled groups or mobs to wage what they have called "demonstrations" to force the grant of what they call "rights" in defiance of the law, the courts, and all constituted authority.

At the beginning these "demonstrations" consisted of episodic group invasions and appropriations of private stores, first by sitting down, later by lying down therein, and eventually by blocking the entrances thereto with their bodies. Seeing that those trespassers were often applauded in high places, were generally not stopped or punished but rather were compelled to be appeased and rewarded, these racial leaders and their groups quickly enlarged the scope of their activity by massing and marching followers on the sidewalks, streets, and highways, frequently blocking and appropriating them to a degree that precluded their intended public uses.

And that conduct, too, being nearly always appeased, the process spread areawise, as might have been expected, from one southern city to another and then into one northern city after another and eventually pretty generally throughout the land. These "demonstrations" were conducted under the banner of "peaceable civil disobedience" and under the claim of protection by the peaceable-assembly and petition provisions of the First Amendment to the United States Constitution. But, in fact, most of these claims were and are untrue. Let me demonstrate this:

Crime, says Webster, means "an act or omission forbidden by law and punishable upon conviction." It cannot be denied that many of those trespasses violated at least the criminal-trespass laws of the local jurisdictions involved, nor that those laws impose criminal penalties for their violation, nor, hence, that those trespasses constituted "crimes."

Now, in the first place, that conduct cannot honestly be termed peaceable, for we all know that the assembly and incitement of a large group or mob for the avowed purpose of forcing direct action outside the law amounts to the creation of a mob bent on lawlessness and inherently disturbs the peace of others.

In the second place, that conduct cannot honestly be termed "civil disobedience" for the simple reason that anyone should be able to understand: Willful violation of the criminal laws is "criminal disobedience," not "civil disobedience."

And lastly, those criminal trespasses were not protected by the peaceable assembly and petition provisions of the First Amendment. That provision says: "Congress shall make no law . . . abridging . . . the right of the people peaceably to assemble and to petition the government for a redress of grievances." Obviously, nothing in that language grants a license to any man or group of men to violate our criminal laws, including those that prohibit trespass upon and appropriation of private property and those prohibiting the willful obstruction of public walks, streets, and highways.

Rather, as Mr. Justice Roberts wrote upon the subject in 1939, "The privilege of a citizen of the United States to use the streets and parks for communication of views on national questions must be regulated in the interest of all. It is not absolute but is relative and must be exercised in subordination to the general comfort and convenience, and in consonance with peace and good order."

Surely no thoughtful person will disagree with that statement, nor with the one recently made by the president of Yale University in a speech delivered in Detroit, that the current rash of "demonstrations make a ludicrous mockery of the democratic debating process."

The philosophy of "obeying only the laws you like," and of attempting to rule by force has given rise to mobs and mob actions that have proved, as certainly we should have expected, to be tailor-made for infiltration, take-over, and use by rabble-rousers and radicals who are avowedly bent on the breakdown of law, order, and morality in our society, and hence on its destruction. And we now see that virtually all of such "demonstrations" are being infiltrated by rabble-rousers and radicals and, not infrequently, break into open violence.

Even though those results may not have been contemplated and surely weren't wished by those Americans who advocated disobedience of our laws, nevertheless they did advocate that philosophy and they did put its processes into action, and cannot escape responsibility for results.

Seeing the appeasements and successes of that process in racial strife, other would-be leaders have now adopted and spread it into many other areas. It has now spread into the campuses of most of our great universities where, as in Berkeley, it has been used to commit assaults, kidnapings, imprisonment of police officers, and commandeering of public-address systems for their use in spewing over the campus the filthiest four-letter words, and for general breakdown of law and order.

The process is also now progressively employed by radical leftists and those who would give aid and comfort to our enemies, to hinder and impede our nation's efforts to conscript military personnel, as witness the recent rash of draft-card burners, and to move and supply its troops and generally to weaken its ability to execute its military efforts in this time of war.

The process has now been extended even to efforts to thwart governmental, legislative, and executive action. Indeed, it would be hard to name a field that has escaped.

These are but recent examples of history's teachings that the toleration of some crime encourages all crime and that it can hardly be denied that our toleration of these crimes of trespass has been at least a contributing factor to the recent spread of common violence that Mr. J. Edgar Hoover said makes it impossible "for the citizens of this country to . . . walk the streets of our cities without [danger of] being mugged, raped, and robbed." He continued: "We can't do that today." And he added: "all through the country, almost without exception, this condition prevails."

The great pity is that these minority groups, in preaching and practicing defiance of the law, are, in fact, eroding our legal structure, which alone can ever assure to them due process of law and the equal protection of the laws, and that can, thus, protect them from discriminations and abuses by majorities.

We have all been often told and many of us have preached that crime does not pay. But the recent rash and spread of law defiance—and the successes, however tenuous and temporary, of that philosophy in attaining goals—seem to compel a reappraisal of that concept. For, from what we see currently happening, one could reasonably believe that certain types of crimes are being permitted to pay.

Indeed, official encouragement often has been given, even at times in some high places, to conduct these "demonstrations" that have led to the commission of these criminal trespasses, and it can hardly be denied that they have been rather widely tolerated. It is undoubtedly true, as recited in the theme of the Presidentially proclaimed Law Day, 1965, that "a citizen's first duty is to uphold the law," but it is also the first duty of government to enforce the law.

As said in an article in the April 10, 1965, issue of the magazine *America*, "[Government] has no right to turn the cheek of its citizens. Instead it is gravely obligated by the very purpose of its existence to see to their protection."

Surely the great majority of Americans agree with the May 1965 public statement of Mr. Lewis F. Powell, then president of the American Bar Association, that "America needs a genuine revival of respect for law and orderly processes, a reawakening of individual responsibility, a new impatience with those who violate and circumvent laws, and a determined insistence that laws be enforced, courts respected, and due process followed."

I would like to conclude, as I began, with a plea for a return to simple honesty, responsibility, and forthrightness in our public speakings and writings, that they may honestly inform and not misinform the people, and for a return to an orderly society by requiring respect for and obedience to our laws by the prompt, impartial, even-handed, certain, and substantial punishment of all persons whose willful conduct violates these laws and that we do so promptly. And, I would hope, before mass crime gets, as it surely can, so far out of hand as to be beyond the curbing capacities of our peace-keeping agencies and authorities.

LEGISLATIVE PROGRAM FOR THE WEEK OF APRIL 17, 1967

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield to me to respond?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, we have finished the legislative business for this week, and, upon the announcement of the program, I shall ask to go over.

The program for next week is as follows:

Monday is the Consent Calendar.

There is one suspension, H.R. 8363, River Basin Monetary Authorization Act of 1967.

Tuesday is Private Calendar day.

Also on Tuesday we will consider the District of Columbia Appropriation Act for the fiscal year 1968.

Wednesday, H.R. 6167, authorizing the loan of certain naval vessels.

Thursday, H.R. 207, to provide for the construction of a prototype desalting plant.

This announcement, of course, is made subject to the usual reservation that conference reports may be called up at any time, and that any further program may be announced later.

Mr. GERALD R. FORD. I thank the gentleman.

ADJOURNMENT TO MONDAY, APRIL 17, 1967

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that any business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CONCURRENT RESOLUTION TO ESTABLISH A JOINT COMMITTEE TO DETERMINE THE NECESSITY OF A CONGRESSIONAL INVESTIGATION OF THE ASSASSINATION OF PRESIDENT KENNEDY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. KUPFERMAN], is recognized for 1 hour.

Mr. KUPFERMAN. Mr. Speaker, I am today reintroducing my concurrent resolution for a joint congressional committee to determine the necessity for reinvestigating the assassination of President Kennedy.

In the 89th Congress on September 28, 1966, the second anniversary of the Warren Commission Report—see CONGRESSIONAL RECORD, volume 112, part 18, page 24157—I introduced House Concurrent Resolution 1023, pointing out that the official report, with respect to the assassination of President Kennedy, had created more doubts than it had settled. Subsequent polls proved that this was so—see CONGRESSIONAL RECORD, volume 112, part 18, page 25031.

The alleged truths of the Warren Commission Report can no longer, if ever, be considered self-evident.

The reason the Congress must now act is that the executive branch, in the most obvious areas of doubt, has engaged in a conspiracy of silence and inaction, when clearly there is a need for sound action and high-level investigation.

The refusal of the executive branch to take necessary action has been demonstrated in the situation involving the X-rays and the photographs of the autopsy of the late President Kennedy. It has become increasingly clear to me, throughout the rising controversy subsequent to President Kennedy's assassination and the publication of the Warren Report, that this material, which the Warren Commission as a matter of nonfeasance had failed to examine, should be officially examined.

Accordingly, on December 27, 1966, I wrote to the Chief Archivist of the United States requesting an opportunity, together with some outstanding and knowledgeable people in the field, to view these items. Copies of my communication with the National Archives, as well as copies of the replies received in this regard, follow at the end of this statement.

There have been many doubts raised about the findings contained in the Warren Report, but in my opinion the most vulnerable is that known as the "single bullet theory". One cannot read the Warren Report without realizing the importance of this theory to its conclusion that Lee Harvey Oswald, acting alone, killed President Kennedy.

If the first bullet entered just below President Kennedy's shoulder, and failed to exit, then the single bullet theory, the cornerstone of the Warren Commission Report, is not substantiated. If the bullet in question entered at the rear of the neck, passed completely through the neck, and exited through the throat, then the theory may be sustained. The answer may well be contained in the films and X-rays of the autopsy report.

Governor Connally of Texas, who was directly involved, and others do not accept the single bullet theory.

There has been so much confusion and ambiguity over this and many of the other basic findings of the commission that, under the circumstances, and with my request, reason would dictate that the executive branch would have at least asked for an official report with an analysis of the X-rays and photographs. Rather, the response to my request can only resemble the Warren Report itself in the mountain of paperwork, but lack of a valid conclusion. The circuitousness involved is the equivalent of the circular file.

Upon receipt of my request, the Chief Archivist referred the matter to Burke Marshall, who has been designated by the Kennedy family to act in its behalf in matters relating to these materials. He denied my request by letter of January 25, 1967.

I wrote to President Johnson on February 16, 1967. His Office stated:

THE WHITE HOUSE,
Washington, February 17, 1967.

Hon. THEODORE R. KUPFERMAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: For the President, may I acknowledge your letter of February 16 to the President regarding your request to examine the X-rays and photographs taken during the autopsy of President Kennedy.

Your letter and enclosures will be given careful attention.

Sincerely yours,

HENRY H. WILSON, Jr.,
Administrative Assistant to the President.

The matter was then referred back to the General Services Administration by the President's Office, where the Administrator gave me the same answer that I had previously received. It is ironical that the Administrator in his letter of reply states:

> The public interest in the X-rays and photographs as a part of the historical record of the assassination of President Kennedy is appropriately served, not only by their deposit and preservation in National Archives, but also by the provision for unrestricted access by any official government body, including committees of the Congress, having authority to investigate matters relating to the assassination.

This, of course, was the basis of my request in my letter to President Johnson. This correspondence, hereinafter attached, is an exercise in bureaucracy and futility. More significantly, it amounts to deliberate failure on the part of the executive branch to inform the American people in a vital area, one about which the public has a right to know more.

Inasmuch as the executive branch will not face its responsibilities and take necessary action, only the Congress of the United States, with its investigative powers, remains available to do the job that must be done.

Attached here is my original statement on the introduction of my original resolution, House Concurrent Resolution 1023, together with an updated U.S. Library of Congress listing of various articles and books dealing with the Warren report and the assassination of President Kennedy, and my correspondence relative to the X-rays and photographs.

THE KENNEDY ASSASSINATION AND THE WARREN COMMISSION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. KUPFERMAN] is recognized for 60 minutes.

Mr. KUPFERMAN. Mr. Speaker, pursuant to Executive Order No. 11130, dated November 29, 1963, the President's Commission on the Assassination of President Kennedy investigated the assassination which took place 1 week before on November 22, 1963, of President Kennedy, and the subsequent killing of the alleged assassin, and reported to President Lyndon B. Johnson.

The President's Commission, more popularly referred to as the Warren Commission because the Chief Justice of the U.S. Supreme Court, Earl Warren, was designated by the President to serve as its Chairman, was directed to evaluate all the facts and circumstances surrounding the assassination of President Kennedy and the shooting of Governor Connally and the subsequent killing of the alleged assassin Lee Harvey Oswald.

Following 10 months of exhaustive investigation, and after reviewing testimony of 552 witnesses, 25,000 FBI interviews, 1,550 Secret Service interviews, and other documents which compose a stack of papers that is said to fill 300 cubic feet in the National Archives, the 7-man Warren Commission publicly submitted its report to the President on September 24, 1964. On September 28, 1964, the Warren report was made public.

It was the conclusion of the Commission, among other things, that Lee Harvey Oswald, acting alone, killed the President. The shots which killed President Kennedy and wounded Governor Connally, the Commission found, were fired from the sixth floor window at the southeast corner of the Texas School Book Depository. The Commission concluded that the weight of the evidence indicates that there were three shots fired. The Commission held that it was not necessary to any of its essential findings to determine just which shot hit Governor Connally, but that very persuasive evidence from the experts indicates that the same bullet which pierced the President's throat also caused Governor Connally's wounds. While the third conclusion of the Commission states that Governor Connally's testimony and certain other factors have given rise to some difference of opinion as to this probability, the Commission states there is no question in the mind of any member of the Commission that all the shots which caused the President's and Governor Connally's wounds were fired from the sixth floor window of the Texas School Book Depository, and the shots which killed President Kennedy and wounded Governor Connally were fired by Lee Harvey Oswald.

The Commission found no evidence that either Lee Harvey Oswald or Jack Ruby was part of any conspiracy, domestic or foreign, to assassinate President Kennedy. Moreover, it concluded that in its entire investigation the Commission found no evidence of conspiracy, subversion, or disloyalty to the U.S. Government by any Federal, State, or local official.

The stated purpose of the Commission was to investigate all the facts and circumstances surrounding the assassination and the subsequent killing of the alleged assassin. But, as a practical matter, no doubt President Johnson knew the value of reinforcing the public confidence in its institutions and governmental agencies.

There was a natural outburst of public emotion following the tragic and shocking events which took place so rapidly on November 22, 1963, and an increasing wave of speculation in this country, and even more so in Europe and Latin America concerning the possibilities of conspiracy and plotting of right or leftwing elements.

It was obvious in President Johnson's approach to selecting the composition of the Commission, that he wanted men of the highest integrity and national reputation so that the Commission's findings would have the necessary standing to insure quick acceptance of its findings and thus provide what some have called "domestic tranquillity."

This view is epitomized by the fact that President Johnson chose the Chief Justice of the United States, Earl Warren, to act as Chairman of the Commission. Indeed, all of the seven members of the Commission are men of national reputation for intelligence, competence and integrity.

The difficulty comes in the fact that many people feel that the findings of the Warren Commission have not been accepted. In this regard, Fletcher Knebel writing in Look magazine, July 12, 1966, reports that a Harris survey taken in the fall of 1964, soon after the publication of the Warren report, showed that 31 percent of Americans still believed Oswald had accomplices, and that less than half the people believed the Commission told the full story.

It is obvious that it would be an impossible task for the seven-member Commission to persuade even a majority of the American people as to the exact nature and circumstances of all the horrible events that took place on that Friday. But, the fact remains that if the purpose of the Warren Commission was to allay or set at rest doubts that a great many people naturally had following that event, and to restore a feeling of relative security and calm as a result of its search for the facts, then it is at least questionable whether it succeeded.

Of course, there was a rash of activity by writers and critics immediately following the publication of the report who played on difficult and unanswered questions, thus feeding fuel to the fires of speculation in the minds of the doubters and adding to the uneasiness of the people. The obvious difficulty with the products of this first wave of critics is that they played heavily on insinuations and rhetorical questions while failing to answer or offer alternative theories based on reasoned judgments after weighing all the evidence, such as the Warren Commission purportedly did.

However, it is now 2 years after the publication of the Warren Commission report and a new wave of criticism has developed concerning the work of the Warren Commission. The critics who make up the second wave are not addressing themselves, for the most part, to the integrity of the Warren Commission, or even to the soundness of many of its conclusions.

The serious question raised by the second wave of critics is whether the members of the Warren Commission took the necessary time to examine thoroughly all the available material and evidence to come to an accurate and independent conclusion as to what happened, or whether they were disposed to satisfy a certain view, being persuaded in the public interest to come to a speedy decision.

Those who criticized the Warren Commission or the Warren report along these lines would find possible support in the fact that President Johnson selected highly competent but busy men to act as members of the Commission.

One of the many recent books critical of the Commission was written by Edward J. Epstein as an outgrowth of his masters thesis in government for Cornell University. In the introduction to Mr. Epstein's book entitled, "Inquest: The Warren Commission and the Establishment of Truth," Richard H. Revere, a respected writer, notes in the foreword that Epstein amply demonstrates that the Commission's quest for truth was also a quest for domestic tranquillity, and that the second quest often got in the way of the first. Mr. Epstein says the Commission's probe was hampered by an impossible deadline imposed by Chief Justice Warren, by lack of investigation and manpower, and by absenteeism of the busy Commissioners. He calculates only three Commissioners heard more than half the testimony and measured the attendance at the hearings as ranging from a low of about 6 percent to a high of about 71 percent. Mr. Epstein states that the Commission ignored possible witnesses, sifted the testimony to suit its purposes, and omitted contradictory evidence and inconsistent details.

Finally, the critics suggest as typical of the superficial nature of the Commission's work, that the Commission never independently investigated rumors, whether Oswald was a paid informant of the FBI, but merely took the word of FBI officials, principally J. Edgar Hoover, that he was not. They say the question that the public is left with now is whether the Commission's commitment from the onset of its assignment was less to the discovery of revelation and truth than to dispelling rumors that would damage the national interest.

In an article entitled "Round Two," written by Fred Graham, which appeared in the New York Times Book Review of August 28, 1966, it was stated:

"Unfortunately, many people may confuse the doubts about the commission with doubts about its conclusion. One of the earliest and most perceptive critics of the Warren Commission, Paul L. Freese of the California Bar, remarked in the Columbia Law Review that the commission was vulnerable because its real task 'was not to find the truth but to appear to have found the truth.' Mr. Graham says with respect to this statement of Paul Freese, 'The pity is that it may have done the opposite'." [1]

Fletcher Knebel, the author of the "Warren Commission Report on the Assassination Is Struck by a New Wave of Doubt," which appeared in Look magazine on July 12, 1966, examined Mr. Epstein's writing carefully and "soon became convinced that Epstein was guilty of the very sins of which he accused the Warren Commission: distortion, ignoring testimony, sifting the evidence, and adroitly selecting it to fit its theories and assumptions." Mr. Knebel states with respect to "Inquest: The Warren Commission and the Establishment of Truth":

"At the worst, Epstein has written a dangerously deceptive book. At the best, he is guilty of precisely what he lays at the door of the Warren Commission—a 'superficial' investigation."

Richard N. Goodwin, a former assistant to President Kennedy, in a review written for "Book Week" of the World Journal Tribune—then on strike—and appearing in New York City in the Village Voice of August 4, 1966, considered Edward J. Epstein's book. In the early part of Mr. Goodwin's review he states:

"Those who worked with President Kennedy, even those in the outer rings of relationship such as myself, welcomed with such swift acceptance the conclusions of the Warren report; even though few had read it thoroughly and almost no one had examined the evidence on which it was based. There was, of course, the fact that the integrity and purpose of the Commission were beyond question and its members were men of skill and intelligence. There was the almost unanimous praise of newspapers and commentators who we assumed, if we thought about it at all, had followed the course of investigation and studied the answers. This would not ordinarily have been enough for those who had learned the lesson of the Bay of Pigs: that neither position, conviction, sincerity, nor expert knowledge precluded the need for independent judgment of the evidence. This time, though, there was only room for grief; and a lone madman compelled neither hatred nor effort nor calculation."

Speaking of Epstein's harsh criticism of both the substantive portion of the Warren Commission's findings, as well as the procedures employed, and the lack of thoroughness of the Warren Commission, Mr. Goodwin states:

"None of this proves or even forcefully indicates that a single disturbed human being was not the cause of President Kennedy's death. Perhaps all the specific examples Epstein uses to strengthen his case will be easily refuted. If there are gaps, further study may swiftly close them. However, the attack on the nature and adequacy of the Commission's work is not easily dismissed. Even if Mr. Epstein is totally wrong in every discussion of specific evidence, and yet if he is right that the investigation itself was seriously incomplete, then we have not established to the limit the possibility that Lee Harvey Oswald acted alone to kill John F. Kennedy."

Mr. Goodwin further states:

"I find it hard to believe that the investigation was seriously flawed, but here is a book which presents such a case with a logic and a subdued and reasonable tone which have already disturbed the convictions of many responsible men. It may all rest on quicksand, but we will not know that until we make an even more extensive examination than the author has made. An independent group should look at these charges and determine whether the Commission investigation was so defective that another inquiry is necessary. Such a procedure will, perhaps unnecessarily, stimulate rumors and doubts and disturb the political scene. Yet there seems to be no other course if we want to be sure that we know as much as we can about what happened on November 22, 1963."

There have been a host of other writers concerned with the Kennedy assassination and the Warren Commission including Thomas Buchanan's "Who Killed Kennedy," Penn Jones, Jr.'s "Forgive My Grief," Harold Weisberg's "Whitewash: The Report on the Warren Commission," Mark Lane's "Rush to Judgment," and most recently, "The Second Oswald" by Richard H. Popkin. At the end of this statement I have included as complete a listing as the Library of Congress has been able to compile to date of various articles and books dealing with the Warren report and the assassination of President Kennedy.

It would seem that the relevant inquiry at this time should not be whether the Warren Commission maintained the expected degree of integrity in its investigations and findings, nor whether Lee Harvey Oswald was actually the lone assassin of President Kennedy, but rather whether the people of the United States feel the desired confidence and finality in the authoritative work that has been done to date. In other words, is the Warren Commission's report enough?

In the past, we find that our country, in the words of the noted attorney Louis Nizer, "has not resorted to commissions as a regular procedure, but chiefly in great emergencies, and, fortunately, therefore infrequently." [2] A review of American history tells us that one such great emergency was the debacle at Pearl Harbor, which not only shattered our fleet, but to a great extent our confidence and pride. President Roosevelt knew that a report was required following the international disaster of Pearl Harbor on December 7, 1941, that would tell the people the truth which they wanted and needed so desperately to know. He knew that the people could bear up under the truth, but that uncertainty and rumor of plots and conspiracies would, above all, undermine their confidence and destroy their will.

Thus, on December 18, 1941, President Roosevelt created the Roberts Commission. The President designated Justice Owen J. Roberts of the U.S. Supreme Court as its Chairman. He appointed Adm. William H. Stanley, U.S. Navy, retired; Rear Adm. Joseph M. Reeves, U.S. Navy, retired; Maj. Gen. Frank McCoy, U.S. Army, retired; and Brig. Gen. Joseph T. McNarney of the Army to serve with Justice Roberts as members of the Commission.

Many criticized President Roosevelt and the Roberts Commission at the time for the fact that the heavy military composition of the committee would not be likely to insure an impartial report on their own services. Those critics were substantially quieted when the Roberts Commission publicly reported to the President on January 23, 1942, and in terms of dereliction of duty and errors of judgment placed a good deal of the blame for the Pearl Harbor disaster upon the joint commanders of the Army and Navy who were stationed in Hawaii at that time. The Roberts Commission's 21-page report is listed as Senate Document No. 159, 77th Congress, 2d session, 1942.

The integrity of the members of the Roberts Commission was uncompromised and its impartiality was beyond question. Thus, it could be a very persuasive report. But, it is important to note that the purpose of the Roberts Commission was to provide a basis for sound decisions as to whether any derelictions of duty or errors of judgment on the part of the U.S. Army or Navy personnel contributed to such successes as were achieved by the enemy on December 7, 1941. In other words, the Roberts Commission inquiry was inherently narrow in its purpose, if not in its scope.

The Roberts Commission was followed by six other investigations of the Pearl Harbor incident: Immediately following the Roberts Commission was the Hart inquiry, initiated by order from Secretary of the Navy Knox on February 12, 1944, and concluded June 15, 1944. Following the Hart inquiry, the Army Pearl Harbor Board was appointed pursuant to provisions of Public Law 339, 78th Congress, and was directed to ascertain and report the facts relating to the attack made by the Japanese and to make such recommendations as it may deem proper. The Board held sessions beginning July 20, 1944, and concluded its investigation on October 20, 1944. Following the Army Pearl Harbor Board was the Navy court of inquiry pursuant to Public Law 339, 78th Congress. It held sessions July 24, 1944, and concluded its inquiry on October 19, 1944. The Clarke inquiry was next conducted from September 14 to 16, 1944, and from July 13 to August 4, 1945. This inquiry was more specific in its scope and testimony being taken concerning the handling of intercepted Japanese messages and the handling of intelligence material by the Military Intelligence Division of the War Department. Finally, there was the Clausen investigation—commenced November 23, 1944, and concluded on September 12, 1945—and the Hewitt inquiry—commenced May 14, 1945 and concluded on July 11, 1945.

---

[1] The reference to Columbia Law Review must be inadvertent. It is actually at 40 NYU Law Review page 459 (May 1965).

[2] An analysis and commentary of the Warren Report by Louis Nizer is found in the foreword of the Doubleday & Company, Inc. printing of the **Warren Report** at pg. iii–a thru pg. xxviii–a.

Notwithstanding the work of the Roberts Commission and the six other investigations of the facts and circumstances relating to the attack on Pearl Harbor by the Japanese on December 7, 1941, serious questions, doubts, and inconsistencies remained. Finally the Congress of the United States found it necessary to establish a Joint Legislative Committee on the Investigation of the Pearl Harbor Attack. The Concurrent Resolution 27—as extended—79th Congress, 1st session, establishing the Joint Legislative Investigation Committee composed of five Members of the Senate and five Members of the House, passed the Senate on September 6, 1946. The House concurred on September 11, 1945.

Ten months later, on July 20, 1946, the exhaustive and credible work of the Joint Congressional Committee was presented to the President of the Senate and Speaker of the House. The work is found in a bound Senate volume entitled, "Pearl Harbor Attack."

It is against this background that I propose that a Joint Congressional Committee be created to make a preliminary inquiry to determine whether there exists the necessity to reinvestigate thoroughly all of the facts and circumstances surrounding the events that ended in the assassination of President Kennedy, the subsequent killing of his alleged assassin, and the shooting of Gov. John B. Connally.

Should the joint congressional committee determine, after a preliminary investigation of all the accounts, writings and reports, including but not limited to the Warren report, of the facts and circumstances relating to the Kennedy assassination, that further congressional investigation is necessary, then that joint committee would proceed to investigate fully the entire facts and circumstances surrounding the events of November 22, 1963.

The concurrent resolution, which I have introduced today and which follows at the end of this statement, would establish a joint congressional committee composed of five Members of the Senate—not more than three of whom shall be members of the majority party—to be appointed by the President pro tempore, and five Members of the House—not more than three whom shall be members of the majority party—to be appointed by the Speaker of the House.

As the Warren Commission states, it was created in recognition of the right of people everywhere to a full and truthful knowledge concerning these events. The report, in its own words, "has been prepared with a deep awareness of the Commission's responsibility to present to the American people an objective report of the facts relating to the assassination."

We must not hide from all the facts whatever they are, and whatever they indicate. In light of the current and mounting criticism of the Warren report we must now objectively evaluate the findings of all those who would have us believe the Warren Commission in one way or another did not do all that it could have. In this way the volume of work of the Warren Commission will be called upon to stand a true test. But so will the conclusions and rationality of those who would attack the Warren Commission be put to an equally objective test.

There appeared in the New York Times magazine section on September 11, 1966, an article written by an English political commentator, Henry Fairlie, entitled, "No Conspiracy, But—Two Assassins, Perhaps?" Mr. Fairlie writes:

"The Report of the Warren Commission is now under severe and, in some cases, persuasive attack. It is hard to disagree with the general judgment of its critics that it did a hurried and slovenly job. It seems to have been less than thorough in the examination of some key witnesses, less than skeptical of some of the official evidence with which it was supplied, less than careful to consider in detail every possible explanation of the assassination other than Lee Harvey Oswald's sole guilt."

Following a discussion of the events and circumstances of the assassination of President Kennedy and Lee Harvey Oswald, Mr. Fairlie states:

"At some point, it is clear, there will have to be another independent inquiry. But, even if this is agreed, it is by no means equally clear that the time for such an investigation is now. A portion of the investigative reports in the United States National Archives is not yet declassified. The whereabouts of other important evidence have still not been ascertained. In these circumstances the chances of a further inquiry producing a report which would carry conviction are slight."

And further, Mr. Fairlie quotes the following conclusion of Harold Weisberg, author of "Whitewash," the report on the Warren report:

"A crime such as the assassination of the President of the United States cannot be left as the report of the President's Commission has left it, without even the probability of a solution, with assassins and murderers free, and free to repeat their crimes and enjoy what benefits they may have expected to derive therefrom. No President is ever safe if Presidential assassins are exculpated. Yet this is what this Commission has done."

According to Mr. Epstein, 28 governmental agencies furnished more than 300 cubic feet of paper to the Warren Commission and there were over 1,500 Secret Service interviews or reports and thousands of papers connected with the investigation of the facts and circumstances relating to the assassination of President Kennedy. In addition, the FBI alone sent the Commission 25,000 reports and papers.

I am informed that at the present time two-thirds of the available papers and documents in the National Archives are declassified and open to the public for research purposes.

The remaining one-third of the available documents and papers at the National Archives is composed, in part, of the administrative records and working papers of the Warren Commission. Additional housekeeping records are mixed in with these papers and records and have to be sorted.

The records, reports, and papers concerning the facts and circumstances relating to the assassination of President Kennedy which are at the National Archives and are presently classified should be made available to the public at the earliest possible time.

In keeping with the national freedom of information policy embodied in Senate bill 1160, which I supported in the House of Representatives when it passed here on June 20, and which President Johnson signed on July 4 of this year, we must make every effort to remove the veil of secrecy over papers and documents which can be revealed without violating the public interest.

As President Johnson said upon signing this Federal public records law—Public Law 89–492:

"I am instructing every official in this administration to cooperate . . . and to make information available to the full extent consistent with individual privacy and the national interest."

There are nine exemptions to the national freedom of information law. With respect to the papers and documents containing facts or circumstances relating to the assassination of President Kennedy which are at the National Archives, the first exemption should be examined. It reads as follows:

"SEC. 3. Every agency shall make available to the public the following information:

"(e) Exemptions. The provisions of this section shall not be applicable to matters that are (1) specifically required by Executive Order to be kept secret in the interest of the National defense or foreign policy."

As Mr. Bert Mills points out in an article entitled, "What Next on FOI?" published in the National Publisher, September 1966:

"The key phrase here is 'by Executive Order.' No minor official will make the decision, only the President, and his action in issuing such an order is publicized."

Although the freedom of information law does not become effective until Independence Day, 1967, based upon it and the expressed intent by President Johnson in signing it, I believe the exemption cited above should not be applicable to the materials relating to the assassination of President Kennedy which are presently being held as classified in the National Archives. This view is further supported by the fact that President Johnson asked the Attorney General over 1 year ago to coordinate an overall agency review of the records and papers furnished to the Commission and in turn deposited with the National Archives in order to make as much of this material available to the public as they possibly could.

On August 17, 1966, the Office of the Attorney General asked the National Archives to apply the same standard of public accessibility to the working papers and administrative reports which it has received from the Warren Commission itself.

To the extent that any doubt remains, the President should be requested to free for scrutiny all documents and evidence of any kind in this area.

It is not, nor has it been, my desire to rush to verdict concerning the outcome of the questions I raise herein. However, I feel that those questions which the critics say were allegedly left unanswered should not be superficially answered nor should they be left unanswered. Let an independent body make a thoroughly dispositive and exhaustive evaluation of all that has been said and written to date concerning the events surrounding the assassination and the report of those events, just as the joint congressional committee reviewed Pearl Harbor and the findings of the Roberts Commission 4 years later.

Moreover, it is just as likely that the work and conclusions of the Warren Commission will emerge further justified and supported. In this way the confidence of the people may be restored and once and for all the majority of doubters should be satisfied that all there is to be known about the events of November 22, 1963, is known, and the tragedy of that day may be allowed to rest with dignity. And if a thorough and objective examination should shed new light on the happenings of that day, then we can only benefit by coming closer to the truth.

A copy of my concurrent resolution, together with the U.S. Library of Congress up-to-date listing mentioned in my statement, of various articles and books dealing with the Warren report and the assassination of President Kennedy, follow:

"H. CON. RES. 1023

"*Resolved by the House of Representatives (the Senate concurring)*, That there is hereby established a joint committee on the investigation of the assassination of President Kennedy to be composed of five Members of the Senate (not more than three of whom shall be members of the majority party), to be appointed by the President pro tempore of the Senate, and five Members of the House of Representatives (not more than three of whom shall be members of the majority party), to be appointed by the Speaker of the House. Vacancies in the membership of the committee shall not affect the power of the remaining members to execute the functions of the committee, and shall be filled in the same manner as in the case of the original selection. The committee shall select a chairman and a vice chairman from among its members.

"SEC. 2. The committee shall make a preliminary investigation of all the accounts, writings, and reports of the facts and circumstances leading up to and following the assassination of President Kennedy in order to determine whether it is necessary to undertake a full and complete investigation of the facts surrounding the assassination of President Kennedy and the subsequent killing of his alleged assassin. Should the committee determine that further investigation is necessary, then the committee shall make a full and complete investigation of the facts relating to the events and circumstances leading up to and following the assassination of President Kennedy, and upon completion of its investigation shall report its findings to the Senate and to the House of Representatives.

"SEC. 3. (a) The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Eighty-ninth Congress, second session, and subsequent sessions, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, and reports, including but not limited to all evidence collected by the Commission established by Executive Order Number 11130 (known as the Warren Commission) to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

"(b) The committee is empowered to appoint and fix the compensation of such experts, consultants, and clerical and stenographic assistants as it deems necessary.

"(c) The expenses of the committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent funds of the House of Representatives, upon vouchers signed by the chairman.

"THE KENNEDY ASSASSINATION AND THE WARREN REPORT: SELECTED REFERENCES

"1963

"As Warren inquiry starts—latest on the assassination. U.S. news and world report, v. 55, Dec. 30, 1963: 23–29.

"The assassination of President John F. Kennedy. Current digest of the Soviet press, v. 15, Dec. 11, 1963: 3–15. Selections from the Soviet press commenting on the tragic events of November 23.

"The assassination of President Kennedy. Life, v. 55, Nov. 29, 1963: 23–32H.

"The funeral. Time, v. 12, Dec. 6, 1963: 28–35, p. 33a–35 contains information on Lee H. Oswald and Jack Ruby.

"Minnis, Jack *and* Staughton Lynd. Seeds of doubt: some questions about the assassination. New republic, v. 149, Dec. al, 1963: 14–20.

"The tragic week: Nov. 22–Nov. 28, 1963. Washington Post, special commemorative edition, 1963, 7 sections.

"A world listened and watched. Broadcasting. v. 65, Dec. 2, 1963: 33–61. 'Radio-TV meets greatest challenge in wake of JFK tragedy; dropping of regular programs to cost about $32 million.'

"The world resounds. America, v. 109, Dec. 14, 1963: 767–771. Reactions to the President's murder from Rome, Tokyo, Bogotá, Toulouse, Washington, London, Milwaukee, New York.

"1964

"The assassination. Columbia journalism review, v. 11, Winter 1964: 5–31. A review of the way the tragic event of President Kennedy's assassination was covered by the news services.

"Assassination: the trial to a verdict. Life, v. 57, Oct. 2, 1964: 40–50B.

"Back of the secrecy in the assassination probe. U.S. news and world report, v. 56, Feb. 24, 1964: 52, 55. 'The commission has found that almost all the evidence points to him as the killer. But the panel is not expected to say so in so many words. The final verdict is to be left to the public.'

"Banta, Thomas J. The Kennedy assassination: early thoughts and emotions. Public opinion quarterly, v. 28, Summer 1964: 216–224.

"Bealle, Morris Allison, 1891—Guns of the regressive right; the only reconstruction of the Kennedy assassination that makes sense, by Morris A. Bealle. Washington, Columbia Pub. Co. b1964: 124 p.

"Buchanan, Thomas G. In defense of a theory. New Reader, v. 47, Nov. 9, 1964: 8–11.

"Buchanan, Thomas G. Who killed Kennedy? [by] Thomas G. Buchanan. London, Secker & Warburg [1964], 192 p.

"Cottrell, John. Assassination! The world stood still [by] John Cottrell. [London, New English Library, 1964], 128 p. (A Four square book).

"Cranston, Pat. Some historical newscasts of the American Forces Network. Journalism quarterly, v. 41, Summer 1964. 395–398. 'Begun to build troop morale during World War II, the AFN has an estimated 50 million listeners in Europe. How the network reported the death of President Kennedy is told here in detail.'

"[Files of evidence connected with the investigation of the assassination of President John F. Kennedy. n.p., 1963–64], 21 v. illus., maps, ports.

"Frisell, Bernard. How to solve a murder from far away. Life international, v. 36, June 15, 1964: 83–85. An account of the book by Thomas Buchanan, 'Who Killed Kennedy?'

"Gordon, William E. The assassination of President Kennedy. Contemporary review, Jan. 1964: 8–13.

"Greenbert, Bradley S. Diffusion of news of the Kennedy assassination. Public Opinion quarterly, v. 28, Summer 1964: 225–232.

"Harris, T. George. Memo about a Dallas citizen. Look, v. 28, Aug. 11, 1964: 64, 67–70. A review of Mr. Shea's experiences at the hand of the Dallas community after his Look article critical of The Dallas reaction to Pres. Kennedy's assassination.

"Joesten, Joachim 1907—(Book not in LC) Oswald, assassin or fall guy? New York, Marzani & Munsell, c1964, 158.

"Kempton, Murray. Warren report: case for the prosecution. New republic, v. 151, Oct. 10, 1964: 13–17.

"Mayer, Milton. November 22, 1963. Progressive, v. 28, Dec. 1964: 21–25. A reconsideration of the impact of John F. Kennedy's assassination upon the American public.

"Lineberry Williams. The lingering 'plot'. New Leader, v. 47, Apr. 27, 1964: 21–22. 'Foreign opinion and the assassination.'

"Meyer, Karl E. The triumph of Caliban. The new leader, v. 47, Oct. 12, 1964: 4–6. 'The Warren Commission . . . has now definitely set to rest all such lurid rumors of conspiracy, etc.'

"Nash, George *and* Patricia Nash. The other witnesses. New leader, v. 47, Oct. 12, 1964: 6–9. Discusses unanswered questions by witnesses never by the Warren commission.

"New light on the assassination: a secret agent's story. U.S. news & world report, v. 56, June 8, 1964: 38–39. 'More light on President Kennedy's assassination comes from a Japanese agent's report to his Government.'

"Packer, Herbert L. The Warren Report: a measure of the achievement. Nation, v. 199, Nov. 2, 1964: 295–299.

"Rosenberg, Maurice. The Warren Commission. Nation, v. 199, Sept. 14, 1964: 110–112.

"Sauvage, Leo. As I was saying. New leader, v. 47, Nov. 9, 1964: 11–13. Some reflections and objections on Warren Report.

"Sauvage, Leo. The Oswald affair. Commentary, v. 37, Mar. 1964: 55–65.

"Sauvage, Leo. Thomas Buchanan, detective. New leader, v. 47, Sept. 28, 1964: 10–15. A critique of Buchanan's book published in January; 'Who Killed Kennedy?'

"Sheatsley, Paul B., *and* Jacob J. Feldman. The assassination of President Kennedy. Public opinion quarterly, v. 28, Summer 1964: 189–215.

"Texas. *Attorney General's Office*. Texas supplemental report on the assassination of President John F. Kennedy and the serious wounding of Governor John B. Connally, November 22, 1963. Austin, Texas, 1964.

"Thomson, George C. The quest for truth; a quizzical look at the Warren report, or how President Kennedy really was assassinated, edited and published by George C. Thomson. c1964. 49 p.

"The untold stories—aftermath of the assassination, U.S. news & world report, v. 57, Oct. 12, 1964: 58–62. Summary of the Warren Commission Report.

"Warner, Dale G. 1921. Who killed the President? By Dale G. Warner. [1st ed.] New York, American Press [c1964] 24 p.

"1965

"Devlin, *Lord*. Death of a President: the established facts. Atlantic monthly, v. 215. Mar. 1965: 112–118.

"Ford, Gerald R. and John R. Stiles. Portrait of the assassin, by Gerald R. Ford and John R. Stiles. New York, Simon and Schuster [c1965] 508 p.

"Fox, Sylvan. The Unanswered Questions About President Kennedy's Assassination. Universal Publishing & Distributing Corp., New York, N.Y. (1965).

"Freese, Paul L., 'The Warren Commission and the Fourth Shot: A Reflection on the 'Fundamentals of Forensic Fact Finding', N.Y.U. Law Review, Vol. 40, no. 3, May 1965, pp. 424–65.

"Greenberg, Bradley S., The Kennedy assassination and the American public; social communication in crisis [by] Bradley S. Greenberg [and] Edwin B. Parker, editors. Stanford University Press, 1965. 392 p.

"MacDonald, Dwight, 'A Critique of the Warren Report', Esquire, March 1965, p. 59 ff.

"The Nashville Tennessean. He gave his life; a newspaper's account of the assassination of a President, and the two weeks that followed. [1965] 1 v. (unpaged).

"U.S. *Congress. Senate. Committee on the Judiciary*. Preserving evidence pertaining to the assassination of President Kennedy; report to accompany H.R. 9545. Washington, U.S. Govt. Print. Off., 1965, 4 p. (89th Cong., 1st sess. Senate. Report no. 851).

"U.S. *Congress. Senate Committee on the Assassination of President Kennedy*. A concise compendium of the Warren Commission report on the assassination of John F. Kennedy. With an introd. by Robert J. Donovan. New York, Popular Library [c1964] 637 p.

"U.S. *President's Commission on the Assassination of President Kennedy.* The Warren report; report of the President's Commission of the assassination of President John F. Kennedy. Associated Press, 1965. 366 p.

"U.S. *President's Commission on the Assassination of President Kennedy.* The witnesses. Selected and edited from the Warren Commission's hearings by the New York Times. With an intod. by Anthony Lewis. [1st ed.] New York, McGraw-Hill [c. 1965] 634 p.

"1966

"Autopsy on the Warren Commission. Time, v. 88, Sept. 16, 1966: 54–55.

"Cook, Fred J. Some unanswered questions. Nation, v. 202, June 13, 1966: 705–715. Part I of a detailed and critical examination of the recently published transcripts of the Warren Commission hearings by an experienced crime reporter.

"Cook, Fred J. The Warren Commission Report: II-testimony of the eyewitnesses. Nation, v. 202, June 20, 1966: 737–746. The second and concluding section of the author's analysis of the testimony given before the Warren Commission.

"Epstein, Edward Jay. Inquest; the Warren Commission and the establishment of truth, by Edward Jay Epstein. Introd. by Richard H. Revere. New York, Viking Press [1966] 224 p.

"Fairlie, Henry. No conspiracy, but—two assassins, perhaps? New York Times Magazine, Sept. 11, 1966: 52–55, 154, 157, 159.

"Goodwin, Richard. Book Review in Village Voice. 'Inquest: The Warren Commission and the Establishment of Truth.'

"Jones, Jr., Penn. Forgive my grief: a critical review of the Warren Commission Report on the assassination of President John F. Kennedy, by Penn Jones, Jr. Midlothian, Tex., Printed by the Midlothian Mirror, pref. 1966-v. 1.

"Knebel, Fletcher. A new wave of doubt. Look, v. 30, July 12, 1966: 66–72. 'The Warren Commission Report on the assassination is struck by a new wave of doubt.'

"Lane, Mark. Rush to judgment; a critique of the Warren Commission's inquiry into the murders of President John F. Kennedy, Officer J. D. Tippit and Lee Harvey Oswald [by] Mark Lane. With an introd. by Hugh Trevor-Roper. [1st ed.] New York, Holt, Rinehart & Winston [c 1966] 478 p.

"Mailer, Norman. The great American mystery. Book Week Washington Post, Aug. 28, 1966, 1, 11–13. This review calls Rush to Judgment by Mark Lane 'a new dissent on methods and findings of the Warren Commission.'

"Meagher, Sylvia. Subject index to the Warren report and hearings & exhibits, by Sylvia Meagher. New York, Scarecrow Press, 1966, 150 p.

"Plastrik, Stanley. 'The Oswald Case Should be Re-Opened,' *Dissent*, Sept.-Oct. '66.

"Popkin, Richard H. The second Oswald: the case for a conspiracy theory. New York review of books, v. 7, July 28, 1966: 11–22. The author reviews *Inquest* by Edward Jay Epstein and *Whitewash* by Harold Weisberg and proposes a new theory of the Kennedy assassination.

"Russell, Francis. National Review, 'Doubts about Dallas,' Sept. 6, 1966.

"Sauvage, Leo. The case against Mr. X. New leader, v. 49, Jan. 3, 1966: 13–18. 'The last of three articles . . . examining the Warren Commission Report.'

"Sauvage, Leo. The Oswald affair; an examination of the contradictions and omissions of the Warren report [by] Leo Sauvage. Translated from the French by Charles Gaulkin. Cleveland, World Pub. Co. [c1966] 418 p.

"Smith, William R. The Assassination by consensus; the story behind the Kennedy assassination by Bill Smith. Washington, L'Avant Garde Publications, c1966. 240 p.

"Weisberg, Harold. Whitewash—the report on the Warren Report. [842.9. W4. Hyattstown, Maryland 1966, c. 1965.] 208 p.

"1967

"Manchester, William. 'The Death of a President,' Harper & Row (c1966) to be published Jan. 10, 1967.

"RICHARD MALOW,
"Government and General Research Division.

"SEPTEMBER 23, 1966."

THE KENNEDY ASSASSINATION AND THE WARREN REPORT

Selected references by Legislative Reference Service

(NOTE.—This listing updates the bibliography prepared for your use on September 23, 1966. The references cited below cover the period from that date to April 9, 1967. In addition, we have noted other references prior to September, 1966, that have come to our attention in the interim.)

BOOKS AND ARTICLES

Any number can play; question of whether the assassination was the work of one man. Newsweek v. 68, November 1, 1966: 37–38.

As "the book" appears: a close look at the facts. U. S. News and World Report, v. 62, January 23, 1967: 50–52.

The assassination: the Phantasmagoria. Time, v. 88, November 25, 1966: 34–35.

Bichel, Alexander M. The failure of the Warren Report. Commentary, v. 42, October 1966: 31–39.

——— Leo Sauvage and the Warren Commission. New Leader, v. 49, November 21, 1966: 19–21.

——— Reexaming the Warren Report. New Republic, v. 156, January 7, 1967: 25–28.

The book that has backfired. U.S. News and World Report, v. 61, December 26, 1966: 36.

Bourbon street rococo; J. Garrison's investigation. Time, v. 89, March 3, 1967: 26.

Carnival in New Orleans; J. Garrison's investigation. Newsweek, v. 69, March 6, 1967: 32.

Cohen, Jerry, and Nicholas C. Chriss. New Orleans: Act I. Reporter, v. 36, April 6, 1967: 17–20.

An analysis of the New Oreans trial and investigation of Clay L. Shaw.

Cooke, Alistair. A twist of history: two views of William Manchester's "The Death of a President." Book Week [Washington Post], April 9, 1967: 1–3.

Corry, John. The story of the Kennedy-Look battle. New York Times, January 30, 1967: 1, 22.

Durkin, Henry P. The climate of hate. New Guard, v. 6, November 1966: 13–15, 20–21.

Epstein, Edward Jay. Who's afraid of the Warren Report. Esquire, v. 66, December 1966: 204, 330–332, 334.

Fateful two hours without a President. U.S. News and World Report, v. 61, November 14, 1966: 68–71, 73–78.

Fonzi, Gaeton. Burning questions. Book Week (Washington Post), October 23, 1966: 8.

Goodall, Kenneth. The Warren Commission: the critics and the Law: 1. beyond reasonable doubt? Reporter, v. 35, December 15, 1966: 44–46.

Goodhart, A. L. The Warren Commission: the critics and the law, 2. Legal ignorance and false logic. Reporter, v. 35, December 15, 1966: 47–48, 50.

JFK and LBJ: more untold stories. U.S. News and World Report, v. 62, January 30, 1967: 36.

JFK censored? Newsweek, v. 48, October 3, 1966: 65–66.

Jacqueline B. Kennedy, plaintiff. Newsweek, v. 68, December 26, 1966: 39–43.

Kennedy assassination; question of a second investigation. New Republic, v. 155, November 12, 1966: 8.

Lane, Mark. Playboy interview: Mark Lane. Playboy, v. 14, February 1967: 41–42, 44–64, 66–68.

Lardner, George, *Jr.* Seeking truth in New Orleans in the middle of the night. Washington Post, April 2, 1967: C–1.

Lippmann, Walter. Walter Lippmann on Manchester. Washington Post, April 8, 1967: A–1, A–16. A review of *The Death of a President*.

The Manchester book: despite flaws and errors, a story that is larger than life or death. Time, v. 89, April 7, 1967: 22–23.

A matter of reasonable doubt. Life, v. 61, November 25, 1966: 38–48B, 53.

Meagher, Sylvia. Notes for a new investigation. Esquire, v. 66, December 1966: 211, 335–336.

——— Subject index to the Warren Report and hearings and exhibits, by Sylvia Meagher. New York, Scarecrow Press, 1966. 150 p.

Mitgang, Herbert. A new inquiry is needed. New York Times Magazine, December 25, 1966: 14.

Now U.S. gets JFK autopsy photos. U.S. News and World Report, v. 61, November 14, 1966: 81.

A primer of assassination theories. Esquire, v. 66, December 1966: 205–210, 334–335.

Rabasseire, Henri. Let's talk sense about Oswald. Dissent, v. 14, March-April, 1967: 205–210.

Roberts, Charles. Eyewitness in Dallas. Newsweek, v. 68, December 5, 1966: 26–29.

——— The truth about the assassination. [New York], Grosset and Dunlap, 1967.

Rovere, Richard H. A question of taste and something more. New Yorker, v. 43, April 8, 1967: 172–176. A review of *The Death of a President*.

Salisbury, Harrison E. Who killed President Kennedy? Progressive, v. 30, November 1966: 36–39.

Sauvage, Leo. A few questions for the Warren Commission. Dissent, v. 14, March-April, 1967: 200–205.

——— As I was saying. New Leader, v. 49, November 21, 1966: 21–22.

——— Prof. Bickel and the Warren Commission. New Leader, v. 49, November 7, 1966: 16–19.

Shannon, W. V. Enough is enough. Commonweal, v. 85, November 18, 1966: 191–192; Reply. A. V. Krebs, Jr., vol. 85, December 16, 1966: 331.

Shepard, Lyn. The Warren Report and its critics. Christian Science Monitor, December 15, 1966: 9.

Sherman, George. The book of the century. This week magazine [Washington Star], January 8, 1967: 6–7.

Smith, Merriman. Dallas "exposés" deflated. Washington Post, November 20, 1966: E1, E5.

Snider, A. J. Assassination, a new medical opinion. Science Digest, v. 61, February 1967: 35–36.

Specter, Arlen. "Overwhelming evidence Oswald was assassin." U. S. News and World Report, v. 61, October 10, 1966: 48–63.

Theory of an Oswald conspiracy. Life, v. 62, March 3, 1967: 33.

Truth about Kennedy assassination: questions raised and answered. U.S. News and World Report, v. 61, October 10, 1966: 44–47.

Vidal, Gore. A twist of history: two views of William Manchester's 'The Death of a President.' Book Week [Washington Post], April 9, 1967: 1–3.

Viorst, Milton. There was nothing else they could do. Washingtonian, v. 2, February 1967: 60–61.

Wainwright, Loudon. The Warren Report is not enough. Life, v. 61, October 7, 1966: 38.

Weisberg, Harold, 1913—. Whitewash II:

the FBI-Secret Service coverup, by Harold Weisberg. [Hyattstown, Maryland, c1966]. 250 p.

Welsh, David. In the shadow of Dallas. Ramparts, v. 5, November 1966: 29–50.

Welsh, David and David Lifton. The case for three assassins. Ramparts, v. 5, January 1967: 77–100.

Whalen, Richard J. The Kennedy assassination. Saturday Evening Post, v. 240, January 14, 1967: 19–25, 69.

Who killed Kennedy? Fact, v. 3, November-December 1966: 3–17.

Why has file no. 3106 not been publicized? Human Events, v. 26, December 17, 1966: 805.

Wicker, Tom. November 22, 1963. New York Times Book Review, April [9] 1967: 1–3, 28. Review of *Death of a President*.

ADDITIONAL REFERENCES PRIOR TO SEPTEMBER, 1966

Dellinger, Dave. The Warren Report?: 1. The death of a president. Liberation, v. 9, January 1965: 11–12.

Lynd, Staughton. The Warren Report?: 3. Comment by Staughton Lynd. Liberation, v. 9, January 1965: 18.

Salandria, Vincent J. The impossible tasks of one assassination bullet. Minority of one, v. 8, March 1966: 12–18.

Salandria, Vincent J. The separate Connally shot. Minority of one, v. 8, April 1966: 9–13.

——— The Warren Report? Liberation, v. 9, March 1965: 14–32.

——— The Warren Report?: 2. A Philadelphia lawyer analyzes the shots, trajectories and wounds. Liberation, v. 9, January 1965: 13–18.

Congress of the United States,
House of Representatives,
Washington, D.C., February 16, 1967.

Hon. Lyndon B. Johnson,
President of the United States,
The White House,
Washington, D.C.

Dear Mr. President: I write to you in the hope that a serious situation, which has become almost ludicrous, may finally be resolved.

On September 28, 1966, I introduced my resolution (H. Con. Res. 1023) for the establishment of a joint committee of the House and Senate to review the findings of the Warren Commission on the Kennedy assassination.

My statement in connection therewith, which you received at the time, is set forth in the Congressional Record, vol. 112, pt. 18, p. 24157, of that date.

There have been many doubts raised about the findings contained in the Warren Commission Report, but, in my opinion, the most vulnerable of the findings is that known as the "single bullet" theory.

If the theory is rejected, then it is possible that there was more than one assassin. If the theory is sustained, then there is a possibility that reasonable people can consider the case closed.

As you well know, Governor Connally insists that he was not hit by the same shot that hit President Kennedy, although, strangely enough, Governor Connally accepts the conclusions of the Commission's Report.

As a result of the research done by Edward J. Epstein published in his book called "Inquest", a great deal of information has been brought to light about the methods of the Warren Commission. You will recall that Senator Russell was merely willing to call the "single bullet" theory "credible", while the drafters of the Report wanted to call it "compelling", and compromise was found in the word "persuasive". See Life Magazine of November 25, 1966, at page 53.

In all the discussions about the single bullet theory, I have been amazed to find that the X-rays and photographs taken at the autopsy of the late President Kennedy were not made available to the Commission. Arlen Spector, who worked on this phase of the investigation, in his interview in U.S. News and World Report of October 10, 1966, at page 53, states that the Commission did not press for the photographs and X-rays because they did not consider them "indispensable" and would merely corroborate what the autopsy surgeons had testified to under oath.

That the autopsy surgeons were not necessarily well informed is detailed at page 53, among others, of the Life Magazine article above mentioned.

It became increasingly clear to me that the X-rays and photographs should be officially examined, and, accordingly, I addressed a communication to the National Archives requesting an opportunity, together with some outstanding and knowledgeable people in the field, to view these items.

Attached hereto as Exhibit "A" is a copy of my letter of December 27, 1966 to the Chief Archivist of the United States and his reply of January 6, 1967 (Exhibit "B").

I then followed up with Burke Marshall and received the reply dated January 25, 1967, copy of which is attached hereto as Exhibit "C".

I had thought that deposit with the Archives, in view of the public fanfare, had some significance. In the absence of official investigation, this is all illusory.

It is inconceivable to me that a matter of personal preference, no matter how delicate to the parties involved, should stand in the way of the public's right to know.

William Manchester, in the second installment of his book "The Death of a President", as it appears in Look Magazine of February 7, 1967, at page 45 states as follows:

"In the summer of 1966, a former Cornell graduate student published a dissertation that suggested that this first bullet followed a different trajectory. The implication was that a second assassin had aided Oswald. The issue is resolved by the X-rays and photographs which were taken from every conceivable angle during the autopsy on the President's body. Robert Kennedy has decided that this material is too unsightly to be shown to anyone, including qualified scholars, until 1971. He has turned it over to the National Archives with that restriction. Although this writer has not seen the material, he interviewed three people with special qualifications who examined it before it was put under seal. None of them knew the other two, but all three gave identical accounts of what they had seen in the photographs and X-rays. The X-rays show no entry wound 'below the shoulder,' as argued by the graduate student. Admittedly, X-rays of active projectiles passing through soft tissue are difficult to read. However, the photographs support them in this case—and clearly reveal that the wound was in the neck. Finally, the recollections of all doctors present during the autopsy, including the President's personal physician, agree unanimously with this overwhelming evidence."

You are, no doubt, aware of the controversy involved with respect to the publication of the Manchester book, but that was complicated by a matter of a private contract.

In my opinion, the question of the X-rays and photographs, certainly to the extent of a proper analysis for a public report as to the specific item of where the entry wound was with respect to the first bullet, is a public matter for which there must be an official examination and analysis.

You have heretofore stated that you expect all of this material to be made available to the public, and in your comments on the Freedom of Information Act, which you supported, you made similar statements.

I now ask you for the right to examine the X-rays and photographs, as stated in my letter of December 27, 1966 to the Chief Archivist and, failing that, I call upon you to direct forthwith that there be an official examination of the X-rays and photographs with a public statement by those examining them as to their findings and conclusion.

Most respectfully,
Theodore R. Kupferman,
Member of Congress.

Congress of the United States,
House of Representatives,
Washington, D.C., Dec. 27, 1966.

Mr. Robert H. Bahmer,
Chief Archivist of the United States,
National Archives and Records Service,
Washington, D.C.

Dear Mr. Bahmer: You are undoubtedly familiar with the fact that on September 28, 1966 I introduced in the House, H. Con. Res. 1023. My statement in connection with it is found at page 24157 of the Congressional Record of that date. I am enclosing a copy of the statement.

I have been much concerned about the fact that there was no opportunity given the Warren Commission to examine the X-rays and photographs taken during the autopsy of President Kennedy.

In my opinion, these could have a significant bearing on the question of whether it was a single bullet that hit both President Kennedy and wounded Governor Connally.

Accordingly, I would like to arrange for an opportunity to examine the X-rays and photographs, which I am informed are now in the Archives, when I return to Washington for the 90th Congress. I would prefer some time in the middle of January.

In order to have an informed judgment on the subject, I would have with me Dr. Milton Helpern, New York City's Chief Medical Examiner, and Dr. Cyril H. Wecht, who is the Chief Deputy Coroner and Chief Forensic Pathologist of Allegheny County (Pittsburgh), Pennsylvania, and Sylvia Meagher, 302 West 12th Street, New York City, who has studied the Warren Commission Report and prepared an index to the 26 volumes of exhibits, etc. Her presence would be needed, so that we would have the various factual matters available as we examine the photographs and X-rays.

If you could also arrange for a suitable viewing room, that would be appreciated.

May I hear from you as soon as possible on this so that I can make the necessary arrangements for the other three parties all to be present.

Thank you for your courtesy.

Sincerely yours,
Theodore R. Kupferman,
Member of Congress.

Exhibit "A."

General Services Administration,
National Archives and Records Service.
Washington, D.C., January 6, 1967.

Hon. Theodore R. Kupferman,
House of Representatives,
Washington, D.C.

Dear Mr. Kuperman: This is in reply to your letter of December 27, 1966, concerning the X-rays and photographs taken during the autopsy of President Kennedy.

We have forwarded your request for access to the autopsy materials to Mr. Burke Marshall, who has been designated by the Kennedy family to act in its behalf in matters relating to these materials.

As you may know, these materials were accepted for deposit in the National Archives under authority of 44 USC 397c. Conditions imposed by the Kennedy family pursuant to this authority provide that for a period of five years these items, unless otherwise determined by Mr. Marshall, may be made available only to persons authorized to act for a committee of the Congress or a committee or agency in the Executive Branch vested with authority to investigate matters relating to the death of President Kennedy.

Sincerely yours,

ROBERT H. BAHMER,
Archivist of the United States.

BURKE MARSHALL,
Armonk, N.Y., January 25, 1967.

Hon. THEODORE R. KUPFERMAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This will acknowledge your letter of December 27 regarding the material placed in the Archives last November by the executors of President Kennedy's estate. I regret the delay in answering; I have been away from my office.

The wishes of the Kennedy family, as reflected in the agreement by which the material was given to the United States are that there be no examination of the material for at least five years, except by a properly authorized federal government agency. Thereafter inspection will be limited to persons professionally qualified to evaluate medical evidence, for serious historical purposes. The reasons for these restrictions are obvious.

While the first of these provisions could be waived, I have concluded that I should not do so. I have given careful consideration, because of your official position, to the question whether an exception should be made in your case, and have decided that there is no basis for that, particularly in the light of the second restriction referred to. It would then be at least very difficult to refuse other requests, and the consequences would be very painful for Mrs. Kennedy and the family.

I fully appreciate that in your case, there is absolutely no question of personal gain, or mere curiosity, but I am sure you will understand the compelling reasons against making distinctions based on my personal evaluation of someone's motives.

Sincerely,

BURKE MARSHALL.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., March 8, 1967.

Hon. THEODORE R. KUPFERMAN,
House of Representatives,
Washington, D.C.

DEAR MR. KUPFERMAN: Since the National Archives is a part of the General Services Administration, the President has referred to me your letter of February 16, 1967, concerning the X-rays and photographs made during the autopsy of President Kennedy.

As you know, the photographs and X-rays were deposited in the National Archives by the Kennedy family under certain conditions, which were accepted by me pursuant to Section 507 of the Federal Records Act of 1950, as amended (44 U.S.C. 397). This statute provides for the acceptance of such materials by the Administrator of General Services subject to restrictions on availability specified by the donors or depositors.

The condition specified by the donors and depositors relating to the autopsy materials that is most directly applicable to your request states that access shall be permitted only to

"Any person authorized to act for a committee of the Congress, for a Presidential committee or commission, or for any other official agency of the United States Government, having authority to investigate matters relating to the death of the late President, for purposes within the investigative jurisdiction of such committee, commission or agency."

Related conditions provide that examination by any person not authorized to act for a congressional committee or other official body having authority to investigate the assassination is barred for five years except with the consent of the Kennedy family representative, Mr. Burke Marshall. Following the five-year period and during the lifetimes of the late President's immediate family, access to nonofficial persons is limited to experts in the field of pathology or related sciences for serious purposes relevant to investigation of the assassination.

The General Services Administration has no authority to make any exceptions to the foregoing conditions. Your letter indicates that you have already sought an exception from Mr. Marshall and that he has considered your request but declined to make an exception.

The law cited above, which was enacted to encourage voluntary deposit in the National Archives of Presidential papers and other historical materials relating to a President or former President, requires that the Government comply with the restrictions under which such materials are deposited. We accepted the autopsy photographs and X-rays on the terms described above because we concluded that it was in the public interest to assure acquisition and preservation of these materials.

The public interest in the X-rays and photographs as a part of the historical record of the assassination of President Kennedy is appropriately served, not only by their deposit and preservation in National Archives, but also by the provision for unrestricted access by any official government body, including committees of the Congress, having authority to investigate matters relating to the assassination.

Sincerely yours,

LAWSON B. KNOTT, JR.,
Administrator.

NEW WEAPONS OF PUBLIC ADMINISTRATION: THE MIRACLE OF OEO

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. HECHLER], is recognized for 30 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, earlier today our distinguished and respected colleague from Ohio [Mr. KIRWAN], put into the RECORD what I think is a very outstanding address by the president of the Fostoria Corp., Mr. Richard H. Carter. In a recent speech to the Jaycee Conference of Ohio University held in Athens, which is right across the river from my congressional district in West Virginia, Mr. Carter gave the businessman's view of the war on poverty. In the course of his remarks he mentioned the extent to which the war on poverty was an investment in the productive efforts of America.

The productivity of our economy, Mr. Carter indicated, is enhanced by the war on poverty. In the words of the President several years ago, the war on poverty means making taxpayers out of taxeaters.

NEW APPROACHES TO SOCIAL AND ECONOMIC PROBLEMS

Today I would like to make some observations on the way in which the war on poverty has developed startling and highly successful new processes of public administration. As a former professor of political science at Columbia, Princeton, and Marshall Universities it has been my observation that in its 2½ years of operation the war on poverty has produced great and sweeping new techniques of public administration, and new approaches to social and economic problems throughout the country.

New machinery has been devised because it has been needed to cope with entrenched problems of poverty never before tackled. New weapons of public administration have been forged as successful programs have been launched which directly affect the education, housing, health, training, livelihood, and future of 9 million people, young and old, in every State of the Union. In fact, I think it is fair to state that no piece of legislation in the last half century has had such a far-reaching effect on the well-being of so many men, women, and children.

A "SARGENT'S" GENERALSHIP

Of course, there have been some birth pangs in connection with the poverty program. There have been some seemingly hopeless administrative tangles. I think there have been some decisions which many of my colleagues here certainly do not agree with. Yet I feel that in general, despite these difficulties in the early months of the war on poverty, there have been magnificent accomplishments which have been scored. And over the past 2½ years, a Sargent's generalship has resulted in an impact on public administration, which in my view, surpasses that of any social program in our history.

I would like to suggest that the following passage from one of the leading contemporary writers in the field of public administration, Marshall E. Dimock, is very pertinent at this point:

> A sense of struggle is an essential part of distinguished administrative performance. The best administrator is the one who thrives on the rough-and-tumble of pressure group competitions, the unforeseen problems that test men's mettle, the chance of using one's acumen, one's personality, one's persuasiveness—one's entire being—working for objectives that are dear to one's heart.

FROM ZERO BASE TO SUCCESS

Significant administrative accomplishments are reflected in the growth of the antipoverty program from a zero base in 1964 to its present considerable impact in the United States. Through the programs conducted under the Economic Opportunity Act, the more than nine million persons affected are spread throughout about 3,000 counties, or nearly every county in the entire Nation.

I know that these millions of poor people who have been assisted by this program are hoping desperately that we in Congress will not let them down by destroying their opportunity to pull themselves up to a level of dignity through supporting themselves and their families.

OFF TO A FAST START

I sometimes wonder whether my colleagues in the Congress realize the enormity of the task that was thrown at the Director of OEO when the Congress passed the Economic Opportunity Act in 1964. Looking back now, certainly the Congress must realize that the challenge was staggering. I can think of no single piece of legislation that has involved such complicated administrative features, including program development, coordination, and innovation. And on top of all this, we passed the act in August, voted funds in October—and expected a report on results early in 1965 when we started to consider a second year's authorization. The amazing thing is that by February and March of 1965 we were in fact already seeing tremendous progress.

In the 30 years preceding the passage of the Economic Opportunity Act, the Congress had indeed passed other monumental legislation—NRA, social security, the Employment Act of 1946, MDTA, ARA, National Institutes of Health, and so forth, but in the sheer scope of program creation and mobilization of resources, no other legislation begins to compare with the scope of the economic opportunity programs. The programs making up the antipoverty effort are not give-away programs which merely involve decisions as to how much money to give to other jurisdictions, institutions, or individuals; the Economic Opportunity Act of 1964 required the development of complicated plans and also sponsor capabilities.

A SUMMARY OF ACCOMPLISHMENTS

Let me quickly summarize some of the complex accomplishments that we directed the OEO to come up with:

A nationwide network of Job Corps centers providing 24-hour-a-day live-in education and training for America's most disadvantaged youth;

A network of local community action agencies;

A system of technical assistance via the States;

A massive program of youth employment and work-study;

New migrant programs in education, housing and related areas;

New kinds of loans to the smallest farm and business units in the country;

A domestic equivalent of the Peace Corps;

A work-experience program for welfare-type families that would get them off welfare; and,

A system for coordinating the poverty-related operations of all Federal agencies.

These challenges rank along with those of any of the previous major pieces of legislation in the fields of welfare, health, and education. And here was a brand new agency—not even of Cabinet status—without an office, a staff, or even a system of traditional State and local institutions to operate through, being asked to launch all of this simultaneously.

In the two and a half years that followed, not only did the OEO perform superbly on each of these major challenges; it took on extra challenges as well. It conceived of, and operated, such trail-blazing programs as: Headstart, legal services for the poor, neighborhood health centers, Upward Bound, foster grandparents, medicare alert, and green thumb.

While admittedly there have been unfortunate instances of administrative difficulties in the course of program beginnings, the record of OEO has been generally good in this area, with relatively few instances of mismanagement or improprieties. As has become obvious, those persons who choose to criticize the program have been using the same old well-worn—and relatively few—examples of mismanagement over and over. They ravenously seize any new cases that may infrequently arise and hold them up as indications that the whole program is sour. The falsity of this tactic is obvious.

As will become evident, I am not here to defend the program against these well-worn and often exaggerated charges. On the contrary, I want to highlight in a positive fashion the program's administrative achievements. These are impressive in their scope and variety.

WHY ADMINISTRATIVE COSTS WERE HIGH

From the earliest days of the poverty task force, when Sargent Shriver was asked by the President to undertake the development of a War on Poverty, the entire operation has been marked with devotion, innovation, and a desire to minimize the administrative redtape that keeps people for whom programs are intended from receiving their full measure of benefits.

While the original administrative costs in the program may have seemed high in relation to the local funds granted to the local community action agencies that were being established throughout the country, the simple reason for this much maligned ratio was that, to be effective and to minimize waste of the taxpayers' dollars, the local programs and projects had to be organized and developed before they went into large-scale operations. We, the Congress, would not have wanted it any other way. A look at the administrative costs at the present time—which represent only 3 cents of every dollar spent—clearly shows that this program is not carrying an abnormal administrative overhead load.

The poverty task force, it must be remembered, was working from scratch—that is, no one in the country had developed an acceptable, practical, meaningful national poverty program—in fact, not very much was even known about the problem that was to be attacked. Mr. Shriver and his associates—some of them from existing Federal agencies—first had to develop an understanding of the problem as best they could from the inadequate information available, decide what sorts of programs were needed, and how they could be reflected in the authorizing legislation, and then structure an entirely new Federal agency to get the programs to the poor people of America. Staff had to be secured, programs had to be chosen and developed in great detail, complex regulations and procedures prepared, and then the war on poverty was underway.

FIRST GRANT ON NOVEMBER 23, 1964

Within 2 months after receiving funds under the Economic Opportunity Act of 1964, OEO and its associated agencies had brought community action agency applicants, Neighborhood Youth Corps sponsors, and applicants for other EOA program funds along to the point where substantial grants were awarded—the first multiple grant announcement took place on November 23, 1964, to be exact—achieving a record which I believe is unparalled in the executive branch for a program of such significant controversy and complexity.

The impact of the poverty program was quickly felt in all corners of the country in the form of opportunity to the poor, significant changes in the social and political structures of the Nation insofar as providing services to the poor are concerned, and the involvement of thousands of persons—both recipients of the services of the program and volunteer workers from all walks of life—who had never been close to Government programs or public life before. This was a phenomenal accomplishment for such a short period of time.

SUMMARY OF ADMINISTRATIVE ACHIEVEMENTS

Now, what are some of the administrative achievements and innovations which OEO has accomplished over the past 2½ years?

First, let me summarize for you the facts about the numbers of people served, the numbers of sponsors, centers, and so forth. In the several programs operating under the EOA thousands of grants have been made to give opportunities to the poor to help themselves. These have included:

More than 10,000 grants in the community action program, with 1,100 community action agencies established hiring 50,000 residents of the areas served, and including 190 legal services projects, 46 foster grandparent projects, 225 institutions participating in Upward Bound, eight comprehensive health centers, 90 grants to migrants, grants to 100 Indian tribes and so forth;

Setting up and operating 125 Job Corps centers to accommodate 40,000 young men and women;

Assigning 3,200 VISTA's to 400 projects;

More than 3,000 Neighborhood Youth Corps projects approved for over 900,000 job opportunities;

Three hundred projects to accommodate 200,000 work-experience trainees;

Thirty-five thousand rural loans to individuals and over 600 rural cooperative loans;

State adult basic education plans approved in the 50 States and the territories affording literacy training to over 300,000;

More than 2,600 loans to small entrepreneurs; and

More than 500,000 job opportunities provided to college students from low-income families.

All of this was accomplished with an OEO staff that never exceeded 2,500 permanent Federal employees, and, I might add for the enlightenment of those in this body who have been misinformed, whose average grade level is comparable with other Federal agencies performing similar work.

These numbers would be impressive in themselves if only because of the fact that achievement of such complex objectives involves extensive project development and review of countless pieces of paper on an application-by-application basis. However, my interest in the administrative achievements of OEO goes much further than that. I would like to cite some of the unusual administrative accomplishments and innovations that have made these program achievements possible, and I hope to be able to provide some idea of the comprehensive sweep of the program and of the rather significant contributions that its management has made to public administration in the United States.

SUCCESS OF COMMUNITY ACTION PROGRAMS

Let me review just briefly some of the new techniques of public administration to which I adverted earlier. Over 1,000 community action programs which directly involve the poor in their administration are now operating through an entirely new fabric of local action. This new breed of poverty fighter is the vanguard of a new profession, disdaining the downtown office for the store front neighborhood center, and more often than not living in the midst of the people he serves.

In no other program—Federal, State, or local—has there been so much involvement of different public and private interests and resources at all levels. The manner in which this mechanism has brought the many and diverse resources and interests of the community into focus upon the problems of poverty marks a new departure in public administration. These community action agencies have already had a substantial and a lasting impact upon the traditional ways of affording opportunities for people at the bottom of the income scale.

Hundreds of communities across the Nation have become involved in the planning and development of their own programs to meet their particular needs. Never in the administrative history of Federal Government programs has there been more focus on local initiative, local involvement, and local operation.

DEVELOPMENT OF NEW ADMINISTRATIVE TOOLS

Some communities utilize existing public bodies or private organizations as the nucleus for the community action agency, while others have established new entities when their particular situation was best served in this manner. The CAA's themselves may be either public or private nonprofit bodies. Naturally, the diversity of units dealt with is very great, as opposed to many federally supported programs which are run through more or less uniform systems. The community action agencies are composed of a cross section of the community, public bodies, private groups, persons from the neighborhood to be served—the means for selection of representatives from neighborhoods had to be developed—and private individuals.

At the same time, they provide a means for insuring that the needs and desires of the persons to be served are cranked into the policy and planning of the agency. This latter point is perhaps the most important of all since Government services have traditionally been more or less superimposed upon the people to be benefited, rather than developed with the benefit of their thoughts and full understanding of their needs and desires.

This is an especially unfortunate situation with regard to the poverty stricken. While the middle-class person may have the understanding and the contacts necessary to make his voice heard about the way the Government packages and provides services to him, which sometimes results in a change in the system, the poor man more often than not lacks this capability. The community action program has proven that the concept of the participation of the people to be served in the determination of the direction of the programs available to them is not only feasible, but is a must for effective government performance—hopefully, the recognition of this fact will be reflected throughout the field of governmental administration as new social service programs are developed in the Congress and the executive branch.

PARTICIPATION OF THE POOR

The technique of including the persons to be served is not an easy one to work out. However, I believe that the results are well worth the extra administrative trouble, and certainly, such participation coincides with the basic precepts of our democratic form of government. I say, let us have more of this sort of participation.

The community action approach is unique in relation to the perennial question in public administration of the proliferation of units of local government. While some might say that the community action agency is just one more such unit, therefore adding to the woes of those who bewail the hodgepodge of local jurisdictions with which the United States is faced, I would like to advance the proposition that, in fact, the community action agency approach reflects a move away from such proliferation.

It is not just another special district-type creature which dilutes the authority and responsibility of elected bodies—far from it. The community action agencies have been instrumental in the achievement of cooperation and coordination among many of the existing governmental units in the attack on a common problem. While statistics show that something over 91,000 units of government exist in the United States today—17,993 municipalities, 17,144 townships, 34,678 school districts, 18,327 special districts, 3,043 counties, and the 50 States, the 1,100 community action agencies which cover areas that are populated by 70 percent of the Nation's poor generally include not one, but a group of local jurisdictions within their service areas. This results in a consolidating effect insofar as antipoverty services are concerned.

It also should be pointed out that the community action agency is not a special district in the traditional sense that it does not provide one fundamental service. The CAA is a comprehensive unit, filling gaps in services to the poor and mobilizing bits and pieces of resources from all levels of government and the private sector in a massive coordinated effort against poverty in the community.

Local attitudes have changed as a result of the efforts of these agencies. In many communities, there have been new adjustments in services, such as education and health, welfare, housing, and in many other fields due to the emergence of the community action agencies as a vehicle through which the collective voices of the poor could be heard.

UPWARD BOUND

Within the community action program, some of the specialized programs have been administered outside the local community action agencies. For example, the Upward Bound program, which helps students from the ranks of the poor with academic potential to move on to college, is by its very nature tied very directly to institutions of higher education. In administering this program, the techniques of public administration are a bit more conventional in that contacts are with established universities and secondary schools.

The interesting aspect of this program from the public administration's point of view is the definite, continuing link which has been fostered between secondary schools and higher institutions, often where such links did not exist before. The techniques of bringing two separate systems together and the development of an awareness on both sides of the problems and considerations which have to be faced by the other has significant implications for the American educational system in its goal of realizing the most from the potential of all students, whether rich or poor.

OPERATION HEADSTART

We are now about to go into our third summer of the very highly successful Operation Headstart. Within 3 months in 1965, in its first year, the Office of Economic Opportunity mounted a $95 million national program, which served a half million children from disadvantaged families in projects carried forward in 13,000 centers. This really disproved the old ideas about bureaucratic lethargy. I believe the results have proven to be great eye openers for educators everywhere.

LEGAL SERVICES

The legal services program has in many areas served to temper those legal and administrative practices which have all too often worked unfavorably against the poor. In some areas, this program has stimulated the help of planners, architects, professional, housing and other organizations.

I would like to briefly describe a situation in which a local legal services unit entered into a situation on behalf of apartment residents in a large eastern city as a case in point.

It seems that an apartment building housing 75 low-income residents was condemned as unfit for habitation and scheduled to be torn down as part of an urban renewal plan that would have removed all low-income residents from the neighborhood. The consumer's advocate of the local community legal services, a a bright young lawyer representing the tenants, informed the city agencies that recent Federal law requires a substantial amount of low- and moderate-income housing in residential urban renewal projects.

The agencies were also informed that they failed to meet the relocation and citizen participation requirements of the law. Spokesmen for the poor brought the question before a city council hearing on the matter in February 1967. The councilmen quickly changed their minds about the project, and are taking another look at it. The city agency acknowledged its responsibilities under the law and has launched a study to determine whether the apartment building can be rehabilitated.

The significance goes well beyond the 75 tenants of the building. It will affect the hundreds or thousands of low-income residents who will be involved in urban renewal programs in the city. The case has elicited the help of planners, architects, private, professional, housing, and other organizations. In short, it is having an effect on the community, and helping to change the institutions that touch the lives of the poor. Changing the administrative and legal system that works unfavorably against the poor is a major goal of the legal services program. Similarly, other programs operating under the Economic Opportunity Act are resulting in second looks by other governmental agencies at all levels of their standard operating procedures. Highly beneficial changes are resulting from such reappraisals.

COMPREHENSIVE HEALTH SERVICES AND MIGRANT PROGRAMS

Community action activities in comprehensive health services and migrant programs also must be cited as important developments from the point of view of governmental administration. The purpose of these programs, as with all such community action efforts, is to make services available in a truly meaningful way to low-income people—in a form that satisfies their actual needs as to substance, location of services, et certa, instead of that which is easiest for the administering unit, or in a form of service which someone who does not have the problem himself visualizes as the poor person's need. OEO's comprehensive health centers and multipurpose neighborhood centers reflect this approach extremely well. OEO's contributions to public administration in programs of this sort have been invaluable. It is difficult to comprehend the scope of the intensive developmental work that OEO has performed in the course of insuring the participation of the persons to be served and in combining resources from many levels of government and from the private sector. Each of these programs, as is true of the maze of individual activities under OEO's jurisdiction, would be a case study in public administration in and of itself. In my opinion, Mr. Shriver has exhibited, in administering the antipoverty program, a most desirable flexibility, and an ability to select and work through modes of administration which best fit a particular situation.

JOB CORPS CENTERS

The Job Corps centers have probably been the target of more opposition than any part of the war on poverty, and I am convinced that perhaps too much was invested during the first year in construction and renovation for these Job Corps centers. But the results in trained and educated young men and women are now being achieved. Furthermore, the harnessing of the business genius of great corporations like IBM, Xerox, RCA, Philco, and Litton Industries is a unique and successful experiment. This refers back to the remarks of my colleague from Ohio [Mr. KIRWAN], and also the remarks which Richard H. Carter made about the investment of the war on poverty in the productive power of the economy. Businessmen like Mr. Richard Carter, the president of Fostoria Corp., believe that business has an important stake in the war on poverty.

The Administrator of the OEO, Mr. Sargent Shriver, has set up a Business Leadership Advisory Council, including personages such as Donald Douglas, Edgar Kaiser, and Thomas Watson, and has not only drawn heavily on business know-how in running these Job Corps centers, but has also helped in developing jobs for the graduates as their training is completed.

Another administrative technique developed through the Job Corps conservation centers is the successful delegation and cooperation with those agencies which help run these centers for OEO: the Forest Service, National Park Service, Bureau of Indian Affairs, and other offices in the Department of the Interior.

The day-to-day operation of the conservation centers has been delegated to the Forest Service in the Department of Agriculture and in the Department of the Interior to the National Park Service and the Bureau of Indian Affairs, Sport Fisheries and Wildlife, Land Management, and Reclamation. Job Corps and these associated agencies have developed the mechanisms necessary for establishing and maintaining a high degree of efficiency in this complicated delegated relationship. To my knowledge, there has never been such an effective, continuing relationship between Federal civilian agencies in a program of this complexity.

OTHER SIGNIFICANT RELATIONSHIPS

Job Corps has many other significant relationships with Federal agencies in the course of program operation. It works very closely with the Department of Labor in the matter of recruiting, screening, and placement of enrollees, it receives support and property from the Department of Defense and the General Services Administration, medical services from the Public Health Service, and assistance from the Justice Department in effecting law enforcement arrangements on men's training center installations. All of these relationships do not emerge by themselves—they require hard work and understanding on the part of the parties on both sides to work out the complex details involved.

In the area of State and local relationships as well, Job Corps has accomplished much. Community advisory councils have been established near almost all centers to aid in community relations efforts, and many centers enjoy the assistance of community volunteer groups. State and local law enforcement services have been arranged for centers, State agencies are operating some of the centers—Hawaii, California, Puerto Rico, North Dakota—and certain State legislatures and administrative bodies have cooperated in waiving State requirements; such as, State taxation requirements in Oregon, child labor proscriptions in Massachusetts, compulsory education requirements in Wisconsin.

Job Corps enrollees have aided States and localities in times of emergency such as might result from floods or a tornado. This last is likewise true of other antipovery manpower activities. As one can see, the resources that have been pulled together to create a Job Corps are substantial and represent a considerable achievement of administration.

TECHNIQUES IN OPERATION

I want to mention in passing some of the techniques developed by OEO in its operation of the Job Corps program. These include:

The development of a nationwide recruitment system utilizing both government and private resources to reach those young people who need this program most—the employment service system, the AFL–CIO, Women in Community Service—an assemblage of thousands of volunteers from the United Church Women and the National Councils of Catholic Women, of Negro Women, and of Jewish Women who spend long hours counseling and recruiting young women for the Job Corps—and more than 100 other organizations;

An interagency achievement in the agreement that provides for the payment of Job Corps enrollees through the Army Finance Center in Indianapolis—VISTA volunteers are also paid through this channel—and

The development of an entirely new and extremely innovative curriculum for training centers focusing on the needs of the disadvantaged—like establishing a whole new school system.

Obviously, the best way to learn about how all of these arrangements are working is, as Mr. Shriver indicated during his recent interview on "Meet the Press," through visiting the Job Corps centers. I encourage each of the Members of this House to do just that—let firsthand knowledge be your guide in your decision to support this fine program. I know of no one who has made such a visit who has not come away most impressed with the motivation and general attitude of the young people there.

The Job Corps has used new and existing agencies in developing a nationwide recruitment system.

JOB CORPS RECRUITMENT MEETING

During the Easter recess I had the opportunity, in the city of Logan, W. Va., to attend one of these recruiting conferences which was cosponsored by the employment service in Logan County, at which a number of young men were in the audience, as potential recruits and trainees for these Job Corps centers. A panel of young men from one of the Job Corps centers, Camp Breckenridge, Ky., came in and described the method of selecting and recruiting in the Job Corps centers, the nature of the training they had undergone, and the value they were deriving from the program.

VISTA

What is a program like VISTA got to do with public administration? At first glance, this might seem like a reasonable question since the VISTA volunteer in many instances is assigned outside the usual structure of public administration to live and work directly with the people whom he is trying to serve. This is exactly my point. Through OEO's efforts, new approaches like VISTA have become a definite part of governmental administration in the United States—and, in my opinion, such changes are beneficial and are here to stay.

The VISTA program represents the first domestic attempt by the Federal Government, by any level of American government, in all likelihood, to mount an extensive program involving the thousands of volunteers living and working with poor people in almost every conceivable kind of situation—ghettos, rural slums, institutions, Indian reservations, migrant streams, et cetera. The basic program concept in VISTA, which, like community action, calls for maximum participation by the poor in program decisions affecting their lives and the delivery of services to them in the way that is most suitable to their needs, is a noteworthy contribution to government in this country.

The VISTA volunteer acts as a bridge between the poor and existing opportunities. He has become, in many communities, an important aid to public administrators in the government agencies that are charged with helping people in the vital functions of reaching and gaining understanding among the persons in the society who most need program services.

USE OF COMPUTERS IN VISTA

The management techniques used by OEO in mounting the VISTA program are worthy of note. For example, the VISTA slot generator system is a computer print-out listing each volunteer on every VISTA project, projecting vacancies and scheduling terminations. Another special computer output lists volunteer terminations for 1 year in advance by program area for management and planning purposes in terms of recruiting and program continuity. A volunteer information service has been developed which provides specialized printed material to volunteers upon request and supplies employment information for terminating volunteers.

The VISTA alumni group constitutes a network for assisting local antipoverty programs, VISTA recruiting and other related functions.

In refining the program since its beginning in 1964, VISTA management has developed a series of specialized program elements. Among these are the VISTA leaders who consist of a small group of specially selected second year volunteers who provide leadership to other VISTA's on their assigned projects, the VISTA associates summer program which provides additional opportunities for young people to participate in a personal way in the antipoverty program, and the new citizens' volunteer corps which involves the mobilization of tens of thousands of part-time local volunteers.

SEARCHING FOR IMPROVEMENTS

All of the above developments reflect the conscientious efforts of the program administrators to continuously be aware of developing needs for improved program management methods or structural adjustments. The VISTA program is another clear exemplification of the fact that OEO, as an agency, is constantly searching for new and better ways to achieve its program objectives.

While there has been, as might be expected, some technique spinoff from the Peace Corps volunteer operation which has proven so successful abroad, there are significant differences in approach which have to be applied to make a domestic operation of this sort workable. Recruiting, training, fieldwork, assignment selection, and the development of the operating philosophy and guidelines under which the volunteers were to work all necessitated rapid administrative progress on the part of the OEO. The program has involved private agencies and, in some cases, local and State government entities which have never been directly involved in a Federal program before.

VOLUNTEER HELP IN COMMUNITIES

That VISTA has been successful is attested to by the extreme regard in which volunteers are held by project sponsors and by the people with whom they are living and working. Another testimonial is the substantial amount of volunteer help which the program is receiving in communities throughout the country. In addition to contributions of time, the services provided by interested groups and individuals to VISTA have ranged from books, toys, clothing, automobiles, utility vehicles, and a dogsled and team, to free technical advice on how to build a schoolhouse or how to control rats.

In some cases, community organizations have been formed especially for the purpose of serving as VISTA sponsors or for assisting VISTA in some other specific fashion. The kinds of organizations represented would include groups like the Minneapolis VISTA Sponsoring Committee which consists of 41 community agencies including settlement houses, the health and welfare council, the local community action agency, private community groups and city agencies. This wide assortment of interests has combined to sponsor VISTA volunteers focusing on reducing juvenile delinquency problems in the community.

At San Francisco College, a student support group has been organized to provide assistance to visiting VISTA recruitees, to perform recruiting on campus for VISTA throughout the school year, and to prepare articles on VISTA for the school newspaper. The University of Wisconsin has appointed a special faculty committee to counsel returning VISTA's; the College Admissions Center of the Association of College Administration Counselors is assisting returning VISTA's to attend college, and the National Committee on Social Work Careers is developing a special program to help in the placement of volunteers without college degrees who want employment in social work.

HOW TO UTILIZE THESE RESOURCES

Few if any other programs in the field of public administration have received the volunteer and material contributions that have flowed so freely to the war on poverty. The public administration problem has not been to obtain these things, which are the expression of such a high degree of interest on the part of the American people in the success of this program, but rather to find a means of effectively utilizing such a wealth of unexpected and valuable resources.

At this time, VISTA has received over 180,000 expressions of interest from persons considering applying for enrollment as volunteers, and over 31,000 formal applications have been submitted. The program has requests on file for 17,166 VISTA's in 1,366 projects.

NEIGHBORHOOD YOUTH-CORPS

The neighborhood youth corps program, which is the program that has provided meaningful work-experience to youths 16 to 21, has, in the first 2 years, aided 800,000 young people through local sponsoring agencies. New York City enrollees have been involved to a significant extent in community activities and programs for the poor, in assisting with younger children in Headstart and the primary grades, with medicare alert, with surveys of the needs of the poor in urban neighborhoods, with cultural enrichment activities, and with beautification and conservation work on public facilities.

The program is administered by the Labor Department under delegation of authority from OEO. As with all of the program elements of the antipoverty campaign, New York City developed a nationwide program from the ground up, under considerable pressure to "get the show on the road." Like the other parts of this war, the New York City program did, in fact, get on the road in a manner unexcelled or unmatched by any Federal civilian program in my memory.

An unusual administrative feature ought to be highlighted here in connection with NYC—as with the work-experience, rural loans, adult basic education, small business loans, and college work-study programs. This is the device of program delegation from one Federal agency to another. Under this arrangement, OEO and the other departments and agencies administering these six programs had to achieve joint development of policy, the provision of spaces for personnel, the budgeting and transfer of funds, the reconciliation of differing administrative requirements between OEO and the administering unit, the establishment of day-to-day relationships between numerous offices in the respective agencies—counsel, finance, program groups, program evaluation, reporting, auditing, and so forth—and many other difficult and complex administrative relationships.

Again, I know of no previous instance in which a new agency has ever had to develop and maintain such a close and complex maze of relationships with established organizations, with their diverse traditions, ways of doing things, attitudes, and so forth. In fact, it is only natural that each of the agencies involved in this rather unusual delegated relationship, like every other agency in this town engaged in work of a social program nature may have looked upon

OEO as an upstart and threat to their own particular interests.

Given these difficult circumstances, I think that we, the Congress ought to afford special commendation, not only to OEO, but to its associated agenices as well for making this arrangement work. It is a technique in the area of public administration which has not been widely employed, and the agencies drawn together by it have blazed a trail in this area which I am sure will be analyzed, chewed over, and pondered by political scientists in the future. I am certain that the valuable experience gained will lead to more and improved relationships of this sort in other areas in the future.

To return to the neighborhood youth corps, it should be noted that the application review requirements in this program were extremely demanding. The program utilizes established State and local and private agencies as sponsors for the most part, and potential sponsors were quick to develop applications. The flow of applications literally swamped the neighborhood youth corps offices in Washington where all application review was being conducted in the early days of the program. Like the community action program, the neighborhood youth corps had to organize as a totally new unit and staffing operations were underway while the paper flowed in. By dint of superhuman effort on the part of the neighborhood youth corps administrator, Jack Howard, and his staff, the piles of paper were managed, and the program was successfully launched, becoming in the process one of the most popular in the battery of antipoverty weapons. Various problems of administration, like the question of enrollee wages, and the question of the determination of eligibility for the program were tacked and solved. The eligibility question was quickly resolved by strict application of the poverty income guidelines which were utilized in other parts of the poverty program as well. When a few abuses appeared, action was quickly taken to correct them. Despite constant pressure for relaxation of the eligibility guidelines by sponsors who feel that they are too restrictive, the neighborhood youth corps, like all programs under the Economic Opportunity Act, remains pointed at the very poor.

RURAL LOANS

The rural loan program administered by the Farmers Home Administration in the Department of Agriculture, and the work experience program administered by the Department of Health, Education, and Welfare, are examples of other poverty programs that were delegated to existing organizations. The Farmers Home Administration added the rural loan program to its battery of other credit programs and set its course down the trail of intensified effort to reach the rural nonfarm poor for whom they had not had programs before, and to expand their services to poor rural farmers through this new authority.

The FHA experience is a case in point that established organizations can successfully adapt to meet changing needs and conditions, for under the capable leadership of Howard Bertsch, its able Administrator, FHA has moved ahead with great speed to implement the title IV loan program and to strengthen its general focus on improving the lot of disadvantaged persons in rural America. FHA is administering the program through its county supervisors serving the 1,800 rural counties in the Nation. I am particularly proud of the effective work being done by West Virginia's dynamic FHA Administrator, A. James Manchin.

WORK EXPERIENCE

The work-experience program—title V, EOA—under the aegis of the Welfare Administration likewise shows the changes that can be accomplished in older administrative structure, given the will. Commissioner Ellen Winston and her staff inaugurated this program throughout the country quite expeditiously, in the face of almost total lack of this sort of experience in the local public welfare agencies which are running the training projects. The program has used many innovative approaches in making changes in the administration of public welfare. It is different from the traditional welfare approach of serving the people who happen to be on welfare, pointing instead toward improving the employability of the undereducated person and doing everything possible through training, education, related family services, work-experience, and so forth, to upgrade the severely disadvantaged person and move him on to gainful employment.

In administering the program, Dr. Winston has initiated significant changes in the traditional Federal-State-local public welfare operating procedures. For example, combined meetings have been held involving Federal—Washington and regional—personnel, and both State and local government personnel. This is a departure from traditional practice in a Federal program of grants-in-aid to States.

A system has been established wherein copies of policy, procedural, and other material on the program sent to State agencies is dispatched directly from Washington to the local public welfare agency rather than sending everything through the State agency, with the result that the word gets down to the projects faster than the flow from Washington to the local level ever went before.

The program is featuring the employment of poor people in some title V projects as subprofessional personnel and other workers in local welfare departments. Any of you familiar with the welfare system will recognize this as a fresh approach. Likewise, the Commissioner has been encouraging the use in title V of specialized caseloads, which means that a social worker will have only title V participants assigned to him rather than a mixture of title V, AFDC, aid to the blind, aid to the permanently disabled, and so forth. This has resulted in a high degree of understanding and complete familiarity with the title V program, its operation and potential among the caseworkers assigned.

Also for the first time, the Welfare Administration is using the services of ad hoc outside consultants in title V who are called in from time to time to advise the program staff on various aspects of vocational training, educational activities, child day care, and so forth. Title V has also successfully developed and used a simplified method of determining the financial eligibility of potential enrollees which requires a minimum of detail and expense. The use of this technique frees the caseworker from administrative details and permits him to spend more time providing counseling and assistance to the enrollees.

These changes represent advances in the administrative practices of old-line agencies that, while they might have occurred ultimately, certainly were spurred to the fore as a result of OEO's concern and leadership action for better economic opportunities for the poor.

INTERAGENCY RELATIONS

I have only scratched the surface of the many programs conducted by or under the jurisdiction of OEO, and their implications for public administration. Within the OEO itself, Mr. Shriver has set up a staff unit within his own office for interagency relations activities. This office provides an action point within OEO for positive response to a broad range of agencies, from the closely involved agencies such as Labor, HUD, and HEW to other less directly related ones like the Post Office Department, the Marine Corps and the Internal Revenue Service.

To mobilize the factual data necessary to fight the war on poverty, the OEO has collected and printed on a county-by-county basis the information available through 160 current programs administered by 16 agencies. All of this is done under the direction of the Economic Opportunity Council, an administrative device for bringing together agency heads to coordinate their efforts in the antipoverty area. The Vice President regularly attends meetings of that Council.

SOCIAL AND ECONOMIC CHARACTERISTICS

For the first time, OEO has developed extremely detailed analyses of the economic and social characteristics of each of the more than 3,000 counties in the Nation. These analyses compare each county to national and State experience in areas such as education, economic strength and growth, unemployment, income, and so forth.

I am impressed with the pioneer efforts developed by the OEO in applying cost-effectiveness measurement techniques to social programs. Up to recently, little thought had been given as to how to attack the root causes of poverty, and how to measure how well we were doing in the newer programs.

Up to now I have been talking mainly about the Office of Economic Opportunity, but in fact the OEO represents only about 10 percent of the total Federal expenditures devoted to the war on poverty. Mr. Shriver has established an Office of National Councils and Organizations to carry out the President's objective, stated in his first message to Congress on the subject in 1964, that all resources in the Nation be mobilized and utilized.

Through this administrative device, large numbers of volunteers have been enlisted, and the war on poverty has mobilized thousands of private groups, and developed a broad network of allies and consultants to aid in its attack on poverty. Medicare alert is a good case in point. To reach elderly poor people and acquaint them with the opportunities available, and the need for being registered before the deadline, other elderly people were employed on a crash basis. The Office of National Councils and Organizations within 48 hours assembled representatives from some 40 national organizations in related fields and thus generated action in local communities. In a few weeks, over 400 local projects had been funded, thousands of older persons employed for the task, and hundreds of thousands of aged were reached and helped to sign up if they cared to do so.

NATIONAL ADVISORY COUNCIL

Then there is the National Advisory Council of 21 men and women, representing a cross-section of American life, established by the statute itself. This constitutes in effect a private "oversight committee" of the poverty program.

In the first months of the program, Mr. Shriver established the Business Leadership Advisory Council, comprising over 50 business leaders. I have already mentioned their assistance to the Job Corps. They advise on and have helped develop recruiting and placement techniques, and training practices at the centers. An outstanding example of this is the food service training which has resulted from the efforts of Roger Sonnebend, president of Hotel Corp. of America.

LABOR ADVISORY COUNCIL

There is also the work of the Labor Advisory Council, including some 20 outstanding labor officials. This has proved important because one of OEO's central roles has been readying people for the labor market. I am proud that the first poverty program coordinator appointed by George Meany was West Virginia's Miles Stanley, president of the West Virginia State Labor Federation. He served ably during the beginning of this program.

To involve the poor more directly in the development of the national program, as well as at the community level, Mr. Shriver has set up a Community Representatives Advisory Council of 28 men and women. These are independent and articulate people, many of whom are sharply critical of OEO. This Council has helped shape some of the administrative policies of OEO, and has provided needed insight into ways to reach the poor.

We also have a Public Officials Advisory Council, consisting of 35 State, county, and city officials which provides policy guidance in the difficult area of intergovernmental relations. And in between meetings of these busy officials, continuity is provided through a working group consisting of the national directors of organizations like the Council of State Governments, U.S. Conference of Mayors, and other Washington-based organizations of city, county, and State officials. This is creative federalism in action.

AGENCY MANAGEMENT

I would be remiss if I did not mention the great accomplishments in agency management, particularly since it seems fashionable to level the guns of criticism in this direction. Just to recruit skilled program personnel was a tremendous challenge which was met by drawing on the universities, local and State governments, the military, congressional staffs, and private industry.

In keeping all of these various programs operating, through the techniques I have mentioned, the OEO has not overlooked the older concepts of public administration necessary for efficient management. I believe the poverty program is a good case study in how a modern-day administrator, Sargent Shriver, has utilized both the old and the new concepts of public administration, pulling together and operating an organization in the face of unusual social and political pressures. I hope that scholars will delve into the administrative history of the OEO in some depth to assess the extent to which the variety of administrative practices instituted by Mr. Shriver have proven their worth. I think such analyses will show that they have.

Finally, all of these programs have been run at a minimal administrative cost. These vast programs are run by an organization which is small by Federal standards—2,500 permanent employees. And the administrative cost of OEO is only 2.78 percent. This compares well with other agencies, State and local governments, and private organizations like the Red Cross.

So all of these new administrative techniques which have been developed by the Office of Economic Opportunity and the entire war on poverty are new tools which we can use not only in combating poverty but also in improving the lot of all people in this Nation.

Mr. Speaker, I ask unanimous consent to include with my remarks the names of those on the advisory councils and supporting organizations, which I have mentioned, who assist in the war on poverty, both at the Federal level and the State and local level.

The SPEAKER pro tempore (Mr. MACDONALD of Massachusetts). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The information is as follows:

MEMBERS OF THE LABOR ADVISORY COUNCIL

Allan, Finlay C., Vice President, United Brotherhood of Carpenters and Joiners of America, AFL–CIO, 101 Constitution Avenue, N.W., Washington, D.C. 20001.

Davis, Walter, Director, AFL–CIO Department of Education, 815 Sixteenth Street, N.W., Washington, D.C. 20006.

Dubrow, Evelyn, Legislative Director, International Ladies' Garment Workers Union, AFL–CIO, 1710 Broadway, New York, New York 10019.

Fried, Milton, Director of Research, Amalgamated Clothing Workers of America, AFL–CIO, 15 Union Square, New York, New York 10003.

Gary, William, Director, Department of Civil Rights and Minority Affairs, International Union of Electrical, Radio and Machine Workers, AFL–CIO, 1126 Sixteenth Street, N.W., Washington, D.C. 20036.

Goldfinger, Nat, Director of Research, AFL–CIO, 815 Sixteenth Street, N.W., Washington, D.C. 20006.

Greenberg, Max, President, Retail, Wholesale and Department Stores Union, AFL–CIO, 132 West 43rd Street, New York, New York 10036.

Haggerty, C. J., President, Building and Construction Trades Department, AFL–CIO, 815 Sixteenth Street, N.W., Washington, D.C. 20006.

Lesser, Leonard, Assistant to the President, Industrial Union Department, AFL–CIO, 815 Sixteenth Street, N.W., Washington, D.C. 20006.

Lucy, William, Associate Director, Department of Community Affairs, American Federation of State, County and Municipal Employees, AFL–CIO, 1155 Fifteenth Street, N.W., Washington, D.C. 20005.

McGhee, Rosa, Vice President, American Federation of Teachers, AFL–CIO, 1018 East Eighth Street, Chattanooga, Tennessee 37403.

Perlis, Leo, Director, Community Services Dept., AFL–CIO, 815 Sixteenth Street, N.W., Washington, D.C. 20006.

Reed, W. Vernie, Vice President, International Laborers Union, AFL–CIO, 905 Sixteenth Street, N.W., Washington, D.C. 20006.

Stanley, Miles, President, West Virginia Labor Federation, AFL–CIO, 1624 Kanawha Boulevard, East Charleston, West Virginia 25323.

Sullivan, David, President, Building Service Employees International Union, AFL–CIO, 900 Seventeenth Street, N.W., Washington, D.C. 20006.

Weeks, Barney, President, Alabama Labor Council, AFL–CIO, 605 Lyric Building, Birmingham, Alabama 35203.

Wharton, Hunter P., General President, International Union of Operating Engineers, AFL–CIO, 1125 Seventeenth Street, N.W., Washington, D.C. 20036.

MEMBERS OF THE BUSINESS LEADERSHIP ADVISORY COUNCIL

Vernon Alden, President, Ohio University, Athens, Ohio 45701, Telephone: (614) 594-5462.

Ralph M. Besse, President, The Cleveland Electric Illuminating Co., Illuminating Building, Public Square, P.O. Box 5000, Cleveland, Ohio 44101.

George R. Brown, President, Brown & Root, Inc., P.O. Box 3, Houston, Texas 77001.

John Burge, Executive Secretary, The Business Council, 888–17th Street, N.W., Washington, D.C. 20006, Telephone: 298-7650.

Donald S. Carmichael, Esq., Counsellor at Law, Terminal Tower, Cleveland, Ohio 44113, Telephone: (216) 861-1050.

Richard H. Carter, President, Fostoria Corporation, Fostoria, Ohio 44830, Telephone: (419) HE 5-7721.

Walker L. Cisler, Chairman, The Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

Donald C. Cook, President, American Electric Power Co., Inc., 2 Broadway, New York, New York 10004, Telephone: (212) HA 2-4800.

Richard Cudahy, President, Patrick Cudahy, Inc., Cudahy, Wisconsin 53110, Telephone: (414) SH 4-2000.

Lloyd N. Cutler, Esq. Wilmer, Cutler & Pickering, Farragut Bldg., 900–17th Street, N.W., Washington, D.C. 20006, Telephone: 296-8800.

Arthur H. Dadian, Esq., 1842–16th Street, N.W., Washington, D.C. 20036, Telephone: DE 2-5364.

Alphonsus J. Donahue, President, Donahue Sales Corporation, 41 East 51st Street, New York, New York 10022, Telephone: (212) MU 8-5050.

Donald Douglas, Jr., President, Douglas Aircraft Company, 3000 Ocean Park Blvd., Santa Monica, California 90405, Telephone: (213) 399-9311.

Dr. Milton Eisenhower, President, The Johns Hopkins University, Baltimore, Maryland 21218, Telephone: (301) HO 7–3300.

John M. Ely, President, Prexy's Inc., 241 East 44th Street, New York, New York 10017, Telephone: (212) MU 7–3510.

Carl A. Gerstacker, Chairman of the Board, The Dow Chemical Company, Midland, Michigan 48641, Telephone: (517) 636–1000.

Eli Goldston, President, Eastern Gas and Fuel Associates, 2900 Prudential Tower, Boston, Massachusetts 02199, Telephone: (617) 262–3500.

Andrew J. Houvouras, Jr., President, Huntington Plating, Inc., 625 Monroe Avenue, Huntington, West Virginia 25704, Telephone: (304) 522–0381.

Levi Jackson, Manager, Personnel and Administration, General Parts Division, Ford Motor Company, McKean and Textile Road, Ypsilanti, Michigan 48197, Telephone: (313) HU 2–0310.

Edgar F. Kaiser, Chairman, Kaiser Industries Corporation, Kaiser Center, 300 Lakeside Drive, Oakland, California 94604, Telephone: (415) 271–2211.

Joseph H. Kanter, President, Kanter Corporation, 690 Northland Road, Forest Park, Cincinnati, Ohio 45240, Telephone: (513) 825–5300.

Philip Klutznick, Klutznick Enterprises, 401 North Michigan Avenue, Chicago, Illinois 60611, Telephone: (312) 321–1810.

C. Virgil Martin, President, Carson Pirie Scott & Company, One South State Street, Chicago, Illinois 60603, Telephone: (312) 744–2000 Ext. 2011.

W. Kenneth Menke, President, Pittsburgh Chemical Company, Grant Bldg., Pittsburgh, Pennsylvania 15219, Telephone: (412) 391–2345.

James McCormack, Chairman, Communications Satellite Corporation, 19th and L Streets, N.W., Washington, D.C. 20036, Telephone: 466–4500.

Alfred C. Neal, President, Committee for Economic Development, 711 5th Avenue, New York, New York 10022, Telephone: (212) MU 8–2063.

Thomas S. Nichols, Chairman, Executive Committee, Olin Mathieson Chemical Corporation, 460 Park Avenue, New York, New York 10022, Telephone: (212) 572–2256.

G. L. Phillippe, Chairman of the Board, General Electric Company, 570 Lexington Avenue, New York, New York 10022, Telephone: (212) PL 1–1311.

Theodore S. Repplier, Managing Director, International Round Tables, The Advertising Council, Inc., 1200 18th Street, N.W., Washington, D.C. 20036, Telephone: FE 8–9153.

Harvey Russell, Vice President, Pepsi-Cola Company, 500 Park Avenue, New York, New York 10022, Telephone: (212) NU 8–4300.

Stuart T. Saunders, Chairman of the Board, Pennsylvania Railroad Company, Philadelphia, Pennsylvania 19104, Telephone: (215) 594–1000.

Richard J. Schwartz, President, Jonathan Logan, Inc., 1407 Broadway, New York, New York 10018, Telephone: (212) OX 5–4440.

Nathan L. Shainberg, Chairman of the Board, Sam Shainberg Company, Memphis, Tennessee 38101, Telephone: (901) 458–1121.

Roger P. Sonnabend, President, Hotel Corporation of America, 464 Commonwealth Avenue, Boston, Massachusetts 02115, Telephone: (617) KE 6–2700.

Lyle Spencer, President, Science Research Associates, Inc., 259 East Erie Street, Chicago, Illinois 60611, Telephone: (312) 944–7570.

William G. Stewart, Cyclops Steel Corporation, Station Street, Bridgeville, Pennsylvania 15017, Telephone: (412) 561–6300.

Gardner Symonds, Chairman, Tenneco, Incorporated, P.O. Box 2511, Houston, Texas 77001, Telephone: (713) NA 2–1500.

Thomas J. Watson, Jr., Chairman of the Board, IBM, Old Orchard Road, Armonk, New York 10504, Telephone: (914) 765–1900.

Jay Wells, President, Wells Television, Inc., Pan Am Building, New York, New York 10017, Telephone: (212) TN 7–5400.

John Wheeler, President, Mechanics & Farmers Bank, Durham, North Carolina 27701, Telephone: (919) 688–3448.

PUBLIC OFFICIALS ADVISORY COUNCIL

Honorable Spiro T. Agnew, Office of the Governor, State House, Annapolis, Maryland 21404.

Honorable Harold E. Hughes, Office of the Governor, State Capitol, Des Moines, Iowa 50319.

Honorable Richard J. Hughes, Office of the Governor, State House, Trenton, New Jersey, 08625.

Honorable Tom McCall, Office of the Governor, State Capitol, Salem, Oregon 97310.

Honorable Winthrop Rockefeller, Office of the Governor, State Capitol, Little Rock, Arkansas 72201.

Honorable Joseph M. Barr, Mayor, City-County Building, Pittsburgh, Pennsylvania 15219.

Honorable Neal S. Blaisdell, Mayor, City and County of Honolulu, Honolulu, Hawaii 96813.

Honorable Jerome P. Cavanagh, Mayor, City-County Building, Detroit, Michigan 48226.

Honorable John F. Collins, Mayor, City Hall, Boston, Massachusetts 02201.

Honorable Richard J. Daley, Mayor, City Hall, Chicago, Illinois 60602.

Honorable Ilus Davis, Mayor, City Hall, Kansas City, Missouri 64106.

Honorable Robert C. Henry, Mayor, City Hall, Springfield, Ohio 45502.

Honorable Robert K. High, Mayor, City Hall, Miami, Florida 33133.

Honorable Ralph Kelley, Mayor, City Hall, Chattanooga, Tennessee 37402.

Honorable John Lindsay, Mayor, City Hall, New York, New York 10007.

Honorable Frank F. MacDonald, Mayor, City Hall, Evansville, Indiana 47708.

Honorable Theodore McKeldin, Mayor, City Hall, Baltimore, Maryland 21202.

Honorable Arthur Naftalin, Mayor, City Hall, Minneapolis, Minnesota 55415.

Honorable Felisa Rincon de Gautier, Mayoress, City Hall, San Juan, Puerto Rico 00901.

Honorable Victor Schiro, Mayor, City Hall, New Orleans, Louisiana 70112.

Honorable Edwin W. Wade, Mayor, City Hall, Long Beach, California 90802.

Mr. Jack Geraghty, Chairman, Board of Commissioners, Spokane County Courthouse, Spokane, Washington 99201.

Gordon Hall, County Attorney, Tooele County Courthouse, 47 South Main Street, Tooele, Utah 84074.

Mr. Alan F. Kiepper, County Manager, Fulton County Administration Building, Atlanta, Georgia 30303.

Mr. Leo McDermott, Chester County Commissioner, 403 North Church Street, West Chester, Pennsylvania 19380.

Mr. Charles Matthews, Director, Board of Chosen Freeholders, Essex County, Hall of Records—Room 502, Newark, New Jersey 07102.

Mr. Matthew Mulherin, Commissioner, Richmond County, 630 Ellis Street, Augusta, Georgia 30902.

Mr. Eugene Nickerson, County Executive, Office of the Executive, Nassau County Executive Building, Mineola, New York 11501.

Mr. John L. Doyne, County Executive, Milwaukee County Courthouse, Room 208, Milwaukee, Wisconsin 53223.

Mr. J. L. Brownlee, City Manager, Office of the City Manager, City Hall, Fort Worth, Texas 76102.

Mr. Robert Coop, City Manager, 901 Municipal Building, 251 West Washington Street, Phoenix, Arizona 85003.

Mr. Russell McClure, City Manager, Office of the City Manager, City Building, Wichita, Kansas 67202.

Mr. R. M. Tinstman, City Manager, Municipal Building, 200 North Walker Avenue, Oklahoma City, Oklahoma 73102.

Mr. William Veeder, City Manager, City Hall, Charlotte, North Carolina 28202.

Mr. Graham W. Watt, City Manager, City Hall, Dayton, Ohio 45401.

LIAISON OFFICERS

Mr. John Gunther, Executive Director, U.S. Conference of Mayors, 1707 H Street, N.W., Washington, D.C. 20006, Phone: 298–7535.

Mr. Patrick Healy, Jr., Executive Director, National League of Cities, Suite 600, 1612 K Street, N.W., Washington, D.C. 20006, Phone: 628–3440.

Mr. Bernard Hillenbrand, Executive Director, National Association of Counties, 1001 Connecticut Ave., N.W., Washington, D.C. 20036, Phone: 628–4701.

Mr. Harold Horn, Associate Director, International City Managers Association, 1025 Vermont Avenue, N.W., Washington, D.C. 20005, Phone: 628–7077.

Mr. Charles F. Schwan, Jr., Director, Washington Office, The Council of State Governments, 1755 Massachusetts Avenue, N.W., Washington, D.C. 20036, Phone: 483–9500.

Mr. Richard Wenner, Executive Director, National Association for Community Development, 1832 Jefferson Pl., N.W., Washington, D.C. 20036, Phone: 296–2875.

Mr. Charles A. Byrley, National Governor's Conference, Suite 61, 1150 Connecticut Ave., N.W., Washington, D.C. 20036, Tel. 223–1556.

Mr. ALBERT. Mr. Speaker, I want to commend the distinguished gentleman from West Virginia [Mr. HECHLER] for his scholarly and able presentation on the achievements of the Office of Economic Opportunity. He has performed a very valuable service and I hope all Members will give this address the study it deserves.

As the gentleman pointed out, we have made a substantial investment in the economic opportunity program. It is developing the human resources of our Nation. It is giving hope to countless millions who were without hope.

Mr. Speaker, there have been abuses and mistakes in this program, but let these not overshadow the solid achievements and accomplishments that have taken place. We have started our momentum and progress in solving the age-old problems of poverty in our land. Let us move forward.

Mr. Speaker, I congratulate the gentleman from West Virginia for his excellent presentation.

GENERAL LEAVE

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in connection with this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia.

There was no objection.

CRIME IN WASHINGTON, D.C.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WILLIAMS], is recognized for 15 minutes.

Mr. WILLIAMS of Pennsylvania. Mr.

Speaker, in the 3½ months that I have been a Member of Congress, I have been reading in the Washington newspapers about the rising crime rate, violence in the streets, low police morale, and the difficulty in recruiting trainees for the police department.

If an enforcement agency is to be effective, its members must follow a set of reasonable and adequate standards of conduct, which must be strictly enforced, and when policemen are conducting themselves properly, they must have the cooperation and support of the people and local governing officials. Unfortunately, this display of good citizenship and governmental support is not evident in Washington and this condition contributes to the rising disrespect for the law.

An incident occurred at 12:15 a.m., Thursday, March 30, which shows this lack of support and cooperation.

At that time, two policemen—Privates Thomas J. Tague and Tibert P. Catalano—attempted to warn two pedestrians about jaywalking, and the abuse of the officers and furor that followed should never have occurred. Because of the circumstances, the policemen were forced to make an arrest.

Cited were Marion Barry, Jr., and Lester McKinnie, both of whom are active in the civil rights movement. The officers were not aware of the identity of these men at the time as they refused to identify themselves. The behavior of Barry and McKinnie left Tague and Catalano with no choice but to place them under arrest. McKinnie interfered with the police as they attempted to arrest Barry, and Barry cursed the policemen, exhorted bystanders to "jump" them and struck one of the police in the face.

While Barry and the newly formed Citizens Committee for Equal Justice—CCEJ—hurled charges of police brutality and demanded that the two policemen be suspended, the incident was investigated by the District Commissioners, who met on Saturday, April 1, 1967, to interview witnesses to the reported altercation. Then after an inexcusable lapse of time—until Wednesday, April 5—the Commissioners issued a statement, saying that the two policemen would not be suspended. Considering the remarkable restraint and good judgment the police used in making the arrest, the Commissioners should have publicly commended Tague and Catalano and their failure to do so could only have had an adverse effect on police morale.

An aftermath of the arrest, was the formation of the CCEJ to obtain evidences of alleged police brutality. The cochairmen of this committee are two ministers.

On Monday, April 10, 1967, I attended a meeting of this group and I was appalled by what I heard. The ministers appealed to the emotions of the audience through inflammatory statements, and speakers from the floor related supposed incidents of police brutality. One speaker denounced the Washington Post and the Washington Star for unfairness in the treatment of Negroes in news stories. He recommended that Negroes boycott the publications for 30 days.

Another speaker, who earlier called for violence, shouted at this point "Burn their buildings." He was referring to structures occupied by the Post and the Star. This same man—who identified himself only as a resident of Los Angeles and who was referred to by one minister as "our conscience from California"—had earlier said that Washington Negroes were "too peaceful" and should resort to violence to achieve their goals. Another person criticized the judges of the District of Columbia courts.

Although generalized charges were made about police brutality, no evidence was presented against Tague and Catalano even though the prime purpose of the meeting was to discuss this case.

A number of policemen were present for the meeting, but the committee leaders insisted that they leave at the start of the meeting. This left no one to refute the charges of brutality, the main theme of the meeting. One speaker made the statement that Negro police were worse than the white officers in the handling of Negro arrests.

Later the committee made a decision to publicize Tague as "the most dangerous policeman in the District of Columbia," and that posters picturing Tague would be displayed along the policeman's beat identifying him as a "dangerous character." The committee also plans to follow him home with a sound car singling him out as an untrustworthy officer.

It would seem to me that CCEJ could do more for its people and the District of Columbia if it would encourage its followers to respect the law and to cooperate with the police rather than resort to these tactics of humiliating Tague.

This entire situation is a sad reflection on the District of Columbia—the seat of our Federal Government—and illustrates why we have here a crime rate of such magnitude.

The District Commissioners must face up to their responsibility of supporting good police work if crime and disrespect for the law is to be brought under control in the District. Anyone interfering with a police officer who is doing his duty must be prosecuted to the fullest extent of the law each and every time such interference occurs.

Only in this way can this Capital City of our great country be made safe for its residents and visitors.

THE KENNEDY ROUND AND THE FUTURE OF U.S. TRADE POLICY: AN EVALUATION OF PROGRESS AND ISSUES IN THE SIXTH ROUND OF TRADE NEGOTIATIONS UNDER THE GENERAL AGREEMENTS ON TARIFFS AND TRADE

The **SPEAKER** pro tempore (Mr. MACDONALD of Massachusetts). Under previous order of the House, the gentleman from Missouri [Mr. CURTIS] is recognized for 60 minutes.

PART II, AGRICULTURE NEGOTIATIONS CONTINUED: DAIRY PRODUCTS, MEATS, POULTRY, FRESH AND CANNED FRUITS AND VEGETABLES, AND TROPICAL PRODUCTS

Mr. CURTIS. Mr. Speaker, the first part of this evaluation and report on the current trade negotiations drawing to a close at Geneva dealt with one group of agricultural products, grains, in which there is some hope for achievement. But for some of the products which I will discuss today there is much less chance that any progress will be made in the Kennedy round. For others of these products there may be chance for meaningful bargains.

The explanations below indicate that an essential reason for difficult international negotiations in the major sectors of dairy products, meats, and poultry is the extent to which governments have interposed in domestic agricultural economics, without having developed the proper economic policy tools to do so. In the first part of my report I discussed the degree to which government involvement in grains production had weighed on the negotiations—that in fact an initial U.S. proposal was that all nations agree to remove government subsidies and controls. My own interest in this objective is demonstrated by my introduction of a bill to accomplish this for U.S. domestic grains programs.

ONCE AGAIN, EMPHASIS ON THE EUROPEAN COMMUNITY

Instead of a big step being taken toward increased efficiency in agriculture production, Western Europe is moving in the opposite direction through the labyrinthine trade barriers now being created in the common agriculture policies of the European Economic Community.

Thus again, in this part, as in the earlier part of my report, the focus of much of the discussion will be on the European Community's farm policies.

DAIRY PRODUCTS

The international dairy products sector is one of the sectors least amenable to negotiations in the Kennedy round. The reason is the unusual amount of interference in domestic dairy production by almost all governments. My purpose in this section will, therefore, be to explore the problems of our own troubled dairy sector, and in this light to examine world dairy sector problems and the negotiations on dairy products in the Kennedy round.

Import statistics provide an initial, though limited, insight into the problems of the U.S. dairy economy. From 0.9 billion pounds milk equivalent in 1965, U.S. dairy imports rose to 2.7 billion pounds in 1966. Until 1965 imports were stable at an average yearly level of about 0.8 billion pounds. The largest elements of this recent increase were butterfat sugar products such as Junex—a concentrate used largely to make ice cream—fresh cream, Colby and other cheese. But there are increases of imports in other categories.

These increased imports have brought complaints of injury from U.S. producers and have resulted in bills in Congress to increase quotas on dairy imports across the board. A table showing imports by major categories from 1963 through 1966 follows:

Dairy products: Imports and established import quotas, United States, calendar years 1961 to 1966

Product	Base period 1948–50	Quota (fiscal year)	1961	1962	1963	1964	1965	[1] 1966
QUOTA PRODUCT IMPORTS [2] (THOUSANDS OF POUNDS)								
Cheese:								
Cheddar	5,490	[3] 2,780	1,677	2,544	3,157	2,479	1,858	4,181
Italian-type cows' milk [4]	8,122	[5] 11,500	7,738	9,069	10,099	8,896	7,788	8,227
Edam and Gouda	1,832	[5] 9,200	7,315	6,687	7,489	6,771	6,567	10,897
Blue-mold	2,066	[6] 5,017	3,827	4,363	3,910	4,249	4,400	5,175
Total	17,510	29,424	20,557	22,663	24,655	22,395	21,613	28,478
Butter	[7] 1,412	707	861	789	746	665	748	667
Butter oil	1,800	[8] 1,200	1,200	1,200	1,200	1,200	1,200	1,200
Dried cream	(9)	(10)		1			2	
Dried whole milk	13	7	3	8	6	6		7
Dried skim milk	3,613	1,807	2,159	1,360	1,950	1,561	1,378	2,835
Dried buttermilk	991	496	484	404	634	204	78	401
Malted milk	11	6	21	6	12	10	9	1
NONQUOTA PRODUCT IMPORTS (THOUSANDS OF POUNDS)								
Cheese:								
Swiss:								
Emmenthaler	4,966		11,208	12,518	11,692	11,506	10,419	14,751
Gruyere	1,279		4,627	4,805	4,830	5,173	5,313	9,123
Pecorino	5,918		14,915	17,973	17,552	16,705	15,901	15,759
Roquefort	1,296		2,271	2,392	2,040	2,004	2,191	1,861
Gjetost	(11)		82	70	124	179	253	257
Nokkelost and Gammelost	(11)			90	151	137	178	1,099
Bryndza	(9)		32	83	68	63	89	85
Colby						11,427	14,149	45,994
Other	3,108		22,131	17,009	21,920	8,288	9,205	18,066
Total	16,567		55,261	54,949	58,377	55,482	57,698	106,995
Whole milk, fresh or sour	23		17	3	1	(9)	(9)	
Cream, fresh or sour	5		2	8,811	7,144	9,089	9,920	13,069
Canned milk	139		1,163	73	614	991	1,799	3,289
Casein	42,740		101,828	95,576	85,621	101,718	86,953	104,330
Butterfat/sugar products			2,511	4,086	3,300		3,510	105,626
Total import [12] (billions of pounds)	.4		.7	.9	.9	.8	.9	2.7

[1] Preliminary.

[2] Imports of quota products on calendar year basis include a portion of 2 fiscal years in which import licenses were issued. Once licenses are issued shipment may be made anytime during that import or fiscal year. Therefore, a tabulation of imports for quota products during any calendar year may exceed the actual fiscal year quota.

[3] Temporarily increased, by 926,700 pounds Apr. 1–June 30, 1966, pursuant to Presidential Proclamation 3709.

[4] Includes Romano Parmesano, Reggiano Provolone Provolette, Sbrinz, and Goya.

[5] Effective July 1, 1960, the President's proclamation increased the annual quota for Edam and Gouda cheese from 4,600,200 pounds to 9,200,400 pounds and on Italian-type cheese from 9,200,100 pounds to 11,500,000 pounds.

[6] Quota increased in March 1962 from 4,454,000 pounds.

[7] Base period based on 1930–34.

[8] Global quota calendar year.

[9] Less than 500 pounds.

[10] 500 pounds.

[11] Reported in other cheese.

[12] Whole milk equivalent basis in terms of 3.7 percent milkfat.

Source: Commodity Analysis Branch, Dairy and Poultry Division, FAS, U.S. Department of Agriculture, February 1967.

IMPORTS SMALL IN RELATION TO PRODUCTION

What is the proportionate role of imports in the U.S. dairy economy? Statistics show that imports in terms of milk equivalent are a small percentage of domestic production. In 1966 imports were 2.7 billion pounds milk equivalent compared to U.S. production of 120.2 billion pounds. It is hard to see how increased imports could be the major problem facing the dairy industry even though there appear to be certain loopholes in U.S. quotas under section 22 of the Agricultural Adjustment Act that permit Colby cheese and butterfat sugar concentrates to escape the quotas.

These loophole imports have a dislocating effect on small producers of cheese. In the New York Times of March 27, 1967, Douglas Kneeland reported after an interview with a medium-size cheese manufacturer in Almena, Wis., that imports of Cheddar cheese substitutes were severely hurting his markets. He pointed out that the National Farmers Organization milk strike worsened the squeeze on the cheese manufacturer, who would be less able to compete with imports if the cost of his manufacturing milk increased.

THE LOOPHOLE ARGUMENT

The argument that there are loopholes in the present application of section 22 to milk products is shown by data on imports of Cheddar and Colby cheese. Cheddar cheese is controlled by quota, Colby is not, yet the two are nearly interchangeable in manufacturing uses. In the table above it can be seen that Colby cheese imports have increased dramatically, whereas Cheddar imports increased when quotas were temporarily expanded early in 1966, but have remained relatively slight nonetheless.

Another loophole argument relates to imports of butterfat and milk solids in formulations made, it is alleged, specifically to evade the quota. Junex, only one of at least a half dozen such products, is butter in liquid form mixed with sugar and some milk solids. Thus Junex is a form of butterfat. It can be seen in the above table that butterfat in several forms is restricted from importation by section 22 quotas. That Junex can enter hors quota means that it is a loophole in the general effort to restrict butterfat imports. Thus Colby cheese is to Cheddar cheese as Junex is to butterfat.

IMPORTS NOT THE PROBLEM

But on the whole, and without the benefit of detailed study of this problem, the proposal that all dairy imports should without reference to further facts and argument be more strictly controlled lacks an element of good sense. A further sobering factor is that for the types of cheese under quota, imports in 1966 were actually less than imports in 1951, the year the quotas were imposed. Since 1951, U.S. production of the same cheeses increased from 1.2 billion pounds to 1.74 billion pounds. There has been no flexibility in the U.S. quota system, as there is in U.S. meat quotas, that would allow gradual increases in quotas in proportion with increased domestic consumption.

A NOTE ON U.S. SECTION 22 QUOTAS

The United States maintains its import quotas on dairy products, and several other products, under section 22 of the Agriculture Adjustment Act as amended. Section 22 permits quotas to be imposed after certain procedures have been followed to determine the need for such quotas, including study and recommendation by the Tariff Commission. The purpose of the quotas is to prevent imports from benefiting from high U.S. support prices. There is no reason why the Government should have to pay to take foreign supplies off the market.

Such quotas are allowable under GATT article XI if production of the commodity protected by quota is being controlled. The United States is not controlling its production, rather, milk production has been increasing quite rapidly. This is the reason why the United States sought an initial waiver, and why it submits to annual review of its quota programs in the GATT. And it is the only country with such quotas to undergo such review. Japan, the United Kingdom, and the EEC all have similar quota programs for which they have not bothered to request a waiver.

THE NEED FOR THOROUGH ANALYSIS OF THE AMERICAN DAIRY ECONOMY

Violent producer reactions to the economic problems confronting them, evidenced by wholesale milk dumping, signal the presence of fundamental economic problems in our dairy industry. There is a real need for impartial economic analysis to put the problems of the U.S. dairy industry more clearly into focus.

The Wisconsin Farm Bureau has cited the statistic that 84 dairy farmers a week were leaving Wisconsin farms. The dairy business does not seem to have brought adequate remuneration to compensate dairy farmers for the costs of doing business. It is estimated by the Agriculture Department that the return to the farmer is only about 50 cents an hour, and there has been an incentive to sell cows. In 1966, higher beef cattle prices coupled with dry weather and below average pasture conditions resulted in a low yield of milk production and dairy herds taken to slaughter.

combined with generally increased off-farm opportunities, where dairy farmers in some areas were purportedly being solicited by industries needing good labor, 1966 proved to be a year of real change for the dairy industry both in the milk manufacturing and fluid milk sectors.

The administration has now moved to cut off imports of items in the loophole categories. On April 3 the President requested the Tariff Commission to begin study of the problem. It is likely the Tariff Commission will recommend that the loopholes be closed. One troublesome element in the import area will be then removed.

But there is need for far more profound study. The Tariff Commission might have been requested to study the conditions of competition throughout the dairy industry, so that some broader analysis would be made available. This is necessary because it appears that the more fundamental problem is not an overabundance of imports but production incentives that have in the past several months resulted in excess milk production. In fact, analysis might show that the lower consumer prices now prevailing have resulted from greater production, and are possibly the root cause of milk dumping.

PROPOSAL FOR A NATIONAL STUDY COMMISSION

To understand and deal with these quite serious and disturbing problems I recommend that a National Study Commission on the Dairy Economy be created to study and recommend solutions for the problems of the American dairy economy.

Among the problems the Commission might study are the following: The milk shed and milk marketing system, which some allege is conducive to monopolistic pricing. Another is how to organize farm production in order to provide adequate incomes for dairy farmers. The Commission could also profitably study the means by which dairy farming can become more efficient in terms of returns on capital and benefit to consumers.

One of the key elements of the U.S. dairy economy is the maintenance of our unequaled fluid milk supply system. The United States has been unusually fortunate in the development of its dairy products industry. We are perhaps the only nation with a fluid milk economy that can provide fresh and pure fluid milk in abundance in every part of the Nation. To do so requires initial hygienic treatment and transportation, often over long distances, under hygienic conditions—costly undertakings. We need to study the costs of maintaining our fluid milk standards and the higher costs that maintaining those standards imposes on our manufactured milk products. This is the area in which we find the real cost differences between foreign and domestic production of manufactured milk products.

DOMESTIC PROBLEMS ARE INTERNATIONAL PROBLEMS ALSO

These are some of the elements of U.S. dairy economy that have made it difficult for the United States, and for other countries, to engage in international negotiations to provide more competitive conditions for international trade.

EEC COMMON AGRICULTURE POLICY FOR DAIRY PRODUCTS

The EEC's farm program for dairy products has concentrated on finalization of the dairy common agriculture policy, which was initiated in November 1964. The transition period will end on April 1, 1968, when common prices will come into effect. The Community-wide common milk price will be $4.67 per hundred pounds by that date.

Dairy production is important in the EEC: milk and milk products and dairy animals provide nearly one-third of EEC farm income. Milk alone is the most important source of farm income in the Community. The CAP on milk and dairy products thus has great economic and therefore political importance.

The dairy CAP is founded on the price system that applies to grains—target prices protected by variable levies. Milk is the most important item in the CAP as it is the base for all dairy products. Thus the big initial effort of EEC dairy farmers was to achieve a high target price for milk. As a result the final target price is 25 cents above that recommended by the EEC Commision—the executive body of the European Community—to the Council of Ministers. So, starting from pre-CAP prices of between $3.54 to $4.76 per hundred pounds in various member countries, the EEC common milk price will end at $4.67 at dairy per hundred pounds.

HUGE BUTTER SURPLUSES

To achieve the transition to the high common price by 1968 there has been a constant price rise which has resulted since 1964 in very large stored butter surpluses. To simplify the application of target prices to dairy products—including 400 kinds of cheese—all dairy products have been broken down into 14 groupings for each of which a representative product, or "pilot product," has been chosen and from which levies for the other items in each group are derived.

PROOF OF ECONOMIC DISTORTION: SURPLUS AND EXPORT SUBSIDY

Increased prices have brought increased dairy production and surpluses. France, particularly, has a great latent capacity to produce and during the past 2 years French producers have responded to higher prices, by producing 11 percent more milk in 1966 than in 1964. Dutch production during the same period rose over 5 percent.

In order to help dispose of high-priced surpluses an ingenious export subsidy program has been devised, based on the so-called free-at-frontier price. Every 2 weeks the Commission sets the free-at-frontier price, which in theory equals a representative price for competing imported dairy products.

But, in fact, EEC free-at-frontier prices are more likely to be equal to the lowest world offering prices. For example, in the case of butter, EEC free-at-frontier prices in recent months have consistently been below prices on the London market, which accounts for 75 to 80 percent of total free world butter trade. In mid-December the EEC free-at-frontier prices for butter in London ranged from $0.38 to $0.45 per pound.

The difference between the internal target price and the often very low free-at-frontier price is the element of EEC subsidy payment. Current export subsidies on butter paid by member states range as high as two-thirds to three-fourths of domestic wholesale prices, allowing some EEC countries to offer butter around the world at 25 cents per pound.

Nonetheless stocks of butter have shot up. On July 1, 1966, butter stocks were at record levels with holdings in the six totaling 361 million pounds compared to 325 million pounds a year earlier, and compared to an average of 243 million pounds for 1962–64.

Current projections conservatively place the EEC milk surpluses at 2 percent of total production or 3 to 4 million pounds by 1970. Revised EEC estimates of dairy production published in the December 12, 1966, Foreign Agriculture bulletin of the Agriculture Department indicate that the exportable EEC dairy products surplus will reach 1.8 million metric tons. These stocks will overhang international markets and threaten their stability because there will be pressures to unload or dump them through export subsidies.

KENNEDY ROUND NEGOTIATIONS

Against this background New Zealand has been pressing in the Dairy Group of the Kennedy round for some sort of world agreement that would contain many of the elements that appear in the proposed grains agreement. A subcommittee to handle the talks has been established under the Trade Negotiations Committee of GATT, and it has 16 members: Argentina, Australia, Austria, Canada, Denmark, EEC, Finland, Japan, New Zealand, Ireland, Norway, Poland, Sweden, Switzerland, the United Kingdom, and the United States. But there is such lack of agreement among the participants that in spite of a GATT Secretariat attempt to draft an agreement, there has been very little progress.

The dairy sector has importance because a few GATT participants, particularly New Zealand and Australia, depend on dairy exports. Without the promise of something to be gained these countries will have a reduced stake in the negotiations. The United States would be happy to see some acceptable progress because, as the focal point of much of the export interest of exporting countries, we would like to open EEC and other markets to dairy products to take the pressure off our own market. The United States would also have to be ready to review our own restrictionist policy toward imports.

But it would seem impossible for one country to liberalize dairy imports unless all do and, indeed, liberalization seems not to be the proper focus of negotiating efforts. Rather, the focus of world negotiating effort should be to enforce responsible surplus disposal policies and allow truly efficient producers to sell in world markets.

Looking around us, we see that the efficient producers like Australia and New

Zealand are in danger of being forced out of their export markets by those who irresponsibly subsidize exports. The United States has produced surpluses, but it has stored them. When it has sold them under subsidy for commercial export, it has done so only in time of shortage and with moderation. Instead of dumping, the thrust of our disposal effort has been through donable programs both foreign, and, as in the case of school milk programs, domestic. We have even used military forces feeding as an escape hatch for dairy surpluses.

The record cited above shows that the EEC has on the other hand gone to unusual lengths to dump its surpluses to the detriment and disruption of efficient producers and the world market. It is against such subsidized exports that the United States actually needs its section 22 quotas. Indeed, countervailing levies should be applied as permitted by U.S. law—the Tariff Act of 1930—and the General Agreement on Tariffs and Trade, to prevent sales of subsidized farm and manufactured products in U.S. markets.

ACCESS AND SUBSIDY

The negotiations now revolve around two central questions: First, how do efficient producers maintain access to their foreign markets in competition with subsidized exporters; and, second, how do nations that find it necessary for political reasons to subsidize domestic production responsibly control and dispose of the excess production that results.

The dairy sector negotiations do not, at this 11th hour, promise any solution of these two pressing problems. The interest of the United States is clearly in promoting world policies to allow efficient producers to keep and develop export markets, and in importing whatever quantities it can to benefit American consumers, without disrupting the domestic dairy economy.

But inertia dominates the international scene. There has been little progress to speak of in the dairy negotiations, in part because there are but a few participants who want a change in the international status quo, and New Zealand has not concentrated its fire on the EEC, which clearly is a stumbling block because of its huge surpluses. Instead, it seems that increased access to the U.S. market has been the main objective, and U.S. section 22 quotas on dairy products, clearly a minimal form of protection in comparison with the dairy policies of the EEC, have become a whipping boy.

CONCLUSION—WHAT PURPOSE IN INTERNATIONAL DAIRY NEGOTIATION

If, as is likely, the Kennedy round cannot change world dairy production and trade, it has at least provided a base for future negotiation in an area where problems are bound to get worse before they get better. But the political will must exist in order to bring international change.

This account of dairy trade shows the dairy sector as a case study of what happens to international trade when governments take control of national farm sectors. It demonstrates how difficult it is to conduct international negotiations when such conditions exist.

John O. Coppock, in his book published for the Council on Foreign Relations in 1961, titled "Atlantic Agricultural Unity: Is It Possible?" explained this thought well when he said on pages 30 and 31:

> "Cleaning up" agriculture and its pricing so that it can take its place in a generally competitive system, in which useful things tend to be produced in places where they can be produced most efficiently, requires a great amount of national housecleaning. Not very much can be accomplished by international negotiation so far as agricultural specialization is concerned at this point. Some people are destined to eat relatively cheap foods and some are going to eat expensive foods for some time to come, because past national policies have so dictated. Those policies cannot be changed radically simply by exposing them in an international forum.
>
> What can be done internationally at this time is to agree that farming should be brought back into a real, international economic world by some progressive steps in the direction of a unified market. It will take a long time, but the time to start is now, and the place to start is in national legislatures.

MEAT

The U.S. interest in negotiations on meats is to remove pressure on U.S. markets by imports from Ireland, Australia, and New Zealand. But, because the United States has only incidental export interest, these exporters must be ready to take the initiative of pressing forward negotiations. Again, the focal point of the negotiations is the EEC, and the product of principal concern is beef.

THE ROLE OF ARGENTINA IN WORLD MEAT TRADE

Argentina is a major world exporter but Argentina's markets are primarily the European Community and the United Kingdom. Argentine beef—indeed, beef from any country south of Mexico—is not sold in the United States because of U.S. regulations against hoof and mouth disease. The disease is carried in the beef even when chilled and cured.

Argentine beef is, therefore, not salable in the United States, but is salable in the Community, which is not concerned with this problem, in part because of the nature of the European hoof and mouth control program. In Europe cattle are inoculated to make them immune from the disease; therefore, imported beef will not infect their animals. In the United States, cattle found with hoof and mouth disease are eradicated. Humans do not contract hoof and mouth disease.

WHY THE UNITED STATES IS A DESIRABLE MARKET

In the negotiations the United States would like to do what it can to help Argentina. Argentine beef is being gradually excluded from the Community market. In the United Kingdom, another Argentine major market, domestic meat production is being expanded at artificial prices. The remainder of the market is left open to all sellers, and imported meat is sold there at dumping prices. Japan also has a closed market for meat.

Thus, the United States, the largest market for meat imports, becomes the most desirable market because there are no unusual restrictions and because of good prices obtainable here. But Argentina cannot sell to the United States, and it is, therefore, "locked into" selling to the United Kingdom and the EEC, neither of which are "good" markets. Australia, in much the same position vis-a-vis the United Kingdom and EEC as Argentina, is forced out of the EEC and United Kingdom by Argentine exports and therefore sells to the United States.

WORLD PRODUCTION AND TRADE

The United States leads the world in production of red meat—beef, veal, pork, mutton, lamb, and goat meat—at 19.7 billion pounds in 1965. The U.S.S.R. was second with 16 billion pounds, and France, West Germany, Argentina, and Brazil followed in that order.

The largest exporters of red meat are Australia and Denmark which each exported 1.5 billion pounds in 1965. Argentina was third with 1.14 billion and New Zealand fourth with 1.11 billion. These four countries accounted for 58 percent of world exports. By comparison U.S. red meat exports of 111 million pounds are insignificant. But, we have become the world's biggest exporter of livestock byproducts, such as tallow, animal glands, hides and skins, variety meats, and lard.

One of the smallest exporters, the United States is the largest importer of beef with 942 million pounds of imports in 1965, and the United States is a large importer of ham. The United Kingdom is second largest beef importer, and the largest importer of pork, mutton and lamb.

EEC IMPORT RESTRICTIONS

The Community's market is the focus of the interest of the exporters—Argentina, Australia, Denmark, New Zealand, and Ireland. According to statistics in the December 27, 1966, edition of the Common Market Farm Report, EEC imports of cattle and beef products from all nonmember countries were $198.4 million in 1958, $180.9 million in 1961, $496.1 million in 1964, and $567.4 million in 1965, or about 10 percent of the EEC's agricultural imports in 1965.

The United States has little present interest in the Community as a market although there is a potential market in the EEC for U.S. beef. According to statistics compiled by the Bureau of Census, U.S. exports of beef and veal to the EEC were $64,000 in 1962, $169,000 in 1963, $1.3 million in 1964, $2.6 million in 1965, and $900,000 in 1966. But these exports, particularly in 1964 and 1965 were the result of EEC internal shortages rather than law-priced U.S. products. In 1964 the EEC lost many head of cattle as a result of a bad winter and other conditions. Thus, in 1964 and 1965 the EEC needed meat and may not have enforced its restrictions strictly.

For beef and veal the EEC has developed a unique variation of the variable levy system of border protection called the guide-price system.

The guide price, on which the pricing system is based, is set at a level considered by the Community to be remunerative to its meat producers. It is not a guaranteed price but a price at which governments are to aim in any given year and from which the intervention price and the variable levy are derived. The system also incorporates tariffs. On April 1, 1968, the common guide price will come into effect and a common external tariff will be set at 16 percent for live cattle and 20 percent for red meat.

THE GUIDE-PRICE SYSTEM EXPLAINED

The guide-price system works as follows: When the weighted average of domestic prices exceeds the guide price by 5 percent, customs duties only are applicable to the import. When the weighted average of domestic prices falls below the guide price, a supplementary levy is added to the import duty to bring the price of the import even with the guide price. Thus, the supplementary levy is equal to the difference between the guide price, and the import price plus customs duty. Finally, when the weighted average of domestic prices is anywhere between the guide price and 105 percent of the guide price, half the supplementary levy is added to the duty.

Trade in beef and veal between member states of the EEC will also be regulated by the guide-price system until April 1, 1968. The levy vis-a-vis EEC members is, however, lessened automatically by 5 percent, which gives member states a preference within the Common Market.

The guide-price system is complicated, and extremely restrictive, according to Argentine exporters who have experience dealing with it. Outsiders can enter the EEC market at relatively low prices if the EEC producers are continuing to get high prices on the market for their meat, but these prices have been lowered. The worst effect of the system is the uncertainty it creates about the cost of the exported meat when it reaches the EEC.

PROSPECTS—THE EEC AS AN IMPORT MARKET

The EEC itself projects that by 1970 it will require imports of 431,000 metric tons of beef and veal, in order to fill the "consumption gap." Department of Agriculture Economic Research Service Bulletin 139 of February 1966, agreed that "in the years after 1966 meat consumption is likely to continue to rise. In contrast, beef production is likely to remain below trend for some time as production recovers from the recent decline. Consequently, for several years EEC meat production will probably not be able to narrow appreciably the consumption gap—and meat imports will remain high."

THE U.S. MEAT IMPORT QUOTA

The United States and other major exporters of the meat group would like to obtain through negotiations a meat agreement whereby other major meat importers would provide access to their markets comparable to that given meat exporters to the U.S. market under the U.S. flexible quota system.

The U.S. meat import law—Public Law 88-882—passed in 1964, applies to fresh, chilled, or frozen beef and veal, mutton, and goat meat. During the past 3 years, 87 percent of U.S. imports of these meats were of this kind, the remainder largely canned meat plus small amounts of sausage. In 1965 92 percent of the chilled and frozen meat imported was beef, and the remaining 8 percent was mutton, veal, and goat meat, in that order.

The U.S. meat import law provides that the total amount of meat imported into the United States during any calendar year after 1965 should not exceed 725 million pounds except as this quantity is increased or decreased in accordance with changes in domestic commercial production of these meats. Thus, there is a factor for growth of imports in relation to growth in consumption, a factor that is not present in U.S. dairy quotas.

HOW THE FLEXIBLE U.S. QUOTA SYSTEM WORKS

This base quantity—725.4 million pounds—represents the average annual quantity of imported meat during the 5 years 1959-63. By comparison, average U.S. production of the same meats was 15.7 billion pounds during the same period.

The U.S. law specifies how the quota amount should be fixed. For example, for calendar 1964, 1965, and 1966, U.S. commercial production of beef, veal, mutton, and goat was an average of 19.3 billion pounds, or 22.7 percent more than the 1959-63 average.

To calculate the quota quantity for 1966, for example, the base quantity of 725.4 million pounds was multiplied by 1.227 allowing a resulting "base quota" of 890.1 million pounds. Then the quota quantity is multiplied by 110 to arrive at a "trigger amount" of 979.1 million pounds. The trigger amount must be reached before the quota comes into effect. In 1966, imports of meat subject to the act were about 823 million pounds. Foreign meat purchases by U.S. forces in Europe and southeast Asia are not included in these figures.

The trigger amount estimated by the Secretary of Agriculture for 1967 is 995 million pounds, on a base quota of 904.6 million pounds.

ARE U.S. MEAT QUOTAS UNWARRANTED?

The U.S. meat import quota limit has not yet been reached by imports. In a sense the U.S. quota can be characterized as a mild defensive measure to insure against import that might "disrupt" the U.S. market. Given the world market conditions described above it is probably desirable that the quota remain in application. The United States is the only producing nation that does not support its producers, yet all over the world the conditions of production and marketing are highly regulated. It would, indeed, be unfair to let U.S. producers be seriously injured by meat imports in these circumstances. The U.S. meat import quota is not offensive in practice and in fact may be a good defensive measure, though the circumstances in which it was enacted prevented thorough study of the import problem and understanding of its causes.

BALANCE OF U.S. ADVANTAGES

The status quo in world meat trade is distinctly harmful to the exporting countries, and the United States. Clearly the guide-price system has hurt exporters. According to the Government of Argentina, the guide-price system has almost demolished the EEC as a meat export market, with the result that Argentine meat exports are directed at the United Kingdom market, which in turn forces Australian beef away from the United Kingdom into the United States. Thus the U.S. interest is clearly involved. According to a note delivered by the Government of Argentina to the EEC representative in Buenos Aires:

> The excessive increase in the guiding prices for 1966/67 would inevitably have substantial adverse repercussions as affecting Argentine sales of beef to the EEC countries . . . to the point that exports of beef and veal from this country to the EEC countries are today virtually at a standstill.

What is causing the gravest apprehensions in Argentina is the "increasing severity, exceeding all reasonable bounds, of the regulation and mechanisms by means of which imports of beef by the European Common Market countries will be continued."

The United States should, therefore, try to assist in efforts to alter the EEC system through negotiation so that Argentine access is maintained, and it should try to increase exporters' access to other markets like Japan. Thus the U.S. interest is not as an exporter, but as a producer and importer that wants to continue to import but does not want to become the only unregulated world market, and, therefore, bear the burden of the uneconomic practices of other importers like the EEC.

THE NEGOTIATING SITUATION

As in grains and dairy products, there has been established under the GATT Trade Negotiations Committee a meat group, which includes Argentina, Australia, Austria, Canada, Denmark, EEC, Japan, New Zealand, Ireland, Norway, Poland, Sweden, Switzerland, the United Kingdam, the United States, Uruguay, and Yugoslavia. The discussions have focused on beef and veal—excluding variety meats—but have not included pork. They seem to have narrowed now to frozen beef.

The initial effort in the negotiations was to obtain a world market agreement. Initiative for this effort came from the European Community, which wanted to establish a world reference price system, or a system based on the so-called montant de soutien. As in other areas, therefore, the EEC did not essentially observe the objective of the negotiations which was to achieve greater expansion of trade, not to create world commodity arrangements.

Other participants rejected the reference price system, and negotiations have not, therefore, progressed on the basis of the idea of a world arrangement. The United States has proposed that other importers grant access to their markets comparable to that the United States gives under its flexible quota system. This approach would have satisfied the objectives of Australia and Argentina and of the United States. As a result of the failure to achieve this, Argentina and Australia have been engaging in bilateral negotiations with the EEC and Japan which, it is believed, hold some hope for assuring their access to these markets. If these negotiations promise to provide access for these two countries and, therefore, to relieve import pressure on U.S. markets, the United States should attempt to further them.

EEC SANITARY REGULATIONS—A POTENTIAL NONTARIFF BARRIER

Negotiations with the EEC have met with a special problem; Community sanitary regulations regarding imported meat. According to the Special Representative for Trade Negotiations at hearings of the Senate Select Committee on Small Business in September 1965, EEC will require that other countries satisfy these regulations to the letter. This creates an impossible situation. Ambassador Roth said:

> We . . . allow other countries to have regulations that would be of equivalence, would be equally effective. But they do not have to be exactly the same. And, therefore, we are currently having discussions with the Community on this, because if they insisted that our sanitary regulations have to be exactly the same as theirs, this would create an impossible barrier to trade.

The EEC Council of Ministers has not discussed the Commission's proposed sanitary regulation. In the meantime, the United States must bend every effort to obtain formal assurance from the EEC Commission and from the member committees that United States and other countries' sanitary regulations, that at least have equivalent effect, will suffice. The United States has only a small export interest in meats, but it is worth protecting and encouraging.

TEMPERATE ZONE PRODUCTS

With the completion of my account of the grains, dairy, and meat sectors I have disposed of those items where the tactical aproach of the Kennedy round agriculture negotiations has been exclusively sectoral, conducted in negotiating groups convened to discuss a single product or homogeneous group of products.

Yet many agriculture products, in several of which the United States has a very large export interest, remain. These are handled for negotiating purposes through the GATT Committee on Agriculture, another subgroup of the GATT Trade Negotiations Committee. The range of commodities actually treated in this committee is entirely dependent on the offers tabled, and on the exceptions which are held in secret by the negotiators, and so the commodities to be negotiated in this committee are not supposed to be known. But, it is nonetheless well understood that the United States offered duty reductions on a very extensive list of its agricultural imports.

Products other than grains, dairy, meat, and "temperate" products are handled in the tropical products group, which I will also discuss below. As is true in the grains, dairy, and meat sectors, the EEC common agriculture policies are the single greatest area of U.S. interest and concern in the Kennedy round negotiations on these temperate products, as well as tropical products.

ITEMS OF U.S. EXPORT INTEREST

Among the items of greatest U.S. trade interest worth discussing here are poultry, fruits and vegetables, and preparations thereof, and "sugar added" to canned and frozen fruit and fruit juices. Various types of EEC market organization apply to these products. Fruits and vegetables fall under the reference-price system, a variation of the true variable levy system that I have not yet explained, as does poultry. Tobacco, in which the United States has a large export interest might, it is reported, be threatened by creation of a common agriculture policy—CAP—based on a system that would give EEC producers a deficiency payment to encourage them to take EEC leaf tobacco off the market. Though the EEC is not the only market for U.S. exporters of the above products, it is a major market. And because the EEC presents the greatest difficulty for improving or even maintaining U.S. exports of these items, much of the following discussion will again focus on the trade restrictive practices of the EEC. I can only assure readers that this emphasis is fully justified.

POULTRY

By 1962 the economic efficiencies of U.S. poultry production had resulted in large and increasing volumes of inexpensive poultry exports to the countries of the European Economic Community. There a large market, deprived, particularly in West Germany, by high prices, responded voraciously.

Per capita poultry consumption in the Common Market countries had increased almost twice as fast as in the United States between 1955 and 1960, but even by 1960 it was still less than half of per capita consumption in the United States.

SUBSTANTIAL U.S. EXPORT INTEREST

U.S. poultry exports to the world, according to Agriculture Department data, totalled $57.4 million in 1961; $83.8 million in 1962; $54.2 million in 1963; $63.5 million in 1964; $55.3 million in 1965; and $58.4 million in 1966. Almost all of the increase in 1962 was accounted for by imports to West Germany. West German poultry imports jumped from $22.2 million in 1961 to $52.6 million in 1962, then fell back to $22 million in 1963. At the same time that the share of the West German market held by the United States dropped from 31 percent in 1961 to 19 percent in 1963, the share of the five other EEC members increased from 31 to 49 percent. The discrimination has particularly affected U.S. exports of whole "broilers" which accounted for nearly two-thirds of our trade with the EEC prior to the poultry CAP, and totaled only about 4 million pounds in 1965. U.S. trade interest in chicken parts and turkeys remains.

The poultry levies were the first instance in which the effects of the long-wanted common agriculture policy were witnessed, and it was a shocking experience indeed. The President of the United States was compelled to take compensatory action as provided under the General Agreement on Tariffs and Trade. But the damage was not undone by U.S. compensatory action—U.S. poultry exports to the Community have dwindled steadily, as the "great" chicken war of 1962 has been succeeded by the "second" chicken war of 1965 to the present. Today, U.S. export markets are threatened not only by subsidized foreign sales in third markets but by possible new restrictions on our markets for chicken parts in the Community itself.

THE "SLUICE-GATE" SYSTEM FOR POULTRY

The common agriculture policy applied to poultry and eggs is enforced at the border by the sluice-gate price system. This system also is used to protect pork and a variation of it, to protect fresh fruits and vegetables. Totally the system applies to about 19 percent of EEC agricultural imports and may be extended to apply to more. On July 1, 1967, intracommunity restrictions will disappear, and there will be a common market between members on pork, eggs, and poultry based on the sluice-gate system.

For the outsider the sluice-gate price is a minimum import price, a price below which imports would automatically "disrupt" the domestic EEC market. There are several elements in the EEC sluice-gate price system that make it different from the true variable levy and the guide-price systems. The entire "levy" under the sluice-gate system is made up of three parts: the supplemental or variable levy component; the fixed "incidence of feed grains" component, and the "EEC preference" component. The sluice-gate price itself is theoretically based on prices of the most efficient producers.

The supplemental levy is charged only when imports arrive at the border with freight and insurance included in the cost and are cheaper than the sluice-gate price. The "incidence of feed grains" is the remainder obtained after subtracting the cost of feed grains in the EEC market from feed grain prices on the world market. The third tariff component, the "EEC preference", is a fixed tariff designed to ensure a margin of preference to Community producers. This margin will be set at 7 percent of the sluice-gate price applied in the previous year.

HOW THE SLUICE-GATE SYSTEM WORKS

In theory the system works as follows: When the c.i.f. price of the import is above the sluice-gate price, only the fixed "tariff" components, that is, the incidence of feed grains and the EEC preferences, are applied. When the c.i.f. price is below the sluice-gate price, the supplemental or "variable" levy is applied to bring the c.i.f. price up to the level of the sluice-gate price where it is further increased by the two fixed tariff components.

But in practice the system has come to be applied differently. Under the system, as initially applied, importers soon began to price their exports so that the c.i.f. price would exactly coincide with the sluice-gate price. Importers knew that if the c.i.f. price was cheaper the levy would be applied to raise the price to the sluice-gate level. They decided that they, rather than the Community, would take the difference. Thus the sluice-gate price on which the system was based quickly became artificial, and the EEC found it necessary to find a new basing price. They chose the Danish export price, which had become the most competitive because of Danish attempts to retain their old EEC markets by continually lowering their price. Because the sluice-gate price was then based on the Danish price it kept falling too, squeezing out U.S. poultry imports.

HISTORY OF THE POULTRY WARS

The attached table summarizes the effect of the sluice-gate price system on U.S. poultry and egg exports to the EEC from 1960 to 1965:

policy in the farm sector should be after the Kennedy round.

U.S. exports of poultry to the European Economic Community

[In millions of dollars]

	1960-61	1961-62	1962-63	1963-64	1964-65
Broilers and fryers	16.5	38.2	13.1	12.7	7.0
Stewing chickens	6.1	10.9	4.4	7.8	4.6
Turkeys	5.3	1.2	7.9	9.6	12.8
Canned poultry [1]	1.3	1.7	1.6	3.0	3.9
Other	5.9	5.9	3.2	2.7	3.0
Total	35.1	65.9	30.2	35.8	31.3

[1] The tariff on canned poultry is bound under G.A.T.T. at 21 percent ad valorem.

Source: U.S.D.A., "Foreign Agricultural Trade of the United States."

It can be seen from this table that U.S. exports to EEC have been severely restrained. Not only has the United States lost EEC sales, so also has Denmark. West Germany's suppliers are now other EEC members, primarily the Dutch, whose broiler shipments to West Germany climbed from 85 million pounds in 1963 to nearly 200 million pounds in 1966, or 70 percent of German broiler imports, as compared to 37 percent in 1963. EEC members supplied 92 percent of the West German imports by 1966.

EFFECT OF U.S. RETALIATION

That the United States took compensatory action against the EEC poultry levies consistent with the General Agreement on Tariffs and Trade is well known. Acting on the judgment of a GATT panel that the value of U.S. trade affected by the restrictions on poultry amounted to $26 million, the President, under authority in section 102 of the 1962 Trade Expansion Act and in accord with article XXVII(3) of the general agreement itself, proclaimed that tariff concessions made under trade agreements on brandy, trucks, dextrine, and potato starch were suspended. Under the most-favored-nation principle these suspensions or increases of duty applied to all suppliers of these items. But it was made clear at the time that the tariff concessions were suspended, not withdrawn, and that they can be reinstated when access for U.S. poultry is restored.

The drawback of this type of retaliatory action is that it does not hurt the foreign sector being protected from imports and does not help the domestic industry being harmed. U.S. retaliatory action did not improve U.S. poultry access, instead, it in a sense "wiped the slate clean." The EEC's outlandish poultry levies and internal policies remain in force. The U.S. retaliatory action principally hurt sales in the United States of Volkswagen buses and helped U.S. bus manufacturers. The tough U.S. stand has certainly not altered the attitude of the EEC toward subsidizing its poultry exports, unfairly preempting third country poultry export markets, and thoroughly disrupting the traditional patterns of world trade in poultry.

THE POLITICS OF GLUT

The result of the poultry CAP, the exclusion of low-price imports, and the maintenance of high internal prices, has been ungovernable surplus and market disruption, and, in France, even rioting.

Shielded by the import levy, and further encouraged by rapid technological advances, broiler output in the Community has expanded rapidly. West German broiler production nearly quadrupled since 1962, Netherlands production increased three times, and French poultry meat production grew by about 100,000 metric tons in 1966 alone, or by one-fourth over the previous year's production. Italian production almost doubled from 1962 to 1966.

Production surges combined with low rates of increase of domestic consumption have resulted in decreasing prices to producers. Netherlands has become the most competitive supplier. Even so, prices to Netherlands producers dropped to about 18 cents in the fall of 1966, while export prices fell only to about 32 cents in Germany after payment of the German duty and a turnover tax. This price is lower even than German producers can offer. It is well below the 39 cents the French can offer in Germany. The result is that German and French producers in particular have lost their biggest internal market, and they have generated large surpluses. To dispose of these surpluses export subsidy programs using the most offensive system, automatic subsidies, have been launched.

OVERPRODUCTION BRINGS EXPORT SUBSIDY, SUBSIDY BRINGS WORLD MARKET DISRUPTION

In 1966 German broilers were exported to Switzerland for the first time under a subsidy of over 9 cents a pound, which was increased by a temporary amount of 4.5 cents a pound. Thus German, French, Netherlands, and Belgian exporters are now permitted to pay a total of 13.6 cents, 11.3 cents, and 10.7 cents a pound respectively on subsidized exports to nonmembers.

And Danish exporters, in order to keep their markets against low Dutch, French, and Belgian prices of 20 to 21 cents per pound offered in the Swiss and Greek markets, have been forced to lower their export prices and raise the home market fee levied on domestically consumed poultry. As a direct result between 1962 and 1966 the U.S. share of Swiss poultry meat imports declined from 51 percent to about 7 percent and from 51 percent to 12 percent of the market in Greece.

After much deliberation, the U.S. response was to subsidize its exports to Swiss and other markets. No U.S. export subsidies were paid in 1966, however, and because of higher U.S. prices the spread between the U.S. price and foreign prices became so great that the cost of the subsidy would have been too great. Now, however, U.S. poultry prices seem to be weakening. There may again be pressure from U.S. producers to subsidize poultry exports. This should not be done without first considering what U.S. policy in the farm sector should be after the Kennedy round.

HOW THE CONSUMER SUFFERS—A BETTER EEC POLICY

Much of the chaos in the EEC poultry market would probably have been avoided had consumer prices been kept low. This is reflected in consumption patterns. Most probably German and other EEC producers could have experienced growth of domestic markets had they kept import charges reasonable and had they passed on production cost reductions to consumers. Instead, consumer price levels have been increased under the poultry CAP by about 5 cents a pound since mid-1962, production has expanded rapidly and surpluses have been relieved by subsidized exports, to the great disadvantage of the United States and Denmark. The EEC consumer has borne the high cost of subsidy and protection, much to his disadvantage.

The story of the poultry market is an old one in essence. It is a case study of economic inefficiencies that can result when policy is dictated by a misguided conception of the national interest as deference to the short-term interests of farm sectors.

NEGOTIATING DEADLOCK

The EEC market situation is reflected in the nature of the EEC Kennedy round offers on poultry and eggs, which it finally tabled as late as December 22, 1966. The EEC offer, which I cannot describe in detail here, was made entirely in terms of its own system. It does not represent any dollar value to the United States; it does not reduce the level of protection. The United States has represented to the Community that this is not an acceptable offer, either in commercial terms, or in terms of the agreed objectives of the Kennedy round negotiations.

The Community attitude toward U.S. poultry exports is perhaps demonstrated by the French position on U.S. chickens. France will not permit importation of our chickens allegedly—and amusingly—because they believe they carry hormones damaging to the health and virility of the French male. This fear is related to U.S. feeding practices which use antibiotics and hormones to produce large, healthy chickens. The French claim, which cannot be proven, has been a meaningful psychological other-than-tariff barrier. As a point of fact, the U.S. poultry industry has refrained from using any hormones that could have such harmful effects.

WHAT U.S. OBJECTIVES SHOULD BE

The U.S. objective is to obtain sufficient reduction in the total amount of EEC protection so as to make our poultry again competitive in EEC markets. We should also want to make an agreement that would enable us to cease subsidizing our own exports to third markets by minimizing and controlling, or "binding" the element of export subsidization permitted by the EEC, if it is not possible to obtain agreement that there will be no export subsidization at all. Other non-EEC exporters who subsidize exports should be included in such an agreement.

Effective rates of protection provided by the sluice-gate system for at least West Germany, as expressed in percentages, are now very high—unconscionably high. For example, the percentage equivalent duty for broilers is 50 percent, for stewers is 70 percent, for chicken backs and necks is 100 percent. Simple economics should dictate to the Community the wisdom of modifying its CAP on poultry to introduce lower consumer prices and more efficient use of resources in the farm sector.

The United States does not ask for any type of favored entry to EEC markets. We ask to be allowed to compete for commercial markets in strong, industrialized economies. We do not subsidize our own poultry production. It is efficient because it has become highly scientific. There can be no valid argument that it is necessary to subsidize EEC poultry because U.S. poultry production is artificially competitive.

The EEC defense to United States and other nations' criticisms is that the sluice-gate price system has encouraged greater Community production, which acts as a dynamic income factor within the Community, creating more imports than it displaces in the long run. However, this argument is not borne out by the evidence. Facts are that it has encouraged an overexpansion of production in the Community.

A second argument is that the United States has more than compensated for its loss in the poultry import market through its augmented exports of feed grains used to feed poultry in Europe. This may be true, but it is at best a superficial and meaningless argument. A country should have the opportunity to export any product which it produces efficiently.

The goal of all nations' import and export policies should be to introduce greater economic efficiency in the flow of trade and the use of economic resources. We cannot seek to justify extreme distortion in one area because it produces increased exports in another. The Kennedy round should be seen as an incentive to fair competition, based on production efficiencies, and these considerations should apply to poultry trade as well as to trade in all other farm commodities, and in industrial products.

FRUITS AND VEGETABLES

U.S. exports of fruits and vegetables and preparations thereof are a very substantial part of total U.S. agricultural exports. In 1965, exports of fruits and vegetables were $468 million and in 1966 exports were $491 million.

Rapid economic growth and increased purchasing power in Japan and Western Europe have stimulated the demand for fruits in these areas, but increased self-sufficiency in EEC fruit production has limited the expansion of U.S. exports. Further, fruit production for export has been increased by Australia, South Africa, Japan, Spain, Italy, France, Greece, Argentina, and Chile, thus narrowing the U.S. market.

Improved transportation and increased purchasing power in the industrialized countries have encouraged U.S. exports of vegetables and preparations. Canada continues to be the best foreign market for our vegetables because of its proximity. Exports of canned fruits and canned vegetables declined from 1965, fruits declined by $7.5 million and vegetables by $3.6 million probably as a result of poor crops and shortage supplies in 1964 and 1965.

EUROPEAN ECONOMIC COMMUNITY AS MARKET FOR U.S. PRODUCTION

After Canada, the European Economic Community is the biggest importer of U.S. fruits and vegetables. European Economic Community imports from the United States were $91.1 million in 1962, $97.3 million in 1963, $84.5 million in 1964, $99.6 million in 1965, and $87 million in 1966. Of total EEC imports of fruits and vegetables, estimated at $480 million in 1964, the United States had a large share, about one-quarter.

Fruits and vegetables accounted for only about 8 percent of the Community's agricultural imports in 1964 and 1965. The EEC can supply its consumption needs in vegetables but will not be able to do so in fruits. In the period 1962–63, EEC vegetable consumption was less than production; fruit production was about 3 million tons less than consumption. Thus, if market conditions in the EEC are allowed to prevail, a good market for foreign fruit suppliers will continue.

EEC COMMON AGRICULTURE POLICY FOR FRUITS AND VEGETABLES

The CAP for fruits and vegetables, established by Community regulation 23, is the reference price system, a variation of the sluice-gate system described above as it applies to poultry.

Initially, the Community did not intend to adopt price controls and import controls for fruits and vegetables. But, in demonstration of the theory that Community policy seeks the highest common denominator of protection among its members, the reference price system was adopted on July 1, 1965, at Italy's insistence. As part of the Community agreement in December 1964 on the unified grains price, Italy extracted from her partners an agreement in principle to strengthen the reference price system in order to provide greater protection for her fruits and vegetables produced.

There remains strong opposition to higher fruit and vegetable prices in Benelux and Germany, but the modifications introduced in the system in 1965 have in fact resulted in higher prices. Thus the future possibility that compensatory levies will be applied to United States and other imports becomes greater, especially because the method of calculation of the reference price contains a built-in upward bias if the system is effectively to increase consumer prices in the EEC.

NATURE OF THE REFERENCE PRICE SYSTEM

The "reference price" in the system for fresh fruits and vegetables plays a role similar to the sluice-gate price in the common agriculture policies for pork, eggs, and poultry—it is a minimum import price.

The reference price is calculated on the average price over a 3-year period in those producer markets in the Community where price levels are the lowest.

If a product is imported at a price lower than the reference price a levy is added equal to the difference between the reference price and a calculated entry price for the imported product. This price is based on previously recorded prices in certain EEC internal markets in several immediately preceding days.

The system operates in such a way that the exporter can never know the amount of the levy that will be added by the time the import reaches the EEC. And the levy is discriminatory—that is, it does not apply across the board to all imports of the item from all countries, only to the "offending" shipments. To date levies have not been applied to U.S. exports.

Therefore, the system as now operated violates article I of GATT requiring that signatories adhere to the most-favored-nation rule. This situation has implications which are troublesome for the United States. Were we to act to eliminate this illegal discrimination the levy would no doubt be applied to all imports. Then, it is feared, we would be caught in the same position in which we find ourselves in poultry. Low-cost Mediterranean suppliers of fruits would take the role of Denmark in the system, and we would be squeezed out of our markets.

HOW U.S. EXPORTS WILL BE AFFECTED

Fresh fruits of primary U.S. export interest are oranges, lemons, grapefruits, and apples. Grapefruits are excluded from the reference price system but the other three fruits are included. In no case has a compensatory levy under the reference price system been applied to a shipment of these fruits, though it is thought that at one point during the summer of 1966 the import price of the U.S. lemons actually fell low enough to trip the trigger on the system and allow a compensatory levy to be imposed.

But EEC did not take this step. It is not even known with certainty that the U.S. price fell below the reference price. Though the landed duty-paid prices of U.S. lemons are normally higher than those of Italy, a favorable reputation and internal shortages in the EEC market have enabled the United States to sustain its high-volume sales. Of course, the essential reason why compensatory levies have not been used is that prices of U.S. fruit delivered in the EEC markets are normally higher than Community prices.

The position of U.S. exporters, as represented by the U.S. National Fruit Export Council, is that the reference price system, if not illegal and contrary to the letter of GATT, is certainly contrary to its spirit. The system produces uncertainties as to what the landed duty-paid costs of agricultural imports will be, and as a practical matter will likely lead to diminished agricultural imports into the Community from non-EEC sources.

The reference price system for fresh fruits and vegetables requires such an extensive market information system that for importers to know market conditions would require the United States—and other interested governments—to maintain a data collection agency as extensive as that of the Community. What this means for trade negotiations is important. It means that, though the EEC might give us bindings on reference prices we could never know whether the EEC is in practice observing its commitments.

Further, GATT tariff negotiation agreements are not suited to dealing with flexible, ever-changing systems. Traditionally they register negotiated changes in fixed percentage figures only. So GATT does not police its own agreements.

Still another drawback is that the "alarm clock" of the international trading system, the commercial traders themselves, will not realize the causes of changes in prices. They might not sound the alarm to their governments because they might tend to accept certain costs as costs of doing business.

NEGOTIATIONS IN THE KENNEDY ROUND

It has been reported in the press that the EEC offer, tabled as late as December 22, 1966, is to bind in GATT the reference prices for 1966 to 1968, increased by about 9 percent.

This offer cannot be considered satisfactory. In effect it consists of a binding of the reference prices, but only temporarily, and only after they have been increased by 9 percent to make them more likely to rise above import prices perhaps, it is reported, as a sop to Italy.

The offers are again made entirely in terms of the EEC system, a system which is not acceptable under GATT rules, nor acceptable in economic terms. If the United States cannot succeed in modifying the system in a meaningful way perhaps the best course would be to indicate to the EEC that it will be necessary to seek redress under GATT.

Such action is possible in the fruits and vegetables sector because in the Dillon round the United States obtained bindings on EEC rates of duty on all fruits and vegetables except lemons. If the amount of the levy rises about 14 percent then the EEC would in effect be violating these bindings and it would be possible for the United States to seek redress in GATT.

The United States is an efficient producer of fruits and vegetables. There are no support programs, though on occasional and infrequent instances when there have been unusually heavy crops, Government has purchased to prevent glut. The threat to the U.S. producer's export market in the EEC is evident and unwarranted.

SUGAR ADDED

Closely related to the fresh fruits and vegetables sector is the problem of proposed variable levies on "sugar added" to canned, frozen, or preserved fruits and fruit juices imported by the EEC. This is a difficult and complex problem, and it relates to an issue unsolved in the Dillon round. It is of importance for U.S. agriculture because it affects U.S. exports amounting to about $40 million a year.

U.S. EXPORT STAKE AND GOOD POTENTIAL

U.S. exports of canned fruit to the Community were led by peaches worth $14.6 million in 1965, canned pineapples worth $9.9 million and canned fruit cocktail exports worth $1.7 million. All canned fruit exports were valued at $35.9 million in 1965, and exports of frozen cherries rose from almost nil in 1964, to $847,000 in 1965 with estimates of good growth potential.

Other European countries levy duties on sugar added but they are not excessive. Sweden levies a duty of 43 cents per pound of sugar added only to fruit juices, and the United Kingdom has a minimal charge, as does Norway. The dutiable treatment of sugar added, therefore, becomes a real problem only with relation to the European Community.

THREAT OF FUTURE INJURY

In August 1966 the Commission announced that an additional duty would be levied on sugar added, and that the duty would be in the form of a variable levy. The Community has never finalized the proposal: it remains a shadow in the background. Were it to be finalized, present fixed import duties would be converted into variable levies which would be responsive to changes in the world price of sugar. This would be highly destructive to U.S. export trade, since the exporter would never be able to calculate the rate of levy applicable to his fruit when it reached European ports.

SOME DILLON ROUND LEFTOVERS

In brief the sugar added problem came about as follows: In the Dillon round the United States attempted to negotiate with the EEC the rate of duty that would apply to sugar added to canned and frozen fruit and juices. The EEC wanted to generalize the taxation of sugar added, at that time used only by Benelux, to all the members of the Community, and it wanted to tax the sugar added to that canned fruit at the full rate by which it taxed imported sugar, or 80 percent ad valorem, instead of the graduated rates provided for under the Benelux tariff.

The result of negotiations in the Dillon round was that the sugar added taxation was generalized and incorporated in the common external tariff—CXT—and that the 80-percent rate was agreed to be applied to the sugar added, in exchange for an element of "tolerance" of 6 percent of the sugar added to natural sugar in canned fruit, and a reduction by several percentage points in the common external tariff on certain items.

"SUGAR ADDED" EXPLAINED

The EEC has never applied the 80 percent ad valorem rate to the sugar added content of imported canned and frozen fruit and fruit juices, in spite of the fact that it could have done so. If it were to do so, the result would be a relatively slight increase in the ad valorem equivalent of the duty on canned fruits. For example, the increase on a case of canned fruit cocktail with 13 percent sugar added above the natural sugar content would be from about 25 to about 27 percent ad valorem.

If the variable levy were also to be applied then the ad valorem equivalent of protection would be about 33 percent for the same case of canned fruit cocktail. This would be an effective increase of about 8 percentage points and it would be a variable levy. The effect on U.S. exporters would be serious.

The reason for the increase in the latter example is found in the amount of the variable levy. The levy is calculated on the difference between the EEC threshold price and the world price at any given moment in time. This difference, when assessed on the amount of the sugar added in the case of canned fruit, would yield a larger duty. It will certainly do so if internal support prices for sugar in the EEC remain as high as they have been. Its result would be that U.S. processors, besides paying the U.S. price for each pound of sugar in a case of fruit would also have to pay an additional element representing the difference between the world price and the EEC price of the same sugar.

U.S. NEGOTIATING POSITION

The U.S. fruit industry stands to be harmed by the EEC proposal. The U.S. fruit and vegetable industry and the canning industry are not supported by U.S. domestic farm policy. It is an efficiently operated, economical industry. Therefore, Europeans cannot make a case that their protective devices are somehow justified by the existence of U.S. supports which artificially stimulate U.S. production and therefore exports.

The United States seeks a reduction in the present duty which is bound at 25 percent, and an exemption from levies of a reasonable tolerance reduction in trade barriers; rather than accept the EEC system, the U.S. interest would most clearly be to invoke remedies under GATT, even given the drawbacks of item-by-item retaliation. The effect of the variable levy on sugar added in each case would be an effective increase of CXT rates bound to the United States on a most-favored-nation basis and formalized in the Dillon round of GATT negotiations. Other countries maintain barriers on U.S. canned fruit exports. Canned fruit cocktail has been a particular problem in the past with the United Kingdom.

NEW EMPHASIS ON TRADE NEGOTIATIONS WITH DEVELOPING COUNTRIES

Awareness in the United States of the need to shape future GATT trade negotiations to encompass trade problems of less developed countries—LDC's—resulted in Congress enacting new authority in the 1962 Trade Expansion Act for this purpose. The new provisions enabled the United States to enter negotiations with the LDC's to increase their exports, but also allowed a certain flexibility in the requirement for reciprocal concessions from the LDC's themselves.

AUTHORITY TO NEGOTIATE SPECIALLY ON TROPICAL PRODUCTS (SEC. 213)

The new authority for treatment of LDC trade is contained in article 213 of the Trade Expansion Act—Public Law 87-794—relating to tropical agricultural and forestry commodities. It provides that for articles for which the President determines that more than one-half of the world production is grown between 20 degrees north latitude and 20 degrees south latitude, the President can reduce the U.S. rate of duty by more than 50 percent upon certain conditions.

The conditions are: First, that the like article is not produced in significant quantities in the United States; second, that the EEC "has made a commitment with respect to duties or other import restrictions which is likely to assure access for such article to the markets of the European Economic Community," and that such access given by the EEC must be comparable to the access the United States give the article; and third, that EEC will accord the same degree of access for the products of all free world countries. A further provision in the 1962 Trade Act was that reductions of tariffs under section 213 need not be staged over a 5-year period, a "staging" that is required for other tariff reductions.

Section 213 therefore had a dual purpose. By giving the United States the power to allow certain LDC exports to enter the market duty free without staging, it would pressure the Community to give such exports similar treatment. Second, it would have negated discrimination against nonmembers of the Community's Yaounde Convention, the treaty under which 18 African countries have become economically associated with the European Community.

TARIFF COMMISSION NARROWS SCOPE OF NEGOTIABLE TROPICAL PRODUCTS

Section 213 directed that the President act on the advice of the Tariff Commission when determining the items in the U.S. Tariff Schedule were subject to negotiated reduction under the section 213 authority. When it made its determination, the Tariff Commission applied the criteria in the law strictly. Only 36 tariff items, of relatively small trade value, were determined to be eligible for section 213 negotiation. These were published in the so-called public list in October 1963. A list of these tropical products follows, including U.S. rate of duty and amount of import trade in each item in 1964:

TEA sec. 213 items

TSUS No.	Article	Total U.S. imports (1964)
136.00	Dasheens—fresh, chilled or frozen	$155,322
145.08	Coconut meat—shredded and desiccated	16,615,590
145.14	Brazil nuts—not shelled	2,666,399
145.16	Cashews—not shelled	37,723
145.42	Brazil nuts—shelled, blanch, or otherwise prepared or preserved	5,329,106
145.44	Cashews—shelled, blanch, or otherwise prepared or preserved	33,422,811
146.80	Cashew apples, sapodillas, etc.—fresh, prepared or preserved	5,818
147.80	Guavas—fresh, prepared or preserved	
147.85	Guavas—otherwise prepared or preserved	63,359
148.60	Papayas—fresh	20,896
148.65	Papayas—prepared or preserved	75,894
175.09	Copra—entered during special proclamation period or after July 3, 1974	
175.10	Copra—entered on or before July 3, 1974, when no special proclamation in effect	
175.11	Copra—product of Philippines or of the trust territory	43,133,221
175.12	Copra—product elsewhere than Philippines or of the trust territory	
175.24	Kapok seed	
175.27	Palm nut kernels	
175.30	Do	
176.36	Palm oil	627,949
188.18	Balsams, copaiba	15,044
188.22	Balsams, tolu	118,391
188.36	Gum arabic	3,974,776
193.10	Tonka beans	67,703
193.15	Vanilla beans	7,658,400
202.36	Hardwood	1,720,375
222.15	Split bamboo	39,743
435.40	Coco leaves	398,724
452.20	Clove oil	821,801
452.22	Cornmint and peppermint oil	217,268
452.52	Patchouli oil	286,146
452.64	Sandalwood oil	923,253
452.68	Vetivert oil	1,204,559

The unimportance of this tropical products—section 213—list minimized one of the great chances to increase access for LDC primary products and eliminate EEC discrimination in favor of its associated African countries. Certainly Congress intended that section 213 be used in a meaningful way. The fault probably lies in the Trade Act's definition of "tropical products" not in the Tariff Commission's "stingyness." The usefulness of section 213 is further limited by the EEC's present unwillingness to grant equivalent concessions to LDC's and its reluctance to abandon its trade preferences for its African associates.

FIVE PERCENT AUTHORITY—SECTION 205

Another Trade Expansion Act authority that is being used to help the developing countries is section 205, which allows the President to reduce to zero ad valorem—or ad valorem equivalent—rates of duty of not more than 5 percent. Such reductions to zero must be staged over 5 years. In cases where the U.S. negotiators have had a choice they have made offers under section 213 rather than section 205 because the former allows immediate reduction to zero.

Apart from these two provisions, the Trade Expansion Act limits the President to using his authority to reduce most U.S. rates of duty by 50 percent. This authority of course applies to the bulk of the U.S. offers. The fourth and only remaining negotiating authority given the President by Congress was the power to reduce duties to zero when 80 percent of the trade in any item was accounted for by the EEC and the United States combined. The applicability of the latter authority was considerably constricted by the failure of Britain's application for membership in the Community.

These reductions are, of course, unconditionally applied to all free world countries. And the more generous these tariff reductions the more the LDC's will benefit.

FULL RECIPROCITY NOT REQUIRED FROM LDC'S

One of the fundamental ground rules of the negotiations as they relate to the developing countries is that "full" reciprocity from them for concessions made to them, will not be required. This rule is expressed in the ministerial resolutions of GATT contracting parties in May 1963 and May 1964.

It would be legally impossible for the United States to negotiate reductions in its tariffs, under any of the three types of authority given by the Trade Expansion Act, without receiving an element of reciprocity, or mutuality of benefit. This requirement is expressed in section 102 of the Trade Expansion Act, which states that the purposes of the act are "through trade agreements affording mutual trade benefits, to conclude negotiations."

Thus the President is required in all trade negotiations under the act to achieve mutuality of trade benefits. There is no requirement for dollar-for-dollar reciprocity, but "mutuality" has been strictly interpreted as "reciprocity." Interestingly, the Trade Expansion Act, considered much more flexible than previous "reciprocal trade" legislation, was the first of the series of trade agreements acts since 1934 to contain any language specifically requiring mutuality or reciprocity, though these acts were construed to required rather strict reciprocity.

THE MEANING OF RECIPROCITY FOR DEVELOPING COUNTRIES

Reciprocity for the negotiations with most countries under the 1962 Trade Act has been defined strictly: in its bargaining with industrialized nations the United States demands fully reciprocal balances of concessions calculated on a country-by-country basis. But there is no attempt to demand reciprocity sector by sector, or item by item. But in the case of the developing countries, the requirement for mutuality of trade benefits has been applied in general terms, as it is expressed in the law. Mutuality of trade benefit vis-a-vis LDC's will not be strictly applied. Nor will it mean free gifts without payment by LDC's. There are definitely concessions LDC's can make without damaging their infant industries or their economic development programs.

TOWARD A MEANINGFUL "ACTION PROGRAM" FOR LDC'S

These Trade Expansion Act provisions show the seriousness with which the United States approached LDC trade problems in preparing for new negotiations. The formative stage of the sixth tariff negotiation round, which included bilateral discussions and other contacts, was culminated by the ministerial meeting of May 1963, which established some basic guidelines for the negotiations, and also included resolutions relating to developing countries' participation.

The effort made by the developed countries in the ministerial meeting of May 1963 was certainly a conscientious one—to all appearances a genuine effort to remove restrictions of LDC trade through GATT. The commitments then made by the advanced countries at ministerial level put the signatories and the GATT on the line definitively to act on behalf of LDC's.

The ministers of the GATT member countries, including the EEC, agreed in May 1963 that in the trade negotiations every effort shall be made to reduce barriers to exports of the less-developed countries, but that the developed countries cannot expect to receive reciprocity from the less-developed countries.

A year later at the May 1964 ministerial level meetings of the GATT Trade Negotiations Committee—TNC—the steering committee for the negotiations—the ministers resolved again that "every effort would be made to reduce barriers to exports of less-developed countries, and agree that their consideration should be borne particularly in mind in the approach to the question of exceptions."

At the 1964 meeting the TNC also agreed that—

> The contribution of the less-developed countries to the overall objective of trade liberalization should be considered in the light of the development and trade needs of these countries.

This important commitment implied that in seeking some kind of reciprocal concessions from LDC's in return for measures taken on their behalf, developed countries would not insist on trade concession that could damage "infant industries" or other development projects.

The problems of obtaining even general mutuality of concessions from LDC's will be discussed further below. LDC's have been hesitant to specify what they can offer—but the United States at least will have to require by law some elements of reciprocity for concessions made. It is doubtful that the United States would have legal authority to make broad tariff concessions and waive all claims to reciprocity in negotiations with the LDC's.

THE 1963 GATT "ACTION PROGRAM"—PROMISE FOR MEANINGFUL PROGRESS

To complement the ministerial resolutions, at the May 1963 meeting of ministers, all the developed contracting parties except the EEC pledge themselves to implement the following specific measures to aid developing countries. They promised a brave new world for LDC trade:

First. No new tariff or nontariff barriers should be erected by industrialized countries, particularly for the 193 products identified as the most important for LDC's. And those barriers that discriminated against certain LDC's while preferring others would be eliminated.

Second. Quantitative restrictions—quotas—that are inconsistent with the General Agreement should be eliminated by May 1964, and in special cases, no later than December 1965.

Third. Tropical products shall be granted duty-free entry to industrialized countries by 1966.

Fourth. Industrialized countries shall agree to eliminate tariffs on primary products important to the trade of LDC's.

Fifth. Industrialized countries should urgently prepare a schedule for reduction and elimination of tariff barriers against manufactured and semimanufactured LDC exports, up to at least 50 percent of the present duties, by May 1966.

Sixth. Industrialized countries shall progressively reduce internal charges and revenue duties on products mainly produced in LDC's, with elimination by December 31, 1966.

Seventh. Each July, industrialized countries maintaining above barriers shall report to the GATT Secretariat on how they have implemented these decisions and their proposed future measures of abrogation.

Eighth. Other measures on behalf of LDC's should urgently be considered.

The scope and effect of the GATT action program was lessened from the outset by the failure of the EEC to accept it. The EEC refusal was, of course, motivated by its special relationships with its associated African countries, a relationship redefined and extended in the Yaounde Convention of 1963. Nonetheless industrialized countries agreeing to the action program made meaningful commitments. Their fulfillment of these commitments would have generated great pressure on the EEC to generalize its preferences for the associated African countries. But the great promise of the action program has not been fulfilled. Its provisions have been only partially, when at all, observed.

EEC PREFERENCES FOR AFRICANS

To discuss briefly the question of EEC preferential relationships with Africans is important here because it has deep implications for U.S. trade relationships both with Latin American countries and with all other developing countries. The EEC preferential system can be seen in several lights. It is possible to argue that it is an arrangement bringing great benefits to the 18 African countries which have obligated themselves to the association. It is also possible to present the association as a preferential outgrowth of an economic unit that itself discriminates against nonmembers, and to charge that this association distorts world trade relationships. For these reasons I will look more closely at the EEC-African relationship here.

PROVISIONS OF THE YAOUNDE CONVENTION

The so-called associated overseas countries—AOC's—extended their earlier association with the EEC in the Yaounde Convention, signed in July 1963. The Convention perpetuates a system of association which has been in force for some of the 18 associated countries for at least 5 years, when many of them were still colonies or territories dependent on France. It establishes trade and aid measures which provide an incentive for these countries to remain in association with the EEC. This has made the association very attractive to nonassociated African countries, and so negotiations are underway between the EEC and Nigeria, Kenya, and Uganda and three other African countries.

In the trade field the Yaounde Convention in general stipulated that the EEC shall apply to the associated countries the same uniform and reduced duties and/or quantitative restrictions that exist among themselves, and shall provide preferential access to EEC markets for AOC tropical products. Duties on such products have now been reduced to zero on a preferential basis favoring the AOC's. In return, the African states agreed to reduce gradually their barriers to EEC exports.

Another aspect of the Convention provides EEC financial aid and technical assistance to its associated countries through the European Development Fund—EDF. The Convention provides that assets totaling about $730 million will be provided the African countries during the 5 years of the agreement, $680 of which are to be outright grants, and the remainder to be low-interest loans for use in stabilizing the prices of the AOC's tropical exports. Such commodity loans are granted in periods of low economic activity and repayments are made when world prices for major commodities rise above the average level. The African producers' incomes are in this way somewhat stabilized on the basis of average world prices. Other facets of the complex aid program established under the EDF are a fund for agricultural diversification, and loans intended to make associated countries' products competitive in EEC markets.

EXPLICIT DISCRIMINATION RESULTS

The result is a closely interwoven set of economic relationships that discriminates against the rest of the world: EEC exports have favored access to associated African countries, and AOC products receive favored treatment in EEC markets. Such a relationship has deep economic consequences and therefor cannot help but have profound political consequences.

First, the associated African countries are bound in more than just an economic sense to the EEC. To some extent, charges of European neocolonialism are justified. Second, LDC's outside the association are caused to agitate bitterly to try to obtain equal treatment. They have made repeated entreaties to the EEC itself, with the strong moral and diplomatic support of the United States. But these efforts have been to little avail. Latin American countries in particular have demanded the EEC give them equal treatment, and have asked for special compensatory trade and tariff relationships with the United States.

The Latin reaction is that of the orphan who finds himself virtually disarmed in the absence of parental protection. This feeling in part explains the Latin craving for a system of preferences with the United States, in which we would agree to extend tariff preferences to Latin American products sold in our markets. For Latin countries this seems to be a way of achieving equal status with the EEC's Association African countries.

Thus we find that the association agreement of the EEC, in existence for many years and now well entrenched, generated pressure for additional arrangement by other countries, and that its continued existence prejudices the case for preventing new arrangements, and for removing existing ones, unless some bold new approach is attempted.

AUSTRALIAN PREFERENCES—A BAD OMEN FOR MULTILATERALISM

A new chapter in the movement toward preferential areas of the "bad" type is the Australian scheme of preferential tariffs for imports of certain specified manufactures from all developing countries. This is the first such arrangement preferentially favoring manufacturers. It was a breach of the most-favored-nation principle for which Australia won a waiver from GATT without any effort to justify the arrangement in terms of article 26. The Australian preferences scheme is of unlimited duration and lacks safeguards for the trade rights of other countries. The United States was the only GATT member to have the courage to vote against the Australian waiver request, though Japan, Sweden, and other countries abstained, or voted yes with certain qualifications.

The Australian scheme is highly conditional and may result in no benefit to developing countries at all, because it is of limited scope and is based on a tariff quota plan. The tariff quotas will be totally worth only $15 million and apply to only a limited range of products, which are not necessarily important in terms of their export potential.

The preferential tariff quotas will apply only to the LDC's that "need" the preference in order to compete in the Australian market. This is necessarily a judgmental determination. The Government of Australia will then be allowed to determine what products from what countries can enter duty-free to fill the preferential quota. It seems that no consistent criteria for doing so have been developed, nor is there assurance even that all countries certified for the preferences will be treated alike.

Thus, in practice the Australian scheme will therefore likely be highly discriminatory both among LDC's themselves and among their products.

POTENTIAL DAMAGE TO THE PREFERRED DEVELOPING COUNTRIES

For example, Chile, a major advocate of the Australian scheme, might find that its exports of certain steel mill products qualify in 1966 for preferential entry, and the volume of such exports to Australia grows under the stimulus of new Australian demand. By 1969 let us say that the volume of these exports grows to the point that Australia determines that Chile no longer needs the preference because it can compete. The preferential tariff quota would then be allotted to other suppliers, and Chilean steel exports would be taxed at the old tariff rate. Chile would find itself with idle new capacity and no market.

It will be up to the LDC's themselves, of course, to determine whether they can live with such a scheme. In the case of Chile's hypothetical steel exports to Australia, the steel manufacturers and workers who suddenly find themselves divorced from their special Australian market and are yet unable to compete in the world economy with their new productive capacity, will determine whether the scheme has helped or hurt them.

Even those countries that supported strongly the waiver for the Australian scheme had some reservations about it, but they applauded it as an imaginative solution. LDC's were willing to accept even limited benefits that might well have the effect of diverting the trade of developed countries or even some LDC's to allow greater access for LDC products in the Australian market. Several countries hailed the Australian scheme as the first step toward a more generalized system of global preferences to favor the exports of the developing countries. A precedent has now been set.

WHAT ACCOMPLISHMENTS FOR DEVELOPING COUNTRIES IN THE KENNEDY ROUND?

The Kennedy round will not be the forum in which we solve the trade problems of the developing countries. The facts above show that the United States began with good intent to try to allow greater access to developed country markets for LDC tropical exports, only to find that the authority in section 213 of the Trade Expansion Act was not as extensive as some intended it to be, and that the European Community will prevent the full use of the authority by not meeting the act's requirement that it grant access equal to that granted by the United States. A reason for EEC unwillingness is its special relationship with African countries that is discussed above.

Another limiting factor on the usage of the section 213 authority is the inability or unwillingness of the developing countries to make offers of some kind in return for U.S. offers. The same applies to the use of the authority in section 205 and also in cases where we have made offers under the 50-percent negotiating authority.

Thus the Kennedy round has demonstrated the difficulties of achieving expanded conditions of access to European markets for the products of the developing countries. The GATT action program is now acknowledged to be less than completely fulfilled. To some extent the signatory countries, including the United States, have implemented the obligations they took under the program, but there has been no comprehensive GATT review of compliance to my knowledge, and this should certainly be done.

However, the Kennedy round has been a positive beginning for the developing countries. To the degree that industrialized nations can among themselves cut tariffs on a most-favored-nation basis, the less developed countries will also benefit—if the Kennedy round is "successful," it will almost surely result in an expansion of world economic activity from which LDC's will also benefit.

NEW FORCES AT WORK IN WORLD TRADE

But there are new forces at work in world trade, as shown in the above description of EEC preferential relationships with its African associates and by the discussion of the Australian preference system, the influence of which is felt beyond the Kennedy round. The purpose of this discussion is to provide insights into the nature of these new forces in world trade, forces that will have to be taken into account by U.S. foreign economic policy.

LDC trade problems will become a major U.S. concern after the Kennedy round and will require much greater attention from Congress than they have received to date. In the report on U.S. cotton-textile import policy in the CONGRESSIONAL RECORD, volume 112, part 16, pages 20966–21003, I described what seemed to be economic forces at work that had not been taken account of in present U.S. cotton-textile policy. Neither Congress nor the Executive has studied these problems adequately. I would argue that the commodity agreement approach to the problem of stabilizing—and also supporting—LDC primary-product exports is an improper approach. Instead of the latter, I have put forward some ideas about how properly structured futures markets bring about orderly markets and price stabilization without price support. There should be more recognition of the contribution of futures markets to this objective.

I would conclude by recommending several guidelines that seem to me now to be appropriate for U.S. policy in this area. One of them is that all nontariff barriers to consumption of LDC products in industrial markets be reviewed to be certain they are fair and are serving a proper economic or social function. Another is that developed countries' tariffs that are differentiated so as to discourage the processing of raw materials by the producing countries be phased out and when possible removed. Another is that private foreign investment be allowed to play its fullest possible role in the industrial development of LDC's by limiting the U.S. and other aid programs strictly to areas where private investment is inappropriate. Another is that LDC's increase the purchasing power of their individual citizens, and another that they improve their ability to sell their products abroad, create more economic conditions within their own markets, and between each others markets.

CONCLUSION TO AGRICULTURE SECTION

In the preceding analysis I pointed out the areas in which improvements in offers by the other major participants are necessary before successful negotiations can be completed. There seems to be little possibility of achieving "acceptable conditions of access in furtherance of a significant development and expansion of agricultural trade" in dairy, meats, and poultry. There is some chance for progress in fresh and canned fruits and vegetables.

In all above areas except perhaps tropical products one thing stands out most clearly: governmental interference in domestic agriculture sectors produces distortions that make international negotiation on these problems extremely difficult.

BALANCE AND RECIPROCITY

On entering the Kennedy round the United States made a commitment not to conclude industrial bargains without concluding meaningful agriculture bargains. The question whether that commitment will be satisfied at the conclusion of the bargaining as it is now progressing, is still an open question, but a very difficult and delicate question. The mathematical calculation of reciprocity or balance between what is given and what is received in trade negotiations is almost impossible to make accurately. The present U.S. administrators of the reciprocal trade negotiations have given impressive evidence that they have considered reciprocity important from the start of the negotiations, and that they are now engaged in calculating as nearly and as fairly as possible the balances of concessions. In doing so they have in fact been criticized by those who believe that because mathematical precision in calculating reciprocity is unattainable, it is not worthwhile to attempt. And there are those who question even the notion of reciprocity.

Reciprocity as a theoretical concept must continue to be important in trade negotiations, and difficult determinations of the balances must necessarily be left to those who have the most competence to make them. And in agriculture negotiations as well as industrial negotiations the balance must be struck fairly—the United States cannot afford to pay with industrial concessions for agriculture offers that are unimportant or even meaningless in trade terms. There must be a significant improvement of these offers as now tabled.

FURTHER SECTIONS OF REPORT

This section concludes my discussions of the agriculture sector of the negotiations. The next sections will deal with the industrial negotiations. They will include discussion of iron and steel, cotton textiles, chemicals, pulp and paper, and aluminum. There will be discussion of the so-called technology gap, and of antidumping in the succeeding sections.

THE 102D ANNIVERSARY OF THE DEATH OF ABRAHAM LINCOLN AND RESTORATION OF FORD'S THEATRE

The **SPEAKER** pro tempore. Under previous order of the House the gentleman from Illinois [Mr. FINDLEY] is recognized for 60 minutes.

Mr. **FINDLEY**. Mr. Speaker, 102 years ago, John Wilkes Booth made his way along the second floor of Ford's Theatre in Washington. He paused by a small hole in the wall he had carved earlier in the day. Squinting through the opening he saw the four persons occupying the box. Booth withdrew his pistol from his person and prepared to enter the box when his cue came.

At 10:15 Booth's fateful cue came. It was during scene 2 of act III. At that moment on the stage there was only one actor who was to break out in loud laughter. Booth counted on the actor's laughter to drown out the noise of his pistol. He boldly walked into the presidential box without being stopped.

Booth fired the bullet from his single-shot Derringer which penetrated the President's skull and brain 3 inches behind the left ear and stopped just above the right eye. In the confusion and darkness of the box, Maj. H. R. Rathbone, Lincoln's military aide who accompanied the presidential party to the theater, leaped to Lincoln's rescue but was slashed in the shoulder by Booth who also carried a long dagger. Booth hurled himself over the balustrade of the box to the stage about 11.5 feet below. In so doing Booth's spur caught in the Treasury Guards flag and kicked over the portrait of George Washington which decorated the box. Booth fell and broke the tibia in his left leg but managed to pick himself up without delay. Booth then stumbled out across the stage, momentarily stopping to shout his defiance to the audience and the world with the words, "Sic semper tyrannus"—thus always to tyrants.

He then ran down the stage right passageway, slashing the orchestra leader, William Withers, Jr., whom he encountered, and fled out the rear door of the theater. There he seized the reins of his horse from the colored boy "Peanuts" Burroughs, who did odd jobs around the theater, knocked the boy to the ground and leaped into the saddle. He then escaped through the rear alley of the theater, known as Baptist Alley for the First Baptist Church of Washington once stood on the site of the theater before it was burned to the ground in December 1862, and out through F Street NW., eventually crossing over the Navy Yard bridge in southeast Washington and escaped into southern Maryland where he was treated by Dr. Samuel Mudd. Booth then continued on into Virginia where, 10 days later, he was captured and shot to death.

Meantime, what was happening back in Washington? The stunned audience at Ford's Theatre thought momentarily that the pistol shot was part of the show. But when Mrs. Lincoln screamed, bedlam broke out and everyone called for a doctor. Fortunately, Dr. Charles A. Leale, a specialist in gunshot wounds was in the audience. He rushed to the box and immediately ordered the mortally wounded President to be stretched out on the floor. At first he thought that the President had been slashed because he had seen the knife which Booth carried flashing in the stage lights. But Leale soon discovered the bullet wound behind the President's left ear and ordered him carried to the nearest bed where he could be placed in a flat position. Leale immediately pronounced the wound as being mortal. Leale refused to permit Lincoln to be carried back to the White House in his carriage for if he was placed in an upright position, the President's death would have been hastened. Leale directed and assisted in the carrying of the President from the dress circle of the theater down to 10th Street and across the street to the house of a German tailor, William A. Petersen, where he was placed in a small bedroom on the first floor of the house. This all occurred within 20 minutes of the shooting of Lincoln.

Throughout the night of April 14–15, 1865, the best specialists in the city, including Surgeon General Joseph K. Barnes, and Lincoln's personal physician, Dr. Robert K. Stone, did what could be done to ease the suffering of the dying President. He died at 7:22 a.m. on Holy Saturday, never regaining consciousness. During the night, Mrs. Lincoln and Capt. Robert Lincoln, his son, visited the dying President several times. He was also visited by many members of the Cabinet who were in town and by Vice President Andrew Johnson.

In the back parlor of the Petersen house, now known as the house where Lincoln died, Secretary of War Edwin A. Stanton, directed all activities of the Government. It was at this time that Stanton also ordered the seizing of the theater, the clearing out of all persons in the audience, and the interrogation of all persons working at the theater or in the production cast of the play. A military guard was stationed outside the theater and until July 7 when the conspirators were hung at the Old Capital Prison in Washington, no one was permitted access to the theater without a special pass from the Secretary of War.

Fortunately, Mathew Brady, the great Civil War photographer was permitted to go into the theater and to photograph the presidential box and the stage scenery as it stood at the time of Lincoln's assassination.

The theater was returned to the owner, John T. Ford, of Baltimore, and he advertised its reopening on the following Saturday, July 10. He sold about 200 tickets to the performance of "The Octoroon," the play that was originally scheduled to be performed on April 15. About 6 o'clock on the evening of July 10, just prior to the performance of the play, Ford received a letter from an indignant citizen threatening to burn the theater if it should reopen for theatrical performances. When Secretary Stanton was informed of this possibility, he immediately ordered a military guard posted at the theater, and a notice of the Government's seizure was posted on the doors.

In August of that year, a contract was awarded to a John Dunbar of Brooklyn, N.Y., for the altering of the theater into a three-story office building for the use of the Government. The entire insides of the theater were gutted. John T. Ford was authorized to remove the columns and the proscenium arch; the chairs were taken by the Army Quartermaster and distributed as office chairs; and what was left was seized by souvenir hunters. Dunbar completed the alteration by December 1865, and the building was used by the Army Medical Museum until 1877, and by the Adjutant General for processing the records of Union soldiers and for the storage of captured rebel records until 1893. About 400 clerks worked in the building setting up the so-called Ainsworth system of pension records. These are 3-inch by 8-inch cards which brief the soldier's service record for pension purposes.

During the years, that is until 1893, repairs were made to the building by the Corps of Engineers and the Quartermaster Department of the Army, trying to shore up the poorly constructed walls and other defects in the building which showed up from time to time. I might point out that the new Ford's Theatre as it was then called, was built completely new from the foundations up to the roof for just $75,000 which included the furnishings. The original theater was advertised as seating 2,500, but actually it held but 1,700.

Another tragedy occurred in the theater on June 9, 1893, when about 40 square feet of the building collapsed from the third floor to the basement hurling men, file cases, and desks into the cellar. Twenty-two Government workers were killed and 65 injured, precipitating a congressional investigation into its causes. As a result, Congress ordered the building to be evacuated of all Government personnel and, after further repairs and the construction of a completely new east wall, it was used for the storage of Government publications for many years, that is until 1926. Meantime the Government purchased the famous Oldroyd collection of Lincolniana for $50,000 from Osborne H. Oldroyd, a native of Ohio, who began his collection in 1856. After exhibiting his collection in Lincoln's Springfield home until it was presented to the State of Illinois by Robert Lincoln in 1893, Oldroyd moved to Washington and exhibited his collection of more than 3,000 Lincoln items in the Petersen house across the street from Ford's Theatre.

For years there had been much congressional interest in purchasing the house that was the site of Lincoln's death. In 1896, the purchase was made by the Government from Anne and Louis Schade who had purchased the house from the original owners, the Petersens, in 1887. The Government paid $30,000 for the property and thereafter it became known as it is today, as the house where Lincoln died, and is one of the important memorials to the martyred President.

In 1932, when the Department of the Interior was given administrative responsibility for the old Ford's Theatre Building, as it was then known, and for the house where Lincoln died, the Oldroyd collection was moved to the theater and it became the site of the Lincoln Museum, where the Oldroyd collection was put on display. Extensive repairs have since been made to the house where Lincoln died and several ladies' patriotic groups have assisted the National Park Service in restoring the rooms to the same appearance they had on the night of Lincoln's death. Among the ladies' patriotic groups who so devotedly assisted in refurnishing the house were: Ladies of the Grand Army of the Republic, National Auxiliary to the Sons of Union Veterans of the Civil War, National Daughters of Union Veterans of the Civil War, Pennsylvania Society Dames of the Loyal Legion, and National Society of the Loyal Legion of America. The room in which Lincoln died was furnished by the District of Columbia Society Dames of the Loyal Legion with exact reproductions of the original articles which were in the room at the time of Lincoln's death.

As many of you undoubtedly know, the majority of the original furnishings, including the low walnut four-poster-type bed on which Lincoln died, is owned by the Chicago Historical Society and is on permanent display in their Lincoln Room. Today, the house where Lincoln died is one of the most important historical sites associated with Lincoln in the Nation's Capital. With the restoration of Ford's Theater becoming a reality, these two historic sites, so closely associated with the life and death of Lincoln, will assume added importance for all visitors to our national shrines.

THE BACKGROUND OF THE RESTORATION

Before we examine the progress of the restoration of Ford's Theatre, let us pause a few moments to look into the background of the events, the people, and the research which is making this unique restoration possible.

With the opening of the Lincoln Museum to the public in 1932, when the actual condition of the altered theater was brought into the open, there was little, if any, thought of restoring the theater to its original appearance. All signs of its historic appearance had been erased. In its place were markings on the museum floor indicating the extent of the forestage and the location of the presidential box. From there an outline of the assassin's footsteps, made from the original boots worn by Booth, marked his escape route across the stage and down the passageway at stage right to the rear exit door.

In 1935, the Congress provided in the Historic Sites Act the impetus to the salvation of much of America's historic heritage; that is, legislation was enacted in the midst of the depression to save and to restore, under proper conditions, certain of the more outstanding buildings and original sites which were—and in certain cases, still are—closely associated with the historic, military, diplomatic, cultural, social, and economic development of our Nation. Under the aegis of this legislation which, initially, however, made no provisions for the appropriations necessary to put it into effect, the Nation became more conscious of the loss of many of its noblest historic sites. Lacking the funds necessary for their acquisition by either the Federal or State governments, buildings and historic sites were wantonly destroyed in a considerable number of cases to make way for what is commonly termed "progress."

As the National Park Service began to implement this legislation, and the public, particularly the visitor to the historic sites in the Nation's Capital, became more historically minded, interest was aroused in the full restoration of Ford's Theatre to its exact appearance as of the tragic night of Lincoln's assassination. Little could be done, however, because of the pressure of world events that saw the beginning and the end of World War II.

When Senator MILTON R. YOUNG of North Dakota seized the initiative in 1946 and introduced the first piece of legislation bearing on the partial restoration of Ford's Theatre, the building became the subject of considerable controversy. Its proponents saw a restoration of the scene of Lincoln's assassination as a historic "must"; its opponents saw in a restoration nothing more than a monument to the assassin Booth. Time healed these differences, as many original artifacts were donated to or came into possession of the Lincoln Museum. For instance, all of the exhibits such as Booth's Derringer with which he shot Lincoln, and the ropes, carbines, Booth's diary, his compass, his boots and other materials which had been used as evidence in the conspiracy trial were acquired from the War Department. Descendants of the Ford family donated the original sofa that was in the presidential box when Lincoln was shot and the Washington engraving on which Booth caught his spur. The American flag and the blue Treasury Guards flag which decorated the box were also donated to the museum. You may check all these historical details which have been so carefully researched and authenticated by Dr. George J. Olszewski, historian of the National Park Service, in the official report, "Restoration of Ford's Theatre," which has become the bible of the restoration.

In addition, a beautiful hand-carved diorama of the stage of Ford's Theatre, showing its appearance and that of the presidential box at the time of Lincoln's assassination, was completed by Rudolf Bauss, a National Park Service museum expert. This diorama was the goal of all visitors to the Lincoln Museum and aroused the greatest interest in the restoration of the theater.

Congressional interest continued as funds were provided in 1954 for a preliminary engineering report on the building which showed that it was in a sad state of disrepair. In 1959 renewed public interest was aroused as the full restoration of Ford's Theatre became one of the goals of the Civil War Centennial celebration and of the Mission 66 program of the National Park Service. Congress now provided funds for preliminary historical and architectural research on the theater. Dr. Olszewski's report is the result. When the Joint Committee on Printing of the House of Representatives authorized its publication by the Government Printing Office in 1963, wide distribution was made by the joint committee to Members of the Senate and House. It was also made available to the public for $1 in paperback through the Superintendent of Documents. Copies of this publication are still available. Undoubtedly, the final impetus was given to the full restoration of Ford's Theatre by the tragic assassination of President John F. Kennedy, on November 23, 1963. By June 1964, Congress was most probably convinced that the National Park Service had sufficient official and unofficial information at its command for the authentic restoration of Ford's Theatre and voted $2,076,300 for the project. By this time, architects of the National Park Service had prepared the Historic American Building Survey drawings of the appearance of the original theater—a set of these also appear in the official report—and they were used as the basis for the official construction drawings from which the theater is now being restored.

PROGRESS OF THE RESTORATION

The full restoration of Ford's Theatre as provided by law includes not only the restoration of the theater to its exact appearance as of the night of Lincoln's assassination, April 14, 1865, during act III, scene 2 of "Our American Cousin," but also the restoration of the building which was at the northeast corner, known as the "dressing room wing," and the building to the south which was the "Star Saloon." It was here that Booth had several drinks before entering the theater to carry out his scheme against the President.

The general contractor restoring the theater is Coe Construction, Inc., of Washington, D.C., who was the successful bidder. His bid was $1,390,000 to do the work. The balance of the congressional appropriation, that is $2,076,300 less Coe's $1,390,000 leaves approximately $686,300 for the interpretive program and for refurnishing the theater with the same type of chairs, decorations, draperies, and stage scenery as were in the theater over a hundred years ago. April 14, 1967, will, by the way, be the 102d anniversary of the tragedy. Regional Director T. Sutton Jett, of the National Capital region, who is directing the work of restoration, estimates that the construction phase of the restoration will be completed sometime this year. The museum experts of the National Park Service, who are now having the chairs and other furnishings reproduced, and who are preparing a modern exhibit of contemporary design for the new Lincoln Museum which will be in the basement of the theater, will then go to work and painstakingly and accurately carry out the refurnishing of the theater and install the new Lincoln Museum exhibits in place. Undoubtedly, this work will take several more months after the contractor turns over the theater. While it is still in the planning stages, the dedication of the restored Ford's Theater will, most probably, be one of the high points of the Washington season.

All artifacts of the Lincoln Museum, which formerly occupied the main floor of the building, were placed in storage in December 1964. The building was then, on January 5, 1965, turned over to the main contractor, Coe Construction, Inc. To this date the following work of restoration has been completed:

First. The original walls of the theater—that is, the north, west, and south walls which were erected in 1863—have been strengthened by the addition of 1,000 bags of cement. This was grouted into the walls under pressure and filled up the interstices between the inner and outer walls.

Second. All windows and doors in the east wall—which was completely rebuilt in 1894 after the tragic accident to the Government clerks working in the building—were bricked up, leaving only two windows at the gridiron level, the enlarged scenery door, and the rear door through which the assassin Booth escaped.

Third. All windows and doors which had been cut into the south wall, while the altered building was being used for processing military records of the Civil War, were bricked up. The double door which led into the second floor coatroom and lounge of the Star Saloon building has been restored to its original location.

Fourth. The roof of the theater which was seriously defective was completely removed and replaced by a new roof of fire resistant timbers. The heavy, original wooden beams were strengthened with steel tie rods; the cross braces were replaced with fire-resistant beams; and new roofing, insulation, and slate completed the fireproofing.

Fifth. Twelve new steel trusses were welded to stanchions cemented into place between the wooden support beams. These steel trusses are now supporting the huge plaster ornamental ceiling of the auditorium of the theater which is now nearing completion.

Sixth. One of the most significant accomplishments of the restoration was the completion of the piling, underpinning, and bracing of all four walls of the theater. This included the driving of many piles which will support the balconies in the restored theater and the walls of the north or dressing room annex, and the south or Star Saloon building.

In this phase of the restoration, and one which received special attention to avoid any possibility of a repetition of the tragedy of 1893, the subcontractor Spenser, White & Prentis, Inc., of New York, the world famous foundation engineers, jackpiled approximately 2,000 feet of 14-inch steel pipe under the original walls to an approximate depth of 40 feet for each jackpile. These piles were then filled with concrete, and the walls were then tested to a maximum pressure of 105 tons on each pile. Engineers certify to the stability of these walls for generations to come. Because of the stability of the newer—1894—east wall behind the stage, piles here were driven just outside and inside the theater, with steel and reinforced concrete bracing placed beneath the wall itself.

Seventh. Groups of three and four piles each—for supporting the dress and family circles—were also driven to a depth of 40 feet in the basement which had been excavated to a depth of 15 feet below the original level to accommodate the new Lincoln Museum. These basement piles were filled with concrete and then tied together with reinforced concrete. The struts from these piles have also been extended to the walls of the theater, thus tying the entire area into one permanent supporting unit.

Not all of this basic structural work was as easy as it sounds for some difficulties were encountered in driving these piles. For instance, 8-ton boulders were encountered at depths up to 15 feet. In some cases these boulders were blasted apart. In others, where the difficulty was too great to overcome, especially when it involved increased construction costs, some partially driven piles were abandoned and others relocated under the recommendation of the construction engineers.

The last pile was driven in the theater on January 11, 1966, so that this phase of the restoration is 100 percent complete. Bracing of specially treated wood, impervious to the effect of the earth's dampness and time, has been installed behind the jackpiles of the original walls to close off the retaining walls. Steel reinforcing bars were then installed and welded between each jackpile. This entire area is now tied in together with reinforced concrete. Thus the north, west and south walls, together with the struts extending from these walls to the balcony foundation piles, form one solid, permanent, supporting unit for whatever load they may be required to carry.

Eighth. The exterior facade or west wall has also been completely restored to its original appearance. The enlarged eight windows—four on the second floor and four on the third floor of the altered building—have been returned to their original state. Fortunately, two of the windows of the original theater were retained in the south bays and these provided an accurate model for the restoration of the other windows.

In this phase of the restoration, new and narrower cast-iron lintels were recast from molds of the 1863 dimensions. Also to maintain the historical and architectural accuracy of the restoration, many samples of specially made brick were tested and weatherproofed prior to their selection. These bricks were installed as the framework of the restored windows and in time will blend in perfectly with aged, original brick of the west facade.

Work was also done at both sides of the pilasters which support the pediment and cornice. During the strengthening of the building over the years, four inches of brick had been added to the outer edges of the west wall's north and south pilasters. These have been cut back so that the west facade now presents a uniform appearance consistent with the historical and architectural accuracy of the restoration requirements.

In the interest of economy only one deviation has been made from the original appearance of the west facade. As you can see from the 1865 aged photograph of the Tenth Street view of the theater the lookouts of the cornice and pediment were exposed to the weather. During the alteration of the theater in 1865, these were finished off to prevent continual repair costs due to the rain and snow which could rot these exposed timbers. In the restoration the finished appearance of the cornice and pediment was adhered to, and this section of the roof and wall is completely impervious to the effects of weather.

I would also like to point out while I am discussing this section on the roof that if you will compare the appearance of the original 1865 roof with the way it looked on July 4, 1961, you will observe that the ventilation hoods have been restored and the roof now has its original appearance of 1865.

Tenth. Before any of the above work could be done, however, it was necessary to demolish the altered interior of the theater, and to excavate the basement to a new depth of 15 feet below its original level to accommodate the new Lincoln Museum. Demolition of this phase of the work is also 100 percent complete. This demolition involved: stripping the walls of all plaster down to the bare bricks; removal of all the iron columns and girders which had been installed in the structure in 1865 and 1894; dismantling of the iron stairway which ran from the first to the third floors and the circular stairway running to the attic; and, excavation and removal of all debris and earth to the theater's new depth.

In this preliminary phase of the interior restoration 100,000 pounds of iron columns, beams, and girders were demolished, and 6,200 cubic yards of earth were removed.

Eleventh. The south addition to the theater, otherwise known as the Star Saloon building, was in a combined restaurant and bar on the first floor. It was entered from 10th Street and also through the 10th Street passageway to the theater through which Booth came that fateful night. An upstairs lounge was entered from the dress circle of the theater. The Ford Brothers roomed on the third floor of the building. The Star Saloon building has now been completely restored and has its original appearance.

The restoration of Ford's Theatre is now about 90 percent complete, that is constructionwise, and the pristine purity of the restoration is a joy to behold. The balconies are being restored; the plaster relief work on the faces of the balconies have been put in place; the intricate relief work of the ceiling and walls is nearing completion; the boxes, including the presidential box are now assuming their original shape; the lobby, ticket office, stairs to the dress circle, the fly gallery, catwalks, and the rooms of the north dressing room are all nearing complete restoration. Furthermore, the heavy machinery for heating, air conditioning, and the heavy electrical wiring needed for this modernization phase of the restoration is now nearing completion.

REPORT ON RHODESIA, APRIL 1967

The SPEAKER pro tempore. Under previous order of the House the gentleman from Ohio [Mr. ASHBROOK] is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, this morning members of the press met with three men who recently returned from a factfinding mission to Rhodesia. The report which they issued at the press conference is a valuable addition to the information which we are beginning to see more frequently these days. It is valuable not only because it provides background concerning the Rhodesian situation, but because it also gives the views of three competent observers who recently visited this nation in southern Africa.

I think short biographies of the men will indicate that they are competent and objective representatives of their sponsor, the American-African Affairs Association.

Dr. Walter D. Jacobs is associate professor of government and politics at the University of Maryland and coauthor of the text, "Modern Government," published by D. Van Norstrand Co. Dr. Jacobs has also published articles on government, politics, and international affairs in various journals in Great Britain, France, and Germany, as well as the United States and is a member of the American Political Science Association and the American Military Institute.

James J. Kilpatrick is editor of the Richmond News Leader and a nationally syndicated columnist, author of numerous books, including, "The Sovereign States," 1957, "The Smut Peddlers," 1960; a member of the National Conference of Editorial Writers, serving as chairman in 1955–56; and received the annual award for editorial writing from Sigma Delta Chi, 1954.

Rene A. Wormser, an authority on international law and senior partner in the New York City law firm of Wormser, Kock, Kiely and Allessandroni, is a former member of the faculty and committee member of the New York University Federal Tax Institute, 1945–55, and served as General Counsel to the U.S. House of Representatives Special Committee To Investigate Tax Exempt Foundations, 1953–54. He also has authored numerous books, including "The Myth of the Good and Bad Nations," 1954; "The Story of the Law," 1962; and "Foundations, Their Power and Influence", 1958.

As you can see, these men are by no means unqualified observers.

Little more than 1 year ago I was chairman of a factfinding mission to Rhodesia, similar to this one just completed. I think it is valid to contrast my statements, and the report issued by the mission consisting of Mr. Ralph Toledano, Dr. Max Yergan, and myself, with today's report.

March 8, 1966, I stated:

> The Smith regime is secure.

This is the statement of 1 year later:

> Our mission is convinced that, assuming the continued active friendship of South Africa and Portugal, together with the neutrality of Switzerland, the mandatory sanctions imposed under the UN resolutions will fail their purpose. They will not succeed in toppling the Smith Government. . . .

In 1966 I stated:

> Southern Rhodesia is a model nation for peace, stability, racial harmony with . . . increasing rather than decreasing efforts toward understanding between the races.

Here is the complimentary statement of the 1967 mission:

> The present situation is one of utter calm. During the whole of our visit to Rhodesia, we never heard a siren; we seldom saw even a traffic officer; we never noticed so much as a sidearm. . . . The perceptive American visitor, familiar with the uneasy vibrations of our own urban life, knows that racial tensions can be sensed; but he senses none of these tensions in Rhodesia.

Again from early 1966:

> The Rhodesian people are independent and they have the fortitude to remain independent.

The report issued this morning states:

> The white community remains overwhelmingly in support of the government of Prime Minister Ian Smith. . . . Smith's government also finds a substantial and still influential element of support among the Council of Chiefs. . . .
>
> It is significant that not one of these African opposition spokesmen advocates the immediate extension of "one man, one vote." They do not urge even the integration of elementary and secondary classrooms. They take a realistic view of the evolutionary process. . . .

Mr. Speaker, the report which I just received is lengthy but I would like to take time to compare the conclusions of the two reports, representing 1966 and 1967.

I stated in 1966:

> Do the people who built a great country over the past 70 years, steadily improved its standards, brought civilization to a wilderness area, achieved peace and order, constructed beautiful cities like Salisbury and erected engineering masterpieces like the Kariba Dam now have anything to say about the future of their product, Rhodesia, or must they renounce all they have done? I think most fairminded people would answer that they have a right to say a great deal about the future of their country without meddling from do-gooders who have no solution except chaos. Particularly this is so when the course on which they have embarked is just, humanitarian and full of promise.

Here is the conclusion, in part, of the report issued today:

> The basic charge against an independent Rhodesia, as we have remarked, arises from her purported oppression of the black majority, and especially from the absence in Rhodesia of a system of majority rule. On the basis of our own observations, the charge is groundless . . .
>
> Upon the unproved and bizarre theory that a peaceful Rhodesia is a threat to international peace, the United Nations imposed mandatory sanctions for the first time in its 21 years of existence. In taking this action, the Security Council trampled upon the UN Charter and made a travesty of its own supreme law . . .
>
> What is needed, in our view, is a fresh effort toward reconciliation along the lines of the *Tiger* proposals . . . It is our hope that our own Government will take the lead by offering its good offices in an attempt to make sound and practical sense out of a situation which has been permitted to deteriorate into an apparent stalemate.
>
> . . . It simply is not true that a largely primitive society can be transformed into a politically mature society in the fashion of instant coffee or instant rice. So complex and difficult an effort takes time above all else—time and patience, and goodwill. This is what Rhodesia asks. And it is wrong, shamefully wrong, that the most enlightened nations of the world, having achieved their own status through evolutionary means, should have imposed upon Rhodesia anathema instead.

The report follows:

Report on Rhodesia, April 1967

PREFACE

On November 11, 1965, following a long period of unsuccessful talks with Whitehall, Rhodesia unilaterally proclaimed her independence from the British crown. On the following day, at the request of the United Kingdom, the United Nations Security Council condemned Rhodesia's action and called upon all states not to recognize the regime of Prime Minister Ian Smith and to refrain from rendering assistance to it. Shortly thereafter, on November 20, the United Nations through Resolution No. 217 invoked voluntary economic sanctions against Rhodesia.

These voluntary sanctions remained in effect throughout 1966. Beyond question, they served severely to depress Rhodesia's export trade; equally beyond question, they failed in the announced purpose of bringing the Smith regime to its knees.

During the summer and fall of 1966, negotiations were renewed between Whitehall and the Rhodesian regime. These conversations, conducted both in London and in Salisbury, led in early December to a confrontation aboard H.M.S. *Tiger* between Britain's Prime Minister Harold Wilson and Rhodesia's Prime Minister Ian Smith. Out of their discussions emerged the draft of a proposal by which

Rhodesia temporarily would suspend her independence while certain constitutional changes were submitted to her people. The British government accepted this draft proposal; the Rhodesian government rejected it.

On December 16, 1966, after a week's debate, the U.N. Security Council adopted a resolution imposing mandatory sanctions upon key Rhodesian exports and prohibiting the importation of oil, ammunition, aircraft, and motor vehicles. In its final provision, the Council's resolution requested a report from the Secretary General by March 1, 1967, indicating the actions taken by member states in support of the resolution. Late in February, U Thant responded to this requirement with a report detailing the actions of 72 states in response to the mandatory sanctions.

It was against this background and chronology that the American-African Affairs Association arranged to send a team of three observers to Rhodesia in February of 1967. Their assignment was to make an objective assessment of the Rhodesian situation. Toward this end, they undertook not only to interview Mr. Smith, his ministers, and some of his supporters in private and public life, but also to interview persons in the Opposition, members of the press, and others in a position to assist in an independent investigation. Through informal conversations at the British Foreign Office in London, some of the views and supporting documents of Her Majesty's Government were obtained.

Members of the reporting team included Rene Wormser, a distinguished member of the New York bar; Walter Darnell Jacobs, professor of political science at the University of Maryland; and James J. Kilpatrick, editor of The Richmond News Leader. The "Report on Rhodesia, April 1967" is their personal reflection, collective observations, and conclusions.

REPORT

The American observer, making his first trip to Africa, typically does some homework in advance. He fetches a contemporary atlas; he plunges into books on Africa yesterday and Africa today; he reads through a small mountain of periodicals. And if his special interest lies in the Rhodesian situation, he digests an impressive tonnage of pamphlets, speeches, statements and the like, provided by an efficient Rhodesian Information Service that is eager to tell Rhodesia's story to the world.

Yet none of this prepares him adequately for the underlying problems, the contrasts, the people, and the potential of Rhodesia today. This is an exciting country; and its most exciting aspect lies in the promise that Rhodesia's policies hold for the future of white man and black man alike—an evolving multi-racial society in which both races increasingly will share in the political, economic and social development of their pioneer land. It is a great pity—and for those whose chief interest lies in the black African's advancement, a great irony—that this high promise should be clouded by the harsh and punitive measures that have been imposed upon Rhodesia. She deserves much better from her fellows in a changing and imperfect community of nations.

This report is written toward the end of winter in the United States. It coincides with the end of summer in Rhodesia. In the parks of Salisbury, the flamboyant trees are almost finished for the season; their red blossoms fade to a dark orange. But this lovely capital city is still a mass of color—zinnias, marigolds, petunias—and the autumn will continue the year-round parade of flowering trees and shrubs. Soon the tulip trees will flower, then poinsettias, bougainvillea, the scarlet bauhinia, the blue and mauve jacaranda. In Cecil Square and in the Public Gardens of Salisbury, African and European alike will share the beauty of an astonishingly peaceful land.

That is the first of the astonishments of Rhodesia: Its tranquility. By formal declaration of the United Nations, "the present situation in Southern Rhodesia constitutes a threat to international peace and security." But what is the present situation in Southern Rhodesia? The present situation is one of utter calm.

During the whole of our visit to Rhodesia, we never heard a siren; we seldom saw even a traffic officer; we never noticed so much as a sidearm. The only troops in evidence today are a handful of smiling Africans in khaki shirts, shorts, and rolled Aussie hats, performing guard and messenger duties at public buildings. On the streets, white and black mingle with every appearance of courtesy and good humor. In the handsome Queen Victoria Memorial Library, young Africans crowd the reading rooms.

As a general proposition, housing is segregated in the cities of Rhodesia (as it is segregated in every city within the United States), but there are neighborhoods which are equally available to white and black buyers. The old rigid patterns are slowly fading. The university in Salisbury is fully integrated (300 of its 847 students are Africans). Many theaters, restaurants, cocktail lounges are open to any customer with the price of a ticket, a meal, a drink. The perceptive American visitor, familiar with the uneasy vibrations of our own urban life, knows that racial tensions can be sensed; but he senses none of these tensions here.

The quietude of such cities as Salisbury and Bulawayo finds its parallel in the tough and untamed country beyond the city limits. In the months immediately preceding and following Rhodesia's declaration of independence, black terrorists sought to impose a reign of fire and violence upon some of the African villages; but with the help of the villagers themselves, these terrorists were ruthlessly suppressed. Much of the country remains incredibly primitive, but it is peacefully primitive. One assumes that Rhodesia's small and efficient army maintains routine surveillance of her borders, but in the seventeen months that have elapsed since independence, the number of "border incidents" has been virtually nil. Though Rhodesia's relationships with Zambia understandably have cooled, these two presumptively hostile nations have maintained a number of economic ties: Air travel flows back and forth; electric power continues without interruption; Zambia's faltering railroad system until recently was dependent upon repair facilities in Bulawayo, and thousands of Zambian workers gain their livelihood within Rhodesia. In recent months, despite the economic sanctions, Rhodesia's relationships with Malawi have seemed to improve. Her relations with neighboring South Africa and Mozambique are entirely cordial. One is compelled to ask in mystification: *Upon what evidence can Rhodesia possibly be adjudged a threat to international peace?*

But it is not merely the atmosphere of peaceful law and order that astounds the visitor fresh from Washington or New York. It is equally the contrast among the people themselves. In the United States, as in England and France and even within the Soviet Union, the people live at roughly the same point in time and social development. The dusty roads of Alabama, to be sure, are far removed from Madison Avenue; by the ordinary yardstick of civilization, Appalachia lags well behind Westchester County. Yet the most disadvantaged American Negro shares with his white fellow citizens a common language, both written and spoken; he shares in general traditions of law, religion, community organization.

None of this is true in Rhodesia. This is a young country, still emerging from the primitive past. Countless Rhodesians, both black and white, retain vivid personal memories of the barbaric wars between Matabele and Mashona. These were not so long ago. As recently as 1939, a large percentage of the Africans wore little but loin clothes. Some 2.5 million of them still dwell within tribal territories. Literacy is improving at a remarkable pace, but thousands of the natives speak only a tribal dialect and have no written language at all. By the same token, housing improves, and farming techniques improve, and communications improve, but vast areas of Rhodesia still exist in terms of the mud hut, the cattle kraal, and the spread of news by word of mouth from village to village. Until a few years ago, witchcraft and primitive superstition prevailed widely; these practices continue to persist in some areas. A handful of bones, cast by night upon the floor of a native hut, still will evoke an unimaginable terror. In an address in Salisbury's Anglican Cathedral last December, the Very Reverend G. S. H. Worsley, Dean of Gibralter, remarked that many persons who sit in Whitehall tend to think of Africa as if it were the Isle of Wight. Similarly, many Americans tend to equate the Rhodesian bush country with the Mississippi delta. But the overwhelming majority of these African people scarcely are in the same millennium, let alone the same century, with the white Rhodesians whose industry, capital, and know-how have moved the country forward.

Rhodesia's greatest internal problem today—and it is a problem of formidable dimensions, defying pat and easy solutions—is to close this immense gap between the society of the mud hut and the sophistication of a Salisbury board room. An increasing number of Africans, advancing swiftly into 20th century civilization, are impatient with the tribal system; they occupy an ill-defined middle area; in theory, opportunities for business and professional advancement are available in Rhodesia without regard to race, but in practice, discrimination operates here as it operates throughout the United States. Even so, specific examples abound of Africans who have successfully breached the immemorial barriers, and made substantial fortunes in farming and in business. The road to a prosperous and enlightened multiracial society is under construction, but it remains a crude road, rough and narrow, hard for the ambitious African to traverse. The important point to keep in mind, however, is that Rhodesia's road to multi-racial development is being built largely through the labors of 200,000 white persons in the midst of 4,000,000 blacks. It is a road that ought to be compared with other such roads in other emerging African nations. And if it is not yet a four-lane superhighway, who in the affluent, white civilized and democratic United States, 360 years after Jamestown, can validly criticize Rhodesia's record in this regard? By what rights of divine ordination is it supposed that Western nations have a duty to impose their own political and social institutions by fiat upon a simple and childlike people still blinking from the darkness of the cave?

II

Turning now to more topical aspects of the Rhodesian situation, we would venture certain observations on particular political, economic, and social conditions in Rhodesia today.

By every indication, the white community remains overwhelmingly in support of the government of Prime Minister Ian Smith. There was much opposition, especially among businessmen, to the independence declaration on November 11, 1965. It was felt that Rhodesia was prospering handsomely under her loose ties with Britain; independence could bring nothing but trouble. Much opposition also arose early in December of 1966, when the Smith government rejected the terms of the proposed agreement forged aboard H.M.S. *Tiger*. Yet this opposition, while eloquent and well-reasoned, represents a minority view. Mr. Smith himself is a beloved figure—a strong man with a gentle air. One ironic, though predictable effect of the mandatory sanctions has been to draw the European community more tightly together in the face of common disaster. The sanctions also have had the effect of playing into the hands of elements within the Rhodesian Front who tend both to support apartheid and to seek a total break with the Commonwealth.

Smith's government also finds a substantial and still influential element of support among the Council of Chiefs. In January of 1967, following the collapse of the *Tiger* talks and the imposition of sanctions, the Council sent to Smith an expression of "deep satisfaction" with the positions he had taken. They promised to stand "firm like a rock" in his support, and pledged their cooperation in "working toward a constitutional system which would represent all the people of Rhodesia, black and white." It is true that Rhodesia's critics tend to denigrate the role of the tribal chiefs, and to regard these African elders as puppets or Uncle Toms. Such an attitude reflects little but ignorance of tribal life as it still is lived in Rhodesia today. The chiefs are leaders of very considerable power. In other times and circumstances, Great Britain herself has recognized the important role of the chiefs. Their public support of Prime Minister Smith ought not to be minimized.

This is not to suggest that a lively and articulate opposition to the Smith regime does not exist among large elements of the African population in Rhodesia. This opposition most certainly obtains. In its most civilized form, it may be seen among the 13 African members of the Rhodesian Parliament; they wage a vigorous and continuing criticism of government measures. Our mission met and talked at length with P. H. M'kudu, J. M. Behane, and J. M. Gondo, all of the United Peoples Party. They spoke clearly and emphatically of their desire to speed up the dissolution of the tribal system, to weld all educational efforts into a single administrative unit, to abolish the segregation that remains in some hotels and places of public accommodation. They are impatient with what they regard as the needlessly slow pace of the African's advancement into government positions and into managerial levels of Rhodesian commerce. Yet it is significant that not one of these African opposition spokesmen advocates the immediate extension of "one man, one vote." They do not urge even the integration of elementary and secondary classrooms. They take a realistic view of the evolutionary process; and while they were strongly opposed to UDI (the Unilateral Declaration of Independence of 1965) under the Smith regime, their principal grievance rests in their conviction that the evolutionary process could be moved along a little faster.

It probably should be noted for the record, in any discussion of the political situation, that voting in Rhodesia is conducted according to an "A" roll and a "B" roll. The "A" roll includes those voters of generally superior education or wealth—though it may be remarked that the requirements for "A" roll registration, by American standards, are quite modest. The "B" roll includes those of somewhat lesser education or property ownership. At the end of 1966, the "A" roll numbered approximately 100,000, including 95,700 whites, 2,400 Africans, and about 3,000 others. The "B" roll numbered some 11,700, of whom 10,780 were Africans and 589 were whites. Nothing whatever prevents Africans from gaining access to the "A" roll. At least 60,000 are thought to be qualified by education or property ownership for "A" registration now. It is only apathy or disinterest in politics that keeps them from the polls.

A full appraisal of the political situation, and especially of the opposition to the Smith government, is handicapped by the press censorship which still obtains in Rhodesia. The Rhodesia *Herald*, published in Salisbury, carries on its front page a daily reminder: "All material published in this newspaper is subject to government censorship." Mr. J. H. Howman, minister of information, sought to justify this suppression by explaining that all of the influential newspapers in Rhodesia are published under a single ownership which traces corporately to British control; they are edited by men strongly opposed to policies of the Smith regime. While these editors are agreeable to withholding publication of certain economic news, calculated to disclose damaging information on the effect of sanctions in an economic war, they are unwilling to give affirmative support to the government's principal policies of independence. It would be intolerable, in Mr. Howman's view, to have the papers daily undermining public morale and seeking the government's defeat; if other sources of opinion existed, favorable to the government, it would be a different matter. Meanwhile, censorship operates with a light hand; it has been months since anything of significance was deleted from the *Herald* or the Sunday *Mail*. And while a few vicious foreign correspondents—mere snoopers—have had to be expelled, it is the administration's earnest hope that the worst rigors of censorship are past. If the editors of the *Herald* would only be a little more cooperative, the whole unpleasant business could be brought to an end.

We were not overly impressed by Mr. Howman's defense. In view of the general tranquility that obtains in Rhodesia, and considering Prime Minister Smith's manifest hold upon the great majority of Europeans, we find it difficult to understand why the censorship of political opinion (as distinguished from the censorship of economic data during an economic war) should be continued seventeen months after UDI. Some aspects of the censorship system, in actual operation, struck us as patently absurd. The press is prohibited from publishing accounts of certain critical speeches delivered in the Parliament itself. So grotesque an imposition reflects poorly upon the strength of the Smith government, and seems rather an ominous suggestion of its weakness.

In all fairness, however, it must be said that Rhodesia is in a situation of "emergency," in which there is justification for some variances from peaceful procedures. Our own suggestion is that the censorship of political opinion should cease but, in its place, the Government should be given "equal time"—i.e., an opportunity to present its case whenever it is attacked in the press. Incidentally, Rhodesia is not alone in exercising censorship. We understand that even so enlightened a country as Israel (so it was reported in *The New York Times* of March 9, 1967) applies censorship.

III

With the proclamation of independence of November 11, 1965, the United Kingdom at once severed its trade relations with Rhodesia. Credits and assets were frozen; contracts were cancelled; even the payment of claims upon life insurance policies, held by Rhodesian residents with London companies, was prohibited. Britain appealed to the United Nations for cooperation in the imposition of voluntary sanctions upon critical Rhodesian exports and imports. By resolutions of November 12 and November 20, 1965, and of April 9, 1966, the U.N. Security Council endorsed the British appeal.

On December 16, 1966, upon the motion of the United Kingdom, the Security Council invoked mandatory sanctions. The Security Council's action required all member states to prevent the import into their territories of asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat products and hides, skins and leather originating in Southern Rhodesia and exported therefrom." The resolution prohibited the member states from participating in any way "in the supply of oil or oil products to Southern Rhodesia." It banned all activities "calculated to promote the supply to Southern Rhodesia of aircraft and motor vehicles, and of equipment and materials for the manufacture, assembly, or maintenance of aircraft and motor vehicles in Southern Rhodesia." The resolution also called upon all states "not to render financial or other economic aid to the illegal racist regime in Southern Rhodesia."

Certain aspects of the Security Council's resolution, having to do with its validity under the Charter, will be discussed at a later point in this report. Here we offer our comments only upon the effect of these sanctions upon the economic life of Rhodesia. It perhaps should be emphasized that our observations are based entirely upon informal impressions and conversations and in no sense reflect any official economic statistics from the Rhodesian government. No such statistics are publicly available.

Plainly, the consequences of the UN sanctions have been serious to Rhodesia in several areas of major economic importance. The chief among these is Rhodesia's tobacco export trade, which had a value in 1965 of £47 million—about 28 per cent of all exports in that year. The Rhodesian government was compelled to enter the 1966 market and buy up most of the crop for private resale; the same costly procedure is to be followed for the 1967 crop. No one doubts that the impact upon growers is severe.

Other principal exports in 1965, the last year for which figures are published, included asbestos fiber, refined and unwrought copper, meat products, chrome ore, raw sugar, and pig iron. All these have suffered to some extent. Rhodesia's most important customer in 1965 was Zambia, which had purchases of £36.1 million, compared with £26.2 million in trade with the United Kingdom. West Germany, Malawi and Japan also were important purchasers of Rhodesian exports. Publicly, at least, these trade outlets have been closed.

The Rhodesian labor force in 1965 numbered approximately 718,000, of whom 629,000 were Africans. Prior to UDI, there was virtually no unemployment; most industries in fact reported a labor shortage. With the imposition of sanctions, some spotty unemployment evidently has developed. Early in 1967, a Ford assembly plant just outside Salisbury, employing an estimated 60 Europeans and 450 Africans, was compelled to suspend operations for want of parts. A somewhat smaller British Motor Company plant also has stopped making cars. Certain mining operations, notably in chrome, have been curtailed. Inevitably (because they comprise 88 per cent of the labor force), the Africans have experienced the greatest hardship, including workers from Zambia and Malwai.

These adverse consequences, however, have been cushioned or offset by a number of internal adjustments over the past seventeen months. The acreage planted to sugar has been substantially reduced; in some instances, wheat is taking its place—and wheat is needed for domestic consumption. In a remarkable display of both ingenuity and determination, many Rhodesian manufacturers have learned to convert or to diversify. In the past, such major appliances as home freezers and refrigerators were largely imported; now these are being made domestically. Rhodesia's small but flourishing electronics industry has been expanded. The government has instituted new tariff policies intended to promote and to protect domestic manufacturers. Persons employed in some curtailed mining activities are shifting to gold mining.

As a result of these various steps, employment levels within the European community in 1966 just about matched those of 1965. There was a reported increase of some 2,500 in the monthly average of African employees. The consumer price index increased in 1966 by only 2.5 per cent, compared to 3.7 per cent in Britain, 4.3 in South Africa, and 5.9 in Zambia. A few basic foodstuffs are under price control, and gasoline is rationed, but Rhodesia has experienced a bumper crop year in 1966–67 and supplies of petroleum are so abundant that few serious inconveniences have resulted.

These dry statistics tell little of the spirit with which Rhodesia has reacted to her time of adversity. Beyond question, one effect of the sanctions has been to draw the total community more closely together. Rhodesians, black and white, are all in the same uncomfortable boat; but at least as this is written, they are finding the experience more exhilarating than depressing. Along Salisbury's industrial Lytton Road, the factories are humming. Stores are well filled with customers. In one fashion or another, goods are moving—and there is little doubt that despite the UN sanctions, they are moving to world markets in substantial quantities. Trade continues with South Africa and Mozambique. The one-time sister republic of Malawi, we were told, "is being realistic." Commerce with Zambia, while much reduced, probably has reached a bottom point and may well improve. Advertising lineage is down in the Rhodesian press, but the newspapers are maintaining a profitable operation. Meanwhile, vigorous efforts to promote the tourist trade are under way; a new hotel-motel is in prospect at Bulawayo, to rank among the most modern facilities in Africa. Accommodations at Victoria Falls are being enlarged. The gold mines at Gatooma, which employ 3,000 Africans and 400 Europeans, are going "full out." Through various building societies and loan development corporations, privately-owned housing for Africans moves steadily forward.

What lies ahead? Our mission is convinced that, assuming the continued active friendship of South Africa and Portugal, together with the neutrality of Switzerland, the mandatory sanctions imposed under the UN resolution will fail of their purpose. They will not succeed in toppling the Smith government. Within Rhodesia, they may prove a growing irritation and inconvenience; they may produce a certain austerity in living; and probably they will hurt the Africans in terms of employment and capital formation. As time goes on, however, Rhodesia will move closer to economic independence. She will find new ways of exploring even the forbidden exports. And she will survive.

Meanwhile, certain boomerang effects are becoming evident. Great Britain formerly relied upon Rhodesia for 35 per cent of her tobacco imports. Rhodesian flue-cured tobacco is among the best of the world—and it is cheap. With sanctions, Britain's tobacco manufacturers are having to turn to other markets at higher price. In February, it was announced that Britain's cigarette smokers will pay at least a penny a package more for their cigarettes. Britain is suffering not only a loss of income from her suspended trade with Rhodesia—a trade that may never be regained—but also a heavy new expense in aid to Zambia. On a smaller scale, the same consequences may be seen in the United States. It is one of the strange consequences of this situation that the U.S. shortly will be compelled to buy chrome from Communist Russia rather than from anti-Communist Rhodesia. The American taxpayer also is being put to heavy expense in U.S. subsidies to Zambia and Malawi.

The Rhodesian people, by and large, are convinced that time is working on their side in this economic war. Our mission shares that view. Our guess is that the longer sanctions drag on, the more holes will appear in the fabric of the UN's artificial curtain. Goods will find markets, as water finds its own level. Time is bound to point up the essential hypocrisy of the UN's position, and an awareness of this hypocrisy will contribute to improvement in Rhodesia's economy. Rhodesia's total resources and total energies are committed to her survival; other nations have other fish to fry. Over the long haul, the mandatory sanctions will not serve to weaken Rhodesia; they are likely rather to contribute to an enduring economic strength.

IV

At the bottom of Rhodesia's troubles with the United Nations lies this basic charge, that the 200,000 white Rhodesians are engaged in oppressing and exploiting the 4,000,000 black Rhodesians. Everything stems from this. It is the "racist regime" of Ian Smith whose misdeeds have created such intolerable tensions in Africa. The policies of Rhodesia, it is said, are indefensible; a democratic and civilized world no longer can tolerate their existence. And only through the early application of "one man, one vote," may the African Rhodesian reclaim those rights and powers which will put an end to his oppression.

So the theory goes. It is a theory that bears no discernible relation to history and to present reality. Rhodesia's critics are possessed of a marvelously lively imagination in some directions, but they cannot seem to grasp any accurate picture of Rhodesia as it was in times past, or of Rhodesia as it is today.

The white pioneers who settled Rhodesia found a land barely emerging from the Stone Age. Half a million primitive African savages were inhabiting an area of 96 million acres—an area larger than the British Isles. They had no industry, no commerce, no communications, no education. They owned in 1902 only 55,000 head of cattle. The males spent much of their time in barbaric inter-tribal wars. The females ranked scarcely above the cattle in the Kraal.

Any valid criticism of Rhodesia's white community in 1967 has to acknowledge these facts of African life. *This is what they started with just 75 years ago.* It is unfair and absurd—and it is also acutely embarrassing for American observers to compare democracy in Rhodesia with, say, democracy in Alabama; or to equate housing and employment in Rhodesia with housing and employment in Harlem. Only a dozen years have passed since racial segregation ended in the schools of Washington, D.C. Racial discrimination in American employment still obtains to such a degree that an elaborate law has had to be passed to prevent it. Nearly a hundred years after ratification of the Fifteenth Amendment, the wholesale denial of the vote to American Negroes resulted in the Voting Rights Act of 1965. Negroes make up about 12 percent of the U.S. population, but in a Congress of 535 members, only seven, or 1.3 percent, are Negroes. The melancholy picture of Great Britain's present entanglement with her "colored problem" stands for all the world to see. Yet it is from this poor level of inter-racial achievement and enlightenment that England and the United States, with a thousand years of Western civilization behind them, undertake to abuse Rhodesia for the "racism" that obtains there today. If a more egregious example of hypocrisy has been set in international relations, it does not come readily to mind.

Had the Rhodesian pioneers followed the high example of the first English settlers in the new world, they would have obliterated the Africans altogether. Or as an alternative, they would have whipped the natives into tribal reservations in the equivalent of Oklahoma and New Mexico. They would have cheated them in every conceivable way, broken treaties, reneged on promises, and confined the aborigines to a disfranchised existence marked by ill health, wretched housing, subsistence farming, and perpetual dole. That is what the United States did with its Indian tribes, and with its Negro slaves.

The "racist regime" of Rhodesia was not so enlightened. In the early years of Rhodesia's development, prior to the granting of internal self-government in 1923, settlement was slow. The tiny European community faced formidable problems in reversing the millennial currents that flowed through tribal life. Some of these currents have not been reversed to this day. African parents occasionally put to death the small of twin babies; within a few miles of Salisbury, victims of tribal execution have been found in recent years, their bodies hideously mutilated. Great numbers of the blacks still prefer the witch doctor to hospital care. Throughout the native areas, there remains a prodigious apathy, and a pathetic resistance, to learning the techniques of modern farming and modern industry. Yet the fact is that white Rhodesians have struggled valiantly to pull the African into the twentieth century.

Rhodesia's record in African education (let Americans compare their own record in Negro education and in Indian education) is especially impressive. In 1928, education was being provided for some 99,000 African school children. Today almost 700,000 are in classes. Rhodesia's annual appropriation for African schools approaches £7 million; the sum represents 11 per cent of the total budget. More than 3,500 primary schools are in operation. Eighty-eight secondary schools house an increasing volume of high school students. One-third of the students in the University College of Rhodesia are African students. For the first time in tribal history, African girls are breaking out of the status to which primitive custom has confined them. Hundreds of young African women are in training as nurses, teachers, and civil servants.

These spectacular advances in African education—far exceeding the educational gains of other African nations—have resulted from a unique partnership of the missions, the European community, and the natives themselves. Some 80 per cent of elementary education still is financed in large part through the missionary work of 32 American, English, and European denominations. It is one of the saddest aspects of the UN's sanctions program that this humane undertaking should be imperiled by the economic war. Even before sanctions, however, the government's direct involvement in African education had been increasing sharply. Almost all urban education now operates through public schools. Parents contribute nominal tuition fees. (The African's school tax, less than one-third of the school tax on white Rhodesians, amounts to about $3 per child per year at the secondary level; full tuition scholarships are available for all Africans who qualify for higher education).

Now, it is conceivable that the 200,000 members of Rhodesia's European community could have made heavier sacrifices, and done even more than they have done. On the surface, it is a plausible criticism that evolution of the schools from a mission system to a public system has proceeded too slowly; in the Western view, probably secondary education should have advanced more rapidly. At the same time, it should be borne in mind that the white Rhodesians, who make up less than 6 per cent of the population, pay more than 90 per cent of the taxes; there is a limit to what they can do. It also should be noted that Rhodesia's educational policies necessarily are geared to education with an employment purpose. As job opportunities expand, educational offerings will expand. Three hundred new secondary schools are planned, but their construction and operation presumably will be slowed by the effects of sanctions upon the Rhodesian economy. Meanwhile, between 20 and 22 percent of the elementary school graduates go on to secondary schools. By 1970, it is proposed to double this percentage.

Rhodesia's record in health services equally gives the lie to talk of "oppression" and "exploitation." The half-million African inhabitants of 1900 have grown to more than 4,000,000. Life-spans have been greatly extended. The control of such endemic diseases as malaria and bilharzia has brought enormous gains in African health. Our three-man mission visited the 750-bed Harari African Hospital in Salisbury. Here a fully integrated staff looks after a thousand out-patients a day, performs 7,000 operations a year, and delivers 7,800 babies. Twenty per cent of the medical students are Africans. The hospital's equipment may be somewhat below the glossy levels of Walter Reed, Johns Hopkins and the Mayo Clinic, but Harari boasts excellent equipment for X-ray therapy, artificial kidney treatment, and the like. On the day of our visit, some $50,000 in new X-ray equipment, purchased from West Germany, was being uncrated for installation. The equipment will figure importantly in hospital care for the African patients. But West Germany will not purchase goods from this supposedly inhumane and racist regime.

With improvements in education and health have come steady gains in employment opportunities. For the past six years, Africans have been moving into Rhodesia's civil service. They now hold about 1,700 of 10,000 classified positions. They are paid on the same scale as white civil servants, and have identical opportunities to qualify for promotion. More than a third of Rhodesia's police are Africans. In a visit to a television station, we observed African technicians and studio personnel. We were told that in mining, manufacturing, banking, and retail trade, Africans are progressing steadily from manual and clerical positions to skilled trades and to proprietorship.

Housing conditions for the African people baffle easy description. The range extends from the most primitive mud huts, through publicly owned hostels and housing projects, to a handful of private dwellings in the $50,000 class. In recent years, the trend has been toward African townships, in which the government's rent subsidy ranges from 40 per cent to 60 per cent of the economic rent. Increasingly, however, subdivisions are developing in which the African family buys its own home with $30 down and 30 years to pay. The tiny cement-block structures, set on tiny plots of ground with a patch of corn in front, might be classed as slums in a progressive American city. But they are an infinite improvement over the mud hut.

Rhodesia's system of land apportionment is a mystifying blend of tribal apartheid, European segregation, and equal opportunity. About 44.2 million acres are set aside for two million Africans. Another 35.9 million acres support 1.6 million Africans and 200,000 Europeans. The rest of the country is divided into permanent public lands, and into unreserved land available to any purchaser. Under a Tribal Trust Land Bill enacted early in 1967, the authority of the chiefs will be somewhat enlarged. Members of the African Opposition in the Rhodesian Parliament were not especially pleased with the bill (land apportionment is a touchy, sensitive issue, but one Opposition spokesman remarked that the plan would provide new opportunities for tribesmen to gain experience in government.

This abbreviated summary of the "oppression" that Rhodesia has imposed upon the African people would be incomplete without some reference to detentions under the Emergency Powers Act, and to restrictions under the Law and Order Maintenance Act. It may also not be amiss to touch briefly upon law and order in Rhodesia generally.

Americans have been much troubled by reports of the detention, restriction, and in some few cases the expulsion of persons identified in the West as "political prisoners" or as "political foes of the Smith regime." Our mission inquired searchingly into the situation. This is the Rhodesian view:

Rhodesia's laws governing detention and restriction are by no means unique. Every African nation has them in some form. The necessity for them was expressed by Kenya's minister of home affairs in a statement last October justifying his refusal to try or to release eight members of the Opposition who had been arrested: "Any government worth its salt must put the preservation of public security above the convenience of a handful of persons who are doing their utmost to undermine it."

By contrast, Rhodesia has not gone so far as to detain or to restrict members of the opposition United Peoples Party. Indeed, we were told, Rhodesia has not acted against any person for wholly political reasons. Those who have been arrested are thugs, arsonists, saboteurs, and terrorists. Many undoubtedly have been Communist influenced or trained and even financed. Almost all of them have been black Africans, preying upon other black Africans. The victims and those endangered by terrorist activity seek and solicit government protection, yet are too terrified of reprisal to be willing to testify in court. Thus, for the protection of the black Africans themselves, it has been necessary for the government to take drastic action.

Two laws have been put to use. The first of these is the Law and Order Maintenance Act, passed in 1962 under the Whitehead government and extended in August, 1966, for an additional two years. During 1966, the number of persons indefinitely restricted under this act ranged from 306 to 444 at any one time. Three restriction camps are in operation, at Sengwe, Sikombela, and Wha Wha; the last of these is used almost exclusively for "soft-core" restrictees who are regarded as most likely to respond to rehabilitation. The second of the two laws is the Emergency Powers Act of 1965, which permits the renewable three-month detention of persons found to be terrorists or collaborators. During 1966, the number of persons detained under this act ranged from 52 to 159 at any one time.

It is time that Western rules of due process of law are not applied in the administration of either act. No writs of habeas corpus are available to those restricted or detained. They are not accorded jury trials, rights of counsel, rights of confrontation, or other protections cherished by Americans and Britons. It is regrettable that this should be true. When public safety permits, we were told, the system will be suspended. Meanwhile, the two acts have served so effectively that terrorism, a serious problem late in 1965 and during part of 1966, has almost ceased. Acts of crop slashing, maiming and poisoning of stock, and the burning of villages now are seldom reported. Public order is being maintained.

These explanations and justifications by the Smith government impressed our mission as both persuasive and convincing. Under existing conditions in Africa, only the misguided idealist would expect a perfect adherence to rules of due process of law. In many Western countries, habeas corpus or its equivalent has been suspended during an emergency. Rhodesia's course of conduct ought to be judged in this light. At the same time, it was our strong feeling that within the context of Rhodesia's necessity, certain judicial forms and safeguards might yet be devised that would tend to put the administration of these laws in a better light. As we understand it, the orders of the Minister of Law and Order, based upon *ex parte* proceedings and ordinarily conducted without even an oral examination of the defendant, are effectively non-reviewable. It would appear that the purposes of detention and restriction could be equally well served if the suspect were notified of the charges against him, given some rights of counsel, and assured that some established court would review the sentence imposed upon him. Such an arrangement would not require the rigid safeguards that now are guaranteed American defendants under the Fourth, Fifth, Sixth and Eighth Amendments of our Constitution, but it would serve to ameliorate some of the criticism now directed toward Rhodesia.

In a nation of more than 4,000,000 persons, however, it seems evident that the laws on detention and restriction have not been grossly abused. The number of persons affected is relatively small. The principal African extremists, including such black nationalist leaders as Joshua Nkomo and the Rev. Ndabaningi Sithole, are under restriction. George Nyandoro, James Chikerema, and Herbert Chitepa are free to foment trouble from Lusaka to Zambia. Nathan Shamuyarira was last heard from in Princeton, N.J. These militants represent a continuing threat to internal order within Rhodesia, especially in combination with the violent exhortations of Radio Zambia, but the problems of terrorism and subversion appear to be well under control.

Other criminal activity in Rhodesia seems equally well in hand. Americans who are familiar with crime rates in the United States, with our high levels of civilization, education, and ancient tradition of law and order, may feel a sense of shame in proposing that our standards of morality and virtue be imposed upon Rhodesia. In 1966, this nation of 4,000,000 largely primitive blacks and 200,000 Europeans reported precisely 156 murders, 195 housebreakings, and 143 other thefts. Only 1,086 crimes were reported in all.

These various notes and observations, coupled with the impressions of our own eyes as we traveled freely throughout Rhodesia, led our mission inescapably to the conclusion expressed at the beginning of this section: Talk of white Rhodesia's "oppression" or "exploitation" of the African is nonsense.

We do not mean by this to express blanket approval of everything we observed in Rhodesia today. While we understand that the sanctions are bound to have some depressing effect upon the Rhodesian economy, and that any government's expenditures in time of war—even economic war—cannot be channeled entirely toward a Great Society, it seemed to us that considerably more might be done toward secondary education among Africans. We are concerned that present trends in multi-racial employment are moving so slowly that the African's opportunities to accumulate capital are excessively restricted. We confess an uneasy impression that some gentlemen who denied apartheid with their lips were inclining toward it in their hearts, though we impute no insincerity whatever to Mr. Smith himself. We also express some reservation toward the pervasive paternalism that looks after the African education, housing, medical care, recreation, and leaves him relatively small areas of personal responsibility. And as we have said, while we understand the unavoidable necessity for the programs of restriction and detention, it still seems to us that additional legal safeguards could be instituted without serious risk to public security.

These reservations to one side, we found throughout Rhodesia every evidence of an amazingly cordial relationship between the races. Especially in rural areas, where white farmers are struggling dramatically to teach modern techniques to their African neighbors, a spirit of good will is apparent. Both the Rhodesian Government and these enlightened white farmers are teaching Africans to farm not merely for immediate subsistence (which was the tribal system) but to produce cash crops through which they can accumulate capital. This work is accelerating, as Africans see the contrast between a field of corn grown by their old methods and one produced under white tutelage. The African is learning, evolving, pushing forward toward his own place in the Rhodesian sun. Without the experience, the capital, the imagination, and the executive know-how of the white Rhodesian, this progress would be utterly reversed. It is toward this destructive end that Britain and the United Nations, in the premature and fetishistic name of "one man, one vote," have dedicated their course of action.

V

Why the sanctions? Why have these unprecedented decrees been imposed upon Rhodesia? The sad chronology of events merits review and examination, if only to permit some speculation upon the worst and the best developments that may come in the months ahead.

Rhodesia's story begins in 1890, when a company of 180 pioneers and 500 police, known as the Pioneer Column, marched north from Kimberley, established Fort Victoria, and raised the British jack at Fort Salisbury. Under the aegis of the British South Africa Company, these pioneers subdued the invading and warlike Matabele, made peace with the Mashona, and embarked upon the formidable task of bringing civilization to a barbaric land. By 1922, it was possible for the developing country to consider a changed political status. A proposal was advanced that Southern Rhodesia be annexed to the Union of South Africa, but this was voted down in a referendum, and Rhodesia in 1923, by her own choice, became a self-governing colony under the Crown.

The 1923 Constitution reserved two areas of public affairs to the Crown, and left all else to the people of Rhodesia. One of these areas, on which there was never dissent, had to do with foreign policy and external affairs. The other provision reserved to the Crown a veto power over internal legislation concerning the rights of the indigenous population. For a span of 40 years, these latter "reserved clauses" aroused no dissension either. The veto power never was exercised.

Rhodesia forged ahead under self-government. Her people developed loyalties and allegiance to their own burgeoning country. They created their own army, air force, and civil service. And just as there are Canadians, New Zealanders and Australians within the Commonwealth, so the permanent white residents came to regard themselves as Rhodesians. Their ties to the Crown were affectionate in spirit but tenuous in law. For all practical purposes, they viewed their country as a wholly self-governing dominion.

In 1953, in a mood of cooperation that later came to be regretted, Southern Rhodesia entered into federation with Northern Rhodesia and Nyasaland. Within a few years, it became apparent that the federation could not last. African nationalism was rampant within the two other members. The end came when Nyasaland seceded. Northern Rhodesia followed. The federation dissolved on December 31, 1963.

Meanwhile, in July of 1961, Southern Rhodesians were asked to vote upon a new territorial Constitution. The understanding, proclaimed officially by Whitehall, could not have been more clear: The new Constitution would continue all of the self-governing provisions of the 1923 Constitution; it also would eliminate "all the reserved powers at present vested in the Government of the United Kingdom save for certain matters set out in Paragraph 50."

Paragraph 50 provided that Rhodesia would be free "to make amendments to any section of the Constitution without reference to the United Kingdom, with the exception of amendments that would affect (a) the position of the Sovereign and the Governor, and (b) the right of the United Kingdom Government to safeguard the position regarding international obligations and undertakings given by the Government of Southern Rhodesia in respect of loans under the Colonial Stock Acts."

On these positive assurances and understandings, the people of Southern Rhodesia voted overwhelmingly for the 1961 Constitution. (In passing, it should be noted that it was at this time as a quid pro quo that the system was created by which 50 seats in Parliament would be chosen by "A" roll voters, and 15 seats would be chosen by "B" roll voters, thus assuring African representation within the legislative body.) But to the astonishment of the Rhodesian people, in November of 1961, when a bill was introduced in the House of Commons to implement the new Constitution, the Under Secretary of State for Commonwealth Relations announced that Great Britain unilaterally had added a "few minor points which were not mentioned in the White Papers." These few minor points included a section providing that "full power and authority is hereby reserved to Her Majesty by Order in Council to amend, add to or revoke the provisions of Sections 1, 2, 3, 6, 29, 32, 42 *and this Section*" (Italic supplied).

In Salisbury, the imposition of this new section was viewed as a "flagrant and immoral act of fraud and betrayal." Rhodesia had agreed to the new plan of "A" and "B" seats in her Parliament in order to be rid of the old reserved clauses of 1923. But here the reserved clauses returned with a vengeance. And now it seemed evident, by reason of changing political winds throughout the Commonwealth, that Rhodesia could expect Whitehall to exercise powers of internal domination for the first time in Rhodesia's history.

With dissolution of the federation, Great Britain granted complete independence to Nyasaland (now named Malawi) on July 6, 1964, and complete independence to Northern Rhodesia (now named Zambia) on Oct. 24, 1964. Southern Rhodesia began to seethe with impatience and frustration. The British Government denies that there was any commitment, moral or otherwise, that Southern Rhodesia also would be granted complete independence at this time. In Salisbury, the feeling was quite different.

A series of conferences led to a hope for peaceful resolution of the situation. Sir Alec Douglas Home, then Prime Minister of Britain, indicated that if Rhodesia's Prime Minister Ian Smith could show that a majority of all the population of Rhodesia favored independence under the basic provisions of the 1961 Constitution, some progress might be made.

In the autumn of 1964, an effort was made to provide these assurances. The tribal chiefs, and headmen, as the acknowledged leaders of more than 60 per cent of the African population, held a four-day "indaba." At its conclusion, on October 26, they voted unanimously in favor of this independence plan. A week or so later, the registered voters concurred overwhelmingly—the vote was 58,176 to 6,101—in favor of the proposition.

These demonstrations proved unavailing. The government of Great Britain, under increasing pressure from African members of the Commonwealth, now scoffed at Rhodesia's tribal chiefs as mere puppets of the white regime. The expression of opinion was brushed aside as inadequate and unsatisfactory. Independence was denied, and it was indicated that nothing would suffice short of a new Constitution assuring prompt transition to African majority rule. White Rhodesians, keenly aware of the bloody chaos that had come elsewhere in Africa with the premature grant of power to unready Africans, could not possibly accept this demand. After another series of frustrating conferences ranging over a ten-month period, the government of Ian Smith unilaterally declared Rhodesia's independence on November 11, 1965.

Great Britain at once invoked economic war against Rhodesia, froze Rhodesian assets in British banks, and obtained from the United Nations two resolutions of support for voluntary sanctions. Following the Conference of Commonwealth Prime Ministers at Lagos in January of 1966, at which many of the African spokesmen vociferously demanded force, Great Britain increased its pressure to include an embargo on oil. In April, with UN approval, British vessels blockaded the port of Beira in a naval action that once would have been regarded as an act of war against Portugal. Within Rhodesia, the people began to go it alone.

Prime Minister Wilson had anticipated that his program of sanctions would bring Rhodesia to her knees "in a matter of months, if not of weeks." His prophecy proved unfounded. It shortly became apparent that these measures would not succeed. A new series of informal talks followed, in which new possibilities were developed for peaceful settlement based upon six principles land down by the British Government. At 11:15 o'clock on the morning of Friday, December 2, Prime Ministers Wilson and Smith met aboard H.M.S. *Tiger* at sea off Gibraltar.

Subsequently, both the Rhodesian and the British government issued white papers reporting upon the *Tiger* negotiations. Though the accounts naturally differ in tone and emphasis, they are remarkably in accord in their description of the hard bargaining that resulted in a Working Document. Prime Ministers Wilson and Smith, accompanied by a few key advisors, went at the task of negotiating an agreement with a fierce tenacity. Each side yielded something toward a compromise settlement. An entirely new structure of Rhodesian government was devised.

Under this plan, instead of the present 50 "A" roll and 15 "B" seats, the Parliament would have been reconstituted with a House of 33 "A" roll seats, 17 "B" roll seats, and 17 European reserved seats. In addition, the plan proposed a new Senate, to be formed of 12 white members, eight elected Africans, and six tribal chiefs. The franchise was to be extended immediately, through the "B" roll, to an additional 500,000 African men and women over the age of 30. An intricate system of cross-voting between the rolls, intended to give the African voters still greater potential power, was to be continued. The Smith government agreed to a plan by which the African population would be permanently protected against retrogressive amendment of the Constitution. Two Royal commissions were to be created, one to make a general study of racial discrimination, the other to test the acceptability of the constitutional proposals to the Rhodesian population as a whole.

These several provisions, which Prime Minister Smith was prepared to accept, would have fully satisfied the six priniciples laid down by Britain. The African would have been guaranteed immediate political advancement; he would have been protected against retrogressive constitutional amendment in the future; he would be assured of unimpeded progress toward majority rule. The *Tiger* agreement contained other concessions on Rhodesia's part, dealing with detention, restriction, and censorship. For its part, the British Government yielded on several points having to do with the structure of the Rhodesian House and Senate, and also pledged its best efforts—once a legal condition of independence had been secured—to see that normal trade was restored.

To the outside observer, the proposed constitutional changes seemed to be very models of the bargaining process—fair, reasonable, and responsible. They were acceptable to

Her Majesty's Government. They were equally acceptable to the Rhodesian government. Why, then, did the talks collapse?

Two reasons have been advanced. The first of these arises from the peremptory tone, amounting to an ultimatum, in which Prime Minister Wilson demanded Rhodesia's acceptance of the package as a whole. During the eighth and final session aboard the *Tiger*, Mr. Wilson berated Mr. Smith for his refusal to commit his government to the agreement. The British Government, he said, "were not prepared to be pushed around." Mr. Smith was "free to embark on his aircraft whenever he wished; but in that case the proposed settlement would be withdrawn and the British Government would tell the world where they stood." For his own part, Mr. Wilson had come to Gibraltar with full powers to sign a final agreement; he could not understand why Mr. Smith could not commit himself on the spot. Mr. Smith steadfastly insisted upon consulting his associates in Salisbury. The two leaders parted on the worst of terms. Britain's final demand (this was at 1 o'clock Sunday morning, December 4) was that Rhodesia give a final answer by 10 o'clock Monday morning, December 5.

Britain's defense for this summary timetable is that the U.N. Security Council was about to meet in New York; the Rhodesian question was scheduled for debate; it was imperative that decisive action be taken. Moreover, the Commonwealth Ministers had been promised that Britain would seek further measures at the U.N. "by the end of the year" if the question of Rhodesia's independence had not been brought to a satisfactory resolution.

Whatever Britain's reasons may have been, the brusque demand for a yes-or-no reply on so short a notice caused much resentment in Salisbury. There it was felt that Mr. Smith had conceded a good deal, but perhaps not too much; the whole complicated business needed some reflection and looking at; it ought to be examined with some deliberation. A few hours were not enought for so grave a matter. Mr. Smith himself had been through a grueling three days aboard the British vessel; he had just made a long flight back to Rhodesia; his own temper, we may surmise, was badly frayed.

But the rudeness of Mr. Wilson and the terms of the ultimatum constituted only the first of the two reasons for Rhodesia's rejection of the *Tiger* agreement. The second and more significant body of objections arose from the insistence of the British Prime Minister on what was termed by the English a "return to legality." Procedures for this so-called "return to legality" were contained in Part III of the Working Document. Remember that Rhodesia has been virtually independent for many decades—that, while England had reserved certain veto and control rights, they had not been exercised. In the face of this, the Rhodesians were now to be required to throw themselves wholly on the mercy of England.

Under the terms of Part III, the existing Rhodesian legislature was to be dissolved, and legislative powers invested in a Royal Governor who would act "on the advice of Ministers except in those cases where he is empowered to act in his own discretion." No later than four months from the date of dissolution of the legislature "and on the assumption that the test of acceptability . . . will have been completed in that interval," new elections would be held. Meanwhile, Mr. Smith would be invited to head an interim broad-based government, but this interim government would have to include five independent members and Africans. "This government will be appointed by the Governor in his discretion."

Part III went on to emphasize that the Royal Governor would be responsible, during the interim period, "for the maintenance of law and order and the protection of human rights." The Governor would exercise these powers as "Commander-in-Chief of the Defence Forces." Moreover, before any testing of opinion was carried out, censorship would have to be removed and a Royal Commission would have to review the cases of persons kept under restriction or detention. If the constitutional changes were found to be acceptable to the people of Rhodesia as a whole, "the British government will at the earliest possible date introduce the necessary legislation to grant independence to Rhodesia on this basis, and will commend this legislation to Parliament." But if the changes were found to be unacceptable, "the two governments will immediately confer together to consider what steps should be taken to devise alternative proposals for an independence constitution." Finally, Part III provided that not until legal government was restored would the British government "take all action in their power to bring about an immediate discontinuance of the economic and other sanctions at present in force."

The Rhodesian cabinet found Part III utterly unacceptable. In the view of Mr. Smith and his ministers, these provisions amounted to nothing less than absolute surrender. They would have abandoned their legislature; they would have yielded ultimate control of their own police and armed forces to the Royal Governor in any matter involving "the maintenance of law and order and the protection of human rights." The duration of an interim period was not fixed at four months precisely; it was four months indefinitely, or contingently, and subject to certain assumptions that were left to the Royal Governor and to Royal Commissions. For the first time in its history, Rhodesia would be subject to active British rule. There was no guarantee that independence could ever be achieved; there was no more than a promise that it would be talked about.

On Monday, December 5, Rhodesia advised Britain of its rejection of the *Tiger* proposals. The British government thereupon withdrew all the proposals it previously had advanced and accepted, and announced that no solution hereafter would be acceptable which would grant independence prior to majority rule.

On December 7–8, the House of Commons debated and adopted the Labour Government's motion to seek mandatory sanctions through the United Nations. Speaking in opposition, Reginald Maulding sadly remarked that he feared Rhodesia is a problem "which could become for us what Algeria was for France." If it is a fact, he added, that from now on there is no prospect of a settlement with independence before majority rule, "it is for people in Rhodesia a fight to the finish. Let us face that."

VI

Debate on the Rhodesian question got underway before the UN's Security Council at 5 P.M. on December 8. It concluded on December 16, with the Council's adoption of Resolution 232. Rhodesia's request to be heard in her own defense was "mislaid" and strangely was not discovered until three weeks later.

Speaking in support of Britain's draft resolution on sanctions, Foreign Minister George Brown said that by reason of her illegal declaration of independence, Rhodesia had created acute dangers to peace and stability in the whole region of Central and Southern Africa. A small group of reckless men had provoked a situation fraught with great and growing danger of interracial strife and bloodshed. The matter could not be left to deteriorate. Not only the stability and progress of Rhodesia's immediate neighbors were at stake, but also the maintenance of international peace and security.

Some critics of British policy, Mr. Brown continued, took the position that sanctions would not suffice, and that force should be employed. He had made his Government's position clear in the past, and would add but one word: We all know from experience that it is easy to start to use force, but often very difficult to see just where it will lead or how it will be possible to control or stop it. The proposed economic sanctions would have an immediate and telling effect. He urged their prompt adoption and full support.

Mr. Kapwepwe, speaking for Zambia on December 9, charged Britain with duplicity. He was more than ever convinced that the solution to the Rhodesian question has been purposefully delayed by the United Kingdom Government. The talks between Mr. Wilson and Mr. Smith were a wicked scheme to sell out the African majority. Publication of the *Tiger* proposals had openly exposed Britain's collusion with a racist minority regime. World opinion would now hold the Wilson Labour Government criminally responsible for the denial of freedom, independence and self-determination to the people of Zimbabwe. He asked if this new Wilson stratagem was merely a face-saving device? Or was it the final act in a plot to sell out the African majority of Southern Rhodesia and to destroy Zambia's economy? In Zambia's view, force is still "the only sure solution."

British policy in Southern Africa, Mr. Kapwepwe continued, is one of abominable dishonesty; it is a two-face policy, a policy guided by chronic selfishness. The United Kingdom Government "is asking us to be subhumans in the land of our birth; it wants us to accept death like cattle sent to the slaughterhouse."

The delegate from Mali, Mr. Keita, took the same position. Britain was acting "with clever hypocrisy and in accordance with a cynical and premeditated plan." It was engaged in diabolical calculations of self-interest. No one should be deluded by the monstrous farce of the British. As for Mali, "We shall always insist that the use of force is the only means to overcome the rebellion in Southern Rhodesia; to try to claim the opposite is truly nonsensical."

The delegate from India, Mr. Parthasarathi, concurred: "My delegation has always held, and continues to hold, that the only really effective method is the use of force."

The delegate from Bulgaria, Mr. Tarabanov observed that "if we wish truly to solve the problem in Southern Rhodesia, effective measures must be taken, including the use of force by the United Kingdom under the auspices, if necessary, of the United Nations."

The delegate from Nigeria, Mr. Adebo, said that "we believe and have always believed quite firmly that force would be essential to bring about the downfall of the racist regime."

The delegate from Jordan, Mr. El-Farra, noted that if the mandatory sanctions fail in this purpose, "the only alternative is resort to force, and that we have been advocating all along."

The delegate from Senegal, Mr. Thiam, felt that Britain was engaged merely in trickery in asking for sanctions: "It should put down the rebellion by its own means, as France did in Algeria. The use of force appears to us to be the only means of solving the Rhodesian problem."

Other peace-loving members of the United Nations, including the delegate from the Soviet Union, denounced the Rhodesian regime for its denial of democratic rights. Ambassador Goldberg spoke at some length for the United States.

In the view of the U.S., he said, the sanctions are necessary in order to drive home to the illegal regime that the international community will not tolerate the existence of a discriminatory system based on minority rule in defiance of the United Nations and its principles. A century ago, the United States had rid itself of the political principle of racial superiority. It should not be necessary for him to emphasize that what could not be accepted by the United States in the mid-nineteenth century surely cannot be accepted by the international community in the late twentieth century.

Mr. Goldberg acknowledged that some persons would ask why it is proper to impose mandatory sanctions in the case of Rhodesia, but not in other cases. The Rhodesian situation, he thought, contains a number of unique elements: It involves the seizure of power by a minority bent upon subjugating a vast majority on racial grounds. It presents a dangerous and inflammatory threat to peace. In any event, it is an unhappy fact, which we must recognize, that some situations exist in the world in which the Council has been unable to act effectively. "Here is a situation in which we can act . . ."

The British draft resolution was amended to add a prohibition against the shipment of oil or oil products to Rhodesia. The council then adopted the resolution by a vote of 11–0, with four abstentions. The favorable votes were cast by Argentina, China, Japan, Jordan, Netherlands, New Zealand, Nigeria, Uganda, the United Kingdom, the United States, and Uruguay. Those abstaining were Bulgaria, France, Mali, and the Soviet Union.

During the course of the Security Council's debate, a considerable volume of press comment in the United States was directed toward the legality, and toward the wisdom, of the UN resolution.

Article 33 of the UN Charter establishes the procedures that must be followed by "the parties to any dispute, the continuance of which is likely to endanger the maintenance of peace and security." These procedures include negotiation, enquiry, mediation, and conciliation. The Security Council, when it deems necessary, is required to call upon the parties to settle their disputes by such means. None of these procedures, however, was invoked in the dispute between Britain and Rhodesia, apparently upon the reasoning that Rhodesia was not a state, and hence could not be a "party to any dispute."

The other side of that proposition is that Rhodesia must therefore be a colony subject to the jurisdiction of Great Britain. Yet if this were so, Article 2, Section (7) would apply. This says that "nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state . . ." (France adopted this view in abstaining, that the Anglo-Rhodesian dispute was an essentially domestic issue, and thus beyond the authority of the Security Council.)

Russia also abstained in the final vote, though for other reasons. (The delegate of the USSR explained his abstention on his disappointment at defeat of certain severe amendments sought by the African bloc.) Thus two of the Council's permanent members did not register affirmative votes on the resolution. Chapter V, Article 27, Section 3 of the Charter, provides that decisions of the Security Council on all matters, other than procedural, shall be made by an affirmative vote of nine members, *including the concurring votes of the permanent members.*

The resolution nevertheless was declared adopted pursuant to the provisions of Article 39, empowering the Security Council to determine when a threat exists to international peace and security, and to take appropriate action against such a threat. Yet it would be supposed that any such determination would involve, at the very least, a meticulous investigation into the facts. Such a solemn finding presupposes convincing evidence of hostile and aggressive acts. No such investigation ever was undertaken, and no such evidence was gathered. No such evidence exists.

Dean Acheson, former Secretary of State and an acknowledged authority on international law, discussed some of these points in a letter to the Washington *Post* on December 11. The *Post* had published an editorial commenting, in part, that "whatever the Rhodesians have done has been wholly within their own country and contains no element of aggression." Nevertheless, the *Post* felt that "the white minority's transgressions" could not be ignored.

"Transgressions against what?" Mr. Acheson inquired. "What international obligations have they violated? International law does not proclaim the sanctity of Britain's dominion over palm and pine. Certainly we Americans are in no position to declare it—we who conspired against British power in America and not only threatened but shattered international peace to achieve our independence. Furthermore, the British government has conceded since 1923 that Rhodesia is not only self-governing but responsible for its own defense and security. Therefore, to assert *de jure* as well as *de facto* independence is not a transgression.

"Certainly, Rhodesia's voting laws and systems of popular representation in its legislature are not contrary to any international obligation. The one man, one vote deduction from the Fourteenth Amendment is not recognized in international law, as our friend King Fasial of Saudi Arabia can testify. Indeed, the present system in Rhodesia, broadly speaking, has been in effect and regarded with complacency in Great Britain for nearly half a century.

"You quite rightly observe that this system operates entirely within the boundaries of Rhodesia and affects no one else. In such a situation the UN Charter is plain. Chapter 1, Article 2, Paragraph 7 provides unequivocally that the United Nations shall not intervene in matters which are within the internal jurisdiction of any state. The United Nations evades this simple command by reasoning worthy of the Red Queen in *Through the Looking Glass.* One has to follow it closely. Rhodesia, in doing what the UN has no jurisdiction to forbid, annoys African members to the point where *they* may transgress against the First Commandment of the UN. (Chapter 1, Article 4): 'All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.'

"Since Rhodesia, by doing what it has always done and with which the United Nations cannot constitutionally interfere, incites less law-abiding members to violate their solemn obligation not to use force or the threat of force in their international relations, Rhodesia becomes a threat to the peace and must be coerced.

"If this reasoning leads the reader to ask Mr. Chanler, 'Who's loony now?', don't blame Rhodesia; blame the Security Council and Harold Wilson."

Walter Lippmann, dean of American commentators on foreign affairs, also objected strongly to the action of the UN in adopting Britain's resolution.

"This is surely a most extraordinary way to suppress a rebellion against the sovereignty of an imperial power," Mr. Lippmann remarked. "At any other time a rebellion like that in the Rhodesian capital of Salisbury would have been put down by British troops, or if the troops were unable to put it down, the independence of the Rhodesian government would have been recognized by a treaty of peace. But what has actually happened is that the Wilson government did not feel strong enough to suppress the rebellion, or was afraid that the British voters would object if it tried. In any event, the Prime Minister of Great Britain assured the rebel government that it would not be suppressed. Having given up the game at the outset, Mr. Wilson has been trying ever since to win the game by harassment and threats and bluff and other devices. . . . Mr. Wilson has, of course, failed . . .

"The plea to the United Nations to use force against Rhodesia is a disservice to the United Nations. Mr. Wilson is asking the UN to do what it was never meant to do, what it is not organized to do, and what it cannot do."

A number of members of the Congress joined the press in these objections to the imposition of sanctions, but their voices were unavailing. On January 5, President Johnson issued Executive Order 11322, extending the prohibitions of the UN resolution to all persons subject to the jurisdiction of the United States. Mr. Johnson cited as his authority "the authority vested in me by the Constitution and laws of the United States, including Section 5 of the United Nations Participation Act of 1945." On February 28, the Treasury Department issued a supplementary regulation through the Office of Foreign Assets Control, further inhibiting U.S. commerce with Rhodesia and directing attention to Section 5(b) of the UN Participation Act; this section provides for a fine of up to $10,000 and imprisonment for not more than ten years for willful violation or evasion of the President's order.

We are not here raising the question of the President's authority to issue the order referred to. Nor do we intend any criticism of the UN Participation Act which gave him this authority. We are concerned with the position which the United States took at the UN itself when the resolution on sanctions was presented.

VII

In all the multiple ironies of the Rhodesian affair, perhaps nothing is more ironical than the active help and encouragement given to Great Britain in this venture by the United States of America. The Declaration of Independence proclaimed in Salisbury on November 11, 1965, was unusual but it was not unprecedented within the British Empire. The last preceding such resolution was proclaimed in Philadelphia in July of 1776. The English colonies that then declared themselves free and independent states were to adopt a Constitution in 1788 specifically permitting Negro slavery. Thereafter, the States were to establish an appalling record of treachery, genocide, and discrimination in their treatment of the Indian. A right of franchise, regardless of race, was not to be assured in the United States until 1869. The right of women to vote was not to be guaranteed until 1920. The principle of "one man, one vote" was not to be judicially recognized until *Baker* v. *Carr* in 1962. In some areas of the American South, discrimination against the Negro voter exists so significantly, to this day, that Federal examiners have had to be assigned in certain counties and parishes. How remarkable it is that the United States of America, in the light of this history of two centuries of revolution and evolution, should align itself with Great Britain in a punitive course of action predicated upon Rhodesia's failure in 70 years to attain a democratic society!

There is more. In pursuit of its policy to oppose Communist expansion throughout the world, the United States in 1961 sought the help of its friends in enforcing an embargo upon the sale and shipment of strategic goods to Communist Cuba. Great Britain coolly refused to assist the United States in this regard. The United States has committed itself to full-scale war in Vietnam. Great Britain has declined to assist this effort in any way. Meanwhile, tiny Rhodesia sturdily and persistently has pursued a policy of stout anti-communism. She has been a small but good friend to the United States. One is inclined to ask, What price friendship?

The basic charge against an independent

Rhodesia, as we have remarked, arises from her purported oppression of the black majority, and especially from the absence in Rhodesia of a system of majority rule. On the basis of our own observations, the charge is groundless. The African Rhodesian, far from being oppressed or exploited, is benefiting immensely from schools, medical services, employment opportunities, and internal security. The franchise laws of Rhodesia are non-racial; they are based upon considerations of literacy and property which have an ancient and respectable history within the United States. Under the constitutional changes accepted by Mr. Smith in the *Tiger* negotiations, majority control of the Rhodesian Parliament would be vested in the African people within a generation.

Upon the unproved and bizarre theory that a peaceful Rhodesia is a threat to international peace, the United Nations imposed mandatory sanctions for the first time in its 21 years of existence. In taking this action, the Security Council trampled upon the UN Charter and made a travesty of its own supreme law. By general agreement of most observers (including the envious and hostile African observers), the sanctions will not succeed in their announced purpose; they will not bring the Smith government to its knees. If this prophecy should prove correct, the impotence of the United Nations will stand vividly revealed. The melancholy chronical of the old League of Nations offers a benchmark in history by which the fate of impotent international organizations may be charted.

Assuming the failure of the mandatory sanctions, what then? Force? By Great Britain alone? The Labour government would invite its own dissolution. Well, then, by a police force bearing the flag of the United Nations? It cannot be seriously supposed that public opinion within the United States, let alone within many European nations, would support an aggressive war by the UN against Rhodesia—especially if such a war promised to involve Portuguese Angola and Mozambique, and South Africa, upon Rhodesia's side. As Mr. Lippmann has remarked, "the United Nations has no more force than the force which its strongest members will provide themselves or will approve of."

The unjust and foredoomed policies of Britain and the United Nations cannot be permitted to continue indefinitely. What is needed, in our view, is a fresh effort toward reconciliation along the lines of the *Tiger* proposals. Here a foundation was laid in December of 1966. It ought not to be abandoned in the spring of 1967. Britain's flat pledge that she would not hereafter consent to any plan of independence before majority rule was a mistake. Common sense tells us that mistakes ought to be corrected; they ought not to be entrenched. It may be that Rhodesia's distrust of certain proposals as to an interim period was excessive. Means must be found for relieving this distrust, and for devising substitute machinery for achieving a peaceful settlement. It is our hope that our own Government will take the lead by offering its good offices in an attempt to make sound and practical sense out of a situation which has been permitted to deteriorate into an apparent stalemate.

Rhodesia's wise and thoughtful adherence to policies of evolutionary development can be of immense value to a world that is wrongly obsessed with the notion of *instant* achievement. It simply is not true that a largely primitive society can be transformed into a politically mature society in the fashion of instant coffee or instant rice. So complex and difficult an effort takes time above all else—time, and patience, and goodwill. This is what Rhodesia asks. And it is wrong, shamefully wrong, that the most enlightened nations of the world, having achieved their own status through evolutionary means, should have imposed upon Rhodesia anathema instead.

THE DAIRY IMPORT ACT OF 1967

The SPEAKER pro tempore. Under previous order of the House the gentleman from Wisconsin [Mr. LAIRD] is recognized for 5 minutes.

Mr. LAIRD. Mr. Speaker, due to the printer's typographical error contained in my bill, H.R. 7021, which changed the sense of section 6 of that bill, I have today introduced a corrected version, H.R. 8537, of the Dairy Import Act of 1967.

In my original bill, H.R. 7021, the word "purchased" was contained in the final printed version instead of "packaged." As a result, the language was subject to misinterpretation.

The corrected bill, H.R. 8537, which I have introduced today straightens out the confusion which the typographical error gave rise to in section 6.

Mr. Speaker, if prompt and immediate action is not taken by the U.S. Tariff Commission to restrict the growing flood of dairy imports, I hope that the Ways and Means Committee will schedule early hearings on H.R. 8537 so that our dairy farmers can begin to share in the prosperity that other segments of our Nation are enjoying.

WORK OF THE URBAN LAND INSTITUTE

The SPEAKER pro tempore. Under previous order of the House the gentleman from Maryland [Mr. MATHIAS] is recognized for 10 minutes.

Mr. MATHIAS of Maryland. Mr. Speaker, it is generally recognized in America that the problems of our cities are among the most compelling that face our Nation today. The resources of government are admittedly taxed to or beyond the full extent of their capacity to cope with the existing problems of the greater metropolitan areas, not to mention the planning and research necessary for the future. Obviously, government alone cannot and will never entirely solve the problems of our cities.

It is encouraging to me to follow the work of private organizations which are providing the initiative, the experience, and the know-how in helping to solve the problems which plague our American cities. One of the outstanding groups of private businessmen who are applying themselves with dedication, experience, and enthusiasm is the Urban Land Institute.

At this time the Urban Land Institute is not only intensively studying the problems of America, but is preparing to extend its resources and investigations to other parts of the world where there are related internationally known projects. In an objective manner, Urban Land Institute will sponsor an international panel under the leadership of a distinguished Maryland developer and builder, Willard G. Rouse, of Baltimore, who is chairman of the Community Builders Council of the Urban Land Institute.

In order that this important institution and its work may be better known to Congress and the country and in order that the significance of its special projects and tours may be fully recognized and appreciated, I am enclosing a short summary of the activities of the Urban Land Institute:

SUMMARY OF ACTIVITIES OF THE URBAN LAND INSTITUTE

Urban Land Institute is an independent, non-profit research organization founded to promote the better planning and development of urban areas. *The Institute studies, analyzes and reports on trends which influence the development and use of our land. Its realistic approach has made it one of America's highly-respected and widely-quoted sources of information on urban land problems.*

Urban Land Institute is not a trade association, publishing house, or consulting firm that prepares city and regional plans or makes engineering surveys and market studies.

The results of ULI studies are disseminated through regular publications and special reports.

A major means by which ULI reaches the practical and realistic aspects of its objectives is through the work of its three Councils: the Central City Council, the Community Builders Council and the Industrial Council.

The Institute derives its financial support through membership, panel studies, sale of publications, and sponsored research.

CENTRAL CITY COUNCIL

The 25 sustaining members of Urban Land Institute who head the Central City Council are men dedicated to solving problems besetting the central areas of American cities. They are men with a vital interest in all phases of sound urban growth and development—men who have practical knowledge about the replanning and rebuilding of our cities and the trends affecting the use and value of downtown property. They come from the fields of merchandising, finance, economics, mortgage lending, real estate, transportation, investment, engineering, building management, urban planning and redevelopment.

These men devote their time and energies to the Council because of their concern with the cause of promoting sound urban growth and their belief that "there is no problem in any city that cannot be solved if citizens of good will join together to solve it."

By holding meetings periodically to analyze recent experiences, the Council is able to chart new procedures for dealing with the problems affecting the central cores of our cities. Council members are frequently called upon to undertake special Panel studies which put the stethoscope of practical experience on the heart of a particular American city. These Panel Studies have made major contributions in changing the face and recharting the future of large cities like Detroit and Philadelphia, medium size cities like Peoria and Grand Rapids and small towns like Mooresville, North Carolina and Bratenahl Village, Ohio.

COMMUNITY BUILDERS COUNCIL

The Community Builders Council serves as a forum for those men who have built this nation's great suburban communities and who have created those merchandising complexes where suburban America shops. Guiding the Council's internationally famous activities is an Executive Group of 25 topflight land developers, home builders, mortgage lenders, real estate counselors, and shopping center owners.

The Council fosters those principles of community development which insure more permanent, attractive, and stable residential and commercial areas. They have advocated and fought for comprehensive zoning and planning procedures which would insure this stability.

The CBC disseminates its knowledge in a number of ways. Its Community Builders Handbook is the standard text and how-to-do-it book in the field of community development. The Dollars and Cents and Operation Shopping Centers put down on paper fiscal bench marks and the expertise shopping center members have learned by experience. Bulletins on marinas, golf course subdivisions, hillside lots, patio houses, apartments, and taxation keep those affiliated with the Council abreast of "what's current and what's correct."

Through its unique thrice yearly *Plan Analysis Sessions,* sustaining members may submit shopping center and community development project plans for expert review and practical advice from the Council's Executive Group.

INDUSTRIAL COUNCIL

This Council draws its membership from business leaders concerned with the proper utilization of land by industry. It operates around an Executive Group of 25 policy-level executives of progressive companies who contribute time and energy to Council activities. They are selected from manufacturing, transportation, light and power, design and construction, finance, and industrial real estate. Each has a personal interest, a business interest, and a broad public interest in developing practical information and formulating basic principles for sound industrial land-use planning and development. Review and advice on industrial development projects are available to sustaining members at semi-annual seminars of the Council.

The Industrial Council is concerned with:

The relationship of industry to community growth;

The impact of automation and technological advances on industrial land uses;

Industrial zoning;

Plant location;

Planning, financing, development, and management of industrial districts;

The relationship of transportation facilities to industrial location;

Industrial redevelopment;

Industrial tax obligations to the community; and

The community's obligations to industry.

PANEL STUDIES

Through its three Councils, the Urban Land Institute performs one of its major services—Panel Studies. These forthright on-the-scene evaluations provide communities with an objective, dispassionate chart of their current health and future prospects.

Panel members may be selected from one, two or three of the Councils depending on the nature and scope of the problem. Panel Sponsors have been cities, counties, municipalities, planning commissions, chambers of commerce, area development associations, downtown business groups, or individuals and corporations with important private projects.

The technical staff of the Institute assists the Sponsor with the work of assembling basic data, exhibits, and other needed information for study by the Panel. The Panel then visits the city and remains there for a specified number of days. During this time it makes an intensive investigation of the community's financial, economic, social and physical characteristics and analyzes the problems on which the Sponsor has requested advice.

After completing its deliberations, the Panel meets with the Sponsor to present an oral report of its findings, conclusions and recommendations and to answer such relevant questions as may be presented. The extent to which this session is private or becomes an open public meeting is controlled entirely by the Sponsor. A written report, forming a permanent record of the Panel's work, is subsequently prepared for the Sponsor's use.

COOPERATION WITH LATIN AMERICA

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. ABBITT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. ABBITT. Mr. Speaker, I wish to applaud the principle of cooperation with our Latin American neighbors and hope that President Johnson's work at the Punta del Este Conference will be productive of both good will and positive benefits to all the people of this hemisphere. I must emphasize "all the people of this hemisphere," however, and make it clear that I include the citizens of the United States within my meaning.

Last week, the House was asked to give formal endorsement to a resolution which proposed that the United States commit itself to pay the costs of economic transition for Latin American nations into a common market—a common market, that is, in which the United States is not to be a partner. I would not prejudge the merits or demerits of U.S. participation in such a common market, but I would warn against giving hasty endorsement to such ideas without a full investigation into their effects. Insofar as I am aware, no such investigation has been held. I view rejection of the resolution by the Senate as sustaining the position of those of us in the House who voted unsuccessfully against the measure.

I can say without further investigation that I do not believe the people of the United States will benefit from the other idea contained in the resolution that U.S. taxpayers commit themselves to a guarantee of long term aid in increased amounts. Latin American neighbors have complained for some time that our aid must be increased to meet their needs. They have also stated the necessity of our giving up the voluntary—year-to-year—aid commitments in favor of the long-term guarantee. If I were a Latin American recipient of this aid, I would consider this a fine position to take, but I represent the American people, and it is for them a very poor position. I hope that President Johnson will not offer the financial assistance for the common market until a thorough investigation of its effects is made. I also hope that he will offer at this time neither the increased aid nor the long-term guarantee.

I sincerely hope that our economy remains strong, but I would hate to be faced with a recession and have to deliver American funds under treaty terms when my own people were facing financial distress. In fact, I am concerned over the amount of aid presently disbursed when our people have an ever-growing, burdensome national debt and a proposal that their tax rate be increased by 6 percent.

While not a part of last week's resolution, I would also warn against the request of some Latin American leaders that they be permitted to spend U.S. aid funds for products of American nations other than the United States. I would not want to see us agree to such a proposal until our balance-of-payments problem is solved. At that time, I think a review of the question would be in order.

Again, let me make it clear that I wish to cooperate with other members of the Organization of American States in strengthening the national economies in this hemisphere, but I also want to make it clear that the interests of the people of the United States must be considered at least on the same footing with the interests of other people, especially since they are asked to make the sacrifices which pay the bills. This is what prompted me to offer the above remarks. I certainly hope that the President will be guided by such considerations in the negotiations now under way at Punta del Este.

ECONOMIC OPPORTUNITY LOAN PROGRAM

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MULTER. Mr. Speaker, I would like to comment on the Small Business Administration's economic opportunity loan program which recently was broadened in scope and expanded so that it is now available nationwide.

SBA Administrator Bernard L. Boutin has been keeping Congress informed on the progress of this program. I have been most impressed by his efforts to make certain this program is brought into the communities where it is needed. This action clearly reflects the desire of President Johnson that all Federal programs be implemented in a creative manner.

The economic opportunity loan program was revised by SBA last November following passage of the 1966 amendments to the Economic Opportunity Act of 1964.

Under the revised program, business loans of up to $25,000 became available directly through all SBA field offices to low-income individuals and other persons who had been denied the opportunity to compete in business on equal terms. Under the old program loans of up to $15,000 were available only to low-income individuals who resided in some 50 communities which were served by local Small Business Development Centers.

This program now creates business opportunities for those who are above the low-income level but nevertheless disadvantaged and unable to start or expand their own small business. Many have the ability to do this, but not the opportunity. This enlightened legislation gives them the opportunity.

I am pleased that Brooklyn and all of New York City were served by this program. At the same time, residents of most surrounding areas of New York, Connecticut, and New Jersey were ineligible for economic opportunity loans simply because they lived in the wrong place. I therefore welcomed Mr. Boutin's decision to make the program available throughout the country.

The expanded program was accompanied by instructions from the SBA Administrator directing his field personnel to get out from behind their desks and bring the new program—and all SBA programs—into the community.

The New York regional office of SBA responded by immediately assigning nine loan officers to work full time at the offices of five small business development centers located in Manhattan, the Bronx, Queens, Brooklyn, and Nassau County. Contact was made with community action leaders in Albany, Glens Falls, Poughkeepsie, Newburgh, Kingston, and Ellenville, and SBA circuit riders are assigned to interview loan applicants in low-income neighborhoods of these communities on a regular basis.

Circuit rider service to Staten Island was started March 9 with SBA loan officers interviewing potential applicants at a post office building during the evening hours.

SBA's New York regional office is now devoting 400 man-hours each week to interviewing and assisting economic opportunity loan applicants in the neighborhoods. This includes about 325 hours in New York City. Additional interviews are held at SBA's regional office in downtown Manhattan.

A total of 178 loans totaling $1,748,400 were disbursed by the New York regional office in the 4 months from the beginning of the new program through the end of February. Fifty of these were for new businesses and 128 for existing ones. Ninety-nine loan recipients were members of racial minorities and 79 were white.

To date, about 90 percent of the activity under the new economic opportunity loan program in the New York region has come from New York City, with the greatest concentration of activity reported in Brooklyn where 20 applicants a day are being interviewed by SBA personnel at the Brooklyn SBDC office on Bedford Avenue.

A middle-class businessman usually hears about Federal loan programs and finds his way to the source of such loans. Many businessmen and potential businessmen in lower income groups would miss these opportunities unless an extra effort is made to bring these programs to them in their own community. SBA is making that effort.

This clearly reflects the desires of both the Congress and the President of the United States that all Federal programs be responsive to the people.

One example of the types of assistance SBA is rendering under its new program can be seen in the case of an elderly widow who operates a small candy manufacturing business in Brooklyn.

On November 21, 1966, SBA approved a $10,000 economic opportunity loan to her. In 1965 the business operated at a loss.

As soon as SBA notified her the loan was approved, the lady was able to obtain additional financing from a local bank and began production for the Christmas season.

During the 3-month period ending December 31, 1966, her business operated profitably on a record volume which was almost as much as her volume for all of 1965. She hired three seasonal workers during her busy season and one person who is still with her on a full-time basis. Prior to the loan she operated her business by herself. She is now seeking an assistant who can take over the business when she retires.

A SCORE counselor, a Brooklyn 73-year-old retired small businessman who specializes in sales, purchasing, and product engineering, has been assisting the candy business woman on a volunteer basis. Initially, he assisted in obtaining new outlets for her line of chocolates for the Christmas season. He assisted her in perfecting a machine to turn out a line of Easter candies and other lines for other times of the year to help her overcome the seasonal nature of her business.

I am pleased that SBA is rendering this type of assistance throughout the Nation.

Mr. Boutin has made it clear that the Small Business Administration is making its programs responsive to the needs of the people. I know this is what Congress intended when it authorized this loan program and I know this is what President Johnson expected when he signed it into law.

TO MAKE COLUMBUS DAY A NATIONAL HOLIDAY

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MULTER. Mr. Speaker, I have today introduced a bill to make Columbus Day, October 12, a national holiday.

This year marks the 475th anniversary of the discovery of the new world by the Genoese sailor, Christopher Columbus. October 12, known to us all as Columbus Day, commemorates that event, and in many localities and States it is a holiday. No national recognition, however, has been accorded Columbus except for a few stamps, a commemorative half-dollar at the time of the 400th anniversary in 1892, and official blessings for the Columbian Exposition held in Chicago beginning in the same year.

Today, more than 500 years after Columbus's birth, he is known the world over as the discoverer of the new world. Throughout Latin America, he is honored with holiday festivities and other appropriate ceremonies, but we have no national way of recognizing his achievements in this country.

An additional reason for honoring Columbus's achievements is the fact that he was an Italian by birth and upbringing, a compatriot of the many hundreds of thousands, even millions of our fellow Americans who also came to the new world from Italy.

I am pleased to commend to the attention of our colleagues the following concurrent resolution adopted by the legislature of my home State of New York, on March 22, 1967, urging the Congress to enact this legislation. I hope that we will do so this year. The resolution follows:

RESOLUTION NO. 43

Concurrent resolution of the Legislature of the State of New York memorializing the Congress of the United States to make Columbus Day, the twelfth day of October, a federal public holiday

Whereas, for many years the state of New York has accorded recognition to the great discoverer of this land, Christopher Columbus, by providing by law that the twelfth day of October in each year, the anniversary date of his discovery, be a legal public holiday in this state; and

Whereas, although many other states have also made Columbus Day a legal holiday, the government of the United States has not provided the same recognition to that intrepid and famous explorer who met and conquered the then as yet uncharted extremities of the endless seas by making Columbus Day a federal legal public holiday; and

Whereas, it is just and fitting that Christopher Columbus be similarly honored federally for his memorable voyage and discovery of America; now, therefore, be it

Resolved (if the Assembly concur), That the Congress of the United States be and it is hereby respectfully memorialized to enact suitable legislation to make Columbus Day, the twelfth day of October, a federal legal public holiday; and be it further

Resolved (if the Assembly concur), That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy thereof to the Secretary of the Senate, one copy to the Clerk of the House of Representatives, and one copy to each member of the Congress from the State of New York.

By order of the Senate

ALBERT J. ABRAMS,
Secretary.

In assembly, March 22, 1967, concurred in without amendment.

By order of assembly.

JOHN T. MCKENNAN.

NEED TO REVISE SELECTIVE SERVICE LAW—XLVI

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, critics of a volunteer military force claim that the costs of such a system would be prohibitive. Just what economic expenditures are necessary to abolish the draft and replace it with a voluntary system of military manpower recruitment is, however, the subject of an open debate.

The opponents of abolition have seized upon figures which cite the need for an additional $17 billion or $20 billion a year. Secretary McNamara has quoted the $20 billion amount but he also has said, on February 26, 1965, that if the pay of the military personnel were raised to anything approximating a point where it would attract a sufficient number of men to do away with the draft, "I suspect it would add about $4 billion a year to the military budget." Official Pentagon projections of the cost of a volunteer Military Establishment range from $4 billion to $17 billion a year, according to the testimony presented by Assistant Defense Secretary Morris at the House Armed Services June 1966 draft hearings. An additional estimate leaked from the Pentagon in 1965 suggested that pay raises costing $3 billion a year could supply the Armed Forces with sufficient volunteer manpower.

Economists, such as Walter Y. Oi, of the University of Washington, and Ross Wilhelm, of the University of Michigan, have challenged the high estimates of the Defense Department. Milton Friedman of the University of Chicago believes that:

> The real cost of a voluntary army would almost surely be less than of the present system and it is not even clear that the apparent monetary cost would be higher—if it is correctly measured for the community as a whole.

Obviously, as we can see, there is a wide difference of opinion here, particularly if the estimates within the Defense Department, itself, can vary between $3 billion and $20 billion. This subject warrants further exploration and shall be the topic of future remarks.

VERRAZANO DAY

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RODINO. Mr. Speaker, on April 17 we will celebrate Verrazano Day, to commemorate the visit of the intrepid young Italian sailor and explorer, Giovanni da Verrazano, to the area that in time would become New York City.

Verrazano deserves a prominent place in the history of American discovery, for together with his fellow Italians Columbus and Vespucci they made a remarkable team of explorers. Columbus concentrated on the West Indies, Vespucci explored the coast of South America, and Verrazano reconnoitered the east coast of North America, from Florida to the Gulf of St. Lawrence.

It is fitting that we should pay homage to the memory of that April day in 1524 when Verrazano sailed into New York Harbor. I am very pleased that, at the request of the Italian Historical Society of America, Gov. Richard J. Hughes has proclaimed April 17 as Verrazano Day in New Jersey. I include the text of the proclamation in the RECORD following these remarks:

PROCLAMATION BY THE GOVERNOR OF NEW JERSEY

Whereas, the Italian Historical Society of America seeks to call attention to the discovery of what is today the Harbor of New York by the great Italian navigator, Giovanni da Verrazano, in April, 1524; and

Whereas, this same date in 1967 will be the 443 anniversary of the opening of this gateway to our great nation by the courageous young Italian navigator; and

Whereas, millions of his countrymen and millions of other nationalities have since passed through these same portals to add to the development and upbuilding of this great land of liberty and opportunity; and

Whereas, the Italian Historical Society of America wishes to pay a well-deserved tribute to the memory of this fearless explorer by having Monday, April 17, 1967, designated at Verrazano Day;

Now, therefore, I, Richard J. Hughes, Governor of the State of New Jersey, do hereby proclaim April 17, 1967, as Verrazano Day in the State of New Jersey and urge all citizens to do fitting honor to the memory of Giovanni da Verrazano for having been the first to enter this great harbor and gateway to the land of golden opportunity which has long shone as a beacon light to the oppressed people of the world.

Given, under my hand and the Great Seal of the State of New Jersey, this fourth day of April in the year of Our Lord one thousand nine hundred and sixty-seven and in the Independence of the United States the one hundred and ninety-first.

RICHARD J. HUGHES,
Governor.

By the Governor:

ROBERT J. BURKHARDT,
Secretary of State.

TO AMEND THE INTERNAL REVENUE CODE REGARDING DEPRECIATION DEDUCTIONS

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BINGHAM. Mr. Speaker, I introduce today a bill to amend section 167 of the Internal Revenue Code of 1954 to require the owner of any residential structure to comply with the applicable local housing codes relating to the maintenance of their structures in a decent, safe, sanitary condition if he is to take advantage of the depreciation deductions in the code.

I believe that this amendment, if enacted, would provide another useful tool in attempting to rehabilitate our cities and develop them into the livable and exciting areas they have the potential to become.

One of the most complex problems facing our cities is maintaining or constructing an adequate amount of decent, safe, and sanitary housing. As we tour our large urban areas, the problem ranges in intensity from slum areas, where ramshackle dwellings with their broken windows, rats, and other vermin, and crumbling staircases are common, to still pleasant neighborhoods where too many landlords are ignoring their responsibilities and allowing once-proud buildings to gradually deteriorate and decline in value.

Since I have been appointed to the Banking and Currency Committee, with its jurisdiction over all housing and urban affairs, I have had the opportunity to study in detail, the ramifications of this problem. Through my own committee work, and inspections in my own district, I have been struck by the way in which many landlords ignored their obligation to maintain their buildings in decent and safe condition while, at the same time, taking advantage of favorable Federal tax depreciation provisions.

By allowing use of these substantial depreciation deductions without even demanding minimal compliance with local standards of safe and sanitary housing, we merely encourage landlords to ignore their legal obligations under municipal housing codes and to continue shortchanging their tenants by not giving them the quality of housing they are entitled to.

It would be absurd and unnecessary to try to tear down all these buildings and build new apartments and houses. Apart from the monumental physical and financial task that would be involved, the complete demolition and replacement of deteriorated or deteriorating housing would require massive relocation efforts and people have no wish to be torn away from their families, friends, and familiar neighborhoods.

Slowly, we are coming to realize that rehabilitation of physical structures and rejuvenation of neighborhoods will and must provide much of the answer to the urban housing problem. A prerequisite to carrying out any widespread rehabilitation effort is the existence of progressive and realistic housing codes to set the standards for a city's housing. Such codes must set forth minimum requirements for bathrooms, fire escapes, trash disposal, provision of heat, and the structural condition of the building.

Recognition of the central importance of housing codes was contained in the 1965 housing legislation when, for the first time, we made Federal funds available to localities for development of their own code enforcement programs.

Unfortunately, much of the problem with municipal housing codes has centered around their enforcement rather than their adoption. The prime offenders in this area have been absentee landlords who, while making full use of various Federal and local aids, have tended to ignore their obligation to maintain their buildings in good condition so tenants can live there safely and decently.

The U.S. tax laws provide some of the most advantageous provisions for real estate owners. The Internal Revenue Code allows varying rates of depreciation to be deducted from gross income. These deductions can amount to substantial sums of money and can often save property owners many thousands in tax dollars.

I think it is wrong for us to give landlords this favorable tax treatment without demanding, as a quid pro quo, that they, in turn, keep their buildings properly maintained including periodic painting, and repair of broken windows, front door locks, crumbling stairways, and so forth.

Even my own congressional district, which is largely composed of sound and properly maintained housing, has sections and neighborhoods in which landlords have neglected their responsibilities and have allowed basically sound buildings to get run down. The legislation I am introducing today would make it economically unprofitable for landlords to permit such conditions and would give them an economic incentive for preserving the stable character of neighborhoods before they deteriorate and for improving them once such unfortunate situations have developed.

At the very least, we have a right to expect that landlords will comply with municipal housing codes. By conditioning depreciation deductions on such compliance, we may achieve a real breakthrough in dealing with the long neglected problem of raising the levels of older housing.

It is essential that we begin to concentrate our energies on preventive action in the housing field. By insisting that landlords maintain their houses in acceptable condition, we can block the path that some of our most stable neighborhoods have taken toward progressive deterioration. Existing slums must be either rebuilt or rehabilitated. But borderline neighborhoods can often through adequate maintenance and community interest be reclaimed and revitalized.

I think that this bill can go a long way toward helping us accomplish this goal.

CORRECTIVE LEGISLATION LONG OVERDUE

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. Henderson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HENDERSON. Mr. Speaker, I have today introduced a bill which will authorize the conversion to career appointments of certain Government employees who have served continuously for 3 years under one or more temporary appointments, pending the establishment of a register, in the competitive service.

The Manpower and Civil Service Subcommittee has long been concerned with the inequities suffered by employees who have, through no fault of their own, been given a temporary appointment pending the establishment of a register.

I was appalled to learn recently from a projected sampling that nearly 20,000 employees are serving under the TAPER appointments, over 8,000 of whom have been continuously employed for more than 3 years, and more than 4,000 for over 5 years. Under TAPER appointments these employees are deprived of many of the benefits given to the career employees in the competitive service, including retirement privileges, reemployment rights under the Universal Military Training and Service Act, and equal retention rights on reduction-in-force registers. A TAPER appointee may be separated at any time by the employing authority and has no appeal rights under the regulations. In my opinion, corrective legislation is long overdue, in this area.

WAR ON POVERTY

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Kirwan] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. KIRWAN. Mr. Speaker, Mr. Richard H. Carter, president of one of the outstanding companies in Ohio and this Nation—the Fostoria Corp.—took a businessman's look at the war on poverty in a recent speech to a Jaycee conference at Ohio University.

In an excellent talk to these outstanding young business leaders from Ohio, Mr. Carter described what all businessmen are finding out upon investigation of the antipovery program being conducted by the Office of Economic Opportunity: That "the war on poverty is just plain good business."

Mr. Carter emphasized the distinction between the economic opportunity program and welfare.

Welfare—

He said—

> provides only relief payments—it does not strike at the causes of poverty . . . in contrast, the OEO is dedicated to first, education, and second, motivation. These—not handouts—are what the poor really need to participate in our world of today.

Mr. Carter's intelligent evaluation of the economic poverty program deserves the consideration of members of this house and for this reason I want to include his remarks at this point in the Record:

A Businessman Views the War on Poverty

(By Richard H. Carter, presented at the Jaycee conference at Ohio University, Apr. 2, 1967)

Thank you, Dr. Gorrey, for your kind introduction. I noticed, however, that you did not include my chief claim to fame.

I think the folks here tonight would be interested in this as it relates to the reason I am here—and why I think President Alden asked me to talk with you.

As you probably are aware, Dr. Alden is well known for his ability to select outstanding people to speak here at Ohio University.

So at first I wondered—why me?

But then it dawned on me—reality took the place of modesty—and I realized that Vern had asked me because he had recalled that I—his old friend—was a true genius.

Not only am I a genius, but you should also know—I was a child prodigy. And not only that—I also possessed the most unusual gift of intelligence even before I was born. A few of you might wonder at this point about my modesty—or possibly even my sanity—so let me prove my claim. A few simple facts will suffice.

To do this, let's go back to the year 1920—the year I was born. Even then I was smart enough to see what would make success easier.

The first question I thought about was—"Where should I be born?" Clearly, as a result of my clairvoyant wisdom, I made a sound decision; not Africa; not China; not India; but here in the good ol' U.S.A.

Secondly, I wondered—"What color skin would be best?" Do any of you doubt the advantages from my choice? Not yellow; not red; not black; but of course—white.

Thirdly—"How about the matter of my parents-to-be?" After careful research, I decided they should have some money—enough money to provide good food and clothing, a warm shelter, a proper education. Oh yes—loving and educated parents—they would be nice, too—to help me—and teach me—when I needed assistance.

And finally—"How about a strong, healthy body to house my brilliant mind?" Blindness? Deformity? Physical weakness? I was much too smart for any of these.

These facts should have now convinced you. Clearly my superb wisdom was responsible for my beating the odds—odds of more than 100-to-1 that are against the average person born in this world of ours.

And now, as I gaze around this room, I am pleased to note that I am in the company of my peers. And so—to you—my fellow geniuses—congratulations!

It is my hope that this little caricature has made you pause, even for just a moment, and see my point—we are indeed a most fortunate and tiny minority.

Realization of this fact then poses a question—a question we must answer, each in his own way. The question is—"To what extent do we fortunate few have an obligation to assist the many not so fortunate?"

To us as businessmen this can be a pretty tough question. I think the answer is easier to find for the minister, the educator, the doctor, the public servant.

But I need make no apology here tonight for the businessman. Our role in our society is a most important one. We carry the responsibility for providing our material things—the goods and services we all need—and here in the U.S.A. we have done a truly remarkable job.

But will we find real satisfaction in providing, however well, just goods and services? In the early years of our business careers—perhaps so. But somewhere along the line, we all reach the vantage point in life where we must look down the hill—as well as up. Then we find material things to be less and less important. Do you want your epitaph to read only—"Here lies the man who sold the most widgets at the least cost"? I doubt it.

Much more satisfying will be the use of our skills to help those less fortunate to achieve a better life. Let us not become so preoccupied with our task of providing goods and services that we overlook life's even more basic purpose.

You might well argue—"Why not leave the 'do-gooding' to the 'do-gooders'?" This would be a great pity, both to the businessman and to our fellow man. Businessmen know how to get things done. We have proven know-how, particularly in the area of organizing people to achieve results. These skills are in great demand for all kinds of group action—for social as well as business purposes.

Now one weakness in my earlier claim to be a genius may be that I chose to be a

Republican. As a Republican I firmly agree with Lincoln—that government should do for the people only what they cannot do for themselves. If this be my creed, how does this square with my dedicated support to the so-called War on Poverty?

It is simply because I am convinced that the tremendous national energies required for this great effort can be harnessed only on our federal level. Not for a moment did anyone consider that the states—or private business—could organize our space effort. And yet the War on Poverty is an even more difficult undertaking.

Federal participation does *not* mean that the application of energy should be from the federal government. Far from it. The problems can be *solved only* at the local level. But it is appropriate that the overall funding, broad planning, and coordination be a federal responsibility.

One of the novel aspects of the OEO program is its encouragement of community responsibility for local programs. To those of us who worry about federal domination, this is a refreshing change.

But what an exciting challenge this War on Poverty is for our generation! If successful, not only will we receive the plaudits of the world, but of generations to come. Such a success by our American system will do more to defeat communism than all the bombs we can ever build.

President Kennedy recognized this some six years ago when he stated—"The world is very different today—man now holds in his mortal hands the power to abolish poverty."

Can we afford it? If we think it to be worthwhile, of course we can! The current issue of Newsweek compares industrialized nations. With but two small exceptions, total taxes in America (even with Viet Nam) are a lower percentage of our gross national product than in any other country. I can think of no better investment than educating and motivating the underprivileged to become useful members of our society.

Rather, I submit *we cannot afford not to*. This nation has the greatest affluence ever known—it cannot tolerate for long the specter of widespread poverty in the midst of plenty. Nations have historically and inevitably fallen after reaching such great power. This noble endeavor is a great opportunity for us—a wonderful challenge to prevent social decay and the subsequent decline of our own way of life.

These are the reasons why I fervently believe that the War on Poverty *must* have our support. Not just a passive tolerance for what others are doing—but a critical, positive, thinking, personal involvement. In my judgment, our business generation must meet this challenge head-on.

The critical time for action is *now*. Not next year—not for someone else. It is here today—it is here for you!

I also submit that the War on Poverty is just plain good business. Converting people from receiving relief subsidies to productive taxpayers is bound to increase the productivity of our economy. The benefits to business are clear—as well as to those that we have helped. If for no other reason, the War on Poverty is in our enlightened self-interest.

And finally, and most important of all, it is simply the *right thing to do*. Businessmen are no different than other people. There can be no greater personal satisfaction than to give a helping hand to our fellow man.

Incidentally, I trust all of you are aware that there is a vital distinction between the program of the Office of Economic Opportunity and existing welfare programs. Welfare provides only relief payments—it does not strike at the causes of poverty. Even worse, too often it just deepens the rut of poverty. In contrast, the OEO is dedicated to first, *education*, and second, *motivation*. These—not handouts—are what the poor really need to participate in our world of today. In a very real sense this program can be the proverbial ounce of prevention—far better than a later pound of cure.

BILL TO ELIMINATE POLITICAL PRESSURES AND INFLUENCE

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Dulski] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. DULSKI. Mr. Speaker, I am introducing a comprehensive bill to eliminate political pressures and influence in the appointment of U.S. postmasters. Such pressures and influence, in my judgment, are among the most serious impediments to efficient management and modernization of our postal service.

My bill requires all appointments of postmasters to be made without regard to any recommendation made by any Senator or Representative in the Congress, by any elected official of a State, county, city, or other political subdivision, or by any official of a partisan National, State, county, municipal, or other local political party.

Persons in those categories are specifically prohibited from making any recommendation to the Postmaster General or any other Federal official in behalf of anyone who applies or is being considered for a postmaster position.

The Postmaster General and all other Federal officials are forbidden to solicit or accept any such recommendation and are directed to return any recommendation received, marked as in violation of law. Any person who applies or is being considered for a position of postmaster is forbidden to request any such recommendations and is disqualified if he does so with knowledge of the prohibition.

My bill requires all postmaster appointments—except in the small fourth-class offices—to be made strictly on merit in the competitive civil service. The Postmaster General will make appointments at first-class post offices, but may delegate this authority to regional directors in the postal field service. Regional directors will make the appointments at post offices of the other three classes. This will bring the level of appointing authority, and the procedures, for postmaster appointments more nearly into line with the levels and procedures for appointments in other Federal departments and agencies.

NATURAL GAS ACT

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. Staggers] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, today, at the request of the Federal Power Commission, I am introducing two bills amending the Natural Gas Act.

The first amends section 14 to give the Federal Power Commission broadened responsibility in gathering information concerning the natural gas industry and in publishing compilations at such information for the benefit of the Congress, consumers, responsible Government agencies, investors, and the industry.

The second would require that persons acquiring control of an interstate natural gas pipeline company must first obtain a certificate of convenience and necessity from the Federal Power Commission and enlarges the Commission's authority in the area of control, acquisitions, or mergers of pipeline companies.

It is customary for the chairman of the committee to whom these agency recommendations are referred to introduce the legislation recommended, and in doing so I am expressing no opinion about the merits of the legislation involved.

THE AMERICAN DECISION TO BAN OFFICIALS FROM EASTERN NIGERIA

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Resnick] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RESNICK. Mr. Speaker, on March 20, I inserted in the Record a statement based on my trip to the troubled country of Nigeria. At that time, I pointed out the ominous events taking place in Nigeria which could, if unchecked, lead to a breakup of the Nigerian federation and to the killing of thousands of innocent people in a bloody civil war.

Since then, the events in Nigeria have brought that tragic land closer to a breakup. The Federal Government of Nigeria appears to be mounting an economic blockade against its eastern region. All internal air flights—commercial and chartered—between Lagos and eastern cities have been halted.

This move has caused Washington, according to a New York Times dispatch appearing April 13, to ban the travel of American officials to Nigeria's eastern region. According to the New York Times reporter filing the dispatch, the eastern region is interpreting this move, announced to them by Ambassador Mathews, as discriminatory policy by the United States against the eastern region.

Mr. Speaker, I would like to ask several pertinent questions: Is this compliance by the U.S. Government with the internal air blockade by Lagos against eastern Nigeria the first step in an involvement by the United States on the side of the Lagos Government against its eastern region? Is this the first step of our becoming involved with one side of a dispute, as we did in the Congo?

Does this set the stage for increased cooperation by the United States with the Lagos Government in the event that the Government institutes a shipping blockade of eastern Nigerian ports? Can this road lead us to direct involvement, should civil war come to the unfortunate country of Nigeria?

I ask these questions because it was reported in BBC broadcasts that the Lagos Federal Government has asked for the banning of all international air flights serving eastern region cities. Further aggravating the already inflamed situation is the fact that the Central Bank in Lagos has now blocked the transfer of all foreign currency required by the eastern regional government for overseas transactions.

Against the backdrop of these events that are widening and deepening the rift between the eastern region and the Federal Government of Nigeria, Col. Dumegwu Ojukwu, Governor of the eastern region announced to the New York Times correspondent Lloyd Garrison on April 11 that he and the Governors of both the west and midwest regions, are urging mediation of the Nigerian crisis by African heads of state, leaving only the northern region opposed to mediation.

On my own tour of Nigeria, I urged both Colonel Ojukwu and Colonel Gowon, head of the Federal military government in Lagos, to seek mediation by impartial third parties in an effort to prevent chaos and disillusion of the country of Nigeria as we know it today.

This is no time for intransigence and the use of force, either financial or military. Africa and the world has seen too often the results of permitting disputes such as the one plaguing Nigeria to continue unchecked. A dispute such as this will involve not only Nigeria, but all of Africa, and, indeed, the world.

I commend Colonel Ojukwu and the Governors of the western and midwestern regions for looking to mediation to solve their problems. It is my sincere hope that our State Department will use its influence to prevail upon Colonel Gowon to also agree to mediation and avert a potential catastrophe.

FEE CHARGED FOR CERTAIN PERMITS

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Fulton] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, recently the Corps of Engineers announced a new policy under which a $10 minimum fee will be charged for the issuance of certain permits for the maintenance of certain private mooring and other private facilities on Government land or on Corps of Engineer lakes.

Heretofore, these permits have been issued without charge.

Immediately upon learning of this new fee policy, I wrote the Chief of Engineers, Lt. Gen. William Cassidy, asking why the fees were being levied, under what authority, why they were necessary, and with what justification.

Today I received a reply to that letter of March 28, 1967, from General Cassidy's office. Under unanimous consent, I include the letter in the Record at this point:

Department of the Army,
Office of the Chief of Engineers,
Washington, D.C., April 12, 1967.

Hon. Richard Fulton,
House of Representatives.

Dear Mr. Fulton: Reference is made to your recent letter concerning fees for private mooring docks within Corps' reservoirs located in the Nashville District.

In consonance with the Flood Control Act of 1944, as amended, the Department of the Army provides for construction and operation of public park and recreational facilities by local interests; and, in addition, where public requirements justify, provides for operation of commercial concession facilities. The operators of the concession facilities are required to furnish specified services and facilities and to pay the Government a rental for the privilege of operating the business. The rates and prices charged the public by the operators are approved by the responsible U.S. Army Engineer District. Thus, the public can rely upon the availability of services and facilities at reasonable rates.

In addition to the boat docks, marinas, lodging accommodations, and other facilities supplied by commercial concessionaires, individuals have organized yacht and boat clubs, and sailing clubs, in lieu of patronizing the commercial establishments. The need for the use of Government lands along the waterfront by clubs for such purposes as the storage of boats and the sale of oil and gas to club members has been recognized. However, it has been concluded that rentals should be obtained from the clubs commensurate with the privileges granted. This policy recognizes the need for such clubs, while also affording some protection to concessionaires who have invested considerable capital in business ventures fraught with many risks.

The remaining type of boat dock user is the resident adjacent to such a project, who frequently is interested in building a boat dock to enhance his opportunity to use the lake for recreation. The adjacent resident has no vested rights in the lake or the shores thereof, notwithstanding his location, but is entitled to use the lake and the shores to the same extent as other members of the public. Nevertheless, these individuals have heretofore been permitted to build private docks free of charge, despite the fact that other members of the public must pay for similar privileges at commercial areas or by joining yacht and boat clubs.

The inequity of this situation has been recognized. The Bureau of the Budget has enunciated the Government's policy that fair market value should be realized where the exclusive use of Government property is involved (cf. BOB Circular A-25 dated 23 September 1959). Further, the Act of 31 August 1951 expresses the sense of Congress with respect to fees, charges, or prices for things of value or utility provided or granted by any Government agency (65 Stat. 290; 5 U.S.C. 140).

To correct the inequitable situation and to establish conformity with the above-mentioned policy, a schedule of charges has been established for the use of Government-owned property, i.e., the land area underlying the dock and including any walkway approach thereto. The criteria for, as well as the amount of, the charge has been the subject of an intensive study, during which the views of our field representatives in various sections of the country have been obtained. After full consideration of the amount of compensation to be obtained for such use, the annual rate was established at $10.00, plus seven and one half cents for each square foot of the area occupied in excess of 200 square feet.

I trust the foregoing information is satisfactory for your purposes.

Sincerely,

Max McCord,
Colonel, Corps of Engineers,
Director of Real Estate.

Mr. Speaker, the letter does not to my thinking offer any reason or justification for the levying of these fees other than someone has arbitrarily decided that since commercial facilities pay fees, private individuals should also.

This is not only arbitrary, but is simply an act of unjustifiable fee grabbing.

Therefore, I am today introducing legislation which will prohibit the Secretary of the Army from charging fees for permits for private moorings and certain other floating facilities. Under unanimous consent, I include the bill in the Record at this point:

H.R. 8579

A bill to prohibit the Secretary of the Army from charging fees in connection with permits for certain floating facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army shall not collect or receive any fee or charge for the issuance of any permit or license for any private boat mooring facility, duck blind, ski-jump float, swimming or diving platform or raft, or any other similar floating facility on any of the waters of any project administered by the Secretary of the Army acting through the Chief of Engineers. Nothing in this Act shall be construed to prohibit the Secretary of the Army from requiring a permit or license for any such floating facility.

Mr. Speaker, whether it be the so-called golden sticker or a so-called moorage fee there is seemingly a never-ending attempt to tax the people who wish to use public waters. This must cease.

I have fought these attempts in the past. I am fighting them now and will continue to fight them in the interests of all our people.

INVOLUNTARY EXTENSION OF ACTIVE DUTY IN THE ARMED FORCES

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. Rivers] may extend his remarks at this point in the Record and to include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RIVERS. Mr. Speaker, I am today introducing at the request of the Department of Defense a bill "to amend title 10, United States Code, to simplify laws relating to members of the Army, Navy, Air Force, and Marine Corps, and for other purposes."

In general, the bill is aimed simply at repealing unnecessary elements of separate service legislation, eliminating many of the variations in service personnel rules now stipulated in law, and substituting for the laws eliminated common statutory provisions uniformly applicable to all the military services. With one exception, the bill does not involve major substantive changes in the law.

The one exception is the authority for involuntarily extending periods of active duty of members of the Armed Forces. I would like to discuss this in some detail, both because the bill as introduced differs from that originally presented by the Department of Defense, and because this matter is of critical importance to all men who serve in the Armed Forces.

The present enlistment extension authority of the Army provides that an enlistment in effect at the outbreak of a war or entered into during a war continues in effect until 6 months after the war unless sooner terminated by the President—section 3256(c) of title 10, United States Code. The Air Force has similar authority under section 8256(c) of title 10, United States Code.

The Secretary of the Navy, however, has discretion to extend enlistments "in time of war or in time of national emergency declared by the President for such period as he considers necessary in the public interest." This authority is provided by section 5538(a) of title 10, United States Code. It will be noticed that the Secretary of the Navy has the authority to involuntarily extend enlistments in time of national emergency—an authority not given to the Secretaries of the Army and the Air Force.

It was this authority that the Secretary of the Navy used to involuntarily extend enlistments for 4 months in the Navy and Marine Corps in 1965 in connection with the southeast Asia buildup. The Navy program ran from September 16, 1965, to August 31, 1966, with all those involuntarily extended having been separated by September 30, 1966. The Marine Corps program ran from August 20, 1965, to October 31, 1966, with all separations completed by the later date.

Members will undoubtedly recall hearing from constituents at the time of that extension. You may also recall that Congress first heard about those extensions through the newspapers.

For authority to extend enlistments in 1965, the Secretary of the Navy was actually using the national emergency that was declared on December 16, 1950, in connection with the Korean war. I personally have reservations in my own mind as to whether it was absolutely necessary for the Navy to extend enlistments. I also have the feeling that the uncertainty created in the minds of young men by that extension is still having an unfavorable effect on reenlistments and voluntary extensions.

In the present bill, which as stated was designed to provide common legislative provisions for various personnel procedures for all services, the Department of Defense had originally proposed language which would automatically extend all enlistments in the Army, Navy, Air Force, Marine Corps, and Coast Guard until 6 months after the termination of a war or national emergency declared by the Congress or the President unless sooner terminated by the Secretary concerned. This would have inadvertently resulted in extension of all enlistments unless affirmative action to the contrary were taken by the Service Secretary since the Korean emergency is still in effect. Even if limited to future national emergencies, which was in fact the intention of the Department of Defense, the language would have meant indefinite extensions in a new emergency without action by, or prior notification to, the Congress.

In addition, the language would have gone beyond the present authority of the Navy in that it would have automatically extended all enlistments in a national emergency. The present Navy authority provides the Secretary "may" extend enlistments if he deems it necessary.

In an exchange of letters with the Secretary of Defense, I pointed out these objectionable features of the original proposal. I did, however, indicate my agreement that uniform procedures should be applied to all services.

I pointed out that the Army and Air Force have gotten along adequately with the extension authority available to them and that when it was felt additional authority was required the Congress had readily acceded to such requests, as in the Berlin and Cuban crises.

I pointed out further that the one exception that would appear to require coverage in law, in addition to the authority now granted to the Army and Air Force, would be for such times as the Congress is not in session.

I asked if the Department of Defense would find acceptable the language of H.R. 10784, which I introduced in the 89th Congress, a bill to authorize extension of active duty members of the Army, Navy, Marine Corps, and Air Force if necessary when Congress is not in session. In reply the Department of Defense has indicated that it has no objection to the substitution of the provisions of H.R. 10784, 89th Congress in the current legislative proposal.

The bill that I am introducing today, therefore, contains the language taken from H.R. 10784. That language provides the President with authority to extend enlistments or other periods of active service if the Congress is not in session, having adjourned sine die, if those enlistments expire before the 30th day after the Congress next convenes or reconvenes.

The language provides the President may effect such extensions when he "determines that the national interest so requires." It will be noticed that a national emergency is not mentioned. This is to avoid unfortunate implications which may attend a Presidential declaration of a national emergency. In the context of our present world situation, they tell me, such a declaration could trigger unfortunate reaction in other nations and in the workings of our national economy. You may have noticed that I do not spend an inordinate amount of time worrying about the opinions of some foreign nations but I do worry a good deal about our national economy.

To recapitulate, Mr. Speaker, the bill I introduce today provides a uniform provision for all services similar to that now available to the Army and Air Force which provides enlistments in the regular service in effect at the outbreak of a war or entered into during a war continue in effect until 6 months after the termination of that war unless sooner terminated by the President.

In addition, it provides that when the President determines the national interest so requires, he may, if Congress is not in session, having adjourned sine die, authorize extensions for up to 6 months of enlistments, appointments, periods of active duty, periods of active duty for training, periods of obligated service, or other military status, that expire before the 30th day after Congress next convenes or reconvenes.

For anything short of war, service could not be involuntarily extended while Congress is in session without action by the Congress.

PROJECT HEADSTART

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, Project Headstart is younger than the children it serves—2 years old, going on 3, while the children are aged 4 and 5, going on kindergarten or the first grade. Headstart is too young to produce the columns of statistics usually used to prove success. The few surveys on results have been limited because few of Headstart's first "graduates" have finished their first years of grade school.

But Headstart has its own way of scoring, as reflected in anecdotes about real people, the successful struggles to bring out the best in parents as well as children. A toothbrush drill is an impressive exercise, but an exultant boast months later from one of the children that "I am still brushing my teeth like you showed me," wins a gold star for Headstart.

The heads of Headstart teachers are full of such stories, some touching, some rib-tickling.

One of the warmest accounts of the experiences of Headstart teachers in a program in my home district has been told by Suzanne Diehl, writing in the San Antonio Express of Sunday, February 19, 1967. It has all the elements of human drama, including the suspense of the moment when a little boy asked his teacher to tell him "about the birds and the bees." This is a story whose ending I am pleased to provide for my colleagues. I have unanimous consent to insert the article in the Record at this point:

Headstart Brings Out Parents, Neighborhood

(By Suzanne Diehl)

The thing about giving deprived children a head start is this: Their parents aren't going to be far behind.

That's one of the encouraging things learned in the South San Antonio school district where the Head-Start program is now a sturdy two years old, says Mrs. Margaret Hoch, visiting teacher.

"One of the greatest things that has happened with the Head-Start experiment here has been the feeling of friendly involvement that has gone out like waves over the neighborhood," she says. And marvels:

"Our schools are becoming community centers in the best sense of the word. It's all a delightful and surprising 'extra' to the Head-Start program."

Designed to reach out every year to an estimated million children of poverty—boosting them lovingly into the first grade of their formal education through eight weeks of summer school training—the Head-Start program is a nationwide project of the federal Office of Economic Opportunity.

Here in San Antonio it flourishes in all sections of town where there are pockets of poverty. A fluid and experimental concept, Head-Start comes in assorted sizes and with widely different external trimmings—designed to blend into special neighborhoods and problems. But all across town the basic pattern is the same—and the experiences in South San Antonio are pretty typical, Mrs. Hock thinks.

Kindred Elementary School, bright and attractive with wide, sparkling clean windows, large cheerful classrooms with the most advanced "extras," and still sporting the exciting (to educators) aroma of fresh paint and damp masonry dust which signals a new school, stands on the edge of a world as old as hunger and despair and ignorance and hopelessness.

To the north of the school, across the wide, treeless flat pasture land with its grass scorched brown and split-ended by the recent drought is South San Antonio High School. To the east is an attractive new development of three- and four-bedroom houses which a veteran can buy for nothing down and $50 a month.

But south across Palo Alto road and to the west from where, according to Galen Eloif, director of educational services in the district, 90 percent of the children come, the houses are apt to be similar to those the United Fund uses for poster purposes during fund drives.

Without the Head-Start program, some of the children from this area would enter Kindred school's first grade and see their first chair, their first book—and hear English for the first time, Mrs. Hoch points out.

"Before we had this Head-Start program our children from more advantaged neighborhoods, who had had some kindergarten training, were city blocks ahead of children from this area," says Mrs. Eloif. And adds proudly,

"Now there's not such a difference."

But last summer was full of surprises for both the children and the Head-Start teachers, Mrs. Hoch says:

"The children had a wonderful time, and began to open up—like flowers. But it was the parents who amazed and delighted us the most." And she adds:

"A few days after the children started coming last June, we sent them home one day with a note to their parents pinned to their clothes. The note invited parents to come by any day to see what we were doing—and then set a time for a general meeting in the school cafeteria when the whole program would be explained." Mrs. Hoch laughed reminiscently:

"It was a thing we felt we ought to do—but we weren't sure how many parents would come. You know how chancy attendance at a PTA meeting can be!"

"But they came in such numbers that we didn't have enough chairs!" she says.

"Not only mothers came—but fathers, too, and grandmothers and aunts. And they came ready to help in any way they could."

"Such wonderful people!" Mrs. Hoch says enthusiastically. And adds:

"We put them to work, all right! They acted as interpreters, took down histories during the medical check-ups, helped get the children dressed and undressed and weighed—and did all sorts of helpful things."

"And we all got to know each other, too," says Mrs. Hoch. "Now when one of the families has some sort of a problem they feel free and easy about coming here to talk it over. We all respect each other."

Mrs. Hoch explained that the Head-Start program was not only concerned with "reading readiness." Other sorts of preparations for successful school attendance were stressed. The children had drills in tooth brushing, face washing and combing their hair—and mothers were full of questions about what constituted a good before-school breakfast.

Youngsters were also given complete medical and dental checkups—and were referred to Head-Start-paid medical and dental help where it was indicated. Says Mrs. Hoch:

"Part of my job was helping to see that the parents followed through by taking the children to their scheduled medical and dental appointments. And here again the parents showed their interest and concern to an unusual degree."

All in all, it was a busy summer for everyone. But it paid off.

Says Ronald T. Mullins, principal of Kindred school:

"The Head-Start students are more mature and better adjusted when entering the first grade than students who have not attended Head-Start. This maturity shows in behavior and achievement of the Head-Start students on the playground, in the classroom and in the cafeteria. Because of this maturity factor the students move at a greater pace."

And Mrs. Margaret Boyd, school nurse, who also worked as a nurse during the summer programs, says:

"I feel that the Head-Start children have an advantage because of the medical and dental examinations that were done this summer. These examinations were of great value to the children not only for health reasons, but because it made them more aware of good health and dental habits." And she laughed:

"The children greet me in the school halls today saying:

" 'I'm still brushing my teeth like you showed me!' "

Of course, all this folksy friendliness leads to some minor problems. Mrs. Hoch says that after she had explained to the smaller school children this fall what a visiting teacher does, (social work, principally), she offered generously to help them in any way she could and to answer any questions they had.

"Right off the bat I had a second grader who thought maybe I'd like to do his arithmetic for him—and another round-eyed little fellow who marched into my office and asked me to tell him all about the birds and bees," she says.

"The first child I dealt with easily," she laughs. "But with the second little boy I tried to hedge. I suggested he might ask his mother or father. But he said he had and they didn't know. So I eased into the thing carefully.

" 'What, exactly, do you want to know about the birds and bees?' I asked him cautiously."

" 'I want to know how birds build nests and how bees make honey,' he said forthrightly," Mrs. Hoch reports. And so off they went, hand-in-hand to the library.

Mrs. Hoch says a good example of how completely some of the first graders have become adjusted to academic life was shown at the first of February when one of the teachers was explaining about the joys of the coming month to her pupils. She had told them all about Washington's birthday, Lincoln's birthday and Valentine's Day when a little girl raised her hand and suggested.

"Couldn't they have the last day of school in February, too?"

BANKING AND CURRENCY COMMITTEE CHAIRMAN PATMAN SERVES INDEPENDENT BUSINESSMEN AND FREE ENTERPRISE BY KEEPING BIG BANKS IN THE BANKING BUSINESS

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, one of the most serious threats today to the prosperity of small business is the growing competition from commercial banks. The time was when the proper function of banks was the furnishing of short-term loans to businessmen, including farmers. Now we find the banks actually competing with their old customers. At the same time, banks stopped meeting small businessmen's credit needs and Congress was compelled to create the Small Business Administration and its myriad of loan programs.

Mr. Speaker, commercial bank competition in nonbanking fields is not only unfair competition, it is also illegal competition. Early in 1965, our distinguished chairman of the Committee on Banking and Currency directed the committee staff to analyze a number of controversial rulings by the then Comptroller of the Currency, James Saxon, supervisor of national banks. Some 30-odd rulings by Mr. Saxon, many of which purported to legalize national bank entry into other activities, were challenged as illegal under the national banking laws. These rulings would put banks in the following businesses: securities underwriting, equipment leasing, travel services, insurance, professional accounting and data processing, messenger and armored car services, business broker, and credit bureaus.

Chairman Patman was certainly on the right track on these and other points. Last fall the Supreme Court ruled that national banks must comply with State law when establishing branches. Then on December 14, the U.S. District Court here in Washington handed down its landmark decision in the revenue bond case (*Baker, Watts & Co., et al.* v. *Saxon*) where the court held that commercial banks are limited to the "classic time-honored functions" of acceptance of deposits of money subject to withdrawal by check or other means, the discounting of commercial paper, and making loans.

These were words of encouragement indeed to all small businessmen feeling the pinch of unfair and illegal bank competition, and not just to securities underwriters.

Mr. Speaker, with unanimous consent, I shall insert at this point in the Record two recent articles which appeared in this week's financial press, both of which bear witness to Chairman Patman's constructive activities and statements in this area. The first article, which follows in pertinent part, appears in the

April 10 issue of Washington Financial Reports, a financial weekly published by the Bureau of National Affairs, and the second article appears in the April 7 issue of Washington Notes, published by the U.S. Savings & Loan League:

[From Washington Financial Reports]

A highly controversial ruling by former Comptroller of the Currency James J. Saxon that National banks could acquire the stock of other banks, directly or through operating affiliates or subsidiaries, has been quietly dropped by his successor, Comptroller of the Currency William B. Camp.

This was one of a number of Saxon rulings questioned by House Banking Committee Chairman Wright Patman (D., Tex.) at hearings in 1965 (p. 3 WFR 9/6/65). At the time, Patman questioned Saxon on some 34 rulings which Patman and his staff claimed were contrary to law.

In a growing number of cases, Patman's views are being upheld. Saxon's ruling that national banks in towns with more than 5,000 population could act as insurance agents has been declared illegal. Another U.S. District Court has held that the Comptroller was unable to authorize National banks to deal in and underwrite revenue bonds (p. A-1 WFR 12/19/66). A number of other challenged rulings are also under court scrutiny.

The fact that the ruling that national banks could acquire and hold the stock of other banks has been dropped from the *Comptroller's Manual* was confirmed by Camp in response to written questions put to him by Patman at "get acquainted hearings" earlier this year. Camp reported that Par. 7375 had been "deleted" from the *Manual*. This was the ruling on which the unsuccessful proposal by Chase Manhattan Bank, N.A., to acquire Liberty National Bank and Trust Company of Buffalo was based.

[From Washington Notes]

A Federal Court in Atlanta has ruled that banks are prohibited from selling insurance in connection with a banking transaction in communities of over 5,000. The Court held that the provision of the Federal law which permits national banks to sell insurance on loans in communities of 5,000 or less impliedly excludes such activity in larger communities and did not touch on the real issue of whether or not this is, as Mr. Saxon contended, an "incidental" power of banking. Following on the heels of last week's Supreme Court decision on bank mergers, this new adverse ruling by a Federal Court further lowers the former Comptroller's batting average. He also has been reversed on permitting national banks to underwrite and deal in municipal bonds.

Meanwhile, Chairman Patman, who vigorously opposed any loosening of the antitrust laws as applied to bank mergers during the 89th Congress, expressed his gratification for the Supreme Court's decision upholding the Justice Department's right to challenge bank mergers and said the ruling makes it clear that the full force of the antitrust laws do apply to banks.

H.R. 8474—CONGRESSMAN PEPPER'S BILL TO ALLOW FEDERAL EMPLOYEES ADMINISTRATIVE LEAVE FOR HURRICANES OR OTHER SEVERE WEATHER CONDITIONS

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. PEPPER. Mr. Speaker, today I was privileged to appear before the Senate Post Office and Civil Service Committee, who was considering my bill, H.R. 8474, and the bill of the able Senator from Maryland [Mr. BREWSTER], S. 1157.

I am sure that my colleagues on the House Post Office and Civil Service Committee will grant an early hearing on this needed legislation. I have the support of all Federal and postal unions as well as the able chairman of the Post Office and Civil Service Committee, Mr. DULSKI. Mr. DULSKI conducted hearings on this proposal late in the 89th Congress, but, I am sorry to say, we were unable to receive passage of this legislation before the Congress adjourned.

So that all those who read this RECORD will fully understand the reasons for introducing this bill and the need for enactment of this legislation, I ask for unanimous consent to insert my statement at today's hearing at this point in the RECORD.

STATEMENT OF THE HONORABLE CLAUDE PEPPER BEFORE THE SENATE POST OFFICE AND CIVIL SERVICE COMMITTEE REGARDING H.R. 8474 AND S. 1157, FEDERAL EMPLOYEES' ADMINISTRATIVE LEAVE FOR HURRICANE OR SEVERE CONDITIONS, APRIL 13, 1967

Mr. Chairman, I am honored to appear here before your distinguished committee and appreciate being given this opportunity to voice my support for my bill, H.R. 8474 and the bill of the able Senator from Maryland, Mr. Brewster's, S. 1157.

Mr. Chairman, as you know, I introduced the first bill of this type during the 89th Congress. That bill, H.R. 11434, was slightly different from the one that is before us today. This bill was an outgrowth of the hearings that the House Post Office and Civil Service Committee conducted on August 31, 1966. After these hearings, I introduced a new bill, H.R. 18007 which is identical to S. 1157.

I have made one slight change in my bill when I co-sponsored H.R. 8474—on page two, line one, I struck out "(except the Tennessee Valley Authority)." This provision was placed in the bill last year when the House Committee was chaired by Congressman Murray. Including this provision in the bill was, as I understood it, his standing requirement for all legislation to be reported by his committee. I feel that this is not a necessary provision and have stricken this language from my bill.

Mr. Chairman, I have been meeting with various groups of Federal employees in my area, for some time and they have been pressing upon me the necessity for the enactment of this legislation. Finally, because they did present to me the need for passage of such a bill that I prepared and introduced the first bill that I have just mentioned.

This measure is concerned with the personnel procedures to be followed by Federal agencies in areas affected by hurricanes. Its enactment would put an end to existing uncertainties and ambiguities surrounding Federal employee dismissals when a hurricane or other severe weather threatens.

This is a simple bill, but an important one to all Federal employees who live and work in potential hurricane territory. Its substance is contained in its title, which reads: "To amend title 5, United States Code, to provide for the excused absence from duty, without loss of pay or reduction in annual or sick leave, of Federal employees in areas covered by official warnings of imminent danger of hurricane or other inherently dangerous weather conditions, and for other purposes."

I might add that these provisions would not apply to any employee whose presence is required for reasons of public safety, emergency services, or the national security.

I know that the first thought of many of you who are knowledgeable in the regulations and practices dealing with Federal personnel is that agency heads already have the authority and the responsibility to shut down operations and send employees home if the weather is very bad.

This is true. Under the general heading, "Administrative Dismissals of Employees," the *Federal Personnel Manual* reads, in part: "The closing of an activity for brief periods is within the administrative authority of an agency. . . . Examples of reasons for closing are: (1) *Interruption of normal operations* of establishments by events beyond the control of management or employees, such as emergency conditions due to extreme weather conditions, fires, floods, or serious interruption to public transportation services. When group dismissals occur by reason of closing an activity or by releasing employees in the public interest, employees affected by these actions are generally excused without charge to leave and without loss of pay. . . ."

As we all know, similar regulations published in the *Federal Personnel Manual* control the closing of Government offices and the dismissal of Federal employees in the Washington area. Such dismissals are based on the judgment of the District Engineer Commissioner and a decision by a designated Assistant to the President.

These procedures allow for early staggered closings of agencies when snow, ice, or other severe weather conditions during working hours may create hazardous driving conditions or great traffic congestion. If these weather conditions develop during nonworking hours, the decision of the Assistant to the President to shut down operations is immediately released to the radio and television stations and the press so that employees will stay home. Employees are not charged leave under these circumstances, nor are they penalized financially.

If this authority to close Federal Government offices in Washington and in the field as a result of extreme weather conditions already exists, why, then, do we need to enact into law this bill dealing with hurricanes?

The answer is that under this bill the appropriate agency official is not only authorized but directed to excuse employees from duty when the Weather Bureau has issued an official warning about hurricanes or other severe weather.

I know you will have other witnesses go into this matter further. The kind of warning that we refer to in this bill as fixing the time when the governmental executives are directed to allow the employees who do not come within the exceptions named in the bill to go home means the warning that is given by the local weather bureau authority that the hurricane or other severe weather conditions are approaching, that is, it is within the danger area, and when people generally are warned to go home or get off the streets.

This is the big difference, and a very important difference. The decision would, in effect, be made by those most qualified to make it—the weather experts.

The application of this decision would, under H.R. 8474 be uniform throughout the entire area covered by the official warning. When one Government office shuts down, so would all others. As matters now stand it is quite possible that one agency head might decide that conditions justify dismissal of his employees whereas a mile or so away, where weather elements are identical, another agency head might conclude that things are not quite bad enough to warrant a closing.

Mr. Chairman, to emphasize this point I would like to quote from a Statement made by Mr. Stanley Gold, then the Legislative Representative of the Dade County Council of Postal Employees, during the August 31st hearings. This is from page 23 of that hearing and reads: "The following report is an example of the use of discretion by postmasters during Hurricane Betsy which hit Florida in September 1965. Between 12 noon and 3 p.m. on Tuesday, September 7, 1965, announcements over television and radio told people in south Florida to keep off the streets for their own safety. These broadcasts were made direct from the Weather Bureau in Miami and 50- and 60-mile-an-hour winds were blowing at the time. Nearly all the larger companies and business announced by 1 p.m., over radio and TV, that they would be closed and employees on the afternoon shifts should not report to work. Even the post office in Miami announced, "No more mail will be picked up after 3:30 p.m." I guess it was too dangerous for trucks to remain outside. However, the afternoon mail delivery by carriers on bikes or with handcarts continued. I was informed the West Palm Beach postmaster declared administrative leave at 3 p.m. for his employees. Hollywood postmaster declared it at 4:30 p.m. Hialeah and Opa-Locka postmasters declared it at 5 p.m. and the Miami postmaster declared 6 p.m. as the time authorized for administrative leave to begin.

"The Miami postmaster claimed he got his advice from the Weather Bureau. The employees and everyone else got the advice from the radio and TV reports as early as 12 noon that day. 'Hurricane is coming, stay off the streets, take all precautions for the storm.' plus the fact they could tell by the high winds in the early afternoon that the storm was near. I am sure the radio and television announcers also got their information from the Weather Bureau.

"Employees that were scheduled to report before 5:30 p.m. decided for the best interest of their families and their own lives that they shouldn't report to work; none of these employees were given administrative leave for that day. Management claims that anyone who was in a leave status at the time administrative leave was given remains in that status and does not get administrative leave."

May I say parenthetically that passage of this bill would in no way affect the existing administrative authority to permit early dismissals or to excuse employees because of bad weather. It is essential to retain this authority because sometimes conditions in which the Weather Bureau has no professional interest, such as the probability of an enormous transportation tie-up, must also be considered.

In evaluating this bill, we should keep uppermost in our minds the fact that a hurricane is in a class by itself as a storm. A heavy snow or ice storm may create great discomfort, inconvenience, and hardship, but a hurricane is always a potential killer and sometimes a real killer, while leaving in its wake millions of dollars of property damage and, possibly, thousands of homeless victims.

With this sort of threat hanging over their heads, how much attention to their work can be expected from Federal employees in their offices? They are understandably apprehensive about their families and concerned about when and how they can get home. Meantime, all they can do is wait while the agency head searches his own conscience and reaches his best, but admittedly inexpert, conclusion about dismissals.

But more is involved than emotional strain and the natural desire of employees to be with their families under these circumstances. There are some very practical problems to be faced and a lot of work to be done. Somebody must bring the children safely home from school or the playground. Somebody must board up the windows and take all other possible precautionary measures. Somebody must go out for food.

The threat of a hurricane or other extremely severe weather conditions now means an agony of suspense, uncertainty, and anxiety for Federal employees on duty in the path of the storm. This situation is fully as difficult and unfair to the top agency people who must decide what to do.

Both employees and officials should be and can be spared this ordeal. The people at the Weather Bureau are the best qualified to predict the capricious behavior and disruptive potential of hurricanes and other weather phenomena. Whenever weather is the controlling factor, the decision to shut down or keep open Federal facilities should be contingent on their judgment.

Under the provisions of H.R. 8474 and S. 1157 this would be the case, and for this reason I believe the bill should be enacted into law.

Thank you very much.

PAN AMERICAN DAY

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. PEPPER. Mr. Speaker, April 14 is the 77th anniversary of the founding of the Pan American Union and the inter-American system. The spirit of hemispheric cooperation has come a long way since the historic day in 1890 when the nations of Latin America and the United States created the International Union of American Republics. Whoever could have dreamed that this meeting, 77 years ago in Washington, D.C., would result in the type of union which exists in the inter-American system today?

In 1948, 21 American nations signed the charter establishing the Organization of American States, a major achievement in hemispheric unity. The importance of this body to hemispheric development cannot be overemphasized. The OAS represents principles and policies of inter-American cooperation which are vital to the future of Latin America and the United States. The OAS enables the independent republics of this hemisphere to unite in common interests and work toward common goals. It is striving for the economic and social security of the Western Hemisphere to provide a basis for lasting peace. The activities of the OAS, together with its agencies and specialized organs, cover all fields of human endeavor: education and culture, international law, public health, science and technology, transportation and communication, agriculture, child welfare, geography and history. It is a flexible system permitting continuous evolution of new forms of cooperation and interdependence. The dedication of the Latin American peoples to OAS principles was recently demonstrated at the meeting of OAS Foreign Ministers in Buenos Aires in February of this year. At that time, the charter of the organization was greatly revised, giving a new vitality to the inter-American system and placing the goals of the OAS more in step with the rapid changes of the 20th century. Through mutual understanding and cooperation, the OAS is working to build a hemisphere where all men can hope for a suitable standard of living and all can live out their lives in dignity and in freedom.

It is of vital importance that we of the United States commit ourselves to furthering the inter-American spirit. Progress and development depend on the will of the people to work for them. All efforts should be made to promote a greater understanding between the peoples of the United States and Latin America; thus will a spirit of lasting friendship and mutual trust be born. Toward this goal, citizens of the United States and Latin America will participate in the Inter-American Trade and Cultural Center, Interama, which is scheduled to open in my own congressional district in Miami, Fla., by July 1968. On April 1, 1966, President Johnson extended, on behalf of the people of the United States, an invitation to the Latin American Republics to participate in Interama, the world's first permanent exposition. Seventeen hemisphere governments have already accepted, thus indicating overwhelming response to the project. The joint participation of the hemisphere nations in this exposition, I believe, will mark the beginning of a unique inter-American institution which will play a significant role in the future hemispheric cooperation.

Interama is designed to provide a permanent international center which will serve as a meeting place of the Americas for all time. It will provide for an exchange of ideas, cultures, and people. At Interama, each hemispheric nation will have a national house in which the customs, history, achievements, and future goals of the Latin American peoples will be displayed through dynamic exhibits. Interama will be a showcase to all the world, displaying the vitality and productivity of the Americas, as well as the character of the people, their dreams and aspirations.

The central theme, "The American Way of Life—Progress and Freedom," will demonstrate the political, social, and material elements which contribute to the general welfare of a democratic society and the American way of life. The message of Interama will be carried to millions of people. To the Latin Americans, Interama will be a symbol of hope for a better future, a revelation, and perhaps a prophecy of things to come. It will enable people to exchange information about each other, and it will demonstrate solutions being found to common problems. In this way, Interama will be a driving force for the goals for the Alliance for Progress. The four major areas of the exposition—government, industry, culture, and leisure—offer a panorama of the basic elements of modern society, and these elements will be displayed in a spirit of good will and mutual understanding.

Mr. Speaker, on this 77th Pan American Day, the hemisphere community of nations is on the brink of a new era of progress. Foundations for solidarity are being laid down in Punta del Este, where the heads of state of the Latin American Republics and President Johnson are meeting to chart the future of the hemisphere. There is bright hope for solid gains and constructive plans to alleviate the basic problems which are blocking Latin American development. There is great significance in this Pan American Day, on which we salute the OAS, the Alliance for Progress, and the special efforts of cooperation being made by the United States and the Latin American countries.

Today we salute the beginning of an era in which men from all nations will be able to come together to work toward peace for all the world.

MEMORIAL TO FROST

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. PEPPER. Mr. Speaker, I have been fortunate to know for many years one of the finest newsmen in the South, if not in the country. Mr. Jack Kassewitz, who is the chief editorial writer for the Miami News, has a very outstanding column in this paper and I have noted with keen interest several of his recent articles.

One dealing with a memorial to the late and beloved poet, Robert Frost, which, by the way, Mr. Speaker, I have introduced a joint resolution to proclaim a national observance of Robert Frost's birthday, and the actions of several of Miami's outstanding citizens who are trying to get this proclamation enacted. I think that Mr. Kassewitz has done an exceptionally fine job of portraying what we all feel this beloved man gave to our heritage in the way of his poetry. He also points out the work that his dedicated followers are doing in Miami to keep his works alive in the form of a memorial.

The next article and editorial deals with our postal employees and the updating and implementation of Postmaster O'Brien's recent recommendations. Many of us seem to forget the outstanding work that these overworked employees do both in public service and seeing that the mail gets through. Again, Mr. Kassewitz has reminded us of the fine work that is being carried out by this service, especially during this time of criticism.

Mr. Speaker, I am certainly glad that there is a man like Jack Kassewitz who continues to write about the needs and feelings of the everyday man.

Mr. Speaker, I therefore commend these articles to the reading of my colleagues and to all those who read this RECORD, and with permission I insert the articles of March 24, March 30, and the editorial of April 7 from the Miami News immediately following my remarks.

A MEMORIAL TO FROST—AT LAST

(By Jack Kassewitz)

Robert Frost, America's beloved poet laureate, wrote in "The Lesson For Today":

"And were my epitaph to be my story I'd have
a short one ready for my own.
I would have written of me on my stone:
'I had a lover's quarrel with the world.'"

One of Miami's most famous winter residents, now dead four years, would be almost forgotten in this community but for the enduring quality of his poetry—and the endurance of two admirers who have achieved a small measure of fame for their own particular brand of poesy.

A well intentioned suggestion last year that a portion of the new Expressway be named for Mr. Frost drew immediate objections from poetry lovers—and editorial writers—who suggested a quiet nook much more appropriate than the noisy byways of the jet age.

Robert Frost found peace and tranquillity in his South Miami home, Pencil Pines, where he viewed the beauty of magnificent trees given him by a dear friend, Dr. David Fairchild. In his poem, "The Egg And The Machine," Mr. Frost met the intrusion of a locomotive upon his private haunts by digging up a clutch of turtle eggs. Armed with them as his grenades, he issued this challenge:

"You'd better not disturb me any more
He told the distance, 'I am armed for war.
The next machine that has the power to pass
Will get this plasm in its goggle glass.'"

For many months, Miamians Gene Griener and Mrs. J. Riley Staats, poets in their own right ("What Color is God," and "Bright Quarry," respectively) thought a memorial to Mr. Frost ought to be a community effort.

A retired Navy radioman, Griener used spare time from his flight supervisor job with the FAA. Mrs. Staats made use of idle moments between other civic contributions and teaching of journalism and English at Southwest High School. They buttonholed city, county and state officials, to no avail.

Now Mabel Staats is not exactly the type to take "No" as a final answer. (She may not speak to us for 24 hours for saying this. But it's the way she molds prize winning journalists in her school. She insists the boys and girls perform up to her own high standards.)

Rejected by the county, Mrs. Staats approached Dr. Henry King Stanford, president of the University of Miami, where the late Mr. Staats was chairman of the Geography department, and asked for a small clearing under the trees beside the library or student union.

Dr. Stanford, quickly agreed that Mrs. Staats' idea was excellent. He even suggested the university, which Mr. Frost visited occasionally, would be willing to take care of landscaping the site.

Mrs. Staats next went to work on her own Dade Federation of Women's Clubs and members came forth Wednesday with cash contributions for a rough hewn granite stone, which hopefully will be as unostentatious, but as strong, as Mr. Frost himself. A total of $600 will be sought from public subscription and if all now goes well, dedication is scheduled on Oct. 15, World Poetry Day.

Mrs. Staats is on her way to success again. Why did she want to take time for this cause, considering she never met Mr. Frost but briefly on one occasion, heard him speak on two others?

"It seems important to me that we keep alive the contributions of writers such as Robert Frost who understood human nature and wrote about it in such a manner that people who aren't exactly enthusiastic about poetry remember it and quote it.

"My interest stems from my belief that the enduring ideals of mankind are most memorably expressed through it, and from my observations of its effects upon the students with whom I work daily."

Her favorite among Mr. Frost's poems? "The Road Not Taken" which concludes with this verse:

"I shall be telling this with a sigh
Somewhere ages and ages hence:
I took the one less traveled by.
And this has made all the difference."

HISTORIC WALK FOR MAILMAN

(By Jack Kassewitz)

Your regular U.S. letter carrier, like some 2,000 others in Dade County, will knock at the front door of your home Sunday afternoon, collecting contributions for United Cerebral Palsy. Wearing full uniform and carrying his customary shoulder satchel, the mailman will be making history of a sorts.

Only once before have Dade mailmen given up their day off for a major community effort and that was 10 years ago, upon orders from the Post Office Department in Washington.

James F. Dolan, president of the Miami branch of the National Association of Letter Carriers, explained yesterday that "we are very interested in a yearly project because we think we are an important part of the community. We feel that it will be to each other's benefit that we march for CP."

MOST WILL WALK

"I think we'll have about 85 to 90 per cent of our 1,449 carriers, marching on their free Sunday," said Dolan. Lester Dreyfuss, president of the Homestead branch, Joe Retcho, of the Opa-locka chapter, and James Kindley, of Hialeah, believe they'll do even better, perhaps as high as 100 per cent participation in the collection march.

The letter carriers have a reason for wanting to improve their public image. In the eyes of the Congress, they are barely ranked above unskilled labor, even though they earn about $6,000 annually. The last week of April, thousands of the mailmen from across the nation are paying their own expenses to Washington where they will seek to correct a 12-year injustice of wage ratings.

"We're chartering a bus," Dolan explained. "All of the four Dade chapters will be represented and the state president, E. J. Wilson, a North Miami Beach letter carrier, is going with us. We want to ask Congress for a reevaluation of the status (Level 4 in government language) given to us in 1955. Until now, it's been an ineffective battle, although we feel our wages ought to be comparable to private industry."

The mailmen say inadequate salaries and incentives have caused a deterioration of service in the Post Office Department because the department fails to attract the same caliber of recruit as private business.

GET JOB DONE

This bears out, to a point, what Postmaster General Lawrence O'Brien told a House Apropriations Committee in Washington last month: "Your Post Office is in a race with a catastrophe, and we must find new ways to cope with the rising flood of mail." The committee responded to Mr. O'Brien: Hire 25,000 extra mailmen and get the job done.

But it might not be that simple, Miami's carriers, for example, will tell Washington: "We are embarrassed by the kind of services we have to supply. The only way to improve is to make the job sufficiently attractive to recruit and keep the best available people."

CP means Cerebral Palsy. And Capable Postmen.

UPDATE "PONY EXPRESS"

If any business ever needed an efficiency expert from private industry it's the U.S. Post Office Department, which the postmaster general says "is in a race with catastrophe."

Lawrence O'Brien raised a lot of eyebrows in Washington this week with a proposal to abolish his federal department and replace it with a nonprofit corporation.

It is the first meaningful suggestion to come forth since the days of the Pony Express. Unfortunately, President Johnson chose to ignore the idea when he asked the Congress on Wednesday to increase rates for first class mail, the second such hike in four years.

"I am convinced a corporation is the only way to improve postal service," O'Brien maintains. "If the telephone companies were run the way the Post Office Department is, then we'd still have carrier pigeons." This is non-political thinking on the part of O'Brien and he ought to be heard out.

O'Brien feels the Post Office ought to be detailed by Congress to carry out essential public services, including a clear mandate on cost coverage so that rates might be adjusted by a fixed formula. Postal employes might have more incentive and wages would be comparable to private industry, a suggestion being advanced everywhere today by letter carriers who want a raise.

Year by year, under the present system, Congress comes forward with nothing but additional disorganization for an already patched-up production. (The President, in his message to Congress, admits his higher rates would make no dent in the multibillion dollar deficit now existing in the Post Office.)

O'Brien realizes what most Washington bureaucrats refuse to admit: That the Congress will lose a political plaything, a source of vast patronage. And yet the Congress consistently refuses to modernize. A corporation would be free of many laws restricting use of appropriated funds and would be able to issue bonds to obtain capital funds.

A corporation also would be free to establish a merit work system replacing to a degree the present civil service which, in too many instances, serves as a haven for the slow and incapable.

Every American averages about 400 pieces of mail a year. Much of it is pure junk, impersonal and addressed only to a street number. This type of advertising travels at a much lesser rate than first class. A hefty rate increase, or even banishment of unaddressed mail, might go a long way to help the weary postman.

And improved, businesslike service might help the weary taxpayer, who foots the bills in the hope of getting something better than what exists today.

Wire Mr. O'Brien of your support. Don't write.

INCREASES IN POSTAL RATES AND SALARIES

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. William D. Ford] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. WILLIAM D. FORD. Mr. Speaker, I am introducing today, bills which incorporate the proposals made by President Johnson in his recent message to Congress recommending increases in postal rates and salaries.

As a member of the Post Office and Civil Service Committee, I have carefully studied the President's analysis of the Post Office Department's problems and his recommendations for solving them.

There is no question that a serious problem exists. Postmaster General O'Brien has warned that the Department faces catastrophe unless action is taken. The present situation is deplorable. Employee morale is low, trained workers are leaving the service, recruitment is lagging, and delivery complaints are becoming more and more frequent.

I agree with President Johnson that several steps are needed—salaries must be increased, services must be improved, and rates must be increased. As the President pointed out, if we are to expect a high quality of service, we must be able to attract and keep competent career employees, and we must be willing to give them the equipment they need to do an effective job.

One of my bills would increase postal rates for all classes of mail. First-class and airmail would be increased 1 cent, or 20 percent. Second-class mail would be increased an average of 22 percent over a 3-year period, beginning next January. Third-class mail would be hiked an average of 28 percent, and fourth-class mail an average of 21 percent.

These increases would produce an additional $700,000,000 in postal revenues in the next fiscal year, and when fully in effect would add more than $800,000,000 annually to postal revenue. This will provide the funds we need for postal modernization and for the sorely needed salary increases. This in turn will give all Americans the better postal service that they demand, expect, and deserve. I strongly urge my colleagues to give their full support to both pieces of legislation.

A REVITALIZED ALLIANCE FOR PROGRESS

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Brown] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BROWN of California. Mr. Speaker, we are all aware that the President of the United States is meeting this week with his counterparts from Latin America to discuss matters of mutual concern. I rise to wish the President and his advisers well, for I know they go in search of new and better ways to assist in solving the social and economic problems which beset this hemisphere.

In the spirit of increased dialog on this subject I offer a few remarks which I hope will make clear my position on this matter. I do not pretend to be an expert on United States-Latin American affairs, but I do feel there are certain fundamental facts and premises that should guide us in our efforts to assist that area of our hemisphere.

In 1960 we joined with Latin America in an Alliance for Progress. In this regard, the meaningful work, ideas, and intentions of Presidents Eisenhower, Kennedy, and Johnson deserve our praise and support. The increasing concern and compassion with which we have approached the problems of our neighbors to the south, and assisted them in their efforts to achieve socioeconomic progress is also deserving of admiration.

But we must be careful and realistic lest we continually aline ourselves with those who are not the true champions of progress, or the true representatives of those we seek to assist.

Mr. Speaker, I say this because, in my opinion, we are too often on the wrong side of the fence when it comes to popular movements striving to attain justice, freedom from oppression and fear, and release from the depressing clutch of poverty, illiteracy, and disease. What I am suggesting here is that we gage realistically the aspirations and aims of these peoples and aline ourselves with the true forces of meaningful change. This will demand of us that we carefully distinguish those local nationalist elements from those alien forces seeking to further their own end. I know it will not be an easy task.

The point I wish to make is that we have an opportunity now, which might soon be out of our reach, to act before the fact—that is, the fact of violent societal disruptions and consequent U.S. intervention to preserve the peace.

And we know the sad consequences which lie in store for us when we engage in such actions. Consider for a moment the unilateral intervention by this country during the Dominican Republic's crisis. Granted, our intervention did indeed bring a measure of peace and stability to that country, but for how long will it last, and what price did we pay? We committed millions of dollars and thousands of troops. Our role in Latin American is now viewed with considerable suspicion, and, in fact, our relations with these countries were set back to a depressing, not to say deplorable, state. And once again, the entire world witnessed our overreaction to a menace which existed only in the minds of a few of our policymakers. This type of intervention and brush-fire foreign policy does not help our country's image one iota.

And yet, most will admit that the conditions which gave rise to the events in the Dominican Republic are today present in a good number of Latin American nations. Can you imagine the extent and needs of a military deployment to meet two or three of these societal disruptions at once? It is possible that the future could produce such a catastrophe. This is the reason I stress the importance of eliminating the deplorable conditions which presently exist in the numerous barrios and favelas of Latin America. In order to accomplish this, we must put new life into the Alliance for Progress, and, to be honest, in some cases we must realine ourselves with new popular forces within the countries. The size of our new commitment toward a massive developmental program for Latin America should be on the scale resembling that of the postwar Marshall plan if we realistically expect to meet the needs of this area.

Anyone who has followed events in Latin America closely cannot but be appalled over the stiff resistance which has faced democratic elements in that area. Antidemocratic forces have fought in too many cases a successful delaying action. Few will deny that rule by oligarchy exists even to this day in many of the States to our south. Democracy has been choked off; its lifeline—the people—silenced.

Militarism abounds and, in fact, rules in many of these countries. The two largest nations of South America—nations which contain well over 50 percent of that continent's population—are presently under military rule. It has become very clear that the military considers itself the arbiter of governmental decisions and deposes popularly elected governments at its whim. Since these coup d'etats are aimed generally at popular uprisings or popular governments, one wonders why we give such swift formal recognition to them. This places a mantle of respectability and legality over their actions.

How can we reconcile our Alliance for Progress and military assistance to these countries? If the people of Latin America are to be the masters of their own future, these unnecessarily large military machines must either be dismantled or placed under proper civilian control. I would hope that serious and lengthy discussions are held on this subject at Punta del Este this week.

One need only to scan the news to realize that many attempts at meaningful political involvement are stifled by the regimes in power, frequently behind the facade of or call for "evolutionary progress" which they say demands stability and the status quo—however oppressive, corrupt, or unrepresentative that status quo may be. As a matter of fact, many look upon our own good efforts—the Alliance for Progress—as sort of a safety valve for the prevention of more radical change, at the bottom of a huge frustration-filled cauldron of political discontent ready to erupt at any moment. Whether the charge is correct or justifiable or not is immaterial. The fact is, many believe it.

There is widespread belief here and in Latin America that the Alliance has not only lost its momentum and zest, but is presently failing to evoke the excitement and hope that must accompany such a call to battle. True, all the blame cannot be levied against the United States alone. Perhaps, the meeting at Punta del Este will deal with this problem also.

I reiterate that we are able at this time to act before the fact—and I speak of recurring societal disruptions. We can revitalize the Alliance, give it new impetus, and, perhaps most important of all, realine ourselves, if need be, with the true representatives of progress in Latin America.

Mr. Speaker, I submit that the compassion and concern of our Nation's people is more powerful than its indifference, and that our people will gladly join with the President in his efforts to bring meaningful progress and change to Latin America. We have ignored our neighbors too long. We have taken them for granted too long. And we have many times misinterpreted events which have taken place in Latin America.

Let us extend a helping hand to our fellow Americans. None of us should be satisfied until all Americans—North and South—have attained the life of freedom and abundance which all of us cherish and protect so faithfully. This is certainly not too much to ask.

RIGHT OF PRIVACY ACT OF 1967

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Eilberg] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. EILBERG. Mr. Speaker, following is the text of my testimony this morning before a Judiciary subcommittee considering my bill to impose instruction on wiretapping and other methods of electronic eavesdropping. I ask that it be placed in the Record in the hope that others may add their experiences and arguments in favor of that proposal:

> Mr. Chairman and members of the subcommittee, I am grateful for the opportunity to offer this testimony in support of H.R. 7535 and similar bills cited as the "Right of Privacy Act of 1967".
>
> I assure you that my interest and experience in this field stem not from science-fiction portrayals of microphones hidden in martini olives, but rather upon some very real happenings as recently as a year ago in the Commonwealth of Pennsylvania. Then I was involved, as were many other state legislators, in a wide-scope investigation of morale among members of the Pennsylvania State Police Force. It was alleged, and I believe largely substantiated, that a rather low degree of enthusiasm existed in many areas of the State Police, at least partly because of a lack of privacy allowed members of that body in both their official and private lives.
>
> We heard testimony at that time by a member of the Department that telephones were being tapped and that other methods of modern eavesdropping were being used against other state troopers. We learned something about the kinds of equipment on the market and what they were designed to do.
>
> The investigation last year resulted in the resignation of the State Police Commissioner, the court-martial of another high ranking officer and citations for contempt of the House against three other officers.
>
> We all have more than ample reasons for believing such practices exist not only in comparable levels of the Federal Government but also as part of the operations of a number of private companies and investigative organizations. And yet the right of privacy remains theoretically an implied basic right guaranteed to our citizens by the Constitution. The Fourth Amendment guarantees:
>
> "The right of the people to be secure in their persons, houses, papers and efforts against unreasonable searches and seizures . . ."
>
> I am aware, as a former Assistant District Attorney, of the advantages and temptations wiretapping and electronic eavesdropping present in investigative work. I am more aware, however, of the disadvantages they present and the fears they cause in the hearts of millions of American citizens. Electronic eavesdropping is a modernization of but is not substantially different from any other kind of illegal search in the privacy of one's person or home. It is in recognition of this that I offered H.R. 7535 for your favorable consideration. I believe that similar bills were offered in the same spirit.
>
> I am happy to say that my bill was introduced at the suggestion of the Justice Department. And its introduction followed a strong message to the Congress by the President of the United States, in which he proposed that Congress ban—to the limit of its constitutional power—wiretapping and eavesdropping.
>
> I regarded that message as a blow for freedom and the dignity of man, and I believe that our citizens deserve to know they may communicate with each other safe from the snooping ears of interlopers. Admittedly, some latitude must be allowed when the security of the nation is at stake, but only the most serious threat can justify use of these measures.
>
> If each of us is to retain his peace of mind and his confidence in our way of life, all of us must be guaranteed the right of privacy. I believe the "Right of Privacy Act of 1967" provides such a guarantee.
>
> Thank you.

MR. GEORGE EWING, EDITOR OF THE CANANDAIGUA, N.Y., MESSENGER, SUBMITS A PENETRATING AND PERCEPTIVE REPORT ON HIS MONTH-LONG TRIP TO VIETNAM AND THE FAR EAST

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Stratton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STRATTON. Mr. Speaker, I have long believed that unless one personally visits Vietnam and other Far Eastern areas he cannot fully appreciate the significance of the commitment this country has made in Vietnam. Those who do journey to Vietnam, on the other hand, come back with eloquent testimony of the importance of our effort in that troubled part of the globe.

One of the most penetrating, perceptive, and succinct reports I have ever read appeared recently in the columns of the Canandaigua, N.Y., Messenger, as a personal report by the editor and publisher of that great newspaper, Mr. George Ewing. Mr. Ewing is no stranger to Washington, incidentally, since he is the son of Hon. Oscar Ewing, former Administrator of the Federal Security Administration, forerunner of the present Department of Health, Education, and Welfare.

Because I feel strongly that every American ought to read Mr. Ewing's articles, which appeared as serialized editorials in his paper, I include them at this point in the Record as part of my own remarks.

The editorials, dated from March 29, 1967, to April 6, 1967, follow:

ASIAN IMPRESSIONS—I

[From the Canandaigua (N.Y.) Daily Messenger, Mar. 29, 1967]

(By George M. Ewing)

Visiting six Asian countries in a month is hardly sufficient to qualify as an expert. But I did come back from my study mission with several very clear impressions.

We spent time in Japan, Korea, Taiwan (Formosa), Hong Kong, Vietnam and Thailand. In all of these except Hong Kong, which is a British Crown Colony, the United States maintains a pretty impressive array of military forces to advise and back up each country's own military power. (Our forces are also in the Philippines, of course, but my schedule didn't take me there.)

If you look at the map reproduced in the center of this page, you will see that our armed strength, plus that of our various allies, pretty much rings the eastern and southern flanks of Communist China. This, then, is the first impression I brought back from my Asian tour; namely, that we in the United States must never forget for one moment that Red China—in spite of, or perhaps because of her internal difficulties—constitutes a very clear and present danger to her freedom-loving neighbors and hence, ultimately, to us.

Our forces are in Asia—Vietnam is the current "hot spot"—because Communist China, using all kinds of local communist and dissident elements, is actively fomenting terror, insurrection and infiltration in neighboring countries with the sole aim of gobbling them up. The United States, whether we like it or not, is the only power on earth which can protect these struggling countries from Red Chinese aggression. If we should let Vietnam succumb—or Thailand or other countries in Southeast Asia—who's to say when and where Peking's appetite would be satisfied?

The problems in Vietnam, and the type of war being waged there, aren't quite so clear—so black and white, if you will—as they were in Korea in the 1950s. But the issue is identical.

Basically, the question is simply this: Will the United States permit Red China first to subvert her neighbors and then control them? Or will we honor our commitments to help these nations preserve their freedom to choose their own destinies?

That, in my view, is what Korea was all about, and it's what Vietnam is all about. There are a number of other factors, of course, that enter into the Vietnam situation which tend to muddy the waters. But when you clear all that away, you must come back to the central point that if we don't stop Red Chinese expansion now, we will assuredly be faced in the near future with far more serious problems than beset us now in Vietnam.

Of all the statesmen I saw in Asia, perhaps Thanat Khoman, Thailand's Foreign Minister, summed up best the feelings of most non-Communist Asians when he told us:

"Your (U.S.) actions in Vietnam give assurance to peoples around the world, especially small nations, that you believe they have the right to live and to lead a free existence.

"We know," he continued, "that if you were to allow small nations like South Vietnam to be conquered by the communists or other predatory nations, Thailand's turn would also come.

"Then it may be," he said, "that the nations of America, Europe, Africa and Asia may say, 'Let Thailand die; let us have a few more years of peace,' thus letting us die in the way Austria and Czechoslovakia were allowed to die prior to World War II. Such a fate should not be allowed to be repeated in Asia."

And that, of course, is precisely why we fought the Korean War, why we are fighting the war in Vietnam, and why our armed forces are in other parts of Asia. We don't intend to permit another Munich in Asia.

[From the Canandaigua (N.Y.) Daily Messenger, Mar. 30, 1967]

ASIAN IMPRESSIONS—II

(By George M. Ewing)

Many of our non-communist friends in Asia think we have already won the war in Vietnam. Accordingly, they can't understand what the arguments going on in the United States are all about.

In the eyes of the Asian leaders with whom I talked during my month in that part of the world, we have not only checked the spread of communist aggression in South Vietnam, but we have also got the North Vietnamese and their Viet Cong sidekicks on the run.

I wish it were that simple.

However, from what I saw and heard in Vietnam it seems to me that we still have a long way to go. Militarily, we are doing well. Our superior firepower, particularly our air power, has enabled us to cripple the enemy severely whenever we can get him into open battle.

But we are not yet able to provide most South Vietnamese with reasonable security from guerrilla terrorists. And it's hard to foresee when a reasonably healthy and viable country can emerge in South Vietnam.

The formal (if that's the right word) military problem is under control. The key problem now lies on the civilian, political front.

How do you go about developing even a little bit of political sophistication in a people who have been colonized and downtrodden for generations and whose local leaders have been systematically murdered by the Viet Cong?

How do you engender some sense of loyalty to a central government which was notoriously corrupt and riddled with favoritism under former President Diem, and which isn't much better under Premier Ky?

Finally, how do you develop reasonably responsible and efficient local governments, when you are not able to prevent Viet Cong terrorists from shooting up hamlet leaders in most parts of the country?

Before any of these civilian problems can be completely resolved, we must first try to end the shooting war in Vietnam. Once that is done, the other tasks will become that much easier. But how to do it?

So far as I can see, the only way we can hope to bring about a cease-fire in Vietnam is to continue doing just what we are doing; namely, try to flush out and destroy enemy units wherever we can find them, and at the same time maintain pressure on Hanoi by continuing our bombing and harrassment in the North.

To me, it makes absolutely no sense to argue that if only we will stop bombing the North, Hanoi will come to the peace table. Every time we have temporarily halted the bombing (most recently during the Christmas and Tet truces), the communists have simply used the lulls to repair their supply routes and move additional quantities of men and materiel to the South.

As the old saying goes, it takes two to tango. Thus far, the communists have shown no indication that they sincerely want to talk peace. Rather, they have mounted a remarkably successful propaganda campaign against the bombings which has been swallowed by a number of people who ought to know better.

The only way I can see to bring Hanoi to the conference table to work out some kind of acceptable cessation of the shooting is to keep up the kind of military pressure we are now exerting. Sooner or later, Hanoi must come to realize that the United States intends to honor its commitment to South Vietnam without, at the same time, obliterating North Vietnam.

This latter point is especially important to keep in mind. We have absolutely no desire to wipe North Vietnam off the map (even though we might be able to do so militarily). Nor do we want to do anything which will make either Red China or Soviet Russia feel compelled to enter the war actively on Hanoi's side. We certainly don't want to see Vietnam become the spark of World War III.

So in my view, the "hawks" and the "doves" are both equally wrong about Vietnam. Neither course will achieve our aims. Rather we must continue down the road we are currently following despite the fact that its end is nowhere clearly in view. We need patience and perseverance.

Tomorrow in this space, I will go into further detail on some of the problems we face on the civilian, political front in Vietnam.

[From the Canandaigua (N.Y.) Daily Messenger, Mar. 31, 1967]

ASIAN IMPRESSIONS—III

(By George M. Ewing)

I'm awfully glad that my recent tour of Southeast Asia wasn't confined just to visiting Vietnam. For if it had been, I'm afraid I would have come back with a feeling of deep pessimism.

Although I am convinced we are definitely on the right track in Vietnam, and should continue our present courses of action there, nevertheless the road ahead—particularly on the civilian, political front—seems so long, so obscure and so difficult to navigate that I might almost lose heart. In fact, if I had only seen Vietnam, I would be terribly discouraged.

Fortunately, however, I also saw some of the miracles which have been accomplished by other emerging nations in Southeast Asia—aided greatly, I might add, by generous doses of American economic and technical assistance. Therefore, I can visualize what can be done in Vietnam, once the shooting stops.

As I have noted previously, militarily we are doing very well in Vietnam right now. The Army has numerous charts and figures of enemy casualties and defections which show pretty convincingly that our superior manpower and equipment are making serious inroads into the regular forces of the North Vietnamese and Viet Cong. Our intelligence sources report the enemy is, in fact, hard-pressed to find adequate replacements for his cadres. It would seem, therefore, to be only a matter of time before major, organized resistance collapses.

But what our people refer to as "the other war" is a different proposition.

This "other war"—the war to win the allegiance of the South Vietnamese people to a central government and then to develop a healthy, viable nation in the South—is presently not going well, despite all the wonderful things some of our military spokesmen try to tell you about it.

(Here, again, is one of the sad things I saw. Some of our military people never seem to learn the fundamental facts of life. You would think that after the number of times the military has been caught lying about various situations in Vietnam they would learn that honesty and candor are the best policy. But, no. Some of our military tried to tell us that things are rosy on the civilian front, when they obviously are not.)

As you know, the basic political unit in Vietnam is the hamlet. For years, now, the Viet Cong has concentrated at this level and has systematically murdered most of the hamlet leaders who showed any signs of loyalty to the Saigon government. The VC then kept control of these hamlets, through terror and other means.

To counter this we first send our regular, organized armed forces through an area (the

"Iron Triangle" is one that has been in the news recently) to clean out the VC strongholds. Then, after the area is "secure", we move the villagers back into their hamlets and send in what are known as "Revolutionary Development" (RD) teams. (These used to be called "Pacification Teams," but the name has been changed for some reason.)

These RD teams consist of a few Vietnamese soldiers, who are supposed to insure the security of the hamlet, and a cadre of Vietnamese civilian technicians—political experts, agricultural aids, teachers, health personnel and so forth—to help get the hamlet back on its feet.

All this is fine, in theory. But, in most cases it doesn't work. And the reason it doesn't work is that these teams have thus far been unable to provide any measure of security to most of the hamlets.

We visited one of these, just a few miles outside of Saigon. The hamlet looked great—houses neat, etc.—but as we walked in we heard all kinds of small-arms firing. "Just target practice," we were told. Later, however, a civilian told me that 1,000 yards from where I stood is VC territory. "The VC can over-run this hamlet any time they want to," he said.

During a discussion of this problem with some of our top "brass" back in Hawaii—which, as you know, is the headquarters of our entire Pacific command—I was told that we are finally beginning to put the heat on the Saigon government to get serious about this "other war." We are urging that half of the entire South Vietnamese armed forces be put on the RD program this year. Whether that is enough manpower to provide the necessary security to the country's hamlets, I don't know. But I do know that until we can provide them with effective protection from Viet Cong guerilla terrorists, we will never be able to control the countryside.

This column is already too long, so I'll break off here and continue on Monday.

[From the Canandaigua (N.Y.) Daily Messenger, Apr. 3, 1967]

ASIAN IMPRESSIONS—IV

(By George M. Ewing)

To pick up where I left off Friday, I was saying that while we are doing well in the sort of "formal," conventional war in Vietnam, we still have a long way to go before we can win "the other war"—the battle to gain the allegiance of the South Vietnamese people to a central government, which is the first step toward developing a healthy, viable nation.

I said that the first part of this "other war" is to provide security from terrorist attacks by Viet Cong guerillas on the hamlets which our regular armed forces have supposedly cleared. This is a problem which the Vietnamese army itself must solve and I mentioned that now, at least, our top military "brass" is putting the heat on the Saigon government to tackle it wholeheartedly. Until this is done, there is little hope of trying to develop any kind of a nation in South Vietnam.

The second part of the problem on the "other war" front concerns the Saigon government itself. If you recall your history, you will remember that Vietnam has been an occupied country for generations. The last of the colonialists, of course, were the French. And, as is their custom wherever they colonize, the French did little or nothing to develop any kind of native leadership or loyalty.

Unfortunately, this tradition was continued under former President Ngo Dinh Diem. In fact, the main reason Diem was overthrown is that his administration was corrupt, riddled with favoritism and completely inefficient. It couldn't have cared less about the people out in the countryside.

Although the present government of Premier Ky and Company is quite an improvement, much of this same tolerance of corruption, political favoritism and governmental inefficiency continues.

It's pretty difficult (to say the least) to try to instill any sense of loyalty towards Saigon in a peasant out in the boondocks, when all he sees of that government, if he sees anything at all, is inefficiency and corruption. Everywhere I went, I kept asking our people what "pitch" is being used to try to engender this feeling of loyalty to Saigon. I got no satisfactory answer.

But all is not completely bleak. On the contrary, some very surprising and encouraging things have been happening on the political front.

The most important of these, of course, was the amazingly effective election held last fall, in which some 80 per cent of the eligible voters went to the polls, despite Viet Cong terrorism, and elected an assembly to draw up a new constitution providing for a civilian government.

Equally surprising and important is the fact that just within the past couple of weeks, this Constitutional Assembly has succeeded hammering out a new constitution. Furthermore, it has been accepted by the ruling military junta without change!

As you know, the new constitution calls for the election of a new president and vice president on September 1, and the election of a new legislature in October. If these elections come off as successfully as the one last fall, and if an efficient, honest civilian regime can be elected, South Vietnam will have gone a long way toward political stability.

When I was in Vietnam, I tried to find out what the prospects for this are. My informants—who, by the way, are not top U.S. officials, but rather keen political observers who have considerable feel of what the Vietnamese people are thinking—say it's possible that a good civilian government can emerge, but it's not likely.

The military clique will undoubtedly enter either Premier Ky or Lt. Gen. Nguyen Van Thieu, the present chief of state. And they will be the strong favorites to win.

But just last week, Dr. Phan Khac Suu, Speaker of the Constitutional Assembly, announced that he will run for the presidency, and that his running mate will be Dr. Phan Quang Dan, a Harvard Medical School graduate who is also a leading member of the Constitutional Assembly. Others are expected to enter the race, too.

What will happen is, naturally, anyone's guess at this point. But there is some hope that an administration can be elected in Saigon next fall which is efficient, and free of corruption and political favoritism.

I'm running out of space again, so I'll continue these impressions from my Asian trip tomorrow.

[From the Canandaigua (N.Y.) Daily Messenger, Apr. 4, 1967]

ASIAN IMPRESSIONS—V

(By George M. Ewing)

Previously in this series, I made the point that I was very glad that Vietnam was not the only stop on my recent month's tour of Southeast Asia, because if it had been, I would have returned completely discouraged by the prospects there. There doesn't seem to be much question but that we are doing very well militarily in the formal types of engagements—what the Army calls the "main force" war. But when you look at "the other war"—the guerrilla war which the Viet Cong is waging in the villages and hamlets—it becomes clear that we aren't doing well at all, as yet.

We still have a long way to go before we can provide any permanent security from VC terrorism in the countryside (and even in Saigon, for that matter). And until we can do that, and until we can also somehow get an efficient, honest civilian government in South Vietnam, it's hard to see how we can successfully conclude our presence there.

All of these things, of course, are related. The first job is to terminate the "main force," formal type of war. This must be done so that we can get the manpower we need in order to provide security in the hamlets from the VC guerrilla harassment. Thus, the first step must be to try to bring Hanoi to the peace table to negotiate an acceptable cease-fire.

In my view, the only way we can do that is to keep up all the military pressure we are now exerting—including continuing to bomb the North—without, at the same time, doing anything which might provoke either Peking or Moscow to feel compelled to send in troops to aid Hanoi.

This, as you know, is precisely the course we are now following in Vietnam. In my opinion, it is the only course that makes any sense.

As I have mentioned, if one presently looks at things on the civilian front in Vietnam, the situation indeed appears gloomy, or worse. Much of the population has been uprooted. Most of the leadership has been systematically murdered by the Viet Cong. Farming has been severely curtailed. Transportation lines have been broken or dislocated. Inflation is rampant. And—most important of all—land reform is desperately needed.

In fact, South Vietnam, which used to be one of the great rice-exporting nations of Asia, now must import substantial quantities of rice, to survive.

As I have also mentioned, the future is equally cloudy (to say the least) on the political front. Thus far, there is no clear indication that an efficient, honest, stable government can emerge of sufficient stature to engender any real loyalty from the mass of the people.

Thus, then, you can very easily get the impression that the future of South Vietnam on the civilian front is virtually hopeless.

But then you remember that you've also seen some of the other "emerging" nations of Southeast Asia. You recall that not too many years ago they, too, were virtually flat on their backs. Yet if you look at them today, you see hustling, bustling countries, proud of their achievements and virtually self-supporting. I'm thinking particularly of South Korea, but also of Japan (think what Japan was like at the end of World War II, and look at her today) and Taiwan (or Formosa, as we call it), which certainly didn't amount to much economically when the Nationalists went there in 1949–50, but which is now self-supporting.

Until we moved into Korea, at the end of World War II, Korea had been occupied for 50 years by the Japanese. Not only had the people been oppressed, but no Koreans were permitted to get into any type of managerial position. Education was scarce. Illiteracy was high. All the manufacturing was done in the North, above the 38th parallel, which the communists controlled.

During our occupation, which began in 1945, and right up to the beginning of the Korean War in 1950, the South made considerable progress. But all that was destroyed when the communists from the North began their aggression. The shooting war there lasted three years, until the summer of 1953, when a cease-fire was negotiated at Panmunjom. The war devastated South Korea.

Who, then, would have thought that in 14 years South Korea would be able to achieve a real degree of political stability? Who, then, would have thought that in 14 years she could develop a diversified economy which is expected to be self-supporting in another two years? Yet that is the prediction of both Korean and U.S. economists.

Last year, for example, the Gross National Product rose nearly 12 per cent, which is more than twice the rate at which our GNP rose! Industrial production increased nearly 15 per cent, and—most amazing of all—exports jumped a whopping 41 per cent! Furthermore, today, I was told, 85 to 90 per cent of the Korean people are literate.

Now, don't misunderstand me. South Korea isn't out of the woods yet. It still has serious problems, particularly a very critical problem of high unemployment, a serious housing shortage, and a very, very low wage scale. In addition, all that is being accomplished there must be done behind the screen of a huge military force which patrols the border with North Korea to guard against any new invasion attempt.

But you can certainly see the light at the end of the tunnel very clearly in South Korea.

Obviously the parallels between South Korea and South Vietnam are by no means exact. Yet it seems to me that we should never lose sight of what has been done in Korea and what most certainly can be done again in other Asian lands, once the shooting wars cease. I, for one, have great hopes for what can be done in South Vietnam once we can achieve an acceptable cease-fire. My hopes are based on the miracles I saw in South Korea, in Japan and in Taiwan.

Time's up. I will continue tomorrow.

[From the Canandaigua (N.Y.) Daily Messenger, Apr. 5, 1967]

ASIAN IMPRESSIONS—VI

(By George M. Ewing)

I've been trying, in this series, to tell you as best I can exactly how things look to me in Vietnam and Southeast Asia generally. But I certainly don't consider myself an expert. The problems are terribly complex. There are no simple, clear-cut answers.

Then, too, my visits in each country were brief. I did, however, make it a point to check everything I saw and heard from official sources with my other unofficial, but well-informed contacts. So I really feel my information is accurate.

In my previous reports, I hope I've made it clear that my overall impression of the situation in Vietnam is one of cautious optimism. I'm confident we are very definitely on the right track. But the road ahead is long and very difficult. It's so difficult, in fact, that I would be terribly discouraged if I hadn't also seen the miracles which other Asian countries have wrought, particularly South Korea, Formosa and Japan.

These countries, you remember, were at one time or other in pretty bad shape, too. Yet today, each is doing remarkably well. And they are doing well for two main reasons. In the first place, the United States has provided them with the military power necessary to shield them from communist aggression. Secondly, they have made good use of the massive and wise programs of economic and technical assistance which we have provided them.

There is no reason why these same miracles of economic growth and political stability can't also be achieved in Vietnam—once the shooting stops.

Since getting back, I have frequently been asked why we are in Vietnam at all. Is the war there really necessary? Shouldn't we just pack up our tents and go home as quickly and gracefully as we can?

I can understand such reasoning, if you only look at Vietnam itself. But, you see, you can't do that. We live in a closely interrelated world, and you've got to look at the situation as a whole. You can't look at Vietnam without also looking at what's going on elsewhere.

And the truth of the matter is that the ruling powers in Red China today firmly believe it their destiny to spread their brand of communism throughout the world by gobbling up neighboring countries one by one.

Peking bitterly denounces Moscow's view that "peaceful coexistence" with the West is the way to communize the world. Instead, Red China insists that this aim can best be achieved by what it calls "wars of national liberation," which is a fancy way of saying that the way to conquer countries is to foment insurrection by means of guerilla terrorism. This is what is (and long has been) going on in Vietnam. It's what has also been going on in Thailand, in Laos, in Cambodia and elsewhere.

To those, then, who say we ought to get out of Vietnam, I would ask this question: "Should the United States ignore its own self-interest and abandon its pledges to other less powerful nations by letting Red China take over one country after another? Or should we stand firm in Vietnam and elsewhere, and say to Red China, 'This far, but no further?' "

To me—and I'm sure to most Americans—the answer is obvious. And it's equally obvious to the non-communists in Asia. For the Asians know that they are on the firing line. They know that if we let the communists take over South Vietnam, their turn will come next.

On the one hand, the non-communist nations of Asia certainly don't want to be colonized, by America or anyone else. On the other hand, they surely don't want to be communized either. They have turned to America for help because they have faith we will not try to colonize them, and because they know we are the only nation in the world powerful enough to stop Red Chinese aggression. They want, in short, to be free to work out their own destinies.

Tomorrow, I'd like to wind up this series with a look at Red China itself.

[From the Canandaigua (N.Y.) Daily Messenger, Apr. 6, 1967]

ASIAN IMPRESSIONS—VII

(By George M. Ewing)

Red China, of course, is unquestionably the most important power in Asia today. Her past and present efforts to subvert and then take over her less powerful neighbors is a basic fact of life with which we and our non-communist allies must live. Accordingly, the question which all the world is asking is, "What's going on in Red China, and what does it mean for the future?"

First of all, I doubt if anyone on the outside really knows for sure what is going on inside Red China. Most of our information is fragmentary, and its reliability is frequently questionable. But Taiwan (or Formosa, as we used to call it) and Hong Kong are filled with "China watchers," so my recent visits to those places enabled me to hear first-hand the views of some of the so-called experts.

Most observers believe that Mao Tse-tung is through as the dominant political power in China. They say he has failed to eliminate his opposition, and that key elements of his original supporters have failed him. Furthermore, they say, China is now in dire economic straits, and something must be done to pull the country back together again before it collapses completely.

In support of these views; they cite these points:

The Red Guards, which were Mao's major source of strength, are now themselves split into three factions; pro-Mao, anti-Mao and neutralist.

Mao has ordered the Red Guards to return to their homes. But this isn't happening very rapidly, because the Guards, for the most part, have no money to pay their way home.

When the Red Guards failed to do the job, Mao turned in desperation to the Red Army for help. Yet, of the 37 Chinese armies, only 11 turned out to be behind Mao. And now Mao has ordered them back to their home bases, too.

During the course of their rampages, the Red Guards invaded governmental offices, bringing them to a virtual standstill.

They also invaded many factories. Working capital dried up and, as a result, factory production—and hence the production of goods vitally needed for export—declined sharply.

Finally—and this is perhaps the most important point, the Red Guards drastically depleted seed stocks, so that spring planting, which should have been well under way by now, has been virtually nil. Thus, China will face a mammoth food crisis this autumn.

In short, the China watchers think the so-called "cultural revolution" which Mao started has been a serious flop, and has brought the country to the verge of chaos. They think that Chou En-lai, the premier, will emerge as the compromise leader of China. And they further think that Chou will adopt a more moderate, conciliatory tone, even though his ultimate objectives, in terms of world politics will be the same as Mao's.

What does all this mean for the West? What, specifically, does it mean with respect to Vietnam?

Here, again, nobody knows for sure. It could mean that China will enter into a "cooling off" period where she will try not to stir the international pot while she concentrates on rebuilding her shattered economy at home.

On the other hand, it could also mean just the opposite. It could mean that things are so bad domestically, that China will feel compelled to divert attention from them by engaging in new "foreign adventures" outside her borders, either in Vietnam or elsewhere.

So you can take your pick. China's present chaos can be either good or bad for the West in the immediate future. Observers disagree on which it will be. But the one thing they are united on is this:

In the long run, regardless of the tactics used to get there, Red China's ultimate objective is to defeat what she calls American "imperialism" and "colonialism." Our job is to have the perseverance to see to it that we convince China that she can't defeat us, and that her best interests lie in trying to work out some sort of live and let-live policy with the free world.

This, of course, is unquestionably a long-term prospect. But it has worked with respect to the Soviet Union, and it can also work with respect to Red China. It's the only way I can see to avoid World War III.

POST OFFICE DEPARTMENT 30-YEAR LEASE AUTHORITY

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. DANIELS] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. DANIELS. Mr. Speaker, I am today joining with my colleague the gentleman from Texas, the Honorable JOE POOL, chairman of the Subcommittee on Postal Facilities and Modernization of the Committee on Post Office and Civil Service, in introducing legislation to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes.

The bill is identical to S. 1039, as reported with amendments from the Senate Public Works Committee on April 3, 1967, and on which that committee conducted extensive hearings.

The present authority of the Postmaster General to acquire and dispose of sites and to enter into leases for periods up to 30 years for postal facilities expires at the end of this month, on April 30. The bills Chairman POOL and I are cosponsoring would extend this authority for a 5-year period, through June 30, 1972. In addition, the bills contain a substantial number of new requirements, not provided in the present statutes, that are directed precisely at certain criticisms that have been leveled against the leasing program in the past few years. We believe the new requirements meet these criticisms quite adequately.

The new requirements are as follows:

First. As a condition precedent to the construction of a leased building under the terms of the new legislation, the Postmaster General is required to consult with the Administrator of the General Services Administration and thereafter to determine that it is not desirable or feasible to construct a postal facility under the provisions of the Public Buildings Act of 1959.

Second. The bills provide that the construction under their provisions will be only for special purpose post office buildings. The bill defines a "special-purpose" building as being one which is situated in a particular geographical location to make it convenient for mail processing; is designed in a particular configuration to make it convenient for processing mail; and is not readily usable or convertible to use as a general-purpose office building.

Third. In addition, the bill requires the Postmaster General to submit a statement explaining all aspects of the lease for each special-purpose postal facility with a gross floor space exceeding 20,000 square feet to the Committee on Public Works of the Senate and the Committee on Post Office and Civil Service of the House of Representatives at least 30 days prior to executing the lease.

The continued existence of the Post Office Department's land acquisition and disposal authority and the related 30-year leasing authority is vital to the Department's space acquisition program. These authorities are absolutely essential to the Department's continued ability to perform its functions. It is imperative that this legislation be enacted as quickly as possible. There must be no serious interruption in the Department's ability to use every possible tool available to it in order to enlarge its plant and equipment.

I have been authorized by Chairman POOL to conduct prompt hearings on this legislation and they are scheduled for next Tuesday morning, April 18, at 10 a.m., in room 345, Cannon House Office Building.

MISSION TO VIETNAM AND THE FAR EAST

The SPEAKER pro tempore (Mr. MACDONALD of Massachusetts). Under previous order of the House the gentleman from North Carolina [Mr. WHITENER] is recognized for 30 minutes.

Mr. WHITENER. Mr. Speaker, between the period of March 23 and April 6, 1967, it was my privilege to serve as chairman of a subcommittee on a mission to Vietnam and the Far East. The other two members of the subcommittee were Representative JAMES C. CORMAN, Democrat, of California, and Representative CHARLES E. WIGGINS, Republican, of California. We were escorted on this mission by Maj. William L. McCord, Jr., U.S. Air Force.

SUBCOMMITTEE MISSION

The mission of the subcommittee was to study the question of the applicability of the Uniform Code of Military Justice to U.S. civilians accompanying the U.S. military forces in the field in Vietnam and to make a study of refugee conditions in that country.

There has been great interest, and a wide divergence of opinion, as to, first, whether title 10 of the United States Code can properly be invoked against U.S. civilians in Vietnam; and, second, whether, as a matter of policy, there should be an attempt to invoke said provisions.

During our stay in Vietnam and southeast Asia we discussed this issue with our highest U.S. civilian and military officials, military legal officers in every sector of Vietnam, embassy and consular legal officers, management and labor in U.S. contracting organizations, the Minister of Justice, Chief Justice, and Attorney General of the Republic of Vietnam, the U.S. representative on the SEATO Council, and diplomatic and military officials in Thailand and Taiwan. Thus, it will be seen that a diligent effort was made to get a cross section of opinion, both as to the legal aspects and policy considerations affecting an ultimate decision by the United States as to the proper steps to be taken with reference to the question of applying the Uniform Code of Military Justice to U.S. civilians in the Vietnam theater.

In our study of the refugee situation we visited resettlement areas throughout Vietnam, inspected living and medical conditions, and discussed the question with a multiplicity of U.S. military and civilian authorites and Vietnam civilians of the various economic levels.

SUBCOMMITTEE DECISIONS

It is not deemed appropriate at this time to undertake to set forth subcommittee views upon the issues involved for the reason that a complete study of the data collected has not been possible at this date.

In addition, we have been requested to await decision until further legal studies may be completed by legal officers of the various branches of the military services and submitted to us in writing. We also had a request from the U.S. representative on the SEATO Council that we withhold final decision until such time as he can meet with the subcommittee in May 1967, upon his return to Washington. At that time he will have further relevant information to present to the subcommittee bearing upon the policy side of the question.

In view of the desire of the subcommittee to make a report which will be worthy, it is our feeling that final decision should be delayed temporarily pending the marshaling of all of the evidence.

PURPOSE OF PRESENT STATEMENT

It is my feeling that having had an opportunity to visit with our troops in the field in Vietnam and with our civilian authorities there and in Thailand and Taiwan that I should give to the House of Representatives a statement of the itinerary followed by the subcommittee and some of my observations with reference to the performance of our civilian and military personnel in southeast Asia.

GENERAL OBSERVATIONS

The opportunity to observe the performance of our U.S. personnel left me with the opinion that we can be proud of the civilian and military leadership that we have in southeast Asia. Under the leadership of these outstanding Americans our civilian and military personnel of all ranks are generally performing splendidly in their assigned tasks. While there are a few U.S. civilians who have reflected upon their country by misconduct, these represent a very small minority of the total American civilian population serving our country in this area.

The military personnel at all levels are generally performing brilliantly. There is a minimum of disciplinary problems with a minimum of conduct which would rupture good relations between the United States and their host countries.

The degree of cooperation between American and Vietnamese, Chinese, and Thai officials is of the highest order. In discussing and observing this relationship in each of the countries visited we were tremendously impressed with the teamwork and the results of that teamwork of these officials.

ITINERARY AND OBSERVATIONS

On March 22 at 4:30 p.m. our subcommittee met with a representative of the Office of the General Counsel, Department of Defense, in the U.S. Capitol to discuss the mission assigned to the subcommittee. This DOD representative suggested that the primary mission of our subcommittee was one of great importance to our Nation and expressed the pleasure of his Department that a congressional committee was to make such a study. He gave us background information, in both oral statement and written communications, which proved very helpful to us as our mission was performed.

On March 23, at 3:40 p.m., we departed Washington and arrived at Tan Son Nhut Airport, Saigon, Vietnam, on March 25—due to the international date line we did not experience a Friday, March 24. Upon arrival at Saigon we proceeded immediately to the residence of U.S. Consul Robert A. Lewis, for a conference with Mr. Lewis, U.S. Consul Ralph H. Cadeaux, and Col. Edward W. Haughney, U.S. Army, MACV, staff judge advocate. These gentlemen outlined the general problem in Vietnam with reference to punishment of U.S. civilian criminal law violators and gave us the benefit of their views.

At 1:30 p.m. we proceeded to the U.S. Embassy, where we were briefed by J. A. Calhoun, political counselor of the Embassy, and George D. Jacobson, mission coordinator. Here again we received the views of these American officials on the basic issues relating to both refugee problems and the Military Code of Justice problem.

At 2:30 p.m. we visited the Chi Hoa Reeducation Center, the prison of the Republic of Vietnam. Here we were briefed by Capt. Vo Van Hai, deputy director of the prison, as to prison conditions, including sanitation, diet, and medical treatment for our U.S. prisoners. There were 4,905 prisoners incarcerated here, including seven Americans, three Filipinos, one Cypriot, one Frenchman, and five Indians.

Captain Vo then permitted us to visit with six of the seven American prisoners. We were unable to see the seventh prisoner due to the fact that he was at that time in the infirmary for examination or treatment. The charges against these U.S. prisoners include murder, embezzlement, currency manipulation, illegal possession of firearms, and illegal entry.

We found that the American prisoners were given many considerations not afforded to Vietnamese prisoners, including facilities for the preparation of their own food. In addition to issuance of food by the Vietnamese authorities these prisoners were permitted to have rations brought in by the U.S. Embassy officials.

The prison conditions were much better than we had anticipated, even though inferior to the prisoner conditions one normally finds in the United States.

At 8:30 a.m. on Sunday, March 26, we were given a briefing at the MACV Headquarters. This briefing was led by Brig. Gen. John R. Chaisson, U.S. Marine Corps, and dealt with the following subjects: current intelligence; current operations; and revolutionary development support.

We departed Tan Son Nhut Airport by military aircraft for a visit to An Giang Province. We arrived at Long Xuyen Airfield at 11:30 a.m. There we were met by Maj. Lynn D. James, U.S. Army, senior adviser to the 15th Vietnam Army Regiment at My Thoi Airstrip. Major James gave us a briefing of the activities of the 15th Regiment in their operations with the ARV. At this point we were also met by members of Advisory Team 53, MACV, who escorted us to the team headquarters in Long Xuyen after our briefing by Major James.

At 1 p.m. we traveled to Thot Not District, where we met with Maj. Nguyen Minh Tam, the district chief; Maj. Sam C. Seto, Jr., U.S. Army, subsector adviser; Capt. Robert E. Steen, assistant subsector adviser; and Capt. Edward K. Gore, U.S. Air Force, a medical doctor. Here we visited the maternity infirmary-dispensary which is staffed and has been materially improved by the MILPHAP team, under the leadership of Dr. Gore. We then traveled approximately 10 miles along a newly constructed rural road to Trung An Village. En route to Trung An we visited a typical hamlet school and witnessed agricultural improvement programs in that area.

Upon arriving at Trung An we visited a new village marketplace, a new rural electrification power station, and with the people of Trung An. We were impressed with the warmth of the reception by the people of Thot Not and Trung An, particularly the happy children.

We then boarded an Air America helicopter at Thot Not and flew to the capital of the Cho Moi District, where we met with Maj. William E. Bonnstetter, U.S. Army, subsector adviser, and his team. He took us by highway to the town of Cho Moi, which is one of the cleanest and most efficiently operated towns in the Mekong Delta.

While at Cho Moi we visited another MILPHAP team headed by Capt. Marvin H. Green, U.S. Air Force, a medical doctor. Dr. Green and his associates explained the operation of the Cho Moi Hospital facility and told us of the preventive medicine program being actively pursued in all sectors of the An Giang Province.

While in Cho Moi we traveled by jeep and truck to My Luong village, where we observed a newly constructed village marketplace, a self-help project constructed by the local populace with AID financial assistance. Here we visited with the people in the marketplace and found a friendly reception from all ages.

We then traveled to the cantonment of the 348th Regional Force Company, Vietnam, where an honor guard was provided. We witnessed at this point the results of the U.S. designed and Vietnamese constructed living area for this regional force company. We conferred with the officers and men of this Vietnamese military unit and were impressed by their zeal for their mission.

We then left My Luong for a helicopter flight back to Long Xuyen. At Long Xuyen we were then escorted to the residence of Lt. Col. Ly Ba Pham, province chief of the 475,000 residents of An Giang Province. After this very pleasant visit we returned to the headquarters of Advisory Team 53 for dinner.

From 7 to 9 p.m. we met with American military men and civilians, an Australian surgical team, Filipino officials, and top Vietnamese military, civilian, and business leaders for further discussion of conditions in the An Giang Province.

On Monday, March 27, at 7:30 a.m., we were escorted to the An Giang Rural Electrification Cooperative in Long Xuyen where we were briefed on the proposed new rural electrification system which will serve 25,000 families in the An Giang countryside. Mr. Bryan Lisenbee, U.S. AID official in the province, briefed us at the rural electrification site as to the work being done in that field.

Our visit to the An Giang Province was well-planned in every detail. For this we were indebted to Lt. Col. W. J. Whitener, U.S. Army, the senior U.S. military adviser in the An Giang Province. It was particularly pleasant to me to have this opportunity, since Colonel Whitener is my first cousin.

While with Colonel Whitener I had the pleasure of making a 15-minute radio tape which has been made available to 25 radio stations in North and South Carolina.

At 8:30 a.m. we departed Long Xuyen by military aircraft for a flight to Da Nang. On arrival we were met by Lt. Gen. Lew Walt, U.S. Marine Corps, commanding general, III MAF. General Walt then flew us by helicopter to his residence where we met with Maj. Gen. Herman Nickerson, Jr., U.S. Marine Corps; Brig. Gen. Robert G. Owens, U.S. Marine Corps; and others. We had a delightful lunch and then at 1 p.m. we departed by helicopter for a visit and tour to the 1st Marine Division. Here we had a briefing by Lieutenant Colonel McKeon, U.S. Marine Corps, of the 1st Reconnaissance Battalion—REIN—telling us of the experience of his unit in combat with the enemy.

At 2 p.m. we visited a company of Marine engineers under the command of Lieutenant Colonel Harris, U.S. Marine Corps. Here we observed Vietnamese citizens manufacturing brick for use in building projects throughout the I Corps area.

At 2:30 p.m. we visited Combined Action Company B-1 near Song Tuy Loan on the western border of the I Corps area. The briefing was given to us by the Marine sergeant in charge of this cooperative program between the Vietnamese local forces and our Marine forces. Here we also visited a school and medical station, as well as the military quarters.

At 3:15 p.m. we were given a view of the coal mining area near An Hoa. Maj. Gen. Herman Nickerson, U.S. Marine Corps, commanding general, 1st Marine Division, gave us information as to the capacity of this area to produce marketable coal and other valuable minerals.

At 3:25 p.m. we went by helicopter to the command post of the 2d Battalion, 5th Marines, where Lt. Col. M. C. Jackson, U.S. Marine Corps, the commanding officer, gave us a report on the military operations of his unit. He reported that two Vietcong had just been killed a short distance from his command post a few minutes before our arrival and stated that his unit could get a fight in that area at any time. Colonel Jackson also told us that just 3 days prior to our visit his men had engaged in the bitterest hand-to-hand combat with the enemy that he had experienced. He further told us that 2 weeks prior to our visit his command post was attacked by mortar fire which did substantial damage and inflicted injuries to some of his troops.

At 4:20 p.m. we arrived at An Hoa where we were briefed upon an industrial project being carried on by the Vietnamese Government with the assistance of several other friendly nations. The young Vietnamese engineer in charge of this project told us of their work in establishing facilities for the generation of electrical power, water purification and control, fertilizer manufacture, and the processing of minerals.

At 4:50 p.m. we visited the 1st Marine Regiment where Colonel Radics, U.S. Marine Corps, the commanding officer, briefed us on the tactical operations of his unit. He told us that his prime job was to "dig out the guerrillas" and to secure the area against attacks from the enemy.

At 6 p.m. we returned to the headquarters of the 1st Marine Division where we had dinner, followed by a conference with Marine Corps officials on the mission of our subcommittee.

On March 28 at 6:45 a.m., after having had breakfast, we boarded a helicopter for a lift to the Da Nang Airbase. At 7:30 a.m. we took off from the Da Nang Marine Air Freight Base for a flight to Phu Bai, where we landed at 8 a.m. Here we were met by Maj. Gen. B. A. Hochmuth, U.S. Marine Corps, commanding general, 3d Marine Division. At this point we were briefed by General Hochmuth and his staff with primary emphasis being given to the civic action and revolutionary development programs being executed in that area of operations.

At 10:15 a.m. we arrived at Thuy Phu, where we visited Combined Action Company A-3 under the command of Sgt. Calvin Brown, U.S. Marine Corps. Sergeant Brown told us that his unit consisted of 26 marines and a group of Vietnamese Popular Forces and that his marines and the Vietnamese troops were cross trained in weapons, language, medical treatment, and other skills.

At 10:30 a.m. we arrived by helicopter at Dong Ha, a 3d Marine Division forward command post. Here we were briefed by Lt. Col. F. C. MacLean, U.S. Marine Corps, a resident of York, S.C. Colonel MacLean told us of the mission and tactical operations of his unit in his area of operations.

At 11 a.m. we visited MAG-16 near Dong Ha, where we were told of the record and performance of that unit.

At 11:30 a.m. we visited a reconnaissance battalion of the 3d Engineering Division, U.S. Marine Corps, where we were given a briefing similar in scope to that which we had had at other units.

At 11:50 a.m. we visited the "D" Medical Team, a few miles from Dong Ha, where we witnessed the splendid work being done by this medical unit in meeting the needs of our military forces, as well as the civilian population of the area.

After lunch in the field we then went by helicopter to Camp Carroll, where we were shown recent damage done to the camp by enemy action. The use of Russian-made rockets and mortars in attacking this base had done substantial damage and inflicted some injury to our military personnel there. At Camp Carroll we witnessed the firing of heavy artillery in the form of 175-millimeter cannon. This fire was directed at the enemy some 15 miles distant from Camp Carroll. The activities at Camp Carroll were most impressive and one readily realized that these men were in the middle of the fight.

At 1:40 p.m. we left Camp Carroll for a helicopter flight to Dong Ha, where we departed at 1:50 p.m. for the Marine air freight landing strip near Da Nang.

At 2:20 p.m. we were given a briefing by Maj. Gen. Louis B. Robertshaw, U.S. Marine Corps, commanding general, 1st Marine Air Wing, at his headquarters. Here we were also briefed by members of General Robertshaw's staff and then taken on a tour of the air facility and viewed the operations and armament of this important operation.

At 6:25 p.m. we had dinner at the quarters of Lt. Gen. Lew Walt. While there we discussed the mission of the subcommittee at length with him, his staff, a consular official, and Vietnamese authorities in the Da Nang area.

At 9 p.m. the subcommittee met with nine military legal officers of the Da Nang area, together with a representative of the U.S. Consulate, for a discussion of the question of military authority over U.S. civilians in Vietnam. This conference continued until approximately 11:30 p.m.

At 7:30 a.m. on March 29, after having breakfast, the subcommittee then toured the Navy supply facility, where we were told of the support role of the Navy in the I Corps Area.

At 7:45 a.m. we were met by A. D. Poteat, project manager, north division, RMK–BJR Co., the principal American civilian contractor in the Da Nang area. Mr. Poteat then drove us to the project office in West Da Nang, where we were given a briefing on the work of the company and its accomplishments by Mr. Don Ganett, an official of the company. Here we discussed with these American civilians the question of military courts having authority over them while accompanying our forces in Vietnam. We had a wide variety of opinion on this subject from those present.

After this session we then visited work sites of RMK–BJR Co., where we talked with several of the employees of the company and recorded their views on the question.

At 10:15 a.m. we arrived at the Da Nang Naval Hospital, where we were met by Lt. Gen. Lew Walt, U.S. Marine Corps. We visited the military patients in this hospital and were given the honor of presenting Purple Heart Medals to several of these fine young Americans. While here we talked with medical officers and corpsmen and were quite impressed with the quality of medical care which this medical facility is affording to our injured military men.

We then proceeded to the Da Nang Airbase, where we boarded aircraft at 10:50 a.m. for a flight to Nha Trang, where we arrived at 11:40 a.m.

We were met at Nha Trang by Lt. Gen. Stanley R. Larsen, U.S. Army, commanding general, I Field Force, Vietnam. General Larsen and members of his staff met with us and discussed the mission of the subcommittee and gave us the benefit of their views on the problem.

After lunch we went to the headquarters of General Larsen, where we were given a briefing by him and his staff. He told us that his area of operations contains 42 percent of the population of South Vietnam and that the principal contact with the enemy had resulted from the presence of North Vietnamese forces in sanctuaries just across the Cambodian border. He pointed out that his forces had had 18 major contacts with the enemy but that minor contact was regularly and steadily occurring. He told us that the enemy was beginning to show life in the Bong Son area and that his forces were ready to meet the challenge.

General Larsen pointed out to us that his area of operations is about the size of the State of South Carolina and has a population of 2½ million, of which about 2 million are under the control of the Republic of Vietnam. He further stated that the supplies for our forces in his corps area are being handled efficiently through airlift and other means. However, General Larsen did express concern over the constant highway mining on Highway 19 in that area.

General Larsen was very encouraged that we are averaging from seven to 10 defections from the Vietcong each day in one of the provinces in his area of operations. He also pointed out that half of these defectors or Chui Hoys—open arms—have been in his corps area and that more prisoners have been taken in that corps area than in any other such area of Vietnam. He reiterated his strong feeling that the American military men in Vietnam are excellently trained and are performing in a splendid manner.

We then discussed with General Larsen, Lieutenant Colonel Kennedy, U.S. Army, II Corps staff judge advocate, the question of the application of title 2, section 2(10), to U.S. civilians in Vietnam. Each gave us his views on this subject.

At 3 p.m. we visited the 8th Field Hospital, which is under the command of Lieutenant Colonel Onsard, U.S. Army. Here we made a tour of the wards in the hospital and were given an opportunity to visit with the patients. A prisoner-of-war ward containing 24 Vietcong captives was also visited while at this medical facility.

We were greatly impressed with the quality of medical care being afforded to all patients at this hospital. We were particularly impressed with the quality of the food which was being served to the patients during our visit.

At 5 p.m. we visited the headquarters of the Alaska Barge & Transport, Inc., where we talked to Mr. Gordon Hizey, project manager. Some of the employees of this company had recently been involved in a serious incident with Vietnamese and U.S. military law enforcement authorities, which had attracted considerable attention in Washington and in Vietnam. We had a full discussion of the situation with Mr. Hizey and took note of his contentions with reference to the incident, as well as his views on the question of military authority over U.S. civilians employed by his company. We also talked to other employees of this company and outlined to them some of the problems that their conduct had created for our Government.

At 7 p.m. we had dinner at the residence of General Larsen at which time we had an opportunity to confer with members on his staff and Major General Meyer, U.S. Army, and Brig. Gen. Robert D. Terry, U.S. Army, commanding general, 1st Signal Brigade, who were visiting in Nha Trang at the time.

At 9 p.m. we participated in another conference with Lt. Col. R. W. Kennedy, U.S. Army, staff judge advocate of the I Field Force and Col. Linton S. Boatwright, U.S. Army, chief of staff, I Field Force, with reference to our findings at the Alaska Barge and Transport, Inc., as well as the general problem which the subcommittee was studying.

On March 30 at 6:45 a.m. we had breakfast with General Larsen and others prior to attending a 7:30 a.m. commanding general's daily briefing in the briefing room at General Larsen's headquarters. The key officers and staff men of the command were in attendance and were given an up-to-the-minute report on the activities of the friendly and enemy forces for the preceding 24 hours. We were also briefed as to the military operations and tactical procedures planned for the next 24 hours.

We were pleased that General Larsen stated to his staff that our group was the first congressional group or committee ever to attend one of his daily briefings. We expressed our gratitude to General Larsen and his staff for the warmth of their reception and the cooperative attitude they had shown toward our mission.

At 8:30 we motored to the Nha Trang Airfield, where we boarded a C–47 for a flight to Pleiku, where we arrived at 9:30 a.m. Here we boarded a helicopter for a visit to a Special Forces unit at Duc Co, where we arrived at 10:30 a.m. At Duc Co we were met by Lieutenant Jenkins, U.S. Army, the commanding officer of the Green Beret unit at Duc Co. As we arrived, artillery fire was in progress and the men of the 4th Artillery, U.S. Army, were firing heavy artillery in the direction of the Cambodian border.

Lieutenant Jenkins told us that his mission was to observe the Cambodian border and send out operations in the area. He stated that the Vietnamese personnel attached to his unit were performing excellently and that his small Special Forces unit was finding a high degree of cooperation from the Vietnamese. Lieutenant Jenkins further told us that we were 12 kilometers from the Cambodian border and approximately 15 kilometers from the heavy concentration of North Vietnamese troops located inside the Cambodian border.

He stated that on March 14 his compound received 45 rounds of enemy mortar fire which inflicted several casualties. This young lieutenant further told us that the roads in his area are not secure and that any convoy proceeding along them must be heavily escorted by ground and air cover.

Lieutenant Jenkins told us of the civic action program being carried on in the area by the Special Forces and took us to visit a small school which had been established in a nearby Montagnard village. We visited with the people of this village and exchanged gifts with the Chief of the Montagnard tribe, as well as with more than 300 CIDG—Vietnamese—troops serving with our Special Forces unit.

At 12:05 p.m. we reboarded the helicopter for a flight to Plei Me. There we were met by Capt. Lowell M. Scott, U.S. Army, commander of a Special Forces unit. Captain Scott told us that during the past few days in an operation about 5 miles from Plei Me he had lost several of his Vietnamese, as well as Special Forces, men in action with the enemy. He further stated they had undergone severe mortar fire 2 nights prior to our visit and that civilian casualties had been experienced in the village by children. This Special Forces officer told us that the villages immediately west of his command post were completely controlled by the Vietcong and that those villages had been supporting the enemy. In addition to Vietcong in the area, he stated there was a North Vietnam Army company operating in his area.

Captain Scott took us on a visit to the neighboring Montagnard village and to the new school building which had been recently constructed for the education of the primitive children of the area. Our Special Forces contributed materially to the building of this structure and the Captain expressed great pleasure in the progress being made in the educational field.

At 2 p.m. we departed Plei Me approximately 2 hours behind our schedule. This was occasioned by the loss of one of the gunship helicopters which had escorted us on our flight to Plei Me. As it returned to Pleiku for fuel it experienced a casualty which caused it to go down in enemy territory. We were told that the pilots and crew of the helicopter had been promptly recovered and that plans were on foot for recovery of the aircraft. Due to the absence of armed escort aircraft our departure was not cleared until higher military authority had approved our flight to our next stop without the benefit of gunship coverage.

At 2:25 p.m. we arrived at the 4th Infantry Division compound at Dragon Mountain where we were met by members of the staff of Maj. Gen. William R. Peers, U.S. Army, commanding general, 4th Infantry Division. After lunch we were briefed by Major General Peers and members of his staff. The general told us of troop movements, tactical procedures and experiences, enemy strength, and operations. He told us, particularly, of a new antipersonnel device that had been developed by the enemy which is causing a large number of personnel injuries and deaths in his area.

General Peers reported that there is an active revolutionary development program in his area of authority which includes the building of schools, spillways, roads, and improvement of agricultural methods and medical care procedures. He states that this civic action program involves about 250 to 750 Army people per day or 5 percent of the total division strength. General Peers appraises this program as one "which gives our young men a terrific thrust." He further stated that the villages were doing great things for themselves under the guidance of our military forces.

Referring to his own enlisted personnel, the General stated:

> I just have to take my hat off to these kids. They are having a tough time of it in the jungles but they are just wonderful. I am real proud of them. They never quit.

At 3:45 p.m., accompanied by General Peers, we boarded a helicopter to fly to headquarters, 1st Battalion, 12th Infantry, located approximately 6 kilometers from the Cambodian border and west of Pleiku. Here we were met at 4:30 p.m. by Col. Charles A. Jackson, U.S. Army, commander of the 1st Brigade, where we were briefed under a tent made of a suspended camouflaged type parachute. He and other officers in his command told us of their operations and experiences in recent days, stating that since January 1967, his outfit has killed 288 North Vietnamese Army troops, wounded seven of them, and had taken 66 prisoners.

At 5:30 p.m. we arrived at 2d Corps Headquarters, Pleiku. There Brig. Gen. Richard M. Lee, U.S. Army, deputy senior military adviser, met us and escorted us to his headquarters for a briefing. General Lee stated that Pleiku is in the center of the 2d Corps Area and that pressure is constantly on that area from the enemy. He further stated that the enemy had not had a battalion size victory in that area for more than 1½ years. General Lee further reported that the revolutionary development program in that area was going much better this year than ever before because of the cooperation between our military people and the local officials. He stated that all of the civic action programs in his area are on course except, possibly, in one province. It is General Lee's opinion that the final victory will be won through revolutionary development.

On the military side, General Lee expressed the conviction that we must have more Vietnamese forces to move in and hold places that we have taken, rather than to surrender them to the enemy after we have defeated him. Both General Lee and Col. Charles A. Cannon, U.S. Army, assistant deputy senior adviser, were strong in their praise of the work being done by U.S. military personnel at the subsector level in various provinces and villages in the area.

At 6:30 p.m., under the auspices of General Lee, we met with the senior officers of his group in a conference prior to dinner. They each told us of their role in the effort in Vietnam and gave us their views as to the progress we are making.

After dinner at 7 p.m. we had a conference of approximately 2 hours in which we were told again of the revolutionary development program and its acceptance by the Vietnamese and Montagnard villagers.

At 9 p.m. the subcommittee met with Colonel Magruder, inspector general in the area, for a discussion of the question dealing with problems created by misconduct of U.S. civilians in Vietnam.

At 6 a.m. on March 31 we had our final conference with General Lee and other Army, Air Force, and Navy personnel prior to our departure for Saigon.

At 8 a.m. we departed Pleiku for our flight to Saigon where we had an appointment at 11 a.m. with the Minister of Justice of Vietnam. On our arrival at the Ministry of Justice we found that the Minister of Justice, Hon. Tran Minh Tiet, had invited the Chief Justice and Attorney General of Vietnam to be present. Also present with our subcommittee were Col. Edward W. Haughney, U.S. Army, MACV, staff judge advocate, and U.S. Consul Robert A. Lewis.

We discussed in a very frank way the problem of the exercise of U.S. military jurisdiction over U.S. civilians in Vietnam and received with interest the views of these high officials of the Republic.

We expressed the hope that every consideration would be given by the Vietnamese Government to the U.S. civilian prisoners now being held. The Minister assured us that every consideration would be given to these men and that we could be assured that there would be no mistreatment of American prisoners by his government.

While at the Ministry of Justice a demonstration was ensuing in the streets outside the Ministry by a youth group opposing the promulgation of the new Vietnamese Constitution on the following day.

We were told that the demonstrators were protesting the absence of a reference to a supreme being in the new Constitution of the Republic.

At 1 p.m. we were the luncheon guests of Ambassador Henry Cabot Lodge at his residence. Also present from the American Embassy were Ambassador William Porter, Consul Robert A. Lewis, and JUSPAO Director Jerry Zorthian. Ambassador Lodge told us of the political and diplomatic situation in Vietnam. He also gave us a brief résumé of the new Vietnamese Constitution. He stated that one of the key provisions in the Constitution was that the legislative assembly could override an executive veto of legislation by a simple majority vote. He further pointed out that an inspectorate was created by the Constitution with full authority to proceed with criminal proceedings against any public official engaging in corrupt practices.

The Ambassador further advised that this new Constitution contained the basic constitutional rights against self-incrimination, provided for jury trial, and had excellent election provisions. He expressed his opinion that it is basically an excellent Constitution.

At 3 p.m. we left the Embassy residence for a tour of several points in the Saigon area. We were shown scenes of Vietcong activity which had inflicted great property damage and personal injury upon the citizenship.

Upon returning to our hotel later in the afternoon we met with Col. Edward W. Haughney, U.S. Army, MACV, staff judge advocate, for further discussion of the problem of military jurisdiction over U.S. civilians. He discussed with us certain classified and confidential material, and we gave him the benefit of material that we had collected during our stay in Vietnam.

Also with us at the time was U.S. Consul Robert A. Lewis, who gave us a written résumé of the situation of the U.S. civilian prisoners presently incarcerated in Vietnam. Mr. Lewis also provided us with a brief résumé of important facts relating to the problem confronted by our U.S. leaders as a result of improper activities by a few American civilians.

At 8 p.m. we were dinner guests of Gen. William C. Westmoreland, U.S. Army commanding general, MAC, at his residence in Saigon. General Westmoreland had invited approximately 25 junior officers of all branches of the military services to join us for dinner and expressed the view that we might find it helpful to talk to them rather than to the higher echelon officers in his command. We found the interchange of ideas with General Westmoreland and these officers to be very interesting and stimulating and felt that it contributed much to our overall study.

At 7 a.m. on April 1 we were joined by U.S. Consul Robert A. Lewis for breakfast and for our final conference.

At 8:30 a.m. we departed Saigon for a flight to Bangkok, Thailand, where we arrived at 9:30 a.m. Immediately upon our arrival in Bangkok we proceeded to the U.S. Embassy for a conference with Ambassador Graham Martin, who serves as the U.S. representative on the SEATO Council. Ambassador Martin outlined his views on the question of exercise of military jurisdiction over civilians in a very lucid manner during the 3½-hour conference that we had with him. He requested that no final action be taken by our subcommittee until he has had an opportunity to discuss the matter with us further at a meeting in Washington in the near future.

After leaving the U.S. Embassy we visited the Army field hospital in Bangkok, where we were impressed with the performance by the staff of that hospital in providing adequate medical care for Americans in the Bangkok area.

At 7 a.m. on April 2 we left Bangkok for a flight to Taipei. We arrived at Taipei at 5:30 p.m., where we were met by Vice Adm. William E. Gentner, Jr., U.S. Navy commander, United States-Taiwan Defense Command; Mr. Paul M. Miller, U.S. consul; and Lt. John S. Moxon, U.S. Naval Reserve, flag aide to the commander, USTDC.

At 7:30 p.m. we were dinner guests of Honorable and Mrs. Jen-chao Hsieh, a member of the Legislative Yuan of the Republic of China and head of the Judiciary Committee. Among the guests at this dinner were the Chief Justice of the Republic of China, a representative of the Ministry of Economic Affairs, another member of the Legislative Yuan, U.S. Consul Miller, Lt. John S. Moxon, U.S. Naval Reserve, and others.

This gave us an opportunity to get the views of these officials of the Republic of China as to the possible effect the exercise of military jurisdiction over U.S. civilians in Vietnam would have in southeast Asia generally. Their views were very readily given and will be of value to the subcommittee in making its final determination.

At 10:45 a.m. on April 3 we were transported to the United States-Taiwan Defense Command Headquarters, where Vice Admiral Gentner gave us his views on the question which we were studying. He further briefed us on the situation in Taiwan at the moment and assured us things were going well with us in our relationships with the Government of the Republic of China.

At 11:30 a.m. we had a conference with Ambassador Walter P. McConnaughey and U.S. Consul Paul M. Miller. They gave us their views on the issue which we were studying. Each of them expressed the view that since a status of forces agreement applies in Taiwan there are no problems of the nature that are being experienced with U.S. civilians in Vietnam.

At 12:30 p.m., we visited with Miss Lillian Ross, budget and fiscal officer of the U.S. Embassy, and Consul Miller. She gave us information as to the U.S. operations through the Embassy at Taiwan.

At 7 p.m. we were dinner guests of Vice Adm. and Mrs. William E. Gentner at their residence, where we were to meet four of the top level officials of the Republic of China, together with U.S. military leaders in the Taiwan area. We were able to exchange views with these gentlemen and to get an expression from them upon the issues before the subcommittee.

At 9:45 a.m. on April 4 we boarded a Chinese Air Force plane for a flight to Quemoy Islands—Kinmen. The plane was filled to capacity with military passengers, many of whom were members of the U.S. forces assigned to Vietnam who were in Taiwan for rest and recreation.

At 11:30 a.m. we arrived at the Kinmen Defense Command, where we were greeted by Lt. Gen. Lu Fu-Ning, deputy commanding general, Kinmen Defense Command, and Col. Harold R. Kressin, U.S. Army chief of MAAG, Kinmen, and others. We boarded a bus for a tour of Kinmen where we were given complete briefings. We visited a tank tunnel, Atlas Hall, the Psychological War Center, Ma-shan, Strongpoint 133, Kinmen City and schools, and Ku-kang Lake.

General Lu presented us with mementoes of our visit and gave us a most interesting and edifying report on progress made by his forces in meeting the challenge of the Red Chinese enemy.

At 3 p.m. we departed Quemoy—Kinmen—for the return flight to Taipai. Upon arrival there we were advised by our Embassy that an appointment had been made for me to visit with President and Mrs. Chiang Kai-shek on the following day at 3 p.m. Even though this involved a rescheduling of our departure, I happily accepted the invitation of President and Madame Chiang Kai-shek.

At 7 p.m. we were guests at a Chinese dinner at the Grand Hotel with several Chinese friends where we had an exchange of ideas as to relations between our two countries.

At 9 a.m. on April 5 Mrs. Grace T. K. Tao, of the Ministry of Economic Affairs, Republic of China, took us on a tour of handicraft and local product exhibits which have resulted from efforts by the Ministry of Economic Affairs to encourage participation in handicrafts by citizens of the Republic of China.

After this tour we returned to the hotel at 10 a.m. where we were met by Chinese military personnel and taken to a handicraft shop being operated by the wives of Chinese military officers. We were very much impressed with this voluntary function of the military wives in their program of self-help.

At 12:30 p.m. we were luncheon guests of Ambassador McConnaughey at the Embassy residence. The Ambassador had invited several high officials of the Government of China, as well as American officials in our Embassy, to join us for this luncheon.

Here we discussed the operation of the status of forces agreement in Taiwan and other phases of our mission. These gentlemen gave us the benefit of their views very readily, and we feel sure that they will contribute materially to the final decision made by the subcommittee.

At 2:15 p.m. I left the residence of Ambassador McConnaughey to meet Dr. Fredrick F. Chien, Ph. D., deputy director, North American Department, Ministry of Foreign Affairs, Republic of China. Dr. Chien drove me to the official residence of President and Madame Chiang Kai-shek for an audience with these two outstanding world citizens. For an hour and 35 minutes we had a very frank interchange of thoughts with President and Madame Chiang Kai-shek as to the U.S. situation in southeast Asia and our ideas as to steps that should be taken. This was a very excellent opportunity to get the views of these world leaders on many matters which were beyond the scope of our subcommittee study.

At 4:05 p.m. I left the residence of President and Madame Chiang with Dr. Chien for the Taipei Airport, where we departed at 5:15 p.m. on April 5.

At 6:15 a.m. on April 6 we arrived at Dulles International Airport, Washington, D.C., after our flight from Taipei to the Nation's Capital.

FINDINGS

On the basis of the opportunities this mission gave me to observe conditions in southeast Asia, I feel that the following findings are warranted:

First. Our U.S. military and civilian leaders throughout southeast Asia are performing their duties in an exemplary and commendable manner.

Second. The morale of our American forces in Vietnam and all of southeast Asia is extremely high.

Third. The overwhelming majority of the U.S. civilians accompanying the military forces in Vietnam and throughout southeast Asia reflect credit upon our country. There are, however, a few U.S. civilians accompanying our forces who are doing injury to our image by their misconduct.

Fourth. The revolutionary development or civic action programs now being carried on under the auspices of U.S. military and civilian agencies are contributing greatly to our goal of an ultimate military victory and the establishment of a free society in the Republic of Vietnam.

Fifth. The medical services being provided to our troops and civilians in Vietnam are the finest ever afforded to a theater of military operations in the history of our country.

Sixth. Many of our military leaders in Vietnam feel that additional forces must be committed in order to secure areas which theretofore have been successfully taken from the enemy.

Seventh. The military forces of North Vietnam and the Viet Cong have the benefit of sanctuaries in Cambodia and and along supply routes in other areas outside the Republic of Vietnam. Significant military advantages accrue to these enemies of freedom by virtue of their present exemption from attack at such points and places.

Eighth. Ill-advised statements, demonstrations, and riots in the United States are clearly causing the enemy to misjudge the American will to win the war in Vietnam.

Ninth. In establishing policies affecting Vietnam, the probable reaction of people throughout southeast Asia is an important factor which should not be overlooked.

RECOMMENDATIONS

Based upon my observations and study on conditions in Vietnam and the other portions of southeast Asia by our subcommittee, I recommend:

First. That the Congress of the United States and the American people give full support to our military and civilian leaders in every possible way as they perform their duties and accomplish their mission.

Second. That the American people should individually and collectively encourage all of our American forces in Vietnam in the performance of their duty in order that the present high morale found in Vietnam not be diminished.

Third. That U.S. civilians employed in Vietnam and accompanying our military forces be given full instructions as to their responsibilities as foreign visitors upon the sovereign soil of a foreign nation. That the executive branches of the U.S. Government and the Congress seriously consider effective means to guarantee punishment for those few U.S. civilians in Vietnam who reflect unfavorably upon our nation by criminal conduct.

Fourth. That the revolutionary development and civic action programs now being executed under the auspices of U.S. military and civilian agencies continue to be directed toward the development of the individual Vietnamese citizen in the areas of education, health and sanitation since these programs are effective in the development of a desire for freedom on the part of the Vietnamese citizenship.

Fifth. That every reasonable effort be taken to sustain the high level of medical services being rendered to our troops and civilians in Vietnam; that the voluntary programs of medical societies and charitable organizations extending medical services to the South Vietnamese be strongly supported and encouraged.

Sixth. That any requests by our military leadership in Vietnam for additional forces be considered favorably.

Seventh. That the level of attacks upon presently existing sanctuaries and supply lines, both within and without Vietnam, be accelerated in order that ultimate military victory can be won at the earliest possible date.

Eighth. That all Americans, including public officials, in the exercise of their right of free expression, be cautious in their conduct and statements which may cause the enemy to miscalculate the American will to win ultimate military victory.

Ninth. That in the formulation of any broad policies in the southeast Asia area, particularly in South Vietnam, there should first be full consultation with other southeast Asian nations friendly to our cause.

TWO ADDITIONAL NEWSPAPER ITEMS WHICH ATTEST TO CALCULATED EFFORT OF SECRETARY OF DEFENSE TO DESTROY THE MORALE OF OUR SERVICEMEN

The **SPEAKER** pro tempore. Under previous order of the House the gentleman from Louisiana [Mr. WAGGONNER] is recognized for 30 minutes.

Mr. WAGGONNER. Mr. Speaker, two additional items have appeared in Washington newspapers in recent days that attest to the calculated effort of the Secretary of Defense to destroy the morale of our servicemen. The most recent items appeared in this morning's Post and yesterday's Star, announcing that three Air Force officers in Vietnam have been fined and grounded for the accidental bombing of a friendly village, even though the special board of inquiry admitted that the planes had faulty navigational equipment.

The consequences of this punishment extend far beyond the fate of these three officers, though I do not minimize in any degree the harm that has been done them. The end result of such actions as this, which must be considered, is what effect it will have upon the morale and military effectiveness of every man in the armed services. How can these men we have armed and sent into combat possibly do the job assigned to them and protect themselves if the specter of demotion, fines, and possibly imprisonment face them if they mistakenly fire upon the wrong target.

In the eternal jungle of Vietnam, there is no human way, no way even for a computer, to distinguish absolutely between friend and foe. There is no way errors can be avoided. They are regrettable; certainly the strafing of the friendly village in this instance was a tragedy. But punishing the men who were trying to carry out their orders, equipped with faulty navigational equipment, does not help the situation. To the contrary, it undermines every serviceman in battle.

Not satisfied with tying the hands of our servicemen by numberless decrees which have the effect of aiding the enemy, the Secretary has now added what may be the ultimate: punishment if a serviceman commits a human error. Trying to fight a determined, ruthless enemy under these conditions is intolerable.

The second item concerns an edict from the Pentagon which I forecast several weeks ago, ordering the appointment of special officers charged with the responsibility of forcing apartment owners and operators to integrate their facilities. This intrusion into civilian affairs on the part of the military is without any direction or sanction of any law ever passed by this Congress. This meddling into the personal life of military personnel must not be tolerated.

The Secretary needs to be reminded by this body and reminded in no uncertain terms that we have never passed an open-housing law, but have, to the contrary, specifically rejected it. This latest order lays the groundwork for a followup order that is inevitable, that no serviceman will live in any apartment or housing development that is not integrated to the satisfaction of the Secretary. The private life of the service family off the base is none of the Secretary's business.

I would like to repeat what I said when I first brought to the attention of the House that he was preparing to issue this edict. That we are apparently stuck with this man as Secretary of Defense in spite of the fact that no member of the armed services has any confidence in his ability or his judgment. I am yet to talk to the first airman, soldier, or sailor, either enlisted or officer, who in private conversation has a word of praise for this man. He has organized the upper echelon of the military into a Gestapo, terrorized his chief assistants into abject agreement with any policy he proposes, summarily fired anyone who disagrees with him and in all of this, is turning the military service into a shambles.

I do not know what it takes, gentlemen, to arouse this body to do something about him, but I speak to you today with the voice of doom. If we do not curb this man and do it soon, we are going to destroy the professional Army, Navy, and Air Force. The services cannot stand this meddling, this incompetence, this bumbling much longer. The Nation can stand it even less.

The two items I have mentioned follow:

Open Housing Near Bases Is Pushed by Pentagon

Washington will become the focal point for a new effort by the Pentagon to desegregate off-base housing for military personnel throughout the country.

Deputy Secretary of Defense Cyrus R. Vance yesterday announced a Defense Department project to reduce "the incidence of housing discrimination within the civilian community" because he said it is harmful to the "welfare, morale . . . and military effectiveness" of servicemen who come from minority groups.

Vance did not specificially mention Negroes in his four-page-directive to base commanders around the Nation. But his memorandum was considered an answer to the demands of various civil rights groups for equal housing opportunities for Negro members of the armed forces.

Charles Jones, president of the Action Coordinating Committee to End Segregation in the Suburbs (ACCESS), said Vance's announcement "represents a giant step in terms of the Defense Department's previous performance, but a tiny step in terms of what its performance should be."

Vance ordered military commanders of bases with more than 500 men to conduct a census of all nearby rental housing to determine, among other things, how many landlords continue to discriminate against servicemen and their families because of race, creed, color or country of national origin.

At the same time, the Pentagon created a four-man Housing Equal Opportunity Board to oversee the census and "assure top-level attention" to the program. Assistant Defense Secretary for Manpower Thomas Morris and representatives of the Army, Navy and Air Force will make up the board.

Vance also announced that he will soon appoint a top-level official to establish a housing referral service in the Washington area that will be a model program for commanders to follow.

The Washington coordinator will be ordered to:

Arrange for personalized assistance to military families in this area who require help in locating suitable off-base housing.

Work with and through base commanders in this area to obtain community support and affirmative action from governmental officials, leading citizens, realty operators and civic, religious and other groups to assure equal opportunity in off-base housing for military families.

Information on the experience gained in the Washington program will be made available to other commanders, Vance said.

Housing facilities to be surveyed will be apartment houses, housing developments and trailer courts consisting of five or more rental units "within normal commuting distance" of a base.

Three U.S. Officers Punished for Viet Bombing Error

Saigon, April 12.—Three U.S. Air Force officers today were fined and grounded for carelessness that resulted in the bombing of a friendly village, killing about 100 women and children and wounding 175 others.

A special board of inquiry also said faulty navigational equipment aboard the two-man jets were partly to blame.

The board investigated four officers who flew the two F4C Phantom Jets that bombed and strafed the Montagnard village of Langvei and a nearby U.S. Special Forces camp last March 2.

While ruling the incident accidental, the board found three guilty of carelessness, ordered half their pay forfeited for up to two months and grounded them until another board approve of their ability to fly again. The fourth officer was cleared.

Names of the airmen were withheld pending an appeal.

The Langvei incident was the worst case of mistaken bombing in the war.

American Special Forces Capt. John J. Duffy of San Diego, Calif., a witness of the bombing, said he watched two delta-wing jets swoop toward the peaceful village. Jets often flew over Langvei from Laos, only two miles away.

As Duffy watched, the lead plane wiggled its wing in the pilot's gesture of recognition.

Then it opened fire with its 20mm cannon, and thus began the destruction of 70 per cent of the village of 2000 Montagnards. For 25 minutes the two planes bombed and strafed, while Duffy and his green berets huddled in bunkers and the villagers sought hiding places.

"Bodies were all over the place," Duffy said. "Many people were in bunkers and when the village started burning, they suffocated."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. May (at the request of Mr. Gerald R. Ford), for April 17 through April 26, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Williams of Pennsylvania, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Williams of Pennsylvania) to address the House, revise and extend their remarks and include extraneous matter:)

Mr. Findley, for 60 minutes, today.

Mr. Zwach, for 30 minutes, on April 17.

Mr. Ashbrook, for 15 minutes, today.

Mr. Kupferman, for 30 minutes, on Wednesday, April 26.

Mr. Laird, for 5 minutes today.

Mr. Mathias of Maryland, for 10 minutes, today.

Mr. Cahill, for 1 hour, on Wednesday, April 19.

(The following Members (at the request of Mr. Hechler of West Virginia) to revise and extend their remarks and to include extraneous matter:)

Mr. Whitener, for 30 minutes, today.

Mr. Waggonner, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Feighan.

(The following Members (at the request of Mr. Williams of Pennsylvania) and to include extraneous matter:)

Mr. Rumsfeld.

Mr. Davis of Wisconsin.

Mr. Brown of Ohio.

Mr. Saylor.

Mr. Steiger of Arizona.

Mr. Reid of New York.

(The following Members (at the request of Mr. Hechler of West Virginia) and to include extraneous matter:)

Mr. Ashmore.

Mr. Dulski.

Mr. Long of Maryland.

Mr. Fountain.

Mr. Rarick.

ADJOURNMENT

Mr. HECHLER of West Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, April 17, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

651. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Insecticide, Fungicide, and Rodenticide Act to authorize user charges for certain services performed thereunder by the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

652. A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend section 1401a of title 10, United States Code, relating to adjustments of retired pay and retainer pay of members and former members of the Armed Forces to reflect changes in the consumer price index; to the Committee on Armed Services.

653. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting a draft of proposed legislation to amend the International Claims

Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals, and for other purposes; to the Committee on Foreign Affairs.

654. A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to authorize the appropriation for the contribution by the United States for the support of the International Union for the Publication of Customs Tariffs; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NATCHER: Committee on Appropriations. H.R. 8569. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1968, and for other purposes (Rept. No. 190). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. H.R. 2508. A bill to require the establishment, on the basis of the 18th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes; with amendment (Rept. No. 191). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 8486. A bill to require all insured banks to clear checks at par; to the Committee on Banking and Currency.

By Mr. BINGHAM:

H.R. 8487. A bill to amend the Internal Revenue Code of 1954 to require the owner of any residential structure to comply with local housing codes as a condition of the allowance of a depreciation deduction with respect to such structure; to the Committee on Ways and Means.

By Mr. CORBETT:

H.R. 8488. A bill to amend title 13, United States Code, to provide for a mid-decade census of population, unemployment, and housing in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

By Mr. CORMAN:

H.R. 8489. A bill to amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that its absentee registration and voting procedures be extended to all citizens temporarily residing abroad; to the Committee on House Administration.

By Mr. CURTIS:

H.R. 8490. A bill to provide for declaratory judgment procedures in cases involving refusal of witnesses to testify or produce papers before congressional committees, and for other purposes; to the Committee on the Judiciary.

H.R. 8491. A bill to amend section 104 of the Revised Statutes, with respect to contempt citations in the case of witnesses before congressional committees, and for other purposes; to the Committee on the Judiciary.

By Mr. EILBERG:

H.R. 8492. A bill to amend the Communications Act of 1934 by extending and improving the provisions thereof relating to grants for construction of educational television broadcasting facilities, by authorizing assistance in the construction of noncommercial educational radio broadcasting facilities, by establishing a nonprofit corporation to assist in establishing innovative educational programs, to facilitate educational program availability, and to aid the operation of educational broadcasting facilities; and to authorize a comprehensive study of instructional television and radio; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.R. 8493. A bill to provide for reimbursement of the U.S. cities for a portion of expenses incurred in connection with the entertainment of foreign officials and for unusual expenses incurred in providing protection to the United Nations and delegates thereto; to the Committee on Foreign Affairs.

By Mr. HENDERSON:

H.R. 8494. A bill to amend section 1310 of the Supplemental Appropriation Act, 1952, as amended; to the Committee on Post Office and Civil Service.

H.R. 8495. A bill to amend title 5, United States Code, to provide for acquisition of career status by certain individuals serving in positions in the competitive service under temporary appointments pending establishment of registers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HUTCHINSON:

H.R. 8496. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 8497. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

H.R. 8498. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 8499. A bill to give the President authority to alleviate or to remove the threat to navigation, safety, marine resources, or the coastal economy posed by certain releases of fluids or other substances carried in oceangoing vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. MINISH:

H.R. 8500. A bill to assure nondiscrimination in Federal and State jury selection and service, to provide relief against discriminatory employment and housing practices, to prescribe penalties for certain acts of violence or intimidation, to extend the life of the United States Commission on Civil Rights, and for other purposes; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 8501. A bill declaring October 12 to be a legal holiday; to the Committee on the Judiciary.

By Mr. OLSEN:

H.R. 8502. A bill to amend title II of the Social Security Act to increase the amount of the monthly benefits payable thereunder, to raise the wage base, to provide for cost-of-living increases in such benefits, to increase the amount of the benefits payable to widows, to eliminate the retirement test, to cover the cost of prescription drugs under the medical insurance program, to provide for contributions to the social security trust funds from the general revenues, to otherwise extend and improve the old-age, survivors, and disability insurance system, and for other purposes; to the Committee on Ways and Means.

By Mr. PUCINSKI:

H.R. 8503. A bill to provide compensation to survivors of local law enforcement officers killed while apprehending persons for committing Federal crimes; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 8504. A bill to amend title II of the Social Security Act to permit States, under Federal-State agreements, to provide for coverage for hospital insurance benefits for the aged for certain State and local employees whose services are not otherwise covered by the insurance system established by such title; to the Committee on Ways and Means.

By Mr. REIFEL:

H.R. 8505. A bill to include prepared or preserved beef and veal within the quotas imposed on the importation of certain other meat and meat products; to reduce the percentage applied to certain aggregate quantity estimations used, in part, to determine such quotas from 110 percent to 100 percent; and for other purposes; to the Committee on Ways and Means.

By Mr. WAMPLER:

H.R. 8506. A bill to bring certain holders of star route and other contracts for the carrying of mail within the purview of the Civil Service Retirement Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits Act of 1959, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BOB WILSON:

H.R. 8507. A bill to amend title II of the Social Security Act to provide that a woman need not have been married to a man for any particular period of time prior to his death in order to qualify as his widow for benefit purposes if he was a member of the Armed Forces drawing combat pay when he died; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 8508. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ADDABBO:

H.R. 8509. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 8510. A bill to amend title 38 of the United States Code in order to promote the care and treatment of veterans in State veterans' homes; to the Committee on Veterans' Affairs.

By Mr. CUNNINGHAM:

H.R. 8511. A bill to establish a nationwide system of trails, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DENNEY:

H.R. 8512. A bill to provide that certain highways extending from Laredo, Tex., to the point where United States Highway 81 crosses the border between North Dakota and Canada shall be known collectively as the Pan American Highway; to the Committee on Public Works.

By Mr. DENT:

H.R. 8513. A bill to provide an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operation, to expand summer camp opportunities for disadvantage children, and for other purposes; to the Committee on Education and Labor.

H.R. 8514. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 8515. A bill to amend title 18 of the United States Code to prohibit travel or use of any facility in interstate or foreign commerce with intent to incite a riot or other violent civil disturbance, to permit State authorities to seek injunctive relief from such acts in Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. **DULSKI**:

H.R. 8516. A bill to amend title 39, United States Code, to provide for the elimination of political influence in the appointment of postmasters, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. **DWYER**:

H.R. 8517. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 8518. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. **GARMATZ** (by request):

H.R. 8519. A bill to provide a survivorship annuity for widows of recipients under the Panama Canal Cash Relief Act of July 5, 1937; to the Committee on Merchant Marine and Fisheries.

By Mr. **GONZALEZ**:

H.R. 8520. A bill to abolish the office of U.S. commissioner, to establish in place thereof within the judicial branch of the Government the office of U.S. magistrate, and for other purposes; to the Committee on the Judiciary.

H.R. 8521. A bill to amend section 622 of title 38, United States Code, to prohibit the requirement of any further declaration or statement from the applicant beyond the applicant's statement under oath of inability to defray the expenses of necessary non-service-connected hospital or domiciliary care; to the Committee on Veterans' Affairs.

H.R. 8522. A bill to establish a Small Tax Division within the Tax Court of the United States; to the Committee on Ways and Means.

By Mr. **GUDE**:

H.R. 8523. A bill to provide for a comprehensive program for the care and control of alcoholism; to the Committee on Interstate and Foreign Commerce.

By Mr. **HARRISON**:

H.R. 8524. A bill to include prepared or preserved beef and veal within the quotas imposed on the importation of certain other meat and meat products; to reduce the percentage applied to certain aggregate quantity estimations used, in part, to determine such quotas from 110 percent to 100 percent; and for other purposes; to the Committee on Ways and Means.

By Mr. **PUCINSKI**:

H.R. 8525. A bill to amend the Vocational Education Act of 1963; to the Committee on Education and Labor.

By Mr. **HATHAWAY**:

H.R. 8526. A bill to amend the Vocational Education Act of 1963; to the Committee on Education and Labor.

By Mr. **HAWKINS**:

H.R. 8527. A bill to amend the Vocational Education Act of 1963; to the Committee on Education and Labor.

By Mr. **SCHEUER**:

H.R. 8528. A bill to amend the Vocational Education Act of 1963; to the Committee on Education and Labor.

By Mr. **DERWINSKI**:

H.R. 8529. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus property to volunteer firefighting organizations and volunteer rescue squads, and for other purposes; to the Committee on Government Operations.

By Mr. **FULTON** of Pennsylvania:

H.R. 8530. A bill to amend the Internal Revenue Code of 1954 to allow an incentive tax credit for a part of the cost of constructing or otherwise providing facilities for the control of water or air pollution, and to permit the amortization of such cost within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mrs. **HANSEN** of Washington:

H.R. 8531. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. **IRWIN**:

H.R. 8532. A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards; to the Committee on Education and Labor.

By Mr. **JACOBS**:

H.R. 8533. A bill to amend the Older Americans Act of 1965 so as to extend its provisions; to the Committee on Education and Labor.

By Mrs. **KELLY**:

H.R. 8534. A bill to amend the Older Americans Act of 1965 to provide for an older Americans community service program; to the Committee on Education and Labor.

H.R. 8535. A bill to prohibit age discrimination in employment, and for other purposes; to the Committee on Education and Labor.

By Mr. **KUYKENDALL**:

H.R. 8536. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mr. **LAIRD**:

H.R. 8537. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. **McMILLAN**:

H.R. 8538. A bill to amend section 9 of the act of May 22, 1928 (45 Stat. 702), as amended and supplemented (16 U.S.C. 581h), relating to surveys of timber and other forest resources of the United States, and for other purposes; to the Committee on Agriculture.

By Mr. **McMILLAN** (by request):

H.R. 8539. A bill to provide that the corporation counsel of the District of Columbia shall represent plaintiffs in actions brought in the District of Columbia to enforce duties of support; to the Committee on the District of Columbia.

By Mr. **MATHIAS** of Maryland:

H.R. 8540. A bill to incorporate the Paralyzed Veterans of America; to the Committee on the Judiciary.

H.R. 8541. A bill to insure that public buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped; to the Committee on Public Works.

H.R. 8542. A bill to restrict imports of dairy products; to the Committee on Ways and Means.

By Mr. **MESKILL**:

H.R. 8543. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

H.R. 8544. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. **PRICE** of Texas:

H.R. 8545. A bill to amend title 39, United States Code, to improve the contracting authority of the Postmaster General to contract for the transportation of mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. **PUCINSKI**:

H.R. 8546. A bill to amend title 38 of the United States Code to provide that World War II and Korean conflict veterans entitled to educational benefits under any law administered by the Veterans' Administration who did not utilize their entitlement may transfer their entitlement to their children; to the Committee on Veterans' Affairs.

By Mr. **RIVERS**:

H.R. 8547. A bill to amend title 10, United States Code, to simplify laws relating to members of the Army, Navy, Air Force, and Marine Corps, and for other purposes; to the Committee on Armed Services.

By Mr. **STAGGERS**:

H.R. 8548. A bill to amend section 14 of the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

H.R. 8549. A bill to amend the Natural Gas Act to require a certificate of public convenience and necessity for the acquisition of a controlling interest, through the ownership of securities or in any other manner, of any person engaged in the transportation of natural gas, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. **TENZER**:

H.R. 8550. A bill to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, and the Higher Education Facilities Act of 1963; to the Committee on Education and Labor.

By Mr. **WALKER**:

H.R. 8551. A bill to determine the claims of certain prisoners of war permanently disabled, and to confer jurisdiction upon the Court of Claims in the event of disagreement as to such claims; to the Committee on the Judiciary.

By Mr. **WINN**:

H.R. 8552. A bill to amend the Internal Revenue Code of 1954 to increase, for 1968 and 1969, the personal income tax exemptions of a taxpayer from $600 to $800, and to provide that for taxable years beginning after 1969 such exemptions shall be $1,000; to the Committee on Ways and Means.

By Mr. **POOL**:

H.R. 8553. A bill to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. **DANIELS**:

H.R. 8554. A bill to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. **KELLY**:

H.R. 8555. A bill to provide for the adjournment of Congress in the summer vacation period, and for other purposes; to the Committee on Rules.

By Mrs. **BOLTON**:

H.R. 8556. A bill to provide for the adjournment of Congress in the summer vacation period, and for other purposes; to the Committee on Rules.

By. Mrs. **SULLIVAN**:

H.R. 8557. A bill to provide for the adjournment of Congress in the summer vacation period, and for other purposes; to the Committee on Rules.

By Mrs. **GRIFFITHS**:

H.R. 8558. A bill to provide for the adjournment of Congress in the summer vacation period, and for other purposes; to the Committee on Rules.

By Mrs. **DWYER**:

H.R. 8559. A bill to provide for the adjournment of Congress in the summer vacation period, and for other purposes; to the Committee on Rules.

By Mrs. **HANSEN** of Washington:

H.R. 8560. A bill to provide for the adjournment of Congress in the summer vacation period, and for other purposes; to the Committee on Rules.

By Mrs. **MAY**:

H.R. 8561. A bill to provide for the adjournment of Congress in the summer vacation period, and for other purposes; to the Committee on Rules.

By Mrs. **MINK**:

H.R. 8562. A bill to provide for the adjournment of Congress in the summer vacation period, and for other purposes; to the Committee on Rules.

By Mrs. **HECKLER** of Massachusetts:

H.R. 8563. A bill to provide for the adjournment of Congress in the summer vacation period, and for other purposes; to the Committee on Rules.

By Mr. **HOWARD**:

H.R. 8564. A bill to provide for the adjournment of Congress in the summer vacation period, and for other purposes; to the Committee on Rules.

By Mr. IRWIN:

H.R. 8565. A bill to provide for the adjournment of Congress in the summer vacation period, and for other purposes; to the Committee on Rules.

By Mr. MOORHEAD:

H.R. 8566. A bill to provide for the adjournment of Congress in the summer vacation period, and for other purposes; to the Committee on Rules.

By Mr. REES:

H.R. 8567. A bill to provide for the adjournment of Congress in the summer vacation period, and for other purposes; to the Committee on Rules.

By Mr. DENT:

H.R. 8568. A bill to provide for the adjournment of Congress in the summer vacation period, and for other purposes; to the Committee on Rules.

By Mr. NATCHER:

H.R. 8569. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1968, and for other purposes.

By Mr. ASHBROOK:

H.R. 8570. A bill to amend title 38 of the United States Code to provide that monthly social security benefit payments shall not be considered as income in determining eligibility for pensions under that title; to the Committee on Veterans' Affairs.

By Mr. BROYHILL of Virginia (by request):

H.R. 8571. A bill to provide for the tax treatment of certain gifts to charities; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 8572. A bill to amend the Mineral Leasing Act with respect to limitations on the leasing of coal lands imposed upon railroads; to the Committee on Interior and Insular Affairs.

By Mr. WILLIAM D. FORD:

H.R. 8573. A bill to adjust the rates of basic compensation of certain employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8574. A bill to adjust certain postage rates, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HECHLER of West Virginia:

H.R. 8575. A bill to amend part B of title XVIII of the Social Security Act to included prescribed drugs among the items and services covered under the supplementary medical insurance program for the aged; to the Committee on Ways and Means.

By Mr. KEE:

H.R. 8576. A bill to amend title 39, United States Code, to improve the contracting authority of the Postmaster General to contract for the transportation of mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H.R. 8577. A bill to direct the Secretary of the Treasury to establish a reserve of silver for national defense purposes; to the Committee on Banking and Currency.

H.R. 8578. A bill to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FULTON of Tennessee:

H.R. 8579. A bill to prohibit the Secretary of the Army from charging fees in connection with permits for certain floating facilities; to the Committee on Public Works.

By Mrs. HANSEN of Washington:

H.R. 8580. A bill to convey certain land to the Squaxin Island Tribe of Indians; to the Committee on Interior and Insular Affairs.

By Mr. McMILLAN (by request):

H.R. 8581. A bill to amend section 11-341(b) of the District of Columbia Code which relates to the sales price for the reports of the opinions of the U.S. Court of Appeals for the District of Columbia Circuit; to the Committee on the District of Columbia.

H.R. 8582. A bill to amend chapter 7 of title 11 of the District of Columbia Code to increase the number of associate judges on the District of Columbia Court of Appeals from two to five, and for other purposes; to the Committee on the District of Columbia.

By Mr. GARDNER:

H.J. Res. 504. Joint resolution authorizing the continued shipment of the Rand anticancer vaccine in interstate commerce in order to insure the continued availability of such vaccine for the treatment of patients who were treated with such drug on or before March 2, 1967; to the Committee on Interstate and Foreign Commerce.

By Mr. GURNEY:

H.J. Res. 505. Joint resolution designating Tax Freedom Day as a national holiday; to the Committee on the Judiciary.

By Mr. BROYHILL of North Carolina:

H. Con. Res. 311. Concurrent resolution expressing the sense of Congress that highway trust funds should not be curtailed; to the Committee on Ways and Means.

By Mr. KUPFERMAN:

H. Con. Res. 312. Concurrent resolution to establish a joint committee to determine the necessity of a congressional investigation of the assassination of President Kennedy; to the Committee on Rules.

By Mr. RESNICK:

H. Res. 434. Resolution requesting the Department of Defense to use butter in its rations; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

139. By the SPEAKER: Memorial of the Legislature of the State of Colorado, relative to the overall effects directly resulting from the cancellation and discontinuance of contracts for the transportation of the mails by rail; to the Committee on Rules.

140. Also, a memorial of the Legislature of the State of Illinois, relative to succession to the Presidency and the Vice-Presidency; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK:

H.R. 8583. A bill for the relief of Gitta Kollish Stein; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 8584. A bill for the relief of Felipe Martin De Abia; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 8585. A bill for the relief of Lorenzo Amato; to the Committee on the Judiciary.

H.R. 8586. A bill for the relief of Roberto Marceca; to the Committee on the Judiciary.

H.R. 8587. A bill for the relief of Filippo Russo; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 8588. A bill for the relief of the Beasley Engineering Co., Inc.; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 8589. A bill for the relief of Lai Hin Lee, Lai Sun Lee, and Yuk See Lee; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 8590. A bill for the relief of Yee Shaw Ping and his wife, Louie So Sin, and their children, Suey Jean and Suey Chung; to the Committee on the Judiciary.

By Mr. PETTIS:

H.R. 8591. A bill for the relief of Manuel Pascua Pagdilao; to the Committee on the Judiciary.

By Mr. POLANCO-ABREU:

H.R. 8592. A bill for the relief of Maria del Carmen Fernandez Fernandez; to the Committee on the Judiciary.

By Mr. REINECKE:

H.R. 8593. A bill for the relief of Raymond Leyba; to the Committee on the Judiciary.

By Mr. ROTH:

H.R. 8594. A bill for the relief of certain persons having claims against the assets of Joseph A. L. Errigo; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 8595. A bill for the relief of Giuseppe Randazzo; to the Committee on the Judiciary.

By Mr. WHITE:

H.R. 8596. A bill for the relief of Guillermo Aguirre-Santini; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 8597. A bill for the relief of Mrs. Judy Hodgkins; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 8598. A bill for the relief of Murray Mortiz Jacobson; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Negro Medal of Honor Men

EXTENSION OF REMARKS

OF

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1967

Mr. LONG of Maryland. Mr. Speaker, "Negro Medal of Honor Men" is the subject of a recent book by Air Force M. Sgt. Irvin H. Lee, of Baltimore. I am proud to note that of these men who won our Nation's highest award for military valor, about 13 percent were from Maryland. It is my pleasure to list in the CONGRESSIONAL RECORD the names and deeds of seven Negro fighting men from Maryland, and one from Washington, D.C., who have been awarded the Medal of Honor:

Pvt. Dennis Bell. Washington, D.C. During the Spanish-American War in Cuba, he and two other cavalrymen, braved enemy bombardment and rifle fire to rescue a survey party from the transport *Florida* after the party had been pinned down in an ambush and its boats burned.

Sgt. Thomas Boyne, of Prince Georges County, Md. During encounters with Indians under the Apache chief Victorio in New Mexico, Sergeant Boyne's cavalry detachment scattered under a withering rifle attack. Sergeant Boyne flanked the Indian warriors and gallantly charged them alone, driving off the band. In a second encounter several days later, Sergeant Boyne displayed conspicuous bravery during a 2-day battle.

Sgt. Decatur Dorsey, of Maryland's 39th U.S. Colored Troops. During the Civil War at the Battle of Petersburg, the Union standard-bearer led his regiment in two assaults in which 200 prisoners were captured.

Sergeant Major Christian A. Fleetwood, of Baltimore, Md. During the Civil War at Chaffin's Farm in Virginia, Sergeant Fleetwood rallied 35 survivors of a charge against enemy fortifications and led them through a hail of bullets in a final and successful effort to take ground.

Sgt. Alfred B. Hilton, of Maryland's 4th U.S. Colored Troops. During the same encounter in which Sergeant Fleetwood won the Medal of Honor, Sergeant Hilton seized the company standard when its bearer fell dead and led his fellow troops forward until he himself was shot down with wounds that led to his death 20 days later.

Pvt. Augustus Walley, Reistertown, Md. During Indian engagements in 1881 in New Mexico, he rode through enemy fire at short range to rescue a fellow soldier who had been wounded and lost his horse.

Sgt. William O. Wilson, of Hagerstown, Md. During the same battle in which Private Walley won the medal, Sergeant Wilson fought heroically.

Deficit Spending

EXTENSION OF REMARKS

of

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1967

Mr. STEIGER of Arizona. Mr. Speaker, many people have swallowed the propaganda of the Great Society that deficit spending is morally right and is sound economics. In a recent letter to the editor of the Memphis, Tenn., Press Scimitar, our able colleague, Dan Kuykendall who represents Memphis, gave a most forthright and clear refutation of this false theory. I include Mr. Kuykendall's letter as a part of the Record so that we all may share its contents. To me this letter makes good sense:

March 17,1967.

Mr. Charles H. Schneider,
Editor, Memphis Press Scimitar,
Memphis, Tenn.

To the Editor: On March 7, 1967, Howard Cohn took strong issue with the stand that I have taken stating that "continued deficit financing is immoral". Mr. Cohn quoted a professor who made a joke of the dangers and "immorality" of deficit spending.

It is my considered opinion that deficit spending, except in times of national emergencies, is most unwise and certainly the inflation it breeds is no joke to those who suffer from it. Inflation, instead, is a very serious matter because it robs our dollar of its purchasing power and, in actual fact, "steals" from all citizens by cheapening every dollar they own. I am sure that my young friend and his professor will agree that "stealing" is immoral. "Stealing", I believe, by almost universally accepted definition, is taking away one's possessions without his consent, and when the Government takes away the value of the money which belongs to the people without even the formality of legislation, it certainly is taking away possessions without the consent of the owner.

The Government sins in two ways by continually spending huge amounts of money, which it does not have. First, it endangers the very future of our national existence since historically such practices have led to national bankruptcy and suicide. Second, the inflation caused by wasteful deficit spending steals most heavily from those who are least able to pay—the old, the sick, the helpless—those on fixed incomes and particularly those who are retired on savings such as annuities and pensions. Are there any who will disagree that inflation, which causes reduced standards of living and many times actual want among our retired people, is immoral? As the young writer stated, there are certainly some economists, especially those who approve of all the "Great Society" programs, who say that deficit spending may be sound and that a little inflation is a good thing. Certainly there are times during national emergencies that deficit spending is necessary, but there is never a time that deficit spending is financially sound. Everyone knows that continually spending more money than you take in, whether an individual or a government, will eventually lead to bankruptcy. Certainly, inflation may put a few more paper dollars in your pocket, but these dollars buy less and, not only is the citizen being robbed, he is being seriously misled at the same time.

How badly people are hurt by the Government's policy of deficit spending is shown from the following facts: In 1939 our dollar had a purchasing power of 100 cents, and today the value of the dollar is about 42 cents. For example, an individual worker retiring in 1940 with maximum coverage was entitled to an annual Social Security pension of $499.20. A worker retiring today with maximum coverage is entitled to an annual pension of $1,220.00, which has a purchasing power of only $512.40 compared to 1940. It is rather tragic that it took five acts of Congress to raise the value of the annual Social Security pension $13.20 in purchasing power in twenty-seven years. To illustrate further, if a person invested his money to purchase a $100.00 U.S. Government Bond in 1950, the matured Bond today, with 17 years accrued interest, would only be worth $90.10 in purchasing power.

An honest Government policy must be based on protecting the value of the currency by spending the peoples' money in a responsible manner, to live within our income, and balance the budget so as to lower taxes and allow the people to keep more of their own money in dollars that are sound.

Sincerely,

Dan Kuykendall,
Member of Congress.

Castro Subversion Strikes Again

EXTENSION OF REMARKS

of

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1967

Mr. RARICK. Mr. Speaker, it has been common knowledge to our fellow countrymen and public officials alike for some time now that Castro's Cuba has been a base for Communist subversion, aimed at eventual revolutionary overthrow of peaceful governments in Latin and South America.

Hard core revolutionaries, trained in Cuba under skilled Russian and Cuban cadres, have now been exported into numerous countries instigating subversive activity directed at the violent overthrow of non-Communist governments. These incidents and task forces adhere to the master plan conceived at the Tri-Continental Conference of Communist agents that met last year in Havana. The latest of these planned wars is now under way in Bolivia, a neighbor to our south and friendly toward the United States.

Realizing the seriousness of these acts of aggression, I have introduced House Joint Resolution 496, which proposes positive steps be taken by our Government to bring about an effective means of containing Castro and thwarting his exportation of anarchists and trained murderers into other nations.

In order that my colleagues may be familiar with House Joint Resolution 496, I include it in the Record for all to read.

The joint resolution follows:

H.J. Res. 496

Joint resolution to prevent the subversion of the United States and the American continents as proposed by the Communist government of Cuba under Castro, and for other purposes

Whereas there have been many suggestions and several resolutions as to the procedure necessary to stop Cuba's Fidel Castro from subverting the American continents; and

Whereas Fidel Castro's Communist regime has, by its actions, merited the condemnation of the Organization of American States as an aggressor nation; and

Whereas the Castro government at the Tri-Continental Conference declared, openly for all to know, its intent to overthrow every legally constituted government on the American continent, including that of these United States; and whereas, it has already put into practice the revolutionary plans of the Tri-Continental Conference of Havana in Bolivia, Venezuela, and Guatemala; and

Whereas the citizens people of Cuba, terrorized by huge arms buildup and foreign mercenary troops, cannot regain control of their government without outside help from the nearly one million fellow countrymen in exile; and

Whereas it is to the best interest of these United States not to have an aggresive dictatorship, supported by foreign arms and troops, menacing our people with atomic missiles pointed at our cities; and

Whereas it is in the peaceful interest of the United States Government, as well as a moral obligation to all Americans, to prevent Latin America and the United States from becoming a battlefield for guerrilla warfare, as planned by Castro at the Tri-Continental Conference of Havana; and

Whereas it would be a waste of the American taxpayers' dollars to donate funds for the Alliance for Progress in Latin America while Castro is at liberty to organize, finance, and direct guerrilla bands to attack and overthrow these same governments we are trying to help financially: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Government withdraw political recognition of Cuba's Communist government and thus encourage all Latin American countries to do likewise; and

That all governments who wish to participate in the Alliance for Progress must first withdraw political recognition of any Communist government in Cuba; and

That the United States State Department policy be clearly defined as no longer recognizing the Communist regime of Castro at Havana and that no reprisals will be taken against any Cuban in restoring freedom and constitutional government in their homeland Cuba; and

That any nation doing business with Cuba's Communist aggressor government of Fidel Castro will be subjected to an embargo by the United States in equal amounts to that country's imports to the United States; and

That the United States Government will recognize no government in Cuba until a truly constitutional government is established by free elections participated in by all Cubans.

Mr. Speaker, the reported plan of the Tri-Continental Conference of Havana can leave no doubt but that Castro intends to resort to violence to carry out his goals.

Mr. Speaker, under unanimous consent I insert the following agenda from the Tri-Continental Conference in Havana in the RECORD:

APPENDIX 1—AGENDA OF THE TRICONTINENTAL CONFERENCE[1]

I. *Fight against imperialism, colonialism and neocolonialism.*

1. Support of the heroic struggle of the Vietnamese people against the North American imperialist aggressions, and for the liberation of South Viet-Nam, and the reunification of all the country.

2. Struggle for complete national liberation, people's right to self-determination, consolidation of independence and national sovereignty in the three continents, and against imperialist aggression, subversive conspiracies, interference in the internal affairs of independent countries and isolation of the peoples who fight for peace and independence.

3. Intensification of all forms of struggle, including the armed struggle of the peoples of the three continents against imperialism, colonialism and neocolonialism led by North American imperialism.

4. Support to the just struggle of the Cuban people against North American imperialism and for the defense of national sovereignty. Support to the patriotic fight of Latin American peoples against imperialism and its instruments, such as the OAS.

5. Elimination of foreign military bases in the three continents and measures against the policy of military pacts.

6. Struggle for the prohibition of the use, production, experimentation and storing of nuclear arms, for the total destruction of the nuclear arms already made, for the elimination of all means to produce them, and for world peace.

7. Measures against Apartheid and racial segregation; support to the Negro people of the United States in their struggle for the right to equality and freedom and against all forms of discrimination and racism.

8. Ways and means to help the national liberation movements of Africa, Asia and Latin America in general and specifically the armed struggle for liberation.

II. *Urgent problems of the anti-imperialist struggle in the countries of the three continents and particularly in Viet-Nam, the Dominican Republic, the Congo, the Portuguese colonies, South Rhodesia, Southern Arabia and Palestine, Laos, Cambodia, South Africa, Korea, Venezuela, Guatemala, Peru, Colombia, Cyprus, Panama, South West Africa, and North Kalimantan.*

III. *Anti-imperialist solidarity among the Afro-Asian-Latin American Peoples in the economic, social and cultural aspects.*

1. For the economic emancipation and social and cultural liberation of the peoples of the three continents:

a. Start of an action intended to attain and consolidate the economic emancipation of the countries of the three continents and struggle against exploitation and economic aggression of imperialism, colonialism and neocolonialism.

b. Steps to eradicate in the economic, social and cultural fields the consequences of colonial domination.

c. Actions against the blockade policy and economic boycott applied by imperialism to the countries that struggle for their liberation and to the countries which have achieved it.

d. Economic planning and mobilization of the natural and human resources for the economic development and achievement of a real economic independence based on self-reliance.

e. Agrarian reform in the three continents.

f. Problems related to the formation of national cadres.

2. For the development of economic, social and cultural relations:

a. Aid and cooperation among the peoples of Africa, Asia, and Latin America in the economic, social and cultural fields.

b. Fundamental principles of economic and technical cooperation among the countries of the three continents based on equality and mutual interest.

c. Bases of a new economic policy among the peoples of the three continents and the rest of the world; establishment of economic, commercial and financial relations with the advanced countries on such bases that will allow our own development.

d. Working out of a definition of the pacific co-existence concept common to the countries of Africa, Asia and Latin America.

3. Co-ordination of the activities of the workers, students, women and cultural organizations of the three continents.

IV. *Political unification and Organizations of the African, Asian and Latin American efforts in their common struggle for national Liberation.*

Mr. Speaker, as further evidence of implementation of guerrilla activity following the Tri-Continental Conference blueprint, I insert the following article from the Washington, D.C., Evening Star, of April 11, 1967:

RED GUERRILLA CAMP FOUND IN BOLIVIA JUNGLE

(By Murray Sayle, correspondent of the London Times)

NACHABHUAZU, BOLIVIA—A four-day jungle patrol of the 1st Battalion, 4th Division of the Bolivian Army, has discovered a base of Castro-type Communist guerrillas deep in the Bolivian jungle.

Nachabhuazu is about 125 miles southwest of Sucre. The base came to light by accident after a patrol of six men under a lieutenant of the Bolivian Army was wiped out on March 23 in an ambush in a gorge in the foothills of the Andes.

Two days later another patrol of 14 men and two officers was ambushed, taken prisoner and released after 48 hours.

The returning prisoners, who were illiterate Bolivian conscripts, told fantastic stories of bearded Russians and Chinese.

Most Bolivians believed that the guerrillas were, in fact a band of cocaine or marijuana smugglers, as both drugs flow freely in this wild part of the world.

Our patrol marched 12 miles into the jungle-clad Andes foothills on a trail which the army cut in four days. After another eight-hour march through the primitive jungle we found a field kitchen with an oven capable of baking bread for at least 100 men. Near it were gardens of vegetables and a butcher shop where mules had been cut up with machetes.

A little farther along the trail was a field hospital. There were empty packets of antibiotics, surgical dressings and instruments manufactured in Italy, Britain, West Germany and the United States.

HOMEMADE ARMS

A hundred yards farther on was the dormitory area. In this area were more than 100 homemade hand grenades welded from empty fruit juice cans and lengths of gas pipe filled with sticks of dynamite and fired by detonators.

In the rubbish neatly raked from the dormitory area was a picture of Ernesto (Che) Guevara, the former lieutenant of Fidel Castro, and a copy of a speech by North Vietnam's Gen. Vo Nguyen Giap, translated into Spanish, calling for an "armed struggle for national liberation of long duration with prolonged resistance leading to the eventual triumph of the people."

The picture of Guevara was of a younger man and must have been taken in the Sierra Maestra in Cuba some years ago.

Judging by a pile of spent cartridge cases, one part of the camp had been used for weapons training. All the cases were of American manufacture and showed that the guerrillas have M1 and M2 rifles and Browning automatic rifles.

Congressman Donald Rumsfeld Reports

EXTENSION OF REMARKS
OF
HON. DONALD RUMSFELD
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 13, 1967

Mr. RUMSFELD. Mr. Speaker, under leave to extend my remarks, I submit my April legislative report, which includes the results of my fifth annual national issues poll.

The legislative report is sent to residents of the 13th Congressional District of Illinois. The text of the report follows:

CONGRESSMAN DONALD RUMSFELD REPORTS

WASHINGTON, D.C.—*Ethics and Conduct:* Wednesday, March 1, was an unhappy day for the House and for the nation, for on that afternoon, the House debated seating Adam Clayton Powell as a Representative from New York. This question, complex and troubling, touched not only on a matter of public policy, but also on an issue of justice toward an individual, and—perhaps most important—on the integrity of the House itself.

The House Administration Committee and the Select Committee appointed to investigate Powell documented a series of offenses which the House could not ignore. Among other things: (1) Powell improperly maintained on his clerk-hire payroll Mrs. Adam C. Powell from August 14, 1964 to December 31, 1966, during which period either she performed no official duties whatever or such duties were not performed in Washington, D.C. or the State of New York, as required by law; (2) as Chairman of the Committee on Education and Labor, Powell permitted and participated in improper expenditures of Government funds for private purposes; and (3) Powell's refusal to cooperate with the lawful inquiries authorized by the House was contemptuous and was conduct unworthy of a Member.

---

[1] English version published by the Tricontinental Conference, in Havana.

The Congress has the authority and the obligation to protect its integrity. The Constitution provides that each house shall be the judge of the elections, returns, and qualifications of its Members. The Constitution declares: "Each house may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member." Clearly, if the House can expel by a two-thirds vote, it can exclude by a two-thirds vote. The Constitution would not require the House to perform a useless act of seating before expelling.

To have seated Powell in the face of the Select Committee findings and conclusions and in view of the extreme nature of the wrongs committed would have been insufficient, not in the terms of punishment of Powell, but of the integrity of the House. There were five separate roll-call votes on this matter. I felt Powell should not be seated, and so voted.

Adam Powell, by his conduct, challenged the integrity of the House of Representatives. The House responded by excluding him from the 90th Congress. The vote reflects a conviction on the part of the Members that the public trust placed in them must be maintained. It was not, I am convinced, a personal attack against a specific individual.

Unfortunately, the proceedings in the House concerning Powell leave unanswered the broad and considerably more important question of Congressional ethics. I introduced a bill in the last Congress to establish a Committee on Standards and Conduct, and will continue to work for its passage. The task is to develop standards by which all Members can be measured and provide the mechanism for assuring that Members conduct themselves in a way compatible with the high trust placed in them by their constituents. Last month, I presented a statement to the House Rules Committee in support of a Committee on Standards and Ethics, copies of which are available by writing my office.

COMMITTEE ASSIGNMENTS

"Committees are the workshops of Congress. They . . . represent the real muscle of American legislative government. They constitute so much the brains and the brilliance, the drudgery and the grind of workday legislative labor, that they explain the relative decline of parliamentary oratory in recent decades in both Houses of Congress. They have substituted exact knowledge and exhaustive study for declamation." (from "The Capitol: Symbol of Freedom")

Joint Economic Committee

In January I was privileged to be designated by the Speaker of the U.S. House of Representatives to serve on the Joint Economic Committee. The Committee conducts studies and hearings which serve to provide guidance to the Congress in making vital economic decisions. Certain to be high on the Committee's priority list: urban economic problems, tax matters, reassessment of Great Society programs, foregin economic problems, balance of payments, and such proposals as Federal tax sharing and the negative income tax.

The Joint Committee is charged with the responsibility of making a "continuing study of matters related to the President's Economic Report." Hearings on the Report were held during January and February. Key members of the Administration, leading economists, and business and labor leaders offered their collective wisdom as to the soundness of the President's plans for FY 1968. Copies of our report are available on request.

During the 90th Congress, the Committee will be composed of 12 Democrats: Representatives Patman (Tex.), Bolling (Mo.), Boggs (La.), Reuss (Wis.), Griffiths (Mich.), and Moorhead (Pa.); and Senators Proxmire (Wis.), Sparkman (Ala.), Fulbright (Ark.), Talmadge (Ga.), Symington (Mo.), and Ribicoff (Conn.), and 8 Republicans: Representatives Curtis (Mo.), Widnall (N.J.), Rumsfeld (Ill.), and Brock (Tenn.), and Senators Javits (N.Y.), Miller (Iowa), Jordan (Idaho), and Percy (Ill.) My subcommittee assignments are *Economy in Government, Inter-American Economic Relationships, Foreign Economic Policy, Economic Statistics,* and *Fiscal Policy.*

Science and Astronautics Committee

I retained my seat on the "Space Committee," which handles matters pertaining to the National Aeronautics and Space Administration, the National Science Foundation, and the Bureau of Standards. My subcommittee assignments are *Manned Space Flight* and *Science, Research, and Development.*

The tragic loss of three astronauts will focus attention on means to avoid such tragedies in the future. A careful evaluation of safety procedures, quality control, and the use of a pure oxygen system in manned space vehicles will undoubtedly be high on the committee agenda. The billions of dollars spent on the space program will come under close scrutiny in an effort to reduce a federal budget which is mushrooming on all fronts.

Government Operations Committee

I continue my service on the chief House investigating Committee. Subcommittee assignments are *Foreign Operations and Government Information* and *Military Operations.* During the 89th Congress, the Government Operations Committee reported favorably on the Freedom of Information bill. This bill, passed by the Congress last year, requires the various Federal agencies to make their records available for public inspection, except for certain categories specifically exempted by Congress. The legislation, which I am proud to have worked for in Committee and fought for on the Floor of the House, will become effective in July of this year.

NEW FACES IN OUR WASHINGTON OFFICE

The 13th District has been fortunate this year in having the benefit of the talent of two "Congressional Fellows" provided for us by the American Political Science Association. These men have been selected, on the basis of background and academic qualification to serve 4 months on a House staff and 4 months on a Senate staff. Our first "Fellow" was Mr. William Kriegsman of the Atomic Energy Commission, and we are now awaiting the arrival of Mr. James Briggs of the State Department. In addition to this excellent help, we have employed for 5 months a junior from Beloit College, Miss Judith Fell of Glenview. Judy came to us for a semester through an arrangement with Beloit College. Soon after she leaves, one of our "summer staff interns" will arrive. Selected this year are: Eva Knowlton, daughter of Mr. and Mrs. John M. Knowlton, 656 Ardsley Road, Winnetka; Kent N. Mastores, son of Dr. and Mrs. Nickolas P. Mastores, 925 Edgemere Court, Evanston; John T. Moran, Jr., son of Mr. and Mrs. John T. Moran, 945 Huckleberry Lane, Northbrook; and Margaret D. Strahorn, daughter of Mr. and Mrs. Charles A. Strahorn, 852 Oak Street, Winnetka.

LEGISLATION SPONSORED

In the 90th Congress, I have introduced to date 15 bills and resolutions. Some of these measures are similar to proposals I introduced in the last Congress, which did not become law. They include:

Selective service

To establish a Joint Congressional Committee on American Manpower and National Security, to make a comprehensive assessment of the present system and of such alternative systems as an all-volunteer Armed Forces. The present Military Training and Service Act expires on June 30, 1967.

Postmasters and politics

To eliminate "patronage" and politics in the appointment of postmasters by making selection depend solely on merit. There is growing support for this proposal, and we hope for action this year.

Social security

To increase the earnings limitation from $1500 annually to $3600, without loss of benefits. The present limitation, I believe, stifles individual incentive and causes withdrawal from the market of needed skills, experience, and talent.

Miscellaneous

I have also introduced measures to: permit individual tax credits for parents financing students in college; establish a Commission on Public Management (to consider ways to improve Government handling of such problems as air pollution, substandard housing, traffic congestion, and other matters relating to the public's business); provide a tax incentive for business to hire and train unemployed workers lacking the skills for available jobs (Human Investment Act); and to commemorate the 150th Anniversary of the admission of Illinois to the Union.

LEGISLATION PASSED BY THE HOUSE THUS FAR

I supported bills to 1) restore the *investment tax credit and allowance of accelerated depreciation* which was unwisely suspended only five months ago; 2) *The Reserves & National Guard Technicians Bill* to strengthen Reserve components of the Armed Forces; 3) *A Supplemental Military Procurement Authorization & Defense Appropriations Bill;* 4) *Food for India,* providing for additional emergency food assistance for India; 5) *Treasury & Post Office Appropriations* for Fiscal Year 1968; 6) *Alliance for Progress,* expressing support for the goals of the Alliance. I opposed 1) the *Interest Equalization Tax* which was extended for an additional 2 years; and 2) an increase in the *Public Debt Limit* to $336 billion for the remainder of Fiscal Year 1967.

Selective Service

The Draft has been with us since World War II—so long that it has almost been accepted as a normal part of the American way of life. Almost half of all Americans have lived under a compulsory military system through their entire lives. Yet, in a free system, a compulsory draft system can be justified only when there is *demonstrated* need. Absent a clear need for compulsion in recruiting the military manpower necessary to meet U.S. national security requirements, a draft system is intolerable.

I do not know whether or not a volunteer military is feasible during this period of our history, given current manpower requirements. I do know the following: (1) At no time has the Department of Defense, the Selective Service System, or the President revealed documentation to show that a voluntary system is *not* feasible; (2) A prominent defense expert, Dr. Walter Oi, states that a voluntary system would be feasible by raising military pay modestly and improving military personnel policies to make the service more competitive with the non-military, and he supports his position by extensive study papers; and (3) Even if a *totally* voluntary system is not now feasible, there is utterly no excuse for not improving military pay and personnel policies to increase the voluntary recruitment. How can we justify the present practice of not only requiring service of some, but, in addition, imposing a tax on those few who are conscripted by paying substantially less than they could earn in a civilian job.

There is no justification for a draft system if it is not necessary, as may well be the case.

It is my belief that the 90th Congress should establish a Joint Committee to (1) determine whether or not a voluntary military is feasible and, if so, the steps necessary to achieve a volunteer system; and (2) recommend improvements in any compulsory system which would be necessary as a stand-by mechanian in the event a major land war of World Wa II proportions required greater military manpower than a voluntary system reasonably could provide.

It is no credit to our Government that in the past 25 years—notwithstanding the two recent Presidential Commissions on the Draft—there has not been a comprehensive review of military manpower problems and that significant information gaps still exist today. If a voluntary system is found to be feasible, it would take a number of years to achieve, and the Committee could recommend a "transitional system" designed to move towards the goal of an all-volunteer military. The case for such a course of action by the Congress seems to me to be overwhelming.

RESULTS OF 1967 NATIONAL ISSUES POLL

The 1967 Questionnaire was mailed to residents of the 13th Congressional District in early February. We have received to date roughly 18,000 returns from the approximately 125,000 which were sent, and they are still coming in. I am most grateful to all who have cooperated in this effort for taking the time to give me the benefit of your views on some of the important issues before Congress.

Representative government, to work effectively, requires a two-way flow of information between the people in each constituency and their Representatives. I believe the Poll is well worth the time and effort if it stimulates discussion and thought, points up areas where a lack of information exists, and encourages comment and communication from residents of the 13th District. While I, of course, bear full responsibility for my votes and decisions, I do appreciate your cooperation and value your participation. I look forward to hearing from you throughout the year on matters of mutual concern and interest.

1967 national issues poll

	Percent		
	Yes	No	No answer
1. The draft:			
(a) To meet U.S. military manpower requirements in the forseeable future, should maximum reliance be placed on volunteer forces?	42	50	8
To the extent that reliance cannot or should not be placed on volunteer forces, the United States should (answer 1):			
(b) Adopt a program of universal military training?	39		
(c) Continne with a selective service system basically similar to the one now in operation?	33		
(d) Choose men for military service by a lottery system?	28		
2. Vietnam: Do you favor—			
(a) An "All Asian Peace Conference" of Asian nations, including North Vietnam and Communist China?	49	40	11
(b) Suspending bombing attacks on North Vietnam only if Hanoi makes a reciprocal move toward deescalation?	71	21	8
(c) Ending bombing attacks on North Vietnam without a reciprocal move by Hanoi?	11	79	10
(d) Continued escalation of the U.S. military effort in Vietnam?	60	29	11
(e) United Nations mediation of Vietnam war?	55	36	9
(f) Unilateral withdrawal of U.S. troops from Vietnam?	12	75	13
(g) Terminating U.S. aid to nations trading with North Vietnam?	73	20	7
3. Taxes: Do you favor—			
(a) A 6-percent increase on individual and corporate income taxes to reduce the deficit?	19	74	7
(b) A reduction in Federal domestic spending to reduce the deficit?	82	15	3
(c) Federal income tax relief for part of college educational expenses?	73	23	4
(d) Tax incentives for industries to control water and air pollution?	79	17	4
4. Social security: Do you favor an increase in social security benefits?	46	44	10
(a) An 8-percent increase in benefits without an increase in payroll taxes?	39	45	16
(b) A 20-percent increase in benefits and appropriate increases in payroll taxes?	15	66	19
5. Domestic: Do you favor—			
(a) An expansion of the Headstart program?	50	38	12
(b) A constitutional amendment to place the minimum voting age at 18?	34	63	3
(c) Merger of the U.S. Departments of Labor and Commerce?	54	32	14
(d) Establishment of a code of ethics for the U.S. Congress?	90	7	3
(e) Televising proceedings of the U.S. House of Representatives?	56	34	10
(f) A constitutional amendment to permit the election of the President by direct popular vote rather than by the electoral college?	80	16	4
(g) Limiting use of wiretapping by Federal agencies to national security cases?	57	38	5
6. International affairs: Do you favor—			
(a) Extension of the Trade Expansion Act of 1962 (which gives the President authority to reduce existing tariffs by up to 50 percent)?	54	35	11
(b) Admission of Red China to the United Nations?	39	58	3
7. Trade with Communist countries: Do you favor an expansion of trade with—			
(a) The Soviet Union?	49	44	7
(b) Poland, Yugoslavia, and Hungary?	54	39	7
(c) Eastern European satellite countries?	51	41	8
(d) Do you believe that the present level of trade, permissible under prevailing restrictions, should be continued?	47	32	21

Public Utility Companies Farsighted in Ohio

EXTENSION OF REMARKS

OF

HON. CLARENCE J. BROWN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1967

Mr. BROWN of Ohio. Mr. Speaker, I want to bring to the attention of the House a unique venture in farsighted planning and economy by three public utility companies in Ohio.

A 70 million-ton contract to purchase coal for the J. M. Stuart Generating Station until the year 2000 has been announced jointly by the Dayton Power & Light Co. and the Union Carbide Corp.

The coal will come from a new 3½ million ton-per-year mine that is being opened by Union Carbide in Mason and Putnam Counties, W. Va., 30 miles northwest of Charleston. The coal will be transferred by a 6-mile conveyor belt to the Kanawha River. Then it will go 155 miles by barge to the Stuart station which is located midway between Manchester and Aberdeen, Ohio, on the Ohio River.

The Stuart station is being constructed by Dayton Power & Light and will be owned in common by D.P. & L., Cincinnati Gas & Electric Co., and Columbus & Southern Ohio Electric Co. The first unit of 600,000 kilowatts is scheduled for completion in early 1970, a second unit of similar size in 1971, and a third in 1972. The companies had already announced that they expect the station will ultimately have a capacity of over 2 million kilowatts and will result in an investment of well over $200 million.

An outstanding feature of the announcement was Union Carbide's report that it will hire up to 500 new employees to mine the coal from the 27,000-acre site. This is in the Appalachian area. There is an estimated total reserve of approximately 100 million tons of coal in this Union Carbide site.

D.P. & L. officials report that the cost of coal delivered to the Stuart station will be 25 percent less than the cost of coal delivered to the company's present generating stations in the Dayton area.

James M. Stuart, D.P. & L. president, said:

> Working in concert with our neighbors at Columbus and Cincinnati has made it possible for us to take advantage of water transportation and to build this new generating station with larger and more efficient units. These important savings will tend to offset the rising costs of almost everything else that the company does to provide electric service.

Union Carbide will supply about 1.5 million tons of coal to the new generating station during the first year of operation. This rate will build up to 3.5 million tons per year when the second unit is operational. The fuel requirements for the third unit are not included. The coal supplied will be bituminous for the Pittsburgh No. 8 seam.

Deep mining at the Union Carbide mine will be done with modern high-capacity machines. The 30,000-foot conveyor belt will carry the coal from the mine entrance to a storage area on the Kanawha River. There, coal will be loaded into 1,500 ton jumbo-type barges.

D.P. & L. reports that a barge contract is being negotiated. It is expected that a towboat will push eight barges at a time down the Kanawha to Point Pleasant, W. Va., and then down the Ohio river to the Stuart station. Coal-handling facilities being built at the station will be able to unload 12,000 tons per 8-hour day. During unloading, the towboat will return empty barges to Union Carbide's Kanawha River dock site. The 310-mile round trip will be run 24 hours a day, so that barges will always be in transit between the two points. D.P. & L. will shift barges with its own tugboat.

Ground breaking at the Union Carbide minesite is scheduled for June of this year, when digging of the slope and shafts starts. The first coal will be mined early in 1969.

Horace Godfrey Honored for Excellence in Civil Service Career

EXTENSION OF REMARKS

OF

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1967

Mr. FOUNTAIN. Mr. Speaker, we are all interested in achieving excellence in the career civil service. Today I am proud that a fellow North Carolinian, in this service since 1934, has been recognized by the National Civil Service League for his outstanding performance during these years of service.

Horace D. Godfrey, as many of us know, has administered the farm commodity programs of the Department of Agriculture since 1961, when he was appointed Administrator of the Agricultural Stabilization and Conservation Service and Executive Vice President of the Commodity Credit Corporation. He deserves a major share of the credit for the success of these programs, which under his guidance have seen farm income rise to new high levels while the costly problem of surplus grain has been eliminated and other surpluses have been reduced greatly. He deserves credit also for efficient and effective administration of the agricultural conservation program, one of the major interests of his life and one of the most important of Government activities.

Those of us who knew Horace Godfrey in North Carolina, where he was chief State administrative officer of ASCS for 12 years before beginning his present duties, think of leadership when we think of this man. His leadership has been a major factor in the splendid esprit de corps which we find on every level of what he likes to call "the ASCS family," from the county office to the top Washington level. He has been able to attract good people, and to inspire them to greater efficiency and service by his personal example.

It is significant that, while the workload of ASCS has gone up more than a third during his administration, man-years of employment have been significantly reduced during the same period. This has happened while ASCS has had to carry out provisions of new and major legislation in each of 5 successive years, including the landmark Food and Agriculture Act of 1965.

Those of us who come from North Carolina can be proud that the National Civil Service League picked our fellow Tar Heel as one of the 10 best in the career service. Mortimer Caplin, president of the league, calls the 10 "as splendid a demonstration of the quality, dedication, and excellence of the career service as ever has been assembled."

The league includes people who can judge, such as board chairman Bernard Gladieux, Kermit Gordon, J. Edward Day, former North Carolina Governor, Terry Sanford, and Newton Minow, to mention just part of a very prestigious group.

I am sure the entire North Carolina delegation joins me in extending sincere congratulations to Horace Godfrey for this well-earned and deserved national recognition.

Here on Earth God's Work Must Truly Be Our Own

EXTENSION OF REMARKS

OF

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1967

Mr. DULSKI. Mr. Speaker, my esteemed colleague from Buffalo, N.Y., the Honorable RICHARD D. MCCARTHY, recently addressed the First Friday Club of Buffalo. He summarized very poignantly the duties of a Christian to his God, to his country, and to his fellow men, and emphasized the application of those duties in today's world.

With permission, I include Congressman MCCARTHY's address below:

HERE ON EARTH GOD'S WORK MUST TRULY BE OUR OWN

(By Representative RICHARD D. MCCARTHY before the First Friday Club of Buffalo, April 7, 1967)

"Here on earth, God's work must truly be our own." The concluding words of President John F. Kennedy's Inaugural Address still resound through our Nation, and through the world. I should like to apply their thought today to the particular concerns of the members of the First Friday Club of Buffalo.

The final words of President Kennedy's speech, the expression of the thought toward which the entire address led, was this injunction, addressed as much to himself as to the land he was undertaking to lead: "With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that *here on earth God's work must truly be our own*."

The duty stressed in that address, as well as in the Invocation by Cardinal Cushing that preceded it, was the *duty of applying our individual consciences to public affairs*. What the classical Greeks and theocratic Hebrews knew so well, what the Romans stressed in their laws and in their forensic eloquence, what the political economists of the eighteenth century expounded at length, is only now being painfully rediscovered after the pragmatist experimentation of the past century or so—that *political theory is a branch of ethics*.

Religion requires of us, not merely an individual morality, an uprightness in dealings with family, friends, business associates, and neighbors, participation in church activities, but also a public, social morality.

There is a moral aspect to virtually every public problem that we face today: poverty, crime, pollution of earth and air and water, the war in Vietnam, the population explosion and impending illiteracy, disease, Communist subversion and the well-publicized activities of certain members of Congress.

In each of these cases, each one of us is in the position of the passers-by on the road to Jericho; only, instead of one man who has fallen among thieves, and suffered robbery and wounding, we have before us the cases of hundreds, and thousands and millions who have been robbed and wounded by circumstances which are, to some extent, within our control. There is no one of us so helpless and uninfluential that he cannot play the part of the Good Samaritan in some way, to some among these neighbors, near or far, who are the victims of social and economic injustices.

We who attempt to live up to the demands of our Catholic faith, in attending Mass regularly every Sunday, in observing each injunction and prohibition in the Ten Commandments, and in the Six Commandments of the Church; we who try to familiarize ourselves with the particulars of Catholic doctrine, and to see that our children *also* are taught that doctrine; we who go beyond the bounds of obligation, and *voluntarily* engage in such devotions as the First Friday Mass and Communion that bring us together today—we, in short, who are trying to do our duty, and more than our duty, in the religious and spiritual sphere, will *truly* succeed if we make our religious and spiritual character effective in the social and political sphere.

It is by our *justice* that we will ultimately be judged. Christ Himself declared, as we are told in the Fifth Chapter of the Gospel of St. Matthew: ". . . unless your justice abound more than that of the scribes and Pharisees, you shall not enter into the kingdom of heaven."

St. James, in the Second Chapter of his Epistle, called the "Catholic" or "Universal" Epistle, proclaims that "faith without works is dead." In these days of tremendous and vastly increasing populations, of the concentration of people in urban centers and metropolitan areas, and of instantaneous communication and swift transport over the face of the globe, and even to outer space, the works of faith, too, must take on a new and enlarged dimension. It is no longer enough to concern ourselves with individuals and families in need, with seasonal drives and emergency funds for disasters. Our Christian consciences must engage themselves with the basic problems of human existence in society, in the year 1967, with the troubles, not only of a particular group or of the victims of a particular happening, but of whole populations and for a protracted period of time. Maybe we cannot bring the kingdom of heaven upon earth, but it is still the major duty of the Christian to labor toward that end, to the best of his ability.

I believe our faith should be within us, not just like the gentle glow of well-being that comes from what we might call the "inner light," but the dynamic, pulsing, invigorating pumping of a spiritual heart, inevitably issuing in *action* for the good of our neighbors, and the improvement of the social order. A live faith, in the individual, I have always believed, involves every particle of his being, and his every thought and action. Similarly, a live faith, in the group, gives the character of Christian morality to its expressions and actions in the community.

An outstanding obstacle to the attainment of this Christian ideal of the character both of individual and of group is the ingrained habit of prejudice: prejudice in thought and in unthinking customs, in habits and ways of speech, in a simple failure to notice the signs of discrimination and segregation. I'm afraid we all have some tendencies toward prejudice: some remains of old prejudices, that we are trying to get rid of; and often also the unrecognized beginnings of some new prejudices. Anti-Semitism shows up spectacularly in the painting of swastikas and the bombing or burning of synagogues—but consider, is there not an anti-Semitism, similarly mean-spirited and vicious, in customs of excluding Jews from neighborhoods, by what are called "gentlemen's agreements" among real estate owners and dealers?

Catholics, and particularly Irish Catholics, have reason indeed to be sensitive to these forms of discrimination, and to refrain from them ourselves. It was not so long ago that, in many communities of New England and the North Atlantic States, the notation "No Irish need apply,' was to be seen on placards and classified advertisements offering job opportunities. But not only were there the *signs*, "No Irish Need Apply"; convents and churches were sacked and even burned, mobs fought in the streets. And it was not only the Irish who were shunned and persecuted. There were numerous, well-documented cases of discrimination against the sons and daughters of *Germany, Poland* and *Italy* too. Indeed, a political party based on bigotry against *all* Catholics captured Kentucky, Maryland, Delaware and most of New England—including every major office in Massachusetts.

That is why there is a special reason—and a special responsibility—for us, the fortunate heirs of those courageous immigrants from Ireland, Italy, Germany, Poland and other countries to help lead the way to *full* liberty for all Americans, especially those for whom the color of their skins is as great a handicap as being Irish, Polish, Italian or German was fifty or a hundred years ago; and also for those the world over, trapped in the oppression of poverty like that which once gripped Ireland, Italy and Poland, but who have *no place to go to!*

But that is just one of the numerous explosive issues facing our time, upon which the sincere Catholic must look objectively, and in which he must in conscience involve himself. I don't think we can just sit back and read in the papers about the shortage of doctors, about inadequacies in educational facilities and in teacher and policeman pay, about lack of recreational facilities and lack of community involvement on the part of teen-agers. On these, and other vital problems of our time, we must ponder long and seriously forming our own opinions on the best evidence available, and taking what action seems most appropriate both to our decision and to our present position and abilities—as business and professional men, public servants, voters, citizens—Christians.

I am not proposing that each of us should, like the hero of Stephen Leacock's Nonsense Novel, "Gertrude the Governess," "jump on his horse and dash off in all directions," but I do think that each of us as Catholics should take a good look around in all directions, before we decide how and where we can do the most good, either directly to the greatest number of our neighbors, or indirectly by correcting evils in the existing state of society, or by working for some of the great, newly imagined measures for the improvement of the conditions of life.

One need not be a starry-eyed idealist or wild-eyed radical to perceive that there is much wrong with the way the world is run now, with some living in luxury while others starve, with some children healthy while others are doomed to debilitating diseases and early death, with crime and violence on the increase, so that our streets are no longer safe for walking, or our parks for peaceful rest and recreation. Why can we neither swim in our rivers nor drink their water safely? Why can we not breathe without danger of choking on smoke and smog, or travel without seeing bottles and tin cans littering the roadside and the wayside areas? I do not mean simply, "There ought to be a law," though for many of these ills there are laws, and probably need to be more of them.

I mean it is the concern of each one of us, and not only the concern of a legislator like myself, to think about these matters and try to determine just what local ordinances, state laws, or federal laws might be appropriate for the situations. When you form such an opinion, do not let it stop there, or just form the substance of idle conversation, but *express* your opinion to your legislators, and *work* among your neighbors to come to an agreement as to what can be done locally.

Further, a great deal may well be accomplished without the need of any law. Industrial and commercial establishments, businesses and professionals, all are *human* institutions, made up of individual men who can be reached with reason and who can be moved to action by impelling motives.

There have in the past been many inspiring instances, and there can in the future be many more, of businessmen with consciences who have led their communities to splendid accomplishments in social and technical improvement. Lumber companies that were denuding the land have turned to tree-farming and conservation of the land; manufacturers that were poisoning the rivers have turned their scientific and technical powers to the restoration of clean waters and natural beauty; employers who had been discriminatory in hiring and promotion policies, or who had been harsh and authoritarian in the treatment of labor, have been persuaded, or have persuaded themselves, to change to more enlightened employment policies. I therefore suggest that we Catholics in the Buffalo area look at ourselves, look at our governments, to the towns where we live, to the stores we frequent and the clubs to which we belong, to our businesses and professions. What can you do, what can I do, to make our own actions, and the actions of those we may be in a position to influence, work toward the improvement of the condition of mankind, whether on a world scale or right here in our own neighborhoods?

In studying these problems, and in taking appropriate action upon them, I am sure we can count upon the blessing and the grace of God, for I am firmly convinced of the truth and the importance of the saying: *"Here on earth, God's work must truly be our own."*

Attorney General Clark, National Press Club Address, Stresses Education Begins Opportunity for Poor

EXTENSION OF REMARKS

OF

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1967

Mr. FEIGHAN. Mr. Speaker, it was my privilege to attend the first appearance of Attorney General Ramsey Clark before the National Press Club at a luncheon today. Solicitor General Thurgood Marshall was among the honored guests. The Attorney General stated that history might place the progress of the American Negro in our time among the greatest chapters of man's never-ending quest for freedom and justice. His thesis is that we live in a time of vast and fundamental changes and that the leisurely adaptations of yesterday are a luxury we can no longer afford. He stated that nearly 2 million Negroes have left the South in this decade and their education will determine, in large measure, their ability to compete in new markets. The Attorney General feels that education is the foundation to employment which is the beginning of opportunity for the poor.

National Press Club President L. David LeRoy, in the question-and-answer period following the formal speech, propounded many penetrating questions submitted by the members which brought forth vital responses from the Attorney General. The Attorney General was given a standing ovation and made an excellent impression on the National Press Club audience. The Nation can be proud that a man of his stature, though young, heads one of the most important and vital departments of the U.S. Government.

In order that the Members of Congress may share the analysis on the subject of "Civil Rights" which the Attorney General presented, under leave obtained, I insert the full text of his address in the RECORD:

ADDRESS BY ATTORNEY GENERAL RAMSEY CLARK BEFORE THE NATIONAL PRESS CLUB, APRIL 13, 1967, WASHINGTON, D.C.

If we could disenthrall ourselves from the immediate—what happened last week, yesterday, earlier today and is expected, or prepared for release, later today—we might gain some clearer notion of where we are and whither we tend. Any surveyor knows that to plot a course on points too close together is to risk gross error.

Saturated as we are with happenings, we obscure massive change which is the fundamental fact of our existence. We easily miss the major trend because of the fascination of the minor event. Numbers is the problem: Numbers of everything, including quite prominently, words, written and spoken.

Whatever happened to Professor William Strunk, Jr.'s Rule 13 of the elements of style? How was it lost, when it was most needed? It is titled you recall "Omit Needless Words" and is more than an element of style, it is an essential to communication in a mass society. It requires that vigorous communication be concise—that every word tell.

Were it not for the clear necessity of a filibuster compelled by exposure to questioning, I could happily comply with Rule 13, omit needless words, and sit down now. The most basic of instincts, self-preservation, counsels keep talking.

Disengaged, we might say of civil rights that in a time of great change, to a degree never before accomplished in an ordered society, broad advances have been made. Indeed, history might place the progress of the American Negro in our times among its greatest chapters in man's never-ending quest for freedom and justice. Our achievements are remarkable.

But for all that has been done, our relative position, because of the sweeping change in which we are caught, has not improved. We may have slipped.

My thesis is that we live in a time of vast and fundamental change. Population increase and technological developments impel us to accelerating speeds. Our thought and action must match their pace. We add more Americans each year than lived when the Republic was founded. Two-hundred million today, we were but seventy-six million in 1900, but will be three-hundred forty million or more 33 years hence in 2000. Science and technology doubles our knowledge of the physical world each decade: a 16 fold increase in 40 years and the utilization of new technology expands with discovery.

The leisurely adaptations of yesterday are a luxury we can no longer afford. Foresight and diligence are the order of the day.

Nearly two million Negroes have left the South in this decade. They will compete in new markets. Their education will determine in large measure their ability to compete. Between 1960 and 1965, the percentage of non-white students in public schools in Baltimore increased from 50 to 61; in Boston from 16 to 26; in Chicago from 40 to 52; Detroit 43 to 55; Houston 26 to 34; Philadelphia 47 to 56; St. Louis 49 to 60; San Francisco 33 to 43. This is five short years. What can we expect in the present and the next five? What of the colleges which must be our hope for leadership? While Negroes comprise 11 percent of our total population, less than five percent of all college students are Negro. More than one-half of all Negro college students attend predominantly Negro colleges in the Southern and Border States. These predominantly Negro institutions have low scales of faculty pay, low percentages of doctorates on their faculties, low capital expenditures and limited endowments. Student dropout rates are high. Perhaps one-half of the graduates of these predominantly Negro colleges will themselves become teachers. Another generation will be trained by them.

Poor Richard told us "the only thing more expensive than education is ignorance" but he could not have foreseen the full import of his words today.

Education is the foundation for employment which is the beginning of opportunity for the poor.

A generation after Franklin Roosevelt found us one-third ill housed, ill clothed, ill fed, we know 39 percent of our Negroes, compared with 12 percent of the balance of our people, live in poverty. Unemployment for non-whites in March was 7.4 percent compared to 3.1 percent for whites. Over 30 percent of the Negro girls and 25 percent of the Negro boys between 16 and 21 cannot find employment. The heavy concentration of the unemployment is in the ghettos where at times in places it exceeds 50 percent. And among the employed 6.7 percent of the non-whites are in professions compared to 13.3 percent of the whites; the non-white managers and proprietors are 2.6 percent compared to 10.7 percent for whites, while white non-farm laborers are 4.2 percent compared to 11.7 percent of the non-whites.

More persons are living in segregated sections of cities today than ever before. The rising number of children living in urban ghettos is creating more new *de facto* school segregation than all our legal efforts against traditional rule-imposed school segregation are able to eliminate. The Negroes in schools less than 95 percent Negro has risen from 1 percent to 12.25 percent since 1963. Yet as a direct result of housing segregation, there is more school segregation today than ever before in our history.

Not only are more people living in ghettos, the ghettos themselves are getting worse. From 1960 to 1965, the average family income in Watts, for example, dropped 8 percent from $5,100 to $4,700, while the national average income was rising 14 percent. In Hough, a comparable Negro ghetto in Cleveland, average family income dropped 16 percent—down from $4,700 to $3,900.

Thus while we can take heart at the 72 percent increase in Negro voter registration in five states since enactment of the 1965 Voting Rights Act; at the registration of more than 5,000 Negroes in nine counties since federal examiners were assigned only last week, at the historic decree by the Fifth Circuit Court on March 29 setting clear standards for school desegregation and the follow-up government motions in more than 40 school cases; at the lowering of racial bars by places of public accommodations; this is clearly not enough.

We must move forward on broad fronts; education, employment, housing, health, and poverty. We must secure the remaining legal rights, still denied minorities, such as jury service, and finally adequately protect the federal rights of all our people. We are confronted with an immense and growing need which must be met while it can be met. The greater tasks are still ahead.

We must move forward because our ideals dictate it, because justice requires it and because our circumstances compel it. We must move forward despite the distraction of those who call for violence or divert our attention to unrelated issues.

"We are" as Camus said "all condemned to live together." But it is a condemnation for which we should be thankful. Huddie Ledbetter, the immortal Minstrel of Mooringsport, Louisiana, put it better. "We're in the same boat brother and when you shake one end you're gonna rock the other."

We have an unprecedented challenge. We should be grateful it is ours. For as President Johnson said in his address at Howard University, "It is the glorious opportunity of this generation to end the one huge wrong of the American Nation and, in so doing, to find America for ourselves, with the same immense thrill of discovery which gripped those who first began to realize that here, at last, was a home for Freedom.

Reclaiming and Conserving Land and Water Affected by Coal Mining Operations

EXTENSION OF REMARKS

OF

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1967

Mr. SAYLOR. Mr. Speaker, I have introduced a bill to authorize the Secretary of the Interior to designate a Department official to establish, coordinate, and administer programs necessary to reclaim and conserve land and water affected by coal mining operations.

Although the final report on the study of strip and surface mining in Appalachia is not yet completed by the Secretary of the Interior, the interim report already made available to Congress offers ample evidence of the urgent need for a definitive program to repair the damages resulting from strip-mining evils of the past and to prevent repetition of these evils in the future. The following paragraph is from the interim report:

> Although strip mining for coal has promoted the economy and security of our country, this type of mining has burdened Appalachia with a number of complex problems. Approximately 800,000 acres have been disturbed by strip coal mining in the region. The result has been acid and sediment pollution of streams, massive slides along outslopes, destruction of forests, damage to watersheds, thousands of acres of land isolated or made hazardous by highwalls, wasted natural resources, health and safety hazards, and impaired aesthetic and economic values. Some excellent reclamation has been accomplished, but most of the damaged acreages has not been adequately reclaimed.

The obvious conclusion set forth in the interim study was that States should establish laws and regulations governing strip mining and, that failing, Congress should take whatever steps are necessary to protect the public interest.

Fortunately, some of our States have long since adopted rigid laws that outlaw irresponsible stripping operations and provide for land restoration and stream protection. Unfortunately, other States are still not entirely aware of the need for legislation to safeguard nature against indiscriminate stripping. The gaps between effective and ineffective State laws are as deep and as wide as some of the crevices left by the draglines and shovels that rip and disembowel the Nation's countryside.

Ruination of our land, whether it be in the East, the West, the North, or the South, cannot be permitted any longer. Nor should mining companies in States where protective laws result in higher productive costs be further subjected to the unfair competition of coal coming out of States lacking adequate reclamation regulations.

Unless a Federal law is enacted, diversified State regulations or lack thereof will give some coal States economic advantage over others and leave large acreages devastated and unsightly. Pennsylvania strip mining and clean streams laws represent enormous capital and operational costs to coal companies which will suffer in the competitive market unless the State's mining requirements are matched elsewhere.

In our State, responsible coal companies converted stripped lands into parks, forests, and agricultural areas before it became necessary to enact reclamation laws, which were the outcome of one-shot strippers with only the profit incentive and without civic pride. Now our coal companies have the additional financial burden—under the state's clean streams law—of building diversionary channels, investing in water treatment plants, and taking whatever other measures are necessary to prevent stream contamination.

Unless there is some sort of uniformity in the law, the streams in which the Pennsylvania surface mining industry have invested so much to protect can very well be polluted by the careless operations of strippers elsewhere. Last month the State of West Virginia enacted legislation to curb the ruthless treatment of land overlaying beds of coal, and I was encouraged to learn that water protection is a consideration in the law. Indiana also put stronger surface mining laws into effect this year, so it is evident that the need for proper mining methods and planned restoration is receiving greater recognition.

The need is urgent. Because the land is a part of the scene in which the Federal Government is expending vast amounts of money that comes from all taxpayers for the purpose of beautification, no one State should be lax about safeguarding it from desecration. And water that flows interstate must not be polluted unnecessarily anywhere or by anyone.

Impact of Imports on American Textile Industry

EXTENSION OF REMARKS

OF

HON. ROBERT T. ASHMORE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1967

Mr. ASHMORE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement I made before the General Subcommittee on Labor of the House Committee on Education and Labor under date of April 13, 1967, regarding the impact of imports on the American textile industry and employment.

The statement follows:

STATEMENT OF REPRESENTATIVE ROBERT T. ASHMORE, BEFORE THE GENERAL SUBCOMMITTEE ON LABOR OF THE HOUSE COMMITTEE ON EDUCATION AND LABOR, ON H.R. 478 AND H.R. 479, APRIL 13, 1967

Mr. Chairman, I appreciate the opportunity of appearing before the Subcommittee today. At the outset, let me commend you, as well as the Subcommittee, for your continuing interest in the problems created by the sharply increasing growth of imports to the U.S. I stand ready to assist you in your efforts.

The subject matter before this Subcommittee affects virtually all industries. However, I will limit my remarks to the one with which I am most familiar—the textile industry. As you know, this is one of America's basic industries and is vitally important to the economy of large areas of our industry.

I was interested in noting, for example, in the testimony last week of Mr. Fontaine Broun, President of the Man-Made Fiber Products Association, that the textile industry (including apparel manufacturing and fiber production) supplies 26% of all manufacturing jobs in the Appalachian Region.

In the State of South Carolina, this industry provides more than 70% of the manufacturing jobs and contributes $700 million in payrolls annually to the State's economy. My State annually produces 25% of the cotton, synthetic, and silk fabric in the nation and 42% of the cotton cloth. I cite these figures to demonstrate the importance of the textile industry complex to South Carolina.

That industry is today directly threatened by the flood of textile and apparel imports entering this country. I am convinced that this statement is no exaggeration of the facts.

It is true that the textile industry has made substantial progress since 1961. There are many reasons for this. Both employment and wages are up. Fiber consumption has risen. Investment in new plant and equipment hit record levels in 1966.

But over the same period there has been a sharply increasing rise in the growth of textile and apparel imports, the impact of which has been largely hidden by the high degree of economic activity in the U.S., the textile cycle, and the sharply increased demand by the military establishment for textiles. Now, however, the effects of these imports are being felt. I will have more to say about this shortly, but first consider the volume of these imports.

Since 1961, total textile imports has risen from 926,000,000 square yards equivalents to 2.8 billion in 1966—a three fold increase. Over this same period U.S. textile production grew by about 35%. In 1961 textile imports took less than 5% of our market. Today they are taking over 10% of the U.S. market.

What does this volume mean?

Let me quote Mr. Halbert Jones, the Chairman of the American Textile Manufacturers Institute's International Trade Committee. Mr. Jones, who is President of Waverly Mills, Laurinburg, N.C., told the ATMI Annual Meeting last week this:

"How much employment do imports of 2,800,000,000 yards of textiles represent? Because these imports cover relatively simple yarns as well as highly fabricated apparel items and all between, it is difficult to be sure of an accurate figure for labor content—but representing well over 10% of our U.S. production it seems reasonable to believe that these imports replace jobs for 200,000–250,000 persons directly in textiles plus another 100–150,000 indirectly in those industries which supply materials and services to textiles."

Think of this for a moment in the context of our numerous government policies to provide more and better employment opportunities for American citizens. We are talking about 300,000 to 400,000 jobs being replaced by textile imports. Is this not sufficient to warrant immediate remedial action by our government?

At the same time that textile imports have been rising so sharply, U.S. textile exports have been falling. Not since 1957 has this country had a favorable balance in its textile trade. In 1966 the deficit in our textile trade was $800,000,000, an amount equal to 60% of the total U.S. balance of payments deficit.

The ever increasing volume of textile imports and our declining level of textile exports are taking their toll. Curtailment in the U.S. industry is setting in. Market disruption is taking place; hours of work are declining; and profits falling. All of the industry's progress of the past five years is being jeopardized.

Mr. Chairman, why has the rate of textile imports risen to such inordinately high levels with the promise of still more growth unless adequately restrained? It is not because the U.S. industry is inefficient. It is the world's most efficient. Neither is it because of inability to meet the competition of design, quality, and consumer preference. Nor is it because the United States textile industry cannot produce a sufficient supply of textiles to meet demand.

The extremely large quantity of textile imports coming into this country are doing so because they are produced at wages that would be intolerable here.

In the United States, textile industry wages average over $2.00 per hour compared with 36c in Japan and 25c in Hong Kong, our two major suppliers. In Portugal, which has become an important exporter to the United States, wages are as low as 18c per hour.

So the simple fact is that we are substituting for our own domestic labor low-wage imports. We should not and cannot ask our own highly efficient textile workers to compete for our own markets with the products of countries in which wages are but a fraction of our own.

The answer to this problem seems so obvious as not to require elaboration. But apparently it is not.

First of all we should make no reductions in the tariffs on any textile product during the current Geneva negotiations. The level and growth of textile imports demonstrates that current tariff rates are already too low.

Secondly, we should extend the present International Arrangement for Trade in Cotton Textiles for 5 years, and it should be firmly administered. I am informed that our Government has agreed to an extension of only three years which is most disappointing to me.

Thirdly, our government should take the necessary steps to bring imports of manmade fibers and wool and man-made fiber textile products under restraint. The tremendous increase in imports of these products clearly documents the pressing need for such action.

Finally, the United States should do all within its power to see that United States textile exports are accorded equal treatment with the products of other countries in world trade. I am told that some 50 nations, many of whom enjoy a share of the United States textile market, discriminate against United States textile exports.

This is a relatively simple, but vital, program for the United States textile industry. It is essential to all Americans that this industry prosper and grow. Through the kind of approach that I have outlined this objective can be reached.

On the other hand, if we permit the virtually unlimited growth of textile imports, we will see this industry undergo basic and broad changes in its structure that cannot help but adversely affect the millions of persons dependent on it either directly or indirectly.

Mr. Chairman, you are performing a worthwhile service and I am happy to join you in your efforts.

A Constructive Vietnam Week

EXTENSION OF REMARKS

OF

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1967

Mr. DAVIS of Wisconsin. Mr. Speaker, we have heard too much about Vietnam Week—the wrong kind of Vietnam Week. This is the week during which a combination of hard-core despoilers of America and a large number of more innocent but misled Americans are providing a major propaganda victory for those against whom American men are fighting in Vietnam. It is clear that the picketing, the rioting, the rallies, are bolstering the enemy's determination to escalate and extend the war.

It is also clear that this wrong Vietnam Week has been carefully organized to attempt to create a much greater impact than the numbers of those involved would otherwise convey.

Without my knowledge or encouragement, a group of patriotic citizens in the Milwaukee metropolitan area, under the name of the Political Independence Committee, has quickly circulated petitions among neighbors and friends, with over 1,300 signatures obtained in the period of just a few days.

The heading of the petition reads as follows:

We the undersigned, in order to express our sincere appreciation and to give evidence of our loyal support of those gallant men fighting and sacrificing in our war, do declare and petition that:

Because—we have an infinitesimal minority of persons in our country who by act or deed give comfort to the enemy, and who thereby gain excessive publicity.

Because—we have allies who give us token support and have at times aided directly and indirectly our enemies.

Because—we recognize the major support of our enemies is provided by Russia and the rest of the Communist world.

Because—it is apparent that the voice of a large majority of loyal Americans has not been heard.

Therefore, we petition and call upon all good Americans and particularly our Congressmen and Senators responsible for our course of action to:

1. Set the course to *win* this conflict by assuring our men they will lack nothing in either tangible supplies or policy decisions that they require to pursue this war to a swift victory.

2. Establish policies which will curtail completely all forms of aid to any country that gives direct or indirect aid to our enemies.

3. Recognize Russia and all communist countries as participants in this war and cease all trade with these countries.

4. Take steps to prevent disloyal Americans from giving aid and support to our enemies.

Circulators included: Robert W. Houghton, Arthur W. Libby, Mrs. Victor Pfieffer, Elmer R. Woods, A. G. Heinrichs, Charles C. Reed, James J. Betner, Dan G. Christiansen, Henry W. Kayser, Peter Bardes, William H. Bowman, Mrs. Harold F. Falk, James Smith, Jr., George J. Ubl, Jr., Robert Huwiler, Mrs. R. T. LeTellier, William A. Barr, Charles W. Anderson, Douglas H. Start, Mrs. June Nicholson, Elizabeth Blaney, Philip B. O'Neill, Joseph Bressers, Donald R. Grayson, James W. Shelton, Alma A. Heller, Mrs. Mabelle Wagner, Robert Green, John F. Mayer, Melvin C. Culp, Margaret P. Bellin, Jack E. Thomas, Clayton Polzin, Amy Van Peltersom, W. R. Mindel, and H. Robert Bergmann.

The 224th Anniversary of the Birth of Thomas Jefferson

EXTENSION OF REMARKS

OF

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 13, 1967

Mr. REID of New York. Mr. Speaker, the occasion of the 224th anniversary of the birth of Thomas Jefferson was marked by ceremonies this noon at the National Jefferson Memorial here in Washington. Our distinguished colleague, the gentleman from Maryland [Mr. Mathias], delivered the commemorative address at this event which was sponsored by the District of Columbia Society, Sons of the American Revolution, with the cooperation of the National Capital Parks Division of the National Park Service.

More than two centuries after his birth, we still look to the deeds and writings of Thomas Jefferson for innovation, leadership, and insight into a wide range of concerns, both practical and philosophical. As the epitaph he wrote for himself indicates, he wished to be remembered for three of his many achievements: the authorship of the Declaration of Independence and the Statute of Virginia for Religious Freedom, and the founding of the University of Virginia.

It is the last of these—education—that Mr. Mathias of Maryland has emphasized in his remarks today. Relating Jefferson's belief that "no republic can maintain itself in strength" without "general education, to enable every man to judge for himself what will secure or endanger his freedom" to the programs of Federal assistance to higher education today, Mr. Mathias of Maryland makes a number of pertinent observations on the direction that Federal aid to higher education is taking and advances several suggestions for a restructuring of these programs and a redirection of their goals.

I think that Members will find Mr. Mathias of Maryland's address timely and of interest and, under unanimous consent, I am inserting it in the Record:

ADDRESS BY CONGRESSMAN CHARLES McC. MATHIAS, JR., MARYLAND, SIXTH, AT CEREMONIES MARKING THE 224TH ANNIVERSARY OF THE BIRTH OF THOMAS JEFFERSON, JEFFERSON MEMORIAL, APRIL 13, 1967

As we mark the 224th anniversary of the birth of Thomas Jefferson, it is not enough to invoke his memory, praise his eloquence and recall his acts of leadership. Rather, we owe it to him and to ourselves to apply the precepts of his statesmanship in our own time, and to our future course.

In considering his teachings, we have a wealth of lessons from which to choose, for Jefferson was a man of constant commitments, endless curiosity and wide-ranging concerns. In narrowing our emphasis today toward the essential elements of his greatness, let us consult the final summary of his work, the epitaph which he himself composed:

"Here was buried Thomas Jefferson, Author of the Declaration of American Independence, of the Statute of Virginia for Religious Freedom, and the Father of the University of Virginia."

The fight to maintain our political independence and personal freedom is a constant one. The battle to preserve religious liberty is a continuing effort to develop deep and thorough understanding of the meaning of the term. But perhaps the most immediate challenge today is in the field of education, which Jefferson deemed the most essential defender of democracy.

"The most effectual means of preventing tyranny," he declared, "would be to illuminate, as far as practical, the minds of the people at large." So believing, he proposed in 1777 a system of public education for Virginia which was revolutionary in that time. His overall design embraced elementary schools in every county, open to all children without regard to wealth; a second level of general schools, to provide training in the classics, history, philosophy, and "politics" (political science): and a final university level of professional studies or advanced technical and scientific training. While this structure was not achieved during his lifetime, he did live to plan and supervise the building of the University of Virginia, which he had envisioned in 1800 as "a university on a plan so broad and liberal and modern, as to be worth patronizing with the public support."

Jefferson would be gratified to see the public educational system which we now possess. He would be impressed, above all, by the vast scope of our universities and colleges, which now enroll over 6 million Americans in the finest system of popular higher education in the world. He would applaud the principle of both state and Federal assistance for higher education, for he once wrote:

"It is highly interesting to our country, and it is the duty of its functionaries, to provide that every person in it should receive an education proportioned to the condition and pursuits of his life."

Today the condition of all our lives is vastly complex, and our pursuits are increasingly professional. Providing truly "proportionate" education in this decade, in and for this free society, is one of the greatest duties and most difficult tasks of our government.

Examining our present higher educational system, Jefferson would be intrigued by all that the states have done, and all that the Federal Government has tried to do since Sputnik propelled it, belatedly, into the field.

But I wonder whether Jefferson would also be appalled by some of our present practices? I wonder whether Jefferson would be alarmed by the growing doubts of many educators about the future of the partnership between Washington and the universities of America.

Jefferson, who so valued education as the key to understanding and to personal and national progress, might question the overwhelming weight of Federal investment not in the humanities, but in the sciences. As the President who launched the first official expedition to the American West, he would endorse our expeditions into space and into the depths of the atom—but, as a humanist, he would wonder why we invest so little in the liberal arts. As a diplomat fluent in French, who understood the importance of languages, he would ask why some Philistines among us still begrudge even the modest sums we allocate to the support of history, literature, and languages.

As the architect of a balanced and orderly educational plan, he would be disturbed by the mushrooming of Federal categorical grants, which, by offering up to 50% of cost for entrance into certain exotic programs and fields, tempt colleges and universities to unbalance their curricula and drain resources from more broadly useful orthodox academic interests.

As an advocate of consistent institutional growth, Jefferson would be alarmed by the project competition which, fed by Federal funds, encourages the flight of faculty members from program to program and from campus to campus, at the expense of institutional stability.

As one who valued greatly the arts of instruction, he would be distressed by the present emphasis on graduate fellowships and grants which offer high premiums for research and low incentives for the most talented Americans to teach.

As one who studied without regard for clocks, and knew that intellectual progress could not be measured in units of time, Jefferson would be astounded at the Federal auditing and accounting procedures which require researchers to pinpoint the number of hours and minutes spent on Federally-supported work.

Finally, as one who fostered integrity in every institution he built, Jefferson would be concerned over the extent to which all of these influences combined and strengthened by ample public funds, might undermine the effectiveness of the public investment itself, by eroding the self-discipline of our universities and altering the course of our education in directions more responsive to the day-by-day desires of Washington than to the long-range demands of our advancing society.

What may appear to some to be the simplest course—ending Federal aid—is now impossible as a practical matter and would, I believe, ultimately prove to be tragically self-defeating. Rather, we should seek to elevate our programs, to lift our methods to a level consistent with our national goals, and with the "broad and liberal and modern" higher education which Jefferson sought and which we seek today.

We can take several immediate steps. First, we can make the supervision of programs far less burdensome, by developing reformed procedures which recognize the flexibility and creative range essential to real scholarship. Second, we can bring our monetary investment far more into balance with our overall concerns, by increasing both the dollar amounts and the proportions of aid devoted to general academic purposes including the humanities and to the education and training of teachers. Third, we can expand funding of the general support already authorized.

Beyond these readjustments, however, we must revise our entire perspective, lest the relatively minor problems of the past decade become the major perils of the next. The path of wisdom, I would suggest, is the way of Jefferson and an equally sensitive leader and student of America, Abraham Lincoln. It was Lincoln who declared that "the principles of Jefferson are the definitions and axioms of a free society."

And it was Lincoln who in 1862 signed the first Morrill Act, which spread higher education across the country through the land-grant colleges. This Act, a work of vision and imagination, was a great beginning, which laid the foundations of Federal support for our nationwide system of higher education. It was a beginning to which, in principle, we should ultimately return.

For it is time, I believe, for us to consider ways to extend general, unrestricted, institutional aid to all our colleges and universities, through broad grants of perhaps three to five years in length, based on an overall assessment of our national needs and goals. It is time for us to restore to scholars the direction of scholarship. It is time for us to rededicate our national resources not to encourage new, particular programs of higher education, but rather to assist all institutions in their basic, essential and increasingly expensive task of educating all Americans to the limit not of their means, but of their abilities.

I propose that the academic community, the Congress and the executive branch seriously consider the creation of a National Academic Commission to measure the full dimensions of the talent and funds which American colleges and universities will need in the coming decades, if they are to meet the great challenge of providing quality education for an increasing quantity of students—primarily for young Americans, but not entirely for Americans, and surely not exclusively for the young. I propose that this Council be given a mandate to recommend permanent means of channeling Federal funds to all our institutions of higher education through long-term, general grants for construction and operating costs, free from the direction of government and dedicated only to the advancement of our academic standards.

Such a program must of course be developed carefully, so that we really serve our educational system by fostering its diversity and preserving its independence. Yet I am convinced that American colleges and universities, which have given us confidence in our nation, are worthy of such a national investment and of our trust.

For if the aim of our government is to serve the people, we can fulfill this duty in no better way than by serving our schools. In so doing, we must remember that it was Jefferson's intent, and should be ours, not simply to make Americans more literate, but to help us become more wise, and to instill in each generation the knowledge and reason which, above all, he believed would keep us free. Thomas Jefferson's challenge to us is nothing less than this: that we should be able to say of our republic what he wrote of the University of Virginia: that "this institution will be based on the illimitable freedom of the human mind. For here we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it."

SENATE

Friday, April 14, 1967

The Senate met at 10 o'clock a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou God of our salvation, to Thee we lift our hearts in prayer, bringing nothing but our need and the adoration of our contrite spirits. From Thy hands we have received the gift of life, the blessings of home and of friendship, and the sacrament of beauty. In the fullness of Thy mercy Thou hast given us work to do and the strength wherewith to do it.

Cleanse our hearts that Thou mayest work in us and through us the coming of Thy kingdom. In the vast difficulties confronting the makers of peace in these days so full of tension, restore and strengthen and sustain our souls and lead us in the paths of righteousness: for Thy name's sake. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 13, 1967, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 303) to amend the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Aspinall, Mr. Carey, Mr. Haley, Mr. Saylor, and Mr. Morton were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 743) to amend the act of September 26, 1950, authorizing the Sacramento Valley irrigation canals, Central Valley project, California, in order to increase the capacity of certain project features for future irrigation of additional lands, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 743) to amend the act of September 26, 1950, authorizing the Sacramento Valley irrigation canals, Central Valley project, California, in order to increase the capacity of certain project features for future irrigation of additional lands, was read twice by its title and referred to the Committee on Interior and Insular Affairs.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the distinguished senior Senator from Louisiana [Mr. Ellender], there be a morning hour, and that statements therein be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the order previously entered, the Chair recognizes the Senator from Louisiana.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hollings in the chair). Without objection, it is so ordered.

The Senator from Louisiana is recognized.

LATIN AMERICA REPORT

Mr. ELLENDER. Mr. President, I am delighted to present my Latin America report to the Senate. As will be noted, on the desk of each Senator is a copy of Senate Document No. 18, compiled as the result of a tour I made on behalf of the Committee on Appropriations during the adjournment of Congress last fall.

The tour started when I left New Orleans on November 6, 1966, and was not completed until I returned to the United States on January 7, 1967. Congress adjourned on October 22, which means that aside from a quick trip back to Louisiana for a 3-day holiday with my family at Christmas, almost the entire period between the end of the 89th Congress and the start of the 90th Congress was devoted to this tour of inspection. This report is my 12th to be filed with the Committee on Appropriations and the seventh to be printed as a Senate document.

I did not take any of the representatives of our Government in various parts of South and Central America by surprise. I sent a lengthy questionnaire to them about a month and a half before I visited their nations. Although I would have been pleased to have had all the answers to my questionnaire printed, I simply included excerpts of some of the most pertinent material. All the questionnaires and answers have been filed with the Committee on Appropriations, and should any Senator desire to get complete answers to all the questions propounded by me to our embassy officials—in fact, to officials in all of our missions in South and Central America—they are welcome to this information.

I made this trip alone, as I usually do. I had no secretaries with me. I traveled a good deal on my own, at my own expense, and the money advanced to me by the State Department to make this trip was returned intact after I returned to the States. I hold in my hand a statement that I submitted to the Committee on Appropriations with respect to the expenses on this trip. It will be noted that no U.S. dollars were used, except my own. The report shows that I was out of the country from November 6 until January 7 of this year, and the total U.S. equivalent of the moneys drawn by me on this trip, which includes the transportation costs, was $2,226.22.

As Senators know, under the rules and customs I could have drawn $50 a day for my expenses alone. Inasmuch as I was away for 62 days, the amount of per diem that I could have drawn would have been in excess of $3,000, but I drew none at all. The actual amount of traveling expenses paid by the State Department in foreign currencies was $1,198.84, which, if added to some traveling expenses that were included in other withdrawals made from some of the countries visited, aggregated $2,226.22.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table entitled "Report of Expenditure of Foreign Currencies and Appropriated Funds by an Individual."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Report of expenditure of foreign currencies and appropriated funds by an individual member of the Committee on Appropriations, U.S. Senate, expended between Nov. 6, 1966, and Jan. 7, 1967

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Allen J. Ellender:											
Mexico	Pesos									1,873.50	$150.00
Colombia	do									1,620.00	100.00
Bolivia	do									1,521.82	128.15
Chile	Escudo									669.40	61.92
Argentina	Pesos									6,500.00	26.53
Uruguay	do									1,740.00	23.08
Peru	Sol									1,000.00	37.31
Brazil	Cruzeiro									50,000.00	22.73
Paraguay	Guarani									27,250.00	216.27
Surinam	Guilder									87.50	46.79
Venezuela	Bolivar									100.00	22.00
Bahamas	Pound									29+	82.00
Haiti	Gourde									303.00	60.60
Jamaica	Pound									17.17.8	50.00
Cost of transportation	German mark						1,198.84				1,198.84
Total							1,198.84				2,226.22

NOTE.—Funds spent in 4 categories but no account kept as to each.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	2,226.22

Mr. ELLENDER. Mr. President, I have not had an opportunity to read all that happened at Punta del Este Conference yesterday. I understand an agreement was signed by all Presidents. The only President in attendance who took issue with our President was the President of Ecuador. I cannot say that I am surprised or disappointed. I do not know whether he signed the document that all other Presidents signed, but my report shows that of all countries in South America and Central America that I visited, the country that has made the least progress was Ecuador. We have quite a few leaders there and elsewhere who would like to have us simply say, "Here is the money; you spend it as you desire with no strings attached."

My report will show that insofar as Ecuador is concerned, last year we had to put up $10 million in order to help them pay for some budgetary expenses. All of that sum has not been spent as of now, but it was made available under certain conditions. I understand that some of those conditions were met by the Government of Ecuador. However, because of the fact that all of the conditions prescribed have not been met, there is a balance of about $4 million out of the $10 million that remains unspent.

Mr. President, I invite Senators to read this report, particularly my comments on each country. I do not expect Senators to delve into all of the details that I presented to the committee, but the report, aside from the introductory note, has a few pages devoted to the conclusions that I reached after making my trip to these countries. There are a few pages devoted to recommendations made by me pursuant to the investigation that I conducted. There follows a country-by-country description of what I saw, and comments that I made in respect to quite a few of the programs that were in operation in all of these countries.

Mr. President, before proceeding to a discussion of this report, I wish to refer briefly to some aspects of the other six reports that I have made to the Senate beginning with the year 1958. This is actually my 12th report to the committee. Of those 12 reports seven have been made Senate documents.

In 1956 I traveled throughout most of Western Europe, the Soviet satellites, and Russia. As in all my reports, I attempted to do an objective job in reporting to the Appropriations Committee and the Congress on the functionings of our various missions abroad, and the successes or failures of our Government's foreign policies. Although my reports were objective, particularly as they concerned conditions then prevalent in Russia, and although they contained my honest evaluation of those conditions, I received a great deal of criticism in the press and elsewhere.

I stuck to my guns, however, and in 1957 and 1960 I again toured other parts of the world on behalf of the Appropriations Committee and I again devoted considerable attention to the changes taking place, particularly in Russia. I recommended that our foreign policies be appropriately reevaluated and modified to meet and take full advantage of these changes. Again my opinions and views did not meet with universal approval, to say the least, and I again suffered harsh treatment at the hands of the press and some of my Louisiana constituents, primarily because of my recommendations and my views about Russia.

Briefly put, my position toward Russia has been this. I have long felt it to be a grave mistake for us to attempt to build a "ring of steel" around that country in an effort to defeat communism by "containing it." Senators will recall that the so-called policy of containment was one of the cornerstones of our Nation's foreign policy not too many years ago. We pursued this policy at great expense and had, by and large, very little real success.

I favored a policy that would reach out and appeal to the Russian people themselves. I felt that our exchange program should be substantially broadened so that Russian citizens from all walks of life could be brought to our shores to view our way of life at first hand.

I favored a realistic information program, aimed at presenting the positive attainments of democracy and capitalism, but without casting aspersions on the Russian way of life or its communistic government, as much as I opposed and abhorred it. As a matter of fact, in all areas of our policy toward Russia, I felt the interest of the United States would be far better served by approaching the Russian people and attempting to make them envious of our way of life. This should be done by showing them what our system has produced through private enterprise in a free society. I favored trade in nonstrategic commodities and a closer cooperation between the peoples of Russia and us.

It is apparent that we are now coming around to this point of view, although at a late date. I think we have benefited from the switch and I believe we will continue to benefit even more in the future. Those interested in a fuller exposition of my views on Russia are referred to Senate Document No. 31 of the 85th Congress, first session; Senate Document No. 78 of the 85th Congress, second session; and Senate Document No. 73 of the 87th Congress, second session.

I ask unanimous consent that a few excerpts from those reports be printed in the RECORD. I would suggest that Senators read these conclusions, in the light of what is happening today in our relations with Russia.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

CONCLUSIONS AND RECOMMENDATIONS

Throughout the U.S.S.R. there has been a significant change in the administration of its controlled economy, particularly in the manufacturing industries. The ministries on the Moscow level that formerly initiated, promulgated, and executed all plans for industry have been abolished. There has been substituted the GOS-PLAN, a group which gathers all data as to the capability of all industrial plants throughout the U.S.S.R. and fixes the amount of production for each plant, after consultation with those in charge of actual production at each plant—the manager and workers. After production goals have been agreed upon, they are left in the hands of the local plant manager and the workers for fulfillment, with no interference from Moscow.

In addition, the planned production is so distributed that the needs of the people where the plants are located are first provided for, and the rest of the production is distributed through other parts of the U.S.S.R. through a ministry on the Moscow level.

This decentralization has meant a small degree of autonomy and has resulted in expanded production everywhere. Let me emphasize that this change did not come about because the leadership desired it, but because the people demanded it so as to assure them more consumer goods.

Another change I found significant was that in many areas there has developed some semblance of the assembly-line techniques which have proven so successful in our own country. On my previous visits, I noted that in almost all instances, all parts for any manufactured commodity were made under one roof—that is, in a single factory. Today I find many small Government plants erected in various sections of Russia to produce parts for automobiles, tractors, combines, and other like commodities. These parts are sent to assembly plants, where the finished tractors, automobiles, combines, and other manufactured articles are being turned out. This, too, has resulted in a spurt of increased production.

Significant changes have also taken place on the collective farms. Prior to 1957, a collective farm was completely dependent upon an MTS, a machine tool station owned and controlled by the Central Government, for equipment to plant, cultivate, harvest, and transport all commodities. Under that system, collectives were forced to plant whatever crops the Central Government recommended, and to sell as much as 75 percent of those crops, at a fixed price, to the Government, in advance of production. All that has been changed. Collectives can now purchase and own their own equipment, and all they produce is sold on the open market. I find that even under communism prices fluctuate considerably, depending upon the supply in relation to the demand.

Although I found more food and clothing, in fact, more consumer goods available to the people than on my last visits, most goods are still in short supply. There is considerable discontent, primarily because prices of goods available are high in comparison with wages earned. Even though the disparity in wages and the cost of living is not as marked as on my previous visits, many of the people must still spend their entire earnings for their minimum needs in food and clothing.

I find that no effort is made to assist the individual worker by providing wage incentives, luxury items, and the like. He is helped in a collective way as in the past, by providing for general benefits such as better schools, more hospitals, elaborate cultural centers, spacious parks and the like. Few workers, I am informed, are enthusiastic or really interested in 10- 20-year plans. As I pointed out in my diary, and as I have stated many times before, even though it is true that the lot of the average Russian has been greatly enhanced in a physical sense, still he desires more improvement in his standard of living, and I doubt that he will continue to be satisfied with promises of a better life years hence. He has been hearing that tune for many years now, and I doubt that he will much longer be reconciled by it. In short, it is my belief that unless the Russian leadership take steps now to provide higher pay for factory workers, or in the alternative to lower the price of consumer goods, including food and clothing, discontent will become more and more apparent.

Therefore:

1. I again recommend an expanded and realistic exchange of persons program with the U.S.S.R. We should lean backward in our efforts to promote such a program.

This exchange should not be promoted on the basis of an exchange of one Russian for one American, but I advocate that we permit as many Russians to visit us as desire to come. Care, of course, must be taken that the exchange be bona fide, and not used as a means for infiltration of our borders by Soviet agents. I believe we can insure ample safeguards against infiltration by exercising proper precautions. Visits to our country by Russians from all walks of life would give them an opportunity to see at first hand what a free society has to offer. By the same token, visits to the U.S.S.R. by Americans in all walks of life would give them the opportunity to learn at first hand what a totalitarian form of government has to offer.

2. I recommend that unnecessary travel restrictions in our country and the U.S.S.R. be lifted. Any area in our country that is not closed to foreign diplomats should not be closed to diplomats from the U.S.S.R. The same rule should apply to our diplomats in the U.S.S.R. Too often have I observed that areas in the U.S.S.R. open to British, Italian, French, and other foreign diplomats are closed to American diplomats.

3. I recommend some trade and a restoration of commercial contacts between the United States and the U.S.S.R.

There was a time when the U.S.S.R. was short in supply of certain minerals, but that condition no longer exists. Now the U.S.S.R. possesses a vast storehouse of strategic materials, and it seems to me we are only "cutting off our noses to spite our faces" by refusing to trade with Russia, when all other countries of the free world are doing so.

4. I recommend that in dealing with the Russians we continue to "exercise the patience of Job." As I have pointed out, they have always been suspicious of foreigners and difficult to approach. We should by all means endeavor to gain their confidence, else we will never be able to reach agreement with them on any grave world problems. Too often we have bickered with them over trivialities.

5. I recommend that all propaganda efforts, through the Voice of America or any other medium, remain completely objective and positive in extolling the virtues of democracy. In other words, as I have stressed before, we should objectively depict the great advantages that our way of life has to offer, without disparaging or criticizing theirs. As I pointed out before, the Russian people have attained, under the present system, a much better way of life than ever before. Our objective should be to show them the superior virtues of ours.

6. I recommend that we offer the same advantages to the Russians in our exchange programs as we provide for the countries of the West. After all, we are supposed to have the West on our side already, so why not try to win over our chief antagonist? Would it not be better to attain our goal in that manner than to continue to spend ourselves into bankruptcy?

The record shows that by June 30 of this year, 1962, the United States will have spent a total of well over $100 billion in foreign assistance since the inception of the Marshall plan in 1945. Of this huge sum, approximately $13 billion has been spent in the countries of the Far East and southeast Asia covered in my report; namely, Japan, Taiwan, Hong Kong, South Vietnam, Laos, Cambodia, Thailand, Burma, and the Philippines. Adding to this the $4½ billion spent in Korea for rehabilitation and its military requirements, a total of almost $17½ billion has been poured into the countries of the Far East and southeast Asia by a magnanimous Uncle Sam. With such an outpouring of American dollars into these areas, one would think that by now all of them would be on a sound basis, economically, and that they would be fully convinced that their best interests lie in maintaining close ties with the United States.

With the exception of Taiwan, what do we find? Despite the tremendous "shot in the arm" given to the economies of each of these countries, despite our efforts to help them solve their financial ills, despite our unselfish attempts to bolster their military strength, our prestige throughout southeast Asia continues to be at low ebb, and the only thanks we receive, in most instances, is a threat to go over to the Communist bloc unless we continue to extend aid or even increase our total effort.

We have done all this with virtually no help from our allies in Western Europe. In Korea, in Laos, in Thailand, in Taiwan—in fact, in all these countries we have borne the burden of assistance, not only in dollars, but in men and material where military assistance has been granted.

If this tremendous effort had been successful, we would have no regrets whatsoever for the sacrifices made. But let us take Laos, as an example. That country is more than ever wracked by internal disturbances, and we seem unable to bring any influence to bear in the settlement of differences between opposing factions. To add insult to injury, some of the material which we furnished there is being used in opposing the forces with which we have now become definitely aligned. In South Vietnam, as another example, there is still boiling discontent which threatens to erupt at any moment, and the acknowledged leader of that country appears to be almost completely indifferent to our good opinion.

To say that the developments in South Vietnam and Laos as a result of our assistance in that area are disappointing is putting it much too mildly—to me, the developments are shocking and disheartening.

I wish to emphasize what I have said before when I visited these areas of the world—sooner or later we will have to face up to the situation. In my view, there are only two alternatives—either we can go on spending and spending, and in the process ravish our own economy and our resources; or, we can come to grips with reality and alter our course in the Far East and southeast Asia.

Of course, there are those who say we have no alternative, that if we do alter our course, then those nations will go all the way toward communism, and they will be completely lost to the free world. If this view is correct, then why is it that we are the only ones who see the danger? Where are our allies of the free world? Should they not be giving us financial and military support?

Therefore:

I recommend that every effort be made to obtain help from our allies, and failing in that objective, we consider a gradual withdrawal of assistance in all fields.

In the above I am merely reemphasizing recommendations I have made before and I call attention to the appendix exhibit 14, page 333, for further details of recommendations heretofore made by me, not only as they relate to the U.S.S.R., but as they pertain to our programs on military and foreign aid throughout the world.

EXHIBIT 14

PREVIOUS RECOMMENDATIONS

This might be a good time to review some of the comments I made following my previous visits to the Soviet Union. Following my 1955 trip I submitted a report to the Senate Appropriations Committee, which included a résumé of my meeting with Anastas Mikoyan. The report read as follows:

"* * * I stated that I believed a more cordial relationship between the U.S.S.R. and the United States was desirable and that this goal was obtainable through the medium of increased exchanges of visits involving industrial, agricultural, and similar delegations. I pointed out that I had been in the U.S. Legislature for nearly 19 years, during which time I had voted billions of dollars to help defeat Hitler in the common cause with U.S. wartime allies.

"I told Mr. Mikoyan that the American people find the mutual suspicions which characterize U.S.-Soviet relations strange and not in keeping with wartime relations. I said that I felt that these suspicions and strained relations were due in large measure to misunderstanding. I expressed the belief that frequent exchanges of visits would do much to eliminate these misunderstandings and that while the United States would not expect the Soviet Government to open its arsenals to American inspection, nevertheless I felt that if there was an increase in the movement of Soviet citizens visiting the United States the Soviet people would be able to clear away their suspicions about U.S. intentions. I stated that I came as a humble American citizen to express my thoughts to Mr. Mikoyan in the hope that something good would come of my visit. I added that if Mr. Mikoyan cared to make any comments on my statements I would be glad to hear them.

"Mr. Mikoyan replied that he fully concurred in my statements and that he felt that the American and Soviet peoples had no differences on points of view expressed by me. He stated that the type of system pertaining in individual countries was a matter of choice of the people involved.

"I replied that so far as I knew, the American people as a whole don't care about the system prevailing in the Soviet Union and regarded that as the business of the Soviet people. I did state, however, that somehow the American people have the idea and are concerned that the U.S.S.R. is spreading a doctrine which is harmful to American interests, and that I felt that relations between the two countries would be much more cordial if this fear could be dispelled. I stated that the American people may be wrong in this assumption but that there was, nevertheless, much evidence that the assumption was correct."

* * * * *

"* * * Mr. Mikoyan asserted the belief that if 100 Americans came to study in the U.S.S.R. and returned to the United States that this would not result in the establishment of a Communist regime in the United States. He said that the question of communism versus capitalism is a matter for peoples and not for governments. He said that governments cannot impose doctrines and asked what the Soviet Union can do if people read Communist literature. He said that he thought the differences of opinion and strained relations were the fault of the United States and asserted that the more you attempt to prevent the spreading of a doctrine the more you actually contribute to the propagation of it.

"I explained that in America the rank and file of Communists are not molested, but that the Government is protected by law against those who attempt the violent overthrow of our governmental system. I told him that the views expressed by the imprisoned American Communist leaders to which our Government objected had been obtained from the U.S.S.R.; that these Communists had certainly had a fair trial which lasted 8 months, but that the evidence was clearly against them.

"Mr. Mikoyan rejoined that he did not wish to approve or disapprove of the actions of the U.S. Government versus the American Communists. He stated this was not his concern but that of the United States. He added that it was extremely possible that there was a connection between the ideas expressed by the American Communists and the Soviet Union, but that he could not control this. He said there can be no frontiers to ideas. I stated that the American people and our Government do not object to the idea of communism in a country, but do object to any attempt by a country to impose these ideas on others by force. Mr. Mikoyan repeated that this entire affair did not concern the U.S.S.R. I remarked that many Americans had been informed, through various sources, that the peoples of Poland, Czechoslovakia, Rumania, and Hungary frequently referred to as satellite states, were not free and that communism had been imposed on them by the U.S.S.R. I stated that if this were true, that if the U.S.S.R. had anything to do with the establishment of the governments in Eastern Europe, that this was the type of thing which caused concern and fear in the minds of American people, and that anything that could be done to dispel this fear would lead to improved relations between the United States and the U.S.S.R.

"Mr. Mikoyan said that if the U.S. people have this fear they need to be educated properly. He said that Soviet troops completely withdrew from Czechoslovakia at the end of the war. He said that United States has many bases abroad, whereas the Soviet Union has not and that he believed there were more U.S. troops stationed abroad than Soviet."

In 1956 I traveled extensively through the agricultural areas of the Soviet Union. I also visited many industrial centers. I made numerous comments then which I still believe hold true. I criticized at that time certain agricultural practices being undertaken by the U.S.S.R. as being impractical. I also pointed out industrial shortcomings. The gist of my comments on the Soviet Union are as follows:

"Russian agriculture suffers tremendously from the concentration of production in either collective or state farms. Many of the Russian farmers have no desire to increase production or become more efficient, since they have lost their identity as individual entrepreneurs. The old saying 'What's everybody's business is nobody's business' can be successfully applied to the collective farms.

"As to Russian industry, I saw some modern processes (such as a most unique shoe production line), along with great evidence of expansion, but for the most part, Russian industry seems to be crude and backward when compared with our own. I saw only five different models of passenger cars, two models of passenger buses, one for short and the other long haul, two models of refrigerators, one standard model of trucks. I do not desire to leave the impression that this status may long remain, for great efforts are being made to modernize Russian industry, and to expand production—particularly in the area of heavy industry. Dams, both for navigation and power generation, are being constructed. More factories are rising. The industrial base is being widened, and within the next 5 to 10 years, Russia will undoubtedly become a mighty industrial power. That will come about by the increasing demand for more and more consumer goods.

"* * * I am firmly convinced that it is the Russian educational system that offers the greatest hope for ultimate Russian freedom. The people are beginning to think for themselves and as time goes on, it will be more and more difficult for the leaders to keep them in line.

"Joseph Stalin grew to power in the midst of ignorance and poverty. I am convinced that because of the changed conditions in Russia the people will not permit another despot to assume such powers as those exercised by Stalin.

"As more Russians become educated, they will become less and less prone to accept at face value the propaganda-loaded description of life in the United States which the Red propaganda system dins insistently into their ears. The Russian people are curious by nature; they are becoming increasingly more curious about Americans, about life in America, and about the freedoms we enjoy.

"I therefore recommend that, subject to reasonable security regulations, we broaden our exchange-of-persons program with the Soviet Union, and that we bring more of the Russian people into the United States, to see at first hand how our people live. I recommend, too, that our Information Service increase its efforts to reach behind the Iron Curtain with the message of freedom. In this connection, it is of vital importance that our magazine, our broadcasts, and so forth, to the people of Russia contain no criticism of their way of life. Although we abhor communism, instead of disparaging it we must stress the positive aspects of our own system. We should say, in effect: 'We give you credit for believing in communism as an economic system; that is your right. But, here is what a free people, living under a democratic system of government, have both in physical and spiritual things.' A better plan would be to extoll the virtues of democracy and completely ignore their system.

"I do not pretend to be a psychologist, but I do know that the surest way to shut the ears of the Russian people to the story of our way of life is to criticize their existing form of government. As the old saying goes, 'You can catch more flies with honey than with vinegar.'

"I am sincere in my belief that by bringing more Russian farmers, more Russian industrial workers, doctors, teachers, more Russian housewives and children and others, to our country, permitting them to see at first hand how we live and the benefits available to us under a free system, we can demonstrate that communism cannot hold a candle to democracy in furthering the cause of individual freedom or bringing a better way of life. This exchange of persons, coupled with objective reporting of our American way of life, will—I believe—create a mighty force for peace with its genesis among the Russian people, a force which the leaders of Russia could ignore only at their personal peril.

"As a matter of fact, the Russian leadership has done much to make any effort on its part to generate a warlike spirit extremely difficult. Throughout the countryside were posters bearing the legend: 'Peace.' The Russian radio repeated the message that Russia desires only peace. The Russian people have been conditioned to expect peace, and I feel it will be extremely difficult for Soviet leaders to plunge them into a major conflict without creating fearsome conditions within the U.S.S.R., conditions which could perhaps result in a violent reaction among the Russian people.

"The Russian people with whom I spoke believe that the United States fears Russia, and that present American policy is designed with one ultimate objective—the forcible destruction of the Soviet Union. Therefore, they fear us. As patriots (and the Russian people love their land if not their present government), the people of Russia would be willing to fight for their existence. Soviet leadership has capitalized upon this fear; through this medium, they have been able to keep living standards low in order to forge a military machine. If it were possible (and I think it is) to dispel this fear, to eliminate the distrust of American motives among the Russian people, then relations between our two countries would improve overnight. We must make every effort to convince them that our preparations are not for war or aggression, but for defense.

"To illustrate what I am driving at, while visiting the great dam at Stalingrad, I asked the engineer in charge, if it were not true that the dam was started in 1950 or 1951 and that suddenly orders came from Russian leaders to stop building the dam. I asked why that was done. He said because the money was needed for other purposes. 'And what were those purposes?' I asked. He said it was political and he did not care to answer. I chided him and said 'I suppose you spent the money to make weapons of war to fight us.' He smiled, but insisted that the question was political and he would not discuss it further. I then asked 'When did you resume work?' He said, 'After the Geneva Conference, when your President indicated to the world that America wanted peace and not war.'

"The older Russian citizens with whom I spoke, people who had lived under and could recall the rule of the czars, were unanimous in their belief that 'things are better now than then.' They have more food, more clothing, and a greater sense of their individual worth, as I indicated earlier in my remarks. However, there is much discontent within Russia—discontent that, nourished by exposure to America and Americans, could blossom into such a powerful force that communism could receive a telling blow.

"These factors—increased education, natural curiosity, and a desire for self-improvement—are available to the United States for intelligent use as the foundation for an ultimate rejection by the Russian people of communism as both a way of life and an economic system.

"I therefore regard as most unwise our Government's recent shutdown of exchange of persons between Russia and the United States. I think it was stupid. The reaction of the Russian people, fostered by the Communist propaganda machine, will be: 'America fears us—she fears that we will see her poverty and her ignorance—she does not want us to see how weak she is and how her people are oppressed.' In addition, this action will lend credence to the repetitive pronouncements of Moscow propaganda mediums that the United States wants war, while Russia wants peace. This of course, will create an atmosphere which could ignite like tinder should even a tiny spark fall.

"Since my return to the United States, I have been referred to by some mediums as having been 'brainwashed' by Khrushchev. This I most vehemently deny. I believe I have noted basic factors which, if only capitalized upon by our country, can result in the destruction of dictatorial rule in Russia. The people of Russia bear within their great masses the seed of American victory in the cold war—a victory which can result not only in benefiting the free world, but in rekindling the light of freedom behind the Iron Curtain. It is now time for us to begin nourishing this seed, to the end that fear will be replaced with trust, ignorance with knowledge, and, ultimately, cold war with warm friendship between the people of Russia and the people of the United States."

Following my 1957 trip I filed another report with the Senate Appropriations Committee. My general impressions of the Soviet Union were as follows:

"Perhaps the most significant aspect of my findings on this visit was change, and, with respect to the various goods and services available to the Russian consumer, the change was invariably for the better. Also, people are more talkative—they were more prone to assert themselves. Generally speaking, I found a much higher degree of contentment among the peoples of Russia than on my previous visits. In addition, I found considerable national pride—a pride which was visibly increased when the people learned of the successful firing of the first space satellite. I was in Russia when the event occurred and the news was made public, and there was much jubilation among the Russian masses.

"Thus, in prefacing any account of my journeys through the Soviet Union, I feel it important to impress upon the committee my three major impressions of postsatellite Russia.

"First, there is an atmosphere of confidence.

"Second, there is apparent domestic contentment, but a rising curiosity about America and an urge to forge ahead of us.

"Third, there is a growing belief among the Russian people that their system is superior in all respects to ours in the West.

"These three factors must certainly receive primary consideration in any policy our Government undertakes vis-a-vis the Soviet Union. But, in considering these factors, they must be read against a background of Russia as it stands today compared with the pre-Bolshevik Russia of the czars.

"Only by measuring present-day conditions in Russia by the comparative yardstick of conditions as they existed a quarter century ago can any proper perspective concerning this vast nation be attained. In addition, the conditions existing in the Soviet Union under communism and the Government's abolition of private property are important circumstances to be weighed before reaching any conclusion concerning future policies toward that country.

"In Russia, the Government is supreme. Nothing else matters—only the Government. Every square inch of land belongs to the Government. All commerce and industry are Government controlled. Under no circumstances is an individual able to go into business for himself, not even as a barbershop owner or a taxi operator.

"Instead, all crafts, in fact, all businesses, are incorporated into state-managed entities where everyone works together for what Soviet leaders declare to be the common good of the state. Revenue-producing investments by the individuals of any of his surplus funds are limited primarily to state institutions that lend money. The money deposited by the individual bears a small rate of interest, depending on the length of time it is left on deposit. This type of social and economic organization exists through all strata of Russia.

"Under such a control system, in which the welfare of the individual is evidently sacrified to the good of the state, Russia has been able, within a short span of years, to pull itself up from a weary, downtrodden nation, wracked by internal strife and bearing the heavy burden of a hungry, desperate class of peasant serfs under the old czarist system, to its present leadership of obviously high technological development.

"Many Russian people today may have only black bread, cabbages, beets, potatoes, and a pot of tea—but today it is enough to fill their stomachs. To a hungry population, the mere advance of a crust of bread is an accomplishment—and one, which whether or not we agree with the manner in which it is done, must be recognized as a form of progress.

"From the days of 1916, when almost all of Russia hovered together in abject poverty, in hunger, in a state of serfdom, and serving a fantastically rich nobility, the older people of Russia today can see visible signs of their march forward—toward national pride, better living standards, and industrial development—a march which today places them among the vanguard of the world's nations.

"The younger people, who have known nothing but communism in their lifetime, and who have had no opportunity to observe any other form of government, glory in their country's progress—and in the corresponding rise in the welfare of their fellow countrymen.

"This, above all, we must recognize. And in that recognition we must, I believe, abandon the approach of some who, because they dislike or perhaps fear communism—indeed, I am sure they abhor this system of government as I do—will not hear or even listen to the spoken words of its accomplishments.

"The mark of an intelligent soldier is to recognize the capabilities of his opponent. To mock a foe is to mock yourself.

"Communism will not vanish because we ignore it. Neither will it disappear because we vilify it. It exists. It is functioning.

"It has brought a new way of life to a people once left far beyond progress in the wallow of inner conflict. It has provided a better standard of living—no matter if we care to dismiss it as still far below our own—for an entire nation of people.

"Of course, in the U.S.S.R. there is nothing remotely resembling the freedom of individual choice, action, and enterprise which we in the United States enjoy today. However, it must be recognized that in the Soviet Union, such freedom has never existed. Russian history bears ample witness to the lack of what we regard as basic principles of freedom. Under the czars, which is the period with which the typical elder or middle-aged Russian compares his life today, there was no freedom of the press, no freedom of expression, no freedom of economic choice for the average Russian. Opposition to the then-existing Government was ruthlessly ferreted out by a secret police whose methods were not basically different from those used by the Communists.

"Perhaps the most astonishing accomplishment of the Russia of today is its rapid transformation into an industrial empire. That the tremendous growth of Russia's industrial economy has been reached in the short span of one generation testifies to the hard work done by the Russian people. To those who would dismiss, or soften the impact of this achievement by merely pointing out that it was accomplished by a ruthless leadership holding the combined noses of an entire people to the Marxist grindstone, it again must be remembered that compulsion is nothing new to the average Russian. Under the Communists, he exchanged the compulsion of the czarist aristocracy for the compulsion of a totalitarian state. The only change in the picture, insofar as Ivan is concerned, is that at least part of the nation's increased wealth has trickled down to him instead of all of it remaining in the pockets of a very few persons of supreme social status.

"In other words, in assessing the present temper of the Russian people, not their present leadership, but their people, we must always bear in mind that there are no shades of gray in the picture of Russian development since 1917. Instead, there is only absolute contrast between the days prior to the October Revolution and those now upon the colossus of Europe and Asia. The term 'capitalism,' as applied by the Communist leadership in describing the United States, does not reflect the system which our country actually enjoys today, but instead is used as a synonym for the system prevalent in Russia during czarist times. By insisting that all economic systems are either capitalistic (i.e., czarist) or socialist (i.e., that now in effect in the Soviet Union) the Soviet leaders have been able to keep their people convinced that the Russian system today is the ultimate of perfection.

"The Western World is now at a great disadvantage in waging a positive campaign to change this unbalanced and untrue picture laid before the Russian people, because there are not words available to convince them of the progress we have made, of the abundance we enjoy. To the average Russian, a system which would prove more beneficial than the one under which he now lives is inconceivable, simply because he has no knowledge of anything other than absolute exploitation under the czars compared with a much better way of life under communism.

"As it stands, then, we must realize that the Russian people—as of this day, at least—are apparently well content with their way of life. The individual may not have progressed much, by our standards, but he has progressed—he is much better off than he has ever been."

In my 1957 report I also included a formalized presentation of conclusions and recommendations. I think that these, too, are worth repeating in the light of today's events.

They are as follows:

"CONCLUSION

"The Soviet Union today is undergoing a process of evolution—not revolution, but evolution. There is a great surge of decentralization taking place. The people are demanding more and more autonomy in the hope of attaining more voice in their local affairs. Sparked by increased emphasis upon universal education—an emphasis which carries with it a growing desire for individual leadership, an eagerness for information, and an abundant curiosity regarding events, developments, and peoples outside the Soviet borders—the present Russian leadership is taking a calculated, but evidently necessary, risk.

"Having placed their people in a position where they are more and more able to think for themselves, the Soviet leadership is gambling with its own future. The time is now ripe for free world action, designed to properly capitalize upon this new advent within the Soviet's borders.

"If, by increased exchanges of delegations in every walk of life—such as engineers, farmers, legislators, scientists, students, teachers, to name but a few—of motion pictures, of television programs, of radio broadcasts; if, by increasing the points of contact between East and West, particularly, the United States and Russia, we can lay the full picture of western culture, development, and individual freedoms before the masses of Russia, as well as other peoples of the world closely associated with Russia, there is no doubt in my mind that they will become envious of our way of life. They will doubtless become dissatisfied when they learn there is a better way of life than that which they are now enjoying, and, as a result, will develop an urge to imitate ours.

"This should be our primary objective.

"The free world, particularly the United States, secure in the absolute belief that our economic and political systems have nothing to fear from a fair comparison with Soviet-style communism must leave no stone unturned in placing before the people of Russia and the world an unbiased picture of the way we live. We should—yes, we must—open the way for peaceful competition between the United States and the U.S.S.R., with the understanding that all peoples will be free to choose the form of government under which they prefer to live.

"This is a competition which the free world would most certainly win. It would bring a tremendous victory to us, for either the Soviet leadership would be compelled to give its people a more abundant way of life, or the Soviet people would compel a change in their leadership.

"Either of these alternatives would represent a basic step forward in the winning of the cold war.

"In the past, the tendency in the United States has been to be somewhat apologetic about the abundance we enjoy—to regard our blessings as the result of more good fortune than anything else. The Soviet Union on the other hand, has consistently credited the progress it has made since 1917 as the result of two things: First the alleged superiority of the Socialist system, and, second, the constant hard work of the Soviet people.

"Concerning the latter, no effort is spared in Russia to acquaint the people with the progress being made, and to heap praise and credit upon the workers. Propaganda within Russia is one of the chief weapons of the Communist leaders in maintaining the Communist way of life. Radios are installed in all public places, including factories and farms, and they constantly blare out the accomplishments of Russia's economy and its people.

"Awards are made for worker excellence.

"Competition between areas producing the same commodities, or manufacturing the same goods, is fostered. Region vies against region in an endless productivity contest.

"Specific projects—such as the construction of a power dam, for example—are recorded step by step on motion-picture film. First the ground breaking, where thousands assemble, then the river closure, then the installation of the first generator and so on. Awards are made to the best workers at each function.

"These films are then exhibited across the length and breadth of the Soviet Union, with abundant praise heaped upon the "workers" who made such projects possible and with added emphasis that they are the beneficiaries.

"In the so-called neutralist or other nations experiencing a Soviet economic and political offensive, the progress achieved within the Soviet Union since the advent of communism is constantly cited as an example of what can be accomplished in an underdeveloped area under the socialist system.

"Instead of, in effect, apologizing for our abundance, instead of fostering and following a philosophy dedicated to the proposition that because America has so much it must be shared with those who have so little, the United States should point out that our present national wealth was created and obtained through the hard work and ingenuity of Americans, laboring under a free-enterprise system, to tame a wilderness and devote its resources to the betterment of all our people.

"Indeed, it must be remembered that the United States as we know it today is only 5 years older than the Soviet Union as it now exists.

"Only with the admission of Arizona as the 48th State in 1912 did the United States really begin its great rise and progressively forge to the forefront of the world's nations. Russia began its climb with the deposing of the czars in 1917.

"Yet in this relatively short space of time, the United States has achieved a much greater advance than the U.S.S.R. in all fields—without subjecting our people or our economy to the iron rule and inflexible discipline that communism imposes.

"In other words, if it were possible—as I believe it is—for the United States to place its record of achievement beside that of the Soviet Union for the people of Russia to observe, there can be no doubt which would prove the more attractive.

"It is necessary for us as leader of the free nations to realize and understand that the Russians have progressed under their present form of government, and that we must recognize that progress—not disparage it—in our dealings with the Russian people.

"It has become increasingly obvious during recent years that a new approach to the problems plaguing East-West relationships is not only desirable, but urgently necessary—particularly to the United States, upon whom rests the greatest burdens of present policies.

"Since 1948, the year the Marshall plan began, our Nation has spent over $50 billion ostensibly to roll back the Red tide of communism. Initially, these expenditures were designed to restore the war-ravaged nations of Western Europe, in order to place them in a position to be of aid to the free world should the Soviet Union attempt an armed aggression. Later, when proposed goals were reached and even surpassed, the program was transformed from one of rehabilitation into one of development and mutual defense. Huge amounts were supplied to a host of countries to help build armies, for capital development, for technical aid.

"* * * * *

"Viewed in the light of these vast expenditures, the record of achievement thus far is a dismal one.

"Europe, fully restored to economic health, and enjoying unprecedented prosperity, still leans on the United States for participation in her home defenses—still refuses to bear her fair share of the free world's burdens, particularly in the Middle East, southeast Asia, Formosa, and South Korea.

"Many other nations which we have assisted lavishly in the past are either actively practicing or moving in the direction of neutralism if not outright alinement with the Soviet Union.

"A few make no bones of the fact that they pursue a policy of pitting the United States against the Soviet Union in order to obtain the maximum aid from both countries.

"Russia, and her satellites—who are our avowed opponents in the global cold war—are not weakening, nor do their policies seem to suffer defeat or even frustration as a result of the heavy-spending approach we have used in the past. On the contrary, some of our advisers contend that the Russians are making gains in the Middle East, in southeast Asia, in Africa, and even Latin America.

"They are increasing their domestic agricultural and industrial bases, as my report amply demonstrates.

"Their technology is constantly improving. Sputniks I and II offer abundant proof of this.

"In almost every imaginable way, by almost any comparison that might be made, the United States today is in a much less favorable position in its international relationships—and particularly in its competitive position with the Soviet Union—than it was in 1948, despite the expenditure of over $50 billion of our dwindling national wealth.

"As I have often stated, our country cannot continue on its present course without inviting not only ultimate international defeat, but national disaster.

"Our present policy involves the continued expenditure of gigantic sums for foreign aid purposes (over and above funds appropriated for the maintenance and modernization of our own Armed Forces); large appropriations for an Information Service; continuation of an almost unbearable and destructive tax rate that threatens to destroy initiative; the constant threat of near stagnation in the proper protection and preservation of our precious natural resources; and the promise of continued neglect of other vital areas of our national economic progress, particularly public power, housing, commerce and others.

"The recommendation I have advanced for the past 3 years is reemphasized at this time; that is, the time has come—in fact, it may even have already passed—for us to take stock and to take a new look at our foreign policy.

"Given a continued or heightened cold war of indefinite duration, the pursuance of our present policies must eventually result in the strangulation of our free-enterprise system, either by a continued decline of individual initiative and increasing reliance upon Government control and regulation of the economy, or eventual collapse of our total economy under the pressure of constantly-growing Government spending and a swelling debt load.

"Either of these alternatives would be disastrous.

"The first would represent an easy default victory by state socialism over the forces of free enterprise, the second would carry with it the full realization of a basic tenet of Marxist communism; namely, that given a long-term crisis to face, the free enterprise (capitalistic) nations must fall of their weight.

"The three visits I have made to the Soviet Union, the impressions I have gained during them, and the information I have gathered, have resulted in the following suggestions, which I offer for the consideration of the committee—indeed, for the consideration of all our people.

"RECOMMENDATIONS

"I recommend that the United States reexamine its approach to the waging of cold war. Recognizing that our actual adversary in this conflict is the Soviet Union, I recommend that this reexamination be undertaken in the light of the following, the implementation of which will help to dispel the fear of each other prevailing among the peoples of the East and the West, and restore mutual confidence, which is necessary if we are to achieve a lasting world peace.

"1. Our information program directed to the Iron Curtain and particularly to the Soviet peoples should be expanded. In this expansion, all propaganda in its traditional forms should be abandoned. Instead, a positive approach should be applied uniformly. No reference to communism per se should be permitted. Accurate, factual reporting of the news and conditions in the free world must be stressed. Every effort should be made to objectively depict the enormous advantages of our way of life, without disparaging the system presently in effect in the Soviet Union or behind the Iron Curtain.

"2. An expanded and realistic exchange of persons program between the Soviet Union and the United States should be inaugurated at once. This expansion can be achieved with no additional cost, by simply discontinuing many so-called information programs operated elsewhere that are unnecessary. As detailed in the body of my report, I am convinced that most of the peoples of the Soviet Union are sincere in their belief that the form of government and the economic system under which they live are second to none. This conviction flows from their inability to compare their present-day living standards, industrial and agricultural techniques, cultural progress and technological development with anything other than those existing within the Soviet Union's borders in prior times. By exchanging delegations, from every walk of life—scientists, technicians, workers, farmers, students, legislators—the people of Russia would have the opportunity to see at firsthand the boundless advantages which a free-enterprise system, founded on the bedrock of representative government, has to offer. In this program, however, extreme care must be exercised. Under no circumstances should a bona fide exchange program be permitted to become a means for infiltration of our borders by Soviet agents.

"3. With the change of emphasis in our cold war policy toward the Soviet Union outlined in recommendations 1 and 2, designed to dispel the fear which exists between the peoples of the United States and the U.S.S.R., and to create a climate of confidence, should also come increased willingness upon our part to meet as often as possible with leaders of Iron Curtain countries, or the Soviet Union. Despite the record of broken promises which prior Soviet leaders have left in the wake of prior talks, our failure to join and participate in top-level conferences—even summit conferences—provides powerful ammunition for the Soviet propaganda machine. It eases the task of Red information agencies to picture the United States to the people of the Soviet Union—along with other lands throughout the world—as unwilling to discuss peaceful solutions of world problems.

"The committee is well acquainted with the desire of all Americans to attain and maintain a lasting world peace, a peace secured in dignity and made lasting through mutual trust. However, our Government's failure to show a willingness to confer with Soviet leaders on the peaceful solution of world tensions is being broadcast throughout the length and breadth of the world as indicative of our aggressive intentions. With a weapon such as this at the command of expert Communist propagandists, we are constantly losing ground in our effort to maintain sympathy for and understanding of our international objectives.

"4. I recommend that our policy of attempting to create full-fledged modern armies in small underdeveloped countries be terminated, and that our assistance be confined to a realistic technical-aid effort. This move would be designed to create a broad base of trained native peoples, a base which would attract private investment capital, or which—at the very least—could properly utilize any government-to-government capital which might later be made available for development purposes. An approach of this type would strengthen the economic stability of the country, while at the same time allowing the country to maintain its prestige and self-respect by standing on its own feet.

"By encouraging underdeveloped countries to maintain military forces far beyond their capabilities to support, we are actually creating conditions tailor made for the advance of communism.

"As the Comptroller General noted in his report to Congress on an examination of the military assistance program on March 31, 1957, the extensions of arms aid to a number of nations has not always been motivated by purely military considerations, nor has the impact of this aid been properly evaluated in advance, or in conjunction with, its availability:

"'The military force objectives presently approved for United States support in certain allied countries are not always realistic in terms of recipient country manpower and financial capabilities, are not always mutually acceptable to the countries concerned, and are not always motivated by military considerations (report, supra, p. 2).'

"* * * * *

"'In a number of countries the United States has programed and is delivering military equipment in excess of that which can be effectively absorbed and utilized by the recipients at their existing stage of development. The recipients either have not been able to use the aid furnished because of their financial and economic incapacity and their manpower limitations or they have not desired to use the assistance for the purposes intended by the United States (report, supra, p. 3).'

"As it now stands the hasty application of great amounts of economic and military aid to newly independent, underdeveloped nations is often working to our extreme disadvantages.

"First, in those nations whose economies are not sufficiently developed to maintain a military force of the capabilities desired by United States advisers, the gap in national income created by heavy military expenditures is sought to be filled by America extending so-called defense-support assistance.

"As administered in the past, this type of economic aid has frequently failed to trickle down to the masses. In a number of countries, particularly in the Middle East, and southeast Asia, living standards remain visibly unchanged for the great majority of people despite large United States expenditures there. There are, in these countries, two economic strata—the very rich, and the miserably poor.

"The latter are, without exception, the object of constant Soviet propagandizing. United States policies, requiring the maintenance of large standing military forces, are blamed for low living standards. 'Capitalistic' America is also blamed for lining the pockets of the rich while caring little for the poor.

"In these same countries, as the body of my report demonstrates, the wealthy pay little or nothing in the way of income taxes, or, for that matter, all taxes as compared to us. Thus, as the whole burden of defense and economic growth in a given nation may be ours, so is the blame for that nation's poverty heaped upon our shoulders."

* * * * *

"While I am convinced that the implementation of these recommendations would result in a much higher degree of success than a continuation of our present policies, it is not my view that they will work miracles overnight. On the contrary, the 'new look' I have advocated should take place concurrently with the maintenance of a strong defense by the United States. We must not lower our guard. A modern, efficient Defense Establishment is the best guarantee we have against any attempt on the part of would-be world conquerors to follow the path of aggression instead of peaceful international competition.

"In essence, the burden of my recommendations involves the maximum use of the single greatest resource our Nation possesses—not dollars, but the tremendous abundance of both material and spiritual advantages which freedom has to offer.

"America is the world's greatest showplace for the accomplishments of a free economy dedicated to providing a free people with the highest standard of living in the world.

"With such an exhibit of the fruits of our labors, it should be readily apparent that, in comparison with our growth over the relatively same period of time, Russia's advance has been accomplished despite, rather than because of, the dictates of socialist theories, and perhaps owes its success more to the hard work of her people than to any tenet or theory set forth by Lenin, Marx, or Stalin.

"Let us open wide the doors to our showplace; let us welcome all who would come to see—to compare—to imitate.

"Let us lay the foundation for trade and a restoration of commercial contacts between the East and the West.

"Let us not apologize for our abundance, but, rather, let us display it to the peoples of the world as an example of what hard work can achieve for all who are willing to work.

"Let us be honest enough to caution those who are to choose between socialism and freedom that such miracles are not wrought overnight, but must come gradually and through self-help.

"Above all other things, let us not fear an honest competition with Soviet communism.

"The approach I have outlined involves only the realization that it is time for our country to choose a more advantageous ground upon which to wage this most critical battle of the cold war.

"We have been confronted in recent years by what amounts to nothing more than an all-out effort on the part of the Soviets to defeat the democratic nations by peaceful means. Rather than see victory go to them by default, I urge our Government to pour its full effort into a massive fight for the minds of men—all men, everywhere."

Mr. ELLENDER. Mr. President, I also made an extensive tour under the auspices of the Appropriations Committee in 1960. In my report of that inspection trip I attempted to provide a detailed evaluation of a decade of our foreign assistance program, and presented special sections devoted to the balance-of-payments problem, which our Nation was then facing and is still wrestling with.

I also reported on the dollar losses resulting from inept transactions with foreign countries, through Public Law 480, as well as our military and other commitments abroad. It will be recalled that I was one of the first Senators to call the attention of the Senate and the Nation to our deteriorating balance-of-payments position. My findings of this 1960 tour are set forth in Senate Document No. 20, 87th Congress, first session.

I ask unanimous consent to have certain excerpts printed in the RECORD from this report. It details my views at that time about the situation and the direction in which our country was drifting.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

THE BALANCE-OF-PAYMENTS PROBLEM

Excluding unemployment within our country, perhaps the most alarming domestic problem confronting our Government today is the deficit in our international balance of payments. The United States commenced to run this deficit shortly after the Marshall plan went into effect and it has been accelerating over the past decade.

When the deficit in our balance of payments approximated $2.6 billion in 1950, there was little reason for concern. The once prosperous countries of Western Europe and Japan had little or no gold reserves and the amount of short-term dollars held by them was negligible, when compared to their current holdings.

Prior to, and immediately after, World War II, the United States was able to maintain its creditor position in world finances, to compete effectively on world markets, because despite higher labor costs here, American production facilities were more modern than those of our competitors, American technology was generally superior, and, through the miracle of mass production, American goods were of a higher quality for the price paid.

With the advent of the Marshall plan, the United States began to share the fruits of its technology with other countries—to rebuild their devastated industrial complexes—to further reduce tariff barriers to permit the recipients of our aid to earn dollars, in order, we were told, to become better customers of the United States.

Unfortunately, the United States extracted no concessions in return for this aid, relying instead upon the theory that the countries of Western Europe, once restored to economic health, would "do unto Uncle Sam as Uncle Sam had done unto them."

This theory proved woefully false, and now we find ourselves in dire financial straits because of a decade of deficits in our balance of payments.

This decade of deficits has caused not only a flight of our gold reserves to foreign shores, but it has also resulted in gigantic increases in the short-term dollar holdings of foreign countries. The following tabulations show how U.S. gold reserves have decreased, while the gold reserves and the short-term liabilities to foreigners have increased.

U.S. short-term liabilities to foreigners, 1945–60 [1]

[Millions of dollars]

Year [2]	Short-term liabilities to foreigners		
	Official	Private	Total
1945	4,179	2,704	6,883
1946	3,044	2,963	6,007
1947	1,831	3,023	4,854
1948	2,836	3,018	5,854
1949	2,908	3,052	5,960
1950	3,426	3,691	7,117
1951	3,548	4,113	7,661
1952	4,654	4,307	8,961
1953	5,667	4,412	10,019
1954	6,774	4,384	11,158
1955	6,953	4,767	11,720
1956	8,045	5,442	13,487
1957	7,917	5,724	13,641
1958	8,665	5,950	14,615
1959	9,145	7,084	16,229
1960 [3]	10,068	7,583	17,651

[1] Excludes holdings of international institutions.
[2] Dec. 31.
[3] Sept. 30.

Source: Treasury Bulletin.

World gold reserves, 1945–60 [1]

[Million U.S. dollars]

Year [2]	U.S. gold reserve	All other countries [3]	Total [3]	U.S. holdings as percent of total
1945	20,083	13,648	33,731	59.6
1946	20,706	13,367	34,073	60.8
1947	22,868	10,272	33,140	69.0
1948	24,399	8,251	32,650	74.7
1949	24,563	8,487	33,050	74.3
1950	22,820	11,010	33,830	67.5
1951	22,873	11,067	33,940	67.4
1952	23,252	10,688	33,940	68.5
1953	22,091	12,284	34,375	64.3
1954	21,793	13,192	34,985	62.3
1955	21,753	13,707	35,460	61.3
1956	22,058	14,037	36,095	61.1
1957	22,857	14,523	37,380	61.1
1958	20,582	17,503	38,085	54.0
1959	19,507	18,358	37,865	51.5
1960 [4]	18,726	[5] 19,419	38,145	49.1

[1] Excludes holdings of international institutions.
[2] Dec. 31.
[3] Excludes holdings of Sino-Soviet bloc.
[4] Sept. 30.
[5] Balance as of Jan. 30, 1961, $17,441,000,000.

Source: International Financial Statistics.

Until the end of hostilities after World War II, the balance of payments was of little interest to anyone save the economic theorists. Intercourse among nations before the Great War was confined primarily to trade, and it was important for a prospering country to maintain a favorable balance of trade.

To determine a country's balance of trade was a relatively simple matter. The value of the goods and services imported by a country was subtracted from the value of goods and services exported by that country and the computation was complete. If the value of exports exceeded the value of imports, the country had a favorable balance of trade. If, on the other hand, the value of imports exceeded the value of exports, the country had an unfavorable balance of trade.

Normally, the difference in the balance of trade computation was settled by the transfer of gold from the nations having unfavorable balances to nations having favorable balances. However, instead of taking the international medium of exchange; namely gold, the countries could retain the amount of the favorable balance as investments in the economies of the countries with unfavorable balances of trade.

It is interesting to note that during the past decade, even while the United States has been running a deficit in its balance of payments, and notwithstanding the keen competition for world markets furnished by allies in Western Europe and Japan, up to now, it has nevertheless been enjoying a very favorable balance of trade. Evidence of this is found in the tabulation which shows the favorable balance of trade of the United States since the end of World War II.

Net U.S. earnings on goods and services, 1945–60 [1]

[Millions of dollars]

Year	Exports	Imports	Merchandise balance	Net earnings on services	Total
1945	12,473	5,245	7,228	1,247	8,475
1946	11,707	5,073	6,634	1,792	8,326
1947	16,015	5,979	10,036	2,011	12,047
1948	13,193	7,563	5,630	1,932	7,562
1949	12,149	6,879	5,270	1,723	6,993
1950	10,117	9,108	1,009	1,370	2,379
1951	14,123	11,202	2,921	2,070	4,991
1952	13,319	10,838	2,481	1,821	4,302
1953	12,281	10,990	1,291	1,681	2,972
1954	12,799	10,354	2,445	2,019	4,464
1955	14,280	11,527	2,753	1,636	4,389
1956	17,379	12,804	4,575	2,256	6,831
1957	19,390	13,291	6,009	2,876	8,885
1958	16,263	12,951	3,312	2,372	5,684
1959	16,225	15,315	910	2,084	2,994
1960 [2]	19,500	14,900	4,600	2,000	6,600

[1] Does not include military expenditures abroad.
[2] Estimated.

Source: Survey of Current Business.

When it is realized that the balance of trade computation forms the major segment of the balance of payments computation, it seems incongruous, to say the least, that the United States should be running such an alarming deficit in its balance of payments. However, when an analysis is made of the components that comprise the computation of the balance of payments, it becomes readily apparent that this deficit is attributable primarily to the extensive overseas operations that have been conducted by our Government since the end of World War II, the increasing expenditure of American tourist dollars abroad, and the accelerated flow of American private investment abroad.

If the computation of balance of trade is understood, then it should not be too difficult to understand the computation of the balance of payments. The balance of payments computation merely involves the addition of other items to the balance of trade calculation.

Balance of payments may simply be defined as an accounting for international transactions resulting in claims we have against foreign countries and the claims which foreign countries have against us. Those items which give rise to claims by us against foreign countries are known as receipts and are plus figures in the balance of payments calculation. Those items which give rise to claims of foreigners against us are known as payments and are minus figures in the balance of payments computation.

When the sum of the receipt items exceeds the sum of the payment items, the resulting difference is a surplus in the balance of payments. However, if the reverse is true; that is, the sum of the payment items exceeds the sum of the receipt items, then the result is a deficit in the balance of payments.

Unfortunately, as I have pointed out previously, the United States has been running such a deficit for the past 10 years. This means that the claims of foreigners against us have been exceeding our claims against them.

To satisfy the excess claims against us, we are obligated to either remit gold to the foreign countries at $35 per ounce for the dollars they hold, or they may, in their discretion, retain the dollar balances they have as investments in either the private or public sector of our economy.

During the past decade, these excess claims of foreigners totaled $22.3 billion, according to data compiled by the U.S. Department of Commerce. A breakdown of this computation is shown below:

Computation of balance of payments for the United States for the years 1950 through 1959

[In billions of dollars]

	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	Total[1]
RECEIPTS											
Value of merchandise exports	10.1	14.1	13.3	12.3	12.8	14.3	17.3	19.4	16.3	16.2	146.1
Value of other goods and services	2.2	2.9	3.0	2.7	2.7	3.1	3.4	4.1	3.8	3.9	31.7
Income on U.S. investments abroad	1.6	1.9	1.8	1.9	2.2	2.3	2.7	2.8	2.9	3.0	23.4
Investments by foreigners in United States	1.0	(−.5)	.4	.1	.3	.9	.4	.3	.1	.6	3.5
Expenditures by foreign tourists within United States[3]	------	------	------	------	------	------	------	------	------	------	------
Military sales	(2)	(2)	(2)	.2	.2	.2	.2	.4	.3	.3	1.7
Total	14.9	18.4	18.5	17.2	18.2	20.8	24.0	27.0	23.4	24.0	206.4
PAYMENTS											
Value of merchandise imports	9.1	11.2	10.8	11.0	10.4	11.5	12.8	13.3	13.0	15.3	118.4
Transportation and other services rendered by foreigners[4]	2.1	2.3	2.5	2.7	2.7	3.1	3.5	3.8	4.0	4.3	31.1
American tourist dollar spent abroad[4]	------	------	------	------	------	------	------	------	------	------	------
Dividends and interest paid on foreign investments in United States	.3	.4	.4	.5	.4	.5	.6	.7	.7	.8	5.2
Investments by U.S. citizens abroad	1.3	1.1	1.2	.4	1.6	1.2	3.0	3.0	2.8	2.1	17.7
Remittance to relatives and others abroad	.4	.4	.4	.5	.5	.4	.5	.5	.5	.6	4.8
Military expenditures abroad	.6	1.3	2.0	2.5	2.6	2.8	2.9	3.1	3.4	3.1	24.3
Foreign aid, grants, loans, and other payments	3.7	3.3	2.5	2.2	1.7	2.4	2.4	2.7	2.8	3.6	27.2
Total	17.5	20.0	19.8	19.8	19.9	21.9	25.7	27.1	27.2	29.8	228.7
Total (surplus) deficit[1]	2.6	1.6	1.3	2.6	1.7	1.1	1.7	.1	3.8	5.8	22.3

[1] Figures will not add due to rounding.

[2] Not shown separately.

[3] Included with other goods and services.

[4] Sums combined.

Source: U.S. Department of Commerce.

A mere scanning of the computation shown above will clearly indicate the major causes of our deficit balance of payments. According to these statistics, the total receipts of the United States for the period 1950–59 amounted to $206.4 billion. During this same period the total payments amounted to $228.7, thus our cumulative balance of payments deficit amounts to the difference of $22.3 billion.

Included in the "payments" total are military expenditures abroad amounting to $24.3 billion for the 10-year period, and foreign aid grants, loans, and other payments totaling $27.2 billion. The sum of these two items is $51.5 billion, or $29.2 billion more than the cumulative amount of our deficit balance of payments for the 10-year period. Thus, it is clearly evident that were it not for military expenditures abroad and foreign aid, instead of running a deficit of $22.3 billion during this period, we would have had a surplus of $29.2 billion.

I am aware that it would not have contributed to the financial health of our allies, if we had not extended some foreign aid and made some military expenditures abroad. My concern is that we have spent much more than we should have under the circumstances. Consequently, the flight of our gold and the increase in short-term liabilities to foreigners were the inevitable results of this folly.

As I mentioned at the outset, there was no cause for alarm when we commenced to run a deficit in 1950, because this was planned and resulted from the operation of the Marshall aid plan. It was not imprudent at that time to have a deficit, because there existed then a dollar shortage in the countries of the free world.

However, once this dollar shortage had been changed to a dollar surplus—this began in 1953—then it should have become apparent that action was needed to stabilize the trend toward the flow of our dollars and gold to foreign countries.

The necessity for a change in plans became even more evident in 1958, but the administration took no action *then*, and I was unable to convince my colleagues in the Senate that drastic steps were absolutely necessary. Thus, we went along our merry way, spending more dollars in foreign countries—which, by the way, could have been spent in the United States—thereby increasing the dollar surplus overseas and causing our deficit in balance of payments to approach the danger point.

Yet, merely a modicum of caution would have avoided this situation. For one thing, instead of spending appropriated dollars in foreign countries, the necessary goods and equipment required for undeveloped countries could and should have been procured in the United States. Furthermore, the dollars spent in our own country would have provided a needed stimulus to our own economy and would have had a salutary effect on our unemployment situation.

The logic of this position was ignored. Since the prices paid for goods and equipment purchased in the United States were often not competitive with prices charged by foreign suppliers, more aid could be purchased with foreign aid dollars by spending them in the foreign countries.

The extent to which foreign aid administrators have engaged in offshore procurement can be readily obtained from an analysis of disbursements by the Development Loan Fund since its creation, and the disbursements of the International Cooperation Administration for economic grant aid.

During the period 1958 through 1960, the Development Loan Fund, created by Congress in 1957, disbursed, through aid to the underdeveloped countries, more dollars into the economies of the "dollar surplus" countries than into our own country. Instead of purchasing material and equipment from American enterprise, the Loan Fund permitted the borrowers in the underdeveloped countries to make purchases in the countries which already had an abundance of dollars and which were already making large purchases of our gold with the surplus dollars accumulated.

The actual disbursements made by the Development Loan Fund for the period 1958 through 1960 aggregated $262.9 million. Accurate statistical data indicating where these funds have been spent are available for approximately 73 percent or $196.7 million of the total disbursements made by the Development Loan Fund during this period. A tabulation of these data is included below:

DLF borrowers loan proceeds, fiscal years 1958–60

[In millions of dollars]

	Amount	Percent
Western Europe:		
United Kingdom	$50.6	25.8
West Germany	16.5	8.4
Italy	6.1	3.1
Netherlands	4.6	2.3
Sweden	3.2	1.6
Switzerland	3.0	1.5
Yugoslavia	3.0	1.5
Belgium	2.8	1.4
France	2.0	1.1
Austria	1.8	.9
Luxembourg	.5	.3
Finland	.5	.3
Undistributed (various other countries with less with than $5,000,000 in each)	1.5	.7
Total	96.1	48.9
Others:		
Japan	13.1	6.6
Canada	1.3	.7
Australia	.9	.5
Undistributed (various non-European countries with less than $5,000,000 in each)	2.3	1.2
Total	17.6	9.0
United States	82.6	42.1
Total	[1] 196.3	100.0

[1] Figures do not add because of rounding.

It should be pointed out further that for the period 1958–60, the Development Loan Fund actually made loan commitments approximating $1 billion, and since the expenditures shown above amount to only $269.9 million, or one-third of the total loans committed during this period, it is evident that in 1961 and subsequent years there will still be approximately $700 million of loan proceeds to be disbursed to the borrowers. Since no restrictions were placed on the expenditure of these funds at the time the loan was committed, it is safe to assume that this $700 million will be expended in the same hard currency countries which received almost 60 percent of the first third that had been expended on the loans committed during the period 1958–60. Thus, unless the United States is able to amend the agreements already made, approximately $420 million of loans made during the period 1958–60 will be spent in the hard currency countries during 1961 and subsequent years—whether we like it or not—and, of course, this will further aggravate our balance-of-payments problem.

The International Cooperation Administration has contributed far more to our deficit balance of payments than has the Development Loan Fund, simply because it has been in existence longer, and because its administrators are far more lenient than those at the Development Loan Fund. The table shown below indicates the extent to which this agency has permitted our dollars to be routed to hard currency countries and eventually become claims against our gold reserves. It should be noted that many of these countries, as a result of the generous Marshall plan, had attained a "dollar surplus" status by 1953, and at that time their industry was commencing to become competitive with industry in our own country. Needless to say, over the past 7 years American business has lost countless markets, which were developed with our own taxpayers' dollars, to foreign industries.

ICA expenditures for commodities procured in 19 hard currency countries—fiscal years 1953–60

[Millions of dollars]

Total 19 countries	3,623
Europe	1,266
Austria	42
Belgium	104
Denmark	13
France	228
Germany, Federal Republic	324
Italy	146
Luxembourg	9
Netherlands	44
Norway	13
Sweden	42
Switzerland	28
United Kingdom	273
Monaco and Other Europe	1
Canada	1,558
Other countries	799
Australia	32
Hong Kong [1]	101
Japan	649
New Zealand	([2])
Union of South Africa	17

[1] Includes British North Borneo, Brunei, Sarawak, and Singapore. Hong Kong not available separately.

[2] $105,000.

Source: International Cooperation Administration, Office of Statistics and Reports, Jan. 13, 1961.

At the same time that our foreign aid program was draining off more and more dollars for the hard currency countries of the world, our Government was spending many additional dollars for other purposes within these very same countries. For the past 7 years, our own Department of Defense has been spending dollars—all of which have entered the international balance of payments—to support the forces we maintain overseas, aggregating on the average about $3 billion per year. A precise country breakdown of these expenditures since fiscal year 1953 and through fiscal 1961 is shown below:

U.S. defense expenditures entering the international balance of payments—Summary for fiscal years 1953–62

[In millions of dollars]

Country	Fiscal year 1961 (estimated)	Fiscal year 1960 (preliminary)	Fiscal year 1959 (actual)	Fiscal year 1958 (actual)	Fiscal year 1957 (actual)	Fiscal year 1956 (actual)	Fiscal year 1955 (actual)	Fiscal year 1954 (actual)	Fiscal year 1953 (actual)
Total	2,708.7	3,019.7	3,242.7	3,254.9	3,232.6	3,242.8	3,402.9	2,779.0	2,311.6
Austria	4.8	7.2	10.1	4.2	4.3	11.3	27.1	25.7	29.4
Azores	8.4	7.8	7.9	8.1	8.0	9.1	6.6	6.4	8.3
Bahrein Islands	37.0	38.5	42.4	49.8	37.2	20.8	30.6	29.8	28.1
Belgium-Luxembourg	20.6	26.2	39.2	44.8	28.7	58.2	53.6	36.0	44.4
Bermuda Islands	11.8	12.5	12.7	12.3	12.2	11.4	8.0	7.5	8.7
Canada	291.1	410.3	462.0	342.4	274.3	234.4	196.1	207.9	188.2
Denmark and Greenland	38.5	46.4	45.4	36.3	33.1	35.0	28.3	26.1	22.7
Finland	.7	.8	.8	.5	2.6	.2			
France	271.4	284.3	321.3	374.1	453.1	746.8	999.1	597.0	334.3
French Morocco						[1] 21.1	52.2	51.3	50.4
Germany	639.4	654.7	656.1	553.9	424.6	315.7	240.4	230.4	244.0
Greece	13.2	16.5	11.4	16.9	22.8	30.5	20.4	7.9	2.4
Iceland	8.3	15.1	13.8	11.1	13.1	15.0	14.6	18.8	8.2
Indochina	3.4	4.8	7.3	3.1	19.6	29.8	127.8	1.1	.9
Italy and Trieste	113.0	111.6	112.7	138.8	151.2	152.0	199.3	156.2	54.8
Japan	394.7	360.9	399.9	439.8	472.6	506.5	525.7	695.3	724.9
Korea	79.5	93.3	99.1	99.7	52.8	51.1	47.8	53.0	74.2
Libya	8.5	8.6	9.3	12.6	8.2	8.2	7.7	12.1	18.8
Morocco	19.8	20.2	32.2	32.5	53.2	[2] 22.7			
Netherlands	33.6	33.4	31.9	41.9	40.8	40.5	30.7	33.8	29.3
Netherlands Antilles	54.0	56.5	70.9	83.5	75.4	59.7	41.8	26.2	32.7
Norway	13.4	21.0	16.3	12.9	14.3	19.8	16.5	12.9	8.8
Pakistan	5.1	18.2	17.0	32.8	8.7	1.1	.4		
Philippine Islands	42.0	46.6	56.4	61.1	63.4	55.7	49.7	46.6	41.2
Portugal	6.6	3.0	6.0	7.7	8.9	10.1	3.3	4.3	1.1
Ryukyu Islands	59.5	61.5	65.5	67.7	68.1	55.0	51.0	47.7	54.5
Saudi Arabia	39.3	40.0	48.2	28.7	57.2	40.7	36.9	33.5	24.4
Spain	55.9	62.3	83.3	94.0	78.4	30.3	13.2	1.4	.9
Sweden	1.6	2.1	2.4	3.0	2.4	2.3	2.3	2.8	.9
Switzerland	6.7	8.6	13.1	11.5	9.9	9.3	12.0	22.9	34.9
Taiwan (Formosa)	19.3	23.7	20.5	13.3	13.3	19.2	13.1	10.7	4.6
Thailand	5.0	7.1	6.7	7.0	3.7	2.9	1.2		
Trinidad and Tobago	4.6	8.3	6.5	7.0	3.7	2.0	2.1	1.9	2.4
Turkey	45.8	40.7	38.3	38.4	44.2	33.9	26.7	13.6	8.3
United Kingdom	271.4	290.2	306.0	385.4	516.2	474.7	440.7	298.2	173.0
Yugoslavia	2.4	2.6	4.0	2.7	9.5	6.0	7.4	1.0	.5
American Republics	53.8	44.3	38.7	41.8	33.9	24.9	19.8	23.9	32.7
Other countries	114.6	114.9	121.4	133.6	109.0	74.9	48.8	35.1	18.7

[1] July–December 1955.

[2] January–June 1956.

Source: OSD Comptroller, Deputy Comptroller, financial and operating management, Nov. 9, 1960.

In addition to the dollar drain caused by expenditures made by our own Government, the dollars spent in dollar surplus countries by U.S. private citizens traveling abroad have been increasing at a rapid rate. Expenditures by U.S. tourists abroad have almost trebled from $822 million in 1948, the year the Marshall aid plan went into effect, to the astronomical figure of $2.38 billion by 1959.

The table following shows how tourist expenditures have steadily increased since 1946. With this evidence available, it is difficult to understand why our Government felt it was still necessary to augment the dollar holdings of the same countries, which were already receiving a bountiful quantity of American tourist dollars—with added foreign aid dollars.

Expenditures of U.S. tourists abroad, 1945–60

[Millions of dollars]

Year:	*Tourist expenditures*
1945	([1])
1946	([1])
1947	([1])
1948	822
1949	927
1950	1,022
1951	1,028
1952	1,188
1953	1,306
1954	1,401
1955	1,617
1956	1,814
1957	1,965

See footnote at end of table.

Expenditures of U.S. tourists abroad, 1945-60—Continued

[Millions of dollars]

Year—Continued	*Tourist expenditures*
1958	2,139
1959	2,380
1960	(¹)

[1] Not available.

Source: U.S. Department of Commerce.

Not only did we foolishly increase the dollar holdings of the hard currency countries through expenditures of dollars for foreign aid and military support of our own forces, but our Government actually encouraged the flow of dollars by making expenditures to increase travel by Americans.

Now I am not opposed to Americans visiting abroad; however, it seems ridiculous, to say the least, for our Government to encourage tourist travel in those countries where dollar surpluses exist. It seems to me that this money could have been better spent to encourage the Western Europeans to visit America.

There follows a breakdown of the people employed and the expenditures by the Bureau of Foreign Commerce to promote travel from the United States.

Bureau of Foreign Commerce—Estimated and actual positions and obligations devoted to promotion of travel from the United States

[In thousands]

Fiscal year	Direct BFC [1] appropriation		Funds transferred from ICA and predecessor agencies [2]		Total	
	Positions	Amount	Positions	Amount	Positions	Amount
1950			17	$55	17	$55
1951			22	58	22	58
1952			12	49	12	49
1953	2	$1			2	1
1954	2	2			2	2
1955	2	3	4	24	6	27
1956	3	15	4	29	7	44
1957	6	45			6	45
1958	6	40		[3] 140	6	180
1959	6	30			6	30
1960	7	10			7	10
1961	7	10			7	10

[1] The positions funded by BFC are the total positions involved; however, their full time was not devoted to this activity. The amount is an estimate as costs accounts were not maintained.

[2] The positions and amounts shown for ICA and predecessor agencies are actual. These funds were transferred to BFC specifically for promotion of travel to and within ECA countries.

[3] The major portion of this transfer was obligated for a 2-year contract for technical research, reporting, and assistance in connection with the development of tourism in specified countries or territories in the free Asia and Pacific area.

Source: U.S. Department of Commerce.

Further aggravation of our deficit balance-of-payments problem can be attributed to the increase in private U.S. investment in foreign countries. In 1947 these investments totaled $987 million, and in 1952 they aggregated $1.158 billion. The latter rate remained fairly constant until 1955, when they skyrocketed to $2.99 billion in 1956, and that rate has been maintained ever since. Because a great proportion of this private investment capital was flowing to the hard currency countries of the world, it appears that this should have afforded our foreign aid planners additional evidence of the fact that it was not necessary to further augment the dollars going to these very same hard currency countries with the expenditures of foreign aid dollars.

Net private U.S. foreign investment, 1945-60

[Millions of dollars]

Year	Net private U.S. foreign investment		
	Long term	Short term	Total
1945	454	96	550
1946	103	310	413
1947	798	189	987
1948	790	116	906
1949	740	[1] −187	553
1950	1,116	149	1,265
1951	965	103	1,068
1952	1,064	94	1,158
1953	536	[1] −167	369
1954	984	635	1,619
1955	959	194	1,153
1956	2,462	528	2,990
1957	2,917	258	3,175
1958	2,578	306	2,884
1959	2,212	89	2,301
1960 [2]	2,150	1,000	3,150

[1] Represents net inflow of short-term capital.

[2] Estimated.

Source: Survey of Current Business.

Certainly, every American businessman—in fact, every American citizen—would like to see our exports increase. But to bring about an increase sufficient to wipe out the deficit balance of payments is not possible over the short pull. The countries that are well able to buy our merchandise are not only niggardly with U.S. dollars but they are our greatest competitors for other world markets. Furthermore, these very same hard currency countries, which also hold a surplus of dollars, have erected trade barriers against the import of our merchandise in the instances where we can be competitive with them.

Immediately after the fall elections, it gladdened my heart to see that the administration was finally awakening from its lethargic state when it commenced to take some action to alleviate the balance-of-payments problem. At that time, it seemed as though the so-called panic button had been pushed and orders and directives began to be disseminated by the dozens.

During the last 2 months of 1960, Secretary Anderson made an ill-fated attempt to get the Federal Republic of Germany to assist by absorbing the cost of U.S. troops stationed there. The International Cooperation Administration and the Development Loan Fund were ordered, on December 5, 1960, to bring about an "orderly cessation" of offshore procurement in the hard currency countries. The President ordered a reduction in the number of military dependents abroad to a total of not more than 200,000 at any one time. The Secretary of Agriculture was instructed to exert an increased effort to insure that the disposal of surplus commodities abroad did not reduce cash dollar sales of U.S. products. And there were miscellaneous other orders which directed the various department heads, in their own discretion, to help in the mitigation of the balance-of-payments problem.

These actions are commendable. However, in my opinion, they are just not firm enough and they do not go far enough to effect a solution to the problem.

In this time of crisis, more than lipservice is necessary to solve the balance-of-payments dilemma. Our Government must take immediate steps to the end that the problem can be solved today, not tomorrow. There is not a good, sound, or sufficient reason for us to delay.

DOLLAR LOSSES RESULTING FROM INEPT FINANCIAL TRANSACTIONS WITH FOREIGN GOVERNMENTS

We cannot do business with foreign governments as we have in the past without going bankrupt. We are a wealthy country, and, within limits, we can afford to render assistance to underprivileged countries and peoples of foreign lands who are faced with disaster. But we cannot permit business agreements to turn into charities, which we have been doing, and survive. When we enter into business transactions with foreign governments, even though our objective is the economic development of such countries, our transactions should be businesslike; otherwise, in addition to suffering huge losses, we gain only disrespect.

Let us take, for example, the operation of the Public Law 480 program where we sell surplus agricultural products to foreign countries and accept payment in the currencies of those countries to be used for loans and grants to develop the economic resources of such countries and to defray expenses of U.S. programs in those countries. This is a program involving billions of dollars and, in its objectives, is one of our best programs.

Under Public Law 480, title 1, the United States subsidizes the export, through private channels, of agricultural products excess to our needs, by paying the difference between the U.S. price of the commodity at dockside and its price on the world market. The exporter receives U.S. dollars, but the commodities are paid for in the currency of the importing country, which currency is deposited in a U.S. Treasury account in a bank of the importing country to be allocated and used in accordance with the provisions and objectives of the act, and the provisions of the specific sales agreement negotiated in connection with each sale, or series of sales.

I have selected certain sales of agricultural commodities made under Public Law 480 to four of the countries I visited, that is, Poland, Spain, Turkey, and Yugoslavia. They are set forth below in schedule form. For obvious reasons, I did not choose the best sales. It should be noted that listed on the schedule are the date of each of the contracts, the rate of exchange agreed upon between the United States and the foreign country for the particular sale or sales, the amount of foreign currency generated by such sales, as well as the U.S. dollar equivalent, the free market rate of the particular country's foreign currency in relation to the U.S. dollar at the time of the sale, and the market exchange rate as of June 30, 1960.

It will be noted that in these few sales to these four countries, the United States received in foreign currencies the U.S. dollar equivalent of $857,327,783.54 for the commodities sold, but that the exchange rates which prevailed, or were negotiated in connection with these sales, bear little relation to the free market rate of exchange existing at the time. If the United States had received the commercial market rate of exchange for the commodities sold, the U.S. dollar equivalent of $1,488,737,762 would have been generated from such sales, rather than the $857,327,783.54 listed as the proceeds, a difference of $631,409,979 just on these particular sales to these four countries.

This situation is not unique to the agreements in the countries I have cited, but prevails throughout the program as too common a practice. In many countries where we are accepting an import rate less than the going rate of exchange, we are at the same time spending U.S. dollars to buy foreign currencies to pay for the U.S. programs in those countries.

Unreported losses on 11 Public Law 480 sales due to unrealistic exchange rates

Country and currency	Agreement date	Collection exchange rate, foreign currency to $1	Market rate foreign currency to $1 at the time	Market rate as of June 30, 1960	Total collections to date		U.S. dollar equivalent at market rate of exchange
					Units of foreign currency	U.S. dollar equivalent	
Poland (zloty)	June 7, 1957	24 to $1	55 to $1	55 to $1	1,534,745,428.80	$63,947,726.20	$146,546,872
	Feb. 15, 1958	24 to $1	55 to $1	55 to $1	1,692,159,665.16	70,506,652.71	161,577,744
	June 10, 1959	24 to $1	55 to $1	55 to $1	1,864,646,884.56	77,693,620.19	178,047,879
Spain (peseta)	Jan. 27, 1958	42 to $1	57.40 to $1	59.85 to $1	4,439,171,228.52	105,694,553.10	150,614,738
	Jan. 13, 1959	49.721 to $1	62.30 to $1	59.85 to $1	4,254,307,633.83	85,563,445.55	107,210,200
Turkey (lira)	Mar. 12, 1956	2.8252 to $1	9.37 to $1	9 to $1	42,611,023.09	15,082,480.21	50,025,500
	Nov. 12, 1956	4.0321 to $1	9.39 to $1	9 to $1	236,459,862.81	58,643,967.24	136,570,700
Yugoslavia (dinar)	Jan. 5, 1955	300 to $1	600 to $1	750 to $1	36,096,732,699.00	120,322,442.04	240,644,884
	Nov. 3, 1956	475 to $1	600 to $1	750 to $1	50,912,753,018.00	107,184,743.02	135,391,254
	Feb. 3, 1958	475 to $1	600 to $1	750 to $1	30,036,733,569.00	63,235,228.26	79,876,077
	Dec. 22, 1958	525 to $1	600 to $1	750 to $1	49,962,785,707.00	89,452,925.02	102,231,914
Total						857,327,783 54	1,488,737,762
Approximate loss							631,409,979

I have been unable to obtain any intelligent justification as to why such unrealistic exchange rates were used in the sales of these commodities to the great financial loss of the United States. The startling thing about these transactions is that while the cost of subsidizing the sales of these commodities at the world market price is reported in detail to the Congress, no mention can be found anywhere as to the losses sustained by accepting an import exchange rate well below the commercial rate prevailing at the time of the sale.

Actually, the above cited example is only one type of a series of unbusinesslike practices and administrative abuses which flow from these commodity sales, resulting in huge dollar losses to the United States in this program, which is supposed to be carried on in a businesslike manner. Others are as follows:

1. As the portion of Public Law 480 sales proceeds which is to be loaned to the foreign government is placed in a special account in a bank of the foreign country, it becomes a part of that country's economy. In view of this, some countries, while signing loan agreements for this money, do not borrow it and it lies idle in the foreign country's bank, not bearing interest and depreciating to the extent that the country's currency may depreciate in relation to the dollar. Some idea of the extent of this practice may be reflected by the fact that, as of June 30, 1960, of Public Law 480 loan agreements in the dollar equivalent of $1,881,049,900.91, only $826,743,927.31 was actually disbursed.

2. Although a Public Law 480 commodity sale may have generated only one-half of the proceeds it should have, because of the acceptance of an unrealistic import rate, it is not uncommon that the loan agreement calls for a different rate, which almost invariably, is more favorable to the borrower and further shrinks the proceeds of the sale. The Treasury status report on Public Law 480, title 1, operations, dated June 30, 1960, reflects a net loss of $28.9 million due to loan agreement exchange rates less favorable than the import collection rates which generated the loan proceeds. Further, most of these loan agreements can be changed at any time without the knowledge of the Treasury or the Congress, and they, too, frequently deteriorate into something resembling a gift rather than a loan. The loose practices prevail not only with respect to Public Law 480 loans, but to all mutual security loans under the supervision of ICA, and the June 30, 1960, aggregate of such loans was $5.5 billion.

3. Many of the loan agreements provide that they can be repaid in U.S. dollars or in the currency of the borrowing country. However, the premium which is offered for paying in dollars is a 1 percent difference in interest (3 percent if paid in dollars and 4 percent if paid in the currency of the country).

4. In the sale of surplus commodities under Public Law 480, an interdepartmental committee consisting of representatives of the various Government agencies that have an interest in, or will be users of, a portion of the sales proceeds, determines the percentage of such portion that will be used for the various purposes in the importing country. These committees are sometimes referred to as "buzzard committees." From an examination of a number of the contracts, its might appear that each agency tries to obtain the largest possible percentage of the sales proceeds for its use, while the State Department seemingly tries to obtain all it can for the foreign country involved, and one can only wonder who is present representing the United States and the taxpayer. Seemingly, agencies are allocated funds far in excess of their real or immediate needs, which funds are then frozen in bank accounts in foreign countries and are subject to depreciation through inflation of the currency of such foreign countries. At the same time that these special allocations are accumulating in foreign banks, the U.S. Treasury is going into the commercial market and buying the same currencies with U.S. hard dollars. The June 30, 1960, balance of these foreign currencies in agency accounts aggregated the equivalent of $1.276 billion in U.S. dollars.

In my opinion, the above-outlined practices present a fantastic picture of waste and fiscal irresponsibility which may amount to billions of dollars in losses to the United States. They should be terminated immediately. The rate of exchange at which commodities are sold should be the market or Treasury selling rate of exchange. All losses resulting from exchange rate adjustments should be made a matter of record and reported to the Congress. Regulations should be in effect regarding the rates of exchange used on all mutual security loans. The same Treasury controls should be exercised over foreign currencies accrued by the United States or its agencies as are exercised over U.S. dollar accounts.

Foreign currencies generated by the sale of commodities pursuant to Public Law 480, title 1, should be managed in a more positive manner. Foreign countries which are the recipients of the loan portions of such sales proceeds should be required to take timely disbursement on such loans or the money should be withdrawn from such use. A greater portion of the U.S. use portion of the currencies generated by such sales should be available for general Treasury use and not frozen in particular agency accounts.

The Public Law 480, title 1, program has unlimited potential for assisting in the economic development of other countries and in providing currencies for U.S. use abroad, if it is placed on a businesslike basis.

It is strongly recommended that the committees of Congress closely scrutinize the administration by State, Agriculture, Treasury, and other agencies, of this and other mutual security programs, with the objective of closing any loopholes.

Mr. ELLENDER. Mr. President, in the fall of 1962, I toured the African Continent and inspected our operations in all African countries with the exception of a few where I was denied admission, although I had previously visited them. My report, presented to the Senate at the conclusion of this tour, pointed out that our African aid policy should be confined to technical assistance programs on a limited basis, and that capital development projects should be held to a bare minimum. I also stated that since our NATO allies are deeply rooted in the development of all African nations, since they own and control most of the natural resources in them, we would be ill advised to step in with a large assistance program.

I repeat, Europeans have virtually complete control of the continent's natural resources as well as almost all commerce, domestic and foreign. It is apparent that, in the first place, any aid dollars we put into that continent will likely wind up being spent for the benefit of Europeans and not the Africans. In the second place, nations such as France and Britain, which are tied closely to Africa by certain patterns of commerce, have a vested interest in assisting the peoples of the continent to obtain viable economies and stable governments. The natural resources in that great continent must be developed for the good of the people by using the profits to build roads, schools, hospitals, and, above all, providing for a fair amount of education.

My African report of 1962 contains this statement on our aid policy:

> We are out of our sphere of influence. Let us remain closer to home. Long have I pleaded that our efforts for social and economic growth be concentrated in Latin America.

Mr. President, let me interpolate that this statement was made by me in 1962, as well as in 1952 and 1958 during my tours of South and Central America.

Let me say here that the Latin American tour I will discuss in a moment is my third one to the countries south of us. It was my privilege to visit there in 1952, in 1958, and in 1966 and the early part of 1967.

I feel that my experience in visiting all these countries has given me an insight which few Senators have taken the trouble to gain. It was quite a task to visit all these countries, but I am very happy that I did.

To continue reading from the report:

> We have had little to do in Africa. Most of our historical trade ties are not there, but to the south of us. If our own industrial progress is to continue at its present pace, we must look to the south for the raw materials necessary to feed our hungry industries.
>
> To say that no aid should be granted in any instance would be to do ourselves and the Africans a grave injustice. But our aid program should be conducted not in hopeful and open-eyed innocence, but simply with open eyes. There is literally not enough money in our Treasury to raise the average African's standard of living to any appreciable extent, especially, I repeat, in tropical Africa. Furthermore, the reasons brought forward to justify our giving aid to Africa, as well as in other areas of the world, are often faulty. Bad motives usually lead to bad results. Our purveyors of burgeoning aid programs endeavor to get us into every area of the world to render assistance by using the argument that if we do not go in and pour our wealth into the laps of the underdeveloped countries, the Sino-Soviet bloc will move in.

In that connection, Mr. President, an article entitled "Somalis Get Laugh Out of 'Aid'," written by David Louchheim of the Washington Post, appeared in that newspaper on March 19 of this year. The article states that:

> More than $200 million of foreign aid has flowed into Somali and sunk without a trace.

This is the result of both the U.S. and Soviet effort.

Louchheim writes that an American-built fish processing plant is standing idle because "the Somalis do not know how to run it and besides, there is not enough fish." The Russians have had similar experiences in various projects.

All in all, the example of Somali demonstrates what happens when we justify foreign assistance on political rather than economic grounds.

Mr. President, I ask unanimous consent that the newspaper article referred to above be inserted in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Somalis Get Laugh Out of "Aid"

(By Donald H. Louchheim)

Mogadiscio, Somali.—Like the Shibeli River, which streams down from the Ethiopian highlands and then disappears into sand and swamp south of this coastal capital, more than $200 million worth of foreign aid has flowed into Somali and sunk with hardly a trace.

Grass is growing between the abandoned Soviet tractors on three stillborn farms that were part of Russia's $100 million assistance effort here.

A Soviet meat packing plant will never get into effective operation until an American water project is built to service it, which at the moment appears unlikely.

In the North, near the tip of the African horn, an American-built fish processing plant is also idle. The Somalis do not know how to run it and, besides, there's not enough fish. The American aid package here is $50 million.

RACONTEURS AND WITS

For Somalis, a nomadic race of poets, raconteurs and wits, humor is derived from the ridiculous and the absurd. Not surprisingly, foreign aid in this poor nation, where the average income is about $10 a year, is one of the funniest things going.

Prime Minister Abdirizak Haji Hussein complains that for the most part, the kind of projects going up here have little relevance to the needs or capabilities of the roughly 2.5 million Somalis.

Under the present foreign aid ground rules, the government has more available money and credit than it can effectively use. About $750,000 sits in a New York bank account waiting for Somali to Buy American. For months, American officials in Mogadiscio have been trying to persuade the Somalis to spend it. Of the $18 million credit offered Somalis by Peking, little has been drawn.

Russians and Americans alike have been gently twisting Somali arms in an effort to get the government to cough up money for local costs of projects. The Americans finally caved in and now will pay the local costs if the Somalis use the money in the United States.

EVEN A VW PROTESTS

The Russians were a bit tougher. When Somali funds were held back for the state farms, they simply abandoned the project. When the Somalis said that they were unable to pay local costs of the Soviet port project at Berbera, the Russians tied them into an agreement where the government could import only Soviet oil and use the proceeds of the sale for local costs. As a result, even if a motorist pulls up to a Mobil station in Mogadiscio, he will get low-octane Russian gasoline, which makes even a Volkswagen cough and knock.

Even when a project is completed, the donor is unable to breathe a sigh of relief, for then the battle to maintain it begins. Maintenance is just not a part of the Somali makeup. Like the nomad, he uses something until it is unusable then looks for a new one.

Yet despite all the difficulties and frustrations, not to mention the expense, the natural, captivating Somali charm seems to smooth over such problems. And as long as this sprawling land at the gateway of the Red Sea is considered strategically important, both East and West may continue to fight the good fight for Somali friendship.

Mr. ELLENDER. Mr. President, if our administrators had heeded my comments on Somali, we would not be in such a condition in that area of the world as we now find ourselves. In 1962, the time of my visit to Somali, I found that we were in the process of constructing a port in the city of Chisimiao, which is about 150 miles south of the capital, Mogadiscio, at an estimated cost of $7.5 million. The Somali Government was to contribute $20,000, making our expense 99.8 percent of the total.

The port was being constructed to accommodate agricultural products for export, but there were no agricultural commodities in any appreciable amount available for export at that time.

As a matter of fact, my report shows that the country did not produce sufficient corn, which is the staple crop there, to feed the inhabitants. Yet we were there building a port in anticipation of developing the area into a great agricultural center. The port stands there now as a monument to somebody's folly. It seems that this money was being spent in that area because of a fear that Russia might go in.

It was hoped that the port would be kept busy and that sufficient funds and technical competence could be developed by the Government for its operation. There was existing in Somali in 1962, and I am sure the condition remains unchanged, an almost strictly subsistence agriculture.

What was needed to benefit the populace was, first, educational programs at the lowest level; second, dependable supplies of water; and, third, increased agricultural production. Yet, here we were spending over $7.5 million to construct a modern port facility.

I wondered why this was, and recalled that I had also visited Somali 2 years previously. My 1962 report contains the following paragraph:

> Construction of this port may be explained in large part by conversations I had with the Somali leaders in 1960. It was indicated then that if Somali did not immediately get substantial quantities of aid from the West, it would turn to Russia. This came about as, approximately 100 miles north of Mogadiscio, the Soviet bloc is proposing to build another port which has little more chance of success than our own endeavor.

The article referred to above discusses what success the Russians have had with this endeavor.

I continue with my 1962 report:

> I was informed that they hope to develop a system of state farms for agricultural resource exploitation, particularly wheat. At present the production of that commodity is nominal. We have little to fear from this quarter. If the principal of state agricultural labor has had only partial success among the Russian people, its success can be expected to be much, much less among the Somalians.

Of course, Mr. President, as I have pointed out previously, and as should be realized by all of the African countries, one of the main ingredients for economic development is governmental stability. In that connection, I ask to have included in the Record at this point a memorandum showing the changes in government that have occurred in Africa south of the Sahara since my visit in 1962.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Changes of Government in Sub-Saharan Africa Since 1963

1. January, 1963—Tago—President Olympio was assassinated by Army non-coms and the civilian government was formed.

2. August, 1963—Congo, Brazzaville—President Youlou resigned when the Army dispersed crowds of labor unionists who were demonstrating against him. A new civilian government was then formed.

3. October, 1963—Dahomey—The Army forced the resignation of President Maga following union demonstrations. A civilian government took over.

4. January, 1964—Zanzibar—The Arab Sultanate was overthrown by civilians representing Zanzibar's African ethnic majority. Zanzibar formed a union with Tanganyika on April 26, 1964, becoming the United Republic of Tanzania.

5. October, 1964—Sudan—Popular demonstrations in the Capital, Khartoun, forced President Abboud's military regime to resign. It was succeeded by a civilian government.

6. November 25, 1965—Congo, Leopoldville—President Kasavubu was deposed by Lieutenant General Joseph Mobutu.

7. November 28, 1965—Dahomey—President Apithy was deposed by General Christophe Boglo.

8. January 1, 1966—Central African Republic—President Dacko was deposed by Colonel Jean Bodel Bokassa.

9. January 4, 1966—Upper Volta—President Yameago was deposed by Lieutenant Colonel Sangoule Lamizana.

10. January, 16, 1966—Nigeria—President Azikiwe and Prime Minister Balewa were deposed by Major General Johnson Aguiyi-Ironsi.

11. February 24, 1966—Ghana—While President Nkrumah was out of the country the Army and police arrested cabinet members and officials of the ruling party and established the National Liberation Council to govern the country. The Chairman of the NLC is Lieutenant General Joseph A. Ankrah.

12. July, 1966—Burundi—Captain Michael Micombero was appointed Prime Minister by Prince Charles Ndizeye who had deposed his father. Charles was crowned King Ntare V in September and deposed by Micombero in November 1966. Micombero installed an interim Revolutionary Council and later took the post of President.

13. January 13, 1967—Togo—Army Chief of Staff Lieutenant Colonel Etienne Eyadema dismissed President Grunitzky and his government, abolished the Constitution, dissolved the National Assembly, suspended all political activity and named a Committee of National Reconciliation to govern the country until new elections could be arranged. The Committee is headed by Colonel Kleber Dadjo.

14. March 21, 1967—Sierra Leone—Sierra Leone's Governor General, Sir Henry Lightfoot-Boston and Mr. Siaka Stevens were placed under house arrest by the Commander of the Royal Sierra Leone military forces, Brigadier David Lasana close associate of Prime Minister Albert Margai. Two days later on March 23, a group of senior army officers placed Lasana and Margai under house arrest and created the National Reformation Council. Colonel Juxson-Smith appears to have been named NRC Chairman.

Mr. **ELLENDER**. Mr. President, the worst example of those cited above was Nigeria.

At this point, I would like to have Senators review the African report. I do not know of a visit that I made in any part of the world for which I was more lambasted than for the one I made to Africa. As I have pointed out before, the right thing was said in the wrong place. But every prediction I made in that report came to pass, particularly in reference to Nigeria.

Our aid administrators were so confident of the stability and potentialities of Nigeria that they committed our Government to a $225 million development loan and grant program, to be disbursed over a 6-year period. Of course, we all know what has happened. Nigeria has since come apart as a nation and each of its three main regions desires independence and control by the tribes which inhabit those regions.

My report shows that I stated in 1962 what would happen. The Ibos, the Yorubas, and the Hausas are the three powerful tribes that had control of their respective regions. To me, it was impossible for anyone to refer to people living in what was known as Nigeria as Nigerians. The British tried to weld the three main regions into a single nation for 100 years, and failed. Somehow, they are now using their magic wand to persuade us to give it a try. But all to no avail. Up to now, we have spent almost $225 million. What happened? The country is now on the rocks. It is being subverted by certain of these tribes that are fighting among themselves. Unless and until there is stability there, even the three regions may fall.

To date we have made available to Nigeria $62.2 million in loans by AID and its predecessor agency and $96.8 million in grants. The Agency for International Development has received a total repayment of principle and interest of $1.2 million, and I doubt that the prospect for the future is much brighter.

These are just a few of the comments concerning our operations in Africa contained in my 1962 report. I refer those interested in a full description of my findings of this tour to Senate Document No. 8 of the 89th Congress, first session.

I wish to here emphasize again that in a great continent like Africa, as well as a great continent like South and Central America, it matters not how much money we pour into those areas. We cannot expect that viable economies will be established until the peoples there develop the resources that lie beneath the soil into commodities that can be useful.

What would have happened to our own country here had we not converted iron ore into steel, and turned copper and other resources into usable commodities? I say for us to be spending millions of dollars in the continent of Africa or in Latin America will do no good unless the people there help to develop their great natural resources, which are there in abundance, and convert those resources into commodities that can be used.

That, in substance, is what I have stated about Africa and what I am stating now about South and Central America.

Mr. President, as I pointed out in 1962 and again just a moment ago, practically all of the natural resources of the great continent of Africa are owned, lock, stock, and barrel, by Europeans. Any assistance that we make available to the people of African countries, in my opinion, will simply be a little shot in the arm. When we stop furnishing assistance, they will revert to the same condition as prevailed before. It is necessary that those resources that lie beneath the surface of that great continent be used, I repeat, to establish a viable economy, so that schools, hospitals, roads, and other facilities can be constructed to assist the people who inhabit the area.

Now, Mr. President, returning to Latin America, this report is the result of my observations and findings of the third trip I have made to the countries to the south of us since 1952. The findings of my 1952 trip through Latin America were not printed and made available to the public. I included too much classified material and made no effort to have it published.

The report of my 1958 inspection tour was presented to the Senate as Senate Document No. 13 of the 86th Congress, first session. In the preparation of this latest document I have attempted, insofar as possible, and with the assistance of our representatives in the field, to bring the changing picture of our Latin American operations up to date.

As I point out in the report of my 1966 trip, it requires a series of visits spanning several years to fully appreciate the changes taking place in Latin America today. These changes are many and varied, and hold important consequences for the entire Western Hemisphere. The conditions prevailing today are described in great detail in the report now on the desks of Senators, and I hope that the document will be studied by them and all other interested parties in and out of our Government.

Since 1961, we have been giving increased and much-deserved attention to the economic development of the Latin American Republics. The greater part of our aid efforts have been made since 1961 through the Alliance for Progress. The amount of our assistance made available to the countries of Central America, Mexico, Panama, the countries of South America and the colonies and newly independent nations in the Caribbean amount to a grand total—listen to this—of $6,266,000,000 cumulative through June 30, 1966. This total includes $1,045,000,000 expended by way of economic grants and $2,870,500,000 made available by way of loans. Under Public Law 480 we have made available $705.8 million worth of commodities under title I, $175.9 million under title II, $489.1 million under title III, and under title IV, $167 million. The military assistance program amounts to $812.7 million, which I consider to be entirely too large.

Mr. President, I ask unanimous consent that a table showing the totals of our aid program on a country-by-country basis, including all the areas that I visited be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

U.S. overseas loans and grants for selected Latin American countries (net obligations and loan authorizations) cumulative through June 30, 1966

[In millions of dollars]

	Grand total	Economic assistance [1]		Public Law 480				Military assistance program [3]
		Grants	Loans [2]	Title I	Title II	Title III	Title IV	
Argentina	258.3	11.8	173.1	18.2				55.2
Bolivia	414.7	217.3	110.1	29.9	20.4	17.4	4.6	15.0
Brazil	1,885.2	125.5	812.0	446.6	87.3	104.3	68.0	241.5
British Honduras	3.2	1.0			.3	1.9		

See footnotes at end of table.

U.S. overseas loans and grants for selected Latin American countries (net obligations and loan authorizations) cumulative through June 30, 1966—Continued

[In millions of dollars]

	Grand total	Economic assistance[1]		Public Law 480				Military assistance program[3]
		Grants	Loans[2]	Title I	Title II	Title III	Title IV	
Chile	838.6	62.3	495.2	64.9	5.2	79.2	40.8	91.0
Colombia	594.7	41.4	333.5	55.7	2.7	71.1	15.4	74.9
Costa Rica	76.2	19.4	48.3	----------	4.3	2.3	----------	1.9
Dominican Republic	285.0	121.6	92.4	----------	7.0	23.9	24.0	16.1
Ecuador	218.3	40.7	109.7	8.4	1.4	14.4	8.8	34.9
El Salvador	91.8	22.0	52.0	----------	1.2	11.1	.7	4.8
Guatemala	146.9	88.5	35.6	----------	3.2	8.5	----------	11.1
Guyana	24.3	12.2	9.5	----------	1.1	1.5	----------	----------
Haiti	76.7	54.5	4.8	----------	3.5	10.7	----------	3.2
Honduras	76.1	26.2	39.1	----------	.5	5.0	----------	5.3
Jamaica	34.3	6.3	11.6	----------	1.1	14.2	----------	1.1
Mexico	189.8	9.6	102.0	17.7	3.3	50.2	----------	7.0
Nicaragua	89.8	19.0	55.4	----------	----------	6.6	----------	8.8
Panama	104.6	32.9	60.7	----------	----------	8.7	----------	2.3
Paraguay	91.6	27.6	35.4	12.6	----------	7.1	2.9	6.0
Peru	369.9	51.4	127.8	27.6	33.0	25.6	1.8	102.7
Surinam	5.1	3.0	1.0	----------	.1	1.0	----------	----------
Trinidad and Tobago	35.0	34.1	----------	----------	.3	.6	----------	----------
Uruguay	105.0	6.6	33.3	24.2	(4)	3.6	----------	37.3
Venezuela	250.9	10.1	128.0	----------	----------	20.2	----------	92.6
Total	6,266.0	1,045.0	2,870.5	705.8	175.9	489.1	167.0	812.7

[1] AID and predecessor agencies.
[2] Includes Social Progress Trust Fund loans by the Inter-American Development Bank.
[3] Cumulative program chargeable to military assistance appropriations (grants and credit assistance).
[4] Less than $50,000.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BYRD of West Virginia. Mr. President, I note in the conclusions the Senator draws as the result of his visit that he expresses great concern with regard to the amount of military assistance we are providing to countries in Central and South America.

I share that concern. I note that the Senator states, "there was a singular lack of any real understanding and agreement as to what they"—meaning the high ranking officers stationed throughout Latin America—"were actually to do in behalf of our Government."

To what does the distinguished and able Senator attribute that singular lack of understanding?

Mr. ELLENDER. These programs were initiated in 1942, and have been kept on. The fact is that those people are there presumably to provide assistance for internal security. You get that answer from a few of them, but from most of them you get the answer that if we are not there, Russia or France may exert some influence.

To my way of thinking, the presence of those people creates a bad image for us. It may have been reasonable to have them there at some past time, but I think that that time has now passed. Since we are trying to develop those areas economically, and trying to raise their standard of living, to me it runs contrary to that purpose for us to have groups there to advise them as to what military equipment they need. We cannot, on the one hand, say, "We are helping you to improve your economy," and then use a part of those funds to establish an army.

To specifically answer the Senator's question, it strikes me that those people are no longer needed there. Their objectives have not been sufficiently defined either in Washington or in the field. The nations we are assisting militarily are able to take care of themselves. It is my belief that the presence of our military in those countries simply means that other countries in South or Central America are watching what we are doing militarily in one area as compared to others. We had a classic example of that only a few months ago, when we agreed to furnish some jets to Argentina. Chile immediately got busy and bought some new jets from England.

As I say, in my opinion our presence there is no longer needed. The time has long since elapsed when it was proper for us to have a military presence there. There may have been, I repeat, a good reason for it back in 1942, or perhaps before that time; but the time is past now. We have given a lot of aid and a lot of guidance to those people, and it is my belief that if we retain our military there, it will do much more harm than good.

I am very hopeful, as I have stated, that the recommendation I have made in my report will be followed.

Mr. BYRD of West Virginia. Does not the Senator feel that the presence of our military people there provides a basis for a suspicion, perhaps a growing suspicion, with regard to our motives?

Mr. ELLENDER. That is exactly what I have stated in my report, that it creates a bad impression among those people.

If we were to assist Colombia, Peru or Ecuador would look for assistance. We have military men in all of those countries for their guidance.

I have never been able to understand why, since 1958 when I made the same remarks, we should have military groups there. As I say in my presentation here, it is my belief that the military assistance program now provides soft jobs for quite a few of our military people.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield further, does he feel with respect to the argument that, without our military personnel there, a vacuum exists into which France or Russia may come, that, instead, the presence of our military personnel there may indeed stimulate and invite activity on the part of these other countries?

Mr. ELLENDER. It is entirely possible, but I do not fear that at all. With relation to assisting those people with regard to internal security, as was indicated to me by our military advisers there, if we must have someone there to do that, it would be much better to have it done through AID, by sending in policemen to teach the countries how to train more men to assist in internal security.

Mr. BYRD of West Virginia. Mr. President, did I correctly understand the Senator to say that he did not fear that? My question was: Does not the presence of our military personnel there invite personnel from Russia and other countries?

Mr. ELLENDER. I believe that it might, but up to now it has not occurred.

Mr. BYRD of West Virginia. But it could very well occur?

Mr. ELLENDER. It could very well occur.

Mr. BYRD of West Virginia. I am not sure the Senator has answered my question. To what does the Senator attribute the lack of any agreement on the part of our high ranking officers as to what they are actually to do on behalf of our Government?

Mr. ELLENDER. That is a hard question to answer. I tried to obtain the answer from them myself. I asked why they were there. I would say that there was no uniformity in the answers, which would indicate that the program objectives are not well defined. As I stated it may be that at one time our presence was necessary, but that time is past.

Mr. BYRD of West Virginia. Mr. President, I share the concern of the Senator with regard to the continuing presence of our military people in that area of the world. I feel that this action sometimes tarnishes the image of the United States. I think it causes a diversion of resources from more important activities.

I also share the feeling of the Senator that this action causes countries to increase their own defense structure out of fear of their neighbors. I think we contribute to this by having our military personnel there at this time, although at one time, as the Senator so well stated, there might have been justification for it.

I think the Senator is rendering a great service. I hope his recommendations contained in this area of the report as well as the other conclusions he has drawn will be carefully studied and implemented by the Defense Department and other areas of our Government.

Mr. ELLENDER. Mr. President, there has been a similar situation in Pakistan. When I visited Pakistan 8 years ago, I severely criticized the presence of our military advisers there.

The fear developed in India that we were present in Pakistan to help Pakistan in the Kashmir disputes.

I need not tell the Senator that our presence in Pakistan and the military equipment we furnished caused us to go to India and supply her with military aid four years ago. The upshot of it all was a conflict between Pakistan and India.

I was glad to learn just yesterday that our MAAG's have been withdrawn from Pakistan and India. The same should now be done in Latin America. But we do not seem to learn from past experience. Let us hope that this will no longer be the case and our military groups will be withdrawn from South and Central America.

Our military advisory groups are no longer needed there. Their presence will surely cause conflict in the future and may cause—as was the case last year—countries to spend money on military equipment which they otherwise would not do except for our presence and our advice.

As I have already stated, the Chilean foreign minister in fact told me that we furnished airplanes to Argentina and this was the start of an arms race between Chile and Argentina.

Mr. BYRD of West Virginia. Mr. President, I certainly hope that, if the Senator has not already asked unanimous consent to have his conclusions and recommendations printed in the RECORD, he will do so.

Mr. ELLENDER. I have not done so as yet, but I shall.

Our expenditures for economic assistance represent an enormous commitment by our Nation to assist the development of those countries to the south of us. I am only sorry that this program did not begin years earlier. It represents the first real attempt we have made to honor the assumptions underlying the Monroe Doctrine. In other words, after stating that European influences would not be welcomed in this hemisphere, I believe it was incumbent upon our Nation to take the necessary steps to help the Latin American countries develop their economies, so as to take advantage of their vast natural resources for the benefit of the people, not only in Latin America but of the Western Hemisphere.

Too often our businessmen and others have looked to the underdeveloped countries of this hemisphere as fields ripe for exploitation. Too often our Government has seemed to look upon the entire southern half of the hemisphere with an attitude approaching that of benign tolerance.

Happily, I believe that both of these attitudes have been on the wane. Our businessmen have come around to the view that their first responsibility lies in helping the local inhabitants, through the provision of good wages for their workers, as well as schools, hospitals, and other social benefits. Our national attitude has finally come to the awareness that the welfare of our two continents should be firmly meshed together, a proposal for which I have argued over the years. Every effort should be made to make the chains of commerce and mutual interest stronger yet.

The report that I have presented to the Appropriations Committee is divided into three parts. It follows the general pattern used in my 1958 report, so that parallels and progress over the last 9 years can be easily discerned. The first section of this report is a statement of my general conclusions. The second contains my specific recommendations concerning the operation of our most important missions, and the third is made up of detailed country-by-country reports listing my observations in each area, with particular attention to our governmental missions active in each country.

Although I was particularly concerned with the operation of our aid program, I did not limit myself to an investigation of the Agency for International Development projects and programs. In an effort to be helpful to the Committee on Appropriations, I studied and reported upon the operation of all our missions in Latin America. These include the operations of our various embassies, service attachés, U.S. Information Service, agricultural attachés, military assistance programs, and the Peace Corps, as well as the Agency for International Development, and miscellaneous missions.

Concerning our embassy operations, I have always been particularly concerned with two areas. One of these has been the fact that in the past our various program administrators have not taken full advantage of the respective embassies for the provision of administrative functions. The result has been the establishment of administrative offices and the bureaucratic expansion of each of our various programs. Because administrative services were not consolidated under one roof, competition developed among the various services and much duplication of office space and workload developed.

I recommended in 1958 that the administrative section of each embassy should provide administrative support for all U.S. agencies operating in the country, including the military. I found in 1966 that there had been some improvement in this area, although problems still exist. Although the Agency for International Development has transferred some country administrative programs to the embassy, this has been accomplished in most instances by the wholesale transfer of personnel. What has happened is that the AID administrative functions have been split into two parts, one under the control of the embassy, while a substantial portion remains with AID. No saving to our Treasury has resulted, and it is likely that the total administrative costs will be higher. It seems to me that this consolidation should be pressed forward in a manner which will achieve a reduction in overall administrative costs.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MORSE. I wish to make a statement to the Senator at this point, because he has referred to his 1958 report. The Senator from Louisiana has also had reports since 1958 with regard to other trips he has taken, not only in Latin America but also elsewhere in the world.

Speaking as chairman of the Subcommittee on Latin American Affairs, I wish the RECORD to show that the Senator's 1958 report and the recommendations that he made therein exercised great influence in the development of the original Alliance for Progress program.

The Senator will recall that in his 1958 report, and as I judge in the report today, he stressed the importance of the Latin American countries helping themselves, and he stressed the importance of our exporting what he has heard me say time and time again is our system of economic freedom to Latin America, the placing of greater responsibility of American business concerns in Latin America to get their assistance in helping administer an aid program in Latin America.

The Senator has heard me refer to the subject in the past. One of many examples is the program of aid that Sears, Roebuck consummated throughout Latin America, which is proof of the premise that the Senator has referred to this morning.

This report is going to the Committee on Appropriations. It should go to the Committee on Appropriations, but I wish the Senator to know that it will also go to the Committee on Foreign Relations; because I am assigning it to the chief counsel of that committee, Mr. Pat Holt, who will be the assistant of the committee in carrying on the study authorized by the Senate—and unanimously authorized by the Committee on Foreign Relations—of our entire AID program in Latin America.

For years, my subcommittee on Latin America has been indebted to the Senator from Louisiana. I have told him this privately many times, and I say it for the RECORD today. Every recommendation that the Senator has in this report will be taken under consideration and will be given careful attention by the committee in the study that we now have underway.

Yesterday, the Senator from Iowa [Mr. HICKENLOOPER] and I put our approval on the first step of that study, which involves consideration of a whole series of issues that the Senator from Louisiana has in his study.

I am reluctant to interrupt the Senator, but that the country is entitled to know that the Senator from Louisiana has performed a great service not only for the Committee on Appropriations but for the Committee on Foreign Relations as well.

Mr. ELLENDER. I thank my good friend, the Senator from Oregon.

I was happy to note that the authorization of 1961 contained many of the recommendations that I made in 1958. I have reiterated those objectives in my present report.

As I pointed out in the country-by-country comments of my report, self-help has taken place in many countries, but it is not yet universal. Much work needs to be done. So far as I am concerned, before any money is made available to these countries, they should toe the mark; they should comply with the requirements we set forth as necessary to be met in order for them to obtain assistance.

As I said in my opening remarks, the only country that took issue with the President, according to the press reports, was Ecuador. My report shows that Ecuador was the country that made the least progress. We have to furnish that country $10 million for budgetary support last year. That money was made available under certain conditions, and our administrators there were very careful to make certain that the conditions imposed were carried out. We even had to provide moneys so that Ecuador could operate its schools, and for similar purposes.

Mr. President, few complaints were received on this tour that the Ambassador's attention was not given consideration on the Washington level as to the advisability of country programs. In the past, I have found several instances where, in effect, the Ambassador's judgment was ignored or overruled at the Washington level. Accordingly, I recommended that more authority should be given to the top representatives in the handling of personnel and funds at their respective posts. My 1958 report points out that our Ambassador has total responsibility for the conduct of our foreign policy in the country he serves; and unless he is given control over the various programs, we are in effect assigning responsibility without providing the authority to carry it out.

While I noted improvement in this regard during my 1966 tour, I did come across a few instances where our Washington officials had attempted to force more personnel upon an embassy than had been requested or desired by the Ambassador. No doubt politics plays a role in this procedure, but it should not be tolerated either in Washington or in the field.

I also believe that the Committee on Appropriations should give attention to the large increases which have occurred in embassy operating expenses in the nine fiscal years since 1958. Irrespective of increased salary expenses, in almost every country I visited, operating costs have more than tripled since 1958. This pattern is well illustrated by the following table showing the embassy operating expenses in a small, peaceful, Central American nation. I ask unanimous consent that the table be included in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Embassy operations

	Fiscal year 1958 actual		Fiscal year 1965 actual		Fiscal year 1966 actual		Fiscal year 1967 estimate	
	Number	Amount	Number	Amount	Number	Amount	Number	Amount
1. Office of chief of mission:								
U.S. employees	4	$47,702	4	$64,525	4	$63,021	4	$65,218
Local employees			1	2,185	1	2,517	1	2,888
Operating costs		7,380		16,597		18,580		19,706
2. Administrative section:[1]								
U.S. employees	4	31,366	5	34,697	5	36,463	5	40,363
Local employees	10	16,095	5	13,446	6	17,004	7	18,749
Operating costs		8,280		32,915		31,515		40,969
3. Economic and commercial section:								
U.S. employees	5	45,071	4	39,590	4	34,482	4	36,441
Local employees	2	8,200	3	11,907	3	13,025	3	13,377
Operating costs		5,520		18,515		14,509		12,910
4. Political section:								
U.S. employees	12	80,499	8	78,910	8	85,041	8	87,746
Local employees					1	2,440	1	4,749
Operating costs		11,040		30,204		32,627		33,447
5. Consular section:								
U.S. employees	2	16,815	3	27,450	3	28,267	3	31,068
Local employees	3	6,882	4	7,334	3	7,428	3	8,199
Operating costs		3,220		8,810		9,312		9,516

[1] These figures comprise the State Department share of personnel and costs of the shared administrative support program.

Mr. ELLENDER. Mr. President, in only one or two instances did I find that year-to-year increase had been held to a modest level.

In our Information Service, we are still wasting too much money on ill-advised programs, which provide little to show for our expenditures. As in 1958, I again urge that our information activities be tailored on a country-by-country basis. It does little good in my estimation to carry on extensive publication programs in areas where a vast majority of the inhabitants are illiterate.

I was, however, pleased to note that the practice of providing subscriptions to American publications and other services to the so-called elite of each country had been greatly reduced. I firmly believe that we should make every effort to reach the masses of people if we expect our program to yield benefits.

Two other areas of our information program also show improvement and should be encouraged. A fair amount of progress has been made in the establishment of binational centers in most countries. When properly operated, these represent one of our best efforts to provide a meaningful service to the local people, without the stigma of American involvement.

The primary value of these binational centers, which provide libraries, cultural activities, and English language courses, lies in the fact that they are not directly or visibly associated with our Government. We should see that this remains the case. I visited many of the centers while on this tour and much of the work that is going on is impressive.

Our exchange program has also undergone an expansion and I continue to believe that this is one of the most rewarding efforts undertaken by our Government. I believe a reduction should be made in some of our other USIS programs, and the funds saved in this manner could be put into the exchange program with good effect. Every effort, however, should be made to secure a broad sampling of exchangees, for we should not allow ourselves to reinforce a tendency in Latin America to give all benefits to the so-called upper classes and ignore those persons further down the economic ladder.

The USIS salary structure continues to cause me concern. The picture has not improved since 1958 when I found USIS officers drawing salaries which appeared extremely high in relation to our other representatives stationed abroad, as well as our employees in this country. The case of Venezuela provides a good example. In 1958 the public affairs officer in that country was drawing a total annual compensation of $21,893. By 1966, the amount of total compensation has been increased to $39,795. This was the most extreme example I discovered but it was not at all unusual to find USIS officers being compensated in amounts from $25,000 to $35,000 per year. In that connection, the Director of the entire U.S. Information Agency draws an annual salary of $30,000.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MORSE. Did the Senator discover what the rationalization or alibi was for an officer receiving $39,000? What does he do that differs from what public affairs officers do in other countries?

Mr. ELLENDER. There is included in the $39,795 a sum of $15,025 for various allowances. There allowances include rentals, hardship differentials, transportation and representation. The salary of the public affairs officer in Venezuela in 1958 was $12,120 and in 1966 it was increased to $24,770, a rise of more than 100 percent. Allowances were increased almost as much. In 1958, total allowances amounted to $9,773, while in 1966, as I previously indicated, they increased to $15,025.

In connection with the allowance, I hasten to point out that if the Senator should go to Venezuela, as I have, he would find that the cost of living there is not much greater than it is in Washington.

Mr. MORSE. How does that figure compare with salaries and allowances for Federal officials in other Federal services in Venezuela?

Mr. ELLENDER. It is much higher.

Mr. MORSE. This is much higher?

Mr. ELLENDER. The Senator is correct.

Mr. President, I would suggest that many of the USIS programs be carried on in connection with our Embassy operations and not as a separate arm of our Government. Particularly is that true in many small countries. In the past I have insisted that our service attachés should become consolidated into one office. This was finally accomplished by the Department of Defense in 1965 when the service attaché structure was reorganized. In many instances, this reorganization has already brought about a reduction in personnel and expenses. This is to be commended, and further encouragement should be given to our service representatives to function in each country as a team, rather than as members of the individual services.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. Could the Senator inform the Senate as to the allowances which the military attachés of the various services receive? How do they compare with allowances elsewhere?

Mr. ELLENDER. I have that information. It is outlined in the exhibits appended to the report on each country.

Mr. MANSFIELD. In each country?

Mr. ELLENDER. The Senator is correct. There may not be the same amount of detail shown. However, I wish to say that all of our military people there live on the fat of the land and get the best of everything.

I am sorry that my good friend, the Senator from Oregon, was not here when I discussed the matter with the distinguished Senator from West Virginia [Mr. BYRD].

But I wish to point out to him now that I recommended in the report that we do away with all military advisory groups we have in Latin America.

As I shall demonstrate in a few minutes, we now have over 400 officers, who are advisers in every country in South America and Central America. I am recommending that they be sent home.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MORSE. I completely agree. Many of us who serve on the Committee on Foreign Relations have taken that position for some time because they also have developed, it has been my observation, a posture of representation in some of these countries that sometimes makes it very difficult for the Ambassador in his dealings with a military group within a country. I share the view of the Senator. I do not believe they have been very helpful to us in developing the kind of program the Senator and I are talking about.

Mr. ELLENDER. Mr. President, in many countries, however, I feel that the service attachés perform no useful function, especially where we are maintaining large military assistance groups. This, unfortunately, includes virtually every country in South and Central America. I accordingly recommend that the attaché system be reevaluated to determine if the presence of attachés can be justified on a country-by-country basis.

During the course of my tour, I was able to visit many of our Peace Corps projects and to meet and talk with many of our volunteers. I continue to feel that this is a commendable program and that many of these Americans are providing a valuable service to their country at a considerable personal sacrifice.

I did come across some practices which require critical comment. In several instances the Peace Corps' programs underway did not seem to be well defined. Even if programs of this type were successfully carried to a conculsion, visible results could not be achieved for many years to come. This type of activity seems to be more properly in the sphere of the Agency for International Development.

Accordingly, I advise our Peace Corps administrators to make every effort to insure that programs are developed by the volunteers which can be sharply defined both for their benefit and for the benefit of the people they are seeking to help. In other words, programs should be undertaken which can successfully operate at the grassroots level. They should be aimed at providing visible results, and be of the type that will help the people improve their lot by seeing and doing.

I again found that too many of our volunteers are engaged in teaching both at the elementary and college level. I recommended that the Peace Corps' involvement in education be reevaluated. The volunteers should live and work among the people, as was envisioned by the Congress when the program was established. In a teaching capacity, they are automatically separated from the masses.

Also, their involvement in teaching represents a direct subsidization of the host country's educational system, which most countries could well afford to pay for. In addition, I do not believe it was ever intended that our volunteers teach and be under the jurisdiction of local school administrators.

There were instances where the Peace Corps' activities seemed to be far removed from the intent of Congress. In a small Central American country, for example, our volunteers are engaged in the "development of a national theater, teaching of the arts at the secondary school level, and introduction of theater appreciation in the rural areas," according to officials in the field. In a South American nation, the corpsmen were engaged in coaching and refereeing basketball games. There were other areas where the corpsmen seem to have as their main task the development of recreational and physical education programs.

I believe that these activities are far removed from congressional understanding of Peace Corps activities in underdeveloped areas of the world. It may be that these programs were started because of the previous training of the volunteers that were available to send to these respective countries. Even if that is so, volunteers should be chosen on the basis of skills which will be of immediate value to the populace of underdeveloped countries in improving their way of life in real and tangible terms.

A separate Peace Corps bureaucracy is being established in the field, and administrative expenses seem entirely out of line with the cost of the program. When the Peace Corps was first started, assurances were given to the Congress that this picture would improve with age. However, notwithstanding the fact that administrative support for the Peace Corps is now provided in large part by the Embassies, I found one example where administrative costs of $60,000 were required to support a program costing $135,000 in fiscal 1965. In fiscal 1966, in the same country, program costs amounted to $157,000 and administrative expenses consumed $73,000. In fiscal 1967, program costs are estimated to be $394,000 and administrative costs of $110,000 are anticipated.

It seems to me that more reliance should be placed on our Embassies and Embassy personnel for the administration of Peace Corps programs. I am aware that it would be unwise to assign a large number of volunteers to any areas without adequate supervision. However, it would seem that this supervision could be provided through the Embassy, in large part on a temporary basis, and at a considerable saving to our Government.

The transportation costs of rotating hundreds of volunteers between the United States and their assigned countries consume a great deal of the available program funds. This expense will grow by leaps and bounds in the future. It is my understanding that volunteers are usually transported by charter flight, rather than straight commercial transport. Although the use of military transport by our volunteers might tarnish the Peace Corps' image in some instances, I believe that our administrators should give further attention to devising ways and means of rotating our volunteers between the United States and their assigned countries.

My 1966 tour through Latin America reinforced my belief that there should be an immediate reduction in the overall emphasis we are placing on military assistance. Our assistance program is now moving in the direction of regional projects and economic integration. It will require a great amount of cooperation between neighboring countries for those efforts to be successful. It seems obvious to me, however, that we are working at cross purposes when we seek to bring about economic integration and cooperation on one hand, and at the same time assist and encourage neighboring countries to increase their military strength on the other.

Many of our high-ranking officers stationed throughout Latin American are unsure as to the primary role and function of their assignment. I questioned many of them, and there was a singular lack of what they were to do on behalf of our Government. Some of these officers expressed the belief that they were sent abroad to limit the influence of other governments, such as France and Russia. Others believed that their task was to assist with internal security. In other words, the role of our military groups has not been defined, and this is one of the greatest failings of the program. I would surmise that this program provides soft jobs for many officers in our Military Establishment.

If the role is indeed to assist with internal security, I am convinced we would be better off by allowing the program to be taken over by AID so that civilian authorities or police officers could be used to great advantage. We are now maintaining 400 officers and 369 enlisted men throughout Latin America, in addition to numerous civilians and local personnel. It is my belief that no single feature of our foreign policy so tarnishes the image of the United States as does the presence of large numbers of military personnel strutting around the streets of foreign cities in uniform. Accordingly, I recommend that in those few cases where a military assistance program is actually in the best interests of our Government, our officers and men be directed to make their presence in the country as unobtrusive as possible. It would be a great improvement if they were instructed to don civilian attire when going before the public.

None of our representatives abroad would admit that a military buildup was in progress in any part of South or Central America. However, because we sold jet fighters to Argentina, on the basis of modernizing the Argentine air force, the neighboring country of Chile has in turn purchased jet fighters from Britain. The Chilean foreign minister has been quoted as saying, "This is the start of an arms race in this area."

Chile is a nation which can ill afford to divert any of its resources from economic development. It has already suffered greatly because of a lack of attention to agricultural development, although it has one of the greatest agricultural potentials in any country on the continent. The fact remains that, whether an arms race is in the making or not, our military presence in these countries can easily create suspicions among neighbors. All of Latin America is now at peace, except for scattered guerrilla activity. If we encourage the creation of large military establishments, however, the question will immediately be asked, "Against whom is this military might to be directed?"

Jet fighters and tanks are of little value in maintaining internal security. Good neighbors might, therefore, conclude that the purchase of these armaments is for use against them and take steps to increase their own defense structure. It seems to me, obvious, that we should immediately curtail our military assistance program in Latin America and that the large number of high-ranking officers that we are maintaining abroad should be returned home, as soon as possible.

In addition to our military assistance, we are maintaining a large military training operation in Panama to train officers and men, including pilots, for many of the countries in Latin America. This also tends to discolor and distort the image of America.

During my tour I was also able to visit many of our AID projects in the field. I have always been in favor of adequate amounts of aid to Latin America, and by and large I was pleased with many of the projects I saw. Progress is now being made in bettering the lot of the people. More importantly, the innovations such as land and tax reforms which we have written into the Alliance for Progress authorization are slowly taking root. The performance here has not been uniform, but I am convinced that if we keep up our efforts in this direction, the roots will continue to grow and bear fruit in the future.

Several of the criticisms which should still be made against our aid program in Latin America show promise of being corrected in the foreign aid message the President has sent to the Congress this year. For instance, much more emphasis is to be placed on the granting of assistance on a regional basis and the use of international organizations, so that we can move away from a strictly bilateral policy of assistance. Economic integration and cooperation will also be enhanced in this manner.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MORSE. The Senator is moving into another phase of the report.

Does he share my view that the position which President Johnson has been taking at the Punta del Este Conference, and the position he took even before he went to the Punta del Este Conference in regard to raising with our Latin American neighbors the whole question of seeking to diminish their expenditures for the military and increasing their self-help programs for the modernization of agriculture, improving of education, and developing economic projects that will be necessary for the growth of a sound private enterprise system in Latin America, is to be commended by us?

Mr. ELLENDER. Yes.

Mr. MORSE. I take this moment only to say that I am exceedingly pleased with the statements President Johnson has made thus far in Latin America, including his statement of yesterday. He has kept complete faith with the message he sent to this body and to the whole Congress prior to his going to Latin America, including the proposed suggestions as to what we would be willing to agree to by way of cooperation if the Latin American countries first laid out to us a program of self-help.

I am pleased that he has not hesitated to make clear in Punta del Este the position that prevails in Congress in respect to the necessity of diminishing their costs of military expenditures and averting the very arms race which has been discussed in Chile, as a result of the purchase of jet fighters by Argentina and the subsequent purchase of British fighters by the Chileans.

Mr. ELLENDER. I have not read everything the President has said, but I would judge, superficially, that the President had my report in mind, which is a Senate document. I have been recommending this.

Mr. MORSE. He certainly stressed the same major principles.

Mr. ELLENDER. Yes.

I was one of the first advocates of self-help provisions in our foreign aid program and, as I indicated, progress is being made in this regard. Some of our administrators, however, seem to be interpreting the self-help provisions of the Foreign Assistance Act of 1961, as amended, to mean primarily self-help on an individual basis, rather than governmental programs. Section 251(b) of the act reads in part as follows:

> In furnishing assistance under this title, the President shall take into account (1) the principles of the Act of Bogotá and the Charter of Punta del Este and, in particular, the extent to which the recipient country or area is * * * demonstrating a clear determination to take effective self-help measure * * *.

As I said, the thrust of this language was primarily at encouraging action on the part of Latin American governments to provide programs of help for their own people. It is all well and good for individuals to assist in building homes, as is being done in many projects throughout Latin America, but only through governmental action will the necessary institutions be created to allow programs to continue in the future.

Mr. MORSE. Mr. President, will the Senator yield once more at that point?

Mr. ELLENDER. I yield.

Mr. MORSE. I want to join the Senator from Louisiana in nailing that down. As the Senator knows, the Senator from Iowa [Mr. HICKENLOOPER] and I were the Senate delegates to Bogotá at the time the Bogotá Act was consummated, and we were at Punta del Este at the time the Punta del Este Act was consummated. There is not the slightest doubt that the act of 1961, in line with what the Senator from Louisiana stressed in his 1958 report, relates to self-help programs by the governments of Latin America.

Any attempt on the part of any administrator to seek to pass it over to mean self-help on the part of individuals just does not have a scintilla of evidence to support that that was the intention of this Government. I am so glad the Senator from Louisiana has stressed this. When the President is talking about self-help in Punta del Este now, he is making perfectly clear to the governments that we are talking about programs by the governments that involve self-help in attempts to help raise economic levels so that individuals in their countries can get help therefrom.

Mr. ELLENDER. I thank the Senator.

Because of our administrators' interpretation of this section of the law, we are continuing to give assistance to the people in many countries in ways which should be the responsibility of their own government.

We should make strong efforts to encourage the richer nations of South America to help their poor neighbors. This also would aid in wiping out suspicions and fears, and lead to greater cooperation. Mexico, for instance, could well afford to help out in Guatemala, and other nations such as Argentina and Venezuela could afford to begin modest assistance programs in areas such as Paraguay or Colombia, where we are bearing the entire aid burden. The fact that we are undertaking the entire job leaves us open to the charge, which is still made by some demagogs, that we are seeking to dominate the affairs of many recipient nations.

Instances can still be found where our technical assistance is being used for the development of capital projects. One area which the Appropriations Committee and the Congress needs to give attention is in the extension of assistance through the use of contracts in various American universities. In Uruguay, for example, I found that capital investments were made with technical assistance funds through a contract with Iowa State University. Needless to say, the project was not in keeping with the needs of the area. I invite Senators to read my remarks on Uruguay in this respect.

In 1958 we were engaged in assisting a variety of so-called servicios throughout Latin America. I recommended then that this type of assistance be phased out, for it seemed to be largely ineffective in reaching the people. In addition, our contributions to these servicios were used in many instances for capital development projects which were a misuse of our technical assistance grants. This practice has now been halted, but several years too late, and only after the wasteful expenditure of millions of dollars.

I have already mentioned that some progress has been made in shifting some of the AID administration to the administrative section of the Embassy. I would like to draw further attention, however, to the fact that we still have far too many people in the AID program. Although attempts have been made to curtail the number of direct hire personnel, in many cases there has been a corresponding increase in the number of American personnel employed under contract. I strongly doubt that any appreciable number of the direct hire personnel have actually been returned to the United States. From the record, it appears that they were simply shifted to a contract basis, with an option to renew from year to year.

Finally, as I have pointed out in several instances in the past, in quite a few countries our aid is not based on economic need. This has been true throughout the world and throughout the history of our assistance program. In my estimation, it is one of the features that has severely hurt the program. When aid is made available solely for political reasons, it is immediately suspect and usually nonproductive. I urge that the practice of basing aid on politics cease immediately, especially in Latin America, and that our aid policy be directed toward the attainment of sound economic objectives with funds being made available on the basis of need alone.

In conclusion, I would like to refer once again to the changes that have taken place in the countries to the south of us between 1958 and 1967. I believe the nations to the south have come to a new realization of the importance of economic progress for their peoples. I believe the Alliance for Progress should receive a large part of credit for this. It embodies a renewal of our own interest in the neighbors to the south.

A change in the attitude of Latin Americans toward our country was also evident on this last tour. It seems to me that the fear, the suspicion and the distrust once directed against the United States has been replaced by a greater feeling of confidence in our aims. I believe that our presence is now being more appreciated.

To take advantage of this bright outlook, I believe we should move along several important fronts. In the first place, we should act to revitalize the Organization of American States. The OAS should be empowered to take affirmative action to dispel the fears and misunderstandings which remain between and among the nations to the south of us. Many of the smaller countries are now fearful of their larger neighbors, and animosities with roots going back 100 years into the past are still prevalent. If these roots could be dug out and destroyed through mutual cooperation, all of Latin America and North America as well would benefit.

On our own, through regional assistance programs, we can act to bring the nations closer together. The development of the continent's northwestern section, composed of Colombia, Ecuador, Peru and large portions of Brazil is one area where joint action could bring about appreciable progress. The common boundaries of Paraguay, Bolivia, southern Brazil and Argentina represents another area where cooperation must be obtained before hydroelectric and navigational potentials can be developed to benefit the people of all the four nations.

Using our vast experience in marketing and distribution, we should take all possible steps to insure that the development of national economies will complement rather than compete against each other. Many countries to the south continue to look toward the United States or toward Europe or even Japan as their primary trading partners. No doubt this will continue to be true for years to come, but there is no reason why more attention could not be given to developing markets between countries. Resources and industries which will complement the agricultural and industrial plants of neighboring areas should be developed. I am convinced that with the proper guidance toward economic cooperation, the Western Hemisphere can be developed into an industrial and agricultural complex such as the world has never before witnessed.

As a final point, the OAS should not only be encouraged to assist with economic programs, but it should also be encouraged to use its offices to achieve amicable settlements of the boundary disputes which still exist in Latin America. These disputes hinder economic cooperation and the OAS could play a valuable role in bringing about their settlement once and for all. Individual nations should be encouraged to submit their differences to the OAS, so that a solution to long-term problems could be finally achieved.

Mr. President, I have touched on only a few of the most important points contained in my report. These are set forth in greater detail in the report sections headed "Conclusions" and "Recommendations." Accordingly, I ask unanimous consent that those sections be included in the Record at the conclusion of my remarks.

There being no objection, the excerpts from the report were ordered to be printed in the Record, as follows:

Conclusions—1966 Report

In 1958, the year of my second inspection tour of our operations in Mexico, Panama and the countries of South and Central America, I found many disturbing influences and distressing conditions south of our border. It will be recalled that our then Vice President, Richard Nixon, and his wife had been accorded shocking treatment in Peru and Venezuela and a generally cool reception elsewhere on the continent.

Cuba was in the throes of a Communist revolution, there was unrest in Mexico, and by and large a great deal of distrust, suspicion, and resentment was directed at the United States—the colossus of the north, as we were referred to.

In the years between 1958 and 1967, many changes have taken place in most of the countries I visited and with a few exceptions, they were uniformly for the better. Economic progress has been made and promises to continue in the future. This progress is due in part to our own efforts, but more importantly it has come about as the result of the increased concern for economic development shown by Latin American leaders. The Central American Common Market, comprised of Guatemala, Nicaragua, Costa Rica, El Salvador, and Honduras, was organized in 1961 and has had outstanding success in lowering trade barriers among these nations.

A second change very much in evidence is the improved attitude of the Latin Americans toward our own country. The fear, the suspicion, and the distrust once directed against the United States has largely been dissipated. Our presence, through such programs as the Alliance for Progress and the Peace Corps, is beginning to be appreciated. The residue of fear and suspicion remaining is now primarily directed against the large South American countries—Mexico, Peru, Argentina, and Brazil, to name four.

From my observations, I would say that this fear of the larger countries by their smaller neighbors is without foundation. This does not mean, however, that it is without consequence. So long as it exists, it will prove a hindrance to the economic integration of the continent, and the cooperation among countries which is so necessary for regional development.

We should revitalize the Organization of American States, and through it make every effort to dispel the fears and misunderstandings which remain between and among the nations to the south of us. We should not try to dominate the organization, but merely work through it with other members on a more or less equal basis. Each nation should contribute to its support to the end that all members may become equal partners.

Basically, I found two reasons behind these changes which have occurred since 1958. First and foremost is the Alliance for Progress which began in 1961. Before the advent of the Alliance, I had long felt that the Congress and the executive branch gave too much attention to far-flung areas of the world at the expense of our closest neighbors. The Alliance for Progress marked a shift in the emphasis of our aid program and policy. It also marked a shift in the emphasis of our Nation's attention.

For the first time since the end of World War II, we returned our attention to our own doorstep. We began to take meaningful and positive steps to implement the underlying assumptions of the Monroe Doctrine.

I have always held firmly to the belief that the development of Mexico, Panama, the countries in the Caribbean, and those of South and Central America, is tied directly to the economic self-interest of our own Nation. The time is already here when we must go outside our boundaries for many of the raw materials necessary for our factories and furnaces. In no area of the world is a supply of oil, gas, copper, iron, zinc, tin, and lead, to name a few, so secure as it is in the South American Continent. The wealth of this storehouse is as yet unmeasured, but we do know it to be tremendous.

Let me hasten to add here that I am in no way advocating exploitation. We have had sad instances of this evil in our Nation's history, and Latin American governments have had good reason to look upon American development of their resources with a jaundiced eye. I firmly believe, however, that this attitude has changed on the part of our American businessmen and also on the part of many South American governments. Whatever resource development takes place now or in the future should be done, and I feel confident will be done, in such a manner that the peoples of the countries to the south of us will reap the benefits, by way of better wages, good housing and hospitalization, usable roads, and above all a fair amount of education.

The second major factor which has brought about the changes for the better can be found, I believe, in the self-help measures written into the Foreign Assistance Act of 1961, as amended. Although progress has not been uniform, the tax and land reforms and other conditions which are now required before we grant our assistance are slowly beginning to take root. A section of my questionnaire requested our AID administrators in each country to list the self-help measures which have been put into effect in each country to justify our AID program. These measures will be found on a country basis elsewhere in this report, and I recommend the responses to Members of the Congress and other interested parties. I recommended in my 1958 report that such conditions be imposed as a prerequisite to our assistance, not only in Latin America but throughout our foreign aid program. I believe they will bear more and better results in the future.

There is need for additional action on our part, along several important fronts, if the process of these changes is to continue.

It is clear to me that economic development throughout South America is vitally dependent upon economic cooperation. We should attempt to bring about this cooperation by continuing to channel more and more of our assistance along regional lines. The development of the continent's northwestern section, composed of Colombia, Ecuador, Peru, and large portions of Brazil, offers one good example where much progress could be made. The common boundaries of Paraguay, Bolivia, southern Brazil, and Argentina represent other areas of vast hydroelectric and navigational potential which must be jointly developed before any of the four countries can reap the full benefits.

Again, using our vast experience in marketing and distribution, we should take all possible steps to insure that the development of national economies will complement rather than compete against each other. Many countries to the south continue to look toward the United States or toward Europe or even Japan as their primary trading partners. No doubt this will continue to be true for years to come, but there is no reason why more attention could not be given to developing markets between countries. Resources and industries which will complement the agricultural and industrial plants of neighboring areas should be developed. I am convinced that with the proper guidance toward economic cooperation, the Western Hemisphere can be developed into an industrial and agricultural complex such as the world has never before witnessed.

In order to bring about this cooperation, I repeat, our Government should work with and through the Organization of American States wherever possible. Bilateral negotiations between our Government and South and Central American governments should be held at a minimum; they should be made through the offices of the OAS. Many agreements which are undertaken are of a technical nature and deal with such matters as air and communication rights, as well as trade agreements. In short, if these were channeled as much as possible through the OAS, it would have the effect of strengthening that organization and improving its ability to deal with a broader range of hemispheric matters.

All other areas through which the OAS could be strengthened should be explored, so that the resources of the Organization could be used to bring about the economic cooperation needed. There are many advantages to this approach, not the least of which is that we would escape any charges of domination, which still arise from time to time.

The OAS should also be encouraged to use its offices to achieve amicable settlements of the boundary disputes which still exist in Latin America. These disputes hinder economic integration, and the OAS could play a valuable role in helping to bring about their settlement, once and for all. In turn, individual nations should be encouraged to submit their differences to the OAS, in order to achieve a solution that will be acceptable to all.

By and large, I was very much pleased to note the progress that has been made throughout Latin America in the years since 1958. I express the hope that progress will be maintained and that the attention of our Nation will not again be diverted from our closest neighbors. I repeat, as I have stated on several occasions, that we must make every possible effort to mesh the economies of our two continents as closely as possible, so that our resources and marketplaces can be developed for the benefit of the entire Western Hemisphere and all of its citizens.

RECOMMENDATIONS—1966 REPORT

The following recommendations dealing with our Government's primary operations in Latin America are based upon the data and observations contained in the country reports which follow.

EMBASSY OPERATIONS

1. In 1958, I recommended that more authority be given to our U.S. Ambassadors in the handling of personnel and funds at their respective posts, and that more reliance be placed upon their judgment as to the advisability of our programs in the field.

I found some improvement in this regard in 1966. Few complaints were received that the Ambassadors' judgment was not given due attention, both as to personnel and programs. However, there is still a tendency on the part of our State Department to force more personnel upon an Embassy than has been requested or desired by the Ambassador. Accordingly, I recommend that steps be taken to reinforce the Ambassador's position in the Department chain of command. As was pointed out in 1958, the Ambassasador is responsible for the conduct of our foreign policy and upon his shoulders rests the total burden of U.S. diplomacy.

2. My 1958 report also carried the recommendation that the administrative section of the Embassy should provide administrative support for all U.S. agencies operating in the country, including the military.

There has been improvement in that area, but with a resultant increase in the staff and operating expenses in each Embassy. Problems still exist, particularly with the AID program and the Peace Corps. Although AID administrators are moving in the direcion of allowing the Embassy to provide more administrative support, this has come about in many instances by the wholesale transfer of administrative personnel from AID to the Embassy. In other words, no saving to our Treasury has resulted and it is likely that the total administrative costs will be higher. I did not find a single instance where the burden of administration for AID had been transferred entirely to the Embassy. The AID administration has simply been split into two parts.

I recommend that the administrative functions of our Embassies be reevaluated, with a view to consolidation of all such operations to achieve a reduction in overall costs.

3. Concerning agricultural attachés, I recommended in 1958 that the Departments of Agriculture and State take another look at the justification of maintaining separate agricultural attachés in Latin America. I found on this tour that the number of our agricultural attachés had been maintained, in most countries at approximately the same level that existed in 1958. In my opinion, the duties performed by the economic and commercial section of the Embassy are very similar to those performed by the agricultural attachés, and, as a matter of fact, in quite a few embassies agricultural work is being performed by an officer in the commercial section of the Embassy. I am still of the opinion that this should be the general pattern in all our embassies.

4. I believe that the Senate Appropriations Committee should give attention to the large increases which have occurred in embassy operating expenses over the last nine fiscal years. In almost every country visited, these costs have tripled or, in some cases, quadrupled, since 1958. In only one or two instances did I find that year to year increases had been held to a modest level.

5. The practice has grown in recent years of assigning junior officers to our embassies for training purposes. This is an additional expense to the State Department and an additional burden on Embassy administrators. I recommend that junior officers be given the necessary training in the United States, so that they will be able to assume their duties in the various sections of the Embassy upon reaching their post.

U.S. INFORMATION SERVICE

1. There has been some improvement in the operations of our Information Service in Latin America, although there has been a large increase in personnel. In 1958, I took issue with the practice of using U.S. grantees to administer and direct the bi-national centers which had been established. I find that this is still a widespread practice and, further, there is a tendency to transfer these grantees to regular positions on the USIS staff. As a result, these staffs have been increased appreciably.

2. I again urge that Information Service's activities be tailored on a country-by-country basis. For instance, one of the largest publication programs is carried on in Haiti, where 90 percent of the population is illiterate.

3. The encouragement of bi-national centers has been carried forward and a fair amount of progress is being made in this direction. I believe this should be encouraged, but I again warn against any actions which will make these centers appear to be under U.S. direction or management. Their primary value derives from the fact that they are not directed by or visibly associated with our Government, and we should see that this remains the case. I visited many of our centers while on this tour and I was much impressed with the work that is going on, particularly where these centers are in a large part self-sufficient and receive most of their support from the local communities.

4. A commendable expansion has taken place in our exchange program. This is one of the most rewarding efforts undertaken by our Government and should be supported to the fullest. A reduction of funds could well be made in some of the other USIS activities and put into our exchange program with good effect. I again caution our administrators to make every effort to insure that students be chosen to participate in the exchange program without regard to economic status. There is a tendency still prevalent in Latin America to give all benefits to the so-called upper classes and ignore the needs of the masses. We should not allow our exchange program to encourage this practice.

5. I recommend once again that the USIS salary structure be reexamined. If anything this situation has worsened since my 1958 tour, when I found public affairs officers drawing annual compensation, including all allowances, of about $20,000 per year. Many of these officers are now compensated in amounts between $25,000 and $35,000 per year. The following example, which was cited in my 1958 reports, will serve to illustrate this point:

(1) USIA/Venezuela, public affairs officer (1958):

Salary	$12,120
Post allowance	3,600
Quarters	6,000
Transportation allowance	125
Representation allowance	48
Total	21,893

(2) USIA/Venezuela, public affairs officer (1966):

Salary	$24,770
Allowances	15,025
Total	39,795

The Director of the U.S. Information Agency draws an annual salary of $30,000.

SERVICE ATTACHÉS

1. For years I have insisted that our service attachés should be consolidated into one office. In 1965, this was finally accomplished by a Department of Defense reorganization of the attaché system. In many instances, the reorganization has already brought about a reduction in personnel and expenses. I recommend that the reorganization be continued in effect and that further encouragement be given to the service attachés to function in a country as a team rather than as members of the individual services.

2. It is my belief that service attachés perform no useful function in many of the countries to which they are assigned. This is especially true in those areas where we are maintaining large military groups, and this includes virtually every country in South and Central America. I accordingly recommend that the Defense attaché system be reevaluated to see if the presence abroad of service attachés is justified on a country-by-country basis.

PEACE CORPS

1. I had the opportunity of visiting many Peace Corps projects during my tour to observe at first hand the work of our volunteers in the field. By and large, I was most impressed with their activities. Many of these young Americans are providing a valuable service to their country, at a considerable personal sacrifice in many cases.

I was disappointed, however, to observe in quite a few instances Peace Corps programs which did not seem to be well defined. The end results of many programs, even if successfully carried to a conclusion, cannot be achieved for years to come. These seem to be more properly in the province of our AID program. Therefore, I recommend that our administrators make every effort to see that our volunteers are employed in developing programs which can be sharply defined for both the volunteers and the people they are seeking to help—programs which can successfully operate at the grassroots level and where the people can improve their lot by seeing and doing.

2. Too many of our volunteers are engaged in teaching, both at the elementary and college level. In effect, this represents a subsidization of the host country's educational system and, equally important, tends to separate the volunteers from the other citizens of the country. I recommend that the Peace Corps involvement in education be reevaluated with a view to keeping volunteers living and working among the people, as was envisioned by the Congress when the program was established. Aside from that I do not believe it was ever intended that volunteers teach and be under the jurisdiction of the school administrators of the host country.

3. I found other instances where the Peace Corps activities also seemed to be far removed from the original justification of the Peach Corps program. As an example, in one Central American country our volunteers are engaged in the "development of a national theater, teaching of the arts at the secondary school level, and introduction of theater appreciation in rural areas." In another South American nation, our volunteers are engaged in coaching and refereeing basketball games. Others are engaged in a variety of recreation and physical education programs.

These activities may be worthwhile, but I seriously doubt that they are responsive to Congress' understanding of the Peace Corps work in the underdeveloped areas of the world. I recommend that volunteers be chosen on the basis of skills which will be of immediate benefit to the populace of underdeveloped countries in improving their way of life in real and tangible terms.

4. A separate Peace Corps bureaucracy is being established in the field, and administrative expenses seem entirely out of line with the cost of the program. When the Peace Corps was first started, assurances were given to the Congress that this picture would improve with age. However, notwithstanding the fact that administrative support for the Peace Corps is now provided in large part by the Embassies, I found one example where administrative costs of $60,000 were required to support a program costing $135,000 in fiscal 1965. In fiscal 1966, in the same country, program costs amounted to $147,000 and administrative expenses consumed $73,000. In fiscal 1967, program costs are estimated to be $394,000 and administrative costs of $110,000 are anticipated.

Therefore, I recommend that more reliance be placed on our Embassies and Embassy personnel for the administration of Peace Corps programs. I am aware that it would be unwise to assign a large number of volunteers to any area without adequate supervision. However, it would seem that this supervision could be provided through the Embassy, in large part on a temporary basis, and at a considerable savings to our Government.

6. The transportation costs of rotating hundreds of volunteers between the United States and their assigned countries consume a great deal of the available program funds. This expense will grow by leaps and bounds in the future. It is my understanding that volunteers are usually transported by charter flight, rather than straight commercial transport. Although the use of military transport by our volunteers might tarnish the Peace Corps' image in some instances, I recommend that our administrators give further attention to devising ways and means of rotating our volunteers between the United States and their assigned countries.

MILITARY ASSISTANCE

1. I again recommend an immediate reduction in the overall emphasis we are placing on military assistance. In my view, we are working at cross-purposes when we seek to bring about economic integration and cooperation on the one hand, and assist and encourage neighboring nations to increase their military strength on the other.

I questioned many of our high ranking officers stationed throughout Latin America as to what they believed to be their primary role and the function of their assignment. There was a singular lack of any real understanding and agreement as to what they were actually to do in behalf of our Government. Some stated that their presence was to limit the influence of other governments, such as France or Russia. Others stated that they were there to assist with internal security. I recommend that immediate steps be taken to explicitly define the role of our military assistance programs on a country-by-country basis. If this role is indeed to assist in internal security operations, I would have fewer objections, but I doubt that this can be shown in a majority of cases.

2. As a furtherance of the internal security justification, it would seem to me that better results could be obtained by recruiting civilian police officers to aid in this work. In any event, no single feature of our foreign policy so tarnishes the image of the United States as does the presence of large numbers of military personnel parading around the streets of foreign cities in uniform. I recommend that in those few cases where a military assistance program is actually in the best interest of our Government, our officers and men be directed to make their military presence in the country as unobtrusive as possible and be instructed to wear civilian attire when going before the public.

3. I questioned all of our representatives abroad and could not find any who admitted that a military buildup was in progress in any part of South or Central America. However, the fact remains that we sold jet fighter planes to Argentina on the basis of "modernizing" the Argentine Air Force. In response, Chile has purchased jet fighters from Britain, and the Chilean Foreign Minister has been quoted as saying, "This is the start of an arms race in this area."

As will be seen in my country report on Chile, this nation can ill afford to divert any of its resources from economic development, which has already suffered greatly because of the lack of attention to agricultural development, although it has one of the greatest agricultural potentials of any country to the south of us.

The fact remains that whether an arms race is in the making or not, our military presence in these countries tends to create fear and suspicion among neighbors. Except for scattered guerrilla activities, all of Latin America is now at peace, but if we encourage the creation of large military establishments, the question will naturally be asked, "Against whom is this military might to be directed?" Since jet fighter planes and tanks are of questionable value in maintaining internal security, good neighbors might conclude that the purchase of these armaments is for use against them, and they will naturally be constrained to increase their own defense structure. Therefore, I recommend that the activities of our military assistance advisory group be curtailed and the large number of high ranking officers we are maintaining abroad be returned home as soon as possible.

The following table indicates the authorized strength for fiscal year 1967 of military and civilian personnel, including locals attached to military group staffs throughout Latin America.

U.S. military groups—Latin America—Fiscal year 1967 manpower authorizations

Country	Officers	Enlisted	U.S. civilians	Locals	Total
Argentina	38	25	2	9	74
Bolivia	26	23	2	10	61
Brazil	51	52	13	49	165
Chile	27	21	1	8	57
Colombia	33	28	1	6	68
Costa Rica	4	7		2	13
Dominican Republic	35	24		3	62
Ecuador	30	39		9	78
El Salvador	13	12		3	28
Guatemala	15	15		4	34
Honduras	9	12		3	24
Nicaragua	11	12		2	25
Panama	3	2		1	6
Paraguay	13	12		4	29
Peru	35	34	1	5	75
Uruguay	15	12	1	7	35
Venezuela	42	39	1	2	84
Total	400	369	22	127	918

AGENCY FOR INTERNATIONAL DEVELOPMENT

1. Section 251B of the Foreign Assistance Act of 1961, as amended, reads in part as follows.

In furnishing assistance under this title, the President shall take into account (1) the principles of the Act of Bogotá and the Charter of Punta del Este and, in particular, the extent to which the recipient country or area is * * * demonstrating a clear determination to take effective self-help measures * * *.

In general, I found that some of our administrators are interpreting this section of the law to apply principally to individual projects, such as housing where those who are to occupy the homes assist in the construction. The thrust of the law was directed primarily at governmental action in providing self-help for its people. It is all well and good for individuals to assist in building homes but only through governmental action will the necessary institutions be created to allow programs to be continued in the future.

I recommend that our administrators give more attention to this aspect of the law in making future aid available. In too many instances we are giving assistance to the people in an area which should be the responsibility of their own government.

2. Efforts should be made to encourage the rich nations of South America to help their poor neighbors. We seem to be bearing the entire aid burden, when such nations as Mexico, Argentina, and Venezuela could well afford to bear a share of the assistance programs. The fact that we are doing the whole job gives credence to the charge made by some that we seek to dominate the affairs of many countries in which we give aid.

3. In 1958 we were engaged in assisting a variety of so-called servicios throughout Latin America. I recommended then that this type of assistance be phased out, for it seemed to be largely ineffective in reaching the people. In addition, our contributions to these servicios were used in many instances for capital development projects which were a misuse of our technical assistance grants.

Several years later my recommendation that services be discontinued was finally adopted. Needless to say, our contribution to these programs was phased out several years too late.

There are still instances of technical aid being expended for capital investments. I found that in the assistance we are making available by contracts with various universities of the United States that practice still prevails. In Uruguay I found that capital investments were made with technical aid funds under a contract with Iowa State University.

4. Section 251 of the Foreign Assistance Act of 1961, as amended, further provides our assistance shall be granted on a basis of "the extent to which the activity to be financed will contribute to the economic or political integration of Latin America." This policy is being carried out through the Regional Office for Central America and Panama (ROCAP), but I found little evidence of that policy being followed elsewhere. There is a crying need for regional cooperation and development throughout South America and I recommend that our aid policy be directed more toward projects which will bring about regional economic cooperation.

5. In 1958, I pointed out that the cost of administering our aid programs was entirely too large and I recommended that much of the administrative work be shifted to our embassies. While some attention has been paid to my recommendation, there still has been little or no decrease in the total number of personnel employed by AID. I noticed that in many countries there were considerable reductions made in the direct-hire personnel, but in such cases there was a corresponding increase in the number of contract personnel. I strongly urge that there be across-the-board reductions in AID personnel.

6. In quite a few countries our aid is not based on economic need. On the contrary, it is made available in many instances solely for political reasons. I urge that this practice cease immediately and that all future aid to Latin American countries be directed toward the attainment of sound economic objectives, based on need.

Mr. ELLENDER. Because I attempted to bring the findings and observations of my 1958 report up to date, I ask that the similar sections from that report be included also, so that the record will be complete.

There being no objection, the excerpts from the report were ordered to be printed in the RECORD, as follows:

CONCLUSIONS—1958 REPORT

I again found forces at work in much of Latin America which are not unlike those seething in other areas of the world and which, perhaps for lack of a better name, can all be lumped together under the general term "nationalism."

In the Near East, in southeast Asia—in fact, in much of Asia and Africa—these forces have resulted primarily from years of European economic exploitation and political colonialism.

There, longstanding domination by foreign powers produced the bubbling caldron of emotions which has already boiled over more than once, and which gives every indication of boiling over again.

The explanation for the bitterness and ill feeling in those areas of the world are readily apparent.

The reasons for the existence of similar conditions in Latin America, on the other hand, are not so easily identifiable.

However, I am compelled to report to the committee that although the good neighbor policy has been in effect since 1936, there is a large—and growing—body of public opinion in the American Republics which seems convinced that the United States is today a good neighbor in name only.

When pressed for specific examples of American neglect or economic discrimination, those most critical of American policies were unable to provide them. Many complainants simply referred to the tremendous aid that we made available to countries of the Eastern Hemisphere, and asked the question: "Why were we so neglected?"

In my opinion, the underlying reason behind a growing dislike of the United States is but another reflection of a prevailing desire among the Latin American peoples to better their way of life.

It is unfortunate, but, in most cases, true that our neighbors to the south are envious of the prestige, power, wealth, and economic productivity of the United States. There is also a broadening belief that since many of the raw materials which feed United States industries come from the nations of Latin America, the United States is in effect, living off the sweat of Latin America's brow.

It is difficult, if not impossible, to convince many of our severest critics in that part of the world that U.S. private enterprise pays, and pays well, for the raw materials it purchases from the American Republics.

In addition, while payment is ample, it is often overlooked that American firms operating in Latin America, particularly in the development of natural resources and manufacturing, have generally adopted an enlightened attitude toward their employees, providing hospitals, schools, good housing, at their own expense, and fair pay.

However, even though it is true that United States firms doing business here are not exploiting the area, the cold facts are that the bulk of Latin American profits derived from sales to, and investments by, U.S. enterprises are not generally used to benefit the masses of the people.

Thus, even in such relatively developed countries as Venezuela, where American capital has sparked tremendous advances in living standards of employees of U.S. firms, there remains considerable poverty among the masses of the people.

As the violence directed against Vice President and Mrs. Nixon demonstrated, much of Latin America believes the United States is stealing its natural resources.

In my opinion, if there is theft involved, it takes place after a fair price for Latin American materials is paid by American purchasers, and before these profits trickle into Latin American treasuries.

In other words, in the majority of Latin American countries, economic development has brought more wealth to the wealthy, and very little to the masses of the people.

Basically, this situation cannot be corrected by the United States. Certainly, we should not attempt to correct it by extending wholesale economic aid to this area. As a matter of fact, as my report amply demonstrates, much of the economic and related assistance already made available to this part of the world has, as in the case of economic development, further enriched the well-to-do, with only a pittance trickling down to those who need help the most.

We certainly must not place ourselves in the position of actually fostering dissatisfaction and unrest, while attempting to do just the opposite.

And yet, under existing conditions, and without far-reaching Latin American internal reforms, further U.S. economic assistance is destined to produce that result.

So long as existing conditions prevail, so long as established internal economic patterns exist—patterns which automatically direct the fruits of economic gains into the pockets of the rich instead of into the thirsty mouths, the sick bodies, and hungry bellies of the poor—U.S. aid will inevitably benefit only the wealthy.

In effect, we might well be helping to forge a weapon to be used against us at some future time.

This does not mean, however, that the future of Latin America is hopeless.

This area is potentially one of the wealthiest parts of the world. It abounds in natural resources—petroleum, iron ore, nitrates, lead, zinc, and countless others, all of which are mostly owned and controlled by the countries in which they are found. With very few exceptions, they cannot be explored or otherwise developed except by concessions from the state. In other words, in most instances, the state owns all resources beneath the soil.

These resources, which are ostensibly the property of all the people, if properly used, can bring not only a constantly rising standard of living to the people of Latin America, but assurance of continued economic wellbeing to the United States.

I wish to emphasize that Latin America needs assistance, but she does not want charity.

Long-term loans for economic development are being, and should continue to be, made available. However, they should be conditioned upon proper assurances that the proceeds will be used to finance projects and facilities beneficial to all the people. Consideration should also be given to conditioning the disbursement of such loans or changes in Latin American tax laws—laws which are either extremely lax, or which are honored more often in their breach than their observance. In short, the burden of taxation must be placed on the shoulders of those able to pay, if the reforms I advise are to come to pass.

It will be argued that the imposition of such conditions would infringe upon the sovereignty of our Latin American friends. In one view, they perhaps would, but, if the loans were properly secured, the requirement of internal tax reform as a means of assuring due repayment would, in my opinion, be nothing more than the rightful prerogative of any prudent lender.

I would further recommend that American private enterprise seeking to do business in Latin America be compelled by the U.S. Government to meet certain basic standards of conduct, designed to assure the payment of fair wages, to preclude the reaping of vast or unconscionable profits, and to hasten economic development of the nation involved for the benefit of all the people.

Fortunately, exploitation by American firms is today the exception rather than the rule.

Development is no longer synonymous with exploitation.

Assurance must be given that this will remain the case.

An enlightened local business community must be developed—a business community which understands that the payment of fair wages, the raising of living standards, the extension of mass medical and educational benefits to the poor and humble are not only desirable from a humanitarian point of view, but vitally necessary if the pent-up demand for a better way of life is not to explode violently and destroy those who today feed and grow fat at the expense of the poor.

While there is an apparent trend among our own diplomatic and foreign aid officials to recognize the seriousness of what is obviously a lack of responsibility for the welfare of all the people among the ruling classes of Latin America, it must be emphasized again that U.S. economic assistance is not a panacea.

The correction of what could become a desperate situation can come only from the businessmen of Latin America. They must be convinced that it will be to their ultimate benefit if wages are raised and basic social institutions—schools, hospitals, decent housing, etc.—are fostered.

If these were accomplished, the benefits would be twofold: (1) A rising standard of living, providing, ultimately, for vastly enlarged markets, plus increased consumer purchasing power, and (2) a satisfied population, bringing stability to governments, and the creation of a climate attractive to private investment.

Finally, I wish to make it clear that I do not urge these reforms in the spirit of criticism, but, rather, with the full realization that the continued well-being of our own country is tied directly to the fortunes of our Latin American neighbors. I sometimes wish it were possible to enmesh, in some way, our own economy with those of the countries to the south of us.

The United States needs materials for its factories, outlets for its manufactured products, the assurance of growing mutual trade with the nations to the south. In fact, I would venture to again say that if the wheels of our great industrial facilities are to continue to turn at their present rate we will be compelled to look to the south of us for raw materials.

In my judgment, our needs and the needs of our Latin American neighbors, if properly directed, can be the basis of mutual growth, stability, and prosperity. We must revitalize the good neighbor policy—we must restore the spirit in which it was conceived.

Truly, the two continents of the Western Hemisphere are neighbors, and neighbors we must remain. The factors of geography alone so dictate.

Our aspirations are similar; our origins are essentially the same. We are joined by a common bond of history and a common desire for freedom. Our ideals are founded on a spiritual concept of man. Our belief in the rights of the individual is so sacred that we willingly sacrifice our all to protect them.

These concepts, of themselves, offer assurance that no part of the Western Hemisphere is likely to succumb to a totalitarian state.

Above all, just as the United States and our Latin American neighbors share a joint past, so must we share a joint future.

As neighbors, linked by common bonds of friendship, history, tradition, and culture, we must join hands today, as partners in tomorrow.

RECOMMENDATIONS—1958 REPORT

The following recommendations, dealing with Embassy operations, the U.S. information program, the International Cooperation Administration programs, the military attaché offices, military assistance advisory groups, and other governmental missions, are based upon the data and observations which the committee will find outlined in detail in the country-by-country reports which follow.

EMBASSY OPERATIONS

1. I recommend that more freedom be given U.S. ambassadors in the field, particularly in the handling of personnel and funds of the Embassy, and that more reliance be placed upon their judgment.

I found in many instances that our ambassadors have their hands tied by the State Department at the Washington level. If the State Department has sufficient confidence in a chief of mission to entrust him with the administration of our affairs in a foreign country, then it should have enough confidence in his patriotism and commonsense to permit him to do the job as he may think best, within broad limits. I again found, generally, that there is a tendency for the Washington bureaucracy to establish one overall pattern for the embassies to follow, with little or no flexibility permitted.

Two specific examples illustrate my point.

First, the chief of mission does not have the authority to assign personnel among the various sections of the Embassy. This lack of authority precludes any day-to-day adjustment of duties among the various Embassy sections, and, in addition, denies to the Ambassador the authority over functions performed by officers who are otherwise subject to him, upon whose performances his reputation is dependent in large measure, and upon whose information his decisions must be based.

Second, a more or less uniform reporting system imposed upon all missions, regardless of location, status, or problems peculiar to the specific areas where they are located, often imposes an unnecessary workload on otherwise limited staffs, or, in the alternative, requires the undue expansion of staffs, at considerable cost to the Government. Much unnecessary reporting could be eliminated if our chiefs of missions had the power to so direct.

2. I recommend that chiefs of missions be vested with the right of review and veto over all military assistance programs, plus those of the U.S. Information Service and the International Cooperation Administration. The chief of mission is the top-ranking representative of the U.S. Government in any country. Within a given country, the chief of mission is responsible for the conduct of the foreign policy of the United States; upon his shoulders rests, for all practical purpose, the total burden of U.S. diplomacy.

Denying a chief of mission the right of review over, and veto of, projects affecting relations between the nation to which he is accredited and the United States (and certainly the programs administered by USIA, ICA, and MAAG have important and direct effects upon that relationship) is, in effect, to make the Ambassador responsible for consequences over which he has no control.

Our chief of mission should also be empowered to fire all personnel in excess of what he deems to be necessary. He should be consulted if more personnel is to be provided in any of our missions under his jurisdiction.

3. I recommend that administrative support for all U.S. agencies or missions—including military personnel—on duty abroad be provided by the administrative section of the diplomatic mission in which those agencies are located. That would also cover the procurement of living quarters for all of our personnel. As is now the case, our personnel vie with each other for the rental of homes to live in, and rents go up in proportion to the rental allowance provided.

In many instances, the International Cooperation Administration (USOM) and U.S. Information Service maintain administrative staffs, separate and apart from that operated by the Embassy, and separate and apart from one another. I call particular attention to the administrative costs for some of our ICA missions, most of which engage in technical assistance programs.

Since all the money required to pay these expenses is coming from the same pocket—Uncle Sam's—I see no reason why the Embassy could not handle all administrative duties for all U.S. agencies, including the disbursing of salaries, preparation of budgets, etc.

4. I recommend that the Appropriations Committee require that a fair sampling of officials from the field be present to testify on and justify individual items affecting their posts during the committee's consideration of State Department budgets.

These officials are the frontline troops, so to speak; they should be accorded an opportunity to freely and fully express their views at firsthand.

In addition, it is my judgment that the committee's work could be considerably facilitated if the independent and unrestricted testimony of such witnesses were available.

I submit this recommendation fully aware of its possible cost. However, I am of the opinion that, in the long run, the initial cost of transporting a reasonable number of such persons to the United States for this purpose would be more than offset by savings which could be made in program expenses. In addition, the Department of State, I understand, usually requires that chiefs of missions return to Washington at least once a year for consultation. This usual trip could be scheduled to coincide with congressional consideration of the appropriate budget requests, if an effort were made to do so.

5. I recommend that the Departments of Agriculture and State reevaluate the justification for maintaining agricultural attachés in Latin America.

Generally, I found that most of the operations of agricultural attachés are so much wasted motion, as specific instances in the attached country-by-country reports demonstrate.

Reports on crop production and market outlooks could be done by a member of the Embassy staff as was done in the past, thus reducing expenses in the field. As I pointed out in some of my country reports, there has been no increase in imports of surplus commodities. In most countries, food importations decreased and our agricultural attachés engage in merely making statistical reports.

U.S. INFORMATION SERVICE

6. I recommend that the press programs of the U.S. Information Service in Central and South America be terminated at once, as they are ineffective.

7. Television and radio programs in this

area should be reevaluated, with emphasis placed upon the use of such media only in areas where receivers are generally available. In some large cities of Latin America, where television receivers are common, television programs could well be continued. However, to offer television programs in areas where receptionability is only nominal, and to conduct radio broadcasts in areas where receivers are regarded as curiosities, amount to wasted motion and money.

8. I specifically urge that the Information Service tailor its activities on a country-by-country basis, emphasizing the use of mass media only where obviously justifiable. In addition, in those areas where literacy rates are low—and there are many in Latin America—the publication of pamphlets, etc., should immediately be discontinued, and emphasis shifted to other more useful purposes.

9. I also doubt the effectiveness of the so-called intelligentsia approach, whereby magazine and subscriptions to other periodicals are offered free of charge to a selected few community leaders and other public officials. In most cases, such officials are well able to afford to purchase their own periodicals; in any event, USIS-donated materials are almost universally regarded as propaganda, and, thus, are without substantial effectiveness.

10. I particularly urge the Information Service to conduct its operations with more finesse; the rapier is often more effective than the bludgeon. In most areas of South and Central America, the Information Service has become synonymous with propaganda and, therefore, has either lost, or is rapidly losing, its usefulness.

11. I recommend that the USIS salary structure be reexamined. I found instances of public affairs officers drawing total salaries, including rental allowances and hardship allowances, in the vicinity of $20,000 per year. The following illustrates my point:

(1) USIS/Venezuela, public affairs officer:

Salary	$12, 120
Post allowance	3, 600
Quarters	6, 000
Transportation allowance	125
Representation allowance	48
Total	21, 893

(2) USIS/Haiti, public affairs officer:

Salary	$11, 770
Quarters	3, 000
Hardship allowance	1, 765
Post allowance	480
Total	17, 015

This officer, incidentally, supervises a mission staffed by one other American officer and four local employees.

Several other examples of large salaries and expenses include:

Public affairs officer, Panama, $18,350.

Public affairs officer, Nicaragua, $18,336.

Public affairs officer, Buenos Aires, $18,253.

Public affairs officer, Havana, Cuba, $19,253.

It should be pointed out that the Director of the United States Information Agency in Washington draws a total salary of $21,000 per year.

12. I also recommend the elimination of the post of specialized media officer. In almost every case, the staffs of the diplomatic missions can make press material available for local newspapers. (See recommendation 6.)

13. One of the bright lights of our information program in Latin America is the encouragement given to the establishment of binational centers. These are corporations formed under the laws of the country in which they are located, and organized by citizens of that country along with United States citizens.

The primary purpose of these centers is to provide facilities for the teaching of English, business courses, and the presentation of cultural programs, etc. Students pay a fixed fee for instruction. For the most part the centers are self-sufficient.

These binational centers are creating more good will for the United States through Central and South America than any program now being conducted by USIS.

Therefore, it is my recommendation that these centers be encouraged. However, the United States should not endeavor to take over the operation of these centers. Such an attempt would destroy their effectiveness.

I was informed by some USIS personnel in Latin America that in certain instances these binational centers are administered by a U.S. grantee who is paid directly by the State Department. If true, in my judgment this is a direct violation of, if not the latter then surely the intent of, the exchange programs as now authorized.

However, even in the alternative, and assuming that such administrative grantees are being paid by U.S. Information Service, then I think this equally unconscionable.

The success of these binational centers has been predicated on the theory that the less U.S. governmental interference the better.

In many places these binational centers are going concerns which are completely self-sufficient. I can see neither reason nor excuse for USIS or the State Department to try to take over any sort of control of this program, or even to assist in paying for the erection of buildings to house these centers. Some of our "eager beavers" are suggesting that funds derived from our surplus disposal program be used for that purpose.

So long as these centers are under local control, they will remain effective exponents of our way of life and the principles for which we stand. However, once the Information Service and the Department of State involve themselves in the conduct, financing, or housing of binational centers, then immediately such centers become suspect. Their objectivity is open to question, and their effectiveness is automatically impaired.

Books, teaching materials, and, on occasion, teachers can and should be made available. However, every effort should be made to preserve the independence of these centers, free and clear of any semblance of U.S. government control.

14. I recommend that our educational exchange program be expanded. That could be accomplished by the elimination of some of the programs I have suggested. More students from Central and South America should have an opportunity to come to the United States, and more of our students should be given an opportunity to learn about our friends to the south.

I further recommend that, insofar as the Latin American exchange students are concerned, great pains be taken to select students from the so-called lower classes. Economic status should not be made the criteria for further education; in addition, the offspring of poverty-stricken families should be encouraged to better themselves in order to return among their neighbors and assist in raising their living, health, and educational standards.

A studied effort should be made to avoid associating the exchange program with the prevailing tendency in some areas of Latin America to further educate the educated and ignore the schooling of the masses.

INTERNATIONAL COOPERATION ADMINISTRATION

15. I recommend that a cooperative loan program exclusively for use in Central and South America be inaugurated. This program should be participated in by the United States and the countries to the south of us. It should cater principally to small businesses and should supplement all other agencies or banks now established for extending credit in that area. A control bank should be established in one of the countries to the south of us, with branch banks in other countries participating in the effort.

I wish to repeat for the sake of emphasis that a new loan program of the type recommended need not interfere with the Development Loan Fund or any other program now in effect. It would simply augment them. In addition, it would have the effect of stimulating local investment within their own countries by the businessmen of Central and South America.

Because of a lack of capital, much of the technical assistance we make available to our friends in Latin America cannot be utilized. Unfortunately, I found a tendency among some of our planners to stretch the technical aid program in such a way as to provide the needed capital investment. This practice is directly contrary to the spirit, intent, and purpose of technical aid, and it should be terminated at once.

If capital investment of any kind is required, it should be provided from sources created for that purpose, such as I have recommended above, for example—not by violating the intent of Congress. (See specifically recommendation 16, below.)

I suggest that certain conditions be attached to all loans with a view toward improving the plight of the masses. Some may contend that this would amount to interference by the United States in the internal affairs of a foreign nation. I must admit that such a contention is essentially valid. However, it is my deep conviction that no lasting benefits will ever accrue to the masses of the people of South and Central America—those whom we should assist—unless those in business are made to pay their fair proportion of taxes and provide a reasonable wage to workers.

Any economic development effort should be essentially a program by Latin Americans, for Latin Americans, to benefit all Latin Americans.

16. Again I wish to call to the attention of the committee the practice of many of our ICA administrators of using technical aid funds for capital investments. I found cases where as much as $1,100 per unit were advanced for building homes for workers under the guise of technical assistance. Such a practice is inexcusable, and those responsible should be made to account for such a violation of the law.

Many servicios are also furnished money that is used for capital investments. This practice should be stopped.

I recommend that many programs should be discontinued because they have passed the demonstration point. In other words, we have shown the good effects of certain programs, but we are still contributing money for demonstration purposes. A classic example is our contribution to extend water facilities in many villages in Venezuela.

17. The cost of administering these programs is entirely too large. Most, or practically all, of the administrative work could be handled by the administrative sections of our embassies abroad, as I have previously pointed out.

18. It is my view that many technicians sent abroad are not competent. Some are, doubtless, political appointees with little experience. Some effort should be made at once to evaluate the competence of all technicians—and we have quite a horde of them.

19. I recommend that aid of any kind to British colonies in the Americas be halted immediately. British Honduras, British Guiana, and Trinidad are all under British control and are, therefore primarily British responsibilities. I see absolutely no reason for the United States to spend any funds in these areas.

Actually, we are simply being asked to come in and revitalize areas that have been milked dry over the years by British exploitation.

In this connection, I was informed that the program in Trinidad has been inaugurated over the protest of the head of our mission there. Efforts are now being made to extend aid on many of the islands in the West Indies.

MILITARY ATTACHÉS

20. I again recommend that the activities of our military attachés should be unified. Clerical staffs and motor vehicles should be pooled. I do not see how it is possible for the many attachés we have all over South and Central America to keep busy. There is much loss of manpower. These men in uniform could certainly perform more valuable services for their country and every effort should be made to see that they do.

I again call the committee's attention to the fact that while Army and Air Force personnel have one paymaster the Navy has its own. There is no logical reason why one paymaster could not take care of the accounts of the three services.

MILITARY ASSISTANCE ADVISORY GROUPS

21. I recommend an immediate reduction in the overall emphasis on military aid. It has long been my feeling that the United States has no business trying to inflict large armed forces upon the struggling economies of underdeveloped nations.

The United States could, under appropriate circumstances, sell such military equipment to friendly nations as may be adequate to maintain internal security.

However, the United States should immediately reevaluate the need or necessity of maintaining advisory missions in the countries to the south of us. I found that we were not wanted in some countries, but we seem to persist in remaining there.

INTER-AMERICAN HIGHWAY

22. I recommend that the work on this great roadway be accelerated, so that its completion may be attained at the earliest possible date.

Mr. ELLENDER. Mr. President, I particularly call the attention of the Senate to my remarks on the Dominican Republic. I know there are a number of Senators who at the time, in 1952 as well as 1958, disagreed with me when I made my remarks in respect to the Dominican Republic. As I point out in my report, there is no doubt in my mind but that it is a fact that our country permitted itself to join hands with a lot of politicians from the countries south of us in severing diplomatic relations with the Dominican Republic, and that that led to the assassination of Mr. Trujillo. As I further point out in my report, since the assassination of Mr. Trujillo our country has contributed $256 million to try to stabilize the Dominican Government.

I am very happy that the present President of the Dominican Republic, Mr. Balaguer—who was, by the way, a colleague of Mr. Trujillo—was elected to the Presidency. It was my privilege to visit Santiago, which lies in the northern part of the Republic, and there I learned with surprise that things went on normally in Santiago while the fighting was taking place in Santo Domingo. I was told by not one but dozens of people that the only reason why Balaguer was elected with such an overwhelming vote was because he was a colleague of Trujillo, and the people felt that by putting him in office, order might be restored.

I am very hopeful that Mr. Balaguer with our help will continue to maintain order in that country.

As I pointed out in my report, in the last year that Trujillo was in charge, the industries under his control made a profit of $21 million. The record shows that under Government ownership those same industries lost approximately $22 million.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. Mr. President, I was interested in what the Senator has had to say in his prepared remarks. I listened with great interest to his survey of the situation as it exists in all of Latin America.

I know that on the basis of the previous remarks—which incidentally received all too little attention in the press—there has been a great deal of improvement in various aspects of the situation which he has once again called to the attention of the Senate.

I intend to use this book which has been compiled on a firsthand basis by the distinguished Senator, "Review of the U.S. Government Operations in Latin America," as a sort of handbook by means of which I may come to a better understanding of all the nations there. I intend to use it as a reference when I am in doubt and in need of factual information.

The Senator has made a compilation of the assets and liabilities on a country-by-country basis.

I was especially interested in what the Senator had to say about Mexico which is the first country he describes in his handbook. I hope that what has developed in Mexico indigenously—not by way of the United States, France, or the Soviet Union—could well serve as a model for the rest of the countries in Latin America. There we have a nation which expends, I believe, something in excess of 25 percent of its income for education and large amounts for the health of its people—increasingly large amounts, because it is a major problem to try to find ways and means to eliminate the situation which exists in the rural areas. Insofar as the economy and demography both are concerned, rural Mexico happens to be, as the Senator has so well pointed out, the area of greatest concern to the Mexican Government today.

I was pleased also that the Senator had a chance to meet with various parliamentarians, including our old friend, Senator Don Manuel Tello, the former Ambassador of Mexico to the United States, and to discuss with him most especially the question of cotton, which is of tremendous significance to the Mexican economy. I can think of no one better qualified to enter into a discussion of this matter than the chairman of the Committee on Agriculture and Forestry, the committee which is primarily responsible for the handling of legislation of this kind.

I am delighted that I have had the opportunity to listen to the prepared remarks of the Senator from Louisiana. I intend to study the book entitled "Review of the U.S. Government Operations in Latin America," the book which the Senator has compiled in such detail, in order to be able to achieve a better understanding of these people who live in these countries to the south of us. That area, in my opinion, is a most important area as far as the United States is concerned, an area in which we ought to take a great deal more effective interest, an area in which we do not seek love, but only understanding and respect—and that, on a two-way street—an area which is going to have a very decisive influence, in my opinion, on the future of this country, largely on the basis of whether it makes valid progress in the years and decades ahead.

I commend the distinguished Senator for his good speech and, more important, for his handbook which will be of invaluable assistance.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LAUSCHE. Mr. President, I also express my delight at the fact that, by a coincidence, I happened to be on the floor while the Senator from Louisiana made his very able presentation of the impressions which he gained during his visit to the South American nations.

I was fascinated by his recitation of his observations and his conclusions.

I subscribe to the remarks just made by the distinguished majority leader. It is also my purpose to study the report.

I commend the Senator from Louisiana for his very able presentation.

I invite the attention of the Senator to page 221 of his report. The subject deals with the Peace Corps in Bolivia.

In making a cursory examination of the book, my eye fell on the last paragraph of page 221. I should like the Senator to explain to me exactly what the following means:

> We presently have seven U.S. employees in the Peace Corps on the administrative level and five local employees. The program's budget for 1967 fiscal year amounts to $827,000, a slight decrease from the $847,000 expended in 1966. There are now 300 volunteers on board.

Does that mean that we have 300 Peace Corps workers in Bolivia?

Mr. ELLENDER. The Senator is correct.

Mr. LAUSCHE. Will the Senator explain the statement that we have seven U.S. employees in the Peace Corps on the administrative level and five local employees?

Mr. ELLENDER. The seven employees I referred to are the administrators of the program. They are not volunteers. They are there to oversee the work of the 300 volunteers.

Mr. LAUSCHE. Are the five local employees Bolivians?

Mr. ELLENDER. The Senator is correct. They assist in doing clerical work and things of that kind. We also have a doctor. I did not mention that. Sometimes there are two doctors. It depends on the number of volunteers that we send. The doctor administers to the volunteers.

Mr. LAUSCHE. Are the 300 volunteers of the Peace Corps that are in Bolivia working in the field?

Mr. ELLENDER. Some of them work

in the schools and colleges. Others work out in the jungle.

One of my suggestions was that these volunteers should work with the people in the fields rather than teach in the schools.

It is perhaps all right to have some volunteers teaching. However, that was not the original intention of Congress, as I conceived it.

It seems to me that the volunteers should be in the field, working close to the people, rather than teaching in the schools and colleges.

Mr. LAUSCHE. On the whole, what was the conclusion of the Senator concerning the constructiveness and efficiency of the program?

Mr. ELLENDER. I thought it was very good in most instances. I have indicated my criticisms in the conclusions which I reached. I have made that a part of the RECORD.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. SPARKMAN. Mr. President, I was able to be present during a part of the speech of the Senator. I also have a copy of the report that was made. I have had occasion to read portions of it.

My impression is that in addition to the presentation made by the Senator, the book is a very good source of factual information. It ought to be most helpful to us in considering our foreign operations insofar as they deal with countries of Latin America.

I believe that the Senate, Congress, and the country are indebted to the Senator from Louisiana for a very fine job, and I commend him for it.

Mr. ELLENDER. I appreciate the kind remarks of the Senator from Alabama.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. GORE. I find the Senator's written report a prodigious effort. I compliment him. It is a document of almost 500 pages. I have not yet been able to read all of it.

In view of the developments at Punta del Este and statements made there, I turned with interest to the treatise which the Senator prepared upon his visit to Ecuador. I notice that he makes specific reference to a $10 million loan made for budget support, and the Senator makes some interesting observations. I wonder if there have been any developments in this regard, of which the Senator is aware, which have occurred since his report went to the printer.

Mr. ELLENDER. Yes. I was informed—I did not put it in my report—that the $10 million set aside has not all been used because the President of Ecuador was unable to comply with the regulations that were imposed on the use of this money.

As I said in the early part of my remarks, I was not surprised to note that the President of Ecuador was the only one to take issue with President Johnson. The President of Ecuador thought he should have more money in his lap than we provided.

In my opinion, Ecuador is the country that has made the least progress since I visited there in 1958—particularly in the mountainous area. Around Guayaquil, which is on the coast, much progress has been made; but there has been a great deal of trouble in Ecuador because of a lack of proper administration.

Mr. GORE. In this connection, I wish to take occasion to remark that I I have read with care President Johnson's statement in Punta del Este and have read the reports from there; and I have been favorably impressed with the judicious and restrained approach and also with the attitude, as reported, of a majority of his fellow American Presidents.

Mr. YOUNG of Ohio. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. YOUNG of Ohio. I congratulate the distinguished Senator from Louisiana for the painstaking effort he has made to inform so fully not only his colleagues in the Senate but also the American people regarding the various countries in Central and South America. I praise the Senator for having rendered a real and a needful public service to this Nation.

I am happy that the Senator's entire statement has been compiled in this book, "Review of the U.S. Government Operations in Latin America."

Although I have benefited by taking several speedreading courses, this is one book that I intend to read carefully over the weekend—not speedread it, but read it with deliberate speed—because I believe it contains much that we all can learn. I am happy that we have the Senator from Louisiana as a colleague.

Mr. ELLENDER. I thank the Senator.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. SPONG in the chair). Pursuant to the unanimous-consent agreement previously entered, the Senate will now transact routine morning business on a 3-minute limitation.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Amendment of Federal Insecticide, Fungicide, and Rodenticide Act

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Insecticide, Fungicide, and Rodenticide Act to authorize user charges for certain services performed thereunder by the Department of Agriculture, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

Savings and Loan Holding Company Amendments of 1967

A letter from the Chairman, Federal Home Loan Bank Board, Washington, D.C., transmitting a draft of proposed legislation to amend section 408 of the National Housing Act, as amended, to provide for the regulation of savings and loan holding companies and subsidiary companies (with accompanying papers); to the Committee on Banking and Currency.

Proposed Legislation Relating to District of Columbia

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to raise the maximum age limit of schoolchildren entitled to transportation in the District of Columbia at a reduced fare (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the Vocational Rehabilitation Act to reduce the amount of matching funds required from the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Illinois; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION No. 3

("By the State of Illinois, 75th General Assembly, Senate)

"Whereas, The Eighty-ninth Congress of the United States of America, at its First Session, in both houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America:

"'Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office

"'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"'ARTICLE—

"'SECTION 1. In case of removal of the President from office or of his death or resignation, the Vice President shall become President.

"'SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"'SEC. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

"'SEC. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"'Thereafter, when the President transmits to the President pro tempore of the

Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.'; therefore, be it

"Resolved, by the Senate of the Seventy-fifth General Assembly of the State of Illinois, the House of Representatives concurring herein, that such proposed amendment to the Constitution of the United States of America be and the same is hereby ratified; and be it further

"Resolved, That a certified copy of this resolution be forwarded by the Secretary of State of Illinois to the Administrator of General Services of the United States, to the President pro tempore of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Senator and Representative from Illinois in the Congress of the United States."

A resolution of the Senate of the State of Texas; ordered to lie on the table:

"SENATE RESOLUTION No. 380

"Whereas, Just fifty years ago today, on April 6, 1917, unprepared and untried in the modern warfare of the day, the United States of America made the decision to enter what was then—and still is—the bloodiest war in history; and

"Whereas, In a nation of 100 million, less than 200,000 men were in the Army, and there was not a single organized division; as for the Navy, Secretary Josephus Daniels found that it was 35,000 short of the authorized peacetime strength of 87,000 on the momentous day that war was declared; out of 65 officers and about 1,000 men in the Air Service Section of the Signal Corps, there were 35 officers who could fly, and of the 55 training planes available, 50 were obsolete and the other 4 obsolescent; and

"Whereas, When war came, the needs for raw materials for manufacture, for munitions and war materiel, for ships and railroads, for training camps and, most of all, for men in the fighting forces seemed almost insurmountable; and

"Whereas, It was not one outrage to our nation's pride and security which led this country into that great conflict, but a chain of events of overt acts in sequence increasing the patriotic fervor and zeal in Americans that would deny Germany the arrogant domination of the seas, the breach of the Monroe Doctrine in their plans for alliance with Mexico, the dereliction of human rights and dignity by the Prussian warlords, headed by Kaiser Wilhelm; and

"Whereas, In May 1915, the Germans had torpedoed the Lusitania with great loss of American citizen passengers, but the fervor for war somewhat abated when Germany then called off unrestricted submarine warfare after President Wilson's strenuous objections; and

"Whereas, There was some talk of preparedness, however, and General Leonard Wood set up a voluntary 'businessmen's camp' for preparedness training at Plattsburgh, New York, in the face of criticism from prominent citizens like Luther Burbank, the famed horticulturist; Wood met Burbank's denunciation with the classic inquiry: 'Isn't he the man who developed spineless cactus?'; and

"Whereas, Another patriot and ex-Rough Rider friend of Wood's, Theodore Roosevelt, whaled Wilson as a 'word-spouting' 'do-nothing,' who treated elocution 'as a substitute for action,' but the rank and file of Americans at that time stood behind their brilliant and austere 28th President of the United States, Thomas Woodrow Wilson; and

"Whereas, On January 31, 1917, German Ambassador Count Johann von Bernstorff notified the State Department that Germany would again unleash unrestricted submarine warfare, with the note stipulating what shipping we might send to Britain; and

"Whereas, As one historian commented, 'once each week one passenger steamship, striped like a barber's pole, and flying at each masthead a flag resembling a kitchen tablecloth, might leave one port of the United States and, making its way along a prescribed course, enter a specified port in England on a Sabbath Day, or be sunk without warning'; and

"Whereas, Next came the decoding of the famous note transmitted by one Arthur Zimmerman, an under-secretary in the German Ministry of Foreign Affairs, to the German minister in Mexico, which proposed an alliance between Germany and Mexico that would 'return' Texas, New Mexico and Arizona to Mexico; and

"Whereas, Then came word that three American-owned and manned ships were sunk without warning by U-boats, which caused President Wilson to advance the date of the special session of the Congress to April 2, so that it might 'receive a communication concerning grave matters'; and

"Whereas, Before the Congress could convene, another American ship, the freighter Aztec, sank with heavy loss of lives after being torpedoed off the island of Ushant in French waters; and

"Whereas, As predicted by President Wilson, the war permeated the 'very fibre of our national life,' and the United States left the complacent comfort of the 19th century and emerged into the 20th, almost against its will, as the most powerful nation on earth; and

"Whereas, Never had a country been so unprepared for war or so willing to make the sacrifices necessary for a peaceful people to gain the victory that would make the 'world safe for democracy'; President Wilson's speech to the Congress, now recognized as one of his finest, was delivered before a joint session—electric with excitement—two minutes after the House was called to order, the Senate, led by Vice President Thomas Marshall, marched in two by two, with almost everyone 'wearing or carrying a small American flag'; and

"Whereas, The great chamber was hushed when he said: 'It is a fearful thing to lead this great peaceful people into war—into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance. But the right is more precious than peace;' and

"Whereas, Rapidly—after war was declared on April 6, 1917—the nation prepared for war: the War Industries Board, under the leadership of Bernard Baruch, became virtually the economic dictator of the country, with no less than 30,000 items regulated; savings in steel were effected in every possible way, even to removing the stays in women's corsets; savings in coal were made by establishing heatless days and even regulating elevator service; Baruch's finesse obtained the essential nitrates from Chile by capitalizing on that country's frozen assets in German banks and offering economic assistance in return for German nitrates stored in that country; and

"Whereas, Another great name came to the fore, that of Herbert Hoover, who was recalled from the Commission for Relief of Belgium to organize the U.S. wartime Food Administration; his battle cry became 'Food will win the war' and his agency was soon engaged in price fixing, licensing food distribution, coordinating purchase, cutting down waste and reducing food consumption; and

"Whereas, A third man, George Creel, became Chief of the Committee on Public Information, in his words, 'a plain publicity proposition, a vast enterprise in salesmanship, the world's greatest adventure in advertising,' and the nation was flooded with information which spread the Wilsonian gospel so well that no peasant in the outer reaches of a crumbling Russia, or France, or Spain or Austria—even Germany itself—was ignorant of Wilson's aims, the Fourteen Points, 'self-determination'; and

"Whereas, General John J. Pershing was made Commander-in-Chief of the American Expeditionary Force; he maintained the integrity of the A.E.F. by never allowing the Allied Command under Marshall Foch to integrate the American military forces with those of the Allies and thereby sacrifice their identity as now proposed by the one-worlders and international do-gooders in the so-called 'Status of Forces Treaty'; and the country's first draft measure was passed on April 28, 1917; the United States was at war in earnest; and 'The Yanks were coming'; and

"Whereas, The same spirit of freedom and the rights of democracy pervade the hearts of Americans in the troubled times of 1967, and it is appropriate that the people of Texas and the United States pause to recognize the sacrifice and valor of those who gave their all in the great World War I conflict; now, therefore, be it

"*Resolved,* That the Senate of the 60th Legislature of the State of Texas does hereby commemorate the 50th anniversary of that great declaration for freedom on April 6, 1917, and pay tribute to the men and women of America whose love and devotion to country brought victory in World War I; and, be it further

"*Resolved,* That copies of this Resolution be prepared for the President of the United States and to the Presiding Officers of the Houses of the Congress of the United States."

PETITION

The PRESIDENT pro tempore laid before the Senate a letter in the nature of a petition addressed to the Sergeant at Arms of the Senate, signed by JOHN R. RARICK, Member of Congress, Sixth District of Louisiana, relating to the consular agreement, which was ordered to lie on the table.

CONCURRENT RESOLUTION OF OKLAHOMA LEGISLATURE

Mr. HARRIS. Mr. President, I certainly concur with a recent resolution adopted by the legislature of the State of Oklahoma wherein it is requested that Congress and the United States Department of Defense establish an adequate and permanent national cemetery system.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD and appropriately referred.

There being no objection, the concurrent resolution was referred to the Committee on Interior and Insular Affairs, as follows:

Enrolled Senate Concurrent Resolution No. 17

A concurrent resolution requesting Congress and the U.S. Department of Defense to establish an adequate and permanent national cemetery system available with burial spaces in national cemeteries for all U.S. military servicemen and servicewomen who are entitled to the same and wish to be interred therein; and directing distribution

Whereas, figures compiled by the Department of Defense for the fiscal year 1966, show that of the 4,873 servicemen who lost their lives in the fight for freedom in Vietnam, approximately 20% were buried in national cemeteries. In addition to those who were interred in national cemeteries, many more would probably have been buried in a national cemetery had there been available space near the home of next of kin; and

Whereas, over the past three (3) years there has been a determined effort on the part of some federal agencies to sharply curtail or do away altogether with any further provision for national cemeteries, and the Bureau of the Budget has stated unequivocally, "We continue to believe that expansion of the national cemetery is undesirable. The Administration firmly believes that funeral benefits now paid by the Veterans Administration and under Social Security are far preferable to the furnishing of interment facilities by the Government. Legislation to this end would not be in accord with the program of the President"; and

Whereas, present day burial expenses are sufficiently high without placing on the veteran's and serviceman's dependent the added cost of purchasing a burial plot, which cost can run into astronomical figures for the widow who has little income; and

Whereas, the burial allowance of the Veterans Administration and that provided under Social Security are far too meager to provide for the last rites of most veterans and servicemen; and

Whereas, the Department of the Army has advised Congress that "The Administration has determined that it is opposed to any further expansion of the present national cemetery system with the exception of Arlington National Cemetery"; and

Whereas, it is perfectly evident that the present administration is determined to end the national cemetery system just as soon as present facilities are exhausted. This procedure is a rank departure from the long-time precedent that veterans who have served their nation in the time of war are entitled to burial sites provided by the United States Government.

Now, therefore, be it resolved by the Senate of the first session of the thirty-first Oklahoma Legislature, the House of Representatives concurring therein:

Section 1. That the Congress of the United States be and is hereby urged to take such action as necessary to forestall the present plans of the Bureau of the Budget and the administration, and to oppose the position of the Department of Defense, which supports the administration's policy of no further expansion of the national cemetery system, with the exception of the Arlington National Cemetery, as many national cemeteries have already exhausted available space and several others are scheduled for closing this year.

Sec. 2. That the Department of Defense be requested to establish an adequate and permanent national cemetery system to make national cemeteries available with burial spaces for all U.S. Military servicemen and servicewomen who are entitled to the same, and wish to be interred therein.

Sec. 3. That copies of this Resolution be forwarded to the Secretary of the United States Senate; the Chief Clerk of the United States House of Representatives; The Honorable Lyndon B. Johnson, President of the United States; The Honorable Robert S. McNamara, Secretary of Defense; The Honorable Charles L. Schultze, Director, Bureau of the Budget; and to each member of the Oklahoma Congressional Delegation.

REPORT ENTITLED "ANTITRUST AND MONOPOLY ACTIVITIES, 1966"—REPORT OF A COMMITTEE (S. REPT. NO. 188)

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Michigan [Mr. Hart], from the Committee on the Judiciary, I submit a report entitled "Antitrust and Monopoly Activities, 1966," pursuant to Senate Resolution 191, 89th Congress, and ask that it be printed, together with the individual views of Mr. Dirksen and Mr. Hruska.

The PRESIDING OFFICER (Mr. Hollings in the chair). The report will be received and printed, as requested by the Senator from West Virginia.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRIS:

S. 1541. A bill for the relief of Major Sheril D. Huff, United States Air Force; to the Committee on the Judiciary.

(See the remarks of Mr. Harris when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN (by request):

S. 1542 A bill to amend section 408 of the National Housing Act, as amended, to provide for the regulation of savings and loan holding companies and subsidiary companies; to the Committee on Banking and Currency.

(See the remarks of Mr. Sparkman when he introduced the above bill, which appear under a separate heading.)

By Mr. BREWSTER:

S. 1543. A bill to amend the Annual and Sick Leave Act of 1951 to prevent loss of annual leave by employees in certain cases, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SPONG:

S. 1544. A bill for the relief of Jose Eduardo Aunon; to the Committee on the Judiciary.

By Mr. CLARK:

S. 1545. A bill to provide an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operation, to expand summer camp opportunities for disadvantaged children, and for other purposes; to the Committee on Labor and Public Welfare.

S. 1546. A bill to revise the Federal election laws, and for other purposes; to the Committee on Rules and Administration.

S. 1547. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for certain political contributions made by individuals, and to repeal the Presidential Election Campaign Fund Act of 1966; to the Committee on Finance.

S. 1548. A bill to amend the Communications Act of 1934 to provide for the furnishing to candidates for public office of free radio and television broadcast time on a fair and equitable basis; to the Committee on Commerce.

(See the remarks of Mr. Clark when he introduced the above bills, which appear under separate headings.)

By Mr. BENNETT:

S. 1549. A bill to authorize construction of the Little Dell Dam and Reservoir project, Salt Lake City, Utah; to the Committee on Public Works.

(See the remarks of Mr. Bennett when he introduced the above bill, which appear under a separate heading.)

By Mr. ELLENDER (by request):

S. 1550. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for release of valueless liens, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. MAGNUSON (for himself, Mr. Allott, Mr. Church, Mr. Dominick, Mr. Fong, Mr. Griffin, Mr. Hansen, Mr. Hatfield, Mr. Inouye, Mr. Jackson, Mr. Jordan of Idaho, Mr. Long of Missouri, Mr. McGee, Mr. Morse, Mr. Moss, Mr. Randolph, Mr. Thurmond, Mr. Tower, and Mr. Yarborough):

S. 1551. A bill to permit a compact or agreement between the several States relating to taxation of multistate taxpayers; to the Committee on Finance.

(See the remarks of Mr. Magnuson when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON:

S. 1552. A bill to amend the Highway Safety Act of 1966; to the Committee on Public Works.

(See the remarks of Mr. Magnuson when he introduced the above bill, which appear under a separate heading.)

By Mr. FULBRIGHT (by request):

S.J. Res. 71. Joint resolution providing for acceptance by the United States of two instruments for the amendment of the constitution of the International Labor Organization; to the Committee on Foreign Relations.

(See the remarks of Mr. Fulbright when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. RIBICOFF:

S.J. Res. 72. Joint resolution to provide for the designation of the second week of May of each year as "National School Safety Patrol Week"; to the Committee on the Judiciary.

(See the remarks of Mr. Ribicoff when he introduced the above joint resolution, which appear under a separate heading.)

MAJ. SHERIL D. HUFF

Mr. HARRIS. Mr. President, I introduce for appropriate reference a private relief bill to refund moneys deducted from the retirement pay of Maj. Sheril D. Huff, U.S. Air Force. I ask that a report from the Department of the Air Force dated March 1, 1966, in support of the necessity of this measure be inserted in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the report will be printed in the Record.

The bill (S. 1541) for the relief of Maj. Sheril D. Huff, U.S. Air Force, introduced by Mr. Harris, was received, read twice by its title, and referred to the Committee on the Judiciary.

The report presented by Mr. Harris is as follows:

Department of the Air Force,
Washington, March 1, 1966.

Hon. Fred R. Harris,
U.S. Senate.

Dear Senator Harris: Major Sheril D. Huff wrote to you in regard to a private relief bill to refund monies deducted from his retirement pay.

Collection for Major Huff's indebtedness of $729.87 was completed on September 30, 1964. The indebtedness was established on August 21, 1963, and has been verified as correct. The debt was legal and there was no authority under which the Air Force could waive or cancel it. The courts have held that when a benefit is granted or bestowed upon a member through mistake, the recipient must make restitution.

Existing legislation furnishes no authority under which the Air Force can refund amounts collected from Major Huff.

It is hoped that this information will serve to clarify the Air Force position in this matter.

Sincerely,

William E. Poe,
Colonel, USAF, Congressional Inquiry Division, Office of Legislative Liaison.

REGULATION OF SAVINGS AND LOAN HOLDING COMPANIES AND SUBSIDIARY COMPANIES

Mr. SPARKMAN. Mr. President, I introduce, at the request of the Federal Home Loan Bank Board, a bill to amend section 408 of the National Housing Act, as amended, to provide for the regulation of savings and loan holding companies and subsidiary companies.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the Record at this point, along with a section-by-section analysis of the bill, and the letter of transmittal from the Chairman of the Federal Home Loan Bank Board.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred; and, without objection, the bill, section-by-section analysis, and letter will be printed in the Record.

The bill (S. 1542) to amend section 408 of the National Housing Act, as amended, to provide for the regulation of savings and loan holding companies and subsidiary companies, introduced by Mr. Sparkman, by request, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 1542

A bill to amend section 408 of the National Housing Act, as amended, to provide for the regulation of savings and loan holding companies and subsidiary companies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Savings and Loan Holding Company Amendments of 1967".

Sec. 2. Section 408 of the National Housing Act, as amended (12 U.S.C. 1730a), is hereby amended to read as follows:

"Sec. 408. (a) Definitions.—(1) As used in this section, unless the context otherwise requires—

"(A) 'Insured institution' means a Federal savings and loan association, a building and loan, savings and loan, or homestead association or a cooperative bank, the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

"(B) 'Uninsured institution' means any association or bank referred to in subparagraph (A) hereof, the accounts of which are not insured by the Federal Savings and Loan Insurance Corporation.

"(C) 'Company' means any corporation, limited partnership, trust, joint-stock company, or similar organization, but does not include the Federal Savings and Loan Insurance Corporation, any Federal Home Loan Bank, or any company the majority of the shares of which is owned by the United States or any State, or by an officer of the United States or any State in his official capacity, or by an instrumentality of the United States or any State.

"(D) 'Savings and loan holding company' means any company which directly or indirectly controls an insured institution or controls any other company which is a savings and loan holding company by virtue of this subsection.

"(E) 'Person' means an individual or company.

"(F) 'Subsidiary' of a person means any company which is controlled by such person, or by a company which is a subsidiary of such person by virtue of this subsection.

"(G) 'Affiliate' of a specified insured institution means any person or company which controls, is controlled by, or is under common control with, such insured institution.

"(2) For purposes of this section, a person shall be deemed to have control of—

"(A) An insured institution if the person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, more than 10 per centum of the voting shares of such insured institution, or controls in any manner the election of a majority of the directors of such institution; or

"(B) Any other company if the person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, more than 25 per centum of the voting shares or rights of such other company, or controls in any manner the election or appointment of a majority of the directors or trustees of such other company, or is a general partner in or has contributed more than 25 per centum of the capital of such other company.

"(b) Registration and examination.—(1) Within one hundred and eighty days after the enactment of the Savings and Loan Holding Company Amendments of 1967, or within ninety days after becoming a savings and loan holding company, whichever is later, each savings and loan holding company shall register with the Corporation on forms prescribed by the Corporation, which shall include such information, under oath or otherwise, with respect to the financial condition, ownership, operations, management and intercompany relationships of such holding company and its subsidiaries, and related matters, as the Corporation may deem necessary or appropriate to carry out the purposes of this section. Upon application, the Corporation may extend the time within which a savings and loan holding company shall register and file the requisite information.

"(2) Each savings and loan holding company and each subsidiary thereof, other than an insured institution, shall file with the Corporation, and the Federal Home Loan Bank of the district in which its principal office is located, not less than two reports during each year, and such additional reports as may be required by the Corporation. Such reports shall be made under oath or otherwise, and shall be in such form and for such periods, as the Corporation may prescribe. Each report shall contain such information concerning the operations of such savings and loan holding company and its subsidiaries as the Corporation may require.

"(3) Each savings and loan holding company shall maintain such books and records as may be prescribed by the Corporation.

"(4) Each savings and loan holding company and each subsidiary thereof shall be subject to such examinations as the Corporation may prescribe. The cost of such examinations shall be assessed against and paid by such holding company. Examination and other reports may be furnished by the Corporation to the appropriate State supervisory authority.

"(5) The Corporation shall have power to require any savings and loan holding company, or persons connected therewith if it is not a corporation, to execute and file a prescribed form of irrevocable appointment of agent for service of process.

"(6) The Corporation may at any time, upon its own motion or upon application, release a registered savings and loan holding company from any registration theretofore made by such company, if the Corporation shall determine that such company no longer has control of any insured institution.

"(c) Holding company activities.—Except as otherwise provided in this subsection, no savings and loan holding company or subsidiary thereof which is not an insured institution shall—

"(1) Engage in any activity or render any services for or on behalf of an insured institution which, if performed by the institution, would constitute a violation of law or regulation; or

"(2) Commence, or continue for more than two years after the enactment of this amendment or for more than one hundred and eighty days after becoming a savings and loan holding company or subsidiary thereof (whichever is later), any business activity other than (A) furnishing or performing management services for a subsidiary insured institution, (B) conducting an insurance agency or an escrow business, (C) holding or managing or liquidating assets owned by or acquired from a subsidiary insured institution, (D) holding or managing properties used or occupied by a subsidiary insured institution, or (E) furnishing or performing such other services or engaging in such other activities as the Corporation may prescribe by regulation as being a proper incident to the operations of insured institutions and not detrimental to the interests of savings account holders therein. The Corporation may, upon a showing of good cause, extend such time from year to year, for a period not exceeding five years, if the Corporation finds such extension would not be detrimental to the public interest.

"The provisions of this subsection shall not apply to any company which is an insured bank of the Federal Deposit Insurance Corporation and which has become a savings and loan holding company by virtue of its acquisition of the control of an insured institution or of a savings and loan holding company pursuant to a pledge of hypothecation to secure a loan, or in connection with the liquidation of a loan.

"(d) Prohibited transactions.—No savings and loan holding company's subsidiary insured institution shall—

"(1) Invest any of its funds in the stock, bonds, debentures, notes, or other obligations of any affiliate;

"(2) Accept the stock, bonds, debentures, notes, or other obligations of any affiliate as collateral security for any loan or extension of credit made by such institution;

"(3) Purchase securities or other assets or obligations under repurchase agreement from any affiliate;

"(4) Make any loan, discount, or extension of credit to (A) any affiliate, except in a transaction authorized by subparagraph (A) of paragraph (6) of this subsection, or (B) any third party on the security of any property acquired from any affiliate, or with knowledge that the proceeds of any such loan, discount, or extension of credit, or any part thereof, are to be paid over to or utilized for the benefit of any affiliate;

"(5) Guarantee the repayment of or maintain any compensating balance for any loan or extension of credit granted to any affiliate by any third party;

"(6) Except with the prior written approval of the Corporation—

"(A) Engage in any transaction with any affiliate involving the purchase, sale, or lease of property or assets (other than participating interests in mortgage loans to the extent authorized by regulations of the Corporation) in any case where the amount of the consideration involved when added to the aggregate amount of the consideration given or received by such institution for all such transactions during the preceding twelve month period exceeds the lesser of $100,000 or 0.1 per centum of the institution's total assets at the end of the preceding fiscal year; or

"(B) Enter into any agreement or understanding, either in writing or orally, with any affiliate under which such affiliate is to (i) render management or advertising services for the institution, (ii) serve as a consultant, adviser, or agent for any phase of the operations of the institution, or (iii) render services of any other nature for the institution, other than those which may be exempted by regulation or order of the Corporation, unless the aggregate amount of the consideration required to be paid by such institution in the future under all such existing agreements or understandings cannot exceed the lesser of $100,000 or 0.1 per centum of the institution's total assets at the end of the preceding fiscal year; or

"(C) Make any payment to any affiliate under any agreement or understanding hereinabove referred to in subparagraph (B) where the institution has previously paid to affiliates during the preceding twelve-month period, pursuant to any such agreements or understandings, an amount aggregating in excess of the lesser of $100,000 or 0.1 per centum of the institution's total assets at the end of the preceding fiscal year.

The Corporation shall grant approval under this paragraph (6) if, in the opinion of the Corporation, the terms of any such transaction, agreement, or understanding, or any such payment by such institution, would not be detrimental to the interests of its savings account holders or to the insurance risk of the Corporation with respect to such institution.

"(e) Acquisitions.—(1) It shall be unlawful for—

"(A) Any savings and loan holding company directly or indirectly, or through one or more subsidiaries or through one or more transactions—

"(i) To acquire the control of an insured or uninsured institution or to retain the control of such an institution acquired or retained in violation of this section as heretofore or hereafter in effect;

"(ii) To acquire, by the process of merger, consolidation, or purchase of assets, another insured or uninsured institution or a savings and loan holding company, or all or substantially all of the assets of any such institution or holding company;

"(iii) To acquire by purchase or otherwise, or to retain for more than one year after the enactment of this amendment, any of the voting shares of an insured institution not a subsidiary, or of a savings and loan holding company not a subsidiary, or more than 5 per centum of the voting shares of any company not a subsidiary which is engaged in any business activity other than those specified in paragraph (2) of subsection (c) of this section; or

"(iv) To retain, for more than three years after the enactment of this amendment, control of an insured institution the principal office of which is located in a State other than the State which such savings and loan holding company shall designate, by writing filed with the Corporation within sixty days after its registration hereunder, as the State in which the principal savings and loan business of such holding company is conducted;

"(B) Any other company directly or indirectly, or through one or more subsidiaries or through one or more transactions, to acquire or retain the control of more than one insured institution.

"(2) The prohibitions of subparagraphs (A)(i), (A)(ii), and (B) of paragraph (1) of this subsection shall not apply to any acquisition which has been approved by the Corporation upon a determination by it that such acquisition is advisable to assist in preventing the commencement or continuance of involuntary liquidation of an insured institution.

"(3) Any savings and loan holding company, which is an insured bank of the Federal Deposit Insurance Corporation, may without regard to the provisions of this subsection, acquire the control of an insured institution or of a savings and loan holding company, pursuant to a pledge or hypothecation to secure a loan, or in connection with the liquidation of a loan, but it shall be unlawful for any such company to retain such control for more than one year after the enactment of this amendment or from the date on which such control was acquired, whichever is later, except that the Corporation may upon application by such company extend such one year period from year to year, for a period not exceeding five years, if the Corporation finds such extension is warranted and would not be detrimental to the public interest.

"(f) Declaration of dividend.—Every subsidiary insured institution shall give the Corporation not less than thirty days advance notice of the proposed declaration by its directors of any cash dividend on its guarantee, permanent or other nonwithdrawable stock. Such notice period shall commence to run from the date of receipt of such notice by the Corporation. Any such dividend declared within such period, or without the giving of such notice to the Corporation, shall be invalid and shall confer no rights or benefits upon the holder of any such stock.

"(g) Holding company indebtedness.—(1) No savings and loan holding company or any subsidiary thereof shall issue, sell, renew, or guaranty any debt security of such company or subsidiary, or assume any debt, without the prior written approval of the Corporation.

"(2) The provisions of paragraph (1) of this subsection shall not apply to the issuance, sale, renewal, or guaranty of any debt security, or the assumption of any debt, if such security or debt (A) is payable on demand, or matures within nine months (exclusive of days of grace), after the date of issuance, sale, renewal, guaranty, or assumption thereof, and (B) aggregates (together with all such other securities or debt then outstanding of a maturity of nine months or less (exclusive of days of grace), as to which such holding company or subsidiary is primarily or contingently liable) not more than 5 per centum of the consolidated net worth of such holding company or subsidiary at the end of the preceding fiscal year.

"(3) The Corporation shall, upon application, approve any act or transaction not exempted from the application of paragraph (1) of this subsection if the Corporation finds that—

"(A) The proceeds of any such act or transaction will be used for (i) the purchase of permanent, guarantee, or other nonwithdrawable stock to be issued by a subsidiary insured institution, or (ii) the purpose of making a capital contribution to a subsidiary insured institution; or

"(B) Such act or transaction is required for the purpose of refunding, extending, exchanging, or discharging an outstanding debt security, or for other necessary or urgent corporate needs, and would not impose an unreasonable or imprudent financial burden on the applicant.

Applications filed with the Corporation pursuant to this subsection shall be in such form and contain such information as the Corporation may prescribe.

"(4) If a State authority or any other agency of the United States, having jurisdiction of any act or transaction within the scope of paragraph (1) of this subsection, shall inform the Corporation, upon request by the Corporation for an opinion or otherwise, that State or Federal laws applicable thereto have not been complied with, the Corporation shall not approve such act or transaction until and unless the Corporation is satisfied that such compliance has been effected.

"(5) As used in this subsection, the term 'debt security' includes any note, draft, bond, debenture, certificate of indebtedness, or any other instrument commonly used as evidence of indebtedness, or any contract or agreement under the terms of which any party becomes, or may become, primarily or contingently liable for the payment of money, either in the present or at a future date.

"(h) Administration and enforcement.—(1) The Corporation is authorized to issue such rules, regulations, and orders as it deems necessary or appropriate to enable it to administer and carry out the purposes of this section, and to require compliance therewith and prevent evasions thereof.

"(2) The Corporation may make such investigations as it deems necessary or appropriate to determine whether the provisions of this section and rules, regulations, and orders thereunder, are being and have been complied with by savings and loan holding companies and subsidiaries and affiliates thereof. For the purpose of any hearing, investigation, or any other proceeding under this section, the Corporation or its designated representatives shall have power to administer oaths and affirmations, to issue subpenas and subpenas duces tecum, to take evidence, and to require the production of any books, papers, correspondence, memoranda, or other records which may be relevant or material to the hearing, inquiry, or proceeding. The attendance of witnesses and the production of any such records may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place of hearing. The Corporation may apply for the enforcement of such subpenas and subpenas duces tecum to the United States district court, or any other court of the United States, within the jurisdiction of which such hearing, investigation, or proceeding is being carried on, or where any witness or company subpenaed resides or carries on business, and such courts shall have jurisdiction and power to order and require compliance therewith.

"(3) Whenever it shall appear to the Corporation that any person is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this section or of any rule, regulation, or order thereunder, the Corporation may in its discretion apply to the proper United States district court, or the United States court of any territory or other place subject to the jurisdiction of the United States, for an order enjoining such acts or practices, or for an order enforcing compliance with this section or any rule, regulation, or order thereunder, and such courts shall have jurisdiction of such actions, and upon a proper showing an injunction, decree, restraining order, order of divestiture or other appropriate order shall be granted without bond.

"(4) All expenses of the Federal Home Loan Bank Board or of the Corporation under this section shall be considered as nonadministrative expenses.

"(i) Prohibited acts.—It shall be unlawful for—

"(1) Any savings and loan holding company or subsidiary thereof, or any director, officer, employee, or person owning, controlling, or holding with power to vote, or holding proxies representing, more than 10 per centum of the voting shares, of such holding company or subsidiary, to hold, solicit, or exercise any proxies in respect of any voting rights in an insured institution which is a mutual institution;

"(2) Any director or officer of a savings and loan holding company, or any person owning, controlling, or holding with power to vote, or holding proxies representing, more than 10 per centum of the voting shares of such holding company (A) to serve at the same time as a director, officer, or employee of an insured institution or another savings and loan holding company, not a subsidiary of such holding company, or (B) to acquire control, or to retain control for more than two years after the enactment of this subsection, of any insured institution, not a subsidiary of such holding company; or

"(3) Any individual, except with the prior approval of the Corporation, to serve or act as a director, officer, or trustee of, or become a partner in, any savings and loan holding company after having been convicted of any criminal offense involving dishonesty or breach of trust.

"(j) PENALTIES.—(1) Any company which wilfully violates any provision of this section, or any rule, regulation, or order thereunder, shall upon conviction be fined not more than $1,000 for each day during which the violation continues.

"(2) Any individual who wilfully violates or participates in a violation of any provision of this section, or any rule, regulation, or order thereunder, shall upon conviction be fined not more than $10,000 or imprisoned not more than one year, or both.

"(3) Every director, officer, partner, trustee, agent, or employee of a savings and loan holding company shall be subject to the same penalties for false entries in any book, report, or statement of such savings and loan holding company as are applicable to officers, agents, and employees of an institution the accounts of which are insured by the Corporation for false entries in any books, reports, or statements of such institution under section 1006 of title 18 of the United States Code.

"(k) SAVING CLAUSE.—Nothing contained in this section shall be interpreted or construed as approving any act, action, or conduct which is or has been or may be in violation of existing law, nor shall anything herein contained constitute a defense to any action, suit, or proceeding pending or hereafter instituted on account of any act, action, or conduct in violation of the antitrust laws."

The section-by-section analysis presented by Mr. SPARKMAN is as follows:

SECTION-BY-SECTION ANALYSIS OF DRAFT LEGISLATION DATED APRIL 12, 1967, PROPOSING THE AMENDMENT OF SECTION 408 OF THE NATIONAL HOUSING ACT

The proposed bill would amend section 408 of the National Housing Act (12 U.S.C. 1730a) to provide as follows:

Subsection (a). Definitions:—(1) As defined in the present statute, the term "company" includes any corporation, business trust, association, or similar organization. Under the bill, a "company" would be defined as "any corporation, limited partnership, trust, joint-stock company, or similar organization." This latter definition is deemed to be the more realistic of the two because it encompasses the types of entities which, because of their unlimited duration or limited liability, would be most likely to be able to raise the necessary capital to finance the acquisition of savings and loan associations and to engage in holding company operations.

Control of one insured institution by any company would make that company a "savings and loan holding company" under the bill.

A "subsidiary" would be defined as any company which is controlled by a "person" (i.e., an individual or a company) or by a company which is a subsidiary of such person. Any person which controls, is controlled by, or is under common control with, an insured institution would be an "affiliate" of that institution. For example, if insured institution A and company B were both controlled by savings and loan holding company C, which in turn was a subsidiary of company D, then B, C, and D would be "affiliates" of A, and transactions between A and B, C, or D would be subject to the restrictions on transactions between subsidiary insured institutions and "affiliates" imposed by subsection (d) of the bill.

(2) The definition of "control" in the proposed bill would be more comprehensive than the definition in the present statute. Under the bill, a person would be deemed to have "control" of an insured institution or of any other company, if the person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, (A) owns, controls, or holds with power to vote, or holds proxies representing, more than 10% of the voting shares of such insured institution, or controls in any manner the election of a majority of the directors of such institution, or (B) owns, controls, or holds with power to vote, or holds proxies representing, more than 25% of the voting shares or rights of such other company, or controls in any manner the election or appointment of a majority of the directors or trustees of such other company, or is a general partner in or has contributed more than 25% of the capital of such other company.

In sum, an insured institution or other company which is owned or controlled by a subsidiary of a savings and loan holding company would be deemed to be indirectly owned or controlled by such holding company. For example, if company A owned, controlled, or held with power to vote, or held proxies representing, more than 25% of the voting shares of company B, or controlled in any manner the election of a majority of the directors of company B, and the latter owned, controlled, or held with power to vote, or held proxies representing, more than 10% of the voting shares of insured institution C, or if company B controlled in any manner the election of the majority of the directors of institution C, company A would be a holding company with respect to institution C, company B would be both a holding company and a subsidiary of A, and both A and B would be deemed to have control of institution C.

Subsection (b). Registration and examination:—Within 180 days after enactment of the proposed bill, or within 90 days after becoming a savings and loan holding company, whichever is later, each holding company would be required to register with the Corporation and to furnish such information with respect to its financial condition, ownership, operations, management, and intercompany relationships as the Corporation may require.

In addition, each holding company and each subsidiary thereof would be required to file periodic financial reports with the Corporation and the Federal Home Loan Bank of the district in which its principal office is located, and to maintain such books and records as the Corporation may require. Moreover, each holding company and subsidiary thereof would be subject to such examinations as the Corporation may prescribe.

Subsection (c). Holding company activities:—This subsection would restrict the nature of the activities or business which could be conducted by a savings and loan holding company. Specifically, the bill would prohibit any holding company, or subsidiary thereof which is not an insured institution, from—

(1) Engaging in any activity or rendering any service for or in behalf of an insured institution which, if performed by the institution, would constitute a violation of law or regulation; or

(2) Commencing, or continuing for more than 2 years after the enactment of the bill, or for more than 180 days after becoming a savings and loan holding company or subsidiary thereof (whichever is later), any business activity other than—(A) furnishing or performing management services for a subsidiary insured institution, (B) conducting an insurance agency or an escrow business, (C) holding or managing or liquidating assets owned by or acquired from a subsidiary insured institution, (D) holding or managing properties used or occupied by a subsidiary insured institution, or (E) furnishing or performing such other services or engaging in such other activities as the Corporation may prescribe by regulation as being a proper incident to the operations of insured institutions and not detrimental to the interests of savings account holders therein. Upon a showing of good cause, the Corporation could extend, from year to year, the time for compliance with the above-mentioned provisions for a period not exceeding 5 years. if the Corporation finds such extension would not be detrimental to the public interest.

In sum, subsection (c) of the bill would make it unlawful, for example, for a holding company or any of its subsidiaries (1) to solicit withdrawable capital for its controlled insured institution in any manner prohibited by applicable law or regulation to such institution, or (2) to commence, or continue for more than 2 years after the enactment of the bill, any business or service other than those set out in subsection (c), or those permitted by regulation of the Corporation.

The provisions of subsection (c) would not apply to an insured bank of the Federal Deposit Insurance Corporation which became a savings and loan holding company by virtue of its acquisition of control of an insured institution or a savings and loan holding company pursuant to a pledge or hypothecation to secure a loan, or in connection with the liquidation of a loan.

Subsection (d). Prohibited transactions:—Subsection (d) of the attached draft is designed to curb transactions between an insured institution in a holding company chain and any of its affiliates. Accordingly, it would be unlawful for a controlled insured institution to (1) invest its funds in the stock, bonds, debentures, notes, or other obligations of any affiliate, (2) accept the stock, bonds, debentures, notes, or other obligations of any affiliate as collateral security for any loan made by the institution, (3) purchase securities or other assets or obligations under repurchase agreement from any affiliate, (4) make any loan or extend credit to any affiliate, except in a transaction authorized by subparagraph (A) of paragraph (6) of subsection (d), or to any third party on the security of any property acquired from any affiliate, or with knowledge that the loan proceeds are to be paid over to or utilized for the benefit of any affiliate, or (5) guarantee the repayment of or maintain compensating balances for any loan to any affiliate by any third party.

Subsection (f) of section 408 contains prohibitions similar to those provided in clauses (1) through (4) above. Clause (5) is designed to prohibit transactions such as one involving the purchase of certificates of deposit by a subsidiary insured institution under an arrangement whereby such certificates were to serve as compensating balances for bank loans to other subsidiaries of the holding company.

Paragraph (6) of subsection (d) would regulate transactions which could result in the use of insured institutions for the benefit of their affiliates through devices such as management or service contracts or the purchase or sale of assets. Thus, except with the prior approval of the Corporation, it would be unlawful for any subsidiary insured institution—

(A) To engage in any transaction with any affiliate involving the purchase, sale, or lease of property or assets in any case where the amount of the consideration involved when added to the aggregate amount of the consideration given or received by such institution for all such transactions during the preceding 12 month period exceeds the lesser of $100,000 or 0.1% of the institution's total assets at the end of the preceding fiscal year; or

(B) To enter into any agreement under which any affiliate is to (i) render management or advertising services for the institution, (ii) serve as a consultant, adviser or agent for any phase of the operations of the institution, or (iii) render services of any other nature for the institution, other than those which may be exempted by regulation or order of the Corporation, unless the aggregate amount of the consideration required to be paid by such institution in the future under all such existing agreements cannot exceed the lesser of $100,000 or 0.1% of the institution's total assets at the end of the preceding fiscal year; or

(C) Make any payment to any affiliate under any agreement referred to in (B) above where the institution has previously paid to affiliates during the preceding 12 month period, pursuant to any such agreement, an amount aggregating in excess of the lesser of $100,000 or 0.1% of the institution's total assets at the end of the preceding fiscal year.

The exception from the requirement of prior Corporation approval of those transactions and agreements where the consideration or payments made thereunder do not exceed the above-mentioned dollar limitations would, of course, relieve the Corporation of the necessity of passing upon numerous applications for its approval of matters of a routine nature or of little or no consequence. Where prior approval is required, the bill provides that the Corporation shall grant approval if, in its opinion, the terms of the transaction or agreement, or the payment by the institution, would not be detrimental to the interests of its savings account holders or to the insurance risk of the Corporation with respect to the institution.

Subsection (c). Acquisitions:—(1) (A) The bill would extend the proscription of the present statute against additional acquisitions of insured institutions (see subsection (c) of section 408) by making it unlawful for any savings and loan holding company or subsidiary thereof—(i) to acquire control of an insured or uninsured institution, or to retain control of such an institution acquired or retained in violation of section 408 as heretofore or hereafter in effect, (ii) to acquire, by the process of merger, consolidation, or purchase of assets, another insured or uninsured institution or a savings and loan holding company, or all or substantially all of the assets of any such institution or holding company, (iii) to acquire by purchase or otherwise, or to retain for more than 1 year after the enactment of the proposed bill, any of the voting shares of an insured institution or of a savings and loan holding company, not a subsidiary or more than 5% of the voting shares of any company not a subsidiary which is engaged in any business activity other than those specified in subsection (c) (2) of the bill, or (iv) to retain for more than 3 years after the enactment of the proposed bill, control of an insured institution the principal office of which is located in a state other than the state which the holding company shall designate, by writing filed with the Corporation, as the state in which the principal savings and loan business of such holding company is conducted.

(B) Any company (not a savings and loan holding company) would be prohibited from acquiring or retaining control of more than one insured institution. This provision is similar to subsection (c) (1) of the present section 408 and is designed to prevent the creation of new holding company systems by the simultaneous acquisition of control of a number of insured institutions.

(2) This paragraph incorporates the provisions of section 103 of the Financial Institutions Supervisory Act of 1966, which amended subsection (c) of the present section 408. Thus, the prohibitions against additional acquisitions in subparagraphs (A) (i), (A) (ii), and (B) of paragraph (1) of subsection (e) would not apply to any transaction which has been approved by the Corporation upon a determination by it that such acquisition is advisable to assist in preventing the commencement or continuance of involuntary liquidation of an insured institution.

(3) A savings and loan holding company which is an insured bank of the Federal Deposit Insurance Corporation could, without regard to the provisions of subsection (e), acquire the control of an insured institution or a savings and loan holding company, pursuant to a pledge of hypothecation to secure a loan, or in connection with the liquidation of a loan; but it would be unlawful for any such company to retain such control for more than 1 year, except that the Corporation could extend such period from year to year, for not more than 5 years, if it found that such extension is warranted and would not be detrimental to the public interest.

Subsection (f). Declaration of dividends:—Every subsidiary insured institution would be required to give the Corporation 30 days advance notice of the proposed declaration of any cash dividend on its guarantee, permanent, or other nonwithdrawable stock. Any such dividend declared within such 30 day period, or without the giving of notice to the Corporation, would be invalid.

Subsection (g). Holding company indebtedness:—(1) No savings and loan holding company or subsidiary could issue, sell, renew, or guaranty any debt security of such company or subsidiary, or assume any debt, without the prior approval of the Corporation.

(2) The provisions of paragraph (1) would not apply to short term indebtedness (payable on demand or maturing within 9 months) which aggregates, together with all such other short term debt as to which the holding company or subsidiary is primarily or contingently liable, not more than 5% of the consolidated net worth of such company or subsidiary at the end of the preceding fiscal year.

(3) The Corporation would, upon application, approve any act or transaction not exempted from the application of paragraph (1) if it found that—

(A) The proceeds would be used for (i) the purchase of permanent, guarantee, or other nonwithdrawable stock to be issued by a subsidiary insured institution, or (ii) the purpose of making a capital contribution to such an institution; or

(B) Such act or transaction is required for the purposes of refunding, extending, exchanging, or discharging an outstanding debt, or for other necessary or urgent corporate needs, and would not impose an unreasonable or imprudent financial burden on the applicant.

(4) No act or transaction within the scope of this subsection would be approved unless the Corporation is satisfied that there has been compliance with all State or Federal laws applicable thereto.

(5) This paragraph defines the term "debt security".

Subsection (h). Administration and enforcement:—(1) The Corporation would be authorized to issue such rules, regulations, and orders as it deems necessary or appropriate to enable it to administer section 408 and to require compliance therewith.

(2) The Corporation could make investigations to determine whether the provisions of section 408 and rules, regulations, and orders thereunder are being complied with by holding companies and subsidiaries and affiliates thereof. For the purpose of any hearing, investigation, or other proceeding under this section, the Corporation or its designated representatives could issue subpenas and subpenas duces tecum; it could require the attendance of witnesses and the production of books and records from any place in the United States; and the Corporation could apply to the United States district courts for the enforcement of such subpenas.

(3) The Corporation would also be authorized to apply to the United States district courts for orders enjoining the commission of any acts or practices in violation of the proposed section 408, or any rule, regulation, or order thereunder, or enforcing compliance therewith. Thus, for example, if the Corporation determined that a savings and loan holding company or a subsidiary thereof had acquired control of an insured institution in violation of the Act, or was engaging in or performing proscribed activities or services, the Corporation could apply to the proper United States district court for an appropriate order of divestiture of such control or for an order requiring compliance with the provisions of the Act.

(4) All expenses of the Federal Home Loan Bank Board or of the Corporation under section 408 would be considered as nonadministrative expenses.

Subsection (i). Prohibited acts:—It would be unlawful for (1) any holding company or subsidiary thereof, or any director, officer, employee, or person owning, controlling, or holding more than 10% of the voting shares of such holding company or subsidiary, to hold, solicit, or exercise any proxies in respect of any voting rights in an insured mutual institution, or (2) any director, officer, or person owning, controlling, or holding more than 10% of the voting shares of a holding company to (A) serve at the same time as a director, officer, or employee of an insured institution or another savings and loan holding company, not a subsidiary of such holding company, or (B) to acquire control, or to retain control for more than 2 years after enactment of the bill, of any insured institution, not a subsidiary of such holding company. The above-mentioned prohibitions would be consistent with other provisions of the proposed bill, and the present statute, prohibiting further holding company acquisitions of insured institutions.

(3) It would also be unlawful for any individual, except with the prior approval of the Corporation, to serve or act as a director, officer, or trustee of, or become a partner in, any savings and loan holding company after having been convicted of any criminal offense involving dishonesty or breach of trust.

Subsection (j). Penalties: For the wilful violation of any provision of the proposed section 408 or any rule, regulation, or order thereunder, the offending company or individual would be subject to criminal sanctions and, upon conviction, the company would be subject to a fine of not more than $1,000 for each day the violation continued, and the individual would be subject to a fine of not more than $10,000 or imprisonment for not more than 1 year, or both.

Moreover, every director, officer, partner, trustee, agent, or employee of a holding company would be subject to the same penalties for false entries in any book, report, or statement of such holding company as are applicable to officers, agents, and employees of insured institutions for false entries in any books, reports, or statements of such institution under 18 U.S.C. 1006. This provision corresponds to section 8 of the Bank Holding Company Act. See 12 U.S.C. 1847.

Subsection (k). Saving clause: This section provides that nothing contained in the bill shall be construed as approving any act or conduct in violation of law, or shall constitute a defense to any action involving violation of the antitrust laws.

It is anticipated that the Congressional Committees giving consideration to the proposed bill will, by appropriate provisions added by the bill to the Internal Revenue Code, afford tax relief to savings and loan holding companies and shareholders thereof comparable to that afforded to bank holding companies and shareholders thereof by section 10 of the Bank Holding Company Act. See 26 U.S.C. 1101–1103. The Board will consult with the Treasury Department with regard to this matter.

The letter of transmittal, presented by Mr. Sparkman, is as follows:

Federal Home Loan Bank Board,
Washington, D.C., April 14, 1967.

The President of the Senate.

Dear Mr. President: There is transmitted herewith a draft for a bill to amend section 408 of the National Housing Act, as amended.

The provisions of the draft are summarized and explained in an analysis which is transmitted herewith.

Advice has been received from the Bureau of the Budget that the enactment of the proposed legislation would be in accord with the program of the President.

Sincerely,

John E. Horne.

ECONOMIC OPPORTUNITY ACT OF 1967

Mr. CLARK. Mr. President, I send to the desk, for appropriate reference, a bill entitled the "Economic Opportunity Act of 1967," the administration's amendments to the Economic Opportunity Act of 1964.

This bill, which in printed form will number 111 pages, contains a complete rewrite of titles I and II, the work training and community action titles of the present act. It contains many new legislative proposals; it consolidates and revises many of the amendments to the original Economic Opportunity Act which were adopted in 1965 and 1966; and it establishes in law many guidelines, regulations, and requirements in an effort to assure effective administration of economic opportunity programs.

Not having had a chance to study these proposed amendments in any detail, and because the Subcommittee on Employment, Manpower, and Poverty is presently engaged in an intensive evaluation and examination of the war on poverty, I do not wish to prejudge the numerous and significant proposals contained in the bill.

I know that the members of the Committee on Labor and Public Welfare, as well as all of my colleagues in the Senate will want to study this legislation carefully. As chairman of the Poverty Subcommittee I earnestly solicit the views of every Member of the Senate as the subcommittee progresses in its inquiry into the war on poverty.

Mr. President, I ask unanimous consent that the Economic Opportunity Amendments of 1967, together with a caption index to the amendments, a section-by-section analysis of the amendments, and a summary of the basis and the general content of the amendments be printed in the Record at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, index, analysis, and summary will be printed in the Record.

The bill (S. 1545) to provide an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operating, to expand summer camp opportunities for disadvantaged children, and for other purposes, introduced by Mr. Clark, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 1545

A bill to provide an improved charter for Economic Opportunity Act programs, to authorize funds for their continued operation, to expand summer camp opportunities for disadvantaged children, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Amendments of 1967".

AUTHORIZATION OF APPROPRIATIONS

Sec. 2. For the purpose of carrying out programs under the Economic Opportunity Act of 1964 (other than part C of title I of such Act), there is hereby authorized to be appropriated for the fiscal year ending June 30, 1968, the sum of $2,060,000,000, of which, subject to the provisions of section 616 of such Act, the amounts appropriated or made available by appropriation Act shall not exceed $874,000,000 for the purpose of carrying out the provisions of title I of such Act, $1,022,000,000 for the purpose of carrying out title II, $47,000,000 for the purpose of carrying out title III, $70,000,000 for the purpose of carrying out title V, $16,000,000 for the purpose of carrying out title VI, and $31,000,000 for the purpose of carrying out title VIII.

TITLE I—AMENDMENTS TO THE ECONOMIC OPPORTUNITY ACT

JOB CORPS AMENDMENTS

Sec. 101. Part A of title I of the Economic Opportunity Act of 1964 is amended to read as follows:

"Part A—Job Corps

"STATEMENT OF PURPOSE

"Sec. 101. This part establishes a Job Corps for low-income, disadvantaged young men and women, sets forth standards and procedures for selecting individuals as enrollees in the Job Corps, authorizes the establishment of residential centers in which enrollees will participate in intensive programs of education, vocational training, work experience, counseling, and other activities, and prescribes various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps. Its purpose is to assist young persons who need and can benefit from an unusually intensive program, operated in a group setting distinct from their current environment, to become more responsible, employable, and productive citizens; and to do so in a way that contributes, where feasible, to the development of National, State, and community resources, and to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies.

"ESTABLISHMENT OF THE JOB CORPS

"Sec. 102. There is hereby established within the Office of Economic Opportunity a 'Job Corps'.

"INDIVIDUALS ELIGIBLE FOR THE JOB CORPS

"Sec. 103. To become an enrollee in the Job Corps, a young man or woman must be a person who—

"(1) is a permanent resident of the United States who has attained age sixteen but not attained age twenty-two at the time of enrollment;

"(2) is a low-income individual or member of a low-income family who requires additional education, training, or intensive counseling and related assistance in order to secure and hold meaningful employment, participate successfully in regular schoolwork, qualify for other training programs suitable to his needs or satisfy Armed Forces requirements;

"(3) is currently living in an environment so characterized by cultural deprivation, a disruptive homelife or other disorienting conditions as to substantially impair his prospects for successful participation in any other program providing needed training, education, or assistance;

"(4) is determined, after careful screening as provided for in sections 104 and 105, to have the present capabilities and aspirations needed to complete and secure the full benefit of the program authorized in this part, and to be free of medical and behavioral problems so serious that he could not or would not be able to adjust to the standards of conduct and discipline or pattern of work and training which that program involves;

"(5) meets such other standards for enrollment as the Director may prescribe and agrees to comply with all applicable Job Corps rules and regulations.

"SCREENING AND SELECTION OF APPLICANTS—GENERAL PROVISION

"Sec. 104. (a) The Director shall prescribe necessary rules for the screening and selection of applicants for enrollment in the Job Corps. To the extent practicable, these rules shall be implemented through arrangements which make use of public or private nonprofit agencies and organizations such as community action agencies, public employment offices, professional groups, and labor organizations. The rules shall establish specific standards and procedures for conducting screening and selection activities; shall encourage recruitment through agencies and individuals having contact with youths over substantial periods of time and able, accordingly, to offer reliable information as to their needs and problems; and shall provide for necessary consultation with other individuals and organizations, including courts, probation and parole offices, law enforcement authorities, schools, welfare agencies, and medical agencies, and advisers. They shall also provide for—

"(1) an interview with each applicant for the purpose of—

"(A) determining whether his educational and vocational needs can best be met through the Job Corps or any alternative program in his home community;

"(B) obtaining from the applicant pertinent data relating to his background, needs, and interests for evaluation in determining his eligibility and potential assignment; and

"(C) giving the applicant a full understanding of the Job Corps program and making clear what will be expected of him as an enrollee in the event of his acceptance.

"(2) the conduct of a careful and systematic inquiry concerning the applicant's background for the effective development and, as appropriate, clarification of information concerning his age, citizenship, school and draft status, health, employability, past behavior, family income, environment, and other matters related to a determination of his eligibility.

"(b) The Director shall make no payments to any individual or organization solely as compensation for the service of referring the names of candidates for enrollment in the Job Corps.

"SCREENING AND SELECTION—SPECIAL LIMITATIONS

"SEC. 105. (a) No individual shall be selected as an enrollee unless it is determined that he can participate successfully in group situations and activities with other enrollees, that he is not likely to engage in actions or behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between any center to which he might be assigned and surrounding communities, and that he manifests a basic understanding of both the rules to which he will be subject and of the consequences of failure to observe those rules. An individual shall be considered not to meet these requirements if he has a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction or other major behavioral aberrations. The rules or regulations issued by the Director under this section shall specify, in detail, the actions or attributes which shall preclude selection, and those rules or regulations shall be binding upon all agencies authorized to screen or select persons for enrollment. The Director may authorize screening and selection agencies to refer to him cases where, notwithstanding the fact that the individual is not subject to specific disqualificaton set forth in those rules or regulations, they believe that there may be doubt as to whether he should be accepted; and cases where, notwithstanding a specific disqualification, they believe there may be unusual circumstances warranting an exception to permit selection. Exceptions, however, shall be granted by the Director only where he determines that selection would be fully consistent with the standards relating to the interests of other enrollees, the maintenance of discipline and satisfactory community relations, as set forth in this section.

"(b) An individual who otherwise qualifies for enrollment may be selected even though he is on probation or parole, but only if his release from the immediate supervision of the cognizant probation or parole officials is mutually satisfactory to those officials and the Director and does not violate applicable laws or regulations, and if the Director has arranged to provide all supervision of the individual and all reports to State or other authorities that may be necessary to comply with applicable probation or parole requirements.

"(c) The Director shall maintain a continuing review of the criteria and procedures established under this part for the screening and selection of Job Corps applicants both with respect to their adequacy and the effectiveness with which they are applied, and he shall take such actions as may be necessary to assure that all agencies which are assigned screening and selection functions comply fully with those criteria and procedures.

"ENROLLMENT AND ASSIGNMENT

"SEC. 106. (a) No individual may be enrolled in the Job Corps for more than two years, except as the Director may authorize in special cases.

"(b) Enrollment in the Job Corps shall not relieve any individual of obligations under the Universal Military Training and Service Act (50 U.S.C. App. 451 et seq.).

"(c) Each enrollee (other than a native and citizen of Cuba described in section 609(3) of this Act) must take and subscribe to an oath or affirmation in the following form: 'I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies foreign and domestic.' The provisions of section 1001 of title 18, United States Code, shall be applicable to this oath or affirmation.

"(d) Each enrollee shall be assigned to a center appropriate to his needs, as determined by the Director, which (taking into account current vacancies and requirements for the efficient program operation) is closest to the residence of such enrollee.

"(e) Assignments of male enrollees shall be made so that, at any one time, at least 40 per centum of those enrollees are assigned to conservation centers, as described in section 107, or to other centers or projects where their work activity is primarily directed to the conservation, development, or management of public national resources or recreational areas and is performed under the direction of personnel of agencies regularly responsible for those functions.

"JOB CORPS CENTERS

"SEC. 107. The Director may make agreements with Federal, State, or local agencies, or private organizations for the establishment and operation of Job Corps centers. These centers shall be primarily residential in character and shall be designated and operated so as to provide enrollees, in a well-supervised setting, with education, vocational training, work experience (either in direct program activities or through arrangements with employers), counseling and other services appropriate to their needs. The centers shall include conservation centers to be located primarily in rural areas and to provide, in addition to other training and assistance, programs of work experience focused upon activities to conserve, develop, or manage public natural resources or public recreational areas or to assist in developing community projects in the public interest. They shall also include men's training centers to be located in either urban or rural areas and to provide activities which shall include training and other services appropriate for enrollees who can be expected to participate successfully in training for specific types of skilled or semiskilled employment; and women's training centers, to be located in either urban or rural areas, and which shall provide education, training, and other activities appropriate to the special needs and potentialities of young women.

"PROGRAM ACTIVITIES

"SEC. 108. (a) Each Job Corps Center shall be operated so as to provide enrollees with an intensive, well-organized and fully supervised program of education, vocational training, work experience, planned avocational and recreational activities, physical rehabilitation and development, and counseling. To the fullest extent feasible, the required program for each enrollee shall include activities designed to assist him in choosing realistic career goals, coping with problems he may encounter in his home community or in adjusting to a new community, and planning and managing his daily affairs in a manner that will best contribute to long-term upward mobility, and shall aggregate at least sixty hours a week. Center programs shall include required participation in center maintenance support and related work activity as appropriate to assist enrollees in increasing their sense of contribution, responsibility, and discipline.

"(b) To the extent practicable, the Director may arrange for enrollee education and vocational training through local public or private educational agencies, vocational educational institutions, or technical institutes where these institutions or institutes can provide training comparable in cost and substantially equivalent in quality to that which he could provide through other means.

"(c) Arrangements for education shall, to the extent feasible, provide opportunities for qualified enrollees to obtain the equivalent of a certificate of graduation from high school; and the Director, with the concurrence of the Secretary of Health, Education, and Welfare, shall develop certificates to be issued to enrollees who have satisfactorily completed their services in the Job Corps and which will reflect the enrollee's level of educational attainment.

"(d) The Director shall prescribe regulations to assure that Job Corps work-experience programs or activities do not displace presently employed workers or impair existing contracts for service and will be coordinated with other work-experience programs in the community.

"ALLOWANCE AND SUPPORT

"SEC. 109. (a) The Director may provide enrollees with such personal travel and leave allowances, and such quarters, subsistence, transportation, equipment, clothing, recreational services, and other expenses as he may deem necessary or appropriate to their needs. Personal allowances shall be established at a rate not to exceed $50 per month, except in unusual circumstances as determined by the Director; shall be graduated up to the maximum so as to encourage achievement and the best use by the enrollee of the funds so provided; and shall be subject to reduction in appropriate cases as a disciplinary measure. To the degree reasonable, enrollees shall be required to meet or contribute to costs associated with their individual comfort and enjoyment from their personal allowances.

"(b) The Director shall prescribe specific rules governing the accrual of leave by enrollees. Except in the case of emergency, he shall in no event assume transportation costs connected with leave of any enrollee who has not completed at least six months service in the Job Corps.

"(c) The Director may provide each former enrollee, upon termination, a readjustment allowance at a rate not to exceed $50 for each month of satisfactory participation in the Job Corps. No enrollee shall be entitled to a readjustment allowance, however, unless he has remained in the program at least ninety days, except in unusual circumstances as determined by the Director. The Director may, from time to time, advance to or on behalf of an enrollee such portions of his readjustment allowance as the Director deems necessary to meet extraordinary financial obligations incurred by that enrollee; and he may also, pursuant to rules or regulations, reduce the amount of an enrollee's readjustment allowance as a penalty for misconduct during participation in the Job Corps. In the event of an enrollee's death during his period of service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

"(4) Under such circumstances as the Director may determine, a portion of the readjustment allowance of an enrollee not exceeding $25 for each month of satisfactory service may be paid during the period of service of the enrollee directly to a spouse or child of an enrollee or to any other relative who draws substantial support from the enrollee, and any sum so paid shall be supplemented by the payment of an equal amount by the Director.

"STANDARDS OF CONDUCT

"SEC. 110. (a) Within Job Corps centers, standards of conduct and deportment shall be provided and stringently enforced. In the case of violations committed by enrollees, dismissals from the Corps or transfers to other locations shall be made in every instance where it is determined that retention in the Corps, or in the particular Job Corps center, will jeopardize the enforcement of such standards of conduct and deportment or diminish the opportunity of other enrollees.

"(b) In order to promote the proper moral and disciplinary conditions in the Job Corps, the individual directors of Job Corps centers shall be given full authority to take appropriate disciplinary measures against enrollees including, but not limited to, dismissal from the Job Corps, subject to expeditious appeal procedures to higher authority, as provided under regulations set by the Director.

"COMMUNITY PARTICIPATION

"SEC. 111. The Director shall encourage and shall cooperate in activities designed to establish a mutually beneficial relationship between Job Corps centers and surrounding or nearby communities. These activities shall include the establishment of community advisory councils to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest. Youth participation in advisory council affairs shall be encouraged and where feasible separate youth councils may be established, to be composed of representative enrollees and representative young people from the communities. The Director shall establish necessary rules and take necessary action to assure that each center is operated in a manner consistent with this section with a view to achieving, so far as possible, objectives which shall include: (1) giving community officials appropriate advance notice of changes in center rules, procedures, or activities that may affect or be of interest to the community; (2) affording the community a meaningful voice in center affairs of direct concern to it, including policies governing the issuance and terms of passes to enrollees; (3) providing center officials with full and rapid access to relevant community groups and agencies, including law enforcement agencies and agencies which work with young people in the community; (4) encouraging the fullest practicable participation of enrollees in programs or projects for community improvement or betterment, with adequate advance consultation with business, labor, professional, and other interested community groups and organizations; (5) arranging recreational, athletic, or similar events in which enrollees and local residents may participate together; (6) providing community residents with opportunities to work with enrollees directly, as part-time instructors, tutors, or advisers, either in the center or in the community; (7) developing, where feasible, job or career opportunities for enrollees in the community; and (8) promoting interchanges of information and techniques among, and cooperative projects involving, the center and community schools, educational institutions, and agencies serving young people.

"PLACEMENT AND FOLLOWTHROUGH

"SEC. 112. The Director shall provide or arrange for necessary services to assist enrollees to secure suitable employment or further training opportunities, to return to school or pursue their education, or undertake some other activity having a career potential. To the extent feasible, placement services shall be undertaken through or in cooperation with agencies or organizations, including the public employment service, which will be in a position to provide enrollees with reasonable followthrough necessary or appropriate to aid them in making a satisfactory initial adjustment with particular attention to those enrollees who in the course of completing their enrollment in a satisfactory manner have demonstrated the motivation to overcome special handicaps, or who face unusual adjustment problems, as in a new community.

"EVALUATION; EXPERIMENTAL AND DEVELOPMENTAL PROJECTS

"SEC. 113. (a) The Director shall provide for the careful and systematic evaluation of the Job Corps program, with a view to measuring specific benefits, so far as practicable, and providing information needed to assess the effectiveness of program procedures, policies, and methods of operation. In carrying out such evaluations, the Director shall consult with other agencies and officials in order to compare the relative effectiveness of Job Corps techniques with those used in other programs, and shall endeavor to secure, through employers, schools, or other Government and private agencies specific information concerning the residence of former enrollees, their employment status, compensation, and success in adjusting to community life. He shall also secure, to the extent feasible, similar information directly from enrollees at appropriate intervals following their completion of the Job Corps program.

"(b) The Director may undertake or make grants or contracts for experimental, research, or demonstration projects directed to developing or testing ways of securing the better use of facilities, of encouraging a more rapid adjustment of enrollees to community life that will permit a reduction in the period of their enrollment, of reducing transportation and support costs, or of otherwise promoting greater efficiency and effectiveness in the program authorized under this part. These projects shall include one or more projects providing youths with education, training, and other supportive services on a combined residential and nonresidential basis. Projects under this subsection shall be developed after appropriate consultation with other Federal or State agencies conducting similar or related programs or projects. They may be undertaken jointly with other Federal or federally assisted programs, including programs under part B of this title, and funds otherwise available for activities under those programs shall, with the consent of the head of any agency concerned, be available to projects under this section to the extent they include the same or substantially similar activities. The Director may waive any provision of this title which he finds would prevent the carrying out of elements of projects under this subsection essential to a determination of their feasibility and usefulness. He shall, either in his annual report or a separate annual document, report to the Congress concerning the actions taken under this section, including a full description of progress made in connection with combined residential and nonresidential projects.

"ADVISORY BOARDS AND COMMITTEES

"SEC. 114. The Director shall make use of advisory committees or boards in connection with the operation of the Job Corps, and the operation of Job Corps centers, whenever he deems that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities. Nothing in this section shall be considered as limiting the functions of the National Advisory Council, established pursuant to section 605 of this Act, with respect to any matter or question involving the Job Corps; but this shall not prevent the establishment through or in cooperation with the National Advisory Council of one or more boards or committees under this section.

"PARTICIPATION OF THE STATES

"SEC. 115. (a) The Director shall take necessary action to facilitate the effective participation of States in the Job Corps program, including, but not limited to, consultation with appropriate State agencies on matters pertaining to the enforcement of applicable State laws, standards of enrollee conduct and discipline, the development of meaningful work experience and other activities for enrollees, and coordination with State-operated programs.

"(b) The Director may enter into agreements with States to assist in the operation or administration of State-operated programs which carry out the purpose of this part. The Director may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs.

"(c) No Job Corps center or other similar facility designed to carry out the purpose of this Act shall be established within a State unless a plan setting forth such proposed establishment has been submitted to the Governor, and such plan has not been disapproved by him within 30 days of such submission.

"APPLICATION OF PROVISIONS OF FEDERAL LAW

"SEC. 116. (a) Except as otherwise specifically provided in the following paragraphs of this subsection, enrollees in the Job Corps shall not be considered Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits:

"(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

"(2) For purposes of subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed civil employees of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows:

"(A) The term 'performance of duty' shall not include any act of an enrollee while absent from his or her assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from such post of duty) authorized by or under the direction and supervision of the Job Corps;

"(B) In computing compensation benefits for disability or death, the monthly pay of an enrollee shall be deemed that received under the entrance salary for a grade GS-2 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to enrollees; and

"(C) Compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee is terminated.

"(3) For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered employees of the Government.

"(d) The Director shall take necessary action to insure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of the operation of any conservation or training center shall become the property of the United States.

"POLITICAL DISCRIMINATION AND POLITICAL ACTIVITY

"SEC. 118.(a) No officer or employee of the executive branch of the Federal Government shall make any inquiry concerning the political affiliation or beliefs of any enrollee or applicant for enrollment in the Corps. All disclosures concerning such matters shall be ignored, except as to such membership in political parties or organizations as constitutes by law a disqualification for Government employment. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any enrollee in the Corps, or any applicant for enrollment in the Corps because of his political affiliation or beliefs, except as may be specifically authorized or required by law.

"(b) No officer, employee, or enrollee of the Corps shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute, and no such officer, employee, or enrollee shall use his official position or influence for the purpose of interfering with an election or affecting the result thereof. All such persons shall retain the right to vote as they may choose and to express, in their private capacities, their opinions on all political subjects and candidates. Any officer, employee, enrollee, or Federal employee who solicits funds for political purposes from members of the Corps, shall be in violation of the Corrupt Practices Act.

"(b) When the Director finds a claim for damage to persons or property resulting from the operation of the Job Corps to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, United States Code, he may adjust and settle it in an amount not exceeding $500.

"(c) Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Director for the support of the Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade therein.

"SPECIAL LIMITATIONS

"Sec. 117. (a) The Director shall not use any funds made available to carry out this part for the fiscal year ending June 30, 1968, in a manner that will increase above forty-five thousand the enrollee capacity of Job Corps centers.

"(b) The Director shall take necessary action to insure that on or before June 30, 1968, of the total number of Job Corps enrollees in residence and receiving training, at least 25 per centum shall be women.

"(c) The Director shall take necessary action to insure that for any fiscal year the direct operating costs of Job Corps centers which have been in operation for more than nine months do not exceed $7,300 per enrollee.

"(c) Whenever the United States Civil Service Commission finds that any person has violated the foregoing provisions, it shall, after giving due notice and opportunity for explanation to the officer or employee or enrollee concerned, certify the facts to the Director with specific instructions as to discipline or dismissal or other corrective actions."

WORK AND TRAINING PROGRAMS

Sec. 102. Parts B and D of title I of the Economic Opportunity Act of 1964 are consolidated as a new part B of such title and amended to read as follows:

"PART B—WORK AND TRAINING FOR YOUTH AND ADULTS

"STATEMENT OF PURPOSE

"Sec. 102. The purpose of this part is to provide useful work-experience and work-training opportunities, together with related services and assistance, that will assist low-income youths to continue or resume their education, and to help unemployed, underemployed, or other low-income and severely disadvantaged persons, both young and adult, to obtain and hold regular competitive employment, with maximum opportunities for local initiative in developing programs which respond to local needs and problems, including programs using both public and private resources to overcome the complex problems of the most severely disadvantaged in areas having high concentrations of unemployment, underemployment, and low income.

"NEIGHBORHOOD YOUTH CORPS

"Sec. 121. The Director may provide financial assistance for—

"(1) programs to provide part-time employment, on-the-job training, and useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school; and

"(2) programs to provide unemployed individuals (aged sixteen through twenty-one years at the time of enrollment) with useful work experience and on-the-job training, combined where needed with educational and training assistance, including basic literacy and occupational training, designed to assist those individuals to develop their maximum occupational potential.

"COMMUNITY EMPLOYMENT AND TRAINING PROGRAMS

"Sec. 122. (a) The Director may provide financial assistance for community employment and training projects. These projects shall provide work experience, on-the-job, or work training for unemployed, underemployed, or low-income persons (including projects involving both adults and youths age sixteen or over). They shall be designed to assist participants to secure or qualifying for—

"(1) permanent, meaningful employment without further assistance under this section, and

"(2) wherever possible, entry-level jobs involving the use or acquisition of skills needed for subprofessional or other career opportunities offering promise of regular or continued advancement.

"(b) Where feasible and consistent with the objectives of subsection (a), projects under this section shall be designed so that participants acquire work skills or experience in activities that involve, or will lead to permanent employment in, fields where there are critical or unmet community needs. These fields may include, without limitation, the management, conservation, or development of natural resources, recreational areas, public parks, highways, or other lands; neighborhood redevelopment; the provision of health, education, welfare, or public safety services; or other activities directed to bettering or beautifying a community or area or improving its physical, social, economic, or cultural condition.

"(c) Projects under this section shall include related supportive services, including basic education, occupational training, health services, and special counseling, as needed to assist participants to attain the objectives described in subsection (a).

"(d) In determining whether, in what amount and on what conditions, to assist projects or parts of projects otherwise eligible under this section, the Director shall consider—

"(1) in all cases, the degree to which efforts have been made to provide assurances of regular employment at the earliest feasible time, and the degree to which the project has been developed and realistically structured so as to take account of the desires, needs, and capabilities of participants;

"(2) in the case of projects or parts of projects involving activities related to physical improvements, whether the improvements will be substantially used by the low-income persons and families or will contribute substantially to amenities or facilities in areas or neighborhoods having concentrations of low-income persons and families;

"(3) in the case of projects or parts of projects involving the development of entry-level employment opportunities, the extent to which the proposed activities will not only benefit those directly participating but will also contribute or give promise of contributing to the broader adoption of new methods of structuring jobs or providing job ladder opportunities, the development and recognition of new types of careers for low-income and disadvantaged persons, or the elimination of artificial barriers in the community to employment and advancement on the part of those persons.

"SPECIAL URBAN EMPLOYMENT IMPACT PROGRAMS

"Sec. 123. (a) The Director may provide necessary financial assistance, as provided in this section, to meet costs of developing, planning, and carrying out projects which are designed to assist in meeting some of the critical problems facing urban areas, and to stimulate the fuller and more effective use of the resources which are or can be made available in those areas to permit a substantial increase in employment opportunities for the disadvantaged.

"(b) Projects under this section must—

"(1) be carried on in an urban area or neighborhood (defined without regard to political or other subdivision boundaries) having especially large concentrations of unemployed, underemployed, or low-income individuals, or be primarily designed to serve the needs of such individuals residing in such areas;

"(2) be supported by specific commitments of cooperation on the part of public and private employers in the community, including assurances that, to the maximum extent feasible, permanent employment opportunities have been or will be developed that are commensurate with the size, scope, schedule, and objectives of the program.

"(3) provide for the maximum feasible use of resources under other programs relating to the training of individuals to improve or restore their employability, including commitments of specific training opportunities under the Manpower Development and Training Act of 1962;

"(4) be appropriately focused to assure that work and training opportunities are extended, so far as possible, to the most severely disadvantaged individuals who can reasonably be expected, given the other services or support available, to benefit from such training;

"(5) include or provide for expanded, more intensive, or improved supportive services not generally available, including day care for children, transportation, job orientation, health services, and intensive and continuing counseling, both before and after job placement, as necessary to assist participants to develop necessary job attitudes and the capability to secure, hold, and advance in regular competitive employment;

"(6) comply with other requirements prescribed by the Director to assure that programs are realistically structured to take account of the desires, needs and capabilities of participants; are directed so far as possible to specific, measurable goals and subject to adequate provisions for continuing local evaluation; are supported by assurances of needed cooperation from all relevant State or local governmental and private agencies; and will otherwise be administered and carried on in an efficient and effective manner.

"(c) In addition to necessary costs of developing or planning projects, financial assistance under this section may be used to meet—

"(1) costs of initiating or expanding projects or activities which are eligible for financial assistance under other sections of this part;

"(2) costs of expanding projects or activities under other programs related to the training of individuals for the purpose of improving or restoring employability;

"(3) costs of providing required supportive services not otherwise available; and

"(4) such other costs of administering, coordinating, or evaluating projects, including the provision of necessary related equipment or facilities, as may be specifically authorized in regulations of the Director.

"COORDINATION

"Sec. 124. Programs under this part shall be carried on with appropriate assistance from other Federal agencies having related responsibilities and shall be coordinated with other local and community programs, including maximum coordination with community action programs. They shall include necessary arrangements to best assure that individuals are recruited, referred, and provided with training, work experience, and other assistance in the manner that most accurately reflects each person's capacity to benefit from several programs authorized under this title and from other programs available to him which provide services designed to enhance or restore employability.

"PROGRAM PARTICIPANTS: APPLICATION OF FEDERAL LAWS

"SEC. 125. (a) Participants in programs under this part must be individuals who are permanent residents of the United States. For purposes of determining eligibility for participation in programs under this part, any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

"(b) Participants shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

"GENERAL CONDITIONS FOR PROGRAM APPROVAL

"SEC. 126. The Director shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

"(1) no participant will be employed on projects involving political parties, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

"(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

"(4) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"SEC. 127. (a) The Director shall establish criteria designed to achieve an equitable distribution of assistance under sections 121 and 122 among the States. In developing those criteria, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels.

"(b) Of the sums appropriated or allocated for any fiscal year for programs authorized under this title, the Director shall reserve not to exceed 25 per centum for the purpose of carrying out section 123; but not more than 12½ per centum of the funds so reserved for any fiscal year shall be used within any one State.

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 128. The Director may provide (directly, through contracts or other appropriate arrangements) such technical assistance or training for personnel as he determines is necessary to assist in the initiation or effective operation of programs under this part. He shall, in exercising this authority, give special consideration to the problems of rural areas, with a view to simplifying procedures and other technical requirements wherever feasible; developing model programs or projects; assisting rural areas to secure or better use resources under other programs relating to increasing or restoring employability and to combine those with projects or programs under this part; and generally assisting agencies in rural areas to develop and carry on the most effective programs consistent with local conditions.

"LIMITATIONS OF FEDERAL ASSISTANCE

"SEC. 129. (a) Federal financial assistance to any program or activity carried out pursuant to sections 121, 122, and 123 of this part shall not exceed 90 per centum of the cost of such program or activity, including costs of administration. The Director may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that this is necessary in furtherance of the purposes of this part. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

"(b) In the case of on-the-job training projects with other than public or private nonprofit organizations, the Director may authorize or enter into agreements to pay reasonable training costs, but not wages paid to participants for services performed.

"(c) The Director shall prescribe regulations to assure that programs under this part are carried on subject to adequate internal controls, accounting requiremenets, and rules governing personnel standards and policies as may be necessary or appropriate to promote efficiency and the effective use of funds.

"(d) Financial assistance under this part shall be extended only to projects which are sponsored by public or private nonprofit agencies. The Director may, however, contract in special cases for the carrying out of projects or parts of projects by other private organizations where he finds such a contract to be justified on the basis of efficiency and economy and otherwise consistent with the provisions and purposes of this part.

"EVALUATION

"SEC. 130. The Director shall provide for the continuing evaluation of the programs under this title, including their effectiveness in achieving stated goals and their impact on other related programs. He may, for this purpose, contract for independent evaluations of those programs or individual projects."

COMMUNITY ACTION AMENDMENTS

SEC. 103. Title II of the Economic Opportunity Act of 1964 is amended to read as follows:

"TITLE II—URBAN AND RURAL COMMUNITY ACTION PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 201. This title provides for community action agencies and programs, prescribes the structure and describes the functions of community action agencies, and authorizes financial assistance to community action programs and related projects and activities. Its basic purpose is to stimulate a better focusing of all available local, State, private, and Federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, in rural and urban areas, to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become fully self-sufficient. Its specific purposes are to promote, as methods of achieving a better focusing of resources on the goal of individual and family self-sufficiency—

"(1) the strengthening of community capabilities for planning and coordinating Federal, State, and other assistance related to the elimination of poverty, so that this assistance through the efforts of local officials, organizations and interested and affected citizens can be made more responsible to local needs and conditions;

"(2) the better organization of a range of services related to the needs of the poor, so that these services may be made more effective and efficient in helping families and individuals to overcome particular problems in a way that takes account of, and supports their progress in overcoming, related problems;

"(3) the greater use, subject to adequate evaluation, of new types of services and innovative approaches in attacking causes of poverty, so as to develop increasingly effective methods of employing available resources;

"(4) the development and implementation of all programs and projects designed to serve the poor or low-income areas with the maximum feasible participation of residents of the areas and members of the groups served, so as to best stimulate and take full advantage of capabilities for self-advancement and assure that those programs and projects are otherwise meaningful to and widely utilized by their intended beneficiaries; and

"(5) the broadening of the resource base of programs directed to the elimination of poverty, so as to secure, in addition to the services and assistance of public officials, private religious, charitable, and neighborhood organizations, and individual citizens, a more active role for business, labor, and professional groups able to provide employment opportunities or otherwise influence the quantity and quality of services of concern to the poor.

"PART A—COMMUNITY ACTION AGENCIES AND PROGRAMS

"ESTABLISHMENT OF COMMUNITY ACTION AGENCIES; COMMUNITY ACTION PROGRAMS

"SEC. 210. (a) The Director shall encourage communities to establish public or private nonprofit agencies, to be known as community action agencies. A community action agency shall be responsible for, and must be capable of, planning, coordinating, evaluating, and administering a program, to be known as a community action program. A community action program is a community based and operated program—

"(1) which includes or is designed to include a sufficient number of projects or components to provide, in sum, a range of services and activities having a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem;

"(2) which has been developed, and which organizes and combines its component projects and activities, in a manner appropriate to carry out all the purposes of this title; and

"(3) which conforms to such other supplementary criteria as the Director may prescribe consistent with the provisions of this title.

"(b) Components of a community action program may be administered by the community action agency, where consistent with sound and efficient management and applicable law, or by other agencies. They may be projects eligible for assistance under this title, or projects assisted from other public or private sources; and they may be either specially designed to meet local needs, or designed pursuant to the eligibility standards of a State or Federal program providing assistance to a particular kind of activity which will help in meeting those needs.

"(c) The community in which a community action agency is established to carry on a community action program may be a city, county, multicity, multicounty, or other governmental unit, an Indian reservation, or a neighborhood or other area (whether or not its boundaries correspond with those of any political subdivision); but it must in any event provide the organizational base and possess the commonality of interest needed for an efficient and effective program conforming to the requirements of this section.

"STRUCTURE OF COMMUNITY ACTION AGENCIES

"SEC. 211. (a) Each community action agency shall be established and constructed so as to assure broad, continuing, and effective community participation in all phases of the community action program for which it is responsible, and to assure that the program as developed and implemented is fully responsive to community needs and conditions. Each such agency shall have, for this purpose, a governing board organized to provide for membership of the chief elected official or officials of the community and other appropriate public officials, or their representatives or officials or representatives of private groups and agencies engaged in providing assistance to the poor, and of appropriate representatives of business, labor, religious, or other major groups and interests in the community. At least one-third of the membership of the board shall be persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the community. All members of the governing board selected to represent specific geographic areas within a community must reside in the areas they represent. Each community action agency shall establish procedures by which community agencies and representative groups of the poor, including but not limited to minority groups, the elderly and (where applicable) rural residents, which feel themselves inadequately represented may petition for the representation they consider appropriate.

"(b) The powers of every community action agency governing board shall include the power to appoint persons to senior staff positions, to determine major personnel, fiscal, and program policies, to approve overall program plans and priorities, and to assure compliance with conditions of and approve proposals for financial assistance under this title.

"SPECIFIC POWERS AND FUNCTIONS OF COMMUNITY ACTION AGENCIES

"Sec. 212. (a) In order to carry out its overall responsibility for planning, coordinating, evaluating, and administering a community action program, a community action agency must have authority under its charter or applicable law to receive and administer funds under this title, funds and contributions from private or local public sources which may be used in support of a community action program, and funds under any Federal or State assistance program pursuant to which a public or private nonprofit agency (as the case may be) organized in accordance with this part could act as grantee, contractor, or sponsor of projects appropriate for inclusion in a community action program. A community action agency must also be empowered to transfer funds so received, and to delegate powers to other agencies, subject to the powers of its governing board and its overall program responsibilities. This power to transfer funds and delegate powers must include the power to make transfers and delegations covering component projects in all cases where this will contribute to efficiency and effectiveness or otherwise further program objectives.

"(b) In exercising its powers and carrying out its overall responsibility for a community action program, a community action agency shall have, subject to the purposes of this title, at least the following functions:

"(1) Planning systematically for and evaluating the program, including actions to develop information as to the problems and causes of poverty in the community, determine how much and how effectively assistance is being provided to deal with those problems and causes, and establish priorities among projects, activities and areas as needed for the best and most efficient use of resources.

"(2) Encouraging agencies engaged in activities related to the community action program to plan for, secure and administer assistance available under this title or from other sources on a common or cooperative basis; providing planning or technical assistance to those agencies; and generally, in cooperation with community agencies and officials, undertaking actions to improve existing efforts to attack poverty, such as improving day-to-day communication, closing service gaps, focusing resources on the most needy, and providing additional opportunities to low-income individuals for regular employment or participation in the programs or activities for which those community agencies and officials are responsible.

"(3) Initiating and sponsoring projects responsive to needs of the poor which are not otherwise being met, with particular emphasis on providing central or common services that can be drawn upon by a variety of related programs, developing new approaches or new types of services that can be incorporated into other programs, and filling gaps pending the expansion or modification of those programs.

"(4) Establishing effective procedures by which the poor and area residents concerned will be enabled to influence the character of programs affecting their interests, providing for their regular participation in the implementation of those programs, and providing technical and other support needed to enable the poor and neighborhood groups to secure on their own behalf available assistance from public and private sources.

"(5) Joining with and encouraging business, labor, and other private groups and organizations to undertake, together with public officials and agencies, activities in support of the community action program which will result in the additional use of private resources and capabilities, with a view to such things as developing new employment opportunities, stimulating investment that will have a measurable impact in reducing poverty among residents of areas of concentrated poverty, and providing methods by which residents of those areas can work with private groups, firms, and institutions in seeking solutions to problems of common concern.

"STATE AND REGIONAL AGENCIES

"Sec. 213. A State or regional agency may be a community action agency for the purposes of programs in a number of rural areas or smaller communities if the Director determines that the agency is structured and capable of operating in a manner consistent with the purposes of this part, including the participation and representation requirements of section 211(a), and that the operation of a State or regional program in the areas or communities concerned is justified on the basis of efficiency and effectiveness.

"ADMINISTRATIVE STANDARDS

"Sec. 214. (a) Each community action agency shall observe, and shall (as appropriate) require or encourage other agencies participating in a community action program to observe, standards of organization, management and administration which will assure, so far as reasonably possible, that all program activities are conducted in a manner consistent with the purposes of this title and the objective of providing assistance effectively, efficiently and free of any taint of partisan political bias or personal or family favoritism. Each community action agency shall establish or adopt rules to carry out this section, which shall include rules to assure full staff accountability in matters governed by law, regulations, or agency policy. Each community action agency shall also provide for reasonable public access to information, including but not limited to public hearings at the request of appropriate community groups and reasonable public access to books and records of the agency or other agencies engaged in program activities or operations involving the use of authority or funds for which it is responsible. And each community action agency shall adopt for itself and other agencies using funds or exercising authority for which it is responsible rules designed to establish specific standards governing salaries, salary increases, travel and per diem allowances, and other employee benefits; to assure that only persons capable of discharging their duties with competence and integrity are employed and that employees are promoted or advanced under impartial procedures calculated to improve agency performance and effectiveness; to guard against personal or financial conflicts of interests; and to define employee duties of advocacy on behalf of the poor in an appropriate manner which will in any case preclude employees from participating, in connection with the performance of their duties, in any form of picketing, protest, or other direct action which is in violation of law.

"(b) The Director shall prescribe rules or regulations to supplement subsection (a), which shall include regulations governing matters relating to partisan political activities and elections referred to in section 603 (b) of this Act, and which shall be binding on all agencies carrying on community action program activities with financial assistance under this title. He may, where appropriate, establish special simplified requirements for smaller agencies or agencies operating in rural areas. These special requirements shall not, however, affect the applicability of rules governing conflicts of interest, use of position or authority for partisan political purposes or participation in direct action, regardless of customary practices or rules among agencies in the community. The Director shall consult with the heads of other Federal agencies responsible for programs providing assistance to activities which may be included in community action programs for the purpose of securing maximum consistency between rules or regulations prescribed or followed by those agencies and those prescribed under this section.

"EVALUATION OF COMMUNITY ACTION AGENCIES AND PROGRAMS

"Sec. 215. (a) In determining whether, in which amount, and on what conditions, to extend financial assistance to a new community action program, the Director shall consider evidence of the extent of poverty in the community and the probable capacity of the agency to undertake an efficient and effective program in full conformity to the purposes of this title. In renewing or supplementing that financial assistance, he shall consider the progress made in carrying on such a program, consistent with needs and with due allowance for the special problems of rural and smaller communities, and the efficiency with which the agency has discharged its specific functions and duties to this end. The Director shall prescribe standards for evaluation of overall effectiveness and specific agency operations in accordance with this subsection. In developing those standards he shall consider, but not be limited to, the use of criteria covering: the number and incomes of persons or families served and seeking to be served and the length of their participation; the extent to which those persons and families have been aided in establishing specific goals and have in fact attained those goals; the extent to which resources have been committed which are over and above the contributions required by this title; the degree to which full use has been made of sources of financial assistance other than this title; the degree to which agencies, groups, and organizations, including the poor and area representatives, have actively participated in the formulation and implementation of the program in question; the extent and effectiveness of follow-through arrangements among agencies operating different components and related agencies in the community; and the extent to which activities or approaches initiated as part of the program have been incorporated in other ongoing programs in the community.

"(b) In addition to evaluations undertaken directly by him or by community action agencies, the Director may provide for, or require community action agencies to provide for, independent evaluations. Where appropriate, he may also require a community action agency to establish an independent group or committee to provide evaluation and advisory services on either a short-term or continuing basis.

"PART B—FINANCIAL ASSISTANCE TO COMMUNITY ACTION PROGRAMS AND RELATED ACTIVITIES

"DEVELOPMENT OF COMMUNITY ACTION PROGRAMS

"SEC. 220. The Director may provide financial assistance to community action agencies to assist them in developing community action programs in accordance with this title. He may also provide financial assistance to other public or private nonprofit agencies to aid them in planning for the establishment of a community action agency or participation in a community action program, including assistance to local governments in connection with planning activities and organizational changes to support or improve the effectiveness of such programs.

"GENERAL PROVISIONS FOR FINANCIAL ASSISTANCE TO COMMUNITY ACTION PROGRAMS

"SEC. 221. (a) In order to aid in the implementation of community action programs, the Director may provide general financial assistance to those programs in accordance with the provisions of this section. This assistance may be used, as approved by the Director, by community action agencies in order to enable them to carry out their planning, coordination, evaluation, and overall administration responsibilities as described in part A of this title. It may also be used for the development and operation of approved program components which are necessary for a fully effective program and for which assistance is not available, as needed, from other sources. These component projects may involve, without limitation, activities providing services, together with necessary related facilities, designed to assist families and individuals to secure and retain meaningful employment; to make better use of available income in connection with efforts for self-advancement; to attain basic educational skills needed for employment, family self-help, or successful participation in school; to better secure, use, and maintain housing required for a suitable living environment; to undertake family planning consistent with personal and family goals, religious and moral convictions; and to make more frequent and effective use of programs available to help in overcoming specific problems. Components providing these or other services may be focused upon the needs of specific low-income groups, such as the very young, youth, the elderly, the unemployed, and persons receiving public assistance, but shall wherever feasible be structured so as to foster family participation and progress.

"(b) The Director may provide financial assistance to a public or private nonprofit agency other than a community action agency for activities of the kind described in subsection (a) where he determines, after receiving and considering comments of the community action agency, if any, that there is good cause for the granting of such assistance and that such action would be in furtherance of the polices applicable to this title.

"(c) The Director shall prescribe necessary rules or regulations governing applications for assistance under this section to assure that every reasonable effort is made by each applicant to secure the views of local public officials and agencies in the community having a direct or substantial interest in the application and to resolve all issues of cooperation and possible duplication prior to its submission.

"SPECIAL PROGRAMS AND ASSISTANCE

"SEC. 222. (a) In order to stimulate actions to meet or deal with particularly critical needs or problems of the poor which are common to a number of communities, the Director may develop and carry on special programs under this section. This authority shall be used only where the Director determines that the objectives sought could not be effectively achieved through the use of authorities under sections 220 and 221, including assistance to components or projects based on models developed and promulgated by him. It shall also be used only with respect to programs which (1) involve activities which can be incorporated into or be closely coordinated with community action programs, (2) involve signifiant new combinations of resources or new and innovative approaches, and (3) are structured in a way that will, within the limits of the type of assistance or activities contemplated, most fully and effectively promote the purposes of this title. Subject to such conditions as may be appropriate to assure effective and efficient administration, the Director may provide financial assistance to public or private nonprofit agencies to carry on local projects initiated under such special programs; but he shall do so in a manner that will encourage, wherever feasible, the inclusion of the assisted projects in community action programs, with a view to minimizing possible duplication and promoting efficiencies in the use of common facilities and services, better assisting persons or families having a variety of needs, and otherwise securing from the funds committed the greatest possible impact in promoting family and individual self-sufficiency. Programs under this section shall include those described in the following paragraphs:

"(1) A program to be known as 'Project Headstart' focused upon children who have not reached the age of compulsory school attendance which will provide such comprehensive health, nutritional, education, social, and other services, as the Director finds will aid the children to attain their full potential, together with appropriate activities to encourage the participation of parents of such children and permit the effective use of parent services.

"(2) A 'legal services program' to provide legal advice and legal representation to persons when they are unable to afford the services of a private attorney, together with legal research and information, as appropriate to mobilize the assistance of lawyers or legal institutions, or combinations thereof, in furtherance of the cause of justice among persons living in poverty. Projects involving legal advice and representation shall be carried on in a way that assures maintenance of a lawyer-client relationship consistent with the best standards of the legal profession. The Director shall establish procedures to assure that the principal local bar associations in the area to be served by any proposed project for legal advice and representation are afforded an adequate opportunity to submit comments and recommendations on the proposal before it is approved or funded.

"(3) A 'comprehensive health services program' to aid in developing and carrying out comprehensive health services projects focused upon the needs of urban and rural areas having high concentrations of poverty and a marked inadequacy of health services for the poor. These projects shall be designed—

"(A) to make possible, with maximum feasible use of existing agencies and resources, the provision of comprehensive health services, including but not limited to preventive medical, diagnostic, treatment, rehabilitation, mental health, dental, and follow-up services, together with necessary related facilities and services; and

"(B) to assure that these services are made readily accessible to the residents of such areas, are furnished in a manner most responsive to their needs and with their participation and wherever possible are combined with, or included within, arrangements for providing employment, education, social, or other assistance needed by the families and individuals served.

Funds for financial assistance under this paragraph shall be allotted according to need, and capacity of applicants to make rapid and effective use of that assistance, and may be used, as necessary to pay the full costs of projects. Before approving any project, the Director shall consult with appropriate Federal, State, and local health agencies and take such steps as may be required to assure that the program will be carried on under competent professional supervision and that existing agencies providing related services are furnished all assistance needed to permit them to plan for participation in the program and for the necessary continuation of those related services.

"(4) A program to be known as 'Upward Bound' designed to generate skills and motivation necessary for success in education beyond high school among young people from low-income backgrounds and inadequate secondary school preparation. Projects must include arrangements to assure cooperation among one or more institutions of higher education and one or more secondary schools. They must include a curriculum designed to develop the critical thinking, effective expression and attitudes toward learning needed for postsecondary education success, necessary health services and such recreational and cultural and group activities as the Director determines may be appropriate.

"(b) In developing programs under subsection (a), the Director shall give priority to programs involving services or activities whose effectiveness has been tested in one or more community action programs, or in connection with other Federal, State, or local programs, public or private. The Director shall also cooperate with Federal and State agencies with a view to developing, pursuant to subsection (a), programs which will supplement or improve programs for which those agencies are responsible. Where appropriate, he shall provide for the operation of programs under subsection (a) by other Federal or State agencies, pursuant to delegations of authority or suitable agreements.

"(c) Programs under subsection (a) may include essential training, research, and technical assistance directly related to program development and implementation, and funds allocated for this purpose may be allotted and used in the manner otherwise provided under this title with respect to training, research, and technical assistance activities.

"(d) The Director shall provide for the continuing evaluation of the effectiveness of all programs under this section, including their impact in terms of the needs or problems at which they are directed, and their relationship to and effect upon related programs. For this purpose, he shall consult with other Federal agencies, or where appropriate with State agencies, in order to provide wherever feasible for jointly sponsored objective evaluation studies on a National or State basis. The reports of such studies, together with the comments of the Director and other agencies, if any, thereon, shall be public records and shall be reflected in the annual report of the Director.

"ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE

"SEC. 223. (a) Of the sums which are appropriated or allocated for assistance in the development and implementation of community action programs pursuant to sections 220 and 221, and for special program projects referred to in section 222(a), and which are not subject to any other provision governing allotment or distribution, the

Director shall allot not more than 2 per centum among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs. He shall also reserve not more than 20 per centum of those sums for allotment in accordance with such criteria and procedures as he may prescribe. The remainder shall be allotted among the States, in accordance with the latest available data, so that equal proportions are distributed on the basis of (1) the relative number of public assistance recipients in each State as compared to all States, (2) the average number of unemployed persons in each State as compared to all States, and (3) the relative number of related children living with families with incomes of less than $1,000 in each State as compared to all States. That part of any State's allotment which the Director determines will not be needed may be reallotted, at such dates during the fiscal year as the Director may fix, in proportion to the original allotments, but with appropriate adjustments to assure that any amount so made available to any State in excess of its needs is similarly reallotted among the other States.

"(b) The Director may provide for the separate allotment of funds for any special program referred to in section 222(a). This allotment may be made in accordance with the criteria prescribed in subsection (a), or it may be made in accordance with other criteria which he determines will assure an equitable distribution of funds reflecting the relative incidence in each State of the needs or problems at which the program is directed, except that in no event may more than 12½ per centum of the funds for any one program be used in any one State.

"(c) Unless otherwise provided in this part, financial assistance extended to a community action agency or other agency pursuant to sections 220, 221, and 222(a), for the period ending June 30, 1967, shall not exceed 90 per centum of the approved cost of the assisted programs or activities, and thereafter shall not exceed 80 per centum of such costs. The Director may, however, approve assistance in excess of such percentages if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this title. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services.

"(d) No program shall be approved for assistance under sections 220, 221, and 222(a) unless the Director satisfies himself (1) that the services to be provided under such program will be in addition to, and not in substitution for, services previously provided without Federal assistance, and (2) that funds or other resources devoted to programs designed to meet the needs of the poor within the community will not be diminished in order to provide any contributions required under subsection (c) or otherwise qualify for assistance under this part. The requirement imposed by the preceding sentence shall be subject to such regulations as the Director may adopt and promulgate establishing objective criteria for determinations covering situations where a strict application of that requirement would result in unnecessary hardship or otherwise be inconsistent with the purposes sought to be achieved.

"PART C—SUPPLEMENTAL PROGRAMS AND ACTIVITIES

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 230. The Director may provide, directly or through grants or other arrangements, (1) technical assistance to communities in developing, conducting, and administering programs under this title, and (2) training for specialized or other personnel which is needed in connection with those programs or which otherwise pertains to the purposes of this title. Upon request of an agency receiving financial assistance under this title, the Director may make special assignments of personnel to the agency to assist and advise it in the performance of functions related to the assisted activity; but no such special assignment shall be for a period of more than two years in the case of any agency.

"STATE AGENCY ASSISTANCE

"SEC. 231. (a) The Director may provide financial assistance to State agencies designated in accordance with State law, to enable those agencies—

"(1) to provide technical assistance to communities and local agencies in developing and carrying out programs under this title;

"(2) to assist in coordinating State activities related to this title;

"(3) to advise and assist the Director in developing procedures and programs to promote the participation of States and State agencies in programs under this title; and

"(4) to advise and assist the Director, the Economic Opportunity Council established by section 631 of the Act, and the heads of other Federal agencies, in identifying problems posed by Federal statutory or administrative requirements that operate to impede State level coordination of programs related to this title, and in developing methods or recommendations for overcoming those problems.

"(b) In any grants or contracts with State agencies, the Director shall give preference to programs or activities which are administered or coordinated by the agencies designated pursuant to subsection (a), or which have been developed and will be carried on with the assistance of those agencies.

"RESEARCH AND PILOT PROGRAMS

"SEC. 232. (a) The Director may contract or provide financial assistance for pilot or demonstration projects conducted by public or private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise in furthering the purposes of this title. He may also contract or provide financial assistance for research pertaining to the purposes of this title.

"(b) The Director shall establish an overall plan to govern the approval of pilot or demonstration projects and the use of all research authority under this title. The plan shall set forth specific objectives to be achieved and priorities among such objectives. In formulating the plan, the Director shall consult with other Federal agencies for the purpose of minimizing duplication among similar activities or projects and determining whether the findings resulting from any research or pilot projects may be incorporated into one or more programs for which those agencies are responsible. As part of the annual report required by section 608, or in a separate annual report, the Director shall submit a description for each fiscal year of the current plan required by this section, of activities subject to the plan, and of the findings derived from those activities, together with a statement indicating the time and, to the extent feasible, the manner in which the benefits of those activities and findings are expected to be realized.

"(c) Not more than 10 per centum of the sums appropriated or allocated in any fiscal year for this title shall be used for the purposes of subsection (a).

"PART D—GENERAL AND TECHNICAL PROVISIONS

"RURAL AREAS

"SEC. 240. (a) In exercising authority under this title, the Director shall take necessary steps to further the extension of benefits to residents of rural areas, consistent with the extent and severity of poverty among rural residents, and to encourage high levels of managerial and technical competence in programs undertaken in rural areas. These steps shall include, to the maximum extent practicable, (1) the development under section 222(a) of programs particularly responsive to special needs of rural areas; (2) the establishment, pursuant to section 232(a), of a program of research and pilot project activities specifically focused upon the problems of rural poverty; (3) the provision of technical assistance so as to afford a priority to agencies in rural communities and to aid those agencies, through such arrangements as may be appropriate, in securing assistance under Federal programs which are related to this title but which are not generally utilized in rural areas; and (4) the development of special or simplified procedures, forms, guidelines, model components, and model programs for use in rural areas.

"(b) In order to further implement the policy described in subsection (a), the Director shall establish criteria designed to achieve an equitable distribution of assistance under this title within the States between urban and rural areas. In developing those criteria, he shall consider the relative numbers in the States or areas therein of (1) low-income families, particularly those with children; (2) unemployed persons; (3) persons receiving cash or other assistance on a needs basis from public agencies or private organizations; (4) school dropouts; (5) adults with less than an eighth-grade education; and (6) persons rejected for military service.

"(c) Notwithstanding any other provision of this title, the Director is authorized to provide financial assistance in rural areas to public or private nonprofit agencies for any project for which assistance to community action agencies is authorized, if he determines that it is not feasible to establish a community action agency within a reasonable period of time. The assistance so granted shall be subject to such conditions as the Director deems appropriate to promote adherence to the purposes of this title and the early establishment of a community action agency in the area.

"(d) The Director shall encourage the development of programs for the interchange of personnel, for the undertaking of common or related projects, and other methods of cooperation between urban and rural communities, with particular emphasis on fostering cooperation in situations where it may contribute to new employment opportunities, and between larger urban communities with concentrations of low-income persons and families and rural areas in which substantial numbers of those persons and families have recently resided.

"COORDINATION—FEDERAL AGENCIES; USE OF STATE FUNDS

"SEC. 241. (a) The heads of all Federal agencies shall cooperate with the Director in carrying out his responsibilities under this title and shall, to the extent permitted by law, exercise their powers so as to encourage implementation of the purposes of this title with respect to all programs appropriate for inclusion in community action programs. The Director may call upon other Federal agencies for advice, information, or assistance, including the establishment of working groups of Federal personnel, in dealing with specific problems of coordination arising under programs authorized in this title. Cooperative actions or undertakings initiated pursuant to this subsection may include evaluation of local programs on a common or joint basis, and actions to assist particular communities in overcoming problems arising out of diverse Federal requirements, or in developing long-range plans where justified by prior progress.

"(b) Pursuant to regulations prescribed by the President, where funds are advanced for a single project by more than one Federal agency to a community action agency or other agency assisted under this title, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single local share requirement may be established according to the proportion of funds advanced by each agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

"(c) In order to promote coordination in the use of funds under this Act and funds provided or granted by State agencies, the Director may enter into agreements with States or State agencies pursuant to which they will act as agents of the United States for purposes of providing financial assistance to community action agencies or other local agencies in connection with specific projects or programs involving the common or joint use of State funds and funds under this title.

"SUBMISSION OF PLANS TO GOVERNORS

"SEC. 242. In carrying out the provisions of this title, no contract, agreement, grant, loan, or other assistance shall be made with, or provided to, any State or local public agency or any private institution or organization for the purpose of carrying out any program, project, or other activity within a State unless a plan setting forth such proposed contract, agreement, grant, loan, or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved by the Governor within thirty days of such submission, or, if so disapproved, has been reconsidered by the Director and found by him to be fully consistent with the provisions and in furtherance of the purposes of this part. This section shall not, however, apply to contracts, agreements, grants, loans, or other assistance to any institution of higher education in existence on the date of the approval of this Act.

"FISCAL RESPONSIBILITY AND AUDIT

"SEC. 243. (a) No funds shall be released to any agency receiving financial assistance under this title until it has submitted to the Director a statement certifying that the assisted agency and its delegate agencies (or subcontractors for performance of any major portion of the assisted program) have established an accounting system with internal controls adequate to safeguard their assets, check the accuracy and reliability of the accounting data, promote operating efficiency and encourage compliance with prescribed management policies and such additional fiscal responsibility and accounting requirements as the Director may establish. The statement may be furnished by a certified public accountant, a duly licensed public accountant or, in the case of a public agency, the appropriate public financial officer who accepts responsibility for providing required financial services to that agency.

"(b) Within three months after the effective date of a grant to or contract of assistance with an organization or agency, the Director shall make or cause to be made a preliminary audit survey to review and evaluate the adequacy of the accounting system and internal controls established thereunder to meet the standards set forth in the statement referred to in paragraph (a). Promptly after the completion of the survey, the Director shall determine on the basis of findings and conclusions resulting from the survey whether the accounting systems and internal controls meet those standards and, if not, whether to suspend the grant or contract. In the event of suspension, the assisted agency shall be given not more than six months within which to establish the necessary systems and controls, and, in the event of failure to do so within such time period, the assistance shall be terminated by the Director.

"(c) At least once annually the Director shall make or cause to be made an audit of each grant or contract of assistance under this title. Promptly after the completion of such audit, he shall determine on the basis of resulting findings and conclusions whether any of the costs of expenditures incurred shall be disallowed. In the event of disallowance, the Director may seek recovery of the sums involved by appropriate means, including court action or a commensurate increase in the required non-Federal share of the costs of any grant or contract with the same agency or organization which is then in effect or which is entered into within twelve months after the date of disallowance.

"(d) The Director shall establish such other requirements and take such actions as he may deem necessary and appropriate to carry out the provisions of this section and to insure fiscal responsibility and accountability, and the effective and efficient handling of funds in connection with programs assisted under this title. These requirements and actions shall include (1) necessary action to assure that the rate of expenditure of any agency receiving financial assistance does not exceed the rate contemplated under its approved program; and (2) appropriate requirements to promote the continuity and coordination of all projects or components of community action programs receiving financial assistance under this title, including provision for the periodic reprograming and supplementation of assistance previously provided.

"SPECIAL LIMITATIONS

"SEC. 244. The following special limitations shall apply, as indicated, to programs under this title.

"(1) Financial assistance under this title may include funds to provide a reasonable allowance for attendance at meetings of any community action agency governing board, neighborhood council or committee, as appropriate to assure and encourage the maximum feasible participation of members of groups and residents of areas served in accordance with the purposes of this title, and to provide reimbursement of actual expenses connected with those meetings; but those funds (or matching non-Federal funds) may not be used to pay allowances in the case of any individual who is a Federal, State, or local government employee, or an employee of a community action agency, or for payment of an allowance to any individual for attendance at more than two meetings a month.

"(2) The Director shall issue necessary rules or regulations to assure that no employee engaged in carrying out community action program activities receiving financial assistance under this title is compensated from funds so provided at a rate in excess of $15,000 per annum, and that any amount paid to such an employee at a rate in excess of $15,000 per annum shall not be considered in determining whether the non-Federal contributions requirements of section 223 have been complied with; the Director may, however, provide in those rules or regulations for exceptions covering cases where, because of the need for specialized or professional skills or prevailing local wage levels, application of the foregoing restriction would greatly impair program effectiveness or otherwise be inconsistent with the purposes sought to be achieved.

"(3) No officer or employee of the Office of Economic Opportunity shall serve as member of a board, council, or committee of any agency serving as grantee, contractor, or delegate agency in connection with a program receiving financial assistance under this title; but this shall not prohibit an officer or employee from serving on a board, council, or committee which does not have any authority or powers in connection with a program assisted under this title.

"(4) In granting financial assistance for projects or activities in the field of family planning, the Director shall assure that family planning services, including the dissemination of family planning information and medical assistance and supplies, are made available to all low income individuals who meet the criteria for eligibility for assistance under this part which have been established by the assisted agency and who desire such information, assistance, or supplies. The Director shall require, in connection with any such financial assistance, that—

"(A) no individual will be provided with any information, medical supervision, or supplies which that individual indicates is inconsistent with his or her moral, philosophical, or religious beliefs; and

"(B) no individual will be provided with any medical supervision or supplies unless he or she has voluntarily requested such medical supervision or supplies.

The use of family planning services assisted under this title shall not be a prerequisite to the receipt of services from or participation in any other programs under this Act.

"(5) No financial assistance shall be extended under this title to provide general aid to elementary or secondary education in any school or school system; but this shall not prohibit the provision of special, remedial, and other noncurricular assistance.

"(6) In extending assistance under this title the Director shall give special consideration to programs which make maximum use of existing schools, community centers, settlement houses, and other facilities during times they are not in use for their primary purpose.

"DURATION OF PROGRAM

"SEC. 245. The Director shall carry out the programs provided for in this part during the fiscal year ending June 30, 1967, and the three succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law."

AMENDMENTS TO TITLE III—RURAL AREAS PROGRAMS

SEC. 104. (a) Title III of the Economic Opportunity Act of 1964 is amended by (1) inserting immediately under the title heading a new part heading to read "PART A—RURAL LOANS PROGRAM", and (2) striking out the heading immediately before section 302 and inserting in lieu thereof a new heading to read "LOANS TO FAMILIES".

(b) Section 301 of such Act is amended to read as follows:

"STATEMENT OF PURPOSE

"SEC. 301. It is the purpose of this part to meet some of the special needs of low-income rural families by establishing a program of loans to assist in raising and maintaining their income and living standards."

(c) Section 302(a) of such Act is amended by inserting the word "principal" after the word "aggregate".

(d) Section 606 of such Act is transferred from title VI thereof to the end of part A of title III, is redesignated as section 306, and amended by striking out "titles III of this Act" in subsections (a) and (d) and inserting in lieu thereof "this part".

(e) Part B of title III of such Act is amended to read as follows:

"PART B—ASSISTANCE FOR MIGRANT, AND OTHER SEASONALLY EMPLOYED, FARMWORKERS AND THEIR FAMILIES

"STATEMENT OF PURPOSE

"SEC. 311. The purpose of this part is to assist migrant and seasonal farmworkers and their families to improve their living conditions and develop skills necessary for a productive and self-sufficient life in an increasingly complex and technological society.

"FINANCIAL ASSISTANCE

"SEC. 312. (a) The Director may provide financial assistance to assist State and local agencies, private nonprofit institutions and cooperatives in developing and carrying out programs to fulfill the purpose of this part.

"(b) Programs assisted under this part may include projects or activities—

"(1) to meet the immediate needs of migrant and seasonal farmworkers and their families, such as day care for children, education, health services, improved housing and sanitation, legal advice and representation, and consumer training and counseling:

"(2) to promote increased community acceptance of migrant and seasonal farmworkers and their families; and

"(3) to equip unskilled migrant and seasonal farmworkers through education and training to meet the changing demands in agricultural employment brought about by technological advancement and to take advantage of opportunities available to improve their well-being and self-sufficiency by gaining regular or permanent employment or by participating in available Government training programs.

"LIMITATIONS ON ASSISTANCE

"Sec. 313. (a) Assistance shall not be extended under this part unless the Director determines that the applicant will maintain its prior level of effort in similar activities.

"(b) The Director shall establish necessary procedures or requirements to assure that programs under this part are carried on in coordination with other programs or activities providing assistance to the persons and groups served.

"TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION

"Sec. 314. (a) The Director may provide directly or through grants, contracts, or other arrangements, such technical assistance or training of personnel as may be required to implement effectively the purposes of this title.

"(b) The Director shall provide for necessary evaluation of projects under this title and may, through grants or contracts, secure independent evaluation for this purpose."

AMENDMENTS TO TITLE VI—ADMINISTRATION AND COORDINATION

Sec. 105. (a) Section 601(a) of the Economic Opportunity Act of 1964 is amended by striking out "four" in the third sentence and inserting in lieu thereof "six".

(b) Section 609 of such Act is amended to read as follows:

"DEFINITIONS

"Sec. 609. As used in this Act—

"(1) the term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, or the Virgin Islands, and for purposes of title I and part A of title II the meaning of 'State' shall also include the Trust Territory of the Pacific Islands; except that when used in section 223 of this Act this term means only a State or the District of Columbia. The term 'United States' when used in a geographical sense includes all those places named in the previous sentence, and all other places continental or insular, subject to the jurisdiction of the United States;

"(2) the term 'financial assistance' when used in titles I, II, and III–B includes assistance advanced by grant, agreement, or contract, but does not include the procurement of plant or equipment, or goods or services; and

"(3) the term 'permanent resident of the United States' when used in titles I–A and I–B shall include any native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of sections 214(a) or 212(d)(5), respectively, or any person admitted as a conditional entrant under section 203(a)(7), of the Immigration and Nationality Act."

(c) Section 610–1(a) of such Act is amended by inserting the words "a substantial number of the" immediately before the word "persons" the second and third time that word appears.

(d) Section 616 of such Act is amended to read as follows:

"TRANSFER OF FUNDS

"Sec. 616. Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing appropriations for such program or activity, not to exceed 10 per centum of the amount appropriated or allocated from any appropriation for the purpose of enabling the Director to carry out any such program or activity under the Act may be transferred and used by the Director for the purpose of carrying out any other such program or activity under the Act; but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum."

(e) Title VI of such Act is amended by—

(1) striking out section 604;

(2) striking out the heading "Part B—Coordination of Antipoverty Programs" and sections 611, 612, 613, and 614; and

(3) inserting at the end thereof a new part B to read as follows:

"Part B—Coordination

"STATEMENT OF PURPOSE

"Sec. 630. This part establishes an Economic Opportunity Council, provides for an information center, and prescribes certain duties and responsibilities. Its purpose is to promote better coordination among all programs related to this Act, with a view to making those programs more effective in reaching and serving the poor, assisting State and local agencies to adapt diverse Federal programs to varying local problems and conditions, stimulating new and more imaginative ways of combining complementary Federal resources in the solution of specific problems, and generally improving cooperation and communication among all levels of government, agencies, and institutions in matters related to the purposes of this Act.

"ECONOMIC OPPORTUNITY COUNCIL

"Sec. 631. (a) There is established an Economic Opportunity Council. The Council shall include the Director who shall be Chairman, the Attorney General, the Secretaries of Defense, the Interior, Agriculture, Commerce, Labor, Health, Education, and Welfare, and Housing and Urban Development, the Administrator of the Small Business Administration, the Chairman of the Council of Economic Advisers, and the Director of Selective Service. The President, in his discretion, may from time to time revise the membership of the Council to take account of changes in functions or otherwise assure representation on the Council that will best promote the purposes of this part. Each member shall designate an alternative to sit in his stead in the event of his unavoidable absence.

"(b) It shall be the responsibility of the Council to consult with and advise the President and the Director in carrying out their functions, including the coordination of antipoverty efforts by all segments of the government. In doing so, the Council shall—

"(1) advise generally on the coordination of Federal programs related to this Act;

"(2) review and make recommendations, as appropriate, with respect to major policy issues and questions of basic priorities involving the coordination of programs related to this Act;

"(3) initiate, consider, recommend, and, to the extent feasible, arrange for the carrying out of specific actions or projects designed to improve coordination among programs related to this Act; and

"(4) provide general guidance and advice in connection with the operation of the information center provided for in this part and assist the Director in making the center more effective.

"(c) The Council may be provided a staff by the Director. Employees of other executive departments and agencies may be detailed to the Council from time to time for temporary assistance.

"(d) As directed by the President, or from time to time as it deems appropriate, the Council shall report to the President concerning specific actions which it has taken, or proposes to take, in carrying out its responsibilities. To the extent appropriate, a report of the Council's activities shall be reflected in the Director's annual report to the President and the Congress or in a separate report to the President for transmittal to the Congress.

"RESPONSIBILITIES OF THE DIRECTOR

"Sec. 632. In addition to his other powers under this Act, and to assist the President in coordinating the antipoverty efforts of all Federal agencies, the Director shall—

"(1) undertake special studies of specific coordination problems at the request of the President or the Council, or on his own initiative; and

"(2) carry on a continuing evaluation of all activities under this Act, and consult with interested agencies and groups, including State agencies described in section 231 of this Act and the National Advisory Council, with a view to identifying coordination problems may warrant consideration by the Council or the President and, to the extent feasible or appropriate, initiate action for overcoming those problems, either through the Office of Economic Opportunity or in conjunction with other Federal, State, or local agencies.

"COOPERATION OF FEDERAL AGENCIES

"Sec. 633. (a) Federal agencies administering programs related to this Act shall—

"(1) cooperate with the Director and with the Council in carrying out their duties and responsibilities; and

"(2) carry out their programs and exercise their functions so as to assist in carrying out the provisions and purposes of this Act, to the fullest extent permitted by other applicable law.

"(b) The Council and the Director may call upon Federal agencies to supply statistical data, program reports, and other materials as they deem necessary to discharge their responsibilities under this Act.

"(c) The President may direct that particular programs and functions, including the expenditure of funds, of Federal agencies shall be carried out, to the extent not inconsistent with other applicable law, in conjunction with or in support of programs authorized under this Act.

"COMBINATIONS AMONG PROJECTS AND PROGRAMS

"Sec. 634. In order to encourage efficiencies, close unnecessary service gaps, and generally promote more effective administration, the Director shall require, to the fullest extent feasible, that projects or programs assisted under this Act be carried on so as to supplement one another, or where appropriate other related programs or projects, and be included within or otherwise carried on in combination with community action programs. In the case of other programs related to this Act, the heads of the Federal agencies responsible for those programs shall, to the extent permitted by law, similarly provide assistance for projects and activities in a manner which encourages combinations with other related projects and activities, where appropriate, and with community action programs. The Economic Opportunity Council shall, in carrying out its responsibilities under this part, make a continuing review of the operation of this section with a view to (1) determining particular groups of programs which, because of their objectives, or similarities in target groups or areas, are especially appropriate for combined or closely coordinated operation at the State or local level, and making recommendations accordingly to the President or appropriate Federal officials; (2) evaluating Federal agency procedures for carrying out this section, and developing or recommending additional or common procedures, as appropriate; and (3) determining whether, and to what extent, consolidations of Federal programs may be justified and making recommendations respecting such consolidations to the Director and the President.

"INFORMATION CENTER

"SEC. 635. (a) The Director shall establish and operate an information center for the purpose of insuring that maximum use is made of Federal programs related to this Act and that information concerning those programs and other relevant information is readily available to public officials and other interested persons. The Director shall collect, prepare, analyze, correlate, and distribute information as described above, either free of charge or by sale at cost (any funds so received to be deposited to the Director's account as an offset of that cost), and may make arrangements and pay for any printing and binding without regard to the provisions of any other law or regulations. In connection with operation of the center, the Director may carry on research or studies concerning the improvement of information systems in support of the purposes of this Act, the adequacy of existing data, ways in which data generated on the State and local level may be incorporated into Federal information systems, and methods by which data may be made more readily available to State and local officials or used to further coordination objectives.

"(b) The Director shall publish and maintain on a current basis, a catalog of Federal programs relating to individual and community improvement. He may also make grants, from funds appropriated to carry out title II of this Act, to States and communities to establish information service centers for the collection, correlation, and distribution of information required to further the purposes of this Act.

"(c) In order to assure that all appropriate officials are kept fully informed of programs related to this Act, and that maximum use is made of those programs, the Director shall establish procedures to assure prompt distribution to State and local agencies of all current information, including administrative rules, regulations, and guidelines, required by those agencies for the effective performance of their responsibilities.

"PROHIBITION

"SEC. 636. In order to assure that existing Federal agencies are used to the fullest extent possible in carrying out the purposes of this Act, no funds appropriated to carry out this Act shall be used to establish any new department or office when the intended function is being performed by an existing department or office.

"SPECIAL RESPONSIBILITIES: TRAINING PROGRAMS

"SEC. 637. (a) It shall be the responsibility of the Director, the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the heads of all other departments and agencies concerned, acting through such procedures or mechanisms as the President may prescribe, to provide for, and take such steps as may be necessary and appropriate to implement, the effective coordination of all programs and activities within the executive branch of the Government relating to the training of individuals for the purpose of improving or restoring employability.

"(b) The Secretary of Labor, pursuant to such agreements as may be necessary or appropriate (which may include arrangements for reimbursement), shall—

"(1) be responsible for assuring that the Federal-State employment service provides and develops its capacity for providing maximum support for the programs described in subsection (a); and

"(2) obtain from the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Director of the Office of Economic Opportunity, and the head of any other Federal agency administering a training program, such employment information as will facilitate the placement of individuals being trained.

"DEFINITIONS

"SEC. 638. As used in this part, 'programs related to this Act' and 'coordination' shall include the programs and actions described in this section:

"(1) 'Programs related to this Act' include programs under this Act and all Federal or federally assisted programs which have objectives which are, in whole or substantial part, complementary to the purposes of this Act, or which provide resources which may be used in combination with resources under this Act to assist in achieving any of the purposes of this Act.

"(2) 'Coordination' includes, but is not limited to—

"(A) actions to improve the common effectiveness of programs in reaching and serving the poor, such as actions: to extend services to new areas, provide them in a common place, or structure them so that they are more readily accepted or widely utilized; to eliminate procedures or requirements that may be inappropriate for or result in unnecessary hardship to disadvantaged persons with limited education or other special handicaps; to establish common eligibility standards among programs serving substantially similar groups or operating in the same areas; or to develop methods of operation or administration that will provide new employment incentives or opportunities for the poor;

"(B) actions to promote better use at the State or local level of Federal assistance available under diverse programs, such as actions to establish procedures for cooperation among State or local agencies seeking assistance from different Federal sources with a view to eliminating unnecessary duplication and service gaps and promoting common or complementary priorities; or to modify or improve technical or administrative requirements imposed by different Federal agencies that may operate to increase unnecessarily the burdens of State or local agencies, minimize their opportunities for the imaginative use of Federal assistance, or discourage their cooperation with one another;

"(C) actions to promote simplification and efficiencies through the joint or combined use of Federal resources, such as actions to develop new methods of processing requests for assistance or granting assistance that will enable Federal agencies more generally to use resources jointly in support of common objectives; to establish common priorities for purposes of program planning, research and demonstration activities; and to effect combinations among or redirect Federal programs or activities for the purpose of eliminating unnecessary duplication;

"(D) actions to improve communication and general cooperation, such as actions to strengthen ties among regional offices of different Federal agencies and among such offices and other regional agencies or organizations; to develop and improve procedures by which Federal agencies may act together in promulgating or making available items of information, including information as to the availability and allocation of funds, which are closely related to one another for purposes of State or local planning and budgeting; or to develop procedures by which State and local agencies may be afforded new opportunities to participate in Federal policy decisions, including decisions on recommended legislation, affecting their capacity to operate efficiently and effectively."

AMENDMENT TO TITLE VII

SEC. 106. (a) Title VII of the Economic Opportunity Act of 1964 is amended to read as follows:

"TITLE VII—TREATMENT OF INCOME FOR CERTAIN PUBLIC ASSISTANCE PURPOSES

"STATEMENT OF PURPOSE

"SEC. 701. It is the purpose of this title to provide incentives to welfare recipients to participate in programs under this Act which are designed to enable them to become self-supporting, and to complete such programs and become self-supporting within a reasonable period of time.

"STATE PLANS

"SEC. 702. Notwithstanding the provisions of titles I, IV, X, XIV, XVI, and XIX of the Social Security Act, a State plan approved under any such title shall include provisions consistent with the rules prescribed or under this title.

"DEFINITIONS

"SEC. 703. For the purposes of this title—

"(a) 'Public assistance' shall mean any aid or assistance payable pursuant to a State plan approved under title I, IV, X, XIV, XVI, or XIX of the Social Security Act.

"(b) 'Trainee' shall mean any person enrolled in any program under title I, II, or III–B of this Act or employed in any such program as a resident nonprofessional or in any other combined work-and-training capacity.

"(c) 'Qualifying income' shall mean (1) any amount paid as wages under title I of this Act to a trainee in a program described in paragraph (1) of section 121 of the Act (relating to Neighborhood Youth Corps programs for youth attending school); (2) any amount paid under this Act as wages, training allowance, or stipend to any other trainee during his first eighteen months as such a trainee; and (3) the net income derived, during the first eighteen months following initial receipt of assistance under title III–A of this Act, by any assisted family from the assisted farm or nonagricultural enterprise.

"(d) 'Poverty line' shall mean an amount of monthly income determined by the Director, representing an approximation of the minimum level of income which is necessary to support a family of given size so that it can live out of poverty.

"ATTRIBUTION OF INCOME

"SEC. 704. Unless otherwise provided in regulations prescribed by the Secretary of Health, Education, and Welfare, no payment made under this Act to or on behalf of any trainee shall be regarded as income or resources of any other individual under a State plan approved under title I, IV, X, XIV, XVI, or XIX except to the extent that the payment is made available to or used for the benefit of such other individual.

"AMOUNT OF PUBLIC ASSISTANCE

"SEC. 705. (a) The amount of public assistance payable for any month to any person having qualifying income shall be the higher of (1) the amount determined under the State plan without regard to this section, or (2) the amount determined under subsection (b).

"(b) The amount of public assistance which is payable for any month to any person who receives qualifying income shall be computed, for purposes of this subsection, as follows:

"(1) The amount of public assistance, excluding assistance for medical care, shall be computed under the State plan as if the qualifying income had not been received (and without any provision for expenses connected with earning the qualifying income).

"(2) The qualifying income for the month shall be converted into a percentage of the monthly poverty line.

"(3) The amount of public assistance payable (other than assistance for medical care) shall be the amount determined under clause

(1) above, reduced by the percentage determined under clause (2) or, if the State plan so provides by eight-tenths of that percentage.

"(4) Assistance for medical care shall be provided in accordance with the State plan. In States where the plan provides that assistance for medical care depends upon eligibility for other public assistance, such eligibility shall be determined in accordance with this subsection.

"(c) If more than one member of a family receives qualifying income, the qualifying income of all members of the family shall be aggregated in determining the percentage referred to in subsection (b)(2). The foregoing sentence shall not apply in cases in which its application would be inconsistent with section 704.

"SAVINGS PROVISION

"SEC. 706. If, at the time the rules prescribed in section 705 become effective in his State, a trainee's public assistance is being computed in accordance with the prior version of this title, it shall continue to be so computed until (1) his rights under the prior version expire, or (2) he completes his participation in the particular program in which he is a trainee, whichever occurs sooner. Thereafter, if he receives additional qualifying income, his public assistance shall be determined in accordance with section 705."

(b) In the case of any State whose State plan meets the requirements of section 701 of the Economic Opportunity Act of 1964 in effect prior to the amendment made by subsection (2) of this section, no funds to which the State is otherwise entitled under title I, IV, X, XIV, XVI, or XIX of the Social Security Act shall be withheld prior to January 1, 1968, as a result of such amendment; nor shall funds be withheld from any such State by reason of any action taken pursuant to a State statute which prevents the State from complying with the requirements of such amendment until the first day of the fourth month after the State legislature next adjourns following the effective date of this Act.

VOLUNTEER PROGRAMS

SEC. 107. Title VIII of the Economic Opportunity Act of 1964 is amended to read as follows:

"TITLE VIII—DOMESTIC VOLUNTEER SERVICE PROGRAMS

"VOLUNTEERS IN SERVICE TO AMERICA

"STATEMENT OF PURPOSE

"SEC. 801. This title provides for a program of fulltime volunteer service, for programs of part-time or short-term community volunteer service, and for special volunteer programs, together with other powers and responsibilities designed to assist in the development and coordination of volunteer programs. Its purpose is to strengthen and supplement efforts to eliminate poverty by encouraging and enabling persons from all walks of life and all age groups, including elderly and retired Americans, to perform meaningful and constructive service as volunteers in part-time or short-term programs in their home or nearby communities, and as full-time volunteers serving in rural areas and urban communities, on Indian reservations, among migrant workers, in Job Corps centers, and in other agencies, institutions, and situations where the application of human talent and dedication may help the poor to overcome the handicaps of poverty and to secure and exploit opportunities for self-advancement.

"PART A—FULL-TIME VOLUNTEER PROGRAMS

"AUTHORITY TO ESTABLISH FULL-TIME PROGRAMS

"SEC. 810. (a) The Director may recruit, select, and train persons to serve in full-time volunteer programs, and upon request of Federal, State, or local agencies, or private nonprofit organizations, may assign such volunteers to work—

"(1) in meeting the health, education, welfare, or related needs of Indians living on reservations, of migratory workers and their families, or of residents of the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands;

"(2) in the care and rehabilitation of the mentally ill or mentally retarded under treatment at nonprofit mental health or mental retardation facilities assisted in their construction or operation by Federal funds; and

"(3) in connection with programs or activities authorized, supported, or of a character eligible for assistance under this Act.

"(b) The assignment of volunteers under this section shall be on such terms and conditions (including restrictions on political activities that appropriately recognize the special status of volunteers living among the persons or groups served by programs to which they have been assigned) as the Director may determine; but volunteers under this part shall not be assigned to duties or work in any State without the consent of the Governor.

"TERMS OF SERVICE

"SEC. 811. (a) Volunteers under this part shall be required to make a full-time personal commitment to combating poverty. This shall include a commitment to live among and at the economic level of the people served, and to remain available for service without regard to regular working hours, at all times during their term of service, except for authorized periods of leave.

"(b) Volunteers under this part shall be enrolled for one-year periods of service, excluding time devoted to training. The Director may, however, allow persons who are unable to make a full one-year commitment to enroll as volunteer associates for periods of service of not less than two months where he determines that this more limited service will effectively promote the purposes of this title.

"(c) All volunteers under this part shall take and subscribe to an oath or affirmation in the form prescribed by section 106 of this Act, and the provisions of section 1001 of title 18, United States Code, shall be applicable with respect to that oath or affirmation.

"SUPPORT OF FULL-TIME VOLUNTEERS

"SEC. 812. (a) The Director may provide a stipend to volunteers under this part while they are in training and on assignment, but the stipend shall not exceed $50 per month during the volunteer's first year of service. He may provide a stipend not to exceed $75 per month in the case of persons who have served for at least one year and who, in accordance with standards prescribed by him, have been designated volunteer leaders on the basis of experience and special skills. The Director may also provide volunteers such living, travel (including travel to and from the place of training), and leave allowances, and such housing, supplies, equipment, subsistence, clothing, health and dental care, or such other support, as he may deem necessary or appropriate for their needs.

"(b) Stipends shall be payable only upon completion of a term of service; except that in extraordinary circumstances the Director may from time to time advance accrued stipend, or any portion thereof, to or on behalf of a volunteer. In the event of the death of a volunteer during service, the amount of any unpaid stipend shall be paid in accordance with the provisions of section 1 of the Act of August 3, 1950 (5 U.S.C. 5582).

"(c) The Director may provide or arrange for educational and vocational counseling of volunteers and recent volunteers to encourage them to use the skills and experience which they have derived from their training and service in the national interest, and particularly in combating poverty as members of the helping professions.

"PART B—AUXILIARY AND SPECIAL VOLUNTEER PROGRAMS

"COMMUNITY SERVICE PROGRAMS

"SEC. 820. (a) The Director shall develop programs designed to expand opportunities for persons to participate in a direct and personal way, on a part-time basis or for shorter periods of service than is required for enrollment under section 810, and in their home or nearby communities, in volunteer activities contributing to the elimination of poverty. Pursuant to appropriate plans, agreements, or arrangements the Director may provide financial, technical, or other assistance needed to carry on projects that are undertaken in connection with these programs. These projects may include, without limitation, activities designed (1) to encourage greater numbers of persons to participate, as volunteers, in local programs and projects assisted under this Act, with particular emphasis upon programs designed to aid youth or promote child development; (2) to encourage persons with needed managerial, professional or technical skills to contribute those skills to programs for the development or betterment of neighborhoods or areas having especially large concentrations of the poor, with particular emphasis upon helping residents of those neighborhoods or areas to develop the competence necessary to take advantage of public and private resources which would not otherwise be available or used for those programs; and (3) to assist existing national and local agencies relying upon or in need of volunteers to obtain volunteer services more readily, or to provide specialized short-term training, with particular emphasis on agencies serving the most seriously disadvantaged, operating in areas of the most concentrated poverty, or having similar critical needs.

"(b) Persons serving as volunteers under this section shall receive no living allowance or stipend and only such other support or allowances as the Director determines, pursuant to regulations, are required because of unusual or special circumstances affecting the project.

"(c) The services of any person, if otherwise allowable as a non-Federal contribution toward the cost of any program or project assisted under this or any other Federal Act, shall not be disallowed merely by reason of actions of the Director under this section in providing for or assisting in the recruitment, referral, or preservice training of such person.

"SPECIAL VOLUNTEER PROGRAMS

"SEC. 821. The Director is authorized to conduct, or provide by grant or contract for, special volunteer programs designed to stimulate and initiate improved methods of providing volunteer services and to encourage wider volunteer participation, in furtherance of the purposes of this title. Not to exceed 10 per centum of the sums appropriated or allocated from any appropriation to carry out this title for any fiscal year may be used for programs under this section.

"PART C—GENERAL PROVISIONS

"COORDINATION WITH OTHER PROGRAMS

"SEC. 831. The Director shall take necessary steps to coordinate volunteer programs authorized under this title with one another, with community action programs, and with other related Federal, State, local, and national programs. These steps shall include, to the extent feasible, actions to promote service by volunteers or former volunteers in the full-time programs authorized under part A in providing necessary support to programs under part B, and actions to encourage persons serving as part-time or short-term volunteers to make commitments under part A as regular or associate full-time volunteers. The Director shall also consult with the heads of other Federal, State, local, and national agencies responsible for programs related to the purpose of this Act with a view to encouraging greater use of volunteer services in those programs and establishing in connection with them systematic procedures for the recruitment, referral, or necessary preservice orientation or training of part-time volunteers serving pursuant to this part.

"PARTICIPATION OF OLDER PERSONS

"SEC. 832. In carrying out this title, the Director shall take necessary steps, including the development of special projects where appropriate, to encourage the fullest feasible participation of older persons in the various programs and activities authorized under this title.

"APPLICATION OF FEDERAL LAW

"SEC. 833. (a) Except as provided in subsection (b), volunteers under this title shall not be deemed Federal employees and shall not be subject to the provisions of laws relating to Federal employment.

"(b) Individuals who receive either a living allowance or a stipend under part A shall, with respect to such services or training, (1) be deemed, for the purpose of subchapter III of chapter 73 of title 5 of the United States Code, persons employed in the executive branch of the Federal Government, and (2) be deemed Federal employees to the same extent as enrollees of the Job Corps under section 116(a) (1), (2), and (3) of this Act, except that for purposes of the computation described in 116(a) (2) (B) the monthly pay of a volunteer shall be deemed to be that received under the entrance salary for GS–7 under section 5332 of title 5, United States Code.

"SPECIAL LIMITATIONS

"SEC. 834. (a) The Director shall prescribe regulations to assure that service under this title is limited to activities which would not otherwise be performed and which will not result in the displacement of employed workers or impair existing contracts for service.

"(b) All support, including transportation provided to volunteers under this title, shall be furnished at the lowest possible cost consistent with the effective operations of volunteer programs.

"(c) No agency or organization to which volunteers are assigned hereunder, or which operates or supervises any volunteer program hereunder shall request or receive any compensation for services of volunteers supervised by such agency or organization.

"DURATION OF PROGRAM

"SEC. 835. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1967, and the three succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law."

TITLE II—SUMMER CAMPS FOR DISADVANTAGED CHILDREN

SHORT TITLE

SEC. 201. This title may be cited as the "Summer Camp Act of 1967".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 202. Millions of acres of forest and park lands throughout the Nation are the property of all the people. Yet the circumstances of poverty frequently prevent the utilization of these lands by those most in need, particularly disadvantaged children who would benefit from outdoor and camping experiences. It is the purpose of this title to provide and assist in the provision of camp facilities which permit greater use of such public lands under Federal, State, and local administration in behalf of these children.

BASIC AUTHORITY

SEC. 203. (a) The Director of the Office of Economic Opportunity (hereinafter referred to as the "Director") may allocate funds to other Federal agencies, or extend financial assistance to State or local public agencies, to enable them to provide camp facilities for use by disadvantaged children. The following basic conditions shall apply to the exercise of this authority—

(1) the facilities (except as may be necessary in connection with access roads, utility lines, or similar installations) must be on public lands;

(2) the facilities must be so located in relation to population centers as to permit their efficient, meaningful, and substantial use in connection with camping programs, projects, or activities for disadvantaged children; and

(3) the facilities must be provided and operated subject to a use plan, conforming to the requirements of section 205, which provides reasonable assurance of their continuing availability, under the sponsorship of one or more public or private nonprofit agencies, for such camping programs, projects, or activities.

ALLOCATION AND USE OF FUNDS

SEC. 204. (a) Funds appropriated under this title may be allocated by the Director to the Secretaries of Agriculture, the Interior, or to the Army, to pay the cost of camp facilities on public lands under their administration, or to the head of any other Federal agency responsible for the administration of public lands which are determined by the Director and the head of that agency to be appropriate for use in providing camp facilities pursuant to this Act. Funds may also be provided, by grant or contract, to State or local public agencies responsible for administration of public lands and having the legal, technical, and financial capacity to undertake projects for the provision of camp facilities in accordance with this title.

(b) Funds allocated to a Federal agency, or made available for any State or local project, may be used for—

(1) the construction, renovation, or improvement (including furnishing and equipping) of camp facilities;

(2) the purchase or lease of privately owned facilities on public lands which are or may be made suitable for use as camp facilities; and

(3) essential maintenance and supervision of camp facilities to the extent, as may be agreed upon by the Director and the agency concerned, that such maintenance and supervision is not otherwise available or cannot otherwise be reasonably provided.

(c) Funds allocated or made available under this title may not be used for the administration or operation of any camping program or project, nor may they be used for the purchase of land; but this shall not preclude their use in acquiring necessary rights in connection with access roads, utility lines, or similar installations.

USE PLANS

SEC. 205. (a) Funds shall not be allocated and used by a Federal agency for any facility, and the Director shall not extend financial assistance to any State or local agency project, unless the facility or project is covered by a use plan or agreement approved by the Director in accordance with this section. In the case of facilities to be provided by a Federal agency, the plan shall contain such information and understandings concerning the character of the facility, the type and extent of use to be made of it, the number and nature of and procedure for selecting sponsoring organizations, conformity with the rules and regulations of the administering agency, and other matters, as may be agreed upon by the Director and the head of that agency. In the case of projects of State or local public bodies, the plan shall contain, at a minimum, information and commitments necessary to assure—

(1) that the facilities will be adequate, and reasonable in cost, in relation to their proposed use;

(2) that the facilities and their proposed use will comply with all applicable laws and regulations and be consistent with any applicable plans or planning, including any statewide outdoor recreation plans approved pursuant to the Land and Water Conservation Act of 1965;

(3) that the facilities will be available for use in accordance with this title over an appropriate minimum period, consistent with their cost, and that they will not be converted to any other use during that period except with the approval of the Director and subject to such additional conditions or requirements (which may include required repayment of all or part of the financial assistance, as determined after opportunity for hearing) as the Director may prescribe;

(4) that the agency seeking financial assistance will retain sufficient continuing control over the facilities to assure their continuing use in accordance with this title over the applicable minimum period; and

(5) that there are public or private nonprofit sponsoring organizations (which may include the applicant agency) which are able and willing to assume responsibility for operating or coordinating the operation of the facilities so as to assure their effective and efficient use for camping programs for disadvantaged children, and that there are adequate methods of procedures for selecting those sponsoring organizations.

(b) The Director after consultation with the heads of interested Federal agencies may by regulation prescribe additional or supplementary requirements or criteria for use plans. Such regulations may include descriptions of different types of camping programs for which facilities provided or assisted under this title may be used, general standards for these various types of programs, and requirements or procedures for selecting sponsoring organizations in accordance with their capacity to provide or arrange for the staff, health care, food, transportation, and other supportive services needed for such programs. The regulations may also require specific approval of sponsoring organizations by the Director.

USE OF FACILITIES BY OTHER THAN THE DISADVANTAGED

SEC. 206. Facilities provided or assisted under this title shall not be used for groups other than disadvantaged children unless it is determined, by the Director or in accordance with regulations promulgated by him establishing criteria for such determinations, that the facilities would otherwise not be adequately utilized, that it is not reasonably possible to expand their use for disadvantaged children, and that use by other organizations or groups would not preclude or be inconsistent with the fullest practicable use of the facilities for disadvantaged children. The Director shall consult with the Federal agencies concerned and, where feasible, with interested State and local agencies in issuing regulations under this section. Those regulations may provide for use by groups other than disadvantaged children on a fee basis, and may require in the case of any State or local public agencies that fees so collected be applied in reduction of the amount of financial assistance provided under this title.

EMPLOYMENT OF LOW-INCOME PERSONS

SEC. 207. To the extent feasible, the Director shall encourage the provision, maintenance, supervision, and use of camp facilities in a manner that will promote new or additional employment or training opportunities for low-income individuals, including individuals enrolled in the Job Corps, the Neighborhood Youth Corps, and other programs designed to improve or restore employability.

LIMITATION ON FINANCIAL ASSISTANCE

SEC. 208. Financial assistance under this title to any State or local public agency for any project or activity shall not exceed 80 per centum of the approved cost of such project or activity. Nor shall the Director provide such assistance to any such agency unless he satisfies himself that the prior level of agency expenditures in connection with other facilities available to disadvantaged children has not been and will not be reduced and that contributions or expenditures in connection with those other facilities will not be diminished in order to provide any non-Federal contributions required under this section. Non-Federal contributions required by this section may be in cash or kind, fairly evaluated, including but not limited to materials, equipment, and services.

LABOR STANDARDS

SEC. 209. All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting and decorating, of projects, buildings, and works which are federally assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—176a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1960 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

GENERAL PROVISIONS

SEC. 210. To the extent necessary or appropriate to carry out the provisions of this title, the Director shall have the powers and duties conferred upon him by section 602 of the Economic Opportunity Act of 1964, except that he may make arrangements with, reimburse, or delegate any powers to, the heads of other Federal agencies, including agencies to which funds are allocated under section 204(a), and authorize redelegations, without regard to the provisions of section 602(d) of such Act.

DEFINITIONS

SEC. 211. For purposes of this title—

(1) The term "camp facilities" includes permanent or semipermanent structures, sanitary, water, cooking, electrical or similar installations or fixtures, access roads and utility lines and installations necessary for adequate development of a site, recreational installations appropriate to a campsite, and such other furnishings, equipment, installations, or structures as may be required to provide a site appropriate for regular or repeated use in connection with camping programs for disadvantaged children;

(2) The term "State or local public agency" means a State, county, municipality, or other governmental entity or public body, an Indian tribe, or two or more such entities, bodies, or tribes, having necessary control over public lands and otherwise authorized to undertake the commitments required pursuant to this title with respect to any camp facility;

(3) The term "public lands" means those lands under the ownership, control, or administration of Federal, State, or local public agencies or Indian tribes;

(4) The term "sponsoring organization" means a welfare, youth, charitable, church, or labor organization, a school, civic club, or community action agency established pursuant to title II of the Economic Opportunity Act of 1964, or any other public or private nonprofit agency (other than a political party) which has authority to operate, administer, or coordinate camping programs for disadvantaged children using facilities provided under this title; and

(5) The term "disadvantaged children" means children from low-income families, and includes groups predominantly or principally composed of such children.

AUTHORIZATIONS

SEC. 212. For the purposes of carrying out this title, there is hereby authorized to be appropriated the sum of $20,000,000 for the fiscal year ending June 30, 1968; and for the fiscal year ending June 30, 1969, and the succeeding fiscal year, such sums as may be necessary. Sums so appropriated shall remain available until expended.

TITLE III—CRIMINAL PROVISIONS

SEC. 301. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Economic Opportunity Act, as amended, embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to the Economic Opportunity Act, as amended, shall be fined not more than $10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Economic Opportunity Act, as amended, induces any person to give up any money or thing of any value to any person (including such grantee agency), shall be fined not more than $1,000 or imprisoned not more than one year, or both.

The index, section-by-section analysis, and summary presented by Mr. CLARK, are as follows:

CAPTION INDEX TO ECONOMIC OPPORTUNITY AMENDMENTS OF 1967

Sec. 1. Short Title
Sec. 2. Authorization of appropriations

TITLE I—AMENDMENTS TO THE ECONOMIC OPPORTUNITY ACT

Sec. 101. Job Corps amendments

Provides a new part A for the Economic Opportunity Act as follows:

"Sec. 101. Statement of Purpose
"Sec. 102. Establishment of Job Corps
"Sec. 103. Individuals Eligible for the Job Corps
"Sec. 104. Screening and Selection of Applicants—General Provisions
"Sec. 105. Screening and Selection—Special Limitations
"Sec. 106. Enrollment and Assignment
"Sec. 107. Job Corps Centers
"Sec. 108. Program Activities
"Sec. 109. Allowance and Support
"Sec. 110. Standards of Conduct
"Sec. 111. Community Participation
"Sec. 112. Placement and Follow-Through
"Sec. 113. Evaluation; Experimental and Developmental Projects
"Sec. 114. Advisory Boards and Committees
"Sec. 115. Participation of the States
"Sec. 116. Application of Provisions of Federal Law
"Sec. 117. Special Limitations
"Sec. 118. Political Discrimination and Political Activity"

Sec. 102. Work and Training Programs

Consolidates parts B and D of title I of the Economic Opportunity Act as a new part B, "Work and Training for Youth and Adults", as follows:

"Sec. 120. Statement of Purpose
"Sec. 121. Neighborhood Youth Corps
"Sec. 122. Community Employment and Training Programs
"Sec. 123. Special Urban Employment Impact Programs
"Sec. 124. Coordination
"Sec. 125. Program Participants: Application of Federal Laws
"Sec. 126. General Conditions for Program Approval
"Sec. 127. Equitable Distribution of Assistance
"Sec. 128. Technical Assistance and Training
"Sec. 129. Limitations on Federal Assistance
"Sec. 130. Evaluation"

Sec. 103. Community Action Programs

Provides a new title II for the Economic Opportunity Act as follows:

"Sec. 201. Statement of Purpose

"Part A—Community Action Agencies and Programs

"Sec. 210. Establishment of Community Action Agencies; Community Action Programs
"Sec. 211. Structure of Community Action Agencies
"Sec. 212. Specific Powers and Functions of Community Action Agencies
"Sec. 213. State and Regional Agencies
"Sec. 214. Administrative Standards
"Sec. 215. Evaluation of Community Action Agencies and Programs

"Part B—Financial Assistance to Community Action Programs and Related Activities

"Sec. 220. Development of Community Action Programs
"Sec. 221. General Provisions for Financial Assistance to Community Action Programs
"Sec. 222. Special Programs and Assistance
"Sec. 223. Allotment of Funds; Limitations on Assistance

"Part C—Supplemental Programs and Activities

"Sec. 230. Technical Assistance and Training
"Sec. 231. State Agency Assistance
"Sec. 232. Research and Pilot Programs

"Part D—General and Technical Provisions

"Sec. 240. Rural Areas
"Sec. 241. Coordination—Federal Agencies; Use of State Funds
"Sec. 242. Submission of Plans to Governors
"Sec. 243. Fiscal Responsibility and Audit
"Sec. 244. Special Limitations
"Sec. 245. Duration of Program"

Sec. 104. Amendments to Title III—Rural Areas Programs

Subsections (a) through (d) of section 104 redesignate part A of title III of the Economic Opportunity Act as "Rural Loan Program" and provide amendments relating to that program. Subsection (e) provides for an amended part B, "Assistance for Migrant, and Other Seasonally Employed, Farm Workers and Their Families", as follows:

"Sec. 311. Statement of Purpose
"Sec. 312. Financial Assistance
"Sec. 313. Limitations on Assistance
"Sec. 314. Technical Assistance, Training and Evaluation"

Sec. 105. Amendments to Title VI—Administration and Coordination

Provides various amendments to this title of the Economic Opportunity Act, including a new part B, "Coordination", as follows:

"Sec. 630. Statement of Purpose
"Sec. 631. Economic Opportunity Council
"Sec. 632. Responsibilities of the Director
"Sec. 633. Cooperation of Federal Agencies
"Sec. 634. Combinations Among Projects and Programs

"Sec. 635. Information Center
"Sec. 636. Prohibition
"Sec. 637. Special Responsibilities: Training Programs
"Sec. 638. Definitions"

Sec. 106. Amendment to Title VII

Provides a new title VII for the Economic Opportunity Act, "Treatment of Income for Certain Public Assistance Purposes", as follows:

"Sec. 701. Statement of Purpose
"Sec. 702. State Plans
"Sec. 703. Definitions
"Sec. 704. Attribution of Income
"Sec. 705. Amount of Public Assistance
"Sec. 706. Savings Provision"

Sec. 107. Volunteer Programs

Provides a new title VIII for the Economic Opportunity Act, "Domestic Volunteer Service Programs 'Volunteers in Service To America' ", as follows:

"Sec. 801. Statement of Purpose

"Part A—Full-Time Volunteer Programs

"Sec. 810. Authority to Establish Full-Time Programs
"Sec. 811. Terms of Service
"Sec. 812. Support of Full-Time Volunteers

"Part B—Auxiliary and Special Volunteer Programs

"Sec. 820. Community Service Programs
"Sec. 821. Special Volunteer Programs

Part C—General Provisions

"Sec. 831. Coordination with Other Programs
"Sec. 832. Participation of Older Persons
"Sec. 833. Application of Federal Law
"Sec. 834. Special Limitations
"Sec. 835. Duration of Program"

TITLE II—SUMMER CAMPS FOR DISADVANTAGED CHILDREN

Sec. 201. Short title
Sec. 202. Findings and Declaration of Purpose
Sec. 203. Basic Authority
Sec. 204. Allocation and Use of Funds
Sec. 205. Use Plans
Sec. 206. Use of Facilities by Other Than the Disadvantaged
Sec. 207. Employment of Low-Income Persons
Sec. 208. Limitation on Financial Assistance
Sec. 209. Labor Standards
Sec. 210. General Provisions
Sec. 211. Definitions
Sec. 212. Authorizations

TITLE III—CRIMINAL PROVISIONS

Sec. 301. (Relates to embezzlement, theft, kickbacks or extortion involving financial assistance funds under the Economic Opportunity Act)

SECTION-BY-SECTION ANALYSIS—ECONOMIC OPPORTUNITY AMENDMENTS OF 1967

JOB CORPS AMENDMENTS

Section 101 of the bill would generally revise the provisions of title I-A of the Economic Opportunity Act governing the Job Corps. As it would be amended, the new part A would more accurately reflect the current program than does the present law. It would also afford a better basis for the common efforts of all the agencies and organizations participating in the Job Corps to make that program increasingly effective and efficient in helping the many disadvantaged young men and women who need and can benefit from the kind of intensive assistance Job Corps is designed to provide. The provisions of the amended new part A are described below.

Section 101. Statement of Purpose: The current statement of purpose for this program merely declares its intent to prepare young men and women for the responsibilities of citizenship and to increase their employability. The proposed new section 101 would provide a more specific statement of the mission to assist low-income, disadvantaged young men and women "who need and can benefit from an unusually intensive program, operated in a group setting distinct from their current environment, to become more responsible, employable and productive citizens." Also, the amended statement of purpose declares that the Job Corps programs are to be carried out in a way that contributes, where feasible, to the development of national, State, and community resources, and "to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies."

Section 102. Establishment of the Job Corps: As does the present law, the amended statute establishes within the Office of Economic Opportunity a "Job Corps."

Section 103. Individuals Eligible for the Job Corps: Except for specifying age and citizenship requirements for enrollment in the Job Corps, the existing law is silent as to the criteria to be applied in determining whether an applicant is eligible to enter the program.

The new section would be much more specific. Under its terms, an eligible applicant is a young person of low income or from a low-income family who requires additional education, training, or intensive counseling and related assistance in order to participate successfully in regular school work, qualify for other training programs suitable to his needs or satisfy Armed Forces requirements. His current environment must also be one which is so characterized by cultural deprivation, a disruptive home life or other disorienting conditions as to substantially impair his prospects for successful participation in any other program providing needed training, education or assistance. However, these circumstances alone will not qualify him for admission to the program. He must, in addition, be determined after careful screening (in accordance with procedures spelled out in sections 104 and 105 of the Act) to have the present capabilities and aspirations necessary to complete the program and secure its full benefits, and he must be free of medical and behavioral problems which are so serious that he could not or would not be able to adjust to the standards of conduct and discipline or the pattern of work and training which the program involves. To be eligible for enrollment, an applicant may also be required to meet other standards of enrollment prescribed by the Director, and he must agree to comply with all applicable Job Corps rules and regulations.

Section 104. Screening and Selection of Applicants—General Provisions: This section would require that, to the extent practicable, screening and selection of enrollees be carried on through arrangements utilizing public or private nonprofit agencies and organizations such as community action agencies, public employment offices, professional groups and labor organiztaions. The Director must also under this section prescribe rules to establish specific standards and procedures for the conduct of screening and selection activities, and must encourage recruitment through agencies having contact with youths over substantial periods of time. This latter requirement recognizes that these agencies, because of their long-term contact with young persons, would be able to provide reliable information concerning the problems of youths seeking to enter the program. Provision is also made for consultation with other individuals and organizations including courts, probation and parole offices, law enforcement authorities, schools, welfare agencies, medical agencies, and advisors. The screening procedures would include an interview with each applicant, one of the purposes being to give the applicant a full understanding of the Job Corps and to make clear what will be expected of him as an enrollee if he is accepted. Also, in order to develop and, as appropriate, verify information concerning matters relating to the applicant's eligibility, a careful and systematic inquiry regarding his background would be required.

As with the existing law, the Director would be prohibited from making payments to any individual or organization solely as compensation for the service of referring the names of cnadidates for enrollment in the Job Corps.

Section 105. Screening and Selection—Special Limitations: As a precaution against the enrollment of persons in the Job Corps whose affiliation with it would be likely to detract from the effectiveness of the program or have other damaging results, the amended law specifically limits enrollment to persons meeting certain basic qualifications as to character and social adjustment.

Under the provisions of section 105, an individual may be selected as an enrollee only if it is determined that he can participate successfully in group situations and activities with other enrollees, and that he is not likely to engage in actions or behavior which would prevent other enrollees from receiving the benefits of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between any center to which he might be assigned and surrounding communities. It must also be determined that he manifests a basic understanding of both the rules to which he will be subject and of the consequences of failure to observe those rules.

Under this new section an individual will be considered as failing to meet these requirements if he has a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction or other major behavioral aberrations. The Director is also required to specify in rules and regulations issued under this section, the specific actions or attributes which shall preclude selection, and those rules or regulations are to be binding on all agencies authorized to screen or select persons for enrollment. For example, existing directives of the Job Corps prohibit the enrollment of persons having a record of serious criminal behavior, including such offenses as murder, forcible rape, arson, armed robbery, assault with a deadly weapon, and narcotics addiction.

The Director is given authority in certain situations in which exceptional circumstances exist, to authorize the enrollment of persons notwithstanding their being subject to a specific disqualification. However, in such instances the selection must be fully consistent with the prescribed standards relating to the interests of other enrollees, the maintenance of discipline, and satisfactory community relations.

This section would continue the Director's present authority to enroll persons on probation or parole under certain circumstances. It would also add requirements assuring a continuing review of the prescribed screening criteria and procedures and assuring that all screening agencies comply with them.

Section 106. Enrollment and Assignment: The proposed new part A would continue existing provisions of the law: (1) limiting Job Corps enrollment, generally, to two years, (2) declaring that enrollment will not relieve any individual of his obligations for military service, (3) requiring an oath of allegiance to the United States (except from Cuban refugees), and (4) requiring the assignment of at least 40 percent of male enrollees to centers where they will be primarily engaged in conservation or similar work activities. It also would continue in slightly modified form the requirement relating to the assignment of enrollees to centers nearest their homes.

Section 107. Job Corps Centers: Although the present Act authorizes the establishment and operation of conservation camps and training centers, it is less than specific as to the intended functions of Job Corps establishments and the types of activities which are contemplated for Job Corps programs.

As it would be amended, the law would specify that there shall be conservation centers, located primarily in rural areas, which will provide, in addition to other training and assistance, programs of work experience which are focused on conservation type activities. It would also provide for the establishment and operation of Men's Training Centers and Women's Training Centers to be located in either urban or rural areas. The Men's Training Centers would include training and other services for enrollees who can be expected to participate successfully in training for specific types of skilled or semiskilled employment, and the Women's Training Centers would provide education, training, and other activities suited to the needs and potentialities of young women.

Section 108. Program Activities: The proposed law would require that each Job Corps center provide enrollees with an intensive, well-organized and fully supervised program of education, vocational training, work experience, planned avocational and recreational activities, physical rehabilitation and development, and counseling. The required program must also, to the maximum feasible extent, include activities to assist an enrollee to choose realistic career goals, and to cope with problems he may encounter in his home community or in adjusting to a new community, and in planning and managing his daily affairs in a manner that will best contribute to long-term upward mobility.

In addition to specifying the types of program activities which are to be carried on in the various centers, this section contemplates that those activities shall aggregate at least 60 hours a week in the case of each corpsman. Also, in order to assist enrollees in increasing their sense of contribution, responsibility, and discipline, the proposed section would require that center programs include required participation in center maintenance support and related work activity.

The present law requires that, to the extent feasible, arrangements for education and training of enrollees shall provide opportunities for qualified participants to obtain education and training necessary to qualify them for the equivalent of a certificate of graduation from high school. However, there are often cases where an enrollee is unable to qualify for an equivalency certificate, even though he may have made very substantial progress in his education so as to leave the Job Corps with skills far above those with which he entered. In recognition of this problem, this section would provide for certificates to be developed by the Director, with the concurrence of the Secretary of the Department of Health, Education, and Welfare, which could be issued to enrollees who have satisfactorily completed their service in the Job Corps and which would reflect the enrollees' level of educational attainment. The prospect of acquiring such a certificate should prove to be an added inducement for successful participation in the program and will provide important assistance to enrollees in obtaining employment or realizing other career goals which might otherwise be closed to them on the basis of their pre-Job Corps educational attainment.

Subsection (d) of this section continues the existing requirement that the Job Corps work experience programs not displace employed workers in the community or impair existing contracts for service. It also adds a requirement that these programs must be coordinated with other work experience programs, such as a Neighborhood Youth Corps project, in the community.

Section 109. Allowance and Support: As does the present law, the amended statute would authorize the payment of personal and readjustment allowances to Job Corps enrollees.

The proposed new law would establish personal allowances for enrollees at a rate not to exceed $50 per month, and provide that allowances should be graduated up to the maximum so as to encourage achievement and the best use by enrollees of the funds provided them. These allowances would be subject to reduction in appropriate cases as a disciplinary measure, and to the degree reasonable, enrollees would be required to meet or contribute to costs associated with their individual comfort from their personal allowances.

Like the existing law, the proposed legislation would authorize a readjustment allowance at a rate not to exceed $50 for each month of satisfactory service in the Job Corps. However, it would specifically authorize reduction of the allowance as a disciplinary measure, and except in unusual circumstances determined by the Director, no enrollee would be entitled to such an allowance unless he has remained in the program for at least 90 days. Specific authority is also provided the Director to make advances to or on behalf of enrollees out of their readjustment allowance in order to meet extraordinary financial obligations incurred by them.

Another provision of the proposed law requires that the Director prescribe specific rules governing the accrual of leave by enrollees and a provision prohibiting his assumption of transportation costs in connection with an enrollee's leave unless he has completed at least six months' service in the Job Corps.

Section 110. Standards of Conduct: The authority contained in section 111 of the present law would be retained in this section.

Section 111. Community Participation: Section 104(h) of the present Act requires Job Corps officials, whenever possible, to "stimulate formation of indigenous community activity in areas which surround Job Corps centers to provide a friendly and adequate reception of enrollees into community life". This very general provision would be expanded by this section to include the establishment of community advisory councils in which youth participation is to be encouraged, and, where feasible, the establishment of separate youth councils. The Director would also be required to establish necessary rules and take necessary action to assure that each center is operated in such a manner as to promote good community relationships and to achieve certain specified objectives. These include a variety of actions designed to afford residents of such communities a meaningful voice in center affairs and the opportunity to participate personally in program activities. For example, community officials would be given appropriate advance notice of changes in center rules, procedures, or activities that might affect or be of interest to the community, and the community would participate in the development of policies concerning such matters as the issuance and terms of passes to Job Corps enrollees.

Section 112. Placement and Follow-Through: The amended law would specifically authorize the Director to provide, or arrange for, necessary services designed to assist enrollees to obtain suitable employment or to undertake other activities such as further training or education. To the extent feasible, placement services would be undertaken through public or private agencies which are best able to provide enrollees with reasonable follow-through, including counseling and guidance to assist them in making a satisfactory initial adjustment.

Section 113.—Evaluation; Experimental and Demonstration Projects: The proposed amendments add to the Act a requirement that the Director provide for the careful and systematic evaluation of the Job Corps program from the standpoint of benefits provided and the effectiveness of its procedures, policies, and methods of operation. In doing this, he is to consult with other agencies and officials in order to compare the relative effectiveness of Job Corps techniques with those used in other programs. The Director is also to obtain from employers, schools, government and private agencies specific information concerning former enrollees relating such things as their residence, compensation, and success in adjusting to community life, and, to the extent feasible, must also secure similar information directly from enrollees at appropriate intervals following their completion of the Job Corps program.

This section also authorizes the Director to make grants or contracts for experimental, research or demonstration projects for developing or testing ways of securing better use of facilities; encouraging a more rapid adjustment of enrollees to community life that will permit a reduction in the period of enrollment; reducing transportation and support costs; or otherwise promoting greater efficiency and effectiveness in the Job Corps program. These projects would be undertaken after consultation with appropriate Federal officials and would include one or more projects to provide youths with education, training and other supportive services on a combined residential and nonresidential basis. Similar authority is provided in the existing law regarding the establishment of projects operated on such a combined basis.

Section 114. Advisory Boards and Committees: Section 602(c) of the present Act authorizes the Director to appoint such advisory committees as he deems necessary to advise him with respect to his functions under the Act. This new section in the revised statute directs that he shall make use of such committees and boards in the operation of the Job Corps and its centers, whenever he determines that the availability of outside advice and counsel on a regular basis would be "of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies and institutions and groups engaged in related activities. . . ."

Section 115. Participation of the States: The amended law continues the authority of State Governors regarding the approval of plans for Job Corps centers, and it retains the present Act's provisions authorizing the Director to assist in the operation and administration of State-operated programs. A new provision would be added, however, requiring the Director to take necessary action to facilitate the effective participation of the States in the Job Corps program. This would include consultation with State agencies on matters pertaining to the enforcement of applicable State laws, standards of enrollee conduct and discipline, the development of meaningful work experience and other activities for enrollees, and coordination with State-operated programs.

Section 116. Application of Provisions of Federal Law: The provisions of the amended statute in this area are substantially the same as contained in the present law, with one exception. This would permit settlement of claims not exceeding $500 for damage to persons or property resulting from the operation of the Job Corps even though the claims were not cognizable under the Federal Tort Claims Act. This authority is the same as that granted under existing law to the Postmaster General in the operation of the Post Office Department.

Section 117. Capacity, Enrollment, and Cost Limitations: The amended legislation would prohibit the use of funds made available to carry out the Job Corps program in the fiscal year 1968 in such a manner as to increase above 45,000 the enrollee capacity of Job Corps centers.

The 1966 amendments to the Act require

the Director to ensure that on or before July 1, 1967, the number of women in residence, and receiving training at Job Corps centers is not less than 23 percent of the total number of enrollees in the Job Corps. The present proposal provides that on or before June 30, 1968, of the total number of enrollees in residence and receiving training, at least 25 percent shall be women.

The 1966 amendments require the Director to take necessary action to ensure that for any fiscal year the direct operating costs of Job Corps centers which have been in operation for more than nine months do not exceed $7,500 per enrollee in such centers. The current proposal reduces the allowable cost per enrollee to $7,300.

Section 118. Political Discrimination and Political Activity: The amended statute would retain, unchanged, the provisions of the existing law on this subject.

WORK AND TRAINING FOR YOUTH AND ADULTS

The amendments in section 102 set forth, in one part, the Neighborhood Youth Corps, several existing employment and training authorities now contained in title II of the Economic Opportunity Act, and a modified special urban employment program now found in title I–D of the Act. It is designed to permit the better coordination of various now distinct but similar programs, to allow communities increased flexibility in using existing authorities in a way most responsive to local needs and problems, and to provide a basis on which these authorities can be combined with additional funds for programs designed to deal in distinctly new ways with some of the extremely complex problems of unemployment and underemployment affecting the poor in city slums. The various sections of the proposed new part B are explained below.

Section 120. Statement of Purpose: This section sets forth the purposes of the part so as to include the Neighborhood Youth Corps, work and training programs for youth and adults, and the new urban employment program.

Section 121. Neighborhood Youth Corps: This section parallels, with no substantial change, the existing operating authority for the Neighborhood Youth Corps, with separate provision for in-school and out-of-school programs.

Section 122.—Community Employment and Training Programs: This section would affect a partial consolidation of sections 205 (d) and (e) of the Economic Opportunity Act, with a number of amendments designed to make the programs authorized under these provisions more flexible tools for meeting local needs. Its effect would be to permit localities to design projects which incorporate elements of both the section 205 (d) and section 205(e) programs and to include in those projects youth over 16 as well as adults. In this respect, the new section would extend to communities generally, including rural communities, some of the same basic flexibility that is now possible for projects in urban areas under part D of title I of the Act. In addition, the new section would permit projects which include on-the-job training with private employers as well as work-training in "public service" activities, a feature now authorized for Neighborhood Youth Corps projects but not generally possible in the adult programs.

The programs now authorized under sections 205(d) and 205(e) of the Economic Opportunity Act both serve to assist low-income unemployed persons to secure regular employment, and both involve work experience activities in Federally-assisted projects. The programs have a somewhat different focus. In the case of one, the section 205(d) program, the focus has been upon placing people in work activities or work-training stations involving conservation, park improvement, beautification or similar activities, with emphasis on rural areas and projects involving older people; in the case of the other, the section 205(e) program, the focus is upon training stations involving the provision of health, education or similar public services which will lead to sub-professional, new careers. The programs are, however, sufficiently similar that a variety of community betterment and public services projects could be undertaken under either statutory authority. Under the present Act, both are limited to adults; and in this respect neither has the flexibility of the urban employment program added last year to title I as part D which draws upon the same basic authority but permits projects which include youth as well as adults. Both are limited to work-training activities in various "public interest" fields; and neither, in this respect has the same flexibility as the Neighborhood Youth Corps which allows enrollees to be assigned to virtually any kind of work-training station which could be covered under 205(d) and (e) but in addition, as a result of last year's amendments, permits assignment to on-the-job training with private profit-making employers.

Under arrangements now in effect, the section 205(d) and (e) programs have been combined for administrative purposes, together with the Neighborhood Youth Corps and the urban employment program authorized under current part D of title I, to be operated under a single delegation by the Department of Labor. One of the objectives of the delegation is to effect a greater measure of coordination among similar related programs. These arrangements tend to assure greater uniformity and consistency among the programs at the Federal level, and they should also serve to help localities and potential sponsors to plan more intelligently to use the several statutory authorities covered by the delegation. They do not, however, overcome the difficulties which diverse authorities by their nature pose for localities seeking to deal comprehensively with local needs. Nor do they adequately deal with the problem of individuals who may now fall "between the cracks" of the existing statutory authorities or assure a statutory base for programs that will be most flexible in responding to changing national or local economic conditions.

It may today be very difficult for a given community to put together a single project that efficiently and effectively draws upon all the assistance that is available to meet the needs of its low-income and unemployed residents. If, for example, a project is to include both individuals 20 or 21 as well as older persons, the sponsor must look to at least two programs—the Neighborhood Youth Corps, on the one hand, and either the 205(d) or 205(e) program on the other. If there are in the community both possibilities for sub-professional "new career" type work-training and work-training involving the improvement of parks or other public facilities, the sponsor may find it necessary to operate under not two but three different programs—NYC, section 205(d) and section 205 (e). Moreover, even with grants or contracts under all three programs, a sponsoring agency may find itself in a position where it cannot include in its activities for adults the same on-the-job training opportunities that it could provide under its NYC contract or agreement for younger participants.

The practical problems this sort of situation may create in terms of unnecessary effort and red-tape are almost endless. These problems may exist not only on a community basis, but also in connection with a single or similar group of "employers." A group of hospitals, for example, may well be able to provide work-training stations for *both* youth and adults, and provide work opportunities of the kind appropriate under *both* the section 205(d) and 205(e) programs. Designing a project to exploit all of these opportunities is apt to be pretty complicated if grants or contracts must be secured under three separate programs. The problem would become even more complicated if, in addition, there were possibilities for moving people from hospital employment to on-the-job training positions with private for-profit employers who were in a position and prepared to provide permanent, meaningful employment that the hospitals themselves might not be able to provide.

Nor is the problem only one of the sponsoring and employing agencies. In a given rural area, for example, there may presently be an insufficient number of sub-professional, "new career" type jobs to suggest or justify a *separate* project—even though there might be possibilities for designing a more comprehensive project in which a few of these positions might be included. A combined project might thus serve to make possible for some individuals in the community long-term career opportunities of a type which could not otherwise be provided. Similarly, "new career" sub-professional type jobs are, by their nature, apt to be more demanding in terms of the individual's capacity for acquiring educational and technical skills than the typical work-activity under a section 205(d) project. At present, if a person originally selected for a sub-professional project proves after some months unable to progress satisfactorily, he may have no place to go except back to the unemployment rolls. With greater coordination and combined projects, it might well be possible for such a person to remain in the same project and continue training for a different type permanent job. Similarly, people originally selected for lower-skill training, who prove to have abilities beyond those originally seen, could move up to sub-professional training—again, with no hiatus and in the *same* project..

The possibility of changes in national or local economic conditions also argue for encouraging project combinations involving use of existing authorities. For example, at a time when unemployment is dropping sharply in a community, there may be new opportunities for permanent placement of persons in the private sector who were originally selected in the expectation of eventual employment in a public service agency or institution. Ready availability of on-the-job training authority permits the project to be adjusted to take account of this possibility with a minimum of delay. Similarly, at a time when unemployment is rising, there may be a relatively rapid rise in the number of persons who could benefit from and need the type of work-training assistance available under the section 205(d) program. Permitting a rapid modification of projects to reflect this sort of change is plainly desirable—particularly in view of the fact that some of the individuals assisted initially in 205(d)-type activities might later be shifted within the same project to higher, normally preferred types of work-experience as additional work-station opportunities of this kind were developed.

The new section 122 would not in any way limit the separate status of the Neighborhood Youth Corps. It would, however, permit the initiation of projects based on existing section 205(d) and (e) authority which could include youth as well as adults. It would not preclude projects focused upon or limited to conservation-type work activities, such as might now be undertaken under the current section 205(d) authority, or projects focused upon or limited to work activities designed to qualify people for sub-professional employment, such as might now be undertaken under current section 205(e) authority. It would, however, permit communities to combine both types of work activities in a single project—with a single contract or grant, using one authority and one funding resource.

Further, as in the case of out-of-school NYC, projects could be designed under this section which would include on-the-job training with private profit-making firms. It is contemplated, however, that in most cases work-training would be concentrated in fields where there exist critical unmet needs—such as the development of recreational areas or public parks, conservation of national resources, or the provision of health, education, welfare or public safety services.

Under the new section, all projects must as a minimum be designed to enable participants to qualify for regular, permanent employment without further assistance. And wherever possible, they should be designed to enable participants to secure entry level jobs with career opportunities for regular or continued advancement. They would also have to include basic education, health, counseling and other supportive services as necessary for participants to attain these employment objectives.

Subsection (d) of this section sets forth a number of specific criteria to be used in determining whether, in what amount and on what conditions to assist projects. Consideration in all cases would have to be given to the efforts made by an applicant agency to obtain for participants assurances of regular non-assisted employment at the earliest feasible time. Also in every case the project proposal would have to be considered in terms of whether it was developed and realistically structured so as to take account of the desires, needs, and capabilities of participants.

Further, in the case of projects where participants would be involved in work-training activities involving physical facilities, consideration would have to be given to whether those facilities will be substantially used by the poor or benefit low-income areas. And, in the case of projects designed to develop entry-level job opportunities, consideration would have to be given to the impact which the particular project is likely to have in the community in promoting the broader adoption of new methods of structuring jobs, eliminating artificial barriers to employment of the poor, or opening new career possibilities.

Section 123. Special Urban Employment Impact Programs: This section would authorize a special program to deal with critical problems of unemployment and underemployment affecting the poor in urban slum areas. Twenty-five percent of funds under the new title I would be reserved for these programs.

The program authorized by this section would build upon part D of title I of the current Act, which it would supersede. As in the case of the part D program, it reflects the view that there is a critical need in many of our urban areas for a special effort to meet problems of unemployment and underemployment, and that it is feasible today in many of those areas to marshall the resources and job opportunities needed to permit relatively rapid and meaningful progress in overcoming these problems. Like the part D program, the program authorized under this section contemplates projects of sufficient size and scope to have substantial impact. It would, however, place somewhat less emphasis than part D upon neighborhood or area improvement and somewhat more emphasis upon assuring that each individual is provided with all of the assistance needed to move from initial selection, through pre-work orientation, vocational training, work-experience, and job placement, until he reaches the point where he not only has a meaningful job but has developed the capacity to hold that job. It also is predicted upon projects using a broader range of resources, including the Manpower Development and Training Act, than the present part D and it would authorize greater flexibility in the use of funds to supplement those resources.

The new program contemplates unusually intensive supportive services and follow-through, focused upon the needs of each individual participant, so as to best assure that the participant develops the attitudes and work skills necessary to hold suitable, permanent employment in the competitive labor market. This approach is designed to permit the program to assist to full self-sufficiency many potentially employable people who cannot be reached under any existing program. In many of our larger urban areas, job opportunities can now be made available in substantial numbers for these people if they can qualify. The objective is a program that can be effective in qualifying any individual whose employment problems can, reasonably, be overcome given all the training techniques now available.

In addition to serving an urban area having an especially large concentration of unemployment, under-employed or low-income individuals, a project under this section must meet a number of specified criteria. It must, first, be supported by commitments of cooperation on the part of employers, which will include assurances relating to the provision of permanent employment opportunities consistent with the size, scope and objectives of the program. It must also provide for maximum feasible use of other related resources, including commitments of specific training opportunities under the Manpower Development and Training Act. It must be designed to assure that work and training opportunities are extended, so far as possible, to the most severely disadvantaged persons who can reasonably be expected to benefit. And it must include or provide for the intensive or improved supportive services—day care, transportation, health, and intensive and continuing counseling, both before and after job placement—necessary to assist participants to secure, hold and advance in regular competitive employment.

Under this section, communities could be assisted to plan and develop eligible projects. The goal in this respect would be to develop, in effect, a core program making use of all available resources relating to the training of individuals to improve or restore their employability. Financial assistance would then be extended to expand or supplement these projects; to provide supportive services not otherwise available; or to initiate as part of the program new Neighborhood Youth Corps or community employment and training projects as otherwise authorized under the new part B.

Section 124. Coordination: This section provides that programs under the new part B shall be carried on with appropriate assistance from other Federal agencies and be coordinated with related programs, including maximum coordination with community action programs. Under arrangements now approved, community action agencies normally act as contractors or grantees for Neighborhood Youth Corps projects, for projects under sections 205(d) and (e) of the Economic Opportunity Act, and for the special impact programs under part D of title I of that Act. It is expected that the same arrangements would govern the projects under the new part B.

Section 124 would also specifically require that there be arrangements governing the recruitment or selection of participants with a view to assuring that, as among the various programs authorized and other programs in the community designed to enhance or restore employability, each person is referred to the program which is most appropriate considering his needs and capabilities.

Section 125. Program Participants—Application of Federal Law: This section would apply to all programs under this part certain provisions similar to those now applicable to the Neighborhood Youth Corps. These would require participants to be permanent residents. They also provide that participants shall not be deemed Federal employees under various laws relating to Federal employment.

Section 126. General Conditions for Program Approval: This section would make applicable to all projects a number of general conditions which govern Neighborhood Youth Corps projects. These preclude employment on projects involving political parties or projects involving facilities for use for sectarian or religious worship; set forth requirements for the protection of employed workers and existing contracts of service; require that rates of pay and other conditions of employment must be appropriate and reasonable in light of various factors.

Section 127. Equitable Distribution of Assistance: This section provides for allotment of funds for the Neighborhood Youth Corps and the community employment and training programs in accordance with the criteria for equitable distribution now in effect for the former program. It also provides that the Director shall reserve 25 percent of title I funds, for the new urban employment programs. No specific allotment criteria would be prescribed for those programs, but not more than 12½ percent of the funds reserved for them could be used in any fiscal year in any one State.

Section 128. Technical Assistance and Training: This section authorizes the Director to provide technical assistance or training for personnel where necessary for the effective operation of programs under the new part B. In use of this authority, special emphasis on the problems of rural areas would be required.

Section 129. Limitations on Federal Assistance: This section establishes a basic 90 percent ratio of Federal assistance for programs under the new part, similar to that now applicable to the Neighborhood Youth Corps. As in the present law, authority to establish a higher rate where necessary would be provided, and specific provision would be made to allow non-Federal contributions in the form of contributions of plant, equipment or services.

Section 129 also provides authority, similar to that now governing the Neighborhood Youth Corps, under which on-the-job training arrangements with private profit-making employers may cover payment of reasonable training costs but not wages paid to participants for services performed. It further requires the promulgation of regulations to assure with respect to all projects maintenance of adequate accounts, personnel systems and internal controls to promote the efficient and effective use of funds.

A further provision of this section limits financial assistance to projects sponsored by public or private nonprofit agencies, but would allow contracts with other private agencies in special cases where justified.

Section 130. Evaluation: This section requires that there be continuing evaluation of all programs under the new part B. In this respect, the Director would be authorized to contract for independent evaluations of particular programs or projects.

COMMUNITY ACTION AMENDMENTS

Section 103 of the bill would generally revise the provisions of title II of the Economic Opportunity Act governing community action programs. As revised, title II would consist of a new statement of purpose and four parts. The first part would deal generally with community action programs and with community action agencies—what they are and what they are to do. The second would deal with financial assistance to locally designed community action programs and related special programs, such as Head Start and Upward Bound. The third would deal with supplementary activities, such as technical assistance, training, research and pilot programs. The last would set forth requirements of general applicability, including responsibilities with respect to rural areas and coordination.

STATEMENT OF PURPOSE

Section 201 states the purpose of community action. It is designed to set forth more specifically what community action is supposed to do; to permit a sharper delineation between community action and other programs which assist the poor; and to make clear the necessity for maintaining a balance among different objectives. It is, moreover, designed to operate as an integral part of the law. A community action program, as defined under the new title, must be designed to carry out all the purposes. A special or limited purpose program (such as Head Start, Upward Bound or Legal Services) must be designed to carry out those purposes just as fully as possible, subject only to the limits necessarily imposed because of the scope of the particular activities authorized.

The basic purpose of community action, as stated in this section, would be to promote the better focusing of available resources on the goal of helping the poor to obtain the knowledge, skills, motivations and opportunities needed for them to become fully self-sufficient. The objective, therefore, would not be just to assist in meeting the needs of the poor. It would be, rather, to promote the use of a wide variety of resources in a way that will help the poor attain the capabilities required for them to overcome or avoid problems that now give rise to the need for assistance.

Section 201 also sets forth a number of specific purposes or objectives which the program is designed to promote as methods of achieving a better focusing of resources on the goal of family and individual self-sufficiency. These are: (1) to strengthen community capabilities for planning and coordinating Federal assistance so that through the efforts of local officials and private agencies and individuals, it may be made more responsive to local needs and conditions; (2) to support the better organization of services so that these may become more efficient and effective in helping poor individuals and families to deal simultaneously with a variety of interrelated problems; (3) to promote new types of services or innovative approaches needed for the increasingly effective use of available resources in attacking causes of poverty; (4) to assure maximum feasible participation of the poor and area residents in the development and implementation of programs; and (5) to promote the fuller use of private business, labor, and professional resources in connection with efforts to promote self-sufficiency.

The order of listing of specific purposes is not intended to indicate relative importance. And they may of course overlap. Yet each is to be regarded as essential. Under the bill, a community action program that focuses on only several, ignoring the rest, would not be operating in a manner consistent with what the law contemplates. Limited purpose programs would also be required to serve these purposes to the fullest extent possible, regardless of whether they are aimed at the young or old or are carried on in urban or rural areas.

Part A—Community action agencies and programs

This part would serve primarily to incorporate into law a variety of requirements relating to the structure and operation of community action agencies which do not now appear in the Economic Opportunity Act. It reflects the fact that, in something as complex as community action, the worth of a local program is likely to be very largely dependent upon what kind of agency administers it, upon how responsive that agency is to the community as a whole rather than to just segments of the community, upon how it sees its responsibilities, and upon how efficiently and effectively, and very often, how tactfully, it operates. The new provisions are designed to establish a reasonably explicit set of requirements for these agencies and to provide, in the process, meaningful standards for measuring how well they perform.

Section 210. Establishment of Community Action Agencies; Community Action Programs: This section provides that a community action agency must be a public or private nonprofit agency which is both responsible for and capable of planning, coordinating, evaluating and administering a community action program. It then describes a community action program so as to require that such a program must provide or be designed to provide a sufficient range of services to have a potentially major impact on poverty, and that it must be structured to carry out *all* the purposes of the new title as described above.

Section 210 also indicates that the projects in a program for which a community action agency is responsible may include different kinds of components, assisted from different public or private sources. The direct administrative responsibilities of community action agencies for these projects must, however, be limited so as to be consistent with sound and efficient management.

This section also describes the nature of the "community" in which a community action agency may be established to carry on a community action program. It indicates that "communities" may parallel governmental units, or Indian reservations, or that they may be neighborhoods or other areas. The basic test established is that the unit or area must provide the organizational base and possess the commonality of interest needed for an effective and efficient program.

Section 211. Structure of Community Action Agencies: This section establishes the required structure for a community action agency. It makes clear the basic requirement—that the agency must be structured so as to assure continuing and effective *community* participation and program responsiveness to community needs and conditions. With respect to the governing board, section 211 retains the amendment added to the law last year under which one-third of the board must be poor. However, it also adds specific requirements that the board be organized so as to provide for membership of the chief elected official or officials or their representatives, as well as appropriate representatives of other major groups or interests in the community and representatives of agencies having functions related to the program.

Section 211 further indicates that governing boards must have the power to appoint persons to senior staff positions, determine major personnel, fiscal and program policies, assure compliance with conditions of assistance and approve applications for financial assistance. This would not preclude the establishment of neighborhood boards or committees with relatively broad functions with respect to particular groups of programs, so long as these remained subject to the powers of the board over the program as a whole. But the basic responsibility of the board for program control could not be shifted. Further, it should be noted that under subsequent provisions the agency must have rules adequate to assure full staff accountability to policies established by the board.

Section 212. Powers and Functions of Community Action Agencies: Subsection (a) of this section sets forth general requirements that a community action agency must be empowered to receive funds, not only under title II, but also from other public or private sources in a position to provide assistance for activities of a community action program. It also requires that a community action agency be authorized to transfer funds and delegate powers, including funds for and powers over component projects whenever operation by another agency would contribute to efficiency and effectiveness or otherwise further objectives of the program.

Subsection (b) describes the minimum functions to be performed by community action agencies. These generally parallel the statement of purpose and are designed to provide a statement of the minimum agency activities which a balanced and effective program will require. Under this section, a community action agency would be expected to—

1. Plan for the program in a systematic way and evaluate its effectiveness, including actions to establish and reassess from time to time whatever priorities among projects, activities and areas are needed for the best and most efficient use of resources.
2. Cooperate with other agencies and public officials in efforts to improve local efforts to attack poverty, including efforts to improve day-to-day communication, close unnecessary gaps in services, and providing additional participation or employment opportunities for low-income individuals in community programs.
3. Initiate and sponsor new projects, responsive to needs of the poor that are not otherwise being met, with emphasis on such things as neighborhood centers that can be drawn upon by a variety of related programs and new approaches or kinds of services that can be incorporated into other programs.
4. Establish procedures, and provide opportunities, for participation of the poor and area residents, including activities to assist the poor and neighborhood groups to secure on their own behalf available assistance from public and private sources.
5. Promote participation by business, labor and other private groups and organizations that will result in the use of private resources and capabilities, with respect to such things as employment opportunities, investment of private funds, and arrangements for direct cooperation between business and other private organizations and neighborhood groups.

Section 213. State and Regional Agencies: This section is designed to extend the possibilities for operation of programs in rural or smaller communities by State or regional agencies where justified by considerations of efficiency and effectiveness. It would expressly permit a State or regional agency to be a community action agency for these purposes. A State or regional agency would, however, have to be structured and capable of operating in a manner consistent with the purposes of the requirements applicable generally to community action agencies, including the representation and participation requirements.

Section 214. Administrative Standards: This section sets forth administrative standards which each community action agency would have to observe in its own operations, require delegate agencies to observe, and encourage any other agencies participating in the program to follow. These standards are to assure that all program activities are not only consistent with community action purposes but that they are also conducted as effectively, efficiently, and as free of any taint of partisan political bias or personal or family favoritism as is reasonably possible. Each agency would have to establish rules to implement these standards. These would include rules to assure full staff accountability, and conformity to the public information requirements now in the law. They would also have to include rules establishing specific standards for salaries, salary increases, travel and per diem allowances and other benefits, rules to assure that employees are hired, retained and advanced according to standards of competence and integrity, and rules to guard against personal or financial conflicts of interests. Further, community action agencies would be required to establish appropriate limitations with respect to employee participation in picketing, protests and other "direct" action.

To assure effective implementation and reasonable uniformity in these standards, the Director would be required under subsection (a) to prescribe supplementary rules and regulations which would have to be observed in connection with all community action program activities assisted by him. He could, in these rules, establish special or simplified requirements for smaller community action agencies or agencies in rural areas, although not with respect to conflicts of interest, use of authority for partisan political purposes, or employee participation in direct action.

Section 215.—Evaluation: This section sets forth requirements for evaluating community action agency operations and program effectiveness. As with the present law, evidence of poverty and the probable capacity of the applicant agency to undertake what a community action program requires would be considered in connection with an initial grant. In addition, however, there would be more specific provisions covering the renewal or supplementation of assistance. For these purposes, the Director would consider the actual progress made in carrying out the required program, with due allowance for the special problems of smaller and rural communities, and the efficiency with which the community action agency has discharged its responsibilities. Specific standards for this evaluation would be required, which could take account of such things as the extent to which particular families or individuals have in fact been aided, the degree to which non-Federal funds have been provided over and above what the law requires, the extent of agency and individual participation, and the degree to which activities or approaches started in the program have been incorporated into other on-going programs in the community. The objective is an evaluation system that would regularly cover all community action agencies and that would be sufficiently specific to permit the shaping or conditioning of assistance in a way responsive to the problems and strengths of individual programs.

Under subsection (b), the Director would be specifically authorized to require community action agencies to secure independent evaluations. Where warranted, as in connection with community action agencies having especially difficult administrative problems, he could also require an agency to establish an independent group to provide advisory or evaluative services, either on a long-term or short-term basis.

Part B—Financial Assistance to Community Action Programs and Related Activities

This part provides for financial assistance to community action programs generally and to projects initiated pursuant to special programs, such as Head Start and Legal Services. The provisions in large part follow the present law, but there are some significant modifications. These are designed to distinguish more clearly between the different types of programs; to provide somewhat greater flexibility for the limited purpose programs with respect to such things as allotment of funds outside of the general formula; and to provide a statement of funding authority which more nearly reflects community action purposes and which takes account of relationships to other programs.

Section 220. Program Development: This section provides for assistance in developing community action programs. It expands the statement of authority in existing law so as to cover specifically assistance to agencies other than community action agencies and to local governments for planning activities or organizational changes designed to support or improve the effectiveness of community action programs.

Section 221. General Financial Assistance: This section generally parallels existing section 205 of the law and provides authority for general, or so-called "versatile", assistance to community action programs. The language has, however, been modified so as to stress more accurately the objective of aiding components that are related, either directly or through combinations with other activities, to the objective of promoting individual and family self-sufficiency. Also, the revised authority would make clear that community action versatile funds are not to be regarded as a substitute for, or supplanting, other sources of assistance which may be available for funding proposed program activities.

Subsection (b) would retain existing authority for providing assistance to agencies other than community action agencies upon a showing of good cause. Subsection (c), consistent with current procedures, would specifically require that every applicant for assistance consult with local officials and interested agencies with a view of resolving issues of cooperation and possible duplication prior to submission of the application.

Section 222. Special Programs: This section provides for financial assistance to projects initiated pursuant to special programs, such as Project Head Start. The relatively broad authority provided by the original provisions of the Economic Opportunity Act has been used to create a variety of new programs, national in scope, each designed to deal with particular problems or facets of poverty. Several of these have now been specifically recognized in the law. A basic objective of this section is to provide a more explicit basis for this kind of innovative "national emphasis" program and, at the same time, to delineate more clearly their relationship to other community action authorities and activities.

Under subsection (a) the Director would be authorized to develop and carry on special programs to deal with particularly critical needs or problems of the poor which are common to a number of communities. He could use this authority only in connection with special programs involving activities which can be incorporated into or closely coordinated with local community action programs, and only where he determines that the program objective could not be obtained through the regular program of assistance to community action programs. Special programs would also have to be structured in a way that will, within the limits of the type of activity or assistance contemplated, most fully and effectively promote the purposes of title II. For example, a legal services program, because it is structured according to national standards, does not leave as much room for community planning of projects as exists in the case of projects receiving general community action assistance. It should, however, allow considerable latitude for local variations, and it plainly can and should provide ample leeway for implementation of various other community action purposes as well, including participation of the poor and area residents.

Special program projects may be local or regional in geographic scope, and assistance may be extended to any appropriate public or private nonprofit agency. The Director, however, would be required to encourage inclusion of projects in local community action programs with a view to minimizing possible duplication and promoting efficiency, better assisting individuals and families with diverse needs and generally promoting a focusing of resources on the promotion of individual and family self-sufficiency.

Section 222(a) also sets forth specifically a number of special programs which must be conducted. These include Head Start, the Legal Services program and the Comprehensive Health Services program. These are set forth substantially as in the present law, except that the specific reference to narcotics programs has been deleted from the Health Services description and a provision has been added to the Legal Services description to assure maintenance of a confidential lawyer-client relationship between program attorneys and those they represent. Also, pursuant to subsection (c), each of these programs may include essential technical assistance, research and training directly related to program development and implementation. This latter feature is designed to enhance flexibility by reducing dependence of these programs upon general community action authorities and to provide a clearer picture of what each in fact involves.

In addition to Head Start, Legal Services and Comprehensive Health Centers, project Upward Bound would be designated as a statutory special program. This would be described as a program directed at young people from low-income backgrounds and inadequate secondary schooling, which is to provide these students, through cooperative arrangements between one or more secondary schools, with the skills and motivation needed for success in college.

It should be noted that the designation of specific programs is not intended to be exclusive. Programs, rather, have been specifically designated on the basis of size and their having been in operation over some period of time. One of the advantages of the present law is that programs may be started in a way that allows exceptional leeway for adjustments in design and approach on the basis of operating experience. This feature would be preserved. Accordingly, several major planned new programs have not been specifically described under this section but could be operated instead pursuant to the general authority this section provides. These include one program for expanding neighborhood centers to encompass a variety of childhood development services. Also, not specifically designated is a planned major program focused upon providing supplementary assistance to aid children in the primary grades to sustain the gains they have made in Head Start.

Under subsection (b) of this section, the Director would be required to give priority in developing new special programs to those which involve service or activities which have been tested in one or more community action programs or in other Federal, State or local programs, public or private. The special programs authority should, to the extent feasible, be available as a means of spreading innovative approaches initiated by local communities, as well as concepts which have been started on a small scale by Federal, State or local agencies. It is particularly important that the potential of these programs for supplementing other Federal or State programs be recognized. In some cases, they may be of a character where eventual incorporation into these programs is desirable. In order to take account of this, subsection (b) would specifically permit delegation of programs to other Federal agencies, or operation of programs by State or Federal agencies under suitable agreements. These provisions are supported by others, described under section 223 below, which would permit funds for special programs to be alloted separately among the States. This would facilitate operation of other agencies by eliminating the need for considering project approvals in terms of the availability of funds for community action programs generally within the several States.

Subsection (d) requires the Director to provide for the continuing evaluation of the effectiveness of all special programs. It also requires him to consult with other Federal agencies, or where appropriate with State agencies, with a view to providing for jointly sponsored objective evaluation studies, on a national or State basis, wherever feasible.

Section 223. Allotment of Funds: Subsection (a) is the general provision governing allotment of community action funds among the several States. It is the same as the existing law (section 203), except for simplifications in wording.

Subsection (b) relates to allotment of funds for special programs, other than the comprehensive health center program which would be governed (as now) by its own provision. Subsection (b) would authorize the Director to allot funds for any of these programs separately from the general allotment. This would permit greater flexibility and facilitate operation of special programs through delegations or agreements. It is contemplated that in most cases any separate allotment would be made in accordance with the same statutory formula as that described in subsection (a). The Director would be permitted, however, to establish separate formulae where these would result in a more equitable distribution of funds in accordance with the relative incidence among the States of the problems or needs at which a particular program is directed. Such a formula, for example, might be applied in the case of a program designed to deal specifically with rural problems or problems of the elderly. In no event, however, could more than 12½ percent of the funds for any program be used in any year in any one State.

Subsections (c) and (d) relate to the Federal share and required maintenance of local effort. Except for technical clarifications, they are the same as existing law. The amendment made last year reducing the regular or basic Federal percentage from 90 to 80 is retained.

Part C—Supplemental Programs and Activities

Section 230. Technical Assistance and Training.—Authorizes the Director to provide technical assistance and training in connection with programs under title II. It is substantially identical to present section 206, with no substantive changes.

Section 231. State Agencies—generally expands the role of State agencies which, under present law, have been limited essentially to providing technical assistance to local communities. Many coordination problems related to the effective operation of anti-poverty programs require action at the State level. Moreover, many of the problems which are encountered in effecting this coordination in fact arise out of diverse requirements imposed in connection with different Federal programs or by different Federal agencies. State agencies are often in a good position to see the practical effects of these requirements, and they can, and should be encouraged to, assist in efforts to secure necessary modifications at the Federal level.

Section 231 accordingly would permit assistance to State agencies not only in connection with technical assistance but in support of activities to further coordination of State programs related to community action. It would extend the role of those agencies to include advising and assisting the Director in developing procedures and programs for greater State participation, and assisting the Director, the Economic Opportunity Council and heads of other Federal agencies in identifying and seeking methods of overcoming Federal statutory or administrative requirements that impede coordination of anti-poverty activities at the State level.

The role of the State agencies designated to perform these functions would be further strengthened by subsection (b) of this section. This would require the Director to give preference to programs which are administered or coordinated by such agencies, or which have been developed with their assistance, in connection with any grants or contracts with State agencies.

Section 232. Research and Pilot Programs—generally parallels existing research and demonstration authority (section 207 of the Economic Opportunity Act). It would, however, increase the limit on funds for this purpose from 5 to 10 percent of the amount appropriated or allocated for community action. The requirement that research be pursuant to an over-all plan would include any research activities undertaken in connection with special programs, such as Head Start or Upward Bound.

Part D—General and Technical Provisions

Section 240. Rural Areas—is designed to provide an express base for the contemplated general expansion of community action activities in rural areas. It is designed to make clear the responsibility for using all available authority for this purpose, including the authority to develop and carry on special programs that can be specially tailored to rural needs and problems, research and demonstration authority, and technical assistance authority. It would also require, wherever feasible, the development of special or simplified forms, guidelines, model components or model programs for use in rural areas.

This section would include existing provisions to assure an equitable distribution of funds among rural and urban areas, with one technical modification designed to remove from the law a non-poverty criterion—population according to the 1960 census—which tends to discriminate against rural communities. It also retains existing authority to provide financial assistance in rural areas to public or private non-profit agencies other than community action agencies whenever the Director determines that it is not feasible to establish a community action agency within a reasonable period of time.

A new provision is added by subsection (d) to encourage urban and rural communities to develop cooperative programs or projects, with particular emphasis on programs that may contribute to new employment opportunities or help in the development of common approaches to problems involved in the migration of low-income residents to urban areas.

Section 241. Coordination-Federal Agencies; Use of State Funds—is designed to promote better coordination of activities specifically related to community action, with particular emphasis on actions to help local communities to overcome day-to-day practical problems and methods of securing joint use of Federal and State controlled funds.

Subsection (a) states the general obligation of Federal agencies to exercise their powers, to the extent feasible, in support of community action objectives. It also provides specifically for joint or common efforts on the part of Federal agencies to assist local agencies in developing long-range plans, where justified by prior progress, or in developing methods to modify or better deal with diverse requirements attached to Federal assistance programs related to community action activities.

Subsection (b) is designed to take account of situations where two or more Federal agencies may jointly fund a project assisted under this title which is designed to, and can most efficiently function as a single unit. An example would be the Opportunities Industrialization Centers which have commonly received assistance from three Federal agencies—the Office of Economic Opportunity, the Department of Labor, and the Department of Health, Education, and Welfare. Because these Federal agencies have acted in concert in providing assistance, the local agencies have generally been enabled to undertake projects which would not have been possible otherwise. At the same time, however, each Federal agency attaches to its assistance a variety of administrative and technical requirements—relating to such matters as bonding, insurance, title to property, sub-contracting, grantee personnel systems, salaries, and accounting—which more often than not are inconsistent with the conditions imposed by other agencies on the assistance they extend to the same grantee. There are, furthermore, commonly different matching requirements which may have the effect of locking up each part of the Federal assistance into separate boxes. And there is, further, the simple burden of dealing with two or more separate agencies, often with regional offices in different places, in connection with the great variety of matters that may come up in the course of initiating and administering what is planned as, and can best operate as, a single, unitary project.

This provision of the bill is designed to permit, within a framework of community action, a start to be made on a system of overcoming this kind of problem. It would authorize the President to promulgate regulations under which agencies could pool funds, designate a single agency to administer assistance, establish a single over-all local share requirement and agree upon a uniform set of technical or administrative requirements. The regulations would prescribe criteria for a unitary project, and would also define the type of technical or administrative requirement which agencies could waive in the interests of securing a uniform set of conditions. It is contemplated that waiver could extend to requirements imposed pursuant to statute. However, substantive program requirements, including such things as statutory allotment formula and requirements governing the type of eligible agency, could not be waived.

Subsection (c) is designed to encourage joint Federal-State funding of certain kinds of projects. For example, an adult education program or a model component in the field of adult education might involve the use of both Federal funds and State funds or funds under the control of a State agency. This section would permit the Director, in such a case, to designate the State agency as an agent of the United States to administer both the Federal and State portions of assistance to local agencies for the kind of project in question.

Section 242. Submission of Plans to Governors—duplicates, with no change, provisions of existing law providing for the submission of grants and other instruments of assistance to State governors.

Section 243. Fiscal Responsibility and Audit—expands provisions of existing law relating to audit and fiscal responsibility in the case of agencies receiving assistance under title II.

Subsection (a) and (b) restate existing law relating to maintenance of adequate accounting systems and preliminary audits. Subsection (c) adds specific requirements for further audits to be made at least annually of each grant or contract of assistance with a view to determining the allowability of expenditures. In the event of disallowance, it would authorize the Director to seek recovery by appropriate means which would include, in addition to court action, an increase commensurate with the disallowance of the required non-Federal share applicable to any grant or contract which is in effect with the agency affected or which is entered into with that agency within 12 months after the date of the disallowance.

Subsection (d) would further require controls to assure that the rate of expenditure of any agency receiving financial assistance does not exceed that contemplated under its approved program. In addition, it would require the Director to take action to promote fiscal coordination and continuity, as necessary for efficient grant administration, among activities or components of on-going community action programs.

Section 244. Special Limitations—sets forth various special limitations on the use of title II funds. These conform to provisions in the present law relating to payment of allowances and reimbursement for board meetings; service of OEO employees on agency boards; a $15,000 limit on salaries payable from Federal or matching funds; family planning conditions; general aid to elementary or secondary school systems; and use of existing schools, community centers and other facilities. The principal modification relates to the $15,000 salary limit. This poses a particular problem in the case of programs or projects heavily dependent upon the services of professional or specialized personnel, such as doctors or lawyers, and may be unrealistic in given communities in view of disparities in prevailing salary levels. The bill would permit the Director, pursuant to regulations, to permit exceptions to cover such cases where application of the restriction would greatly impair program effectiveness or otherwise be inconsistent with the purposes sought to be achieved.

Note: The new title II would omit the Voluntary Assistance for Needy Children provisions of Part C of the current title II. It is believed that the type of program contemplated can better be carried out through the various child development and youth programs authorized under the Act, including Head Start, combined with the power of community action agencies and other sponsors to solicit and receive gifts locally and the general authority of the Director to receive gifts and contributions from any source or place and employ them in support of specific projects or in furtherance of the purposes of the Act. This approach assures that there will be a determination of needs of each child in relation to the needs of the whole family, tends to promote equity among children similarly situated, and provides an opportunity for supervising distribution and use of contributions received. It also avoids the possibility that hopes of children or their families will be falsely raised in expectation of assistance that may never be provided or that may be provided in quantity or quality different than hoped for, and tends to facilitate safeguards against the possibility that names of needy children or families may be made available to persons who might use them for purposes other than those intended.

Rural loan and migrant programs

Section 104 of the bill sets forth a number of technical amendments relating to the rural loan program and substantially revises the statutory provisions governing the migrant and seasonal agricultural worker program.

Subsection (a) includes only technical changes relating to the overall form of title III of the Act.

Subsection (b) modifies the title III statement of purpose. In the current Act section 301 is a general statement of purpose for all of title III. In the proposed amendments section 301 is included in part A (retitled "Rural Loan Program") and amended to apply specifically to the programs of rural loans for which that part provides. The amended section declares that the purpose of the loan program is to assist in raising and maintaining the income and living standards of low-income rural families.

Subsection (c) modifies the limit on family loans. Section 302 provides that loans may be made to a maximum "aggregate indebtedness" of $3,500. The proposed amendments would change that limit to permit loans to be made to a maximum "aggregate principal indebtedness" of $3,500, thereby excluding outstanding interest as part of the debt limit. This is essentially a technical change occasioned by the difficulty of determining the limit on a current basis so long as accrued interest must be taken into account.

Subsection (d) involves the Economic Opportunity Act revolving fund. The revolving fund formerly related to title III and the small business loan program authorized under title IV. It was, accordingly, carried in the general provisions of title VI of the Act. The fund, however, now serves only the rural loan program, and this subsection would therefore transfer the section establishing the revolving fund to title III.

Subsection (e)—Migrant and Seasonally Employed Farm Workers. Subsection (e) substantially revises part B of title III of the Economic Opportunity Act as follows.

Section 311. Statement of Purpose: There is no statement of purpose in the current Act for the part providing aid to programs of assistance to migrant and other seasonally employed farm workers. The proposed amendments state that the purpose of such programs is to assist those workers and their families to improve their living conditions and develop skills necessary for a productive and self-sufficient life in an increasingly complex and technological society.

Section 312. Financial Assistance: The current Act authorizes the development and implementation of a program of financial aid to States and local agencies and organizations focused on meeting the needs of migratory workers and seasonal farm workers in four specific categories: housing, sanitation, education and day care of children. In the proposed amendments those categories are replaced by provisions to expand the range of assistance to permit the comprehensive programs needed to fulfill the statement of purpose. They specifically provide for assistance to meet immediate needs such as day care for children, legal advice, consumer training, health services and education. In addition, however, they authorize assistance for efforts to increase community acceptance of the migrant or seasonal farm worker and his family, and efforts to equip him to meet the changing demands of agricultural employment and to avail himself of the opportunities to improve his family's well-being and self-sufficiency by gaining regular or permanent employment or by participating in other government training programs.

Section 313. Limitations on Assistance: This section requires an applicant agency or organization to maintain its prior level of effort in activities similar to those provided for in this part. It also requires coordination with other programs providing assistance to migrant or seasonally employed workers and their families.

Section 314. Technical Assistance, Training and Evaluation: Although technical assistance and help in providing trained personnel is often an urgent requirement for the success of programs of the type authorized in this part, no direct authority for such activities exists in the current Act. Such authority would be provided in this section of the proposed amendments. This section also requires evaluation of programs under this part and provides for independent evaluation studies where appropriate.

Administration and Coordination Amendments Administration

Additional Assistant Directors: Subsection (a) of section 105 of the bill would provide for two additional assistant directors.

The first of the new assistant directors would assume responsibility for the review and development of programs in rural areas. One objective is to assure that there is, within the Office of Economic Opportunity, a high level official who will be charged with a continuing and systematic effort to see that all authorities available to the Office are used in developing anti-poverty programs specifically designed for rural areas. Another is to assure that rural conditions and problems are taken into account in connection with all programs, whether or not they are specially designed for rural areas. Also, it is expected that the person designated would serve as a regular point of contact for rural communities and organizations and would serve as a spokesman for rural interests in connection with day-to-day operations as well as major policy decisions.

The second new assistant director would be responsible for actions to promote improvements in the degree and extent of coordination among antipoverty programs. Other amendments contained in this section (described below) substantially revise the coordination provisions of the Economic Opportunity Act. Among other things, these amendments contemplate that the Economic Opportunity Council should play an increasingly active role in undertaking and supporting coordination activities, not only as among the Federal agencies themselves but also in connection with Federal-State-and-local relationships. The purpose of the additional position is to provide the Council with a chief executive officer who can act effectively in day-to-day matters on a level consistent with the high and complex responsibilities which the Council would be expected to assume.

Definitions. Subsection (b) of section 105 makes various technical and conforming changes in the section of the Act setting forth general definitions. Only one minor substantive change is effected. This involves the term "permanent resident" which appears in parts A and B of title I and limits eligibility for the Job Corps and new work training programs. At present, persons admitted to the United States as parolees under designated provisions of the Immigration and Nationality Act may be considered as permanent residents. The revised definition would permit certain conditional entrants to also be considered permanent residents.

Comparability of Wages. Subsection (c) of section 105 relates to section 610–1(a) of the present Act which requires that employees of Job Corps centers and community action programs be compensated at the average rates paid in the area to persons carrying out comparable services. The amendment would provide that the base for measuring comparability would be the average rate of compensation paid to "a substantial number of" persons employed in providing comparable services. This change is designed to simplify application of the comparability provision. Literally, the existing requirement may be considered to involve collection of a great mass of data in communities all over the country, some of which may either be unavailable or available only at disproportionate cost and effort. Under the amendment, information on wages or salaries could be accepted as adequate so long as it covered a substantial number of the persons engaged in providing comparable services. For example, in the case of teachers, the average could be determined on the basis of teachers in the public school system, without also collecting data covering teachers in what may be a large number of private schools in the community.

Transfer of funds. Subsection (d) amends section 616 of the Act which currently provides authority, notwithstanding appropriations limitations, to make limited transfers of funds among different titles of the Act. This authority, which is designed to afford a measure of flexibility in expanding programs (up to 10 percent) to take account of special or unforeseen needs, is at best an awkward device for situations where a need may arise for transfers *within* a title among programs for which funds may be separately appropriated. The amendment is designed to facilitate this latter kind of transfer by providing specifically for transfers among activities rather than titles. The same limits would apply as under the present section. Thus, funds for any activity could not, pursuant to this authority, be increased or decreased more than 10 percent above or below the level otherwise established.

Coordination

General. Subsection (e) of section 105 expands and revises existing provisions of title

VI of the Economic Opportunity Act relating to the coordination of Federal antipoverty programs. One objective is to clarify and expand the role of the Economic Opportunity Council. At the present, the Council is established under provisions of the Act relating to administration and is charged, in very general terms, with advising and consulting with the Director in his performance of his functions. The amendments would focus the responsibilities of the Council specifically upon coordination, with new provisions to assure necessary staff support. The amendments would also clarify the responsibilities of the information center, revise the existing provisions relating to community action preference, and define various terms. Overall, the amendments are designed to emphasize the importance of an approach to coordination which includes Federal-State-local relationships as well as relationships among Federal agencies, and which concentrates to the extent feasible upon overcoming, and assisting local agencies and communities to overcome, specific, practical problems which impede effective and efficient program operation.

The above changes would be represented in new part B which would be added to title VI of the Act. The individual sections of that new part are described below.

Section 630. Statement of Purpose: Section 630 would set forth a statement of purpose for the coordination provisions. This would emphasize objectives of making programs more effective in reaching and serving the poor, assisting State and local agencies to adapt diverse Federal programs to local problems and conditions, stimulating combinations of resources in the solution of specific problems, and improving communication among all levels of government agencies and institutions in matters related to the purposes of the Economic Opportunity Act.

Section 631. Economic Opportunity Council: Under this section, the structure of the Council would be retained. The President, however, would be authorized to revise membership on the Council from time to time to take account of changes in functions or otherwise assure appropriate representation in furtherance of the purposes of the part.

Functions of the Council would be set forth in subsection (b). Under this subsection, the Council would advise the President and the Director. Its functions would include reviewing and making recommendations on major policy issues and questions of basic priorities involved in coordinating programs related to the Act. They would also include responsibility for initiating, and to the extent feasible arranging for the carrying out of, specific actions or projects designed to improve coordination among those programs. In addition, the Council would be responsible for providing general guidance and advice in connection with the information center.

It should also be noted that coordination responsibilities of the Council embrace review of the operation of section 634, relating to program and project combinations, which would replace the present community action preference provisions of the Act. Section 634 is described below.

Subsection (c) of this section provides specifically for Council staff, to be provided by the Director or by detail from time to time from other agencies. Subsection (d) provides for reports by the Council to the President and requires that a report covering the Council's activities shall be included in the Director's annual report or in a separate report for transmittal to the Congress.

Section 632. Responsibilities of the Director: This section sets forth certain specific responsibilities of the Director with respect to coordination. It would require the Director to carry on a continuing evaluation of all activities under the Act, and to consult with interested agencies and groups, including the State agencies now performing technical assistance functions, in order to identify specific coordination problems that may warrant consideration by the Council or the President, and whenever appropriate to institute action to overcome those problems. It would also charge the Director with undertaking studies of specific coordination problems, either on request of the President and the Council or on his own initiative

Section 633. Cooperation of Federal Agencies: This section sets forth responsibilities of Federal agencies to cooperate with the Council and the Director. Except for specific recognition of the role of the Council, it is substantially similar to the provisions now contained in section 611(a) of the Act.

Section 634. Combination Among Projects and Programs: This section would replace existing section 612 of the Act. Section 612 provides generally that heads of Federal agencies shall, to the extent feasible, give a preference to applications which are made pursuant to or in connection with community action programs. Literally, this language tends to suggest a situation involving the processing of complete applications that may, in fact, have little relevance to what the "preference" provision was designed to accomplish. The objective is not to process one kind of application more speedily or more favorably than another but to encourage the combined or closely coordinated operation of what are in fact complementary activities or projects—those which are capable of reinforcing one another and operating more effectively and efficiently together than if each were carried on in isolation from the other. This objective, moreover, is not necessarily limited to coordination involving community action programs. A combination of resources and facilities is frequently both practicable and desirable among programs or projects designed to deal with problems of the poor, even in the absence of a community action program.

The new section 634 is designed to reflect this objective. It states Federal agency responsibilities in terms of encouraging appropriate combinations among related projects and activities rather than a preference limited to community action programs. Further, the Economic Opportunity Council would be specifically charged with carrying on a continuing review of the operation of this section. This would include identifying programs which may be especially appropriate for closely coordinated operation at the State or local level and evaluating and making recommendations concerning implementing procedures of the various Federal agencies.

Many of the concrete, practical problems of coordination may be approached through this section. One of the objectives of the new part is to stimulate more attention not only to the larger issues, such as consolidations of assistance programs, but also to details—such as technical requirements attached to different Federal programs, failures of communication among Federal, regional, State and local offices and agencies, and the kinds of information which must be provided to different local agencies if they are to be expected to engage in common planning and cooperative projects. The revision and broadening of the "preference" provision is designed to support an approach which pays greater attention to such problems.

Section 635. Information Center: This section sets forth provisions of the current law covering the information center, with one significant amendment. This would specifically authorize the Director, in connection with the operation of the center, to study ways of improving existing information systems, the adequacy of data, ways in which data generated at the State or local level may be incorporated into Federal systems, and methods by which data may be made more readily available to State and local officials, agencies and organizations and used to further coordination objectives.

Section 636. Prohibition: This section restates, with no change, a provision in the current law that prohibits use of funds to establish any new department or office when the intended function is being performed by an existing department or office.

Section 637. Special Responsibilities: Training Programs: This section restates a provision in current law setting forth certain responsibilities of the Director, the Secretary of Labor and the Secretary of Health, Education and Welfare, and other Federal agency heads with respect to the coordination of training programs. There is one technical modification. This is to delete the specific reference to the President's Committee on Manpower, which was created by Executive order rather than by statute, in favor of a more general reference to "mechanisms prescribed by the President."

Section 638. Definitions: This section defines the terms "programs related to this Act" and "coordination" as used in the new part. The definition of coordination is designed to focus upon four types of actions—actions to improve the common effectiveness of programs in reaching and serving the poor; actions to promote better use of Federal assistance under diverse programs at the State or local level; actions to promote simplification and efficiencies through the joint or combined use of Federal resources; and actions to improve communication and general cooperation. Examples are given under each of these categories, in order to emphasize the importance of specific, practical problems and the necessity for approaching coordination on a basis that allows for State and local participation.

AMENDMENTS TO TITLE VII

Section 106 of the bill provides for a substantial revision of title VII of the Economic Opportunity Act.

Under existing law, beneficiaries of Economic Opportunity Act programs are entitled to have certain payments received under the Act disregarded for purposes of determining their welfare need. In essence, the welfare recipient may receive as much as $85 a month in payments from the poverty program without any reduction in welfare benefits, and may receive additional amounts on the basis that welfare payments will be reduced by 50 cents for each additional dollar of payments under the poverty program. With respect to resident nonprofessionals, who serve in a mixed employment-training capacity, earnings in excess of $150 per month result in loss of welfare on a dollar-for-dollar basis.

The revised title VII is designed to provide a more rational system for encouraging welfare recipients to participate in programs under the Economic Opportunity Act which are designed to enable them to become self-supporting. It provides a formula under which the receipt of money under Economic Opportunity programs always results in some reduction in welfare, but never on a dollar-for-dollar basis. The formula is also designed to provide for termination of public assistance when an individual achieves self-sufficiency.

Under the bill, payments received under the Economic Opportunity Act would be converted to a percentage of the beneficiary's "poverty line"—that is, the amount of income which represents the line between living in poverty and living out of poverty, as determined by the Director for purposes of administering the title. Welfare benefits to which the beneficiary would otherwise be entitled would be reduced by that percentage (or, at the option of the State, eight-tenths of that percentage).

The operation of this formula is illustrated by the following table:

Family of 5

[Assumed monthly poverty line, $300; assumed monthly welfare if no earnings, $150]

	A	B
Earnings	$200	$265
Proposed law:		
Earnings as a percent of poverty line	66.7	88.3
Reduction in welfare	$100.00	$132.50
Welfare payment	$50.00	$17.50
Total income (earnings plus welfare payment)	$250.00	$282.50
Existing law:		
Earnings disregarded in determining need	$117.50	$117.50
Earnings taken into account (reduction in welfare)	82.50	147.50
Welfare payment	67.50	2.50
Total income (earnings plus welfare payment)	267.50	267.50

The table shows, for a family of five, the computations at two levels of earnings under the proposed revision of title VII and under existing law. For a family of five, the monthly poverty line is approximately $300. It is assumed that the family's welfare entitlement, in the absence of earned income, would be $150 monthly. On these assumptions, column A shows the welfare computations if the head of the house earns $200 a month as a resident nonprofessional in a community action program, and column B shows the computations if earnings are $265 a month.

In column A, the $200 monthly earnings are 66.7% of the family's poverty line. Under the proposed formula, the welfare entitlement of $150 is therefore reduced by 66.7%, or $100. The family receives $50 of welfare in addition to the $200 earnings, for a total income of $250 per month. This compares with a total income of $267.50 under present law. In column B, with earnings of $265, total income would be $282.50 under the proposed formula, compared with $267.50 under present law.

It will be noted that existing law provides no financial incentive for the family in the table to increase its earnings from $200 a month to $265. At either level, total family income is $267.50. The existence of this kind of income plateau—where each additional dollar of earnings results in loss of a dollar of welfare—is a characteristic feature of welfare laws. The proposed formula, contrast, offers consistent incentives to increase earned income.

Enactment of the proposed title VII would be a first step toward designing incentives to encourage self-support. There is as yet little verifiable knowledge about the effectiveness of such incentives, and a primary purpose of the proposal is to facilitate research on this subject. Research into the effect of the revised title will provide the basis for making more sophisticated judgments in the future.

In making his determination of the poverty line, the Director will be guided by the Social Security Administration's index of poverty. However, in order to facilitate an analysis of the incentive effect of this experimental title, and to avoid unnecessary disruption of the administration of public assistance programs, he will not alter the poverty line initially established for the duration of the experiment.

In addition to this major change in direction, the proposed revision of title VII would bring its benefits for the first time to rural families receiving assistance under title III–A of the statute, and would clarify the applicability of the title to migrant families receiving assistance under title III–B.

AMENDMENTS TO TITLE VIII—VOLUNTEER PROGRAMS

Section 107 of the bill amends title VIII. The major change is addition of a new part-time, "home town" volunteer program, although a variety of improvements to the existing VISTA program would also be incorporated. The new title VIII, as it would read with these amendments would consist of a statement of purpose and three parts, as described below.

STATEMENT OF PURPOSE

Section 801 would revise the existing statement of purpose to reflect the addition of the new part-time volunteer program.

Part A—Full-Time Volunteer Programs

Section 810. Authority to Establish Full-Time Programs: This section continues, substantially unchanged, the provisions of the present law authorizing establishment of the VISTA program, including those relating to the terms and conditions of volunteer service, special restrictions on political activities, and the requirement that volunteers be assigned to duties in a State and that programs be operated therein only with the approval of the Governor of such State. The provisions concerning the assignment of volunteers to programs at the State or local level have been deleted, their implementation having proved to be infeasible. However, to the extent such provisions embodied the concept of encouraging participation of part-time volunteers in activities in their home communities, this concept has been reaffirmed in section 820 of the amendments.

Section 811. Terms of Service: This section incorporates in the Act, for the first time, provisions which clearly prescribe the commitment to be required of full-time volunteers. It provides that these persons must obligate themselves to serve full-time in combating poverty, living among and at the economic level of the people served. It also provides that, except when on authorized leave, they must remain on-call for service at all times without regard to regular working hours. These requirements have been incorporated in the Act, because experience has shown that full-time volunteers are most effective when totally immersed in the poverty environment.

This section also states as a positive requirement, the current VISTA policy that regular volunteers serve for periods of one year. However, it establishes as a permanent volunteer program, the short-term programs which have been conducted as special programs under section 805 of the existing law. These programs allow persons to serve as VISTA associates on a less than one year (but at least two-month) basis. They have been conducted until now as demonstrations and have proved both feasible and effective. It is believed, accordingly, that such programs should become an integral part of VISTA.

This section also continues the existing law's requirement that volunteers subscribe to an oath or affirmation to support and uphold the Constitution and laws of the United States.

Section 812. Support of Full-Time Volunteers: As does the present law, the amended law provides for volunteer stipends at a rate not to exceed $50 per month, or, in the case of volunteer leaders $75 per month. It further specifically requires that volunteer leaders be selected from those volunteers who have developed and shown special skills during a year of volunteer service.

Subsection (b) of this section makes several clarifying changes in the Act. It would provide that, except in extraordinary circumstances, accrued stipends are not to be paid to a volunteer until completion of service. Moreover, it makes clear that in the event of the death of a volunteer during service, accrued stipend, as with accrued Job Corps readjustment allowances, is to be paid to designated beneficiaries or survivors in accordance with provisions of law governing payment of money due to deceased Federal employees (5 U.S.C. 5583).

Subsection (c) of this section introduces authority which allows the Director to provide or arrange for educational and vocational counseling of volunteers and recent volunteers to encourage them to utilize their VISTA experience in combating poverty after their formal connection with the program has ended. While the statement of purpose and legislative history of the existing law make it clear that encouraging volunteers to make continuing commitments to combating poverty is part of the purpose of VISTA, the existing law has no provision permitting expenditures for this purpose. Subsection (c), which is closely patterned on, although more restrictive than, section 5(d) of the Peace Corps Act, is included to remedy this shortcoming.

Part B—Auxiliary and Special Volunteer Programs

Section 820. Community Service Programs: This section authorizes the Director to encourage, develop and assist new programs designed to increase and expand volunteer participation. These programs will utilize volunteers working part-time, or for periods of less than two months' duration, in or near their home communities, in activities contributing to the elimination of poverty. They will be designed to encourage persons to participate, as volunteers, in local programs and projects assisted under the Economic Opportunity Act; in programs to encourage persons with needed managerial, professional or technical skills to contribute these skills to the betterment of neighborhoods or areas having especially large concentrations of poor; and in programs which assist existing national and local agencies and organizations to obtain services of volunteers more readily. It also authorizes the Director to provide specialized training for volunteers participating in such programs.

In this country there are many people who, while unable to volunteer full-time, or for long terms, are willing to contribute their skills and a portion of their time to provide meaningful service. Experience in carrying out the VISTA program illustrates some ways these persons can significantly enhance antipoverty efforts by working part-time in their home communities. For example, two VISTA volunteers in Pittsburgh have organized a group of approximately 200 college students to tutor disadvantaged children. Similarly, volunteers working with the VESPRA program (Volunteers in Service to Puerto Rico), funded under section 805 of the present law, encourage qualified persons from the ranks of the poor to become part-time volunteers in their home communities in Puerto Rico.

But much broader efforts to increase volunteer participation are necessary and possible.

There are, for example, many business and professional men who have a little time and talents greatly needed; there are retired persons seeking creative outlets for their energies; there are people who, given the opportunity, would be prepared to give vacation time to some of the great variety of summer programs now being planned for low-income children and youth. Existing mechanisms for matching these people with the agencies, groups and organizations who need their services are commonly non-existent, deficient, or imperfect at best. This is particularly apt to be true of the many smaller agencies and programs which deal with the very poorest of the poor or which operate in the very heart of our slum areas. Moreover, there is often a need for giving volunteers short-term training which these agencies, acting individually, are unprepared to provide. Finally, there are frequently organizations which could make greater use of volunteer assistance—or use it more effectively—given some technical assistance which is not now available, or given the help of one or more qualified individuals, including former VISTA volunteers, who have the experience needed to organize and oversee projects.

This section is designed to assist in overcoming these problems. It is expected that in many cases the projects authorized would operate in direct support of other programs under the Act, such as Head Start, and that they could serve in this respect to help meet some of the needs which these programs have for technical and professional skills. A particular effort would be made, where community action agencies exist, to encourage those agencies to develop their own capacities for more effectively organizing volunteer efforts and to incorporate projects for this purpose into those regular programs.

It should be noted that volunteers under this section would not receive any stipend, nor, except in unusual or special circumstances affecting their project, could they receive any other support or allowances. The section also provides that the value of the services of volunteers under this section, if otherwise allowable as a non-Federal contribution toward the cost of any program or project assisted under this or any other Federal Act, may be accepted toward provision of the non-Federal share.

Section 821. Special Volunteers Programs: This section retains existing authority for special demonstration projects, except for the existing VISTA associates short-term projects which would be incorporated into the regular VISTA program described under section 811. In view of this latter change, the limit on the portion of the title VIII funds which can be utilized for this section has been reduced from 15 to 10 percent. Also, administrative provisions have been transferred to section 832(b) of the proposed part C.

Part C—General Provisions

Section 831. Coordination with Other Programs: This section requires coordination of volunteer programs under this title with community action programs and with other appropriate Federal, State, local and national programs. It would require the Director to consult with other Federal, State, local and national agencies responsible for programs related to the purpose of this Act in order to encourage greater and more effective use of volunteer services in those programs. It would also require that the regular or full-time and part-time programs be carried out in a coordinated manner and that steps be taken accordingly to encourage former full-time volunteers to participate in part-time programs and to encourage part-time volunteers to enter full-time programs.

Section 832. Participation of Older Persons: This section would require the Director to take necessary steps, including the development of special projects where appropriate, to encourage the fullest feasible participation of older persons in VISTA programs and activities.

Section 833. Application of Federal Law: This section retains the concept, expressed in existing law, that volunteers are not Federal employees and are not subject to the provisions of law relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits. As in the present law, the amendment makes partial exception for volunteers primarily responsible to, and supported and directed by VISTA. These volunteers are considered employees of the executive branch of the Federal Government for the purposes of the political activities ("Hatch Act") provisions of subchapter 73 of title 5 of the United States Code, and to be Federal employees to the same extent as enrollees in the Job Corps, except that for the purpose of computing work injury benefits the monthly pay of a volunteer is deemed to be that received under the entrance salary for GS–7 of the General Schedule of section 5332, title 5, United States Code.

Section 834. Special Limitations: This section provides that all support provided to volunteers under title VIII shall be furnished at the lowest possible cost; that volunteers shall not be used to displace employed workers, or impair existing contracts for services; and, that no agency utilizing volunteers may seek compensation for services performed by those volunteers.

TITLE II—SUMMER CAMP ACT OF 1967

This title of the bill is designed to carry out the President's recommendation in his February 8, 1967 message on Children and Youth for legislation to make additional summer camp opportunities available to needy children.

This title proposes a program under the general supervision of the Office of Economic Opportunity involving a partnership of the Federal Government with State and local governments and nonprofit organizations. With the funds it authorizes, the Federal Government would provide facilities on Federal lands, and, in agreement with State and local governments, on public lands under their administration. It also would establish a mechanism to make these facilities available to public and private nonprofit organizations which would agree to sponsor groups of children from low-income families and areas. It is anticipated that groups of about 100 children could be accommodated in camps for periods of two weeks.

While many nonprofit organizations now sponsor camps on a more-or-less regular basis, some of which are now located on public lands, the need for greater geographical distribution and the demand for facilities to accommodate the nation's youth requires greater utilization of recreational land. The following summary of this proposal shows how the President's recommendations on this subject would be implemented.

SECTION-BY-SECTION SUMMARY

Section 201. Short Title: This section provides that the provisions set forth in title II of the Economic Opportunity Amendments of 1967 governing the new program may be cited as the Summer Camp Act of 1967.

Section 202. Findings and Declaration of Purpose: This section finds that although millions of acres of forest and park lands throughout the nation are the property of all the people, those most in need, particularly disadvantaged children who would benefit from outdoor and camping experiences, are prevented by poverty from utilizing those lands. It declares a purpose of providing and assisting in the provision of camp facilities to permit greater use of public lands in behalf of these children.

Section 203. Basic Authority: This section authorizes the Director of the Office of Economic Opportunity to allocate funds to other Federal agencies, or extend financial assistance to State or local public agencies to provide camp facilities for use by disadvantaged children. Certain basic conditions are imposed which require that the facilities: (1) be located on public lands, (2) be so located in relation to population centers as to permit their best use in serving disadvantaged children, and (3) be provided and operated subject to a use plan giving reasonable assurance of their continued availability for these purposes under the sponsorship of one or more public or private nonprofit agencies.

Section 204. Allocation and Use of Funds: This section authorizes the Director to allocate funds to various Federal agencies, including the Departments of Agriculture, the Interior and the Army, to pay the cost of camp facilities on public lands under their administration, and to provide funds by grant or contract to certain State or local public agencies for camp facilities. These funds may be used for (1) the construction, renovation or improvement (including furnishing and equipping) of camp facilities, (2) the purchase or lease of suitable privately owned facilities on public lands, and (3) essential maintenance and supervision of camp facilities. The use of such funds for the administration or operation of any camping program or project and for purchasing land would be specifically prohibited. This would not, however, preclude use of funds for acquiring necessary rights in connection with access roads, utility lines, or similar installations.

Section 205. Use Plans: This section sets forth requirements for use plans. The Director could not allocate funds to Federal agencies or extend assistance to any State or local agency, as provided for in section 204 of the Act, unless the facility or project is covered by such a plan or agreement approved by him.

In the case of Federal agencies, the use plan must contain such information and understandings concerning the character of the facility, the type and extent of use to be made of it, the number, nature of, and procedures for selecting sponsoring organizations, conformity with rules and regulations of the administering agency, and other matters as may be agreed upon by the Director and head of that agency. In the case of projects of State or local public bodies, the plan must contain, at a minimum, information and commitments assuring: (1) that the facilities will be adequate and reasonable in cost; (2) that their use will comply with applicable laws and regulations and be consistent with existing planning; (3) that they will remain available for an appropriate period and will not be converted to other use without the Director's approval; (4) that the agency seeking assistance will retain appropriate continuing control over the facilities; and (5) that satisfactory sponsoring agencies are available for operating or coordinating the operation of the facilities and that adequate methods or procedures exist for selecting those sponsoring agencies. In addition, the Director, after consultation with the heads of interested Federal agencies, is authorized to prescribe by regulation additional or supplementary requirements of criteria for use plans.

Section 206. Use of Facilities by Other Than the Disadvantaged: This section provides that groups other than disadvantaged children could use facilities provided or assisted under the Act only if the Director determined, in accordance with regulations prescribed by him, (1) that the facilities would otherwise not be adequately utilized, and could not reasonably be expanded for use by disadvantaged children, and (2) that their use by other groups would not preclude or be inconsistent with their fullest practicable use for disadvantaged children. The regulations may provide for use by such other groups on a fee basis and may require that fees be applied in reducing the amount of financial assistance provided under the Act.

Section 207. Employment of Low-Income Persons: This section requires the Director, to the extent feasible, to encourage the provision and use of camp facilities in a manner that will promote employment and training opportunities for low-income individuals, including persons in the Job Corps, Neighborhood Youth Corps, and other programs designed to restore employability.

Section 208. Limitation on Financial Assistance: This section limits financial assistance to State or local public agencies to 80 per cent of the approved cost of a project or activity. It also requires that the Director satisfy himself as to the maintenance of preexisting levels of expenditures by these agencies in providing facilities for disadvantaged children.

Section 209. Labor Standards: This section incorporates provisions to assure compliance with the prevailing wage ("David-Bacon") requirements in the employment of laborers and mechanics in construction activity authorized by this Act.

Section 210. General Provisions: This section makes available to the Director the full administrative authority conferred upon him by section 602 of the Economic Opportunity Act of 1964, and in addition permits him to make arrangements with, reimburse, delegate powers to, heads of other Federal agencies, and authorize redelegations, without the approval of the President which is required in section 602(d) of that Act.

Section 211. Definitions: This section defines various terms such as "camp facilities," "State or local public agency," etc.

Section 212. Authorization: This section authorizes appropriation of $20 million for the program for fiscal year 1968, and such sums as may be necessary for the two succeeding fiscal years. Sums so appropriated would remain available until expended.

TITLE III—CRIMINAL PROVISIONS

Title III of the bill would provide criminal penalties for the (a) embezzlement, willful misapplication, theft, or fraud of assistance funds provided under the Economic Opportunity Act by way of grant or contract, and (b) the use of duress to secure kickbacks from persons employed with funds provided under any such grant or contract. The penalty for embezzlement, willful misapplication, or theft would be a fine not to exceed $10,000 and/or imprisonment for not more than 2 years, unless the sum in question did not exceed $100 in which case the maximum fine would be $1,000 and the maximum imprisonment would be one year. Violation of the anti-kickback provision would be punishable by a fine of not more than $1,000 and/or imprisonment for not more than one year.

There have been only a handful of cases of such misconduct in the two and one-half years since the Economic Opportunity Act became law, but a very few cases, if unpunished, can seriously endanger the system of good faith and confidence on which national assistance programs must depend. Moreover, the obvious interest of the Federal government in deterring such misconduct is essentially the same whenever it occurs. At present, however, unless there are specific false statements made by the actual culprit (see 18 U.S.C. 1001), prosecution must be sought under State law. The uncertainties and circumlocution of prosecuting a thief for false report of his theft, on the one hand, and the variations and extraneous considerations involved in relying on State prosecution, on the other hand, create a gap which title III would fill by providing for direct Federal jurisdiction over the misconduct.

SUMMARY OF THE BASIS AND GENERAL CONTENT OF THE ECONOMIC OPPORTUNITY AMENDMENTS OF 1967

GENERAL

The Economic Opportunity Amendments of 1967 consist of a section authorizing fiscal year 1968 appropriations for various Economic Opportunity Act programs, and three titles. Only title I includes amendments to the Economic Opportunity Act itself. Title II would establish a program to aid in the provision of summer camp opportunities for disadvantaged children, pursuant to a recommendation of the President in his recent Message on Children and Youth. Title III would provide certain criminal sanctions to cover cases of embezzlement, willful misapplication, theft or kickbacks involving financial assistance funds under the Economic Opportunity Act.

AUTHORIZATIONS

Section 2 of the bill would authorize appropriation of $2.06 billion for programs under the Economic Opportunity Act for fiscal year 1968, including $874 million for carrying out the Job Corps and work-training programs under title I of the Act, $1.022 billion for community action programs under title II, $47 million for the rural loan, and migrant and seasonal farm worker programs under title III, $70 million for work-experience programs under title V, $16 million for administration and coordination activities under title VI, and $31 million for VISTA and volunteer programs under title VIII.

AMENDMENTS TO THE ECONOMIC OPPORTUNITY ACT

Title I includes a large number of amendments to the Economic Opportunity Act. These are sufficiently numerous and comprehensive that—partly for technical reasons and partly for greater clarity—major parts of the Act, including Job Corps and Community Action, have been rewritten.

Although the amendments are substantial both in number and in anticipated over-all impact, they would not change the fundamental character of existing programs. To the contrary, they are predicated on the view that those programs are—and have proved themselves to be—sound and effective in basic concept. Yet no one would pretend that, today, the several programs are simply an extension of what they were in the beginning. They have, to some extent, developed along unanticipated paths; they have encountered some unforeseen problems. Policies once tentative, but of major importance, have been tested. And the experience, not only of the Office of Economic Opportunity, but of the State and local agencies, and many private groups that have participated in these programs is now sufficient to permit decisions governing long-run program direction that were not possible three years ago. Cumulatively, the adjustments suggested by these considerations add up to a law which will be in some respects less useful than the present Act for the processes of trying, testing and learning. But it will be a law which, while still retaining flexibility for needed innovation, is better suited to the complexities of effective and efficient administration.

Many of the amendments are technical. Some, such as provisions defining the structure and powers of community action boards,[1] are designed to deal with specific problems peculiar to a particular program. There are, however, several features which recur repeatedly. Among these are—

1. *A better focusing of programs on the goal of helping people to help themselves to become self-sufficient.* The Economic Opportunity Act represents a national commitment to the elimination of poverty. The needs of the poor are, however, so great and so extensive that it is frequently difficult to maintain a focus upon the causes of poverty as distinguished from its symptoms. Yet for Economic Opportunity Act programs that focus is critical. The bill undertakes to sharpen this focus in a number of ways. For example—

a. It contains a new employment program designed to reach thousands of unemployed or underemployed slum residents many of whom are at best only marginally employable, and to provide them, for the first time, with the kind of intensive help and support needed to enable them to secure and hold the substantial number of meaningful jobs that today exist or can be made available in many urban areas.[2]

b. It specifically directs the complex of activities represented by community action to one over-all objective—the promotion of full family and individual self-sufficiency.[3]

c. It expands the concept of the migrant and seasonal agricultural worker program, currently stated in terms of assistance in meeting housing, sanitation, education and day care needs, to include the assistance required to help these workers and their families cope with technological changes which are cutting deeper and deeper into even their present inadequate livelihood.[4]

d. It revises the formula in the present law relating to the treatment under the welfare laws of persons in training or work-training, so as to provide—and test—a new system of incentives under which public assistance recipients would be encouraged not only to work but to push their earnings up to the point where they will get out of poverty.[5]

2. *Strengthening of fiscal and administrative controls and standards.* As Economic Opportunity Act programs mature, and as agencies responsible for those programs gain operating experience, they should be expected to meet increasingly high standards of efficiency and technical competence.

This objective holds true of all programs under the Act. The problems involved are, however, probably most complex in the case of community action. These local programs may include a wide range of projects and activities; they may involve numerous participating agencies; the community action agency itself is likely to be relatively new; and there are manifest difficulties in developing personnel systems which maintain necessary merit features without curtailing job opportunities for poor people who commonly lack the formal education and training required to satisfy traditional job entrance and promotion requirements. Yet for all these complications, it is clear that if community action agencies are to perform effectively, and measure up to their responsibilities, they must aim for administrative standards which are not only adequate but if possible distinctly above those generally acceptable in the community.

The bill includes a substantial number of amendments which are basically designed to improve or tighten administrative standards consistent with the needs and growing technical capabilities of the several programs. These range from specific evaluation requirements which the bill would attach to the Job Corps, work-training, and community action and migrant programs,[6] to limitations on Job Corps enrollee allowances and the addition to VISTA and the newly authorized part-time volunteer program of safeguards to assure that fees are not charged for volunteer services and that volunteers do not displace employed workers.[7]

In the case of community action, the bill includes an expanded audit and fiscal responsibility provision which would require annual operating audits, as well as the preliminary audits now prescribed; provide for the handling of audit disallowances; and require specific controls over the rate of local agency expenditures.[8] The bill sets forth evaluation requirements, already mentioned above, which cover agency efficiency as well as program effectiveness, and which contemplate appointment of committees which could be composed of business and professional men to advise agencies having particular problems.[9] And it expands and focuses existing program criteria so as to establish for each community action agency a specific obligation to achieve and adhere to standards of organization, management and administration that will meet the objective of providing assistance efficiently and free of any taint of partisan political bias or personal and family favoritism. This obligation would be implemented through rules governing a variety of specific potential problem areas, including staff accountability; salaries, salary increases, travel and per diem allowance and other employee benefits; hiring, retention and promotion standards; personal and financial conflicts of interest; and partisan political activities.[10]

---

[1] New title II (sec. 103 of the bill), sec. 211.

[2] New title I–B (sec. 102 of the bill), sec. 123.

[3] New title II (sec. 103 of the bill), sec. 201.

[4] New title III–B (sec. 104(e) of the bill), secs. 311 and 312.

[5] New title VII (sec. 106 of the bill).

[6] New title I–A (sec. 101 of the bill), sec. 113(a); new title I–B (sec. 102 of the bill), sec. 130; new title II (sec. 103 of the bill), secs. 215 and 222(d); new title III–B (sec. 104(e) of the bill), sec. 314.

[7] New title I–A (sec. 101 of the bill), sec. 109; new title VIII (sec. 107 of the bill), sec. 834. See also the criminal provisions in title III of the bill.

[8] New title II (sec. 103 of the bill), sec. 243 (c) and (d).

[9] New title II (sec. 103 of the bill), sec. 215.

It should be noted that, in addition to provisions which directly prescribe administrative standards, the bill includes a variety of features which should help in eliminating red tape, bolstering administrative resources, particularly in rural areas, or otherwise facilitating greater efficiency in operations. Some of these are described below in connection with amendments relating to the delineation of program purposes, State participation, increased private involvement, and improved coordination.

3. *A clearer delineation of specific program objectives.* For all its apparent generality, the Economic Opportunity Act is in fact a complex enactment establishing a number of major programs which are themselves complex—complex in what they seek to do and in the number and variety of problems with which they must deal. There has been—inevitably—debate over the precise paths these programs should follow. This is not undesirable to the extent it involves shaping a program to the realities of what *can* be done as opposed to theoretical and untested notions of what should be done. But unnecessary debate can confuse needlessly, impair effectiveness, result in undue delays and contribute to a kind of inefficiency which defies even the best organization chart.

A clearer spelling out of purposes can help minimize this kind of problem. As in the case of improved administration, the problem of program purpose is probably most obvious in the case of community action. For a good local community action program must involve not just one but a number of essential elements; it cannot be all this or that; it must maintain a balance. This is a characteristic easily lost sight of by people seeking, not unnaturally, easy or simple—and sometimes flatly inconsistent—solutions to very complicated problems. One of the objectives of the amendments is to make this characteristic—the need for balance—explicit in the law and, by so doing, to help local agencies to develop programs that will reflect with increasing precision all that the community action concept requires.[11]

But the spelling out or refinement of purposes or basic program standards is not confined to the community action provisions of the bill. Many parts of the amendments, including for example Job Corps provisions specifying more precisely the group to be served and establishing criteria and objectives for center programs and center community relations [12], would be similarly characterized. They speak to and are designed to reflect programs which have now moved away from initial experimentation and are acquiring a structure which requires more attention to securing the maximum results from established policies than to what those policies should be.

4. *A greater emphasis on coordination as a means of assisting State and local agencies to overcome specific, practical barriers to more efficient operation.* The better coordination of all anti-poverty programs has been a basic objective of the Economic Opportunity Act. It is, however, probably too easy to view coordination as something which requires only a few, simple decisions by one or more Federal officials from which all kinds of good and desirable things follow with little additional effort. In practice, coordination is much more apt to involve continuing attention to a lot of hard details, generally uninteresting in themselves, but cumulatively capable of creating real barriers to efficient and cooperative efforts. These barriers are sometimes best seen—as their consequences may be most keenly felt—not by Federal agencies but by people at the State and local level who have ultimate responsibility for translating Federal laws and regulations into measurable and meaningful results.

The coordination and information center provisions of the bill are designed to give greater emphasis to a pragmatic approach that focuses upon the hard, if sometimes grimy, details, and upon the operating problems encountered by State and local agencies in trying to do things a little more effectively and efficiently in the midst of a complicated network of laws, rules, conditions, guidelines and instructions.[13]

In addition—

a. The Work-training provisions of the bill are designed to make it easier for localities to construct programs that pull together different authorities now scattered in different parts of the Act, without having to secure separate grants or contracts covering the different activities which a project fully responsive to local needs and opportunities may require.[14]

b. The bill contains a provision under which Federal agencies, pursuant to Presidential regulations, may waive and eliminate some of the maze of potentially inconsistent technical requirements with which a local agency may now be saddled when it seeks to put together a single project combining assistance from different Federal sources.[15]

c. The community action provisions of the bill include a specific provision designed to lay the basis for joint action by Federal agencies in helping local agencies engaged in community action programs to overcome problems arising out of diverse Federal requirements and to make longer range plans than are now generally possible.[16]

5. *An expanded role for States and State agencies.* In the development of Federal grant-in-aid programs, there has been a tendency to observe relatively rigid categories: some types of assistance are given only to the States, with no direct dealings between Federal and local agencies; other assistance, to an increasing degree, has been granted directly to local agencies, with no State involvement. Some recent legislation has tended to suggest a more flexible and potentially creative approach. The present Economic Opportunity Act, with its provision for Federally-assisted State technical assistance agencies to help local communities develop and administer programs, provides an example of this latter approach.

The bill undertakes to build upon this relatively small but significant base for a cooperative Federal-State-local relationship. It thus contains a number of provisions—particularly in community action—designed to expand the use of State resources and capabilities. These include specific provision for State-operated community action programs serving rural and smaller communities, for State agency operation of community action special purpose programs, for Federal-State evaluation projects, and for joint Federal-State funding of specific projects or programs as a means of promoting the better coordination in the use of Federal community action and State funds.[17] The bill also is designed to make it possible for State technical assistance agencies to play a broader role at the State level than the law now contemplates.[18] Further, it contains provisions designed to afford States a more explicit role in the Job Corps [19] and to invite their help in Federal coordination efforts.[20]

6. *An expansion of programs in rural areas.* The bill contains a number of provisions designed to stimulate, facilitate and support the expansion of programs in rural areas. This is one of the objectives sought to be attained through the greater participation of States and State agencies, as described above. An expansion of rural areas programs is also one of the major uses to be made of the additional fiscal year 1968 funds which the bill would authorize—a need which is particularly crucial in view of the impact of reductions in funding for the current year on communities which had not started or only just initiated programs.

The bill further contains provisions designed to focus existing community action authorities more effectively on rural problems; and to encourage the development of joint or common community action projects between urban and rural communities.[21] It seeks to channel technical assistance efforts under the several work-training programs so that they will be particularly helpful to rural communities in developing meaningful projects taking full advantage of the more flexible authority the bill would provide.[22] It would, in addition, provide for an assistant director of the Office of Economic Opportunity who would be charged with responsibility for seeing that rural problems are taken into account in all programs and for developing new programs, procedures and approaches wherever necessary.[23]

7. *An increase in opportunities for, and efforts to secure, private individual and organization participation.* A striking—and in its scope, novel—characteristic of the Economic Opportunity Act is its reliance upon private as well as public effort and resources. The Act reflects, in this respect, two facts: the problem of poverty is so large and pressing that its solution requires resources well beyond what public agencies alone can command; and, in the economy of this nation, people who ultimately escape poverty and gain self-sufficiency will do so in most cases through employment which only the private sector can provide.

The bill seeks to provide a basis for expanding private participation still further in a way that takes account of both of these facts. It would, for example, authorize a new urban employment program, specifically designed to operate with an unusual measure of private employer cooperation.[24] It would also expand the possibilities for including on-the-job training elements involving private employers in other work-training programs.[25] In the case of community action, it would specifically recognize the necessity for involving private business, labor and professional groups, not just through community action agency board membership, but also through projects using the capabilities of these groups in activities to help the poor obtain jobs or to make managerial and technical expertise more readily available to neighborhood groups.[36]

---

[10] New title II (sec. 103 of the bill), sec. 214.

[11] New title II (sec. 103 of the bill), sec. 201; also, sec. 212(b) of that title.

[12] New title I–A (sec. 101 of the bill), secs. 103, 105, 108(a) and 111.

[13] New title VI–B (sec. 105(e) of the bill).

[14] New title I–B (sec. 102 of the bill), sec. 122.

[15] New title II (sec. 103 of the bill), sec. 241(b).

[16] New title II (sec. 103 of the bill), sec. 241(a).

[17] New title II (sec. 103 of the bill), secs. 213, 222(b), 222(d), and 241(c).

[18] New title II (sec. 103 of the bill), sec. 231.

[19] New title I–A (sec. 101 of the bill), sec. 115.

[20] New title II (sec. 103 of the bill), sec. 231; new title VI–B (sec. 105(e) of the bill), sec. 632(2).

[21] New title II (sec. 103 of the bill), sec. 240.

[22] New title I–B (sec. 102 of the bill), sec. 128.

[23] Sec. 105(a) of the bill.

[24] New title I–B (sec. 102 of the bill), sec. 123.

[25] New title I–B (sec. 102 of the bill), sec. 122.

Finally, the bill contemplates a large increase in private individual citizen participation—in connection with Head Start and child development programs and in a variety of other activities where there is a critical need for the talents and energies of dedicated people. It would, for this purpose authorize a new part-time volunteer program designed to extend to many thousands of people, young and old alike, opportunities for meaningful and rewarding service in helping the poor to help themselves—opportunities which VISTA, with its requirement for full-time service, can today offer only to a relative few.[37]

ELECTION REFORM—THREE-BILL PACKAGE

Mr. CLARK. Mr. President, I send to the desk, for appropriate reference, three bills dealing with the subject of clean elections, reform election finances, and arrangements under which free radio and television time might be furnished candidates for Federal, State and, where feasible, local office.

Mr. President, the introduction of these three bills is intended to follow up on the action of the Senate yesterday in adopting the Gore amendment, which would repeal the Long provisions for financing presidential campaigns by a cumbersome method of having individual taxpayers check off on their tax returns for contributions to be made to the national committees and under certain rather open restrictions to third political parties.

These three bills are:

The Election Reform Act of 1967, which I assume will be referred to the Committee on Rules and Administration. It is essentially an improved version of the administration's election reform bill which I introduced last year. It has been strengthened by the addition of a stiffer enforcement section, which gives the Comptroller General the duty of checking election finance statements and reporting violations to the Attorney General. It would also authorize the Comptroller General to set up an automatic information retrieval system to handle campaign data.

In addition, this new election reform bill contains a requirement for mandatory comprehensive financial disclosure by Members of Congress and their key staff aids. The President's bill of last year took a small first step in the right direction by requiring Senators and Representatives to disclose gifts over $100 and income from personal services. My present bill carries the process several steps further by requiring the disclosure of assets, liabilities, capital gains, all forms of income, and business and professional associations.

Mr. President, the second bill is the Fair Campaign Finance Act of 1967, and I assume it will be referred to the Committee on Finance. It is a hybrid proposal, incorporating the best features of the report of President Kennedy's Commission on Campaign Costs, chaired by Alexander Heard, and President Johnson's recommendations to the Congress last year. The bill would create a tax credit for one-half of the total political contributions made to candidates for any Federal, State, or local elective office in a general or primary election, up to a maximum credit of $20 per individual taxpayer. A husband and wife filing a joint return could claim up to $40. This new tax incentive plan would be a substitute for the tax checkoff law passed by the Congress in such haste, and with so little mature consideration, last year, the bill which we voted to repeal yesterday by a rollcall of 48 to 42 in the Senate.

My third bill is called the Fair Campaign Broadcasting Act of 1967, and I assume it will be sent to the Committee on Commerce. This bill contains a brief and simple congressional directive to the Federal Communications Commission to develop regulations, after appropriate hearings, requiring every commercial television and radio licensee to make available to candidates for Federal, State, and where feasible, local office, free commercial broadcast time on a fair and equitable basis, as a condition to renewal of its license.

Despite the fact that the airwaves belong to the people, political candidates and their backers have had to ante up sums ranging into the tens of millions of dollars in election years to purchase the right to communicate with the people. Television expenditures in particular have become a major component in campaign costs. Their dramatic rise has produced a brutal squeeze on the candidate, putting him at the mercy of the "fat cats" who seek to use their campaign contributions to advance their special interests to the detriment of the public welfare.

There is no doubt in my mind that the FCC has the expertise and the resources to develop a fair and equitable system for apportioning free television and radio time among political candidates. It is certainly not unreasonable to require stations to comply with such a system as a part of their obligation to devote some of their broadcast time to the public interest.

If it be thought that such a provision for free television time would result in bankrupting the television stations, I wish to point out immediately that unquestionably they would raise their advertising rates.

Mr. President, I ask unanimous consent that these bills be appropriately referred.

The PRESIDING OFFICER. Without objection, the bills will be received and appropriately referred.

The bills, introduced by Mr. CLARK, were received, read twice by their titles, and referred, as indicated:

S. 1546. A bill to revise the Federal election laws, and for other purposes; to the Committee on Rules and Administration.

S. 1547. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for certain political contributions made by individuals, and to repeal the Presidential Election Campaign Fund Act of 1966; to the Committee on Finance.

S. 1548. A bill to amend the Communications Act of 1934 to provide for the furnishing to candidates for public office of free radio and television broadcast time on a fair and equitable basis; to the Committee on Commerce.

LITTLE DELL PROJECT LEGISLATION

Mr. BENNETT. Mr. President, I introduce, for appropriate reference, legislation to authorize construction of the Little Dell Dam and Reservoir project near Salt Lake City, Utah.

I should point out at the beginning the Department of the Army Board of Engineers for Rivers and Harbors has this morning recommended authorization for the construction of the Little Dell Project dam and reservoir on Dell Creek for flood protection at Salt Lake City and for water supply, recreation, and fish and wildlife enhancement.

This report now will go to the Chief of Engineers for further evaluation and for submission to the States and the other Federal agencies concerned. Thereafter the reports will go to the Secretary of the Army and the Bureau of the Budget.

As a means of voicing my approval of the project and the report, I am today introducing the authorizing legislation for Little Dell. I understand that when the other body next meets on Monday Utah's Representative from the district involved, Mr. LLOYD, also plans to introduce a similar bill.

I commend him for this action and I hope that between us we can see this long-awaited project become a reality.

I have been working on the Little Dell Project or variations of it ever since I first came to the Senate in an effort to help the city fathers in Salt Lake City control and harnass the waters east of the metropolitan area.

Of course I was very pleased to hear the favorable report from the Corps of Engineers and I am hopeful that the next steps can be taken with dispatch so that we can start scheduling hearings and so that we can take the next legislative move.

Congressional authorization for the Little Dell Dam proposal was originally obtained with the addition of my earlier bill, S. 1045, as an amendment to the Flood Control Act of 1960. However, the Salt Lake City Commissioners, for several reasons, decided to reject the proposal, and the Metropolitan Water District of Salt Lake City then called in an independent firm of consulting engineers, Berger and Associates of Salt Lake City, who conducted a study under the direction of E. O. Larson, former regional director of the Bureau of Reclamation in Salt Lake City, and submitted a report in December 1962. Whereas the original project was limited to flood control, the new proposal called for a comprehensive water development and flood control plan.

In order to reauthorize the Little Dell project, a review investigation by the Army Corps of Engineers of the enlarged project was necessary, and such a review was authorized by the Senate Public Works Committee at my request in May of 1963. The Army Corps of Engineers, Sacramento District, has submitted its findings in a preliminary report dated December 10, 1964, which accepted almost intact the project as outlined by Berger Associates.

---

[36] New title II (sec. 103 of the bill), secs. 201(5), 211(a), 212(b)(5).

[37] New title VIII (sec. 107 of the bill), sec. 820.

The proposal called for a combined Federal-District project to be built by the Corps of Engineers. It consisted of a 50,000-acre-foot multiple-purpose reservoir on Dell Creek, and the diversion of water to the reservoir from Emigration Creek; from Lambs Creek, a tributary of Parleys Creek; and from Mill Creek.

PROJECT BENEFITS

The water benefit of the project is, of course, most important for the expanding Salt Lake metropolitan area. It is estimated that by conserving high water runoff and enabling more efficient water regulation, enough additional water will become available to supply another 100,000 population, which will assure an adequate water supply for 20 to 25 years, depending on the rate of population growth. At the present rate of growth in the area, the possibility of a water shortage by 1970 is very likely. Thus the need for early approval and construction of the Little Dell project is apparent.

The project's flood control and recreation proposals will also provide substantial benefits. The project will materially alleviate the flood hazard to Salt Lake City and to areas south of the city from damaging high flows originating on Emigration, Parleys, and Mill Creeks. Recreational value will be tremendous, particularly in view of the close proximity of the reservoir to the city and its nearness to Interstate 80.

Mr. President, I also should point out that when the hearings develop we will be given a chance to hear all interested parties and possibly to go over some of the cost figures and details of the project in more detail. As a layman I am not certain what sort of engineering problems will develop; however, I am fairly certain that the problems will be minor and that the corps and its experts will have the correct answers.

Mr. President, I cannot overemphasize the importance of speeding congressional and Corps of Engineers approval of the Little Dell project and I want to do everything possible to move it forward. I think the action today was a vital and welcomed step. I hope that the corps expedites its reports and gets them to Congress immediately after the necessary time period lapses. It is my hope that we have finally turned the corner of the project and that we can see some hope for approval.

The rapid increase in population and industrial development along the Wasatch Front and the apparent need for more water to serve Salt Lake City within the next few years points up the importance of the project. The Little Dell project will be a great boon to the people of the Salt Lake metropolitan area.

Mr. President, so that the record can be complete and so that all of the facts can be at hand I would like to place into the Record, along with the bill, the public announcement from the Corps of Engineers, dated April 14, 1967.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred; and, without objection, the bill and announcement will be printed in the Record.

The bill (S. 1549) to authorize construction of the Little Dell Dam and Reservoir project, Salt Lake City, Utah, introduced by Mr. Bennett, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

S. 1549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Little Dell Project for flood control and allied purposes on certain streams in the area of Salt Lake City, Utah, is authorized in accordance with the recommendations of the United States Army South Pacific division engineer in his report with respect to such project dated December 22, 1966, and a report dated April 14, 1967 from the Rivers and Harbors Board, Department of the Army, subject to such modifications as may be deemed advisable by the Chief of Engineers, Department of the Army, at an estimated cost of $23,000,000.

Sec. 2. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

The announcement presented by Mr. Bennett is as follows:

Public Announcement re Little Dell Project, Salt Lake City Streams, Utah

(By the Department of the Army, Board of Engineers for Rivers and Harbors, Washington, D.C., April 14, 1967)

The Board of Engineers for Rivers and Harbors has considered the report of the District Engineer, U.S. Army Engineer District, Sacramento, California, and the Division Engineer, U.S. Army Engineer Division, South Pacific, San Francisco, California, for improvement of Jordan River Basin, Salt Lake City Streams, Utah.

The Board concurs in general in the views and recommendations of the reporting officers. The proposed project is adequate for the planned purposes and is economically justified. The Board notes that existing State regulations pertaining to water supply reservoirs do not permit water contact sports. In view of this, the cost allocations have been revised to reflect a reduction in recreation benefits from $835,000 to $450,000 annually. The project first cost is reduced by $250,000 and annual maintenance cost reduced by $50,000 due to the lower level of recreation activity. In addition, the Board finds it necessary to increase the project first cost by $2,750,000 as an added contingency should it become necessary to flatten the slopes of the dam and to modify the outlet works after more detailed study. These revisions result in a total project cost of $23,000,000 and an annual maintenance, operation and replacements cost of $122,000. The total annual benefits are $1,475,000, the annual economic costs are $951,000, and the revised benefit-cost ratio is 1.6. The revised cost allocation reflecting these changes is as follows:

	Allocated first cost
Flood control	$6,490,000
Water supply	10,550,000
Recreation and fish and wildlife	5,960,000
Total	23,000,000

The Board notes that the major part of the flood damages prevented by the proposed project would occur in Salt Lake City, and are local in character; thus, the requirement of local cooperation specified by the Flood Control Act of 1936 for local protection projects should apply. With this addition, the Board concludes that the requirements of local cooperation are appropriate. The first cost to be paid by local interests would be $10,550,000 for water supply, $702,000 for flood control, and $510,000 for recreation and fish and wildlife enhancement.

The Board has also considered the advisability of adding multiple-draft water supply intakes in the reservoir to permit withdrawal of domestic water supply of highest quality. After preliminary review, it is believed the cost of adding such a structure would be relatively expensive due to the height of the dam, and probably would exceed the alternative cost of additional treatment at the Metropolitan Water District's treatment plant; this opinion is concurred in by the Metropolitan Water District. Accordingly, the Board believes that multiple-draft intakes should not be included at this time, but should be given further consideration in the preconstruction planning of the project.

Accordingly, the Board recommends that the authorized project for Jordan River Basin, Salt Lake City Streams, Utah, be modified to provide for construction of a dam and reservoir on Dell Creek for flood control, water supply, recreation, and fish and wildlife enhancement; all generally in accordance with the plan of the District Engineer and with such modifications thereof as in the discretion of the Chief of Engineers may be advisable, at an estimated cost of $23,000,000 for construction and $122,000 annually for maintenance, operation, and replacements: Provided that, prior to initiation of construction, responsible local interests furnish assurances satisfactory to the Secretary of the Army that they will:

a. Obtain without cost to the United States all water rights necessary for operation of the project in the interest of water supply;

b. Hold and save the United States free from damages due to water-rights claims resulting from construction and operation of the project;

c. Repay all costs allocated to water supply, as determined by the Chief of Engineers, in accordance with the provisions of the Water Supply Act of 1958, as amended, presently estimated at $10,550,000 for construction and $17,000 annually for operation, maintenance, and replacements;

d. Maintain and operate the existing Mountain Dell Reservoir in accordance with flood control rules and regulations to be prescribed by the Secretary of the Army;

e. In accordance with the Federal Water Project Recreation Act:

(1) Administer project land and water areas for recreation and fish and wildlife enhancement;

(2) Pay, contribute in kind, or repay, which may be through user fees, with interest, one-half of the separable cost allocated to recreation and fish and wildlife enhancement, an amount currently estimated at $510,000; and

(3) Bear all costs of operation, maintenance, and replacement of recreation and fish and wildlife lands and facilities, the amount involved being currently estimated at $83,000 annually; and

f. Adequately inform interests affected that the project does not provide protection against rainfloods originating below the dam, and that the project-related diversion facilities do not provide protection against large floods on Emigration and Mill Creeks.

g. Contribute the cost of lands, easements, rights-of-way, and relocations allocated to flood control, an amount presently estimated at $702,000 either in cash or in kind, and bear all costs of operation, maintenance, and replacements for flood control estimated at $12,000 annually: Provided that, if in cash, such contribution may be paid either in a lump sum prior to commencement of construction or in installments prior to commencement of pertinent items, in accordance with construction schedules as required by the Chief of Engineers, the final allocation of cost to be made after the actual costs have been determined; and

h. Protect channels downstream from the reservoir from encroachment which would adversely affect reservoir operation.

The net costs to the United States for the recommended improvements are estimated at $11,238,000 for construction and $10,000 annually for operation, maintenance, and replacements after repayment by local interests of their share of costs allocated to flood control, water supply, recreation, and fish and wildlife enhancement.

The Board report is being processed to the Chief of Engineers, who in turn will transmit his proposed report, together with the reports of the Board and the reporting officers, to the Governor of the affected State and to interested Federal agencies for their views and comments. These comments will accompany the complete report to Congress with the recommendations of the Chief of Engineers.

After the report has been transmitted to Congress, further action toward construction of any project that may be recommended therein will depend upon authorization of the project by Congress and the subsequent appropriation of the necessary funds for the work proposed.

COMPACT BETWEEN THE SEVERAL STATES RELATING TO TAXATION OF MULTISTATE TAXPAYERS

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to permit a compact or agreement between the several States relating to taxation of multistate taxpayers.

The bill seeks congressional consent for State compacts which would achieve certain enumerated purposes. Basically, those purposes would be to facilitate proper determination of State and local tax liability, to promote uniformity or compatibility of tax systems, to facilitate the multistate taxpayer's convenience and compliance regarding taxing procedures, and to avoid duplication of taxation.

In addition, the bill would give the States congressional consent to establish appropriate agencies for administration and research.

The compact with which the bill is concerned, the so-called multistate tax compact, has already been introduced in more than half of the State legislatures meetings this year. It has been enacted by four States—Arkansas, Idaho, New Mexico, and Washington. In four other States—Kansas, Missouri, Oregon, and Texas—it has been approved by one house. In a number of others, it has been reported favorably in at least one house. To be of full force and effect, it needs to be approved by seven States.

The multistate tax compact has for its basic objectives the provision of solutions and additional facilities for dealing with tax problems of multistate businesses. More important in the long run, the compact would establish mechanisms for meeting multistate tax problems on a continuing basis and for solving future problems. The compact deals most immediately with income, capital stock, gross receipts, and sales and use taxation. It provides, also, for certain study, recommendatory and service features that could be applied to other States and local taxes as well.

One of the principal measures for improvements—that is, simplification of taxpayer compliance and elimination of the possibility of double taxation—in the income tax field is the Uniform Division of Income for Tax Purposes Act, which has already been adopted in 16 of the 40 income tax jurisdictions. The compact would permit any multistate taxpayer, at his option, to employ the Uniform Act for allocations and apportionments involving party States or their subdivisions. Each party State could retain its existing division of income provisions but it would be required to make the Uniform Act available to any taxpayer wishing to use it. Consequently, any taxpayer could obtain the benefits of multijurisdictional uniformity whenever he might want it.

The compact also provides for an arbitration procedure for the settlement of such disputes as may arise. The taxpayers would have the choice of either using the arbitration procedure or pursuing a judicial remedy.

The compact further aids uniformity by providing for the making of advisory administrative rules and regulations applicable to any uniform provisions of statutory law.

A number of reforms already adopted widely would be made universal among the party States by the compact. For example, credits for sales taxes paid to other jurisdictions, provision for a small taxpayer to elect to pay a tax on gross sales in lieu of net income and relief of vendors from collection of sales or use taxes upon good faith acceptance of an exemption certificate would be assured.

The matter of efficiency of tax audits, with concomitant convenience to taxpayers, long has been a subject of interest. The compact would make single audits possible on a multistate basis, in those States choosing to become parties to a cooperative audit article.

While many of the compact's provisions would be self-executing, some would require the conduct of research, informational and implementing activities. For these purposes, the compact would establish a multistate tax commission composed of representatives of the party States having responsibility in multistate tax matters. Although an interstate administrative agency would be new in the tax field, there are already a number of interstate administrative agencies, some with many years of successful operation. The Port of New York Authority which now operates and manages a billion and a half dollars worth of transportation and related public works is the oldest example. It is now 45 years old. Multistate commissions with large numbers of member States are to be found in the fields of education, natural resource development and management, and pollution control. Several compacts have a membership of all or almost all the States. These include the interstate compact for the supervision of parolees and probationers, the interstate compact on juveniles, and the interstate compact on mental health. Accordingly, there would be a considerable body of experience for a multistate tax compact and its commission to draw upon.

The multistate tax compact is a responsible answer of the States to the shortcomings of State tax laws as they affect multistate businesses. It is intended to assure equitable treatment of taxpayers, facilitate their compliance with tax laws, and provide means of avoiding or settling multistate tax disputes while preserving intact the taxing jurisdiction of State and local government.

The bill is being introduced on behalf of myself, and Senators ALLOTT, CHURCH, DOMINICK, FONG, GRIFFIN, HANSEN, HATFIELD, INOUYE, JACKSON, JORDAN of Idaho, LONG of Missouri, MCGEE, MORSE, MOSS, RANDOLPH, THURMOND, TOWER, and YARBOROUGH.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1551) to permit a compact or agreement between the several States relating to taxation of multistate taxpayers, introduced by Mr. MAGNUSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 1551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Multistate Tax Compact Act".

SEC. 2. Consent of Congress is hereby given to any two or more of the States of the United States to negotiate and enter into a compact or agreement, not in conflict with any law of the United States, for the following purposes:

(a) To facilitate proper determination of State and local tax liability of multistate taxpayers, including the equitable apportionment of tax bases and settlement of apportionment disputes.

(b) To promote uniformity or compatibility in significant components of tax systems.

(c) To facilitate multistate taxpayer convenience and compliance in the filing of tax returns and other phases of tax administration.

(d) To avoid duplicative taxation.

SEC. 3. The consent of Congress is further given to such States to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreement or compact, and to amend any such agreement or compact.

INCREASE IN SIZE OF HIGHWAY SAFETY ADVISORY COMMITTEE

Mr. MAGNUSON. Mr. President, I send to the desk for appropriate reference a bill which would amend the Highway Safety Act of 1966, by increasing the size of the Highway Safety Advisory Committee from 29 to 35 members.

Included among the 29 members of the Committee recently appointed by the President are some extremely capable individuals. I note, however, that there are conspicuous gaps in the areas of interest represented by those members. Private groups representing major highway users, such as the automobile associations and organizations of bus and truck operators, which have a very great interest in promoting highway safety, have no voice on this important Committee. Similarly, there is only weak representation from the State legislatures and highway patrols. Yet these latter groups deal with local safety problems on a daily basis and may, therefore, have a keen awareness of the difficulties which could arise in administering this act. We should not exclude from membership on this Committee, groups which can contribute so meaningfully to the achievement of its objectives.

I emphasize again that I find no fault with the recently appointed members of the Advisory Committee. After surveying the areas of interest which they represent, however, I feel that the current panel is incomplete. In order to obtain full expression of the many varying interests which are vitally concerned with highway safety, I believe that the best solution would be to enlarge the existing Advisory Committee from 29 to 35 members. Such a group would not be so large as to be unwieldy, yet it would more truly reflect a cross section of those groups anxious to promote the effective administration of this act.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred.

The bill (S. 1552) to amend the Highway Safety Act of 1966, introduced by Mr. MAGNUSON, was received, read twice by its title, and referred to the Committee on Public Works.

AMENDMENT OF THE CONSTITUTION OF THE INTERNATIONAL LABOR ORGANIZATION

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a joint resolution to provide for acceptance by the United States of two amendments to the constitution of the International Labor Organization.

The proposed joint resolution has been requested by the Secretary of State and I am introducing it in order that there may be a specific resolution to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this resolution, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the joint resolution may be printed in the RECORD at this point, together with the letter from the Secretary of State to the Vice President dated March 30, 1967, in regard to it, and letters from the Secretary of Agriculture accompanying the text of the two amendments to the ILO convention.

The **PRESIDING OFFICER.** The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and letters will be printed in the RECORD.

The joint resolution (S.J. Res. 71) providing for acceptance by the United States of two instruments for the amendment of the constitution of the International Labor Organization, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 71

Whereas the United States of America is a member of the International Labor Organization, having accepted membership in the Organization pursuant to authority granted by the joint resolution approved on June 19, 1934 (48 Stat. 1182; 22 U.S.C. 271); and

Whereas the United States of America accepted the revised constitution of the Organization adopted by the twenty-ninth session of the International Labor Conference on October 9, 1946, pursuant to authority granted by the joint resolution approved on June 30, 1948 (62 Stat. 1151; 22 U.S.C. 271 note); and

Whereas the International Labor Conference, considering the desirability of adapting provisions of the constitution of the International Labor Organization relating to the application of conventions to nonindependent territories to the fundamental changes which have taken place since they were adopted, adopted for this purpose at Geneva on July 6, 1964, at its forty-eighth session an instrument for the amendment of the constitution of the International Labor Organization, which may be cited as the constitution of the International Labour Organisation instrument of amendment (numbered 1), 1964; and

Whereas the delegation of the United States of America to the forty-eighth session of the International Labor Conference unanimously supported the aforesaid instrument of amendment (numbered 1), which was approved by three hundred votes to zero with thirty-one abstentions; and

Whereas the International Labor Conference, having decided upon the inclusion in the constitution of the International Labor Organization of a provision empowering the Conference to expel or suspend from membership any member which has been expelled or suspended from membership of the United Nations, adopted for this purpose at Geneva on July 9, 1964, at its forty-eighth session an instrument for the amendment of the constitution of the International Labor Organization, which may be cited as the constitution of the International Labour Organisation instrument of amendment (numbered 3), 1964; and

Whereas the delegation of the United States of America to the forty-eighth session of the International Labor Conference unanimously supported the aforesaid instrument of amendment (numbered 3), which was approved by two hundred and thirty-eight votes to zero, with two abstentions: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to accept on behalf of the United States of America the constitution of the International Labour Organisation instruments of amendment (numbered 1), 1964, and (numbered 3), 1964, adopted at Geneva on July 6 and 9, 1964, respectively, by the International Labor Conference at its forty-eighth session.

The letters presented by Mr. FULBRIGHT are as follows:

Hon. HUBERT H. HUMPHREY,
President of the Senate.

DEAR MR. VICE PRESIDENT: I submit herewith a proposed draft joint resolution providing for acceptance by the United States of America of two amendments to the Constitution of the International Labor Organization, designated Instrument of Amendment (No. 1), 1964, and Instrument of Amendment (No. 3), 1964, adopted at Geneva on July 6 and 9, 1964, respectively by the forty-eighth session of the International Labor Conference. The proposed draft is identical to S.J. Res. 107, 89th Congress, which was introduced by Senator Sparkman on September 9, 1965, but was not acted upon by the 89th Congress.

The purpose of Instrument of Amendment No. 1 is to require Members to apply ratified ILO conventions so far as practicable to all territories for whose international relations they are responsible. As the United States traditionally follows such a policy in the territorial application of its treaties, the amendment presents no practical problems for this Government.

Instrument of Amendment No. 3 would permit the General Conference of the ILO to expel from membership or suspend from the exercise of membership rights and privileges any Member similarly expelled or suspended by the United Nations. This recognition of the United Nations as providing the basic framework for action on political problems within the United Nations system is in accord with United States policy.

More detailed explanations of the two instruments of amendment and the coordinated views of the Departments of Labor and Commerce on the desirability of accepting them are included in letters dated January 15, 1965 from the Secretary of Labor to the Secretary of State. Copies of those letters, together with the texts of the two instruments of amendment, are enclosed. The Department of State concurs in recommending that Congress authorize the acceptance by the United States of Instruments of Amendment No. 1 and No. 3.

The two amendments would involve no increase in expenditures or other obligations on the part of the United States. The Department has been advised by the Bureau of the Budget that there is no objection to the submission of the proposed legislation to Congress for its consideration.

A similar communication is being sent to the Speaker of the House of Representatives.

Sincerely yours,

DEAN RUSK.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, January 15, 1965.

Hon. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: At its 48th session, the International Labor Conference adopted "Constitution of the International Labour Organisation Instrument of Amendment (No. 1), 1964," a certified true copy of the text of which is enclosed. The instrument was adopted by a vote of 300 for, none against, with 31 abstentions. The U.S. delegation voted unanimously for it.

The instrument would substitute for the present provisions of article 35 of the ILO constitution additional provisions in article 19 dealing with the application of conventions to territories. The new provisions would in essence require members ratifying conventions to accept their provisions "so far as practicable" in respect of all territories for whose international relations they are responsible. Present provisions of article 35 permit, with respect to non-self-governing territories, exception of application "owing to the local conditions" or application "subject to such modifications as may be necessary to adapt the Convention to local conditions."

Provisions regarding the application of conventions whose subject matter is within the self-governing powers of any territory remain the same. The essential difference in effect, therefore, between the proposed amendment and present article 35 is a somewhat greater emphasis on the importance of extending the provisions of conventions to non-self-governing territories. This emphasis is made apparent by mechanically moving the provisions from a separate article

(No. 35) to the article (No. 19) dealing with the adoption of ILO proposals in general.

The amendment reflects the fundamental changes which have taken place in the world since article 35 was adopted, with many of the territories to which it had application having achieved independence. Placing a provision concerning territories in the same provision as concerns the obligations of ratifying countries in other respects acknowledges in the Constitution of the ILO, the nature of the changing world.

Consideration has been given by representatives of the Department of Commerce and the Department of Labor, in consultation with the Department of State, to submission of this instrument of amendment to both Houses of the Congress, since this Government's original acceptance of membership in the International Labor Organization was taken upon the authorization of the two Houses of Congress by joint resolution. It is the view of these Departments that the instrument is completely satisfactory to this Government and that its early submission to both Houses of the Congress for acceptance would be highly desirable.

The United States has customarily pursued a policy of accepting in behalf of non-self-governing territories those conventions of the ILO which it has ratified. If the United States should desire in the future to refrain in any case from applying such a policy, the new language of article 19, which includes limiting the phrase "so far as practicable," would not prevent carrying out that decision.

It is recommended that early action be initiated to bring about acceptance by the United States of the instrument of amendment in evidence of its good faith as one of the leading members of the Organization, with its added responsibility as a state of chief industrial importance. This action would be consonant with the unanimous support by the U.S. Government, employer, and worker delegates, to the adoption of the amendment at the 1964 conference. Suggested language to accomplish this action is enclosed.

Your early consideration of this matter will be greatly appreciated.

Sincerely,

W. WILLARD WIRTZ,
Secretary of Labor.

INTERNATIONAL LABOR CONFERENCE

CONSTITUTION OF THE INTERNATIONAL LABOR ORGANIZATION, INSTRUMENT OF AMENDMENT (NO. 1), 1964, ADOPTED BY THE CONFERENCE AT ITS 48TH SESSION, GENEVA, JULY 6, 1964

The General Conference of the International Labor Organization, having been convened at Geneva by the Governing Body of the International Labor Office, and having met in its 48th session on June 17, 1964; and having decided upon the substitution for article 35 of the Constitution of the International Labor Organization of the proposals referred to the Conference by the Governing Body at its 157th session, a question which is the ninth item on the agenda of the session, adopts this 6th day of July 1964, the following instrument for the amendment of the Constitution of the International Labor Organization, which may be cited as the Constitution of the International Labor Organization Instrument of Amendment (No. 1), 1964.

Article 1

As from the date of the coming into force of this Instrument of Amendment, article 19 of the Constitution of the International Labor Organization shall be amended by the addition of the following paragraph:

"9. With a view to promoting the universal application of Conventions to all peoples, including those who have not yet attained a full measure of self-goverment, and without prejudice to the self-governing powers of any territory, Members ratifying Conventions shall accept their provisions so far as practicable in respect of all territories for whose international relations they are responsible.

"(a) Where the subject-matter of the Convention is within the self-governing powers of any territory, the obligation of the Member responsible for the international relations of that territory shall be to bring the Convention to the notice of the government of the territory as soon as possible with a view to the enactment of legislation or other action by such government; if the government of the territory so agrees, the Member shall communicate to the Director-General of the International Labor Office a declaration accepting the obligations of the Convention on behalf of such territory.

"(b) A declaration accepting the obligations of any Convention may be communicated to the Director-General of the International Labor Office (i) by two or more Members of the Organization in respect of any territory which is under their joint authority; or (ii) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

"(c) Acceptance of the obligations of a Convention in virtue of subparagraph (a) or subparagraph (b) of this paragraph shall involve the acceptance on behalf of the territory concerned of the obligations stipulated by the terms of the Convention and the obligations under the Constitution of the Organization which apply to ratified Conventions.

"(d) Each Member or international authority which has communicated a declaration in virtue of this paragraph may, in accordance with the provisions of the Convention relating to the denunciation thereof, communicate a further declaration terminating the acceptance of the obligations of the Convention on behalf of any territory specified in the declaration.

"(e) With a view to encouraging the universality of application envisaged above, the Member or Members or international authority concerned shall as requested by the Governing Body, report to the Director-General of the International Labor Office the position of the law and practice of territories for which the Convention is not in force in regard to the matters dealt with in the Convention and the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the acceptance of the Convention.

"(f) This transitory paragraph shall cease to be applicable to the peoples of dependent territories as they become independent."

Article 2

As from the coming into force of the amendment to article 19 provided for in the preceding article, article 35 of the Constitution of the International Labor Organization shall cease to have effect.

Article 3

On the coming into force of this Instrument of Amendment, the Director-General of the International Labor Office shall cause an official text of the Constitution of the International Labor Organization as modified by the provisions of this Instrument to be prepared in two original copies, duly authenticated by his signature. One of these copies shall be deposited in the archives of the International Labor Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the text to each of the Members of the International Labor Organization.

Article 4

Two copies of this Instrument of Amendment shall be authenticated by the signatures of the President of the Conference and of the Director-General of the International Labor Office. One of these copies shall be deposited in the archives of the International Labor Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the Instrument to each of the Members of the International Labor Organization.

Article 5

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labor Office, who shall notify the Members of the Organization of the receipt thereof.

2. This Instrument of Amendment will come into force in accordance with the provisions of article 36 of the Constitution of the Organization.

3. On the coming into force of this Instrument, the Director-General of the International Labor Office shall so notify all the Members of the International Labor Organization and the Secretary-General of the United Nations.

The foregoing is the authentic text of the Constitution of the International Labor Organization Instrument of Amendment (No. 1), 1964, duly adopted by the General Conference of the International Labor Organization during its Forty-eighth Session which was held at Geneva and declared closed the 9th day of July 1964.

The English and French versions of the text of this Instrument of Amendment are equally authoritative.

In faith whereof we have appended our signatures this 13th day of July 1964.

The text of the Instrument of Amendment as here presented is a true copy of the text authenticated by the signatures of the President of the International Labor Conference and of the Director-General of the International Labor Office.

Certified true and complete copy.

For the Director-General of the International Labor Office.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, January 15, 1965.

Hon. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: At its 43d session, the International Labor Conference adopted "Constitution of the International Labor Organization Instrument of Amendment (No. 3), 1964," a certified true copy of the text of which is enclosed. The Instrument was adopted by a vote of 238 for, none against, and 2 abstentions. The U.S. delegation voted unanimously for it.

The Instrument would provide for the inclusion in the Constitution of the ILO of a provision authorizing the General Conference of the ILO to expel from membership any member which the United Nations has expelled from United Nations membership, or suspend from the exercise of the rights and privileges of membership of the ILO any member which the United Nations has suspended from the exercise of the rights and privileges of United Nations membership. Suspension, moreover, would not affect the continued validity of the obligations of the member under the Constitution and Conventions to which it is a party.

The amendment grew out of consideration by the governing body of the ILO of the various questions raised by the policy of apartheid practiced by the Government of the Republic of South Africa. The special committee considering these questions for the governing body reported:

"Apartheid is a monstrous evil which confronts the world, the United Nations and the International Labor Organization with a moral challenge of the first order of importance and urgency. It is in our judgment as a committee imperative that the International Labor Organization should take prompt and effective action in the matter; it is no less imperative, both to preserve the character of the Organization itself which the Constitution defines as a body for 'free discussion and democratic decision with a view to the promotion of the common welfare' and for the protection, now and in the future, of the rights and interests of all members of the Organization and of governments, employers and workers alike, that the necessary action should be taken by due process of law."

At present there is no provision in the ILO Constitution enabling the Organization to follow actions taken by the United Nations on political questions relating to membership. The amendment, therefore, would fill a gap in the Constitution of the ILO, namely that while provision was made for the admission to the ILO of any member of the United Nations, the possibility of taking parallel action with the United Nations on the question of the expulsion or suspension of a member has not been provided for.

The amendment is drafted in general terms and not in terms directed at any single nation or situation. It would empower the ILO to take actions similar to that taken by the United Nations when the continued exercise of the rights and privileges of United Nations membership by a particular member was found by the United Nations to be contrary to its aims and purposes. Thus, the amendment embodies the principle, advocated by the United States, that the United Nations as the general international political forum should provide the basic framework for action on political problems affecting the international community of the United Nations system.

Consideration has been given by representatives of the Department of Commerce and the Department of Labor, in consultation with the Department of State, to submission of this instrument of amendment to both Houses of the Congress, since this Government's original acceptance of membership in the International Labor Organization was taken upon the authorization of the two Houses of Congress by joint resolution. It is the view of these departments that the instrument is completely satisfactory to this Government and that its early submission to both Houses of the Congress for acceptance would be highly desirable.

It is recommended that early action be initiated to bring about acceptance by the United States of the instrument of amendment in evidence of good faith as one of the leading members of the organization, with the added responsibility as a state of chief industrial importance. This action would be consonant with the unanimous support given by the U.S. Government, employer, and worker delegates, to the adoption of the amendment at the 1964 Conference. Suggested language to accomplish this action is enclosed.

Your early consideration of this matter will be greatly appreciated.

Sincerely,

W. WILLARD WIRTZ,
Secretary of Labor.

INTERNATIONAL LABOR CONFERENCE

CONSTITUTION OF THE INTERNATIONAL LABOR ORGANIZATION, INSTRUMENT OF AMENDMENT (NO. 3), 1964, ADOPTED BY THE CONFERENCE AT ITS 48TH SESSION, GENEVA, JULY 9, 1964

The General Conference of the International Labor Organization, having been convened at Geneva by the Governing Body of the International Labor Office, and having met in its 48th session on June 17, 1964; and having decided upon the inclusion in the Constitution of the International Labor Organization of a provision empowering the Conference to expel or suspend from membership any Member which has been expelled or suspended from membership of the United Nations, a question which is the eleventh item on the agenda of the session, adopts this 9th day of July 1964, the following instrument for the amendment of the Constitution of the International Labor Organization, which may be cited as the Constitution of the International Labor Organization Instrument of Amendment (No. 3), 1964.

Article 1

As from the date of the coming into force of this Instrument of Amendment, article 1 of the Constitution of the International Labor Organization shall be amended by the insertion after paragraph 5 of the following new paragraph, the present paragraph 6 becoming paragraph 7:

"6. The General Conference of the International Labor Organization may, at any session in the agenda of which the subject has been included and by a vote concurred in by two-thirds of the delegates attending the session, including two-thirds of the Government delegates present and voting, expel from membership of the International Labor Organization any Member which the United Nations has expelled therefrom or suspend from the exercise of the rights and privileges of membership of the International Labor Organization any Member which the United Nations has suspended from the exercise of the rights and privileges of membership; suspension shall not affect the continued validity of the obligations of the Member under the Constitution and Conventions to which it is a party."

Article 2

On the coming into force of this Instrument of Amendment, the Director-General of the International Labor Office shall cause an official text of the Constitution of the International Labor Organization as modified by the provisions of this Instrument to be prepared in two original copies, duly authenticated by his signature. One of these copies shall be deposited in the archives of the International Labor Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the text of each of the Members of the International Labor Organization.

Article 3

Two copies of this Instrument of Amendment shall be authenticated by the signature of the President of the Conference and of the Director-General of the International Labor Office. One of these copies shall be deposited in the archives of the International Labor Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of the Instrument to each of the Members of the International Labor Organization.

Article 4

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labor Office, who shall notify the Members of the Organization of the receipt thereof.

2. This Instrument of Amendment will come into force in accordance with the provisions of article 36 of the Constitution of the Organization.

3. On the coming into force of this Instrument, the Director-General of the International Labor Office shall so notify all the Members of the International Labor Organization and the Secretary-General of the United Nations.

The foregoing is the authentic text of the Constitution of the International Labor Organization Instrument of Amendment (No. 3), 1964, duly adopted by the General Conference of the International Labor Organization during its 48th Session which was held at Geneva and declared closed the ninth day of July 1964.

The English and French versions of the text of this Instrument of Amendment are equally authoritative.

In faith whereof we have appended our signatures this thirteenth day of July 1964.

The text of the Instrument of Amendment as here presented is a true copy of the text authenticated by the signatures of the President of the International Labor Conference and of the Director-General of the International Labor Office.

Certified true and complete copy,

For the Director-General of the International Labor Office.

NATIONAL SCHOOL SAFETY PATROL WEEK

Mr. RIBICOFF. Mr. President, during the more than 40 years since the school safety patrol program was established, more than 16 million Americans have served as members. Currently there are more than 900,000 members serving the cause of traffic safety by helping to protect 19 million school children in all 50 States.

This program is jointly sponsored by the American Automobile Association's motor clubs, local school systems and police departments and associations. These organizations can be justly proud of the record they have made over the past 40 years.

It is entirely fitting that we call attention to these accomplishments by establishing a permanent national School Safety Patrol Week to honor those who have contributed so much to increasing traffic safety. For this reason I am introducing legislation to designate the second week in May each year as National School Safety Patrol Week.

This year the annual celebration and presentation of school safety awards will be held in Washington the weekend of May 13. Connecticut will be represented by 215 youngsters, coming under the auspices of Hartford's American Automobile Association.

I hope that this legislation can be enacted before that date. It would be a perfect way to offer our congratulations for a job well done.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 72) to provide for the designation of the second week of May of each year as "National School Safety Patrol Week," introduced by Mr. RIBICOFF, was received, read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT TO SENATE JOINT RESOLUTION 2

AMENDMENT NO. 163

Mr. DIRKSEN. Mr. President, I send to the desk an amendment, in the nature of a substitute, for Senate Joint Resolution 2. This substitute, a proposed amendment providing for the direct election of the President and Vice President, is submitted in an effort to provide language that will meet the needs of today insofar as the election of the President and Vice President are concerned.

For more than 175 years, our President and Vice President have been elected by electors who are selected in the November elections in the various States. Sometime in December they meet in their State capitols and cast their State ballot. These ballots are then sent to Washington and on the 6th day of January the House and Senate meet in a joint session and proceed to count the ballots. If no candidate gets the majority of the electoral votes insofar as the President is concerned, the election is thrown into the House of Representatives where each State has one vote. If a vice-presidential candidate should fail to receive a majority of the electoral votes, then the Senate proceeds to select a Vice President.

This system of selecting the President and Vice President was devised by the framers of the Constitution to meet a problem of that period which is entirely dissimilar from the problems of today. The framers of the Constitution had a real feeling in mind. They knew that in those days communication and transportation being what it was, it would be better for the people to vote for somebody, some capable, competent person in the area whom they knew, and then let them pick a President and Vice President. That was the basis for the system under which we still operate. Of course, they did not foresee all of the paraphernalia that goes on in a campaign today—the nominating convention, the question of whether the electors are pledged or unpledged, the present day means of communication, the news media, radio and television, and a host of other things that have somehow complicated the selection of a President and Vice President.

Frankly, today, electors are not what the Founding Fathers thought they were going to be. They are, in a sense, robots. They operate under instructions. They are supposed always to stand by their party and to cast their vote for the party's candidate. Now there have been occasions when they did not always do so. There have been instances where electors voted for candidates other than the candidate of their party, but generally speaking, the electors have always stood by their party.

This present system, of course, has developed quite a number of minority Presidents when we consider it from the standpoint of the popular vote. We have had, altogether, 45 presidential elections, and in that time we have had 14 minority Presidents. John Quincy Adams was the first of our minority Presidents. He received actually only a little over 30 percent of the popular vote, but he received the necessary electoral votes in order to elect him to the Presidency. In 1860, when Lincoln first ran, he was a minority candidate. He received a little over 39 percent of the popular vote. Truman received less than a majority of the popular vote. John F. Kennedy, in 1960, received about 49¾ percent of the popular vote. But all of them, while they were minority Presidents so far as the popular vote is concerned, did get a majority of the electoral vote and thereby became President of the United States.

It is rather odd that there should be such a disproportion between the popular vote that a candidate gets and the percentage of the electoral vote that he receives. I am thinking particularly of Stephen A. Douglas, who ran against Lincoln as you remember. He received only 29 percent of the popular vote but, strangely enough, he received only 4 percent of the electoral vote. Now think of that spread. Then, in 1912, Woodrow Wilson received 42 percent of the popular vote, but when the electors cast their vote he had 82 percent of the electors. In 1936, Alf Landon was the Republican candidate from Kansas. We remember that he received 37 percent of the popular vote, which is well over one-third, but actually he received only 2 percent of the electoral vote. Just think how far he slid into the cellar so far as the electoral vote is concerned.

Now those who have been working on this matter have done a lot of speculating and estimating, and they have come up with the estimate that a candidate for the Presidency could carry 11 States of good size, plus one small State, making 12 out of 50 States, and yet be elected President of the United States. Thus, we see there is that disparity between the system today where it is the electoral vote that counts. It is, incidentally, equal to the whole number of Senators and Representatives. Thus, since, we have 535 Members of Congress and Senators, 266 electoral votes would assure a person that he became President of the United States. It is to cure this difficulty that this proposal for direct vote by the people is being offered.

The American Bar Association has pointed out in its publication entitled "Electing the President," the instances in which one House of Congress has been assigned the role of selecting a President or a Vice President. I think that their comments deserve careful study and at this point I am including that part of their report which refers to the four instances in which Congress has been called upon to act:

> In the election of 1800, the Republican electors voted for Thomas Jefferson and Aaron Burr, intending Jefferson for President and Burr for Vice-President. Burr received as many electoral votes as Jefferson for President since under the original method of election there was no separate ballot for Vice President. The lame-duck House of Representatives was required to choose between them for President.
>
> On each of the first thirty-five ballots, eight states voted for Jefferson, six for Burr, and two were divided. The vote of nine states was necessary for a choice. On the thirty-sixth ballot, after almost a week of balloting, Jefferson received the votes of ten states and Burr the votes of four states. Two states (Maryland and Vermont), being evenly divided, cast blank votes.
>
> Jefferson's election was assured when a Vermont Federalist absented himself for the thirty-sixth ballot and the Delaware, Maryland, and South Carolina Federalists voted blanks. This gave Vermont and Maryland to Jefferson since the Republicans were left to cast the votes of those states. Delaware and South Carolina, which had voted for Burr on each of the first thirty-five ballots, had no Republicans and therefore cast no votes on the deciding ballot.
>
> Of the ten states that cast their votes for Jefferson, two had awarded their electoral votes to John Adams and three had divided their electoral votes among Jefferson, Burr, Adams and Pinckney. In two of these five states, the electors were elected by popular vote.
>
> The defect in the Constitution underscored by this election led to the adoption of the Twelfth Amendment and the requirement of separate ballots for President and Vice-President.
>
> In the election of 1824, as previously noted, the House of Representatives were required to choose the President when none of the candidates received a majority of the electoral vote. Adams was declared elected President on the first ballot, receiving the votes of thirteen of the twenty-four states. Jackson won the votes of seven states and Crawford of four states.
>
> In six of the thirteen states that voted for Adams, a change of only one vote in each of the state delegations would have deprived Adams of their vote. It is interesting to note that three of the thirteen states had cast all of their electoral votes for Henry Clay, three had cast a majority of their electoral votes for Jackson and one had divided its electoral votes among the four candidates, with a majority for Adams. In only the last state mentioned were the electors selected by the legislature.
>
> In the election of 1836, Democratic candidate Martin Van Buren received 57.82% of the electoral votes (170 votes). His vice presidential running mate, Richard Menton Johnson, received only one-half of the electoral votes for Vice-President (147). The remaining votes were divided among Whig favorite son candidates Francis Granger (77 votes), John Tyler (47 votes), and William Smith (23 votes). Consequently, the Senate had to choose the Vice-President from between Johnson and Granger.
>
> At the time there were a total of fifty-two Senators. Three were not present for the voting. The names of the Senators were called in order, and they voted *viva voce*. Johnson was elected by the votes of thirty-three Senators as against sixteen for Granger. Among those who voted for Johnson were three Democratic Senators from two states that had awarded their electoral votes to Granger (and Whig presidential candidate William Harrison). The fourth Senator from these states, a Whig, voted for Granger. Granger, on the other hand, received the vote of one Senator whose state had given its electoral votes to Johnson (and Van Buren). Johnson received the votes of five Senators and Granger won two from states that had awarded their electoral votes to either Tyler or Smith. Three of the five who voted for Johnson were from two states that had cast their electoral votes for President for Whig candidate Hugh L. White.
>
> In the controversial election of 1876, Samuel J. Tilden won a clear majority of the popular vote. However, a dispute arose over which electors should be certified in four states. A Republican-controlled Senate and a Democratic-controlled House could not agree on which electors should be certified. After many weeks of discussion, Congress finally agreed to form a bipartisan Electoral Commission to resolve the controversy. Its membership consisted of five Senators, five Representatives and five Supreme Court Justices. Eight of these members were Republicans, and seven were Democrats. Hayes, the Republican presidential candidate, became President by being awarded the disputed votes by a strict party vote of eight to

seven. The outcome was not known until a few days before the inauguration.

Mr. President, I have been in contact with the American Bar Association in an effort to prepare an amendment providing for the direct election of the President and Vice President. Three different drafts were prepared by John Herberg in the Legislative Council's Office. These drafts were given to the Bar Association so that they might be considered at its meeting in Houston last month. The bar association had designated a commission on electoral college reform to study this problem and to make recommendations. The recommendations were submitted and approved by the delegates in Houston. Subsequently, members of the commission, including Professor Freund, of Harvard, Professor Kirby, a former chief counsel of the Constitutional Amendments Subcommittee and presently professor at the University of Chicago, and a distinguished attorney from New York, John D. Feerick, took the three drafts and together with Mr. Herberg and my staff decided upon language that is contained in this proposed amendment.

If this amendment does become a part of the Constitution, there would be no difference so far as nominating a candidate by the various parties is concerned. There would still be a nominating convention and there would still be an election day. But the people would go to the polls and there they would vote not for electors, but they would vote for a President and a Vice President; and second, they would vote for them jointly—in other words they would vote for them as a team. This, of course, is to avoid the spectacle of a Democratic President and a Republican Vice President or vice versa.

Now the American bar has been extremely active in this matter. When it first developed this proposal, the President of the American Bar Association came to see me about it. I said that one faulty thing I found in it was the method by which, or the manner in which, the resolution for a constitutional amendment was drafted. It did not look like constitutional language to me. It was too long and, in addition, I thought it set out too much detail. My preference would be for a much shorter amendment to the Constitution and then add a second paragraph in the amendment to provide that Congress shall implement this amendment by appropriate legislation. Then we could take our time to work out the details in pursuance of that general concept of that general principle.

I think it is something of a testimony to the framers of the Constitution that our present system with only minor changes has endured for more than 175 years, but I can see the difficulty. I do not believe it exactly reflects the public will today. I rather fancy that we could improve it immensely by going directly to the people with a proposition of this kind to get a true expression of how the public feels about candidates for the Presidency and the Vice-Presidency. It is my hope that the Subcommittee on Constitutional Amendments will proceed to an early consideration of the amendments that are proposed to alter the method of selecting a President and a Vice President.

The PRESIDING OFFICER. The amendment in the nature of a substitute will be received, printed, and appropriately referred.

The amendment was referred to the Committee on the Judiciary.

INVESTMENT TAX CREDIT—AMENDMENT

AMENDMENT NO. 164

Mr. CANNON submitted an amendment, intended to be proposed by him, to the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

Mr. CLARK. Mr. President, I ask unanimous consent that, at its next printing, the names of Senators BAYH, KUCHEL, METCALF, NELSON, PELL, and WILLIAMS of New Jersey be added as additional cosponsors of the bill (S. 1308) to further promote equal employment opportunities of American workers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Michigan [Mr. HART], I ask unanimous consent that, at the next printing of the joint resolution (S.J. Res. 56) to authorize the President to designate October 31 of each year as National UNICEF Day, the names of the Senator from California [Mr. KUCHEL], and the Senator from Hawaii [Mr. INOUYE] be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Maryland [Mr. BREWSTER], I ask unanimous consent that, at the next printing of the bill (S.1213) to provide for a study with respect to establishing an expanded volunteer national service system, the names of Senators BURDICK, HART, INOUYE, JAVITS, MONDALE, and TYDINGS be added as additional cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Maryland [Mr. BREWSTER], I ask unanimous consent that the name of the Senator from Utah [Mr. MOSS] be added as a cosponsor of the bill (S. 341) to provide for improved employee-management relations in the Federal service, and for other purposes, at the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I ask unanimous consent that at its next printing, the name of the Senator from New York [Mr. JAVITS] may be added as a cosponsor of the bill (S. 1305) to establish a joint congressional committee to make a continuing study of the programs and operations of the Federal Government relating to science and technology, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR PERCY ADDRESSES PRESIDENTS OF THE FEDERAL RESERVE BANKS

Mr. SPARKMAN. Mr. President, on April 4, 1967, the junior Senator from Illinois [Mr. PERCY] delivered a speech to the presidents of the Federal Reserve banks, at Boca Raton, Fla. It is a very thoughtful presentation, and I believe it would be well for everyone to read it.

I therefore ask unanimous consent that this speech may be printed at this point in the RECORD.

There being no objections, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR CHARLES H. PERCY TO THE PRESIDENTS OF THE FEDERAL RESERVE BANKS, BOCA RATON, FLA., APRIL 4, 1967

When David Rockefeller asked me to join you here today, I was pleased to accept—with one reservation. As a freshman member of both the Senate Banking and Currency Committee and of the Joint Economic Committee, I felt I should be here to listen and learn, not to speak. I was delighted when, with the help of an influential friend, Everett McKinley Dirksen, I was assigned to the Senate Committee on Banking and Currency under the able Chairmanship of John Sparkman of Alabama and whose ranking minority member is a man I also greatly admire, Senator Wallace Bennett of Utah.

I have just finished a three-week cram course in current problems of economic policy. I am referring, of course, to the annual hearings of the Joint Economic Committee chaired by Senator William Proxmire, on the Economic Report of the President.

The Commitee has often been called the "think" committee of Congress. The reputation is certainly well-deserved. Since we are not restricted to a narrow legislative jurisdiction, we are free to roam at will over broad areas of policy and theory. Our hearings resemble a high-level graduate economics seminar more than a typical Congressional hearing.

Participating in those hearings was an exhilarating and enlightening experience. I came away deeply impressed with the wide knowledge of my colleagues, the careful preparation of our witnesses, and with a heightened respect for those—who wrestle daily with the immensely complex problems of economic policy.

I suppose it is true in both our personal and national lives that the most urgent and immediate problems command our interest and attention. Certainly the Vietnam War is now the Nation's first preoccupation. The trouble is that while we focus on events in Southeast Asia today, we may be unaware that tomorrow's problems are building up elsewhere.

If I read the signs correctly, this is happening now in our foreign economic policy. In recent years, there has been a subtle but unmistakable weakening in the spirit of economic cooperation in the Atlantic community.

If this is true—if creeping isolationism does exist—I believe the United States must renew its commitment now to a more closely integrated free world economic community. We must redouble our efforts to promote economic cooperation in a world of expanding trade, payments, and travel with a minimum of restrictions and controls.

A failure of leadership by the United States will almost certainly lead to economic division and disunity among the advanced industrial countries. If we allow this to happen, the free world's domestic goals and its standing and prestige among the developing countries are certain to suffer irreparable harm.

There is no single cause for the weakening of the spirit of economic cooperation. One reason, of course, is the Vietnam War itself and the differences in attitudes and point of view between our government and many of our friends abroad.

Another is the fact that our European friends—once weak and dependent on the United States for military and economic support—are now strong and desire to play an independent role. The diminishing threat of military aggression in Europe also contributes to a weakening of the spirit of economic cooperation.

Finally, the cumulative effects of a decade of unbroken payments deficits and gold losses also are beginning to impair our diplomatic and military objectives abroad and interfere with efforts to build a stronger and more cohesive free world community.

The existence of our deficit has exposed the United States to what some refer to as "financial blackmail" by those abroad who fundamentally disagree with our foreign policy. Efforts to minimize the deficit by negotiating military offset agreements have led to friction with our friends, particularly Germany.

The deficit has also impeded progress on international monetary reform and contributed to the delay in reaching meaningful agreement at the Kennedy Round of trade negotiations. Our foreign aid effort today is also less than it would be if there were a balance of payments surplus. Because we of necessity, tie much of our aid, what we do give is probably used less efficiently and effectively than it would be in the absence of such controls.

The revival of economic and political nationalism in Europe in recent years is a fact of life that affects our relationships. Since President DeGaulle vetoed British membership in early 1963, the European Economic Community has turned increasingly inward. More and more the industrialized nations of the free world are looking to their own separate interests rather than to the common good.

The passage of the Trade Expansion Act of 1962, for which I fought hard as a businessman, was to have ushered in a new era in expanding trade and economic cooperation. The difficulties of realizing this Grand Design for a stronger and more closely knit Atlantic community has led to frustration and disappointment within our own country. Failure to receive a full measure of cooperation from our friends in Europe has added momentum to the drift towards economic isolation.

Ironically, our balance of payments deficit has led the Administration to adopt measures which represent a retreat from the traditional U.S. commitment to an open international economy. The United States, almost alone among nations, was the leader in breaking down the post-war structure of restrictive barriers to the movement of goods and investment funds.

Today the United States ties aid, enforces "buy America" restrictions, taxes portfolio investment overseas, and relies heavily on a network of restraints on direct investment and bank lending. Many of these programs were sold as temporary expedients to "buy time." As the years pass, they are assuming a more permanent look. And the possibility of financial escalation always exists. Recently, for example, there have been suggestions that the interest equalization tax be extended to direct investment.

I don't suggest that we can presently afford to abandon our restraints on foreign lending and investing. I do suggest that we had better use the time we are buying to create conditions that will make the permanent removal of the restraints possible in the near future.

The proliferation of balance of payments restraints and controls is only one part of a broader drift towards economic and financial fragmentation of the free world. The Kennedy Round of trade negotiations will end this spring with no chance of achieving the goals established five years ago. There is only a modest chance that the negotiations will result in any meaningful agreement on the reduction of barriers to trade.

Progress on reform of the international monetary system has been slow and painful. While there has been agreement on technical details, there is continuing dispute on who should make the adjustments required to keep the system in balance and how the adjustments should be made. We are still far from an adequate and realistic contingency plan to create new reserves or to strengthen the system against shifts of confidence in different assets by private holders and central banks. Furthermore, efforts are concentrated almost exclusively upon a cooperative system for increasing international liquidity while the more fundamental problem of improving our international balance of payments adjustment mechanism is virtually ignored. Instead of improving the system for adjustment, we are substituting a growing list of direct controls which are in conflict with our basic objective of freeing goods and capital flows between countries.

We have all noted that there is a growing sentiment in the United States for a retreat from the traditional post-war principles of U.S. foreign economic policy. Let me be specific.

First, interest is growing in the creation of a "dollar bloc" of countries who would agree to hold dollars rather than convert them to gold and who, in return, would receive unrestricted access to our capital markets. Those countries which fail to cooperate would find our capital markets closed or prohibitively expensive.

Second, there is also increasing talk of negotiating U.S. troop reductions in Europe, because of Vietnam and for balance of payments reasons. There are persuasive arguments why our military forces in Europe could be reduced. But I do not believe that that decision should be taken unilaterally or for balance of payments reasons alone.

Third, there is also some support within the United States for the development of a free trade area which would include ourselves, Britain, Canada, and other advanced countries not now members of the European Common Market. If Britain tries and fails in its second attempt to gain membership in the Common Market, sentiment for such a free trade area would undoubtedly gain momentum. Indeed, it might be the only logical choice open to us.

But I think there is a danger in believing that an extension of economic regionalism would lead to greater unity and economic progress in the free world. It is more likely, in my view, to lead to a squaring-off of hostile trading blocs. I would hope that we have the foresight and the wisdom to create conditions that will make such a new regional trade bloc unnecessary.

Finally, there is renewed interest in altering one of the traditional cornerstones of United States foreign trade policy. Since the passage of the Reciprocal Trade Agreements Act of 1934, the United States has conducted its commercial negotiations on the basis of reciprocity and nondiscrimination, or most-favored-nation treatment.

The disappointment arising from the slow progress of the Kennedy Round is leading to interest in a review of our most-favored-nation policy. Simply stated, this implies adopting a policy of trade discrimination with the threat of a further fragmentation of the free world. Depending in large measure upon the attitudes and actions of the leaders of the European Common Market, we may be required to make such an "agonizing reappraisal" of our traditional trade policies. But I hope we do not, and I believe that we need not.

If a drift towards the economic fragmentation of the free world does exist, how can we reverse it? I've spoken of the need for conditions which would lead to a stronger and more stable foundation for economic growth and prosperity. What are those conditions?

It is no exaggeration to say that the free world is now at a crossroads. Either it will move forward to a more open international economy in which there is a minimum of interference with trade, investment, and travel, or it will move backward to a world marked by narrow and parochial economic nationalism. The painful experience of the fragmented world economy in the 1930's should make our choice unmistakably clear.

My concern is that the United States has not provided the imaginative leadership necessary to continue progress towards our goals. I think it is time to make a new and determined commitment to the kind of free world economy which America set out to build following World War II and which continued to be our national policy in the Eisenhower years. We have immense financial and economic strength and prestige. We should use it constructively and forcefully in what we know to be a worthy cause.

Progress will not be easy. Perhaps the best we can do at the moment is conduct a holding operation until the forces of economic and political nationalism in Europe burn out. But we should not yield to those forces now. We must keep our own eyes on our long-term objectives and shape our policies to meet those objectives.

What does this mean in concrete terms?

First, the United States should at this time reject proposals to organize a "dollar bloc," to modify the most-favored-nation principle, to extend or formalize controls on capital, trade, and travel, or to otherwise signal a clear retreat from the traditional tenets of U.S. foreign economic policy.

Second, once the Kennedy Round is over, we should immediately lay the groundwork for a new trade policy. Such a policy should emphasize the reduction of nontariff barriers to trade and new arrangements to provide for the needs of the developing countries.

Third, we should press for a successful conclusion of the negotiations for reform of the international monetary system. Since the end of 1964, world reserves have been growing very slowly. Gold is increasingly going into private hands, while foreign central banks are becoming reluctant to hold additional dollars.

This reform must include not only an acceptable method for increasing world reserves, but it must incorporate an improvement in the international adjustment mechanism. The improved mechanism must be consistent with both domestic and international stability, that is, elimination of the balance of payment deficit while maintaining domestic high employment, economic growth and price stability.

Fourth, we should move forward with efforts to coordinate economic policies among the advanced industrial countries. There has been one recent ray of hope. A beginning on improved coordination of monetary policy has been made by Secretary Fowler at his meeting with European financial leaders at Chequers. Some of the beneficial results of that meeting are already becoming evident with the reductions now occurring in European interest rates.

Fifth, we must make progress toward eliminating our balance of payments deficit. Restoring cost and price stability in the American economy should take first priority. It is an objective which serves both our domestic and international goals. Also, we need to expand our exports in those areas of greatest promise, particularly agricultural exports.

We should also initiate negotiations for the establishment of a "multilateral defense payment system," as recommended by the Committee for Economic Development. Such a system would insure that no NATO member profits or loses in balance of payments terms from expenditures made for the common defense.

One action we could take right now to strengthen confidence in the dollar is to free all of our gold stock to serve its international role. With the gold drain continuing and the Federal Reserve notes in circulation increasing steadily, it will not be long before our free gold supply is exhausted. Rather than removing the gold reserve requirement in a crisis atmosphere, I believe it should be done now when such action would serve to *strengthen confidence*.

As important as all these actions would be, we will not solve the central dilemma of the *international* economy unless we find an improved means of adjusting economies to one another. Increased liquidity, while necessary, is not an adequate substitute for balance of payments adjustment. A failure to speed the adjustment process could lead to chronic deficits, escalating controls on trade and payments and greater vulnerability to a breakdown in the world monetary system.

The problem is that no government—including our own—can or should sacrifice vital domestic objectives to its balance of payments. A prosperous and fully employed American economy is the basis of our international strength and prestige and provides the underpinning to the entire free world economy. At the same time, no nation can long ignore its external economic position. Ultimately a chronic balance of payments deficit will affect production and employment at home.

There are times when our domestic and external objectives call for the same policy response. In late 1965 and throughout most of last year, a tighter fiscal policy would have cooled off the domestic economy, avoided inflation, and prolonged our economic expansion. It also would have improved our balance of payments by reducing the sharp increase in imports which was primarily responsible for the sharp shrinkage in our trade surplus. That opportunity was missed.

Today there are signs that the domestic economy is weakening. At the same time, the balance of payments is likely to show a larger deficit this year than last. Yet some measures advocated to revive domestic economic activity might further our fiscal and balance of payments problems.

The dilemma faced in international financial policy is especially painful for the United States. We play the role of banker to the world. The dollar is a key currency used by international traders and investors and also held as reserves by foreign central banks. Large and chronic deficits in the United States balance of payments weaken confidence in the dollar and make the United States vulnerable to speculative attack and large gold losses.

But the problem is not ours alone. The entire free world will share the costs of failure—or the benefits of success.

The future is not without hope either here at home or abroad. There are many leaders within the United States and other nations as well who understand the realities of economic interdependence. They believe—as I do—that a need exists for greater coordination of economic policies in order for nations to achieve their domestic and international goals. They understand, too, that the time is rapidly approaching—if it has not already arrived—when critical choices will have to be made.

The time is ripe for the United States to take the lead in forging a closer Atlantic economic partnership, including the nations of the European Common Market. There undoubtedly will be setbacks and disappointments. Progress will be slow and often painful.

But if the United States defines its objectives and perseveres with boldness and imagination, I believe that in time others will join enthusiastically in building a stronger free world economic community. Having achieved that goal, we will have planted the seeds for an even closer political partnership as well.

ORDER OF BUSINESS—PROGRAM

Mr. SPARKMAN. Mr. President, I wish to ask the majority leader a question.

I understand that there will be a vote on the convention.

Mr. MANSFIELD. The Senator's understanding is correct. This will take place at the conclusion of the morning business. We will have a yea-and-nay vote on the convention. After that, we will return to the tax bill, under the management of the junior Senator from Louisiana.

Mr. SPARKMAN. Does the majority leader have any idea about what time that will be? Will that come within the next 30 minutes?

Mr. MANSFIELD. I would say that it would come before 1 o'clock.

Mr. SPARKMAN. I thank the Senator.

ORDER OF BUSINESS

Mr. CLARK obtained the floor.

Mr. CLARK. Mr. President, I have a number of insertions for the RECORD, and I shall in due course ask unanimous consent to proceed for not more than 15 minutes; but I shall be glad to yield at this time if other Senators wish to speak.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 164 and the succeeding measures in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE FEDERAL RESERVE ACT

The bill (S. 965) to amend the Federal Reserve Act to enable Federal Reserve banks to invest in certain obligations of foreign governments was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the first sentence of subsection (e) of section 14 of the Federal Reserve Act (12 U.S.C. 358) is amended to read as follows:

"(e) To establish accounts with other Federal Reserve banks for exchange purposes and, with the consent or upon the order and direction of the Board of Governors of the Federal Reserve System and under regulations to be prescribed by said Board, to open and maintain accounts in foreign countries, appoint correspondents, and establish agencies in such countries wheresoever it may be deemed best for the purpose of purchasing, selling, and collecting bills of exchange, and to buy and sell, with or without its endorsement, through such correspondents or agencies, bills of exchange (or acceptances) arising out of actual commercial transactions which have not more than ninety days to run, exclusive of days of grace, and which bear the signature of two or more responsible parties, and to buy and sell any securities which are direct obligations of, or fully guaranteed as to principal and interest by, any foreign government or monetary authority, and which have maturities from date of purchase not exceeding twelve months and are denominated payable in any convertible currency; and, with the consent of the Board of Governors of the Federal Reserve System, to open and maintain banking accounts for such foreign correspondents or agencies, or for foreign banks or bankers, or for foreign states as defined in section 25(b) of this Act."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 163), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 965 would authorize Federal Reserve banks to invest in securities which are direct obligations of or fully guaranteed as to principal and interest by any foreign government or monetary authority and which have maturities from date of purchase not exceeding 12 months and are denominated payable in any convertible currency. This authority could be exercised with the consent or under the order and direction of the Federal Reserve Board.

HISTORY OF LEGISLATION

S. 965 was introduced by Senator Proxmire on February 15, 1967, and a hearing was held on the bill on March 14, 1967. The proposal was recommended by the Board of Governors of the Federal Reserve System and was supported by the Treasury Department.

An identical bill, S. 1557, was introduced during the last session of Congress and was the subject of a hearing on July 21, 1965. The bill was reported to the Senate on August 2, 1965 (S. Rept. 534), and was passed by the Senate on August 3, 1965. No action was taken on S. 1557 by the House of Representatives.

GENERAL STATEMENT

From time to time the Federal Reserve banks have had occasion to engage in foreign currency operations designed to safeguard the value of the dollar in international exchange markets. These operations have been implemented by swap arrangements between the New York Federal Reserve Bank and foreign central banks under which the New York Federal Reserve Bank acquires foreign currencies.

Under the present law amounts held by a Federal Reserve bank in an account with a foreign bank may be invested in bills of exchange and acceptances that arise out of actual commercial transactions and have maturities of not more than 90 days, or they may be placed in an interest-bearing time account with the same or some other foreign bank. However, this has not always been practicable. Under present law, such funds may not be invested in obligations of foreign governments, such as foreign treasury bills, which are more readily available under present conditions. S. 965 would permit this.

AMENDMENT OF THE FEDERAL RESERVE ACT

The bill (S. 966) to amend the Federal Reserve Act in order to enable the Federal Reserve banks to extend credit to member banks and others in accordance with current economic conditions, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following new section is inserted in the Federal Reserve Act immediately preceding section 14:

"SEC. 13A. (a) Any Federal Reserve bank may make advances to any of its member banks on the time or demand notes of such banks secured to the satisfaction of such Federal Reserve bank, subject to such limitations, restrictions, and regulations as the Board of Governors of the Federal Reserve System may prescribe.

"(b) In making advances pursuant to this section, each Federal Reserve bank shall give due regard to the maintenance of sound credit conditions and the accommodation of commerce, industry, and agriculture. Each Federal Reserve bank shall keep itself informed of the general character and amount of the loans and investments of its member banks with a view to ascertaining whether undue or inappropriate use is being made of bank credit for the speculative carrying of or trading in securities, real estate, or commodities, or for any other purpose inconsistent with the maintenance of sound credit conditions; and, in determining whether to grant or refuse advances, the Federal Reserve bank shall give consideration to such information. Whenever the Board of Governors of the Federal Reserve System, in the light of any reports made to it by a Federal Reserve bank, determines that any member bank is making such undue or inappropriate use of bank credit, the Board may, in its discretion, after reasonable notice and an opportunity for a hearing, suspend such bank from the use of the credit facilities of the Federal Reserve System and may terminate such suspension or may renew it from time to time.

"(c) Any Federal Reserve bank may make advances to any individual, partnership, or corporation, on its promissory notes, secured by direct obligations of the United States, subject to such limitations, restrictions, and regulations as the Board of Governors of the Federal Reserve System may prescribe."

SEC. 2. The following provisions of the Federal Reserve Act are hereby repealed: section 10(a) (12 U.S.C. 347a); section 10(b) (12 U.S.C. 347b); section 11(b) (12 U.S.C. 248(b)); the second, third, fourth, fifth, sixth, eighth, tenth, and thirteenth paragraphs of section 13 (12 U.S.C. 343, 344, 345, 346, 347, 361, 347c); section 13a (12 U.S.C. 348–352); and the last sentence of the third paragraph of section 24 (12 U.S.C. 371).

SEC. 3. The eighth paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 301) is amended to read as folows:

"Said board of directors shall administer the affairs of said bank fairly and impartially and without discrimination in favor of or against any member bank or banks."

SEC. 4. The thirteenth paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 330) is amended by changing the colon after the words "member banks" in the second sentence to a period and by striking out, commencing with the words *"Provided, however,"*, the remainder of the paragraph.

SEC. 5. In the last sentence of section 11(c) of the Federal Reserve Act (12 U.S.C. 248(c)) the words "and discount fixed by the Board of Governors of the Federal Reserve System" are changed to read "charged by the Reserve bank on advances under section 13A(a) of this Act".

SEC. 6. In the last sentence of section 11 (m) of the Federal Reserve Act (12 U.S.C. 248(m)) the words "of all rediscount privileges at Federal reserve banks" are changed to read "from the use of the credit facilities of the Federal Reserve banks."

SEC. 7. In the second paragraph of section 12 of the Federal Reserve Act (12 U.S.C. 262) the words "discount rates, rediscount business" are changed to read "advances under section 13A of this Act, rates of interest charged by the Federal Reserve banks on such advances".

SEC. 8. The first paragraph of section 14 of the Federal Reserve Act (12 U.S.C. 353) is amended to read as follows:

"Any Federal Reserve bank may, subject to the regulations of the Federal Open Market Committee, purchase and sell in the open market, at home or abroad, either from or to domestic or foreign banks, firms, corporations, or individuals, cable transfers, bankers' acceptances, and bills of exchange, with or without the endorsement of a member bank."

SEC. 9. Section 14(c) of the Federal Reserve Act (12 U.S.C. 356) is amended by striking out the words "arising out of commercial transactions, as hereinbefore defined".

SEC. 10. Section 14(d) of the Federal Reserve Act (12 U.S.C. 357) is amended to read as follows:

"(d) To establish from time to time, subject to review and determination of the Board of Governors of the Federal Reserve System, (1) rates of interest to be charged by the Federal Reserve bank on advances under section 13A(a) of this Act, which shall be fixed with a view of accommodating commerce, business, and agriculture, and of maintaining sound credit conditions; and different rates may be fixed for different classes of paper or according to such other basis or bases as may be deemed necessary in order to accomplish such purposes; but each such bank shall establish such rates every fourteen days, or oftener if deemed necessary by the Board; and (2) rates of interest to be charged by the Federal Reserve bank on advances under section 13A(c) of this Act;".

SEC. 11. The second paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 412) is amended by striking out the third sentence and substituting therefor the following: "The collateral security thus offered shall be notes of member banks or others acquired under the provisions of section 13A of this Act, or bills of exchange or bankers' acceptances purchased under section 14 of this Act, or gold certificates, or direct obligations of the United States."

SEC. 12. The second sentence of the ninth paragraph of section 19 of the Federal Reserve Act (12 U.S.C. 463) is amended by changing the word "discounts" in such sentence to read "advances".

SEC. 13. The second paragraph of section 23A of the Federal Reserve Act (12 U.S.C. 371c) is amended by striking out the words "drafts," and "for rediscount or" from the clause beginning with the word *"Provided,"*.

SEC. 14. Section 201(e) of the Act of July 21, 1932, as amended (12 U.S.C. 1148) is amended by striking out the words "various Federal Reserve banks and" from that section.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 164), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 966 would remove from the Federal Reserve Act certain outdated restrictions on the kinds of assets on which banks may borrow from Federal Reserve banks without payment of a penalty interest rate and would improve the procedures for extending credit to member banks in conformity with current economic needs and maintenance of sound credit conditions.

HISTORY OF LEGISLATION

The proposed bill was introduced by Senator Proxmire on February 15, 1967. On March 14, 1967, the Committee on Banking and Currency heard testimony in support of this legislation from Hon. J. L. Robertson, Vice Chairman of the Federal Reserve Board. Favorable testimony was also received from a representative of the American Bankers Association. Letters favoring the bill were received from the Treasury Department, the Federal Deposit Insurance Corporation, and the Independent Bankers Association of America.

An identical bill, S. 1559, was introduced during the last session of Congress and was the subject of a hearing on July 21, 1965. S. 1559 was reported to the Senate on August 5, 1965 (S. Rept. 539), and was passed by the Senate on August 6, 1965. No action on the bill was taken by the House of Representatives.

EFFECT OF THE LEGISLATION

The proposed act would permit a member bank to borrow from a Federal Reserve bank on the security of any assets acceptable to the Reserve bank without paying a penalty rate of interest.

Differential rates of interest based on types of paper would no longer be required, as in the case under present law, but could be adopted as may be deemed necessary to accomplish the purposes set forth. The terms and conditions of any credits extended would be subject to such limitations, restrictions, and regulations as the Board of Governors of the Federal Reserve System may prescribe.

The new law would retain present general guides and standards to be observed by the Federal Reserve banks in making advances to member banks, including "the maintenance of sound credit conditions and the accommodation of commerce, industry, and agriculture." Consideration must be given to the general character and amount of loans and investments of its member banks and the uses of credit for speculative purposes. Any member bank making undue or inappropriate use of credit may, after notice, be suspended from the use of the credit facilities of the Federal Reserve System.

The bill would repeal a number of provisions of existing law setting forth in some detail the types of customers' notes of member banks that are eligible for rediscount at the Federal Reserve banks. It would thereby permit the elimination or simplification of many outstanding, but largely obsolete, regulations and rules governing eligibility for rediscount of specific types of notes.

The original Federal Reserve Act authorized the Reserve banks to discount only certain types of paper arising out of actual commercial or agricultural transactions, subject to specified maturity limitations. The concept underlying this limited authority was that the liquidity of commercial banks could be assured only if the loans made by them were short term and self-liquidating in character. Related to this concept was the assumption that the pledging of such discounted paper by the Reserve banks as security for the issuance of Federal Reserve notes would serve as the basis for an elastic currency; it was expected that the volume of currency would expand and contract directly in response to the varying credit needs of the economy, as reflected by the volume of short-term borrowing by commercial and agricultural enterprises.

The principle that Federal Reserve credit should be extended only on the basis of short-term, self-liquidating paper was departed from as early as 1916, during the First World War, when the law was amended to authorize the Reserve banks to make 15-day advances to member banks, not only on the security of eligible paper but also on the security of direct obligations of the United States. A more significant departure occurred in 1932, when Congress authorized the Reserve banks to make advances to member banks in exceptional and unusual circumstances on any security satisfactory to the Reserve banks, although at a penalty rate of interest. This authority, at first temporary, was made permanent in 1935, and it is no longer limited to exceptional and unusual circumstances, although such advances continue to carry a penalty rate of interest.

The concept that limitation of discounts to short-term, self-liquidating paper would serve automatically to regulate the volume of Federal Reserve notes in circulation has also been departed from by amendments to the law and has been refuted by experience. In 1932, Congress authorized the issuance of Federal Reserve notes on the security of Government obligations in addition to eligible paper and gold. This authority was originally of a temporary nature, but it was made permanent in 1945. The volume of Federal Reserve notes today fluctuates with the changing demands of the economy without regard to the nature of the paper offered as collateral for Federal Reserve credit or pledged as security for Federal Reserve notes.

Each of these legislative changes took place during a period of economic stress that served to make clear the inadequacy of the original framework for Federal Reserve credit extension. The credit needs of American businessmen, farmers, and consumers were evolving in many ways that could not be adequately handled by the old instrument of short-term, commercial-type paper; and the rapid growth of both private and governmental economic activity generated credit requirements far in excess of those that could be supported by the relatively small volume of eligible paper. For example, farmers today make much greater use of mechanized equipment; a modern combine represents a big investment, and requires longer term financing. Another example is the entry of banks into consumer lending in response to credit needs created by the mass marketing of automobiles and other durable consumer goods. Banks are now making term loans to business, too, in substantial volume, partly in response to economic changes and partly in recognition that a 2-year loan may be sounder than a 90-day loan made in the expectation of repeated renewals.

Despite changes in the character of paper held by commercial banks and the repeated and necessary departures from the original concept that discounts should be based only on short-term, self-liquidating paper, the law continues to impose unduly restrictive requirements as to the nature and maturity of the paper that may be discounted by the Reserve banks or offered as security for advances by the Reserve banks without payment of a penalty rate of interest.

For many years, it has been generally recognized that the concept of an elastic currency based on short-term, self-liquidating paper is no longer in consonance with banking practice and the needs of the economy. It has long been apparent that the narrow requirements of the law regarding eligible paper serve no useful purpose and that it would be preferable to place emphasis on the soundness of the paper offered as security for advances and the appropriateness of the purposes for which member banks borrow. The 1-year paper of many bank customers that is not now eligible for discount may be as satisfactory collateral as the 90-day notes of other customers. Moreover, the nature of the collateral provides no assurance that the borrowing bank will use the proceeds for an appropriate purpose.

As long as member banks hold a large enough volume of Government securities, they need not, of course, be particularly concerned as to the eligibility for discount with the Reserve banks of customers' paper held by them. Since World War II, however, there has been a sharp net decline in the aggregate holdings of Government securities by member banks. Consequently, a number of banks are being obliged to tender other kinds of collateral when they seek to obtain Federal Reserve credit, and this development will be sharply accelerated if a further substantial increase in economic activity should cause banks further to reduce their holdings of Government securities in order to meet increased credit demands.

In such a situation, the Reserve banks can accept technically ineligible paper as collateral for advances to their member banks only under section 10(b) of the Federal Reserve Act at a rate of interest one-half of 1 percent above the regular discount rate. However, the necessity for distinguishing between "eligible" and "ineligible" paper gives rise to cumbersome administrative procedures that are not warranted by the exigencies of current banking conditions. In order to avoid these problems, it would clearly be preferable to revise and update the law so as to eliminate the existing restrictions with respect to eligible paper.

The Board of Governors and the Federal Reserve banks believe that such a revision of the law would be desirable so that the Reserve banks will always be in a position to perform promptly and efficiently one of their principal responsibilities—the extension of appropriate credit assistance to member banks to enable the latter to meet the legitimate credit needs of the economy.

AMENDMENT OF THE FEDERAL RESERVE ACT

The Senate proceeded to consider the bill (S. 714) to amend section 22(g) of the Federal Reserve Act relating to loans to executive officers by member banks of the Federal Reserve System, and to amend the Federal Credit Union Act to modify the loan provisions relating to directors, members of the supervisory committee, and members of the credit committee of Federal credit unions which had been reported from the Committee on Banking and Currency, with amendments, on page 2, line 5, after the word "credit", to insert "otherwise authorized under applicable law or regulations"; in line 9, after "$5,000", to strike out "or" and insert "and in the case of credit extended to finance the education of such officer's children, in an amount not exceeding $10,000, and,"; and, at the top of page 3, to strike out:

Sec. 2. That subsection (5) of section (8) of the Federal Credit Union Act (12 U.S.C. 1757) is amended by inserting the following in the first sentence after the words "shall exceed" and before the words "the amount": "the amount of the unsecured loan limit under this Act plus".

And, in lieu thereof, to insert:

Sec. 2. Subsection (5) of section 8 of the Federal Credit Union Act (12 U.S.C. 1757) is amended by striking out the following: "except that no loans to a director or member of the supervisory or credit committee shall exceed the amount of his holdings in the Federal credit union as represented by shares thereof plus the total unencumbered and unpledged shareholdings in the Federal credit union of any member pledged as security for the obligation of such director or committee member." and inserting in lieu thereof the following: "except that loans otherwise authorized under applicable law and regulations made to a director or a member of the supervisory or credit committee shall not exceed $5,000, and any such loans shall be approved by the credit committee and by the board of directors. The member of the board of directors, supervisory committee, or credit committee applying for such loan shall not take part in the consideration of his application and shall not attend any commitee or board meeting while such application is under consideration."

So as to make the bill read:

S. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 22 of the Federal Reserve Act (12 U.S.C. 375a) is amended by striking out the first two sentences thereof and inserting in lieu thereof the following:

"(g) No executive officer of any member bank shall borrow from or otherwise become indebted to any member bank of which he is an executive officer, and no member bank shall make any loan or extend credit in any other manner to any of its own executive officers: *Provided,* That any member bank may extend credit otherwise authorized under applicable law or regulations, on terms not more favorable than those extended to other borrowers, to any executive officer thereof, and such officer may become indebted thereto, in an amount not exceeding $5,000, and in the case of credit extended to finance the education of such officer's children, in an amount not exceeding $10,000, and, in the case of a first mortgage loan on a home owned and occupied or to be owned and occupied by such officer, in an amount not exceeding $30,000, but any such indebtedness shall be promptly reported by such officer to the board of directors of the bank of which he is an officer. If any executive officer of any member bank borrows from or if he be or become indebted to any other bank or banks in an aggregate amount exceeding that which he could lawfully borrow from the member bank of which he is an executive officer under this section, he shall make a written report to the board of directors of such member bank, stating the date and amount of such loan or loans or indebtedness, the security therefor, and the purpose for which the proceeds have been or are to be used."

Sec. 2. Subsection (5) of section 8 of the Federal Credit Union Act (12 U.S.C. 1757) is amended by striking out the following: "except that no loans to a director or member of the supervisory or credit committee shall exceed the amount of his holdings in the Federal credit union as represented by shares thereof plus the total unencumbered and unpledged shareholdings in the Federal credit union of any member pledged as security for the obligation of such director or committee member." and inserting in lieu thereof the following: "except that loans otherwise authorized under applicable law and regulations made to a director or a member of the supervisory or credit committee shall not exceed $5,000, and any such loans shall be approved by the credit committee and by the board of directors. The member of the board of directors, supervisory committee, or credit committee applying for such loan shall not take part in the consideration of his application and shall not attend any committee or board meeting while such application is under consideration."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 165), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of S. 714 is to increase the amounts which member banks may lend to their executive officers and Federal credit unions may lend to their directors and members of supervisory and credit committees.

LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS

Section 1 of S. 714 would amend the provision of the Federal Reserve Act which now prohibits any member bank from lending more than $2,500 to one of its executive officers and requires that all such loans be approved in advance by the bank's board of directors.

The bill, as reported, would authorize member banks to make loans to their executive officers up to $5,000. It would also authorize loans to these officers, in an amount up to $10,000, to finance the education of such officers' children. In addition, a first mortgage loan on an officer's home could be made up to $30,000. Such loans could only be made on terms not more favorable than those extended to other borrowers, and they would, of course, be subject to the usual rules applicable to personal or mortgage loans. These loans would have to be reported to the board of directors of the bank. In addition, if an executive officer of a member bank borrowed from other banks in an amount in excess of what he could borrow from his own bank, he would have to make a report to his board of directors.

The provision now in the Federal Reserve Act was enacted in 1933. It has become unrealistically severe in the light of changed economic conditions. The President's Committee on Financial Institutions recommended in 1963 that the $2,500 ceiling be increased.

Your committee amended the bill as introduced—

(1) By adding an explicit provision that loans under the new provisions would be subject to the usual loan restrictions, such as loan limits and ratios of loans to appraised values; and

(2) By adding a provision authorizing loans to educate the children of the officers up to $10,000, in addition to the proposed increase for general purpose loans from $2,500 to $5,000, and the proposed provision for first mortgage loans, up to $30,000.

LOANS TO CERTAIN OFFICERS OF FEDERAL CREDIT UNIONS

Section 2 of S. 714 would amend the provision in the Federal Credit Union Act which now prohibits a Federal credit union from extending credit to a member or officer in an amount exceeding his holdings in the Federal credit union plus the total unencumbered shareholdings of another member pledged as security for the loan.

The new section would authorize Federal credit unions to make loans to directors and members of supervisory or credit committees of Federal credit unions to the same extent that loans may be made to other members of the credit union, subject to an overall ceiling of $5,000. (Members of credit unions may receive unsecured loans up to $750, plus loans secured by shares or other security, up to 10 percent of the credit union's paid in capital and surplus.) Any such loans must be approved by the credit committee and by the board of directors. The member of the board of directors or credit or supervisory committee seeking a loan shall not attend any committee or board meeting while his application for a loan is under consideration or otherwise take part in the consideration of his loan application.

The bill as introduced would have amended section 2 by permitting loans to certain officers of a Federal credit union in an amount not exceeding the statutory unsecured loan limit of $750, plus the amount that they may now borrow under existing law.

HISTORY OF LEGISLATION

S. 714 was introduced on January 30, 1967, by Senator Proxmire, and was the subject of a hearing on March 14, 1967. Hon. J. L. Robertson, Vice Chairman of the Federal Reserve Board, testified in support of section 1 of the bill. A letter was received from the Federal Deposit Insurance Corporation recommending the enactment of section 1, and the Treasury Department interposed no objection to it. The American Bankers Association and the Independent Bankers Association supported this section of the proposal.

Section 1 of the bill is similar to S. 1558, which was before the Committee on Banking and Currency during the last session of Congress. That bill was reported to the Senate on August 2, 1965 (S. Rept. 535), and passed the Senate on the following day. No action was taken by the House of Representatives on the proposal.

Section 2 of the bill, as amended, relating to Federal credit unions, received support from the Bureau of Federal Credit Unions of the Department of Health, Education, and Welfare, and from CUNA International, Inc.

KOON CHEW HO

The bill (S. 608) for the relief of Koon Chew Ho was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Ho Yee, a deceased United States citizen, shall be deemed to have resided in the United States prior to July 9, 1913, within the meaning of section 1993 of the Act of February 10, 1885 (Rev. Stat. 1878).

Sec. 2. For the purposes of the said Act, Koon Chew Ho shall be held and considered to be the natural-born son of the said Ho Yee, and shall be further held and considered to have been a United States citizen at all times since July 9, 1913: *Provided,* That the said Koon Chew Ho enters the United States for permanent residence within one year after the date of the enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 171), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable Koon Chew Ho, the son of a deceased U.S. citizen, to assume his status as a U.S. citizen based upon his father's residence in the United States prior to July 9, 1913, the date of Koon Chew Ho's birth.

DR. CARLOS VICTOR DE LA CONCEPCION GARCIA

The bill (S. 327) for the relief of Dr. Carlos Victor De La Concepcion Garcia was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Carlos Victor De La Concepcion Garcia shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 1, 1962.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 172), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. MANUEL A. ZUNIGA

The bill (S. 499) for the relief of Dr. Manuel A. Zuniga was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Manuel A. Zuniga shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 18, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 173), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

SETSUKO WILSON

The bill (S. 534) for the relief of Setsuko Wilson (nee Hiranaka) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212 (a) (23) of the Immigration and Nationality Act, Setsuko Wilson (nee Hiranaka) may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 174), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a violation of narcotic laws in behalf of the wife of a U.S. citizen member of the U.S. Air Force.

EILEEN IRIS PUNNETT

The Senate proceeded to consider the bill (S. 191) for the relief of Eileen Iris Punnett which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 7, after the word "fee", to strike out the period and "Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available." and insert ": *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act."; so as to make the bill read:

S. 191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Eileen Iris Punnett shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 175), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Eileen Iris Punnett. The bill provides for the payment of the required visa fee. The bill has been amended at the suggestion of the Commissioner of Immigration and Naturalization to delete the quota charge and to provide for the posting of a bond as a guarantee that the beneficiary will not become a public charge.

CAPT. REY D. BALDWIN

The bill (S. 95) for the relief of Capt. Rey D. Baldwin was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 95

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Rey D. Baldwin, United States Air Force, is hereby relieved of all liability for repayment to the United States of the sum of $905.84, representing the amount of overpayments of basic pay received by the said Captain Rey D. Baldwin, for the period from March 19, 1960, through December 31, 1963, such overpayments having been made as a result of his having been erroneously credited for pay purposes with military service previously performed by him in an enlisted grade. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain Rey D. Baldwin, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 176), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to relieve Capt. Rey D. Baldwin of liability to repay the sum of $905.84, the amount of overpayment of basic pay received by Captain Baldwin during the period from March 19, 1960 through December 31, 1963, as the result of an erroneous credit for pay purposes for service performed as an enlisted member of the Air Force.

STATEMENT

A similar bill, S. 1960 of the 89th Congress, was approved by this committee and was passed by the Senate but no action was taken in the House of Representatives.

The facts in the case are set forth in a report from the Department of the Air Force, as follows:

"Air Force records show that Captain Baldwin (69051A) was enlisted in the Air Force on August 20, 1953. He was discharged on August 19, 1957, upon completing 4 years of active duty. He served as an enlisted member in the Air Force Reserve from August 20, 1957, until March 14, 1960. On March 15, 1960, he was commissioned a second lieutenant in the Air Force Reserve. He was ordered to extended active duty in the Air Force on March 19, 1960, in pay grade O–1. He has been on continuous active duty since that date.

"Section 203, title 37, United States Code, provides special pay rates for officers in pay grades O–1, O–2, and O–3 who have had over 4 years' active service as an enlisted member. These rates are greater than rates for officers who have had 4 years or less enlisted active service. When he was ordered to active duty, Captain Baldwin's pay was computed on the special rates referred to above. Early in 1964. Turner Air Force Base, where he was then stationed, reviewed Captain Baldwin's pay account. His records indicated he had exactly 4 years' active duty as an enlisted member. His entitlement to pay based on the rates authorized for officers with more than 4 years' enlisted active service was questioned. The Directorate of Administrative Services, Headquarters, USAF, advised that Captain Baldwin did not perform any active duty for training as an enlisted member of the Air Force Reserve from August 20, 1957, to March 14, 1960. This established he had exactly 4 years' active duty as an enlisted member. He was not entitled to the rates of pay authorized for 'commissioned officers credited with over 4 years of active service as an enlisted member.'

"A complete examination of Captain Baldwin's pay account was made. This showed that from March 19, 1960, until December 31, 1963, Captain Baldwin's pay had been erroneously computed. It had been based on the rates authorized for officers with more than 4 years' active service as an enlisted member. As a result, he received overpayments totaling $905.84. His pay was reduced, effective January 1, 1964, to the proper rate. Collection from his active duty pay was initiated on April 1, 1964. The entire indebtedness has now been recouped.

"The Department of the Air Force does not have authority to waive Captain Baldwin's indebtedness. There is no evidence of lack of good faith on his part. The overpayments were the result of administrative error on the part of Air Force personnal. A study is currently in progress within the Department of Defense to rcevaluate the criteria upon which we base recommendations to the Congress on private relief bills of this nature. The study is being conducted because we are particularly concerned that our position shall represent both due consideration for the interests of the taxpayers and prevention of undue hardship for the individual. Unfortunately, the study is not yet completed and we realize that to postpone reporting on this bill until after our study has been completed might unduly delay consideration of it."

The sponsor of the bill, the Honorable Frank E. Moss, has advised the committee that the withholding from his salary of the amount involved worked a burdensome hardship upon the claimant.

The Department of the Air Force has no objection to the enactment of the bill.

The committee has in the past acted favorably on similar legislation for relief where an overpayment was made through an error on the part of the Government, where it was received by the claimant in good faith, and where its repayment involved a hardship.

The committee believes that this bill is meritorious and recommends it favorably.

BILL PASSED OVER

The bill (S. 233) for the relief of Chester E. Davis was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

JESSE C. JOHNSON

The bill (S. 324) for the relief of Jesse C. Johnson was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Jesse C. Johnson, of Warner Robins, Georgia, is hereby relieved of all liability for repayment to the United States of the sum of $1,804.43, representing overpayments of salary which he received as an employee of the Department of the Air Force at Robins Air Force Base, Georgia for the period from July 14, 1957, through May 15, 1965, such overpayment having been made as a result of administrative error when he was erroneously given a within-grade step increase, effective July 14, 1957. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Jesse C. Johnson, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 178), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to relieve Jesse C. Johnson of liability to refund to the United States the sum of $1,804.43, representing an overpayment of salary received by him as an employee of the Department of the Air Force.

STATEMENT

A similar bill, S. 2254, of the 89th Congress, was approved by this committee and was passed by the Senate but no action was taken by the House of Representatives.

The Department of the Air Force has reported to the committee that it has no objection to the enactment of the bill.

The circumstances of the case are set forth in a letter from the Department of the Air Force on the bill in the previous Congress as follows:

Mr. Johnson was promoted from GS-11, step 1 ($6,390) to GS-12, step 1 ($7,750), effective March 10, 1957. On July 14, 1957, he was erroneously given a periodic step increase to the second step in GS-12 ($7,785) before he had completed the 78-week waiting period then required by law. He was not eligible for advancement to GS-12, step 2, until September 7, 1958.

"As a result of the initial error, subsequent personnel actions were also processed in error and Mr. Johnson was paid at an improper rate over an extended period of time of approximately 8 years. The errors were discovered during a GAO audit in 1965. Mr. Johnson was notified of the overpayment and of his indebtedness to the Government. He is repaying the indebtedness at the rate of $10 per pay period.

"Overpayment in this case was made through erroneous application of governing pay regulations. The overpayment was the result of administrative error and there is no evidence of lack of good faith on his part or the part of administrative officials. Repayment of this considerable sum could impose a financial hardship on the employee.

"Based upon a review of the circumstances of this case, the Department of the Air Force interposes no objection to the enactment of the bill, provided the amount of overpayment is shown as $1,804.43 and the dates from July 14, 1957, through May 15, 1965. It should be noted, however, that S. 2254 makes reference in line 7 to Warner Robins Air Force Base, Ga. Inasmuch as the installation in question is called Robins Air Force Base, Ga., it is suggested that the word 'Warner' be deleted from line 7."

The bill S. 324 as introduced in the 90th Congress incorporates the amendments suggested by the Department of the Air Force.

The committee has in the past considered favorably similar bills where overpayment was made through an error on the part of the Government, where the overpayment was received in good faith by the claimant, and where repayment would impose a hardship.

The committee believes the bill is meritorious and recommends it favorably.

NATIONAL COAL WEEK

The concurrent resolution (S. Con. Res. 20) to declare the week of June 18 "National Coal Week," was announced as next in order.

Mr. BYRD of West Virginia. Mr. President, I am gratified that the Senate is considering Senate Concurrent Resolution 20, declaring the week of June 18 "National Coal Week."

I submitted this resolution on March 22 as a tribute to the U.S. bituminous coal industry and to the National Coal Association, which is this year celebrating the 50th anniversary of its organization.

This unique industrial organization, the National Coal Association—the president and senior vice president of which are, respectively, Stephen Dunn and Robert E. Lee Hall—has contributed greatly to the progress of the American coal industry and has exerted a widely noted and constructive influence in the modernization of American industrial life in general. The association, in cooperation with the coal industry, has pioneered in establishing coal as a base for multitudinous scientific and consumer products.

I wish to express my thanks to Senate Minority Leader EVERETT M. DIRKSEN for his courtesy in reporting the concurrent resolution quickly from the Committee on the Judiciary. If the other body acts favorably and promptly, the adoption of the concurrent resolution will offer ample opportunity for the Governors of the various States to issue similar proclamations paying tribute to the contribution which the National Coal Association has made to the Nation and the industry which it has effectively served for half a century.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 20) was considered and agreed to, as follows:

S. CON. RES. 20

Resolved by the Senate (the House of Representatives concurring), That inasmuch as President Woodrow Wilson, at the outbreak of World War I, called upon United States bituminous coal operators to organize an association to meet the urgent fuel demands of a nation at war, and that out of this national need the National Coal Association was created in 1917, the President of the United States is hereby requested to issue a proclamation designating the week beginning June 18, 1967, as "National Coal Week", in honor of the golden anniversary of the founding of the National Coal Association; and be it further

Resolved, That the President of the United States is hereby requested to invite the Governors of the various States to issue proclamations for like purposes, recognizing the outstanding contribution the National Coal Association has made to the Nation and to the industry it has served for fifty years.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 179), explaining the purposes of the concurrent resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the concurrent resolution is to request the President of the United States to issue a proclamation designating the week beginning June 18, 1967, as "National Coal Week" in honor of the golden anniversary of the founding of the National Coal Association.

STATEMENT

The origin and history of the National Coal Association are unique among industrial organizations of its type. Only a few days after the United States declared war in 1917, President Wilson's Secretary of War, the Honorable Newton D. Baker, asked Mr. F. S. Peabody, president of the Peabody Coal Co., of Chicago, to help mobilize the efforts of the Nation's coal producers, who at that time accounted for two-thirds of all U.S. energy production.

The National Coal Association was founded in Washington, June 27, 1917, in response to this request by the Wilson administration to meet the fuel and energy demands of an America at war. America's coal industry played a vital role in meeting the increased energy demands brought on by our entry into World War I. The country had called, and, at its time of need, the coal industry, operated through the National Coal Association, had answered.

Following the war, the National Coal Association continued to serve as spokesman and leader for an American bituminous coal industry that adjusted to the growing energy demands of America's booming peacetime economy of the 1920's.

The coal industry and its association were hard hit by the depression, but their resilience and determination were demonstrated a decade later when the industry, in meeting the fuel needs of the Second World War, surpassed all previous production records.

Following World War II, the impact of competitive fuels cut deep into coal's traditional markets. The industry, however, turned to technological progress and production efficiency to meet this competition.

As a result, in the decade of the sixties, the industry's record of recovery showed sharp improvement. Although the new threat of superfuels, such as atomic energy, presents a serious challenge for coal, the industry has always demonstrated the capacity to meet and overcome its economic difficulties.

The National Coal Association has helped guide and inspire the coal industry, the progenitor of modern industries, through periods of crisis and change. Today the U.S. bituminous coal industry is one of the most technologically advanced, streamlined industries in the world. It constitutes the leading U.S. steam energy fuel and provides low-cost power to meet the needs of a mushrooming American society. In addition, through research, coal provides the base for a multitude of scientific and consumer products.

The committee is of the opinion that this concurrent resolution has a meritorious purpose and accordingly recommends favorable consideration of Senate Concurrent Resolution 20, without amendment.

CHARLES H. THURSTON

The bill (S. 819) for the relief of Charles H. Thurston was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Charles H. Thurston of Macon, Georgia, is hereby relieved of all liability for repayment to the United States of the sum of $905.08, representing overpayments of salary which he received as an employee of the Department of the Air Force at Robins Air Force Base, Georgia, for the period from September 3, 1963, through July 17, 1965, such overpayments having been made as a result of administrative error in determining the rate of basic compensation to which the said Charles H. Thurston was entitled when he was changed from grade GS-9 to grade GS-7, effective September 3, 1963, due to the abolishment of his former position. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Charles H. Thurston the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 180), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to relieve Charles H. Thurston of liability to refund to the United States the sum of $905.08 representing overpayments in salary received by him as an employee of the Department of the Air Force at Robins Air Force Base, Ga., from September 3, 1963, through July 17, 1965.

STATEMENT

A similar bill, S. 2913 of the 89th Congress, was approved by this committee and was passed by the Senate but no action was taken by the House of Representatives.

The Department of the Air Force has advised the committee that it has no objection to the enactment of the bill.

The Department of the Air Force has set forth the facts in the case as follows:

"Effective September 3, 1961, due to the abolishment of his position, Mr. Thurston was demoted from GS–9, step 4, $6,930 to GS–7, with a retained rate of $6,930, as he was entitled to salary retention under section 507 of the Classification Act of 1949, as amended (5 U.S.C. 1107). Under Air Force regulations in effect on the date of his demotion, the rate of pay he would have received in GS–7, had he not been eligible for salary retention, was GS–7, step g (now step 7), $6,345 per annum (the maximum scheduled step rate of the grade). This rate, plus any step increases he would have earned prior to the end of the salary retention period, was the rate of pay he should have received at the expiration of the salary retention period.

"At the expiration of the salary retention period, September 3, 1963, Mr. Thurston was erroneously placed in GS–7, step 10 (the maximum scheduled rate of the grade), $7,205 per annum, instead of GS–7, step $6,650 per annum. A factor which may have contributed to the error in establishing Mr. Thurston's rate of pay was the change in the number of scheduled step rates of the compensation schedule upon enactment of the Federal Employees Salary Reform Act of 1962 (Public Law 87–793). That act eliminated longevity step increases and included them in the regular rate range. In September 1961 when Mr. Thurston was demoted, the maximum scheduled rate for GS–7 was step g (now step 7); when his salary retention period ended in September 1963 the maximum scheduled rate of GS–7 was step 10.

"The error was discovered in a GAO audit in 1965. Immediate action was taken to correct all personnel actions. Mr. Thurston was notified of the overpayment and his indebtedness to the Government. He had repaid $360 as of June 4, 1966. The overpayment was the result of administrative error and there is no evidence of lack of good faith on his part or the part of administrative officials.

"Based upon a review of the circumstances of this case, the Department of the Air Force interposes no objection to the enactment of the bill."

The committee has in the past considered favorably similar bills to relieve a claimant where an overpayment was made through an error on the part of the Government, where it was received by the claimant in good faith, and where its repayment would be a hardship.

The committee believes that the bill is meritorious and recommends it favorably.

ALTON R. CONNER

The bill (S. 1045) for the relief of Alton R. Conner was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Alton R. Conner, of Warner Robins, Georgia, is hereby relieved of all liability for repayment to the United States of the sum of $736.46, representing overpayments of salary which he received as an employee of the Department of the Air Force at Warner Robins Air Force Base, Georgia, for the period from June 8, 1958, through February 23, 1963, such overpayments having been made as a result of administrative error. In the audit and settlement of accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Alton R. Conner, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 181), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to relieve Alton R. Conner, of Warner Robins Air Force Base, Ga., of liability to repay to the United States the sum of $736.46, representing overpayments of salary which he received as an employee of the Department of the Air Force at Warner Robins Air Force Base, Ga.

STATEMENT

A similar bill for this claimant, S. 2396 of the 89th Congress, was approved by this committee and passed by the Senate but no action was taken in the House of Representatives.

The Department of the Army in a report to the committee on the similar bill in the 89th Congress set forth the facts in the case as follows:

"Mr. Conner was promoted from warehouseman, WB–7, $1.71 per hour ($3,556.80 per annum), to general supply clerk, GS–4, on June 8, 1958. Through error he was given a simultaneous within-grade increase in the GS–4 position to step D, $3,670 per annum. Since he was not eligible for the within-grade increase, the highest rate he could legally be paid at that time was GS–4, step C, $3,585 per annum.

"The General Accounting Office, in an audit conducted in 1960, questioned the propriety of establishing Mr. Conner's pay at the higher rate. However, the informal inquiry of the General Accounting Office was based on the fact that his change to the GS–4 position occurred during the retroactive period of the Federal Employees Salary Increase Act of 1958. This act, which was approved on June 20, 1958, and made retroactive to the first pay period beginning on or after January 1, 1958, increased the rate for GS–4, step C, from $3,585 per annum to $3,945 per annum. Since Mr. Conner's promotion from WB–7, $1.71 per hour, to GS–4, step C, was effected during the retroactive period, it was held that the increase upon promotion was an equivalent increase over the employee's former wage board rate and he was not entitled to the simultaneous step increase to GS–4, step D. In replying to the informal inquiry, the civilian personnel officer at Robins Air Force Base called attention to section 2(b)(8) of the Salary Increase Act of 1958, which preserved the step rate of the grade established during the retroactive period. As a result, the informal inquiry was withdrawn by the General Accounting Office and Mr. Conner continued to be paid the rate for GS–4, step D.

"The General Accounting Office conducted another audit in 1962. During this audit, the action granting Mr. Conner a simultaneous step increase upon his promotion on June 8, 1958, was again questioned—this time because an increase he had received while serving in the WB–7 position plus the increase to GS–4, step C, constituted an equivalent increase on the date of his change to the GS–4 position. The last pay adjustment in his wage board position on November 17, 1957, from $1.67 per hour to $1.71 per hour was less than an equivalent increase for grade GS–4. The increase at the time of the promotion from WB–7, $1.71 per hour ($3,556.80 per annum) to GS–4, step C, $3,585 per annum was also less than an equivalent increase. This increase should have been added to the increase received on November 17, 1957. The two nonequivalent increases, when added together, resulted in an equivalent increase in the GS–4 position. Thus, he was not entitled to a simultaneous step increase to GS–4, step D, $3,670 per annum.

"Mr. Conner was notified of the error and advised of his indebtedness to the Government. The General Accounting Office has advised that the correct amount of the indebtedness is $736.46 and the period of overpayment is from June 8, 1958, through February 23, 1963. Mr. Conner has repaid $456.08 through payroll deductions.

"The overpayment was the result of administrative error and there is no evidence of lack of good faith on his part or the part of administrative officials.

"Based upon a review of the circumstances of this case, the Department of the Air Force interposes no objection to the enactment of the bill. If this bill is favorably considered, it should be amended on lines 5 and 8 of page 1 to reflect the correct amount of '$736.46' and the correct dates of 'June 8, 1958, through February 23, 1963.'."

The committee has in the past granted relief in similar cases where an overpayment was made through an error on the part of the Government, was received in good faith by the claimant, and where its repayment is a hardship.

The committee believes that the bill is meritorious and recommends it favorably.

T. SGT. ANTHONY J. CORSO

The Senate proceeded to consider the bill (S. 650) for the relief of T. Sgt. Anthony J. Corso, U.S. Air Force (retired) which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 5, after the word "of", where it appears the second time, to strike out "$486.86" and insert "$468.86"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Technical Sergeant Anthony J. Corso, United States Air Force (retired), is hereby relieved of all liability for repayment to the United States of the sum of $468.86, representing the amount of overpayments of basic pay received by the said Technical Sergeant Anthony J. Corso, for the period between April 1, 1950, and January 7, 1963, as a result of administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Technical Sergeant Anthony J. Corso, referred to in the first section of this Act, the sum of any amount received or withheld from him on account of the overpayments referred to in the first section of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 182), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill, as amended, is to relieve Sgt. Anthony J. Corso of all liability for repayment to the Untied States of the sum of $468.86, representing the amount of overpayments of basic pay received for the period between April 1, 1950, and January 7, 1963, as a result of administrative error.

STATEMENT

The facts in the case were set forth in a report of the Department of the Air Force on a similar bill, S. 3792 of the 89th Congress, as follows:

"S. 3792 would relieve Sgt. Anthony J. Corso, U.S. Air Force (retired) of liability to repay the United States $486.86. The bill states this amount represents overpayments of pay and allowances received by Sergeant Corso from April 1, 1950 until January 7, 1963, as the result of administrative error. S. 3792 allows for credit in the accounts of any certifying or disbursing officer for amounts for which liability is relieved. It would also authorize the Secretary of the Treasury to pay to Sergeant Corso any amounts received or withheld from him because of the overpayments.

"Sergeant Corso served as an enlisted member in the Navy from March 15, 1944 through May 5, 1946, and from January 22, 1947 through April 6, 1948. He enlisted in the Air Force on May 14, 1948, and served on continuous active duty until his retirement March 31, 1966. On April 1, 1966, he became entitled to retired pay at the rate of $187.80 a month.

"Late in 1965 in connection with his pending retirement, the Air Force reviewed Sergeant Corso's military records. Based on this review, a statement of service was issued showing his pay date as January 8, 1945. This pay date was compared with the pay date on which his pay was then being computed. His account showed his pay was being computed on a pay date of April 16, 1944. This pay date gave him credit for pay purposes from the date of his first enlistment in the Navy through the date of his last discharge from the Navy. This gave him credit for 8 months and 22 days more service than the pay date listed on the statement of service. The Navy verified that Sergeant Corso had no military status during the period between his Navy enlistments. The pay date of January 8, 1945, was determined to be accurate.

"The Air Force Accounting and Finance Center made a complete audit of Sergeant Corso's pay account. The audit established that from the date he enlisted in the Air Force his pay was based on the erroneous pay date. As a result, he received overpayments totaling $468.86, from April 1, 1950 through January 7, 1963. Sergeant Corso was notified that because of these overpayments, he was indebted to the United States in the amount of $468.86. Action to collect the indebtedness was suspended when Sergeant Corso requested it be remitted under 10 U.S.C. 9837(d). Under this section, the Secretary of the Air Force may remit the indebtedness of an enlisted member on active duty. However, Sergeant Corso was retired before action on his request was completed.

"Sergeant Corso retired on March 31, 1966. An audit of his final active duty pay account showed he had not repaid his indebtedness prior to retirement. He was again notified of the indebtedness and advised that unless he voluntarily made restitution, it would be collected by monthly deduction from his retired pay. At the request of Senator Jackson, collection action has been suspended pending congressional consideration of S. 3792.

"The Department of the Air Force regrets the errors made in this case. Had Sergeant Corso's request for remission of indebtedness been received prior to retirement, approximately $338 of his indebtedness would have been remitted in accordance with current criteria. Since he has retired, however, there are no administrative procedures under which Sergeant Corso may be relieved of his liability to repay the overpayments. The overpayments were the result of administrative error which remained undetected for over 17 years. There is no evidence of lack of good faith on his part or the part of administrative officials.

"Based upon a review of the circumstances of this case, including financial hardship which we understand has developed since Sergeant Corso's retirement, the Department of the Air Force interposes no objection to the enactment of the bill.

"If your committee favorably considers relief for Sergeant Corso, we recommend the amount of liability be changed from $486.86 to $468.86.

"The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee."

The committee has in the past granted legislative relief in similar cases where an overpayment was made through an administrative error, where it was received in good faith, and where its repayment would be a burdensome hardship.

The committee believes that the bill is meritorious and recommends it favorably.

MRS. CHIN SHEE SHIU

The bill (S. 636) for the relief of Mrs. Chin Shee Shiu was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Railroad Retirement Act of 1937 to the contrary, the Railroad Retirement Board is authorized and directed to determine and certify to the Secretary of the Treasury the aggregate amount of widow's annuity which would have been payable, under such Act, to Mrs. Chin Shee Shiu, the widow of Moy Lam Shiu (Social Security Account Number 707-14-8881) for the period beginning on the earliest date for which she could (upon filing application therefor) have become entitled to a widow's annuity under such Act as the widow of the said Mao Lam Shiu and ending with the date with respect to which she first commenced to receive a widow's annuity under such Act as the widow of the said Moy Lam Shiu; and the Secretary of the Treasury is authorized and directed to pay to the said Mrs. Chin Shee Shiu (out of the Railroad Retirement Account in the Treasury) an amount equal to the amount so certified by such Board.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 183), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to direct the Railroad Retirement Board to certify to the Secretary of the Treasury the amount of the widow's insurance annuities which would have been paid to Mrs. Shiu, as widow of the deceased employee, Moy Lam Shiu, had she filed an application therefor on the earliest date permitted by law. The Secretary of the Treasury would be directed to pay to her out of the railroad retirement account the amount so certified by the Board.

STATEMENT

The facts of the case contained in the report of the Railroad Retirement Board are as follows:

"The employee died, completely insured under the Railroad Retirement Act, on November 30, 1947. In January 1948, Mrs. Shiu who was then 62 years of age and not yet entitled to the 'widow's insurance annuity' based on age (the age requirement for which at that time, and until 1954, was 65), filed an application on behalf of her minor child and herself. On April 27, 1948, she was notified of the award to her of a 'widow's current insurance annuity' (similar to a mother's benefit under the Social Security Act) of $16.61 and of the award to her child, Donald, of a 'child's insurance annuity' in the amount of $11.08. These monthly annuities were paid until the child became age 18, in September 1948, when the benefits were terminated in accordance with the provisions of the act. Although Mrs. Shiu apparently became age 65 in 1950, she did not file an application for a widow's insurance annuity based on her attainment of that age until November 3, 1966. Through her attorneys Mrs. Shiu now asserts that she was told that she would receive benefits only until her child became age 18 and then would receive nothing, and was not advised that she would become entitled to an annuity on attaining age 65."

The Railroad Retirement Board opposes the bill on two grounds:

(1) It considers it "extremely unlikely that Mrs. Shiu was not advised that she would receive an annuity when she became 65 if she applied for it." Also, the Board points out that it is not required by law to give notice.

(2) The usual objection that relief in this case would set an undesirable precedent and discriminate against those similarly situated.

The committee disagrees with the agency and believes this claimant merits relief. The claimant states through her attorney that she was not advised that she would file a new application for her widow's benefits under the law. The agency has no record whether she did or did not, stating merely that it is "extremely unlikely" that she was not notified.

The claimant is elderly, not too literate, and is not accustomed to American ways. Under these circumstances the committee is of the opinion that the agents of the Board should be under a special duty to advise her fully of her rights. The precedential objection is remote as the Congress will weigh each case on its equitable merits disallowing those discriminatory to persons similarly situated and allowing those that fall in this claim's category.

For the foregoing reasons the committee recommends that the bill be favorably reported.

GOLDEN SPIKE CENTENNIAL CELEBRATION COMMISSION

The Senate proceeded to consider the joint resolution (S.J. Res. 10) to establish the Golden Spike Centennial Celebration Commission, which had been reported from the Committee on the Judiciary, with an amendment, on page 4, after line 14, to strike out:

SEC. 5. There are authorized to be appropriated such sums, not to exceed an aggregate of $50,000, as may be necessary to enable the Commission to carry out this joint resolution.

So as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a commission to be known as the Golden Spike Centennial Celebration Commission, which shall be composed of thirteen members as follows:

(1) Four Members of the Senate to be appointed by the President of the Senate;

(2) Four Members of the House of Representatives to be appointed by the Speaker of the House of Representatives; and

(3) Five members to be appointed by the President of the United States.

(b) The President shall, at the time of appointment, designate one of the members appointed by him to serve as chairman and executive officer. The members of the Commission shall receive no salary by reason of their services as members, but the executive officer may reimburse them for reasonable and necessary expenses incurred by them in conducting Commission business.

(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 2. The functions of the Commission shall be to develop and execute suitable plans for the celebration of the one hundredth anniversary of the completion on May 10, 1869, of the first transcontinental railroad across the United States.

SEC. 3. The Commission may employ, without regard to the civil service laws or the Classification Act of 1949, such employees as may be necessary in carrying out its functions: *Provided,* That no employee whose position would be subject to the Classification Act of 1949, as amended, if said Act were applicable to such position, shall be paid a salary at a rate in excess of the rate payable under said Act for positions of equivalent difficulty or responsibility. Such rates of compensation may be adopted by the Commission as may be authorized by the Classification Act of 1949, as amended, as of the same date such rates are authorized for positions subject to said Act. The Commission shall make adequate provision for administrative review of any determination to dismiss any employee.

SEC. 4. (a) The Commission is authorized to accept donations of money, property, or personal services; to cooperate with the Golden Spike Centennial Commission established by the Legislature of the State of Utah, and any other agencies of State and local governments, with patriotic and historical societies, with institutions of learning, and with representatives of the railroads; and to call upon other Federal departments or agencies for their advice and assistance in carrying out the purposes of this joint resolution. The Commission, to such extent as it finds to be necessary, may procure supplies, services, and property and make contracts, and may exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purposes of this joint resolution.

(b) Expenditures of the Commission shall be paid by the executive officer of the Commission, who shall keep complete records of such expenditures and who shall account for all funds received by the Commission. A report of the activities of the Commission, including an accounting of funds received and expended, shall be furnished by the Commission to the Congress on or before its termination. The Commission shall terminate upon completion of its duties but in no event later than December 31, 1969.

(c) Any property acquired by the Commission remaining upon termination of the celebration may be used by the Secretary of the Interior for purposes of the national park system or may be disposed of as surplus property. The net revenues, after payment of Commission expenses, derived from Commission activities, shall be deposited in the Treasury of the United States.

(d) Mail matter sent by the Commission as penalty mail or franked mail shall be accepted for mail subject to section 4156 of title 39, United States Code, as amended.

Mr. MOSS. Mr. President, I wish to thank the distinguished Senator from Illinois [Mr. DIRKSEN] and the other members of the Senate Judiciary Committee for reporting favorably Senate Joint Resolution 10, which would establish a Golden Spike Centennial Commission.

The 100th anniversary of the driving of the Golden Spike at Promontory, Utah, on May 10, 1869, is now only 2 short years away. The enactment of the joint resolution will establish a Federal Commission to cooperate with the Utah Golden Spike Centennial Commission in planning an appropriate observance of this historic date.

The linking of the continent by transcontinental railroad was not only an event of national importance; it was a turning point in history. It marked the end of one era and the beginning of a new one. It signaled the opening of the West. The day of the covered wagon and the stagecoach was largely over, and America began to emerge as a unified and cohesive nation, with improved communications and with access from one area to the other.

Utah is already planning to make the centennial a great event. The colorful history of the laying of the rails and the driving of the Golden Spike itself offer an opportunity for both drama and pageantry. The event will not be of interest only to railroad "buffs" but to everyone who has an interest in the history and development of our country.

I should like to see the occasion used to pay tribute to the leadership and vision which produced the transcontinental railroad and to the endurance of the men who laid the rails. But the observance should also give us a time and place to pay special tribute to the railroad industry of today and to the men and women who are a part of it. I trust that railroad management and the railroad brotherhoods will want to participate in the plans for the celebration and in large numbers in the celebration itself.

In anticipation of the observance, the 89th Congress passed my bill to establish the Golden Spike Historical Site, and the Park Service has already embarked on a broad program of development which will be completed in time for the celebration.

All we need now is the cooperation of a Federal Commission, and its coordination with the efforts of the local Utah groups who are already at work, to make the Golden Spike Centennial the rousing and successful event it should be.

At the last session of Congress the Senate passed a similar joint resolution to establish a Golden Spike Centennial Commission, but it was late in the session, and the joint resolution died in the House. I hope that the fact that we are taking action here today, in the fourth month of the 90th Congress, will pave the way for the early consideration of the joint resolution by the House of Representatives and its passage without further delay. We must move if we are to be ready for the centennial in just 2 years and a little less than 1 month now.

The **PRESIDING OFFICER.** The question is on agreeing to the committee amendment.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 184), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the joint resolution, as amended, is to establish the Golden Spike Centennial Celebration Commission.

STATEMENT

A similar resolution, Senate Joint Resolution 124, was reported to the Senate on October 18, 1966, and passed the Senate October 22, 1966, too late for House action.

The first transcontinental railroad was completed at Promontory Point, Utah, on May 10, 1869. On that day President Leland Stanford, of the Central Pacific Railroad, and Vice President Durant, of the Union Pacific Railroad, drove a golden spike to climax the completion of a transcontinental railroad stretching from the Atlantic Ocean to the Pacific Ocean.

May 10, 1969, will mark the 100th anniversary of the driving of the spike linking the two railroad lines. In connection with the celebration of the centennial of this event, this resolution would establish a 13-member centennial commission to be composed of four Members of the Senate to be appointed by the President of the Senate; four Members of the House of Representatives to be appointed by the Speaker of the House of

Representatives; and five public members to be appointed by the President of the United States.

The function of the Commission shall be to develop and execute suitable plans for the celebration of the 100th anniversary of the completion on May 10, 1869, of the first transcontinental railroad across the United States.

The Commission is authorized to accept donations of money, property, or personal services, and to cooperate with the Golden Spike Centennial Commission established by the Legislature of the State of Utah. The Utah State Legislature has appropriated the sum of $10,000 for the preliminary expenses of the Centennial Commission.

The committee is of the opinion that this resolution has a meritorious purpose and that the centennial of this event linking the first transcontinental railroad in the United States is of such historical significance that it is appropriate for this Commission to be established to participate in the 100th anniversary on May 10, 1969. Accordingly, the committee recommends favorable consideration of Senate Joint Resolution 10, as amended.

"RUSH-BAGOT AGREEMENT DAYS"

The joint resolution (S.J. Res. 49) to designate April 28–29, as "Rush-Bagot Agreement Days" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 28-29, 1967, as "Rush-Bagot Agreement Days" and inviting the Governors of the several States and the chief officials of local governments and the people of the United States to observe such days with appropriate ceremonies and activities.

The preamble was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 185), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the joint resolution is to authorize and direct the President of the United States to issue a proclamation designating April 28-29, 1967, as Rush-Bagot Agreement Days, and inviting the Governors of the several States and the chief officials of local governments and the people of the United States, to observe such days with appropriate ceremonies.

STATEMENT

The Rush-Bagot Agreement was signed on April 28-29, 1817, and provided for naval disarmament between Canada and the United States along the Great Lakes and Lake Champlain. This agreement between the two Governments was reached as a result of exchange of notes between Richard Rush, Acting Secretary of State for the United States, and Charles Bagot, British Minister to the United States, then handling foreign affairs for the Government of Canada.

Under the terms of that agreement each nation was limited to the following vessels on each side: On Lake Ontario to one vessel not exceeding 100 tons burden, and armed with one 18-pound cannon. On the upper lakes to two vessels not exceeding the like burden each, and armed with like force, and on the waters of Lake Champlain to one vessel not exceeding like burden and armed with like force. The agreement contained provision for its abrogation under certain circumstances. Nearly a year elapsed before the agreement was formally approved by the Senate on April 16, 1818, and it was proclaimed by President Monroe on April 28, 1818.

The resulting demilitarization of the border between Canada and the United States ended a point of friction with Great Britain which had existed since the American Revolution and had been one of the causes of the War of 1812. The naval battles on the lakes during that war had shown the danger of maintaining large fleets on the border in time of peace. The United States and Canada now share the longest unfortified boundary in the world—5,527 miles long, including Alaska.

This agreement is still in effect and is the oldest arms limitations treaty in the world today, and for that reason deserves national recognition. It is worthy of mention that Canadian Expo '67 opens on the very day, April 28, that the British Ambassador, Charles Bagot, signed the agreement in 1817.

The Rush-Bagot Agreement is one of the most significant steps in the development of peaceful relations between the United States and Canada. The unfortified boundary between our two countries is a tribute to the honor and integrity of both nations and should serve as a symbol to the rest of the world of the harmony and understanding which can be achieved by two sovereign governments. The committee therefore believes that it is especially fitting that we give the Rush-Bagot Agreement the national recognition and admiration it deserves. Accordingly, the committee recommends favorable consideration of Senate Joint Resolution 49, without amendment.

NATIONAL UNICEF DAY

The joint resolution (S.J. Res. 56) to authorize the President to designate October 31 of each year as National UNICEF Day was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue annually a proclamation designating October 31, as National UNICEF Day, inviting the Governors and mayors of State and local governments of the United States to issue similar proclamations, and urging all Americans, both adults and children, in their traditional spirit of good will, to continue and to strengthen their support of UNICEF, not only as individuals, but also through their schools, their churches, and other community organizations.

The preamble was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 186), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT

A similar resolution was passed by the Senate late in the session of last year, which was inspired by the award of the Nobel Peace Prize in 1965 to the United Nations Children's Fund.

According to the Nobel Committee of the Norwegian Parliament, the purpose of this treasured award is to honor the individual or institution "who has worked most or best for brotherhood amongst the nations, to the abolishment or reduction of standing armies and for the furtherance of peace congresses." The award to UNICEF recognizes the vital contribution to the advancement of world peace which this modest, but vital, agency within the family of United Nations organizations has made during its then 19 years of existence. The award was greeted by worldwide acclaim at the time. In 1966 no Nobel Peace Prize was awarded, and UNICEF thus continues to be the most recent recipient.

It remains appropriate, therefore, that Congress join in demonstrating approval of this recognition by the Nobel Committee for the work of the United Nations Children's Fund as we remind ourselves of the leading role which the United States has been privileged to play in furthering UNICEF's work in providing aid for millions of children and mothers in the developing countries. The United States can be proud of its share in the success of UNICEF, not only through our financial contributions to its programs and our continuing membership in the 30-nation executive board which establishes and guides its policies, but also because its chief executive officer is an American, Mr. Henry R. Labouisse, who left a distinguished career in our own Government service to become its executive director.

UNICEF promotes the cause of world peace by serving as a catalyst in teaching countries who request its assistance how they can best aid their own children. It focuses their attention on the fact that children are a country's most precious resource on whom the future so surely depends. It is estimated that well over 1 billion children are growing up in the world today and fully three-quarters of them have been born into an environment where they face constant threats to life caused by the dangers of starvation, crippling illness, and ignorance. UNICEF aid is now reaching millions of these children and their mothers in over 100 countries and territories. It has helped to cure over 43 million cases of yaws. It has treated over 22 million cases of trachoma and 2 million cases of leprosy. Even more important, it is teaching mothers how to prevent infection of their children from these ancient scourges of mankind by supplying equipment and funds to train local child health and welfare workers, nutrition experts, and teachers. It has also assisted in establishing and equipping over 33,000 health centers, clinics, and maternity hospitals.

The vital work of UNICEF is supported by voluntary contributions from governments, private organizations, and individuals. One hundred and seventeen governments contributed voluntarily to the children's fund in 1965. The largest single private campaign for UNICEF in the world is that of our own boys and girls who collect coins for UNICEF at Halloween instead of asking for treats for themselves. This project is truly a "grass-roots" campaign. It started spontaneously in 1950 when a small Sunday school class raised $17 for UNICEF. The idea since then has spread to all 50 States and is enthusiastically endorsed by parents, religious leaders, and educators. In 1965 about $2.5 million was raised by American boys and girls. The final figures for the 1966 campaign are expected to show an even larger total. It is reported that children in Michigan collected, as of February 28, 1967, $124,745 in 1966 and further contributions are still being received. This amount represents a 10.29-percent increase over the 1965 Michigan total.

When one remembers the results that can be accomplished with each coin, the promise that they bring to sick and starving children is truly remarkable. One nickel will provide 30 glasses of milk or 30 vitamin tablets; it can purchase the penicillin to cure a case of yaws. A dime will buy the antibiotics to cure a child of trachoma. A UNICEF Halloween "treat" of 75 cents will cure a young victim of leprosy. In short, these coins give children around the world the opportunity to grow up into useful and contributing members of society, with dignity and hope.

Since UNICEF was established every President of the United States has given strong endorsement to its work. On receiving word of the Nobel Peace Prize award, President Johnson said:

"UNICEF is giving new hope for a better life to the generations in whose hands the security of the world will soon rest. There is no nobler work for peace. Your UNICEF Trick or Treat Day has helped turn a holiday too often marred by youth vandalism into a program of basic training in world citizenship."

Thus, the President has, in effect, already recognized a trick or treat for UNICEF Day. "Trick or treat" for UNICEF is fast becoming a tradition on Halloween. It has added a new dimension of good citizenship to Halloween celebrations without subtracting any of the fun because the adults who supervise the children usually see to it that there is a gala party when the children are turning in their coins for counting after the drive is over. The children have the satisfaction of sharing their treats with less fortunate children around the world and they have their party as well.

Favorable consideration of this joint resolution is recognition by the Congress of the magnificent contribution the boys and girls of this Nation are making to the cause of international understanding and world peace. They have, through their efforts, had a very real share in earning the Nobel Peace Prize. For these reasons, the committee therefore recommends favorable consideration of Senate Joint Resolution 56, without amendment.

"SEE THE UNITED STATES"

The joint resolution (S.J. Res. 57) authorizing and requesting the President to extend through 1967 his proclamation of a period to "See the United States," and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 57

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested (1) to extend through 1967 the period designated pursuant to the joint resolution approved October 2, 1965 (Public Law 89–235) as a period to see the United States and its territories and "Discover America"; (2) to encourage private industry and interested private organizations to continue their efforts to attract greater numbers of the American people to the scenic, historical, educational, cultural, industrial, and recreational areas and facilities of the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico; (3) to issue a proclamation specially inviting citizens of other countries to visit the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico, in recognition of the designation of 1967 as "International Tourism Year" by the General Assembly of the United Nations; and (4) to issue a proclamation designating an appropriate period as "Discover America Planning Week."

Sec. 2. The President is authorized to publicize any proclamations issued pursuant to the first section and otherwise to encourage and promote vacation travel to and within the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico, both by American citizens and by citizens of other countries, through such departments or agencies of the Federal Government as he deems appropriate, in cooperation with State and local agencies and private organizations.

Sec. 3. For the purpose of the extension provided for by this joint resolution, the President is authorized during the period of such extension to exercise the authority conferred by section 3 of the joint resolution approved October 2, 1965 (Public Law 89–235), and for such purpose may extend for such period the appointment of any person serving as National Chairman pursuant to such section.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 187), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the joint resolution is to authorize and request the President of the United States to extend through 1967 his proclamation of a period to see the United States and its territories and "Discover America".

STATEMENT

The act of October 7, 1965 (Public Law 89–235) authorized the President of the United States to extend through 1966 the period designated pursuant to the joint resolution approved August 11, 1964 (Public Law 88–416), as a period to see the United States and its territories, and to encourage citizens to visit the United States and travel, and inviting peoples of other countries to visit the United States.

The joint resolution authorizes the President to extend through the current calendar year the period designated by Public Law 89–235 as a period to see the United States and "discover America." It will authorize the President to encourage private industry to continue their efforts to attract greater numbers of American people to the scenic, historical, cultural, and recreational facilities of the United States. In addition, it would authorize the President to issue a proclamation inviting citizens of other countries to visit the United States in recognition of the designation of 1967 as "International Tourism Year" by the General Assembly of the United Nations and to issue a proclamation designating April 16–22, 1967, as "Discover America Planning Week". It is necessary to extend the proclamation to "See the United States" in order to keep this concept officially alive during 1967. The previous proclamation covers only the calendar year 1966 and, unless extended, its vitality as an instrument to encourage travel within the United States will cease to exist.

The proclamation containing the "See the United States" philosophy must be given credit for at least part of the increase in both domestic travel and visits to the United States from peoples of other lands. For instance, for domestic travel, the National Association of Travel Organizations reported that the 1966 volume rose 10.92 percent over 1965. The 1,163,000 pleasure and business visitors from overseas countries reflected an increase of 11.8 percent over 1965. Moreover, these increases in foreign visitors and domestic travel made important contributions toward holding the line in the travel balance of payments during 1966.

The joint resolution recognizes and gives currency to two important innovations directly related to travel: The designation of 1967 as "International Tourism Year" by the General Assembly of the United Nations; and the setting aside of a period of time to be called Discover America Planning Week. In connection with International Tourism Year, the joint resolution will further the Visit U.S.A. program of the U.S. Travel Service abroad by specially inviting citizens of other countries to visit the United States.

The committee is of the opinion that this resolution has a meritorious purpose and accordingly recommends favorable consideration of Senate Joint Resolution 57, without amendment.

SENATE JOINT RESOLUTION 60, TO WELCOME THE LATIN AMERICAN SUMMIT CONFERENCE, PLACED ON SUBJECTS ON THE TABLE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 84, Senate Joint Resolution 60, to welcome the Latin American Summit Conference, be taken from general orders, and placed on page 13 of the Legislative Calendar, subjects on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session, to consider a nomination on the Executive Calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Rutherford M. Poats, of Virginia, to be Deputy Administrator, Agency for International Development;

John C. Bullitt, of New Jersey, to be Assistant Administrator for the Far East, Agency for International Development; and

Claude G. Ross, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Haiti.

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the nomination on the Executive Calendar.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Jack B. Weinstein, of New York, to be U.S. district judge for the eastern district of New York.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR YEA-AND-NAY VOTE ON CONVENTION, EXECUTIVE C, 90TH CONGRESS, FIRST SESSION

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the convention, which will be voted on after the morning business is concluded.

The yeas and nays were ordered.

LEGISLATIVE SESSION

On the request of Mr. **Mansfield**, and by unanimous consent, the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. Mr. President, if I may further impose on the senior Senator from Pennsylvania [Mr. Clark], and the Senator from Ohio [Mr. Young], may I be recognized for 2 minutes?

Mr. CLARK. I yield to the distinguished majority leader.

PRESIDENT JOHNSON DECLARES A DECADE OF URGENCY FOR THE THE AMERICAS

Mr. MANSFIELD. Mr. President, in his speech to the Latin American heads of state at Punta del Este, President Johnson reaffirmed our commitment to be creative partners in hemispheric development.

I warmly commend the President. For, in his words:

> In unity—and only in unity—is our strength.

And hemispheric unity is closer to realization today than at any time in recent history.

The President outlined the work ahead: The creation of "a great new common market;" the expansion in volume and value of Latin American exports; the initiation of "great multinational projects that will open up the inner frontiers of Latin America;" and modernizing agriculture and sharing the blessings of science and technology.

The President pledged his leadership to help the hemisphere meet these challenges.

> Let us now declare—

He said—

> the next ten years the Decade of Urgency.

I believe the people of the Americas will join with President Johnson to match our resources with our resolve to bring a new era of growth and opportunity to the promising lands of Latin America.

I ask unanimous consent to insert into the Record the President's memorable address.

There being no objection, the address was ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 14, 1967]

Text of Johnson's Speech at Uruguay Conference

First, President Gestido, may I express, on behalf of my entire delegation, gratitude to you for the courtesy and generosity that Uruguay has offered her sister nations at this conference. We have come to Punta del Este as the leaders of 20 governments—and as the trustees for more than 400 million human beings.

We meet in a city where, five and a half years ago, an alliance was formed, a pledge made and a dream begun. Now we must measure the progress we have made. We must name the barriers that will stand between us and the fulfillment of our dream. Then we must put in motion plans that will set us firmly on the way toward the proud destiny that is our peoples' right.

We meet as friends, as neighbors, as allies. Hundreds of years ago we were the New World. Now each of us faces the problems of growing maturity, of industrialization, of rapid urban growth, of sharing the opportunities of life among all our people.

A CONTRACTING HEMISPHERE

We no longer inhabit a new world. We cannot escape from our problems, as the first Americans could, in the vastness of an uncharted hemisphere. If we are to grow and prosper, we must face the problems of our maturity. And we must do it boldly, wisely—and now.

If we do, we can create a new America where the best in man may flourish in freedom and dignity. If we neglect the planning, if we ignore the commitments that it requires, if our rhetoric is not followed by action, we shall fail not only the Americans of this generation but hundreds of millions to come.

In unity—and only in unity—is our strength. The barriers that deny the dream of a new America are stronger than the strongest among us—acting alone. But they cannot stand against our combined will and common effort.

"A NATION COMMITTED"

I speak to you as a ready partner in that effort. I represent a nation committed by history, by national interest and by simple friendship to the cause of progress in Latin America. But the assistance of my nation will be useful only as it reinforces your determination and builds on your achievements, and only as it is bound to the growing unity of our hemisphere.

Here, as I see it, are the tasks before us:

First, you will be forging a great new common market—expanding your industrial base, increasing your participation in world trade and broadening economic opportunities for your people.

I have already made my position clear to our Congress: If Latin America decides to create a common market, I shall recommend to the Congress a substantial contribution to a fund that will help ease the transition into an integrated regional economy.

TO OPEN INNER FRONTIERS

Second, you will design, and join together to build, great multinational projects that will open up the inner frontiers of Latin America. These will provide, at last, the physical basis for Simón Bolivar's vision of continental unity.

I shall ask my country to provide, over a three-year period, substantial additional funds for the Inter-American Bank's funds for special operations, as our part of this special effort. I have also asked the Export-Import Bank to give urgent and sympathetic attention, wherever it is economically feasible, to loans for earth stations that will bring satellite communications to Latin America.

Third, I know how hard you are striving to expand the volume and value of Latin American export. Bilateral and multilateral efforts to achieve this are already under way. But I made clear yesterday afternoon in our private session that we are prepared to consider a further step in international trade policy.

We are ready to explore with other industrialized countries, and with our people, the possibilities of temporary preferential tariff advantages for all developing countries in the markets of all the industrialized countries. We are also prepared to make our contribution to additional shared efforts in connection with the International Coffee Agreement.

Fourth, all of us know that modernizing agriculture and increasing its productivity is an urgent task for Latin America, as it is for the whole world. Modernizing education is equally important. I have already urged our Government to expand our bilateral assistance in the fields of agriculture and education.

NEW ROLE FOR TECHNOLOGY

Fifth, you are engaged in bringing to Latin American life all that can be used from the common fund of modern science and technology. In addition to the additional resources we shall seek in the field of education, we are prepared to join with Latin-American nations in:

Creating an inter-American training center for educational broadcasting, and supporting a pilot educational-television demonstration project in a Central American country.

Establishing a new inter-American foundation for science and technology.

Developing a regional program of marine science and technology.

Exploring a Latin American regional program for the peaceful uses of atomic energy.

MUCH DEPENDS ON HEALTH

Sixth, the health of the people of Latin America ultimately depends on everything we do to modernize the life of the region. But we must never forget that when children are not provided with adequate and balanced diets, they are permanently affected as human beings and as citizens.

Therefore, we propose to increase our food program for preschool children in Latin America, and substantially improve our school-lunch programs. We are also prepared to set up in Latin America a demonstration center in the field of fish protein concentrates. We believe that this essential ingredient of a balanced diet can be provided at much lower cost than in the past.

U.S. COLLEGES TO HELP

Finally, I shall urge that funds be provided to help establish Alliance for Progress centers at colleges and universities in the United States.

Our partnership must be based on respect for our various cultures and civilizations. And respect is built on knowledge. This new education program will offer new opportunities for students and educators of your countries and mine to work together.

Our discussions here are couched in the technical terms of trade and development policies. But beyond these impersonal terms stands the reality of individual men, women and children. It is for them, not for the statisticians and economists, that we work. It is for them, and especially for the young, that the hope and the challenge of the alliance exists.

"CLEANING OUT REDTAPE"

For them, we must move forward from this hour, producing more food, developing more trade, taking on the hard problems of tax reform and land reform, creating new jobs and economic opportunities, cleaning out the red tape and acting with the sense of urgency our times require—and above all, following through on the plans we make.

I pledge to you today that I will do all I can, in my time of leadership, to help you meet these challenges.

One of the first groups I met with after I became President was composed of your ambassadors to Washington. From that time to this, I have accelerated America's commitment to the Alliance, by increasing substantially the contribution of my country by more than 35 per cent of the previous three years.

I know what is at stake for you and my country in Latin America. And I know that the clock is ticking. I know that the dream of the new America will not wait. I know that you sense the same urgency, the same need for speedy decision and effective action in your country as in mine.

A WORD TO THE YOUNG

My fellow Presidents, I should like to conclude by speaking not only to you but to the youth of our nations, to the students in the schools and universities, to the young people on the farms and in the new factories and labor unions and in the civil service of our Governments, to all those who are moving into their time of responsibility.

This is the message I bring to them: All that has been dreamed, in the years since this alliance started, can only come to pass if your hearts and minds become committed to it. It is our duty, we who hold public office and bear great private responsibilities today, to create an environment in which you can build your part of the new America.

It is your duty to prepare yourselves now, to use the tools of learning, command the idealism that is your national heritage, for the human purposes that lie deep in our common civilization.

You cry out for change for what Franklin Roosevelt called a New Deal. And you do not want it imposed from above. You want a chance to help share the conditions of your lives. You, the youth of the Americas, should know that revolutions of fire have brought men in this hemisphere, and in jungles half the world away, still greater tyrannies than those they fought to cast off.

PACE OF CHANGE TOO SLOW

Here in the countries of the Alliance, a peaceful revolution has affirmed man's ability to change the conditions of his life through the institution of democracy. In your hands is the task of carrying it forward.

The pace of change is not fast enough. It will remain too slow unless you join your energies and skills and commitments in a mighty effort that extends into the farthest reaches of your hemisphere.

The time is now. The responsibility is ours. Let us declare the next 10 years the Decade of Urgency. Let us match our resolve and our resources to the common tasks until the dream of a new America is accomplished in the lives of all our people.

Mr. CLARK. Mr. President, I ask unanimous consent that I may proceed for not more than 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTMENT TAX CREDIT

Mr. LONG of Louisiana. Mr. President——

Mr. CLARK. I have the floor. Does the Senator wish me to yield to him?

Mr. LONG of Louisiana. I thought the Senator was finished.

Mr. CLARK. I have 15 minutes by unanimous consent but I will be happy to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I thank the Senator for yielding to me.

Mr. President, on yesterday, I said that so far as I was concerned the vote on the problem that the average citizen should be permitted to vote one dollar to finance a presidential campaign was just one skirmish in a big battle and that the struggle is not over at all. As a matter of fact, those who were opposing my position yesterday arranged to express their situation in a rush to get to a vote, since they had all their people here at a time when some of my supporters were not here.

I have analyzed the vote. Had every Senator been in his seat, knowing what I know about their votes on this subject, I believe I would have won yesterday on a vote of 50 to 50 with the Vice President presiding prepared to vote with me.

I recognize the fact that there are one or two Senators who would have voted with me merely to give the committee the opportunity to study the matter and report its recommendations, not agreeing necessarily on the general issue itself. But, inasmuch as it appeared that their vote would not have done any good, anyway, they did not vote with me.

This is a big issue. It needs study. It needs consideration. I am still firmly of the view that the answer to the problem is to move ahead toward good government and not move backward.

I thank the Senator from Pennsylvania very much for yielding to me at this time.

THIRTY BILLION DOLLARS FOR WHOM?

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the Record a most interesting article published in the New Republic magazine for March 1967, and written by Frederic W. Collins, dealing with the subject of "$30 Billion for Whom?—Politics, Profits and the Antimissile Missile."

There being no objection, the article was ordered to be printed in the Record, as follows:

Thirty Billion Dollars for Whom?—Politics, Profits and the Antimissile Missile

(By Frederic W. Collins)

(Note.—Frederic W. Collins, Washington correspondent for 25 years, is a columnist for the Ridder newspapers.)

The Secretary of Defense thinks it would be foolish to spend billions on an antiballistic missile defense (ABM), and President Johnson said on February 17 that it would be "another costly and futile escalation of the arms race." But pressures for the contrary view are strong and getting stronger, and their source is not just the Joint Chiefs. We should all be grateful to Arthur Wiesenberger and Co., which on February 4, 1967, published in the financial section of *The New York Times* this revealing advertisement:

"Nike-X: $30 Billion for Whom?

"If the US deploys its Nike-X defense, $30 billion could flow into certain electronics, missile and computer companies. The impact would be enormous.

"About $2.4 billion has already been spent on Nike-X development. Some companies are benefiting from this spending now, are likely to continue benefiting even if the program remains in the R&D stage, and could profit handsomely if a full-scale program is approved. Among the companies involved:

"Aerojet, AT&T, Ampex, Avco, Brown, Burroughs, Control Data, Douglas, Ford, GCA, General Dynamics, General Electric, General Telephone, Hercules, IT&T, Kaman Aircraft, LTV, Lockheed, Martin Marietta, Melpar, Microwave Associates, Northrop, Radiation Inc., Raytheon, Sperry Rand, Thiokol, Varian, Westinghouse.

"Nine of these stocks have been selected for analysis in a 24-page special issue of the Wiesenberger Investment Report (WIR). The issue assesses each of the nine companies for its investment value apart from Nike-X, for its prospects as a Nike-X beneficiary, and for the relative leverage Nike-X might provide.

"This special issue is yours for just $5—or *as a bonus* with a low-cost trial subscription to WIR. We offer it as evidence that WIR is a service you should be reading regularly—as do many bankers, brokers and fund managers who invest billions of dollars of other people's money. You need only mail the coupon."

There is an interesting and deeply educational exercise which can be carried out with that list as a basis. The first step is to check out the plant locations of the companies. The resulting sketch map of their production geography can then be developed into a map of their political potential in specific detail.

License was taken to permit two amendments of the published list. I consider McDonnell Aircraft to be implicit in the list because of its kinship of interest with Douglas. AT&T was put aside because to have included it would have smothered all the other details. Through its connection with Western Electric, prime contractor, it ties into what the Pentagon says are "several thousand firms in nearly every state in the Union" sharing contract awards as subcontractors and vendors.

Those amendments noted, the companies on the list have, among them, more than 300 plants, and at a conservative estimate, at least one million employees. These plants are spread through 42 states, plus the District of Columbia and Puerto Rico. The only states not included are Alaska, Maine, Montana, Nevada, New Mexico, North Dakota, South Dakota and Vermont. Plant locations can be correlated with individual congressional districts. The districts count up to 172.

From this analysis it is fair to derive the statement that these companies might feel justified in asking the sympathetic attention of 84 out of 100 members of the United States Senate and 172 out of 435 members of the House of Representatives.

There is necessarily a certain amount of impressionism in this political map-making. In large cities like Los Angeles, or Chicago, or New York, congressional district lines wriggle around telephone poles and manhole covers in such a way that precise correlation with plant locations is more trouble than that particular part of the task is worth. In such cases, doubt has been resolved by tagging fewer rather than additional districts; the total is thus on the low rather than the high side.

Too, not every plant of every company can be supposed to be engaged in work connected with ABM. A Hercules plant making chemicals for sewage treatment has less direct interest in intercepting missiles than a Hercules plant making rocket propellent, and so on with Thiokol, Raytheon and the rest. However, the principle is invoked that what's good for General Motors is good for General Motors in each and all of its many mansions, and vice versa.

The advertised list is beyond question a description of a concentration of political power on a scale difficult to grasp, and despite its magnitude, normally unobserved because it so rarely resolves itself into a single, unified, coherent entity easily visible to the naked eye of the general public.

A VARIETY OF POLITICAL PATTERNS

Once extracted, the basic elements can be arranged and rearranged in a fascinating variety of political patterns. Sperry Rand, for example, can say with justifiable pride that it occupies 90 plants in 22 states. Even leaving out the electric shaver and farm equipment divisions, Sperry Rand counts plants in 19 states (38 senators) and 32 congressional districts (32 representatives). General Telephone & Electronics claims 45 manufacturing plants in 13 states in a 1965 report.

California has the greatest number of plants derivable from the advertised list, at least 55, in at least 25 congressional districts. The heroic figure there seems to be Representative Glenard P. Lipscomb of the 24th district, with six plants of five companies: Two Aerojet Generals, Burroughs, McDonnell, McDonnell-Hycon, General Dynamics. Perhaps this high concentration of interested parties has no influence on Mr. Lipscomb's judgment. At any rate, he told his constituents in his January 30 newsletter that, "The Soviets have continued their development of long-range missile capabilities and missile defenses. They have in fact begun to deploy certain anti-missile defenses. In my opinion, the threat from world communism is not eased and it is of utmost importance that we maintain a decisive superiority in both offensive and defensive weapons." Right behind Mr. Lipscomb are three men with five plants: Charles E. Wiggins in the 25th (three Aerojet Generals. McDonnell-Hycon, Hercules); Alphonzo Bell in the 28th (Douglas, Lockheed, two Northrops and a Sperry Rand; Mr. Bell is soliciting the opinion of his constituents in the matter); and Charles S. Gubser in the 10th, with two Lockheeds, a Westinghouse, a Varian, and a Raytheon.

The king of them all seems to be Representative F. Bradford Morse of the Massachusetts fifth district, with nine plants (although only four companies) from the advertised list: three Avcos, two GCAs, three Raytheons and an LTV-Ling-Altec Inc. This is in some ways encouraging. Morse, who has been silent so far on the ABM controversy, is counted among the really good men in the House; his qualities provide some evidence that the political system may have a tensile strength not hopelessly inadequate to the stresses generated by the rise of the military-industrial complex.

It is significant that among the companies listed, a great many are quite new. Some are coeval with the space age; others were little more than corporate husks until they gained weight from the nourishments of aerospace spending. This Jack-and-the-Beanstalk attribute of sudden growth prompts reminder that until Dwight Eisenhower's Presidency there did not exist (a point he himself made) "this conjunction of an immense military establishment and a large arms industry" against which he warned in his valedictory of January 17, 1961. Rereading that passage gives further reminder that to relate the political power of the military-industrial complex only to Congress is to tell only part of the story. "The total influence," he said, ". . . economic, political, even spiritual . . . is felt in every city, every state house, every office of the federal government."

So, on a President's say-so, and with our list, we can conceive of some community of interest between those companies and 42 governors, and the officials of 257 towns and cities—mayors, city and town managers, city and town councils—and heaven knows how many members of state legislatures. In California, there are 46 cities and towns whose local interests are intertwined with the interests of firms on the list; in Massachusetts, 22; in New York, 20; in New Jersey and Pennsylvania, 16; in Connecticut, 13; in Michigan and Virginia, 12.

The political relationship is not, of course, one with the officeholders on one side and lonely, friendless companies on the other. This is a situation, for instance, in which labor unions find alliance with management natural. Pounding on political doors to keep the government business coming is a skill the unions mastered in the ancient days when government arsenals turned out the weaponry and there was no third party, private industry, involved. For the sake of the cause, also, the support of citizens who pay the bills is sought—if conscripted is not the word—by all the arts of public relations. (It may be noted that at least two of the companies on the list, Avco and Westinghouse, include broadcasting among their connections, and ITT's passionate yearning for the American Broadcasting Co. is front-page news.) Not to be forgotten are the advertising battles in which contractors seek to prove that their particular line of miracles surpasses all others. This activity is always on the threshold of scandalizing the public, and our friends in the Nike–X community have just been told by the Pentagon to knock it off until policies and appropriations have been thrashed out.

And to the roster of friends of an antiballistic missile defense there can also be added the shareholders—investors and speculators—in numbers untold.

Finally, in a game this big, there is a tremendous ploy available to industry, thanks to the Pentagon. In this case it occurs as a list of the cities to be protected. There are two lists: one of 25 cities to be favored if a "thin" defense is decided upon, another of 25 more cities to be included if a "thick" defense is undertaken. This kind of name-dropping by the Pentagon generates a fierce determination on the part of other cities to be included, with a commensurate expansion of the political pressure in behalf of an "adequate" anti-ballistic missile.

The conventions of fair discussion in this country require that parties of interest be credited with an overriding concern for the national welfare. But the vision of $30 billion must disorient even the noblest entrepreneur. His only hope of keeping himself whole lies in rationalizing a compatibility between the national safety and entrepreneurial interest. Where he has worked this out he is in shape to answer that big question: $30 billion for whom?

To ponder the meaning of the ad is to marvel again at the prescience of Mr. Eisenhower: "Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together." On January 17, 1961, the wildest dream would not have pictured a serious effort in 1967 to obtain by peaceful methods the peaceful goal of reciprocal US-Soviet self-denial in anti-missile deployment. Realistically, the firms on the advertised list cannot be expected to do other than pin their hopes on hardware rather than diplomacy. The golden prize has been put on display in the Treasury window with that teasing legend: $30 billion for whom?

In the good old days it used to be said, "The tariff is a local issue." Now, in 42 states, 172 congressional districts, and 257 communities—before we even add the Pentagon's "several thousand firms in nearly every state in the Union," and late entries from the Pentagon's thick and thin lists—it may be said that "Nike–X is a local issue." Whether that many local pressures, skillfully marshaled by professionals in the task, can override a President and a Secretary of Defense is the current cliff-hanger.

Mr. CLARK. Mr. President, to me, this article is a devastating exposure of why some of the largest firms and corporations in the United States of America are anxious to have us deploy an antiballistic missile system which, in my opinion, would be doing a grave disservice to our foreign relations in general, and our relations with the Soviet Union in particular.

It would not—I repeat, not—give this country significant additional protection against an antiballistic missile attack on an intercontinental basis directed against us by the Soviet Union.

GRENVILLE CLARK—LEGACY OF A GREAT AMERICAN

Mr. CLARK. Mr. President, a recent issue of McCall's magazine contains an interview with the late Grenville Clark, entitled, "The Legacy of a Great American."

It consists of a dialogue in question and answer form between the interviewer from McCall's magazine and Mr. Clark, which took place shortly before Mr. Clark's death. This is a most illuminating and interesting article on the views on a number of matters of great importance, including world peace through world law, of the late Grenville Clark who was, in my opinion, a very great American.

I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE LEGACY OF A GREAT AMERICAN

(An interview with Grenville Clark)

(Editor's Note.—Grenville Clark was the founder and leader of the worldwide movement that can best be described as an attack on war. His proposals for the setting up of a world government, operating under world law, to support an enforced system of disarmament, in parallel with the development of other world institutions to create a peaceful world, have been published in twelve languages, including Russian and Chinese. Entitled "World Peace Through World Law." Mr. Clark's plan (prepared in collaboration with Harvard professor Louis B. Sohn) has been hailed as "the greatest contribution of the American profession of law to world peace." For it Mr. Clark was given the American Bar Association Gold Medal, its highest award.

(Born in New York City in 1882, Grenville Clark attended Harvard Law School with Franklin D. Roosevelt. He excelled in rowing, running, boxing, racket games, golf, shooting. He had been duck hunting early in the morning before tape-recording this interview.

(As a young lawyer, he formed, with Elihu Root, Jr., what was to become one of the country's most prestigious law firms. In addition to serving his country—as a private citizen—in two world wars and during the Depression, Mr. Clark served as a member of that select body the President and Fellows of Harvard College, was instrumental in forming the Civil Liberties Committee of the American Bar Association, and was one of the founders of United World Federalists. He held the Distinguished Service Medal, the Theodore Roosevelt Memorial Medal and honorary LL.D. degrees from Harvard, Princeton and Dartmouth. At the time of his death earlier this year, an editorial in the New York "Times" characterized Mr. Clark as "one of the great private citizens of his time." Shortly before, a number of prominent persons here and abroad had joined in advocating Mr. Clark for the next Nobel Peace Prize.

(Interviewer Richard D. Heffner is University Professor of Communications and Public Policy at Rutgers, author of "A Documentary History of the United States" and editor of Alexis de Tocqueville's "Democracy in America.")

Interviewer. It has often been said that without your single-handed efforts—as a private citizen—America could never have sent such an effective fighting force to France in World War I and that the Selective Service Act, which you drafted and steered through Congress, "shortened World War II by two or three years." When did you decide that disputes between countries could no longer be settled by military means?

Clark. I began thinking about it before World War II and had already written a plan for peace in 1939, but this work had to be put aside when the Secretary of War, Henry Stimson—whose appointment I had been instrumental in arranging—asked me to come to Washington. "You got me into this," he said. "Now you must come down here to help me out." So I did and stayed on for nearly four years. When the Japanese struck Pearl Harbor, Stimson phoned me to come immediately to his office and asked me to draft a declaration of war.

Interviewer. When did you first issue what amounted to a declaration *against* war?

Clark. I'll come to that in a minute. There's a little background to it. In July, 1944, after the invasion of Normandy, Stimson said to me, "This war is now almost over, as you and I know. It will go on another year, perhaps, which can't be helped. But the end of it is absolutely certain. It will stop soon after this new bomb goes off. The result will be so horrible that it will stop the war almost instantly."

He then said, "What you should do is go home and try to figure out a way to stop the next war and all future wars."

INTERVIEWER. He said, "Stop the next war"?

CLARK. Yes. "Stop the next war and all *future* wars," he said. "That is the great thing. I won't live long enough to do much about it, but you should try to keep alive and do something effective to solve the problem."

That's when I got started. I wrote my first article on the subject, entitled "A New World Order—the American Lawyer's Role," as soon as I got home from Washington. And then, after the atom-bombing of Japan, I realized the United Nations Charter—new as it was—was not adequate to meet the requirements of the coming nuclear period. So, along with Justice Owen Roberts, I got up a conference of prominent Americans, out of which came a proposal for strengthening the United Nations. Then, in 1950, I received a very pressing invitation from a couple of friends on the Senate Foreign Relations Committee to appear before it and to go deeply into my ideas on world peace through world law. My heart was troubling me at the time, and Paul Dudley White told me I mustn't go to Washington, because to testify at length under pressure was the last thing in the world for me to do. So my Senatorial friends suggested I write out my ideas.

Somebody sent a copy of the statement I prepared for the Senate committee to Cass Canfield, of Harper's, who put it out as a book. The sequel is interesting. Senator Ralph Flanders, a friend of mine, read it and phoned me. "I've written a letter to every member of the United States Senate about this book," he said. "I want ninety-five copies of it, and I want them tomorrow morning. Can you get them here tomorrow morning?" So I sent the books by messenger—by plane—to Senator Flanders, and he had them in the morning. He sent them to the other ninety-five Senators with his letter and his own copy to Paul G. Hoffman.

INTERVIEWER. He was head of the Ford Foundation then, wasn't he?

CLARK. Yes, with Robert M. Hutchins as his right-hand man. A couple of days later, Paul Hoffman called me up and said, "Can Bob Hutchins come on and see you?" So Hutchins came up and spent a day with me and said, "We want to give you some money." "Well," I said, "I guess so, but I can get on without it." In general, I don't like to be tied up with anybody. Perhaps that's a fault of mine, not to have obligations to anybody, to a political party or anything. "You won't have any obligations," Hutchins said. "Let us give you some money." "Well," I said, "yes, I guess I will, but money for my own work is not what interests me. What needs to be done is a vast, worldwide campaign, which will require tens of millions of dollars," I said. "I'm talking about twenty-five million or so, you know." "Oh, well, that's nothing," Hutchins said. "Write out your plan."

So I wrote him out a plan for worldwide study of world law. After receiving it, the Ford Foundation invited me, with my late wife, to come to its headquarters in California, for a discussion. I expounded the plan at length, and they questioned me closely for some hours. The foundation's main stated objective at that time was the promotion of peace, and they seemed satisfied with my explanations. Their only suggestion was that it might be *too little* money for the declared purpose and that it ought perhaps to be done on a greater scale.

INTERVIEWER. What went wrong?

CLARK. Soon thereafter Senator Joseph McCarthy came along, and for a combination of reasons, they stalled it. A couple of years went by. Finally, some friends of mine on the foundation's board tipped me off that it was being said that my proposal was contrary to the policy of our government.

John Foster Dulles was Secretary of State, and although he took an entirely different line from mine in most respects, nevertheless he really believed in the concept of enforceable world law to prevent war. I was older than he was, and I'd known him a long time. I remember his saying to me shortly before he took office in January, 1953, "You know very well that I can't do what you think ought to be done. You know me well enough to realize that it is beyond my scope, but perhaps you can do it. For God's sake, try to do so! I'll do what I can, but don't expect too much from me." It was rather pitiful, I thought then and since.

Dulles also said, "I suppose that you think I'm going to make a big failure of the whole thing." "Oh," I said, "not entirely. No. But what's the use of my saying that you can make a success of it when you don't really intend to go for this thing as your main purpose? What's the use?"

After that, I had no real touch with Dulles until I heard that the Ford Foundation directors were likely to vote my plan down because it was contrary to national policy. I called up Dulles and told him this. He replied, "How shocking! I'll straighten that out. What do you want me to do?" "Well," I said, "I want you to write a strong letter in answer to what I hear is being said—immediately, because the directors are meeting tomorrow morning. Please get it to them, so that your message can be read at the meeting." He said, "All right. I'll do it immediately."

Foster Dulles did, in fact, write a powerful and eloquent letter, saying that he hoped the Ford Foundation would approve my plan. He even called me up the following morning to ask whether I had received the copy of his letter he had sent special delivery. When I said, "Yes," he asked, "Well, what about it? Is it good enough? If it isn't, dictate changes to me right now, and I'll telegraph them to them." He was in that mood. I replied that the letter could not be better.

Well, believe it or not, in spite of all that, the directors voted the plan down by eight to seven. They did give me $25,000 a year for research and a secretary for five years. They really pushed it on me. But the big plan didn't come off, and no foundation to this day has done anything on an adequate scale for the cause of world order under world law.

INTERVIEWER. Could you sketch briefly the essentials of your plan to make the United Nations a truly effective world organization?

CLARK. Well, the first requirement is a provision prohibiting all nations in the world from possessing armaments, the same as our state and federal laws that prohibit armed groups. There's no state in the Union, and no nation in the world with any pretense to civilization, that permits armed groups in the community—armed to protect themselves as a group or to enforce their will as a group. There are powerful penalties against such armed groups.

INTERVIEWER. How would disarmed nations defend themselves?

CLARK. You can't ask nations to give up all their arms, including nuclear and conventional ones, unless you provide reliable means for protecting the legitimate interests of every country. We are so used to those means in our local communities and states that we are hardly aware that we have them. Now, what are these means?

They are federal, state and local laws against violence. They are courts to interpret and apply those laws, and they are police forces to deter or apprehend violators. Correspondingly, you must have *world* law against international violence, *world* courts and other tribunals to settle disputes between nations, *world* police to prevent or suppress violations of the world law. These are the three basic elements.

INTERVIEWER. You mean the same on a world scale as we have in our own country?

CLARK. Yes, precisely the same as we have in every village, town and city and in every state of the Union. Exactly the same institutions—simply expanded and adapted to a world scale. I think the whole thing is as simple as that.

INTERVIEWER. Do you think there may be something very different between living with these rules on an international level and living with them on a national level?

CLARK. No, I rather think it isn't any more difficult. The reason we haven't made more progress in establishing a world rule of law corresponding to the local and national rule of law is that, up to this point, life hasn't been so intolerable for the nations. There have been many terrible wars, but the peoples have gone on.

The world has never before faced any situation even remotely resembling what we face today. In an all-out nuclear war, it wouldn't be a question of losing 5 per cent or 10 per cent of your people, but losing 90 per cent or even *all* of them. The world has never confronted such a thing before.

INTERVIEWER. In other words, you think the threat of a catastrophic nuclear war may frighten us to the point where we will be willing to give up certain things in order to gain others.

CLARK. Yes.

INTERVIEWER. In 1961, you talked about 1966–1967 as a kind of target date. You felt that by that time we would be more willing to do something about this problem. How do you feel about this timetable now?

CLARK. I was too optimistic. I was counting on better national leadership at the top. I think right now that had President Kennedy not been assassinated and had been reelected, as he would have been, we'd have an entirely different picture. His American University speech in June, 1963, indicated clearly that, when reelected, he would be taking the lead for world government.

INTERVIEWER. What step or set of steps would Kennedy have taken?

CLARK. It could have been done in several ways. The most obvious way would have been for him to create—by executive order—a really first-class, highly enlightened and highly informed Presidential commission to formulate an adequate plan and put it before the world as the President's plan. Not a single, solitary government in the world has ever produced and advocated an adequate plan for an ordered world. Until that's done, there's an immense handicap. We've had very hard luck not having that kind of leadership. Churchill would have had the prestige. As a matter of fact, he advocated world government in general statements, but he never did a solitary thing about it. And Prime Minister Clement Attlee, of Britain, is one man who's understood it all the time and preached it for 15 years, but not until he was out of power.

INTERVIEWER. Do you feel President Kennedy had a deep and real understanding of the need for world order?

CLARK. I am convinced that, in his second term, he would have provided strong leadership. His whole trend of thought was developing in that direction. While he was in the Senate, he studied the subject and wrote a letter of approval of my plan. When he was backed by the much stronger popular mandate he would have received in a second election, I am as certain as can be that he would have provided the necessary leadership.

INTERVIEWER. How about President Johnson?

CLARK. As to the question of his *wanting* to do something, I think he wants to do just as much to achieve world order as President Kennedy wanted to. I'm thinking of President Johnson's speech of September 16, 1965, where he actually used the phrase "world peace through world law" and said that it will have to come.

I think that he is a man of immense capacity to get things done. If he took this up as something to be put at the top of his list and educated himself on the subject, so that he could answer the questions, and then worked hard at it for three years, I think he could accomplish wonders. I don't say that within three years he could bring about the actual adoption of a comprehensive plan, but he could push the whole cause along immensely. He could get an effective governmental plan presented to the world. That would be a major step forward. The trouble is, though, that compared with President Kennedy, he does not yet have anything like the same grasp of the subject, because, as I see it he simply hasn't yet put his mind on it sufficiently. When he does, I have every hope that he will take the lead.

Interviewer. Do you think the war in Vietnam will spur President Johnson to take steps to create conditions that would prevent this kind of war from happening again and again?

Clark. Well, I would think so. Even if we come out on top of it—in the sense of downing them—I should think he'd see that, without a world authority, we seem to be taking on the job of policing the world. We've been getting involved in one place after another, and it's very expensive in lives and in money, and it piles up an immense lot of ill will.

Interviewer. May I ask a rather personal question? Have you stayed out of public office all your life so that you could maintain an integrity that didn't involve compromise?

Clark. Well, I hope that was my real motive. My late wife simplified it, half in fun, by saying, "You've never taken public office because you've never been willing to take an order from anybody." The nice way of putting it is that I wanted to preserve my independence.

Interviewer. By staying out of public office you can take strong positions—

Clark. I do have freedom from obligation to anybody, and from any debts of loyalty. I was greatly influenced by my grandfather, Colonel Le Grand Cannon, a very powerful personality, a great advocate of self-help. Let me tell you a story about the old gentleman. In 1861, early in the Civil War, President Lincoln, whom my grandfather knew well, had made his first call for volunteers. New York was teetering on the edge of open disloyalty. Something had to be done. Accordingly, Grandfather and a few other well-established businessmen put on their black top hats and went down to the Battery with flags and a band and hired a lot of hangers-on and longshoremen to join in a demonstration. He paid them one or two dollars.

This strange combination of silk-hatted businessmen and the band and the flags and a few hundred marchers moved on the newspaper offices of the city, one by one, and demanded that they hang out the flag. They shouted and demonstrated until every one of the newspapers in the city, by the end of that day, had hung out the flag. Grandfather said that changed the whole atmosphere, and he used this story to illustrate his motto: "Don't wait around, my boy. Don't wait for the government to do anything. People have got to save themselves in this country. That is the way this country was built up. So don't wait for your Senator or President to do things. Move yourself."

Interviewer. Weren't you asked by Franklin Roosevelt at some point to become a member of his government?

Clark. Yes, he asked me to become head of the National Labor Relations Board before the war. That was the only office he specifically asked me to take, but once or twice he said, "Why don't you come on in with me? You can have almost anything you like, and we will go along together."

Interviewer. But you disagreed with him about too many things—his attempt to "pack" the Supreme Court, for example?

Clark. Yes. I used to say to FDR in essence, "I appreciate what you say, but disagree with you on so many things, and our approach is sometimes so different, that it would never work."

Interviewer. In what way?

Clark. Well, for one thing, he demanded extreme loyalty. After the 1936 election, when he was reelected by a vast majority, he felt his oats quite a bit. Before that, I was quite thick with him, especially in his first two years, during the Depression. Soon after his election, I wrote him a long letter, in which I said in effect, "If you expect to govern, you have got to take hold of the federal finances." I also outlined a plan of rigid economy. Something like what the British did when they were up against it in 1931, the purpose being to restore confidence rather than define a permanent policy. Rather to my surprise, I received word from him through Raymond Moley, one of his close advisers. Accordingly, I did a lot of work to frame a definite and drastic economy measure.

Interviewer. Was that what was eventually known as the National Economy Act?

Clark. Yes. There's an interesting story connected with it. I had an appointment with Roosevelt on the day of the Harvard Club dinner in January, 1933, to go over the plans I had formulated. He was to be the only speaker at that dinner, and since I happened to be a member of the Harvard Corporation, I was going to sit at the head table. Our appointment was, as I remember, at five o'clock at his house, but he sent me word that since there wouldn't be enough time to discuss what he wanted me to talk about, would I please arrange to sit next to him at the dinner, so that we would have an hour or more to talk there. I called up Langdon Marvin, the president of the Harvard Club, and said that Mr. Roosevelt had just asked me to arrange to sit next to him at the dinner. Mr. Marvin replied that he was extremely sorry, but that Thomas W. Lamont, of J. P. Morgan and Company, a former president of the club, had asked, as soon as Mr. Roosevelt was elected a couple of months before, to sit next to the President-Elect at the annual dinner, and Mr. Marvin said he had promised Mr. Lamont he could do this and could not now change the plan.

When I got to the dinner, I found I was sitting five or six seats away from Mr. Roosevelt. Pretty soon, however, the secretary of the club came over and said to me, "Mr. Roosevelt wonders why you are not sitting next to him, as he had expected." I explained what had happened. By that time, Mr. Lamont was giving Mr. Roosevelt a terrible earache, and quite soon the secretary came back again and said, "Mr. Roosevelt *requests* that you come now and sit next to him," and he conducted me to a small chair he had placed beside the President. I asked Mr. Roosevelt whether he didn't want to continue their conversation. "No, no," he said, "I've had all I can take of it. He has been telling me how to run the country. I think I know as much about it as he does. Please sit down. We've already wasted half an hour." He said all this in quite an emphatic tone, so I did sit down, and we talked for nearly a full hour.

In the end, he said, in substance: "I agree with you a hundred per cent, and you don't have to argue it to me. I have got to start with a rigid economy program—just as you say. It is just a question of getting a program into shape. So I ask you to talk further with Moley and get hold of Lewis Douglas, who will be Director of the Budget, and we will work up a simple law, and I'll promise you that I will put it before the country within ten days after I take office in March. It must be done immediately."

Then—I remember this very well—he said, "But I must get it to the people, for it will be a very drastic law. Look here, nobody has used the radio very much, and I think I'll try that. What do you think?" I said, "I think you would do that very well." "All right. I will do it. I'll go on the radio with this economy plan." That was the origin of his first big speech to the country on the radio.

Interviewer. Mr. Roosevelt's first fireside chat.

Clark. Yes. You will find that it was on the proposed National Economy Act, I'm quite sure. That act went right through; it passed within forty-eight hours. And then everything in the business world came up very fast. The President was naturally pleased and said kind things to me, including, in substance, "Come to see me whenever you want to and let me have your views."

And then, about a year later, opposition to the Economy Act, particularly on the part of the veterans' organizations, became very strong, and a bill canceling about half of the economies provided for by that act had just been passed. As it happened, by accident I was passing through Washington and stopped at the White House. This incident is very striking: I remember it was about eleven A.M. when I went into the President's office. He had before him a message vetoing this bill. It had to go to Congress at twelve o'clock, and he asked me to read it quickly. It was a short one, and it seemed to me very weak. "Well, what do you think?" he asked me. I told him that I was disappointed, that I felt the message was unworthy of him. He said he was aware of this, that "it is one of the worst things I ever did." He had written it entirely by himself at two o'clock the night before, when he was very tired. "I can't change it now," he said. "It's too late. But don't worry, the votes are there to sustain my veto."

He added that he had to go away for a rest on his doctor's advice. I appealed to him to stay nearby until the vote was taken. There was no cause for worry, he said. He had canvassed the votes, and all he needed to sustain the veto was a few votes from the Republican side, and these were virtually certain. I said, "Well, *I* am worried. Please stick around until after the vote." He said, "I can't. I'm exhausted, and the doctor says I have to leave for a real rest."

He did leave Washington, and what happened was that only two Republicans voted to uphold his veto. His veto was overridden. It was his first big defeat.

Interviewer. Did you know President Theodore Roosevelt?

Clark. Yes, I knew him very well.

Interviewer. Which, in your estimation, was the greater President?

Clark. Oh, I guess FDR. He was a more flexible man than TR and more capable, I think, of grasping the big issues. But TR did have a folksy sort of way—a nearly unique and distinctive sense of *rapprochement* with the public, a wonderful grasp of that. I happened to see a prize example of this when I was only nineteen years old. Theodore Roosevelt spent summers, in his youth, with my grandfather Cannon, in Burlington, Vermont, and knew the old gentleman well. In 1901, TR, who was then Vice-President, came up to Lake Champlain to dedicate a monument. He stayed overnight with my grandfather and went up the lake on a yacht the next day, for the dedication ceremony. There was, of course, no radio in those days, and they suddenly signaled from the shore and sent out a boat to the yacht with the news that President McKinley had been shot in Buffalo. That was all the news they conveyed—just that the President had been shot. So the yacht made full speed back to Burlington, a trip of several hours. I was at the landing when the yacht pulled in.

Mr. Roosevelt remained on board, and when they brought him a very large bundle of unopened telegrams from Buffalo, he instructed that lanterns be brought to the bridge. Then, without opening any of the telegrams, he directed that the lanterns be held up. In a tremendous voice, he called out to the vast crowd assembled on the dock, "Fellow citizens, I have here news from Buffalo. I hold in my hands a number of telegrams. The news that is in them belongs as much to you as it does to me." There was a great, an almost absolute silence as he opened the telegrams one by one and read them aloud. As you know, the news was that although very badly wounded, the President might recover. He lived on for ten days, as I recall.

INTERVIEWER. Suppose Franklin D. Roosevelt were now President. Would we have taken the initiative for disarmament and world law?

CLARK. Yes, I believe he would have. I knew him from early youth, later at Harvard, and all through his years as President. He was constantly growing in breadth of view and understanding. And so, although he was not ready in 1944 to sponsor the truly revolutionary changes that are required to constitute an effective United Nations, I firmly believe that today he would have perceived the absolute necessity for total disarmament under effective world law. He would have gone for it in a bold and determined way.

INTERVIEWER. Does your attitude toward war involve pacifism?

CLARK. No, if by pacifism you mean nonresistance and turning the other cheek. I have indeed always been troubled by the fact that while I believe strongly in the Christian ethic, and while pacifism is undoubtedly one of the teachings of Christ, I have never been able to think of pacifism as a feasible doctrine for the majority in the present age and state of human nature. At the same time, I sincerely admire the pacifist and the conscientious objector. I also admire the very few people who are willing to commit civil disobedience in a real sense, for I think it very important that we have some of these people willing, for conscience' sake, to dissent from the majority. The country would be much worse off if we did not have any of them. But I have never been able to accept pacifism for myself, troubled as I have been at not having done so.

INTERVIEWER. I raised the question because I think it is important, in evaluating your attitude toward world order and world government, for people to know that they are dealing with a person who throughout his life has not been a pacifist, who has been highly instrumental in protecting this country and in defending it and all its institutions, and who therefore is now discussing another way of defending all mankind.

CLARK. We have gradually got the better of violence as a system and way of life in local communities and *within* countries. It offends my sense of what is right and proper that mankind has not been able to do better than our existing system of armaments, power politics and recurrent war *between* countries.

I have often been asked, "Why do you take all this trouble about this thorny problem of world peace? What is your motive?" I have asked the same question of many other people who work toward world order. "Why do *you* do this? Why do *you* take all this trouble?" You get various answers. A leading citizen of Boston, not long ago, answered, "Why, what a foolish question! I simply want my descendants to live a normal span. I want them to have a fair show in life, not to be prematurely cut down or live in this atmosphere of suspicion and mutual fear, even if they are not killed. Is there anything wrong with that reason?" "No, that is a fair answer," I said.

But when I ask myself why I have spent many years of work and considerable money in the effort to prevent future wars, I feel that my dominant reason is the sense of shame at the incapacity of the human race to summon enough intelligence and will to solve this problem, when the knowledge and means to solve it are at hand. And since this failure offends me so deeply, I feel the necessity to attempt to educate enough people as to the ways and means to achieve world order that the result can actually be achieved in our time.

INTERVIEWER. Now as to the future: What hopes and plans have you?

CLARK. I want very much to continue my work for peace. Specifically, I want to continue my advocacy of disarmament under a system of world law in the field of war prevention, convinced, as I am, that this is the only solution. And I want also to continue my work in the cause of justice and opportunity for the Negro.

In the May issue of McCall's I read the answer of Pablo Casals to a similar question, and one thing in it fits my case perfectly. With almost no change, I can adopt it. Casals said that he wanted "to follow to the end of my possibilities and potentialities." My own hope is to write and talk and do everything better for all the ideas I most value. And I hope to have a few more years of active work and to use them well.

PUBLIC RESPONSE TO NELSON TEACHER AID PROPOSAL

Mr. CLARK. Mr. President, earlier in the current session of Congress, the Senator from Wisconsin [Mr. NELSON] introduced a new title to the Elementary and Secondary Education Act which would provide a nationwide program of teacher aids, to relieve the classroom teacher or monitorial and clerical duties.

The Senator's proposal, which I have cosponsored, has received the enthusiastic endorsement of educators and local government officials throughout the United States.

Surveys have revealed that from 21 to 69 percent of a teacher's day is occupied by burdensome, noninstructional tasks, which reduce the teacher's effectiveness and lower teacher morale.

I ask unanimous consent that a sampling of this public reaction, including letters from Mayor Lindsay, of New York, several editorials, and a letter from Dr. Donald Reitz, chairman of the Education Department of Loyola College in Baltimore, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N.Y., March 6, 1967.

Hon. GAYLORD NELSON,
U.S. Senator,
Committee on Labor and Public Welfare,
Washington, D.C.

DEAR GAYLORD: I appreciate your sending me a copy of your legislation for a proposed Teacher Aid Program.

This clearly is directed towards a major need in our schools. I will follow your legislation's progress with great interest.

With best regards.

Sincerely,

JOHN V. LINDSAY,
Mayor.

[From the Minneapolis Star, Dec. 13, 1966]

MORE TEACHER AIDS NEEDED

Senator Gaylord Nelson, D-Wis., proposes a "National Teacher Aide Program" to relieve school teachers from non-teaching duties. This is an excellent suggestion. It would ease the teacher shortage, improve teachers' efficiency (especially in large classes) and at a time when schools are hard-pressed for money, hold the line on costs. The concept is analogous to nurse's aides in hospitals.

Minneapolis has already made strides in this direction. A program started last year has 263 teacher aides in 41 schools. They do a variety of things: play games with the kindergarten pupils, grade true-false ty] and math tests, help keep order, and in some cases virtually act as the teacher's "secretary." They are paid $2 an hour for a three-hour day, and get three hours of training a week. They are both men and women, but typically the aide is a 35-year-old housewife with children.

There are college graduates and people who didn't finish high school, the common denominator being dedication.

Obviously they don't do it primarily for the money.

So popular is the program that there is a waiting list of 2,000 but too little money to hire them. Teacher aides provide a source of help that does not have to be melded into rigid salary, pension and qualification apparatus. Bold new programs are needed to resolve the school crisis everywhere. Here is one that fits the bill.

And a most encouraging byproduct is that the Minneapolis program has engendered new community interest and understanding of school problems.

Even if more federal help isn't forthcoming, an expanded locally-supported program would be a worthwhile and in the long-run money saving measure.

[From the Minnesota Journal of Education]

FEDERAL BILL AIMS AT TIME TO TEACH

"Teachers are alone among professional people in the volume of non-professional work they are required to do . . . the teacher's job has become loaded down with non-teaching duties." This statement by US Senator Gaylord Nelson of Wisconsin points to a problem that has plagued the teaching profession for years—namely providing "time to teach." The introduction of legislation in the Congress by Senator Nelson to provide a program for preparing teacher aides serves also to point up the fact that local school districts and state legislatures have not been able to make adequate provisions for the employment of teacher aides.

It is estimated that in the school year beginning in September, 1967, the nation's elementary and secondary schools will require 232,400 new teachers. Since only 63,100 new teachers are expected to graduate from college in 1966, this will leave a teacher shortage of 169,300. By 1975 we will need an additional 390,000 teachers in elementary and secondary schools. The reasons for the shortage are many. A career in industry proves more attractive to many young people than life in a schoolroom. The national average salary for teachers falls far behind that offered in other professions. It is clear that a major effort must be made to retain teachers and attract new young people to the profession.

Patrolling school grounds before and after the schoolday and during recess, supervising cafeterias during lunch hour, standing watch in corridors between periods, distributing and collecting materials, selling tickets, collecting lunch money, and assisting with clothing as well as other clerical jobs, are but a few of the cumbersome tasks required by today's teacher.

The use of teacher aides can be a valuable tool in reshaping the professional image of the teacher, at the same time that it enables school systems to more efficiently spend the taxpayers' money to provide quality education. We believe that the introduction of this legislation is wise and we are pleased to note that Minnesota's Senator Walter F. Mondale has joined with Senator Nelson in sponsoring this legislation. We are sure that letters to Senator Mondale indicating the feeling of the teaching profession in Minnesota will be helpful in calling the attention of the Congress to this important legislation. The legislation would not only provide for the preparation of teacher aides but would make limited funds available for the employment of such aides. We hope that this legislation is favorably received because it seems to be a realistic approach to an age-old problem in the teaching profession.—ALG

LOYOLA COLLEGE,
Baltimore, Md., April 5, 1967.

Mr. EZRA SIFF,
Legislative Assistant to Senator Nelson, U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR MR. SIFF: Let me take this opportunity to thank you for sending along a copy of amendment 122 to Senate Bill 1125, sponsored by Senator Nelson.

As you may know, I am indeed vitally interested in the main thrust of Senator Nelson's proposal; namely, the more efficient articulation of public school staffing. I have for some time argued in professional and academic groups that we have failed in public education to define adequately the many different roles that must be assumed by educational personnel, and we have failed to differentiate among the several distinct administrative and parainstructional responsibilities.

I think that Senator Nelson's bill is a substantial move in the right direction. I base my decision on the nature of school administration as public administration and the necessity for the schools to conform for the sake of efficiency and effectiveness to acceptable theoretic and practical public organizational models.

I shall be happy to assist in any way that I can to promote this piece of legislation. If there is any further comment that I can make, either written or oral, I shall be most happy to do so. I believe that Senator Nelson, through this proposed legislation, is attacking a real problem in school administration, and I think that it is incumbent upon all of us in the profession to encourage this kind of move.

Sincerely,
(Dr.) DONALD J. REITZ,
Chairman, Department of Education.

CRISIS IN THE COURTS

Mr. DIRKSEN. Mr. President, in the April 12, 1967, issue of the Christian Science Monitor, there is published an editorial entitled "Crisis in the Courts" which should be given special attention by all Senators; and I therefore ask unanimous consent to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Apr. 12, 1967]

CRISIS IN THE COURTS

Today we publish a candid on-the-spot report on state trial judges in the United States. Undoubtedly some men on the bench will feel, and rightly, that it does not apply to them. Others will nod knowingly—an incompetent judge is down the hall or in the next town.

In the next 12 weeks this newspaper will print a series on pressing court problems, based on first-hand investigation. The evidence shows that the American system of justice is in crisis. Men sit in jail awaiting trial—losing job and reputation, serving more time than a judge might sentence, or waiting long periods to be found not guilty. Some prosecutors do little screening, so court dockets are filled with "junk" cases. It can take years for a traffic victim to sue and collect what is due him, regardless of need.

Millions of dollars are squandered each year because courts cling to archaic practices. Progressive courts falter because legislatures refuse to provide enough judges or money. Hundreds of lower courts still have barbers, housewives, farmers, and gas station attendants serving as judges. The bail bond is a much abused system, with lawyers, judges, and policemen frequently taking kickbacks from bondsmen. What sometimes goes on in juvenile court can only be described as shocking.

There are bright spots, too. A trial judges' school has been established, for example. Housewives serve as court watchers and help to bring about improvements. Removal of courts from politics has been approved by voters in some states.

But the problems of the courts are far from resolved. The Monitor survey found faulty conditions so widespread that few states or cities can feel smug or complacent.

Yet many leading judges and lawyers warn that reform will not come from within. The changes must be brought about through citizen concern and the vigorous and determined efforts of the people of the United States.

Harry W. Jones, Cardozo professor of jurisprudence at Columbia University put his finger on the need when he said: "There is much talk . . . about improving the 'image' of justice. Justice is not a commodity to be marketed by such means. The way to improve the image of justice is to improve the reality of justice in the trial courts of the United States. That depends, above all, on the intellectual, moral, and personal quality of the men and women who are called to serve as our trial judges."

THE LAW THAT PUTS PEOPLE OUT OF WORK

Mr. DIRKSEN. Mr. President, in the April 10, 1967, issue of the Washington Post there was published an article relating the economics of employment in the marketplace that does not yield in entirety to labor legislation.

The article to which I refer is under the syndicated column, "These Days," written by John Chamberlain and entitled "The Law That Puts People Out of Work." This is an acute analysis. He cites two professors from Chicago, Yale Brozen and Milton Friedman, and then sustains his case by an independent poll of independent business proprietors which shows that wherever employees were dropped, 15 percent were dropped because of the increase in the minimum wage prescribed by Congress. That is what this article deals with, and I believe it merits wider circulation and therefore I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LAW THAT PUTS PEOPLE OUT OF WORK

(By John Chamberlain)

When professors of economics such as Yale Brozen, Milton Friedman, and other members of the so-called "Chicago school" warn that a compulsory minimum wage set at too high a point will disemploy marginal workers (Negroes and teenagers in particular) they are ignored as "academicians."

Nobody outside of a handful of the faithful, it seems believes any more in the economic theory of marginal utility. This is the theory that says if something is priced too high, people will buy less of it. According to economists such as Brozen and Friedman, this applies to the labor market just as much as it does to the market for strawberries, bagels or even such necessities as cotton shirts.

The politicians and the labor union leaders say the professors indulge in a priori reasoning that is not sustained by facts. But if the politicos and the labor bosses won't take it from University professors, maybe they will pay some heed to a field survey just made by the National Federation of Independent Business.

A poll of 15,000 independent business proprietors turns up the appalling statistic that 15 per cent of all those who have recently dropped employes say they did it because of the increased minimum wage prescribed by Congress.

Since men are being absorbed into the Army and into industries that are kept flush by war orders, the overall effect of the minimum wage law hasn't been too pernicious. But it hits just those people whom the proponents of the Great Society would like to see moving out of the slums and into permanent productive niches in the economic system. The unskilled and the teen-agers are the ones who have had their problems particularly aggravated.

According to the Federation's figures, the compulsory minimum wage has struck especially hard at "marginal employables" in the South and in New England.

In the South Atlantic states 19 per cent of the reporting firms say they have dropped people because of the increased minimum wage. And in the states along the Gulf of Mexico the high compulsory minimum has been the cause of firing in 21 per cent of the cases. In New England, the figure is 14 per cent.

Breaking the statistics down, the Federation says the worst casualties of the wage law are the unskilled workers in the medium-sized wholesale firms that employ an average of twelve persons.

A particularly sobering thing about the survey is that it reflects "the second round of payroll culling." The first round, according to the Federation, took place in the second quarter of 1966 when the higher payroll taxes made necessary by Social Security increases and Medicare caused independent business firms to start weeding out their least skillful workers.

The whole trend is ominous. For, with the bigger firms going in for automation, more and more unskilled and semi-skilled workers are bound to seek work in smaller independent businesses that cannot afford expensive new machinery.

If these businesses cannot meet the compulsory wage requirements for unskilled workers, the economy will tend to become static at the margins that have provided its growing points in the past.

The statistics that show the highest drops of employment in the South will have their inevitable impact in the North. For the displaced unskilled southern worker joins the procession to the slums of New York, Washington and Chicago.

The National Federation of Independent Business survey should have more than casual consideration by Congress. At the very least some exceptions should be made to the minimum wage requirements as they affect teenagers. These are the people who need the apprenticeship of early jobs if they are to become the skilled workers of tomorrow.

A ROBE DOES NOT MAKE A JUDGE

Mr. DIRKSEN. Mr. President, staff correspondent Howard James of the Christian Science Monitor, in the April 12, 1967 edition, has an excellent article entitled "A Robe Doesn't Make a Judge," in which he describes the shortcomings of many of the courts of this Nation and details a sampling of the justice meted out in the courts that were visited by him.

I believe that the administration of justice is one of the most important aspects of government in dealing with the fundamental rights of the people, and that it should be of continuing concern to all of us.

This article should have widespread attention, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A ROBE DOESN'T MAKE A JUDGE

(Reform of state court systems in the United States is urgently needed. A Monitor correspondent investigated the judicial process in a countrywide tour. In this, the first of a 13-part series, he reports his startling findings about "the man on the bench.")

(By Howard James)

It is 11:43 a.m. on a Wednesday in late February. Spring is edging into Louisville, Ky., and on the street people have shed their coats and are nodding and smiling.

But in the courtroom of Circuit Judge R——— there are no smiles. A middle-aged barber, accused of wounding a man, is worried. His freedom and future are at stake.

On the witness stand his daughter, an attractive woman, tells the jury how the victim provoked the shooting by taunting her father and by getting youngsters to block the barbershop driveway to keep customers away.

As she testifies, an aging newsboy enters the courtroom and hawks papers.

With considerable rustling Judge R——— opens his newspaper to the comic page. After reading for several minutes he pulls the section out, folds it into a smalled square, and counts quietly to himself, apparently working the crossword puzzle.

The young woman seems nervous. She speaks rapidly.

Judge R——— looks up from his paper and tells her to slow down. There is a note of irritation in his voice when, a few minutes later, he again orders her to speak more slowly, so the court stenographer can keep up.

The stenographer, who already has put down her pen and is checking her fingernails, says, "Oh, I gave up a long time ago."

When the defendant's daughter finishes, two other witnesses take the stand briefly. Judge R——— denies the prosecution request to let a woman use the chalk board to clarify her testimony.

At 12:38 p.m., the judge adjourns court for lunch until 2 p.m.

VISITOR LECTURED

A visitor, after buying license plates in another office, has stopped by to watch. With adjournment he rises to leave before the jury has departed. Judge R——— orders him stopped by a bailiff, brings him before the bench, and gives him a lecture on courtroom decorum.

What happened on this day in Louisville is unusual. But it is far from unique in the nation's state courts.

In criminal court in Manhattan a judge read his newspaper-sized law bulletin while holding hearings. Lowering a corner to listen now and then, he kept the paper in front of his face as defendants appeared before him. To those involved each case was an important matter—worthy of his full attention.

In Cincinnati a new Common Pleas magistrate, Judge K———, was reading, ironically enough, copies of the Journal of the American Judicature Society during a narcotics trial. (It is the Judicature Society that has pioneered in improving the administration of justice. It should be mentioned, however, that there are judges, known for their brilliance on the bench, who manage both to read and rule with perception and without lapse in rapport with the cases before them.)

JUDGE ANGERED

Behind a bench in Manhattan, Judge S——— became furious with a defendant when the man's lawyer did not show up in court. The defendant said his attorney was in a higher court in another city. The judge refused to listen and raised the man's bail—putting him behind bars "until your attorney shows up." He also ordered the man to phone the lawyer, James Horan. The defendant button-holed another attorney, Irving Unger, and asked Mr. Unger to help. When Mr. Unger, who confirmed the fact Mr. Horan was in court, tried, the judge shouted him down and stormed off the bench.

One recalls that Harry W. Jones, Cardoza professor of jurisprudence at Columbia University, once said, "Every multijudge trial court of general jurisdiction has at least one tyrant in residence."

Later that day, perhaps after thinking it over and learning that a newspaper reporter had been watching, the judge reversed himself.

In San Francisco Municipal Court, Judge F——— was hearing traffic cases. He argued with the defendants, seemed to have trouble reading police accident reports without help from aides, and made sarcastic remarks.

When a woman with a Spanish accent, who was trailed by several children, said she couldn't pay an $18 traffic fine, he asked her if her husband worked. Upon her explanation that he had left her, Judge F——— demanded: "Why don't you throw him in jail?"

Later he did show some compassion by giving her a 30-day suspended sentence—but not before he had embarrassed her before her children and a courtroom full of spectators.

When I asked others in the courthouse about Judge F———, I was told he was "a brilliant criminal lawyer who thinks he is above hearing traffic cases" but must, under the system, take a turn at it.

COURTS CHOSEN AT RANDOM

Today there are some 3,700 major trial judges in the United States (courts of general jurisdiction) and roughly 5,000 judges in lower courts.

If my sampling is a fair indication (I simply sat down in courtrooms selected at random around the country and listened), perhaps half of these judges are, for one reason or another, unfit to sit on the bench. This is the same percentage given by several leading lawyers and judges interviewed.

"About half are good judges," says Joseph Harrison, a Newark, N.J., lawyer. "The others have various kinds of shortcomings."

Generalizations upset many judges. They prefer to have adverse publicity swept under the rug, for it might harm their image or professional pride.

Many with high standards find it hard to believe that other judges can falter and fall. Even today some Oklahoma judges refuse to believe that members of their state Supreme Court took bribes, even though one has confessed and another is in prison.

Some judges fear that a public airing of dirty judicial laundry will further reduce respect for law and order.

OTHERS HOLD OUT HOPE

Others, like Robert C. Finley, Chief Justice of the Supreme Court of the State of Washington, take a balanced view, arguing that while courts must be criticized and improved they are not beyond hope: "Otherwise our society would have broken apart long ago."

Certainly very few lawyers or laymen have followed a path as far-reaching as that taken by this reporter, who was assigned to sit in courtrooms across the country to watch and listen. Judges seldom visit other judges' courtrooms. And only a handful of lawyers spend time in court, and that usually in a single city or section of the country.

"What qualifications should a judge have?" Opinions vary widely, and Columbia's Professor Jones points out that "no person or organization has been rash enough to offer an authoritative definition of . . . 'qualified.' "

Vincent A. Carroll, who is chief judge in Philadelphia's Common Pleas Court, suggests that "a man doesn't have to be a genius. He does need a substantial background in the community and a good legal education."

Most judges feel experience as a trial lawyer is essential. Many contend top-fight, small-town lawyers make the best judges because they have broad experience in trying both civil and criminal cases.

The American Bar Association's canons of judicial ethics state that a judge should be, among other things, "conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamor, regardless of public praise, and indifferent to private, political, or partisan influences. . . ."

Professor Jones suggests that "only a man of first-rate [intellectual] capacity can make sound, split-second decisions on questions of criminal law and procedure, exercise sentencing responsibilities thoughtfully and wisely under exhausting pressure of time, and improve procedures to make assembly-line law enforcement seem less cut and dried."

Incompetent judges can be classified into one or more of the following 11 categories, all too frequently observed in action by this writer since January.

1. The hacks: These men are given judgeships as a reward for long and faithful service to a political party, or to some political leader. While many make excellent judges, dozens of others do not belong on the bench.

"The most important thing, if you want to become a judge, is to have good political contacts," says one bitter New York trial lawyer. "You don't get to be a judge by practicing law. You've got to sit in the clubhouse and build your contacts."

"Almost all state judges are picked because of their experience in public life—in politics," says Geoffrey C. Hazard, Jr., executive director of the American Bar Foundation.

2. The retirees: One of the largest groups, these men seek the bench as semi-retirement from the trying life of practicing law. They arrive at work late (if at all), take frequent recesses, spend 2 hours at lunch, and go home early. Some play golf or go fishing while men languish in jail and civil cases pile up.

3. The failures: These men were incompetent lawyers who sought judgeships because they had trouble earning a living as lawyers. They can be found in every section of the nation, but are most prevalent in states where judicial pay is low and prestige is little higher.

4. The inattentive: These men have heard it all before, find judging a bore, or simply couldn't care less. They lean back with their eyes closed, read, doodle on a legal pad, or stare out of the window. I have watched some chat on the telephone or hold whispered conversations with aides who want papers signed while witnesses testify. And this has happened in nonjury cases.

In Miami, Fla., Judge Jack M. Turner leaned back in his chair, with his eyes closed, his arms up behind his head, as he tried two men for running a bookie joint. A few minutes later he admitted in open court that he "wasn't paying attention" to some of the evidence.

Both men were sentenced to a year in jail.

"It isn't just a question of a judge sitting there in a robe," says Delmar Karlan, director of the Institute of Judicial Administration in New York. "He must be putting his mind to it."

5. The misfits: Another large group, these are competent lawyers with personality quirks that keep them from living up to the canons of judicial ethics. Many are abrasive and short-tempered. Others come to court with their minds made up, refusing to acknowledge that each case is different. In each state a few men simply cannot make decisions. And some, who were skilled trial lawyers, are irritated by the unskilled men who argue cases before them.

A Pittsburgh lawyer, Gilbert Helwig, sums it up this way:

"A good judge has judicial temperament. He must give up a certain amount of vanity and be willing to listen. He cannot decide the case before he hears it. Then there is the question of discipline. Nobody tells a judge how much work he should do. And in criminal court there is a need for compassion."

6. The informal: In some cities "open court" is a misnomer. Most business takes place in the judge's chambers, with little dignity or decorum. It is an experience not unlike having to appear in the office of a political boss for favors or to be reprimanded.

7. The incapacitated: A judge, complaining of old age or ill health and unable to serve, can continue to draw full pay while preventing an active replacement from taking over. Last year only 22 of 30 common pleas judges (the court of general jurisdiction) in Philadelphia were available for regular assignments. One has been disabled for several years, but is serving a 10-year term.

8. The inexperienced: Judging is not a career in the United States, as it is in some countries. The subject is not taught at law schools. Further, "a man can have a distinguished career in the law today and yet he may have almost never appeared in court," says Professor Jones.

In terms of formal training, then, every judge who takes the bench is inexperienced. Fortunately, most begin to measure up within a few months or years. Unfortunately, too many lawyers fail to recognize the drastic differences between practicing law and sitting on the bench as an impartial judge.

9. The lazy: Dozens of judges never look up the law. They "wing it," trusting memory or the lawyers who appear before them, and usually rationalizing that they are "too busy." This group also sees little need to challenge the prosecutor or others who appear in court to see that justice really wins out.

An excellent example of how a good judge can protect justice:

Tom Daniel Grammer, a 19-year-old in Portland, Ore., with little education pleaded guilty to first-degree arson before Judge Alfred T. Sulmonetti with the support of the district attorney and his court-appointed lawyer.

Before accepting the plea, Judge Sulmonetti questioned the boy. He learned that the boy had been working for his brother-in-law helping to demolish a condemned building. His pay: $1.25 an hour plus "all the copper wire" found. To remove the insulation from the wire he set fire to it in the basement of the building being demolished.

Leaving the fire for two or three minutes, he returned to find it out of control. He quickly called the fire department. For this the district attorney charged him with arson.

Judge Sulmonetti turned down the guilty plea, and a trial was held. Instead of going to prison the youth returned to a state home for the mentally retarded.

10. The weak: It takes a strong man to rule against a close friend or a political sponsor, knowing that an adverse decision may end the friendship or end the support. For these and other reasons—especially fear of reversal—dozens of judges are pushed around by lawyers or let outsiders influence justice. One of the greatest offenders: the press.

Adds Mr. Karlan: "I hear constantly of judges who are afraid to try cases. Afraid they may make fools of themselves. And some judges let others—bailbondsmen, the clerk, a district attorney, or defense attorney—run their courtrooms."

11. The prejudiced: When a lawyer becomes a judge, he does not simply shed his old opinions and wiggle into a robe of objectivity. Instead he brings with him a viewpoint developed by his experiences. These include such influences as his economic, religious, and ethnic background.

A wealthy corporate lawyer, educated in the best private schools, may have little understanding of the problems of an uneducated laborer who says he cannot hold a job long enough to pay his ex-wife back alimony. A clean-cut Midwestern judge may give little justice to a dirty, long-haired teen-ager, thus making the inscription "equal justice under law" meaningless.

And there is old-fashioned prejudice. When I asked a Miami, Fla., judge why he gave a surprisingly severe sentence to a Spanish-speaking youth, he told me: "He's only a migrant, after all."

State trial courts have these incompetent judges for many reasons. Often it is because of politics or because the system of selection is so poor. In many communities there is little or no screening of candidates. Frequently the voters pay no attention to the screening committee, or no qualified lawyer wants the job.

A CANDID VIEW OFFERED

One respected judge, Maurice A. David, of Columbus, Ind., is very candid on this point. He retired from the Marine Corps in 1964 and opened a law office. His experience had been in military law. Five months later a group of local lawyers came to his office and asked him to run for judge.

"I put this question to them," he says. "'If you have such a burning desire to find a new judge, why don't you run yourselves?' Any one of them would have been qualified.

"Their answer: 'We can't afford to run. The pay is too low. Judge ———— is an honest enough person, but he is irascible and unpleasant to deal with.'"

With this urging, plus a military pension of $6,000 a year, and a judicial salary of $18,500 in the offing, Mr. David agreed to run as a Democrat in a county that often elects Republicans.

"I was elected by the Johnson landslide in '64," he says. "And I can easily lose in the next election."

About 70 miles west, in Spencer, Ind., Circuit Judge Austin B. Childress had not—when I visited him—filed court records with the county clerk for over four years. At my request the clerk showed me the books. The first entry was made in February, 1819. The last Sept. 29, 1962.

EXCESS OF CARE ADMITTED

Judge Childress says he is unable to bring the records up to date because he is overly concerned with commas and periods and perfect use of words.

"I am too meticulous," he told me. "I have made it a practice to hire inexperienced girls from business schools and train them, and I have had two operations. Each kept me away for six weeks."

Yet only recently did the six lawyers in Spencer ask the State Supreme Court to step in. And none apparently wants the job of judge. Experienced lawyers in Spencer net $25,000 a year or more, one said. The judgeship pays only $12,500.

Many judges are deeply embedded in politics, or owe allegiance to a political boss who may be able to influence decisions.

The chief judge of the Circuit Court in Cook County, Ill., John S. Boyle, has the reputation for being a tough, demanding administrator as well as a close friend of the Mayor of Chicago. The day I visited him, campaigning for the spring election was under way. On his desk was a sign: "Daley for Mayor." Court personnel, including deputy state's attorneys, wore Daley buttons.

As I traveled from state to state I told judges and lawyers what I saw—without naming Judge Boyle, Chicago, or Mayor Daley. To a man they condemned any judge who would so blatantly violate the judicial canons of ethics which prohibit "the public endorsement of candidates for political office."

THREAT OF RESIGNATION

A highly respected New Jersey jurist added that not even wives can mix in politics in his state. One judge, whose wife did, complained he could not control her. The problem was quickly resolved when the judge was told to tell her she had a choice: Get out of politics or see her husband resign his judgeship.

Why this concern over mixing politics and justice?

"The need to find funds to finance a political campaign and the low pay of judges are leading reasons why we have corrupt judges," says Elvin J. Brown, a highly respected district judge from Norman, Okla.

One of the great problems facing the courts: Few states have anyone to keep watch over judges. As Bernard G. Segal, a top Philadelphia lawyer, points out, "A judge is just a lawyer elevated to the bench. He may be a poor administrator, or poor at research, or have other shortcomings."

Sometimes he is not even a lawyer. This is often the case in small-town traffic courts and in other courts that handle large numbers of "minor" cases that are very important to those involved.

Some of these men with limited legal skill push their way up into higher courts.

LEGAL KNOWLEDGE DOUBTFUL

In Ardmore, Okla., Judge Joe Thompson, who sits in five counties as a district judge, was on the bench, his robe open, his collar loose, his tie askew, and his front shirt gaping.

Although he attended law school in Oklahoma City, he admitted to me he knows little about the law. He got on the bench more than 12 years ago when his home county (he lives in Marietta) needed a county judge—a secondary post that includes presiding over county governmental meetings and probate matters. With no one else willing to serve, the two district judges asked the State Supreme Court to give him a special permit until he passed the bar exam.

A cloud hangs over his passing the exam. He failed it several times. Some say three. Others say four. Judge Thompson says he has forgotten the details, but that he passed with ease on the final try, whatever the number.

He denies reports that he cannot read and write, explaining he is left handed and "can't read my own scribbling." His clerk reads his instructions to juries, he says, because "I've got sore eyes."

After serving eight years as county judge he ran against W. J. Monroe (one of his benefactors who helped him get the initial appointment) and won the seat as district judge. It was a little more than four years ago that he was elected district judge. Last spring he won a second term.

"He's not the smartest man on the bench, but his heart is as big as a washtub," says former District Judge John Caldwell, who served as Judge Thompson's court reporter during his first four-year term in District Court, often backstopping the judge by giving him points of law.

Commenting on complaints that some of his practices raise big questions, Mr. Caldwell says, "Judge Joe lets some lawyers take advantage of him. And when he doesn't like you he lets you know it. So some people get the wrong impression."

The judge also has a reputation for helping out home county folks who get in trouble with the law. But not always.

A man accused of arson made a deal with the assistant district attorney in Judge Thompson's home town of Marietta. The two agreed that a guilty plea probably would net him "only" 25 years.

But Judge Thompson, before sentencing the man recessed court to find Willis Choate, the young business manager of the local paper.

"He asked what kind of sentence he should give him, and I told him the people are pretty hot, and I'd sentence him to 50 years," Mr. Choate says.

Judge Thompson did. It was later reduced by the Court of Criminal Appeals.

COURT ORDER

In Sioux City, Iowa, Judge George Paradise made news not long ago when he became bothered by noise outside his home one evening. He went out on the street and told several young men to leave, that he was a judge, and that it was a court order. The next morning he cited them for contempt. The case was appealed to the Iowa Supreme Court, where the judge was upheld, though the punishment was reduced.

In Savannah, Ga., a woman judge is being challenged by the grand jury. Stella Akin, who has served since 1957, is said to have "repeated and protracted absences" from the bench, throwing the burden on an associate municipal judge.

From time to time charges against judges are more serious than incompetence. But corruption is hard to prove. A judge who takes bribes obviously does it in secret. And neither party involved will shout it from the housetops.

"There are many ways for a judge to be corrupt," adds Mr. Hazard. "It doesn't always mean he's going to take a satchel of money."

A Suffolk County, N.Y., judge, Floyd Sarisohn, was recently up before a five-man panel of the New York State Supreme Court's Appellate Division on charges of helping a prostitute stay in business, fixing a speeding ticket for a friend, jailing an innocent woman, setting bail at $1.5 million on a burglary suspect, and freeing three men in a case before another judge. The case still is pending.

EXCELLENCE ALSO OBSERVED

While problems are numerous across the country, I saw many excellent judges in action. Municipal Judge Murray Goodman of Miami Beach was fair and friendly. When five men corrected violations to city building ordinances he praised them for their cooperation, reopened the cases, and set aside findings of guilty so that they would not have court records. Emphasis is on getting cooperation and compliance. Yet he does not allow people in court in beach attire, nor can they smoke, chew gum, or read in court.

One young woman in Los Angeles, Bonnie Lee Martin, a Municipal Court commissioner, selected by the judges themselves, was without a doubt one of the finest judges I observed. She handled tough morals cases and difficult points of law with dignity and skill.

While Los Angeles judges were all among the best in the nation, I found the younger municipal judges there more alert and pleasant while on the bench than a few older men sitting in Superior Court.

Oklahoma, despite many judicial problems, also produces men of high caliber—like Elvin J. Brown, district judge in Norman.

How can the quality of judges in the United States be improved?

Many say raising salaries would help.

Eugene A. Wright, one of the nation's outstanding trial judges, retired from the Superior Court of Seattle, Wash., last fall to become vice-president of a bank.

In Pittsburgh, Common Pleas Judge Ruggero J. Aldisert, an excellent judge, had a six-figure income as a successful trial lawyer.

"My wife and I have, after five years," adjusted to our new budget," he says.

He makes $30,000 as a judge, but his take-home is far lower after taxes, pension payout, like insurance, and other expenses. And as a judge he is unable to write off business expenses on his income tax.

But some say pay is only part of the answer. A burning desire to see justice done, and the prestige of office helps.

The majority of states need a better system of selecting judges. Though it has its detractors, most court critics point to the merit-selection plan proposed in 1913 by Elbert M. Kales, a Northwestern University law professor and backed since that year by the American Judicature Society.

Under the plan, an impartial committee of lawyers and laymen receives nominations and then draws up a list of qualified candidates, usually three for each vacancy. The governor then appoints new judges from this list. At regular intervals each judge's name is submitted to voters, without party designation, on a ballot that reads: "Shall Judge ———, of the ——— Court, be retained in office? Yes ——— No ———."

First adopted in St. Louis and Kansas City in 1940, it is often called the Missouri plan. Alaska included it in its constitution when admitted as a state in 1948. In 1962, Iowa and Nebraska joined. During this same era other states began to use it in selected cities or for certain courts. Interest is slowly beginning to grow 54 years after the plan was first proposed.

APPOINTIVE SETUPS

Seven states, Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, Rhode Island, and South Carolina have appointed judges since colonial times, while several other states have returned to the appointive system after finding popular election unsatisfactory.

Yet some 36 states continue to follow the tradition attributed to the Jacksonian era of democracy some 125 years ago under which, in order to win office, judges must raise funds and give speeches to people who often couldn't care less.

Tenure, the length of appointment or elected term, is a key factor. Massachusetts judges serve for life, as in the federal system. New Jersey judges serve seven years, and then for life. Pennsylvania judges are elected for 10 years. In many states judges serve four years. These include Arizona, Arkansas, Idaho, Oklahoma, South Carolina, South Dakota, Washington, and several others.

Vermont judges are elected to two-year terms by the Legislature. However, a bill now under consideration would lengthen the term to six years.

Few top lawyers are willing to give up a successful practice for a short term on the bench. And it takes time and experience to become a good judge. Thus long terms are generally supported.

Six years is common. In five states judges serve for 8 years. In Delaware they serve 12, and in Maryland 15 years.

Coupled with tenure is the need for a good removal system. California's system is cited as an excellent solution, for it does not put judges at the mercy of politicians, but does keep a check on judges.

Los Angeles Judge William B. Neeley, former chairman of the California Committee on Judicial Qualifications, says anyone—lawyer, defendant, or citizen—is able to file a complaint against a judge. There are no forms to fill out. Only a letter to the commission is required.

To protect judges from cranks and political enemies, the complaints are kept confidential. So are the names of the complainers, to protect them from reprisals.

In California it has been found there is little need for formal action against a judge. Usually a letter asking him to respond to complaints results in reform, although the commission "sometimes gets flimsy excuses."

One judge was accused of "becoming very arbitrary and often sharp with witnesses." The judge wrote back that the "complaint is well-founded. I have had many health and family problems, and I can see how this has affected my actions in court." Although the complaining group was never notified of steps being taken, they soon told the commission that "the judge is doing much better."

A few states have adopted the California system, or are considering it.

SUPREME COURT AS OVERSEER

In New Jersey the chief justice of the Supreme Court oversees judges, sets working hours, and generally controls the bench. A judge "can't even take a day off without reporting in," says one official. Yet a proposed system of removing unfit judges has been held up by the New Jersey Legislature for years.

Most states require impeachment proceedings, which usually means it is almost impossible to remove an incompetent or corrupt judge.

Most judges have their own "kingdoms," with no one having power to make them work, keep them from becoming abusive or arbitrary, or correct other human failings. Appeals courts only rule on errors of law. Lawyers across the country say they are afraid to challenge judges because it will harm their practice and their clients. And in most cities the public doesn't know what is going on, nor does it care.

Yet many judges and lawyers point out that reform will not come from within. It will be up to laymen to make changes.

PRESENT DRAFT LAW DISCRIMINATORY AND UNFAIR—DRASTIC CHANGES ARE ESSENTIAL—18 MONTHS' SERVICE RIGHT

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, very definitely when the present selective service law expires on June 30, it will be essential that we in Congress enact a new draft law to select the limited number of young men required for service in our Armed Forces.

The operation of the present selective service law has been unfair in many particulars. For example, too much discretion for granting deferments or exemptions from service has been in the hands of local selective service boards. This results in thousands of different criteria for deferment. The result has been that some boards have been granting exemptions while a neighboring draft board in the same State and frequently in the same city makes an opposite ruling in an identical case and lists a registrant as available to be called into service immediately. Since available pools of eligible draftees differ from one draft board jurisdiction to another, consideration given to the problems of individual potential draftees differs from one draft board to the next.

Also, deferments too frequently favor those who can afford to attend college and those whose educations qualify them to enter critical occupations, so-called. The fact is that young men from families with financial resources are in a better position to secure deferment by going to college or by marrying young and having children.

The proposal to institute a fair and impartial random—FAIR—selection system should be provided in the law. This system would operate similar to the lottery system used in World War II. Young men will be inducted at age 19, instead of the present system of starting at age 26 and working backward.

In each of the next several years, nearly 1,900,000 young men will attain the age of 19. In 1970 that number will probably exceed 2 million. Of this number 3 of 10 will probably be disqualified for physical reasons or deferred for reasons of hardship or unfitness. Under the FAIR system each year the required number of inductees would be selected by a lottery method from the pool of qualified 19-year-olds. Those not selected would be assured that they did not face induction in the future except in event of a national emergency. This system would remove the uncertainty from the lives of young men who today are unable to plan their futures because of the many years in which they are liable for induction.

Calling young men into active service at age 19 instead of age 26 is a system which should have been provided in the past. Let us hope it will be provided in the new selective service law.

The percentage of those entitled to deferment for hardship reasons or because they are employed in essential occupations would be far less in the younger group than those of age 26. Furthermore, a young man with a wife and two children is not being drafted for active duty presently and should not be drafted in the future except in a grave national emergency. Very few young men of 19 are married and have children. Hence, very few deferments on this ground.

To quote General Wheeler who has a great deal of experience in training young men:

> The young ones of 19 are eager, sturdy and learn quickly.

The general stated:

> Sometimes the older men, who have taken on responsibilities of a family or have other draw-downs on their means, are not as eager, not as willing, to undertake military service as the younger men.

Very definitely, I also advocate that the period of service under the Selective Service System should be for 18 months and not 2 years. For example, considering the experience and observation of General Wheeler and the training procedures now adopted, it is certain that at the end of the first 6 months, young men 19 years of age who have entered the armed services would be qualified, trained, and ready for active combat duty.

Many times they are sent to Vietnam after they have been in the service for 6 months.

The policy followed at this time and that has been in force for the past several years of limiting service in Vietnam to 12 months should be continued. At the end of such 12-month active duty, a draftee should be returned home and honorably discharged from the service to the Active Reserve, giving him credit for his service in this country and double credit for service in the combat zone.

In fact, I believe that after a man has served 18 months as a draftee or volunteer in our armed services he should be exempted from that time on from any service in the Active or Inactive Reserves except possibly in a grave national emergency.

It is noteworthy that of our allies, Great Britain and Canada have no draft laws, no conscription whatsoever. New Zealand provides conscription for a period of 12 months only. Belgium conscripts for 12 to 15 months only; Italy, 15 months only. France conscripts her young men for service in the armed forces of France for 16 months; West Germany, for 18 months; and the Netherlands provides conscription for a period of 18 months.

I shall make every endeavor in the Armed Services Committee to have the 18-month term selected, I am convinced from every standpoint this is preferable. Then following such period of active duty no further Reserve or active service should be required except in times of a grave national emergency. This is my present view unless I am convinced that such provision would be unfair.

Mr. President, in this grim period of international anarchy, the Nation requires that young men must serve, particularly at a time when we apparently are acting as policeman for the whole world. However, in this land of equals, men must be selected to serve by an equitable system, the fairest system that can be devised. There is no one pat answer, but I know that the Committee on Armed Services of the Senate will do its utmost to report a fairer, more logical, and more equitable selective service law than we have at the present time.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

Mr. MORSE. I commend the Senator once again for another of his forthright and courageous speeches. Some quarters will not think it is good politics, but it is good statesmanship, and I commend him.

I wish to raise a point with respect to his comments. I was particularly interested in his discussion of the discretionary power of draft boards. I discussed that subject at the University of South Carolina 2 days before the President's commission reported. I discussed some of the very points the Senator has raised today, particularly the lack of national standards. The lack of national standards among draft boards is one of the reasons why I have voted against the draft the last two times. I expect to continue to vote against it unless a fair draft law can be enacted. I shall never vote for a draft law as discriminatory and unfair as the Selective Service System is.

The Senator from Ohio talked about deferments. One has only to look at the deferment provisions of the present law to recall how unfair the draft law was in the Civil War. They had interesting ways to get around it. We have unfair deferments now.

One of the reasons why we do not have national standards is that, for example, in area A, under the jurisdiction of one draft board, there may be a large number of young men who qualify as class 1-A. In another area, B, under the jurisdiction of another Selective Service Board, will be a much smaller number of qualified men. Therefore, a much greater number of men will be called from area A than from area B. Such unfairness cannot be justified. It is one of the unfair provisions of the draft law that needs to be modified. Other provisions with respect to deferments need to be changed. I recommended, in my South Carolina University speech, the drafting of 19-year-olds.

Another point I mentioned in my South Carolina University speech which I think is apropos at this time is that we at least ought to establish some ratio for the calling of draftees and men in the Reserves. I suggested then, and I suggest now, that if such a ratio were adopted, we would see a sudden change on the part of Americans toward this illegal, immoral, unjustified war in Vietnam, a war in which we are unjustifiably killing American boys to support a tinhorn tyrant who is not in a position to carry out the wishes of the South Vietnamese people.

Just imagine what would happen if we adopted a program for a 50-percent call of reservists and a 50-percent call of draftees, and we started to call up men to whom we have been paying millions of dollars on the assumption that they are to serve in the Reserves in order to protect the Nation in its hour of crisis.

Before we get through with the consideration of the draft law, so far as I am concerned, we are going to give some consideration to why we are not calling up any percentage of Reserves to serve in this war.

Mr. YOUNG of Ohio. Mr. President, I consider that the distinguished senior Senator from Oregon has pointed out some distinct failures and injustices of the present law. In at least the latter part of the statements he has made, I assert that he is eminently correct, and I am happy that he expressed those views on the floor of the Senate.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

DRAFTEES SHOULD NOT BE SENT TO SOUTHEAST ASIA WITHOUT THEIR CONSENT—S. 1414 AMENDING THE SELECTIVE SERVICE ACT SO PROVIDES

Mr. GRUENING. Mr. President, I am happy to join in this colloquy between my two able and distinguished colleagues who share my views on our folly in southeast Asia, and are aware of the unfairnesses and injustices in the existing draft law which it is proposed to extend when it expires on June 30. I, too, have an amendment of the draft law concerning which I testified yesterday April 13, before the Senate Committee on Armed Services. This amendment, which is S. 1414, provides that no draftees will be sent to southeast Asia without their consent. Its text is as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Universal Military Training and Service Act, as amended (50 App. U.S.C. 451–471), is amended by adding at the end thereof a new section as follows:
>
> "SEC. 22. No person inducted into the Armed Forces of the United States under this Act shall be assigned to duty or required to perform service in southeast Asia unless such person volunteers for assignment to duty in such area."

My reasons for presenting this amendment are twofold:

First, they stem from my conviction, which I have expressed repeatedly for over 3 years on the floor of the Senate and elsewhere, that our military intervention in southeast Asia which began in a very different form over a decade and a half ago and has steadily been escalated and intensified, is unjustifiable, illegal, immoral, and in every way disastrous to our national interest, both at home and abroad. My reasons for this reiterated belief are that the United States was not attacked; that our country suffered no aggression such as that at Pearl Harbor; that no vital interest of the United States was jeopardized or imperiled in southeast Asia.

When we first entered Vietnam in the latter stages of the war of the Vietnamese against the French, and after the French had been defeated by the Vietnamese, we, the United States, were the only outsiders, the only intruders, the only non-Vietnamese. Only Vietnamese were there. Our intervention was in considerable degree responsible for the civil war that ensued, and the United States thereafter elected, increasingly, to participate actively, unilaterally, and militarily in this civil war.

Why do I feel that we were responsible to a very considerable degree for the civil war that ensued?

First, having failed to give adequate assistance to the French, we chose to stay there with a military mission.

Second, we brought from the United States, a Vietnamese, Ngo Dinh Diem, who had taken no part in the anticolonial war which the Vietnamese people had waged—and waged successfully against the French. We, the United States, installed him as President of the Council of Ministers and then in a rigged election, enthroned him as President. It was his actions subsequently, as well as our own, which were largely responsible for the civil war which broke out in South Vietnam. It was his oppressive tactics, his ruthless elimination of all those who opposed him, their imprisonment, some of whom were tortured in prison, and his repudiation, with our consent and approval, to hold all Vietnam elections in 1956 to choose the officials who would rule the united country, that precipitated this civil war. For it was clearly spelled out in the Geneva Accords that the separation of North and South Vietnam was to be a temporary division for purposes of demilitarization and that they were to be united by the election throughout the country in 1956.

And so I repeat that when the civil war broke out between South Vietnam and the forces of Diem, we were then the only intruders, and as we began to escalate and to bring in more men and more arms in violation of existing agreements, the civil war, which has continued to this time, became a reality.

The record which I have documented shows that our official allegation that we went in there because a friendly government asked us to help it repel aggression, is without foundation. Not only is the record bare of any such request or evidence thereof, but on the contrary, the record is that in varying stages we asked ourselves in. The record shows that we moved from the proffer and granting of economic aid—which was the only aid offered by President Eisenhower and was also conditioned on reforms which were never carried out—to ever-increasing military involvement, first, by escalating our small military mission in Saigon to a great number of military advisers, and in 1965 to the actual sending of our troops into combat and bombing of the Vietnamese people, both north and south. When we did this it was we, the United States, who became the aggressor.

It is painful for me to have to admit this and to say it again, as I have said it before, but my careful study of the record permits of no other conclusion. While maintaining the fiction that it is not a civil war and that our motivation and justification for being there with ever-increasing forces is to repel aggression by the North Vietnamese, we have violated all the pertinent treaties to which we are signatories; namely, the United Nations Charter, the SEATO Treaty, and the unilateral pledge by Under Secretary of State Walter Bedell Smith, that we would respect the Geneva accords and support Vietnam-wide elections.

It is for these reasons, which are increasingly shared by more and more American people and will be shared by a far larger number when they become aware of all the facts, that there is a great unrest and unhappiness among the young men whom it is proposed to draft and send, without their consent, to fight people against whom they have no grievance, and to die in the process.

Were this war similar in its basic aspects to the three wars which the United States has experienced in our lifetime, there would be justification for the draft and for sending our young men into combat, though less need of it. For very few Americans would hesitate to jump in and fight if the United States had been attacked. Very few, indeed, would be unwilling to go to the fighting front if they felt that our national safety were imperiled. There would not be in these circumstances, which existed in the three previous wars—World War I, World War II and Korea—the widespread revulsion which I fully share and hereby express, against the involuntary servitude by which we send our young men to die, 10,000 miles away from home and contrary to the pledges, implicit in President Johnson's repeatedly uttered pronouncements in his campaign for election in 1964.

He said—and I quote only two out of a much greater number:

> We are not about to send American boys nine or ten thousand miles away from home to do what Asian boys should be doing for themselves.

And also:

> There are those who say I ought to go North and drop bombs to wipe out the supply line. . . But we don't want to get tied down in a land war in Asia.

Sending our young men to fight and die contrary to these specific pledges—as indeed they were interpreted by the American people—pledges more specific than those alleged to be commitments made by three Presidents, is all the more shocking when we consider the high rate of desertion from the South Vietnamese Army, desertions by those whose cause we are presumably defending. These desertions numbered 96,000 in 1965. Their number rose to 110,000 last year. What justification is there for drafting our young men to replace these deserters?

It is also pertinent that we are getting very little help from our so-called allies, as the distinguished senior Senator from Virginia [Mr. BYRD], a member of this committee, made clear in his able address to the Senate on April 11 upon his return from a 2 weeks' inspection trip to southeast Asia.

Summing up Senator BYRD's enumeration of the scant cooperation we were getting from other nations in what is presumably the cause of the so-called free world, Senator HARTKE remarked:

> So far as we are concerned, we have no cooperation from either of our immediate neighbors in this respect—that is, from Canada or Mexico; or from any North American country; any South American country, any African country, any European country, or any Asian nations except Korea and the Philippines, and the limited Thai support.

To which Senator BYRD replied:

> Unfortunately, the distinguished Senator from Indiana is correct.

Shall we continue to insist that our young Americans shall bear the entire burden and make all the sacrifices?

When I began to voice my opposition to what I consider our folly in southeast Asia, I stated more than once my view that all South Vietnam was not worth the life of a single American boy.

It is interesting to recall what so sterling a patriot and unchallengeable a witness as Gen. David M. Shoup, the recently retired Commandant of the U.S. Marine Corps said in a public address at Los Angeles last May 14. He said:

> I don't think the whole of Southeast Asia as related to the present and future safety and freedom of the people of this country is worth the life or limb of a single American.

While I expressed the view that South Vietnam was not worth the life of a single American boy, General Shoup feels that all southeast Asia is not worth even the limb of a single American. He has raised my ante.

But there are other reasons why this amendment should be enacted. That is my second reason for my amendment.

There is a distinct difference between the men in the regular armed services and the draftees. When a man enlists in the Army, the Air Force, the Navy, or the Marine Corps, he does so voluntarily. When he does so he knows that he will be subject to the orders of the Commander in Chief, the President of the United States, and he is obligated to go where he is sent. He is under no obligation to enlist. But when he does so, he does it with his eyes open. Whatever may be his views on our undeclared war in southeast Asia, he has voluntarily committed himself to go there if and when the military authorities of the branch of the service which he has joined order him to do so.

That is not the case with the draftees.

There are at present some 250,000 trained troops stationed in Europe. They form a part of the essential body of our Armed Forces that went into the military service voluntarily. They have been trained for active service. What justification is there for not calling upon them first and sending them to Vietnam and wherever else is deemed necessary and if more are needed to replenish our European forces with draftees?

I repeat that, had this war resembled in its essentials the two World Wars or even the Korean engagement, I feel there would be little question or certainly less questioning of the duty of Americans to go to the front if called upon or of their patriotic response. They would go. But this war, waged for reasons not justified by official allegations, a war waged upon a small peasant people fighting for their independence, raining death and destruction on their helpless noncombatants, is so repulsive to those who know the facts that the drafting of our young men to go there to fight and die there cannot be justified morally, spiritually, or for any other reason.

I have talked with many young men in various parts of our country who share that view and are deeply disturbed. But I know there are others who do not share that view. Why not let those young men who approve of our actions in southeast Asia, who believe that ours is a noble and justified cause, volunteer for service in it? If our course in southeast Asia is as good as its proponents in the executive and legislative branches of our Government assert it to be, why not give the generation whom they propose to conscript and send into combat the opportunity to decide? That would at least be consistent with our professed beliefs in democracy and freedom.

INCREASE OF ENEMY TROOPS IN SOUTH VIETNAM

Mr. MILLER. Mr. President, an article in today's Washington Post indicates a buildup of North Vietnam and Vietcong troops in South Vietnam to 287,000 today compared to 239,000 a year ago.

If the article is accurate, and I have no reason to think otherwise, it could portend more difficult times ahead for the United States and its allies in South Vietnam, and concern over a prolonged war appears well founded.

I have said many times that the American people consider a prolonged war to be unthinkable. They will continue to hold this position as long as they believe that more action can be taken to shorten the war in Vietnam. They have strong reason to believe that the war can be shortened because they know that important recommendations of our military leaders have not been carried out.

I repeat what I have said on other occasions in the Senate: None of us believes that the entire conduct of the war should be turned over carte blanc to the military, because we know that there are other considerations besides merely military ones. Rather, it is my view that certain key military targets recommended by our military leaders have been off limits in the north and that placing them on limits would not entail stepping up the bombing or more bombing. If anything, we could reduce the number of sorties if our pilots were permitted to strike more meaningful military targets in the north.

To bring the pressure needed to slow down further the infiltration of troops, supplies, and ammunition from the north to the south, and to make the cost of continued aggression more dear to the North Vietnamese Government, this must be done.

This is why we must take strong note of this article, for it signifies the dangers which lie ahead under present targeting policy.

I ask unanimous consent that the article by George C. Wilson, entitled "Viet Enemy Troops Reach Record Level, United States Says," be printed at this point in the RECORD.

There being no objection, the article ordered to be printed in the RECORD, as follows:

VIET ENEMY TROOPS REACH RECORD LEVEL, UNITED STATES SAYS

(By George C. Wilson)

The enemy has more troops in South Vietnam than ever before despite all the killing by Allied forces, latest Pentagon figures show.

This could foreshadow a bigger push by the North Vietnamese and Vietcong, with the intensified action in the Marine area near the North-South border just the beginning of the campaign.

Or it could be simply a case of the United States military command in Saigon overstating both the enemy buildup and his losses.

But the Pentagon figures, prepared by the military command in Saigon, are used by Defense Secretary Robert S. McNamara and others to help assess the war: They therefore cannot be dismissed.

These are some of the surprising, and to the United States and its allies, worrisome trends indicated by the latest war statistics:

North Vietnamese and Vietcong strength has been climbing steadily in the last year, with enemy strength estimated at 287,000 today as compared to 239,000 this time last year.

Infiltration still appears to be down, indicating the recruiting in South Vietnam has been more successful than U.S. officials had predicted.

The enemy has lost half a million men in the war, more troops than the U.S. wants to commit, and still shows no signs of losing heart or of retrenching.

U.S. casualties are rising at the same time the Johnson Administration is trying to clamp a ceiling on the number of troops it puts in South Vietnam. For the week ending March 25, for example, a record high of 274 U.S. troops were killed, compared to the Korean War weekly average of 255.

The enemy probes, especially hard at present in the Demilitarized Zone separating North and South Vietnam, are pulling Marines away from pacification efforts. If this continues, some military leaders see activating some reserves with their equipment as the only solution. Other steps, they argue, could only be stopgaps or might not get the men and equipment on the scene in time.

Outside the figures themselves are other worrisome developments. Recent signs that the Russians and Chinese have come to terms on more aid for North Vietnam could mean a greater influx of modern weapons.

North Vietnam pilots have been reported training in more advanced Russian fighters as well as learning to use the Atoll A-2 air-to-air heat seeking missile which goes on the Mig 21D. This could mean more opposition to the U.S. in the air while the enemy pushes harder on the ground with Russian and Chinese equipment.

Intelligence sources said yesterday that there had been a shakeup in the North Vietnam military command for the Demilitarized Zone area. A higher level officer took charge, thus strengthening the possibility that a bigger push is in the making.

Here is the statistical profile of the war, using Pentagon figures:

Enemy Strength (North Vietnamese and Vietcong in South Vietnam)

January	238,000
February	239,000
March	239,000
April	250,000
May	267,000
June	271,000
July	277,000
August	282,000
September	283,000
October	282,000
November	282,000
December	282,000
January	284,000
February	284,000
March	287,000

Infiltration (accepted figures of troops going from North to South Vietnam)

January	4,000
February	8,000
March	10,000
April	1,000
May	6,000
June	13,000
July	3,000
August	2,000
September	1,000
October	(1)
November	(1)
December	(1)

[1] No refined figures for these months or January, February and March of 1967. But preliminary figures show continuation of downward trend in infiltration.

Enemy losses (North Vietnamese and Vietcong lumped together)

	Killed	Captured	Military defections
1960	5,669		
1961	12,133		
1962	21,158	5,500	
1963	20,575	4,000	7,936
1964	16,785	4,200	12,897
1965	35,436	5,926	1,497
1966	55,524	9,000	2,105
1967	[1] 23,400	[2] 1,000	[1] 3,155
Total	190,680	29,626	27,590

[1] Through March 1967.

[2] January 1967 only.

The combined total of the above three figures—killed, captured and defections—comes to 247,896. The killed figure comes from actually counting bodies on the battlefield.

Not included above is the number of enemy wounded. Pentagon officials consider this would be at least equal to the number of dead and most likely 1½ times as much. Figuring 1½ times the dead gives a wounded estimate of about 280,000. This makes the killed and wounded total 470,680.

Still another missing figure is the number of enemy troops who die from disease. One unofficial but informed estimate puts this figure at about 100,000.

Secretary McNamara earlier this year told Congress that the enemy strength appears to "have leveled off" with infiltrators and those recruited in South Vietnam merely replacing men lost.

Compared to enemy losses, the U.S. so far has had 8931 deaths from hostile action and 52,946 wounded. Another 1869 U.S. troops have died from aircraft accidents and other non-combat causes.

There is no South Vietnamese count of wounded, but Pentagon figures show their combat deaths at 47,294 for the war to date.

RAMSEY CLARK—GOOD PUBLIC SERVANT

Mr. YOUNG of Ohio. Mr. President, despite the silly slogan of the rightwing extremist John Birch Society, "Impeach Earl Warren," it is becoming increasingly evident that Americans have reasons to be proud of our Federal courts. President Johnson made another superb appointment when he selected and nominated Ramsey Clark to be U.S. Attorney General.

In the past, FBI agents resorted in some instances to wiretapping and "bugging" devices to listen in on private conversations and Attorney General Clark has denounced this practice as nefarious. He asked:

> Where is the evidence that this is an efficient police technique? Public safety will not result from wiretapping. Security is to be found in excellence in law enforcement, in courts and in corrections.

This may be regarded as a slap at J. Edgar Hoover. The new Attorney General made it crystal clear that he has forbidden wiretapping except when necessary "for national security cases alone."

Some citizens write denouncing the U.S. Supreme Court for its decision in the Miranda case. Evidently, they have been duped by reading some extremist propaganda. This decision, simply stated, requires police to inform persons arrested before interrogation by detectives or anyone of their right to ask for a lawyer or refuse to answer questions. What did our new Attorney General think of that? His answer was:

> Court rulings do not cause crime. No one is so sophisticated to say, "Well, I can commit this crime because I won't be interrogated."

He added:

> Our criminal statistics show a conviction rate about the same among those accused who refuse to talk as with those who do.

Citizens would do well to recall early American history—that immediately upon publication of the draft of our Constitution by the 55 members of the Constitutional Convention, there was an uproar throughout the 13 new liberated Colonies from men who fought and won the Revolutionary War. On their demand the first 10 amendments, which we affectionately term the Bill of Rights, were adopted in the 1st Congress and ratified by nine of the new States. These first 10 amendments were forced on the conservatives of that time. Among the sacred rights granted was the right of the people peaceably to assemble and to petition the Government for a redress of grievances, that citizens be secure in their persons, houses, and effects against unreasonable searches and seizures and that no person shall be held to answer in criminal cases unless on presentation or indictment of a grand jury nor shall a person be compelled to be a witness against himself. We are fortunate that President Johnson has appointed an Attorney General who will be vigilant in the protection of these sacred rights. I salute Ramsey Clark, Attorney General of the United States.

IS THE UNITED STATES IN VIOLATION OF THE SPIRIT OF THE OUTER SPACE TREATY EVEN BEFORE RATIFICATION?

Mr. GRUENING. Mr. President, I ask unanimous consent that I may proceed for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRUENING. Mr. President, I have supported, and intend to continue to support, the Treaty on Outer Space. It represents, in my opinion, an important step forward on the rocky road to peace for all mankind. I hope that it will shortly be reported favorably by the Senate Committee on Foreign Relations and that the Senate will then promptly give its advice and consent to its ratification.

In the New York Times this morning there appeared a story under the dateline of Saigon, South Vietnam, April 13, from the Associated Press to the effect that "American bombers are being guided to targets in North Vietnam by daily photographs received from U.S. weather satellites."

According to the story, the aerial photos from the satellites are rushed, sometimes when still wet, to the U.S. air commander in South Vietnam, Lt. Gen. William W. Momyer, even while U.S. bombers are on their way to the north:

> By spotting breaks in the clouds, General Momyer can divert planes to areas that are unexpectedly clear. With satellite photos sometimes taken minutes before, he has a grasp of the weather situation that is impossible to obtain by conventional forecasting.

In connection with the Senate's consideration of the Treaty on Outer Space, a serious question is raised by this practice of using the weather satellites to locate attainable bombing targets in North Vietnam. The question is thus raised as to whether or not this practice would violate the objectives of the proposed treaty.

It is true that the weather satellites in and of themselves are not weapons of war and are not raining bombs on North Vietnam. It is also true that the satellites are not being used as triggers physically located on the bombing planes flying over North Vietnam.

On the other hand, when a weather satellite flashes a photograph to earth and that photograph is then rushed to the U.S. air commander in South Vietnam so that he can and does then determine places over North Vietnam where the weather is clear and he orders those places bombed, it is obvious that the satellite itself is passing on the information, through an intermediary, to the bombers. The weather satellite thus becomes an integral part of the bombing operation as though it were physically located on the bombers themselves as part of the trigger mechanism. The weather satellite is certainly an object in what is considered to be "outer space."

The question may well be asked: "Is not the United States in violation of the spirit of the Outer Space Treaty even before ratification?" This is a question that should be thoroughly explored by the Committee on Foreign Relations before it reports on the treaty. The time to explore this question is before, not after, ratification.

I ask unanimous consent that the news story from the New York Times of April 14, 1967, entitled "Satellites Guide U.S. Pilots in War," be printed in full at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SATELLITES GUIDE U.S. PILOTS IN WAR—WEATHER PHOTOS PROVIDING DATA ON NORTH VIETNAM

SAIGON, SOUTH VIETNAM, April 13.—American bombers are being guided to targets in North Vietnam by daily photographs received from United States weather satellites.

The Air Force said today that photographs of all Southeast Asia had become one of the most valuable guides to United States bombing and that the North Vietnamese might be receiving them, too, using them for air defense planning.

The wave lengths on which the satellites transmit the photos are public knowledge, and they are being received and studied by various nations throughout the world.

The Air Force has no confirmation that they are being received in North Vietnam. But experts said the necessary equipment was relatively cheap and the photos would be just as valuable to North Vietnam as they were to the United States.

The weather photos from the ESSA (Environmental Survey Satellite Agency) and the Nimbus satellite, both orbiting more than 600 miles up, are monitored by Air Force weather stations in Saigon and in Udon, Thailand.

PRINTS RUSHED TO GENERAL

So important are the pictures that wet prints are frequently rushed to the United States air commander in Vietnam, Lieut. Gen. William W. Momyer, while strikes are headed north.

By spotting breaks in the clouds, General Momyer can divert planes to areas that are unexpectedly clear. With satellite photos sometimes taken minutes before, he has a grasp of the weather situation that is impossible to obtain by conventional forecasting.

The electronic satellite photos are received by standard television techniques somewhat refined to give more detail. The standard United States screen, for example, has 500 lines an inch while satellite pictures are 800 lines an inch.

Col. Edwin Carmell of Rantoul, Ill., who runs the Saigon weather post, says:

"Our people, who are experts, can tell from the density of the picture, by comparing whites and grays, a remarkable amount of information."

He said they could generally get cloud ceilings, separate rain clouds from others and obtain a vast amount of detail needed by pilots.

The two satellites usually furnish two photos daily of Southeast Asia.

"The photos have become about 50 per cent of our product," Colonel Carmell said. "In the general's eyes, they are maybe 100 per cent.

"The weather has been so bad up North recently, we could be 95 per cent correct by predicting bad weather all the time. That doesn't do much good. What the Air Force wants is to know about that other 5 per cent."

CHESTER E. DAVIS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 173, S. 233.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 233) for the relief of Chester E. Davis.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Chester E. Davis the sum of $2,000. The payment of such sum shall be in full satisfaction of all claims of the said Chester E. Davis against the United States for clothing, furniture, and household effects lost by him while serving in Cuba as an attaché of the Department of Agriculture, the said Chester E. Davis having been forced to abandon such clothing, furniture, and household effects in such country when the United States and Cuba broke diplomatic relations: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 177), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to authorize the payment in the amount of $2,000 in settlement of the claim of Chester E. Davis for clothing, furniture, and household effects lost by him while serving in Cuba as an attaché for the Department of Agriculture.

STATEMENT

A similar bill, S. 2925, of the 89th Congress, was approved by the committee and passed by the Senate but no action was taken in the House.

The Department of Agriculture has advised the committee that it recommends enactment of the bill.

The circumstances of the case are set forth by the Department of Agriculture as follows:

"This is in reply to your request of February 23, 1966, for a report on S. 2925, a bill for the relief of Chester E. Davis, authorizing a payment in the amount of $2,000 in settlement of his claim for clothing, furniture, and household effects lost by him while serving in Cuba as attaché for the Department of Agriculture.

"We do not have information as to the specific items of clothing, furniture, and household effects so we are unable to assess depreciated value of the articles which Mr. Davis was unable to remove from Cuba when diplomatic relations between the United States and Cuba were broken and personnel evacuated. In a recent communication, Mr. Davis indicated a total depreciated value of $4,000 for the lost articles. He did not provide any details. Mr. Davis has been retired now for several years.

"Separate maintenance for Mrs. Davis began on October 3, 1960, after her return to the United States. Mr. Davis came to the United States December 15, 1960, under consultation and home leave orders and was not able to return to the post.

"The Military Personnel and Civilian Employee's Claims Act of 1964 permits administrative settlement of Federal employees' claims for damage to, or loss of, personal property incident to their service. Such claims must be substantiated; possession of the property must be determined to be reasonable, useful, or proper under the circumstances; and no claim may be paid in an amount greater than $6,500. The 1964 act does not, however, apply to claims arising before its effective date, August 31, 1964. Therefore Mr. Davis' claim may not be settled under the 1964 law.

"Nevertheless, since Mr. Davis' loss occurred under circumstances similar to those encompassed in that act, we believed it would be equitable to treat him in the same manner as claimants eligible under its provisions. Accordingly, this Department recommends that S. 2925 be passed in such amount as the Congress is satisfied would be due Mr. Davis if his claim had arisen after enactment of the 1964 act and had been settled under its provisions.

"The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program."

The committee believes that the bill is meritorious and recommends it favorably.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE QUALITY OF MERCHANT MARINE TRAINING

Mr. MAGNUSON. Mr. President, many persons are disturbed that our merchant fleet should dwindle and age as our ocean commerce needs grow.

The latest to voice this warning with all its implications to our Nation is Milton G. Nottingham, Jr. He is well informed, having served as president of the U.S. Merchant Marine Academy Alumni Association.

Fortunately, the caliber of training at the Academy has pursued an upward course over the years. During his term in office, Milton Nottingham was particularly helpful and cooperative, devoting much time and effort to insure that this trend in training will continue.

His devoted interest to the quality of training which will be available at the Merchant Marine Academy makes his remarks regarding the deteriorating position of our merchant fleet the more authoritative.

I ask unanimous consent that Mr. Nottingham's statement, published in the February issue of the Kings Pointer, the publication of the U.S. Merchant Marine Academy Alumni Association, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MERCHANT MARINE AT POINT OF DEPARTURE

(By Milton G. Nottingham, Jr.)

In each major and most minor military campaigns of the U.S. overseas, merchant shipping has been an essential element of our effort. World Wars I and II, the Korean War and the current conflict in Vietnam have required the use of large numbers of American ships to transport the men and material with which to meet our commitments. With the spotlight of public attention often focused on air and space, the less than glamorous commercial shipping industry's role quite frequently goes unnoticed and unrecognized.

Yet, the men and equipment in Vietnam did not, for the most part, reach the Orient by plane. In fact, 60% of the troops and 98% of the supplies in Vietnam came by ship—often the same ships that transport today's soldiers and Marines carried their older brothers during the Korean War and their fathers in World War II. These ships are now obsolete and can no longer be depended upon to provide logistical support for any future military effort or emergency sealift operation.

However, there are no replacements under construction or even on the drawing boards for these World War II freighters. Even the vessel replacement program for the scheduled berth lines is far behind, and we are currently building a maximum of 13 ships annually for these subsidized operators, whose U.S. flag services on trade routes circling the globe have been deemed essential. Our passenger fleet has shrunk to 27 ships and there are no present plans for new construction.

The tanker fleet is the one relatively "bright spot" in our merchant marine, for at least there have been many new tankers built in the postwar period as replacements for war built tonnage. However, the U.S. flag tanker fleet is nonetheless insufficient to meet our military needs in the event of a major war or for that matter a second Vietnam-type conflict.

It is shocking that outside of the marine industry there seems to be only a handful of people who realize the desperate plight of the American merchant marine and the even more serious implications for the defense posture of our country that is represented in the continual decline of our maritime power. Planes cannot move the vast quantities of men and material that will be needed in the event of a major military effort by the U.S. abroad. Yet, the required ships will not be available unless a major vessel replacement program is undertaken promptly. Similarly, the shipyards and the nucleus of skilled men to build and man an expanded fleet will not be readily available. Most importantly, it is doubtful that we will have the time in a future war to build the yards, the ships, and to train the men that will be needed.

In the light of the growing obsolescence of our merchant fleet, the small current budgetary request of the President for subsidy for merchant ship construction and operation provides small comfort. Ironically, the budget includes a provision for the "lay up" of our only nuclear powered ship, the *Savannah*. At a time where the major maritime nations of the world are planning, building, or, as in the case of the Soviet Union, operating nuclear powered ships, it seems strange that this country should retire its only such vessel. This situation is all the more incomprehensible when we consider that the *Savannah* is only 5 years old and should have 20 years of useful service left. Yet this fine ship may be placed in the reserve fleet while we continue to operate 200 or more slower war-built ships that are more than 25 years of age—the normal life span of a ship.

Our past experience in periods of world crises should have convinced us that this nation cannot afford to depend upon foreign flag shipping or upon sufficient time to build a new merchant fleet should another world crisis require a sudden sea-lift capability. We can but hope that the public and the Congress will become so concerned at the danger to the nation represented by the continued decline of our commercial shipping capability that a major effort will be undertaken to revitalize the U.S. merchant marine before we pass "the point of departure."

DEATH OF WILLIAM SHIVERS MORRIS, AUGUSTA, GA.

Mr. TALMADGE. Mr. President, on Tuesday of this week, one of Georgia's leading newspaper publishers and outstanding citizens died at Augusta, Ga.

He was William Shivers Morris, who rose from the humble beginning as bookkeeper at the Augusta Chronicle to ownership of that paper and four others, including the Augusta Herald, the Savannah Morning News, the Savannah Evening Press, and the Athens Banner-Herald. He was a great Georgian who made many outstanding contributions to his community, State, and Nation. He was my warm personal friend, and I was greatly saddened by his death.

The April 12 edition of the Savannah Morning News contained a memorial editorial concerning Mr. Morris. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

In Memoriam—William Shivers Morris

The task of a newspaper publisher places heavy responsibilities upon those who choose to follow this calling. The greatness of a publisher is measured by the manner in which he discharges these responsibilities.

William Shivers Morris attained greatness because he discharged his responsibilities not only from the vantage point of an objective reporter and concerned editor, but also by personal service to the communities his newspapers served and to his native state.

Death on Tuesday ended the career of Mr. Morris, who headed the newspaper family that included five dailies in Savannah, Augusta and Athens. His affiliation with the newspapers of Savannah began in 1960 when Southeastern Newspapers Corp. acquired the two local publications. He pledged at that time, in a statement to our readers, that these newspapers would remain dedicated to the best interest of Savannah and would share with the Augusta papers a common interest in the development of the great Savannah River Valley area.

This pledge he fulfilled daily, inspiring in the professional newspapermen to whom he entrusted the operation of the newspapers a keen feeling of journalistic responsibility and public trust.

Mr. Morris, as a man of vision, courage, awareness, initiative and integrity, was dedicated to the preservation of government that is responsive to the wishes of the people. He opposed the centralization of government and other moves that would transform this Nation into something of a totalitarian nature.

On more than one occasion, his dedication to this principle moved him to assume a personal role of leadership in government. In 1946, after waging a continuing battle against a political faction in Augusta which had grown unresponsive to the wishes of the people, he offered as a candidate for the General Assembly on a reform ticket that unseated the entrenched party. For 10 years he gave personal service to the state's educational system through membership on the university system's Board of Regents.

Mr. Morris' civic service was far beyond the customary call of duty which comes to prominent citizens. He headed his city's Bicentennial Committee in 1935, gave leadership to the Salvation Army, the Community Chest, University Hospital, the Boy Scouts, the Selective Service System and the Chamber of Commerce. His newspaper corporation was one of the founders of Augusta's fabled Committee of 100, which to this day remains highly successful in the procurement of new industry in the Savannah Valley.

Though he sought no personal recognition for his services, Mr. Morris nevertheless was the recipient of many honors. Among the highest was designation by the Georgia County Commissioners Association in 1960 as the state's "outstanding citizen." He received this honor for leading his newspaper in what the association termed a fight to preserve constitutional government. In making the award to him at a convention of the association in Augusta, Savannahian John J. Bouhan called Mr. Morris "a man who will not lose his individuality in a crowd . . . who is not afraid to say 'no' though all the world says 'yes' . . . who is larger than his calling . . . who is not cursed by some little defect or weakness which affects his usefulness and neutralizes his power. . . ."

This, indeed, was a newspaperman known affectionately as Bill Morris, a fighter for righteous causes who worked as hard for the causes as he asked others to work.

The principles for which he stood are enduring. They will continue to guide these newspapers and to be offered as inspiration to the communities the papers serve.

DR. LAUREN DONALDSON, DEDICATED FISHERIES BIOLOGIST AT UNIVERSITY OF WASHINGTON

Mr. MAGNUSON. Mr. President, the efforts and outstanding results of a dedicated fisheries biologist at the University of Washington have not received adequate recognition. In fact, quite recently I mentioned this man on the floor of the Senate as a result of credit given him by a Seattle marine publication.

I was particularly pleased, therefore, to observe that the April 1967 issue of Carpenter magazine has reprinted an article which originally appeared in Panel, a publication of the American Plywood Association. The man I refer to is Dr. Lauren Donaldson.

I ask unanimous consent that the article entitled "Donaldson's Dandies" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Donaldson's Dandies

(By James B. Glynn)

(By improving the breed of Northwest fish, a noted educator directs a lesson to a protein-hungry world.)

The consummate skill of the Chinook salmon in finding its way back home after ranging over thousands of miles of ocean in the North Pacific is the basis of a noble experiment by a fish-lovin' professor at the University of Washington.

Dr. Lauren Donaldson, who likes to work with fish because, as he says, "Fish are just plain smart," had two purposes in mind when he began his work back in 1948.

He wanted, as do horse lovers, to improve the breed. And he wanted to develop a new strain of Chinooks that would mature early; that would be healthy and free of disease and that would return to an artificial birthplace earlier than the customary four years.

When a confirmed fisherman sees the laboratory of Dr. Donaldson on the Seattle campus today, he comes away convinced that he had best not retell his experience, for anything he might say would sound like a fish story of the greatest magnitude.

NOSE FOR DIRECTION

The clinical explanation of how a salmon gets home after a long journey in the ocean has never been set down in indisputable form. Donaldson says the fish relies on a unique memory system and keen sense of smell.

He has already demonstrated in his experiments that when the nostrils of a salmon are plugged with cotton, the fish will become hopelessly lost in a relatively small area. But, given free use of all its amazing faculties, the salmon usually can get back home, and it was with this fact in mind that Donaldson began his work.

In the autumn of 1948, he culled from the water of Soos Creek, near Tacoma, the best female Chinooks he could find. He removed their eggs, fertilized them with sperm taken from choice males and let them mature in water-filled trays in his laboratory. After hatching, the fish were placed in ponds outside the lab and put on a nutritive diet prepared by Donaldson.

HAZARDS ABOUND

Then, after marking each one by snipping off a small fin, the fingerlings, were dumped into nearby Lake Union. To begin their migration northward through Puget Sound to Alaska, the salmon first had to survive the caustic industrial waters of Lake Union, a feat that to some seemed highly unlikely.

In fact, the chances seemed slim that any of these tiny fish would ever reach the ocean, let alone return to Donaldson four years later.

Indeed, since they had been reared in an enclosed pond on the campus, there was no through route for them to travel on the return trip. Donaldson and his staff solved that by digging a ditch from the pond to the edge of Lake Union. Campus nonbelievers promptly named the ditch "Donaldson's Folly." They came in droves to disparage the crude ditch and taunt the students from the

Fisheries Center who helped the professor dig it.

But four years later the Chinooks did come back, wriggling eagerly up the shallow ditch and into the pond outside the professor's office. They came in numbers far exceeding Donaldson's dreams and they were big, full-bodied and healthy as the proverbial pup.

Now there was a new nickname—"Donaldson's Dandies"—and indeed they were a new breed that held out great hopes for the improvement of the species in the Pacific Northwest.

The cycle has been repeated each year and in 1955 came a significant development. In the autumn of that year, some Chinooks returned that had been released in 1952. They were a year ahead of schedule, but they were as big as four-year-olds.

Six years ago, the old ditch that had been dug by Donaldson and his students was replaced with a concrete flume, or fish ladder, for the use of the returning salmon.

Plywood gates are a part of the flume and they have given Donaldson and his staff some insight into recent improvements in the plywood industry. Partially immersed in water, the gates have been there for six years and there is no sign of wear or delamination.

It has been 30 years since Dr. Donaldson began experimenting with rainbow trout, hoping to develop a select breed. His latest specimens can be found in one of the rearing tanks outside his office. They are, by the standards of any ardent fisherman, eye poppers.

OPENING DAY FUN

He has rainbows only a year old that weigh three pounds. His three-year-olds range up to 18 pounds—and that's no fish story. The professor has been known to sneak a few into a nearby trout lake before opening day of the fishing season, then stay to watch the excitement.

"When I hear some guy out there yelling like hell, it all seems worth while," says the professor.

Now he is crossing these rainbows with steelhead, which by his definition, is "like crossing a Holstein with a Black Angus," since the rainbow and the steelhead are of the same racial stock.

He hopes to combine the migratory habits of the steelhead with the non-migratory qualities of the rainbow. And by merging the fighting spirit of the steelhead with the beauty of a rainbow, he is producing a fish that will have great appeal to the fisherman. His specimens, though still not a year old, look like full grown rainbows.

LESSON FOR WORLD

In a Seattle speech recently, Vice President Hubert H. Humphrey urged that the waters of the Northwest should be exploited to acquire more protein for the undernourished people of the world.

Dr. Donaldson does not think that salmon, which he calls "a luxury fish," will contribute significantly to that goal, mainly because the meat of the salmon is so high-priced.

But he thinks that the mass production of other types of fish through artificial breeding and controlled feeding could help supply food for the hungry.

Indirectly, then, his work of the past 30 years has its humanitarian aspects which the experts will hardly be able to overlook.

Meanwhile, his fish are returning in ever-increasing numbers and by his own estimate the tide will increase and the fish will grow even larger.

It is said, in fact, that scores of the Chinooks caught this year along the Washington coastline were not denizens of natural breeding areas in the Columbia River and Soosc Creek, but some of Donaldson's Dandies.

HALFWAY TO 1984

Mr. LONG of Missouri. Mr. President, the Senate Subcommittee on Administrative Practice and Procedure is continuing its investigation of invasions of privacy. We are presently holding hearings on S. 928, the Right of Privacy Act of 1967. We have recently held hearings on proposals to create a National Data Center, a potential "Frankenstein" to the privacy of American citizens.

An article entitled "Halfway to 1984," written by Mike McGrady, was published in Newsday for March 25, 1967. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HALFWAY TO 1984

(By Mike McGrady)

"Freedom is the freedom to say that two plus two make four. If that is granted, all else follows."

—From "1984" by George Orwell

The book "1984" was published in 1949. In at least a chronological sense, we who inhabit the year 1967 are halfway to 1984, the date Orwell chose for the realization of his Negative Utopia. It might then be an appropriate moment to pause and look around, to check the timetable as it were.

The world of 1984, through Orwell's eyes, is an essentially cheerless place of complete collectivization. He sees the world split into three major powers, each armed with an ever-expanding nuclear arsenal; he sees the three nations involved in continuous brush-fire wars with neither the hope nor the aim of achieving victory; he sees men and women living their lives in full view of an electronic eavesdropper called a Telescreen; he sees the evolution of a language called "Newspeak" and a thought process called "doublethink"; he sees scheduled Hate Weeks and Antisex Leagues and banners that warn, "Big Brother Is Watching You"; he sees a world, finally, where people will be conditioned first to believe, then to know, that two plus two make . . . five.

At least one of Orwell's nightmare visions can be discarded at the outset. His picture of 1984 is in many ways predicated on a major nuclear war in the mid-1950s, a war that some feel would be essential to his totally reconstructed society. It didn't happen.

Few, however, can quarrel with Orwell's view of world geography. The names he chose (Oceania, Eastasia, Eurasia) have not appeared, but there is no denying that the world is now firmly divided into three major powers, and divided surprisingly near the lines suggested by Orwell. Even more impressive are Orwell's thoughts on the nature of war. Always bear in mind that this was written well before Korea and Vietnam—

"War, however, is no longer the desperate, annihilating struggle that it was in the early decades of the twentieth century. It is a warfare of limited aims between combatants who are unable to destroy one another. . . In past ages, a war, almost by definition, was something that sooner or later came to an end, usually in unmistakable victory or defeat . . . None of the three superstates ever attempts any maneuver which involves the risk of serious defeat."

Orwell goes on to say, that war, circa 1984, will be fought on peripheral lands belonging to none of the three great powers: "The war, therefore, if we judge it by the standards of previous wars, is merely an imposture. It is like the battles between certain ruminant animals whose horns are set at such an angle that they are incapable of hurting one another."

This not only corresponds with today's reality, it seems an echo of a conclusion recently reached by French military strategist Pierre Gallois: "The major powers will be drawn more and more into little wars. There will be a period of disequilibrium and tension for, say, the next 50 years.

Sex in "1984" is every bit as barren as the landscape. Young women, for example, dress like men except for the sash that identifies them as Antisex League members. "Goodsex," in the lexicon of Newspeak, means chastity; anyone deriving pleasure from sex is guilty of "sexcrime." If the polltakers are correct, today's mores might seem a far cry from Orwell's vision.

One New York psychiatrist, Dr. Alexander Wolf, sees today's trend in another light. According to a recent news story, "In Dr. Wolf's view, the current generation of adolescents and adults, despite their sexual promiscuity, seem strangely alone, even when they are in groups. He believes that their sexual union is an attempt to resolve the barrenness of their existence."

An even more important trend of today has been called Unisex—not only is this a perfect Newspeak word, it may well be a forerunner to Antisex. Many observers feel that society is attempting to blur the differences, bridge the gaps separating the sexes. This goes beyond the identical His-and-Hers perfumes, beyond the identical hair stylings and fashions, beyond the advent of face creams for men.

A recent UPI release quoted psychiatrist John Napier as saying, "But what is interesting scientifically is the state of mind of the young men of today. Their dress probably reflects less male consciousness . . . there is a tendency to be less male."

And then, this disturbing AP wire from Las Vegas: " 'American males are growing indifferent to sex—and a "shocking" number want to change their gender,' a psychiatrist told the AMA's clinical meeting Wednesday. 'Our only hope is that basic instinct will eventually win out, that a true equality of the sexes will emerge and that sex will be fun again,' he said."

Considering all the public discussion on the matter, it seems senseless to belabor the point that we, like the residents of "1984," live in a world of electronic eavesdropping. Orwell's vision (". . . private life came to an end. Every citizen, or at least every citizen important enough to be worth watching, could be kept for twenty-four hours a day under the eyes of the police . . .") seems strangely current when we learn that between 30 and 40 government agencies now make regular use of bugging devices.

"When Orwell wrote his book," Sen. Edward Long (D-Mo.) says, "inexpensive and miniaturized closed-circuit TV was way-out. It is not way-out today. It is here, it is relatively cheap, and it is getting smaller every day . . . Unless we preserve our right to privacy, we will be threatened with a long downhill slide into a state of conformity and dependence upon Big Brother."

Of course, in "1984," Big Brother had progressed well beyond today's electronic devices: "It was terribly dangerous to let your thoughts wander when you were in any public place or within range of a telescreen. The smallest thing could give you away. A nervous tic, an unconscious look of anxiety, a habit of muttering to yourself . . . *facecrime* it was called." And, even beyond that, there was *thoughtcrime*, punishable by death.

Far-fetched? Distant? Otherworldly? A recent news story says, "The Soviet Union claims it has invented a 'fear meter,' according to a Moscow report. The meter indicates the psychic state of man to a certain degree and registers the slightest nervousness or lack of confidence."

Big Brother's strength did not rest on his ability to tap a single person's mind—it was, rather, a knowledge of what everyone was doing all the time. And there is now a move in government circles to establish a Data Control Center—a vast storehouse of confidential information, a correlation of facts from the FBI, the Internal Revenue Service, Social Security, the many agencies that now have you on file.

Rep. Cornelius E. Gallagher (D-N.J.) warns, "We can't be sure that such dossiers would always be used by benevolent people for benevolent purposes." And author Vance Packard, an outspoken opponent of the idea, writes, "Let us remember, 1984 is only 17 years away. My own hunch is that Big Brother, if he comes to the United States, will turn out to be not a greedy power seeker but a relentless bureaucrat obsessed with efficiency. And he, more than the simple power seeker, could lead us to that ultimate of horrors, a humanity in chains of plastic tape."

Big Brother was not content to merely pry into his subject's minds; he changed them. Triumph could not be his until his subjects could accept, at the deepest level, that two plus two make five. Mind manipulation, thought control—this is no distant vision.

A recent Esquire article by A. J. Budrys points out that "Mind control is a fact . . . they can now switch aggressiveness, pleasure, rage, hunger, or sleep on and off, experimentally and someday will be able to do so therapeutically and, ultimately, socially—for good or bad purposes."

And psychology professor James McConnell, at the University of Michigan, says the time is now: "The time has come when if you give me a normal human being and a couple of weeks—maybe a couple of months, but I don't think so—I can change his behavior from what it is now to whatever you want it to be . . . I can't make him fly by flapping his wings, but I can turn him from a Christian into a Communist and vice versa."

Words, mere words? Perhaps. A recent headline—"Briton Loses Infatuation For A Neighbor's Wife"—topped a story about an unfaithful husband who was treated for his ailment. Every time his lover's picture appeared on a screen, he received a 70-volt electric shock. When his wife's picture appeared, a soothing tape-recorded voice told him of the harm he was doing his marriage. After six months of this shock treatment, "he is now completely indifferent to his former mistress."

To marshal mass emotion, Big Brother in "1984" presented a picture of the dreaded enemy, Brotherhood leader Emmanuel Goldstein, on the Telescreen, thereby launching a Two Minutes Hate: "Before the Hate had proceeded for 30 seconds, uncontrollable expressions of rage were breaking out from half the people in the room . . . In its second minute, the Hate rose to a frenzy. People were leaping up and down in their places and shouting at the tops of their voices . . ."

Science fiction? An unreal picture of an unreal world? Then perhaps you've never seen the studio audience at television's "Joe Pyne Show." Perhaps you've never heard the reaction as Pyne unveils the hate target for the night—the KKK representative, the defrocked priest, the homosexual spokesman. And maybe you've never heard the small yelps as Pyne directs the assault ("Go gargle with razor blades," he'll say; "Put your thumb in your ear and go bowling," he'll say; "You're gonna wind up in a fruit jar, baby," he'll say). Followed by the frenzied cries of a wolf-pack audience rushing blindly in for the emotional kill. This is an audience, if not a show, that is clearly 17 years ahead of its time.

The enemy in "1984" is never actually seen. Though effective as a hate object, no one can be sure it actually exists on any other level. It is, in the hero's words, "a vast shadowy army, an underground network of conspirators dedicated to the overthrow of the State. The Brotherhood, its name was supposed to be."

Have we perhaps developed a Brotherhood of our own? There are some who would say we have. A recent Newsweek article makes this accusation: "The FBI is charged with having developed a 'vested interest in security'—to the point where it has been exaggerating the internal threat posed by a steadily weakening Communist Party. Says one congressman: 'They are, in effect, shoring up the Communist Party, making it appear as much more of a menace than it can possibly be, considering its decline.' "

The official language of "1984" is Newspeak. The goal of Newspeak is to eliminate all ambiguities, all subtle speech shadings. Such words as "good" and "ungood" and "plusgood" and "doubleplusgood" and "doubleplusungood" can replace several hundred current words. Newspeak is also a language of abbreviations, the emphasis always being on sound above meaning. The Ministry of Truth is shortened to "Minitrue" (sound familiar?) and "quickly" becomes "speedwise" (ring a bell?). The aim: "Ultimately, it was hoped to make articulate speech issue from the larynx without involving the higher brain centers . . ."

Although Newspeak is not yet in common usage (even in "1984" it is largely experimental), the groundwork is being laid in such areas as computer-programing languages. The newest of these, FASE (in Oldspeak, that's "Fundamentally Analyzable Simplified English") is but one that has been developed with the specific aim of "avoiding all ambiguous words and phrases." And some of this is even creeping into the spoken language—"Ideawise, he's a Comsymp," for example, is fluent Newspeak.

More important than language, however, is the aim. What Orwell is discussing in "1984" is truth, what can happen when truth is altered. He points out that he who controls the present also controls the past. And it is no accident that his hero's Minitrue job is the rewriting of contemporary history: "Day by day and almost minute by minute, the past was brought up to date . . . All history was a palimpsest, scraped clean and reinscribed exactly as often as was necessary."

So it is that chunks of testimony were deleted from the Warren Commission's complete report in the interest of "accuracy" (cf. doublethink). And so it is that Sen. Wayne Morse (D–Ore.) called Gen. Maxwell Taylor a "smear artist," then snapped, "I don't intend to get down in the gutter with you . . ." But when the official transcript of the Senate hearings were released, "smear artist" had been deleted and the next sentence came out, "I don't intend to get down on that level . . ." Asked why the rewriting, a staff assistant said he "just felt like the permanent record should be toned down."

Rewriting history requires a strong measure of *doublethink:* "The power of holding two contradictory beliefs simultaneously and accepting both." A Newspeak word that illustrates this is *blackwhite;* ". . . it means the ability to *believe* that black is white, and more, to *know* that black is white, and to forget that one has ever believed the contrary."

Doublethink, the ultimate horror of "1984," may seem far removed from 1967. It seems unlikely, on the face of it, that any thinking person could hold two contradictory beliefs and simultaneously accept both of them.

On a lightweight level it might be said that doublethink was at the heart of the entire "Camp" fad—this, you'll recall, involved collecting such items as Tom Swift books and studying Victor Mature movies because "they're so bad, they're good."

It might be argued, however, that doublethink now exists on a much more serious level, the level of international politics. If this could be demonstrated, it would bring "1984" measurably nearer 1967—and give us cause for genuine concern.

Doublethink is spending many years proposing a general disarmament program when, as writer John Finney points out so accurately, "What the academic critics tended to overlook was that plan was never put forward as a serious offer by the Administration, but more as a propaganda gambit."

Doublethink is using the phrase Free World to describe a complex of countries that includes South Africa, Portugal, Spain and a host of other nations that have not known freedom for decades.

Doublethink is a Time magazine essay headlined, "Examining the Proposition that World Peace Can Be Maintained Only By Extreme Escalation."

Doublethink is Barry Goldwater expressing the hope that Red China will make one aggressive move so that we can destroy her nuclear bases because "I think the whole world will breathe easier."

Doublethink is sending emissaries to every corner of the globe on a major "peace offensive" after turning down an offer to negotiate tendered by U Thant.

Doublethink is having a "world organization" that bars admittance to a nation of 700,000,000 people.

Doublethink is bombing rural areas as part of our "pacification program" and gassing enemy troops with "benevolent incapacitators."

To see doublethink at work, examine our handling of the Dominican Republic situation. It was initially announced that we intervened to protect the lives of 2,500 Americans living there. Later, with a force of 21,500 paratroopers there, we still called it a "lifesaving mission." And then, later, we explained that the intervention was necessary to prevent "another Communist takeover." Being able to accept all sides of this proposition without disbelief is doublethink.

And, finally, some doubleplusgood blackwhite doublethink. This is taken from a New York Daily News editorial that followed our accidental loss of an H-bomb off the coast of Spain: "Our government withheld official admission of the incident until after the Spanish government had publicly acknowledged exposure of some 2,000 people to radiation after the crash . . . What we like about it is that apparently our nuclear scientists have perfected a virtually infallible way to keep the big bombs from shooting their complete wads accidentally. What is so terrible about that, we can't quite figure out."

The last sentence of Orwell's book, the final defeat of his hero—"He loved Big Brother"—is the most frightening of all. Not yet, not yet. Big Brother may be watching us, but we do not yet love him. Two plus two makes . . . four. But then, of course, it's only 1967.

THE MARITIME PROBLEM

Mr. BREWSTER. Mr. President, a week ago, I attended the Institute on Foreign Transportation and Port Operations Conference, in New Orleans.

One of the highlights of the conference was the presentation of a thoughtful, forward-thinking paper on maritime subsidies by my good friend, Edwin M. Hood, president of the Shipbuilders Council of America.

The title of the paper is "Putting the Maritime Problem in Clear Perspective," and Ed Hood does just that. Mr. Hood's long experience with the shipbuilding industry, with heavy industry, and with government has given him a unique capacity to see the maritime problem with objectivity and to subject it to fresh, incisive analysis. His thoughts on the subject are always worth noting.

Mr. President, I ask unanimous consent that the paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

PUTTING THE MARITIME PROBLEM IN CLEAR PERSPECTIVE—HOW THE U.S. GOVERNMENT CAN SAVE 50 PERCENT ON MARITIME SUBSIDIES WITHOUT RESORT TO FOREIGN CONSTRUCTION

(By Edwin M. Hood)

INTRODUCTION

There is little disagreement among those interested in national maritime affairs with respect to the present state of the U.S. merchant fleet: the ships are predominantly old and declining in number each year. Obviously, something must be done. Yet, there persists an area of substantial disagreement as to what should be done. It is to be hoped that constructive action will evolve from the continuing dialogue which began in earnest several years ago. Much of the discussion, unfortunately, has not been constructive, primarily by reason of a lack of perspective pertaining to the economic status of our maritime industry in world markets.

Certain economic factors exist which are not subject to change and a tendency to discount these factors has sometimes obscured tangible opportunities for improving the viability of the American merchant marine. Let us therefore consider the "facts of life" about U.S. flag ship operations in world markets and then examine several actions which could make our maritime industry more competitive.

NONCONSTRUCTIVE ACCUSATIONS

Always, the American merchant marine is rebuked for "high costs." All sectors of the industry have been criticized for their cost levels compared to those of other nations.

Shipbuilders have been berated because costs of building ships here are higher than in countries such as Japan. Some people contend, on spurious grounds, that costs are double here, though no modern cargo liner has been built elsewhere with the size, power and rigidly enforced quality specifications of U.S. built ships. This position is based on hypothetical construction of a ship in the lowest cost yard of the world—a shipyard specializing in building tankers of "house" design in multiple copies to local standards. This position is presented as universally true. Limited available evidence of instances where bids have been received here and abroad for the same ship does not sustain that contention. Also overlooked is the degree of support and assistance that other nations provide their shipbuilding industries, thus distorting any real cost differentials.

Subsidized vessel operators have pointed out to them that U.S. seamen earn several times the wages of their foreign counterparts as though those operators have unilateral control over wages paid our citizens versus those paid people elsewhere. The direct implication is that these operators should seek to drive down the standard of living of American seamen so we can be cost competitive on wage rates.

Nonsubsidized operators have been frequently chided as "freeloading" for carrying defense and other cargo preference cargoes reserved by statute for U.S. bottoms. The reality that they sail 20 year old ships and would not dare invest millions to replace them at a time when detractors of influence seek to eliminate their markets seems to pass without notice.

ECONOMIC BACKGROUND—OUR NATION VERSUS OTHERS

These several examples are unfortunately illustrative of the level of sophistication too often applied these days to maritime industry analysis.

The basic facts underlying the present maritime dilemma are quite simple, and it is clear that cost improvement emphasis is being erroneously placed.

A fundamental consideration is that our citizens enjoy a standard of living which is considerably above that of the rest of the world. This desirable situation should be commended, not condemned; encouraged, not discouraged. And, as this truism relates to the maritime industry, it must be totally recognized and understood. It exists; it will continue to exist; it is not subject to change.

Most of our nation's commerce exists in an atmosphere totally isolated from direct confrontation with the wage structure of other nations. In 1965, our Gross National Product (GNP) was $676 billion and total value of foreign trade was $50 billion or only 7.4%. These figures show that nearly all of our service industries and most manufacturing concerns do not have foreign competition. For U.S. manufacturers, the significant protective buffer exists of transporting foreign products here, then paying import duties and U.S. cost levels for warehousing, marketing and servicing those products in the U.S.

Practically all of our industries which are successful in world markets owe their success to one of two reasons, both of which relate to superior technology.

In the first category are industries which have a technology superiority paid for by the Federal Government through massive research efforts. This has been particularly relevant to the progress of the aerospace and electronic industries. The anticipated Federal Fiscal 1968 appropriation for design of the commercial supersonic transport aircraft is $200/$250 million and this amount is merely the first increment of a multibillion dollar research and development project.

The second category includes those industries which owe their technological advantage to the tremendous consumer purchasing power of our citizenry, such as the automotive and chemical industries. Nearly the same number of automobiles are stolen each year in the United States as exist in Russia; annual production here equals the total number of automobiles in all of England.

The U.S. maritime industry enjoys neither advantage.

INTERNATIONAL STATISTICS ILLUSTRATE THE POINT

A brief examination of a few basic economic indicators illustrates the strength of our economy and the well-being of our citizens relative to other nations.

In 1964, the Gross National Product (GNP) of the United States was $629 billion. The combined GNP of the four principal nations of Free Europe—France, West Germany, Italy and the United Kingdom—was $332.6 billion. Our 192 million citizens enjoyed nearly double the GNP of the 210 million citizens of those leading countries. Governmental expenditures at all levels of the United States in 1964 were $128 billion and exceeded the total GNP of the second most prosperous nation of the free world, West Germany, by $24 billion. These expenditures were an amount nearly equal to the GNP of France and Italy combined. The growth in our GNP from 1964 to 1965 was over $47 billion—$2 billion less than the total GNP of Italy. Major U.S. Government foreign assistance programs totalled more than $102 billion between 1945 and 1965. We gave away an amount almost equal to the GNP of West Germany in 1964.

In the Far East, we find Japan with a GNP in 1964 of $69 billion with a population of 97 million, and no more than $45 billion for India with a population of 472 million.

The following statistics of Gross Domestic Product for 1963 further illustrate our fortunate—our enviable—economic position.

Gross domestic product of free world, 1963

	Total (billions)	Per capita
United States	$540	$2,853
Europe (West)	369	1,062
Latin American	79	345
East and southeast Asia	138	141
Africa	[1] 38	([2])
Canada	36	1,879
Oceania	22	1,301
Middle East	[1] 8	206
Free world total	1,230	584
Selected maritime nations:		
Japan	57	590
West Germany	79	1,418
Norway	5	1,398
United Kingdom	75	1,385

[1] Estimated.

[2] Not available.

Source: United Nations Yearbook of National Account Statistics, 1965.

The United States enjoyed 44% of the total free world Gross Domestic Product. The per capita amount was over 50% above the next highest nation, Canada, and ranged from two to nearly five times greater than in leading maritime nations.

A comparison of amenities also demonstrates how well off our citizens are. In 1964, our 192 million population constituted 6% of the world's total of 3,220 million. Yet, we enjoyed 50% of the 2.3 billion civil aviation miles flown and 52% of the 160 million motor vehicles in use. In fact, 90% of our dwellings have flush toilets compared to 75% in West Germany and 9% in Japan.

The point of all these figures is to emphasize that our high geared, productive, tooled-up economy gives our citizens a standard of living without parallel. This standard is astoundingly above that of even other highly industrialized nations. We would consider our nation in the depths of a catastrophic depression if our average standards of living declined just half way to that of Canada, the second most affluent of the leading nations of the world.

When confronted with a commercial situation, manufacturing or service, which places us in direct labor cost to labor cost competition with other nations, it is doubtful that we will ever be able to close the gap completely. It is a reality that must be squarely faced. As pointed out previously, we can freely compete in world markets only in those sectors of our economy which are (1) propped up by Federal Government purchased technology, or (2) tooled to the hilt because of the massive consumption of our near trillion dollar society. Beyond this, our industry and commerce is cost competitive to the extent that indemnification is available by one means or another from direct competition.

ECONOMIC BACKGROUND—THE MARITIME INDUSTRY

The maritime industry, both shipbuilding and ship operations, does not benefit from barriers of distance and duties, nor from massive infusions of Government sponsored technological advance, nor from the powerful base of substantial domestic consumption. Our maritime industry exists because of Federal Government programs and regulations. Should the various maritime programs be eliminated, as some industry detractors suggest, there would be no national maritime industry since a world market confrontation solely on the basis of our wage rates versus foreign rates would invoke a competitive contest we have little chance of winning.

Recognizing how international wage structures fit into maritime affairs is the first step in formulating a constructive approach to revitalizing our maritime capabilities. The implications are very simple. Without the kinds of maritime programs we have today which accommodate this wage differential, we would have virtually no merchant fleet and no merchant shipbuilding capability. With these programs, we will.

The second step is to admit why the present dialogue is so intense. Our merchant fleet has grown small and old. Most of the ships are of World War II vintage and at that age can offer physically only a few more years of useful service and economically are already past their prime. Our National Defense Reserve Fleet (NDRF) which furnished nearly 800 ships for the Korean War, over 250 during the Suez Crisis and 180 for Viet Nam is in even worse condition both physically and as to economic viability.

We are caught in the strange paradox that as our foreign commerce increases and as our responsibilities for maintaining world peace increase in scope and distance from our shores, our merchant marine competence declines. The more sea power we need, the less we have.

Those who say that the maritime industry is inefficient and archaic because it requires Federal Government support to survive against foreign competition are victims of our statistics-happy society which has learned to express things in numeric terms but not to look beyond these figures to the meaning of what they portray. For example, the cost of cargo handling in U.S. ports averages about four times that in foreign ports. Port charges for pilotage, dockage and so forth, are double or more those of other countries. Should we quit "subsidizing" our ports and longshoremen by carrying on our foreign commerce only between foreign ports without merchant ships touching our shores? Of course not!

Think of the money we could save by rolling back wages here to foreign levels. Or, as someone put it: if only we could earn 1967 wages, have 1925 prices and pay 1915 taxes, we would be sitting pretty. At best, this is idle dreaming. Under both approaches, unfortunately, our Government would go bankrupt with the taxes that would be collected.

Many other examples, equally ridiculous, are possible which illustrate that we live in a high-powered economy which lifts itself up by its own bootstraps to a level so high above the rest of the world that the entire structure severely limits foreign competition through a whole series of prohibitions against labor cost to labor cost competition with other economies less developed than ours. Some of these protections are direct and obvious—such as maritime subsidies—some are indirect and hidden—a foreigner needs permission to work here and, if he gets it, is paid the same wage as his American citizen co-workers.

Putting the first factor of the maritime problem—the need to accommodate our higher wage rates—together with the second, the declining quality and size of our merchant fleet leads to the real reason why maritime affairs are so controversial today. To replace a fleet growing obsolete in block and to expand it to a size suitable to both our economic dependency on international trade and our free world commitments will require a considerable amount of Federal Government support for both ship construction and ship operations. This expenditure backlog created by inattention in past years is a politically unpopular fact to utter aloud and has led to a variety of alleged corrective measures of dubious logic.

The way to resolve our present maritime problems is not to present unreal economic interpretations. Since a cost disparity is inherent in our national success, it must be either accommodated or not. The extent to which this accommodation is forthcoming in our maritime programs is precisely the extent to which our merchant marine will exist. This is true today and will remain so for a long time to come. Further, if our fleet has been permitted to grow old in block, and concurrently small, it naturally follows that expenditures in block are required to restore its strength and vitality.

The next question becomes, then, how big should our maritime industry be?

HOW BIG ARE OUR VITAL INTERESTS

Plans to open various segments of our maritime industry to free international competition are futile, unless based on a prior decision to remove our national presence from these sectors. Accordingly, a major point in re-evaluating our maritime posture should be to define the extent to which our merchant fleets and shipyards are vital to our economic, defense and other national interests.

Many factors bear upon development of a definitive description of what constitutes a merchant fleet and shipyard capability of suitable size. A brief review of pertinent components is illuminating.

In 1964, total sea-borne movement of commercial goods in international trade aggregated 1,520 million metric tons of which 381 million, or 25% was for the account of the United States. Yet, less than 10% of our own trade was carried in U.S. flag vessels. While we used one ship in four of the world merchant fleets engaged in foreign commerce to carry our goods, we supplied one ship in forty to these fleets. And those we supplied were largely over 20 years old. Parenthetically, we now have little tanker capacity and little bulk carrier capacity, a definite weakness in fleet balance. This is a dangerous situation. Such dismal participation is clearly at odds with our only existing formal national policy, as expressed in the Merchant Marine Act of 1936, as amended, that our fleets should carry a "substantial proportion" of our foreign commerce, a term interpreted by the Congress to mean at least 50%.

To meet national emergency requirements, we have largely relied on our National Defense Reserve Fleet (NDRF). Since World War II, we have returned nearly 800 ships from this fleet to active service during times of emergency, and now have nearly 180 carrying supplies to support our Viet Nam effort.

Additionally, we routinely employ the capacity of about 250 to 300 dry cargo ships to carry defense supplies to our other armed forces and to the forces of our allies overseas. At this time, more than 50% of cargo loadings for overseas on U.S. flag ships are military supplies.

Another 100 to 150 vessels are used to transport surplus food and other aid to hungry or less developed nations.

These three groups, employed for defense and other free world commitments total well over 500 active ships and all of them are over 20 years old. They are inefficient, economically wasteful ships.

What will we do if another Viet Nam type conflict would begin now demanding another 200 to 300 ships, as well as probably necessitating an additonal sealift effort to bolster our flanks in Europe. What will we do 5 to 10 years hence when none of these ships are available? No plan exists for providing such emergency capacity and routine resupply operations in future years. Is this a safe and sound position? Of course not!

Our shipyards are building fewer than 15 new merchant ships per year, though there has been a substantial amount of idle capacity for some time. This rate will support a fleet of 375 ships. What kind of program is this for a nation which utilizes one-quarter of the world fleets active in foreign trade? What kind of a program is this for a nation which already has well over 500 ships, about one-half of its total active capacity, carrying routine military supplies and aid cargoes and supporting a conflict which is minor by historic comparisons? The insufficiency of our present level of effort is eminently clear.

Other factors must be considered too. Ships built and operated under the U.S. flag contribute enormously to the economic well-being of our nation. Our maritime industry is a very positive and substantial contributor to a favorable balance of payments, an especially critical problem at this time. A decision to build our ships abroad, or to forgo carrying that fraction of our foreign commerce which presently moves on U.S. bottoms would seriously affect both our balance of payments position and our national economy.

These several points dramatize a need to modernize and expand our merchant fleet and to expand and accelerate ship construction programs for U.S. shipyards. Careful study of comprehensive facts and figures to identify our merchant fleet needs is a proper point of departure for re-establishing our merchant marine programs. A "volume" determination, however, is contingent on recognition of the principle that indemnification against foreign wage levels is essential, and the principle that revitalizing and maintaining our merchant fleet is going to be costly.

One final item remains to be considered—accomplishing these tasks at minimum public cost. To do this, emphasis must be placed on the potentials for cost reductions.

SIGNIFICANT COST REDUCTIONS ARE POSSIBLE

Numerous possibilities exist for reducing the cost of United States shipbuilding and ship operations. It should not be necessary to list the dozens of specific proposals which have been set forth by various industry experts and others in recent years and months. Instead, let us consider three broad categories of cost reduction which we believe offer remarkable potential for improvement. These examples also underscore the conviction that rational application of research, development and analysis skills to cost saving opportunities within our maritime industry will reduce cost differences between U.S. and other countries to a level which will make turning our sea power requirements over to foreign flag ships and shipyards unattractive even to today's most vocal detractors.

The three broad categories are:

(1) *Shipbuilding*—Production-oriented construction of austere ships of standardized design. Cost reduction potential: about 20% to 30% of shipbuilding cost, which is about equal to a 35% to 55% reduction in construction differential subsidy.

(2) *Shipboard Automation*—Installation of shipboard automation equipment to reduce crew size by one-half. Cost reduction potential: about 40% to 45% in operating differential subsidy.

(3) *Shipping Systems Improvement*—Implementation of rapid shiploading systems (e.g. containerization or warehouse concept) and improvement of cargo control (cargo preference cargoes, ship routing, and so on) to reduce the nearly three-quarters of shipping costs assignable to port operations. Cost reduction potential: Estimated to be 20% or more of unit shipping cost. This should result in further reduction of subsidies.

Even a partial achievement of the cost reduction potential believed feasible for these three areas would remarkably improve our maritime posture and competitive position around the globe. While total equalization of our costs with those of foreign nations is for all practicable purposes an unrealistic goal, the proper execution of programs in the categories outlined should enable our ships to be built in U.S. shipyards, operated under the U.S. flag and to compete in world markets with significantly reduced government subsidies per unit of cargo delivered.

It has been constantly amazing that the Federal Government has flirted with the radical plan of building our ships in foreign nations and has, by its inaction, already caused a diminution of our sea lift capability, yielding to dependence on ships of other nations. A thoughtful program of cost saving as part of a firm resolve to keep our sea power at a level commensurate to our needs and commitments would be much more logical in the public interest and from the standpoint of national security.

PRODUCTION ORIENTED SHIPBUILDING AND SHIPBOARD AUTOMATION

The following table lists costs of operating a 1960 era general cargo ship in subsidized liner service. These figures apply to a ship of about C-4 size.

TABLE A.—*Typical ship operating costs (per day)*[1]

	Actual cost	Government subsidy	Net cost
Crew wages	$2,030	$1,585	$445
Other direct costs	1,620	350	1,270
Overhead	920		920
Depreciation and interest	[2] 1,600	[2] 620	980
Total	6,170	2,555	3,615

[1] Not including port charges and cargo handling costs.
[2] Construction subsidy expressed as cost per operating day.

The Shipbuilders Council of America completed more than a year ago an extensive study of ways to reduce merchant shipbuilding costs. This study, which was conducted at the request of the Maritime Administration, was done by experts from all professional specializations within the shipbuilding industry. Numerous recommendations were made concerning contractual procedures, design specifications, component standardization, series building and so forth. The conclusion was that merchant ships could be built for 20% to 30% lower cost than under present procurement practices. Much of the savings would accrue to the Federal Government as a reduction to the construction differential subsidy.

These savings were not conjecture or whimsy. They were the combined judgments of men of competence and experience who build our merchant ships. They would not place themselves in the exposed position of predicting levels of savings which could not be attained if the conditions they specified were met. These conditions were straightforward detailed recommendations. Broadly, these included means for reducing red tape, elimination of over-designed features, administrative simplification, standardization of components and production of ships in multiples.

Automation of ship operations to allow crew levels below those now utilized is well within proven ship design technology. An increase in vessel cost of about 10% for automation equipment will allow crew reductions of 50%. Since crew costs represent about one-third of total costs for current ships, and since operating subsidies covering the differential between U.S. and foreign crew wages are more than 60% of total subsidy costs, the merit of such automation is readily apparent. This program should be accomplished in coordination, with an expansion of our merchant fleet so that total shipboard employment is not reduced. This would avoid unfair economic harm to our seamen and would preserve the valuable national asset these skilled crews represent.

The effect of implementing both these cost reductions—production oriented ship construction and automated ship operations—could modify the operating costs of Table A as follows:

TABLE B.—*Ship operating costs per day with cost reduction*[1]

	Actual cost	Government subsidy	Net cost
Crew wages	$1,015	$792	$223
Other direct costs	1,570	300	1,270
Overhead	920		920
Depreciation and interest	[2] 1,420	[2] 340	1,080
Total	4,925	1,432	3,493

[1] Not including port charges and cargo handling costs.
[2] Construction subsidy expressed as cost per operating day.

The projections reflect a cost reduction potential for Federal Government subsidies of over 43%. By implementing these programs, the United States could procure nearly twice the merchant fleet capacity we now possess for no increase in subsidies over the long term. This would give us a fleet of new ships, a healthy supporting shipyard industry, and no net reduction in shipboard employment due to the increase in fleet size. This is a vastly different result than programs now reported under consideration within the Government would yield.

SYSTEMS COST REDUCTIONS

There is additional potential for significant cost reduction by improving cargo delivery systems. Cargoes are still loaded and unloaded in a manner not greatly different from that of 40 or 50 years ago. As a consequence, approximately one-half of a ship's life is spent at berth in port. This condition can no longer be tolerated when a new, large, high speed cargo ship may cost well in excess of $10 million.

Also of concern is the evidence that typically the cost of loading and unloading general cargoes, plus port charges, is equal to all other vessel operating costs, including company overhead, depreciation and mortgage interest. Add these two factors together and you find that nearly three-quarters of the costs of shipping cargoes from one point to another is incurred in port. One would intuitively think that the bigger part of ocean shipping costs would ensue from sailing on the high seas, but this is not true. These costs are now a little more than 25% of the total, and that figure includes the high seas cost of steaming between ports within a trade area.

There is absolutely no reason why this expensive condition should exist. Warehouse concept ships have long been designed which can be loaded by fork lifts through side ports rather than by hooks, nets and brute force through topside hatches. The process of containerization has been advanced to the point where even movement of livestock and bulk cargoes appears feasible. Various designs which incorporate preloaded barges aboard ship have been suggested. Versions of all three of these designs either have been built or are now under contemplation.

The consensus of our data is that such ships can reduce time in port by 50% or more and cargo handling costs by as much as 50%. The following table illustrates the potential benefit of such a ship concept:

	Present general cargo ship		Cost of equivalent cargo movement in new concept ship
	Percent of total cost	Distribution of $10,000 cost	
Ship cost in port	23	$2,300	$1,150
Ship cost at sea	27	2,700	2,700
Port charges	5	500	400
Cargo handling	45	4,500	2,250
Total	100	10,000	6,500

These projections indicate savings may be as great as 35%. Certainly, doing everything possible to realize these savings is desirable. But, such reductions are not automatic. These ships can carry a tremendous volume of cargo. To make the most of their potential will require availability of cargo to move in great volume. Important keys in achieving this volume is the manner in which cargo preference cargo is handled and the extent of protection offered to a carrier over a particular trade route.

Current recommended changes to Federal Government programs appear to be exactly opposite to these two major incentives. This is difficult to rationalize in view of the magnitude of the cost reduction potential. It would seem that the Government's best interests would be served by continuing to reserve 50% of government-sponsored cargoes for U.S. flag ships, or perhaps even to increase that percentage; to restrict competition over a trade route; and to find a way, based on these concessions, to further reduce subsidy expenditures.

SUMMARY

The achievement of total equality in shipbuilding and ship operating costs between the United States and other maritime nations is not within the realm of immediate possibility. Our society has progressed too far to make such a goal wholly attainable. Nevertheless, we have a critical and immediate need to maintain significant sea power. To obtain this capability the cost to the Federal Government will be considerable in terms of construction and operating payments. This reality has prompted some Government spokesmen to favor either building ships for our flag abroad, or greater dependence on foreign flag shipping for our sea power requirement, or both.

It is suggested instead that the U.S. Government accept the precept that a cost differential of indefinite duration must be indemnified with subsidies, that a merchant fleet capacity and shipyard capability are essential, and then move to implement those actions which will significantly reduce the Government's share in shipbuilding and ship operating costs. This paper offers certain recommendations which could reduce total governmental subsidies well over 50% if properly executed. It cannot be denied that savings of this magnitude are worthwhile seeking in the national interest.

STRENGTHENING THE TOOLS OF ECONOMIC POLICY

Mr. PROXMIRE. Mr. President, it is a truism, but often overlooked, that successful economic policy depends directly on the timeliness and reliability of our economic statistics and forecasts. Some of the most useful work of the Joint Economic Committee over the years has been carried on in this area by the Subcommittee on Economic Statistics, of which I have had the honor to be chairman.

While chairman of that subcommittee, I had the pleasure of working closely with the ranking minority member, Representative THOMAS B. CURTIS, of Missouri, who is also the senior Republican member of the full committee. Representative CURTIS has been a dedicated student of economic statistics since he first came to Congress and has made important contributions to the work of the subcommittee.

On April 11, he delivered an address entitled "Strengthening the Tools of Economic Policy" before the Washington

Statistical Society and the American Marketing Association. His speech is a broad and penetrating analysis of needed improvements in our economic statistics upon which better economic policy ultimately depends.

I ask unanimous consent that Representative Curtis' address and the introductory remarks by conference chairman Paul I. Ahmed be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Strengthening the Tools of Economic Policy

(Remarks of Hon. Thomas B. Curtis before Washington Statistical Society and American Marketing Association, Washington, D.C., Apr. 11, 1967)

I think that some of the most rewarding and challenging—and, I might add, frustrating—jobs in government are held by those dedicated and highly professional individuals who collect and interpret the numbers we all live by today.

The civil servants who man our statistical agencies can never rest on their oars. No matter how much our economic statistics have been improved and refined, there is always a demand for more and better economic intelligence.

In a sense, this is a measure of their success. The gross national product and the balance of payments have almost become household words. The fact that over the past decade GNP and balance of payments information has moved from the financial page to the front page is clear testimony to the growing importance of statistical information for sound government and private decision-making.

In a small way, I have had the privilege of participating in this effort. I consider my service on the Economic Statistics Subcommittee of the Joint Economic Committee as one of the most interesting and important assignments of my Congressional career. We don't often make the headlines, but we do have the satisfaction of knowing that our work has contributed importantly to sharpening up the tools of economic policy.

There are a number of reasons why the demand for improved economic statistics is greater today than ever before.

First, the so-called "new economists" are attempting to "finely tune" fiscal and monetary policy in order to keep the economy at high employment without inflation at all times. One of the most critical obstacles to the successful use of push-button economic policy is the weakness in current statistical data on which policy decisions and forecasts of economic activity must rely.

Second, a host of new social and welfare programs have been enacted in recent years which depend for their success on statistical information which is now unavailable or available only in rudimentary form.

Third, changing conditions in an economy marked by a rapid increase in new technology, by a shift from manufacturing to services and distribution, and by a continuous exodus of workers from the farms create new policy concerns and new uses for statistical information.

I want to discuss each of these new demands for statistics in somewhat greater detail and along the way make some suggestions on how I believe we can and must sharpen up our tools of economic policy.

There was considerable discussion at the Joint Economic Committee's annual hearing on the President's Economic Report this year on the ability of the "new economists" to "finely tune" their economic policies to the needs of the economy. The Committee was repeatedly told by private witnesses that during the postwar period and particularly in the past year and a half, monetary and fiscal policies have tended to destabilize rather than stabilize the economy.

The policy problem is particularly difficult at high employment. Weaknesses in economic forecasts and analysis and in policy execution sharply limit the government's ability to shape appropriate policies. At high employment it is not enough to know whether a particular economic series is going up or down. We must know by how much the series is moving up or down. This is a more difficult problem and, for the most part, our present statistics do not provide the answers soon enough or with enough precision.

With nearly full utilization of resources, there is very little margin for policy error. Frequent changes in the degree of fiscal and monetary stimulus or restraint becomes especially dangerous in such a period.

There is another area where the government's attempts to influence the private economy run into difficulty because of gaps in our statistical knowledge. Until this year, the wage-price guideposts specified a single trend productivity figure, which the administration said was the proper guide by which to evaluate individual wage and price decisions. Our statistics on prices and productivity measures have been improved in the past several years, but their accuracy and reliability still leaves much to be desired.

Aside from many objections that can be made to the desirability or equity of the guideposts policy, it should be kept in mind that the measuring sticks now in use in the wage-price field provide a shaky and unreliable basis for a sound guideposts policy.

The point of these observations is that we need improved economic statistics and new and more reliable measures of economic activity. In addition to better price and productivity data, the minority members of the Joint Economic Committee this year made several recommendations which would result in better quantitative economic projections.

In our minority views in the Committee's Annual Report we suggested that there be quarterly revisions in the original gross national product forecasts for the year made by the Council of Economic Advisers. Along with the majority of the Committee, we also called for an improvement in the federal budget information system, including quarterly estimates on budgetary receipts and expenditures and the presentation of the budget each year in the context of a long-run set of budgetary projections.

We also believe that a statistical series should be developed which measures wealth in the economy. This was recommended last year by the Subcommittee on Economic Statistics as a supplement to the gross national product series. Gross national product measures economic activity. This may or may not increase wealth. Certainly no one would say that the increase in gross national product that occurs during a war represents an increase in wealth or gives an accurate picture of true and meaningful economic growth.

A statistical series on wealth also would help us to evaluate federal spending programs by distinguishing between those which contribute to our human and material wealth and those which merely stir up economic activity.

One step towards the goal of improved federal expenditure policy would be the development of a capital budget for the Federal Government in order to separate out and identify wealth-creating expenditures which merit public support.

The second reason why we need an improved system of economic intelligence relates to the requirement for statistical information written into important legislation over the past several years. This includes such programs as the Federal Aid Highway Act of 1962, the Economic Opportunity Act, the Appalachian Redevelopment Act, and the Elementary and Secondary Education Act. As the Federal Statistical Users Conference has repeatedly pointed out, the requirements for information embodied in this legislation poses both opportunities and problems.

Much of the legislation requires the development of data on a wide variety of subjects, including population, employment by industry, per capita income, and income-consumption patterns in urban areas. If the data are collected effectively, we may develop an improved body of basic information relating to small geographic areas. At the same time, there is the danger of duplication of effort, waste of scarce resources, and an oppressive growth in the paperwork burden on respondents.

The requirements for the collection of more local, regional, and state statistics clearly calls for a coordinated approach by the agencies involved.

It is especially important that the data be developed in such a way that one area may be compared to another. Without comparable data, there will be no common measure to evaluate the success or failure of specific programs or to determine whether particular programs should be expanded or curtailed.

Another important area for a coordinated approach to statistics gathering is in the manpower training and retraining field. Training carried out under the Manpower Development and Training Act, the Economic Opportunity Act, in the military services and in the vocational education and apprenticeship programs has mushroomed in recent years. Yet we will lack an adequate tool for anticipating future needs for trained workers of different kinds in different areas of the country.

There is also a desperate need for more information on the training carried on by private employers. I was pleased to see that this has now been recognized by the Department of Labor. In the 1968 budget, $500,000 has been requested for surveys and research to be used as a basis for developing a sound policy for assessing the role which the Federal Government should play in training and retraining manpower. An important part of this study will be the gathering of information on the amount and kind of vocational training now provided by private employers.

The greatest gap in our manpower policy is a statistical series on job vacancies. Job vacancy statistics have been endorsed by the Joint Economic Committee, the National Industrial Conference Board, Dr. Walter Heller, Dr. Arthur Burns, and many other experts. The feasibility of collecting such statistics has been demonstrated by pilot studies conducted by both the National Industrial Conference Board and by the Bureau of Labor Statistics. Yet the Labor Department now appears to be stalled in its efforts to make further progress.

There are numerous important objectives which vacancy data would serve. Perhaps the most important is as a guide to public and private training and retraining programs. The key requirement of the Manpower Training and Development Act is that training be for a job vacancy that actually exists. Until we develop a series on the number, type, and location of job vacancies, we are really in the dark when it comes to developing sound training programs.

Data on job openings would also give a better picture of current opportunities in the labor market and where they exist. Even when unemployment is high, many jobs go begging. A survey taken in 1966 by the Manpower Research Council indicated that roughly 4 percent of all jobs in the country were vacant. The 3 million estimated vacant jobs was about the same as the number of people unemployed at that time. In Rochester, New York, the National Industrial Conference Board determined in its study in 1965 that there were actually more vacancies than unemployed persons.

Vacancy statistics could also serve as a leading indicator of the level of general economic activity. It would provide an indication of the ability of the economy to undergo the stress of structural change that might occur, for example, in a rapid defense build-up or in layoffs in employment stemming from shifts in demand or technological developments. They would also be helpful in determining the extent to which demand in the economy could be increased without running into wage and price inflation.

The precise cost of a reasonably satisfactory job vacancy program has been estimated as between $5 and $8 million a year. To undertake the collection on a quarterly basis for approximately 80 major labor areas would cost about $2½ million a year. In terms of the more efficient use that would result from the billions now appropriated for manpower development, the investment would pay handsomely. I hope that all of you here today will lend your support to this important project with the objective of getting the Administration to move forward with the collection of these vital job vacancy statistics.

More information is also required on new skills that are developing in our rapidly changing economy. One of the most important economic questions today is whether automation creates more jobs than it destroys. I think it does. But these jobs are frequently geographically apart from where the jobs destroyed existed. And they are frequently in different skills.

As rapid technological change continues, skills change and become obsolete. No longer can a skill learned in the formative years assure lifetime employment. Training and retraining on or off the job are increasingly part of the work pattern.

The hard realities of training the unemployables are that they will not be capable of learning the higher skills demanded in the jobs newly created by automation. Those with jobs must be trained and willing to do so. They must take the new jobs, thus leaving their old jobs available to those below them in the ladder of skills, if they too will train. The unskilled and semi-skilled with training will fit into the jobs left vacant by those upgrading their skills.

A job destroyed is easier to identify than the new jobs which are created. A job destroyed has nomenclature; it has a human being attached to it. The newly-created job frequently does not have nomenclature and does not have an individual human being attached to it.

There are those who argue that automation destroys more jobs than it creates. I think our disagreement lies in the fact that they use a narrower definition and possibly a more correct one than mine. I use the term in its broadest sense. But whatever the definitional differences, we have got to do a great deal more in developing an early warning system on the new jobs that are being created, apply nomenclature to them, find out where they are located, and train men and women to fill them.

A related problem is the relationship of our military establishment to the civilian sector. I have seen articles over a period of years in Labor Department publications which point out that about 80 percent of the skills needed by the military have their counterparts in the civilian sector.

I have been distressed to find that in the military itself there seems to have been very little development of nomenclature for these skills or coordination between the military and agencies which are in the training field. Yet we are spending over a billion dollars a year, at least, in the military sector training people in skills which exist in the civilian sector.

These observations point up the crucial importance of identifying and applying nomenclature to newly developing skills and occupational categories. The Dictionary of Occupational Titles must be constantly kept up-to-date and, in my opinion, this could best be accomplished by putting it into loose-leaf form. In this way, additions to or changes in occupational nomenclature could be periodically added to the Dictionary without waiting years for the publication of a new edition.

The final reason for the need for better economic statistics is the many changes occurring within the economy, such as one shift to services and the decline in agricultural employment. As Commissioner Ross has pointed out, in the early years of the Bureau of Labor Statistics, emphasis was on such matters as industrial injuries, labor turnover, labor management disputes, and mass unemployment. Many of today's critical issues in economic policy involve manpower and human resource development, equal employment opportunity, elimination of poverty, regional economic development, and the problem of hard core unemployment.

Let me elaborate on one example. Changes in the labor force in recent years have had a significant bearing on the significance of our employment statistics. The rapid growth of welfare programs, including unemployment insurance, help maintain a flow of income during periods of unemployment. Today even a man of modest means can practice some discrimination in job selection as a result of these programs. He can better afford to shop around for a job suited to his needs and interests. Our statistical measures, however, do not take into account this voluntary aspect of unemployment nor the fact that it is probably increasing in our society today.

Our labor force data are also affected by the rapid increase of working women and teenagers. Many of these workers are part-time or intermittent workers, a fact which creates unavoidable intervals of unemployment. The existence of more working women and teenagers also reduces labor force mobility. Neither group is as able or willing as male employees to terminate their employment and to take a job in another city or often in another area of the same city.

Other important changes have been taking place in our economy. Today we are beginning to look at a person's full life—his tender years, his years of education, his productive years, and his years of retirement. We have been developing the mechanisms and the programs for spreading a person's lifetime income from his productive and earning years to the non-productive years.

The first mechanisms developed were in the nature of savings from the productive years to provide for retirement pensions, annuities and retirement systems. At the same time, we are developing the mechanisms whereby people can pool their common risks against an untimely imminution of earning capacity from (a) death, (b) disability through accident or sickness, (c) interrupted earnings resulting from, e.g., military service and economic downturn, (d) and now, obsolescence of skills.

Since World War II, we have been developing the mechanisms to spread income forward in anticipation of earnings from the more productive years to the less productive years. We have developed new forms of consumer credit to encourage home ownership, purchase of consumer durables, and, most recently, to provide the capital investment for education. A great deal of today's consumer credit constitutes real savings inasmuch as the expenditures relate to increased wealth and increased earning capacity, not to mention increased standard of living of the debtor. It is indicative of this understanding of lifetime income that income averaging techniques, crude as they are, were introduced into the federal personal income tax laws in 1964.

The emphasis needed for further development lies in phasing individuals into the labor market and phasing them out again on retirement. One does not abruptly—or should not abruptly—enter the labor market or retire from it. The better retirement systems we are developing permit a phasing out, utilizing in different ways the talent perfected by experience of the older citizens. The better educational systems use a variety of phasing-out mechanisms.

Above all, we are beginning to understand that people are not committed full time in the labor market. The eight hour day and the forty hour week attest to this. Hopefully we will begin to move more broadly into the eleven month year and possibly to the concept of the fallow seventh year—the sabbatical leave. However, the women in our society are increasingly entering the labor market before marriage only to retire for the period of raising children, and then to re-enter later on a planned, part-time basis, which frequently later develops into full-time employment.

All of this brings me back to my opening point—the need for new and improved statistics to meet changing conditions in the economy.

These numerous suggestions for new statistical information will probably discourage even our most enthusiastic and dedicated statisticians. As usual, they are being called upon to perform Herculean tasks and then given inadequate budgets and staff to do the job.

The budget treatment of our statistical agencies is one of the best examples I know of being penny wise and pound foolish. In the fiscal 1968 budget, less than nine one-hundredths of one percent of total new obligational authority is earmarked for statistical programs.

I often wonder how much we could save in federal expenditures if we had available improved statistics to provide better guidance to policy-makers in developing new programs or operating old ones. I would guess that billions could be saved compared to the relatively small outlays that would be necessary for additional progress on our statistical programs.

Barring any such breakthrough, we shall have to satisfy ourselves with what we have available. Our progress will be slow, but I hope it will be steady. The interest of groups such as your own is certain to have an impact, and I wish you well in your efforts to speed up progress in this important work.

ADDRESS BY MR. PAUL I. AHMED, NATIONAL CENTER FOR HEALTH STATISTICS, CHAIRMAN OF THE CONFERENCE ON "PURPOSES AND USES OF FEDERAL STATISTICS," SPONSORED BY THE WASHINGTON CHAPTERS OF THE AMERICAN STATISTICAL ASSOCIATION AND THE AMERICAN MARKETING ASSOCIATION, APRIL 11, 1967, WASHINGTON, D.C.

Congressman Curtis, ladies and gentlemen, it is indeed a pleasure for me to be the Chairman of a conference, which has such a distinguished list of participants. Our hope is that this conference will develop the much needed dialogue about the needs for new data and some information about its uses.

What are some of the issues for us to discuss today? For the record let me state these issues*.

(1) To me the most important issue in the data collection field is to develop data to evaluate program effectiveness of recent legislation. The 89th Congress, in which you, Mr. Curtis, participated with such distinction, created a variety of historic legislations. The Nation now needs to know whether these laws are fulfilling its purposes. For this we need to refine our demographic data, as well as to develop quality

---

*The views presented here are that of the author and not of the National Center for Health Statistics.

data. For example, now one year after the medicare legislation, one needs to know not only the hospital utilization patterns and the number of physician visits per person, but also the quality of such care received. Statistical planners should involve themselves in value judgments and provide answers to questions like these—What is an adequate medical care standard for a family? What are the adequate standards of preventive medical treatment? What percentage price increase in wholesale prices will demonstrate inflationary pressure etc.? The time is here when we need further orientation in this direction. An important step has been taken by the Bureau of the Budget which ordered all Federal agencies to develop across the board planning, programming and a budgeting system. This is useful as it will measure performance against objectives. Without this we may make progress without direction. The federal statisticians have made a tremendous improvement in the art of sample design, training of interviewers, Interviewer's Manual, transcription and coding manuals, etc. The sampling problems, however, are a means to an end and we should never lose sight of the end. We as researchers will all benefit by learning whether we are getting our dollar's worth and fulfilling our objectives. The cost effectiveness and cost benefit analysis, perhaps will tell researchers just that.

Perhaps establishment of an office of program planning and evaluation as an arm of Congress, an idea I discussed with you, Mr. Curtis, will demonstrate the usefulness of this approach.

(2) The second important area that is commanding attention now and requires even more attention deals with the administration of federal programs as they affect state and local governments. Information is required for two kinds of impact: Firstly, what are the resources of local political jurisdiction and localized labor markets. The implementation of legislation such as the Economic Development Act would be made more meaningful with these kinds of information. For example, a major concept imbedded in this Act is the concept of the economic growth center, that is to put emphasis on economic assistance in areas which have economic growth potential and which in turn can draw upon the resources of and feed income out to the depressed areas around its periphery. To implement this concept data on available resources must be developed. The other information which should be available is the impact of such programs as space and defense or medical research on local communities. When these large programs move rapidly up or down it is important for the state and local communities to have available the kind of information which will allow them to make reasonable forecasts of the impact of these changes on their local economy.

Another area in which local communities, states and the federal government need to join hands to develop data for decision as well as for deliberation. Unfortunately, at the present time data collection at all levels suffers from this weakness. No business will survive today or in the future by developing data which will provide no options for decisions of the management. All levels of government need to orient themselves towards obtaining data that will help them provide options and trade-offs. For example, trade-off between urban free ways and urban mass transit will require information specifically highlighting the area of "options."

(3) The third important objective of federal data collection relates to the formulation and evaluation of aggregate national policy. In the economic areas we have developed perhaps one of the most sophisticated accounting systems in the world. In a full employment economy, the need for *better, more sensitive,* and *more consistent* data are most critical because we are operating on a much narrower margin. The need for consistency is demonstrated by the fact that our price data are based on one set of categories and our cost data on another set of categories, while we are trying to determine the relationships among productivity, prices and wages. Of course I don't need to say that impact of fiscal and monetary policy on states and local communities is far from being available in advance.

(4) The fourth area in which the need for statistics exist relates to the whole array of programs of federal assistance to local and state governments. A number of these programs are based on formulas reflecting need—generally through a population criterion—and financial ability—generally through a per capita income criterion. Timely data, perhaps from tax returns, to indicate levels of personal income as of a certain date in the Census tracts and counties is needed. Such data will contribute effectively to the dialogue now developing on the Tax Sharing Plan.

To accomplish the above objectives there is a need to improve statistical series so that they may be interrelated. Statistical information concerning social conditions, political actions and economic results and potentials must be so designed as to be useable in interrelated ways for selected issues. This means that more emphasis must be placed on the development of the micro as well as macro analysis. This may mean emphasis on longitudinal studies which tell us how individuals, families, and groups change their status over time and not merely how many are in a different status group at a different point of time. This may mean emphasis on family data, which tells us how many children in the family are educated or have health insurance coverage, and whether the family is with children or is "other" type of family.

This brings me to the central problem: statistical planners need to concentrate more on the "whys" of the situation. Granted, they are hard to obtain, but not impossible. The sources of economic depravity can only be alleviated if they are known. Why do some move out of a given status, while others do not and why do some move into the same status others have left? Answers to questions like these can be found by concentrating on the "whys." This necessary step will make our data more meaningful.

Let me conclude by saying that there is a need to make better use of available information by analyzing and highlighting the operational uses of the data. Also more data is needed to evaluate the operations of federal, state and local governments. For example, government procurement agencies need to provide valid data on the distribution of their purchases by industry and geographic location, and measure its impact on the local economy. Comparability of data among states and localities at a meaningful level of detail is necessary and perhaps may require some coordination. A national data bank proposal is already in the offing. Well organized centers for assembling, collecting and retrieving data for various users will be an important step to provide the users something they need. More important however is to put something worthwhile in it so that users can take it out. This means in one sentence—produce decision oriented data.

These are some of the areas this conference will deliberate on. Now I know you are anxious to hear Congressman Curtis and the other distinguished guests. Congressman Curtis needs no lengthy introduction. He is a ranking Republican on the Joint Economic Committee and the House Ways and Means Committee. He is a life trustee of Dartmouth College and as President Eisenhower described him, he is "an exceptional member of Congress." He received the distinguished congressional service award from the American Political Science Association and LL.D., Honoris Causa from Westminster College at Fulton, Missouri. Ladies and gentleman I have the great pleasure of presenting the Honorable Thomas B. Curtis of Missouri.

LABOR RELATIONS OF J. P. STEVENS & CO., INC.

Mr. THURMOND. Mr. President, over the past 4 years, there has been a concerted effort on the part of labor unions to organize the textile workers of the South. The brunt of the efforts of the union organizers has been directed toward one major company, the J. P. Stevens Co., Inc. Stevens has many plants in both North and South Carolina and provides a major source of income for the State which I have the honor of representing in the U.S. Senate.

J. P. Stevens Co. has maintained harmonious relations with its employees throughout this difficult period and, as a result, the employees have rejected all attempts at unionization at every election held. There have been, however, continuing efforts to organize the Stevens employees and the National Labor Relations Board has almost consistently ruled in favor of the union. Just as consistently, the courts have overturned the rulings of the National Labor Relations Board.

The adverse publicity against the J. P. Stevens Co. has prompted them to have published in leading newspapers in the South an open letter to the public. This open letter has appeared in many newspapers and contains the company's views of the union's activities and the rulings of the National Labor Relations Board.

Mr. President, I ask unanimous consent that the text of the open letter to the public be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AN OPEN LETTER TO THE PUBLIC FROM J. P. STEVENS & CO., INC.

Within recent months, there has been an increasing amount of publicity with regard to various attacks which are being made upon our Company by the Textile Workers AFL–CIO Union. Much of this publicity has not been in accord with the truth and the facts.

It is not our desire to burden the public with this controversy. But the accusations against us have received such widespread attention that we believe the time has come to set forth a brief account of the whole situation.

Our Company is engaged in the manufacture and sale of textile products. We are one of the Nation's oldest companies, our business having been established in 1813—one hundred and fifty-four years ago. We operate a number of plants in various states, principally, however, in North Carolina and South Carolina.

We take especial pride in the good relations which we have with our employees—who now number more than forty-four thousand. We constantly strive to provide for them wages and benefits and working conditions which are among the best and most progressive in the entire textile industry. Above all, however, in dealing with our employees, we proceed upon the conviction that their good will and loyalty depends basically upon their being treated with consideration and fairness, and with individual recognition and personal respect.

Onto the scene came the Union four years ago. Having failed repeatedly in earlier efforts to organize the Southern textile industry, the Union officials announced with great fanfare that they were determined to mount a massive all-out drive, and that the Stevens Plants in North Carolina and South Carolina were to be their first major target.

They did indeed wage a prolonged and intensive campaign, one in which both money and manpower, drawn from the wide resources of the AFL–CIO, seemed to be almost unlimited. For three years, scores of professional organizers moved among the employees of these Plants, seeking by every form of influence and persuasion to align them with the Union. *But, as events turned out, they failed to win the people.*

During 1965 and 1966, the Union brought the matter to a head by requesting the National Labor Relations Board to conduct secret ballot elections involving eight of the Stevens' Plants. The Union selected these Plants. The Union and the Labor Board controlled the timing of the elections. The Company had no choice on either score.

Stevens, as was its lawful right, did seek to persuade the employees not to bring the Union in, centering its appeal upon the theme that it was not only to the best interests of the Company—but just as truly to their own best interests—not to permit a third party to intervene in the direct relationship which had thus far existed between them and the Company.

In all of the elections, the employees voted against the Union by clear and decisive majorities. In the Company's largest Plant, the Union demanded, and the Labor Board granted, a re-run election. The Union also demanded that this re-run election be held away from the Plant. This too the Labor Board granted. But the employees still went to the polling place and voted the Union down by a margin more than twice as large as before.

Meanwhile, however, the Union had been initiating legal actions against the Company. During the years 1964, 1965 and 1966, the Union and the Labor Board conducted proceedings in four Federal Courts, seeking injunctions against the Company on account of what they claimed to be unlawful actions on the part of the Company. After thorough study and deliberation, the Courts, in each and every instance, ruled that the issuance of an injunction against the Company was not justified.

Numerous charges were also filed by the Union with the Labor Board, alleging principally that the Company had discharged a number of employees without cause and solely on account of their being Union adherents. To this the Company replied that unfortunately it is, and always has been, necessary occasionally to discharge an employee. The Company presented in detail the circumstances of failure in performance or other offense for which the individuals in questions were terminated, and pointed out out that their terminations would have occurred regardless of whether they were members of the Union or not.

It is to be noted that in the North Carolina and South Carolina Plants which were under the Union attack, the discharges claimed to have been wrongful during the years since the Union's campaign began, constituted an average of approximately one employee per Plant per year.

The Labor Board conducted hearings and ruled in favor of the Union and against the Company on most of the charges—as is virtually routine procedure for the Board in such cases. The law expressly provides, however, for the right of appeal from the Board to the Federal Courts, and the Company has entered such appeals.

It is, and it always has been, the intention of our Company to abide by the law. The final decision of the Courts will, of course, determine the outcome of these cases, relating to the terminations of former employees, which are now on appeal.

But the Union has now taken up a campaign of loudly denouncing the Company because it is exercising its legal right of appeal rather than meekly submitting to the edicts of the Labor Board. On account of these discharge cases which are still to be decided by the Courts, the Union officials have decided to raise a great public outcry—vehemently and unceasingly—against Stevens.

A few examples will illustrate why the Company appeals from the Labor Board. In the principal series of hearings before the Board, four hundred and forty-three witnesses testified on all the numerous details of the cases. Most of these were witnesses for the Company, and they included many rank and file employees and persons unconnected with the Company as well. But not once in case of conflict of testimony on any material question—*not once did the Board accept the testimony of any witness for Stevens or reject the testimony of any witness for the Union.*

Another example:—During the course of the Union's campaign, the Company stated to the employees in writing "our sincere belief" that if the Union were to get in, it would not "in the long run" work out to their benefit. The law specifically declares that an employer has the right to express such viewpoint and opinion to his employees. Several United States Courts of Appeal have passed on this exact statement by an employer to employees, and all have agreed that it is entirely lawful. No Court has held otherwise. *Yet the Labor Board, disregarding the law and the repeated Court rulings, held that Stevens committed a wrong by making such a statement to its employees.*

Still further examples as to the Labor Board rulings from which Stevens is appealing:—A former employee admitted on the witness stand, that upon being reprimanded for operating a lottery in one of the Company's warehouses, he "quit" his job. Yet the Labor Board ordered the Company to reinstate him in its employment and pay him "back pay".

Another employee admitted on the witness stand that, upon being told by her supervisor that she would be terminated for poor performance, she slapped him in the face "as hard as" she "could". She, too, the Board declares, the Company must reinstate to its employment with back pay.

Nor does the Union content itself with publicly condemning Stevens for not accepting the Labor Board's rulings. Our Company for many decades has been, through competitive bidding, a principal supplier of specification textile products to the Government, particularly for the use of the Armed Forces. Now the Union has gone to the President of the United States and has requested him to take action which would withhold further government contracts from Stevens, and from Stevens employees. This, could also affect the flow of some of the vitally needed supplies to our Armed Forces in Viet Nam and elsewhere.

It is to be regretted that the Union—which once so ardently declared the interests of our employees to be its main concern—now seeks to shut off from them work on which they and their families depend for their livelihood.

The Union officials apparently believe that by putting one pressure after another on our Company from enough different directions, they will eventually force us to surrender our convictions and welcome the Union into our plants, whether we believe it to be desirable and whether our employees want it or not. *We do not intend to do so!*

We remain of the basic belief that we have no asset of greater value than our close and direct relationship with our employees.

J. P. Stevens & Co., Inc.

IMPROVING INCOME FOR ALL CLASS I DAIRY FARMERS

Mr. NELSON. Mr. President, today the fourth in a nationwide series of hearings is being held here in Washington on the pricing system for fluid—class I—milk under 70 Federal milk marketing orders.

Under the Federal milk marketing order program, all milk that is sold by dairy farmers to processors for fluid or bottled purposes receives at least a minimum price that is established in each region of the country based upon the balance of supply and demand and other economic conditions.

Wisconsin, as also Minnesota and northern Iowa, has a unique situation with regard to the Federal milk marketing order program. Only 23 percent of the milk produced in my State is marketed under Federal orders. Therefore, only that 23 percent is eligible to receive at least the minimum fluid milk price while the remainder, nearly 80 percent of the State's total milk production, receives the lower manufacturing—class II—price while being processed into cheese, butter, and other manufacturing milk products.

However, despite the fact that only about one-quarter of Wisconsin milk is marketed as fluid milk, twice that amount actually qualifies as fluid milk under U.S. Public Health standards and stands in reserve to avert milk shortages wherever they may occur in the Nation. In times of seasonal shortages, disaster, and emergency, Wisconsin milk is shipped to every corner of the country to provide milk for residents there when their local milk supply is disrupted.

The current dairy crisis has made very apparent the fact that dairy farmers are not receiving an adequate income from the marketing of their milk. This is especially true of those farmers whose milk meets U.S. Public Health standards as fluid milk and provides the Nation's vital milk reserve but is not eligible to share in the pricing system of the Federal milk marketing order program.

I ask unanimous consent to have printed in the Record a letter that I sent earlier this week to Secretary of Agriculture Orville Freeman urging the consideration of procedures by which all class I qualifying milk producers will share in any price increases in the fluid milk market. Present conditions justify price increases sufficient to assure higher prices for each and every dairy farmer. It is my hope that such procedures will be thoroughly studied before the final report on these current fluid milk market hearings is completed.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Hon. Orville L. Freeman,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

Dear Mr. Secretary: I was very pleased to hear your announcement regarding regional hearings this week to review the nationwide level of fluid (Class I) milk prices paid dairy farmers under 70 Federal milk marketing orders.

These hearings provide an excellent opportunity for a public forum and a thorough discussion of the adequacy of the nation's milk supply and the adequacy of today's farm prices to the dairy farmer. One of the priority topics for the hearings should be consideration of procedures by which all Class I qualifying milk producers will share in any price increases in the fluid milk market, including those producers who provide the nation's vital milk reserve in the form of cheese, butter and other manufacturing milk products.

Wisconsin's dairy industry, and that of Minnesota and northern Iowa, have a particular and almost unique interest in this matter. Unless special steps are taken to broaden the right of farmers to share in the Class I price pools, a majority of Wisconsin dairy farmers and many in other states will receive no benefit whatsoever from any future increases in Class I prices.

The facts are clear. Nearly four-fifths of Wisconsin milk is used for producing manufacturing milk products. Correspondingly, only 37% of Wisconsin milk is pooled under Federal milk orders, which entitles the farmers who produce that portion of the state's milk production to receive the higher Federal milk order blend price for their milk instead of the lower manufacturing milk price paid to all the other Wisconsin dairy farmers.

This is not fair to these thousands of farmers. It is not economically sound and not in the national interest.

It is true that in the past, much of Wisconsin's milk did not serve in a significant way as part of the nation's fluid milk reserve. But that no longer is true. Milk is now being shipped from virtually every corner of Wisconsin into almost every corner of the entire country to meet needs when shortages occur from time to time. The total volume of these shipments is not as great as we would like them to be. But the fact remains—Wisconsin produces the milk that stands in reserve for consumers in Florida, Texas, New Mexico, Arizona, in the Northeast, the Midsouth, and the Northwest, to insure them against a failure of local milk supply if drought or flood or other emergencies arise. Milk from Wisconsin and other key dairy states needs to be available and ready to avert the shortages that may occur at any time and at any place.

The purpose of classified pricing under the Federal Order Program is to assure an adequate supply of pure and wholesome milk for present and future needs. In order to maintain this total national supply of milk, farmers must be encouraged to stay in dairying. These farmers deserve to share fully in the price benefits of the Federal Order Program which, in turn, will enable them to maintain a stable and sound source of milk for today's needs and an adequate reserve for tomorrow's emergencies.

It is eminently sound economically to recognize the milk reserve service of farmers in Wisconsin, Minnesota and northern Iowa in Federal Order pricing and pooling provisions. These farmers can perform this vital service for the nation's consumers more efficiently than any others in the nation. It is not contended, of course, that the higher-cost dairymen of other areas should not be recognized too. But it is contended that it is economically unjustified to especially exclude Wisconsin farmers—who sell milk at the *lowest* prices—from sharing in price increases granted in order to maintain adequate milk supplies. Yet, this is exactly what happened in 1964, when I appealed for increases in the milk price supports to help Wisconsin farmers to stay in business following the disastrous drought of that summer. Higher prices for Wisconsin farmers were denied. But at the very same time, price increases were granted under the Federal Order Program to dairy farmers in other states whose prices were already as much as two dollars higher than in Wisconsin.

I simply request that when Class I price increases are granted under the Federal Order Program, provision be made for enabling all Wisconsin dairy farmers and those in other states whose milk is marketed through plants inspected and approved in accordance with U.S. Public Health Service sanitation standards, to share fully in such increased prices.

The amount of the Class I price increases justified at this time should be great enough that all qualified dairy farmers in the country would receive increased income from their milk as a result of a broadened pooling provision of the Federal Orders. I believe that present conditions do justify price increases sufficient to assure higher milk prices for each and every dairy farmer.

You are authorized, and in my judgment under present circumstances should be urged, to introduce data, views, and findings into the hearing record that will bear on these questions. Time is short, but the problem is acute. The dairy farmers predominantly in Wisconsin, Minnesota, and northern Iowa, have earned their right to full, first-class citizenship under the Federal Fluid Milk Order Program. The nation's milk consumers need them. The national economy needs them. The Federal Order Program should contribute to enabling them to stay on the farms.

Sincerely yours,

GAYLORD NELSON,
U.S. Senator.

THE SPACE TREATY

Mrs. SMITH. Mr. President, on April 3, 1967, I wrote the Secretary of State, expressing my concern about certain aspects of the space treaty, particularly with respect to article 7, dealing with responsibility for damages launched from the territory of a party to the treaty. I asked some very specific questions.

On April 11, 1967, the Assistant Secretary of State replied with a very thorough response and detailed answers to my questions. Late yesterday our Ambassador to the United Nations conferred at length with me in my office and provided a very satisfactory personal implementation of the letter of April 11, 1967.

As a result of the exchange of these letters, I believe that the aspects which I raised will be covered significantly in the report of the Committee on Foreign Relations on the space treaty.

I ask unanimous consent to have printed in the RECORD the text of my letter of April 3, 1967, and the letter of April 11, 1967, from the Assistant Secretary of State for Congressional Relations.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., April 3, 1967.

THE SECRETARY OF STATE,
Department of State,
Washington, D.C.

MY DEAR MR. SECRETARY: Inasmuch as the Space Treaty has not been referred to the Committee on Aeronautical and Space Sciences, I have not had an opportunity to ask questions about the Treaty that has been afforded the Committee on Foreign Relations in its hearings.

Consequently, the purpose of this letter is to express some of my concern about the Treaty and my questions in that regard.

It seems to me that Article 7 is both vague and open-ended with regard to the responsibility for damages from objects launched from the territory of a party to the Treaty. In other words, the United States would be liable for damages caused by any objects launched from the United States, and the liability would be to any other party to the Treaty including natural and juridical persons of the other party.

It appears that Article 7 on damages was lifted almost verbatim from a United Nations Resolution of December 13, 1963 and I am informed that the Soviet Union later incorporated this principle in its version of the proposed Treaty.

As you know, there is now being negotiated among the various countries a separate proposal relating only to damages from space objects. This proposal attempts to specify in some detail the entire responsibility for damages from space objects. I understand that you have indicated to the Committee on Foreign Relations that this proposal would be submitted in the form of a Treaty rather than an Executive Order.

It is my present impression that this Treaty in effect provides indemnification for space objects for any damage caused outside the United States in countries which are a party to the Treaty. As a technical matter, since the Treaty makes the launching country responsible to foreign nationals of the party states, the United States could be liable to a foreign national in this country who might be injured by an object launched in this country. Oddly enough, the Treaty thus goes further with protecting foreign nationals than United States citizens who have no specific remedy at the present time for objects launched by the United States. I am particularly mindful of this aspect in view of the great emphasis that the State Department placed on the Consular Treaty as protecting United States citizens.

Because of the foregoing, I wish to ask you the following questions and request answers to such questions at your earliest convenience.

(1) If a separate and detailed agreement is now being negotiated on damages from space objects, why should the United States commit itself to this vague and unlimited liability in the present Treaty?

(2) What is the significance of agreeing to Article 7 in the pending Treaty in relationship to any other Treaty that might be negotiated?

(3) If another agreement should not be successfully negotiated, then how can we judge the precise meaning of the presently pending Article 7?

(4) Is it legally possible that if Article 7 is approved, the Executive Branch could then proceed with a separate commitment on damages in the form of an Executive Order rather than a Treaty?

(5) Why should Article 7 be in the Treaty at all? Could this not be left to separate negotiation?

(6) If space objects are not to contain any nuclear weapons as the Treaty contemplates, why is the issue of damages any more significant than in aircraft originating from this country which falls into a populated area of another country?

(7) It is my understanding that the Executive Agreements on Transit Rights, that is, the right to fly over and land in other countries, does not provide for any liability for damage caused by aircraft to objects on the ground.

Moreover, insofar as liability to passengers under the other Conventions is concerned, there is a monetary limit on corporate liability with respect to death and injury for passengers.

Under these circumstances, why do space objects assume so much greater significance than aircraft which could cause even greater damage to persons and objects on the ground?

(8) If a nation is to be liable for objects launched from its own territory, why should there not be a monetary limit on the amount of damages to be assumed? The present phrase, "Internationally liable for damages", is nowhere defined.

(9) Why should the United States assume absolute liability where the cause for the

damage in a foreign country might be negligence in the making of the object rather than the launching? Under this premise, the United States assumes liability for safety in the manufacturing of the space objects.

(10) Under the Treaty, if an object belonging to another country or to a foreign corporation is launched from the United States and causes damage, the United States is nevertheless liable.

Why should the place of launching be the sole test for liability?

(11) Why should there not be somewhere in the Treaty a definition of the term "damages" together with a monetary limit on the amount of liability for each accident?

(12) The State Department argued that any Senate change on the Consular Treaty might kill the whole Treaty. Undoubtedly the State Department now argues that since the Space Treaty has been already signed in its present form, by a number of countries, any changes by the Senate might kill the whole Treaty.

This is to say, in effect, that the hands of the Senate are tied and the only choice is either to approve the Treaty in its entirety or reject it.

What then should be the discretion of the Senate in its ratification role?

As the ranking minority member of the Committee on Aeronautical and Space Sciences, I feel a serious responsibility in this matter and I would appreciate a reply at your earliest convenience.

Sincerely yours,
MARGARET CHASE SMITH,
U.S. Senator.

DEPARTMENT OF STATE,
Washington, April 11, 1967.

Hon. MARGARET CHASE SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: Secretary Rusk appreciated your thoughtful letter of April 3 concerning the Space Treaty, which arrived as he was preparing to leave for Latin America. He has asked me to reply in his absence. Your views are always welcome, particularly in this case because of your position as a Congressional Advisor to Ambassador Goldberg on outer space questions.

We consider the provision on liability to be an important part of the Treaty. Many countries negotiating the Treaty felt the inclusion of such a provision to be essential.

We have given very close attention to the pertinent questions which you raised in your letter and have sought to answer them in detail. Article VII of the Space Treaty provides:

"Each State Party to the Treaty that launches or procures the launching of an object into outer space, including the moon and other celestial bodies, and each State Party from whose territory or facility an object is launched, is internationally liable for damage to another State Party to the Treaty or to its natural or juridical persons by such object or its component parts on the Earth, in air space or in outer space, including the moon and other celestial bodies."

Generally stated, this provision of the Treaty holds a party internationally responsible for damages which its space activities cause to another party to the Treaty.

We think this is a just rule of law. If an American citizen should be injured by another country's space activities, we would want to be able to present a claim on his behalf against that country. Reciprocally, it is only right that the United States should stand ready to respond to any meritorious claims for damages caused by our space activities. What Article VII does is to provide a basis for a diplomatic claim as between parties to the Treaty. It does not establish arbitral machinery for the adjudication of disputed claims; such a procedure will be appropriate for the detailed liability convention which is being negotiated in the United Nations Committee on the Peaceful Uses of Outer Space.

You correctly point out that the liability provision in Article VII of the Space Treaty is not new. Three years ago, as a result of a United States initiative, the United Nations General Assembly approved a Declaration of Legal Principles Governing Activities of States in the Exploration and Use of Outer Space (Resolution 1962 (XVIII)), adopted December 13, 1963. In the same terms used by the Space Treaty, paragraph 8 of the Declaration stated:

"Each State which launches or procures the launching of an object into outer space, and each State from whose territory or facility an object is launched, is internationally liable for damage to a foreign State or to its natural or juridical persons by such object or its component parts on the earth, in air space, or in outer space."

The United States has long recognized that non-space powers are acutely concerned with the question of liability. Many of them have given the United States indispensable aid in our Mercury, Gemini, Apollo and other space programs. In return, we have shared our scientific experience, provided assistance in training programs where appropriate, and by the Declaration assured countries that we would assume due responsibility for any losses they might sustain as a result of our space activities. Fortunately, no such losses have occurred thus far.

In these circumstances, it has seemed to us that any treaty concerning the general principles governing activities in outer space should include a provision on liability for damages. In addition, from the very beginning of the space age, the United States has taken the initiative in drawing attention to the need for a detailed convention containing precise rules and procedures on liability. We are continuing our efforts to attain this goal through the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

We shall submit formally to Congress for approval any convention on liability for space activities signed by the United States.

As indicated above, under Article VII the United States would be liable to another party to the Treaty in the event one of its citizens were injured in the United States by a United States space activity. It is also true that another space power would be liable to the United States for any injuries an American citizen might sustain within that country's borders resulting from that country's space activities. This is a fair and reciprocal rule. On the other hand, a treaty is not the proper place to provide for indemnification of citizens by their own government. It is for this reason that the Treaty does not deal with indemnification of American citizens who may be injured by our space activities.

Let me turn now to your numbered questions.

(1) Negotiation of a detailed convention on liability will take considerable time. In the meantime, we consider that Article VII represents a fair arrangement and will serve adequately as a guide for the parties to the Treaty.

(2) The relationship of Article VII to the separate liability convention, when one has been concluded and enters into force, will be as follows. As between states agreeing to be bound by it, the provisions of the separate convention will replace Article VII. We expect that the overwhelming majority of states will want to become party to the separate convention if, as we anticipate, it lays down equitable standards and simple, effective procedures.

(3) If it should become impossible to negotiate a separate convention, Article VII would be interpreted on a case-by-case basis through procedures normally employed for the settlement of international claims. The Executive Branch has statutory authority to pay meritorious claims for damages in small amounts. See, for example, the authority of the Administrator of the National Aeronautics and Space Administration at 42 U.S.C. 2473(b)(13), of the Secretary of the Air Force at 10 U.S.C. 2734(a), and of the Secretary of State at 5 U.S.C. 170g(b). Any claim in excess of $15,000 would have to be sent to the Congress with a recommendation for payment.

(4) The Executive Branch could not effectively undertake additional international legal obligations on liability without Congressional approval.

(5) The Space Treaty includes Article VII because the possibility of injury has been and remains one of the concerns of those countries that do not themselves conduct space activities on a national basis. The Treaty represents a balance of rights and obligations as between space powers and other parties. To give a few examples, the Treaty secures for the United States such benefits as a guarantee of freedom to explore and use outer space, a guarantee to free access to all areas of celestial bodies, and an unconditional guarantee that downed astronauts will be repatriated and space vehicles returned. It accords to non-space parties, as well as the United States, the assurance that meritorious claims will be paid. In our judgment, we could not have obtained argeement to the Space Treaty without a fair liability provision.

(6) and (7) We agree that space activities do not seem more likely to cause damage than aircraft accidents. As indicated above, the issue of space-caused losses assumed significance in negotiating the Space Treaty because of the concern of non-space powers. We would have opposed any attempt to link negotiations on the Space Treaty with the admittedly unsettled and unsatisfactory law pertaining to damage sustained on the ground by reason of aircraft accidents.

(8) Article VII does not impose a limitation on the amount for which any party may be liable. We believe that a limit on liability may be desirable in a future detailed convention. The United States has suggested that there should be such a limit. The present extent of risk of catastrophic occurrences did not warrant our making a limitation on liability a point in negotiation of the Space Treaty.

(9) We consider that another party to the Treaty whose citizens have been injured by a United State space activity should not be required to sue the manufacturer of the satellite. Nor should we require an American citizen to go to another country to seek compensation for injuries occasioned by its space activities. In the first case, we think it appropriate that the United States Government should be responsible, and we would expect that, in turn, the United States Government would pursue its right of recourse as against the manufacturer. The Space Treaty in no way diminishes this right.

(10) The place of launching is not the sole test of liability under Article VII. In addition to the territorial sovereign, Article VII also holds responsible a party "that launches or procures the launching of an object into outer space". The Treaty in no way diminishes the right of the United States to press a claim against other parties.

(11) In our view "damage" as used in Article VII means loss of life, bodily injury and damage to or destruction of property. It encompasses only damage caused by the impact of a space vehicle or object and does not include, for example, electronic interference by one spacecraft with another. See the answer to question (8) above, with regard to the absence of a limit of liability.

(12) The Administration does not think that any change in the Space Treaty would be appropriate. This does not mean that future agreements expanding on certain of the Treaty's general principles are not desirable.

Indeed, as noted above, we have been working hard on a separate convention on liability.

Again, we express our appreciation for your thoughtful letter and for the time you gave to Department officers on this subject last Thursday.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

HUMAN RIGHTS ARE ABSOLUTELY INDISPENSABLE TO WORLD PEACE AND FREEDOM—LII

Mr. PROXMIRE. Mr. President, the Human Rights Conventions on Forced Labor, Genocide, Political Rights of Women, and Slavery are still before the Senate. These four conventions have been before the Senate for an aggregate total of 30 years. It is almost frightening to recall that the Senate ratified the United Nations Charter in just 33 days and has failed to ratify a single Human Rights Convention in the intervening 22 years.

Human rights are not merely a group of theoretical abstractions or a pleasing collection of worthy, but unattainable objectives. Human rights are absolutely indispensable to human progress and to world peace.

During this decade of the sixties, the human dialog has been considerably diminished by the removal from our midst of four uniquely gifted advocates of peace: Dag Hammarskjold, John Kennedy, Pope John XXIII, and Adlai Stevenson.

These four men, all of whom committed themselves to the preservation of world peace, were dedicated to the universal establishment of human dignity and human rights. Each recognized the real interdependence of both.

Dag Hammarskjold once remarked:

> We know that the question of peace and the question of human rights are closely related. Without recognition of human rights we shall never have peace, and it is only within the framework of peace that human rights can be fully developed.

President Kennedy, at his memorable American University address, emphasized that "peace and freedom walk together" and peace is "in the last analysis a matter of human rights."

In his great encyclical, "Pacem in Terris," Pope John XXIII spoke with great wisdom when he characterized the fundamental objective of the public authority of the world community as "the recognition, respect, safeguarding, and promotion of all the rights of the human person." He further went on:

> Peace will be but an empty-sounding word unless it is based on . . . an order founded on truth, built according to justice, verified and integrated by charity, and put into practice in freedom.

Adlai Stevenson, shortly before his own death, perceived a bitter world of tomorrow "in which fundamental issues of human rights, which have been hidden in closets down the long corridor of history, are out in the open and high on the agenda of human affairs."

We do great disrespect to the memories of these four exceptional men of peace if we merely respect their sentiments and fail to follow their sage counsel.

Peace without a commitment to human rights is nothing more than the absence of war—a state of suspended hostility, delicately maintained by a tenuous balance of terror.

Peace with universal human rights must be both our basic and our ultimate goal.

We can move closer to that goal by ratifying the Human Rights Conventions on Forced Labor, Genocide, Political Rights of Women, and Slavery.

CURRENT DEVELOPMENTS IN NATO

Mr. JACKSON. Mr. President, the Atlantic Council of the United States, at a recent meeting, approved a statement with respect to current developments in NATO. The statement is intended to set forth in brief form what seemed to the Council to be certain basic principles which should guide this country in formulating its policies toward NATO.

The officers of the Atlantic Council of the United States include Lauris Norstad, chairman; Dean Acheson, vice chairman; W. Randolph Burgess, chairman, executive committee; and Harry S. Truman and Dwight D. Eisenhower, honorary chairmen.

I believe that the statement approved by the Atlantic Council on April 4, 1967, will be of considerable interest to Senators. I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE NATO COMMITTEE REPORT DISCUSSED AND APPROVED AT THE MEETING OF THE ATLANTIC COUNCIL OF THE UNITED STATES, APRIL 4, 1967

The Atlantic Council reiterates these basic principles underlying Atlantic security.

The experience of two world wars and the success of NATO in maintaining peace and security in Europe furnish convincing evidence of the need for a firmly united Alliance. NATO defense forces ready to act remain an indispensible element in deterring aggression.

As we have realized for 18 years, the security of the Atlantic area is indivisible. American forces in Western Europe directly serve the security of the United States as well as that of our NATO allies.

Certain recent NATO developments are encouraging as pointing towards enhancing the strength of the Alliance.

1. *Current NATO Operations:* In the face of French military withdrawals the Alliance has now worked out methods for carrying on its operations effectively. The fourteen nations, other than France, have now constituted themselves the Defense Planning Committee to supervise all the military operations of the Alliance, while the 15-nation Council (including France) continues to consider non-military problems. So there has been no breakdown in operations, and reasonably satisfactory working arrangements have been achieved. NATO is in continuing operation, not only as a military deterrent but as an active agency for consultation on a wide range of mutual problems.

2. *Nuclear Sharing:* As a part of the forward-looking program of the 14-nation Defense Planning Committee a renewed effort is being made to reach a solution of the problem of "nuclear sharing." This week the NATO Nuclear Planning Group, with the Defense Ministers of seven countries, is holding in Washington its first formal meeting. This action carries one step further arrangements agreed upon in December resulting from proposals made by the U.S. Secretary of Defense for devising joint programs for allied participation in nuclear planning.

3. *Troop Strength and Support:* Inter-allied negotiations are now making progress, in a tripartite group chaired by John J. McCloy, towards solution of the complicated questions of troop strength and relative responsibility for financial support. The same questions are under consideration in the U.S. Senate.

In the opinion of the Atlantic Council the principles which should determine force requirements are well stated by the Senate Subcommittee on National Security and International Operations in its report of March 1, 1967:

"These delicate and complex issues should be examined and decided by all the NATO allies who wish to cooperate. The destiny and commitment of all Alliance members are involved . . . . . If changes in force posture are to be made, they should flow from decisions by the Council or its Defense Planning Committee and should be executed with a view to minimizing the danger that their significance will be misinterpreted by the Soviet Union—or by allied governments and publics. This applies with special emphasis to any reduction of British and American forces on the Continent."

4. *The Belgian Resolution:* adopted at the NATO Foreign Ministers meeting in May, and now being implemented, provides for a new high-level study "of future tasks which face the Alliance and its procedures for fulfilling them, in order to strengthen the Alliance as a factor for a durable peace." The Council welcomes this step, which is in line with a proposal it has long advocated, for such a comprehensive analysis of the future development of NATO.

5. *NATO Parliamentary Assembly:* We welcome the prospect of action by the North Atlantic Council to give the North Atlantic Assembly of the NATO Parliamentarians a more formal relationship to the Council. We believe prompt action on this matter is one practical and helpful means of facilitating greater understanding and cooperation, and so strengthening the Alliance.

GREENLAND HALIBUT

Mr. MAGNUSON. Mr. President, on February 28, 1967, I discussed some of the problems confronting Pacific Northwest fishermen and processors in marketing the halibut from the North Pacific—markets which they have built through quality of product and considerable financial and other efforts on their part over a long period of time.

As I stated on February 28, large quantities of a product called "Greenland Halibut" have been imported into this country and have been marketed, often merely under the title of "halibut" or else with the word "Greenland" in very small lettering. This problem was acute when I last spoke of it. It has now worsened and may be considered to be of a crisis nature to the fishermen and processors of the Pacific Northwest.

The Halibut Association of North America, representing the majority of the dealers in the North Pacific product both from Canada and the United States; the Fishing Vessel Owners Association, representing the owners of halibut fishing vessels in the Washington and Alaska area; and the Deep Sea Fishermen's Union, representing the crewmen on these vessels, have made strong representations to the U.S. Food and Drug Administration for relief.

I recognize that the wheels of Government often turn slowly, but this is not a situation which can be taken lightly, for the effect of the importation of this product not only is misleading the consumer, but is threatening to wreck an historic and honored segment of our fishing industry.

Mr. President, I ask unanimous consent that three letters be printed in the RECORD. They clearly explain the problem from the scientific point of view and the point of view of the fishermen.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEEP SEA FISHERMEN'S UNION
OF THE PACIFIC,
February 20, 1967.

Hon. WARREN G. MAGNUSON,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: This is further information re so called 'Greeland Halibut' referred to in my letter of 2–8–67.

As you can see from the enclosed photostatic copies of labels appearing on so called 'Greenland Halibut' purchased in the Seattle area sales of this species are made to look as tho the housewife (consumer) is purchasing true halibut. This I believe is clearly a violation of the present law, but when I took a package of this so called 'Greenland Halibut' that I had purchased at the Safeway Store in Kirkland, that had the label reading "Fresh Halibut Steak" down to the Seattle office of the Food & Drug Admin. about all I could get out of them was, "yes we are aware of this, and we will write a memo on your complaint". I specifically asked the FDA here to go out and see for themselves what was going on in the various grocery stores in this area, but got no commitment that this would be done. I have also contacted the Seattle office of the State of Washington, Attorney General's Office, Consumer Protection Div., and they did not seem to generate much interest. How do we build the fire that will stop this fraud upon the consuming public and especially upon the Seattle Halibut fishermen and vessel owners?

I do not believe that 'Halibut' should appear on the packages of this species (Reinhardtius hippoglossoides) that is being sold, at least, not on sales made on the North American market.

The Pacific Northwest Halibut Industry cannot compete against a cheap product that is produced in an unregulated industry. As you know, halibut, (Hippoglossus stenolepis) is strictly a long-line fishery and is under strict regulation by the International Pacific Halibut Commission. If this so called 'Greenland Halibut' is to be allowed to be sold as Halibut, thereby enjoying the prestige and promotional efforts of our true Halibut, it will force the long-line halibut boats out of business. What will happen then? As I see it, true halibut would then be allowed to be caught and sold by the bottom trawl (dragging) fishing boats. With the tremendous potential catching ability of the Japanese, Soviet Union, Canadian and U.S. trawl fleets being allowed to fish for halibut, the halibut resource as we know it would soon disappear as the Atlantic halibut (Hippoglossus hippoglossus) has been wiped out.

To convince our own governmental departments that for sale on the American market this species should not enjoy the word 'Halibut' in its sale seems at the moment to be an impossible task. As you will note in the enclosed photostatic copies of pages out of the Dominion of Canada, Bureau of Statistics, Fishery reports, lists the common name as "Turbot" scientific name, "Reinhardtius hippoglossoides", and other common names, "Greenland halibut"—"Flétan du Groenland."

With a cold storage holding that is considerable above last year at the same time for our true halibut, and, with the approaching of the 1967 for the opening of the halibut season, we in the industry are very apprehensive as to what the price will be when the first trips are offered for sale to the buyers.

The Pacific Northwest Halibut Industry look to you, Senator, as our hope for a future in our industry. We ask that you take whatever steps necessary that this fraud upon the U.S. consumer and the halibut industry be rectified.

Thank you for your past services to the fishing industry.

Very truly yours,
CLARENCE R. NORDAHL,
Secretary-Treasurer,
Deep Sea Fishermen's Union of the Pacific.

(NOTE.—Originals of the labels are on file in my office. Also please note that stores other than Safeway Stores are also selling this so called "Greenland Halibut" as Halibut, but the Safeway Stores, Inc. are the only ones that have advertised "Halibut Fillets pan ready Greenland" in at least the Seattle area. (See ad also enclosed).)

INTERNATIONAL PACIFIC HALIBUT
COMMISSION,
December 1, 1966.

Mr. WILLIAM S. GILBERT,
Chairman, Management Committee,
Halibut Association of North America,
Seattle, Wash.

DEAR MR. GILBERT: In response to your telephone call of a few days ago I made a preliminary survey of some of the practices pursued in the use of the name *halibut*.

One aspect of the problem was covered in a letter to you dated March 8, 1955 concerning chiefly the distinction between so-called California halibut and Pacific halibut. I am enclosing a photocopy of this letter as it also emphasizes the need for some official and legal definition of what constitutes *halibut* from the standpoint of the North American market.

The question has been further compounded by recent developments in the world's fisheries in which an increasing quantity of *Reinhardtius hippoglossoides,* sometimes called Greenland, or black, or blue halibut, is being produced particularly in the Northeast Atlantic and to a limited extent in the Northwest Pacific.

There is also the further complexity of which I have been advised by correspondence and have also observed that the countries chiefly responsible for the recent increased production of black halibut do not always differentiate that species in their reported catch statistics from the true halibut. This is particularly evident in catch statistics as compiled by the Food and Agriculture Organization of the United Nations. There are also major errors in FAO published tables of the indicated catch of true halibut in recent years.

Another and even more compelling reason for some formal definition as to what shall be regarded as halibut for North American trade purposes is the fact that not only does the U.S.S.R. often include in the halibut category the black halibut *Reinhardtius* and the true or white halibut *Hippoglossus,* it also includes the genus *Atheresthes* in the halibut or their *Paltous*[*] category. This genus is represented on the North American Pacific Coast by the species *stomias* and intermingles toward the coast of Asia with *Atheresthes evermanni* (some authorities are inclined to believe that these two species of *Atheresthes* would, on more complete investigation, prove to be identical.) This genus is the so-called 'turbot' or bastard halibut or arrowtoothed halibut as it is known to the Pacific Northwest fishing industry. It is not, of course, a true turbot but a very much inferior market fish and is currently used in North America only for animal feed, if at all.

In order to place the foregoing in their proper taxonomic perspective, Norman classifies the four genera in question as follows:

Order *Heterosomata.*
Family *Bothidae.*
Subfamily *Paralichthinae.*
Paralichthys and 20 other genera.
Family *Pleuronectidae.*
Subfamily *Pleuronectinae.*
Atheresthes, Reinhardtius, Hippoglossus, and 24 other genera.

Atheresthes is of course the 'turbot' or arrowtoothed halibut referred to above and to repeat, it is not a commercially acceptable foodfish in the North American market.

Reinhardtius is the Greenland, or black, or blue halibut and was first described from Greenland. The flesh is relatively fat and seems to have had a fairly long history of moderate demand in Germany.

Hippoglossus is the true halibut. The Atlantic form is usually referred to as *H. hippoglossus* and the Pacific form as *H. stenolepis* (we have reason to prefer that the Pacific form be regarded as a variety of the Atlantic and be named *H. hippoglossus stenolepis* (Vernidub).

Paralichthys is represented on the Pacific Coast by the species *californicus* and is commercially known as the bastard halibut, Monterey halibut or the California halibut. This genus is also found in many other parts of the world both in the northern and the southern hemispheres.

Consequently, with *Paralichthys* in another family, namely *Bothidae,* from the standpoint of taxonomic grouping and familial relationships the inclusion of individuals of the genera *Hippoglossus, Paralichthys, Reinhardtius* and *Atheresthes* under the term "halibut" would be comparable to designating anything in the Order *Clupeiformes* or *Isospondyli* as "salmon". This would, for example, include not only members of the family *Salmonidae* such as trout, char, whitefish, cisco, inconnu and grayling but such further diverse items as *Clupeidae,* the herring, *Engraulidae,* anchovies, *Osmeridae,* smelts, *Umbridae,* mudminnows, and the *Esocidae,* the pikes, amongst others.

It is very doubtful whether the most liberal interpretation of federal and state food codes would permit one to crossover between families of the Order *Isospondyli* and market mudminnows as salmon. Yet, in fact, it crosses family lines when California halibut (*Paralichthys*) is identified along with the true halibut (*Hippoglossus*).

Notwithstanding the foregoing academic and taxonomic aspects of the question there are more significant ones; namely, of production volumes, product identity and market prices.

There are several features about *production volumes* that should be recognized in the indiscriminate use of the term halibut as it may be applied to *Reinhardtius,* the black or Greenland halibut. There has been an increase in the European catch trends of black halibut in recent years. This is indicated, for example in the reported landings of *Reinhardtius* in Norway in recent years in millions of pounds, live or round weight.

1961	17.6
1962	21.1
1963	21.0
1964	26.0
1965	33.3

The permitted entry of *Reinhardtius* into the United States as *halibut* could cause serious dislocations in the market as well as create pronounced political disaffections in the halibut industry particularly among the fleets. This would be particularly obnoxious as there is no North American production of *Reinhardtius*.

---

[*] *Paltous* or *paltus* appears to be the collective term for halibuts.

Also to permit *Reinhardtius* to enter under the name of halibut could also 'open the door' to an uncontrollable influx of many other species under the name of halibut. It would make little difference whether the product originally looked like a halibut as most imported foodfish is butchered in the country of origin usually past the point of identification as to species.

Furthermore, the so-called halibuts are all products of fisheries that are completely unregulated. With the true halibut *Hippoglossus*, on the other hand, the general level of world supplies is largely determined by the Canadian and United States Pacific Coast production which is under rigid conservation control. The following table shows the current world production trends of true halibut in millions of pounds of heads-off eviscerated weight:

Year	North Atlantic							North Pacific and Bering Sea				
	Canada	United States	Norway	United Kingdom	U.S.S.R.	Other	Total	Canada	United States	Japan	U.S.S.R.	Total
1961	6.1	0.2	8.6	7.1	6.6	6.6	35.2	29.3	39.8	18.5	-----------	87.6
1962	6.1	.2	9.4	6.3	3.1	5.5	30.6	34.2	40.3	16.5	-----------	91.0
1963	4.9	.2	7.4	5.6	5.8	4.8	28.7	36.9	34.2	16.0	-----------	87.1
1964	4.6	.2	7.1	6.0	[1] 7.0	5.6	[1] 30.5	32.9	26.3	3.8	[2] 4.1	67.1
1965	4.5	.2	6.4	5.8	[1] 6.0	6.3	[1] 29.2	32.6	30.3	2.6	[2] 3.0	68.5

[1] Estimated, as other published figures (FAO) include large amounts of species other than *Hippoglossus*.

[2] Probably includes some poundage of other than *Hippoglossus*.

As far as product identity is concerned, the true or white halibut (*Hippoglossus*) stands out as a more or less unique group among those other flatfish, sometimes erroneously referred to, as *halibut*, as shown in the following table (from Kleie and Omelianenko, TINRO):

Species of halibut	Moisture	Protein	Fat	Ash
White (*Hippoglossus*)	73.1–79.8	16.7–21.3	0.54– 6.0	1–1.3
Black (*Reinhardtius*)	70.0–83.4	10.2–12.6	5.4 –18.1	1–1.3
Arrowtoothed American (*Atheresthes*)	66.7–79.5	11.7–15.7	5.1 –21.1	1–1.3
Arrowtoothed Asiatic (*Atheresthes*)	65.8–74.8	12.0–15.9	8.7 –20.4	1–1.3

Thurston and MacMaster (Food Research, Vol. 25(2) 1960) have also shown that except for the very thin layer of dark meat under the skin along the center of each side of the fish the average fat content of a very large sample of Pacific halibut, *Hippoglossus*, was less than one (1%) percent.

Consequently, to market black, arrowtooth or California halibut as halibut is, from a consumer standpoint, highly deceptive in view of the fact that many people, faced with the health necessity of restricting the fat content of their diet regardless of the much exploited polyunsaturated nature of fish oils, wish to purchase true halibut, well known for its low fat content amongst other qualities.

It was also shown by Thurston and MacMaster that the flesh of true halibut, *Hippoglossus*, has a lower sodium content than most saltwater fish. This latter fact brings into most serious question the propriety of permitting species of unknown sodium content to be marketed as halibut and so deceive and even injure the consumer who may, for health reasons, be required to function on a low sodium intake.

As to *market price*, time has not permitted any critical analysis of the costs of imports of *Reinhardtius* into the United States or Canada. However, I think a number of important inferences can be drawn from the fact that the landed vessel price of black halibut (*Reinhardtius*) in Europe is very much lower than that for true halibut (*Hippoglossus*). This is shown in the following table of average prices in Norway in some recent years for the two species, in cents (U.S.) per pound of landed weight, probably dressed, head on:

	1962	1963	1964
Reinhardtius Blakveite	4.5	4.8	5.2
Hippoglossus Kveite	22.4	26.1	25.8

It would seem that where there is such a wide price differential between the two species to identify and market *Reinhardtius* as *halibut* could be regarded by some standards of commercial practices as fraudulent.

I trust the foregoing preliminary appraisal of some aspects of the problem will be of use to your organization. While I have tended to concentrate on the *Reinhardtius* vs. *Hippoglosus* question, I am certain that we could provide you with other data pertinent to the overall issues involved.

Sincerely,

F. HEWARD BELL,
Director of Investigations.

FEBRUARY 24, 1967.

Hon. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR SIR: In 1933 the United States Tariff Commission declared: "The only fish recognized in the United States markets as halibut is the species known scientifically as Hippoglossus hippoglossus."* Another flounder, Reinhardtius hippoglossoides, grossly inferior, is now being imported into this country and sold to housewives as "Greenland Halibut", "Halibut Greenland Style," or "Halibut", among other names. This practice is deceiving the public. It is threatening serious damage to the United States halibut industry.

The Halibut Association of North America, representing about 85 per cent of the producers and sellers of halibut in this country, urgently requests that the Food and Drug Administration take appropriate action to prevent the sale of any fish except Hippoglossus as halibut.

Petitioner has a substantial interest in preventing the misbranding of other fish as halibut. Halibut Association of North America, an incorporated trade association organized under the laws of the State of Washington, represents 34 fishing and processing concerns in Washington, British Columbia, and Alaska, including two cooperatives of halibut fishermen. These firms and cooperatives produce and sell about 85 per cent of the American halibut catch.

Petitioner can substantiate the following facts:

A. True halibut is a superior fish. It is "one of the finest of food fishes." Webster's New International Dictionary (2d ed. unabridged, 1956), Halibut. "It is a valued food fish, with very firm white flesh." 11 Encyc. Brit. (14th ed.), Halibut, p. 91. "The firm white flesh of halibut is greatly valued as food." Larousse Gastronomique, Halibut, p. 480.

The United States has a sizeable investment in the North Pacific Halibut Fishery. The United States and Canada have appropriated some $2.5 million to the International Pacific Halibut Commission since they adopted the convention to rehabilitate and improve that fishery. By strict regulation they have not only saved it, but brought total production back to its former high levels. The production by American fishermen is now in the range of 40 million pounds, eviscerated heads-off landed weight, compared with imports from Canada and Japan of from 5 to 6 million pounds. The American fishermen have had considerable to do with maintaining the stock and the high quality of the landed product, and they too have a great deal of money invested in this superior food fish.

B. Reinhardtius is a much inferior fish. As shown in a table in Mr. Bell's letter attached, Reinhardtius has substantially less protein and much more fat. The meat is flabby and tasteless. No cookbook prescribes a recipe for it. None even mentions it, except perhaps Larousse in an aside under Turbot:

"*Turbot double* is a species which has colored skin on both sides. The flesh of this species is mediocre." p. 975.

Reinhardtius is caught with other bottom fish off Newfoundland and Greenland, and elsewhere across the North Atlantic, in a completely unregulated fishery. The natives do not eat it. In common parlance it is a trash fish or scrap fish.

It is variously styled as Greenland Halibut, Turbot, Greenland Turbot, American Turbot, Black Halibut, Blue Halibut, Mock Halibut. It has only recently come upon the American market in volume, imported in great quantity as "other fish blocks". We have been told that it is being sold at retail in this country under a variety of names, including "cod", "sole", and "catfish", as well as "halibut".

In 1966 the fisherman in Newfoundland got 3.1¢ a pound for Reinhardtius, 18.4¢ a pound for Hippoglossus.

On the current United States wholesale market Reinhardtius fillets sell for 25¢ to 31¢ per pound. Hippoglossus fillets sell for 70¢ to 92¢ per pound.

---

*Document references are set out in an Appendix to this letter. The Pacific halibut, Hippoglossus stenolepis, is virtually identical with the Atlantic halibut, and both fish are referred to in this letter as Hippoglossus.

C. Housewives have been buying halibut in the United States for eighty years at least. They have no way of knowing that there are sixteen genera within the subfamily Hipposlossinae classified as members of a halibut tribe. All they know is that the fish "halibut" is the superior food fish which has been sold in the stores under that name—the one referred to as halibut by the Tariff Commission, the dictionaries, the encyclopedias, the cook books.

The halibut is a very large fish—the biggest flat fish—and it is sold butchered. Reinhardtius is much smaller, but it is sold butchered also. Only an experienced buyer would know the difference by appearance, even if he knew that there was more than one member of the halibut tribe.

Our cook books invariably mention halibut, and furnish recipes for cooking it. None which we have found mentions such a thing as "Greenland halibut" or suggests that there is more than one variety of halibut.

D. Wholesalers are now marketing Reinhardtius throughout this country as halibut. Enclosed as illustrative are a price sheet distributed by John G. Martin, Food Broker, San Francisco, June 15, 1966, and labels being used by Hussman & Hahn, packer, Cuxhaven. Retailers are selling it as halibut. Enclosed is an ad on page 45 of The Washington Daily News, January 26, 1967. A witness can attest that he bought one of these fillets at a Giant G Store in Washington the same day. It was labeled with a sign stuck into the pile of fish fillets, "Halibut." It was most certainly not genuine halibut.

Advertisements of this sort are being run continuously, in many cities. In the Safeway ad run in the San Francisco Sunday Examiner January 29, 1967, for example:

"Greenland Halibut Fillets regularly 89¢ per pound, buy now and save 30¢ per pound. Price 59¢ per pound.

Prices for Reinhardtius fillets across the country were running from 39¢ to 59¢ per pound.

Even when advertisers use the word "Greenland" in conjunction, they put it in much smaller type, or in misleading context. Enclosed as illustrative is a label from Shamrock Fisheries, Inc. Other illustrations are:

"Halibut Fillets small selected fillets from the icy waters of Greenland 59¢." (Safeway ad, The Times, San Mateo, California, February 1, 1967)

"Halibut Fillets Fancy Greenland Fillets 59¢" (Safeway ad, Herald, Bellingham, Washington, January 18, 1967)

"Eastern Halibut Fillets, 69¢." (Johnny's Food Centers ad, Seattle Times, Seattle, Washington, February 1, 1967)

The end result of these impositions upon the unknowing public is obvious. Sales of halibut have fallen off, and the price is dropping. At the same time the production of Reinhardtius is increasing enormously. Canadian production in the Province of Newfoundland in 1964 was 3 million pounds. In 1965 it was 14.8 million pounds. In the first ten months of 1966 it was 26.5 million pounds. (In Canadian official statistical bulletins from which these figures are taken this fish is primarily listed as Turbot). Russian and Polish production has risen about the same rate.

The wholesalers will bear the brunt of the loss resulting from the present decline in the price for halibut, but members of fishermen's cooperatives will suffer substantial losses too. Starting in April or May the price paid to the halibut fishermen for 1967 catches is going to fall badly if the trend continues.

E. The problem of assigning appropriate names to fishes is a difficult one, and often confusing. For example, what the Pacific Coast fisherman calls a hake is a trash fish not fit to eat. What the Atlantic fisherman calls a hake is "fine in texture, flaky and easy to digest." Pictures of the two show that they are talking about different kinds of fish.

We do not conceive that there need be any such difficulty or confusion when it comes to halibut. Hippoglossus has been sold throughout the United States for the past eighty years under the name "halibut". The Halibut Association has spent large sums of money through the National Fisheries Institute to promote its consumption. Almost every cook book prescribes recipes for halibut. The name has a clear meaning at the fish counter.

A fish which is new on the national market, grossly different in protein, fat content, texture, and taste, and inferior in quality, must not be allowed to confuse the public with a name deceptively similar. Taxonomical classification means nothing to the buying public, unless it has a valid relation to the food quality of the fish. Local names for fish mean very little. It would be just as appropriate for West Coast fishermen to export their trash fish Merluccius Produceus to France as "hake", as it is for Canadians and Germans to export their trash fish Reinhardtius to us for sale as "halibut".

We therefore urge that your Department move promptly to stop the further marketing of Reinhardtius as "halibut". The consuming public has no way to protect itself. The American halibut fishermen are going to be hurt badly, to the detriment of the public interest, if this deceptive practice is allowed to continue. Our industry is already suffering substantial losses. Your interest will indeed be appreciated.

Believe me,

Yours very truly,

William S. Gilbert,

President, Halibut Association of North America.

DOUGLAS' TOUR DE FORCE ON TRUTH IN LENDING

Mr. PROXMIRE. Mr. President, on Thursday, April 13, Paul Douglas, our great former colleague, was the leadoff witness before the Committee on Banking and Currency on S. 5, the truth-in-lending bill. Senator Douglas was the original architect of truth in lending and introduced the first bill in 1960. He has fought long and hard for such a bill to protect the interests of the American consumer, and it is a tribute to his steadfast leadership that the present bill, S. 5, stands a good chance to be enacted by the 90th Congress.

Senator Douglas presented a brilliant and comprehensive statement tour de force which goes to the heart of all of the issues surrounding the bill. It is one of the most scholarly and lucid statements that has even been made on truth in lending. I hope that every Member of the Senate will read Senator Douglas' statement. It rings with truth.

Mr. President, I ask unanimous comment was ordered to be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Opening Statement of Paul H. Douglas on Truth in Lending Before the Subcommittee on Financial Institutions, U.S. Senate

Mr. Chairman and members of the Subcommittee, it is indeed a pleasure and a privilege for me to be here today to talk about truth in lending. I spent many long and productive hours in this very room holding hearings on previous truth in lending bills. Although our discussions were sometimes spirited, they were always friendly. The legislative process is founded upon the clash of ideas of men who pursue the truth. And so that is why I am here today—to once again raise the call for truth in lending. I am honored and flattered that you have seen fit to invite me to hear my thoughts on a subject on which I have no doubt bothered each of you for more years than I care to admit. To some it may seem like a bad dream to see me bob up from among the politically dead to discuss this subject once again. But before I begin my testimony, I want to compliment my able former colleague, Senator William Proxmire, for taking up the fight on truth in lending and exerting such magnificent leadership in sponsoring S. 5. I am confident that under his guidance the Truth in Lending bill will move from this Committee room to the Statute books.

I. HISTORY OF INTEREST RATES

Mr. Chairman, a study of the history of interest rates will reveal that truth in lending legislation is nothing new. For example, over 37 centuries ago in 1800 B.C., the King of ancient Babylonia decreed that all loans had to be accompanied by a written contract setting forth the terms of the loan. Moreover, if through subterfuge, a higher than legal rate of interest was actually collected, the principal of the loan was forfeited to the borrower. From this evidence, one can only conclude the Truth in Lending bill is the most conservative proposal before the Congress. In fact, it seems rather strange the bill has not been championed by the Liberty Lobby and other conservative groups who look to the past for complete guidance on today's problems.

It should also be pointed out that interest gouging has enjoyed an equally long, if not honorable, tradition. In ancient Greece, loan sharks in Athens were known to have charged interest at the rate of 48 percent a month, or 576 percent a year. And in the 15th Century, the Italian bankers charged the King of France 100 percent interest on a war loan while local merchants were borrowing at only five percent. Apparently, the King of France was not considered to be a good credit risk. I cannot help but wonder whether Charles DeGaulle could have done better.

During the Middle Ages the Catholic Church gradually evolved the "just-price" doctrine with respect to lending. This doctrine held that an interest rate of more than six percent was usurious. The Church felt that ordinary citizens seeking so-called consumers loans were at a disadvantage in dealing with sophisticated money lenders and, therefore, needed the special protection afforded by the just-price doctrine.

The historical and moral sanctity given to the magic figure of six percent has survived through the centuries and has found its way into most of our State usury laws. Of course, "the buy now, pay later" plan was virtually unheard of in the Middle Ages, and it would be unrealistic to expect many to make a profit at six percent in today's consumer credit market. Nevertheless, the reverent attitude accorded the historic figure of six percent still survives and many lenders take great pains to disguise the fact they are charging more than six percent. The so-called "time price" doctrine was developed to hide this very fact.

II. GROWTH OF THE CONSUMER CREDIT INDUSTRY

Borrowing by consumers was frowned upon for a long period of our history. When we lived in a simple rural-agricultural society, the need for consumer credit was not great. The prudent man always paid cash and lived off the farm when times were bad. However, the rapid growth of a modern industrial society and the rise of an urban, wage-earning class changed the old precepts about credit. Workers needed to borrow money to tide them over periods of unemployment. The growth of a mass production industry in consumption goods required new sources of financing. However, the very usury laws which were enacted to protect the consumer during the Middle Ages operated to his disadvantage during the latter part of the 19th Century and the early part of the 20th.

At a rate of six percent, it simply was not possible to attract responsible capital into the costly field of consumer credit. The average size of the loan was small, hence the ratio of fixed processing costs to total costs was high. Risks were greater and the installment principle increased the administrative expense. As a result, the field of consumer credit was abandoned to the illegal loan sharks who frequently charged between 200 and 300 percent a year.

Because of the growing concern over the shocking practices of loan sharks, the Russell Sage Foundation studied the problem and in 1916 drafted a uniform small loan act as a guide for State action. The model act established a licensed small loan industry and provided for an interest ceiling of 3½ percent a month on the unpaid balance. It is significant to note that the sponsors expressed the rate ceiling in monthly rather than yearly terms. On a yearly basis, a 3½ percent monthly rate comes to 42 percent. This was necessary to sell the plan to State legislatures who still believed in the "six percent myth." As one careful student put it, "The traumatic effect of a statement of finance charge at an annual rate well above 6 percent would have almost guaranteed that the proposed remedial legislation would not have passed state legislatures and would have shocked the consumer into the arms of the loan shark . . . " (Robert W. Johnson, *Methods of Stating Consumer Finance Charges*, p. 29)

Today, 49 States have small loan laws patterned after the Russell Sage Foundation's recommendations.

At the same time, a second institution arose to meet the needs of consumer credit—industrial banks. Arthur Morris, the founder of the first industrial or Morris Plan bank in 1910, hit upon an ingenious method of avoiding the restrictive features of the usury ceilings. The essence of the Morris Plan was to discount a loan at the legal interest rate, while requiring the borrower to establish a separate savings account on which no interest was paid. The savings were then used to pay off the loans and in effect amounted to installment repayments. The courts cooperated by holding that the loan and the savings were separate transactions. Since the consumer paid six percent interest on the original face value of the note but only had effective use of the money for approximately half the period, the true annual rate was roughly double the disclosed rate. In addition, separate "service fees" were tacked on which increased the true rate to 17 or 18 percent. This became known as the "discount plus fee" system and was copied by the commercial banks when they moved into the installment credit field during the 1930's. The credit unions, on the other hand, copied the monthly rate system but at a low maximum of 1 percent a month on the actual amounts owed.

Retail merchants selling under the installment plan came up with still another rate—the "add-on rate." This is similar to the discount method except that the percentage is computed on the principal amount rather than the entire amount of the note. For example, a consumer borrowing $100.00 under a six percent discount would receive $94.00 and pay back $100.00. Under a six percent add-on contract, he would receive $100.00 and pay back $106.00. The true annual rates in both cases are approximately double the declared rate since the borrower only has the effective use of about half the principal as a result of periodic repayment. The discount rate, however, is actually more than the corresponding add-on rate and the difference increases with the length of the contract. But both the discount and add-on rate are roughly one-half of the true annual rate since they are based upon the original principal rather than the periodic declining balance. For this reason, the FTC prevented GMAC from advertising a six percent add-on rate as six percent. FTC held that most people took this to be six percent simple interest comparable to the interest earned in a savings account. In fact, the simple annual rate is nearly double or 10.90 percent. This decision of the FTC was later upheld by the U.S. Circuit Court of Appeals.

We have seen that each new method of providing consumer credit bears a similar history. The common elements may be summarized as follows:

(1) A need for consumer credit arose which was not being met through existing institutions;

(2) It was economically impossible to provide such credit within the six percent usury ceilings;

(3) It was politically impossible to get State legislatures to recognize explicitly rates above six percent;

(4) Various methods were therefore developed to raise the effective ceiling while maintaining the appearance of staying within six percent; and

(5) When legal ceilings were set in such a manner, it became common for lenders to advertise and quote their rates in a similar fashion.

The end result is that the consumer is caught in a veritable jungle of figures. He is unable to make simple and direct comparisons between alternative sources of credit.

III. THE ORGANIZED CONFUSION OF CREDIT

Today there are three principal methods of stating a finance rate—the monthly system, the add-on system, and the discount system. Each of these can be drastically modified by charging separate additional fees which are not counted in the rate. The permutations and combinations are infinite. For example, the loan shark industry in Texas nearly came under State regulation in 1963. During the frantic debates in the State legislature, the loan shark industry proposed an incredibly complicated system for setting maximum rates. The loan sharks wanted a legal ceiling of a 10 percent add-on rate, plus a two dollar monthly service charge for the first six months, plus ¾ of one percent each month thereafter. Someone pointed out this could come to a true annual rate of 245 percent on a small loan. "So much the worse for the reformer" was the loan shark industry's attitude. (Texas Observer, Feb. 21, 1963)

None of the rate methods now in use are comparable with each other or to the simple annual rate on the declining balance which would be most familiar to savers. The simple annual rate is the rate earned on savings accounts and the rate paid on home mortgages. It is the rate used by businessmen in commercial transactions and in money markets. Businessmen demand a statement of the true annual rate when they borrow. Sophisticated economists and mathematicians who work for large corporations insist that the simple annual rate be disclosed on all investments and business borrowings. It is only in the field of consumer credit that confusion and obfuscation prevail. Here borrowers are being forced to pay interest on amounts which they have already repaid. They are not told this, however. In fact this is carefully concealed from them.

When the consumer is faced with this jumble of rate methods and complicated financial terms, it is no wonder he throws up his hands and asks merely to see the size of the monthly payments. For unless he is a skilled mathematician, he will be utterly confused and thoroughly misled if he attempts to compare rates quoted by various lenders.

The American consumer has been bewildered and numbed by the confusion in credit and, as a result, has been educated not to be price conscious. One recent study asked a sample of 800 families to estimate the rate of interest they were paying on their debts. The average estimate was 8.3 percent. The actual rate was nearly three times higher, or 23.2 percent. (Juster & Shay, *Consumer Sensitivity to Finance Rates*, 1964; p. 51)

In recent years a further abuse of consumer credit has developed, namely, the avoidance of quoting any price at all on many consumer durables and instead merely stating at best that the purchaser is supposed to pay x dollars a month for y months. This is the common practice on second-hand autos and a common practice even on new cars. It is quite frequently used on the purchase of furniture, washing machines and other laundry appliances, television and radio sets, etc. This practice has begun to penetrate even the field of consumer perishables or soft goods. In both these cases neither price nor the interest rate is quoted. They are both there, however, although they are concealed. It is important then that they be brought out into the open. This the Proxmire bill (S. 5) would do. The bill, therefore, aims to provide disclosure which will: (1) compute the interest on the amounts actually owed and not on the amounts which have already been repaid; (2) require the lender to quote these rates to consumers as they do to business firms on producers' loans on a yearly basis and not on the deceptive monthly basis; (3) require that the price of the article as well as the credit charge in dollars and percent be quoted; (4) require that special charges incident to the credit transaction be also quoted and included in the percentage rates.

The most ironic climax to this situation is the argument advanced by the credit industry to perpetuate the status quo. They argue that the consumers' lack of concern over rates, which is in large part due to the confusion the lenders themselves have created, is justification for maintaining the present state of confusion. This is roughly analogous to the logic surrounding a Salem witch trial where the silence of the accused was held to be evidence of his guilt.

As a matter of fact, it is relatively easy to find the approximate annual interest rate on the unpaid balance. There are at least two financial services which have prepared rate books giving these rates on loans of varying amounts for varying periods. The Bowery Saving Bank of New York has produced a cheap and simple slide rule enabling buyers and debtors to find the approximately true annual rate while the Credit Union National Association has developed an inexpensive circular slide rule which will permit lenders to state the rate correctly to the nearest tenth of a percent. Both of these are familiar to those members of the committee who attended the hearings in former years.

As a matter of fact, there are four interrelated variables from three of which the fourth can be computed.

These are (a) the original purchase price if cash were paid, (b) the number of months over which payments are made, (c) the amount in dollars to be paid each month, and (d) the annual rate of interest. Once (a) (b) and (c) are given, (d) can be found. Today the lender or seller on the installment plan generally has a rate book under the table which enables him to find (c) the amount of the monthly payment when the price, the number of months, and the true rate of interest or (a) (b) and (d) are quoted.

Frequently the seller now decides what interest rate he wants to charge and then with the other two variables, he is able to quote the monthly payments required. It would be just as easy to find the interest rate once the other variables are stated as S. 5 would require.

IV. THE SIZE OF THE CREDIT INDUSTRY

By any standards, consumer credit today is big business. In January 1967, the American consumer owed $93.5 billion in short and intermediate debt. Interest payments alone on this debt amounted to at least $12 billion and probably much more. Long-term mortgage debt accounted for an additional $225.2 billion in outstanding debt and at least $13 billion in interest. Thus, total consumer or personal debt amounted to $318.7 billion or only $11 billion less than the entire national debt while interest payments on personal debt are at least double the interest payments on our national debt.

The rate of growth is also instructive. Since 1945, consumer credit has increased from $5.6 billion to $94.8 billion or by 17 times. The rate of increase in consumer debt was four and one-half times greater than the growth rate of our gross national product (GNP). We are sometimes told that government finance is no different from family finance and that the Federal government should manage its fiscal affairs as though it were a family. Yet, if we actually did this—if during the post-war years we actually increased the national debt at the same rate American families increased theirs—the size of the national debt today would be over *four trillion dollars,* a truly incomprehensible figure.

I do not cite these figures in criticism or to infer that consumer credit is too high. I do believe, however, that the sheer size of consumer debt and its rapid rate of growth have significance for our economy. No one really knows the proper level of consumer debt. But when it has reached the unprecedented size it has, I believe we should do all we can to insure the wise use of credit. Consumers themselves are the best judges of how much debt they can afford, but when the cost of credit is obscured this self-adjusting mechanism is frustrated. Certainly the continued increase in personal bankruptcies indicates that some consumers cannot manage credit. In fact, the pages of the credit industry's trade publications are filled with articles deploring the number of people forced into bankruptcy. I don't know why it has never occurred to the credit industry that one way of reducing the number of bankruptcies is to make people aware of the cost of credit. Instead of opposing truth in lending, it seems to me the credit industry should support it out of its own economic self-interest. I believe it would reduce the number of defaults.

Another reason for citing the size of consumer debt and its rate of growth is to indicate the magnitude of the savings which would be made possible by restoring price competition in the consumer credit industry. If, as a result of more vigorous price competition, the average rate of interest on consumer debt declined by only one percentage point, American families would save about one billion dollars a year! Most of these savings would go to the poor who can least afford to be in debt. Thus the economic potential of truth in lending is considerable. Moreover, the savings to the consumer would become larger every year, considering the rapid rate of growth of consumer credit. If consumer credit maintains its annual growth rate of 14.4 percent, a saving of one billion dollars per year would double to two billion dollars per year in slightly over five years.

V. LEGISLATIVE HISTORY OF TRUTH IN LENDING

The principle of truth in lending first occurred to me over 50 years ago when the Russell Sage Foundation proposed its uniform small loan acts based upon monthly rates rather than annual rates. This bit of arithmetic legerdemain bothered me, but I was persuaded to go along in order to encourage the growth of a responsible small loan industry aimed at replacing the so-called loan sharks. However, by 1933, the obfuscation had spread to industrial banks, commercial banks, retail merchants, and even in lesser degree to credit unions. At that time, I was called to Washington to work with the National Recovery Administration and the credit industry to establish a uniform code for credit. In the course of these discussions, I proposed that creditors end the confusion by all quoting a simple annual rate on the declining balance. This suggestion was met with a storm of indignation and protest. The credit industry felt the public could not be safely told the facts about credit and opposed such reform. It was suggested that I resign from the code authority and I agreed to do so. It was one of the few times that I ever backed away from a fight and I have regretted it ever since. I came to feel that if I could, I would try to make amends. Finally the chance came.

So in 1960, I introduced a similar truth in lending bill requiring the disclosure of credit costs both in dollars and as a simple annual rate. You gentlemen are familiar with the bitter opposition encountered by this bill over the last seven years. Most of the ostensible objections have centered on the workability of disclosing a simple annual rate. Numerous examples of irregular transactions were presented where the computation of the simple annual rate was alleged to be difficult. I believe the experience under the Massachusetts Truth-in-Lending law and the Department of Defense (DOD) directive will show how groundless these objections are. For the vast majority of transactions, the disclosure of a true annual rate will be ridiculously easy. For the few transactions which are irregular, there is no reason why these couldn't be dealt with in separate procedures established by the administering agency with the assistance of the credit industry. If the credit industry was unwilling to trust the Federal Reserve Board to write workable regulations, the industry should have proposed detailed amendments to the bill covering the methods by which irregular payment plans would be handled. Yet the facts of the matter are that for seven long years the industry has maintained a completely negative and uncooperative attitude. Never once have they come forward with language suggesting how the bill could be made more workable. From this evidence, one can only conclude that the question of irregular payment plans has been used as a red herring to confuse the issue.

The real reasons for the opposition to truth in lending have not been technical but psychological. Creditors have apparently feared that a disclosure of the true rate of interest will alienate consumers. According to this view, if consumers once knew the rate they were paying for credit, they would harbor resentment against the credit industry and decrease their borrowing and buying. Again, I believe the experience with the Massachusetts law and DOD directive will show these predictions to be false. There is simply no evidence that consumers will rise up in mass revolt if they are told the truth.

Another possible reason for industry opposition is the desire to avoid meaningful price competition. Disclosure of the annual rate will gradually make consumers more aware of differences in the cost of credit. This would inevitably lead to price competition on the part of creditors.

Now it has been an economic fact of life that despite lip service to free enterprise, almost no business likes to compete in terms of price. Every industry tries to avoid price competition as much as possible. So it is natural that when public policy attempts to foster greater price competition, such proposals are vehemently opposed. Banks in particular should gain from a revelation of the true rates. I believe the past opposition of the American Bankers Association has been due to a failure to recognize where their true legitimate interest lies.

There also seems to be an inherent tendency on the part of American business to grossly overestimate the adverse impact of reform legislation while ignoring almost entirely the benefits to the general public and the ultimate benefit to business. When Congress passed the Truth-in-Securities Act of 1933, the President of the New York Stock Exchange solemnly predicted the collapse of the market. Today the stock market is stronger than ever and rests in large part upon the public confidence made possible by the Truth-in-Securities Act. It should always be remembered that the American Bankers Association fought the coming of the Federal Reserve System with great bitterness and the utmost vigor and vehemence. Now they are its strongest supporter and seem to believe they originated it.

Similar opposition was expressed toward full disclosure legislation dealing with wool products, furs, textiles, autos and packaging. In all of these cases, none of the fears of the industry materialized. Sales were not reduced; on the contrary, they increased, helped in part by greater public confidence.

I believe the same will hold true for truth in lending. The credit industry seems to suffer from a massive inferiority complex which leads them to overact against reforms proposed by others. We have seen that the confusion on presenting finance charges is due to historical circumstances which existed 50 years ago. A departure from the simple annual rate concept, which had been used throughout 4000 years of history, was thought to be necessary in order to get around the usury laws and persuade State legislatures to authorize the establishment of a responsible credit industry.

Today, all of the earlier legal and political difficulties have been overcome. The credit industry is no longer struggling to get started—it is large and prosperous. People are more sophisticated about credit and are no longer likely to rise up in anger over the death of the "six percent myth." Responsible creditors have nothing to fear from telling the public the truth, and I should think that from the standpoint of good public relations, they ought to take the lead in supporting such legislation. I have been deeply disappointed in the past. I hope Senator Proxmire will have better luck in the present.

VI. THE FUNCTION OF AN ANNUAL RATE

Since most of the objections to the bill have centered upon the disclosure of an annual rate, the benefit of this information needs to be made clear. Some in the industry, for example, have argued that all consumers need is a statement of the cost of credit in dollars and cents. According to this view, comparison among different credit plans can be made in dollar terms. It is held that dollar comparisons are more meaningful to the consumer because consumers spend dollars but they do not spend percents.

This is effective rhetoric but poor logic. A rate is essentially a standard unit price for the rental of money. If unit prices were eliminated in marketing, the consumer would be at a loss to make effective comparisons. Just as a price per gallon of gasoline or a price per quart for milk or a price per pound for steak is useful to the consumer, so would a standard unit price for money be useful.

Let me illustrate this point with a concrete example. Suppose you want to buy a car on time and that after negotiating the downpayment and trade-in allowance with the dealer you are left with a balance of $2300 to finance. Suppose the dealer is willing to finance the car over 36 months and quote a total finance charge of $362.25. Is this a good credit buy? Most people couldn't really tell without extensive computation.

Suppose you are wary and decide to shop around. Perhaps a bank is willing to lend you the money, but it might require a higher downpayment and will only lend for 24 months. Thus, the bank might lend you $1900 for 24 months at a total finance charge of $285.00. Is this better than the car dealer? The dollar cost is cheaper, but the term is shorter and the amount of the loan is smaller. Does one offset the other? The fact of the matter is that most people couldn't really tell for sure.

As soon as the concept of a finance rate is introduced, the matter becomes clear. In the case of the car dealer, the annual finance rate comes to 9.76 percent while the deal offered by the bank comes to 13.80 percent.

Dollars by themselves do not tell the whole story. It is impossible to make an adequate comparison only on the basis of dollars when amount of the downpayment or length of the contract are varied. Thus, the notion that consumers can intelligently shop around without information on the rate of finance charge is simply not true. The rate is indispensable for intelligent choice.

The rate serves another function in addition to comparison shopping. It tells a buyer whether he ought to shop around in the first place. Let us return to the previous example of a car loan. If the buyer knew in advance the rate was 9.76 percent, he would know instantly that he was getting a pretty good buy on credit. He wouldn't have to waste his time in calling up or visiting other creditors and negotiating terms. He could confidently complete his transaction with the first car dealer without the gnawing suspicion that he was being taken on the credit charge.

On the other hand, suppose you started with a different car dealer who quoted a finance charge of $600.00 on an unpaid balance of $2,000.00 over 18 months. Is this a good buy? The rate would provide the answer. It comes to 35.05 percent. The rate tells you immediately that you had better look elsewhere for credit. You are not likely to be misled by the bland assurance of the salesman that you are getting a good credit buy.

Thus, the rate permits a consumer immediately to recognize a good buy, thereby saving his time; and it permits him to recognize immediately a bad buy, thereby saving his money.

The true annual rate has a third function from the point of view of the consumer. It helps him decide whether he wants to use credit at all or to use cash. Since the rate is a true annual rate, it is directly comparable to the rate earned in a savings account or the rate which would be paid by borrowing on a life insurance policy. It is also comparable to the rate paid on a home mortgage.

It is sometimes argued that most consumers do not have the option of using cash or other liquid assets. However, a careful study by the University of Michigan Survey Research Center found the following:

(1) Roughly one-third of spending units with debt could have eliminated their entire personal debt had they chosen to substitute liquid assets;

(2) An additional one-third could have reduced a portion of their debt by substituting liquid assets;

(3) If this were done, the savings in interest would have been widely distributed among income groups and would not have been confined only to the wealthy. ("1959 Survey of Consumer Finances" *Federal Reserve Bulletin*, July, 1959)

A further study indicates that those who do hold liquid assets are somewhat more inclined to borrow less when rates go up and vice versa than those who don't own liquid assets. Thus, knowledge of the rate is important if this tendency is to be realized. (Juster & Shay, *Consumer Sensitivity to Finance Rates*, 1964, p. 38)

Thus, the true annual rate plays three indispensable functions:

(1) It provides a simple yardstick for comparison shopping;

(2) It permits immediate recognition of good and bad buys;

(3) It affords a direct comparison with the alternative use of liquid assets.

VII. THE ECONOMIC RATIONALE FOR DISCLOSING AN ANNUAL RATE

Aside from protecting the average person on individual credit transactions, the annual rate provision has an economic significance which may be even greater in public benefit.

First of all, a rate is like a price. Thus, when creditors are required to display their prices it is bound to have an impact. Buyers will become price conscious. Creditors will begin to compete in terms of price. The overall aggregate effect may be to lower rates throughout the entire credit industry. As I have indicated, a reduction in the rate of one percentage point could save consumers a billion dollars a year. It is sometimes argued that buyers don't care about rates and that rate disclosure would have no appreciable effect on competition. The answer to this claim is twofold: (a) many buyers are not sensitive to rates because of the hopeless confusion surrounding consumer credit. The introduction of a uniform method of stating finance rates will make it possible to educate most consumers to be "rate conscious," i.e., price conscious. Present educational efforts are frustrated by the lack of rate information or the practice of quoting many different rates.

(b) Even if after education most consumers still ignore rates, all is not lost. It only takes a small minority of price conscious shoppers to police a market and force sellers to compete on price. Thus, annual rate disclosure can lead to price competition even if a majority of buyers ignore the rates.

Secondly, by restoring price competition in credit, the disclosure of an annual rate will tend to bring about a more equitable collection of credit charges among different groups. It will work to change the present situation where the poor, the uneducated, and minority groups subsidize the rich and well-educated. Let me illustrate this point with another example.

Car dealers frequently make more money on the finance charge than they do on the car. It is common practice for a sales finance company to kickback a portion of the finance charge to the dealer. What many dealers do is to artificially reduce the cash price of the car to make a sale while making up the loss in the finance charge. Competition works in the sale of the car because buyers are well informed about price. But it does not work in credit because buyers are not informed about the price of credit or true interest.

Thus, the cash buyer or the buyer who is smart enough to borrow elsewhere obtains a good deal. He is able to buy a car far cheaper than it would cost if the dealer's fair profit were added in. The difference is made up by the credit buyer or the uneducated person or a person who does not have access to other forms of credit. Thus, the poor subsidize the rich.

However, if we separate the market for the car and the market for credit, we will restore price competition in both markets and end this unconscionable subsidy. I am not charging that creditors deliberately discriminate against the poor. But I do say that the lack of price competition on credit inevitably works against the poor. It is the system which must be changed.

A third economic benefit from increased price competition is to improve the allocation of resources within the credit industry. To the extent that price competition is absent, high cost inefficient lenders are permitted to survive and grow. Price competition, on the other hand, will divert resources to the more efficient lenders at a consequent saving to the public. But if price competition is to function, the annual rate must be disclosed to permit ready comparisons of unit costs. How could gasoline dealers achieve meaningful price competition if they refused to disclose the price per gallon of gasoline?

A fourth economic benefit is that truth in lending will improve the allocation of resources between liquid assets and credit. To the extent that consumers reduce liquid assets as an alternative to increasing their debt, they are substituting a low cost form of borrowing for a high cost form of borrowing. Thus, they will be able to save the difference to apply to additional purchases. However, full knowledge of the rate being charged for credit is necessary if this optimum is to be reached.

The basic philosophy behind truth in lending is a belief in free enterprise and in the price system. But if markets are to function properly, there must be a free flow of information. Perfect competition requires perfect information. Of course, perfect competition does not exist anywhere in our economy. Nevertheless, it is an ideal towards which public policy should work. By removing imperfections and frictions we permit free markets to achieve their maximum effect. By increasing the amount of information on consumer credit we will remove a major imperfection in the market place.

The alternative to regulation by the market is regulation by the Government. This is nearly always less efficient and leads to an increase in governmental power which conservatives deplore. And so I hope Congress will enact the Truth in Lending bill. It is a modest bill. It is based purely on the principle of disclosure. The predicted difficulty of computing an annual rate or of an adverse consumer reaction has not materialized when truth in lending has been tried.

I sincerely hope that Congress will keep faith with the American people and will pass the Truth in Lending bill in 1967.

In conclusion, I want to quote from a poem by Alfred Noyes, which I hope will be appropriate to the occasion:

"I caught the fire from those who went before
The bearers of the torch who could not see
The goal to which they strained. I caught their fire,
And carried it, only a little way beyond;
But there are those who wait for it, I know,
Those who will carry it on to victory."

FOREIGN CURRENCIES AND U.S. DOLLARS UTILIZED BY COMMITTEE ON COMMERCE

Mr. HAYDEN. Mr. President, in accordance with the Mutual Security Act of 1954, as amended, I ask unanimous consent to have printed in the Record the report of the Committee on Commerce concerning the foreign currencies and U.S. dollars utilized by the committee in 1966 in connection with foreign travel.

There being no objection, the report was ordered to be printed in the Record, as follows:

Report of expenditure of foreign currencies and appropriated funds by the Committee on Commerce, U.S. Senate, expended between Jan. 1 and Dec. 31, 1966

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Brewster, Daniel:											
Switzerland	Franc	196	45.58	580.20	133.79	216.78	50.00	306.21	70.63	1,299.19	300.00
Germany	Duetsche mark					2,046.40	511.60			2,046.40	511.60
Subtotal			45.58		133.79		561.60		70.63		811.60
Cole, Donald C.:											
England	Pound	71-1-3	199.00	55	154.00	12	33.60	59	165.20	197	551.80
Germany	Duetsche mark					1,727.20	430.72			1,727.20	430.72
Subtotal			199.00		154.00		464.32		165.20		982.52
Grinstein, Gerald:											
Sweden	Krona	217	43.00	125	25.00	50	10.00	124	22.00	516	100.00
Denmark	Krone	360	52.00	245	35.00	35	5.00	56	8.00	689.56	100.00
England	Pound	9	25.00	17	48.00	5	14.00	4.16	13.00	35.16	100.00
Bulgaria	Lev	27	13.50	40	20.00	268.20	134.10	33	16.50	368.20	184.10
Russia	Ruble	58	64.00	60	66.00			58	64.00	176	194.00
Germany	Deutsche mark					8,153.60	2,039.08			8,153.60	2,039.08
Subtotal			197.50		194.00		2,202.18		123.50		2.717.18
Pertschuk, Michael:											
Bulgaria	Lev	220	110.00	320	160.00			60	30.00	600	300.00
Russia	Ruble	77	85.00	70	77.00			17	19.00	164	181.00
Hungary	Forint	3,455	72.00	7,045	147.00	1,000.00	21.00	2,900	60.00	14,400	300.00
England	Pound	9	25.00	17	48.00	5.00	14.00	4-16-10	13.00	35-16-10	100.00
Germany	Deutsche mark					5.023.20	1,258.75			5,023.20	1.258.75
Subtotal			292.00		432.00		1,293.75		122.00		2,139.75
Scott, Hugh:											
Germany	Deutsche mark					8,045.20	2,016.34			8,045.20	2,016.34
Italy	Lira	62,500	100.00	62,500	100.00					125,000	200.00
Turkey	do	787.5	87.50	787.5	87.50	787.5	87.50	787.5	87.50	3,150	350.00
Yugoslavia	Dinar	1,292.5	103.40	1,292.5	103.40			6.2	.50	2,591.2	207.30
Thailand	Baht					1,200	58.34	3,085.50	150.00	4,285.50	208.34
Hong Kong	Hong Kong dollar.	1,293.17	225.00	1,293.18	225.00					2,586.35	450.00
Japan	Yen	105,000	291.67	105,000	291.66	125,422	348.39	78,000	216.67	413,422	1,148.39
Subtotal			807.57		807.56		2,510.57		454.67		4,580.37
Wedin, John H.:											
Spain	Peseta	3,600	60.00	1,530	25.50	720	12.00	1,689.60	28.16	7,540	125.66
Italy	Lira	95,927.52	153.73	39,312	63.00	33,072	53.00	5,088.48	80.27	218,400	350.00
Netherlands	Guilder					4,315.04	1,192.00			4,315.04	1,192.00
Germany	Deutsche mark					5,406.74	1,361.90			5,406.74	1,361.90
Denmark	U.S. dollar		20.00		6.00		1.50				27.50
Russia	do		238.00		119.50		11.25				368.75
Subtotal			471.73		214.00		2,631.65		108.43		3,425.81
Bartlett, E. L.:											
Hong Kong	Hong Kong dollar.	676.20	115.00	676.20	115.00	201.74	34.31	346.56	58.94	1,900.70	323.25
Japan	Yen	127,800	355.00	108,000	300.00	3,553.20	9.87	47,116.80	130.80	286,470	795.75
Germany	Deutsche mark					6,240.84	1,572.75			6,240.75	1,572.75
Subtotal			470.00		415.00		1,616.93		189.82		2,691.75
Total			2,483.38		2,350.35		11,281.00		1,234.25		17,348.98

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	16,952.75
Appropriated funds: S. Res. 213	396.23
Total	17,348.98

WARREN G. MAGNUSON,
Chairman, Committee on Commerce.

MARCH 27, 1967.

PRESIDENT JOHNSON AND DYNAMIC CREATIVE FEDERALISM

Mr. MUSKIE. Mr. President, when the Founding Fathers wrote the Constitution of the United States, they wrote it for their times and, hopefully, for the future of the Nation they had helped to create. Yet they could not foresee, and, we could not expect them to foresee, the tremendous growth in governmental responsibilities which would occur in a 20th-century industrial urban America of 200 million people.

Government has not grown larger because it wants to impose an alien bureaucracy upon the people. Government—Federal, State, and local—has grown because the Nation has grown. Government has taken on more responsibilities because the people—business, labor, the farmer and consumer—wanted it to assume such new responsibilities. Government has expanded its social, educational, and economic services because the expectations of the American people have risen to new heights, and because this Nation is now the most prosperous in history.

In this great period of changing expectations, the relationship between the States and the Federal Government has changed—although the structure of federalism remains what it was in the beginning.

The United States has reached a point where "creative federalism" must search for new initiatives, new ways of solving old and new social and economic problems.

As chairman of the Subcommittee on Intergovernmental Relations, and as a member of the Advisory Commission on Intergovernmental Relations, I have been particularly impressed with the seriousness and dynamism with which President Johnson has approached the Federal-State process.

President Johnson has not been content with theoretical statements about how perfect federalism could be. He has vigorously and effectively worked to strengthen the role of States and their Governors in every cooperative Federal program from crime control to water and air pollution control; from economic opportunity to natural beauty; from transportation to education; from metropolitan planning to highway safety; from health to housing; from economic development to the arts.

Since January of this year, a handpicked Presidential team led by the Director of the Office of Emergency Planning, Gov. Farris Bryant, has visited 22 States—with others scheduled in the weeks ahead. In each of those States, 20 to 25 top Federal administrators discussed every possible Federal-State program in lengthy sessions with Governors, their staffs, and State cabinet officials. Major problems were analyzed. Hundreds of technical problems were solved on the spot. The Governors unanimously had the highest praise for the spirit and positive results of the meetings.

The visits have already had significant effects. First, Federal officials have gained a new awareness of needed improvements in Federal programs tailored to local needs and local problems. For example, a consolidated catalog outlining all Federal grant and aid programs is now being prepared for future distribution to all Governors. The Bureau of the Budget is studying possible consolidation of numerous Federal grant programs to improve their efficiency and impact.

Another important result of these face-to-face discussions with Federal officials is that Governors have become more aware of the need for new Federal-State machinery at the State level. Some States have already created offices or departments to handle Federal-State programs. Others are considering them.

In addition to reaching out to the States, we all know that President Johnson is strongly supporting new laws which would help States improve the capabilities of public servants who now administer new Federal-State programs. I had the honor of recently introducing the Intergovernmental Manpower Act of 1967—S. 1485—which embodies the President's proposals in this area and clearly parallels my own Intergovernmental Personnel Act—S. 699. These proposals would improve intergovernmental cooperation on grant-in-aid programs. They would help State governments train and improve staffs in administration. They would permit interchange of personnel between all levels of government. The value of such an approach for government all over the country is incalculable.

Today, creative federalism has given us a magnificent opportunity to adapt the illustrious federal system to meet the needs of the people and the needs of the times. President Johnson has taken vigorous steps, in cooperation with the Congress, to perfect the tools of government. He has written:

> Today we are clearly moving into another era of our Federal system—an era of the revitalization of our States. A fresh generation of energetic Governors and reactivated legislatures is on the move. They are thinking and acting to meet their people's needs.

I commend the President for looking into the future and acting to fulfill the high potential of creative federalism.

MILWAUKEE JOURNAL SPEAKS OUT FOR ONE MAN, ONE VOTE

Mr. PROXMIRE. Mr. President, an editorial recently published in the Milwaukee Journal succinctly and accurately appraises the efforts being made by the one-man, 10-vote forces to convene a constitutional convention to take away the people's right to equal representation.

As the editorial points out, efforts were made to keep the convention-call memorial now being considered in the Wisconsin Legislature from going to committee. In other words, the summary procedure that worked so well in Indiana, Illinois, and Colorado was tried in Wisconsin. In the Journal's words:

> That action confessed the truth of the matter, for this is not a people's bill; it scorns people. Its sponsors would have preferred to avoid the public scrutiny. They don't want mere citizens sticking their oars in.

When the Wisconsin Senate did consider the bill in committee, 11 witnesses testified against the bill and four witnesses, representing a total of two organizations, testified for the bill.

If the people were to decide whether or not Wisconsin would pass a memorial, I have no doubt that it would be soundly rejected. With the stellar work of groups like the League of Women Voters, which the Journal commends for sounding the alert, I believe it may well be rejected in any event. For since the light of public notice fell on the attempts of the one-man, 10-vote forces to call a malapportionment convention a few weeks ago, not one State has petitioned Congress. The most dangerous foe of the malapportionment pleaders is public awareness. An aware and aroused electorate will never willingly give up their voting power.

Mr. President, I ask unanimous consent that the Journal editorial be reprinted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SNEAKY BUSINESS

> The state senate was arrogant and sneaky in trying to bypass the normal process of public hearing and committee report when it let an areacrat resolution go directly to the floor for action. Its sponsors would have preferred to avoid the public scrutiny.
>
> That action, in fact, confessed the truth of the matter, for this is not a people's bill; it scorns people. It is a politicians' bill, specifically a legislators' bill, wherever it crops up around the country. They don't want mere citizens sticking their oars in.
>
> It is the proposed petition of the Wisconsin legislature to try to force congress to call a national constitutional convention and direct it to submit an amendment abolishing the "one man, one vote" rule for electing state legislatures. Proponents claim to have 32 such petitions already, 34 being enough. Adding one from Wisconsin might therefore be crucial.
>
> Such an amendment would deny the equal protection of the laws at this point, where it now means that every man's vote must be worth as much as every other man's through having election districts with equal populations. That's why the amendment would serve no popular interest but only entrenched power blocs and vested geographical interests that can wield disproportionate power if they can perpetuate unequal districts.
>
> That some leading Wisconsin law-makers actually want to do this betrays one of the oldest and finest traditions of Wisconsin government. The rule of equal popular representation in the legislature was one of the foundations of statehood 120 years ago, and the principle is so embedded that we have led the nation in extending it to county boards.
>
> That Wisconsin rule will still be there, in full force and effect, even if the scheming for a contrary federal amendment were to succeed; the areacrats would only have removed the federal barrier against trying to do the same violence to the state constitution, too.
>
> When the Wisconsin League of Women Voters sounded the alert, the senate Tuesday did refrain from acting precipitously on the petition. It will now afford the people their right to be heard against it, next Wednesday. And that should be the end of any Wisconsin role in such an outrageous scheme.

PROPOSED CHANGE IN THE POST OFFICE DEPARTMENT

Mr. HART. Mr. President, when a top official in any organization, whether industry or government, recommends that his job be abolished, the case he makes is certainly worth examination.

Logic always has greater appeal if it is patently stripped of selfish interest by its proponent.

Postmaster General Lawrence O'Brien's suggestion that his Department be taken out of politics has, it seems to me, great merit. Larry O'Brien has demonstrated great executive ability in his management of the U.S. postal system. So we have a suggestion made by a man who has developed an admirable understanding of the Department he runs.

The basic role of the U.S. Post Office—delivering letters and packages from one place to another—has not changed since its inception. But the size and complexity of the job have mushroomed to fantastic proportions. The most enlightened business ability and imagination will be needed to cope efficiently with the workloads of the future and to deal fairly with the hundreds of thousands of employees.

The point where the Post Office is most connected with politics is in the appointment of postmasters, who are selected on a combination basis of ability and political patronage. I, for one, would be content to see postmasters picked on the basis of merit alone and I know that many others in the Senate agree with me. This is a part of the Congressional Reorganization Act which we passed earlier this year, and for which I voted.

At any rate, Postmaster General O'Brien's proposal that the Post Office be administered by a nonprofit Government corporation makes a great deal of sense.

A full exploration of the proposal was printed in the April 8 issue of Business Week and I ask unanimous consent that the article be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Business Week magazine, Apr. 8, 1967]

IS A DRASTIC FACELIFT IN STORE FOR THE MAILS?

The Postmaster General, with President's backing, suggests scheme that would take politics out of the postal system. Whether Congress would buy it is the big question.

Piecemeal surgery will do nothing to cure the U.S. postal system, Postmaster General Lawrence F. O'Brien has decided. The only way to get the mails moving properly, he believes, is to eliminate the present system and revive it in a different form.

O'Brien unveiled his ideas this week—obviously with the backing of President Johnson—before a startled audience at the Magazine Publishers Assn. The Chief Executive told O'Brien that the Administration is ready for postal changes.

If the Postmaster General has his way, the Post Office would be:

Removed from the President's cabinet.

Made a non-profit government corporation to provide postal services authorized by Congress.

Operated by a board of directors, appointed by the President, and confirmed by Congress.

Managed by a professional executive, to be named by directors.

Postal rates would be set on the basis of a clear mandate from Congress on what percentage of actual costs must be covered by fees paid for mail service.

O'Brien concedes that the specifics to fill out his proposal are lacking and that it will be months—probably longer—before they are sufficiently formulated to submit to Congress. Further, it could take Congress years to enact such legislation; it considers the postal system its own domain.

I. OUT OF THE ARENA

Basically, O'Brien wants to take the Post Office out of politics, but it will take some doing to persuade Congress to make such a move.

The next step may well be the appointment of a top-level commission—perhaps even by Johnson—to help O'Brien fill in the details of the plan. While this would delay submission of specifics to Congress for a year or two, it might actually speed enactment.

Timetable

Ever since last fall's mail fiasco in Chicago, when more than 8.5-million pieces of mail piled up in 15 days, users have clamored for someone to do something to speed mail service. Now, O'Brien has taken the first step; if more delivery delays are encountered, he should be able to divert some of the pressures that would fall upon him.

O'Brien made his announcement shortly after the House trimmed about $100-million from his request for $6.6-billion to operate the department in fiscal 1968. The cut points up one of his chief complaints about lack of executive control over the department· Post Office professionals budgeted for a 4.5% increase in mail volume next year while the House decided the increase would not be more than 3%.

If another mail tangle occurs—and the Postmaster General thinks it very well may—he will be able to point to a parsimonious Congress.

O'Brien's announcement came two days before Congress was handed a bill to increase government salaries, including those of postal workers, by 4.5% and another measure to raise postal rates to cover the rising mail service deficit.

Loss operation

This year's postal deficit is estimated at $1.2-billion of which $600-million is, by law, a permissible public service deficit. The proposed increase would raise rates by 1¢ on first-class and airmail letters, by 22% over three years on second-class mail and by a single 28% boost for third-class mail. The over-all increase should cover the $600-million non-public service deficit and leave $200-million for the pay raise.

But again Congress is on a spot. It must go along with the rate increase or bear the blame for even larger deficits—or perhaps more massive tangles in mail deliveries.

Rankling O'Brien the most, and the prime target of his proposal, is the need to turn to Congress for nearly everything he wants—not only for every rate increase and all the money, but for virtually every postmaster who is named.

Under O'Brien's plan, for example, Congress might say that first-class and airmail must cover 100% of their costs, second-class mail 50% of its cost, and third-class mail 75%. From there on, the Post Office would have full authority to adjust rates up or down to keep within these fixed percentages. O'Brien sees no end to the present mail subsidies, and for the future expects Congress to appropriate money to make up the deficits.

But at this early stage, no one can determine what percentage figures Congress might fix, if, indeed, it ever does approve O'Brien's plan. For comparison, though, first-class mail now covers 103% of costs, airmail (including packages) pay for 121%, second-class mail 35%, and third-class mail 69% of costs.

II. IN A TRADITION

O'Brien's proposal, startling because of its scope, is not unprecedented in government. The British government is converting its postal system into a Crown corporation, and the Canadian government is considering a similar move.

In this country, the Commodity Credit Corp., the Export-Import Bank, the Farmers Home Administration, the Federal Housing Administration, the Federal National Mortgage Assn., and the Communications Satellite Corp. have some of the authority and characteristics O'Brien desires for his non-profit postal corporation.

First cousin

Perhaps the closest thing to O'Brien's plan in the U.S. is the Tennessee Valley Authority, which is operated by a board of directors nominated by the President and a chief executive named by the board.

TVA also has the authority, requested by O'Brien for the Post Office, to float bond issues to finance construction of new facilities.

This point is emphasized by O'Brien, presumably because the House cut $10-million from his request to start construction of new post offices next year.

Over and over again, O'Brien and his top aides in private conversations say that the Administration cannot be held responsible for mail mix-ups if a penny-pinching Congress does not give the Post Office enough money to move the mails efficiently.

But former Postmaster General J. Edward Day and Arthur Summerfield can and do blame Congress. Day, who now practices law in Washington, says postal policy is set by people who "don't begin to understand the process of running a postal system."

O'Brien also believes a nonprofit corporation can deal more flexibly and realistically with the 700,000 employees of the Post Office and the unions that represent them. Under the present system, he feels that many employees are underpaid, and it is extremely difficult for them to win promotions.

While O'Brien feels that postal employees will benefit by the proposed change, leaders of postal unions are not so sure. They fear losing contact with congressional leaders who have the ability to push through pay raises.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the convention on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVENTION ON THE SERVICE ABROAD OF JUDICIAL AND EXTRAJUDICIAL DOCUMENTS

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. Executive C (90th Cong., first sess.), the convention on the service abroad of judicial and extrajudicial documents.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MONDALE], and the Senator from Maine [Mr. MUSKIE] are absent on official business.

I also announce that the Senator from Oklahoma [Mr. HARRIS], the Senator from North Carolina [Mr. JORDAN], the Senator from New York [Mr. KENNEDY], the Senator from Wyoming [Mr. MCGEE], the Senator from Montana [Mr. METCALF], the Senator from Georgia [Mr. RUSSELL], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Alabama [Mr. HILL] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Oklahoma [Mr. HARRIS], the Senator from Alabama [Mr. HILL], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Wyoming [Mr. MCGEE], the Senator from Montana [Mr. METCALF], the Senator from Minnesota [Mr. MONDALE], the Senator from Maine [Mr. MUSKIE], and the Senator from Texas [Mr. YARBOROUGH], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] and the Senator from Kansas [Mr. CARLSON] are absent on official business.

The Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Nebraska [Mr. HRUSKA] is detained on official business.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Kansas [Mr. CARLSON], the Senator from Nebraska [Mr. HRUSKA], the Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The yeas and nays resulted—yeas 82, nays 0, as follows:

[No. 75 Ex.]

YEAS—82

Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Griffin
Gruening
Hansen
Hart
Hartke
Hatfield
Hayden
Hickenlooper
Holland
Hollings
Inouye
Jackson
Javits
Jordan, Idaho
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
Miller
Monroney
Montoya
Morse
Moss
Mundt
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—18

Aiken
Bartlett
Carlson
Harris
Hill
Hruska
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
McGee
Metcalf
Mondale
Morton
Murphy
Muskie
Russell
Tower
Yarborough

The **PRESIDING OFFICER**. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

On request of Mr. BYRD of West Virginia, and by unanimous consent, the Senate resumed the consideration of legislative business.

INVESTMENT TAX CREDIT

The **PRESIDING OFFICER**. The Chair lays before the Senate the unfinished business, Calendar No. 80, H.R. 6950, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. H.R. 6950, to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

The Senate resumed the consideration of the bill.

Mr. RIBICOFF. Mr. President, on behalf of myself and the Senator from Colorado [Mr. DOMINICK], I send to the desk an amendment and ask that it be stated.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the amendment be considered as read.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The text of the amendment is to insert at the end of the bill the following new section:

SEC. 5. Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. EXPENSES OF HIGHER EDUCATION

"(a) GENERAL RULE.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount, determined under subsection (b), of the expenses of higher education paid by him during the taxable year to one or more institutions of higher education in providing an education above the twelfth grade for himself or for any other individual.

"(b) LIMITATIONS.—

"(1) AMOUNT PER INDIVIDUAL.—The credit under subsection (a) for expenses of higher education of any individual paid during the taxable year shall be an amount equal to the sum of—

"(A) 75 percent of so much of such expenses as does not exceed $200,

"(B) 25 percent of so much of such expenses as exceeds $200 but does not exceed $500, and

"(C) 10 percent of so much of such expenses as exceeds $500 but does not exceed $1,500.

"(2) PRORATION OF CREDIT WHERE MORE THAN ONE TAXPAYER PAYS EXPENSES.—If expenses of higher education of an individual are paid by more than one taxpayer during the taxable year, the credit allowable to each such taxpayer under subsection (a) shall be the same portion of the credit determined under paragraph (1) which the amount of expenses of higher education of such individual paid by the taxpayer during the taxable year is of the total amount of expenses of higher education of such individual paid by all taxpayers during the taxable year.

"(3) REDUCTION OF CREDIT.—The credit under subsection (a) for expenses of higher education of any individual paid during the taxable year, as determined under paragraphs (1) and (2) of this subsection shall be reduced by an amount equal to 1 percent of the amount by which the adjusted gross income of the taxpayer for the taxable year exceeds $25,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) EXPENSES OF HIGHER EDUCATION.—The term 'expenses of higher education' means—

"(A) tuition and fees required for the enrollment or attendance of a student at a level above the twelfth grade at an institution of higher education, and

"(B) fees, books, supplies, and equipment required for courses of instruction above the twelfth grade at an institution of higher education.

Such term does not include any amount paid, directly or indirectly, for meals, lodging, or similar personal, living, or family expenses. In the event an amount paid for tuition or fees includes an amount for meals, lodging, or similar expenses which is not separately stated, the portion of such amount which is attributable to meals, lodging, or similar expenses shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means—

"(A) an educational institution (as defined in section 151(e)(4))—

"(i) which regularly offers education at a level above the twelfth grade; and

"(ii) contributions to or for the use of which constitute charitable contributions within the meaning of section 170(c); or

"(B) a business or trade school, or technical institution or other technical or vocational school in any State, which (i) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; and (ii) is accredited by a nationally recognized accrediting agency or association listed by the United States Commissioner of Education; and (iii) has been in existence for two years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subparagraph.

"(3) STATE.—The term 'State' includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(d) SPECIAL RULES.—

"(1) ADJUSTMENT FOR CERTAIN SCHOLARSHIPS AND VETERANS' BENEFITS.—The amounts otherwise taken into account under subsection (a) as expenses of higher education of any individual during any period shall be reduced (before the application of subsection (b)) by any amounts received by such individual during such period as—

"(A) a scholarship or fellowship grant (within the meaning of section 117(a)(1)) which under section 117 is not includible in gross income, and

"(B) educational assistance allowance under chapter 34 or 35 of title 38 of the United States Code

"(2) NONCREDIT AND RECREATIONAL, ETC., COURSES.—Amounts paid for expenses of higher education of any individual shall be taken into account under subsection (a)—

"(A) in the case of an individual who is a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction for which credit is allowed toward a baccalaureate or higher degree, and

"(B) in the case of an individual who is not a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective.

"(3) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) to the taxpayer shall not exceed the amount of the tax imposed on the taxpayer for the taxable year by this chapter, reduced by the sum of the credits allowable under this subpart (other than under this section and sections 37 and 39).

"(e) DISALLOWANCE OF EXPENSES AS DEDUCTION.—No deduction shall be allowed under section 162 (relating to trade or business expenses) for any expense of higher education which (after the application of subsection (b)) is taken into account in determining the amount of any credit allowed under subsection (a). The preceding sentence shall not apply to the expenses of higher education of any taxpayer who, under regulations prescribed by the Secretary or his delegate, elects not to apply the provisions of this section with respect to such expenses for the taxable year.

"(f) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Expenses of higher education.
"Sec. 41. Overpayments of tax."

(c) The amendments made by this section shall apply only with respect to expenses of higher education paid after June 30, 1967.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the name of the Senator from South Carolina [Mr. THURMOND] be listed as a cosponsor.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, before the Senator begins his speech, may I invite his attention to the fact that I am a cosponsor of the amendment introduced by him and the Senator from Colorado; but I also have an amendment which I wish to offer as a substitute. To me, it is a more equitable approach. I do not wish to get into a discussion of its merits now, but I would hope that the Senator might be willing to accept the amendment. I know that his staff has studied it very closely.

Mr. RIBICOFF. Let me say that at this time I am not ready to accept the substitute amendment. I believe that both Senators from Indiana are considering similar amendments. I believe that a beginning has to be made. We are entering new ground here. We shall be discussing something which has not been discussed before, the so-called negative approach to tax matters, which opens up a horizon which has never been opened up before.

I am concerned with the negative approach to tax matters. It has been suggested, of course, that it be used in the welfare field. It has been closely linked with the guaranteed annual income proposal. I am hesitant at this time to adopt this philosophy which would require a great deal more of study.

I hope that my amendment will be adopted. I also hope that study will be given to the amendment suggested by the Senator from Vermont. The time will come, I am sure, when I would be pleased to support and vote for the amendment as suggested by the Senator from Vermont, but I believe it would unduly complicate and raise the cost of this proposal. I say this to the distinguished Senator because I know that he has given a great deal of attention to this subject.

For those who pay no taxes, we have provided 140,000 Federal scholarships. As debate will indicate, I am sure, many of the students whom the distinguished Senator seeks to cover are students who work and themselves pay a tax. They would receive a credit.

An article published by the Journal of Banking goes into the whole problem of college students. It is interesting that the article shows a majority of students work in order to pay at least part of their way.

The article takes 100 colleges. It lists, for example, the University of Maine with 85 percent of male students paying part of their expenses—Columbia, 65 percent; Fordham, 85 percent; North Carolina State, 80 percent; University of Cincinnati, 65 percent, and so on.

Thus, this is a very complicated problem. It would be my hope that the distinguished Senator from Vermont would go along with my proposal, with the assurance that I will be more than pleased to cooperate and, probably, after this amendment has been adopted, support the distinguished Senator on his amendment if he would offer it separately. But I should like my amendment not to be complicated at this time.

Mr. PROUTY. I can assure the distinguished Senator from Connecticut that, if my substitute amendment is defeated, I shall certainly support his.

Mr. RIBICOFF. Let me say to the distinguished Senator that, if my amendment is defeated, I shall vote for his substitute. Thus, I would hope that we would allow the clear-cut issue of the Ribicoff-Dominick proposal to be considered on its merits, because it has been voted on twice in previous sessions.

Mr. HARTKE. Mr. President, will the Senator from Connecticut yield?

Mr. RIBICOFF. I yield.

Mr. HARTKE. I should like to clear this up. As the Senator from Connecticut knows, I have an amendment at the desk which would provide for what is known as a negative income tax credit for college students. I have indicated previously that it was not my intention to complicate matters. I do not offer it as a substitute but as an amendment to the amendment of the Senator from Connecticut to the bill itself, which I will call up at the proper time.

However, I should like to have it clearly understood now that there is at this moment another proposal along the same line as that presented by the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the names of the distinguished Senator from West Virginia [Mr. RANDOLPH], and the distinguished Senator from Hawaii [Mr. FONG], be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, reserving the right to object, I wonder if the Senator from Connecticut could tell us where we might obtain copies of his amendment. I am sure it has been introduced, but I do not have the reference.

Mr. RIBICOFF. The amendment is on all fours with Senate bill 835. It is exactly the same proposal which has been before the Senate for a considerable time.

Mr. GORE. Can we get it in the document room?

Mr. RIBICOFF. Yes.

Mr. GORE. Mr. President, I ask unanimous consent that the staff of the Senate may send to the document room and get 15 or 20 copies of Senate bill 835 and distribute them.

The PRESIDING OFFICER. The staff is directed to carry out the request of the Senator.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. BAYH. Just so there is no misunderstanding between my friend and colleague from Connecticut and myself, since this matter was brought up by the Senator from Vermont and my senior colleague, I would like very much to support his amendment. I am not certain whether I can in good conscience. I have voted against it previously because of the disparity of treatment as between the lower income group and the middle income group. I am well aware of the argument of the Senator from Connecticut. It is inappropriate for me to interrupt his speech at this time, but it is because the amendment proposed by my colleague and the Senator from Vermont would strengthen the overall approach of the Senator from Connecticut that I will, in the final analysis, support one of these two measures.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. LONG of Louisiana. As the Senator knows, I fought my heart out against this proposal year in and year out. I did not believe this was the best way to use this amount of money. I consistently have felt that there must be a more efficient way to achieve the same result. Some years I managed to defeat the Senator's proposal by perhaps only a vote or two. But since we already have an irrelevant amendment on the bill, I would be willing to take this amendment to conference and see what the House thinks about it. It might be new to the Members of the House, and this would give us a chance to discuss it with them and see what they think.

Mr. RIBICOFF. Of course, far be it from me to refuse to take a bird in hand.

Mr. PROUTY. Mr. President, if the Senator will yield, I think we should have a quorum call before we take any action of this nature.

Mr. LONG of Louisiana. We will have a quorum call and a rollcall. The Senator asked for the yeas and nays, I believe.

Mr. PROUTY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PROUTY. I have a substitute for the amendment. Is it in order to offer it at this time?

The PRESIDING OFFICER. The Chair rules that it would be in order to offer a substitute as soon as the Senator from Connecticut yields the floor.

Mr. LONG of Louisiana. I thought the Senator reserved his rights.

Mr. RIBICOFF. I did.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GORE. Mr. President, is the Senator ready for a vote?

Mr. RIBICOFF. No; I am ready to speak.

Mr President, it is time for us to face squarely the need to provide tax relief to ease the heavy burden of college costs. We already have on the books an investment credit for businesses which invest in new plant and equipment. In 1964, one corporation alone received over $83 million in investment tax credits. Twenty-five recipients alone claimed tax credits totaling a third of a billion dollars. The total credit to American businesses for 1966 will run well over $2 billion—a total of eight billion, 138 million dollars since the investment credit was first enacted in 1962. Even if this bill is not enacted, in 1967, under present law, businesses will still get $1.4 billion in investment credit. This bill simply provides an extra billion dollars in benefits.

I feel the investment credit is an excellent provision in the law. It has worked wonders for American business.

But I feel an education credit to help Americans deal with the high cost of going to college is just as necessary in America today. And it, too, will more than prove its worth. It, too, will be money spent for investment, but investment in people rather than machines. And investment in people—investment in education—is the very best investment this country can make.

Look at the GI bill. It was originally enacted by a grateful America for the benefit of returning American servicemen but its real benefits were provided to all America. It was one of the best investments this country ever made.

We have 370,000 more teachers, 85,000 more doctors, 30,000 more dentists, 259,000 trained persons in the health field generally, 459,000 engineers, 42,000 clergymen, 136,000 physical and biological scientists, 975,000 business and managerial executives. It provided a priceless return in the upgrading of America's strength.

But in doing so, it even brought a dollar return to the Treasury. Veterans who received World War II benefits have already paid back the total cost of the bill through taxes on the higher incomes they have earned. And they continue to pay higher taxes and provide a better life for us all.

The GI bill was enacted for the average veteran. My bill is designed for the average student.

And, like the GI bill, my proposal will pay for itself many times over, not only in dollars, but in a better America.

The February 13 issue of U.S. News & World Report gives the latest figures in the cost of going to college. Public university students starting in September of this year will find their average expenses to be $2,100. Basic charges at private institutions plus transportation and other costs will go to $3,100. And a bill of $4,000 will not be uncommon. I ask unanimous consent that this article be printed in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. **RIBICOFF.** College tuitions are climbing into the thousands, but the median family income in our Nation is $6,882. Such a family, with two children, taking the standard deduction, would pay $585 in Federal income tax.

It is plain that tax relief is badly needed and, in fairness, the very least we can do. Our tax system is based on ability to pay, and when these Americans face the cost of college expenses today, they need recognition of those costs on their tax return. Over two-thirds of the benefits of this amendment would go to families earning less than $10,000 a year.

The tuition tax credit would help more than parents struggling to put their children through colleges. It would help the working students put themselves through college. If a student earns just $3,000 for the entire year, he pays $329—more than 10 percent of his earnings in taxes. It would aid married students who today pay $501 if they and their wives make $5,000 a year between them.

In many of today's colleges, a majority of students work to pay at least part of their way. In April 1966, Banking magazine conducted a survey of placement officials at 100 colleges and technical schools across the country. At the University of Maine, 85 percent of the male students earned part of their expenses; at Columbia, 65 percent worked to pay their way; Fordham, 85 percent; North Carolina State, 80 percent; University of Cincinnati, 65 percent; Iowa State University, 33⅓ percent; Drake University, 90 percent; University of Illinois, over 50 percent; University of Chicago, 85-90 percent; South Dakota State, 50 percent; University of Wyoming, 50 percent; Baylor University, 75 percent.

These officials expressed concern that the great increase in student indebtedness has resulted in pressure on the graduate to rate job opportunities solely on the basis of immediate pay—not on the prospects for the long range, or on the best interests of the graduate.

Mr. President, I ask unanimous consent that this article be printed in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 2.)

Mr. **RIBICOFF.** The tuition tax credit proposal will also provide needed help to improve America's whole educational system by encouraging teachers to go back to school to get their degrees or to get advanced degrees. It will help other professions, such as nurses, to get their degrees if they do not now have them. America can afford this and can afford it now.

Under my amendment, which would become effective June 30, 1967, the revenue loss in fiscal year 1968 would be less than $600 million. By 1970, it might rise to $1.3 billion. However, in the 2 short years from 1964 to 1966, the American gross national product increased by more than $100 billion. By 1970, we can reasonably expect an increase of another $200 billion in gross national product, and an increase in Federal receipts in the national income and products account of $35 to $40 billion.

Fairness demands that the Congress recognize the need to give a tax break to the ordinary American taxpayer, who faces today's enormous cost of higher education. Too often we tend to forget the ordinary taxpayer. He is rapidly becoming America's forgotten man.

My amendment would serve the ordinary American—the blue collar worker, the white-collar worker, the wage earners and salaried people of the lower and middle income groups. These men and women employ no paid lobbyists to state their case. They struggle to pay their bills, buy their own homes, and educate their children.

And the people of America are becoming aware of this issue. An independent national survey sponsored by CBS News in connection with its National Income Tax Test showed that across the Nation 70 percent of those polled favored a tax credit to help meet the costs of a college education. Only 17 percent opposed the credit while 13 percent had no opinion.

The survey showed that 80 percent of the young people in the 18 to 29 age group favor the tax credit.

It showed also that 83 percent of the public in the $5,000 to $7,000 a year income bracket favor the credit.

My amendment would serve these men and women, the backbone of America. It would serve working students, young married couples trying to improve themselves, and teachers who want to do a better job.

In the long run, my amendment would serve all America. For our strength lies not just in the richness of our soil, not just in the wealth of the factories of our vast complex physical technology—but in our minds, in our skills, in our ability to use these wisely and well. These are the purposes of my amendment.

Exhibit 1

[From the U.S. News & World Report, Feb 13, 1967]

Getting Into College in 1967—the Cost, the Problems

In the race for college openings next autumn, there are developments students and parents need to know about.

A survey by "U.S. News & World Report" brings you up to date on trends that admissions officials spot.

These are weeks of worry for prospective college students and their parents.

At approximately 2,300 colleges, junior colleges and universities across the country, authorities are winnowing entrance applications—probably numbering more than a million already—seven months before the school year begins.

Starting in March, the letters of acceptance or rejection will go out.

To get a line on the extent of this year's college crush, and the chances of getting into different types of colleges, "U.S. News & World Report" checked with officials at a sample of campuses around the nation. Main points emerging from comments of informed officials—

Competition for Ivy League and other big-name private schools and public universities is keen. Applications are up, 10 to 15 per cent in some cases. Space is still at a premium.

Less well-known private colleges have lots of room. They are losing some students to public, no-tuition junior colleges. Many of the smaller colleges in the East and Midwest are actively recruiting good students and will accept students of less ability.

Expanding State colleges should not be overlooked. Those in Connecticut, for instance, will be able to take in 1,000 more students this year.

Junior and community colleges are opening, or expanding, in every region. Such institutions almost guarantee a chance to get started on college careers to all high-school graduates, including those with mediocre or poor academic records.

A trend to watch is the increasing competition for space in third- and fourth-year classes at State universities. That is where junior-college graduates tend to head. By contrast, some well-known private colleges would like to get more applications from bright graduates of junior colleges.

Another trend to watch is the developing shortage of graduate-school space. Any youth who wants to go on for a master's degree will need to apply early and to show a good record. The lures of draft deferment and better job offers that can result from advanced study have led to a rise in numbers of candidates for higher degrees.

Over all, it should be easier to get into college this year than at any time since 1963.

Both the College Admissions Assistance Center in New York and the Association of College Admissions Counselors in Evanston, Ill., are agreed on this:

There will be a place, somewhere, for every qualified high-school graduate. That's because college and junior-college facilities have increased greatly, while the annual crop of high-school graduates has leveled off at around the 2.6-million mark.

Among high-school graduates, however, an estimated 60 per cent, or 1.5 million, will seek freshman spaces next September. The better students, who try for the best-known schools, may suffer the most disappointments, since the schools to which they apply have expanded least.

Prospects around the country, in more detail, are described in the reports that follow.

EAST: INORDINATE PRESSURE ON CERTAIN COLLEGES

University of Rochester, Rochester, N.Y.—"The difficulties of getting into a college are largely a myth," says Rochester's director of admissions, George Dischinger. "What exists is an inordinate pressure on certain colleges and universities. Beyond these so-called prestige institutions, there are hundreds of colleges that provide a good education, to which good students apply and are admitted without a good deal of fuss and fanfare."

Harvard University, Cambridge, Mass.—Applications for September are up about 3 per cent. This means about 6,800 applications for a freshman class of 1,200. "We are interested in getting some interesting transfer students from junior colleges, but haven't had much luck so far," says Fred Glimp, the dean of admissions.

Pennsylvania State University, University Park, Pa.—Enrollment will be increased by 2,000 next autumn, but hundreds will still have to be turned away. "It's going to be rough again to get into the college of your first, second or even third choice," predicts registrar Sherman Stanford. Penn State is developing a new campus at Harrisburg that will absorb 300 students this year, up to 1,000 in future years.

City College of New York, N.Y.—This unit of the City University of New York, with an enrollment of 30,000 full and part-time students, has a rapidly expanding graduate program. Graduate students are carefully chosen. "The program is becoming increasingly selective," a college official reports. "It is very selective in some areas, such as psychology." For freshman undergraduates, however, admission standards will be lowered slightly in September. Last year, the college required a grade average of 85 for admission. This year, the required average has been reduced to 82.

SOUTHS EXPANDING GRADUATE SCHOOLS

University of Alabama, Tuscaloosa, Ala.—Alabama has plenty of room, except for women students, who are required to live on campus. A 14-story residence hall for women, under construction, should help this situation.

"Our largest increase is coming in the graduate school," reports Hubert Mate, dean of admissions. "We look for a 20 per cent increase in graduate enrollment next autumn. For undergraduates, the increase should run about 8 or 9 per cent. We're also beginning to get more transfer students as they pour out of the junior colleges."

Tulane University, New Orleans, La.—"Historically, the number of students trying to get into college has gone up and up and up, and we see no indication of a downturn," says Tulane's director of admissions.

"Last year, Tulane admitted 550 men into the College of Arts and Sciences and 320 women into Newcomb College. We also took in 125 engineering students and 40 architectural students. It will be about the same this year.

"To get into the college of your choice, start the whole process early, in the junior year of high school, and try to aim for a college where you know you'll fit in."

Duke University, Durham, N.C.—It will not be any easier to get into Duke. The university now has 5,000 applications for a freshman class of 1,290. "I hear that applications are also up at the University of Florida and Florida State," reports W. L. Brinkley, Duke's director of admissions. "We think the vacancies and openings are there, around the country, but parents and students are not yet willing to accept these places. Dad wants his son to go to school where he went to school. Mother wants a glamour college. . . ."

Davidson College, Davidson, N.C.—This small college for men should be able to accept all qualified applicants, says an admissions officer. Last year, 456 freshmen were accepted and 265 were finally enrolled. Applications are running about the same this year. Davidson, like many other schools, offers extensive financial aid to students who need it.

University of the South, Sewanee, Tenn.—At the present time, applications are 16 per cent under the same date last year, but, "We'll fill up," says John Ransom, director of admissions. "We'll still be choosy, but we may have less to choose from." This Episcopal school for men has room for 240 freshmen. Its total enrollment is 830. The University of the South depends mostly on high-school records and "evidences of motivation" in choosing its freshmen. It also likes prospective students to visit the campus.

MIDWEST: BEATING THE BUSHES FOR STUDENTS

Denison University, Granville, Ohio—"There is plenty of college space in our part of the country," reports an admissions officer. "I hear that some colleges are really beating the bushes for students this year. Many had to dip into their waiting lists last year, and may have to do so again."

With a new dormitory for men and a new wing for women, Denison will be able to take in an additional 100 freshmen next September. Applications are down about 10 per cent, but the university will fill a freshmen class of 608. In selecting students, Denison looks at class rank, test scores, outside activities and the recommendations of teachers and counselors. "We don't put much weight on personal interviews, and, in fact, don't require them," an official says. "We feel you don't find out much about a student in a single interview."

Indiana University, Bloomington, Ind.—There is no letup in applications for admission to this big State university.

Last year, there were 5,338 freshmen on the Bloomington campus and 2,873 on the six regional campuses and two community centers. More are expected this year. "But we have good elasticity," an admissions officer says. "University policy is to build dormitories at the rate necessary to take care of qualified people."

Grinnell College, Grinnell, Ia.—Up a little bit in applications, Grinnell expects to receive about 1,200 before the closing date, and to admit 320 freshmen. It is holding its total enrollment to 1,170.

Basic costs for a student at Grinnell run to $2,730 a year. It hasn't been decided yet whether tuition will be increased this autumn.

Commenting on admission trends around the country, Grinnell's dean of admissions says: "The pressure is still on for prestige schools. But the rather average private schools are losing students to State-supported schools as the State schools become better geared to the high achievers."

University of Chicago, Chicago—The graduate school at the University of Chicago is almost twice as large as the undergraduate college. Both schools are growing, an admissions officer reports, and applications are up again this year. So is tuition. It will now cost about $3,700 a year, exclusive of transportation, to attend.

The university has a financial-aid budget to help hard-pressed students. About 60 per cent of the university's undergraduates last autumn came from the upper 5 per cent of their high-school classes.

SOUTHWEST: DON'T KNOW WHERE WE'LL PUT THEM

Langston University, Langston, Okla.—The admissions officer of this land-grant college says: "I don't know where we'll put them, but we intend to place every qualified applicant this year. We're planning on a freshman class around 500.

"Costs have gone up $100 a year at Langston, and, frankly, I don't see any end to rising costs."

Baylor University, Waco, Tex.—"We'll be full," reports Dr. Alton Lee, dean of admissions.

"Our applications are running 30 per cent above last year. We used to have some extra openings when men students dropped out, but now, with the Vietnam war and the draft, the boys are staying in school and we don't get those openings. We have 40 good junior colleges in Texas to take the overflow, but a lot of students aren't interested in them. A boy told me the other day, 'I don't want to fool around with junior colleges.' "

Baylor will admit about 1,400 freshmen. Costs are running between $1,600 and $1,800 a year, with no plans for an increase in September.

FAR WEST: CRISIS OVER?

Montana State University, Bozeman, Mont.—"It looks as if the college-admissions crisis is over for a while," comments Harry G. Cockrum, Montana State's director of admissions. "Our enrollment will increase some next fall, but we have ample space. The Vietnam situation has been quite an admissions factor out here. A lot of boys who would normally go to college are being drafted."

Montana State has an "open door" policy for State residents.

It accepts some out-of-State students, mainly Canadians, but they are required to pay an extra tuition fee of $600 per year.

University of Utah, Salt Lake City, Utah—Everyone who qualifies will be able to get into the University of Utah this year. "We're in good shape," reports an admissions official. "We are under a lot of pressure to educate our own people first, being a tax-supported institution, but we are still able to accept some out-of-State students at a higher tuition fee.

"About 17 per cent of our enrollment is from outside Utah. While it may be a little easier to get into college in 1967, grades are becoming more and more important."

Pacific Lutheran University, Tacoma, Wash.—"Applications are running ahead of last year, and we'll probably admit a few more freshmen next September," the admissions officer reports. "What I hear from other schools in the State, though, is that they are down in applications.

"We're raising our tuition from $900 to $1,050 this year, and it's still among the lowest in the State. Costs are rising at all our schools. I really don't see any end to it."

San Francisco State College, San Francisco, Calif.—Like other State colleges in California, San Francisco State is threatened with budget cuts that may force it to reduce the number of new students admitted in September. It is accepting applications but delaying final action on them.

If priorities have to be established officials suggest that advanced students will be given the preference over new freshmen.

Tuition may be charged for the first time this year. Governor Ronald Reagan has recommended that State college students be required to pay from $150 to $160 a year.

SHOCKED AT THE HIGH COST OF COLLEGE? GET SET FOR MORE

Parents shocked at the size of college bills will get a new shock next year. Tuition, room and board, fees, books and all other costs of going to college are due to move up another notch in many schools, according to educators.

Expenses in the school year starting next September probably will average 3 to 5 per cent above this year's costs. That has been the pattern for the last 20 years, and no slowdown is in sight.

In 1960, a student going to a public university spent about $1,400 a year for the basic charges—tuition, fees, books and room and board. Transportation, clothing and other expenses add about 20 per cent to basic costs, so the total student outlay in 1960 at a public university was around $1,700.

In the present school year of 1966–67, basic charges average about $1,640, and other costs bring the total outlay to around $2,000 a year for public-university students. An increase of 5 per cent would boost the cost to about $2,100 in the school year starting in September, 1967. This comes to about $54 a week over the nine-month school year.

If your boy or girl is going to a private college, the bite on your pocketbook will be considerably larger in most cases.

Basic charges at private institutions increased about 23 per cent between 1960 and 1966, reaching $2,570, on the average, in the present school year. Adding 20 per cent for transportation and other costs brings the total to around $3,100, or about $80 a week over a nine-month school year. At many schools, the cost is closer to $3,500 a year. Next year a bill for $4,000, to maintain a youth in a top-notch college for nine months, will not be uncommon.

Exhibit 2

How Colleges View Student Loans

How do colleges view education loans, and the trend toward making higher education accessible to a larger part of the population? Since bankers are markedly increasing their education loan efforts at the present time, the attitudes of the educators with whom they will have to cooperate are obviously of considerable interest. Recently, Northwestern Life Insurance Company's family economics bureau conducted a survey of placement officials at 100 colleges and technical schools across the nation to determine their attitudes toward education financing. Here is a cross-section of the placement officials' responses.

University of Maine: Considerable increase in student indebtedness, but no problems developing at present. Growing need of and provision for various types of student financial aid from all sources—family, industry, state, and federal. Approximately 85% of male students now earn at least part of their expenses.

Columbia University: Approximately 65% of male students work to help pay their educational expenses; the percentage is on the rise. Student debts are gaining, with some problem cases occurring. There would be more of these if such students were not urgently advised to do part-time work. Those long-time easy-pay loans are quite tempting! Co-op plans growing all over the country, to meet cost problems.

Fordham University: Considerable increase in indebtedness. As a result, some who graduate with heavy loan obligations are impelled to rate job opportunity solely on basis of immediate monetary return—particularly if they are compounding their situation with early marriage. Thereby career planning loses the flexibility it should have. Approximately 85% of undergraduates earn at least part of their expenses.

North Carolina State University: Considerable increase in student indebtedness. Chief resulting problem: pressure on the debt-burdened graduate to go to work immediately at the highest paying job. Approximately 80% of male students work to help pay their expenses; the figure has been increasing in recent years.

University of North Carolina: Student indebtedness increasing. Those from very low income families have difficulty repaying. More grants, rather than loans, should be available.

University of Cincinnati (College of Engineering): Student indebtedness up 10 to 15 per cent. Collections becoming more involved, due in part to National Defense loans, which are more liberal in interest and repayment terms than other loan funds. Approximately 65% of students earn part or all of their expenses; a cooperative program keeps this fairly uniform.

Iowa State University: Approximately a third of the men work while attending college; little or no change in this proportion has occurred in recent years. We have more students borrowing more money as costs continue to increase.

Drake University: Collection problems starting for National Defense loans, with need for additional personnel to administer them. Approximately 90% of our men earn at least part of their expenses.

University of Illinois (College of Liberal Arts and Sciences): Student indebtedness showing considerable increase. Average individual loan is up from $450 to about $600. But to date, collection experience has been extremely favorable. Over 50% of our male students earn at least part of their expenses; the proportion has been relatively stable for the past six or seven years.

University of Chicago (Graduate School of Business Administration): A constant 85% to 90% of our students earn at least part of their expenses. Considerable increase in student indebtedness. Students often take advantage of attractive loans, creating an allocation problem in deciding how much a student actually needs the money.

South Dakota State College: Average loan request for 1965–66 about 15% higher than for 1964–65. Approximately 50% of our men earn part or all of their expenses; little change in this figure in recent years.

University of Wyoming (College of Engineering): Considerable increase in student indebtedness. More students want scholarship than loans, more want loans than part-time work. Repayments slowing up and delinquencies increasing. Approximately half our men earn at least part of their expenses; this proportion has increased slightly in recent years.

Agricultural and Mechanical College of Texas: Considerable increase in student indebtedness. Some who would otherwise be unable to make it are being helped; many who could make it on their own are relying instead on easily available loans. About 25% of our men earn at least part of their expenses; the percentage is showing some increase.

Baylor University: Students are borrowing from three to five times more money than they did five years ago; too early to judge possible problems as yet. About 75% of our men now earn at least part of their expenses; this ratio has shown a gradual increase in recent years.

University of California at Los Angeles: Student indebtedness showing no more than normal expected increase; expanding work necessary in administration of program and for development of funds. Approximately 60% of our men earn at least part of their expenses; no recent change in this percentage. Much will need to be done to increase financial aids for students currently enrolled.

Mr. DOMINICK. Mr. President, will the distinguished Senator yield?

Mr. RIBICOFF. I am pleased to yield to the distinguished Senator from Colorado, who has rendered yeoman service in behalf of this proposal. I know he has fought with me side by side for the parents and college students who need help.

Mr. DOMINICK. I thank the Senator from Connecticut, who has led such a tremendous fight on this issue. It seems to be a concept which most of the members of the educational world whom I have been able to reach favor. It is a concept that I think almost certainly anybody who has relatives, friends, or his own children going to college favors; and I hope it is something we can finally put into action as a principle of government; namely, that, having a national policy to try to promote higher education, we should wherever possible let people use their own earnings to promote that national policy, as well as assisting them through Government incentives.

I am pleased to be a cosponsor of this amendment, which is, in fact, as the distinguished Senator has stated, the Ribicoff-Dominick bill, S. 835. Forty-seven Senators cosponsored this bill to provide an investment in the higher education of this Nation's children. This is an investment of paramount importance to the future of our country.

This proposal has been debated at length on this floor on two previous occasions. We are familiar with the arguments that have been advanced by those who have in the past opposed this investment in the education of young Americans. I would like to bring the record up to date.

The Office of Research of the American Council on Education has issued a report on the freshman class which entered our colleges and universities last fall. The report is based on detailed questionnaires answered by 254,480 freshmen at 307 colleges and universities. This is considered a representative sample, and the student data were statistically weighted so that the national norms are representative of an estimated total of more than 1 million full-time freshman students.

Among the significant findings of this report are the following:

More than half of the students—58.3 percent—said parental funds would be a major source of financial support during the freshman year—28.3 percent said a main source would be money earned last summer.

There were 64.9 percent who were concerned about financing their education. When asked to estimate their parents' gross income for last year: 53.7 percent estimated less than $10,000; 78.9 percent were below $15,000. Only 7.1 percent said their parents' gross income last year totalled more than $25,000.

This amendment will help alleviate a part of that concern expressed by these students over financing of their education. For example, in my own State of Colorado, the effect of our tuition tax credit would be to reduce the average resident student's costs for tuition, fees, and books by 43.5 percent at the University of Colorado, and by 45.7 percent at Colorado State University. The same reduction percentage would be applicable to virtually every State university or State-supported college.

Not only would undergraduate students be helped by this amendment, but also those students pursuing graduate degrees would be eligible for the benefits provided by the amendment. This means—and I think this is of significant importance—that our elementary and secondary school teachers who seek to improve their qualifications and teaching skills during the summer would also be eligible for these benefits for the costs of their tuition, fees, and books at an approved institution of higher learning.

Incentive would also be provided by this amendment for individuals who are not related to the student to provide financial help to students for the costs of higher education. And to the extent that private sources will be encouraged to provide such funds, the American taxpayer will benefit. Under our sliding scale formula, for every $500 scholarship donated by a private individual the Federal Government will be getting money devoted to education at a 55-percent discount. This is not possible at present because an individual taxpayer gets no tax benefit whatever if, out of his own generosity, he pays for the tuition, fees, and books of a needy and deserving college student whom the taxpayer names specifically. The effect of this factor alone would direct many millions of dollars of private funds into American higher education.

Mr. President, I have always supported the investment tax credit because I believe that it provides the needed incentive that results in growth for the private sector of our economy. This in turn provides more and more jobs and a better standard of living for our people, and an industrial strength unmatched by any other nation in the history of the world.

But I am also a stanch supporter of incentives to advance the growth of our human resources—people able to supply the brain power and energy to make our economy move. Our tuition tax credit is just as much an incentive to allow an individual to invest his own gross earnings in higher education for himself, his children, or in someone unrelated to him. And as my colleague has pointed out, the results of investments in human resources have been even more spectacular and rewarding to our Nation than the results from the incentives to business provided by the investment tax credit.

Mr. President, we shall provide $2 billion to businesses as investment tax credits under the provisions of this bill. Our young people deserve at least half a loaf of that size toward their higher education.

I thank the Senator from Connecticut for yielding to me. I merely wish to emphasize one further point: The attacks have largely been made on the basis that the bill does not have any specific provision to try to do something for those with lower incomes. But it does, because it provides a mechanism for people to contribute funds; and there is an incentive provided for them to give funds for scholarships and loan money or to help unrelated people directly. In either event, we shall be providing a wholly new source of institutional money for the higher educational system.

Once again, I thank the distinguished Senator from Connecticut [Mr. RIBICOFF] for his courtesy in yielding to me at this point, and for his strength, fortitude, and courage in continuing this fight.

Mr. RIBICOFF. Mr. President, I am pleased to yield now to the distinguished senior Senator from Colorado [Mr. ALLOTT].

Mr. ALLOTT. Mr. President, I rise to support the passage of the amendment, and I congratulate the distinguished Senator from Connecticut and my colleagues for persevering in the fight to have this policy accepted into our taxation system.

This plan has been offered, within my knowledge, during the last 12 years, and more and more Senators have gradually come to see the merits of this particular approach to assist education.

We provide money for our colleges. We provide loan funds. However, the one thing that these large installations cannot do is to help the individual get money with which to go to school.

The great merit contained in this proposal is that it would provide the money, or permit the money to be provided, when it is needed, and it would permit it to be provided when it is needed by a particular individual.

I think that by doing this we would help thousands and thousands of students get an education who would not otherwise get it.

I think this investment in human resources is as good and as great as any investment that we can make.

I certainly hope that this amendment will be agreed to.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the distinguished Senator from South Carolina [Mr. HOLLINGS] be listed as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I share in common with many of my colleagues in the Senate the fact that many of us worked our own way through college. I have long been interested, therefore, in the Ribicoff-Dominick tax credit approach.

I know that I would have resented, and deeply resented, taxes being taken out of my student income while I was working my way through college if the tax rates had been as high in the thirties as they are now.

If any group of taxpayers need and deserve a tax break, it is those students who are working their own way through college.

I commend the Senator from Connecticut and the Senator from Colorado for their fine work in drawing attention to this need and for introducing S. 835, which I was happy to cosponsor earlier this year.

Education is America's greatest national resource. It provides the hope for the future and is responsible for the achievements of the past.

This country has prospered because we have relied upon the individual initiative and concern of our citizens at the local level.

This amendment would encourage individuals to meet their own educational problems.

I am pleased to support the amendment today for I feel that this proposal will greatly help students to afford the high cost of education today as well as help the parents who are paying the cost of educating their children, particularly when sometimes two or three children are going to college at the same time.

The costs of education today are sometimes almost unbearable. I think this measure is greatly needed, and I enthusiastically support it.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the names of the Senator from Texas [Mr. TOWER] and the Senator from New Hampshire [Mr. MCINTYRE] be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the pending amendment incorporates the proposal of S. 835 of which I am a cosponsor.

I commend the Senator from Connecticut and the Senator from Colorado and the other Senators who have indicated their support today of this approach.

I have, during my years of service in the Senate, introduced legislation and have joined with the Senator from Connecticut to give a thrust, as it were, to this approach which I think is very realistic.

During his speech on February 6, when the distinguished gentleman from Connecticut introduced S. 835, he pointed out two facets of this legislation which are of particular import for the citizens of West Virginia, generally. The first is that the amendment now covers students in vocational training schools and business schools, as well as those in regular colleges and universities.

The second point is the fact that this will have, if enacted, a salutary effect on private institutions, as many parents may well be able to send their children to the private schools of their choice instead of relying on public schools, which are often less expensive.

For those who desire to send children to the State universities, however, the benefits will certainly be desirable, as figures relating to West Virginia University in Morgantown show, clearly. The cost, now, for tuition, fees, and books at this institution, is $404 per year. The dollar benefit of tax credit, for a resident of the State, will be $201 per year, or 49.8 percent of the cost of college training per child.

Mr. President, in view of the assuredly constructive impact this will have on the education of American youth, I strongly urge my colleagues to join with us in supporting this proposal.

Mr. RIBICOFF. Mr. President, I thank the distinguished Senator. The distinguished Senator from West Virginia has been a bulwark of support throughout the fight on this amendment.

I certainly welcome his support, because it has been most helpful.

Mr. President, I yield to the distinguished Senator from New Hampshire.

Mr. MCINTYRE. Mr. President, it gives me great pleasure to support the distinguished Senator from Connecticut in his continued effort to give a fair break to the parents of college students.

I have supported the efforts to bring relief, in the form of a credit against the Federal income tax, to persons paying college tuition for years now. Each year, I have been heartened by the increasing support which this proposal has drawn from the country. Last fall, as I campaigned in my home State of New Hampshire and had the opportunity to exchange views with my constituents, I heard time after time of the need for some sort of relief for middle-income taxpayers who were saddled with these rising costs of tuition.

It is particularly upsetting to me to realize that our present tax laws contain provision after provision giving unwarranted tax advantages to many of the richest people and corporations in the United States, while the ordinary taxpayer continues to be taxed at full rates. The Ribicoff amendment is a long overdue step in the direction of fair taxation, and should be supported for this reason as well as for its educational aspects.

Mr. President, I hope that a majority of the Senate will see the wisdom of this approach this year. We know that all other Federal programs of support for education are dependent upon appropriations and the budget process, and hence are subject to reduction from year to year. Let us enact a permanent provision into law which will assure parents today and for all time to come that their Government is aware of the high costs which they must bear and is willing to help.

Mr. RIBICOFF. Mr. President, I yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I commend the Senator from Connecticut for this particular measure.

It was a matter of concern in our campaign last year. The position was taken by our opponent that it should be a tax credit to the corporations rather than to the individual college students.

We took the position, along with the Ribicoff bill at that time, that the tax credit should go to the parents of the schoolchildren individually.

I know that as a member of the Intergovernmental Advisory Commission, on which the distinguished Senator from Connecticut served not only as a Governor but also as a Cabinet member, we formed new strength in the Federal fabric with respect to letting individuals take over some of the responsibility where there was the greatest need.

This measure would be of great benefit to the State of South Carolina. I think it would be a tremendous boost to the cause of higher education in the State. In South Carolina we have many qualified students who are unable to attend college for financial reasons. Scholarships are a partial answer but there is not enough money available and because of some high school curriculums in our State, other students are unable to qualify for scholastic aid. This measure does not discriminate on the basis of ability and provides equal aid for the C student and the A student. Under the present tuition schedule in South Carolina a student at Clemson University would receive a tax credit equal to 42 percent of the total cost of his tuition, fees, and books. At South Carolina State College this benefit would be over 51 percent.

I heartily commend the Senator for this particular amendment.

Mr. RIBICOFF. Mr. President, I yield the floor.

Mr. MILLER. Mr. President, I wish I could support the amendment at this time. I cannot do so in the present state of the budget deficit and the inflation it would produce.

Adoption of this amendment would add another $1.4 billion to the deficit which the President has already estimated will amount to $8 billion. That estimate is probably an understatement. It rests on an unduly optimistic estimate of our revenue department.

For example, during the first 3 months of this year, our economy stood still, and there are warnings that we are already in a recession. Moreover, the revenue estimate is based on the President's assumption that Congress will add $4 billion to the revenue by passing the 6-percent income tax increase, an assumption which does not appear well founded if I correctly judge the mood of Congress and the strong feeling that the Great Society programs should be reduced before taxes are increased.

During the last 6 years the cost of college education has gone up approximately $300 a year in public colleges and $600 a year in private colleges as a result of inflation.

The best service Congress can perform for the parents who are sorely pressed to send their boys and girls through college, and for the young people who are working to help put themselves through college, would be to stop inflation, and that can be done by putting a stop to these multibillion-dollar deficits.

Once the deficits are stopped, I will be the first to join in sponsoring legislation such as this.

I point out that I was a sponsor, with the Senator from Connecticut, of a bill incorporating the features of this amendment 2 years ago. I did so with the understanding that our budget deficit would be eliminated or practically so. However, this never happened.

The war in Vietnam has brought on terribly higher extra costs. Our budget deficit for this year will now be at least $9 billion instead of the $1.8 billion as originally estimated.

The inflation last year was the worst we have had for a long time, and there are indications that it will continue.

Mr. WILLIAMS of Delaware. Mr. President, I join in the views expressed by the Senator from Iowa. In doing so, I do not question at all the sincerity of the Senator from Connecticut or the Senator from Colorado. Nor do I debate the merits of the particular proposal.

Certainly there may well be merit in this suggestion. However, we must get back to the point of whether we have the money to finance the proposal or not.

The so-called Ribicoff-Dominick proposal will cost about $1,460,000,000. As has been pointed out, the projected deficit for fiscal 1968 was $8.1 billion, but that did not take into consideration the pending bill, which would reduce revenue by $1.08 billion, nor did it take into consideration the fact that the $4.7 billion in revenue which was supposed to have been derived from the 6-percent tax increase across the board has now gone by the wayside, nor did it take into consideration the fact that even those figures were arrived at by planning to sell our assets in the amount of $5 billion.

So when you eliminate all these gimmicks, we already have a deficit of about $19.5 billion, and I will not be a party to adding $1.5 billion more to that deficit at this time.

I believe that those who vote for this proposal—and I do not for one moment question its merits—should also be ready to recognize that at the latter part of June, when we consider the increased debt ceiling, we will have to increase the debt ceiling by an extra $1.5 billion, as a result of having approved this amendment, or, in the alternative, we will have to add a 1.5-percent tax increase across the board to provide the revenue. There is no alternative. There is no other method to finance it. The Government must either raise the taxes to finance this proposal or it must raise the debt ceiling and borrow the money.

One and one-half billion dollars is involved, and I again say most respectfully that those who support the amendment should be in the forefront when June 30 arrives, either advocating a tax increase to finance it or recommending an increase in the debt ceiling. Likewise they should be ready to take the full consequences of the inflation that will result therefrom.

I hope the Senate will reject this amendment, notwithstanding the fact that it has much merit. We should postpone its consideration until we have the money to pay for it or at least accompany it with the necessary arrangements to raise the necessary taxes.

Mr. McCARTHY. Mr. President, I oppose the adoption of the amendment. I do not believe the Senate is in a mood to discuss this matter thoroughly or completely today.

I remind the Senate that we had extensive debate on this proposal last year, and the Senate, by a strong vote—strong with relation to the previous vote—rejected this approach to financing education.

The Senator from Iowa [Mr. MILLER] and the Senator from Delaware [Mr. WILLIAMS] have pointed out the condition of the budget today. Last year, the budgetary argument was made against the proposal on the ground that we anticipated a deficit of $2.3 billion in 1966. Now we are being called upon to approve an amendment which would result in a loss of roughly $1.4 billion in revenue, in the face of an anticipated deficit of $9.7 for 1967 and an anticipated deficit of more than $8 billion for 1968. This is the economic and the fiscal argument against adopting the amendment at this time.

There are at least two other significant considerations, however. One is that even though roughly $1.5 million revenue would be lost by this amendment, the best estimate we have is that approximately $300 million may be reflected in improved education.

I know that a kind of double appeal is made in this respect. The parents are told that their costs of education would be reduced because they would receive tax credit, and the educators are told that their problems would be solved because they would be able to increase tuition charges. I suggest that you cannot have it both ways. Either you will not increase costs and the charges of colleges, in which case there will be no great educational improvement, a situation the educators should be concerned about; or, on the other hand, you will increase the costs, in which case the parents—those paying tuitions costs—will be no better off a year or two from now than they are today.

If we really desired to do something about education, we should have acted upon a number of bills which have been introduced in this session and in the previous session, to assist in the payment of tuition for every student who goes to college, similar to the GI payment of tuition. This is the way to get tax money of the Government into education at the time it is needed and at the point it is most needed.

The third objection is the inequity in the formula. The Senator from Vermont [Mr. PROUTY] has raised this point and has offered a substitute which makes clear the inequity of the Ribicoff amendment as it would apply to lower income families. His proposal is an improvement over the Ribicoff amendment insofar as it recognizes that those with greatest need for assistance will receive little benefit from the Ribicoff amendment.

However, even with the addition of the Prouty amendment, basic inequities still remain, and I believe that the amendment should be rejected.

If we are not taking this matter seriously and if this is just an exercise on the floor of the Senate, I would still argue that the Senate should not take action on this amendment. If we are going to start a precedent where the Senate comes to conference with the House Ways and Means Committee, with every tax proposal or social proposal that any Senator has, it will mean that in the long run the Senate will have no influence whatsoever in writing the tax laws or the social programs of the country.

All these features taken together—the budget considerations; the fact that education will benefit only $300 or $400 million, while the Treasury loses approximately $1.5 billion; the basic inequity in the formula, and the reflection upon the general procedures and the practices of the Senate if we are to adopt this and other amendments and take them to conference—argue against the adoption of this amendment.

Mr. SMATHERS. Mr. President, I wish to express my opposition to this amendment, even though at one time some 12 years ago I was one of the original sponsors of an amendment similar to the one offered by the Senator from Connecticut and the Senator from Colorado.

I do not believe that this is the time or the place to adopt an amendment of this character, which will cost us approximately $1.46 billion. It seems to me that our deficit is already too large.

I believe that sooner or later we will restore a 7-percent investment tax credit which will turn back into the economy approximately $1.085 billion. That is as much as we should do now.

The Senator from Indiana has amendments to reduce the excise taxes on automobiles and telephones, which, if they should be adopted, will cost the Government approximately $1.5 billion, and he has other amendments which would cost still more.

We will be called upon this year to vote for an increase in social security, which under the administration proposal would pump another $4 billion into the economy.

It seems to me that somewhere along the line we will have to decide how many of these financial injections make sense. If we wish to help the economy and to help the people who are in need the most, we had better conserve the amount of money we are going to put into the economy and take out of the revenue. We had better help those people who need the help most—for example, in my judgment, we will all want to vote for an increase in social security benefits. I cannot conceive of many of us saying that we will vote against the elderly people, most of whom we know are in great need. If we vote for this amendment, we certainly are also going to vote for the elderly people who need help. That will be $4 billion for social security and $1.46 billion for this proposal.

If we do that, we should ask ourselves whether we will have enough gumption and enough courage to vote for the 6-percent tax increase which the administration indicates it would like to have if we are going to do all these other things.

The people we are talking about helping are those who are already sending their children to school. We have no shortage of students today. We have no shortage of students who want to go to college and who can take advantage of the various scholastic opportunities which are made available to them by the counties, the States, and the Federal Government.

I cannot conceive of a situation at this moment where there is any young person who cannot provide for himself an education if he really wants one.

I believe we must look at all of these programs with a view toward priority. What do we most want to do? Do we want to create real inflation in this country by having this program, by having the social security program amounting to some $4 billion, by eliminating the auto and telephone excise taxes that would cost another $1.5 billion; and then are we going to vote against the 6-percent surcharge tax increase?

I think that somewhere along the line we must demonstrate that we have some fiscal responsibility and that we do recognize that we must look upon the revenues and expenditures of this Government with considerable concern, and try to keep our economy so that it is not depressed on the one hand, or ravaged by inflation on the other hand. I believe that it would be the wisest course, even though this may be a meritorious proposal standing alone, not to accept this proposal at the present time. We did have other obligations and greater priorities or I could vote for this proposal. We should try to remember all of them and, in doing so, I do not see how we can support this particular amendment.

Mr. GORE. Mr. President, I wish to identify my views with those expressed by the distinguished senior Senator from Minnesota [Mr. MCCARTHY] and the able junior Senator from Florida [Mr. SMATHERS].

There is no question, Mr. President, but that a great many taxpayers with children in college are hard pressed. I think it is equally true that there are a great many taxpayers with children in high school who are hard pressed. Indeed, one might wonder if the parents of five children in high school would not be more severely pressed than the parents of one or two children in college.

There is needed here a more equitable proposal than singling out the taxpayers who are parents of children in college and giving to them and them alone a tax reduction.

Mr. President, this provision is inequitable. This is unfair to the masses of our people. This is not measuring all taxpayers with the yardstick of fairness. A more equitable provision would be to raise the personal exemption for each taxpayer and each dependent.

I know of no provision of law as inequitable as the $600 exemption of income for a dependent. Is it fair to give not an exemption but a credit against taxes to the parents of children in college, but give no relief at all to the masses of our taxpayers, a large percentage of whom are not parents of children in college?

I wish to address a few remarks to the device of a tax credit. This is fairly new in our scheme of tax legislation. It is an inequitable scheme. A credit against tax liability really means the same thing as an appropriation from the Treasury of a similar amount for the benefit of the taxpayer involved. A deduction against income subject to taxation would appear the more equitable.

Mr. President, the able Senator from Connecticut, the author of the amendment, has the honor of having about one-half of the Senate as cosponsors of the pending amendment. Obviously, when there is not a full attendance in the Senate, there is not an overwhelmingly good opportunity to defeat an amendment which has the sponsorship of 50 Senators.

I cannot, however, approach the vote, on which I shall vote "nay," without explaining to my constituency and without expressing to fellow Senators my reasons for opposition.

Reference has been made here by several Senators to the budget deficit that we face. I call your attention, Mr. President, to the fact that the budget of President Johnson was not based upon passage of the pending bill, which involves a great deal of money. It was based in part upon enactment of the proposed 6-percent surcharge on income tax. Revenue to be realized from this surcharge was included in the budget.

I have held the view that passage of the investment credit bill would mean that the 6-percent surcharge levy would not be enacted. I think that most Senators would agree with that conclusion, so with the nonpassage of a recommendation which was included in the budget calculation, and the passage of a revenue reducing measure which was not calculated in the budget, there is a doubling of the deficit effect.

Even today there is a deficit in prospect. The staff estimates $13 billion; my personal office staff estimates that the budget, with the projected cost of the war, will be in the neighborhood of $20 billion. Adoption of the pending amendment will add an estimated $1.4 billion to that deficit.

I shall not detain the Senate for further expatiation of my views. I cannot vote for the amendment, as much as I am in sympathy with the parents of children in college, for the reasons I have stated.

Mr. President, I ask unanimous consent to have printed in the Record remarks by the Honorable Joseph W. Barr, Under Secretary of the Treasury, at the annual banquet of the New York chapter, American Institute of Banking, on February 4, 1967.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Financing a College Education

(By the Honorable Joseph W. Barr, Under Secretary of the Treasury, at the annual banquet of the New York Chapter, American Institute of Banking, Americana Hotel, New York, N.Y., February 4, 1967)

Most Treasury officials, when they come to New York, address their remarks to the subjects of balance of payments, the economic outlook, taxation, or monetary policy. Tonight, it is my intention to abandon these lofty themes and address myself to a very simple fact of life which is of concern to millions of Americans—how to finance a college education for their children.

This gathering may be a peculiarly appropriate occasion for a discussion of this issue. Quite often when we in the Treasury comment on some of the more esoteric themes that I mentioned a minute ago, we are addressing ourselves to your bosses—the Moores, the Rockefellers, the Champions—who may very well have an intellectual interest in this area, but scarcely the personal, practical interest that this subject arouses in you and me.

I am quite well aware of the fact that the gentlemen I have just mentioned will have a significant part to play in deciding whether to allocate some of the resources of your banks to the programs that I will describe. But I have a strong feeling that perhaps you can help me persuade them that this allocation makes good sense—not just to you and to me as individuals, but also from the standpoint of national policy.

The grand subjects of the United States' posture in its balance of payments, its economic outlook, its system of taxation, and its monetary policy are inextricably tied up with our level of education. If you compare the United States with the rest of the world, our most significant advantage probably lies in the educational level of the vast majority of our people—the so-called technological and management gap which so disturbs our competitors around the world.

Our education is closely allied with our economic outlook. As the Council of Economic Advisers pointed out in its recent annual report, some studies suggest that over 20 percent of our economic growth over the past 3 or 4 decades can be directly attributed to education, and perhaps another 20 percent can be attributed to the general advance of knowledge.

Education unquestionably will have an impact on the sort of tax policy that we devise in the years ahead. If education lifts us all to a higher level of real income, some of the most basic assumptions of tax policy may have to be re-examined.

Finally, a highly affluent society with a high level of education is surely a society that will use to the fullest the credit resources that are available in this nation.

In emphasizing these economic consequences, I should point out that I am merely sticking to my last as a Treasury official. I am well aware that the most significant end-product of education is a rise in our level of civilization—an increase in our capacities to elevate the quality of our lives.

So tonight, when I speak on a subject that may seem a bit prosaic by the usual Treasury standards, perhaps I am speaking to a really basic issue involving our current and our potential economic power as a nation.

I also am speaking about a subject that directly involves my current responsibilities and yours. As I will explain, we recently have initiated a program of government-backed private loans to college students, and I am chairing a special committee to review this program. Our goal is a big one: by 1972 we are aiming to have some $6.5 billion in loans outstanding to over 2 million student borrowers. We in the government are prepared to recommend to the President that we take whatever steps are necessary to reach this goal. The loans themselves, however, must be made by the banks and other lending institutions of this country, so in a very basic sense it will be up to you whether this program succeeds.

THE NEED WE FACE

We as Americans have traditionally been imbued with a desire to give our children the best education available. My great-great-grandfather Robert, who claimed that he shot his way into the Indian territory of Indiana in 1806, could probably have spoken on this same subject with even more conviction than I. One of the first entries in his diary, in those early days, was a notation indicating that he had transferred two hogs and five gallons of whiskey to the school teacher they had recently persuaded to come out into the wilderness to educate their children.

Our whole history as a nation, from the Northwest Ordinance of 1787 down to the Higher Education Act of 1965, has reflected our continuing determination to educate our children the best way we know how. But the time span from the end of the Second World War to date has marked a dramatic change in our attitudes toward *higher* education.

Just a few figures will illustrate the remarkable change in recent years. In 1930, total expenditures on a higher education in this country were about $630 million. A few years after the Second World War, the figure was more than four times greater—about $2.7 billion. In the current year, 1967, the expenditures are expected to reach a level of approximately $16.8 billion—almost 30 times the 1930 level.

In the decade from 1955 to 1965, the enrollment in our institutions of higher education increased by about 2,800,000 students. In the next decade we are anticipating an even larger increase—3,600,000 students—and this is probably on the conservative side.

This is the problem, and the hard issues that confront us all are starkly simple.

First: How do we, as individual parents, raise the money to meet the expenses of college—expenses that have risen steeply in the recent past and show little or no sign of leveling off in the future.

Second: How do we, as citizens, allocate our resources to pay the professors and to build the classrooms and laboratories and housing needed to accommodate this surge of young Americans into the colleges and universities.

Tonight I will address myself merely to the first question, but with a clear understanding that the two questions cannot be easily divided. The need to finance the required growth of the institutions will almost inevitably be reflected in higher costs to the students and their families. I do not intend by this comment to take sides in the argument over free state tuition; as a financial official I merely regard it as prudent to assume that at least a portion of the cost of enlarging and improving our colleges will be borne by the current crop of students. I might add that if we are to preserve our *private* institutions of higher learning—and I am sure all of us want to—this trend toward higher costs then surely becomes a problem we inevitably must confront.

If we are faced with the problem of ever-higher costs when American families currently are groaning under what they consider to be an extremely heavy burden, then what is the answer? There are several alternative courses of action—one of which is currently on our statute books. Let me list for you some of the proposals that are circulating in the public domain, with my own personal comments on their utility. Then I should like to explain to you the potentials of the legislation that we have recently enacted.

THE TAX CREDIT PROPOSAL

Possibly one of the most politically attractive proposals that is currently being discussed is a plan to give a tax credit to those families who are incurring the costs of higher education.

My imaginative and highly experienced friend, the Senator from Connecticut, Mr. Ribicoff, has advocated just such a proposal. I have noticed that a good friend on the other side of the aisle, Congressman Gerald Ford, has also thrown his support behind this approach.

I must say that most people, when they first look at the idea of taking a tax credit for the expenses of their children in college, become wildly enthusiastic. But let's take a closer look at just what these proposals amount to.

Senator Ribicoff's proposal would allow the parents of a college student a maximum of $325 each year as a credit against taxes. The credit would be less if the student's tuition and books totaled less than $1500. And of course if the family had so little income that they owed no tax, they would get no benefit at all from the credit.

This plan would cost the nation roughly $1.1 billion the first year (according to Treasury estimates) and up to $1.5 billion a year within three years. You can see that we are not dealing with small sums of money. But laying aside the parochial Treasury concern about spending such large sums, Senator Ribicoff's proposal seems to have two basic defects:

First, it operates as a sort of "reverse" scholarship—that is, it gives the highest reward to the families with the highest incomes sending their children to the most expensive schools. I know of no college which would hand out its aid funds in such an upside-down fashion.

Second, in spite of the substantial cost to the Federal Government, even the maximum amount that the proposal would provide—$325 per student—is not nearly enough to meet the current and the prospective burden that faces so many American families.

Senator Ribicoff argues that his plan is designed to provide money for the institutions, through higher tuition, as well as to ease the burden on families. In this dual objective he has my sympathy and my concurrence. However, increased tuition may merely widen the educational opportunity gap between families of moderate means and families of ample means. On balance, I think there are *better* means of using our Federal resources in the area of financing higher education.

THE "COMMON STOCK" APPROACH

One of the more ingenious plans that I have encountered in recent months was briefly mentioned in the President's Economic Message. Under this proposal, a college student could borrow the funds he needs from a government education bank. He would repay this loan by adding a certain specified percentage to his Federal income tax rate during his productive years (say, to age 55). This plan has the novel "common stock" approach of making all of us partners through our Federal tax system in the economic career of any student who is educated through this device. If he is extremely successful, he would much more than repay the loan. However, if he entered one of the lower-paying walks of life, or if the fates worked against him, he would probably not repay the loan principal and interest during his productive years.

This proposal certainly needs a good deal of careful study. The plan might have to be modified to provide a "buy out" for any extraordinarily successful person. In other words, if you were well on your way to becoming chairman of the board of a bank, you might be given the option of buying out your debt to the government at some appropriate price.

This plan may sound bizarre on first reading, but it should not be dismissed out of hand. It is a serious attempt to meet an important problem, and it certainly is no more fanciful than the far-sighted action of our forefathers in setting aside portions of the howling wilderness to be used to finance our early educational system.

THE LOAN GUARANTEE PLAN

Lastly, we come to a program which, to my mind, currently offers the United States the greatest "bang for a buck" in this particular area—the guaranteed student loan program enacted into law in the Higher Education Act of 1965. The program is relatively new; it is not widely known; it admittedly has many bugs that must still be worked out; but in my opinion it offers great promise to millions of American families.

This program starts from a premise that we have been very slow to accept in this nation—that an investment in education is as sound a financial investment, if not sounder, than an investment in a house or in a car. It now is an accepted fact that, unlike a car or a house, a college education is an income-producing asset. For that reason, our traditional reluctance to go into debt to finance an education seems a bit peculiar and unreasonable. However, as the costs of education continue to spiral, the American people, in their predictably pragmatic way, are finding for themselves that perhaps it does make sense to borrow to finance the education of their children. Perhaps they have begun to borrow for education simply because they have found it impossible to meet these costs out of current income or current savings; but whatever the reason, it is my personal opinion that it is an eminently sensible decision.

How does the guaranteed loan program work? It really is quite simple. It merely extends into this area the concept of a government guarantee to back up a loan made by a private financial institution.

There is nothing new in this concept. It revolutionized the whole approach to financing housing in the days of the Federal Housing Act of 1934. The concept has proved spectacularly successful in the housing field—so successful that most home financing today does not need to rely on a Federal guarantee. I believe that the potential in the area of education is equally promising.

Let me trace through the steps: Any American boy or girl who can get admitted to a college can go to his local commercial bank, savings and loan association, mutual savings bank, or credit union to submit a loan application. The bank processes his application and, after referring it to the State student loan guarantee agency, advances the student up to $1,000 per year (or in some states up to $1,500 per year) while he is in school.

Repayment of the loan begins up to 9 months after the student leaves college or graduate school. If his family's "adjusted family income" is $15,000 or less, the loan is interest-free to the student while he is in school—the government pays this interest. When repayment begins, the interest rate to the student runs at 3 percent if his family's income is below the specified level, with the government paying another 3 percent. If the family income is above that level, the student pays the full 6 percent. Repayment can be made over as long as a 10-year period.

I can only admit that this program has had a rough beginning. After it was enacted into law in the fall of 1965, it took the Office of Education about 6 months to really get started. I might say at this juncture that we have had the complete and enthusiastic cooperation of the American Bankers Association, the two savings and loan association leagues, the Association of Mutual Savings Banks, and the credit unions' association (CUNA International).

Our troubles largely can be traced back to the phenomenon known as "tight money", which began to be evident in April of last year. Tight money made life extremely difficult for the savings and loans and the mutual savings banks, and, to a lesser degree for the credit unions and the commercial banks. It made most financial institutions think twice about committing themselves to new and untried loan programs.

The banks also discovered, somewhat to their dismay, that the costs of getting these loans on the books were more than they had anticipated. When these costs were added to the high cost of money, they seemed to be facing a losing rather than a break-even proposition.

Paperwork was another complicating factor—almost inevitable in any new government program.

Lastly, state legislatures did not rush to appropriate their share of the guarantee funds with the enthusiasm that we might have expected.

All of these difficulties, with the exception of tight money, are almost inevitable with any new program. Despite them, we still succeeded in the Fall semester of 1966 in getting out loans totaling $160 million to 190,000 students. For the full 1966–1967 year, our original target was loans to 963,000 students, totaling $700 million. At the moment, we are guessing that we will actually hit a level of 480,000 loans totaling $400 million. All in all, this is not a bad beginning for a first year effort under adverse conditions.

But it is not good enough. The need is now. Consequently, I have, with the approval of Secretary Gardner and Secretary Fowler, put together a task force composed of the Treasury, the U.S. Office of Education, and the Bureau of the Budget to examine with the commercial bankers, the mutual savings bankers, and the savings and loan association and credit union representatives what we can do to move this program ahead.

We are going to look at the whole question of administrative costs, paperwork, pooling of resources within a region, the possible creation of a secondary market to relieve institutions that are overloaded, and the question of improving Federal-state relationships in this area. It is our intention to report to the President through Secretary Gardner and Secretary Fowler in the next 30 days.

Let me set out the reasons this program is so attractive to me.

(1) Perhaps this is a natural reaction for a Treasury official, but this program unquestionably gives us the greatest *leverage* in the use of the financial resources of the United States. I have mentioned that a tax credit plan providing a maximum benefit of $325 per family would cost us a billion and a half dollars by the third year. This loan program, if it expands on the trend that we think it will follow, could make 6½ million loans totaling $6.7 billion at an annual interest cost to the Federal Government that will reach only about $328 million in 1972, after 5 years.

(2) At $1,000 to $1,500 a student, this program offers some meaningful financial assistance. In fact, if it gets under way as I think it will, and if college costs increase as I predict, these limits may have to be raised.

(3) The program is intimately involved with all sectors of the financial community, the academic community, and state government. To many, this spells chaos, cumbersome operations, and endless argumentation. I do *not* look at it that way. I will admit that there is a lot of arguing and negotiations ahead before we hammer out a completely viable program, but this is precisely the sort of "creative federalism" that President Johnson has continually emphasized. Sometimes it is difficult to start, but in the long run the broad-based support that is generated is well worth the effort.

If history is any indicator, the problem of financing the costs of higher education, both the costs to students and the costs to the institutions, *will* be met—no matter what the costs may be, and no matter what party controls our political destiny. I would recommend to you the study of the alternatives. I would hope that you would agree with me that the guaranteed loan program provides the most promising solution currently available to the problem of financial assistance to the student.

I believe that we are getting much closer to our goal of being able to say to every American boy and girl, "If you can get admitted to a college, the financial resources that you need will be available." Implementation of this program should make this promise a reality. It should make the financial burden of education a tolerable burden for American families. It should provide at least part of the financial basis that American colleges and universities now need and will need. And, finally, it should enable us to reach into the ghettos and the pockets of rural poverty, to draw out and to educate those disadvantaged Americans to whom a higher education a few years ago was literally unthinkable.

This is a town of financial genius and imagination. I ask that you use some of that imagination and some of that creativity in helping us solve a problem that involves one of the fundamental aspirations of millions of American families.

Mr. HARTKE. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. Hollings in the chair). The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the Record.

The text of the amendment is as follows:

At the end of the Ribicoff amendment, strike out paragraph (3) of subsection (d) of the proposed new section of the Internal Revenue Code of 1954.

Redesignate the last subsection of the amendment as subsection (g) and after subsection (b) of the amendment insert the following new subsections:

"(c) Section 6401 of the Internal Revenue Code of 1954 (relating to amounts treated as overpayments) is amended by striking out subsection (b) and inserting in lieu thereof the following:

"'(b) Excessive Credits.—If the amount allowable as credits under sections 31 (relating to tax withheld on wages), 39 (relating to certain uses of gasoline and lubricating oil), and 40 (relating to expenses of higher education) exceeds the tax imposed by subtitle A (reduced by the credits allowable under subpart A of part IV of subchapter A of chapter 1, other than the credits allowable under sections 31, 39, and 40), the amount of such excess shall be considered an overpayment.'

"(d) Section 72(n)(3) of such Code (relating to determination of taxable income for certain purposes) is amended by striking out sections '31 and 39' and inserting in lieu thereof 'sections 31, 39, and 40.'

"(e) (1) Section 6201(a) of such Code (relating to assessment authority of the Secretary or his delegate) is amended by adding at the end thereof the following new paragraph:

"'(5) Erroneous credit for expenses of higher education.—If on any return or claim for refund of income taxes under subtitle A there is an overstatement of the credit allowable by section 40 (relating to expenses of higher education), the amount so overstated which is allowed against the tax shown on the return or which is allowed as a credit or refund may be assessed by the Secretary or his delegate in the same manner as in the case of a mathematical error appearing upon the return.'

"(2) Section 6213(e) of such Code is amended by adding at the end thereof the following new paragraph:

"'(4) For assessment, as if a mathematical error on the return, in the case of erroneous claims for credits under section 40, see section 6201(a)(5).'

"(f) Section 6211(b)(4) of such Code (relating to rules for applying the definition of a deficiency) is amended by striking out 'credit under section 39, unless, without regard to such credit' and inserting 'credits under sections 39 and 40, unless, without regard to such credits'."

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **HARTKE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **HARTKE**. Mr. President, I ask unanimous consent that the amendment which I have sent to the desk be submitted as an amendment to the Ribicoff amendment, and that it be so modified.

The **PRESIDING OFFICER**. Without objection, the amendment will be so modified.

Mr. **HARTKE**. Mr. President, the amendment which I send to the desk I do not intend to ask for a vote on at this time, but I do think it is important that we consider the whole concept of a negative income tax credit for college students. It should be considered in conjunction with the kind of approach which has been offered by the Senator from Connecticut. I am also a cosponsor of the amendment of the Senator from Connecticut, as well as a cosponsor of the original bill, S. 835.

In my opinion, I do disagree, to this extent: I feel that there has been neglect in this part of the bill in regard to those who are not in a position to pay taxes, or who may not have a sufficient tax credit as provided in the amendment of the Senator from Connecticut.

The amendment which I offer is very simple and differs from that which the Senator from Vermont intends to offer, in view of the fact that it leaves intact all of the Ribicoff proposals, whereas the provisions in the so-called Prouty amendment would provide for a reduction of the amount in the original Ribicoff proposal.

What I am saying in substance is that parents who ordinarily would be entitled to a tax refund under the tax credit, but are unable to receive it because their taxes are less than the amount of the credit, such credit would be considered as an overpayment and would be returned to the taxpayer as such.

In other words, take a person who is married and has two children. He has a $600 deduction for each one. Thus, for husband, wife, and two children, at $600 each, that would be $2,400, whereas if they had a total income of only $2,500, they would be placed in the position of absolutely not having enough taxes, or no taxes at all, in order to benefit from the proposal.

The net result would be that they would be entitled to no benefits for their children under the Ribicoff proposal.

What I am saying is simply that parents of these children are entitled to as much benefit as those who pay more taxes. The same situation involves those families which have large numbers of children. Perhaps they may be able to send off their oldest child to school, but by the time they get to the second child who would be ready to go to school, they may not be able to receive any benefits from the proposal whatsoever, perhaps.

But, under the circumstances, there have been no hearings on this measure whatever. I think that there should be hearings. A great deal of study of this subject should be made in depth.

I am not asking that the Senate act on my amendment at this time. It would merely apply the negative income tax principle to the tax credit proposal as introduced by the former Secretary of Health, Education, and Welfare, Mr. RIBICOFF.

Mr. President, I think that this would be the right attack upon the problem of poverty in this country. It is what I have frequently declared, that if we are going to attack poverty we should attack it in a way which will be effective, with a method which will be effective, without adding bureaucracy on top of bureaucracy, and have additional employees who would do practically nothing except receive their salaries. This situation, of course, will not inure to the benefit of those they are supposed to help; namely, the poor people themselves.

As the President has said repeatedly, we must provide an education for our young people, regardless of their circumstances, who have the capability of providing part of it, thereby increasing their contribution to a productive American society.

This is not true, in spite of the fact that some schools indicate all children are able to go to college today. We have studied the facts and we can document them.

I invite attention to the fact that the original Ribicoff proposal was before the Senate in 1964. At that time, I offered as a substitute for that proposal the present law which is the guaranteed loan program, the scholarship program, and the work study program. At that time, I voted against the Ribicoff proposal.

I indicated then that if the guaranteed loan program, the scholarship program, and the work study program became law, I would then be in a position to go to the next step, to provide for those not covered by the provisions of that enactment.

The other provisions of the law are now on the books. Unfortunately, the tight money policy of last year, to some extent, took away from its effectiveness, but that tight money policy has now been revised by the Federal Reserve Board and I hope it will continue to stay in that position.

I do intend to support the Ribicoff amendment and therefore, Mr. President, I withdraw the amendment which I have sent to the desk.

The **PRESIDING OFFICER**. The amendment is withdrawn.

Mr. **CLARK**. Mr. President, I desire to state briefly why I oppose the Ribicoff amendment and variations thereof, as I have done on every occasion since I came to the Senate some years ago.

In my opinion, the way to deal with the vexing problem of enabling parents of modest means to send their children to college is not through a tax system but, rather, through a comprehensive system of scholarships and loans, often non-interest-bearing loans which could be forgiven, in the event the recipients graduated from college and could go into those professions and skills which are in short supply.

I believe that the method of handling the higher education problem should not be through a tax system, no matter how much we might sweeten the suggestion by reducing the amount of income on which a tax credit would be applied.

Mr. President, fundamentally, these amendments all give preference to the wealthier groups in our communities at the expense of the bright boys and girls from poorer families who do not pay income taxes in an amount adequate to enable them to get any real benefit out of the proposal.

Accordingly, because I think this is an upper-class and a middle-class amendment, because I believe that all Americans with respect to the availability of higher education should be treated alike, and because with the Senator from Oregon [Mr. MORSE] I have consistently fought for a more comprehensive ceiling on scholarships, with low interest or, indeed, non-interest-bearing loans for our young people to enable them to go to college, I shall oppose the amendment.

GOLD AND THE BALANCE OF PAYMENTS

Mr. JAVITS. Mr. President, I wish to address the Senate briefly on some other matters, other than the one immediately before the Senate.

First, I invite the attention of the Senate to a very important discusion which is going on in the financial world, which gravely affects the future of every American; namely, what we should do about gold and gold reserves, and what we should do in backing up the position taken by two of the leading New York banks—Chase Manhattan and the Bank of America—where they indicate that the time has come to stop the selling or buying of gold, or at least to leave that policy to the discretion of the Treasury, thereby requiring those who hold valid claims either to stay or get out.

Mr. President, the reason for the importance of this is that we have been under sharp international criticism and attack for the imbalance in our international payments, which has been persistent over the last five to six years or more because of the tremendous responsibility which we are carrying abroad, notwithstanding a rather heavy export surplus which is a tribute to the economy of our production and the efficiency of the United States. Pressure has been brought on the United States by European central banks to bring its balance of payments under control, with the implied threat in the background that otherwise there would be a run on gold which would make the American economy vulnerable.

I have contended for several years that the United States is again being stretched out and racked on a "Cross of Gold," that the dollar is better than gold, because the dollar buys food and products that people use, and gold only fills one's teeth or is worn on one's wrist as an ornament.

It is tremendously heartening and perhaps as important an event as has taken place in the world that this concept is now having the support of major banks. We also have certain statements by the Secretary of the Treasury implying that the official position of the United States on this momentous subject is being reconsidered.

With prospects for a higher U.S. balance-of-payments deficit in 1967 than in 1966, diminishing U.S. gold reserves and a stalemate in international monetary reform, the United States is facing basically two alternatives: First, impose further controls, or second, take steps—principally stop buying and selling gold—to convince the world that it is the economic strength of the U.S. economy and not gold that makes the dollar a key reserve currency.

The first alternative—more controls—must be emphatically rejected. These controls—the interest equalization tax and the so-called "voluntary" restrictions on bank loans and overseas investment—did not eliminate the balance-of-payments deficit, because the war in Vietnam and our worldwide responsibilities required increased overseas expenditures. The continuation of these controls will have only one predictable effect: Declining returns on U.S. investment abroad and a lessening role for the United States as world banker.

The great value of the second alternative is that it shifts the initiative on international monetary reform from Europe to the United States. The argument on international monetary reform today has been fought on false grounds—can the United States bring its balance of payments under control or can it not? The imposition of controls over our international financial transactions to deal with a deficit equal to less than one-half of 1 percent of our GNP has never made sense.

The real issue is the ability of the United States to back the dollar by the strength of its economy and by sound fiscal and monetary policies. The $750 billion U.S. economy—equal to Europe's total output and more than half of the production of the industrialized world—offers plenty of security for the dollar. Our international assets total $125 billion while our international liabilities total $62 billion as of the end of 1966. Our exports will reach over $30 billion this year—greater than that of any other single country's—against imports of about $23 to $24 billion. While we have had inflation throughout our postwar history, the purchasing power of the dollar has diminished less than that of most major currencies.

The fact that two of the largest U.S. banks—the Chase Manhattan Bank and the Bank of America—have now openly adopted the position that the United States should consider stopping the buying and selling of gold is therefore of the greatest importance. It will have a major impact on the attitude of our own Treasury Department and on the central banks of Western Europe. The two New York banks have performed an important public service at a time when the gold question is becoming an issue that both the Congress and the Treasury may have to act upon. With little exception, debate on gold has been on the sterile side in the Congress and in the financial community. I hope that henceforth this will not be the case.

Within the next three years, at the latest, Congress will be confronted with the problem that we will have run out of "free gold"—that is the gold available to meet the offshore demands over and above what is requird by law to be set aside as backing for our Federal Reserve notes. Two years ago the Congress enacted a law to remove the gold backing behind Federal Reserve deposit liabilities and thereby freed several billion in gold for international purposes. Today we have only about $3 billion in "free gold" remaining. The time has come, in my opinion, to consider removing the remaining domestic tie between gold and the dollar by repealing the gold reserve requirement for Federal Reserve notes. This act would free another $10 billion in gold and would give us a total of $13 billion to meet any conceivable demand from foreign financial institutions for our gold.

Such an action would demonstrate our confidence to the world that both governments and private users will continue to use the dollar as an international currency with or without gold; and should this action be coupled with a decision by our Treasury to buy or sell gold only if it desires to, we will be in an excellent negotiating position to press forward with establishing a more up-to-date international monetary system.

I am confident that the world continues to desire our goods, our know-how, our machines, and the dollars necessary to acquire them. The time has come to remove the American dollar from the "Cross of Gold," and I am pleased to note that leading members of our financial community have taken the initiative to accomplish this.

I ask unanimous consent that various newspaper articles relating to the statement by these two banks, the Chase Manhattan Bank and the Bank of America, may be made a part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Business in Brief, April 1967]

DEFICITS, DOLLARS AND GOLD

There is growing concern about this year's deficit in the U.S. balance of payments. After several years of improvement the deficit was reduced to $1.3 billion in 1965, was up a bit last year and appears definitely on the rise again in 1967. Although the outlook could change, the facts concerning the balance of payments are not really in question; the difficulty is one of interpretation. To some government official the deficit outlook seems to signal the need for ever tighter controls over international capital movements.

It would be difficult to think of a strategy more damaging to our economic interests or better calculated to play into the hands of those in Europe and elsewhere who wish to see our U.S. influence greatly diminished. Unfortunately, however, most discussions of the U.S. balance of payments tend to lead in the direction of such controls. This is largely because two important aspects of the problem have not received adequate attention. The role of government spending, especially for military purposes, is one. U.S. obligations in Viet Nam must surely be met. But there is clearly room for a thorough re-examination of U.S. overseas military spending with a view to cutting, much more than in the past, programs that are no longer in the national interest.

The second aspect, which this article discusses, is the role of gold in international finance.

THE DEFICIT

The balance of payments facts appear bleak enough. Although U.S. exports this year appear likely to rise more than imports, the improvement can do little more than offset further drains because of the Viet Nam war, and a possible further deterioration in the tourist account. Imports should rise very slowly or not at all this year after several years of extremely rapid expansion, mainly because the U.S. economy will advance more slowly.

In the capital accounts, the net outflow of foreign investment was reduced last year because of extremely tight credit conditions in the U.S.—a situation that already has reversed. Since the money market has eased, short term capital outflows, which were virtually eliminated last year, are likely to resume again. These outflows may not reach the high levels of a few years ago because of the continued existence of the voluntary balance of payments program. Nevertheless, the net capital outflow, which last year amounted to about $2.5 billion, could reach $3.5 billion or more this year. Although this would be considerably less than the prospective earnings on foreign investments, the outlook for the overall balance of payments is a deficit substantially larger than that in 1966.

The government might make further arrangements to receive prepayments on military sales. Already, an agreement has been reached with the German government to convert liquid dollars to longer term assets. Such gimmicks can make the deficit appear smaller. But, according to widely accepted standards, it is still likely to be far too large.

The question, however, is whether the standards applied to our deficit are meaningful. In examining this question, we should seek some perspective on the international strength of the U.S. because that, in the last analysis, determines the strength of the dollar.

THE UNMATCHED STRENGTH OF THE DOLLAR

U.S. international assets at the end of 1966 totaled $125 billion compared to international liabilities of about $62 billion, and our international asset position continues to improve year after year. It is argued, however, that the U.S. is acquiring assets in the form of direct investments and long term loans while acquiring short term liabilities in the form of dollar deposits or short term investments in the U.S. by foreigners. Thus, the U.S. is playing the role of banker and intermediary in international capital markets, extending long term capital to the rest of the world and absorbing short term capital in return. We would argue that this has been a healthy thing both for the U.S. and for the capital-hungry nations of the world.

It would be a grave mistake to forget that the source of this capital is an enormous $750 billion economy, almost equal in size to all of Europe. U.S. exports, which will reach over $30 billion this year, are greater than any other country's exports and two-thirds as large as the exports of all the common market countries.

Furthermore, despite policies that led to excessive inflation in the past few years, the purchasing power of the dollar has fallen far less than that of any other major currency in the postwar period. Indeed, no liquid asset existing in large amounts has retained its value for the last hundred years as well.

This is the paradox: the United States has the strongest economy in the world with the soundest currency, yet it is so concerned about a balance of payments deficit equal to less than ½% of its GNP that it might be willing to inflict extremely damaging controls over its international financial operations to deal with it. The explanation of this paradox lies in a re-examination of the role of gold in international affairs.

GOLD VERSUS DOLLARS

Gold has an intrinsic value far below that of the purchasing power of the dollar. Yet, because of the belief that its official price might rise, gold is the only international asset that can compete with the dollar. No sophisticated investor or central banker, if he were certain that the price of gold in terms of dollars would not be officially raised, would regard gold as a better store of value than the dollar, which, in addition to its relatively stable purchasing power, also can be invested to earn interest.

One key to this puzzle is the relationship between the value of gold and the value of national currencies. All the major countries that belong to the International Monetary Fund have established a par value for their currencies in terms of gold or U.S. dollars. Countries other than the U.S. however, maintain their gold-currency ratio not by buying and selling gold but by buying and selling dollars. By maintaining their exchange rate for the dollar, they automatically maintain their gold parity. No one seriously considers the possibility of the United States raising the price of gold unilaterally. It is generally agreed that if the U.S. were to raise the price of gold all other countries would follow suit. In so doing they could maintain the tie between their currency and the dollar.

The reason other national currencies are tied to the dollar, is that the dollar successfully performs two major international functions: that of a transaction currency and that of a reserve currency. Dollars are widely used to conduct international financial transactions and are held by commercial banks and private individuals for this purpose. Second, as official reserves in foreign central banks, they are used as international store of value and for stabilizing foreign exchange markets. Although the demand for dollars as a transaction currency has been growing steadily throughout the postwar years, foreign central banks have become increasingly reluctant to hold dollars as a reserve currency. Thus, although continuing to accumulate dollars over the past ten years, they have used about $10 billion of these dollars to purchase gold from the U.S. Treasury.

THE ALTERNATIVES

As dollar liabilities continue to grow, the question arises as to what would happen if foreign central banks wished to cash in all their dollars. By now total liquid liabilities of U.S. banks to foreigners is over two times the amount of our gold stock and about ten times the amount of free gold beyond that required to back the nation's currency. Thus, a run on the U.S. gold stock could not possibly be satisfied.

Although no one knows what might occur in a crisis, two options are very clear. The United States could lead in a general revaluation of gold. Some individuals have advocated this. It would certainly be supported by the major gold producing countries, South Africa and the Soviet Union, and it would undoubtedly be accepted without undue reluctance by the European countries that have accumulated large gold stocks. It would, however, be a most wasteful, temporary and uncertain expedient, as well as contrary to major U.S. commitments based on the present gold price.

As another alternative, the U.S. could cease buying and selling gold. If the Treasury began buying and selling only at its discretion, foreign central banks would be faced with a serious dilemma. With their dollars no longer freely convertible into gold, they would have to decide what to do with the dollars they own, and how to deal with the dollars that would be presented to them by their own commercial banks for conversion into local currencies.

But this would be a most disagreeable choice. On the one hand, if they permitted the dollar to depreciate, prices of U.S. goods would drop relative to domestically produced goods. Furthermore, it would make U.S. exports more competitive in third markets. This solution would be vigorously opposed by most exporters and businessmen abroad.

On the other hand, if foreign central banks continued to support the dollar at its present rate, this would place them more unequivocally than ever on a dollar standard, a politically embarrassing solution to countries that had participated in the run on the dollar in the first place.

U.S. DEFICITS ARE SURPLUSES ELSEWHERE

If it is made unmistakably clear that in the event of a crisis the U.S. would simply terminate the privilege now given to foreign central banks of buying gold freely, then the burden of decision regarding the defense of the dollar would be shifted even more than now from the U.S. to the shoulders of European and other central banks.

No doubt the dollar's value could have been better maintained if less inflationary policies had been pursued over recent years. Nevertheless the U.S. record in the postwar periods is far better than that of any other major country. Twice in the past twenty years, in 1956–57 and in 1966, the U.S. undertook strong measures to curb inflation. As a result of these measures and a generally conservative policy stance, the value of the dollar has diminished less than that of any other major currency. Thus, it is time for the U.S. to become less defensive about its balance of payments and employ a strategy that takes account of the dollar's strength and stability.

All this does not mean that the U.S. need have deficits forever. But other nations—especially in Europe—must have deficits themselves if they wish the U.S. to have surpluses. If this should happen, external dollar liabilities would diminish instead of grow, and the dollar as an international reserve asset would become less important.

Most other advanced nations can influence their balance of payments by monetary and fiscal policies more easily than can the U.S. because of the much larger share of their economies devoted to international trade. Moreover, it is possible for most European nations to more than offset tight monetary or fiscal conditions in this country, frustrating our attempts to achieve international balance through these means. They could also reduce their surpluses by opening up their capital markets to foreign borrowers. Therefore, countries that wish to reduce their dollar balances have only to permit themselves deficits instead of surpluses. Furthermore, they may wish to try harder to promote monetary reform, such as the International Monetary Fund and the OECD are studying now, which will reduce the relative importance of the dollar in international finance.

In any case, foreign central banks cannot easily escape from dollars they now hold. It would be neither possible nor profitable to convert dollars on a large scale to any other currency. Moreover, dollars can be invested profitably in U.S. capital markets or used to purchase goods and services in the U.S. and elsewhere. Thus, for the dollar holder, there is no place to go; and, if we maintain internal price stability, there should be no need.

But a strong dollar depends on responsible fiscal and monetary management. It is therefore essential that the huge budgetary deficits resulting from too rapid increases in non-defense spending in the past two years be sharply reduced. Otherwise the dollar will lose its position, and will neither merit nor receive world support and confidence.

[From the Washington Post, Apr. 14, 1967]

AMERICAN GOLD OFFENSIVE SHAKES EUROPE'S LEADERS

(By Bernard D. Nossiter)

PARIS, April 13.—The new American offensive against gold has shaken Europe's financial leaders. They resent it; they think it is clumsy. Nevertheless, it has served as a potent remainder that the modern monetary system is, to a large extent, bottomed on the dollar and not on gold.

A telephone survey of Continental financial centers today turned up comments like these from one leading central bank:

"I have been quietly telling my colleagues, particularly in France, that it is at least as risky to have gold as not to have it. Of course, it is better if we say this than if you Americans do."

Even more surprising was the report from one of Europe's most conservative central banks. An official there has been privately asking whether his institution is holding too much gold and whether he should shift some of his reserves into earning assets.

To be sure, these responses come from the most sophisticated financial authorities, those who understand there is nothing immutable about the value of gold. Rank and file bankers and speculators are frightened at the American talk of demonetising gold and interpret it as a sign of weakness in the dollar.

Yesterday, the price of gold at London rose to its highest level in nearly two years. This was mostly due to some purchases by Swiss banks. But speculative fear also played a part.

Today, however, the London market was quiet. It appears that the long debate over the world's money system has taken a new turn, one in which the United States need not be so defensive.

The flexing of American muscle began with Treasury Secretary Henry Fowler's speech last month, warning of unspecified "unilateral" American action. This was followed last week by statements from the Chase Manhattan Bank and Bank of America, suggesting that the United States might stop buying and selling gold. All these remarks received a lot of attention here. The subsequent Chase and Treasury efforts to muffle the message have perversely served to underline it.

Europe's financiers do not believe that the Administration really intends to demonetise gold, to try to drive it out of the world's reserve system. But there is a growing belief that simply carting away yellow metal from New York will not force the United States to put its foreign payments in balance. This was the central point gleaned from Fowler's speech.

At the same time, the Chase and Bank of America statements are viewed as special pleading, an effort by two institutions that finance a lot of it to head off stiffer controls on foreign investment. Even so, the view here is that these two huge banks are not without influence.

If the United States does let its gold stock run down, the fear here is that American competition in European markets will reach intolerable levels. In such an event, the dollar might sell for awhile at a discount and American goods would be even cheaper for Europeans to buy.

For all these reasons, Francois Bruel, a commentator with very close ties to the French Finance Ministry, observed gloomily the other day:

"It is no longer the French argument (in favor of a return to the gold standard) but the American which is winning ground—at least in the way Europeans are behaving if not in their deepest thoughts."

LACK OF CONCERN

Oddly enough, the Europeans are not terribly concerned wtih something by which Washington appears to set great store. This is the American effort to extract a public pledge from Germany that it will not cash in dollars for gold and will buy medium term bonds with its earnings. European financiers know that Germany doesn't dip into the American gold stock as a matter of policy anyway and buys its gold from the London pool and elsewhere. As for the bonds, it is understood that this would be another gimmick to make the American payments balance look smaller than it is in fact.

The whole issue will be aired at an important meeting of the finance ministers from the six Common Market countries at Munich next week. The six—including France—are represented as agreeing that the world shortage of gold should be offset by increased drawing rights in the International Monetary Fund.

[From the Washington Post, April 14, 1967]

FRESH THOUGHTS ON GOLD

Healthy signs of heterodoxy are emerging in the way American bankers are thinking about gold. *Business in Brief*, the bimonthly publication of the Chase Manhattan Bank, suggests that European monetary authorities may be induced to cooperate in the defense of the dollar "if it is made unmistakably clear that the United States would simply terminate the privilege now given to foreign central banks of buying gold freely . . ." And Mr. Rudolph A. Peterson, president of the Bank of America, told the New York Chamber of Commerce that: "There is no overwhelming reason why we should sustain the dollar value of gold. We may have to reconsider our gold buying policy. Both statements were deplored by an anonymous official of the Federal Reserve System as well as the American Bankers Association, and Chase Manhattan officials subsequently softened their position. Nonetheless, they reflect a mood that should strengthen Treasury Secretary Fowler's determined effort to secure agreement on a plan for supplementing gold as an international monetary reserve.

The world stock of monetary gold decreased for the first time in 1966, and Mr. Fowler, in an excellent speech delivered at Pebble Beach, California, explained why the conversion of dollars into gold by central banks menaces the stability of the international monetary system:

"To the extent that dollars are used to draw down our gold stocks, world liquidity is decreased. This happens because our reserves are in the form of gold. Consequently, when France—to mention the chief, but not only purchaser of U.S. gold—uses some of its dollar reserves to purchase our gold, French reserves remain the same in amount although changed in form, but our reserves decline, and consequently, total world reserves are diminished."

Secretary Fowler, who is proceeding with skill and Job-like patience, is understandably reluctant to think aloud about what might happen if his efforts to secure an agreement on a new monetary reserve unit should fail. But the Congress is not silenced by similar inhibitions. The majority of the Joint Economic Committee in their annual review state flatly that:

"If other industrial nations, specifically in Western Europe, continue stubbornly to resist the introduction of a new reserve medium that would stabilize the role of credit in official international settlements . . . there must be no illusion about the consequences. It would be hard to prevent a retreat from multilateralism into regionalism . . . We should be forced, reluctantly, to protect our interests by joining with those countries that are willing to operate their currencies on a dollar reserve basis and forming with them a new bloc of liberalized trade."

An unfortunate collapse of international monetary cooperation can easily be averted. It is rumored that the Germans, in return for a commitment on maintenance of American troops in their country, may be willing to stop selling the dollars that they accumulate in their payments surplus. Such an agreement would mark an important breakthrough, especially if followed by an agreement on the creation of a new reserve unit. But if that effort fails, it is clear that this country, which has served as the world's banker since the end of the Second World War, will not meekly submit to further monetary blackmail.

PUNTA DEL ESTE MEETING OF AMERICAN CHIEFS OF STATE

Mr. JAVITS. Mr. President, we often get so busy here that we fail to take note of many historic events of our time. One has just taken place at Punta del Este. The historic meeting of the American chiefs of state has now ended. I take this occasion to congratulate President Johnson and the other Presidents of the Latin American nations for a magnificent draft declaration which has been adopted there, including an absolute commitment—the language is "agreed;" that is the word used in the communique—to a Latin American common market, thereby liberating the economies of the Latin American countries from the narrow boundaries into which they had been cast, and through which barrier they have now broken into economic integration.

This move represents a real determination to come to economic maturity and cross over the threshold of the economic development of free nations.

I wish to indicate that the critically important part of the communique is that it relies on self-help and mutual cooperation.

Referring first to the word "self-help," the whole emphasis is that with our help and the help of other industrialized countries of the world the economy of Latin America may look forward to helping the future of the 230 million people of Latin America.

I take this occasion to say "welcome home" to President Johnson and to express appreciation to him and to the Presidents of the other American Republics for the historic service rendered to the United States and the Latin American nations at the Conference at Punta del Este.

I have already expressed myself with respect to the efforts to be used by the Government to back up and to help bring to fruition the efforts undertaken by the Presidents of the American republics with respect to a common market for Latin America.

To this regard let us mention the fact that the formation of an Action Committee for a Latin American Common Market and of an International Cooperating Committee composed of leaders from various walks of private life in the industrialized nations of the world outside of Latin America are proceeding very auspiciously. Dr. Alberto Lleras Camargo, a former President of Colombia and I are working together on this effort.

I ask unanimous consent that the communique issued by the Presidents of the American states may be made a part of my remarks, to be followed by a statement I made on April 8, 1967 on the formation of the two action committees and the text of a cable Dr. Lleras and I sent to Dr. Josá Mora, Secretary General of the Organization of American States, on April 10.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

DRAFT DECLARATION TO BE SIGNED BY PRESIDENTS AT SUMMIT MEETING, PUNTA DEL ESTE, AS APPROVED BY FOREIGN MINISTERS

The Presidents of the American States and the Prime Minister of Trinidad and Tobago meeting in Punta del Este, Oriental Republic of Uruguay.

Resolved to give more dynamic and concrete expression to the ideals of Latin American unity and of solidarity among the peoples of America, which inspired the founders of our countries; [1]

Determined to make this objective a reality within our own nations, in keeping with the economic, social and cultural aspirations of our peoples;

Inspired by the principles which underlie the Pan-American system, especially those contained in the Charter of Punta del Este, the economic and social act of Rio de Janeiro and the protocol of Buenos Aires amending the Charter of the Organization of American States;

Conscious that the attainment of national and regional development objectives in Latin America is based essentially on self-help;

Convinced, however, that the achievement of those objectives requires determined collaboration by all our countries, complementary support through mutual aid and expansion of external cooperation;

Pledged to give a vigorous impetus to the Alliance for Progress and to emphasize its multilateral character, with a view to encouraging balanced development of the region at a substantially faster pace than attained thus far;

United in the intent to strengthen democratic institutions, to raise the living standards of our peoples and to assure their increased participation in the development process, creating in these purposes suitable conditions as much in the political as in the economic, social and labor fields;

Resolved to maintain a social harmony and fraternal relations in the Americas, where true racial equality must prevail.

We proclaim the solidarity of the countries we represent and their decision to achieve to the fullest measure the free, just, and democratic social order demanded by the peoples of the hemisphere.

Latin America will create a common market.

The Presidents of the Latin American Republics agree to create progressively from 1970 the Latin American Common Market which must be substantially in operation in a period of no more than fifteen years. The Latin American Market will be based on the complete development and progressive convergence of the Latin American Free Trade Association and of the Central American Common Market, taking into account the interests of the Latin American countries not yet affiliated with these systems. This great task will reinforce our historic bonds, will promote industrial development and the strengthening of Latin American industrial enterprises with more efficient production and new opportunities for employment, and will permit the region to play its deservedly significant role in world affairs. The ties of friendship among the peoples of the continent will thus be strengthened.

The President of the United States of America, for his part, declares his firm support for this promising Latin American initiative.

We will lay the physical foundations for Latin American economic integration through multinational projects.

The undersigned Presidents affirm that economic integration demands a major sustained effort to build a land transportation network and to improve transportation systems of all kinds so as to open the way for the movement of both people and goods throughout the continent; to establish an adequate and efficient telecommunications system; to install inter-connected power systems; and to develop jointly international river basins, frontier regions, and economic areas which include the territory of two or more countries.

We will join in efforts to increase substantially Latin American foreign trade earnings.

In order to increase substantially Latin American foreign trade earnings, individual and joint efforts shall be directed toward facilitating non-discriminatory access of Latin American products in the world markets; toward increasing Latin American earnings from traditional exports; toward avoiding frequent fluctuations in income from such commodities; and finally, toward adopting measures that will stimulate exports of Latin American manufactured products.

We will modernize the living conditions of our rural populations, raise agricultural productivity in general, and increase food production for the benefit of both Latin America and the rest of the world.

We will transform the living conditions of the rural workers and farmers of Latin America, to guarantee their full participation in economic and social progress. For that purpose integrated programs of modernization, land settlement, and agrarian reform will be carried out as the countries so require. Similarly, productivity will be improved and agricultural production diversified. Furthermore, recognizing that the continent's capacity for food production entails a dual responsibility, a special effort will be made to produce sufficient food for the growing needs of our own peoples and to contribute toward feeding the peoples of other regions.

We will vigorously promote education for development.

In order to give a decisive impetus to education for development, our literacy campaigns will be intensified, education at all levels will be greatly expanded and its quality improved so that the rich human potential of our peoples may make their maximum contribution to the economic, social and cultural development of Latin America, our educational systems will be modernized taking full advantage of educational innovations, and exchanges of teachers and students will be increased. Latin America will share in the benefits of current scientific and technological progress so as to reduce the widening gap between it and the highly industrialized nations in the areas of production techniques and of living conditions.

We will harness science and technology to the service of our peoples.

National scientific and technological programs will be developed and strengthened and a regional program will be started; multinational institutes for advanced training and research will be established; existing institutes of this type in Latin America will at the same time be strengthened and contributions will be made to the exchange and advancement of technological knowledge.

We will expand programs for improving the health of the American peoples.

The fundamental role of health in the economic and social development of Latin America demands that the prevention and control of communicable diseases be intensified and that measures be taken to eradicate those which can be completely eliminated by existing techniques, and that programs to supply drinking water and other essential sanitary services for urban and rural areas will be speeded up.

Latin America will eliminate unnecessary military expenditures.

The Presidents of Latin American Republics, conscious of the importance of armed forces to the maintenance of security, recognize at the same time that the demands of economic development and social progress make it necessary to devote to those purposes the maximum resources available in Latin America.

Therefore, they express their intention to limit military expenditures in proportion to the actual demands of national security in accordance with each country's constitutional provisions avoiding those expenditures that are not indispensable for the performance of the specific duties of the armed forces and, where pertinent, of international commitments that obligate their respective governments. With regard to the treaty on the banning of nuclear arms in Latin America, they expressed the hope that it may enter into force as soon as possible, once the requirements established by the treaty are fulfilled.

In facing the problems considered in this meeting, which constitute a challenge to the will of the American Governments and peoples, the Presidents proclaim their faith in the basic purpose of the inter-American system: To promote in the Americas free and democratic societies, existing under the rule of law, whose dynamic economics, reinforced by growing technological capabilities, will allow them to serve with ever increasing effectiveness the peoples of the continent.

Statement of Senator Jacob K. Javits, of New York, at a Press Conference Held Following a Meeting With Latin American and International Leaders, Saturday, April 8, at the Carnegie Endowment International Center, New York City

Prominent business and labor leaders from the Atlantic Community have met with me today to consider supporting—through an international cooperating committee—the plan of a group of distinguished Latin American business, labor, intellectual, press, and parliamentary leaders from Latin American countries who for some months have been preparing the organization of an Action Committee for a Latin American Common Market.

I am pleased to be able to report that the leaders who met with me today from the international labor and business community expressed themselves unanimously as being ready to organize this international cooperating committee for the stated purpose, once the leaders from Latin America commence the implementation of their plans for an Action Committee.

I have great confidence that these parallel efforts will move forward quickly and that they will represent a tremendous element of support for the decisions expected to be taken by the Presidents of the American States at Punta del Este on the organization of a Latin American Common Market.

In this way a new era in Latin American economic development, cooperation, and trade would be inaugurated, with significant consequences for the peace freedom, and prosperity of the Americas.

The international industrialized community has a strong and acknowledged interest in the economic and social progress of Latin America. The experiences of the United States and of the European Economic Community have firmly established the advantages of economic integration on a continental scale, and have shown that these advantages can be achieved progressively by democratic methods, and for the benefit of all.

I have worked most closely with Dr. Lleras, former President of Colombia, in his efforts on the Latin American side and with business and labor leaders on the United States side as well as with others whose names are attached.

Names of Those Linked in the Respective Efforts To Organize a Latin American Action Committee Supporting a Latin American Common Market and an International Cooperating Committee Including Those Who Attended a Meeting in New York City, April 8, 1967

ARGENTINA

Mr. Raul Prebisch, Secretary General, United Nations Conference on Trade and Development.

---

[1] Wherever the term "Latin America" is used in this text, it is to be understood that it includes all the member states of the OAS save the United States of America. The term "Presidents" also includes the Prime Minister of Trinidad and Tobago. The term "Continent" comprises both the continental and insular areas.

Mr. Juan B. Martin, President, Integracion Alalc, CICYP.

BRAZIL

Honorable Edmundo Barbosa da Silva, former Ambassador to the United States.

Honorable Roberto Campos, former Minister of Coordination, Government of Brazil.

Honorable Moreria Salles, former Ambassador to the United States.

CANADA

Mr. David M. Culver, President and Director of ALCAN International Ltd.

Mr. John S. Proctor, Bank of Nova Scotia.

COLOMBIA

Dr. Alberto Lleras Camargo, chairman, editorial board, Vision, Inc., former President, Colombia.

Mr. Jorge Mejia, Banco de Bogotá.

Mr. Alberto Samper, Bavaria, S.A.

CHILE

Honorable Sergio Gutiérrez, former Ambassador to the United States and to Argentina.

Mr. Augustin E. Edwards, president, Diario "El Mercurio".

MEXICO

Mr. Arturo Jauregui H., Secretary-General, Inter-American Organization of Workers of the International Confederation of Free Trade Unions.

Mr. Antonio Ruiz Galindo, Jr., Sub-Director, Ejecutivo, D.M. Nacional, S.A.

Mr. Rodrigo Gomez, Banco de Mexico.

Mr. Bruno Pagliai, Tamsa.

Mr. Javier Bustos, Banco Nacional de Mexico.

NICARAGUA

Dr. Enrique Delgado, Manager, Northern Regional office, ADELA, Technical and Management Services Co., S.A.

PERU

Mr. Carlos Ferreyros, President, Enrique Ferreyros and Company.

UNITED STATES

Honorable Jacob K. Javits, United States Senator from New York.

Mr. George S. Moore, President, First National City Bank.

Mr. David Rockefeller, President, The Chase Manhattan Bank.

Mr. Emilio G. Collado, Executive Vice-President, Standard Oil Company of New Jersey.

Representative for Senator Birch Bayh (D.-Ind.), Clark Norton.

Mr. E. R. Molina, Ford Motor Company, Dearborn, Mich.

Mr. Forest Murden, Allen & Murden, New York City.

VENEZUELA

Mr. Gustavo J. Vollmer, President, Ron Santa Teresa.

INTERNATIONAL ORGANIZATIONS

Dr. Felipe Herrera, President, Inter-American Development Bank.

Mr. William Doherty, Jr., Administrator, American Institute for Free Labor Development, AFL–CIO.

Mr. Andrew McClellan, Inter-American Representative to AFL–CIO.

Mr. Carlos Manuel Castillo, Permanent Secretariat, Central American Common Market.

Representative for Dr. Carlos Sanz de Santamaria, Chairman, Inter-American Committee for the Alliance for Progress, Organization of American States, Mr. Theodore Mesmer.

His Excellency Dr. JOSÉ A. MORA,
Secretary General of the Organization of American States, Punta del Este, Uruguay

EXCELLENCY: We respectfully request your Excellency to kindly distribute copies of this message to the distinguished Presidents of the American nations meeting together in Punta del Este.

We have been commissioned to present to the Meeting of Presidents the respectful greetings of a group of Americans from the North and South of the Hemisphere who, jointly with personalities from Europe and from other industrialized countries, have been preparing the organization of an action committee composed of persons from Latin America and an international cooperating committee in order to mobilize public opinion among the peoples represented by the Chiefs of State who are meeting in Punta del Este in favor of the Latin American Common Market and those other forms of integration of the zone that may become advisable and opportune in our time.

The steps that are to be taken in this direction at that governmental meeting will assuredly be decisive for the destiny of Latin America, and in the name of our fellow workers we have been asked to give our enthusiastic applause to the American leaders and to offer them our active and very sincere support.

The Organizing Committee over which we have been presiding proposes to create the above-mentioned two action committees, on which the labor, commercial, academic, parliamentary and press sectors should be fully represented, not only from the Latin American countries but also from other nations that may be interested in the development of the Latin American Common Market and that may be disposed to promote it, in order to take advantage of governmental measures in this regard and to accelerate the process of integration of the zone.

When we initiated our activities about a year ago, one did not foresee so soon the moment of a governmental decision such as is now being made as a result of the determination, intelligence and foresight of the Chiefs of State who are meeting in Punta del Este. Consequently, we are most gratified and stimulated by the fact that, insofar as the decisions of the governmental authorities are concerned, the way seems to be cleared for Latin American integration which will create a powerful economic unit in this part of the world, capable of cooperating on a more even plane with the industrialized countries and with other zones organized in common market systems, such as the European zone. For this reason, as the deliberations of the Chiefs of State commence, we wish to convey to them the expression of our faith in Latin American integration and the certitude that what is decided in Punta del Este is going to find in hemispheric public opinion a very favorable response and a disposition to cooperate intensely in arriving at the objective of a Common Market, without any vacillation.

This is the commission that we have received from the group that is organizing an effective and enthusiastic private action for the same purpose as the objectives of the meeting in Punta del Este.

Very respectfully yours,

ALBERTO LLERAS.
JACOB JAVITS.

RAPID SLUM REHABILITATION

Mr. JAVITS. Mr. President, I call the attention of the Senate to an extraordinary effort at rehabilitation of slum property undertaken in New York, called "instant rehabilitation," which took place in 48 hours, and in which the insides of an apartment in a typically beaten up slum dwelling were torn out and new insides installed.

My wife was present at the ceremonies, and from her report and press reports it seems to me a most auspicious experiment in rehabilitation which would materially accelerate the attack upon slums and solve many other problems, like relocation costs.

I ask unanimous consent that news stories from the New York Times and the New York Daily News on this subject may be made a part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 14, 1967]

INSTANT REHABILITATION PROVES INSTANT SUCCESS—48-HOUR, $1-MILLION PROJECT DELIGHTS LOWER EAST SIDE TENANTS—MAYOR TO DESIGNATE 10 MORE BUILDINGS

(By Steven V. Roberts)

Mrs. Willie May Grier's four children burst into their new apartment yesterday and their cries of delight echoed through the freshly painted halls of the ancient tenement.

They dashed from room to room, turning on the bathroom-sink faucets, pulling open the refrigerator, sliding the closet doors back and forth.

"It's beautiful, lovely, gorgeous," said Mrs. Grier.

"I like it here," said 6-year-old Daniel. "There's a lot of room."

Forty-eight hours earlier the tenement at 633 East Fifth Street had been a decaying hulk of crumbling plaster, broken windows, leaky pipes and moldering garbage.

But through a revolutionary engineering process called "instant rehabilitation" the building had been outfitted with entirely new walls, floors, window frames, appliances, and electrical and plumbing systems.

The demonstration culminated a year of experimentation with materials and work methods on two adjoining tenements, 635 and 637. A lengthy plumbers' strike and the city's insistence that the heating system in the first two buildings did not meet safety standards delayed the final test, which was first scheduled for late last summer.

GRANT OF $1 MILLION

Conrad Engineers, a California concern, directed the experiment with a $1-million grant from the Federal Department of Housing and Urban Affairs. The buildings are owned by the Carolyndale Foundation, which holds a $568,400 mortgage insured by the Federal Government.

At a crowded ceremony in the middle of East Fifth Street yesterday, Mayor Lindsay announced that the city would soon designate 10 more buildings to be renovated by the same process. He also urged his officials to find ways "to put this system on an operational basis for wide application in New York City."

In the shadow of a closed synagogue, Puerto Ricans and Negroes, who have largely replaced Jewish immigrants in the tenements of the Lower East Side, sat in rows of folding chairs. On the fire escapes of the renovated building lounged the burly workmen in hard hats who had given them hope for a new life.

Robert C. Weaver, Secretary of Housing and Urban Development, presented the keys to the first apartment to Mrs. Percenia Davila and her two children.

In his remarks Mr. Weaver said that instant rehabilitation "is not the whole answer by any means" to the problem of slum housing.

"But," he continued, "it is one answer—and one that we have been looking for as a way to get moving toward saving buildings, and therefore saving neighborhoods for the people who live in them."

The experiment began Tuesday morning when the 12 families occupying No. 633 were moved to a hotel and their belongings were put in storage. At 10 A.M. Edward K. Rice, the president of Conrad, blew a whistle and a wrecking crew entered the structure.

Only the skeleton of floors, stairways, and a few walls were left by the evening. Three holes were cut in the roof and preassembled bathroom and kitchen units were lowered by a 250-foot crane as floodlights lit the scene.

On Wednesday, walls and floors were covered, electric and plumbing lines connected, and closets installed. By 8:30 P.M. painting had begun.

Yesterday morning, 47 hours 52 minutes and 24 seconds after work had begun, some paint was still wet and the backyard was littered with refuse, but otherwise the building was ready for the tenants to return.

Mr. Rice estimated that he needed about a month to study a building before he starts, and about two months to assemble enough kitchen and bathroom units. He said the cost should come to about $11,000 an apartment, compared with $13,000 for conventional rehabilitation and between $20,000 and $23,000 for new construction.

Rents in the old apartments ranged from $42 to $72 a month. They will go up to an average of $85 a month, but the families, in their renovated apartments will pay only 25 per cent of their income for rent. The Federal rent subsidy program will make up the rest.

Housing experts generally agree yesterday that the experiment had been useful in discovering new work methods to cut the time for rehabilitation. This virtually eliminates the problem of relocation, which has plagued every redevelopment project in the city.

They agreed also that valuable new products, such as highly durable wall and floor coverings and expandable window frames, had been devised.

Defenders of rehabilitation point out that it preserves neighborhoods to which people are attached. But critics insist that some neighborhoods are not worth saving. They agree with the elderly resident of the area who said yesterday: "If I could have a new apartment I'd move out of the neighborhood."

HOLE-IN-ROOF PROJECT OPENS DOOR FOR MORE

(By Gene Spagnoli)

Tenants of the lower East Side tenement that has undergone instant rehabilitation joyfully received their keys to the new apartments yesterday as construction workers racing to beat the clock nipped the 48-hour goal by seven minutes.

Mayor Lindsay, speaking at ceremonies after inspecting the building at 633 E. Fifth St., called the project a "resounding success" and announced a program for widespread use of the new method.

He said he would designate 10 additional buildings in a few days to be made available for the demonstration.

SEES MORE TO COME

U.S. Secretary of the Department of Housing and Urban Development, Robert Weaver alluded to the new technique, which involves cutting holes in the roof and floors and lowering preassembled units to the apartments.

"It may be that this is the first hole-in-the-roof ceremony in the entire history of thousands of years of construction—but it will not be the last," he said.

The tenants, who had been housed in a nearby hotel since Tuesday, waited patiently as the band played, the chorus sang, and the speakers spoke.

Then it was their turn, and the keys were handed over by Lindsay, Weaver, whose department backed the experimental work, and Mrs. Carol Haussamen, president of the Carolyndale Foundation. The non-profit foundation owns that building and the two adjacent to it on which much of the experimenting was done.

First tenant to move back in was Mrs. Percenia Davilia and her family, including Gregory, 11, and his goldfish.

"Beautiful," she said. "Now I have private rooms and a nice kitchen. I didn't think it could be done."

Other tenants, in general, shared her feelings.

But there was a flurry of dissatisfaction that had Frances Levenson of the city Rent and Rehabilitation Administration, running around to placate one tenant.

NOT BIG ENOUGH

That happened when Mrs. Gloria Murray, who has lived there two years with her daughter, Gloria, took one look at her new apartment and bolted for the street crying: "It's not big enough—I'm going back to the hotel."

Her daughter agreed: "It's too small—it's junk, that's what it is. Momma is mad and I don't blame her."

Mrs. Levenson went after Mrs. Murray and assured her that a mistake had been made—and placated her by giving her a bigger apartment.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTMENT TAX CREDIT

The Senate resumed the consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

Mr. PROUTY. Mr. President, I send to the desk an amendment in the nature of a substitute, and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Vermont in the nature of a substitute will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PROUTY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment offered by Mr. PROUTY is on page 4, after line 6, insert the following new section:

SEC. 5. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. EXPENSES OF HIGHER EDUCATION.

"(a) GENERAL RULE.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount, determined under subsection (b), of the expenses of higher education paid by him during the taxable year to one or more institutions of higher education in providing an education above the twelfth grade for himself or for any other individual.

"(b) LIMITATIONS.—

"(1) AMOUNT PER INDIVIDUAL.—The credit under subsection (a) for expenses of higher education of any individual paid during the taxable year shall be an amount equal to the sum of—

"(A) 100 percent of so much of such expenses as does not exceed $200.

"(B) 10 percent of so much of such expenses as exceeds $200 but does not exceed $500, and

"(C) 5 percent of so much of such expenses as exceeds $500 but does not exceed $1,500.

"(2) PRORATION OF CREDIT WHERE MORE THAN ONE TAXPAYER PAYS EXPENSES.—If expenses of higher education of an individual are paid by more than one taxpayer during the taxable year, the credit allowable to each such taxpayer under subsection (a) shall be the same portion of the credit determined under paragraph (1) which the amount of expenses of higher education of such individual paid by the taxpayer during the taxable year is of the total amount of expenses of higher education of such individual paid by all taxpayers during the taxable year.

"(3) REDUCTION OF CREDIT.—The credit under subsection (a) for expenses of higher education of any individual paid during the taxable year, as determined under paragraphs (1) and (2) of this subsection, shall be reduced by an amount equal to 2 percent of the amount by which the adjusted gross income of the taxpayer for the taxable year exceeds $10,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) EXPENSES OF HIGHER EDUCATION.—The term 'expenses of higher education' means—

"(A) tuition and fees required for the enrollment or attendance of a student at a level above the twelfth grade at an institution of higher education, and

"(B) fees, books, supplies, and equipment required for courses of instruction above the twelfth grade at an institution of higher education.

Such term does not include any amount paid, directly or indirectly, for meals, lodging, or similar personal living, or family expenses. In the event an amount paid for tuition or fees includes an amount for meals, lodging, or similar expenses which is not separately stated, the portion of such amount which is attributable to meals, lodging, or similar expenses shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) INSTITUTIONS OF HIGHER EDUCATION.—The term 'institution of higher education' means—

"(A) an educational institution (as defined in section 151(e)(4))—

"(i) which regularly offers education at a level above the twelfth grade, and

"(ii) contributions to or for the use of which constitute charitable contributions within the meaning of section 170(c); or

"(B) a business or trade school, or technical institution or other technical or vocational school in any State, which (i) is legally authorized to provide, and provides within that State, a program of post-secondary vocational or technical education designed to fit individuals for useful employment in recognized occupations, and (ii) is accredited by a nationally recognized accrediting agency or association listed by the United States Commissioner of Education, and (iii) has been in existence for two years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subparagraph.

"(3) STATE.—The term 'State' includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands.

"(d) SPECIAL RULES.—

"(1) ADJUSTMENT FOR CERTAIN SCHOLARSHIPS AND VETERANS' BENEFITS.—The amounts otherwise taken into account under subsection (a) as expenses of higher education of any individual during any period shall be reduced (before the application of subsection (b)) by any amounts received by such individual during such period as—

"(A) a scholarship or fellowship grant (within the meaning of section 117(a)(1)) which under section 117 is not includible in gross income, and

"(B) Educational assistance allowance under chapters 34 and 35 of title 38 of the United States Code.

"(2) NONCREDIT AND RECREATIONAL, ETC., COURSES.—Amounts paid for expenses of higher education of any individual shall be taken into account under subsection (a)—

"(A) in the case of an individual who is a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction for which credit is allowed toward a baccalaureate or higher degree, and

"(B) in the case of an individual who is not a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective.

"(3) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) to the taxpayer shall not exceed the amount of the tax imposed on the taxpayer for the taxable year by this chapter, reduced by the sum of the credits allowable under this subpart (other than under this section and sections 31 and 39).

"(4) EXCESS CREDIT TREATED AS OVERPAYMENT.—If the amount of the credit allowed by subsection (a) (determined without regard to paragraph (3)) exceeds the amount of the tax imposed by this chapter for the taxable year, reduced by the sum of the credits allowable under this subpart (other than this section and sections 21 and 39), the amount of such excess shall be treated as an overpayment of the tax imposed by this chapter.

"(c) DISALLOWANCE OF EXPENSES AS DEDUCTION.—No deduction shall be allowed under section 162 (relating to trade or business expenses) for any expense of higher education which (after the application of subsection (b)) is taken into account in determining the amount of any credit allowed under subsection (a). The preceding sentence shall not apply to the expenses of higher education of any taxpayer, who, under regulations prescribed by the Secretary or his delegate, elects not to apply the provisions of this section with respect to such expenses for the taxable year.

"(f) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Expenses of higher education.
"Sec. 41. Overpayments of tax."

SEC. 2. The amendments made by this Act shall apply to taxable years beginning after December 31, 1966.

Mr. SMATHERS. Mr. President, is the Senator going to ask for the yeas and nays on the amendment?

Mr. PROUTY. I expect to do so later on; not at this time.

Mr. SMATHERS. The Senator does not want to at this time?

Mr. PROUTY. Not at this time.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. BAYH. Without giving away any deep, dark secrets of strategy on the part of the Senator from Vermont, I would like to ask if at some time he is going to ask for the yeas and nays.

Mr. PROUTY. Yes. I may say that there will be a live quorum before the vote.

Mr. SMATHERS. Mr. President, if the Senator is going to ask for the yeas and nays, why does he not have them ordered now?

Mr. PROUTY. Very well. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PROUTY. First, Mr. President, I wish to commend the distinguished Senator from Connecticut [Mr. RIBICOFF] and the distinguished junior Senator from Colorado [Mr. DOMINICK] for the work they have done in bringing this legislation before the Senate. I might say, also, that I am a cosponsor of their bill. I believe in its principle. I believe the approach is reasonable and sound. The only reason why I offer the substitute is I think it will make it a better bill.

Mr. President, the amendment I now call up is in most respects identical to the one offered by my good friends, the Senator from Connecticut [Mr. RIBICOFF] and the Senator from Colorado [Mr. DOMINICK].

It does, however, contain three important points of difference which I feel makes it a more attractive amendment.

First, the sliding scale for the tax credit allowable is designed to give more assistance, proportionally, to taxpayers who are sending a student to a less expensive college or university, such as a State university.

Of course the taxpayer who is putting a son through Harvard or Yale would still claim more credit than the father of a young man at the University of Vermont. But he would not get quite so much more as he would under the Ribicoff-Dominick bill.

The sliding scale in their bill provides for a credit in an amount equal to 75 percent of the first $200 of allowable expenses; plus 25 percent of the next $300, plus 10 percent of the next $1,000, for a maximum credit of $325.

In my bill, the taxpayer could claim a credit equal to 100 percent of the first $200 of allowable expenses; plus 10 percent of the next $300, plus 5 percent of the next $1,000, for a maximum credit of $280.

While I am aware that exceptions can always be cited, Mr. President, I think it is safe to say, in general, that the students who need financial help most by and large do not go to Harvard. The ones who need help the most are those for whom getting through a State college is a real achievement, financially, and not those who can even begin to consider an expensive Ivy League school.

By tilting the sliding scale to the lower income side, my bill focuses the help more on those who have the greatest need for it.

Second, in my bill the credit reduction for higher income taxpayers goes into effect at a lower income and operates twice as rapidly as in the Ribicoff-Dominick bill.

In their bill, the amount of credit a taxpayer can claim is reduced by an amount equal to 1 percent of his adjusted gross income in excess of $25,000.

In my bill, the corresponding reduction begins to take effect at $10,000, and represents an amount equal to 2 percent of the taxpayer's adjusted gross income in excess of that figure.

Applying these figures, it can easily be seen that where the Ribicoff-Dominick bill would make credits available to taxpayers with adjusted gross incomes as large as $57,500, my bill would make credits available only to taxpayers with an adjusted gross income less than $24,000.

The third difference between the two bills relates to the poor man who somehow is managing to send his son to a moderately wealthy school or just to any school. Under the Ribicoff-Dominick bill the amount of credit a taxpayer could claim is limited by his tax liability; that is, if he only owes Uncle Sam $150 in taxes, there is no way he can claim a credit larger than $150, even though his computed entitlement might have been $300.

My bill takes the bull by the horns by providing that in such a case the difference between the allowable credit and the tax liability be treated as an overpayment of tax and thus refundable in cash to the taxpayer.

This, I think, effectively answers the accusation that the poor taxpayer gets shut out of this type of legislation. In my bill he could claim his credit and enjoy it all, regardless of his tax liability.

I have asked the Treasury to estimate the gross revenue loss of my amendment. After calculating the three effects separately and combining them, the Treasury reported that the effect of the amendment offered by the distinguished Senator from Connecticut [Mr. RIBICOFF] and the distinguished Senator from Colorado [Mr. DOMINICK] would be virtually the same.

It would seem to me, Mr. President, that the three changes I have cited might well be enough to sway Senators who find the Ribicoff-Dominick proposal unacceptable; and thus I urge its adoption.

Mr. President, I might point out—and it has been suggested by other Senators—that this is not the most propitious time to introduce legislation of this nature. I would not have done so, even though I believe in the philosophy involved in both proposals; but, inasmuch as the bill is before us, I felt that I had no alternative other than to try to perfect it and make it a bill which will be much more equitable and fair to the lower income groups in our population, who certainly have the most difficult time putting their sons and daughters through college.

Mr. GORE. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. GORE. Though, as the Senator knows, the senior Senator from Tennessee thinks the whole concept of a tax credit only for parents of children in college is in itself inequitable, as between the pending amendment and the substitute which the able Senator now offers, it seems to me that the substitute has more equity and approaches the yardstick of fairness more nearly, than does the proposal to give a credit to all taxpayers with children in college, whether they have tax liability or not, or whether they have great tax liability or small tax liability.

Mr. PROUTY. I appreciate the Senator's comment very much, and I hope that perhaps later on, when there are more Senators present, he will again voice that conviction.

Mr. President, I have no desire to prolong the debate on this question. Shortly, I shall suggest the absence of a quorum. It will be a live quorum, and I hope that I shall have an opportunity to speak not more than 1 to 3 minutes before the vote.

Mr. President, I suggest the absence of a quorum.

Mr. BAYH. Mr. President, will the Senator withhold that request momentarily?

Mr. PROUTY. I withhold the request.

Mr. BAYH. So that I might, following his excellent presentation, voice my support for the philosophy which his amendment proposes?

Mr. PROUTY. Yes.

Mr. BAYH. My good friend, the Senator from Connecticut, with whom I had the privilege of coming into the Senate in the same year, following his period of excellent service in the Cabinet, is as well aware of the problems of education as any man in America; and I must say that the two previous times I have been in the position of having to examine my conscience and vote against the Ribicoff approach, it has been very difficult. In the period of time I have been in the Senate, as well as during the 8 years I served in the Indiana General Assembly, if there is one area about which I have been more concerned than any other, it has been the problem of trying to promote education both at the State and National levels.

The one aspect of the proposal of the Senator from Connecticut which convinced me I had to do what I had not yet done, namely, vote "no" against an education measure—was the issue toward which the Senator from Vermont directs his amendment; namely, equalizing the credit so that no matter what income bracket a student happens to be in, or what his family status, he will be treated equitably.

It seems to me it puts all of us in a most difficult position to explain to our constituents, and, indeed, to ourselves, where a man is so poor or has so many children that he does not have sufficient tax liability, and his child is not in the upper echelon of intelligence, so that he would qualify for a scholarship, that such a man is entitled to no relief at all, whereas a person who is a well-off taxpayer receives a sizable credit.

I say fine, let us give this middle income bracket man relief which can be plowed into additional educational purposes. Let us treat those who live in families which do not enjoy such abundance the same way. The tax credit proposal is a good vehicle, but I would hate to see the Senate or, indeed, the public, consider the tax credit plan to be something that it really is not.

Some might oppose the Prouty amendment or a similar proposal as being an outright subsidy and Federal payment to a family with a child in college.

This it is, but there is no way under the sun by which we can describe a tax credit as any other thing. When an individual has a liability to the Federal Government to pay taxes and, because that individual has a child in school he receives this credit, it in effect is the same as if Uncle Sam were to write out a check to John Doe who has a child named Mary in the Indiana University. This is fine. This is good. But, let us afford the same relief to another parent who has a child named Mary at the Indiana University and who does not have a tax liability, so that all children will be treated equally.

I support the amendment.

Mr. PROUTY. The Senator from Indiana has stated the case for my amendment far better than I could myself. I thank him.

Mr. DOMINICK. Mr. President, I am reluctant to do this, but I think it is imperative that I do so in order to set the record straight.

I will be forced to oppose the Prouty substitute.

The bill that the Senator from Connecticut and I have been working on for the last 4 years—and really longer than that—has been designed to a great extent with the aid and assistance of specialists from universities, both State and private, and with the aid and assistance of the Citizens Committee for Higher Education operating out of Indiana. I am sorry that the junior Senator from Indiana is not present on the floor.

The concept, I think, of the tax credit has been accepted largely by the institutions, by the educators, and by the great bulk of the American public.

This was indicated by the CBS poll last year in which, in answer to the question of whether tax credits for higher education would be good or bad, over 70 percent of the people responding replied that it would be good.

The problem with the Prouty amendment is that it cuts out a very fundamental area that was carefully incorporated in the Ribicoff-Dominick bill, and that is the area of providing the opportunity and the incentive to individuals to provide funds for educating people to whom they are not related.

There is a vast source of assistance and aid available at the private level to help other people if we have the incentive to go forward with it. However, by the time we get through computing the formula under which the Prouty amendment is based, we will find that those taxpayers who are going to get any benefit out of his proposal at all are not going to have sufficient funds to be able to help anybody else. Consequently, the whole system of relieving pressures on existing scholarships and the existing money for loans that the universities have will not be assisted by the Senator's amendment at all. And to the extent that we could increase the scholarship funds, the benefits would be almost eliminated by the formula presented before us at the moment.

The second point is that it seems to me it is somewhat dangerous for us to embark on what is called the negative income tax.

We have had no hearings on this proposal to the best of my knowledge. There has been no discussion of the overall costs. We do not know what it is going to mean in terms of the adoption of a new principle.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. PROUTY. Mr. President, I had cost figures which I mentioned earlier. They indicated that taking into consideration all of the costs which I indicated, they would be practically identical in the case of my amendment and in the case of the amendment offered by the distinguished Senator.

Mr. DOMINICK. Mr. President, I appreciate that statement. I was not able to be present in the Chamber at the beginning of the speech of the Senator.

It does not take more than a cursory glance to see that the cost estimates would vary considerably in the Senator's amendment according to the number of students going into college.

This would be very difficult to determine in advance.

We have had some figures bruited around the floor of the Senate today by other Senators who are in opposition to the Ribicoff-Dominick proposal.

I do not include the Senator from Vermont in that category. However, the Senator from Minnesota and the Senator from Florida were talking about $1.4 billion.

It is my recollection—and I wish the Senator from Connecticut would correct me if I am wrong—that this would amount to between $600 million and $700 million the first year, and that it would thereafter go up. Further, by 1970, it would be as high as $1.2 billion if everybody started to take advantage of it. However, the immediate impact would not be as great as has been stated on the floor.

Mr. RIBICOFF. The figures of the Senator are correct. The figures are on the basis that the figures for the first year would apply to only the last half of this year. It is easy to extrapolate that figure when we consider the number of students who will be in college in 1970. It would go up to $1.2 billion by 1970. The Senator is correct.

Mr. DOMINICK. I thank the Senator from Connecticut.

The other thing which bothers me about the Prouty proposal and, as I have said, about the negative income tax proposal is that it is a totally new principle.

It is designed, I would presume, to equalize the Ribicoff-Dominick amendment. However, as a matter of fact, the statements that have been made by the Senator from Indiana in connection with our proposal are simply not realistic. They wholly ignore the Federal grants and scholarships which have already been provided at the Federal level to take care of this very group of people.

The Prouty amendment does nothing about eliminating this. It merely adds another group.

Both the Senator from Vermont and I have served on the Subcommittee on Education of the Committee on Labor and Public Welfare. We have worked very hard on the higher education bill to make sure that those people who need assistance to get into college because their families and their friends and they themselves do not have any money or are unable to secure scholarships either by loans or grants originating from either private or public funds.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. RIBICOFF. I, too, am concerned that a past Congress voted 140,000 scholarships to take care of lower income groups. It is interesting to note that the College Scholarship Service, widely used by colleges and universities in considering applications for scholarships and other financial aid, provides a formula under which a man having a gross annual income of $6,000, with one child in college and no other dependents but his wife, is expected to contribute $790 a year from his income before his child is entitled to scholarship assistance. Such a person, earning $6,000 and taking the standard deduction, pays an income tax of $552. This leaves only $5,448 net income each year. If he were earning $8,000 a year, he would have net income of $7,114 after income tax, and out of that he would be expected to pay $1,290 toward college expenses.

What should be pointed out is that two-thirds of the benefits, under our proposal, would go to persons having incomes under $10,000. A person having an income of more than $8,000 a year finds that his child is practically ineligible for a scholarship or scholarship resources that university and college foundations are designed to provide.

Every person in the lower income groups, which happen to be the concern of the junior Senator from Vermont [Mr. Prouty] and the junior Senator from Indiana [Mr. Bayh], would be affected. We have taken this into account after consultation with the heads of colleges and universities who are aware of the total problem.

The Senator from Colorado is making a cogent argument against the proposal of the Senator from Vermont. But, above all, we must be concerned with the fact that the junior Senator from Vermont and the junior Senator from Indiana are proposing a completely new concept in the American social and economic philosophy. They are introducing, for the first time, the proposal of a negative income tax. Once we start a negative income tax of this type, we will go to the welfare proposal. This is a question that concerns many students and scholars. It is a subject of much debate throughout the country now whether to have a negative income tax as a way to compensate people, at a cost of $12 billion.

Under such a proposal, the entire mare's nest of the negative income tax would be opened up. I do not believe the Nation is ready to adopt the new philosophy of a negative income tax.

Mr. DOMINICK. I completely agree with the distinguished Senator from Connecticut. He has made an even more blunt reply to the proposal of the Senator from Vermont than I gave originally.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. BAYH. Much as I respect the judgment of the Senator from Connecticut, I find it quite difficult to equate a program which would provide educational assistance for those in low- and even high- and middle-income brackets with a program of welfare which is designed for only one segment of the population.

I share strongly the feeling of the Senator from Connecticut, as he voiced it, in opposing the philosophy that is espoused by some persons that the payment may become a welfare payment. But we are saying that we shall provide some kind of tax credit or financial relief for children of families that are better off or are better able to afford a repayment of tuition than are those who are on relief. That is the inequality of the proposal that concerns me.

Mr. DOMINICK. The answer I was making to the statement by the Senator from Indiana on this point—and unfortunately he was not in the Chamber when I made it—is, I think, fairly simple. First, we have the example of the GI bill.

Second, as the Senator from Connecticut has pointed out, 140,000 scholarships were authorized last year.

Third, there is the Federal grant and loan system to take care of the many cases which the Senator is talking about.

Before we submitted our particular form of amendment, we had discussed these problems with the universities, and their feeling was that the great need for assistance at this point was in the very group that we are trying to assist at this time. This was not a situation where they say they had to turn down people because of not having any money. This was a situation in which they say the person who should be getting assistance is the one I call the forgotten taxpayer, the forgotten man in American politics, who is getting no help from the Federal Government, in order to be able to try to fulfill a national policy. That is the group of people we are trying to help.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. BAYH. I am in accord with the Senator from Colorado in wishing to help the forgotten taxpayer. I say that is fine. But let us be careful that in helping the forgotten taxpayer, we do not forget some who are not included.

The Senator correctly pointed out three types of assistance that had been granted—the GI bill, scholarships, loans. I have supported all these programs, as has the Senator from Colorado. In fact, I probably would not be in the Senate if it had not been for the GI bill.

However, I do not recall the GI bill providing that I had to be a member of a family that had taxable income or that my father had tax liability before I could qualify for the GI bill. The GI bill was a program of the type referred to by the Senator from Minnesota [Mr. McCarthy], under which every student was treated similarly. This feature is an important aspect of the Prouty amendment and of the amendment proposed by the senior Senator from Indiana that everyone be treated equitably. Unfortunately, the senior Senator from Indiana withdrew his amendment, but I hope he will submit it again.

Scholarships are fine. I believe this is a strong argument. The fallacy in that argument, however, is that if you are in the medium intelligence range, you might not qualify for a scholarship. But you could be in the medium intelligence range and still qualify for a tax credit.

Loans likewise are fine. But the loan must be repaid. The tax credit need not be repaid.

So it seems to me that in all three of the examples that the Senator from Colorado has referred to, we are still not dealing equitably with each student who goes to college and with the family of each student.

Mr. DOMINICK. I appreciate the very powerful statement that the Senator from Indiana has made. All I can say in that respect is that, first, I do not believe that the facts would indicate that this provision is needed. Second, I do not believe that the universities would agree that it is needed. Third, I do not wish to go into a new principle of taxation here, wholly new—on this negative income tax—when we do not know where it will lead—at least until we have had decisive and extensive hearings to find out what all the facts may be behind it.

Mr. BAYH. I wish to reiterate what I said. I am not opposed to the effort of the Senator from Colorado and the Senator from Connecticut to try to provide this relief to the citizens——

Mr. DOMINICK. I hope that the Senator from Indiana will support us if the Prouty amendment is not adopted.

Mr. BAYH. I am not opposed to the idea of the Senator from Colorado and of the Senator from Connecticut, to try to find some assistance for the forgotten taxpayer. But let us not forget those who would not be covered by the amendment.

Although I have had strong support from the people of my State with respect to this matter, officials of the colleges have not told me that the money could not be put to good use by the students and the families of the students who are not covered by the amendment.

Mr. PROUTY. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, will the Senator from Vermont withhold his suggestion for a quorum?

Mr. PROUTY. I withhold my suggestion.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, the distinguished Senator from Vermont is about to suggest the absence of a quorum. It will be a live quorum. I ask unanimous consent that when a live quorum is arrived at, there be a limitation of 20 minutes on the pending amendment, 10 minutes under the control of the Senator from Vermont [Mr. Prouty] and 10 minutes under the control of the manager of the bill, the Senator from Louisiana [Mr. Long], and all amendments thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I make the same unanimous-consent request with respect to the Ribicoff amendment that I have made in connection with the Prouty amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 76 Leg.]

Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brewster
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Fannin
Fong
Gore
Griffin
Gruening
Hansen
Hart
Hartke
Hatfield
Hickenlooper
Hill
Holland
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, Idaho
Kuchel
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
Miller
Monroney
Montoya
Morse
Moss
Mundt
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

The pending question is the Prouty substitute for the Ribicoff amendment. Under the previous unanimous-consent agreement, time is limited to 20 minutes, 10 minutes on a side.

Mr. PROUTY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. PROUTY. First, I should like to point out that I am a cosponsor of the Ribicoff-Dominick amendment and will vote for it if my substitute fails to be adopted.

However, I think that my substitute is a much more equitable approach to the problem that we are concerned with than the original amendment.

Senators will find on their desks a comparison of the two proposals.

My amendment is identical to S. 1371 and is a modified version of the Ribicoff-Dominick college tax credit amendment.

The two bills differ in these respects:

Under the Prouty proposal, the sliding scale for tax credits is 100 percent of the first $200 of college expenses, 10 percent of the next $300, and 5 percent of the next $1,000.

Under the Ribicoff-Dominick amendment, the scale would be 75 percent of the first $200, 25 percent of the next $300, and 10 percent of the next $1,000.

The maximum amount of credit will be reduced under my proposal by 2 percent of the taxpayer's adjusted gross income in excess of $10,000.

Under the Ribicoff-Dominick proposal, it would be reduced by 1 percent of the taxpayer's adjusted gross income in excess of $25,000.

Under the Prouty proposal, there is no credit for taxpayers with an adjusted gross income in excess of $24,000.

Under the Ribicoff-Dominick proposal, there will be no credit for taxpayers with an adjusted gross income in excess of $57,500.

Taxpayers with an insufficient tax liability to take advantage of the credit available to them would be entitled to receive the difference between the actual tax liability and the greater amount of the credit for which they are eligible. This difference would be treated as an overpayment of tax and refunded to the taxpayer.

The Prouty modified tax credit amendment would, as a result of the modifications, give proportionately less benefit to wealthier taxpayers. It would insure that every taxpayer could benefit from this credit, even when his tax liability was less than the full amount of the credit for which he was eligible.

The Treasury has estimated the tax cost would be approximately the same as that of the Ribicoff-Dominick amendment.

A few minutes ago, a Senator approached me to say that he was opposed to any legislation of this nature at the present time, but as between the two proposals, he would support mine because it is so much more equitable to the low-income person who is struggling to educate his sons and daughters in the colleges of this Nation.

I think that this is a fair, reasonable, and realistic approach. I hope very much that the Senate will accept my substitute and then support the modified Ribicoff-Dominick amendment.

Mr. President, I reserve the remainder of my time.

Mr. RIBICOFF. Mr. President, I yield 5 minutes to the Senator from Colorado [Mr. DOMINICK].

Mr. DOMINICK. Mr. President, reluctantly, I must oppose the amendment of the Senator from Vermont, but I think, in all justification for the benefit of those Senators who were not here when I was speaking before, I must tell them why.

If we accept the amendment of the Senator from Vermont, we would find ourselves embarked on a wholly new principle of taxation law; namely, the negative income tax. This would be done with respect to the educational field, without extensive hearings, and without knowing exactly what it will bring us.

Another point I should like to make is that the cutoff credit which we would get under the Prouty amendment would be at such a point as to substantially eliminate the possibility of people being able to pay out of their own pockets the costs of the educational fees and books of a taxpayer who was not related to them.

The purpose of having a higher amount than the Senator from Vermont is to stimulate the production of scholarship funds with which the institutions would be able to help those who do not have the money to send their children to college. We can help them here by giving them a credit support. This would give us a substantial new source of income for the purpose of educating our young people.

It seems to me that these two points are of substantial importance.

The Ribicoff-Dominick amendment has been carefully worked out in great detail with members of the educational institutions of this country, both public and private. We have talked about where the area of need is and we have discussed how to generate tax funds for the benefit of educational institutions, the taxpayers, and our young people. We believe that our approach is more sound—particularly, I might say, more so than if the Prouty amendment should be adopted, because the Prouty amendment would generate a new principle of taxation; namely, the negative income tax.

Mr. RIBICOFF. Mr. President, I am prepared to yield back the remainder of my time.

Mr. BAYH. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. PROUTY. Mr. President, I yield such time to the Senator from Indiana [Mr. BAYH] as he may need.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. I thank the Senator from Vermont.

Mr. President, I fear that what I say now has already been said, but inasmuch as some of our colleagues are present who were not previously present, I ask their forgiveness for speaking at this time.

Basically, I find myself in agreement with the purpose of the amendment of the Senator from Connecticut and the Senator from Colorado. Its purpose is designed to plow more of our national resources back into the education of our boys and girls at the college level. I salute them and hope to help them in that effort.

I also commend the Senator from Vermont for his effort in trying to make this reinvestment in college education more equitable. It has been pointed out by Senators in support of the Prouty amendment that the main thrust of this proposal is to see to it that a child in a low-income-bracket family is going to get the same relief as those who are provided for under the Ribicoff amendment, which provides for families in the higher and middle income brackets. It has been said in defense of the Ribicoff amendment that those in the low-income brackets now already receive relief under the GI bill and the scholarship bill and receive loans. I pointed out earlier that I would not be here if it were not for the GI bill. But in receiving benefits under the GI bill, we were not asked under what income bracket our fathers fell. All receiving benefits under the GI bill who went to college were treated similarly.

A loan may go to assist a person from a low income family, but that child has to pay that loan back. Under a high income tax credit, that money does not have to be paid back.

With respect to scholarships, a child of moderate intelligence in a low income bracket family would probably not qualify.

I hope we can accept the Prouty amendment, so that if a child from a poor family goes to college, his parents will get equitable treatment as would the child in a high or medium income bracket family.

Mr. PELL. Mr. President, in connection with the remarks of the Senator from Indiana, I think it is of interest to note that the amount of money——

The PRESIDING OFFICER. Does the Senator from Vermont yield time to the Senator from Rhode Island?

Mr. PROUTY. I yield such time as the Senator may need——

Mr. PELL. I am against both amendments' approaches.

The PRESIDING OFFICER. Without objection, the Senator from Rhode Island is recognized.

Mr. PELL. The increase in amount of money that is being paid by World War II veterans to our Federal Government in income tax payments exceeds the cost to our Government of all the scholarships provided for under the old GI bill. It is better to make the payments out of the General Treasury rather than fiddling and complicating further our income tax returns. Moreover, there should be no relationship between a young person's financial means and his or her opportunity to go to college. We are one of those countries that relates one's financial means with the opportunity to go to college. My hope is that we can extend the period of public education accomplished through from 12 to 14 years—and this would be the enactment of S. 366.

Mr. GORE. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. GORE. With respect to the equities and inequities involved, I am advised by the staff that for the same amount of tax reduction involved in either of the pending amendments we could give a 25 percent tax reduction to every family in America with incomes up to $5,000 a year. Indeed, I am advised we could completely eliminate all tax liability for all taxpayers with incomes up to $3,000.

So this is a highly inequitable tax reduction, although this is not to say that families with children in college do not need tax reductions. In fact, families with children in high school need tax reductions. But we are singling out one group for tax reduction, and it seems to me it is highly inequitable.

Mr. RIBICOFF. Mr. President, I yield myself 3 minutes.

I think it is fair to point out that in 1965 we in the Senate voted, in higher education legislation, for 140,000 scholarships to lower income students.

I think it is also fair to say that my proposal, in which the Senator from Colorado with 47 Senators combined, is designed to take care of the forgotten man in American society.

Those with lower incomes have all kinds of exemptions. They have all kinds of benefits, low interest rates, and the benefit of bills we passed in the welfare field. The forgotten man in America is the man who is self-respecting, who goes to work every day, who earns his living, who tries to pay off his mortgage, who tries to educate his children. He is the man who is forgotten. He is the backbone of America.

I hope we do not forget him.

Let me read from the guidelines with respect to requirements for college scholarships.

Under them a man with a gross annual income of $6,000, with one child in college and no other dependents but his wife, is expected to contribute $790 a year from his income before his child is entitled to scholarship assistance. Such a person, earning $6,000 and taking the standard deduction, pays an income tax of $552. This leaves only $5,448 net income each year. If he were earning $8,000 a year, he would have a net of $7,114 after income tax, and out of that he is expected to pay $1,290 toward college expenses.

This is the man who needs help. He is faced with high college bills. I think it is time for us to think of the middle class, for he is an important class. Let us not destroy the middle class.

What worries me about the proposal of the Senator from Vermont is that he is introducing for the first time in the American system the principal of the negative income tax. Some seek a guaranteed wage on the poverty level. Irrespective of what is said, one way or the other, it is a guaranteed income. There is nothing worse, as was brought out in our cities hearings, than laws giving somebody something for nothing.

There are many adherents of this principle. It is a subject that we ought to think about carefully. If we adopt the substitute offered by the Senator from Vermont, for the first time we will be accepting a most radical change in our income tax laws. That is the negative income tax approach. I think the Congress should be very chary about going ahead with a proposal of such magnitude and so radical in approach.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RIBICOFF. I yield myself 1 additional minute.

I would hope that we would vote down the proposal of the Senator from Vermont.

The Ribicoff-Dominick proposal has been before us for years. We have debated this proposal in a number of previous sessions. The Senate is aware of the principle whether it votes for it or against it. The proposal of the Senator from Vermont is radical in every respect, and we cannot foresee its consequences. I hope the Senate rejects the proposal.

Mr. PROUTY. Mr. President, I point out that my proposal would cover people with an adjusted income up to $24,000. The Ribicoff amendment would help taxpayers with gross incomes up to $57,500. I do not think those people are struggling too hard to educate their children.

Mr. BAYH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator from Vermont has expired.

Mr. BAYH. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. I would like to reemphasize, with respect to what has been said about the lower and middle income group, that what the Senator from Vermont has said is correct; $57,500 is certainly not what we call lower income. This whole principle is designed to provide more funds for education. But it is proposed to say to a family in which the father has no tax liability, "Dad, you are not entitled to the $250, or $500, that the father in the middle income family is." That is what is done when that person is told that he does not have to pay the $250 on his income taxes.

So let us treat everybody equally, support Senator PROUTY, and then support Senator RIBICOFF.

Mr. RIBICOFF. Mr. President, may I inquire as to how much time I have remaining?

The PRESIDING OFFICER. The Senator from Connecticut has 3 minutes remaining.

Mr. RIBICOFF. I yield myself one-half minute.

Mr. President, I point out that under the Ribicoff-Dominick proposal, two-thirds of the benefits will go to families with incomes under $10,000.

I yield 2 minutes to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, the Senate is about to vote, for the first time, on the principle of a negative income tax. Under the pending proposal, as I understand it, the determination is made as to whether or not the man has any tax liability. If his tax liability is zero, it is considered that he is a poor man.

My question is, what about the fellow who has $8 million or $10 million, and invests it all in tax-exempt securities? He has no tax liability; and under this proposal, he would receive $280 to subsidize the education of his children. He would be a beneficiary to the extent of the full amount of benefits provided.

Mr. President, that is only one of the matters we should consider. We should deliberate very carefully before moving into a new area such as that of the negative income tax.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. How much would this proposal cost the Government?

Mr. WILLIAMS of Delaware. As I understand, about $1.5 billion. We do not have the money to finance it. On June 30, its adoption either would require raising the debt ceiling an additional $1.5 billion, or would result in a 1½-percent tax increase, across the board, for all taxpayers, to make up the deficit that would result from the adoption of either of these two items, the Ribicoff or the Prouty amendment.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. PROUTY. I merely wish to point out that the cost, regardless of which proposal is accepted, is identical.

Mr. WILLIAMS of Delaware. That is correct. As I have stated, regardless which of these proposals is adopted, it would cost $1.5 billion. I hope the pending amendment is defeated, and, with all due respect to the merits of the arguments of the Senator from Connecticut and his associates, at this time, when we do not have the money, I think it is the height of folly to start reducing the revenue of the Government, when we are confronted already with a deficit of about $1.5 billion each month.

Mr. McCARTHY. Mr. President, will the Senator from Vermont yield to me?

The PRESIDING OFFICER. The time of the Senator from Vermont has expired. Does the Senator from Connecticut yield back the remainder of his time?

Mr. RIBICOFF. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the substitute offered by the Senator from Vermont [Mr. PROUTY] for the amendment of the Senator from Connecticut [Mr. RIBICOFF]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Minnesota [Mr. MONDALE] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from North Carolina [Mr. ERVIN], the Senator from Oklahoma [Mr. HARRIS], the Senator from North Carolina [Mr. JORDAN], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Wyoming [Mr. McGEE], the Senator from Montana [Mr. METCALF], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], and the Senator from Oklahoma [Mr. HARRIS] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] and the Senator from Kansas [Mr. CARLSON] are absent on official business.

The Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kentucky [Mr. COOPER] is detained on official business.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from California [Mr. MURPHY] and the Senator from Texas [Mr. TOWER] would each vote "nay."

The result was announced—yeas 16, nays 63, as follows:

[No. 77 Leg.]

YEAS—16

Bayh
Brooke
Burdick
Case
Cotton
Hatfield
Hruska
Javits
McGovern
McIntyre
Moss
Nelson
Pell
Prouty
Tydings
Young, Ohio

NAYS—63

Allott
Anderson
Baker
Bennett
Bible
Boggs
Brewster
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Clark
Curtis
Dirksen
Dominick
Eastland
Fannin
Fong
Gore
Griffin
Gruening
Hansen
Hart
Hartke
Hickenlooper
Hill
Holland
Hollings
Inouye
Jackson
Jordan, Idaho
Kuchel
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
Miller
Monroney
Montoya
Morse
Mundt
Muskie
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, N. Dak.

NOT VOTING—21

Aiken
Bartlett
Carlson
Cooper
Dodd
Ellender
Ervin
Fulbright
Harris
Hayden
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Lausche
McGee
Metcalf
Mondale
Morton
Murphy
Tower
Yarborough

So Mr. PROUTY's amendment, offered as a substitute for the amendment of Mr. RIBICOFF, was rejected.

The PRESIDING OFFICER. The question now recurs on the Ribicoff amendment.

Under the previous unanimous-consent agreement the debate is limited to 20 minutes, 10 minutes to the side.

Mr. RIBICOFF. Mr. President, I am ready to yield back the remainder of my time. I think the arguments have all been previously made.

Mr. LONG of Louisiana. Mr. President, I yield 1 minute to the Senator from Vermont.

Mr. PROUTY. Mr. President, I am sorry that my amendment was rejected. I do think that we have established an approach which will have to be very seriously considered in the future.

I intend to support the Ribicoff-Dominick amendment.

Mr. RIBICOFF. Mr. President, I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I hope the Senate rejects this amendment and the other amendments. This is going to cost $1.5 billion, and we cannot afford it.

We are trying to afford a little relief here and to manufacture some jobs by way of investment tax credit. We have, along with that, a request for a tax bill. Here is another $1.5 billion of expenditures.

If anybody does not believe that we are on the threshold of a recession, he ought to go out and talk to some of the businessmen back home.

I have been on the telephone this week with some of them.

One of my best friends, a very successful businessman, said: "It has not been so tough in 50 years." And that is going back a long way.

We had better mind our public purse right now and vote these amendments down. In addition to that, they have no place in this bill.

I hope that this will not prove to be another Christmas tree bill.

That is all I have to say.

Mr. LONG of Louisiana. Mr. President, I yield 1 minute to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 minute.

Mr. MORSE. Mr. President, as chairman of the Senate Subcommittee on Education, I hope this amendment will be rejected. In my judgment, this is not the place for action on this amendment.

We are going to have other education bills before the Senate. The Senator from Connecticut knows that he will have a full hearing before the committee when we have an education bill.

The administration has made known its opposition time and time again to this kind of class legislation. That is what it is. This is straight class legislation.

This measure should be considered in connection with an education bill so that we can take testimony from various educators as well as tax authorities of the country.

What we will do here if we agree to this amendment is increase the tuition fees at private colleges in the country. The presidents of the colleges have already notified us that that is what they will do. That is not going to benefit the students.

Mr. LONG of Louisiana. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG of Louisiana. Mr. President, in years gone by I have fought amendments of the Senator from Illinois until I was blue in the face. Sometimes I beat him by one vote and sometimes by three or four by means of begging and pleading.

We have accepted bigger amendments on bills than this amendment.

It seemed as if the Senator from Illinois almost repealed the whole Internal Revenue Code in some of the corporate rate continuation acts. If I remember correctly, he either offered or supported amendments to remove the tax from golf bags, handbags, and jewelry, cosmetics, cabarets, and almost everything else. I think he had repealed nearly $5 billion of taxes by 5 o'clock that afternoon. If it had been left up to the Senator from Illinois, he might well have repealed the whole Internal Revenue Code given a little more time.

I am glad that the Senator from Illinois sees that he has some responsibility in this matter. This will cost a lot of money.

Nevertheless, I would be very interested to know what the House thinks about this matter, and I will vote for the amendment.

Mr. RIBICOFF. Mr. President, I yield 1 minute to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, my distinguished friend from Louisiana gets into the stratosphere so quickly when it comes to discussing the receipt of revenue——

Mr. CASE. Mr. President, I wonder if the Senators would let us in on their conversation. [Laughter.]

The PRESIDING OFFICER. The Senate will be in order.

Mr. DIRKSEN. Mr. President, this is

a rather personal and affectionate matter between the Senator from Louisiana and me.

I talked of sundry hundreds of millions of dollars, not billions of dollars. In addition, there is the responsibility of relieving burdens instead of adding burdens.

The whole purpose was to get rid of the paperwork involved. Does the Senator not remember that I had the Senate Chamber crisscrossed with paper to show all of the regulations that had been issued? One would have to be a Philadelphia lawyer and an expert physicist and have a book on logarithms and know the theory of least squares in order to figure out these regulations. This was relief in order to generate business, not to hurt it and not to put another burden on it.

Here is another expenditure burden. We have to get it somehow; and, if we expand it for this purpose, we will either see it reflected in the public debt or there will have to be additional revenue. We cannot spend it and not get it without raising the deficit and raising the debt. I am sure this administration has enough worries with the deficit as it stands, because as I read that budget, it is infinitely larger than the figures that are disclosed in it.

That is the answer to my distinguished but slightly misguided friend the Senator from Louisiana.

Mr. LONG of Louisiana. I yield myself 2 minutes.

I am happy to see my good friend on the other side of the aisle, the Senator from Illinois, starting to display a fiscal conscience in this Chamber. I can recall the day when I had to vote on the Prouty shoot-the-moon amendment, as I called it. It would cost nearly $5 billion over a 5-year period to give a pension to everybody who was not getting one, whether they needed it or not. In fact, it included many of those who were getting pensions, also, if I recall correctly. Just put everybody under social security at a minimum, and do not count against them any other kinds of pensions already given him. We called it the Prouty shoot-the-moon amendment. That would have cost nearly $5 billion over the period and we managed to trim it down to something like $30 million in conference.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. DIRKSEN. Did the Senator say it was done now?

Mr. LONG of Louisiana. I did not say we did it just now. I said I recalled when we did it.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I shall not yield until I finish the next sentence.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I decline to yield until I am ready to do so.

I recall when our good friend, the Senator from Illinois [Mr. Dirksen] decided that we ought to take the tax off ladies' handbags. I opposed it, but he won. Then he wanted to take the tax off other luggage. I opposed it, but he won. Then somebody wanted to take the tax off croquet mallets and other sporting goods. I opposed that, but they won, and by the time they got through, it cost nearly a billion dollars extra.

I opposed all that and fought the Senator from Connecticut as hard as I could when he offered his amendment, and we took all their amendments—but not his—to conference and did the best we could for them, and tried to save the Government at the same time.

If we would do it for the Senator from Illinois and for the Senator from Vermont and for the rest of the Senators over there, I do not know why once in a while we cannot do it for one of the Senators on this side of the aisle.

Mr. PROUTY. I merely wish to say to the Senator that I followed his advice which was expressed on the floor last year, and I have another social security amendment which provides for a means test, which the Senator suggested during the debate last year.

Mr. LONG of Louisiana. I hope it will not cost as much as the shoot-the-moon amendment.

Mr. DIRKSEN. Mr. President, will the Senator yield to me for 1 minute?

Mr. LONG of Louisiana. I yield.

Mr. DIRKSEN. I am astonished—maybe agreeably so—that the Senator is whacking up the country's economy now for the gratification and benefit of those who belong to the club on his side of the aisle. I just want to be sure that that is it.

How is the Senator going to vote on this amendment?

Mr. LONG of Louisiana. I will vote "yea."

The PRESIDING OFFICER. Does the Senator yield back the remaining time?

Mr. LONG of Louisiana. I yield back the remainder of my time.

Mr. YOUNG of Ohio. Mr. President, may we have order, and may the Chamber be cleared of all attachés who have no business here? Their salaries were increased, and they should be somewhere else earning their salaries, instead of talking in the Chamber and disturbing Senators. I ask that they be excluded.

The PRESIDING OFFICER. The attachés who are not necessary to be in the Chamber will please leave the Chamber. The others will please find seats.

All time having been yielded back, or having expired, the question is on agreeing to the amendment of the Senator from Connecticut [Mr. Ribicoff]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Maryland [Mr. Brewster], the Senator from Louisiana [Mr. Ellender], the Senator from Arkansas [Mr. Fulbright], the Senator from Arizona [Mr. Hayden], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Minnesota [Mr. Mondale] are absent on official business.

I also announce that the Senator from North Carolina [Mr. Ervin], the Senator from Oklahoma [Mr. Harris], the Senator from North Carolina [Mr. Jordan], the Senator from New York [Mr. Kennedy], the Senator from Ohio [Mr. Lausche], the Senator from Wyoming [Mr. McGee], the Senator from Montana [Mr. Metcalf], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. Ervin] would vote "nay."

On this vote, the Senator from Louisiana [Mr. Ellender] is paired with the Senator from Oklahoma [Mr. Harris]. If present and voting, the Senator from Louisiana would vote "nay," and the Senator from Oklahoma would vote "yea."

On this vote, the Senator from Ohio [Mr. Lausche] is paired with the Senator from Montana [Mr. Metcalf]. If present and voting, the Senator from Ohio would vote "yea," and the Senator from Montana would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. Aiken] and the Senator from Kansas [Mr. Carlson] are absent on official business.

The Senator from Kentucky [Mr. Morton], the Senator from California [Mr. Murphy], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Kentucky [Mr. Cooper] is detained on official business.

If present and voting, the Senator from Kansas [Mr. Carlson], the Senator from California [Mr. Murphy], and the Senator from Texas [Mr. Tower] would each vote "yea."

The result was announced—yeas 53, nays 26, as follows:

[No. 78 Leg.]

YEAS—53

Allott
Baker
Bayh
Bible
Boggs
Brooke
Byrd, W. Va.
Cannon
Case
Church
Cotton
Curtis
Dodd
Dominick
Fannin
Fong
Griffin
Gruening
Hansen
Hart
Hartke
Hatfield
Hickenlooper
Hill
Hollings
Hruska
Inouye
Jackson
Jordan, Idaho
Kuchel
Long, Mo.
Long, La.
Magnuson
McGovern
McIntyre
Montoya
Mundt
Nelson
Pastore
Pearson
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Scott
Smith
Sparkman
Symington
Talmadge
Thurmond
Young, N. Dak.

NAYS—26

Anderson
Bennett
Burdick
Byrd, Va.
Clark
Dirksen
Eastland
Gore
Holland
Javits
Mansfield
McCarthy
McClellan
Miller
Monroney
Morse
Moss
Muskie
Pell
Smathers
Spong
Stennis
Tydings
Williams, N.J.
Williams, Del.
Young, Ohio

NOT VOTING—21

Aiken
Bartlett
Brewster
Carlson
Cooper
Ellender
Ervin
Fulbright
Harris
Hayden
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Lausche
McGee
Metcalf
Mondale
Morton
Murphy
Tower
Yarborough

So Mr. Ribicoff's amendment was agreed to.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMINICK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARTKE obtained the floor.

Mr. HARTKE. Mr. President, I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the amendment to be offered there be a time limitation of 40 minutes, to be equally divided.

The **PRESIDING OFFICER.** The Senator from Montana has asked unanimous consent that on the amendment to be offered, debate be limited to 20 minutes on each side. Is there objection? The Chair hears no objection, and it is so ordered.

AMENDMENT NO. 144

Mr. HARTKE. Mr. President, I send an amendment to the desk and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the end of the bill insert the following new section:

"SEC. 4. (a) Section 4251(a)(2) of the Internal Revenue Code of 1954 (relating to rates of the tax on communication services) is amended to read as follows:

"'(2) The rate of tax referred to in paragraph (1) is as follows:

	Percent
"'Amounts paid pursuant to bills first rendered—	
"'Before May 1, 1967	10
"'After April 30, 1967, and before April 1, 1968	3
"'After March 31, 1968, and before January 1, 1969	1'.

"(b) Section 4251(c) of such Code (relating to special rule) is amended by inserting after the first sentence thereof the following new sentence: 'For purposes of subsection (a), in the case of communication services rendered before March 1, 1967, for which a bill has not been rendered before May 1, 1967, a bill shall be treated as having been first rendered on April 30, 1967.'

"(c) The amendments made by subsections (a) and (b) shall apply to amounts paid pursuant to bills first rendered on or after May 1, 1967, for services rendered on or after such date. In the case of amounts paid pursuant to bills rendered on or after such date for services which were rendered before such date and for which no previous bill was rendered, such amendments shall apply except with respect to such services as were rendered more than 2 months before such date. In the case of services rendered more than 2 months before such date, the provisions of subchapter B of chapter 33 of the Code in effect at the time such services were rendered, subject to the provision of section 701(b)(2) of the Excise Tax Reduction Act of 1965, shall apply to the amounts paid for such services.

"Amend the title so as to read: 'An Act to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property, and for other purposes'."

Mr. HARTKE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly to me?

Mr. HARTKE. I yield.

Mr. MANSFIELD. Mr. President, I understand this amendment may not take the full 40 minutes. This amendment will be the last amendment to be voted on today.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the completion of business today the Senate stand in adjournment until 12 o'clock noon on Monday next.

The **PRESIDING OFFICER.** Without objections, it is so ordered.

INVESTMENT TAX CREDIT

The Senate resumed the consideration of the bill (H.R. 6950) to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property.

Mr. HARTKE. Mr. President, there is no question that many Senators are anxious to leave and I shall not take the entire time which is provided for in the unanimous-consent agreement, provided we have reciprocity from the distinguished Senator from Florida [Mr. SMATHERS].

I am in favor of the 7-percent tax credit. This is a tax cut for business. I thought it was wrong when we suspended it last year. It should have been on the books during the entire time. I intended to introduce an amendment to make it retroactive to the date it was suspended. The amendment I am offering deals with another item on the same type yo-yo tax bill we had last year.

In 1965 we reduced the excise tax on telephones. The amendment which I have offered this afternoon would reduce the excise tax from 10 to 3 percent effective May 1. The telephone tax automatically is reduced April 1 next year to 1 percent. This is an 11-month tax measure.

In 1965, we reduced the excise tax in accordance with the amendment before us at that time. In early 1966, because of the so-called difficulty mortgage business, the tightness of money, and need for additional revenue, the administration asked us to reimpose the excise tax. The Congress did reimpose the excise tax.

This is the same proposition we have in regard to the 7-percent tax credit. Business was given tax relief of 7 percent in 1962. It was taken away from them in 1965. It is going to be given back to them at this time in 1967.

It is my position that if we are going to give this kind of tax relief to the business community, it is only fair to give the same type of relief to the consumer. This is what I propose.

When Mr. Martin appeared before the Committee on Finance, he said he agreed that every reduction in the tax rates since he has been on the Federal Reserve Board resulted in an increase in tax revenues. Whatever loss is occasioned by this measure will be recouped. There will be a feedback. The Treasury admitted to the feedback. The only question would be the amount.

Mr. President, this measure would provide a benefit for every taxpayer in the United States. It would create fairness and equity. Second, it would build additional purchasing power into the sliding market.

On April 11 U.S. News & World Report in a very demonstrative article, raised the question: Are we in a recession, and it gave the latest facts. I do not say that we are in a recession or going into one. This is recession insurance. My measure would provide tax relief at this time and provide for spending at the time when the economy needs it.

According to the article: Retail sales are down 1.7 percent and homebuilding is down 33.2 percent. Mr. Martin, in testimony before the Committee on Finance, said the investment credit would have no beneficial effect upon homebuilding whatever. In other words, the 7-percent tax credit which we are providing at this time will not be a stimulant to the one industry which is in a recession at this time. Mr. Martin said it would not help automobile sales which are down 24.6 percent.

I suggest that we not be misled by figures in the first 10 days of April because it is by comparison with the first 10 days of April 1966, which was the worst first 10 days of any month last year.

Now, new construction was down 1.1 percent; new automobiles dropped 2.2 percent; business down $9 billion; Commerce Department down $4.4 billion; raw materials down 14.8 percent; total spending in the United States unchanged. I could go on and on.

Senators have seen recent reports that for the first time since 1961, the gross national product of this country failed to move forward. In other words, we have an economy which is, at the moment, on dead center or possibly reverting back to the edge of a recession. I therefore think it is important for us to create some equity and fairness.

PERSONAL STATEMENT

Mr. FULBRIGHT. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. Mr. President, I yield 1 minute to the Senator from Arkansas.

The **PRESIDING OFFICER.** The Senator from Arkansas is recognized for 1 minute.

Mr. FULBRIGHT. Mr. President, I wish the RECORD to show that on the last two votes I was just outside the Chamber, in room S. 207, speaking to a group of about 80 Frenchmen who are members of the equivalent of our National War College, at the invitation of the French Ambassador.

I concluded speaking as soon as I could and then, unexpectedly, the leader of the group got up and thanked me and continued to talk so long that I came into the Chamber just as the last vote had been concluded.

I only want the RECORD to show that I was not absent from the Senate, that I fully expected to be in the Chamber, and that it was only the unavoidable delay caused by the gracious hospitality of the leader of this group of Frenchmen that I was delayed beyond the time the vote had closed.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. Mr. President, I yield to the Senator from Delaware such time as he may desire.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, I will take just 2 minutes.

Mr. President, the amount of revenue involved here is $735 million or nearly a billion. As I pointed out previously, the only method by which the Government can recoup its losses is either to increase taxes in some other category or again to raise the debt.

I am wondering whether those supporting these amendments will be out in front in June when we have to raise the debt, and when we go to reconsider the 6-percent tax increase—or whatever the tax increase may be.

In order to offset the loss in revenues on an annual basis, it will take an increase across the board of approximately 1 percent to recoup the losses caused by this one amendment alone.

As I stated before, we can borrow on the debt and pyramid the debt so as to push the Government, and thus the country, further down the road to inflation.

I think it is time, as I have stated before, when we are spending approximately $1½ billion per month more than we are taking in, that someone should stop and ask just how long can we keep continuing down this road toward inflation.

Mr. President, the pending amendment should be defeated.

Mr. HARTKE. Mr. President, let me add one point to the statement which the Senator from Delaware has just made. He gave a total of approximately $1 billion.

I hold in my hand a letter from the Treasury Department under date of April 5, 1967, which indicates that the net decrease in tax receipts as a result of this amendment would be $500,000 for fiscal year 1968, which is about half what the tax revenue loss would be on the tax credit of 7 percent.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, April 5, 1967.

HON. VANCE HARTKE,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HARTKE: This is in reply to your telegram of April 4 requesting certain revenue information from the Treasury Department. Essentially the information you request involves an estimate of the increase in revenues which would be generated in other sectors through a retroactive repeal of the suspension of the investment tax credit and accelerated depreciation, as compared with a prospective restoration of that suspension under the Senate Finance Committee bill, and also the revenues that would be generated by reductions in the automobile and communications excise taxes, repectively, to 4 percent and 3 percent at this time.

In my letter of March 21, 1967 to Senator Smathers, I gave Treasury estimates of the revenue cost of various proposals regarding the restoration of the investment credit. Those estimates were for the fiscal years 1967 and 1968, the Budget years with which we are concerned. Those estimates are the same as the estimates used in the Senate Finance Committee Report for those fiscal years, as prepared by the Staff of the Joint Committee on Internal Revenue Taxation. I understand that it is not the practice of that Staff, in preparing estimates of revenue gain or loss from proposed tax changes, to include any estimate of the so-called "feedback effects" of the changes. The estimates in my letter to Senator Smathers were made on the same basis. However, since your telegram requests certain feedback estimates, I have asked my staff to furnish what information is feasible in this regard.

The restoration of the investment credit is in itself expected to have a favorable effect on investment in machinery and equipment, as a consequence of the new orders that will flow from this incentive after its restoration. However, as you are aware, this effect is difficult to quantify and therefore it is not reflected in the estimates here included. I do want to point out, however, that this stimulative effect is only present with respect to the additional new orders placed after March 9, 1967 that would be stimulated by the restoration of the credit. There is no such effect from the retroactive repeal of the suspension, because such retroactive repeal merely serves to grant the credit to orders that have already been made prior to March 9, 1967.

There is a "feedback effect" from any reduction of taxes, as a consequence of the fact that the taxpayers affected, either individuals or corporations as the case may be, have additional funds to spend. This additional spending multiplies itself with consequent increased incomes and additional tax receipts on that account. These additional tax receipts represent what revenue estimators commonly call the "feedback effect", and which in your telegram you presumably refer to as "tax revenues generated in other sectors".

The attached table therefore provides, in accordance with your request, for the fiscal years 1967 and 1968 the direct decrease in tax receipts from the proposals involved, the consequent feedback in tax receipts, and the resulting net decrease in receipts. The multiplier effect of any revenue decreases enacted for the fiscal years 1967 and 1968, the Budget years with which we are now directly concerned, will not have been fully completed in those years but will extend into subsequent fiscal years. As a consequence, the final net loss will be somewhat lower than shown in the table.

As the table indicates, the proposal to reduce the automobile and the communications excise taxes to 4 percent and 3 percent, respectively at this time would, even after allowing for the feedback effect, involve a revenue cost of $85 million in fiscal year 1967 and $965 million in fiscal year 1968. The retroactive repeal of the investment credit suspension (and a March 9, 1967 date for liberalizing the 25 percent of tax liability limitation on the credit) would involve a revenue cost, even after allowance for feedback effect, as compared with the Senate Finance Committee bill, of $380 million for the fiscal year 1967 and $285 million for fiscal year 1968, or a total of $665 million. The combined revenue loss for both fiscal years for the excise tax reductions and the retroactive repeal of the suspension, as compared with the Senate Finance Committee bill, thus comes to over $1.7 billion.

Sincerely yours,
HENRY H. FOWLER.

[In millions of dollars]

	Fiscal year 1967	Fiscal year 1968
Investment credit suspensions: [1]		
Retroactive elimination to Oct. 10, 1966: [2]		
Direct decrease in tax receipts	540	990
Feedback effect of such decrease	15	330
Net decrease in tax receipts	525	660
Senate Finance Committee bill:		
Direct decrease in tax receipts	145	460
Feedback effect of such decrease	0	85
Net decrease in tax receipts	145	375
Proposed excise tax reductions:		
Passenger autos: [1]		
Direct decrease in tax receipts	90	690
Feedback effect of such decrease	20	225
Net decrease in tax receipts	70	465
Communications: [1]		
Direct decrease in tax receipts	30	700
Feedback effect of such decrease	15	200
Net decrease in tax receipts	15	500

[1] Estimates based on January 1967 budget message projections.

[2] Including raising ceiling to 50 percent as of Oct. 10, 1966.

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

Mr. McCARTHY. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. Mr. President, I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The Senator from Minnesota is recognized for 2 minutes.

Mr. McCARTHY. Mr. President, I think that this amendment should be rejected. There are a number of considerations; one, of course, being the loss of revenue which would be entailed. I am hopeful that before the year is over we will have been able to put together a more comprehensive program of tax changes which will have the effect of strengthening the economy.

In addition, we can move on to take care, somewhat more effectively, of developments and changes to supply adequately the needs of our country and also to eliminate inequities.

There is no social or economic reason—and I cannot even think of a political reason—for taking off excise taxes, such as is being proposed here. The Senate has acted irresponsibly enough for one day in adopting the Ribicoff amendment. My feeling is that we should not act against the economy at this time. If anyone has had any experience with the Ways and Means Committee on matters of this kind I think they would realize that both the Ribicoff amendment, and the Hartke amendment if it is adopted, would probably be dropped in the rotunda before they even got to conference. If we are going through the motions to take some kind of short-lived credit for having repealed the excise tax on telephones, we can go ahead and do it, but I do not think they would want to take any long-term credit under it but would rather relate it to a kind of construction which would be good economic and fiscal policy.

I hope that the amendment will be voted down.

Mr. SMATHERS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seventeen minutes remain to the Senator from Florida.

Mr. SMATHERS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. SMATHERS. Mr. President, I hope that the Senate will vote against this amendment. I think we should realize that if we adopt this particular amendment, which will lead to the eventual repeal of the 10-percent excise tax on telephones, then there is no logical reason why we should not then vote to repeal the tax on autos. If we vote for that, then there is no logical reason why we should not vote on the many other excise taxes which still remain which, if taken off, would reduce revenue to the Government by about $8 billion.

The whole theory behind the argument of the Senator from Indiana is that we need to stimulate the economy and for that reason he wants us not only to take the excise tax off telephones, but all of them. He has frankly stated that he is for the reinstitution of the 7-percent investment credit which is going to cost $1,085 million—except that he has a version in an amendment of his which would cost almost twice that much.

Thus, what we are talking about, even if we take this particular amendment and the other excise amendment he has introduced and the 7-percent investment credit, we are talking about a $2.5 billion loss of revenue to the Treasury.

Mr. President, it seems to me that there has got to be a limit somewhere as to how far we can go in reducing revenue. It would be great if we could eliminate all taxes, as someone suggested might be a good idea on the floor of the Senate today. But, somewhere along the line, we must pay for the operation of the Government. We must pay for the war in Vietnam. We must pay for all the other things which we want, the services which we expect, and which we are getting.

It seems to me that the point the Senator from Indiana makes is not directed accurately because we do not suffer any loss in personal income in the Nation today. There is no decline in personal income.

The fact is, personal income today is still continuing to rise. There was an article published in the Wall Street Journal the day before yesterday that personal income had reached the highest point in the history of our Nation.

What is happening to the economy today is that people are backing off a little bit and are getting more conservative.

We know that the savings of the people of this country are higher than they have ever been before. More people have more money in the bank now than they have ever had in the history of this Nation. An excise reduction would probably increase their savings under present conditions. Our people today are proceeding cautiously. I think that one of the reasons they are proceeding cautiously is the threat of the 6-percent increase in taxes which the administration has stated it wants later on this year.

I personally believe that the best way to get the economy moving, about which there is such great concern that it is not moving rapidly enough, is to eliminate the prospect of a tax increase later on this year.

The fact is, as of today, the area of the economy which is most badly in need of help, is the area of plant and equipment, which is why we are trying to get the 7 percent investment credit reinstituted. That is the principal area in which it is not growing at a satisfactory rate.

An article was published—I did not have time to read it—in the Wall Street Journal and also in the Washington Post which stated that retail sales for the preceding week had been the highest in history.

Mr. HARTKE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. SMATHERS. I have the floor. I will yield in a second.

It seems to me if we are going to pass a social security bill later this year, which may cost as much as $4 billion; if we are going to have an education bill, which has already passed and is going to cost in the neighborhood of $4 billion; if we are going to take off most of this particular excise tax on automobiles, or rather on telephones, as has been suggested; if we are later going to take off excise taxes on autos; if we are going to pass the 7-percent investment credit—we are not going to have enough money to finance the war or carry on the operations of this Government. We could well have an $18 billion to $20 billion deficit under these conditions and if we do not stop taking off taxes it could go even higher. Most members of the Finance Committee and most people who are familiar with finances do not think this is a desirable thing to do.

So it seems to me we should resist this particular amendment and defeat it. If we do not defeat it, there is no logical reason why we should not remove the other excise taxes, which amount to $8 billion.

I urge the Senate to vote against the amendment of the Senator from Indiana.

Mr. HARTKE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. HARTKE. I yield myself such time as I need.

I would like to correct one statement of the Senator from Florida. The tax to which the amendment refers is the tax on telephones, not automobiles.

Second, the Senator from Florida made a statement that is absolutely wrong. We are not going to take off excise taxes. We are proposing to reduce them from 10 to 3 percent.

The Senator has said there is an increase in personal income. There is no increase in personal income. If we consider the figures with respect to private employment, the only increase in employment is in government. Mr. William McChesney Martin testified that private employment is down. I call attention to the fact that not only is there a serious recession in housing, but a depression. There is no recovery in that field.

The heart of the argument is that all excise taxes should be removed. All I am saying is that we should do with this tax as we did with the investment credit tax. We provided it, took it off, and then put it back. The same way with excise taxes. Excise taxes were imposed, they were taken off, and they were put back on. Now all I am saying is, remove them again; just be as fair to the consumer as we are being to the businessman. If we do not want to be fair to the consumer, why give $1 billion to the businessman? He is not crying in the marketplace.

As Mr. William McChesney Martin stated before the Finance Committee, this investment credit will further depress the housing market. This investment credit will do nothing to help automobile sales, which are 25 percent off.

This is a fact of life. If Senators want to be one sided and give a tax credit to business but no benefit to consumers, it is unfair. I said it was unfair last year. I think it is unfair to do what is proposed by the Senator from Florida. I think, in order to be fair, we should provide to the user of telephones the same treatment and the same equity as is being provided to the man in business.

Mr. SMATHERS. Mr. President, I yield myself 3 minutes. I want the RECORD straight on this. If we removed the excise tax on telephones about which the Senator from Indiana is talking, it would cost $735 million, assuming no feedback.

Let me read the figures with respect to whether personal income of people is higher or not. These are official figures.

The following figures are the aggregate personal income figures for the following years without any reduction to cut out government salaries: 1962, $442 billion; 1963, $465 billion; 1964, $496 billion; 1965, $535 billion; 1966, $580 billion.

The December 1966 figure seasonally adjusted was $601.8 billion, the January 1967 figure $607.5 billion and the February 1967 figure $609.9 billion.

With respect to industrial production, it has grown ever since we put the investment credit into effect.

In 1962, the index went up to 118. In 1963 to 124, and in 1964 to 132.

The index went up to 143 in 1965.

It went up to 156 in 1966.

We took the investment credit off then and as a result the production index started leveling off in the latter part of the year and then the preliminary February 1967 index figure dropped down from 158 in January to 155.9.

So this is the particular area where help is needed. That is the reason why we are proposing the 7 percent credit.

I yield now to the Senator from Delaware [Mr. WILLIAMS].

Mr. WILLIAMS of Delaware. Mr. President, the loss of revenues was around $735 million. That was based on the assumption that the reductions in present law would occur next April 1, 1968. However, I think the record should show that it is at a rate of $1.2 billion annually. This $700 million is based on expiration date next April. I question whether we are going to have any more money next April than we have now. So I think it can be said that by this amendment we are reducing taxes at a rate of $1 billion a year.

Mr. SMATHERS. Mr. President, I am prepared to yield back my time, if the Senator from Indiana is prepared to do so.

Mr. HARTKE. I shall take only a minute.

I ask unanimous consent to have printed at this point in the RECORD a telegram to me from the Chase Manhattan Bank, advocating a reduction in excise taxes.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

HON. VANCE HARTKE,
U.S. Senate,
Washington, D.C.:

Believe you are wise in calling for reductions in excises on autos and telephone calls. Stimulus to consumer markets would be highly useful. Experience shows that a balanced tax reduction applying to both consumption and investment is the best route.

Mr. HARTKE. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter to me from the senior vice president and economist of the First National City Bank of New York, in which he advocates reduction in excise taxes.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FIRST NATIONAL CITY BANK,
New York, N.Y., March 17, 1967.

HON. VANCE HARTKE,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: I was pleased to hear that you plan to propose reduction in certain excise taxes as an amendment to the investment tax credit restoration bill. The reduction in excise taxes on automobiles is particularly desirable in light of the present slow sales performance. Despite substantial increases in personal income in December and again in January, consumers have increased their rate of savings and reduced expenditures. They have also slowed down sharply their net consumer credit borrowings. The consumer does not feel in a position to improve his rate of expenditure, and a reduction in these excise taxes might very well encourage him. Indeed, the uncertainties about imposition of the 6 per cent surtax may be a consideration in the consumer's cautious attitude. With inventories at unusually high levels and still growing, further slowdown in demand is going to make the inventory adjustment more difficult and drawn out. Continued discouragement to consumption will not help matters.

Auto companies are being directed to add new safety features to current and next year's models. The consumer must pay for these safety features despite the fact that if left to a free choice he might elect not to purchase them. A reduction in the excise tax, therefore, would help to offset these extra charges.

The reduction in the telephone excise tax would help the consumer's overall budget, making it possible for him to direct expenditures to other services or goods, in line with the general need to encourage an improvement in consumption.

You have my permission to incorporate this into the hearings if you so choose. Best personal wishes.

Sincerely yours,

LEIF.

Mr. HARTKE. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter to me from Paul A. Samuelson, institute professor of the Massachusetts Institute of Technology, advocating a reduction in excise taxes.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MASSACHUSETTS INSTITUTE
OF TECHNOLOGY,
Cambridge, Mass., March 20, 1967.

Senator VANCE HARTKE,
Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: I do think this might be a good time to make progress toward reducing excise taxes at the Federal level. The auto and (with less urgency) the telephone taxes might make a promising beginning.

Sincerely yours,

PAUL A. SAMUELSON,
Institute Professor.

Mr. YOUNG of Ohio. Mr. President, while I favor restoring the 7-percent investment tax credit and accelerated depreciation, I strongly favor providing some tax relief for individual taxpayers as well as for business and industry. I am hopeful that the amendments introduced by the distinguished senior Senator from Indiana [Mr. HARTKE] to reduce excise taxes on telephones from 10 percent to 3 percent and on automobiles from 7 percent to 4 percent will be enacted and go into effect as soon as possible.

The excise tax on telephone service, local and long distance, was reduced by Congress in 1965 from 10 percent to 3 percent. The reduction took effect on January 1, 1966. Early in 1966 at the request of the administration, Congress restored the 10-percent telephone tax, effective April 1, 1966. The 7-percent reduction benefited consumers for only a brief 3-month period. In restoring the tax, we provided that the remainder of the gradual schedule of reduction be retained so that the 10-percent tax is scheduled to drop back all the way to 1 percent on April 1, 1968, and to be repealed entirely as of January 1, 1969.

The 10-percent automobile manufacturers' excise tax was cut to 7 percent as of June 22, 1965. It was reduced to 6 percent as of January 1, 1966, and then changed back to 7 percent by the Tax Adjustment Act effective March 16, 1966.

It is apparent that most consumers would need a slide rule or a computer in order to keep up with the rapidly changing excise tax rates.

Mr. President, reduction of the 10-percent telephone excise tax from 10 percent to 3 percent would save American taxpayers $98 million for the remainder of fiscal 1967 and $703 million for fiscal 1968. To reduce it to 3 percent at this time would definitely have a beneficial effect on the economy in that it would gradualize the reduction and at the same time place hundreds of millions of dollars into the economy during the next year.

Mr. President, I have always been opposed to excise taxes which are, in reality, sales taxes. These obnoxious taxes burden most those who have least. They violate the sound principle of just taxation—that taxes should be levied according to ability to pay.

I have long been opposed to the continuation of these atrocious wartime tax measures and have continually urged their repeal. I did so as a member of the Committee on Ways and Means of the House of Representatives in the 81st Congress in which I served as Congressman at Large from Ohio. My first speech in the Senate early in 1959 was in opposition to the continuation of excise taxes, particularly the tax on telephone users.

Great progress was made when, in 1965, Congress eliminated many of these discriminatory taxes. It was unfortunate that the tremendous cost of the Vietnam war made it necessary for the President to request reinstatement of some of these abominable excise taxes last June. However, the economic situation today is such that it is now in the best interests of the Nation to eliminate those taxes restored last year and to return to the planned schedule for abolishing them altogether.

Inasmuch as some excise taxes are good for our "Uncle" to operate efficiently, I am not opposed to sumptuary taxes on alcohol, cigarettes, and tobacco, which have been imposed for many years and which have brought in sizable revenues. However, I am definitely opposed to the regressive taxes on necessities which lay the heaviest burden on the poorest people.

Telephone service today is certainly a household as well as a business necessity. It cannot be placed in the same category as liquor, wine, beer, cigarettes, and other products on which there is a justification for an excise tax. There are more than 44 million telephone users in the Nation whose average excise tax—at the 10-percent level—exceeds $20 a customer each year. It is unfair to impose this tax on telephone service which today is a vital necessity of everyday life. Citizens should not have to pay taxes for the privilege of using their telephones.

Telephone service is a public utility service. However, other public utilities—water, electricity, and gas—do not suffer by the imposition of such a discriminatory tax. The telephone companies are not the actual sufferers, as the burden is passed on to citizens who use telephones and this means practically every citizen in the land.

Mr. President, in the present state of the economy, one of the slowest sectors is automobile sales. The automobile industry, both in its primary and related activities, accounts for 30 percent of the Nation's economic activity. Reduction of the automobile excise tax from 7 percent to 4 percent would mean a savings of $177 million for consumers for the remainder of fiscal 1967 and $513 million for fiscal 1968. It would do much to spur the sale of automobiles and thereby keep our economy on an even keel.

Reduction of excise taxes on telephone users and on automobiles would help provide needed consumer dollars for stimulation of consumer demand which will be necessary if the 7-percent investment tax credit is restored and accompanied by an expansion in production. These two tax cuts, coupled with the restoration of the investment credit and accelerated depreciation, would help provide the total economy with the fuel necessary to move forward.

By reducing the automobile excise tax from 7 percent to 4 percent and the telephone excise tax from 10 percent to 3 percent this year, we shall not only be relieving millions of taxpayers of an unfair tax burden; we shall at the same time be relieving our economy of a heavy tax load and enabling it to grow and expand for the welfare of all citizens. I strongly urge the adoption of the amendments introduced by the senior Senator from Indiana [Mr. HARTKE]. These atrocious excise taxes should eventually be entirely swept out of existence and be buried unwept, unhonored, and unsung.

Mr. MORSE. Mr. President, in time of peace I am against excise taxes, and time and time again I offered bills and amendments to abolish the excise taxes that were imposed at the beginning of World War II and the Korean war.

In many of those cases in both Houses of the Congress there was the promise to remove excise taxes at the end of the war. The Congress did not keep many of these promises, and the Congress should have kept the promise because excise taxes—let us face it—are not based upon ability to pay.

Excise taxes are retrogressive. Excise taxes, in my judgment, cannot be justified in a peacetime economy.

I have therefore worked for years to seek to abolish them or to greatly reduce those that could not be abolished.

Mr. President, we are not at peace. We are in a war. We are in a very costly war. We are in a war that I am afraid is going to get much worse before it gets better. In fact, in my judgment we will have 600,000 troops over there not too many months hence if it continues to worsen, and if China and Russia continue to work out what appears to be a program for cooperation in shipping more killing equipment into Vietnam, we will have far more than 600,000 American troops in South Vietnam.

This Senate knows that for years I have taken the position that there should not be a single American soldier in South Vietnam, that it is a ghastly, shocking betrayal of the history of our great country, based upon peaceful intentions in our pledge for the substitution of a rule of law for military might, that we are killing a single American boy in South Vietnam today.

Why, I have said in speech after speech that it is an immoral, it is an illegal, and it is a nonjustifiable war, but it is a war and American boys are dying there. Until this administration comes to its senses and stops this holocaust as far as our participation is concerned, the war has to be paid for. It should be paid for by our generation, for our generation is responsible for it, not the next generation. It will cost a tremendous amount of money.

I know what the taxpayers say. I have to face them. But I am a politician who will not tremble at the knees and buckle at the knees because some taxpayers say they will not vote for me. Senators owe it to American history to raise the money in our time to pay for this war.

Do you know what you are paying for the war at the present time? About $2.7 billion a month. In only a matter of weeks we will have reached the point where the American taxpayers will be going into debt at the rate of $3 billion a month for this war—taxpayers sitting back in security and in affluence, seeking to bring pressure to bear upon Members of the Senate and Members of the House of Representatives not to raise the money to pay for the war. I say, most respectfully, that involves a question of morality in regard to them, also, because we all are taxpayers.

We sit here in our security. We should consider ourselves exceedingly fortunate that we can earn the income that puts us in a position where we can make this patriotic contribution to the fiscal stability and soundness of this government when, in my judgment, without a scintilla of justification we are sending American boys into South Vietnam to be slaughtered in a war in which we have no business participating—and this Congress has not made a declaration of war. I challenge Congress again, today, to come forward with a proposal to declare war in South Vietnam. Until Members of Congress are willing to produce such a resolution, they have no justification in following a course of action in an illegal, immoral, and unjustified war that is killing American boys every day in South Vietnam, without a declaration of war.

Mr. President, I voted against the proposed cut in excise taxes because I believe that until the war is over, the taxes must be levied. Until the war is over, Congress must get busy and increase taxes to pay for the war, on the basis of a clear patriotic duty of every taxpayer in this country to pay a fair tax, based on ability to pay. We are not paying such taxes today, in view of the need for the money to meet the expenses of the war.

The same goes for the Ribicoff amendment, which will take from $1 to $1½ billion out of the Treasury to give tax relief to people who can already afford to send their children to college. To do this when the war in Vietnam is taking an ever growing sum to sustain is fiscal irresponsibility.

Therefore, unpopular as that point of view may be in certain places, I am perfectly willing to be judged in history as to the soundness of the fiscal policy and the course of action I suggest while we are at war. As soon as we can reduce taxes, within the interests of the fiscal soundness of this Government, I shall vote to reduce the taxes. But we will have no such justification so long as we are killing American boys in what has become a major war involving the United States in southeast Asia.

Mr. HARTKE. Mr. President, one can only be either fair or one-sided. If one wants to be fair, I think he should vote to adopt my amendment.

I yield back the remainder of my time.

Mr. SMATHERS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Indiana. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana (when his name was called). Mr. President, on this vote I have a pair with my colleague from Louisiana [Mr. ELLENDER]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished senior Senator from Tennessee [Mr. GORE]. If he were present and voting he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Missouri [Mr. SYMINGTON]. If he were present and voting he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Alaska [Mr. BARTLETT], the Senator from Maryland [Mr. BREWSTER], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Minnesota [Mr. MONDALE] are absent on official business.

I also announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from North Carolina [Mr. ERVIN], the Senator from Tennessee [Mr. GORE], the Senator from Oklahoma [Mr. HARRIS], the Senator from Michigan [Mr. HART], the Senator from North Carolina [Mr. JORDAN], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Wyoming [Mr. MCGEE], the Senator from Montana [Mr. METCALF], the Senator from Missouri [Mr. SYMINGTON], the Senator from Maryland [Mr. TYDINGS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. ERVIN], the Senator from Ohio [Mr. LAUSCHE], and the Senator from Oklahoma [Mr. HARRIS] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] and the Senator from Kansas [Mr. CARLSON] are absent on official business.

The Senator from Kentucky [Mr. MORTON], the Senator from California [Mr. MURPHY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Kentucky [Mr. COOPER], the Senator from New York [Mr. JAVITS], the Senator from Arizona [Mr. FANNIN], and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

If present and voting, the Senator from Arizona [Mr. FANNIN] would vote "nay."

On this vote, the Senator from California [Mr. Murphy] is paired with the Senator from Kansas [Mr. Carlson]. If present and voting, the Senator from California would vote "yea," and the Senator from Kansas would vote "nay."

On this vote, the Senator from Texas [Mr. Tower] is paired with the Senator from New York [Mr. Javits]. If present and voting, the Senator from Texas would vote "yea," and the Senator from New York would vote "nay."

The result was announced—yeas 15, nays 53, as follows:

[No. 79 Leg.]

YEAS—15

Bayh
Burdick
Cannon
Dodd
Fong
Fulbright
Hartke
Long, Mo.
Moss
Nelson
Randolph
Ribicoff
Smith
Thurmond
Young, Ohio

NAYS—53

Allott
Baker
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Case
Church
Cotton
Curtis
Dirksen
Dominick
Eastland
Griffin
Gruening
Hansen
Hatfield
Hickenlooper
Hill
Holland
Hollings
Hruska
Inouye
Jackson
Jordan, Idaho
Kuchel
Magnuson
McCarthy
McClellan
McGovern
McIntyre
Miller
Monroney
Montoya
Morse
Mundt
Muskie
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Russell
Scott
Smathers
Sparkman
Spong
Stennis
Talmadge
Williams, N.J.
Williams, Del.

NOT VOTING—32

Aiken
Anderson
Bartlett
Brewster
Byrd, W. Va.
Carlson
Clark
Cooper
Ellender
Ervin
Fannin
Gore
Harris
Hart
Hayden
Javits
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Lausche
Long, La.
Mansfield
McGee
Metcalf
Mondale
Morton
Murphy
Symington
Tower
Tydings
Yarborough
Young, N. Dak.

So Mr. Hartke's amendment was rejected.

ORDER OF BUSINESS

The **PRESIDING OFFICER.** The bill is open to further amendment.

Mr. **MORSE.** Mr. President, may I address an inquiry to the majority leader?

The **PRESIDING OFFICER.** The Senator may.

Mr. **MORSE.** Do I understand that there is no amendment now pending?

Mr. **MANSFIELD.** That is correct.

Mr. **MORSE.** Do I further understand that there is no expectation of further votes today?

Mr. **MANSFIELD.** There will be no further votes.

Mr. **MORSE.** Do I understand that for the remainder of the day, there is therefore no time limitation under any unanimous-consent agreement?

Mr. **MANSFIELD.** The Senator is correct. However, there are some Senators, like the Senator from Oregon and the Senator from Nebraska, who have speeches they wish to make.

Mr. **MORSE.** Mr. President, I have a very brief statement.

Mr. **SMATHERS.** Mr. President, will the Senator yield for the appointment of conferees on a bill?

Mr. **MORSE.** I yield.

DUTY-FREE TREATMENT OF DICYANDIAMIDE

Mr. **SMATHERS.** I ask that the Chair lay before the Senate the message from the House of Representatives on H.R. 286.

The **PRESIDING OFFICER** laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 286) to permit duty-free treatment of dicyandiamide pursuant to the Trade Expansion Act of 1962, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. **SMATHERS.** I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the presiding officer appointed Mr. Long of Louisiana, Mr. Smathers, Mr. Anderson, Mr. Williams of Delaware, and Mr. Carlson conferees on the part of the Senate.

TRIBUTE TO PRESIDENT JOHNSON FOR HIS ACHIEVEMENTS AT THE SUMMIT MEETING AT PUNTA DEL ESTE

Mr. **MORSE.** Mr. President, the conference of American Presidents closed today at Punta del Este. It is already clear that this historic event has been a personal triumph for President Johnson.

From all the reports we have read and heard, it is evident that President Johnson has deeply impressed the Latin American chief executives with the sincerity and profundity of the U.S. commitment to the Alliance for Progress. At the same time, the President has made it plain that our efforts and assistance to Latin America will continue to be conditioned by Latin American self-help performance.

The summit agreements contain no gimmicks or fancy schemes. They require, instead, careful and solid planning to achieve a set of bold but realistic goals. No overnight miracles or dramatic breakthroughs can be expected from this new drive to accelerate the progress of Latin America. What we can realistically look forward to is a sustained and collective effort on the part of the Latin Americans to bring about increasingly rapid development.

As President Johnson has obviously made clear, we will eagerly and effectively respond—as we have in the past—to genuine self-help endeavors on the part of our Latin American friends.

Mr. President, I ask unanimous consent to have printed at this point in the Record the text of President Johnson's address at the inter-American summit and the draft declaration to be signed by Presidents at the summit meeting in Punta del Este, as approved by the foreign ministers.

There being no objection, the material was ordered to be printed in the Record, as follows:

Text of President Johnson's Address at Inter-American Summit

Mr. Chairman, fellow Chiefs of State, Ladies and Gentlemen:

First, President Gestido, may I express, on behalf of my entire delegation, gratitude to you for the courtesy and generosity that Uruguay has offered her sister nations at this conference.

We have come to Punta del Este as the leaders of 20 governments—and as the trustees for more than 400 million human beings.

We meet in a city where, five and a half years ago, an Alliance was formed—a pledge made—and a dream begun.

Now we must measure the progress we have made. We must name the barriers that still stand between us and the fulfillment of our dream. Then we must put in motion plans that will set us firmly on the way toward the proud destiny that is our people's right.

We meet as friends, as neighbors, as allies. Hundreds of years ago we were the new world. Now each of us faces the problems of growing maturity—of industrialization, of rapid urban growth, of sharing the opportunities of life among all our people.

We no longer inhabit a new world. We cannot escape from our problems—as the first Americans could—in the vastness of an unchartered hemisphere. If we are to grow and prosper, we must face the problems of our maturity. And we must do it boldly—wisely—and now.

If we do, we can create a new America—where the best in man may flourish in freedom and dignity. If we neglect the planning, if we ignore the commitments that it requires—if our rhetoric is not followed by action—we shall fail not only the Americans of this generation, but hundreds of millions to come.

In unity—and only in unity—is our strength. The barriers that deny the dream of a new America are stronger than the strongest among us—acting alone. But they cannot stand against our combined will and common effort.

I speak to you as a ready partner in that effort. I represent a nation committed by history, by national interest, and by simple friendship to the cause of progress in Latin America. But the assistance of my nation will be useful only as it reinforces your determination and builds on your achievements—and only as it is bound to the growing unity of our Hemisphere.

Here, as I see it, are the tasks before us:

First, you will be forging a great new common market—expanding your industrial base, increasing your participation in world trade, and broadening economic opportunities for your people. I have already made my position clear to our Congress: If Latin America decides to create a common market, I shall recommend to the Congress a substantial contribution to a fund that will help ease the transition into an integrated, regional economy.

Second, you will design, and join together to build, great multi-nation projects that will open up the inner frontiers of Latin America. These will provide—at last—the physical basis for Simon Bolivar's vision of continental unity. I shall ask my country to provide, over a three-year period, substantial additional funds for the Inter-American Bank's Fund for Special Operations, as our part of this special effort. I have also asked the Export-Import Bank to give urgent and sympathetic attention, wherever it is economically feasible, to loans for earth stations that will bring satellite communications to Latin America.

Third, I know how hard you are striving to expand the volume and value of Latin American exports. Bilateral and multilateral efforts to achieve this are already under way. But I made clear yesterday afternoon in our private session that we are prepared to consider a further step in international trade policy. We are ready to explore with other industrialized countries—and with our people—the possibility of temporary preferential tariff advantages for all developing countries in the markets of all the industrialized countries. We are also prepared to make our contribution to additional shared efforts in connection with the International Coffee Agreement.

Fourth, all of us know that modernizing agriculture and increasing its productivity is an urgent task for Latin America—as it is for the whole world. Modernizing education is equally important. I have already urged our Government to expand our bilateral assistance in the fields of agriculture and education,

Fifth, you are engaged in bringing to Latin American life all that can be used from the common fund of modern science and technology. In addition to the additional resources we shall seek in the field of education, we are prepared to join with Latin American nations in:

Creating an inter-American training center for educational broadcasting, and supporting a pilot educational television demonstration project in a Central American country.

Establishing a new Inter-American Foundation for Science and Technology.

Developing a regional program of marine science and technology.

And exploring a Latin American regional program for the peaceful uses of atomic energy.

Sixth, the health of the people of Latin America ultimately depends on everything we do to modernize the life of the region. But we must never forget that when children are not provided with adequate and balanced diets, they are permanently affected as human beings—and as citizens. Therefore, we propose to increase our food program for pre-school children in Latin America, and substantially improve our school lunch programs. We are also prepared to set up in Latin America a demonstration center in the field of fish protein concentrates. We believe that this essential ingredient of a balanced diet can be provided at much lower cost than in the past.

Finally, I shall urge funds be provided to help establish Alliance for Progress centers at colleges and universities in the United States. Our partnership must be based on respect for our various cultures and civilizations. And respect is built on knowledge. This new education program will offer new opportunities for students and educators of your countries and mine to work together.

Our discussions here are couched in the technical terms of trade and development policies.

But beyond these impersonal terms stands the reality of individual men, women, and children. It is for them—not the statisticians and economists—that we work. It is for them—and especially for the young that the hope and the challenge of the Alliance exists.

For them, we must move forward from this hour:

Building more schools and hospitals and roads.

Producing more food.

Developing more trade.

Taking on the hard problems of tax reform and land reform.

Creating new jobs and economic opportunities.

Cleaning out the red tape and acting with the sense of urgency our times require.

And above all, following through on the plans we make.

I pledge to you today that I will do all I can, in my time of leadership, to help you meet these challenges.

One of the first groups I met with after I became President was composed of your Ambassadors to Washington. From that time to this I have accelerated America's commitment to the Alliance, by increasing substantially the contribution of my country by more than 35 percent of the previous three years. I know what is at stake for you, and for my country, in Latin America.

And I know that the clock is ticking. I know that the dream of the new America will not wait. I know that you sense the same urgency—the same need for speedy decision and effective action in your country, as in mine.

My fellow Presidents, I should like to conclude by speaking not only to you, but to the youth of our nation—to the students in the schools and universities, to the young people on the farms and in the new factories and labor unions and in the civil service of our governments—to all those who are moving into their time of responsibility.

This is the message I bring to them:

All that has been dreamed, in the years since this Alliance started, can only come to pass if your hearts and minds become committed to it.

It is our duty—we who hold public office and bear great private responsibilities today—to create an environment in which you can build your part of the new America.

It is your duty to prepare yourselves now—to use the tools of learning, and the idealism that is your natural heritage, for the human purposes that lie deep in our common civilization.

You cry out for change, for what Franklin Roosevelt called a New Deal. And you do not want it imposed from above. You want a chance to help shape the conditions of your lives.

You—the youth of the Americas—should know that revolutions of fire have brought men in this Hemisphere, and in jungles half the world away, still greater tyrannies than those they fought to cast off.

Here in the countries of the Alliance, a peaceful revolution has affirmed man's ability to change the conditions of his life through the institutions of democracy. In your hands is the task of carrying it forward.

The pace of change is not fast enough. It will remain too slow—unless you join your energies and skills and commitments in a mighty effort that extends into the farthest reaches of our Hemisphere.

The time is now. The responsibility is ours.

Let us declare the next ten years the decade of urgency.

Let us match our resolve and our resources to the common tasks—until the dream of a new America is accomplished in the lives of all our people.

DRAFT DECLARATION TO BE SIGNED BY PRESIDENTS AT SUMMIT MEETING, PUNTA DEL ESTE, AS APPROVED BY FOREIGN MINISTERS

The Presidents of the American States and the Prime Minister of Trinidad and Tobago meeting in Punta del Este, Oriental Republic of Uruguay,

Resolved to give more dynamic and concrete expression to the ideals of Latin American unity and of solidarity among the peoples of America, which inspired the founders of our countries;[*]

Determined to make this objective a reality within our own nations, in keeping with the economic, social and cultural aspirations of our peoples;

Inspired by the principles which underlie the Pan-American system, especially those contained in the Charter of Punta del Este, the economic and social act of Rio de Janeiro and the protocol of Buenos Aires amending the Charter of the Organization of American States;

Conscious that the attainment of national and regional development objectives in Latin America is based essentially on self-help;

Convinced, however, that the achievement of those objectives requires determined collaboration by all our countries, complementary support through mutual aid and expansion of external cooperation;

Pledged to give a vigorous impetus to the Alliance for Progress and to emphasize its multilateral character, with a view to encouraging balanced development of the region at a substantially faster pace than attained thus far;

United in the intent to strengthen democratic institutions, to raise the living standards of our peoples and to assure their increased participation in the development process, creating in these purposes suitable conditions as much in the political as in the economic, social and labor fields;

Resolved to maintain a social harmony and fraternal relations in the Americas, where true racial equality must prevail.

We proclaim the solidarity of the countries we represent and their decision to achieve to the fullest measure the free, just, and democratic social order demanded by the peoples of the hemisphere.

LATIN AMERICA WILL CREATE A COMMON MARKET

The Presidents of the Latin American Republics agree to create progressively from 1970 the Latin American Common Market which must be substantially in operation in a period of no more than fifteen years. The Latin American Market will be based on the complete development and progressive convergence of the Latin American Free Trade Association and of the Central American Common Market, taking into account the interests of the Latin American countries not yet affiliated with these systems. This great task will reinforce our historic bonds, will promote industrial development and the strengthening of Latin American industrial enterprises with more efficient production and new opportunities for employment, and will permit the region to play its deservedly significant role in world affairs. The ties of friendship among the peoples of the continent will thus be strengthened.

The President of the United States of America, for his part, declares his firm support for this promising Latin American initiative.

WE WILL LAY THE PHYSICAL FOUNDATIONS FOR LATIN AMERICAN ECONOMIC INTEGRATION THROUGH MULTINATIONAL PROJECTS

The undersigned Presidents affirm that economic integration demands a major sustained effort to build a land transportation network and to improve transportation systems of all kinds so as to open the way for the movement of both people and goods throughout the continent; to establish an adequate and efficient telecommunications system; to install inter-connected power systems; and to develop jointly international river basins, frontier regions, and economic areas which include the territory of two or more countries.

WE WILL JOIN IN EFFORTS TO INCREASE SUBSTANTIALLY LATIN AMERICAN FOREIGN TRADE EARNINGS

In order to increase substantially Latin American foreign trade earnings, individual and joint efforts shall be directed toward facilitating non-discriminatory access of Latin American products in the world markets; toward increasing Latin American earnings from traditional exports; toward avoiding frequent fluctuations in income from such commodities; and finally, toward adopting measures that will stimulate exports of Latin American manufactured products.

WE WILL MODERNIZE THE LIVING CONDITIONS OF OUR RURAL POPULATIONS, RAISE AGRICULTURAL PRODUCTIVITY IN GENERAL, AND INCREASE FOOD PRODUCTION FOR THE BENEFIT OF BOTH LATIN AMERICA AND THE REST OF THE WORLD

We will transform the living conditions of the rural workers and farmers of Latin America, to guarantee their full participation in economic and social progress. For that purpose integrated programs of modernization, land settlement, and agrarian reform will be carried out as the countries so require. Similarly, productivity will be improved and agricultural production diversified. Furthermore, recognizing that the continent's capacity for food production entails a dual responsibility, a special effort will be made to produce sufficient food for the growing needs of our own peoples and to contribute toward feeding the peoples of other regions.

---

[*] Wherever the term "Latin America" is used in this text, it is to be understood that it includes all the member states of the OAS save the United States of America. The term "Presidents" also includes the Prime Minister of Trinidad and Tobago. The term "Continent" comprises both the continental and insular areas.

WE WILL VIGOROUSLY PROMOTE EDUCATION FOR DEVELOPMENT

In order to give a decisive impetus to education for development, our literacy campaigns will be intensified, education at all levels will be greatly expanded and its quality improved so that the rich human potential of our peoples may make their maximum contribution to the economic, social and cultural development of Latin America, our educational systems will be modernized taking full advantage of educational innovations, and exchanges of teachers and students will be increased. Latin America will share in the benefits of current scientific and technological progress so as to reduce the widening gap between it and the highly industrialized nations in the areas of production techniques and of living conditions.

WE WILL HARNESS SCIENCE AND TECHNOLOGY TO THE SERVICE OF OUR PEOPLES

National scientific and technological programs will be developed and strengthened and a regional program will be started; multinational institutes for advanced training and research will be established; existing institutes of this type in Latin America will at the same time be strengthened and contributions will be made to the exchange and advancement of technological knowledge.

WE WILL EXPAND PROGRAMS FOR IMPROVING THE HEALTH OF THE AMERICAN PEOPLES

The fundamental role of health in the economic and social development of Latin America demands that the prevention and control of communicable diseases be intensified and that measures be taken to eradicate those which can be completely eliminated by existing techniques, and that programs to supply drinking water and other essential sanitary services for urban and rural areas will be speeded up.

LATIN AMERICA WILL ELIMINATE UNNECESSARY MILITARY EXPENDITURES

The Presidents of Latin American Republics, conscious of the importance of armed forces to the maintenance of security, recognize at the same time that the demands of economic development and social progress make it necessary to devote to those purposes the maximum resources available in Latin America.

Therefore, they express their intention to limit military expenditures in proportion to the actual demands of national security in accordance with each country's constitutional provisions avoiding those expenditures that are not indispensable for the performance of the specific duties of the armed forces and, where pertinent, of international commitments that obligate their respective governments. With regard to the treaty on the banning of nuclear arms in Latin America, they expressed the hope that it may enter into force as soon as possible, once the requirements established by the treaty are fulfilled.

In facing the problems considered in this meeting, which constitute a challenge to the will of the American Governments and peoples, the Presidents proclaim their faith in the basic purpose of the inter-American system: To promote in the Americas free and democratic societies, existing under the rule of law, whose dynamic economics, reinforced by growing technological capabilities, will allow them to serve with ever increasing effectiveness the peoples of the continent.

Mr. MORSE. Mr. President, as one reads the President's speech which I have just had printed in the CONGRESSIONAL RECORD, he will see that the President has kept complete faith with the representations he made to Congress in the resolution he sent to Congress prior to going to Punta del Este and in the message he sent to Congress which accompanied that resolution.

What the resolution and the message made perfectly clear was that the President sought to have Congress give him assurance that it would cooperate in carrying forward the original objectives of the Alliance for Progress program by giving fiscal assistance in the future to the extent that, in the judgment of Congress, the self-help program adopted by the Latin American countries would warrant.

There has been a great deal of misunderstanding and confusion concerning the President's position. Mr. President, the RECORD will show that I tried to clear up that confusion before the President left for Punta del Este.

The President asked for no blank check at all. It was perfectly clear that the President was asking us to put him in a position in which he could say at the summit meeting in Latin America: "Depending upon the program of self-help that you are willing to commit yourselves to, particularly in the field of education, and in modernizing agriculture and in developing the projects in Latin America that will provide for jobs to help heads of families maintain their families in health and decency and help them raise their standard of living and to the extent that you are willing in Latin America to work out a common market identical in objective and principle to the common market that is being worked out among the Caribbean states, we will assist you."

The Congress of the United States has consistently cooperated in working out a common market for the Carribbean States. I happened to be one of the aids to President Kennedy, along with the Senator from Iowa [Mr. HICKENLOOPER] and the Senator from Arkansas [Mr. FULBRIGHT], that went with President Kennedy to Costa Rica when there was developed there the beginning of that common market.

I have not heard anybody say that we gave President Kennedy a blank check. We did not do so. We did not pass a resolution, that is true. However, there is no question about the fact that the knowledge of Congress as to what our commitment was going to be by way of carrying out our support of a common market for the Caribbean countries, checked—and I repeat, checked—by the checking procedures and processes of an authorization bill and an appropriation bill, is exactly the same kind of support that President Johnson asked for before he went to Punta del Este. He got it from the House of Representatives. He should have gotten it from the Senate.

As the Senator from New York [Mr. JAVITS] has pointed out, he was responsible for and was the driving force behind the development and the preparation of the letter. A considerable number of us signed a letter assuring the President that, upon his return from Punta del Este, if the program that he was able to get approval of in Punta del Este corresponded to the program he outlined in his resolution and in his message to Congress, we would urge upon Congress congressional support for that program.

Mr. President, I am willing to take judicial notice and am willing to go out on the political limb, so to speak, by making the prediction that when that program comes before the Senate of the United States, on the recommendation of President Johnson, based upon the great record he made in Punta del Este, that a minimum of two-thirds of the Members of the Senate will support it, and, in my judgment, the percentage will be closer to 75 percent.

I wanted to make my statement today before the President gets back because I think the President is entitled to have it said. I think the President is entitled to have such statements because some Senators have made it clear in the Senate previously today that the President is coming back to an attitude in the United States, on the part of an overwhelming majority of us, that will give him complete cooperation in trying to bring about the program to which he gave his promise at Punta del Este, that he, as President of the United States, would seek to help bring about by way of an accomplishment legislatively in due course of time in the Congress of the United States.

TOWARD A SANER FOREIGN POLICY

Mr. SPARKMAN. Mr. President, in today's Washington Daily News the lead editorial is entitled "Toward A Saner Foreign Policy." The editorial points out three aspects of the foreign policy which constitute a saner policy:

One, it refers favorably to the steps taken at Punta del Este. Two, it refers to a decision that AID has made to extend help to the African nations on a regional basis rather than on an individual basis. Three, it refers to a policy to stop the sale of arms to India and Pakistan.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Daily News, Apr. 14, 1967]

TOWARD A SANER FOREIGN POLICY

Several developments this week indicate a welcome trend in U.S. foreign policy, away from willy-nilly "handouts" to our world neighbors and toward a soberer and more constructive role in their development.

In Punta del Este, President Johnson made it clear the U.S. will continue willingly to help our hemisphere neighbors achieve cooperative goals they themselves devise, particularly in the economic sphere.

The impetus toward a continuing and growing Latin American common market, which the U.S. encourages, obviously will do more to provide jobs, homes, money and national stability for our Latin American neighbors than U.S. loans or grants to any individual country for more limited programs.

The President told his fellow American presidents frankly that the U.S., because of its own severe balance of payments problems and world-wide trade commitments cannot do all the Latin Americans might wish.

But in view of multi-billion-dollar U.S. commitments already made thru the Alliance for Progress our southern neighbors have scant reason to doubt our good will. And President Johnson now says he'll ask Congress for a further "substantial contribution" to help them get their common market started.

Most of the Latin Americans themselves seem to understand this. Chile's President Frei said at the summit conference: "No external aid can replace our own effort. The next decade will determine whether the hemisphere will develop in freedom or in tyranny, and in that decade the hemisphere must demonstrate that it believes what the texts prepared for this meeting declare: that its economic problems cannot be solved by the nations separately, but only in concert."

Meanwhile, in Washington, an equally hopeful new U.S. jolicy toward aid to African nations was announced. Henceforth new economic aid will be offered to most of the 35 African nations not individually, but in groups, to encourage regional economic development.

The emphasis will be on such basic development tools as electric power, transportation and communication facilities that can knit together and mutually enrich large areas of the continent. The workability of this long-range regional approach has been demonstrated right here in the U.S., most notably by the Tennessee Valley Authority.

And, finally, as thru a corollary to these hopeful signs, the U.S. has said it won't renew arms aid to India and Pakistan whose cat-and-dog fights over Kashmir not only waste their own meager resources and nullify the economic aid we give them but threaten world peace. In the future we will limit our military aid to cash sales of spare parts for weapons these two rivals already possess.

If, as it seems these several developments signify a growing U.S. understanding that we can't single-handedly feed, clothe, house and arm the whole wide world and must confine our efforts to help our friends help themselves, then this has been a very good week indeed.

SPACE FOR PEOPLE

Mr. MONTOYA. Mr. President, one of the serious concerns facing us today is the problem of concentrating too many people and too much industry in already-congested areas of our Nation.

Secretary of Agriculture Orville L. Freeman stated recently that "we have lost our urban-rural balance." I agree. The Secretary did not make just a diagnosis; he outlined what private citizens and the Federal Government can do to help stem the flow of people from the small towns of rural America into the already over-crowded, overextended cities. If communities make their areas more attractive to new industry and if the Federal Government will encourage business to expand to less populous regions, we can create jobs and keep our people from moving in ever-larger numbers into urban ghettos.

Mr. President, I ask unanimous consent to have included in the Record an editorial entitled "Space For People," from the March 3, 1967, edition of the Christian Science Monitor.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, Mar. 3, 1967]

Space for People

Anyone crossing the continent by plane on a clear day can see for himself the accuracy of a recent statement of the Secretary of Agriculture, Orville L. Freeman: "We have lost our urban-rural balance."

It is not only the overgrown megalopolis areas that impress the passenger. Striking also is the vast amount of open, uninhabited space. Secretary Freeman's figures confirm the impression of imbalance one receives. Seventy percent of the population, he notes, live on 1 percent of the continental land mass; the other 30 percent "rattle around in the remaining 99 percent of the land." And the trend, if unchecked, would bring many more rural people to the cities in the years ahead.

All this would seem a restatement of a problem pretty widely recognized if the Secretary had not added his recommendations of what to do about it. He spoke out of six years of experience of his department in this field. We believe his recommendations deserve careful study.

One is for action at the community level. Small rural towns and counties are losing their population to the cities mainly because they cannot compete with the big metropolitan areas. They cannot create enough jobs, provide enough services. They could gain strength by forming multicounty units large enough to hire competent technical and planning staffs, said Mr. Freeman. They should be encouraged to do this.

But communities alone cannot stem the flow of people cityward. At present some national policies actually encourage the flow. Example: the granting of a large share of government defense projects to companies in California, thus in one year creating a million or more jobs in an already urbanized area.

This may have been necessary in this case. But we agree with Mr. Freeman that continued overloading of the scales on the urban side could be disastrous, but that it can be controlled. Needed is a firm, widely acceptable national policy on rural-urban balance. This is something the country now lacks.

But each year the need for it becomes more urgent. The present would be the best possible time to start hammering out such a policy.

CONGRESS MUST ACT NOW TO AVOID ANOTHER MEAT IMPORT CRISIS

Mr. HRUSKA. Mr. President, in 1963, and 1964, a large and vital segment of America's agricultural economy stood on the brink of financial ruin as it watched prices for beef and beef products drop to disastrously low levels, driven ever downward by mountainous imports from abroad.

The per capita increase in consumer demand was being met and overcome by a gigantic increase in imports. This increase amounted, in the period between 1956 and 1963, to an eightfold jump, from 211 million pounds of beef and veal in all forms to 1,677 million pounds.

When we added into the calculation the effect of live cattle that were also being brought in, it developed that foreign nations were supplying an amount of beef to the American market equal to 10.7 percent of our total domestic production.

This represented more than 1 month out of the U.S. yearly supply. Surely, at no time in the history of our Nation has this single segment of the economy been asked to tolerate imports of that magnitude.

There was, to be sure, greater domestic production, and the highest officials of this Government sought to shift the blame from imports to increases in U.S. production. But there was no blinking the fact that we had had such domestic increases before in our history, and never with the disastrous results which dropped the bottom out of the cattle market as happened in 1962, 1963, and 1964. The plain and inescapable truth is that imports were the principal cause of the cattle crisis of those years.

The impact on the market was devastating. The price of choice slaughter steers at Chicago, which had been over $30 a hundredweight in the fall of 1962, plunged to an average of only $20.52 in May of 1964, a drop of about $10 a hundredweight. These were bankruptcy prices.

An aroused industry clamored for action, and Congress did act. The calls for relief came from all across the Nation. They came from the 33 States which have a million or more head of cattle. They came from other parts of the agricultural economy, because it is axiomatic that a healthy farm economy depends on a healthy livestock economy.

The legislation we secured in 1964—and I was pleased to have played some part in its passage—provided some measure of protection to the domestic livestock industry. It was less than some of us wanted, but it was significant because it established the principle of quotas on the imports of beef and beef products.

The acceptance at that time of the import law, Public Law 88-482, was based on the idea that the law would be allowed to be tested for a time, carefully reviewed and amended as time and experience dictated.

The time for that review has passed, and I am today proposing a strengthening of that law because it has proved, in its application by and under the Secretary of Agriculture, to be inadequate and to contain improper safeguards.

THE PRESENT LAW

How does the present law work?

The law starts out by establishing a quota or limit as to the quantities of certain specified types of foreign meat—specifically fresh, chilled, and frozen beef, veal, and mutton—which may be imported from abroad. That is the base quota, which the law sets at 725,400,000 pounds, approximately the average imports of those meats during the years 1959 to 1963.

But this figure is adjusted upward in two ways before the quotas can be imposed. First, imports are permitted to grow at the same rate as domestic production. As of now this growth has reached 179,200,000 pounds, thus resulting in an adjusted base quota of 904,600,000 pounds for 1967. The law provides further that quotas not be imposed except when imports are expected to amount to 110 percent of this adjusted base quota. This "trigger point," as it is called, amounts to 995 million pounds for 1967—almost one billion pounds.

But, finally, the quotas are imposed upon the basis of an estimate in advance by the Secretary of Agriculture, as to the level that imports are expected to reach for the year. The statute provides that at the beginning of each year, and quarterly thereafter, the Secretary of Agriculture is to estimate the quantities of the specified types of meat that will come into this country during that calendar year. The quotas will be imposed only if his estimate of expected imports is a larger figure than the trigger point calculated for that year in the manner previously described.

It should be noted that this secretarial estimate is a forecast before the event, and subject to all the errors and hazards that surround any effort to predict the future. If the Secretary's forecast should turn out to be too low, for whatever reason, it could happen that our domestic producers would fail to receive the protection from imports which the law clearly intends that they should have.

THE SITUATION TODAY

What is the situation now?

In 1965, a total of 614.2 million pounds of beef and mutton was imported from foreign sources of supply. In 1966, the quantity was 823.5 million pounds.

For 1967, the Secretary of Agriculture has made two estimates. Last December he announced that the anticipated volume of imports would be 960 million pounds. A few days ago he announced a revised estimate of 900 million pounds of imports for 1967. Clearly, the trend is sharply upward, whichever figure is correct.

There is also a possibility that actual imports this year will be even greater than the Secretary's estimate. That was the case last year. At the beginning of 1966, the Secretary started out by predicting that imports would be only 700 million pounds for that year. After a bit he revised his forecast upward, to 760 million pounds, then again to 800 million pounds. When the final tally had been made, it was learned that even that last estimate fell short of reality. Actual 1966 imports were 823.5 million pounds, as noted above.

In the same way, there is the danger that 1967 imports may turn out to be greater even than the Secretary's estimate of 900 million pounds. That is something we will not know until it may be too late to take remedial action.

In this discussion the figures used have included only those types of beef, veal, and mutton specifically itemized in Public Law 88–482, the meat import control law passed in 1964. In addition, substantial imports of other types of beef are not dealt with in that statute, so that the actual totals of imports are even greater than the figures I have given. I shall have more to say about this later in my remarks.

Secretary Freeman's most recent estimate for 1967 puts the amount of expected imports this year at 900 million pounds. Under the law as enacted and presently on the statute books, the quota cannot be put on unless the Secretary estimates that 1967 imports will exceed 995 million pounds. Under the Hruska amendment as originally drafted, we would have a quota in effect at a level of approximately 625 million pounds, and the volume of meat imports coming into this country this year would have been cut back nearly one-third from its present level.

CATTLE PRICES ARE LOWER

Meanwhile, Mr. President, cattle prices have turned down fairly sharply this year. The price of choice steers ready for slaughter has been about $4 to $5 a hundred lower than last year at this time. Feeder cattle are also down. Not long ago the price of hogs hit the lowest price in 2 years.

It is not my contention that the increase in imports of beef to date is the sole cause of this price decline. But these increased imports have undoubtedly played a major role. The price decline has not been anything like the catastrophe of 1963 and 1964, but it has hurt enough. It has set us again to watching Government policy more closely than usual.

The Department of Agriculture itself has recognized that the livestockman is being subjected to a price squeeze. Recently the Department made public a special buying program for beef and pork in what was announced as an effort to "stabilize producer prices for beef and pork during an anticipated heavy movement of cattle and hogs this spring and in early summer." Translated into lay language, that means the Department is afraid of a forthcoming price slump. It is going to try to prop up the livestock market by taking the surplus meat off the market.

The difficulty with that approach is that it is physically almost impossible for the Government to buy enough beef to make all that difference in the price of cattle. Furthermore, it is hardly worthwhile to buy up the domestic beef if we permit foreign surplus beef to come right in to replace it.

PRINCIPAL CHANGES

For these reasons I propose to introduce a bill very shortly with the following provisions.

First, it is proposed to bring the quota into conformity with the expressed intention of Congress, that is, by abolishing the additional 10 percent overrun of imports which, as Public Law 88–482 is now written, is allowed for foreign meat before the quotas can be imposed.

As previously mentioned the law permits imports to overrun that adjusted base figure by 10 percent before they can be stopped. My bill would abolish that 10 percent overrun and impose the quota at the figure which is stated to be the congressional policy.

A second important change in the proposed bill would abolish the Secretary's duty to make an estimate, and instead would impose the quota by the very terms of the law. Under the present wording of the law, the quota is imposed on the basis of the Secretary's estimate. The Secretary's estimate is always almost 2 months behind, and in the normal course of events 3 additional months pass before he makes another quarterly estimate.

For example, late in September of last year he made an estimate for the full year, based on the statistics of imports through July—7 months out of the year. That was the last estimate he made during 1966. Thus, if the trade currents had changed sharply during those last 5 months of the year, it would have been possible for us to experience a far greater volume of beef imports than anticipated. Granted that he could make an interim estimate if necessary, it is still my opinion that it would be better to impose the quota by the terms of the law, than on the basis of the Secretary's estimate.

Third, the bill would restore the authority to extend the quota system to other types of livestock meat and products. This is to prevent the use of loopholes on the part of foreign suppliers, such as shipping in canned, cooked, cured or otherwise preserved beef, after the quota limit has been reached on fresh and frozen beef.

Fourth, the bill would revise the base quota and return to the formula contained in the original amendment proposed in 1964 by this Senator and numerous co-sponsors; namely, 585.5 million pounds, the average annual imports during 1958–62. Public Law 88–482 uses as a base the average annual imports during the years 1959–63, that is, 725,400,000 pounds. The use of that period means including in the quota base the 2 record-high years of 1962 and 1963.

Fifth, the bill will provide for four equal quarterly quotas with their sum total amounting to the adjusted basic annual quota. When a quarterly quota would be reached in any quarter, imports would cease for the balance of that quarter. Thus, the volume and timing of the total imports for the year would be more evenly distributed over the entire 12-month period. This would tend to minimize abrupt market dislocations.

Sixth, the bill would further provide that any offshore military procurement of the subject products from appropriated funds would be charged to and considered as a part of the imports for the quarter in which such procurement occurred.

SOME ADMINISTRATIVE CHANGES HAVE BEEN MADE

In passing, it should be noted that several minor changes were made in the administration of the law last year, perhaps partly in response to suggestions made by me in a letter to Secretary Freeman dated August 19, 1966.

That letter contained three specific suggestions. First, it was suggested that the Agriculture Department publish regularly each month the figures on quantities of imports of meats of the types included in Public Law 88–482, in order that the public as well as the departmental experts could be informed of the scale of such imports in comparison with the quota authority contained in the statute. Originally that was not done, until long, long after the date of the imports. It is now being done each month, in the Livestock-Meat-Wool Market News, and such figures have appeared each month beginning with the issue of November 15, 1966. The issue of March 14, 1967, gives the figures in imports in January. Although still more recent figures on total imports are now available upon telephone inquiry, it is helpful to the public that these figures are regularly published in this manner.

In line with another suggestion in my letter of August 19, the Secretary has also modified the format of his periodic forecasts of imports to incorporate the monthly figures on imports up to date, so that they may be compared with his estimates for the future, and also to include an explanation of the manner in which the quota, the adjusted base quota, and the trigger point are arrived at. These changes have been introduced in the three quarterly estimates beginning with that of September 29, 1966.

Finally, in my letter it was urged that the Secretary make his forecasts of imports each month, instead of each quarter. Mr. Freeman rejected this suggestion although he promised that if a situation should arise to indicate a drastic change in the trade situation, timely action would be taken, which I take to mean that he could change his estimate more often than quarterly if need be.

It is also a fact that imports of meat for all of 1966 turned out to be somewhat greater than his estimate even after he revised his original estimate upward twice.

TOO MUCH FOREIGN BEEF

As presently worded, the law states that "it is the policy of the Congress that the aggregate quantity" of the kinds of meats specified "should not exceed 725,400,000 pounds." That is the base quota. The figures are stated in the law.

But as previously noted, the growth factor permits this base quota to be escalated to a figure of 904.6 million pounds, and then the overrun provision of 10 percent boosts the ceiling up still further to 995 million pounds. Thus, the quota cannot be imposed until meat threatens almost to equal the 1,048 million pounds which was the record import level of 1963 which got us into trouble in the first place.

This trigger level, 995 million pounds, is just too much foreign beef.

What we have done is to give the exporting countries the benefit of the doubt, on every disputed point. The quota is based on a base period having the largest import volume in all our history—1959–63. Then we give them a favorable growth factor. Then we allow them a 10-percent overrun, even after the import volume has increased beyond the allowable growth factor.

The law says in its statement of purpose that it is the policy of the Congress that imports not exceed a quantity equal to the base quota as modified by the growth factor. That is what the law says. But that is not what the law does. Farther down, in subsection (c) of section 2, the law permits imports to be 10 percent larger than the stated policy of Congress, before quotas are imposed. We deliberately permit the policy of the Congress to be negated, by the manner in which the quota may be administratively applied.

IMPORTS OF NONQUOTA ITEMS

There is another matter that should be looked at. Imports of canned, cured, and cooked items are not covered by this quota legislation. Such imports have been increasing. Last year they amounted to about 130 million pounds.

In the course of hearings before the Senate Agriculture Committee recently the distinguished Senator from Iowa [Mr. Miller] raised this question of imports of nonquota items with the Secretary of Agriculture. As I understand it, he got no satisfactory response.

Yet we have found that when quota systems are established, foreign producers at times set themselves to find a way around the quotas by producing and shipping products just different enough to avoid the coverage of the quotas. There are strict quotas on the importation of raw cotton to protect our domestic farm programs, so when those quotas are filled, foreigners have shipped in millions and millions of pounds of cotton yarn. There are strict quotas on the importation of certain dairy products, but artificial substitutes are concocted of a composition not covered in the quota regulations, which are brought in to evade the purpose of the quota.

For example, since quota regulations place a strict limit on the importation of products containing 45 percent of butterfat, tremendous quantities of a product called Junex, containing 44 percent butterfat have been brought in. Similarly when the quota has restricted imports of cheddar cheese, great quantities of a very similar substance called Colby cheese have been imported.

A few days ago the Secretary of Agriculture conceded that there has been a 300 percent increase in dairy imports largely through the evasion of existing import quotas, and he made formal application for Tariff Commission action to close these loopholes. Evidently the process of going through the Tariff Commission procedure will be time-consuming, and we may expect further use of these loopholes as long as they are open. It would be better if power existed to take prompt and effective action to close them.

Similarly, when and if the quotas on fresh and frozen beef are filled, may it not be expected that producers abroad will flood our markets with a similar product packed in cans or other containers, to get around the quotas?

My original proposal for quota legislation made in 1964 included a provision giving authority to the executive branch to extend the quota system to other related products such as canned beef, if it should be found that such action was necessary to protect the purposes of the quota. That provision was dropped out in the legislation finally enacted; I do not know why. Such authority should be put into the law, so that timely action could be taken to deal with any effort to evade the quota limits by shipping in the product in some slightly changed form, as has been done with cheese and with cotton yarn.

SUMMARY

In summary, Mr. President, I am proposing that the Congress act with prudence in this matter. We dare not wait, as we did in 1964, until this important sector of our economy is confronted with another crisis in the marketplace.

The warning signals are both clear and ominous. Prompt and effective action now is clearly indicated.

Now is the time for a real review of the law we have on the statute books. The bill I am introducing, it is hoped, will serve as a suitable basis for such a review.

It is my hope that we may have a full review of the existing law, so that there may be enacted at least those changes which the Congress may find necessary.

It is my purpose to offer my bill early next week. In the meantime, I invite those of my colleagues who wish to join in cosponsorship to do so.

It is my hope that the bill can be considered in a timely fashion by the appropriate committee after hearings at which all views on this important subject can be heard and weighed.

THE LEAGUE OF WOMEN VOTERS AND SOCIAL LEGISLATION

Mr. MORSE. Mr. President, a few days ago I brought to the attention of the Senate correspondence from chapters of the League of Women Voters in Oregon with respect to the social legislation enacted since 1961.

I have just received another such letter from the League of Women Voters in Bend, Oreg., by the hand of Mrs. R. M. Greenlee, president, which reinforces the position taken.

I ask unanimous consent that this helpful communication be printed at this point in my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

League of Women
Voters of Bend., Oreg.,
April 4, 1967.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: During the past few years, the League of Women Voters has been diligently studying the tremendous problems facing our minorities and underprivileged citizens, and we have concluded that there must be equality of opportunity for education and employment for all our people. We are especially concerned with pre-school enrichment programs, such as Headstart; Neighborhood Youth Corps; vocational and manpower training; compensatory educational programs and school integration.

We realize that some mistakes have been made and some wasteful practices have occurred, but we do not want to have the very positive accomplishments underestimated. The task of improving the lot of so many of our people which has been neglected so long, will not show dramatic improvement overnight. We believe that all levels of government, with the aid of private organizations and individuals, must assume the responsibility to attain this goal.

Oregon has made very substantial progress in its approach to improving the lot of our underprivileged citizens. As far as we can observe, the Federal Aid programs have been efficiently administered. The various state and local agencies have cooperated. Portland's model school program has shown remarkable success and the Community Action programs, notably in the Albina area, hold much promise of fulfilling community and individual needs. The work of the Valley

Migrant League is showing substantial benefits and should certainly be continued. Other state areas have successful programs, such as Eugene where much progress has been made in the juvenile field.

In Bend, we are seeing positive results in our Neighborhood Youth Corps and definitely feel that this program should be continued and expanded. Also, the Junior High School has a new program under Title I to help students who might be potential dropouts to either continue their schooling or to make a better use of their talents in facing the realities of life. Department heads of the Welfare Department and the local Office of Economic Opportunity see very positive results in their work educating and training welfare recipients so that they may become self-supporting. Need is felt by many that a Headstart program would be very beneficial.

We sincerely urge you to do all you can to continue legislation to help all our people have an "opportunity" to attain a better life.

Sincerely,

Mrs. R. M. Greenlee,
President.

TRIBUTE TO DR. M. D. MOBLEY

Mr. MORSE. Mr. President, American education on April 7, 1967, lost a stanch and effective voice in the death of Dr. M. D. Mobley, who for many years presented the views of the American Vocational Association to the Congress.

He was a skillful negotiator and a persuasive counselor. His dedicated service to the cause of vocational education was based upon his unshakable conviction that men of good will working together could find practical solutions to the problems which they jointly faced.

His counsel was heeded because of this and his judgments were received with respect. Dr. Mobley worked hard to convince, by rational appeal, those who questioned the solutions he proposed and in so doing he won the friendship and the confidence of those he sought to persuade.

American vocational education may have lost his voice and his energy with his passing, but he has left a legacy of effective legislation in the Vocation Education Act of 1963, which stands as an enduring monument to his labors. As one of the authors of that statute, together with Representative Carl Perkins, now chairman of the Education and Labor Committee of the House of Representatives, I think I can in all honesty and frankness acknowledge my own indebtedness to him as the inspiration of section after section of that act.

His memory will, I know, continue to hearten and inspire his colleagues to continue the work he so well began to the end that generations of American boys and girls to come, will have the doors of opportunity opened to them through vocational education. Dr. Mobley would ask for no other memorial. I salute his memory and I shall ever remember with affection his lifetime contribution of service.

To his family and to his friends I extend my sympathy and my assurances that in this session as we further consider legislation affecting vocational education, we shall do so in the spirit of conscientious concern for the young which was his hallmark.

Mr. President, I ask unanimous consent that the article which appeared in the Washington Post of Saturday, April 8, 1967, concerning the distinguished career of Dr. Mobley be printed at this point in my remarks as a further illustration of the recognition he deservedly was given.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 8, 1967]

Mayor D. Mobley Dies; Vocational Group Head

Mayor Dennis Mobley, 68, former executive secretary of the American Vocational Association, died yesterday at Doctors Hospital after a heart attack.

Mr. Mobley was the association's chief permanent officer from 1951 until his retirement in 1965. At the time of his death, he was director of the AVA's foreign service office. which administers overseas vocational education programs.

Born in Tifton, Ga., he received a bachelor's degree in agriculture from the University of Georgia in 1923. In 1930, he received a master of science degree from Cornell University, and in 1945 received an honorary doctor of laws degree from Piedmont College, in Demorest, Ga.

After receiving his bachelor's degree, Mr. Mobley became a vocational agriculture teacher in Georgia. He later became state supervisor and State Director of Vocational Education there. At the same time he served as president of the AVA, for two years. He came to Washington in 1951.

Mr. Mobley served on the National Advisory Committee on Rural Areas Development, National Advisory Committee on Vocational Education, National Advisory Committee on Manpower and the President's Committee on Employment of the Handicapped.

In 1946, he was a consultant on vocational education in Germany for the War Department. Since that time he had served the State Department as a consultant on special assignments in Pakistan, India, Thailand and the Philippines. At the time of his death, he directed a teacher-training project in Turkey sponsored by the Agency for International Development.

Mr. Mobley was a member of the National Press Club, the American Association of School Administrators and several other professional organizations.

He is survived by his wife, Ethyleen, of the home address, 1914 Columbia pike, Arlington; a daughter, Mrs. Ruben L. Johnson of Arlington; a granddaughter and a great-grandson.

LAW AND ORDER MARKS US AS CIVILIZED SOCIETY

Mr. HRUSKA. Mr. President, recently, a former colleague in this body presented an incisive and much needed analysis and commentary on the nature and urgency of our Nation's fight against undermining of constituted authority.

Former U.S. Senator Sam Reynolds' views were expressed in a recent declaration in Omaha, Nebr., and published later in the "Grande Voiture du Nebraska."

He points out that regardless of our political or economic beliefs, there is one thing and one thing alone which marks us as a civilized society. That is a system of law and order, and an accompanying respect for constituted authority. It is this respect which has been gravely endangered on too wide a basis to be comfortable. The thoughts of our former colleague warrant our attention. Mr. President, I ask unanimous consent that they be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Legionnaire's Opinion of Law and Order Program

(Omaha Legionnaire Sam Reynolds—former U.S. Senator from Nebraska—served the Legion for 10 years as Department NECman—14 years as chairman of the Legion's National Finance Committee—has written us stating his firm belief in the need to maintain law and order. We believe his opinion worthy of passing on to our readers. (The Editor).)

With all the great issues and tremendous problems facing the country today, there is no issue paramount to that of law and order.

Deficit spending may ultimately inflate the dollar to where it may be worth only a dime, but we would still live in a civilized country.

Continual by-passing of the plain provisions and intent of the Constitution may bring us to the point where we live by bureaucratic edict alone, but whether we liked it or not, we would still be a civilized people.

Regardless of our political or economic beliefs, there is but one thing and one thing alone which marks us as a civilized society and that is a system of law and order—a respect for constituted authority.

The present frightening trend towards a disrespect for the law and a defiance of authority must be halted if civilized society is to prevail.

This newborn doctrine of disobeying any law which one considers unjust—a doctrine instilled, aided and abetted even by some in high places—must be stopped in its tracks or civilized processes will soon be supplanted by the law of the jungle.

We have legal and constitutional means of changing any law the people really want changed. It must only be done in that manner if we expect to call ourselves civilized.

But this holocaust of riots, this continual spectre of civil disobedience, is the pathway leading straight to the jungle.

When political leaders temporize and compromise with lawlessness, if only it be tagged as civil rights, they but make a sham of law and order.

It is time that the people of this nation realize that we are at war with a hoodlum, criminal element, as well as with a growing element who have a total disrespect for the law and constituted authority. The color of a hoodlum's skin has nothing to do with it. There are white hoodlums and criminals just as there are black ones. He may even be a red one—a renegade American Indian or a riot inspiring red communist.

It is time for us to generate an entirely new attitude towards our law enforcing agencies. The police, the sheriffs, the F.B.I., and even the local constables are in the main dedicated men, endangering life and limb in defense of us, our government. But when decent citizens stand around complacently watching, as they do, while a gang of punk hoodlums beat up and knife our law men, it is astounding that the police still maintain their dedication.

I repeat—we are at war with these lawless elements.

Our law men are the men in uniform who fight this war.

When the nation is engaged in a shooting war with some foreign country, our people go all out to back up the men in uniform. Nothing is too good for them. No sacrifice is too great on the home front.

What is needed today is the same spirit on the part of the citizenry in this hoodlum war. When we give the police and the sheriff—our men in uniform—the same all-out backing in this home war that we give men in uniform overseas, this war can be won.

Too much is being said these days about the rights of the individual and far too little being said about his responsibilities. Law enforcement and the respect for law and order is a responsibility of every citizen. He cannot evade or shirk that responsibility simply by hiring more policemen.

But that responsibility must start in high places. When those in authority, including the courts, have the guts to enforce the law, and the public backs them up all out, then and then only will a respect for law and constituted authority again prevail in America.

ADVENTURE IN RETIREMENT LIVING

Mr. RIBICOFF. Mr. President, we Members of the Congress are concerned with the problems of our country's older people. We ask ourselves: What new, imaginative prospects are there for the aged—living longer and longer, more and more with us? What can retired people do for others—for their community and Nation? How can we assure that each man wait, not for death to come, but for each hour to come?

When a project comes along which gives us some ideas as to how to answer these questions, we should give it our attention. Such a project was described in the Sunday magazine section of the Globe-Democrat on February 26, 1967, in an article by Nell Gross entitled, "Adventure in Retirement Living." I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Adventure in Retirement Living

(By Nell Gross)

Lit up each night like a cruise ship filled with happy travelers, throbbing with activities, the first apartment building of Council Plaza has embarked on its adventure in retirement living.

So far, all aboard are having a wonderful time and sending out picture postcards saying so.

"It's just like the brochure," one woman marveled. "I never dreamed it would be so nice!"

For the gray-haired members of "Council Plaza family" (they don't like to be called "senior citizens,") life at 300 South Grand boulevard does resemble life on a luxury liner. There are the quickly-made new friendships, because so many have so much in common. There are the activities and entertainments steered by a social director who introduces people and pulls shy ones into the fun. And there are the two seatings at mealtimes, when everyone gets all dressed up to go to the dining salon and then gather afterward in the lounge for talk, a game of cards, a little harmonizing around the piano.

But there's lots more to it than that.

The $20,000,000 Council Plaza project, sponsored by Teamsters Joint Council No. 13 and financed with a low-rate federal loan, is really an experiment in retirement living which was designed to give the elderly a new purpose in life.

Residents take part in running the apartment and doing little cooperative jobs for each other (things like sorting mail, or mending) which cut the general living costs and operating expenses and make everyone feel needed.

Fifty-nine married couples (and a group of three sisters) pay from $96.50 a month for their one-bedroom apartments; 254 others, mostly widows, pay from $76.50 for the 240 efficiencies. They get draperies and carpeting but pay $12 to $15 more per month for all new furniture designed for the aging. In addition, each pays a $20 "social and recreation" fee and $37.50 per month for two meals a day.

"I thought I'd be a loner here," one quiet little woman said. "But do you know, I made friends immediately I'm happier than I've been since my husband died seven years ago."

NEW COUNCIL PLAZA APARTMENTS DESIGNED TO GIVE ELDERLY A NEW PURPOSE IN LIFE

Like all the residents, she now has more to do and more people to do things for. Because it's a well-known fact that people are happiest when giving or doing for others. Yet as people grow older they lose family and friends, and have fewer to give to, fewer to love.

Under the Council House "good neighbor program," elected delegates suggest the rules and everyone votes on them. All are expected to work on at least one committee; some are on two or three. Thirty-five volunteers take turns sorting mail and popping letters into residents' mailboxes. Another 38 share the lobby desk job. Fifteen serve as hosts and hostesses in the Main lobby, greeting and directing visitors. And 25 others, less extroverted, have found their niche on the Special Assistance Committee: typical is a woman with a fine Spencerian script (and a chronic heart condition) who writes a lot of letters for an active correspondent whose hands are crippled with arthritis.

"I directed 42 agents and nine office girls when I was district manager for an insurance company," says Hugo Sparn, a rosy-faced retiree with an infectious sense of humor. "Now I direct traffic on the parking lot!"

Former truck and bus drivers are running Council Plaza's two shuttle busses on trips to shops and churches; Alfred Vossel, an over-the-road driver, and Harry Harding, who drove a furniture van, got tips on how to haul passengers from Walter Michler who ran South Side busses and streetcars for 47 years.

Herman Mecker, a former high school principal, and Mrs. Carolyn Worstenholm, a retired teacher, are impatiently waiting for shelves to be built in a room that will serve as a lending library. They plan to catalogue and shelve some 400 volumes brought in by tenants who moved from big old homes. The Edward Kuehlings brought their spinet piano to liven things up in the lobby, and cocktail-lounge musician Dave Ferry (who plans to live at Council House) gave a new electric organ. He plays it for an hour each afternoon, starting off with old favorites like "Let Me Call You Sweetheart" but he switches fast to hit tunes because this is a swinging crowd and several like to dance.

Until a plush new dining room is ready in another building, linen-covered tables for eight are set in the light, bright basement for the 360 diners—ladies in little pearl necklaces and men in jackets and ties. ("Like the British in the jungles," one of them said, "we like to keep up appearances!") Later the basement space will be turned into hobby rooms where tenants can sew and sculpt and paint.

Work is under way on an underground garage for 480 cars. Above it will go a commercial center with shops and services, and a Labor Health Institute building where tenants can get medical office care for $4 a month.

Next on the construction schedule is Council House East, a second apartment tower. Originally designed as a 16-story twin to the first building, it has been redesigned by architects Schwarz and Van Hoefen as a 26-story building with 100 one-bedroom units and 200 efficiencies. It will be set at right angles to Council House West, facing north and south, and is to be started early this spring.

Unlike most new apartment buildings that fill up gradually, all 300 units of Council House West were leased long before the first move-in day last November. In fact, there are "one-and-one-half persons" standing in line for each possible vacancy; a waiting list of some 400 hopefuls are signed up for apartments, enough to fill all of Council House East which won't be completed until mid-1968.

Everyone on the list is age 62 or older; one couple, cheerfully making plans to move into the second building, are 82 and 85. By federal regulation, no individual tenant can have an annual income of more than $4000 (and no couple more than $4800) because the project is being built on urban renewal land—Mill Creek Valley—with low-rate, direct federal financing: a 50-year, 3⅝ per cent loan under Section 202 of the National Housing Act.

About 20 per cent of the tenants are former teamsters and about 15 per cent belonged to other unions. The remainder, nearly two-thirds of the residents, are from all walks of life—actresses, brokers, engineers, barbers, bartenders, and a doctor.

So far, the Council House experiment in retirement living is going very well. So well, in fact, that it is being used as a model for three other Teamster projects in Minneapolis, Philadelphia and Toledo, as well as four other nonprofit groups in the St. Louis area.

Potential developers find that Harold J. Gibbons, president of Teamsters Joint Council No. 13, is happy to explain what steps were taken to give the retiree a total package of housing, furniture, meals and activities for $150 a month.

Arthur Klein, the development consultant, is eager to explain his "golden rule" program—the "help yourself by helping each other" idea he conceived which has revolutionized retirement living and brightened the golden years. And Lou Berra, housing director, tells how he screened over 2000 applicants to select the ones who best "fit in."

That kind of planning and attention to detail launched Council House as an immediate success. It looks like smooth sailing from here on.

MEMORIAL TO ROBERT PINCO AND CAROLYNE O'FLYNN, MILFORD, CONN.

Mr. RIBICOFF. Mr. President, last fall, the citizens of Milford, Conn., lost an able servant and a good friend.

If a man's actions bespeak his life, then Robert Pinco, still a young man when he was drowned, lived a full and very good one.

As chairman of the science department at Milford High School, Bob Pinco gave his students the gift of joy—in discovery, in learning, and in life itself. Saddened students—past and present—wrote of their loss.

One student, 17-year-old Carolyne O'Flynn, expressed the grief of all her classmates in a warm, sensitive memorial article published in the Milford High School paper, the Wetomhis, and also in the Milford Reporter. By a tragic twist of fate, Carolyne, the daughter of two Milford schoolteachers, died this winter from an unknown virus.

Mr. President, in tribute to both these lives well-lived, I ask unanimous consent that Miss O'Flynn's memorial be printed in the Record.

There being no objection, the tribute

was ordered to be printed in the Record, as follows:

In Memoriam: Robert Pinco

On September 15, the newspapers said, an unexpected tragedy occurred. "A local teacher" was drowned in the turbulent waters off Charles Island. But for us, the students and teachers of Milford High School, the impersonal phrase, "a local teacher," meant the sudden awareness of a deep personal loss, for Mr. Robert Pinco would no longer be with us.

To us, his most untimely passing meant the loss of not only a respected mentor and colleague, but also of a greatly admired friend. A friend so full of life and so concerned with living itself that it is terribly hard to believe that he is no longer part of our daily lives.

"Light griefs can speak; but deeper ones are dumb," said the philosopher, Seneca. Words to describe our lost friend do not come easily. For who can define him? Our Mr. Pinco was not a one-dimensional man; he was a many-faceted human being.

He was a soft-spoken, stately man who gently guided the awkward hands of budding biologists. He never pushed students into experimentation but let us experience for ourselves the thrill of discovering some subtle aspect of nature.

He was a stubborn debater and a strong and vocal supporter of causes on which a smaller man would decline to comment. In Mr. Pinco's hands, the issues emerged free from the hindering ties of prejudice and exaggeration.

He was also an unheralded warrior in the cause of equality and fraternity among peoples and nations. Few knew that he quietly went out of his way to make foreign visitors to our area feel welcome and secure in their new American homes. He entertained them in his home and showed them the wonders of Connecticut.

He was a witty man, too. His humor was delivered with a wry grin, incisive words, and an air of complete innocence. For years he made quips about the relative beauty of the males and females of all species.

"The plumage on male ducks and birds, for example, is far more vivacious than on the female," he'd point out. Then, with a self-deprecating shrug and a glint of merriment in his eye, he'd look about the class (consisting for the most part of boys) and say, sadly, "Of course there are always exceptions to every rule."

There was also Mr. Pinco, the robust sailor. This, we think, was the role he loved best. He loved the sea because, to him, the sea was the very essence of life. For him, life throbbed in every molecule of water, and it was this ocean life that he studied while relaxing in his sailboat. Chin in hand, pipe lightly held between his teeth, Mr. Pinco would ponder the mysteries of nature and man.

This was Mr. Pinco to us. Kind, sensitive, humorous, warm—we miss him.

The Wetomhis Staff.

APRIL 15 ANTI-VIETNAM DEMONSTRATIONS

Mr. BYRD of West Virginia. Mr. President, tomorrow has been set as the day for mammoth protest rallies against the Vietnam war. These rallies are scheduled to take place in San Francisco and New York, with thousands of would-be demonstrators traveling today toward these two cities, one on the west coast, the other on the east coast of the United States.

Dr. Martin Luther King, who linked his area of the civil rights movement with the opponents of U.S. Vietnam policy in a recent bitter and intemperate speech, will be the principal speaker in New York.

A committee calling itself the "Spring Mobilization To End War in Vietnam," evidently operating on a coast-to-coast hookup, has been busy with publicity calling for wide representation among the demonstrators from the various segments of the American public.

From newspaper accounts, the representation is certainly going to be varied if not necessarily all appetizing in appearance, for in California so-called "hippies"—whatever that nomenclature refers to—are eagerly preparing to be on hand in downtown San Francisco.

Marquis Childs, a political columnist of national repute, in writing of these "hippies" in a column, published just this morning, asked:

> Is it exhibitionism, these men with frowsy beards, masses of tousled hair, dangling earrings from pierced ears, the women in long clinging garments, sandals, and dirty feet?

He characterized the unkempt children trailing their unkempt parents as the "saddest aspect of what at times looks like a human zoo."

Elsewhere, newspaper accounts after newspaper accounts have discussed the participation of LSD- and marijuana-using American youths, many college and university students, as regular participants in demonstrations against our Nation's military presence in South Vietnam.

Here in the District of Columbia, the local branch of the "Spring Mobilization To End War in Vietnam" crowd has been passing out free train tickets to insure what they call enlarged representation in the antiwar rally tomorrow in New York. What may be the source of the free-flowing funds for this obviously well-organized and coordinated east coast-west coast demonstration day is not yet generally known.

So there you have it—a really high-class bunch—mainly a raggle-taggle conglomeration of malcontents, misfits, misguided youths, confused students, and irresponsible people thrown into a sort of cauldron altogether with publicity lovers, cold-blooded power seekers, and most surely, ruthless political anarchists. All of this milling crowd of demonstrators will be out whooping it up tomorrow under the cloak of free exercise of speech and political thought.

One sees all of this and may well do what the Vice President was observed to do in speaking of such demonstrations in Atlanta, Ga., this week—have tears well up in one's eyes.

Americans have good reason to feel dismay at the sight of a coalition such as is expected to be represented in demonstrating tomorrow against our Nation's foreign policy.

Any thoughtful citizen does well to be revolted at the spectacle of an ugly kind of political manipulation which gives rise to these demonstrations, for within them is a spirit of overbearing aggressiveness and hostility completely alien to the basic principles of our Republic.

The deliberate social and community disruption resulting from these demonstrations expresses contempt for moral and legal authority.

As an even greater injury, our Nation is derogated in the eyes of the watching world by these actions on the part of dissident segments of our American citizenry. This sad fact was attested to by Pope Paul VI, who in his conversation with Vice President Humphrey while the Vice President was in Europe recently, warned:

> America's moral power is being eroded by the manner in which your country is being interpreted in the eyes of the world.

There will be tumult and shouting in American streets tomorrow—and in Vietnam there will be other Americans conscientiously performing their difficult military duties.

Not only are the demonstrations an effort to restrain the hand of the President of the United States, our Commander in Chief, but also by encouraging Hanoi, they prolong the war and help to kill American boys. In effect, these "Vietniks" in our midst are helping to plow American boys under. In some ways, these "Vietniks" are as much responsible for American boys being killed and wounded as are the North Vietnamese regular troops who are on the battlefield in South Vietnam.

Let us say a prayer that tomorrow's demonstrations will not make the task of our American boys in Vietnam a longer, harder, and more dangerous one.

ADJOURNMENT UNTIL MONDAY

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 23 minutes p.m.) the Senate adjourned until Monday, April 17, 1966, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 14, 1967:

Department of Justice

Jack B. Weinstein, of New York, to be U.S. district judge for the eastern district of New York.